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SENATE

WEDNESDAY, MARCH 2, 1960

(Legislative day of Monday, February 15, 1960)

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I was very much concerned the other day when my friend, the majority leader, talked about the possibility of someone having blood on his hands in connection with the round-the-clock sessions. It particularly troubled me because I could not help but remember what one of my cousins said about all the members of my family many, many years ago.

I have a first cousin named Jack Starrett who resides in the best place this side of heaven; namely, in my hometown of Morganton, N.C. Jack lived right across the street from where my family lived. On one occasion Jack was playing at my home with one of my younger brothers. They got into some kind of altercation, just about as serious as the altercation that is going on here now, and Jack became offended and ran home, crying. When he got home, his mother, my aunt, asked him what the trouble was.

"Well, I tell you, mother," he said, "I have been over at the Ervins, and I just think none of those Ervins is fittin' to be angels." [Laughter.]

When I heard about blood on somebody's hands, I could not help but think of that incident. I might confess that I am getting to be less of an angel each day that this round-the-clock session goes on. I know that I am less fit to be an angel than I was 15 days ago. So I sincerely hope that nothing will happen to me, and that nothing will happen to any Senator who is fit to be an angel.

For that reason I would not want in the hereafter to have it thrown up to my friend, the majority leader, that perhaps he violated the second verse of the twenty-third chapter of Exodus. The majority leader, after an overwhelming vote, in which only I and nine other Members of the Senate were honest enough to say we did not want round-the-clock sessions, said that he was relieved that there would be no blood on his hands now. So I hope that nothing happens tomorrow, because I would dislike at some future date, to have anybody charge my friend the majority leader, with having violated the second verse of the twenty-third chapter of Exodus, which says: "Thou shalt not follow a multitude to do evil." [Laughter.]

I am not going to say that anybody is doing any evil, but this is the funniest organization that I have ever belonged to. [Laughter.] If I remember the date correctly, the Senate joined the House in 1938, in the passage of the Fair Labor Standards Act, which has two main provisions. The first states that it shall be unlawful and unhealthy for able-bodied people, young men, to work more than 40 hours a week. In the second place, it provides that people shall be paid time and a half for overtime. [Laughter.] This body is operating at the present time on a 24-hour-day job—for how many days, for how many weeks, I do not know—but we get no time and a half for overtime. I think something ought to be done about it.

If we are to persist in these round-the-clock sessions, I hope a way will be found to allow overtime to those of us who are trying to save the Confederacy as well as the Union.

Some persons remind me of the old Confederate soldier Pete, who lived in Chatham County, N.C. Pete, in his old age, like some of the rest of us, liked to reminisce. He did not mind how long he talked about things. On one occasion one of his friends asked him, "Pete, did you know Gen. Robert E. Lee?"

Pete said, "Yes; I certainly did know Marse Robert. As a matter of fact, he and I not only were comrades in the Confederate Army, but good personal friends, and I helped General Lee plan many of his battles."

Then he was asked when was the last time he had seen General Lee. He said it was about 6 months after the surrender at Appomatox.

The more I see of civil rights bills, the more I think General Lee made a mistake in surrendering.

But I will go back to Pete. Pete said it was about 6 months after the surrender at Appomatox that he had last seen General Lee. He said he went to Lexington, Va., and stopped by to see his old friend, General Lee. He said that he and General Lee spent a most pleasant afternoon discussing their common experiences. He said that finally General Lee, who had been in a somewhat jovial frame of mind, became very serious, and looked at him right hard and said, "Pete, were you at Appomatox?"

Pete said, "Yes, General; I was at Appomatox."

"Well, Pete, I certainly am sorry. I did not know it. If I had known you were there, I would never have surrendered." [Laughter.]

I trust that some people among the contingent who are trying to save both the Confederacy and the Union will be like Pete, or at least be like General Lee, and know that Pete or somebody like Pete is present on this occasion.

I have a speech to make and I will probably make it, as the old lady said, in true apostolic style.

The old lady went to church and heard a young minister. Lord, I wish I were young because, if I were, this debate would continue for a much longer time than it will consume. The old lady heard this young minister preach. When she got out somebody asked her what she thought of the young minister's preaching.

She said, "He spoke in true apostolic style. He took a text and went everywhere preaching the Gospel."

Last night I said that the Attorney General of the United States reminded me of the fellow who was courting the girl he wanted to marry.

I have said that none of these bills is necessary, and that is particularly true about the voting-rights bill. All the talk about the necessity of getting some more laws passed to secure the voting rights of colored people in any Southern State is just so much poppycock. That is true because there are enough existing statutes on the books to take care of everything, all deprivations, if any exist. I do not know how many deprivations there are or how much truth there is to the reports, but I have been reading lately about Reconstruction. I found out that in Reconstruction days down in North Carolina people favoring reconstruction sent a petition to the Federal court charging 58 of them had been indicted for standing by the Union during the uncivil war. An investigation showed that 56 had not been indicted at all, and 2 others had been indicted for running a blockade still. Most of the information we get about voting deprivations is about on a par with the accuracy of that information.

I invite the attention of Senators to title 18, section 242, of the United States Code:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Mr. President, it has been held under that statute in a number of cases in the Federal courts, as well as in the Supreme Court of the United States, that any election official who willfully denies any qualified man or woman of any race the right to register or to vote or to have the vote counted as cast is guilty of a crime and can be punished by a fine or imprisonment or both.

These cases are triable in a Federal court. To be sure, they are triable before a jury. It was not always the case in the United States that people were opposed to jury trials, as witness the Declaration of Independence and the Constitution of the United States.

This jury is drawn from a jury box prepared by Federal court officials, and the case is to be tried before a Federal judge who has a life tenure of office, and who has a right to express his opinion on the facts. From my experience as a lawyer, whenever a judge has a right to express an opinion on facts, and he exercises that right, the jury virtually always reaches the same conclusion on the facts.

The Attorney General of the United States has a criminal statute under which he can prosecute any election official anywhere in the South or in the rest of the country, for that matter, who wilfully denies any qualified citizen the right to vote. I charge, therefore, that the Attorney General of the United States has not been using this statute, because, from what I hear on the floor of the Senate, one would think everyone down South was disfranchised; one would think there should be thousands of prosecutions in every State. Yet, upon inquiry to the Department of Justice, I find that for many years no effort has been made to indict anybody for denying any Negro citizens a right to register or vote in any place except in two States.

Another statute is the Civil Rights Act of 1957. Under that statute, the Attorney General has a right to bring a suit in the name of the United States at the expense of the taxpayers on the equity side of the Federal court, which case is tried without a jury, to vindicate the right of any qualified citizen who is denied or threatened with the denial of his right to register or to vote because of his race, color, national origin, or religion.

Incidentally, this business about religion is thrown in only to make the bills look a little better than they really are. I asked Dean Storey, of the Civil Rights Commission, when he testified before the Rules Committee some time ago, if he had ever heard of anybody since the Mormons, about 75 or 80 years ago, being denied the right to vote anywhere in the United States because of religion, and he said "No."

I have attended virtually all of the civil rights hearings since I was, unfortunately, assigned to the Subcommittee on Constitutional Rights of the Committee of the Judiciary. I have never seen a single human being who claims he ever heard of anybody in the last 50 years being denied the right to register and vote on account of his religion. So the issue of religion is something thrown in to make these bad bills look better than they really are.

The able and distinguished minority leader introduced into the RECORD a copy of the decision of the Supreme Court of the United States in the Raines case yesterday in which the court virtually upheld the constitutionality of the Civil Rights Act of 1957.

So the Attorney General has a criminal statute which he can use. He has a civil statute which he can use. Yet he comes to Congress to ask us to give him a third statute. The Attorney General reminds me of the fellow who went "a courtin'." John was "a courtin' " Mary, and John said to Mary, "Mary, if you wasn't what you is, what would you like to be?" Mary said, "I would like to be an American beauty rose." And then she inquired of John, "John, if you wasn't what you is, what would you like to be?" And John said, "Mary, if I wasn't what I is, I would like to be an octopus." Mary said, "John, what is an octopus?" John said, "An octopus is sort of a fish that has got a thousand arms." Mary said to John, "Well, now, John, if you was an octopus, what would you do with those thousand arms?"

And John said, "Mary, I would put every last one of them around you." Mary said to John, "Go on away from here, John; you ain't usin' the two arms you've already got." [Laughter.]

The Attorney General of the United States already has two arms. I assure Senators that either one of them is sufficient to put around any person anywhere in the South who is willfully denying to any qualified person of any color or race the right to register or to vote or to have his vote counted, as cast.

These civil rights bills are not only unnecessary, but they are also unwise.

They are unwise in the first place because every one of them is subject to the condemnation which was visited upon the Civil Rights Act of 1875 by the Supreme Court of the United States in the cases which are known as the civil rights cases. These cases are reported in 109 U.S. at page 836. They reveal a fault which lies in every one of these civil rights bills.

Justice Bradley, after writing the opinion for the court in the civil rights cases and striking down the major portions of the Civil Rights Act of 1875 as unconstitutional, said this:

> When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen and ceases to be the special favorite of the laws, and when his rights, as a citizen or a man, are to be protected in the ordinary modes by which other men's rights are protected.

Mr. President, virtually every one of the so-called civil rights bills undertakes to pick out certain groups of people solely upon the basis of their race, to make them the special favorites of the laws, and to enable them to have their rights adjudicated in a mode different from that by which the rights of all other citizens of the United States are adjudged.

I believe that everybody, regardless of race or any other matter, is entitled to equality before the law, and everybody in this Nation today, except those covered by the Civil Rights Act of 1957, stands equal before the law. But the Civil Rights Act of 1957 and all these bills would make certain groups of people, because of race and on no other basis, the special favorites of the laws, and would excuse them from having to litigate their rights under the same laws by which I and all other Americans have our rights litigated. I say that all these bills are contrary to the basic proposition which has always been accepted in this Nation, that all laws should apply alike to all people in like circumstances. Yet virtually every one of these bills undertakes to make certain people special favorites of the laws and give to them rights which are denied to other Americans.

I say for this reason that these bills are unwise, because no group of Americans ought to be singled out from all other Americans, made the special favorites of the laws, and given legal advantages which are denied to everyone else. Yet that is what these bills would do.

The bills are unwise for an additional reason. There are in this country organizations which make it a vocation to agitate racial problems and to recommend the enactment of civil rights laws for their solution. There is an organization which has gone from New York to the Southern States in the past few weeks to stir up trouble for the purpose, as I think the Senator from Georgia [Mr. RUSSELL] correctly charged, of assisting in the passage of so-called civil rights bills.

These organizations delude and exploit the race for whom they pretend to be working. They tell those people that they can "law" or legislate their way to first class citizenship and the better life. Mr. President, no men can "law" or legislate their way to first class citizenship or the better life. Those things are rewards for personal integrity and personal industry. They cannot be conferred upon any men from on high, even by men wearing judicial robes or men sitting in congressional seats. Anybody who maintains the contrary is either fooling himself or trying to fool somebody else.

I say that these organizations, individuals, and politicians—if any there be—who try to delude the members of the Negro race into believing that they can "law" or legislate their way to first class citizenship or the better life are merely exploiting those people; and in the final analysis, are their enemies rather than their friends. I rejoice in the fact that many thousands of members of the Negro race, by their personal integrity and by their personal industry, have earned for themselves first class citizenship and the better life.

That is the only way that any men of any race can ever acquire those things. To me it is a great tragedy that is occurring in the United States Senate during these trying days. It is not altogether a pleasant task to represent a

Southern State in the Senate or the House of Representatives. A man comes here with an ambition to do something for the welfare of his country and if he happens to have the misfortune I had of being placed upon the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, he must spend a large portion of his time and energy trying to prevent the advocates of civil rights bills from impairing our governmental and legal systems.

Most people who advocate the passage of civil rights bills have never read a civil rights bill and do not know what is in the civil rights bills. I base my judgment upon having talked with and received letters from multitudes of people on this subject.

Senators know that people can give a fair label to the most iniquitous proposition and enlist much support for it. Only a few weeks ago the Senate passed what is called a clean elections bill. That is a pretty title, and it sounds impressive, but in my State of North Carolina the bill would repeal the laws of North Carolina both for the primary and the general elections.

Under the laws of North Carolina, as they have been enacted by the legislature of North Carolina, and as they will remain unless this so-called clean elections bill becomes law, every candidate and every political committee has to make a report of every contribution received and every expenditure made, regardless of the amount of the contribution and regardless of the amount of the disbursement. They not only must do that but they must give the name and address of the person who makes the contribution and the name and address of the person who receives the expenditure.

Moreover, any person, other than a candidate or a political committee, who makes an expenditure for a candidate or political committee in North Carolina has to report that expenditure within 5 days to the candidate or the political committee in question, and the candidate or the political committee in question has to include it in its reports, and yet there came along a clean elections bill, as it is called, and under this bill which would repeal the law of North Carolina and the laws of other States that have complete reporting requirements, any group of people other than a regular party organization or a candidate can receive millions of dollars of contributions anywhere up to $99.99 apiece and never report a single one of those contributions, or the name and address of the person who makes it. Furthermore, under that so-called clean elections bill a group of people could spend millions and millions of dollars in any State in this nation to nominate or defeat a candidate and not have to report one penny of it if they spend it through committees which do not handle more than $2,500 per committee.

There is no limit on the number of committees. There is no limit on the number of contributions. So if a piece of legislation is given a good name, like the clean elections bill, or civil rights, immediately people take it on faith, and believe that the legislation is as righteous as the name it bears. Now, that is true with respect of these civil rights bills. It is a tragedy of the first magnitude to see how much time and energy a person must spend to point out the defects in these civil rights bills. I have never seen a single one of them which was necessary or wise or compatible with basic American institutions.

If we want to understand a civil rights bill, we cannot understand it from reading it. We must read that bill in the light of history. We must read it in the light of the Constitution. We must read it in the light of principles of equity and principles of law. When we do that, we discover that every one of the bills in the 5 pounds of civil rights bills now pending before this Congress is unnecessary, unwise, and incompatible with basic American institutions.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am happy to yield to the Senator from Ohio for a question.

Mr. LAUSCHE. For the purposes of information, is the Senator from North Carolina able to state how many bills, together with amendments, have been introduced on this subject and are now before this body for consideration?

Mr. ERVIN. I kept count of them in the Senate until there were 64, and in the neighborhood of 144 in the House. I quit counting and started weighing them and they weighed 5 pounds before the last eight amendments to the Dirksen substitute were submitted.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. ERVIN. Yes, I am glad to yield for a question.

Mr. LAUSCHE. How many of these documents constitute a full bill purporting to deal fully with the subject in accordance with the authors' thinking on civil rights?

Mr. ERVIN. I do not believe many of them do, because some authors introduced a multitude of civil rights bills. The able and distinguished Senator from New York [Mr. JAVITS], according to the count of the Senator from Georgia [Mr. RUSSELL], introduced 57, and according to my count 41. So I do not assume that any of them is complete.

Mr. LAUSCHE. Is the Senator able to state whether in substance these many bills are identical in the treatment of the various problems purported to be dealt with?

Mr. ERVIN. Many of the House bills are identical, because under the House rules a Representative may not cosponsor a bill introduced by another Representative. Most of the Senate bills are different.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield for a question.

Mr. ELLENDER. Will the Senator tell us how many of the Senate bills now pending have been considered by a committee of the Senate?

Mr. ERVIN. Consideration has probably been given to about 8 or 10 of them.

Mr. ELLENDER. What about the pending Dirksen amendment?

Mr. ERVIN. The Dirksen amendment is mostly new. There are seven points in the Dirksen amendment. The item dealing with preservation of records was in one of the bills considered by the Subcommittee on Constitutional Rights. I believe the seventh section of the Dirksen substitute deals with Federal voting referees, which subject was considered in a way by the Rules Committee.

Mr. ELLENDER. Were they ever reported from those committees after being studied, and are those reports before the Senate today?

Mr. ERVIN. No; there has never been a report from any committee.

Mr. President, I said a moment ago that it is something of a tragedy to represent a Southern State and to be constantly confronted with a multitude of civil rights bills. It is tragic for the country because there have been good relations between the races in the South and, as a matter of fact, there are closer relations between the races in the South than there are in the North. I have been to the city of New York and have seen Harlem. I have been to Chicago and have seen Southside Chicago. I have been to Los Angeles and other cities.

Mr. ELLENDER. How about the city of Washington?

Mr. ERVIN. I shall come to that in just a minute. I can see more segregation based on race in New York City, in Southside Chicago, or in Los Angeles, in 1 hour than I have seen in North Carolina during my lifetime.

It is strange to me why so many men of the Caucasian race living in the North are always agitating civil rights legislation for the South. Everyone I have ever heard of resides in a racially segregated area of the North.

There is far more segregation based upon race in the North than there is in the South. The trouble with much of the agitation is that it drives a wedge between the races in the South. If a man is dedicated to public service or if he is interested in civic matters, the demand is made upon him by those organizations which make it a profession to agitate these questions that he stand for compulsory integration regardless of the wishes of the people to be integrated. So he can no longer stand on a middle ground and try to do something for the welfare of the community. He is driven to an extreme one way or the other, and the demand is made upon him that he accept the theory that the races must be compelled to associate with each other whether the individual members of the two races desire to do so or not.

Now I shall come to consider the city of Washington, D.C. When the Supreme Court handed down its decision in the segregation case on May 17, 1954, the President of the United States suggested that the city of Washington should be made a showplace for school integration. Let us see about how much the people wanted school integration. When that decision was handed down there were 46,000 white children in the public schools of the District of Columbia. I have not seen the latest figures, but the latest figures which I saw, which are about 2 years old, reveal that the white

school population of 46,000 had decreased to less than 30,000.

In addition, it was reported in the Washington newspapers about a year and a half or 2 years ago that during the past few years 142,000 young white people, men and women between the ages of 18 and 45, had moved outside the District of Columbia. Those are normally the ages of the people who are the parents of children. So we have an exodus of sixteen or seventeen thousand white children from the public school system of the District of Columbia, and we have an exodus from the District of 142,000 white people between the ages of 18 and 45. I read in the Washington Post about 2 or 3 days ago that within a period of 1 year, from 1958 to 1959, the white population of the District of Columbia decreased from 47 to 45 percent in 1 year.

The tragedy about all this to me is that where an effort is made to force compulsory association of the races, the members of neither race, with few exceptions, desire it, and, where it is attempted, the result is more segregation rather than less segregation. That situation is illustrated in the city of Washington. The city of Washington is segregating itself as fast as it is economically possible to do so, and it has done it to the extent that, whereas in 1930 the white population of the District was approximately two-thirds of the population, according to the latest figures, it is now about 45 percent of the total population.

Mr. ELLENDER. I thought it was 54 percent. I saw in the Washington Post that the percentage of colored people within the District was 54.

Mr. ERVIN. That is approximately correct, for the white population has decreased from 47 to 45 percent in 1 year, according to the statement in the Washington Post.

Mr. ELLENDER. Can the Senator tell us about the difference in crime conditions since more colored people have come into Washington, in contrast with the condition, let us say, 25 years ago?

Mr. ERVIN. The crime rate in Washington is very high, and many serious crimes are committed. These statements are not based upon any question of racial discrimination. We have gotten funny. Many people in this country preach the doctrine that it is discrimination against a man of one race if we do not compel people of another race to associate with him. I do not think that is so.

Mr. ELLENDER. My reason for asking the question is that the President said he wanted to make a showplace of the city of Washington.

Mr. ERVIN. He has not done so, but other people have done so.

Mr. ELLENDER. It is going to be done.

Mr. ERVIN. I cannot accept the new theory that it is discrimination against a man of one race not to compel the people of another race to associate with him. I believe people segregate themselves in society on the basis of race and in obedience to natural law, and I believe the natural law is that like seeks like. I believe the right to select one's own associates is one of the most precious rights belonging to all Americans. I have noticed that wherever Americans in any section of the country are permitted to select their own associates, they virtually always select as their associates members of their own race, and for the life of me I cannot understand why people who live in the North where, as I said, there is more segregation in fact than we have anywhere in the South, feel that they have a mission from on high to try to bring about compulsory integration among the people of the Southern States when the people of the Southern States of both races have lived in harmony under the way of life which has prevailed there.

I think people overlook this fact in respect to public schools. A public school is a twofold institution. In the first place, it is an educational institution, and in the second place, it is a social institution. When we attempt to compel the integration of public schools of the South, we are attempting to compel the integration of an institution which most people of the South of both races regard as a social institution. That to my mind is a great tragedy and a great mistake.

Those of us who are familiar with educational conditions in the South are firmly convinced that the children of both races receive better education in segregated schools, free from all tension over integration. Moreover, if I, a southerner, were to make the same charge which the Supreme Court of the United States in effect made in the desegregation case, I would be accused of all kinds of foul ideas, for the Supreme Court of the United States in the Brown case in effect held that a colored child could not receive an adequate education sitting at the feet of colored teachers in a school exclusively attended by members of his own race. I say that that is a foul slander of the Negro race, as has been proved by many of the fine educational institutions in which members of that race are being educated throughout the length and breadth of this country.

I have talked longer about those matters than I intended to. I have some others I am going to talk about. [Laughter.]

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. Yes, I am delighted to yield to the Senator from Colorado, for a question.

Mr. CARROLL. The Senator from North Carolina is a member of the Constitutional Rights Subcommittee of the Committee on the Judiciary, and he is a very able lawyer who has the respect and esteem of his fellow members on the Judiciary Committee. As a member of that subcommittee, I have listened with a great deal of interest to the debate this evening. I agree that there is a basic law which can be used for prosecution, and that the act which we passed in 1957 provided remedies not theretofore existing.

Does not the able Senator from North Carolina agree that the law which we passed in 1957 has served up to this time a good purpose?

Mr. ERVIN. I have different ideas as to that, because I do not like the law of 1957, since it makes special favorites out of certain people, because of their color. It makes them special favorites because, in the first place, the Attorney General becomes their private lawyer. If I or any other American should want to have a lawyer, we have to get our own lawyer.

In the second place, if the Attorney General elects to bring a suit under that law, the cost of such litigation is paid out of the pockets of the taxpayers of the United States. If I or any other American desires to do any litigating, we have to pay the cost of it out of our own pockets.

There is a third thing about it which I do not like. It provides that where the Attorney General elects to bring a suit, the person or persons in whose behalf he brings the suit do not have to comply with State statutes prescribing administrative remedies. Every other person has to comply with those statutes.

So I think the law is bad for those three reasons, and I think it is bad for a fourth reason, that the law does not give any rights to anybody except the Attorney General of the United States. It gives the Attorney General the right to bring suits or the right to refuse to bring them. He can bring suits for some people and refuse to bring such suits for other people who are in exactly the same circumstances.

Not only does the Attorney General have the election in deciding in whose behalf he will or will not bring such suits, but he can bring those suits against some people and refuse to bring them against other people who allegedly have committed exactly the same wrong.

So I think that kind of law is bad; it is not my idea at all of what constitutes good law. I think a proper law should have the rights spelled out in the books, and everybody should have the same rights and no officer of the Government ought to be given private possession of the law to use as he pleases.

Mr. CARROLL. Mr. President, would the Senator yield further?

Mr. ERVIN. I am delighted to yield to my friend, the Senator from Colorado, and I would like to reciprocate the compliment he paid me a moment ago.

Mr. CARROLL. Does the Senator agree that prior to 1957 an individual, whether from the Southland or from the West, had a right to go into the Federal courts and institute suit in the protection of his constitutional rights?

Mr. ERVIN. Yes.

Mr. CARROLL. And did we not, by the act of 1957, enlarge that right to permit the Attorney General of the United States to represent a citizen individually or to represent a class or a group of citizens in the protection of their constitutional rights?

Mr. ERVIN. We passed a law that selected certain groups of people on account of their race and made them the special favorites of the law.

If the Attorney General decides they are going to be the special favorites of the law, their litigation is carried on by the Attorney General, acting as their private counsel, at the expense of the taxpayers; whereas you and I and other Americans have to carry on our litiga-

tion by ourselves and at our own expense. It is a bad law that gives to some rights which are denied to others.

Mr. CARROLL. Does the Senator not agree that the Attorney General of the United States, under the law we passed in 1957, would have a perfect right to represent a group of Spanish American citizens in Colorado or Texas in the protection of their constitutional rights?

Mr. ERVIN. I doubt very seriously whether he would do it, because I do not think that group of citizens would have enough votes for the politicians to be worried about.

Mr. CARROLL. Would the Senator not agree that the Supreme Court has spoken about this very problem in Texas, in New Mexico, and in Arizona; and that the Supreme Court of Colorado recently asserted that the group of citizens to which I refer had such a right, as a class?

Mr. ERVIN. They do not have any right at all. They have no right except that which the Attorney General gives to them. If the Attorney General gives them the right, they get it, and if he does not give it to them, they do not get it. Everything belongs to the Attorney General.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield first to the Senator from Colorado; and then will be happy to yield to the Senator from Mississippi.

Mr. CARROLL. I should like to ask the Senator whether or not, if the Attorney General desired to bring suit in behalf of a group or class of Spanish American citizens, he could do so, in the preservation and protection of their constitutional rights?

Mr. ERVIN. That depends. Spanish Americans are Caucasians.

Mr. CARROLL. Will the Senator not agree that any group of Americans or individual Americans, of whatever race and of whatever religion, who seek to preserve a right of a constitutional nature, such as the right to vote, can get that protection in the Federal courts?

Mr. ERVIN. That would depend upon the color—of his skin, yes; or of his necktie, no.

Mr. EASTLAND. Does it not depend on what the Attorney General wants to do?

Mr. ERVIN. I want protection, Mr. President. [Laughter.]

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. This law belongs to the Attorney General, one human being out of 180 million Americans. Whoever occupies the Office of Attorney General of the United States can do what he pleases with respect to this law.

He can use the law or he can refuse to use it. He can bring a suit for one man and refuse to bring a suit for another man in exactly the same circumstances. He can bring a suit against one election official and refuse to bring a suit against another who allegedly committed exactly the same wrong. I do not like that kind of law.

Mr. CARROLL. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am glad to yield for a question.

Mr. CARROLL. Whatever the right of the Attorney General to make such an election, once having made it and taken the matter into the judicial area, the judge makes the decision. And is this not what has happened in the Supreme Court in two cases yesterday?

Mr. ERVIN. But the judge cannot make any decision unless 1 single human being out of 180 million Americans—namely, the occupant of the Office of the Attorney General of the United States—is willing to bring the suit to the judge.

Mr. CARROLL. Mr. President, will the Senator yield for a further question?

The 1957 act was reported to be the first act in almost 80 years that was enacted in this field. We conferred that right on the Attorney General in that act, and we gave the Attorney General the right to act in behalf of a group of people. He did so act, did he not, in behalf of some 1,300 or 1,400 citizens in the Louisiana case?

Mr. ERVIN. Yes, but I have not heard of his acting in favor of any Indians.

Mr. EASTLAND. Or Mexicans.

Mr. CARROLL. Assuming that to be true, did he not act in behalf of a group of Americans in the Georgia case, which the Supreme Court sustained? The reason I ask the question is to ask how, then, can it be said that there has been no progress or advance in this important field?

Mr. ERVIN. I do not think that is an advance. Any law which does not give the same rights to all men under the same circumstances is bad law.

Mr. CARROLL. If the Senator will yield further——

Mr. ERVIN. I yield for a question only.

Mr. CARROLL. In any State—and this is true in Colorado, and I am sure it is true in Mississippi and North Carolina—a citizen who feels that one of his rights has been interfered with, particularly his right to vote, may assert that right in the State court, and he will be protected by injunction.

Mr. ERVIN. Yes; but he must engage his own lawyer and pay his own costs in securing that protection.

Mr. CARROLL. Is it not true that in the Federal court he always had the right to bring that suit in his own name, but that we extended that right by giving the Attorney General the right to protect a group of people that some of us felt needed that protection? Now that right has been asserted in two cases and has been sustained by the Supreme Court. How can it be said honestly and in good conscience that there is no progress?

Mr. ERVIN. Whenever a lawmaking body passes a law which makes certain people special favorites of the law, and gives them a method of litigating rights which is not open to all other people under the same circumstances and on the same terms, that law is bad law. That is my personal opinion.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. ERVIN. For a question.

Mr. CARROLL. We did not abridge, we did not deny, we did not abolish, we did not mitigate the right of an individual. The people still have that right. What we have done is to enlarge the right of a group of individuals by giving the power to the Attorney General to assert the right collectively for some people who we thought needed that protection. Is that not so?

Mr. ERVIN. We did not give any right to anyone. We gave a power, an arbitrary power, to one man, the temporary occupant of the Office of Attorney General.

The people got it, not under the law, but by the grace of the Attorney General.

Mr. CARROLL. I would like to agree with one observation that has been made here.

Mr. ERVIN. I yield for a question.

Mr. CARROLL. I think we ought to say that, having given that additional power to the Attorney General, there was also a basic statutory law, providing criminal punishment. It has been said, and I agree, that the Attorney General did not assert those rights diligently in many cases.

It has been said during this debate that in all this period of time only four cases have been filed. I have not checked it, but I will accept the statement. I believe the Attorney General has not been aggressive enough. The Attorney General should have been more aggressive. The distinguished Senator from North Carolina has said that there are ample remedies in the law. I think that is one of the great issues in the present debate. The Senator from North Carolina, who is a distinguished member of the Subcommittee on Constitutional Rights, is absolutely correct in stating that we have had before our subcommittee the question of the retention and preservation of voting records. We also have had some consideration of the proposed bombing statute. We have not had before our Senate Judiciary Committee the consideration of the question of Federal registrars or referees. It is unfortunate that we have not had these hearings, but the recommendations of the Civil Rights Commission which were issued only last September. Nevertheless, I think we understand the issues clearly enough.

Mr. ERVIN. I understand that the Senator is going to put a question mark after what he has said.

Mr. CARROLL. Yes. I believe we understand the issues clearly enough. Would not the Senator say that as we move into what I hope will be the closing weeks of this debate that perhaps, if we could come to a settlement, a commonsense settlement of the problems of how to further protect voting rights, and further discuss a proposed bombing statute, and the provision relating to the retention of the records, is there not common ground upon which reasonable men can reach a compromise? Does not the Senator feel that there is such a possibility as we move forward?

Mr. ERVIN. No; because I feel that the people of North Carolina can run things better in North Carolina than anyone else. The people of Colorado can

run things better in Colorado than any other people. That is true of the people of New York and Kentucky and Rhode Island and of every other State of the country. They can run their affairs better than anybody else. I am in favor of leaving these things close to home.

In other words, I have never caught Potomac fever. There are a great many people who, upon being elected to Congress, hardly have their suitcases unpacked before they decide that the States do not have any sense about running their affairs, and want to bring all of those affairs to Washington to be run from here. I have never caught any of that Potomac fever.

Mr. CARROLL. If that were true, if each State ran its own affairs, we would not have had the Supreme Court ruling in the Louisiana case restoring 1,300 people to the rolls. Is that not true?

Mr. ERVIN. We have had in times past rulings by the Federal courts, when people brought their suits at their own expense.

Mr. CARROLL. The Civil Rights Commission, which is composed of many distinguished men from the South, stated in its report that there are great segments in our population who are denied their constitutional right to vote. Does not the Senator believe that the Federal Government has the responsibility in that regard, without unduly encroaching upon State powers?

Mr. ERVIN. The statute says that the U.S. district attorney in the district has the duty of prosecuting all violations of Federal laws in that district. If any person in the district has been unlawfully denied a right, it is the district attorney's duty to prosecute that case in the Federal court. That is the law that has been good enough for everybody else. I do not see why it should not be good for all the people. That is the trouble with all civil rights bills. They are all based on the theory that the laws which have been good enough for all other Americans in all generations, are not good enough for these particular groups that are supposed to be the beneficiaries of them. I believe that any proposal which is based upon the premise that the laws which are good enough for all other Americans are not good for a special group of people has something radically wrong with it.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield for a question.

Mr. CARROLL. Does not the Senator agree that the most inevitable thing in life is change, and that as some people in the South gain more education and make greater economic progress, and as they get more economic betterment and intelligence, they will continue to seek to assert their constitutional rights?

Mr. ERVIN. I agree with the Senator from Colorado that there are great changes taking place in the world. Many of them have been for the better, and a great many of them have been for the worse. I do not agree that everything changes. The tide ebbs and the tide flows, but the sea level remains the same. Truth remains constant.

Furthermore, the Constitution of the United States was written to create an indestructible Union composed of indestructible States.

That is the best kind of government that can be created. Civil rights bills which attempt to destroy the States and put all power into the hands of the Federal Government are bad.

A great many things have been changing, but the best things do not change.

Mr. CARROLL. Would not the Senator agree that the Supreme Court has spoken to this point on several occasions within the last half decade——

Mr. ERVIN. It has spoken on both sides on several subjects.

Mr. CARROLL. Asserting and protecting the constitutional rights of our people?

Mr. ERVIN. The Supreme Court in 1927 held in a unanimous opinion, written by the great Chief Justice William Howard Taft, that under the 14th amendment the States had the right to operate segregated schools. The Supreme Court held that again in 1938, but in 1954, the Supreme Court took a legalistic somersault and got on the other side of the question. That is the reason we are in so much trouble today.

Mr. CARROLL. Did they take such a somersault the other day? Did that not indicate such a change?

Mr. ERVIN. I will tell the Senator what they did yesterday. It has been held in a number of cases, notably in the Reece case, that when Congress passes a law which is so broad that it covers a field in which Congress has no power to legislate, as well as in a field in which Congress does have the power to legislate, the act is unconstitutional because the court cannot limit the broad act of Congress to the restricted field in which it is permissible for Congress to legislate.

When Judge Davis, in Georgia, held the provisions of the act of 1957 unconstitutional, he was following the decisions of the Supreme Court of the United States. But the Supreme Court of the United States changes it views so fast that nobody can keep up with them any more.

Mr. CARROLL. I thank the Senator for yielding to me. I do not wish to delay him any more and I sincerely appreciate his courtesy and patience in yielding to me.

Mr. ERVIN. I thank the Senator. I have enjoyed my colloquy with him. I enjoy my association with him on the Subcommittee on Constitutional Rights of the Committee on the Judiciary, and also on the Judiciary Committee. My only regret is that on this particular subject he does not entertain all the same sound views that I do.

I was reading the other day in one of the Washington newspapers that some southerners were claiming that the South was undergoing another reconstruction, and that that was all wrong. I have come to the conclusion that perhaps the newspaper was right. I became interested in that question, so I got out a book on reconstruction. It was written by a man who used to live in the best county of the United States, Burke County, N.C. I refer to Dr. Merton Coulter, of the University of Georgia. After I read this book I decided that we were not having reconstruction because he said, finally, in speaking of Congress, which was then under the management of Thaddeus Stevens, that in 1867 it was ready to act with bills so ill considered and badly worded that it took four to make plain what should have been said in the first. Thos acts were passed on March 2, 23, and July 19, 1867, and March 11 of the following year.

In other words, during reconstruction, there were only four bills. I do not know how many there are now, but here are 5 pounds of them. If these bills were passed, I think the situation would be much worse than reconstruction.

As a Democrat, I find there is another slight difference. In the days of reconstruction, the Democrats throughout the rest of the country stood by us. They were not competing with the Republican Party for the vote of the recently emancipated slaves. Now we have them both competing for it; that is another difference between our situation and reconstruction.

There is another difference, although it is almost a similarity. During reconstruction North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas were not allowed to have any Senators or Representatives. They are allowed to have Senators and Representatives now, but they are not allowed much opportunity to present their views on anything. We are compelled to work 24 hours a day, as I have already pointed out, and we must talk to the Senate while most other Senators are away sleeping.

I thank the able and distinguished Senator from Maine [Mr. MUSKIE] who is presiding, the able and distinguished senior Senator from Michigan [Mr. MCNAMARA], the able and distinguished Senator from Kentucky [Mr. COOPER], the able and distinguished Senator from New York [Mr. JAVITS], and the able and distinguished Senator from Mississippi [Mr. EASTLAND] for being present and listening to the statements I am making. But I am frank to state that if I had my way, I would be out resting with the other 94 Senators.

When the able and distinguished majority leader and the able and distinguished minority leader and all the multitude they follow—I would not say in the manner specified in the 23d chapter of Exodus—voted to have all-night sessions, I thought they would be present to hear something about these bills. But I have decided that they are all like the old justice of the peace down in North Carolina who had the misfortune of having to try a lawsuit in which two lawyers appeared on opposite sides on the day he wanted to go fishing. When they got through taking the evidence, the justice of the peace asked the lawyers if they wanted to argue the case, and they said yes, they wanted to argue. Then he asked them how much time they wanted to argue, and they said an hour on each side. He told them they had that right. He said, "But I have to go fishing. You can proceed with the argument. I will go fishing. When you

finish with the argument, look under this book on my desk. You will see I have the decision already written out."

I do not charge that Senators who are now locked in the embrace of Morpheus have actually written out their decisions, because I hope they will be willing to receive more light.

I want to talk seriously again. Not only are we compelled to work 24 hours a day at no extra pay, but we are even threatened with loss of the privilege of talking in the Senate at 12:19 a.m. It is said that cloture is to be invoked. We are to be silenced. We cannot even talk about these 5 pounds of civil rights bills, which we have not yet covered.

Speaking seriously, I want to read something. I do not believe I see any Senator in the Chamber who is threatening cloture. The able and distinguished senior Senator from New York [Mr. JAVITS] and I are almost agreed on something; and that is passing strange. As I recall, he stated yesterday that he thought we needed about 24 hours a day to consider all the questions at issue. I agree with him except I think 24 hours a day is not sufficient time to consider these 5 pounds of bills.

I think we ought to find some way to increase the number of hours in the day, so that we can really give due and proper consideration to all these bills.

Mr. President, I come back to serious topics. There is a great newspaperman in Washington. I will say to the gentlemen sitting in the Press Gallery that I do not mean that they should infer from my remark that there is only one great newspaperman in Washington, for there are many. But I have one in mind in particular. I refer to William S. White. He loves the Senate as an institution. He is a keen observer of the Senate. He has studied the Senate history. He has written a book entitled "Citadel" which every Senator ought to read. I wish to read a passage from that book, from pages 19 and 20:

> And those who mock the institution—

That is the Senate—

> and demand of it "speed" and yet more speed and "efficiency" and yet more efficiency, might remember that there is altogether a good deal of both at present in American life. For illustration, those who denounce the filibuster against, say, the compulsory civil rights program, might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. They might recall, too, that the techniques of communication and with them the drenching power of propaganda, have vastly risen in our time when the gaunt aerials thrust upward all across the land. They might recall—

To this statement I invite the attention of all those who are thinking about voting for cloture:

> They might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged.

I think those words of Will White deserve the serious consideration of every Member of the Senate and that every Member of the Senate ought to read them before he votes in favor of cloture, because the truth is that any rule which can be invoked today to silence those whom some may consider to be troublesome demagogs can be invoked tomorrow to silence a brave man fighting for a just cause. This is the only place left on the face of the earth, the only legislative body now in existence, where men have a right to stand up and to be heard, even if it has to be at 12:25 a.m.

This is a serious business. There is one thing I have noticed about civil rights advocates. They are very impatient people. They do not want to wait to deliberate or to let others deliberate. They want action now.

If Senators will look at these bills—and I have in mind particularly at this moment the second section of the Dirksen substitute—they will observe that the proponents are in such a hurry to pass the bill that they have put in a venue provision—we lawyers call the place of trial "venue"—which is in violation of two different provisions of the Constitution of the United States. We want to debate these subjects so that we can point out these defects, because if we are going to be hanged we want to be hanged in the proper way, according to the Constitution.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield to the Senator from Mississippi for a question.

Mr. EASTLAND. Does not the Dirksen substitute deny civil rights to white people? What does it have to say about school integration?

Mr. ERVIN. Oh, the substitute provides for integrating everybody.

Mr. EASTLAND. Would that not deny the white child a right to go to a white school?

Mr. ERVIN. Yes.

Mr. EASTLAND. It would deny him civil rights, would it not?

Mr. ERVIN. As a matter of fact it would deny colored children and white children both of the benefit of the school desegregation decision itself.

Mr. EASTLAND. It would be a denial to the white child of his civil rights?

Mr. ERVIN. And to the colored child, because these children can be integrated even if they do not want to be.

Mr. EASTLAND. Of course that is correct.

Mr. ERVIN. I am going to get to my speech after a while.

Mr. EASTLAND. I should like to listen to the Senator for about 5 hours on that one point.

Mr. ERVIN. I knew there was something strange about the Brown case. But I did not know it was so strange that even those who were in favor of it had so much doubt about the validity that they thought the Brown decision would not stand on its own feet and they would have to get some kind of act of Congress passed, though Congress has nothing to do with interpreting the Constitution, to prop it up. Yet that is exactly what these bills undertake to do.

I think it is very bad for Congress to enter the field of trying to interpret the meaning of a Supreme Court decision, and yet that is exactly what is being attempted in this field. There is one very plain reason why Congress should never undertake to interpret the decision of a court. Congress is composed of politicians, and politicians have great difficulty in distinguishing between what they consider to be good politics and what they ought to know to be bad law.

For that reason politicians ought to stick to legislating and let the courts do the adjudicating. Yet in this case they have come to the Senate and are undertaking to place an interpretation on the Supreme Court decision which goes far beyond the decision itself.

These politicians proceed upon the theory of saying that the decision requires integration. Yet Judge Parker, who was one of the greatest judges in America and who tried the original Clarendon County case, said the decision did not require that the schools be integrated but merely decided that a State had no right to discriminate against a child or to deny the child admission to a particular school because of his race. The judge said that the decision permitted voluntary segregation in the schools and left to the parents of the children the right to select the schools which the children would attend.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield for a question.

Mr. EASTLAND. Let us forget about the Dirksen substitute. Does the Senator realize that this whole civil rights drive is a drive to deny equal rights to the white race? In its essence, that is what it is.

Mr. ERVIN. I should say that in the ultimate analysis the whole agitation for this program is an effort to compel the involuntary association of the races, irrespective of the wishes of the people of the two races concerned.

Mr. EASTLAND. But it would deny equal rights to the white race, is that not correct?

Mr. ERVIN. It would deny a child of the white race the right to select a school to attend.

Mr. EASTLAND. Of course it would.

Mr. ERVIN. Yes.

Mr. EASTLAND. In its essence it would deny civil rights to the white race. That is what it would mean, and that is what it says.

Mr. ERVIN. Judge Parker said in the case of Briggs against Elliott, which is reported in 132 Federal Supplement at page 776:

> Having said this, it is important that we point out exactly what the Supreme Court has decided and what it has not decided in this case. It has not decided that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains. This, under the decision of the Supreme Court, the State may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they

attend different churches. Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation. The 14th amendment is a limitation upon the exercise of power by the State or State agencies, not a limitation upon the freedom of individuals.

Mr. President, I wish to discuss some of the decisions of the Supreme Court of the United States and particularly the decisions in the so-called school desegregation cases. In so doing, I must tell the truth about the Supreme Court.

I know it is not popular in some quarters to tell the truth about this tribunal. Admonitions of this character come to us daily from such quarters: When the Supreme Court speaks, its decisions must be accepted as sacrosanct by the bench, the bar, and the people of America, even though they constitute encroachments on the constitutional domain of the President or the Congress, or tend to reduce the States to meaningless zeros on the Nation's map. Indeed, the bench, the bar, and the people must do more than this. They must speak of the Supreme Court at all times with a reverence akin to that which inspired Job to speak thus of Jehovah: "Though He slay me, yet will I trust him."

To be sure, all Americans should obey the decrees in cases to which they are parties, even though they may honestly and reasonably deem such decrees unwarranted. But it is sheer intellectual rubbish to contend that Americans are required to believe in the infallibility of judges, or to make mental obeisance to judicial aberrations. They have an inalienable right to think and speak their honest thoughts concerning all things under the sun, including the decisions of Supreme Court majorities. It is well this is so because the late Chief Justice Harlan F. Stone spoke an indisputable truth when he said: "Where the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action, and fearless comment upon it."

As one whose major efforts have centered in the administration of justice, I have the abiding conviction that "tyranny on the bench is as objectionable as tyranny on the throne" and that my loyalty to constitutional Government compels me to oppose it. In entertaining this conviction, I find myself in the company of such great Americans as Thomas Jefferson, Andrew Jackson, and Abraham Lincoln, who refused to accept in abject silence what they conceived to be judicial usurpations.

I do not find it easy to express my disapproval of the action of the Supreme Court. I was taught in my youth to repose an absolute confidence in that tribunal by my father, an active practitioner of law in North Carolina for 65 years, who was accustomed to refer to it with almost reverential awe. He used to say that the Supreme Court would administer justice according to law even though the heavens fell.

I regret to say, however, that the course of the Supreme Court in recent years has been such as to cause me to ponder the question whether fidelity to fact ought not to induce its members to remove from the portal of the building which houses it the majestic words, "Equal justice under law" and to substitute for them the superscription, "Not justice under law, but justice according to the personal notions of the temporary occupants of this building."

Mr. President, I am not a lone voice crying in the wilderness in commenting upon the recent decisions of the Supreme Court. According to a dispatch which appeared in the New York Times on August 14, 1954, the chief justices of the 48 States of the Union unanimously proposed that the Congress amend Federal procedural law so as to curtail the power of lower Federal courts to interfere with administration of criminal justice in State courts, and subsequent to that time 36 State chief justices in a conference at the Conference of Chief Justices in Pasadena, Calif., on August 23, 1958, adopted a resolution submitted by its committee on Federal-State relationships as affected by judicial decisions. The vote on the resolution was 36 to 8 with 2 members abstaining and 4 not present. The text of the resolution is set out in the U.S. News & World Report for October 3, 1958.

I do not desire to read the resolution at length. For this reason I ask unanimous consent that it be included at this point in the body of the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution was ordered printed in the RECORD, as follows:

The Conference of Chief Justices, meeting in Pasadena, Calif., on August 23, 1958, adopted a resolution submitted by its committee on Federal-State relationships as affected by judicial decisions. Vote on the resolution was 36 to 8, with 2 members abstaining and 4 not present. Text of the resolution:

"Resolved:

"1. That this conference approves the report of the committee on Federal-State relationships as affected by judicial decisions submitted at this meeting.

"2. That, in the field of Federal-State relationships, the division of powers between those granted to the National Government and those reserved to the State governments should be tested solely by the provisions of the Constitution of the United States and the amendments thereto.

"3. That this conference believes that our system of federalism, under which control of matters primarily of national concern is committed to our National Government and control of matters primarily of local concern is reserved to the several States, is sound and should be more diligently preserved.

"4. That this conference, while recognizing that the application of constitutional rules to changed conditions must be sufficiently flexible as to make such rules adaptable to altered conditions, believes that a fundamental purpose of having a written Constitution is to promote the certainty and stability of the provisions of law set forth in such a Constitution.

"5. That this conference hereby respectfully urges that the Supreme Court of the United States, in exercising the great powers confided to it for the determination of questions as to the allocation and extent of National and State powers, respectively, and as to the validity under the Federal Constitution of the exercise of powers reserved to the States exercise one of the greatest of all judicial powers, the power of judicial self-restraint by recognizing and giving effect to the difference between that which, on the one hand, the Constitution may prescribe or permit, and that which, on the other, a majority of the Supreme Court, as from time to time constituted, may deem desirable or undesirable, to the end that our system of federalism may continue to function with and through the preservation of local self-government.

"6. That this conference firmly believes that the subject with which the committee on Federal-State relationships as affected by judicial decisions has been concerned is one of continuing importance, and that there should be a committee appointed to deal with the subject in the ensuing year."

Mr. ERVIN. Subsequent to the passage of that resolution by the chief justices of the 36 States, in which they urged the Supreme Court to do what no judge ought to have to be urged to do, namely, to exercise judicial restraint, the Federal judges of the Nation were polled concerning their views on the resolution of the 36 chief justices. The result of the poll was that 54 percent of the Federal judges agreed that the criticism made of the Supreme Court by the 36 chief justices of the State courts was justified. Since I do not wish to take the time of the Senate, at 20 minutes to 1 a.m., to read this account from the U.S. News & World Report for October 24, 1958, I ask unanimous consent that it be included at this point in the body of the RECORD as part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Oct. 24, 1958]

HOW U.S. JUDGES FEEL ABOUT THE SUPREME COURT

A critical attitude toward the Supreme Court is now found to exist among Federal judges.

This is revealed in a poll by U.S. News & World Report. The poll asked Federal judges whether they agreed with a report adopted recently by 36 State chief justices.

That report criticized the Supreme Court for playing a "role of policymaker."

Of Federal judges who expressed an opinion, 54 percent agreed with that criticism.

Replying to the poll were 128 judges representing all regions of the country.

A poll of judges in Federal courts indicates that a majority of the judges who expressed an opinion are critical toward the Supreme Court of the United States.

This majority agreed with the conclusion of a report by 36 State chief justices that the Supreme Court "too often has tended to adopt the role of policymaker without proper judicial restraint."

A minority of judges who replied disagreed with that conclusion.

There are 351 judges, active and retired, on U.S. district courts and U.S. circuit courts of appeals. These were asked by U.S. News & World Report, in a mail questionnaire, whether they agreed or disagreed with conclusions in a report approved by the Conference of Chief Justices of State Supreme Courts.

This report, critical of the Supreme Court of the United States, was approved, 36 to 8, in a formal vote by the chief justices of State supreme courts at their annual meeting last August. Four justices were not present at the vote; two abstained.

Full text of the report itself, more than 11,000 words, was mailed by U.S. News & World Report along with the questionnaire to all Federal judges.

Each Federal district and circuit judge was asked simply to mark an "X" before the statement "I agree" or "I disagree" with the conclusions of the report adopted by the Conference of State Chief Justices. This report did not directly concern itself with the issue of segregation of races in schools, nor did it mention the Supreme Court decision in the desegregation cases. It did criticize the Supreme Court for lack of "proper judicial restraint" in rulings that deal with the "extent and extension of Federal power, and the supervision of State action by the Supreme Court by virtue of the 14th amendment."

In the poll by U.S. News & World Report, replies were received from 128 judges, or 36.5 percent of those polled. Replies were representative of all regions and of the full membership of judges of the U.S. district courts as well as of judges of U.S. circuit courts of appeals.

Of all those who answered the questionnaire: 46 percent expressed agreement with the conclusions of chief justices of State supreme courts; 39 percent disagreed with the State chief justices; 15 percent preferred not to express any view.

Of all those who did express an opinion: 54 percent agreed with the report of the State chief justices, which said that the Supreme Court of the United States too often has tended to adopt the role of policymaker without proper judicial restraint; 46 percent disagreed with this conclusion.

By regions, the judges voted this way:

From Washington, D.C., replies were received from 38.5 percent of the judges sitting on U.S. district courts and U.S. circuit courts of appeals.

Of those in Washington, D.C., who replied: 80 percent agreed with the chief justices of the State supreme courts in their criticism of the Supreme Court of the United States; 20 percent disagreed.

There were no replies received from the "no opinion" category.

It is in the Nation's Capital that judges are most closely in contact with the Supreme Court of the United States.

In the South, 50 percent of the Federal judges replied.

Of those who replied from the South, 55.5 percent agreed with the report of the State chief justices that the Supreme Court of the United States has acted without proper judicial restraint; 28 percent of the judges in the South disagreed; 16.5 percent mailed back the questionnaire but preferred not to express a view.

(States of South: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.)

Outside the South, 33 percent of the judges replied.

Of those who replied from outside the South, 42.4 percent agreed with the report of the State chief justices in their criticism of the Supreme Court of the United States; 43.5 percent disagreed; 14.1 percent who replied preferred not to express a view.

Of those outside the South who did express their views: 49.4 percent agreed with the State chief justices; 50.6 percent disagreed.

Gallup appraisal: A response of 36.5 percent to a mail poll is rated by those whose business it is to conduct polls as "very good indeed."

George Gallup, director of the American Institute of Public Opinion, when asked prior to the completion of the above poll to evaluate mail questionnaires generally said this:

"A mail return which receives from 20 to 30 percent of replies is about average. Anything from 30 to 40 percent is very good.

"A questionnaire to which the recipient can give an offhand reply will get better results than a questionnaire which requires the recipient to read any lengthy document before replying. If you get a 30 to 40 percent return, therefore, when there is a lengthy document accompanying the questionnaire, to be read by the recipient, I should say the results would be very good, indeed."

A mail poll drawing replies from 36.5 percent of all Federal judges other than those on the Supreme Court of the United States itself is described by professional samplers of opinion as providing a fair measure of opinion of all the judges polled.

What the poll tells: The poll of U.S. district judges and judges on the U.S. circuit courts of appeals, as a result, shows this:

A majority of Federal judges participating in the poll are agreed that the Supreme Court "too often" has not exercised "proper judicial restraint" in exercising its power to make policy.

This majority approved the statement of the 36 chief justices of State supreme courts that "in the light of the immense power of the Supreme Court and its practical nonreviewability in most instances, no more important obligation rests upon it, in our view, than that of careful moderation in the exercise of its policymaking role."

A majority of Federal judges participating likewise agrees with the report of the chief justices of State supreme courts when it says: "We are not alone in our view that the Court, in many cases arising under the 14th amendment, has assumed what seem to us primarily legislative powers."

The poll made by U.S. News & World Report was conducted by mail to determine whether or not Federal judges agreed or disagreed with the formal poll of State chief justices in the view expressed in their report that the Supreme Court is extending the power of the Federal Government at expense of the individual States "without proper judicial restraint."

Critics of criticism: The New York Times is reported to have made an effort through its own reporters to dissuade judges from participating in the poll. Times reporters called by telephone a number of judges and, some of these judges say, argued with them that they should not reply.

While the poll by U.S. News & World Report was in progress, the New York Times printed a story under a headline: "Judges Angered by Poll on Court, More Than a Score Express Indignation Over Magazine Survey on Critical Report." This story said that New York Times reporters had "sampled" Federal judges in "several cities." The article expressed the opinion that not a quarter of those polled would reply. In Washington another newspaper, the Post and Times Herald, also polled some of the Federal judges about the U.S. News & World Report poll. The Post and Times Herald predicted that "less than a 20 percent return" would be received.

The U.S. News & World Report poll was conducted in confidance, and judges were not asked to sign their names. A substantial number, nonetheless, did sign their names after checking the answer.

The Supreme Court of the United States many times in the past, as now, has been a center of controversy over the use of its power. The report of chief justices of State supreme courts and the poll of judges on Federal courts below the Supreme Court reveal a strong undercurrent of criticism of the Supreme Court among judges themselves.

The report of the State chief justices was printed in full text in the October 3 issue of U.S. News & World Report.

Mr. ERVIN. One of the most distinguished constitutional lawyers of America, Alfred J. Schweppe, wrote an article which was printed in the U.S. News & World Report for October 24, 1958, upon the Supreme Court of the United States, with particular reference to the school desegregation cases. Since I do not wish to take the time of the Senate to read this article in full, I ask unanimous consent to have it printed at this point in the body of the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the article was ordered printed in the RECORD, as follows:

[From the U.S. News & World Report, Oct. 24, 1958]

PRO AND CON IN GROWING DEBATE OVER POWERS OF SUPREME COURT—COURT REWRITES CONSTITUTION IN ITS OWN IMAGE

(By Alfred J. Schweppe)

I absolutely reject the idea that the Supreme Court has the power to rewrite the Constitution according to its concepts of sociological or economic change. That is what the amendatory process is for. I do not accept Justice Douglas' blunt view that the amendatory process is "too slow" as anything but a violation of the oath to support the Constitution in all of its parts.

In an address before the New York City bar in 1949, attempting to defend the Court's wholesale overruling of prior decisions, he calmly said: "It must be remembered that the process of constitutional amendment is a long and slow one."

The obvious answer is, of course, that the people have amended the Constitution fast or slowly, or not at all, as in their judgment the circumstances required. Since when has the judicial power of the Supreme Court been extended to passing on the competence of the people to frame their own government in their own good time? With all due respect, such an attitude must be regarded as a self-arrogation of superior paternal wisdom which would have left the Founding Fathers stunned.

My view was shared by Washington, Jefferson, Jackson, and others, some of whom are held up as great beacon lights of liberalism. I think legal recognition of sociological and economic changes should come by way of constitutional amendment, or congressional action, whichever is appropriate.

In my opinion, once the Court has construed a constitutional provision, that construction should stand until changed by amendment, unless later evidence is found of the intent of the framers of the provision which shows the first construction to have been erroneous. That, of course, is why Madison's notes, Elliott's debates, and The Federalist are so valuable.

Any other approach seems to me to lead to the inevitable conclusion that the Constitution is the plaything of the Judges at any time in office, which is, of course, the Warren-Black-Douglas concept, initiated by Holmes in *Missouri* v. *Holland*, where he said that the case "must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago."

In so stating, Holmes rejected the Jefferson-Taney view of the treaty power, accepted and blessed by strong judicial statements for over a hundred years. Following Holmes, the idea of a "rubber Constitution," with the Court acting not as judges but as

policymakers, though piously disavowing the role, has become accepted almost as normal constitutional doctrine.

My objection is to the reckless manner in which the present Court flouts the precedents laid down by the great Courts ahead of it and, glibly bypassing the constitutional amendment process of article V, rewrites the Constitution in its own image.

From a lawyer's standpoint the segregation decisions, which are deemed by many to be tender legal ground that should be avoided, will serve my purpose as well as any. I am dealing now, not with a sensitive sociological problem, but solely with the adjudication processes of the present Court in those cases, which leave one almost breathless with amazement.

When the Court, in the first *Brown* v. *Board of Education* school segregation case, in 1954, found the history of the 14th amendment to be "inconclusive"—which was, I believe, an understatement—one would think that a Court acting judicially, would have said that, "there being no persuasive evidence of intent of the framers of the amendment that the prior decisions of the Court are wrong, those decisions must stand, with the subject matter left to Congress or the amendatory process, as the Court has so often heretofore said about policy matters."

Just a few words about the prior decisions to illustrate my point. There were a number of applicable earlier precedents, the first in 1896, the last in 1950.

By way of concrete example, in the Gong Lum case of 1927—a school case from the State of Mississippi, in which both the question of equal protection of the laws per se and the separate-but-equal question under the 14th amendment were directly raised—the Supreme Court, then composed of Chief Justice Taft and Justices Holmes, Brandeis, Stone, Van Devanter, McReynolds, Sutherland, Butler, and Sanford, unanimously decided both questions in favor of the segregated schools provided for by the constitution of the State of Mississippi (see detailed comments, CONGRESSIONAL RECORD, vol. 104, pt. 11, p. 14380).

Indeed, Chief Justice Taft, writing the opinion of the unanimous Court, said: "Were this a new question it would call for very full argument and consideration, but we think that it is the same question which has been many times decided to be within the constitutional power of the State legislature to settle without intervention of the Federal courts under the Federal Constitution."

Thus in 1954 the present Supreme Court reversed precedents upholding segregated-school legislation not written alone in 1896, although the Court in *Plessy* v. *Ferguson* was much closer in time to the intent of the 14th amendment than it was 60 years later, but a decision rendered unanimously in 1927 by a great Court headed by Chief Justice Taft, and including among its membership Justices Holmes, Brandeis, and Stone, whose names are commonly associated with a liberal view of the Constitution in the field of individual rights.

It will be especially noted that the distinguished 1927 Court considered itself bound by the long-established precedents, and that it was not within judicial competence to upset a constitutional interpretation so long settled.

There is no question that the decisions in the Brown and Bolling cases in May of 1954, giving a completely new meaning to the Constitution, were a violent shock to those who believe in constitutional stability and constitutional precedent, and who look upon the Judges of the Supreme Court as declarers of law rather than as social engineers, since changes in the social order, insofar as they fall within the Federal domain, seem clearly to have been left to Congress or the amendment process by those who wrote the Constitution and its various added provisions.

Chief Justice John Marshall said in the great case of *Marbury* v. *Madison:* "It is emphatically the province and duty of the judicial department to say what the law is."

There is no doubt what the law was at 11:59 a.m. on May 17, 1954. It had been definitely settled in Gong Lum in 1927, and in other cases. In 1938, Chief Justice Hughes, speaking for a majority of himself and Justices Brandeis, Stone, Black, Reed and Roberts, had said in Missouri ex rel *Gaines* v. *Canada*:

The State has sought to fulfill that obligation by furnishing equal facilities in separate schools, a method the validity of which has been sustained by our decisions. *Plessy* v. *Ferguson* (163 U.S. 537, 544), *McCabe* v. *Atchison, Topeka, and Santa Fe Railway Co.* (235 U.S. 151, 160); *Gong Lum* v. *Rice* (275 U.S. 78, 85, 86). Compare *Cumming* v. *Board of Education* (175 U.S. 528, 544, 545).

In fact, in *Sweatt* v. *Painter*, the identical Court that decided the Brown case in 1954—substituting only Chief Justice Vinson for Chief Justice Warren—namely, Justices Black, Reed, Frankfurter, Douglas, Jackson, Burton, Clark, and Minton, rested the decision squarely on the separate-but-equal doctrine.

But on May 17, 1954, at 1 p.m., all this was changed—changed by a judicial amendment of the Constitution—by a Court that, instead of declaring "what the law is," declared what, in the personal opinion of the then-incumbent Judges, the law ought to be, in spite of a hundred years of Federal and State legislation to the contrary, and contrary to judicial decisions long accepted by the Court itself as conclusive.

Moreover, in so doing, the Court did not even take notice of the long-established criteria for determining whether there has been a violation of the equal-protection clause of the 14th amendment, namely, that legislative classifications are valid unless without any rational basis whatsoever, so that reasonable men cannot differ (see American Bar Association Journal, April 1956, pp. 313, 316–17).

How far the Court went overboard in 1954 is most luridly demonstrated in the companion case—*Bolling* v. *Sharpe*, a case amazingly overlooked most of the time by Court critics—in which the Court flagrantly amended the due-process clause of the fifth amendment by converting it into an equal-protection clause.

SCHOOL CASE WAS STARTLING

If the *Brown* v. *Board of Education* case was startling, the companion Bolling case, invalidating the segregated school statutes of Congress in the District of Columbia almost 100 years old, was even more startling.

The Court decided the Brown case under the equal-protection clause of the 14th amendment, saying:

"We hold that the plaintiffs and others similarly situated, for whom the actions have been brought, are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the 14th amendment. This disposition makes unnecessary any discussion, whether such segregation also violates the due-process clause of the 14th amendment."

But in the companion case of *Bolling* v. *Sharpe*, decided the same day with reference to the District of Columbia's segregated school statutes enacted by Congress, the Court faced the dilemma that the Federal Constitution contains no equal-protection clause as a limitation on the Federal Government. The 14th amendment contains both a due-process and an equal-protection clause, the due-process clause having been taken over verbatim from the 5th amendment, and adds purposefully an equal-protection clause, because that concept was deemed and construed not to be embraced in due process (see *Hurtado* v. *California*). But the fifth amendment, applicable to the Federal Government, contains only a due-process clause.

However, the Court that had made the psychological ruling in the Brown case was equal to the dilemma that it faced in the Bolling case. It held that the due-process clause of the fifth amendment should be deemed also an equal-protection clause as respects the Federal Government—a clear case of judicial amendment of the Constitution.

When the fifth amendment was adopted in 1791, at the instance of the very First Congress, importation of slaves was expressly protected in the Federal Constitution until 1808—article I, section 9—and slaves were then considered property protected by the due-process clause of the fifth amendment.

Thus a provision of the Federal Constitution which when adopted in 1791 did not prohibit but protected slavery, is now construed in 1954 to prohibit segregation in the public schools of the District of Columbia. The present Court no longer concerns itself with the intent of the Founding Fathers or the framers of the 14th amendment, but substitutes its own (see Ralph T. Catterall, "Judicial Self-Restraint," American Bar Association "Journal," September 1956, p. 829).

While I can agree with Bancroft that a Court decision that violates the Constitution is just as void as an act of Congress that violates the Constitution, who will settle the question? The Bolling case, for example, in my opinion flagrantly and by illogical and ludicrous reasoning violates the Constitution and indelibly highlights how far the Court was making policy in the Brown case and changing the fifth amendment to conform to the 14th in the Bolling case (see comments printed in the CONGRESSIONAL RECORD, vol. 104, pt. 11, p. 14380).

Obviously the Court, having made up its collective mind to outlaw State statutes and constitutional provisions, did not face up to the completely different constitutional situation in the District; so the judges closed their eyes to the text and history of the due-process clause of the fifth amendment—and as interpreted in the 14th—and completely rewrote it, I think, inexcusably. But will Congress or the Executive defy this unconstitutional decision? Apparently not. The Jacksonian attitude toward unpalatable Supreme Court decisions no longer prevails: "John Marshall wrote it; let him enforce it."

EXTENDING JUDICIAL POWER

The purely legislative pronouncements of the new Chief Justice, then scarcely 1 year and 9 months in office, in the second Brown case in 1955 bring shudders to any student of constitutional law who knows that the judicial power of the United States extends only to individual cases and controversies. He said:

"All provisions of Federal, State, or local law requiring or permitting such discrimination must yield to this principle."

By the time the next school case from some individual State or city comes to the Court involving some segregation statute, the whole present Court could conceivably have disappeared in an epidemic or other major catastrophe, and a new Court wipe out the judicial extravaganzas entitled "Brown" and "Bolling," by returning to Plessy, Gong Lum, Gaines, and other cases.

Such a new Court would require no precedents for so doing other than the Brown and Bolling cases and an earnest desire to restore the Court to its proper place in the constitutional scheme.

Of course, I am sure that there would be much shouting in certain circles that the new Court had violated the sacred rules of

judicial precedent. Why the more experienced judges on the Court signed their names to such a judicially indefensible statement as that just quoted above one can only conjecture. Under the Constitution, the ruling could apply only to the cases then before the Court, and no others whatsoever.

There is no doubt that Congress has a major responsibility for what the Court has done in many areas. Prodded by some Chief Executives, Congress has passed laws that have put great strains on the Court, which, in turn, has put great strains on the Constitution. For those results Congress and Executives who announce that no doubts as to constitutionality should deter Congress from passing Executive-requested bills are at least in part responsible.

However, in those judicial areas where the Court is under no such legislative and executive pressures, the Court is alone responsible and it ought to proceed always with the classic judicial restraint which some of its greatest members have so often expressed.

It is in those areas where the Court, without needing to do so, has upset long-established lines of decisions, struck down State statutes or unnecessarily interpreted Federal statutes to exclude State action such as in the subversion and labor-relations fields, or has taken over the administration of State criminal laws by novel 14th amendment pronouncements, that the criticism has been strongest and ever mounting and, in my judgment, rightly so.

It cannot, it seems to me, be successfully gainsaid that the present Court, though officially denying it, has taken on the role of Federal policy-making properly belonging elsewhere. Furthermore, there seems little doubt that, to the present Court, article V of the Constitution governing its amendment is essentially a dead letter.

The fact is that Jefferson fears of what the Supreme Court would do to the Constitution have been realized. The concept of limited and delegated powers is practically gone. That concept went out of the window with *Helvering* v. *Davis*, in which the majority, rejecting Madison's and accepting Hamilton's alleged view, held that Congress had unlimited spending power for "the general welfare," with Congress being the judge of the "general welfare." This unlimited spending power is, of course, bound to obscure the line between State and Federal functions in many fields and to reduce the States to mere pawns.

With its power of condemnation and unlimited spending, the Federal Government can bring on socialism overnight, if it chooses. I personally favor a constitutional amendment to embody Madison's view of the spending power, but I don't expect one ever to be adopted. The writers of The Federalist said that agriculture was, as a classic illustration, a subject solely within the purview of the States; but now we sustain Federal legislation, punishing farmers for raising wheat for their own use only, without a Federal quota, under the guise of regulating commerce. How intellectually off base can people get?

Of course, Attorney General Rogers' political-legal views on segregation, if correctly publicized, will not bear analysis. Anybody has the right to resist Supreme Court decisions by all lawful means. Congress has corrected the Court many times. When the Court held the first Agriculture Adjustment Act unconstitutional, for example, Congress promptly passed a new one and dared the Court. It caved. There are numerous other illustrations.

The State schools are created and maintained by the States at their pleasure. They can abolish them tomorrow and the Supreme Court cannot do anything about it within any rational constitutional concept. Closing them completely as public schools certainly violates no concept of equal protection because they are closed as to all. The States have a right to pass any laws or do any acts that will legally bypass the Court's decisions, difficult as that may be with a Court that is now on the spot to defend its novel policies on a case-by-case basis.

However, possibly this political Court which has, in my view, lost all proper sense of place on the constitutional scheme, may grant a mandamus or mandatory injunction to open the schools on the theory that free public education at State expense is now one of the freedoms protected by the 14th amendment.

I personally have never had any opposition to integration, which I have lived with happily on a small scale all my life; but I have never believed in a legal compulsion of the South especially by the Court. The South lives in a situation which, until the Warren Court, was deliberately held to be solely within the purview of the States and not of the Federal courts except as to equal treatment, and at the Federal level primarily in Congress. I have never believed that the Southern situation should be settled by those who don't have it, but only by those who live with it. Apparently history has taught some of us nothing.

Mr. ERVIN. One of the greatest jurists which this continent has ever produced is Judge Learned Hand. Judge Learned Hand said this about criticizing judges:

> Let them (that is, judges) be severely brought to book, when they go wrong, but by those who will take the trouble to understand.

Mr. President, I have attempted to take the trouble to understand recent decisions of the Supreme Court of the United States. Anyone who studies them is astounded by some of those decisions. I shall refer to them in a moment. Before doing so, I wish to say that the most devastating criticism of the actions of the Supreme Court during recent years came from a member of the Supreme Court itself, the late Justice Robert H. Jackson. In his concurring opinion in the case of Brown against Allen, which is reported in 344 U.S. at page 535, the late Justice Jackson said this:

> Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law but is guided in these matters by personal impressions which from time to time may be shared by a majority of Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles.

Further on in the same opinion, Justice Jackson made this significant remark, which appears on page 546:

> But I know of no way we can have equal justice under law except we have some law.

I wish to mention just a few cases, without going into detail, before I discuss the Brown case, which is the original school desegregation case, and other cases in that field. These remarks refer to recent decisions of the Supreme Court.

I now read from an article entitled "The Power To Interpret Is Not The Power To Amend," written by myself and published in the U.S. News & World Report of May 11, 1959:

[From the U.S. News & World Report, May 11, 1959]

THE POWER TO INTERPRET IS NOT THE POWER TO AMEND

(By Senator SAM J. ERVIN, JR., former associate justice, North Carolina Supreme Court)

To be sure, all Americans should obey court decrees in cases to which they are parties, even though they may honestly and reasonably deem such decrees unwarranted. But it is sheer intellectual rubbish to contend that Americans are required to believe in the infallibility of judges, or to make mental obeisance to judicial aberrations. They have an inalienable right to think and speak their honest thoughts concerning all things under the sun, including the decisions of Supreme Court majorities.

The truth is that on many occasions during recent years the Supreme Court has usurped and exercised the power of the Congress and the States to amend the Constitution while professing to interpret it.

A study of the decisions invalidating State action and State legislation compels the conclusion that some Supreme Court Justices now deem themselves to be the final and infallible supervisors of the desirability or wisdom of all State action and all State legislation.

Congress is told by the Supreme Court that it really did not mean what it said in exceedingly plain English when it enacted statutes to regulate the naturalization of aliens and to punish criminal conspiracies to overthrow the Government by force.

Congress is told by the Court that its committees must conduct their investigations according to rules imposed by the Court which make it virtually certain that no information will ever be obtained from an unwilling witness.

California is told by the Court that it cannot punish its residents for criminal offenses committed within its borders if such residents are ignorant of the statutes creating such criminal offenses.

California and New Mexico are told by the Court that they cannot determine the fitness or qualifications of those who apply to them for licenses to practice law in their courts.

New Hampshire and Pennsylvania are told by the Court that they cannot investigate or punish seditious activities within their borders.

New York is told by the Court that it cannot prescribe standards of propriety and fitness for its teachers.

North Carolina is told by the Court that it cannot determine the status of its own citizens within its own borders.

Pennsylvania and the trustees of the will of Stephen Girard, who has slumbered in the tongueless silence of the dreamless dust for 126 years, are told by the Court that the 14th amendment empowers the Court to write a post mortem codicil to the will which Stephen Girard made while he walked earth's surface and entertained the belief that disposing of private property by will is a matter for its owner rather than judges.

Let us consider and weigh the reasoning of those who seek to justify the proposition that it is permissible for the Supreme Court to amend the Constitution under the guise of interpreting it.

Their arguments rest upon a wholly fallacious premise, namely, that the power to interpret and the power to amend are identical. The power to interpret the Constitution is the power to ascertain its meaning, and the power to amend the Constitution is the power to change its meaning.

It seems at first blush that those who advance these arguments overlook the significant fact that article V of the Constitution vests the power to amend the Constitution in the Congress and the States, and not in the Chief Justice and Associate Justices of the Supreme Court. But not so. They simply nullify article V with these neat assertions.

"The method of amendment authorized by article V is too cumbersome and slow. Consequently, the Supreme Court must do the amending. The alternative is to let the Constitution freeze in the pattern which one generation gave it."

To a country lawyer, this is merely a "high-falutin" way of saying that the oath of a Supreme Court Justice to support the Constitution does not obligate him to pay any attention to article V or any other provision displeasing to him.

If the thesis that a majority of the members of the Supreme Court have the rightful power to change the meaning of the Constitution under the guise of interpreting it every time a sitting Justice wavers in mind or a newly appointed Justice ascends the bench should find permanent acceptance, the Constitution would become, to all practical intents and purposes, an uncertain and unstable document of no beneficial value to the country.

Yea, more than this, it would become a constant menace to sound government at all levels, and to the freedom of the millions of Americans who are not at liberty to join Supreme Court Justices in saying that Supreme Court decisions on constitutional questions are not binding on them.

I shall discuss later some very unsound theories of those who assert that the Supreme Court of the United States has the power to amend the Constitution of the United States while pretending to interpret it. Before doing so, however, I wish to make some reference to the Constitution of the United States. I want the Senate to consider with me for a few minutes the question, Why did the people of the United States establish a written Constitution? Why did the people of the United States prefer a written Constitution to a system of government like that of England, which has an unwritten constitution?

In the days in which the Constitution was drafted and submitted to the Thirteen Original States for ratification, there was a man named Thomas Paine who occupied a large place in the history of those times by reason of his philosophy of government. Thomas Paine had this to say about the Constitution:

A constitution is not a thing in name only, but in fact. It has not an ideal, but a real existence; and wherever it cannot be produced in a visible form, there is none. A constitution is a thing antecedent to a government, and a government is only the creature of a constitution. The constitution of a country is not the act of its government but of the people constituting its government. It is the body of elements, to which you can refer, and quote article by article; and which contains the principles on which the government shall be established, the manner in which it shall be organized, the powers it shall have, the mode of elections, the duration of parliaments, or by what other name such bodies may be called; the powers which the executive part of the government shall have; and, in fine, everything that relates to the complete organization of a civil government, and the principles on which it shall act, and by which it shall be bound. A constitution, therefore, is to a government what the laws made afterwards by the government are to a court of judicature. The court of judicature does not make the laws, neither can it alter them; it only acts in conformity to the laws made: and the government is in like manner governed by the constitution.

I think the best answer to the question—Why did the Founding Fathers establish a written Constitution for the United States?—is found in the writings of one of the greatest constitutional lawyers who ever lived in this country, Judge Thomas M. Cooley, of the Supreme Court of Michigan, and at times dean of the Law School of Michigan University. Judge Cooley wrote a great book, well known to the lawyers, under the name of "Constitutional Limitations." This great book passed through many editions, and on page 124 of the 8th edition Judge Cooley gave the best answer I have ever found to the question, Why did the Founding Fathers establish a written Constitution for the Government of the United States?

Judge Cooley says, in effect, that a written Constitution is adopted with special reference to the varying moods of public opinion, and with a view to putting the fundamentals of government beyond their control. I should like to read his entire passage, in relation to this subject. He was discussing written constitutions in general, as written constitutions had been developed in the United States and in the American States. He said this:

A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or be modified by public opinion. It is with special reference to the varying moods of public opinion, and with a view to putting the fundamentals of government beyond their control, that these instruments are framed; and there can be no such steady and imperceptible change in their rules as inheres in the principles of the common law. Those beneficent maxims of the common law which guard person and property have grown and expanded until they mean vastly more to us than they did to our ancestors, and are more minute, particular, and pervading in their protections; and we may confidently look forward in the future to still further modifications in the direction of improvement. Public sentiment and action effect such changes, and the courts recognize them—

I invite the attention of Senators particularly to this—

but a court or legislature which should allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders, would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, these instruments would be of little avail * * *. What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it.

That is undoubtedly true, Mr. President. Any other conclusion would say of such hardheaded men as George Washington, President of the Constitutional Convention of 1787, and of Alexander Hamilton, James Madison, James Wilson, and all these other great men, that they were a bunch of morons who met for the purpose of writing a document they did not intend to have any meaning, except such meaning as might be given to it thereafter by judges. I am satisfied that George Washington would never have engaged in any such foolishness as that.

The same doctrine was laid down in most emphatic language in the case of South Carolina against the United States, which was decided in 1905, and which is reported in volume 199 of the "Reports of the U.S. Supreme Court." In that case the Court said, on pages 448 and 449:

The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now. Being a grant of powers to a Government its language is general, and as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable. This in no manner abridges the fact of its changeless nature and meaning. Those things which are within its grants of power, as those grants were understood when made, are still within them, and those things not within them remain still excluded.

That is the only possible construction which can be placed upon the Constitution. As the Court says in this case, it is a written instrument, and its meaning does not change. In a sense, the Constitution was a contract between the people, on one hand, and the States and the Federal Government, on the other hand. When men write contracts they write them for identically the same purpose which induced the Founding Fathers in the Constitutional Convention of 1787 to write the Constitution of the United States. In this same great case the Court said further:

It must also be remembered that the framers of the Constitution were not mere visionaries, toying with speculations or theories, but practical men, dealing with the facts of political life as they understood them, putting into form the Government they were creating, and prescribing in language clear and intelligible the powers that Government was to take.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Mississippi.

Mr. EASTLAND. Mr. President, I ask unanimous consent that the Senator may be permitted to yield to me, provided he does not lose the floor, and provided it does not come as a second speech, so that I may suggest the absence of a quorum.

Mr. JAVITS. Mr. President, reserving the right to object—and, of course, I shall not object—I should like to get some idea of the intention of the Senator. I have no objection to the Senator yielding for some observations, but I do think that the Senate should be advised as to whether the Senator expects to speak at length.

Mr. EASTLAND. The distinguished Senator from North Carolina is making a great speech. I believe it should be heard by all Senators. I would like to

suggest the absence of a quorum, and I hope thereby we may make it possible for other Senators to listen to the Senator's very fine speech.

Mr. JAVITS. I understand that the Senator desires to make an observation.

Mr. EASTLAND. The Senator does not understand any such thing. I have not said anything like that. If the Senator wishes to object, he may do so.

Mr. JAVITS. As I understand, the Senator from Mississippi has requested permission to have the Senator from North Carolina yield to him without the Senator from North Carolina losing his right to the floor and without——

Mr. EASTLAND. No; the Senator is mistaken.

Mr. JAVITS. Will the Chair state the unanimous-consent request?

Mr. ERVIN. Mr. President, I yield for a unanimous-consent request, with the understanding that I do not lose the floor by yielding for that purpose.

Mr. EASTLAND. And that it does not count as another speech.

Mr. ERVIN. Yes, provided that it does not count as a second speech, because I have more speeches in my system, but I want to get this one out first.

Mr. EASTLAND. The Senator is making a great speech, and I want Senators to hear it.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Chair understands that the Senator from Mississippi has requested unanimous consent to have the Senator from North Carolina yield to him for the purpose of suggesting the absence of a quorum, without prejudicing the rights of the Senator from North Carolina.

Mr. JAVITS. Reserving the right to object, the Senator from New York wishes to state that he will not object at this time, but reserves the right to object to similar requests after this one.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Ellender	Long, Hawaii
Anderson	Engle	McCarthy
Bartlett	Ervin	McGee
Beall	Fong	McNamara
Bennett	Frear	Magnuson
Bible	Gore	Mansfield
Brunsdale	Green	Martin
Bush	Gruening	Morton
Byrd, W. Va.	Hart	Moss
Cannon	Hartke	Murray
Carlson	Hickenlooper	Muskie
Carroll	Hruska	Pastore
Case, N.J.	Humphrey	Prouty
Case, S. Dak.	Jackson	Proxmire
Church	Javits	Randolph
Clark	Johnson, Tex.	Saltonstall
Cooper	Keating	Scott
Curtis	Kerr	Smith
Douglas	Kuchel	Yarborough
Eastland	Lausche	Young, Ohio

The PRESIDING OFFICER. (Mr. Moss in the chair). A quorum is present. The Senator from North Carolina [Mr. ERVIN] has the floor.

Mr. ERVIN. Mr. President. I was speaking with reference to the reasons why the United States has a written Constitution. I had read certain extracts from the case of South Carolina versus the United States.

Another great case which gives an answer to this question is, in my judgment, one of the great judicial decisions of all time.

It was the case of ex parte Milligan, which is reported in 4 Wallace 2. I wish to refer particularly to pages 120 and 121.

This was the case in which it was contended that Milligan, a civilian, could be lawfully tried by a military court when the civil courts were open.

Milligan was tried before a military court and was sentenced to death. He applied for a writ of habeas corpus, and the case was eventually reviewed by the Supreme Court of the United States. The Supreme Court of the United States said, referring to the framers of the Constitution:

> Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future.

In other words, the Court declared in that great case that the Founding Fathers had established a written Constitution for the United States so that they might put the fundamental principles of constitutional liberty beyond repeal by legislative bodies, and inferentially beyond the power of nullification by judicial bodies.

The Court continued in that great case in words, the power and truth of which have become increasingly evident with the lapse of time:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism.

That was a bold decision made by a tribunal upon which the giants of the law sat. It was a bold decision because of the time in which it was made.

The thing which is important to emphasize about the case of ex parte Milligan is the decision of the Court that the Constitution of the United States is the law for rulers and people alike and that it is binding on every one and on every agency of government at all times, either in war or in peace.

I think it is well established by these decisions that the Constitution of the United States is a written document whose meaning does not change, and which is binding upon the Government and all agencies of the Government, as well as upon the people themselves.

Let us turn our thoughts for a few moments to see what were the fundamentals of the Government which was being established under this written Constitution. I doubt whether the world has ever known a wiser body of men, insofar as the philosophy of government is concerned, than George Washington, James Madison, Alexander Hamilton, James Wilson, Benjamin Franklin, and the other delegates of the Thirteen Colonies to the Constitutional Convention of 1787. Since 1787 marvelous progress has been made in the world insofar as arts and sciences are concerned, but I think that it can be said without fear of successful contradiction that there has not been any significant new idea in the governmental field developed since that time. It is indeed fortunate for the American people that that was a day in which there were no organized pressure groups and that that was a day in which there was no such thing as this organized propaganda which beats upon men in public life as it does today. That was a day in which men had some leisure. It was, incidentally, a day in which no legislative body was sitting at 1:33 a.m. Undoubtedly, the men who attended the Constitutional Convention of 1787 were sensible enough to take time out and rest and refresh themselves. Fortunately the professional agitators for civil rights were not then abroad in the land, and the impatient people who want to legislate so fast did not have the power which they now have. The men who constituted the Convention of 1787 had leisure. They had an opportunity to think. They had an opportunity to study the history and the experience of mankind in general and of the English-speaking race in particular, and they had found a very startling fact, an everlasting fact of political life engraved upon each page of that history. That fact was this: Government itself is the deadliest foe to liberty. They were determined, moreover, above everything else, to establish a system of government in which tyranny could not exist or be practiced. They were determined to establish a system of government which would diffuse the powers of government in such a way that no governmental agency would be able to practice tyranny.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield to the able and distinguished Senator from West Virginia. I yield for a question.

Mr. RANDOLPH. I will stay within the rules.

Is it not a fact, I ask my colleague from North Carolina, that even though those men were responsible to no agency or agencies within the structure of the Government, and that they were dedicated to the country of which they were a part, and is it not true that perhaps this was appropriately expressed by George Washington when he understood that change would occur and that politically the world would be altered as we walk in it. He said, "Citizens by birth or choice of a common country. That country has a right to concentrate your affections."

Is it not a further fact that, although, as the Senator has indicated, these men had no so-called obligation to a particular phase of governmental change, that they were constant in their appreciation and their devotion to the system of freemen under which our Government was founded?

Mr. ERVIN. I think the answer to the question of the Senator from West Virginia is undoubtedly "Yes, they were,"

and we were very fortunate in that our Constitution was drawn at that particular period in the world's history. It was a period that was very much influenced, of course, by the writings of Montesquieu, whose "L'Esprit des Lois"—Spirit of the Law—undoubtedly influenced the writing of our Constitution very much.

Montesquieu, in "L'Esprit des Lois," if I recall correctly, laid down the great principle of the separation of the powers of government as a means of preventing oppression by government. The Founding Fathers, the writers of our Constitution, were determined, as I say, to form a government in which liberty would be protected against the Government itself, and they undertook to do this by the doctrine of the separation of powers.

In the first section of article I of the Constitution they put the words, and I quote:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Then, in the first section of article II of the Constitution, the Founding Fathers provided that:

> The executive Power shall be vested in a President of the United States of America.

In section 1 of article III of the Constitution, the Founding Fathers placed this:

> The judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

That was one of the applications of the doctrine of the separation of the powers of government. The Founding Fathers clearly provided, in the first, second, and third articles of the Constitution, that the United States should have three great departments of government, a Congress to make the laws, a President to execute the laws, and a judiciary to interpret the laws.

They were extremely careful to separate these powers, and under the great decisions of the Supreme Court of the United States interpreting in these three articles, the doctrine was clearly established that no one of the three great departments of the Government can exercise any of the powers vested in the other two or either of the other two.

This was not the only utilization of the doctrine of the separation of powers employed by the founding fathers in this great document which the great English statesman Gladstone has declared to be the greatest instrument that has ever been struck off by the mind of man at any particular time.

As a matter of fact, this Constitution was really not all struck off at the same time because it was in a sense a distillation of the experience of the English-speaking race in its long struggle for self-government. The Founding Fathers were conscious of the fact that it was important to keep as much as possible of the government near the people. The colonists had suffered many things at the hands of a government far removed from the people. So the Founding Fathers divided the powers of government not only on the Federal level as between the Congress and the President and the Federal Judiciary, but also as between the State and the National Governments. The great document which they wrote vested in the United States as a central government the limited powers necessary to enable it to discharge the obligations devolving upon it as a national government, and left all other governmental powers to the States.

Now, a great many people of their day were not content to leave the separation of the powers of government between the United States on the one hand and the States on the other in the manner in which it was impliedly left by the original Constitution.

As a consequence, even before the original Constitution had been ratified by a sufficient number of the States, agitation arose throughout the colonies for amendments, and to make this distribution or separation of powers between the Federal and State Governments beyond question, certain amendments were adopted, notably article X of the amendments, which spelled out in express words what had been done in the original Constitution itself.

Article X, or amendment X, as we usually call it, provides—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Founding Fathers were not content to leave the protection of the people and the protection of the various branches of government solely to the doctrine of the separation of powers used in this twofold way in the Constitution. They also placed in the Constitution what we know familiarly as the systems of checks and balances. While they placed all the legislative power of the Nation in the Congress, they provided as a check upon unwise legislation that the President should have the power of veto. They provided that the President should be the Commander in Chief of the military forces of the Nation. But they were careful to see that as Commander in Chief of the military forces of the Nation he could not become a dictator. To forestall this possibility they put a provision in the Constitution that the Congress could provide rules and regulations for the government of the military forces of the Nation, and in other provisions they gave Congress the power of the purse and provided that Congress could not make appropriations for the support of the Military Establishment, as I recall, for more than 2 years at a time.

There is one unusual thing about this Constitution. The Founding Fathers were careful to provide checks against unwise legislation by vesting the veto in the President and against the abuse of the authority of the President by putting the power of the purse in the Congress. But Senators will notice that there is no limitation anywhere in the Constitution, beyond the power of impeachment, relating to the Supreme Court of the United States. When the Supreme Court of the United States began to wander from its proper sphere of action and throw precedents out the window and to amend the Constitution under the guise of interpreting it, I began to wonder why some limitation had not been placed upon the Supreme Court to confine it to its proper field of action, and whether or not somebody had not noticed this oversight and called it to the attention of the Convention and the attention of the States. The oversight is a most obvious one. This significant omission, to repeat, was that the Founding Fathers failed to place in the Constitution any provisions to restrain abuse of its judicial power by the Supreme Court of the United States. This significant omission was not overlooked at the time. Elbridge Gerry, a delegate from Massachusetts, made this assertion in respect to it:

> There are no well-defined limits of the judiciary powers, they seem to be left as a boundless ocean, that has broken over the chart of the Supreme Lawgiver, thus far shalt thou go and no farther, and as they cannot be comprehended by the clearest capacity, or the most sagacious mind, it would be an herculean labor to attempt to describe the dangers with which they are replete.

Mr. ERVIN. George Mason, a delegate from Virginia made this more specific objection:

> "The judiciary of the United States is so constructed and extended as to absorb and destroy the judiciaries of the several States."

I now quote from a speech made by me after investigating this subject.

> Others declared, in substance, that under the Constitution the decisions of the Supreme Court of the United States would "not be in any manner subject to * * * revision or correction"; that "the power of construing the laws" would enable the Supreme Court of the United States "to mould them into whatever shape it" should "think proper"; that the Supreme Court of the United States could "substitute" its "own pleasure" for the law of the land; and that the "errors and usurpations of the Supreme Court of the United States" would "be uncontrollable and remediless."

That is what members of the Convention said.

Alexander Hamilton is the man who was responsible for the States ratifying the Constitution without an express limitation in the Constitution on the power of the Supreme Court.

I again quote from my speech.

> Alexander Hamilton rejected these arguments with this emphatic assertion: "The supposed danger of judiciary encroachments * * * is, in reality, a phantom." He declared, in essence, that this assertion was true because men selected to sit on the Supreme Court of the United States would "be chosen with a view to those qualifications which fit men for the stations of judges", and that they would give "that inflexible and uniform adherence" to legal rules "which we perceive to be indispensable in the courts of justice."
>
> In elaborating this thesis, Alexander Hamilton said: "It has been frequently remarked with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived, from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand

long and laborious study to acquire a competent knowledge of them. Hence, it is that there can be but few men in * * * society, who will have sufficient skill in the laws to qualify them for the station of judges."

By these remarks, Hamilton assured the several States that men selected to sit upon the Supreme Court of the United States would be able and willing to subject themselves to the restraint inherent in the judicial process. Experience makes this proposition indisputable: Although one may possess a brilliant intellect and be actuated by lofty motives, he is not qualified for the station of a judge in a government of laws unless he is able and willing to subject himself to the restraint inherent in the judicial process.

A government of laws is a government in which laws have authority over men, rather than men having authority over laws.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am delighted to yield to the able Senator from Ohio.

Mr. LAUSCHE. Alexander Hamilton in trying to answer those who felt that positive limitation should be placed on the power of the Supreme Court, resorted to the argument that would be present in the mind and the soul of a good man. He said we should anticipate that those who are placed upon the Supreme Court will follow the Constitution, will keep in mind the sanctity of precedents, and will not attempt to create legislation, which is a function not of the Court but of the legislative body.

Mr. ERVIN. I think the Senator from Ohio has stated the proposition even better than Alexander Hamilton stated it.

Mr. LAUSCHE. I thank the Senator very much.

Mr. CASE of South Dakota. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. I regret to have to make it. But Senators cannot be yielding for observations; they should be yielding only for questions.

Mr. LAUSCHE. It was a question, Mr. President.

Mr. ERVIN. Mr. President, I understood the Senator from Ohio asked a question.

Mr. CASE of South Dakota. I would regard it as an observation and not a question.

The PRESIDING OFFICER. It was submitted in the form of a question, and the Chair understood the Senator had yielded for a question.

Mr. ERVIN. I yielded for a question, and the Senator from Ohio put it in the form of a question; he put it in such a form that it really answered itself. As I say, I do not believe anybody can better state the proposition that Alexander Hamilton was making, in securing ratification of the Constitution without limitation on the Court, than it has been stated in that question.

Mr. LAUSCHE. Mr. President, will the Senator yield for a further question? Is it not a further fact that those other men, who insisted that in the Constitution there should be written specific restrictions upon the legislative body and the Chief Executive, were probably more cynical than was Alexander Hamilton, because they said in effect, that regardless of the benign purpose of these men who will sit in the Legislature, and the man who will be Chief Executive, there may come a time when the quest for greater power for the ostensible purpose of doing good will prompt them to step beyond what we intend; that, therefore, they, with respect to the Chief Executive and the legislative body, in effect, said:

We will put chains upon you, and by those chains we will limit the distance to which you can go. In other words, thus far you may go; beyond that limit it is prohibited to you by the specific language of the Constitution.

Mr. ERVIN. The answer to the question of the able and distinguished Senator from Ohio is "Yes." I believe that is the correct analysis.

Mr. LAUSCHE. Is it not a fact that the description which the Senator from North Carolina has given of the Supreme Court of the United States and these men and their foresight rather corroborated, as the Senator from North Carolina has said, the arguments which they made, and demonstrates that what they were thinking at that time, 173 years ago, is still applicable today to governmental functions and purposes?

Mr. ERVIN. The Senator from Ohio is correct. I believe that our courts, as a general rule, have served well because the judges have been men who, in the words of Alexander Hamilton, were fit for the station of judges because of long and laborious work in the legal field, and in the administration of justice. They learned the law, and they were willing to be bound by the precedents.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. COOPER. Recognizing the historical correctness of the Senator's description of the formulation of the Constitution and the separation of powers, I should like to ask the Senator what effect the Senator believes should be given to a decision of the Supreme Court by the people even though he might believe, and others might believe, that it was a wrong decision?

Mr. ERVIN. My answer to the Senator's question, which I believe to be a very important question, is this: I think that the people who are parties to the decision ought to obey that decision even though they might consider the decision to be unreasonable or even unconstitutional. However, I believe that those who believe the decision is wrong are entitled to take the same position that Abraham Lincoln took with respect to the Dred Scott decision. Abraham Lincoln and Judge Douglas debated that question at length in Illinois in their great race for the Senate. Judge Douglas took the position that Lincoln should not criticize the decision of the Supreme Court in the Dred Scott case. Incidentally, I might say that Lincoln called attention to the fact that Judge Douglas had complained very bitterly some years before about the decision of the Supreme Court in the case involving the charter of the national bank. I will put in the first person what Abraham Lincoln said about the Dred Scott decision. This is not verbatim, but it is the substance of what he said. He said:

The decision in the Dred Scott case is erroneous. It is contrary to such precedents as we have. It is based in part on factual assumptions which are not true. I refuse to accept it as a rule for the guidance of the Government or the people. I shall do everything in my power to secure its reversal. If I were a Member of Congress and a measure should come before that body to abolish slavery in the Territories, I would vote for it, notwithstanding that the Supreme Court said in the Dred Scott decision that Congress does not have that power.

That is a paraphrase of what Lincoln said. I put it in the first person for the purpose of clarity of expression. I believe that everybody except the parties to that action has a right to agitate for a reversal of the decision or for a change in the decision, and that everybody who is a party to the case should obey it regardless of what he thinks of the wisdom or unwisdom of the decision. This brings me back to the original question I was leading up to.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield for a question.

Mr. GORE. Before returning to his text, what is the Senator's view with respect to the effect of law of a decision of the Supreme Court interpreting the Constitution until such time as that decision may be reversed?

Mr. ERVIN. I will answer the question of the Senator from Tennessee, not verbatim but in substance, in the words which the Court itself used on that point in the case of Swift against Tyson. In that decision the Supreme Court said that the decision of a court is not law; that the decision of a court is merely evidence of what the law is.

Mr. GORE. If it is evidence of what the law is, is it the Senator's opinion that until such time as the decision may be reversed or set aside, it would have the effect of law and that it would be binding upon citizens and officials as if it were law?

Mr. ERVIN. My reply is that a decision of the Court is the law of the case and is binding only upon the parties to that case. It may be used as persuasive evidence of what the Court might hold again. Of course the courts do not always hold the same. Anybody who is not a party to a particular case would have a right to contest the ruling in any other case.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. ERVIN. I am delighted to yield.

Mr. GORE. In view of the practice of the courts of lower jurisdiction to recognize the holdings of the Supreme Court, to what effect would the able Senator think such a holding would in fact operate as law until reversed or overturned?

Mr. ERVIN. If the lower court was a court from which an appeal would lie to the court of appeals that handed down the decision, the lower court would in all probability follow the decision. That is exactly what was done in the Clarendon County case in South Carolina, the Delaware case, and the Kansas case. There

was a unanimous decision of the Supreme Court of the United States in Gong Lum against Rice, which was handed down in 1927 and which was written by Chief Justice William Howard Taft, a great lawyer, which held exactly the opposite of what was held in the Brown case. The lower courts followed it, but they all were reversed because the Supreme Court had taken a flip in the meantime.

Mr. COOPER. The Supreme Court can and does reverse its decisions, as we know, but until it does what the Senator says, as an able lawyer and a real student of the Constitution, he knows that the decision of the Court, in effect, is the law on that subject until reversed.

Mr. ERVIN. As was said in Swift against Tyson, the decision is evidence of what the law is. It is the law of the case binding on the parties, but it is not the law. To simplify it, probably too much, the courts have no legislative power. The power to make law is a legislative power, and the Court cannot make law. It has no power to do it. Its decision is evidence of what the law is.

Mr. COOPER. I know the Senator, and I put this in the form of a question because I am sure the Senator is leading to a discussion of the Brown case. The Senator is doing so in a very lawyerlike and serious manner. Whether anyone agrees with the decision in the Brown case or not, is it not a fact that the Supreme Court has held that in the event the question of discrimination was raised, there was a duty upon the part of the State to take such action as would not result in discrimination against students or children?

Mr. ERVIN. I should say the Court made a binding ruling that the school districts involved in that case could not make any discrimination. That ruling was binding on those school districts. But, while it would be persuasive evidence of what the Court might hold in other school districts, it is not binding on other school districts because the Supreme Court does not make general laws. It only interprets the law for those involved in a specific case.

For 86 years before that, the Constitution was interpreted the other way. The last case on the subject that expressly recognized it was in 1938. The decision in Gong Lum against Rice in 1927 was exactly the opposite. If everybody had been satisfied with the Gong Lum against Rice case, we would not be bothered with many things which trouble us in America today.

Mr. COOPER. Recognizing that the Court did reverse its decision in the Brown case, and remembering the statement the Senator made earlier this evening in which he referred to Judge Parker's analysis of the Brown case, would not the Senator say that, although the case involved particular facts and particular questions, yet the Court held that if facts were adduced which showed a discrimination against children by reason of race, then there was an obligation upon the part of the State to integrate, and that that would remove the discrimination? Is that not entirely different from saying that the State must integrate? Was not the Court saying that the State must remove obstructions or hindrances to discrimination?

Mr. ERVIN. The Court ordered that those obstructions be removed by the school districts which were parties to that case.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. What is the Senator's opinion as to the nature of the evidence of what the law is to which he referred? Is it presumptive evidence that the law is as the Court has interpreted the Constitution? Is it evidence which is rebuttable? Is it primary evidence?

Mr. ERVIN. I should say, from the Brown case, that it was evidence the Court could throw out of the window and pay no attention to. I think we can get at the problem we are discussing in this way: The Court has a right to reverse a previous decision under certain circumstances.

One of the great judges in America, Benjamin Cardozo, says in his book, "The Nature of the Judicial Process," that the Court has no right to reverse a prior decision unless it is manifestly wrong.

Judge Learned Hand gives a more easily applicable test on the subject of when a court should overrule a decision. He did so in a speech which he made at an occasion honoring one of his fellow judges in the U.S. Court of Appeals for the First Circuit, which embraces New York. He said that a court should never overrule a prior decision unless that decision was untenable at the time it was made; that, even in that case, it ought not be overruled by the court if any body of law had been built upon it.

Considering either one of these tests, the Brown case was wrong, as I think I can demonstrate to any impartial body. The contrary ruling was tenable when made and was absolutely in harmony with the intention of those who framed and ratified the 14th amendment.

Mr. GORE. Mr. President will the Senator yield?

Mr. ERVIN. I am delighted to yield for a question.

Mr. GORE. I am asking the Senator to yield for a question.

Mr. ERVIN. I shall be glad to discuss any question with the Senator from Tennessee. We do it frequently, and I always enjoy it. My reply was perhaps too technical. So I yield to the Senator.

Mr. GORE. Does the Senator feel that the doctrine of stare decisis must be rigidly adhered to, or does the Senator hold that an inflexible adherence to the doctrine of stare decisis would render judicial process incapable of correcting an error?

Mr. ERVIN. I think the answer I gave a while ago is an answer to that. If a decision was untenable when it was made and if there has been no body of law erected upon it, then I think the court is at liberty to reverse it and it is the duty of the court to do so. But I think if the decision was tenable when it was made the court has no right—it may have the naked power, but it has no right—to overrule the decision.

Judge Cardozo says, on page 68 of his book, "The Nature of the Judicial Process":

> Judges are not commissioned to make and unmake rules at pleasure in accordance with changing views of expediency or wisdom.

He also said, though I shall not read the exact words, that the court does not have a right to overrule an opinion unless it is manifestly incorrect. That cannot be said about the decision in the Brown case. When I reach a future portion of my speech I intend to say—and I assert this without fear of successful contradiction by anybody—that the very Congress which drafted the 14th amendment made it clear by its actions that the amendment had no relation whatever to schools.

I refer to the legislative history of the 14th amendment, which is clear beyond any question. Every historian who has studied the first section of the 14th amendment with regard to the equal protection clause and the due process clause and the immunity clause, and the legislative record, believes the first section of the 14th amendment was intended to incorporate in it the Civil Rights Act of 1866.

When the Civil Rights Act of 1866 was before the Senate its author, Senator Trumbull, stated it was only intended to confer upon the beneficiaries of it certain rights which were specifically enumerated.

The bill passed the Senate in that form, though it had a general clause in it. When the bill went to the House of Representatives it was referred to the Committee on the Judiciary of the House, the chairman of which was Representative James F. Wilson, of Iowa. Representative Wilson reported for the Judiciary Committee the civil rights bill, the Trumbull bill, and objection was made on the floor of the House that the general clause might be construed to give the right to vote and also to require all children of all races to go to the same schools.

Representative Wilson said the bill was not possibly susceptible of that construction, but to remove any question about it he had the bill recommitted to the Committee on the Judiciary. The Committee on the Judiciary of the House returned the bill to the House with an amendment which struck out the general clause. It was stated that the bill was intended to confer only the rights specifically named in it, none of which had any relation to schools.

As I say, everybody agreed that the 1st section of the 14th amendment was intended to incorporate the Civil Rights Act of 1866, which conferred the specific rights.

It was put in the Constitution for two reasons. Many Members thought the Civil Rights Act of 1866 was unconstitutional. Many conscientious men, both Republicans and Democrats, thought that. The Republicans wanted the provision in the Constitution, because they were trying to control the National Government through the votes of the recently emancipated slaves. Mr. Garfield, who later became President, said they wanted to put this provision in the

Constitution so that the Democrats could not repeal it when they were in power.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Tennessee for a question.

Mr. GORE. Judging from the remarks of the able Senator, is it a correct conclusion that he considers the Constitution of the United States and the treaties made pursuant thereto the supreme law of the land?

Mr. ERVIN. Plus the statutes enacted by Congress in conformance with the Constitution. There are three things.

Mr. GORE. Mr. President, will the Senator yield for a further question?

Mr. ERVIN. I am delighted to yield.

Mr. GORE. In view of the able answer by the distinguished Senator, what would be his reaction to subsection (c) of section 204 of the pending substitute amendment, which reads as follows:

The Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land.

Mr. ERVIN. I should say that there is not a word of sound law in that statement. Under article VI, section 2, the Constitution, the acts of Congress made pursuant thereto, and treaties made under the authority of the United States are the only things constituting "the supreme law of the land." If the decision of the Court in the Brown case be the supreme law of the land, then the supreme law of the land was changed at noon on May 17, 1954, by a body which had no power under the Constitution to change the supreme law of the land.

Mr. GORE. Will the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. Would the Senator hold that the Supreme Court, in interpreting the Constitution with regard to this subject, made law in its holding of 1896?

Mr. ERVIN. No, because that was the application of a law which had been laid down by the supreme judicial court of Massachusetts in the case of Roberts against Boston in 1849. It had been adhered to many times.

As a matter of fact, the Supreme Court of the United States had mentioned the school segregation question before that time. There was a case in 1877, only 9 years after the 14th amendment was ratified. Judge Clifford wrote a concurring opinion. The point was so well established that the judge used it to show that the same rule would apply in regard to transportation. In other words, the Supreme Court dealt with the question before Plessey against Ferguson. It was in a transportation case, not a school case, but it cited the school cases as well established law.

I have nearly a bushel of decisions on this case, which antedate the Brown case. Every one of them is contrary to the Brown case.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield for a question.

Mr. GORE. To the extent it interpreted, and in however many decisions in the Supreme Court interpreted, the Constitution with respect to public school matters, is it the Senator's opinion that the Court, in interpreting the law, had created law or had given evidence of what the law was?

Mr. ERVIN. I shall answer the Senator in the words of Benjamin N. Cardozo.

I say it is everybody's duty to obey the law. There are various kinds of law. There are criminal laws. There are civil laws. There are laws dealing with negligence. There are laws which bind certain officials. There is a law which is binding on judges, if they will subject themselves to the judicial process, which is the rule of stare decisis.

Mr. GORE. Is there not such a thing, even, as an unwritten law?

Mr. ERVIN. Yes. This is what Judge Cardozo says in his book, "The Nature of the Judicial Process," on page 129, speaking about this very matter:

I think the difficulty has its origin in the failure to distinguish between right and power, between the command embodied in a judgment and the jural principle to which the obedience of the judge is due. Judges have, of course, the power, though not the right, to ignore the mandate of a statute, and render judgment in despite of it. They have the power, though not the right, to travel beyond the walls of the interstices,

I should like to stress this point.

the bounds set to judicial innovation by precedent and custom. Nonetheless, by that abuse of power, they violate the law.

In other words, when a judge refuses to recognize precedents which establish a rule of law or a rule of interpretation, I believe he is violating the law which is applicable to judges.

That is what Judge Cardozo said.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield for a question.

Mr. GORE. Did the courts by successive and recurring and multitudinous decisions in fact succeed in creating a body of law which the Senator says was overturned by the decision in the Brown case?

Mr. ERVIN. The courts did not create a body of law. In the Roberts case, Roberts against the City of Boston, the case involved interpretation of the constitution of Massachusetts, which had a clause like the equal-protection-of-the-laws clause.

I should say that these decisions did not make the law, because the Constitution made the law.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I am happy to yield for a question.

Mr. LAUSCHE. Is it not a fact that the Senator, in the position which he takes that the Supreme Court does not create law, bases that conclusion upon his understanding that in our system of government the function of the Supreme Court is to interpret the law?

Mr. ERVIN. That is correct.

Mr. LAUSCHE. And is it not a fact that the word "interpret" means to translate and to explain, to make clear what the language of a law means?

Mr. ERVIN. Exactly.

Mr. LAUSCHE. And hence the Supreme Court does not create law but explains existing law?

Mr. ERVIN. That is correct; and in interpreting the Constitution its duty is to determine what was the intent of the persons who framed and approved the constitutional provision being interpreted.

Mr. LAUSCHE. It is on the basis of the thinking which I embraced in my question that the Supreme Court declared that its pronouncements are not law but evidence of the law.

Mr. ERVIN. That is right. We run into the difficulty, as in this particular instance, that at 12 o'clock noon on the 17th of May, 1954, a body which had no power whatever to make the law of the land did make the law of the land, unless you adopt the theory that is embraced in your question.

Mr. LAUSCHE. But is it not a fact, though the strict technical interpretation is justified, that the Court does not create but interprets the law? The fact remains that when it once interprets the law for the purpose of preserving rights which have been purchased and obligations which have been undertaken under decisions, its purpose usually is to follow what it said is evidence of the law in its previous decision.

Mr. ERVIN. Normally the Court follows its own decisions; and that is the value of the doctrine of stare decisis.

If a rule of law or a rule of interpretation has been established by decisions, then the Court should follow it, because the law must be stable to be of any social value. It must be reasonably stable and reasonably certain to be of any value.

Mr. LAUSCHE. I thank the Senator very much.

Mr. ERVIN. Mr. President, I come back to my question, which is this, What is the restraint inherent in the judicial process?

I continue to read from the address previously referred to:

What is the restraint inherent in the judicial process? The answer to this query appears in the statements of Hamilton. The restraint inherent in the judicial process is the mental discipline which prompts a qualified occupant of a judicial office to lay aside his personal notion of what the law ought to be, and to base his decision on established legal precedents and rules.

How is this mental discipline acquired? The answer to this question likewise appears in the statements of Hamilton. This mental discipline is ordinarily the product of long and laborious legal work as a practicing lawyer, or long and laborious judicial work as a judge of an appellate court or a trial court of general jurisdiction. It is sometimes the product of long and laborious work as a teacher of law. It cannot be acquired by the occupancy of an executive or legislative office. And, unhappily, it can hardly be acquired by those who come or return to the law in late life after spending most of their mature years in other fields of endeavor.

The reasons why the mental discipline required to qualify one for a judicial office is ordinarily the product of long and laborious work as a practicing lawyer, or as an appellate judge, or as a judge of a court of general jurisdiction are rather obvious. Practicing lawyers and judges of courts of general jurisdiction perform their functions in

the workaday world where men and women live, move, and have their being. To them, law is destitute of social value unless it has sufficient stability to afford reliable rules to govern the conduct of people, and unless it can be found with reasonable certainty in established legal precedents. An additional consideration implants respect for established legal precedents in the minds of judges in courts of general jurisdiction and all appellate judges other than those who sit upon the Supreme Court of the United States. These judges are accustomed to have their decisions reviewed by higher courts and are certain to be reminded by reversals that they are subject to what Chief Justice Bleckly, of the Supreme Court of Georgia, called "the fallibility which is inherent in all courts except those of last resort," if they attempt to substitute their personal notions of what they think the law ought to be for the law as it is laid down in established legal precedents.

Mr. President, I do not think I can emphasize that too much. A practicing lawyer has to advise his clients as to what they can do under the law, and consequently to a practicing lawyer the law must have some stability and certainty. Otherwise it is of no value. It is rather a snare if it is not reasonably certain and reasonably stable. The same is true of trial courts of general jurisdiction. As to them the law must be reasonably stable and it must be reasonably certain, because they are required to enforce the law, and if the law is not reasonably stable and reasonably certain, they would not know how to administer justice. And so a person practicing law, by long and laborious study, as Alexander Hamilton says, or by acting in a judicial capacity, by reason of long and laborious study acquires the mental discipline which enables him to practice the restraint inherent in the judicial process when that process is properly understood and applied. That mental discipline, as I say, is the capacity and the willingness to lay aside his personal notions as to what he thinks the law ought to be, and to be guided in his rulings by what the law is declared to be in the precedents.

I continue to read from the address previously referred to:

The States accepted as valid Alexander Hamilton's positive assurance that men chosen to serve on the Supreme Court of the United States would subject themselves to the restraint inherent in the judicial process, and were thereby induced to ratify the Constitution notwithstanding the omission from that instrument of any express provision protecting the other branches of the Federal Government, the States, or the people against the arbitrary exercise of its judicial power by the Supreme Court.

For several generations next succeeding its utterance, the people of America had no reason to doubt the accuracy of Alexander Hamilton's assurance. With rare exceptions, the Presidents selected for membership upon the Supreme Court of the United States men who had long and laboriously participated in the administration of justice either as practicing lawyers or as judges of State courts or as judges of the Federal courts inferior to the Supreme Court. As a consequence, the overwhelming majority of the men called to service upon the Supreme Court were able and willing to subject themselves to the restraint inherent in the judicial process and to perform their tasks in the light of the principle that it is the duty of the judge to interpret the law, not to make it.

I mentioned previously—and I will discuss it further in connection with the Brown case—the fact that on several occasions in recent years the Supreme Court has usurped the power of Congress and the States to amend the Constitution under the guise that it was interpreting the Constitution.

Continuing with the reading of the address:

The question naturally arises: Why does the Supreme Court of the United States prefer to make constitutions and laws rather than to interpret them?

The answer to this question appears in the assurance which Alexander Hamilton gave to the States when he was urging them to ratify the Constitution. It is simply this: The majority of the members of the Supreme Court during recent years have been either unable or unwilling to subject themselves to the restraint inherent in the judicial process.

When all is said, it is not surprising that this is so. The custom of past generations of appointing to membership upon the Supreme Court men who have worked long and laboriously in the administration of justice either as practicing lawyers or as State judges, or as judges of Federal courts inferior to the Supreme Court, has been more honored of late in its breach than in its observance.

All of the members of the Supreme Court are genial gentlemen of high attainments and significant accomplishments. But the majority of them have not worked either long or laboriously as practicing lawyers, or as State judges or as judges of the Federal courts inferior to the Supreme Court. As a consequence, the majority of them have not undergone the mental discipline which enables a qualified occupant of a judicial office to lay aside his personal notions of what the law ought to be and to base his decisions on what the law has been declared to be in legal precedents.

The writer of the Book of Proverbs said:

"There be three things which are too wonderful for me, yea, four which I know not: The way of an eagle in the air; the way of a serpent upon a rock; the way of a ship in the midst of the sea; and the way of a man with a maid."

Experience is undoubtedly the most efficient teacher of all things. This being true, there is one thing more amazing and more incomprehensible than the four mysteries enumerated by the writer of the Book of Proverbs. It is this: Why do Presidents of the United States ignore the numerous servants of the law who have performed years of devoted judicial service on State courts and on Federal courts inferior to the Supreme Court when they are called upon to make appointments to the Supreme Court of the United States?

These facts are astounding:

1. No member of the Supreme Court as it is now constituted, ever served as a judge of a court of general jurisdiction, either State or Federal.

2. No member of the Supreme Court as it is now constituted, ever served as a judge upon an appellate court in any 1 of the 48 States; and

3. Only two of the nine members of the Supreme Court as it is now constituted, ever served as an appellate judge on any Federal court inferior to the Supreme Court before he was elevated to his present office. Moreover, few of them have devoted their major efforts to the actual practice of law.

The truth is, Mr. President, that only one of the nine men who served upon the Supreme Court of the United States at the time the decision in the Brown case was rendered had ever served as a judge of any court of general jurisdiction or of any appellate court, and that one had had only 8 years of service on the U.S. Court of Appeals. The other eight had never served a single second as judges of courts of general jurisdiction or of an appellate court, either State or Federal.

That is an astounding fact. If the board of directors of a hospital were to employ as a chief surgeon of the hospital a man who had never performed a surgical operation, I suppose the people of the community would contemplate holding an inquisition in lunacy for the board of directors of the hospital. Moreover, most of the men who then sat upon the Supreme Court of the United States had not devoted their major efforts to the practice of the law.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Tennessee.

Mr. GORE. To the extent that this may or may not be a shortcoming, as the case may be, would not the Senate of necessity, through its power of confirmation, share responsibility with the Presidents who had appointed the Justices?

Mr. ERVIN. I would certainly answer the question in the affirmative. The Senate has confirmed for membership upon the Supreme Court of the United States men whom the Senate must have known had not had a sufficient legal or judicial experience to acquire either the capacity or the willingness to exercise the restraint which is inherent in the judicial process.

Mr. GORE. Would not it be a logical consequence to the argument the Senator has made that the Senate, if not the Congress, by enactment, should fix minimum qualifications or minimum standards to guide the President in the selection of the personnel of the Supreme Court, and also to guide the Senate in its function upon confirmations?

Mr. ERVIN. I certainly think that that should be done, in light of appointments that have been made in recent years. We ought to have a number of men on the Court who have had long judicial experience. It would be advisable to have a certain number of the members of the Court consist of men who had served on the highest courts of the States; and other members of the Court who had had experience upon the U.S. courts of appeals. The other members, I think, should be lawyers who had devoted their major efforts to the practice of law.

The business of judging is serious business. There is no safety for a country which has courts whose members are not willing and able to exercise the restraint inherent to the judicial process, the only protection people have against judicial usurpation.

I thank the Senator from Tennessee for his question.

Mr. President, this is a part of my speech. I wish to discuss this subject further, on a subsequent occasion. I say this, and measure my words when I say it, that in my judgment as a lawyer the Brown case and its companion case, the District of Columbia case, constitute a

usurpation of power by the Court without parallel in this Nation, save and except the Dred Scott decision.

The Dred Scott decision, in my judgment as a lawyer, was clearly wrong. The Court in that case should have held that Dred Scott's permanent residence was Missouri; that under the law the permanent residence of a person fixes his status; that the status of Dred Scott, as a permanent resident of Missouri, was that of a slave and consequently he had no power to bring the suit which he did. The Court ought to have so decided and put an end to the case.

Instead of doing that, the judges on the Court at that time attempted to write into the Constitution their personal notions and to establish as a part of the constitutional law of America the doctrine that Congress had no power to prohibit slavery in the territories. In my judgment as a lawyer that holding was absolutely without foundation, because Congress had total power in the territories, except as limited by specific constitutional provisions, such as the prohibition against ex post facto laws.

The Court in the Dred Scott case, as I say, attempted to write the personal notions of its members into the Constitution. We all know of the consequences of that unfortunate decision. It was a major cause of a bloody, fratricidal war, which is something I as a citizen of North Carolina can appreciate because North Carolina alone lost over 40,000 of the flower of its manhood, out of a total white population of 630,000 white men, women, and children.

I say in all sincerity, and I say it dispassionately and without rancor, that the Brown case, with its companion case in the District of Columbia, is another instance in which the members of the Court attempted to write their personal notions into the Constitution. I grant, Mr. President, that in doing so they probably had good motives; that they thought the end justified the means, as they saw it. They perhaps thought that good would come of it. But we see the turmoil over this Nation now as a result of it.

Mr. President, I propose to discuss this subject later, and I propose to point out that for 86 years next preceding May 17, 1954, Congress constantly maintained segregated schools in the District of Columbia, where it had absolute power; that during those 86 years Congress authorized segregated schools in land-grant colleges, and in other areas.

It is impossible for me to conceive that Congress, including the one which had drawn and submitted the 14th amendment would have provided for segregated schools in the District of Columbia for 86 years next following the ratification of the 14th amendment, if the 14th amendment was ever intended or supposed to outlaw segregated schools.

I propose to show, further, that segregated schools were operated in most of those very States which ratified the 14th amendment, including the State of New York, down to 1900.

I propose to show, further, that many courts throughout this land had participated in decisions on the question whether the 14th amendment prohibited segregated schools, and in every instance, in every decision where the point was raised, down to May 17, 1954, it was held that the 14th amendment did not prohibit segregated schools. Those decisions arose not only in Southern States but also in many Northern States, like Indiana, Ohio, New York, and even in California. When I have another opportunity, I expect to discuss these propositions.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield.

Mr. JAVITS. Will the Senator advise us whether in view of the fact that he had a quorum call made about an hour and a half ago, in order to give him an opportunity to address Members of the Senate who were aroused and came into the Chamber for that purpose, he nonetheless intends to have another quorum call; and although he has completed his address, he would yet have Senators aroused and brought in to hear it?

Mr. ERVIN. I thought the Senator from New York, in asking if I would yield, did so for the purpose of asking a question; and I yielded for that purpose. I am requesting a quorum call for the benefit of the next speaker, who has to be notified.

Mr. JAVITS. It is not necessary that there be a quorum call for that purpose. I am willing to seek recognition to spare the Senators from being aroused.

Mr. ERVIN. I am sure that the next speaker has a good speech which Senators ought to hear. And before I yield the floor, I think they should be notified.

Mr. JAVITS. It is true that we play some games here. At the same time, all of us are adults, and we shall have to live with one another for a long time to come. The strains of the moment are understandable, but I believe we should accommodate each other reasonably. I ask this in the form of a question. It is quite expected that when one speaker finishes, Members who are not present will be routed out by a quorum call. However, having had one call already, I ask the Senator whether he does not think it is fair that we should not have another quorum call at this time. I will occupy the floor, if the Senator wishes, for 10 minutes or so, until the next speaker appears.

Mr. ERVIN. I will make this proposal: Perhaps it will take about 20 minutes for a quorum call, or perhaps more at this time of night. I should like to make the proposal that there be a gentleman's agreement to take a recess at this time, without making a record, for 20 minutes, with no quorum calls.

Mr. JAVITS. The Senator from New York is unable to agree to that suggestion. I have consulted with the majority whip on this point.

Mr. ERVIN. Before I yield the floor, I send forward four amendments, which I present to the Senate. They are amendments to the Dirksen amendment in the nature of a substitute. I ask that the clerk read them and that they be printed at this point in the RECORD and lie on the table until called up for consideration before the Senate.

The PRESIDING OFFICER (Mr. Moss in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, what was the request?

The PRESIDING OFFICER. The request is for the reading of four amendments which have been presented, and then for them to be printed and to lie on the table.

Is there objection? The Chair hears none, and the clerk will proceed to read the amendments.

The legislative clerk read the amendments, as follows:

On pages 1 and 2 of the Dirksen amendment strike out section 201 in its entirety.

On page 2 of the Dirksen amendment, strike out lines 8 down to and including the word "school" in line 14.

On page 3, lines 13 to 14 of the Dirksen amendment, strike out the words "Primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education" and insert in lieu thereof the words "for religious, educational, residential, or business purposes".

On page 2, insert the following after line 18 and before line 19: "No person shall be prosecuted under this section for any transaction on his part which is punishable as a crime under the law of the State in which it occurs or which is punishable as a contempt of any court of the United States under any Act of Congress."

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. Although the junior Senator from Tennessee does not find himself in complete concurrence with the able senior Senator from North Carolina, his address, particularly with reference to the Constitution, its origin and interpretation, and the views and statements of those who had a major part in its formulation, have been rewarding and well worth the presence in the Chamber of at least one Senator at 3 a.m.

Mr. ERVIN. I am deeply indebted to the Senator from Tennessee for his far too gracious remarks.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. MANSFIELD. Whether one agrees or disagrees with what the distinguished Senator from North Carolina has said on this occasion and other occasions, one cannot help but compliment him for his fine legal mind, for the reasonableness with which he discusses issues, and for the homework which he does so thoroughly and so competently.

I wish to compliment and commend the senior Senator from North Carolina for making the past 3 or 4 hours in the Senate very interesting indeed, and, I hope, educational so far as some of us are concerned.

Mr. ERVIN. I am deeply indebted to the Senator from Montana for his far too gracious remarks. I wonder if we could compromise on a 15-minute period.

Mr. MANSFIELD. Has the Senator completed his speech?

Mr. ERVIN. I wonder whether we could agree on a 15-minute recess, instead of suggesting the absence of a quorum?

Mr. MANSFIELD. No; I would have to object to a recess. If the Senator wishes to suggest the absence of a quorum——

Mr. ERVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Moss in the chair). Before the Senator does so, the Chair also wishes to compliment the Senator on his very scholarly dissertation on the law. It has been the privilege of the present occupant of the Chair to preside over the Senate during a part of the Senator's discussion, and he wishes to compliment the Senator very highly.

Mr. JAVITS. Mr. President, so long as we are complimenting the Senator from North Carolina, I should like to say that I have had many legal jousts on this subject with the Senator from North Carolina, and know that we are scheduled to have one tomorrow. I must say that I have enjoyed our relationship in that regard, because I find it is so much more understandable to discuss these questions upon legal grounds with citations and authorities; but even though I find that we often argue from completely different vantage points and points of view and different frames of reference, I consider the Senator from North Carolina a most challenging opponent in this field. I thoroughly agree with the Senator from Montana about the homework of the Senator from North Carolina. It is certainly always very thoroughly done. I can only express the hope—because I have no solutions—that the attrition of these points of view will be of benefit to the country.

Mr. ERVIN. I am indebted to the Presiding Officer and to the distinguished Senator from New York for their far-too-generous remarks. I have always appreciated the willingness of the Senator from New York to yield at any time that I have requested him to do so, so that we might discuss these questions.

I believe that the Senator from Mississippi [Mr. STENNIS] paid the Senator from New York a very well deserved compliment when he mentioned the fact that he had made the only presentation of views in favor of civil rights proposals.

Mr. President, with great reluctance, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Ellender	McGee
Anderson	Engle	Magnuson
Bartlett	Ervin	Mansfield
Beall	Fong	Martin
Bennett	Frear	Monroney
Bible	Fulbright	Morton
Brunsdale	Gore	Moss
Bush	Gruening	Mundt
Byrd, W. Va.	Hart	Murray
Cannon	Hartke	Muskie
Carlson	Hickenlooper	Pastore
Carroll	Holland	Prouty
Case, N.J.	Hruska	Proxmire
Case, S. Dak.	Jackson	Randolph
Chavez	Javits	Saltonstall
Church	Johnson, Tex.	Scott
Clark	Johnston, S.C.	Smith
Cooper	Keating	Symington
Cotton	Kerr	Wiley
Curtis	Kuchel	Williams, Del.
Dirksen	Lausche	Williams, N.J.
Douglas	Long, Hawaii	Yarborough
Eastland	McCarthy	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. What is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. LONG] to the amendment of the Senator from Illinois.

Mr. JOHNSON of Texas. How long has that amendment been pending? When was the amendment offered?

The PRESIDING OFFICER. The amendment was offered on Friday of last week.

Mr. JOHNSON of Texas. And what is today?

The PRESIDING OFFICER. Today is Wednesday.

Mr. JOHNSON of Texas. Today is Wednesday?

The PRESIDING OFFICER. Yes; today is Wednesday.

Mr. JOHNSON of Texas. Mr. President, I think this is a pro forma amendment. I do not think it would be acting hastily to ask, with regard to an amendment offered on Friday, that the Senate arrive at some decision on the following Wednesday.

Therefore, Mr. President, I move to lay on the table the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from Louisiana to the amendment of the Senator from Illinois in the nature of a substitute.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Is the motion debatable, Mr. President?

The PRESIDING OFFICER. The motion is not debatable.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Ervin	Magnuson
Anderson	Frear	Mansfield
Bartlett	Gore	Martin
Beall	Hart	Morton
Bible	Hartke	Murray
Brunsdale	Hickenlooper	Muskie
Bush	Hruska	Pastore
Byrd, W. Va.	Jackson	Prouty
Carlson	Javits	Randolph
Case, N.J.	Johnson, Tex.	Saltonstall
Clark	Johnston, S.C.	Scott
Cooper	Keating	Smith
Douglas	Kerr	Wiley
Eastland	Lausche	Williams, N.J.
Ellender	McCarthy	Yarborough
Engle	McNamara	Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Oregon [Mr. MORSE] are absent on official business.

The Senator from Virginia [Mr. BYRD], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

I further announce that if present and voting the Senator from Virginia [Mr. BYRD], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] would each vote "nay."

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Michigan [Mr. MCNAMARA], the Senators from Oregon [Mr. MORSE and Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Idaho [Mr. DWORSHAK], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The result was announced—yeas 62, nays 7, as follows:

YEAS—62

Allott	Brunsdale	Case, N.J.
Anderson	Bush	Case, S. Dak.
Bartlett	Byrd, W. Va.	Chavez
Beall	Cannon	Church
Bennett	Carlson	Clark
Bible	Carroll	Cooper

Cotton	Keating	Muskie
Curtis	Kerr	Pastore
Dirksen	Kuchel	Prouty
Douglas	Lausche	Proxmire
Engle	Long, Hawaii	Randolph
Fong	McCarthy	Saltonstall
Gore	McGee	Scott
Gruening	Magnuson	Smith
Hart	Mansfield	Symington
Hartke	Martin	Wiley
Hickenlooper	Monroney	Williams, Del.
Hruska	Morton	Williams, N.J.
Jackson	Moss	Yarborough
Javits	Mundt	Young, Ohio
Johnson, Tex.	Murray	

NAYS—7

Eastland	Frear	Holland
Ellender	Fulbright	Johnston, S.C.
Ervin		

NOT VOTING—31

Aiken	Hill	Robertson
Bridges	Humphrey	Russell
Butler	Jordan	Schoeppel
Byrd, Va.	Kefauver	Smathers
Capehart	Kennedy	Sparkman
Dodd	Long, La.	Stennis
Dworshak	McClellan	Talmadge
Goldwater	McNamara	Thurmond
Green	Morse	Young, N. Dak.
Hayden	Neuberger	
Hennings	O'Mahoney	

So the motion of Mr. JOHNSON of Texas was agreed to.

The PRESIDING OFFICER. On this vote the yeas are 62, the nays are 7, and the motion is agreed to. A quorum is present.

The question recurs on agreeing to the motion of the Senator from Texas [Mr. JOHNSON] to lay on the table the amendment of the Senator from Louisiana [Mr. LONG] to the amendment of the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, what was the vote just taken?

The PRESIDING OFFICER. That was a vote on the motion of the Senator from Texas [Mr. JOHNSON] to instruct the Sergeant at Arms to request the attendance of absent Members.

Mr. FULBRIGHT. Mr. President, the Senate having voted so overwhelmingly, does that not reveal the will of the Senate not to require a reasonable time for the Sergeant at Arms to bring in the absentees? Are we to proceed to vote immediately?

The PRESIDING OFFICER. A quorum is present.

Mr. FULBRIGHT. Mr. President, did not the Senate vote to instruct the Sergeant at Arms to bring in the absentees? Has he had a reasonable time to bring them in?

The PRESIDING OFFICER. A quorum is present, and the Senate may do business when a quorum is present.

Mr. FULBRIGHT. Mr. President, do we ignore the decision of the Senate and not instruct the Sergeant at Arms to bring in the absentee Members?

The PRESIDING OFFICER. A quorum is present. The yeas and nays have been ordered. The clerk will call the roll.

Mr. MUNDT. Mr. President, a point of order.

I do not believe the Chair has responded to the parliamentary inquiry of the Senator from Arkansas. He asked whether or not under the rules of the Senate it is necessary to conduct the course of business and proceedings in accordance with the direction of the Senate. All the Chair has done is to state that a quorum is present. That was not a reply to the parliamentary inquiry. The parliamentary inquiry was, the Senate having voted to instruct the Sergeant at Arms to bring in the absentee Members, whether or not we should ignore the will of the Senate and violate it or proceed with the will of the Senate? The Chair should respond to the inquiry.

The PRESIDING OFFICER. The instruction to the Sergeant at Arms was to request the attendance of absent Members. The presumption is the Sergeant at Arms is doing that. In the meantime a quorum has been established and the Senate may do business.

Mr. JOHNSON of Texas. Mr. President, apparently the Sergeant at Arms has been successful.

Mr. MUNDT. Mr. President, is it necessary then to advise the Sergeant at Arms that he need not arouse the absentee Members and bring them to the Senate Chamber?

Mr. JOHNSON of Texas. Mr. President, I call for the regular order.

Mr. MUNDT. Mr. President, this is the regular order. There was a parliamentary inquiry. I should like to have a response to the parliamentary inquiry. Should we not take some action to rescind the decision of the Senate and instruct the Sergeant at Arms that he need not scamper around the city of Washington to bring in the absent Members who had not heard the alarm with respect to this all-important business?

The PRESIDING OFFICER. It is within the province of the Senate to call the Sergeant at Arms to the Chamber and have him report. The customary practice is to proceed with business when a quorum is present.

Mr. MUNDT. Mr. President, I doubt that we are proceeding under the customary pattern of activity. I think we should have a response from the Sergeant at Arms and at least relieve him from further duty so he will not be in contempt of the Senate. We have voted overwhelmingly that he should bring in the absentees.

The PRESIDING OFFICER. It would be in the province of the Senate to instruct the Sergeant at Arms to report. The Chair is responding to the request of the Senator from South Dakota [Mr. MUNDT].

Mr. FULBRIGHT. Mr. President, may I inquire if the Chair has asked the Sergeant at Arms to do anything? Has the Chair contacted the Sergeant at Arms in response to our vote? I have not seen the Sergeant at Arms in the Chamber. Has the Chair spoken to the Sergeant at Arms at all?

The PRESIDING OFFICER. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order has been called for.

Mr. MUNDT. I am trying to determine what the regular order is.

Mr. JOHNSON of Texas. Mr. President, when I ask for the regular order, may we have the regular order? The regular order is on the question of the motion to table.

The PRESIDING OFFICER. The Chair will state a quorum is present and the Senate may transact business. The yeas and nays have been ordered.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to call attention to the fact that the motion of the majority leader was made at a time when a quorum was not present, and it was not in order at the time.

The PRESIDING OFFICER. The motion which was made was in order.

Mr. JOHNSON of Texas. Mr. President, when a Senator asks for the regular order, can he get it?

The PRESIDING OFFICER. The Chair has stated the regular order has been called for. A quorum is present. The Chair, of course, should try to protect the rights of any Senator who seeks recognition. The yeas and nays have been ordered on the motion of the Senator from Texas [Mr. JOHNSON] to lay on the table the amendment of the Senator from Louisiana [Mr. LONG] to the Dirksen substitute. The motion is not debatable.

Mr. FULBRIGHT. The Chair, I submit, has never responded to the inquiry as to whether or not the Sergeant at Arms has been instructed to bring in absentees.

Has the Chair instructed the Sergeant at Arms in any manner whatsoever?

Mr. CASE of South Dakota. Mr. President——

Mr. FULBRIGHT. Has the Chair instructed the Sergeant at Arms in any fashion?

The PRESIDING OFFICER. The Deputy Sergeant at Arms, Mr. Dunphy, and the assistant doorkeeper, Mr. Jones, were at the desk when the vote was announced.

Mr. FULBRIGHT. Where was the deputy?

Mr. JOHNSON of Texas. The regular order has been called for.

Mr. ELLENDER. Mr. President, I move that the Senate adjourn until 12 noon today.

The PRESIDING OFFICER. A motion to adjourn takes precedence over a motion to table.

Mr. JOHNSON of Texas. Mr. President, I submit we have a motion to table, which is not debatable. The Chair is permitting a debate to intervene. I ask the Chair to order the regular order. I demand it, and ask that the clerk proceed to call the roll.

Mr. ELLENDER. Mr. President, a parliamentary inquiry. Is a motion to adjourn in order?

The PRESIDING OFFICER. A motion to adjourn has been made and it takes precedence. The motion is not debatable.

Mr. JOHNSON of Texas. Mr. President, I move to table that motion and ask for the yeas and nays on it.

The yeas and nays were ordered.

Mr. JOHNSON of Texas. Mr. President, now I ask for the regular order.

The PRESIDING OFFICER. The regular order has been called for. The clerk will call the roll.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum call is in order, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. KEATING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FULBRIGHT. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The Chief Clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

Allott	Ellender	McCarthy
Anderson	Engle	McGee
Bartlett	Ervin	Mansfield
Beall	Fong	Martin
Bennett	Frear	Monroney
Bible	Fulbright	Morton
Brunsdale	Goldwater	Moss
Bush	Gore	Mundt
Byrd, W. Va.	Gruening	Murray
Cannon	Hart	Muskie
Carlson	Hartke	Pastore
Carroll	Hickenlooper	Prouty
Case, N.J.	Holland	Proxmire
Case, S. Dak.	Hruska	Randolph
Chavez	Jackson	Saltonstall
Church	Javits	Scott
Clark	Johnson, Tex.	Smith
Cooper	Johnston, S.C.	Symington
Cotton	Keating	Wiley
Curtis	Kerr	Williams, Del.
Dirksen	Kuchel	Williams, N.J.
Douglas	Lausche	Yarborough
Eastland	Long, Hawaii	Young, Ohio

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON] to table the motion to adjourn. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. FULBRIGHT. Mr. President, what happened to the motion to adjourn?

Mr. JOHNSON of Texas. I made a motion to table the motion to adjourn.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Oregon [Mr. MORSE] are absent on official business.

The Senator from Virginia [Mr. BYRD], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

On this vote, the Senator from Virginia [Mr. BYRD], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] would each vote "nay."

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], the Senators from Oregon [Mr. MORSE and Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Idaho [Mr. DWORSHAK], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from North Dakota [Mr. YOUNG], are necessarily absent.

If present and voting the Senator from Vermont [Mr. AIKEN] would vote "yea."

The result was announced—yeas 64, nays 6, as follows:

YEAS—64

Allott	Engle	Martin
Anderson	Fong	Monroney
Bartlett	Frear	Morton
Beall	Goldwater	Moss
Bennett	Gore	Mundt
Bible	Gruening	Murray
Brunsdale	Hart	Muskie
Bush	Hartke	Pastore
Byrd, W. Va.	Hickenlooper	Prouty
Cannon	Hruska	Proxmire
Carlson	Jackson	Randolph
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Keating	Smith
Chavez	Kerr	Symington
Church	Kuchel	Wiley
Clark	Lausche	Williams, Del.
Cooper	Long, Hawaii	Williams, N.J.
Cotton	McCarthy	Yarborough
Curtis	McGee	Young, Ohio
Dirksen	Magnuson	
Douglas	Mansfield	

NAYS—6

Eastland	Ervin	Holland
Ellender	Fulbright	Johnston, S.C.

NOT VOTING—30

Aiken	Hill	O'Mahoney
Bridges	Humphrey	Robertson
Butler	Jordan	Russell
Byrd, Va.	Kefauver	Schoeppel
Capehart	Kennedy	Smathers
Dodd	Long, La.	Sparkman
Dworshak	McClellan	Stennis
Green	McNamara	Talmadge
Hayden	Morse	Thurmond
Hennings	Neuberger	Young, N. Dak.

So the motion to table the motion to adjourn was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Louisiana [Mr. LONG] to the amendment of the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ERVIN. Mr. President, I move that the Senate adjourn until 12 o'clock noon tomorrow.

Mr. MANSFIELD. Mr. President, I call for regular order.

Mr. JOHNSON of Texas. I move to lay on the table the motion to adjourn. I hope Senators realize that we have just had a motion to delay, and we have had a decision on whether we should adjourn or not, and the Senate dissented by an overwhelming vote to the motion to adjourn. We have tried to provide ample opportunity for Senators who desire to discuss this issue on its merits. Therefore, I am willing to move to table the motion of the Senator from North Carolina and ask for the yeas and nays on it.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachuetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Oregon [Mr. MORSE] are absent on official business.

The Senator from Virginia [Mr. BYRD], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent on official business.

On this vote, the Senator from Virginia [Mr. BYRD], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] would each vote "nay."

I further announce that if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator

from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oregon [Mr. MORSE], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Idaho [Mr. DWORSHAK] and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN] would vote "yea."

The result was announced—yeas 65, nays 7, as follows:

YEAS—65

Allott	Engle	Martin
Anderson	Fong	Monroney
Bartlett	Frear	Morton
Beall	Goldwater	Moss
Bennett	Gore	Mundt
Bible	Gruening	Murray
Brunsdale	Hart	Muskie
Bush	Hartke	Pastore
Byrd, W. Va.	Hickenlooper	Prouty
Cannon	Hruska	Proxmire
Carlson	Jackson	Randolph
Carroll	Javits	Saltonstall
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Keating	Scott
Chavez	Kerr	Smith
Church	Kuchel	Symington
Clark	Lausche	Wiley
Cooper	Long, Hawaii	Williams, Del.
Cotton	McCarthy	Williams, N.J.
Curtis	McGee	Yarborough
Dirksen	Magnuson	Young, Ohio
Douglas	Mansfield	

NAYS—7

Eastland	Fulbright	Johnston, S.C.
Ellender	Holland	Long, La.
Ervin		

NOT VOTING—28

Aiken	Hill	Robertson
Bridges	Humphrey	Russell
Butler	Jordan	Smathers
Byrd, Va.	Kefauver	Sparkman
Capehart	Kennedy	Stennis
Dodd	McClellan	Talmadge
Dworshak	McNamara	Thurmond
Green	Morse	Young, N. Dak.
Hayden	Neuberger	
Hennings	O'Mahoney	

So the motion of Mr. JOHNSON of Texas to lay on the table the motion of Mr. ERVIN to adjourn was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the Long amendment. On this question, the yeas and nays have been ordered.

Mr. LONG of Louisiana. Mr. President, a point of order.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LONG of Louisiana. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG of Louisiana. Is it in order to ask that the amendment be read?

The PRESIDING OFFICER. The amendment has been read.

Mr. LONG of Louisiana. Is it in order to ask at this time that the amendment be read?

The PRESIDING OFFICER. The Senator may ask unanimous consent that the amendment be read again.

Mr. LONG of Louisiana. I ask unanimous consent that the amendment be read.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

Mr. JOHNSON of Texas. Mr. President, a partiamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. How long is the amendment?

The PRESIDING OFFICER. Six lines.

Mr. JOHNSON of Texas. I have no objection.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 2, after line 22, of the Dirksen amendment, it is proposed to insert the following:

Nothing contained in this or any other law shall be interpreted to prevent any person from exercising his freedom of speech to advocate that separation of the races is desirable or that forcible integration of various races at public or private functions or activities is undesirable and that such forcible integration should be resisted by all legal means.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the Long amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas (when his name was called). Mr. President, I am informed by the secretary for the majority that the senior Senator from Louisiana [Mr. ELLENDER] has requested a live pair for the senior Senator from Georgia [Mr. RUSSELL]. If the senior Senator from Georgia were present and voting, I am informed he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

The Chief Clerk resumed and concluded the call of the roll.

Mr. MANSFIELD. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], and the Senator from Oregon [Mr. MORSE] are absent on official business.

The Senator from Virginia [Mr. BYRD], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. [HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

On this vote the Senator from Texas [Mr. JOHNSON] is paired with the Senator from Georgia [Mr. RUSSELL]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Georgia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN] would vote "yea."

The result was announced—yeas 64, nays 8, as follows:

YEAS—64

Allott	Dworshak	Monroney
Anderson	Engle	Morton
Bartlett	Fong	Moss
Beall	Frear	Mundt
Bennett	Goldwater	Murray
Bible	Gruening	Muskie
Brunsdale	Hart	Pastore
Bush	Hartke	Prouty
Byrd, W. Va.	Hickenlooper	Proxmire
Cannon	Hruska	Randolph
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Keating	Scott
Case, S. Dak.	Kerr	Smith
Chavez	Kuchel	Symington
Church	Lausche	Wiley
Clark	Long, Hawaii	Williams, Del.
Cooper	McCarthy	Williams, N.J.
Cotton	McGee	Yarborough
Curtis	Magnuson	Young, Ohio
Dirksen	Mansfield	
Douglas	Martin	

NAYS—8

Eastland	Fulbright	Johnston, S.C.
Ellender	Gore	Long, La.
Ervin	Holland	

NOT VOTING—28

Aiken	Humphrey	Robertson
Bridges	Johnson, Tex.	Russell
Butler	Jordan	Smathers
Byrd, Va.	Kefauver	Sparkman
Capehart	Kennedy	Stennis
Dodd	McClellan	Talmadge
Green	McNamara	Thurmond
Hayden	Morse	Young, N. Dak.
Hennings	Neuberger	
Hill	O'Mahoney	

So the motion of the Senator from Texas to lay on the table the Long amendment was agreed to.

Mr. JOHNSTON of South Carolina obtained the floor.

Mr. GORE. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield with the understanding that it does not affect my floor privileges and it does not count as being a speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. GORE. Mr. President, I have voted to table two motions to adjourn. I am willing to vote to table a procedural motion but I respectfully suggest to the Senate that it is a questionable procedure to table a Senator's amendment. It could have been voted upon just as easily up or down. It is a device by which not only debate on an amendment but consideration thereof can be denied, and I trust that calling attention to this fact may perhaps prevent us from rushing too quickly hereafter into tabling amendments offered, I take it, in good faith, by any Member of this body.

Mr. HOLLAND. Mr. President, will the Senator yield that I may ask a question of the Senator from Tennessee?

Mr. JOHNSTON of South Carolina. I yield with the same understanding.

Mr. HOLLAND. Is it not true that the motion to table the amendment of the Senator from Louisiana was made while the Senator was not in the Chamber?

Mr. GORE. I was not in the Chamber when the motion was made and I cannot answer.

Mr. HOLLAND. That is a fact; and for my second question I ask: Is it not a fact that the motion to table was to table an amendment which simply guaranteed freedom of speech?

Mr. GORE. I am not prepared to interpret the amendment. I only addressed myself to the procedure, which I think is a questionable one and one that should only be taken after the Senate is fairly convinced that the amendment is offered frivolously and with a dilatory intent.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield with the understanding that it will not affect my floor privileges in any way.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. JOHNSON of Texas. I was present when the motion was made.

The amendment was offered on last Friday. I am very reluctant ever to make a motion to table on a substantive matter, but in view of the fact that the amendment was offered last Friday, in view of the fact that the Senate has been in continuous session since Monday, in view of the fact that this is Wednesday, in view of the fact that Senators had not devoted their speeches to this particular amendment, in view of the fact that a very serious issue faces the Senate today—in time we must face up to it either by reaching a vote on a motion to table or by some other means—I felt that an amendment that had been pending from Friday to Wednesday, that had not been discussed at any great length, as the RECORD will show, should be passed upon by the membership of this body. We should be willing to pass upon that amendment, and I think the overwhelming vote by which the motion was tabled indicates the will of the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. JOHNSTON of South Carolina. I yield with the same understanding, that it does not interfere with my floor privileges whatsoever.

Mr. HOLLAND. When the Senator from Florida addressed the question to the Senator from Tennessee he was not addressing himself to the merits of the Long amendment but simply calling attention to the fact that not only custom, not only practice in the Senate, but common courtesy demands and has always required in the Senate procedure, at least in the past 14 years, that a Senator who had offered an amendment at least be given the courtesy of being informed and the opportunity of being present when a motion to lay his amendment on the table was made.

Mr. GORE. Mr. President, will the Senator yield for one further statement?

Mr. JOHNSTON of South Carolina. I yield with the same understanding.

Mr. GORE. I did not arise, Mr. President, to be critical in any way. I arose to call attention to the fact that this was an unusual procedure and to state my reason for voting against the motion. I did not vote upon the substance of the amendment but against the procedure of tabling an amendment which a Member had offered in good faith.

Mr. LONG. Mr. President, will the Senator from South Carolina yield for a question?

Mr. JOHNSTON of South Carolina. I yield with the same understanding.

Mr. LONG. Does the Senator recall that recently on a so-called clean elections bill the junior Senator from Louisiana had an amendment pending to which an amendment was offered by the Senator from New York, and, although he proposed to offer a motion to table, he withheld it almost indefinitely until the amendment actually came to a vote on the merits?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield with the same understanding.

Mr. MANSFIELD. I was interested in what the Senator from Florida said about common courtesy. I point out that there is a fairly large group of Senators who have been noticeable by their absence in this body. Had Senators been present, as some of the rest of us have been, I am quite sure the rules of common courtesy would have been given the consideration which is their due. This question has been pending since last Friday. It is about time for us to get down to the nub of the matter before us, because we have been wasting a great deal of time. We have been having a good deal in the way of roll calls, quorum calls, and what not. I point out that before the question of the tabling of the Russell amendment was considered, a quorum call was undertaken so that, if possible, Members interested would be here to make their wishes known. I think we have that in the record, too. There has been a noticeable absence of Senators ever since these round-the-clock debates started.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield with the same understanding as previously.

Mr. HOLLAND. Mr. President, I am glad that the distinguished majority whip of the Senate has admitted, in effect, that the rules of common courtesy were not followed in this procedure.

Mr. MANSFIELD. Mr. President, I admitted no such thing, but I do recognize a strategy when it takes place, and I would say that the rules of common courtesy have not been discarded in this matter.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. JOHNSTON of South Carolina. Mr. President, I believe the discussion which has been going on during the past few minutes shows that the right to extended debate and the right of speech have been more or less denied. That fact is brought to the forefront at the present time. I intend to go into the details and explain the amendment which is now before the Senate for the next few minutes, at least. I am not assuring the Senate that I might not call for a quorum in about an hour. I may do that, and I want the Senators present to rest not too easily if they try to sleep. I thought I should make that statement. As Senators know, a small group of us are doing some speech-making on the floor, and we intend to try to rest between relays. Senators in attendance now know that as well as I do. So it is well to take into consideration what we are facing at the present time.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield for a question with the understanding that it does not interfere with my right to the floor, or any other privilege whatsoever.

Mr. ALLOTT. The Senator just made some remarks about what his intentions were, and I could not hear them because of the hubbub in the Senate. I wonder if he would repeat them.

Mr. JOHNSTON of South Carolina. I said that the Senate had just voted and showed that it did not want to cut off extended debate on a matter which was pending in the Senate. There is one thing for which I am thankful, and that is that the rules of the Senate provide that once a Senator is recognized and obtains the floor, he may explain the matter he wishes to present at his pleasure, and another Senator cannot interfere with his right to the floor when he has it. I intend to explain a few matters in these wee hours of the morning.

I do not say how long I shall speak. I know I shall speak for a few minutes anyway.

Those are approximately the remarks I made previously.

Mr. ALLOTT. I thank the Senator. May we depend upon his speaking for longer than a few minutes?

Mr. JOHNSTON of South Carolina. I stated further that I could not assure the Senate that within an hour I may not call for a quorum to see that Senators are here to listen to me, so that they may hear what I intend to state in these wee hours of the morning.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield to the Senator from South Dakota for a question with the understanding that it does not interfere with my privileges on the floor.

Mr. CASE of South Dakota. Is the Senator able to advise the Senate whether he intends to ask for a vote on the amendment which he intends to offer?

Mr. JOHNSTON of South Carolina. I have not sent that amendment to the desk. It will be offered at a later time, I think.

Mr. CASE of South Dakota. Does the Senator expect to treat of that amendment in the remarks he is about to make?

Mr. JOHNSTON of South Carolina. No, I do not intend to speak on that particular amendment at this time. I am reserving my right to speak on it at a later time.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. JOHNSTON of South Carolina. I yield with the understanding that it does not interfere with my right to the floor.

Mr. DOUGLAS. Will the Senator from South Carolina permit me to make an introductory statement prior to my parliamentary inquiry, with the understanding that he does not lose the right to the floor?

Mr. JOHNSTON of South Carolina. I yield to the Senator from Illinois with that understanding.

Mr. DOUGLAS. Mr. President, yesterday I sent to the desk an amendment, and the ruling of the Chair upon the advice of the Parliamentarian was that this amendment was not in order unless it was received by unanimous consent. The Senator from Arkansas [Mr. FULBRIGHT] objected, and it was placed in order only by the subsequent withdrawal of the objection by the Senator from Arkansas. Do I correctly understand that it is the ruling of the Chair that one objection by a Member of the Senate to an amendment prevents it being presented for consideration? That was the ruling yesterday, and I wonder if that was the considered ruling of the Chair and the Parliamentarian.

The PRESIDING OFFICER (Mr. CHURCH in the chair). The Chair is advised that unanimous consent is required to submit an amendment and asks that it be read and lie on the table, to be offered at a later time.

Mr. DOUGLAS. Does the offering of an amendment to be considered immediately require unanimous consent?

The PRESIDING OFFICER. No. At any time a Senator obtains the floor he is entitled to offer an amendment for immediate consideration, and then it must be read unless the reading is dispensed with by unanimous consent.

The Senator from South Carolina has the floor.

Mr. JOHNSTON of South Carolina. Mr. President, I understand that we have now under consideration the amendment known as the Dirksen amendment, designated "2-24-60," which covers many and sundry matters. The first section covers obstruction of certain court orders. It provides as follows:

§ 1509. Obstruction of certain court orders

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

That plainly shows that this is not dealing with elections.

Further quoting from this first section now under discussion:

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

(b) The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of certain court orders."

SEC. 2. (a) Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows.

Then it goes into that paragraph 1074:

§ 1074. Flight to avoid prosecution for destruction of educational or religious structures.

And on it goes in regard to that particular feature. As Senators will see, I read only the first page, but there are in this bill some 22 pages. In one part it deals with elections. But I want the public to fully know that this bill is not just one feature of the law; it has many features and covers many things.

Mr. President, I was appalled to read an editorial in the Washington Post and Times Herald on Monday, February 29, entitled "What a Cause Celebre." I would not desecrate the columns of the CONGRESSIONAL RECORD with the entirety of this journalistic trash. In addition to other illogical comments, this editorial charges that the Senators who are opposing Federal controls over State elections are guilty of "a shoddy performance." The editorial also states that, "Anyone who is willing to look facts in the face knows that the people made Congress the special guardian of the right to vote in 1870 because the Southern States had not dealt fairly with Negro citizens. History has proved the wisdom of that decision."

That is from an editorial from the Washington Post and Times Herald.

Mr. President, there has never been such a stupid commentary on the political and historical facts of this Nation. In the first place, Mr. President, as I pointed out last week to the Senate, which the Washington Post and Times Herald did not see fit to report on.

By the way, they report only one side of the issue. The only mention of the other side consists of some uncomplimentary remarks about those taking the position I am taking, as contained in the Times Herald of February 29.

The Congress in 1894 repealed the Federal election laws of that day because the laws themselves had created the worst conditions of fraud, deceit, and election stealing in the history of our Nation. The election laws of the 1870's which were repealed in 1894 were established for the sole purpose of allowing carpetbaggers and outsiders to come into South Carolina and other Southern States and take over the government. It was a simple means of disenfranchising peoples through fraud with controls managed from Washington. These laws may have had good intentions but they did nothing to franchise the Negro but merely created scandal and a tragic era in our history.

Much has been written on that subject, and I advise Senators to read the history of this tragic era in the South, that they may see we are now in the same kind of situation we passed through in the late sixties and early seventies.

We in the Senate who today oppose Federal controls over elections are not guilty of some shoddy performance, but, indeed, contrary to the Washington Post's editorial, are engaged in a great debate and, indeed, a cause celebre. We who oppose Federal controls over elections are not guilty of falling into the Communist plot to destroy constitutional government in this country as the Washington Post and Times Herald is guilty of having done. I do not know who wrote this editorial nor do I care except that this newspaper has attempted to ridicule serious men with high purpose who are doing their duty to their people and to their Nation in a far finer way and a more creditable way than is that particular newspaper.

If the Washington Post and Times Herald were interested in its duty as a newspaper, it would be reporting more of the hard facts which southern Senators have been presenting to the Congress. Instead, the Washington Post like the Communist Daily Worker has been pouring on the propaganda to divide our people, to stir up national disorder, and to egg on the radical extremists who would substitute chaos, Federal controls, and a police state of hatred and spying in the place of constitutional government. There is no question but that the Communist conspiracy in this country has developed tactics to promote agitation in the area of the race issue in order to further its purposes which is, in the long run, the destruction of our Nation.

There was at one time the Communist line in this country, admittedly by members of the Communist Party, for the establishment of an independent Negro state in the southern region of our country. This is all borne out in testimony which has been received by committees in Congress.

In the Internal Security Subcommittee we heard a great deal of testimony concerning this particular fact. There appeared before us a great many colored people, who testified that they had been sent to Moscow and had spent 7 months over there taking courses on how to stir up trouble and discord in the South. That is a fact. Yet this newspaper falls

right in with this pattern. The Washington Post goes along with it in practically every instance. It is not a presumption on my part. The Communist plan originally was for the fomenting of a civil war.

The Communist plot has changed from civil war to civil rights and civil strife, and newspapers like the Washington Post and Times Herald have fallen into the trap, hook, line and sinker. As a member of the Senate Internal Security Subcommittee, I know only too well the testimony that has come before this subcommittee through the years. In December of last year J. Edgar Hoover, Director of the Federal Bureau of Investigation, made a statement to the Internal Security Subcommittee bearing on this subject matter. Mr. President, I intend to read the entire statement by Mr. Hoover but, first, I would like the Senate to hear what Mr. Hoover said about Communist activity regarding Negroes and other minorities.

This is not the senior Senator from South Carolina speaking; it is J. Edgar Hoover speaking:

NEGROES

Another of the major aims of the 17th national convention was to reemphasize the recruitment of Negroes into the Communist Party by reembellishing the same old hackneyed phrases alleging that the Communist Party is the savior of the Negro. It is no secret that one of the bitterest disappointments of communistic efforts in this Nation has been their failure to lure our Negro citizens into the party. Despite every type of propaganda boomed at our Nation's Negro citizens, they have never succumbed to the party's saccharine promises of a Communist utopia. This generation and generations to come for many years owe a tremendous debt to our Negro citizens who have consistently refused to surrender their freedoms for the tyranny of communism.

Behind the Communists' scheme of recruiting Negroes is deceit as there is in every one of their designs. The Reds are not so interested in the Negro as they are in using him to further Communist goals. This is clearly shown by instructions issued by the Communist Party, U.S.A., to its members as early as 1925:

"The aim of our party in our work among the Negro masses is to create a powerful proletarian movement which will fight and lead the struggle of the Negro race against exploitation and oppression in every form and which will be a militant part of the revolutionary movement of the whole American working class, to strengthen the American revolutionary movement by bringing into it the * * * Negro workers and farmers in the United States to broaden the struggles of the American Negro workers and farmers, connect them with the struggles of the national minorities and colonial peoples of all the world and thereby further the cause of the world revolution and the dictatorship of the proletariat."

The Negro resolution adopted by the convention discarded the party's historic position advocating "self-determination," meaning that Negroes should be given the right to form a separate nation in the Southern States. Stalin had defined "self-determination" in these words:

"* * * The right of the oppressed peoples of the dependent countries and colonies to complete secession, as the right of nations to independent existence as states."

The 1959 convention resolution hence represents a party admission that its position concerning Negroes is bankrupt. Time itself has shown that the party is not interested in the welfare of the Negro, but only in using him as a tool to advance party interests.

OTHER MINORITIES

During the 17th national convention, much was made of the party's responsibility of championing the causes of such groups in the United States as the Mexicans, Japanese-Americans, Puerto Ricans, and, a relatively new target, the American Indian. Again, such pseudo concern by the party is readily made apparent by its history of exploiting any area of unrest.

As early as 1921, the Communist International laid down the following rule to be followed by foreign Communist Parties affiliated with the Comintern:

"In countries whose population contains national minorities, it is the duty of the party to devote the necessary attention to propaganda and agitation among the proletarian strata of these minorities.

The choice of the words "propaganda" and "agitation" belies any "noble" motive which those who are easily beguiled might ascribe to the international Communist conspiracy.

On the subject of communism and the press, Mr. Hoover declared the following:

COMMUNISM AND THE PRESS

One of the paradoxes at the convention was the fact the convention was closed to the press, this in spite of the party's old, old theme that the Communist Party fights for freedom. Then queries by a reporter as to why the convention was not open to the press, Hall (Gus Hall—top Communist functionary and ex-convict) blithely stated that the party has received unfavorable treatment from the press in the past and also because there were delegates in attendance who might lose their jobs if their identities became known. Of course, the real reason the press was not admitted was because the party does not dare let its illegal aims against the United States become public. The exclusion of the press is a tacit admission that the Communist Party, U.S.A., is a clandestine, far from legitimate organization, and that if the free press cannot praise communism, then there is no room at Communist conventions for the press. His feelings regarding the purpose of the press are revealing, too, as to what place the fourth estate would have in a society dominated by the Communist Party.

However, veteran newspapermen are not easily fooled, and some of Hall's answers to questions posed by the reporters quickly exposed him. For instance, Hall was asked if the Communist Party, U.S.A., advocates the violent overthrow of the U.S. Government. Hall, convicted in Federal court for conspiring to do just that—Hall, who once openly testified that he was willing to take up arms to bring about a Soviet America, blandly said without hesitation, "No, we have never advocated this."

Mr. President, it is easily seen that Communists have infiltrated into a number of prominent organizations and are exerting their influence more prominently each day to stir up strife such as we have seen in the South recently in the so-called sitdown strikes. Nothing would please Communists more than to see a Federal election law system, paralleling the system of Soviet elections, created in this country. No doubt, some of their very own key people who have been drumming for this setup for a long time would be called upon to hold positions of high authority in such an election machinery setup.

Mr. President, no man in America has done more to fight for constitutional law and order in this land than J. Edgar Hoover, and I doubt if any man has done more to protect our Nation from subversive elements.

At the outbreak of World War II, Edgar Hoover and his corps of agents were ready to protect our Nation from Nazi saboteurs and quislings, and so the testimony of Edgar Hoover today on Communist infiltration should be observed with respect.

How does a Communist promote the causes of the Soviet Union in this country and not be apprehended as a spy or as someone attempting to overthrow our Government?

It is easy to see when one has studied the hearings held by the Internal Security Subcommittee of the Senate, the most cursed and villifying committee of Congress by the leftwing ultraliberal groups that are infiltrated by Communist elements. The Communists do not go around with a red band on their arm and a hammer and sickle in their hand. They are joiners; they belong to the most innocent-appearing groups and, working within these groups, they get others to do their dirty work.

We found out that one was thrown out of college in Illinois, and, lo and behold, when we were having hearings I found out that he had been thrown out of Illinois for his Communist activities, and when we found him he was down in my State of South Carolina teaching in one of the colored colleges. In the hearings in the committee it was brought out—and I made the statement before the committee—that we would get rid of him or my State would withdraw from that college any relief on paying taxes, and I would see that a law was passed to collect from them and give them some trouble if they did not get rid of him. I am glad to say that college did get rid of him in a few short days thereafter.

That shows how they sneak into the colleges and go in there in order to spread their propaganda to the colored people of the State. They even used the word of God and were calling the people in and teaching them to read and use the Bible as a book to read from, in Louisiana, and at the same time this reformed Communist told how the plan and preparations were to be carried out and discontent was to be spread among the colored people to stir up all kinds of possible strife at all times. That is what we are going through with at the present time.

Members of Communist cells enroll in colleges and some of them even gain positions on faculties of colleges. From this vantage, they begin to penetrate the minds of young people with their thoughts and ideas, always attempting to stir up disorder, dissension, and hatreds—never really trying to better anyone's position. They filter into organizations such as the NAACP, and even the Congress of the United States.

Hearings before the Internal Security Subcommittee are replete with evidence that many Communists are participating, and have participated in the National Association for the Advancement

of Colored People, and other groups which primarily deal in the field of racial relations; and certainly there has been sufficient testimony presented to the subcommittee that there have been Members of Congress who were Communists.

On February 26, 1957, Frank S. Meyer of Woodstock, N.Y., admittedly a former Communist, discussed with the committee activities of Communists in the United States. I believe some of this testimony is of tremendously important value to us today to see how Communists infiltrate into organizations dealing with racial matters.

I hold in my hand the hearings of the Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee on the Judiciary dealing with the particular phase, "Scope of Soviet Activity in the United States," from which I now read:

Mr. MEYER. W[illegible] I arrived in the United States in 1934, the student work in England had been Communist Party work. In the United States it was directly under the control of the Young Communist League, which at that period was simply a youth section of the Communist Party, and I was transferred, so far as my effective work was concerned, from the party to the Young Communist League, and some weeks, perhaps some months, passed before it was decided exactly what I would do.

During that time I participated in the preliminary discussions which led to the capture of the American Youth Congress by the Communists.

I did other odds and ends of work around New York. I went up to Canada to attend the founding congress of the Canadian Students League and Antiwar Congress and attended a convention of the Young Communist League of Canada at the same time.

And finally, it was agreed that I would go to Chicago, continue as a graduate student at the University of Chicago, and work with the district bureau of the Young Communist League in Chicago, and with the American League Against War and Fascism, as the party force in the youth section of the American League Against War and Fascism in Chicago.

And my student and YCL work in Chicago lasted about a year and a half, as my main assignment, after which I transferred over to party work, though I still had connections with the university, some responsibilities for it.

Shall I continue with that?

Mr. MORRIS. When you attended this meeting in Canada, what was the nature of the Communist Party of Canada that you observed at that time?

Mr. MEYER. Well, at that point the Communist Party of Canada was more or less underground. It was—it considered itself an underground party. There was an anti-Communist law. The Young Communist League did not fully come under that statute, so it met half conspiratorially, half open, and half closed, as it were.

Mr. MORRIS. And again, the relationship that existed between the Canadian Communist Party and the American Communist Party was the same as you have described as existing between the American Communist Party and the English party?

Mr. MEYER. Very definitely.

There was a delegation from New York, consisting of Gil Green, who was then national secretary of the YCL, I believe, and Max Weiss, who was then educational director of the Young Communist League, and a man named Max. I cannot give him a last name because I never heard one. He was a representative of the Young Communist International from Moscow.

Mr. MORRIS. Was he Russian?

Mr. MEYER. I have no idea what he was. He was obviously, by his accent, of some Slavic language originally. And I would gather from the authority he showed in Canada, that he was not only the representative to the Young Communist League of the United States, which I knew, but that Canada was, so to speak, secondary and under the leadership of him and the American Young Communist League. At least, both he and Gil Green spoke with great authority in the Canadian Young Communist League inner meetings.

As a matter of fact, the Canadians suggested that perhaps I should work in Canada for a period, but that was vetoed.

Mr. MORRIS. In describing the general nature of your work, Mr. Meyer, how far have you gone, by way of point of time, from 1934 until——

Mr. MEYER. I got to Chicago in the fall of 1934, and I would say about a year and a half or so in the student movement, and some time in late 1935, early 1936.

Mr. MORRIS. And now, what did you do after 1936?

Mr. MEYER. My first serious party assignment after I left the student movement was in the South Side section in Chicago, which is the Negro area of Chicago, like Harlem in New York, also including the university area of Hyde Park. And I was the educational director of that section, which was considered a pretty important section by the party, since the section organizer was a member of the political bureau, actually still a member of the political bureau assigned to work there.

Mr. MORRIS. Who was he?

Mr. MEYER. Harry Haywood.

Mr. MORRIS. How long did you carry on work there?

Mr. MEYER. I would say about, again, roughly a year and a half. I can date the time I went into full-time district work, which was 1938, but during this period I was still attempting to do some graduate student work at the university, as well as being pretty active on the South Side section committee.

Mr. MORRIS. Now, what positions did you subsequently attain in the Communist Party of the United States?

Mr. MEYER. Beginning in 1938, I became a full-time functionary in charge of the education work in the Illinois-Indiana district, whose center was Chicago, which included the whole of the State of Illinois and the State of Indiana. And at one point or another bits of Missouri and bits of Wisconsin, but most of this period it was Illinois and Indiana.

And I was, simultaneously, the director of the Chicago Workers School, which was an open party school, similar to and part of the same chain as the New York Workers School.

But as educational director of the party I was responsible for all inner education, agitation, and propaganda, public meetings, printed matter, shop papers, everything that used to be called by the Communists agitprop, but more politely in America called educational director at that point. And also as a district leader I had from time to time all sorts of other general responsibilities.

I would be responsible for this section for a period of time, then for that one, for special campaigns, and so on. But my main work was educational director.

Mr. MORRIS. Now, was there any—did the direction of all this Communist Party activity come from above—from a Communist organization above—or was it democratically decided among the various functionaries carrying on this work?

Mr. MEYER. I would like to put it this way:

At every level—in this case we will take the district level—a great many problems of execution were decided on the spot, but basic line came from above.

For example, in the position I held in charge of a department, it came in from two directions. One, from the district bureau and the district organizer himself of Illinois-Indiana who, in turn, had his directives from New York, from the central committee, and also directly to me from the educational apparatus in New York itself.

I would say that at each level in my experience the basic policies are laid down from on top, even to the degree of important personnel decisions being made from on top. But the execution of policies is your responsibility at the level you are at, and the same thing applies in your relations with the lower level.

Mr. MORRIS. Now, how long did you remain a Communist Party functionary, Mr. Meyer?

Mr. MEYER. I became—incidentally, I did not finish the actual posts I held. The last year or so of my activity, that is, beginning in the spring of 1941, I went from educational work into organizational work, so that I was involved in the organizational commission for about a year, until the summer of 1942, at which time I entered the Army as a volunteer officer candidate.

I would say that my active work continued until about a month or two before I was accepted as a volunteer officer candidate in, I imagine, August or so. I was actually inducted in the Army in October of 1942.

Mr. MORRIS. What happened when you were inducted into the Army, Mr. Meyer?

Mr. MEYER. Well, as a functionary, and since as I was not immediately draftable, there was considerable opposition from the party leadership to my volunteering, and it took several months of argument to get the OK to do so.

When I was actually inducted into the Army, as was the case generally, a formal breaking of formal membership in the party was the normal case. That is to say, as of that moment you were not a party member until you came out again, and became a party member again.

Mr. MORRIS. In other words, if you were asked under oath, were you, during the period you were in service, a member of the Communist Party, could you, without fear of incriminating yourself, honestly deny that you were a party member?

Mr. MEYER. If you are a good casuist and a good Communist, you could.

Mr. MORRIS. There is no doubt about the fact, even though you were in that reserve status, you were a dedicated Communist?

Mr. MEYER. Of course; of course.

Mr. MORRIS. How long did you serve in the Army?

Mr. MEYER. I went in as a volunteer officer candidate in 1942, in October, and went through basic training, and so on, and was washed out for lack of sufficient physical agility at Fort Benning in late February.

Mr. President, it is impossible for any single person to come out with documentary proof that so-and-so, a member of the Communist Party, promoted the sitdown strikes at lunch counters across the South and in other parts of the Nation. It is impossible for anyone to similarly prove, beyond all shadow of a doubt, that the Communists are not responsible for some of the hate bombings of synagogues and Negro churches that have occurred across the country. The reason for this is that Communists work behind a smokescreen of innocent

names, innocent people, and, in general, keep in the background after they have started the ball rolling.

The Communist is like a man who lights the fuse to a stick of dynamite, and who then disappears into the crowd. When the dynamite blows up, there is no one left to accuse. In a racially tense community, where everyone is looking through black and white glasses at the problem, it is natural that the opposing points of view on racial problems accuse one another and overlook the Communist element.

It is easy for a Negro leader to blame whites, and it is easy for a white leader to blame Negroes every time racial hatred is stirred up. This is the type of situation where Communists are most successful in activities to promote violence and hatred, and further the cause of the Soviet Union.

I would like to quote testimony from hearings before the Internal Security Subcommittee—part 54—February 25, 1957. The witness, Eugene Dennis, National Chairman of the Communist Party in America, was being questioned by Mr. Robert Morris, chief counsel for the committee.

Mr. Morris asked:

> Now, Mr. Dennis, did you receive, or did you or any other leader of the Communist Party receive any letters or instructions or bits of advice from a French Communist named Duclos?

Mr. Dennis replied that this was a very compounded question and requested that the counsel break it down.

Mr. Morris then asked:

> To your knowledge, Mr. Dennis, did Mr. Khrushchev in addressing the 20th party convention of the Communist Party of the Soviet Union, on March 7, 1956, state: "There is no doubt that in a number of capitalist countries violent overthrow of the dictatorship of the bourgeois and the aggravation of the class struggle connected with this are inevitable." Is that so, to your knowledge?

Mr. Dennis, who had previously been rather talkative in the testimony, suddenly declined to answer on grounds that his reply would incriminate him. He hid behind the fifth amendment.

But here we have, in an official report, a statement from the leader of the Soviet Union, one of the key strategies of Communists, namely, an attempt to violently overthrow governments of capitalist countries. We know, then, that Communists would use racial prejudice as a tool with which to divide our people and further their cause.

Mr. President, anyone who is not willing to acknowledge that Communists in this country are working every day like beavers, through every organization possible, to stir up as much racial hatred and racial strife as possible is either stupid or misinformed. The Washington Post and Times Herald is one of the newspapers which scoff at charges that Communists have infiltrated organizations, and it is a newspaper which refuses to admit that this infiltration is one of the main threats to our society today.

If this is not true, why is it, then, that the official Communist Party newspaper, the Worker, plays up race hatred and violence in the field of racial matters more so than some of the legitimate Negro newspapers in the rest of the country?

If Members of the Senate would take time to read the Worker, they would see that it is a newspaper dedicated to dividing Americans on every level. Their stories point up every little difference between members of the AFL–CIO and try to divide laboring people into factions. Their stories, which are really personal editorials, attempt to split Americans into bickering groups. They capitalize on the police scandal in Chicago; they are playing up, as the lead story in current issues, the so-called sit-down strikes across the country.

One of the writers for the Communist Worker is James E. Jackson, Jr. James E. Jackson, Jr., is a member of the Communist Party. In the United States he is an ex-convict, a Communist tried and convicted of violation of the Smith Act. He was indicted in 1951 under the Smith Act; thereafter he became a fugitive from justice; but, 5 years later, in 1956, he was convicted and sentenced to 2 years imprisonment.

This same James E. Jackson, Jr., is national secretary of the Communist Party for Negro and Southern affairs. He recently was in Moscow as an honored guest at the 21st congress of the Communist Party of the Soviet Union. He specializes in writing inflammatory articles which incite violence, prejudice, hatred, and strife.

While in Moscow, Jackson was instructed on how to further the Kremlin's cause in this country, and upon his return from Moscow he attended meetings throughout the country, spreading his filth, propaganda, and hatreds. He is a great admirer of the Reverend Martin Luther King, Jr., and on several occasions has publicly praised King for his emphasis in the South on "mass action."

I have personally questioned this James E. Jackson, Jr., during hearings before the Internal Security Subcommittee, and he is an adamant Communist who hides behind the fifth amendment. In my opinion, he is unworthy of being an American citizen. He is a leader in the elements that are attempting to undermine our freedoms, our societies, our churches, our newspapers, and every organization which Americans do not hesitate to stand up and defend.

One of Jackson's past fellow members who appeared before the committee with him, identified Jackson and testified that Jackson was for 7 months in Moscow studying how to spread his propaganda in the Southland.

The Communists have been so successful in their propaganda campaigns in this country that there are millions of innocent people who unwittingly are following the Communist doctrine under the shield of civil rights legislation, and under the banner of voting rights legislation.

What these people do not realize is that they are following the Communist pattern for destroying America from within. They are following the leadership of James E. Jackson, Jr., and turning their backs on the men who wrote our Constitution and who warned us, like Washington did, against foreign infiltrations and ideas.

One of James E. Jackson, Jr.'s friends is one Gus Hall, a well-known dynamiter who is trained as an expert by the Communists in rioting and civil war.

It was brought out before this committee that the men I am speaking about received their training in Moscow on using bombs, setting off bombs, and how not to be detected in destroying property here in America.

Now I would like to read from a statement J. Edgar Hoover made regarding this Gus Hall, in connection with the 17th national convention, Communist Party, U.S.A., December 10–13, 1959:

> Without question, the most signal achievement was the welding of the Communist Party, U.S.A., into a solidly unified, aggressive force behind the militant, devious, and ruthless leadership of Gus Hall, ex-convict and avowed archenemy of the American way of life.
>
> Hall was elected general secretary of the party at the convention, and there is virtual unanimous agreement among party powers and rank and file that he is No. 1 man in the party. As such, he now spearheads as powerful a group of dissidents and fanatic democracy haters as America has seldom seen within its shores during peacetime.
>
> The Communist conspiracy in America today is led by a man who has openly boasted that he is willing to take up arms and fight to overthrow our form of government. Hall was convicted in Minneapolis, Minn., in 1934, in connection with a riot there when he was a member of the Young Communist League. During his trial he testified as follows:
>
> "Question. But you would prefer the Russian—you would prefer to be in Russia?
>
> "Answer. I prefer America with a Soviet government.
>
> "Question. And you are willing to fight and overthrow this Government?
>
> "Answer. Absolutely.
>
> "Question. And you are willing to take up arms and overthrow the constituted authorities?
>
> "Answer. When the time comes, Yes."
>
> As a hot-blooded young Communist in the late 1930's, Hall was arrested in Ohio and charged with the possession and use of explosives. He subsequently pleaded guilty to a lesser charge of malicious destruction of property and was fined $500.
>
> The election of the fiery Hall to lead a strongly knit Communist Party which has and always will have as its chief objective the communizing of America should certainly shake even the most apathetic American from his lethargy, especially when viewed in the light of this hardened Communist's own statements. During radio and television interviews at the convention, Hall gladly stated that the American public "definitely" has underestimated the size and influence of the Communist Party, U.S.A. He added that the Communists in this country should make even greater strides toward increasing its already growing number of members. He boasted that the party "is growing in industry and youth" due mainly to the change in political climate.
>
> Assuredly, there is a significant lesson for every American in this display of machinations, propaganda, and opportunism which is communism itself at work within our borders. The 17th National Convention of the Communist Party, U.S.A., was a revealing 4-day miniature prevue of what our Nation would become if those who aspire to become commissars of a Soviet America should ever fulfill their evil ambitions. It is apparent that, more than ever before, each American

must maintain vigilant watchfulness toward this Trojan horse in our midst.

The 17th national convention is being hailed by the Communists themselves as a great milestone in the party's history in the United States.

These gains, recognized as formidable ones, are regarded by the party faithful as their chief accomplishments:

1. Promotion of Gus Hall, strongly pro-Russian and an energetic, aggressive leader, to the No. 1 position in the party;

2. Uniting the membership solidly behind the newly elected leadership, making the party a hard-hitting, mobile weapon against the free American Government;

3. Exploiting the current international political climate in an effort to make Russian policies more acceptable to American public opinion. This involves an attempt to exploit Soviet Premier Nikita S. Khrushchev's visit to the United States as a means of furthering its own schemes for bringing about a Soviet America;

4. Implemented a number of concrete programs aimed at increasing party membership and party influence in America. Such programs include increased emphasis on party recruiting, training of leaders, collection of funds, stepping up of party propaganda, and infiltration efforts into non-Communist organizations such as labor unions, Negro groups, national minorities, etc.

The newly elected "boss" of the Communist Party, U.S.A., Gus Hall, vaulted to the top post of the party through a combination of fortuitous circumstances and artful plotting. He has long been disgruntled at what he believed to be soft, ineffectual leadership in the party—but his ambitions have been hidden by the shadow of Eugene Dennis, national chairman and previously acknowledged leader of the party. As the date of the convention approached, Dennis still was top man in the party although there was indication that Hall had nurtured a "dump Dennis" campaign to the point where Dennis' position was indeed a tenuous one. Then came the news that Dennis would be unable to attend the convention—that he had suffered a slight stroke and that someone else would have to give the keynote address.

The scheming, opportunistic Hall rose to the occasion and delivered the address. He saw his ambition start to crystallize. Today he is communism's champion in the United States—a powerful, deceitful, dangerous foe of Americanism.

What sort of man is Gus Hall? We in the FBI know him as a fanatical practitioner of Karl Marx's tenet that the end justifies the means; a coldly calculating Communist conniver who changes tactics as easily as he changed his name many years ago. He was born Arvo Halberg in 1910 at Virginia, Minn., the son of Matt and Susanna Halberg, both of whom later became charter members of the Communist Party. As a result of his early background of having been born into communism, many of his followers regard him as literally a man of destiny who can breathe new life into the party.

Hall joined the party in 1927 and went to Russia in 1931 to attend the Lenin school where students were taught, among other things, sabotage and guerrilla warfare techniques. After returning to this country in 1933, he became active in the Young Communist League as an organizer and in 1938 entered into full-time party work as a section organizer. As a Russian-taught disciple of Leninistic communism, Hall worked hard and rose swiftly into positions of increasing power. He was elected to the party's national committee in 1945 and became a national board member in 1947. In 1950, he was appointed national secretary, a move necessitated by the imprisonment of Eugene Dennis, who was then general secretary and who was found guilty of conspiring to violate the Smith Act of 1940.

Now further quoting J. Edgar Hoover—and bear in mind that what I am quoting here concerning the dangers we are facing is being said by Mr. Hoover:

Then, faced with confinement himself after being convicted for violation of the same act, jumped $20,000 bond and became a fugitive. He dyed his blond hair, eyebrows, and eyelashes dark brown, shaved off his mustache, and shed 40 pounds in an unsuccessful effort to evade apprehension. Arrested by the FBI in 1951, Hall was sentenced to 3 years for contempt of court, making a total of 8 years when added to the 5-year sentence imposed for conspiracy to violate the Smith Act.

Conditionally released from prison in 1957, Hall, after his probationary period ended on April 5, 1959, immediately resumed his nefarious aim of infecting America with communism.

"This, then, is the man—ex-convict, propagandist, unabashed emissary of evil, and rabid advocate of a Soviet United States," J. Edgar Hoover declared.

I wonder if this same man, Gus Hall, has not had something to do with the bombings, the riotings, and the other disturbances in our country.

Continuing, Mr. Hoover said:

Behind this Moscow-trained, utterly ruthless Communist leader, the 17th national convention formulated an organizational apparatus designed to make the Communist Party a hard-striking power against American society. A 60-member national committee was established with such veteran and hardened party leaders as Elizabeth Gurley Flynn, James Jackson, Hyman Lumer, Arnold Samuel Johnson, and Irving Potash. This national committee is theoretically the governing body of the party between conventions, but actual policy is made by the small ruling clique.

This small clique consists of the party's national officers (though a national executive committee is later to be established) who were elected after the convention by the national committee. The national officers are:

William Z. Foster, chairman emeritus.
Eugene Dennis, national chairman.
Claude Lightfoot, vice chairman.
Elizabeth Gurley Flynn, vice chairman.
Benjamin J. Davis, national secretary.
Gus Hall, general secretary.
Hyman Lumer, national education secretary.
James Jackson, national secretary for the South.

A five-man secretariat, consisting of Dennis, Hall, Davis, Lumer, and Jackson, will be the day-to-day operating authority of the party.

Although the positions of national chairman, national secretary, and general secretary theoretically are of equal importance, Hall is indisputably the new party chief. It will be remembered that Joseph Stalin once bore the title of general secretary of the Russian Communist Party—a position from which he became dictator of all communism.

Two important conclusions can be drawn from the national convention's leadership decisions:

(1) The party will remain in the future—as it has been in the past—an obedient slave of Moscow: No new personalities were brought into the party's top leadership. Rather, leadership is today exercised by the same corps of hardened, disciplined, veteran Communists who feel that Moscow represents the final goal of all of mankind's hopes. So-called rightwing Communists are not represented. They have either voluntarily resigned in complete disillusionment or been coldbloodedly purged. These rightwingers believed that the party in America should have some choice in its tactics of operation, not be completely bound by Moscow. This slight deviation cost them dearly. Communists should know there is only one road—that defined exclusively by Moscow.

Proof of the growing monolithic unity of the party is further shown in the changes made in the party's constitution by the convention. These changes eliminated features stemming from the previous convention which allowed greater freedom to local party units. The 1959 changes eliminated these rights and centralized control in national headquarters. They are in full accord with the historic Communist principle of democratic centralism which asserts that once a decision has been made in the party it must be carried out without dissent.

(2) The elimination of factionalism, making the party a more unified and more compact organization: Especially since the death of Stalin, the party has experienced factional disputes. These "factionalists" have now been liquidated or driven to cover. This was the theme of Gus Hall's summary remarks just before the end of the convention. Speaking with gusto, this new Communist commissar declared that "we" now have one policy, one line, and one direction. Interpreting the convention, Hall stated it gave a mandate to the leadership to completely destroy and burn out all elements of factionalism and that the leadership must carry out the mandate. Hence, in his words, the party cannot permit factionalism.

So, in the days ahead, we can expect an ever-increasing emphasis on party discipline, with all dissidents being eliminated. This is truly in the tradition of international communism which has no place for free speech and free thought.

Every action of the convention was designed to make the party a hard-hitting, versatile, and mobile weapon of attack against our form of government.

Why is the party so optimistic for the future? Why were Gus Hall and other Communists almost gleeful in speaking of Communist possibilities in the days ahead?

The answer comes from the convention proceedings, an answer which, like a thread, runs through all the remarks, actions, and hopes of the leadership. It is that the recent visit of Premier Khrushchev to the United States has done much to create an atmosphere favorable to communism among Americans. In one convention discussion, for example, it was stated that as the result of the Khrushchev visit the American people have open minds toward socialism. Hence, the party must learn how to get socialism across to the people and break down misconceptions about the Soviet Union.

To party leaders, Khrushchev's presence in this country has eased the way for party activities. The Communists see the possibility of gaining still more influence in American society. Gus Hall, in his keynote speech on the convention's first day, was most sensitive to this point. He stated:

"The central question of this convention is, What is the role of the party in this entirely new situation? How can it now move out into the broad stream of the people's movement? How can it break the bonds of its isolation and become more and more effectively a factor in the life of our Nation * * *?"

He then went on:

"We want to participate in, organize, and lead the broadest of united front movements on every level, in a thousand ways, in 10,000 places, on 100,000 issues, if possible, with 180 million people."

Note the scope of Communist hopes—180 million people, or the entire United States. The buoyant optimism of the party is geared to plans to take advantage of an international climate which, in their eyes, is aiding their work. Americans can look forward to

a period of renewed party agitation in all fields, always hoping to increase party strength and influence. The Communists will endeavor to gain allies wherever they can be found, creating fronts, launching infiltration programs, participating in all phases of American life.

This "new hope" program of communism in the United States is geared to concrete programs both (1) building up the party apparatus itself, and (2) increasing party influence in the Nation as a whole.

Party leaders realize that a strong party organization is absolutely necessary to a successful agitation program. The convention adopted a number of programs to strengthen the internal operational structure of the party.

A resolution was adopted calling for the immediate launching of an intensive membership drive to run to May 1, 1960, aimed at increasing membership by 10 percent. This resolution outlined a program which calls for each party district to advise the national office by the end of January 1960, as to its specific plans for recruitment. To show the urgency of this task, the resolution asserted that each national committee member must adopt a personal quota of new recruits. In addition, each Communist Party club must adopt a quota. Moreover, each national officer will be designated to a specific district to aid in this nationwide recruitment program.

The training of party members also must be stepped up. This will mean more party schools. In the Communist Party, education (really meaning indoctrination) is of vital importance. Every member must be deeply imbued with the principles of Marx, Engels, and Lenin.

The convention also adopted reports about the status of the Worker, the party's weekly publication. It was pointed out that the Worker was the lifeblood of the party and that strengthening this paper must be one of the party's chief aims. The Worker does much to guide members, giving them the latest twists of the party line. Circulation of the Worker is now approximately 14,000, and the party wants it to be increased to 25,000 in 1960. The convention also accepted a resolution to the effect that the Daily Worker, which was discontinued in 1958, be reinstituted in the shortest possible time but preferably prior to the 1960 national elections in the United States. To the party, the Communist press represents one of its most effective methods of propaganda. In addition, it was recommended that the new national committee should set a date for the next fund drive, probably from January 13, 1960, to May 1, 1960. (The date of January 13 was selected as on this date in 1958 the Daily Worker was discontinued.)

Hence, the convention has given new guidance and enthusiasm to the party's recruiting, indoctrination, and propaganda campaigns. As one of the speakers stated, this was a convention to build the Communist Party, U.S.A.

COMMUNIST PARTY, U.S.A., FOLLOWS LENIN

Virtually every move taken at the 17th national convention of the Communist Party, U.S.A., has its roots in the teachings of the early gods of communism. In 1902, Lenin wrote:

"We must 'go among all classes of the people' as theoreticians, as propagandists, as agitators, and as organizers. * * * The principal thing, of course, is propaganda and agitation among all strata of the people * * *."

In 1920, Lenin was even more explicit regarding the manner in which the seed of Communism was to be planted in fertile areas of unrest, dissension, and strife:

"* * * Every sacrifice must be made, the greatest obstacles must be overcome, in order to carry on agitation and propaganda systematically, perseveringly, persistently, and patiently, precisely in those institutions, societies, and associations—even the most reactionary—to which proletarian or semi-proletarian masses belong * * *."

Naive, indeed, is the minority, class, or dissatisfied group which lets its banner pass into the hands of the Communists, for this banner will be held aloft by the Reds only so long as it serves the purpose of expediting the Communist objective of domination over all classes.

YOUTH

If for a moment any American considers the Communists to be blind to opportunity, let him consider this vile tactic which came out of the 17th national convention.

It is obvious to the Communists that, if its party is to survive, it must attract the youth of this Nation. As newspapers and other media reveal almost daily, many of America's juveniles are in a state of upheaval—adult authority and morality have been spurned to the point where juvenile arrests in this country in 1958 increased 8 percent over the preceding year.

During the convention, an Illinois Communist took note of the juvenile delinquency situation and proposed that if "we" provide them with a place to go and with activities, they will not be so delinquent; "we" can move them in a positive direction.

What can be more despicable or dangerous to our democracy than this sort of Red pied piper trickery

Mr. President, this is the kind of testimony which, when applied properly, fits together like a jigsaw puzzle to demonstrate that communism in America is setting the pattern for a great deal of thinking which culminates in legislation such as is being considered in this Senate today.

Unwitting people have become the dupes of Communists—the dupes of men like James Jackson, the Communist author who has spent a lifetime villifying the foundations of constitutional government, and who today is still spreading hate and violence, and who is urging enactment of Federal laws that would destroy our civilization.

Mr. President, it is Communist filth that innocent people are following when they press for unwarranted, spiteful civil rights legislation. Some people think the legislation before us now is strictly voting rights.

This is a false and misleading impression, for some of the proposals resting in Congress awaiting action would go so far as to put a legislative stamp of approval on forced integration. It would destroy the social order of the day and substitute chaos.

If these civil rights bills and proposals which would substitute chaos for order are passed, then even the Congress of the United States will have fallen for the preachings of James Jackson, the Russia-trained saboteur.

Mr. President, this same James Jackson, this Communist who was trained in Russia to stir up strife, is a regular contributor to left-wing magazines, the Communist Worker, and similar hatemongering anti-American publications. No doubt he is somewhere today in the South, gathering material for new blasts against our American institutions to stir up strife and take advantage of the so-called sitdown strike activities now transpiring. An example of the type of material that James Jackson writes is found in a front-page story of the Communist Worker regarding the death of a Negro. Jackson says:

He devoted all of his wide-ranging talents and boundless energy to the cause of the peoples' emancipation from the terrors of war, the chains of Jim Crow, the iron-heel of capitalist gluttony.

It can easily be seen that even in the death of some man the Communists play politics in their supposed bereavement.

The entire pattern of Communists in every field is to infiltrate, divide, stir up strife and then slip away silently while good Americans vilify one another over the issues stirred up by Communists. On Wednesday, December 1, 1954, the Communist Daily Worker wrote regarding the 40th birth date of James E. Jackson:

This is the 40th birthday of James E. Jackson, Jr. It also marks roughly three and a half years that this stalwart Marxist leader, Southern Regional Secretary of the Communist Party and member of its national committee, has lived the life of a political refugee, separated from his family, hunted by the vengeful, Fascist-minded political police of the FBI.

Mr. President, this James E. Jackson, Jr., referred to as a political refugee and said to be hunted by the "vengeful Fascist-minded" FBI, is in reality nothing more than a low political worm eating away at the foundation of freedom in our democratic way of life. Incapable of creating, he has joined the Communists to destroy. Those who follow the pattern of radical departure from constitutional government to break down the parliamentary processes of the Senate, to string Federal controls around locally owned registration and voting machineries and who would establish Federal civil rights laws, are falling into the trap laid by people like James E. Jackson, Jr., who are working in this country for the Communist Party.

The record clearly shows, as I have said before, that this man Jackson, while being an ex-convict in the United States, is an honored guest in the halls of the Soviet Union, where he recently visited for special training and where he sat at the feet of the leaders of the world Communist conspiracy. We need only to look to the direction men like this take to know which direction we should not take.

Mr. President, we recall that charge I have earlier quoted from the Director of the Federal Bureau of Investigation, J. Edgar Hoover. His testimony emphatically tied the Communist plot in with the current attempt to destroy constitutional government by "Quisling-like" approaches. The term "civil rights" is simply a shield behind which the Communists hide and work to change our great system of government from one of a democracy to one of rigid Federal control. So long as the people can control their social and political lives at the local level the Communists know that they can never gain control of this Nation. It is for this reason that they have joined groups and organizations to work for Federal controls and a general federalization of everything in our Nation, because what they cannot be

elected to they hope to be in the future appointed to.

Mr. President, it is obvious that the Communists have infiltrated organizations of probably once innocent nature or high purpose, and taken control and turned these organizations into tools of the Communist Party. All we must do is read the list of organizations declared under Executive Order 10450 to be subversive in nature, that is, organizations whose functions and members propose to overthrow our way of life and our constitutional government.

Mr. President, this list of organizations is to be found on pages 722 through 727 of book 1 of the hearings before the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, U.S. Senate.

I shall read from the list to show the Senate the names used:

ORGANIZATIONS DESIGNATED UNDER EXECUTIVE ORDER NO. 10450

(Compiled from memorandums of the Attorney General dated April 29, July 15, September 28, 1953, January 22, 1954, April 4, September 21, and October 20, 1955.)

CONSOLIDATED LIST—NOVEMBER 1, 1955

(This list is prepared solely for the information of Federal civilian officers and employees and for the convenience of persons completing applications for Federal employment. Membership in or affiliation with a designated organization is one factor to be considered by the departments and agencies of the Federal Government in connection with the employment or retention in employment of individuals in Federal service.)

Abraham Lincoln Brigade.
Abraham Lincoln School, Chicago, Ill.
Action Committee To Free Spain Now.
Alabama People's Educational Association (see Communist Political Association).
American Association for Reconstruction in Yugoslavia, Inc.
American Branch of the Federation of Greek Maritime Unions.
American Christian Nationalist Party.
American Committee for European Workers' Relief (see Socialist Workers Party).
American Committee for Protection of Foreign Born.
American Committee for Spanish Freedom.
American Committee for the Settlement of Jews in Birobidjan, Inc.
American Committee for Yugoslav Relief, Inc.
American Committee to Survey Labor Conditions in Europe.
American Council for a Democratic Greece, formerly known as the Greek American Council; Greek American Committee for National Unity.
American Council on Soviet Relations.

Mr. President, there is a very long list, and I have read only a small number of the many organizations on the list. I ask unanimous consent that the balance of the names of organizations, on pages 722, 723, 724, 725, 726, and part of 727 may be printed in the RECORD.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection to the request of the Senator from South Carolina?

There being no objection, the list was ordered to be printed in the RECORD, as follows:

American Croatian Congress.
American Jewish Labor Council.
American League Against War and Fascism.
American League for Peace and Democracy.
American Lithuanian Workers Literary Association (also known as Amerikos Lietuviu Darbininku Literaturos Draugija).
American National Labor Party.
American National Socialist League.
American National Socialist Party.
American Nationalist Party.
American Patriots, Inc.
American Peace Crusade.
American Peace Mobilization.
American Poles for Peace.
American Polish Labor Council.
American Polish League.
American Rescue Ship Mission (a project of the United American Spanish Aid Committee).
American-Russian Fraternal Society.
American Russian Institute, New York (also known as the American Russian Institute for Cultural Relations with the Soviet Union).
American Russian Institute, Philadelphia.
American Russian Institute of San Francisco.
American Russian Institute of Southern California, Los Angeles.
American Slav Congress.
American Women for Peace.
American Youth Congress.
American Youth for Democracy.
Armenian Progressive League of America.
Associated Klans of America.
Association of Georgia Klans.
Association of German Nationals (Reichsdeutsche Vereinigung).
Association of Lithuanian Workers (also known as Lietuviu Darbininku Susivienijimas).
Ausland-Organization der NSDAP, Overseas Branch of Nazi Party.
Baltimore Forum.
Benjamin Davis Freedom Committee.
Black Dragon Society.
Boston School for Marxist Studies, Boston, Mass.
Bridges-Robertson-Schmidt Defense Committee.
Bulgarian American People's League of the United States of America.
California Emergency Defense Committee.
California Labor School, Inc., 321 Divisadero Street, San Francisco, Calif.
Carpatho-Russian People's Society.
Central Council of American Women of Croatian Descent (Also known as Central Council of American Croation Women, National Council of Croation Women).
Central Japanese Association (Beikoku Chuo Nipponjin Kai).
Central Japanese Association of Southern California.
Central Organization of the German American National Alliance (Deutsche-Amerikanische Einheitsfront).
Cervantes Fraternal Society.
China Welfare Appeal, Inc.
Chopin Cultural Center.
Citizens Committee for Harry Bridges.
Citizens Committee of the Upper West Side (New York City).
Citizens Committee to Free Earl Browder.
Citizens Emergency Defense Conference.
Citizens Protective League.
Civil Liberties Sponsoring Committee of Pittsburgh.
Civil Rights Congress and its affiliated organizations, including: Civil Rights Congress for Texas, Veterans Against Discrimination of Civil Rights Congress of New York.
Civil Rights Congress for Texas (See Civil Rights Congress).
Columbians.
Comite Coordinador Pro Republica Espanola.
Comite Pro Derechos Civiles (See Puerto Rican Comite Pro Libertades Civiles).
Committee for a Democratic Far Eastern Policy.
Committee for Constitutional and Political Freedom.
Committee for Nationalist Action.
Committee for Peace and Brotherhood Festival in Philadelphia.
Committee for the Defense of the Pittsburgh Six.
Committee for the Negro in the Arts.
Committee for the Protection of the Bill of Rights.
Committee for World Youth Friendship and Cultural Exchange.
Committee To Abolish Discrimination in Maryland (see Congress Against Discrimination; Maryland Congress Against Discrimination; Provisional Committee To Abolish Discrimination in the State of Maryland).
Committee To Aid the Fighting South.
Committee To Defend Marie Richardson.
Committee To Defend the Rights and Freedom of Pittsburgh's Political Prisoners.
Committee To Uphold the Bill of Rights.
Commonwealth College, Mena, Ark.
Communist Party, United States of America, its subdivisions, subsidiaries, and affiliates.
Communist Political Association, its subdivisions, subsidiaries, and affiliates, including Alabama People's Educational Association; Florida Press and Educational League; Oklahoma League for Political Education; People's Educational and Press Association of Texas; Virginia League for People's Education.
Congress Against Discrimination. (See Committee To Abolish Discrimination in Maryland.)
Congress of American Revolutionary Writers.
Congress of American Women.
Congress of the Unemployed.
Connecticut Committee To Aid Victims of the Smith Act.
Connecticut State Youth Conference.
Council for Jobs, Relief, and Housing.
Council for Pan-American Democracy.
Council of Greek Americans.
Council on African Affairs.
Croatian Benevolent Fraternity.
Dai Nippon Butoku Kai (Military Virtue Society of Japan or Military Art Society of Japan).
Daily Worker Press Club.
Daniels Defense Committee.
Dante Alighieri Society (between 1935 and 1940).
Dennis Defense Committee.
Detroit Youth Assembly.
East Bay Peace Committee.
Elsinore Progressive League.
Emergency Conference To Save Spanish Refugees (founding body of the North American Spanish Aid Committee).
Everybody's Committee To Outlaw War.
Families of the Baltimore Smith Act Victims.
Families of the Smith Act Victims.
Federation of Italian War Veterans in the U.S.A., Inc. (Associazione Nazionale Combattenti Italiani, Federazione degli Stati Uniti d'America).
Finnish-American Mutual Aid Society.
Florida Press and Education League (see Communist Political Association).
Frederick Douglass Educational Center.
Freedom Stage, Inc.
Friends of the New Germany (Freunde des Neuen Deutschlands).
Friends of the Soviet Union.
Garibaldi American Fraternal Society.
George Washington Carver School, New York City.
German-American Bund (Amerika-deutscher Volksbund).
German-American Republican League.
German-American Vocational League (Deutsche-Amerikanische Berufsgemeinschaft).
Guardian Club.
Harlem Trade Union Council.

Hawaii Civil Liberties Committee.
Heimusha Kai, also known as Nokubei Heieki Gimusha Kai, Zaibei Nihonjin, Heiyaku Gimusha Kai, and Zaibei Heimusha Kai (Japanese Residing in America Military Conscripts Association).
Hellenic-American Brotherhood.
Hinode Kai (Imperial Japanese Reservists).
Hinomaru Kai (Rising Sun Flag Society—a group of Japanese war veterans).
Hokubei Zaigo Shoke Dan (North American Reserve Officers Association).
Hollywood Writers Mobilization for Defense.
Hungarian-American Council for Democracy.
Hungarian Brotherhood.
Idaho Pension Union.
Independence Party (Seattle, Wash.). (See Independent People's Party.)
Independent People's Party. (See Independence Party.)
Independent Socialist League.
Industrial Workers of the World.
International Labor Defense.
International Workers Order, its subdivisions, subsidiaries and affiliates.
Japanese Association of America.
Japanese Overseas Central Society (Kaigai Dobo Chuo Kai).
Japanese Overseas Convention, Tokyo, Japan, 1940.
Japanese Protective Association (recruiting organization).
Jefferson School of Social Science, New York City.
Jewish Culture Society.
Jewish People's Committee.
Jewish People's Fraternal Order.
Jikyoku Iinkai (The Committee for the Crisis).
Johnson-Forest Group. (See Johnsonites.)
Johnsonites. (See Johnson-Forest Group.)
Joint Anti-Fascist Refugee Committee.
Joint Council of Progressive Italian-Americans, Inc.
Joseph Weydemeyer School of Social Science, St. Louis, Mo.
Kibei Seinen Kai (Association of United States Citizens of Japanese Ancestry who have returned to America after studying in Japan).
Knights of the White Camellia.
Ku Klux Klan.
Kyffhaeuser, also known as Kyffhaeuser League (Kyffhaeuser Bund) Kyffhaeuser Fellowship (Kyffhaeuser Kameradschaft).
Kyffhaeuser War Relief (Kyffhaeuser Krigshilfswerk).
Labor Council for Negro Rights.
Labor Research Association, Inc.
Labor Youth League.
League for Common Sense.
League of American Writers
Lictor Society (Italian Black Shirts).
Macedonian-American People's League.
Mario Morgantini Circle.
Maritime Labor Committee to Defend Al Lannon.
Maryland Congress Against Discrimination (see Committee to Abolish Discrimination in Maryland).
Massachusetts Committee for the Bill of Rights.
Massachusetts Minute Women for Peace (not connected with the Minute Women of the U.S.A., Inc.).
Maurice Braverman Defense Committee.
Michigan Civil Rights Federation.
Michigan Council for Peace.
Michigan School of Social Science.
Nanka Teikoku Gunyudan (Imperial Military Friends Group or Southern California War Veterans).
National Association of Mexican Americans (also known as Association Nacional Mexico-Americana).
National Blue Star Mothers of America (not to be confused with the Blue Star Mothers of America organized in February 1942).
National Committee for Freedom of the Press.
National Committee for the Defense of Political Prisoners.
National Committee to Win Amnesty for Smith Act Victims.
National Committee to Win the Peace.
National Conference on American Policy in China and the Far East (a conference called by the Committee for a Democratic Far Eastern Policy).
National Council of Americans of Croatian Descent.
National Council of American-Soviet Friendship.
National Federation for Constitutional Liberties.
National Labor Conference for Peace.
National Negro Congress.
National Negro Labor Council.
Nationalist Action League.
Nationalist Party of Puerto Rico.
Nature Friends of America (since 1935).
Negro Labor Victory Committee.
New Committee for Publications.
Nichibei Kogyo Kaisha (The Great Fujii Theatre).
North American Committee to Aid Spanish Democracy.
North American Spanish Aid Committee.
North Philadelphia Forum.
Northwest Japanese Association.
Ohio School of Social Sciences.
Oklahoma Committee to Defend Political Prisoners.
Oklahoma League for Political Education. (See Communist Political Association.)
Original Southern Klans, Inc.
Pacific Northwest Labor School, Seattle, Wash.
Palo Alto Peace Club.
Partido del Pueblo of Panama (operating in the Canal Zone).
Peace Information Center.
Peace Movement of Ethiopia.
People's Drama, Inc.
People's Educational & Press Association of Texas. (See Communist Political Association.)
People's Educational Association (incorporated under name Los Angeles Educational Association, Inc., also known as People's Educational Center, People's University, People's School).
People's Institute of Applied Religion.
People's Programs (Seattle, Wash.).
People's Radio Foundation, Inc.
People's Rights Party.
Philadelphia Labor Committee for Negro Rights.
Philadelphia School of Social Science & Art.
Photo League (New York City).
Pittsburgh Arts Club.
Political Prisoners Welfare Committee.
Polonia Society of the IWO.
Progressive German-Americans (also known as Progressive German-Americans of Chicago).
Proletarian Party of America.
Protestant War Veterans of the United States, Inc.
Provisional Committee of Citizens for Peace, Southwest Africa.
Provisional Committee on Latin American Affairs.
Provisional Committee to Abolish Discrimination in the State of Maryland. (See Committee to Abolish Discrimination in Maryland.)
Puerto Rican Comite Pro Libertades Civiles (CLC). (See Comite Pro Derechos Civiles.)
Puertorriquenos Unidos (Puerto Ricans United).
Quad City Committee for Peace.
Queensbridge Tenants League.
Revolutionary Workers League.
Romanian-American Fraternal Society.
Russian American Society, Inc.
Sakura Kai (Patriotic Society, or Cherry Association—composed of veterans of Russo-Japanese War).
Samuel Adams School, Boston, Mass.
Santa Barbara Peace Forum.
Schappes Defense Committee.
Schneiderman-Darcy Defense Committee.
School of Jewish Studies, New York City.
Seattle Labor School, Seattle, Wash.
Serbian-American Fraternal Society.
Serbian Vidovdan Council.
Shinto Temples. (Limited to State Shinto abolished in 1945.)
Silver Shirt Legion of America.
Slavic Council of Southern California.
Slovak Workers Society.
Slovenian-American National Council.
Socialist Workers Party, including American Committee for European Workers' Relief.
Socialist Youth League. (See Workers Party.)
Sokoku Kai (Fatherland Society).
Southern Negro Youth Congress.
Suiko Sha (Reserve Officers Association, Los Angeles).
Syracuse Women for Peace.
Tom Paine School of Social Science, Philadelphia, Pa.
Tom Paine School of Westchester, N.Y.
Trade Union Committee for Peace. (See Trade Unionists for Peace.)
Trade Unionists for Peace. (See Trade Union Committee for Peace.)
Tri-State Negro Trade Union Council.
Ukrainian-American Fraternal Union.
Union of American Croatians.
Union of New York Veterans.
United American Spanish Aid Committee.
United Committee of Jewish Societies and Landsmanschaft Federations (also known as Coordination Committee of Jewish Landsmanschaften and Fraternal Organizations).
United Committee of South Slavic Americans.
United Defense Council of Southern California.
United Harlem Tenants and Consumers Organization.
United May Day Committee.
United Negro and Allied Veterans of America.
Veterans Against Discrimination of Civil Rights Congress of New York. (See Civil Rights Congress.)
Veterans of the Abraham Lincoln Brigade.
Virginia League for People's Education. (See Communist Political Association.)
Voice of Freedom Committee.
Walt Whitman School of Social Science, Newark, N.J.
Washington Bookshop Association.
Washington Committee for Democratic Action.
Washington Committee to Defend the Bill of Rights.
Washington Commonwealth Federation.
Washington Pension Union.
Wisconsin Conference on Social Legislation.
Workers Alliance (since April 1936).
Workers Party, including Socialist Youth League.
Yiddisher Kultur Farband.
Young Communist League.
Yugoslav-American Cooperative Home, Inc.
Yugoslav Seamen's Club, Inc.

Mr. JOHNSTON of South Carolina. Mr. President, could you imagine so many organizations in this country which even the former ultraliberal Attorney General of the United States has declared to be subversive in nature built up to overthrow our form of government?

Mr. President, every time someone points a finger at the National Association for the Advancement of Colored

People and accuses that organization of being infiltrated with Communists and Communist programs and ideas, a great stir arises and the wrath of the ultra-liberals is brought down on our heads. I wonder how those who look to the NAACP feel when praise is showered upon them by the leading Communists of America? In December 1957, in "Political Affairs," James Jackson wrote an article entitled, "The South's New Challenge." In this article Jackson attacks everything in the South and every institution in this land except the NAACP which he praises if once a thousand times. In one instance Jackson declares in a tone of vilification: "The South is the congealed essence of world capitalism entering upon the second half of the 20th century." He ties in the capitalist form of government with the South in an attempt to irritate and stir up Negroes to not only seek forced integration and such so-called civil rights matters, but to also hate capitalism, the economic system which has made this country great and which is the foundation upon which our freedom is built. All great civilizations where people have been free to vote and free to worship as they wish and to enjoy the other basic freedoms have operated under a free economy—the Communists realize this and so they have seized upon the difference in the color of men's skin to overthrow our system of government through a deliberate campaign of lies, half-truths, hatred and violence. To prove my point I would like to read this article by Jackson as it appears in hearings before the Subcommittee on Internal Security:

[From Political Affairs, December 1957]

THE SOUTH'S NEW CHALLENGE

(By James E. Jackson)

(The most urgent domestic question in our country may be summed up in the phrase, "The Southern Problem." In the pages that follow our readers will find a full analysis of the nature of this problem and suggestions for its resolution; the author, himself a southern veteran of democratic struggles, is a member of the national committee of the CPUSA, and is its secretary for southern affairs.—Ed.)

INTRODUCTION

In the South is to be found an exaggerated delineation of all the social problems—economic, political, cultural and racial—which beset U.S. capitalism. This fragment of modern exploitative society epitomizes the social problems begging solution in our times. Here are revealed the contending contradictions which at once arrest and motor the forces of social change and progress. In this sense the South is the United States in microcosm: its past, its present, the challenge to, and harbinger of, its future. And more than this: the South is the congealed essence of world capitalism entering upon the second half of the 20th century.

He who would understand the tasks of our times for our country and would divine the means and facilitate the accomplishment of these tasks must study the southern scene in all its turbulence.

Any programing for social progress in America which fails to take into account the challenge of the South is so much vanity fare served up for the divertisement of idlers and utopians and has no relation to social science applied to the new times and conditions of midcentury United States of America.

The key to social advance in all basic areas of our national life is to be found in the enlistment of the maximum of the forces of social progress in activities designed to secure to the South those norms of economic, political and cultural practice obtaining in the country as a whole.

The working class and progressive strata of the Nation will reap no significant new harvest of social advancement so long as the southern quadrant remains a reactionary basin, a political-economic and cultural low ground draining off the springs of new life from the rest of the Nation.

What accounts for this sectional lag in our national development?

Historically the anachronism of modern slavery was developed in the South as the social system in a labor-short economy which would insure absolute control by the exploiters over the southern workers. Then, as Frederick Douglass noted in 1867, "The South fought for perfect and permanent control over the southern laborer."

And today the ruling and owning oligarchy of the Southern States fights on against the Federal Government and the national interests in the cause of maintaining "perfect control of its laborers." The animalistic malice which the official South displays (in statutes and customs) against the human and civic rights, the dignity and humanity of the Negroes is not the object of its struggle but the means of its objective: that objective remains as it has ever been—to hold the laborer "in perfect and permanent control," the better to command his super-exploitation, so that southern capitalist and northern investor might enrich themselves.

In the slave-South the employer-employee relations and wage standards of the white workers were influenced disastrously by the inhuman relations which the master imposed upon the Negro labor chattel. So today the master plan for holding all southern workingmen and women "in perfect and permanent control" is hinged upon the general subjugation of the Negro people—in binding them down into an inferior economic, political and social caste by means of hundreds of Jim Crow statutes, discriminatory practices and racist calumnies.

It follows therefore that the secret to the solution of the "Southern Problem" is to be found in struggle by labor to realize its program of economic, political and cultural needs, so long buried in its hope chest. The solution lies in the buildup of its mass organizational strength on the principle of the primacy of unity of workers, and not division of races, for a determined struggle to (1) secure the right to vote and political participation for all; (2) secure equal pay for equal work without North-South or Negro-white wage differentials; (3) secure State programs of social security and welfare benefits at least equal to those obtaining in Northern States; (4) secure the repeal of "right to work" laws and repressive statutes; (5) secure the full enforcement of the U.S. Constitution for all Southerners, Negro and white; (6) secure to southern workers their just share of industrial jobs.

But the key to unlocking this hope chest of southern working-class struggle and socio-political initiative is the fight of the Negro people to exercise their rights as full fledged and equal citizens. Without grasping this key, labor cannot open wide its hope chest—either in the South or the Nation, either in realization of the opportunities before us today, or in timely fulfillment of our class destiny tomorrow. The Jim Crow bondage in general, and the disfranchisement of the 11 million southern Negroes in particular, bear a relationship to labor's condition and aspiration today, much like that which obtained at another nodal point in our national development over 90 years ago. Karl Marx noted this historical fact and current challenge prophetically when he wrote, "In the United States of North America, every independent movement of the workers was paralyzed so long as slavery disfigured a part of the Republic."

Labor must make the cause of the current great suffrage and equal rights battle of the Negro people its own struggle. For it is being waged against labor's worst enemies and is therefore in labor's direct self-interest. With victory in the struggle, the newly enfranchised Negro masses will constitute a powerful assist to the forces of social progress in the South and the Nation. It is true today as when Frederick Douglass noted it 90 years ago: "* * * it is the good fortune of the Negro that enlightened selfishness not less than justice, fights on his side. National interests and national duty, if elsewhere separated, are firmly united here."

Bear in mind that I am reading from the statement of Jackson, a Communist. It appears that some people go right along with what he says, following in his footsteps in the enactment of laws, such as the bill which is now before us:

There is, then, direct immediate force to Douglass' appeal: "Give the Negro the elective franchise, and you at once destroy the purely sectional policy, and wheel the Southern States into line with national interests and national objects."

I am reading further and quoting Jackson, for I do not want anyone to think I am making this statement myself:

THE FACTOR OF INDUSTRIALIZATION OF THE SOUTH

In the South there lives a third of the population of the United States (inclusive of two-thirds of the Negroes in the United States). Something less than one-fourth of the country's industries are located in the South. In other words, it has only about two-thirds as much industry per person as the rest of the country. Nevertheless, the South can no longer be classified as an agrarian economic region. During the past decade it has passed over from a rural to an urban area, and the specific gravity of its industry has displaced agriculture as the identifying characteristic of its economy.

Of the total U.S. production, the South produces better than one-third of the oil, coal, and chemicals, some 40 percent of the paper and furniture products. It retains its traditional domination of tobacco production (99 percent). Likewise, in respect to textiles: 95 percent of all synthetic fibers are manufactured in mills located in the South, as well as 80 percent of the total cotton textiles produced, and 70 percent of the rayon. The food processing industries are developing in the South at a rate that is fast outstripping all other sections of the country, currently accounting for 25 percent of the total.

It is well known that the South occupies first place in the production of atomic materials representing an investment of over 3 billions. Furthermore, there are some 110 aircraft plants in the South. An additional 2,000 electrical goods plants are engaged in turning out electronic products.

There are now 33,000 factories in the South as against 11,000 in 1940. Because of mechanization, rationalization (speed-up), and automation in the new plants, there has taken place no comparable three-fold increase in the number of the factory workers over the same period. Nevertheless, in the decade since 1947 there has been a net gain in the total number of industrial workers in the South of some 27 percent (as against 18 percent for the country as a whole). There are now some 4,041,000 factory workers in the South.

In the main, the Black Belt—the Mississippi Delta and the old cotton coastal plain areas of the South—have not garnered the new plants. The industrial transplants have largely grown outside of the old plantation belt, in the Appalachian foothills of Virginia, the Carolinas, Tennessee, north Georgia, north Alabama, and along the gulf coast. Florida registered better than an 80-percent increase in the number of industrial workers for the decade. Texas and Louisiana have accounted for one-sixth of all new plant construction in the United States since 1945, a share six times that of all New England.

Manufacturing value grew from $11 billion in 1940 to $62 billion in 1955. But there was no fivefold or sixfold increase in hourly wages of the Southern workers. On the contrary, in 1954, 34.5 percent of Southern workers in the manufacturing industries earned less than a dollar an hour. North Carolina is the most industrialized State in the South. Yet it has the second lowest hourly wage and the second lowest per capita income in the country. The average manufacturing wage per hour in North Carolina is $1.28, while in Michigan is it $2.24—

I want it plainly understood that the figures I am reading I do not concur in all the way through. This is a Communist speaking. He is the one telling what is going on—

What accounts for this incongruity? At the turn of the century the Atlanta editor, Henry Grady, evangelized for a new South grounded on an economy featured by a balancing of its agriculture by a vast influx of industry to result in the South becoming a garden spot region of prosperous masses. Now, in North Carolina in particular and in the South in general, the industry has come—at a million-dollar-a-day rate. The results? The industrialized showpiece State of the South has the second lowest wage rate in the country.

This disparity in anticipated results is caused by the exclusion of one-fourth of the population of North Carolina and of the whole South from Grady's dream, and the still unrelenting practices of depriving the Negro one-fourth of the South of their rightful share in the economic life, political affairs, and cultural development of the region. Why is the wage level so low in North Carolina in face of a high ratio of industry per person? "It is low," the Winston-Salem Journal blushingly asserts on its editorial page, "because such a large part of our people are Negro (26 percent in 1955). Median Negro incomes in North Carolina run about half the median white income." And why is the median Negro income only half that of the white income? Jonathan Daniels, editor of the Raleigh News & Observer, provides the factual response in an article which appeared in the spring 1955 issue of the Virginia Quarterly.

The Senate understands I am quoting from the statement of Jackson, who is trying to stir up strife in the South.

Wrote Daniels:

"In general, so far as the Negro is concerned the cyclone fences are around the new industries. * * * In 1954, when southern industry was expanding at the rate of a new capital investment of a million dollars a day, the Negro 25 percent of the South's labor force was estimated to have received less than 5 percent of the new jobs—and those, of course, at the lowest wage and skill levels."

And so it is once again demonstrated that the satisfaction of even the basic material needs—i.e., wage equality with the workers of the Nation—of the working people of the South, is hinged to securing the equality of rights of the Negro people. The integration of the Negro workers in southern industry at all classifications on the basis of equal pay for equal work and the removal of color barriers to their being upgraded, are necessary measures if labor is to make possible its own further economic advancement. The fight to remove all color barriers against Negroes in industry is the condition for achieving the necessary unity of action and strength of unionization required to advance the wages and living standards of southern workers to that of the country as a whole.

In the South there is no way forward for labor's cause apart from that of upholding the rights and championing the democratic demands of the Negro people.

John Pittman, in a Daily Worker column in May 1950 drew the moral, stated the task and expressed the hope we hold today in the following eloquent prose:

"This southern white worker stands as a symbol of what happens to workers who default on their obligations of solidarity with the workers of other peoples, other lands."

This is the Daily Worker which he is quoting—

"He stands there oppressed and exploited, manacled by the same chains he helped the bosses and plantation owners forge around the feet and hands of Negro workers. * * *

"I salute this southern white worker not for what he hasn't done or has done—but for what he can do and will do. * * *

"I salute him because when he moves on his mission of self-emancipation, he will find millions of Negro hands to help him.

"I salute him because when he moves in concert with the Negro millions, this mighty army will smash through all the chains and walls of oppression, and like an avalanche, will sweep the South clean of all the debris and rot of the slave system.

"I salute him because if tomorrow he moved on this course, reaction would be stopped and turned back and the peace of the world would be safe forevermore. For parasites of Wall Street cannot outlive a united, truly democratic South. * * *"

AGRICULTURE IN THE SOUTH

I will defer to another occasion a fuller presentation of the important question of the status and consequences of the development in agriculture in the South. I will simply assert certain conclusions in respect to the general trend, followed by certain facts in respect to a detail of the total problem—that of agricultural workers.

The sharecropping system, which was the distinguishing feature of the thirties, is no longer a major cahracteristic of production relations in agriculture in the South today. The precapitalist form of sharecropping was historically linked to cotton production. In the past 5 years cotton acreage has been reduced better than 40 percent. Now vastly increased yield per acre has been achieved on greatly reduced acreage as a consequence of mechanized farm operations. In the Mississippi Delta, for example, with the exception of the weed-control operation (cotton chopping), mechanization of cotton production is nearly complete.

As a consequence of mechanization of the big cotton plantations on the one hand, and the buildup of the production of other crops, plus the rapid development of beef crops and livestock and dairy farming, sharecropping and the sharecroppers have been very much reduced in importance since the end of World War II. Now, there are 124 major corn-producing counties in the South as against none so classified in 1938. (There are 962 for the country.) This is an index of the growing weight of beef production in the sum of the South's agriculture. All of the farming of new crops is being developed on the basis of modern technology and on the basis of the employment of farm wage workers rather than the old sharecropping system.

The point is, however, that the living conditions and the ratio of exploitation to values produced of today's farm wage laborer is nearly as terrible as the traditional sharecroppers. In his testimony before the House Committee on Education and Labor, June 19, 1957, Dr. Lewis W. Jones, of Tuskegee Institute's Rural Life Council, documented the plight of the wage workers on the farms. He reported:

"Fifty percent of the hired workers in American agriculture are employed on southern farms. Only 19 percent of them are classified as regular workers, that is, those employed 150 days or more, 81 percent are classified as seasonal workers (hence not under the protection of the minimum wage and hour law).

"What were these workers paid? Forty-five percent of the monthly workers were paid less than $110 a month; 53 percent of the weekly workers, less than $30 a week; 60 percent of the daily workers, less than $5 a day; and 83 percent of the hourly workers, less than 85 cents an hour. In Macon County, Ala., the county in which Tuskegee Institute is located, tractor drivers (the new worker elite) were paid $5 a day or 62½ cents an hour. Cotton choppers were paid $2 and $2.50 a day or 25 and 31 cents an hour."

This material is misleading if it is not explained. In many instances these people are also furnished meals, and, in many cases, a place to live.

It is not possible many times to fully understand some of these statements unless they are explained.

As I say, in many cases, these people are furnished meals and a place to stay. All of these statements are intended to create strife and discontent in the South.

If in the past the argument could be made by labor leaders that the isolated and near-plantation-bonded sharecroppers were too expensive to organize, what happens to this argument in respect to the new farm work of the South?

Three-fourths of all textile workers are in the South and only 15 percent are organized. One-half of all the agricultural workers (the farm proletariat) are in the South. None are organized. Such facts draw their own moral.

I do not know what he means by organization. We have all kinds of farm organizations in the South. We have the Grange and the Farm Bureau, and also the Farmers Union in some southern States. I do not know what kind of organization he has in mind.

SOUTHERN NEGROES' REBELLION AGAINST SECOND-CLASS STATUS

The 11 million Negro people of the South have mounted an all-sided rebellion against their second-class citizenship. "Integration" is the word-symbol of the aims of their struggle. Actually it translates into a series of democratic, fully constitutional equal-rights demands which have long been accessible to the white masses. The Negro people have renewed their struggle against segregation and discrimination on the political, cultural, and economic fronts with an unparalleled militancy and national single-mindedness. This struggle is the center of the maelstrom which is churning up the very innards of the Old South today.

The undaunted stand of the Negro people for their equal rights has triggered the fissures and divisions everywhere apparent in the mythically solid South. Likewise, it is the issue and occasion for new fusions, coalitions, and alliances on the part of the anti-

reactionary, forward-looking forces and factors, in the political and socioeconomic life of the South.

The news picture out of Nashville of a stooped, gray-haired elder [1] escorting her toddling 6-year-old grandchild up the walk of a former white school surrounded by the menacing arms and leering faces of a mob of racist hoodlums, fittingly symbolized the oneness of will and determination of all strata of the Negro people to have their freedom now come what may. They ask no one's permission to make their fight but they urgently solicit the cooperation of all white men and women of good will to render genuine aid to their cause.

As a consequence of their initiative and dramatic battles at Montgomery, Clinton, Little Rock, Charlotte, Nashville, Arlington, etc., the Negro people have elicited from this Nation and the peoples of the world an outpouring of conscience-reactions unequalled in our generation.

The South's "Jim Crow" way of life has been assailed and morally indicted by public opinion throughout the whole world. This in turn has begun the process of liberating the mental attitudes of millions of white Americans, North and South, from their racist moulds.

Millions of Southern white people are in the throes of an agonizing reappraisal of their conduct, attitudes and prejudices vis á vis their Negro neighbors and fellow American citizens. The stand of the Negro children at Little Rock like that of their elders at Montgomery subjects to a severe challenge the whole unconstitutional racist sociopolitical superstructure which nourishes and sustains the system of economic backwardness and political reaction in the South. It will inspire the shaping of new critical attitudes on the part of the southern masses toward the Southern States and inspire political reform movements to combat their oppressive regimes.

What is the situation in respect to the present status of the southern Negro people's movement?

The leading organizations of the Negro people of the South, as elsewhere, remains the NAACP. There is no urban Negro community or Negro college campus in the South without a chapter or group of NAACP members. It exerts the main influence on the social programs of all other Negro organizations.

They come in there and organize.

He tries to build up his case against the South, and brings all this in in an effort to condemn the South. He uses half truths as though they were truths.

It is the only organization of the Negro people's movement with a regularly appearing monthly journal. The Crisis (founded by Dr. du Bois in 1910). It has more or less formalized cooperation bonds and fraternal relationships with all the major Negro civic, fraternal, scholastic, and religious organizations; and with the AFL-CIO International unions, the American Jewish Congress, and Americans for Democratic Action, and other predominantly white, liberal groupings. It has the general backing of almost the entire Negro press.

This is a Communist bragging about it.

Currently the NAACP, in a number of Southern areas—the latest being Little Rock—has been attacked by governmental moves to cripple its activities and to outlaw it.

In a number of places where the NAACP was outlawed—as in Alabama— newly constituted or existent local Negro civic organizations took on its functions. These local movements have experienced a rapid growth in several places. They are mainly under the leadership of ministers and are housed in the churches—which arrangement provides a certain protection, some technical and financial resources and a ready-at-hand dedicated and disciplined cadre of workers.

There have been some fears expressed by certain NAACP officials, reported in the Pittsburgh Courier and elsewhere, that these local movements threaten to atomize the strength of the Negro movement and develop uncoordinated actions which duplicate or compete with the work of the NAACP.

That is the same paper that had pictures of five or six Senators in it and had writeups about a great many southern Senators, accusing them of being Communists. This is the same paper that he makes reference to here, and I now have that paper in my possession. In the future, if that paper does not prove some of these assertions, I think perhaps some of the other southern Senators ought to take some of the same action in this field as was previously taken. That is the same paper he is speaking of here at the present time.

RECESS

Mr. President, there has been some discussion of whether I should have a quorum call at this time or a 15-minute recess. I think it is agreed among Senators present that if I ask for a recess, there will be no objection. So I ask unanimous consent for a 15-minute recess without prejudicing my right to the floor.

Mr. BIBLE. Mr. President, the distinguished Senator from South Carolina has consulted with me, and I, in turn, have consulted with the acting minority leader concerning a 15-minute recess. There is no objection, so far as I know.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? Without objection, the request is agreed to. The Senate will recess for 15 minutes.

(Thereupon, at 7 o'clock and 14 minutes a.m. the Senate took a recess for 15 minutes.)

The Senate reconvened, on the expiration of the recess at 7 o'clock and 29 minutes a.m., and was called to order by the Presiding Officer (Mr. WILLIAMS of New Jersey in the chair.)

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the remainder of this statement by Jackson be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

There being no objection, the remainder of the statement was ordered to be printed in the RECORD, as follows:

This was a justified concern. However, thanks to the initiative and leadership of the Rev. Martin Luther King there has been formed a southwide united front of these local movements in harmonious relationship with the NAACP chapters in the Southern Christian Leaders Conference. The objective of this conference is to federate and focus the activity of these movements in a single crusade for securing the ballot to five million southern Negroes by 1960. It will not be a membership organization competing with the NAACP, but an activity united front of cooperating groups of all kinds for securing the right to vote of the disfranchised Negro millions.

This most recent crusade for the ballot under King's leadership deserves unstinted financial aid (both for it and for the NAACP) from the trade unions. This united action in southern Negroes to secure the means of political action, may well be the forerunner of a new national development among Negroes for concerted independent political action.

TACTICAL PROBLEMS

In respect to the tactical problems of the Negro people's movement in the South there is general agreement on the following approaches:

1. Secure maximum unity of action of all class strata and religious and secular organizations of southern Negroes behind constitutional proclamations for equal rights and against legalized segregation and discrimination.

2. Appeal to the self-interests of the white masses not to oppose the just demands of their Negro fellow citizens. Maintain the extended hand of fellowship to all whites who will join in the fight for democracy in the South.

3. Appeal to the national interest as against the selfish sectional stand, to the primacy of the Federal Constitution against the "Jim Crow" State law.

4. Identify with the democratic and progressive currents of public interests in the Nation and the anticolonial freedom tide of the rising colored peoples of the world.

5. Utilize the Federal courts, appeals to public opinion, concerted voter action, and the withholding of purchasing power (the boycott of products and business establishments). Abjure violence and proclaim change by peaceful means.

What is obviously absent in the tactical array of the Negro people's movement is a special role for the Negro proletarian to play in advancing the cause. Before victory is finally wrought from this struggle it will be necessary for the two million Negro workers in the general trade unions and the additional millions outside the trade unions, to commit the unique and decisive power that is theirs to this struggle—that is, to withhold their labor power (economic strike) when the issue is commanding and righteous decision is denied.

All the problems of choice of, and contest between leaders; of bureaucracy and inner democracy; of "go it aloneism" and "tailism"; of Red-baiting and other opportunist postures, which are the "normal" problems of all popular organizations are present to one degree or another in the Negro people's organizations of the South. But these problems are fully soluble and will yield in due course. They are not of a crisis nature.

NEED FOR LABOR'S SUPPORT

What threatens to develop into crisis proportions, to endanger the forward movement of the Negro people's cause is the inadequate quality of the aid being rendered to it by its strategic ally—the organized labor movement.

As we have stated, the only way that the South will attain equality with the Nation in living standards, social services, culture, human relations, and political democracy is via the elevation of the southern worker to a higher estate in material well-being and political participation. We said that central to this realization is the bringing up of the Negro's status to a level of equality with that of the white southerner. We add that the labor movement nationally confronts no greater nor more urgent task than that of rendering support to this course of development. It is necessary to consolidate its gains

[1] Mrs. Ethel McKinley, grandmother of Linda McKinley, six, who was admitted to the first grade in Fehr School in Nashville, Tenn.

and advance further along the way to economic security and effective political status for influencing and ultimately determining the policies of government. The task of progressives in connection with the labor movement, therefore, is (1) to get the long-delayed southern organizing drive on the road, and (2) to secure supporting solidarity actions and financial contributions from the trade unions to the Negro people's movement. Only through measures of such quality and dimensions undertaken by the trade unions can the Negro labor alliance reinforce the struggles of each participating partner and further consolidate their enduring strategic relationship.

It must be noted that in the present hard struggles around the school desegregation and bus boycott issues and, in the vital political struggle at Tuskegee, southern labor has played no significant supporting role. And, with welcome exceptions, neither has the trade-union movement nationally. At present, the principal supporters of the Negro people's struggles in the South are groupings from the middle class—ministers, educators, students, and several journalists. (In addition, of course, to the small dedicated and durable company of influential left personalities.) There is a growing list of influential white clergymen who have taken their stand against legal segregation and for the enforcement of the full constitutional rights of the Negro people.

The white southern editors and journalists who respond to the just demands of the Negro people have reached significant numbers. They range from the conservative Ralph McGill of the Atlanta Constitution to Aubrey Williams of the Southern Farm and Home. They also include the whimsical satirists Harry Golden of the Carolina Israelite and P. D. East of the Petal Paper of Pascagoula, Miss.

THE POLITICAL ACTION PATTERN AND ELECTORAL OUTLOOK

The pattern of political action in the South for 1958—and probably for 1960—was foreshadowed by the recent State elections in Virginia and the municipal elections in Little Rock.

In Virginia, the Dixiecrat-led Byrd machine, in power since 1926, won the gubernatorial election for its candidate J. Lindsay Almond against the Republican opponent, State Senator Theodore Roosevelt Dalton, by a 2-to-1 margin. The Byrd machine men made the campaign a great fight for massive resistance to integration, notwithstanding the fact that Dalton also championed the perpetuation of segregation. The maverick radical independent candidate, Howard H. Carlwile, testily exposing the absence of choice before the voters, declared that, "The only issue between the Byrd Democrats and Republicans in Virginia is this: Who can segregate the most efficiently and stay out of jail the longest." Nevertheless, an important one-third of them cast their ballots for the lesser evil and some 100,000 others who had registered abstained from voting for either segregationist and antilabor gubanatorial candidate. Out of a million citizens qualified, less than one-half million voted. Almost half a million Negroes are of voting age in Virginia and 100,000 Negroes succeeded in qualifying themselves; some 80,000 went to the polls. The vast majority voted for the Republican Dalton against Almond, the rabid racist candidate of the Byrd machine.

The Byrd racist did not achieve the solid showing in support of massive resistance to civil rights and desegregation that was planned for. In Fairfax and Arlington Counties avowed antisegregationist candidates were elected. One, Herbert L. Brown, was elected to the Board of Education for Arlington County—giving the integrationists a majority on the board. In Fairfax County, two antisegregationists were elected to the State senate.

No Negroes were elected to any office in the statewide elections.

In Little Rock's election for a seven-member city board of directors, six seats were won by the good government candidates who were pledged to respect Federal law. This was a very significant rebuff to the Faubus-incited White Citizens Council forces who succeeded in placing only one of their candidates in the city Board of Governors. Only about 20,000 of 41,000 registered voters in a population of 107,000 went to the polls. Negroes, casting over one-third of the ballots, voted almost unanimously for the good government ticket.

The labor vote, here as in Virginia, as in the South generally, was without leadership or organization and registered no effective impact on the outcome of this highly symbolic and important contest.

The poorest organized and least developed progressive influence within the Democratic Party in the Southern States at the present moment is that of the independent labor voters. Such trade-union political action as presently exists is limited to local activity: in sporadic registration and get-out-the-vote campaigns, in indorsements by union locals and sometimes city and State bodies of the AFL–CIO in behalf of this or that candidate. Quite rarely does a trade-union body put forward or campaign vigorously for the election of one of its candidates. The old AFL groups are the more active politically; however their choice of candidates, programs, and tactics are hardly distinguishable from those of the regular party organizations. In some States there are, nominally at least, COPE committees or directors. Few locals and city bodies have active committees, though provision is made for them. However, in those few recent instances when real leadership was provided to the political-action committees, the response of the trade union workers has been high.

In the "uniparty politics" of the South, the Democratic Party exercises a virtual monopoly over all political affairs. At some point or other any political action must enter the conduit of the Democratic Party to register an effect upon current events in the one party States of the South.

To further the development of the democratic forces for independent political action of labor, the Negro people, poor farmers and city middle class—in relation to the Democratic Party and upon the local and State governments and Congress—it is of paramount importance clearly to single out and identify "the doors of entry" through which the progressive forces must pass. To influence political developments, the progressive forces must concentrate their efforts in certain bodies which are strategic to organizing and unfolding such independent political action.

In this regard we would simply note that (1) COPE and the legislative committees of the trade unions are in contact with all other progressive political action currents and developments inside and outside of the Democratic Party; and (2) that the NAACP is either the leader of, or there are represented in it, all the leading forces of the Negro people's right-to-vote movement and Negro voters political action organizations. Also, church, fraternal, business, labor and farm organizations in Negro life are represented in the NAACP. It is unthinkable that progressives will become a serious factor in influencing political developments inside or outside of the Democratic Party unless they are to so deploy their forces as to make themselves a factor within these two decisive organizing centers of labor and the Negro masses, for independent political action at least.

In addition to other forms by which progressive opposition is developing within the Democratic Party in the Southern States, continuing attention must be given to the extensive development of the prevalent means of exerting pressure upon the Democratic Party from without. This aspect of the struggle for a new, progressive political realinement of forces for the South is especially important in light of the fact that the majority of the Southern masses are disfranchised and therefore removed from the usual channels of political participation. The continuous mobilization of the voters and the nonvoting Negro and white masses for direct expression of their desires to the authorities will continue to be decisive and should be greatly expanded. Conferences, mass meetings, demonstrations, delegations and petitions which cirticize particular actions or present extraparliamentary mass mandates in behalf of specific legislative demands on such questions as rent control, against a sales tax, for desegregation, Negro representation, a jimcrow law, etc., serve to complement the struggle within the local party governments. When such mass actions are jointly sponsored by broad committees representing the popular and civic organizations of the workers, the Negro people and the poor farmers, they serve also as the foundation for—and establish the contacts for, more or less formal electoral coalitions of these decisive progressive segments of the population.

Furthermore, in a number of cities and counties, the opportunity is present for independent candidates and coalition candidates to enter the nonpartisan local elections. Municipal posts in Miami and San Antonio, for example, are filled through nonpartisan elections.

Also, though the obstacles are generally forbidding, it is nonetheless possible in some of the States and counties for an independent candidate with the necessary finances and support, to contest the party machine candidates' primary victory in the general election.

A further, and probably most decisive, form of external pressure in behalf of progressive developments within the southern Democratic Party, is not primarily dependent upon the southern masses but upon the democratic forces of the country as a whole. It requires the unfolding of two national nonpartisan movements: (1) A nationwide campaign for prompt implementation of the civil rights law and for the further enactment of Federal laws designed to reform and regulate registration and electoral practices—with the abolition of the poll tax, registration restrictions, and all other discriminatory provisions against would-be voters; also, laws to redistrict and reapportion gerrymandered congressional districts. And (2) a campaign on the part of the trade unions of the country to organize the unorganized millions of factory and farm workers in the South.

Indeed, for the forces of progress in the country as a whole, these represent the two fundamental ways to help unfold the broad independent progressive political movement in the South. To seriously effect a political realinement in the one-party South it will be necessary to greatly enlarge the size of the electorate, to swell its numbers with the 6 million potential Negro voters and the 10 to 15 million white voters who are now disfranchised. A nationwide crusade for full Negro suffrage rights in the South and a national campaign to organize the unorganized industrial and agricultural workers, would result in such an increase in the percentage of workers and Negroes in the total electorate as would constitute the firm basis for substantial victories by the forces of democracy, progress, and peace within the dominant party and the governments of the several Southern States.

We conclude that:

1. Adequate opportunity exists for a considerable further development of each of the forms of progressive groupings within and around the Democratic Party in the several Southern States. It is necessary that these separate progressive tendencies extend their contact with one another on a local and statewide level, that these separate groupings seek to establish electoral compacts, agreements, coalitions, and mergers with each other.

2. Significant progress can be made on legislative issues, in advancing and supporting progressives in the primaries in the Democratic Party organization on the basis of greater activity, better coalition tactics, and increased bonds of unity between the present labor, Negro, and southern-liberal groupings of voters.

Especially must we call to the attention of the progessives in general, and the Negro and trade-union forces in particular, the favorable opportunities which exist in very many localities for them to put forward their own candidates in the Democratic primary, for the so-called minor elective offices. In local and State elections there are 20 or more minor posts which are rarely contested and the machine incumbents perpetuate themselves in office by default of the opposition. These minor posts cover legislative, administrative, and judicial offices—but especially the latter two. Progressive Negro and labor candidates entering the race for the many administrative positions of commissioners, county clerks, board members, etc., and judicial posts of circuit courts and appellate court judges, deputy sheriffs, etc., will have favorable possibilities for scoring a number of local victories toward establishing the means for the formation of progressive blocs within the governing bodies on the local and State levels.

However, no illusions should be entertained about unseating the ruling hierarchy from within, for until a victorious national campaign to fully secure the franchise for the Negro citizens of the Deep South, and until the trade-union organization of new millions of southern urban and rural toilers are seriously undertaken, it will not be possible to break the iron grip of the Dixiecrat domination of the Democratic Party and of the political life of the South. The central task remains—that of a struggle to enlarge and broaden the popular base of the electorate. Without this, any emergent regrouping of popular forces is doomed to become just another fainting maneuver of deficient numbers. It must be said, with the utmost candor, that any failure to recognize the vital urgency for unleashing such a massive movement which will meet with success in securing the franchise for the voteless millions of Negro and white citizens of the South and to bring into being the trade-union organization of the unorganized Negro and white workers will greatly compromise, if not wreck, the prospects of vital electoral victories in 1958 and 1960.

OCTOBER'S HARVEST CHALLENGES AND INSPIRES SOUTHERN MASSES

The successful launching by the Soviet Union of the first earth satellite is a powerful dramatization of the colossal achievements which mark the 10 years of socialist construction in the world's first socialist state.

Everywhere the masses of men ask: How in 40 brief years has the most backward of all European countries been transformed into the front-ranking pioneer in man's battle to understand and conquer the universe? What system of economic and social relationships is responsible for such a gigantic scientific accomplishment?

Among those who view the celebration of the 40th anniversary of the October Revolution with sympathetic concern are counted many southerners, especially southern Negroes. Increasingly, southern Negroes make note of the contrast between their slow, painful climb toward education, security, and social welfare with the spectacular 40 years' transformation which socialism has wrought in the Soviet Union.

In the most technically advanced and opulent bourgeois democracy in the capitalist world, almost a third of its people live in Southern States featuring the most scandalous antidemocratic practices in its politics, the skimpiest living conditions, the lowest cultural standards, the meanest patterns of human relations, and cruelest practices of racial persecution. The South is the capitalist South. It is an integrated part of American capitalism. In all these years capitalism's nostrums have not remedied the ills which afflict this lower region of our country.

This southern exposure, this still bareboned and ragged hind part of our country puts into question, in the minds of increasing numbers of thoughtful people, at home and abroad, the merits of the social system that displays such little capacity to change the situation. The slowness revealed in the solution of the southern problem is in marked contrast to the winged progress made by formerly undeveloped areas and peoples in the Socialist Soviet Union. The way of capitalism in the reconstruction and modernization of a Mississippi and a Georgia is challenged, for instance, by the achievements of an Armenia under socialism.

Already, half of the world's population finds more inspiration and cause for emulation in the Armenian way forward than in the Mississippi way.

As they contemplate the wonder of a sputnik, as they follow the radio and TV reports of the amazing chronicle of accomplishments in just 40 years by the Soviet people by means of communism, many southerners will seek more profound answers to the southern question.

I mentioned Armenia. It will be particularly thought provoking to Negroes to measure their progress in Mississippi and Georgia, for example, against that attained in the past 40 years by this formerly brutally oppressed small bonds people of czarist Russia. Armenia is about the size of Maryland. It counts a little over 1½ million people—roughly equivalent to the Negro population of Mississippi and Georgia. In 1920 only 10 percent of its people were literate; today there is no illiteracy. Armenia had no medical school in 1920; today they have 1 doctor for every 438 people; whereas Negroes in Mississippi have but 1 doctor for every 15,900 people. There is no medical school in Mississippi or Georgia which will admit a Negro for training.

Armenia's farmers are now in permanent collective ownership of the land on which they work with the aid of 5,000 tractors and 1,000 combines. Farming there is 85 percent mechanized. Three-fourths of the Negro farmers of Mississippi and Georgia own no land. One-half of them are still sharecroppers or tenants. Only one farm in seven on which they toil has a tractor. Before 1920 no Armenian voted. Today Armenians fill the leading positions in their state government and are to be found in positions at the top realms in the federal government and in scientific, military and economic institutions as well.

What socialism has done for Armenians in less than 40 years stands mocking what capitalism has done to Mississippians in the past 90 years. It is inevitable that many southerners sooner rather that later will come to make such comparisons and then they will be evermore demanding and less patient with the pace of their progress. For this new standard for measuring social progress, southerners, Negro and white, are indebted to the Great October Revolution, which 40 years ago commenced and heralded a new stage in the progress of mankind.

The Marxist philosophy and applied science of social change which is carrying forward the formerly miserable masses of old Russian colonies to such achievement at so astonishing a pace; this compass, this social science, will work no less well in the hands of southerners.

THE PARTY IN THE SOUTH

In its meeting of May 25 and 26, the Southern Regional Committee, C.P.U.S.A., adopted the following thesis on party organization to orient its work in this sphere in the period ahead:

The necessity and possibility for building the Communist Party in the Southern States is affirmed.

For an extended period the Communist Party in the South must retain relatively high standards of socialist consciousness and knowledge of program and policies of our party as a condition for membership. Consequently, it will be an organization of limited numbers, and not a mass membership organization, for some time to come. Its leaders and members are to be important participants within the popular organizations of the workers, Negro people, farmers, youth, women and the popular mass movements for the democratic reformation of southern life, that is, the desegregation movement; the right to vote and anti-Dixicrat movement; the organization drives of the trade unions, and so forth.

Such an approach makes possible the exertion of influence upon current affairs of the mass movement; furthering the bonds between our members and the key workers and leaders of the existing popular movements; as well as moving toward a four- or fivefold increase in the size of the party in the course of a year or two.

Our Southern Regional Committee has directed the preparation of a new edition of the Southern People's Common Program. The distribution on one weekend in April of 1953 of 80,000 copies of this party program was the most significant event in the life of our party in the South. We will receive echoes of its impact upon southerners.

The purpose of such a program is to present a clear, straightforward statement of where the Communists stand on the most pressing problems and tasks now confronting the Southern people. It is to answer the question of the masses: "What are the Communists up to? What do they want in the South?" Furthermore, it is to make clear to our own membership what are our limited goals, what the content of our activity is and what it is leading toward.

Sometime prior to the discussion on the party's "Southern People's Common Program" we stated the purpose and significance of the program as follows:

"This program is designed to bring the working class in the South up to the eve of the struggle for socialism and into alinement with the working class of the rest of the country.

"This program is designed to establish the preconditions for the poor and middle class farmers to undertake the struggle against the landlord monopolists for control of the land.

"This program is designed to enlarge the area of equal rights for the Negro people, extend the bonds of Negro-white working people's unity and alliance, and advance the Negro people's freedom movement to the eve of the struggle for its ultimate form and expression as would then conform to its needs and aspirations, and the leveling of all barriers to the enjoyment of equal rights on the part of individual Negro citizens and minority groups.

"Therefore, the adoption of this program will result in facilitating the unification of the working class, fostering the forging of

the alliance of the working class with its natural allies and enhancing its leading role in that alliance. Its unfolding will extend the ties of the Communist Party—the vanguard party of the working class—with all sectors of the working people and frustrate the designs of the enemy to isolate it from the popular masses. It will favor its growth, enrich its experience and enhance its authority among the working masses. At the same time it will encourage the popular forces in the South to make now their maximum contribution—direct and indirect—to the struggle for world peace and resistance to the growth of reaction in our country.

"Such is the principal merit of the common program which we have put forward."

It is my belief that this remains a sound approach to guide the preparation of a new edition of the southern program of our party.

It is necessary to equip ourselves with full knowledge of the actual situation in our respective States, counties, cities, and wards, to utilize the united front style of work at all times, and to develop greater ideological clarity and organizational order and discipline within our party. We may then confidently expect to contribute much that would help develop a needed new quality in the political actions and struggles of Negro and white working people in the South. This, in turn, would promote the causes of peace, economic progress, Negro freedom, and genuine democratic government.

Mr. JOHNSTON of South Carolina. Mr. President, the Communists have been so successful in their propaganda campaign in this country that they have actually impregnated the national thinking in many fields. The ideals of the Communists have even permeated the thinking of the Supreme Court. One of the more forceful presentations to receive national acclaim to point out the grave dangers communism presented to us was from J. Edgar Hoover in his famous book, "Masters of Deceit." I wish to now read chapter 18 of that book to the Senate. It is entitled, "Communism and Minorities," beginning on page 243:

COMMUNISM AND MINORITIES

(Excerpt from the book "Masters of Deceit," by J. Edgar Hoover)

The Communist Party from its very inception has held itself out as the vanguard of the working class, and as such has sought to assume the role of protector and champion of minorities. It directs special attention, among others, to Negroes and nationality groups. Actually the vast majority of Negroes and members of foreign-language groups have rejected communism for what it is—a heartless, totalitarian way of life which completely disregards the dignity of man.

In the case of the Negro minority the Comintern began in 1928 to lay down a specific party line for the guidance of comrades in the United States. According to Comintern instructions, Negroes were to be considered as an oppressed race. The party was told to carry on a struggle for equal rights, but in the South * * * the main Communist slogan must be: "The right of self-determination of the Negroes in the Black Belt."

Communist leaders, faithfully following Moscow's instructions, promptly started a campaign of agitation. In nominating James W. Ford, a Negro, to run for Vice President of the United States on the Communist Party ticket in 1932, with presidential candidate William Z. Foster, C. A. Hathaway, then a member of the party's election campaign national committee, reiterated instructions received in a 1930 Comintern resolution:

"In the first place, our demand is that the land of the southern white landlords * * * be confiscated and turned over to the Negroes.

"Secondly, we propose to break up the present artificial State boundaries * * * and to establish the State unity of the territory known as the Black Belt, where the Negroes constitute the overwhelming majority of the population.

"Thirdly, in this territory, we demand that the Negroes be given the complete right of self-determination; the right to set up their own government in this territory and the right to separate, if they wish, from the United States.

Hence, equal rights and self-determination in the Black Belt became the party's chief slogans for Negroes. By "self-determination" the party meant what Stalin had said: "* * * the right of the oppressed peoples of the dependent countries and colonies to complete secession, as the right of nations to independent existence as states."

As for the Black Belt, or as one article termed it, the "new Negro republic," the Communists have given various descriptions. In 1948 they described the belt as extending through 12 Southern States: "Heading down from its eastern point in Virginia's tidewater section, it cuts a strip through North Carolina, embraces nearly all of South Carolina, cuts into Florida, passes through lower and central Georgia and Alabama, engulfs Mississippi and the Louisiana Delta, wedges into eastern Texas and southwest Tennessee, and has its western anchor in southern Arkansas."

By 1952 the Communist concept of the Black Belt had been narrowed to at least five Southeastern States, with port outlets at Charleston on the Atlantic and Mobile on the gulf, encompassing the bulk of Mississippi, and a good section of South Carolina, Georgia, and Alabama."

As we know from cumulative evidence, the party's position toward Negroes is determined not by concern for their welfare but obedience to Soviet foreign policy. As World War II approached, for example, the party switched its tactics regarding self-determination in the Black Belt. Instead of calling for the immediate and revolutionary overthrow of white landlords, as the Comintern had originally instructed, the party now switched these demands to a purely theoretical and propaganda level:

"It is clear that the Negro masses are not yet ready to carry through the revolution which would make possible the right to self-determination." Why the shift? To satisfy the party's united-front program, which demanded that the party work harmoniously with other groups to strengthen the Soviet Union.

The World War II period found the party cynically abandoning any alleged struggle for Negro rights. The aim was to help not Negroes but Moscow. "When we fought for the right of Negro workers to enter industries we often fought for such jobs mainly in the interest of the war effort." Earl Browder in 1945 admitted that as early as 1942 the party had adopted the theory that "* * * the struggle for Negro rights must be postponed until after the war." The Negro, in Communist eyes, was a mere pawn, to be manipulated for the attainment of party aims.

It became obvious that the party, despite great efforts, had failed to win over even a significant minority of Negroes. Negroes resented the party's severe criticism of Negro clergymen who had been vigorously denouncing communism. Earlier the party had been unable adequately to justify Russia's aid to Italy in its invasion of Ethiopia. American Negroes had realized that the party was a fraud and a deception and that it was willing to betray the Negro to better serve Soviet Russia.

In early 1956 the party decided to modify its advocacy of self-determination, realizing that Negro opposition to communism was growing. In making this change, Communists said they would still consider the Negroes as constituting a national as well as a racial minority.

Eugene Dennis, resuming his old post as general secretary of the Communist Party (in 1956) after serving a prison term for violation of the Smith Act, said: "In reappraising our position on self-determination in the Black Belt, our party should emphasize, as never before, that the struggle for Negro rights and freedom, north and south of the Mason-Dixon line, has emerged as a general, national democratic task, upon the solution of which depends the democratic and social advance of the whole Nation, particularly of the workers and farmers."

The party's claim that it is working for Negro rights is a deception and a fraud. The party's sole interest, as most American Negroes know, is to hoodwink the Negro, to exploit him and use him as a tool to build a Communist America.

The party has made vigorous efforts to infiltrate the National Association for the Advancement of Colored People (NAACP). This organization in 1950 authorized its board of directors to revoke the charter of any chapter found to be Communist controlled. Nevertheless the party has tried various infiltration tactics:

In Philadelphia, the party secured NAACP applications and instructed party members to join.

In Louisiana, the party's district organizer instructed all Negro party members to join the NAACP and urge the creation of a youth organization, and to form committees to encourage Negroes to register to vote.

In Gary, Ind., a party member, also an NAACP member, promoted the signing of petitions to pass a city ordinance.

In Cincinnati, a party organizer instructed that party members call the NAACP and urge the holding of a citywide mass meeting. When calling, they should claim to be members of the NAACP.

The NAACP's national leadership has vigorously denounced Communist attempts at infiltration. In 1956, when the NAACP and other organizations sponsored a National Conference on Civil Rights in Washington, the party attempted to move in and started promoting the conference. The NAACP countered by screening the delegates.

Similarly, in 1957, in the prayer pilgrimage for freedom in Washington, the party again attempted to move in and tried to exploit the pilgrimage as a rallying point for unity. NAACP leaders publicly told the Communists that they were not welcome, and steps were taken to keep them off the platform. One outstanding Negro leader even tried to cancel the pilgrimage to prevent Communists from propagandizing the event. Concerning Paul Robeson, who has long fronted for the Communists, he stated: "The boat is waiting to take him to Russia." He added that he would raise the necessary funds to defray expenses. In Philadelphia, a Negro clergyman told the Baptist Ministers Conference that the Negro people did not want the Communists interfering with their problems.

One of the most effective anti-Communist measures I have heard of is the following: The NAACP had a meeting in Norfolk, Va., presided over by a clergyman. The minister opened the meeting with the simple statement that if any members of the Communist Party were present they would be excused. Silence ensued, with no person leaving. Then the chairman, starting with the front row, asked each individual if he were a Communist. All entered denials until he got to the back of the room, where the State organizer for the Communist Party was sit-

ting with a white woman. When asked the question, he tried to evade, but the minister pinned him down. The State organizer then stated that he did not think it was proper to ask such a question. The minister calmly replied, "You are excused," and the couple left.

The Communist Party has stated: "The Negro race must understand that capitalism means racial oppression and communism means social and racial equality." Many Negroes, however, have learned by bitter experience how fraudulent and deceitful Communists are. For example, Richard Wright, the Negro novelist, tells in the book, "The God That Failed," why he rebelled against Communist thought control. In describing how at the time he left the party he was assaulted on a Chicago street, he wrote, "I could not quite believe what had happened, even though my hands were smarting and bleeding. I had suffered a public, physical assault by two white Communists with black Communists looking on."

In Buffalo, N.Y., at a party meeting, a Negro comrade stated that many Negroes felt they were joining a union when they were recruited into the party. The comrade, however, was stopped at this point and not permitted to speak further. In many cases Negroes have been recruited by deceptive methods with the hope that once in the party they could be converted to communism. In one New York State club the functionary learned that 30 members thought they were joining a union rather than the Communist Party. The matter was investigated, and it turned out that a Negro woman had become overly enthusiastic in a membership drive. She had not fully explained the nature of the organization being joined.

In San Francisco, party functionaries were concerned about a club where Negro members predominated, although the club was actually controlled by white members. It was ordered that the role of the white members be decreased. The functionaries also instructed that the club be carefully watched to prevent scandals, and warned that, while scandals must be prevented, care should be exercised not to convey the impression that white girls should not mix socially with Negroes or vice versa. Some of the Negro wives were becoming suspicious, as it seemed they were being pushed into the background after their husbands joined the party.

The Communist Party, while preaching equality still differentiates between races. For example, in the 1957 convention of the party, an accurate record of the delegates was kept. The breakdown was as follows: 209 males, 78 females; 54 Negroes, 2 Mexicans, and 1 Puerto Rican. The hypocrisy of the party was clearly shown when it required each delegate to register his race, although for years the party publicly has campaigned to have the blank for race removed from all questionnaires.

Communist leaders have been complaining bitterly about the turnover of Negro members and of the party's inability to indoctrinate any large number of Negroes. Information we have received follows a regular pattern: Negroes are rejecting communism.

A Negro in the Midwest became interested in the party because it claimed that Negroes were treated as equals. Later he was unjustly accused of consorting with a white nonparty member. He quit.

A Negro in Illinois started going to party social functions and became impressed with Communist talk of equality. But when he attended more advanced meetings and heard the United States constantly denounced, he came to the conclusion that the Communists were under the domination of Russia. He left the party.

A Negro woman, recruited in Chicago, was rapidly promoted by the party. Then she noticed an incident involving a Negro man who got into difficulties on his job, but the party refused to support him. She concluded that the party was interested in neither trade unionism nor the welfare of Negroes. She quit.

A Negro in New York joined the party because he felt it was championing his race. After a period of Marxist instruction, he was told to secure a job with a work gang at a pier and to recruit other Negroes into the party. He came to the conclusion that the party was not interested in him as a Negro but only as a tool to recruit other Negroes. He quit.

A New England Negro also became interested in the party when he learned of its alleged interest in helping his race. But upon becoming a member he discovered that the party's interest was strictly vocal, and nothing concrete was done to help Negroes. Moreover, he disliked the party's denunciation of God and religion. He quit.

As early as 1922 the Comintern approved a subsidy of $300,000 for propaganda among American Negroes. In 1925 the Soviets requested that a group of Negroes be selected to come to Russia for training in propaganda work. A dozen were recruited. One of these, returning to the United States 3 years later, brought with him a draft for $75,000 to help pay for propaganda work among his race.

One Negro later was designated to attend the Lenin School, and his experience there further unmasked Communist hypocrisy and the party's true feelings toward the Negro. He went to Russia with a delegation of students to enter the Lenin School. This young Negro, as he has since related, then "believed that through communism a better and fairer world could be developed for all mankind."

He was troubled, however, by the Communist position in urging Negro self-determination and the implications of a buffer state in this country being carved out of the so-called Black Belt. Almost immediately after his arrival in Russia he was told long stories of political persecution by the Negroes attending the Lenin school. He was slow to give credence to these stories until he saw for himself. "I found that Negroes were special objects of political exploitation. The sacrifices and dirty work planned for the American Negro Communists as spearheads for communizing the United States made it obvious that we were considered only as pawns in a game where others would get the prize."

Becoming more ouspoken and cynical about the Communist program for Negroes, he became the target of a slander campaign inside the Lenin school. Finally this young American Negro was charged and tried before a court-martial. He was guilty of disaffection. A few students, sympathizing with his position, made a bold decision to report their grievances to the Communist Party of the Soviet Union. Then things began to happen. Classes in the American section of the school were suspended. Some of the instructors were disciplined.

The young Negro explained that the Comintern ordered Earl Browder, then secretary of the Communist Party in the United States, to Moscow immediately. Browder arrived and sought to smooth things over. Eventually the young Negro returned to the United States, working for a while as a party functionary in Detroit. One of his last jobs was to make preparations for the founding of the National Negro Congress. Then he quit because he could no longer give aid to the Communists "concentrating on their most helpless, and whom they think to be, their most gullible victims: the Negro."

The Communists have created numerous fronts over the years in atempts to attract Negroes. Once a front is discredited, it is allowed to die and a new one created.

The American Negro Labor Congress came into being in 1925, and in 1930 its name was changed to the League of Struggle for Negro Rights. Within 6 years it had ceased to exist.

In 1935 the National Negro Congress was launched in Washington, D.C., its chief purpose being to protect Negro rights. It started out as non-Communist, and James W. Ford complained in 1936 that although "the National Negro Congress did not adopt a Communist program * * * we Communists stand 100 percent behind it in its effort to unite the Negro people."

By 1940 Communists had infiltrated the National Negro Congress to such an extent that when its president, A. Philip Randolph, "warned the congress to stick to its principle and remain nonpartisan" the Communists staged a demonstration and walked out, leaving only a third of the audience to finish hearing Randolph. This 1940 convention of the National Negro Congress passed a resolution condemning the war as "imperialist," and drew from a Communist writer the observation that the congress had "only acted in accord with the fundamental interests of the Negro people."

In 1947 the National Negro Congress merged with the Civil Rights Congress, an out-and-out Communist front which has recently dissolved.

The old International Labor Defense (ILD) also tried to influence the American Negro, and came into conflict with the National Association for the Advancement of Colored People as a result of the ILD's Communist tactics in converting the Scottsboro (Ala.) case into a vehicle for Communist propaganda. In this case nine Negro boys were indicted in 1931 on charges of having raped two white girls.

After the Scottsboro boys were first convicted, the NAACP charged that the defense "fell considerably short of perfection," and then retained the late famed Chicago criminal lawyer, Clarence Darrow, to represent the boys. In 1931 the late Walter White, then head of the NAACP, said the Daily Worker accused another defense attorney, Stephen R. Roddy, "of being a member of the Ku Klux Klan, of having conspired with the prosecution to electrocute the nine boys, of having been the inmate of an insane asylum." According to White, the Communists also charged the NAACP "as being in league with the lyncher bosses of the South, as plotters to murder the Scottsboro martyrs, as sycophantic tools of the capitalists." The NAACP withdrew from the case, recognizing that the Communist Party was interested only in promoting Red fascism in America.

George S. Schuyler, an editor of the Pittsburgh Courier, reflected the consensus of American Negroes when he concluded, "The record shows that where and when the Communists seemed to be fighting for Negro rights, their object was simply to strengthen the hand of Russia."

In similar fashion the Communist Party has long considered foreign-language groups in the United States fertile fields for infiltration. Since many of the early comrades were foreign-born, agitation among national groups became a natural outlet for party activity. In recent years the Nationality Groups Commission has coordinated agitation in this field.

The party has attempted to use national groups, among other things, to exert pressure for changes in American foreign policy. Pressure campaigns are organized, petitions circulated, testimonials secured, hoping to make the Government believe that a national group such as the Italians, Hungarians, or Slovaks, supports the line desired by the party. Party-controlled newspapers grind out accompanying propaganda.

Party fronts have been particularly active among national groups. The Communists always make strenuous efforts to infiltrate and capture fraternal insurance societies serving national groups. As we have seen,

such tactics give the party a ready base, along with somebody else's money, for further agitation. The party, moreover, always likes to pose as the "protector" of national cultures. Hence, it oftens sponsors nationality bazaars, picnics, and dances, where costumes from native lands are worn and native music is played. After the Soviet conquest of Eastern Europe, however, the party had increasing difficulty trying to peddle the glories of communism. Too much information was received from the old homelands describing true conditions behind the Iron Curtain.

Minority groups, like other patriotic organizations, have realized that no Communist-created utopia can compete with the American way of life. The ability of the Communists to propagate their false doctrines is a challenge to our educational process. We need to counter communism by making the hopes and aspirations of the American ideal a reality for all to enjoy.

Mr. JOHNSTON of South Carolina. Mr. President, communism is at work every minute, working day and night to try to spread its propaganda and stir up discontent, here, there, and yonder. The Communists are as busy as bees trying to stir up and foment discontent in the South, especially in what Mr. J. Edgar Hoover pictures as the Black Belt.

That happens to be the part of the country I come from, and I deeply resent this activity. Up until a short time ago we were living in complete harmony with the colored people, having no trouble with them. Then suddenly as a result of agitation from the outside, we began to see a little trouble brewing. But we have not had the trouble that has been prevalent in the North. There has been trouble in Detroit, there has been trouble here, there, and yonder about the country—much more trouble than we have had. Although there is integration in the North, the integration itself has brought about a great deal of strife and discontent.

Mr. President, another splendid chapter in this book deals with the Communist Trojan horse method of changing the thinking of the American people. This is chapter 17 of the book. This chapter points out how the Communist Party has given priority to forms of mass agitation and mass front movements. As J. Edgar Hoover says:

Literally hundreds of minor fronts of all shapes, sizes, and types appear each year in everyday party (Communist) life. They serve a specific short time purpose, then disappear. A few handbills, a rally, or a picket line, and a front has gone to work.

Mr. President, here we have the testimony of one of America's most capable fighters of communism, J. Edgar Hoover, giving us the lesson of the day. If our Justice Department were to investigate the current sitdown strikes that have been launched against the South, it would find not one, but probably dozens, of key Communists in each locality beating the drums to strike up this agitation—this new hate front—this new foreign attempt to force a breakdown of the social pattern of life for the benefit of the Communist Party. As J. Edgar Hoover said:

The danger of a party (Communist) front rests not in its physical appearance or size, but on its ability to deceive.

The moment for sitdown strikes, coming at the present time when the issue of civil rights, Federal control over voting, is before the Senate, is not a coincidence. The distinguished Senator from Georgia [Mr. RUSSELL] charged that this was an organized sitdown strike movement. I charge further that this is a Communist-inspired and a Communist-organized sitdown strike movement.

This movement may have been organized innocently, but so far as the Communists are concerned it is now their movement, their front, and their project. It is working to their advantage just as Little Rock worked to their advantage. Those who forced Little Rock onto the Nation created a racial dispute which was seized upon by the Communists. There is no question but that those who are promoting civil rights legislation and Federal controls over nearly every phase of our lives are doing the work of the Communists although they may not realize it.

Mr. President, there is no doubt but that the Communist line is to infiltrate our domestic organizations and stir up racial prejudice and violence. This is the new call of the Communists to become a part on both sides of fomenting racial disturbances. I would now like to call to the attention of the Senate a speech I made in July of 1957 on this subject. At that time we were debating civil rights legislation called the Civil Rights Act of 1957. One of the main questions at stake at that point was voting rights of Negroes in the South. In support of this legislation figures prepared by the Southern Regional Council were placed in the CONGRESSIONAL RECORD alleging that only 25 percent of the Negro voting age population were registered. I said:

Mr. President, I am very much pleased that the debate on the pending subject has developed along the lines it has, because my prepared speech, documented with records, will answer a great many of the questions raised.

The Senate, and the entire world, for that matter, has heard a great deal about figures issued by the Southern Regional Council, Inc., dealing with the issues of how many Negroes in the South, including my native State of South Carolina, are alleged to have registered to vote or have been deprived of this right. These figures, too, were accompanied in many instances, as in the Washington Post of yesterday, with comments about how Negroes in the Southern States are coerced and otherwise prevented from registering and from voting. The extremely biased magazine, Time, in today's issue, has picked up these figures issued by the council for further propaganda.

Tables issued by the Southern Regional Council have been used at great length to allegedly show that Negroes are being deprived of the right to register in order to vote in the South.

These tables were inserted in the CONGRESSIONAL RECORD of June 10, 1957. Subsequently, they have been used in support of this bill in public statements and elsewhere—and, I might add, convincingly so to those otherwise uninformed of voting and registering conditions in the South.

However, Mr. President, I believe there are several points regarding the Southern Regional Council, its members, and officials, which have not been brought to light fully, and certainly there are some very important facts regarding their method of arriving at the figures they published, that should be fully aired.

I charge, Mr. President, that the figures used by the Southern Regional Council to attempt to show that Negro registration in the South is exceptionally low because Negroes are being deprived of the right to register in order to vote, are highly misleading, in error, and in fact were distorted purposely in order to slander the South.

In the first instance, Mr. President, let us take the figures issued by the Southern Regional Council as regards my own native State of South Carolina, with which I am most familiar.

Southern Regional Council states that in 1950 there were 98,890 Negroes registered, or about 25 percent of the Negro voting age population. The State of South Carolina, until the election law was amended this very spring, had never practiced or required the practice of indicating race or color on registration certificates in South Carolina.

If the Senator from Illinois and other Senators who have been speaking on this subject will kindly get in touch with us after the registration for 1958 has been completed, they can then ascertain the number of colored persons who are registered. But at the present time that information is not included in the registration at all.

Allow me to quote from a telegram from the secretary of state of South Carolina I received yesterday:

"Voting registration in South Carolina is made without reference to race. Any figures given as to the number of colored or white registered is purely an estimate. There is no way insofar as this office knows that an accurate estimate could be given."

Mr. President, if the State does not require indicating on a registration certificate, or the records of those certificates, race, then how in the world can anyone determine how many people who registered were Negroes, or white, or Indians, or what have you? It is imposible.

The Southern Regional Council stated, in issuing these figures, that they were compiled from official records and from best figures available.

In South Carolina, there were no records to go by at all. What I would now like to know is, Just what available figures did they use in determining registered Negroes in South Carolina? Did they use figures submitted to it by the National Association for the Advancement of Colored People? They claimed they took a field check of the 46 counties in South Carolina. Such a task would be as formidable as a general census taking in that particular field. If they did, I am sure such a study in the Southern States would have taken more than the money with which the Ford Foundation provided the council, even though it received the largest amount ever granted by the foundation.

With this question in mind, I asked the Southern Regional Council for their system used in arriving at these figures. I now quote from the reply, which, in my opinion, is as broad as it is long, and still tells nothing as to the formula:

"As our foreword reprinted in the CONGRESSIONAL RECORD, volume 103, part 7, at page 8610 states: 'The attached material on Negro voter registration was compiled in the summer of 1956 from official records or from the best estimates available from reliable sources in each county.' Since official figures are not available in South Carolina, we arranged for county-by-county field survey to gather best estimates. Estimated figures as published were derived from interviews with knowledgeable persons in each county. These estimates indicate total increase of approximately 20,000 over our estimate for 1952; 50,000 over 1947."

Mr. ERVIN. Mr. President, will the Chair inquire of the able and distinguished Senator from South Carolina if he will yield to the Senator from North Carolina for an interrogatory?

The PRESIDING OFFICER. The Senator has that right.

Mr. JOHNSTON of South Carolina. I will be glad to yield with the understanding that I do not lose the floor.

Mr. ERVIN. Does not the Senator from South Carolina think that the best estimates available might be about as accurate as the figures the man had who said he swapped his hound dog for $2,500; that he did not get $2,500 in cash, but he got two alley cats valued at $1,250 apiece?

Mr. JOHNSTON of South Carolina. I think that is a good illustration of the kind of estimate we are talking about now. It is just about as accurate as the estimate these people are talking about.

Now they claim they arranged for a county-by-county survey in South Carolina.

By the way, I have not heard of that survey, and I do not know of anybody there who knows anything about it.

Mr. President, there are 46 counties in my State.

Can Senators imagine a survey being made by an organization such as Southern Regional Council being anywhere near accurate. The task of determining how many are registered by race in my State would be as vast an undertaking as would the counting of election ballots. I submit the figures, for the most part, were pulled from the air and are, in fact, as meaningless as an estimate of the number of grains of salt in the ocean would be.

The Southern Regional Council, according to the figures of John McCray, Negro 1953 State chairman of South Carolina Progressive Democrats, a Negro organization, is far behind in the registration of Negroes. While the Southern Regional Council estimates 98,890 Negro registrants in South Carolina in 1956, Chairman McCray said in 1953 that 125,000 Negroes were registered in South Carolina at that time and that it was anticipated at least 250,000 would be registered in 1954 and that the ultimate goal of a drive to enlist Negroes on the registration books was 350,000.

Bear in mind, everyone registered after that date is entitled to vote. Registration started in 1948, and the certificates are good until 1958.

We register every 10 years, and anybody who registers is registered for 10 years until that 10-year period runs out.

I shall now quote from an Associated Press dispatch of January 6, 1953, originating in Columbia, S.C., and distributed throughout the Nation on that date:

"THREE HUNDRED AND FIFTY THOUSAND SOUTH CAROLINA NEGRO VOTERS GOAL TO BE DISCUSSED SUNDAY

"COLUMBIA, January 6, 1953.—A goal of approximately 350,000 registered Negro voters in the State by the end of 1954 will be outlined here Sunday at a statewide meeting of the South Carolina Progressive Democrats.

"State Chairman John H. McCray said more than 7,000 members of the interracial organization are expected to attend.

"Principal speaker will be Representative WILLIAM L. DAWSON, a Democrat, of Chicago, Ill. DAWSON, a Negro, is vice chairman of the Democratic National Committee.

"McCray said his organization hopes to more than double the present State Negro vote he estimated at about 125,000."

Mr. President, there are several significant factors about this release that should be brought to the attention of the Senate in connection with the pending bill.

One is that the State chairman of an almost exclusively Negro organization should know more about the registration of the people of his race in his own State than some outsider playing a guessing game with figures, such as in the case of the Southern Regional Council.

Mr. ERVIN. Mr. President, will the Chair inquire of the Senator from South Carolina if he will yield for the purpose of permitting me to make a unanimous-consent request with the understanding that he will not lose the floor and that it will not count as two speeches on the floor.

Mr. JOHNSTON of South Carolina. I yield for that purpose.

Mr. ERVIN. I ask unanimous consent that I be permitted at this time to call up an amendment so that I can go and get some victuals.

The PRESIDING OFFICER. Unanimous consent has been requested to call up an amendment without the Senator from South Carolina losing the floor.

Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the amendment for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, lines 14 and 15 of the Dirksen amendment, it is proposed to strike out the words and figures "$10,000 or imprisoned not more than two years, or both" and insert in lieu thereof the words and figures "$1,000 or imprisonment not more than one year, or both."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN].

Mr. JOHNSTON of South Carolina. Mr. President, I continue to read my previous speech:

Second. It seems obvious enough to me that there could be no coercement or other hindrance of Negroes in my State from either registering or voting in my State. The very ambitious nature of the registration program outlined in the story by McCray is proof that it must be very easy for a Negro to register in South Carolina—at least as easy as it is for a white person.

Third. I think it is obvious that if McCray, who is chairman of this Negro organization, had access to a worldwide news agency, such as the Associated Press, which is known for its wide and impartial coverage of events, he would have complained, at the time when he gave out the above statement, that Negroes were being deprived of an opportunity to register, if they were being deprived of that right.

Mr. President, again, on January 12, 1953, a news report emanating from Columbia, S.C., the capital of my State, reiterated the first statement made by Chairman McCray, namely that their program had been launched to get the names of 300,000 Negroes on the registration books, so they could qualify to vote. The article is as follows:

"FULL-TIME DRIVE FOR NEGRO REGISTRATION IS PLANNED

"JANUARY 12.—A membership tax to finance a full-time program for registration of 300,000 Negro voters by 1954 will go into effect soon.

"It will be discussed by the executive committee of the South Carolina Progressive Democrats, one-time Negro party now operating within the framework of the State Democratic Party since it won primary voting rights for Negroes in 1948.

"Negro registration now is about 125,000, their leaders estimate. Chairman John H. McCray of the Progressives believes $10,000 a year will be raised in a $1 a year membership dues in the Progressives to finance more registration."

It sounds a little odd that they must pay $1 to get registrants. Complaint is made about a $1 poll tax in some places in order to be registered. That is a coincidence I cannot quite understand.

"With a heavy Negro registration, a rally of the Progressives here yesterday was told the State's U.S. Senators and Representatives who will fight full citizenship for the Negroes can be met head on at the polls."

Mr. President, the public record is replete with stories, such as this one pertaining to the fair and impartial registration in the State of South Carolina. The record is also replete with figures from sources other than the Southern Regional Council, to indicate that their figures were purposely drawn up on the basis of a percentage smaller than the actual one, in an attempt to misrepresent the South in connection with this issue.

The figure of 125,000 registrants, out of a qualified-to-register Negro population of 390,000 in 1953, is a far cry from 98,890 out of 390,000; 125,000 is nearly 35 percent of the Negro qualified-to-register population, whereas Southern Regional Council figures would suggest only 25 percent. This points up the vast margin of error in their figures.

As to charges of any deprivation of registration or voting rights in my State, I say they are all so much hearsay and propaganda.

I submit there has never been, to my knowledge—and I was Governor of South Carolina for 2 terms, and for 13 years I have been a member of the Senate of the United States, and previously I served for 6 years in the South Carolina Legislature in the past 20 years, any charge of such deprivation in my State by any individual voter or registrant or group of voters.

Mr. President, I should like to call attention to the fact that my State does not require the payment of a poll tax. Furthermore, in my State, a citizen does not have to enroll in order to vote. All he has to do is obtain a registration certificate, which is good for 10 years. Any South Carolina citizen who has such a certificate can go to the ballot box on election day and can vote.

Of course, it is understood the citizen must live in the precinct, in the county, and in the State in order to vote.

I now wish to quote from a telegram on this subject which I received from the attorney general of South Carolina. I believe his statement is as unquestionable as any statement yet made regarding registration and voting rights in South Carolina:

"I have served 16 years as prosecuting attorney and 17 years in office of attorney general as assistant attorney general.

"During this time no complaint has been made to me charging discrimination against any person of any race for violation of right to register and vote, in general elections. The South Carolina law is sufficient to protect right of suffrage for everyone regardless of race or color. Approximately 1,000 to 1,500 Negroes vote in 1 city ward in Columbia, S.C., in both party primaries and

general elections. This constitutional right will be protected in South Carolina.

"T. C. CALLISON,
"Attorney General of South Carolina."

There is no doubt as to the completely erroneous nature of the set of figures issued by the Southern Regional Council.

Mr. President, I cannot speak for other Southern States as well as Senators from those States can. But I do know that in Alabama, as in South Carolina, there are no records or requirements showing the race or color of registrants; and neither are any such records available in Georgia or in Arkansas. At this time, I wish to read telegrams received from Gov. Marvin Griffin, of Georgia, from the secretary of state of the State of Alabama, and from the secretary of state of the State of Arkansas, on this matter.

I refer to the time the bill was under consideration in 1957, which shows that the laws were on the statute books at that time.

I read first the telegram from Governor Griffin of Georgia:

"Investigation discloses that no official records are kept or are available showing county-by-county breakdown on number of white and Negro registrants. The secretary of state, who has conducted a survey on registration, informs me that it is impossible to determine accurately any breakdown of registration by race in this State. There is no provision in the Georgia law which provides for the registration of voters by race or color. The figure used by the Southern Regional Council is not complete, nor does it represent any more than estimates given by officials as to the registration for the general election last year.

"It is my opinion that if registration records showed the race of the registrant where it was possible to determine the total number in each racial group, the total registration figures for both white and Negro would be higher at the present time than the estimates announced last year by the secretary of state.

"MARVIN GRIFFIN,
"Governor of Georgia."

"Retel today. No Alabama statute or registration form requires applicant for registration to indicate race or color. There are no official records reflecting percentage of Negro and white registered voters, although lists of registered voters submitted by some counties do indicate race. All figures published by any group are estimates only and unofficial.

"MARY TEXAS HURT GARNER,
"Secretary of State, Alabama."

"No separate record is kept of Negro and white vote or poll tax receipts.

"C. G. HALL,
"Secretary of State, Arkansas."

Mr. President, a very interesting situation exists in Virginia. Let me read a wire from the secretary of state of Virginia on this matter:

"In re telegram July 24 desiring to know if registration for voting in Virginia requires the race or color of the individual voter. You also inquire if Virginia has any official record that would accurately reflect by county the percentage of Negroes and whites registered to vote. Virginia law requires the list of voters, white and colored men and women to be kept and arranged in separate books or records and this has been done for years.

"Approximate number of Negro voters in Virginia in April 1957 was 89,146, and estimated number of whites as of same date was 848,037. Number of Negroes who had paid their capitation taxes as of May 4, 1957, was 121,607 and the number of whites who paid their capitation taxes as of same date 976,475. We have the figures which made up these totals by counties and cities and are forwarding this information by special delivery.

"LEVIN NOCK DAVIS,
"Secretary, Virginia State Board of Elections."

As can be seen, in Virginia, there are 121,607 Negroes who had paid poll taxes and as a result were eligible to register and to vote. Yet of that amount, only 89,146 are registered to vote. What happened to the other 31,000 Negro eligibles for voting in Virginia?

I discussed this matter with the senior Senator from Virginia in his office, and I was told that there had been no complaint about persons not being permitted to register or vote.

Mr. President, they simply did not bother to register and to go to the polls, and that is about all there is to it. Southern Regional Council did not say how many, if any, of the 31,000 who did not vote made any appeal to any Virginia or Federal official that they were being deprived of voting by force or other means. But the Southern Regional Council, which reported 5,000 Negro voters less than those coming from the Virginia State Board of Elections, implies in general terms that great deprivations of registering and voting of Negroes exists.

Let us take a look at Louisiana. In the Washington Post on Thursday, July 25, and in Time magazine this week, it was reported, as coming from the Southern Regional Council's report, that Louisiana had the highest percentage of Negroes registered in the South, with 18 percent of the registered voters Negroes.

Mr. President, how ridiculous can one get? Their own report, placed in the CONGRESSIONAL RECORD, on June 10, admitted 25 percent of eligible Negroes of voting age in South Carolina were registered.

Mr. Douglas Fowler, director of the State Board of Registrations for Louisiana, called my office about this matter. He told me Negroes represented 14.8 percent of registrants in Louisiana as of October 1956. The fact is that in October 1940 Negroes represented only two-tenths of 1 percent of registered voters in Louisiana. By 1950 they represented 7.5 percent of registered voters, and in 1954, 13.5 percent. They have been steadily gaining in registration each year for the past 14 years, according to reports given me by Mr. Fowler.

Mr. President, at that point in the RECORD I placed a table showing that in October 1940 the percentage of Negro registrants was two-tenths of 1 percent. This table indicated the following:

In October 1944, 4 years later, it was three-tenths of 1 percent.

In October 1948 the figure was 3.1 percent.

In October 1950 the figure was 7.5 percent.

In October 1952 the figure was 10 percent.

In October 1954 the figure was 13.5 percent.

In October 1955 the figure was 14.1 percent.

In October 1956 the figure was 14.8 percent.

I notice, from this table, that while the percentage of white registrants was 99.8 percent in 1940, the whites have dropped in their registrations.

Mr. Fowler advised me there were adequate State laws to take care of any coercion or other deprivations of registration of voting in Louisiana.

Mr. President, at that point I placed in the RECORD telegrams from the secretary of state of Florida, the executive secretary of the State Board of Elections of North Carolina, and the secretary of state of Texas.

As indicated in these telegrams, these States do keep records from which the number of Negro and white registrars could possibly be estimated, although in North Carolina one apparently would have to search every registration book in the State for this information, according to that State's secretary of state:

"Registration for voting in this State requires information as to color. Sending today registration figures as of general election 1956.

"R. A. GRAY,
"Secretary of State, Florida."

"Retel secretary state. Registration books this State do have columns marked white and colored. There is no official record this office or elsewhere to our knowledge showing breakdown registration by race or sex.

"R. C. MAXWELL,
"Executive Secretary, State Board of Elections, North Carolina."

"Replying to your telegram of today. Texas has no system of personal registration of voters. However, Texas constitution and statutes require payment of poll tax by those subject thereto as prerequisite to voting and article 5.14 of Texas election code requires showing of race in poll-tax receipt. Also, articles 5.16 and 5.17 require showing of race in exemption certificates. Under article 5.22, list of voters delivered to election board by county tax collectors required to show race of qualified voters. Thus, number of qualified Negro voters could be obtained from records of each county.

"ZOLLIE STEAKLEY,
"Secretary of State of Texas, Austin, Tex."

Mr. President, so much for the registration figures issued by the Southern Regional Council. I believe their figures are about as accurate as the organization's record is clean.

Mr. President, I shall now read "Firing Line" of May 15, 1957, on Southern Regional Council, Inc., which, on July 26, 1957, was printed in the RECORD:

"Readers of the Firing Line will recall that the council was identified as a 'southern red front by Manning Johnson on March 8, 1957, before the State of Louisiana legislative committee on segregation.' "

Still quoting from Firing Line:

"Records of the American Legion reveal a definite trend of interrelationship between the Southern Regional Council and the Southern Conference for Human Welfare, a defunct Communist-front organization."

Mr. JOHNSTON of South Carolina. Much has been said about registration and the right to vote. The subcommittee of which I am a member, the Constitutional Rights Subcommittee of the Judiciary Committee, held hearings all through the South. Time and time again we have found that the colored people have increased their voting percentage from year to year. I pointed out the figures a few minutes ago. I feel that if they are let alone it will probably be found that more of them will vote in the coming election, and still more in the following year. But I feel that if we try to stage an all-out fight in this field, we shall find that instead of being a help to the situation it will be a hindrance. I hope, though, that the effort will not deteriorate into the same kind of situation that existed back in the Reconstruction days. The statute remained on the statute books until 1893 and 1894. If we go into the field as the Federal Government did then, the result will be fraud, deceit, and a great many worries and headaches, within the State where such a condition occurs. Moreover, there will be dragging in the elections subcommittee in the Senate

and the cost of making the investigations that will be required of the election subcommittee of the U.S. Senate will be not thousands of dollars, but millions of dollars. Some people have criticized the expenditures of the various committees of the Senate, but I predict that that committee will be the biggest spending committee or subcommittee in the Senate if the proposed legislation goes into effect.

I recall one little contest between two Senators, a Democrat and a Republican, in the State of New Mexico. Hundreds of thousands of dollars were spent in that election, and finally it was concluded that nothing so far wrong was done in the State that it should bring about the setting aside of an election in New Mexico.

The Senate will find that party will be set against party, and there will be hard feelings between the Democratic Party and the Republican Party, so much so that we shall find it hard to get necessary bills passed that ought to be passed in the Congress.

I am very fearful that we may not stop, look, and listen in connection with the first section of the bill, remembering that this is the section we are talking about.

But that is not all that is in the amendment which the Senator from Illinois [Mr. DIRKSEN] has offered. We should read all of that amendment and see how far it goes and see if it is not the entering wedge, the entering into the tent of the FEPC, in effect. If that policy becomes law in the United States, we shall cause employers and the people who work for them headache after headache because of the FEPC. We shall find that those who employ others do not want such legislation because they wish to be in a position to employ the man whom they consider best for the position which might be open at the time and not be compelled to look about and say, "I hired so many white people; I will now have to hire a colored person," or, "I have hired so many colored people; I shall now have to hire a white person." He may have to say, "I have hired so many Greeks; I should hire so many Jews," and so on down the line. That is the condition we are venturing into, and I warn the Senate that we are treading upon dangerous ground today. So I ask Senators to please stop, look, and listen before treading this ground any further.

Mr. ELLENDER. Mr. President, it is now 8:44 a.m. I am reasonably certain that many of my colleagues are sound asleep, therefore I shall not call for a quorum. I know that they lost a great deal of rest during the night, as I did, and I hope they appreciate my consideration of their well being.

I compliment the distinguished Senator from South Carolina [Mr. JOHNSTON] for having laid bare the facts regarding the voting records in the various States of the South, and before I proceed with a discussion of section 1 of the so-called Dirksen substitute amendment, I desire to emphasize, as many Senators before me have done, that the proponents of the pending legislation, by and with the assistance of the press, are diligently palming it off as a "right to vote" bill. I have read many editorials in recent days as well as articles in periodicals, which have presented to the people of our country, information which would lead them to believe that the legislation presently under discussion concerns only the right to vote.

Every Senator knows that is not true, and he knows that the right to vote is relatively a minor matter when one considers the countless sweeping changes the various bills and amendments which have been presented thus far to the Senate would bring about if they were ever made the law of the land.

Mr. President, the proposals advanced in the numerous amendments are not new. In 1957, proponents of the so-called civil rights bill presented to the Senate, what they called an "innocuous bill." They took the position then that their bill was only a "right to vote" proposal, but we know it contained the infamous title III, with which we are familiar. Fortunately, at that time we were able to strike title III from that so-called innocuous bill.

As I shall point out in a moment, title III of the 1957 bill is once again finding its way before the Senate through an amendment proposed by the senior Senator from New York [Mr. JAVITS]. I have not had sufficient time to analyze all of the amendments which have been offered to the so-called Dirksen substitute but at this time I would like to present a cursory analysis of some amendments offered by the senior Senator from New York, to show how far these amendments take us from voting rights. I hope the press will not continue to label the pending legislation "right to vote" bill and thereby mislead the public into believing that the only issue before us is a right-to-vote bill, because that seems to have the most appeal.

I admonish the press of our Nation to make an endeavor to present clearly the countless issues contained in the legislation pending before the Senate. It embraces everything from antilynching to elimination of the poll tax, issues which have been before the Senate ever since I first became a Member, 24 years ago.

During these years, I have often tried to speak extensively in debating these many and varied measures. My first extensive speech was delivered in 1938 when an antilynching bill was considered by the Senate. At that time I was successful in occupying the floor for 6 successive days. As I recall, I spoke for 4 to 7 hours a day on the subject.

Although it is 22 years later and lynching is practically extinct, we still must consider such legislation. Some organizations, particularly the NAACP, seem to thrive on having such issues presented to the Senate, because it enables them to increase their membership, and thereby obtain more money to disseminate their nefarious propaganda throughout our Nation.

I would now like to refer once again to the so-called Dirksen substitute amendment. I shall not cover it in detail, except to mention by title the various proposals it contains and upon which the Senate will probably be called to vote within the next 4 or 5 weeks.

The first section deals with obstruction of court orders.

The second section deals with punishment for flight to avoid prosecution for unlawful destruction of educational or religious institutions.

The third section is concerned with the preservation of Federal election records, and authorizes the Attorney General to compel the production of such records.

The fourth section calls for Federal assistance in meeting the cost of special professional services needed in carrying out public school desegregation programs, and for other purposes.

The fifth section provides for the education of children of members of our Armed Forces in communities in which the public schools are closed.

The sixth section seeks to establish a Commission on Equal Job Opportunity Under Government Contracts—in other words, the establishment of the infamous FEPC, which was discussed a short time ago by my good friend from South Carolina [Mr. JOHNSTON].

Mr. President, there is also a seventh section which calls for the appointment of Federal referees, the so-called "new plan" which, according to the press, was devised by Attorney General Rogers. As has been stated on this floor on many occasions, it is really only a copy of the infamous Reconstruction Statutes which became law shortly after the Civil War.

I do not intend to discuss the Reconstruction Statutes at this time; however I do want to present a cursory analysis of the several amendments which have been placed before the Senate by the senior Senator from New York [Mr. JAVITS]. His amendments would amend the so-called Dirksen substitute. I repeat that my analysis must necessarily be a cursory one since I have not had the time properly to analyze all of the amendments, as I would have liked to have done.

However, I hope my presentation serves the purpose of enabling the press, and in particular the editor of the Washington Post to learn of the amendments the senior Senator from New York has placed before the Senate. Then after obtaining this knowledge, I hope that they will find time to write about the extent to which the amendments encroach upon the liberties and the rights of the people of this Nation.

His first amendment, numbered 2–24–60—A, seeks to incorporate part of section 4 of the Dirksen substitute, by giving recognition to the Supreme Court decision in Brown against Board of Education as the supreme law of the land, and then it proceeds to set up titles as was done with the 1957 civil rights bill. In title II, as I shall show later, there are buried some of the title III provisions which were stricken by the Senate from the 1957 bill.

Among other things title II of the Javits amendment would grant technical assistance to the Secretary of Health, Education and Welfare, so that he may bring about total desegregation of

schools; and it creates a propaganda machine, with the Secretary of Health, Education, and Welfare as administrator, by permitting him to assemble, publish, and distribute information "helpful" to the cause of integration.

Mr. President, what has that to do with voting rights?

It also would have the Secretary survey the "progress" of desegregation in all areas, and make the results of such surveys available to public agencies and "private organizations." This should be called the Federal aid to the NAACP section, since it relieves that organization of having to gather its own propaganda. It will be able to obtain the surveys from the Secretary of Health, Education, and Welfare.

Section 202 of title II requires the Secretary to create and train "shock troops" to compel desegregation of schools. He must recruit, employ and train specialists to prepare, put into effect and carry out integration of public schools. There is no limit as to the number of such "specialists," nor are standards as to their qualifications spelled out.

Section 203 requires the Secretary to pay the expenses of persons attending his conferences. This appears to be authority for the NAACP to dip into the Federal Treasury, through the Secretary of Health, Education, and Welfare, in order to defray travel expenses of its legions of agitators.

Section 204 authorizes the appropriation of $2.5 million per year for the next 4 years to defray the costs occasioned by this portion of the bill. Since the authority for these appropriations begins July 1, 1959, evidently the Senator from New York merely resurrected some of his older amendments, dusted them off, and submitted them as amendments to the Dirksen substitute, without bothering to change the dates thereon.

Section 301 offers what may be designated as bribes to States to desegregate. These "bribes" could be used for teachers' salaries, to pay costs occasioned by giving teachers "in-service training in dealing with problems incident to desegregation," to defray the cost of "specialists" employed to assist "to develop understanding by parents, schoolchildren and the general public of plans and efforts for eliminating segregation in the field of public education." This is the "brainwash" section, authorizing Federal grants to pay specialists to "brainwash" the public, and entice or lure them into accepting compulsory integration.

Mr. President, once again I feel that I should call upon the press of the Nation to give this information to the public, and to stop labeling this bill a right-to-vote bill.

Subtitle C, of title II, consisting of sections 401 through 405 would make the Secretary of Health, Education, and Welfare a super-czar over local education, by authorizing him to promulgate and put into effect his own integration plan, when he feels States or local authorities are not proceeding promptly enough to suit him. In preparing his integration manifesto, the Secretary must again call upon the NAACP for help, since he is required to seek "the advice and assistance of private organizations and private citizens," to say nothing of his own previously created advisory councils, whose membership could, and no doubt would, be handpicked by the NAACP and other such groups. The full impact of this subtitle can be obtained only by a full reading thereof.

Mr. President, I ask unanimous consent that at this point in the RECORD the entire Javits amendment, numbered 2-24-60-A, be printed, so that it may be read by all who are interested.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On line 1, page 1 it is proposed to insert "TITLE I".

Following section 3, insert "TITLE II".

Strike out "SEC. 4. (a)" and insert in lieu thereof "SEC. 101".

Strike out subsections (b) through (g) of section 4 and insert in lieu thereof the following:

"SUBTITLE A

"Technical assistance by Secretary of Health, Education, and Welfare

"SEC. 201. The Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the 'Secretary') is hereby authorized to render technical assistance to States, municipalities, school districts, and other local governmental units to eliminate denials of constitutional rights in the field of public education by reason of race, color, religion, or national origin and to come into compliance with the decisions of the Supreme Court in the field of public education by—

"(a) assembling, publishing, and distributing information which, in his judgment, will prove helpful in obtaining public understanding of, and compliance with, the Constitution and decisions of the Supreme Court in the field of public education;

"(b) surveying the progress made in eliminating segregation in public education in various parts of the country and making available to public agencies, private organizations, private individuals, and the general public the results of such surveys, including wherever possible successful case histories of desegregation and the ways and means utilized to bring about desegregation in such instances;

"(c) planning, calling, and holding local, State, regional, and national conferences attended by State and local officials, representatives of private organizations, and private citizens, to discuss ways and means of eliminating segregation in public education generally or in any particular State, municipality, school district, or other local governmental unit;

"(d) appointing local, State, regional, and national advisory councils to assist the Secretary in carrying out his duties under this Act and to offer their assistance to any State, municipality, school district, or other local governmental unit to come into compliance with the Constitution and the decisions of the Supreme Court in the field of public education;

"(e) reporting to the Congress, at least semiannually, concerning the progress being made in eliminating segregation in public education in various parts of the country; and

"(f) assisting, by such other related means as he deems appropriate, States, municipalities, school districts, and other local governmental units to eliminate segregation in public education.

"SEC. 202. The Secretary shall recruit, employ, and train specialists in preparing, putting into effect, and carrying out plans for eliminating segregation in public education and shall offer the services of the specialists to States, municipalities, school districts, and other local governmental units. Upon request of any State, municipality, school district, or other local governmental unit, the Secretary shall make available to the requesting governmental unit the services of one or more specialists for such periods of time and in such numbers as the Secretary deems necessary and appropriate in the light of the particular needs of the requesting governmental unit.

"SEC. 203. (a) The Secretary is authorized to reimburse any State or local official, representative of a private organization, or private citizen who is invited by him to attend any local, State, regional, or national conference held under the authority of section 201 (c), and any member of an advisory council appointed under the authority of section 201(d) who is carrying out authorized functions, for travel expenses incurred, and to pay to any such person per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b-2) for persons in the Government service serving without compensation.

"(b) The Secretary is authorized to reimburse any State or local official who, with the approval of the Secretary, is invited to confer with one or more specialists employed by the Secretary under section 202 for travel expenses incurred in attending such conference, and to pay to any such official per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b-2) for persons in the Government service serving without compensation.

"SEC. 204. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1959, and for each of the four succeeding fiscal years, such amounts not to exceed $2,500,000 in any fiscal year as may be necessary for carrying out the purposes of this subtitle.

"SUBTITLE B

"Grants to areas where desegregation in public education is being carried out

"SEC. 301. (a) The Secretary is authorized to make grants to States, municipalities, school districts, and other local governmental units which maintained racial segregation in their public schools on May 17, 1954, and which make application for such grants, to assist in meeting the costs of additional educational measures undertaken or to be undertaken to further the process of eliminating segregation in the public schools of the applicant State, municipality, school district, or local government unit, while at the same time assuring that existing educational standards will not be lowered.

"(b) Grants may be made under this section for—

"(1) the cost of employing additional schoolteachers,

"(2) the cost of giving to teachers and other school personnel in-service training in dealing with problems incident to desegregation,

"(3) the cost of employing specialists in problems incident to desegregation and of providing other assistance to develop understanding by parents, schoolchildren, and the general public of plans and efforts for eliminating segregation in the schools in order to reduce the possibility of community hostility or unlawful resistance to such plans and efforts, and

"(4) other costs directly related to the process of eliminating segregation in public schools, including the replacement of State payments to a school district or other political subdivision withdrawn because the applicant district or subdivision is eliminating, or is starting to eliminate segregation.

"(c) Grants may also be made under this section for the construction, enlargement, or alteration of school facilities when the Secretary finds that lack or inadequacy of existing facilities makes the carrying out of any reasonable plan for desegregation with-

out lowering existing educational standards impracticable or materially more difficult.

"(d) Each application made for a grant under this section shall provide such detailed breakdown of the additional educational measures for which financial assistance is sought as the Secretary may by regulations prescribe.

"(e) Each grant under this section shall be made in such amounts and on such terms and conditions as the Secretary shall prescribe, which may include the condition that the applicant expend funds in specified amounts for the purpose for which the grant is made. In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Secretary shall take into consideration—

"(1) the amount available for grants under this section and the other applications which are pending before him,

"(2) the financial condition of the applicant and the other resources available to it,

"(3) the nature, extent, and gravity of its problems incident to desegregation,

"(4) whether the additional educational measures undertaken or to be undertaken are reasonably and effectively designed to further the process of eliminating racial segregation, while at the same time assuring that existing educational standards will not be lowered, and

"(5) such other factors as he finds relevant.

"SEC. 302. The Secretary is further authorized to make grants to public or other nonprofit educational institutions of higher learning to meet or assist in meeting the cost of short-term training courses or institutes, not to exceed four weeks in duration, for personnel of public schools or of educational agencies engaged in or about to undertake desegregation, designed to enable such personnel to deal more effectively with problems incident to desegregation. Such grants may also be used by such institutions to establish and maintain fellowships for such training courses or institutes, covering tuition, fees, and such stipends and allowances (including travel and subsistence expenses) as may be determined by the Secretary.

"SEC. 303. Payments of grants under sections 301 and 302 may be made in advance or by way of reimbursement, and at such intervals and on such conditions as the Secretary may determine.

"SEC. 304. (a) There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1959, and for each of the four succeeding fiscal years, such sums, not exceeding $40,000,000 for any fiscal year, as may be necessary to carry out the provisions of this subtitle.

"(b) In making grants from funds appropriated for any fiscal year for the purposes specified in section 301(b), the Secretary may disregard applications received after August 31 in that fiscal year, or may subordinate such applications to applications received before that date. In the event that he receives, either before or after that date, applications which he considers would materially contribute to carrying out the purposes of this subtitle, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

"(c) In the event that the Secretary receives applications for grants for the purpose specified in section 301(c) which he considers would materially contribute to carrying out the purposes of this subtitle, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

"SUBTITLE C

"Administrative action directed toward eliminating segregation in public education

"SEC. 401. The Secretary shall make every effort to persuade States, municipalities, school districts, and other local governmental units to make a start toward eliminating segregation in public education and to carry out in full such programs as they may start and to this end he shall utilize the authority provided in subtitles A and B.

"SEC. 402. Whenever the Secretary shall find that all efforts under subtitles A and B and under section 401 of this title have failed, and continue to fail, in bringing about a start toward the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit, the Secretary is authorized to prepare a tentative plan for the elimination of segregation in public education in such State, municipality, school district, or other local governmental unit. In preparing such a tentative plan, the Secretary shall seek the advice and assistance of public officials, private organizations, and private citizens in the area and of any local, State, regional, or national advisory council appointed pursuant to section 201(d); and he shall carefully consider such advice and assistance wherever available. Tentative plans prepared by the Secretary under the authority of this section shall take into account the need of the particular area for time to make an orderly adjustment and transition from segregated to desegregated schools.

"SEC. 403. (a) Whenever the Secretary has prepared a tentative plan for the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit, he shall forward the plan to the Governor, mayor, or other appropriate official, as the case may be. If the State, municipality, school district, or other local governmental unit agrees to put into effect the tentative plan as proposed by the Secretary or as modified by the State, municipality, school district, or other local governmental unit with the consent of the Secretary, the Secretary shall utilize the authority granted in subtitles A and B to assist the State, municipality, school district, or other local governmental unit in putting into effect the tentative plan.

"(b) If the State, municipality, school district, or other local governmental unit (1) does not agree to put into effect the tentative plan as proposed by the Secretary or as modified with his consent, or (2) after agreeing to the tentative plan as so proposed or modified, does not, in the judgment of the Secretary, carry out such tentative plan, the Secretary shall hold a public hearing upon the tentative plan. Notice of such hearing shall be given to the local authorities concerned by registered mail and notice shall be given to private organizations and private citizens within the area by publication in one or more newspapers. Local authorities, private organizations, and private citizens shall be permitted to participate in the hearing and present evidence and argument in favor of the tentative plan, in favor of amendments to the tentative plan, or in opposition to the plan or to any plan, but cumulative evidence may be excluded in the discretion of the Secretary. Anyone shall be permitted to file a written statement with the Secretary in addition to, or in lieu of, personal appearance at the public hearing.

"(c) After the hearing provided in subsection (b) has been concluded, the Secretary shall prepare and issue an approved plan for eliminating segregation in public education in the State, municipality, school district, or other local governmental unit. He shall publish the approved plan in the Federal Register and in one or more newspapers in the area affected thereby and shall transmit a certified copy thereof to the appropriate official of the State, municipality, school district, or other local governmental unit involved.

"(d) In order that the proceedings under this subtitle shall expedite the elimination of segregation in any State, municipality, school district, or other local governmental unit, the Secretary shall handle all proceedings under this subtitle as expeditiously as possible. The Secretary shall complete any proceedings hereunder within one year from the time that a tentative plan is forwarded to the Governor, mayor, or other appropriate official under section 403(a), or, in case a State, municipality, school district, or other local governmental unit agrees to a tentative plan but does not carry it out, within six months from the time that the Secretary determines that such State, municipality, school district, or other local governmental unit is not carrying out such tentative plan.

"SEC. 404. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1959, and for each of the four succeeding fiscal years, such amounts as may be necessary for carrying out the purposes of this subtitle.

"SEC. 405. The Secretary is authorized to carry out his responsibilities and exercise his authority under this subtitle and under subtitles A and B through designated personnel in his own office or through any existing bureau, division, or agency of the Department of Health, Education, and Welfare or through a new office created by him for the special purpose of exercising the Secretary's responsibilities hereunder, except that the Secretary shall personally review and sign any approved plan issued under section 403(c).

"SUBTITLE D

"Authorization to the Attorney General in the field of public education

"SEC. 501. (a) Whenever (1) the Secretary has published in the Federal Register an approved plan for the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit pursuant to section 403(c), (2) the State, municipality, school district, or other local governmental unit has rejected the plan or has refused or failed to act in accordance therewith, and (3) the Secretary has certified to the Attorney General that all efforts to secure compliance with the Constitution and the Supreme Court's decisions by conciliation, persuasion, education, and assistance under subtitles A, B, and C have failed, the Attorney General of the United States is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against the appropriate officials of the State, municipality, school district, or other local governmental unit, and any individual or individuals acting in concert with such officials to enforce compliance with the approved plan.

"(b) The Attorney General is authorized to move to dismiss or discontinue any action brought under subsection (a), or to propose or to agree to a decree adopting a plan for elimination of segregation in public education which is different from the approved plan, whenever he determines that the State, municipality, school district, or other local governmental unit is making, or is prepared to make a prompt and reasonable start toward full compliance with the Constitution and the Supreme Court's decisions in the field of education and to work toward full compliance with all deliberate speed.

"(c) Any interested party may, with the leave of the court, intervene in any action

brought under subsection (a), and the court shall consider any proposals by the intervenors, as well as by the defendant or defendants, in determining its final decree.

"SUBTITLE E

"Other authorizations to the Attorney General

"SEC. 601. (a) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordnance, regulation, custom, or usage, of any State or Territory or subdvision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

"(b) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of subsection (a) not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

"(c) Nothing contained in subtitles C and D shall limit the authority of the Attorney General to institute and maintain an action under subsection (a).

"SEC. 602. The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

"SEC. 603. The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the fourteenth amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin.

"SEC. 604. (a) Chapter 161 of title 28 of the United States Code is amended by inserting a new section immediately following section 2403 as follows:

"'§ 2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws.

"'In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein any person alleges on oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution of the United States to equal protection of the laws by reason of race, color, religion, or national origin, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with loss of his right to equal protection of the laws and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relating to the questions of whether such person is subjected to or threatened with loss of his right to equal protection of the laws and the relief granted by the court'.

"(6) Such chapter is further amended by inserting in the analysis at the beginning of such chapter, immediately following section 2403, the following:

"'2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws.'

"SUBTITLE F

"Jurisdiction of district courts with respect to this title.

"SEC. 701. The district courts of the United States shall have jurisdiction of proceedings instituted under sections 501, 601, 602, and 603 of this title and shall exercise the same without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted and, in the case of proceedings instituted under sections 601 and 602, without regard to whether any administrative proceeding is pending or contemplated under subtitle C, it being the purpose of subtitle C to expedite, not delay, the elimination of segregation in public education throughout the Nation. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

"TITLE III

"Renumber the remaining sections appropriately."

Mr. ELLENDER. It should be noted that while a public hearing is required in connection with the promulgation of any school integration plan, the Secretary is required to handle all such proceedings "as expeditiously as possible," and, in any event, "the Secretary shall complete any proceedings within 1 year from the time that a tentative plan is forwarded to the Governor, mayor," or other appropriate official, and so forth.

Another appropriation is authorized for this subtitle, an open end appropriation, that is, "such amounts as may be necessary for carrying out the purposes of this subtitle." Again the sponsor has not changed the "July 1, 1959" initiation date, which evidently was the date on the bill when it was first introduced some time ago. Section 301(b)4 apparently would provide Federal funds to schools which defy State law, since it authorizes the payment of "other costs related to the process of eliminating segregation in public schools, including the replacement of State payments to a school district or other political subdivision withdrawn because the applicant district or subdivision is eliminating, or is starting to eliminate, segregation."

The next subsection authorizes Federal grants to build school buildings, or to alter existing buildings, when desegregation results in crowded school facilities. The remaining portion of the section outlines the standards to be applied by the Secretary of Health, Education, and Welfare in making the various grants authorized.

Section 302 permits payment by the Federal Government of the costs of pro-integration "short courses," and authorizes "integration fellowships," the costs of which would be borne by Uncle Sam.

Section 304 authorizes the appropriation of $40 million per fiscal year to defray the costs of the above sections. Again the starting date is cited as July 1, 1959. It appears that the sponsor again failed to change the dates of what was apparently an older amendment.

The remainder of section 304 is a technical section, dealing with cut-off dates on when applications for aid in a current school year may be received. However, section 304–B accords additional authorization for additional appropriations should the previously authorized $40 million be insufficient. The same is true of section 304(c).

Subtitle D of the amendment accords to the Attorney General the duty of filing suit against State officials, or other appropriate officials, to compel the acceptance of the Secretary's integration manifesto. This subtitle specifically authorizes "any interested party, with the leave of the court to intervene in any action" brought by the Attorney General, and permits such persons to submit any proposals, which must be considered by the court, in addition to those submitted by the Secretary or the Attorney General before the court can render a decree. This specifically authorizes, at least by inference, the NAACP to submit its own views on integration to the court and compels the court to consider those views, along with any schemes concocted by the NAACP to integrate schools, in determining what decree the court may enter.

Subtitle E is a "dilly." It, in essence, is an effort to reimpose title III of the 1957 civil rights bill, and, although it is buried in the rear of the amendment under the title "Other Authorizations to the Attorney General" would require the Attorney General to file suit to compel such things as the integration of swimming pools, etc. upon receipt of a "signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, equal protection of the laws by reason of race, color, religion, or national origin.

The Attorney General will also be empowered to file such suits in the name of the United States. This would deny persons who might subsequently violate any order which might issue pursuant

to such suit, the right to a jury trial before being hauled off to jail for contempt.

It should be noted that the limited jury trial guarantee, provided in the 1957 Civil Rights Act, is limited therein to voting rights cases, and would not be applicable to the equal-protection cases for which relief is sought by the Attorney General under the authority of this subtitle. "Equal protection" means not only the right to swim in an integrated swimming pool, but the right to use an integrated golf course, or the right to have any and all other public facilities integrated.

It should further be pointed out that section 601–b is a legal "Lulu," since it requires the Attorney General to find that persons are "unable to seek effective legal protection for the right to the equal protection of the laws, not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families." There is apparently no legal precedent for such findings. Query: What is the meaning of "other economic activity," as well as how large a class does the term "families" embrace?

Section 602 accords further authority to the Attorney General, to direct suits and writs against any person, or persons, "preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws." This is an action which far exceeds the rights granted by the 14th amendment, which applies only to State action, since it attempts to authorize Federal suits and other actions against not only State officials, or persons acting under color of State law, but against purely private parties who might be merely "threatening to hinder" or "conspiring to hinder" the performance of actions sought to be imposed upon officials under a previously obtained decree. What is a threat to hinder, what is a conspiracy to hinder?

Sections 603 and 604 are catch-all provisions. Section 603 would call upon the Attorney General to file suit, upon receipt of a signed complaint, against "any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage," deprives or threatens to deprive any person or group of persons or association of persons "any right guaranteed by the 14th amendment." It goes beyond the equal protection clause, covers the entire 14th amendment, and, again, seeks to authorize suits against private persons.

Section 604 would bring the Attorney General into suits filed by private parties under the equal protection clause. In other words, even where U.S. aid was not requested by complaint under the authority of the previous sections of the amendment, Uncle Sam's legal eagles would be permitted to get into the act under this section.

Section 701—subtitle F—vests jurisdiction over the previously created causes of actions, and so forth, without any need for State remedies to be exhausted.

Mr. President, I have just reviewed one of the so-called Javits amendments, and once again I express the hope that these amendments will receive the publicity they deserve. The American people are entitled to know that the matter before the Senate is not a so-called voting-rights bill, but one which seeks to empower the Federal Government to send its long arm into States and delve into problems which are purely local in character.

Now, I come to another Javits amendment. I ask unanimous consent that this amendment be printed in the RECORD at this point. In order to understand it, it must be read fully. Apparently it has been submitted as an anti-lynch amendment, but it embraces much more than that.

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

SEC. —. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Deprivation of right to a fair trial

"(a) The Congress finds that willful interference with, or obstruction of, any process or proceeding of a State or territory or political subdivision thereof, for the apprehension, confinement, trial, and punishment of any person charged with a crime or held for investigation or as a material witness, through acts or threats of force by persons not acting under lawful authority constitutes a deprivation of rights, privileges, and immunities guaranteed to such person by the Constitution of the United States, including such person's right not to be deprived of life, liberty, or property without due process of law. The Congress further finds that such interference or obstruction threatens the administration of justice of the several States and thereby imperils their republican form of government which, under the Constitution of the United States, it is the obligation of the United States to guarantee.

"(b) Whenever two or more persons shall knowingly in concert for the purpose of depriving any person, either directly or indirectly, of his right to a fair trial or his right not to be deprived of life, liberty, or property except by due process of law, willfully interfere with or obstruct any process or proceeding of a State or territory or political subdivision thereof, for the apprehension, confinement, trial, and punishment of any person charged with a crime or held for investigation or as a material witness through acts or threats of force, then anyone who knowingly instigates, incites, organizes, aids, abets, or participates in such action shall, upon conviction, be fined not more than $1,000, or imprisoned not more than one year, or both: *Provided, however,* That where such action results in death or maiming or other serious physical or mental injury, constituting a felony under applicable State, territorial, or similar law, any such person shall, upon conviction, be fined not more than $10,000, or imprisoned not more than twenty years, or both.

"(c) Any officer or employee of the United States or any State, territory, or subdivision thereof, who shall have been charged with the duty, or shall have possessed authority in his official capacity, to prevent actions punishable under subsection (b) of this section and who shall have refused or knowingly failed to make diligent efforts to prevent them; or who, having custody of any person or persons shall have neglected, refused, or knowingly failed to make diligent efforts to protect such person or persons against the actions made punishable under subsection (b) of this section, shall be guilty of a felony and upon conviction shall be fined not more than $5,000 or imprisoned not more than five years, or both."

Mr. ELLENDER. Mr. President, the next Javits amendment, numbered 2–24–60—C, would strike the "referee" section of the Dirksen substitute and replace it with a combination "registrar and referee" scheme. The registrar provision tracks, roughly, the recommendations of the Civil Rights Commission, which set out the procedures for appointing such registrars. The "voting referee" section, beginning on page 8 of the amendment, is, in essence, similar to the Dirksen provision although the procedures involved are more detailed.

Now, Mr. President, here is another effort by the senior Senator from New York to further extend the long arm of Uncle Sam into areas which are solely and purely local.

I shall not take the time of the Senate, at this time, to review the history of the Reconstruction acts. However, I would point out that no doubt they were directed at the South as the present proposals are, and yet a special congressional investigation committee found the greatest amount of election fraud—not in the South—but in the State of New York.

Although the Reconstruction Acts were passed by the Congress to punish the South, they boomeranged against the State of New York where most of the election frauds took place. Of course, Mr. President, I might add that this boomerang led to their repeal. This referee proposal of the Attorney General, endorsed and advanced by the Senator from New York, is nothing new, but just a reincarnation of the Reconstruction acts. However, he couples it with the registrar provision recommended by the Civil Rights Commission.

These registrars would be appointed by the President. They would replace State registrars and actually decide who in a State shall and shall not vote.

Mr. President, efforts have been made from time immemorial to take from the States the right to determine qualification of the voters. I am happy to say that, so far, little progress has been made in that regard. I hope to show before this debate is over that had it not been for the fact that the Thirteen Original States retained the power and the right to determine who shall and who shall not vote, and fix qualifications of voters, the Constitution would never have been adopted. I propose to show that from the debates which took place in the Convention in Philadelphia, debates which ultimately resulted in the formation of the Union.

I also propose to show how zealous the colonies were in guarding the right to

fix qualifications of voters to vote. I shall also show that at one time in the State of New York persons of the Jewish faith were prohibited from voting. In Georgia, Catholics were once prohibited from voting during colonial days. The colonists, in other words, retained the power of saying who should and who should not vote, and retained the power to define qualifications of voters. That right has remained in the States to this very day. I hope the Congress will do nothing to take it away from the States, because, as I have said, it is purely a State right. Under article I, section 4, electors are defined, and the courts have recognized that it is the States which have the right to define qualifications and to deal with the problem of who shall and who shall not vote. The big arm of Uncle Sam should under no circumstances reach down into the States to take part in elections.

Mr. President, I ask unanimous consent that this amendment be printed in the RECORD at this point, so that the public can see what we from the South are up against in debating these issues.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JAVITS to the amendments proposed by Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri, viz: Strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress finds that substantial numbers of citizens of the United States qualified to vote under State registration and election laws are being deprived of that right, by being denied the right to register to vote, to vote, and to have their vote counted on account of their race or color. It further finds that the unequal application of qualifications to vote by some State and local officials, the failure of such officials to give adequate and reasonable opportunity to certain citizens to register, and the inadequacy of present law to deal with this situation, requires that the Congress implement its constitutional authority over the time, place, and manner of holding Federal elections and with respect to the enforcement of the provisions of the fourteenth and fifteenth amendments to the Constitution, to the extent necessary to overcome interference with such rights. It further finds that such denials of rights of citizens of the United States require the enactment of the provisions of this Act, including the delegation by the Congress to the President of the United States of the powers granted herein, in order to effectuate the constitutional rights of all citizens.

"APPOINTMENT OF TEMPORARY FEDERAL REGISTRARS BY THE PRESIDENT

"(b) Any individual who—

"(1) believes that he is qualified, under the laws of the State in which he lives, to vote in Federal elections held in such State; and

"(2) believes that citizens are being denied such right in the county in which he lives on account of their race or color, may file a petition with the President of the United States, petitioning him to appoint a temporary Federal registrar for such county. Such petitions shall be filed in such form and manner as the President may by regulation prescribe.

"(c)(1) Whenever there shall, within a period of not more than one year, have been filed with the President a petition or petitions under subsection (b) from not less than fifty individuals from the same county, and the President believes, after such investigation as he may deem appropriate and necessary, that citizens in such county are being denied the right to register to vote, to vote, or to have their vote counted in Federal elections on account of their race or color, the President may issue an Executive order designated from among Federal officials or employees living in or near such county, but within the same State, an individual to serve as a temporary Federal registrar for such county, for persons of the class believed by the President to be denied the right to register to vote, to vote, and to have their vote counted on account of race or color.

"(2) Any such Federal registrar shall serve until such time as the President determines that citizens living within the county for which such Federal registrar was appointed are no longer being denied the right to register to vote, to vote, or to have their vote counted on account of race or color, and that such denial will not be resumed if the Federal registrar ceases to serve.

"(3) In conducting any investigation under the provisions of this section, the President may designate the Commission of Civil Rights, the Department of Justice, or such other department or agency as he may deem appropriate to make available to him such facts as he finds necessary for his determination.

"(d) The Federal registrar for any county shall accept applications for voting registrations from all individuals of the class designated by the President residing within such county and shall register all such individuals whom he finds to have the qualifications requisite, under the laws of the State wherein such county is situated, for electors of the most numerous branch of the legislature of such State, who shall be registered by him as being qualified to vote in Federal elections held in such county, for such period as would be applicable if such applicant had been registered or otherwise qualified under State law. The Federal registrar shall, from time to time, certify to the appropriate election officials of such State and of such county and of any election district within it, the names of all applicants registered by him and the fact that such applicants have been so registered. The Federal registrar shall also issue to each person so registered a certificate, the form of which shall be prescribed by the President in the Executive order designating the Federal registrar, identifying the holder as a person qualified and entitled, pursuant to this Act, to vote at any such election.

"(e) In any Federal election, the inclusion on the ballot of candidates for election to other State and local offices and of other provisions for determination by the voters, shall be deemed a recognition by the State of the right of any person qualified to vote in Federal elections under this Act or otherwise, to vote for such other officials and proposals as are placed on the same ballot, and to have such votes counted. If, however, there shall be within the State, as a result of the operations of this Act or otherwise, any voters eligible to vote in Federal elections who are not eligible to vote for such other offices or provisions as may be placed before the electorate at the same election, then there shall be issued to every voter eligible to vote in Federal elections, whether registered under the provisions of this Act or otherwise, a separate ballot containing only such offices and other provisions as may be voted on by all persons eligible to vote in Federal elections.

"(f) Any person denied registration by a Federal registrar designated for the county in which he lives, and any person having standing under State law to challenge the determination of State registration or election officials that another person is qualified to vote, may challenge such determination by the Federal registrar by filing suit in the United States district court for the district in which the county is located, against such Federal registrar; and, where the qualification of a voter registered by the Federal registrar is challenged, against such voter. In any such suit, the determination of the Federal registrar with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this subsection shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal registrar.

"(g) In any case where a voting referee has been appointed for the county or any portion of it by a district court under the provisions of subsection (j) of this section, the decision of such referee as to whether the applicant possesses the qualifications requisite under State law for electors of the most numerous branch of the State legislature shall, when accepted by the district court, supersede any prior inconsistent determination by the Federal registrar. Such appointment shall not, however, deprive the Federal registrar of any other authority under this title.

"(h) Any individual who is registered under subsections (b) through (i) of this section by a Federal registrar to vote in Federal elections shall have the right to cast his vote and have such vote counted in any Federal election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(i) The provisions of subsections (b) through (i) of this section shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such county is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under subsections (b) through (i) of this section shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(j) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended, pursuant to subsection (i) of this section, or pursuant to any other law of the United States or to the law of any State, in the event that the courts finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or vote at any election, the court shall upon request of the Attorney General or any other plaintiff make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for 1 year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, to an

order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (B) found not qualified to vote by any person acting under color of law, or (C) registered by a Federal registrar under the provisions of subsections (b) through (i) of this section and refused the right to vote in a Federal election pursuant to such registration. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, (B) found not qualified to vote by any person acting under color of law, or (C) registered by a Federal registrar under the provisions of subsections (b) through (i) of this section and refused the right to vote in a Federal election pursuant to such registration. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote or to vote pursuant to subsections (b) through (i) of this section. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within 10 days or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the affidavits in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on acount of race or color of the right to register or vote at any election; and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

"(k) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence:

" 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (A), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: 'When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as party defendant.'

"(l) For the purpose of this section—

"(1) The term 'election' means any general or special election held in any State solely or partially for the purpose of electing any candidate to Federal, State, or local public office, and any primary election held in any State solely or partially for the purpose of selecting any candidate for election to any Federal, State, or local public office, and

"(2) The term 'Federal election' means any general or special election held solely or partially for the purpose of electing any individual to, or any primary election held solely or partially for the purpose of selecting any individual as a candidate or nominee for, any of the following Federal offices:

"(a) The office of President or Vice President of the United States;

"(b) The office of elector for President or Vice President of the United States;

"(c) The office of Member of the United States Senate;

"(d) The office of Member of the House of Representatives of the United States; or

"(e) The office of Delegate or Commissioner of any territory or possession of the United States representing such territory or possession in the House of Representatives of the United States.

"Whether or not such election, or any ballot, voting machine or other means used in such election for casting and counting votes, may also include provisions for the election of other State and local officials, or other provisions, for determination by the voters.

"(3) The term 'ballot' means any ballot, voting machine or other means used in any election for casting and counting votes, including provisions for the election of Federal, State, or local officials, or provisions for the determination of any other proposals submitted to the voters.

"(4) The term 'county' means a county, parish, or similar political subdivision of a State, irrespective of whether it consists of one or more election or registration districts which are under State law, authorized to provide for the registration or qualification of voters living within such county, parish, or similar political subdivision.

"(5) The term 'State' includes any possession or territorial subdivision of the United States which is authorized, by a law of the United States, to elect a Delegate to, or Commissioner in, the House of Representatives.

"(m) The provisions of neither subsections (b) through (i) nor subsection (j) of this section shall supersede or affect the other, except to the extent specified therein. The President of the United States shall, to the extent necessary, coordinate his designation of a Federal registrar, where appropriate, with any actions or other proceedings brought by the United States for the appointment of a voting referee.

"(n) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(o) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal

or amend any other provisions of law providing for alternative relief or penalties under such circumstances."

Mr. ELLENDER. Mr. President, I have in my hand another amendment offered by the Senator from New York [Mr. JAVITS]. This amendment seeks to assure, it is presumed, that even with the imposition of new Federal remedies in the field of civil rights none of the existing remedies are precluded.

The final section of the amendment is a separability clause, providing that if any one section of the act, as to person or circumstances, should be held invalid, the remainder of the act shall not be affected.

Of course, this is more or less innocuous. It is only important if the bill is passed as the Senator from New York [Mr. JAVITS] proposes.

Mr. President, I ask unanimous consent that this amendment also be printed in the RECORD, so that the American public can at least have a place to find and to read what is before the Senate.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Is there objection to the request of the Senator from Louisiana?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JAVITS to the amendments proposed by Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missiouri, viz: At the end of the proposed amendments insert the following:

SEC. —. Nothing in this Act or in any administrative proceeding hereunder shall be construed to impair any right guaranteed by the Constitution or laws of the United States or any remedies already existing for their protection or enforcement, nor to prevent any private individual or organization from acting to enforce or safeguard any constitutional right in any manner now permitted by law."

Mr. ELLENDER. I know the press does not have enough space to print all of these amendments, but I hope they can print a thumbnail sketch of them to show the people of America we are dealing here, not only with the right to vote, but with a multitude of schemes ranging from compulsory integration of schools, swimming pools, and streetcars, to antilynch laws.

Mr. President, here is another amendment offered by the Senator from New York [Mr. JAVITS] which would delete section 2 of the Dirksen substitute, dealing with flight to avoid prosecution for destruction of educational or religious structures, and insert a new section amending title 18 of chapter 39 of the United States Code.

While the provisions of the amendment are somewhat complex, it, in effect, apparently would impose heavy criminal penalties for the importation into the United States or the possession of explosives, with the knowledge or intent that such explosive will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives, and so forth. The death penalty may be imposed. If death should occur, the accused could be imprisoned for life, or put to death.

It also would create a rebuttable presumption, based upon the possession of explosives "in such a manner as to evince an intent to use such explosive to damage or destroy any building," and so forth, that the explosive was imported into the United States, or transported in commerce, and so forth, by the person so possessing. However, the presumption thus created cannot be relied upon as the sole basis of the conviction.

The amendment also would punish threats to use explosives, and flight to avoid punishment for the use of explosives, in the manner forbidden. Subsection b of the amendment is, in essence, the "flight to avoid prosecution" section of the Dirksen amendment.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JAVITS to the amendments proposed by Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri, viz: Strike out section 2 and insert in lieu thereof the following:

"SEC. 2. (a) Chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 837. Explosives; illegal use or possession

"'(a) As used in this section—

"' "Commerce" means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"' "Explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"'(b) Whoever—

"'(1) imports into the United States or introduces, delivers or receives for introduction, attempts to transport, transports, or causes to be transported by financing such transportation or otherwise, in commerce, any explosive, or

"'(2) possesses any explosive which has been imported into the United States, or introduced, delivered for introduction, or transported in commerce,

with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years; and if death results shall be subject to the death penalty or imprisonment for life.

"'(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive (1) was imported into the United States, or transported in commerce and (2) was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"'(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to perform any act prohibited by this section, or travels in commerce with intent to use any explosive in violation of this section, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"'(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.'

"(b) Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"'§ 1074. Flight to avoid prosecution for destruction of educational or religious structures.

"'Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business or civic objectives, or of intimidating any person pursuing such objectives, (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"'Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.'

"(c) The analysis of chapter 39 of such title is amended by adding thereto the following:

"'837. Explosives; illegal use or possession.'

"(d) The analysis of chapter 49 of such title is amended by adding thereto the following:

"'1074. Flight to avoid prosecution for destruction of educational or religious structures.'"

Mr. ELLENDER. Mr. President, I have here another Javits amendment

which I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks. It is an amendment which would, by statute, outlaw the poll tax.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JAVITS to the amendments proposed by Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri, viz: At the end of the proposed amendment insert the following:

'SEC. —. (a) The Congress finds that the requirement that a poll tax or other tax be paid, or that any property qualification be met, as a prerequisite for voting or registering to vote at primaries or other elections for President, Vice President, elector for President or Vice President, or for Senator elector for President or Vice President, or for Senator or Member of the House of Representatives is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and elections for said national officers, an abridgment of the rights and privileges of citizens of the United States, a tax on such rights and privileges, and an obstruction of the operations of the Federal Government.

"(b) It shall be unlawful for any State, municipality, or other governmental authority or any subdivision thereof, or for any person, whether or not acting on behalf of any State, municipality, other governmental authority or subdivision thereof, to levy, collect, or require the payment of any poll tax or other tax or to impose a property qualification as a prerequisite for registering to vote or voting in any primary or other election for President, Vice President, elector for President or Vice President, or Senator or Member of the House of Representatives, or otherwise to interfere with or prevent any person from registering to vote or voting in any such election by reason of such person's failure or refusal to pay or assume the obligation of paying any poll tax or other such tax or meeting any property qualification.

"(c) The provisions of this section shall become effective on December 31, 1962, unless, prior to that date, the proposed constitutional amendment approved by the Senate as part of S.J. Res. 39 of the Eighty-sixth Congress or another constitutional amendment substantially to the same effect, shall have become part of the Constitution of the United States on such date, in which case this section shall be without effect."

Mr. ELLENDER. This has been an issue before Congress for the past 24 years. Most of the States of the Union have followed their own laws and their own will in doing away with the poll taxes. I believe that situation should remain as it is, yet in order to cover the whole field, the Senator could not leave out this amendment. It had to be put in.

Mr. President, I have another nice, cute little amendment to supplement the so-called FEPC section of the Dirksen bill.

The amendment supplements the Dirksen FEPC section, by vesting a cause of action for damages in any person injured as a result of being denied employment on a Government contract or subcontract on account of race, creed, color, or national origin. Suit is to be brought in U.S. district court, without regard to amount in controversy; damages recovered, if such are awarded, shall include costs of suit, including reasonable attorneys' fees as determined by the court.

We may have to establish some more district courts and provide quite a few more judges in order to take care of the numerous suits which would result from all of these amendments should, by some misfortune, they become law.

Mr. President, I ask unanimous consent that the amendment be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JAVITS to the amendments proposed by Mr. DIRKSEN to the bill (H.R. 8315), to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri, viz: At the end of section 6 insert the following:

"(g)(1) Any person who shall be injured as a result of his being denied employment in the performance of contracts or subcontracts to provide the Government with goods or services, in violation of provisions in a contract between the United States or any agency thereof and a contractor, or between a contractor and subcontractor, relating to nondiscrimination in such employment on account of race, creed, color, or national origin, may sue for damages therefor in the district court of the United States in the district in which such denial took place or in any district in which the employer is found or resides or has an agent, without respect to the amount in controversy, and shall recover the damages sustained by him and the costs of the suit including a reasonable attorney's fee as determined by the court.

"(2) The provisions of this section shall apply only to contracts entered into by the United States on or after sixty days following the effective date of this Act, and to subcontracts entered into under such contracts.

"(3) The provisions of this section shall not adversely affect any rights of the United States to enforce the provisions of such contract terms by appropriate proceedings."

Mr. ELLENDER. Mr. President, I now come to the last of the series of Javits amendments. This would lend congressional endorsement to and approval of Supreme Court decisions in not only the school segregation cases, but also court decisions involving transportation and recreational facilities.

It criticizes the States, municipalities, and so forth for not promptly complying with such decisions; and declares that legislative action is needed to safeguard to all Americans the right to equal protection of the laws, and so forth.

It affirms that the Constitution, as declared by the antisegregation decisions of the Supreme Court, is the supreme law of the land.

Why should Congress be called upon to affirm the Supreme Court? I should like to know why.

The amendment also declares that "all Federal and State officials are bound under their oaths to support the Constitution," and declares that the "legislative and executive branches of the Federal Government are acting and will continue to act, with such Federal authority as is found necessary, to protect the constitutional rights upheld by those decisions of the judicial branch of the Government."

The amendment also makes the finding that the exercise of actions to protect individual rights, on an individual basis, is not the most effective method for vindicating such rights, and specifically declares that specific authorization to the Federal Government to vindicate such rights is a great improvement, and so forth.

Mr. President, I ask unanimous consent that the amendment be printed in full in the RECORD at this point.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JAVITS to the amendments proposed by Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri, viz: At the proper place insert the following:

"(a) The Congress hereby finds that—

"(1) recent decisions of the Supreme Court of the United States holding racial segregation unlawful in public education, public transportation, and public recreational facilities (hereinafter referred to as the antisegregation decisions) as a denial of the constitutional right to the equal protection of the laws express the moral ideals of the Nation and the world and point the way to a nation enhanced in strength and dignity at home and enhanced in honor and prestige throughout the world.

"(2) these antisegregation decisions are being resisted in many areas of the Nation most directly affected by them and indirectly evaded by other areas, thereby denying to millions of Americans within our borders the constitutional right to the equal protection of the laws,

"(3) many States, municipalities, school districts, and other local governmental units have failed to make a prompt and reasonable start toward full compliance with the Supreme Court's decisions in the field of public education despite the substantial time which has already elapsed since the promulgation of those decisions in 1954 and 1955.

"(4) the constitutional right to the equal protection of the laws is being denied to many persons because of race, color, religion, or national origin in fields other than education, transportation, and recreation.

"(5) these denials of the constitutional right to the equal protection of the laws restrict millions of Americans to second-class citizenship and deprive the Nation of the maximum development and maximum benefits that can be contributed by such persons, and

"(6) legislative and executive action (A) is necessary to safeguard and guarantee to all Americans the constitutional right to equal protection of the laws and (B) will aid in expediting universal compliance with the antisegregation decisions of the Supreme Court.

"(b) The Congress further finds that the rights protected by the Constitution, as declared by the antisegregation decisions, will

be more widely accepted and more fully enjoyed in all areas of the Nation, and particularly in those areas of the Nation most directly affected by the decisions, when it is generally recognized and understood that—

"(1) the Constitution, as declared by the antisegregation decisions, is the supreme law of the land,

"(2) all Federal and State officials are bound by their oaths or affirmations to support the Constitution, and

"(3) the legislative and executive branches of the Federal Government are acting and will continue to act, with such Federal authority as is found necessary, to protect the constitutional rights upheld by those decisions of the judicial branch of the Government.

"(c) The Congress further finds that—

"(1) the present system whereby individual plaintiffs in the Federal courts bear the burden of protecting constitutional rights, as declared by the antisegregation decisions, is neither the exclusive nor the most effective means of protecting those constitutional rights and the public interest in safeguarding those constitutional rights, and has resulted in local restrictive and punitive measures against the individuals and organizations engaging in, and supporting, efforts in the courts to assert those constitutional rights, and

"(2) specific authorization to the executive branch of the Federal Government to act in support of the constitutional rights upheld by the antisegregation decisions (A) will provide a more rational, uniform, just, and effective system of protecting constitutional rights than the present procedure under which the safeguarding of constitutional rights is determined by the varying resources and courage of individuals and organizations and by the varying State statutory restrictions placed upon them, and (B) will render less effective, and hence tend to reduce, hostile community pressures upon individuals and organizations seeking to safeguard constitutional rights.

"(d) The Congress hereby recognizes it to be the initial responsibility of all States, municipalities, school districts, and other local governmental units to safeguard the constitutional rights to the equal protection of the laws as declared by the antisegregation decisions of the Supreme Court and to administer their systems of public education, public transportation, and public recreational facilities in accordance with the Constitution of the United States, but the Federal Government, to maintain a more perfect union, to extend justice, to promote the common defense, and to secure the blessings of liberty to all persons, has a coordinate responsibility to guarantee the constitutional right to the equal protection of the laws, to prevent denials of the right when State or local authorities cannot or will not do so, and thus to enhance the Nation's internal strength and its position throughout the world.

"(e) Recognizing its authority and responsibility under the fifth section of the fourteenth amendment to the Constitution of the United States and its obligation to uphold the coordinate authority and responsibility of the judicial branch of the Government, the Congress hereby declares its intention that the right to the equal protection of the laws guaranteed by the Constitution against deprivation by reason of race, color, religion, or national origin and affirmed by the antisegregation decisions of the Supreme Court, shall be protected by all due and reasonable means, and to that end enacts the following provisions of this Act."

Mr. ELLENDER. Mr. President, I am sure the foregoing makes it abundantly clear that this is far more than merely a "right to vote" bill; the right to vote provision is actually only one aspect of the measure. The overwhelming majority of the sections of the Dirksen substitute deal with such things as integration of public facilities, "bribes" to schools which desegregate under the pressure of court orders, or of other Federal power, and related matters.

I suggest that the editorial writers of the Washington Post and Times Herald and some of the other so-called liberal newspapers climb down from their "ivory towers" and learn a little bit about those things they so glibly editorialize upon.

Now, I would not be so presumptuous as to suggest that the Washington Post and Times Herald and other newspapers of its type be fair, or objective, or factual, but I do believe that they owe the public a duty to tell the full story. They can harp about the so-called right to vote to their heart's content, but, in the process, they should not conveniently overlook other aspects of the legislation—aspects which constitute the vast majority of the bills at hand—in order to dance to their own previously chosen tune, a tune which was apparently written by the fancy-pants musicians of the National Association for the Advancement of Colored People.

Furthermore, the Washington Post and Times Herald, which is usually most prompt about declaring its protection and advocacy of the constitutionally protected "freedom of the press," should be astute enough to know that, as the Supreme Court has stated, "freedom" does not imply "license." I most respectfully submit that upon issues as vital as those presently before the Senate, the Washington Post and Times Herald and other such organs should be permitted to advocate their own viewpoint to their heart's content, but, in order to comply with the spirit of the first amendment, as well as to fulfill their responsibilities thereunder, should not become so biased, so determined to advocate their own viewpoints, that they convert "freedom" into "license." They owe the public a duty to properly inform them of all the issues involved, and, in the case at hand, they certainly owe the public a duty to tell them that more is involved than just the so-called right to vote, particularly in light of the amendments that I have had printed in the RECORD, which were offered by the Senator from New York [Mr. JAVITS] recently.

In this connection, Mr. President, I have been in the vanguard of those who have opposed Government "censorship" of the peoples' business. I have joined with other Senators, as well as Members of the House of Representatives, in efforts to prevent the executive branch from utilizing authority under an old "housekeeping" statute in order to block publication of information which the public is due. I have tried to cooperate with the press, radio, and other media in efforts to make available to them the data which they require in order to mold a fully informed public. I intend to preserve my efforts in this regard, because I do believe that the people, and the press, have a right to know the truth.

By the same token, however, I hope that other segments of the public press understand and appreciate that the biased presentation of news, the slanted writing of articles and editorials, the failure to "tell the whole truth," the malicious and premeditated intent to deceive, and not fully inform, as has been the case with the Washington Post, are working grave injury to these efforts. The Washington Post's vendetta against the Southern States, and its often repeated desire to gain its own ends and "the public be hanged" is giving aid and comfort to those who would like to continue to hide behind the label of Government secrecy.

On Saturday last, the Senator from New York [Mr. JAVITS] delivered an impassioned oration dealing with the need for so-called civil rights legislation, and, in the course of his speech, called upon Representatives of the Southern States specifically referred to, to answer the allegations he raised.

Ordinarily, Mr. President, I would not regard it as necessary to answer the Senator from New York, other than to point out that he has been in the vanguard of those who have consumed so much time and expended so much effort toward obtaining congressional action on resurrected Reconstruction legislation, aimed and directed at reducing the Southern States to menial vassals of the Federal Government.

However, in order to keep the record straight, I am delighted to take up the gauntlet thrown down by the Senator from New York, and I propose to answer his allegations in some detail.

First, as to the summary of laws and policies with regard to segregation, which the Senator inserted in the RECORD, I believe the best answer to this exposition is to refer to its source.

On page 3635 of the RECORD for Saturday, February 27, appears the summary referred to. Senators will note that it is headed "Compilation of Recent State and Local Laws, Resolutions, Ordinances and Administrative Policies With Comments," by Mr. J. Francis Polhaus, counsel, Washington Bureau, National Association for the Advancement of Colored People.

I am delighted that the Senator from New York has so frankly advertised the source of his data concerning the South. This candid revelation accounts for the tenor of his attacks, and the viewpoint he has displayed. Let me state frankly that I would take delight in answering the Senator from New York, but I do not propose to dignify the demented rantings of the NAACP with an answer, except to say this:

First, the Senator from New York is entitled to his own views. If he believes my State's insistence upon the maintenance of segregation is "archaic," he is welcome to his beliefs. However, I deeply resent his attack upon my State for adhering to those beliefs, and I am shocked and disappointed that he and others are not willing to accord to the people of the State of Louisiana the right to utilize every legal means to maintain those beliefs.

If the Senator will recall back to 1953 and previous years, he will realize that the actions of the NAACP and similar pressure groups was directed at overthrowing what was then the supreme law of the land; namely, the Supreme Court decision in the case of Plessy against Ferguson, and decisions in later cases, which gave the Court's stamp of approval, its imprimateur, if you please, to the "separate but equal" doctrine for public facilities. At no time did the South, or the people of the United States vilify and ridicule, at no time did we try to hamstring and destroy, or to gag, those who were seeking the reversal of these decisions. We disagreed with them, yes, but we were perfectly willing to give them their day in court, to permit them the right under the Constitution, and under the traditional freedoms of our country, to disagree.

Yet, now that the shoe is on the other foot, now that Plessy against Ferguson has been reversed, now that the Supreme Court has discarded the "separate but equal" doctrine, those of us seeking to reverse the Court are sought to be denied the right to disagree. If these contrasts add up to equality, then the Senator from New York learned his mathematics under a different system than I learned mine. If this is equality before the law, the Senator from New York reads a different Constitution than the one I swore to support and defend.

Mr. McCLELLAN. Mr. President, will the distinguished Senator yield for a question?

Mr. ELLENDER. I am happy to yield.

Mr. McCLELLAN. I ask the Senator, how can the Supreme Court overrule precedents and decisions of that Court without showing disrespect for their predecessors?

Mr. ELLENDER. The question answers itself. That situation, in my opinion, may I say to my good friend from Arkansas, is what has brought the Supreme Court into such disrepute—when the Court reversed a case that had been the law from time immemorial.

Mr. ERVIN. Mr. President, I wonder if the Chair would request the able and distinguished Senator from Louisiana to yield to the Senator from North Carolina so he may put to him a question somewhat similar to that propounded by the Senator from Arkansas.

The PRESIDING OFFICER. Will the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield, and I will ask the Chair to protect my rights.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. ERVIN. I will ask the Senator from Louisiana if, as a matter of fact, the Supreme Court in the Brown case did not bring forward an intellectually inseparable distinction, in trying to pretend that it was not overruling the unanimous decision to the contrary of the Supreme Court headed by Chief Justice William Howard Taft in 1927.

Mr. ELLENDER. There is no doubt that, and, as I pointed out a while ago, they merely ignored the law as it then existed; they ignored cases passed upon by predecessors of the present members of the Court. While the separate but equal doctrine was the law of the land and, as was pointed out yesterday, the States of the Union, particularly those of the South, spent millions of dollars in order to afford equal facilities to all races, overnight all of those facilities have gone through the window, and the States are put in a position where, if the proposed legislation is forced down the throats of the American people, much of those expenditures will go down the drain.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for another question?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. I should like to ask the Senator from Louisiana if he does not think that those persons who assert that the Senator's oath and my oath to support the Constitution bind us to accept the decision of the Warren Court ought not to explain to the Southern Senators and others who entertain our views why it is the oath of Chief Justice Warren and his associates did not bind them to accept the decision of the Supreme Court headed by Chief Justice William Howard Taft?

Mr. ELLENDER. I am sure they could explain it if they desired to, but I am also sure they do not have the courage.

Mr. ERVIN. Will the Senator from Louisiana yield for one more question?

Mr. ELLENDER. I yield.

Mr. ERVIN. I should like to ask the distinguished Senator from Louisiana if from 1868, 68 years before the desegregation decision was handed down, to May 17, 1954, Congress did not every year make provision for the operation of segregated schools in the District of Columbia?

Mr. ELLENDER. Yes. I served on the Appropriations Committee, and assisted in accomplishing that task.

Mr. ERVIN. I would like to ask the Senator from Louisiana if it is conceivable that all of the Members of Congress who served in the Congress for 86 years after the 14th amendment was allegedly ratified could have possibly been so ignorant as not to know what the meaning of the 14th amendment was, when some of those men were the men who drafted and submitted the 14th amendment?

Mr. ELLENDER. That matter has been discussed in the Senate many times. It has caused many of us to feel and believe that the 14th amendment is not applicable, although the Supreme Court made it so.

Mr. ERVIN. Mr. President, if the Senator will yield for one more question, I shall take my seat. I should like to ask the Senator what validity he thinks there is in the assertion that 170 million Americans are bound by the decision of the Supreme Court in the desegregation cases when the members of the Supreme Court are alleged not to be bound by any decision of the Supreme Court.

Mr. ELLENDER. That brings up the same proposition I spoke about a while ago in answer to my good friend. I cannot see the reason, nor can the people understand, how the same Court can simply reverse itself and change the law. I repeat, in my opinion that has been the cause for the disrespect in which the Court has been held in the last 5 or 6 years.

Mr. TALMADGE. Mr. President, will the Senator from Louisiana yield to me for a question?

Mr. ELLENDER. I yield for a question.

Mr. TALMADGE. I asked the distinguished Senator from Louisiana if it is not true that when the Supreme Court of the United States reversed its previous decision in Gong Lum against Rice, and handed down the Brown against Board of Education decision in 1954, it did not undertake to amend the Constitution of the United States.

Mr. ELLENDER. I took that position myself, as the Senator probably knows. Whenever the matter of segregation came before the Senate by way of proposed legislation, we were able to hold back the destruction of racial segregation because the subject matter was purely a State function. When the Supreme Court held otherwise, there was no question in my mind but that it acted as a legislative body rather than a judicial body. So far as I am personally concerned, I shall go to my grave believing that.

Mr. TALMADGE. I ask the Senator from Louisiana if the Supreme Court of the United States has the authority to amend the Constitution.

Mr. ELLENDER. I should say not. That function is left to the people. The people are the ones who have power to amend the Constitution, and not the judiciary.

Mr. TALMADGE. I ask the Senator further if the executive branch of the Government, the judicial branch of the Government, and the legislative branch of the Government, all combined, have the power to amend the Constitution of the United States.

Mr. ELLENDER. They do not. As I said, the people have that power. A legislative body must initiate the process, but it is the people who pass upon any proposed amendment, and there is no doubt in my mind, as I said a while ago in answer to the Senator's question, that the Supreme Court took upon itself duties which were more or less legislative, and duties which really should have been passed upon by the people rather than the Supreme Court.

Mr. TALMADGE. Is it not true that three-fourths of the States of the Union are necessary to amend the Constitution of the United States?

Mr. ELLENDER. The Senator is correct.

Mr. TALMADGE. I ask the Senator from Louisiana if three-fourths of the States of the Union have taken action in the field of segregation?

Mr. ELLENDER. No; not to my knowledge.

Mr. TALMADGE. I ask the Senator from Louisiana whether it is necessary to patrol the public schools of Louisiana with policemen to preserve order?

Mr. ELLENDER. I should say not.

Mr. TALMADGE. Is it necessary in any State of the Union where separate schools are maintained for white and colored children to have policemen patrol school buildings in order to protect the pupils in the school and the teachers in the school from hoodlums and people who perpetrate crimes in the school buildings?

Mr. ELLENDER. I know of no such conditions in the South, but I have heard that such conditions exist in, I believe, New York.

Mr. TALMADGE. Does the Senator from Louisiana know of any rapes or murders or suicides which have taken place in any school anywhere in the South where segregation is practiced?

Mr. ELLENDER. I do not know of any.

Mr. TALMADGE. Does the Senator think that if the races were mixed in areas of the South contrary to their will situations would arise such as have been experienced in other areas of our country?

Mr. ELLENDER. I do not believe there is any doubt about it. We cannot legislate in respect to custom.

Mr. TALMADGE. Does the Senator from Louisiana agree with me that the primary purpose and function of a school is to teach knowledge, and not to enforce a new social order in any area of our country?

Mr. ELLENDER. The Senator is correct.

Mr. TALMADGE. I thank the distinguished Senator from Louisiana.

Mr. ELLENDER. Mr. President, continuing my remarks in answer to the Senator from New York [Mr. JAVITS]:

The position assumed by the NAACP—and apparently the Senator from New York has adopted and ratified this position by inserting that organization's summary in the RECORD—is in accord with the right of Americans to disagree, then, indeed, we are wandering with Alice in Wonderland.

I wish to say, also, that the Senator from New York, in his subsequent references to election laws in my State, apparently adopted the views of the highly biased Civil Rights Commission's report. I need not remind the Senator from New York that I documented the so-called "objectivity" of that report in a speech on the Senate floor several days ago. I do not believe the Senator was on the floor at that time, but, if he is desirous of reading that address, he will find it on pages 2727 through 2739 of the RECORD for February 17, 1960.

However, before the Senator from New York begins casting stones at the South, before he gets too involved with the "errors in spelling" logic of the Civil Rights Commission advocated in connection with the Washington Parish vote case, I would respectfully suggest that he undertake to fortify the glass house in which he, himself, may live.

I specifically refer again to the NAACP summary of State and local laws which begins on page 3635 of Saturday's RECORD, where, the word "ordinances" in the title of that memorandum is spelled "o-r-d-n-a-n-c-e-s." When I saw this, I immediately turned to my dictionary, to see if, perhaps, the spelling of this word had been changed recently. I found that it had not been changed, but, under the word "o-r-d-n-a-n-c-e" I discovered the following definition, which, incidentally, I do not believe is inappropriate. I quote:

> Ordnance 1. Military supplies • • • cannon • • • artillery.

I commend the drafter of the NAACP summary for his candor. He is perfectly frank. He apparently wants to hide nothing. What he wants to impose on the South is military rule, and he has given the Senator from New York what he apparently regards as being the supplies necessary to turn the trick. To that extent, the drafter's use of "ordnance," where, usually, the word "ordinance" should be used, is doubtless correct.

I might point out, again, however, that those who cast stones at Washington Parish, La., might do well to undergo a "cram course" in elementary spelling before they become too active in their efforts to ridicule the spelling of others.

This brings me to that part of the Senator's speech dealing with voting in Louisiana. As I have already pointed out, the materials inserted in the RECORD by the Senator from New York are excerpts from the report of the Civil Rights Commission on voting in the South, and, for reasons I outlined earlier to the Senate, are tainted with the vice of bias—bias which is inherent in the composition of the Commission and the Commission staff.

The Senator from New York will doubtless disagree; if he does, I can only again refer him to my previous address. He will find my reasons documented therein. However, the Senator has apparently attempted to create a presumption of objectivity with his statement that three of the six Commission members were from the South.

Geographical origin of Commission members is far from conclusive, as I have already indicated. What the Senator is attempting to do is to utilize, in this instance, the same brand of logic which, if similarly applied, would conclude that the "Daily Worker" is really as American as blueberry pie because its editor and others are American citizens.

The Commission has found that in some Louisiana parishes Negro registration has recently declined.

I might say, in response to this, that this decline is the product of wholesale agitation by so-called liberals, the Civil Rights Commission, the NAACP, and others. Is it not strange, Mr. President, that the enactment of a so-called right-to-vote law in 1957 has actually had the opposite effect? Yet, as my colleagues from the South and I have tried repeatedly to point out, agitation on the national level actually leads to deterioration in racial relations in the South, and elsewhere.

That, of course, is prominently displayed practically every day in the newspapers of the country declaring that riots are taking place. I have no doubt that these riots are fostered by influences outside of the South; that the agitators are coming from the North. It is most peculiar that that condition should come about at the precise time we are considering civil rights bills. I am sure that it is being done for no other purpose than to try to influence Members of Congress.

Agitation has generated friction among the races, where none formerly existed; it has actually had the result of reducing Negro registration in my State, under the guise of protecting the right to vote. I submit that the data submitted by the Commission does, of itself, argue eloquently against the enactment of further such legislation.

At this point, let me review with Senators the procedure under which Louisiana citizens, once they are registered, may be challenged, and, in the process, I will deal with the ways and means whereby such voters can protect their right to remain registered. I am hopeful that Senators will agree that the procedure spelled out under Louisiana law is neither unreasonable, nor discriminatory.

Under our law, two registered voters may challenge the registration of another registered voter by filing affidavits with the registrar of voters, alleging that the challenged individual is not qualified to vote for the various reasons outlined under Louisiana statutes—that is, because of failure to meet residence, character, literacy, or other requirements. Once these affidavits are filed, the registrar of voters is required to give notice to the challenged voter, at his last known address, as quickly as possible, but, in no event later than 48 hours from the time of challenge. If the challenged voter, within 10 days, presents affidavits from three other registered voters, attesting to the fact that the challenged voter, does, indeed, possess the necessary requisites for registration, then the challenged voter's name cannot be stricken. However, if no such affidavits are forthcoming within the 10-day period, the registrar has no choice; he must strike the challenged registrant's name.

Why, it has been asked, does Louisiana have such a system? Was it not instituted as a means of preventing qualified Negroes from voting?

The answer is "No." Louisiana has such a system because, under our law, it is possible for a parish to elect to place its registration on a permanent basis. Under this system a permanent registration, which, incidentally, is the system in effect in Washington Parish, once a person has become a qualified registered voter, that individual's name remains on the rolls as a qualified voter, subject, of course, to his not becoming a convicted felon, or to his failing to vote in an election over a certain period of time. In other words, the permanent registration system eliminates the necessity of a citizen having to register every year, or every few years.

Under such a system, it is necessary for some method to be provided to keep the voting lists up to date, otherwise, within a few years, the registration books would soon become cluttered with

the names of persons deceased, for example. For this reason, the registrar is required to review his voting rolls on an annual basis, and to "challenge" persons whom he may suspect of being no longer qualified. This registrar "challenge" is subject to the same requirement as a challenge by an individual—that is, after prompt notice, the "challenged" registrant's name can be stricken only if the challenged registrant does not appear within 10 days, and provide affidavits from three nonchallenged voters. However, if the three affidavits are forthcoming, the "challenge" cannot stand; the name cannot be stricken.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. I wish to ask whether the complaints enumerated by the Senator from New York, in his speech, were not merely filed with the Civil Rights Commission, and in virtually every case had not even been investigated.

Mr. ELLENDER. There is no question about that. The Civil Rights Commission did not hold a single day of hearings in my State.

Mr. ERVIN. And I ask whether the Civil Rights Commission did not file a report recommending that a 23d amendment be added to the Constitution, robbing the State of their historic power to prescribe the qualifications of voters, and providing, in lieu thereof, that every person who had a living, physical body, whether with or without intelligence, whether with or without character, should have an absolute right to vote in any election held anywhere, for any purpose, in any of the 50 States, provided he was not actually locked up in prison or in an insane asylum on the day of registration and election.

Mr. ELLENDER. Of course the Senator from North Carolina is correct. That proposal has been so greatly ridiculed that I do not know of anyone who today takes it seriously.

Mr. ERVIN. I ask the Senator if the reason given for the recommendation that idiots and lunatics and convicted felons should be given the absolute right to vote, if they were not locked up in jail or in an insane asylum on election day, was that allegations had been made that some persons had been denied the right to vote, although no investigation had been made to determine whether anyone had actually been denied the right to vote.

Mr. ELLENDER. Yes.

Under the recommendations of the Civil Rights Commission, convicted felons, those who have been convicted and discharged from the Armed Forces without receiving honorable discharges, lunatics—well, let me state those who in Louisiana would actually be allowed to vote, although today they are prohibited from voting, if the Commission's recommendation were adopted. I read now from section 42 of the Louisiana election law:

> The following persons shall not be permitted to register or vote:
>
> 1. Those who have been convicted of any crime punishable by imprisonment in the penitentiary, and have not afterwards been pardoned, with express restoration of the franchise.

In Louisiana they are excluded from voting; but the Commission wants them to vote.

I read further:

> 2. Those who are inmates of any charitable institution, except the Soldiers' Home and the U.S. Marine Hospital at Carville.
>
> 3. Those actually confined in a public prison.
>
> 4. All interdicted persons.
>
> 5. All persons notoriously insane or idiotic, whether interdicted or not.

But under the Civil Rights Commission's recommendation, they would be allowed to vote.

I read further:

> 6. Deserters from the military service of the United States or from the militia of the State of Louisiana, when called forth by the Governor, or, in time of invasion, insurrection, or rebellion, by the President, until they have returned to the command from which they deserted, made good the time lost by the desertion, and served out the term of their original enlistment.
>
> 7. Persons dishonorably discharged from the Louisiana National Guard or from the military service of the United States, until reinstated.

But if the Civil Rights Commission's recommendation were adopted, nearly all persons, now excluded by Louisiana statute, would be permitted to vote.

Mr. ERVIN. I ask the Senator whether, if the Civil Rights Commission's recommendation were adopted, a person convicted of treason against the United States would have an absolute right to vote, provided he could break out of prison and could get to the polls on election day.

Mr. ELLENDER. I believe the Senator is correct.

Mr. ERVIN. In other words, would it not be easy to determine that all persons were qualified to vote, if there were no qualifications for voting?

Mr. ELLENDER. Of course, and apparently that is just about what the Commission has in mind.

In Louisiana we have a literacy test, but there is a method by which those who cannot read and write may vote. In the category of those who cannot read and write, we have a number of colored people—16,972—who today are eligible to vote. The whites in the same category number 27,000. In other words, with the population, in Louisiana, about one-third Negro and two-thirds white, 16,972 illiterate Negroes can vote, in contrast to 27,000 whites—which shows that, in relation to their proportion of the population, more Negroes than whites come in that category. Yet when we hear certain Members shout on this floor that in the South the Negroes are denied the right to vote, one would think that none was allowed to vote. In the last election in Louisiana, 150,236 colored citizens were registered to vote, and I am sure many of them voted.

Mr. President, I also wish to say, as I have previously stated, that, of my own personal knowledge, I do not know of any Negro or any white person who has been denied registration if he was qualified.

In some parishes in my State, almost as many colored people as white people are registered, and I repeat that I do not know of any case in which a person—either white or colored—who was qualified has actually been denied the right to vote.

Later on, I hope to discuss the situation with respect to the Washington Parish case, where, in 200 days, 1,300-odd registrants were taken off the registration books. Those people could have been reinstated by utilizing State law, but only one of them did so. He was reinstated, but the others apparently were taken in by the NAACP, and became involved in a case which was brought before Judge Wright. The decision in that case was based on the belief that, because more Negroes than whites were taken off the rolls, there must, therefore, have been discrimination. That was the basis of the decision.

I should like to read a telegram in connection with the Washington Parish case. This is from Mr. Jack Gremillion, the attorney general of my State:

> No person stricken from rolls in said parish availed themselves of Louisiana Revised Statutes 18: 138, or any other provisions of Louisiana constitution or laws providing restoration of qualified registrants to registration rolls. R.S. 18: 132 provides, among other things, challenged person shall not be removed from rolls unless said challenged person fails to appear within 10 days from date of mailing of notice with three bona fide registered voters to execute affidavit as provided in said section. In Washington Parish case, only one challenged registrant appeared with three bona fide registered voters and that party's name was not removed, because affidavit provided for in R.S. 18: 132 was executed. Opinions of this office have advised registrars of voters in this State that provisions of R.S. 18: 132 are to be strictly construed and no name removed in Washington Parish case, other than one mentioned, ever availed or attempted to avail themselves of adequate provisions of Louisiana constitution and laws.
>
> JACK P. F. GREMILLION,
> *Attorney General.*

This occurred over a period of 200 days. The people who were removed had ample opportunity to be reinstated, but they did not do so. If they had followed the law, there is no question that they would have been eligible to vote, and a big point was made of that by the NAACP. They went to our State and took all those parties in a drove and brought them before the court, and because, as I have just stated, the judge felt that there were more Negroes who were taken off the rolls than whites, he found there was discrimination.

Of the 1,377 challenged voters, there were many who had died, there were many who had moved from one parish to another and, under the law, could not vote in the parish in which they were registered, but that was not taken into consideration by the District and Supreme Courts.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr. ERVIN. I ask the Senator from Louisiana if he agrees with this observation of the late Justice Benjamin N. Cardozo, who served with great distinction on the New York Court of Appeals and upon the Supreme Court of the United States:

> One of the most fundamental social interests is that law shall be uniform and impartial.

Does the Senator agree with that observation of Justice Cardozo, that one of the most fundamental social interests is that law shall be uniform and impartial?

Mr. ELLENDER. Surely.

Mr. ERVIN. I ask the Senator if that is not the fundamental trouble with all of these so-called civil rights proposals, that under them the law will not be uniform and impartial.

Mr. ELLENDER. I think that that has been demonstrated time and again.

Mr. President, I wish to emphasize that according the right of challenge to registered individuals, on a basis similar to that available to the registrar, is merely another means provided for keeping registration lists current. It is not presently a part of Louisiana elections law as a device for disenfranchising Negroes, or any other group.

Now, reverting to the Commission's reference to Washington Parish, I wish to make it perfectly clear that of the 1,377 challenged voters in Washington Parish, only 1 availed himself of the "three affidavit" provision of the challenge law, and his name was not stricken. None of the other challenged voters availed themselves of this remedy, and, as a result, the registrar had no choice, under Louisiana law, but to strike their names.

It should also be noted that these 1,377 challenges did not occur all at one time. The record shows that the challenges were filed during the period between November 1958 and mid-June 1959. Thus, ample opportunity was available for challenged voters to avail themselves of State remedies, but, as I have stated, only one did so.

The Civil Rights Commission has also raised a hue and cry about the challenges being the result of solely technical irregularities, such as minor errors in spelling.

Even if this were accepted as totally true, which it is not, there is no room for complaint. So long as the challenges were founded on real irregularities, and not on race, then there is no basis for Federal intervention, because the 15th amendment applies only in instances where voting deprivations are based on race.

But the fact is, Mr. President—and I think it is time for us to deal with facts and not fancies, not loaded recommendations, faulty logic, or pious platitudes—that even the Attorney General of the United States, in his suit against the registrar of voters of Washington Parish, did not allege that all of the 1,377 challenged registered voters were stricken because of "technical irregularities," the Civil Rights Commission to the contrary and notwithstanding. Even the plaintiff in the Washington Parish vote case—and plaintiffs are notoriously bad about making their cases sound as strong as possible, as the Senator from New York well knows—even the Attorney General of the United States produced documentary proof that only 155 of the 1,377 challenged voters were challenged on account of what the plaintiff-attorney general termed "technical irregularities and deficiencies."

These are the facts, and, even viewed in a light most favorable to the Civil Rights Commission, the Attorney General, the NAACP and the Senator from New York, the facts do not support their "shotgun" allegations.

Before closing, I wish to refer to a statement appearing on page 3677 of Saturday's RECORD, which statement appears in the extract from the Civil Rights Commission's diatribe against Louisiana. I read:

> One of the witnesses, a former Army sergeant, and still an Active Reservist, had fought on the Normandy beaches, had been awarded four battle stars; was adequately educated, and apparently well qualified to vote.

This is emotionalism, pure and simple; it is an appeal to the emotions, not a purely objective, factual preparation of the kind which the Civil Rights Commission should have submitted if it had wanted to be fair, if it really wanted to foster racial harmony and avoid further strife. However, let us strip the emotionalism from this harangue, and see what remains.

First, the sergeant—if such a person actually exists—was not a "witness," as the Civil Rights Commission terms him, because no hearing was held in Louisiana. A Federal court enjoined the Commission from holding a hearing in my State because it found that Commission procedures and practices would have denied certain persons their constitutional rights—a circumstance which prompted the Commission to label Louisiana's action in seeking judicial relief a "roadblock."

Second, since there was no hearing, and, thus, since the individual referred to could not have been a witness, it is apparent that the Commission's statement is based upon an ex parte, one-sided submission of material. The name of the person making the allegation is not given; the circumstances surrounding his alleged denial of the right to vote are not recorded. We were merely handed an emotion-loaded statement and told to accept it as gospel.

Third, the fact that the individual was a former serviceman, a veteran of D-day, is completely immaterial. Dwight Eisenhower, despite his military record, could not register in Louisiana, because he does not meet residence requirements—but then, the Civil Rights Commission could not be concerned with such minor details as informing the Congress, and the President—to whom its report was directed—whether or not the individual met residence requirements. All we have is the Commission's statement that the "witness" was "adequately educated"—whatever that may mean, and, further, that he was "apparently well qualified to vote"—whatever that implies. There are no statements of facts to support these conclusions, and, for reasons I have outlined on an earlier occasion, I am not prepared to accept the Commission's unsupported conclusions, nor do I believe the Senate as a whole should do so. We are entitled to facts—not emotion-loaded conclusions based upon the Lord only knows what kind of evidence.

I am not prepared to provide further factual data concerning voting registration in Louisiana, particularly insofar as parishes where no Negroes are presently registered, except to point out that Louisiana law offers a prompt remedy to persons wrongfully deprived of their right to register to vote. I read from section 5 of the Louisiana constitution. By the way, I am glad to say I was a member of the convention that drafted this constitution. Section 5 reads:

> Any person possessing the qualifications for voting prescribed by this constitution, who may be denied registration, shall have the right to apply for relief to the district court having jurisdiction of civil causes for the parish in which he offers to register. Said court shall then try the cause, giving it preference over all other cases, before a jury of 12, 9 of whom must concur to render a verdict. This verdict shall be a final determination of the cause. The trial court may, however, grant one new trial by jury. In no cases shall any appeal lie or any other court exercise the right of review.

To the best of my knowledge, Mr. President, no suits have been filed under the authority of this section in any of the parishes referred to.

Of course, it will doubtless be said that, since this is a State remedy, it would be practically impossible for a Negro deprived of registration to obtain relief.

Such an individual is not without other remedies.

Section 1983 of title 42 of the United States Code provides for a civil action for damages, for a suit in equity, including, I am informed, a mandatory injunction, in the event an individual is deprived of any rights, privileges, or immunities secured by the Constitution. As a matter of fact, the annotation following this section specifically records cases where aggrieved individuals were awarded damages for denial of their right to vote, at both primary and general elections. The section's reference to equitable relief leads me to believe that aggrieved individuals, not desirous of utilizing State law, could maintain an action for a mandatory injunction under the authority of this section, if they desired to do so. The remedy is certainly there.

I would also point out that should an individual not be financially able to initiate such a civil proceeding, he would still be authorized additional remedies.

Under title 18 of the United States Code, section 241 provides criminal penalties against persons who conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution, or laws of the United States. Again, the annotations reveal that this remedy is available in the case of elections.

But, it may be said, conspiracies are hard to prove.

Title 18 of the United States Code, section 242, provides for criminal penalties against anyone who, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

But, it may be said, these are cumbersome remedies—they are complicated by such things as the requirement of grand jury indictment, right of confrontation, right to cross-examine, and right to trial by jury.

The 1957 Civil Rights Act takes care of these objections very nicely. Under that act, the Attorney General has wide leeway to protect the constitutional rights of individuals, as individuals, but in the name of the United States.

It strikes me, Mr. President, that some of the newspapers who scream and cry about the lack of present remedies to protect the right to vote might do well to read these sections. The fact is that the right to vote is well surrounded by remedies of almost every imaginable kind. The fact is that no more are needed—and I hope that the next time the Washington Post editorializes on this subject it undertakes to find out the facts about existing remedies, instead of merely wailing about how unremedied the right to vote presently is.

Mr. President, I have already taken more time than I intended, in answer to the Senator from New York. I feel sure, however, that he will not accept my answer. I fear that he and some others have their minds both closed and made up. I fear that they, like the old man in the adage, are telling themselves: "Do not confuse me with facts; my mind is already made up."

Mr. President, earlier during the course of this debate, I took occasion to review in some detail the findings and recommendations of the Civil Rights Commission, to outline the basis, or, rather, the lack thereof, of such findings and recommendations and to provide the Senate with documented reasons pointing to the complete lack of objectivity on the part of the Civil Rights Commission. At that time, I reviewed in detail the Commission's use of secondary sources, the complete and utter bias inherent in the Commission's approach to the various problems involved, and I demonstrated that the Commission undertook its investigations with preconceived notions in mind, and did a very successful job of ferreting out and using only those facts which would support such notions.

I do not propose to repeat my prior observations, Mr. President. Instead, as is frequently the custom in the courts of my State, I am prepared to plead in the alternative. I now propose to show the Senate just how ridiculous the Commission's recommendations are, and also to prove just how foolish is some of the legislation which has recently been introduced—legislation based upon, and sought to be justified by, the Commission's ex parte, biased, prejudiced findings.

Now, as is customary when pleading in the alternative, I propose to bypass, for the purposes of argument, the lack of validity of the Commission's findings. I wish to make it clear that in so doing I do not, in any manner or means, indicate that some magical change of heart has been achieved, at least insofar as I personally may be concerned. On the contrary, I am prepared to accept, for the purposes of argument only, the Commission's factfindings, in order to discuss issues which can only be reached and argued by so doing.

Now, Mr. President, and merely for the purpose of discussion, let us assume that there may be various kinds of discrimination practiced in certain sections of the country. Let us assume further that, on occasion, some form of discrimination may have taken place in the electoral process. By making these assumptions, we are permitted to reach the basic question which is apparently involved; namely, the need, or lack thereof, for any legislation on this issue. It strikes me that only if no appropriate remedies are presently available should the Congress consider acting. At this point, let us see what remedies may be available to aggrieved parties. First, let us refer to the United States Code, specifically titles 18 and 42.

Title 18, section 242, of the United States Code reads as follows:

> Whoever, under color of any law, statute, ordinance, regulation, or customs, willfully subjects any inhabitant of any State, Territory or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

This is a criminal sanction, Mr. President, and is available against any individual acting under color of statute, ordinance, or custom. It offers the protection of the Federal Government to those against whom discrimination, involving any right, privilege, or immunity may be applied. This is one right, Mr. President, this is one protection. It is, as I have indicated, a criminal sanction. In the past there have been those who objected to it because they said it was too slow, because it involves the interplay of such other basic rights as the right of indictment by grand jury, the right to be free of self-incrimination, the right to confrontation and cross-examination, and last, but not least, the right to trial by jury.

But there are other remedies also. For example, every individual against whom discrimination may be practiced has the right to a personal action, either at law or in equity, or other proper proceeding for redress. I refer specifically to title 42, section 1983, of the United States Code, which reads as follows:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

This is a speedy remedy, Mr. President, because as I read it, and by virtue of the provisions provided for suits in equity, it is possible for individuals to obtain injunctions or related equitable relief to prevent incipient violations, or mandatory equitable relief in the form of mandatory injunctions to compel the performance of duties by those charged by law with performing them, and in a nondiscriminatory manner, in addition to money damages.

I might add parenthetically that both of these remedies to which I have alluded have been on the statute books since Reconstruction days. They were there in 1954. They were there in 1956. They were there in 1957 when the Senate enacted the 1957 Civil Rights Act, and they are there today. Yet, Mr. President, they are not used. The Senate is asked to help enact more laws in order to carry out the same thing that could be carried out under the statutes we have had since Reconstruction days; and particularly, as I shall point out later, under the 1957 act.

What did the 1957 act provide? It simply provided a third remedy, a remedy which is not dependent upon independent action or individual action, but a remedy which can be sought by the Attorney General of the United States. I shall read from the 1957 act, and I would like to have Senators now present pay close attention. It does not add much to what the law now is, a law which has been more or less dormant and not used by those who are complaining today. I read from section 131(b):

> (b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.
>
> (c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.
>
> (d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhaused any administrative or other remedies that may be provided by law.
>
> (e) Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed,

in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel.

Mr. President, here is a statute which protects the voter if he desires to use it. But, as I pointed out this morning, what the bills presented seek to do is to make it possible for the big arm and the long arm of the Federal Government to go into a State and take charge. That is why we from the South have been fighting these civil rights bills for many years.

Mr. President, imagine if we should reinstate the Reconstruction acts, whereby a supervisor or a referee could go down into Louisiana and take the place of duly elected officials, duly appointed officials, in determining who shall and shall not vote. We have had sad experiences, Mr. President, under the Reconstruction acts, as has been pointed out on this floor on many occasions.

Mr. President, I could cite specific cases, but I do not wish to take the time of the Senate at this point to do so. Even though there are sufficient State laws; even though sufficient statutes have been on the books for many years, including the one recently enacted in 1957, the proponents of the legislation are, in my humble judgment, playing politics. It is an election year, and they are, of course, trying to get all the help they can. By continuing to introduce such bills, there is no doubt in my mind that the power of the NAACP is increased to the extent that that organization is able to collect much money to enrich itself. This agitation has been in progress ever since I have been in the Senate, for the past 24 years. Particularly has it been going on during the last 8 or 10 years. In other words, the agitation has been growing, growing, and growing.

Notwithstanding the fact that there are sufficient State laws in all States of the Union, in addition to the Federal statutes I have just enumerated, which were passed several years ago, and also the most recent one passed in 1957, there are those who desire to place more laws on the statute books. To do what? Voters could be protected under the 1957 act, as I have just mentioned. Voters are mentioned specifically in that act. Although other statutes do not mention voting specifically, voters enjoy such a privilege under the 15th amendment. They are protected in that manner. But that is too cumbersome a method for the agitators to follow. They want to permit the NAACP to go into the State of Louisiana, as was true in Washington Parish, and make a shotgun approach.

These remedies should be adequate, because I have cited at least two statutes for the protection of civil rights which date back to Reconstruction days, and then the most recent statute of 1957, which meets all the objections which have been raised in the past. It effectively short circuits the constitutional guarantees of confrontation, cross-examination, and grand jury indictment. It effectively reduces the constitutional guarantee of trial by jury since, by proceeding under the contempt power of the courts, no such right is, per se, assured. Of course, Congress did provide for trial by jury in the event the penalties imposed exceeded certain minimums. Still, the cry is for more—more authority and more power.

We now find that the two Reconstruction statutes to which I have referred, plus the 1957 Civil Rights Act, are not all that the liberals desire. It now develops that, in their opinion, these statutes are not broad enough. Apparently the Government is not willing to litigate these matters on a case-by-case basis but, instead, is desirous of obtaining authority so as to dispose of all they can at one time.

The plea is made that, in my State, for example, voters are being purged from the rolls without an opportunity to have their names replaced thereon. It is said that voters who are otherwise qualified are being prevented from registering to vote because of an arbitrary exercise of authority by duly elected registrars of voters. That I deny most vehemently.

The impression is left that such individuals have no rights under State law; that they lie helpless before the appropriate State officials, and have no legal safeguard available to them. That is not so, Mr. President.

In that connection, Louisiana law provides a number of safeguards to persons who are either prevented from registering or who may have, after registration, had their names stricken from the voting lists. Let me be more specific and discuss, in order, the alternatives I previously outlined. Let us consider what the State law provides. I apologize for perhaps repeating some parts of the statute from which I shall read. But it will not hurt. I hope it will make an impression. I hope it will show that Louisiana is not so bad, after all. I hope it will prove that we have laws to guard and protect the citizens, be they black or white or of any other race. Such laws exist, if only they will be exercised. But some persons do not seem to want to exercise them. They would rather force issues and cause trouble and difficulty among the people of the South.

As I have previously stated, ever since the debate started—in fact, for 2 or 3 weeks before it started—all sorts of racial disturbances have been taking place in Virginia, North Carolina, Tennessee, and other States of the South. This agitation is not being fostered by the people of the South, but by an organization outside the South. It is being conducted by agitators in order to get assistance, probably from the Congress, in their fight to get more power, to punish the people in the Southern States.

First and foremost, let us deal with the question of individuals who have been denied registration. At this point, Senators may like to refer to title 18 of the Louisiana Revised Statutes, section 138, and title "Denial of Registration; Remedies of Applicant," I shall read. Remember, I am reading from the statute, and most of this language is found in the 1921 Louisiana constitution:

Any person possessing the qualifications for voting prescribed by law who is denied registration may apply without cost for relief to the district court having jurisdiction of civil causes for the district in which he offers to register. The court shall then try the cause, giving preference over all other cases, before a jury of 12, 9 of whom must concur to render a verdict. This verdict is a final determination of the cause. The trial court may, however, grant one new trial by jury. In no case shall an appeal lie or another court exercise the right of review.

Note, Mr. President, that this statute provides cost-free judicial relief, on a prompt, preferential basis, to voters who have been denied registration by the appropriate authority of the State. The remedy is obvious and clear cut.

But no NAACP lawyer will be found trying to use this statute. The NAACP wants a Federal statute. It wants the Attorney General to go into Louisiana and trample upon the laws of our State and upon our people.

As has been stated in the Senate many times, notwithstanding all the hue and cry for the passage of the 1957 act, only four cases have come to the attention of the Attorney General. A special department was created in the office of the Attorney General to handle such cases under the act of 1957. But notwithstanding all the investigations which were made, and all the hue and cry which was heard for the passage of that act, since its enactment in 1957, I say to Senators, only four cases of alleged violations have come to the attention of the Attorney General. They want more law, but we have all we need on the statute books now.

Well, then, what about the "challenge" procedures available in the State of Louisiana? Somehow, in some way, the concept has been fostered, and the Civil Rights Commission has assisted in this campaign, that it is possible for registered voters to have their names removed from voting lists on a wholesale basis in secret, with no safeguards available and through the exercise of arbitrary, capricious, or prejudiced action on part of individuals acting as such, as a result of State officers acting under color of State law.

Let us see if this is so. Let us see what procedure is set out for the challenge of registered voters and what remedies are available to such registrants, once they have been challenged. At this point I refer to title 18, Louisiana Revised Statutes, section 245, as added by the acts of 1952, No. 415, section 2:

Upon a written affidavit signed and sworn to in duplicate before and filed with the registrar or his deputy by any two bona fide registered voters of the parish to the effect that after reasonable investigation and on information and belief certain persons are illegally registered, or have lost their right to vote in the precinct, ward, or parish in which they are registered by reason of removal or otherwise, the registrar shall immediately, or, in any event, within 48 hours, notify the registrants by mailing to them postage prepaid, under Post Office Form 3547, requested, at the addresses given in the reg-

istration records, the duplicate copy of affidavit, together with a printed citation requiring them to appear in person before the registrar or his deputy within 10 days from the date of the mailing of the duplicate affidavit and citation, which date shall be stated in the citation, and prove their right to remain on the registration rolls by written affidavit of three bona fide registered voters in the form as provided in R.S. 18: 132.

Mr. President, in passing, I notice that amendments are still being offered to the pending bill. As I pointed out a while ago, eight were presented recently by the Senator from New York [Mr. JAVITS], and now I see that he has presented another one for himself and the Senator from Illinois [Mr. DOUGLAS], which are amendments to the pending Dirksen amendment.

We from the South will not stand by and do nothing about these amendments.

There are innumerable amendments which will be offered without an opportunity for adequate study, but we hope to see they are not hastily considered. That is why we from the South are going to take our time on this matter, in the hope that we may be able to expose what is in these amendments, in due time. I repeat: I hope and pray that the press of the Nation will give to the people of this country the true meaning of all the amendments which are being sent in by the score, and stop labeling this fight as one which involves only the right to vote.

The right to vote is very appealing, Mr. President, but when we dig down and look into these amendments, we see that they are far removed from dealing with only the right to vote.

I read further:

The registrar shall immediately make a similar publication as provided for in R.S. 18: 132, and if the challenged registrants fail within the same delays provided in that section, to prove their right to remain on the rolls, as in that section provided, the registrar shall cancel their names from the registration records as provided by R.S. 18: 135. Added acts 1952, No. 415, section 2.

Summarizing, Mr. President, challenge to a registered voter requires the filing of a written affidavit, signed and sworn to in duplicate before the registrar or his deputy by at least two bona fide registered voters to the effect that said persons are illegally registered. Upon the filing of this affidavit, the statute provides that the registrar must mail immediately, or in any event, within 48 hours, a notice to the challenged registrants, informing them of the fact that their names have been challenged and to forward to them a printed citation requiring that they appear in person before the registrar or his deputy within 10 days. Within that time, Mr. President, these challenged voters can overcome and subdue any challenge as to their qualifications by filing with the registrar affidavits of three bona fide registered voters to the effect that, indeed, the challenged voters duly meet the registration requirements and are entitled to vote.

I repeat. This is a simple remedy, Mr. President. It is not complex or cumbersome, nor is it slow. On the contrary, it provides a reasonable, realistic means for quick relief.

Thus, upon reviewing the pertinent provisions of Louisiana law, it becomes obvious that adequate remedies are available for those who have either been refused voting registration, or once registered, have been challenged.

Previously, in this discussion, I referred to the Civil Rights Commission and its ill-fated attempt to dispatch an expedition into my State in an effort to blacken and disparage electoral procedures therein. In its report to the Congress, the Commission attempted to leave the impression, and, in fact, did so, that no local relief was available to individuals either refused registration or subjected to challenge, and, because of this void, more stringent Federal regulation was required.

Mr. President, it is quite evident that they did not even look at the Louisiana law, but they went to the State with preconceived notions.

As I have already indicated, Mr. President, speedy, effective State remedies are available in both cases, but the interesting thing to note is that those who clamor for this legislation, even those whom it would purportedly assist, do not use the local remedies provided.

In this connection, I hold in my hand a telegram, to which I referred a few minutes ago, I received on February 16 from the Honorable Jack P. F. Gremillion, attorney general of the State of Louisiana, with regard to the Washington Parish voting case. Now, Mr. President, Washington Parish was selected by the Civil Rights Commission for particular abuse in its report to the Congress, as I have already indicated.

For example, to be specific, on page 104 of its report, what purports to be a facsimile affidavit used for challenging the registration of a voter in Louisiana is reproduced, and is stated to have originated in Washington Parish, La. I have already paid my respects to the Civil Rights Commission for seizing upon what is apparently an isolated incident and upon it basing a shotgun charge. But the situation is even more serious than this. Bear in mind, as I have already indicated, that Washington Parish was the Commission's chosen "whipping post" in Louisiana. I read the telegram from Attorney General Gremillion.

(See exhibit B.)

Mr. ELLENDER. In other words, Mr. President, although local remedies are available, they are not being used. Instead the Federal Government is being asked to come in and, in effect, completely take over electoral processes in the State, because a select group of individuals in Louisiana frankly do not desire to avail themselves of local remedies.

Let me anticipate what some Senators at this point may have in mind. It is doubtless being thought that the utilization of such remedies would be useless since, according to the Civil Rights Commission, racial prejudice in Louisiana is so rampant that it is not possible for either a denied registrant or a challenged registrant to receive a fair deal.

Yet, the attorney general of Louisiana asserts that in the Washington Parish case, the only challenged voter who took advantage of the locally available remedies did not have his name removed. In other words, those challenged voters, who doubtless are adding fuel to the fire set and fostered by the Justice Department and the Civil Rights Commission—those who are demanding that more Federal legislation protect their rights—have not even sought to utilize the local remedies presently available to them. I realize that this is a grave accusation, but the facts are there for all to see, and I commend this development to the attention of Senators who sit, champing at the bit, ready and eager to charge and impale the Southern States upon the poisoned spear of civil rights legislation—bills based upon unverified hearsay gossip—and, I might add, untrue recommendations and findings obtained on an ex parte basis by the Civil Rights Commission.

Mr. President, while I have been delivering this little address, a page has placed on my desk another amendment by Mr. JAVITS to the Dirksen substitute. I do not know how many more are coming along. But I am satisfied that as the number of the amendments increase, so will the debate.

Mr. President, with reference to the availability of existing remedies, I may add that during the week of February 8, the Supreme Court heard oral argument from attorneys from the State of Louisiana, and from officials of the Government of the United States, in the case of United States against Thomas. This is the so-called Washington Parish vote case, about which the Civil Rights Commission has raised such a hurrah, and concerning which the Washington, D.C., press has had so much to say.

I wish to make it plain, Mr. President, that when the district court in Louisiana handed down its decision in this case, I was among the first to chastise the court. In my view, the court not only went off "half cocked," so to speak, but it utilized inappropriate and unwarranted assumptions on which to base its decisions. I did not hear the evidence, nor did I read the trial briefs in the lower court. But I have perused the lower court's decision and its decree; I have read and studied the brief on behalf of appellant Thomas, filed with the Supreme Court; I have discussed the case with officials of Louisiana, as well as with other distinguished lawyers from my State; and I am inevitably compelled to reach the conclusion that the district court frankly did not "hew to the line" of law, but, as I indicated earlier, utilized inappropriate logic in order to reach the conclusion obtained.

Basically, the court applied the theory that because more Negro voters than white voters had been challenged, this quantitative factor alone tainted the proceedings and warranted a decree—a kind of mandamus, if you please—ordering over 1,000 challenged voters restored to the voting rolls.

I am willing to let the facts speak for themselves, Mr. President. To provide those facts, I wish to quote from the brief filed on behalf of the registrar of voters of Washington Parish, La., in the

case referred to earlier—United States against Thomas. I now quote from that brief:

To determine the inability of the district court to grasp the significance of the facts and evidence, it is necessary to search the judgment of the district court and indicate how unlegalistic and how unworkable the judgment as issued by the district court appears to the registrar. In essence, it can be said that the judgment is against the registrar of voters in and for the parish of Washington enjoining him from doing various things:

(a) From giving legal effects to approximately 1,377 challenges.

(b) From permitting the names of any of the approximately 1,377 persons challenged to remain off the rolls.

(c) From doing anything hereafter on challenges filed in the registrar's office which have "for their purpose or effect discrimination based on race or color."

Then the judgment orders that the registrar advise the court of compliance as stated in its paragraph 3(b). Then the district court orders that the registrar "keep and maintain, from and after February 1, 1960, a tabulation showing the number of registrants of each race whose right to remain on the registration rolls of Washington Parish is challenged. If, at the end of any 3-month period thereafter, more than 5 percent of the registrants of any one race shall have been challenged, he shall within 10 days thereafter submit to this court a detailed report in writing concerning such challenges, giving the bases thereof and indicating whether the same or similar bases of challenges appear in the record of other registrants."

In its conclusion of fact the lower court, in No. 15 (p. 161 of the transcript), concludes that the Negroes herein were deprived of being qualified voters solely because of their race or color.

However, this is in contradiction with his conclusion (Tr. p. 160) No. 12, wherein the court admits the defects of deficiencies in the registration cards, such as misspelling, deviation from printed instructions, failure to compute age with exact preciseness, and illegible handwriting. The lower court then concludes that it will disregard these mistakes and deficiencies in the applications for registration and will not even entertain the fact that they existed, and indicates that the people involved were removed solely because they were members of the Negro race. It is questionable as to how the district court can (1) assume that the people involved were discriminated against solely because of their race, and yet at the same time acknowledge that there were errors or mistakes on the applications. The court did not hold, nor could they hold, that the application for registration was in a form which is unreasonable, as a means for an intelligence test. The court did not take into account that the problem involved is one touching the entire registration system in the State of Louisiana.

There are several interesting challenges brought out by the judgment of the district court.

(1) That the district court has, without any constitutional provision before it, indirectly declared unconstitutional, not only one law, but the entire registration system of the State of Louisiana. Because, if the district court is right (which is denied) and the mistakes made in the application are to be disregarded, it has held indirectly that the application form cannot be used as a form of intelligence test. This would be contrary to the holding of the State Supreme Court of Louisiana, *Bishop* v. *Sherburne*, supra. This holding would also mean in effect that no one can challenge a Negro applicant who has such a defect in his registration application—as misspelling, failure to compute the date of his birth, deviations from printed instructions, and illegible handwritings. Therefore, it is conceivable that any Negro who attempts to register and makes any of the above errors cannot, under this judgment, be refused registration.

(3) Under the district court's judgment, a qualified voter is a person who is over the age of 21, meets the residency requirements and who applies for registration and who gets a registration application and merely files it with the registrar. If the registrant misspells his own name, computes his age wrongly, or has a handwriting which could not be read, he will still become a qualified registered voter.

The judgment of the district court insofar as it ignores the mistakes made on the card, by passing them over and calling them defects or deficiencies of a minor nature, is completely without merit and contrary to the holding of this honorable court, and the Supreme Court of the State of Louisiana. In effect, therefore, the judgment is wrong, because the district court has indirectly overruled the holdings that literacy tests are valid. In effect, the district court has overruled the requirement of completing the registration application. It is possible, under this judgment, that a blank registration card, which mentions only that the applicant for registration is a Negro, and containing his name, would not be subject to challenge, even if a mistake is patent on the face.

Mr. President, I must again pause. I have just been handed two more amendments, this time presented by the junior Senator from New York [Mr. KEATING]. None of these amendments have been considered by any committee, but they are supposed to be considered by Senators on the floor of the Senate. I do not know that we will have time to look at all of them, but that is the reason why some of us are here on the floor today, in order to prevent the enactment of such legislation without adequate study, and I am very hopeful that we will be able to hold the fort for some time.

I yield to my good friend from South Carolina for a question.

Mr. JOHNSTON of South Carolina. Mr. President, I notice there are three new amendments here, presented on March 1 by the Senator from New York [Mr. KEATING].

Mr. ELLENDER. Yes. I commented on one of those, I think, before.

Mr. JOHNSTON of South Carolina. And I notice that the senior Senator from New York [Mr. JAVITS] has presented six. The junior Senator has not quite caught up yet. He will catch up, will he not? They generally all keep about the same pace. I see about five or six amendments here presented by the senior Senator and only three by the junior Senator, and I do not imagine the junior Senator will let his colleague get away with that.

Mr. ELLENDER. I presume that my good friend from North Carolina [Mr. ERVIN], who keeps track of the amendments by weight instead of number, will have to reweigh all of them, they are coming in so fast. Yet we are being asked to take action soon on these measures, when, from day to day, as the Senate sits, more and more of these obnoxious bills are being presented for consideration. I do hope that Senators will take time to study these obnoxious bills, which apply not only to the South, but all over the Nation, and that they will try to figure the effect these obnoxious amendments will have in their own States.

I yield to the Senator for a question.

Mr. JOHNSTON of South Carolina. I agree that we ought to try to keep abreast of what is presented, but how can we keep up with all of them? In other words, they come in so fast that the effect is just like that of one rotten apple in a barrel—it contaminates all of them. We do not have time to study each of them to decide just what rotting effect it is having on the other pending legislation it seeks to amend.

Mr. ELLENDER. Mr. President, I thoroughly agree with my friend from South Carolina. I made a similar statement on several occasions while the amendments were being put on the Senator's desk by the fine young pages of the Senate. They are all bright eyed; they are not sleepy. They look as though they had a good night's sleep.

Mr. JOHNSTON of South Carolina. I observe entering the Chamber the junior Senator from New York [Mr. KEATING].

Mr. ELLENDER. Mr. President, I know that amendments will be presented, and my good friend, the Senator from North Carolina, is going to have more work in putting them all together and proceeding to weigh them, to ascertain exactly how many pounds of bills have been introduced. The sponsors of these amendments are making a lot of hay here during an election year, I assure the Senator from South Carolina and I sincerely believe that the political implications involved are self-evident. As a matter of fact, it looks as though they are vying with each other to see who will put in more of these bills to satisfy the appetites of the NAACP and such organizations, which advocate such claptrap legislation.

Mr. JOHNSTON of South Carolina. Mr. President, I heard a joke right along that line——

Mr. ELLENDER. Mr. President, I yield for a question.

Mr. JOHNSTON of South Carolina. A question only. I will ask the Senator if he has heard this joke——

Mr. ELLENDER. I trust the occupant of the chair will protect my rights on the floor.

Mr. JOHNSTON of South Carolina. I want to ask the Senator, Has he heard this joke——

Mr. ELLENDER. I ask unanimous consent that the Senator may have the privilege of telling this joke, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Mr. President, I will reserve the right to object until I hear the joke. If it is worth listening to, I will not object.

Mr. JOHNSTON of South Carolina. I should think a man in office would be glad to hear this joke, for the simple reason that it is about a fellow who was running for office against a man already in office.

He said, "I understand that my friend, the Congressman I am running against, introduced but 6 bills, and I will promise you one thing: If I am elected to the Congress, I will introduce 12 bills." So it looks as though the junior and senior Senators from New York are trying to run a race to see which one can outdo the other and see which one can go back home and say, "I introduced more than the other fellow." Does it not look that way to the Senator?

Mr. ELLENDER. Well, I know there is a race of some kind going on.

I continue reading:

The Federal court then assumes that it can judge the qualification of what it calls "approximately 1,377 persons" who have been removed from the rolls under a challenging system, approximately from the date November 1, 1958, through July 1, 1959. The court overlooked the fact that there is not one iota of evidence in connection with the total challenges of 1,377 people, but only evidence dealing with 155 number of persons. The State of Louisiana wonders if the court would want the registrar of voters to place back on the rolls of qualified voters any of the above individuals who may have had major errors in their registration forms. There is no evidence as to all of the 1,377 individuals, they are not named—and not identified. There is no way of knowing whether the 1,377 other people have died, removed themselves from the State, became incapacitated by committing a felony, or become insane or interdicted, or in a charitable institution within the State of Louisiana, or have received some disability through sickness or disease, which will require that they do something in addition to just merely being established as a registered voter by removing a card from one file into another, Louisiana Revised Statutes Annotated, title 18, section 42; Louisiana State Constitution, article 8, section 6.

It is submitted that the district court has gone so far in their judgment that it is possible for anyone who only places his signature on an application for registration and indicated his race to become a registered voter.

It is inconceivable, after searching the record, how under the law and evidence presented the district court arrived at the proposition that these parties were removed from the rolls of registered voters solely because they were of a particular color. Assuming, therefore, only for the sake of argument, that the court had some bases for its judgment, under its holding, it would preclude anyone from challenging a person of the colored race. Under the judgment of the district court, a registrar would be precluded from challenging, or refusing to register a party even if a person made a mistake in his registration application.

In effect, the court has stated to the registrar of voters for Washington Parish: "You are not to challenge any Negro who makes a mistake in his application for registration." It does not lend to the judgment for the district court to say that these were "minor" mistakes because it then becomes a necessity for a court of competent jurisdiction to determine what is minor and what is major.

The decree also affects registration of other people. Assuming that a white person comes into the registration office and miscalculates his age: Would the registrar be able to (1) refuse to register him because of this mistake, or (2) refuse to accept any challenges later assuming that he was allowed to register with the mistake in the application, (3) and if he did issue a challenge since the registrar is precluded from issuing a challenge against a Negro it would follow that the white person could come into Federal courts, under the auspices of the U.S. Government, and seek an action against the registrar, and assuming that the court will follow the theory in the judgment by the district court, the registrar would then be precluded from accepting the challenge of the individual white person because then he would be discriminating against a person in violation of the 15th amendment, based on his race or color.

The whole significant calculation therefore being that the Federal court has herewith stated: That in Louisiana there shall be no challenging of any individual. While this matter is only affecting one parish within the State, at this time, it is easy to assume that if this broad judgment remains in existence every parish within the State would be similarly affected.

I see, from an amendment just placed on my desk, Mr. President, evidence of another race. This time a bill has been introduced by the Senator from Illinois [Mr. DOUGLAS]. He seems to want to catch up with the Senators from New York. I notice the Senator from Illinois has presented his amendment for himself and the senior Senator from New York [Mr. JAVITS].

I continue reading from the brief:

The Federal court, herein, has not really understood the facts of this case, and other cases involving discrimination in election suits. In the normally indicated election suits, the point at issue is usually some action taken by some person against a person who is already a duly qualified registered voter. In this case, however, those rights have not crystalized as yet, because the party involved has not become a qualified voter, or a voter who is otherwise qualified by law. It is of no import to indicate that these people were at one time members of the qualified voting society, because they were not members in fact once they were challenged and removed from the record and rolls.

With specific reference to the quantity standard apparently applied by the lower court in the Washington Parish vote case, the brief on behalf of the appellant had this to say:

For argumentative purposes, the mere fact that a thousand Negroes were challenged and only 1 white person challenged does not in itself indicate discrimination against an individual based on race or color alone if, in fact, the individual so challenged, does have an error or mistake in his application for registration.

In spite of the allegations glowingly made by the Government, and in view of the theory set out in civil rights acts, and assuming for the sake of argument that this theory is to get qualified voters upon the roll, it is wise to look at the present facts and decide as to whether or not all the facts put together amount to discrimination based on race and color alone. The U.S. Government has indicated that it has shown discrimination based on race or color alone and at the same time admits that mistakes or errors were made in the application for registration.

It is interesting to note, at this time, and is submitted to this court to determine from the factual situation of the exact procedure and time element involved in the present matter.

These are several facts which now exist in the present case. The U.S. Government, in and for the behalf of petitioners filed a suit under the Civil Rights Act of 1957. Thereafter, the matter was tried and submitted. A judgment was issued by the Federal District Court for the Eastern District under date of January 11, 1960. This matter was appealed to the Fifth Circuit Court of Appeals and then to this honorable court.

Mr. JOHNSTON of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from South Carolina?

Mr. ELLENDER. For a question, yes.

Mr. JOHNSTON of South Carolina. When was that case filed?

Mr. ELLENDER. The brief was filed on January 11, 1960.

Mr. JOHNSTON of South Carolina. In the district court?

Mr. ELLENDER. No; it was the brief of the lawyers before the Supreme Court.

Mr. JOHNSTON of South Carolina. When was the case filed in the district court?

Mr. ELLENDER. In December of 1959.

Mr. JOHNSTON of South Carolina. In December 1959?

Mr. ELLENDER. Yes.

Mr. JOHNSTON of South Carolina. The Supreme Court has already handled it. Is that correct?

Mr. ELLENDER. Yes.

Mr. JOHNSTON of South Carolina. I am glad the Senator is bringing out these facts. I am chairman of the subcommittee——

Mr. ELLENDER. Mr. President——

Mr. JOHNSTON of South Carolina. Let me bring out some facts and ask some questions.

Mr. ELLENDER. Mr. President, I wish the Chair would protect my rights to yield, without losing the floor.

Mr. JOHNSTON of South Carolina. I wonder whether the Senator thinks, under the circumstances, we need 47 new judges in the U.S. courts, if we are getting rid of cases that quickly.

Mr. ELLENDER. May I say to my good friend from South Carolina I believe the reason for the quick decision was to put those persons back on the rolls so they could participate in the general election that will take place in Louisiana in April. I want to point out to my good friend, although, of course, I have already pointed it out before, for his information, these registrants were taken off the rolls covering a period of over 200 days. It started back in 1958 and went on into 1959, and no attempt was made by any one of them, except one, to be restored on the rolls. But, instead, they permitted the NAACP attorneys, through the Attorney General, to come into court, and, through shotgun methods, to take the whole 1,300 and have them registered in one shot, without in any manner investigating whether or not some of them had moved from the parish, whether or not some were dead, or whether or not some had committed felonies or other acts that would deny them the right to vote under State law.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. ELLENDER. Mr. President, I yield for a question.

Mr. JOHNSTON of South Carolina. Mr. President, does that not show that the courts are giving them preferential treatment and getting these cases decided in a few short months, while other cases have been on the rosters for years

and years and years, and they are crying now that they cannot get cases tried and are asking for additional judges?

Mr. ELLENDER. I cannot say that, because I do not know, but I presume there is a bit of truth in what the Senator has said. I was informed that the reason for this quick decision was to give the registrants the right to vote in the April election in Louisiana.

Mr. JOHNSTON of South Carolina. May I make one brief statement and then ask a question?

Does not that show preferential treatment——

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may be permitted to yield for that purpose without losing the floor.

Mr. MANSFIELD. Mr. President, what was the request?

Mr. CASE of South Dakota. Mr. President, what was the request? We could not hear it.

The PRESIDING OFFICER. The Senator from Louisiana has asked unanimous consent that the Senator from South Carolina be permitted to make a brief statement.

Mr. ELLENDER. Prefacing a question.

The PRESIDING OFFICER. Prefacing a question, and that the Senator from Louisiana not lose his right to the floor by yielding to the Senator from South Carolina.

Mr. CASE of South Dakota. Mr. President, what is meant by a "brief statement"?

Mr. JOHNSTON of South Carolina. One or two minutes, not over two.

Mr. CASE of South Dakota. Mr. President, with that understanding, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSTON of South Carolina. The Senator will find on the calendar today a bill that provides for the appointment of approximately 24 additional judges. I reported the bill from the committee. The Senator will find that Mr. JAVITS, and also Mr. KEATING, from New York, have been crying for more judges up there, and have been saying that there is a backlog of 4 or 5 years in the trial of cases in the Federal courts at the present time. I have been on that committee. I am chairman of the subcommittee. They are asking for about 47 or 48 additional judges. Personally, I think they need some judges, but if they are going to give preferential treatment to civil rights cases over other cases, I do not know whether I am going to vote for them or not in the future. That is my position as chairman of the judiciary subcommittee, if that is what those who are hollering for these extra judges are going to have them do.

Does not the Senator think cases of this kind are being given preferential treatment?

Mr. ELLENDER. Mr. President, I assure my good friend from South Carolina that if the Congress should make the mistake to pass the legislation we are now considering, with all of these amendments, there will be need of a good many more judges than the numbers the Senator has just mentioned.

Up until the very day, the very minute, as a glance of the clock will indicate, that this matter is now being tried, very few, if any, petitioners have tried to get back on the rolls. (Tr. p. 53.) It is interesting to note that during the time that the suit was filed (June 29, 1959), over 200 days have transpired and during that time the State of Louisiana has held two very important Democratic primaries and at no time during this period have the people involved attempted any procedure whereby they could get back on the rolls as registered voters.

I read further:

> The procedure is simple and set out in the law in an effort to prohibit discriminatorily removing a man from the qualified registered rolls. The individuals so challenged have the administrative provisions under the Revised Statutes for becoming qualified voters. They have the privilege of filing a suit against the Registrar if the Registrar refuses to register them. And, of course, they have the right of completely reregistering again and becoming members of the voting society of the State. Therefore, there are three avenues left for the individuals to allow them to get back on the rolls. It is of no moment here for the Government to say that this puts an additional burden on these people solely because they are of a particular color. The Government knows that there is nothing further from the facts and the law in this case. Had there been no mistakes on the application for registration, it could easily be argued that these people were disqualified simply because of the fact that they were of a particular color. However, these are not the facts in this case (readily admitted by the Government) when the Government admits in their allegation that they were in truth and in fact defects but that these defects were of a minor nature.
>
> The Federal court has set itself up to determine that if you forget to cross a "T" it is a minor mistake but if you left the "T" out it may be a major mistake. It seems that the Government's motion to stay the vacate order of the Fifth Circuit Court of Appeals with the theory that the individuals involved have to participate in a general election of April 19, 1960, in the State of Louisiana is without merit. It is with extreme interest that this matter be brought to the attention of the Court because, as this Supreme Court has ruled on its various cases in which is alleged in those one-party States as the State of Louisiana, that the primary elections are tantamount to a general election and the election of the individual to the seat that he seeks. The Democratic Party in the State of Louisiana has already held two primaries in which these individuals were not participants. Nothing has been done by the individuals or by the Government to facilitate the matter of placing these people back on the rolls as registered voters.
>
> Therefore, since registration qualifications are a matter of State action, and in Louisiana the application for registration is the intelligence test, no Federal court can determine that the making of minor mistakes on the intelligence test can be ignored. Only the State of Louisiana can pass on the qualifications of registered voters.

On Monday, February 29, the Supreme Court handed down its decision in the so-called Washington Parish vote case. Frankly, Mr. President, while I was grieved at the Court's decision, I was not surprised, because the Court has frequently, of late, managed to follow the line advocated by the National Association for the Advancement of Colored People in practically every issue presented to it by that association.

However, I was amazed that the Court should undertake to decide the Washington Parish vote case without bothering to provide a written opinion. Of course, the Court tried to "slide out from under" the need for such an opinion by stating that the Washington Parish case was decided on the same basis as the Raines case, which the Court decided on the same day.

The Raines case and the Washington Parish vote case were not on "all fours," as we lawyers say, and, for that reason, I cannot believe that the Court's reliance upon the decision in the Raines case was either fair to the people of my State, or fair to the body of American jurisprudence as a whole.

As a matter of fact, I wonder if the Court's failure to write a separate opinion in the Washington Parish vote case was not really a reflection of its inability to do so. Does it not indicate that, even relying upon sociology and psychology, as was done in the school segregation decisions offered no possibility to the Court of listing ways and means of affirming the district court decision in the Washington Parish case? Could it not be that, as to the Washington Parish case, the Court could find no valid reasons for upholding the district court, but, committed to restricting the States in areas expressly reserved to them, the Court merely took the easy way out and pronounced its collective judgment without reason because it could offer no reasons for the decision?

I hope the answers to these questions are in the negative, Mr. President, but, unfortunately, they must remain unanswered, because the Court did not take the trouble to write an opinion.

I wish to add that it is instances such as this which cause criticism of the Supreme Court. If the Court is, indeed, to be above reproach, then it should be willing to refrain from clandestine judicial rendezvous such as that we witnessed in the Washington Parish vote case.

Earlier, Mr. President, I alluded to the fact that the Washington Parish case was far from being on "all fours" with the Raines case, upon which the Supreme Court relied in deciding the Washington Parish case. Now, I wish to be fair. I have not read the text of the opinion in the Raines case, because, to be perfectly frank, I have not been able to obtain a copy of that opinion. My secretary telephoned the Supreme Court on Monday afternoon, and asked for copies of the decision in the Raines case, and for a copy of the per curiam in the Washington Parish case. She was told that copies were not readily available, but that as soon as such copies were available, they would be provided to me. I have not yet received such copies.

However, as I understand the situation, the Raines case turned on the constitutionality, or lack thereof, of the

1957 Civil Rights Act. The district court in the Raines case had found that while the strict factual situation before it did not offer indications that the Attorney General had acted unconstitutionally, the terms of the 1957 act were so broad as to offer the possibility of their being used at some future time as the basis for action beyond the purview of the Constitution. The Supreme Court, speaking through Mr. Justice Brennan, chastized the district court, and demanded that the application of the 1957 act be confined to the precise factual situation at hand.

In the Washington Parish case, quite a few factors were urged in support of the State's position, other than those bearing on lack of constitutionality of the 1957 act. Not the least of these were factual considerations—namely, that even conceding the constitutionality of the 1957 act, the precise factual situations present in Washington Parish did not bring the case within the purview of that act.

Let me specifically quote from the brief prepared by the State, and submitted to the Supreme Court in connection with the Washington Parish case. The excerpt which I shall quote makes it abundantly clear that, aside from raising a constitutional question, the State and others interested in the case offered alternative reasons to the Supreme Court for reversing the district court's decision in the Washington Parish vote case. These additional reasons, I wish to point out, were not touched upon directly by the Supreme Court in its decision because it rendered no formal opinion on the case. These reasons were not dealt with by the Court indirectly, that is, through its reference to the Raines case, because the Raines case was predicated upon an entirely different factual situation, and, further, because the district court's opinion in the Raines case was based upon a finding of constitutionality of the 1957 Civil Rights Act.

I read further:

The qualifications to vote in the State of Louisiana are set up in its constitution by article 8, section 1, and its legislature has set up the same constitutional provisions and the conditions precedent for an elector to become a registered voter and the conditions under which after an elector has become registered, whereby his name must be removed if it is later found that such registered voter has not complied with the provisions of the law. The suit by the Attorney General on behalf of these applicants alleges that your defendant removed 1,377 voters from the rolls but produced documentary proof of only 155 whom he alleges were removed on account of what he termed "technical irregularities and deficiencies." But despite the lack of such evidence, the district court has commanded all 1,377 persons to be replaced on these rolls without any knowledge of their present status, whether living or dead, inmates of public institutions (i.e., mental hospitals, penitentiaries or jails), or no longer having residence requirements, or having any knowledge for the reasons for their removal from the rolls. This evidence, while not in the printed record, is in the form of exhibits which by stipulation form a part of these proceedings. These persons were removed from the rolls over a period from November 4, 1958, to June 16, 1959, and no evidence was offered that any of these persons had attempted to remain on the rolls by observance of conditions of the Louisiana law, nor had any of them taken legal action in the State court against the registrar of voters and the challengers to prevent their removal, nor had the U.S. Attorney General brought any action to prevent their removal on account of alleged discrimination.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. JOHNSTON of South Carolina. Is it not true that every State in the Union has written either into its constitution or into its statutory law qualifications for voters?

Mr. ELLENDER. So far as I know, the Senator is correct.

Mr. JOHNSTON of South Carolina. Is my understanding not correct that every State has written into its constitution or into its statutory laws qualifications for the voters in the respective States; and is it not true that that has been done because the Federal Constitution gives citizens the right to vote?

Mr. ELLENDER. There is no question about that. I propose to spend quite a bit of time on the floor of the Senate to demonstrate that fact. I shall not do so today, but I hope to do it soon.

I continue to read:

No evidence was offered, that after these complainants were advised that they had not observed the conditions set forth by Louisiana law, that they made any attempt to again register, which they could have done and can still now so do. Since the period of these challenges in the State of Louisiana, Parish of Washington, as alleged in the complaint were between November 4, 1958, and June 16, 1959, and since the filing of this complaint on June 29, 1959, none of these parties have availed themselves of the right to reregister. The removal of their names from the rolls did not prevent them from again registering and observing the conditions imposed by Louisiana law which they had a legal right to do and can still do prior to April 19, 1960, so that no State action taken by the registrar in the removal of their names has deprived them of their right to register and vote in the coming general election on that date. Their complaint is simply that having been once on the rolls, their application form being admittedly erroneous, that the motivating cause of the other defendants herein was because of their color and that because these other defendants did not challenge an equal number of white persons that this constitutes a discrimination and that they, therefore, should be placed back on the rolls with other persons who may be similarly unqualified.

Mr. President, I submit that by ignoring factors such as those enumerated in the excerpt from the brief on behalf of Louisiana, which excerpt I have just read, the Supreme Court has once again demonstrated its complete unwillingness to come to grips with law, standing jurisprudence, and other considerations in cases involving the NAACP; instead, by its failure even to write an opinion in the Washington Parish case, the Court has apparently adopted the rationale that quantitative factors are to be applied in judging voting rights cases brought under the 1957 act. Or perhaps the Court does not want to examine facts at all. I am most disappointed in the Court, although, to be perfectly frank, I really hold no hope in my heart that anything more can be expected from the Court except actions such as that taken in the Washington Parish case. For the Court to fail even to write an opinion in that case, for the Court to base its holding upon its opinion in another case, which is not on "all fours" with the Washington Parish case, is, in my opinion, hardly conducive to greater "respect" for the Court as an institution.

During the argument before the Supreme Court, I am informed that the Government counsel, as well as some members of the Court itself, harassed and nagged the counsel from Louisiana because challenges were sustained, despite the fact that challenging voters made typographical errors in their challenges, because some names were stricken as the result of minor errors in registration procedures, and for similar reasons.

In this regard, perhaps it would be of benefit to the Senate for me to outline just how Louisiana's registration system operates—in what mold our law is cast and to point out the procedure by which challenges are issued and how they are met. This will involve, of necessity, a repetition of some of the factors I outlined earlier, but I beg the Senate's indulgence, as well as its attention, because I hope, by outlining these procedures, to strip away much of the emotionalism in which this case has become enveloped, and to permit the Senate to examine the facts.

I quote from the brief for appellants in the case of United States against Thomas:

In the Louisiana registration laws, an effort was made to make the process of voting as simple and as easy as possible. For instance, it is not necessary, at this time, to indicate party affiliation, in order to become a voter in a primary, although the failure to do so will prevent an individual in participating in a party primary. (L.R.S.A. 18: 33; constitution of Louisiana, 1921, art. 8, Sec. 4.) A registered voter can apply for a duplicate certificate in the event a certificate is lost. (L.R.S.A. 18: 582.) The Louisiana laws, insofar as requirements for registration are concerned, are liberal and the administration of the law is fair and equitable.

REGISTRAR OF VOTERS

The constitution of Louisiana sets up a board called the board of registration which is composed of the Governor, Lieutenant Governor, and the speaker of the house of representatives and gives the power to any two members of the board to remove a registrar. (Louisiana State constitution, art. 8, subsec. 18 of 1921.)

It can be said that the governing authority in a parish can appoint the registrar of voters, except for Orleans Parish, where the Governor has the authority to appoint the registrar. (L.R.S.A. 18: 1.) A registrar holds his office during good behavior, however, is subject to removal by the board of registration. (Art. 8, sec. 18, Louisiana State constitution, 1921; L.R.S.A. 18: 3.) The registrar must be a registered qualified voter of the Parish of which he is to perform his duties. (L.R.S. 18: 2.) He must also qualify by taking a necessary oath of office and depositing the proper bond before the proper authority. (L.R.S. 18: 4.) The registrar is allowed to have certain deputies, clerks, and

other people to assist him in his work. (L.R.S.A. title 18, secs. 7 and 8.) It is interesting to note here that the law of the State of Louisiana, insofar as registrars are concerned, is based on the theory of maintaining the registrars of voting, as best as possible away from political activities.

A registrar is prohibited from any political activity while acting as a registrar and his employees are under the same mandate. (L.R.S.A., title 18, sec. 6.1.)

RESPONSIBILITY OF THE REGISTRARS OF VOTERS

It should be first brought to the attention that the registrar of voters operating under the Louisiana laws is operating under mandatory provisions. Where the law itself imposes a duty upon the registrar to do or to refrain from doing an act, such duty is to be considered mandatory. (L.R.S.A., title 18, sec. 196.) In other words, the theory of the Louisiana law is that the provision and actions are mandatory. (L.R.S.A., title 18, secs. 31, 35, 36, 37, 38, 39, 40, 41, 42, 71, 72, 73, 74, 91, 92, 93, 94, 111, 112, 113, 114, 115, 131, 132, 133, 134, 135, 136, 137, 138, 161, 162, 163, 164, 165, 166, 169, 170, 191, 196. 252, 337. Louisiana State constitution, art. 8, sec. 16; see *Ventre* v. *Ryder*, D. C.-La. (1956), 176 F. Supp. 90.)

Thus, the registrars of the various parishes, including the registrar for the parish of Washington, under every section of the law, which indicates to them what their duties and responsibilities are, are mandatorily required to act, and in no sense of speaking does the registrar have any discretion in his capacity as registrar. (L.S.R.A., title 18, sec. 196; *Lorio* v. *Sherburne*, 122 La. 434, 47 So. 760. (1908).)

REGISTRATION SYSTEM

There are two types of registration systems in the State of Louisiana. One is a system whereby registrants are required to register every certain number of years, and one is a system which is called permanent registration. Permanent registration is the system which is presently maintained in Washington Parish. (Tr. p. 58.) Under this system of registration (which exists in the parish of Washington), once a party has become a "qualified registered voter", assuming that the party is not challenged from the registration rolls for cause (L.R.S.A., title 18, secs. 245, 132, and 133), or assuming that the person does not die or become a felon, or refuse to participate in election for a period of time (L.R.S.A., title 18, sec. 42), the individual named shall continue upon the rolls as a qualified registered voter. In other words, the permanent registration system is to eliminate the necessity of an individual having to register every number of years. The advantage of this system is to make, again, the procedure of voting as simple as possible for any individual, so that more people will participate in the activities of their State by casting their ballots. The important thing to point out, at this time, is that insofar as the registration system in Louisiana is concerned, in this particular case there is no conflict in systems such as permanent as opposed to temporary registration. Because, the registration application blank that a party must complete to be a "qualified registered voter" is the same under both systems. The same qualifications to become a registered voter pertains under both systems. Under permanent registrations it is important to note, at this time, that the registrars of voters of various parishes are under a mandatory duty to keep their rolls current and up to date with only qualified voters. The registrars are required to make periodical checks of their registration polls to accomplish this purpose. (L.R.S.A., title 18, sec. 165.)

APPLICATION FOR REGISTRATION

As a part of the procedure to become a registered voter in the State of Louisiana one must meet the conditions and requirements as outlined by the constitution and the statutes of the State. (Louisiana State constitution, 1921, art 8, sec. 1, subpars. C, D, and E, et seq.) It will be noted at this time that in the constitution there is the requirement as to character and literacy. There is also in the constitution a form with respect to the application for registration (Louisiana State constitution, art. 8, sec. 1(C)), and a form in the Louisiana legislative acts as to the application blank for registration (L.R.S.A., title 18, sec. 31). Therefore, the constitution and the legislature have sanctioned the use of the application blank for registration.

The point to consider, at this time, is that the issue before the Court, as the State of Louisiana understands the situation, is not that the application form for registration requirement under the Constitution and laws is unconstitutional. No question has been raised by the Government in any of its pleadings as to the unreasonableness of the form in question, or as to the questions asked in the application blank, or any other indication which would give the matter in question an unconstitutional basis. Therefore, it can be assumed that there is no question but that the Government believes that the application for registration as required by the Louisiana constitution and Louisiana statutes is constitutional in form and in fact. There is no question from the Government as to the so-called literacy test which the constitution of the State of Louisiana required, and its fulfillment of the said test by the completion of the application for registration which appears in both the constitution and State laws. (*Lorio* v. *Sherburne*, 122 La. 434, 47 So. 760 (1908); *Bishop* v. *Sherburne*, 122 La. 429, 47 So. 759; *State ex rel Woods* v. *Theriot*, 124 La. 847, 50 So. 770 (1910); *Smith* v. *Dardee*, 129 La. 835, 56 So. 905 (1911); *Darby* v. *Daniel*, 168 F. Supp. 170 (U.S.D.C.-S.D.-Mississippi) (November 1958), p. 183; *Lassiter* v. *Taylor*, 152 F. Supp. 295 (U.S.D.C.-N.C. (1957), p. 297).)

It can, therefore, be said that the ability of any individual to complete the application for registration, complete and without error, or his ability to show that he is unable to read or write are the final steps and the very necessary steps to becoming what the State of Louisiana calls a "qualified registered voter." (L.R.S., title 18, secs. 31, 32; Louisiana State constitution, 1921, art. 8, sec. 1 (b) and (c). This final step is the one which is absolutely necessary in order to become a registered voter of the State. The registrars of the State are guided by the requirements under the constitution and statutes and as has been pointed out previously, these duties are mandatory. The importance of the application for registration can be found in the new permanent registration voter system, under which Washington Parish has been placed since May of 1958 (Tr. p. 40). The records which must be kept by the registrar of voters are as follows:

A master record file, a precinct register and duplicate precinct register, and a closed and disqualified file. (L.R.S.A., title 18, sec. 235.)

Under permanent registration, in addition to the steps outlined in the constitution and legislative acts, one must complete one more step, that is, he must sign his application for registration in the precinct register and the duplicate precinct register. The registrar then maintains the following files in his office:

The master file, which contains the "original registration application (L.R.S., title 18, sec. 235), which shows that under the permanent registration the application for registration again is a very important document and is one which must be maintained by the registrar of voters. The certificates of registration or application for registration are filed in the registrar's office alphabetically by surnames. (L.R.S., title 18, sec. 235, par. 3.)

The application for registration is not a document which is to be taken lightly as to its significance in Louisiana law. There are no Louisiana laws which discriminate against any individual based on his particular color, creed, religion or previous condition of servitude.

People who have been accepted by a registrar as duly qualified voters, may participate in various elections, primary or general elections and, of course, are not subject to the removal, except for the condition that they may be challenged for specific reasons at the time and at the place that they cast their ballot. (L.R.S.A., title 18, sec. 352, for challenging under primary law, and sec. 580, general election.)

In addition to the fact that an individual may be challenged at the time he cast his ballot, the Louisiana law has taken adequate measure to protect the rolls of registered voters from becoming cluttered up with illegally or wrongfully or fraudulently registered people. When a registration system is permanent, there must be some system set up in an effort to allow the machinery of either the law of the courts to make an effort to keep the rolls in its most current position. The primary duty under a permanent registration system of maintaining the rolls is good order and keeping illegally registered people off of same lies with the registrars of voters. (L.R.S.A., title 18, sec. 165; L.R.S.A., title 18, secs. 132 and 134.)

THE SYSTEM OF "CHALLENGING"

If a registrar of voters for the State of Louisiana complied with the mandatory provisions of the laws, he would, under Louisiana Revised Statutes Annotated, title 18, sections 165 and 244, periodically conduct a survey of his rolls which would indicate to him whatever facts necessary to enable him to remove from the rolls those people who do not fit into the category of qualified registered voters. Several reasons are apparent as to why the registrar is given this mandatory responsibility. It is possible that a person who is a registrar will not perform his mandatory functions under the law and, therefore, a new registrar has the power to be able to check the records of the parish and determine the status of the rolls. However, the Louisiana law goes a step further in checking its public officials in its registration voters system. The State of Louisiana gives to individual bona fide registered voters an opportunity to call to the registrar's attention the names of people who have been voting illegally or who have been fraudulently placed "upon the registration rolls." (L.R.S.A., title 18, secs. 132, 133, and 245.) Under this procedure any two bona fide registered voters of a parish may sign an affidavit, signed and sworn in duplicate, and file same with the registrar or his deputy, giving certain information which they tend to believe has made an individual "illegally registered." (L.R.S.A., title 18, secs. 133 and 245.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2485. An act to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses; and

H.R. 6462. An act to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles, and referred to the Committee on the Judiciary:

H.R. 2485. An act to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses; and

H.R. 6462. An act to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes.

PRAYER BY THE CHAPLAIN

The VICE PRESIDENT. Under the resolution previously agreed to, now that the hour of 12 o'clock has arrived, the Chaplain will offer prayer.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, who dwellest, not in temples made by hands, but in the reverent hearts of those who truly seek Thee: By Thy searching spirit lift us, we pray, from the low moods of contentions which dig gulfs, rather than build bridges.

In quietness and confidence may we take counsel of the highest and best in our own hearts, and believe that it dwells also in the hearts of perplexed comrades by our side.

In genuine communion with Thee may confusions be dispelled and the fever of haste and misunderstanding melt away.

Thus, in all the issues that pertain to the welfare of the whole Nation we would serve with all our devotion, give us Thy enabling grace to see more clearly, to think more truly, and to choose more worthily.

Grant us now, in this Chamber of governance, that forgotten things may be remembered, and that precious things in danger of being lost may be restored. Amen.

ORDER OF BUSINESS

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Louisiana will state it.

Mr. ELLENDER. I have not concluded my speech; it will take me 2 or 3 hours longer to conclude it. Under the ruling given yesterday, I do not now lose my right to the floor, I understand.

The VICE PRESIDENT. That is correct.

Mr. ELLENDER. I understand that I may proceed later.

The VICE PRESIDENT. That is correct.

Morning business is now in order. At the conclusion of morning business, the Senator from Louisiana will be recognized.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

ESTABLISHMENT OF A JUDGE ADVOCATE GENERAL'S CORPS IN THE NAVY

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to establish a Judge Advocate General's Corps in the Navy (with accompanying papers); to the Committee on Armed Services.

REPORT ON ESTIMATED OBLIGATIONS BY PRINCIPAL ACTIVITIES OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, a report on estimated obligations by principal activities of that Administration, for the period July 1 through December 31, 1959 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON HIGHWAY TRUST FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the financial condition and fiscal operations of the highway trust fund, dated June 30, 1959 (with accompanying papers); to the Committee on Finance.

REPORT ON FEDERAL OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS

A letter from the managing trustee and members of the board of trustees of the Federal old-age and survivors insurance and disability insurance trust funds, Washington, D.C., transmitting, pursuant to law, a report of that board for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Finance.

REPORT ON FLUORSPAR

A letter from the Chairman, U.S. Tariff Commission, Washington, D.C., transmitting, pursuant to Senate Resolution 163, adopted August 21, 1959, directing that Commission to make an investigation with respect to fluorspar, a report thereon (with an accompanying report); to the Committee on Finance.

REPORT ON MILITARY ASSISTANCE PROGRAM FOR ITALY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on review of the military assistance program for Italy (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON DEVELOPMENT LOAN FUND

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Development Loan Fund, for the fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF MONEY ORDER CENTER, KANSAS CITY, MO.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the Money Order Center, Kansas City, Mo., Post Office Department, dated August 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF ADMINISTRATIVE COSTS OF U.S. MILITARY ASSISTANCE PROGRAM CHARGEABLE TO REPUBLIC OF GERMANY

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of administrative costs of the U.S. military assistance program chargeable to the Federal Republic of Germany (with an accompanying report); to the Committee on Government Operations.

REPORT ON ACTIVITIES OF LIGNITE RESEARCH LABORATORY, GRAND FORKS, N. DAK.

A letter from the Under Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to, the Lignite Research Laboratory, Grand Forks, N. Dak., for the calendar year 1959; to the Committee on Interior and Insular Affairs.

ALADAR SZOBOSZLAY

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation for the relief of Aladar Szoboszlay (with an accompanying paper); to the Committee on the Judiciary.

APPROPRIATIONS FOR CONTINUATION OF CONSTRUCTION OF CERTAIN HIGHWAYS

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for continuing the construction of highways under title 23, United States Code (with an accompanying paper); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Finance:

" 'H.J. RES. 22

" 'Joint resolution relating to Federal action on unemployment insurance

" 'Be it resolved by the Legislature of the State of Alaska in 1st legislature, 2d session assembled:

" 'Whereas under our Federal form of Government it has long been recognized that the economy of each State is the concern of the several others; and

" 'Whereas in three periods of economic depression in the United States, unemployment insurance has proven itself to be the major bulwark against spiraling depression and a valuable curative to a faltering economy; and

" 'Whereas an unhealthy economy in one part of the Nation has a bad effect upon other parts of the Nation, making those other parts vitally concerned with restoring each part's economy to a healthy status; and

" 'Whereas a bill, S. 791 has been introduced in the Congress by farsighted legislators who recognize the interrelationships so characteristic of this Nation's economy and who intended by this bill to initiate a uniformity in unemployment insurance so necessary to this Nation's economy: Be it

" 'Resolved by the Legislature of the State of Alaska in 1st legislature, 2d session assembled, That it supports S. 791 and urges the Congress to enact it; and be it further

" 'Resolved, That copies of this resolution be sent to the President of the Senate, the Speaker of the House of Representatives, Senator JOHN F. KENNEDY, and the congressional delegation from Alaska.'

"Passed by the house February 15, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Passed by the senate February 18, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate.

"Certified true, full, and correct:

"ESTHER REED,
"Chief Clerk of the House."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interstate and Foreign Commerce:

"'SENATE JOINT MEMORIAL 30

"'To the Honorable DWIGHT D. EISENHOWER, PRESIDENT OF THE UNITED STATES; THE HONORABLE RICHARD M. NIXON, PRESIDENT OF THE SENATE; THE HONORABLE SAM RAYBURN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE E. L. BARTLETT AND THE HONORABLE ERNEST GRUENING, SENATORS FROM ALASKA; AND THE HONORABLE RALPH J. RIVERS, REPRESENTATIVE FROM ALASKA:

"'Your memorialist, the Legislature of the State of Alaska in 1st legislature, 2d session, assembled, respectfully represents that—

"'Whereas the southeastern region of Alaska has no connecting roads or highways; and

"'Whereas communities in this area of Alaska are located along the coastal areas and on offshore islands making the construction of roads uneconomical and in some cases impractical; and

"'Whereas the most feasible way to provide surface transportation in this area of Alaska is the initiation of a ferry system between the terminus of the Haines Highway at Haines, Alaska, and the terminus of Highway 16 at Prince Rupert, British Columbia, thereby connecting these two roads and providing surface transportation to the intermediate communities; and

"'Whereas no method of financing is available under existing laws relating to highway and ferry vessel construction; and

"'Whereas there has been introduced in the Congress S. 1956 to amend the Merchant Marine Act of 1936 to classify the aforementioned ferry run as foreign trade thereby qualifying the ferry vessels engaged in such trade for construction subsidy and loans under the Merchant Marine Act of 1936; and S. 2661 to amend Federal-aid Highway Acts to permit the participation of Federal-aid highway funds in the construction of approach roads to ferry facilities: Now, therefore

"'Your memorialist respectfully urges that the Congress of the United States at its present session pass S. 1956 and S. 2661 thereby making available a method of financing the ferry system for southeastern Alaska.'

"Passed by the senate February 4, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate.

"Passed by the house February 17, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Certified true, full, and correct:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate."

A joint resolution of the general assembly of the Commonwealth of Virginia; to the Committee on Foreign Relations:

"H.J. RES. 41

"Resolution opposing rescission of the Connally amendment to the World Court resolution of August 2, 1946

"Whereas in 1945 the Senate of the United States, without adequate debate, ratified the pact known as the Charter of the United Nations; and

"Whereas the attendant publicity featured two key points in this charter: (1) to save succeeding generations from the scourge of war and (2) to deny the right of the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State; without which the charter would not have been accepted by the United States; and

"Whereas, on August 2, 1946, the Senate of the United States ratified the United Nations World Court resolution but in so doing, in line with our system of constitutional government, provided that the United States would not accept compulsory jurisdiction of the International Court of Justice in matters which are essentially within the domestic jurisdiction of the United States as determined by the United States, the last six words being known as the Connally amendment; and

"Whereas, since May 1, 1958, there has been a subtle campaign by internationalists of various types aimed at rescission of the Connally amendment; and

"Whereas the rescission of the Connally amendment would expose the United States to serious juridical dangers before an international court of 15 judges, only 1 of whom can be from the United States; and

"Whereas Communist nations have judges on the court but do not and will not accept its jurisdiction; and

"Whereas the dangers inherent in such rescission would expose various U.S. domestic issues to judicial interpretation of such international tribunal; and

"Whereas the compulsory jurisdiction of such tribunal would endanger not only the constitutional powers of Federal agencies as delegated in the Constitution of the United States but also those powers reserved to the States and to the people; and

"Whereas U.S. Senate Resolution 94 would, by repealing the Connally amendment, remove that safeguard against usurpations by an international judicial tribunal; Now, therefore, be it

"Resolved by the house of delegates (the senate concurring), That (1) rescission of the Connally amendment would jeopardize the Constitution of the United States and impair the powers reserved to the States and to the people; and

"(2) Copies of this resolution shall be sent to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, all members of the Virginia delegation in the Congress, and to the Governors and presiding officers of all legislative bodies of all the States.

"E. GRIFFITH DODSON,
"Keeper of the Rolls of the State."

Memorials signed by Olive A. Rosera, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

A resolution adopted at the annual meeting of the Rio Grande Compact Commission, at Santa Fe, N. Mex., favoring the enactment of legislation to construct dams and reservoirs on the Rio Grande River at the Cochiti site on Galisteo Creek near its mouth; to the Committee on Public Works.

By Mr. WILLIAMS of Delaware:

Two resolutions adopted by the Council of Polish Clubs and Societies of the State of Delaware, and the Delaware Division, Polish-American Congress, protesting against the enactment of Senate resolution 94, relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, with an amendment:

H.R. 3472. An act to repeal section 1505 of the Social Security Act so that in determining eligibility of Federal employees for unemployment compensation their accrued annual leave shall be treated in accordance with State laws, and for other purposes; (Rept. No. 1154).

PERMANENCY OF CERTAIN TEMPORARY INCREASES IN RATES OF BASIC SALARY FOR POSTAL FIELD SERVICE EMPLOYEES

Mr. JOHNSTON of South Carolina. Mr. President, I introduce, for appropriate reference, a bill to make permanent certain temporary increases in rates of basic salary for postal field service employees.

When the pay of Government workers was last adjusted over 2 years ago, the increase given to employees under the Classification Act was on a permanent basis whereas 2½ percent of the increase given employees in the postal field service was for a temporary period to expire at the end of the current calendar year. Thus, action during the current session is necessary else our postal employees will suffer a cut in pay after the end of the year.

Perhaps of greater importance to all Federal employees is the fact that I intend to use this bill as the vehicle for public hearings on the overall question of pay both for our postal workers and classified employees just as soon as the civil rights issue is out of the way.

I cannot agree with the position taken by the President in a recent message to Congress against consideration at this time of a pay adjustment for Federal employees. Quite to the contrary, in the light of recent events, it seems to me that equity dictates such a course.

The steel settlement—aided and abetted by the administration—calling for substantial wage increases; the raises recently given to textile workers; the widespread increases given to thousands of workers in private industry; and the continued upturn in the cost of living suggest to me that it is time for the administration and Congress to again review carefully and fully the pay of Government workers. I hope the administration will cooperate with the committee so all relevant facts can be developed fully to the end that fair and appropriate action can be taken without undue delay.

The Government cannot attract and retain the high type of personnel required to perform its many diversified functions efficiently and economically unless its pay scales keep pace with those in private industry.

It will be noticed that in the last words I have used I have quoted almost the exact words the administration used.

The VICE PRESIDENT. The Chair will inform the Senator from South Carolina that, under the order entered yesterday, bills cannot be presented during the morning hour.

Mr. JOHNSTON of South Carolina. I have presented my statement. It is already in the RECORD. Of course, the bill can be introduced at the proper time.

The VICE PRESIDENT. The bill may be introduced at a later time.

AMENDMENT OF INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949—ADDITIONAL COSPONSOR OF BILL

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the name of the Senator from California [Mr. KUCHEL] may be added as an additional cosponsor of the bill (S. 3008) to amend title IV of the International Claims Settlement Act of 1949, as amended, introduced by me on February 9, 1960.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. BENNETT:

Address delivered by Senator KEATING at 91st anniversary dinner of the Manhattan College Alumni Society at the Hotel Roosevelt, New York City, on Saturday, February 6, 1960.

CALL OF THE ROLL

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Gore	Morse
Anderson	Gruening	Morton
Bartlett	Hart	Moss
Beall	Hartke	Murray
Bennett	Hayden	Muskie
Brunsdale	Hickenlooper	Prouty
Bush	Holland	Proxmire
Byrd, W. Va.	Hruska	Randolph
Cannon	Jackson	Robertson
Carlson	Javits	Russell
Carroll	Johnson, Tex.	Saltonstall
Case, S. Dak.	Johnston, S.C.	Schoeppel
Chavez	Keating	Scott
Church	Kefauver	Smathers
Clark	Kerr	Smith
Cooper	Lausche	Stennis
Cotton	Long, Hawaii	Symington
Dirksen	Long, La.	Talmadge
Douglas	McCarthy	Wiley
Dworshak	McGee	Williams, Del.
Ellender	McNamara	Williams, N.J.
Engle	Magnuson	Yarborough
Fong	Mansfield	Young, N. Dak.
Frear	Martin	Young, Ohio

The VICE PRESIDENT. A quorum is present.

THE OMNIBUS JUDGESHIP BILL

Mr. BUSH. Mr. President, on Sunday, February 28, 1960, the New Haven Register published an excellent article under the headline, "Increased Workload, Unreasonable Trial Delays Create Critical Need for Federal Judges Here."

The article emphasizes the unconscionable delays in the administration of justice in the Federal court for the district of Connecticut which have resulted from the failure of this Congress and the preceding Congress to act on recommendations for the authorization of two additional judges.

Mr. President, at this time I express the hope that when we have concluded action on the civil rights bills, the Senate will proceed promptly to consideration of Senate bill 2673, the omnibus judgeship bill, which has been on the Senate Calendar since September 10, 1959.

That bill provides for the appointment of one additional judge for Connecticut. It should be amended, as proposed by myself and my colleague, Senator DODD, to provide for the appointment of two additional judges, in line with the recommendations of the Judicial Conference of the United States to meet demonstrated needs, and also to permit sessions of the court at Bridgeport.

Mr. President, I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD, following these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Haven Register, Feb. 28, 1960]

INCREASED WORKLOAD, UNREASONABLE TRIAL DELAYS CREATE CRITICAL NEED FOR FEDERAL JUDGES HERE—HARDSHIPS CITED IN ADMINISTRATION OF JUSTICE IN DISTRICT COURTS

Justice long delayed is justice denied * * * delays breed disrespect for the law and impose hardships on many citizens, Senator PRESCOTT BUSH, Republican, of Connecticut, declared almost 3 years ago when he appeared before a Senate judiciary subcommittee in support of legislation authorizing the appointment of two additional Federal judges for the district of Connecticut and the holding of court in Bridgeport.

He subscribed to the same philosophy when he and Senator THOMAS J. DODD, Democrat, of Connecticut, introduced bills in January 1959 providing for the same additions to the Federal court system for the State. Similar bills have also been introduced in the House of Representatives.

Court officials here agree on the need for more jurists. They pointed out that only three districts out of 86 in the country had a greater time lag than the Connecticut district—and these districts are all in areas of large population concentration. They are the southern district of New York at New York City; and the eastern and western districts of Pennsylvania at Philadelphia and Pittsburgh.

AREA NEED FELT

The need for more Federal judges in the district of Connecticut was again spotlighted by Senator BUSH in a radio report to State residents last month. He referred to President Eisenhower's renomination of Judge J. Joseph Smith, of Hartford, to serve on the bench of the Second Circuit Court of Appeals, and William H. Timbers, of Darien, to succeed Judge Smith on the district bench.

He recommended that the nominations be submitted at the start of the present session of the Senate so that prompt action could be taken on them for it would be an unthinkable situation to leave one judge, namely Judge Robert P. Anderson (New Haven), to handle the workload which four judges should be doing.

The situation in New Haven is serious and has been for some time, one court official points out. Partly responsible is the large criminal load. Judge Anderson has been unable to hear many civil matters since the start of the court term last September because of criminal business which has almost monopolized his time. Several long criminal trials knock out the civil business timetable and leave the court with only time for the motion's calendar and similar matters.

WORKLOAD INCREASE

A look at civil business handled by the district court here some 20 years ago and the civil workload today points up BUSH's concern about the district of Connecticut. In 1940 there were 180 civil cases pending at the end of the fiscal year and 2 judges to handle them. At the end of 1959 fiscal year there were 800 cases on the docket and still only 2 judges.

The situation has become so critical that the chief judge of the 2d Circuit Court of Appeals—which also has an overcrowded workload—has recently assigned a circuit judge to hear court cases in New Haven.

Further figures for the district of Connecticut at the end of the 1959 fiscal year show that the median time interval between filing and disposition of a case has been 25.5 months. For the country as a whole the median was 15.3 months.

For the same period here, other figures show that the median time interval from issue (when a case is ready for trial until it is heard) has been 19.9 months; the national average is 10.3 months.

PROBLEM SPOTLIGHTED

Part of the responsibility for the large caseload in Connecticut was spotlighted by Senator BUSH in a portion of a Senate Judiciary Committee report inserted in the CONGRESSIONAL RECORD. It read: "The reason for the large increase in judicial business may be traced in part to the geographic location of the district. The State is a 'conduit' for the flow of business and traffic between the large metropolitan and resort areas of New England and the large cities and farms which lie in the South.

"This brings to the district a continual stream of vehicular traffic and with it the personal-injury suits which grow out of automobile and truck accidents. The current volume of these cases per judge is more than twice the national average, 74, compared with a national average of 33 per judgeship in 1956," the report noted.

The Hartford court is more current on civil cases than the court in New Haven—partly because of geographical factors. It is pointed out that more of the accident and civil suits originate in Fairfield and New Haven Counties combined than in Hartford and surrounding counties. Lawyers have the choice of selecting where they wish to file their cases and, most naturally, the majority from the downstate counties file in New Haven.

BACKLOGS COMMON

The district courts in Connecticut are not the only ones plagued by the mounting number of cases. It has been reported that U.S. district courts are currently faced with a backlog of a combined civil-criminal workload of more than 70,000 cases—enough to keep all of the district judges busy for a year, even if not another civil case is filed nor another criminal indictment returned.

Perhaps the acuteness of the Federal judicial problem was best pointed up last fall by Warren Olney III, director of the administrative office of the U.S. courts, who wrote: "Today, nearly 50 percent of all civil cases in Federal district courts are subject to undue delay—from 1 to 4 years between the dates of issue and trial. The judicial conference has recognized 6 months as the time it should normally take between the date the case is filed and the time trial commences."

The Connecticut district courts endorse this position and anxiously await congressional action on the bills for additional judgeships—it would give them a chance to attain the criterion set up by the Judicial Conference.

RESOLUTIONS ON EDUCATION ADOPTED BY GENERAL FEDERATION OF WOMEN'S CLUBS

Mr. WILEY. Mr. President, our rapidly growing population, now totaling about 180 million, is creating serious problems in a wide variety of fields.

As outlined by the Percy Committee recently, these include such domestic problems as:

How to put a new generation in sure touch with responsibilities greater than any generation has yet faced.

How to control inflation so that a family's dollars will not buy less and less year after year, nor its savings shrink in value.

How to reap the benefits of automation without subjecting labor to the penalties of job displacement.

How to assure farmers the opportunity to gain prosperity and security without infringing on their right to run their own affairs.

How to strengthen our moral standards and revitalize American faith in the timeless precepts of our religious doctrines—in personal and public honesty, responsibility, and dedication to the principles of what is right and what is wrong.

How to secure a more rewarding life for each American, and for our children, without taking over the management of peoples' lives. Particularly in the field of education, we face a serious challenge.

As Congress considers the legislation proposing additional Federal aid, the major question still centers around: Just how large should Uncle Sam's role be in our educational system?

Today, I was pleased to receive from Miss Chloe Gifford, president of the General Federation of Women's Clubs, two resolutions adopted by that outstanding organization reflecting constructive thinking on the challenge in this significant field, for which we must find a fundamental solution.

I request unanimous consent to have the resolutions printed following my remarks at this point in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ON CRISIS IN EDUCATION

Resolved, That the General Federation of Women's Clubs declares its belief that:

1. Education of the people is the most important function of government if democracy shall survive and should be dignified by a place in the public esteem commensurate with its importance;

2. A minimum average standard salary for teachers should be adopted which is consistent with a proper standard of living and in line with prevailing costs of living;

3. An improvement in standards of selection and training of teachers should be sought;

4. Opportunities for more and better in-service training for teachers should be provided and the advantage which teachers take of these opportunities should be made a basis for (1) salary, (2) promotion, and (3) tenure;

5. Teachers should be assured an opportunity to assume the satisfying part in community life and affairs which is open to any other citizens in any other profession;

6. Final responsibility for securing remedial measures for problems of personnel and facilities for their schools rests upon the community, its individual citizens and organized groups; and be it further

Resolved, That the General Federation of Women's Clubs urges member clubs in their local communities to:

1. Assist in securing and maintaining equitable salary schedules;

2. Cooperate in an analysis and solution of factors which contribute to the reluctance of many desirable persons to enter the teaching profession;

3. Participate in a nationwide recruitment program which will have as its objective a sufficient number of properly qualified and prepared teachers for the schools of the United States.

RESOLUTION ON TRAINING SCIENTISTS

Whereas it is evident that there exists a critical shortage of scientists and qualified science teachers in the United States, and that present facilities will not provide the trained personnel demanded by Government and industry if we are to meet world competition; and

Whereas the inability of many students to meet the requirements of courses in advance science and mathematics when offered in high schools and colleges demonstrates the need for teaching the fundamentals of mathematics and elementary science at the grade school level: Therefore be it

Resolved, That the General Federation of Women's Clubs advocates, supports, and urges member groups to participate in a concerted effort to:

1. Discover special scientific aptitudes at an elementary school age through the use of testing programs;

2. Strengthen the teaching of mathematics and science in the schools of the United States at all scholastic levels;

3. Recruit science teachers and encourage students to major in science through the establishment of scholarships and fellowships and other incentives;

4. Seek auxiliary teachers from the ranks of industry and from among retired scientists;

5. Secure for local schools adequate laboratory and other necessary facilities.

NEEDED: FAIR DISTRIBUTION OF FUNDS UNDER PITTMAN-ROBERTSON ACT

Mr. WILEY. Mr. President, last year I introduced proposed legislation to provide for fairer distribution of Federal funds for wildlife restoration and management programs under the Pittman-Robertson Act.

For over 20 years, funds were allocated to States under the program, according to a formula generally based on numbers of licenses issued. Then suddenly, somebody took a new look at the statute and decided that the formula for funds distribution should be changed. Regrettably, the Department decided to go ahead with this change in formula without, I believe, adequate consideration of its repercussions on specific States and on the program generally.

The major change in the formula constituted simply this: A distribution of funds, not on the record of licenses issued—as had been traditional with the program—but on the number of license holders.

Since many sportsmen purchase a variety of licenses, this created a particularly difficult problem for the States in determining their eligibility for funds under the program.

Because of the difficulties involved, the new formulas proved to be difficult to comply with, and inaccurate in their early stages of application, and will, I believe, result in an unfair distribution of funds under the program.

Recognizing these factors, a number of States, including Wisconsin, Minnesota, Michigan, and Colorado, have filed a complaint in the U.S. District Court for the District of Columbia, protesting the action on the part of the U.S. Department of Interior.

Fundamentally, the position taken is that it is not legally possible for an administrative agency to change construction, interpretation, and practice which for 20 years has been consented to and approved by the Congress of the United States.

We realize that court action may indeed take a long time, and that, meanwhile, funds, now amounting to an estimated $116,962.27 for Wisconsin, and similar amounts for the other States, are being held up by the Department.

Today, I was pleased to receive from Gov. Gaylord Nelson, of Wisconsin, a statement reviewing the situation and urging that Congress take action on the pending bills, including my own measure, S. 1021.

At this time, I would like particularly to call this situation to the attention of my colleagues on the Senate Interior and Insular Affairs Committee, and urge that consideration be given to the pending legislation for clearing up this situation as early as possible.

To give my colleagues the benefit of the views by Governor Nelson, I ask unanimous consent to have the statement printed at this point in the body of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE STATE OF WISCONSIN,
EXECUTIVE OFFICE,
Madison, Wis., February 29, 1960.

Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILEY: As you know, the Pittman-Robertson Act places a Federal tax on firearms, shells, and cartridges, with half the revenues distributed to the States on the basis of area and the other half on the basis of hunting license holders in each State.

For 20 years, the Federal Government distributed the second half according to the total number of licenses certified in any given State. For example, Wisconsin, which sells different hunting licenses for deer and small game, was allocated funds on the basis of total sales of both licenses. The facts fully justified this distribution formula; people who hunt both small game and deer generally purchase separate guns and different shells and cartridges for each sport, thereby making a double contribution to the Federal tax funds later distributed for wildlife restoration under the Pittman-Robertson Act.

On June 4, 1959, however, the U.S. Department of Interior rendered an opinion which stated that funds allocated on the basis of licenses should be distributed according to the number of individuals holding licenses and not on the basis of total licenses sold. Under this ruling, Wisconsin would suffer a substantial drop in Federal aids since the person who bought both small

game and deer licenses would be counted only once for distribution purposes.

Following the Interior Department opinion, the U.S. Fish and Wildlife Service requested each State to complete the following statement:

"I hereby certify to the best of my ability to do so that during the year ending ——, there were —— paid hunting license holders."

The States of Wisconsin, Minnesota, Michigan, and Colorado refused to certify in this manner for two reasons. First, it changed the method of apportioning funds which had been in effect since 1939. Second, it was impossible to swear to such an ambiguous statement. As a result of this action, the Fish and Wildlife Service withheld from the four States those shares of Pittman-Robertson funds which are distributed on the basis of licenses. This amounted to $116,962.27 for Wisconsin, $61,970.59 for Colorado, $223,239.05 for Michigan, and $93,687.13 for Minnesota. The bureau informed the four States that these funds would be made available if each State certified in the manner requested.

After conferences with the attorneys general offices of the four States and the respective conservation directors, it was decided to file a complaint in the U.S. District Court, District of Columbia, protesting the action on the part of the U.S. Department of the Interior and the U.S. Fish and Wildlife Service. Colorado, Minnesota, and Wisconsin have filed a joint complaint and Michigan has filed separately. Briefly, our position is that it is not legally possible for an administrative agency to change construction, interpretation and practice which has for the past 20 years been consented to and approved by the Congress of the United States.

In the first session of the current Congress, the following bills were introduced by Wisconsin representatives:

S. 1021, introduced by Senator WILEY, would legalize the counting of one big game and one small game license per individual.

H.R. 1792 and H.R. 7834, introduced by Congressmen VAN PELT and O'KONSKI, respectively, incorporate the same provisions as the Wiley bill.

H.R. 7824 by Congressman FLYNN, 7825 by Congressman JOHNSON, 7826 by Congressman KASTENMEIER, 7827 by Congressman REUSS, and 7828 by Congressman ZABLOCKI would legalize the counting of one big game and one small game license per individual and would raise the minimum apportionment per State from the present 0.5 percent to 1 percent of the total funds distributed.

H.R. 7788 by Congressman LAIRD would legalize the counting of one big game and one small game license, would raise the minimum to 1 percent and would include the water areas of the Great Lakes in the area portion of the apportionment.

Because it may take considerable time for the U.S. court to render a decision on this matter, thereby tieing up badly needed conservation funds, I would like to suggest that hearings on the above bills be held at the earliest possible date. I am confident that there will be support from many States for an amendment to the Pittman-Robertson Act. If the amendment is favorably acted upon, the matter would be resolved and the legal action could be terminated.

For your information I am sending similar letters to all Wisconsin Representatives and Senators. I will be pleased to provide you with additional information on this matter.

Sincerely yours,

GAYLORD A. NELSON,
Governor.

CIVIL RIGHTS LEGISLATION

Mr. TALMADGE. Mr. President, in the morning mail I received a letter from my good friend and constituent, Hon. M. L. Powell, who is principal of the Pike County High School in Zebulon, Ga. Mr. Powell addressed his letter to me, but he directed its contents to the entire membership of the Senate. In it he asks some searching questions to which I feel he and all other Americans are entitled frank answers. I wish to read it to the Senate at this time:

PIKE COUNTY HIGH SCHOOL,
Zebulon, Ga., February 29, 1960.

Hon. HERMAN E. TALMADGE,
Senator From Georgia,
Washington, D.C.

DEAR SENATOR TALMADGE: As a private citizen I would like to have this communication read to the U.S. Senate and placed in the CONGRESSIONAL RECORD, and I would further appreciate as many Senators as possible trying to explain to me the bewildering and baffling confusion now going on in the Senate of the United States which is supposed to be the greatest deliberative body of free men to be found anywhere in the world.

I would like especially for the majority leader and the minority leader in the Senate to explain why they agreed to bypass the time-honored custom of the Senate in handling major legislation and permitted and encouraged the introduction of wholly unrelated amendments to House bill 8315, which in its simplicity merely provided that th Secretary of the Army lease a portion of Fo.t Crowder to the State of Missouri.

I would like for Senators to explain to me and to the Nation what grave national emergency exists that makes it mandatory that the Senate remain in round-the-clock sessions in order to pass these amendments to H.R. 8315 before the Democratic and Republican National Conventions are held this summer.

I would like to ask Senators of both parties if they deem it a matter of political expediency that vote-baiting civil rights legislation be passed before Congress adjourns this year in order to capitalize upon during the coming presidential campaign.

I would like to ask Senators if they do not see by their own actions that they might be a possible cause of race violence and riots throughout these United States.

I would like to ask Senators if they might not see in this punitive legislation, aimed primarily at one section of the country, the possibility of every State in the Union feeling the heavy hand of Federal oppression over its own internal affairs. Can they not see the great possibility and probability of extreme political fraud and corruption coming from the Federal supervision of what should be free and unhampered elections?

I would especially like to ask Democratic Senators if the passage of this so-called civil rights legislation would not enhance the chances of one of the Democratic Senators becoming the nominee of the Democratic Party for the Presidency of the United States. I wonder if this Senator had rather be President than be right.

Thank you so much.

M. L. POWELL,
Principal.

TRIBUTE TO THE LATE FORMER SENATOR WILLIAM J. BULOW, OF SOUTH DAKOTA

Mr. CASE of South Dakota. Mr. President, last week the Senate was grieved to learn of the death of former Senator William J. Bulow, of South Dakota.

Since then there have been many eulogies to this great South Dakotan who has been laid to rest in his home town of Beresford.

A simple but striking tribute was that of the Sioux Falls-Argus Leader in its editorial column of February 28.

I ask unanimous consent that this editorial be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO THE MAN FROM BERESFORD

For humor, frankness and an aversion to making speeches, William J. Bulow was without a peer. He was a man of the highest character, a colorful politician and an effective public servant.

Beresford's foremost citizen swore off politics twice. He was a State senator (the youngest) in the 1899 legislature. He was defeated for reelection in 1900 and swore off politics on the State level.

For 25 years he practiced law, dealt in real estate and made money. Burst of the farm bubble in the 1920's made him $50,000 worse off than nothing.

He refused to take the bankruptcy route. He eventually settled all his obligations at one hundred cents on the dollar.

In 1924 he got the Democratic nomination for Governor because of the death of his friend. He was defeated and swore off politics again.

Before he left Beresford for the 1926 Democratic State convention, he promised Mrs. Bulow and the children that he wouldn't be a candidate.

He must have had his fingers crossed when he made the promise. He emerged as the candidate, won the election, then a second term as Governor and later two terms in the U.S. Senate.

Mr. Bulow was humorous and politically unconventional. He put the balance in South Dakota's budget. He was the late President Calvin Coolidge's host at the Game Lodge. He had the stream planted with big ones for Silent Cal.

He was a great man with no illusions of his own grandeur. His political philosophy was simple: "I believe that the people are best governed when least governed." He used his inborn common sense to keep crises out of Government. He didn't make speeches—he did his work in Senate committee meetings, not on the floor.

It was his good fortune to attain 91 years of age. When he was 86 he told a reporter, "I'm going into my 17th year of overtime and enjoying every minute of it. A man's only entitled to his three score and 10, you know."

South Dakota is a much better State because of him.

TRIBUTE TO HON. JOSEPH FINNEGAN—SETTLEMENT OF COPPER STRIKE

Mr. MANSFIELD. One of the key figures, Mr. President, if not the key figure, in helping to bring about the settlement of the copper strike which affected the State of Montana for 181 days, was the Honorable Joseph F. Finnegan, Chief of the Federal Mediation and Conciliation Service.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by my distinguished colleagues, Senator JAMES E. MURRAY, Congressman LEE METCALF and me to the Honorable Joseph Finnegan in appreciation of his work in the Montana copper strike situation. Because of his personal interest and participation as well as that of members of the Federal Mediation and Conciliation Service under

his direction, the possibility of bringing the strike to a conclusion was enhanced considerably.

The people of Montana and we are grateful to Joe Finnegan for the outstanding part he and the FMCS played in the final settlement of the long drawn out controversy in our State.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 15, 1960.

Mr. JOSEPH F. FINNEGAN,
Director, Federal Mediation and Conciliation Service, Washington, D.C.

DEAR MR. FINNEGAN: At this time, we want to express our personal thanks and appreciation for your participation in the settlement of the strike between the Anaconda Co. and the Butte Miners Union, Butte, Mont., and the Mine, Mill, and Smeltermens Unions of Anaconda, East Helena, and Great Falls, Mont.

We sincerely believe that if you personally had not made the trip to Butte, Mont., and arranged for your mediators to remain there, that the negotiations could not have made the headway they did, nor would we now have a settlement of the 177-day-old strike. This strike, as you know, had a terrific effect on the economy of the State as a whole and we are grateful that you acceded to our requests.

We would be remiss if we did not also take this opportunity to say that we feel your officials, Robert More, Arthur Viat, George Hillenbrand, Dan Edwards, and Bob McClelland, did an excellent job. We know that each of them spent many long hours trying to bring the parties together so that the negotiations could continue.

We are enclosing copies of the remarks which appeared in the CONGRESSIONAL RECORD last Thursday, as well as tearsheets from some of the Montana papers, which we think can express better our appreciation and the appreciation of the people of Montana.

Again, our deepest thanks, and with best personal wishes, we are,

Sincerely yours,

JAMES E. MURRAY,
U.S. Senator.
MIKE MANSFIELD,
U.S. Senator.
LEE METCALF,
Member of Congress.

WELCOME TO NORTHROP CORP. TO MASSACHUSETTS

Mr. SALTONSTALL. Mr. President, it is a source of great satisfaction for me to welcome the Northrop Corp. to the Commonwealth of Massachusetts. I refer to the recent acquisition by Northrop of the military products division of the American Radiator & Standard Sanitary Corp.

Northrop, one of the Nation's leading producers of missiles, aircraft, electronics, and guidance systems, showed great wisdom in looking to Massachusetts for high precision manufacturing skill. The Commonwealth abounds in electronic and precision know-how.

Northrop's new precision products department of the Nortronics division employs more than 600 engineering, administrative, and manufacturing people at its three plants in Norwood, Mass., whose high degree of precision skills make a major contribution to the Nation's defense posture.

The precision products department of Northrop has grown to become an established prime contractor of precision systems and gyroscopic components for some of the most advanced military applications. Its products are currently in use on the Navy's Polaris missile and submarine, and on the Terrier, Tartar, and Nike-Zeus missiles, F–106 Air Force interceptor, the HU–438 helicopter, as well as several additional applications on other high performance missiles.

It is healthy for the economy of the Nation, Mr. President, that our defense suppliers now fashion the weapons we need from the raw materials and manufacturing skills of every State in the Nation, instead of concentrating defense manufacturing in a few regions, as was formerly the practice. Today's highly sophisticated weapon systems demand the skill of Americans from every State, from Massachusetts to California.

We are naturally proud of the accomplishments of the men and women employed in electronics and other precision industries in Massachusetts.

HOUSING FOR ELDER CITIZENS

Mr. WILLIAMS of New Jersey. Mr. President, the growing needs and problems facing our elder citizens deserve our most sympathetic consideration. Pleasant housing conditions should certainly claim thoughtful attention as a basic element in assuring the comfort and usefulness of this part of our population. Mr. Carl T. Mitnick, last year's president of the National Association of Home Builders, and a resident of New Jersey, has written an article for the Bergen Evening Record which describes the production of homes for retired people as one of the biggest developments in housing in the 1960's. He has written a most effective statement of the need for planning wisely, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOUSING FOR SENIOR CITIZENS INCREASES—BUILDER PREDICTS BOOM IN CONSTRUCTION OF NEW HOMES FOR THE ELDERLY

(By Carl T. Mitnick)

One of the biggest developments in housing in the 1960's will be an increase in the production of homes for retired people. Homebuilders have barely scratched the surface in meeting the need for such housing.

GOOD RISK AS GROUP

We must—and I am convinced we will—build at least 100,000 more homes a year for older people during the next 10 years. This rockbottom minimum of 1 million may well be exceeded.

For one thing, it is just good bread-and-butter business for a builder to construct homes for senior citizens. They are the best risks, as a group, in the world.

They know what their assets are, they know how to budget—and they know how to live within their means.

Today, we have a certain percentage of the elderly who do not have the means to be self-supporting and must have institutional or family care.

But, with social security benefits and the increasing trend toward pension plans, I believe that very soon the elderly person without the income to support himself will not exist.

The housing industry will do its part in building the homes the elderly need but the Government must provide some of the necessary vehicles. Above all, this means putting into effect title II of the 1959 Housing Act. This part of the law contains the provisions on housing for the elderly—but they have never been implemented.

For instance, this unused section includes a program of FHA insurance for rental housing for retired persons. It does little good to have a law on which the go sign is withheld.

Congress raised from 60 to 62 the age at which an elderly person could qualify for this type of rental housing. To my mind, that was a mistake. I would like to see the age limit lowered to 60.

Homebuilders need, too, more statistics and research in the field if they are to plan wisely for housing older people. The Government could provide a helping hand here.

President Eisenhower has shown a special interest in this overall area by the appointment of an Advisory Committee on Housing the Elderly, of which I am proud to be a member, and the calling of a White House Conference on the Aging in January 1961. I would expect the executive department to follow through with needed tools or why set up the committees in the first place?

Up to now, most of the housing for the elderly has been single unit homes. They will continue to be built. But there will be a vast increase in multi-unit dwellings for persons of 60 or over. There will be both high-rising apartment houses and garden-type structures.

These multi-unit structures will, for the most part, be built in the heart of cities, replacing blighted and slum areas. Some will be rental units.

One thing I have found in building for the elderly—they understandably like living where they have roots. They want to live, when possible, within easy reach of their children and grandchildren.

It is my experience also that the elderly do not want to be entirely segregated. They enjoy living in a community in which there are younger people.

At North Cape May, where I have built 1,550 homes, 925 of them are occupied by retired people. The seniors enjoy the younger families with children, with whom they strike up warm friendships. And I've noticed the elder women welcome a chance to do some babysitting again.

Although there will be a vast increase in senior housing in these next 10 years, the units themselves will not be too different from other homes. It is my experience that a retired person does not want a home that every one can see from the front door has a stamp: "For the older person."

As to size, I believe apartments will range from efficiencies to 1- and 2-bedroom units. Single homes will run to 2 or 3 bedrooms, for all want a place for the children when they come to visit and many like a room that can double as a little den or a bedroom.

The big increase in elderly housing will come in low-cost units but there will be a selection to meet larger purses. I've said it is sound business for the builder to build for the elderly. Let me give you some figures to show why I say this.

I have studied the case histories of 393 retired persons over 60 who bought modest houses, ranging in price from $5,490 to $11,000 that I built.

Of these, 109 or 27.7 percent paid off their mortgages in 5 years or less. Ninety-six or 24.4 percent paid 40 percent down and took a conventional mortgage. Only 59 or 15 percent made a down payment as low as 10 percent and a mere 44—or 11.3 percent—had a maximum mortgage.

In the 393 cases, there was but one default—a relative broke a promise of financial help. In this case, we took back the property and returned the money. I believe the record explains why builders like doing business with senior citizens.

The evidence from NAHB clinics and regional conferences is that the increase in housing for the elderly will be nationwide in the 1960's. Homebuilders in every part of the country will do their part. It is inconceivable to me that the Government would merely give lipservice to the challenge at hand.

INFLATION

Mr. BENNETT. Mr. President, I call to the attention of my colleagues an article which appeared on page 1 of last Sunday's New York Times entitled "U.S. Notes Gains in Inflation War."

This article reports "the Government's high-ranking economic and financial officials believe that major progress has been made on the anti-inflation front."

Let me repeat: According to the experts, "major progress has been made on the anti-inflation front."

The article, which very thoroughly explores the subject, quotes one official as saying: "If we keep Government finances in shape the 1956–57 inflation might very well prove to have been the last."

I emphasize that conditional clause there: "if we keep Government finances in shape."

It seems to me, Mr. President, that this observation very powerfully underscores the importance of the Eisenhower administration's firm stand on fiscal responsibility—and the success of that stand.

This administration has waged a finally successful battle for a balanced budget and surplus. In addition, they have stood by the Federal Reserve System's policy of monetary restraint, turning a deaf ear to the siren singers of easy money.

It is encouraging to note that sound policies can bring effective results. The New York Times article notes that success in effecting reasonable price stability could prolong the current boom and prosperity by as much as a year.

This article, I point out, appears in the responsible New York Times, a paper which is widely respected for its factual objectivity and fairness. Also, it is written by a reporter, Edwin L. Dale, Jr., who many of us recognize as one of the ablest economic writers on the scene—and certainly no apologist for the Republican administration.

Mr. President, I ask unanimous consent to place the full text of this article in the RECORD.

I commend the article to my colleagues' reading. I hope that it will have a constructive impact on our deliberations here, especially when fiscal and monetary issues confront us.

The PRESIDING OFFICER (Mr. COTTON in the chair). Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 28, 1960]

UNITED STATES NOTES GAINS IN INFLATION WAR—TOP ECONOMIC AIDS DOUBT SERIOUS PRICE RISES—SEE LONG PERIOD OF PROSPERITY

(By Edwin L. Dale, Jr.)

WASHINGTON, February 27.—The Government's high-ranking economic and financial officials believe that major progress has been made on the anti-inflation front.

While some of them expect a slight further rise in prices this year, none foresees another serious wave of inflation such as has characterized most of the period since World War II.

"If we keep Government finances in shape," said one official this week, "the 1956–57 inflation might very well prove to have been the last."

The view in the Government is beginning to coincide with that of Per Jacobsson, head of the International Monetary Fund. Mr. Jacobsson went out on a limb last fall with the statement that "in all probability the postwar inflation has come to an end."

There is a growing belief within the Government that if inflation is actually under control at last, there is a good chance that the present period of prosperity will run longer than usual before being interrupted by a recession.

"I hardly even want to whisper it," said one official, "but I honestly believe it is possible that this period of expansion could run all the way through 1961. One main reason is the outlook for reasonable price stability."

The present administration, and the Federal Reserve System have long felt that inflation breeds recession.

Officials in the Government do not believe that the whole inflation problem has been solved. Some believe wages are still rising too fast to allow complete price stability, though the rate of rise slowed down noticeably last year.

Others are worried about the condition of the national debt—a condition not now serious but potentially inflationary if the Treasury is indefinitely barred from selling any bonds of more than 5 years to maturity. The ceiling on the interest rate it can pay bars such sales now.

Still others, while believing that the Federal budget is now in better shape than for some time past, fear that it could get out of hand again, in the sense of a big rise in spending and more deficits.

But the general attitude is one of great satisfaction that conditions of lasting price stability are being approached, if they have not been achieved.

PRICE RISE SLOWS

Consumer prices went through their last period of steep increase from early 1956 to early 1958. The increase in that period was 7.5 percent, or 3.75 percent a year. Since early 1958, they have been essentially stable. The increase in the 21 months since April 1958, has been only 1.5 percent or a rate of increase of less than 1 percent a year.

Officials have been encouraged by a number of bits of evidence that point to continuation of price stability in the future.

One important item is the performance of wholesale prices for the last year.

The overall index has been almost completely stable. More important, the index of all products other than farm products and processed foods has shown an exceptionally small increase for a period of rising business—less than 1 percent. The farm and food portion has declined.

Furthermore, the various indexes of "sensitive" raw materials have also shown no signs of impending inflation. They, too, have been stable. They invariably rose in the past in advance of later increases in the broader wholesale and consumer price indexes.

On the wage front, the Government has evidence that last year saw a substantial rise, but markedly less than other years in the postwar period. Wage increases for the economy as a whole are difficult to measure accurately, but the available evidence is that there was a slowing down last year. The steel settlement was less than half as liberal as the average of the previous postwar settlements.

On the financial side, both the budgetary and monetary situations are believed to be in healthier shape than has been typical of the postwar period. The Nation's money supply is firmly in control—a reflection of the Federal Reserve's tight money policy. The budget has a projected surplus of $4,200 million, the largest in more than a decade.

Officials stress that if price stability is essentially achieved, the job of maintaining that stability will be all the easier. There will be fewer extra wage increases based on rising living costs for the workers. There will be fewer upward pressures on various parts of the budget. There will be more savings, at least in theory. There will be fewer spurts of demand by industrial buyers trying to "beat price increases."

CIVIL RIGHTS LEGISLATION

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. RUSSELL. Mr. President, since this debate started it has been charged on this floor time and time again that the statement in the report of the Civil Rights Commission that only about 25 percent of the Negroes of voting age in the South were registered, indicated or proved that there was wholesale and widespread suppression of the Negro voting in the Southern States. Some of us who live in that area—and who think we have some knowledge of the facts—have stated time and again that the low percentage of Negroes voting in the South was due more to apathy and indifference than it was to any forcible denial of the right to register and to vote.

I know, Mr. President, that that is true in my own county. Some several years ago we had 300 or 400 more Negroes registered to vote than we have at the present time. We have a law in Georgia that if a registrant neglects to exercise the right of franchise for two years, he is taken from the books. That applies to Negroes and to whites alike.

Mr. President, I hold in my hand an article from the Cleveland Plain Dealer of February 29, 1960, that is headed by a picture of two men—Clarence H. Holmes and Harold B. Williams, both of them Negroes—"Discussing Negro voting habits at Cleveland, NAACP register-to-vote clinic yesterday."

I will read from this very brief article:

Negro voting record here poor, NAACP branch told.

Let me say, Mr. President, that this is Cleveland, Ohio, and not Cleveland, Ga., to which I refer.

A poor Negro voting record here was presented to members of the Cleveland branch of the National Association for the Advancement of Colored People at its membership meeting yesterday. Heman Sweat, an attorney from the Cleveland Urban League, said that only 26 percent of Negroes over 21 are registered to vote, and that only 26 percent of those registered actually vote.

His figures, he said, were based on registration and voting in predominantly Negro wards during the 1956 Presidential and the 1957 mayoralty election.

"These were very active campaigns, when people who normally wouldn't vote, probably did so," he added.

His figures were presented as a part of the register-to-vote clinic the NAACP sponsored at the St. James AME Church, 8409 Cedar Avenue Southeast.

This program is part of the 2-year national NAACP drive to add more than 3 million Negroes to the voting registration lists before the November presidential election.

Harold B. Williams—

And that is one of the men whose picture appears here—

executive secretary of the local NAACP, urged that register-to-vote programs be conducted by fraternal groups and clubs, and churches, precinct workers, and neighborhood clubs.

Clarence H. Holmes—

The other man whose picture appears here, Mr. President—

local president, presided at the meeting.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. YOUNG of Ohio. Will the Senator yield?

Mr. RUSSELL. I will yield to the Senator from Ohio in a moment.

Mr. President, the report of the Civil Rights Commission, itself, says, and I quote:

In Atlanta, Ga., Negroes can register freely.

Yet, Mr. President, in Atlanta, where drive after drive has been made to get Negroes registered, and where even the Civil Rights Commission concedes that they may do so freely, only 29 percent of the voting-age Negroes are registered. Negro registration in Atlanta is 3 percent higher than in Cleveland, Ohio.

I will say, however, that I believe the voting average in Atlanta is much higher than the NAACP says it is in Cleveland. In my judgment in an ordinary, hot campaign in Atlanta—such as described in the news article from Cleveland—about 60 or 75 percent of the registered Negroes would vote.

I ask unanimous consent that I be permitted to speak 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, the report of the commission which has been cited and read here so often in this debate, says truly that apathy is part of the answer. It is a very considerable part of it in my opinion. But we do not hear much about that part of the report from the proponents of this legislation.

I yield to the Senator from Ohio.

Mr. YOUNG of Ohio. I am certain that both the distinguished senior Senator from Ohio [Mr. LAUSCHE] and I have listened with great interest to the distinguished Senator from Georgia and to his reading of an extract from one of Ohio's great newspapers, the Cleveland Plain Dealer.

It is true, Mr. President, and I say to the distinguished senior Senator from Georgia, that there is an apathy toward exercising the right to vote among the citizens of the United States, the citizens of Ohio, and the citizens of the home city of the senior and junior Senators from Ohio, the city of Cleveland.

There is a drive on presently in our city of Cleveland to increase registration among all potential voters of our city. Undoubtedly it is true, and the figures given by the senior Senator from Georgia are correct, that not enough of the Negro residents of Cleveland are taking advantage of the laws of our State, and of their privilege as citizens, and registering to vote.

Many of our civic organizations are trying to overcome this apathy and are prevailing upon all of the residents of Cleveland, whether they are white or colored, to register and vote.

Nevertheless, the fact remains that in my home city of Cleveland at the present time, 4 members of the city council, and there are 33 members in all, are of the Negro race. In the courts, we have a very distinguished common pleas judge who is of the Negro race. The common pleas court is the trial court, the chief trial court, of our State, with unlimited jurisdiction. We also have a Negro judge on the municipal bench of the city of Cleveland.

Mr. RUSSELL. Mr. President, I do not wish to interrupt the Senator from Ohio, but I only have a minute or so.

Mr. JOHNSON of Texas. Mr. President, I ask that the Senator may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Many distinguished members of the Negro race are occupying public positions and performing as public officials in an outstanding manner.

Mr. RUSSELL. I am glad to have that testimony from the Senator from Ohio. I will say that Negroes have likewise been elected to very high official positions in some cities of my State, holding them with some distinction.

The eminent president of one of the great Negro universities in Atlanta has been twice elected—in elections where white voters outnumbered the Negroes 2 to 1—to serve on the city school board. He is now serving in that capacity. He was reelected in 1957 over the opposition of a white candidate. So the Senator's State has no monopoly in situations like that.

Mr. President, what I resent is this effort to belittle the South because of the exaggerated report of the Civil Rights Commission which states that only 25 percent of the Negroes in the South are registered. This is said to indicate on its face the suppression of voting rights. Yet, we see that in Cleveland, Ohio, where no charges have been made of vote suppression and where I doubt that the Civil Rights Commission has even made an investigation, that only 26 percent of the Negroes are registered there, and that only 26 percent of those who are registered actually exercise the right of franchise.

I say that anyone who desires to be fair and who is not using this issue for political purposes must agree that apathy plays a much larger part in the failure of Negroes to register to vote in most areas of the South than does the repeated charge of suppression of his right to vote.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the senior Senator from Ohio.

Mr. LAUSCHE. The St. James A.M.E. Church, mentioned in the Plain Dealer article, on each Sunday afternoon in the winter season of each year conducts a forum. Obviously this discussion which is mentioned in the article took place at that forum. I do not know whether the figures quoted are correct, but I assume they are; that is, that the participants in that forum pointed out that 26 percent of the qualified Negro voters in Cleveland were registered, and that only 26 percent of the 26 percent who were qualified actually voted.

Mr. RUSSELL. That must be a misprint. I am certain that more than 26 percent must have voted, because a higher percentage than that vote in every county in Georgia. I cannot believe that there would be any discouragement of Negroes from voting in Cleveland. The Senator from Ohio said that Negroes were urged to get out and vote. I am frank to say we do not do that in Georgia, but we do not prevent them from voting when they go to the polls.

Mr. LAUSCHE. I think the statement published in the Plain Dealer and the statement made by the senior Senator from Georgia demonstrate that in our country countless citizens are indifferent about the right to vote. That right has been their heritage. It has come to them primarily without effort. I feel that because of the lightness with which they have become the possessors of the right to vote there has been an indifference in the exercise of that right.

We are thoroughly conscious of the fact that in those nations where the right to vote has been recently acquired, it has been exercised with great pride and frequency. Perhaps the whole lesson to be learned from this is that we in this country are not utilizing to the fullest extent in the various States the right which is accorded us to vote.

The junior Senator from Ohio mentioned the number of Negro councilmen in Cleveland. I believe there are more than four.

Mr. YOUNG of Ohio. Perhaps that is so.

The PRESIDING OFFICER. The time of the Senator from Georgia has again expired.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the Senator from Georgia be granted an additional 3 minutes. I have used up a major portion of his additional time.

Mr. MANSFIELD. Mr. President, reserving the right to object, and I shall not object, I hope that sometime during the afternoon I may be recognized to make an insertion in the RECORD, because it is impossible for me to remain on the floor now, and I think the additional time requested by the Senator from Ohio for the Senator from Georgia should be granted.

The PRESIDING OFFICER. Without objection, the request of the Senator from Montana is granted.

Without objection, the Senator from Georgia is recognized for an additional 3 minutes.

Mr. LAUSCHE. The Governor of Ohio has appointed two Negroes to

judgeships. One of those appointees was identified by the junior Senator from Ohio a moment ago.

Mr. RUSSELL. I thank the Senator from Ohio for his comment. There is a great deal of indifference about voting. It is not confined to the Negro race. There are many white persons also who have never voted—who have never exercised their right to vote.

The point I desired to make was that if such a situation happens to occur in the South, where only 25 percent of the Negroes are registered, it is taken by some to be conclusive proof that their right to vote is being suppressed and that they are downtrodden. But if the situation happens to occur in the city of Cleveland, Ohio, one of the great cities of the land, and the percentage of registration of Negro voters is about the same as in the South, no charges of suppression are made about that. There is no political hay in denouncing such a condition or in building up a strawman to protect civil rights in the city of Cleveland, Ohio. We expect a great deal of this sort of thing from the advocates of civil rights.

I would be the last to say that there are not some remote areas in my part of the country where there has been very definite opposition to voting by Negroes. But, by and large, in my State of Georgia the Negro can and does register and vote.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. The record already shows that the Negro citizens of my State who are qualified by age to vote are registered up to 41.6 percent of the total. But what I wish to call attention to is that both in the report of the Civil Rights Commission and in the report of the learned scholars of the University of Florida who have made a survey of this situation, it is recited that it is apathy, the failure to have any real political consciousness, which is responsible for the limited participation by Negro citizens in voting.

I am glad, indeed, that the Senator from Georgia has called attention to the situation in Cleveland, Ohio. I regret that such a situation has developed there, but it is apathy which really is responsible for the poor showing, not simply in Cleveland, but also in various counties in my own State. I am certain that is true in various counties throughout the South.

Mr. JAVITS subsequently said: Mr. President, in connection with the report from Ohio, I hope it may be of interest to the Senator from Georgia when I state, in connection with the assertions that Negroes may not desire to vote, and may vote in small numbers in other places, that if we just let that stand as is, we miss the main point of the proponents like myself of legislation to appoint voting referees or voting registrars.

I think our main point is that obviously it is impossible to make people do what they do not want to do, or to make them do at once what they want to take their time about doing.

But I believe our main point is predicated upon the demonstrated findings of the Federal Civil Rights Commission that the governmental machinery is directed toward either preventing or hampering people from voting. We no longer have to guess about that, because, aside from the findings made by the Commission itself—and I believe it is desirable to emphasize time and time and time again that three southerners, as well as three northerners, serve on the Commission—we have the benefit of the decisions by the Supreme Court of the United States—for example, the one handed down as recently as yesterday, in which the Court held that an opportunity to vote must be given to 1,300 Negroes in the State of Louisiana, alone.

Mr. President, this is no minor matter. Hence, I think I should state the summary of the point we wish to make, as follows:

Yes, we would be among the first to be delighted if the States would give all the people the opportunity to vote, in accordance with the qualifications under the State laws. But we feel that if that is not done, there should be Federal machinery which would give the people an opportunity to exercise the right to vote which is granted to them under the Constitution. Therefore, we do not feel that generic associations on the subject—for instance, as to people's disposition—are an answer in regard to the individual situations described as matters of fact, both by the Civil Rights Commission and in Supreme Court of the United States cases in which there is shown to have been action, under color of State law, to deny people an equal opportunity to vote.

We say, and we do so in all fairness, I believe, that it is fine if it appears that, because of the enactment of Federal legislation, the States will now administer their laws in a fair and nondiscriminatory way, and therefore the Federal legislation should not have to be used. If that were to be the case, no one would be more pleased than would the proponents of the pending legislation. But I believe we should make crystal clear the facts in regard to just what our objective is and just what our purposes are.

Mr. RUSSELL. Mr. President, I do not desire to take this up in the morning hour. I have stated before and I state again that I do not think it is the Negroes in the South who do not vote who cause this legislation to be brought before the Senate. I think it is the Negroes who do vote in States like Ohio and some other States who cause it to be brought here. That is why I was particularly interested in that news article from Cleveland.

I have an idea, Mr. President, that if there were a large number of Puerto Ricans living in Chicago, in San Francisco and in other areas, and if the people in Illinois and California permitted those Puerto Ricans to vote, we would probably have a good deal of pressure brought to have the Puerto Ricans vote in the great State of New York. I also suspect the Civil Rights Commission would have addressed a great deal more attention and placed more emphasis on the denial of the vote to the Puerto Ricans in New York if there had been a good many Puerto Ricans who were voting in other areas of the country.

The PRESIDING OFFICER. Is there any other morning business?

Mr. JAVITS. Mr. President, I, too, do not wish to detain the Senate in debate at this time, except to note the fact that I inserted in the RECORD what the Civil Rights Commission said about Puerto Ricans in New York at the same time I inserted in the RECORD what it said about the Southern States. Secondly, no evidence has been produced—and I should welcome it if it is produced—to show that any governmental machinery was utilized to deny to any Puerto Ricans the opportunity to vote under New York law. I should be the first, if there were any such evidence, to do my utmost to correct the abuse, and I would like to be able to say that much for officials of States like Louisiana, with respect to which the Supreme Court just ruled.

THE LOYALTY OATH

Mr. McGEE. Mr. President, we have become more and more concerned with the question of student loyalty oaths, particularly that which is now provided in the Communist disclaimer in the National Defense Education Act.

There has come to my attention an editorial which ties together several rather crucial thoughts on this penetrating question. One is a statement by the president of Yale University, in which he describes such oaths as partaking "of the nature of the oppressive religious and political test oaths of history which were used as a means of exercising control over the educational process by church or state."

The second such statement comes from the president of Harvard University, in which he decries the purposes of the oath, "since it singles out students in our population—and, among students, the neediest—as subjects for special distrust." He regards this as an affront to freedom of belief and conscience.

Finally, the editorial refers to a new book, published last fall, written by Dr. Harold M. Hyman, professor of history of the University of California, Los Angeles. The book is entitled "To Try Men's Souls," in which the sordid history of loyalty oaths is carefully detailed and assessed.

The editorial concludes with this sobering thought which all Americans should ponder:

> Why not recognize once and for all that loyalty cannot be compelled or coerced, that it is voluntary and must be won?

Mr. President, I ask unanimous consent that the editorial, entitled "Double Blow to Oaths," published in the St. Louis Post-Dispatch of November 19, 1959, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, Nov. 19, 1959]

DOUBLE BLOW TO OATHS

The Federal Government's student loan loyalty oath has now been repudiated by the

two oldest of American universities, Harvard and Yale. This joint blow at the special affidavit of loyalty surely will have an impact on the oath's supporters who narrowly beat back the bill of Senators CLARK, of Pennsylvania, and KENNEDY, of Massachusetts to take the oath out of the student loan legislation in the last session of Congress.

The statements of the presidents of these two great universities deserve wide repetition. Withdrawing Yale from the program, President A. Whitney Griswold says that the oath "partakes of the nature of the oppressive religious and political test oaths of history which were used as a means of exercising control over the educational process by church or state."

Harvard's President, Nathan Marsh Pusey, objects to the discrimination in this oath "since it singles out students in our population—and, among students, the neediest—as subjects for special distrust." Dr. Pusey finds the oath "counter to the principles on which our national strength has been built" and ineffective as well inasmuch as disloyal persons would readily sign the affidavit while many loyal persons would resent the "affront to freedom of belief and conscience."

Financially this is no inconsequential stand that Harvard and Yale are taking. Harvard is turning back to Washington more than $357,000 in loan funds. Yale has had $160,000 and is entitled to $50,000 more. Swarthmore, Bryn Mawr and Haverford have had no part of the program because they objected to the oath at the outset. Among other colleges that have announced their withdrawal are Grinnell, Goucher, St. John's (Maryland), Antioch, Oberlin, Wilmington, Reed, and Sarah Lawrence. All deserve commendation.

How the pendulum is swinging away from special oaths is indicated in California. A few years ago all State educational institutions in California were requiring loyalty oaths of their faculty members. Patriotic and loyal faculty members who refused to sign the affidavit were punished by the regents, thus giving rise to ugly cases in the courts. In the end the special loyalty oath was declared unconstitutional. The separated teachers were restored to full pension, seniority and leave rights. They were also awarded $162,000 in pay for the 2½ years they were off the California faculty.

Now Harold M. Hyman, history teacher at the University of California, Los Angeles, has written a book on the sorry history of test oaths in the United States. He calls it "To Try Men's Souls" and, almost as if to atone for its participation in the "year of the oath," the University of California has published the book at its press at Berkeley.

Why not recognize once and for all that loyalty cannot be compelled or coerced, that it is voluntary and must be won?

REGULATION OF TELEVISION BROADCASTING

Mr. McGEE. Mr. President, a subject of concern to the Subcommittee on Communications of the Committee on Interstate and Foreign Commerce has been that of community antenna television systems. This has brought into the picture the CATV live broadcasters and, of course, other segments of the TV communications industry.

A fascinating editorial entitled "No Canadian Capers," which discusses the way in which Canadians have sought to resolve these contradictions of interest, was published in the magazine Broadcasting for February 22, 1960. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Broadcasting magazine, Feb. 22, 1960]

NO CANADIAN CAPERS

Since the community antenna industry has advised Congress that it has no objection to regulation by the FCC, our Government would benefit in reviewing what our good neighbor, Canada, has done to cope with its CATV problem.

Canada has handled the problem simply and forthrightly. Its regulations are designed to protect the broadcaster. It is all set out in a document issued last September by the Department of Transport, which controls telecommunications but does not directly regulate broadcasting.

First, CATV operators in Canada must procure a license. And before the authorization for a radio relay the Department of Transport must seek the advice of the Board of Broadcast Governors (Canada's new counterpart of the FCC) "on the effect, if any, on television broadcasting."

Then this language:

"The license authorizing the microwave relay would become void if a television service were to be provided to the area."

This is sensible and reasonable. Several stations in our sparsely populated West have gone under because they could not compete with cable systems. Others are teetering on the brink.

Both Congress and the FCC in their current consideration of the CATV problem, will find it advantageous to give serious thought to the Canadian control policy. Even the National Community Television Association, which is now on the record in favor of regulation, might regard the Canadian plan as fair and equitable.

TRIBUTE TO THE LATE ALOYSIUS CARDINAL STEPINAC

Mr. SCOTT. Mr. President, the recent death of Aloysius Cardinal Stepinac, primate of 7 million Catholics of the Croatian, Slovenian, and Serbian people, is felt by decent men throughout the world. Only 61, the Cardinal had witnessed the persecution of his people as had the early bishops and pastors in the beginning of Christianity. Cardinal Stepinac was a martyr for the cause of freedom, the highest cause our civilization can cherish. He died for this cause after untold years of persecution, after years of suffering and bitter disappointment.

The Cardinal's own biography reads as a page of biography of any fighter for freedom: 5 years of incarceration under the heel of Communist dictatorship, 9 years of parolee-imprisonment under the same dictum, and all his life a prisoner for the struggle of recognition of the dignity of man—the most precious principles endowed by God to man.

Even after his final passing from this world, there were efforts to prevent this man of noble ideals from being buried in his own place, the cathedral which served him and his people. But world public opinion changed that, as it is destined eventually to change governments which believe that the fight for freedom will go unchallenged by men like Cardinal Stepinac.

People throughout the world mourn, with all the people of Croatia, Slovenia, and Serbia, the passing of this great man, Aloysius Cardinal Stepinac.

NEW YORK ADVISORY COUNCIL FOR THE ADVANCEMENT OF INDUSTRIAL RESEARCH AND DEVELOPMENT

Mr. KEATING. Mr. President, Governor Rockefeller last week announced the appointment of a New York State Advisory Council for the Advancement of Industrial Research and Development. The council is to study ways in which New York State can encourage research and development establishments to locate in New York in this way strengthening the economy of our State while at the same time contributing to our Nation's overall scientific and industrial progress.

Mr. President, this announcement illustrates the vigor with which the Rockefeller administration has pursued its responsibility to vitalize and expand the economy of New York State. These efforts and similar efforts on the part of State and local governments throughout our land are to a large part responsible for the dynamism and vigor which pervade the economy of our great Nation. I commend the Governor for his energy and vision. The council which he has chosen is an outstanding and representative body and will, I know, be extremely effective in pursuing the duties with which they have been charged.

Mr. President, I ask unanimous consent that Governor Rockefeller's statement announcing the appointment of the advisory council for the advancement of industrial research and development in New York State be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY GOVERNOR ROCKEFELLER ANNOUNCING THE APPOINTMENT OF THE ADVISORY COUNCIL FOR THE ADVANCEMENT OF INDUSTRIAL RESEARCH AND DEVELOPMENT IN NEW YORK STATE

The fastest growing industry in the Nation today is scientific and industrial research. In the patterns of research now developing here in New York State and throughout the Nation we can see the gradual emergence of a new and more prosperous way of life for the American people.

Our scientists and engineers are making impressive advances in the basic physical and biological sciences and in the fields of medicine, agriculture and manufacturing. A growing volume of new products already is moving from the laboratory to the production lines. Other research work now in progress promises to give rise to entire new industries and many thousands of new employment opportunities for our increasing population.

New York State long has been a leader in scientific and industrial research, the seedbed in which modern growth industries thrive, and today there are nearly one thousand private and public research establishments in the State.

The colleges and universities in the State graduate men and women with master's and doctor's degrees in considerably larger numbers than its proportion of the Nation's population, but we have not yet begun to tap the full potential of this dynamic growth force.

Accordingly, I am appointing a statewide advisory council for the advancement of industrial research and development in New York State. Serving on the council will be

some of the State's most distinguished leaders in the field of scientific and industrial research.

I have asked Dr. Clifford C. Furnas, chancellor of the University of Buffalo, to serve as council chairman. Dr. Furnas, one of our most eminent scientists, has served, among other public duties, as Assistant Secretary of Defense for Scientific Research and Development.

The council will examine the State's competitive appeal for attracting and holding research and development establishments associated with industry, universities, and philanthropic organizations. I am also asking the council to recommend steps which the State properly can take to expand its already substantial contributions to scientific and industrial progress.

The council also will provide a working forum for the exchange of ideas and significant discoveries between laboratories and industry. It will bring authoritative judgment to bear on techniques for improving the training of our young scientists and engineers.

This is a large and challenging voluntary undertaking on the part of these men. New York State is the Nation's most important industrial workshop. The surest means of maintaining this leadership in the face of today's competitive conditions is by strengthening and expanding the State's research facilities and subsequently attracting additional complexes of modern growth industries to their neighborhoods.

In addition to the leaders of science serving on the council whose names appear on the attached list, I have asked the following State officials to serve as ex officio members: James E. Allen, Jr., commissioner of education; Martin P. Catherwood, industrial commissioner; T. Norman Hurd, director of the budget; Keith S. McHugh, commissioner of commerce; and Oliver Townsend, director of the office of atomic development.

I have asked the council to meet initially with me in Albany on Monday, March 14.

MEMBERS OF THE ADVISORY COUNCIL ON THE ADVANCEMENT OF INDUSTRIAL RESEARCH AND DEVELOPMENT—DR. CLIFFORD C. FURNAS, CHANCELLOR, UNIVERSITY OF BUFFALO, CHAIRMAN

EDUCATION

Dr. Clark D. Ahlberg, vice president for administration and research, Syracuse University; Dr. William Allan, dean, School of Technology, the City College; Dr. Lloyd V. Berkner, president, Associated Universities, Inc.; Dr. Dale R. Corson, dean, College of Engineering, Cornell University; Dr. John R. Dunning, dean, School of Engineering, Columbia University; Dr. Richard G. Folsom, president, Rensselaer Polytechnic Institute; Dr. Ralph A. Galbraith, dean, L. C. Smith College of Engineering, Syracuse University; Dr. Carroll V. Newsom, president, New York University; Dr. W. Albert Noyes, Jr., Department of Chemistry, the University of Rochester College of Arts and Sciences; Dr. Isidor I. Rabi, Department of Physics, Columbia University; Mr. Ira G. Ross, president, Cornell Aeronautical Laboratory, Inc.; Mr. LaRoy B. Thompson, treasurer, University of Rochester; Dr. William G. Van Note, president, Clarkson College of Technology; Dr. Ernst Weber, president, Polytechnic Institute of Brooklyn; and Dr. Theodore P. Wright, vice president for research, Cornell University.

INDUSTRY

Dr. William H. Armistead, vice president and director of research and development, Corning Glass Works; Dr. Robert M. Bowie, vice president, Sylvania Research Laboratories; James F. Fairman, senior vice president, Consolidated Edison Co, of New York, Inc.; Dr. Eugene G. Fubini, vice president, Research and Systems Engineering Division, Airborne Instruments Laboratory, Melville Laboratories; Dr. George L. Haller, vice president, General Electric Co.; Stanley C. Hope, president, the Soundscriber Corp.; Dr. Augustus B. Kinzel, vice president for research, Union Carbide Corp.; Dr. Thomas M. Linville, manager, Research Operation Department, General Electric Co.; David D. Mason, president, Link Aviation, Inc.; Dr. Amel R. Menotti, vice president-scientific director, Bristol Laboratories, Inc.; R. Lindley Murray, chairman of the board, Hooker Chemical Co.; Mundy I. Peale, president, Republic Aviation Corp.; Ralph F. Peo, president, Houdaille Industries, Inc.; Hector R. Skifter, president, Airborne Instruments Laboratory, Melville Laboratories; Dr. Cyril J. Staud, vice president in charge of research, Eastman Kodak Co.; Dr. C. Guy Suits, vice president, General Electric Co.; and John C. McPherson, vice president, International Business Machines Corp.

OTHER

Dr. Detlev W. Bronk, president, the Rockefeller Institute; Dr. Bascom H. Caldwell, general manager, Knolls Atomic Power Laboratory; and Dr. Paul A. Weiss, the Rockefeller Institute.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. KEATING. Mr. President, after a conference with the distinguished minority leader, and in accordance with his wishes, I send to the desk an amendment to section 7 of the Dirksen amendment in the nature of a substitute, relating to voting referees. I offer this on behalf of the minority leader [Mr. DIRKSEN], the minority whip [Mr. KUCHEL], and Mr. JAVITS of New York. The amendments spells out in detail the steps to be followed under the voting referee plan. It was prepared in conjunction with the Department of Justice, following the hearings of our Senate Committee on Rules and Administration and the House Committee on the Judiciary.

Mr. President, I ask unanimous consent that a summary of this amendment be ordered to be printed at this point in the RECORD, and that the amendment be ordered to be printed and lie on the table and to be read, and that it be considered to have been presented and read within the requirements of Rule XXII of the Standing Rules of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

VOTING REFEREE AMENDMENT

In an action brought pursuant to 42 U.S. 1971 (c), the amendment would permit the following steps:

1. The court makes a finding whether any person has been deprived on account of race or color of a right secured by subsection (a).

2. Upon request of the Attorney General, the court also may make a finding whether such deprivation was pursuant to a "pattern or practice".

3. Upon a finding of such pattern or practice, a person of such race or color resident in the area affected is entitled, upon application, to an order declaring him qualified to vote upon proof that he is qualified under State law to vote, has been denied under color of law the opportunity to vote, or has been found not qualified by any person acting under color of law.

4. The Attorney General is responsible for transmitting certified copies of such orders of certification to the appropriate State election officials.

5. Applications for certification orders are to be heard within 10 days. The execution of any such orders cannot be stayed if the effect of a stay would be to delay effectiveness of the orders beyond any election day.

6. The Federal court may appoint voting referes to receive applications of persons of the race or color resident in the area.

7. The Federal court may enter supplemental orders, either directly as the result of applications by applicants, or upon the report of the referees declaring one or more of the applicants qualified to vote.

8. In proceedings before the voting referees, the applicants shall be heard ex parte.

9. State authorities will have a period of 10 days (or a shorter period, if so fixed by the Federal court) within which to appear and oppose certification of applicants.

10. In case of opposition, the bill provides for a hearing if there is a genuine issue of material fact.

11. The bill authorizes the court to permit referees to attend elections and to determine whether persons certified as qualified to vote by the Federal court, have been denied an effective vote.

12. The bill also provides that whenever any State official is alleged to have committed any practice constituting a deprivation of any right secured by the statute, then this practice shall be deemed that of the State, and the State may be joined as a party defendant. If the State official has resigned or been relieved of his office, and no successor has assumed the office, the proceeding may be instituted against the State.

Mr. KEATING. May it be considered as read, Mr. President? I ask unanimous consent that the reading be waived.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none.

Mr. HOLLAND. Was that a unanimous-consent request? I object to dispensing with the reading of the amendment.

Mr. RUSSELL. The amendment has to be read. I object.

Mr. DIRKSEN. There is a question.

The PRESIDING OFFICER. The question has been put twice. The understanding of the Chair is that the Senator from New York made his full request. The Chair very slowly said:

Is there objection to the request of the Senator from New York? The Chair hears none.

Mr. RUSSELL. I shall not quibble about it now. I can assure the Chair and the Senator from New York that I will be more attentive in the future.

The PRESIDING OFFICER. May the Chair be permitted to finish his statement? Then the Senator from New York made a second request which has not been granted, that the reading be waived. His first request was that it lie on the table, be printed, and summarized.

Mr. RUSSELL. I heard that, and I have no objection to that first request. I do object to dispensing with the reading of the substitute.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The legislative clerk read the amendment as follows:

Strike out section 7, and insert in lieu thereof the following:

"SEC. 7. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) subsection '(f)':

" 'In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

" 'Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

" 'An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

" 'The court may appoint one or more persons, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

" 'Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the affidavits in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

" 'The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

" 'The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

" 'Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by Rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

" 'The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

" 'When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words "qualified under State law" shall mean qualified according to the laws, customs or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.'

"(b) Add the following sentence at the end of subsection (c):

" 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.' "

AIR FORCE MANUALS CONNOTE IGNORANCE

Mr. YOUNG of Ohio. Mr. President, Americans were shocked to learn of the existence of an Air Force Manual, issued in 1958, which detailed the duties of Air Force "steward specialists," so-called. Among these duties were cooking, personal services, mixing martini cocktails, washing officer's pets, and other menial jobs.

In addition to instructions on the feeding and bathing of officers' pets, the manual included helpful hints on mopping, waxing, and dusting officers' quarters, along with suggestions on how to arrange dates for bachelor officers. One general went so far as to defend the practice of using airmen as servants, saying, "The idea behind the manual has been to give these individuals an opportunity to improve and learn their jobs."

Mr. President, this manual was prepared and published at taxpayers' expense. A master sergeant and three civilians spent a total of 230 days preparing this on-the-job training pamphlet, at a cost of almost $11.10 a copy.

This is a shocking and indefensible waste of taxpayers' money. It perhaps is indicative of other mismanagement in our sprawling, disjointed, and ununified Defense Establishment.

A distinguished Member of the Congress has asserted that if drafters were not compelled to do menial chores for officers, two additional combat divisions could be created without increasing the size of our Armed Forces. The job of our soldiers is not to baby-sit, but to learn to fight effectively in defense of our country.

As if to add insult to injury, we now learn that another Air Force manual links communism to our churches and the clergy, and questions the right of Americans to know what is going on. Americans are, I assert, entitled to be fully informed, except for classified or secret information regarding defense matters. This outrageously false manual goes so far as to say that Communists have successfully infiltrated our churches, and that clergymen—unnamed, of course—of certain of our churches are card-carrying Communists.

The PRESIDING OFFICER. The time available to the Senator from Ohio in the morning hour has expired.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senator from Ohio may be allowed to proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. YOUNG of Ohio. I thank the Senator from Georgia.

Mr. President, it is disturbing to Americans to learn that the debris of previous witch hunts and the technique of condemnation by innuendo are still with us. Even more shocking is the fact that these scurrilous accusations and so ridiculous an interpretation of the first amendment to our Constitution are contained in an official Government publication. It is a direct assault upon one of the basic concepts of democratic government.

These manuals indicate ignorance, totalitarian-type thinking, and a willingness on the part of some in our Armed Forces to accept as valid wild and false allegations from irresponsible sources. Care must be taken that, in the future, officers so inclined are not placed in positions of responsibility, where they can continue to disseminate this sort of libel.

Mr. President, a recent editorial entitled "More Air Force Nonsense," which was published on February 20, 1960, in the Cleveland Plain Dealer, one of Ohio's great newspapers, points out the absurdity of these Air Force manuals. This editorial sets forth very convincingly the waste of taxpayers' money, the waste of military manpower, and the insidious threat to our democracy that these manuals represent. The editorial is worthy of careful study, and I commend it to my colleagues in the Senate.

One of the many letters I have received on this subject from outraged Americans—and an extremely thoughtful one—came from a constituent, Rev. Oliver H. Cowles, minister of the West Park Congregational Church in Cleveland, Ohio.

I believe the editorial and the letter worthy of attention, and I ask unanimous consent that they be printed at this point in the body of the RECORD.

There being no objection, the editorial and the letter were ordered to be printed in the RECORD, as follows:

WEST PARK CONGREGATIONAL CHURCH,
Cleveland, Ohio, February 18, 1960.

The Honorable STEPHEN M. YOUNG,
The U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: I trust you will use your good offices to demand a thorough investigation as to who was responsible for the Air Force manual which states "From a variety of authoritative sources, there appears to be overwhelming evidence of Communist antireligious activity in the United States through infiltration of fellow travelers into churches and educational institutions" and further, the libel that the Bible which the majority of Protestants use is a Communist-prepared book. Further, I personally, as an American citizen, do not consider it a "foolish right as an American to know what is going on" as stated in the Air Force manual.

The time has come when our elected officials must stand firm to protect the Constitution at the point of domination by the military. We have had enough of chiefs of staff, generals, and other military servants, making of domestic and foreign policy of our Nation.

I sincerely trust you will ask the Senate to thoroughly investigate as to how, why, and who was responsible for such un-American smears of the churches and their sacred writ. Shades of Communist Russia. The Soviets couldn't have done it better.

Rest assured you will have plenty of backing for such an investigation.

Sincerely yours,

OLIVER H. COWLES.

[From the Cleveland Plain Dealer, Feb. 20, 1960]

MORE AIR FORCE NONSENSE

Three things in connection with the Air Force manuals situation perplex us, as follows: (1) Why are men—presumably public relations officers—paid to put out such nonsense? (2) Why is the taxpayers' money used to print it? (3) How can the lads in the Air Force find time to fly if they are supposed to put in their day learning how to:

(a) Determine the average number of drinks a person would consume at a cocktail party over a given time.

(b) Compute how many bartenders and waitresses are necessary at cocktail parties for various numbers of guests.

(c) When to close the bar.

To be sure, the manual from which the above excerpts are taken is intended primarily for stewards, those who operate open messes which are self-supporting and not operated with appropriated funds. But there were other manuals, one of which instructed enlisted men how to wash dogs, shine shoes and perform other menial jobs.

Perhaps the silliest of all is the manual for cooks and other mess officers which contained such pearls of wisdom as the following:

"The fork is used to lift, turn, or move large or small pieces of food in a sanitary and practical manner. * * * Grasp handle of fork firmly and pierce object to be moved, turned or lifted deep enough to secure a good hold. The fork can also be used to mix or separate various foods."

A knife is "a sharp piece of steel set in a handle. * * * Knives are used to cut, slice, or chop food in portions."

Concerning spoons: "Grasp handle, place scoop end in food, lift up and out, hold directly over eating utensil, turn wrist a half turn or until food has left spoon."

We regret that the average man, who, when the Air Force was mentioned, envisioned brave lads taking off into the wide blue yonder to protect us from our enemies, now thinks of a lad shining shoes, washing a dog, or struggling with the intricacies of a fork.

This is unfair, of course, for the Air Force has not changed. It is still composed of brave lads ready to give their lives for their country, if necessary. But who is to blame for the changed picture in the minds of those who do not look beyond the silly manuals? The Air Force, itself. Indeed one is inclined to agree with Representative MELVIN PRICE, Democrat, of Illinois, who, commenting on the Air Force Reserve manual which stated that communism has infiltrated some American churches, declared: "To be that stupid you have to work at it."

USE OF CONGRESSIONAL FRANKING PRIVILEGE

Mr. RUSSELL. Mr. President, I send to the desk an Associated Press dispatch, and I request that it be read by the clerk, if there is no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the clerk will read.

The legislative clerk read as follows:

NEW YORK.—Representative POWELL, Democrat, of New York, was reported today by the New York World-Telegram and Sun to be using his mail franking privilege to boost support for a mass picketing demonstration Saturday at a Woolworth store in Harlem.

The newspaper quoted New York postal officials as saying POWELL's action was "questionable."

The postal authorities indicated they would seek a ruling from Washington authorities, it was said.

Postal regulations specify that Congressmen may use their signature in place of a stamp on "official correspondence" and the mailing of certain other material, such as documents published by order of Congress.

The World-Telegram and Sun said POWELL was using his franking privilege on postcards enclosed for a reply with letters urging various organizations to attend a mass meeting and appear in a picket line Saturday.

The postcards are self-addressed to the Negro Congressman at the Abyssinian Baptist Church in Harlem. POWELL is pastor of the church.

He also is chairman of the Nonpartisan Citywide Leadership Conference said to comprise more than 100 organizations with a Negro and Puerto Rican membership of more than a million persons.

It was to these organizations POWELL sent letters about the meeting and picketing, enclosing the postcards for replies, the World-Telegram and Sun said.

YOUTH CONSERVATION CORPS

Mr. MURRAY. Mr. President, last year the Senate approved S. 812, the Youth Conservation Corps bill, which I cosponsored with the distinguished senior Senator from Minnesota [Mr. HUMPHREY], and others. I hope the other body sees fit to act favorably on the bill this year. YCC will be of great benefit in development of timber, soil, range, and recreation resources.

However, the most important benefits of YCC will be those gained by the young men who participate in the program. This point was driven home recently by a weekly newspaper in my State, the Western News, in Hamilton, published by Miles Romney. The Western News article states that many of the boys in the Civilian Conservation Corps camp near Hamilton, back in the thirties, arrived poorly clothed, undernourished, undisciplined. Some had college degrees, but others were illiterate. People in the Bitterroot Valley feared these young hoodlums would tear the community apart.

The fears of the local people proved unfounded. In fact, the community became proud of its enrollees, many of whom returned to the area after the war to live, marry, and raise families.

Mr. Romney and Ralph Owings of the News—also a CCC alumni—checked into the present whereabouts of former CCC men in the area. Here are some of their findings:

Bill Forbis is a senior editor of Time magazine.

Thurman Trosper recently was promoted from suprevisor of the Bitterroot Forest to a position with the Division of Program Planning and Special Projects with the Forest Service here in Washington.

Floyd Powell is warden of the State prison at Deer Lodge.

Jack Bannister is president of the bank at Thompson Falls.

Stanley Davison, a Ph. D. now, is professor of history at Western Montana College of Education at Dillon.

Tom Koch is a Hamilton attorney. Many other CCC boys are now in responsible positions.

Supervisor of the Bitterroot Forest during this time was G. M. Brandborg, a topnotch conservationist who continues, since his retirement from the Forest Service, to be a leader in resource development.

I think these results of CCC, in human terms, are impressive. I believe the results of YCC, which can profit from what was found out by trial and error in CCC, can be even more impressive in leadership and training provided young men.

While the Youth Conservation Corps will serve conservation needs, it will, most importantly, build better young men who will be our leaders of tomorrow. I sincerely hope the members of the other body will consider the importance of the proposed bill and approve the legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD, immediately following these remarks, the Western News article to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hamilton (Mont.) Western News, Feb. 4, 1960]

CCC CAMPS RECALL MEMORIES OF ANOTHER ERA

Only memories and the few visible remains of worthwhile projects worn with the years bear evidence of the existence of those vigorous days when thousands of young men over the Nation populated the camps of the Civilian Conservation Corps.

Born in the mind of Franklin D. Roosevelt in the early days of the New Deal, the CCC grew in popularity until it was acclaimed the outstanding project of that man in the White House. Even the severest critic of the new and dramatic role of Government admitted there was merit in the program.

A man, now in his late forties, said recently: "During the depression, there was only one man in this country who cared whether I had a job or if I had anything to eat—at least only one man tried to do something about it and that was Franklin D. Roosevelt. Those of us who joined the first camps did not find perfection there, but we did find food, shelter, and a little spending money. Most of us had to admit that the Government did care."

And so it was with the CCC which at its peak had an enrollment of 400,000 men. In Montana alone, there were 27 camps in the Fort Missoula district with an approximate enrollment of 6,000 young men engaged in projects for the Forest Service, Bureau of Reclamation, Grazing Service, SCS, National Park Service, Biological Survey, the State forest and State parks authority.

When the first enrollees arrived in Montana, they bore evidence of FDR's dramatic campaign remarks that one-third of the Nation was ill fed, ill clothed, and ill housed. Battered by privation at home produced by the depression, many of the boys for the first time in their lives had the minimum essentials for an average existence. Some from the Deep South, and from the North, and Montana, were illiterate.

A typical scene of the early CCC days was the establishment of the first camp in Montana near Coram ranger station in northwestern Montana. Army trucks from Fort Missoula had dumped in a pile an assortment of tents, bedding, and other equipment. The enrolled personnel from New York swarmed like flies over the area, shiftless and undisciplined.

In charge was an army major, a West Pointer, dressed in officer pinks, replete with ribbons, brass and carrying a riding crop. As he tried to get order, he used the old army command of "at ease," meaning to shut up. In desperation he said, "You men are not in the Army, but oh, God, I wish you were."

Oldtime forest crews stood by to snicker, make crude jokes about it all, and to predict that the idea would blow up as a dismal failure. One of them asked an oldtime forest ranger what it was all about. In disgust, the oldtimer said, "Be damned if I know, you will have to ask President Roosevelt. Why don't you get him on the phone and ask him?"

Gradually the "kinks" were ironed out of the program and communities no longer felt a fear that young hoodlums would tear their homes apart.

Enrollees were paid $30 a month of which $25 was sent home. An advancement was possible by being rated an assistant leader who was paid $36 and a leader $45.

The boys lived in summer camps which were made up of tents used as barracks. In installations for winter work, the camps had frame barracks buildings, messhalls, garages and offices.

Unique in its organization, each camp had two heads. The first was the Army setup in command of a reserve officer, usually a captain, an adjutant, camp doctor and educational adviser. The Army had charge of feeding, paying, and the discipline of the boys. The other head was the camp superintendent who had supervising charge of what was known as the technical service, the work projects.

In this day when there is a reported shortage of technical personnel, it is difficult to remember that in the camps there were enrollees who were engineers, lawyers, certified public accountants, many teachers, and an assortment of boys with good college educations. Most of them by great determination had worked their way through school and on graduation found no jobs.

The Bitter Root Forest had its experience with the CCC from a camp located at the site of the old Trapper Creek ranger station on the West Fork and a summer camp located on the Salmon River near Magruder ranger station. Many of the boys married local girls and are now the fathers of sons old enough to enroll in a CCC camp.

The Trapper Creek camp personnel were engaged in a variety of projects including the building of many of the public camp grounds still in use, road construction, building lookouts, telephone lines, tree planting, and fighting forest fires.

An effort has been made to get the names of those in the valley who were CCC enrollees. The WN's list includes Tom Koch, Hamilton attorney who was in a camp at the forest experiment station at Priest River, Idaho. With him was Bill Forbis, a senior editor of Time magazine. Floyd Powell, warden of the State prison is reported to be a former enrollee. Thurman Trosper, former supervisor of the Bitter Root National Forest worked in a camp in the Jocko Canyon; Wes Conner was stationed at Raven R.S. near Libby; Red Roberts, deputy sheriff, was an enrolee from Anderson, Ind. and drove truck at Trapper Creek; Alvin Johnson, deputy sheriff served in the CCC camp near Many Glacier Hotel in Glacier National Park; Ray Vegoren served in camps in Utah and at Deep Creek working on the Magruder Road and the stone bridge across the Salmon River; Manley Miller worked in a camp on the Salmon River; Salty Wallace was an enrollee at Trapper Creek; Jack Bannister, president of the bank at Thompson Falls is a former CCC enrollee, as is Dr. Stanley Davison, history professor at WMCE.

Other CCC alumni are John Savochka, Harold Erwin, Lawrence (Snag) Dinneen, and John (Bud) Carls, who joined the CCC staff as local experienced men; Marvin (Smokey) Taylor, son-in-law of Mrs. Floy Fitzgerald, Bob Cron, son-in-law of Mrs. B. K. Monroe, the late Robert O. Tibbs, Ole Tangen, Herb Wilkerson, George Wright, Bob Nicholson. The late Robert Van Vorst was enrolled at a camp near Augusta; Ralph Owings, WN reporter, was enrolled at St. Regis. Others are Bob Henderson, Ralph Peterson, and Otto York, Missoula. Frank Schumaker was a cultural foreman at Pine, Idaho.

G. M. Brandborg was supervisor of the Bitter Root Forest during much of the time that the camps were in operation. He has rated the program high, commenting that the camps did a great service to forestry and conservation. Abner Foskett, Darby ranger, was a camp superintendent on the Salmon River.

The Trapper Creek camp was in command of John A. White; Thos. W. Lane was subaltern; Frank C. Bingham, educational adviser; and Dr. Joseph Uttal, camp surgeon. W. A. Rooney was project superintendent, and the foremen were A. T. Faulkner, K. E. Sutliff, C. E. Engebretson, Jack T. Finnelly, E. C. McAtee, and Tom Godsell. A. F. Minnereath, George Lawerson, and the late H. W. Joslyn, instructors.

With the beginning of selective service in 1940, which took millions of young men for the armed service, by early 1942 the CCC died a natural death.

Various attempts have been made to revive the corps. Senator JAMES E. MURRAY has introduced legislation to reactivate the program as a means of conserving the resources of our Nation—both human and natural. Senator HUBERT HUMPHREY has a bill pending in Congress to create a Youth Conservation Corps patterned after the original idea, but with some major revisions.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. Is there further morning business? If not, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R-I, Missouri.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment of the Senator from North Carolina to the substitute of the Senator from Illinois [Mr. DIRKSEN].

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Case, S. Dak.	Green
Anderson	Chavez	Gruening
Bartlett	Church	Hart
Beall	Clark	Hartke
Bennett	Cooper	Hayden
Bible	Cotton	Holland
Brunsdale	Curtis	Hruska
Bush	Dirksen	Jackson
Byrd, W. Va.	Douglas	Javits
Cannon	Engle	Johnson, Tex.
Capehart	Fong	Keating
Carlson	Frear	Kefauver
Carroll	Fulbright	Kerr
Case, N.J.	Goldwater	Kuchel

Lausche	Morton	Smith
Long, Hawaii	Moss	Stennis
Long, La.	Murray	Symington
McCarthy	Muskie	Talmadge
McGee	Pastore	Wiley
McNamara	Prouty	Williams, Del.
Magnuson	Proxmire	Williams, N. J.
Mansfield	Russell	Yarborough
Martin	Saltonstall	Young, N. Dak.
Monroney	Scott	Young, Ohio
Morse	Smathers	

The PRESIDING OFFICER (Mr. CLARK in the chair). A quorum is present.

Mr. LONG of Louisiana obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I ask unanimous consent that during the course of my statement, and without prejudicing my right to the floor, I may yield for brief statements by Senators, not to exceed 3 minutes in length.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana? Without objection, it is so ordered.

Mr. LONG of Louisiana. Under the consent given, I now yield to the Senator from California.

NEEDED OCEANOGRAPHIC SURVEY OF PACIFIC FISHERIES

Mr. KUCHEL. Mr. President, ever since colonial days, the United States has benefited immensely from the bountiful resources in our coastal and offshore waters which comprise three of the Nation's continental boundaries. America's seafood producers not only provide a romantic tie with the earliest presence of the first settlers but constitute a vital segment of our economy and an indispensable reserve for national defense.

On behalf of a major division of the fisheries industry—America's tuna boat owners, fishermen, and canneries, located primarily on our Pacific coast—I have urged from time to time Federal assistance to assure survival in an era of almost uninterrupted increasing competition. I desire to make a few remarks on this occasion in regard to a proposed course of action which it is hoped will enable the tuna industry to check a steady decline which last year reached crisis proportions.

A year ago, a variety of measures to ease the strain of intensive foreign competition was examined and some specific steps were agreed upon to bolster the foundations of this industry. Among them were a high-level conference with Japan, the most aggressive and dangerous rival of American fishermen. From this meeting, a few beneficial results flowed.

Out of other meetings came a specific recommendation for expanded and accelerated research. A comprehensive program of oceanographic studies was mapped out by representatives of the tuna industry and the Bureau of Commercial Fisheries of the Interior Department Fish and Wildlife Service. Unfortunately, details of these desired projects were not settled in time to have an item included in the 1961 budget to finance work which it is believed will yield significant and worthwhile results.

As a consequence, I recently inquired of the Interior Department about its intentions of funding the research project. Within the past few days, Under Secretary of the Interior Bennett has advised me that the Department believes it would be most appropriate—in the event the Congress agrees this research should be speeded up—to provide necessary funds in the regular 1961 departmental appropriation bill.

Accordingly, I have brought the matter to the attention of the Interior Department Appropriations Subcommittee, of which I am a member. Likewise, my colleague Senator ENGLE has urged an additional $400,000 be provided in the bill shortly to be presented to this body.

STATUS OF THE INDUSTRY

The tuna fishing industry is the largest, long-range, high-seas, fishing industry of the United States. In 1949 the U.S. catch amounted to 295 million pounds, worth approximately $40 million to American fishermen. Tuna were caught in greater amount than any other food fish and were second only to shrimp in dollar value.

During the past several years grave problems have besieged the American tuna fisheries. The catch has declined: the number of fishermen, vessels, and plants has declined drastically. For example, the 1959 catch is down 24 million pounds from 1958 and is 100 million pounds less than the record 1950 tuna catch. On the other hand, tuna is being imported into the United States in record quantities. In 1959 tuna imports were the highest on record.

Since 1950 our domestic industry has been under increasingly severe foreign competition, principally from Japan. A vast increase in tuna fishing in all of the major oceans of the world by Japan in recent years has resulted in foreign tuna entering the U.S. market consistently at prices lower than our own cost of production.

The result has been a drastic decline in the size of the domestic tuna fleet. In 1951, there were 210 large tuna bait boats and 80 tuna purse seiners in the long-range tuna fleet fishing in tropical waters. At the end of 1959, by contrast, there were fewer than 115 clippers and approximately 60 large purse seiners, and these boats, as shown by Tariff Commission studies, were operating at a loss or without profit. Similarly some 3,000 vessels participated in the west coast albacore fishery in 1951, whereas in 1959, only about 1,000 remained active.

The owners and crews of the surviving vessels have improved harvesting efficiency in order to reduce production costs and to slow the steady decline in earnings. As a result, in 1959 the smaller fleets were still able to harvest a tuna catch which was greater than that for any other food fish. But foreign competition appears to be forcing U.S. fishermen off the seas and unless we find ways of producing tuna more economically, a vital part of our food-producing capability is likely to be lost.

Other facets of our coastal economy closely associated with fishing, such as ship construction, ship repair, and purchase of fuel and marine supplies are also hurt when our fisheries are not prospering.

PRESENT EFFORTS AND NEEDS

The Federal and State Governments have not been inattentive to these problems. They have been working on means to increase the efficiency of the American tuna fishermen so they can better compete with foreign industry. This appears to be the best long-range solution to the problem.

Late in fiscal year 1959 the Bureau of Commercial Fisheries established a new tuna research laboratory in San Diego for the purpose of increasing our knowledge about the tunas and their ocean environment and to investigate methods of predicting the occurrence and availability of tunas. In their analysis of tuna-fishing operations, Bureau scientists have learned that a good part of each fishing trip to waters off Mexico or Central America is spent in scouting over vast areas of ocean for schools of fish and often unsuccessfully attempting to catch fish from schools that refuse to bite.

If we can learn to predict the area and times of occurrence of tuna in commercial abundance and thus reduce scouting and fishing time, we will greatly improve the competitive status of our American industry.

This knowledge is most likely to come through studies of oceanography and the biology of tunas. Research is also needed on the biology and behavior of bait fish, since the fishery is largely dependent upon supplies of natural bait. A start on this work has been made.

Technological studies on tuna have been conducted on a small scale under contract by the Bureau since 1957. This work was principally to study handling practices aboard fishing vessels which may have an adverse effect on the quality of the canned product. Information is badly needed on the pigments, vitamins, flavor, and odor components of tuna flesh. It has been recognized by both Government and industry that present efforts are not sufficient to bring success within a reasonable time.

SOLVING THE PROBLEMS

Early in 1959, elements of the tuna industry, fishermen's unions, associations of boatowners, and canners, consulted among themselves and developed a unified program of work which they thought would generally accomplish the various objectives outlined above. This program was submitted to the Bureau of Commercial Fisheries in a joint meeting held in May 1959. Working with Bureau experts, a constructive program of research has been developed which meets the needs of the resource.

The industry and Government recommend that effort be concentrated in three major fields of endeavor.

First. Helping domestic fleets to catch fish more quickly and to get them to the canneries in better condition, which will reduce production costs and improve the competitive position of the fishermen;

Second. Helping the processors to produce better and more varied products,

which will serve the American public and tend to increase sales;

Third. Keeping the domestic industry well informed of activities and developments respecting tuna, both domestic and worldwide, as they may affect production and marketing in the United States so that the industry can plan its operations intelligently under changing conditions.

Some of the research and services necessary to accomplish the activities outlined above are already under way on a modest scale. Through the regular appropriation and Saltonstall-Kennedy funds, the amount of $387,600 is being requested for the overall west coast tuna research program for fiscal year 1961. A more vigorous attack on these problems is needed in the existing emergency.

The industry and the Bureau of Commercial Fisheries are in agreement that an additional $400,000 or a total of about $766,000 per year for the next several years, is essential if the needs and objectives of the program are satisfied. This request is consistent with a recently expressed statement by the President.

In his budget message—page M59—the President indicated the importance to the Nation of a substantial augmentation in Federal support of oceanography and related marine sciences under a long-range program developed by the Federal Council on Science and Technology, to be implemented through the Navy, Department of Commerce and Interior, and the National Science Foundation. The requested appropriation for tuna and oceanographic research in the eastern Pacific is in accord with that program.

While this research may be done in the course of time under the long-range program of the Federal Council, if this portion of the overall program is initiated now it will contribute to the salvation of our tuna fishing industry as well as to the general long-term national welfare.

I believe, Mr. President, these facts are deserving of the consideration not only by our Appropriations Committee and its Interior Department Subcommittee but also warrant thoughtful study by all Members of the Senate in the interest of assuring the survival of this industry upon which our Nation has relied so heavily in the past.

THE CIVIL RIGHTS ISSUE—ARTICLE BY ARTHUR KROCK

Mr. YOUNG of North Dakota. Will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. There appeared in yesterday morning's New York Times an article by the world renowned journalist, Mr. Arthur Krock, entitled "In the Nation." This article expresses my views on the civil rights issue in far better language than I could, myself. I fully agree with the position he has taken.

Mr. President, I ask unanimous consent that it be placed in the body of the RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 1, 1960]

IN THE NATION—RULES OF THE SENATE PUT FULLY IN ACTION

(By Arthur Krock)

WASHINGTON, February 29.—Before the filibuster of the southern Democrats in the Senate has come to an end, it may be that the Senate rules which almost impregnably protect unlimited debate will have been applied more intensively than ever in their history. The filibuster pattern, already unfolded today, has more scope and detail than any in recent memory.

The depth of the southern resistance to such drastic equal rights legislation as the Dirksen bill, which evoked the filibuster, will in time be penetrated in one of several ways. But one way could be a retreat by the non-southern majority from legislative proposals so offensive to the South, if not to constitutional concepts which long prevailed in the United States, as to suggest they were deliberately submitted to provoke the ultimate type of filibuster now in progress.

It is these proposals, with which the Dirksen bill abounds, that foreshadow great damage to paramount needs of the Nation in these perilous times, threaten to make a ghastly international spectacle of the Senate, to breed more racial disorders in the South and shatter the Presidential prospect of the man in the middle, one of the best-qualified citizens ever to aspire to this office: Senator JOHNSON of Texas.

They go far beyond the supply of machinery to assure equal voting rights to southern Negroes now widely disenfranchised by illegal State and local obstruction, which is the principal objective of the administration and Senator JOHNSON. It is also the principal objective of all those who agree with this statement the President made at his news conference, July 17: "If in every locality every person otherwise qualified or qualified under the [constitutional] laws of the State to vote, is permitted to vote, he has got a means of taking care of himself, his group, his class."

The House bill as drafted in committee includes some provisions that the filibustering southern Senators will oppose. But, unless its scheduled date for consideration in that body is not sufficiently advanced to bring it into the Senate as a substitute before the filibuster has come to its full potential, the deadly crop will be harvested. This is why responsible leaders of both sides are laboring to hasten the House debate, keep the bill free of floor amendments which would turn it into another Dirksen bill, and make it politically possible for the Senate majority to bring an equal rights measure to the voting stage without resort to the always hazardous attempt to end by cloture a filibuster with the passionate, bitter origins of this one.

Meanwhile, since no speech need be germane to pending legislation, the filibusterers can talk about, or read from, anything, without time limitation. A Senator can offer successive amendments, such as changing "a" to "the" in the pending draft. Whenever he wants a rest, he can call for a quorum (51) and that may be in the early morning hours. This forces a delay which, if a quorum is not present, can last for hours while the frail and the aged are summoned from their beds.

On the appearance of a quorum, this Senator can withdraw his amendment, propose another, and repeat the process indefinitely. Meanwhile, the filibuster leadership can refuse the unanimous consent which is required for prompt transaction of much necessary Senate business, such as committee meetings while the Senate is in session. Woven into this pattern of obstruction in the present instance is the "battle order" devised by Senator RUSSELL, of Georgia, the filibuster leader.

This assigns the floor for each 24 hours to four Senators. Since 16 are pledged to the Russell plan, there are several days of respite of each group of four. The longer this physical strain continues, the longer will be the total suspension of Senate business, the shorter will be the tempers of Senators, and the deeper and bitterer will be the wounds inflicted, among which cloture would be the wound least likely to heal, on an orderly and deliberate legislative process to deal with the broad national interests now in jeopardy.

STRONG VOTING RIGHTS BILL URGED

Mr. ENGLE. Mr. President, on Monday, February 29, I tried all day to get the floor for the purpose of making a statement in support of a strong civil rights measure. I found myself blocked by parliamentary procedures. I therefore ask unanimous consent to have printed in the RECORD the statement I prepared for delivery on the Senate floor.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ENGLE

CONGRESS HAS OBLIGATION TO ENFORCE THE CONSTITUTION OF CIVIL RIGHTS

We are in the midst of one of the most crucial debates in the history of the U.S. Congress. The next few weeks will demonstrate to this Nation and to the entire world how meaningful is our credo, "Liberty and justice for all."

The 86th Congress is face to face with the moral and legal responsibility of putting a stop to an outright defiance of the command of our Constitution. I think we will meet the challenge. I think we will come out of this debate with a strong, and realistic, civil rights measure that will give bone and substance to the constitutional mandate that the right to vote shall not be "denied or abridged on account of race or color," and that all citizens shall have equal protection of the laws.

In 1957, for the first time in 82 years, we passed a civil rights law of any consequence. It was a long step toward the goal of full equality in a free society. Implicit in the terms of that law was concrete and unequivocal recognition that the Federal Government has an obligation to enforce the Federal Constitution.

We have had almost 3 years to take stock of ourselves and to judge the adequacy of the 1957 civil rights law.

The findings are a discredit to us as a nation and as a world power.

Our Declaration of Independence holds that "all men are created equal • • • are endowed by their Creator with certain unalienable rights. • • • To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

The instrument by which this consent is given or withheld is the ballot.

There are many aspects of civil rights that have been denied a multitude of our citizens. But the most fundamental of these rights is the right to vote. It is the cornerstone of our democracy and the key to all other civil and human rights. If we guarantee the right to vote, we will generate the force to make our other discriminations self-correcting.

The 1957 civil rights law, I repeat, represented a great step forward. But it fell short of its avowed purpose because it failed to recognize the human frailties. It failed to recognize that customs and prejudices of long standing are not easily changed by the mere presence of a decree.

The case for States rights continues to be emphasized by the opponents of civil rights legislation. In their anxiety to maintain the status quo in their communities, they raise the issue of States rights to defend the great liberties they seek to take in interpreting the 14th and 15th amendments to our Federal Constitution. In doing this they only weaken the case for legitimate States rights. In not accepting their obligation to enforce the mandate of the Constitution, they will only succeed in curtailing the exercise of States rights. States rights should reflect the will of the people within a State, and certainly this cannot be accomplished where large blocks of the local citizens are deprived of their right to vote.

The most flagrant affront to our democratic process is the denial of the right to vote. Yet this right is denied to millions of our citizens. This is a documented fact. Last year, the U.S. Commission on Civil Rights made history with the first real Federal challenge of intimidations and evasions that have kept qualified Negroes from the polls for over 50 years.

The findings disclosed by the Commission's report have shocked even the most cynical:

The Commission found that "many Americans, even today, are denied the franchise because of race. This is accomplished through the creation of legal impediments, administrative obstacles, and positive discouragement engendered by fears of economic reprisal and physical harm."

It found that "in Haywood County, Tenn., no Negro has been permitted to vote for 50 years despite the fact that Negroes own more land and pay more taxes than white persons in that county.

"In four parishes of Louisiana with an adult Negro population of 20,000, there are no Negro voters.

"In 14 Mississippi counties with 52,000 adult Negroes, there are no Negro voters.

"In Gadsden County, Fla., only 7 out of 11,000 adult Negroes were registered in 1958.

"In two counties of Alabama with an adult Negro population of 15,000 there are no Negro voters."

These are just a handful of the statistics but they represent the general pattern.

After months of waiting the Commission received its first sworn voting complaint, alleging "that through threats of bodily harm and losing of jobs, and other means, Negro residents of Gadsden County, Fla., are being deprived of their right to vote." The Commission reported that "the same factors that discourage or prevent Negroes from registering to vote, including the fear of bodily harm and loss of jobs, work against the filing of sworn complaints by those same Negroes." The full impact of the cold statistics cannot be felt without reading the Commission's account of personal experiences disclosed by its investigations:

"A teacher in Gadsden County, Fla., was denied renewal of her teaching contract. The alleged reason was the teacher's liberal attitude generally toward voting rights and other constitutional matters discussed in a social studies course.

"In Forrest County, Miss., a minister with two degrees from Columbia University, tried twice to register. The clerk, on learning that the minister was a member of the NAACP, insisted that this was a communistic organization and that the witness was 'probably one of them.' 'That means you are not going to register me,' said the minister. 'You are correct,' replied the clerk.

"Among the 33 Negro witnesses who testified in Macon County, Ala., that they had not been allowed to register, were 10 college graduates, 6 of whom held doctorate degrees. Only 7 of the 33 had not completed high school; all were literate. Most of them were property owners and taxpayers. Among them were war veterans who had been decorated with Bronze battle stars. One farmer with only 6 years of schooling stated the situation eloquently: 'Well, I have never been arrested and always has been a law-abiding citizen; to the best of my opinion has no mental deficiency, and my mind couldn't fall on nothing but only, since I come up to these other requirements, that I was just a Negro. That's all.'

"In the parishes of Madison and East Carrol, La., where no Negro was registered, or had ever been registered to vote, seven witnesses were prepared to testify. An effective bar to Negro registration is the requirement that a prospective registrant obtain two registered voters to swear to his identity. Since no Negroes were registered in either parish, and since no white person (with one exception) would vouch for a Negro, the complainants were effectively stalled. One witness had fought on the Normandy beaches, been awarded four battle stars, was adequately educated and well qualified to vote.

"Not content to hold the line against new Negro voters, the city of Tuskegee, Ala., moved to decrease the number already voting by gerrymandering the boundaries of the city. The town limits, previously forming a rectangle, now became a figure of 28 sides. The new boundaries excluded all but 10 of the 420 Negroes who formerly voted in city elections."

The Commission's report is replete with many more tales of "unequal" citizenship.

It is pertinent at this point to call attention to two decisions of the U.S. Supreme Court relating to the 15th amendment. The Court observed, in one instance, that even though ostensibly nonracial standards are being applied, and, in another instance, that even though the statute under which the deprivation of voting rights occurs is not discriminatory on its face, still a violation of the 15th amendment can occur.

In *Lane* v. *Wilson* (307 U.S. 268), the Court said: "The 15th amendment nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race."

In *Yick Wo* v. *Hopkins* (118 U.S. 356), the Court stated: "Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution."

To return to the Commission's report, we have here the most compelling evidence of defiance of the 15th amendment to our Constitution. In the face of this evidence, Congress must once more assert its obligation. It must pick up the pieces of the 1957 civil rights law and put together a law that contains the tools to insure the voting rights of all citizens and guarantee to them equal protection of the laws.

The power and the obligation of Congress to implement the provisions of the Constitution are plainly stated in the language of the Constitution itself. Section IV, article 1 of the Constitution declares: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators."

The 15th amendment declares:

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

Clearly, the Constitution gives Congress sweeping powers in the conduct of Federal elections and in preventing discrimination because of race or color in the field of voting in any election.

Enforcement of these powers cannot be regarded as transgressions of States rights.

At this point I would like to quote some thoughtful observations made by Commissioner George M. Johnson in the Commission's report:

"Experience has demonstrated that laws are necessary to implement fundamental constitutional principles, and that they are effective in areas of intergroup conflict. Laws restrain those few who will not respect the rights of others. They also have an educative value for the community as a whole. In this way laws help to change the hearts and minds of men by changing some of their practices and by keeping them ever mindful of the goals toward which a free people dedicated to equal justice under law and equal opportunity for all citizens must strive."

We all know that before we can bring this debate to a constructive conclusion we will have to overcome the old hurdles of partisanship and geography. I am confident that we can do that. But we can do it only if we distill from the various proposals before us a plan that combines the projection of full civil rights with a realistic approach to bridge the gap between prejudice and enlightenment.

And, furthermore, it must be a plan that is sound without being so complicated as to get caught up in its own web of red tape.

A number of my colleagues who have preceded me have made penetrating and detailed analyses of the various proposals before us. I do not intend to add to their scholarly explanations. I shall limit myself to a statement of the bare essentials that we must demand in the civil rights bill that we pass.

The bill must contain strong and unmistakable guarantees to insure the voting rights of all citizens. I intend to vote for every proposal that moves in the direction of assuring those rights, whether it involves the registrar procedure, the court-referee plan, or a combination of both. It is my hope that this body will adopt a plan that will assure the right to vote in the most direct way with a minimum of Government procedures.

The guarantees should, of course, include a provision making it a Federal offense to destroy election records.

The bill should give the Attorney General the authority to step in and start civil court actions for aggrieved persons who are unable themselves to seek legal protection.

The bill should include a provision making it a Federal crime to possess or transport in interstate commerce explosives intended for use in the bombing of schools, religious institutions, homes, or other property, in an attempt to deny civil rights.

We cannot afford a repetition of last year's inaction. I urge my colleagues to keep in mind that if we fail to pass a strong civil rights law this year we will lose the precious

ground already gained in the slow painful march toward equality and justice for all men.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. LONG of Louisiana. Mr. President, on last night, the Senate of the United States took what I believe will subsequently be regarded as a very unprecedented action, and one which is not in keeping with the orderly processes of this body.

The junior Senator from Louisiana had offered an amendment to the Dirksen amendment. This amendment, offered by the junior Senator from Louisiana, was one which, in essence, undertook to protect the freedom of speech of American citizens. It said this:

> Nothing contained in this or any other law shall be interpreted to prevent any person from exercising his freedom of speech, to advocate the separation of the races as desirable, or that forcible integration in various places at public or private functions or activities is undesirable, and that such forceful integration should be resisted by all means.

Mr. President, this amendment, which was offered by the junior Senator from Louisiana, was offered in all good faith and good conscience, and said that if a person believed that a white man ought to go with a white woman, and that a colored man should have his interests in those of his own race, he has a right to say so, and if he says so in public, he should not be put in jail for it under the Dirksen amendment.

Then it goes on to say that if a man believes that racial intermarriage is not a good idea, he ought to have a right to say it, and he should not be put in jail by the vague language and the strange terms that would be perhaps construed to go that far in the Dirksen amendment.

It goes on to make it clear that there is nothing wrong and nothing evil about people believing in segregation; that is, that whites should go with whites and associate with whites and marry whites; and that the members of the colored race should associate with and marry persons of their own race. Many of us down South believe that is the way the good Lord intended things to be. If the good Lord had intended us to be all alike, he would have made us that way. He would not have placed one race in Europe, one race in Asia, and another race in Polynesia. It seems to me that some day we should get this straight.

Do we really believe there is anything evil in such a belief? Do we really believe that a white person should make his home with another white person? Do we believe that a colored person should live with a colored person?

I can understand how persons who are perhaps half white or half colored might feel that everybody should be as they are. But many folks believe it is as simple a proposition as the mating of birds. A redbird does not make his nest with a bluebird; a buzzard does not mate with a blackbird.

Many of us believe that this is a law of nature which has come down through the centuries, and we will attempt to follow it no matter what other persons might attempt to do to the contrary.

We believe, without wanting to hurt anybody's feelings, that it is everyone's right to feel proud of his race and to preserve the purity of his race. That is what my amendment sought to do.

I do not know whether the Dirksen amendment has been revised again or not. It seems to me that every time we see it, there has been another revision of it. But I believe the language of the Dirksen amendment is fairly clear to the effect that once a court order has been issued, a person merely by expressing his true convictions could be placed in jail for 2 years or subjected to a fine of $10,000. It provides:

> SEC. 1509. Obstruction of certain court orders
>
> Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of person shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of person to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

Mr. President, I stress the word "impede" in that language. It appears twice in the same paragraph.

If a person, by threat, or by letter or other communication or by word of mouth, happens to say something which impedes or discourages someone from attending an integrated school, or from seeking to be among those of his own kind, it seems to me that it might be construed, particularly by the present Supreme Court, as an act which would permit the authorities to reach out and say that that person, even though he was exercising what he believed to be freedom of speech to support a moral judgment, was subject to imprisonment of 2 years or fine of $10,000, or both.

Senators may say that that is a strange construction of the law. Let us see how strangely the Court has interpreted some of the act already.

Congress in 1957 passed a so-called Civil Rights Act. It provided that if a person was otherwise qualified by law to vote, he could not be denied that right, and that the Attorney General should make certain that that person's right was protected and that he should be placed on the rolls and be permitted to vote. The act provided that the Federal courts would take jurisdiction. The Supreme Court of the United States, 2 days ago, upheld a case in Louisiana in which a judge in the district court ruled that whether a person was qualified or not, even if he was unqualified by law to vote, he would nevertheless be kept upon the rolls and permitted to vote, even if he had been subjected to a valid challenge, and if there had been no intentional discrimination toward the person challenged because of race, color, or creed. In my judgment, that was clearly contrary to the intent of Congress when it provided that if a person was otherwise qualified by law, he had all the rights provided by the 1957 Civil Rights Act. I am certain Senators who voted for that act did not feel that it provided that even if a person was not qualified, he had the right to vote, and had all the other rights which would go to or flow to a person who was otherwise qualified to vote.

It seems to me that in the light of those decisions we should begin to spell out clearly and expressly the rights which people have, so that those rights will not constantly be trampled upon.

I offered my amendment some time last week. I believe it was on last Friday. At that time I had a bad cold. My throat was so hoarse I could not talk for more than a half an hour at a time. I spoke for one-half hour that day. The Senate was busy, and only a few Senators were on the floor. I left my amendment pending.

I have no complaint about the fact that a motion was made to table my amendment, except that I was not notified that the motion to table would be made, and did not have the opportunity to discuss the amendment at a time when any considerable number of Senators were on the floor. Instead, the Senate proceeded to vote between 3:30 and 3:45 o'clock this morning to table the amendment. I was in my apartment, in bed, sleeping, at the time the motion was made. I hastened to the Senate floor, but since the motion to table had been made, I had no opportunity even to discuss or urge the merits of the amendment. That is bad procedure. That type of action has been attempted in years gone by. Invariably the Senate, when it recovers its better judgment and sense of balance, strikes down such procedures as that and denounces them.

I recall when the Senate was debating the bill relating to the Atomic Energy Commission. At that time the junior Senator from Tennessee [Mr. GORE] was trying to preserve what he thought was something very valuable to this country. I was inclined to agree that the Senator from Tennessee was correct in his judgment. What he was fighting for on that occasion was the protection of rights which resulted from $12 billion of Government research, and which, under the Atomic Energy Act amendment, it would have been possible for private concerns to take unto themselves and expropriate for their private advantage.

I recall that at that time the Senator from California, Mr. Knowland, who was then the majority leader, moved to table the amendments each time one was offered by the Senator from Tennessee.

Thank providence, at that time we had the right of free debate. Although the Senator from Tennessee was denied

the opportunity to explain the amendments, at least he had the opportunity to speak on the bill itself, and he spoke at sufficient length as to be able to explain to the Senate what he was seeking to do. In the end, he prevailed in the position he took.

Not merely because it would have been of benefit to the Senator from Louisiana, but because I believe the Senate itself would have been benefited, I submit that what took place this morning should not have happened. It was bad precedent. I do not believe it was proper procedure to table my amendment without having offered me the opportunity to make known its purpose by speaking on the amendment before it was tabled. It seems to me that the manner in which the amendment was tabled was extremely unwise, even from the point of view of those who took such action.

For one thing, this action made Senators holding the same viewpoint rise at 3:30 o'clock this morning and come to the Senate floor between 3:30 and 3:45 o'clock, when those involved could just as well have waited until 8:30 or 9 o'clock this morning to make the motion to table, thus giving their own cohorts, their own group, an opportunity to get a nice rest.

Or, if it was the intention to undertake violence upon the Senator from Louisiana, they could just as well have told me at 5 o'clock the previous evening that it was the intention to make a motion to table at 6 o'clock. Instead, it was decided to awaken Senators at 3:45 o'clock this morning and bring them into the Chamber at that early hour.

The press reports say that some of the Senators who are attempting to force through this vast bulk of civil rights bills appear to be more weary than those of us who are speaking against them.

I suppose one reason for it is that they insist on doing this kind of thing, bringing their crowd down here to table an amendment and cutting off debate, making a motion that is not debatable at 3:45 in the morning, when there is no real necessity for it at all. The motion could have been made at 6 o'clock or again at 9 o'clock in the morning, and it could have been done under orderly procedure, certainly more expeditiously to the Senate itself. Nothing was gained by it in that case. It was just one of those cases where I believe the Senate makes a mistake by yielding to the temptation to undermine and subvert the rules of the Senate and its traditional process and the courtesies we ordinarily accord one another in this body.

Mr. SPARKMAN. Will the Senator yield for a question?

Mr. LONG of Louisiana. I yield to the Senator from Alabama.

Mr. SPARKMAN. Of course, it is not unusual to make motions to table when frivolous matters are brought up, after short debate. Was this in any sense a frivolous motion?

Mr. LONG of Louisiana. It was not.

Mr. SPARKMAN. Was it substantive?

Mr. LONG of Louisiana. It certainly was.

Mr. SPARKMAN. Do I understand correctly from the Senator from Louisiana that it was really for the protection of free speech?

Mr. LONG of Louisiana. It was.

Mr. SPARKMAN. And the Senator from Louisiana did nothing to prevent its being fully considered by the Senate?

Mr. LONG of Louisiana. I did not.

Mr. SPARKMAN. Am I correct in assuming that during the very time that the Senator is speaking now, he would have been speaking to that amendment?

Mr. LONG of Louisiana. I would certainly have been addressing myself to that amendment.

Mr. SPARKMAN. And presenting it to the Senate and saying that it was substantive and that it did relate to the preservation of the right of free speech?

Mr. LONG of Louisiana. The amendmen had something to do with a little bit more than free speech, because it did attempt to get it straight once and for all what the law is, regardless of whether it is the attitude of the Government and the courts and the powers of this Nation that we should be told that segregation is morally wrong and legally wrong even in the home, even in the family.

Mr. SPARKMAN. Does the Senator mean one would not be left free to believe what he wants to believe, whatever his beliefs may be?

Mr. LONG of Louisiana. That is the point. In other words, there is a doctrine being preached across this land that if one seeks to limit his associations to his own race, or if one seeks to see that his children are educated among children of his own race, or if one seeks to urge and educate his children that they should marry one of their own race rather than to have them enter into one of these mixed racial marriages, that is evil.

Some of us do not think so. Some of us think that there is nothing evil about it. We think it is right. We think that is how the good Lord intended it to be. It does seem to me that sooner or later we must get it straight whether a person has the right to educate his children and urge them that it is better, if they are born as white persons, to remain white persons, and that it is better, if one is born a colored person, that he remain a colored person; that thoroughbreds are just as good as mixed breeds. But some people do not seem to think so.

One of these days we are going to be subjected to this question, which we will have to decide, whether a person, by urging the purity of his own race to his own children, is violating the law by doing something evil. There are those of us who would attempt to sell that concept in this country.

The junior Senator from Louisiana would not want to hurt the feelings of any person of any race, be he Negro, be he Asiatic, or of any other race. But it does stand to reason that every race has its own strong points, and every race has certain areas in which it excels others, and should be proud of them. No race, according to the teachings of the Lord, should undertake to make another feel inferior; and if a man is of another race, certainly no one should attempt to make him feel inferior. But we do stress the point that there is a difference. There are different kinds of people.

Some folks like one kind of animal better than they do another. The junior Senator from Louisiana happens to have two little daughters who love a poodle dog. They have a fine little poodle in their house. So far as I know, the poodle is a thoroughbred. On the other hand, some folks down the street might like a dachshund better, and it is a fine little dog. If some folks happen to believe that they would rather have a thoroughbred, that that is desirable, I think they should be privileged to think so, rather than urging them to believe that there is something wrong about maintaining the purity of one strain or the other.

That is one point which one of these days we should settle, and I do believe that the time has come when, for once, we ought to make it clear in the law that, without meaning offense to anyone else, a person does have the right to urge that his own race should maintain its purity, under reasonable conditions, if he reasonably can, and that there is nothing evil about.

Perhaps it is evil—though I doubt it—for one race to tell another, "We do not want to intermarry because we do not think you are as good as we are"; but I see nothing evil about one race informing members of another, "We do not care to intermarry because we think we are different, and we just believe that both sides would get along better if we would not seek to amalgamate the races." Let each have to each his own. Let each be a good neighbor to the other.

It does seem to me that one of these days we are going to have to decide that question. If we do not decide it, the Supreme Court, one of these days, is going to attempt to decide it itself, and I suspect that the National Colored People's Association urges this, and we will find a decision holding that persons cannot even have segregation in private schools. They have already held that as to public schools, when they had, in my judgment, very little basis to hold it. They had to reverse previous decisions to do it. It never even occurred to anybody that there could be any doubt about the right of segregation of races in private schools. Now that they have passed on the public school question, the Court would not have as much difficulty in ruling as to private schools, because, at least as far as the public schools were concerned, they had to reverse previous cases of the Supreme Court. They had to reverse the existing law.

There has been no Supreme Court pronouncement, on this question, so far as I know, because no one had thought that the point would be raised that even private schools could have no segregation.

Mr. SMATHERS. Will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. Is it not true that the Supreme Court came very close to a decision of that kind in the Girard case from Philadelphia, in which a trust fund had been created on the basis that it would be purely for white persons, and

the Supreme Court decided that that was something they had nothing to do with. They came very close to making a ruling just a couple of years ago.

Mr. LONG of Louisiana. As I recall the Girard case—and I know the distinguished Presiding Officer now in the chair [Mr. CLARK] will recall it much better than the junior Senator from Louisiana, because he was formerly a great mayor of the city of Philadelphia—a testator provided in his will that certain portions of his estate would go to endow a school for white children, white boys, I believe.

The PRESIDING OFFICER (Mr. CLARK in the chair). If the Senator will permit an interruption, the will called for the testator's estate to go to the city of Philadelphia in trust for the erection of a school for white male orphans.

Mr. LONG of Louisiana. That was my impression, and the case will speak for itself, that the will called for the funds to be devoted to a school for white orphans, for white boys; if the Senator says "orphans," I would accept his word for that.

As I understand the facts in that case, the trustees were private citizens; but under the law, when one trustee died, the attorney for the city of Philadelphia was appointed one of the trustees. I believe it was on that basis that the Court held that—by the tenuous reasoning that a person who, by virtue of holding public office, became a trustee and a member of the board of trustees; and not because the city of Philadelphia owned the school, but only because, under the law, a vacancy on the board would have to be filled by a public officer, who in that instance was the city attorney of Philadelphia——

The PRESIDING OFFICER. If the Chair may interrupt again—and the Chair realizes that such an interruption is irregular—let the Chair state that the Senator—and quite inadvertently, I am sure—has not exactly correctly stated the facts. However, the Chair does not know that that makes any difference.

Mr. LONG of Louisiana. Well, the impression I had about it was that the peg upon which the Supreme Court of the United States hung its decision that school must be integrated, and upon which the Court brought the State into the picture, was that by virtue of the death of one of the trustees, the city attorney of Philadelphia became a member of the board.

The PRESIDING OFFICER. The Senator is not correct.

Mr. SPARKMAN. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. SPARKMAN. If I correctly remember the facts in that situation, a member of the city government was a member of the board of trustees—for purposes of this discussion, we do not need to state how he came to be in that position—and that was the peg on which the Supreme Court held that the trust would not be effective.

Later—and I submit this to the distinguished Senator from Pennsylvania—that particular person withdrew from the board. Then I believe the case went up again, and came back; and the Supreme Court refused to grant certiorari.

The PRESIDING OFFICER. If the Senators are interested in having a brief explanation made, the Chair will proceed to make it. If not, the Chair will remain silent.

Let the Chair inquire whether the Senator from Louisiana will yield to the Chair.

Mr. LONG of Louisiana. Yes, reserving my rights, as aforesaid.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The present occupant of the Chair understands that the Senator from Louisiana has asked that he may yield to the Senator from Pennsylvania.

Mr. LONG of Louisiana. Mr. President, I do not need to make such a request, for I have previously obtained unanimous consent that I may yield for as long as 3 minutes to any Senator, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the previous ruling is recognized; and the Senator from Pennsylvania may proceed.

Mr. CLARK. The basic facts were as follows— and I happen to know them because at the time I was mayor of Philadelphia and, therefore, ex officio, I was a member of the board of city trusts: Under the will of Stephen Girard, part of his estate was left in trust to Philadelphia, for the establishment of a school for white, male orphans. In order to execute the trust, the city of Philadelphia passed an ordinance pursuant to which the board of city trusts was appointed by the judges of the orphans court in Philadelphia County. The trustees appointed were, in part, ex officio officials of Philadelphia, and included the mayor of Philadelphia and the president of the Philadelphia City Council, and also certain private citizens who, nonetheless, constituted the board of city trusts.

When the case came before the Supreme Court, it ruled in a per curiam opinion that because the city board had been named the trustees and had delegated the authority to individuals, the trust was a public trust, not a private one, and therefore the segregation limitation in the will was void. Thereafter, the judges of the Orphans Court of Philadelphia County proceeded to remove the existing trustees, and, in a decree which made very clear that their appointees no longer were representatives of Philadelphia, but were private citizens, appointed other trustees.

That was held by the Pennsylvania Supreme Court to be a legal change which justified continuation of the segregation provided for in the testator's will. The Supreme Court of the United States refused certiorari, and the school is still segregated.

Mr. LONG of Louisiana. I thank the distinguished and able Senator from Pennsylvania.

But the point we are making—despite that correction for the RECORD—is that on that tenuous basis the Supreme Court hung its decision that the school had to be integrated, even though it was a private school.

In elections cases we have seen a court first hold that a State could not hold a white primary. Then a private organization would undertake to hold its own private election, without any authorization at all by the State and without any connection whatever with the State; and the private organization would thus decide who the candidate of that private organization would be—the organization itself being an organization of white persons. In that case the Court held that, nevertheless, that was subject to regulation under the 15th amendment, and that there could be no segregation. The Court reached that holding on the ground that that action so partook of the nature of a State action—even though it was not a State action—that it was, nevertheless, subject to the 15th amendment, and that there could be no distinction between the races and no exclusion of any of the races from that private political organization.

Mr. President, under those conditions some of us have very little doubt that in the years to come, when pressure is brought to bear by those who want the Supreme Court to decide in this way—and in the past they have seldom been disappointed—the Supreme Court will find first one excuse and then another for holding that almost anything—social or private—must be integrated.

How the Court will be able to apply such a ruling to private clubs, it is difficult for some of us to foresee or predict. Perhaps the Court will try to do it by saying that a private club has to pay Federal taxes, and therefore, the club falls within the purview of the 14th amendment. Perhaps the Court will do it by saying that, in some connection or another, a private club or a private restaurant has to have a State license, or that a cook who works in the kitchen of the club has to obtain a certificate from the board of health, and that therefore the club has some connection with State action and, accordingly, the club must be integrated, and no separation of the races may be permitted.

At any rate, those of us who anticipate such a trend, against which some of us today feel we should move, believe it would be well to write into the law at this stage, before things get any worse, that at least on a private basis—in a person's own home, in his own social club, in a private fraternity, or in a private sorority—people are entitled to get together with those of their own kind.

In view of the fact that I was not permitted to discuss the merits of my amendment when the motion to table the amendment was made at 3:30 in the morning, I would propose to offer another amendment, so as to approach the same subject from a somewhat different point of view, by proclaiming that citizens of the United States have a right to privacy—just the right to be left alone and not to be bothered by other folks whom they do not want around. So long as people do not bother anyone else when they are exercising their right of privacy, why should that not be permitted? So long as people under those circumstances do not violate the laws of any State or the laws of the Nation, why should such

persons not be permitted to be left alone, if that is what they prefer—for instance, if worse comes to worst, by purchasing a piece of old stumpland, and just going there and remaining alone, and not wanting to be bothered by having someone else that they do not want to be there come around?

Of course, if the right of privacy exists in its true sense, it seems to me it should exist in its qualified sense, which means that not only is a person entitled to be left alone, but, also, if he wishes to associate with someone else, he should be allowed to choose those with whom he wishes to associate—in other words, that he has a right to go off with his wife, and have privacy, or that he has a right to settle with others of his own kind. Certainly all persons should have that right. Of course, at this time we might be able to obtain that concession from those who favor having white men marry Negro women, although someday we might not be able to get that concession.

But I fear that our friends who want to remake human nature, by means of the many bills and amendments which now are before the Senate—there are 5 pounds of them, and these bills and amendments include almost every sort of provision that the mind of man can conceive of at this time——

Mr. SPARKMAN. Mr. President, the Senator from Louisiana has made a mistake; at the moment he is holding in his hand only half of these bills and amendments. [Laughter.]

Mr. LONG of Louisiana. Yes; I find that I have been holding up only half of them. I do not know how many words are included in all of them, but I imagine that all of these bills and amendments include more words than the total number of words to be found in the Bible; that is my impression, just from glancing at them.

Perhaps at this moment we might get some firm recognition of some right of a person to be among his own kind if that is what he wants. Last night the junior Senator from Louisiana was hoping to get an agreement that he could at least say that he would like to be among his own kind of folks, just say it, but the Senate did not seem to be willing to consider that. Perhaps before we are through we will be able to gain some recognition, at least, of the right of privacy, the right of a person just to be left alone.

That does seem to be a right that has gained somewhat in recent years. The Supreme Court in wiretapping cases, particularly if it looked as though there were a Communist getting his wire tapped, seemed to show some inclination to protect the right of privacy, provided the person was not a very good citizen, and it may be that one of these days we may be able to achieve some recognition of the right of a person to be among his own kind by approaching it on the right-of-privacy basis.

Mr. President, the title of this proposed civil rights bill, in my judgment, should be changed to read, "A Bill to Crucify the South." That is surely what this bill amounts to and what the proposed effect of it would be. When I make that statement I do not refer just to the ones that are present at the desk. I refer to all of them, the 5 pounds of them, that I hold here, which we are assured will be offered, or at least many of which will be offered. What on earth the South has ever done to justify the kind of discrimination and deliberately intended evil to which it has been subjected, some of us have great difficulty in comprehending.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the Senator from Alabama.

Mr. SPARKMAN. The Senator has just referred to the great mass of bills and amendments and proposals that have been suggested, and he has referred to them as weighing 5 pounds. I believe the Senator from North Carolina, who has been keeping up with them, said that now they amount to five and a half pounds.

Mr. LONG of Louisiana. This feels like a very heavy 5 pounds.

Mr. SPARKMAN. It is 5 pounds and 8 ounces, but the further point is that you read a lot of papers in the country and you hear a lot of people talk and you get the idea that this is a simple bill to protect voting rights in the South. Now, the Senator from North Carolina [Mr. ERVIN] said that of that 5 pounds and a half, 5 pounds and 8 ounces, only one ounce had anything to do with voting rights, and certainly that is not the pending business before the Senate now, is it?

Mr. LONG of Louisiana. These bills cover everything under the sun, everything the mind of man at this time can conceive of wherein somebody from outside the South can try to disrupt the affairs of people inside the South.

Mr. SPARKMAN. And is it not true that the matter pending before the Senate at this time does not have a single word in it pertaining to voting rights?

Mr. LONG of Louisiana. It has nothing to do with voting rights, not a thing. It has to do with making a special crime out of violating a court order that has to do with the integration of a public school. It is far beyond any punishment available for a person who violates any other court order.

Mr. SPARKMAN. It does not touch voting rights; is that right?

Mr. LONG of Louisiana. That is correct.

Mr. SPARKMAN. There is one other thing that suggests itself to my mind. I wonder if the Senator heard the presentation by the Senator from Georgia [Mr. RUSSELL] during the morning hour of a release by the NAACP out at Cleveland complaining of the fact that of their people out there, there were only about 26 percent who were registered for voting.

Mr. LONG of Louisiana. Yes.

Mr. SPARKMAN. Is it not true that the records will show that throughout the South generally we have approximately that same rate of registered Negro voters?

Mr. LONG of Louisiana. More.

Mr. SPARKMAN. Certainly in some States it is more, but I believe, covering the South as a whole, they usually average the figure of about 25½ percent. I am not sure, but it may very well be more.

Mr LONG of Louisiana. I believe the statement was made by the distinguished Senator from Georgia today that of those colored citizens eligible to vote, only about 25 percent of the number who were qualified had registered, and of that 25 percent who had qualified to vote, only about 26 percent of those had actually voted in the presidential election and the senatorial election. So it would mean that of the colored people qualified to vote, only about 1 in 16 had actually qualified and cast his ballot in Cleveland, Ohio.

Mr. SPARKMAN. Well, I am glad the Senator set me straight on that. It certainly is true, is it not, that we have a much better voting record throughout the South than that shows?

Mr. LONG of Louisiana. Well, Mr. President, in the State of Louisiana not all the whites qualify, just as not all the colored qualify. Louisiana, as an example, has about 1 million voters out of a population of over 3 million, so it would stand to reason that there are a considerable number of persons who are qualified who do not vote. Louisiana actually permits illiterates to vote, and on that basis it would be very clear that undoubtedly two million people in the State are eligible to vote. Now, the State is two-thirds white. So if you compare the ratio of colored registration to white registration, in the last 15 years the colored registration has increased. On a proportionate basis the colored vote is about 50 percent of the ratio of white voters

In some cities, like the city of New Orleans, a great southern metropolis, that percentage is far higher than that. My judgment would be that in the city of New Orleans, if there is a single qualified colored man who is not registered to vote and permitted to vote, it would be because he has repeatedly refused to heed the entreaties of those who tried to get him to go down and register, with no one making any effort to keep him from registering and voting.

To show that there is no discrimination, during the last gubernatorial election in Louisiana just 2 months ago, between the first primary and the second primary election the books were open only for about 3 days, and yet during that 3-day period in the city of New Orleans there was a tremendous increase in registration. In the city of New Orleans there was an increase of 2,332 colored voters in a 3-day period between the two elections, and that was a close election. The Senator from Alabama will recall that we had a former Governor, Jimmy Davis, running for Governor in that runoff, and we had the mayor of New Orleans, Mr. deLesseps Morrison, running, and the city of New Orleans was going heavily for its mayor. Well, there was an increase of 2,332 colored registrants of the increase of 3,500. So while the white population outnumbers the colored by two to one, the increase between the two elections, which had to happen in 3 days, was on

the basis of two colored for every white, and the fact is that in the colored precincts, as the editorials around the State point out, the colored voted in much higher percentage than the whites—I believe about 85 to 90 percent—which would be tremendously better than the voting record of colored citizens of Cleveland, Ohio.

Mr. SPARKMAN. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. SPARKMAN. The Senator from Louisiana might be interested in some comparable figures from Northern States. I believe these figures come from the Civil Rights Commission report. I will not be positive about it. I know that the Senator from Louisiana referred to those who are qualified or eligible. He probably meant on the basis of age. The voting age in my State is 21. Sixty percent of the whites are registered, and only 60 percent. That fact bears out the statement which the Senator from Louisiana made. Without having any voting restrictions whatsoever, down through the years, a great many of the white people, who have had no obstacles to their voting, either simply do not qualify in the literacy test or do not qualify under a good test that has been constitutionally set by the State of Alabama. As someone said the other day, the greatest drawback is apathy.

As I recall, between 25 and 30 percent of the Negroes in my State of voting age are registered. They vote, and they vote heavily, as the Senator has said with respect to his State. They have a high percentage of voting. But, more than that, over the last 15 years, I will say, the number of Negro voters in my State has increased year by year, or at least every 2 years, or every quadrenium, as the elections roll around.

I would say that during that time, offhand, the number of Negro voters has increased 10 times. Today there are 78,000 Negroes in the State of Alabama who are registered to vote.

Mr. President, in spite of all the complaints and all of the finger-pointing that has been done at my State with respect to how we handicap Negro registrants, we have, I believe, as fine a set of laws as exist in any State, giving any person, without regard to race, color, or creed, the right to court action, without payment of cost, and on a preferred status, enabling him to carry his case all the way to the Supreme Court, if he wants to. Yet in spite of all these so-called complaints, there has never been a single case taken up to the Court in all these years.

Mr. LONG of Louisiana. We have heard a lot of complaint by some of our friends from New York State about the fact that in four very small parishes in Louisiana there are no colored citizens registered to vote. Those are four small parishes. I make that point. They are four of the smallest parishes in the State. The people in those four parishes probably cast less than 8 percent of the State's total vote.

If one could have gone back 20 years, he could have said that probably in 50 parishes no Negro voted. But it was pointed out that only in those four small rural parishes does that condition exist. I understand the total Negro male population in those four parishes is 20,000. Compare that number of 20,000 with the number of 600,000 Puerto Ricans who are disfranchised by the law of New York and not permitted to vote, notwithstanding the fact that we have a treaty with the King of Spain providing that their civil rights would be protected and they would not be discriminated against because they happened to be Spanish-speaking people when they became American citizens.

Might I say this? Those Puerto Ricans would not have that injustice done to them in Louisiana. The law of the State of Louisiana does not require that a resident of Louisiana has to speak the English language in order to vote. The law of Louisiana provides:

> He shall be able (unless the applicant qualifies under a section which makes it possible for illiterates to qualify) to read and write and so demonstrate his ability to do so when he applies for registration by making under oath administered by the registrar or his deputy written application thereof in the English language or in his mother tongue.

If it were a Chinaman, who could not speak English, Spanish, or French, he could still register under the laws of Louisiana and have the privilege of casting his ballot.

Yet in New York State those great reformers who want to look after 20,000 colored people in four small rural parishes in Louisiana have yet to move the first peg to look after the 600,000 Puerto Ricans in the greatest city, population-wise, in the United States.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. SPARKMAN. Puerto Ricans are United States citizens are they not?

Mr. LONG of Louisiana. They are American citizens. Those who move to New York. They are American citizens. Those who move to New York become citizens of New York by reason of their residence there.

Mr. SPARKMAN. The Senator from Louisiana has anticipated a question I was going to ask him. I knew there were a great number of persons in New York who did not speak the English language. I was going to ask whether that factor affects the right of people to vote in his State.

Mr. LONG of Louisiana. No; they participate, and very effectively. There are many areas where a lot of persons speak French, and have never learned to speak English.

Mr. SPARKMAN. Of course, in different States there are sizable groups who do not speak the English language. Does the Senator know of any other State in which that harsh rule is applied to which the Senator referred as applying in the State of New York? What is the number of Puerto Ricans in New York? Is it 600,000?

Mr. LONG of Louisiana. Six hundred and eighteen thousand American citizens who migrated from the Commonwealth of Puerto Rico to New York City. Imagine that. Here is a community represented by great Senators.

Mr. SPARKMAN. And do we hear anything here about the right of those people to vote?

Mr. LONG of Louisiana. Mr. President, if I represented such a State, before I would come here and point the finger of scorn at the people of Louisiana and say there are four parishes where 20,000 colored people are not qualified to vote, I would seek to get my own house in order. I would recall the teaching of the Master. I would recall the Sermon on the Mount. I would recall the admonition, "Why beholdest thou the mote"—the Senator from Alabama knows that a mote is a little speck of dust, almost too tiny for the eye to see—"Why beholdest thou the mote that is in thy brother's eye, but considereth not the beam that is in thine own eye?" Jesus goes on to say, "Thou hypocrite"—I am not calling any Senator a hypocrite, Mr. President. [Laughter.]

Jesus said, "Thou hypocrite, first cast out the beam"—He was speaking of a splinter, I guess—"out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye."

Mr. President, would it not seem to any Bible reader coming from New York City who marched in here that he should first say, "Mr. President, here is my bill to qualify these Puerto Ricans, so they can vote for me, or for my opponent, if they want to," and, after he looks out after those 618,000, then look after the 20,000 in those four small rural parishes in Louisiana who are not qualified to vote, but who will be shortly?

Mr. President, I would imagine, in fact, I would be willing to make a gentleman's wager with one of the gentlemen from New York, that we will have those in the four rural parishes of Louisiana qualified long before the Puerto Ricans are qualified, because it is something that is going to be done in Louisiana. What right have those from New York State to tell us how we shall run our affairs? Look at these proposals on our desks. About one-third of these proposals are by the Senators from New York [Mr. JAVITS and Mr. KEATING]. [Laughter.]

All these items on how to run our States are from them. We did not set up the Civil Rights Commission; they did. We did not extend it; they did. We did not come in here to praise it and glorify it; they did.

The Civil Rights Commission says this is bad.

Look at this, 618,000. I believe they said one of the most segregated residential communities in the world is New York City.

Mr. SYMINGTON. Mr. President——

Mr. LONG of Louisiana. Chicago did take the cake, however, I believe in that respect. Yet those who would criticize for some reason do not seem to feel that their first obligation, according to some of us, is to look homeward and see what you can do about straightening out your own affairs and then you will be more qualified to know how to help the other fellow straighten his out.

Mr. SYMINGTON. Would the Senator yield to me for a few remarks, with the understanding that they——

Mr. LONG of Louisiana. Mr. President, I would ask unanimous consent that I might be permitted to yield to the Senator from Missouri. The Senator suggested that I might yield to him for 20 minutes, but I would suspect that the statement which he is prepared to make is going to draw some comments, and there would be at least 20 minutes of comment to come after that. So I would yield for the additional 20 minutes, without prejudicing my rights to the floor.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, I thank my distinguished colleague from Louisiana for his gracious courtesy.

LET'S CLEAR UP THE CONFUSION ABOUT NATIONAL DEFENSE NOW

Mr. SYMINGTON. Mr. President, on February 19 last I presented to the Senate a statement of facts regarding our relative defense posture; and followed with some recommendations for action.

Four days later, the minority leader commented at some length on my statements, and made some of his own. The Senator from Illinois did not refute any of the facts which I presented. No new facts were brought to light by him; and no disagreement was expressed with my recommendations for action.

The minority leader said he wanted to do some "ventilating" on the subject. According to the dictionary, to "ventilate" means to let air into a chamber. In this instance, the air was neither new nor fresh, as his many allusions to past history made clear.

To me it seems far more important to do now what is necessary for the future instead of attempting to assess blame for the past—but the record should be accurate and consequently a few clarifying comments are necessary.

I do not plan to take the time of the Senate to go over in detail the at times entertaining speech of the minority leader; but there are a few points in his talk which may have confused those seriously interested in this grave problem. Therefore, I address myself briefly to these points.

The minority leader called particular attention to the following sentence from the broadcast of the President on February 21:

> As for long-range ballistic missiles, from a standing start only 5 years ago we have literally leaped forward in accomplishments no less than remarkable.

The Senator from Illinois stressed the phrase "from a standing start." He asserted that, so far as he had been able to discover, "in truth and in fact, it was an effort made from a standing start in the missile field."

I now present some facts so that, at least inadvertently, he does not make the same error again.

One should not overlook the fact that the present administration had been in office for more than 2 years when it "leaped forward" from a "standing start."

Nor should one overlook the fact that one of the first acts of the present administration was to cut $5¼ billion from the previous administration's last budget preparation; and that some of the money thereby eliminated had been programed for acceleration of missile development.

And here are some more facts.

In 1955, there was no "standing start" as regards the creation of a hydrogen weapon, essential to the current ICBM weapons system. Actually this basic development preceded 1953.

In 1955, there was no "standing start" as regards the development of the rocket engines now used in the Atlas. They were transferred from the Navaho missile system, which had been under continuous development since 1946.

Nor was there any "standing start" in 1955 as regards the research and testing of long-range ballistic missile components. They had been started in 1946, and later sharply emphasized with the MX–1593 project, otherwise known as the Atlas.

Nor should one overlook the following statements made in 1957 by Gen. Bernard Schriever, the able officer who has been in charge of the Atlas program:

> By 1950, Air Force development agencies felt that enough progress has been made in these areas (range-payload-accuracy-reentry problems) * * * (that) by 1953, impending solution of most of these problems allowed design and initial construction of Atlas vehicles.

In addition, attention should be directed to the following testimony of Dr. Herbert York, Director of Defense Research and Engineering of the Department of Defense, on January 13, 1960, when appearing before the House Appropriations Committee:

> Mr. MAHON. When we admit that we are behind in the intercontinental ballistic missile * * * we have admitted that; is that not true?
>
> Dr. YORK. In terms of numbers of missiles only; not in terms of development.

The same point was testified to by General Schriever before the Preparedness Subcommittee of the Senate on February 2, 1960. Both these authorities stated that we are behind in the production of numbers of missiles, but not behind in the development of said missiles.

What, therefore, is the primary reason for the current lag?

No one was producing ICBM's back in the 1940's or early 1950's. The state of the art had not progressed to that point, either here or in the Soviet Union.

The present relative disadvantage of this country in the ICBM field arises from one cause and one cause only—the refusal of this administration to put up the money for any real production after the missile had been developed.

It is no secret that different decisions in recent years could have put us in the position of having more ICBM's now, and in coming years, than the Soviets are estimated to have for those same periods.

It is not a question of a "standing start" in 1955; rather a "slowdown" in the years since then.

Now, I turn to another error in the minority leader's presentation of February 23.

My floor statement of February 19 listed a number of facts and identified them as such, with the labels "Fact No. 1, Fact No. 2," and so forth, through "Fact No. 10."

The minority leader apparently went through these listed facts. When he came to fact No. 8, that one seemed to disturb him. In discussing the latter, he said:

> Now, Mr. President, with me a fact is an actuality. A fact is a reality. A fact is an irresistible, stubborn thing. And there is no qualification of a fact. Two and two make four. That is a fact. Stand on your head—it is still a fact. Go to Hong Kong or Singapore, or the Fiji Islands, or Berlin—it is still a fact. And it is an unequivocal fact.

Despite that exhibition of mathematics, calesthenics, and world travel, the Senator discovered no error in my statement.

At this point, I read into the RECORD all of fact No. 8, not just the part read into the RECORD by the Senator from Illinois:

> General Thomas Power, commander of the Strategic Air Command, stated on January 19, 1960, that the Soviets could at that time destroy 95 percent of all the United States retaliatory forces if they had 150 ICBM's and 150 IRBM's and if we had no airborne alert.
>
> The Soviets already have large numbers of IRBM's and soon will have large numbers of ICBM's.

The minority leader did not question that General Power was the commander of the Strategic Air Command.

He did not question the accuracy of General Power's mathematical computations, or that the statement had been made on January 19, 1960.

He did not question or even mention the significant fact in the second sentence, namely, that the Soviets have large numbers of IRBM's and soon will have large numbers of ICBM's.

Those are the facts I presented under the title fact No. 8. He does not challenge them.

What then is his point?

The minority leader said there was more to the general's statement, and indicated some of it was in "fine print."

I agree there was more. All of it is well worth reading.

Therefore, I ask unanimous consent to have placed in the RECORD at this point the complete speech made by General Power on January 19, 1960.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD.

ADDRESS BY GEN. THOMAS S. POWER, COMMANDER IN CHIEF, STRATEGIC AIR COMMAND, AT THE ECONOMIC CLUB OF NEW YORK, NEW YORK CITY, JANUARY 19, 1960

The American people today are faced with the most difficult and far-reaching decisions in the history of this Nation. Through their elected representatives they must decide what course to follow in their quest for peace and what tools to furnish to insure the successful pursuit of that course.

Similar decisions had to be made after World War II when the United States emerged as the most powerful nation on earth and was thrust into the role of guardian of the newly won peace. It was then that we evolved a policy unprecedented in the history of this country; namely, the policy of deterring aggression through the threat of massive retaliation. To support this policy, we created a military tool, equally unprecedented as to character and scope—the Strategic Air Command. This combination of political strength and military superiority undoubtedly was the major factor in preventing another world war to this date.

But Soviet Russia, which 10 years ago seemed as unlikely a challenger to our leadership as Communist China may seem today, almost overnight developed into a major threat, not only to our overall supremacy but to our very survival. For the Soviets had achieved the capability to undertake what neither Lenin nor Stalin ever dreamed would be possible—a devastating attack on the United States.

It is, therefore, well to ask ourselves three pertinent questions. First, is our national policy of deterrence still feasible and desirable? Second, if we decide that it is, can our present and projected military posture support that policy adequately? And, third, with continued advances in military technology, will we eventually reach a point where a policy of deterrence is no longer possible?

It is vital to the future security of this country that we find conclusive answers to these questions even though the many variables and unpredictable factors involved leave considerable room for speculation and individual preferences. This applies, in particular, to the problem of determining the most promising approach for preventing aggression.

We can start out from the premise that everyone is agreed on the urgent need of preserving the peace. But this is where the agreement ends, because people have widely differing ideas as to the kind of peace they would accept and the price they are prepared to pay for it. Some people may be willing to buy peace, however meaningless, at any price, even at the expense of their human rights and freedom. I take a different position from their defeatist attitude; I maintain that death is preferable to life under communism. Obviously, we both cannot be right, however, I am confident that the vast majority of our citizens shares my convictions.

As President Eisenhower said in his state of the Union message early this month: "Still another avenue may be found in the field of disarmament, in which the Soviets have professed a readiness to negotiate seriously. They have not, however, made clear the plans they may have, if any, for mutual inspection and verification—the essential condition for any extensive measure of disarmament."

In this connection, let me also quote a rather significant statement made at the Lenin school of political warfare in 1931—almost 30 years ago—by Dimitry Z. Manuilsky, who was a prominent member of the powerful Central Committee of the Communist Party and later head of the Ukrainian delegation to the United Nations. Here is what Comrade Manuilsky said, as reported by a former student at that school:

"War to the hilt between communism and capitalism is inevitable. Today, of course (that is, in 1931), we are not strong enough to attack. Our time will come in 20 or 30 years. To win, we shall need the element of surprise. The bourgeoisie will have to be put to sleep. So we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard of concessions. The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist." We cannot ignore the fact that utterances of this kind have been made by the Soviets over the past four decades.

Finally, we can endeavor to maintain an honorable peace through an overpowering posture of balanced military strength and through our collective security arrangements, as we have done since the end of World War II. I do not claim that, in this or in any other manner, we can stay out of a war. But I am convinced that this is the most promising and, in the long run, least expensive way of averting nuclear war.

It is claimed that our policy of deterrence cannot cope with the growing threat of small wars so long as we devote most of our efforts and resources to the deterrence of total nuclear war. But, in my considered opinion, the principle of deterrence through military superiority is broad and flexible enough to permit its application to any kind of conflict, regardless of its place, scope, and nature.

Our overall deterrent posture is a composite of a number of elements which go to make up military superiority. These include our own forces as well as those of our allies with whom we have collective security arrangements. A fundamental element of that deterrent posture is our strategic retaliatory strike force.

That strike force is not the only factor which deters aggression, but without a fully effective retaliatory force capable of inflicting on an aggressor damage which he considers unacceptable, there is no meaningful deterrent. At this time, SAC, which is by far the principal element of the free world's strategic retaliatory capability, receives less than 20 percent of the U.S. defense dollar and still smaller fractions of other resources.

Since military superiority is accepted as the prerequisite for a successful policy of deterrence, the question arises whether and for how long we can maintain an adequate margin of overall superiority. I am confident that, as of the moment, this margin is still large enough to deter the Soviets from risking war with the United States, despite their spectacular technological advances.

Indications are that, if the Soviets decided to launch a surprise attack on this country today, they would have to rely mainly on their long-range bomber force. Evidently, this force has neither the size and quality nor the global support facilities and centralized organization which give SAC's forces their unmatched strike capability. Moreover, this country has an extensive air defense system against manned bombers which would provide sufficient warning of their approach to permit the launching of SAC's alert force before it could be attacked on the ground.

The Soviets are well aware of the fact that a sizable percentage of SAC's strike force is on an around-the-clock 15-minute alert and that even their most advanced defenses could not prevent that force from inflicting crippling damage on their military controls and installations.

Nevertheless, we can certainly expect that the Soviet leadership would take full political advantage of any military superiority over the free world which it may be able to obtain in the future. If they could effectively threaten us from a position of such military superiority that we would feel unable to defend ourselves successfully against the weapons they command, our capability to resist Soviet advances by means of subversion and political blackmail would be greatly reduced, if not nullified.

Military superiority of this magnitude would be achieved through the accumulation of a sufficient stockpile of ballistic missiles to destroy our retaliatory forces before they could be launched. Surprisingly enough, this would not take very many missiles under present conditions. Published statistics show that the total number of installations and facilities from which we can launch nuclear-armed aircraft or missiles at this moment is only about 100. All of these facilities present "soft targets," that is, they could suffer crippling damage even in the event of a near miss.

According to released data on nuclear effects, it would take an average of three missiles, in their current state of development, to give an aggressor a mathematically probability of 95 percent that he can destroy one given soft target, some 5,000 miles away. This means that, with only some 300 ballistic missiles, the Soviets could virtually wipe out our entire nuclear strike capability within a span of 30 minutes. To further heighten this threat, only about half of these missiles would have to be ICBM's. The rest could be the smaller IRBM's which are considerably less expensive and easier to produce.

Because of their tremendous speed, averaging about 15,000 miles an hour, ballistic missiles offer unique advantages to an aggressor who plans a surprise attack. It stands to reason that this has spurred the Soviets' effort to augment whatever quantities they may already possess at the greatest possible rate. Khrushchev himself let it be known that Russia is now engaged in the serial production of these missiles and that one single factory is turning out some 250 missiles a year, presumably including ballistic missiles.

Therefore, we must anticipate that the Soviets may have accumulated a sufficient number of operational ICBM's and IRBM's for an all-out missile attack before we have in operation warning systems which could provide reliable and adequate warning of such an attack. We have such systems now under development, designed to give some 15-minutes warning which would suffice to get most or all of SAC's ground-alert forces airborne. But until our ballistic missile warning system becomes fully operational SAC's capability to survive a missile attack with little or no warning will be the crux of the free world's deterrent posture.

There is increasing public awareness of the mounting problem of survivability of our strike capability in a nuclear surprise attack. It must be understood that our deterrent strength is not determined by the forces which we have in being before such an attack but only by those forces which we can be certain to have left after the attack. From a deterrent point of view, therefore, the decisive factor is whether we can keep the Soviets convinced that, even under the most unfavorable conditions, our surviving strike force will be adequate to retaliate both instantly and decisively to aggression.

Fortunately, the complex technological problem of insuring the survivability of SAC's alert forces in a missile attack can be solved, at least partially, through a basically simple military tactic, namely, by keeping the alert aircraft in the air instead of on the ground. This tactic has been tested thoroughly and found to be entirely feasible. With adequate and timely preparations for meeting added demands for support, SAC can maintain an airborne alert long and effective enough to bridge what could otherwise become the most dangerous gap in our military posture since Pearl Harbor.

In discussing the deterrent role of our strategic strike forces I have, so far, emphasized the manned bomber. I have done so because, for the present and sometime to come, we must depend primarily on our manned weapon systems to carry out the strategic mission. But SAC is rapidly building up its missile capability and reached an historic milestone on September 9 last year

when a SAC combat crew successfully fired its first operational Atlas ICBM. As the President pointed out in his state of the Union message, this missile has proven equally successful in its last 15 test launches, with an accuracy of less than two miles.

I have little doubt that continued advances in missile design and techniques will further improve warhead yield, accuracy, and reliability and that, eventually, we will have missiles in sufficient quantity, quality, and variety to accomplish most of our strategic missions. In the meantime, however, we cannot afford to neglect, let alone shelve our existing and well-proven manned bombers because SAC must always maintain a sufficient inventory of operational and combat-ready weapon systems to insure effective coverage of its target system at any time.

As missiles are phased into SAC's inventory, they will replace some of the older bombers which are ready to be phased out. But I want to make it clear that this cannot be done at a ratio of 1-for-1 because, contrary to widespread belief, one missile is not equivalent to one bomber with respect to strike capability, as reflected in nuclear yield and accuracy.

While bomber accuracies are measured in feet, those of missiles are still measured in miles. Of course, missile accuracies will improve but, over distances of 5,000 miles and more, even dramatic improvements in guidance techniques cannot be expected to approach the standards possible with SAC's bombing systems and techniques. Lower accuracy can, to some extent, be offset by higher yield. Yet, the yield of a missile warhead, although far greater than that of the largest conventional bomb, is but a fraction of the nuclear payload of the bomber which, moreover, can carry a number of high-yield weapons to different targets.

An additional consideration that must be taken into account in comparing missile and bomber quantities is the fact that missiles are "one-shot" weapons while bombers can be "recycled" and used for as many missions as circumstances may require and permit. The point has been raised that manned bombers are so vulnerable to modern aerial defenses that only a relatively small number could be expected to penetrate to their targets and few if any of these bombers could be counted upon for a follow-on attack. It must be realized, however, that offensive techniques and tactics have profited from scientific advances as much as or, perhaps, even more than defensive techniques.

It is often taken for granted that today's aerial defenses, employing the latest anti-aircraft missiles and guidance methods, would exact far higher losses than we suffered in our bombing operations during World War II. But if someone had tried, in the early days of that war, to predict the average attrition rate for tight formations of hundreds of bombers fighting their way through heavily concentrated flak and large numbers of fighters, he probably would have arrived at a very high estimate also. Yet, out of a total of about 530,000 heavy bomber sorties flown in World War II, only some 9,500 aircraft were lost to enemy action, for an average attrition rate of less than 1.8 percent.

I am not inferring that bomber attrition rates in a nuclear war would be anywhere that low. But neither do I believe that they would be anywhere as high as is sometimes claimed. In trying to predict bomber attrition rates, one of the most important contributing factors is frequently overlooked, namely, the unpredictable factor of tactics. I maintain that the commander and his tactics, more than anything else, determines the losses in any offensive action.

There are several other factors which should keep future attrition rates within acceptable limits despite continued improvements in antiaircraft defenses. As these defenses become more sophisticated, they must rely to an increasing degree on electronic systems which in turn, are susceptible to electronic countermeasures. Moreover, it should be borne in mind that attrition applies not only to the offensive but also to the defensive.

Throughout World War II, bombers generally disregarded the defenses because they were not considered worth attacking. However, if we should be forced into a nuclear war by an aggressor, the enemy's aerial defense system would become a priority target and would be attacked with the most effective countermeasure known today, namely, the hydrogen bomb. Each successfully dropped bomb would take out the defenses in a wide area and permit ever deeper penetration for successive bombers.

Penetration of enemy defenses will be further enhanced by the GAM–77 or Hound Dog, a supersonic and very accurately guided air-to-ground missile with a nuclear warhead. The B–52G bomber will carry two of these missiles—one under each wing—in addition to its regular nuclear payload. Tests with the Hound Dog have met all expectations. In fact, I had the pleasure of accepting the first production missile from the manufacturer about a month ago.

The Hound Dog will make it possible to attack the enemy's defenses from hundreds of miles away and thereby help the bomber to penetrate to its target. But this is only one of the advantages of the Hound Dog missile. Its primary significance lies in the fact that it will vastly increase the utility and flexibility of the manned bomber and permit a variety of new tactics, such as attacks on additional targets in different areas during the same mission.

I consider the B–52 and Hound Dog combination but the first step in the marriage of manned bomber and missile. The next step will be the use of the manned aircraft as an airborne and virtually invulnerable platform for air-launched ballistic missiles. It is, therefore, evident that SAC must continue not only to replenish its manned weapon systems but also to modernize them so as to keep pace with technological advances.

The addition of the Hound Dog and, later perhaps, of air-launched ballistic missiles will greatly extend the useful life of the current B–52. But, eventually, it must be replaced by a more modern bomber, and I am hopeful that, by that time, we can put into operation the spectacular B–70 which is now under development.

Modernization of the bomber force is by no means a stopgap measure because, for the foreseeable future, there will always be need for manned weapon systems. This will be true, for instance, in missions which entail reconnaissance and on-the-spot decisions based on human judgment or for attacks on mobile and concentrated, well-protected targets. The missile, in turn, will ultimately be assigned to most other strategic missions, especially those requiring rapid action and invulnerability to aerial defenses. This is why SAC is planning for an aerospace force of bombers and missiles in which one will complement and supplement the other, thus exploiting the advantages of both.

The survivability of the missile poses a somewhat different problem from that of the bomber and must, therefore, be solved by different techniques. Since a missile cannot be recalled once it has been launched, it would be too risky to fire it until there is incontestable proof of aggression. Therefore, our ICBM's probably would have to "ride out" the initial attack. This problem is taken into account on our later missiles which will permit launching from silos deep in the ground, thus providing good protection or "hardening" against the effects of near-misses.

Hardening of missile sites is both practical and highly desirable as it aggravates an aggressor's problem of destroying all or most of our missiles before they can be launched against him. Compared to the previously mentioned average of only three missiles needed for a 95 percent probability of destroying one soft missile site, the aggressor would have to launch a considerable number of missiles of more advanced design to obtain the same degree of probability that he can destroy one hardened site.

The aggressor's problem will be further compounded as increasing numbers of missiles are added to our operational inventory and placed in widely dispersed, hardened sites. The Minuteman, a greatly simplified missile now being developed for SAC, will be particularly suitable for this purpose. Additionally, it is planned to mount a number of Minuteman missiles on railroad cars and move them in a random pattern over the almost 100,000 miles of railroad trackage in this country which is suitable for this purpose.

Mobility is a most attractive defense tactic because the probability of destroying a mobile target with a long-range missile is extremely small. The advantages of mobility are fully exploited in SAC's airborne alert system and also underlie the basic concept of the Polaris weapon system. Mobile Minuteman missiles and bombers on air alert will have the added advantage of being beyond the reach of Soviet reconnaissance and countermeasures.

The concept of launching small medium-range ballistic missiles from a submerged submarine represents a most intriguing approach to the problem of survivability, despite the many unprecedented and still unresolved problems which it entails. We have great hopes for such a system but we also must remember that there are some inherent limitations as is true for any other type of weapon system. Also, it can be assumed that many if not most of the close to 500 submarines credited to the Soviets would be used to support a missile attack on the United States with simultaneous attacks on our nuclear fleet units on and under the seas. The Polaris must be prepared to cope with this threat.

These limitations should not detract from the fact that the Polaris concept holds considerable promise. I am confident that, once the Polaris submarines have become operational, they will add importantly to our retaliatory capability, and I hope that their target systems and schedules will be integrated effectively into the Nation's overall strategic mission.

As this and our other programs for the future materialize, we will reach the point where no foreseeable magnitude and method of attack can destroy the effectiveness of our retaliatory capability. Missiles in hardened sites and on mobile launchers, bombers on alert and Polaris submarines under the Ice-cap would survive in sufficient quantities to strike effective blows at the aggressor from all sides. Conversely, however destructive our capacity for counterattack, there can be no doubt that, by that time, the Soviets will have achieved a similar degree of survivability for their follow-on strike forces.

This means that both sides will have the capability of inflicting tremendous damage on each other's civilian establishment and economy, but neither side will be able to prevent the other from striking back. We will then have arrived at a condition which is best described as "nuclear impasse" since that is as far as we can go in stabilizing the global balance of military power. It is important to understand that this condition will be much more stable than the one in which we find ourselves today and which is usually referred to as nuclear stalemate.

The term "nuclear stalemate" has created much confusion because it infers that, in effect, the Soviets and our nuclear capabilities cancel each other out and that, therefore, they would not dare attack us. But

there can be no real stalemate as long as the Soviets are in a position to tip the scales in their favor merely by taking the initiative.

However, once we have reached the point where a surprise attack can no longer prevent or even minimize retaliation, the initiative would give a potential aggressor only a temporary and relatively limited military advantage which would gain him too little and cost him too much to make aggression worthwhile. Our future security demands that we reach that point as rapidly as possible, rather than stretch out defense programs designed to get us there before it might be too late.

This should not imply that we will have reached the ultimate in destructiveness of weapons and compression of time. It would be futile to speculate what miracles of science and what technological breakthroughs lie ahead and what they might do for the battles of tomorrow, ranging from the depths of the oceans to the far reaches of space. But there can be no doubt that we can maintain an effective deterrent only by making certain that no other country will ever reach the next higher technological plateau before we do.

As I indicated before, military strength is only one factor which, in combination with others, represents a nation's deterrent strength. There are, in particular, two other factors the Soviets would weigh. One factor in deterring or encouraging aggression may be the quality of our civil defense. Therefore, our civil defense measures for protecting our population and expediting recovery after a nuclear attack represent a vital element in our deterrent posture and deserve the most urgent attention.

Another and, perhaps, still more important factor the Soviets would consider is the effect of the cold war on the determination of the American people to fight rather than submit to Communist dictate. The Soviets' propaganda and subversion, their threats and their pleas, their boasts and their offers are designed to make us abandon our policy of deterrence and ourselves destroy its very foundation—our military strength.

Indeed, military strength is not an end in itself, but it is an indispensable means in protecting our heritage until a truly lasting peace can be assured. Our goal is a world in which all peoples will have the opportunity to choose for themselves the political and economic conditions under which they will live.

I know that the American people have and always will have the determination to attain this goal and that they will back up that determination with all the strength they can muster.

Mr. SYMINGTON. Mr. President, there was no "fine print" in our copy of this speech.

According to the minority leader, the numbers used by the general were the result of a "mathematical calculation."

What is wrong with that?

The Senator himself used mathematics when he stated:

> Two and two make four. That is a fact.

General Power was making an important analysis. He was bringing out the reasons why he felt so strongly about an airborne alert.

We do not have any air alert now—and there are no adequate provisions for one in the 1961 budget.

The minority leader then dwelt on a February 7 radio broadcast from Communist China, one that quoted various items which had already appeared in U.S. newspapers.

It seems to me that it would be more constructive for the Senator to support some of the recommendations for shoring up our waning relative strength than lament the fact that people around the world now know what most of us know here at home.

It is not the efforts of the six Senators mentioned in the broadcast which are undermining our position abroad. Rather, it is the fact, published voluntarily by this administration, and therefore only too well known to the Communists, that we are deliberately letting them get ahead of us in long-range missile and space control.

Without taking time to clarify some of the curious points made in the Senator's speech, such as his assertion that in 1954 "we had resolved the difficulties in Korea," I do feel it necessary to correct a few more of the major errors.

The Senator from Illinois said:

> I think we should be cautious indeed how we drape the sun, the moon, and the stars with all the figures, and even threaten to release the intelligence figures unless we get an answer. The threat was later withdrawn.

If the Senator knows of someone who threatened to release intelligence figures, he should so acquaint the Senate.

He should have known that ICBM ratios are not classified information and that such ratios are not even a part of intelligence information; because the intelligence community computes only the data which goes into one side—the Soviet side—of the ratios.

Any comparison with our ICBM picture does not become a part of the intelligence estimates.

If he did not know about the nonclassified nature of such ratios, he must have been shocked when the secretary of Defense made his 3-to-1 pronouncement more than a year ago.

Moreover, he could have learned the facts about the nonclassified nature of these ratios had he taken the time to read my talk on February 19, which talk he criticized on February 23. The facts are brought out clearly in that address.

For the Senator's information, and for the information of anyone else who might be inclined to rely upon such inaccurate hearsay, I now quote from the record of the open hearing of the Preparedness Subcommittee of February 8. Admiral Burke was the witness.

> Senator SYMINGTON. Admiral, I agree with you that we ought to keep all information which would help the possible enemy to ourselves. But in a democracy, the people have the right to know all information which will not help the possible enemy.
>
> Last January, a statement was made by an official in high position that we were rapidly closing the missile gap. I stated that that was not true and added that if the erroneous statement were not corrected, I would give the percentages showing how we planned to have the missile gap widened. The Secretary of Defense corrected the other high official's error shortly thereafter. He said we planned to allow the Russians to get a lead of 3 to 1 in ICBM's. * * *
>
> We get a lot of classified information here in the Congress and to the best of my knowledge since I have been on this committee, there has never been a leak out of this committee. But public testimony by top officials has left the incorrect impression that the Russians are doing less in ICBM's according to national intelligence given to the Congress this year, as against what was given to the Congress by national intelligence last year.
>
> Therefore, as long as my friend, the distinguished senior Senator from Connecticut, has raised the point, I will state that the national intelligence estimate in missiles available for launching against the United States has increased considerably this year as against their launching capability as given us last year.
>
> If that assertion is disputed, I am going to release the percentage of increase for this year's estimates over last year's estimates as given us by Mr. Dulles. I consider it most important that, if any information is given the people, it should be the correct information.

Further along in the talk of the minority leader last February 23, he referred to a speech I made in Montclair, N.J., on March 14, 1952.

The Senator quoted from that talk. In so doing, he seems to have taken out of context the part he quoted. This was probably done inadvertently, since he used a newspaper story as his source rather than the actual speech.

Consequently, at this point, I ask unanimous consent that the full text of my talk on March 14, 1952, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD.

ADDRESS OF STUART SYMINGTON AT YALE ALUMNI ASSOCIATION, MONTCLAIR, N.J., FRIDAY EVENING, MARCH 14, 1952

You must know how deeply I appreciate the honor of this award. I am very grateful to be with you here tonight.

In that I have just left Government, perhaps you would be interested in some thoughts on major problems which must now be faced by this country.

This Nation today has one problem that transcends all others—namely, how can it attain the military power necessary to meet the great and growing strength of communism without destroying the American economy, and along with it, our system of free enterprise?

Before attempting to answer that question, and I am going to try to submit at least part of an answer tonight, let's review very briefly the purpose of the United States and the purpose of the Communists.

Our purpose as a Nation is clear. We want to pursue our own life under our own system. We want peace and we want prosperity.

As individuals, we also want security. But can there be any real individual security without national security?

The Communists' desire is also clear. It has been known for a long time. Their leader, Stalin, has often expressed it, as recently as well after World War II.

They desire and intend to rule the world. We must never forget that this is their intention, because time is late and running out. I say that from the background of many years in the Pentagon and on the National Security Council.

Recently a brilliant writer, in defending both his former membership in the Communist Party and his treason, talked about "the two irreconcilable faiths of our time—communism and freedom."

Why didn't he also mention capitalism? Is it because he believes in socialism, another form of rule by the state described years ago as "communism without courage"?

Let us hope this latter definition is not accurate, because there are many who are now convinced the United States is creeping into socialism as a result of the steady growth in the size of our Government.

Further on the subject he knew so well, this ex-Communist writes: "The power of

the Communists, whose nature baffles the rest of the world, because in a large measure the rest of the world has lost that power, is the power to hold convictions and to act upon them."

I don't know too much about the rest of the world. But I am certain that the people of the United States still hold convictions, and will do whatever is necessary to preserve their freedom provided they understand the facts when they make their decisions.

America faces an enemy whose record and actions prove that its rulers respect only power. After painful years we now know that such words as justice, morality and honor mean absolutely nothing to the Communists. Therefore, wouldn't the chance of obtaining any cooperation from them in the ideological and moral field be far greater if we held the balance of that power?

Let's face it. Have we any real chance of ultimate survival if we don't hold that balance?

Because today we live in a period when military and economic power is all important and will be decisive.

It is true that we are involved today in a spiritual struggle, a struggle of good over evil, light over darkness, a battle for the minds of men—and we believe we will win, because we are morally right, and the Communists wrong.

But the Communists are just as convinced that they are morally right—as they rush to completion the power they consider necessary to decide this difference of opinion. We should remember they have been working hard to that end since long before the close of World War II.

As a boy I used to be disturbed when reading about those confident missionaries of several hundred years ago who, with God on their side, landed on the shores of Florida, only to be promptly scalped by the waiting Indians.

Today similar apprehensions assail me, as the Communists steadily increase their relative advantage against the free world in such practical categories of power as tanks and planes and submarines and slaves—in fact increases in just about everything except national debt. They have no problem with respect to the latter, because in any totalitarian state the coin of the realm is the order of the dictator.

I do not underestimate in any way the importance of justice being on our side—and I am certain we would lose if that were not the case; but as our fighting youth continue to fall in Korea, have they not the right to call for more planes and tanks and less emphasis on ideological differences. The most eloquent of such differences can't be either flown or fought.

Before these young Americans go forward to die, have they not the right to ask, "If this is serious, why aren't you all at home doing more. If it isn't, why are we here?"

This problem of external danger is but half of the dual problem—how to remain free without going bankrupt.

It is trite but true that the United States can be destroyed internally through economic chaos just as certainly as it can be destroyed externally through defeat in battle.

A Communist attack to carry out Stalin's acknowledged aim of world enslavement could come in many ways. The more obvious one would be military aggression.

But the destruction of our way of life could occur, and the Communists must be becoming more confident it will occur, without their being forced into an all-out atomic war.

Perhaps the Politburo will now rely on their silent weapons; such guns as crippling taxes, unprecedented spending, inflationary tendencies, and the consequent affecting of that personal incentive and corporate initiative so essential to our way of life.

These silent weapons can be just as lethal as noisy cannon. They are also very, very cheap for the Communists, because we first create them, and then discharge them against ourselves.

Stalin saw the remaining hope for peace expressed in national policy 2 years ago—when America further reduced its military strength by limiting its defense spending to less than $14 billion.

Then the head of the Politburo acted, set up his air-ground university in Korea; and now our current annual defense budget is over $50 billion.

What deep satisfaction this must give Stalin. He did it all himself. In fact, over recent years his policies have consistently formed our policies.

Let's look in a little more detail at one of his silent weapons—the current Federal tax law, as evidence of how far we have gone toward eliminating the risk element that has always been characteristic of free enterprise.

Today, under the tax law in this country, corporations which expand their income can be taxed as much as 82 percent on the added earnings. What incentive is there for risk capital when, in addition, dividends on these added earnings can be taxed as high as 92 percent?

What satisfaction it must give all Communists to know that now some of our profits are taxed over 98½ percent.

Have they not the right to conclude that this degree of taxation might some day seal the doom of free enterprise?

Of course, the well to do should pay more than their proportionate share, but the theory of capitalism is the theory of risk capital. If one dies, so does the other.

There is a lot of talk going around about solving our problems through additional taxation of the rich, and I am for the prompt plugging of any demonstrated phony tax loopholes. But if all the remaining untaxed income in the United States in excess of $25,000 was confiscated, it would not bring into the Federal Treasury enough to eliminate 2 weeks of our deficit spending.

So no one should gather the idea that this problem concerns only the wealthy.

The importance of clarifying that misconception cannot be overemphasized, because the farmer, the workingman, in fact every American on a fixed income, regardless of the size of that income, is now vitally interested in this whole tax problem.

Let me illustrate just how interested. Today the national budget is $85 billion—20 years ago that budget was under $6 billion.

This year we will show a large Federal deficit. Yet if we decided to obtain only $10 billion more from incomes taxes—much less than said estimated deficit—it would be necessary to confiscate all personal income in the United States over $4,000 a year. (And don't forget, not long ago that $4,000 had a purchasing power of $8,000.)

The tax problem, therefore, now goes deep into the lives of every American citizen.

Here is another illustration: In 1938 the employees of a company in St. Louis had an average annual take-home pay of less than $1,000.

This annual take-home pay increased to $2,700 by 1947, and to $3,800 by 1951. It would appear these working people are doing many times better.

Today, however, anyone with an annual income of $3,500 now pays over $900 in various seen and unseen taxes.

The number of dollars in the annual take-home pay is not important. Ask any Chinese or German. What is important is the purchasing power of those dollars and that is why the millions of working people in the United States should be just as interested in reducing the cost of Government through efficient management as any banker or businessman.

Perhaps the greatest change in industry since I left has been the sweep of the pension plan idea as a method for obtaining better understanding between capital and labor.

All these working people, plus those receiving social security, plus people with life insurance policies, plus veterans, plus those with savings in the bank, plus farmers receiving crop subsidies, are vitally interested in the purchasing power of our dollar and therefore in our debt structure.

These tens of millions of American citizens should be fearful of being whipsawed between the taxes that are now biting so sharply into their income and the steady reduction in the purchasing power of the dollars in their pay checks.

Prompt major improvement can only come through increasing the efficiency of Government. There we have a great chance, because as every farmer, businessman, and wage earner knows, profits resulting from reductions in cost are just as real as those resulting from increased sales.

Tremendous savings can be made in the cost of our Government.

As example, 60 cents of your current tax dollar goes to the Pentagon, and 13 cents is tabbed for foreign aid; a total of 73 cents for national defense. And make no mistake about it, if we continue to arm under present methods, these figures will grow higher.

Now don't blame this punitive defense tax burden on the administration. Stalin should receive the major blame—and if the President had obtained the unification bill he originally recommended for the armed services, a large percentage of our military budget could be saved, at no sacrifice whatever to our military strength.

That is not only our own thought. It is the conviction of able businessmen who came down to work in the Pentagon during recent years.

Here is just one example of what can be done. Several trips to Alaska convinced us the military housing costs up there were way out of line. So we checked with various experienced contractors and found they all agreed. They blamed as the primary reason intricate and unnecessary specifications.

Accordingly, I asked Gen. R. E. Wood, head of Sears, Roebuck & Co., to lend us his best low-cost-housing man.

General Wood went further than that. He lent his whole housing department at no cost to the Government—and within a relatively short period of time these experts came up with detailed specifications for a house tailored to the Alaskan climate which cost less than half what the taxpayer, through his Government, was paying.

Already in Washington, however, one now hears such phrases as "You can't touch that appropriation request, because it is for national defense."

I have great respect for most of our military leaders, but as sure as the sun is coming up tomorrow, if military appropriation requests are not checked at least as carefully as all other appropriation requests this armament program can only end in national bankruptcy.

In the life of the average citizen there comes a time when he must decide whether to continue in private enterprise, or give up part of his career to serve his country.

Private enterprise is less exacting, more remunerative, and far more pleasant. There could be no alternative to it as the better way of life—except a concept of duty.

The able and experienced people represented in this audience are badly needed in Washington today, because the steady growth in the size of Government will destroy us from within—unless into it we put more, much more, of that administrative capacity which has made this the greatest country in the world.

Without your active support, even though our fighting forces win externally we may well break up internally—because, after all,

the operation of Government is primarily the administration of a great business, and in the long run no business can be successful without efficient management.

If it is not possible for a citizen to sign up for a tour of duty in his Government, he should be fair in his criticism of those who do. Public servants who violate their oath of office should be punished swiftly and severely, but democratic government can only survive if it has the confidence of the people; and indiscriminate criticism, bordering on character assassination, cannot fail to please all enemies of democracy by tending to destroy that confidence.

More experienced people in Government is but part of the answer to how we can arm ourselves without bankrupting ourselves.

The other part of that answer is the necessity for now telling the American people more facts about our relative strength as against that of the Communists; all truth that will not help the enemy.

Something must be done to change current national psychology by bringing home to the people an accurate concept of our peril. Otherwise, even though Korea drags on as a small sample of what might come, this Nation will not be armed in time.

For example, most citizens know our defense is lagging; but few really know why it is lagging, or by how much, as against our best estimates of the rapidly growing strength of the Soviet.

Why not tell the people, therefore, just what was the production, by types, of American tanks in 1949, 1950, and 1951; and also the best combined estimate of British and American intelligence as to what was Communist tank production during the same period—by types.

Also why not give an estimate of our production of tanks for 1952 and 1953 as against the number we believe the Communists will build during that period—and how many we estimate they now have and how many we have.

The same information could be given on planes, also divided into categories.

No figures of this character could further help the enemy. He already knows what he is building, and it is very easy for anyone to find out the details of any quantity production of tanks or planes or submarines in this country.

If publication of these figures worried the people, that would be wise, because it might galvanize public thinking into more action. In any case, is it not right in a democracy to give the people as much truth as possible, so they can make up their minds against a background of facts?

A policy of telling more about these basic aspects of power balance should result in great advantages to the country.

For example, if our leaders of labor realized the degree of the danger now confronting America, they would not be so prone to demand heavy wage increases. Businessmen in turn would be less determined about realizing more profit on higher sales—especially if the latter came from armament orders—and more willing to absorb slight wage increases without raising prices.

Farmer, worker, banker, and businessman might all put their shoulders to the wheel in a combined effort to prevent necessary rearmament from creating an inflation which would destroy us all.

For a long time I have believed that the chief reason for this critical lag in the development of our power is that the people just do not realize the seriousness of the steadily growing danger developing from the increasing strength of these evil aggressive Communists, men and women who believe there is no God, who look with contempt on our reverence for church and home, and who are determined to break us to their will.

Perhaps some of these Americans believe they are meeting this danger by putting up more and more money.

True security can never be bought, however. Several nations would be the first to agree. Their governments tried it, turned when it was too late, and the world lost millions of its youth and billions of its wealth.

True security can only come from truth entering the mind and heart of a nation, forming therein a hard core of determination to do the right.

We are still young, and we are proud, and if we put our mind to it we can become very strong, especially as the right is on our side.

That strength can only come through sacrifice. If the road of the sacrifice is pointed out by the truth, we will follow it, because of our determination to remain free.

Mr. SYMINGTON. Mr. President, the point I was making then, and consider at least as valid today, was that we should check the costs of all Government operations carefully, in order to obtain maximum return for the taxpayer's dollar.

I made no exception with respect to our Defense Establishment; in fact, urged that military appropriations requests be checked as carefully as other appropriations requests.

Not having the full text of the speech before him, the minority leader apparently thought the word "checked" meant "limited" or "held down," rather than what the full text shows—namely, "examined."

My point was, and of course still is, that all Government budgets should be reviewed carefully; but the final decision should be made on the basis of what is necessary for adequate national security, and not on the basis of what will satisfy a fiscal objective.

As previously stated, this is not being done today.

This administration has placed fiscal consideration ahead of our national security requirements—and the record so proves.

Let us look at a part of that record.

First there follows testimony from military witnesses before the Senate Preparedness Subcommittee during the past few weeks. I quote first from the testimony of Admiral Burke, as examined by Mr. Weisl, the counsel for the committee:

Are you now proceeding with all the ships and aircraft that were approved by the Congress in the fiscal year budget 1960?

Admiral BURKE. No, sir. * * * Due to the fact that we were short of money to pay for all of the ships in the previous programs, we deferred five ships, three DLG's, a research ship, and the conversion of a cruiser to a missile cruiser. (February 8.)

Mr. WEISL. In other words, you were given (money) guidelines as to what plateau you must not cross regardless of how much you needed? * * * Those guidelines were money limitations, isn't that right.

Admiral BURKE. Yes, sir.

Mr. WEISL. Not requirement presentations?

Admiral BURKE. They were money limitations, yes, sir.

Mr. WEISL. But the fact is that three fleet ballistic missile submarines recommended were denied, long leadtime requirement for six additional fleet ballistic missile submarines were denied, and seven conversions were denied. Is that correct?

Admiral BURKE. Yes, sir, I did that——

Mr. WEISL. But it wasn't because you thought it should be done, but because of the guideline and the money limitation. Is that correct?

Admiral BURKE. Yes, sir. (February 8.)

Senator JOHNSON. Do you think the budget includes all the money it should have for the Polaris submarines and missiles?

Admiral BURKE. Not now, sir, because we have completed our tests on the Polaris submarine. * * *

Senator JOHNSON. The answer is "no."

Admiral BURKE. Yes, sir. (February 8.)

Mr. WEISL. If you had used the money that you asked Congress to give you and for which you pleaded so eloquently, you wouldn't have had that gap, isn't that true?

Admiral BURKE. Yes, sir; that is correct.

Mr. WEISL. Obviously you cannot make up for that leadtime now. Once leadtime is lost, it is lost forever, isn't it?

Admiral BURKE. Yes, sir.

Mr. WEISL. Are you fully satisfied with the funds in the 1961 budget for the Polaris?

Admiral BURKE. No, sir. (February 8.)

Senator SYMINGTON. Then the statement continues [Gen. Maxwell Taylor's]: "The speedup of the Atlas intercontinental program during the past 2 years was denied, although production could have been doubled." Is that correct?

General TWINING. Production could have been greater than it was, there is no question about that; yes.

Senator SYMINGTON (continuing to read). "This would have lessened the Soviet advantage in the missile gap during the critical next few years."

General TWINING. We could have had more missiles. (February 9.)

Senator JOHNSON. Is it not a fact that you, who bear this responsibility, foresee a situation under present programs where the forces you must lead would be inadequate?

General POWER. In my opinion, yes. (February 2.)

Senator SALTONSTALL. Last year, if I remember rightly, or possibly the year before when you last testified, it wasn't a question of money. It was a question of time and manpower, was it not?

General SCHRIEVER. No, it was a question also of money, because you had to make commitments to go ahead, particularly on the base construction area, and in certain production actions that would have been necessary. I have advocated for the past 2 years a larger missile program. (February 2.)

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am very happy to yield to my friend from Louisiana.

Mr. LONG of Louisiana. The junior Senator from Louisiana did not suggest the absence of a quorum when the Senator started, although he does believe that the statement of the Senator from Missouri is a very interesting one. I wonder if the Senator will yield for a quorum call.

The PRESIDING OFFICER (Mr. FREAR in the chair). The Senator from Louisiana did not yield to the Senator from Missouri for that purpose.

Mr. LONG of Louisiana. The Senator from Louisiana has the floor. I yielded the floor to the Senator from Missouri on the ground that it would not prejudice my right to the floor. But, on the Senator's time, I desired to ask him if he would permit me to suggest the absence of a quorum. I do not intend to insist on a quorum at this time, but I suggest that a quorum be called, because I do think that the statement of the Senator from Missouri is very interesting.

Mr. SYMINGTON. I thank the able Senator from Louisiana. I asked for

permission to talk after the morning hour, and I had so notified the minority leader. When it did not appear that it would work for me to get the floor at that time, I told the minority leader that I would speak later when I did get the floor. Inasmuch as my speech is a reply to some of the statements in the minority leader's speech of February 23, with which I could not agree, I would appreciate it if the Senator from Louisiana would suggest the absence of a quorum. In fact, I suggest the absence of a quorum.

The PRESIDING OFFICER. I am sorry, but the Senator from Louisiana will have to suggest the absence of a quorum.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that, without prejudice to the rights of the Senator from Missouri or the rights of the junior Senator from Louisiana, which have been previously reserved, I may suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? Hearing none, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allott	Gore	Monroney
Anderson	Green	Morse
Bartlett	Gruening	Morton
Bennett	Hart	Moss
Bible	Hartke	Mundt
Brunsdale	Hayden	Murray
Bush	Hickenlooper	Muskie
Byrd, W. Va.	Hill	Pastore
Cannon	Holland	Prouty
Carlson	Hruska	Proxmire
Case, N. J.	Humphrey	Russell
Church	Jackson	Saltonstall
Clark	Johnson, Tex.	Schoeppel
Cooper	Keating	Smathers
Curtis	Kefauver	Smith
Douglas	Lausche	Sparkman
Dworshak	Long, Hawaii	Stennis
Engle	Long, La	Symington
Fong	McCarthy	Wiley
Frear	McGee	Yarborough
Fulbright	McNamara	Young, N. Dak.
Goldwater	Martin	

The PRESIDING OFFICER (Mr. MUSKIE in the chair). A quorum is present.

The Senator from Missouri [Mr. SYMINGTON] has the floor, and, under the agreement, may proceed for 20 minutes longer.

Mr. SYMINGTON. Mr. President, just prior to the quorum call, I was citing testimony which shows that the military decision with respect to our defense is a fiscal decision, not a decision which has to do with what our country needs.

For the benefit of Senators who now are on the floor, I shall re-read two paragraphs of testimony I previously read to the Senate. The remainder of my remarks will require not more than a few minutes; I do not expect to use all of the 20 minutes for the completion of my statement.

So, Mr. President, I resume reading from that testimony:

Senator JOHNSON. Is it not a fact that you, who bear this responsibility, foresee a situation under present programs where the forces you must lead would be inadequate?

General POWER. In my opinion, yes. (February 2.)

Senator SALTONSTALL. Last year, if I remember rightly, or possibly the year before when you last testified, it wasn't a question of money. It was a question of time and manpower, was it not?

General SCHRIEVER. No, it was a question also of money, because you had to make commitments to go ahead, particularly on the base construction area, and in certain production actions that would have been necessary. * * * I have advocated for the past 2 years a larger missile program. (February 2.)

Mr. WEISL. —

The committee's counsel—

As head of the SAC forces, are you satisfied that the plans we have today are adequate to perform your duty?

General POWER. For the future?

Mr. WEISL. For the future.

General POWER. No. (February 2.)

Senator JOHNSON. Is there money in the 1961 budget to provide an adequate deterrent, in your opinion?

General POWER. To the extent that I have described the problem for an airborne alert; no.

Senator STENNIS. As I understand it, you gentlemen consider this (B–70) is a necessary step, and no break should be allowed, and this cutback should not stand; is that correct?

General POWER. That is correct. (February 2.)

Now, Mr. President, let us look at the testimony of a civilian expert, Robert Sprague, before the Subcommittee on National Policy Machinery.

In his testimony, Mr. Sprague, former cochairman of the Gaither Committee, and chairman of the Boston Federal Reserve Bank, stated:

We can see that the idea that an increase in spending for survival will bankrupt us is, to put a plain word on it, silly. The question is whether we are willing to use a small fraction of our increased wealth for the defense of our way of life.

All of us know how the total budget has always been prepared—except in shooting wars. First, a budget ceiling is determined. This rests upon a judgment about national income, taxes, and Federal debt, and the most recent levels of Government expenditures.

Once the total budget ceiling is set, the more or less fixed costs of domestic programs are subtracted. What is left is available for national security. Only in time of shooting war do we begin by asking: "What do we need?" The rest of the time we tailor the defense program to fit the budget. The ceiling is usually an arbitrary judgment figure.

All this testimony, Mr. President, plus a great deal of additional testimony, confirms my assertion that what this country will have to defend itself against possible Communist aggression is what the budget officials want, not what the military requirements show we need.

And recently, not only have these fiscal experts acted to impair our defense efforts, but they have joined forces with those who continue to mislead the public about our relative strength.

As example, only a few days ago, the Director of the Bureau of the Budget stated:

There is some hysteria about the fact that we are behind the Russians in some respects but if all the factors of outer space activities are put together—we are actually ahead.

This is an incredible statement. It is in direct conflict with what Dr. T. Keith Glennan, Director of NASA and also one who reports directly to the President, said on January 27:

It is clear that the Soviet Union continues to hold a substantial space lead in the eyes of the world. It is equally clear that this lead is based upon the possession by the Soviets of one or more reliable launch vehicle systems having perhaps twice the thrust of our own first stage booster rockets.

The Director of the Bureau of the Budget's statement is also in direct conflict with Dr. von Braun's testimony of January 29. At that time the latter said:

If the Soviet continues at its present pace, it would require 5 years to catch up and then only if the United States goes faster than present plans permit.

The Budget Director's statement also denies what Under Secretary of State Merchant said last January 20:

By being first to achieve success in space flight, the Soviet Union has reaped great prestige. Continuing achievements have made this gain an enduring one.

In other words, the chief bookkeeper of this administration now states that all these other top officials are wrong—and his fiscal judgment reflects itself in the budget.

Under these circumstances, how can the American public be anything but utterly confused?

It is tragic, and it is also very dangerous for this misinformation to continue, because it affects the most vital aspect of our defense picture; namely, our relative position as against the Communists in long-range ballistic missiles.

Let me remind the Senate again that on January 13, 1960, the Secretary of Defense testified that Secretary McElroy last year judged the coming missile gap as 3 to 1 against the United States.

Secretary Gates went on to state that at the present time, however, a new intelligence method was being used, and that as a result, the figures had changed. He said:

This new intelligence estimate has narrowed the differences. The great divergence based on figures testified to in years past narrows.

And a few days later, the Secretary of the Air Force even went so far as to say that the new intelligence method had adjusted the picture to such an extent that he was not sure whether there would be any ICBM gap. He said, "If there is a gap it will be considerably smaller."

Those were the statements made by two high officials to the American people.

A few days after the statement by the Secretary of Defense, however, the director of the Central Intelligence Agency testified before the Senate Preparedness Subcommittee.

His testimony was that the number of long-range ballistic missiles the Soviets were expected to have ready to be launched against the United States exceeded the comparable estimate based on last year's intelligence data.

Based on this year's figures, and this year's method of analysis, the Soviets are expected to have a capability even

greater than the 3 to 1 lead Secretary McElroy forecast last year.

And until this matter of ratios has been officially cleared up, the American people will continue to be confused.

On February 23, Mr. President, I suggested a method for dispelling this confusion, namely, let the administration publish now what it is estimated the Soviets will have in coming years in ICBM's capable of launching against this country, compared with our like capability—in ratios.

I stated then, and I repeat now, that in this way, "without divulging any classified information, and without telling the possible enemy anything he does not already know, the American people would have the truth."

I again ask that these new ratios be published now, as they were published by Secretary McElroy last year and again referred to by Secretary Gates this year.

In this way the American people will have the facts, and then they can make their decision based on the truth.

Mr. JACKSON. Will the Senator yield?

Mr. SYMINGTON. I am glad to yield to my friend from the State of Washington, whose study which is under way, in my opinion is at least as important as any that has been conducted since I have been a Member of the U.S. Senate.

Mr. JACKSON. I thank my colleague.

Once again the junior Senator from the State of Washington would like to commend the distinguished junior Senator from Missouri for the able presentation he is making in connection with the problem of national security. The fact remains that when all has been said and done, there is no dispute that we are behind in the ballistic missile race and in the space race. One can take a great deal of time and go into the details of this problem, but that, it seems to me, does not solve the major problem we face.

Mr. SYMINGTON. That is correct.

Mr. JACKSON. The question is, can this country take the hazardous risk of making a mistake in evaluating what potential enemies of this country may have and what we have in relation to that capability? If we err, we will have no way in the world to correct the mistake. We have been able to correct our deficiencies in two great wars. We were able to do it in World War I and in World War II, but the outstanding fact that we must face up to at the present time is that we no longer have time and space to protect us.

Mr. SYMINGTON. The Senator is correct.

Mr. President, I ask the Senator, with his great experience in this field, why shouldn't the people be mixed up after the leading civilian official in the space field, Dr. Glennan, and one of the greatest authorities in the space field, military or civilian, Dr. Wernher von Braun, are contradicted? Dr. Glennan says "We are behind." Dr. von Braun says, "We are 5 years behind minimum in space." And finally, administration's chief bookkeeper, the Director of the Bureau of the Budget, speaks out just a few days ago, and says, "We are ahead."

I just do not see how, with all these differences, all these voices in this administration giving opposing estimates, the American people could be any more confused than they are today.

Mr. JACKSON. May I take the Senator's statement one step further? The President of the United States has been candid about this matter of space. If my recollection serves me correctly, I believe the President, on one or more occasions, has announced that we are behind in the space race. I was astounded when the press reported to me on Sunday the statement by the Director of the Bureau of the Budget. My only comment is that no wonder the Space Department of our Government has budgetary problems, when the Director of the Bureau of the Budget, who controls the funds, the man who passes on the allocation of funds, has been laboring under the impression that we are ahead in the space race.

All I can say is, no wonder we are behind, with no present program, at least that I am aware of, that would make it possible to close the gap.

Mr. SYMINGTON. I am not sure that the President has acknowledged that there is a race. However, the Senator is correct. If this administration does not want to give out information to the people, that is its prerogative. If it believes it is better for the American people to rely blindly on the administration's judgment, as against their knowing the facts, I accept that as the administration's right. But if the administration does give out information, it should not give out confusing information. Why have the experts in the field said one thing, and the Director of the Bureau of the Budget said the opposite?

Several Senators addressed the Chair.

Mr. SYMINGTON. Mr. President, I yield to the Senator from Illinois, because I have referred to him in my talk.

Mr. DIRKSEN. Mr. President, the distinguished Senator from Missouri was gracious and kindly, as he always has been——

Mr. SYMINGTON. I thank my friend.

Mr. DIRKSEN. In calling attention to the fact that I had a luncheon guest today and could not appear immediately after the morning hour. I rather anticipated his remarks in that regard. Then I discovered my whole schedule was rather askew. So I apologize to him that I could not be present on the floor to hear his speech.

Mr. SYMINGTON. The Senator is gracious.

Mr. DIRKSEN. I am encumbered now with a number of visitors in the office, but I shall do the Senator's remarks full justice. I am always glad to confess my own sins and errors. If there are points of attack, of course, in the customary way I shall give attention to those points, and I apprehend that, in due course, after getting rid of a few of the pressing matters relating to the pending business, I shall have a reply to make. I am grateful to him for having advised me.

Mr. SYMINGTON. I thank the Senator. I am sure he will agree with some of the comments I have made in my talk. I hope he will agree with all of them.

Mr. DIRKSEN. I find it so easy to agree with my able neighbor from Missouri, whenever I can. [Laughter.]

Mr. ENGLE and Mr. JACKSON addressed the Chair.

Mr. SYMINGTON. Mr. President, I yield again to the Senator from Washington so that he may complete his inquiry.

Mr. JACKSON. Would not the Senator say, in light of the statements from both sides of the missile controversy, that the wise thing for the country to do now is to achieve, at the earliest possible date, a retaliatory system that can survive even a surprise attack?

Mr. SYMINGTON. The Senator is correct.

Mr. JACKSON. Is that not really the heart of this controversy?

Mr. SYMINGTON. That is most important. If matters continue this way, with all these differences of opinion in this administration, the President of the United States might have to go to the summit meeting next May only with the country confused and weakened. That is what the Senator from Washington and I have been working so hard to prevent.

Mr. JACKSON. In other words, what we should have is a retaliatory system that will be able to strike back even if the enemy should hit us with a surprise attack. Is that not true?

Mr. SYMINGTON. That is correct. I am sure the Senator agrees that the following is necessary for the defense of the United States: No. 1, we must have adequate strength so that if we are attacked we will have strength remaining with which to in turn destroy the aggressor; and, No. 2, we must be sure that a possible aggressor is aware of the fact that we have that strength.

Mr. JACKSON. The President has alluded to the awesome capability of the Strategic Air Command. I agree with that statement, but it is not as awesome when one considers the Strategic Air Command after a surprise attack, assuming we have not had an airborne alert. Is that not true?

Mr. SYMINGTON. Mr. President, there is no question about that.

Mr. JACKSON. Is it not a fact that if we go about our business, completely divorced from this controversy about how many missiles we have and how many they have, and try to achieve, at the earliest possible date, the most invulnerable weapons on hand, a defense with mobility on land, in the air, on the sea, and under the sea, that will be the best insurance that we shall be able to carry on effective diplomatic relations at the summit and, in the end, the strongest insurance we can give to our people and to the free nations on earth that there will be no general thermonuclear war, and that we shall have peace?

Mr. SYMINGTON. There is no question about that. The testimony given by Mr. Robert Sprague before the committee of the able Senator from Wash-

ington supports that. Mr. Sprague, who is chairman of the Federal Reserve Bank of Boston, simply stated that the budget is being constructed to meet fiscal objectives of the Government, and not to furnish what is necessary for national security.

Mr. President, I hope every American, regardless of all the confusing statements he gets, realizes that what the Senator from Washington and I and others are anxious to do is send our President to the summit conferences with a united country, a united public opinion, and united understanding as to what should be done in the coming years in order to preserve our strength.

Mr. JACKSON. In other words, what the Senator is saying is that as Soviet military power increases in relation to our power, the Soviets become more adventuresome diplomatically. Is that correct?

Mr. SYMINGTON. There is no question about it.

Mr. JACKSON. Would the Senator say that what we are trying to do by building as invulnerable a defense system as possible is to give our President and our country some diplomatic "muscle" which he can exercise at the summit and in other conferences?

Mr. SYMINGTON. There is no question that we should be doing that.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may have 10 more minutes in order to answer additional questions from the Senators who are waiting.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may make that request without prejudicing my right to the floor.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SYMINGTON. Let me first make one remark about what was just stated by the Senator from Washington. What we are trying to do is achieve the most effective and successful road to peace. We believe that the best way to negotiate for a just and lasting peace under law is to deal from a position of relative strength.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. I will ask the Senator only two questions, because I know his time is limited. The Senator has spoken about going to the diplomatic table and negotiating from a position of strength. I agree with him. Will the Senator not agree with me that, according to every witness who testified before our committee at various times, we are the strongest Nation in the world today?

Mr. SYMINGTON. I answer the Senator from Massachusetts in this way: Although every witness who has testified so far said that we are probably stronger today than any other nation in the world, it was also clear from their testimony that if the policies of this administration are not changed now, in a short time we shall not be the strongest nation in the world.

In that connection, I refer to the sworn testimony of General LeMay in 1956, when he came before a committee of which the distinguished Senator and I were both members, and said that if we did not change our policies at that time, within 3 years our position in the world might be critical indeed. To the best of my knowledge, we have not changed those policies in the last 5 years. That testimony was given to us 3½ years ago by General LeMay, who is perhaps one of the two outstanding experts in the field of strategic retaliation, and he warned at that time that 3 years from then would be the danger point.

Mr. SALTONSTALL. Of course, his testimony was with relation to B–52's. The Senator will agree with me that we have built up a substantial number.

Mr. SYMINGTON. His testimony was related to our relative strategic retaliatory postion, granting always the strategic advantage of the possible enemy having the initiative.

Mr. SALTONSTALL. My other question to the Senator is this: Will the Senator not agree with me that in the budget under which we are now operating, and in the budget under which we will operate, according to section 612 (a) and (b), the President can spend whatever is authorized to be spent plus whatever additional amount he believes should be spent for an immediate airborne alert?

Mr. SYMINGTON. Would the Senator repeat that question? I want to be sure I have it correctly.

Mr. SALTONSTALL. My question is: Under the present budget, section 612 (a) and (b), which is also the language presented for 1961, there is the opportunity for the President to spend, regardless of the amount that may be in the budget for the purpose, whatever he believes is necessary to establish the best possible program for an airborne alert?

Mr. SYMINGTON. Yes. I will say to the Senator that if the President changes his mind and believes that we should have an airborne alert, there is money and authority to have an airborne alert. Is that the Senator's point?

Mr. SALTONSTALL. That is my point. I thank the Senator, but I see others wish to ask him to yield for questions.

Mr. BUSH. Will the Senator yield?

Mr. SYMINGTON. The Senator from Connecticut has been on his feet for some time, and if my colleagues agree, I will yield to him.

Mr. BUSH. I will be very brief, Mr. President. First I want to commend the Senator for the temperate tone and temperate manner in which he has spoken this afternoon. I think it befits this type of argument in which we are engaged.

I applaud the Senator's attitude here today, even though I wish to take exception in one or two particulars. The Senator has again used the language that the administration or the President places fiscal considerations ahead of national security. I simply wish to say, again, that this is a matter of opinion and not a matter of fact, and that there are different opinions on that. The President himself has expressed a different opinion by saying that definitely he does not place fiscal considerations ahead of the national security.

Of course, money considerations do have a place in the budget. After all, that is what the budget is about. And defense being much the largest part of the budget, its expenditures must be carefully surveyed and controlled. It is important to remember, though, as the Senator knows, and I think in the past he has pointed this out himself, this question of the defense budget is under constant review. This has been emphasized before the committees on which the Senator and I jointly serve.

I cannot remember when it was that General Schriever said that the Air Force program had not been handicapped, so far as he was concerned, by a lack of funds. He did make that statement one time in my presence. Whether he has changed his mind about that I do not know. But at any rate, he did say that, and he said that at his own offices, out in California, when I was there with two or three other Senators, including the Senator from South Dakota. This I remember very well.

You have the other military witnesses, such as Admiral Burke. Yes, Admiral Burke, in his capacity as Chief of Naval Operations, would like to have more Polaris submarines. But as a member of the Joint Chiefs he goes along with the final decision. General White of the Air Force does not go along all the way with General Power, but he would like to have more money in the budget for an airborne alert or an on-the-shelf alert. He has said that. But he goes along with the Joint Chiefs as a member of the Joint Chiefs.

General Twining, the chairman of the Joint Chiefs, has consistently maintained his position that our defenses are adequate, now and for the foreseeable future.

I would make this observation: No one of our military leaders has indicated a willingness or a desire to change places with the Russians, so far as our military strength is concerned.

Mr. SYMINGTON. Or for any other reason.

Mr. BUSH. I will conclude very briefly with this observation about ratios: The Senator has repeatedly spoken of ratios. I wish to point out that ratios, while important, are not nearly so important as numbers. When you get into numbers, you get into a sensitive area.

You get into classified data. We should not be talking about numbers. As the Senator, I think, will agree, we should not talk about numbers. But if we take what is already public information on the question of numbers, we know that at the end of this year we will have—and nobody has disputed that we will have—32 Polaris missiles loaded

aboard 2 atomic submarines, and the next year, at the end of 1961, we will have 80. When we are talking about a missile gap, we tend to forget that this is part of the calculation, too.

One must not measure the gap entirely in terms of ICBM or even intermediate range missiles. So I say to compare only our ICBM situation with the Russians is not a fair comparison. Our system is based on a variety of weapons and I believe that if the truth were known, the Russians would envy us some of that variety, including the atomic submarine with the Polaris weapons system aboard.

I wish to thank the Senator for permitting me to make these observations at this point in the RECORD because I think the other side of the story should have some attention. I thank the Senator very much.

Mr. SYMINGTON. Mr. President, I want to thank my friend from Connecticut. He always makes a contribution. I sometimes do not agree with him on every point, but I am proud to serve on the Armed Services Committee with him.

I do say, however, if we are not going to talk about numbers, we should not talk about numbers. But, most important, the information the people receive should be accurate and consistent.

I should like to mention to the Senator a statement I made on the floor on January 19 of this year. I was discussing the adverse ICBM ratio from the U.S. point of view, and then said:

> Likewise, this comparison does not include the cruiser- and submarine-launched missiles which both Russia and the United States are expected to have. If it did include such types of missiles, however, it is not revealing classified data to state that more missiles would be added to the Soviet side of the comparison than to the U.S. side.

I think that is pertinent to the Senator's observations.

As far as those military officers are concerned, of course, they go along with the President. It is sad but true that some, like General Ridgway, General Gavin, Gen. Maxwell Taylor, Admiral Kearney—and I could perhaps name some more who did not go along—are no longer in a position where they can contribute their capacity, experience, and abilities to the American people.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may have 10 additional minutes.

Mr. LONG of Louisiana. Under the same conditions under which I originally yielded, I will yield additionally to the Senator from Missouri.

The PRESIDING OFFICER. Without objection, the Senator may continue.

Mr. SYMINGTON. Let me read from the report of the hearing:

> Senator SALTONSTALL. Last year, if I remember rightly, or possibly the year before when you testified, it was not a question of money, it was a question of time and manpower, was it not?
>
> General SCHRIEVER. No; it was a question also of money, because you had to make commitments to go ahead, particularly on the base construction area, and in certain production actions that would have been necessary. I have advocated for the past 2 years a larger missile program.

That testimony was given only 4 weeks ago.

Mr. President, we all know that, in effect, those officers have been told that they either go along with the administration's position or they get out. Therefore, after they make their decisions to stay, they back up the official policy.

I say to the Senator from Connecticut that on February 5 testimony was taken in the House Appropriations Committee as follows:

> Mr. MAHON. If you would have a vote, General Twining, of the Congress and the American people, they would probably vote for catching up numberwise in the ICBM field in which we are behind. They would do that now. Is it important in your opinion that we try to close this gap and catch up in this field?
>
> General TWINING. How do you close the gap the fastest way? By building more of the Atlas missiles. We can build many Atlas missiles a day very easily.

I should say that in that instance, at least, the implication is that the Chairman of the Joint Chiefs of Staff knows there is a missile gap and that it could have been eliminated if the policies of the administration were changed.

Mr. President, I yield to the distinguished junior Senator from Mississippi.

Mr. STENNIS. Mr. President, I appreciate the Senator from Missouri yielding to me. I compliment the Senator upon a very fine presentation. No one is better qualified than he, and few are well qualified as he, to put these questions together, and then to try to supply the answer and try to reflect the various parts of the testimony—the most material parts of the testimony—which has been taken this year. It is the most recent testimony available. It comes from the men at the very top echelons in their respective fields. The contrast which the Senator has presented so well by the quotations from those witnesses is disturbing, but it is very revealing. I commend the Senator for his very fine presentation of this matter and also for the days, nights, weeks, and months of work which he has devoted to this subject, in such a fine way, which means so much to the country.

If I may direct the Senator's attention to a specific question, I desire to ask him concerning the B–70. The Senator quoted a sentence from the testimony of General Power. I should like to have the Senator's own comment with reference to the slow-down or cutback in the B–70 program, which is the frontline, manned bomber of the future. Would the Senator be specific in his comment concerning the cutback?

Mr. SYMINGTON. I am glad to answer the able Senator from Mississippi, who, of course, is an expert in this field.

We all know that the B–70 airplane is designed to go through the next barrier, the heat barrier. The F–108 supersonic type plane was canceled on the basis that we were going to concentrate on the B–70, because the B–70 could do the same job as the F–108 and more. The testimony shows that the B–70 might fly considerably more than mach–3—perhaps as much as 4,000 miles an hour. I never thought the time would come when the U.S. Air Force would not have a single airplane—not one—under research and development. It is a most important point, the B–70 design could be promptly interpreted into other new planes for the Air Force for the Navy, and also for commercial aircraft, in the same way as the 707 commercial airliner has kept the characteristics of the KC–135. No doubt commercial planes will also adopt characteristics of the B–58. So, in effect, as a result of the decision to build only 2 stripped-down shells of the B–70, the United States has announced to the world that it intends to abandon further research and development of all manned aircraft.

One thing that worries me particularly is that there have been responsible public reports that this type of airplane is being developed as rapidly as possible by the Soviet Union in an affort to get through the heat barrier.

So I say to the able Senator from Mississippi that one of the most serious illustrations of the curtailing of our defense effort, for fiscal reasons, is the decision, in effect, to cancel out the B–70.

Mr. STENNIS. Did I correctly understand the Senator to answer that by slowing down or abandoning full speed ahead on this program, we are not only slowing down and lessening the frontline bomber development on the military front for both the Air Force and the Navy, but also on the commercial front, because it is from this source that our commercial enterprise aviation, and therefore the public, gets the benefit of all the programs in the future?

Does the Senator think that is a serious matter for the future?

Mr. SYMINGTON. I do think so. If we do not correct this error very soon we will in effect be passing leadership in commercial aviation over to the Soviets. No other country is devoting any time or money to this important development.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the Senator from California.

Mr. ENGLE. Mr. President, I desire to compliment the distinguished Senator from Missouri on this presentation, as I have his previous ones on the same subject matter. Again I wish to say that his presentation of the case has been objective, it has been statesmanlike, and it has been moderate.

As I said some days ago, when the distinguished Senator from Missouri first made a speech on the floor on this matter, I regretted that we had got into a partisan argument about the national defense. But I should like to state, if I may, what our basic complaint is with reference to the handling of this matter by the administration. I will state that in my own words, and then ask the Senator if he agrees with me.

What we complain about is that major spokesmen for the administration issue rosy statements. They say that the missile gap is closing. They say that the missile gap is almost nonexistent. Such statements come from the highest spokesmen in the administration.

Then we go into secret hearings, where the information is classified, and the

generals and admirals and heads of intelligence agencies come before us and give information which proves that the public statements are not true. This is what we complain about. They make statements to their own people and give testimony which indicates that those statements are not in accord with the facts. Yet we cannot bring out the facts because the hearings are classified and secret. We protest that.

The Senator from Missouri has been very kind about this. He has dealt not in specific numbers; he has dealt in ratios. He has challenged the accuracy of what is being said publicly on the basis of what the high officials say in the secret hearings. That is our complaint. That is what we are charging. Our complaint is that the officials say one thing to the public, but in the secret, classified hearings, the contents of which cannot be revealed to the public, something entirely different is indicated.

If I have misstated the case, I wish the Senator from Missouri would correct me. That is where, in my opinion, we split the blanket with the administration on the handling of defense information. Is that a correct statement of the case?

Mr. SYMINGTON. The able Senator from California is correct. He knows the situation at least as well as I do. He is an industrious and knowledgeable member of the Armed Services Committee.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Senator from Louisiana may yield to me for 10 additional minutes.

Mr. LONG of Louisiana. Mr. President, I yield 10 minutes more to the distinguished Senator from Missouri, on the same conditions as I have previously yielded to him.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. SYMINGTON. I thank the Senator from Louisiana.

Mr. President, the able Senator from California has listened to the testimony in the hearings. What he has said is exactly true. He knows that the only chance a democracy has to succeed is for the people to get the facts. The strength of the Nation depends upon the will of the people under a democratic form of government. That will can function only if the people are informed.

He knows that last year, after an erroneous statement was made, by a high official, the Secretary of Defense corrected the error by giving out the ICBM true ratios, showing the growing gap against us. This year, for some reason, despite the fact that we urged that the new error be corrected, the administration not only did not do so, but rather seemed to prefer to leave the people confused.

Moreover, an amazing announcement was made last week. The Director of the Bureau of the Budget, a man having great authority and without being responsible to anyone except the President, flatly denied public statements made by Dr. Keith Glennan, head of the National Aeronautics and Space Agency, and Dr. Wernher von Braun. Dr. Glennan said that the United States is behind in developments; Dr. von Braun said we are probably 5 years behind. But, Mr. Stans, of the Bureau of the Budget, says we are ahead. Whom are the American people to believe?

I thank the Senator from California for his presentation. I say that the basic principle is the right of the people to know. If they do not know the truth, they cannot do what is essential.

The able Mr. Sprague, Chairman of the Federal Reserve Bank of Boston, cochairman of the Gaither committee which made such a pessimistic report about our national defense that the report was kept classified, and a self-characterized "conservative Republican," recently testified before the subcommittee of which the distinguished junior Senator from Washington [Mr. JACKSON] is chairman. He said, first, that the United States is not doing nearly enough to prepare itself militarily; second, anyone who says we cannot do more is—and he used this word—"silly"; third, if we do not do more, based on what the Soviet Union is placing into its defense field with respect to their gross national product, as compared with what we are placing in ours, that soon the position of the United States will be very critical, indeed.

I thank the Senator for his observations. He is entirely correct.

Mr. ENGLE. Will the Senator yield for one further point?

Mr. SYMINGTON. I am very glad to yield.

Mr. ENGLE. I think it is important that we get clearly on the record why we complain about what they do, namely: that they say one thing to the public, while, in classified and secret hearings, their own people testify to facts that do not substantiate the public statements, and we, sitting in those hearings, then cannot produce the correct figures. We complain about it, and we hope that some day the record will be clarified as to who was right and who was wrong.

I compliment my friend, the distinguished Senator from Missouri, also on one other point. Although the speech he made was of such consequence that our friends on the other side of the aisle found it necessary to call upon the distinguished and eloquent minority leader, the Senator from Illinois [Mr. DIRKSEN], to answer him, the fact of the matter is that the argument in this case is not with the Senator from Missouri particularly, or the Senator from Washington [Mr. JACKSON], or with me. The argument is with the witnesses who were called, the renowned generals, experts in their own field, and those who appeared before Senator JACKSON'S committee. It seems to me that we ought to place emphasis on the fact that what is being presented is not in the nature of a partisan assault upon the Republican administration in a vital field. We are calling witnesses of the highest possible renown who step up and, on their own, as the witnesses did before Senator JACKSON'S committee the other day, complain about precisely the same things.

So, in complimenting again my friend from Missouri, I would say that, if the distinguished Senator from Illinois is going to answer this statement, as he did the last, I hope he will go through the list and undertake to answer the statements which have been quoted, not only those of renowned military authorities, but people who have had significant positions in this administration with reference to the defense problem.

I compliment my friend from Missouri for the fact that, in presenting his case, he has cited the finest line of witnesses, experts in the defense field, who can testify to and support the case. It is up to the administration to answer those persons, as well as us.

Mr. SYMINGTON. Mr. President, I thank my able friend from California very much. I wish that every American could read the complete statement of Mr. Robert Sprague, to whose position I have just referred; the statement of Mr. Robert Lovett, one of the greatest public servants of our time, the former Secretary of Defense and formerly Under Secretary of State; the statement of President Baxter, of Williams College; and the statement of Mr. Thomas Watson, the president of the International Business Machines Corp.

Those men have been called here to give their studied views on the question of our relative strength as against that of the Soviets. What they say is extremely disheartening. It is encouraging to me, however, to have the able Senator from California bring the facts out so clearly in this regard.

Mr. President, I desire to repeat a quotation which I put in the RECORD very recently, a statement made by the late Stanley Baldwin in the year 1936, just before the British nation was in great danger of destruction by totalitarianism. I add that it would have been destroyed if the United States had not come in and saved them as well as the free world from this deadly menace.

Mr. Baldwin's statement in the House of Commons appeared on November 12, 1936, and it was as follows:

> Supposing I had gone to the country and said that Germany was rearming and that we must rearm; does anyone think that this pacific democracy would have rallied to that cry at that moment? I cannot think of anything that would have made the loss of the election from my point of view more certain (Stanley Baldwin in House of Commons Debates, Nov. 12, 1936, vol. 317, col. 1144).

Mr. President, I yield to the able Senator from Nevada, who has been on his feet for some time.

Mr. CANNON. I thank the able Senator from Missouri, and I commend him for the excellent presentation he has made here today. He has brought into the open and clarified a number of the points which have been disturbing to many of us here and to many of the American people today.

In the course of the debate on this subject, I have noticed that there was a tendency, initially, to criticize many Members of Congress for undertaking to bring these problems out into the open, and for undertaking to dispute the word of the Director of the Budget, the word of the Chief Executive, and

some other persons, and making a direct attack on some Members of Congress, claiming what they did was partisan in nature, and for other motives.

Let me ask the distinguished Senator from Missouri whether it is not a fact that Congress is charged directly with a responsibility in this field.

Mr. SYMINGTON. The Senator is correct. It is our constitutional obligation under our oath of office.

Mr. CANNON. Therefore we would be remiss in our duty if we did not bring these matters to the attention of the American people.

Mr. SYMINGTON. That is true.

Mr. CANNON. If the Senator will yield further, it seems to me that a good deal of the confusion which has arisen in this debate has been due to the fact that certain people in the administration continue to talk about the fact that we are presently the strongest nation in the world militarily. I do not find any criticism with that statement. I do not find any people on this side of the aisle contending that we are not a very strong nation at this time. Is that correct?

Mr. SYMINGTON. We have considerable strength but the Senator's question prompts me to add something to that. I certainly never want the American people to be second, or their government to be second rate in any respect. I want to see a first class, first rate, first place America. I do say that, based on the written remarks of people like General Taylor and the testimony which the able Senator from Nevada, the able Senator from California, and others including myself have listened to in recent weeks, we know that the statements that the military leaders have made have to be subordinated to the overall administration policy. I myself am very disturbed even today in attempting to state exactly what our strength is. But regardless of what we have in the way of strength today, I know the Senator agrees with me that we should change our policies now, radically and deeply; or in a relatively few years we may well be in the same position in which the British found themselves with respect to the Nazi totalitarian aggression, with one exception: We, the United States, were there to back them up. Who is going to back us up as we did for the British?

Mr. CANNON. The distinguished Senator from Missouri has anticipated my next question, because I was going to ask him whether it is not a fact that the principal concern is that next year, the year following, and the year following that, because of the great need for items with which we are concerned in this program, if we do not take the necessary steps now, we will reach a point where we certainly would not be the strongest nation on earth.

Mr. SYMINGTON. Mr. President, I ask unanimous consent for 10 additional minutes.

Mr. LONG of Louisiana. Under the same conditions under which the original time was given to the Senator from Missouri, I yield.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. SYMINGTON. I thank the able Senator from Louisiana, and I thank the Senate.

Mr. President, the distinguished Senator from Nevada, whose questioning in the hearings, is as thoroughgoing as any I have heard since I have been on the Armed Services Committee, is entirely correct. He knows that what we will have 2, 3, or 4 years from now will depend on the decisions that are made right now. Unfortunately, those decisions are being subordinated to fiscal considerations at this time. That is very clear from the testimony I put in the RECORD today and from the testimony we have heard over recent weeks.

Mr. CANNON. Is it not a fact that we are simply begging the question about our future relative strength when we say at this time we are a strong nation, that we are the strongest nation on earth, because the main concern is the future, which we must act to protect now?

Mr. SYMINGTON. There is no question about it.

Mr. CANNON. On the 29th, if I correctly recall the date, the distinguished Senator from Missouri made certain recommendations, in the course of his remarks. I should like to ask him about several of his recommendations, first, he recommended that we provide for an adequate airborne alert of SAC bombers. Is it not a fact that the same position is recommended by the man charged with overall responsibility for SAC, which includes control of the ICBM's, as well as our entire bomber force?

Mr. SYMINGTON. That is correct.

Mr. CANNON. The Senator's second recommendation was that we accelerate the ICBM and missile programs. Have any leaders in that field recommended that we accelerate the Polaris and missile programs? If so, who were those leaders?

Mr. SYMINGTON. The recommendations to accelerate our Polaris program came from those closest to the Polaris program; namely, the top officers of the Navy, including the Chief of Naval Operations.

The recommendations for acceleration of the ICBM program came from General Schreiber, who is in charge of that program, and also from other leaders of the Air Force.

Let me emphasize what I think is so unfortunate in regard to the way this matter is handled. In January of this year, it was officially indicated that a great deal of additional money was going into the ICBM program; that the program was to be accelerated. However, that money was not to accelerate the ICBM program. The money was simply to add some ICBM missiles at the end of an already agreed-upon schedule—in other words, additional deliveries, some years hence.

Mr. CANNON. And that would not affect our military position 1, 2, or 3 years from now, as I understand.

Mr. SYMINGTON. Not for several years.

Mr. CANNON. Is it not a fact that the remaining recommendations made by the Senator from Missouri are all based on testimony and recommendations of the leaders in the respective fields involved?

Mr. SYMINGTON. That is true.

Mr. CANNON. And is it not also true that the overall recommendations made by the Senator from Missouri are, then, a composite of the views of those leaders, who are charged with the direct responsibility of the operation of those particular missiles or weapons systems?

Mr. SYMINGTON. That is true. I may add that they maintain their position under examination and testimony. Of course they say that they support the budget, because in effect they have been told to say that. The testimony shows that the difficulty stems from the arbitrary fiscal ceilings which were applied to the various services. These ceilings were not based on what is necessary, as against the great and growing strength of the Communists, but rather were based on what was thought necessary in order to attain fiscal objectives which this administration thought were more important for the country.

Mr. CANNON. Is it not also a fact that the basis for the recommendations now made by the administration and the Bureau of the Budget is an assumption of certain intelligence data which the Senator from Missouri and others contend is not borne out by the facts? But even if the assumption in regard to such intelligence data is correct, then our margin is certainly a very hazardous one, and puts our country in a very, very precarious position, does it not?

Mr. SYMINGTON. There is no question about that.

Mr. CANNON. Is it not also a fact that the history of the Central Intelligence Agency, which provides intelligence data to our Government, shows that the errors which that agency has made have been errors to the detriment of our country, rather than errors to the benefit of our country, insofar as the data in regard to the capability of a possible opponent is concerned?

Mr. SYMINGTON. Yes, with one conspicuous exception. The number of long range strategic bombers which it was estimated the Russians would build 3 or 4 years ago were not built. It is interesting to note, however, the reason given by the military experts as to why it has been reduced—namely, that if a country plans to attack first, missiles are very much more important than manned aircraft because of their great surprise advantage. It was so stated by the military experts, when that intelligence was revised, that in all probability it was due to the fact that the Russians had leapfrogged their bomber program, in order to make further and more rapid progress in the long-range missiles field. I again emphasize that it is most important that the American people be told the truth about these matters.

Mr. CANNON. If our intelligence estimates are in error—and there is a very good chance that they are in error, in view of past performance by that agency—then, as one writer stated the matter, we are playing a very dangerous game of Russian roulette, with the survival of this country at stake.

Mr. SYMINGTON. The Senator is entirely correct.

If some of us are wrong, who for years have believed that the economy of our country is sufficiently strong to justify the expenditures necessary to keep our defense strength ahead of the strength of a possible enemy, that mistake undoubtedly will cost the American people some money. Not a large percentage, however, as at the present time the gross income of the American people is running at the rate of almost $1,400 million a day. But if we are right, and if no change in existing defense programs is made, then the day will come when our country will be in a very dangerous situation, indeed.

Mr. CANNON. Is not this a very small amount to pay for an insurance policy for our country, in that connection?

Mr. SYMINGTON. Of course, I am convinced that the American people will do anything that it is necessary for them to do in order to maintain our Nation's strength, in order that the people of America may remain free. That is the best way and the open road to achieve a lasting peace.

But how can that be done if we are told one thing in secret hearings, and if we are told a different thing in open hearings, and if the Director of the Bureau of the Budget denies the statements made by the officials directly concerned with our space activities.

What I have been trying to do—and I am sure the Senator from Nevada has been trying to do the same thing—is bring out the facts so the American people will know the truth in connection with the problem of our relative strength versus that of communism, today.

Mr. CANNON. Mr. President, I thank the Senator from Missouri for yielding to me. Again, I commend him for the very fine presentation he has made in his attempt to get these facts before the American people.

Mr. YARBOROUGH. Mr. President——

Mr. SYMINGTON. Mr. President, at this time I yield to the Senator from Texas, who has very kindly waited until now.

The PRESIDING OFFICER. The additional time yielded to the Senator from Missouri has expired.

Mr. SYMINGTON. Mr. President, I ask to be allowed 5 additional minutes.

Mr. LONG of Louisiana. Mr. President, under the same conditions as those under which I previously yielded, I ask that such consent be given.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. YARBOROUGH. Mr. President, I desire to commend the Senator from Missouri for the additional contribution he has made to the American people on the vital and critical matter of the state of preparedness of our Nation in the interest of the survival of our people as a free people.

In the course of the Senator's answer to an inquiry which was propounded, he stated, in substance, that if the administration does not want to give out information about defense matters—which is its prerogative—at least the administration should not give out conflicting and confusing information.

I desire to ask the distinguished Senator from Missouri whether, in the pursuit of his studies on this subject, he has found that the administration is reluctant to give out information about the state of our preparedness, under existing conditions.

Mr. SYMINGTON. The administration is not as reluctant to give out information as it is reluctant to give out the correct information.

Mr. YARBOROUGH. That is my point—that the administration is reluctant to give out the correct information, and true statements.

Mr. SYMINGTON. That is correct.

Mr. YARBOROUGH. Did the Senator from Missouri see the warning by the administration printed in the press, a few weeks ago, in warning the military officials of this country about talking too much before congressional committees?

Mr. SYMINGTON. I do not remember the exact statement but the Senator from Texas is invariably correct in his facts.

Were not such warnings probably calculated, and would they not probably have the result of intimidating the military leaders when they appeared before congressional committees, and cause them not to be as free in their testimony?

Mr. YARBOROUGH. Were not such warnings probably calculated to intimidate military leaders who appeared before congressional committees, and would they not probably have that effect, and cause them not to be as free in the statements they made as they would be in the absence of such public warnings by the administration?

Mr. SYMINGTON. The Senator from Texas knows that is correct.

Not very long ago one of the members of the Joint Chiefs was to be reappointed for only 2 instead of 4 years; and some of the senior members of the committee felt that was simply a method of intimidation. So they demanded that if the appointment were to be made at all, it be made for 4 years.

In that connection, again I refer to the splendid book "Uncertain Trumpet," by Gen. Maxwell Taylor, which fortunately has been syndicated all over the United States. If anyone has any doubt about the degree of intimidation of our military leaders by the leaders of this administration, he should read that book.

Mr. YARBOROUGH. That is set forth in that book, is it not?

Mr. SYMINGTON. Yes, it is set forth very well in that book.

Mr. YARBOROUGH. One other question only, Mr. President: As the distinguished Senator very well knows from his personal experience in life, athletes and others who win great prizes must undergo great mental and physical discipline and often give up many luxuries. The gold medal winners in the Olympics have to undergo physical and mental discipline and give up many luxuries. I desire to ask the distinguished Senator from Missouri if it is not his opinion that if the American people resolve that they intend to be first in the world from now on, and in the foreseeable future, they, too, will be required to reach a decision, and adhere to it, to undergo physical and mental discipline and give up many luxuries.

Mr. SYMINGTON. There would need to be some sacrifice, yes. The people could not continue with every luxury, perhaps. However, our economy is now running at half a trillion dollars a year, and what would be needed is relatively very small percentagewise. The amount would be small indeed if we also would reorganize the entire Defense Department on the basis of progress instead of letting it drift, in tradition. I honestly do not think there would be a very great sacrifice necessary on the part of the American people, although I would be the first to say I am certain that the American people would make any sacrifice in order to stay in first place as a nation in the free world today.

Mr. YARBOROUGH. Does the distinguished Senator from Missouri think that in order to stay in first place we will have to step up our gross national product from a mere 2½ percent a year to some 4 or 5 or higher percentage a year, and that we will have to step up our educational efforts and our educational processes?

Mr. SYMINGTON. That I believe, but I would rather refer to greater authorities than myself on this subject. Mr. Allen Dulles, the Director of the Central Intelligence Agency, made a significant speech on that very point in New Orleans in April last year. Also Mr. Robert Sprague, whom I have just quoted, goes into great detail on the importance of increasing our GNP and the expenditures for our security, in the recent statement he made before the Jackson committee.

Mr. YARBOROUGH. Mr. President, I desire to thank the distinguished Senator from Missouri for his contributions on this subject.

Mr. SYMINGTON. Mr. President, I thank the able Senator from Texas for his comments.

I would like to add one more point about what I believe is necessary for the security of the United States. I think we must give more attention and more careful consideration to this whole question of civil defense. I have been much impressed by what some of the State Governors have said on this matter. I have also been much impressed by what we have received in classified briefings as to what the Soviets are doing to train their people in case there is some form of attack against their country. Civil defense, well planned and well administered, not only is good insurance against an attack but it also is a passive deterrent to discourage an attack.

Mr. President, let me conclude by saying once again, if added defense efforts are taken and they turn out to be unnecessary, this may cost the American people some money—under no consideration as much as a week's income of this country—but if we are right and we do not get through to the people in this all-important subject so that we can have a position of first place in the world today in all forms of strength—psychological, technological, economic, and spiritual as well as physical—there is going to come a day when somebody else will call the tune as to the future of the United States. It will not be a pleasant tune.

Mr. President, I thank my able colleague from Louisiana for his very gracious courtesy in yielding to me this afternoon.

Mr. President, I yield the floor.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

The PRESIDING OFFICER. The Senator from Louisiana may continue.

Mr. LONG of Louisiana. I was very happy to yield to the Senator from Missouri for a very learned statement which I believe will be very helpful and enlightening on the extent of our defenses at this time.

Mr. GORE. Mr. President, before the Senator proceeds with his speech, will he yield for a question?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Tennessee?

Mr. LONG of Louisiana. Under the unanimous-consent agreement at the time the Senator from Louisiana took the floor, I would yield to the Senator for such time as he requires not to exceed 3 minutes.

Mr. GORE. Well, I certainly will not require that much time.

As the able Senator knows, considerably earlier today I voted against a motion to table an amendment proposed by the distinguished junior Senator from Louisiana. At the time I had not heard the amendment discussed. I was advised personally by the able Senator that he had offered it seriously and in all good faith, and I felt that I wanted to oppose a motion to table his amendment. A parliamentary tactic of tabling an amendment can, if frequently resorted to, be an oppressive tactic. It is a tactic that can be used not alone by a big majority, but by a majority of one, to prevent any debate on an amendment, to prevent discussion, and consideration. I do not say that that was the intent earlier today with respect to the amendment of the able Senator, but I did express the hope then and I express the hope now that the Senate will resort to tabling of amendments only with the greatest of caution and consideration.

Since I have heard the Senator today discuss his amendment, it appears that it is strictly a freedom of speech amendment.

Mr. LONG of Louisiana. It was so intended.

Mr. GORE. In other words, all the Senator hoped to accomplish or intended to accomplish by his amendment was unquestionably to preserve the freedom of speech of a citizen to express his own personal views with respect to the subject matter of the Senator's amendment.

Mr. LONG of Louisiana. That was the purpose of the amendment.

Mr. GORE. I thank the Senator for his explanation of it.

The PRESIDING OFFICER. The Senator from Louisiana may continue.

Mr. LONG of Louisiana. Mr. President, I appreciate the views of the Senator from Tennessee, and I also wish to commend him for his consistency. I make reference to the great fight the Senator made in connection with the Atomic Energy Act some years ago. I believe it will go down as one of the great achievements of his political career. It was a very courageous fight against what appeared to be hopeless odds at times, and yet the Senator won that fight. He would never have won it if it had not been for the rights a Senator has on the floor of the Senate on debate.

I recall that there was a motion at that time to table the Senator's amendments which had great merit, by the then majority leader, Mr. Knowland, without even hearing them, and at that time feeling was running so high that the Republicans on the other side of the aisle would vote unanimously to table the amendments without even hearing what was being said. The majority leader of the Senate at that time, Mr. Knowland, was taking the attitude that a Senator could not even make a speech without his consent. Unless one came and got his agreement and his consent, he could not even make a speech about anything, including his own amendment, and the amazing thing about it was that the Senator's amendment, as some of us have come to learn subsequently, was of fantastic, almost earthshaking importance.

The Senator from Tennessee was successful in winning that fight because at least he had some time available to him to speak on the bill itself when the amendments were tabled, and in short order I believe that the then majority leader found that he was losing rather than making ground by such tactics, and he had to concede that the amendments had to be considered on their own merit.

I believe that either the exact amendments, or amendments similar to those which the Senator had been offering, were adopted.

Mr. GORE. Will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. I am grateful for the generous references of the Senator.

Perhaps it would be well to recall the adage that a burned child fears the fire. Having been the victim of this kind of tactic, I am well aware of the extent to which it can be carried, and how freedom of debate on an amendment, even of very reasonable, limited debate, indeed of any debate at all, can be forestalled by this tactic.

The able Senator will recall that historic battle ended only when the then majority leader abandoned the use of the tactic of moving that amendments be laid on the table quickly after they were offered.

Mr. LONG of Louisiana. Yes, the Senator from Louisiana recalls that, and I believe the Senator recalls that in that particular debate one of the occurrences which helped make the then majority leader a more reasonable parliamentarian was when one Senator declined to limit himself to speak on the amendment when he offered it, although he indicated he would be willing to limit himself to a reasonable time, but was unwilling to agree to a specific number of minutes. The then majority leader, Mr. Knowland, of California, then moved to table the amendment without any further debate. His motion carried, and the Senator who had offered the amendment advised the Senators they could all go home and have a good night's sleep, because he proposed to speak that night. They could go home, get a good sleep, have a good breakfast, and come back about midday, because he expected to speak that long.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. GORE. That fight lasted for 13 days and nights, and it resulted in the discrediting and ultimate cancellation of the Dixon-Yates contract, and resulted in the adoption of a number of important amendments that give protection to the public interest in the vital field of atomic energy.

I believe it is safe to say—I believe I am correct in saying—this parliamentary tactic of tabling an amendment as quickly as a Senator had offered it was one of the tactics that touched off, that gave fire and spirit, to the fight; and it was only after that tactic had been abandoned that the debate ended.

Mr. LONG of Louisiana. Mr. President, the junior Senator from Louisiana believes that particular debate will go down in the records as one of the great milestones in parliamentary history. As one of those who had the privilege of serving in the Senate at that time, and as one of those who intended to vote to uphold the Dixon-Yates contract when it came before the Senate, the junior Senator from Louisiana was one of the many Senators who, as the debate progressed, became more and more convinced that he had been sold a poor bill of goods, and so he found himself voting almost consistently with those who had originally been in the minority.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. GORE. I do not mean by this statement to say that there are not times when a motion to table an amendment is not only in order, but proper and advisable. If, after a long debate, frivolous amendments are offered, or dilatory amendments are offered, or repetitive amendments are offered, under such circumstances motions to lay on the table would appear to the junior Senator from Tennessee to be entirely in order. Of course, they are in order, not only parliamentarily, but they are entirely proper and advisable. It just did not occur to me that the very first amendment to the pending substitute should be tabled.

Mr. LONG of Louisiana. I completely agree with the Senator. Of course, the Senator from Tennessee knows my views, and I appreciate his views about the matter. I do not feel resentful. As a matter of fact, the majority leader has assured me that if the same amendment were offered, with the slightest difference in form, he would be willing to have it debated without a motion being made to table it. I have no hard feelings in the matter, but I do say, as a matter of propriety, those Senators who offer amendments in good faith should be able to

explain them before a motion to table them is made.

I did say, while the Senator was out of the room, it did not seem to me the most propitious thing to do was to make a motion to have a yea-and-nay vote at 3:30 in the morning, when the Senator could have made the motion at 5 o'clock in the afternoon by serving notice that he intended to make a motion after the amendment had been debated somewhat further, or the motion to table could have been made at 8 or 9 o'clock in the morning, after due notice was given. In that event it seems to me it would have been done with propriety.

The junior Senator from Louisiana is the one who suggested to the previous minority leader, Mr. Taft, of Ohio, during the tidelands debate, that he should move to table a substitute. I think the Senator from New Mexico [Mr. ANDERSON] was one of the Senators who was offering an amendment in the nature of a substitute for the tidelands bill. The amendment had good substance. Senator Taft gave notice that on a certain day, 2 or 3 days in the future, he was going to move to table the amendment. He thought that would be a fair test of strength on the bill. A motion to table in that fashion is proper. I have no quarrel with a Senator's position on making a motion to table. I have made it, myself. I believe in certain circumstances it is in order. But the junior Senator from Louisiana, in making a motion to table, has been at least willing to withhold it long enough so the offerer of the motion would have an opportunity to explain something of the merits of the amendment, so he could more or less close the case for the amendment.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. ANDERSON. I appreciate the courtesy of the Senator from Tennessee for letting me participate in the debate for a moment. There is an old saying that politics makes strange bedfellows. In the particular instance to which the Senator from Louisiana has made reference, the able Senator from Ohio, a very wonderful and fine man, rose and pointed his finger in one direction in the Senate Chamber and said, "There is a filibuster going on, and the Senator from New Mexico is the organizer of it." Therefore, though I have voted against filibusters, I have been on both sides in that regard.

Mr. GORE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield to the Senator from Tennessee.

Mr. GORE. It was not my purpose or desire in arising earlier today to be critical in any way whatsoever of the distinguished majority leader. I rose for two purposes: First, to state my reasons for opposing the motion to table, and, secondly, to express to the Senate my doubts and reservations and my hopes that the Senate itself would be cautious in the use of this tactic.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President, it is unfortunate that now and then the Senate does become very impatient and abrupt, even discourteous to its Members, in an unintentional fashion, of course. But sometimes these late night sessions cause some Members of this body to be less tolerant and less understanding of their fellow man than they usually are, and such things as we have referred to happen. I hope that will not be the case in the future.

Mr. President, I made the point that periodically those of us from the South are confronted with this type of legislation, aimed at the South, which seems to have as its purpose making a whipping boy out of one section of this country.

It has been freely admitted that legislation of this sort is expected to bring great political advantages to some partisan politicians. Yet it is difficult for any of us to see how any of those people could honestly feel that this proposed legislation will help anyone in the South, be he colored or white.

For one thing, this legislation undertakes to advance the process of forcible integration of the white and Negro races, notwithstanding the vehement resistance and protest of the people of the South. As one who has the utmost of kind feelings toward the colored people of his State I have no doubt whatever that, if the effort is to be made to forcibly integrate the public schools of Louisiana, the legislature and the Governor of that State will undertake to close every school in the State, if necessary, and keep them closed. Therefore, this bill which undertakes to see that a disgraceful and erroneous decision of the U.S. Supreme Court is the law of the land, and which undertakes to forcibly integrate public facilities, will achieve no more than to close these same facilities.

Thus far, the Supreme Court has not undertaken to stultify itself by declaring that private schools cannot be operated on a basis where white and colored children are educated separately. I have no doubt that, if the present trend of jurisprudence by the Court continues, we will have such a decision within a few years. In the meantime, if the effort is to be made to forcibly integrate the schools of Louisiana, there is every reason to anticipate that this will simply result in an end to public education in the State.

Inasmuch as the white citizens are more capable financially of providing private education for their children, the result would be that the colored race would be the one hurt the most as the result of the Supreme Court's outrageous decision and as a result of the efforts of this Congress to implement that decision.

Mr. President, the white people of the State are anxious to bear the heavy end of the burden of educating the children, white and colored. I believe they recognize, and they are more than willing to recognize, that it is incumbent upon them, as those who are better placed financially, to shoulder the heavy end of the load of public education, and to pay most of the expense of educating the colored children, because the parents of those children are not as financially able as the whites to provide the funds for public education. But if they are forced to the type of thing which I have described here, there is not much doubt in the mind of the junior Senator from Louisiana that there will be enough resentment in their hearts that it will be very difficult to persuade them, after they have been forced to resort to private education and the expense of it for their own children, or to expect them, to supply their funds in large measure to provide for education of the colored children of the State.

Mr. President, this Senator for one is anxious to see the colored children of Louisiana receive a good education at public expense. He knows that this can only be done in the States of the Deep South on a basis which respects and recognizes the social and cultural traditions of the area. I am here to tell this body that the proud people of the South have been goaded and pushed as far as they expect to go voluntarily. Violence and resistance in every fashion can be expected if they are to be pushed around any more.

It is now almost 100 years since the end of the Civil War and approximately 80 years since the Federal troops of occupation were removed from Louisiana. Even so, this section of the Nation, which alone has experienced the feeling of a conquered people, ground under the heel of enemy troops for a period of more than 20 years, has never forgotten the two decades during which they were punished and pilloried by carpetbaggers, thieves, and scoundrels, who stole from the South and carried away with them everything Sherman did not burn.

These are patriotic Americans in the South. They want to obey the laws and support this Nation, but they demand that their right of self-government be respected. They are sick and tired of a Supreme Court which handles the Constitution and laws of the Nation like a professional gambler working with loaded dice. They will have an equally poor opinion of this Congress if it should make the mistake of yielding to the pleas of those who suggest that, for the benefit of gaining votes in certain of the large, populous States of the North and East at the next election, they should pass legislation to create ill will and hatred among the people of this Nation and drive a wedge of distrust, suspicion, and ill will between the white and colored races of the Southland.

The junior Senator from Louisiana is very much interested in seeing that all children, both white and colored, receive a good education. To a considerable degree, this matter is very close to my heart, because I have been associated with many efforts to improve the educational system of Louisiana. It was a previous Long of Louisiana who started the State program to provide free textbooks to the children of Louisiana's elementary and secondary schools. This act by the State of Louisiana made it possible for the number of children in public schools to increase by more than 20 percent, because previously many parents had been unable to pay for the books in order that their children could attend school. Most of those children who were thus enabled to start school were colored children.

In order to provide funds to pay for these free school books, Gov. Huey Long

incurred the wrath of powerful interests which failed by only a few votes to impeach him from his office as Chief Executive. That is one of the reasons why members of my family have felt the deepest interest in improving the public education system of the State.

There are a great many other services which the State of Louisiana provides, even more amply perhaps than any other in the Nation. We have a vast State hospital program, providing excellent medical care for almost anyone who feels that he is unable to pay. On a proportionate basis, the colored receive far more of these services than the whites. Louisiana has one of the most liberal welfare programs in the United States, and, on a proportionate basis, the colored people are able to avail themselves of a much higher proportion of the State's available funds than the whites.

In recent years, tremendous efforts have been made to improve the educational facilities for the colored, and, in many communities the school buildings of the colored children are newer and superior to those occupied by the white children. The pay of schoolteachers has been advanced to assure colored teachers an income equal to that of the white teachers on a statewide basis. If there is any inferiority in the education available to the colored children of Louisiana, and I do not believe that such an inferiority exists, it could exist only if the colored teachers were proved to be less than the equal of the white teachers. In view of the fact that the jobs of schoolteachers are very good jobs, I doubt very much that the colored people of Louisiana would want their colored schoolteachers replaced by white ones.

Therefore, Mr. President, the question is raised, "Why would people want to turn back this wave of progress which is improving the conditions of the colored man, increasing his income almost daily, improving his education, broadening his opportunities, and protecting his health as well as his security and welfare?" I know of but two answers—either political advantage for some persons who live outside the South—or prominence and aggrandizement for persons who thrive financially or otherwise by fishing in troubled waters.

The bills and amendments seeking additional civil rights legislation which will be offered have not in a single instance been through the orderly procedures established under the rules of the Senate for legislation of this sort. These ill-considered and ill-advised measures were being hurled about willy nilly. For example, there have been more than 40 proposals offered by 2 Senators from a single State. Thus the Senate of the United States at this crucial time in the history of this country has been thrown into complete disorder. Legislative processes are to be bypassed. Careful judicious study by committees and well-considered reports are not to exist. Instead, anyone who may find it good politics to be regarded as antisouthern are to be offered the opportunity of pressing any sort of vindictive and hateful measures to strip Southern States and southern communities, as well as southern people, of the rights which are intended for them under the Constitution and laws of the States in the United States—southern usages, customs, and traditions are proposed to be destroyed ruthlessly and under a gag rule which will subsequently be attempted.

During the many years that I have had the opportunity to observe this body function—and even as one of the younger Members of this body from point of age, I can look back across almost three decades in that respect—I know of no time when a minority has been subjected to such injustice. In fact, except for the southern minority, I know of no minority where an attempt has ever been made to so strip them of their rights in the Senate of the United States.

People of Southern States recall injustices of this nature that have been done in bygone years. They are well aware of the history of the Reconstruction days when the South was enslaved and brutalized. They are watching the Senate of the United States most closely these days because in a great number of respects they look upon what is happening here as a second Reconstruction era.

Southern people are becoming bitter and resentful. Increasingly, they are organizing to resist acts of Congress. A cleavage between the white and colored races is widening into a great chasm of resentment, distrust, and suspicion. All of these things are contrary to the best interest of the Nation, contrary to the best interest of the South, and contrary to the best interest of all races.

Yet, Mr. President, we have been informed that a number of those who run for office in other States seem to feel that it is good politics, and it may contribute to victory for their party, to press for legislation which can accomplish little, if anything, that is good, and which will result in constant lawlessness, hatred, and violence in the community of this Nation, where it is intended to be effective.

So we are here again discussing the so-called civil rights issue. The first question that comes to my mind is, Do we need this so-called civil rights legislation? It is my firm belief that all such force laws do is to drive a wedge between the colored and the white man. This is a wedge of fear, hatred, and misunderstanding. Out of such laws that try to enforce mixing of the races, comes not more rights to men, but in the end the product of such force is a loss of rights that already existed. This great cry, then, will not prove to be a move to insure the rights of one group or race, but only more undesirable political thunder.

If we had not had the force legislation which was in effect in the Reconstruction days, we would not be faced with the problems that are claimed to be so serious today. In spite of the lesson that we ought to have learned through the first mistake, legislation of the Reconstruction era is again being attempted. Let us not fall into the same error once again and destroy all the healing and rebuilding that must come through the work of cooperative minds and hearts. It is only through such media that effective gains can be made in this delicate field of human relations. We have come a long way in the South since the closing days of the 19th century. Let us not for the political advantage of a few throw away all that has been gained through the blood, sweat, and tears of the honest and sincere people of both of our races.

A system of force, without the freedom of choice of evil on either side of the question. To act with haste in order that we can return with a political drum to beat will only worsen the state of feelings between our people.

What gain in the field of civil rights can be said to have been made when a force bill is passed which results, not in an integrated school system, but a closing of the schools? Surely such events give some a lot to talk about when they get home, but what so-called civil rights have been gained? The net result turns out to be: progress halted, certain rights and privileges lost, but a huge, new political drum to beat to death. What rights are created when a force law is laid down that has to do with voting and the radicals on the other side of the fence form groups and new organizations to see that this is prevented and furthermore, that those already on the rolls are stricken therefrom? Again we reach the same results, no rights created or restored, only more hate and bitterness is created, along with that even bigger political issue to beat in the heads of the folks back home.

We can make progress in this field only by having the people themselves handling the problem.

I repeat, Mr. President, what gain in the field of civil rights can we make by passing such a force bill? Does the great majority of our colored people want such a bill? There is grave doubt in my mind that they do.

People of one race find those of their own kind to be more attracted to them and they tend to have more trust and confidence in those of their own race. They feel more secure around them. They even feel something of a kinship and, in some degree, a loyalty toward their own kind.

This is the rule rather than the exception and it will remain so, no matter how many civil rights bills we pass or how many civil rights bills we fail to pass.

I honestly do not think that segregation is hurting the colored man, because I think it is best for white people to go with white people and for colored people to go with colored people unless we wish to foster and favor racial intermarriage.

If we recognize the enormous psychological and social handicap facing any couple engaged in an interracial marriage, we should be the first to realize that such marriages should not be encouraged. If we agree on the conclusion that interracial marriage should not be encouraged, then it should seem to follow that it is not desirable to force intermixture of young men and women of different races.

Personally, I do not agree with those who would do anything to make the colored man feel inferior. I would go out of my way to do exactly the opposite. The colored man should be asked to understand that we believe that members of each race should go with their own kind, marry their own kind, and live with their own kind—not because one is inferior to the other but because they are different.

Every race should freely recognize the strongpoints of the other and help the other to achieve pride in themselves and in their kind. This can best be accomplished by the application of the Golden Rule that one should do unto others as he would have them do unto him. If I were a colored man, I do not believe that I would want to marry a white person. It would be preferable to go with persons of my own race who, I should imagine, would have more respect, admiration, and love for me than persons of a different race.

Assuming that I was single, I should imagine that I would not care to see white men going with the same women that I was going with—and, by the same token, I don't believe that I would be interested in going with their women.

What makes the problem difficult is that some people wish to make their fellow human being feel inferior to them. I, personally, do not like people who try to make me feel inferior, and practically everyone feels the same way. It does not raise any person, in my esteem, if I see him trying to make someone feel inferior. If people realized that one reduces the respect that others have for him when he repeatedly treats others in an unkind fashion—such as making them appear or feel inferior—then a lot of people would be better off, both for their own welfare and for the welfare of society.

Now that, Mr. President, is the solution which I propose to the race problem—namely, the application of the Golden Rule—to do unto the other person as you would have him do unto you. It is good religion, good government, and, I believe, good politics.

Now, against that background, let us see what has been happening in Southern States so far as Negro voting is concerned.

Mr. STENNIS. Mr. President, will the Senator yield for a question before he changes the subject? He is making an excellent speech.

Mr. LONG of Louisiana. I yield to the Senator from Mississippi.

Mr. STENNIS. I have been very much impressed with the points the Senator has made with reference to his interest and the interest of the State of Louisiana in education. I am well aware of the long, hard fight made by Governor Huey Long on behalf of the educational system and for free schoolbooks, and of the additional taxes which were required. I commend the junior Senator from Louisiana as well as the former Governor and former Senator from Louisiana for the very fine educational program which was inaugurated in their State.

Has that not been a continuing program in Louisiana, one which has developed even beyond the expectations of those who had to fight for it?

Mr. LONG of Louisiana. I thank the Senator from Mississippi for his statement. As a matter of fact, we are proud that Louisiana today, although it is not at the top in per capita income—in fact, it is below the top; its per capita income is about 70 percent of the national average—provides on a per capita basis almost as much as many of the wealthiest States of the Nation. The kind of computation which is used to determine the effort of a State, as made by the educational associations, has for a number of years placed Louisiana at the very top of the list.

In other words, if a comparison is made of the amount of money which the State spends compared with the income which the people of the State have, Louisiana would appear to have spent more of its income and to have exerted a greater effort to provide opportunities for all the children than is true of any other State.

Mr. STENNIS. That is the point about which I wanted to ask the Senator. Is it not true that Louisiana, based on the percentage of taxable income which is spent for education, ranks consistently among the upper 10, or at least among the upper third, for the last 20 years? Has that not been Louisiana's rating?

Mr. LONG of Louisiana. I should say that for the last 5 or 6 years, according to the comparative basis which is used to determine the effort which a State is making to provide educational opportunities, Louisiana has been first.

In this effort, the additional funds that could be found have been devoted, for the most part, to bringing up the standard for the colored children. Most of the newer schools are schools for colored children.

The Senator from Mississippi has probably had the same kind of experience that we had for many years, where the State was not providing as well for the education of their colored children as they wanted to, because the people were very poor, and the whites were not able to provide all of the taxes and did not have the resources to look after even their own. When they were able to provide somewhat better, they undertook to provide equal opportunity, and when they built new schools, rather than move the children into the old white schools, and building new schools for the whites, as some of our friends from the North would like to suggest would be the case, they went and built new schools for the children who needed them the worst, who were the colored children. So, in a great number of communities in the city where I live in Louisiana, many of the newer and better schools are the schools for colored children.

Mr. STENNIS. I am glad to get the Senator's report on that. If the Senator would yield further, and if I may mention my State, I might point out that, under our new school program, which has been running now for 8 or 10 years, in Mississippi we have actually built 3,200 additional classrooms for our Negro students, and during that time we were constructing only about 1,280 classrooms for the white students.

Mr. LONG of Louisiana. I believe that Governor Coleman has had much to do with that progress of recent years, and of course Mississippi has been making a tremendous effort, as all of us know.

Mr. STENNIS. My State took a very fine forward step in the last few years. Of course, the program itself originated some 8 years ago, I believe it was. It provides for a bond issue, and, as the amounts are paid in in taxes each year, reducing the bond issue, the State officials automatically have authority then to issue new bonds; and, under that program now, actually, members of the legislature are running for office on a platform that they will be able to bring the schools for the white children up to an equality with those of the colored. Many of the counties say they have much better schools for the Negro students.

Mr. LONG of Louisiana. Mr. President, Louisiana has been more fortunate than Mississippi in being able to move earlier than Mississippi in this field largely because Louisiana had the good fortune to have large amounts of natural gas and oil deposits in the State, and, by heavy severance taxes on the severance of those resources, Louisiana was able to derive a great amount of revenue, which Mississippi did not have available.

I do believe, though, that Mississippi has taken as much of the resources as it could find from the newly discovered oil and gas across the State of Mississippi, and devoted them to uses which have contributed to education as well.

Mr. STENNIS. Yes, the Senator is correct about that. The gas and oil found in Mississippi are not nearly as great as the production in Louisiana, and the discoveries came much later, but the severance taxes we have on the quantity that is being produced now do go into the special school programs. I have a memorandum here showing that we spent over $70 million within the last few years for construction of school buildings alone, and over 70 percent of that went for our colored children's schools. The present State legislature is now considering a bill to increase the ceiling upon the bonds that can be issued for these construction purposes.

If the Senator would yield to me further——

Mr. LONG of Louisiana. If I may comment on that point, I should like to call attention to the report by the U.S. Commission on Civil Rights. What some of us get very much concerned about is that when groups of this sort are appointed, it would be thought that at least once in a while they would pat somebody on the back for the fine job he is doing.

The Senator is making some reference to the tremendous effort that has been made to increase the educational opportunities of the colored children, and to provide them with better facilities in his State, and I know that to be true. Yet invariably some of those who wish to find votes do not find that it does any good to get votes back in their communities by talking about the great progress that is being made, and that much is being done to help the colored man. Instead, they seem to want to concentrate on just one thing—an attempt to

make somebody feel that someone is trying to discriminate against him, or trying to hurt him, feeling that they they might get his vote.

Mr. STENNIS. That is correct; I do not know that I have seen in any of these reports a complimentary statement or a commendation about the excellent progress already being made in the Southern States.

Mr. LONG of Louisiana. Perhaps sometimes those of us who represent the Southern States should get together and see whether we can get the Southern States to share the expense of publishing and distributing throughout the Nation a report similar in size to the report already published by the Civil Rights Commission; and in such a report by the Southern States we would have set forth the many things the Southern States are doing to help the colored man make progress. Furthermore, such a report by the Southern States would be filled with presentations of facts, in contrast to the exaggerations and misrepresentations with which the Civil Rights Commission's report is filled.

Mr. STENNIS. I should like to comment on the progress being made by the Southern States in these fields. Certainly the people of Mississippi are not apologizing at all. The hard, cold economic facts of life which at any time apply to any group of people have a great deal to do with determining the programs possible of development in their area.

I came across some figures which I find very interesting, and I know they will be of interest to the Senator from Louisiana, too. According to the 1860 census—shortly before the most unfortunate of all wars began—the assessed valuation of the real and personal property in Mississippi was $509 million. In 1870—10 years later—it had been reduced to $177 million. By 1880—after the depression of 1873 and the spoliations by the carpetbaggers, in addition to the ruination caused by the war—the figure had gone even lower—to $110 million. In other words, as a result of that war and its aftermath, Mississippi lost 80 percent of her real property and personal property values.

In fact, the economic destruction done in Mississippi during that period was so great that, whereas, in 1860, Mississippi was the fifth wealthiest State in the Nation, by 1880, Mississippi was at the bottom of the list; and it was not until 1920 that the wealth of Mississippi reached what it had been in 1860. I cite that situation as proof of the condition of the economy of our State.

In commencing to deal with these programs, we had to rely upon the economic means of the State and its people. Yet, as I said a while ago, today we are issuing bonds at the rate of many millions of dollars' worth a year; and we now have these programs planned, and the finances for them almost in sight.

I should like to ask the Senator from Louisiana a question. After all that effort and after all the accomplishments that have been made in connection with that program, let me ask the Senator from Louisiana—who was born and reared in the area where those facts apply, and with the two races living there side by side—to state his opinion as to what would be the effect on these school-improvement programs if integration in the public schools is required and enforced? What does the Senator from Louisiana think would then be the effect on the programs for those schools?

Mr. LONG of Louisiana. Well, I can say that after all that those States have done for those educational programs, including their provision of increased wages for the Negro teachers who teach the colored children, and after all that our States have done to enable the colored race to make all the progress of which its members are capable, I suppose the result of enforcing integration in the public schools would be that the public-school programs would be ended and the public schools would be closed, because in Louisiana—and I know the same is true in Mississippi, too—the people do not feel like being run over, any more.

Of course, some persons say this Supreme Court decision is the supreme law of the land. But the same persons know very well that before the group for whose benefit that decision was rendered applied to the Supreme Court, the supreme law of the land was just the other way around. But since that time the Supreme Court's decisions have been consistent with everything the NAACP has advocated, even if the Supreme Court had to reverse long lines of decisions down through the years.

So the people of our States feel that they have been pushed as far as they are willing to go; and they are not willing to operate their public-school systems on an integrated basis.

Mr. STENNIS. The Senator from Louisiana knows that all these programs are financed by local taxation, by means of taxes imposed on the people themselves by their State and local governments and administrations, does he not?

Mr. LONG of Louisiana. Yes.

Mr. STENNIS. But if the programs are to be taken out of their hands, and if a desegregation pattern or program is to be enforced down to the nth degree, is it not true that there will be almost certain to be a lack of the funds necessary for the support of the schools?

Mr. LONG of Louisiana. That is correct.

Mr. STENNIS. So, in connection with the fact that on this very floor there are pending or ready to be considered great numbers of bills and amendments which seek to supplement what the Supreme Court says now—bills and other measures which, in effect, would make the Federal judiciary the operator and the supervisor of the school systems which are provided and supported by the States, and, furthermore, would result in the confiscation of school buildings for the construction of which the Federal Government has made some contribution, unless this pattern, as prescribed by the Supreme Court, is not followed—What does the Senator from Louisiana see in that picture, in terms of the future for the white children, the colored children, and the economic and educational structure of the economy of our great States?

Mr. LONG of Louisiana. I know that such an attempt cannot succeed; it cannot succeed today. I find great difficulty in believing that any member of the Supreme Court or anyone who is pressing for the enactment of legislation intended to implement that Supreme Court decision can really understand the Southern conditions and at the same time be sincere, because the Southern people simply are not going to yield to that attempt. They will resist it; and, if need be, they will close all the public schools. And I suppose then they will resort to private schools.

Witnesses from Louisiana who have testified before our committees have said that if, in that situation, they could not resort to the use of private schools, then it would be better for the children to grow up in ignorance, rather than to have this system forced upon them.

A while ago I referred to the fact that some people do not practice what they preach. I stated to the Senator from Mississippi that the city of Chicago has been described as the most completely segregated city in the country. Well, Mr. President, in that connection let me read from the report of the Civil Rights Commission. The Senator from Illinois supported the attempt to create and establish the Civil Rights Commission; but on page 335 of the report we find that the Commission says:

> It is interesting to note that the maps show more racial concentration in northern cities and more dispersion of nonwhites in southern cities.

At that point I shall skip several paragraphs of the report.

The report then states:

> The general metropolitan pattern is shown by Chicago, now said on the basis of census to be the most residentially segregated city in America.

Now we are told by our friends from Illinois that segregation is evil. The city of Chicago, one of the largest cities in the world, the second largest in the United States, is described by their commission, not a commission we voted to establish, but one they have been pressing, as the most racially and residentially segregated city in the world.

If the Senator looks at the map here exhibited, he will see that the black on that map shows where the colored are situated. He will notice that all the white areas are white communities. The Senator knows as well as I do that it is not regarded as being discriminatory if children are expected to go to the school nearest their home. In Chicago all the Negroes live in the same vicinity. They go to the school nearest them, and therefore that city, although from a theoretical point of view it does not force segregation, as a practical point of view, practices exactly that. They just do it by hypocrisy and fraud, whereas down South people do it openly and frankly. What difference does it make whether segregation in the schools is practiced by drawing a certain district so that the line stops at a certain street when the whites live on one side and the colored live on the other or you just frankly say that you think it is better for one race to be among their own kind?

The Senator knows that in most of our school districts down South there will be a long road, with a colored family in one house, a white family in the next house, a colored family in the next house, and so forth, all the way down the line, and in many of our southern cities, as the Commission report points out, there will be some colored people living in one area, a group of them living in another area, and whites living in between. People get along fine down there because they have customs and traditions whereby these matters do not affect them, but, oddly enough, those who would like to come down and destroy our way of life are following the same practice.

Mr. STENNIS. Yes. The Senator is so correct. I have read part of his speech already.

I do not know whether he has delivered this particular paragraph, but there is one paragraph about which I wish to commend him, where he says such legislation as is proposed would be a backward step, that it would turn back the wave of progress which is improving the condition of the colored man, increasing his income almost daily, improving his education, broadening his opportunities, and protecting his health, as well as his security and welfare.

I think the Senator right there in that brief question has summed up accurately the whole economic and educational phase of this matter, and I am amazed that some people in other areas of the country seem to ignore almost the unanimous testimony of the people who live in these areas that deal with these problems. It is true that the testimony is the same from the colored people and the white people that it is better to have the relations that they have had all these years, which has steadily improved and bettered both groups, than to have enforced patterns, whether it is through a Supreme Court decision or whether it is through a congressional act, or whether it is through any other kind of enforced procedure. Progress and development are just made through other channels. I am sure the Senator agrees, and I thank him very much for yielding to me and for the very fine way he has treated this troublesome matter.

Mr. LONG of Louisiana. I thank the Senator for his observation, and let me say to him and to the Senate that in Louisiana, just as in Mississippi and in Georgia and Alabama and other States, in the last few years, I would say the last two decades, we have succeeded in finding the money we needed. The reason we could not do it before was just because we were poor and did not have it, but as our own income was able to increase, the people of these States have succeeded in providing schools for colored children as good as the schools they are providing for whites, better than either the whites or the colored had some years ago. We have succeeded in providing schoolteacher pay for these colored schoolteachers which, in many instances, is not less than four times what it was for those same teachers as much as 20 years ago. We have succeeded in providing educational opportunities in college for these younger colored men and colored women. We have succeeded in providing the best of health facilities for them.

In the State of Louisiana more than half of the hospital days are spent in the State public hospital system, and out of those 50 percent of the hospital days about two-thirds of them are colored, even though they are only about one-third of the population, and the rate of patient care and the death rate compares favorably with the private hospitals of the State.

Now, with all of these things that we provide, with people ever increasing their income, doing better all the time, what in the world would folks expect beyond what they are getting? Within reason it is difficult to see how they could expect it. I think the whites should do these things, but the white people are paying 85 percent of the cost of all this, and in spite of all that, we find these paid agitators coming down and always trying to find something, almost as we are now and then accusing the Communists of doing, trying to find some little thing to make somebody feel mad about or some little thing to try to make some fellow feel he is discriminated against in the hope of getting his vote.

After the Civil War, once Federal troops were removed from the States control of the government reverted back to the hands of the leading white citizens. The Negro who had previously been the slave of the white man became his laborer and his dependent. Once large plantation owners were able to reestablish themselves they were soon able to prevail upon their Negro laborers to vote however the plantation owner wanted them to vote.

As a matter of fact, about all they did was to follow the same practice that the carpetbaggers had been following before that time. The carpetbaggers, as previously noted, were responsible for placing the Negroes on the registration rolls.

The planter would herd his fieldhands together on election day, or even the night before, and run them through the voting booth almost like a football crowd going through a turnstile. Since the colored men themselves had no education, the ballot would be marked by the commissioners and the planter would simply instruct the colored man to go to a particular commissioner. Sometimes one person would bring a blank ballot back from the booth, and it would be marked and sent back by a subsequent colored voter, who would be instructed to bring another blank ballot out after he had deposited the marked ballot.

In any event, the poor colored man in such instances was not voting his conscience. He did not even know in many instances for whom he was voting.

This sort of thing was terminated by the white primary elections because it was recognized that the colored vote was at that time a controlled vote in the hands of white masters.

Down through the years the State has been able to provide successively improved education for its colored citizens, with the result that the majority of them are now qualified intellectually to understand the issues of political campaigns. It is correct and desirable that they should participate in elections.

When I ran for the U.S. Senate in 1948 there were only about 10,000 registered colored voters in the State of Louisiana. Today there are approximately 160,000. This is an increase by 16 times the number of colored voters participating in Louisiana elections.

I would be the last to say that colored persons should not be permitted to vote if they are qualified. I do not support or condone actions which have been taken by some persons to obstruct or impede the increase in colored registration.

As a matter of fact, I have been severely criticized by a considerable number of people because I have consistently taken the attitude that an intelligent colored person was entitled to vote and should be permitted to do so.

Yet the view which I have taken in this matter is consistent with the great majority of white persons in Louisiana and elsewhere throughout the South.

At the same time, it is difficult to see how anyone can, in good conscience, challenge the right of any citizen to contest the correctness of the registration rolls. Looking back 30 years in the history of my State, the record will show that during that period various political machines, particularly city machines, had ways of obtaining registration papers and poll tax receipts in large numbers. At the critical elections the ward leaders and precinct captains arranged to see that someone would vote on behalf of those whose registration papers they held.

In many instances papers might have belonged to someone who had passed away, and in great numbers of cases the registration papers would have been fraudulent from the very beginning. Large numbers of persons might have registered, for example, at a residence where there was nothing but a vacant lot.

It was the procedure in Louisiana for any person seeking to assure an honest election to examine the registration books and file a challenge against those persons whom he believed to be improperly registered. An advertisement would appear in the newspaper, and within a few days the registrar was required to strike the name from the rolls if the person whose name appeared failed to appear at the registration office and establish his identity. It is this procedure which has been used by a number of white citizens of Louisiana to challenge the qualifications of a considerable number of colored voters.

What the most vocal civil rights advocates have failed to relate is that in the great majority of cases the challenges were well taken. In a great number of cases, the person challenged did not live at the address given. In many cases the person registered had not actually filled out his registration receipt. An assistant in the registrar's office, or sometimes the registrar himself, had performed this function, which is clearly contrary to the State law, which requires that a person must be able to fill out his own registration application.

The State law also requires that a person must be able to read and write.

Some registrars have been sticklers for requiring that the application must be letter perfect. This has led to a number of challenges on the grounds that words had not been spelled correctly in the applications.

Mr. President, I have never challenged the qualifications of any voter and I have no particular sympathy for those who do. Yet, any fairminded person must concede that every citizen has the right to challenge the registration of anyone who is improperly on the rolls. This right properly exists on behalf of all citizens of all colors, and there is nothing in the laws or the constitution of any State or the Nation which requires that the citizen be free of bias or prejudice in order to exercise the right which exists in his favor.

The point which has frequently been missed is the fact that, although colored citizens have not availed themselves of the opportunity, they have as much right to challenge the registration of the citizens council members or any other white person as those persons have to challenge the qualifications of colored voters.

This wave of challenging and contesting the qualifications of colored voters was set off by the decision in the Brown case, wherein the Supreme Court ordered the integration of white and colored schools in the South. It was a somewhat natural reaction to the undue pressure and outside interference which a large number of white citizens of the State bitterly resented.

There is every indication that the wave of vote challenging has subsided and that there will be an orderly and steady increase in the number of colored voters qualified to participate in our elections. In fact, I believe I can demonstrate to the Senate that for the last 4 months, and I believe the trend will continue, there has been a tremendous increase in the registration of colored citizens. It has been increasing in Louisiana by about 5,000 additional registered votes per month during the last 5 or 6 months.

This can certainly be expected if outside influences and outside politicians will quit stirring up unrest, bitterness, and hard feelings among southern white and colored people.

The overwhelming majority of white persons in the South have befriended the southern Negro and they have been befriended by him. They wish to see him live in happiness and ever-increasing prosperity. They wish to see his educational opportunities broadened and improved. The great majority of southern whites are every bit as sympathetic and understanding of the colored man's problem and in many respects more understanding and sympathetic than those who hail from other parts of this Nation. Yet when the well-intended and understanding white people of the South undertake to help the colored man to improve his conditions, they are constantly confronted with actions by extremists from the North, seeking to make the colored man feel bitter and resentful toward his neighbor, and, in turn, stirring violent counterreaction from the more prejudiced and unreasoning whites who for the most part do not represent the prevailing Southern leadership. Nevertheless, as race strife is stirred, all sorts of opportunities are presented to those who would fish in troubled waters. Thus, the prospects of persons who seek to turn back the clock and resort to all sorts of measures to discriminate against the colored man have their chance to be projected far beyond that point where their abilities and their leadership would otherwise take them.

Any sensible person looking at the problem of the South should readily understand that unless the white man and the colored man can live together in good will and understanding, then there can be no real prosperity and happiness in this previously warm and hospitable section of the Nation.

Anyone who seeks to do good for the two races in that area can understand that he does them no favor when he stirs up constant turmoil, ill will, and hard feelings between the races. Yet that, Mr. President, is exactly what persons seeking political advantage from Northern States are doing with many of their civil rights proposals.

And of course, Mr. President, the most ridiculous part about the whole procedure which we are now going through is that the legislation that is being sought is entirely unnecessary.

The Civil Rights Act of 1957 is obviously sufficient to do the job that was sought by those who advocated its passage. A recent case in my State of Louisiana was tried under the new law and was hailed as a great victory for civil rights. I would like to quote from the New York Times of January 12, 1960, the reaction to the decision. The article is headlined, "Court Restores Vote to Negroes in Louisiana Case—Decision of Federal Judge Hailed as First Victory Under Civil Rights Act." The article further states the following:

A Federal judge in New Orleans ordered back on the voting rolls today the names of 1,377 Negroes stricken in a citizens' council campaign.

Judge J. Skelly Wright acted in a suit brought by the Department of Justice under the 1957 Civil Rights Act. It was the first victory for the Department under the act. Officials hailed it as a big one.

At this time, Mr. President, I would like to read the findings of fact and conclusion of law, and the decree issued by Judge Wright in that case—page 158–165—which are in the transcript of record in the case of United States against Thomas, which was argued before the U.S. Supreme Court this past Tuesday and Wednesday—February 23 and 24—and which was upheld by the Supreme Court of the United States.

I say this, Mr. President, to make this point: Based on the decision by the Federal district court in that case, which has been affirmed by the Supreme Court of the United States, it is difficult for anyone to imagine any possible need for any additional Federal legislation to secure the voting rights of colored citizens. I would point out that this decision the last time I looked for it, a few days ago, was not even in the advance sheets of the Federal Reporter. It was decided only on January 10 by the district court. The Supreme Court of the United States, not being content to permit the circuit court of appeals to even have time to look at the decision, took it away from the circuit court of appeals and decided it only a few days ago in less than 6 weeks from the time the district court printed it.

As a lawyer, I find it extremely strange that the Supreme Court would have affirmed a district court decision before the decision was even in print in the advance sheets of the Federal Reporter. Yet that happened in this case. The only way I could get access to a transcript of the judge's decision was by actually obtaining a copy of the transcript of the record in which the decision appeared.

Here is an action that was undertaken where a citizens' council undertook to challenge the rights of Negroes to vote in the spring of 1959, and in less than a year the constitutionality of the act was affirmed by the Court. The district court had decided the case and the Supreme Court had affirmed it.

I read from the case:

IN U.S. DISTRICT COURT—FINDINGS OF FACT AND CONCLUSIONS OF LAW—FILED JANUARY 11, 1960

District Judge WRIGHT. In the spring of 1959 the citizens council, professing a purpose to purge the registration rolls of Washington Parish, La., of all persons illegally registered, succeeded in disenfranchising 85 percent of the Negro voters of the parish and 0.07 percent of the white. The United States in this action charges that this profession of high purpose was a fraud designed to deny Negro citizens of the right to vote. Made defendants and charged with conspiring with the citizens' council are several members of the council and the registrar of voters for Washington Parish.

In a prior action this court denied the defendants' motion to dismiss (*United States v. McElveen*, 177 F. Supp. 355). Here the United States has moved for a temporary injunction. Based on the evidence offered by all parties in connection with this motion, this court now makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Individual Defendants Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer are, and at all times material hereto were, registered voters of Washington Parish, La., and during the period from November 1, 1958, through July 1, 1959, were members of the defendant citizens council.

2. Defendant Registrar Curtis M. Thomas is, and has been since September 1949, the registrar of voters of Washington Parish, La., with his office in Franklinton, La.

3. Defendant citizens council of Washington Parish, La., is and at all times material hereto was, a nonprofit corporation incorporated under the laws of the State of Louisiana and domiciled in Washington Parish, La. One of its purposes is to maintain racial segregation in said parish.

4. Registration is a prerequisite under State law to voting in any election in the State of Louisiana, and may be either permanent or periodic. Washington Parish, La., became a permanent registration parish in May of 1958 and a registered voter of this parish is not required to reregister unless his name is canceled from the registration rolls in accordance with law.

5. The defendant registrar in his official capacity as registrar of Washington Parish was and is responsible, among other things, for registering of qualified applicants for registration, for keeping and preserving of

registration records, and for canceling from the registration rolls the names of all voters who lose their right to remain on the rolls.

6. Each registered voter of Washington Parish has a registration card, form of application for registration, which, except in the cases of illiterates and the physically disabled, is entirely filled out by the registrant and sworn to before the defendant registrar. The registration cards of current registrants are maintained in the office of the registrar of voters, and are filed in alphabetical order by precincts within the nine wards that comprise Washington Parish.

7. Acting under the authority of the laws of Louisiana, and more particularly section 245, title 18, Louisiana Revised Statutes of 1950, the individual defendants, commencing in February 1959 and ending in June 1959, filed in the office of the defendant registrar affidavits challenging the right of approximately 1,377 Negroes and approximately 10 white persons to remain on the registration rolls as qualified voters.

8. In filing the aforesaid challenges the individual defendants used the facilities of the office of the defendant registrar, the official records kept therein, and the forms of affidavit of challenge provided for by the laws of Louisiana.

9. The defendant registrar, acting under the authority of title 18, section 245 of the Louisiana Revised Statutes of 1950, issued and caused to be issued to the persons challenged, citations of notice to erase requiring them to appear at the office of the defendant registrar and prove by written affidavit of three bona fide registered voters their right to remain on the registration rolls.

10. Following and as a result of the challenges made by the individual defendants, the names of the persons challenged were removed from the registration rolls of Washington Parish. The number so removed was approximately 98 percent of the total that was removed from the rolls of Washington Parish during the period November 1, 1958, through July 1, 1959.

11. On November 30, 1958, there were 11,444 white persons and 1,517 Negroes registered to vote in Washington Parish, La. On June 30, 1959, there were 12,228 white persons and 236 Negroes registered to vote there. The decline in the number of registered Negro voters in Washington Parish between the dates November 4, 1958 and June 16, 1959 was a direct result of the filing in the office of the registrar of affidavits of challenge by the individual defendants.

12. The affidavits of challenge filed by the individual defendants purported to be based on defects or deficiencies in the registration cards such as misspellings, deviations from printed instructions, failure to compute age with exact precision, and illegible handwriting.

13. The same defects and deficiencies are to be found in at least half of the registration cards of the white citizens of Washington Parish currently on the registration rolls. Analysis of a random sampling of 200 cards, 198 of which were of white persons, revealed that over 60 percent had such defects and inconsistencies, and the defendant registrar, who has worked with all registration cards since 1949, testified that at least 50 percent had such errors and omissions.

14. In examining the Washington Parish registration records for the purpose of filing the said affidavits of challenge, the individual defendants limited their examination almost exclusively to the registration records of Negro voters while making only a token examination of the registration records of white voters. The individual defendants made no examination of the registration records pertaining to those wards in which no Negroes were registered and they challenged no voters in those wards.

15. The acts and practices of the individual defendants, as described, were committed and engaged in for the purpose and with the effect of depriving Negroes, solely because of their race or color, of the right to register, and vote.

16. Based upon his knowledge that (a) the individual defendants virtually confined their examination of the registration records to those of Negro voters (b) the challenges were directed almost entirely to Negroes and not white persons, and (c) the individual defendants filed affidavits of challenge involving defects and deficiencies which he knew also appeared in the records of white persons, against whom affidavits of challenge were not filed, the defendant registrar was well aware of the racially discriminatory character of the challenges of the individual defendants.

17. Defendant citizens council at all times pertinent to this action approved and endorsed the aforesaid acts and practices of the individual defendants, all of whom were members of the defendant citizens council.

18. But for the acts and practices of the individual defendants in filing the affidavits of challenge as described and the action of the defendant registrar in giving effect to such challenges, the approximately 1,377 Negroes previously registered to vote and removed from the registration rolls would be presently registered to vote.

19. Unless restored to the registration rolls of Washington Parish the approximately 1,377 Negroes previously registered to vote will be unable to vote in the general election to be held April 19, 1960.

CONCLUSIONS OF LAW

1. This court has jurisdiction of this action. (28 U.S.C. 1345, 42 U.S.C. 1971(d).)

2. The individual defendants, in challenging the registration status of voters, were acting under color of the laws of Louisiana. Providing for and supervising the electoral process is a State function. (*Terry* v. *Adams*, 345 U.S. 461.) The individual defendants participated in this State function under express authority of Louisiana law, using State facilities made available to them. (L.R.S. 18; 345.) Their actions formed the basis of the removal of citizens from the registration rolls by the defendant registrar acting in his official capacity. See *Shelley* v. *Kraemer* (334 U.S. 1, 20).

3. The challenges by the individual defendants, endorsed and supported by the defendant Citizens Council of Washington Parish, of which they were and are members, although not patently discriminatory on the face of each, were actually massively discriminatory in purpose and effect, and as such, unconstitutional. U.S. Constitution, 15th amendment (42 U.S.C. 1971(a)). The result of the challenges was to remove almost all of the Negro voters from the rolls and leave the white voters practically untouched, even though over 50 percent of the white registration cards have the same defects and deficiencies as did the challenged Negro cards. A court need not, and should not, shut its mind to what all others can see and understand. *Child Labor Tax* case (259 U.S. 20, 37). Discriminatory application of a statute, even one unobjectionable on its face, is unconstitutional. *Yick Wo* v. *Hopkins* (118 U.S. 356); *Lane* v. *Wilson* (307 U.S. 268).

4. The action of the defendant registrar in giving effect to the mass challenges of the individual defendants achieved a discriminatory result in violation of his duties under the 15th amendment. Whether or not he had the racially discriminatory purpose which motivated the action of the individual defendants and the defendant citizens council is irrelevant as a matter of law. *Avery* v. *Georgia* (345 U.S. 559).

5. The challenges, having been made in violation of the 15th amendment and 42 U.S.C. 1971(a), were and are themselves null, void, and ineffective for any purpose, and the voters taken off the registration rolls as a result of these challenges were accordingly illegally removed. (*Thornton* v. *Martin*, 1 Race Relations Law Reporter 213 (1956).) It is of no bearing that some or all of the defects and deficiencies set out as basis for the challenges may in fact exist, and if nondiscriminatorily cited, could constitute legal grounds for removal of voters from the rolls as indicated in *Thomas* v. *McElveen, et al.*, Civil Docket No. 18,751, 22d judicial district court, parish of Washington, La. This is not a matter of a failure or inability to show a common injury. Compare *Reddix* v. *Lucky* (252 F. 2d 930). Here the common injury, which is the fatal defect of each challenge, is a shared discrimination in the application of the law. *Frasier* v. *Board of Trustees* (134 F. Supp. 589), aff'd. per curiam 350 U.S. 979).

6. Plaintiff, the United States of America, has an interest and obligation broader than that of any other individual litigant, which should be taken into account in giving effect to the broad remedial purposes of the Civil Rights Act of 1957. This is not a case as between private parties and should not be so construed. *Georgia* v. *Tennessee Copper Co.* (206 U.S. 230, 237). Courts of equity may, and frequently do, go much further both to give and to withhold relief in furtherance of the public interest than they are accustomed to go where only private interests are concerned. *Virginian Railway Co.* v. *System Federation No. 40* (300 U.S. 515, 552).

7. The principle of the exhaustion of administrative remedies has no application to this case, since the qualifications of the persons challenged are not here at issue. The discrimination involved lies in part in the very act of subjecting the Negroes to the process of resorting to administrative remedies which are not required of white voters similarly situated. To require exhaustion of administrative remedies would make this court a party to the discrimination claimed. *Shelly* v. *Kraemer* (334 U.S. 1). In any event, the law itself expressly dispenses with the requirement of the exhaustion of administrative remedies. 42 U.S.C. 1971(d). And where a person "has been illegally removed from the voters' list his remedy lies in having the illegal action rescinded, not in reregistering." *Reddix* v. *Lucky* (252 F. 2d 930, 937).

8. This court has jurisdiction to issue an appropriate injunction in this case. 42 U.S.C. 1971(c).

Judgment for plaintiff.

IN U.S. DISTRICT COURT DECREE, JANUARY 11, 1960

Pursuant to the findings of fact and conclusions of law, entered this date, it is ordered, adjudged and decreed that, pending further order of this court:

1. Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer, individually and as members of the citizens council of Washington Parish, La., together with their agents and any persons acting in concert with them who have actual notice of this decree, are hereby enjoined from causing or initiating challenges or filing any affidavits of challenge which have as their purpose or effect discrimination based on race or color against registrants of Washington Parish, La., and from further engaging in any other acts and practices which would interfere with the rights of any citizens of the United States to vote at any election without distinction of race or color.

2. The citizens council of Washington Parish, La., its officers, members, agents, and any persons acting in concert with it who have actual notice of this decree is hereby enjoined from causing or in any way participating in the filing of affidavits of challenge which have as their purpose or effect discrimination based on race or color against registrants of Washington Parish, La.—

Mr. President, it does occur to the junior Senator from Louisiana that there is serious question that a Federal judge has the right to issue an injunction against any person who is a private citizen, enjoining him from challenging the voting qualifications of any other person, even if he is discriminating; but that is what the court held in its decree, and the Supreme Court has affirmed this decision.

I quote further—

and from further engaging in any other acts and practices which would interfere with the rights of any citizens of the United States to vote at any election without distinction of race or color.

3. Curtis M. Thomas, individually and as registrar of voters of Washington Parish, La., his deputies and agents, and the successors of each, are hereby enjoined as follows:

(a) From giving any legal effect whatsoever to the approximately 1,377 challenges filed in the office of registrar of voters of Washington Parish, La., against Negro registrants of that parish by the four individuals named in paragraph 1 of this decree during the period February 1, 1959, to June 16, 1959, both inclusive, or from giving any legal effect to any prior proceedings or orders based directly or indirectly upon such challenges.

(b) From permitting the names of any of the approximately 1,377 persons challenged as set out in paragraph 3(a) of this decree, to remain off the present and current rolls of qualified voters of Washington Parish, La., or from a legal supplement thereto, longer than 10 days from the date of this decree. It is the intent and purpose of this paragraph that the persons enjoined shall do whatever is necessary to be done to reinstate within 10 days from the date of this decree upon the current rolls of qualified voters in Washington Parish and upon all official copies thereof, the names of all of the said approximately 1,377 persons.

(c) From acting upon or giving effect to any challenges of registrants in Washington Parish, La., which might hereafter be filed in his office which have as their purpose or effect discrimination based upon race or color.

4. In effectuation of this decree, Curtis M. Thomas, registrar of voters of Washington Parish, La., is further ordered to file with the clerk of this court within 10 days from the date hereof, a detailed report in writing of his full compliance with the provisions of paragraph 3(b) of this decree.

5. In further effectuation of this decree, Curtis M. Thomas, registrar of voters of Washington Parish, La., together with his successors, is further ordered to keep and maintain, from and after February 1, 1960, a tabulation showing the number of registrants of each race whose right to remain on the registration rolls of Washingon Parish is challenged. If at the end of any 3-month period thereafter, more than 5 percent of the registrants of any one race shall have been challenged, he shall within 10 days thereafter submit to this court a detailed report in writing concerning such challenges, giving the bases thereof and indicating whether the same or similar bases of challenges appear in the records of other registrants.

6. In further effectuation of this decree, the parties to this cause may at any time apply to this court for an order for the inspection of, and photographing of, any or all records in the office of the registrar of voters of Washington Parish, La.

This court retains jurisdiction of this cause of the purpose of issuing any and all additional orders herein as may, in its judgment, become necessary for the purpose of modifying the same if, in its judgment, modification becomes necessary, and for the purpose of enforcing the same.

New Orleans, La., this 11th day of January 1960.

J. SKELLY WRIGHT,
Judge.

The registrar, Curtis M. Thomas, who was defendant in that action, appealed to the court in the fifth Federal circuit for a stay of the injunction order. The fifth circuit immediately sent the case to the Supreme Court for certiorari; and the case was heard by the Supreme Court last week. On Monday, the Supreme Court handed down the decision which denied the stay, and affirmed the decision of the lower court in Louisiana.

In view of those facts, Mr. President, what on earth could anyone request by way of additional voting power, inasmuch as the Court affirmed that decision? In other words, in that case the Court began by saying that a number of persons had been challenged; and, although the challenge might very well have been in order, and although those persons might not have been qualified, yet, merely because the person who challenged seems to have challenged 99 Negroes for every white person he challenged, the Court ruled that the colored persons who were challenged must be restored to the rolls, even though they might not be qualified.

Mr. President, it is interesting to note that in a case involving 1,344 colored voters, the judge did not even bother to examine their qualifications; he simply took a cross-sampling of about 150 of them, and, based upon that cross-sampling, he decided that there appeared to have been discrimination by a private person.

Mr. President, many of us have always thought that a private person had a right to discriminate, even if a State did not. But in that case such action by a private person was challenged.

After all, the fifth amendment provides that a State may not deny the right to vote because of race, creed, color, or previous condition of servitude; but it says nothing about what a private person may do.

But in this case a private person is alleged to have discriminated in connection with the challenging. It has always been my thought that if a man was not qualified to be on the rolls, anyone could challenge his right to be there; and that if the man could not prove his qualifications, he was subject to being removed.

But the judge said, "Inasmuch as there appears to have been discrimination in the challenging, even if those persons are not qualified, they must be put back on the rolls." Thus, at a single stroke of the pen the judge put back on the rolls 1,344 Negroes, without examining into their qualifications; and then the judge required the registrar to put them back on the rolls within 10 days, and also to report to the judge every 10 days and tell him how many people had been challenged during that time; and the judge proceeded to say that anyone who challenged the qualifications of those people—even though the judge conceded that they might very well not be qualified—would be subject to being held in contempt of court. The judge said, "I am ordering you not to challenge any persons with a discriminatory purpose in mind; but if you do, I will hold you in contempt of court."

We know that under the Civil Rights Act of 1957, the judge has a right to do that, without allowing a jury trial.

Mr. President, this case means that the Federal judge can practically take over the registration office, and can tell the registrar that he is the employee and the servant of the Federal judge, and that he must proceed to put on the rolls everyone the Federal judge thinks should be on the rolls; and that if the registrar fails to do so, he will have to go to jail, for contempt of court—in other words, he will have to go to jail, for failure to place on the registration rolls some person whom the Federal judge thought should be on the rolls.

Mr. RANDOLPH. Mr. President——

Mr. LONG of Louisiana. Mr. President, does the Senator from West Virginia desire me to yield?

Mr. RANDOLPH. Yes; if that will not interrupt the continuity of the presentation of the Senator's remarks.

Mr. LONG of Louisiana. Very well; I yield for up to 3 minutes for either a statement or a question by the Senator from West Virginia.

Mr. RANDOLPH. What I am about to say may not be entirely apropos the recent remarks of the Senator from Louisiana. But in this connection, I should like to ask him a question.

Regardless of the area of the country or the persons involved in the responsible discharge of voting rights, I wish to call the Senator's attention to the fact that a friend of mine in West Virginia—Charles L. Watkins, 99 years of age, and a semi-invalid—has had a perfect voting record since he was 21 years of age. He has never failed to exercise this franchise of freedom which has been given to him; and he prides himself on the fact that he maintained that record throughout his adult life and good physical strength; and now that he is in the latter period of his life, and is subject to illness, he continues to roll himself in his wheelchair to the voting booth to cast his ballot.

Is not that an excellent example of good citizenship—not only in West Virginia, but anywhere in the Nation?

Mr. LONG of Louisiana. It certainly is an exceedingly excellent example of good citizenship.

I recall that in Louisiana a man who had been in public life for many years, but was then on his deathbed, with cancer, and was unable to walk at all, insisted that even though he was on his deathbed, he be carried on a stretcher to the polls, in order that he might cast his ballot for the candidate of his choice.

It is too bad that everyone does not realize that duty of citizenship and that duty to vote. My guess is that if everyone did, we would not have anything like the problem we now have, and we would not be arguing about this bill, because most people who are not registered to vote are not registered because they have not made a really diligent effort to register.

Mr. RANDOLPH. Will my friend yield?

Mr. LONG of Louisiana. I yield.

Mr. RANDOLPH. I had not intended to tell a further story about Charles L. Watkins, of Shinnston, W. Va.; but I should like to state that when the weather was very inclement, and when he was unable to propel himself in his wheelchair to the voting booth, on at least one occasion of which I know, within the last few years, he called his very close friend, who is an undertaker in the community, and said he would like to have a car provided, to enable him to go to the polls. His friend found that the only vehicle available was an ambulance. So he rolled it up in front of Mr. Watkins' house; and Mr. Watkins went in his wheelchair, in the ambulance, actually, to vote. The conveyance used was not too important to him. His concern was his dedication to a principle.

Mr. LONG of Louisiana. Mr. President, I think that is a fine inspiration for all of us.

Sometimes it seems to the junior Senator from Louisiana that our system should be patterned more after the Australian system. There, one does not pay a poll tax for the privilege of voting—not that we do in Louisiana, but in some States it is required. Instead, one is fined $5 if he fails to vote. In other words, it is felt that voting is a civic duty, and one should discharge it, or else should pay a fine or a tax for failure to indicate whom he thought the best candidate to be.

Mr. RANDOLPH. I ask the Senator a question. Is not that true in several other countries, including New Zealand?

Mr. LONG of Louisiana. Yes. As a matter of fact, as the Senator from West Virginia knows, some few months ago a young man named Ham Richardson was working in my office. He is classified as one of America's best tennis players. When he was in Australia, playing in the rounds leading up to the challenge round for the Davis Cup, all the Australian young men over 21 who were competing in those matches—which meant a great deal of them—had to find time to rush down to the polls and cast their ballots, because not only did they want to avoid any fine, but they felt that a stigma was attached to failing to vote in an election. When we reach that point in this country, I believe we shall have better government and much better citizenship.

Mr. RANDOLPH. I shall close with this further observation: Only a few months ago, I read of marriage vows having been consummated in England, where a young woman married an air line pilot. He had to take out a flight, to continue his work; and the news item said that she appeared at the polls in her wedding gown, and cast her ballot, just a few hours after the wedding ceremony—all of which indicates that the lack of a suitable conveyance or even interference by one's attire will not prevent dedicated citizens from doing their duty. If they give proper consideration to their responsibility to vote, they will find the means and the time to vote.

Mr. LONG of Louisiana. I am very pleased with the Senator's suggestion about voting responsibilities. I do hope the Senator and other Senators here will have occasion to read this case which I have placed in the RECORD, because I believe that the report shows that the Civil Rights Act of 1957 did just a little more than some people are willing to concede. We have heard some people say that was a Milquetoast act. Under the Civil Rights Act of 1957 the Federal district attorney, acting, of course, under the orders of the Attorney General, can file these lawsuits at the Federal Government's expense to put anyone on the rolls who belongs there, and he is in a position to get these orders from these Federal judges, such as this one who issued this order to which I have made reference, and the registrar of voters or anybody else has to place the man on the rolls or go to jail. Here is a case where the Federal judge tells someone who challenges qualifications of colored people, even though many of them are not qualified at all, to put them back on the rolls.

If he can do that, he can just as easily say, "Put the man on the rolls; he belongs there." In answer to those who tell us that in Louisiana there are four parishes that have no colored voters, four small parishes though they may be, all the Attorney General has to do is use the act on the books, use the logic of this decision, which the Supreme Court has upheld, use the powers the Federal court has, and all those people could be put on the rolls.

It comes with poor grace for the Attorney General to set up here with 26 lawyers—that is, 26 lawyers in the civil rights section alone, drawing their pay in Washington, enjoying Washington society—and say, "Pass more laws; pass more laws." What they should do is bring lawsuits to put people on the rolls whom they feel are being discriminated against.

Here is a situation where one district attorney filed a single lawsuit and put 1,377 colored people on the rolls, where they were having difficulty, and they got prompt service. The question of voting rights was challenged in the spring of 1959. The judge decided the case, and it was affirmed by the Supreme Court in February of 1960, a matter of less than 10 months.

There was an order entered, wherein the judge was telling the registrar, "Hereafter, you check with me on how you handle your office and let me see that you are not discriminating against anyone." The judge was also telling the people who did the challenging of the colored people's right to vote, "If you issue any more challenges, you had better be sure you do not do it in a discriminatory fashion, because I am going to put you in jail without a jury trial." When all those powers exist, it comes with poor grace for the Attorney General to have this case or this act become a mere predicate for more legislation. He does not need any more legislation. Any qualified colored man in America who is denied the right to vote can get on the rolls through action by the Attorney General. The Attorney General has 27 persons up here in Washington, drawing pay, who should be earning their pay, rather than talking about other things, if they feel that persons are being discriminated against. What possible need is there for any more laws? The only possible benefit in having such laws would be the political benefit. It might help carry Harlem to pass more laws, when what those people ought to be doing is what they are paid to do.

Now, Mr. President, I will read the brief which the respondent, Curtis M. Thomas, registrar of voters of Washington Parish, La., submitted to the Supreme Court in its case this last week. This will clearly show how the Attorney General and the Federal Government are attempting under the present laws, and it appears they wish to do even more under new law, to disregard the existing constitutional State laws in order to further their own methods. The obvious abuse of and inconsistency with their own Federal statutes is also shown:

QUESTIONS PRESENTED

Whether the Civil Rights Act of 1957 is constitutional.

Does the Federal court have jurisdiction over the controversy here in question.

Where there are valid State laws as to qualification of voters, can a Federal court injunction supercede the State law.

Whether a mandatory injunction may be exercised to bestow a right to vote on otherwise unqualified voters.

Whether a registrar of voters in the performance of his mandatory duties can discriminate in the performance of such duty.

Whether a Federal court under the Civil Rights Act of 1957 can collaterally pass on the qualification of a voter for a State election.

Whether or not a Federal court can mitigate State literacy requirements of a constitutionally valid literacy test.

Whether the judgment of the Federal District Court was erroneous and contrary to the law and the evidence presented.

STATEMENT

On June 9, 1959, the Attorney General, acting on behalf of the United States and purportedly under the authority granted by the Civil Rights Act of 1947 (42 U.S.C. 1971(c)), filed an action in the U.S. District Court for the Eastern District of Louisiana. The defendants named in the complaint were the citizens council of Washington Parish, La. (the "citizens council"); four members of the Citizens Council (the "individual defendants"); and Curtis M. Thomas, registrar of voters of Washington Parish, La. (the "registrar"). The complaint alleged that certain specified discriminatory acts of these defendants had resulted in the removal from the registration rolls of Washington Parish, La., of large numbers of Negro citizens who had previously been registered and entitled to vote.

The finding, conclusions, and the degree of the district court can be found at page 158, et seq., of the record.

SUMMARY OF ARGUMENT

As applied to State action, 42 U.S.C. 1971 (a), (b), (c) and (d) are unconstitutional for the various reasons advanced before this Court in the *United States* v. *Raines*, No. 64, of this term.

Of course, the opinion in United States against Raines was subsequently overruled. I am reading from the brief of the State of Louisiana prior to the Raines decision by the Supreme Court.

In addition, the State of Louisiana presents the argument as to the jurisdiction

of any Federal court to pass upon the qualification of voters of a sovereign State, to such an extent as to set up the qualifications for such voters. The State of Louisiana advances the argument that as to its citizens, the State and the State alone can set up the requirements as to suffrage, as long as those requirements are not an abridgment of a citizen's right under the provisions of the Federal Constitution. That under the law and the evidence presented there is no discrimination against any individuals based on their race, color, or previous condition of servitude. The respondent also challenges the use of mandatory injunction by the Federal court to collaterally pass on the qualification of its citizens to vote, and the literacy standards prescribed by State constitution and statutes, and that the judgment of the Federal district court was contrary to the law and the evidence.

ARGUMENT

I. The Federal court does not have jurisdiction over this controversy here in question

The original complaint filed by the United States herein states in the first allegation (R. 2) that this action is brought under part IV of the Civil Rights Act of 1957 (42 U.S.C., sec. 1971), and further alleges subsection (a) of 1971. This subsection indicates all citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, etc. It is suggested to the court that there is no jurisdiction herein for the hearing of the present matter, nor have the complainants shown a right of action against the defendant for reason that the persons on whose behalf this action is brought are not otherwise qualified by law. As admitted in the original complaint, all of the parties allegedly aggrieved, had deficiencies in their registration applications.

Mr. President, neither the Federal district court nor the Supreme Court doubted the fact that the applications were deficient. There was no statement by the Supreme Court or the district court that those voters were properly qualified.

As a result of these deficiencies they were challenged by certain original defendants herein, as a result of which challenges they were sent notifications to appear within 10 days to assert their right to remain on the registration rolls despite the challenges. None of these alleged aggrieved parties availed themselves of this privilege during the 10 days allowed them by law, nor have they attempted to reregister since that time. Consequently, these parties are not otherwise qualified by law to vote at any election by the people in the State. Therefore, even should this court hold that the Civil Rights Act is constitutional, which is denied by defendant herein, it is still asserted that this court has no jurisdiction over the complainants herein under this act for the reason as stated, that the act pertains, particularly section (a) thereof, only to citizens who are otherwise qualified by law.

The Civil Rights Act, under which this action is brought, purportedly finds its authority by the 15th amendment to the U.S. Constitution and particularly section 2 thereof. However, this court has previously stated that:

"Beyond a doubt the 15th amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the Nation and the State would fall to the ground." *Guinn* v. *U.S.* (35 S. Ct. 926, 238 U.S. 347).

This court has further stated that:

"The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by this amendment but the last has been." *U.S.* v. *Cruikshank* (92 U.S. 555).

Also, speaking of the 15th amendment, it has been said:

"This amendment does not confer the right of suffrage upon anyone, nor does it secure or guarantee any right of suffrage to any class of citizens. It has no other force or effect than to forbid discrimination by the United States and by the States on account of race, color, or previous condition of servitude." *Lacky* v. *U.S.* (107 F. 114).

In speaking of section 1 of the Civil Rights Act of 1870, the language of which is the same as that of 42 U.S.C. 1971(a) of part IV of the Civil Rights Act of 1957, under which this complaint is brought, Honorable Justice Clifford in a concurring opinion in *U.S.* v. *Reese*, p. 567, said:

"Disability to vote, of every kind, arising from race, color, or previous condition of servitude, is declared by the first section of that act to be removed from the colored citizen; but unless otherwise qualified by law to vote at such an election, he is no more entitled to enjoy that privilege than any white male citizen who does not possess the qualifications required by law to constitute him a legal voter at such elections.

"Legal disability to vote at any such election, arising from race, color, or previous condition of servitude, is removed by the 15th amendment."

Justice Clifford, speaking further of qualification, says:

"Nothing short of the performance of the prerequisite act will entitle any citizen to vote at any such election in that State, if the opportunity to perform the prerequisite is furnished as required by the act of Congress.

"Such an offer to perform can have the same effect in law as actual performance, only in case where it failed to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance; from which it follows that the offer must be made in such terms and under such circumstances that, if it should be received and carried into execution, it would constitute a legal and complete performance of the prerequisite act." *U.S.* v. *Reese*, p. 569.

Therefore, it is respectfully submitted that unless and until these persons have been qualified to vote by State laws, that there is no right or cause of action under 42 U.S.C. 1971(a), and that consequently this court has no jurisdiction thereof.

Webster's International Dictionary defines "qualified" as being:

"1. Possessed of certain qualities or capacities.

"2. (a) Fitted by accomplishments or endowments for certain purposes; competent; fit;

"(b) Having complied with the specific requirements or precedent conditions for an office, appointment, employment, etc."

And further, this same source defines "qualified voter" as being: "One who possesses certain specific qualifications for voting, especially as to citizenship, age, and residence, and sometimes also as to literacy and ownership of property."

It is brought to the attention of the court that this definition of "Qualified" has been used by the courts in *State, ex rel. Evans*, v. *Wheatley* (125 S.W. (2d) 101) and *Peoples* v. *Palen* (26 N.Y.S. 225), as well as *State* v. *Llewellyn* (167 p. 414), and also in *Trusted Funds, Inc.*, v. *Daccy* (160 F. (2d) 413), holding that qualified "means more than simply physically and mentally qualified."

The historical background of the Civil Rights Act is bereft with numerous argument pro and con. To the extent that it must be conceded that its drafters took full cognizance of the definition and terminology of every phrase thereof. By careful analysis of the first sentence of section (a) of 42 U.S.C. 1971, states that "All citizens of the United States who were otherwise qualified by law to vote at any election by the people in any State" it is obvious that its drafters recognized the fact that the qualifications of voters was strictly within the realm of the various States to determine.

Under the system of dual sovereignty of the Constitution, article 1, section 2, provides that the House of Representatives should be composed of Members chosen by the people of the several States and the electors in each State to have the qualifications prerequisite for electors of the most numerous branch of the State legislators.

The 17th amendment, which was ratified on May 31, 1913, made the same qualifications apply to the U.S. Senators.

Other than as stated above, there is no constitutional provision, nor has Congress ever attempted to pass any law setting forth qualifications of voters. The U.S. Constitution by amendment 15 has simply restricted any discrimination by a State against any citizen by reason of his race, color, or condition of previous servitude.

"The Federal Constitution does not confer the right of suffrage upon anyone, and the conditions under which that right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution." *Pope* v. *Williams* (193 U.S. 621, p. 822).

"Congress did not intend to abolish State laws which prescribe the qualifications of voters, or even to alter them, except so far as they were founded upon the distinction of race, color, or previous conditions of servitude." *Ex parte McIllwee* (C.C. Va. 1870, 16 Fed. Cas. No. 8820).

The qualifications to vote in the State of Louisiana are set up in its constitution by article 8, section 1, et seq. (see appendix), and its legislature has set up the same constitutional provisions and the conditions precedent for an elector to become a registered voter and the conditions under which after an elector has become registered, whereby his name must be removed if it is later found that such registered voter has not complied with the provisions of the law. The suit by the Attorney General on behalf of these applicants alleges that your defendant removed 1,377 voters from the rolls but produced documentary proof of only 155 whom he alleges were removed on account of what he termed technical irregularities and deficiencies.

Mr. President, I must digress at this point to say that it is a strange situation where a district judge looks at 155 cases which were properly challenged, and on that basis says that 1,377 names should be restored. That is 10 times the number of persons who had been challenged.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. RUSSELL. I ask the distinguished Senator if he does not believe the judge used the same techniques as those used in the Gallup and other polls. The judge took a sample and decided that he would then apply his finding wholesale, across the board. Would not the Senator think that the judge could have sampled 25 or 30 and put 25,000 names back on the roll?

Mr. LONG of Louisiana. This is one of the most amazing cases I have ever read. I have read a great many decisions in the State of Louisiana. I can assure you this is the most fantastic I have ever read.

I point this out to show how people can be put on the rolls under conditions of this kind. It is inconceivable to me to see how any more laws can be needed. I did not vote for the 1957 act; but, if someone said he wanted to give the Attorney General all the powers conceivable, he certainly did this when the present law was passed. This decision has now been affirmed by the Supreme Court.

This judge said, in effect: "Show me 155 cards out of the 1,377 which have been challenged." He looked them over, and there were irregularities in all of the 155. So, because these unqualified voters who were challenged were Negroes, and because a similar or proportionate number of whites had not been challenged, he proceeded to say, on that basis, that even if they were not qualified they must go back on the rolls and be permitted to vote. I do not see how anyone could ask for any more than that. As a matter of fact, since this decision, I should imagine that there will be some more upheld.

I heard that in New York City a complaint had been made by the Civil Rights Commission that the colored vendors of lottery tickets—some persons referred to that as the "numbers racket"—are asking that the Civil Rights Commission intervene because they had been apprehended in considerable numbers, but that the police had failed to apprehend an equal number of white vendors of lottery numbers. In other words, as between two sets of law violators, one set cannot be apprehended because the other set of law violators has not yet been apprehended. That is about what the situation amounts to in this instance.

If there is a large number of white people who are not qualified and a large number of colored people who are not qualified, if both groups are not challenged, neither can be challenged.

Some years ago, if someone was running against a political organization, and it appeared that the election would be close, a candidate would send someone down to look at the books and challenge those who did not belong on the rolls. In a seaport city like New Orleans, there might have been a large number of sailors who would register when they were in the city. When they left, they might leave their registration papers with the steward of the union at the union hall. The union could hold the registration papers. The clerk of elections might know that those persons had no business voting on election day. Someone might go to the voting place to cast votes in the names of those persons. If the opposition was vigilant, it could challenge those votes. If a person had no right to vote, he could be challenged. The opposition could challenge our people, while our people challenged theirs.

But in this instance we are told that if an unqualified voter is challenged, the challenge is not valid.

Mr. RUSSELL. I was interested in the Senator's statement about the lack of necessity for any other legislation in this area. The so-called Civil Rights Act of 1957 was about as sweeping a law as anyone could conceive of. It gave to the Attorney General vast powers, which he has exercised in a few instances. The Supreme Court has now upheld that law in all respects. As between the Attorney General and Thurgood Marshall and the Supreme Court, it seems to me there is not very much room left for the operation of any new law.

Mr. LONG of Louisiana. It seems to me that somebody wants to get in on the act. Someone who was not here when the 1957 act was passed is saying to Congress, "Pass another one, so that I can say I had something to do with this."

Mr. RUSSELL. Is the Senator from Louisiana familiar with the story told by the late, lamented Alben Barkley, who said that a farmer had told him that the Senator had not done anything for him lately?

Mr. LONG of Louisiana. I understand that Senator Barkley told such a story.

Mr. RUSSELL. Yes. The man had had his whole family on the WPA. Senator Barkley had his brother appointed postmaster. He had got his son home from the Army. He had the man made a foreman on the WPA. Still, Senator Barkley heard that the man was going to vote against him, so he went to see him. He said to him, "Think of what I have done for you." He recounted all that he had done and asked, "Didn't I do all that for you?"

The man replied, "Yes."

Senator Barkley asked him, "Did I do all of those things for you?"

The man replied, "Yes."

The Senator then asked, "And do you mean you are still going to vote against me?"

The fellow looked at him and said, "You haven't done nothing for me lately."

So it is in this instance. Congress has not passed a bill on this subject since 1957. This happens to be a presidential year. Presidential candidates are about a dime a dozen in the Senate. Some of them are coy about announcing their candidacy; some have indicated that they are running. In addition, some of our colleagues are running around with lighting rods in their hands, hoping they will be hit with the vice presidential nomination. Still others are hoping to get Cabinet appointments in the event of this, that, or the other. So it becomes rather imperative to have a bill enacted which will be called the Civil Rights Act of 1960, not because a law is needed, but because it will be for the relief of ambitious politicians.

Mr. LONG of Louisiana. The Senator is correct.

Frankly, as a lawyer of sorts myself, having practiced before I came to the Senate, and having served as Government counsel in some cases, it seems utterly fantastic to me that a judge could so stretch his imagination as to reach out and make a decision such as this. However, the district judge perhaps felt that that was what the Supreme Court wanted him to do, and the Supreme Court then proceeded to uphold his decision. The law of the State provides for the challenge of anyone who is not properly on the rolls. The 15th amendment reaches only to the States. It provides that a State shall not discriminate against a person because of race, creed, or color.

When a private individual challenges persons who are unqualified, the judge simply looks over a sample, a sample of less than 10 percent, or approximately 10 percent, of the number challenged, and based on the 10 percent sampling of those whose registrations are themselves defective, he then proceeds to say, "Put them all back on the rolls anyway."

Mr. RUSSELL. That man is certainly wasting his talents, if any, sitting on the Federal bench. He could drive Mr. Gallup and Mr. Roper out of business, if he were to go into the polling business.

Mr. LONG of Louisiana. If that type of decision is to be upheld, a decision which holds that a disqualified colored voter cannot be taken off the rolls, even though he is unqualified, I assume the logic of that case would mean that even if the judge did not look at the number beyond that point, even if the person lived out of the State, the fact that 98 percent of those who had been challenged were Negroes, and two percent were whites, would cause the judge to go no further and say, "Put them back on the rolls."

Not only did he say that they were to be put back on the rolls, but he also said to the registrar, "Come to my office every 10 days and report to me your activities concerning what you have done hereafter. If you take anybody else off the rolls, you are under order from me not to discriminate against anybody."

Of course, under the 1957 act, the registrar is subject to being tried by the judge for a violation of the judge's own decree, and could be imprisoned or fined without a jury trial. I am sure if that were done, the Supreme Court would uphold the action of the court. It would not take much more of a stretch of the imagination to uphold that kind of action than it took to uphold this decision.

To continue:

But despite the lack of such evidence, the district court has commanded all 1,377 persons to be replaced on these rolls without any knowledge of their present status, whether living or dead, inmates of public institutions (i.e., mental hospitals, penitentiaries or jails), or no longer having residence requirements, or having any knowledge for the reasons for their removal from the rolls. This evidence, while not in the printed record, is in the form of exhibits which by stipulation form a part of these proceedings. These persons were removed from the rolls over a period from November 4, 1958, to June 16, 1959, and no evidence was offered that any of these persons had attempted to remain on the rolls by observance of conditions of the Louisiana law, nor had any of them taken legal action in the State court against the registrar of voters and the challengers to prevent their removal, nor had the U.S. Attorney General brought any action to prevent their removal on account of alleged discrimination.

In other words, in this case it was conceded that these people made no effort to avail themselves of the State law, which gave them the right to contest the right to take them off the rolls. They made no effort to avail themselves of their privilege of being put back on the rolls properly. They made no effort to register properly where they had made errors in registering. They made no effort to use their rights in the State courts; and yet, in spite of their failure to use all the methods provided by State law to protect their rights, the Federal court would, nevertheless, go into this case and put them back on the rolls.

I continue:

No evidence was offered, that after these complainants were advised that they had not observed the conditions set forth by Louisiana law, that they made any attempt to again register, which they could have done and can still now so do. Since the period of these challenges in the State of Louisiana, Parish of Washington, as alleged in the complaint were between November 4, 1958, and June 16, 1959, and since the filing of this complaint on June 29, 1959, none of these parties have availed themselves of the right to reregister. The removal of their names from the rolls did not prevent them from again registering and observing the conditions imposed by Louisiana law which they had a legal right to do and can still do prior to April 19, 1960, so that no State action taken by the registrar in the removal of their names has deprived them of their right to register and vote in the coming general election on that date. Their complaint is simply that having been once on the rolls, their application form being admittedly erroneous, that the motivating cause of the other defendants herein was because of their color and that because these other defendants did not challenge an equal number of white persons that this constitutes a discrimination and that they therefore should be placed back on the rolls with other persons who may be similarly unqualified. The complaint of the U.S. Attorney General, in effect, is asking for injunctive relief under the Civil Rights Statutes to enjoin the registrar, in defiance of Louisiana law, not to remove any persons whose legal right to remain on the rolls has been challenged and to perpetuate a nonobservance of the conditions imposed by the Louisiana constitution and law.

The evidence submitted herein shows that the removal of these names from the rolls was a fait accompli, and that at the time of the filing of the complaint herein all of the alleged aggrieved parties had been removed from the rolls, some even as long as five months prior thereto. Therefore, there was nothing upon which an injunction could be based. The decree of the district court is in effect a mandamus to compel a State official to replace on the rolls persons who have not observed conditions of registration. The district judge, in order to do so, passed upon the qualifications of these former registrants. These qualifications are strictly a matter of State concern and could be passed upon only by a State court, which court would have the right, and the duty to pass upon both State and Federal constitutional rights, there being no reason to presume that the State courts would shirk their duty or would be any less zealous in protecting the Federal constitutional rights than would a U.S. court. And should State courts fail to do so, or make any ruling on Federal constitutionality contrary to any ruling previously made by this court, such action would be immediately reviewed by Your Honors. In other words, we contend that before an injunction could issue, the U.S. Attorney General must allege facts under the Civil Rights Act showing that the persons are "otherwise qualified" to vote by alleging their qualifications and observance of conditions of Louisiana law whereas his complaint in fact shows a breach of observance of conditions in the applications for registration.

II. Title 42, United States Code, section 1971, part IV, is unconstitutional

Inasmuch as this action is based upon 42 U.S.C. 1971, which purports to legislate against deprivation of voting rights in State elections, by reason of race, color, or previous condition of servitude, and further that the judge of the U.S. district court, from whence this action emanates, stated in *U.S.* v. *McElveen* (177 F. Supp. 357, p. 358):

"It is admitted by the United States that the sections of the act in suit, since they specifically apply to all elections, are predicated on the 15th amendment."

And that the brief submitted by the United States herein attempts throughout to justify the said act under the 15th amendment. The contention of the defendant registrar herein is that this Civil Rights Act is not appropriate legislation under the said 15th amendment. For purpose of reiteration, we quote the language of the 15th amendment as follows:

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce the article by appropriate legislation."

As was indicated by the Honorable W. N. Hamilton of Maryland, in the U.S. Senate on May 18 and 19, 1870 (Congressional Globe, pt. 7, 2d sess., 41st Cong., p. 353), while commenting upon this amendment, stated:

"A fair construction of its terms, with a contemporaneous exposition of its meaning and effect, the following propositions may be logically deducted:

"1. That it does not confer upon Congress any power to establish qualifications of electors in the States.

"2. That it prohibits the United States from denying or abridging the rights of citizens of the United States to vote on account of race, color, or previous condition of servitude in places where the United States have the power of establishing the qualifications of electors and of regulating elections and the elective franchise, as in the District of Columbia and the territories of the United States.

"3. That it prohibits the United States from denying or abridging the right of citizens of the United States to vote on account of race, color, or previous condition of servitude within their jurisdictions respectively.

"4. That in all of the respects the several States have within themselves, and the United States in such places as it has jurisdiction, as I have before stated, in this District and in the territories, the full and perfect power to fix the qualifications of electors.

"5. That it does not deny or in the least abridge or affect the full and perfect power always possessed, enjoyed, and exercised by the States to regulate their elections and to prescribe the mode and manner in holding them, subject, and subject only to the limitations * * * of the Constitution of the United States, which grants to Congress the power to make or alter any regulations made by a State prescribing the time, place, and manner of holding elections for Senators and Representatives in Congress."

In all other respects whatsoever the rights of the States to regulate their elections remain to them unimpaired and complete. In fact, the intent and effect of this amendment were to avoid exclusion from voting by reason of color or race. It means nothing more; it does nothing more (Congressional Globe, pt. 7, p. 354). The amendment by its very plain wording, is purely negative and prohibitory in its terms; it denies and prohibits the exercise of certain powers.

As was further mentioned by the Honorable W. N. Hamilton: "The denial by the Constitution of the United States to the States of the right to exercise certain enumerated powers does not thereby grant to Congress the right to exercise them. The denial to a State is not a grant to Congress. Unless in the Constitution a grant is made to Congress this denial to the States leaves both Congress and the States without the right to exercise such powers," (*Cruikshank*, 92 U.S. 555, p. 557).

The Honorable Senator Hamilton further advances the idea that: "This amendment speaks to the States; not to the people, but to the State as a body politic."

This was recognized by this court when it stated: "The right to vote in the States comes from the States; but the right of exemption from the prohibitive discrimination comes from the United States. The first has not been granted or secured by this amendment but the last has been" (*U.S.* v. *Cruikshank*, 92 U.S. 555); and further that: "This amendment does not confer the right of suffrage upon anyone, nor does it secure or guarantee any right of suffrage to any class of citizens. It has no other force or effect than to forbid discrimination by the United States, and by the States on account of race, color, or previous condition of servitude" (*Lacky* v. *U.S.*, 107 F. 114, p. 118).

It is suggested to the court that the Civil Rights Act is unconstitutional for reason that it grows out of a negative constitutional power but in effect and application grants affirmative and substantive rights which are not contemplated by the 15th amendment. The facts of the instant case, conclusively prove that this is true. Herein we have a group of persons who admittedly are deficient in their qualifications for registration, yet, by use of the Civil Rights Act, the United States and the court below by its decree, would place these unqualified people back on the rolls and grant to them a right to vote, which is not authorized under the 15th amendment. It is further submitted that the said judgment of the lower court, based on the Civil Rights Act of 1957, granted to these particular persons a substantive right because of their color, in the area of qualification where only the State has the right to pass upon this question.

It is further urged that the Civil Rights Act of 1957 is unconstitutional by the scope of subsection A thereof. This section is found in brief of counsel for the United States on pages 2 and 3. However, reference is made to the pertinent part thereof:

"All citizens of the United States who are otherwise qualified by law to vote * * * shall be entitled to vote at all such elections, without distinctions of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding."

This section paraphrased in its simplest terms means only that every citizen otherwise qualified to vote in State elections shall be entitled and allowed to vote in such elections without distinction as to their race, color or previous condition of servitude, even though there might be a State constitution, law, custom, usage, or regulation to the contrary, or which might prohibit them to vote because of their race, color or previous condition of servitude, or even though such act of discrimination may have been done by or under the authority of any State or Territory. There is nothing in this section which lends itself to the interpretation that the prohibition to discrimination is levied only at the States. Further comments were stated

in the reply brief for James Griggs Raines, which was submitted to this court in matter No. 64 and on page 2 thereof:

"The scope of the section is broad enough to cover individual action as well as acts which may be paramount to abridgment or deprivations by a State. This becomes even more clear when section (a) is read in connection with the first words of section (c).

"Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by section (a)."

The phrase "any person" is broad enough to include any individual even though he be not a State officer whose acts may be considered denials or abridgments by the State.

The verbiage and context of the 15th amendment are perfectly clear in asserting that the right of citizens to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude; certainly if it had been the intent of Congress to limit the protection sought by the civil rights acts only to those acts of a State, it could have done so in the same explicit language. The phrase "any person" in section (c) thereof certainly does not lend itself to a conclusion that it was the intention of Congress to so limit the protection of the act. And: "thus it will be seen that, if section 1971(c) is constitutional, it is because of the power given Congress by the 15th amendment. As stated, that amendment relates solely to action by the United States or by any State and does not contemplate wrongful individual acts" (*U.S.* v. *Raines*, 172 F. Supp. 552, p. 557).

In his opinion in the district court, in the Raines case, Chief Judge Davis foresaw an exact situation such as we have before the court today. When speaking of the unconstitutional portion of the statute he said:

"This indicates that the statute as written is sufficiently broad to include unconstitutional matter, but that the Attorney General expressed his intention of administering it in such a way as to seek no unconstitutional relief. While this is a noteworthy sentiment, the tenure of Attorney General being what it is, the courts can hardly rely on his intentions as to the administration of an act which in itself would purport the grant of unconstitutional relief, if requested" (p. 562).

In the instant matter, as seen by brief of counsel for the United States herein, pages 22 and 23, the action herein was "triggered" by the issuance of challenges by various private citizens. The brief refers to these persons as "private attorneys general." While it will be admitted that these persons were private individuals, by no stretch of the imagination can it be concluded that they are attorneys general. The brief further states that the fact that because these persons searched State records, in a State office, and used a State-provided mimeographed form and under a State statute, all dealing with the qualifications of voters, that this constitutes these persons private attorneys general of the State of Louisiana, and as such, extending the verbiage of the 15th amendment, by any State through the color of law theory to include those people who merely walk into a public building or peruse a public record. Certainly such a conclusion would do severe violation to the opinion of Mr. Justice Frankfurter while concurring in *Snowden* v. *Hughes* (321 U.S. 13-17) when at page 16 the Justice said:

"But to constitute such unjust discrimination the action must be that of the State. Since the State, for present purposes, can only act through functionaries, the question naturally arises, What functionaries, acting under what circumstances, are to be deemed the State for purpose of bringing suit in the Federal courts on the bases of legal State action? The problem is beset with inherent difficulties and naturally has had a fluctuating history in the decisions of the court. Compare *Mordy* v. *City of New York* (193 U.S. 430) with *Raymond* v. *Chicago Traction Company* (207 U.S. 20); *Memphis* v. *Cumberland Telephone Company* (218 U.S. 624), with *Home Tel. & Tel. Company* v. *Los Angeles* (227 U.S. 278). It is not to be resolved by abstract considerations such as the fact that every official who purports to wield power conferred by a State is pro tanto the State. Otherwise every illegal discrimination by a policeman on the beat would be State action for purpose of suit in a Federal court."

It is further urged and called to the attention of this court that: "Section (c) creates a remedy against purely private, as distinguished from State, deprivation of voting rights on account of race or color" (*U.S.* v. *Raines*, p. 561); and consequently is unconstitutional legislation and inappropriate under the 15th amendment.

Therefore, when the question of constitutionality vel non of a statute is presented, wherein that statute has one part which is unconstitutional, this court has held that: "For this purpose, we must take these sections of the statute as they are. We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there." (*U.S.* v. *Reese*, *supra*, 221).

Therefore, part IV of the Civil Rights Act of 1957 (Public Law 85-315, 71 Stat. 634; 42 U.S.C. sec. 1971) under which this action is brought is unconstitutional in its entirety.

III. Under Louisiana law registration of an individual and his privilege to vote are based on his meeting the requirements of the constitution and laws of the State of Louisiana

In order for an individual to participate in elections, either State or Federal, it is necessary that he meet the requirements established by the States. The constitution of the State of Louisiana and various legislative acts set out the qualifications and requirements that an individual must possess before he becomes a qualified voter of this State (art. 8, sec. 1, constitution of the State of Louisiana, 1921, and Louisiana Revised Statutes, title 18, sec. 1, et seq., and Louisiana State constitution, art. 8, sec. 17).

A reading of the constitutional provisions and requirements can be seen that the privilege to vote in the State of Louisiana can be set down basically as follows:

1. A person must obtain the age of at least 21 years of age, and be a native born or naturalized citizen to become an elector;

2. Must met a resident requirement within the State, parish, or municipality where he lives; and

3. Must be registered as a voter.

All three elements must be present at the same time an individual applies for registration. If one of the elements are missing, the individual involved cannot, and should not, be declared to be a qualified voter of this State (constitution of Louisiana, 1921, art. 8, sec. 3).

Some of the requirements called for under the constitution and legislative acts, such as age, residency, and citizenship, are requirements which can be established by an individual through the production of documents or other evidence. However, the requirements as to being registered require the assertion by the individual of doing certain things under the law or constitution of Louisiana to indicate that the individual attempting to qualify as a registered voter has met the specific requirements of the Louisiana law (art. 8, sec. 1-B, constitution of the State of Louisiana, 1921). In order to be a registered voter, one must be able to meet requirements as to character, and literacy. In order to show his ability to read or write or his inability to do so, he must complete, what has been called, a registration form or card or an application for registration, or he must indicate that he is unable to complete this card, or application, completely because of his inability to read or write. In addition to this literacy test, the applicant is required to read any clause in the U.S. or State Constitution, and give a reasonable interpretation thereof (art. 8, sec. 1, of the constitution of the State of Louisiana).

However, the failure to be able to read or write does not disqualify a party from becoming a registered voter (art. 8, sec. 1; Louisiana constitution, 1921 (subsec. D)). In addition to the literacy and character test the party registering must identify himself (art. 8, sec. 1, subsecs. —, constitution of Louisiana, 1921; L.R.S.A. 18: 233). Therefore, it can be said that any person, even though he possesses qualifications as to age and residency, cannot by these two elements alone, become a voter or a qualified voter, unless he does the third and additional step, that is, become a qualified voter, by completing the registration application form, and test as outlined by the constitution and statutes. Therefore, the most important step in becoming a voter is that of meeting the requirements of registration. In addition, to the requirements set out in the constitution of this State, the legislature of the State has, in its wisdom, supplemented constitutional provisions under the mandate given to it by the constitution (constitution of Louisiana, 1921, art. 8, sec. 17).

In the Louisiana registration laws, an effort was made to make the process of voting as simple and as easy as possible. For instance, it is not necessary, at this time, to indicate party affiliation, in order to become a voter in a primary, although the failure to do so will prevent an individual in participating in a party primary (Louisiana Revised Statutes Annotated, title 18: 33; constitution of Louisiana, 1921, art. 8, sec. 4). A registered voter can apply for a duplicate certificate in the event a certificate is lost (Louisiana Revised Statutes Annotated, title 18: 582). The Louisiana laws, insofar as requirements for registration are concerned, are liberal and the administration of the law is fair and equitable.

Registrar of voters: The constitution of Louisiana sets up a board called the board of registration which is composed of the Governor, Lieutenant Governor, and the speaker of the house of representatives and gives the power to any two members of the board to remove a registrar (Louisiana State constitution, art. 8, subsec. 18, of 1921).

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. Does the Senator observe, as I do, that there are only two other Senators on the floor, except himself and the occupant of the Chair—three, I believe?

Mr. LONG of Louisiana. I believe there are about five.

Mr. McCLELLAN. Well, that is a little more than the average. I just wanted to call attention to it.

Mr. LONG of Louisiana. I thank the Senator.

It can be said that the governing authority in a parish can appoint the registrar of voters, except for Orleans Parish, where the Governor has the authority to appoint the registrar (Louisiana Revised Statutes, title 18, sec. 1). A registrar holds his office

during good behavior, however, is subject to removal by the board of registration (art. 8, sec. 18, Louisiana State constitution, 1921; L.R.S.A. 18: 3). The registrar must be a registered qualified voter of the parish of which he is to perform his duties (Louisiana Revised Statutes, title 18, sec. 2). He must also qualify by taking a necessary oath of office and depositing the proper bond before the proper authority (Louisiana Revised Statutes, title 18, sec. 4). The registrar is allowed to have certain deputies, clerks, and other people to assist him in his work (Louisiana Revised Statutes Annotated, title 18, secs. 7 and 8). It is interesting to note here that the law of the State of Louisiana, insofar as registrars are concerned, is based on the theory of maintaining the registrars of voting, as best as possible away from political activities. A registrar is prohibited from any political activity while acting as a registrar and his employees are under the same mandate (Louisiana Revised Statutes Annotated, title 18, sec. 6.1).

Responsibility of the registrars of voters: It should be first brought to the attention that the registrar of voters operating under the Louisiana laws is operating under mandatory provisions. Where the law itself imposes a duty upon the registrar to do or to refrain from doing an act, such duty is to be considered mandatory (Louisiana Revised Statutes Annotated, title 18, sec. 196). In other words, the theory of the Louisiana law is that the provision and actions are mandatory (Louisiana Revised Statutes Annotated, title 18, secs. 31, 35, 36, 37, 38, 39, 40, 41, 42, 71, 72, 73, 74, 91, 92, 93, 94, 111, 112, 113, 114, 115, 131, 132, 133, 134, 135, 136, 137, 138, 161, 162, 163, 164, 165, 166, 169, 170, 191, 196, 252, 337: (Louisiana State constitution, art. 8, sec. 16; see *Ventre* v. *Ryder*, D.C.-La. (1956), 176 F. Supp. 90). Thus, the registrars of the various parishes, including the registrar for the Parish of Washington, under every section of the law, which indicates to them what their duties and responsibilities are mandatorily required to act, and in no sense of speaking does the registrar have any discretion in his capacity as registrar (Louisiana Revised Statutes Annotated, title 18, sec. 196; *Lorio* v. *Sherburne*, 122 La. 434, 47 So. 760 (1908)).

Registration system: There are two types of registration systems in the State of Louisina. One is a system whereby registrants are required to register every certain number of years, and one is a system which is called permanent registration. Permanent registration is the system which is presently maintained in Washington Parish (tr. p. 58). Under this system of registration (which exists in the Parish of Washington), once a party has become a "qualified registered voter," assuming that the party is not challenged from the registration rolls for cause (Louisiana Revised Statutes Annotated, title 18, secs. 245, 132, and 133), or assuming that the person does not die or become a felon, or refuse to participate in election for a period of time (Louisiana Revised Statutes Annotated, title 18, sec. 42), the individual named shall continue upon the rolls as a qualified registered voter.

In other words, the permanent registration system is to eliminate the necessity of an individual having to register every number of years. The advantage of this system is to make, again, the procedure of voting as simple as possible for any individual, so that more people will participate in the activities of their State by casting their ballots. The important thing to point out, at this time, is that insofar as the registration system in Louisiana is concerned, in this particular case there is no conflict in systems such as permanent as opposed to temporary registration. Because, the registration application blank that a party must complete to be a "qualified registered voter" is the same under both systems. The same qualifications to become a registered voter pertains under both systems. Under permanent registrations it is important to note, at this time, that the registrars of voters of various parishes are under a mandatory duty to keep their rolls current and up to date with only qualified voters. The registrars are required to make periodical checks of their registration polls to accomplish this purpose (Louisiana Revised Statutes Annotated, title 18, sec. 165).

Application for registration: As a part of the procedure to become a registered voter in the State of Louisiana one must meet the conditions and requirements as outlined by the constitution and the statutes of the State (Louisiana State constitution, 1921, art. 8, sec. 1, subpars. C, D, and E, et. seq.). It will be noted at this time that in the constitution there is the requirement as to character and literacy. There is also in the constitution a form with respect to the application for registration (Louisiana State Constitution, art. 8, sec. 1 (C)), and a form in the Louisiana Legislative Acts as to the application blank for registration (Louisiana Revised Statutes Annotated, title 18, sec. 31). Therefore, the constitution and the legislature have sanctioned the use of the application blank for registration. The point to consider, at this time, is that the issue before the court, as the State of Louisiana understands the situation, is not that the application form for registration requirement under the constitution and laws is unconstitutional. No question has been raised by the Government in any of its pleadings as to the unreasonableness of the form in question, or as to the questions asked in the application blank, or any other indication which would give the matter in question an unconstitutionality basis.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. I want to ask the Senator a few questions about his constitution in his own State, and particularly with reference to the voting qualifications. I have been compelled to be away from the Chamber during part of the Senator's speech, but I think I heard him referring to his State's constitution.

In my State of Mississippi, we have certain literacy qualifications, but I desire to ask the Senator about his State.

Does his State's constitution prescribe ability to read and write as one of the qualifications for voting?

Mr. LONG of Louisiana. In Louisiana a person can qualify either as a literate or as an illiterate person. If a person can read or write he is required to qualify as a literate person.

Mr. STENNIS. If I may ask, Mr. President, if the Senator will yield for another question, when the Senator says read or write, does he refer to any language, one language, or what language?

Mr. LONG of Louisiana. I refer to any language. That is one place where the law of Louisiana, from a civil rights point of view, is so far superior to the law of New York. As the Senator so well knows, up in New York, Puerto Ricans cannot vote. The law requires that those poor people up there must be able to read and write English.

If they cannot read or write English, they cannot vote.

Mr. STENNIS. Does the Senator mean that they are disfranchised as a group if they cannot read or write the English language?

Mr. LONG of Louisiana. Oh, yes. As a matter of fact, the Civil Rights Commission reported that in New York City there are about 618,000 Puerto Ricans. More than 190,000 of them have lived there long enough to satisfy all residence requirements, but those people are not permitted to vote because by the law of New York State a person must be able to read or write English in order to be qualified to vote.

In Louisiana, a person does not have to be able to read or write English. He can be registered by explaining to the interpreter what the answer is and by answering through the interpreter the various questions which are asked. He can have assistance in filling out his registration card and thereby be registered. Louisiana does not do that simply as a matter of being interested in the racial issue. Louisiana does that because there are many French speaking people who live there. Later many Italian people came and set up their own settlements. Louisiana has many Hungarian settlements. Louisiana has done what New York will not do for its people.

Mr. STENNIS. In other words, the Louisiana statutes, with reference to suffrage, conform to the conditions which exist there and are for the benefit of the people who live there. Louisiana sets up reasonable standards and requirements for its own people. I commend Louisiana for that.

The Senator mentioned New York. Will the Senator again give the figures with respect to the Puerto Ricans?

Mr. LONG of Louisiana. I hope I can find the quotation from the Sermon on the Mount. I think it so aptly applies to the situation involved in the civil rights case. I do not want to make a mistake in quoting the Bible. I think when we quote Jesus, we ought to try to be accurate about it. I am quoting from the Holy Word itself, Matthew, chapter 7, the Sermon on the Mount:

> Judge not, that ye be not judged.
> For with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again.
> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Mr. President, some folks who may not be Bible readers may not know what a mote is. A mote is a teeny, teeny speck of dust. "Teeny" means it is almost impossible to see with the naked eye. If a person can see it at all, he is lucky.

On the other hand, the beam, the other Biblical term referred to, is a fairly good-sized piece of wood, I suppose about the size of a splinter. Jesus said to the people, in his Sermon on the Mount:

> And why beholdest thou the mote—
>
> This little speck of dust—
> that is in thy brother's eye, but considerest not the beam that is in thine own eye?
> Or how wilt thou say to thy brother—

Mr. McCLELLAN. Mr. President, I think it is quite unfortunate that the Senators from the State of New York are not in the Chamber to hear this able discussion. Does not the Senator agree with me?

Mr. LONG of Louisiana. I hope to catch the Senators from New York on

the floor sometime this evening in order to call this to their attention.

Mr. McCLELLAN. Does not the Senator further agree that if we have to make these long speeches in order to get them to listen, we should be able to catch occasionally one of those who are trying to force this legislation through?

Mr. LONG of Louisiana. When a Senator rises to speak about something as important as this, yes.

Mr. McCLELLAN. Even when the Senator quotes the Bible, they do not come to listen.

Mr. LONG of Louisiana. Not even to the word of Jesus. [Laughter.]

The PRESIDING OFFICER (Mr. ENGLE in the chair). The visitors in the galleries are guests of the U.S. Senate. Demonstrations are not permissible.

Mr. LONG of Louisiana. I am glad someone is in the galleries. There are very few Senators on the floor. I observe a few great Senators on the floor, but the ones who are here are not the ones who need convincing. The difficulty is that when we try to educate Senators concerning the real facts of the issue, they stay away from the floor, and it is necessary for us to say the same thing all over again, because they will not come and listen to us the first time.

Jesus goes on to say:

> Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye, and, behold, a beam is in thine own eye?
> Thou hypocrite—

That is not addressed to any Senator; that is Jesus talking to the people in general.

> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

Let me apply that situation to New York City. In New York there are 618,000 Puerto Ricans. Those folks, of course, became American citizens because Spain lost the Spanish-American War with the United States. But by the treaty in which Puerto Rico was ceded to the United States, it was agreed with the King of Spain that the United States would protect all of the civil rights of Puerto Ricans. Puerto Ricans who live in Puerto Rico can vote, because they can vote as Spanish-speaking people. But now they are migrating in large numbers. The State of New York has 618,000 of them. Those poor folks are not allowed to vote. In the State of New York, to be eligible to vote, those poor people must pass a literacy test. They must have a certificate to show that they have had at least an eighth grade education. In addition to meeting all those requirements, they must be able to speak English in order to register. That is contrary to the law of Louisiana, where a person who can speak any language is allowed to register in his native language.

The Senators from New York State tell us that we ought to do something about 4 little parishes in Louisiana where 20,000 colored persons do not qualify as voters. Yet in their own State of New York there are 618,000 Puerto Ricans who cannot qualify because the laws of that State prohibit them from doing so.

Jesus said:

> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

In other words, let New York State first take care of its 618,000 Puerto Ricans. After New York has done that, she will be better able to tell the folks in Louisiana how to deal with 4 little river parishes where 20,000 colored folks live.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. What, if anything, is in the Dirksen amendment which would cure that situation?

Mr. LONG of Louisiana. Nothing on earth, that I know of.

Mr. STENNIS. Does the Senator know of any provision in the 30-odd bills introduced by the Senators from New York which would cure that situation?

Mr. LONG of Louisiana. I am not certain. I believe the Senators from New York want to place in jail some fellow who fails to register a colored person in one of the little parishes in Louisiana, when they have in their own State 30 times as many persons who are disfranchised. They have not offered an amendment to take care of their own people.

Jesus said for one to cast the beam out of his own eye first; then one can see how to get a little mote out of his brother's eye.

How can we expect to cast out a little piece that is in the other fellow's eye if we cannot get the big piece of wood out of our own eye?

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CARLSON. If the Senator will permit me to say so, I think the attention of the Senate and the country should be called to the fact that the Senator from Louisiana is speaking on the first day of Lent. I believe it is most appropriate that he took as his text the dissertation on this subject. I think he has made an excellent treatment of it.

Mr. LONG of Louisiana. I thank the Senator from Kansas very much. In New Orleans, we call this Ash Wednesday, which is the day after the Mardi Gras.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. DOUGLAS. I have been greatly impressed with the Biblical knowledge exhibited and the evangelical discourse given by my great friend from Louisiana in quoting from the sayings of Jesus. But I think the Senator also realizes, does he not, that Jesus did not say, "Thou shalt not cast the beam out of thine own eye because there is a mote in thine eye"?

Mr. LONG of Louisiana. No. The Senator is quite correct. Jesus said, "First cast out the beam out of thine own eye." One had to do that first. That is what I am trying to tell the Senator.

Look; here is the Civil Rights Commission's report. I did not have anything to do with it. I did not even vote for it. Senators stood here and fought this thing for months, and forced some of us to submit ourselves to it. We did not approve of it. When some of the persons such as Mr. Wilkins of the National Association for the Advancement of Colored People were appointed down there, we knew we were going to be in for trouble.

Look what this Commission said about Chicago, from whence comes the distinguished Senator from Illinois, who, incidentally, did a wonderful job as a member of the board of aldermen, I believe it was—or, was it the commission—the board of aldermen of Chicago for many years, and, although a dissenter, prevailed in a number of things. I am sure the Senator would be the first to agree that this is correct, if it is there. Quoting from page 365:

> It is interesting to know that the maps show more racial concentration in northern cities and more dispersion of nonwhites in southern cities.

I skip a couple of paragraph, and find it says:

> The general metropolitan residential pattern shows Chicago * * * on the basis of census maps, to be the most residentially segregated city in America.

Imagine that. We have an area where they say segregation is evil, and in the largest city up there, the second largest city in the entire United States, is said to be the most segregated city in America. Look at the map, and there it is. Some persons talk about segregated schools. That is what they have in Chicago.

Mr. DOUGLAS. Will the Senator yield?

Mr. LONG of Louisiana. Yes.

Mr. DOUGLAS. The segregation which does exist in Chicago is not a legal segregation. People are free to live as they wish, and though there is opposition to Negroes moving into white neighborhoods, they are accorded police protection. The segregation which exists in many of our Southern States—and I am not indicting the South—is a legal segregation, and there is a great deal of difference between these two types of segregation.

We have never claimed in the North that we are perfect. We have always admitted that there are many things which we should do. We have never said that we are more virtuous than our friends in the South. We have always on the floor of the Senate emphasized that the differences between North and South in this matter are largely a result of history and geography; and I have repeatedly said that if most of us who are in the North were living in the South, we probably would adopt much the same attitude as the southerners do, and that if they were living in the North, they would probably take much the same attitude that we do.

It is with no sense of self-glory that I repeat that, so far as the law is concerned, men are equal in the North, and that the 14th and the 15th amendments—which provide that no State

shall deprive any person of equal protection of the laws, and that no one shall be deprived of the right to vote because of race, color or previous condition of servitude—are lived up to and carried out. And that is all we are asking in this whole debate, that the 14th and 15th amendments should be recognized as having application for the Nation as a whole; that they are not sectional amendments. They are not intended, and were not designed, to apply simply north of the Mason-Dixon line. They are intended to apply to the country as a whole.

I know that these came after, and largely as a result of, the Civil War. I know that the white South has been in emotional revolt against these amendments for from 90 to 95 years. I simply say that now it is about time that the Nation recognized that these amendments, which simply carry out the principles of the Declaration of Independence, are of nationwide application; that we should not have two nations, one a northern and western nation where the 14th and 15th amendments apply, and another a southern nation, where they do not apply.

Mr. LONG of Louisiana. Mr. President, I wish I could quote the language, which I learned from the Senator from Illinois, the distinguished scholar and student, who tells us of the magnificent impartiality of the law, which prevents princes and paupers alike from sleeping under bridges and permits them to walk in the rain for lack of shelter.

Mr. DOUGLAS. Mr. President, the Senator is more an expert on the Bible than he is on the writings of Anatole France. The quotation which I gave was from Anatole France's novel, "The Red Lily," which speaks of the majestic equality of the laws, which prohibit the rich as well as the poor from sleeping under bridges and begging in the streets for bread.

Mr. LONG of Louisiana. I am glad the Senator quoted correctly, because I want it for the RECORD. The point I am getting to is this: Look at Chicago; look at it. Look where the colored men live, and look where the white people live. The colored go to segregated schools; there are nobody but colored folks in the schools, because they keep all the colored in the same areas.

Mr. DOUGLAS. Mr. President, I must protest. We do not keep the Negroes in segregated districts. They are free legally to move.

Mr. LONG of Louisiana. They just cannot get there. [Laughter.]

Mr. DOUGLAS. May I say we are not perfect in our treatment of this matter. But these are not enforced by law. That is what I want to emphasize. There is a great deal of difference between having a law which is unequal in its application and a law which is equal, even though some persons labor under disadvantages.

Mr. LONG of Louisiana. Yes; all I am saying, Mr. President, is that, between two laws, it seems to one Senator that a colored man should be a better adjusted person and should feel more kindly toward his neighbor, if it were explained to him, as folks do down South, "Look, we think it is better that your children should go with their kind of folks, and our children should go with our kind of folks, and we will set the schools up just that way," than it is to tell him, as they do up there in Chicago, "Fellow, you can just go anywhere; there is no segregation," then they find they cannot live in a white area, that is all. So his children go to school near their home, and they wind up with them in a segregated school.

Maybe it is the better way, to do it by a different method, but I am inclined to think that a colored man would feel more kindly toward people who told him frankly that they believe in trying to maintain a pure race, and not just because one race is superior, but because one race is different, and that being the case, it is better for him to have his own separate facilities.

What I am trying to say is this: If segregation is evil, why do you practice it in Chicago?

Mr. DOUGLAS. Mr. President, may I make——

Mr. LONG of Louisiana. In the number one segregated city, according to the Civil Rights Commission report.

Mr. DOUGLAS. Mr. President, may I make a reply? It so happens, in the section of Chicago in which my wife and I live, that about 50 percent of the persons who reside in that area are Negroes, and that in the public school which is nearest to our apartment, the students are perhaps 60 percent Negroes.

It is an integrated community. I frankly admit that over the years that this has been happening, we have had our difficulties. But we have carried through with it. We believe we shall be successful in it. And the relationships between the races are much better than they would have been if we had used either force or the pressure of law to maintain it as an all-white community.

Mr. LONG of Louisiana. All I did was read the report.

It asks where segregation exists. It says more is found in the second largest city in the country—Chicago. And the report also describes the practices in New York.

I think the Senator will be fair enough to admit that in most instances the colored children in Chicago are going to schools in the areas shown in black on the map, where the schools are practically confined to Negro children.

We shall be willing to pay our share of the expenses required in order to help the Federal Government pay the travel expenses of Negroes who want to go to "the great land of civil rights," where they have been told they will not find any segregation. But that "great land of civil rights" will not be either Chicago or New York, because the report of the Civil Rights Commission shows that it is not true that there is no segregation in those great cities. Perhaps there may be no segregation in the State of Maine or in some other more distant area.

Mr. President, I have had occasion to speak to people from various large cities who tell us how the school-board members gerrymander the school districts, so that almost all the white children attend white schools, and almost all the colored children attend colored schools, Negro schools.

But the Good Book tells us that Jesus said:

> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

Mr. DOUGLAS. Well——

Mr. LONG of Louisiana. Mr. President, I have not been quoting any remarks by the Senator from Illinois. I have been quoting what Jesus said, as it is recorded in the Bible, in the Book of Matthew.

Mr. DOUGLAS. But I remind the Senator from Louisiana that he should worry more about removing the beam from his own eye.

Mr. LONG of Louisiana. But, Mr. President, I have not urged the enactment of 5 pounds of bills, in an effort to tell someone else how to run his own business.

I ask Senators just to look at all these 5 pounds or more of bills—bills introduced and proposed and urged by certain Senators who are trying to tell someone else how to run his own business. Most of those bills have been introduced and urged for that very purpose; they have been introduced and urged by Senators who, instead of looking after their own business, are attempting to tell someone else how to run his business.

Mr. President, some of these bills are so-called antilynching bills. But there has been only one lynching in the Southern States in the last 5 years.

Mr. DOUGLAS. Two.

Mr. LONG of Louisiana. Well, certainly there has been only one in the last 3 years; I know that, for sure.

Mr. President, I ask Senators to consider that situation—1 lynching in 3 years, contrasted with an annual average of 6,000 murders in the United States. Murders occur daily in New York City. I should imagine that even a colored man would be much more interested in protection from a mugging—which is likely to happen to him at any moment in New York City—rather than to have further protection by law against a lynching, inasmuch as only one lynching has occurred anywhere in the entire Nation in the last 3 years.

Yet certain of the laws now proposed, by means of these more than 5 pounds of bills, are designed to provide further protection by law against lynching—which is the rarest sort of crime—whereas in the Nation there are an average of 6,000 murders a year. But, despite that, some persons hope to send agents of the Federal Government into the South, to protect against 1 lynching in 3 years, whereas 6,000 murders are occurring in the Nation each year. Furthermore, there seems to be very litle interest in calling in the FBI to solve the 6,000 murders each year. Certainly I would be much more interested in protection against a mugging or a cutting or a killing—any one of which is very likely to happen to me if I live in one of the large northern cities—rather than in having further protection by law against a

lynching, inasmuch as only one lynching has occurred in the entire Nation in the last 3 years.

So, Mr. President, why should anyone be anxious to urge the enactment of an antilynching law? Well, Mr. President, the reason is politics—politics.

Even when the last lynching occurred, every possible effort was made to apprehend the culprit. But, Mr. President, consider how many of those who have committed the 6,000 murders which, on the average, occur in the Nation every year have not been apprehended. Certainly great numbers of the murderers remain free, unapprehended; I believe the statistics will show that many of those murderers have not been apprehended.

Mr. President, I have been reading from the transcript in the case in which the judge in Louisiana, acting under the 1957 act, ordered restored to the rolls 1,377 Negroes, even though they were not qualified—but merely because he felt that the person who challenged them was discriminating, because he did not also challenge whites at the same time.

Mr. President, under that decision, there is no need whatever for any more laws in this field. However, if some Senators think a new law should be enacted, in order to take care of someone who is being denied the right to vote, how about the Puerto Ricans in the large northern cities? The Federal Government is insisting that everyone—even including all who are not qualified to vote—be allowed to vote, insofar as these four parishes in Louisiana are concerned. So no additional voting law is needed for them, for if in the future any question arises in regard to voting in those areas, it will only be necessary to have some of the attorneys who now are in the Civil Rights Section of the Department of Justice, in Washington, go down to Louisiana and file a lawsuit, and thus have all those people placed on the rolls.

But, Mr. President, despite that immediately available remedy, all these new laws are now proposed. Why? I cannot see any reason except politics.

Mr. President, while we are discussing integration, it is interesting to note that on page 365 of the report of the Commission on Civil Rights, there is also the statement:

> In New York, although there is established State and city policy to promote integration, much the same situation prevails.

In other words, much of the same situation which prevails in Chicago, insofar as the segregation of colored people is concerned, also prevails in New York City. The politicians tell the Negroes there, "We are going to take you across town, and integrate you"—and all that; but the report of the Civil Rights Commission shows that there is more integration in the southern cities than there is in the northern cities.

Mr. President, I believe I shall return to the report which I have been reading. It shows the point of view of the State of Louisiana toward those who felt that they should be on the rolls, even though they were not qualified. That is not the prevailing position; but that shows to what extremes that court is willing to go, when some colored person alleges he has been subjected to discrimination.

I now read further from the report:

Therefore, it can be assumed that there is no question but that the Government believes that the application for registration as required by the Louisiana constitution and Louisiana statutes is constitutional in form and in fact. There is no question from the Government as to the so-called literacy test which the constitution of the State of Louisiana required, and its fulfillment of the said test by the completion of the application for registration which appears in both the constitution and State laws (*Lorio* v. *Sherburne*, 122 La. 434, 47 So. 760 (1908); *Bishop* v. *Sherburne*, 122 La. 429, 47 So. 759; *State, ex rel. Woods*, v. *Theriot*, 124 La. 847, 50 So. 770 (1910); *Smith* v. *Dardenne*, 129 La. 835, 56 So. 905 (1911); *Darby* v. *Daniel*, 168 F. Supp. 170, U.S.D.C.-S.D.-Mississippi, November 1958, p. 183; *Lassiter* v. *Taylor* (152 F. Supp. 295 U.S.D.C.-N.C. (1957), p. 297).

It can, therefore, be said that the ability of any individual to complete the application for registration, complete and without error, or his ability to show that he is unable to read or write are the final steps and the very necessary steps to becoming what the State of Louisiana calls a "qualified registered voter." Louisiana revised statutes, title 18, secs. 31, 32; Louisiana State constitution, 1921, art. 8, sec. 1 (b) and (c). This final step is the one which is absolutely necessary in order to become a registered voter of the State. The registrars of the State are guided by the requirements under the constitution and statutes and, as have been pointed out previously, these duties are mandatory. The importance of the application for registration can be found in the new permanent registration voter system, under which Washington Parish has been placed since May of 1958 (Tr. p. 40). The records which must be kept by the registrar of voters are as follows:

A master record file, a precinct register and duplicate precinct register, and a closed and disqualified file (Louisiana Revised Statutes Annotated, title 18, sec. 235).

Under permanent registration, in addition to the steps outlined in the constitution and legislative acts, one must complete one more step, that is, he must sign his application for registration in the precinct register and the duplicate precinct register. The registrar then maintains the following files in his office:

The master file, which contains the original registration application (Louisiana Revised Statutes, title 18, sec. 235), which shows that under the permanent registration the application for registration again is a very important document and is one which must be maintained by the Registrar of Voters. The certificates of registration or application for registration are filed in the registrar's office alphabetically by surnames (Louisiana Revised Statutes, title 18, sec. 235, paragraph 3).

The application for registration is not a document which is to be taken lightly as to its significance in Louisiana law. There are no Louisiana laws which discriminate against any individual based on his particular color, creed, religion or previous condition of servitude.

People who have been accepted by a registrar as duly qualified voters, as long as they remain on the rolls as duly qualified voters, may participate in various elections, primary or general elections, and, of course, are not subject to the removal, except for the condition that they may be challenged for specific reasons at the time and at the place that they cast their ballot (Louisiana Revised Statutes Annotated, title 18, sec. 352, for challenging under primary law, and sec. 580, general election).

In addition to the fact that an individual may be challenged at the time he cast his ballot, the Louisiana law has taken adequate measure to protect the rolls of registered voters from becoming cluttered up with illegally or wrongfully or fraudulently registered people. When a registration system is permanent, there must be some system set up in an effort to allow the machinery of either the law or the courts to make an effort to keep the rolls in its most current position. The primary duty under a permanent registration system of maintaining the rolls is good order and keeping illegally registered people off of same lies with the registrars of voters (Louisiana Revised Statutes Annotated, title 18, sec. 165; Louisiana Revised Statutes Annotated, title 18, secs. 132 and 134).

THE SYSTEM OF "CHALLENGING"

If a registrar of voters for the State of Louisiana complied with the mandatory provisions of the laws, he would (under Louisiana Revised Statutes Annotated, title 18, secs. 165 and 244) periodically conduct a survey of his rolls which would indicate to him whatever facts necessary to enable him to remove from the rolls those people who do not fit into the category of qualified registered voters. Several reasons are apparent as to why the registrar is given this mandatory responsibility. It is possible that a person who is a registrar will not perform his mandatory functions under the law and, therefore, a new registrar has the power to be able to check the records of the parish and determine the status of the rolls. However, the Louisiana law goes a step further in checking its public officials in its registration voters system. The State of Louisiana gives to individual bona fide registered voters an opportunity to call to the registrar's attention the names of people who have been voting illegally or who have been fraudulently placed "upon the registration rolls" (Louisiana Revised Statutes Annotated, title 18, secs. 132 133, and 245). Under this procedure any two bona fide registered voters of a parish may sign an affidavit, signed and sworn in duplicate, and file same with the registrar or his deputy, giving certain information which they tend to believe has made an individual "illegally registered" (Louisiana Revised Statutes Annotated, title 18, secs. 133 and 245).

It should be noted that the two sections of the law, heretofore referred to (Louisiana Revised Statutes Annotated, title 18, secs. 133 and 245) are statutes whereby individuals are allowed to call to the attention of a registrar facts about a registration which he may not know of his own knowledge. The operation of these two statutes bring us to the point of no return insofar as this problem is presented to the court, and the Louisiana Supreme Court. It is necessary to point out the procedure used when a challenge is issued under section 245 of title 18, Louisiana Revised Statutes Annotated.

First, two bona fide registered voters make out a written affidavit in duplicate, signed before the registrar or his deputy; in this affidavit they advise the authority that certain individuals are illegally registered or have lost their right to remain on the rolls.

Second, the registrar "shall immediately" or in any event, within 48 hours, advise the people so found, of the facts indicated by the challengers.

Third, the affidavit alleging the defects in the registration together with a citation, is mailed to the individual at his registered address.

Fourth, the party in question is cited to appear before the registrar or his deputy, within 10 days from the date of mailing and then "prove their right to remain on the registration rolls by written affidavit of three bona fide registered voters." (See *Smith* v. *Flournoy*, 115 So. (2d) 809).

Fifth, the registrar must publish a notice of the individuals by names, indicating their ward and precinct, not more than 5 days after mailing the notice or notification affidavit in question.

Sixth, failure of the individual, whose registration has been illegal to answer the affidavit and prove that he should remain on the roll, causes his name to be removed from the registration rolls.

Seventh, under the permanent registration system his name is then placed into a file designated as "closed and disqualified file" (Louisiana Revised Statutes Annotated, title 18, sec. 235 (3)). This file consists of the registration record of all registrants which have been disqualified for any reason. When a party has been disqualified, the Registrar moves the registrant's record from the master file and certificates of registration from the precinct register and places these records and certificates in a separate file, to be designated as "closed and disqualified files." These cards are filed alphabetically and before canceling the said card, the Registrar marks in red ink "canceled," the date and the reason for cancellation, and then affixes his signature (L.R.S.A. 18: 246). That is the operation of the statute in question and this is the procedure contested:

1. That the individual petitioners were at one time classified as "duly qualified, registered voters" by a registrar of voters of the State of Louisiana.

2. Under a specific date petitioners were challenged in their position as to remaining duly qualified registered voters by the filing of an affidavit by the mailing of a citation, indicating specific reasons why their right to remain a registered voter on the rolls of Washington Parish had been questioned.

3. The reasons set out in the affidavits are clearly distinguishable in the application blank itself.

The individuals challenged have recourse by answering the citation and proving to the registrar upon the affidavit required that they are in truth and in fact, still a duly qualified voter. Thus, if the affidavit indicates that a registrant is no longer a legally registered person, because he misspelled a particular word, or figured his age wrong, etc., the challenged party may come in and disprove the affidavit. If they disprove same he is reinstated (Louisiana Revised Statutes Annotated, title 18, sec. 240 (3)). Assuming, for the sake of argument, that a challenged individual appears either in person under the challenged requirements and attempts to disprove the affidavit and register and is refused the opportunity of becoming a registered voter, the person can file a mandamus suit against the registrar, which suit is directed to a district court of the State, is given preference over all other cases before a jury of 12, and without cost (Louisiana constitution of 1921, art. 8, sec. 5; Louisiana Revised Statutes Annotated, title 18, sec. 138, and *Ballard* v. *Puleston*, 113 La. 235, 36 So. 951 (1904)). Therefore, a party denied registration can apply to the local courts for relief. Assuming for the sake of argument, that in complying with the law in question, and assuming that the individual has lost his case under the constitutional provision, the individual can still become a member of the qualified voters of Louisiana by applying personally to the registrar of voters of the parish, applying for registration as if he were a new applicant registering for the first time.

An individual who is denied what he believes is a right belonging to him of registration can adequately receive remedy through the vehicle of the State courts.

The U.S. Government takes the position that the parties in question and other individuals have been challenged and sought to be removed from the registration rolls of Washington Parish, because of the one fact that the people involved were of a particular race. It is the contention of the Government that because of that fact alone they were removed from the rolls of registered voters under the challenges.

Inasmuch as the Government has alleged discrimination it behooves the Government to prove by a preponderance of the evidence that the sole and only reason the petitioners were removed was because of the fact that they were members of a particular race, and that there were no other reasons used to remove these individuals from the qualified voters role of Washington Parish.

The fallacy of the argument of the U.S. Government is in its admission in their allegation No. 10 (Tr. p. 3) that in truth and in fact the people who were challenged did have errors in their application for registration. However, the Government takes the position that these errors were minor errors and deficiencies, therefore, should be ignored; that the only reasons these people were not maintained on the rolls was because of the one fact that they were members of the Negro race.

If the Government's position is correct they have said in effect that the character and literacy test required under the Louisiana State constitution is of no effect. Nothing could be further from the law. Interestingly, the Government has not attacked the application for registration form, nor any of the questions asked on the application for registration form. However, their conclusion that the mistakes made were minor, implies that the literacy test set up by the constitution of this State for every individual is of no avail. This argument by the Government is of no moment under the present jurisprudence (*Guinn* v. *United States*, supra).

The Louisiana Supreme Court has, on a number of occasions, along with Federal court, held that the constitutional test (literacy) "* * * was not intended as an idle form, it was the result of the most serious and protracted deliberation. * * *" *Bishop* v. *Sherburne*, (122 La. 430, 47 So. 759 (1908)). In this case an applicant had filed a mandamus proceeding seeking to become a registered voter; having failed to complete his application for registration the court had this to say at page 760:

"Upon the case presented, it appears that the registration of relator was properly refused. The constitutional test was not intended as an idle form, it was the result of the most serious and protracted deliberation, in the convention by which the constitution was framed, and was intended by that body to be literally complied with, which is evidenced from the language and particularly the requirement of the article in which it was incorporated. The applicant "shall demonstrate" his ability to read and write, not by reading or writing anything that he may choose but by reading, and filling in the blanks, in the prescribed form, 'ippissimis verbis' by the constitution itself, the doing of which requires, not only the ability to read and write, but likewise intelligence sufficient to enable the applicant to compute, at least the number of years, months and days of his life. In the instant case, the applicant came into the office to register as one who could comply with these conditions, he made his application on another basis."

The same position is taken by the court in *Smith* v. *Dardenne*, 129 La. 837, 56 So. 905 (1911); also *Trudeau* v. *Barnes*, 65 F. (2d) 563 (C.A.A. 5th) (1933); *Lorio* v. *Sherburne*, 122 La. 434, 47 So. 760 (S. Ct.) (1908); *Guinn* v. *United States, supra; Williams, et al.*, v. *James H. McCulley*, 128 F. Supp, 987 (U.S. D.C., W. D. La.) (Jan. 1955).

The Supreme Court has, on a number of occasions, upheld the literacy tests in other States. *Lassiter* v. *Northampton Election Board*, 360 U.S. 45 (June 1959); *Lassiter* v. *Taylor*, 152 F. Supp. 295.

The State of Louisiana has traced: The registration laws of the State of Louisiana, which is the ultimate in determining whether or not a party has become a "duly qualified registered voter of the State." It has also shown the mandatory duties of a registrar, under either a permanent system or a temporary system of registration, and it has been shown that the system of law is set up to protect each and every individual, whether that individual be a public official or citizen.

There is nothing whatsoever in the laws which violates any of the prohibitions set out in amendment 15. The registration qualifications test, under the Constitution and Legislative Acts, is applied to all parties regardless of their race or color.

Any person, under the State law and under the Constitution, can take the same means to have any individual, whom he believes to be illegally registered, stricken from the rolls. (See art. 8, sec. 5, Louisiana constitution, second paragraph, and Louisiana Revised Statutes, title 18, pars. 134 and 245.)

All qualified voters have an opportunity to seek removal from the rolls any illegally registered people; these challenges are open to all who are bona fide registered voters.

If the district court's judgment is upheld an individual cannot, under any of the State laws, file a challenge against any other individual. The State and the State alone has the right, under the United States Constitution, to declare the qualifications of any individual in order for him to qualify as a registered voter. *Guinn* v. *United States*, 238 U.S. 347, 362. The only thing that the 15th amendment adds is that a person must not be disqualified simply because he is of a particular race. The ultimate end, if this court should uphold the lower court decision of issuing an injunction against the registrar of voters, is that once a person becomes a registered voter, nothing could be done to remove his name from the registration rolls. In effect, the entire challenging system, under the registration laws of the State of Louisiana, would be in jeopardy and would amount to the Federal Government taking over the realm of State's activity.

It is interesting to note that at this very same time the Congress of the United States is presently debating the removal of the State restrictions to voting insofar as poll tax requirements are concerned. (There is no poll tax in Louisiana. Constitution of Louisiana, 1921, art. 8, sec. 2.) In this effort even the Congress of the United States believes that the realm involving the matter of poll tax is within the sphere of State sovereignty; and that the only way it can be removed would be through constitutional amendments voted on by each individual State.

Of course, the Senator from Mississippi [Mr. STENNIS] who is seated near me at this time knows that an effort was made here to remove the poll tax by a simple statute. That proposal was rejected by the Senate of the United States. So I think the great majority of the Senate recognized that area was within the general scope of State sovereignty and could be removed only by constitutional amendment.

I continue reading:

Therefore, can a Federal court hold that it can set the requirements for the qualification of voters, whereas the Congress of the United States has declared that it cannot set qualifications for voting insofar as State matters are concerned?

This goes without saying that the Federal court would want registrars of voters and challenging individuals never to possess the initiative to search the rolls and determine what people should be removed from same.

It is submitted that the Federal court and Government cannot take the position of controlling provocation of voters and cannot decide that there is, or ever was, any discrimination, under the evidence introduced in this matter.

For argumentative purposes, the mere fact that a thousand Negroes were challenged and only one white person challenged does not in itself indicate discrimination against an individual based on race or color alone if, in fact, the individual so challenged, does have an error or mistake in his application for registration.

In spite of the allegations glowingly made by the Government, and in view of the theory set out in Civil Rights Acts, and assuming for the sake of argument that this theory is to get qualified voters upon the roll, it is wise to look at the present facts and decide as to whether or not all the facts put together amount to discrimination based on race and color alone. The U.S. Government has indicated that it has shown discrimination based on race or color alone and at the same time admits that mistakes or errors were made in the application for registration.

Mr. President, I am pleased to see that the junior Senator from Wisconsin has entered the Chamber. I hope that the junior Senator from Wisconsin tomorrow will look at the case which I have placed in the RECORD dealing with voting rights under the 1957 act.

I say that because, in the judgment of the junior Senator from Louisiana, there is simply no basis whatever on which a case can be made that more acts are necessary. If anyone feels that more should be done to speed the registration of colored persons and, if I had the time, I would hope to show how the registrations are proceeding very rapidly in Louisiana to increase the number of colored persons who feel that they are qualified to vote, and place them upon the rolls. If there is a need to do more about this, all that is good and necessary is for the Attorney General to use some of those lawyers he has on the payroll to file lawsuits to look into the situation.

As I pointed out to the Senate previously, under the cases I am discussing here, the court would rule that even if the people were not qualified, they would have to be placed on the rolls when they applied if there were similar people not qualified on the rolls, even though neither group belonged on the rolls because of lack of qualifications.

In other words, the judge in this instance I referred to held if the challenger who seeks to take names off the registration rolls is prejudiced himself and is discriminating in those whom he challenges, his challenge is invalid and the challenged person must be placed back on the rolls and kept there, even if the person is not qualified.

The Senator will see how, in the judge's decree, he practically took charge of the registrar's office. The registrars have to report to him every 10 days and tell him who has been challenged and who has not been challenged.

If he can do that and supervise the registrars' function insofar as challenging registered voters is concerned, and the Court upheld him, the Supreme Court, there is no doubt whatever that in a similar case the Court would hold that the district judge of the Federal court can just as well take charge of the registering functions and tell the registrar to bring into his office all the applications for those who registered on a periodic basis; or do it the way the judge did at New Orleans, which I suppose can be done because it was done in this case.

In other words, here is a case where the Federal judge, in a case involving almost 1,400 colored persons, did not undertake to look at the qualifications of all 1,400, but he just took a sample. He took 137 of them and said, "Based on the sample I have seen, that is all I want to see. I am satisfied that this cross section has had discrimination. You must put these people back on the rolls."

Mind you, if the registrar does not do that, he is subject to being tried without a jury under the Civil Rights Act of 1957.

Against all those powers, the point I am making here is that if the court upholds this type of thing, then there can be no argument that there is any lack of power in the Attorney General. All he has to do, if he wants to put more people on the rolls, is to send his people down, file his lawsuits and seek to put them on the roll.

Those people had plenty of remedies.

If you want some remedies, like the case in the four Louisiana parishes where they had no colored persons registered, with only 20,000 people there, if you want remedies applied, you have all you need under these decisions. All they have to do is to file their lawsuits. The Attorney General has the duty of doing it under the 1957 act at no cost to the person who wants to be registered. They can just bring them down and register them.

There is no lack of law insofar as the colored citizens are concerned. Contrary to the reports of the Civil Rights Commission. They have been increasing registrations in Louisiana at the rate of 5,000 a month for colored citizens. There is no lack of laws. All they have to do, to put more people on the rolls, is to put the 27 lawyers from the civil rights section out into the field, instead of sitting around Washington drawing money down and advocating that the Congress pass more laws.

If more laws ought to be passed, they ought to be passed for the kind of citizens who cannot vote and who have no remedy, such as the Puerto Ricans in New York, where 618,000 of them cannot vote because they cannot speak the English language. That result does not obtain in Louisiana.

Our law provides that they can register in their mother tongue, and that the interpreter can translate what the words are to put on their registration blank. But we are confronted with a proposal to pass more laws, which look to many of us to be just a matter of politics, where no additional laws are needed. Somebody wants more sanction and more laws, but they are not using the ones they have.

Mr. SMATHERS. Will the Senator yield for a question?

Mr. LONG of Louisiana. I will yield.

Mr. SMATHERS. First, Mr. President, I wish to congratulate the able junior Senator from Louisiana on the splendid statement he is making, and particularly on the point that there is no new law needed in order to register any citizen who desires, who himself evidences some desire, to vote.

Would the Senator not agree that that is the case, particularly in light of the fact that, for example, in our State of Florida, in 1949 we only had 47,000 Negro citizens registered to vote, but in 1950 that number jumped up to about 75,000? Today, in 1959, we now have 155,000 registered to vote, an increase of some 300 percent in the past 10 years.

I do not understand how, in Louisiana or anywhere else, they can logically and properly claim that they need more law in order to get more citizens, nonwhite citizens, registered and to vote.

The facts demonstrate they have had an enormous increase in our State from the point of registration, just as they had in Louisiana. This has been done without any new Federal law having been passed. The point is that if we can get people who really want to vote, Negro citizens in our own State who really want to vote, we encourage them to vote. I think you would find that also in the State of Louisiana.

I would like to ask the junior Senator if that is not the case, that in most cases people who run for public office are asking them to come vote. They are asking them to vote for them, telling them how they should register, and how they should vote.

Does the junior Senator agree that that is what they do, essentially, in Louisiana?

Mr. LONG of Louisiana. That is correct. To show the way that the registration of colored voters is increasing, the Senator, of course, is familiar with the fact that any time you have a very hot election, like a Governor's election, one in which all the sheriffs and the State legislators are elected simultaneously, there is a tremendous amount of voting and a tremendous amount of interest in registering so that a person can vote.

There were 3 days that the registration books were open in Louisiana between the first primary and the second primary in the Governor's race. In the city of New Orleans alone, the number of registered voters increased during those 3 days by about 3,500 votes. Two-thirds of those were colored votes, even though New Orleans is about 70 percent white. And the whole trend has been that any colored citizens who wants to vote can register and vote. Actually it will be found that in a city like New Orleans there is by far a higher percentage of colored registered who actually vote than in a city like Cleveland, Ohio, where only about 25 percent of the colored population registers, and then on election day only about one-fourth of those actually go to vote, even on important election days.

So when we really get down to it, this is a process which has had to gain acceptance. But it was down in the South that most of that was done, and without any Federal law to do it.

The Senator mentioned the rapid increase in Negro voting in his State. Here

is how Negro voting increased in Louisiana. In 1940, there were only 886 colored voters—less than 1,000. In 4 years, by 1944, the number doubled to 1,600. In 4 more years the number had increased to 28,000. In 4 more years, by 1952, it had increased to 100,000, a fivefold increase from 1940.

Mr. SMATHERS. That was done, was it not, without having to have all the additional Federal laws which are now talked about and which it is said are necessary in order to get a further increase?

Mr. LONG of Louisiana. The Senator is correct. By 1956, the number had increased by 50 percent, to 152,000.

Oddly enough, the only period in which there was a failure to have any great further increase occurred from 1956 to 1960.

Mr. SMATHERS. Was that not during the era when there was all the agitation about having to have more laws?

Mr. LONG of Louisiana. The Senator is correct. It was because of all the agitation, all the laws, and the decision of the Supreme Court in the Brown case, which caused fear in the minds of the white people that they were going to be forced to amalgamate the races. Of course, the South became alarmed and upset. Some of the people organized citizens' councils and groups of that kind, trying to hold down the march of progress being made by the Negro race. In spite of that, in Louisiana, there has still been a gradual increase in Negro voting, notwithstanding the effort of people who are fearful of the consequences of this trend of agitation which is stirring up the people. Notwithstanding all that, the great majority of whites did not subscribe to the propaganda, and the colored voters are still increasing in number.

But now there is a district court decision which provides that from this day forward persons cannot be challenged. If a citizens' council wants to challenge colored persons under the 1957 act, he must challenge a proportionate number of whites on the rolls.

I do not have before me at the moment the actual district court decree in the New Orleans case which was affirmed by the Supreme Court.

But in that decree the judge said that the registrar was enjoined from challenging anyone in a discriminatory fashion. The Senator knows that if a judge sees fit to do so, even as to persons who have stayed within the line, the judge has the privilege of trying them, without a jury, for contempt, and can put them in jail or fine them if he thinks they are guilty. That certainly places the registrars in a position where they must act at their own peril. If it was one of the persons who had done the challenging before, he would not do it again, if he were subject to such an injunction.

The point is made that that case goes so fantastically far that it actually stretches the realm of logic to see how someone could go that far. But it does.

I simply say that in view of that decision, no one can logically argue that there is any need for any more law. If a law is needed, it ought to be a law which will remedy the situation in the State of New York. Those poor Puerto Ricans cannot vote—at least, they cannot vote as of now.

Mr. SMATHERS. That is because——

Mr. LONG of Louisiana. They cannot speak English. In Louisiana they could vote. I imagine they could vote if they lived in Florida. The law of Louisiana permits them to register in their native tongue, in their native language, no matter what their race. In other words, in Louisiana, whether a person be a Spanish-speaking person, whether he speaks Italian or Hungarian—and we have some settlements of Hungarians—at least one fine Hungarian settlement is located in Louisiana—the person can speak in his native language in order to register to vote.

Mr. SMATHERS. What sort of test must a person pass in Louisiana? May a person speak or write in his native tongue? Is the test a simple test with respect to the Constitution of the United States?

Mr. LONG of Louisiana. The only requirement in that respect is that a person must be able to read a section of the Constitution of the United States or of the State of Louisiana and he could be asked to give a reasonable explanation of it. But that test is not given in English. If the person speaks French or Italian or some other language, the test is given to him in his native language.

Much has been made about the test of a person's being asked to interpret any section of the Constitution. The interpretation given of the test by the Senator from New York is that a person must be able to interpret every section of the Constitution. That is not what is meant. The test is that one must be able to give some reasonable explanation of anything written in either the State constitution or the Federal Constitution. If he can read only a few lines, such as the 14th amendment, that would be satisfactory. Any colored man should be able to tell what that means, should he not? Or he might be able to read the 15th amendment. He must be able to read any section and give a reasonable explanation of what that section means. The law does not require him to read every section. It requires him to read any section. If a person can give an explanation, he can be registered.

Does the Senator think that that is a tough literacy test? I point out to him that the Senators from New York have been making much of it and the Civil Rights Commission has made much of it.

Under the law of Louisiana, illiterates are permitted to vote. If a man cannot read or write, the law permits him to apply to the registrar as an illiterate. It makes two big distinctions. One is that the registrar can fill out the registration card for such a person, and he does. Second, an illiterate can have assistance in voting.

In our State, we try to be careful about registering persons who are illiterate, because those who try to guarantee honest elections know that if a commissioner is allowed to go inside the voting booth with the voter, that is an easy way o steal votes. An age-old practice is that a commissioner will get inside the voting booth with a poor, uneducated man, and offer him $5 for his vote. Perhaps the poor man is one who takes the crook's money, after he has said he will vote for him, but when he gets inside the booth does not do so. It may be a poor Frenchman or someone else who cannot speak English or who has had no education, who might want to vote for an honest man, but who will take the crook's money anyhow. The only way the crook can protect himself is to be able to go into the voting booth with the voter. Only the illiterate man can have assistance in voting. So an assistant goes into the booth with a pencil in his ear, which means that he may pay the voter $5 for his vote. It is fixed.

In Louisiana, we try to restrict voting by illiterates to those who are actually illiterate. At the same time, we do not want to register imbeciles. We do not want to register morons. That being the case, the law of the State provides that one must be able to give a reasonable interpretation of any section of the U.S. Constitution.

For example, the Constitution provides that the President must be a natural-born citizen. The registrar may ask the applicant, "What does that mean?" If the applicant cannot give the registrar the answer, he cannot be denied the right to vote because of race, color, or creed. If the applicant cannot do that, there is something else. The constitution of Louisiana comprises 128 pages. The Constitution of the United States is not regarded as an extremely complicated document. Almost anyone ought to be able to understand something in it. It affords the simplest literacy test needed. One does not have to have an eighth grade education, as he does in New York State. All that is required, in effect, is an understanding of what is being asked. To show how fair the test is in Louisiana, 28,000 Negro illiterates are registered, and 17,000 white illiterates are registered. In other words, the Negroes outnumber the whites 2 to 1. Would not that indicate, that on a fair basis the Negroes who cannot read or write are being treated as fairly as the whites?

Mr. SMATHERS. Even more fairly.

Mr. LONG of Louisiana. Someone from New York said that the legislature provides for a change of venue. Of course, the average fellow could not understand what that meant. But he should be able to understand what something in the Constitution means. He ought to be able to read any section; or if it is read to him, he should be able to understand what is being read.

He may say that he does not understand what section 22(a) of the Louisiana constitution means, but I think he could explain what the first amendment of the Federal Constitution means. I think he would know what freedom of religion is. That is about all he needs to be able to explain.

That is the simple test, about which so much furor has been raised by the Senators to indicate that persons in the South are not permitted to vote. Those same Senators come from a State where 618,000 Puerto Ricans are not entitled

to vote because they cannot speak the English language. That is a situation which does not exist under the laws of Louisiana.

I believe the State of Florida would not discriminate against people in that way. I imagine the State of Florida finds a way to permit people of Spanish ancestory to vote, does it not?

Mr. SMATHERS. It does. We have a very large Spanish-speaking population who are permitted to vote. As a matter of fact, I think, while we do not have as large a number of Puerto Ricans in Florida as they have in New York, we do have, proportionately to the total population, a very large number, and they are very active in the political life of our State. We do not discriminate against them merely because they cannot speak the language.

I should like to ask the able Senator from Louisiana this question. He has been in political life in Louisiana a long time, and his father before him was one of the outstanding political leaders in that State. Has it not been the observation of the Senator that, throughout his active career in politics, it is a fact that he, as well as everybody he knows, every time he gets an opportunity to make a speech, has been encouraging the Negro citizens to go out and register and vote, and of course always to vote for him if they would? Has that not been the pattern in his political career?

Mr. LONG of Louisiana. The colored citizens have been importuned time and time again to vote. To be fair about it, there are some white persons—a minority, to be sure—who have attempted to impede the registration of colored folks and colored voting, but they have not succeeded.

For example, at the time when the Civil Rights Commission was in Louisiana, it was said that a Senator Rainach was in the process of starting a vote purge; he was working with the white citizens council; he was the State president of it, and their objective was to reduce the voter registration of Negroes from 130,000 to 13,000.

Persons read that sort of thing in the Commission's report. They would think that perhaps that is what is going to happen. The Senator from Connecticut quoted the report, I am sure, in good conscience and good faith, thinking it was correct.

Look at the situation 6 months later. The number of Negroes registered in Louisiana had increased by almost 30,000, which is a major increase in 6 months, an increase of 15 percent. In fact, more than that; it is 20 percent in 6 months; almost 5,000 increase a month. Yet, from that, one would be led to believe by that report that by this time there would only be 13,000 of them left on the rolls, instead of the 160,000 that are there now; and that increase came in spite of the fact that the Federal Government only had but one case under the Civil Rights Act to really make progress on. In fact, they had been dilatory in moving.

The junior Senator from Louisiana said: They do not need any laws; all they need is to use the laws that they have. What was done in this Louisiana case? In this case, this judge said that we had to let the person vote, even though he was not qualified, because somebody attempted to discriminate against him. That is going pretty far, is it not?

Even if he were not qualified, one had to let him vote.

Mr. SMATHERS. That is giving a man more protection than anybody really deserves, is it not—a protection, actually, which most persons do not want?

Mr. LONG of Louisiana. It is actually making him a favorite of the law to that extent. That is the law. The Supreme Court has decided. I do not think they are going to reverse it any time soon. The point the Senator was making was: If you are interested in civil rights, the civil rights ought to protect those who have no remedies. These Puerto Ricans in New York—apparently they have no remedy; they have no way to take care of the situation. The second thing that somebody said something about was that they did not vote. The Senator from Georgia pointed out that in Cleveland, Ohio, they had only 26 percent of eligible colored persons registered in their most important election; less than one-quarter of those voted. That would mean that the colored people were only voting 4 percent of their population weight in Cleveland, Ohio.

One does not find that in New Orleans, La. I do not think it would be found in Atlanta, Ga. There can be found as high a percentage of colored registration. The colored there are actually voting instead of registering without voting.

There has been a lot of urging of colored to register. Some have not registered. Many of them have. There is no doubt about it that there will be a large percentage increase of voters, especially in view of these decisions, and that in case of the challenge of a colored person's voting, he has the privilege of getting the Attorney General of the United States to look after him, at no expense to the person who wants to vote.

I should like to return now to the remainder of the speech which I am reading.

It is very interesting to note, at this time, and is submitted to this court to determine from the factual situation of the exact procedure and time element involved in the present matter. These are several facts which now exist in the present case. The U.S. Government, in and for the behalf of petitioners, filed a suit under the Civil Rights Act of 1957. Thereafter, the matter was tried and submitted. A judgment was issued by the Federal district court for the eastern district under date of January 11, 1960. This matter was appealed to the Fifth Circuit Court of Appeals and then to this honorable court. Up until the very day, the very minute, as a glance of the clock will indicate, that this matter is now being tried, very few, if any, petitioners have tried to get back on the rolls. (Tr. p. 53.) In other words, they have not availed themselves of the remedy available to them under the State laws. It is interesting to note that during the time that the suit was filed (June 29, 1960), over 200 days have transpired and during that time the State of Louisiana has held two very important Democratic primaries and at no time during this period have the people involved attempted any procedure whereby they could get back on the rolls as registered voters.

The procedure is simple and set out in the law in an effort to prohibit discriminatorily removing a man from the qualified registered rolls. The individuals so challenged have the administrative provisions under the Revised Statutes for becoming qualified voters. They have the privilege of filing a suit against the registrar if the registrar refuses to register them. And, of course, they have the right of completely reregistering again and becoming members of the voting society of the State. Therefore, there are three avenues left for the individuals to allow them to get back on the rolls. It is of no moment here for the Government to say that this puts an additional burden on these people solely because they are of a particular color. The Government knows that there is nothing further from the facts and the law in this case. Had there been no mistakes on the application for registration, it could easily be argued that these people were disqualified simply because of the fact that they were of a particular color. However, these are not the facts in this case (readily admitted by the Government) when the Government admits in their allegation that they were in truth and in fact defects but that these defects were of a minor nature. The Federal Court has set itself up to determine that if you forgot to cross a "t" it is a minor mistake but if you left the "t" out it may be a major mistake. It seems that the Government's motion to stay the vacate order of the Fifth Circuit Court of Appeals with the theory that the individuals involved have to participate in a general election of April 19, 1960, in the State of Louisiana is without merit. It is with extreme interest that this matter be brought to the attention of the court because, as this Supreme Court has ruled on its various cases in which is alleged in those one-party States as the State of Louisiana, that the primary elections are tantamount to a general election and the election of the individual to the seat that he seeks. The Democratic Party in the State of Louisiana has already held two primaries in which these individuals were not participants. Nothing has been done by the individuals or by the Government to facilitate the matter of placing these people back on the rolls as registered voters.

Therefore, since registration qualifications are a matter of State action, and in Louisiana the application for registration is the intelligence test, no Federal court can determine that the making of minor mistakes on the intelligence test can be ignored. Only the State of Louisiana can pass on the qualifications of registered voters.

The action of the Federal Government should, therefore, be dismissed.

IV. The acts of the registrar of voters for the parish of Washington are mandatory under Louisiana Law, Revised Statute, title 18, section 245, and in complying with said statute did not discriminate against any individual solely on the basis of his race, color, or creed, or previous condition of servitude

The U.S. Government, in allegation No. 7 of their complaint, states:

"It is made mandatory by said statute (Louisiana Revised Statutes Annotated, title 18, sec. 245) that, upon the filing of such affidavits, the registrar shall notify."

This statement by the Government in their pleadings shows that there is no discretion on the part of the registrar. The Government readily admits that it is necessary, under the Louisiana statute, that the registrar must act in a mandatory way. *State, ex rel. Wood* v. *Theriot, supra.* However, the district court, in paragraph 4 (p. 162 of the transcript) comes to the conclusion that the defendant registrar "in giving effect to the

mass challenges * * * achieved a discriminatory result in violation of his duties under the 15th amendment." This conclusion by the court means that the court has determined that the only basis for the removal of the individuals in Washington Parish, who are Negroes, was the one fact that they were Negroes. However, it misses the intent of the constitutional provisions and statutes quoted as to the authority in becoming a "qualified registered voter" in the parish of Washington.

LEAVE OF ABSENCE

Mr. FREAR. Mr. President, will the Senator from Louisiana yield?

The PRESIDING OFFICER. (Mr. CANNON in the chair). Does the Senator from Louisiana yield to the Senator from Delaware?

Mr. LONG of Louisiana. Mr. President, under the general order entered this morning, I yield to the Senator from Delaware such time, not to exceed 3 minutes, as he may require.

Mr. FREAR. I thank the Senator from Louisiana.

Mr. President, I ask unanimous consent that I may be excused from attending the Senate session from 10 a.m., tomorrow, March 3, until 12 o'clock midnight, tomorrow, March 3.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FREAR. Mr. President, I thank the gracious Senator from Louisiana for yielding.

Mr. LONG of Louisiana. The Senator from Delaware is welcome.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. LONG of Louisiana. Mr. President, I read further:

It would seem that this court, in order to show violation of the 15th amendment, must find that the challenges which were issued to the registrar, and upon which he acted under his mandatory duty under the law, were issued solely because and only on the fact that the parties so challenged were members of the Negro race. A reading of the record indicates that this did not occur. A mere reference to the registration application, issued and allegedly completed by the people named in the suit will on the face show mistakes.

On the face of the evidence introduced by the Government the petitioners concerned and people in a like situation did in truth, and in fact, and in law, have a mistake upon their application for registration.

The only duly constituted officer to serve in the position of accepting these challenges is the registrar or his deputies. Individuals, while they have the right under both the constitution and the legislative acts to proceed and call to the attention of the duly constituted officer the fact that there are illegally registered people on the rolls, the only one with authority to issue the challenges is the registrar or his deputies. Here it should be pointed out, however, that under no circumstances does the challenging individual have the authority to remove anyone; in effect, it is the challenged individuals themselves which cause their removal by their inactivity to answer the challenge. Consequently, as a practical matter, the individual removes himself from the rolls. While the registrar makes the final move, if the challenged individual has not appeared to remedy what is alleged to have been a defect, he merely resorts to such removal because of the inactivity of the individual involved.

While citing the mandatory duty of the registrar the Government contends that the registrar knew or should have known because of the number of persons challenged that the intent and purpose of the challenges were to remove only Negroes from the roll, and because he knew of this intent he participated in an action which had a discriminatory result and violated his duties under the 15th amendment. In other words the Government concluded that this was a conspiracy by the registrar and individual citizens to remove the Negroes in question.

Of course the history of suits filed in Washington Parish, from what the record will reflect, indicates that this could be no further from the truth than in law, from the theory of the Government's suggestion, that there was discrimination on the basis of color in this matter. As the record will reflect, in 1950 a judgment was entered against the registrar, decreeing that he should not refuse to register anyone because of his race or color. The registrar for 8 years participate with no legal action whatsoever. Then some individuals approached him and indicated that they were going to make a series of challenges of the people on the registration rolls.

Defendant registrar sought, after a refusal to grant the challenges, a statement and expression of the position he should take under the Louisiana law. As the judgment will reflect from the record the Louisiana district court stated that the registrar had the mandatory duty to accept the challenges and not to question the validity of a challenge once the affidavit was given to him. Abiding by that judgment, the defendant registrar proceeded to receive the challenge, issued them, and then have the U.S. Government, under the Civil Rights Act, proceed against him. If there is any conspiracy in this particular action, then it surely cannot be said to be a conspiracy between the members of the State and others to effectuate the removal of the Negroes from the rolls.

The fallacy of the Government's argument is that they must admit that they were in truth and in fact errors upon or in the making of the application of the petitioners. But they take the position that the defects or deficiencies are minor. However, that is not the question before this court. This court cannot tell the State of Louisiana, in qualification as to voters, what is or what is not a minor mistake. The important thing here is that the Louisiana law does in truth and in fact give a right to call to the attention of the proper authorities the fact that a person is illegally registered upon the rolls.

There would be no question and no cause for this action if the application for registration contained no errors or mistakes. In that case there would be on the face of the mere challenge discrimination. But again these are not the facts in this case. The State asks, did the defendant registrar have the responsibility, under the law, of maintaining the rolls in question up to date and correct? The State suggests that the answer should be "yes."

There is no evidence to show that the registrar of voters did not accept challenges against white people. Consequently it must be concluded that he administered the law equal to all. And "Federal courts * * * are not at liberty to impose on State and local authorities their conception of what constitutes proper administration of their offices, so long as there is no discrimination and the laws are equally administered" (*Williams* v. *McCulley*, 128 F. Supp. 897, 899).

V. The judgment of the Federal district court is erroneous and contrary to the law and the evidence presented

As will be shown by the transcript of record the judgment of the district court, beginning at page 158, decrees injunctive relief to petitioners or people situated similarly and endeavors to enjoin the registrar of voters for the Parish of Washington from entertaining challenges from individuals wherein the challenges have for their purpose the discrimination against an individual based upon his race, color, or creed and in contravention of the 15th amendment of the Constitution of the United States.

The State of Louisiana filed a notice of appeal and a request for a stay order from the Fifth Circuit Court of Appeals, because of the extreme importance of the ruling of the district court of the United States. And because the registrar is of the firm belief that the district judge has erroneously decided this matter contrary to the law and the evidence presented to the court.

To determine the inability of the district court to grasp the significance of the facts and evidence, it is necessary to search the judgment of the district court, and indicate how unlegalistic, and how unworkable the judgment as issued by the district court appears to the registrar. In essence, it can be said that the judgment is against the registrar of voters in and for the Parish of Washington enjoining him from doing various things:

(a) From giving legal effects to approximately 1,377 challenges. (See transcript of record 158 for complete text.)

(b) From permitting the names of any of the approximately 1,377 persons challenged to remain off the rolls.

(c) From doing anything hereafter on challenges filed in the registrar's office which have "for their purpose or effect discrimination based on race or color."

Then the judgment orders that the registrar advise the court of compliance as stated in its paragraph 3(b). Then the district court orders that the registrar "keep and maintain, from and after February 1, 1960, a tabulation showing the number of registrants of each race whose right to remain on the registration rolls of Washington Parish is challenged. If, at the end of any 3-month period thereafter, more than 5 percent of the registrant of any one race shall have been challenged, he shall within 10 days thereafter, submit to this court a detailed report in writing concerning such challenges, giving the bases thereof, and indicating whether the same or similar bases of challenges appear in the record of other registrants."

In its conclusion of fact the lower court, in number 15 (p. 161 of the transcript), concludes that the Negroes herein were deprived of being a qualified voter solely because of their race or color. However, this is in contradiction with his conclusion (tr. p. 160, No. 12), wherein the court admits the defects of deficiencies in the registration cards, such as misspelling, deviation from printed instructions, failure to compute age with exact preciseness, and illegible handwriting.

I may say to the Presiding Officer that I have never been of the opinion that such challenges would stand up. However, I know of no case in which it has been held that these technical challenges would not stand up.

I read further:

The lower court then concludes that it will disregard these mistakes and deficiencies in the applications for registration and will not even entertain the fact that they existed, and indicates that the people involved were removed solely because they were members of the Negro race. It is questionable as to how the district court can (1) assume that the

people involved were discriminated against solely because of their race, and yet at the same time acknowledge that there were errors or mistakes on the applications. The court did not hold, nor could they hold, that the application for registration was in a form which is unreasonable, as a means for an intelligence test. The court did not take into account that the problem involved is one touching the entire registration system in the State of Louisiana.

There are several interesting challenges brought out by the judgment of the district court:

(1) That the district court has, without any constitutional provision before it, indirectly declared unconstitutional, not only one law, but the entire registration system of the State of Louisiana. Because, if the district court is right (which is denied) and the mistakes made in the application are to be disregarded, it has held indirectly that the application form cannot be used as a form of intelligence test. This would be contrary to the holding of the State Supreme Court of Louisiana (*Bishop* v. *Sherburne*, supra). This holding would also mean in effect that no one can challenge a Negro applicant who has such a defect in his registration application—as misspelling—failure to compute the date of his birth—deviations from printed instructions and illegible handwritings. Therefore, it is conceivable that any Negro who attempts to register and makes any of the above errors cannot, under this judgment, be refused registration.

I believe this should be stressed, because it is clearly in the face of the decision which I am discussing. The Attorney General did not contend that this should be the law. He did not contend it would have that fantastic result. But that is in effect what the district court held, and what the Supreme Court has upheld.

Let me repeat:

No one can challenge a Negro applicant who has such a defect in his registration application—as misspelling—failure to compute the date of his birth—deviations from printed instructions and illegible handwriting.

One cannot challenge him, if he is a Negro applicant, unless he challenges an equal number of white persons.

I continue to read:

Therefore, it is conceivable that any Negro who attempts to register and makes any of the above errors cannot, under this judgment, be refused registration.

That is what it means, Mr. President, and I believe when the Members of the Senate study this decision and realize the full impact of it, they will agree with me that there cannot be any basis whatever for saying any more laws are necessary.

It might be urged that there should be some laws to look after some other people who have no remedy, such as the Puerto Ricans of New York. But the law is here. And here is a court decision that goes beyond the law. Congress passed a law which provided that if a person were otherwise qualified to vote, he must be permitted to vote, and the Attorney General could file a lawsuit enforcing that right. But this Supreme Court decision states that sometimes a person must be permitted to vote even if he is not qualified. A colored person would be permitted to register and vote if he applied to register, even if he made all sorts of mistakes, provided that white persons who had made similar mistakes had not been challenged, even though, if challenged, those white persons would have had to go off the rolls.

No, the need is not for more laws.

Incidentally, Mr. President, I am delighted to see the able Senator from Kentucky [Mr. MORTON] on the floor. He is the highest official in the Republican Party.

The Senator from Kentucky made reference some time ago to a so-called voting purge that was gaining momentum in Louisiana and which was feared by many. It was said that the object of it was to reduce the number of colored registrants from 130,000 to 13,000. I know the Senator from Kentucky will be delighted to know that, as of January 31, 5 months after the time the attempted vote purge was referred to, the number of Negro registrants had increased to 158,000. So, far from the number being reduced from 130,000 to 13,000, it was increased from 130,000 to 158,000, or an increase of 28,000, which is an increase of about 20 percent—contrary to the dire predictions we had heard.

It is true that some voting purges were conducted, according to the number of Negroes stricken from the rolls, but the vote purges failed to equal the number of additional Negro registrations, and the Negro registrations increased by 28,000 over and above the reductions in the rolls.

The point of the case I am discussing is that the decision will have to be followed in all of Louisiana, and I suppose the courts throughout the South will have to follow the decision, which was upheld by the Supreme Court; namely, that a purge cannot be conducted against colored registrations unless a similar number of unqualified whites were taken from the rolls at the same time. It is an amazing decision, but that is what the district court held, and the Supreme Court has upheld the decision.

Under this decision there can be no basis for any more laws. All the Attorney General or his assistants need to do, if they are worried about voting rights of Negroes, is to leave the Civil Rights Section in their Washington office and file lawsuits. They have all the jurisprudence they need and all the decisions they need.

Mr. President, I fear most Members of this body have not had an opportunity to understand what the New Orleans decision means, or the impact of it; and I suspect that not even the Attorney General of the United States had any idea what the full significance of the decision was when he heard about the New Orleans decision. He said it would serve as a fine basis for more legislation.

Mr. President, the mind of man cannot conceive of any additional legislation that could be needed. Any evil complained of is subject to immediate remedy, if the Attorney General will but file a lawsuit. The case decided 2 days ago upheld a decision providing far beyond what Congress intended. In other words, I do not think Congress intended, when it enacted the 1957 Civil Rights Act, that if a person was unqualified, he could not be taken from the rolls because his color happened to be black. Yet that is what the district court held in the New Orleans case. In other words, he could be living out of the State. He could be in a State or Federal penitentiary. Yet a challenge would not lie against him for failure to challenge some other person who happened to be white.

When the Court goes that far, it goes far beyond anything that Congress even intended by the 1957 act. We have seen the Supreme Court go beyond the Constitution. Here the civil court went far beyond the Civil Rights Act, and, in effect, extended the law beyond the point ever argued on this floor. I believe that if any Senator had attempted to argue in the Senate 3 years ago, when we were debating the 1957 law, that a person should not be able to challenge an unqualified Negro unless he was in position to also challenge an unqualified white voter at the same time, and that he be put in jail for trying to remove from the rolls somebody who had no business voting, he would have been laughed out of the Chamber. Yet that is what the Court has, in effect, held.

Some persons who apparently do not know about that decision are still talking about passing more legislation. If more legislation is needed—and I do not see that it is—if there is to be some interference with the State function, why not do something about people that have no remedy, like the 618,000 Puerto Ricans up in New York City? They cannot vote there. They could vote if they were in Louisiana, because they do not have to be able to read and write English in order to be able to vote in our State. They could probably vote if they were in Florida, or in Texas, but they cannot vote in New York. The Civil Rights Commission says something ought to be done to help them. Why not do something about them? They have no remedy. But Congress in 1957 provided every remedy the mind could conceive of, and the courts have gone beyond that, in applying the statute passed in 1957.

If any registrar or any person who seeks to keep a colored man from registering seeks to exercise his right to say that man is not qualified, he does it at his peril. He runs the risk of being tried for contempt without a jury trial, and by the same judge who issued the order.

I read further:

(3) Under the district court's judgment, a qualified voter is a person who is over the age of 21, meets the residency requirements and who applies for registration and who gets a registration application and merely files it with the registrar. If the registrant misspells his own name, computes his age wrongly, or has a handwriting which could not be read, he will still become a qualified registered voter.

The judgment of the district court insofar as it ignores the mistakes made on the card, by passing them over and calling them defects or deficiencies of a minor nature, is completely without merit and contrary to the holding of this honorable court, and the Supreme Court of the State of Louisiana. In effect, therefore, the judgment is wrong, because the district court has indirectly overruled the holdings that literacy

tests are valid. In effect, the district court has overruled the requirement of completing the registration application. It is possible, under this judgment, that a blank registration card, which mentions only that the applicant for registration is a Negro, and containing his name, would not be subject to challenge, even if a mistake is patent on the face.

The Federal court then assumes that it can judge the qualification of what it calls approximately 1,377 persons who have been removed from the rolls under a challenging system, approximately from the date November 1, 1958, through July 1, 1959. The court overlooked the fact that there is not one iota of evidence in connection with the total challenges of 1,377 people, but only evidence dealing with 155 number of persons. The State of Louisiana wonders if the court would want the registrar of voters to place back on the rolls of qualified voters any of the above individuals who may have had major errors in their registration forms. There is no evidence as to all of the 1,377 individuals, they are not named—and not identified. There is no way of knowing whether the 1,377 other people have died, removed themselves from the State, become incapacitated by committing a felony, or become insane or interdicted, or in a charitable institution within the State of Louisiana, or have received some disability through sickness or disease, which will require that they do something in addition to just merely being established as a registered voter by removing a card from one file into another (Louisiana Revised Statutes Annotated, title 18, sec. 42; Louisiana State Constitution, art, 8, sec. 6).

It is submitted that the district court has gone so far in their judgment that it is possible for anyone who only places his signature on an application for registration and indicated his race to become a registered voter. It is inconceivable, after searching the record, how under the law and evidence presented the district court arrived at the proposition that these parties were removed from the rolls of registered voters solely because they were of a particular color. Assuming, therefore, only for the sake of argument, that the court had some basis for its judgment, under its holding, it would preclude anyone from challenging a person of the colored race. Under the judgment of the district court, a registrar would be precluded from challenging, or refusing to register a party even if a person made a mistake in his registration application.

In effect, the court has stated to the registrar of voters for Washington Parish: "You are not to challenge any Negro who makes a mistake in his application for registration." It does not lend to the judgment for the district court to say that these were "minor" mistakes because it then becomes a necessity for a court of competent jurisdiction to determine what is minor and what is major.

The decree also affects registration of other people. Assuming that a white person comes into the registration office and miscalculates his age: Would the registrar be able to (1) refuse to register him because of this mistake, or (2) refuse to accept any challenges later, assuming that he was allowed to register with the mistake in the application, (3) and if he did issue a challenge, since the registrar is precluded from issuing a challenge against a Negro, it would follow that the white person could come into Federal courts, under the auspices of the U.S. Government and seek an action against the registrar, and assuming that the court will follow the theory in the judgment by the district court, the registrar would then be precluded from accepting the challenge of the individual white person because then he would be discriminating against a person in violation of the 15th amendment, based on his race or color.

The whole significant calculation, therefore, being that the Federal court has herewith stated: That in Louisiana there shall shall be no challenging of any individual. While this matter is only affecting one parish within the State, at this time, it is easy to assume that if this broad judgment remains in existence every parish within the State would be similarly affected.

I agree with that statement, Mr. President. There is no doubt about it. That statement is set out in the brief and there is no doubt about it. This decision, although it occurs in one parish, affects every parish in the State. It means, in effect, that there shall be no challenging of any individual in Louisiana, or probably in any other State—certainly not if a person is discriminating with regard to race.

I continue reading:

The Federal court, herein, has not really understood the facts of this case, and other cases involving discrimination in election suits. In the normally indicated election suits, the point at issue is usually some action taken by some person against a person who is already a duly qualified registered voter. In this case, however, those rights have not crystallized as yet, because the party involved has not become a qualified voter, or a voter who is "otherwise qualified by law." It is of no import to indicate that these people were at one time members of the qualified voting society, because they were not members in fact once they were challenged and removed from the record and rolls.

IN CONCLUSION

Inasmuch as the persons on whose behalf the United States lodged this complaint have disqualified themselves under valid Louisiana registration laws by having failed to observe the conditions of registration, or by failing to correctly fill out their registration cards, or by not passing the literacy test, it should be declared that the Federal courts have no jurisdiction over them under the Civil Rights Act of 1957.

The Civil Rights Act of 1957, 42 U.S.C. 1971, F.L. 85-315, 71 Stat. 634, is too broad in its scope in allowing action by the United States against private persons and should be declared unconstitutional.

There has been no discrimination by the defendant registrar, Curtis M. Thomas, based on an abridgment of any rights of any individual, and it should be so declared.

The judgment of the U.S. district court was erroneous in law and in fact and should be reversed.

CONCLUSION

It is therefore submitted that this court, insofar as Curtis M. Thomas, registrar of voters, is concerned, should dismiss the petition of the U.S. Attorney General and that the injunction or any other order isued by the district court be recalled, set aside and vacated.

JACK P. F. GREMILLION,
Attorney General, State of Louisiana.
M. E. CULLIGAN,
Assistant Attorney General.
WELDON A. COUSINS,
Assistant Attorney General.
HENRY J. ROBERTS, Jr.,
Assistant Attorney General.

PROOF OF SERVICE

This is to certify that I, Jack P. F. Gremillion, attorney general of the State of Louisiana and a member of the bar of the U.S. Supreme Court, did this ------ day of February 1960, serve copies of the above and foregoing brief on appellants by placing same in the U.S. mail, airmail postage prepaid, addressed to the Solicitor General, Department of Justice, Washington 25, D.C.

JACK P. F. GREMILLION.

NEW ORLEANS, LA.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. The Senator of Louisiana raised a point earlier in his very fine address about the discrimination in areas outside the South. He made reference also to the housing situation, particularly with respect to integrated housing. It just happens that there has come off the United Press International ticker an item from Albany, N.Y. I shall preface my question with these facts, because the Senator, I am certain has not seen this item. The bulletin reads:

ALBANY.—A State senate committee reported today that a survey of discriminatory practices in five New York State communities had uncovered widespread bias in housing despite existing laws that prohibit the practice.

The survey included the cities of Plattsburgh, Poughkeepsie, Rochester, and the village of Freeport, Long Island, and the unincorporated area of the town of Greenburgh.

The report linked the real estate brokers, builders, and bankers among those fostering discrimination.

One broker, the report disclosed, shied away from opening new areas to Negroes in order to avoid being branded a "troublemaker." Builders in Greenburgh admitted they could subvert provisions of existing antidiscrimination laws.

The item is exactly in line with the point the Senator was making a while ago, with respect to housing. But I believe his remarks then pertained to information he had with reference to the city of Chicago. These facts are fresh and new, coming from the State of New York. Would the Senator address himself now to any knowledge he may have with reference to the further efforts by the Senators from New York to meet this situation? Do the laws they propose cover this situation?

Mr. LONG of Louisiana. I am sorry I did not have a chance to understand the point which the news release covers.

Mr. STENNIS. The item reads:

A State senate committee reported today that a survey of discriminatory practices in five New York State communities had uncovered widespread bias in housing despite existing laws that prohibit the practice.

Mr. LONG of Louisiana. There it is again. In New York State, discrimination is found to exist, but nothing apparently is done about it. Notwithstanding that, the Senators from that State come in and try to tell us who come from other States what we should do about the problem.

Mr. McGEE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. McGEE. I heard only the closing part of the news dispatch. Reference was made to discrimination, I assume, in New York, and included a place called Long Island. I wondered if the distinguished Senator from Louisiana would care to identify any relationship he has with that island, or whether he dissociates himself from the place of that name.

Mr. LONG of Louisiana. No; the junior Senator from Louisiana has no information about the political situation on Long Island. He does know a little bit about the area. The dispatch indi-

cates that practices exist there which are worse than those about which criticism is made of the South. For example, the Civil Rights Commission says this about housing in New York:

> Negroes are the principal victims of housing discrimination in New York today. Persons of Puerto Rican origin are also deeply affected, particularly when their skins are dark enough or their accents sufficiently pronounced to make them easily identified.
>
> In the major cities, severe overcrowding is two to three times as prevalent in areas where Negroes live than in these cities as a whole. Age combines with overcrowding to make dwellings in Negro areas largely unfit for human habitation. Yet Negro families often pay no less rent than whites who occupy apartments of the same size but vastly superior conditions.

That is what the Civil Rights Commission found in the State of New York.

The Commission also said that probably many Negroes would not be found on Long Island, because the report shows that it is in certain of the northern cities, oddly enough, that the real residential segregation exists. It does not exist in the southern cities. It is in the northern cities.

The report cites the situation in Chicago, and shows why the authorities of the world say that Chicago is the most residentially segregated city in America. That is because all the Negroes are congested or squeezed into a single area and are not permitted to spread out.

The distinguished Senator from Illinois [Mr. DOUGLAS] made the point that there is no law in Illinois requiring segregation. But before he tries to straighten out the situation in Louisiana, where there is no herding of Negroes into a small congested area, he ought to urge, if the thing is to be done, that it be done in his own neighborhood, where there is a certain amount of integration, if he believes integration is really the answer.

Mr. STENNIS. The Senator makes the observation that the Senator from Illinois said there was no law in that State requiring the pattern which was referred to. This news item states that there is a law in the State of New York; but instead of compliance with the law, the authorities found widespread continuing discrimination. I read further from the same news item:

> Negro families in Poughkeepsie found it difficult to obtain mortgages for houses they had planned to buy in all-white neighborhoods. The bankers told them, "They might not be happy there," they said.
>
> Other Negroes in Rochester reported they were almost entirely excluded from new housing. They were forced to resort to the use of "strawmen" in the purchase of a suburban home.
>
> The areas surveyed were selected as geographically separated communities that included sizable Negro populations.

That statement pertains to the very remarks which the Senator from Louisiana made this afternoon with reference to those who would pass Federal laws because they are not satisfied entirely with the operation of the present laws in the Southern States. But in the instance related in the dispatch there are laws which do not work according to the pattern.

Has there been any proposal from the Senators from New York to pass a Federal law and let it apply to the situation in their States?

Mr. LONG of Louisiana. Oh, no. In spite of the violation of their own State laws, which prohibit the discrimination against the colored people of their State, those same persons want to pass Federal laws to punish the people down South, who seem to be getting along better, all things considered, or at least seem to be getting along harmoniously.

If the people up North would quit sending down agitators to stir up trouble, there would not be this difficulty. Yet in areas of the North the people are violating their own laws instead of trying to straighten out the difficulties. They want to punish the South, as though southerners are the ones who are arrogant. This problem exists in the North far more than it does in the South.

Mr. STENNIS. Since the Senator from Louisiana has handled this subject in such a masterful way this afternoon, the Senator, in his own way, might suggest that the Senators from the North prepare amendments which would clear up the situation in their own States.

Mr. LONG of Louisiana. Unfortunately, only a few Senators were on the floor during the whole afternoon. More Senators are present now, so I suppose it would be good to reread the Sermon on the Mount.

> Why beholdest thou the mote in thy brother's eye?

Perhaps I should explain that a mote is a tiny speck of dust.

Mr. STENNIS. What is the Senator reading from? Is he quoting? What is the citation?

Mr. LONG of Louisiana. I am glad the Senator asked the question, because somebody might resent some of these words. That is Jesus I am quoting. That is Jesus from the Sermon on the Mount, Matthew, chapter 7. I am glad the Senator asked that question, because I might have been called to order if I got to the rough part of this quotation.

People may not be aware that some folks did not approve of some of the things Jesus said. He ran into some trouble for criticizing people who had a way of criticizing others without trying to set their own house in order. Listen to this:

> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

I suppose that is Jesus using the language of the time; but a beam in that case would refer to a piece of goods, a splinter, or something like that—to the best of my knowledge, a splinter. Here is someone who has a piece of wood in his own eye and is criticizing other people because there is a little speck almost too small for the eye to perceive in the other fellow's eye.

> Or how wilt thou say to thy brother, Let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye?
> Thou hypocrite—

Not a Senator. He is only talking about people who have a beam in their eye. [Laughter.]

> Thou hyprocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

Mr. President, I have before me a map furnished by the Civil Rights Commission. I did not vote for the Commission. I did not think it necessary. We folks down our way thought we were getting along pretty well. We thought we had some troublemakers down there. They did not achieve anything down in Louisiana that I could see, but they did achieve this: They did show us folks down in Louisiana something about Chicago, and we heard them praised by the Senator from Illinois, the great Senator from Chicago.

The map of Chicago shows racial concentration. It shows that all the Negroes live in two segregated areas. The law does not require Negroes to go to school with Negroes. The law does not require integration. The people up there simply herd them all together, and they have nowhere else to go. So there is more segregation of races in the schools in Chicago than there is in Texas or any other border State. The Civil Rights Commission describes that. It says:

> It is interesting to note that the maps show a more racial concentration in northern cities and more dispersion of nonwhites in southern cities.

We are doing better about that than they are. Why do they not cast the beam out of their eye before they try to take the mote out of ours?

The Commission goes on to say something which I would not like to have said about New Orleans, La., or Baton Rouge:

> The general metropolitan pattern, as shown by Chicago, now set on the basis of tracks to be the most residentially segregated city in America.

Imagine Chicago, in the heart of the great land of civil rights, being the most racially segregated area. The report goes on to show how the Negroes are situated in New York. They are all crowded into a few small areas. The map shows it—

> In New York, although there is an established city and a State policy to promote integration, much the same situation prevails.

In other words, the situation is just about as bad in New York City.

New York ought to try to do something about integration. All the Negroes are together, but a few of them are sent around by buses to various communities in an effort to maintain a pretense of integration in those schools. How far have they gone with it. I heard some people who claimed to know something about it say that they have gerrymandered those school districts up there so that they have as many whites as possible kept in schools with whites, and as many Negroes as possible kept in schools with Negroes.

Some of us down South would feel that it would be more honest to say, flatly, by law, "We are not trying to hurt you folks. We just think it is better for our children to go with children of their own race, and yours to go with people of their kind." If people want

to eliminate segregation, why do they not start where it is worst—in Chicago and New York? But no, there is no civil rights bill to straighten out their areas. They want to straighten ours out first.

Here is a bill from New York that would eliminate lynching, or at least make it a Federal crime. We have had one Federal lynching in the past 3 years. Lynching can be described by a more general term. Lynching is murder. And where is murder the the worst? New York City—everyone knows that. Why would someone want to make a law to protect people from a crime that does not exist, and leave the people in his own city subject to rampant murder, muggings, cuttings, and every other type of felony under the sun? It is proposed to send Federal Government and FBI representatives and supervisors down to supervise our area, where crime is much less of an incident, concentrating on a certain crime that has happened once in 3 years, when everyone did his best to prevent it. The local officials even called upon the FBI.

The Government called upon the FBI on the same day that the last lynching occurred. The FBI could not find the person who was killed. The case was taken to the Federal court. The Senator from New York admits that the results would not have been any different if there had been an antilynching law. But in the city of New York there is more of a crime wave than there is anywhere else; and instead of trying to control their own crime waves, the New York Senators would tell us that they must send somebody down to show us how to run affairs in our area.

The Senators from New York tell us that we must pass more civil rights laws, because in four small Louisiana parishes along the river there are no colored registered. But the colored registration is increasing by leaps and bounds in Louisiana, and a law has just been passed under which a Federal judge says we must put Negroes on the rolls in Louisiana even if they are not qualified; and the Supreme Court upheld that judge 2 days ago. If the Attorney General wants to use all 27 high-priced lawyers on the payroll, he has everything he needs. There is a remedy. Who does not have a remedy? Six hundred and eighteen thousand Puerto Ricans in New York cannot vote. They have no remedy. The Attorney General cannot help them. New York has a statute which provides that one must have an eighth-grade education, and be able to read and write the English language in order to qualify to vote. Puerto Ricans in New York cannot read and write.

The Puerto Ricans could vote if they would come to Louisiana. The probabilities are they could vote if they had gone to Virginia. They could vote if they had gone to Florida. But they are in New York City and they cannot vote, and the Civil Rights Commission says that is bad; those people have no remedy.

Are we here to pass a law to take care of people who have no remedy, who have no law to help them? No; we are being urged to pass more laws, to heap more laws on top of us. But there are already on the books all the laws that the mind of man can conceive of and all the remedies that can be used, and all that can be done, if anyone wants to do something about it, is to urge the Attorney General to take some of these fellows out of the ivy towers and put them to work.

Then they went home and said, "We really fixed those Confederates. We really tanned their hides. We really fixed them." They said, "We fixed them. Now we hope to win the next election."

That is what we are confronted with, Mr. President.

We have a law in Louisiana. Under our election law illiterates can vote. Illiterates are registered in Louisiana. The Civil Rights Commission has confirmed that fact. Here are the figures. In Louisiana there are 28,000 white illiterates registered. Those people cannot read or write. Under our law they qualify to register for voting. There are 28,000 white illiterates. There are 17,700 colored illiterates. So the whites outnumber the colored, so far as illiterates are concerned, by about 2 to 1. Therefore there is no discrimination against the colored. If there is discrimination, it is against the whites, not in favor of the whites, so far as illiterates are concerned. Yet Senators from New York, instead of making it possible for their own people up there, the Puerto Ricans, to vote, try to tell the country that Louisiana discriminates against the colored voters.

Louisiana law says that a person can register if he can understand English or his mother tongue. If his mother tongue is Spanish or Portuguese or Hungarian, he can register in that language. He can do that in Louisiana.

I am not trying to force a similar situation on New York State. That is something that they can work out for themselves. It seems to me that common decency would dictate that they would allow their Puerto Ricans to vote. We let our illiterates vote. They do not.

Then we are confronted with the proposition about a person being asked to read and write the Constitution. In our State he is asked to give a reasonable interpretation of any one section of the Constitution of the United States or of the constitution of the State of Louisiana. The Senators from New York say that is an awful situation. Mr. President, there are 50,000 illiterates in Louisiana who can do it. It does not mean that they can read or understand every provision of the Constitution. The law provides that they shall understand any provision of the Constitution.

An average colored man, particularly an older man, perhaps cannot read or write, but if he were to have read to him that the Constitution provides in the 15th amendment that no one shall be denied the right to vote because of race, color, or previous servitude, I believe he could tell what that meant, and could give some idea of its meaning. That is all that provision of the law means.

It provides that it shall be any provision of the Constitution, not every provision. The reason for that provision in the Louisiana law is so that we can draw a distinction between an imbecile or an idiot, on the one hand, and the person who cannot read or write on the other hand. If he can do that he can qualify himself as a voter, even though he cannot read all the names on the machines. He can also ask a commissioner to help him.

Some of the colored people, particularly those who were born during Reconstruction days, cannot read or write. That provision of the law makes it possible for them to register and to vote.

Yet the Senators from New York say that is terrible discrimination, when at the same time there are 600,000 Puerto Ricans in their State who cannot vote their own hometown.

In spite of that, the Senators from New York will not come to hear me preach to them from the Sermon on the Mount: "Why dost thou behold a mote in thy brother's eye and not the beam in your own eye?" Or "Judge not, lest ye too be judged."

I suppose it would be just as well to read these election laws into the RECORD, because there has been so much misunderstanding about what such laws mean, to demonstrate briefly that they do give every citizen a chance to vote.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MORTON. I wonder if the Senator will yield for a question. Did I correctly understand him to say that it was my statement that Negro registrations would be reduced from 130,000 to 13,000 in Louisiana?

Mr. LONG of Louisiana. The Senator is not accurately quoting my quotation of his statement. If I recall correctly, it was the Senator who read the statement last year to the effect that in Louisiana a State senator was undertaking to start a purge with the objective of reducing the number of Negro registered voters from 130,000 to 13,000.

Mr. MORTON. I thank the Senator.

Mr. LONG of Louisiana. I believe the Senator made the statement that that was in the offing.

Mr. MORTON. It is true that I was quoting one of the Senators' constituents. It was not a substantive statement of mine.

Mr. LONG of Louisiana. Yes.

Mr. MORTON. Is it not true, as the Senator has pointed out, that actually the State senator did not succeed in his objective, and that the number of Negro registrants went up?

Mr. LONG of Louisiana. Yes.

Mr. MORTON. Does the Senator not think that was in large measure due to the fact that the Civil Rights Commission had been established and had gone to work?

Mr. LONG of Louisiana. No. I believe that it was in spite of that fact.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. In the areas where the Commission had not gone, there occurred the greatest increase in the registrations. Where they did not

go, the greatest progress was achieved.

Mr. MORTON. The Commission has jurisdiction everywhere, in every parish, precinct, and county in the United States.

Would it not therefore appear that the effect would be an overall effect, due to the fact that they had jurisdiction all over the country, and that therefore an overall increase would result due to their operations?

Mr. LONG of Louisiana. That is the trouble with all these civil rights debates. Somebody reads something in a newspaper article, or talks about something, or makes a guess as to what is happening.

Mr. MORTON. I am not guessing. I am taking the Senator's figures.

Mr. LONG of Louisiana. But the Senator is trying to suggest the reason why the number of colored registrants increased in Louisiana.

Mr. MORTON. I am suggesting the reason that they increased in spite of the fact that one of the Senator's constituents set himself up to eliminate Negro voters in Louisiana, and became frustrated in the process.

Mr. LONG of Louisiana. The Senator from Kentucky will find that in parish after parish where this effort was made the local people and the governing bodies would inform this group, "We are not interested in what you are trying to do." This was a situation in which white men expressed good will toward Negro citizens. They said, "We are getting along all right. We do not want to stir up any trouble. We do not want you to stir up any trouble and we do not want the NAACP to stir up any trouble. Both of you should get out. We are getting along all right. We would appreciate it if you would just let us alone." That is what happened in the great majority of parishes. The result was that the registrations continued to increase, and the voting by colored people continued to increase.

The Civil Rights Commission tried to subpena the books, in direct violation of Louisiana State law. They tried to subpena the books, and what they were trying to do was against the law. When the Commission tried to investigate certain people, they exceeded their power. They tried to investigate these people and tried to tell them what they should do, and did not tell them what they were charged with, or give them a chance to cross-examine their accusers. They tried to investigate these people based on affidavits of unknown accusers, without giving these people the right to know who their accusers were.

If anything was likely to stir up a registrar who had a kind heart toward a colored man and who wanted to cooperate, that action would certainly have antagonized him, when he was being investigated and was threatened with being put in jail.

The law of Louisiana says that the registrar must keep his registration books in his office. That provision was not put in the statute to thwart the civil rights provision. It says he can only take them away by order of the court. That was to stop a corrupt government practice. In the old days a registrar would hide the registration books in the trunk of his car. If a friend of his wanted to register he would come to his house and register him. If a person was not his friend, and if he went to the registrar's office, the registrar would say, "I am sorry, I left the books at home. Come back some other time."

We had a case involving one poor man who followed the registrar around for 6 months before he ever got registered.

The law was there to see that a person could register. It involved a criminal penalty for the registrar to take the books away except by a court order. The Commission went down there and made the mistake of assuming that it was a court, which it was not. Therefore it could not get the books. Then we heard talk about there being a Louisiana roadblock, in that the registrar could not take the books away because he did not have a court order. The Federal judge turned them down. He said he would have been glad to give them a court order, but they never asked him.

Mr. MORTON. I have never found a roadblock in Louisiana, because I love sailing down the bayou. It is one of the most beautiful States in the country. I have always—and this is probably outside the law—had the problem of fighting chickens in New Iberia Parish on Sunday, but I am sure it was good sport. I meant nothing, but I think the Senator from Louisiana must realize that the Civil Rights Commission has not discriminated against any particular parish or State. It has been a force for good in this country, and I think all of us recognize it as such.

Mr. LONG of Louisiana. While we are on the subject—I did not bring it up; the Senator brought it up—did the Civil Rights Commission do any good? The State of Louisiana undertook to advise the Commission that it ought to stay away if it wanted to help the colored man. Otherwise it would only become involved in a big imbroglio and a big argument and quarrel and fight between the racial extremists on both sides, with the result that the people would be put in a position that they would be compelled to take sides one way or the other, and it might result in a person who had a very poor regard for the colored man being elected Governor.

Yet, if they were really interested in having the program work out to the benefit of the people down there, it would be better if they would stay out of there until the election, and they tried to stay out knowing that that was true. They tried to get away with sending some questionnaires down there and having them mailed back, but they ran into a situation in which the Attorney General himself was running for office. He was not in a position to advise them to fill out the forms. So nothing was achieved except to make many people angry. This case finally went up to the Supreme Court on the question of the constitutionality of the Commission and the claim that its powers violated the law. Now the Commission is asking that the law be changed so as to give it the legal power to subpena the books, which in itself is a confession that it never had the power to do so to begin with, but it tried to exercise such power even though it did not have it.

I am sure the Commission had all good intentions, but my judgment is that the Commission knew it was a mistake to try to exercise such power, the fact of the matter as applied to Louisiana. To begin with the Commission knew it would do no good, but after it failed to achieve something, it wrote a chapter entitled "Louisiana Roadblock." The so-called facts given to the Senator from Connecticut and others would lead people to believe that colored people were to be taken off the rolls at a time when the number of colored voters was continually increasing.

I do think the Commission had some fine recommendations. It should follow through by starting where the most abuses exist, where the greatest residential segregation in America exists. Let them start with Chicago and New York City. Let them start fighting crime where it exists to the greatest degree. Let them see what can be done about New York and Chicago; but meanwhile let us not try to enact a series of laws to deal with a single killing that occurred in one place in the South over a period of 3 years. The author of the bill admits that if there had been such a law on the statute books it would not have made any difference.

Mr. SMATHERS. Will the Senator yield for a question?

Mr. LONG of Louisiana. There is plenty of law. I yield for a question.

Mr. SMATHERS. With respect to whether or not the Civil Rights Commission actually did any good in increasing the number of Negro registrants for voting, is it not a fact that in Louisiana, for example, in 1940 there were 886 colored registered; in 1944 there were 1,672, and then the number began to increase rapidly? In 1948 it was 28,117.

For the next 4-year period ending with 1952, it was 107,000, which is a 500 percent increase. For 1956 it was 152,000. The Civil Rights Commission was created in the next year and the number increased by only 6,000 after that. I think the statistics rather clearly demonstrate that in Louisiana—and I am sure a similar situation exists everywhere else—the Civil Rights Commission, rather than encouraging greater Negro registration, slowed it down. I believe the figures support that statement.

Mr. LONG of Louisiana. Anybody can make a chart from the figures. The colored registration was growing by leaps and bounds over a 4-year period. It increased twentyfold. In the next 4-year period it increased fourfold, and in the next 4-year period it increased 50 percent. Then suddenly it leveled off. Why?

Although additional colored folks are being registered, with all the furor and pressure about civil rights, antilynch laws, Federal registrars, the Brown decision, integration of all the schools, the people who were content to see the colored people vote and help them vote were frightened. They became fearful. If the State had been left alone the desirable trend would have continued, and

there probably would be many more colored registrants than there are; but the way things are going now, the 1957 law will have the effect of placing a number of people on the registration rolls who would not otherwise be there. I challenge anybody to study the impact of the New Orleans decision and what it means when it is affirmed by the Supreme Court, and show me that any more law is necessary. What is necessary is enforcement of the existing law.

Mr. ERVIN. Will the Chair inquire of the able and distinguished junior Senator from Louisiana as to whether or not he will yield to the Senator from North Carolina for an interrogatory?

The PRESIDING OFFICER. Will the Senator yield to the Senator from North Carolina for an interrogatory?

Mr. LONG of Louisiana. I inform the Senator from North Carolina that the junior Senator from Louisiana obtained unanimous consent to yield to Senators for statements or insertions in the RECORD, so long as such statements did not exceed 3 minutes.

Mr. ERVIN. I inquire of the able and distinguished junior Senator from Louisiana if he has not observed that advocacy of civil rights legislation is a highly contagious disease among politicians in an election year?

Mr. LONG of Louisiana. It does not seem to be good enough politics to practice what they preach at home. It is only good politics to tell somebody else how to do something. I know what happened in Louisiana under a poll tax system when my father was Governor and later a U.S. Senator. The constitution was amended and we doubled the election registration and greatly increased the vote by virtue of the fact that he was associated with the effort. The junior Senator from Louisiana has on occasion received a larger majority than his father received in total votes.

That was the result of making it possible for a poor man to vote without paying a poll tax, which caused the voters to give more votes to the Senator from Louisiana.

I wonder why the Senators of New York do not do that for the Puerto Ricans of New York. Perhaps the Puerto Ricans would vote for them.

Mr. ERVIN. Mr. President, will the Senator yield for another question?

Mr. LONG of Louisiana. I yield.

Mr. ERVIN. I will ask the Senator from Louisiana if another peculiar thing about this political disease is not the fact that those afflicted with it, instead of acting as patients, emulate the example of the doctor who would prescribe for his patients medicine which he would not take himself?

Mr. LONG of Louisiana. That seems to be the case. I must confess that does seem to be the case.

Mr. President, since the question occurred concerning the Civil Rights Commission, I will say that when the Civil Rights Commission came to Louisiana and began making demands on the State registrars, 16 State registrars of voters sought their constitutional protection. They had been subpenaed to appear before the Civil Rights Commission and, contrary to the laws of the State of Louisiana, had been ordered to bring with them registration records. As I have mentioned, in previous discussions, in a number of instances this necessitated bringing these records numerous miles—in fact, as far as 250 miles—and making them unavailable to the citizens of the area during the time that they would be away.

It would be interesting at this point to quote the Louisiana law that prohibits the removal of these records:

LSA–R.S. 18: 169. CONTROL AND CUSTODY OF REGISTRATION BOOKS AND OTHER RECORDS

The books of registration, together with all the records, registry stub books, and all other books and paraphernalia used for the conduct of the registrar's office, shall at all times be kept under the control of and in the custody of the registrar at his principal office. They shall not be removed therefrom for any purpose except upon an order of a competent court, except the parish register and registration certificate books when these are necessary for the registration of voters, when registration is permitted at places other than at the central office.

LSA–R.S. 18: 251. CUSTODY OF RECORDS

Except as otherwise provided in this title, the registers, records, files, books, and paraphernalia used for the conduct of the registrar's office shall at all times be kept under the control and in the custody of the registrar at his principal office and shall be removed therefrom only on order of a competent court. Added acts 1952, No. 515, § 2.

The 16 State registrars took action to stay the effectiveness of subpenas issued by the Civil Rights Commission and they went to the U.S. District Court in the Western District of the State of Louisiana. The district court held that the Civil Rights Commission was an agency of the executive branch of the United States and, as such, was subject to the provisions of the Administrative Procedure Act, which require that persons affected by agency action should be timely informed of matters of fact and law asserted and that persons should be given right to conduct such cross-examination as may be required for the full and true disclosure of facts; so that the Commission's rules, failing to grant such safeguards, violated the terms of the act, which entitled the registrars to a stay of the proposed hearing.

As the result of action taken by the U.S. district court in Louisiana, temporary restraining orders were granted. I think it would be appropriate here to read into the RECORD the decision issued by the Honorable Ben C. Dawkins, Jr., Chief Judge of the U.S. District Court of the Western District of the State of Louisiana.

This is the case of Mrs. Margaret M. Larche and others, against John A. Hannah and others:

Action by some 16 State registrars of voters who had been subpenaed to appear before Civil Rights Commission to stay effectiveness of subpenas and to restrain and enjoin conduct of proposed hearing. The district court, Dawkins, Jr., chief judge, held that Commission was an agency of the executive branch of the United States and as such subject to provisions of Administrative Procedure Act requiring that persons affected by agency action should be timely informed of matters of fact and law asserted and that persons be given right to conduct such cross-examination as may be required for the full and true disclosure of facts, so that Commission's rules failing to grant such safeguards violated terms of act, entitling registrars to stay of proposed hearing.

Temporary restraining orders granted.

* * * * *

Ben C. Dawkins, Jr., chief judge:

"We are called upon here to pass tentatively upon one of the burning issues of our time—the propriety and validity of the rules and proceedings of the Civil Rights Commission, as established by Congress in September 1957.

"That Commission now proposes to hold a hearing, in the Federal courtroom at Shreveport, La., on July 13, 1959, to investigate purported violations of the civil voting rights of some 67 persons, who are said to have filed sworn complaints with the Commission. Pursuant to, and in implementation of, its plans, the Commission has caused subpenas, and subpenas duces tecum, to be served upon the plaintiffs in these suits, commanding them to be present and give testimony at the hearing, and requiring the 16 registrars of voters, who are plaintiffs in civil action No. 7479, to bring with them, for inspection and copying by the Commission, a large number of records from their offices.

"These suits, brought against the members of the Commission, and the Commission itself, were filed on July 10, 1959, and are addressed to the equitable powers of this court. They seek to stay the effectiveness of the Commission's subpenas and subpenas duces tecum, and to restrain and enjoin the conduct of the proposed hearing itself, which, plaintiffs aver, under the Rules of Procedure adopted by the Commission, would violate their fundamental constitutional rights and cause them immediate and irreparable damage. Moreover, praying that a three-judge court be convened for that purpose, the registrar-plaintiffs ask that the Act creating the Commission be declared violative of the Federal Constitution, and thus unenforceable.

"Detailing their complaints, supported by sworn affidavits and exhibits attached (and here briefly paraphrased), the registrar-plaintiffs, in Civil Action No. 7479, allege that between June 29, 1959, and July 6, 1959, each of them were served with subpenas and subpenas duces tecum, issued by the Chairman of the Commission, commanding them to appear and testify before the Commission on July 13, 1959, and to bring their records with them; that they have not been informed of the nature of the complaint or complaints against them, nor have they been assured that they will be confronted with the complaining witnesses; that the Commission repeatedly has informed the attorney general of Louisiana, verbally and in writing, that it would not, under any circumstances, furnish plaintiffs with, or permit them to examine the written complaints filed against them, nor would it divulge the name or names of the secret complainants, all of which is arbitrary and unreasonable, and in violation of plaintiffs' fundamental rights.

"They further aver that they, at all times, have complied with the laws of the State of Louisiana, but that the subpenas served upon them would require them to violate such laws, in that the registrars' records legally may not be removed from their offices, except 'upon an order of a competent court,' criminal penalties being provided for violations of these statutes; and that the Commission is not a 'competent court.' Hence, they say, to comply with the subpenas, they would be violating the State laws, and subjecting themselves to the penalties thus provided.

"These plaintiffs further allege that, attached to the subpenas served upon them, was a mimeographed document entitled 'Rules of Procedure for Hearings of the Commission on Civil Rights,' in which appears the following: '(i) Interrogation of witnesses

shall be conducted only by members of the Commission or by authorized staff personnel'; and that thereby plaintiffs are deprived of their constitutional right to cross-examine witnesses who may testify against them. They contend that the Commission and its members thus are acting in an ultra vires manner in (1) attempting to force plaintiffs to testify at the proposed hearing without first advising them of the nature of the complaint or complaints existing; (2) without allowing plaintiffs to be confronted by the complaining witnesses; (3) not allowing plaintiffs to have counsel empowered to fully represent their interests in such hearing; (4) not allowing cross-examination of the complaining witnesses; and (5) causing irreparable damage to plaintiffs by requiring them to violate the laws of Louisiana, which would subject them to serious criminal penalties. In their brief, they also urge, as a direct incident of the hearing itself, with unnamed and unknown witnesses testifying against them, not subject to cross-examination by plaintiffs' counsel, that they will be wrongfully accused of violations of both Federal and State laws, without adequate opportunity to disprove such accusations, and thus be held up, by the Commission's actions, to public opprobrium and scorn, all to their irreparable injury and damage.

"They further contend that the Commission, being an agency of the executive branch of the Federal Government, is subject to the provisions of the Administrative Procedure Act, and, as such, is required to state explicitly the charges against plaintiffs, to permit them to be confronted with the witnesses against them, and to allow their counsel fully to cross-examine such witnesses. Accordingly, these plaintiffs seek the relief hereinabove outlined.

* * * * *

"Several days prior to July 10, 1959, we were advised by plaintiffs' counsel that they would file these suits on the date indicated. While, as a general rule, applications for temporary restraining orders are considered ex parte, solely on the face of the verified complaint and any attached documents, because of the national importance of the matters involved, we immediately notified counsel for the Commission, and its Vice Chairman, Hon. Robert G. Storey (a personal friend of the court's, of long standing), of our information, and invited them to be present for a hearing on the applications. The suits were filed at 1:30 p.m. on July 10, and at 2 p.m., in open court, these gentlemen, and counsel for plaintiffs, being present, we convened court, but immediately recessed in order to give the Commission's representatives opportunity to study the complaints and briefs filed by plaintiffs. At 3:30 p.m. we reconvened and heard oral arguments from both sides, until 5:20 p.m., at which time the matter of the restraining orders was submitted for decision on the oral arguments and briefs filed by the proponents and opponents of the applications. We have considered the able arguments, studied the respective briefs and authorities cited, and now proceed to our ruling. Necessarily, because of the time element, we have been compelled, under great pressure, to consider the questions rather hastily; and we reserve the right to alter our views, if necessary, after more mature deliberation.

"(1) The court has jurisdiction (28 U.S.C.A., secs. 1331, 1332, 2201, 2282, 2284); *Jones* v. *Securities and Exchange Commission* (298 U.S. 1, 56 S. Ct. 654, 80 L. Ed. 1015).

"(2) We are not strongly impressed with the registrar-plaintiffs' contention that the subpenas duces tecum, if complied with, would subject them to criminal penalties under Louisiana law. Literally, of course, if they directly complied without more, they are correct in their understanding of the State law. Practically, however, another and different aspect is presented, for under the Civil Rights Commission Act they can refuse to produce the records, without penalties of any kind, and the only recourse the Commission would have would be to request the Attorney General of the United States to apply to this court, under 42 U.S.C.A., section 1975d(g) for an order requiring their production. Plaintiffs then would be protected against State prosecution by the very terms of LSA–R.S. 18: 236, as well as by LSA–R.S. 18: 169 for this court clearly is a 'competent court', within the meaning of those statutes.

"(3) Likewise, plaintiffs would suffer no immediate Federal penalties under the act for refusal either to appear or to testify, but would be subject to an enforcement order from this court, which would see to it that their constitutional rights against self-incrimination are adequately protected. Moreover, under the act, since their counsel are entitled to be present, they could be advised, at each step of the proceedings, whether to claim the protection of the fifth amendment, even though, in this day, the general public has come to consider such a claim as tantamount to a plea of guilty, particularly in response to 'loaded' questions.

"We are strongly of the opinion, however, that plaintiffs' remaining grounds for immediate relief are well taken:

"(4, 5) First, it appears rather clear at this juncture that the Civil Rights Commission is an agency of the executive branch of the United States, within the meaning of that term as defined at 5 U.S.C.A., section 1001. See also 42 U.S.C.A., section 1975(a). It performs quasi-judicial functions in its hearings, its factfindings, its studies of 'legal developments constituting a denial of equal protection of the laws under the Constitution,' and its appraisal of 'the laws and policies of the Federal Government' in the same respect. It 'adjudicates' by its rulings upon the admissibility of evidence at its hearings and by its determinations of what is or is not the truth in matters before it. Thus we think that the Commission is subject to the provisions of section 5 of the Administrative Procedure Act, which requires, among other things, that persons affected by agency action '* * * shall be timely informed of * * * the matters of fact and law asserted.' Here that would encompass the nature of the charges filed against plaintiffs, as well as the matters of fact and law wherein the complainants' voting rights allegedly have been violated. The Commission also is subject to section 6, which would require it to grant plaintiffs the right 'to conduct such cross-examination as may be required for a full and true disclosure of the facts.' This, by its rules, the Commission refuses to do, and in so doing, regardless of its well-intentioned motives, it violates the terms of that act. Plaintiffs are entitled, therefore, to protection against these rules, which would deprive them of their plain rights under the act.

"(6) Second, while the statute creating the Commission inferentially permits it to adopt reasonable rules, 42 U.S.C.A., section 1975a(b), there is no provision whatsoever in the law to the effect that such rules may include those here complained of, which plainly violate plaintiffs' basic rights to know in advance with what they are charged, to be confronted by the witnesses against them, and to cross-examine their accusers. We cannot believe that Congress intended to deny these fundamental rights to anyone, and because of such belief it is our opinion that these rules of the Commission are ultra vires and unenforceable. Therefore, plaintiffs are entitled to immediate relief against them.

"Third, entirely aside from the statutory questions just discussed, the courts of the United States, and their Anglo-Saxon predecessors, always have seen to it that, in hearings or trials of all kinds, persons accused of violating laws must be adequately advised of the charges against them, confronted by their accusers, and permitted to search for the truth through thorough cross-examination. In *Jones* v. *Securities and Exchange Commission* (298, U.S. 1, 27, 56 S. Ct. 654, 662, 80 L. Ed. 1015), the Supreme Court said:

" 'A general, roving, offensive, inquisitorial, compulsory investigation, conducted by a commission without any allegations, upon no fixed principles, and governed by no rules of law, or of evidence, and no restrictions, except its own will, or caprice, is unknown to our Constitution and laws; and such an inquisition would be destructive of the rights of the citizen and intolerable tyranny. Let the power once be established, and there is no knowing where the practice under it would end.

" 'The fear that some malefactor may go unwhipped of justice weighs as nothing against this just and strong condemnation of a practice so odious. * * *

" 'The philosophy that constitutional limitations and legal restraints upon official action may be brushed aside, upon the plea that good, perchance, may follow, finds no contenance in the American system of government. An investigation not based upon specified grounds is quite as objectionable as a search warrant not based upon specific statements of fact. Such an investigation, or such a search, is unlawful in its inception and cannot be made lawful by what it may bring or by what it actually succeeds in bringing to light.'

"In *Morgan* v. *United States* (304 U.S. 1, 14, 20, 25; 58 S. Ct. 773, 775; 82 L. ed. 1129), involving an administrative hearing, the Court said:

" 'The first question goes to the very foundation of the action of administrative agencies entrusted by the Congress with broad control over activities which in their detail cannot be dealt with directly by the legislature. The vast expansion of this field of administrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that the legislature shall appropriately determine the standards of administrative action and that in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand 'a fair and open hearing,' essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process. Such a hearing has been described as an 'inexorable safeguard.' * * *

* * * * *

" 'The answer that the proceeding before the Secretary was not of an adversary character, as it was not upon complaint but was initiated as a general inquiry, is futile. It has regard to the mere form of the proceeding and ignores realities. * * *

* * * * *

" 'Those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command' (304 U.S. 25, 58 S. Ct. 1000).

"In the most recent decision on this subject, handed down by the Supreme Court on June 29, 1959, *Greene* v. *McElroy* (79 S. Ct. 1400, 1413), and speaking through Chief Justice Warren, the following language is found:

" 'Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on factfindings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to

show that it is untrue. While this is important in the case of documentary evidence it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him." This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244, 15 S. Ct. 337, 339–340, 39 L. Ed. 409); * * * but also in all types of cases where administrative and regulatory action were under scrutiny. E.g., *Southern R. Co.* v. *Commonwealth of Virginia* (290 U.S. 190, 54 S. Ct. 148, 78 L. ed. 260); * * * nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation. *Joint Anti-Fascist Refugee Committee* v. *McGrath* (341 U.S. 123, 168–169, 71 S. Ct. 624, 646–647, 95 L. ed. 817 (concurring opinion)).

"'Professor Wigmore, commenting on the importance of cross-examination, states in his treatise, 5 Wigmore on Evidence (ed. 1940), section 1367:

"'"For two centuries past, the policy of the Anglo-American system of evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience."

* * * * *

"'Where administrative action has raised serious constitutional problems, the Court has assumed that Congress or the President intended to afford those affected by the action the traditional safeguards of due process. See, e.g., *The Japanese Immigrant Case, Kaoru Yamataya* v. *Fisher* (189 U.S. 86, 101; 23 S. Ct. 611, 612, 614; 47 L. Ed. 721); these cases reflects the Court's concern that traditional forms of fair procedure not be restricted by implication and without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition.'

"These authorities, therefore, clearly establish additional reasons why plaintiffs should be granted immediate relief.

"Fourth, there is every reason to believe, considering that the commission has announced its receipt of complaints from some 67 persons, that those persons will testify that plaintiffs have violated either the State or Federal laws, or both. Plaintiffs thus will be condemned out of the mouths of these witnesses, and plaintiffs' testimony alone, without having the right to cross-examine and thereby to test the truth of such assertions, may not be adequate to meet or overcome the charges, thus permitting plaintiffs to be stigmatized and held up, before the eyes of the Nation, to opprobrium and scorn. Moreover, not knowing in advance the exact nature of the charges to be made against them, some of the plaintiffs, whose official domiciles are at varying distances up to 250 miles from Shreveport, may not be able physically to obtain the presence of witnesses of their own, who might negative or disprove the claims of the complaining witnesses, especially since the commission has announced that its hearing will last only 1 day.

"These are further solid reasons, showing possible or probable irreparable injury to plaintiffs, which justify their being granted immediate relief.

"(7) Fifth and finally, plaintiffs raise very serious questions regarding the validity—the constitutionality—of the very act which created the Commission. We do not intimate here any opinion as to the constitutionality of the statute, for that is a matter to be decided by the three-judge court to be convened by the chief judge of this circuit. However, the seriousness of the attack must be noted, in considering whether a temporary restraining order should be issued, to stay the effectiveness of the statute until its validity vel non can be determined by the three-judge court after hearing on plaintiffs' application for an interlocutory injunction. See *Ohio Oil Co.* v. *Conway* (279 U.S. 813, 49 S. Ct. 256, 73 L. ed. 972), where the Supreme Court stated, in a per curiam opinion:

"'The application for an interlocutory injunction was submitted on ex parte affidavits which are harmonious in some particulars and contradictory in other. The affidavits, especially those for the defendant, are open to the criticism that on some points mere conclusions are given instead of primary facts. But enough appears to make it plain that there is a real dispute over material questions of fact, which cannot be satisfactorily resolved upon the present affidavits, and yet must be resolved before the constitutional validity of the amendatory statute can be determined.

* * * * *

"'Where the questions presented by an application for an interlocutory injunction are grave, and the injury to the moving party will be certain and irreparable, if the application be denied and the final decree be in his favor, while if the injunction be granted the injury to opposing party, even if the final decree be in his favor, will be inconsiderable, or may be adequately indemnified by a bond, the injunction usually will be granted (*Love* v. *Atchison, Topeka & Santa Fe R. Co.* (8 Cir., 185 F. 321, 331, 332.)

"In *Crockett* v. *Hortman* (101 F. Supp. 111, at p. 115), Judge Wright, of the eastern district of Louisiana, dealing with the constitutionality of a State statute, said:

"'Whereas here the questions presented by an application for a temporary injunction are grave, and the injury to the moving parties will be certain and irreparable if the application be denied and the final decree be in their favor, while if the injunction be granted the injury to opposing parties, even if the final decree be in their favor, will be inconsiderable, the injunction should be granted. *Ohio Oil Co.* v. *Conway* (279 U.S. 813, 49 S. Ct. 256, 73 L. Ed. 972).

"'The determination of the grave constitutional issues presented in this case should not be decided without a trial on the merits, *Polk Co.* v. *Glover* (305 U.S. 5, 59 S. Ct. 15, 83 L. Ed. 6), and a temporary injunction should be issued in order that the status quo may be preserved until that time.'

"For the same effect, see also *Burton* v. *Matanuska Valley Lines, Inc.* (9 Cir., 244 F. 2d 647).

"This, then, is another ground upon which plaintiffs are entitled to the immediate relief they seek.

"For these reasons, the applications for temporary restraining orders will be granted."

I think it would also be appropriate here to read into the record the supplemental decision issued by the Honorable Edwin F. Hunter, Jr., district judge, who rendered this decision when the constitutionality of the Commission was questioned:

"Suit by State registrars against Commission on Civil Rights and its members to stay effectiveness of Commission subpenas and subpenas duces tecum directed toward registrars and to restrain and enjoin conduct of proposed hearing for investigation of written accusations that registrars were, through their official acts, depriving certain citizens of right to vote on account of race or color. The three judge district court, Hunter, J. held that act creating Commission on Civil Rights was constitutional but Commission had no right to deny accused registrars traditional right of confrontation and cross-examination of accusers in absence of a specific congressional authorization to do so.

"Government's motion for summary judgment denied and injunction granted.

"Wisdom, circuit judge, dissented in part.

"Before Wisdom, circuit judge, Ben C. Dawkins, Jr., chief judge, and Hunter, district judge.

"District Judge HUNTER. This case originated in the Shreveport division of the western district of Louisiana upon the filing of a complaint on July 10, 1959. Plaintiffs are registrars of voters in and for certain parishes in Louisiana. The Commission on Civil Rights is a temporary agency of the United States, created by the Civil Rights Act of 1957, under Public Law 85–315, 85th Congress, 42 U.S.C.A., paragraph 1975 et seq. The Commission scheduled a hearing for July 13, 1959, in Shreveport, La. for the purpose of investigating allegations in writing (under oath or affirmation) that certain citizens were being deprived of their right to vote on account of race or color. These allegations accuse the registrars through their official acts, of having caused such deprivation, and summoned them to appear before the Commission. The subpenas also required the registrars to produce for inspection various voting and registration records within their custody and control.

"The suit is against the Commission and its members. Its declared object is to stay the effectiveness of the Commission, subpenas and subpoenas duces tecum, and to restrain and enjoin the conduct of the proposed hearing. The registrars insist they are entitled to this relief because the Commission is seeking to hold such hearings pursuant to rules of procedure which are ultra vires, and which deny to them traditional procedural safeguards. Moreover, the registrars assert that the rules of procedure adopted by the Commission violate their fundamental constitutional rights; and that the act in its entirety is unconstitutional because it constitutes an unconstitutional delegation of power.

"Detailing their complaints, supported by sworn affidavits, the registrars allege that they were served with subpenas and subpoenas duces tecum issued by the Chairman of the Commission, commanding them to appear and testify before the Commission on July 13, 1959; that they have not been informed of the nature of the complaints against them nor have they been assured that they will be confronted with the complaining witnesses; that the Commission repeatedly has informed the attorney general of Louisiana that it would not, under any circumstances, furnish plaintiffs with, or permit them to examine, the written complaints filed against them, nor would it divulge the names or names of the secret complainants; that the rules under which the hearing is to be conducted specifically deny to registrars the right to cross-examine their accusers.

"On July 10, 1959, the case was heard by the Honorable Ben C. Dawkins, Jr., chief judge of the western district of Louisiana (176 F. Supp. 791). The matter was extensively argued and briefed. On July 12, Judge Dawkins granted a temporary restraining order and issued a rule on the Commission and its members to show cause why an interlocutory injunction should not issue. Judge Dawkins, in issuing the temporary restraining order, did not intimate any opin-

ion as to the constitutionality of the statute itself. This three-judge court was convened to consider the constitutional attack.

"1. The principal object and purpose of a three-judge Federal court is to decide the constitutional validity of the act of Congress sought to be enjoined. But where other issues are presented, as they are here, they too should be decided. The parties readily agree that this is to and that all issues, both constitutional and nonconstitutional, are before this court.

"THE CONSTITUTIONALITY OF THE ACT ITSELF

"Complainants seek a declaratory judgment to the effect that the act is unconstitutional because it is not appropriate legislation. Manifestly this position cannot be sustained."

(2) The Constitution and pertinent decisions of the Supreme Court make clear that Congress may, pursuant to power conferred upon it by article I of the Constitution, legislate to secure the right to vote in Federal elections. That power has been found in article I, section 4. Ex parte Siebold, 1879, 100 U.S. 371, 383, 25 L. Ed. 717.

(3) It is equally clear that Congress may, pursuant to section 2 of the 15th amendment, legislate to prevent States and their officials from denying qualified persons the right to vote on account of race, color, or previous condition of servitude (*Guinn* v. *United States*, 1915, 238 U.S. 347, 35 S. Ct. 926, 59 L. Ed. 1340; *In re Wallace*, D.C. 1959, 170 F. Supp. 63). Similarly, Congress may, pursuant to section 5 of the 14th amendment, legislate to prevent States and their officials from enacting or enforcing statutes which deny equal protection of the laws.

(4) Since Congress may legislate pursuant to its constitutional powers, and since it may investigate those objects upon which it may legislate, and since it may delegate its investigative function, the issue of the constitutionality of the acts in creating the Commission rests solely on the question of whether the action of Congress was, in fact, an implementation of its constitutional powers. The stated purposes of the act, its fair reading, and its overwhelming legislative history are proof positive that Congress did create the Commission pursuant to its article I power, as well as to its powers under sections 5 and 2 of the 14th and 15th amendments, respectively.

(5, 6) We are mindful of the arguments repeatedly appearing in the registrars' brief to the effect that the power granted to Congress to legislate is specifically limited by the 10th amendment. On its face the 10th amendment recognizes that certain powers are prohibited by the Constitution to the States, and therefore are not reserved to the States. One of these prohibitions is that no State may deny the right to vote on account of race, color or previous condition of servitude (15th amendment). Still another provision of the Constitution specifically gives to Congress the power to legislate to secure the right of qualified electors to vote in Federal elections (art. I, sec. 2). So, we have here involved the very powers which the Constitution says are not reserved to the States. The action here is not in invasion of State power merely because State voting and registration records are involved. The congressional power is complete in itself and may be exercised to its full extent. The investigation of alleged discriminatory practices is an appropriate step in the process of enforcing and protecting the right of qualified electors to vote. The act very definitely constitutes appropriate legislation.

THE RULES OF THE COMMISSION

The remaining pertinent and serious questions presented may be thus stated:

(1) Did Congress, in creating the Commission, specifically authorize it to adopt rules for investigations conducted under section 104(a)(1) of the act which would deprive parties investigated of their rights of confrontation and cross-examination and their right to be apprised of the charges against them?

(2) If Congress did so authorize the Commission, is such authorization constitutionally permissible?

A careful reading of the several opinions in Groban, Anonymous, and Greene convinces us that, as applied to the circumstances of this case, a serious constitutional issue is presented as to whether or not the rules adopted by this Commission, which deprived these plaintiffs of the right of confrontation and cross-examination and the right to be apprised of the complaints against them, are violative of the Constitution. There is no talismanic formula which can be applied. Every term, the Supreme Court examines the particular circumstances of particular cases in order to apply generalities which no one disputes.

Under the rationale of Greene, concurred in by eight justices, a decision is not now required on the constitutionality of these deprivations. It is sufficient that we find nothing in the act which expressly authorizes or permits the Commission's refusal to inform persons, under investigation for criminal conduct, of the nature, cause and source of the accusations against them, and there is nothing in the act authorizing the Commission to deprive these persons of the right of confrontation and cross-examination.

Here, plaintiffs are being subjected to public opprobrium and scorn without fair and adequate opportunity to disprove the accusations against them. They are being subjected to the distinct likelihood of losing their jobs. They have been charged with, and are under investigation for, criminal conduct, and are to be examined in connection with offenses constituting Federal and State crimes in a hearing which would completely fail to comport with traditional American ideas of fair play and would violate every element of natural justice.

The hearing sought to be restrained herein has been called pursuant to, and would be conducted in accordance with, rules which deny the right of confrontation. The registrars would be denied the right of cross-examination. They would be denied the right to be apprised of the identity of the person, or persons making the charges against them, as well as the exact nature of the charge.

Mr. SPARKMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Alabama?

Mr. LONG of Louisiana. I yield to the Senator from Alabama.

Mr. SPARKMAN. The Senator refers to registrars. Is the Senator talking about the registrars appointed in the various States to serve the counties, or is he talking about proposed registrars to be sent by the Federal Government as "carpetbaggers" into these voting districts?

Mr. LONG of Louisiana. No. The Senator was speaking of elected registrars—people who had to defend themselves from the Civil Rights Commission. It is not that they did not want to cooperate, but, as the case spells out, the registrars felt if they were to be accused they had a right to know of what they were accused.

The Senator well knows that in the case I cited in the course of this decision, the Supreme Court held that under the Subversive Control Act, in order to prosecute the Communists one had to tell them what were the charges against them and the nature of the information against them.

Mr. SPARKMAN. I believe that they even went so far as to require that even the FBI files had to be opened?

Mr. LONG of Louisiana. That is right.

Mr. SPARKMAN. But not so with respect to people who were performing their duties under appointment or election under the State statutes; is that correct?

Mr. LONG of Louisiana. The Senator is correct. Of course, the Supreme Court reversed a Federal judge, but the district judge in north Louisiana thought that if these rights were good enough for Communists they ought to be good enough for respected elected officials or respected appointees.

Mr. SPARKMAN. And the district judge held to that effect; is that right?

Mr. LONG of Louisiana. Yes.

Mr. SPARKMAN. That decision was reversed by the Supreme Court?

Mr. LONG of Louisiana. No; that case was before the Supreme Court to see if it could find some way to draw a distinction.

Mr. SPARKMAN. This is not the case that the Supreme Court acted on during the past month?

Mr. LONG of Louisiana. No; it is the case now before the Court, involving the Commission. The case involving challenges in connection with voting was decided, but the Court has not decided the case involving the question as to whether the Commission is to decide what the law is.

Mr. SPARKMAN. The Senator from Louisiana may be familiar with some of the outrageous things advocated by the Commission with reference to registrars. For example, does the Senator know that in my State of Alabama the Commission actually started suits in the Federal court to try to hold a man responsible for the conduct of the office of registrar after he had resigned, holding that he could not resign from the responsibility? In other words, he would be responsible until somebody else took his place. Does the Senator know about that ruling?

Mr. LONG of Louisiana. Yes.

Mr. SPARKMAN. I presume the Senator knows that that case went to the Federal court from the district court. The Federal court held that the Civil Rights Commission had no right to make any such finding; and the case went to the circuit court of the fifth circuit, which is one of the strongest in this country. The finding was upheld there.

Mr. LONG of Louisiana. Of course, one of the difficulties that the Commission encountered in Louisiana was that the Commission tried to subpena the registration books of the registrars. The registrars are required by the law of this State, which has criminal penalties for violation, to keep those books in their offices and they cannot give them to the Commission. The law would let them turn the books over to the court under court order, but the law does not permit them to turn them over to a board, and Congress did not give the Commission the power to subpena any such books. So

if the registrars had done what the Commission wanted, the registrars would have been subject to going to jail, and the Federal judge recognized that fact.

Prior to the enactment of such laws, corrupt registrars could turn over the books to a friend who voted his way. If one were not voting his way, he would say, "I am sorry, but I did not bring the books to the office today," or he would put the books in the trunk of his car, and no one could find them unless the registrar wanted to turn them over.

Mr. SPARKMAN. The Civil Rights Commission tried to bulldoze its way into the offices of registrars in the State of Alabama and ran into exactly the same trouble. They said, "We are going to observe the law. The law requires that you keep the books here." But, of course, there is recourse to the proper court. The Civil Rights Commission is not a court, is it?

Mr. LONG of Louisiana. No.

Mr. SPARKMAN. It was not given the right by Congress to go into a State and pick up the books which they wanted, or subpena them?

Mr. LONG of Louisiana. The strange thing about it was that the Commission undertook to do all this, although it had no power to do it.

Mr. SPARKMAN. In my State, they first demanded them. They did not ask for permission. They demanded the books. Some of the registrars resisted the demand. As a result of this unauthorized bulldozing method adopted by the Civil Rights Commission in my State, it has become virtually impossible to persuade registrars to agree to serve, in the first instance. The registrars in my State receive only a nominal per diem. I do not know what they get in the State of Louisiana.

Mr. LONG of Louisiana. Very small pay.

Mr. SPARKMAN. We have run into difficulty as a result of the unauthorized conduct of the Civil Rights Commission.

Mr. LONG of Louisiana. A number of the registrars in Louisiana are widows, very fine intelligent ladies, who went to work after their husbands died. They are outstanding citizens of the community, who, among other activities, were interested in churchwork and civic work.

Mr. SPARKMAN. Mr. President, will the Senator yield for another question?

Mr. LONG of Louisiana. I yield.

Mr. SPARKMAN. Is the Senator aware of the fact that as a result of the meanderings, wanderings, and manipulations of the Civil Rights Commission in the State of Alabama there ensued three different lawsuits in the Federal courts brought by the Commission, or by the Attorney General, or by some one authorized under the act to bring suit, and that all three of those suits in the courts through which they have gone in the State of Alabama were decided against the Commission?

Mr. LONG of Louisiana. I am not in the least surprised to hear it. I am pleased to hear it. I am not at all surprised. It is difficult for me to understand how the Commission could have been so misguided, in view of the excellent legal advice which should have been available to it. I believe the Chairman of the Commission, Mr. Storey, was an eminent law school dean, and, as I understand, former treasurer of the American Bar Association. He should certainly have known something about law.

I assume that the Commission must have listened to less learned members of its staff, and attempted to do certain things which caused it to run amok. The case to which I am referring shows very clearly that the Commission was in error, and that it is subject to the Administrative Procedure Act. The Administrative Procedure Act requires that a person who is accused of something shall have the right to confront an accuser and to cross-examine adverse witnesses. The Civil Rights Commission is an arm of the courts, and not a committee of the Congress. It does not exercise a congressional function. Its members are appointed by the Executive. It is not acting in the capacity of a court. It seems clearly to come under the Administrative Procedure Act; and that being the case, it was subject to rights of cross-examination.

Congress is not subject to the provisions of the Administrative Procedure Act. Congress is not required to inform a person in advance what he is accused of. Congress is not required to let him confront his accuser. However, we have present in the Senate Chamber the distinguished Senator from Arkansas [Mr. McCLELLAN], who has conducted some of the most famous investigations of our time. All of us know that he has undertaken to impose upon his committee various rules which assure anyone who is investigated every right to know the nature of the accusation against him in order that he may defend himself. Congress felt that that should be the case if it was to conduct investigations into the affairs of individuals.

I ask the distinguished Senator from Arkansas [Mr. McCLELLAN] if it is not the case that there are certain procedures of his committee and other committees which assure a person of the right to defend himself against charges which are made against him and to know the nature of the accusation.

Mr. McCLELLAN. Mr. President, will the distinguished Senator yield to me?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. Mr. President, may I inquire of the Chair if I may answer the question of the distinguished Senator from Louisiana without his losing the right to the floor? I ask unanimous consent that I may do so.

The PRESIDING OFFICER. The Chair advises that there is a standing order under a unanimous consent agreement that the Senator from Louisiana may yield to any other Senator for a period of not to exceed 3 minutes.

Mr. McCLELLAN. I am glad to be advised of the standing order. I did not know about it.

I wish to say to the distinguished Senator from Louisiana I am sure he referred to the Senate select committee established to investigate improper practices in management-employee relations, and I say to him, that the function of the committee is not to try anyone but to inquire into activities and practices and report the results of such inquiries to the Congress in order to enable it to enact remedial legislation. We did, however, undertake—and I think with some measure of success to devise and adopt rules which would protect generally a witness who may be testifying, even to the extent of permitting him to have counsel at all times to advise him as to his legal rights, and also to permit his counsel to submit questions to the committee to be propounded to any witness who may be testifying to facts derogatory to any person in interest. That practice was followed, with the result that certainly in all instances where witnesses had undertaken to cooperate with the committee and not try to obstruct its work, it would be conceded that they were treated fairly and were given an opportunity to protect themselves against unfair accusations. They were certainly given the right to be heard.

Mr. LONG of Louisiana. The Senator from Arkansas well knows that there was a great amount of criticism when a late Senator appeared to be running roughshod over witnesses appearing before a committee of which he was a member, and the incident played a part in leading to the censure of that Senator. The Congress is not bound by the Administrative Procedures Act. It does not have to tell a person what the committee is investigating and what it wishes to know about the affairs of the witness. The point I was making is that Congress itself goes out of its way to provide safeguards for those who appear before it, even though Congress is not bound by such a procedure. However, in my judgment, the Civil Rights Commission is bound by the statutes of the United States relating to executive agencies.

Mr. McCLELLAN. Yes. I do not suppose any human rules of conduct, even the statutes enacted by the Congress, are perfect. A great deal, after all, is left to the discretion and integrity of those who are vested with the power to investigate and to make public inquiries.

Whether any specific formal rules are adopted or not, I believe the dignity and prestige of the Congress requires that a committee conducting investigations should accord to witnesses and those against whom derogatory evidence is presented an opportunity to be heard and to have counsel present to advise and consult with them. Also if there are important witnesses who would refute the derogatory testimony against the accused, I believe he should be accorded the privilege of having such witnesses subpenaed and should be permitted to interrogate them, though not to the extent of trying a case with the burden upon the committee of Congress to prove the accused guilty beyond any reasonable doubt.

That is neither the purpose nor the function of an investigating committee. While sometimes it is true that in the course of an inquiry testimony is developed which may convince members of the committee and others who may hear

it beyond a reasonable doubt that some improper practice or wrongdoing has been engaged in, still it is not the function of the committee to try to convict somebody of a crime, but to get the facts and report them to Congress so that Congress may consider those facts in the light of the purpose of determining what remedial legislation if any is needed.

I thank the distinguished Senator for giving me the opportunity to make that statement regarding the rules and practices of the committee of which I have been chairman.

Mr. LONG of Louisiana. I thank the Senator. The Senator illustrates a point that I had in mind, that Congress is not required to accord the right of confrontation of an accused with witnesses and the right of cross examination, but the committees find ways to achieve the same result indirectly. Congressional investigating committees often withhold from the public information reflecting upon the honor and integrity of an individual. For example, if a committee of Congress has what its members believe to be verified testimony of a reliable nature, it would not seek to hold the accused up to scorn with its evidence without giving him an opportunity to know who made the accusation, and an opportunity to reply to it. Yet in this instance the Commission was doing just that kind of thing; and the Commission found that it had no legal right to deny people certain basic American rights.

Mr. McCLELLAN. Mr. President, will the Senator yield to me further?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. We also went beyond what may be required in that regard, in order to be absolutely fair. Very frequently, when we knew in advance that derogatory testimony would be presented to the committee involving some individual, we would notify him and invite him to be present, advising him in advance that we would hear witnesses who would present derogatory testimony against him, would give him an opportunity to be present and hear that testimony, and would also give him an opportunity to testify, if he desired to refute it.

Mr. LONG of Louisiana. I thank the Senator.

Mr. President, the point which I had in mind is that here the Court is spelling out that registrars of the State were right. They would have been violating the State law and would have been subject to criminal sanctions themselves had they cooperated with the Commission in the way the Commission demanded.

It was in fact the Commission which violated the law. The Commission did not want even to accord these respectable citizens, the registrars—many of them ladies who had had a prominent background in civic work and things of that nature—the right to know what they were accused of and the right to cross-examine their accusers.

The Commission wrote a report that did just as the registrars anticipated, a report which would hold them up to scorn and opprobrium. The Commission proceeded to draft a report to indicate that the registrars were not willing to cooperate, when actually the so-called "Louisiana roadblock" meant only that the registrars asked for the same right the courts had granted to Communists.

Senators know that one of the big impediments in the Subversive Control Act is that when a Communist is defending himself he is often in a position to require the Government to release information secret in nature which the Government may have in mind to use for more than one purpose. As a result, the Government sometimes has had to show its whole hand, giving the Communists a great deal of information in the way of letting them know how we are going to detect what the Communists are up to.

If the national security can be jeopardized in that fashion for the protection of Communists, it would certainly seem that the same right should be accorded a registrar of voters, to know what she or he was being accused of, and that there could be accorded an opportunity to rebut or refute or cross-examine the unknown accusers of these registrars. That is what was involved here, and the Federal Court held that these registrars have the same rights that Communists have.

The holding by the Court that registrars have the same right to know what they are being accused of and the same right to defend themselves, as have Communists or anyone else should not surprise anyone.

In its report, referring to Louisiana, the Commission attempted to give the impression that the registrars wanted to know the nature of the accusations against them so that they could prosecute their accusers for perjury. Mr. President, that was not the case. What happened was that an attorney who was undertaking to defend a lady—I believe she was a widow and a very highly respected citizen of the community—said that this lady had done no wrong and, that if someone accused this lady of committing a crime, he was there to assert affirmatively that this fine lady had never committed a crime in her life; and that a person who could execute an affidavit charging that she had done so would probably be prosecuted for perjury.

That is just the kind of thing that could happen anywhere and could involve any fine church leader, any honorable, decent person. So we want to know who these unknown accusers are, because we think they must have lied under oath, having sworn out affidavits that these fine people had violated the law, and particularly that this lady had violated the law.

Mr. President, if the Commission had been in Louisiana more than a single day for hearings, my guess is that it would have satisfied itself that the people in Louisiana do not do business in that way; and that if someone in good faith feels he has been discriminated against and swears out an affidavit, he is not going to be prosecuted. But the Commission had to rely upon that thin reed, which is ridiculous in nature, in order to try to excuse itself for its own failure to obtain information.

If the registrars had been told what they were accused of, and had been offered the opportunity to defend themselves, I am sure they would have been happy to have presented testimony in their own behalf and to have established the right to know of the affidavits filed against them. But the Commission left the State, and the Commission still leaves itself in the position that it has sworn affidavits which it refuses to reveal. So the people who have been accused are the victims of the Commission's having reported adversely concerning them.

They have never had the chance, to this day, to know what they are accused of, so that they may defend themselves.

I continue reading:

These denials are the products of administrative decision not explicitly authorized by the Congress. When we consider that this executive Commission has been granted the right of subpena to investigate allegations which, if true, would constitute the commission of crimes under State and Federal law, and that it is further required to make a report of its findings to the Chief Executive whose duty it is to enforce Federal criminal laws, we can reach no other conclusion than to say that if ever the traditional procedural safeguards, spoken of in Greene, were required to protect appearers before a commission, then this is the instance. There, the Supreme Court, speaking through its Chief Justice, said (360 U.S. 474, 79 S. Ct. 1413):

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy.

"We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right 'to be confronted with the witnesses against him.' This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244, 15 S. Ct. 337, 339–340, 39 L. Ed. 409); but also in all types of cases where administrative and regulatory action were under scrutiny. E.g., *Southern R. Co.* v. *Commonwealth of Virginia* (290 U.S. 190, 54 S. Ct. 148, 78 L. Ed. 260); nor, as it has been pointed out, has Congress ignored these fundamental requitements in enacting regulatory legislation (*Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U.S. 123, 168–169, 71 S. Ct. 624, 646–647, 95 L. Ed. 817).

* * * * *

"Where administrative action has raised serious constitutional problems, the Court has assumed that Congress or the President intended to afford those affected by the action the traditional safeguards of due process. (See, e.g., *The Japanese Immigrant* case (*Kaoru Yamataya* v. *Fisher*), 189 U.S. 86, 101, 23 S. Ct. 611, 614, 47 L. Ed. 721). These cases reflect the Court's concern that traditional forms of fair procedure not be restricted by implication and without the

most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition."

And Mr. Justice Douglas, concurring in *Peters v. Hobby* (349 U.S. 331, 75 S. Ct. 790, 800, 99 L. Ed. 1129), says:

"It, therefore, becomes necessary for me to reach the constitutional issue.

"Dr. Peters was condemned by faceless informers, some of whom were not known even to the Board that condemned him. Some of these informers were not even under oath. None of them had to submit to cross-examination. None had to face Dr. Peters. So far as we or the Board know, they may be psychopaths or venal people, like Titus Oates, who revel in being informers. They may bear old grudges. Under cross-examination their stories might disappear like bubbles. Their whispered confidences might turn out to be yarns conceived by twisted minds, or by people who, though sincere, may have poor facilities of observation and memory.

"Confrontation and cross-examination under oath are essential, if the American ideal of due process is to remain a vital force in our public life. We deal here with the reputation of men and their right to work—things more precious than property itself. We have here a system where government with all its power and authority condemns a man to a suspect class and the outer darkness, without the rudiments of a fair trial. The practice of using faceless informers has apparently spread through a vast domain. It is used not only to get rid of employees in the Government, but also employees who work for private firms having contracts with the Government."

(7) The Supreme Court, in Greene, clearly and concisely charted a salutary and sensible course to be followed. Whether the procedures under the circumstances here are constitutionally permissible we do not decide. In accordance with the teachings of Greene, we decide only that in a hearing such as the one envisaged here, the Commission had no right to deny the accused registrars the traditional rights of confrontation and cross-examination in the absence of explicit congressional authorization to do so.

In Greene the Supreme Court held these safeguards were not to be denied to one being investigated for alleged communistic associations and sympathies in the absence of explicit authorization from either the President or Congress. Surely, duly chosen State officials are entitled to the same protection, especially since no considerations of national security are involved. So is every citizen. In Greene, the Government did not take the petitioner's job away from him, but he did lose his job as a result of a Government finding to the effect that he was not a good security risk. If the Commission here finds the charges against the registrars are true, they are faced not only with public scorn and possible loss of their jobs, but also with probable indictment, arrest and prosecution.

(8) We are impressed, but not persuaded, by the Government's argument that the legislative history of the act proves that the Commission acted at the implied direction of Congress in adopting the rules here under attack. This argument of implied direction cannot be sustained in the face of the following language from Greene:

"The issue, as we see it, is whether the Department of Defense has been authorized to create an industrial security clearance program under which affected persons may lose their jobs and may be restrained in following their chosen professions on the basis of fact determinations concerning their fitness for clearance made in proceedings in which they are denied the traditional procedural safeguards of confrontation and cross-examination.

"If acquiescence, or implied ratification were enough to show delegation of authority to take actions within the area of questionable constitutionality, we might agree with respondents that delegation has been shown here. * * * Before we are asked to judge whether, in the context of security clearance cases, a person may be deprived of the right to follow his chosen professions without full hearings where accusers may be confronted, it must be made clear that the President or Congress, within their constitutional powers specifically has decided that the imposed procedures are necessary and warranted and have authorized their use. * * * Such decisions cannot be assumed by acquiescence or nonaction. * * * They must be made explicitly not only to assure that individuals are not deprived of cherished rights under procedures not actually authorized. * * * But also because explicit action, especially in areas of doubtful constitutionality, requires, careful and purposeful consideration by those responsible for enacting and implementing our laws. Without explicit action by lawmakers, decisions of great constitutional import and effect would be relegated by default to administrators who, under our system of government, are not endowed with authority to decide them.

"Where administrative action has raised serious constitutional problems, the Court has assumed that Congress or the President intended to afford those affected by the action the traditional safeguards of due process. (See, e.g., the *Japanese Immigrant* case (*Kaoru Yamataga* v. *Fisher*), 189 U.S. 86, 101, 23 S. Ct. 611, 614, 47 L. Ed. 721.) This case reflects the Court's concern that traditional forms of fair procedure not be restricted by implication or without the most explicit action by the Nation's lawmakers, even in areas where it is possible that the Constitution presents no inhibition."

Moreover, even if we were to ignore Greene which we have no right to do and certainly will not do, we would still reject the Government's argument of implication. The rejection by Congress of more extensive rules is neither explicit nor implied authority to eliminate the fundamental safeguards under the circumstances here present. It is true that Congress refused to explicitly provide the safeguards, but it is equally true that there is nothing in the history of this legislation to show that Congress even considered writing into the act any power of the Commission to do away with apprisal, confrontation, and cross-examination. The silence of Congress was apparently the product of thoughtful compromise. Some Members of Congress positively wanted the fundamental safeguards spelled out, while others probably would have approved legislation specifically denying the accused these rights. Congress remained silent.

In Greene, the Court specially found that the Defense Department had been authorized to fashion and apply an industrial clearance program but that the Department had not shown that either Congress or the President had explicity authorized proceedings in which the accused was not afforded the safeguards of confrontation and cross-examination. In Greene the President, in general terms had authorized the Department of Defense to create procedures to restrict the dissemination of classified information, and had apparently acquiesced in the elaborate program established by the Secretary of Defense which denied investigated parties of the rights of confrontation and cross-examination. The case for authorization there was stronger than here, e.g., in Greene, part IV, paragraph 2 of Executive Order No. 9835, 5 U.S.C.A., paragraph 631 note, specifically stated:

"The investigative agency may refuse to disclose the names of confidential informants, provided it furnishes sufficient information about such informants on the basis of which the requesting department or agency can make an adequate evaluation of the information furnished by them, and provided it advises the requesting department or agency in writing that it is essential to the protection of the informants or to the investigation of other cases that the identity of the informants not be revealed."

Justice Clark, dissenting, thought the authorization was specific:

"How the Court can say, despite these facts, that the President had not sufficiently authorized the program is beyond me, unless the Court means that it is necessary for the President to write out the industrial security manual in his own hand."

The Supreme Court by an 8-to-1 majority rejected the authorization as being insufficient. We are not free to do otherwise here.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. CASE of South Dakota. What was the date of that decision? Does the Senator have that at hand?

Mr. LONG of Louisiana. The decision was in 1959.

Mr. CASE of South Dakota. So it is a recent decision of the court, then, is it not?

Mr. LONG of Louisiana. Yes, and this matter is presently before the Supreme Court. This is the matter which the Supreme Court will have to decide very shortly.

I continue to read:

The conclusion is inevitable here that the burden is upon the Government to show the explicit action by Congress authorizing the adoption of the rules which refuse to permit cross-examination, confrontation, and apprisal. In this case, the Government has made no attempt to point to any explicit action of authorization. Congress has made no such authorization, and absent such an explicit authorization, the rules in these particulars are clearly ultra vires.

THE EQUITIES

Proper voting practices are the cornerstone upon which our democratic balance is maintained. Discrimination upsets that balance. Moreover, discrimination clearly violates the Constitution. Steps designed to determine whether there has been discrimination are therefore of grave public interest and importance. When there are charges, as there are here, which state that by one means or another the vote is being denied to a qualified person, the public interest will be served by learning all the facts. Certainly, the surest way of finding out all the facts is to hear from everybody, and the surest test of a witness' veracity is his confrontation and cross-examination.

Government counsel seem to say in their briefs that their investigation is so very important that this court should not hold that the traditional safeguards should be afforded the registrars. We in no way disagree with counsel for the Government concerning the value they place on the precious right to vote. But search as we have, we find nothing inimical to the Government's interest in giving to the registrars the rights they insist upon here.

Mr. President, I must say this decision does read like the oldtime law the junior Senator from Louisiana learned when he was in school. The court says if one is going to say that a Communist has a right to know of what he is accused and what is the nature of the accusations, then, by the same token, one would have to say that an honorable, well-respected citizen of a State is entitled to the same right. It may be that the Supreme Court of the United States would find that a

Communist has rights superior to respected officials of a State, honorable, outstanding people who have never had a criminal record and who were called upon to be the very pillars of society, but it would take a far stretch of the imagination, which should not be used by the Supreme Court of the United States, in reaching any such decision.

Mr. McCLELLAN. That would not be according to the law we learned in law school.

Mr. LONG of Louisiana. It was not so long ago that I attended law school—in 1939, 1940, and 1941—and that is the kind of law I learned in those days. Then it made just plain sense. We could almost anticipate what a decision would be once the judge wrote about the first two or three paragraphs, and could see how the pieces would fit together.

I read further:

The ultimate goal of Congress in creating the Commission was to find out all of the facts—the truth not just possibly prejudiced opinion—

In other words, the district court is telling us that this Commission cannot go around investigating and calling witnesses, like Titus Oates, to inform on somebody. The people have a right to know what the evidence is, and they have a right to cross-examination. The Congress would want that done because, otherwise, Congress could not be sure that the Commission was getting the real facts.

The ultimate goal of Congress in creating the Commission was to find out all of the facts—the truth not just possibly prejudiced opinion—so as to be able to safeguard the free exercise of the voting right, subject to the legitimate power of the State to prescribe nondiscriminatory and fair voting qualifications. Often in cases of this nature the court must balance between individual and governmental interests. Here, we examine the record for that purpose and find no conflict. No better procedure exists for finding out the truth than to give the accused notice of the case against him and full opportunity to meet it. Hearings so conducted generate a feeling so vital in a popular government, that justice is being done.

We have dealt at length with the immediate and irreparable damage that would be caused the registrars by forcing them to proceed without giving them their basic and traditional rights. No good purpose would be served by reviewing that phase of the case. Suffice it to say that we stand on what we have said and we agree with Judge Dawkins' original opinion—that these registrars are faced with immediate and irreparable injury. What damage, what injury, will the Commission suffer by giving to these registrars their traditional safeguards of due process of law, and by affording them the tenets of natural justice? In our humble opinion, all the Commission will suffer is perhaps a little inconvenience. It may take them 3 days rather than 1 to get the facts. How best can they perform the major task of "finding out all the facts" than to give the persons investigated the basic legal safeguards. We have searched in vain throughout the extensive briefs filed by the Government in an effort to find out what irreparable damage, or what damage at all, could be done the Commission by prohibiting them from holding a hearing pursuant to these "ultra vires" rules and resolution.

We do find in various parts of the Government's briefs several statements or intimations as to damage. It was suggested that irreparable damage will be suffered because the Commission will expire in November. The recent action of Congress in extending the life of the Commission dispels this argument.

The Government also suggests that if copies of the accusations and the names of the accusers were furnished the registrars it might result in the accusers being prosecuted for perjury. That is a strange argument—if one person makes a written allegation under oath that another has committed a crime and this oath turns out to be untrue, the public interest does not require that the Government protect the perjurer.

I point that out again, Mr. President. This is Judge Hunter speaking to the Commission's position. The Commission says it cannot permit these registrars, whom it wishes to investigate for law violations, to have an opportunity to cross-examine the accusers because if they did that the accusers might be subject to prosecution for perjury. This judge, who sounds like an old-fashioned judge, says, quite properly, that the Government has no interest in protecting a perjurer from the consequences of his perjury. What should be the Government's interest? If these people have lied under oath, why should they not accept the same consequences for lying under oath as anybody else would have to accept? Simply because it involves a civil rights case, why should a perjurer be permitted to lie under oath and to destroy the reputation and the honor of people—and even, perhaps, have it serve as the basis for criminal prosecution of an innocent man—to perjure himself, and not be subject to prosecution himself? The court properly lays to rest the position of the Civil Rights Commission that it cannot make available the sworn affidavits and give the accused a chance to defend themselves because the affiant might be found guilty of perjury.

The Government also argues that the court should take judicial notice of the possible pressures to which the persons making complaints in this field are subject under present circumstances. This court does not know of a single instance where any such pressure has actually been brought. Some honest, sincere, and well-meaning people really believe this, but we are not going to assume (in the total absence of evidence) that the people of this State will be guilty of such a practice. Finally, the Government argues that there is no point in telling these people what they did because they are the registrars and they know what they did. This contention assumes the registrars' guilt, an assumption which itself does violence to the American concept of justice—that all persons accused of crime are presumed to be innocent until proven guilty by competent evidence.

Mr. President, a Communist is entitled to that presumption. Why a respected citizen of a community, merely because he happens to be a registrar of voters, is not entitled to the same presumption is difficult to understand.

Insofar as the right to cross-examination is concerned, the Government offers no reason why this should be denied. They merely say that they do not have to give it because congressional committees do not, and that Congress did not intend them to do it.

The Commission has authority to hold public hearings on vital public issues. Knowledge and understanding of every element of the problem will give greater clarity and perspective to one of the most difficult questions facing our country. Such a study, such an investigation, fairly conducted will tend to unite responsible people in a common effort to solve these problems. Investigation and hearings will bring into proper focus the areas of responsibility of the Federal Government and of the States under our constitutional system. Through greater public understanding, therefore, the Commission may chart a course of progress to guide us in the years ahead, but a fact-finding investigation conducted as this one is proposed to be conducted can result only in misunderstanding, suspicion, hostility, and unneeded bitterness.

Mr. President, I urge Senators who think the Commission did a good job in Louisiana to read the decision. This is not the decision of a one-judge court, but of a three-judge court, and these men are Eisenhower appointees. One of these justices was head of the citizens-for-Eisenhower group when Eisenhower was elected the first time, and another one was an outstanding Democrat who had been very prominent in State government for a number of years, and very highly respected.

I read further:

Natural justice would not require conformation, appraisal, and cross-examination in every hearing of the Commission but only in instances where, as here, the record makes it abundantly clear that those being investigated are accused and suspected of criminal conduct.

(9) Believing as we do that the procedures and the rules of the Commission in the particulars heretofore discussed are ultra vires and threaten the rable damage, and believing further that the interest of the Government, the public, and the Commission will best be served by the holding of a full and fair hearing wherein all accused of crimes are given a fair chance to develop all the facts, we have but one course to take—that is to dismiss the Government's motion for summary judgment and grant the prayer for an injunction, in accordance with this opinion.

There are a number of other things which I should like to discuss tonight. However, other speakers have strongly indicated that they would like to have an opportunity to speak at this time, and I believe perhaps, having imposed upon their time to a considerable degree, I will yield the floor at this time and bring before the Senate the other information which I have with me at some later time.

Mr. STENNIS. Before the Senator yields the floor, will he yield to me for a question and brief observation?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Mr. President, I heartily commend the Senator from Louisiana for a very fine speech. There have been elements of it that were profound. There have been other parts of it that were learned, others that were very fine legal arguments. There have been some parts of it that were humorous, which is in keeping with the genial nature and good sense of humor of the Senator from Louisiana. There have been other parts that have pointed out and exposed the situation with reference to conditions in other areas of the country with respect to which no attempt has been made to include remedies in these bills.

I have listened here to virtually every word the Senator from Louisiana has said; and even though I have studied the same subject, his speech has been very, very helpful to me. The strength of his argument has pointed out again and again that with one exception there has been no effort yet by the proponents of these bills to explain to the Senate, the meaning and operation of the bills.

This debate has continued for 2 weeks up through Saturday and it has gone on continuously since Monday morning. With the exception of the senior Senator from New York [Mr. JAVITS], who made a fine presentation of the measures that he is primarily interested in, no Senator has really tried to cover the subject. I have already publicly commended him for the argument he made.

Mr. President, I point out again that that is a most unusual situation and it is awkward. There is a conspiracy of silence of some kind to push these bills on the floor and not explain them or argue for them. There is no committee recommendation, no committee report. Senators talk about voting, and if a Senator does not agree to a vote the effort is to brand him as an obstructionist. With all deference to the Senator from New York [Mr. KEATING] I point out that last Saturday afternoon he made the following statement, as shown at page 3701 of the CONGRESSIONAL RECORD:

> But it is my feeling, Mr. President, that this is not our proudest hour. I am very much afraid that the people of this country will say we have been indulging in a pretty silly performance here this afternoon. Three-fourths or four-fifths of the Senators, approximately, want to vote. One-fifth or one-quarter approximately, will not let them.

Mr. President, what Senator could honestly say that the proponents have explained these bills to their fellow Members? The only one to do so is the Senator from New York [Mr. JAVITS]. What Senator can properly say that any other Senator is an obstructionist if he objects to a vote before a bill is explained? The bill stands here as naked as a jaybird, with no report, no explanation, no history, no summary, no recommendation—nothing but the naked word of the printed document. Yet Senators hold up other Members of the Senate to national scorn because they do not agree to a vote. The statement to which I refer was made last Saturday afternoon; and now, at 12:30 in the morning on Thursday there is still no real, honest to God basic explanation of the bill—only a little ridicule and a little scorn, some kind of a scheme or plan to run us out, so to speak, and vote upon the proposals regardless.

Mr. President, the proponents are building up facts in favor of the opposition. They are not only stiffening our opposition but they are permitting us to awaken the country to the realization that this is not an effort to write a real bill on the subject and explain it and fight it out in open debate. After all, this is political mockery from beginning to end in the year 1960, an election year, and I commend the Senator for his very fine exposition and his very profound and helpful remarks.

Mr. LONG of Louisiana. I thank the Senator. As he points out, there has been very little explanation concerning what these bills are about. Some of them are in print as amendments; some of them were advertised and are to be offered as amendments. Most of these bills come from Senators who have problems of the same nature or a comparable nature in their States. In some instances conditions are even worse than those which they seek to regulate in other States.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Yes.

Mr. SPARKMAN. I invite the attention of the Senator to the fact that they are all amendments to one bill, a bill to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools, R–I, Missouri.

Mr. LONG of Louisiana. The Senator is correct.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

Allott	Engle	Martin
Anderson	Fong	Monroney
Bartlett	Gore	Morton
Beall	Gruening	Moss
Bennett	Hart	Mundt
Bible	Hartke	Muskie
Brunsdale	Hickenlooper	Pastore
Bush	Hruska	Prouty
Byrd, W. Va.	Humphrey	Proxmire
Cannon	Jackson	Randolph
Carlson	Javits	Scott
Carroll	Johnson, Tex.	Smith
Case, N.J.	Keating	Sparkman
Case, S. Dak.	Kefauver	Stennis
Church	Kerr	Wiley
Clark	Kuchel	Williams, Del.
Cooper	Long, Hawaii	Williams, N.J.
Cotton	Long, La.	Yarborough
Curtis	McCarthy	Young, N. Dak.
Dirksen	McGee	Young, Ohio
Douglas	Magnuson	
Dworshak	Mansfield	

The PRESIDING OFFICER. A quorum is present.

COMMUNIST TRADE TACTICS

During the delivery of the remarks of Mr. LONG of Louisiana,

Mr. WILEY. Mr. President——

Mr. LONG of Louisiana. I yield to the Senator from Wisconsin.

Mr. WILEY. I thank the Senator.

Recently we have noticed that Khrushchev-Mikoyan and Company have obtained signatures on the dotted line in Indonesia, Cuba, and elsewhere. In other words, they are out to undercut the United States in free world trade. They will undoubtedly be engaged in dumping practices and will use carrot-type trade offers, and we must be on our toes.

Today we heard a discussion in relation to the manner of our defense, the ICBM. I say that there are other things in other directions that we have to be wary of, and we have to see to it that these Russian friends of ours, as someone has called them, do not go ahead and succeed in a peaceful way in doing what some people are saying they will do, if they can, with weapons.

I want to say on that subject that I hope to talk shortly on the impressions that I have had from the testimony that I have heard showing that there are other deterrents except military, and those deterrents are the things we have to take into consideration.

I ask that this statement be printed following my remarks, and I say to the distinguished Senator from Louisiana that I appreciate very much his courtesy.

Mr. LONG of Louisiana. The Senator is very welcome.

I ask unanimous consent that the remarks of the Senator from Wisconsin appear at the close of my remarks, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Without objection, it is so ordered.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

NEEDED: "CLOSE WATCH" ON COMMUNIST TRADE TACTICS

Currently, we find that Mr. Khrushchev-Mikoyan and company are globetrotting in salesmanlike fashion. The trade wares in their little black bags are both real and questionable; consequently, any nation dealing with them had best tread warily.

In the years ahead, we can expect stepped-up trade battles with the Communists.

The Commies will make an effort to:

Undercut the United States and free-world trade.

Engage in dumping practices of Communist-produced commodities into world trade channels if it serves their purposes.

Use carrot-type trade offers to lure potential traders into agreements—to which there may well be hidden strings attached.

We cannot, of course, attempt to engage in a "bargain for bargain" free-swinging "price war" competition with the Commies on their ground, according to their rules.

Rather, our economic planning must continue to be determined, on a long-range basis, by whether it will:

Serve our national interest.

Strengthen the free world.

Effectively combat efforts at economic expansion and penetrate new areas of the world.

During their recent trips, however, Khrushchev-Mikoyan, and company have obtained signatures "on the dotted line" in Indonesia, Cuba, and elsewhere.

The increasing flow of Communist-produced Red goods on the world markets—as well as the "fast pitch" of the Red salesmen, make it absolutely essential that the United States and the free world set up "watchdog teams" to keep apprised of the kind of trade tactics carried on by the Communist bloc. The purpose, of course, would be to better enable us to make any necessary adaption in our trade policy to protect U.S. and free world interests, and to combat further Communist economic expansion.

(At this point, at 12 o'clock midnight on Wednesday, March 2, 1960, with the Senate still in session, the printing of its proceedings in the RECORD was suspended, and will be continued in tomorrow's RECORD.)

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 2, 1960

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Philippians 2: 5: *Let this mind be in you, which was also in Christ Jesus.*

God of all grace and mercy, whose amazing love we cannot fathom, on this Ash Wednesday, ushering in the solemn and sacred Lenten season, may we be filled with penitence and humility as we turn to the cross to meditate upon the sufferings and sacrifice of the great Captain of Our Salvation.

Grant that by cultivating self-examination and self-discipline we may become richer in the culture of the soul and receive inner strength to gain the mastery over every insurgent impulse, every inordinate desire, and every self-indulgent habit.

May each day of this blessed season be a veritable gateway through which we shall enter joyously and victoriously into a deeper experience of those spiritual realities that were incarnated and revealed in the character and conduct of our Lord and Saviour.

We are extending our heartfelt sympathy and commending our Speaker and the members of his bereaved family to the consolations of Thy grace, as they mourn the death of their beloved brother.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Vice President had appointed the Senator from Idaho, Mr. DWORSHAK, the Senator from Oklahoma, Mr. MONRONEY, and the Senator from Colorado, Mr. ALLOTT, members of the Board of Visitors to the U.S. Air Force Academy for 1960.

The message also announced that the Vice President had appointed the Senator from Massachusetts, Mr. SALTONSTALL, the Senator from Maryland, Mr. BEALL, and the Senator from Connecticut, Mr. DODD, members of the Board of Visitors to the U.S. Naval Academy for 1960.

The message also announced that the Vice President had appointed the Senator from New Hampshire, Mr. COTTON, the Senator from Nebraska, Mr. HRUSKA, and the Senator from West Virginia, Mr. BYRD, members of the Board of Visitors to the U.S. Military Academy for 1960.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Science and Astronautics may have until midnight tomorrow night to file a report on H.R. 10809.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE LATE GEORGE HUDDLESTON, SR.

Mr. CANNON. Mr. Speaker, I have just learned with deep regret of the death of my old friend and our old colleague, George Huddleston, of Alabama, at Birmingham, Ala., at the age of 90 years.

Congressman Huddleston was a Member of the House for 22 years. He served from the 64th Congress to the 74th Congress inclusive.

He rendered a particularly distinguished service here as a member of the Committee on Interstate and Foreign Commerce and was the ranking member of the committee during the chairmanship of Speaker RAYBURN who came from the chairmanship of the committee to the speakership of the House.

He and Chairman RAYBURN collaborated on some of the most important legislation leading up to the public power bills of later years establishing both REA and TVA.

But on one notable occasion he differed with the chairman and the speech which he delivered that time in opposition to the holding utility bill reported by the committee was classed by older Members as one of the greatest speeches ever delivered on the floor of the House.

His old district is represented today by his distinguished son GEORGE HUDDLESTON, JR., who bears his name, a worthy son of a noble sire.

I am certain I express the wishes of all those who served with him here in the House when I extend to Mrs. Huddleston and the family our deepest sympathy.

USE AND CONSUMPTION OF SURPLUS FOODS IN HOME ECONOMICS CLASSES

Mr. QUIGLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. QUIGLEY. Mr. Speaker, I feel that I am speaking for all of the Members of Congress when I express my appreciation to the gentleman from Kansas for the delicious pancakes we had served to us yesterday. I must confess that of all the programs that have been advanced to reduce our tremendous wheat surplus the idea of eating our way through it appeals to me most. However, Mr. Speaker, I think that we ought to admit right off that this is too big a program for Congress to handle all by itself. Let us face it, we need help.

For this reason, among others, Mr. Speaker, I am happy to announce that I have today introduced a bill which would authorize the Commodity Credit Corporation to make available to the schools of this country presently covered by the school lunch program, surplus foods for use and consumption in home economics classes.

The idea for this measure grew out of a letter from a home economics teacher in my district. It is, I submit, a proposal which at the same time would make a modest but useful disposition of some of our surplus food and a modest but welcome savings in thousands of local school budgets throughout the country. Best of all, because it is designed to be an extension of an already existing and functioning program, I believe that it is one that can be accomplished with little or no increase in administrative cost.

And who knows, if the future homemakers of America really become adept in preparing meals replete with surplus foods we may just eat our way out of them.

THE LATE TOM RAYBURN

Mr. IKARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. IKARD. Mr. Speaker, I know all of us here are saddened this morning to learn of the passing of the brother of the distinguished Speaker of the House of Representatives, Mr. Tom Rayburn, of Bonham, Tex. Mr. Tom Rayburn lived a useful and Christian life, and personified all of those qualities of greatness of character that we have come to know so well through our association with our beloved Speaker and that are synonymous with the name of Rayburn.

The funeral will be held in Bonham, Tex., on tomorrow.

Mr. Speaker, the Texas delegation in the Congress at its meeting today adopted the following resolution. As chairman of that delegation I would like to call it to the attention of the House:

Resolved, That the Texas delegation in the Congress of the United States has heard with profound sorrow of the death of Mr. Tom Rayburn, the brother of the Speaker of the House of Representatives.

Resolved, That the Texas delegation extends to the Speaker, the Honorable SAM RAYBURN, and to the members of his family its deepest sympathy in their hour of personal grief.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. IKARD. I yield.

Mr. HALLECK. Mr. Speaker, I join with the gentleman from Texas in this expression of sympathy toward our beloved Speaker in the great loss that he has suffered. To my best recollection, I never met Mr. RAYBURN's brother who has just passed away, but I do know of the great affection that our beloved Speaker had for him and I can appreciate the great sorrow he feels at his great loss. Certainly I want to join with the gentleman from Texas in this expression

of sympathy to our great Speaker and to offer a word of comfort in his bereavement.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. IKARD. I yield.

Mr. McCORMACK. Mr. Speaker, I join my friend, the gentleman from Texas, in expressing and conveying to our beloved Speaker and his loved ones my deep sympathy. I know I express the sentiments of our colleagues on both sides of the aisle in conveying to him and to his loved ones our heartfelt sorrow for the great loss he has sustained through the death of his brother. We all know how close the members of the Rayburn family have been and are to each other. There has always been a close attachment toward each other and they are a closely knit family. We know and appreciate the deep sorrow that the Speaker and his loved ones are going through. Again I want to express my profound sympathy to them in their hour of bereavement.

Mr. EVINS. Mr. Speaker, Tennessee desires to join others in conveying to Speaker RAYBURN and members of his family an expression of our most sincere sympathy in the great loss which he and members of his family have sustained in the passing of Mr. Tom Rayburn, the Speaker's devoted brother.

Mr. SIKES. Mr. Speaker, may I express the deep and earnest regret of the Florida delegation over the sad news of the death of the Honorable Tom Rayburn, beloved brother of our distinguished Speaker. We extend our sympathy to the Speaker and to each member of the family in their bereavement and we stand shoulder to shoulder with them during this sad and trying period.

Mr. IKARD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

IMPORTATION OF PERSONAL AND HOUSEHOLD EFFECTS BROUGHT INTO THE UNITED STATES UNDER GOVERNMENT ORDERS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9881) to extend for 2 years the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders, which was unanimously reported by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman yield for questions or does the gentleman wish to make some explanation of the bill at this time?

Mr. MILLS. I will be glad to explain the bill at this point.

Mr. Speaker, the purpose of the bill, H.R. 9881, is to extend for 2 years, or until July 1, 1962, the existing provisions of the law relating to the free importation of personal and household goods brought into the United States under Government orders. This has largely to do with the return from overseas of military personnel, providing for the free importation of those things that they bring back which are of a personal or household nature when they are being returned to the United States. It may also apply, I may point out to the gentleman, however, to those who are in the employment of the Government in a civilian status as well.

Mr. GROSS. In other words, it applies to both civilians and to military personnel?

Mr. MILLS. That is correct, it applies to those who are operating under Government orders.

Mr. GROSS. The report states that it applies to persons evacuated to the United States.

Mr. MILLS. The word "evacuated" is an expression used by the military. Anybody who is returned to the United States under military orders from overseas is "evacuated" to the United States in the language of the military.

Mr. GROSS. Would this provide for bringing back foreign made automobiles on a preferential basis?

Mr. MILLS. I am not sure I understand what meaning the gentleman attaches to the phrase "preferential basis." If it means to bring an automobile back for sale, no, it will not. Rules have been established over the years that this provision has been in effect as to its application. This is not something new. This has been in effect since 1942 and the rules determine the extent to which it can be used by any one individual.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 9881 is to extend for 2 years, until July 1, 1962, the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

Since the act of June 27, 1942—Public Law 633 of the 77th Congress—the free entry of personal and household effects of any person returning to the United States under Government orders has been continuously permitted. Congress has extended the original act from time to time, and has included additional safeguards.

The effect of this duty-free importation privilege is to avoid the imposition of undue administrative burdens upon persons evacuated to the United States, and constitutes an important morale factor and inducement to overseas service.

In view of the continued presence in many parts of the world of members of the Armed Forces of the United States, it is the opinion of your committee that there is need for continuation of the exemptions from duty of personal and household effects brought into the United States under Government orders. The basic legislation is safeguarded from abuse not only by restrictions contained in the act but also by appropriate regulations issued by the Treasury Department and within the Department of Defense.

Favorable departmental reports were received on this legislation. The Defense Department recommended that the free-entry privilege be made permanent; your committee, however, is of the opinion that periodic congressional review is desirable.

Your committee is unanimous in reporting this bill to the House.

Mr. MASON. Mr. Speaker, this legislation would continue through June 30, 1962, the provisions of existing law relating to the free importation of personal and household effects brought into the United States under Government orders.

Similar legislation has periodically been approved by the Congress and is designed to avoid the imposition of undue administrative burdens upon persons evacuated to the United States and to provide a morale inducement to overseas service. It is made necessary by the continued presence in many parts of the world of members of the Armed Forces of the United States. The privilege is safeguarded from abuse by restrictions prescribed in the act and also by regulations issued by the Treasury Department and personnel directives of the Department of Defense.

Favorable executive department reports were received on the legislation from the Departments of Defense, State, and Treasury, and an informative report was received from the U.S. Tariff Commission. The Committee on Ways and Means was unanimous in recommending the enactment of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of the first section of the Act entitled "An Act relating to the free importation of personal and household effects brought into the United States under Government orders, and for other purposes", approved June 30, 1955 (Public Law 126, 84th Congress; 69 Stat. 242), as amended, is amended by striking out "July 1, 1960" and inserting in lieu thereof "July 1, 1962".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in further explanation of the bill just passed and that the ranking member of the committee, the gentleman from Illinois [Mr. MASON], may also extend his remarks on the bill just passed, and that the same permission be granted with respect to each of the bills that are to be called up.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN ALUMINA AND BAUXITE

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9307) to continue for 2 years the suspension of duty on certain alumina and bauxite.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. MASON. Reserving the right to object, Mr. Speaker, and I shall not object, I would like the chairman to give us a very brief explanation of the provisions of the bill.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 9307, as reported by the Committee on Ways and Means, is to continue for 2 additional years, until July 16, 1962, the suspension of import duties on crude bauxite, the raw material used chiefly in the production of alumina; on alumina when imported for use in producing aluminum; and on calcined bauxite, the raw material used chiefly in the making of refractories and artificial abrasives.

The production of aluminum involves two main operations: the production of alumina from the crude ore—almost entirely bauxite—and the production of aluminum metal from alumina. A large part of the domestic production of aluminum in recent years has been derived from imported aluminum-bearing material, and the Committee on Ways and Means has been advised that this will doubtless continue to be the case in future years. The aluminum-bearing material has so far been imported almost entirely in the form of bauxite.

The committee was further advised that domestic requirements for crude bauxite have increased rapidly in recent years, since domestic use of primary aluminum has risen to record levels in recent years in response to needs of the defense program and the rapid rise in the level of demand for aluminum in both new as well as long-established uses in the building, construction, transportation, and electrical industries and in numerous other applications. The domestic primary aluminum industry has depended to an increasingly large extent on imported bauxite for its needs, and it is expected that most of the additional increase required in the total U.S. supply of bauxite for the further expansion in the aluminum program will come from foreign sources.

Jamaica has been the principal source of U.S. imports of crude bauxite in recent years, with Surinam, British Guiana, and Haiti supplying the bulk of the imports from other sources. The foreign trade in alumina at the present time is limited principally to imports from Canada, Jamaica, and Japan.

Public Law 499 of the 83d Congress provided for the suspension of duty on crude and calcined bauxite for a 2-year period, until July 16, 1956. This suspension was continued for a further 2-year period by the provisions of Public Law 724 of the 84th Congress. The duty on alumina, when imported for use in producing aluminum, was suspended for the same 2-year period by Public Law 725 of the 84th Congress. As may be recalled, the provisions of these laws were consolidated and extended for a further 2-year period, to July 16, 1960, by Public Law 415 of the 85th Congress. The pending bill would continue these suspensions of duty for a further 2-year period, to July 16, 1962.

Favorable departmental reports were received on this bill, which was introduced by our colleague on the Committee on Ways and Means, the Honorable HALE BOGGS.

The Committee on Ways and Means is unanimous in recommending enactment of this legislation.

Mr. MASON. Mr. Speaker, H.R. 9307, which has just passed the House, has as its purpose the continuation for a period of 2 years, until July 16, 1962, the suspension of duty on certain alumina, bauxite and calcined bauxite.

This legislation is similar to legislation that the Congress has approved in the past suspending the duty on the enumerated minerals.

The Committee on Ways and Means received favorable reports from the interested Departments and Agencies of the executive branch, and the committee membership was unanimous in giving its approval to this legislation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no duty shall be imposed upon—

(1) alumina, when imported for use in producing aluminum, under such regulations as the Secretary of the Treasury shall prescribe;

(2) bauxite, crude, not refined or otherwise advanced in condition in any manner; and

(3) calcined bauxite.

SEC. 2. This act shall apply only with respect to articles entered or withdrawn from warehouse for consumption after July 15, 1960, and before July 16, 1962.

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert: "That section 2 of the Act entitled 'An Act to continue the temporary suspension of duty on certain alumina and bauxite', approved May 16, 1958 (Public Law 85-415; 72 Stat. 119), is amended by striking out 'before July 16, 1960' and inserting in lieu thereof 'before July 16, 1962'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN ISTLE OR TAMPICO FIBER

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9861) to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. MASON. Mr. Speaker, reserving the right to object, and I shall not object, because the bill was unanimously reported. I ask the chairman, however, to make a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 9861 is to continue until September 5, 1963, the existing suspension of duty on dressed or manufactured istle or Tampico fiber.

Istle or Tampico fiber, not dressed or manufactured, has been duty free since 1930 under paragraph 1684 of the Tariff Act. Until September of 1957, the dressed or manufactured fiber was dutiable under a catchall provision in paragraph 1558. By the provisions of Public Law 284 of the 85th Congress, the dressed or manufactured fiber was transferred to the free list for a 3-year period, which expires at the close of September 4, 1960.

Istle or Tampico fiber is derived from several species of the agave plant which is indigenous to Mexico. It is one of the best known and most widely used of all vegetable brush fibers. Its principal use in the United States is in the manufacture of brushes.

The situation which gave rise to the enactment of Public Law 85-284 was that there was no domestic production of the raw fiber and an insignificant production of the dressed fiber from imported raw fiber. Further, your committee had been advised that good grades of raw fiber were in short supply, and that the prices of dressed fiber had risen, with resulting increases in the cost of production and in the price of the finished product. The purpose of the original suspension was to reduce the burden of the higher prices on domestic users of the fibers, improving the competitive position of our domestic brush industry.

Your committee has now been advised that there has been no substantial change in the conditions which brought about the enactment of this suspension of duty, and that therefore a continuation of the suspension is required in order to accomplish the desired results.

Favorable departmental reports were received on this legislation, which was introduced by our colleague on the Committee on Ways and Means, the Honorable JACKSON E. BETTS. Your committee is unanimous in reporting the bill.

Mr. MASON. Mr. Speaker, the legislation before the House has as its purpose the continuation to September 5, 1963, of the existing suspension of duty on dressed or manufactured istle or Tampico fiber.

At the time this suspension was originally acted on by the Congress, the purpose of the suspension was to reduce the burden of higher prices of raw materials on domestic users of the fibers.

The Committee on Ways and Means was informed during its deliberations on the present bill that there has been no

substantial change in conditions that would indicate that the objective of the suspension would be accomplished in any way other than through a continuation of this suspension. The Committee on Ways and Means was unanimous in approving this legislation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of Public Law 85–284 (71 Stat. 609), approved September 4, 1957 (relating to the suspension for a three-year period of the duty on certain istle or Tampico fiber), is amended to read as follows:

"SEC. 2. The amendments made by the first section of this Act shall apply only in the case of articles entered for consumption, or withdrawn from warehouse for consumption, after September 4, 1957, and before September 5, 1963."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEMPORARY TARIFF TREATMENT OF CHICORY

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9308) to extend for 3 years the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. MASON. Mr. Speaker, reserving the right to object, will the gentleman make a brief statement on the bill?

Mr. MILLS. Mr. Speaker, the purpose of H.R. 9308 is to continue for a period of 3 years, until the close of April 16, 1963, the existing suspension of duty on crude chicory—except endive—and to continue for the same period the statutory rate of duty of 2 cents per pound for chicory, ground or otherwise prepared.

Public Law 378 of the 85th Congress provided for the suspension of duty on crude chicory—except endive—for a period of 2 years. This legislation also provided that the duty on chicory, ground, or otherwise prepared be 2 cents per pound for the period during which the duty on crude chicory was suspended.

No chicory has been grown in the United States since 1954. Domestic processors of chicory have depended on imports of crude chicory for their supplies of the raw material. In addition, there are imports of ground chicory which compete with domestically processed chicory. Before the enactment of Public Law 85–378, the rate of duty applicable to crude chicory was 1 cent per pound and that applicable to ground or otherwise prepared chicory was 2½ cents per pound. A portion of the duty on ground chicory was generally regarded as compensatory for the duty on crude chicory and the remainder as according protection to the domestic producer of ground chicory. With the suspension of the import duty on crude chicory, Public Law 85–378 also restored the spread between the duties on crude and ground chicory provided for in the Tariff Act of 1930, which was 2 cents per pound. The purpose of that legislation was to assist domestic producers of ground chicory in competing with imports of the prepared product. The pending bill would continue for an additional period of 3 years, until the close of April 16, 1963, the provisions of Public Law 85–378.

Favorable departmental reports were received on this bill, which was introduced by our colleague on the Committee on Ways and Means, the Honorable HALE BOGGS.

The committee is unanimous in urging the enactment of this legislation.

Mr. MASON. Mr. Speaker, H.R. 9308, which is before the House, would continue through April 16, 1963, the existing suspension of duty on certain crude chicory and would also continue through the same period the statutory duty of 2 cents per pound for chicory, ground or otherwise prepared.

In its deliberations on this legislation the Committee on Ways and Means was informed that chicory has not been grown in the United States since 1954 with the result that domestic processors of chicory have had to depend on imports for their supplies of the raw material. The continuation of the 2 cents per pound duty applicable to processed chicory is designed to maintain the protection accorded domestic producers in competition with imports of the prepared product.

The Committee on Ways and Means was unanimous in approving this legislation. Favorable reports on the bill were received from the Departments of State, Treasury, and Commerce, and in addition an informative report was received from the U.S. Tariff Commission.

Mr. GROSS. Mr. Speaker, will the gentleman from Arkansas yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Why has no chickory been grown in the United States since 1954?

Mr. MILLS. I will yield to the gentleman from Louisiana [Mr. BOGGS] who is the sponsor of the bill and more familiar with it than I.

Mr. BOGGS. There is a relatively small demand for chickory. Chickory it seems can only be produced economically in the United States during war time when two things transpire: No. 1, the foreign supply is cut off; and No. 2, when there is a coffee scarcity because of transport difficulties and more chickory is used to mix with coffee.

The Tariff Commission reported that only one domestic concern contracted for any domestic crude chickory at all since 1954. The farmers of Michigan who heretofore produced chickory now produce other crops.

Mr. GROSS. What was the income, was it substantial? Could it be produced in Louisiana?

Mr. BOGGS. No; it was produced in Michigan. As a matter of fact, my recollection is that it was produced in the district of former Congressman Wolcott, now represented by the gentleman from Michigan [Mr. O'HARA].

Mr. GROSS. And it has become unprofitable to raise chickory in this country because of imports from foreign countries; is that right?

Mr. BOGGS. No; it had become unprofitable to raise chickory because other crops produce more revenues. That is the answer.

Mr. GROSS. It is still used?

Mr. BOGGS. Yes, it is still used, particularly in New Orleans; but it is not produced in the United States.

Mr. GROSS. So we are importing it rather than produce it in this country.

Mr. BOGGS. If we did not import it we would not have it at all. It is like coffee; under certain conditions coffee can be produced in the United States, but it is not economically produced; it is imported.

Mr. GROSS. Do they have trouble growing chicory in Michigan?

Mr. BOGGS. I would suggest that the gentleman inquire of somebody from Michigan who is more familiar with conditions in that State.

Mr. GROSS. That is what I am trying to do indirectly through the gentleman.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MILLS. May I further answer the gentleman's inquiry first? According to the report the committee received from the Tariff Commission on the original bill temporarily placing this on the free list in 1957—I will read just a part of it—"no dry kilns have been operated, and the farmers who formerly grew chicory have substituted sugar beets, potatoes, onions, and grass and grain crops."

From information we have they took this step because these crops were more profitable to them than the chicory they formerly produced. They were not caused to discontinue the production of chicory because of any tariff action. We have placed chicory on the free list for a temporary period only. The farmers themselves discontinued producing it here in the United States.

Mr. BOGGS. As a matter of fact, we might say, this bill does not take all chicory off the list; it takes only certain types of chicory off the list.

Mr. MILLS. That is right.

Mr. BOGGS. Chicory that is refined or processed stays on the list, so that the only thing affected here is the so-called raw chicory; that is, the vegetable.

Mr. HAYS. Mr. Speaker, will the gentleman yield that I may ask the gentleman from Louisiana a question?

Mr. MILLS. I yield.

Mr. HAYS. There is no shortage of coffee now, is there?

Mr. BOGGS. As a matter of fact, I understand there is an oversupply.

Mr. HAYS. So if this bill were defeated would it be possible to get a cup of coffee in New Orleans?

Mr. BOGGS. Yes; but not as good as coffee with chicory. That, of course, is the best coffee on earth.

Mr. HAYS. There is a difference of opinion about that.

Mr. BOGGS. I admitted that there is a difference, but the gentleman understands that is the best coffee on earth.

Mr. HOFFMAN of Michigan. I understood the gentleman to say this is an additive to coffee.

Mr. BOGGS. That may not be the proper word.

Mr. HOFFMAN of Michigan. The gentleman meant an adulteration.

Mr. BOGGS. Oh, no. It improves the coffee. It makes it delicious. We prefer our coffee as strong as love, as black as sin, and as hot as Hades.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to suspend for two years the duty on crude chicory and to amend the Tariff Act of 1930 as it relates to chicory", approved April 16, 1958 (72 Stat. 87; 19 U.S.C. 1001, par. 776), is amended by striking out "two-year" in section 1 thereof and inserting in lieu thereof "five-year", and by striking out "two year" in section 3 thereof and inserting in lieu thereof "five years".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEMPORARY SUSPENSION OF DUTY ON CERTAIN SHOE LATHES

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9862) to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing, which was unanimously reported by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. MASON. Mr. Speaker, reserving the right to object, and I shall not object, I would like the chairman to give a very brief explanation of the purpose of the bill.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 9862, as reported by the Committee on Ways and Means, is to continue for 2 years, until August 7, 1962, the existing suspension of duties on copying lathes used for making rough or finished shoe lasts from models of shoe lasts, and capable of producing more than one size shoe from a single size model of a shoe last.

Public Law 1012 of the 84th Congress transferred from the dutiable to the free list of the Tariff Act for a period of 2 years, by amendment of paragraph 1643 of the Tariff Act of 1930, "copying lathes used for making rough or finished shoe lasts from models of shoe lasts and, in addition, capable of producing more than one size shoe last from a single size model of a shoe last." Public Law 85–416 continued the suspension of duty for a further period of 2 years, until August 7, 1960. The pending bill would continue this suspension for a further 2-year period, until August 7, 1962.

This suspension of duty was enacted in order to make available to domestic shoe last manufacturers highly specialized and expensive copying lathes which can only be obtained from foreign sources. The U.S. Tariff Commission has advised the Committee on Ways and Means that it is estimated that about 40 machines have been imported since the duty was originally suspended in 1956. The Commission has also indicated that imports are on the decline because of a falling off of demand, and that future imports will probably be mainly replacements.

Favorable departmental reports were received on this bill, which was introduced by our colleague on the Committee on Ways and Means, the Honorable ALBERT H. BOSCH.

The committee is unanimous in recommending the enactment of this legislation.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Illinois.

Mr. MASON. Mr. Speaker, I simply want to call the attention of the Members of the House to the fact that the original sponsor of this bill was our former colleague from New York, Mr. Reed.

Mr. MILLS. The gentleman is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Cannot this shoe lathe be produced in this country, or is it not produced in this country?

Mr. MILLS. The only thing that comes in under this provision is the lathe that is used in producing the last.

Mr. GROSS. Can it be produced in this country?

Mr. MILLS. It is not produced in this country.

Mr. MASON. Mr. Speaker, the legislation now before the House would continue for a period of 2 years through August 6, 1962, the existing suspension of duties on certain lathes used in shoe manufacture.

Information presented to the Committee on Ways and Means during its deliberations on this legislation in executive session indicates that these shoe lathes can only be obtained from foreign sources.

Favorable reports were received on the legislation from the Departments of Commerce, State, and Treasury, and an informative report was received from the U.S. Tariff Commission. The membership of the Committee on Ways and Means was unanimous in urging the approval of this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act entitled "An Act to suspend for two years the import duties on certain lathes used for shoe last roughing or for shoe last finishing, and to permit substitution for drawback purposes in the case of printing papers", approved August 6, 1956 (Public Law 1012, Eighty-fourth Congress, 70 Stat. 1076), as amended, is amended by striking out "August 7, 1960" and inserting in lieu thereof "August 7, 1962".

With the following committee amendment:

Page 1, strike out all after the enacting clause and insert the following: "That the first sentence of section 2 of Public Law 1012, Eighty-fourth Congress (70 Stat. 1076), approved August 6, 1956 (relating to suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing), as amended, is amended by striking out 'August 7, 1960' and inserting in lieu thereof 'August 7, 1962'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TEMPORARY FREE IMPORTATION OF CERTAIN TANNING EXTRACTS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9820) to extend for an additional 3 years the period during which certain tanning extracts, including certain extracts, decoctions, and preparations which—irrespective of their chief use—are suitable for use for tanning, may be imported free of duty, which was unanimously reported by the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. MASON. Mr. Speaker, reserving the right to object, will the gentleman give a short explanation of this bill?

Mr. MILLS. Mr. Speaker, the purpose of H.R. 9820, as reported by the Committee on Ways and Means, is to extend for an additional 3 years, through September 30, 1963, first, the period during which certain tanning extracts may be imported free of duty; and second, the period during which extracts of hemlock or eucalyptus suitable for use for tanning—regardless of their chief use—may be imported free of duty.

Public Law 235 of the 85th Congress provided for the temporary suspension of duties with respect to tanning extracts chiefly used in the United States for tanning purposes at the time of importation. Later amendments to the Tariff Act of 1930—Public Law 85–645 and Public Law 86–288, respectively—provided that eucalyptus extract and hemlock extract be included in this provision for suspension of duty on tanning extracts irrespective of their chief use, so long as suitable for use in tanning. These three provisions will expire at the close of September 30, 1960, in the absence of further legislation. As I stated, the pending bill, H.R. 9820, which was introduced by our colleague on the Committee on Ways and Means, the Honorable EUGENE J. KEOGH, would continue the suspension of duty provided by these three earlier enactments for an additional 3-year period.

Your committee has been advised that the conditions which gave rise to this

suspension of duty continue in effect today. The domestic tanning extract industry has been dependent upon domestic chestnut wood and bark for the mestic production of chestnut tanning extract, the only vegetable tanning material which has been produced in the United States in significant quantity. Because of the blight which virtually wiped out the chestnut trees along the Appalachian Range, domestic firms producing tanning extracts have been unable to secure raw materials. The domestic availability of tanning extracts has steadily declined and the firms which had been engaged in extract production have largely gone into other fields of activity.

The committee amendment is purely to correct a clerical error in the bill.

Favorable departmental reports were received on this legislation, and the Committee on Ways and Means is unanimous in reporting it to the House.

Mr. MASON. Mr. Speaker, in recent years a number of individual bills have passed dealing with the tariff treatment of certain extracts, decoctions, and preparations suitable for use in tanning. The bill which has just passed the House, H.R. 9820, has as its purpose the extension for an additional 3 years the period during which these articles may be imported free of duty. In effect we are doing in one bill what the Congress has previously done in several individual bills. Thus, the duty-free period with respect to these tanning articles will be continued through September 30, 1963.

Favorable reports were received on this legislation by the Committee from the Departments of State, Treasury, and Commerce, and in addition an informative report was received from the U.S. Tariff Commission. The Committee on Ways and Means was unanimous in urging the enactment of this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to amend the Tariff Act of 1930 to provide for the temporary free importation of certain tanning extracts, and to amend the Internal Revenue Code of 1954 to suspend temporarily the tax on the processing of coconut oil", approved August 30, 1957 (Public Law 85–235), is amended by striking out "during the three-year period beginning on the thirtieth day after the date of the enactment of this Act" and inserting in lieu thereof "before the close of September 30, 1963".

SEC. 2. Section 4(b) of the Act entitled "An Act to reduce from fifteen to thirteen inches the minimum width of paper in rolls which may be imported into the United States free of duty as standard newsprint paper, and for other purposes", approved August 14, 1958 (Public Law 85–645), is amended by striking out "prior to September 29, 1960" and inserting in lieu thereof "before the close of September 30, 1963".

SEC. 3. Section 2 of the Act entitled "An Act to amend the Tariff Act of 1930 to provide for the temporary free importation of certain extracts, decoctions, and preparations of hemlock suitable for use for tanning", approved September 16, 1959 (Public Law 86–288), is amended by striking out "prior to September 29, 1960" and inserting in lieu thereof "before the close of September 30, 1963".

With the following committee amendment:

Strike out all after the enacting clause and insert: "That the amendments made by the following provisions of law shall continue in effect with respect to articles entered, or withdrawn from warehouse for consumption, before the close of September 30, 1963:

"(1) The first section of Public Law 85–235 (71 Stat. 516), approved August 30, 1957 (amending paragraphs 38 and 1670(b) of the Tariff Act of 1930 to provide for the temporary free importation of certain tanning extracts);

"(2) Section 4(a) of Public Law 85–645 (72 Stat. 602), approved August 14, 1958 (relating to the temporary free importation of certain extracts, decoctions, and preparations of eucalyptus suitable for use for tanning); and

"(3) The first section of Public Law 86–288 (73 Stat. 568), approved September 16, 1959 (relating to the temporary free importation of certain extracts, decoctions, and preparations of hemlock suitable for use for tanning)."

Mr. MILLS. Mr. Speaker, I have a clerical amendment that I would like to offer to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment, offered by Mr. MILLS: Page 2, line 21, strike out "wharehouse for consumption," and insert "warehouse, for consumption".

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty."

A motion to reconsider was laid on the table.

SUSPENSION OF TAX ON COCONUT OIL AND PALM OIL

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8649) to make permanent the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof.

This bill was also unanimously reported by the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. MASON. Mr. Speaker, reserving the right to object, will the gentleman give a short explanation of the bill?

Mr. MILLS. Mr. Speaker, the purpose of H.R. 8649, as reported by the Committee on Ways and Means, is to continue through June 30, 1963, the suspension of the 3-cent-per-pound processing tax imposed on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof.

Public Law 235 of the 85th Congress suspended through June 30, 1960, the 3-cent-per-pound tax imposed on the first domestic processing of coconut oil by section 4511(a) of the Internal Revenue Code of 1954. Public Law 37 of the 86th Congress suspended through June 30, 1960, the 3-cent-per-pound tax imposed on the first domestic processing of palm oil and palm-kernel oil imposed by that section of the code. The suspension of this tax on palm oil and palm-kernel oil was designed to restore the competitive balance between these oils and coconut and babassu oils, on which the tax had been suspended.

The Committee on Ways and Means is of the view that experience under the legislation referred to above has been such as to warrant an extension of the existing suspensions of tax on the first domestic processing of these oils.

Favorable reports on this bill, which was introduced by our colleague on the Committee on Ways and Means, the Honorable CECIL R. KING, were received from the Departments of State and Commerce, and informative reports from the Treasury Department and the U.S. Tariff Commission. As indicated in the committee report on the bill, the Department of Agriculture did not favor enactment of the legislation in the form in which it was introduced, which provided for a permanent suspension of the first domestic processing tax on the oils involved. However, the committee understands that this objection was based on the fact that the Department of Agriculture lacked sufficient information to warrant approval of a permanent suspension, and that it would have no objection to a temporary suspension as provided in the bill reported by the committee.

The Committee on Ways and Means is unanimous in reporting this legislation to the House.

Mr. MASON. Mr. Speaker, the legislation which has just passed the House was approved by the unanimous vote of the membership of the Committee on Ways and Means as well as received favorable comment from the Departments of State and Commerce. Informative reports were received by the committee from the Treasury Department and from the United States Tariff Commission, and an unfavorable report was received from the Department of Agriculture. This legislation has as its purpose the extension through June 30, 1963, of the existing suspension of tax on the first domestic processing of coconut oil, and certain other enumerated articles of a similar nature.

The legislation as originally introduced would have made the existing suspension permanent, but the Committee on Ways and Means in acting on the legislation provided for only a 3-year suspension so that the Congress would have opportunity to review the legislation at a future date. Experience with the suspension in prior years has proved satisfactory and it was the view of the Ways and Means Committee member-

ship that the suspension should be continued with a 3-year period prescribed in the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 of the Act entitled "An Act to amend the Tariff Act of 1930 to provide for the temporary free importation of certain tanning extracts, and to amend the Internal Revenue Code of 1954 to suspend temporarily the tax on the processing of coconut oil", approved August 30, 1957 (Public Law 85-235; 71 Stat. 516), is amended by striking out "during the period" and by striking out "and ending with the close of June 30, 1960".

With the following committee amendment:

Strike out all after the enacting clause and insert: "That—

"(1) Section 3 of Public Law 85-235 (71 Stat. 516), approved August 30, 1957 (relating to the temporary suspension of the tax on the first domestic processing of coconut oil); and

"(2) Public Law 86-37 (73 Stat. 64), approved May 29, 1959 (relating to the temporary suspension of the tax on the first domestic processing of palm oil, palm-kernel oil, etc.),

are each amended by striking out 'June 30, 1960' and inserting in lieu thereof 'June 30, 1963'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to continue for a temporary period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof."

A motion to reconsider was laid on the table.

PUBLIC BUILDING PROJECTS

The SPEAKER pro tempore laid before the House the following communication:

FEBRUARY 25, 1960.

The Honorable SAM RAYBURN,
Speaker of the House, the Capitol, Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959, the Committee on Public Works of the House of Representatives approved on February 24, 1960, a prospectus for each of the following public building projects which were transmitted to this committee from the General Services Administration:

LOCATION AND TYPE

Alabama, Decatur—PO FOB.
Alaska, Juneau—PO CT.
Arizona, Nogales—Border station.
Arkansas, Camden—PO, etc.
California, Bakersfield—FOB.
California, Los Angeles, CU FOB.
California, San Francisco, CT FOB.
Colorado, Denver—Warehouse.
Colorado, Denver—CT FOB.
Connecticut, Hartford—FOB.
Connecticut, Wallingford—PO, etc.
Delaware, Wilmington—CT CU, FOB.
District of Columbia—GPO field plant.
District of Columbia—U.S. Court of Claims Building.
Florida, Gainesville—PO CT.
Florida, Tampa—FOB.
Florida, Miami—FOB.
Georgia, Statesboro—PO, etc.
Georgia, Thomasville, PO CT.
Idaho, Boise—CT FOB.
Illinois, Chicago—CT FOB and FOB.
Indiana, Seymour—PO, etc.
Maine, Augusta—PO FOB.
Maine, Jackman—Border station.
Maine, Van Buren—Border station.
Maine, Vanceboro—Border station.
Maryland, Baltimore—FOB.
Massachusetts, Boston—FOB.
Massachusetts, Webster—PO.
Michigan, Detroit—Immigration and Naturalization Service Center.
Michigan, Wyandotte—FO, etc.
Mississippi, Clarksdale—PO FOB.
Mississippi, Tupelo—FOB.
Missouri, Kansas City—FOB.
Montana, Billings—CT FOB.
Montana, Sweetgrass—Border station.
Nebraska, North Platte—PO CT.
Nevada, Reno—CT FOB.
New Mexico, Albuquerque—Warehouse.
New Mexico, Santa Fe—PO FOB.
New York, New York—CU CT FOB.
North Carolina, Bryson City—PO CT.
North Carolina, Hickory—PO, etc.
North Carolina, Thomasville—PO.
North Dakota, Bismarck—PO CT.
North Dakota, Pembina—Border station.
Ohio, Cincinnati—FOB.
Ohio, Toledo—FOB.
Oklahoma, Tulsa—PO FOB.
Oregon, Medford—PO, etc.
Pennsylvania, Johnstown—PO, etc.
Pennsylvania, Lebanon—PO, etc.
Pennsylvania, Philadelphia—PO CT.
Pennsylvania, Pittsburgh—FOB.
Rhode Island, Westerly—PO, etc.
South Carolina, Charleston—FOB.
South Dakota, Sioux Falls—PO, etc.
Tennessee, Dyersburg—PO, etc.
Tennessee, Memphis—CT FOB.
Texas, Austin—PO FOB.
Texas, El Paso (Cordova Island)—Border station.
Utah, Ogden—CT FOB.
Vermont, Derby Line—Border station.
Vermont, Montpelier—PO CT.
Washington, Dayton—PO, etc.
Washington, Richland—PO CT.
Wyoming, Cheyenne—PO CT.

Sincerely yours,

CHARLES A. BUCKLEY,
Member of Congress, Chairman, Committee on Public Works.

The SPEAKER pro tempore. The communication and accompanying papers will be referred to the Committee on Appropriations.

LAW OBSERVANCE EXHIBIT

Mr. TOLL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TOLL. Mr. Speaker, on Monday, February 29, 1960, a law observance exhibit was opened in the Philadelphia National Bank, in the heart of the busiest area of Philadelphia under the sponsorship of the law observance committee of the Philadelphia chapter of the Federal Bar Association. I might state that I mention this with pride inasmuch as I am a member of this law observance committee which was established in October of 1959 to promote respect for law and legal processes. Since its establishment, it has publicized the need for respect for law by large size posters which are appearing on the back of 100 Yellow Cabs reading:

The law protects you, respect it, uphold it, obey it.

It has established a speakers' bureau which furnishes qualified speakers to groups and organizations; is establishing cooperative activities with the schools; and is planning other steps to combat delinquency among adults and juveniles.

The law observance exhibit depicts the activities of the Philadelphia Police Department, the Federal Bureau of Investigation, the postal inspectors and Treasury enforcement agencies, including Alcohol and Tobacco Tax, Narcotics, and Secret Service. These agencies have joined hands in a program of crime prevention to make the public better aware of the functions they perform. The exhibit brings home to our citizens the fact that law enforcement agencies of the Nation can adequately protect the public only if they receive the cooperation of the public. This is the first time that such a joint exhibit has ever been presented.

These law enforcement agencies are to be congratulated for their wisdom and initiative in participating in such an exhibit. It is not enough that law enforcement agencies perform their functions in a quiet, unheralded way. In order to obtain maximum benefit from their operations, they must publicize, glamorize, and glorify their activities. By so doing, they develop an aura of invincibility which serves to discourage would-be malefactors; engender cooperation and respect from the public; promote morale among their employees; and attract better personnel. I urge all law enforcement agencies throughout the country to cooperate in a program of publicizing their capabilities and accomplishments. Respect for law and observance of the laws are essential for the preservation of America's cherished freedoms.

OUR FINANCIAL DUTY TO THE PEOPLE

Mr. BARR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BARR. Mr. Speaker, on Thursday, February 25, I introduced a resolution into this Congress which states very simply that every Member must stand up and be counted on a rollcall vote when we are voting on appropriations bills to spend the people's money. It would be dishonest for me to tell my people that quick and favorable action will be taken on this resolution. It probably will not. The Congress of the United States moves slowly and with

great deliberation, and I have found that it is very reluctant to change its well-established procedures. This resolution could have very well been just a sham on my part. I could drop it in the hopper, forget about it, and know that nothing would happen.

This is not my intention. I do intend to fight for recognition on appropriation votes and to ask for a rollcall. First of all, I am not sure that I will be recognized, and secondly, I cannot be certain that I will get the necessary number of Members to support my motion for a rollcall. But I do want to make it very clear that I intend to be on hand and that I will fight for a rollcall which will show the people how each of us votes on spending bills.

For the life of me, I cannot understand why most votes on appropriations are not record votes. As I read our Constitution and the Federalist Papers, which explain the thinking of the men who wrote it, it is apparent that these men were well aware of the historical fact that any legislative body gets its power from the control of money and spending. It makes no difference whether the executive is a king, a dictator, a sultan, or a President—the legislature can control this executive only by keeping a tight hold on money. If they give up that power, they are meaningless in any government.

Our Founding Fathers went even further than that. They believed that a nation's money, since it came from taxes, really belongs to the people, and its control should be kept as close as possible to the people. Therefore they gave the right to start spending bills to the House of Representatives and went ahead to say that each Representative should be elected for a period of only 2 years. Plainly their idea was that the people could throw us out at the end of 2 years if we wasted their money. What is the matter with this thinking? Are we trying to say that we are more intelligent than Washington, Franklin, and Madison? Or are we trying to duck the severe test of the spending responsibility that they gave us?

I personally do not believe that we have gained a lot more wisdom than the men who wrote the Constitution. I do not believe that we should try to evade our clear financial duty to the people. I do believe that all of us should vote on the record when we spend money. Then at least our voters can decide if, first, we have overspent the Nation's income; second, if they approve of the projects on which we are spending their tax money.

I intend to push for the adoption of this resolution although I recognize that it will be difficult and the outcome doubtful. I also intend to request a rollcall vote on every appropriation even though I know that this attempt may not meet with much more success. These changes have to start sometime and someone has to start them. I have stuck my neck out, and I intend to back up my words with action.

It possibly is presumptuous for me to suggest changes to the two distinguished gentlemen who head the Appropriations Committee. The Honorable CLARENCE CANNON and the Honorable JOHN TABER were worrying about this Nation's finances when I was a 5-year-old boy. The United States owes them both a deep debt of gratitude. However, I came to the Congress without too much to offer except a background in finance. I am also fresh from the people. I was one of them a little over a year ago.

These suggestions are not intended to criticize. They merely express a conviction which I hold very firmly.

TO REDUCE SURPLUSES OF CORN IN STORAGE

Mr. JENSEN. Mr Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JENSEN. Mr. Speaker, on last Monday, February 29, I introduced a bill which I am certain will, if made law, more quickly reduce the costly price depressing surpluses of corn now in CCC storage than any plan that can be devised to effectively increase the price of corn, and in turn all livestock and poultry prices. Corn is the main feed crop, and the price of all other feed grains and the price of livestock and poultry always follow very closely the price of corn.

My bill provides that in the years 1960–61 and 1962, for each acre the farmer takes out of production below his historical acreage allotment for corn, he shall receive not less than eight-tenths of a bushel of corn from CCC storage for each bushel the land so taken out of production is capable of producing according to the county ASC records.

For example, if a farm has a production capability of 80 bushels per acre, that farmer would receive a negotiable certificate for 64 bushels of corn in CCC storage for every acre taken out of production. He can either feed such corn or sell the certificate, and such corn should grade No. 3 or better.

The bill provides that:

> The Secretary shall establish the range of percentages, not less than 25 percent nor more than 50 percent, within which the corn acreage planted on each farm producing corn in the United States must be reduced below its corn base in order that the producers on such farm is eligible to receive price support and payments-in-kind.

The bill also provides that 750 million bushels must be set aside for emergency purposes, as an ever normal granery.

By paying 80 percent of a farm's corn producing capability, less corn will be available than if such land had been cropped, thus it is reasonable to expect that production will be less than consumption, as President Eisenhower urged in his address to Congress on February 9, last.

When the price depressing corn surpluses are thus rapidly reduced and less corn will be available on the open market, not only corn but all feed grain prices will rise quickly, followed by higher livestock and poultry prices—which is sorely needed and deserved by those producers.

If after 1962, it is found necessary to continue the program the law can and, of course, will be extended.

It further provides that such withdrawn acres must be seeded to grasses, and that noxious weeds must be held down to a minimum.

The bill also provides that as CCC storage bins become empty, farmers in the respective counties where such bins are located shall have first priority to purchase such bins and related facilities.

Nothing in my bill would prohibit the participating farmer from receiving payments for regular soil conservation practices on the land so taken out of production.

Those are the basic and most important provisions of my bill.

Mr. Speaker, for many past months I, like a number of my colleagues from the main corn and livestock producing States, have advocated this program, and it has received widespread approval among our farmers and others, and as you know there is much support for this program among Congressmen from every section of the United States of America.

I am quite certain, however, that not every merchant—especially the implement and gas and oil dealers in the smaller towns of the corn belt—will favor this program on first thought, because the farmers who participate in the program will buy fewer implements and less gasoline and oil than if they were not in the program, but I am also quite certain that on second thought those dealers will decide that a start must be made back to a better return for his farmer customers and the sooner that start is made, the better it will be for all in the near future and over the long pull.

Never have I been more sincerely concerned and anxious to have Congress pass a bill than this one, for certainly if made law it will bring untold benefits to not only farmers but also to every segment of the American people.

Remember, all new wealth springs from Mother Earth, the income which generates our economy from its natural source. When the farmers' dollar is worth 100 cents in buying power, we always have general prosperity in the United States of America.

Now, Mr. Speaker, corn-planting time will soon be here, so we urge that the House and Senate Agriculture Committees will immediately hold hearings, and then bring a bill that follows closely the provisions of my bill to the floor quickly for debate and passage.

A NATIONAL LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include a table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. FINO. Mr. Speaker, while some of the Members of this Congress, as well as some Government officials, express fear that a national lottery in the United States might "raise economic, social, and moral issues," most of the foreign countries throughout this civilized world con-

tinue to capitalize on the natural gambling urge of their people.

In those countries where lotteries are legal and proper and where governments harvest fat and painless revenues, regulated and controlled gambling has had no adverse effect on the economic, social, or moral standards—if anything, it has improved their lot.

Mr. Speaker, all of these countries are small and poor in comparison with the United States but, in my opinion, smarter. The governments in these countries know the fiscal facts of life and tie the gambling spirit of their inhabitants together with the need for revenue. This combination brings in revenue to the treasury and pleasure to their people.

Mr. Speaker, I would like to bring to the attention of the Members of this House some interesting figures which I have so far gathered from 17 countries where the wheels of fortune spin. From this encouraging report, it will be safe to estimate that a national lottery in the United States—with 178 million people—would yield $10 billion a year in additional revenue.

In 17 foreign countries listed below the gross receipts for the year 1959 were $513,366,681 and, after payment of generous prizes and ample overhead, the governments' share was $166,010,631. Not bad for these financially hard-pressed foreign treasuries.

Country	Population	Gross receipts	Government's share
1. Costa Rica	1,099,962	$9,437,036	$2,874,897
2. Cuba	6,300,000	35,420,000	11,125,304
3. Finland	4,434,000	3,867,200	1,314,800
4. France	45,400,000	123,700,000	41,500,000
5. Honduras	1,887,389	11,977,867	1,282,959
6. Ireland	2,894,822	46,059,680	19,500,000
7. Israel	2,089,000	7,112,000	3,666,667
8. Japan	93,050,000	11,467,000	4,366,000
9. Norway	3,572,000	12,000,000	3,700,000
10. Panama	1,000,000	27,289,919	4,522,005
11. Puerto Rico	2,300,000	45,000,000	9,970,060
12. Philippines	22,662,900	17,827,335	7,554,778
13. Portugal	8,980,682	20,749,400	6,943,727
14. Sweden	7,475,000	51,420,029	27,238,191
15. Uruguay	2,600,000	8,779,215	3,251,242
16. Venezuela	6,500,000	67,300,000	13,700,000
17. Yugoslavia	18,530,000	13,960,000	3,500,000

MRS. ROGERS' APPRECIATION OF NATIONAL COMMANDER OF DAV

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I take great pleasure in telling the House of the following fine statement made by Commissioner Fribley, of the Disabled American Veterans, regarding the legislative program which he told our Veterans' Affairs Committee about this morning when he presented the legislative program of the Disabled American Veterans for this year:

Mr. Chairman and members of the committee, my name is Bill H. Fribley and I am national commander of the Disabled American Veterans. With me today are John E. Feighner, national adjutant, from our national headquarters at Cincinnati, Ohio; Elmer M. Freudenberger, acting national director of legislation; and Chester A. Cash, acting national director of claims, from our Washington, D.C., national service headquarters.

The Disabled American Veterans is congressionally chartered; and our members are veterans of wartime service who were wounded, gassed, injured, or otherwise disabled by reason of active service in the Armed Forces of the United States or of an Allied Nation. To answer a great need for an organization to assist in solving the problems of distressed disabled veterans following World War I the DAV was organized in 1920 and was granted a charter by the Congress in 1932. For years this organization has maintained a large staff of full-time national service officers, assigned to duty in the regional, district, and central offices of the U.S. Veterans' Administration.

It is believed that the DAV was the first organization to advocate the consolidation of all House committees, dealing in proposed veterans' legislation, into one Committee on Veterans' Affairs. A present major legislative aim of this organization is to obtain the establishment of a Senate Committee on Veterans' Affairs, patterned after your notable committee, and I am pleased to say that the prospects for the creation of such a Senate group are brighter than ever before.

During the remainder of my term as national commander I hope to drive home to the American people and their elected representatives two important facts about the Disabled American Veterans: The first is the essentially and necessarily conservative nature of our organization, and the second is the very modest and meritorious nature of our requests in behalf of this Nation's war disabled and their dependents.

Because of the necessity that has been forced upon us to fight for the continuation of benefits already awarded to those whom we serve, and to obtain much needed increases justified by the ever upward spiral of the cost of living, some persons and groups have seen fit to classify us in the ranks of "big spenders" and "welfare staters" in furthering ever-increasing Government expenditures and the socialization of the Nation's economy. This, of course, is completely untrue and such charges discredit the intelligence and discernment of the critics. It is our firm opinion that veterans' benefits constitute a proper charge to the cost of war, and this is especially true of service-connected benefits.

The disabled veteran, dependent as he is upon his disability compensation, is on a relatively fixed income. He is among the very first to be hurt by any Government spending which is on an inflationary level. He does not need to be a skilled economist to figure out the effect of inflationary spending on the purchasing power of his compensation income. He has only to check his dinner table and pocketbook.

The growing emphasis in America today on economy in government may perhaps serve as a brake on the spiral of inflation which has gripped this Nation and its economy in recent years. We believe that this trend is sound and that it is good for America's disabled veterans. Men and women who have sacrificed parts of their bodies or minds or health in the wartime defense of this Nation and its way of life are most certainly not likely to advocate the mortgaging through internal action of the way of life that they fought so long and so hard to protect against its external foes. No, the DAV does not stand for big spending. We do not stand for unlimited welfare measures. The DAV represents the wartime disabled, their widows and orphans. For them we ask only modest and just compensation for sacrifices made in defense of our country—compensation necessary and vital for his adequate rehabilitation and their financial security.

I have called our goals for compensation for the Nation's war disabled modest while certain opponents have termed even present benefits "too generous," or so implied. Who, then, is right? Let us look at a few simple facts and figures in an effort to determine just where the disabled veteran stands today—to see just how well he and his family are being taken care of by the Nation for which he sacrificed so much to defend. As you know, the compensation of all disabled veterans, once service-connection is established, is computed from a standard rating schedule on the basis of degree of service-connected disability. The schedular evaluations range from 10 percent to 100 percent, with special statutory awards for certain conditions, and with higher rates of compensation authorized for the most seriously incapacitating disabilities. Dependency allowances are also provided for those cases rated 50 percent or more. While some who are connected with the allocation of disability benefits have some specific areas of disagreement with the governing rating schedule, it is generally agreed that the system employed is an effective and equitable method of resolving rating evaluation issues, many of which are complex and difficult indeed.

Let us take a close look at the schedule as it applies to a wartime veteran, with wife and three children, who is rated 100 percent for his service-connected disability. In addition to the basic $225 monthly he will receive $62 monthly for his wife and 3 children. In other words, he is awarded slightly over $3,400 a year, and this, please bear in mind, is for a totally disabled war veteran who is "on the shelf" industrially due to war disablement. Out of his compensation payments he must maintain shelter for himself and family, pay the grocer and butcher, medical bills, and all the innumerable other bills incident to a family of five. If the opponents of veterans' benefits were in like circumstances one wonders if their views in some areas would not undergo a change.

Still on the subject of the 100 percent wartime service-connected veteran and his family, it will be noted that the Sales Management Survey of Buying Power, a standard and accepted reference publication on national incomes, states that the average effective buying income of a family in the United States is $6,005 per year, more than 76 percent higher than in the case of the totally disabled veteran. According to the figures presented in the above mentioned sales management survey our veteran is in the lowest one-third of our entire economy from the point of view of total, annual, effective buying income. From our own experiences with the costs of supporting a family it will be seen that a 100 percent wartime disabled veteran with wife and three children is actually at a bare subsistence level living on an income of $3,400 per year. We do not need a lot of graphs and charts to know that to be a fact.

Frankly, I cannot possibly believe that anyone who actually knows what he is talking about and is making any effort to be honest about the matter can term the amount stated above, under the circumstances cited, as even adequate, much less overgenerous. Let us think for a moment, not about all of the more than 2 million disabled veterans and their families, but about a single individual, his wife and three children. He is a man just exactly like everyone else, except that he has been disabled in the defense of his country. His expectations in life are, or were, the same as others. His goals and ambitions for himself and family are, or were, no less real and important. Certainly, he has no less right to expect a decent life for his family than the rest of the Nation. He, too,

wants to see his family enjoy a few of the niceties of life. He wants to see them get some place. He wants to leave them decently provided for after his death. Take the matter of insurance. Because of his total disability he is almost certainly not insurable. Even veterans with much lower percentage ratings of disability experience great difficulty in obtaining commercial insurance and, if they are successful, must pay substantially higher premium rates, and the same applies to automobile insurance.

If disabled veterans are able to work at all they must compete in the open labor market and often, to obtain employment, must settle for reduced pay. The number of jobs for which a disabled veteran can qualify is severely limited. Obviously, the disabled veteran is at a competitive disadvantage and, even though he can handle the duties of a particular job perfectly well, or sometimes perform in a superior manner, disabled veterans, job for job, make much less money than the average.

Since 1941 disability compensation has been increased by 95 percent, as compared to a 145-percent increase for the average per family effective buying income. The Consumer Price Index, which stood at 62.9 in 1941 now stands at 123.7—more than doubled. The purchasing power of the dollar (expressed in terms of 1947–49, the accepted standard) stood at 176.1 in 1941. Today it is only 81.0, less than half of what it was then. You can see clearly the situation in which our totally disabled war veteran finds himself, through no fault of his, and all this in a time of national prosperity the like of which the world has never known.

The DAV does not propose that disability benefits be increased by the nearly 80 percent that would be necessary to bring the totally disabled veteran's income up to a par with the national average. We do, however, urge that it is time the Congress takes steps now to rectify this very grave inequity, as pointed out above, and take other steps to enact into law beneficial legislation in certain other important areas as outlined for ready reference in the supplement to this statement. Before leaving the subject of compensation I wish to request your committee to urge the Veterans' Administration to effect a change in its claims statistics reporting procedure that we feel is an injustice to those receiving compensation for service-connected disability. To lump "compensation and pension" in the reporting for budgetary and other purposes reacts to the disadvantage of the wartime disabled in seeking new legislation in the field of compensation, for the cost of "veterans' benefits" could and probably does loom large in discouraging the Congress to pass legislation of the character in which we are primarily concerned. This matter has been taken up with the VA by the DAV but so far without result. In the interest of accuracy and equity we request your cooperation now.

Attached to this statement and as an integral part thereof may I ask that all members of this committee study most carefully the appendix referred to above, in its entirety. It lists the group of DAV-endorsed bills that have been adjudged by this organization as deserving of maximum priority. These top priority bills are as follows, as I will read from the appendix. There are also set forth in that appendix the House bill numbers and subjects of certain other very important bills that are before your committee and which have the earnest and unqualified support of the Disabled American Veterans. We commend these measures to your sympathetic and favorable consideration.

In conclusion, I wish to thank you on my own behalf and for the entire organization I represent, and to say that if there are any questions the committee desires to ask at this time, I or my staff members will endeavor to answer them to the best of our ability. Thank you again for your kind attention.

APPENDIX

LIST OF DAV-ENDORSED BILLS NOW PENDING BEFORE COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES

The following bills are rated top priority by the Disabled American Veterans for the 2d session of the 86th Congress:

H.R. 3508: To increase the disability compensation payments for service-connected disabilities in certain rating categories, the principal feature being an increase of $25 monthly in the schedular 100-percent group. This modest bill is a must with the DAV and is ranked No. 1 in our program.

H.R. 113: The purpose of this bill is to attain a degree of permanency and stability in the matter of service connections through prohibiting the severance of a service connection in effect 10 or more years, except for fraud. This bill is the result of many painful years of experience with the on again, off again attitude of some VA rating officials who have used opinion as a basis of severance in numerous instances instead of exercising such action solely upon clear and unmistakable error as provided by law and regulations. A service connection in effect for 10 or more years has almost certainly been the subject of scrutiny by rating boards of the VA anywhere from 2 to 10 or more times through the years, and if clear and unmistakable error was not considered apparent on those occasions then any reversal now would seem to involve some element of opinion and personal judgment on the part of the rating officials last seeing the case. H.R. 113 is a most meritorious piece of legislation and it would not require an appropriation if enacted into law.

H.R. 9591: This bill provides for the judicial review of decisions rendered by the VA Board of Veterans' Appeals. As it is now, the decisions of the above-mentioned group represent final determinations, thereby making the VA judge and jury up and down the line. The members of rating boards and of the VA appellate agency are all VA employees and H.R. 9591 would simply make available to dissatisfied veterans the recourse that is available to the public generally in their dealings with other Government agencies.

H.R. 282: A bill to freeze the VA rating schedules and permit amendments and extensions to be made only with congressional approval. This proposal grew out of our long experience with the VA in its attempts to downgrade service-connected veterans through the promulgation of extensions to the schedule which, if approved and placed into effect, would have a most unfortunate effect on large numbers of those whom we serve. Your committee, with the valued assistance and understanding cooperation of the chairman and professional staff, played an important part in preventing certain proposed schedular changes that had been initiated, from going into effect. There was also worked out an arrangement whereby the future proposals for change would be reviewed in advance both by the committee staff and the claims experts of the major veterans' organizations. This is indeed a protective step forward but we still feel that the solution of the difficulty and its inherent dangers is for the Congress to pass H.R. 282 and thus insure that only changes to the schedule of unquestioned merit and necessity will be seriously advanced and adopted.

H.R. 278: This bill would invoke a conclusive presumption of service-connection for a disability shown in service after the first 90 days of such service. Under the World War Veterans' Act, 1924, as amended, there was a conclusive presumption of soundness provision and if a condition was noted in service but had not been noted and recorded as present at enlistment the VA granted service connection. The Economy Act of March 20, 1933 (Public Law No. 2, 73d Cong.), changed this provision and put into effect a rebuttable soundness of condition at enlistment provision which has been far from satisfactory and has been an important reason for the lack of uniformity in VA rating decisions and the criticism resulting therefrom. H.R. 278 would not go as far as did the former World War Veterans' Act in this regard but would merely hold that if a disability of some chronicity or permanence (and not purely a transitory condition) is not noted within the first 90 days thereafter but does show up later while the veteran is still in service the establishment of service connection will be conceded. This would not include patent defects such as amputation of a finger that preexisted enlistment, or other such obvious defect that was missed by the examiners.

H.R. 9590: This proposal could continue 100 percent hospital ratings until final and complete discharge from the hospital. It would prevent reduction being made in such a rating where the veteran has not been fully discharged but has merely been granted a CBOC (completion of bed occupancy care) discharge.

H.R. 9594: This bill would enable a service-connected veteran who also has sufficient impairment present from all causes, regardless of service origin, to qualify for a permanent total rating for pension purposes, to receive the full amount of his compensation benefits and also a portion of the pension otherwise payable, computed under a formula. The formula involves a deduction of the compensation evaluation from 100 percent, thus, for example, a veteran rated 10 percent for compensation purposes and with other far more serious nonservice-connected conditions rendering him permanently and totally disabled, would receive the full amount of his compensation ($19 monthly on a 10 percent rating) and 90 percent of the pension payable for the PT pension determination. Veterans compensated for service-connected wartime disabilities naturally have an understandable pride in their special classification and they should not have to waive their compensation rights in order to receive the greater pension benefits; nor should they have to forgo all of the pension benefits otherwise payable to continue on with the lesser service-connected compensation payments. H.R. 9594 will straighten out the situation to the satisfaction of all concerned, it is believed, and, at the same time, protect the Government in every way.

Another bill accorded top priority by this organization is H.R. 283 but it was passed by the House during the first session, along with other DAV-supported measures, H.R. 268, H.R. 270, and H.R. 5996, and these bills are now before the Senate Finance Committee. Two other bills, H.R. 7211 and H.R. 7903, of great importance to many veterans, were reported out by the Committee on Veterans' Affairs prior to adjournment of the first session but were not voted on and were held over for action in the second session.

The following bills, in addition to our top priority group mentioned above, are listed numerically. All are endorsed by the Disabled American Veterans and all are pending before the Committee on Veterans' Affairs awaiting what we hope will be favorable consideration:

H.R. 274: Eliminates the 60-year age restriction as to waiver, etc., total disability, in the National Service Life Insurance Act.

H.R. 275: To invoke a conclusive presumption of service connection as to death if the veteran at time of death had a 100 percent rating for service-connected disability.

H.R. 279: To provide a 2-year presumptive period as to service connection for malignant tumor (cancer).

H.R. 280: To provide a 2-year presumptive period as to service connection for psychosis.

H.R. 281: To bring the reinfection type of tuberculosis under the presumptive provisions as now enjoyed by other types of active tuberculosis.

H.R. 930: To authorize dependency allowances on all service-connected compensable ratings and not just the 50 percent and higher rates, as at present.

H.R. 931: To reimburse State workmen's compensation funds where veterans with service-connected compensable disabilities die or are injured in covered employment. (This would encourage the hiring of such disabled veterans by private employers by relieving them of the fear of liability in cases of accident on-the-job.)

H.R. 2767: To provide a 10 percent increase in the education and training allowances and to increase by 10 percent all rates of subsistence allowances, and all ceilings upon the combination of subsistence allowances and compensation.

H.R. 3751: To increase the service-connected death compensation to a parent from $75 monthly to $125 monthly.

H.R. 3752: To increase the Federal grant to State veterans' homes from $700 annually to $1,000 annually for each veteran so maintained.

H.R. 3753: To exclude as income for pension purposes the proceeds of commercial life insurance policies in amounts not in excess of $10,000.

H.R. 3755: This bill would permit reelection on the part of a survivor as to the type of service-connected death benefit desired, i.e., whether death compensation or dependency and indemnity compensation. Under the present law only one election was permitted and, in some instances, this has been detrimental to the interest of the survivor.

H.R. 4304: To amend the National Service Life Insurance Act to provide another $5 per $1,000 total disability income protection to certain veterans holding policies under the above-mentioned (NSLI) act.

H.R. 4305: To provide a 1-year period to enable certain veterans to apply for national service life insurance.

H.R. 4306: This bill would provide educational assistance for the children of persons who die as the direct result of armed conflict or while engaged in the performance of extrahazardous service (including service under conditions simulating war) during the period after January 31, 1955, and before the end of compulsory military service.

H.R. 4582: This bill would provide educational assistance to children of veterans rated permanently and totally disabled by reason of service-connected disease or injury and are thus unable themselves to benefit from the education and training provisions of existing law.

H.R. 5551: To extend to certain veterans of World War I the right to obtain an automobile, as now authorized under specified conditions of law in the cases of veterans of World War II and the Korean conflict.

H.R. 5843: To extend the delimiting date for obtaining vocational rehabilitation and educational benefits where the veteran was prevented from taking advantage thereof by reason of active military service in the Armed Forces.

H.R. 6139: To waive the application limitation as to retirement benefits under the Emergency Officers' Retirement Act.

H.R. 9592: To provide statutory awards of $67 monthly to former prisoners of war who were held by the enemy in such status for 6 months or more.

H.R. 9593: To increase the presumptive period for service-connecting multiple sclerosis to 7 years.

H.R. 10123: To permit for 1 year the granting of national service life insurance to veterans with service-connected disabilities, and to permit for 1 year veterans with service-connected disabilities less than total to obtain disability income protection under national service life insurance (NSLI).

ARAB BOYCOTT: A NEED FOR A FIRM, A MORAL U.S. POLICY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. ROOSEVELT] is recognized for 40 minutes.

Mr. ROOSEVELT. Mr. Speaker, I take the floor today to discuss some recent developments in the Near East which cause concern. I refer to the mounting tensions between Israel and her Arab neighbors. Ever since the United States resumed assistance to the United Arab Republic, more than a year ago, President Nasser has intensified his boycott and blockade of Israel, as if to demonstrate that his Arabism had not been debilitated by American favor. It seems that the Arabs are growing more aggressive precisely because both the United States and the United Nations seem impotent to deter them. Our own country appears curiously impassive and detached. We accept Arab boycotts and blockades as normal. Instead of challenging them, we have taken them for granted, and we have even allowed departments of our own Government to become implicated in their enforcement and execution.

I refer to the U.S. Navy's capitulation to the Arab League boycott against Israel, and to the fact that U.S. surplus foods shipped to Arab countries may not be carried in vessels blacklisted by the Arabs. And, I refer to our failure to secure freedom of passage through the Suez Canal, an international waterway, for the shipping of all nations.

At the outset, Mr. Speaker, I wish to make it clear that in this discussion I do not, in any way, suggest that America is not the friend of Israel. Nor do I criticize the administration as unfriendly to Israel. I sincerely believe, Mr. Speaker, that the American people and our Government are the friends of Israel and firmly and fully support her aspirations for peace and development.

But I am questioning the larger implication of these issues. Are we doing all that we can to bring about relaxation of tensions and progress toward peace? Do we test the issues of the Near East with moral criteria? I know that the missile gap has been worrying the American people, but, I suggest to you, Mr. Speaker, that our moral gap is equally, if not more, disturbing.

Our country has always prided itself on trying to practice fair play and serving the highest interests of justice. Our Founding Fathers revolutionized political philosophy when they set the pattern for the struggle of the common man for equality and freedom. Their words were heard around the world. They reecho even today in every manifesto of freedom.

After the great wars, we emerged a world power. Millions looked to us for guidance and leadership. And we gave them moral principles by which they could govern their future, and material assistance by which they could defend their liberty.

Our democratic principles were embodied in President Wilson's 14 points which enunciated man's inherent right to self-determination and self-government.

The words of the Atlantic Charter inspire men in distant lands in their fight for social and political independence.

The words of the United Nations Charter illuminate the embattled roads of enslaved people in isolated jungles, in mud villages, behind the Iron Curtain.

But, little by little, Mr. Speaker, our standing in the world community has declined. Our image is blurred. We no longer administer a foreign policy grounded in moral doctrine and high principle. We permit material considerations to dictate our course. We exchange integrity for convenience. We voice our trust in mutual security, in collective action, in the force of law. But, in fact, Mr. Speaker, the words sound hollow, in a vacuum, drained of moral ideal and our will appears futile, sapped by irresolution.

I was shocked to read in the news on January 20th that the U.S. Navy had supinely acquiesced in aiding the Arab boycott of Israel by giving official sanction to that boycott in Government contracts.

Beginning in 1958, the Military Sea Transport Service notified shipowners who wanted to transport oil for the Navy that they would be liable for any expenses incurred if their ships could not perform the contract in Arab ports because of previous trade with Israel. The Navy explained that it was saving the shipowners money by warning them of the hazard. But the effect of this was to tell shipowners that if they wanted to do business with the Navy, they should prudently refrain from trade with Israel. This means that the United States was formally recognizing the Arab blacklist and permitting foreign countries to discriminate against U.S. shippers and seamen. Our Navy has fought on seven seas to defend a cardinal principle—freedom of the seas. That doctrine has been a basic tenet in our foreign policy. It was written into the 14 points. It was reaffirmed in the Atlantic Charter. American ships have a right to expect that their Government will defend their right to travel on the high seas, and to trade in the ports of nations which call themselves our friends, especially when we come as customers to buy the products of those nations for our own Government.

Now, this disclosure of the Navy's policy came as a surprise to officials in the Department of State and it evoked protests from many members of this body as well as from the press, from labor unions, and other organizations. And, I am glad to learn that the Navy will remove the offensive clause from its invitation to bid. But I am not satisfied that the basic problem has been solved or that the policy has been altered, in substance.

For, I would like to quote from the statement attributed to Vice Adm. Roy A. Gano, MSTS commander, in the Washington Post of February 20:

> Gano said yesterday that MSTS policy would not be changed, however. "The agency will accept bids from all shippers," he said.

"But if a vessel is prevented from loading or unloading, MSTS will cancel its charter and will attempt to make it pay any extra expense."

"A businessman whose ship has traded with Israel would be very foolish to bid on MSTS oil cargoes," he said.

So the words have been removed, but the policy remains.

I wish the admiral had put it differently. I wish he had said: "A nation which sells the United States oil would be very foolish to refuse facilities to any U.S. ship."

There is enough oil in the world today to enable our Navy and our Government to liberate themselves from this abject and abysmal involvement in the Arab war against Israel.

The Navy lowered the American flag when it surrendered to the Arab boycott. It raised it just a little when it revised its invitation to bidders. But it is still a long way from its proud place at the top of the mast.

Mr. Speaker, this incident is a symptom of a chronic disease, a paralysis of the will, which has enfeebled this administration in times that cry for decision. This administration has drifted from inertia to inaction, from the inability to think imaginatively, to the incapacity to meet its obligation. It has passively allowed itself to become entangled in international blackmail. Long ago, it ceased to anticipate developments; it lost the initiative; it seemed able only to react to the moves of others. And now, in the Near East, it seems incapable even of reaction.

Mr. Speaker, the story of the Suez Canal dispute is a major case in point. The Constantinople Convention of 1888 guaranteed freedom of shipping through the Suez Canal to all nations in peace or war. This international statute spelled out that the 110-mile waterway shall always be free and open in time of war as in time of peace to every vessel of commerce or of war, without distinction of flag. The canal shall never be subjected to the exercise of the right of blockade.

In hostile disregard for international commitments, Egypt's President Nasser placed an embargo on all Israeli shipping through the canal. Although members of the United Nations are pledged to refrain from war, he insists that Egypt is still at war with Israel, and that he is, therefore, justified. However, the United Nations has consistently disagreed with Mr. Nasser's interpretation of international law and on September 1, 1951, the U.N. Security Council ordered Egypt to terminate its restrictive measures. But, President Nasser, knowing that a Soviet veto immunizes him from sanctions or any other mode of international enforcement, continues to defy the United Nations Security Council decision.

In 1956, Nasser nationalized the waterway imperiling world shipping. And the Suez Canal crisis exploded to the dismay of a West that was unprepared and divided.

It is unnecessary for me to recount here the unpleasant recollection of Allied disunity and vacillation, which led, inevitably, to a deterioration of Free World prestige and strength in the Near East. I am concerned here with the specific issue of freedom of navigation in international waterways.

In the United Nations debate which followed the Suez action, Egypt agreed to abide by six principles which, inter alia, provided for "free and open transit through the canal without discrimination, overt or covert" and that "the operation of the canal should be insulated from the politics of any country."

Apparently satisfied with Nasser's sweet reasonableness, President Eisenhower went on television on February 20, 1957, to urge Israel to withdraw from the Sinai Peninsula and Gaza. He assured the American people that "if Egypt violates the armistice agreement or other international obligations, then this should be dealt with firmly by the society of nations."

But Mr. Nasser's pledged word and President Eisenhower's assurances have passed into oblivion.

In fairness, let me state that our country kept its promise. We firmly upheld freedom of shipping through the Straits of Tiran, enabling Israeli ships to trade with nations on the coast of Africa and in the Orient.

For nearly 2 years, ships carrying cargo to and from Israel were allowed to pass through the Suez Canal, although Nasser still refused to permit the passage of Israeli flagships. There seemed to be an uneasy gentlemen's agreement to preserve the status quo.

But in the last 12 months a disturbing change has taken place. No one can say exactly why. But a year ago, shortly after our Government resumed aid to Nasser, the Egyptian dictator suddenly stopped ships carrying cargoes from Israel to the Far East. These were not Israeli ships. They were Liberian, West German, and Danish. Nasser impounded their cargoes.

On May 21, 1959, Nasser stopped the *Inge Toft*, a Danish freighter, carrying cargo worth more than $100,000 from Israel to the Orient. The other vessels had been permitted to proceed once they had yielded their cargo. The *Inge Toft*, however, was detained because its captain refused to yield to piracy. And just recently, after 9 months of detention in Port Said Harbor, the owners of the *Inge Toft* decided to abandon their efforts to obtain free passage through the canal. They allowed President Nasser to confiscate the cargo and then sailed her back to Israel for necessary repairs. Adding insult to injury, Nasser made the owners pay the cost of unloading, just to prove that the cargo's surrender was accomplished without coercion and by their own free will.

The detention of the *Inge Toft* stirred justifiable resentment on Capitol Hill and throughout the country. Last summer, 25 Senators wired the President, reminding him of his 1957 promise. The administration reassured Members of this body and the country at large that our position with respect to freedom of navigation in the canal was "clear and unequivocal." Meanwhile, the World Bank, in which we hold a 27 percent share, went ahead with plans for a $56 million loan to widen and deepen the Suez Canal in the belief that Western aid would moderate a dictator's appetite, and enable him to subsist without the temptations of a Soviet diet.

Fourteen of the 30 members of the House Committee on Banking and Currency appealed to the Bank to withhold the Suez loan until the canal was "recognized as an international artery without limitation or restriction."

Cairo answered them:

Israeli ships shall never pass through the Suez Canal except over our dead bodies.

A statement which Mr. Nasser has recently reiterated, once more asserting his contempt for international commitments.

Meantime, the administration adopted a "let Dag do it" attitude relying upon the United Nations to call Nasser to account, a task which we apparently found distasteful. Nasser had suddenly endeared himself to some of our policymakers by his campaign against domestic communism in Egypt and Syria. We seemed to think that we could win the friendship of an Arab leader by humoring him with gifts and closing our eyes to his transgressions. The net result, Mr. Speaker, was that without our support, Mr. Hammarskjold could accomplish nothing.

The Secretary General of the United Nations made the fruitless rounds in Cairo, believing that he had reached an agreement whereby Nasser would allow the transit of cargoes, providing that neither the ship nor the cargo belonged to Israel at the time of transit. But, the Greek ship, *Astypalea*, was halted while testing the terms of the alleged Hammarskjold-Nasser arrangement. The prestige of the United Nations was at stake. And Nasser did not hesitate to humiliate an international official who had given him immense assistance at the time of the Suez crisis.

On the eve of the World Bank loan, 67 of us in the House joined in urging the Bank and our Department of State to postpone the loan until Nasser complied with United Nations decisions. But the Bank granted the loan, with the concurrence of the United States.

This administration drew a line between political and economic considerations. As for moral considerations, they apparently were ignored entirely. The administration kept insisting that this was solely an economic issue, refusing to recognize that Nasser would interpret this as a political vindication and a warrant for even more outrageous belligerance against Israel. The recent incidents on the Syrian border are a repercussion of Nasser's success.

The administration made no secret of its reasons for granting the loan. Conceding that Nasser was wrong in blocking the Suez, the administration feared that if the World Bank did not lend the money to improve the canal, the Russians would.

But I, for one, cannot accept this argument. First, I believe that the pressure for improving the canal came from large oil companies which saw improvements as a way to cut tanker costs. I do not see why the Russians would

want to finance a project which would be helpful to Western oil companies.

Second. Immediately after the World Bank provided the money for the Suez Canal, Nasser did not hesitate to accept Soviet funds for the second stage of the Aswan Dam, a project which tightens the Russian grip on Nasser's economy for a decade.

Third. If the Russians want to pour money into Egypt, they would have less to deploy elsewhere. Their resources are not unlimited. We should not go into partnership with them in countries where they have made large investments.

Fourth. We cannot allow the Russians to determine where and how we are to allocate our aid funds. That puts the formulation of our foreign policy into their hands.

Fifth. When the World Bank, a United Nations specialized agency, lends money to improve a canal which is used illegally as a weapon of war, in defiance of United Nations resolutions, the West is, in effect, condoning and accepting violations of U.N. decisions and downgrading the United Nations as an instrument to uphold international law and to preserve the peace.

But the Department of State continues to express the hope that the Secretary-General will "bring about a resolution of the transit problem." Brave words from a nation which once told a Barbary pirate—"millions for defense but not one cent for tribute"—from a nation which has fought against the impressment of its seamen by foreign countries, from a nation which wrote freedom of the seas into the international codes which govern our time.

But now we read that Mr. Hammarskjold has thrown up his hands. The theory that Nasser would become more cooperative if we helped him has failed. The Secretary General now implies that he can do no more. It is up to the U.N. General Assembly or the U.N. Security Council. This means, Mr. Speaker, that the burden is on us. We must now make it clear that we have a responsibility to tell President Nasser precisely what we think.

Let us understand that our quarrel is not with the World Bank. Our quarrel is with a policy which pays subsidies to neutralism, and which, in the process, has become infected by the same neutralism.

The World Bank can say to us, "Why quarrel with the Bank? You, the Congress, vote large sums of money to the U.A.R., in spite of the anti-Israel blockade." That question brings the problem home to this Chamber. Should we not insist that nations which receive aid from us desist from blockade practices against other friendly Nations? How can we justify large-scale assistance to countries which openly proclaim that they are in a state of war with Israel?

I know that we shall be told that we must not put strings on our aid. But, judging from the attitude of the Navy, it appears that we are allowing Nations which are beneficiaries of our aid program to put strings on us.

The time has come, Mr. Speaker, to reaffirm our traditional support for freedom of the seas and to uphold it in our policies. The time has come to call the roll in the Near East. Who is for peace and who is for war? We cannot be neutral.

Who laid down the rule that we must abdicate from our moral strength to curry favor? When was the decision reached that our country must no longer determine policies on the basis of our highest national interest and that of the international community? Since when is American foreign policy predicated on whether or not people like us? Merely to be liked is unimportant. We must be respected as well. We must demonstrate once again to those who look to us for leadership that we are worthy.

The great moral truths which have brought us the respect and the admiration of the world still speak eloquently from the pages of our history books. But they do not belong just in books, nor is lipservice to freedom a substitute for policy. If we are to be leaders, then we must lead and we must lead from the conviction that our traditions of liberty and justice for all men are as valid today as they were in the 18th century, that our traditions cannot be tampered with and cannot be brushed aside—placed on a dusty shelf and resurrected at our convenience.

The U.S. Navy's unwitting and unintentional complicity in a foreign country's economic aggression against a neighbor exposes the poverty of our policy. The United States, the strongest and most influential member of the U.N. and the free world, left it "to Dag" on an issue which should have summoned every diplomatic resource at our command. I have no doubt that we stood behind the Secretary General in his effort. But how active and how forceful were we?

We cannot condone boycott and blockade by any nation against another. We cannot allow a double standard in foreign policy to jeopardize the freedom and security of any nation. If we are the tribunal of democracy in the world today, let us not evade our responsibilities.

We must be firm and equal to the task. We must now work to undo a wrong that has been committed with aggressive intent and that we have too long condoned. Let our purpose to oppose aggression, no matter what form it may take, be fully proved by our action.

Mr. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. HOLTZMAN. I commend the gentleman from California on the very fine statement he is making. I should like to call to his attention and the attention of the House that if we had exercised one-tenth of the determination in keeping the Suez Canal open that we did in getting Israel to withdraw in the Sinai campaign, I am confident Mr. Nasser would not be as cocky as he is.

Mr. ROOSEVELT. I thank my friend, and I most certainly agree with him.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. CELLER. I, too, commend the gentleman from California for his very courageous and very illuminating statement. The policy of the administration vis-a-vis the Suez Canal and Israel and the Arab boycott against Israel is spineless and immoral. Here is a great nation buckling to an economic boycott of Arab nations comprising over 40 million people against little Israel comprising about 2 million people. Israel is the only democratic nation in the Middle East. It is our only bastion of defense in that area.

Let me give you some other examples of the administration's weak-kneed, myopic policy in this connection:

First. The State Department has entered into a gentleman's agreement with Pakistan, for example, not to assign any members of the Jewish faith to American diplomatic or other posts in that country. Similiar understandings have been entered into with Arab League countries, and they have been reached as well with Morocco and Afghanistan.

Second. The Defense Department has acceded to an official request by Saudi Arabia that no U.S. personnel be assigned to the American Airbase at Dhahran.

Third. The Agriculture Department has permitted discriminatory charter contracts, barring American flagships that have touched at Israeli ports from carrying free gifts, mind you, free gifts of American foods and other commodities to Arab countries.

Fourth. The Navy Department did include cancellation clauses in oil cargo contracts with U.S. shippers, which have served to enforce Arab League sanctions against American-flag ships which have traded with Israel. As the result of widespread protests by Members of the House of Representatives and the Senate and from other sources this so-called Haifa clause has now been eliminated from Navy contracts.

Fifty-six million and five hundred thousand dollars was loaned by the World Bank to the United Arab Republic, the money to be used to widen the Suez Canal, entrance to which has been denied Israeli cargoes and Israeli ships. Our representative in the World Bank voted for that loan in the face of the fact that the United Nations has condemned Egypt for its closing the Suez Canal to Israeli ships and Israeli shipping. So you have this very anomalous situation. An international organization, the United Nations, in which we have a major participation, says that the Egyptian Government, and Mr. Nasser in particular, are woefully at fault, and are condemned for closing the canal in that way. Then we have on the other hand an instrumentality of that international organization, the World Bank, running counter, as it were, to the United Nations interdiction of Egypt by loaning Egypt $56,500,000. We cannot reconcile those two actions.

As you know, the United States at the insistence of our President and the Department of State induced the United Nations to pass a resolution condemning Israel and France and England for their

action in Suez. Then our President made a pledge that if those troops were withdrawn, as far as Israel was concerned, he would see to it that by united effort, meaning the United Nations, the canal would be opened to Israeli ships and Israeli shipping. Now whenever a request is made regarding that pledge, either to the President at a press conference or to Mr. Herter, our Secretary of State, at one of his press conferences, the answer that is always given is—"We are waiting for the United Nations to act."

The United Nations will never act unless the United States takes the initiative in the United Nations.

Mr. HOLTZMAN. Mr. Speaker, will the gentleman yield at this point?

Mr. CELLER. I yield.

Mr. HOLTZMAN. This approach of "leave it to Dag" can never substitute for a real program and a real plan and a real policy; can it?

Mr. CELLER. I thoroughly agree with the gentleman.

Now, Mr. Speaker, to add insult to injury, I only read the other day that our Government has loaned to Egypt $10 million with which to build a TV station at Cairo over which Mr. Nasser will have the opportunity, the wonderful opportunity, to continue his beratings of the United States and his lashing out against Israel. Beyond that, I am informed that our Government is now sending experts to Egypt to enable Egypt to build a jet airport outside of Cairo and that we are giving Egypt the know-how and the expert help under the point 4 program in that regard.

It is difficult to understand the actions of our Government and the actions of our administration that supinely—and I say "supinely" deliberately—yield to the kind of pressure that we read of. Instead of resisting this pressure, this administration and our Government through this administration allows itself to be tied hand and foot by the pressure. See what happens when a nation refuses to give in to these improper demands. When the Republic of West Germany was asked by the heads of the Arab League not to make restitution to Israel and not to offer Israel any money because of the actions of Hitler, the German authorities refused to yield to the Arab boycott. The Arabs said in their attempt to boycott Germany, "We will not use your goods. We will likewise boycott you."

Adenauer to his credit refused to yield. He made restitution and is making restitution to Israel because of the 6 million Jews who were murdered by the sadist Hitler. Nonetheless, the trade with Germany and the Arab countries has not been diminished, but it has trebled. In other words, when you stand up to them and show that you have backbone, you can accomplish something. But, when you yield and show less backbone than can be found in a chocolate eclair—and that is what the administration is guilty of—having a backbone that is as weak as a chocolate eclair—then you have this situation. The minute you try to appease, they demand more. There is an old saying: "Appease a rascal as you will, he was and is a rascal still."

I thank you gentleman.

Mr. ROOSEVELT. I want to tell the chairman of the committee that his long record of fighting for what is right certainly was illustrated by the eloquence with which he spoke today.

Mr. TOLL. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Pennsylvania.

Mr. TOLL. I want to join with my two colleagues on the Judiciary Committee in commending the gentleman from California [Mr. ROOSEVELT] on the very fine and excellent statement concerning the Middle East situation, which he has made, particularly with respect to the recent change in the Department of the Navy in connection with the shipments of oil.

Mr. ROOSEVELT. I thank the gentleman very much for his statement.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from New York.

Mr. FARBSTEIN. There is only one suggestion I have in connection with the violation by Egypt of the traditional American right of freedom of the seas and international waterways and that is to offer an amendment to the mutual security bill to the effect that the President shall have the right to withhold aid from any country that is the recipient of our aid that violates the traditional right of freedom of the seas and the right to use of international waterways. That perhaps may prove salutary.

There is one other thing I should like to call the attention of the gentleman to, aside from the question of the freedom of the seas and the action of Egypt, and that is the act of Pakistan recently. It has come to my attention that during the time President Eisenhower was in Pakistan in December, American diplomats were approached by members of the Pakistan Government with the request that Jews be excluded from Pakistan. In keeping with that suggestion I understand inquiries were made by ICA of the religion of individuals considered for assignment to Pakistan as vocation "qualification." When I learned of that fact I inquired of the Secretary of State whether there was any truth to the foregoing. I have not yet received an answer from the Secretary of State. I similarly inquired as to the policy this Government is going to pursue with reference to inquiries of religion by nine other Moslem nations in the Middle East. I have not received a reply to that inquiry. However, I questioned Mr. Riddleberger, who is the new head of the ICA, and he made the unequivocal statement to the effect he would not recognize any prejudice so far as choice of personnel is concerned and I am sure he will follow up that policy. I thought, however, I should bring that fact to the attention of the gentleman.

Mr. ROOSEVELT. I thank my good friend and I hope he will offer the amendment to which he has alluded. If he does I will be most happy to support it.

Mr. FARBSTEIN. I thank the gentleman.

Mr. BONNER. If the gentleman will yield, as a result of the decision of the Supreme Court in 1958 which cast grave doubts on the legality of the use by steamship conferences of the contract-noncontract system, the so-called dual rates, the Congress enacted a bill which became Public Law 85–626, the effect of which was to preserve the status quo with respect to those conferences utilizing dual rates until the appropriate Committees of the Congress had opportunity to study the situation, which was expected to be before June 30, 1960.

The Merchant Marine and Fisheries Committee immediately undertook a broad investigation of the operation of the system, particularly as it affected shippers, while the Judiciary Committee engaged in a study of the effectiveness and desirability of the exemption from the antitrust laws which makes the system possible. I can say without fear of successful contradiction that both committees have found shortcomings in the present operation.

The Judiciary Committee has not as yet completed its hearings, and the Merchant Marine Committee is presently attempting to ascertain justification for the seemingly wide discrepancies in rates for similar products between various ports. Both the Department of Justice and the Federal Maritime Board are considering matters brought to their attention by the committee investigations.

In view of the fact that neither committee has completed its studies, it would be most inappropriate to attempt to formulate permanent legislation in this field. Accordingly, I am introducing today a bill to extend the status for another year, until June 30, 1961.

In the meantime, it is my hope that the steamship industry and the Maritime Board will both study the findings of the House committees and take prompt steps to put their respective houses in order.

Mr. CELLER. I want to commend the gentleman for his statement. I am in thorough accord with the bill he has offered, and I am grateful to him for the most earnest cooperation we have received from him and his committee.

Mr. BONNER. I would like for the record to show that the chairman of the Judiciary Committee is greatly interested in the merchant marine and by his investigation and studies he has assured me that he does not desire to hurt the operation but to clear up the operation and make it healthful.

THE IMMORALITY OF THE NEW YORK POLICE DEPARTMENT HEADQUARTERS

The SPEAKER pro tempore (Mr. BASS of Tennessee). Under previous order of the House, the gentleman from New York [Mr. POWELL] is recognized for 30 minutes.

Mr. POWELL. Mr. Speaker, for the past 9 weeks I have been bringing before this body the shocking situation of immorality in our Police Department of New York City and the boldness of the

Maffia, the syndicate and the combine in flaunting the law by operating gambling and narcotics with the condonement of some members of the Police Department.

On last Thursday I introduced what I thought was the new "bagman" in the policy racket, the bagman for the Police Department of New York, Police Sgt. Stephen DeRosa. As the RECORD indicates, I produced this information on the basis of a carbon copy of a complaint made to the New York State Crime Commission.

It may be of interest to the House and I am sure to the CONGRESSIONAL RECORD that Sgt. Stephen DeRosa resigned suddenly from the police department that night, that he refused to take with him his terminal leave of $700 because if he had done so he would have had to stay under the jurisdiction of the police department, and when brought before the grand jury after appearing for 10 minutes, he pleaded exhaustion.

The New York Post immediately began this last Monday a series of articles on the policy racket in New York, in which they charged without benefit of immunity that millions have been paid out to the police department of New York to protect the numbers game.

Mr. Speaker, I ask unanimous consent that two of these articles may be printed at this point.

Mr. HOFFMAN of Michigan. Reserving the right to object, Mr. Speaker, what is the purport of it? Is it exposing corruption in the New York Police Department?

Mr. POWELL. Yes, sir; detailed.

Mr. HOFFMAN of Michigan. I have no objection.

The SPEAKER pro tempore. Without objection, the request of the gentleman from New York is granted.

There was no objection.

[From the New York Post, Feb. 29, 1960]

INSIDE THE POLICY RACKET: MILLIONS IN PAYOFFS TO COPS—ARTICLE 1

(By Ted Poston with Alfred Hendricks, Irving Lieberman and Richard Montague)

This is the story of the pad.

It is the story of a multimillion-dollar collaboration between members of the police vice squad and powerful policy barons, many of them with Maffia connections, to control and perpetuate the numbers racket in the five boroughs.

It is the story of day-by-day, week-by-week, month-by-month graft which is so vast as to stagger the imagination of the men actually on the take.

Before we tell the story, let us make one point clear. Not all police officers in the various divisions of the police department are venal. Most of the men are honest enforcers of the law—even in areas where the policy racket flourishes. But this is not to minimize the effect on department morale where the minority fattens on graft in the open view of honest policemen—and the public.

Veteran police officials told the Post during this newspaper's investigation of the policy racket that there are men who have accumulated so much money from the pad that they can scarcely find ways to spend it without getting in trouble. There are others who are trying desperately to get out of the department before the bubble bursts, but their superiors won't let them.

And there are others, these officials say, who never rose above the rank of plainclothesman before they retired but now own prosperous businesses in the South and West—businesses set up with their own capital.

WHAT IS THE PAD?

The pad is the police-approved list of spots or locations where "official protection" is guaranteed in the 6-day-a-week operation of the numbers racket.

A spot might be a grocery store or a tailor shop, a luncheonette or a poolroom. It might be a bank of elevators in a Wall Street office building. It might be an elevator or a newsstand in the garment center.

It can be any agreed-upon place where a numbers player can openly place his daily wager without being molested by the cops. It might be even a specified hallway in a Harlem tenement.

A spot or location, however, is not to be confused with a policy bank. A bank may—and many of them do—have a score of spots in just one police precinct. But each spot must be approved by the police for the pad. And each spot on the pad must be paid for in cash.

And who shares in fixed fees collected for this legal operation of an illegal racket? The payoffs are not limited to vice squad plainclothesmen assigned to the suppression of vice and gambling but are distributed regularly to sergeants, lieutenants, captains, and, in many cases, to some of their superiors.

This is how the cash flows:

The cop on the beat—low man on the totem pole—collects from each spot on the pad in his area daily. There are three daily shifts; each cop on each shift makes his own collection.

The two men in the squad car whose patrol includes the pad collect their blanket payment weekly. This frees them from the task of daily collection.

The men on the take in the precincts, the divisions, the borough commands, and the special squads, on up to officials in police headquarters itself, receive their share of the payoffs from their own special pickup men once each month.

To operate on a full pad—that is, to buy protection from the bottom to the top—costs each spot, even if it's just a tenement hallway, about $2,500 a month. The tariff is scaled proportionately higher for those spots and locations where the daily play is greater.

ON THE WATERFRONT

And here is why veteran police officials call the graft take astronomical:

The Post investigation of just 90 approved spots in a single section of Harlem indicated that specified payments to the police involved exceeded $220,000 a month, or an annual take of more than $2,500,000.

"But you must remember," one official expert told the Post, "that, contrary to popular belief, the numbers play in Harlem comprises only a fraction of the daily play in all boroughs. You have to multiply the Harlem take many times to get anywhere near the real figure for the 'ice' paid out by policy.

"There are 80 precincts in New York City, and in my experience in all 5 boroughs, I have not found a single one in which a pad for policy isn't maintained in one form or another.

"Of course, Harlem is the happy hunting ground for the boys who get greedy. They can get their regular take from the operators of the pad and their shakedown from some of the small fry for an additional taste—something extra—without risking too much of a squawk."

The Post began digging into the numbers game in January after Representative ADAM CLAYTON POWELL charged that the police in Harlem were running Negro bankers out of business and turning the game over to whites—mainly Italians, although POWELL also spoke of Jewish policy racketeers in one speech from his Harlem pulpit.

The inquiry spread to all sections of the city as it became apparent that Harlem furnished only a fraction of the astounding sums bet daily on a sucker's game.

The Post team established that the gross numbers business written every day on the waterfront—in Manhattan, in Brooklyn, on Staten Island—exceeds Harlem's "action" on its best days. They also found that it was easier to "get down on the figure" in any section of the garment center at that moment than it was to get similar action on, say, Lenox Avenue. (The heat happened to be on uptown, of course, as a result of POWELL's blasts at the police from his pulpit and on the floor of Congress.)

In staid Wall Street, few people had to walk further than a designated elevator or a newsstand in his building or around the corner to make a daily bet. Such big numbers bets are placed in the financial district that the total play there appears to exceed the entire take in the Bedford-Stuyvesant section of Brooklyn.

The Bronx—once the stamping ground of the late Dutch Schultz—was found to be organized into a tightly closed duchy which probably would have made the Dutchman himself proud.

Most New Yorkers are vaguely familiar with the numbers game, certainly one of the simplest forms of mass gambling ever devised.

A PENNY-ANTE GAME?

The bettor takes a 1,000-to-1 chance that he can pick a set of 3 digits anywhere between 000 and 999 which will appear in an agreed-upon tabulation at a racetrack, clearinghouse, or elsewhere. If he wins, the most he can get is 600 to 1 (really 599 to 1, since the original wager is included in the payoff). Some banks pay as little as 300-to-1 in the case of certain numbers which the policy operators consider "hot" at a given time.

The general conception (or misconception) is that the numbers racket is a harmless little game dreamed up in Harlem and played only by poor people who hope to cash 600-to-1 bets on pennies and nickles filched from their relief allotments. The newspapers down through the years have fortified this conception by calling the game "poor man's policy," "the welfare client's Wall Street," "the dream of the destitute," or "the opiate of the paupers."

Nothing could be further from today's truth. And no one knows it better than those vice squad cops who profit by it.

For more than a quarter of a century, the police brass has been estimating that New Yorkers bet an average of $100 million a year on the numbers. That figure may have been valid back in 1935; the gross at that time did contain a lot of penny, nickel, and dime bets on the daily lottery.

But those days are gone forever.

THE NIGHT NUMBER

Today's numbers bets usually begin at a quarter. A flat $1 bet is no longer unusual. Regular $10 bets are accepted by some collectors, and the sky is the limit where the larger banks are concerned.

[Of course, a long-time addict can get down a nickel or dime bet, or even a series of bets for pennies, but most banks' regular operators scorn such wagers whenever possible.]

One authoritative source, who has watched the phenomenal growth of the game over the past quarter century, said frankly:

"Nobody can really know how much money is bet on the numbers yearly, not even the big operators or the police themselves.

"But it is my opinion that the annual take in the five boroughs here is closer to a quarter billion dollars than to the $100 million figure so commonly used."

He cited reasons for his conclusion.

"Back in 1935," he recalled, "there was only one official number for all boroughs. It was based then, as now, on the three figures derived from the total parimutuel bets on the third, fifth, and seventh races at a specified race track (Hialeah now).

"But in Brooklyn, for instance, the player can bet on two sets of numbers every day—the usual one based on the third, fifth, and seventh races, and a brandnew number based on the total parimutuel handled at the track that same day."

This Post informant cited another reason why he believed that the daily take from numbers had doubled or even tripled during recent years.

"In the old days," he said, "there was only the 'day number' available. I mean that the wagers were only paid off on races run during the daytime. Now there is also a 'night' number for a large part of the year.

"I think this is almost exclusively a New York development, but night numbers are taken daily for the full run of the trotting races at Yonkers and Roosevelt Raceways.

"Again, no one except the policy banks which book the night numbers can know how much is wagered, but the night numbers, for the months they run, probably take in almost as much as the day game took in in 1935."

SINGLE ACTION

There is also a variation of the numbers game which has added to the "racket's" gross. This innovation, first popular around 1940, is called single action and permits the player to make individual bets on each of the three separate digits composing that day's full figure.

Say, for instance, that the player has already made his bets for the day on the number 671. He then can make single action bets—the payoff is 8 to 1—that the first number that day will be 6 or the second number will be 7, or the third will be 1.

Single action is most popular in areas of Negro and Puerto Rican concentration and is often banked and operated by the runners and collectors in the employ of the big policy banks.

One former policy banker, forced out of business by the rising costs of the pad, operated recently on single action alone. He estimated that single action, controlled mainly by Negroes, grosses between $15 million and $25 million a year.

"The big white banks haven't moved in on single action," he said, "mainly because it's too complicated to handle and they're afraid they might get cheated. There's nothing too complicated about it for the cops, though. Nobody cheats them. You've got to get on the pad to stay in business. And if the bite gets so big it drives you out of business, that's just too bad for you."

[From the New York Post, Mar. 1, 1960]

INSIDE THE POLICY RACKET: "PAD" LISTS PAYOFF RATES—ARTICLE II

(By Ted Poston with Alfred Hendricks, Irving Lieberman, and Richard Montague)

"If you write $1,000 worth of numbers a day," a recently retired policy operator said bitterly, "then the first 12 days of the month you work for the cops.

"The cops are the only ones who are guaranteed to make their take (profit, that is) no matter what happens."

The operator was discussing the pad, the list of spots and locations in all five boroughs sanctioned by corrupt policemen, where the mobs behind the numbers racket are permitted to operate wide open 6 days a week in return for specified payoffs totaling millions upon millions of dollars a year.

Here, in detail for the first time, is what policy operators must pay crooked cops to operate just one "full open spot"—that is, an agreed-upon location where numbers bets may be handled without police molestation:

Three hundred dollars a month to a squad connected with high-echelon officialdom, with $25 of this going to the "bag man," who is usually a retired cop like ex-Sgt. Joseph Luberda.

Three hundred dollars a month to the group connected with the next highest official, again with $25 going to the "bag man."

Three hundred dollars a month to the ranking squad in the department hierarchy. This sum may often be picked up by a member of the squad, obviating the $25 cut for a "bag man."

Three hundred dollars a month to a group operating out of a top office, based on geographical location.

Three hundred and fifty dollars to $615 a month to a smaller geographic subdivision office.

The $350 figure is the basic sum for all such groups in the city, but the $615 figure was cited as the current pad in one group which covers several precincts.

Police operating from the smaller subdivision, which now has some 30-odd plainclothsmen, originally set their price at $350 monthly also. But the bite has gone up twice—first to $470 and then to $615 a month because of policy scandals and a wholesale transfer of members of the old squad in one of Police Commissioner Stephen Kennedy's periodic shakeups.

But back to the monthly payments for the operation of a "spot," which, not to be confused with a policy bank, may be merely a Brooklyn grocery store, a Staten Island tailor shop, a Wall Street newsstand, a garment center elevator, or even an agreed-upon hallway in a Harlem apartment.

To be on the pad for a "full open spot," the operators must also pay, on top of what is listed above:

Two hundred and fifty dollars a month to be divided among detectives in the precinct where the spot is located.

Ten dollars a month for each of the precinct lieutenants involved.

One hundred dollars a month to be split among the racket precinct sergeants.

If a precinct captain must be paid, the sum varies, but it is usually about $75 per month per spot. And from this sum, the captain must take care of his own "bag man" and a precinct warrant officer.

But this doesn't end the payments. For each spot—and some banks have as many as 20 spots or more in a single precinct—the cops also collect $35 a week to be split between the two patrolmen assigned to the squad cars on the beat. These men pick up their own take at a specified place in person weekly.

The final "official" payment for the pad goes to the cop on the beat.

It is $2 a day, accepted personally, and paid to each of the beat cops on the three shifts from Monday through Saturday. Thus, a cop with only a half dozen spots on his beat is assured of at least $12 each day in "legal payments."

One policy operator, who discussed the pad, was asked why the cop on the beat had to be paid.

"He knows you are on the pad," the reporter said, "and he knows his superiors may raise hell if he arrests you. So why pay?"

The policy man smiles at the question.

"Of course he knows he can't arrest me," he said, "and I know it too. But he doesn't have to. All he needs to do is just stand in front of my spot and nobody is going to come in and play any numbers as long as a uniformed cop is standing out front.

"So you just slip him his two bucks and send him on his way. After all, he's got to visit other spots on his beat for his taste also. You don't want to be a bad fellow by delaying this messenger on the swift completion of his appointed rounds."

It was not easy to flush out the exact details of the pad, although Post reporters learned about it shortly after Representative ADAM CLAYTON POWELL charged that Harlem police were turning the Negro bankers' business over to whites—mainly Italians.

The 10-week investigation started in Harlem but quickly extended to all five boroughs since even preliminary study showed that the numbers game, like the organized graft and corruption which it spawned, was not just a Harlem pastime but citywide.

The existence of the pad was well known throughout the multimillion-dollar industry. Even before Joseph Luberda, the retired cop, was picked up drunk with the pad for one section of Harlem, everyone in the industry knew that such lists existed.

"BIGGER THAN YOU THINK"

And Luberda, now serving a contempt term in prison for refusing to name the police squads and officials for whom he had been collecting, admitted that much when asked before the grand jury:

"In other words, police officers would go around to different places and visit these people who are operating these gambling places and collect money in return for their refraining from interfering with their operations?"

"Yes, sir," said Luberda, "could be."

But few known policy operators in Harlem or elsewhere were willing to go into details on the actual pad in the early days of the Post's investigation.

Even men who had spent their lives in the game only to be reduced from bankers to controllers and even down to runners because of increasing vice squad demands were reluctant to discuss the pad.

Similarly, honest members of the police department—and the vast majority on the force have little opportunity to get on the pad—would admit the existence of the organized graft and corruption involving the numbers racket, but would give no details.

One police official said frankly:

"If you knew the actual amount of money involved, you wouldn't believe it. And even if you believed it, the Post wouldn't dare print it. The thing is just that big."

One long-time former banker whose bank has been taken over by the East Side Harlem mob, which now dominates the citywide game, asked a reporter half jokingly:

"You want to be killed?"

Then, more soberly, he remarked: "Look, this thing is much bigger than you think. Anybody who talks about it too much is out of business for good. And I'm too old to learn anything else now."

As the Post team continued digging, however, it became obvious that the police, too, had learned of their inquiries.

Two men who had discussed the payoffs quite frankly with reporters suddenly decided to leave town—one on an extended Caribbean vacation. A former banker who now has a legitimate business was called in by a member of a vice squad inspector's staff and questioned about the passing presence of a Post reporter in his establishment.

THE "OFFICIAL" LIST

"If any of you fellows go around shooting off your mouth," he was told, "we are going to close down the whole operation."

The suspected men reportedly retorted: "And then what will you do? Starve to death?"

A few days after this incident, a source close to an influential police official called one Post reporter to inform him that his home telephone had been tapped.

"There's nothing you can do about it, but just be careful," he said. "It's not a legal tap and nobody in the department or the telephone company will admit that it exists, no matter how much hell the Post might raise about it. But the boys know what you

are doing and they want to know how much you know."

The Post reporters were able to obtain pads first from one source in one borough and then from two other sources in another and the payoff lists checked in all major details.

Once confronted with the actual schedule of police-set payments, several policy operators confirmed the figures. Then well-informed sources familiar with the department not only confirmed the "official" pad but filled in other details of the vice squad's lucrative participation in the rich numbers game.

A police-connected source, who had never denied the existence of the pad but had refused to discuss its operations until the Post obtained the "official" list of graft payments from other sources, explained how the money is distributed to members of the ring.

"Beginning in the precinct," he said "and extending on up the line through the special squads, the take is divided on the basis of shares. The plainclothesmen involved each get the basic share with two or more shares being given monthly to their superiors.

"Take the ——— division, for instance, where the monthly take is listed at $615 per spot. There are some 30 plainclothesmen there now and each gets a basic share of $15 per spot. The lieutenants' share comes to $25.

"Now take the ——— division, which covers three precincts, has 50 spots on its pad—and you and I both know that there are far more than 50 spots involved in that area. But take 50 spots as an example. That means that each of the plainclothesmen who are on the take there gets $750 each a month for these 50 spots alone and the lieutenants involved are in for $1,250 each."

The source, stressing the point that not all policemen share in the policy graft ring, added:

"I'm not saying that every man in the ——— division is in on the pad. But that makes little difference to the operators of the approved spots. The payoff must be made on the basis of the personnel assigned to the division, to the precinct and to the special squads above them. How it is split up in the squad is sometimes another matter."

Another source familiar with another borough furnished further light on the matter as he described "pay day" in one station house.

"I had gone there on a matter not connected in any way with vice or gambling. I had to see a plainclothesman who once had been assigned to my precinct and who had some information about a suspect in a burglary ring.

"We were sitting there in the squad room discussing my case when a fellow pushed open the door and yelled, 'Pay day!' And everybody stopped what they were doing as this fellow went around the room calling out each name and taking sealed envelopes from a box under his arm.

WHEN THE HEAT IS ON

"The plainclothesman with whom I was talking broke off our conversation and took his envelope. He split it open right in front of me and started counting the crisp sheaf of $10 and $20 bills. I stopped counting when he passed $180. But he finally finished his count and resumed our conversation as if nothing had happened."

The source added:

"Of course this happened several years ago. I don't think they are quite as open about it now, especially when the heat is on. The fact is, the take has grown so large now that they are forced to take more precautions, for they all know that a real bad break can eventually blow them and the whole department sky high."

One retired banker—and most of them claim retirement in any discussion of the racket—reinforced the suggestion that the police are not always honest with the pad.

"For several months when I was active," he recalled, "they had me down for 31 men in the division office. One of the plainclothesmen involved was a good friend of mine. He finally felt that they were cheating him on his share, so he came and told me the truth.

"There were really only 26 men on my pad for that division, and either the boss or the bag man had been taking me every month for an extra $75 a spot, and I had several going then.

"I tried to see the brass about it but that was no dice. The big guys always avoid any kind of contact which would tip their hands. But the next time the bag man came around, I squawked to him. He denied that he was ringing in five extra shares a spot on my pad but the next month he only picked up for 26 men."

Other policy operators pointed out that only the real big banks can afford the "full open spot" payments for their various spots because of the amount of police graft involved. One Harlem banker, also claiming retirement, complained:

"I don't think that there has been a Negro banker—what few there are of us left—on a full pad for the last few years.

"Most of us are down from the beat cop on through the precinct, and in some cases, most cases I would say, for the division also.

"I'm told you can still make a living at this—if you don't get too big, although you are still liable to raids by all of the guys on the special squads above the division level if they are not getting their taste.

"THE REAL DANGER

"There was a time when you could make a personal pad with individual members of these squads, but the big boys cut that out. Now all contracts must be made with the squad itself in behalf of all those involved and any plainclothesman making a personal deal will find himself busted to uniform in a minute.

"But the real danger in being on only a partial pad is that you can't afford to expand too much. If the local cops find you've got a real good business, they'll try to force you to give the business to one of the East Side mob."

This former banker, a Negro, was reminded of POWELL'S charge that the cops were hounding Negro bankers while protecting the Italian big shots.

"There's some truth in what he says," the source observed, "but I don't think it's just racial. You see, these cops know that the East Side mob can afford a full open pad for each of their spots. And in many cases the banks will collect the payoff in a lump sum and give it in bulk to the payoff men.

"No, I don't think it's all racial. From the cop's point of view, it's just more efficient business."

Mr. POWELL. Mr. Speaker, I would like to congratulate the New York Post because for 9 weeks I have been trying to get some responsible institution in New York to take up the cudgel and go into this. Here the Post has done it under the leadership of a crack team of reporters—Ted Poston, Alfred Hendricks, Irving Lieberman, and Richard Montague.

Here they state without benefit of immunity:

This is the story of a multimillion-dollar collaboration between the members of the police vice squad and the powerful barons, many of them with Maffia connections, to control and perpetuate the numbers racket in the five boroughs. This is the story of the day-to-day, week-to-week and month-to-month graft which is so vast as to stagger the imagination—men who are actually on the take.

Before we tell the story, let us make one point clear. Not all the police officers in the various divisions of the police department are venal. Most of the men are honest enforcers of the law even in areas where the policy racket flourishes. But this is not to minimize the effect on department morale where the minority fatten on graft in the open view of honest policemen and the public. Veteran police officials told the Post during this newspaper's investigation of the policy racket, that there are men who have accumulated so much money from the numbers and from graft that they can scarcely find ways to spend it without getting into trouble. And there are others who are trying desperately to get out of the police department before the bubble bursts, but their superiors will not let them. And there are others, these officials say, who never rose above the rank of plainclothesmen before they retired and now own prosperous businesses in other areas of this country set up with their own capital.

Now, Mr. Speaker, I shall not discuss this matter further while the Post series is appearing.

I would now like to bring up another matter. In recent days a leader of the AFL–CIO made some charge regarding my fitness to be chairman of the Committee on Education and Labor if that occasion ever arises. I have never opened my mouth in reply and do not intend to do so, but I would like to just put in the RECORD these editorials, telegrams, newspaper articles, letters, and labor leaders' statements in support of me.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. POWELL. Mr. Speaker, I would like to put in the RECORD this editorial from the Philadelphia Tribune.

I would like to put in this telegram from the District 65 of the AFL–CIO. The secretary-treasurer signed it.

I would like to put in a telegram from the president of the Drug and Hospital Employees Union, AFL–CIO.

I would like to put in the RECORD the telegram from the Constitutional Civic League.

I would like to put in this telegram from the United Automobile Workers.

I would like to put in this telegram from the editor and publisher of the New York Amsterdam News.

I would like to put in this resolution from the United Brotherhood of Carpenters and Joiners of America, AFL–CIO.

I would like to put in this letter from the Philadelphia Post Office Clerks Union.

I would like to put in this letter from the student health director of the Department of Health, Education, and Welfare.

I would like to put in this letter from the International Union of Mine, Mill, and Smelter Workers, AFL–CIO.

I would like to put in this letter from the worshipful master of the Masons (P. H. A.) of the city of New York.

I would like to put in this letter from the executive director of the Cooperative Education-Extension Service.

I would like to put in this editorial from the Pittsburgh Courier. In this editorial there are quotations in support of me from the president of the Steel Workers, the attorney for the Steel Workers, the president of the International Union of Electrical Workers, and Mr. Boyd Wilson, international representative of the United Steelworkers of America.

I would like to include in the RECORD the following editorials: From the Chicago Defender, from the Michigan Chronicle, from the Baltimore Afro-American, from the United Mine Workers Journal.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HOFFMAN of Michigan. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if he would permit me to proceed for a minute or two to inquire as to the purpose, and whether or not there should be some objection. It depends on the purpose of the editorials.

Mr. POWELL. All of these editorials and these statements from leaders of the labor movement are editorials and statements in support of me, and disagreement with Mr. George Meany, president of the AFL–CIO.

Mr. HOFFMAN of Michigan. Under my reservation of objection, I would like to make this statement: Regardless of the opinion expressed in these various articles, my question is this: Just what right have the writers of these articles to express opinions about the qualifications of Representatives who come here as representatives of a particular district? What business is it of theirs when they are not in that district? What right have they to dictate to the people of a district?

I recall very well the day when this House expelled a Congressman from Wisconsin. The people from Wisconsin sent him back. He was their Representative. There was nothing the House could do about it. In your opinion, people may talk but in reality it is up to the district to say who shall represent them; is it not?

Mr. POWELL. Absolutely correct.

Mr. HOFFMAN of Michigan. We might well look back to our own districts to justify our service here instead of trying to tell what some other Congressman should say or do.

Mr. POWELL. That is correct.

Mr. HOFFMAN of Michigan. Why should the House object to the gentleman representing his district if the people thereof choose him? Have not Members years ago sat here after conviction—after a Member being in prison—with that in mind it would appear that notwithstanding all the talk, all the criticism, it is solely a question of color, or race—why talk about one thing while thinking of another? Why yell day after day about attendance at sessions when we know all the time race is the real reason for the protest? I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The matters referred to are as follows:

[From the Philadelphia Tribune]

Tremendous pressure is being used to prevent North Carolina's Representative GRAHAM A. BARDEN from retiring as a Member of the House and chairman of its Education and Labor Committee.

There is great consternation among the people because if BARDEN steps down, ADAM CLAYTON POWELL, of New York, is almost certain to move up as chairman of that powerful committee.

Why this terrifying concern?

ADAM POWELL is a Negro.

He will ascend to the chairmanship of the committee under the same seniority rules that made BARDEN chairman.

Length of service, not ability, is the standard of measurement for chairmanships in the highest legislative body in the world.

The New York Times, which has the reputation of being the greatest newspaper in the world pontificates: "Now the impending retirement of Representative BARDEN, of North Carolina, from the House and from chairmanship of the Education Committee, opens the way for the almost certain accession to this powerful post of the Congressman who, to southern Democrats, is public enemy No. 1. But to compound the irony in an ironic situation, it is not only the southern Democratic bloc that would like to prevent the chairmanship from going to Mr. POWELL."

"Many liberals," says the Times, "who share Mr. POWELL's views on integration nevertheless believe that the combination of his notably racist attitudes, his miserable record as a legislator, and his extreme absenteeism all tend to disqualify him."

The editorial concludes: "Mr. POWELL is not the kind of legislator who ought to be chairman of a committee of the Congress; but he will be unless and until the dangerously anachronistic seniority system is modified enough to permit some choice in the selection of committee chairmen."

While there is no intent here to defend the record of Mr. POWELL as a legislator, the fact remains that the voters of his district appear to be satisfied with his services, having elected him again and again and again. Further, none of the citizens in his district are denied the right to vote by trickery and force as is the case in the election of many honorable men who are chairmen of committees in both Houses of the Congress.

It is significant that in the 1958 election Mr. POWELL received 56,383 votes while Mr. BARDEN received only 22,426.

The Times shudders with cold shivers because of Mr. POWELL's "racist attitudes."

The Republicans are using the possibility of a Negro becoming chairman of a powerful committee in an effort to scare voters into electing a Republican Congress.

Great newspapers across the country and other media of communications have projected the idea that a Negro becoming chairman is a calamity worse than a destructive hurricane sweeping across the Nation.

Practically every one of the 15 standing committee chairmen in the House and 12 of the chairmen in the Senate are advocates of racism.

They appeal to the baser emotions of the electorate and preach the gospel of white supremacy to get elected.

It is difficult to understand why these men are considered better fitted to serve as chairmen than Mr. POWELL.

It is conceded that POWELL uses the race issue to get votes, but in doing so he denounces those who would deny equality of opportunity to his race.

It is hard to understand how the victims of racism can be expected to keep quiet while the culprits sit in the seats of the mighty and enjoy the affluence which flows from their preachments of racial discrimination.

NEW YORK, N.Y., *February 9, 1960.*

Congressman ADAM CLAYTON POWELL,
House of Representatives,
Washington, D.C.:

The following telegram was sent to President George Meany on behalf of myself and my union: "Your attack on Congressman POWELL as unfit for chairmanship of the Labor and Education Committee of the U.S. Congress and your labeling of him as a fomentor of race hate is shocking and unfortunate. This brings you in sharp conflict with the views of millions of Negro Americans and the majority of the members of the AFL–CIO. Such statements by you do a great disservice to the AFL–CIO and cannot be accepted as a fitting description for one so outstanding in his record on behalf of American democracy, labor and human dignity as ADAM CLAYTON POWELL."

CLEVELAND ROBINSON,
Secretary-Treasurer, District 65, RWDSU, AFL–CIO.

NEW YORK, N.Y., *February 9, 1960.*

Hon. ADAM CLAYTON POWELL,
House Office Building,
Washington, D.C.:

The executive council of the hospital division of local 1199 unanimously endorses you as chairman of the House Committee on Labor and Education. Your support of the struggle of the hospital workers for first citizenship has been unceasing and effective. Your elevation to this important post will strengthen the fight of all working people, for decency, and fair treatment.

LEON J. DAVIS,
President, Drug and Hospital Employees Union, Local 1199, AFL–CIO.

ROCKAWAY BEACH, N.Y.,
February 10, 1960.

Representative ADAM CLAYTON POWELL,
Congressman, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The Constitutional Civic League, Inc., and its members are behind all of your program 100 percent. We know that you are speaking for the interest of the Negroes and Puerto Ricans in the United States and its territories and for that matter all other races of people. George Meany, president of A.F. of L.-CIO, whom is he speaking for? Certainly none of us know. Anything that is worth while having is worth fighting for and if need be dying for. That is your program. God bless you; keep the good work up.

TONY C. THAMASS,
President,
Constitutional Civic League, Inc.

CHICAGO, ILL., *February 22, 1960.*

Congressman ADAM CLAYTON POWELL,
Congressional Office Building,
Washington, D.C.:

The following telegram was sent to President George Meany on behalf of myself and my union: The membership meeting February 21, 1960, of local 1301, UAW went on record and unanimously disapproved of your publicly disapproving of Congressman ADAM CLAYTON POWELL becoming chairman of a committee that is important to labor and working men and women. We know you are entitled to your own opinion but an opinion such as this tends to drive friends in Congress from the labor party at a time when labor needs so many friends.

JAMES MAJORS,
Legislative Director, Local 1301, UAW.

NEW YORK, N.Y., *February 9, 1960.*
Representative ADAM CLAYTON POWELL,
House of Representatives Office Building,
Washington, D.C.

SIR: The New York Amsterdam News will not sit idly by and see you attacked by Mr. George Meany, President of the AFL–CIO Union. Mr. Meany for years never lifted his voice once for civil rights. He sat by, said or did nothing while his union denied Negroes the opportunities to work. Front-page editorial will appear in this week's issue of the New York Amsterdam News telling our readers what Mr. Meany and you have done for and against the advancement of Negroes and the United States.

Very truly yours,

C. B. POWELL,
Editor, New York Amsterdam News.

LOCAL UNION NO. 3127,
UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, AFL–CIO,
New York, N.Y.

The officers of Local Union 3127, United Brotherhood of Carpenters and Joiners of America, AFL–CIO, having been made aware of certain derogatory comments concerning Representative ADAM CLAYTON POWELL, allegedly made by a representative of the trade union movement, do hereby publish the following resolutions:

"First. We emphatically do not subscribe to the sentiments of AFL–CIO President George Meany, and deplore the issuance and publication of this type of statement by a prominent trade unionist.

"Second. We wholeheartedly endorse Representative ADAM CLAYTON POWELL for the post of chairman of the Health, Education and Labor Committee of the House of Representatives.

"Third. We reiterate and reaffirm our sincere conviction in the honesty, integrity, intelligence, sincerity and ability of Representative ADAM CLAYTON POWELL, who, despite severe personal attack by both reactionary and uninformed elements, has steadfastly and unswervingly devoted himself to the cause of justice, the protection of minorities and the welfare of the entire trade union movement."

Unanimously approved this 11th day of February 1960.

M. CHAIT,
Secretary.

PHILADELPHIA POST OFFICE CLERKS UNION,
Philadelphia, Pa., February 19, 1960.
Hon. ADAM C. POWELL, Jr.,
House Office Building,
Washington, D.C.

DEAR MR. POWELL: The possibility that you may become chairman of the House Education and Labor Committee in the next Congress has touched off quite a furor across this Nation. North, South, East, and West the bigots are having a field day.

My view is that because you really represent the people who elected you that you are not an "Uncle Tom," that you owe allegiance to no party or organization, that you will not be pushed around by the southern demagogs, you have become very unpopular with some of your colleagues and some of the press.

From here, it appears you are fighting the battle for the dignity of man, alone.

Enclosed you will find a copy of a letter sent by me to Philadelphia newspapers, and some of the clippings from the papers. The Sunday Inquirer (liberal) has a circulation of far in excess of 1 million copies.

I shall plan to renew acquaintance with you during our legislative rally next month. With best wishes for a long, successful and profitable career, I remain,

Respectfully,

JAMES C. CAREY,
Legislative Representative.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FREEDMEN'S HOSPITAL,
Washington, D.C., February 18, 1960.
Hon. Congressman ADAM CLAYTON POWELL,
Old House Office Building,
Washington, D.C.

DEAR CONGRESSMAN POWELL: Because of the magnificent fight you have consistently and ceaselessly waged against injustices inflicted on Negroes throughout the United States, this letter of highest plaudit is being sent you.

Many of us marvel at your gallant tenacity and forthright candor through the years in specifically speaking out and up against demagogic bigots who attempt to deny Negro Americans their basic rights as citizens in a free society because of their race, color, and creed. Basic principles of democracy are too frequently abused, embarrassed, and ignored by certain die-hards who know better, but will not practice what they profess in terms of such principles. Many of them seek self-aggrandizement, at the expense of minority groups, basing their untenable actions on the quicksands of political expediency, little realizing the irreparable damage inflicted upon the Negro group, let alone the adverse reflection to the national character, plus the international implications.

We have followed your battles, particularly the recent New York City exposé and scandalous revelation evolving out of the numbers racket. The perpetrators or self-styled strongmen sanctioning this movement want to maintain the status quo stemming from their ignoble gains by waxing fat and cozy upon vulnerably insecure Negro populations in Harlem. Many of these Negroes are caught in the economic freeze and squeeze, hence become victims to and of an illusionary get-rich-quick, pot-luck scheme of unpredictable chance. Here's hoping that your insistent focus which pinpoint the evils of this debasing system will result in facilitated abolition of this vicious racket, together with its strongmen and cohorts.

We know that if you receive the chairmanship in the House Education Committee, you will bring the same factual, hard-hitting, objectivity and inspired leadership to the monumental tasks of the immediate present, as well as imminent future; and we shall all reap the benefits in greater fair play, increasingly significant opportunities, and progressive advancements, racially, as well as nationally, plus international overtones, in scope.

May God bless you a thousandfold to continue the dynamically vital fight for and toward the long overdue rights' objectives belonging to all Negroes as American citizens in this great country of ours.

Sincerely yours,

ISADORA DENIKE,
Student Health Director.

CHICAGO AMALGAMATED LOCAL 758,
INTERNATIONAL UNION OF MINE, MILL, AND SMELTER WORKERS,
Chicago, Ill., February 19, 1960.
Congressman ADAM CLAYTON POWELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: The question of the possibility of your heading the Labor and Education Committee of the House of Representatives has come to our attention.

The derogatory remarks of George Meany, president of the AFL–CIO, regarding same has also come to our attention.

Let me say on behalf of the officers and membership of my local union that George Meany does not speak for the labor movement on this question. We feel that your appointment as chairman of this important committee will be a blessing to the labor movement and the country as a whole. We are confident that the committee will be in good hands under your chairmanship.

Our hope is that there be more Dixiecrats retiring from such positions and very soon.

Sincerely yours,

JAMES PINTA,
Business Manager.

NEW YORK, N.Y., *February 12, 1960.*
Mr. GEORGE MEANY,
International President, AFL–CIO,
Washington, D.C.

DEAR SIR: Apropos of your recently unwarranted blast at Congressman ADAM CLAYTON POWELL, I wish at this time to raise my voice (along with thousands of others) in a most vigorous protest.

It seems, to me at least, that the mere mention of the decidedly obvious bias within the ranks of organized labor causes you to see "red." Just a short time ago when another of the advocates of truly democratic policies had the occasion to speak out against these conditions it set the stage for your first blast. Now when still another champion of the rights of the minorities calls attention to these same situations he is referred to, by you, as a "racist."

Is it possible, sir, that you still are an adherent of the policy of "stay in your place"? Or would you like to advocate the "papa knows best" philosophy? If either of the foregoing observations is correct, I should like to suggest to you that you are doing labor a great disservice.

In reality what you are doing is supplying grist for the enemy's mill. Did it ever occur to you that there is a lot of missionary work to be done within the ranks of organized labor, and that your infantile attitude toward the mention of these unfair practices is really doing a lot more harm than good?

Might I respectfully suggest to you that you do a little "soul searching," and upon doing so I think that you will be able to see the conditions in its true perspective and then you can bestir yourself in an honest effort to remedy this situation, then your sensibilities will not be so easily disturbed.

Finally, sir, I should like for you to know that little suggestion comes from one of the 16 million who just happen want to see truly democratic practices within our ranks.

Respectfully yours,

CHARLES A. DARGAN.

COOPERATIVE EDUCATION-EXTENSION SERVICE,
Philadelphia, Pa., February 9, 1960.
Mr. GEORGE MEANY,
President, AFL–CIO, Americana Hotel,
Bal Barbour, Fla.

DEAR MR. MEANY: In your recent attack on Congressman ADAM CLAYTON POWELL, JR., the daily paper quoted you as saying that "Representative ADAM CLAYTON POWELL, Democrat, New York, would make a 'terrible chairman' of the House Labor Committee."

Last September your attack was directed against another Negro leader, A. Philip Randolph; this year it is Representative POWELL. Many had hoped that the merger of the AFL with the CIO would contribute to purging the AFL and its leaders of race hatred and bigotry, with which the AFL has been identified since its inception. I am sure that many leaders of the CIO and millions of other citizens have learned with regret that this has not been the case.

As an agent for the AFL's concept of race and religious discrimination, you seem to work under the mistaken belief that the presidency of the unions grants you a license to carry out your secret mission to divide, exploit and regulate the lives and expressions of 20 million American Negroes. You are a fighter with an unearned advantage, a sniper in a lofty, safe position, courageous when you can hit your victims in a cowardly

manner in their hour of need, a man who cannot forget the cradle of bigotry in which he was rocked.

I predict that your behavior will not do you any good, nor serve the cause of organized labor.

Sincerely yours,

SAMUEL L. EVANS,
Executive Director.

[From the Pittsburgh Courier]

(By Harold L. Keith)

It is now evident that opposition to Congressman ADAM CLAYTON POWELL'S prospective appointment to the chairmanship of the House Labor and Education Committee has tucked in its tail and taken to cover for the time being.

When the storm broke into the open with AFL–CIO President George Meany's open criticism of Mr. POWELL, the Courier wired many of the Nation's top leaders in labor for an opinion.

Among those heard from during the past week were Presidents David J. McDonald of the AFL–CIO United Steelworkers, and James B. Carey of the AFL–CIO International Union of Electrical Workers. Also heard from were USW General Counsel Arthur Goldberg, and Boyd L. Wilson, international representative of the United Steelworkers of America.

Mr. Carey asserted: "I am happy to give you my own longstanding sentiments on Congressman POWELL rather than my comments on someone else's attitude. First, there can be no gainsaying POWELL's splendid record in Congress since 1945 on every important issue affecting labor, civil rights and democratic liberties, and liberal legislation generally.

"In these 15 years * * * in every instance with the conceivable exception of one * * * POWELL has not only voted correctly on major legislation, but has fought valiantly for it in Congress and before the American people.

"His absenteeism is to be deplored and has been by labor, but most certainly there is no compulsion on us to assume that such absenteeism will continue when POWELL becomes head of one of the most critically important committees in the entire U.S. Congress.

"In conclusion: the hard, cold facts of POWELL's career in Congress defines his record as eminently admirable, militantly democratic, perceptive and courageous. The record of his career as a liberal and as a leader of public opinion must be defined in exactly the same attributes. Most important of all, I hope that ADAM POWELL will respond brilliantly to both the responsibilities and the opportunities of his new chairmanship * * * serving first and foremost the American people impartially as a whole and always helpful of the national welfare and the country's future."

Mr. McDonald commented: "Mr. Meany's opinion was his own and presumably based solely on Mr. POWELL's record as a Congressman. The United Steelworkers of America's record on civil rights and anti-discrimination has always been perfectly plain. We are concerned only with a man's performance, and we believe firmly that racial or religious antecedents should be neither a shield or a barrier."

USW Attorney Goldberg said, "While I have not always agreed with everything Congressman POWELL has said or done, nevertheless, I regard him to be well qualified to be chairman of the House Committee on Education and Labor.

"Congressman POWELL is entitled to this post by virtue of his seniority, and there would be no reason whatsoever for not elevating him to the chairmanship upon Mr. BARDEN's retirement. In addition, the record shows that his votes on labor issues have been consistently liberal in point of view. I shall personally support his candidacy for the chairmanship."

Mr. Wilson declared: "On his record, Mr. POWELL has stood out as a shining knight in armor on behalf of the oppressed and the common man."

The United Mine Workers of America leaped to Mr. Powell's defense in its Journal, declaring that the New York Congressman "is well qualified in every way to become chairman" and citing his "fine voting record on matters of interest to working people."

The UAW publication then observed, "But for George Meany, the president of the AFL–CIO, to make a vitriolic attack on Mr. POWELL and charge that it is 'terrible' that he is in line for the chairmanship of the Labor Committee is, to put it mildly, sheer stupidity."

[From the Chicago Defender, Feb. 27, 1960]

OUR OPINION: REVOLT AGAINST UNION RACE BIAS

The American labor movement, which has never exhibited too much interest in the plight of the Negro worker, is now faced with an incipient revolt of incalculable consequences. AFL–CIO President George Meany's attack on Representative ADAM CLAYTON POWELL, Democrat of New York, touched off a racial issue that had been in ferment for some years.

Dissatisfaction among the federation's 1,500,000 Negro members is no longer limited to individual unions; it is widespread. Negro unionists are determined to do something about the racism that is so rampant in the federation. They see no honest, aggressive attempt by the white leadership to come to grips with this vexing issue.

There is yet much consciousness of class interests. Efforts of the more progressive elements in the craft unions to bring about a general admission of Negroes are still being met with opposition of a number of locals under the shield of local autonomy.

A. Philip Randolph, the learned head of the Brotherhood of Sleeping Car Porters, has been goaded almost to anger by President Meany's unrestrained display of racial bias. Randolph's reaction to the criticism leveled at Representative POWELL'S racism by the president of the federation was: "Whatever his faults, why pick on a Negro? If it is racism they are after, there are plenty of worse racists in Congress."

This, however, is only one phase of the disturbed relations within the federation. There are multiple complaints about segregation and discrimination. Negroes resent their exclusion from some unions and, hence, some jobs. They condemn the practice that restricts them to unskilled, low paying jobs.

Another handicap is that they are barred from apprenticeship programs that would lead to higher paying jobs. With the exception of Mr. Randolph, who is now 70, Negroes are systematically excluded from positions of policymaking leadership within the unions as well as in the federation.

There are yet unions whose constitutions limit membership to white men. However, the absence of such constitutional clauses does not mean that Negroes are admitted. Negro workers are kept out of some of the unions by tacit agreement. The Flint Glass Workers' Union, for instance, has a constitution which does not specify membership in the white race as a prerequisite to membership in the union, but it objects to Negroes universally on the ground that the pipe on which the glass is blown passes from mouth to mouth and "no one would use it after a Negro."

Some of these discriminations date as far back as 1865; and the federation has done little or nothing to remove them. Steps are being taken, under the leadership of Mr. Randolph, to fight this intolerable bias. Over 1,000 delegates will attend a founding convention in Detroit in May, to set up a Negro American Labor Council.

The movement is spreading like a prairie fire. Chapters have been set up in New York, Chicago, Detroit, Youngstown and Cleveland, Ohio, Gary, Ind., and St. Louis. Other chapters are in the process of organization in Philadelphia, Washington, and along the west coast. The AFL–CIO leadership frowns upon the prospect of a Negro labor council challenging the ethics and behavior of established union leaders. The argument generally advanced against the council is that there is no necessity for its existence.

But Mr. Randolph, who is sagacious and farsighted, disagrees. To him this is not only one remedy for the virus of prejudice, but the only safeguard against a serious, growing threat: Automation. This technological development finds its first victims among Negroes.

In the first place Negroes are largely employed in kinds of work that automation is most likely to eliminate. In the second, because Negroes are barred from apprentice training, those displaced by automation have no other jobs to go to.

"For us," Randolph observed, "this is a life-and-death struggle—a question of survival. Nothing can stop it." Under Randolph's leadership, no doubt, the Negro American Labor Council will help to write a new chapter in the history of the American labor movement—a chapter in which equity and true democratic practices shall be the outstanding features.

[From the Michigan Chronicle]

FACTS IN THE NEWS

(By Orpheus C. Kerr)

Whether or not Congressman ADAM CLAYTON POWELL is elevated to the chairmanship of the House Labor Subcommittee, has been the subject of much talk since Representative BARDEN, of North Carolina, quit the post.

Now in a nutshell, the Powell situation is complicated by factors which won't quite fit into a nutshell. In the first place the Congress has to give concern to the seniority rules which are in fact the protection of all of the Members of that body.

A simple fight based on the rules of seniority in the House could probably be resolved without too much fuss. There is no reason to believe that POWELL's race would even enter into the picture. Congressman WILLIAM DAWSON has served as chairman of a House subcommittee for many years. His appointment was virtually accomplished without comment.

If this be the case, what is the problem with ADAM POWELL? In the first place ADAM has practically gone around the world with his denunciations of racism in the United States. He has never hesitated to express himself in clear and unmistakable terms on practically everything which has come up involving race.

These performances have won him no friends among the conservative elements of the Nation and have made him persona non grata with southerners both in and out of the Congress. In times of pressure and stress, whether general or personal, ADAM POWELL has not hesitated to employ racial appeals of the most demagogic type to win his point.

And then there is the little question among Democrats about party regularity. This is the real thorn because most organizational Democrats in the Congress feel that POWELL'S switch to Eisenhower in 1956 and his open break with the Democratic Party organization in New York in the last election, marks him as one who is not quite entitled to the plums which come with regularity.

For those who feel this way there is a further problem. They have to be extremely careful that their position on elevating POWELL because of his party irregularity might be interpreted to be a rebuff because

of race or because he has fought so hard for the rights of Negroes. No one in Congress doubts that POWELL himself is willing and able to make this the issue if he is denied BARDEN'S seat.

Even in regard to POWELL'S personal difficulties with the Internal Revenue Department, his colleagues are reluctant to advance this as an issue. They know that POWELL'S supporters in Harlem have long since dismissed this question as another instance of "pressure on POWELL because he is such an outspoken fighter for Negro rights." His reelection last year proves that his constituents would not buy this as a reason why their Congressman had been denied the chairmanship of a committee on which he holds top seniority.

So the POWELL question in a nutshell won't really fit in a nutshell and because it is so involved, those concerned may decide that the simplest thing is to elevate him to the chairmanship and let future events take care of themselves.

[From the Baltimore Afro-American]

MEANY'S BLAST IS RAPPED AS UNFAIR

(By Louis Lautier)

The blast of George Meany, AFL–CIO president, at Representative A. CLAYTON POWELL, Harlem Democrat, was the "unkindest cut" of all.

POWELL has an almost, if not 100 percent, voting record on labor legislation. He has supported legislation which labor wanted and has fought legislation which labor opposed—even when such measures were in the public interest.

For example, in the last session of Congress, POWELL opposed the mild Elliott bill and the stiffer Landrum-Griffin bill, designed to correct corruption and other evils in labor unions.

His position coincided with that of labor—he wanted no legislation at all.

The motive for the attack appears to be in the background of Mr. Meany. The AFL–CIO president was born and reared in Harlem. His formal education was meager. He attended a public school at 138th Street and Eighth Avenue. He became a plumber's apprentice.

The suspicion is that he developed his racial attitudes in the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada.

That union has one of the worst records of racial discrimination.

Under Meany's administration of the AFL–CIO, there has been a wide gap between the publicly declared policy, against racial discrimination and the actual practices of its affiliates and their local unions.

An NAACP survey of last year confirmed that some local AFL–CIO unions continue to exclude colored workers, although the color bar clause has been removed from their constitutions.

Other AFL–CIO unions limit colored workers to jim crow or "auxiliary locals" in the North as well as the South. This is especially true of unions in the building trades.

With this record of leadership failure, Meany accused POWELL of "stirring up racial hatred."

If fighting bigotry stirs up racial hatred, POWELL is guilty. He has fought racial prejudice wherever he has known it to exist.

At times he may have been carried away with his zeal. At other times, investigation may not have borne out his charges. But his target at all times has been to eliminate racial and religious prejudices from American life.

Some of the opposition to POWELL comes from advocates of Federal aid to education.

They believe he has caused defeat of bills providing such aid by offering amendments to deny Federal funds to school districts which are not complying with the Supreme Court decision against segregated schools.

This may or may not be true. The bills probably would have been defeated, or vetoed, without any antisegregation amendment.

There is a wide difference between the administration and liberal Democrats over such legislation.

A large majority of southerners are opposed to such legislation because they believe—with or without the Powell amendment—Southern States will be denied Federal funds by either an administrative ruling or a Supreme Court decision.

What was galling was Meany's statement that "It is terrible to think that we will have a man like that as chairman of the Labor Committee."

[From the United Mine Workers Journal, Feb. 15, 1960]

Just in case there are any questions in anyone's mind, the United Mine Workers of America believe that Representative ADAM CLAYTON POWELL, Democrat, New York, is well qualified in every way to become chairman of the Committee on Labor and Education of the House of Representatives.

Representative POWELL has a fine voting record on matters of interest to working people. He is in line for the Labor Committee chairmanship because he is the senior Democrat on the committee when Representative GRAHAM BARDEN, Democrat, North Carolina, steps down. POWELL, so far, has been denied his rightful position as a chairman of one of the Labor Committee's subcommittees simply because he is a Negro.

Representative JOHN H. DENT, Democrat, Pennsylvania, a friend of the UMWA, in a statement published in the CONGRESSIONAL RECORD, said the public has been misinformed about the qualifications of Representative POWELL. POWELL, DENT said, has always supported legislation that "would do the greatest good for the greatest number of our citizens." DENT said that during last year's battle over "the labor legislation originally introduced by Senator KENNEDY [Senator JOHN KENNEDY, Democrat, Massachusetts] and finally passed under the cosponsorship of Representatives LANDRUM and GRIFFIN, Representative POWELL never deviated from what he believed to be the proper and honorable course to follow. He fought shoulder to shoulder with those on the committee who felt that this was an attack upon the legitimate and honest labor unions, their officers and their members, and as an eyewitness to his activities, I can say that he was a stalwart in the fight for the rights of the little peoples."

DENT noted that when he appeared before the Subcommittee on Mines and Mining of the House Committee on Interior and Insular Affairs, of which POWELL is chairman, that he [DENT] "received the most courteous and considerate treatment." DENT appeared in behalf of the bill to create a Coal Research Commission, legislation that is strongly supported by the UMWA and the coal industry.

In addition, the record shows that POWELL helped to get the research bill voted out of his subcommittee; that he helped the UMWA and continues to help the organization in the fight for improved mine safety legislation.

POWELL is a vigorous fighter for the rights of Negro citizens and it is for this reason that he is repeatedly attacked and vilified by the Dixiecrats in Congress.

But for George Meany, the president of the AFL–CIO to make a vitriolic attack on POWELL from the Bal Harbour, Fla., winter meeting of the federation's executive council and charge that it is terrible that POWELL is in line for the chairmanship of the Labor Committee is, to put it mildly, sheer stupidity.

Mr. DOOLEY. Mr. Speaker, will the gentleman yield?

Mr. POWELL. I yield to the gentleman from New York.

Mr. DOOLEY. I wish to commend the gentleman on the important fight he is waging against the corruption and the violence that is going on in Harlem and in New York City. It is a courageous, wonderful fight.

I ask unanimous consent, Mr. Speaker, to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. I appreciate the gentleman's remarks. He is known as an advocate for truth and a fearless fighter for right.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. POWELL. I yield.

Mr. HOFFMAN of Michigan. They are talking about discrimination. They are debating the bill in the other body. I know of the discrimination practiced by the House Committee on Education and Labor last year when they bypassed the gentleman from New York and when they bypassed the humble representative of the Fourth District of Michigan, and the politicians wanted something the kind of a bill they thought would be advantageous in the campaign and seemed to think the objective could be better attained if we were not present. That is why they did it. I would not say they are hypocritical, but they are not fair. There was discrimination of the rawest kind.

Mr. POWELL. I will give my sacred word to my friend from Michigan that if the day ever comes that either he or I become chairman of the committee we will respect each other's seniority.

Mr. HOFFMAN of Michigan. Well, I certainly will. There is no question about that. But there is some doubt about which party will win control of the House, and as the gentleman well knows, I am not the ranking minority member, just second on the list and ignored when they came for that rating.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. POWELL. I yield to the gentleman from Arizona.

Mr. UDALL. I am a Member of the House who has served in the last 3 years on some two committees on which the gentleman serves. I am serving presently on a subcommittee of the House Interior and Insular Affairs Committee, of which the gentleman is chairman. I would say, constituting myself a prophet for the moment, that I think some of our colleagues, and certainly Mr. Meany, if his frame of mind is that of the intemperate comment he made, are going to be very pleasantly surprised by the performance of the gentleman from New York [Mr. POWELL] if and when he assumes the chair of the Committee on Education and Labor.

I would simply like to make that sympathetic comment.

Mr. POWELL. I appreciate the words of the gentleman from Arizona as well as those of my other colleagues, and

wish to assure them that regardless of who they are or where they come from I will always be fair in whatever capacity I act, present or future. In whatever position I may serve I will always treat everyone with the utmost equality and impartiality.

Mr. Speaker, I yield back the balance of my time.

ALL AMERICA CITIES: ALTON, ILL., AND EAST ST. LOUIS, ILL.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PRICE] is recognized for 30 minutes.

Mr. PRICE. Mr. Speaker, among the 11 cities chosen this year as "All America Cities," 2 of them are in the district I am privileged to represent in this House. They are Alton, Ill., and East St. Louis, Ill., and they have been cited by the National Municipal League and Look magazine as among the handful of communities making extremely vigorous and promising efforts to solve problems that are common to many cities.

Indeed, another neighboring community—Granite City, Ill.—was 1 of the 11 cities honored by the National Municipal League and Look magazine in 1959. Of the 22 cities named in this brief 2-year period, 3 of them are concentrated in progressive and energetic St. Clair and Madison Counties, which comprise the 24th Congressional District of Illinois.

We have farming in our district and a great deal of agriculture in the wonderful Illinois countryland that abuts it. But we are an industrial people, long established on our rivers and railroads, and the cities of America today face very serious problems. Traffic and housing and transportation and parks, the cleansing of the atmosphere and the building of schools—all of these are a challenge of the middle years of the 20th century.

Fortunately in our major cities, we also have people who are deeply committed to doing everything they can on their own intiative to meet our problems.

We have combined free enterprise with urban redevelopment projects. We have sought successfully to maintain good industrial relations and to improve the relationship when that was needed. Our people have voted the bond issues required for sewers and schools and housing. They have developed their own leadership groups and worked out ways to make use of both public and private resources.

I am very proud of these people, whose community betterment programs have given them three cities among only 22 in all this country cited in 1959 and 1960 as among those deserving the title of "All America."

LAW ENFORCEMENT IN THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 20 minutes.

Mr. STRATTON. Mr. Speaker, not only as a Member of Congress, 1 of 537 Members of the present "city council" of the District of Columbia, but also as one who, before coming to this body, was connected with municipal government for some 9 years, I have taken a keen interest in the affairs of the District of Columbia. In fact I was one of the first to attach my signature to the discharge petition providing for home rule for the District of Columbia, and I strongly support this legislation. But until this legislation becomes law, each of us in Congress still has a responsibility to do our part to see that the laws of the District are properly and fairly enforced and that activities conducted in the District are in fact conducted in the public interest.

In that connection, Mr. Speaker, I should like to bring to the attention of the Members of the House certain facts regarding the operations of a private parking lot in the District. This is the lot which is part of the area surrounding the Washington Union Station, including the former Presidential entrance. Since May 1957 it has been operated as a private parking lot by Auto Parks, Inc., of Devon, Pa.

Now, the unusual thing I have discovered about this lot is that it does not conform to the rules and regulations set out in paragraph (i) of section 2 of article 28 of the Police Regulations of the District of Columbia which relate to all private parking lots and which provide, quite properly so in my judgment, that no one can operate a private parking lot in the District of Columbia unless, in accepting cars for parking purposes on private property, he sees to it that the owners of these cars are given a claim check or receipt which is distinctively numbered, and which indicates the name of the licensee as well as the street address of the premises where the vehicle is being stored.

I say this is a very proper regulation, Mr. Speaker, because a private parking lot owner is after all being entrusted with the care and protection of private property, and a kind of contract is actually being entered into when an owner places his automobile into the hands of one who undertakes to care for it for a set period of time in return for a fee. Certainly before such a contract can properly be made there must be some general understanding on the part of both parties as to its terms. The procedure spelled out by the current Police Regulations of the District of Columbia is designed to protect the public interest in just this way by making sure that before a car is left on a private parking lot the owner knows what he is getting into. Without such a regulation in force it would of course be possible for an individual to park his car on what he believed to be public property and might, without his realizing it, become subject to certain charges which he had not understood and had not intended to agree to.

Now this is precisely the situation that exists at the moment at Washington's Union Station and has in fact existed there since the Presidential entrance was turned into a private parking lot 2½ years ago. It has been operated, and continues to operate today, in violation of these District Police regulations. Not only is one hard put to know this area is supposed to be a private parking lot, but no ticket or claim check is handed out to alert the driver who leaves his car there.

I discovered this fact by accident some weeks ago, Mr. Speaker, as Members are perhaps already aware, when I left my own car there under the impression that I was leaving it on public property. Disturbed that what appeared to be public property should in fact be being operated as a private lot for profit, I brought the matter to the attention of the District Commissioners and requested that they conduct an investigation to determine whether the lot was in fact being operated in accordance with District law and regulations. As a result of this investigation I have been advised that the lot has, as I have said, been in fact in violation of law since its inception in May of 1957. In fact the District director of licenses told me that not even he himself was aware that the so-called "clockless" meters which are in use on this lot were private meters. He had assumed they were public meters, since no information with regard to the use of these meters was apparently included on the original application for a license.

But even more amazing than that, Mr. Speaker, is that when, as a result of my request, the District Commissioners discovered this longstanding violation, they did not order it stopped at once but instead directed the operator of the lot to continue in violation pending an effort on their part to have the regulations altered to make his illegal mode of operation legal after the fact.

Mr. Speaker, I most vigorously protest any such improper and unwarranted procedure. Is this the way the law is always enforced in the District of Columbia? Do we make legal what is illegal in every case, or only in some cases? And if this highly accommodating behavior on the part of our District Commissioners applies only to a select few, then how do they make their choice? Who do you have to know to get this kind of treatment in the District Building? What strings do you have to pull? And what about other folks—parking lot operators or others—who are so unfortunate as to be fined or go to jail when they are found in violation rather than have the law changed to fit their particular preferences?

Both as a Member of Congress and a former city official I am basically opposed to any such method of running a city and enforcing the law.

I have, therefore, Mr. Speaker, today introduced legislation to prevent the Commissioners from going ahead with their bland attempt to change the rules in the middle of the game to suit the fancy of a single operator who has chosen to violate the law rather than observe it for 2½ years.

First of all, my bill would incorporate into the basic District law, out of reach of the Commissioners, the present regulations that require a private parking

lot operator to hand out a claim check for every car he handles. This, incidentally, would bring the Union Station parking lot into conformity with the airport parking lot.

Secondly, my bill would set a top limit for private parking lot charges per day and per week. I just do not think it is proper to charge a half-hourly rate around the clock. I think the law of diminishing returns should apply to parking just as it applies to so many other things. My bill would fix the maximum daily charge at $2, the maximum weekly charge at $6.

May I conclude, Mr. Speaker, by saying this: Many Members have been solicitous enough to ask me in the past few days whether I was going to pay that $11.20 parking fee. Some have been even generous enough to suggest passing the hat to help me out. To all of these Members may I say that while I believe I have demonstrated that since the operation was illegal the charge was improper, nevertheless I also believe most strongly that no Member of Congress should fight for legislation of direct benefit to himself. Therefore, in order to be free to press for the adoption of this bill in the interests of the people of the District who use Union Station, I am happy to inform the House that I have paid the $11.20—even though it hurt.

Mr. Speaker, private parking lots do, of course, provide a useful public service. But my own experience has convinced me that any municipality must be especially alert to make sure that in protecting the interests of our private lot owners we do not make access to our streets so burdensome that traffic stays away from our metropolitan areas. I feel sure that my bill, to establish a rule of reason in parking lot operations, will not only protect the public interest but also the interests of the District as a modern, American city—the most beautiful perhaps in all the world.

Mr. WILSON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. WILSON. I should be very happy to contribute to the payment of the gentleman's fine. I join in the support of his bill. If he would like me to do so, I would consider starting a Stratton fund of about 10 cents a Member. I think we can get sufficient Members to pay this onerous fine.

Mr. STRATTON. I am deeply grateful to my friend from California who serves so ably on the Committee on Armed Services of which I am a very junior member. But since this is the first part of the month I have the wherewithal to meet the illegal charge. It is not, of course, a fine. If it develops that the Member from New York does not have the necessary funds to buy lunches toward the end of the month, he might then prevail on the gentleman's generosity, but I do not think it is needed at this particular time. I appreciate the gentleman's support of the legislation and I am sure with substantial support from his side of the aisle there is no question but what the bill will go through quickly.

INFLATION IS A DEADLY MENACE TO ALL SEGMENTS OF AMERICAN LIFE

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes, to revise and extend my remarks, and that they be included in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, inflation has long been recognized as the Nation's No. 1 domestic problem. Today we are congratulating ourselves on what appears to be a current lull in rising prices. While we may be entitled to congratulate ourselves, nevertheless there must be no cessation of our anti-inflationary efforts. Constant vigilance is the price of avoiding further inflation. I heartily concur with the opinion of President Eisenhower and many other responsible leaders of American thought that inflationary pressures continue to be a dire threat to the American economy.

Past experience has taught us that without continued efforts to curb price advances and to restrain inflation-breeding situations, renewed increases in prices may well occur. We must not be complacent. We must not allow the dollar to be further deflated. It is for this reason that I am speaking to you today and urging that all thoughtful Americans unite in a common effort to oppose rising prices.

As the Committee for Economic Development has recently stated, continuing inflation will:

> Undo one of the major achievements of recent generations. Never before have so many people, even of the lowest income groups, owned some liquid assets such as bank deposits, savings bonds, insurance policies, and savings and loan shares. With this has come a great independence and freedom of the average man. Inflation will eat away the values of these savings. Workers who now have a large investment in private and public pension funds would be among the chief victims of the process, since they will be forced to rely on fixed pensions, whose value has been eroded by inflation, to support themselves after they retire.

Recently, I read a headline, "December Living Costs Drop to October Level." This is encouraging news. However, let us not be deceived. We must not forget that from 1940 to 1953 the cost of living increased 91 percent and that during President Eisenhower's 7 years in the White House the cost of living has increased 9.8 percent. In other words, during the 20-year period the total increase is over 100 percent. Although it is quite true that the average increase last year, 1959, was less than 1 percent, we must ask the question, Will the price spiral be renewed? Prices for food, clothing, and durable commodities, including automobiles, were lower in December than in previous months. Nevertheless, service items, including medical care, transportation, light and heat are still mounting.

It is common knowledge that the dollar today is worth less than half its 1939 value. In other words, in 1939 a dollar was a dollar. From 1939 to 1952 the dollar dropped 48 cents or to 52 cents. Despite President Eisenhower's efforts since 1953 to halt the decline in the value of the dollar, today, the experts tell us, a dollar will only buy as much as 48 cents did in 1939.

A few startling statistics will explain this deflation of the dollar. Since 1939, food costs have risen 150 percent, medical costs 111 percent, rents 90 percent, and gas and electricity 17 percent.

Inflation has been called many things. Essentially, it is a continuous and unchecked general rise in prices.

Inflation has been explained by several different theories. The methods used in tackling this monumental problem depend, of course, upon the approach to the problem. According to the classical economic theorists, inflation is essentially a monetary matter. When money and credit rise out of proportion to the output of goods and services—prices rise. I am sure we all have frequently heard the definition of inflation as "too much money chasing too few goods."

Currently, however, inflation is also being analyzed in terms of cost-plus factors. That is, many economists and other experts believe that rising costs, particularly wages, rather than the forces of demand and supply in the marketplace, tend to cause increases in prices. Certainly this analysis appears valid as applied to the 1957–58 uptrend in prices. The price rise in those 2 years occurred in the face of unemployment and excess productive capacity.

Whatever the controversy concerning the causes of inflation, there can be no question as to the effects of unchecked price rises.

Let us look squarely at some economic facts. According to the latest survey of Consumer Finances of the Federal Reserve Board, the average family income in the United States in 1958 was $5,150. Now, ladies and gentlemen, this is no princely sum. Furthermore, in that year 20 percent of all families had incomes of $1,890 or less. What effect would a resurgence of inflation have on the average American family? How could the American home survive further deterioration of income through a renewal of inflation?

The dire experience of the past should warn us against the dangers of the future. A man with a wife and two children, who earned $5,000 in 1942 needed about $9,300 last year to be as well off. What of the $5,000-a-year man today? What will be his plight in 17 years?

Those who are most severely affected by steep advances in prices are our senior citizens, retired persons, and those approaching retirement. The income of these individuals cannot be boosted with every increase in prices.

Today there are more than 15 million older citizens in the group of those 65 years of age and over. These senior citizens comprise between 9 and 10 percent of the population. In contrast, there were only about 9 million older persons among us in 1940. In view of the steadily increasing proportion of older people, we may expect 25 million aged 65 and

more by 1980. In other words, Americans are living longer and there are more of them.

As the proportion of seniors in our total population expands, so does the number of retirees. Almost half a million persons are added each year to the number of retirees.

In this wealthy land of ours which takes such pride in high standards of living, the median income of all persons 65 years and over was under $1,000 as of March 1958.

At least 11½ million of our citizens and a considerable number of dependents are living on private pensions. Monthly benefits total $950 million. Eighty-five percent of these private pension plans have been started since 1940.

However, the value of a 1940 pension of $150 per month has been more than cut in half, in terms of purchasing power. What will happen to these retirement systems if inflationary forces once again gain momentum? Another 13.5 million persons are receiving old-age, survivors, and disability insurance under the Federal social security system. Although old-age and survivors insurance benefits have been increased several times in the past few years, the average monthly old-age pension in 1959 was only $73.

There are now at least 57.8 million workers covered by old-age and survivors insurance programs. Renewed inflation would take a tragic toll of the future welfare of these citizens.

In addition to persons living on retirement, there are about 2⅕ million recipients of public old-age assistance. Payments currently average almost $65 a month, compared with $19 in 1939. Over the years, public old-age assistance has had to keep step with inflationary tendencies. How far will $65 stretch 10 years from now?

Inflation has corroded the benefits of pension and annuity plans. In addition, the value of many other different forms of savings has shrunk in the wake of spiraling prices.

As I mentioned earlier, an unprecedented number of Americans own bank deposits, bonds, insurance policies, and savings and loan shares. These Americans have followed the ideals of thrift and savings. Many are planning to supplement retirement incomes, provide for their children's education, for a vacation or for an emergency. Such Americans have been unsuspectingly robbed of the full value of their savings by inflation.

To demonstrate the toll that inflation has taken of financial assets, one study showed that a given sum of money invested in various media on December 13, 1948, would have had the following real value 10 years later: Cash in the bank, a loss of 16.7 percent; preferred stocks, a loss of 25 percent; U.S. Treasury bonds—2½s of 1967–72, a loss of 29 percent.

How the value of the Government bond has plunged over the years is a notorious chapter in our economic history. I have just quoted one example. There are many others, with especial reference to the smaller denominations of savings bonds, so important to the average American. The value of currently outstanding investments in U.S. savings bonds amounts to around $49 billions. How can we urge Americans to be patriotic and "Buy U.S. Savings Bonds," if the future value of these securities dwindles and dwindles?

In addition to Government savings bonds, savings accounts in savings and loan associations have mounted to about $48 billions. Accounts in mutual savings banks and in savings accounts of commercial banks have a value of $34 billions and $60 billions, respectively.

An unprecedented number of Americans own life insurance—about 280 million policies are owned by us. Preliminary estimates place the value of all life insurance now in force in the 50 States and Puerto Rico at $534 billion.

I am stressing the evils of inflation because of my concern with maintaining the future integrity of these vast investments.

My warnings concerning inflation include the wage earner. It is an undisputed fact that the American workman "never had it so good." To quote a recent study by a well-known international labor union, "the average wage in 1958 was 157 percent of what it was in 1948; prices in 1958 were 130 percent of what they were in 1948."

But we forget that inflation has levied an indirect tax on wages and salaries.

A very revealing table, appearing in the January 1960 Economic Report of the President, likewise illustrates the tribute exacted by the pirate inflation. Average spendable weekly earnings of a worker with three dependents amounted to about $25 a week in 1940. In 1959, this spendable weekly income had climbed to about $80 or an increase of $55. However, inflation has cut the value of this dollar gain almost in half.

About 3.4 million workers are covered by cost-of-living increase provisions. As the cost of living advances, an increase in hourly wage rate is guaranteed. Let us think for a minute. These gains may be very costly to the workers receiving them. As labor costs are raised, so then are prices in these industries. Thus the products of such industries become less and less competitive with those of other domestic industries which are not bound by escalator clauses in wage contracts. And, too, industries which grant cost-of-living wage increases become less and less competitive with imports from countries abroad where wages are so much lower than in the United States.

Prices chasing wages which in turn chase rises in the cost of living can only spell economic disaster by pricing goods out of the market. Thus apparent wage advantages of today run a serious risk of being wiped out tomorrow.

I have reviewed briefly the tragic tale of the economic hardships inflicted upon millions of our citizens by inflation.

It is all well and good to talk about inflation. The big question is, "What can we do about it?" The administration has utilized a variety of measures to restrain inflation. To some extent these have been effective. Excessive Government expenditures above and beyond receipts have an inflationary influence. This we all know. I believe that the President's hold-the-line budget should assist materially in the continuing restraint of inflationary forces.

The President has made provision for a $4.2 billion surplus. This he proposes to use in paying off some of the huge national debt. Such action will surely in the President's own words, "help counteract inflationary pressures." When the Federal Government cannot meet its expenditures by revenues, it must turn to borrowing. Such fiscal actions usually add to the supply of money. Thus, with some debt retirement, the amount of funds in circulation will actually be reduced. This in turn will diminish inflationary tendencies

In examining the national budget, we must constantly view Government expenditures with a critical eye toward economy. I do not mean that we should shortchange the defense and national security of our country. But we must be assured that we have the most efficient organization for production of arms. As President Eisenhower insists, we must be assured that we receive a dollar's worth of arms for every dollar spent.

Now let me turn to other means of dealing with inflationary trends in the economy. As we have seen, excessive expansion of money and credit frequently produces upswings in prices. The Federal Reserve Board is the chief regulator of the monetary system in the United States. Various courses of action are available to the Board to contract the supply of money and credit, by restricting the lending power of commercial banks. This goal is accomplished through open-market operations, raising reserve requirements of member banks, and raising the discount rate.

With interest rates raised to an all-time high through action by the Federal Reserve, the high cost of borrowing funds has tended to place a check upon feverish business activity, and in turn, upon prices.

Management of the national debt is also a prime factor in controlling inflation. I have praised the President's intention of paying off some of the national debt. However, there is another aspect of debt management which requires our attention. Many financial specialists believe that a great proportion of the debt should be in longer term securities than is now the case. Meeting payments on short-term debt and constant refinancing requires borrowing and more borrowing. This in effect increases the supply of money and credit. As the President has suggested, a helpful move would be to eliminate the ceiling of 4¼ percent on interest rates on long-term Government securities, those maturing over 5 years. Thus the Treasury would have greater flexibility and market appeal in sale of intermediate and long-term bonds. Consequently, undue expansion in the supply of money and credit would be curbed.

So much for monetary and fiscal measures utilized in coping with inflation.

No honest discussion of inflation can overlook the recent prolonged steel strike.

It is the situation in the steel industry which may contain the sparks of renewed inflation.

As I have indicated, there are the proverbial two schools of thought concerning causes of inflation. The newer school emphasizes rises in price levels as a result of boosts in wage rates above improvement in productivity.

The recent steel strike is a case in point. Steel production is basic to our economy. But for 116 days the steel furnaces were idle. As a result one-half a million workers were unemployed.

Let us examine the steel settlement for a moment. The many clauses of the new contract add up to this: Wage and fringe benefits up to 40 cents an hour over a 30-month period.

Despite the increases in wages steel management has announced that there will be no immediate price increases. Nevertheless, Mr. Blough, chairman of the United States Steel Corp., has stated that for the past 20 years, employment costs have been upped on an average of 8 percent a year and prices have been increased 5.5 percent.

On the heels of Mr. Blough's statement many ask this question: How then can we escape another advance in the price of steel, even though employment costs have been raised less than half of the above 20-year average?

They assert it is true that improvements in productivity have been emphasized as a means of preventing advances in prices. However, those skeptical insist that a sincere, all-out effort will be needed to stem another uptrend in prices of steel. Yet their attitude is one of doubt. They ask: What effect would another rise in steel prices have on the economy as a whole?

They remind the public that steel is used in all kinds of machinery, buildings, railroads, automobiles, trucks and in many other ways. They stress the fact that steel literally pervades our entire life. Finally, the skeptics ask: How is it possible, then, in the event that steel prices are raised a notch in a few months, say, that a general surge in prices can be avoided?

Concluding, they urge a more positive and stringent approach to the problem of the pressures on the general price level exerted by strikes for increases in wage and fringe benefits.

In this connection, many suggestions have been put forward. The President stated in his state of the Union message that he will "encourage regular discussions between management and labor outside the bargaining table." Such discussions presumably would deal with general problems of the economy, such as the disaster of inflationary prices, as well as questions relating to specific industries. Such friendly talks will be helpful, I am sure.

Other tools for dealing with strikes have been suggested. Factfinding boards of inquiry which are empowered to make recommendations should be established as soon as a strike is declared, some say. Others say the Federal Mediation Service should be called immediately into a labor controversy. Some feel that in the last analysis we may be forced to establish compulsory arbitration, with representatives of consumer interests well represented on the arbitration panels. It may well be that all of these procedures should be included within the possibilities of labor law yet many urge that those stubborn cases which refuse to give way to settlement within a reasonable period of time should be submitted to compulsory arbitration.

Ladies and gentlemen, I have reviewed the story of the ravages of inflation. I have discussed those measures which have been successfully instituted in fighting this scourge of our economy. In addition, I have felt impelled to warn against the possible renewal of price upswings. To guard the economic security of our country we must institute additional machinery now for preventing further erosion of the economic foundations of our Nation.

RECOGNITION BY THE FEDERAL GOVERNMENT OF ORGANIZATIONS OF FEDERAL CIVIL SERVICE AND POSTAL EMPLOYEES

Mr. WILSON. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WILSON. Mr. Speaker, I have today introduced legislation to grant recognition by the Federal Government to organizations of Federal civil service and postal employees.

It has been my feeling for many years that the Federal Government could improve its employee relations by acknowledging the existence of bona fide employee groups and allowing them to officially register their suggestions and ideas for improved employee practices.

Somewhat similar legislation has been introduced in the past, but my version of this legislation is milder than previous approaches and should not be objected to as have previous ideas along this line.

My legislation, of course, does not give employees the right to strike or to engage in boycotting activities against the Government. It does recognize the facts of life in the current Federal employee picture. It recognizes that Federal employees for their own mutual benefit be joined together in legitimate groups to present their problems to their bosses and supervisors.

It seems obvious and logical that the Government should officially give Federal employees' unions this right. In many instances such groups are given such an opportunity by understanding Department heads. In many instances, the grievances are settled without the need of employee groups lobbying their Members of Congress for statutory changes to correct their problems, many of which can be solved administratively.

In my own district, I have had several examples during my service as a Congressman that tend to make legislation of this type seem logical and important, from my point of view. One example has been in the case of a postmaster in my district who replaced a postmaster who had in many instances refused to listen to complaints of elected representatives of various postal workers in his jurisdiction.

The employees' morale and the efficiency of the post office suffered because such postal workers had no real opportunity to talk about their complaints to the boss.

The new postmaster, who luckily has had much experience in managing personnel, has greatly improved the morale and efficiency of the post office by meeting regularly with the elected representatives of the employee groups within the post office and endeavoring to improve working conditions and other objectionable practices revealed to him by the employee representatives.

It seems to me that Federal employees are often put in an untenable situation by not having an officially recognized safety valve through which they can let off their steam. My legislation can provide such a safety valve and, in my opinion, will result in better morale among Federal workers, better production, and increased efficiency up and down the line.

I am hopeful we can get support for this much-needed legislation.

DAV SERVICES IN NEW MEXICO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Mexico [Mr. MORRIS] is recognized for 15 minutes.

Mr. MORRIS of New Mexico. Mr. Speaker, an exceptional record of vital rehabilitation services freely extended to thousands of New Mexico citizens has recently come to my attention. These splendid humanitarian services are not sufficiently appreciated by those who have benefited thereby, directly or indirectly.

The Disabled American Veterans, a congressionally chartered veterans' organization has a State department and 26 local chapters in the State of New Mexico. The DAV is the only such organization composed exclusively of those Americans who have been either wounded, gassed, injured, or disabled by reason of active service in the Armed Forces of the United States, or of some country allied with it during time of war. I have been a member of the DAV since 1950.

Formed in 1920, under the leadership of Judge Robert S. Marx, DAV legislative activities have benefited every compensated disabled veteran. The present national commander is William H. Fribley, of Crestline, Kans. The national headquarters are at Cincinnati, Ohio. The national service headquarters of the DAV are located at 1701 18th Street NW., Washington, D.C.

Inasmuch as less than 10 percent of our country's war veterans are receiving monthly disability compensation payments for service-connected disabilities—some 2 million—the DAV can never aspire to become the largest of the several veterans' organizations. Nevertheless, the DAV has maintained the

largest staff of any veterans' organization, of full time trained national service officers who are located in the 63 regional and 3 district offices of the U.S. Veterans' Administration and its central office in Washington, D.C. They have access to the official claim records of those claimants who have given them their powers of attorneys. All of them being war-handicapped veterans themselves, the national service officer are sympathetic and alert as to the problems of other less well informed claimants.

DAV SERVICE FACILITIES IN NEW MEXICO

The DAV presently maintains one national service officer in New Mexico, Mr. Paul T. Demos, located in the VA Regional Office in Albuquerque. The department commander is Earl F. Youngren, of Las Cruces. The department adjutant is Fred B. Plummer, of Albuquerque. The department headquarters are at 814 Second Street NW., in Albuquerque.

Two hospitals are maintained by the VA in our State, a 500-bed GM hospital at Albuquerque and a 222-bed hospital at Fort Bayard. The DAV department of New Mexico has nationally appointed representatives to the Veterans' Administration Voluntary Services Advisory Committees at each of the Veterans' Administration hospitals servicing New Mexico veterans. They are: Albuquerque Hospital, Mr. Albert Guhr, 440 Manzano NE., Albuquerque; Fort Bayard Hospital, Mr. Lotto T. Turner, Box 1131 Silver City, N. Mex.

During the last fiscal year the VA paid out $9,095,516 for its veteran program in New Mexico, including disability compensation to its 10,441 service disabled veterans. These Federal expenditures in New Mexico furnish substantial purchasing power in all communities. Nearly 26 percent are members of the 26 DAV chapters in New Mexico. This 26 percent record is much above the average, but not nearly good enough in view of the very outstanding record of personalized service activities and accomplishments of the DAV service office in behalf of New Mexico veterans and dependents during the last 10 fiscal years, as revealed by the following statistics:

Claimants contacted, estimated, 35,212.

Claim folders reviewed, 29,343.

Appearances before rating boards, 14,933.

Compensation increases obtained, 2,958.

Service connections obtained, 710.

Nonservice pensions, 837.

Death benefits obtained, 121.

Total monetary benefits obtained, $1,672,340.89.

These above figures do not include the accomplishments of other national service officers on duty in the central office of the Veterans' Administration, handling appeals and reviews, or in its three district offices, handling death and insurance cases. Over the last 10 years, they reported 83,611 claims handled in such district offices, resulting in monetary benefits of $20,850,335.32, and in the central office, they handled 58,282 reviews and appeals, resulting in monetary benefits of $5,337,389.05; proportionate additional benefits were thereby obtained for New Mexico veterans, their dependents and their survivors.

These figures fail properly to paint the picture of the extent and value of the individualized advice, counsel and assistance extended to all of the claimants who have contacted DAV service officers in person, by telephone, and by letter.

The DAV department of New Mexico operates a salvage industry, the proceeds of which have provided, in the past 3 years, $14,162.29 for veteran rehabilitation, $3,537.47 for emergency relief, and $118,533.82 for wages for disabled veterans in a sheltered workshop among other services to the community.

Pertinent advice was furnished to all disabled veterans—only about 10 percent of whom were DAV members—their dependents, and others, in response to their varied claims for service connection, disability compensation, medical treatment, hospitalization, prosthetic appliances, vocational training, insurance, death compensation, or pension, VA guaranty loans for homes, farms, and businesses, and so forth. Helpful advice was also given as to counseling and placement into suitable useful employment—to utilize their remaining abilities—civil service examinations, appointments, retentions, retirement benefits, and multifarious other problems.

Every claim presents different problems. Too few Americans fully realize that governmental benefits are not automatically awarded to disabled veterans—not given on a silver platter. Frequently, because of lack of official records, death, or disappearance of former buddies and associates, lapse of memory with passage of time, lack of information and experience, proof of the legal service connection of a disability becomes extremely difficult—too many times impossible. A claims and rating board can obviously not grant favorable action merely based on the opinions, impressions, or conclusions of persons who submit notarized affidavits. Specific, detailed, pertinent facts are essential.

The VA, which acts as judge and jury, cannot properly prosecute claims against itself. As the defendant, in effect, the U.S. Veterans' Administration must award the benefits provided under the laws administered by it, only under certain conditions.

A DAV national service officer can and does advise a claimant precisely why his claim may previously have been denied and then specifies what additional evidence is essential. The claimant must necessarily bear the burden of obtaining such fact-giving affidavit evidence. The experienced national service officer will, of course, advise him as to its possible improvement, before presenting same to the adjudication agency, in the light of all of the circumstances and facts, and of the pertinent laws, precedents, regulations, and schedule of disability ratings. No DAV national service officer, I feel certain, ever uses his skill, except in behalf of worthy claimants, with justifiable claim.

The VA has denied more claims than it has allowed—because most claims are not properly prepared. It is very significant, as pointed out by the DAV acting national director of claims, Chester A. Cash, that a much higher percentage of those claims, which have been prepared and presented with the aid of a DAV national service officer, are eventually favorably acted upon, than is the case as to those claimants who have not given their powers of attorney to any such special advocate.

Another fact not generally known is that, under the overall review of claims inaugurated by the VA some 5 years ago, the disability compensation payments of about 37,200 veterans have been discontinued, and reduced as to about 27,300 others at an aggregate loss to them of more than $28 million per year. About one-half of 1 percent of such discontinuances and reductions have probably occurred as to disabled veterans in New Mexico with a consequent loss of about $140,000 per year.

Most of these unfortunate claimants were not represented by the DAV or by any other veteran organization. Judging by the past, such unfavorable adjudications will occur as to an additional equal number or more during the next 3 years, before such review is completed. I urge every disabled veteran in New Mexico to give his power of attorney to the national service officer of the DAV, or of some other veteran organization, or of the American Red Cross, just as a protective measure.

The average claimant who receives helpful advice probably does not realize the background of training and experience of a competent expert national service officer.

COSTS OF DAV SERVICES

Measured by the DAV's overall costs of about $12,197,600 during a 10-year period, one would find that it has expended about $3.50 for each claim folder reviewed, or about $8.80 for each rating board appearance, or, again, about $22.70 for each favorable award obtained, or about $123 for each service connection obtained, or about $54 for each compensation increase obtained, and has obtained about $14.10 of direct monetary benefits for claimants for each dollar expended by the DAV for its national service officer setup. Moreover, such benefits will generally continue for many years.

METHODS OF PROVIDING SERVICES

Evidently, most claimants are not aware of the fact that the DAV receives no Government subsidy whatsoever. The DAV is enabled to maintain its nationwide staff of expert national service officers primarily because of income from membership dues collected by its local chapters and from the net income on its Idento-Tag—miniature automobile license tags—project, owned by the DAV and operated by its employees, most of whom are disabled veterans, their wives, or their widows or other handicapped Americans—a rehabilitation project in thus furnishing them with useful employment. Incidentally, without checking as to whether they had previously sent in a donation, more than 1,400,000 owners of sets of lost keys have

received them back from the DAV's Idento-Tag department.

Every eligible veteran, by becoming a DAV member, and by explaining these factors to fellow citizens, can help the DAV to procure such much-needed public support as will enable it to maintain its invaluable nationwide service setup on a more adequate basis. So much more could be accomplished for distressed disabled veterans, if the DAV could be enabled, financially, to maintain an expert service officer in every one of the 173 VA hospitals.

MEMORIAL HONOR ROLL

During the last 10 years, the DAV has also relied on appropriations from its separately incorporated trustee, the DAV Service Foundation, aggregating $3,300,000 exclusively for salaries to its national service officers. Its reserves having thus been nearly exhausted, the DAV Service Foundation is therefore very much in need of the generous support of all serviced claimants, DAV members and other social-minded Americans—by direct donations, by designations in insurance policies, by bequests in wills, by assignment of stocks and bonds, and by establishing special types of trust funds.

A special type of memorial trust fund originated about 3 years ago with concerned disabled veteran members of DAV, which established the first perpetual rehabilitation fund of $1,000 with the DAV Service Foundation. Benefactors from 32 States have, up to this time, become enrolled on the memorial honor roll.

Inasmuch as only the interest earnings from special donations will be available for appropriation to the DAV for its use in maintaining its national service officer program in the State of residence of each such benefactor, this is an excellent objective also for New Mexico. Each such special benefactor is enrolled on a permanent memorial honor roll which, updated, is then included in the annual report of the DAV and of its incorporated trustee, the DAV Service Foundation, to the U.S. Congress.

Each claimant who has received any such free rehabilitation service can help to make it possible for the DAV to continue this excellent rehabilitation service for other distressed disabled veterans and their dependents in New Mexico by sending in donations to the DAV Service Foundation, 631 Pennsylvania Avenue NW., Washington, D.C. Every such serviced claimant who is eligible can, and should, also become a DAV member, preferably a life member.

Every American can help to make our Government more representative, by being a supporting member of at least one organization which reflects his interest and viewpoints—labor unions, trade associations, and various religious, fraternal, and civic associations. All of America's veterans ought to be members of one or more of the patriotic, service-giving veterans' organizations. All of America's disabled defenders, who are receiving disability compensation, have greatly benefited by their own official voice—the DAV. I consider it a privilege and an honor to belong to the Disabled American Veterans.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STRATTON, for 20 minutes, today.

Mr. HOFFMAN of Michigan, for 10 minutes, today.

Mr. MORRIS of New Mexico (at the request of Mr. EDMONDSON), for 15 minutes, today, and to revise and extend his remarks.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MASON, on the coming White House Conference for the Aged; and to include two letters on the same subject.

Mr. CORBETT.

Mr. BAKER and to include a speech by Mr. CURTIS of Missouri.

Mr. LANGEN.

Mr. ALGER.

Mr. BROOKS OF LOUISIANA.

Mr. ARENDS (at the request of Mr. DOOLEY) and to include extraneous matter.

Mrs. MAY (at the request of Mr. DOOLEY) and to include extraneous matter.

(At the request of Mr. EDMONDSON, and to include extraneous matter, the following:)

Mr. TOLL.

Mr. TEAGUE of Texas.

Mr. GARMATZ.

Mr. VAN ZANDT and to include extraneous matter.

ADJOURNMENT

Mr. EDMONDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Thursday, March 3, 1960, at 12 o'clock noon.

REPORT OF COMMITTEES ON COUNTERPART FUNDS

Mr. BURLESON. Mr. Speaker, the Mutual Security Act of 1958, chapter IV, section 401(e), requires the Committee on House Administration to publish in the CONGRESSIONAL RECORD, within 10 legislative days after receipt, the consolidated report of each committee of the House using foreign currencies—counterpart funds—during the preceding year. Accordingly, there is shown herein, within the prescribed time limit, the consolidated report of the Committee on Science and Astronautics, the Committee on Merchant Marine and Fisheries, the Committee on Post Office and Civil Service, and the Committee on Public Works:

Counterpart funds

REPORT OF COMMITTEE ON SCIENCE AND ASTRONAUTICS FEBRUARY 29, 1960.

[Foreign currency and U.S. dollar equivalents expended between Jan. 3, 1959, and Dec. 31, 1959]

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Austria	Schilling	971	37.37	2,785	107.12	1,500	57.69			500	19.23	5,756	221.68
Belgium	Franc	13,504	270.00	3,850	77.00	10,800	216.00	637	12.74	1,540	30.80	303.31	606.54
Denmark	Kroner	710	102.88	2,245.80	325.28	550	79.59	75	10.85	200	28.99	3,780.80	547.59
France	Franc	127,700	270.20	271,512	480.36	520,700	1,092.53	95,990	202.64	267,203	606.38	1,283,105	2,652.11
Germany	Mark	2,826.65	672.97	580.00	138.10	782.00	186.20	122.00	29.05	100	23.81	4,410.65	1,050.13
Ireland	Pound	25.7	71.12	30.0	84.00	35.0	98.00			22.0	61.60	112.7	314.72
Italy	Lire	1,555,771	2,496.90	1,045,852	1,673.27	925,921	1,481.95	136,270	217.84	163,092	261.59	3,826,906	6,131.55
Japan	Yen	3,950	10.90	3,200	8.80	75,625	210.00	14,350	39.80	10,875	30.20	108,000	300.00
Netherlands	Guilder	4,749	1,249.71	349	91.85	276	72.63	42	10.92	77	20.27	5,493	1,445.38
Norway	Kroner			207	28.96	523	73.00	21	2.94	59	7.98	810	112.88
Pakistan	Rupee	105	22.00			550	116.00	165	34.00	140	29.00	960	203.39
Poland	Zloty	400	7.80	2,200	42.80	2,000	38.91			28	.54	4,628	90.00
Singapore	Dollar	70	23.30	175	58.33	240	80.00	63	21.00	54.46	18.15	602.46	200.82
Spain	Peseta	2,085	34.41	3,375	56.23	6,647	110.77	2,050	34.09	1,363	22.71	15,520	258.21
Switzerland	Franc	208	52.00	44	11.00	311	77.00	125	31.00	312	78.00	1,000	249.00
Thailand	Baht	113	5.60	575	28.75	800	40.00	265	13.25	247	12.35	2,000	99.95
United Kingdom	Pound	529.5	1,481.32	509.4	1,426.32	412.8	1,155.84	73.5	205.80	171.6	480.48	1,696.8	4,749.76
Total			6,808.48		4,638.17		5,186.11		865.92		1,732.08		19,233.71

OVERTON BROOKS, *Chairman, Committee on Science and Astronautics.*

FEBRUARY 29, 1960.

Counterpart funds

REPORT OF SPECIAL SUBCOMMITTEE ON STEAMSHIP CONFERENCES

[Foreign currency and U.S. dollar equivalents expended between Sept. 24, 1959, and Nov. 4, 1959]

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Japan	Yen	81,500	225.00	216,000	600.00	118,000	320.00	15,000	40.00	36,000	100.00	466,500	1,285.00
Philippines	Peso	700	175.00	940	235.00	600	150.00	120	30.00	240	60.00	2,600	650.00
Hong Kong	Hong Kong dollar.	1,600	270.00	4,350	750.00	2,175	375.00	470	80.00	875	150.00	9,470	1,625.00
Thailand	Baht	1,800	90.00	3,000	150.00	1,500	75.00	500	25.00	500	25.00	7,400	365.00
India	Rupee	300	65.00	825	175.00	330	70.00	125	25.00	175	35.00	1,755	370.00
Israel	Pound	73	40.00	180	100.00	100	55.00	35	20.00	35	20.00	423	235.00
England	do	225	628.00	435	1,220.00	165	460.00	14	40.00	80	225.00	929	2,573.00
Holland	Gulden	3,700	972.00	2,000	530.00	1,275	335.00	200	50.00	700	180.00	7,875	2,067.00
West Germany	Mark	2,175	516.00	2,225	525.00	580	140.00	150	35.00	500	120.00	5,630	1,336.00
Denmark	Kroner	1,400	200.00	2,500	350.00	1,100	160.00	250	35.00	500	75.00	5,700	820.00
Italy	Lira	435,000	680.00	450,000	725.00	195,000	310.00	25,000	40.00	110,000	175.00	1,205,000	1,930.00
France	Franc	87,000	175.00	310,000	625.00	137,000	275.00	25,000	50.00	57,000	115.00	616,000	1,240.00
Total			4,036.00		5,985.00		2,725.00		470.00		1,280.00		14,496.00

HERBERT C. BONNER,
Chairman, Special Subcommittee on Steamship Conferences.

MARCH 1, 1960.

Counterpart funds

REPORT OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

[Foreign currency and U.S. dollar equivalents expended between July 1, 1959, and Dec. 31, 1959]

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Spain	Peseta	40	0.95	458	10.90			42	1.00			540	12.85
France	Franc	316,724	761.20	91,960	219.72	59,650	142.75	12,300	29.43	23,839	56.95	504,473	1,210.05
Switzerland	Swiss franc	1,264	296.47	702	164.71	675	160.54	102	23.52	7	1.41	2,750	646.65
Great Britain	Pound	25	70.40	69	194.99	53	148.80	14	38.20	18	49.11	179	501.50
Netherlands	Guilder	1,274	339.75	88	23.00	19	5.00	7	2.00	32	8.54	1,420	378.29
Belgium	Franc	2,494	49.60	938	18.76	200	4.00	100	2.00	195	3.90	3,927	78.26
Japan	Yen	5,000	13.90	52,000	144.44	15,000	41.66					72,000	200.00
Total			1,532.27		776.52		502.75		96.15		119.91		3,027.60

TOM MURRAY,
Chairman, Committee on Post Office and Civil Service.

Counterpart funds

MARCH 1, 1960.

REPORT OF COMMITTEE ON PUBLIC WORKS

[Foreign currency and U.S. dollar equivalents expended between Jan. 1, 1959, and Jan. 1, 1960]

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Brazil	Cruzeiro	157,500	954.50	157,500	954.50	189,000	1,145.40	63,000	381.80	63,000	381.80	630,000	3,818.00
Argentina	Peso	6,140	74.00	4,605	55.00	7,675	92.50	4,605	56.00	7,675	92.50	30,700	370.00
Chile	do	520,000	472.80	520,000	472.80	650,000	591.00	390,000	354.60	520,000	472.80	2,600,000	2,364.00
Peru	Sol	22,520	804.41	22,170	791.80	33,255	1,187.70	11,085	395.90	22,170	791.80	110,850	3,971.61
Ireland	Pound	288/5/6	807.17	152/18/6	428.19	92/4/2	258.18	34/1	95.34	55/5	154.70	622/14/2	1,743.58
United Kingdom	do	330/6	924.84	402/3/6	1,126.09	193/4/3	540.99	89	249.20	124/6/3	348.08	1,139	3,189.20
Switzerland	Franc	2,362	545.44	1,630.10	376.47	458	105.80	348	80.39	488	112.73	5,286.10	1,220.83
France	do	1,626,181	3,291.86	1,189,751	2,408.40	504,958	1,022.18	148,432	300.47	224,000	453.44	3,693,322	7,476.35
Italy	Lira	1,355,846	2,169.36	1,100,000	1,760.00	364,000	582.40	154,000	246.40	224,000	358.40	3,197,846	5,116.56
Total			10,044.38		8,373.25		5,526.15		2,160.10		3,166.25		29,270.13

CHARLES A. BUCKLEY, *Chairman, Committee on Public Works.*

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1902. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation entitled "A bill to establish a Judge Advocate General's Corps in the Navy"; to the Committee on Armed Services.

1903. A letter from the Comptroller General of the United States, transmitting a report on the review of the Post Office Department's Money Order Center, Kansas City, Mo., August 1959; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. VINSON: Committee on Armed Services. H.R. 10777. A bill to authorize certain construction at military installations, and for other purposes; without amendment (Rept. No. 1307). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 7966. A bill to amend

section 601 of title 38, United States Code, to provide for the furnishing of needed services of optometrists to veterans having service-connected eye conditions; without amendment (Rept. No. 1308). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 3313. A bill to amend section 200 of the Soldiers and Sailors Civil Relief Act of 1940 to permit the establishment of certain facts by a declaration under penalty of perjury in lieu of an affidavit; without amendment (Rept. No. 1309). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBERT:

H.R. 10838. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. ANDERSON of Montana:

H.R. 10839. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. BONNER:

H.R. 10840. A bill to amend Public Law 85-626 relating to dual rate contract agreements; to the Committee on Merchant Marine and Fisheries.

By Mr. CANNON:

H.R. 10841. A bill to amend the Tariff Act of 1930 to place bamboo pipe stems on the free list; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 10842. A bill to amend titles 10 and 32, United States Code, to codify recent military law, and to improve the code; to the Committeee on the Judiciary.

H.R. 10843. A bill to amend section 142 of title 28, United States Code, with regard to accommodations at places for holding court, and for other purposes; to the Committee on the Judiciary.

By Mr. CHENOWETH:

H.R. 10844. A bill to permit free marketing of gold, and for other purposes; to the Committee on Banking and Currency.

By Mr. CLARK:

H.R. 10845. A bill to incorporate National Service Star Legion; to the Committee on the Judiciary.

By Mr. COFFIN:

H.R. 10846. A bill to authorize the Secretary of the Interior to establish a fishery extension service in the Fish and Wildlife Service of the Department of the Interior for the purposes of carrying out cooperative fishery extension work with the States, territories, and possessions; to the Committee on Merchant Marine and Fisheries.

By Mr. CORBETT:

H.R. 10847. A bill to provide a health benefits program for certain retired employees of the Government; to the Committee on Post Office and Civil Service.

By Mr. DOOLEY:

H.R. 10848. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 10849. A bill to amend the Classification Act of 1949 to authorize the reclassification in grade 18 of the general schedule the positions of trial examiners in the National Labor Relations Board; to the Committee on Post Office and Civil Service.

By Mr. FORAND:

H.R. 10850. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. FULTON:

H.R. 10851. A bill to strengthen and improve State and local programs to combat and control juvenile delinquency; to the Committee on Education and Labor.

By Mr. GREEN of Pennsylvania:

H.R. 10852. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. HECHLER:

H.R. 10853. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEOGH:

H.R. 10854. A bill to amend section 212(b) of the Revenue Act of 1950; to the Committee on Ways and Means.

By Mr. KING of California:

H.R. 10855. A bill relating to the rate of duty on primary aluminum pig; to the Committee on Ways and Means.

By Mr. LANGEN:

H.R. 10856. A bill to amend the Agricultural Act of 1949 to provide full parity price supports with respect to wheat, corn, barley, oats, rye, soybeans, flax, and grain sorghums, and reduced production and surpluses of such crops by voluntary participation and for other purposes; to the Committee on Agriculture.

By Mr. McGINLEY:

H.R. 10857. A bill to revise the boundaries and change the name of the Scotts Bluff National Monument, Nebr., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATTHEWS:

H.R. 10858. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. MILLS:

H.R. 10859. A bill relating to the amount includible in gross income by domestic corporations receiving dividends from foreign corporations, and to the computation of the foreign tax credit allowable with respect to such income; to the Committee on Ways and Means.

By Mr. MASON:

H.R. 10860. A bill relating to the amount includible in gross income by domestic corporations receiving dividends from foreign corporations, and to the computation of the foreign tax credit allowable with respect to such income; to the Committee on Ways and Means.

By Mr. MONTOYA:

H.R. 10861. A bill to provide that in determining income of World War I veterans and their widows for the purpose of ascertaining eligibility for pensions, payments under title II of the Social Security Act shall not be taken into account; to the Committee on Veterans' Affairs.

By Mr. MORRIS of New Mexico:

H.R. 10862. A bill to provide for the construction of recreation facilities in the Elephant Butte Reservoir area, New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. MULTER:

H.R. 10863. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. OLIVER.

H.R. 10864. A bill to authorize the Secretary of the Interior to establish a fishery extension service in the Fish and Wildlife Service of the Department of the Interior for the purposes of carrying out cooperative fishery extension work with the States, territories, and possessions; to the Committee on Merchant Marine and Fisheries.

By Mr. PROKOP:

H.R. 10865. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. QUIGLEY:

H.R. 10866. A bill to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economics courses; to the Committee on Agriculture.

By Mr. RODINO:

H.R. 10867. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. STRATTON:

H.R. 10868. A bill to establish certain conditions for the operation of parking lots in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WILSON:

H.R. 10869. A bill to amend section 6 of the act of August 24, 1912, with respect to the recognition of organizations of employees in the Federal civil service and postal employees; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD:

H.R. 10870. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. FULTON:

H.J. Res. 639. Joint resolution expressing the sense of Congress that a Pan American Parliamentary Association should be established, and to authorize participation by the United States in parliamentary conferences of such association; to the Committee on Foreign Affairs.

By Mr. HULL:

H.J. Res. 640. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of General of the Armies John J. Pershing; to the Committee on the Judiciary.

By Mrs. PFOST:

H.J. Res. 641. Joint resolution to further reduce the incidence of brucellosis by providing Federal support to complete nationwide certification and proceed toward the eradication of brucellosis under the brucellosis eradication program; to the Committee on Agriculture.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Virginia, memorializing the President and the Congress of the United States relative to stating "that rescission of the Connally amendment would jeopardize the Constitution of the United States and impair the powers reserved to the States and to the people"; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GEORGE:

H.R. 10871. A bill for the relief of Miss Chou Coke Dal; to the Committee on the Judiciary.

By Mr. QUIGLEY:

H.R. 10872. A bill for the relief of Richard A. Hartman; to the Committee on the Judiciary.

By Mr. WILSON:

H.R. 10873. A bill for the relief of Rudolfo I. Garcellano; to the Committee on the Judiciary.

H. R. 10874. A bill for the relief of Dimitra Volliladou; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

346. The SPEAKER presented a petition of Clifford Crail, Cincinnati, Ohio, relative to a grievance as to why the House of Representatives has not investigated various petitions filed by him to date, and granted him the right to a hearing; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Address of Hon. Kenneth B. Keating, of New York, at 91st Anniversary Dinner of Manhattan College Alumni Society

EXTENSION OF REMARKS

OF

HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, March 2, 1960

Mr. BENNETT. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the text of an address by the junior Senator from New York [Mr. KEATING] at the 91st anniversary dinner of the Manhattan College Alumni Society at the Roosevelt Hotel in New York City on Saturday, February 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The world we live in is described as a two-power world. Those two powers are Soviet Russia and the United States—and, by extension, the two-power concept includes on the one hand the cluster of satellites that add to Russia's mass, on the other, the nations of the free world that share with America the ideals of democracy and of the dignity of man.

The term "power," used in this global sense, normally has but one meaning in the mind of the free-world citizen. It means the relative military posture of the two opposing ideological blocs. It means the force of their nuclear muscle, the thrust and accuracy of their missiles, the refinements they have achieved, or are achieving in the art of mass annihilation.

In the face of this two-power confrontation, with all the potential of menace it involves, there occurs what is to me a deeper, graver, source of concern. It is the tendency of the individual citizen to feel overpowered and submerged by events over which he feels he has no control. It is his sense of being a powerless spectator, sitting in a coliseum, knowing two worlds can collide before his eyes, and hoping the show will never start.

The paradox is plain. What we seek to defend, with all this terrifying new hardware of space, is the identity of man as a free spirit. Yet man, as he contemplates the instruments of destruction, is dwarfed by his own Frankenstein. His own creations belittle him in his own eyes. He feels that somebody has invented a game too big for him to play. History becomes, not something he makes, but something he reads about.

The truth of the matter is that this great new era of cosmic fireworks—this race to the stars—this awesome rehearsal for disaster—is not the true essence of the two-power struggle in our world. It is only the outward mark. It is the weapon a man fights with—not the cause he fights for.

And what cause are we fighting for—what are we struggling to preserve? In our hearts we all know. The most precious thing we all possess is the soul God gave us—the freedom He breathed into us—the dignity He made our birthmark.

But precious though they are, we sometimes are prone to treat these treasures as though they were burglarproof, as though they were beyond forfeit, beyond loss.

I shall not speak tonight of the lands where mass robbery of human dignity has occurred. I shall confine myself to the threat as it exists here in America—and of the ways in which the challenge of that threat must be confronted.

We are many winters removed from the bitter cold of Valley Forge—where freezing, tattered Americans knew, with a certainty hard as steel, what they were fighting for. Today we look upon freedom as an heirloom handed down—as rightfully ours as our very names. Only when a Pearl Harbor grabs us by the throat—and we have to fight ourselves free do we sense that freedom has a price tag on it—and that tag reads blood and sacrifice—as well as vigilance.

It can well be said that this Nation, built on the rock of eternal values, is suffering the slow erosion of those values. That the pressures of prosperity, of success, of easy living, are washing away the pillars of the spirit, of character, of toughness, that are the true foundations of any civilization worthy to endure.

I do not wish to overpaint the picture—but I am sure that each of us, in his heart, feels occasional qualms of uneasiness over the drift to apathy, to a way of living unfired by inspiration, by ideals, by high purposes—a design for existence whereby taking rather than giving—getting rather than earning—pricing rather than evaluating—becomes the pattern of life.

Several years ago the American people were shocked to learn of American soldiers defecting to communism. How could this happen, the cry went up. Didn't the Army indoctrinate these boys with the principles of Americanism? That very reaction is typical of the times. In a Nation where everything is packaged so perfectly, why didn't the Army package the loyalties of the G.I.'s in a neat, hermetically sealed container, impervious to the germs of a foreign ideology?

We all know why. Because a man's strength of character is not—and never will be—a G.I. issue. The Army can give him a gun to protect his life, but the armor his spirit wears was forged long before his enlistment.

No, there's no "survival kit" of values except the one that a man brings with him—whether to the Army, to college, to business, to the professions—or to the day-by-day challenge of life.

That is where the areas of responsibility open up. And where, in the United States of 1960, we must face the fact that our emphasis has been dismally one-sided. Physical upbringing of our children appears to preoccupy us more than this spiritual and intellectual upbringing. Believe me, I am all for taller, healthier, handsomer young Americans—but not emptier ones, not spiritually undernourished, intellectually underfed children.

Again, I fear our concept of "packaging" education in easy-to-take academic programs, wrapped in loving care and guaranteed not to hurt—can explain the incompleteness of the educative process. The "marshmallow" courses—so light, so palatable, so predigested—are a temptation hard to resist. The tough courses—the ones you have to bite into and chew—the ones with the unpleasant taste—(even though the teacher tells you it will disappear)—these are the courses that whip sleeping craniums into wakefulness, prod brains into action, toughen the mind and the character—and build strength into the spirit.

Let us keep in mind that this "soft diet" in today's education wasn't invented by our young people. It's a reflection of the "age of softness"—of the age where doors open for you, chores are done by buttons, not muscles, and luxury has become one of the inalienable rights.

It's all very laudable, of course, not to want to put a machine out of work, but, our trouble here in America is that, inevitably, softness permeates our moral as well as our physical and mental fabric. This is the dangerous tendency, where values become blurred in the public mind—and the line between right and wrong, between good and evil is crossed as blithely as though it had been painted out by an indulgent Deity.

Only such a blurring of values can explain the present-day "gold-rush philosophy" that measures everything in terms of what it costs rather than what it signifies. This leads unfailingly to a veneration of things rather than principles. It makes success something that's tallied in a man's bank account rather than in his soul.

This is not to condemn the concept of materialism in our lives. Materialism is a fact of existence. We have to be materialistic to survive, as a people, or as individuals. It is only when materialism becomes an end in itself—when it becomes a kind of tribal religion, with Mammon as its Deity—when it tends to drive a wedge between man and his spiritual identity, that it becomes the sworn enemy of man, the potential destroyer of the moral structure on which destinies depend, not merely careers.

In times past the code of expediency was to a great extent confined to certain elements of our society—the avowed opportunist, the confidence man, the amoralist, the criminal. Today, when the tendency is to glorify getting—and let the principles fall where they may—opportunism seems to have become a career with an ever widening, ever vicious appeal.

This constant nibbling away at the values on which good lives and great civilizations are built requires no lists of illustrations

from me tonight. All of us are too familiar, far too familiar, with the modern language of payoffs, collusion, fast buck deals, protection-for-pay, organized theft of union dues—yes, and such petty manifestations as the meat-cheat scandal—these and the many other forms that adult delinquency takes. And the loss in honor is a national loss, not merely a personal forfeit. Worse than the effect of any bomb is the "fall out" of contamination that an evil example or an evil precept showers upon the people of our land.

In Soviet Russia the state has operated on man for the removal of his immortal soul. The operation has hardly been an unqualified success. You do not separate man from his God by an official decree. But what is happening in Russia must give us pause. The channels of spiritual love, of religious dedication are being forcibly redirected to a kind of mock spirituality that makes the state the supreme, sovereign, and eternal master of man. All the fires of loyalty, all the muscles of energy are committed to the greater strength, the greater prestige of this man-made master.

It is in the face of this very zeal, of this intense commitment to the Communist ascendency over the world, that we Americans must shake ourselves out of our moral lethargy, reaffirm the noble and eternal purposes of our lives, and infuse ourselves with the drive and the dynamism by which free men have always preserved the things they held most dear. We must propagate a respect for the good and the true. We must know expediency for what it is—enemy, not friend—a way of dying rather than a way of living. We must take a national and individual morality off the gold standard, and put it back where it belongs—in the soul and in the conscience of Americans.

In this day "know thine enemy" is no less binding an obligation than to "know thyself." We have only to consider the present Communist infiltration of Cuba to realize how real, how immediate, and how ominous is the danger that confronts the free people of this hemisphere. Cuba is Russia and Red China's most noteworthy victory in the Caribbean.

Despite the great historic bonds of friendship between Cuba and America, despite our warmth of feeling for the fine people of Cuba, the fact remains that like a ship boarded by pirates, Cuba stands menacingly off our shores—a grim belligerent, armed with an alien ideology and eager to sail against freedom and democracy—to attack and to destroy. Cuba is the opening wedge that Soviet Russia and Red China have shaped and sharpened to drive into the free Americas. Their massive propaganda attack in Central and South America is a part of the grand strategy: The splitting of the United States from her traditional allies and the concurrent spread of the blood red of communism over the map of Latin America.

In the light of this fateful campaign, I feel strongly that the time has come to restudy and reevaluate the Monroe Doctrine. This doctrine presently applies only to external aggression, and not subversion and infiltration. Time and events may now dictate its rewriting, in terms of this actual, modern day internal threat to our hemisphere defense.

Since the subject of defense is such a preeminent matter of national interest, and deservedly so, I feel that the true perspective in this matter has been distorted by a preponderant emphasis on what I might call a "competitive numbers game" rather than on the true, live, and existent capability of this Nation to discourage attack by virtue of the deterrent power of annihilation that we have at our command. We are vividly aware that this counterbalance of retaliatory power must grow as the danger grows—and the President has made it plain that the requisite commitment of talent and money and resources will continue to be made, boldly and imaginatively, to assure our continued unassailable posture of defense in the face of the Soviet threat. The American people, as always, are prepared to pay the price of freedom—but it should be the exact, soundly reckoned price—and not one inflated by hysteria and false fears.

In our time, space has become the exciting new frontier. Progress is measured in the successive breakthroughs to newer, higher areas in the great immensity. Rapt in our gropings toward the galaxies, we fail to see the tremendous and challenging new frontiers that confront the human spirit. We had to fight to create this Nation. We still must fight to keep it strong, to preserve it from threats from within no less than from dangers from without. This is, essentially, the personal responsibility of each one of us, not the anonymous mass responsibility of a faceless bloc of people. For history is created by individuals—let us always remember this—by people like yourselves. No free man is ever submerged by history unless he thinks he doesn't count. And then he really ceases to count.

Speaking of the citizen's role in society reminds me of the Russian citizen who lived in a small Soviet village. On election day he dutifully went to the polls. An official handed him a sealed envelope to drop into the ballot box. Our little Russian started to tear the envelope open.

"Hey, what do you think you're doing?" demanded the election official. "I just wanted to see who I'm voting for" said the peasant. "Are you crazy?" bellowed the official. "This a secret ballot."

I spoke a moment ago of the new frontiers that challenge the courage and the imagination of Americans. I am confident that the basic spirituality of our Nation is such that we still possess the reserves of strength that a time for greatness calls for. Apathy and the cult of expediency are only symptoms. They are not a fatal disease. To recognize them—to isolate them—to fight them at every turn—that is the nontransferable responsibility of free men.

In the great world struggle for freedom, it is not enough to be on the side of the Lord. We must remind Him—night and day—by word and deed—that we are on His side—and that we are worthy of the strength, the courage and the love He pours into our hearts.

Nineteen Hundred and Sixty Congressional Tour of New York City Scheduled for May 13, 14, and 15.

EXTENSION OF REMARKS
OF
HON. JAMES E. VAN ZANDT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 2, 1960

Mr. VAN ZANDT. Mr. Speaker, this week all Members of Congress will receive a notice from me advising that the annual tour of New York City for Members of Congress and their families is being arranged for May 13, 14, and 15. The trip is planned with the cooperation of the Honorable Richard C. Patterson, Jr., Commissioner of the Department of Commerce and Public Events, and Mr. Carmine A. Liguori is the program coordinator.

As Chairman of the Committee on Arrangements, an effort is being made to set up a most interesting and enjoyable program which will include visits to New York's Chinatown, the Empire State Building, a trip around the New York harbor, and many other interesting entertainment features.

As in the past, the visit to New York City will begin Friday morning, May 13, when a special Pennsylvania Railroad train will depart from Washington Union Station at 9:45 a.m., DST. The group will return via the Pennsylvania Railroad, arriving at Union Station about 10:30 p.m., DST, on May 15. The all-expense tour will cost $39.50 for adults and $34.50 for children from 5 to 12 years of age.

All Members interested in the all-expense tour of New York City should mark these dates on your calendar immediately and await further information from me regarding the complete tour schedule and list of features. Miss Patricia Bryan of my office staff is in charges of reservations and can be reached on extension 4576.

Poll Results

EXTENSION OF REMARKS
OF
HON. ROBERT J. CORBETT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 2, 1960

Mr. CORBETT. Mr. Speaker, I have just completed another of my regularly conducted polls of public thinking in my congressional district. The poll was based on some of the extremely important issues facing the Congress and the American people today. Total response far exceeded my expectations and the tabulated results virtually constitute a referendum of my district.

My polls are in the form of a printed questionnaire, requiring simple yes-and-no answers, mailed to the registered voters in the district, regardless of political affiliation.

The district is very representative and is composed of many varied interest groups. It has the wealthy, the poor, and the so-called middle class. It has a high concentration of labor, white-collar workers, small business, large industries, and productive farmlands. Its political complexion is slightly Democratic.

The percentage tabulation of the answers on the poll I have just conducted are included below without comment. I trust the results will prove as interesting and informative to all who study them as they are to me.

POLL RESULTS

1. President Eisenhower, in his state of the Union message, prophesied a $4.2 billion surplus for the next fiscal year. Do you feel this surplus should be used to reduce the national debt instead of reducing taxes? Yes, 81 percent; no, 19 percent.

2. He also declared that our defense installations and aggression-deterrent weapons were adequate to our needs. Do you agree? Yes, 65 percent; no, 35 percent.

3. The budget will recommend for space exploration about twice as much money as

was available this year. Would you so vote? Yes, 69 percent; no, 31 percent.

4. A bill is pending to provide tax-paid medical and hospital insurance for people eligible to receive social security benefits. Does it have your support? Yes, 53 percent; no, 47 percent.

5. Public Works appropriations, which contain provisions for flood control and rivers and harbors improvements are often labeled "pork barrel bills." Do you oppose them? Yes, 48 percent; no, 52 percent?

6. Has the time come when the United States should insist that the prosperous industrialized nations of the free world join in contributions to aid the underdeveloped non-Communist nations? Yes, 91 percent; no, 9 percent.

7. Do you believe that the full force and power of the Federal Government should be employed to guarantee the civil rights of all citizens? Yes, 77 percent; no, 23 percent.

8. The Congress will again be asked to provide funds for urban renewal projects. Do you favor this program? Yes, 41 percent; no, 59 percent.

9. A key issue: Do you favor increased Federal spending to expand the economy in preference to reduced spending to retard inflation? Yes, 15 percent; no, 85 percent.

10. There will be a bitter controversy over whether or not to raise the legal interest rate that the Government may pay on long-term bonds. Would you vote "yes" or "no"? Yes, 48 percent; no, 52 percent.

11. Would you favor legislation prohibiting the sale and serving of alcoholic beverages aboard commercial airlines? Yes, 63 percent; no, 37 percent.

12. Legislation is pending to increase minimum wages above the present floor of $1 per hour. Should it be passed? Yes, 55 percent; no, 45 percent.

13. (Answer by number.) If a Democrat is to be our next President, do you favor (1) Stevenson, (2) Symington, (3) Kennedy, (4) Humphrey, (5) Johnson, (6) Somebody else? (1) 20 percent; (2) 12 percent; (3) 35 percent; (4) 7 percent; (5) 13 percent; (6) 13 percent.

14. (Answer by number.) If a Republican is to be our next President, do you favor (1) Nixon, (2) Rockefeller, (3) somebody else? (1) 69 percent; (2) 20 percent; (3) 11 percent.

Texas Independence Day

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 2, 1960

Mr. ALGER. Mr. Speaker, today is Independence Day in Texas.

The glories of my home State's history, and the caliber and courage of the men and women who produced that history, deserve a good deal better—and a considerably longer—commemorative speech than I am prepared to deliver here today. I will not even try to do them justice.

But before we continue the business at hand today—before we occupy our minds and energies with carping criticisms and indignant rebuttals about the state of the Nation's defenses—continue our worrying over America's possible weaknesses in relationship to the military might of a potential enemy, I believe that it would be of real benefit to all of us to just sit and ponder for a moment what must have occupied the minds of our forebears on another March 2—in 1836.

In much of the country, business was going on pretty much as usual. In Connecticut, they were getting ready to enact the Nation's first incorporation law, I am told; and a Mr. McGuffy was working on the final draft of his reader to be published later that year. His textbook might or might not have been hastened had a Federal grant been available to help finance its preparation. It might have been improved had the advice and counsel of some office of education been available to Mr. McGuffy. But I rather doubt that even the possibility of such advantages ever occurred to him or to anybody else in that early day.

Business as usual? Yes; to some extent. But a time to try men's souls too. In March of 1836, our people had every reason to have confidence in themselves and in their leadership. Andrew Jackson was President—the same Jackson who had whipped a superior foreign force at New Orleans. True, we are not aware of what gap might have existed in our weaponry at the time. I seriously doubt that Jackson was. In another part of this continent the intrepid missionary, Marcus Whitman, had already got his little band of pioneers under way on a trek which would take them all the way to the Columbia River in Oregon. And there they would stay. What do you suppose the odds against them were?

And in Texas when a small group of determined men gathered at Washington on the Brazos and on March 2 asserted Texas' independence, the desperate battle at the Alamo was already under way. This war, for those of you who may not recall it, began when a detachment of troops sent to seize a single cannon in Gonzales, Tex., were confronted by a group of volunteers who had mounted a flag on the cannon bearing the words, "Come and Take It."

Certainly such was the spirit, too, of the men who laid their future on the line at Washington on the Brazos.

As I said at the outset, it is futile for us to try to pay adequate tribute to these men or to the defiant confidence and courage they demonstrated whenever the chips were down. Perhaps it is enough that we here today pause a moment to remember the cost of the heritage entrusted to us. Enough, if we resolve to deal with today's problems and today's dangers in a way that would make them as proud of us as we are of them.

Resolution of the Committee on Science and Astronautics

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 2, 1960

Mr. BROOKS of Louisiana. Mr. Speaker, on this date the Committee on Science and Astronautics agreed to a resolution expressing sympathy to the Speaker of the House, the Honorable SAM RAYBURN, upon the passing of his brother, Mr. Tom Rayburn.

Under leave to extend my remarks, I submit the following resolution:

Resolution extending the sympathies of the Committee on Science and Astronautics to the Speaker of the U.S. House of Representatives, the Honorable SAM RAYBURN, and to his loved ones:

Whereas the Speaker of the House of Representatives has suffered the loss of his brother, Tom Rayburn; and

Whereas it is recognized that the bond of love and respect between the Speaker and his brother could not be exceeded; and

Whereas "Mr. Tom" had served long and faithfully as bulwark and anchor of the Rayburn family home in Bonham, Tex.; and

Whereas by his unstinting devotion to, and labor on behalf of, his home, his community, his State, and his Nation, "Mr. Tom" helped ease the great burden which has so long rested upon the shoulders of a great Speaker: Now, therefore, be it

Resolved, That the Committee on Science and Astronautics of the House of Representatives hereby expresses its deepest sympathy to the Speaker of the House and to his family upon the passing of Tom Rayburn in his native State, March 1, 1960; and be it further

Resolved, That the Speaker be notified of this resolution by the chairman of the committee; that a copy of this resolution be made part of the permanent archives of the committee, and that this resolution further be placed in the RECORD of the Congress of the United States.

OVERTON BROOKS,
Chairman.
CHARLES F. DUCANDER,
Executive Director.

Labeling Packages of Detergents

EXTENSION OF REMARKS
OF
HON. CATHERINE MAY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 2, 1960

Mrs. MAY. Mr. Speaker, since placing my remarks in the RECORD yesterday regarding the tragic death of the little girl in Wishram, Wash., who swallowed some dishwasher detergent, I have gained some further information which I would like to bring to the attention of the Members of Congress, as well as to the attention of parents in our country.

I have talked with officials of the Federal Trade Commission about its responsibility in this matter of labeling containers of dishwasher detergents, and I have learned that the Federal Trade Commission has no authority—no authority at all—to require that such detergents be labeled with any kind of label—neither one listing the contents, nor one calling attention to the dangerous properties of these products. The Commission only has such authority in the cases of products which are dangerous in normal use.

Further, I have learned that there is no agency of Government which does have such authority.

In investigating further, Mr. Speaker, I have found that there is legislation

pending in the Congress, introduced last March in the Senate by Senators MAGNUSON and BUSH, S. 1283, and introduced in the House by Congressman ROBERTS, H.R. 5260, which would require labeling of packages of hazardous substances intended or suitable for household use. I have been advised that this bill would cover these electric dishwasher detergents. It is also my understanding that the Senate Interstate and Foreign Commerce Committee is about to report the Senate bill with a favorable recommendation. This bill would place responsibility in the Secretary of Health, Education, and Welfare for determining the hazardous substances and for requiring proper labeling of packages. I want to call the attention of the Members to these bills in the hope that congressional support for the legislation will become so great that the bill will be passed during this session. I want to urge that remedial action be taken by the Congress to prevent another such tragic circumstance as the death of this little girl.

Also, Mr. Speaker, since putting my statement in the RECORD yesterday, I have received several calls asking for clarification of the type of dishwashing detergent which caused this tragic death. The product involved was one of the specially prepared detergents for use in electric dishwashing machines.

Incremental Price Supports for Wheat and Small Grain Crops

EXTENSION OF REMARKS
OF
HON. ODIN LANGEN
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 2, 1960

Mr. LANGEN. Mr. Speaker, at a time when the rest of our national economy is in a state of unprecedented prosperity, the agricultural segment obviously is "out of step." Inflation and other effects which have accompanied the steady increase in standard of living and income in our nonfarm population have increased substantially the costs of operation to the farmer, while at the same time, the prices he has received for the fruits of this production have been steadily going down. This just does not make sense to anyone who stops to think about it. It certainly, in firsthand terms, does not make sense to the farmer.

Obviously, this situation has been caused, to a large degree, by the inability of our present farm laws to cope with the problem at hand. That these laws are not solving the problem goes without saying and would not be disputed by anyone.

But getting agreement on a new set of laws to supplant these old, ineffective ones is another matter.

I would venture to say, however, that a plan which would give to the farmer the opportunity to voluntarily deal with his problem, which would assure to him an increased gross and net income, which would assure reduction in the large agricultural surpluses presently costing our taxpayers so much and depressing the markets for these crops, and which would offer the definite possibility of eventually adjusting supply to the market while still providing a floor during transition periods, will meet the needs and desires of all interested parties and overcome their objections.

The bill which I have proposed today with regard to wheat and other small grain crops I believe fits this description. It offers and provides for the following 10 goals:

First. It offers opportunity for the farmer to achieve full parity prices and his rightful share of our gross national income.

Second. It offers less Government control to the farmer and provides him with the opportunity of voluntarily curtailing production to meet demands.

Third. It offers sufficient incentive to the farmer which will encourage a very high percentage of compliance. Experience has surely proven that no program will be effective to any greater degree than the extent to which we can expect to get compliance.

Fourth. It presents no problem of administration. All of the provisions of the bill can be successfully and effectively administered through the township, country, and State committees and the regulations which govern our present program.

Fifth. It permits the law of supply and demand to function within the provisions of the legislation so that acreage shifts from one crop to the other will be governed by prices as determined by supply and demand.

Sixth. It deals with the entire national productive unit of wheat and small grain feed crops and reductions are required from actual planted acres, giving assurance that compliance will produce a reduced total production.

Seventh. It offers a reduced price support on wheat to those who make no contribution to a reduced production and eliminates the present loophole permitting anyone to seed 15 acres by permitting him to collect a payment in kind if he elects to keep these acres out of production entirely.

Eighth. It does not permit the acres taken out of production to be used in producing other crops that can further enhance the surplus situation.

Ninth. Compliance with this program will be less costly to the Government in that it will reduce surplus costs and so be beneficial to consumers and taxpayers as well as to farmers.

Tenth. It will permit the law of supply and demand to again function as soon as present surplus stocks have been diminished to a point of having only adequate supplies in cases of emergency.

That this program can achieve these desired objectives, I think is emphasized by statistical research compiled by our office which indicates that if our total production of all the crops covered by this legislation had been reduced by an average of less than 8 percent during the past 10 years we would have had no growth in our total surplus stocks. Consequently, provisions for reduced acreages by 20 percent, as included in this legislation, provide sufficient reduction to allow for the disappearance of surpluses on hand today.

Some of you, in the light of these 10 objectives, may say they sound like an impossible "have our cake and eat it, too" set of goals. Before I am charged with this, however, I urge you to familiarize yourself with the mechanics of the proposal.

The bill is based on a system of incremental price supports and is a combination of the two bills which I proposed last year, one dealing with wheat and one with the remaining small grain crops. It has been substantially revised so as to incorporate provisions dealing with a payment-in-kind, cross-compliance, the 15-acre exemption, and the importation of foreign agricultural commodities.

Under this proposal, a small grain farmer could voluntarily achieve a higher price support in proportion to his efforts in helping to reduce the surpluses in these crops, as exemplified by the following table:

Wheat		Corn, barley, oats, rye, soybeans, flax, grain sorghums	
If the percentage of his acreage allotment withdrawn from production is not less than—	His level of price support in percentage of parity price shall be—	If the percentage of his acreage average withdrawn from production is not less than—	His level of price support in per centum of the parity price shall be—
5	70	5	70
10	80	10	80
15	90	15	90
20	100	20	100

Farmers choosing not to participate in this incremental program would receive 60 percent of the parity price for their grain crops.

The acreage average referred to in the above table with regard to grains other than wheat is the average annual acreage which a farmer has devoted to the production of any combination of these crops during the past 3 years. The acreage allotment referred to in the section of the table pertaining to wheat is the wheat allotment established for each farm by law and directive. A reduction in such acreage will be treated as though it had been planted to wheat for purposes of maintaining wheat history.

To qualify for incremental price supports under this bill, a farmer must reduce his acreage by at least 5 percent in both wheat and other small grain crops. This "cross-compliance" is necessary to effectuate the purposes of the bill, which is a real reduction in production, and not just the retirement of the least productive acres on each farm.

To help provide for the expenses involved in taking this land out of production, a farmer will receive a per-acre payment not in excess of $10 per acre for land of the highest assessed valuation and scaled down proportionately from this figure. This payment can, in effect, be in either cash or grains, and the payment-in-kind provision of this part of the bill is such that it should encourage this further means of reducing our surpluses.

The land which is taken out of production is not to be planted to any other crop or to be used for grazing, so as not to aggravate any other surplus problem.

The steps outlined above, will, in my estimation, go a long way toward providing the farmer with a more fair and just share of the national income, while at the same time reducing the costly, market-depressing surpluses presently on hand. But two other provisions are necessary to really make them effective.

The first is a provision that repeals the 15-acre exemption presently in effect. It has been shown that 15-acre producers are contributing a substantial amount to our surpluses, and until we deal with this exemption, it is my opinion that no proposal will be truly effective.

My bill provides that a farmer who does not plant a crop to, or graze, wheat acreage previously under the 15-acre provision will receive a payment-in-kind equal to two-thirds of the product of the normal yield for the farm and the number of acres withdrawn from production. He will thus be receiving aid in taking this land out of production, and at the same time we will have taken a further step toward reducing our wheat surplus.

I have on previous occasions during this Congress called to the attention of this body the effect which importation of foreign agricultural commodities is having on our farm surpluses and total farm program. I will not reiterate these observations here, except to say once again, by way of example, that American farmers have not produced enough barley and oats during the past 10 years to provide for our own domestic consumption and exports, and yet prices of these two crops, as well as many others, have been constantly decreasing to almost the disaster point, while surpluses have been increasing due to imports.

The legislation which I proposed today provides that the President shall institute an investigation whenever it would appear that agricultural commodities are being imported in such amounts as to interfere with the laws and price-support programs for those crops. This should serve as one more step toward reducing our surpluses and effectively administering our agricultural laws for the good of the entire Nation.

This then is the bill. It does, I believe, offer a solution to the two most pressing agricultural problems today—lowered farm income and mounting Government surpluses. By dealing with the first of these problems it offers to the farmer the opportunity to achieve an increased gross and net income, and therefore assures his part in the continued development of our small towns and their churches, schools, and businesses. It gives him the opportunity of voluntarily achieving full return for value received—something that is lacking today.

And by dealing with the second problem, it will cut down the large surpluses in storage, and thereby, the large tax burden which is required to buy and store these commodities. It looks forward to the day when the surpluses will be completely eliminated, and the program will be needed only as a backdrop to insure against the building up again of as large a surplus as we today have to deal with.

This is a political year. It seems that every journalist from here to Los Angeles predicted, even before this session had gotten under way, that no new farm bill would be forthcoming. But might I submit for your consideration my opinion that our appeal to farm people or to any other segment of our population, as parties or as candidates, will never be any better or stronger than the extent to which we can prove to them that we are capable of dealing with their problems in a manner that will serve to strengthen their individual opportunity in their respective fields, in compliance with the principles of a nation which offers a freedom of opportunity.

And, even more important than this, we must deal with this situation if we are to entertain the hope that our Nation will continue to offer agricultural stability and maintain its position as the best fed nation in the world. It would be well for us to remember that periods of prosperity have always been gained by tackling the most difficult problem and with persistence, accomplishing what seemed like almost impossible solution.

It is in this spirit, that I offer this bill for your consideration.

Congress Should Not Preempt the White House Conference on Aging

EXTENSION OF REMARKS
OF
HON. NOAH M. MASON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1960

Mr. MASON. Mr. Speaker, the following exchange of correspondence I had with former Congressman Robert W. Kean, Chairman of the National Advisory Committee for the 1961 White House Conference, reveals the reason why Congress should await the results of the Conference.

Let us not waste the $2 million we have already appropriated to bring thousands of good minds together to suggest solutions to problems of our aging population. Certainly we should get the benefit of their advice rather than enact legislation in haste and without proper study.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 11, 1960.

The Honorable ROBERT W. KEAN,
Chairman, President's White House Conference on Aging, care of Department of Health, Education, and Welfare, Washington, D.C.

DEAR BOB: I am writing to solicit information for the House Ways and Means Committee concerning activities of the President's White House Conference on Aging. I am informed that State conferences on the aging will be held this year to arrive at recommendations which will be made to the White House Conference in January 1961. These recommendations will probably cover the gamut of housing, recreation, health care, adult education, etc. Your group will have expended in Federal moneys nearly $2 million under Public Law 908 (85th Cong.) which Congress enacted in 1958. Additionally, you have authority to accept gifts from private groups to further supplement expenditures which will be required to make for an effective conference.

Certain organizations are bringing pressure on Congress to consider solutions to some of the problems of the aging during this year. These pressures urge action, especially in the field of health care of the aged, and would have Congress act without the benefit of adequate study and investigation of these problems—problems which were acknowledged by Congress to be so vast and so complicated as to require a White House Conference at a large expenditure of effort and funds.

My request is for you to give assurance to members of the House Ways and Means Committee that the problems under consideration require the best thinking of such a group of delegates as will attend and participate in State conferences this year and the White House Conference next year, and, further, that dedicated people are at work now performing a chore assigned to them by the Congress.

Would you please be kind enough to furnish the full membership of the Ways and Means Committee with a status report?

Sincerely,

N. M. MASON.

U.S. DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 19, 1960.

Hon. NOAH M. MASON,
House of Representatives,
Washington, D.C.

DEAR NOAH: I have your letter. It is true that if you include salaries of those who have been assigned to aging in the Department of Health, Education, and Welfare, there will be a Federal expenditure of approximately $2 million to carry out the provisions of Public Law 85-908. Most of the funds appropriated for 1959 were used to provide financial support to the States for preparation for the national conference.

No gifts have been received from private groups, nor are any authorized under law.

You ask for a status report:

The conference will be held at Constitution Hall here in Washington, January 9–12, 1961.

In preparation for the conference, Secretary Flemming appointed me on May 1, 1959, as chairman of a National Advisory Committee. He has appointed 148 members to this National Advisory Committee to plan the conference with representation from every State. An attempt has been made to have broad citizenship coverage.

This advisory committee had its first meeting last June here in Washington and made decisions as to the composition of the conference, etc., which decisions were accepted by the Secretary.

It was decided that there be 2,800 delegates: 1,740 to be appointed by the Governor of each State. It was decided that the number of these delegates should roughly be based upon the number of Members from each State in the House of Representatives. Six hundred and sixty to be appointed by the Secretary from national organizations which have been active in the field of aging. Approximately 150 will be the members of the National Advisory Committee. And an additional 250 will be appointed by the Secretary—chiefly interested persons and experts in the various Government departments.

It was planned that this will be a citizens' conference, not merely a conference of specialists in the field so it was agreed upon that it would be recommended to the Governors that two-thirds of the delegates whom they appoint be those who are not specialists in the field of aging.

It was decided that there should be 20 fields for special consideration at the conference.

At a later date I appointed each member of the Advisory Committee to a planning committee allocated to one of these fields. I appointed a chairman well qualified to study the subject and a technical director was allotted to each committee. These chairmen met in Washington last July and with the aid of the technical directors and consultants have been preparing papers giving background information as to the basic facts and issues in each of the 20 fields. Outlines on most of these subjects have already been sent out to the States. It is expected that the final papers will be completed on March 15.

One objective of these papers is to have available information in the hands of each State before they hold their State and local conferences. This should save unnecessary work and duplication, for under the wise provisions of section 202 it is specified that the States after their State conferences are to make recommendations to the White House Conference on Aging. So you will see the conference is planned to work from the bottom up, not from the top down.

Nearly every State has already scheduled a time for its State conference. We are eagerly awaiting these recommendations and we expect that they will be compiled and included in the conference agenda for careful study.

A meeting of another subcommittee was held last week to make specific plans for the conference itself. It is planned that the conference will break up into at least 100 small workshops, of not less than 20 nor more than 30 people, to go over the State recommendations and to make their own recommendations on the subject with which they are concerned. In this way every delegate can take an active part in the conference.

Then these small groups will report to one of the 20 sections covering the subject which they have been studying, and representatives of these sections will, in turn, make a report to the final plenary meeting.

It is hoped that the reports will include both sides of suggested remedial action in these fields and comments on State recommendations, but there will be no balloting at the plenary session.

It is believed that in all probability most of the recommendations will be for State and local activity which seems most effective in this field, though certainly some suggestions as to additional executive and legislative action at the Federal level may be included. In general, at present, the Federal Government activity has been very much greater than at the State level.

The planning committee chairmen are expected to meet here in Washington on April 21 in order that they may work out how the workshops will be conducted.

A second meeting of the Advisory Committee will be held on May 12 to approve the recommendations of the various subcommittees, etc., etc.

As you know, the law provides for a report, including recommendations, to be made to the new President by April 9, 1961.

The fact that the law was passed by a Democratic Congress, under sponsorship of Democratic Members, was signed by a Republican President and is being administered by a Republican Secretary of Health, Education, and Welfare, leads me to hope that in every activity the conference will be truly nonpartisan. It must be in order to assure its success.

I will, of course, be happy to give any further information to any of my old and good friends on the Ways and Means Committee.

With kind regards.

Sincerely,

ROBERT W. KEAN,
Chairman, National Advisory Committee.

Interest Rate Ceilings

EXTENSION OF REMARKS
OF

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1960

Mr. ARENDS. Mr. Speaker, in this morning's mail I received a communication from Mr. Clyde T. Ellis, the general manager of the National Rural Electric Cooperative Association. Accompanying this letter was an emergency resolution adopted by his association on February 24, 1960. The letter and the resolution expressed criticism of the legislative proposal to adjust the interest rate ceiling applicable to long-term U.S. marketable securities so as to facilitate proper debt management on the part of the Treasury.

Mr. Speaker, I was shocked by the lack of understanding of this urgent national problem that was reflected in Mr. Ellis' letter and in the resolution. I immediately responded to Mr. Ellis in an attempt to dispel the numerous misconceptions he had in regard to this legislation.

One of Mr. Ellis' misconceptions is that the 4¼ percent interest rate ceiling on marketable bonds has kept the interest rate down. The fact is that the ceiling has not kept the interest rate down; it has forced the Treasury Department to rely heavily on the short-term money market at rates in excess of 4¼ percent in managing the public debt.

A second of Mr. Ellis' misconceptions is that the President of the United States establishes interest rates. The fact is that interest rates are established under our free enterprise economy by the laws of supply and demand in much the same manner that other prices are established. The interest rate is the price of borrowing money.

A third misconception on Mr. Ellis' part is his belief that the enactment of legislation adjusting the archaic 4¼ percent ceiling will touch off a "chain reaction" to the detriment of such things as farm credit, small business, and housing. The fact is that the interest rate ceiling by confining the Treasury to short-term borrowing has raised interest costs to the small businessman, the farmer, and the homebuilder.

Mr. Speaker, these are only a few of Mr. Ellis' tragic misconceptions. The issue of interest rate legislation will be debated in the House of Representatives in the near future and at such time we can give detailed consideration to the urgent national problem of proper debt management.

I understand that other Members of the Congress have received similar communications from Mr. Ellis.

So that Mr. Ellis' letter and my reply to him may be a matter of public information, I will insert both the original communication and my reply in the RECORD at this point as a part of my remarks:

NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION,
Washington, D.C., February 29, 1960.

Hon. LESLIE C. ARENDS,
House Office Building,
Washington D.C.

DEAR MR. ARENDS: The attached resolution appealing for your help in opposing a compromise on the interest-rate-ceiling issue has just been adopted by our association board of directors and the membership. This action was taken at our 18th annual meeting now being held at St. Louis, where we have nearly 6,000 of our system directors, managers, members, and friends registered and in attendance.

We sincerely urge you to give this expression your earnest consideration and then your vigorous support.

Respectfully yours,

CLYDE T. ELLIS,
General Manager.

EMERGENCY RESOLUTION UNANIMOUSLY RECOMMENDED BY THE NRECA BOARD OF DIRECTORS AND ADOPTED BY THE MEMBERSHIP IN GENERAL SESSION AT ST. LOUIS, MO., FEBRUARY 24, 1960

Whereas the Congress is about to take up a bill which would compromise the traditional interest-rate ceiling and thus remove one of the last effective bulwarks protecting us and all consumers from the ever-spiraling interest costs that are being imposed everywhere under the tight-money policy; and

Whereas this bill, if enacted, will give the President the authority to establish interest rates at any level he chooses, a fiscal power the Congress has never before seen fit to hand over to any President at any time; and

Whereas this bill, if enacted, will touch off a chain reaction that can result only in crippling damage to such programs as rural electrification, resource development, housing, farm credit, education, small business, slum clearance—not to mention the extra costs it would inflict on national defense and government operations at all levels; and

Whereas the President has recommended that the Congress increase the REA rate to the level of interest on long-term issues, plus an additional amount: Now, therefore, be it

Resolved, That we who are assembled in the annual meeting of the National Rural Electric Cooperative Association representing 1,000 rural electric cooperatives and their 16 million individual member-consumers appeal to the Congress to defeat this legislation and begin forthwith a drive to get our national monetary policies back on a sound and sane basis.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1, 1960.

MR. CLYDE T. ELLIS,
General Manager, National Rural Electric Cooperative Association, Washington, D.C.

DEAR MR. ELLIS: I have your letter of February 29, enclosing a resolution adopted by the membership of the National Rural Electrification Cooperative Association on February 24, 1960.

I note that the caption on the resolution suggests it was adopted on an emergency basis. Such hasty consideration is certainly reflected in the misunderstanding evident in the resolution of both the problem which the Treasury faces at the present time, and

the solution which the House Ways and Means Committee has proposed. The bill referred to does not remove the interest rate ceiling on long-term marketable securities but merely provides a limited exception to the ceiling.

Your resolution fails to recognize further that the present ceiling has already added substantially to the current interest cost on the public debt by forcing the Treasury to do all its financing through short-term borrowing. This has resulted in pushing interest rates in the short-term market far above those on long-term securities, reaching the highest levels in almost 40 years. The Congress has a duty to see that this unwise pressure on short-term interest rates ceases immediately.

Your resolution furthermore ignores completely the fact that one of the segments of our economy most hurt by high short-term interest rates is the American farmer who must meet demands for seasonal loans and other short-term needs at rates which are much higher than if the Treasury were able to meet at least some of its requirements through borrowing beyond 5 years. The Treasury cannot do its borrowing in a vacuum—it has to do it in competition with all other borrowers. If the Treasury is completely denied access to borrowing beyond 5 years it obviously must add to the already heavy volume of demand for short-term funds. Qualified experts have testified that short-term rates would be perhaps as much as one-half of 1 percent lower if the Treasury were not forced to do all of its borrowing in the short-term market in competition with consumers, farmers, and small businessmen.

The statement in your resolution that "This bill, if enacted, will give the President the authority to establish interest rates at any level he chooses, a fiscal power the Congress has never before seen fit to hand over to any President at any time" ignores four facts: In the first place, in our free enterprise economy the prevailing interest rate is the barometer of the relationship between the demand for credit and the supply of savings determined through the individual decisions of literally millions of Americans. Secondly, the President already has authority to sell U.S. securities on short-term issues, at whatever interest rate the market demands, and has had it for more than 40 years. Thirdly, no responsible President or Secretary of the Treasury is going to borrow money at any rate of interest other than at the very lowest rate he can, consistent with the public interest. Fourthly, the bill reported by the House Ways and Means Committee does not remove the ceiling—it merely permits certain exceptions to be exercised, with definite limitations.

The report of the House Ways and Means Committee on its bill makes it very clear that the intended purpose of this bill is to permit the Treasury to manage the debt effectively, economically, and efficiently. It is in the best interests of 177 million Americans and the strength of the free world that the Secretary of the Treasury be given authority to manage the public debt in the least inflationary manner possible.

In your resolution you indicate criticism of the Federal Reserve System and place yourself in favor of an undefined monetary policy that is "sound and sane." It is my conviction that the Federal Reserve's flexible monetary policy has been skillfully handled and deserves the support of all thoughtful citizens. Every American has much to gain by the proper management of the public debt and by other sound financial policies in helping to avoid inflation which can seriously impair the confidence of our people in the American dollar. Excessive short-term borrowing by the Treasury is inflationary in that it, in effect, adds to the supply of money in the country and is only one step removed from "printing press" money.

No one has more to lose from inflation than the farmer who, under inflation, finds his crops priced too low and the costs of his purchases mounting every time he goes to the market. This fact is well recognized by the leading national farm organizations. I would like to remind you that the National Farm Bureau has adopted a resolution supporting the removal of the 4½-percent ceiling in the interest of the farmer as well as all other citizens. In addition, the master of the National Grange has supported the removal of the ceiling.

All Americans—including the 16 million which you mention in your resolution—can only be harmed by a further erosion in the purchasing power of the dollar since it eats away at the value of their savings. The best way to insure further deterioration in the value of the dollar and impaired confidence in our national economic strength is to try to force down interest rates artificially in the vain hope that some other means may be found to fight inflation, short of complete regimentation and socialization of our economy.

In conclusion, therefore, I would suggest that your board of directors and membership consider a little more carefully your ill-advised action which is based on an obvious lack of understanding of both the problem and the proposed solution. This matter of proper debt management is too important for politically motivated caprice.

Very truly yours,

L. C. ARENDS,
Member of Congress.

Tax Rate Reform

EXTENSION OF REMARKS
OF
HON. HOWARD H. BAKER
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 2, 1960

Mr. BAKER. Mr. Speaker, on January 21, 1959, my distinguished colleague on the Committee on Ways and Means, the Honorable A. S. HERLONG, JR., and I joined in cosponsoring legislation, H.R. 3000 and H.R. 3001, designed to provide long-overdue reform of our onerous income tax rate structure which has had such a stifling effect on the development and growth of our free enterprise economy.

This legislation would provide across-the-board tax rate reduction so that the maximum surtax rate applicable to individual and corporate incomes would be 42 percent. Under this legislative proposal the Federal Government would no longer be a majority partner in the private economic undertakings of our citizens.

Recently my esteemed committee colleague, the Honorable THOMAS B. CURTIS, addressed the 10th annual midyear conference of the Tax Executives Institute meeting in Washington, D.C. During the course of his remarks Mr. CURTIS advocated a downward adjustment of maximum individual and corporate taxes to a level of below 50 percent. My able colleague from Missouri has very wisely directed public attention to the damaging economic consequences that flow from the rate schedules and substantive provisions of our present Federal tax structure.

As a prominent member of the Committee on Ways and Means and the ranking Republican on the Joint Economic Committee, TOM CURTIS has gained a reputation as one of our Nation's leading authorities on tax law and economic policy. His well-considered observations before the Tax Executives Institute reflect the validity of that deserved reputation.

Mr. CURTIS' remarks before the membership of the Tax Executives Institute should be required reading on the part of every American citizen. I will include Mr. CURTIS' remarks at this point in the RECORD:

REMARKS OF THE HONORABLE THOMAS B. CURTIS BEFORE THE TAX EXECUTIVES INSTITUTE MIDYEAR CONFERENCE FEBRUARY 15, 1960

President Waychoff, distinguished guests, and members of the Tax Executives Institute, it is a pleasure for me to attend this banquet meeting of your 10th annual midyear conference. I have long been aware of the TEI membership's competence in tax matters; I am also now personally aware of the quality of your very kind hospitality.

At the outset I would like to acknowledge the commendable job your managing director, James C. Rivers, has done in arranging this meeting. His capable work in connection with your conference is consistent with the splendid job he did as one of the top officials of the Internal Revenue Service and does currently as the fellow in charge of your national headquarters.

I come to you from a series of Lincoln Day dinners in the Midwest section of our country. Those meetings were more partisan than I presume you would have me be tonight. While the political tenor of those Lincoln meetings might be somewhat different from what is expected now, I earnestly submit to you that the fundamental objective of the Lincoln Day meetings is not too different from our interest tonight, namely, responsible citizenship. The difference is that tonight we place special emphasis on tax considerations.

I regret that I could not be present last night to hear the address of that distinguished American and my good friend, Dr. Raymond J. Saulnier. As Chairman of the President's Council of Economic Advisers, he is doing outstanding work in behalf of less government bureaucracy and for a more vital free enterprise society. Because I did not hear Steve's talk last night and because I know from personal experience that he and I think a good deal alike in terms of economic philosophy and tax policy, there is some danger that I will allude to matters previously covered by him. I hope I will not impose repetition on you.

In presenting some observations on taxes I might begin by observing that man's greatest progress since his historical beginning has not been in the area of tax policy.

Taxation dates back to the beginnings of civilization. As organized society came into being, taxes were a concomitant phenomena necessary to the support of governing institutions and the government services rendered. Five thousand years ago in the dynasty era in Egypt we now find archeological evidences of tax collectors, tax rolls, and tax structures which were necessary to the financing of public endeavors. History is fraught with instances of wars and rebellions waged because of tax burdens. Indeed, we all recall the stirring words of that Revolutionary patriot James Otis to the effect that taxation without representation was tyranny. The remark of this patriot has prompted some current-day wags to speculate what that great American might have said about taxation with representation in the light of present experience.

Tonight I would talk about some convictions I have in regard to tax policy and then end on the note of what seems to be in prospect in the tax legislative area this year. This suggests an ambitious undertaking, but I promise to be brief.

Justice Cardozo once said with respect to our colonial Founding Fathers that they "knew more about ways of taxation than some of their descendants seem to be willing to concede." The last 170 years, and certainly the period of the last 40 years cannot be regarded as years of marked improvement in what our Founding Fathers wrought in the way of tax policy. We have piled tax on tax and compounded substantive complexity in our endeavors to meet the insatiable demands for spending by the various echelons of government. We have now reached the point where Federal, State, and local governments spend approximately one-third of our net national product. This simple but shocking statistic demonstrates the distance we have gone toward socializing the economic endeavors of our citizens.

Our Nation's present day tax structure is too much an area where angels fear to tread. In saying this I do not mean to impugn the expertise of you tax executives. I am saying instead that even with your experience I know you are daily confronted with uncertainties and imponderables. I refer, for example, to the matter of the Gordian knot of taxation—deduction, depreciation, or disallowance. This might be termed the 3–D dilemma of taxation.

The present day malaise in the area of taxes can be attributed in large measure to the fact that tax policy decisions were made by default rather than with considered deliberateness because we pursued the course of expediency when in reality we should have been dealing with tax issues with courage and forthrightness. The Congress, the Treasury, and even the courts have devoted the last 40 years to too much preoccupation with revenue raising considerations. We have had insufficient concern with the economic implications of our shortsighted tax endeavors. We have in effect proved that taxes can thwart economic growth instead of establishing the principle that sound tax policy can contribute to achieving the kind of nation we seek.

I do not mean to be an alarmist or hypercritical; I do mean to stress my deep conviction that tax policy not only can but urgently should be better than it is.

Well before the formal pronouncements of Adam Smith, it was recognized that the most forceful motivation for productive economic activity is the incentive of economic gain—namely, profits. In the United States and in other industrialized nations of the free world we have disregarded that basic principle by the establishment of unconscionably oppressive progression in tax rates; a progression that constitutes a departure from anything that can honestly be passed off as recognition of ability to pay. We have been persuaded to this departure from sound tax policy by the partisan demagog who have extolled mediocrity and have placed an anchor on individual initiative.

We have been more vigilant in closing tax loopholes as they have appeared than we have been in alleviating tax hardships. We have adopted incentive features in our tax structure in behalf of social and philanthropic groups in our policy; we have been indifferent to the need for maintaining strong and vital incentives for risk-taking economic endeavors.

This enumeration of neglect and avoidance of responsibility has had its price. Taxes have become one of the predominant factors in the making of economic decisions with the result that we have uneconomic decisions and less good utilization of resources. Another price that we have paid stems from the role taxation has had on capital accumulation and investment. One of the basic elements in a directly free enterprise system is the freedom of entry into industry. Yet, the problem of accumulating capital under our present tax system and the uncertainty of retained reward for risk taking is discouraging to the new entrepreneur and gives an advantage to the established business.

I have referred to the principle of taxation according to ability to pay. This proposition is predicated on the philosophy that the equitable distribution of the incidence of tax could be effected by relating tax liability to income. Section 61 of the Internal Revenue Code adopts the language of the 16th amendment to our Constitution and says that gross income means all income from whatever source derived. The code sections preceding section 61 and the sections following section 61 are largely devoted to dealing with exceptions to that comprehensive rule.

Some people have justified the steep progression in our rate structure on the grounds that these exceptions and special privileges make necessary such progression in the interest of tax equity. It is my belief that such a contention is placing the cart before the horse. It is the steep progression that has caused the clamor for special tax treatment.

I also submit that the existence of fairness in a tax system does not depend upon progression or upon the differentiation in tax liability between people who are differently situated. Instead, fairness depends on whether there is reasonable equality of treatment of the people who are similarly situated. I do not mean to imply by this observation that I have joined the ranks of those who advocate sweeping elimination of some of the fully warranted special treatments in the substantive provisions of our Federal tax law. I am merely demonstrating the fact that progression of itself does not produce fairness.

With respect to the wisdom or lack thereof in the various proposals that have been made for broadening the tax base I would point out that another essential element of fairness in the tax structure is that a tax system must not impair incentives to work and incentives to keep one's property working. The national wealth requires that our citizens, our productive assets, and our savings be put to rewarding economic purpose in our free enterprise society. We cannot as a Nation be rich and lazy at the same time.

In the past three decades we have been prone to deprive the economic doers in our society of proper incentives and this has been conducive to the channeling of our assets into outlets that are not productive. Our tax system accords exemption from income taxation or accords other preferential treatment to certain types of bond investments. The funds from such investment may be used for good purpose but they cannot be characterized as risk undertakings. Our estate and inheritance taxes encourage the utilization of trusts to hold property which too often is removed from the area of risk investment. We have the phenomenon of tremendous growth in pension plans. Another factor weighing against the involvement of capital in risk endeavors is the need for liquidity to pay death taxes. These tax inducements away from risk undertaking have tended to deprive our economy of the incentives to invest; the basic factors of economic productivity are less persuasive with our citizens than are tax considerations.

In criticizing deficiencies in our tax structure, I necessarily assume an obligation to propose remedies.

Commenting first on our rate structure, I assert that it is politically immoral and fiscally uneconomic for our Federal Government to take more than 49 percent of any dollar of income earned by a taxpayer. The much discussed need for achieving and maintaining a high rate of economic growth warrants our having the courage of our convictions and utilizing our future economic growth to finance a downward adjustment of maximum individual and corporate taxes to a level below 50 percent.

Turning to the substantive provisions of our tax structure, I believe that the economic incentives to growth through the endeavors of our free enterprise society, as distinguished from Government enterprise, must be stimulated. We must measure up to the challenge of our potential not only to successfully meet the competition of international communism but also to make our Nation a better place in which to live for all our citizens. Examples of tax changes that would contribute to these objectives would be a further liberalization of depreciation allowances, and in this connection should certainly be included a realistic revision of our antiquated bulletin F. We must ease the impact of double taxation wherever it exists and we must seek to assure that all income is taxed at least once in the year in which it is earned.

An important change that should be made in our tax structure in the interest of scientific and technological advancement is the allowance of a tax credit for endeavors in the area of basic research. I have introduced legislation, H.R. 4797, which would stimulate greater basic research endeavor on the part of the private segment of our economy and thereby place less responsibility on the Federal bureaucracy for such endeavors. I am personally convinced that greater results can be achieved in basic research under the auspices of free enterprise than can be attained under the aegis of Government enterprise.

I have necessarily touched briefly on only a few of the more important and more urgent needs of tax reform. The responsibility for bringing about meaningful tax reform is one that must be shared by every American citizen seeking not personal gain but instead patriotic progress. This is an undertaking in which the members of TEI acting in their individual capacities as business executives must have a leading part. By working at this urgent task with diligence and with selfless dedication you can do much to assure the attainment of these ends.

Earlier in my remarks I promised you some observations in regard to what I believe the prospects are for tax legislation in this 2d session of the 86th Congress. Because of political conventions to be held in July, this year Congress will engage in, I hope, a relatively short session. That likelihood makes it doubtful that any major changes in our Federal tax structure will be undertaken by the Committee on Ways and Means although with respect to particular areas of the Internal Revenue Code it is likely that some action will be taken.

As most of you know, the House of Representatives has already acted favorably on a bill reported by the Ways and Means Committee, H.R. 9662, making technical revisions in subchapter J, concerning the income taxation of estates and trusts, and subchapter K, concerning the taxation of partners and partnerships. It is my expectation that this legislation will be enacted into law this year.

Legislation pertaining to subchapter C is likely to be reported by the Committee on Ways and Means. I am not going to undertake to delineate in any way the changes that might be made in this very difficult area but such legislation will deal with only limited aspects of the problems involved. These changes will embody many of the recommendations of the subchapter C advisory group and they will be directed toward the closing of some loopholes; the alleviation of some hardships; and most

hopefully of all, the ending of the very great confusion arising from the attribution rules contained in section 318 of the Code.

Before July 1, 1960, the Congress will act on legislation extending the corporate rate for another year at its present level of 52 percent and similarly extending most, if not all, of those excises that are scheduled to be reduced on July 1, 1960.

I do not anticipate any changes in the taxes used for financing the Federal aid highway program in 1960, but point out to you that a report is due from the Commerce Department on highway user cost allocations by January 1961. It is my belief that this study will be used as the basis for finding solutions to our highway financing needs over the life of the current highway development program which is projected through the early part of the next decade.

The Committee on Ways and Means has completed its action on H.R. 5 dealing with the income taxation on foreign income. This legislation originally was designed to make rather sweeping changes with respect to the tax treatment of income derived from abroad. As approved by the Committee on Ways and Means, H.R. 5 has been very significantly watered down. The deferral concept is retained in the establishment of a foreign business corporation and in addition section 367 of the code is made inapplicable to transfers of assets within the activities of the foreign business corporation. Grossing up of the foreign tax credit is applied to the foreign business corporation. Without expressing a prejudgment of the propriety of the grossing-up requirement, I would state my conviction that if this concept becomes a part of our Federal tax law in this limited area, it will be used as a precedent for the extension of the grossing-up principle to other types of foreign operations. It is my personal belief that before provision was made for grossing up the committee should have accorded interested persons an opportunity to express their views on this point in public hearings. I am not sure that H.R. 5 as it is presently constituted will pass the House of Representatives, but if it does the effort will probably be made to expand the scope and character of H.R. 5 during Senate deliberations on this legislation.

Another bill of interest dealing with the taxation of foreign income is H.R. 10087 which provide an election to a taxpayer to utilize an overall limitation instead of a per country limitation with respect to the foreign tax credit. This bill has been reported by the Committee on Ways and Means and will likely pass the House of Representatives in the near future.

Action may also be likely in the area of cooperative income. The change, if any, will be modest in scope and will probably be in the direction of remedying the avoidance feature created by the Carpenter line of decisions.

In addition to these tax changes that I have enumerated, it is probable that the Committee on Ways and Means will also act on certain bills of very limited application during the consideration of what is referred to as Members' bills. I will not at this time undertake the very speculative and inconclusive task of suggesting to you what the subject matter of those bills might be.

Because of the pendency of the Connelton case before the Supreme Court involving the cut-off point on sewer pipe clay and the implications the Supreme Court's action on this case will have in other depletion areas, I do not believe that the Committee on Ways and Means will take action on legislation making any major change in the natural resources provisions of our tax law.

You will notice that I have so far referred to the fact that the Committee on Ways and Means will or will not take a certain action. I have done this deliberately. Much more uncertain is what may occur in the Senate of the United States. You are well aware of efforts made last year that almost met with legislative success to repeal the 4 percent dividend received credit. This amendment was approved by the Senate and was deleted at the last minute in conference. I foresee a continuation of endeavors in the Senate to repeal this section, to make the restricted stock option provisions more stringent, to tighten up on capital gains, to reduce the depletion allowance, and to make other changes in our tax structure. For the most part these efforts will be made in order to lend an alleged aura of fiscal responsibility to liberal spending schemes by claiming that such schemes are being financed through the claimed added revenue that would be raised. This real prospect of a frontal attack on our free enterprise economy demands the utmost vigilance and active opposition of all of us who believe in our traditional American way of life.

In recent months there has been a great deal of interest in and publicity about tax reform that holds out to the public the tax platitudes of simplicity, improved fairness, and less onerous tax rates. These discussions have been predicated on the proposition that by broadening the tax base we will achieve the objectives of simplicity, fairness, and lower rates.

I do not believe that these objectives will be attained in 1960. Such an endeavor is of necessity a long-range project and such basic changes will not occur in this Congress. Therefore, it is realistic to note that the outcome of the election to occur this November will have an important bearing on the long-range tax outlook.

I would close this discussion of taxation by referring to the fact that the majority of our tax problems are attributable to problems created by the spending proclivities that have been rampant in our Nation over the last three decades. We have unfortunately given a very thorough testing to the mistaken notion that the Government can spend the taxpayer's dollar better than the taxpayer can. In the six Federal budgets that have been prepared since fiscal year 1955, which constituted the low point in Federal spending in the last decade, we find that total spending has aggregated an increase of $59.1 billion over the 1955 level. In these succeeding 6 years if we had been successful in keeping the level of expenditures at the 1955 level, we would today have had a total of almost $60 billion that could have been used over the intervening period for tax reduction and debt reduction.

Our spending policies have not only produced mounting indebtedness in three decades, but they have also injected inflexibility in tax policy. In the interest of at least a semblance of fiscal responsibility in the short run, we have foregone tax adjustments that are vitally and urgently needed. The advocates of the "affluent society" through Government spending supported by higher tax revenues have had too much influence in determining our tax policy.

If we are to prevail in our endeavors to maintain international preeminence and achieve a greater measure of national vitality, we must reject the advocacies of the economy regimentors. We must pay meaningful heed to the requirements of increased availability of investment capital balanced with greater consumption capacity by our growing population through increased productivity of our private economy. These are matters on which it is urgent that we as individual citizens and as members of the business community must have strong convictions and we must practice those convictions if we would avoid the conviction of our practices.

At the beginning of my talk I forewarned you that I have come from a series of Lincoln Day speeches. I have to this point, I believe, demonstrated admirable restraint in forbearing from reference to timely Lincolnia. I will breach that forbearance in the form of a benediction and paraphrase a remark Mr. Lincoln made in February 1860, just 100 years ago, to the effect that in tax policy let us have faith that right makes might, and in that faith, let us to the end dare to do our duty as we understand it.

U.S. Battle Monuments

EXTENSION OF REMARKS
OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1960

Mr. TEAGUE of Texas. Mr. Speaker, may I call to the attention of Congress and the American people a few facts which are in deep contrast? We have placed in Europe inspiring memorials and memorialized cemeteries at an expenditure of about $40 million to record the sacrifices and deeds of those who served in Europe in World Wars I and II. These memorials are beautiful, inspiring and of deep meaning to the thousands who view them and will view them for generations to come. These American memorials are revered and cherished by the countries in which they are located.

In the Far East there were 4 million Americans engaged in World War II. The front was 8,000 miles from our shores and extended almost halfway around the world. To record that service and to perpetuate the memory of the sacrifices and history of that American effort we have one memorialized cemetery only, in the Far East.

In many countries of Europe the Congress of the United States has honored our dead and preserved for posterity the visual history of World War I and II, as follows:

MEMORIALS (NOT CEMETERIES)

Audenarde, Kemmel, Belgium.
Bellicourt, Cantigny, Aisne Marne, Belleau, Blanc Mont, Meuse Argonne, St. Mihiel, Services of Supply, France.
Naval memorial, Gibraltar.
Naval memorial, France.

MEMORIALIZED CEMETERIES—MEMORIALS (WITH NEARBY CEMETERY)

Brookwood, England.
Flanders Field, Belgium.
Somme, Aisne Marne, Oise-Aisne, Meuse Argonne, St. Mihiel, Suresnes, France.
Cambridge, England.
Normandy, Brittany, France.
Netherlands, Netherlands.
Henri Chapelle, Ardennes, Belgium.
Luxembourg, Luxembourg.
Lorraine, Epinal, Rhone, France.
Florence, Sicily Rome, Italy.
North Africa, Tunisia.

All of them are inspirational, meaningful, and a credit to the United States.

I am not including other memorials in the United States.

The contrast is that the only American recognition of what occurred in the Far East is the one memorialized cemetery near Manila for the American dead.

Congress created the Corregidor Memorial Commission. It was deemed desirable to place upon the hallowed ground of Corregidor one impressive significant and inspiring memorial to preserve the history of those who sacrificed and died in the far Pacific and of our entire service in the Far East. The Philippine Congress by resolution requested that it be placed on Corregidor. The Government set aside Corregidor as a shrine and to use it for the purposes of the memorial. A shrine commission was created and directed to confer with the American Corregidor Commission. The Philippine commission came to America for that purpose and among other things approved of the chosen design. One thing remains—to pass the $7½ million authorization bill. The House of Representatives passed such an authorization bill late in the 85th Congress but Congress adjourned before action was taken in the Senate.

The request for the authorization is expected to be before Congress in the near future.

In my opinion, since about 15 years have elapsed since the retaking of the Philippines, we should not further delay the erection of this American memorial on Corregidor.

National Issues of 1960

EXTENSION OF REMARKS
OF

HON. HERMAN TOLL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1960

Mr. TOLL. Mr. Speaker, it was my privilege on Wednesday evening, January 6, 1960, to be the speaker at an interesting meeting in Philadelphia sponsored by the Citizenship Clearing House. A number of local institutions participated, including the University of Pennsylvania, Temple University, Beaver College, Chestnut Hill College, Drexel Institute of Technology, and Ursinus College participated. La Salle College was the host.

My remarks on that occasion were as follows:

Dr. Courtney, Commissioner Osser, distinguished representatives of both great political parties in the field of government, and students of government, I am glad to have the opportunity to be the alternate speaker this evening, in view of the necessary absence of Congressman WILLIAM J. GREEN, JR., the Democratic city chairman. Mr. Green must remain in Washington because he is a member of the Democratic study group, which is now meeting, and because of his membership on the powerful Ways and Means Committee, which is also the Committee on Committees of the House of Representatives, which handles committee assignments.

I am also aware of the presence of some of the outstanding political leaders of the Democratic Party in Philadelphia, who could easily qualify as principal speakers. My good fortune stems from the nature of the topic, which relates to my work as a member of the congressional delegation from Philadelphia. The president of the City Council of Philadelphia, the Honorable James H. J. Tate, has submitted a memorandum relating to the city program for the use of the students gathered here, and the Honorable Charles A. Weiner, Democratic floor leader in the Pennsylvania State Senate, has likewise submitted a memorandum on State issues.

A great opportunity is today available for political leaders to advance programs for the next decade which all Americans should consider and which the future public servants and political leaders should study. This meeting presents leaders of our two great political parties who are serving the citizens in various levels of public office and students of government who will be the public servants and officeholders of the future. What greater forum can be obtained for the serious consideration of governmental objectives which the officeholder of today submits to the possible officeholder of tomorrow?

We stand on the threshold of a new era: an era wherein we can turn our thoughts and energies to building a nation in which the people of the country can reap the benefits of an expanding economy of plenty and achieve security for an entire lifetime. New technology and new scientific discoveries make possible this economy of abundance, with a higher standard of living and work opportunity for all. Building for the common welfare will require a fundamental change in orientation of Government. An opportunity to establish and support a program to bring about a new approach to a new decade, a policy to promote the general welfare of all people.

The two party system opens the avenues for bold new measures and policies to all who are interested in development of good government which will provide the greatest advantages to the people of our country. Those who present the policies and philosophy of the great Democratic Party which is today leading the city of Philadelphia and the Commonwealth of Pennsylvania to a brilliant future, are glad to have the opportunity of sharing with you students of government who have gathered to consider the presentations which may have a tremendous effect on the America of the next decade.

The Democratic Party appeals to the greatest number of citizens because it advocates good government at all levels, city, State, and National. Mediocrity has never been accepted as the ideal in America, yet it does seem that there are many today who accept it, and in the name of "middle-of-the-road" would have us believe that we cannot separate between good and bad, hot and cold, and fish and fowl in politics. Not everyone, however, has been misled by the more or less open and approved efforts to reduce public life and personalities. The people of the country must look to the Democratic Party to provide national goals and a program to meet the difficult problems of the next decade.

LET US CONSIDER THE EDUCATIONAL PROGRAM

From a national viewpoint the really big question confronting our people today is how to produce enough persons competent to overcome the Soviet lead in the vital fields of science and technology. The educational problem is one of greatest concern to all persons interested in the survival of our country. It does not extend merely to the cost of education and the consequent request for scholarships and loans, but also to the matter of admissions and the shortage of classrooms and qualified teachers. Our country's determination to equal Soviet achievements and to respond to the proddings of educators has resulted in a greater number of students than ever before. But the cost of education has also increased and Federal aid is one of the solutions to the problem. The necessity of educating our youth in a stronger program is so essential in competing with the Soviet system and so vital to the security of our country that it rates consideration in the budget for national defense.

The future of our cities is an issue

The United States is fast becoming a Nation of city dwellers. In the last 10 years, a million people have left the farms and rural areas, while 30 million more people have crowded into cities, towns, and suburban areas. Thanks to modern machinery and scientific methods, fewer farmers are now able to feed millions more people, and pile up enormous surpluses at the same time. The Democratic Party recognizes that the concentration of people in the cities of our country is a normal development in view of our industrial and commercial enterprise. The future of our country lies in the continued progress and improvement of cities, large and small. The great cities of Pennsylvania are in need of Federal support to overcome many problems. The leading cities of Philadelphia and Pittsburgh have shown what can be done on a local and State level in building and developing the metropolis of the future where people can work and live in comfort and security. But complete accomplishment of the programs to fully develop the potentials of cities requires Federal help. Transportation problems can only be solved by Federal contributions. People who live on the perimeters of cities seek to get in to work and out to their residences with a maximum of speed and safety. The suburban areas of our large cities now number millions of residents. Mass transportation financing and other plans to provide the vital needs of movement are urgent in the program of supporting our city life.

The development of our cities can only continue by the replacement of blighted areas, by new housing construction and proper planning for the future. Urban renewal and development have been the subjects of national consideration but they must be extended and advanced, remove blight as quickly as possible and establish new areas for living to increase the facilities of the communities which are so vital in the maintenance of our great industrial centers.

Our cities need Federal help to develop the hospital and medical services which have been established in the great educational centers and in the general communities. There are many installations which are Government owned which can be used by our cities when not needed for national emergencies. These should be owned by our cities and used by our Government in times of need. The highway program to provide suitable and safe ingress and egress to our cities needs Federal support for proper development. America is a country on wheels and mobility has always been a great factor in the development of our strength and progress.

The foreign policy issue

In the field of foreign policy the most important problem relates to disarmament and the control of nuclear weapons. A determined effort must be made to control the production and testing of nuclear weapons on a worldwide basis leading to every possible method which can be advanced for reduction in manufacture of arms consistent with suitable and careful inspection devices leading to worldwide conformity with the program.

Negotiations and conferences with other nations leading to achievement of world peace should be continued and encouraged subject to our support of existing treaties and the United Nations Organization.

The worldwide bases established by our country do not constitute a sufficient defense line in view of the development of the nuclear weapons and missiles. It is therefore

urgent that our military and defense establishments reconsider our position and methods of defense in order to devise a more effective system in the light of current conditions and changes in weapons now available to our opponent in case of conflict.

Gen. Maxwell D. Taylor published a very recent book called "The Uncertain Trumpet." In this morning's newspaper George Fielding Elliot calls it a frightening and a timely book. Permit me to read you a few short paragraphs of the review.

"For here, at the outset of an election year, we find an officer who has been Chief of Staff of the Army and a member of the Joint Chiefs of Staff during 4 years of the present administration, and has laid down those high responsibilities only a few months ago, telling us with solemn conviction and with much supporting evidence that our present ability to deter the Soviet Union from launching a nuclear attack on this country is declining so rapidly that the Nation faces a serious crisis commencing in 1961."

"Chillingly reminiscent of Sir Winston Churchill's narrative of British refusal to face reality in the 1930's is General Taylor's account of his plea to the National Security Council in 1958.

He was speaking on this occasion, by previous agreement, for the Navy and Marine Corps as well as for the Army, and with the implied approval of Secretary of State John Foster Dulles."

"Yet the outcome was a memorandum to the services from Secretary of Defense McElroy stating 'that there had been no changes in the international situation to warrant any significant revision in national security policy'—which was followed by really frantic attempts to compel the dissenting Chiefs of Staff to give public support to a budget based on this assertion."

"This 'should be done now, before another annual budget projects past mistakes even farther into the future.' The change will be expensive; but, the general warns, 'there is no living with communism as an inferior.' "

Is there any excuse for this situation? Can this attitude of the administration be hung on the altar of inflation?

Labor and management issue

The problems presented by the growth and management of unions should not be solved in a punitive manner so as to retard and restrict their development. The amendments which have recently been added to the Taft-Hartley law were the result of a massive lobbying and pressure campaign on Congress for government regulation of unions and their power to win higher wages and working conditions. The organization of workers has been a major factor in the progress and strength of our country and every avenue of cooperation between management and labor should be encouraged in order to develop a harmonious relationship in which both can operate. This will improve the conditions under which our country can forge ahead in its development and progress.

The executive department and the Congress should encourage programs for production and employment based upon a sufficient use of our manpower, skills and technology. The Congress should enact legislation consistent with the program of progress and development which can reasonably be achieved under peacetime conditions. The Employment Act of 1946 contains provisions which can further such objectives.

Civil rights

The principles of equality and equal opportunity in education, employment, housing and other fields must be supported if we are to establish a stronger democracy in which all people can honestly be included. The laws leading in this direction should be respected and supported and the Supreme Court's efforts to interpret the principles of law in favor of such action should not be counteracted by legislation which will hamper the program for equal rights which will make our country an example of equality and justice in the world.

Once democracy is achieved in the South, that area will cease to be a sanctuary for runaway plants seeking sweatshop open shop conditions.

Social security

In a broad sense the problems of the retired worker, the aged citizen and the youth can be included in the field of social security. Disability or death of a worker endangers the life and security of the dependent. The older citizen should be able to live in health and comfort. The youth of our country, which is our greatest asset, should be helped in avoiding pitfalls and in proper development. Expansion of social security benefits for the worker and the aged should receive serious consideration from Congress. The youth who is tempted in his development should be protected from conditions which will affect his proper growth and future. Legislation to drive out filth literature and programs to develop our youth in their training and occupational needs should be considered.

Economic future will certainly be an issue

The future of our country lies in the development of our productive power in the next decade. There should be an overall plan for revisions of our tax structure to place more purchasing power in the hands of low-income families. Our Federal outlays for resource development, public assistance for the needs of our people should be increased. Efforts should continue toward building the institutional devices for the needed governmental and business cooperation which will improve public economic policies.

This does not mean that our party advocates a spendthrift Government. A steady increase in Government spending and even more so in private spending are essential parts of an overall policy to build our national strength. We are lagging in primary military strength, science education, and many other things. This is not because we lack the material potential to do much better. It is because we are not trying hard enough to marshal these potentials.

There is an erroneous belief that our economy cannot afford to do more. We are still trying to protect our economy by scaling down our demands upon it in accord with its relatively low actual rate of performance. It is obvious that we could afford what we have, if we lifted our economy's actual performance closer to its great potentials.

Our gross national product in the decade of the fifties could not reach $500 billion. In 1959 it was less than $480 billion. This was approximately the volume of all goods and services produced in a year. This included all our products, agricultural and industrial, the schools, roads, and hospitals built, the defense weapons made, and all services performed for compensation by everybody.

In the next decade we can reach an economy of more than 600 billion. But this will depend upon the vigor and wisdom of our policies and programs. By full use of our tremendous and ever-increasing productive power, we can do more than meet our national security needs. We can also achieve so much plenty at home, and add so much to plenty elsewhere, that the economic problem of shortages of important things might be virtually ended here and reduced to manageable proportions overseas.

This is the outlook and policy which invites our efforts in the next decade. This is the opportunity which a forward-looking citizenry can seize and follow with great vigor and likelihood of success. This is the challenge which will make greater the America of the future.

Ukrainian Independence Day

EXTENSION OF REMARKS

OF

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1960

Mr. GARMATZ. Mr. Speaker, even though the words "independence" and "freedom" are meaningless when they are used in reference to the captive nations under Russian domination, it is still a good thing for us to observe anniversaries of such days as Ukrainian Independence Day, which was commemorated on January 24.

Such days provide an excellent opportunity to remind ourselves of the high cost of freedom, the need for constant vigilance on the part of every citizen of every free nation, if their countries are to remain free and independent, and the fact that we must continue to explore every possibility of helping the captive nations regain their freedom. They also give us an opportunity to strengthen the faith and hope of these enslaved peoples.

On January 24 Ukrainians of Maryland observed the 42d anniversary of Ukrainian National Independence with a large rally in Baltimore. Those present adopted a memorandum which I wish to bring to the attention of the Members of the House, as follows:

MEMORANDUM PREPARED BY THE UKRAINIAN CONGRESS COMMITTEE OF AMERICA, MARYLAND CHAPTER, ON THE OCCASION OF COMMEMORATING THE 42D ANNIVERSARY OF THE JANUARY 22, 1918, PROCLAMATION OF UKRAINIAN INDEPENDENCE

The following memorandum has been adopted by the Americans of Ukrainian descent of Maryland on the observance held on January 24, 1960, at YWCA, Patterson Park Avenue, Baltimore, Md.:

"A. INTRODUCTION

"We, the delegates and representatives of the Ukrainian American organizations, who are organized in the Baltimore chapter of the Ukrainian Congress Committee of America, have assembled on this historical day of January 22, 1918, proclamation of Ukrainian national independence, to discuss and deliberate problems which have a direct bearing upon us, as citizens of this great and democratic Republic, the United States of America.

"The Ukrainian Congress Committee of America, which is sponsoring this 42d commemorating anniversary celebration on January 22, 1918, is a national American organization representing 55 major national Ukrainian American organizations, which embrace several hundred local organizations and societies, such as veteran's posts, fraternal lodges, youth and women's organizations, social, culture, and sport associations, as well as several political clubs and groups. It has over 115 branches which in the aggregate operate in more than 30 States of the Union. The UCCA is a member of the All-American Conference To Combat Communism, of the Conference of Americans of Central and Eastern European Descent

(CACEED), and of the American Conference for the Liberation of the Non-Russian Nations of the U.S.S.R.

"Its two publications, the Ukrainian Quarterly and the Ukrainian Bulletin, are valued as highly specialized reviews, and are read by many U.S. legislators, various U.S. governmental agencies, and press at large, as well as by many foreign governments which are interested in the plight of the enslaved non-Russian nations of the U.S.S.R.

"Founded in 1940, the Ukrainian Congress Committee of America speaks for at least 1,500,000 American citizens of Ukrainian background and origin. In the past and at the present time it has been a stanch advocate of the liberation of the Ukrainian people, as well as the other non-Russian peoples enslaved by Moscow. It opposes any and all appeasement of the Kremlin, and advocates a wholehearted, unstinting support of the enslaved non-Russian nations of the U.S.S.R. It supported the peaceful policy of liberation as announced by President Eisenhower in 1959—Captive Nations Week.

"President Harry S. Truman in the past, and President Dwight D. Eisenhower, in recent years, have lauded the Ukrainian Congress Committee of America for its loyal and patriotic work for America and for the courageous support and assistance it has extended to the enslaved Ukrainian nation, which fights on for its freedom and independence. Conversely, the Soviet press and Soviet officials have bitterly denounced the Ukrainian Congress Committee of America, castigating it as a 'tool of Wall Street and American imperialists.'

"B. UKRAINE

"The Achilles heel of the Soviet Russian Empire

"When the revolution in Russia broke out in 1917, and at the moment that the Russian Czarist Empire was undergoing a transformation into a Russian Communist empire, Ukraine threw off its oppressors and proclaimed the reestablishment of Ukrainian statehood on January 22, 1918, in Kiev, capital of Ukraine.

"Ukraine's example was followed by other nations enslaved by Moscow, who also broke away from the Russian Empire to form a group of independent, sovereign states. In this manner, the Russian Empire was dismembered and for some time Russia was rendered impotent. This factor saved Western Europe from Russian Communist aggression immediately following World War I.

"However, the Russian Communists had the military advantage. They threw up a successful political smokescreen, which succeeded due to the sympathy of the Western World with the idea of saving the 'indivisible Russian Empire' and the West's failure to comprehend the national liberation movements within the former czarist prison of nations. As a result, after a 3-year war lasting from 1917 to 1920, Communist Moscow reconquered Ukraine and all but a few of the other nations which had liberated themselves from Russian domination. The only successful exceptions were Poland, the Baltic countries of Lithuania, Estonia, and Latvia, and Finland. The Russian Empire was reconstituted as the Union of Soviet Socialist Republics. Under a hypocritical constitution, the individual republics were granted sovereign rights, but in reality they became absolute captives of Moscow.

"This enslavement of nations was effected through the instrumentality of the totalitarian Communist dictatorship, whose power was centralized in Moscow in the hands of the hierarchy of the Russian Communist Party.

"Having established its totalitarian dictatorship in Ukraine, the Russian Communists proceeded to execute their policies of maximum plunder and exploitation of the Ukraine nation.

"To carry out these policies, a bloody terror, without precedent in human history, was instituted. Mass genocide and large-scale deportations to forced labor camps in the northern and eastern regions of the U.S.S.R. implemented this program.

"The ultimate objective of all these measures was the total destruction of the Ukrainians as a nation. Thus, on a grander scale, the Russian Communists followed the trail blazed by Czar Peter I. Many millions of Ukrainians were murdered, and many millions more were deported to a slow death in Russian concentration camps.

"During World War II, the Ukrainians replied to this Russian terror and genocide by boycotting the Soviet defense effort and by armed insurrection against Moscow.

"The Ukrainian Insurgent Army (UPA) was formed. Other enslaved peoples of the U.S.S.R. followed this lead, and as a result the Russians found themselves at the brink of disaster.

"However, the U.S.S.R. was saved from internal disintegration by the vandalic policies of the Hitlerite Germany toward the enslaved non-Russian nations in the U.S.S.R. As a result, the Ukrainian Insurgent Army was compelled to fight on two fronts—against both the Russians and the Germans, without any assistance from the West, which was allied with Russia. At the same time, the Russians received tremendous assistance from the West, both militarily and in the form of vast stores of supplies. This alone saved the tottering Russian war machine from destruction. Then, far-reaching political concessions were made to the Russians by the Western Allies. Thus were the Russians saved from the total defeat and the dismemberment of their Empire into its constituent national parts. And thus was it made possible for the Russians to enslave many more free nations of central and eastern Europe and Asia.

"As a consequence of World War II, Russia was able to impose its Communist totalitarianism slave system upon one-third of the world's population.

"As a result of this territorial expansion, and great industrial growth, the direct outcome of wartime conquest and peacetime subversion, the Russians have become a great military power and are now prepared to turn their strength against the still free West, their sole surviving enemy.

"Therefore, just as the enslavement of Ukraine by czarist Moscow 250 years ago was the springboard for the growth of Russia as a world power, and just as the resubjugation of Ukraine by Moscow in 1920 became the basis for the creation of a new form of Russian imperialism, the U.S.S.R., the reoccupation of Ukraine by Moscow in 1944 and 1945 was the beginning of another period of Soviet Russian expansion to such a degree that Russia now menaces the entire free world. In all these instances, the resistance of Ukraine to Russian enslavement, and Ukraine's struggle for national independence, formed the first line of defense of the Western World, its culture and civilization, against barbaric, imperialistic Moscow.

"The history of Ukraine's enslavement comes as gruesome sample of Moscow's enslavement of other nations. History illustrates that the aim and methods of Moscow have never changed and were always directed toward esablishment of a world empire.

"This program has been perpetuated throughout all of Moscow's history, beginning with Muscovy and continuing into the present Soviet era. Russia has always pursued an unlimited expansionist policy with the ultimate goal, the domination of the world. Moscow has ever aspired to become a 'Third Rome,' Russian policy has distinguished itself by broken treaties, subversion, fraud and falsification, with military aggression as an instrument of this policy. Throughout Russian history, power has always been centralized in totalitarian Moscow.

"Bloody terror and genocide were always a planned part of the program, and indispensable for the survival of this system.

"However, the Western World does not appear to understand the full scope and character of the Russian imperialist menace. Nor does it comprehend that Ukraine and the other non-Russian nations of the U.S.S.R. are the West's first line of defense against Moscow.

"Traditionally, the West has always lent support to the myth of an indivisible Russian Empire. Even today, the frightful peril which the U.S.S.R. constitutes to the West is analyzed only from the social-political standpoint of international communism. International communism is just a disguise for old fashioned, historic Russian imperialism. Unfortunately, in the United States, there are still many so-called Russian experts who are blind disciples of the discredited theory of an 'indivisible mother Russia,' and who continue to be hostile to the liberation of Ukraine and the other captive nations, and who shudder at the prospect of dismembering the Russian empire and giving freedom to the enslaved peoples.

"We American Ukrainians in the United States of America call upon the entire free world to heed in a timely manner this mortal danger from Russian Communist imperialism, to understand the tradition and unwavering objectives of this system which dates back to the days of Peter I.

"We call the attention of the U.S. Government and the free world at large to the fact, that this Russian Communist empire is being held together solely by a web of terrible terror. The enslaved nations within this empire are the natural allies of the free world in its struggle against Russian imperialism. This struggle can be won by the free world only if this alliance is firmly cemented.

"The battle between communism and the free world will be won or lost on psychological issues and not by the mobilization of military forces and techniques, which, with their ghastly potentialities, automatically act as deterrent against an armed conflict on a large scale. The rumbling of hydrogen bomb explosions, the beeping of the sputniks and the explorers—these are but the boisterous accompaniments to the battle being fought for human souls, wishes, and hopes.

"Ukraine, with its territory and natural resources, has always been the source of the Russian empire's strength through much of its history. But the Ukrainian people have nurtured a centuries-old hatred of their Russian oppressors and at every opportunity have fought imperialist Moscow. This makes Ukraine the logical starting point for the events that will ultimately bring about the ruination of the Russian Communist Empire. Ukraine has always been in the forefront of the struggle of all nations held captive by Moscow.

"Ukraine will prove to be the West's major ally if the West supports her aspirations for national independence and the right of the Ukrainian population to guide its own destiny following the dismemberment of the Muscovite prison of nations, the U.S.S.R.

"Ukraine has fought Moscow continuously since 1709, with no outside aid except for a brief alliance with Sweden. During this time, the nations of the world have vainly sought to coexist with Russia. Today the free world is attempting to buy peace through negotiations with Moscow, little realizing that it is toying with catastrophe. The more prolonged the negotiations, the greater the danger.

"Treaties, conferences, and negotiations with Moscow lead to a dead-end street. Instead, the West must ally itself with the

cause of the captive nations within the U.S.S.R. and elsewhere, who possess an explosive potential greater than any nuclear weapon yet developed.

"Khrushchev has given the West his definition of coexistence. For the West, this definition is synonymous with catastrophe. The only alternative is a well planned and executed program of liberation. Only through such a program will it be possible to ultimately eliminate the threat posed by the Union of Soviet Socialist Republics and to secure peace and freedom for all people. The struggle of the non-Russian peoples, among whom the Ukrainian are the most numerous and most determined, is vitally important to the entire free world and particularly to our own United States, now the unchallenged leader of the free world.

"Our President, the Senate and the House of Representatives have expressed their concern and sympathy to all the captive nations by enacting the Captive Nations Week Resolution.

"The 42d anniversary of the proclamation of Ukrainian independence is the most fitting and appropriate occasion to repeat and make known to the world once again that Ukraine and the other so-called Union Republics of the Soviet Union have been imprisoned in the Soviet Russian prison of nations for the longest time and that they fully deserve to be liberated in the interest of peace, justice, and security of the whole peace-loving peoples, and primarily in the interest of the United States of America.

"All moral and material forces should be put in motion in order to help the Ukrainian national elements to keep alive their unconquered spirit, to prove by deeds that the Ukraine is not forgotten and that she stands equal in the thoughts of free men with all other captive nations. This could be done by openly demanding her full sovereignty and by acknowledging her equality in the family of free nations.

"Above all, it is high necessity to understand finally that the Ukrainian question is not an internal problem of the Russian nation or state which was yesterday called Tsardom and today Soviet Union.

"Ukrainian Congress Committee of America, Maryland Chapter: Klemens B. Babiak, William Tatchyn, Stanley Stelmach, Anatole B. Bulawka, Teodore Caryk, Andrew Rad, John Rad, Walter Stelmach, Walter Romanowsky."

Also, I would like to include my remarks, prepared for delivery on that occasion:

I am indeed grateful for the honor and privilege of having been invited to join with the members of the Maryland branch of the Ukrainian Congress of America and your other distinguished guests on the occasion of the 42d anniversary of Ukrainian national independence, which has been officially proclaimed by the Governor of our State and the mayor of our city.

We meet today with mixed emotions: First, to acknowledge our gratitude to Almighty God and to those freedom-loving people of the world that 42 years ago the Ukrainian people achieved their national independence. At the same time, we fully realize that the time has not yet come for an anniversary observance of total rejoicing because we know only too well that the yoke of oppression still exists for the people of the Ukraine under communistic domination—that the struggle continues and there is the need for each and every one to reassert and renew his efforts as well as encourage one another to work for the regaining of the independence proclaimed in 1918 at Kiev.

We know the Ukrainians have borne the yoke of the Kremlin longer than all other groups that are bent beneath its crushing weight—biding their time with smoldering patience, against the day of liberation which will surely come.

We know that despite every effort to suppress it, the yearning for liberty is unquenchable among Ukrainians and that tyranny has only served to stimulate it rather than stifle it.

Among those whose freedom has been suppressed by Russian imperialism, none give their present masters and overlords greater cause for apprehension that the 45 million Ukrainians, who today comprise the largest non-Russian nation behind the Iron Curtain and the second largest non-Russian nation in central and eastern Europe.

Ukrainians have suffered more than any of the several scores of oppressed national groups in the Soviet Union—in concentration camps—slave labor camps—in prison—and in the desolate Siberian wilderness.

But we take courage in the fact that these brave people are spiritually and physically endowed with the necessary strength and fortitude to withstand the tyranny to which they are still subjected.

In the end, truth and justice will prevail—that is our hope, that is our prayer—and God willing, it will be so.

And when that day comes, the Ukrainians of Baltimore will have two great reasons to give thanks as you so nobly did just this past Thanksgiving Day. You will not only be pilgrims of the 20th century, but patriots of the 20th century as well.

In conclusion, as your Representative in the Congress of the United States and as your fellow American, let me assure you that this beloved country of ours has not and will not abandon her interest in the needs and welfare of the freedom-loving peoples of central Europe. We will carry on with every means at our disposal the efforts to resist further aggression and to lead the way toward the liberation of oppressed peoples everywhere.

SENATE

THURSDAY, MARCH 3, 1960

(Legislative day of Monday, February 15, 1960)

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, I should like to inform the Senate that I understand the distinguished Senator from Minnesota [Mr. HUMPHREY] plans to address the Senate for 30 or 40 minutes, and I would suggest that it be understood that there is likely to be a quorum call in the vicinity of 1:30. Allowing for mistake in estimating the amount of time the Senator will consume, if it is somewhere between 35 and 40 minutes, there ought to be another quorum call at about 1:30.

Mr. HUMPHREY obtained the floor.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I feel so friendly toward my genial colleagues this evening that I am more than happy to yield to my good friend from Colorado.

Mr. CARROLL. I would like to ask unanimous consent that I may ask a question of the distinguished majority leader.

Mr. HUMPHREY. I yield for that purpose.

Mr. CARROLL. The majority leader has said that there would be a quorum call after the very excellent presentation of the Senator from Minnesota. My question is, Why does there have to be a quorum call after that presentation? [Laughter.]

Mr. JOHNSON of Texas. There does not have to be, but there likely will be, and that is the reason I put Senators on notice. So far as the Senator from Texas is concerned, he does not intend to suggest the absence of a quorum.

Mr. HUMPHREY. Mr. President, I shall address myself to the subject matter before the Senate, namely, the civil rights bills and amendments which are pending at the desk and which are the subject of somewhat extended discussion and debate.

Mr. President, the civil rights debate which began on February 15 promises to be one of the truly great and historic debates of the Senate. The majority leader is to be commended for proceeding to the consideration of civil rights legislation. I am confident that we will pass a measure which is sound, reasonable, and effective in assuring to all Americans their equal rights under the Constitution.

Major attention has been focused upon proposals to assure the voting rights of all citizens regardless of race or color. It was my honor to introduce the first bill carrying out the recommendations of the Civil Rights Commission for voter registrars. But before I discuss this subject of voting rights, I wish to state that it is important that we do not ignore other important civil rights proposals. And top priority on such a list is legislation designed to implement the Supreme Court's school desegregation decision.

Although it is almost 6 years since that decision, there are still many school districts which steadfastly maintain segregated schools and show no indication whatsoever of ending forced segregation.

The Federal courts are doing their best to carry out the Supreme Court's decision. But they should not be expected to do it alone. They need and deserve the support and assistance of the Congress of the United States.

Mr. President, proposed legislation to do exactly that—with sympathy, understanding, firmness, and due deliberate speed—has been introduced in the Senate by the Senator from Illinois [Mr. DOUGLAS], S. 810, of which I have the privilege to be 1 on the 17 cosponsors. The enactment of such a bill is 5 years overdue. We owe it to ourselves, to the Senate, and to the Congress as an institution, to act this year. Enactment of this bill would be a national declaration of our faith in human equality and human dignity, and an international declaration that our great Nation, the leader of the free world, is able to mobilize the processes of democracy to make a living,

daily reality of that faith in human equality and human dignity.

When the distinguished senior Senator from Illinois introduced our civil rights bill on January 29, 1959, I arose, as the first cosponsor of his bill, and as his partner in this, as in other, civil rights endeavors, to congratulate the Senator from Illinois upon the far-sighted bill he was introducing. For this bill is a model of thoughtful and careful work in an area where emotion alone is not enough, but has too long been the order of the day. I said then, and I repeat now, that the provisions of the bill are to encourage cooperation, to facilitate cooperation, to seek the ordinary methods of cooperation at the local level and to ask the Federal Government to take some initiative in doing all this, but to do so only in the light of local conditions and in cooperation with local officials, taking into account the time factor.

Yes, the Douglas-Humphrey bill is indeed a bill for cooperation between State and Federal Governments to do a job that neither can properly do alone. I hope that the Members of this body from all sections of the country will view this bill as a means of bringing about Federal-State cooperation and as a move toward cementing our great Nation, not dividing it.

The Douglas-Humphrey bill is a moderate measure, carefully designed to facilitate desegregation, without at the same time putting additional obstacles or irritants in the way of those States and communities whose laws and whose customs must now undergo such far-reaching changes. I repeat, this is a moderate measure that does not go 1 inch beyond the necessities of the hour; beyond what is absolutely required to carry out the law of the land as declared by the U.S. Supreme Court.

The Congress of the United States has an obligation to carry out the law of the land. It is not merely an obligation for citizens, for local and State governments, for the courts, or for the executive branch. The Congress of the United States is not above the Constitution; nor is it above the courts. It is a part of the Government, and it is definitely under the mandate of the Constitution.

Let us take a quick look at exactly what S. 810 does.

First. It provides an understanding step-by-step support and implementation of the Supreme Court's 1957 school desegregation decisions;

Second. It provides the Attorney General with authority to act when an individual cannot enforce his own constitutional right to equal protection of the laws.

Although our bill is designed primarily to carry out the Supreme Court's school desegregation decisions, it is not limited to that purpose. Titles V and VI provide Federal assistance to any individual unable to obtain his constitutional rights by authorizing the Attorney General to file injunction proceedings, enforcible by contempt actions, more effective than the limited usefulness of criminal action.

The 1960 civil rights bill must contain the brain, heart, and soul of S. 810.

First. A declaration of support for the Supreme Court in its integration decisions.

Second. The step-by-step help to States and local authorities in complying with all deliberate speed.

Third. The authority for the Attorney General to seek court orders enjoining against violation of an individual's civil rights.

This is minimum justice in the field of civil rights in this year of 1960.

For the watching two-thirds of the world's peoples who are colored, for the watching one-third of the world's peoples who are today uncommitted in the contest between communism and democracy, the single act of adopting and carrying out this bill will revalidate our credentials as practitioners at home of the rights of the individual human being that we preach abroad.

Mr. President, I know that there have been a number of speeches here in the Senate on the missile gap. I do not profess to be an expert in that field, and therefore I have not taken part in the debate in the Senate on that subject. I do not profess to be familiar with the technical aspects of the defense problems facing our Nation. I have my views. I greatly respect the views which have been expounded by the Senator from Missouri [Mr. SYMINGTON], the Senator from Washington [Mr. JACKSON], and by our majority leader, the Senator from Texas [Mr. JOHNSON].

I refer tonight to another gap. The gap between the pronouncements of our Constitution and our performance under it. I refer to the gap between our preachments on human dignity and our fulfillment and practice of human dignity. It seems to me that the gap which threatens our democracy today is not merely the missile gap, but the gap between our performance and our pronouncements on human dignity and equality.

It is this gap which represents the real challenge to democratic institutions.

Let us never forget that the difference between the Communist world and the free world is essentially one of human rights. The difference between the Communist world and the free world is not one of production. The difference between the free world and the Communist world is a difference in spiritual values, human values, the value of the human being. It is what we call the dignity of the human being possessing the God-given right of his own personality, of his own mind, of his own spirit. I remind my colleagues that the moral and ethical justification for democracy is that God did create man in his own image, and bestowed upon him certain inalienable rights—including the right of liberty.

Equality of voting rights is therefore more than a legal right. It is also a God-given and divine and natural right, which has been expounded by great philosophers such as Thomas Aquinas and John Locke and as written into our own Declaration of Independence by Thomas Jefferson.

So, when we speak of civil rights, while it is a fact that these are constitutional rights, I remind my colleagues that these rights go far deeper, that they are rights which were here even before the Constitution was written. They are, indeed, the inalienable rights that our Founding Fathers spoke of in the Declaration of Independence.

Mr. President, there are millions of people in America who are without the franchise. There are millions of people who have been denied their right of representation. There are millions of people who are denied their constitutional privileges and protections.

The Senate may indulge itself in what is called a filibuster, or indulge in what is termed prolonged or protracted debate. The fact remains that every individual of this Nation is entitled to the right to vote when he reaches his maturity. I say he is entitled to that right, and he is assured of that right, both by the Constitution and the Declaration of Independence. He is entitled to that right, above all, because he is a man. We can argue about the technicalities from now until doomsday, but that still remains the fact. We must keep faith with the right of every man to the protection of his constitutional right to vote. We must do all we can to protect the basic rights of the citizenship in the United States. We must emancipate ourselves in this continuing battle. Even here in the District of Columbia, in the Nation's Capital, the people do not enjoy that right to vote.

Does the Senator from Tennessee wish me to yield to him?

Mr. GORE. I wished to ask the Senator the question whether a citizen is entitled to protection of that constitutional right. Before I could ask him he said that that was so.

Mr. HUMPHREY. I thank the Senator for the emphasis. Although we are discussing so-called civil rights, what we are really talking about are constitutional rights, which are provided for in the Constitution and in the amendments to the Constitution.

It is entirely probable that some people do not agree with all those amendments, and I recognize that some of those amendments were adopted after there had been terrible conflict in this Nation. Nevertheless, this is one Nation, this is one Union, inseparable, based on law, and the Constitution is the supreme law of the land and as such must be faithfully adhered to.

I do not want my argument to be interpreted as a statement that there are not differences of opinion on how we ought to go about implementing the constitutional guarantees. I hope I shall never become an intolerant man. I have the highest regard for my colleagues in the Senate. I recognize that when one looks at a stack of bills and amendments such as are before us now on our desks, it is obvious that there will be differences of opinion on the merits of such measures. However when I read statements to the effect that there will be no civil rights action, that there will be no progress made, then I say that

that does not hurt those who have been hurt for so long, because their hurt is already deep and abiding. The hurt is upon us. We have demeaned ourselves because we, above all, as the guardians of the Republic, in a sense, during our tenure of office, have an extra responsibility to see that the Constitution is adhered to. We are supposedly fully conversant with its every article, its every section, and its every requirement; and that includes the 13th, 14th, and 15th amendments as well.

Mr. President, this Congress must not only see to it that legislation is enacted to implement the Supreme Court's decisions of 1954 in the school desegregation matters, but, as I said, we must also enact legislation to insure to all American citizens regardless of race, color, or creed or their station in life the right to vote.

I can think of nothing that is more damaging to the prestige of the United States of America in the eyes of the world than the denial in this, the greatest of all democracies, of the right to vote of any person of legal age and who meets the basic requirements of citizenship.

On September 11, 1959, it was my privilege to introduce S. 2684, which was designed to carry out the recommendation of the Commission on Civil Rights for Presidentially appointed Federal voting registrars in districts where qualified American citizens are being denied the right to vote in Federal elections because of their race or color.

Bills of a similar nature have been introduced by other Senators, including the distinguished Senator from Oregon [Mr. MORSE], the distinguished senior Senator from New York [Mr. JAVITS], and others whose names I may fail to mention. There are several such bills before us.

In January 1960, I introduced a perfected bill on behalf of myself and the Senators from Michigan [Mr. MCNAMARA and Mr. HART], and my colleague, the junior Senator from Minnesota [Mr. MCCARTHY], the senior Senator from Pennsylvania [Mr. CLARK], and the senior Senator from Illinois [Mr. DOUGLAS].

The Attorney General of the United States has also proposed legislation in this field whereby the Federal district courts would appoint voting referees to register voters and to see that they are not denied the right to actually cast their votes at the polls. The minority leader, Mr. DIRKSEN, has introduced legislation which carries out the Attorney General's proposal, S. 3001.

Senators JAVITS and DOUGLAS introduced a bill, S. 3045, which would provide for both Presidentially appointed Federal voting registrars and court-appointed Federal voting referees where individuals are denied the right to vote due to race or color. I joined as a cosponsor on this measure.

I am confident, Mr. President, that we will be successful in reaching agreement on a bill which is both reasonable and effective and which is acceptable to the majority of the Members of this body.

I commend the Senate Rules Committee for the many hours of consideration which it has been giving to these various voting rights proposals. I wish to commend, in particular, the distinguished chairman of that committee, Senator HENNINGS, who I regret has been ill recently, for the manner in which he conducted the hearings, for his conscientious efforts to prepare a bill which will most effectively and fairly assure all American citizens their voting rights. The Senate Rules Committee is now preparing such a bill, and I am hopeful that it will not be long before it is reported to the full Senate for our consideration during this civil rights debate.

It is not important whose name is attached to the final bill. What is important is that we pass a bill which would make it possible for all Americans to enjoy their constitutionally given voting rights. This should not be a partisan political issue. We should not be concerned whether this is a Republican Party bill or a Democratic Party bill. I believe that we can consider bills that have been proposed by members of both parties and work out a measure which embodies the best features of each. It is my intention, Mr. President, to work with that purpose in mind, and I am sure that is the desire of all in this body who support legislation in this area.

I believe that the best politics, the best diplomacy, the most expedient course in the long run, is to do the right thing in the short run and to do it because it is the right thing.

If we may talk in the vocabulary of the moment, let us say that this bill, when made law, will have a blessed fallout that will be borne around the world on the winds of thought and human emotion.

As our example and our fresh proof of our belief in the rights of man takes hold, democracy will be better strengthened, better defended, and more secure here and everywhere in the world. It will penetrate where no weapon or missile can go—into the minds and hearts of the very people who today are uncommitted and who will either believe democracy's promise of both bread and freedom or accept communism's promise of bread now and a caricature of freedom later.

Basically, I hope that Congress will act now in this session of Congress because it is the right thing to do. I hope that we will have the fortitude to surmount the difficulty of strong differences within the Congress. I hope we will lay this bill upon the President's desk before we go home to face and report to the American people upon our stewardship and our performance upon our promises to them.

In civil rights, as in defense and economic strength, we must not fail the Nation or the free world. We must be strong in all things now, or we shall be secure in none.

Mr. President, I have heard comment to the effect that many bills have been laid before us without full and careful discussion. I am sure that every Senator knows that before we vote on any bill every facet, every detail, every paragraph, every sentence of the bill should be carefully examined.

I am sure we all recognize that legislation of this nature requires meticulous care. It requires a spirit of some compromise, but without the loss of principle.

I have laid down what I thought was a minimum civil rights program for this Congress. There are other features which well could have been added which have been discussed. These are features relating to protection from physical violence, features which relate to protection of religious properties from bombings and any form of outrage such as we have seen in certain areas of our country. I refer to various areas without regard to any particular geographical area.

I mentioned that I had introduced a revised bill with respect to Presidentially appointed Federal voting registrars. That revised bill has a number, S. 2814, and I am asking that that bill be printed as an amendment.

The PRESIDING OFFICER (Mr. ENGLE in the chair). The amendment will be received and printed.

Mr. HUMPHREY. My revised bill is in accord with the basic recommendations of the Civil Rights Commission. This legislation is the result of the very careful and judicious study made by the President's Civil Rights Commission, a Commission which this Congress authorized, and a Commission that surely has no tinge or taint of radicalism, a Commission consisting of men of great distinction in their respective fields of endeavor, men of good character, men representing all sections of America and both political parties.

My bill provides that any individual who believes that he is qualified to vote in Federal elections under the laws of his State, and who has been denied the right to register to vote because of his race, religion, color, or national origin, may petition the President of the United State to appoint a Federal registrar for his registration district.

Mr. President, the right of petition is as old as the Magna Carta, or even older. The right of petition is a basic right of the American people. The right of petition will be meaningless unless there is at least response to the petition, or at least recognition of the petition.

When nine or more petitions are received by the President within 1 year from the same registration district, he shall refer all such petitions to the Commission on Civil Rights for purposes of determining the veracity of the allegations.

I invite the attention of my colleagues to the report of the Congressional Quarterly for the week ending February 19, in particular, the section entitled "Voting Rights Bills Analyzed," starting on page 254. There is no need to burden this RECORD with the very fine, exacting, and objective analysis of the respective bills. The analysis is presented. Each of the bills which has been presented in the House of Representatives or in the Senate is carefully analyzed without editorial comment. There is an analysis of the important features of the proposed legislation.

Upon receipt of a certification by the Commission that any individual who filed a petition is in fact being denied

the right to register as a voter due to his race, religion, color or national origin, the President shall appoint a temporary Federal registrar for such registration district from among officers or employees of the United States who reside within the State and within or near the particular registration district. Whenever the President determines that there is no further need for a Federal registrar in a particular registration district, he shall abolish such office.

A Federal registrar, as appointed by the President, shall have authority to register individuals in the registration district whom he finds to be qualified under the laws of the State to vote in Federal elections; such registration shall be effective for a period of 2 years unless the Federal registrar determines earlier that an individual who is registered is no longer qualified to vote under the laws of the State.

Individuals registered by a Federal registrar shall have the right to vote in Federal elections and the Attorney General is authorized to enforce such right by appropriate proceedings in the district courts of the United States.

Later, when we consider this particular feature of the proposed civil rights legislation, I intend to discuss certain constitutional aspects of the proposal. I shall have some technical amendments to offer.

As one studies these problems and consults with legal counsel one gains new information. I believe improvements surely can be made to the bill I introduced earlier this year. I have sought the advice and counsel of competent lawyers; and I believe that I shall have some suggestions which may be worthy of the attention of my colleagues. For years we have heard allegations that Negroes were being denied their right to vote in certain southern districts and we have heard denials of this by white State officials. So we established an official Commission to investigate, and the President made sure that the Commission included members who represented the white southern viewpoint. And these six men have unanimously reported to us that in fact qualified American citizens are being denied their right to vote in substantial numbers.

I believe it is fair to say that the evidence as to the denial of the right to vote is of such quality that it cannot be successfully contradicted. We have a unanimous report by a Commission authorized by the Congress and appointed by the President. It is representative of the different sections of our country. This unanimous report states that qualified American citizens in substantial numbers are being denied their right to vote. Those are words from the Commission's report. I say to my colleagues, therefore, that the Senate ought not to be trying to use time to prevent some action but, instead, should be on fire with a desire to do something about the problem. Who is there among us who feels he is so omnipotent that he can stand idly by and see the rights of other people denied? The denial of a right to one man may lead to denial of the right of another. The denial of other people's rights today may mean denial of our rights tomorrow.

The full test of democracy is not that we concur always with the majority but that we stand up for the rights of the minority. This, indeed, is at least a test of what I call a true democrat—with a small "d." When evidence is before the Congress that citizens of the United States, who are required to fulfill all citizenship duties, are being denied the right to vote, I ask myself, "What is wrong with this Congress, that it does not bestir itself—does not move mountains, so to speak—to correct this injustice?"

Instead, we argue about how we can protect the injustice, rather than remove it. I wish the Senate had as much concern at all times with the procedural and constitutional rights of the citizenry as the Senate has with regard to this institution. Senators have become experts in parliamentary law, in the rules of the Senate; and we as Members of the Senate almost take a blood oath to protect those rules, as if they were sacred. There is a rule in the Senate over and above the manual of the Senate rules, and that rule is the Constitution of the United States.

When the evidence before us is replete with factual testimony that substantial numbers of our fellow citizens are being denied the right to vote, wherever they may be, it seems to me the requirement of a legislator who has taken the oath to uphold the Constitution is to move with due and deliberate speed, to protect those rights. I happen to believe that if we truly protect the right to vote, many of the other rights about which we are so deeply concerned will have a way of protecting themselves.

Mr. President, I discussed the findings of the Commission in a speech before the Senate on September 10, 1959, and I saluted the Commission for doing its difficult job with such courage and forthrightness.

As time goes on, the significance of this unanimous official finding grows, and it becomes more difficult for anyone to avoid seeking some effective remedy.

The report is a very substantial one. It is more than 500 pages long. There are nearly 600 pages in the report. There is also an abridgment of the report of almost 200 pages which reveals that substantial numbers of citizens of the United States have been denied the right to vote.

I know of no more disturbing or challenging statement than the Commission's conclusion:

> Against the prejudice of registrars and jurors, the U.S. Government appears under present law to be helpless to make good the guarantees of the U.S. Constitution.

Mr. President, if the Government of the United States is helpless against the prejudice of registrars and jurors against making good the guarantees of the U.S. Constitution, it is a very sad and unhappy state of affairs for the strongest nation in the world to confess. It is an amazing thing to observe how the U.S. Government can find ways and means of collecting taxes from anyone, large or small; can find ways and means of enforcing its will upon almost anyone, or anything; but when we consider the matter of protecting the sovereign power of every citizen, which is the right to express himself in a voting booth, the freedom of choice which an election means, we are told that the prejudice of registrars and jurors is more powerful than the entire power of the Government of the United States of America.

Mr. President, I suggest we try to fill that gap. When I hear of the missile gap and the rocket gap, I think they are insignificant compared to the gap which the Civil Rights Commission has revealed, a gap between the power of the United States and the prejudice of registrars and jurors, which can defy that power.

Having found these facts, five of the six members of the Commission agreed that the only way they saw for substantial numbers of citizens now denied their right to vote to get that right before the next election was this Federal registrar plan.

I want to make it clear here this may not be the perfect plan. There are others. There are wise men in this body. There are capable and competent advisers assisting members of the committees of the Senate and of the other body. What I am seeking primarily is not a label but a formula to correct the malady. I do not think it is important what the label says on the outside. The important thing is on the inside. In other words, does the prescription really take care of the trouble? The name on it is unimportant to me. I had hoped that perhaps we could settle within a day or two the question of who should have the credit. We could make it a bill of the Committee of the Whole, and all Senators would be cosponsors, except those who wish by express statement to withdraw from such participation.

Mr. President, Governor Battle dissented from the recommendation for voting registrars, but he offered no alternative way to make good the guarantees of the U.S. Constitution. The statement is not made as a reflection upon this very fine citizen of the State of Virginia and a very distinguished and honored American. I submit that anyone who dissents from this plan, in this body or in the administration, has an obligation, in view of the facts found by the Commission, to offer some other effective way to see that these people can register and vote.

The administration has submitted what it thinks is a preferable plan. I have some doubts concerning portions of it, but at least it was a constructive suggestion and deserves careful consideration. We, too, should be shocked into action, as Dean Storey testified before the Rules Committee. He said that every member of the Commission had been surprised by the flagrant denials of the right to vote found by the Commission.

I do not need to argue the necessity or the constitutionality of the Federal registrar plan.

The Commission's report and its thousands of pages of hearings document this case. Chapters VII and VIII of the report demonstrate both the constitutionality of the plan and the inadequacy of all existing remedies. And Dean Storey's testimony before this committee on behalf of the Commission made this case eloquently.

Here was a great southerner performing a great public service in the spirit of the true South—the South which produced Jefferson and Madison and Jackson—the South that fathered the great promise of equality in the Declaration of Independence—the South which demanded and got enacted the first civil rights amendments to our Constitution, the Bill of Rights. Dean Storey reminded the committee that he came from the Deep South, that his forebears were Confederate officers, that he grew up hearing about the alleged injustices of Reconstruction—and I might add not only the alleged injustices but the injustices of the Reconstruction, which is now a sad chapter in American history.

But he was also sworn to uphold the Constitution of the United States and having seen the flagrant violations of it he and his fellow Commissioners had devised what they believed to be an effective and necessary remedy.

I repeat, if there is a better remedy let us accept it. I do not believe that we have to accept these matters on the basis of doctrine or dogma.

I do not need to show how moderate and limited this plan is. Dean Storey and the other members of the Commission went out of their way to stress the temporary character of the plan, its limitation to only Federal elections, and the fact that the temporary Federal registrars appointed would be named from among existing Federal employees in or near the area concerned. I join in Dean Storey's hope that the mere enactment of the plan will serve to persuade many of the southern districts practicing this discrimination to mend their ways—that the existence of an effective Federal remedy will lead to self-remedy in order to avoid Federal intervention.

So I call for this plan's enactment into law. It is, as Dean Storey made clear, the major recommendation of the Commission.

This plan is, as Commission member Dean Johnson said in his statement submitted to this committee Tuesday, "the chief fruit" of the Commission's work and "the great civil rights test facing this Congress." Dean Storey stressed that the plan was a result of long and painstaking study by the Commission and its staff; it is their considered strong recommendation to this body and to the President.

Mr. President, the time has come to stand up and be counted on the question of voting rights, and on some form of Federal registration. The time has passed to talk of study and more study. That is what the Commission has been doing for 2 years, and what the administration has been doing in recent months since reading the Commission's report. The Negro has been studied and surveyed, and the discrimination against him measured and appraised for more than 90 years, since the 15th amendment explicitly guaranteed him the right not to be denied the right to vote by reason of his race. It is time for this constitutional right to be finally and fully enforced, and we have an opportunity in the Senate to make an historic breakthrough on this front. The Commission has shown the way, a way that two out of three southerners on the Commission supported, and we have before us the main test on civil rights for this session and this administration.

I am hopeful that as we continue these debates and this discussion we shall find some areas of agreement and that we shall also be able to bring this protracted debate to a close after there has been ample opportunity for all to be heard. Then we can proceed to enact a civil rights bill that will be an appropriate settlement and addition to and improvement of the Civil Rights Act of 1957, which was a milestone in the history of the protection of civil rights in this country.

I am not one who feels that the act of 1957 was only a modest beginning. I say that it is on that foundation that we are to seek to build an even more sturdy structure, a fortress of freedom, a fortress of constitutional rights and guarantees.

I will do whatever I can in the spirit of understanding and helpfulness, and yet the spirit of firmness and justice, to bring about a reconciliation of views and substantial progress in this all-important field of human rights.

I yield the floor.

Mr. GRUENING. Mr. President, I congratulate the senior Senator from Minnesota [Mr. HUMPHREY] on his forthright, clear, and eloquent presentation of this vital issue. I feel very proud to associate myself with the expression of his views. He has sounded a clarion call for the establishment for all Americans of a basic constitutional right. He has clearly and correctly pointed to the important gap which, as he says, exists in our Nation between promise and performance, between the word and the deed. I share his view that when this subject has been fully discussed, the result may be a more effective bill which will guarantee these constitutional rights to all Americans regardless of race, creed, or color.

Mr. GORE. Mr. President, will the Senator from Alaska yield?

Mr. GRUENING. I yield with pleasure to the distinguished Senator from Tennessee.

Mr. GORE. Mr. President, I have listened to the eloquent speech of the senior Senator from Minnesota. Although my own conclusions and convictions are not in conformity in all respects with those expressed by him, he has delivered a stirring speech. I, too, believe that qualified citizens of this great Republic have a constitutional right to vote, and that they are entitled to protection of that right.

Mr. DOUGLAS. Mr. President, I, too, wish to congratulate the senior Senator from Minnesota [Mr. HUMPHREY] on a very sincere and moving address which goes to the heart of the question before the Senate and is precisely what we would expect from the Senator from Minnesota. His address was couched with all the genuine eloquence and moving sincerity which is one of his great qualities. Although it is early in the morning and we have been in session now for 62 hours, I believe it is important that we look at the substance, as the Senator from Minnesota has said, of what is needed to get an effective voting rights bill.

The Senator from Michigan [Mr. HART] put his finger on the issue the other day when he said that where there is mass disenfranchisement, we need some form of mass enfranchisement. I believe we need to beware of agreeing hastily, while we are worn out by fatigue, to what may seem to be an acceptable compromise, but which in reality may make it virtually impossible for many people to take advantage of constitutional protections.

We need to beware of making it too difficult for the weak individual to petition and to fight his way through an enmeshment of legal redtape. In this respect I say that the so-called judicial referee's system, which was advanced by the Attorney General last fall, even though somewhat modified in recent weeks, is vitally defective on a number of points.

I do not object to the provision that there must be an initial judicial determination that there is present in a given area or district a practice of discrimination. I do not believe that is necessary, as the Senator from Minnesota [Mr. HUMPHREY] has pointed out. It is certainly not necessary under article I, section 4 of the Constitution, and I doubt that it is necessary under the 15th amendment of the Constitution. However, I would be willing to accept that as a necessary preliminary to further proceedings. But if an individual is required, as the Attorney General would require, to make prior application to local registrars who, as the Commissioner testified, tend to be biased against registering Negro voters in any areas, the individual is forced to fight his way through, so to speak, both a stone wall of opposition and, if I may mix my metaphors, a cloud of discouragement. Then, if, on top of that, he must carry his appeal to a judicial officer and before him develop proof not only that he was qualified—and that test can be imposed by the registering officer—but also that he had been improperly denied the right to register, there is thrown in his way an additional barrier.

If as a third step a judicial hearing is required upon the finding of the referee, which would permit a long period of delay while the case was argued, not only on questions of fact but also on questions of law, a third roadblock would be thrown in the way of effective registration.

Then if on top of all of those roadblocks the supervision and the protection of the right to vote on election day were made more difficult, even if the court has previously found the voter to be qualified, still further delay would result and, as a matter of fact, the date of election might pass by many months

before the voter is found qualified to have voted in the election which had already occurred.

Then if a still further method is devised which provides that he must go back before the next election to the very beginning of the process and reregister, the process becomes reminiscent of the old-fashioned game of parchesi, which we played in our youth, in which periodically the player had to start again at the very beginning. Such a plan as that is a sham and a delusion, and the American people, who are not as stupid as many believe them to be, will find out whether or not this is a real plan. It would be better that we pass no bill whatsoever than to pass a bill of that type.

Mr. President, I wish to echo in my own inadequate fashion, the slogan of the Senator from Minnesota that we look to the substance and not to the label. I believe he has struck a very important note, namely, that fundamentally it does not matter whether this is regarded as a Republican bill or a Democratic bill or whether it bears the name of one Senator or another. It is important that we get a good bill, and that we all join in doing so.

I suggest that among the features of a good bill is a procedure designated to cause as little delay and as little red-tape as possible. One device which has been suggested which I believe would help to effect this result is that the applicant, if found qualified, should be permitted to vote and have his vote counted unless he is found by the court to be disqualified. If the final judicial decision is rendered after the time for voting has passed, the length of the legal proceedings prevents the voting of a qualified applicant.

This will require some sequestration or separation of ballots, and identification of at least a group of ballots, though not necessarily the identification of each and every ballot. In this way the principle of ultimate judicial review will not be permitted to defeat the purpose for which any act is supposedly designed.

I hope very much that some such solution as this can be worked out, and I am sure that there are men of good will on both sides of the aisle, in vast majority, in both groups, who, if they agree with these general principles, can arrive at effective formulas. I hope that we shall be at once careful in our scrutiny of the specific measures which are devised, and at the same time not too captious as to where they come from, whose label they bear, or minor imperfections which may perhaps necessarily occur in any plan.

Once again I congratulate the Senator from Minnesota for this extraordinarily sincere and moving speech which I think has impressed all of us, even hardened politicians, at the end of 62 hours of continuous debate.

Mr. HUMPHREY. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. Mr. President, I am happy to engage in colloquy with the Senator from Mississippi.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 73]

Allott	Dworshak	Martin
Anderson	Engle	Monroney
Bartlett	Fong	Morton
Beall	Gore	Moss
Bennett	Gruening	Mundt
Bible	Hart	Muskie
Brunsdale	Hartke	Pastore
Bush	Hickenlooper	Prouty
Byrd, W.Va.	Hruska	Proxmire
Cannon	Humphrey	Randolph
Carlson	Javits	Scott
Case, N. J.	Johnson, Tex.	Smith
Case, S. Dak.	Keating	Sparkman
Church	Kefauver	Stennis
Clark	Kerr	Williams, N. J.
Cooper	Kuchel	Yarborough
Curtis	Long, Hawaii	Young, N. Dak.
Dirksen	McCarthy	Young, Ohio
Douglas	McGee	

The PRESIDING OFFICER (Mr. ENGLE in the chair). A quorum is present.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the amendment I sent to the desk a few moments ago in accordance with rule XXII be considered as having been read.

Mr. STENNIS. Mr. President, will the Senator speak louder?

Mr. HUMPHREY. I ask unanimous consent that the amendment which I sent to the desk a few moments ago for consideration under rule XXII be considered as read.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, may we have the amendment read?

The PRESIDING OFFICER. The Chair desires to advise the Senator from Colorado that the amendment cannot be considered as read except by unanimous consent. That is the question before the Senate. Is there objection to the unanimous-consent request?

Mr. DWORSHAK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DIRKSEN. I hope the Chair will restate the question.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota [Mr. HUMPHREY] that his amendment be considered as having been read in compliance with rule XXII?

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Will the Chair and the Parliamentarian advise me the basis for the ruling that, in view of the fact that the Senate is not in the morning hour and there is pending Senate business to which the amendment is pertinent, unanimous consent is required for the presentation and ruling on a pertinent amendment? Before the Chair rules, I ask the Chair and the Parliamentarian to refer to page 16 of the book Senate Procedure, written by the Assistant Parliamentarian, Mr. Riddick, and Mr. Watkins, the Parliamentarian. I wish to make the argument that, since this is not the morning hour, and since there is no other way under rule XXII by which an amendment can be presented and read except in the manner in which the Senator from Minnesota has offered it, it must be the rule that such amendment does not require unanimous consent, but is offered as a matter of right for presentation and reading, but not for being called up. I ask for a ruling.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair will state that when a question is pending, which at this time is the amendment offered by the Senator from North Carolina [Mr. ERVIN], the only motions in order are those stated in rule XXII, and the offering of an amendment to be read, to be called up at a later time is not included therein.

Mr. CLARK. Will the Chair advise the basis on which it is ruled that when there is pending business before the Senate, it is not appropriate for any Senator to present and to have read an amendment as a matter of right.

This is not the morning hour. The statement by the Senator from Tennessee is not pertinent, because there is now pending business, as there was not at the time the Senator from Tennessee raised this question at an earlier hour.

The parliamentary inquiry would include reference to the precedents which are the basis for the ruling.

The PRESIDING OFFICER. The Chair will advise the Senator from Pennsylvania that there is no place in the rules which permits the offering of an amendment, to be read for consideration at a future time, except as set forth under section 2 of rule XXII.

Mr. CLARK. The Senator from Pennsylvania respectfully reserves the right to appeal from the ruling of the Chair when another matter may be brought before the Senate, and, in the opinion of the Senator from Pennsylvania, the ruling is erroneous and should not be sustained.

Mr. ALLOTT. I reserved the right to object because I wanted to learn the nature of the amendment.

The PRESIDING OFFICER. Objection has been heard.

Mr. CASE of South Dakota. Mr. President, I understood the Senator from Pennsylvania brought into his presentation rule XXII. Are we operating under rule XXII? That is the parliamentary inquiry.

Mr. CLARK. Mr. President, will the Senator yield for clarification, since my name has been brought into the colloquy?

The PRESIDING OFFICER. The Chair will advise that the Senate is proceeding under section (1) of rule XXII: "When a question is pending, no motion shall be received but"—Then the respective types of procedures which are available are outlined, but they do not include the offering of an amendment to be considered at a future time.

Mr. CLARK. Mr. President, if the Senator will yield for a further comment, this is not a motion. This is a presentation of an amendment to be read, which is not a motion, and it is the opinion of the Senator from Pennsylvania that this is a matter of right. The Senator from Pennsylvania, of course, could be wrong.

The Chair has not referred to any precedent which would defeat the right of the Senator from Minnesota to present his amendment and have it read. Otherwise, under rule XXII, it would never be possible to offer an amendment to pending business except by unanimous consent, and that cannot be the rule in this body.

The PRESIDING OFFICER. The Chair will advise the Senator from Pennsylvania that after a cloture petition is submitted under rule XXII, amendments can be presented and can be read, but no petition has been submitted.

The Chair wishes to state further that, as much as he regrets the ruling, he has made it on the best advice available in the Senate, and the Chair has ruled.

Mr. CASE of South Dakota. Mr. President, that was the purpose of my parliamentary inquiry. I did not think any cloture petition had been filed; consequently, the procedures available after filing such a petition are not now operative.

The PRESIDING OFFICER. The Senator from South Dakota is eminently correct.

The Chair recognizes the Senator from Illinois.

Mr. DIRKSEN. Mr. President, it was in anticipation of the possibility of filing a cloture petition that this whole question has been ventilated in the Senate three or four times. There was some question as to how amendments could be presented and read or deemed to have been read, assuming that a cloture petition might be filed, and prior to the time when there was a vote on the cloture petition. In anticipation of that situation, we first worked out a unanimous-consent request, and there was disagreement. Finally, there was objection to any such request, and it was never offered. I offered at that time, in my own right, to be willing to call up and have read every amendment which might be submitted so that every Senator might have an opportunity to get his amendments before the Senate. No Senator would be foreclosed in that opportunity.

Now it is quite clear, of course, under rule XXII, that when objection is heard, an amendment simply falls by the wayside. We sought to amplify it with the general understanding that was discussed for hours on end in the Senate, day after day and night after night—and out of the Senate as the majority leader just suggested—to make it abundantly clear that, notwithstanding the provisions of rule XXII, which would require unanimous consent that any amendment which was submitted, whether in the morning hour or not in the morning hour, might be read or might be deemed to have been read as a matter of fact, and still qualify for consideration, to make sure that if a cloture petition were ever voted by the Senate, the only other qualification would be that the amendments be germane and nondilatory.

Now, it was with that understanding, which is not a rule—and I understand it is not a rule, and the majority leader knows it is not a rule—we had a long discussion about it. The distinguished Senator from Georgia [Mr. RUSSELL] knew it was not a rule, and yet we discussed it with him. Under that proposal, the distinguished Senator from New York [Mr. KEATING] submitted an amendment; the distinguished Senator from New York [Mr. JAVITS] submitted an amendment; and the distinguished Senator from Arkansas [Mr. MCCLELLAN] submitted a 17- or 18-page amendment, and there was no objection interposed. It was only questioned when an amendment was sent to the desk. It was not read. The consent request said "and shall be deemed to have been read." It was on that basis that it was admitted. It was only a case of trying to play fair with every Member of the Senate so that in the event a cloture petition might be filed, no Senator would be foreclosed in an opportunity to get his amendments to the desk.

Now, we know it is not a rule. We know that if the rule is strictly construed, unanimous consent has to be granted, but I think it is only appropriate that we play fair on both sides. We have been fairly dealt with, on this side of the aisle, and we want to deal fairly with the distinguished Senator from Minnesota. I think he is entitled to that. This is a proposal which he has offered before. It deals with civil rights. It would be germane, and I know of no reason, therefore, why objection should be made under any circumstances.

Mr. CLARK. The Senator from Pennsylvania would like to point out to the distinguished minority leader, to the Presiding Officer, and to the Parliamentarian that the basis for the adverse ruling of the Chair, which is in accord with the ruling made earlier this week, is that the Senator from Minnesota was attempting to make a motion, in violation of section 1 of rule XXII.

In the opinion of the Senator from Pennsylvania, the Senator from Minnesota was doing no such thing. The Senator was offering the amendment as a matter of right, which is clearly indicated as appropriate on page 16 of "Senate Procedure."

The Senator was presenting the amendment and asking that it be read as a matter of right, exactly as the Senator from Georgia [Mr. RUSSELL] as a matter of right asked to have the question divided.

Therefore, the Senator from Minnesota as a matter of right was presenting the amendment to be read. Therefore, in the opinion of the Senator from Pennsylvania the ruling of the Chair was erroneous. If the ruling of the Chair was correct, then the Senator from Pennsylvania points out the following sentence in section 2, paragraph 4, of rule XXII:

> Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

That clearly indicates without unanimous consent an amendment could be presented and read prior to that time as a right.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I have the floor.

Mr. President, at the hour of 2:21 in the morning I am not sure I have the capacity for much prolixity. We know what the rule is, and we try to work out a general understanding in the Senate so that the Senate will not become completely ensnarled in its own rules, to give every Member a chance to put his amendments on the desk.

The problem was this: What constitutes presentation and what constitutes reading? Those are the two items in the rule with which we are concerned. The only way to have amendments presented, whether in the morning hour or at any other time, is to send them to the desk, to have them read at length or to have them deemed to have been read. It may be that my colleagues have some desire to have abstruse amendments read at this unholy hour of the morning, but I am afraid I have no such capacity. I would far rather "hit the sack" at this hour if I could [laughter], as other Senators might wish to do.

I am quite content to have the amendment deemed to have been read, because I am pretty sure, knowing the interest of the distinguished Senator from Minnesota in civil rights, that his amendment is no doubt germane and has a direct and proximate bearing on the whole question of civil rights.

I am willing to do without the reading of the amendment at this unhappy hour, when I ought to be on that little 6 by 2 cot getting forty winks. [Laughter.]

The PRESIDING OFFICER. Does the Senator from Minnesota desire to renew his request?

Mr. GORE. Mr. President, a parliamentary inquiry.

Mr. HUMPHREY. Mr. President, I would renew it, but I have already started more than I intended to. I suppose it would be better to "let it cook" a while.

Mr. DIRKSEN. Did the Senator withdraw it?

Mr. HUMPHREY. No.

The PRESIDING OFFICER. The Senator from Tennessee will state his parliamentary inquiry.

Mr. GORE. Mr. President, if the Senator from Minnesota or any other Senator offers an amendment, in order, to the pending business before the Senate, is it not inherent in the rule that upon recognition, the Member is entitled to a reading of the amendment by the clerk of the Senate?

The PRESIDING OFFICER. The answer to the inquiry of the Senator from Tennessee is, If an amendment is offered which is in order to the pending business, it must be read before it can be considered unless the reading of it is dispensed with by unanimous consent.

Mr. GORE. Then the question presented is not that of an amendment of a Senator to the pending business being in order, but rather the offering of an amendment which may be presented in the future.

The PRESIDING OFFICER. The Senator is correct in stating the matter.

Mr. STENNIS. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. I am not sure I yet understand exactly what is the situation. I rose not to object to the reading of the amendment. My point was that I objected to considering the amendment as having been read. I have no objection whatsoever to the presentation of the amendment and the reading of it by the clerk.

The Chair has already ruled, and there is no pending matter, so far as the Humphrey amendment is concerned, before the body?

The PRESIDING OFFICER. That is correct, in the absence of renewal of the request of the Senator from Minnesota or a request by unanimous consent that the amendment be read.

Mr. STENNIS. Very well. I think the record is clear. I thank the Presiding Officer.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN].

Mr. SPARKMAN obtained the floor.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPARKMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPARKMAN. The pending business, as I understand it, is the amendment offered by the Senator from North Carolina [Mr. ERVIN]. Will the Presiding Officer designate for me which amendment it is, since the Senator from North Carolina has presented several amendments, and the RECORD has not yet been printed, as I understand it, showing the amendment the Senator from North Carolina offered.

The PRESIDING OFFICER. The Chair will be glad to state the amendment.

On page 2, lines 14 and 15 of the Dirksen amendment, strike out the words and figures "$10,000 or imprisoned not more that 2 years, or both" and insert in lieu thereof the words and figures "$1,000 or imprisonment not more than one year, or both."

For the information of the Senator from Alabama, that is the penal provision of that particular section of the bill.

Mr. SPARKMAN. I thank the Presiding Officer for giving me that information because, as I said, the amendment was offered during the early morning hours, and that portion of the RECORD has not yet been made available to us, and there was no way to tell, from the amendments which are printed and are lying on our desks, which amendment it was.

Mr. President, in starting the brief remarks I shall make, I think it is well to invite attention to the fact that the pending business is the amendment offered by the Senator from North Carolina to the basic matter before the Senate, which is section 1 of the Dirksen amendment in the form of a substitute to H.R. 8315, the little bill I hold in my hand, which is for the benefit of Stella Reorganized Schools in Missouri.

Stella has pretty well disappeared. The bill upon which the Senate was pitched into this discussion has gone out the window. As a matter of fact, it is my understanding—I am not sure I am correct in this understanding—that Stella Reorganized Schools has moved into a new building and does not need this particular building any more.

The proposal in the bill was for the Army to lease a portion of a building of some kind at Fort Crowder, Mo., to the little school district of Stella. My understanding is that since the bill was reported—in fact, presumably since we started discussion of this bill, H.R. 8315—the school has moved out of the building and no longer has any use for the building, being in another building. Therefore, there is no further requirement for passage of H.R. 8315.

Unfortunately, the impression that has become quite widespread is that the bill before us is one relating to voting rights; and there has been much discussion in the Senate over voting rights. In practically every newspaper one picks up, the editorials, the columns, and the news stories relate to a fight in the Senate over voting rights.

That does not apply to the business before the Senate. The stack of bills and amendments which the Senator from Illinois presented, and which the Senator from North Carolina [Mr. ERVIN], said a couple of days ago weighed 5 pounds and 8 ounces, undoubtedly weighs more than that now, because additional amendments have been introduced. There are 5 pounds and 8 ounces of various civil rights proposals; and the Senator from North Carolina said that those relating to voting rights weighed only 1 ounce out of the total weight of bills, amendments, and proposals.

Mr. CLARK. Mr. President, would the Senator yield for a question?

Mr. SPARKMAN. I am glad to yield for a question.

Mr. CLARK. Is it not true that the amendment in the nature of a substitute proposed by the Senator from Illinois is the pending business?

Mr. SPARKMAN. That is correct. Of course, the amendment of the Senator from North Carolina to that is actually the pending business. But I referred to the basic business before the Senate.

Mr. CLARK. Is it not true that section 7 of the amendment offered in the nature of a substitute by the Senator from Illinois deals with voting rights?

Mr. SPARKMAN. Yes, but the Senator from Pennsylvania understands, I am sure, that it is only one section of the proposal that is before us.

Mr. CLARK. It has been separated?

Mr. SPARKMAN. That is correct, and I was about to refer to section 1. The other day the distinguished Senator from Georgia [Mr. RUSSELL], called attention to the fact that there were provisions relating to voting, and the Senator from Pennsylvania will remember that he said that they were the least objectionable parts of all of the bills and various amendments that have been introduced, but it is a grievous error for anyone to assume or to give the impression throughout the country that we are spending all this time debating voting rights. It is simply not the case.

Mr. CLARK. Mr. President, will the Senator yield for a further question?

Mr. SPARKMAN. I yield for a question.

Mr. CLARK. Does the Senator from Alabama tend to agree with the Senator from Georgia that from his point of view the least objectionable part of the bill is section 7?

Mr. SPARKMAN. The one relating to voting rights?

Mr. CLARK. Voting rights.

Mr. SPARKMAN. I think that is correct. We are now discussing the amendment offered by the Senator from Illinois.

Mr. CLARK. That is correct.

Mr. SPARKMAN. There are seven different provisions. I do not have all seven provisions in my mind at the present time, but offhand I would certainly be inclined to go along with the Senator from Georgia, who, I know, has made a very careful study of this entire subject.

Mr. CLARK. Mr. President, will the Senator yield further for a question?

Mr. SPARKMAN. I yield.

Mr. CLARK. Would the Senator further agree that section 3 of the amendment offered by the Senator from Illinois, which deals with the preservation of voting records and data, is among the least objectionable parts of the bill?

Mr. SPARKMAN. I believe the Senator from Georgia included that. I do not know about other States, but in my State we have preservation of voting records now for such time as may be necessary to give any person who is aggrieved the right to resort to remedies laid down in our State laws, and certainly if we lay down remedies in a Federal law it would be proper, I presume, to provide for the preservation of records for a sufficient time, whatever that time might be, to permit the granting of relief.

Mr. CLARK. I thank my friend.

Mr. SPARKMAN. However, I think the thing for us to do in giving this question the orderly consideration to which it is entitled is to remember the business that is before us, and that is not section 2 or section 3 or section 7, or any of the other sections. It is section 1 of the Dirksen substitute. The impact of the Ervin amendment is to change the nature of the offense from a felony to a misdemeanor. As I understand, it lowers the penalty both as to the money fine and as to the term of imprisonment that may be imposed, but I do believe that it is well for us to keep before us that that is the pending business and it is my proposal to discuss the pending business.

I know that there is always much talk to the effect that when we get into one of these parliamentary discussions we just talk about anything and everything, and read everything and anything into the RECORD.

I submit that Senators who have taken our viewpoint on this issue and who have discussed the subject so far have stuck to the subject matter of the debate and have discussed it.

I join with other Senators who have expressed some concern tonight. Those who are proposing this legislation have not discussed it, with the exception of the relatively brief description by the Senator from New York [Mr. JAVITS] of this particular section. The Senator from New York spoke about 3 hours on all the various amendments he had submitted and the various proposals that had been advanced. The amount of time he gave to section 1 was relatively small; and with the execption of that discussion by the Senator from New York [Mr. JAVITS], no Senator advocating the enactment of civil rights spent any time in the discussion of this particular feature, the question that is pending before us at the present time, and the only matter that is pending before us at the present time.

Mr. President, a few nights ago, before the parliamentary situation had resolved itself into the present condition, I spoke briefly on the dangers inherent to the electoral process of the States and the constitutional rights of the States in respect to the electoral processes in the Dirksen substitute proposals having to do with voting. As I say tonight, the matter that is pending before us is section 1 of the Dirksen bill, and there is not one single word in it pertaining to voting. That section is quite brief. I think I shall read it into the RECORD, because I am sure that a great many people are not aware of what it is that is proposed to be acted upon by the Senate. It is entitled the "Civil Rights Act of 1960":

SECTION 1. That (a) chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of certain court orders

" 'Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

" 'No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

" 'This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.'

"(b) The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

" '1509. Obstruction of certain court orders.' "

Mr. President, that is the matter which is pending before us, together with the Ervin amendment seeking to change the penalty of $10,000 or imprisonment of 2 years or both so as to reduce the offense from a felony, as provided in the proposal by the Senator from Illinois, to a misdemeanor.

I should like now to discuss that part of the Dirksen proposal which would amend the Federal Criminal Code by adding a new section, section 1509. That section would make it a Federal crime, a felony with punishment of a fine up to $10,000 or imprisonment for not more than 2 years, or both, to obstruct a Federal court order to integrate the public schools.

The obstruction punishable under the provisions of the statute is defined as follows:

1. Corruptly, or
2. By threats or force, or
3. By any threatening letter or communication,

A. Willfully prevents, obstructs, impedes or interferes with, or

B. Willfully endeavors to prevent, obstruct, impede or interfere with

I. The due exercise of rights, or

II. The performance of duties under a court order in a school case.

It is almost impossible to draft a criminal statute more inclusive than this one. By the combination of phrases, anyone can readily see how broad is the coverage of this measure.

The section is quite probably a violation of the first amendment to the Constitution as an abridgment of the freedom of speech.

The amendment of the Senator from Louisiana [Mr. LONG] was offered on that basis. In other words, he submitted an amendment to make certain that there would not be an abridgment of the freedom of speech. Unfortunately in the wee early hours of yesterday morning the amendment was tabled without previous notice having been given to the author of the amendment that such motion would be made. I can understand such action being taken when an amendment is offered in a frivolous manner or for dilatory purposes, but I do not believe it is fair to assume that the Senator from Louisiana was offering his amendment in any such way as that. Certainly the Senator from Louisiana has said that he offered his amendments in good faith to protect the freedom of speech, which is one of the great freedoms guaranteed by our Constitution. Attendance in the Senate Chamber is small at the present time, but I daresay that there is no Senator who would not agree with me that that is one of the great freedoms under the Constitution of the United States.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. I concur completely that the first amendment is a great freedom and should at all costs be preserved. I wonder if the Senator from Alabama has any cases to cite under the first amendment which he thinks are pertinent as indicating that the proposed new criminal provision would restrain free speech as the first amendment of the Constitution has been interpreted through the years.

Mr. SPARKMAN. I appreciate having the question from the Senator from Pennsylvania. I know that he believes in freedom of speech. We all do. Certainly when it is applied to us individually it is a personal matter. It was one of the great freedoms that our forefathers particularly wanted to protect, because it was one which they had not always enjoyed in the days before they came to this country, and when they organized this Government every effort was made to preserve that freedom. As the Senator from Pennsylvania [Mr. CLARK] well knows, before the Constitution could be adopted the people demanded that the Bill of Rights, in which this particular freedom is embodied in the very first amendment, be written into the Constitution. We all know it, but I believe it is well to remind ourselves sometimes that the Bill of Rights was prepared, publicized, and well known by the people before the Constitution was ever adopted, and a gentleman's agreement was made that if the people in the several States would vote for the ratification of the Constitution as it came out of the Constitutional Convention on September 14, 1787, in the very first session of the Congress the Bill of Rights compromise of 10 amendments would be proposed to the people for addition to the Constitution. That promise was kept and 10 amendments were added, constituting the Bill of Rights. This is the very first one.

With reference to the cases, it is my purpose to cite some decisions as I proceed, and give some quotations which I believe to have a direct bearing upon the point which I am making.

Mr. CLARK. Will the Senator yield for a further question?

Mr. SPARKMAN. I am glad to yield.

Mr. CLARK. The Senator will agree, will he not, that there are a number of restrictions written into our law, both by statute and by case decision, on the absolute right of free speech? For example, one may not legally slander another. There are certain acts, such as inciting to riot, which are not within the provision of the amendment and various other restrictions on the absolute right to say whatever comes to mind.

The question therefore would be whether the Senator from Alabama can establish as a matter of law that the proposed statute goes so far as to impede a legitimate right under the first amendment. This must be a question of legal judgment to some extent.

Mr. SPARKMAN. The Senator from Pennsylvania is a lawyer, as I am, and I think we would have no difficulty in agreeing that most matters such as this have in them a great element of judicial interpretation. I shall discuss this subject in the light of that background. I know of no statute which goes as far as this proposal toward the threatened invasion of the freedom of speech and the freedom of the press, and I wish to discuss the subject with that thought in mind.

It is extremely difficult to determine the limits of this section. To do so one must define accurately the meaning of such words as "corruptly," "willfully," "impede," "interferes," "endeavors," and the others appearing in the statute.

What then do these words mean? In the case of *Bosselman* v. *U.S.* (239 Fed. 82, 152, C.C.A. 132), the court held:

The word "corruptly" is capable of different meanings in different connections and as used (in this section) any endeavor to impede and obstruct the due administration of justice in the matter under jurisdiction is "corrupt."

One of the key words in the section is "willfully." The Attorney General, Mr. Rogers, when testifying before a subcommittee of the House Committee on the Judiciary last year, said:

In other words, the language of our proposal is patterned after section 1503 (the obstruction of justice statute), except for the addition of the word "willfully."

The defendant would have to know of the existence of the decree.

It would seem that all that the Attorney General would require by the word "willfully" is that the defendant know of the decree and that his act subsequent to that be intentional.

The minority of the House Committee on the Judiciary in the report on a similar proposal—86th Congress, 1st session, House of Representatives, Report No. 956, August 20, 1959—distinguished "endeavors" from the word "attempt." Its comments are extremely interesting, and I would like to read them at this point:

In addition to our initial objection, there are several other specific objections to the language contained in this title. The use of the word "endeavor" is a very interesting one, and is one which should be carefully understood. Ordinarily in a criminal statute, there is set forth a definition of the substantive crime or an attempt to commit that crime. The word "attempt" in criminal jurisprudence is a very significant one. Normally "attempt" means some act beyond mere preparation and will amount to the commencement of the consummation of the crime. It should be noted that this language does not use the word "attempt" but rather the word "endeavor." In the case of *U.S.* v. *Russell* (255 U.S. 138), at page 143 the Court said: "We think, however, that neither the contention or the cases are pertinent to the section under review and upon which the indictment was based. The word of the section" (referring to the obstruction-of-justice section of the Criminal Code) "is 'endeavor,' and by using it the section got rid of the technicalities which might be urged as besetting the word 'attempt,' and it describes any effort or essay to accomplish the evil purpose that the section was enacted to prevent." Thus, by the use of the word "endeavor" instead of the word "attempt" the prosecution has a lesser degree of the burden of proving guilt than it would have if the word "attempt" had been used.

I have tried here to cover as thoroughly as I could the meaning and probable interpretation of the several words used in describing conduct which the section would punish.

From this, it is apparent to me at least that what is proposed here might gravely endanger the freedom of the press, the freedom of assembly, and the freedom of speech.

These are three of the great freedoms for which our forebears fought and which we ourselves certainly ought to always be on guard to preserve and protest. Certainly, serious restraints would be placed upon the exercise of these freedoms, in the event the section 1 of the Dirksen proposed substitute should be adopted.

As a lawyer, I know that the law holds a man responsible for the natural consequences of his acts.

In view of this, could newspapers feel free to criticize court decisions? Would the papers or their editors possibly subject themselves to a criminal trial in violation of the section if they did? Certainly such a result is not without the realm of possibility.

Are those who disagree compelled to remain silent at the risk of prosecution, even though nothing they would say was intended to be obstructive?

There is no domestic issue about which so many people have such strong feelings as the desegregation of public schools.

It has been debated, discussed and studied by people all over this country. I have received letters from people of all ages and endeavors. It is a subject about which men feel strongly and emotions run high.

Often words are spoken in moments of anger that upon reflection would not have been spoken at all.

The press, leaders of both races, both in the South and elsewhere, will continue to express themselves freely and vigorously in regard to this question.

I would not argue with this, nor would anyone truly concerned with the fundamental right to express oneself freely, for it is only through such debate that democracies can solve great controversies.

However, it is not my purpose to suggest that abuse of the freedom of expression should go unchecked.

There are limits upon freedom of speech, especially in respect to the national security and public orders.

However, even these limits have been very carefully and cautiously imposed.

There are adequate remedies on the statute books to protect the public peace in respect to the school cases.

In the first place the court has broad contempt powers, sometimes almost too broad.

They may be used by the court to enforce compliance with its decrees, and the Federal Government has existing powers under section 1503, title 18, to punish anyone who corruptly interferes or endeavors to interfere with the administration of justice.

In many respects these existing powers are limitations on freedom of speech and press. If, as the Attorney General contends, they may not be wholly adequate for his purposes, then it is clear that the intent of the proposed section is to infringe further upon the freedom of press and speech and possibly the freedom of assembly.

Whether in the final analysis criminal action would be commenced, indictment obtained and conviction sustained is not the only consideration. The threat alone of criminal action is often sufficient to work such a restraint upon the freedom of press, speech and assembly as to constitute a serious threat to democracy's greatest safeguard, a free and unencumbered expression and exchange of views and ideas.

Mr. Justice Murphy in the case of *Thornhill* v. *Alabama* (310 U.S. 88, 95) stated it thusly:

First. The freedom of speech and of the press, which are secured by the first amendment against abridgment by the United States, are among the fundamental personal rights and liberties which are secured to all persons by the 14th amendment against abridgment by a State.

The safeguarding of these rights to the ends that men may speak as they think on matters vital to them and that falsehoods may be exposed through the processes of education and discussion is essential to free government. Those who won our independence had confidence in the power of free and fearless reasoning and communication of ideas to discover and spread political and economic truth. Noxious doctrines in those fields may be refuted and their evil averted by the courageous exercise of the right of free discussion. Abridgment of freedom of speech and of the press, however, impairs those opportunities for public education that are essential to effective exercise of the power of correcting error through the processes of popular government. Compare *United States* v. *Carolene Products Co.* (304 U.S. 144, 152–153n). Mere legislative preference for one rather than another means for combating substantive evils, therefore, may well prove an inadequate foundation on which to rest regulations which are aimed at or in their operation diminish the effective exercise of rights so necessary to the maintenance of democratic institutions. It is imperative that, when the effective exercise of these rights is claimed to be abridged, the courts should "weigh the circumstances" and "appraise the substantiality of the reasons advanced" in support of the challenged regulations (*Schneider* v. *State*, 308 U.S. 147, 161, 162).

In view of existing law is it necessary for us to go further?

Are the encroachments upon fundamental rights really necessary?

Shall we take one more step further toward silencing the press; the public speaker; the town meetings?

I hope not, Mr. President. But if the proposed section should become law this is precisely the course upon which we shall embark.

At this point, Mr. President, I would like to read quotations from the Federal statutes which I believe provide adequate remedies, in addition to the court's contempt powers, to insure compliance with court decrees and orders.

Section 1503, title 18, United States Code provides:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States or before any United States commissioner or other committing magistrate, or any grand or petit juror, or officer in or out of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or other committing magistrate, in the discharge of his duty, or injures any party or witness in his person or property on account of his attending or having attended such court or examination before such officer, commissioner, or other committing magistrate, or on account of his testifying or having testified to any matter pending therein, or injures any such grand

or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, commissioner, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter of communication, influences, or obstructs or impedes, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Of course, Mr. President, the similarity between section 1503 and the proposal before us is readily seen.

The proposal before us, which would be section 1509, would supplement it, and make it easier to carry out the burden of proof, as I pointed out earlier, and would substitute some words. I think it is clear that surely there is adequate legislation on the statute books today for protecting our Federal court procedures.

In that connection I would like to say to the distinguished Senator from Pennsylvania [Mr. CLARK], whom I know to be a good lawyer, that at one time, when I was a young lawyer, I served as a U.S. Commissioner. I always felt amply protected. I had close contact with the Federal courts, with the various officials of the court, with the judge, with the bailiffs and marshal and the deputy marshals, with the clerks, and with everyone connected with the court. I can say that I never knew an instance in which section 1503 had to be called into play.

It is well known that this mantle of protection is thrown over our Federal court system, and certainly we need no additional legislation in order to give ample protection, particularly when the proposed additional legislation might very well be a dangerous encroachment upon some of the precious freedoms for which our forebears fought and died—freedom of speech, freedom of the press, and freedom of assembly.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. Does the Senator believe that section 1503 of the criminal code infringes the freedom of the press?

Mr. SPARKMAN. No; I do not believe it does.

Mr. CLARK. Would the Senator care to point out why, if section 1503, which in general language terms is much similar to 1509, does not interfere with the freedom of speech, the proposed section 1509 would?

Mr. SPARKMAN. If the Senator will let me proceed, I will develop the point as I go along. At least we have had section 1503 with us. It has been tested. It has withstood the tests. In fact, my reading from the Thornhill case a few moments ago bore on that point. It has stood the test of the courts and of time.

Section 1509, as I say, goes beyond it, and I think it reaches that danger point. I plan to develop that point as I go along.

When testifying before the Senate and House Committees on the Judiciary, the Attorney General, Mr. Rogers, refused to say that the provisions of this section were not adequate to provide the kind of remedy which he purports to seek. The minority views of the House committee's report stated that the Attorney General testified during the course of the hearings that while it was true that the phrase "due administration of justice" as used in the existing law has been subjected to narrow interpretation, he could not state categorically that a desegregation decree is necessarily beyond the reach of the existing obstruction-of-justice statute.

When testifying before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, Mr. Rogers said:

> I do not want to be understood as suggesting categorically that a desegregation decree is beyond the reach of the existing obstruction-of-justice statute. It is impossible to argue that interference with an existing order relates to a case that is still pending and thus disturbs the ordinary and proper functions of the court within the meaning of the statute (hearings of committee, supra, pt. 1, p. 188).

In addition, there are provisions of the laws of Alabama, section 402 through 406, title 14, which provide criminal punishment for obstruction of justice. Of course, State and other governmental subdivisions have laws providing for the punishment of breaches of the peace.

I mention Alabama because I happen to be familiar with that particular State. I assumed other States had it, and I assumed that it was general with the States.

I invite the attention of my good friend from Pennsylvania to something I said just a minute ago while his attention was distracted. The Attorney General of the United States, Mr. William P. Rogers, testifying before the Senate and House Committees on the Judiciary, refused to say that the provisions of section 1503 were not adequate to provide the kind of remedy which he purports to seek.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. CLARK. The Senator from Alabama is much more familiar with these matters and has had far more experience than I in criminal law. Did the Attorney General attempt to give any justification for seeking section 1509?

Mr. SPARKMAN. As we proceed with this statement, I believe that point will be developed.

I repeat something I said a little earlier, because I want the Senator from Pennsylvania to get this point: the minority views in the House committee report stated that the Attorney General testified during the course of the hearings that while it was true that the phrase "due administration of justice" as used in the existing law has been subjected to a narrow interpretation, he could not state categorically that a desegregation decree is necessarily beyond the reach of the obstruction-of-justice statute.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. CLARK. Has the Attorney General attempted to apply section 1503 to the desegregation cases?

Mr. SPARKMAN. So far as I know, he has not. Let me refer to something that is a little aside from this particular discussion, but which is included within these 5½ pounds of bills. With reference to the so-called voting process, as the distinguished Senator from Arkansas so well pointed out yesterday, there are statutes of which no use is made or of which no advantage whatsoever is taken.

Under the Civil Rights Act of 1957, we established the Civil Rights Commission and gave it certain powers in the field of voting rights. We gave the Attorney General certain powers. In a discussion with the Senator from Arkansas, and others, I believe the Senator from Georgia [Mr. RUSSELL] pointed out that there are unused powers in existing statutes which, for some reason, the Department has not seen fit to exercise.

It is true that there is State legislation in regard to voting. The Senator from Arkansas [Mr. FULBRIGHT] pointed that out, and I have pointed it out two or three times in various discussions on the floor in reference to my State of Alabama. The Senator said the same thing was true in regard to the State of Georgia, and I believe the Senator from Louisiana said it was true in reference to his State. I believe the Senator referred to the matter in the debate, in the course of his discussion which began yesterday at noon and ended only a little while ago.

I am not sure the Senator from Pennsylvania has heard this, though I have said it on other occasions, but in my State any person who has any complaint as to not being accorded proper treatment with reference to registering or voting has 30 days, which is plenty of time, in which to make complaint before the circuit court. This can be done without cost, and without a lawyer. Everything is provided, and the machinery is set up. If the circuit court, which is our trial court, decides against him, he can appeal to the State supreme court. He can appeal, as I understand, without cost. And, of course, if the State supreme court decides against him, he can appeal to the Supreme Court of the United States. He has those rights. And, yet, for some strange reason, no suit has been filed.

I say to the Senator from Pennsylvania that I do not understand this. I have heard all about the Ph. D.'s at Tuskegee. All I know about it is what I have read, because I do not live near Tuskegee and I am not as familiar with what goes on in that county as I am with what goes on in my own county. I know that in my county for many years, as far back as I can remember, Negroes have registered in exactly the same manner that white people have registered. They have done so year in and year out. I have never heard of a complaint from any Negro for not being allowed to register. What I do not understand is, if these people at Tuskegee or anywhere else have been treated

in such a way, why have they not brought suit?

The Governor of Alabama testified before the Committee on Rules and Administration. I heard his testimony. He testified before the committee, as did the attorney general of Alabama, that not one single complaint from Tuskegee has ever been filed under the laws set up by the State of Alabama. I believe I could submit the laws of our State to the Senator from Pennsylvania and he would tell me they are eminently fair.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. CLARK. I have no doubt in my own mind that the laws on the statute books of Alabama are eminently fair. My concern, and that of many of our colleagues, is that because of a policy, of an attitude, which appears on the face of it, at least, to be widespread in certain of the States which my friend has mentioned, including his own State of Alabama, there is for some reason a widespread disenfranchisement of voters because of race or color, which I believe was commented on at least with respect to Georgia by the Commission on Civil Rights. I understand the Commission did not actually hold a hearing in Alabama.

Mr. SPARKMAN. Does the Senator refer to the Civil Rights Commission?

Mr. CLARK. Did the Commission hold a hearing in Alabama, as well as in Georgia?

Mr. SPARKMAN. I think there is more directed against Alabama in the report of the Civil Rights Commission than against any other State, since that is where Tuskegee Institute is, in Macon County. There are a great many highly intelligent Negroes, particularly those connected with Tuskegee Institute and the veterans' hospital located near there.

I think there were a total of four counties in which the Commission found numerous complaints, though I believe complaints were actually received from five or six counties.

Mr. CLARK. If the Senator will permit me to hazard an observation and then to ask him to comment on it, there is certainly a widespread belief in other parts of the country, which may not be based upon fact but which is at least supported by the report of the Civil Rights Commission, that there is a pattern of discrimination against the voting rights of the Negro in some of the Southern States, based upon a feeling—which I respect, but with which I do not agree—that it is of importance to the way of life in those States to prevent any substantial number of Negroes from obtaining the franchise.

I do not wish to be provocative, as we are having a friendly discussion at this point, but I wonder if my friend would not agree that the facts are pretty well established that in many counties in his State it would, as a practical matter, be very difficult, if not impossible, for a great many Negroes who would be otherwise qualified to be permitted to register and to vote.

Mr. SPARKMAN. I will say that in the report of the Civil Rights Commission on page 71 it is stated that there were 91 legally sufficient complaints received from 6 Alabama counties. One county had only one complaint, another county had only two complaints, and a third county had only three complaints; so there were only three counties which had what we might call substantial complaints.

Mr. CLARK. Mr. President, will the Senator yield for another question?

Mr. SPARKMAN. I yield.

Mr. CLARK. Does not the Senator agree that there is a basis for the contention that the way of life, the social and economic systems in Alabama are such that there is a general understanding that Negroes will not be permitted to register and to vote and that any mass attempt by Negroes to register and to vote would evoke a very strong and adverse response from the white people of the community, who perhaps might be outnumbered.

Mr. SPARKMAN. I assume that in these counties there is a heavy predominance of Negro people. I believe that Lowndes County, Alabama, or perhaps Macon County, has the largest proportion of Negroes. One of those counties is probably the most heavily populated with Negroes in the State. The number would probably run 4 to 1 in favor of the Negroes. I think the proportion would run that high in Lowndes County, and I believe it would run that high in Macon County.

Undoubtedly that would be true. However, I think there is a lot of misconception about mass efforts at registration.

Mr. CLARK. I think the Senator is quite correct.

Mr. SPARKMAN. This is something I have brought to the attention of Senators several times. The Senator may have seen some reference in recent weeks to some organization—I do not know whether it was the NAACP or some other organization of that kind—which talked about millions of additional Negro voters in 1960 in the South.

The Southern Regional Council, which is an interracial council and one which, over a good many years, has worked diligently to improve the situation of the Negroes, has commented on such a contention to some extent by saying that one thing to remember is that there will not be any mass addition to the voting list in the near future, that there cannot be. The council further said that the Negroes—and this applies to white people as well—in order to acquire the right to vote, have to develop economically and politically.

I think the council was on sound ground when talking that way. I will say to my friend from Pennsylvania that earlier today—I keep saying "today," but it was really yesterday—in the course of the debate, while the Senator from Louisiana [Mr. LONG] was speaking, I invited attention to the fact that in my State the statistics show, I believe, that the percentage of registration of the white people over the age of 21, which is the voting age limit in our State, as it is in the State of Pennsylvania, is 60 percent. That is a pitifully low figure.

As the Senator from Pennsylvania knows, the people of the United States do not vote—and this applies to all parts of the United States—as much as they ought to. It is nothing to be proud of to say that among the white people of Alabama we have a 60-percent registration.

Among the Negro people I believe the registration is approximately 30 percent.

That may seem very low, but when we look at the statistics for previous years we see how the percentage has increased. In my State, for instance, I suppose the number of Negroes who are registered has gone up 10 times in the last 15 years. I think we must realize that tremendous progress is being made.

The Senator from Pennsylvania may not have heard this, but in the course of the debate yesterday—in fact, I believe it was in the morning hour—the Senator from Georgia [Mr. RUSSELL] either read into the RECORD or had printed in the RECORD as a part of his remarks a release which had been put out, as I understand it, by the NAACP at Cleveland, in which it was complained that only 25 percent of the Negroes in Cleveland were registered to vote, and that of those registered only 26 percent voted.

Perhaps there is something about the Negro, whether he is in the South or has migrated to the North, wherever he may be, which keeps him from voting. There may be some apathy in regard to both the white race and the Negro race. Certainly a registration of 60 percent of the white people in Alabama is not a high figure. It is not one to boast of.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. CLARK. Is not my recollection correct, that after the Senator from Georgia [Mr. RUSSELL] made the comment with respect to Negro registration and voting in Cleveland, Ohio, the Senator from Ohio [Mr. LAUSCHE], came to the floor and interrogated the Senator from Georgia [Mr. RUSSELL] indicating that in his view the statistics were not accurate? It is my understanding that the Senator from Georgia [Mr. RUSSELL], on having the matter called to his attention, indicated that in his opinion there had probably been a typographical error or misstatement with respect to that subject.

Mr. SPARKMAN. I was not present on the floor when that took place. It is entirely possible.

Mr. CLARK. I happened to be here at that time.

Mr. SPARKMAN. I was not here when the Senator from Ohio came in and I cannot say, but I do think that I am on pretty firm ground when I give the figures relating to my State. This is something that may surprise the Senator from Pennsylvania. In our county registrations—I am not sure it is true with respect to all of them but the Civil Rights Commission brings out the fact that it is true of many of them and it seems to me that probably it would be a uniform rule—there is nothing on the records to indicate the race of the person and when he is registered and put on there he is put on as a person without regard to race. So I do not know how they can find out that some 15 years ago

there were only 6,000 Negroes, we will say, voting in Alabama. I am inclined to doubt that because ever since I was a boy I have known Negro voters. I grew up in an area where there were many Negroes.

I live in the northern part of the State, which is not as heavily populated by Negroes as is what we call the Black Belt the section that runs through the center part of the State. In the county in which I grew up and in the county in which I live now, we have about 30 percent—in other words I would say one out of every three—so that is a very heavy Negro population. All my life I have known of Negroes registering. I have gone over to the board of registrars to serve as a voucher. We have a system under which a new voter coming in is required to have someone who is a voter vouch for him.

I have vouched for them and I know that a great many white people vouch for them, and Negro people who are already voters vouch for them. Any person who is a voter can bring in a new voter and vouch for him, and so I would be surprised to learn that any such figure as that was accurate that far back, but, nevertheless, that is the figure that was given.

The figure the Civil Rights Commission gave for last year in Alabama was 70,000, so when I said 10 times the Senator from Pennsylvania will see it is really 11 times, and the Governor from Alabama when he testified some time ago said the number at that time was 78,000, so I think the Senator from Pennsylvania will see that there has been a steady increase.

Mr. CLARK. Will the Senator yield further?

Mr. SPARKMAN. I yield.

Mr. CLARK. I have no doubt that everything my friend from Alabama says with respect to his own State is accurate. I am confident he would not do otherwise but state the facts correctly. Because the question of voting in a northern State like Ohio has been raised, I should like to comment briefly on the fact that in Philadelphia today, with a total population of around 2 million, there are somewhere in the neighborhood of 525,000 Negroes. We still have in the city at least a semblance of the two-party system, although the Republican Party in Philadelphia appears to be growing weaker and weaker as the years go by.

Mr. SPARKMAN. The Republican Party is withering on the vine?

Mr. CLARK. It appears to be so doing.

Mr. SPARKMAN. Would the Senator from Pennsylvania agree with me that the Republican Party seems to be withering on the vine all over the country?

Mr. CLARK. I hope that the results of the election this fall will indicate that the Senator's comment is conservative indeed.

I would point that out because for a good many years, in fact, ever since Al Smith came along, we had a very vigorous two-party system in Philadelphia, and this resulted in the political workers of both parties making earnest efforts to register voters.

Mr. SPARKMAN. The Senator is pointing out something that I have often told friends, something that one is prone to overlook in our section of the country. We do not have an aggressive two-party system that serves as an incentive to get the voters registered and to get them out.

Mr. CLARK. And yet I am sure my friend from Alabama would agree that there have been in his State many hotly contested primary elections?

Mr. SPARKMAN. Local elections or primary elections; yes.

Mr. CLARK. One might think that would result in some aggressive effort to get the voters registered so they might support the candidacy of a particular individual.

Mr. SPARKMAN. That is true in some areas and seasons but it is not year in and year out as is true in a two-party system.

Mr. CLARK. May I ask my friend this question. In his opinion, if there should be a reasonably hotly contested primary in his State and if one of the candidates were making an aggressive effort to obtain registration of unregistered Negro voters, would this not reflect adversely on his chances of success in view of the current social opinions?

Mr. SPARKMAN. Again, I go back to something I said a while ago. I think there is a misconception as to the matter of mass handling. Most candidates in my State simply appeal to the voters, and we do not find a division according to the race, the literature they put out, or in their speaking. I have campaigned a good many times all over the State of Alabama and for 10 years in my congressional district. Even before that I would go out campaigning for some of the candidates I was supporting. In Alabama most of our meetings are outdoor picnics and barbecues or speaking on the street corners. There are great crowds, and the white and the Negroes are there together. A candidate does not say, "I want all the white people to vote for me," or "I do not want Negroes." They are not separated in the registration.

Mr. CLARK. I am sure the Senator is correct in what he says. My question was a little different.

Mr. SPARKMAN. It becomes hypothetical, because our system does not operate that way. There is no mass movement either toward new registrations or toward getting Negroes to the polls.

Mr. CLARK. Mr. President, will the Senator yield for another question?

Mr. SPARKMAN. I am glad to yield.

Mr. CLARK. Suppose the NAACP were to organize in Macon or Lowndes Counties——

Mr. SPARKMAN. By the way, I often hear Macon County mispronounced. The accent is on the first syllable, and it is pronounced as though it were spelled "M-a-k-i-n."

Mr. CLARK. I thank my friend. To resume the question, does my friend believe that if the NAACP were to make a vigorous effort to enroll the Negroes of Macon and Lowndes Counties in Alabama, the effort would do anything other than to arouse substantial resentment and probably not be effective?

Mr. SPARKMAN. Yes, but may I say that would be true whether it was the NAACP, a local candidate, the Governor of Alabama, or anyone else, and it would be true whether those involved were Negroes or white, if they were trying to do it on a mass basis, because registrations are not made in that way.

People who become 21 and people who move into the county are the ones who feed the registration. Occasionally someone who has waited until later years to register does so, but there is no mass movement.

Mr. CLARK. Would my friend not agree that if such an effort were made——

Mr. SPARKMAN. I would rather not deal in hypotheticals. I said if it were made by anybody, it would arouse resentment.

Mr. CLARK. Would it not also fail of its objective?

Mr. SPARKMAN. Yes, I think it would. I believe the Senator from Pennsylvania would admit that would also be true in his State, even though it has a two-party system. It is a little difficult for the Senator from Pennsylvania to discuss this matter because he does not have the hot primaries we have. I believe if the Senator from Pennsylvania had a hot primary and somebody moved in to try to produce a mass registration in order to influence the election for one particular person, there would be resentment by the other side and the effort would probably fail of its objective. That is not unusual in the South or with reference to the Negro race. It is human nature. Wherever humans are found we find that situation.

Mr. CLARK. I wish I could agree with my friend from Alabama.

Mr. SPARKMAN. The trouble is the Senator from Pennsylvania is not experienced with hot primaries such as we have.

Mr. CLARK. I was about to say I wish I could agree with my friend from Alabama with respect to the absence of hot primaries in Pennsylvania.

Mr. SPARKMAN. The Senator has never had one, has he?

Mr. CLARK. I certainly have. When I first ran for the office of Controller of the City of Philadelphia, the primary was hotly contested. There were certain sections in the city where I thought my views would prevail. There were other places where I thought my opponent's views would prevail. My supporters went all out on a registration drive to get the people we thought would vote for me to register.

The Senator will recall that my predecessor, Senator Duff, who served in this body with distinction for 6 years, had one of the hottest primary fights in the history of Pennsylvania.

Mr. SPARKMAN. I recall that.

Mr. CLARK. I assure my friend that contested primaries are neither the rule, nor certainly not the exception, in my State, and I have participated in many of

them. Proponents of one candidate or the other make active drives to register those who they think will support their particular position. I am not being critical of the State of Alabama in this regard. I am only trying to develop with my friend the reasons why I would hazard the observation—my friend will tell me if he disagrees—that if an effort were made today to register Negroes who are not now registered in Macon and Lowndes Counties it would not prove successful despite the fact that the laws of the State of Alabama, as my friend has pointed out, are eminently fair in that regard.

Mr. SPARKMAN. Let me say again that I am not familiar with the inner workings of those county governments. I know that in at least one of those counties, and I believe in both of them, the greatest difficulty is being incurred at the present time in getting people to serve on the board of registration, because the Civil Rights Commission made them feel that when they served on the board they assumed responsibilities which they could not turn loose.

By the way, there is a suit pending in the Supreme Court now, I believe, which came up from my State, based upon the fact that a registrar could not even resign his position. In this case, as I recall, the members of the board of registrars had resigned, or at least one of them had resigned before the Civil Rights Commission moved in, and yet the Civil Rights Commission insisted that it had a right to sue him and get an injunction against him to force him to act. It took the attitude that a registrar cannot get out of it. He is responsible until somebody comes in to take his place.

Mr. CLARK. Will the Senator yield further?

Mr. SPARKMAN. I am thoroughly enjoying the discussion. We are completely off the subject, but we got off it because I was talking about the sufficiency of section 1503.

Mr. CLARK. I was about to comment to my good friend, who had said a few minutes ago we were not discussing voting rights at this time because sections 1509 and 1503——

Mr. SPARKMAN. I hope to discuss that point. I did discuss it a few days ago in part, but when we get to that position I certainly hope to discuss the question of voting rights, particularly the referee plan and the registrar plan. I think they ought to be most carefully analyzed.

Mr. CLARK. My friend will agree, I am sure, that I am not attempting to be critical when I point out that almost inevitably one shifts from one facet of the subject to the other, not really realizing that he is doing it, and so we now find ourselves having made the complete circle from school desegregation to voting rights. I do not think we knew we were doing it when we started.

Mr. SPARKMAN. I believe the Senator will recall that I was discussing the sufficiency of section 1503. I was doing so in answer to a question of the Senator from Pennsylvania. I said section 1503 was sufficient. The Senator then asked me why the Attorney General wanted section 1509, and I said while this was off the subject it did remind me of the situation with reference to the availability of unused powers at the present time in the field of elections—powers granted to the Civil Rights Commission under the Civil Rights Act of 1957 and rights under the State laws for any person having a complaint. And I say frankly I cannot understand why those people who had cause to complain or claimed to have, and who made complaint to the Civil Rights Commission had not pursued those rights in the State courts.

Mr. CLARK. The suggestion has been made, which I advance so my friend may comment on it—and my guess is he will disagree with the suggestion—that the climate of opinion in that area is such that they do not dare to try.

Mr. SPARKMAN. Let me say in all due deference to my good friend from Pennsylvania that I have seen, heard, and read of that, but that simply is not the case. I could use stronger language, but I believe that is sufficient. By the way, the complaints that were made were not in large numbers. Barbour County is one of the so-called Black Belt counties. It is in the heart of the black belt. It is a fine county and has a heavy Negro population. I am quite sure, though I do not have the population figures before me, that the Negroes outnumber the whites there. However, I am not certain of that observation. There was one complaint from Barbour County to the Civil Rights Commission.

In Bullock County, which is a relatively small county in population, but again has a heavy proportion of Negro inhabitants, there were three complaints.

In Dallas County, which is a rather populous county, in which I believe the Negro population is slightly more than 50 percent, there were 19 complaints.

In Macon County, which is a small county but heavily Negro populated, there were 46 complaints. The complaint has been made that in that county are people of high intelligence connected with Tuskegee Institute. I daresay there is a fact in respect to that institute which the Senator from Pennsylvania does not know. Tuskegee Institute is supported by the State of Alabama. I do not mean it is supported in toto. It has an endowment and gets subscriptions. However, the taxpayers of Alabama help to pay for Tuskegee Institute. It is not a State institution. It is a private institution, as the Senator knows. But down through the years the State of Alabama has appropriated funds to help operate Tuskegee and are still doing so, even with all the turmoil it has been through in recent years and all the strife there has been in Macon County.

In Macon County there were 46 complaints. In Montgomery County, which is the capital county of the State—the city of Montgomery is our capital—there were 20 complaints. That, too, is a populus county. I suppose it is the third populous county in the State, and I would guess that the population is pretty close to 50–50 as between the races.

Mr. CLARK. Does my friend conclude from the statistics he has been quoting that the Negro population in Alabama is content with its disenfranchisement?

Mr. SPARKMAN. Let me give just one more county. In Wilcox County, which is a relatively small county, it being proportionately very small in population, and the ratio being probably 2 to 1, there were two complaints.

Let me say in answer to the Senator from Pennsylvania, no, I am not saying that they are content with their lot. There would not have been these 91 complaints if there had been absolute contentment.

As a matter of fact, I know there are people all over the State of Alabama who are not content with the registration of people in our State. Every year they try to get people to register. There are campaigns carried on in our newspapers, by the League of Women Voters and by other organized groups, trying to get people to go out and register, all over the State.

I said a while ago that only 60 percent of the eligible whites are registered. We are not content with that. There ought to be a higher percentage. I am not arguing contentment at all. I am just trying to present the picture in a realistic manner, rather than in the emotional manner in which it is so often presented unfavorably.

Mr. President, in looking at the population figures, as given on page 577, I find I was somewhat in error. I said that Montgomery County would be close to 50–50. It seems I was a little bit off on that. It looks like 81,000—no, I will take it all back. I shall not use those population figures, because they give the total population, and then break it down as between the races only for those of age over 21. So I cannot use those figures. I am sure I made some bad guesses as to the figures, but I only intended that as an approximation.

Getting back to this question about the Attorney General, I call the attention of the Senator from Pennsylvania to something I said, while he was otherwise engaged, about the Attorney General's admitting that section 1503 would most likely cover the orders and decrees in desegregation cases, as well as in the other cases. I will give a direct quote from the Attorney General. He said:

> I do not want to be understood as suggesting categorically that a desegregation decree is beyond the reach of the existing obstruction-of-justice statute. It is possible to argue that interference with an existing order relates to a case that is still pending and thus disturbs the ordinary and proper functions of the Court within the meaning of the statute.

That was from the hearings of the committee, part 1, page 188.

I may say, without reading it, but just as a matter of reference if anyone wants to read it, that in the civil rights hearings for 1959 before the Senate Judiciary Committee, part 1 of those hearings, on

page 188, there may be found a discussion by Mr. Rogers of the sufficiency of section 1503.

And I may say to the distinguished Senator from Illinois that I am talking about the matter pending before the Senate, the proposal to write into the law section 1509. I have just been bringing out the point that section 1503, which I quoted in full from the statute, amply protects the court and all of its proceedings and all of its officers, and that the Attorney General Rogers virtually admitted as much in his testimony before the committee. In other words, the authority is there, if they need it, and they do not need this additional authority which supplements 1503. That is what I am trying to illustrate in the paper I am presenting, that 1509 goes further toward the infringement of those freedoms we hold so dear—the freedom of speech, the freedom of the press and the freedom of assembly.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. SPARKMAN. Yes, I will be glad to yield for a question.

Mr. DOUGLAS. The Senator from Alabama realizes, of course, that those of us who are deeply interested in the civil rights question do not regard this section as essential to the bill. It was inserted by the Attorney General, and I am inclined to agree with the Senator from Alabama that it is not an essential part of the well-rounded bill. But again I would emphasize that what we regard as essential are the protections of the 14th and 15th amendments to the Constitution. The 15th amendment provides that no State shall deprive any person of the right to vote because of race, color, or previous condition of servitude, and that Congress has the power by appropriate legislation to enforce that provision.

Mr. SPARKMAN. Of course, that is not affected by section 1509.

Mr. DOUGLAS. I know. What I am trying to say is that while my good friend from Alabama is able to take up time by discussing 1509——

Mr. SPARKMAN. That is the pending business.

Mr. DOUGLAS. I understand.

Mr. SPARKMAN. And may I say to my friend from Illinois, as I said in the beginning, that all the way through I have discussed the issues, the merits, of the legislation. That is true of every Senator from our area who has spoken on the bill. I made it very clear. I obtained a statement from the Chair as to what the pending business was, and said I proposed to discuss the pending business and nothing but the pending business.

Mr. DOUGLAS. I understand.

Mr. SPARKMAN. And may I say to the Senator from Illinois—and I am not trying to cut him off.

Mr. DOUGLAS. That is all right.

Mr. SPARKMAN. But I just want to say this, so he will understand. A short time ago, while he was not in the Chamber, there was an exchange with the Senator from Pennsylvania in which we had quite a discussion on this question of voting rights. But that discussion was wholly incidental, growing out of the question he had asked me.

Mr. DOUGLAS. Let me say to my good friend from Alabama that I realize he has not given the recipe for pot likker; that he has not read the telephone book into the CONGRESSIONAL RECORD, as I believe a former Senator from Louisiana did upon one occasion, and that he has stuck to the question. But I would say that he is spending an inordinate amount of time upon relatively nonessential matter. I would like to hear some discussion of what is essential; namely, whether we need protection under the 15th and the 14th amendments to the Constitution.

Mr. SPARKMAN. When that becomes the pending business before the Senate, I propose to discuss it. However, it is not before the Senate. What we are being called upon to consider is the Dirksen substitute, section 1 thereof, which is the proposal to write section 1509 into law. That is all that is before us, except as it is affected by the Ervin amendment, which would reduce the amount of the penalty. That is all that is before us. Why talk about extraneous matters? That is the trouble with this whole thing. We have been trying to get this across, because out over the whole country people have been made to believe that we have before us a simple voting rights bill, when, as a matter of fact, that is not before us. When we get to that subject, we will discuss it. Why discuss it now?

Mr. DOUGLAS. I will say to my friend from Alabama that he reminds me of another friend of mine who always spends hours discussing the word "the" and the article "a" and never gets into the heart of the subject. He spends a great amount of time on things that do not matter. It is deliberate and planned and dilatory, and nothing else.

Mr. SPARKMAN. First of all, the Senator from Illinois does not know how long I have been speaking.

Mr. DOUGLAS. Oh, yes, I do.

Mr. SPARKMAN. What time did I begin?

Mr. DOUGLAS. At approximately 2 o'clock in the morning.

Mr. SPARKMAN. I began at approximately 2:30.

Mr. DOUGLAS. Oh, I see. It seemed to be 2 hours.

Mr. SPARKMAN. How does the Senator know, when he has not been here?

Mr. DOUGLAS. I have been here from time to time.

Mr. SPARKMAN. He has been off somewhere asleep.

Mr. DOUGLAS. I have had faithful reports on what the Senator has said.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. SMATHERS. Does not the Senator from Alabama agree with me that the Senator from Illinois and many other Senators would actually know a great deal more about what has been discussed if they would spend more time on the floor, as other Senators have endeavored to do over the past 60 hours or so of debate, in discussing the particular issues which are brought up in the 8 pounds of bills with which we are going to be faced?

Mr. SPARKMAN. Yes, I agree fully with the Senator from Florida. I will go a step further. I know that my friend from Illinois is a very powerful debater. I have seen him stand at his desk behind me here and debate for hours at a time.

Mr. DOUGLAS. But always speaking to the point.

Mr. SPARKMAN. Yes; so am I speaking to the point.

Mr. DOUGLAS. What is that?

Mr. SPARKMAN. That is the proposal of the Senator's colleague from Illinois [Mr. DIRKSEN], to write section 1509 into law. That is all that is before us. I am speaking to the point. I was about to say that I know the Senator from Illinois is a powerful and potent "argufier." That is a good word, I believe.

Mr. DOUGLAS. It is not a pure word. It is a colloquialism.

Mr. SPARKMAN. It is a colloquialism, but it is understandable. I believe the Senator would agree, would he not?

Mr. DOUGLAS. It will serve as a word of homely, country origin.

Mr. SPARKMAN. Res ipso loquitur. N'est ce pas? What I started to say was that I wish my friend from Illinois, great argufier that he is, would get up on the floor of the Senate when his colleague is present and say what he has just said, denounce this section and say, "Let us get rid of it and get to the heart of the matter."

That is all I have been saying. Let us join issue. We have about 5½ pounds of bills here. Perhaps it is 8 pounds by now.

Mr. SMATHERS. It has grown. I heard it said that the bills now weigh 8 pounds. Nobody has disputed that statement.

Mr. SPARKMAN. I wish we could get rid of these 8 pounds of bills and get to the heart of the thing.

Mr. DOUGLAS. Mr. President, why does the Senator not do it, instead of wasting all this time?

Mr. SPARKMAN. It is not up to the Senator of Alabama to do it.

Mr. DOUGLAS. Does the Senator mean that he is controlled by an outside power?

Mr. SPARKMAN. No, I do not mean that. I mean the Senator from Illinois and the Senator from New York [Mr. JAVITS] are carrying the ball, with the Senator from Texas and the Senator from Illinois [Mr. DIRKSEN], the respected leaders, running interference, or vice versa. They are the four musketeers. They will not do that, I suppose, because there were only three musketeers, I believe.

Mr. DOUGLAS. With whom are the Senators from Illinois interfering?

Mr. SPARKMAN. I said they were running interference.

Mr. DOUGLAS. Oh, I see.

Mr. SPARKMAN. While the Senator from Illinois [Mr. DIRKSEN] and the Senator from New York carry the ball. They are the ones who can decide what course this proposed legislation will take, and whether we shall have an oppor-

tunity to get to the heart of the matter. The Senator from Illinois [Mr. DOUGLAS] is a learned man, although I do not believe he is a lawyer. Was he trained in the law?

Mr. DOUGLAS. No.

Mr. SPARKMAN. That is my understanding. I was going to say, not for the purpose of showing any kind of superiority, because I am not claiming that——

Mr. DOUGLAS. I understand. I am not learned in circumlocution.

Mr. SPARKMAN. Oh, I have heard the Senator from Illinois "circumlocute" many times here on the floor of the Senate, on natural gas, about the drainage of Lake Michigan to wash the sewers of Chicago, and many other subjects. Many times, although not at all times, I was on his side. However, I was about to say that, as a lawyer, as one trained in the law, I practiced law for several years, although not for a great many years, before coming to Congress, because I gave up my practice of law when I came to Congress, and I have devoted my full time to my congressional duties. I was trained under one of the best Federal judges before whom I ever practiced or whom I ever met in my practice of the law. He would always say, "Join issue. Get to the issue"——

Mr. DOUGLAS. The Senator certainly has departed from his early training.

Mr. SPARKMAN. He was a judge who got away from all these pleas, and he would always say, "Join issue." That is what I have been pleading for here. Let us have an opportunity to join issue.

Mr. DOUGLAS. I ask the Senator for heaven's sake to come to the point, which is the 14th and 15th amendments to the Constitution.

Mr. SPARKMAN. No; that is not the point before us, or the pending business. I had the Chair state the pending business before I started this discussion. The Senator from Illinois was not here; therefore, he did not have the advantage of hearing it stated. I daresay he probably did not know what the pending business was. It is section 1 of the Dirksen substitute, with the Ervin amendment seeking to change the penalty. Section 1 of the Dirksen substitute merely tries to add section 1509, which the Senator from Illinois says is not worth the paper it is printed on.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. DOUGLAS. Does the Senator from Alabama remember the comment which the late H. L. Mencken made about the literary style of Thorstein Veblen?

Mr. SPARKMAN. No.

Mr. DOUGLAS. He referred to it as a geyser of pish-posh.

Mr. SPARKMAN. Yes, yes; I have had the privilege of hearing the Senator from Illinois pish-poshing many times. I look forward to that opportunity again. I am sure I shall have it. However, let me get back to this section, the pending business before the Senate that I am speaking about. As a matter of fact, I have never tried to get away from a discussion of the merits, and I shall continue to discuss the merits of the proposed legislation which is now before us, and to discuss it in my own way. I feel no resentment, but I do believe that the Senator from Illinois had no right to say that what I was doing was purely dilatory. I have a right, as a Member of the U.S. Senate, representing a sovereign State, my State of Alabama, to present the views of the people of Alabama the best I can. That is what I am trying to do, and that is what I shall continue to do as long as I am here. I do not want anyone to say it is simply dilatory, that all I am doing is just talking. I am talking about the business before the Senate.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield for a question.

Mr. SMATHERS. I should like to ask the able Senator from Alabama a question. I might preface my question by saying that I think the able Senator is doing a splendid job in talking to the issues. Is it not a fact that at any moment there could be a change in the parliamentary situation, and that we could be confronted with any one of these amendments, not only with the technical amendment which is at the moment the pending business before the Senate, but with any one of the amendments that form the galaxy of amendments which have been printed and are lying on the desk, whose authors have said that they intend to bring them up?

Mr. SPARKMAN. The Senator is correct.

Mr. SMATHERS. We have to discuss all of these problems as they are discussed by other Senators. We have to present arguments against them at this time, never knowing when they will be brought up.

Mr. SPARKMAN. The Senator is correct, but in the present case I have taken the discussion of the great freedoms for which our fathers fought and died—freedom of speech, freedom of the press, and freedom of religion—and I am trying to show how this would be a further invasion of those freedoms.

Mr. SMATHERS. Is that not as interesting and germane to the people of Illinois as it is to the people of Alabama?

Mr. SPARKMAN. Yes, it is. It can be thrown to us at any time, and I serve notice on the Senator from Illinois that I reserve the right to discuss any one and every one that I want to. He may think of it as pish-posh if he wants to, but it will be my right as a U.S. Senator to discuss it in order to portray as best I can the views of the people of the State of Alabama. After all, they are the people whom I represent here in the Senate of the United States.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. DOUGLAS. Does the Senator remember the words of Madam Rolande at the time of the French Revolution, when she was being led to the guillotine:

> Oh, Liberty! Oh, Liberty! What crimes have been committed in thy name?"

Mr. SPARKMAN. Yes, I recall that.

We can always use words, Mr. President, to suit our own needs and make them apply in our thinking. If any one wants to do that, that is all right. It depends on whose ox is gored. The Senator from Illinois sees it as criminal. As I see it, it is a responsibility that I am discharging to the best of my ability. It may not suit the Senator from Illinois, but I am going to keep on doing it as best I can.

There is an old homely saying down in the country where I grew up, that when one said, "I will do best I can," the other fellow would say that is all a mule can do. So that is what I am going to do, Mr. President, the best I can do to represent my people.

Clearly, the proposed section would make possible multiprosecutions for one offense. There is no demonstrated need for any such drastic action.

In addition, this proposed section is subject to much abuse with substantial injustices likely to result from it.

While it may be that the Attorney General intends only a restricted usage of his power and authority under the section, we are not concerned only with present policies.

It is unnecessary for me to remind this body of the impermanence of Cabinet officers, especially at this time every 4 years.

Our concern and only concern ought to be with the reasonable interpretation of the provision and a reasonable assay of its effects.

Indeed, it has been my observation that in the area to which this proposed section would be applicable, the enforced integration of the public schools of the South, the Federal Government once involved has not hesitated to employ its full authority measured by the most liberal interpretation of existing law.

We need only to recall the Little Rock case to recognize the full impact of this. Senators will remember that during the debate in the Senate on the proposed civil rights legislation, Senator RUSSELL disclosed that under the original so-called existing law as referred to in the proposal the President would be authorized to use the military force of the United States to implement court decrees.

There was a great cry in the northern press about the strawman we southerners were building. Senators expressed dismay that we would even suggest that the President would take any such action.

I heard the questioning of Attorney General Brownell by the Senator from North Carolina [Mr. ERVIN] before the Senate Judiciary Committee, and I recall Attorney General Brownell saying to the chairman:

> Mr. Chairman, I ask to be relieved of answering such questions. It is absolutely ridiculous to assume that the President of the United States can use the Armed Forces for this purpose.

He testified to that effect in the old Supreme Court room before the Judiciary Committee, and I am sure the Senator from North Carolina well remembers it.

They all said that when we threw up that scare, we were simply building a strawman.

Indeed, some of the most ardent proponents of the civil rights bill joined together and offered an amendment which was to take this authority away from the President and much to do was made over it.

The President was asked at a news conference whether he would ever use troops to integrate the schools in the South. I recall that his answer was immediate and emphatic. He did not equivocate. The President could imagine no circumstance under which he would do such a thing.

If I remember his language correctly, he said "it would be over my dead body." I may not be correct in that, but he used very strong language at that time.

A few short weeks later Federal paratroopers landed at Little Rock, unsheathed their bayonets and took up battle stations around Central High at Little Rock.

Would an editorial appearing in the Alabama papers or in the Chicago Tribune given a circulation in Little Rock, Ark., result in criminal prosecutions under the proposed section?

Would a mass meeting of citizens in the town halls of the State of Florida, given publication in the city of Little Rock, be a violation of the proposed section, or would it subject those attending the meeting to possible criminal prosecution or indictment?

Would a group of students marching in the State Capital of Alabama in opposition to the use of military force to integrate the public schools of Little Rock, given publication in Little Rock, subject those participating in the march to possible criminal prosecution or indictment?

These are pertinent questions. The answers to them are not easy to come by. Suffice it to say that anyone who considered participating in such an exercise of his constitutional rights of freedom of speech, assembly, and press, might be seriously constrained by the possibility of criminal prosecutions.

From the beginning of our Republic, great care has been taken to insure that the freedom of the press be protected. The development of this freedom and its meaning in the United States is an interesting subject to study.

One of the best discussions of the subject I have seen and read appears in Cooley's "Constitutional Limitations," volume 2, page 876. I shall take the liberty of reading parts of that article, those comments having to do with this most precious freedom, the freedom of the press:

The first amendment to the Constitution of the United States provides, among other things, that Congress shall make no law abridging the freedom of speech or of the press. The privilege which is thus protected against unfriendly legislation by Congress, is almost universally regarded not only as a highly important, but as being essential to the very existence and perpetuity of free government. The people of the States have therefore guarded it with jealous care, by provisions of similar import in their several constitutions, and a constitutional principle is thereby established which is supposed to form a shield of protection to the free expression of opinion in every part of our land.

It is to be observed of these several provisions, that they recognize certain rights as now existing, and seek to protect and perpetuate them, by declaring that they shall not be abridged, or that they shall remain inviolate. They do not assume to create new rights, but their purpose is to protect the citizen in the enjoyment of those already possessed. We are at once, therefore, turned back from these provisions to the preexisting law, in order that we may ascertain what the rights are which are thus protected, and what is the extent of the privileges they undertake to assure.

At the common law, however, it will be found that liberty of the press was neither well protected or well defined. The art of printing, in the hands of private persons, has, until within a comparatively recent period, been regarded rather as an instrument of mischief, which required the restraining hand of the Government, than as a power for good, to be fostered and encouraged. Like a vicious beast it might be made useful if properly harnessed and restrained. The Government assumed to itself the right to determine what might or might not be published; and censors were appointed without whose permission it was criminal to publish a book or paper upon any subject. Through all the changes of government, this censorship was continued until after the revolution of 1688, and there are no instances in English history of more cruel and relentless persecution than for the publication of books which now would pass unnoticed by the authorities. To a much later time the press was not free to publish even the current news of the day where the Government could suppose itself to be interested in its suppression. Many matters, the publication of which now seems important to the just, discreet, and harmonious administration of free institutions, and to the proper observation of public officers by those interested in the discharge of their duties, were treated by the public authorities as offenses against good order, and contempts of their authority. By a fiction not very far removed from the truth, the Parliament was supposed to sit with closed doors. No official publication of its debates was provided for, and no other was allowed. The brief sketches which found their way into print were usually disguised under the garb of discussion in a fictitious parliament, held in a foreign country. Several times the Parliament resolved that any such publication, or any intermeddling by letter writers, was a breach of their privileges, and should be punished accordingly on discovery of the offenders. For such a publication in 1747 the editor of the Gentleman's magazine was brought to the bar of the House of Commons for reprimand, and only discharged on expressing his contrition. The general publication of parliamentary debates dates only from the American Revolution, and even then was still considered a technical breach of privilege.

The American Colonies followed the practice of the parent country. Even the laws were not at first published for general circulation, and it seemed to be thought desirable by the magistrates to keep the people in ignorance of the precise boundary between that which was lawful and that which was prohibited, as more likely to make them avoid all doubtful actions. The magistrates of Massachusetts, when compelled by public opinion to suffer the publication of general laws in 1649, permitted it under protest, as a hazardous experiment. For publishing the laws of one session in Virginia, in 1682, the printer was arrested and put under bonds until the King's pleasure could be known, and the King's pleasure was declared that no printing should be allowed in the Colony. There were not wanting instances of the public burning of books, as offenders against good order. Such was the fate of Elliot's book in defense of unmixed principles of popular freedom, and Calef's book against Cotton Mather, which was given to the flames at Cambridge. A single printing press was introduced into the Colony so early as 1639; but the publication even of State documents did not become free until 1719, when, after a quarrel between Governor Shute and the house, he directed that body not to print one of their remonstrances, and, on their disobeying, sought in vain to procure the punishment of their printer. When Dongan was sent out as Governor of New York in 1683, he was expressly instructed to suffer no printing, and that Colony obtained its first press in 1692, through a Philadelphia printer being driven thence for publishing an address from a Quaker, in which he accused his brethren in office of being inconsistent with their principles in exercising political authority. So late as 1671, Governor Berkeley of Virginia expressed his thankfulness that neither free schools nor printing were introduced in the Colony.

I should like to have the Senator from Illinois listen to this:

So late as 1671, Governor Berkeley, of Virginia expressed his thankfulness that neither free schools—

Mr. DOUGLAS. In what State did this occur?

Mr. SPARKMAN. In Virginia.

Mr. DOUGLAS. I thank the Senator.

Mr. SPARKMAN. Governor Berkeley was the English Governor, as the Senator will remember. The Senator will remember reading of the persecutions of native Virginians under Governor Berkeley.

Governor Berkeley—

Who was sent from England—

expressed his thankfulness that neither free schools nor printing were introduced in the Colony, and his trust that these breeders of disobedience, heresy, and sects, would long be unknown.

The public bodies of the united nation did not at once invite publicity to their deliberations. The Constitutional Convention of 1787 sat with closed doors, and although imperfect reports of the debates have since been published, the injunction of secrecy upon its members was never removed. The Senate for a time followed this example, and the first open debate was had in 1793, on the occasion of the controversy over the right of Mr. Gallatin to a seat in that body. The House of Representatives sat with open doors from the first, tolerating the presence of reporters, over whose admission, however, the Speaker assumed control, and refusing in 1796 the pittance of $2,000 for full publication of debates.

It must be evident from these historical facts that liberty of the press, as now understood and enjoyed, is of very recent origin——

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. HRUSKA in the chair). Will the Senator from Alabama yield to the Senator from Illinois?

Mr. SPARKMAN. I yield.

Mr. DOUGLAS. Are these comments those of the Senator from Alabama, or of Dr. Cooley?

Mr. SPARKMAN. These are still from the writings of Dr. Cooley. I continue to quote:

It must be evident from these historical facts that liberty of the press, as now understood and enjoyed, is of very recent origin; and commentators seem to be agreed in the opinion that the term itself means only that

liberty of publication without the previous permission of the Government, which was obtained by the abolition of the censorship. In a strict sense, Mr. Hallam says, it consists merely in exemption from a licenser. A similar view is expressed by De Lolme. "Liberty of the press," he says, "consists in this: that neither courts of justice, nor any other judges whatever, are authorized to take notice of writings intended for the press, but are confined to those which are actually printed." Blackstone also adopts the same opinion, and it has been followed by American commentators of standard authority as embodying correctly the idea incorporated in the constitutional law of the country by the provisions in the American Bill of Rights.

It is conceded on all sides that the common-law rules that subjected the libeler to responsibility for the private injury, or the public scandal or disorder occasioned by his conduct, are not abolished by the protection extended to the press in our constitutions. The words of Chief Justice Parker of Massachusetts on this subject have been frequently quoted, generally recognized as sound in principle, and accepted as authority. "Nor does our constitution or declaration of rights," he says, speaking of his own State, "abrogate the common law in this respect, as some have insisted. The 16th article declares that 'liberty of the press is essential to the security of freedom in a State, it ought not therefore to be restrained in this Commonwealth.' The liberty of the press, not its licentiousness: this is the construction which a just regard to the other parts of that instrument, and to the wisdom of those who founded it, requires. In the 11th article it is declared that 'every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character'; and thus the general declaration in the 16th article is qualified. Besides, it is well understood and received as a commentary on this provision for the liberty of the press, that it was intended to prevent all such previous restraints upon publications as had been practiced by other governments, and in early times here, to stifle the efforts of patriots toward enlightening their fellow subjects upon their rights and the duties of rulers. The liberty of the press was to be unrestrained, but he who used it was to be responsible in case of its abuse; like the right to keep firearms, which does not protect him who uses them for annoyance or destruction."

But while we concede that liberty of speech and of the press does not imply complete exemption from responsibility for everything a citizen may say or publish, and complete immunity to ruin the reputation or business of others so far as falsehood and detraction may be able to accomplish that end, it is nevertheless believed that the mere exemption from previous restraints cannot be all that is secured by the constitutional provisions, inasmuch as of words to be uttered orally there can be no previous censorship, and the liberty of the press might be rendered a mockery and a delusion, and the phrase itself a byword, if, while every man was at liberty to publish what he pleased, the public authorities might nevertheless punish him for harmless publications.

An examination of the controversies which have grown out of the repressive measures resorted to for the purpose of restraining the free expression of opinion will sufficiently indicate the purpose of the guarantees which have since been secured against such restraints in the future. Except so far as those guarantees relate to the mode of trial, and are designed to secure to every accused person the right to be judged by the opinion of a jury upon the criminality of his act, their purpose has evidently been to protect parties in the free publication of matters of public concern, to secure their right to a free discussion of public events and public measures, and to enable every citizen at any time to bring the Government and any person in authority to the bar of public opinion by any just criticism upon their conduct in the exercise of the authority which the people have conferred upon them. To guard against repressive measures by the several departments of the Government, by which persons in power might secure themselves and their favorites from just scrutiny and condemnation, was the general purpose; and there was no design or desire to modify the rules of the common law which protected private character from detraction and abuse, except so far as seemed necessary to secure to accused parties a fair trial. The evils to be prevented were not the censorship of the press merely, but any action of the Government by means of which it might prevent such free and general discussion of public matters as seems absolutely essential to prepare the people for an intelligent exercise of their rights as citizens.

The constitutional liberty of speech and of the press, as we understand it, implies a right to freely utter and publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obscenity, or scandalous character, may be a public offense, or as by their falsehood and malice they may injuriously affect the standing, reputation, or pecuniary interests of individuals. Or, to state the same thing in somewhat different words, we understand liberty of speech and of the press to imply not only liberty to publish, but complete immunity from legal censure and punishment for the publication, so long as it is not harmful in its character, when tested by such standards as the law affords. For these standards we must look to the common-law rules which were in force when the constitutional guarantees were established, and in reference to which they have been adopted.

Dr. Cooley also enters into a discussion of criticism upon officers and candidates for office. Since so often cases involving integration of the public schools are not only legal questions but questions affecting the political arena, I think that these comments are particularly appropriate.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. SMATHERS. Is the Senator not stating that he is greatly concerned that section 1509 as proposed by the Senator from Illinois [Mr. DIRKSEN] will in fact——

Mr. SPARKMAN. By the way, it is the junior Senator from Illinois [Mr. DIRKSEN], not the senior Senator from Illinois [Mr. DOUGLAS], who says it is no good.

Mr. SMATHERS. I am delighted to know that we have the support of the senior Senator from Illinois on this particular statement. As I understand the Senator from Alabama is greatly concerned, and I think rightly so, that section 1509 would in fact interfere with free speech in that the time would obviously come when a man would be afraid to speak out against a desegregation order, even though he had been raised in the South and thoroughly believed in segregation. Would it be possible that in time it could mean that a man could not tell anyone that he opposed the particular order which was issued seeking to bring about desegregation?

Mr. SPARKMAN. The Senator from Florida is absolutely correct. He may recall that yesterday the distinguished Senator from Louisiana [Mr. LONG] at the very beginning of his remarks said he had something to say about the amendment which he had proposed, which he said he had submitted in absolute good faith. He said that he feared that under this section a citizen might not be able to tell his children what he believed with reference to this issue, regardless of how deep his convictions might be.

Mr. SMATHERS. With respect to the obstruction of administration of justice, does not the Senator from Alabama believe that there is now on the books sufficient legislation to protect the administration of justice?

Mr. SPARKMAN. I quoted section 1503 in full, which gives full protection to the Federal courts, to the court officials, and to everybody connected with Federal courts, engaged in carrying out the decrees, including the commissioners.

The Senator from Illinois had not come into the Senate Chamber at the time, but I mentioned that at one time I served as U.S. commissioner and I saw all kinds of cases handled. I was an officer of the court, and I never knew of an instance when the court was not completely covered by section 1503. Furthermore, I pointed out a little while ago that the Attorney General himself had admitted that section 1503 was probably sufficient. He said, "I will not say that it is not sufficient." In other words, he gave every indication that it was, and I quoted it from his testimony to show his opinion.

Mr. SMATHERS. Then it would be the Senator's opinion, would it not, if this new section 1509 were adopted, it would lead to a multiplicity of actions being brought against an individual?

Mr. SPARKMAN. The Senator is absolutely right.

Furthermore, section 1509 duplicates and supplements section 1503 in many ways, except that it would embrace a much greater area of activity.

Mr. DOUGLAS. Mr. President, may I raise a question?

Mr. SPARKMAN. Does the Senator from Illinois wish to direct a question to me?

Mr. DOUGLAS. The Senator is correct.

Mr. SPARKMAN. I am glad to yield.

Mr. DOUGLAS. Has the Senator from Alabama [Mr. SPARKMAN] run out of material?

Mr. SPARKMAN. I can assure the Senator from Illinois he need not worry.

Mr. DOUGLAS. I have two volumes of the Encyclopaedia Britannica dealing with the letter "A" which I can offer to him if he feels he is running out of material.

Mr. SPARKMAN. I certainly appreciate the generosity on the part of the Senator from Illinois, but I must say I shall not avail myself of his generous offer because I have here a carefully prepared paper on the great freedoms:

There is the freedom of the press, and I believe in the freedom of the press. There is the freedom of speech, and goodness knows I believe in the freedom of speech. As a matter of fact, I think it is probably the greatest single force in America. I believe also in the freedom to assemble. All three of those freedoms could be affected by section 1509 if it were enacted into law. I believe in those freedoms, together with the freedom of religion. Those are freedoms granted by our charter, and I will continue to advocate them.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Illinois.

Mr. DOUGLAS. Does the Senator from Alabama remember the racy and idiomatic comment of the late George Cohan "The flag has saved many a bum show"?

Mr. SPARKMAN. I am delighted to be reminded of the quotation. I am not sure I ever heard it before. I am glad to have the phrase added to my knowledge. I know the Senator from Illinois could add a great deal to my knowledge. I think I could profit by sitting at his feet on many subjects, such as sayings of different people of that type.

I enjoy working with him in the field of economics, and I have found him to be a powerful force there. But when it comes to his trying to tell me what I must say in carrying on a debate, I do not go along with him.

I believe in the freedom of speech, and I have the right to decide what I am going to say and I will say it.

Mr. SMATHERS. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. SMATHERS. Would the Senator not agree, in the light of the remarks made by the able Senator from Illinois, that despite the suggestions of his questions, every Senator who has thus far talked on the subject under consideration and debated this issue has consistently remained on the issue?

No Senator has read recipes into the RECORD, which he mentioned as happening some 15 or 20 years ago. There has not been a recitation of the telephone book. Every Senator has directed his remarks to the point which was then before the Senate, just as the able Senator from Alabama is doing now.

Mr. SPARKMAN. The Senator from Florida is correct, and they have refused to be pulled off by such assertions as that made by the Senator from Illinois. He would probably like to see us make a display of ourselves by reading the Encyclopaedia Britannica, and then he would have something to talk about. But let us debate the issues. The matter before us now is section 1509. I say it has a definite bearing on the great freedoms.

I quote from Cooley's "Constitutional Limitations," volume 2, page 908:

> There are certain cases where criticism upon public officers, their actions, character, and motives, is not only recognized as legitimate, but large latitude and great freedom of expression are permitted, so long as good faith inspires the communication. There are cases where it is clearly the duty of everyone to speak freely what he may have to say concerning public officers, or those who may present themselves for public positions. Through the ballot box the electors approve or condemn those who ask their suffrages; and if they condemn, though upon grounds the most unjust or frivolous, the law affords no redress. Some officers, however, are not chosen by the people directly, but designated through some other mode of appointment. But the public have a right to be heard on the question of their selection; and they have the right, for such reasons as seem to their minds sufficient, to ask for their dismissal afterward. They have also the right to complain of official conduct affecting themselves, and to petition for a redress of grievances. A principal purpose in perpetuating and guarding the right of petition is to ensure to the public the privilege of being heard in these and the like cases.

Mr. President, I wish to make a few remarks which, while they may not deal directly with the proposition of freedom, do deal with the broad question of the school issue and desegregation. I have previously remarked upon the abnormal method of considering this legislation, throwing away our usual procedures, our committee work. I have said:

> The erstwhile greatest deliberative body on earth has decided to throw deliberation out of the window and substitute haste.
>
> Careful committee study and regular committee processes and procedures have been junked and bypassed. Order has been sacrificed on the altar of political expediency.
>
> Just because the present Court has made some bad decisions which pretended to find a constitutional basis for Federal interference in local education is no reason why the Senate should now seek to compound those bad conditions and have the Federal Government take education completely out of the hands of the States and local communities.
>
> Jefferson's dedication to the idea of local control of education was as unchanging as the stars from the beginning of his career to the end. His view was the same in all places and in all seasons. It was the same with the Declaration of Independence, and the Articles of Confederation and the Virginia bill for the general diffusion of knowledge. It was the same with the Constitution itself. His private letters and papers bear testimony for the ages.
>
> Let us now turn to the Constitution itself. The word "education" does not appear in the entire document. Furthermore, there is no reference whatever, direct or indirect, in the Constitution to education. The Constitution is utterly and completely silent on the subject of education.
>
> The word "education" does not appear in the 14th amendment. We find further that nowhere in the 14th amendment is there any reference whatever to education or segregated schools or authority with respect to these subjects.

The present proposal is one of the many amendments being offered in an attempt to have Congress ratify by affirmative declaration the Supreme Court decision of 1954. Why would it not be just as reasonable to have Congress ratify an earlier, unanimous Supreme Court decision which declared that separate and equal facilities met the constitutional test?

Mr. President, I think this section is bad and I believe when the time comes it ought to be rejected by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 74]

Allott	Dworshak	Martin
Anderson	Engle	Morton
Bartlett	Fong	Moss
Beall	Frear	Mundt
Bennett	Gruening	Muskie
Bible	Hart	Pastore
Brunsdale	Hartke	Proxmire
Bush	Hickenlooper	Randolph
Byrd, W. Va.	Hruska	Scott
Cannon	Javits	Smathers
Carlson	Johnson, Tex.	Smith
Carroll	Keating	Sparkman
Case, N. J.	Kefauver	Stennis
Church	Kerr	Wiley
Clark	Kuchel	Williams, N. J.
Cooper	Long, Hawaii	Young, Ohio
Curtis	McGee	
Douglas	Mansfield	

The PRESIDING OFFICER (Mr. CANNON in the chair). A quorum is present.

The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN].

Mr. SMATHERS. Mr. President, in the heat of political expediency which often chooses the course that the means justify the end we in the Congress are again confronted with various proposals dealing with civil rights.

We are asked to consider these proposals in an atmosphere of passion which very often replaces responsible legislative prudence. In this atmosphere an appeal to reason is like a voice crying in the wilderness.

It is indeed unfortunate that in such a climate we have again before us additional proposals in the field of civil rights.

Mr. President, these proposals, among others, deal with making it a Federal offense to obstruct court orders relating to school desegregation; failure to preserve voting records for 2 years, and to permit their inspection by the Department of Justice upon written request; crossing State lines to avoid prosecution for bombing any building or vehicle; and a nebulous plan for the appointment of registrars or referees to overrule the power of the States in determining the qualification of voters residing within their boundaries.

Considerable differences prevail among the proponents of this latter plan, and I imagine much difference is predicated upon the constitutionality of such a proposal.

The enactment of legislation having for its basic purpose the modification of moral and social change through the effect of pressurized legislative fiat would be not only bad in concept but its consequences would be disastrous to our basic American way of life.

Recently the assistant attorney general of Florida appeared before the Senate Committee on Rules and Administration in opposition to various proposals relating to Federal voting registrars, as well as the proposal advanced by the Attorney General of the United States, suggesting the appointment of referees. His statement sets forth a very frank and forthright view, and because of the sound position taken therein, with which I wish to associate myself, I should

like at this time to read the statement in its entirety, as follows:

At the outset, it must be made clear that we are not here to advocate racial discrimination in voting.

On January 28, 1960, Governor Collins made the following public statement emphasizing his "own feeling that there can be no excuse anywhere in the United States of America for refusing the privilege of voting in any election because of race or creed. I do not condone any machinery or any attitude which has that as its purpose or effect. But I think it is the responsibility of the States to assure the freedom of our citizens to vote."

We believe that this statement sums up briefly and accurately the deep-seated convictions and attitudes of the overwhelming majority of the people of Florida.

We believe that the record of Florida voting in recent years verifies and substantiates this position.

On January 29, 1960, Secretary of State R. A. Gray of Florida made the following statement: "As the State official mainly concerned with the administration of election laws in this State, I do not know of any county or any supervisor of registration who has or would deny a Negro the right to register to vote."

On September 10, 1959, Governor Collins told a press conference that he had not received direct complaints or information to support a report by the Civil Rights Commission to the effect that in Gadsden County, Florida, Negroes are afraid to vote.

In this statement, Governor Collins made it clear that if there actually did exist instances of intimidation or other illegal interference with the right to vote, and such instances were reported to him, he would not hesitate to take corrective action. He said, "Specifically, the State government can call upon the people generally in those counties to adopt a different attitude and to improve that situation, and as Governor I don't hesitate to do that here and now. I hope that that can be accomplished there through their local processes. If, of course, there are specific acts that are brought to the attention of the local officials and if, that being done, there is not adequate redress provided at the local level of course, that will be another matter in which I, as Governor, will be very interested." To this date, no such complaints have been made to Governor Collins.

For your complete information on Florida's voting registration records in 1959, we include as an appendix to this statement a chart showing the white and Negro registration of each of Florida's 67 counties.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of registered voters in the State of Florida, as of October 3, 1959.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Registered voters, State of Florida, Oct. 3, 1959

County	Democrats		Republicans		Others
	White	Colored	White	Colored	
Alachua	13,373	1,924	468	230	45
Baker	3,436	429		3	
Bay	18,903	2,209	431	13	49
Bradford	4,364	714	38	11	2
Brevard	16,863	1,508	5,001	221	846
Broward	62,418	6,897	27,240	1,123	2,287
Calhoun	3,809	265	10		6
Charlotte	4,054	241	517	97	
Citrus	3,559	390	120	60	42
Clay	5,168	738	221	17	13
Collier	3,878	329	745	11	21
Columbia	6,008	873	47	94	51
Dade	301,557	19,143	44,723	3,213	2,457
DeSoto	3,059	749	99	153	2
Dixie	1,844	92	7	6	5
Duval	104,468	25,587	5,490	1,926	923
Escambia	50,572	8,314	1,457	394	276
Flagler	1,460	18	51		4
Franklin	2,833	501	72	5	4
Gadsden	6,290	8	37	4	24
Gilchrist	1,559	34	4	2	
Glades	745	141	2	2	
Gulf	3,133	453	13	47	
Hamilton	1,941	274	6	29	5
Hardee	4,236	279	127	13	24
Hendry	2,336	567	26	4	8
Hernando	3,263	485	163		7
Highlands	8,157	897	756	31	18
Hillsborough	103,457	10,448	10,105	829	606
Holmes	6,367	135	27	4	11
Indian River	6,406	621	1,460	28	124
Jackson	9,737	2,317	47	112	22
Jefferson	1,902	279	8	22	
Lafayette	1,887		4		2
Lake	15,268	1,199	2,383	59	111
Lee	13,987	1,067	2,241	80	97
Leon	15,308	4,100	400	214	7
Levy	2,688	207	23	42	8
Liberty	1,706		5		
Madison	3,634	902	17	43	
Manatee	14,796	819	5,077	138	406
Marion	12,294	2,908	463	157	58
Martin	5,329	605	586	12	
Monroe	10,372	1,644	226	18	42
Nassau	5,003	1,259	48	21	10
Okaloosa	15,216	644	306	7	99
Okeechobee	2,126	552	11	6	
Orange	49,072	2,897	11,879	369	599
Osceola	6,232	319	1,204	34	84
Palm Beach	56,121	6,322	15,524	655	592
Pasco	11,312	657	2,372	11	126
Pinellas	79,116	4,028	69,097	927	3,832
Polk	51,024	5,293	6,078	368	390
Putnam	11,247	1,840	362	278	24
St. Johns	9,472	1,848	634	175	58
St. Lucie	9,593	1,821	1,343	61	99
Santa Rosa	9,135	645	107	10	53
Sarasota	11,433	604	10,940	170	385
Seminole	9,162	1,837	1,253	91	162
Sumter	4,225	550	110	50	14
Suwannee	5,298	350	31	60	18
Taylor	4,235	64	31	5	10
Union	2,487		4		
Volusia	38,164	4,979	8,548	271	335
Wakulla	1,751	421	9	12	3
Walton	6,252	645	73	17	7
Washington	5,465	715	43	10	6
Total	1,271,565	139,600	240,950	13,075	15,519
Grand total			1,680,709		

Mr. SMATHERS. Mr. President, I continue to read the statement:

We would like to respectfully call your attention to the fact that the problem of nonparticipation of Negro citizens in voting in Florida is rapidly taking care of itself through the efforts of our local people and officials. In 1947, Florida had 49,000 Negroes registered. In 1952 we had 120,000; in 1956, we had 148,703; in 1958, we had 144,810; in 1959, we had 152,675.

We think it is significant that between 1947 and 1959 Negro registration increased in Florida from 49,000 to 152,675, and this increase did not result from outside pressures either in the form of court orders or Federal commissions. It resulted, we believe, from local internal changes in the cultural and economic standards and civic responsibility of Negroes, our rapid increase in urbanization, and the voluntary acceptance of these changes on the part of their white neighbors.

We are fearful that if Congress should enact the bills you are considering here, the practical result will be a regressive trend in Negro registration. The reason for this is obvious—the exertion of outside pressure and coercion by the Central Government in local matters is regarded as a usurpation of authority which stimulates resentment rather than understanding, tolerance, and racial cooperation.

Earlier this morning the able junior Senator from Louisiana [Mr. LONG], put into the RECORD statistics from the State of Louisiana which showed that they had had a remarkable and an encouraging growth of Negro registration during the late years of the forties up until 1955 and 1956, but after the creation of the so-called Civil Rights Commission and its investigation into the affairs of Louisiana, rather than the continued progress and proportionate increase in Negro registration which we had seen over the past 10 years, rather than that continuing we saw that fall completely off and in the last 2 years only 6,000 Negroes had registered.

I continue with the statement:

Patient understanding and tolerance in seeking voluntary improvement may be a longer road than some might like, but we believe it to be the best and most effective road leading to ultimate dignity, mutual respect and equal opportunity for all our people.

Attorney General Rogers expressed the same concern in testifying before your congressional committees last year on other phases of civil rights legislation when he said, "the image of the Federal Government trying to dominate the States could tend to harden resistance." We think it self-evident that Attorney General Rogers' fears in this regard are being vindicated.

The four bills introduced by Senators HUMPHREY, MORSE, and JAVITS do more than create an image of Federal domination. They constitute absolute and undisputed Federal control and domination in the exercise of the voting franchise, an area which by law and custom has been the undisputed responsibility and authority of State and local governments since the founding of this Republic.

All four of these bills are substantially the same. With minor differences, they provide that anyone who thinks he has been denied the right to register to vote in a Federal election because of his race, religion, color,

or national origin, may file a petition with the President requesting the appointment of a Federal registrar.

If the President receives as many as nine such petitions within 1 year from any voting district, he may cause an investigation to be made by the Civil Rights Commission.

Upon recommendation of the Commission, he may appoint a Federal registrar in the voting district and all persons registered by the Federal registrar must be permitted to vote.

The effect of these bills would be to disregard normal judicial process and remedies both State and Federal in cases involving registration disputes and to place unrestricted power in the hands of a political appointee of whichever political party happened to be in authority at the moment.

It is significant that such investigation as may be contemplated in the bills is left to a temporary agency of the Federal Government which was never intended to be a law enforcement arm of the Government. The one Federal agency competent to make such an investigation, the Federal Bureau of Investigation, is not mentioned in any of the four bills.

No provision for a hearing to be conducted by the Federal registrar is made at which the local registrar selected by the people or under State processes, could appear to testify and offer evidence. Our customary concept of checks and balances provided by law for the proper administration of ministerial functions such as voting registrars is ignored. In short, these acts, in their disregard of Federal and State constitutional concepts of a representative government depending upon the consent of the governed call to mind repressive measures of the Reconstruction era which have long since been denounced by leading Americans of all parties and sections of our Nation.

From an administrative standpoint, the bills are unworkable unless separate elections are to be held for Federal officials.

On this point, Secretary of State R. A. Gray of Florida made the following comment:

"I note in the wording of the proposed bills, the language used in speaking of 'the right to vote in Federal elections.' Naturally these proposed bills in the Congress are worded so as to apply only to Federal election; however, when a person registers in this State he registers to vote in the entire election for everything from presidential elector to constable. In the minds of registration officers and the deputies, and in the minds of election inspectors and clerks in the various precincts (there are 1,600 in Florida) you could not get a clear understanding of the differential between the Federal election and the election of State and county officials—all being tied up in the State mechanical processes of an election. It would tend to unlimited confusion, it would perhaps interrupt election processes in some precincts because the precinct officials in charge of the election, though with the best motives and intentions and trying their best to do the right thing, would refuse to serve for fear of being dragged into a Federal court."

Even if the obvious legal and practical inadequacies of these bills as proposed could be corrected, the question of their necessity and justification is still very much in doubt.

By the time of its report of April 1959, to the House Subcommittee on Appropriations, the Civil Rights Commission had only received 291 complaints regarding voting rights. Two hundred and forty-six of these were sworn complaints and 45 were unsworn.

Of these, 12 sworn complaints and 2 unsworn were received from among the 844,000 Negroes living in Florida. We have been given no information as to the identity of the 14 people from Florida who complained or whether subsequent investigation indicated that these complaints were valid.

The local and State officials of Florida have not been called upon or given an opportunity to investigate and act upon any alleged racial voting complaints of any kind.

A special report of the Southern Regional Council released November 2, 1958, includes the following statement:

"In certain areas it undoubtedly has become more difficult for Negroes to register, because of new voting restrictions and stricter applications of the old requirements. In some sections where political leaders have fanned racial prejudices, Negroes are even more hesitant about attempting to register than they were 2 years ago. But, in many parts of the South, lack of political consciousness remains the greatest barrier.

Mr. TALMADGE. Mr. President, will the Senator from Florida yield at this point for a question?

Mr. SMATHERS. I will be happy to yield for a question.

Mr. TALMADGE. I will ask the Senator from Florida if my colleague, the distinguished Senator from Georgia [Mr. RUSSELL] did not point out to the Senate yesterday that in Cleveland, Ohio, the National Association for the Advancement of Colored People had a meeting at which the leader of that organization pointed out and bemoaned the fact that only 26 percent of the Negroes of voting age in Cleveland, Ohio, were registered and of the 26 percent who were registered approximately the same percentage, namely 25 percent or 26 percent voted; is that not true?

Mr. SMATHERS. In the colloquy which occurred earlier this evening between the able junior Senator from Alabama [Mr. SPARKMAN], and the Senator from Pennsylvania [Mr. CLARK] that is true. I was not present in the Chamber when the able and distinguished senior Senator from Georgia made the remark.

Mr. TALMADGE. Is not a much higher percentage of the Negroes in Florida registered?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Is there not a much higher percentage of the Negro population in Georgia registered?

Mr. SMATHERS. Indeed that is so.

Mr. TALMADGE. Of those in Florida and Georgia who are registered do not virtually all of them vote?

Mr. SMATHERS. They have a higher voting percentage record than do the white people, and I believe we should commend them for the fact that they do vote.

Mr. TALMADGE. From those facts would it not appear that the National Association for the Advancement of Colored People has work to do in Cleveland, Ohio, and has no work to do in Florida or in Georgia?

Mr. SMATHERS. I completely agree with the able Senator from Georgia. I think one of the very ironic things about the entire civil rights debate that we have been having with some regularity is that the problem seems to be greater in the areas from which the Senators who sponsor these types of bills come than in areas in the South at which the bills are aimed.

Mr. TALMADGE. Does the Senator agree with me that the motivation behind these bills is not correction but partisan political propaganda seeking to win the next election?

Mr. SMATHERS. I have absolutely no doubt the Senator is correct. I am convinced the proposed legislation is motivated by political desires and opportunism. If it were not for the fact that we have the electoral college system, which permits a small, tightly knit group to throw an election in Pennsylvania, New York or Illinois one way or the other, and thereby carry with it all the electoral votes of that State, I have no doubt in my mind that we would not observe this great concern about so-called civil rights, particularly concerning Negro rights in the South.

Mr. TALMADGE. Does the Senator from Florida agree with me that national news media—the press, radio, and television—has attempted to palm off the pending business before the Senate to the American people as a voting bill?

Mr. SMATHERS. There is no question about it.

Mr. TALMADGE. Of the seven sections in the Dirksen substitute, how many sections deal with voting?

Mr. SMATHERS. So far as I have been able to ascertain that one deals only with voting.

Mr. TALMADGE. I ask the Senator, with reference to section No. 1, obstruction of certain court orders, whether it is not true that that particular section seeks to make it a Federal crime for the violation of a court order only in cases involving school integration?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. Would that not create a new Federal crime, namely, the obstruction, impeding or interfering with a court order?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. There is no crime at the present time with respect to interference with a court order, but there is in the court power to punish for the violation of any court order for contempt?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. In punishing for contempt, of course, the court, whether it be State or Federal, could sentence any individual to prison for such contempt?

Mr. SMATHERS. The Senator is correct again.

Mr. TALMADGE. I will ask the distinguished Senator from Florida whether it is not his opinion that that particular section of this bill is so broad that if the Senator went back to his State and made a speech in which he supported the theory of segregation, that is, separation of the white and colored students in the schools of his State, he probably would be violating the law under this bill?

Mr. SMATHERS. I completely agree with the Senator. It is not only possible but it is evident from the language of the proposal, which is very broad, that he would be.

Mr. TALMADGE. Can the Senator from Florida see any justification whatsoever for making a violation of one court order a crime to the exclusion of all other court orders?

Mr. SMATHERS. Absolutely none.

Mr. TALMADGE. Is that not discriminatory?

Mr. SMATHERS. It is the grossest type of discrimination.

Mr. TALMADGE. Is it not discriminatory against the Southern States which practice segregation?

Mr. SMATHERS. Yes.

Mr. TALMADGE. It is not aimed only at the Southern States which do practice segregation?

Mr. SMATHERS. Yes.

Mr. TALMADGE. Is it not designed for political purposes?

Mr. SMATHERS. Yes.

Mr. TALMADGE. Is the purpose not simply to create a law with which to win the next election?

Mr. SMATHERS. That is the only purpose.

Mr. TALMADGE. If the Senator from Florida will yield further, I would like to ask him a question or two about section 2, namely, flight to avoid prosecution for destruction of educational or religious structures. Is it not true that that particular section seeks to make it a crime to flee after bombing an educational or religious structure?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Is it not limited only to that particular purpose?

Mr. SMATHERS. That is correct.

Mr. TALMADGE. The Senator from Florida, I am sure, like the Senator from Georgia, does not approve of bombing, whether it be of religious structures, educational structures, or any other type of structure; is that not correct?

Mr. SMATHERS. The Senator is correct, and I would add also the desecration of any type of religious structure or any type of school.

Mr. TALMADGE. I ask the Senator from Florida whether that provision is not broad enough to affect a child who has fired a 5-inch firecracker in an educational institution?

Mr. SMATHERS. It appears that the proposed legislation as drawn would permit on certain days of the year, such as the Fourth of July, five or six thousand children to be put in jail if it were so desired.

Mr. TALMADGE. I will ask the Senator from Florida if an anarchist who is clever enough to set off a simultaneous bomb which would destroy every Member of the U.S. Senate, every Member of the House of Representatives, the President of the United States, and every member of the Supreme Court of the United States simultaneously, would be exempt under this proposed statute?

Mr. SMATHERS. There is no question that he would be exempt. In levity I might add that in some areas he might be awarded a medal. Certainly if the intention of this section is to stop the bombing of public buildings and structures of that character, since it is limited to educational or religious buildings, obviously it would not be applicable to that particular person in the hypothetical case stated by the able Senator from Georgia.

Mr. TALMADGE. Can the Senator from Florida see any justification for a statute which would exempt the crime assassinating the President of the United States and hold a schoolchild responsible who would fire a firecracker in a school building

Mr. SMATHERS. I can see no justification for it. No indeed, and I have never been able to understand how anybody can justify such attempts at adopting such discriminatory statutes.

Mr. TALMADGE. If we are going to make flight after committing a heinous crime, a crime in one instance, should it not be made a crime in all instances?

Mr. SMATHERS. That is the general, basic principle of law, that the law should apply equally to all people.

Mr. TALMADGE. I ask the Senator from Florida, if some anarchist or racketeer were to detonate an explosive of some kind in a factory employing 500 people, and killed every one of them, would he not be exempt under the provisions of that particular section?

Mr. SMATHERS. He would be exempt under this proposal.

Mr. TALMADGE. I ask the Senator from Florida, further, if that section does not authorize the prosecution of the individual in either of three places—wherever the crime was committed, wherever the prisoner is being detained, and wherever he is apprehended.

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Under the provisions of the proposed act, would it not be possible for someone to explode a firecracker in the public schools of a building at Portland, Maine, and flee to Honolulu, Hawaii, be apprehended in Honolulu, Hawaii, and tried there, for the crime he committed in Portland, Maine?

Mr. SMATHERS. That is correct, because it says wherever else he might be caught.

Mr. TALMADGE. The Senator from Florida is an able lawyer. Is that provision not contrary to article III of the Constitution of the United States?

Mr. SMATHERS. The Senator from Georgia is correct.

Mr. TALMADGE. Is it not further true that it contravenes the sixth amendment of the United States?

Mr. SMATHERS. The Senator from Georgia is correct.

Mr. TALMADGE. Does it not therefore conflict with the Constitution of the United States in two separate places?

Mr. SMATHERS. There is no question about it in my mind, as a lawyer, and I think any fairminded lawyer would certainly have to agree.

Mr. TALMADGE. Does the Senator from Florida agree with me that the advocates of such Reconstruction bills as we are confronted with at the present time have little or no regard whatsoever for the Constitution of the United States?

Mr. SMATHERS. They apparently either have no regard for it or have not understood it or read it.

Mr. TALMADGE. I will ask the Senator from Florida some questions about the seventh section of the bill. This is the so-called voter-referee section of the bill. Is it not true that it is a reincarnation of an old Reconstruction statute that was passed by the Congress of the United States in 1871?

Mr. SMATHERS. I know that the Senator from Georgia would not ask that question in that fashion if he did not know it was true, and I am absolutely willing to accept his date on that. I am satisfied that is true.

Mr. TALMADGE. I thank the Senator. Does the Senator from Florida see any justification whatsoever for reviving Reconstruction statutes that did so much to divide our Nation almost 100 years following the War Between the States?

Mr. SMATHERS. I can see absolutely no justification; and not only do I see no justification, but I see great danger in it. It is difficult for me to believe, if the sponsors of this legislation knew and fully appreciated how they are going to divide this Nation once again, that they would in seriousness continue to propose and push this type of legislation.

Mr. TALMADGE. Does the Senator from Florida agree with me that the Reconstruction statute of 1871 differs from section 7 of the proposed bill only to the extent that the word "supervisor" is changed to "referee," and in the further fact that the present bill goes much further than the old Reconstruction statute, in that it purports to regulate not only Federal elections, but State, county, and municipal elections also?

Mr. SMATHERS. The Senator is absolutely correct, that that is the intention of this proposal, that it seeks to regulate all elections, which thereby makes it go further than the original such acts passed in 1871.

Mr. TALMADGE. Then is it not the conclusion of the distinguished Senator from Florida that the bill presently pending before the Senate is even more venal, heinous, and horrendous than the first Reconstruction statute?

Mr. SMATHERS. I must completely agree with the able Senator from Georgia.

Mr. TALMADGE. Is it the opinion of the distinguished Senator from Florida that Thaddeus Stephens would approve and applaud the pending legislation before the Senate?

Mr. SMATHERS. Apparently he would have, although I must say this, in his defense, though it is difficult for any southerner to defend him, that he did not in his legislation apparently seek to go as far as do the proponents of this legislation.

Mr. TALMADGE. I agree with the distinguished Senator. He did not.

Now I will ask the Senator from Florida if it is not true that the first voting-referee or "supervisor" bill—as it was called at that time—did not remain on the statute books until the year 1894?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Did the Congress of the United States not repeal it at that time?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Has the distinguished Senator from Florida had the opportunity and the privilege of reading

the report of the select committee of Congress that went to the State of New York to investigate the operation of this statute?

Mr. SMATHERS. I have and intend to read from it at length some time during the course of this debate.

Mr. TALMADGE. I will ask the distinguished Senator from Florida if it is not true that the operation of this heinous statute at that time in the State of New York became a national issue and affected the presidential campaign, and the term "Davenportism" came to be recognized as one of scorn through the length and breadth of the United States of America?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. I ask the distinguished Senator from Florida if it is not true that the select committee of Congress, upon investigating the operation of this statute, did not report that the principal duty of the supervisor of elections in the State of New York was to keep Democratic votes out of the ballot box and see that Republican votes got into the ballot box?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Does the Senator from Florida feel that the National Government is better qualified to regulate elections than are people on the local level?

Mr. SMATHERS. The Senator does not think that.

Mr. TALMADGE. I ask the distinguished Senator from Florida, first, who appoints the registrars in the State of Florida who determine the qualifications for voters?

Mr. SMATHERS. In the State of Florida our registrars are elected by the people.

Mr. TALMADGE. Would not the proposed act prevent the registrars, elected by the people of the State of Florida, from performing their duties in accordance with the law?

Mr. SMATHERS. There is no question that it would keep them from performing their duty as it is provided for them to perform it under our Florida constitution and our Florida laws.

Mr. TALMADGE. I ask the distinguished Senator from Florida who holds the elections in Florida, either in the Democratic or the Republican primaries?

Mr. SMATHERS. The supervisor of registration is the one, of course, who lists those eligible to vote and supervises to some extent the conduct of elections. However, in county elections, it is generally under the board of county commissioners. With respect to the State elections, the statewide elections, they, of course, are conducted by the secretary of state.

Mr. TALMADGE. Would not this proposed act deprive him of the opportunity of performing his duties in accordance with the law?

Mr. SMATHERS. There is no question but that it would.

Mr. TALMADGE. I ask the distinguished Senator from Florida who holds the general elections in his State and county?

Mr. SMATHERS. The secretary of state.

Mr. TALMADGE. Would the proposed act not deprive him of his duties and responsibilities in that regard?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. I ask the Senator from Florida if he agrees with me with respect to elections in his State and in my State. First let me say how elections are held in my State. The grand juries recommend the appointment of the registrars. Then they are appointed by the judge of the superior court. In our Democratic primaries, the people elected by the Democrats hold the Democratic primaries. In the general elections, they are regulated on a county level by the ordinary of each county who appoints the poll holders on election day. All of those people are either elected by the people or appointed by the grand juries or the judge of the superior court. In Florida, there is a somewhat similar situation.

Would the proposed act not deny the people the right to choose those who would hold elections and place it in some individual appointed by a Federal judge who holds office for life and is responsible only to his own conscience and to God?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. Does not the distinguished Senator from Florida agree with me that that would be a complete blueprint for dictatorship?

Mr. SMATHERS. There is no question about it.

Mr. TALMADGE. Does the Senator from Florida not agree with me that if someone desired to do so, under the terms of the proposed act, he could control elections in the United States?

Mr. SMATHERS. It is the best way that I have seen thus far to control elections in the United States.

Mr. TALMADGE. Does not the distinguished Senator from Florida agree with me that absolute dictatorship was established in Germany and the people lost their power of self-government when Adolph Hitler was authorized to appoint members of the German Reichstag?

Mr. SMATHERS. I agree with the Senator. I do not know the exact moment when they lost it, but certainly when Hitler took the power to appoint members of the Reichstag and, in fact, make the laws, of course their freedom had then all been lost.

Mr. TALMADGE. Does the Senator from Florida not agree with me that if someone came on the scene who was as venal and as determined as Adolf Hitler, he could take this same blueprint and control the Members of the Senate and of the House, and the Governors of the respective States and even the mayors and members of city councils under the power proposed to be granted in this bill?

Mr. SMATHERS. It could be the most convenient vehicle to dictatorship that I have ever heard suggested anywhere in this country, or at any time in our country.

Mr. TALMADGE. I am sure Florida has small towns and villages, as we have in Georgia, some of them having as few as 40 or 50 voters, who elect mayors and members of the city council. Would the proposed act not authorize the appointment of Federal voting referees, who would go into the smallest municipalities in Florida and Georgia, as well as anywhere else in the United States, and determine the qualifications of voters and also count the votes, as well as take over absolute power in those municipalities?

Mr. SMATHERS. Certainly it would be possible and, I am afraid, it might even be probable under such a system as is proposed.

Mr. TALMADGE. Does the Senator from Florida think that would be a republican form of government?

Mr. SMATHERS. It would be nothing less than dictatorship.

Mr. TALMADGE. Does the Senator think that under those conditions we would still have a land of the free and home of the brave?

Mr. SMATHERS. It would be impossible.

Mr. TALMADGE. I should like to ask the Senator a question or two about section 4. That is the part which states that the Supreme Court decision in Brown versus Board of Education, handed down on May 17, 1954, shall be the law of the land. I ask the Senator from Florida if it is not true that the Constitution specifically provides that treaties made with foreign powers and acts of Congress made pursuant to the Constitution of the United States shall be the supreme law of the land?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. I will ask the distinguished Senator from Florida if it is not true that the decisions in Plessy versus Ferguson, handed down in 1896, and Gong Lum versus Rice, handed down in 1927, stated that a State may classify children by race in the public schools, provided both facilities are equal?

Mr. SMATHERS. The Senator is correct. That started the separate-but-equal doctrine.

Mr. TALMADGE. Was that not the law in this country for a great number of years?

Mr. SMATHERS. Absolutely; it was the law until 1954.

Mr. TALMADGE. Did Congress change the law in any way whatsoever between 1928 and 1954 with respect to the separation of the races in schools?

Mr. SMATHERS. Congress did not.

Mr. TALMADGE. Was the Constitution amended?

Mr. SMATHERS. The Constitution was not amended.

Mr. TALMADGE. So the basic law remained the same between 1927 and 1954?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Only the decisions handed down by the Judges changed?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Does the Senator from Florida not agree with me that

the Warren Court had no respect for the decisions of the Supreme Court of William Howard Taft?

Mr. SMATHERS. The Senator is absolutely correct; nor did they have any respect, apparently, for the doctrine in law that lawyers call stare decisis.

Mr. TALMADGE. Does the Senator not agree with me that the Supreme Court tried in that decision to amend the Constitution of the United States?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. Is the Supreme Court authorized to amend the Constitution?

Mr. SMATHERS. It has no authority whatever to amend the Constitution.

Mr. TALMADGE. Is Congress authorized to amend the Constitution?

Mr. SMATHERS. It is not.

Mr. TALMADGE. Is the executive branch of the Government authorized to amend the Constitution of the United States?

Mr. SMATHERS. It is not.

Mr. TALMADGE. Can Congress, the executive branch of the Government, and the Supreme Court combined amend the Constitution of the United States?

Mr. SMATHERS. Neither separately or collectively.

Mr. TALMADGE. Is it not true that the only power on earth that can amend the Constitution of the United States is three-fourths of the States of this Union?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. Does the Senator from Florida agree with me that three-fourths of the States of this Union did not amend the Constitution of the United States nor authorize the decision in Brown against The Board of Education?

Mr. SMATHERS. I agree with the Senator 100 percent.

Mr. TALMADGE. So the Senator from Florida agrees with me that the Supreme Court was unauthorized to make the decision of May 17, 1954?

Mr. SMATHERS. I do.

Mr. TALMADGE. Has the Senator from Florida, in his long experience in the Senate and in the House of Representatives, ever seen any legislative act that purported to confirm a decision of the U.S. Supreme Court?

Mr. SMATHERS. I have seen many which sought to reverse decisions of the Supreme Court, but I have seen none which heretofore sought to confirm a decision of the U.S. Supreme Court.

Mr. TALMADGE. Does the Senator agree with me that we have three separate and distinct coequal and coordinate branches of the Government of the United States?

Mr. SMATHERS. I do.

Mr. TALMADGE. Is there any legislative reason why Congress should seek to affirm or approve a decision of the Supreme Court of the United States?

Mr. SMATHERS. None whatsoever.

Mr. TALMADGE. Is it the feeling of the Senator from Florida that the Supreme Court, realizing that it had done an evil thing in attempting to amend the Constitution of the United States, now seeks to have the stamp of approval put on its infamous decision by the legislative branch of the Government?

Mr. SMATHERS. I believe that is exactly what it seeks. I do not know that it actually is the motivating factor behind the proposals.

However, I do believe that those who are the authors of this particular section must have in their own minds some skepticism and doubt about the constitutionality of the Supreme Court decision and the propriety of it, and therefore seek to strengthen that decision by having Congress, in effect, concur in the decision of the Supreme Court in the Brown case.

Mr. TALMADGE. I thoroughly agree with the distinguished Senator from Florida.

Mr. President, if the Senator would yield further, I would like to ask him a question or two about section 6 of the bill, which reads as follows:

> There is hereby created a Commission known to be the Commission on Equal Job Opportunity Under Government Contracts, hereinafter referred to as the Commission.

Is it not true that this particular section of the bill seeks to create an FEPC?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Is it not the purpose of such Commission to try to tell every employer, large and small, whom he can employ or whom he must discharge if he has any contract with the Government, no matter how large or how small?

Mr. SMATHERS. There is no question about it.

Mr. TALMADGE. Under the authority of that section, would it not be permissible for a Government agent to charge in on any businessman in Florida, Georgia, Maine, Vermont, or Washington, and say, "You have too many white people employed. You must discharge them and employ so many people of Mexican descent or some other race or national origin"?

Mr. SMATHERS. Under the language of that proposal, obviously that could be done.

Mr. TALMADGE. Would it not be possible also for him to charge in and say, "You have too many Negroes employed. You must discharge some of them and hire some white people"?

Mr. SMATHERS. It could be done under the proposed provisions of that section.

Mr. TALMADGE. I will ask the Senator from Florida if some poultry farmer in north Georgia raised broilers and sold them to the nearest Army installation, would it not be possible for the long, strong hand of the Federal Government of the United States of America to swoop down on that poor little farmer and tell him whom he could employ to feed his chickens?

Mr. SMATHERS. There is no question but that this proposal would give to this alleged supervisor the right to tell that little poultry farmer actually whom he had to hire to feed his chickens.

Mr. TALMADGE. Would it not be permissible under that act, if some enterprising young veteran down in the State of Florida started a tire-recapping business and was recapping tires for an army jeep or military airplane, for some agent of the Federal Government to swoop down on him and say, "You have this employee and that employee, and they might be good men, but both of them are white. So you have to discharge one of them and hire a colored man in his place."

Mr. SMATHERS. I think you would have to add one other factor, that he was selling his recapped tires to the Federal Government. Did you mention that?

Mr. TALMADGE. I did not. The hypothetical question was that he was recapping the tires for military installations.

Mr. SMATHERS. For military installations, that is right.

Mr. TALMADGE. If he had a contract with the Government, but he was recapping them instead of selling them, it would amount to the same thing. One would be a contract for services and the other would be a contract for a commodity.

Does the Senator from Florida agree with me that when we have a situation where the Government of the United States can tell a small poultry farmer in north Georgia whom he can hire or fire that we no longer have a private enterprise, capitalistic system in these United States?

Mr. SMATHERS. There is no question about it. It would be the absolute destruction of our free-enterprise system.

Mr. TALMADGE. Would that not be tantamount to emulating the communistic system under which there is no private property and one works only for the Government?

Mr. SMATHERS. It certainly would be in the sense that, as I understand the communistic system, they tell everybody whom they can hire. In fact, the state hires them and, in effect, that is what we would be doing here in time.

In time the effect of the proposed statute would be, in my judgment, to have the Federal bureaucracy telling a man not only whom he had to hire and fire but how to run his business. So the answer to that question is "Yes." It would then be akin to communism.

Mr. TALMADGE. Does the Senator from Florida agree with me if the 180 million people knew what was in this bill that many would march on the Capitol here in Washington and perhaps try to run off the Members of Congress who were trying to force this iniquitous legislation down their throats?

Mr. SMATHERS. I would hope so. I would think that a majority of them would, and I think that is where the virtue of this rather lengthy debate on this subject is going to be realized. I think a large number of people will have an opportunity to find out just what is, in fact, in this bill. Once they find out what is in the bill, I am sure that they will not want the bill passed.

Mr. TALMADGE. I thank the distinguished Senator. I congratulate him on the able speech that he has made.

Mr. SMATHERS. I thank the very able Senator from Georgia for the questions he asked. I think he has brought up questions that I had not intended to

go into in this part of my speech. I think it has been very useful and helpful to have the very specific and pointed questions asked and answers given. I believe anyone who will read the RECORD tomorrow would be educated as to the iniquitousness of this bill, not necessarily from the answers given by the junior Senator from Florida but by the very fine questions asked by the junior Senator from Georgia.

Now, Mr. President, to continue with the statements I was making, I would like to read again, and emphasize, the Southern Regional Council's statement in 1958, where they were talking about the reasons why the Negroes in the South were not registering with as much rapidity as some people would like. I might say right there, certainly in the State of Florida, I do not know of a single public official who has run for office who has not, in every campaign in which he has participated, encouraged the Negro citizens to register and participate in the election just as actively and on the same terms as they encouraged the white people to participate.

Every kind of charge has been made that this does not happen, and that there is discrimination against the Negro voter in the State of Florida. I must say those who make that charge do not know the facts.

To read what the Southern Regional Council stated in 1958, again:

> In certain areas it undoubtedly has become more difficult for Negroes to register because of new voting restrictions and stricter applications of the old requirements.

I might say that this happens regularly, Mr. President, with respect not only to the Negroes but with respect to the whites. We are, unfortunately, forever changing our rules, and it has been my observation that as many white people are disenfranchised on a temporary basis by these changes in rules as are the Negroes.

To continue quoting the Southern Regional Council:

> In some sections where political leaders have fanned racial prejudices, Negroes are even more hesitant about attempting to register than they were 2 years ago.

I am delighted the council is not referring to our State. I have no knowledge as to the area to which the council refers, but I know it is not Florida.

To continue—

> In many parts of the South, lack of political consciousness remains the greatest barrier. Leaders of both races long have contended that if all bars to Negro voting were removed tomorrow, there still would not be a great rush to the polls. This is not expected until Negroes have been able to raise their economic and educational levels, their leadership has been broadened and they have reached a position where their political participation promises more tangible results. Neither the new civil rights legislation nor the Federal agencies created by it promise any quick or dramatic improvement in Negro suffrage. Even where registration boards are cooperative, a gradual process of political education obviously will be required. All this should not obscure the fact that the trend is upward and that the long range prospect in the South is for a Negro registration comparable to the white.

Mr. President, that is the end of the quotation from the Southern Regional Council. This is the council which continues to interest itself in improving the lot and status of the Negro in the South.

We think this statement provides the best clue as to why many of our Negro citizens do not vote. In Florida it is indifference and apathy that keep most of them from the polls—not threats or intimidation. We have long since dispensed with the poll tax in Florida. We have in Florida no laws which either directly or indirectly discriminate against Negroes voting. Nor do we believe that our registration officers in administering their duties commit acts of intimidation against them.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question at that point?

Mr. SMATHERS. I am happy to yield to the able Senator from Louisiana.

Mr. LONG of Louisiana. Has the Senator not noticed the same trend in Florida which exists in other States, in that it seems to be the younger members of the Negro race who are the most anxious to exercise the privilege of voting, and in large measure those persons are registered to vote, while on the other hand the older members of the race who have not voted in their youth seem to be less inclined to register and to vote?

Mr. SMATHERS. The Senator from Louisiana is correct. The modern young Negro today in my State, as I am sure is true in the State of Louisiana and in the State of Georgia, is very anxious to participate in our elections, and does. As the Senator knows, three is nobody who would run for public office today in any Southern State or anywhere else, for that matter, who would not have as a part of his campaign machinery a Negro organization, and who would not have in his organization certain representative Negroes who would sit with other of his campaign advisers and advise as to the best ways to get all the registered voters, be they Negro or white, to vote for the particular candidate.

Mr. LONG of Louisiana. Is it not also true that the younger generation of colored citizens in the Southern States has been educated almost without exception, so that they are well qualified from the point of view of being able to read and write and to comprehend the issues of any particular campaign?

Mr. SMATHERS. The Senator is absolutely correct. As a matter of fact, that is what the Southern Regional Council attempted to say; that this matter of Negro voting in the South is a matter of education and a matter of economics.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that information which is coming to the attention of those of us who serve in the Senate leads to the conclusion that in the Southern States the Negroes who are registered tend to vote in higher degree, and tend to show less apathy, than those who are registered in the Northern States?

Mr. SMATHERS. It was brought out earlier this evening, I think, when the able Senator from Louisiana was on the floor, that, for example, in Cleveland, Ohio, there was an appallingly low participation of Negro voting compared to the total number who were registered to vote. In addition to that, in respect to those Negro citizens who were above the age of 21 and eligible to register there was an appallingly low number who had even gone to register.

In the South it is true—certainly it is true in Florida and I know it is in Georgia, and I believe it is in Louisiana—that we have, in fact, a very high participation of voting by those Negroes who are registered to vote. Of the total number of Negroes eligible to vote, who are under 50 years old, we have a very high percentage who register and participate.

The group where we find the Negroes who do not vote is, as the Senator has indicated already by his questioning, the group of older Negroes who have never been educated and who have never become accustomed to voting, who do not take any interest in it at all.

Mr. LONG of Louisiana. I thank the Senator from Florida.

Mr. SMATHERS. Mr. President, I continue:

> We think this statement provides the best clue as to why many of our Negro citizens do not vote. In Florida it is indifference and apathy that keep most of them from the polls—not threats or intimidation. We have long since dispensed with the poll tax in Florida. We have in Florida no laws which either directly or indirectly discriminate against Negroes voting. Nor do we believe that our registration officers in administering their duties commit acts of intimidation against them. If such has occurred, it has been the rare exception, not the rule. Certainly no problem has arisen which could not be handled properly by State and local officials. The denial of this opportunity by the enactment of these four bills we believe would create problems where none now exist and serve to fan fires of racial tension which we are doing our best to contain and ultimately extinguish.
>
> This much can be said for Attorney General Rogers' suggestion of an alternative procedure whereby the Federal district courts would take jurisdiction of such complaints and act through referees appointed by the Court—at least his suggestion is an effort to do legally the things the bills we have discussed above would do illegally.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question at that point?

Mr. SMATHERS. I am delighted to yield to my friend from Louisiana.

Mr. LONG of Louisiana. Before any such far-reaching proposal as the appointing of Federal registrars or the appointing of Federal voting referees throughout the South or throughout the Nation is to be attempted, would it not make better sense that the Attorney General should first attempt to see what is the full extent of his present powers by exploring those powers and using them?

Mr. SMATHERS. The able Senator is absolutely correct. As the Senator indicates by his question, at the present time the Attorney General apparently does not realize what power he has.

Mr. LONG of Louisiana. Is it not true that it was only yesterday—now it is three days ago, I believe——

Mr. SMATHERS. Yes. I remind the Senator that we have now moved into another day, not legislatively but on the calendar.

Mr. LONG of Louisiana. Was it not only a few days ago, I ask the Senator, that the Supreme Court first upheld the broad and far-reaching powers under the 1957 act and under the 15th amendment, which had not theretofore been considered to exist on behalf of the Federal Government?

Mr. SMATHERS. The Senator is correct.

Mr. LONG of Louisiana. Did that decision, or at least one of those decisions, not hold that colored citizens could not be taken from the voting rolls even if they were unqualified, if there were a considerable number of whites who were similarly unqualified who were not also challenged?

Mr. SMATHERS. The Senator is absolutely correct. I think it was in the State of Louisiana that the Court ordered restored some 1,300 Negro citizens to the voting rolls. The Court did not raise the question as to whether those citizens were qualified to vote, but apparently made its decision merely on the basis that there were some white citizens on the rolls who the Court believed fell in the same category as the Negro citizens. Since the white citizens fell in the same category, the Negroes were ordered restored to the rolls, irrespective of whether they were able to meet any of the other tests.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the attorney general of the State, in pleading the case before the Supreme Court for the registrar of voters, made the point that if the holding were to be upheld, the same ruling would be applicable with regard to any other parish in the State of Louisiana?

Mr. SMATHERS. I did not know exactly how the case had been argued.

Mr. LONG of Louisiana. Would the logic not be inescapable that if the principle applies in one parish it would have to apply in all others?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. LONG of Louisiana. Then would not the same logic apply to anyone applying to vote for the first time? If there were some on the rolls with respect to whom the admission procedure had been very lax, the same lax admission procedure would have to be applied to Negroes applying to vote, as it had been applied to whites applying to vote?

Mr. SMATHERS. The Senator is correct. Regrettably, I am afraid it will reduce all voting qualifications to the very minimum, this particular decision may or may not ultimately be a good thing, but it would seem to me that obviously for the time being we should not eliminate all qualifications which the States now require of citizens to make them eligible to vote.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Would it not follow that with regard to any of these counties or parishes where civil rights advocates say that there are no colored people registered to vote, if such a situation exists it is only because of dereliction on the part of colored citizens to apply or on the part of the Attorney General to use the powers which he already possesses?

Mr. SMATHERS. The Senator is absolutely correct. Under the rule that the Supreme Court has pronounced, as the Senator cited the other day in the Louisiana case, plus customs and standards, there obviously is no possible way for any person who wanted to register and vote, be he Negro or white, to do so; all that is required now is to meet the absolute minimum requirements.

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. The Senator has had some experience as a lawyear, has he not?

Mr. SMATHERS. Not enough, but some.

Mr. LONG of Louisiana. The Senator is most modest, but can he not say from his experience that any time he had the possibility of filing a lawsuit and he had all the laws he wanted to win his lawsuit, he did not bother to go to the State legislature and try to get more laws passed?

Mr. SMATHERS. The Senator is absolutely correct. When the law is adequate one does not go to the legislature to obtain the passage of additional laws.

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Can the Senator not also tell us from practical experience whether any member of his legislature, if confronted with the request for briefs of law, would inquire whether the law was in fact necessary in order to achieve the purposes the Senator had in mind?

Mr. SMATHERS. If he had enough sense to be elected to the Florida legislature I think he would certainly ask that. It would seem that in any sort of legal or proper procedure he ought to be required to do so. Obviously that has not been done, and that is why, of course, these proposals are not only believed by me to be unconstitutional but unnecessary and untimely.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. I ask the Senator if he is familiar with the statement of the Attorney General of the United States to the effect that the decision flowing out of the Louisiana situation was said by the present Attorney General, Mr. Rogers, to be a great step forward toward more new legislation?

Mr. SMATHERS. Will the Senator repeat that question?

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the present Attorney General, Mr. Rogers, held the decision arising out of Louisiana case to be the basis for more legislation, a platform for more legislation to be heaped on?

Mr. SMATHERS. Yes. I have read in the papers where he was quoted as saying just that. I think it is a highly improper statement on his part and is without any justification whatsoever.

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Would it not have made better sense for the Attorney General to have issued a statement saying that this decision makes it clear that the Attorney General had all the powers necessary to keep qualified Negroes on the rolls and even keep unqualified Negroes on the rolls unless a large number of unqualified whites are similarly struck from the rolls, and that it also clears the way for a decision to make it equally clear that in the future all Negroes who seek to apply for registration can be placed there by lawsuits at the expense of the Federal Government and at no expense to themselves?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. If there were a law under which the Senator could place on the rolls any person who had been discriminated against, and if the Senator had 26 lawyers as assistants, would he not feel that he was in a position to do about all the suing in court that he could find disposition to undertake?

Mr. SMATHERS. I certainly would. As the Senator from Louisiana so ably stated, it is a litle ridiculous to come in and ask for more law in an area where more than enough already exists.

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. SMATHERS. I would be happy to yield.

Mr. LONG of Louisiana. Does the Senator recognize that this Supreme Court decision, in holding that a State must permit a man to stay on the rolls and to be qualified to vote, although he is not qualified under State laws and although he has not availed himself of the reasonable remedies available to him under State laws, in spite of those two conditions, by going that far, that the Court went, clearly far beyond the clear intent of the 1957 act?

Mr. SMATHERS. I agree with the able Senator, that the Court has gone much further than anyone ever dreamed that it would go, and certainly the proponents in 1957 never made any statement that they thought the Court should go as far as it has gone, but, as has been the custom here in the past 6 or 7 years, this Supreme Court likes to make of itself a super legislative body by rendering decisions which go far beyond the proper construction of laws enacted by the Congress.

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. SMATHERS. I will be happy to yield.

Mr. LONG of Louisiana. Would the Senator recall that the 1957 act provided

for the protection of voting rights of a citizen who is otherwise qualified by law to vote?

Mr. SMATHERS. Yes, that is correct.

Mr. LONG of Louisiana. Does the Senator recognize that this Supreme Court decision has ruled that the voter must be protected even if he is not otherwise qualified to vote?

Mr. SMATHERS. This decision has absolutely knocked out some of the restrictions which we had in the 1957 law. The Court reached out and summarily and voluntarily knocked out the provision about being otherwise qualified.

Mr. LONG of Louisiana. Mr. President, to be correct about it, did not the Court read those words out of the statute?

Mr. SMATHERS. The Court read those words out of the statute.

Mr. LONG of Louisiana. Is the Senator familiar with the doctrine, which I assume most of us were taught in law school and which was deemed to be without exception, that before one went to the Federal court for redress of grievances under State laws that he first had to exhaust the remedies provided for him in his State laws and State courts?

Mr. SMATHERS. The Senator is correct.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that all of those procedures, no matter how reasonable they may be, have been bypassed in the decision in the Louisiana case?

Mr. SMATHERS. I completely agree with the Senator's statement, but I hope he does not call on me to explain why the Supreme Court of the United States has done this.

Mr. LONG of Louisiana. Mr. President, the point I had in mind is this: the Senator recalls, does he not, that no one even suggested that either of these points should be considered when the 1957 act was before the Senate?

Mr. SMATHERS. The Senator is absolutely correct. I had thought the present members of the Supreme Court were beginning to improve, but apparently they still consider they do not have to decide the simple issue which is brought before them, which after all gives rise to the dispute. Apparently once they get any type of a question in any sort of field before them they make a blanket decision and rewrite the law as they think it should have been written in the first place, thereby setting themselves up as a superlegislative body.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that in the Louisiana case a judge undertook to see whether other folks were similarly disqualified from voting by making a random check, picking out a few registration cards here and there on a sort of Gallup poll basis, and arriving at such conclusion without the United States or the plaintiff in the case having to prove his case at all?

Mr. SMATHERS. I am not familiar with how the process originated, but the statement of the Senator is interesting, and it demonstrates the conclusion I made a moment ago.

Mr. LONG of Louisiana. Mr. President, from a lawyer's point of view, does not that approach greatly lighten the burden of the Department of Justice to prove that someone has been discriminated against? Instead of the Department of Justice having to prove that there is a pattern of discrimination, the judge will take an informal "Gallup Poll" and arrive at the conclusion for them?

Mr. SMATHERS. Obviously, if that is done, and I am afraid it will now be done, as the Senator says, it will lighten the burden on the Department of Justice. In fact, there would remain little burden on the Department of Justice to prove anything in this particular field.

Mr. LONG of Louisiana. Does it not amount in effect to the judge doing half the work to prove the Government's case for it?

Mr. SMATHERS. The Senator is correct.

Mr. LONG of Louisiana. I thank the able Senator from Florida.

Mr. SMATHERS. Mr. President, but the same basic objection is equally valid. Legislation of this kind is not necessary or justified in Florida under the circumstances. It could accomplish no good but would, in the words of Attorney General Rogers himself, tend to create "the image of the Federal Government trying to dominate the States" and thereby do incalculable harm.

Mr. President, at this point I wish to cease my remarks and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 75]

Allott	Douglas	Martin
Anderson	Dworshak	Morton
Bartlett	Fong	Moss
Beall	Gruening	Mundt
Bennett	Hart	Muskie
Bible	Hartke	Pastore
Brunsdale	Hickenlooper	Proxmire
Bush	Hruska	Randolph
Cannon	Javits	Scott
Carlson	Johnson, Tex.	Smathers
Carroll	Keating	Smith
Case, N. J.	Kefauver	Talmadge
Church	Kerr	Williams, N. J.
Cooper	Long, Hawaii	Young, N. Dak.
Curtis	McGee	

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. JAVITS. Mr. President, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Virginia [Mr. BYRD], the Senator from West Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Montana [Mr. MURRAY], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

I further announce that if present and voting, the Senator from West Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], the Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Kansas [Mr. SCHOEPPEL] are necessarily absent.

The yeas and nays resulted—yeas 56, nays 1, as follows:

[No. 76]

YEAS—56

Aiken	Clark	Javits
Allott	Cooper	Johnson, Tex.
Anderson	Cotton	Keating
Bartlett	Curtis	Kefauver
Beall	Dirksen	Kerr
Bennett	Douglas	Kuchel
Bible	Dworshak	Long, Hawaii
Brunsdale	Engle	McGee
Bush	Fong	Magnuson
Cannon	Gruening	Mansfield
Carlson	Hart	Martin
Carroll	Hartke	Morton
Case, N. J.	Hickenlooper	Moss
Case, S. Dak.	Hruska	Mundt
Church	Jackson	Muskie

Pastore	Smith	Williams, N. J.
Proxmire	Stennis	Young, N. Dak.
Randolph	Wiley	Young, Ohio
Scott	Williams, Del.	

NAYS—1

Talmadge

NOT VOTING—43

Bridges	Hayden	Murray
Butler	Hennings	Neuberger
Byrd, Va.	Hill	O'Mahoney
Byrd, W.Va.	Holland	Prouty
Capehart	Humphrey	Robertson
Chavez	Johnston, S. C.	Russell
Dodd	Jordan	Saltonstall
Eastland	Kennedy	Schoeppel
Ellender	Lausche	Smathers
Ervin	Long, La.	Sparkman
Frear	McCarthy	Symington
Fulbright	McClellan	Thurmond
Goldwater	McNamara	Yarborough
Gore	Monroney	
Green	Morse	

So the motion of Mr. JOHNSON of Texas was agreed to.

The PRESIDING OFFICER. The vote discloses the presence of a quorum. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN], to the first section of the amendment in the nature of a substitute offered by the Senator from Illinois [Mr. DIRKSEN].

Mr. STENNIS. Mr. President, I am happy to vote. So far as the Senator from Mississippi is concerned, we can vote now and take down the amendment. I think it is really a bill that should be passed. At one time it was considered a bill of some consequence. I think it is augmented by the fact, too, that the Senator from Washington [Mr. JACKSON] was a member of the Armed Services Committee which prepared this report and filed this bill. That is one of the good things about it.

I have a very high regard for the Senator from Washington. He has a very fine knowledge on many subjects, particularly with respect to matters concerning our military program and our missile program, as well as atomic energy problems. I do not know of anyone who makes a finer contribution to the work of the Senate and the legislative problems than the Senator from Washington [Mr. JACKSON].

I feel at home when I see the Senator's name signed to this very fine report. I wish the Senator could have control of the bill and that we could pass it.

Mr. President, I have been present for several hours and I have heard some very fine presentations of some profound arguments, some good legal points, very thoroughly discussed. I do not know when I have seen the Senate in better tradition or in better form. I say that in all seriousness.

I am concerned, though, that we would consider such a grave and far-reaching matter as these amendments without any presentation, except that which I shall mention later, on the merits of the great number of bills which affect so many people. These bills and amendments go into serious questions of elections, schools, and FEPC matters. There are very grave matters concerning the role of the judiciary and a number of other far-reaching matters, yet we do not have any formal report or any formal analysis of the bill, and we do not have any guidelines which a person can study, or any opinions of lawyers on the legal questions, except in a limited way as given in some of the hearings.

Even though some of these bills are proposed by one element of the administration, they are very severely criticized by another department of the administration. I think that fact within itself points out the very grave need for a further exposition and a further presentation on these grave matters.

I have listed only a few of the principal questions and points which are involved as to the far-reaching effects of these bills. I shall list them for the RECORD, and I shall discuss some of them.

The very origin of the so-called Dirksen amendment is the question of the obstruction of court orders in school cases.

Another major matter is flight to avoid prosecution in cases of destruction of educational or religious structures.

Third is the retention and preservation of voting records.

Fourth is recognition of the Supreme Court decisions in school cases.

Fifth is the question of Federal grants to further desegregation of schools within the States.

Sixth is Federal possession and operation of closed State schools.

Seventh is legislative authority for the Committee on Government Contracts.

Eighth is the original proposal by the Attorney General for court referees.

Ninth is the Federal registrar bill, which has been pending for a long time before the Committee on Rules and Administration.

Tenth is the new proposal with reference to the Attorney General's bill. I refer to it as the House bill.

Next is the revival of title III of the 1957 civil rights bill.

Next is the antilynching bill.

Next is the antipoll tax bill.

Another refers to the prohibition of shipping or using explosives to damage property.

I mention those things as background for this strange situation, Mr. President. I do not think it can be overemphasized.

I cannot understand why the proponents of these bills have not really formally presented them to the Senate. The proponents have not given a legislative history. The country, the press and the Senators have not been given an analysis of these proposals.

Mr. TALMADGE. Mr. President, will the distinguished Senator yield at that point?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Does not the distinguished and able Senator from Mississippi think all that proposed legislation ought to be entitled, "A bill to help win the next election"?

Mr. STENNIS. I think the Senator has given it a good title. It is inescapable, Mr. President, that that is the major part of the presentation. These bills backed into the Senate. They did not come in the way bills are ordinarily presented in order to win votes. We get the impression that there has been an understanding or an agreement of some kind that almost anything will pass. That is the political significance of the matter in an election year.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. STENNIS. I am glad to yield to the Senator.

Mr. TALMADGE. Does the distinguished Senator agree with me that all these bills are politically motivated and designed to appeal largely to a minority of radical bloc voters interested only in political preferment and who, by their coercive influence, put themselves up for the highest bid by politicians; and that one party is vying with the other party in the Congress of the United States in seeking to purchase that vote in the same manner that one would buy a steer in a livestock ring?

Mr. STENNIS. I think the Senator has well expressed it. The striking thing in the study of these bills is that if one applies them to the problem to which they profess to address themselves one realizes whatever gain or whatever political advantage there may be will not accrue to the citizens the bills are supposed to be designed to aid. It is a prize pole. It is a crowbar. It is an advantageous operation, I think, largely for the organizations which sponsor the bills, and for their use in key places in the political life of the Nation.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. STENNIS. I am glad to yield to the Senator.

Mr. TALMADGE. Does the Senator share my view that although this matter has largely been reported by the news media of America—the press, radio, and television—as a voting bill, it is far from a voting bill?

Mr. STENNIS. The Senator is correct. This is a day of titles, of catch phrases, and of programs which are designed to catch the attention of people and to operate the Government, as well as to be used for ball games, movies, and other things. These are slogans.

Mr. TALMADGE. Does the Senator agree that the average man in political life thinks it is necessary for him to vote for any bill which is captioned "Civil Rights" even though it might, figuratively speaking, exile someone to Siberia?

Mr. STENNIS. That is the first impression of many people. I find, though, that on analysis there are still many who really want to know the major points involved, the legal consequences as well as the practical application of these far-reaching proposals.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Washington.

Mr. MAGNUSON. I have not heard all the discussion on the floor. Obviously, none of us has had an opportunity to hear it all.

I was wondering whether at any time there had been some discussion of civil rights matters over the past 25 years. The purpose of my question really is based upon the fact that I hope there will be some discussion, because there is an impression abroad among many people, which is brought to mind by the

two Senators talking about impressions, in this regard. As one person said to me the other day, "It is about time we had a civil rights bill," as if all these matters had welled up at one time and nothing had been done.

Although I am in favor of the bill and some of the features of the bill, I still think people should understand that there has been much progress in this whole field over the past 25 years, in my political lifetime.

Mr. STENNIS. Yes.

Mr. MAGNUSON. Since I first came to the Congress much progress has been made.

Mr. STENNIS. Yes.

Mr. MAGNUSON. I happen to be one who thinks we should do more, but I hope that as a result of this debate the American people will realize the whole problem of what we sometimes loosely call civil rights has been met on many occasions, and many things have been done by Executive order, by legislation, and in other ways. No one has simply sat by all of these years, to let these so-called problems which have been discussed well up so that we have to have some great battle about some Waterloo on the civil rights question. The civil rights question has been given the attention of the Congress, of the gentlemen who have been speaking, and of everyone else for years. Much progress has been made.

I hope that fact will be brought out in the RECORD, because too many people who are new to this area think we have neglected it throughout the years and that now we are having a final, conclusive battle on the whole question. That is not correct.

Mr. STENNIS. The Senator has certainly touched upon a good point, and I agree with him that progress has been made in various parts of the Nation. I know that matters have moved along in the South. It is a question of the system for solving these problems, and that brings me to a survey of the situation in my part of the Nation. I have made a few notes but I want to call this to the special attention of the Senate.

Mr. President, I represent the people in my State who have a great deal of pride and do the best they can with what they have, and meet the problems that come their way the best they can. They have been trained in the hard school in that respect. I am not looking for sympathy, but merely trying to find understanding in the minds and hearts of others. I am going to review here quite briefly some of the things that have developed, and give a little background of the conditions under which we have operated.

Recently I had a short conference with five Members of this great body. It included those of us who have been speaking here during the past 20 hours. One Senator in that group is from South Carolina, one from Georgia, one from Alabama, one from Mississippi, and one from Louisiana, which is a strip from east to west across our country. I was reminded of the similarity in names and history of the families that have lived in this great area of the Nation. The people in that strip settled in colonial times along the South Carolina, North Carolina, and Georgia coastlines on the east and gradually moved west. The names are all the same as one goes across one State to the other. If one visits the cemeteries one will find the same names everywhere one goes. Those people came from England, Wales, Ireland, Scotland, the Scandinavian countries, and a few from German, and over the decades since they came here they have largely followed the social pattern and social custom with change for the time, of course, the educational pattern, the same religious practices and traditions as a whole which they brought here.

During all those years there have been many of them of each generation who have been active in governmental affairs of their times.

They have been doctors, merchants, lawyers, and farmers. Some of those living in that area now are direct descendants of those who wrote the Constitution of the United States, who framed and organized the basic law of our great Nation.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. Is it not true that the citizens of that area still believe in the Constitution of the United States? Is it not true that they believe the Constitution means what it says and says what it means?

Mr. STENNIS. Absolutely. That is part of their governmental beliefs, and to the extent that it is almost part of their religion.

Mr. TALMADGE. Do the people of that area believe that the Constitution of the United States is a plot against the common people?

Mr. STENNIS. A plot against them? No, they do not believe that. They believe it is a friend of the common people and protector of their rights.

Mr. TALMADGE. Do the people of that area believe that the Constitution of the United States ought to be amended by the writings of Mr. Myrdal, the Swedish Socialist?

Mr. STENNIS. The Senator certainly has touched upon a tender spot. They do not believe those are the methods to be used, but rather the methods that are written in the Constitution itself.

Mr. TALMADGE. Do the people of that area believe that the Constitution of the United States is like an accordion, that it can be stretched or pulled around in any given way to meet any given situation that the Court thinks it ought to meet?

Mr. STENNIS. No. They believe that these words, the plain, simple sentences written in the Constitution, mean exactly what they say and say what they mean, and that they ought to be followed, and when a change is necessary, a change can be made according to the terms of the instrument itself.

Mr. TALMADGE. Do the people of that area believe that the Supreme Court can amend the Constitution?

Mr. STENNIS. No. They think the way to amend is in the terms of the organic law itself.

Mr. TALMADGE. I thank the distinguished Senator.

I share the view of the people of that area.

Mr. STENNIS. I thank the Senator very much. I emphasize that in bringing up this question we are not asking for sympathy. We are simply asking for understanding. The forbears of these same people whom the Senator from Georgia and I have been discussing helped write the Constitution, and they helped plan the idea of a Union with the dual system of the State and Federal Government.

Mr. President, with proper modesty I point out that these same people—and this strip is typical of the rest of the area of the country—have always been at the forefront in the defense of our Nation in time of war, not only on the battlefield but in supporting measures in Congress to build up our strength.

May I with proper modesty refer to a critical vote in the history of the Nation? It was on August 12, 1941, just before Pearl Harbor. The Selective Service Act was in operation, making a start to build up our military forces. It came up for renewal. The question was whether the armed services would be all disbanded and abandoned or whether the Selective Service Act would be renewed. The test vote on that was in the House of Representatives on the date I have given and that bill squeaked through on the narrowest possible margin. The vote was 203 in favor of the bill and 202 against the bill. May I point out that in the area I have been talking about—and that is the area that these bills are directed against primarily—there were 101 southern Representatives at that time in the House and 98 of them cast their ballots on that bill, and 93 of the 98 voted for the bill. It passed by a margin of one vote; 93 out of 98, or in round numbers 93 percent of the Representatives in that area, voted in favor of that bill. That was one of the crucial votes. If we had abandoned what progress we had already made on that program, were would we have been in making a new start after Pearl Harbor when both Japan and Germany declared war on us? I point this out as representing their viewpoint and their willingness to stand in time of need on matters of national urgency.

Mr. President, without their fault and against their principles it fell their lot to be that area of the country where the institution of slavery was, for a time, more useful than other areas, in developing the economy of a new nation. This fact was a blight on our area of the country that has lasted to this very minute. It led to the most unfortunate of all wars, the American Civil War, for which we in the South have paid and are paying the most terrific price that a people ever paid for any war. We are still paying in both the social and economic fields even though a century has passed.

I would like to have my colleagues to consider this point. I am leading up to the present state of affairs. In addition to the political and economic problems which the question of slavery left us, it left us with a problem of training and

educating the former slaves, including their children and their children's children, even down to the present time. It is almost impossible for anyone who has not had direct contact with such conditions to begin to appreciate the problems facing the white people of the South after that war, as well as the problems facing the former slaves, which in the entire Southland at that time, numbered more than three and a half million people.

We read now about displaced persons, and I have seen those people in Damascus, in Syria, and other places in the Middle East. Does anyone have imagination enough to realize the impact of the problems of three and a half million people being suddenly released from slavery with nothing in the world except their hands, with no way to make a living, few of them having any special training? They were left with no property and no training.

The people of the country were impoverished and had nothing left to themselves except the land. There was no money. Everything was worthless. There was no credit. The country was left in smoldering ruins. Money was worthless; property was destroyed. There was no help, except what I shall mention soon, from any other source.

I have seen refugees in the Middle East, and I know the plan of the United States pursuant to which we contribute to try to help those unfortunate people, but that problem is nothing compared with the situation which existed in our area of the country at the end of that war, and the situation of the then very unfortunate people who were left. There was no Federal program of aid or relief of any kind except they did have for a while what they called the Freedman's Bureau, which was very mild, stingy, ineffective, and almost worthless.

Mr. President, I did not live through the events of which I speak, but my parents did, and I learned these things at their knees. Some of the churches in the northern part of the country, and particularly the Methodist Church, with which I am familiar, came into the South at that time with a very fine spirit and with some effectiveness built and operated small seminaries and other teaching institutions for a small part of the white children and a small part of the colored children, but with the exception of a few scattered efforts of that kind we were left under these conditions without any outside assistance.

I wish to point out here that I have something in black and white that I believe will shed some light on that question.

According to the census of 1860, the assessed value of real and personal property in Mississippi was $509,472,912. In 1870, this had been reduced to $177,278,890. By 1880, after the depression of 1873 and the spoliation of the carpetbaggers, the figure had gone even lower, to $110,628,129. In other words, we lost 80 percent of our property values in the Civil War.

This economic destruction penetrated so deeply that Mississippi, which was the fifth wealthiest State in the Union per capita in 1860, was at the bottom of the entire list in 1880.

Mr. President, note the striking fact that it was not until 1920 that property values in our State again reached the figures that we had already attained in 1860. We required 60 years to climb back, according to those property valuations, to where we had been in 1860 when that most unfortunate of all wars started. I cite this not to seek sympathy, but to point to stark, naked facts and conditions under which we are trying to labor without any appreciable help from the outside, and with all too little understanding.

I am not going to try to go into the political situation which we were in following that devastating war during the Reconstruction times. Senators know the prevailing party in the Government at that time. The newly born Republican Party came in and formed governments at the State levels. Everyone knows that it was with a good intention that some members of that party came to our area, but political operators, carpetbaggers, and others as a whole did such a terrible job that for 100 years their work has remained fresh in the minds of the people.

Mr. President, with the exception of President Eisenhower, I know of only one other man who ran as the nominee of the party which controlled us during those Reconstruction times and carried any of the Southern States. Some have never been carried by the Republican Party.

The events of those days are burned into the thoughts and the moods of the people.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I ask the distinguished Senator from Mississippi, with reference to his remarks about the first Reconstruction legislation, if it is not true that the Congress, in 1871, passed a bill to authorize the Federal Government, through a supervisor of elections appointed by Federal judges, to take over the elections in the United States?

Mr. STENNIS. That is a fair summary of the system we were operating under at that time.

Mr. TALMADGE. Is it not true that those supervisors of elections did take over our elections all over the United States?

Mr. STENNIS. Yes, that followed.

Mr. TALMADGE. Is it not true that the actions of those supervisors of elections, particularly in New York State, from the year 1871 to 1894, became a stench in the nostrils of all Americans, both Republicans and Democrats?

Mr. STENNIS. Yes, the Senator correctly states the facts that developed under that regime. The reason I am pointing this out—and I appreciate the attention some of the Senators are giving these remarks, Senators who live outside the areas—is that the worst thing that happened for our colored people was that very regime. That system was the worst thing that could have happened to them. And it can happen again.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TALMADGE. Is it not true that a man by the name of Davenport was appointed election supervisor in the State of New York, and the term "Davenportism" became the greatest stench and the greatest symbol of scorn and derision in America at that time?

Mr. STENNIS. Yes, the Senator is correct. That, of course, was in New York, not in the South, though we had some Davenportism.

Mr. TALMADGE. In other words, the thing backfired?

Mr. STENNIS. Yes. If the system is wrong, it will operate to the detriment of the people anywhere.

Mr. TALMADGE. Is it not true that Davenport's operations became so venal, so obnoxious and so corrupt that the select committee of the Congress of the United States of America went to the city of New York and spent 21 days investigating Davenportism in the city of New York?

Mr. STENNIS. I think the Senator is correct. That has been pointed out in the debate here, and the Senator from Georgia made a very fine statement about it.

Mr. TALMADGE. Is it not true that the select committee of the Congress of the United States presented a report to the Congress recommending the repeal of the election law, stating that Davenport himself had received in fees $145,000; that his subordinates had received in excess of $2 million, and that the duties of Davenport and his subordinates had been to keep Democratic ballots out of the ballot box and to see that Republican ballots did go into the ballot box?

Mr. STENNIS. The Senator from Georgia is correct. It got into the partisan aspects of the elections and turned out to be management, more or less, of the elections.

Mr. TALMADGE. Is it not true that that was one of the main issues that brought about the election of Grover Cleveland as President of the United States in the year 1884?

Mr. STENNIS. The Senator from Mississippi understands that it was a major contributing factor, because of a revulsion on the part of the people throughout great areas of the Nation.

Mr. TALMADGE. And did not, then, the Congress of the United States, acting upon the recommendation of the select committee, repeal the law that authorized appointment of supervisors of elections?

Mr. STENNIS. Yes, that is the time the law was repealed.

Mr. TALMADGE. And did not the New York Times, a great daily newspaper in the city of New York, publish an editorial to the effect that it was good riddance, and God forbid the Federal Government ever getting into the area of elections thereafter?

Mr. STENNIS. The editorial was recently found through research, and has been put in the RECORD and discussed

here on the floor. I have been disappointed, if I may say so, that the New York Times of today has not reviewed that situation and written again on the same subject.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. STENNIS. I will be glad to yield to the Senator.

Mr. TALMADGE. Now we come to section 7 of the proposed Dirksen substitute. Is that not trying to breathe life into the bones of the old Reconstruction Act of 1871?

Mr. STENNIS. To a large measure it is what we lawyers call "on all fours" with the old act, as will be shown by comparison.

Mr. TALMADGE. Does not the present Dirksen bill, which changes the name from "supervisors" to "referees," go even further than the first Reconstruction Act, by authorizing the taking charge not only of Federal elections, but of State and local elections as well?

Mr. STENNIS. Yes, the Senator is so correct. I am going to discuss some of the high points of that bill in my further statement to the Senate.

Mr. TALMADGE. Was not the first reconstruction statute limited merely to Federal elections?

Mr. STENNIS. Yes, the Senator is correct.

Mr. TALMADGE. Whereas the second reconstruction statute now pending before the Senate is not limited to Federal elections, but it also authorizes the referees to take charge of State, municipal, and county elections as well?

Mr. STENNIS. It goes from the municipal elections on up through the county, the State, and the Federal elections. Moreover, it takes the highest arm of the goverment, I think, and the most important, that is, the judiciary, and makes of it an administrative agency in partisan, political elections.

Mr. TALMADGE. Then would it not follow that in that area section 7 of the bill pending before the Senate is even more venal and more obnoxious than was the first reconstruction statute in 1871?

Mr. STENNIS. With respect to most of its major parts, the Senator from Mississippi certainly agrees that it is.

Mr. TALMADGE. Would it not authorize a referee to determine who is qualified to vote in a municipal election of the smallest municipality in the State of Mississippi, where only one city councilman is to be elected? And does it not authorize him to declare who can vote in that municipal election, and further authorize him to go there and count the votes, if need be? Is that not correct?

Mr. STENNIS. Yes, that is correct. It goes that far.

Mr. FREAR. Would that happen in Delaware, too, may I ask the Senator?

Mr. STENNIS. Yes, since it applies throughout the Nation.

Mr. TALMADGE. It applies to 50 States, does it not?

Mr. STENNIS. It applies to 50 States and is a complete innovation, except for what transpired during the reconstruction period, and is a complete taking over, or could be, in the operation of local election laws, superseding to that extent all State law on the subject. As I will have occasion to say later, it depends upon who is the Attorney General of the United States. If we pass this proposed legislation as presented, the Attorney General, if he wishes, can almost be a dictator and a czar in taking over various areas. He has only to get the consent of one man in one spot.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. STENNIS. Yes.

Mr. TALMADGE. Did Thomas Jefferson not tell us to trust no one man with the power of government, but to bind him down with chains?

Mr. STENNIS. Yes.

Mr. TALMADGE. I will ask the distinguished Senator if he thinks that any man, living or dead, in Washington, D.C., is better qualified to run an election than are the citizens of the Nation.

Mr. STENNIS. I think when we get away from the local responsibility, wherever it is, we kill the very heart and spirit of elections.

Mr. TALMADGE. Does the Senator from Mississippi think that any man, great or small, living or dead, is better qualified to run the elections in the State of Delaware than are the citizens of Delaware?

Mr. FREAR. Mr. President, might the Senator from Delaware be permitted to answer that question?

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senator from Mississippi yield to the Senator from Delaware to answer that question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FREAR. The Senator from Delaware has such great pride in the citizens of his State and in his State that he would say there is no one better qualified to hold those elections than the citizens of the State of Delaware.

Mr. TALMADGE. I agree with the Senator and congratulate him.

Mr. President, I ask if the Senator from Mississippi will yield further.

The PRESIDING OFFICER. Does the Senator from Missisippi yield?

Mr. STENNIS. Yes, I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Is it not true that Benjamin Harvey Hill, a great Senator from the State of Georgia and perhaps the most eloquent man ever to sit in this body, made a speech on the floor of the U.S. Senate in which he said that when we remove government from the area of local self-government, where the people control their affairs, and their destinies, and concentrate that power in Washington, D.C., the people cease to be the masters of our Government and become its slaves?

Mr. STENNIS. That is not only correct, but it can happen very quickly, and will happen if we keep inching up and whittling away responsibility. I put the responsibility of local government before I do rights, but the two go together. I thank the Senator. I yield to the distinguished Senator from Delaware.

Mr. FREAR. During the earlier part of the Senator's statement he used the word "carpetbagger." He did not give a definition of "carpetbagger." I wonder if he would enlighten the junior Senator from Delaware on that point.

Mr. STENNIS. I shall be glad to describe the conditions that prevailed and those that arose following the War Between the States, which some history books call the Civil War. There were a great number of people from the North who came to the South. Some came with the very finest of motives. Many, though, sought quick fortunes, and came particularly to prey upon the colored people. They came along with the provisional governments. Many of those people were of a rather low order and character. They brought nothing with them to invest. They brought themselves. It was said that they carried everything they brought with them in a little bag, a carpet bag. So the term came to be used to designate an adventurer or scalawag or intruder, or someone who brought nothing with him but only tried to get something, particularly by preying upon the colored people. Many of them tried to get themselves elected to county offices. The more prominent ones ran for the high offices.

I was about to give an example of what we are talking about.

During the Reconstruction period there was a general of the Union Army, Gen. Adelbert Ames, who was elected Governor of Mississippi after he had resided there only a few years. He came there as provisional governor under the Reconstruction Act. He is known as the carpetbagger Governor of Mississippi. My point is to show how completely we were dominated and controlled and ruled. Here was a man, a general in the Union Army—and I am not casting any aspersions on his name, and I will give his complete history—who actually was elected Governor of Mississippi only a few years after he moved there and after he had come there as the military governor.

He first served in this distinguished body, the Senate, and his name is listed in the "Senate Manual." After his service here he was elected Governor of Mississippi. I think he served 3 years, and then resigned, while impeachment charges were pending against him. I think it is fair to say that most of the guilt was on the part of his henchmen, or the lesser carpetbaggers. He lived a very long and, I think, fruitful life. He died only in 1933, at the age of 98. He came from Rockland, Maine. I do not bring up his name to cast any aspersions on him.

Mr. FREAR. The climate there must have been very healthful to let him live to that ripe old age. However, how was it that a general from the North should be elected Governor of Mississippi? Did the election laws in Mississippi permit Negroes to vote?

Mr. STENNIS. To put it briefly, they where herded up and run through the election booths, and the guards with bayonets, in many places, did not allow the white people to get to the polls. It was a very turbulent time. That was when the Ku Klux Klan originated. It was organized by Gen. Nathan Bedford Forrest.

Mr. FREAR. Probably that was when the Federal registrars were needed.

Mr. STENNIS. We had more than we needed. However, the original Ku Klux Klan was designed as a vigilante committee when people were roaming the highways and byways and stealing and committing all kinds of crime, and there was no recourse to any courts of any kind. A state of chaos existed. The Klan operated a few years under the leadership of Gen. Nathan Bedford Forrest. When the wrong type of people started getting into it, he disbanded the entire organization.

I thank the Senator for his interest and for his inquiries. I am not bringing this subject up for any purpose except as background, to show what we have been trying to do over the years.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; I am glad to yield to the Senator from Kentucky. I appreciate his attention to this subject.

Mr. COOPER. I always like to hear the Senator from Mississippi. I have listened with great interest to his description of the Reconstruction days following the War Between the States, or Civil War. I agree that it was a tragic era in America history.

I do not know whether the Senator has read the book by Claude Bowers called "The Tragic Era."

Mr. STENNIS. Yes.

Mr. COOPER. I know the Senator's fairness, and I should like to ask him, from his knowledge of history, if it is not correct to say that the policies that were followed after the Civil War were not in harmony with the views that Abraham Lincoln expressed in his speeches and writings prior to his death.

Mr. STENNIS. The Senator is eminently correct. We feel that way about it in the South. If he had lived and his policies could have prevailed, there would have been a far better situation for all the people of the South, and we would not have been marred by this tragic Reconstruction, and would have gotten a much better start.

Mr. COOPER. Of course his policies were opposed to the policies of President Johnson.

Mr. STENNIS. Yes.

Mr. COOPER. I do not know that it is generally known that even General Grant and General Sherman—and they may not be names which at least following the war were revered in the South—opposed many of the policies which were adopted following the war.

Mr. STENNIS. Yes.

Mr. COOPER. This has always been a very interesting subject to me. My own State was a border State. Enlistments in both armies were fairly even.

Mr. STENNIS. Yes.

Mr. COOPER. In fact, I believe there were a few more Union soldiers than there were Confederate soldiers in Kentucky, and following the Civil War a certain area in my State was occupied.

Mr. STENNIS. Yes.

Mr. COOPER. We do not agree upon all the conclusions that could be arrived at, at least with respect to the later period, but I always listen to the Senator from Mississippi with interest and respect. He has been very desirous of being fair in his presentation, and I feel that he is one of the great men of the Senate.

Mr. STENNIS. I thank the Senator. I certainly feel encouraged by his remarks, and I have been encouraged before by the fine Senator from Kentucky and his assistance on important legislation and on any matter with respect to which his understanding and mind and heart can come to bear, and I deeply appreciate it. I have a very high regard for him and his splendid work here.

I have never known of any of the carpetbaggers that I have been describing that came from Kentucky. We have been blessed with a good many people from that great State who came and made their homes with us, and those whom I know are all fine citizens. They have contributed much.

Let me emphasize, lest someone misunderstand, that I am not bringing these matters up by way of complaint. It is by way of background for what I am about to say with respect to our schools.

Over the years we have come back quite slowly indeed, traveling the road of hard work, paying 12 to 15 to 20 percent interest part of the time, as much as 10 percent most of the time, and for almost 75 of the last 100 years, there was a comparatively small amount of local capital in the entire South.

Those of us who know the facts of our area and have some knowledge of history are unable to find any parallel in all history where people under such limited economic conditions have done as much and have been as lenient toward a less fortunate group as has been the case of the white people of the South toward the colored people of the South for the last 100 years. I want to say the colored man as a whole has certainly done his part.

When all the conditions and circumstances are taken into consideration, I humbly submit that the colored man has fared far better in the South than has the red man in other areas of the country.

My own State, which has had an unusual amount of this burden to carry, has consistently moved forward and upward in its educational program. During more than one year of the last several years, it has devoted the highest percent of the tax money that it collects to educational purposes than any other State in the Union. At the present time we are near the top.

We have a special new school program pertaining to the construction of modern school buildings and also have gradually brought up a systematized system of teachers' pay. We have separate schools. We have segregated schools, but the teachers in those schools for the colored and for the whites are paid on the same schedule. It is based on education and experience as well as length of service, and there are other uniform qualifications.

I have here just a few figures about the new program. In the last 8 or 9 years, we have built 3,247 classrooms for Negro students. We have also built 1,288 classrooms for white students. The State educational finance commission, which administers this program, now has in process plans for the reconstruction of additional buildings which will include 510 classrooms for Negroes and 473 classrooms for whites.

As will be seen, of the 4,575 classrooms completed or under contract, 70 percent are for Negro students. We are making great strides and we are proud of this program. We will continue to spend just as much money as we can afford to educate the children of both races.

I have never seen any more uniform pride among parents, teachers, and children than that with reference to the colored schools. We will continue with this program.

Our legislature is now in session, and bills are all the way through the legislative chamber to increase the ceiling upon the funding of this program. I think it can be safely said that legislation will be completed at this session which will pay the way and provide the finances for completing that program within the next 2 or perhaps 3 years, which will be almost a completed, modern school program throughout the entire State.

I must say as a part of that picture that since the 1954 school decision by the Supreme Court, even though the school construction program has gone forward, race relations have slipped backward a great deal in the South.

It is just another illustration that things do not change by reason of the passage of laws, mandatory court orders, or edicts of the majority in government.

If Senators honestly think that you will strengthen the South or that you will strengthen the colored people in the South by passing legislation of this kind, I think they are sadly mistaken.

I believe that the state of these bills in this Congress now is at least partly due to the fact that the membership is caught in the grip of the accumulated pressure of pressure groups. I think America is slipping into an era of pressure-group government by organization. A man's judgment on a major question seems to have less and less value. This is already true in some areas of the Nation, and is becoming more and more true all over the Nation.

A Senator is forced to rely not on his judgment, but more and more on the executive committees of a dozen organizations in his State. Too often these executive committees are largely prompted by paid staff members of organizations who must make a showing of influence and effectiveness on their scorecard for the year's work. This system applies, to a degree, to economic as well as social and political organizations.

Mr. President, I believe that that is the great threat. We talk about the missile gap and various kinds of threats and gaps. I believe that the pressures that are accumulating on the elected representatives of the people throughout this Nation present the greatest modern menace to representative form of government. I am not just condemning the NAACP or someone who cannot reach me. I start right at home. We have it reflected to a degree in farm organizations. We have it reflected to a degree in many other kinds of economic organizations. We have it reflected in labor

unions. We have it reflected in the NAACP. We have it reflected in a growing number of powerfully and skillfully managed and far-reaching organizations. Some are organized in all good faith and for economic protection.

I feel a growing power and strength in this Nation of these organized groups until now the situation has reached the stage where a man's judgment is worth less and less, and his desire to represent all of the people has less and less chance of prevailing. I think it presents a most serious threat to the survival of the representative government. I wish we could awaken the people to realize how far this situation has gone.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Is it not true that representatives of the organizations to which the distinguished Senator referred, and other organizations, come to see Representatives in Congress and Members of the Senate, when proposed legislation is pending in a committee or before the House or the Senate, to point out to the Representatives and Senators why they should vote for or oppose certain proposed legislation and to emphasize the number of votes they have in the Representative's district or in the Senator's State? Is it not further true that they usually leave him with the veiled threat that unless the Senator or Representative does the bidding of that particular pressure group the total number of members of the organization will be arrayed against the Senator or Representative at the next election?

Mr. STENNIS. The Senator is correct. I do not think the people realize the accumulated impact on their Government of these organizations.

Mr. TALMADGE. Does that not constitute a coercive influence which frequently blinds the judgment of the Representative or the Senator affected?

Mr. STENNIS. It certainly does.

I think it should be said, in fairness, that some of these organizations are very helpful to us and have very fine staffs. They present the problem in clear and vivid form. However, the trend is what I understand the Senator from Georgia to be talking about.

Mr. TALMADGE. Exactly.

Mr. STENNIS. This is a growing strength. That is what the Senator from Mississippi is talking about. It is a menace to our form of government.

Mr. TALMADGE. Are not many of these organizations which are extremely well financed and ably led interested only in seeking special preferment for their group and not in the interests of the country as a whole?

Mr. STENNIS. I think the Senator is correct. It is human nature with all of us that once we become absorbed in a program we push for it and convince ourselves that the first step is justified, and then the next step. All these pressures are simply more than are bearable many times.

Mr. TALMADGE. Are not the organizations to which the Senator referred responsible for the present proposed legislation being before the Senate this morning at 8:22 a.m.?

Mr. STENNIS. I think the Senator is correct. I think there is much pressure exerting itself in many ways. There has been pressure in the primaries for many years, and in the elections all over the United States. This results from an accumulation of that impact.

Mr. TALMADGE. Is it not true that these organizations seek special political advantage which is denied to all other citizens in America?

Mr. STENNIS. That is generally true, yes.

Mr. TALMADGE. I ask the Senator if the so-called Civil Rights Act of 1957 did not give one group in the United States of America the right to be represented by the Attorney General of the United States and is it not also true that under its provisions he can bring a suit in their behalf, if he sees fit, in the name of the United States? In other words it makes it possible, does it not, for the Attorney General to act as their private lawyer at the taxpayers' expense.

Mr. STENNIS. Yes. That is a highly unusual procedure to adopt, and I think it was finally driven through because of incessant pressure.

Mr. TALMADGE. We hear much talk about voting rights. If one listens to the radio, watches television, or reads the newspapers, he likely would be led to believe that is the only issue which is pending in connection with the so-called Dirksen substitute. I ask the distinguished Senator from Mississippi, who is one of the best lawyers in America today and who has been an able judge, if it is not a fact that we have statutes which have been on the books since 1870, which guarantee every citizen in the United States of America the right to vote if he is legally qualified?

Mr. STENNIS. The Senator is correct.

Mr. TALMADGE. Is it not true that at the present time any citizen who has been illegally denied the right to vote has three remedies available?

First, is it not true that he can bring a suit to seek injunctive relief and recover damages?

Second, is it not true that he can avail himself of the Civil Rights Act of 1957, let the Attorney General of the United States be his taxpaid lawyer, and have a suit filed in the name of the United States?

Third, is it not true that if any board of registrars anywhere in the United States of America refuses to register a legally qualified applicant the registrars can be indicted, tried, convicted, fined, and sent to the Federal penitentiary?

Mr. STENNIS. There is a very complete remedy at all levels.

Mr. TALMADGE. I did not even mention the State statutes. Are not those the Federal provisions?

Mr. STENNIS. The Senator is correct.

Mr. TALMADGE. Do such people not also have available State remedies as well?

Mr. STENNIS. Oh, yes. In all the States the laws are very complete. I have a collection of the laws of our State, but I will not have time to go into that. That is generally true.

Mr. TALMADGE. Is it not the opinion of the distinguished Senator from Mississippi that if any citizen, of any race, in America has been illegally denied his right to register and to vote he has complete and adequate remedies, in law and in equity, both in the Federal and State courts?

Mr. STENNIS. Unquestionably. The Senator from Mississippi is surprised that there is not more followup with reference to the power of the procedures adopted in the Civil Rights Act of 1957.

We find the Attorney General, instead of helping to carry the battle for the Civil Rights Commission, a relatively infant organization, coming to Congress to oppose their bill and to propose one of his own.

Mr. TALMADGE. Did the Attorney General only 2 days ago, when the Supreme Court of the United States upheld the constitutionality of certain aspects of the Civil Rights Act of 1957, not call for volunteers anywhere in the United States of America to write to him if they could not vote, in order that he could bring suits in their behalf?

Mr. STENNIS. The Senator is correct.

Mr. TALMADGE. In view of the fact that every citizen in America has adequate remedies, would the Senator from Mississippi not agree with me that this whole thing is a sham and a fraud designed only to appeal to poor, unfortunate people who do not know any better, in an effort to win the next election?

Mr. STENNIS. That is largely so, I think. The Senator is correct.

Mr. TALMADGE. I thank the Senator, and I agree with him absolutely.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I shall make only one or two more remarks about the general situation.

Mr. COOPER. Mr. President, will the Senator yield to me so that I may ask the Senator from Georgia a question?

Mr. STENNIS. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. Does the Senator from Georgia apply his statement to both parties?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may respond to the inquiry propounded by the distinguished Senator from Kentucky with the reservation that the Senator from Mississippi shall not lose his privilege of the floor and that it shall not be considered as an interruption of his speech.

Mr. STENNIS. I join in that request, Mr. President.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Is there objection to the request of the Senator from Georgia?

The Chair hears none, and it is so ordered.

Mr. TALMADGE. Mr. President, in reply to the inquiry of the distinguished Senator from Kentucky, I would say that in a large measure the statement applies to both political parties.

Mr. STENNIS. I thank the Senator.

I wish to point out that I review some of these facts or conditions because many times in many columns the South is referred to as consisting of a group of bigots, prejudiced people who are trying to hold someone down.

I should like to relate a personal experience, if I may. I do not think there are any people received in a more friendly manner or any people more highly respected in Mississippi than our Jewish citizens are. I found out, after I was a grown man, that in some places of the country there is a prejudice against the Jews. I went over a thousand miles from home, Mr. President, to law school after I was 21 years old, before I ever heard people seriously talk in terms of bias and prejudice against the Jewish people. And it came then from a man from Brooklyn, not the place where I was in law school. It was an amazing thing to me.

We have many highly respected Jewish families in Mississippi, and I have no prejudice or bias or leanings against the Jewish people anywhere at any time. I point that out as evidence of the fact that we are falsely accused.

I have also been in the Middle East, and I have seen the Arabs and the Jews there pitted against one another. That has been the situation since Bible times. My point is that we could not pass a law to change that situation.

Those conditions were not made in that way. I found a few years ago in going through the Middle East that all the Arab nations thought that the Israeli were trying to destroy them and run them into the sea. When I visited Israel I found they honestly thought that the Arab countries were combined and were going to try to exterminate them.

Do Senators think we can change the opinion of these people merely by passing a law?

I had the privilege this year of being in India. That is the great country where the Senator from Kentucky one time served with great distinction and ability as our ambassador. In the short period of time I was there I ran into many of his friends who asked about him and spoke of his fine tenure. With great deference to those fine people—I think very much of them since seeing them and their problems—I was warned by the State Department and others that they were so divided with reference to their religion and customs—Moslems and Buddhists and other groups—that I should not say anything in the presence of anyone that would be offensive. I mention that to emphasize that naturally there are divisions among people, natural channels of thought, manners, social customs, traditions and practices. That is the way it is in the South. Differences in customs, social manners, ways of living, and other affairs are not going to be changed by court decisions and by laws that we pass here, and our schools are so intimately a part of those customs and the social order that we cannot successfully regulate and control them from here. I point that out for the most serious consideration of those who must pass on that part of the bill.

I do not know whether my testimony here is worth anything of any value on this point or not. I hope it is. I think that among those who live with and know these problems, we are more likely than elsewhere to get the true situation. I do not think we could do a worse thing for the colored people in my area of the country than to try to force all the people down there into straitjackets with reference to elections, with reference to schools. We kill the very heart and spirit of this forward, upward movement that I have touched on briefly. I know our colored citizens well. I was reared with them.

I had the honor there of serving as district attorney and then judge, where I had to deal with their problems and their cases, and try to see that the scales of justice were kept as near evenly balanced as possible. I know their frailties. We do not fear the colored people in the South. We are not trying to restrain them or restrict them. We do not fear them. We understand each other. They understand us and we understand them. We fear the organizers who come in there and stir them up; they are emotional people to a great degree. We fear the agitators who are going to come in and stir them up and we fear the trouble that that will cause, not the colored people themselves but what could happen when they are stirred up and led astray. The newspapers contain items of this nature right now. My impression is not something I read in a book. Those more responsible people themselves, the colored people, tell me these things voluntarily. They still come to my office, even though I have been away from Mississippi most of the time and have been away from the judge's chair for more than 12 years; in that area of the State they still come and counsel with me about their personal problems, about their community problems, and about racial relations.

I am not an expert in any field, but I do have personal knowledge and some understanding of that situation, and I warn my colleagues as to the consequences of trying to put these problems into a legislative formula, and to put our people down there into straitjackets. Give the natural impulses, the better impulses of both groups a freedom to operate and continued progress will be made. If you are going to adopt a new system, a different system, I do not want to be held responsible for the consequences.

Mr. President, I have prepared a memorandum here of my own, a study of this so-called Dirksen bill as it is modified by the McCulloch bill in the House—sometimes referred to as the Attorney General's bill, and I have a fairly brief analysis and comment upon some of the major phases of that bill, based upon the study I have made of it, not checking so much into the cases that have been decided on the subject, but just looking at it from a practical standpoint, the practical application of it, and including a reference to the role of the judicial branch of our Government.

The U.S. Supreme Court, the Federal judiciary, and the State courts, represent the most important branches of our government. The most sacred power that is entrusted in any institution of government by our U.S. Constitution is that part entrusted to the judicial branch throughout our country's history at both State and Federal levels. The courts, as a part of the judicial branch as an institution of our government, have been regarded by lawyers and laymen alike as institutions of dignity and fairness. Their own self-restraint and objective consideration of many important cases have contributed greatly to this favorable public image. Our judicial system, at State and National levels, must merit and hold the respect of our people. The judicial power in our Federal Government is defined by the Constitution itself, article III. I quote from that article:

ARTICLE III

SECTION 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting Ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or, in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

In a great many instances the courts have limited their powers when the specter of interference with the orderly processes of Government was raised. Although the judiciary has made every effort to see effective enforcement of their just orders, they have never sought to establish themselves as a police agency. Their machinery is not geared to conduct executive business efficiently.

The public image of our courts generally has been greatly enhanced by the fact that Federal appointments are made for life, and thereby the judges are removed from fiscal matters. In seeking to attain this detachment the courts have on many occasions avoided deciding questions with political overtones.

First, they have avoided advisory opinions. Second, where possible, they avoid deciding political questions. Third, they have avoided hypothetical questions. These are examples of the courts' self-discipline. It is self-restraint, and I believe history has proved that those restraints are wise.

On the other hand, the present administration now proposes in all seriousness to use judicial power to fulfill executive responsibility. It has proposed to steal away from courts the judicial process of determination while using the judicial enforcement power to give effect to executive decisions in the important field of constitutional law. This proposal makes a mockery of our judicial system. That the Attorney General's proposal is designed to circumvent due process of law is the main argument in favor of its support. This judicial procedure is to be discarded in connection with this subject of so-called civil rights, and the Senate procedure has been unfortunately disregarded in the matter of bringing the proposal to the Senate floor. The proposal would create a special class of masters. The appointment of masters by Federal courts is presently authorized by rule 53 of the "Federal Rules of Civil Procedure."

Their use is within the discretion of the court. Rule 53 provides that a reference to a master will be the exception and not the rule. In actions to be tried before a jury reference shall be made only when the issues are complicated. In actions to be tried without a jury, save in matters of accounting, a reference shall be made only upon a showing that some exceptional condition requires it. The Rogers referee proposal would make an exception to the rule in civil rights cases. It would substitute judicial machinery for State election machinery throughout affected areas. It could cover large sections of the country. There is no restraining language in this proposed legislation.

Mr. President, I said earlier in the argument that the bill will enable the Attorney General, if he is inclined to be an aggressive Attorney General, with just the least bit of assistance from a Federal judge, to move in on a given area in a given situation and dominate, control, and supervise the holding of elections. I refer, Mr. President, to the first provision in the so-called Attorney General's bill, with particular reference to H.R. 10625. The first provision starts with this language:

> In any proceeding instituted pursuant to subsection (c), in the event the court finds any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall, upon the request of the Attorney General, make a finding whether such deprivation was, or is pursuant to a pattern.

Mr. President, that is the only major adjudication of that court, of the judge sitting as the chief officer and the fountainhead of the judicial branch of the Government in that case. That is his only major adjudication with reference to the entire pattern and the entire practice which could control the qualification of thousands of electors actually voting in the election. It would take over from that adjudication and move in the field of operations. A suit could start pertaining to one person, and at the next step could cover 3,000, or even more people, and from that successive steps could occur without another single major adjudication by the judge of the court itself, following along the electoral process through the election of local officers, city elections, county elections, State elections, and national elections.

That is why I say, Mr. President, it is a prostitution of the judicial process. It is the use of the judicial branch of the Government to give sanction and dignity and to wrap the judicial robes around an executive function, and that is exactly the primary function of this part of the bill.

Once this pattern has been adjudicated to exist, then it becomes an umbrella for subsequent action. It is an umbrella under which all of these other operations can be carried on. That is the only time that there is really a judicial function to be performed. In other words, it is a dragging of the judicial robes into the dust—and sometimes dirt—of all kinds of elections and everything that goes with those contests. It is a substitution of this Federal judicial power through the use of the executive branch of the Government in replacing not only the State laws but the local State people who almost invariably are responsible people of character and integrity, who are serving primarily through a very high sense of responsibility and duty.

Coming on then to the next step, assuming that certain facts are to be found with reference to individuals, a copy of the order then goes to the election officials who are compelled by this superior law to be guided thereby, the local election officials, the registrars, and the effect of their refusal would be to hold them in contempt of court. That brings into play the question of their being adjudged and convicted, in effect, of crime without having their basic and fundamental right of jury trial, in many of those cases.

I shall not dwell upon that subject today, but, if I have an opportunity, I shall certainly discuss that part of this far-reaching bill at some other time.

The next step I pass over, except for merely mentioning it, that the application for an order is to be heard within 10 days, and there is no stay of execution which would deny the applicant a vote at the forthcoming election.

The next step, Mr. President, is a very unusual and highly extraordinary provision of law. It provides that the court may appoint one or more persons to be known as voting referees to receive applications from those alleged to have been denied the right to register or to vote; to take evidence thereon and report to the court, finding as to whether or not the applicant is qualified to vote, whether he has been deprived of a chance to register, or has been found unqualified by one acting under color of State law. The provision is certainly not clear, and I cannot find any binding provisions in this bill as to the qualification of these referees.

Though a provision for masters in chancery is set forth in another bill, there is nothing I was able to find said directly as to whether they will be under bond or whether they will be under oath, or whether they will be classed as officers of the court; and if not controlled by the authority the court already had with reference to the appointment of masters, what would be their tenure; and, particularly, what status they would have. I think their tenure under the terms of this proposal is to be fixed by the court. The number is certainly unlimited, and this is carte blanche authority to appoint innumerable referees. In other words, Mr. President, that is really putting the court in business for the appointment of these innumerable men to run and supervise elections.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. Yes, I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. Is it not true that under the terms of the Dirksen substitute, section 7, the court, if it desired, could appoint a referee from Hawaii to control an election in Mississippi?

Mr. STENNIS. The Senator is correct. There is no restriction of any kind and no regulations. I think that is another illustration, I may point out to the Senator from Georgia, where the Attorney General is going to be the man that the court will look to in most instances to operate this vast machinery, to control it from beginning to end.

Mr. TALMADGE. Is it not true that under the terms of section 7 of the so-called Dirksen substitute a judge, if he saw fit, could appoint a citizen of Saudi Arabia to run an election in Brooklyn, N.Y.?

Mr. STENNIS. So far as the terms of this measure are concerned, I think the Senator is correct.

Mr. TALMADGE. In other words, if the judge saw fit, he could appoint a citizen of any State, or an alien from anywhere in the world, whoever he might be?

Mr. STENNIS. The Senator is correct. There is no broader grant of power the Senate could throw onto the executive branch of the Government with its blessing, than that in this very law.

Mr. TALMADGE. I think the Senator and I are in absolute agreement on that point.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have been interested in the Senator's comments, first because I know he is a good lawyer; second, because I have been comparing the two proposals that have been made—the referee proposal and the proposal for the appointment of registrars.

Speaking first with regard to the appointment of registrars, I may say that one thing troubling me very much is the fact that they would be administrative officers. I feel that the appointment of a referee, under the jurisdiction of the court, would assure, at least it seems to me, due process.

In looking at the referee provision, I note, at page 20 of the bill, it provides:

In any proceeding instituted pursuant to subsection (c).

Which refers to the act of 1957.

It has been held by the Supreme Court that the act is constitutional. So if the proceeding is in court and the court finds there has been a deprivation of the right to vote, of course that is a judicial finding. Then if the court appoints referees to hear proof in individual cases, the referees make their report to the court.

I would ask the Senator, leaving out now the question of policy, whether the Senator believes this ought to be done, and if that would not, in his view, preserve the right of due process to not only the applicants, in my view, but also to the States and to the local officials who would claim rights under their own State laws. It seems to me it is in the nature of a judicial proceeding and, for that reason, in my view, is much preferable to the provision about registrars, which latter provision does mean that the President of the United States sends people or appoints people in those States as his agents, as the administrative agents, as an entirely separate organization, to take up the business of registering and looking after the voting rights of citizens.

This has been a long dissertation in which I have indulged.

Mr. STENNIS. That is all right.

Mr. COOPER. But I am trying to point out that it seems to me that one proposal would maintain the judicial process, with rights of individuals protected by the court, whereas the other is an administrative procedure.

Mr. STENNIS. Mr. President, I thank the Senator for his very fine observation. I do agree that some of this referee proposal, as compared with the registrar proposal, just standing alone, would be the better provision. But when we get into other phases of the bill, I say to the Senator from Kentucky, you run into the nonjudicial part when you come to the operating machinery.

As the Senator from Kentucky pointed out, in the one truly judicial step that is taken here before a judge—the fountainhead of the judicial branch of government—he has to make this finding, that there is a plan or pattern of conduct. I think that is a judicial decision, as the Senator pointed out. But when you follow from there on, there is not another single major step in this entire plan that has to be taken by the judge. The Attorney General has all the rest of the power, through those that he would naturally recommend, except in one instance. The court can make the decision. But then the same sentence says he may refer this to the referee.

So, I repeat, from beginning to end, except that step for making the determination that there is a pattern, this matter does not touch the judge so far as his making a decision is concerned. Therefore, it is nonjudicial to that extent, and to that extent it is still executive or still administrative.

I think right here it would be well to read this. It is fairly brief.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. The Senator has indicated that he believes that the judicial action ends when a finding is made that there has been a deprivation of rights pursuant to a pattern or practice. It seems to me that, at least taking the next step, when the referee is appointed to hear proof regarding specific cases, there is an analogy in the procedures of the court now in appointing masters to hear detailed proof in complex cases and to report their findings to the court, for approval or disapproval by the court. It seems to me, at least to that extent—and I am going step by step—there is an analogy and that it is a judicial procedure.

Mr. STENNIS. There is an indication that at least they have to go to the courthouse once in a while. However, so far as it being necessary to have a judicial act and determination is concerned, and to have it under the control of the court, as we ordinarily understand it, most of this is beyond the pale of the court.

I should like to read rule 53 of the "Federal Rules of Civil Procedure." It shows the painstaking language that was used by those who wrote the rules. Then we will compare that language with the extravagant language in the bill.

Rule 53 reads:

RULE 53—MASTERS

(a) Appointment and compensation.

Each district court with the concurrence of a majority of all the judges thereof may appoint one or more standing masters for its district, and the court in which any action is pending may appoint a special master therein. As used in these rules the word "master" includes a reference, an auditor, and an examiner. The compensation to be allowed by a master shall be fixed by the court, and shall be charged upon such of the parties or paid out of any fund or subject matter of the action, which is in the custody and control of the court as the court may direct. The master shall not retain his report as security for his compensation; but when the party ordered to pay the compensation allowed by the court does not pay it after notice, and within the time prescribed by the court, the master is entitled to a writ of execution against the delinquent party.

Note the careful language:

Each district court with the concurrence of a majority of all of the judges thereof may appoint one or more standing masters for its district.

In the bill the language does not state that it shall apply to the court in which any action is pending. Provision is made for the appointment of a special master. All these applications would be received, and under this extravagant language many such masters could be appointed.

That itself is a departure from a real judicial approach. Of course, later in the bill we find that the judge can appoint these "persons." It does not say referees; just persons, who shall be watchers.

I read from the second paragraph, paragraph (b) of rule 53 of the rules of civil procedure:

A reference to a master shall be the exception and not the rule. In actions to be tried by a jury, a reference shall be made only when the issues are complicated; in actions to be tried without a jury, save in matters of account, a reference shall be made only upon a showing that some exceptional condition requires it.

The bill reverses that procedure and says in effect that many masters, hundreds of masters, may be appointed.

I do not believe the last part of that paragraph in rule 53 is applicable, but I thought I should read it in order to bring out the context as shown.

The next major point pertains to the receipt of the report. The Attorney General would transmit a copy of it to the State attorney and to the election officials, to show cause why an order of the court should not be final.

Then an order would be entered at the end of 10 days unless exceptions were filed.

Refutations can come only from those having personal knowledge of the facts.

Issues of fact and law shall be determined by the court. I address this particularly to the Senator from Kentucky, as well as to others, but especially to him because of his interest.

This is the next point as I have it in my outline. Issues of fact and law shall be determined by the court, or if the due and speedy administration of justice requires, they may be determined by the voting referee on reference by the court in accordance with procedures prescribed by the court.

Thus here the court does not have to pass on the matter but can merely refer it to a voting referee.

The applicants' literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

In cases where these voting referees have gone out to consider many of these applications and have taken all this proof ex parte—and the door is closed to any other kind on some matters—I do not see how, with the overcrowded Federal dockets in almost every district in the Nation, and certainly throughout the South, any Federal judge will have a chance—not a semblance of a chance—to do anything with the speed that this act contemplates.

I do not see how the judges can do anything except refer the matter to these voting referees. So I believe as a matter of practice, unless it is a highly unusual case, or one of those rare instances where there is more time available than usual, that these matters will be as a matter of course turned back over to these voting referees, and they will make the decisions.

According to the bill we are granting full authority to them to do it. It would be legal to do so by this bill. I do not believe we have the authority to vest such extraordinary judicial power to make these final determinations. We do not

have the power in Congress to grant to them the authority to make these final determinations in these cases.

I should like to call particular attention to the fact that the applicants' literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referees. In other words, Mr. President, that is the only case of which I know in the history of the Federal judiciary or State judiciary where, by the mere application, the person applied for a hearing by a referee and determination was solely on the basis of the answers filed. Then, in addition to that, these are ex parte statements, and certainly those are nonjudicial. There is no confrontation, there is no cross-examination or notice to any other party of interest, or to the State or to anyone. But once this party is clothed with this power, the authorities can go out on the highways and byways, just as the FBI can, to investigate and take these ex parte affidavits, and right there it is formulated into an irrefutable system, a judicial opinion that does not ever have to reach the desk of a judge to be considered by him.

Under this bill, they can take the ex parte affidavits by the referee. Then the case goes on its course up to the bench, but it can come right back to the referee. All the way down the line it never gets a judicial analysis by a judge. It never has a decision by the judge, and on those points I mentioned it cannot even be refuted or contested in any way.

It is just inconceivable to me, Mr. President, that we could undertake to grant such unlimited, far-reaching power here and, at the same time, call it a judicial act, or say that we are staying within the bounds of the power we have to give to the courts this judicial authority to decide cases under any such terms. I think it is too far, and I am convinced it is far beyond the ordinary and accepted confines and limitations of ordinary procedure in the determination of judicial cases.

We just do not have the authority to clothe these referees and voting referees, or whatever they may be, with such far-reaching, final judicial power. It is a circumvention of the bench, although it anoints the whole procedure with the respectability of the referees being a part of the judicial branch of the Government.

I think, however, that courts in many cases have struck down the sham and what appears to be a grant of a certain kind of power, and have looked to the very substance of things, to the heart of the matter, and if they did not find on a fair analysis that there was a true grant of judicial power, then they would strike the authority down and say the Congress was without constitutional authority to adopt such a plan. I literally believe that as this proposed law is written now, even though it goes through the doors of the judicial branch of the Government to start with, nevertheless it cannot stand, because the rest of the major provisions are purely executive, purely administrative, and do not require a judicial determination.

As a practical matter, one individual cannot be given these large numbers of cases. For that reason, as well as others, I think this plan ought to be rejected. I have never seen as many steps, in a so-called judicial proceeding, that are unusual and extraordinary, and are beyond the ordinary channels and ordinary plan of judicial procedure and determination. Therefore, I think it is clear that the proposal is nonjudicial and nonjudicious as a whole, and on that point alone it should be rejected by the Congress and condemned as a subterfuge to get around the charge it would not be within due process of law.

Mr. President, there is another very, very extraordinary provision here. This does not have back of it a semblance of judicial precedent, as I see it, and I do not believe any precedent can be found.

Mr. COOPER. Will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOPER. With respect to the Senator's views upon the referees, I wonder if the Senator has given any study or thought to the registrar proposal.

Mr. STENNIS. I gave some consideration to that in the beginning of the hearings before the Rules Committee. I have not really looked into it for something like a month or more. I am not especially prepared to speak to that, but I have considered it. If the Senator wants to compare or make an observation, I shall be glad to hear him.

Mr. COOPER. I do not at this time. The Senator expressed the viewpoint that the referee's plan would be stricken down by the court, and also that it would be impracticable. I wonder if the Senator has given thought and study to the constitutionality of the registrar provision.

Mr. STENNIS. It really has the same defect, from the very beginning. I think the Senator from Kentucky indicated that he was not satisfied with that approach at all because it was virtually altogether executive. I am not sure the Senator went that far, but that is the impression I got.

Mr. COOPER. I was looking at two proposals about which I was worried with respect to the appointing of registrars. I could only see that it would be referred to a court later, and I felt there was a danger that the due process would not be preserved.

Mr. STENNIS. I appreciate the Senator's concern, and I think it is quite characteristic of him to be concerned about these matters, because he gives the utmost consideration to any legislative proposal.

My impression of the registrar bill was that it was wholly outside of anything that could be called judicial in the judiciary, and there were, in effect, provisions as to determinable matters and trials of cases by the executive branch of the Government which would not be permitted to stand at all, for that reason. These steps in the referee plan are very similar when considered step by step, but they have the anointment, at the beginning of the case, of being a judicial determination. But I believe the departure is so great after that initial step that the plan cannot be judged as a whole, in its entirety, to be a sound judicial proceeding. That is why I think it would have to be rejected.

I am concerned—and I am sure the Senator from Kentucky shares this concern because he wants to be certain—that we not take the judiciary off on a wild goose chase, get it out of bounds, or bring it from its place of high respectability and detachment. I am sure the Senator from Kentucky does not want to do that. I believe, when we put it back into the category here of administering these elections, that we are headed in the right direction.

I know times are different from what they were during the Davenport days, but I was shocked when the Senator from Georgia [Mr. TALMADGE] brought out the fact that in one district there were appointed 1,077 of these so-called referees or watchers or officials. That was 1,077 in one congressional district. Times have changed, but human nature has not changed much—at least not that much. If we put the courts into this business and spread it out and branch it out, an aggressive Attorney General can get into a number of these cases, and who knows how close the elections will get?

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Georgia.

Mr. TALMADGE. Would the distinguished Senator from Mississippi agree with me that avarice is as strong now as it was in the days of Davenport?

Mr. STENNIS. I do agree with the Senator. I am sorry to do so, but I agree.

Mr. TALMADGE. Particularly political avarice?

Mr. STENNIS. Yes, I think that is true. The time would come when certain elections simply would have to be won if they could be won in any way. I think those things would begin to show up, once such a plan were enacted into law.

I do not know how it would work out. Our Republican friends have been working mighty hard to get into some new territory. Those who would be carrying their burden in that new territory would have rather scant pickings to start with. I think they might persuade themselves to take advantage of any power they might have.

I am thinking of the country as a whole. My firm conviction, Mr. President, is that we should not launch the judiciary into this great multitude of cases and the complications which go with them, involving emotionalism and sectionalism and all of that. There are remedies which are tried and true and effective, which are being used both in the State law and in the Federal law.

This is something which cannot be done overnight under any system. I believe such a course would be a grave mistake.

Mr. President, I point out with emphasis that there is a grave, major part of this entire plan involved, which is entirely beyond the call of the judicial system; and that is the provision which

is shocking, because it is so broad, on page 5 of H.R. 10625, which I understand includes the more modern language. Beginning on line 6, there are these words:

> The court may authorize such referee or such other person or persons as it may designate.

We have been battling the referee problem. We had a determination that these other operators were going to be brought within the strict letter—certainly not the spirit, but perhaps the strict letter—of being masters in a court of equity or the Federal court, or what we call a referee. We are now getting over to the cleanup job, as stated on page 5, line 6:

> The court may authorize such referee or such other person or persons as it may designate.

Mr. President, that "person or persons" could be 1 or could be 500 or could be 1,000. They could be from any place, and could operate anywhere. Presumably they would operate within the declared area.

> The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

That is where we really would be sending out the policemen. We would really be sending out the policemen then, Mr. President. That is a highly unusual procedure for a court. I do not see how we could say that this has the cloth, or the robe, or the real judicial power. We would be getting down to the counting of ballots, with the policeman standing by. We would not even call them referees. There is nothing provided about qualifications. There is nothing about compensation. There is nothing about tenure. There is nothing about where they shall operate.

Who is going to select these people? Of course, they will be selected, Mr. President, by the Attorney General.

This simply comes back again and again and again to the fact that this is an Attorney General's plan. Once there is one court determination, the matter can be left altogether in the hands of others. We would have the court going out not with referees but simply what the law calls "persons" to attend these elections.

Would it be Federal elections? No. It would be city elections, county elections, and State elections—any election which is held in which there is one of these persons who has been declared qualified to vote by the proceeding. When only one of them is involved, there is the authority to follow up.

Someone has made a timely suggestion that there is only one way to really make an effective, conclusive report about making effective the vote of such a person and making a report to the court. The only way to do that fully would be to see the ballot and then to see that it was put on the tally sheet in the proper place.

Of course, it is fundamental in our form of government that we have secret ballots. Even passing up for the time being and waiving for the time being that ordinary salutary principle of our election machinery and our election concept, the whole plan is to have these people who are representing the court, or representing the Attorney General, attend the elections either in small numbers or in droves, and not simply the Federal elections but all elections which are possible. Once they launch the plan, I assume they would and should follow it through, if they are given all this power.

Mr. President, I think this is not only beyond the call of the Congress and the judicial power vested in the courts and the Constitution, but also it is the worst kind of policy and is an invitation to trouble. It is as gross an invasion and domination of the entire State election machinery as one could imagine. Not only the letter of the law and the election machinery, but also the heart, soul, and spirit of local elections are involved.

Mr. President, for many years in my State the managers of elections did not receive any compensation whatsoever. This was considered a position of special trust and responsibility. It was a community project. People in prior days did not look on it as something for which they would be paid, any more than they would look for pay for doing some church work or church project in the community, in the village, or in the town. That concept has been somewhat changed in these modern days, but still it is a position of honor and responsibility, for which people of the highest integrity are selected.

We should have a long time before we barge in here and embellish and override and overrule and thereby kill the spirit of the election machinery that has been set up all these years and as a whole has served a high and noble purpose.

Mr. President, I have discussed these matters without referring to a single case. I have cases to back up many of these points, some of which I hope to have a chance later to call to the attention of the Senate. I have pointed out the high points here with special emphasis and with special reference to their practical operation, to their nonjudicial course, and I hope as a whole that I have made it clear that this plan and this order is nonjudicial, it is beyond the call of the Constitution, and moreover it is a plan that as a matter of policy we should not inflict on our courts.

Mr. President, I do not care to make a further extended argument at this time. There are other Senators who are prepared to speak on these far-reaching bills. I do express the hope again that the word will not continue to go out that these are just voting bills, that they are simply trying to make clean elections, that they just pertain to voting rights. The most far-reaching proposals in these bills that are filed here, five pounds high and heavy, do not pertain to elections in any form. I commend the Senator from Minnesota [Mr. HUMPHREY] for coming in here, and, from his viewpoint, making an excellent speech, and being willing to put in black and white, and on the line, so to speak, his explanation of the bill he is sponsoring, give it its legislative history, and state its purposes. He and the senior Senator from New York [Mr. JAVITS] are the only ones yet who have performed what I humbly suggest is a senatorial duty, to come in here and explain the bill, tell the reasons for it. This is more important in view of the fact that there are no reports, there are no guidelines, there is no legislative history, there is no limitation, by explanation of the language involved.

Mr. President, the only conclusion I can reach is that it is just saying, after all, "Well, we have the votes," and when they have the votes, they do not have to explain the bill. However, I do not believe that is the considered attitude of anything like a majority of the Senate.

Mr. President, before I yield the floor, I desire to suggest, and I do suggest, the absence of a quorum.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 77]

Aiken	Engle	Morton
Anderson	Fong	Moss
Bartlett	Goldwater	Murray
Beall	Gruening	Muskie
Bennett	Hart	Pastore
Bible	Hartke	Proxmire
Brunsdale	Hayden	Randolph
Bush	Hickenlooper	Russell
Carlson	Jackson	Saltonstall
Case, S. Dak.	Javits	Schoeppel
Chavez	Johnson, Tex.	Scott
Church	Keating	Smith
Clark	Kefauver	Sparkman
Cooper	Kerr	Stennis
Cotton	Long, Hawaii	Talmadge
Curtis	McCarthy	Williams, Del.
Dirksen	Mansfield	Williams, N. J.
Douglas	Martin	Young, N. Dak.
Dworshak	Morse	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. COTTON. Mr. President, it has been the desire of the junior Senator from New Hampshire for several days to make a few comments on the question of civil rights now before the Senate. I do not wish to detain Senators. I have five double-spaced pages. I trust that no Senator will consider it a discourtesy, while I am reading them, if I decline to yield. If any statement I make seems incorrect or offensive to any Senator, I shall be glad to yield at the close, very briefly; but I shall insist upon surrending the floor in a very short time.

Mr. President, for nearly 200 years Americans have found wisdom, guidance, and good counsel in Poor Richard's Almanac. Benjamin Franklin's genius still shines for us today, as it did before our Republic was founded, and one of his proverbs provides the keynote for my approach to civil rights. In fact, I believe the Congress itself could profitably be guided by it as we try to pick our way through the labyrinth of bills and amendments before us.

Poor Richard's advice, obviously aimed at legislators, is:

Laws too gentle are seldom obeyed; too severe, seldom executed.

This bit of wisdom is nowhere else as true as when it is applied to civil rights. For, after all, by violation of civil rights what we really mean is racial discrimination, or, to put it more bluntly, racial prejudice. Laws too gentle will fail even to encourage a reduction in the discrimination and prejudice. Measures too harsh and drastic will harden the animosities and prolong the strife.

With Franklin's maxim in mind, let us examine some of the fields of civil rights covered in the pending legislation.

I. VOTING RIGHTS

Almost 90 years ago to the day, on March 30, 1870, Secretary of State Hamilton Fish formally certified that the 15th amendment had become part of the Constitution of the United States. The language of that amendment is clear:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. * * *

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

For 90 years, the supreme law of the Nation has forbidden any State to deny any citizen the right to vote on account of his race or color.

The law has been too gentle. The evidence on this point, in my opinion is overwhelming.

There are no Negro voters in 3 counties of Florida with an adult Negro population of 3,000.

There are no Negro voters in 4 parishes of Louisiana with 20,000 Negroes of voting age.

There are no Negro voters in 2 counties of Alabama with 15,000 adult Negroes.

There are no Negro voters in 15 counties of Mississippi with 52,000 adult Negroes.

There are no Negro voters in 2 counties of Georgia with an adult Negro population of 3,000.

There are no Negro voters in 1 county in South Carolina with 2,600 adult Negroes.

There are no Negro voters in 1 county in Tennessee, despite the fact that Negroes own more property and pay more taxes than white persons in the county.

In 11 counties in Mississippi with an aggregate Negro population of 42,000, there are a grand total of 53 Negro voters.

There can be little dispute over these facts. Most of them are based on official registration figures published by State authorities, as compiled by the U.S. Commission on Civil Rights.

The Commission, in its report to Congress last year, summed up the situation like this:

On the basis of the testimony of witnesses and the examination of the registration records in other States, the Commission found that a substantial number of Negroes are being denied their right to vote. The infringement of this right is usually accomplished through discriminatory application and administration of State registration laws.

At this point, it should be pointed out that the 15th amendment applies to States, State officials, and officials acting under State law. It does not itself restrain private individuals from acting in such a way as to deny voting rights to Negroes. The examples cited above however, are the result of acts by registration officials and others acting under the color of State law.

While the 15th amendment applies only to States and State law, it is not the only constitutional source of protection for Negro voting rights.

On March 3, 1884—76 years ago—a unanimous Supreme Court held that the right to vote for Members of Congress is based on the Constitution—section 4 of article I—and not upon State law, and Congress has the constitutional power to pass laws for the free, pure, and safe exercise of this right. The Ku-Klux cases, *Ex Parte Yarbrough* (110 U.S. 651).

Speaking for a unanimous Court in that case, Justice Samuel Freeman Miller declared:

That a government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the Legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the gravest consideration.

If it has not this power it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

Will it be denied that it is in the power of that body (the Congress) to provide laws for the proper conduct of those elections? To provide, if necessary, the officers who shall conduct them and make return of the result? And especially to provide, in an election held under its own authority, for security of life and limb to the voter while in the exercise of this function?

These questions answer themselves.

Mr. President, the laws to protect the citizen from harassment, violence, and intimidation in his right to vote have been on the statute books for generations. Yet a registered Negro voter told a member of the staff of the Civil Rights Commission that he had decided not to vote. When asked why, he said, "I am too old to be beaten up."

A businessman refused even to be interviewed. He said, "They would bomb my business out of existence if I even talked with you."

No other conclusion is possible except that the law has been too gentle, and seldom obeyed.

Three generations have passed since Negro voting rights were written into the Constitution. No excuses can justify the denial of those rights which the evidence shows exists in many areas.

Mr. President, I am prepared to back to the hilt any legislative proposal which will insure every qualified citizen the full, free, safe right to register and vote. Anything short of that would be a sham.

II. EDUCATION

When we look at the field of education, the picture is considerably different. Racial integration in public schools has been a matter of law for less than 6 years.

Not until the Supreme Court decision in the Brown case, on May 17, 1954, was segregation by race outlawed.

Have school desegregation measures been too gentle to be obeyed or to harsh to be executed?

In answering this question, I believe it is proper, first, to give some weight to the fact that the 1954 Court decision was an abrupt about-face. Its decision cast out the legal concepts which not only tolerated school segregation but sanctioned it. The "separate but equal" doctrine governed public education for 58 years, and had been the guiding legal principle during much of the period when modern systems of compulsory public education were being erected.

Mr. President, I do not believe it is reasonable to expect that the customs, habits, and institutions built up over generations can be virtually revolutionized in 6 years; at least, not without violent and bitter upheavals.

Furthermore, the record shows there has been discernible, and in some cases, heartening, progress in desegregation of public schools. The report of the Civil Rights Commission indicates, as of May 1959, that 798 school districts in 17 States and the District of Columbia have initiated desegregation. This is 27 percent of the 2,907 biracial school districts in the area—page 297.

This evidence indicates to me that the law is not too gentle to be obeyed. In many areas it is being obeyed and carried out in good faith. In short, I see no need, at this time, just 6 years after desegregation was ordered, to invoke new legislative remedies for the problem.

Mr. President, these, in brief, are the reasons why, in representing a State which is comparatively free from racial problems, whose people, though deeply interested in civil rights have a thoughtful rather than an emotional approach to the question, it is my hope that we can enact a real voting law which will be enforcible and effective, and will protect all citizens in their right of franchise.

I am perfectly willing to vote for any reasonable provision which will prevent discrimination in economic opportunity and job opportunity in connection with any project in which Federal funds are used either directly or indirectly.

If given an opportunity to do so, I shall vote against any provisions of the proposed law which at this time would strengthen or make more rigid or more harsh the rules affecting schools, education, and the social privileges of any group in the country. I believe such a provision would do more harm than good.

This is not just a middle-of-the-road ground; it is a position based upon a long history of the tragedies of hasty and ill-judged enforcement legislation. Referring to the maxim of Poor Richard, which guides my thinking in this field, I

believe it is the duty of the Congress at this time first to accomplish the thing it has been trying to accomplish unsuccessfully for 90 years, and to leave for a longer period of trial and public education and the development of public opinion the part of the problem which has been before us for only 6 years.

Mr. JAVITS. Mr. President, will the Senator from New Hampshire yield?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. COTTON. I yield.

Mr. JAVITS. First, I should like to state to the Senator from New Hampshire my pleasure in hearing so reasoned and well documented an address. It is quite typical of the Senator from New Hampshire, with whom I have served for many years in the other body and here in the Senate.

I understand the Senator's views on education; and I shall not argue them with him now, because I have already had an extended argument on that point, and no doubt will again, before we vote on the pertinent provisions.

But the Senator from New Hampshire leaves me in doubt in regard to two points of the so-called Dirksen package. Knowing the Senator from New Hampshire as I do, I am sure he would not wish to leave me in doubt—even for himself.

One is the so-called antibombing provision, which deals with an outbreak of violence related to the situation of separation of the races. The other is the question of the obstruction of court orders, which, again, has led to considerable violence in various areas. Regardless of whether the Senator feels that it is or is not an apposite remedy, at least it does not deal with the question of bringing about more or faster school integration, but, rather, deals with the dignity and observance to which Federal court orders are entitled.

Will the Senator from New Hampshire tell us his views on those two issues?

Mr. COTTON. Mr. President, I am very happy to attempt to respond to the question asked by my friend, the Senator from New York.

As I said at the outset of my remarks this morning, I purposely kept my remarks brief, and therefore they have constituted an oversimplification.

When I stated unequivocally that I not only wanted to see the political rights and the voting rights of Negroes or of any other group of citizens allowed them under the law, but I also wished to see them protected in the exercise of those rights in safety, it was my understanding that by that statement I was indicating that I wished to see incorporated and kept in any act which passes this Congress strong safeguards to protect any voter in the country against violence and against intimidation.

In the matter of the bombing of schools and churches, the present Fugitive Felon Act appears to exclude bombings from its provisions and I support its extension to crimes of that sort, for, as I indicated, I am perfectly ready and willing to vote for a bill which provides complete safeguards against violence of every description and degree.

The only parts of the bill which I hope—for reasons of public policy and public safety—to see eliminated from the bill, are the social provisions.

In other words, it is, and has been, my theory, first, that I would vote for every reasonable, legitimate, constitutional means to guarantee to all citizens their political rights; second, that I would vote for every reasonable, constitutional method of guaranteeing to all citizens their economic rights in connection with any project in which Federal funds are involved; and third, that at this time I am not prepared to vote for any Federal legislation which at present would put the Federal Government into the field of social privileges.

Mr. JAVITS. Mr. President, will the Senator from New Hampshire yield once more to me?

Mr. COTTON. Yes; but I do not wish to keep the floor too long.

Mr. JAVITS. I think the Senator from New Hampshire knows me well enough to know that I am not generally long-winded.

It seems to me that one other question which presents itself—inasmuch as the Senator has depended upon the report of the Federal Civil Rights Commission—is that it is a fact that the report shows, with respect to desegregation of the schools, a condition of massive resistance—to use a phrase which has become very popular—and endeavors to frustrate the decision of the Supreme Court, and elaborate State law—often struck down as unconstitutional, in turn—to frustrate that design, and a massive resistance to law.

I ask the Senator whether it is not essential to his whole point of view that the entire field of resistance to law not be condoned, accepted, or catered to, if we wish to have other aspects of law, such as those of voting, honorably observed.

That is the only other question I shall ask the Senator from New Hampshire.

Mr. COTTON. Mr. President, the Senator from New York and I had an exchange on this floor, the other day; and at this time I shall not labor the matter. I am sure that I cannot find myself in agreement with the Senator from New York; and no amount of discussion could bring that about.

It is my belief—and I have expressed it as clearly as I could—that the matter of saying that all law must be enforced, regardless of whether there is enough public opinion behind a particular law to result in its enforcement, and that otherwise all law is being flouted, does not meet with my agreement.

When we are creating new and special processes, and when we are talking about new officials and new methods of approach, and, above all, when we are putting the Federal Government into fields in which State law has been operating for a long time, if we are to err, I believe we should err on the side of being cautious in invoking new processes, new officials, and new methods of enforcement. We learn to walk before we learn to run; thus, we should proceed to make real the fundamental rights we have been talking about for so long, before we go into new or recently opened fields.

I realize that my statement has been repetitious. I thank the Senator from New York.

Mr. CASE of South Dakota. Mr. President——

Mr. COTTON. I yield briefly to the Senator from South Dakota; but I wish to yield the floor.

Mr. CASE of South Dakota. Mr. President, I wish to observe briefly that the Senator from New Hampshire has made a statement which will commend itself to people throughout the country who are able to look at this question dispassionately and objectively.

I wish particularly to commend the Senator from New Hampshire for his statement in regard to the provision of the proposed substitute which deals with employment. Personally, I feel that for the Federal Government to go into the dictation of conditions for the employment of people in situations in which Federal funds are not involved, would represent an adventure into statism which should be taken only with a great deal of caution—and, in my judgment, at the present time not at all.

Mr. COTTON. Mr. President, I am in complete accord with the Senator from South Dakota on that point, and I thank him for his statement.

Mr. President, I yield the floor.

Mr. TALMADGE. Mr. President, yesterday afternoon the Washington Star carried a very fine editorial, written by the distinguished columnist, David Lawrence, entitled "The Rights Issue Stirs Ill Feeling—Demonstrators in South Are Reminded Actions Aid in Spread of Resentment." I thought the editorial was particularly appropriate. I thought it was extremely able in its analysis, and I should like to present it to the Senate at this time:

THE RIGHTS ISSUE STIRS ILL FEELING—DEMONSTRATORS IN SOUTH ARE REMINDED ACTIONS AID IN SPREAD OF RESENTMENT

(By David Lawrence)

Resentment, hypocrisy, deep-seated antagonisms, political selfishness—all these are part of the background of what is being called a civil rights debate in the U.S. Senate.

Little is apparent of the feeling that disputes can better be resolved if a conciliatory spirit prevails. Instead, friction and bitterness are being engendered daily—indeed, it is actually promoted as a means of getting publicity.

The sitdown demonstrations in the South, for instance, are regrettable evidences of the mistaken theory that progress in a controversy can be made by stirring up more and more hostility between the groups involved.

Mr. President, my distinguished colleague, the able senior Senator from Georgia [Mr. RUSSELL], on the floor of the Senate last Saturday made a speech in which he charged that a certain group with headquarters in New York City was aiding, abetting, and inspiring groups of Negroes to invade private property in Southern States in large

numbers and demand service on those private premises. In Sunday's paper I saw an article stating that members of that organization, in response to the speech of my respected senior colleague, readily admitted that what he said was true. They stated that they had been practicing that technique since 1942. They also disclosed that they have field representatives in the States of North and South Carolina, and Virginia directing those groups which are entering in large numbers on private property and demanding service.

That very effectively demonstrates to me the accuracy of the point the distinguished and able columnist, David Lawrence, makes when he points out that it is not possible by force, by coercion, by laws, or by any combination of such steps, demand respect and recognition. Laws cannot make people equal. No groups can achieve equality except that other groups regard them as equals. Force, coercion, and duress, cannot bring about equality for any individual or any group. Equality and respect can come only when that equality and that respect is earned.

Now, Mr. President, I read further from the column by David Lawrence:

> Even many of those citizens who not so long ago were crying out for law and order seem strangely silent when Negro and white demonstrators enter private business establishments and refuse to leave seats preempted by them in the restaurants until ousted forcibly.
>
> Reports from the South are that many people who enter the stores and see the demonstrators are beginning to send unfriendly glances toward all Negroes they see. This is the way bad feeling is spread and violence provoked. One wonders whether the instigators of the sitdown stunts have taken into account the damage to race relations which has already been done by the demonstrations in the restaurants and lunchrooms.
>
> The debate in the Senate is supposedly over voting rights. This is not the basic issue. For the South does recognize the right of a qualified citizen to vote. The controversy is over the method that shall be used to determine whether a voter is qualified.

Let me say at that point, Mr. President, that in my State of Georgia there are approximately 175,000 Negroes who are registered and do vote. In some areas of my State Negroes have been elected to public office. In other areas of my State Negroes have frequently become the balance of political power in elections.

In my State we have at least three counties in which there are more Negroes than white people registered. We have literacy qualifications in the State of Georgia for all citizens. Those who take the literacy test and pass it and who are of good moral character are registered to vote in virtually every area in every State about which I have any knowledge.

Any qualified citizens who are denied that right have adequate remedies, not only under the laws of their State, but also under three separate acts on the statute books of the United States of America at the present time.

Those remedies are as follows:

First. A citizen can file a suit in a court of equity. He can obtain an injunction and recover damages if he has been illegally denied the right to vote.

Second. There is a criminal penalty. When any particular registrar illegally fails and refuses to register anyone who is legally qualified to vote under the laws of any State, that particular registrar, or the board of registrars if such be the case, can be indicted by a Federal grand jury. And, if convicted in Federal Court, they can be sentenced to a U.S. penitentiary, fined, or both.

The third remedy is the Civil Rights Act of 1957, which was upheld in part by the Supreme Court of the United States just this week. That act authorizes any citizen illegally denied the right to vote to apply to the Attorney General of the United States to represent him, free of charge, and file suit, if need be, in the name of the United States. In other words, the Attorney General of the United States can be called in as the taxpaid lawyer for any citizen illegally denied the right to vote.

Mr. President, for the life of me, I cannot understand, how anyone, in any area of the United States, could deny that we do not have laws in abudance to guarantee the right to vote in all areas of all the 50 States.

If Congress should enact any other so-called right-to-vote law, it would merely be adding another layer on the abundance of laws already existing to guarantee that right to any citizen.

But, Mr. President, the issue before us at the present time, unfortunately, is not voting rights but rather one of winning political elections. The year 1960, unfortunately, is a presidential election year. A President of the United States will be elected this year. A Vice President of the United States will be elected this year. One-third of the Members of the U.S. Senate will be elected this year. Every Member of the House of Representatives of the United States will be elected this year. A large number of governors and State and local officers will be elected this year.

Politicians are always eager to obtain votes, and some of them are not particular about the source of those votes. Neither do many of them care what promises they have to make to obtain those votes.

Mr. President, there is a large number of citizens in America who belong to political organizations of which the National Association for the Advancement of Colored People is one. The Americans for Democratic Action is another and there are many other similar organizations. Those particular groups are well financed and ably led. They are very aggressive in their activities through which they demand to be made the particular favorites of government. They do not seek equal treatment, but preferential treatment. They want preference above all other citizens of America, and in trying to obtain that preference, they make demands on public officials—promising them that they can deliver to them large bloc votes or, otherwise threatening to defeat them in the next election.

The power and coercive influences of these organizations is the issue before the Senate of the United States. The right to vote has already been determined long since. The issue now is whether or not the Members of the House and of the Senate of the United States have the will and courage to stand up and uphold the Constitution by refusing to make certain groups the particular favorites of the United States Government and to give them rights no other citizens possess.

Mr. President, why should one group have the right to have the Attorney General of the United States of America represent them, free of charge, while all other groups are denied it? Why should the Government represent one group in one action and not represent other groups in actions of a different nature? That is the issue in which we get involved when we talk about civil rights. These are not civil rights, but preferential rights which are greater and higher than the rights of any other citizens in America.

Now, Mr. President, I return to the editorial of David Lawrence, and I quote him:

> The theory is advanced by northern proponents of so-called civil rights legislation that the Federal Government shall police the registration of voters—hitherto predominantly a State function. In the North as well as the South, literacy tests are required, and in some States property must be owned as a qualification for voting.
>
> The 15th amendment to the Constitution says that the right of citizens to vote shall not be abridged because of race or color. This amendment was declared ratified in 1870, but the legislatures of States like California, Delaware, and New Jersey rejected it. Even New York State, after first voting to ratify, then voted to rescind its ratification.
>
> There is a moral question, too, as to whether the amendment was really ratified by the will of the people's elected representatives in three-fourths of the State legislatures. For in the South the legislatures were dominated by military forces sent there by the Federal Government after the war was over. Ratification of amendments to the Constitution was compelled, in some instances, at the point of the bayonet.
>
> The South hasn't forgotten all this. Many of the wounds of those days were healed in part by the 1896 decision of the Supreme Court of the United States. It approved the many State supreme court decisions of the previous 25 years, including those in New York and Ohio, which upheld the principle of "separate but equal" facilities for education. Now that the 1954 decision of the Supreme Court of the United States has completely upset the 1896 ruling, the South feels it has been mistreated all along the line, beginning with the forced acceptance of the amendments to the Constitution by illegal legislatures in the years following the War Between the States.
>
> The southern Senators know they are outnumbered. But they wouldn't be true to the sentiments of their constituents if they didn't use every proper occasion to debate the issues. Extremists on both sides are beclouding the issues. The controversy is being used to gain votes in the North for so-called champions of civil rights, but hypocrisy is evident because protection for the citizen in his right to cross a picket line

in a labor dispute is ignored. There apparently will be no legislation on that phase of civil rights.

What's the answer? A significant statement was recently made in a new book written by W. D. Workman, Jr., of Columbia, S.C., a veteran of World War II, whose newspaper and magazine writings have brought him civic, industrial, agricultural, and military awards in addition to some in the field of journalism. His book is entitled "The Case for the South," and he writes—

Mr. President, at this point, I desire to ask unanimous consent that I may yield for a brief statement by the distinguished senior Senator from Louisiana [Mr. ELLENDER], the statement to appear at the conclusion of my remarks in the RECORD, without my yielding the floor or being charged with making a second speech.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection? The Chair hears none, and it is so ordered.

(The remarks of Mr. ELLENDER appear at another point in the RECORD under the appropriate headline.)

Mr. TALMADGE. I turn now, Mr. President, to Mr. Lawrence's quotation from Mr. W. D. Workman in his book entitled "A Case for the South." He states:

Short of utter amalgamation of the races, a thing utterly unacceptable to white southerners, there is no solution to the problem of race relations: There can only be a continual adjustment and readjustment of relationships. The sense of race, no less than those of religion or of nationality, is so deeply embedded in man's nature—both conscious and unconscious—that it cannot be eradicated in the foreseeable future, if indeed it should be eradicated. Some persons, whose impulses can be regulated or whose incentives can be manipulated, may rise above, or descend below, race consciousness, but the masses are not likely ever to shed their recognition of race.

Whatever may be the future of race relations in America, this much seems evident: That neither satisfaction nor peace can come from any coercive mingling of the white and black races against the will of either, and that little hope can be entertained for any assimilation of one in the other. There remains, then, only the prospect of accommodating their differences in a pattern of peaceful coexistence based upon a friendly tolerance and helpful understanding. It is the recognition of racial distinctions, not their denial, which will lessen the tensions and enhance their adjustment.

Mr. President, I wholeheartedly concur in that statement.

Race consciousness is one of the strongest human characteristics, and it is inherent not only in human beings but also in the animal kindom. It is the very law of nature itself. While no one desires to discriminate against any other individual, it is only natural that members of any given race prefer to associate with members of their own race. That is normal and natural. It is not discriminatory. It is true of every phase of creation, whether it be man or beast. No enactment or court decree can change that natural law of preference.

Mr. President, if progress were dependent on no more than the mere passage of laws, the output of the Congress of the United States alone already would have established a worldwide utopia.

Were that the case there would be no human problem which could not be solved by the enactment of a new law.

Were that the case, everyone could be made healthy, happy, wealthy, wise, and equal by statute.

Were that the case, churches, armies, courts, schools, and all the other institutions and instruments of our imperfect society could be superseded by an omnipotent superlegislature dedicated to the achievement of absolute human perfection.

Unfortunately, the complex problems of society are not susceptible to so simple a solution.

To the contrary, the sum total of the experience of mankind stands as irrefutable proof of the fact that human motives and attitudes are not readily amenable to the legislative process.

It is true that change can be accomplished by force so long as that force is applied continuously.

But it is equally true that lasting change for the better comes from the inside of man out—not from the outside in.

True progress in the area of human relations can be achieved only to the degree that the inherent individuality of human personality is voluntarily sublimated to the common good.

To ignore that factor in advocating change is to invite chaos.

The most lamentable tragedy of our time is that so great a segment of our national leadership—for motives best known to themselves—would have those to whom they owe their positions of power and prestige believe otherwise.

They have sought to turn their upside-down gospel of progress by fiat into a fetish of enforced conformity so rabid and vicious that it threatens to destroy the fabric of respect for human differences from which our Founding Fathers fashioned on this continent a powerful and united nation embracing all races, faiths, and shades of political opinion.

They have sought to corrupt our revered heritage of constitutional civil rights—spelled "r-i-g-h-t-s"—into a cult of contrived civil rites—spelled "r-i-t-e-s"—and to make of those who dare to oppose their evil designs and selfish schemes sacrificial goats upon their altars of political expediency and personal aggrandizement.

We see their handiwork today in the unnecessary, unworkable, and dangerous legislation now under consideration by the Senate.

Their sacrificial goat of today is the South.

It would be well for Senators to contemplate who may be the sacrificial goats of tomorrow.

For the sake of our Nation's future and the rights we all hold dear, Mr. President, I fervently hope the Senate will refuse to allow itself to be cast in the role of the dagger-wielding high priest for this cult of civil "rites."

Before proceeding to a discussion of the overwhelming body of unanswerable constitutional and legal arguments against the pending bill, I wish to address myself to the collective conscience of the Senate.

Almost 2,000 years ago the only Man who ever walked the earth without sin posed three rhetorical questions to His disciples.

He asked:

If a son shall ask bread of any of you that is a father, will he give him a stone?

Or if he ask a fish, will he for a fish give him a serpent?

Or if he shall ask an egg, will he offer him a scorpion? (Luke 11: 11–12.)

Mr. President, those questions are the test to which each Member of this Senate should put his motives in deliberating the disposition of the punitive provisions of this bill.

Will the Senate's gift to the Nation be bread or a stone?—a fish or a serpent?—an egg or a scorpion?

This great body holds the respect and admiration of the world because it has, time after time throughout the course of the history of our Nation, proved itself to be above petty considerations, partisan motives, and vindictive acts.

It has established itself in the eyes of all civilized mankind as the one legislative chamber wherein right and reason prevail over prejudice and passion.

Will it at this late date act to destroy that cherished image cultivated so assiduously by the giants of history who were our predecessors?

May God forbid, Mr. President, that the Senate ever shall sink to so low a state.

We Americans pride ouselves upon being a nation of charitable, understanding, and tolerant people motivated by sincere concern for the welfare of humanity.

Yet for the second time in 3 years we in Congress find ourselves giving serious consideration to a bill which denies each of those noble impulses.

This bill is the antithesis of everything for which we Americans claim to stand.

It knows no charity.

It makes no pretense at understanding.

It is steeped in intolerance.

It is a calculated insult to the people of the entire southern region of our Nation and to those of us who have the privilege to serve their interest in the Senate of the United States.

It is impossible for us to view this bill as anything but another cynical, election-year effort to tie the South to the national whipping post to be ridiculed, castigated, and punished as barter for the votes of pivotal minorities whose extremist leaders hold their power through racial demagogy, agitation and exploitation.

Last year when the amendment to extend the Commission on Civil Rights was before the Senate I stood on the floor and stated the position of my fellow Georgians on this question in terms as clear as my tongue could command.

Today I wish to reiterate and reemphasize what I said on that occasion:

We in Georgia yield to no one in the sincerity or intensity of our adherence to the

principles of justice, decency and fair play for all.

We have no apologies to make to anyone for what we profess or practice.

To be sure we have our problems and our shortcomings, but we are trying to do something about them.

We make no pretense at being perfect.

Neither do we presume to sit in judgment on the imperfections of others.

In Georgia all children are receiving equal educational opportunities in a modernized public school system for which Georgians are paying 53 cents out of every tax dollar.

In Georgia all qualified citizens—including more than 175,000 colored citizens—are freely exercising the right to vote.

In Georgia economic opportunities for all citizens are being dramatically improved as the result of an industrial revolution which is reshaping our entire economy.

We are proud of the progress which all of our citizens are making working together and we are looking forward to achieving a future of better lives and greater prosperity for all Georgians.

Members of both races are living and working together in harmony and understanding and I am confident that, barring outside interference, that attitude of mutual trust and respect will continue and be enhanced to the benefit of all.

Georgians ask nothing more of the remainder of the Nation than to be left alone to work out our own destiny among ourselves in accordance with the wishes of all the people of Georgia and following the normal course of human relations.

We do not feel that we should be held up to public scorn and ridicule and made the targets of vicious and punitive attacks simply because some people in some States may take issue with our ideas about human relations—ideas which are enthusiastically shared by at least 95 percent of all our citizens.

In that same speech before this Senate, Mr. President, I pointed out that no less a personage than Dr. John A. Hannah, Chairman of the Commission on Civil Rights, attested to the success of the State of Georgia in giving real and meaningful civil rights to all its citizens.

It was Dr. Hannah who stated—in testimony before the House Subcommittee on Departments of State and Justice, the Judiciary and Related Agencies Appropriations on April 30, 1959—that the voting situation in Georgia "is pretty good and getting better."

It was Dr. Hannah who said—in that same testimony—that the story of Negro housing in the city of Atlanta is one "that could well be told to the country."

It was Dr. Hannah who—also in that same testimony—expressed agreement with the statement that Georgia is "one of the most progressive and most liberal States in the Union."

I ask unanimous consent, Mr. President, that the full text of the colloquy on that occasion between Dr. Hannah and the Honorable PRINCE PRESTON, Representative from the First District of Georgia, be printed in the RECORD at this juncture in my remarks.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Mr. PRESTON. Dr. Hannah, what conclusions did you reach in Atlanta about housing?

Mr. HANNAH. Well, sir, we concluded that there was a story in Atlanta that could well be told to the country. Of course, there is some pretty poor Negro housing in Atlanta, as there is poor housing for Negroes and white folks in other sections of the country, but the Atlanta story is a very interesting story and the progress that has been made in providing an opportunity for Negroes to acquire middle-class, and high-class, housing—while it is true they are segregated in areas—they have some very fine communities. This has been a cooperative effort worked out voluntarily by the Negroes and the white people and the city leaders and the mayor and so on.

Frankly, I was surprised and pleased at what we found in the housing area in Atlanta, not because you happen to be a native of Georgia, but there is a better opportunity provided for middle-class and high-class housing for at least some of these Negroes in Atlanta than in many cities in my part of the country.

* * * * *

Mr. PRESTON. Have you found generally in the State of Georgia that the Negro population has no problem about registering and voting?

Mr. HANNAH. Well, from personal investigation, certainly in Atlanta and in many other areas that were brought into our discussions there, that is true.

I think there were some indications that perhaps there were some of the isolated rural areas where that might not be true, but I have no firsthand knowledge of that. It is my general impression the voting situation in Georgia is pretty good and getting much better.

Mr. PRESTON. In my own district there are one or two counties who have more Negro registered voters than white.

Mr. HANNAH. The Congressman recognizes that there are many counties in the South with large populations of Negroes where there is not even one registered.

Mr. PRESTON. You would not find that to be true in Georgia.

Mr. HANNAH. That is correct.

Mr. PRESTON. Georgia is one of the most progressive States in the Union and one of the most liberal States in the Union.

Mr. HANNAH. I believe that is right.

Mr. TALMADGE. I also ask unanimous consent, Mr. President, to have printed at this point the statistical tables supplied me by the Commission on Civil Rights which show that far more civil rights complaints have been received from the States of New York, California, Ohio, Pennsylvania, Illinois, and Missouri than from the State of Georgia.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

COMMISSION ON CIVIL RIGHTS,
Washington, D.C.

Grand total all complaints received 1957–59	979
Voting	315
Regular	664
Total voting complaints received since Apr. 30, 1959	5
Total regular complaints received since Apr. 30, 1959	52
Total all complaints received since Apr. 30, 1959	57
Grand total voting complaints received 1957–59	315
Sworn affidavits in 13 States	254

JUNE 30, 1959.

Voting complaints, by States, June 30, 1959

State	Total	Sworn	Unsworn
Alabama	119	104	15
Arkansas	6		6
Florida	15	12	3
Georgia	1		1
Illinois	2	1	1
Indiana	2	1	1
Kansas	1		1
Kentucky	2		2
Louisiana	95	88	7
Maryland	1	1	
Massachusetts	1		1
Mississippi	41	40	1
Missouri	2	1	1
Nebraska	1		1
New Jersey	1		1
New York	1	1	
North Carolina	3	2	1
Oklahoma	2	1	1
Pennsylvania	2		2
South Carolina	3		3
Tennessee	7	1	6
Texas	1		1
Virginia	3		3
West Virginia	1	1	
Wisconsin	2		2
Total	315	254	61

COMMISSION ON CIVIL RIGHTS,
Washington, D.C.

Total complaints, other than voting, by States, June 30, 1959 (not required to be sworn)

Alaska	1
Alabama	23
Arizona	1
Arkansas	4
California	45
Colorado	3
Connecticut	7
Delaware	3
Florida	28
Georgia	19
Idaho	0
Illinois	24
Indiana	11
Iowa	6
Kansas	4
Kentucky	11
Louisiana	13
Maine	1
Maryland	5
Massachusetts	7
Michigan	16
Minnesota	2
Mississippi	6
Missouri	22
Montana	3
Nebraska	2
Nevada	1
New Hampshire	2
New Jersey	13
New Mexico	2
New York	66
North Carolina	13
North Dakota	0
Ohio	32
Oklahoma	5
Oregon	3
Pennsylvania	25
Rhode Island	1
South Carolina	13
South Dakota	2
Tennessee	16
Texas	24
Utah	2
Vermont	0
Virginia	18
Washington	10
Washington, D.C.	15
West Virginia	4
Wisconsin	8
Wyoming	1
Foreign countries	4
Puerto Rico	3
Subtotal	550
Illegible, anonymous, abusive, etc	114
Total	664

Mr. TALMADGE. Mr. President, Georgians are proud of the fact that this official record, which I have cited, proves that the overwhelming majority of the citizens of our State are satisfied with our present concept of human relations and the manner in which it is being translated into practical benefit for all.

Georgians are proud of the fact that our State, which is pursuing without ostentation programs of uplift for all our citizens, has been found far less wanting in the provision and protection of real civil rights than many of the States outside the South which make a fetish of promising bigger and better synthetic rights while failing to produce fulfillment of the meaningful ones.

Georgians are proud of the fact that there have been no news stories about rapes, riots, and suicides in our public schools and no lengthy magazine articles about "powder keg" racial tensions in malodorous slum jungles.

In Georgia we do not have any conditions comparable in any respect to those described in an article featured in the August 3, 1959, issue of U.S. News & World Report under the heading: "Is New York Sitting on a Powder Keg?—Racial Unrest Forces Its Way to the Surface."

The article carries subheads which read as follows: "Tension Is Boiling to the Surface in New York—Tempers, Building Up, Can Lead to Real Trouble Between the Races"; "Negro Boycotts Have Developed—There Are Clashes Between Police and Demonstrators.—Harlem Is in 'an Angry Mood'"; "A Member of the Board of Editors of U.S. News & World Report, at the Scene Brings the Explosive Situation Into Focus."

Mr. President, because the conditions described in this article stand in such sharp contrast to those which prevail in my State of Georgia, I shall read it to the Senate at this time. I quote:

> Concern is growing here over a wave of racial unrest that threatens to engulf America's biggest and richest city.
>
> New Yorkers are being warned by Police Commissioner Stephen P. Kennedy that "a race riot could cause more destruction of community relations than an atom bomb."

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield to my distinguished friend, the Senator from Louisiana, for a question only.

Mr. LONG of Louisiana. Did I understand the Senator to say word is out that "Harlem is in an angry mood"?

Mr. TALMADGE. I am reading a report about that from the U.S. News & World Report, which, as the Senator knows, is a publication highly respected for its accuracy.

Mr. LONG of Louisiana. Would that not indicate that the situation is extremely serious in this Nation, if "Harlem is in an angry mood"?

Mr. TALMADGE. I sincerely agree with the Senator, and it certainly seems to me that Federal laws will not correct a situation about which New York City and New York State already have an abundance of laws. The Senators from New York have offered more civil rights bills in the U.S. Senate than all of the other Members of Congress combined. I believe my distinguished colleague, Senator RUSSELL, ascertained that the senior Senator from New York [Mr. JAVITS] alone has introduced 57 such bills. So, if laws would solve these situations, I do not believe Harlem would be in an "angry mood." Unfortunately, it is.

Mr. LONG of Louisiana. Would the Senator speculate on whether a white southerner would be any safer in Harlem at about 3 o'clock on any given morning than would a colored man be in any section of the South.

Mr. TALMADGE. I would say to the distinguished Senator from Louisiana that there are areas in Harlem where I would not want to be with a regiment of troops. On the contrary, in any area of Georgia, anyone from Harlem could come and experience no difficulties whatsoever. He would be treated with the respect, courtesy, and dignity which he deserves.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. TALMADGE. I am happy to yield to my friend from Louisiana for a question.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that there has been only one lynching in the entire United States in about 3 years?

Mr. TALMADGE. Except the lynchings north of the Potomac River, which are referred to as "gang murders."

Mr. LONG of Louisiana. Or "muggings."

Mr. TALMADGE. Yes, or other terms like that. I am familiar with the fact that there has been only one lynching in the South in many years, but I read in the papers about such lamentable things happening in other areas of our country, quite frequently.

Mr. LONG of Louisiana. Mr. President, will the Senator from Georgia yield further to me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. TALMADGE. I yield.

Mr. LONG of Louisiana. Do not the facts and figures in that connection indicate that if the people had not been so outraged that they decided to take the matter into their own hands, the person who was lynched on that occasion would subsequently have been electrocuted as a rapist?

Mr. TALMADGE. Without presuming to substitute my judgment for that of a jury, I would say the facts as I understand them would indicate that such would have been the case.

Mr. LONG of Louisiana. Will the Senator from Georgia state whether he thinks it would be worse for a rapist to lose his life without due process, or for an innocent person who had never committed any crime to be knifed to death on the streets of Harlem?

Mr. TALMADGE. I would say that such action against a person who had committed such a crime could easily be construed to be the lesser of the two deplorable evils. Of course, I know the Senator from Louisiana feels as I do. I do not condone any crime, whether it occurs in Georgia, Mississippi, New York, or any State.

Mr. LONG of Louisiana. Does the Senator from Georgia agree that lynching no longer has any respectability in the South?

Mr. TALMADGE. It certainly does not; but, on the contrary, it seems to have much greater respectability in some other areas of the country. I am sure the Senator from Louisiana has read of many crimes committed when lawless groups kill one or more persons in areas outside the South. Such murders are not called lynchings, but, if they had occurred in our region, the newspapers in the North would have made great outcry in calling them such.

Mr. LONG of Louisiana. Has the Senator from Georgia heard of the activities of former Mafia groups, the group called Murder, Inc., and other groups who on occasion have held meetings at which they determined to take a person's life, and then sent someone to kill him?

Mr. TALMADGE. I have, indeed; and most regrettably, it seems to be quite a practice in some parts of the country.

Mr. LONG of Louisiana. Would the Senator from Georgia say that practice would be as bad as lynchings?

Mr. TALMADGE. If there can be any degree of worseness, in my judgment, it is worse. I say that because it proves that in that area law and order have broken down to such a degree that gangsters can on their own volition forfeit the lives of innocent persons. No such situation exists in the South.

Mr. LONG of Louisiana. Will the Senator from Georgia state on what basis the crime of lynching might ever have had a degree of respectability in the South?

Mr. TALMADGE. Of course, during Reconstruction days—as the Senator from Louisiana well knows—the freed former slaves, some of whom had little or no education and some of whom had been removed from the jungles of Africa for only a very short time, were encouraged to engage in lawlessness by the confusion which then, as a result of the activities of the Federal Government there, existed in that area. So, at times groups in the South, engaged in lynchings, in order to preserve the peace and to protect their homes and loved ones.

I may say that lynching, as the term was then known, was not confined to the South. As the Senator from Louisiana knows, when the West was our frontier, the Vigilantes in that area frequently took the law into their own hands. Cattle rustling and horse stealing were the worst offenses in that part of the country at that time. When someone undertook to rustle cattle or steal a horse, the citizens in the area often would string the offender up on the nearest tree.

Mr. LONG of Louisiana. Does the Senator from Georgia recall that during Reconstruction days the southern whites were disfranchised, because many of them had been either Confederate soldiers or Confederate sympathizers; and,

therefore, under the Reconstruction Act, they were denied the right to participate in government?

Mr. TALMADGE. Indeed so. As the Senator from Louisiana is aware, during the first Reconstruction era, all of the freed slaves were immediately given the ballot, regardless of whether they could read or write. On the other hand, all southern citizens who had served in the army of the Confederacy were denied the right to vote. As a result, the freed slaves in that area controlled the ballot, and thereby controlled the government.

Mr. LONG of Louisiana. Is it not true that the racketeers, hoodlums, scalawags, and carpetbaggers who then came into the South and proceeded to rob, steal, or carry away practically everything that Sherman and his army and the other northern armies had not burned down or destroyed, were practically in charge of the government in the South at that time? They were using the poor Negroes as their dupes; they were using the Negroes for their own ends.

Mr. TALMADGE. That is entirely correct; they were renegades and scavengers; and, as the Senator from Louisiana well knows, they were particularly active in our area for 10 years after that war.

Mr. LONG of Louisiana. Is it not true that in that era there was no suffrage for women, and every white man who had participated in the Confederate forces was disfranchised?

Mr. TALMADGE. That is correct.

Mr. LONG of Louisiana. Thus, the only way the decent element in the South could protect themselves from the scoundrels, the thieves, the hoodlums, and the racketeers who then were attempting to operate in that part of the country, after the war had ended, was to operate outside the law, was it not?

Mr. TALMADGE. That is correct; and they organized the Ku Klux Klan, under Gen. Nathan Bedford Forrest. The Senator mentioned that earlier in the day. Forrest's men became vigilantes who preserved law and order.

Mr. LONG of Louisiana. Will the Senator from Georgia state how long the carpetbaggers and scalawags remained in the South?

Mr. TALMADGE. About 11 years—until the Hayes-Tilden contest, as I recall. My own State happened to get out from under the yoke of the first Reconstruction somewhat earlier. I believe Louisiana was under the full yoke until 1876.

Mr. LONG of Louisiana. Is it not true that in most areas, the moment the Federal troops departed, that was about the last the people of the South saw of those carpetbaggers?

Mr. TALMADGE. Yes; the carpetbaggers left with the Federal troops.

The Reconstruction Governor of Georgia was Rufus Bullock, a carpetbagger. The actions of the Georgia General Assembly at that time became so venal that finally a group of citizens in Atlanta, headed by Henry W. Grady, a former great editor of the Atlanta Constitution, walked onto the floor of the House of Representatives. Mr. Grady seized the gavel from the then Speaker of the House and said, "In the name of the citizens of Georgia, I adjourn this legislature."

The then Governor fled to the place up North from whence he came; and that was the end of the carpetbaggers in my State.

Mr. LONG of Louisiana. I thank the Senator from Georgia.

Mr. TALMADGE. I thank the Senator from Louisiana for his penetrating and helpful observations about the carpetbaggers and the outrages they perpetrated during the Reconstruction era. I join him in expressing the hope that we shall not be subjected to a second era of that sort.

Mr. LONG of Louisiana. Mr. President, will the Senator from Georgia yield further to me?

Mr. TALMADGE. Certainly.

Mr. LONG of Louisiana. Is it not likely that if the South is forced into a second reconstruction era, even before it gets under way, the southern whites will be organized to meet it?

Mr. TALMADGE. That, undoubtedly, will be the case, but I earnestly hope that we can appeal to the conscience of the Congress of the United States and to the people of this great Nation of ours to spare us that fate. I am firmly convinced that if the 180 million American people knew what was in the 7 sections of the bill we are debating here this morning, they probably would march on Washington with sticks and adjourn the Congress of the United States of America, just as Henry W. Grady adjourned the Reconstruction legislature in Georgia.

I thank my able friend from Louisiana.

Now, Mr. President, I return to the "Problems of Harlem, the Unofficial Negro Capital of America," as reported by the U.S. News & World Report:

> Harlem, the unofficial "Negro capital of America" is being described by one city official as in an angry mood. Each night, crowds of Negroes gather on street corners to listen to soapbox orators who preach black supremacy and the downfall of the white man.

That is the type of leadership, Mr. President, that is insisting on these so-called civil rights bills.

> These and similar developments are coming into focus as a result of a single incident that took place on the sultry afternoon of July 13.
>
> That trouble developed when two white policemen arrested a Puerto Rican woman accused of creating disorder in a Harlem restaurant. While she was being taken to the police station, the police car crashed into a safety island.
>
> Within a matter of minutes, a crowd of angry Negroes, estimated at more than 200, gathered menacingly around the police. In the ensuing melee the two policemen were hit by a bullet accidentally fired from one of their own revolvers.
>
> In the hours that followed, 88 additional policemen were sent to Harlem, and police were reinforced in other Negro areas of the city.
>
> This incident, however, is only one of many in recent weeks in what New York's leading Negro newspaper hails as the outbreak of the "revolt of the Negro"—a revolt that some say will far surpass in scope and tension the bus strike of 1956 in Montgomery, Ala.
>
> Here are some of the events taking place:
>
> Ralph J. Bunche, a prominent Negro diplomat and educator, recently inquired about a membership for his son in the West Side Tennis Club, at Forest Hills, site of the U.S. championships and Davis Cup matches. Mr. Bunche stated that he was informed by the club's president, Wilfred Burglund, that Negroes and Jews were not admitted to membership.
>
> In the wake of strong criticism from city officials and newspapers, Mr. Burglund resigned his post. The club has explained that its membership rolls are open to members of racial and religious minorities.
>
> In Harlem, 40 tenement dwellers are staging a rent strike against white landlords who, they say, have refused to make sanitary repairs to rat-infested buildings.
>
> Negroes are boycotting white-owned liquor stores in Harlem which refuse to buy wholesale supplies from Negro salesmen. Under pressure of Negro picketing, seven store owners have signed agreements stating: "I will refuse to continue doing business with any wholesaler who will not send as a representative a Negro salesman."
>
> Thirteen other liquor stores have capitulated without waiting for pickets to show up. Now the New York chapter of the National Association for the Advancement of Colored People is promising to extend this drive to liquor stores in Negro areas across the city—and, eventually, to retail stores of every type that are located in Negro areas.

Mr. President, I am reading from an article which appeared in a recent issue of U.S. News & World Report with reference to racial unrest and disorders in America's great citadel of civil rights, New York City. I would like to point out to the Senate that one of the photographs accompanying the article showed a military formation of police reinforcements sent into troubled areas of the city which was composed of more officers than most of the cities in my State of Georgia have on their entire police payrolls.

I continue reading from that article as follows:

> Another boycott is being threatened against the Fifth Avenue Bus Line——

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. TALMADGE. I am delighted to yield to my friend, the junior Senator from Louisiana.

Mr. LONG of Louisiana. Would it not seem that a Senator from New York, faced with this terrific crime wave, where whole platoons and companies of policemen have to be marched into certain areas of his city to try to restore law and order, instead of trying to pass a law to take care of a crime that does not exist in the South, would be up here appealing for aid, appealing for Federal troops to try to maintain order in his home town?

Mr. TALMADGE. It certainly would seem so to the junior Senator from Georgia. It is always much easier for someone to solve problems existing in other areas with which he is unfamiliar than it is to solve the problems of his own home town.

Mr. LONG of Louisiana. Is the Senator familiar with that Biblical admonition of Jesus from the "Sermon on the Mount," "Thou hypocrite, first cast out the beam out of thine own eye; and then

shalt thou see clearly to cast out the mote out of thy brother's eye"?

Mr. TALMADGE. Yes, that was the admonition of Our Lord, and I thank the Senator for repeating it here today.

Mr. LONG of Louisiana. Would not the inference of that statement be, as handed down by the Savior himself, that one should first try to put out the crime wave in his home town before he tries to find a mere speck of crime in some other section of the Nation?

Mr. TALMADGE. I would certainly think that any Senator would be more interested in correcting evils which exist in his own State rather than trying to correct those purported to exist in some other State about which he knows nothing.

Mr. LONG of Louisiana. Would the Senator speculate on whether it might be better politics to introduce bills in Congress to try to get at a single crime that exists once in 3 years in the entire South, rather than the thousands upon thousands that are occurring in one's own home town?

Mr. TALMADGE. Of course, the groups about which I have just been reading from the U.S. News & World Report are militant organizations dedicated to constant agitation. The only thing they think of is how they can influence Senators and Congressmen with the pivotal voting blocs they have to offer.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that New York and Chicago are described as two of the most residentially segregated cities in the entire United States?

Mr. TALMADGE. Many Negroes who have stayed in those cities for a short period of time and returned to Georgia have told me there was far more segregation practiced there than in our own State of Georgia.

Mr. LONG of Louisiana. Is it not true that without the sanction of law, but by social practice and by commercial practice, the Negroes in those huge cities are crowded together in a certain small area and that the effect of it is to have segregated schools?

Mr. TALMADGE. Oh, the Senator is entirely correct. I suppose there are more Negroes segregated in New York City than there are anywhere else on the face of the earth, yet New York boasts of having more nonsegregation laws. That merely serves to illustrate the point the junior Senator from Georgia was trying to make earlier in his address when he stated that laws will never correct such situations. There is no coercive force by which people can be made to associate with each other where mutual good will, confidence, and respect are lacking.

Mr. GORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Tennessee, for a question only.

Mr. GORE. Can citizens even then be forced to associate, except in the pursuit of public endeavor, purposes, or functions?

Mr. TALMADGE. No, people cannot be made to associate except by common consent. It seems strange to me how some politicians think they can pass laws and use troops to force people to associate with others. The history of mankind teaches that it cannot be done.

Mr. GORE. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from Tennessee for a question.

Mr. GORE. Is not the crux of what can be done in the vexatious field by law the protection of equal legal rights and political rights, on the one hand, and the prohibition against the practice of discrimination in public functions, by public institutions, and in public places, on the other hand?

Mr. TALMADGE. I would agree with the Senator that the enforcement of all legal rights is all that any citizen can expect as an American. He cannot expect preferential treatment over any other citizen, nor can he expect some legislative fiat or court edict to make him socially acceptable to some other citizen.

I continue reading from the article:

Another boycott is being threatened against the Fifth Avenue bus line after complaints from Negro passengers that they were getting "discourteous" and "discriminatory" treatment from white bus drivers.

The "Negro revolt" also is moving into New York City's public schools.

Last year, nine Negro parents refused to send their children to predominantly Negro schools on the ground that such schools were "inferior" in quality of teaching and curriculum. A court ruling last December upheld the parents' contentions that the schools were "inferior" and that the parents were within their legal rights in keeping their children out.

In that connection, Mr. President, let me read a news item distributed by the Associated Press on January 19, 1959, under a New York dateline. It states:

NEW YORK, January 19.—A school for Negroes he visited in Georgia was better than the white school there, Representative ADAM CLAYTON POWELL, Democrat, of New York, said.

In commenting on segregation, the Negro Congressman told his congregation Sunday at the Abyssinian Baptist Church in Harlem, "Here in New York we have separate and unequal schools." POWELL is pastor of the church.

The South generally maintains separate and equal schools for Negroes and whites, POWELL said.

He said the city of New York spends less per capita on schools that are largely populated with Negroes. "Since 1956 Mayor Robert F. Wagner has ignored his charges of segregation and discrimination in the city's public schools," POWELL added.

Mr. President, I have yet to hear any of the advocates of the pending legislation attempt to refute Congressman POWELL's observation that schools for children of both races in my State of Georgia are absolutely equal, in fact as well as in name.

Resuming with the article from U.S. News & World Report, it continues:

Now a drive is under way in Harlem to stage a mass sitdown of Negro parents next September unless Negro youngsters are permitted to enroll in predominantly white elementary and junior high schools of their choice. As a result, New York City is facing the possibility that some Negro children will be sitting out next year's school term.

Politically, a campaign is under way, led by Representative ADAM CLAYTON POWELL, Democrat, of New York, to force the Democratic machine—Tammany Hall—to give one in every three patronage jobs in New York City to a Negro or Puerto Rican.

These separate developments, Negro leaders say, are not part of an organized push. But they are seen as proof of a growing population and of growing power of Negroes in this city.

An unofficial census in 1957 showed that 948,000 Negroes were living within the city. Today their number is estimated at more than 1 million, more than in any other city in the world. Negroes now account for about 15 percent of the city's population, as against only 5 percent in 1940.

A Negro, Hulan E. Jack, is president of the Borough of Manhattan. This job is generally rated second in importance only to that of mayor of New York City.

Mr. President, since the article from which I am reading was written, Hulan Jack has had to resign because of an indictment returned against him by a grand jury in New York City. I know nothing of his guilt or his innocence.

I continue reading from the article:

Top-ranking jobs in many city departments are held by Negroes. There are a dozen or so Negro judges in city and State courts here. Altogether, Negroes hold an estimated one-third of the jobs in public transit and about 20 percent of the jobs in the city welfare department.

Until recently, this growth in power went relatively unnoticed in a city that takes pride in its reputation for racial tolerance.

New York City's officials openly promote the concept of an open city—a place where opportunity is provided equally for all races. Integration is the official policy, backed by a dozen State and city laws that forbid racial discrimination in jobs, public facilities, and housing. These laws are sternly enforced.

Last year, the city put into effect a revolutionary law—one that prohibits discrimination against apartment and homeseekers on grounds of race or religion. In the first 14 months of operation, 325 complaints of violation of this law have been made, and the claim is made that the law is helping many Negroes find apartments and homes once barred to them.

Yet many Negro leaders are saying now that these steps are only the beginning of measures to bring full equality to Negroes, and some say that New York City is entering on a phase of racial tension that is the most difficult yet encountered in this city.

Negroes are flowing out into every borough of the city—East Side, West Side, all around the town. More than 300,000 live in Brooklyn, about 125,000 live in Queens, and almost as many in the Bronx.

It is in Manhattan, however, and especially in Harlem, that most of the Negroes are to be found and that most of the trouble is developing. One reason for this, according to city officials, is that middle and upper-income Negroes more and more are moving out of Harlem tenements into better parts of the city. What they have left behind is an exceptionally high proportion of low-income Negroes—many of them chronic troublemakers and criminals.

Along with that, Harlem tenements are described as among the worst in the city. Wide publicity is given day by day to the overcrowding of 122,000 people within an area only two-thirds of a square mile—an area where people often live 8 and 10 to a room and where police get daily reports of children bitten, sometimes seriously, by rats.

It is against this background that trouble is developing between Negroes and the police force in Harlem.

Charges are heard that Negroes taken into custody are beaten up at police stations, that Negro women are slapped and kicked,

that white policemen break into the homes of law-abiding Negroes without search warrants.

Officials at police headquarters acknowledge that some such instances have taken place and do take place. They also say that offending policemen are punished by demotion, fines, or both, upon proof of such offenses. But most such charges, they say, show up as groundless upon investigation.

Last year, 126 complaints of "police brutality" were filed in New York City—by whites as well as Negroes. A special hearing panel in the police department, after hearing these complaints, preferred charges against the policemen involved in nine cases. Seven of the nine were found guilty of "brutality."

And the article goes on to state:

The July 13 outbreak of trouble between Harlem Negroes and police was not the first of this kind—nor, informed Negro leaders say, is it likely to be the last. One Negro says: "There is no doubt about it. People here don't like the police, they are suspicious of the police."

On at least two other occasions in the last 4 years threatening crowds of Negroes have gathered to protest "police brutality." On a smaller scale, policemen who arrest a drunk or disorderly person in Harlem often find themselves the target of jeers from gatherings of anywhere from a handful to several dozen bystanders.

Police officials at this time are engaged in an intensive community relations campaign in Harlem. Efforts are being made to secure the support of law-abiding Negroes in reducing Harlem's crime rate. Meetings are held periodically with Harlem leaders. Recently Police Commissioner Kennedy warned:

"It (Harlem) is an extremely difficult area to police and the policemen themselves must have the support of the community. If they have to work in a community that is noncooperative, where prisoners are taken from them, it makes the policing problem that much more difficult."

Individual policemen are discouraged from making any comments that might stir up racial controversy. Privately, however, many of them express bitterness at what they describe as a lack of cooperation by Negroes, often in situations where their own lives are in jeopardy.

What adds to this difficulty is a growth of a "black nationalist" movement that stirs up hatred of the white man.

This movement is spearheaded by a so-called "Muslim" sect, which claims a quarter of a million members among U.S. Negroes. Its leader calls himself "Elijah Muhammad." He maintains headquarters in Chicago, but here in Harlem his chief lieutenant is a Negro who is known as "Malcolm Little" but who also calls himself "Malcolm X."

On his periodic visits to Harlem, "Muhammad" draws crowds of 2,000 to 3,000 Negroes, eager to hear the message of the spiritual leader of America's Moslems.

These listeners are being told that the white man is the "greatest drunkard, greatest seducer, greatest murderer, greatest adulterer, greatest deceiver on earth." Negroes are promised that they will soon gain control of New York City—and that "white rule" in the United States will be overthrown by 1970. The sect's official magazine is headlined, "The Earth Belongs to the Black Nation—the First and the Last."

Nobody knows just how many New York Negroes belong to this sect. Conservative estimates run to somewhere between 7,000 and 10,000. The "Moslems" maintain a restaurant, along with a "temple," where every person entering is searched.

Beyond these numbers, however, tens of thousands of Negroes are getting the racist message of Muhammad. Each night, crowds of Negroes gather at street corners in Harlem to listen to zealous young "Moslems" preaching from soap boxes. During the incident of July 13, one such orator picked up his box and, along with several dozen of his listeners, moved down the street to incite further Negroes who were demonstrating against the two white policemen.

Officially, this sect claims to deplore violence. But one Negro newsman reports that whites found on the outskirts of such gatherings are told by Negroes to "move along if you don't want trouble—you're in our territory now." This newsman reports that, at such times, it is very definitely dangerous for whites to be in the area.

Mr. LONG of Louisiana. Will the Senator yield at that point?

Mr. TALMADGE. I am delighted to yield.

Mr. LONG of Louisiana. Would that statement not suggest that the colored occupants of Harlem are desirous of maintaining segregation in Harlem?

Mr. TALMADGE. The facts certainly would indicate that to be true. And it is just such a radical element as this within the Negro population that demands these so-called civil rights bills which seek for them preferential treatment accorded no other citizen in the United States.

Mr. LONG of Louisiana. Does the Senator's statement from this authoritative source not show that the colored man himself basically likes to be among his own kind of folks and to tell the other people to stay out of there?

Mr. TALMADGE. Well, according to this article I am reading, that at least is what Elijah Muhammad's followers believe.

Mr. LONG of Louisiana. Might it be that that spokesman might feel that it is not permissible for the whites to have the same privilege, but that the colored ought to maintain their own element in a segregated fashion, while speaking out that the whites have no right to do the same thing?

Mr. TALMADGE. That is correct. I will quote again for the Senator's information exactly what that article stated:

But one Negro newsman reports that whites found on the outskirts of such gatherings were told by Negroes "Move along if you don't want trouble—you're in our territory now."

The U.S. News & World Report, which is a respected publication, was quoting a Negro newsman as its authority for that statement.

I thank my friend from Louisiana for his questions and observations.

The newspaperman reported that at such times it is very definitely dangerous for whites to be in the colored area.

I will say to the Senator from Louisiana, and other Senators, that it is never dangerous for any man of any race to be in any area in my State of Georgia. I am very proud of that fact, and I sincerely hope it will always be true.

I quote further from the article in U.S. News & World Report:

Many responsible Negroes in Harlem and other parts of New York City discount the influence of this sect, which, they say, enlists support mainly from "unimportant" Negroes here. But Negro newspapers give prominent coverage to the statements of "Muslim" leaders, and many leading Negro business and professional men are known to make substantial contributions to the sect.

Mr. President, those are the findings of a number of the board of editors of one of our Nation's most respected periodicals, U.S. News & World Report, which is edited by the admired and distinguished journalist, David Lawrence.

Mr. President, only in those areas of the country where there is the most political, social, and moral unrest do we find the great agitation for so-called civil rights laws to be forced upon the South. There is no great demand from the citizens of the South, either white or colored, for the enactment of such force bills. The people of the Southern States, in every area of the South, realize that the Constitution of the United States guarantees the civil rights of all citizens, and our laws respecting them are enforced without discrimination among all citizens, white and colored.

However, in areas outside the South there exist radical, militant, highly organized, and well-financed organizations like the National Association for the Advancement of Colored People, and the Americans for Democratic Action which make a business of agitating issues of this kind. In fact, those organizations have many well-paid leaders who spend their full time agitating these issues. They pass the collection plate often and they accumulate and spend large sums of money. Then these patriots for revenue seek to justify their existence by descending upon Congress to demand the enactment of unconstitutional force bills. They call on Senators and Representatives in their offices and urge them to introduce such bills. They tell them how many hundreds of thousands of members they have voting in their respective States and congressional districts and explain that that group's vote will be delivered or withheld on the basis of the performance of Members of Congress on this issue. That is the problem which confronts the Senate today.

The issue before America now is whether our Nation will continue to be one great, common country, where all of us have the same rights, or whether one group will have preferential rights—whether one highly-organized, radical group will be able to coerce and intimidate Congress, the executive branch, and the judiciary, into giving one group of citizens rights which other citizens do not enjoy.

This issue first came before our country immediately following the War Between the States. Civil rights bills in abundance were passed at that time under the guidance of Thaddeus Stevens and the other radicals of that era. They were passed when Andrew Johnson, one of the most courageous men in the history of the United States, was President. Andrew Johnson vetoed such a bill and said in his veto message that the bill granted rights to one group of citizens which were denied to another group of citizens. Congress overrode the President's veto, and the bill was enacted. Then it went before the Supreme Court of the United States, back

in the days when judges were appointed for what they knew rather than for what they would do, and the Court struck it down.

Since that time, Americans of all races have lived together in harmony and have made great progress. In my own State of Georgia, that progress has been tremendous.

Back in the days of the depression, the per capita income in Georgia and in the southern region was as low as about $300 annually. Negroes then constituted more than one-third of the population of Georgia. But the people of my State, white and colored alike, working together in mutual respect and cooperation have achieved much. Fortunately, no situations have developed in Georgia such as that I have just read from U.S. News & World Report as existing in the city of New York. The citizens of Georgia are getting along well together. They live together in harmony and in respect. Whenever one group benefits, so does the other.

Mr. President, if we are not to set race relations back a century, let us continue to live together in respect, in harmony, and in cooperation. Let us not send down, as locusts were sent down upon Egypt of old, a swarm of Federal bureaucrats and gestapo agents to meddle in the lives of the people of our States. If we impose a new Reconstruction Era upon the South, it will take another hundred years to get over it—just as it has taken almost a hundred years to recover from the first.

This is an issue which addresses itself to all the American people. All Americans have a stake in it. The issue is whether we will have big government to regulate the lives of the people, or whether the people will regulate the government and run their own lives.

One of the greatest Georgians ever to serve in Congress was Benjamin Harvey Hill. He was probably the most eloquent man ever to sit in the U.S. Senate. He made a speech on the floor of the Senate on March 27, 1878, in which he said:

> But, sir, I have said I do not dread these corporations as instruments of power to destroy this country, because there are a thousand agencies which can regulate, restrain and control them; but there is a corporation we may all well dread. That corporation is the Federal Government. From the aggression of this corporation, there can be no safety if it be allowed to go beyond the well-defined limits of its power.
>
> I dread nothing so much as the exercise of ungranted and doubtful powers by this Government. It is, in my opinion, the danger of dangers to the future of this country. Let us be sure to keep it always within its limits. If this great, ambitious, ever-growing corporation becomes oppressive, who shall check it? If it become wayward, who shall control it? If it become unjust, who shall trust it? As sentinels on the country's watchtower, Senators, I beseech you—watch and guard with sleepless dread that corporation which can make all property and rights, all States and people, and all liberty and hope its playthings in an hour, and its victims forever.

Mr. President, we have only to study history to be impressed with that fact. A citizen of Echols County, Ga., for example, does not know how to deal with his government in Washington, D.C. He can best deal with his government when it emanates from the courthouse at Statenville, the county seat of Echols County, Ga.

If it should become necessary to remove the government from the county seat of Echols County, that government ought not to be removed any further than Atlanta, because if the government is in Atlanta, it is still within the reach of the citizen in Echols County and he knows how to deal with it.

But when the government is removed from Echols County or the State of Georgia to the banks of the Potomac River, at Washington, with its maze of buildings and its mass of employees, the citizen in Echols County is then no longer the master of his government, because he has become its slave.

Mr. President, before I yield the floor, I desire to suggest the absence of a quorum.

Mr. LONG of Louisiana. Mr. President, will the Senator withhold his suggestion of the absence of a quorum?

Mr. TALMADGE. Mr. President, I withhold my request until I can respond to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, may I ask the Senator whether he has heard of the suggestion that one possible way to relieve the race problem would be to pass Federal legislation as a substitute for that which is before the Senate, suggesting that anyone who does not like the segregation situation or the integration situation where he lives move to where he would like conditions better, so that those Negroes who may not be satisfied with situations in the South could move to Harlem, Chicago, Detroit, Los Angeles, or some other area more to their liking, and the white folks who may not like conditions where they are up North could move to the South and settle among people of their own kind?

Mr. TALMADGE. Certainly it requires no visa to go into any of the different States in the Union. If anyone wants to leave any area of America, he is at perfect liberty to do so. If anyone wants to move to any area of America, he has complete freedom to do so. I share the thought of the distinguished Senator from Louisiana that, if some other place of residence would make any citizen happier, no barriers should be placed in the path of relocation.

Mr. LONG of Louisiana. Is the Senator familiar with the suggestion made by the distinguished senior Senator from Georgia that it would be well, perhaps, to pass legislation for the Federal Government, with all taxpayers contributing, to help solve this problem by contributing to the expense of transportation and of resettlement, to help those who would like to settle in some other section to go there?

Mr. TALMADGE. I am.

Mr. LONG of Louisiana. Can the Senator see that offers some possibility for those up in New York, who think that they have the answer to the problem, to move the problem up to them and let them take charge of it?

Mr. TALMADGE. I would think, from the article I just read from the U.S. News & World Report, that New York State already has more problems than it can say grace over. However, if that State wants to compound its problems, then the Senator from Georgia most assuredly has no objections.

Mr. LONG of Louisiana. Would it not offer great possibilities for the great city of Philadelphia, which, although it has found no solution, seems to have an idea how someone else should solve the problem, and the great city of Chicago, which seems to have no better solution than anyone else—in fact, seems to be the most segregated city on earth, even though it advocates integration—to take the problem unto themselves, so that they could better prove their ability to handle it?

Mr. TALMADGE. I would share the views of the distinguished Senator from Louisiana. And I now ask unanimous consent, Mr. President, to make two insertions in the RECORD from the U.S. News & World Report, dealing with the problems in the area of Philadelphia and also the city of Chicago.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Dec. 19, 1958]

THE BIG STORY IN THE BIG CITIES

PHILADELPHIA.—There is a big, untold story in the big cities of this country. The story keeps growing rapidly—unnoted in the news of the day.

The story itself concerns the continuing migration of large numbers of Negroes from farms and small towns of the South to cities of the North. It deals with the rising rate of violent crimes, with mounting problems in schools, with gang wars, with relief costs that skyrocket at a time of prosperity.

Here, as in other cities, people are hearing more and more about muggings, about sex crimes, about a growing disregard of human life.

"LOVE" VERSUS VIOLENCE

Philadelphia takes pride in its reputation as the "City of Brotherly Love." Yet, in Philadelphia today, brotherly love is giving way to fear as citizens try to cope with a mounting wave of violent crime and of juvenile delinquency.

Philadelphians, in fact, are up in arms over a problem that has not been solved by efforts to ignore it—or to cure it with advanced concepts of social responsibility.

Policemen patrol the corridors of some schools here, just as police are doing in New York and several other cities. School officials have been shocked by sex scandals among teenagers, and by the growing numbers of unwed mothers and probationers in their classrooms.

There is talk of terror in the streets, echoing a nationwide concern over the growing number of violent crimes in the United States.

Over a 19-day period in October of this year, 117 robberies took place in Philadelphia. Of these, 53 were "headings," in which assailants use lead pipe, chunks of wood, bare fists or other means to beat victims—often into insensibility—while their pockets are searched.

Two of these victims died. Of the 53 headings, 45 were committed by Negroes.

Said Tom Gibbons, police commissioner: "It is not just the numbers of crimes and delinquencies that bother us. It's the growing evidence in many instances of a wanton disregard for human life that seems to go with many of these robberies—almost as if there were a deliberate desire to kill or maim."

Philadelphians are quick to point out that their worries do not differ materially from those to be found in other big cities of the North, where authorities note a trend toward violence that seems to involve white youngsters as well as Negroes.

New York City is plagued with a crime problem in its schools. In that city, gang wars between youths—white, Negro, and Puerto Rican—have resulted in several murders. Public parks cannot be traversed safely at night.

Chicago periodically has outbreaks of violence between the races. In Washington, the Nation's Capital, night patrols of police are being increased to try to deal with street assaults by youthful robbers.

In those cities, crimes of violence are reported by police to be heavy among young Negroes. But Philadelphia thought it had the answer to the problems that come with the large-scale migration of Negroes to Northern cities.

"LIBERAL" PROBLEMS

A "liberal" city administration in Philadelphia actively sought to promote racial mixing. Low-cost housing was built in middle class residential neighborhoods. Integration of races in schools was encouraged. Newspapers follow a policy of playing down the racial problem in school troubles and crime on the streets.

Yet events have led to a situation that is disturbing the whole community.

In the first three quarters of this year, 2,499 persons were arrested here for so-called "serious" crimes. Of these, 1,591 were Negroes. Figures from the statistical unit of the police department show that Negroes accounted for 32 out of 38 murder arrests, and 340 out of 437 arrests for aggravated assault. Eighty percent of the inmates of two prisons here are Negro.

A LOCAL VIEWPOINT

Not long ago, in one of the rare newspaper reports dealing with this problem, John Calpin, a columnist of the Philadelphia Evening Bulletin, wrote:

"Many citizens talk of buying and carrying guns as they walk fearfully on the streets at night.

"Philadelphia, the traditional City of Brotherly Love, opened its heart, its arms, and its purse to the less fortunate from the earliest days. Now the repayment is in crime, in terrorism of schools and institutions, and a lessening of standards generally. Many of the less fortunate are unemployable and incapable of being educated.

"Negro youths, boys and girls, almost monopolize many of the recreation centers, not only in their own neighborhoods but in white areas, too. There have been running battles around high schools, in particular, covered up by police, the schools, and other authorities. They have frightened schoolteachers, and some refuse to work at schools in Negro areas."

Philadelphia's troubles, in line with the pattern found in other cities, tend to concentrate in areas of high density of poor people.

PHILADELPHIA'S "JUNGLE"

Much crime here stems from what has become known as "the Jungle," the home of about one-third of the city's Negroes. The total Negro population in the city runs as high as 600,000 or more, according to some estimates. As late as 1940, Negroes made up barely 13 percent of the population of Philadelphia. Today they constitute about 30 percent.

"The Jungle" covers about 7 square miles, some to the south of the city center, but most north of that district. Except for several pockets of middle-class white and Negroes, it is a teeming nest of bars, shabby rooming houses, and pawnshops. Eleven bars dot one stretch of two blocks.

At night, in "the Jungle," police walk warily in pairs through the side streets. On payday nights—Thursday, Friday, and Saturday—cuttings, stabbings, holdups, and rapes reach their peak, though the area is saturated with police cars and foot patrolmen.

HOW TROUBLE SPREADS

Crime and delinquency flow out of the Jungle across the city, for all to see.

Each year, thousands of Negroes flee the tenement area to find homes in white neighborhoods. West Philadelphia, once a solidly white neighborhood of homes and churches, now is becoming largely Negro. Germantown, noted for the mansions of wealthy families, has a growing population of Negroes.

Much of that exodus is composed of law-abiding Negroes—middle class people in the professions and trades. Even so, neighborhoods are changing rapidly as whites flee to the suburbs. In that changeover, neighborhoods open up also to low-income Negroes, many of them with criminal or relief records.

In West Philadelphia, a new edition of the Jungle is developing as a center of disorder and crime. The University of Pennsylvania and Temple University are being engulfed by the spread of Negro slums, just as Columbia University in New York and the University of Chicago were engulfed.

It is against this background that Philadelphia is getting another major problem to be found in almost any metropolis of the North.

This is the problem of public assistance—relief in the old days—which finds costs of aid to the Nation's poor mounting steadily, even in a period of prosperity, especially when it comes to aid to dependent children.

Here, as elsewhere, much of that aid is going to Negro mothers. In 1952, the last year in which relief records were kept by race in Philadelphia, Negroes accounted for 82 percent of all persons receiving aid to dependent children. Today, officials estimate the proportion at 90 percent or more.

ILLEGITIMACY RATES

Most of these cases are described as children of unwed mothers. Public-health records in 1957 showed 3,477 illegitimate births among nonwhites, as against 642 among whites. And welfare officials concede that many Negro mothers are getting cash relief for illegitimate broods of anywhere from 2 to 11 children.

A white minister with long experience of missionary work in Negro slums says this:

"Far too many of these mothers are spending their relief money on liquor or some man, not on their children. We've come across cases where the children were running around the streets looking for an automobile in which to sleep, or breaking open parking meters to get some money—and nobody knew where the mother was. How can you expect anything decent to come out of that situation?"

CHILDREN'S CHILDREN

One answer to that question turns up in this city's department of public health records.

In 1956, records show, 102 Negro girls aged 14 or under bore illegitimate children. And 1957 records reveal that Negroes accounted for 5,675 newly reported cases of venereal disease at public-health clinics—more than 90 percent of the city's total.

Other answers turn up daily in Philadelphia's crowded courtrooms—reflecting the juvenile problems that have so many big cities of the United States worried these days.

In Philadelphia last year, 9,027 boys and girls under 18 were arrested for offenses ranging from truancy to murder. An estimated 70 percent were Negroes.

This year, while the total number of juvenile arrests has fallen somewhat, police report no apparent letup in serious crimes.

Last April, a Korean student named Oh In Ho was murdered on a residential street of West Philadelphia. Eleven Negro youths were charged with the murder. Police quoted them as saying they had needed 35 cents apiece for a dance, and went out "looking for head"—to beat someone over the head and take his money.

In South Philadelphia, not long ago, a white boy and girl were jumped by five Negro youths while passing a school. The boy was beaten and chased away. Then each of the assailants raped the girl.

In last October's wave of "headings" in Philadelphia streets, one of the victims was a man over 80. He died the morning following an assault by a 12-year-old Negro boy.

Philadelphians are still talking about a group of five Negro girls and boys, between the ages of 8 and 13, who were arrested a few weeks ago for picking pockets in midtown shops. The youthful "dips" were charged with larceny by pickpocket, receiving stolen goods, truancy, and conspiracy.

The juvenile-aid division of Philadelphia's police is working overtime to "deactivate" some 25 juvenile gangs that infest the city.

Some of these are white. Most are Negro, including one that calls itself the "United Nations" gang. From time to time, not only in "the Jungle" but in other parts of the city, street fights break out between gangs armed with "zip guns," broken bottles, razors, and lead pipe. Two years ago, in a gunfight between two Negro gangs, an innocent passer-by was killed by the crossfire.

As in other Northern cities, these problems reach into Philadelphia's integrated schools.

In this city, Negroes account for a growing proportion—about 43 percent, at present—of public school enrollment, as whites move to the suburbs or put their children into private or parochial schools.

Because secondary school pupils can enroll outside their districts in schools that have enough room for them, something like a game of "musical chairs" is developing here between white and Negro parents.

Negroes living within a block or so of a predominantly Negro school often send their children 2 or 3 miles away to a mainly white school. And white parents in the latter district, in turn, seek frantically to enroll their youngsters at another school which has few or no Negro students.

In this game, the score now stands as follows:

Of the city's 26 junior high schools, only 2 are all white; 11 are predominantly Negro. All of Philadelphia's 19 senior high and vocational schools have some Negroes, while 6 have Negro enrollments of more than 50 percent.

The disquiet of white parents stems from a series of school troubles that, many claim, match those to be found in New York Ctiy.

STUDENTS ON PROBATION

Every year, Philadelphia's overcrowded courts feed back several hundred probationers into public schools. At a predominantly Negro high school, a principal says: "When a youngster here gets into trouble, I don't send for his parents—if he has any. I ask him: 'Who's your probation officer?' "

Such youths are blamed for much of the "extortion racket" that plagues numerous schools, where older boys are found to be taking lunch money systematically from younger ones. Usually, though not always, the culprit is described as a Negro—and the victim, teachers say, is often the white youngster who has more money than Negroes generally have.

Teachers acknowledge that many victims are terrorized by threats against those who "scream"—inform on troublemakers. At one

junior high school, last month, a Negro boy armed with a straight razor slashed another student for "screaming."

Sex problems stir concern, too. In a few schools, assaults have been reported in lavatories. School authorities have uncovered a flow of pornographic magazines that stimulate sex relations—especially between races—among students.

Trouble also develops from older youths or adults who try to enter school buildings to start fights or pick up girls—and from gangs that congregate outside the school.

Many white neighborhoods fear a repetition of what happened 2 years ago at Shaw Junior High School in West Philadelphia, which gets large numbers of Negro students from another district. There, a Negro gang gathered outside to insult and annoy pupils as they left the building. Three teachers came out to remonstrate. All were attacked and severely beaten.

CORRIDOR COPS

Today, police are stationed in corridors at 10 "difficult" schools to keep intruders away. At other schools, it is the daily task of police cars to patrol the area in the afternoon as youngsters leave the building. Last month, such a patrol broke up a gang of 16 Negro boys who had driven up in a truck to Edward Bok Vocational School to attack pupils. Weapons confiscated included eight knives, three straight razors, lead pipes and broom handles.

What stirs equal concern is the decline of educational standards in schools with large numbers of Negroes.

One predominantly Negro high school recently was singled out as the source of 9 troublemakers—out of 45—who appeared one day before a municipal judge. Most of its classes are vocational. Academic courses such as physics enroll a dozen or so students, in comparison with 30 or more in mainly white schools. Yet this school, 20 years ago, was largely white and noted for its impressive list of honor students. Its white principal says:

"Many of these youngsters are not adequately motivated for learning. They have no home to speak of, nothing to encourage them once they leave the school grounds. They're here simply to occupy their time until they're old enough to go out and get a job—if they can find a job."

WHY TEACHERS RESIGN

School authorities admit that many teachers will not accept posts in such schools. Those who cannot get assignments to "good" schools often quit. And Philadelphia now has a shortage of 700 teachers.

In the wake of these troubles, Philadelphia is embroiled in controversy over a question coming to the fore everywhere in the United States: Is there too much "soft" handling of juvenile criminals?

In recent months, letters to Mayor Richardson Dilworth have suggested that young hoodlums be placed in stocks, sentenced to public whipping, or dispatched to a "Devil's Island" in the Pacific. A group of Negro ministers urged that teachers in public schools be permitted to spank troublemakers.

"LOLLIPOP FACTORY"

Philadelphia, however, continues to send all juvenile offenders, from truants to killers, to its big, handsome youth study center—known to delinquents across the city as "Buckingham Palace" or "the Lollipop Factory." Interviews here determine whether the offender is to go on trial, be held under observation, or be let off with a warning. Psychiatrists often are present to "help reconstruct the child's personal problems." But no lawyer or representative of the district attorney is permitted to be on hand.

What cuts across this controversy, and the whole question of crime and juvenile delinquency here, is a fact of life that is becoming more and more apparent in cities of the North.

That fact is the growing power of Negroes, politically. Here, they control the vote in 14 out of 58 wards. Those wards give Democrats, regularly, a majority of around 70 percent. The Negro vote now is considered the largest single voting bloc in Philadelphia—a major factor in ending 67 years of Republican supremacy.

Since Democrats took office here in 1952, Negro employment on municipal payrolls has skyrocketed. In some offices, more than half of the employees are Negro. At least five Negroes hold top jobs as administrators and judges.

"BLOCKBUSTING"?

The city's public housing authority set off an alarm in white neighborhoods 2 years ago by proposing to buy dilapidated homes and remodel them into single-family public housing units. Two thirds of these projects were listed for white areas—while 90 percent of the persons on the waiting list for public housing were, and still are, Negroes. This resulted in a charge that the authority meant to go into the "blockbusting" business.

Officials withdrew that plan. Even so, 9 out of 20 public-housing projects here are located in white neighborhoods. Each project has a minority of Negroes, ranging from 1 to 25 percent, and some have "P–J"—for "project"—gangs of juveniles that keep neighborhoods on edge.

In such neighborhoods, complaints are heard constantly about delinquency and vandalism among low-income whites and Negroes. But a spokesman for the authority says: "We feel that if we spread these families around, the neighborhoods won't feel them so much."

CHURCHES AND SCOUTS

Unlike the situation in Chicago and some other cities, tension here has not led to racial conflict on a major scale. But whites, especially in West Philadelphia, are found to be quitting churches that admit Negroes. In the same area, a scoutmaster reports that white youngsters often refuse to remain in the same Boy Scout troop with Negroes. He quotes one boy:

"We may have to go to school with them, but we don't have to Scout with them."

Negroes, for their part, complain about lack of housing, and job barriers. Often cited as a factor in Negro crime is the fact that Negro income, per capita, is a third less than that of whites. And some explain violent crime by Negroes in the words of a white official of Philadelphia's schools:

"We have to face up to a bitter resentment toward whites on the part of many Negro youngsters—we're paying the price for years of discrimination."

That is the Philadelphia story. It is one chapter of a national story of a trend toward violence, trouble in the schools, and what some officials are calling a moral breakdown. This trend is turning up in small towns and white suburbs, too. But Philadelphia, like other big cities of the North, is finding its worries multiplied as a large and growing Negro population flows out over the community.

For 2 months of the present school term, Reporter George N. Allen of the New York World-Telegram and the Sun served as a teacher in one of New York City's so-called difficult schools. The following episodes—based on his experience—are excerpts from a series of copyrighted articles he did for his newspaper:

"I removed from the classroom a young giant who had taken to sleeping in his seat. When I handed him over to the school's guidance counselor, the boy turned to me and snarled: 'You better watch your step, mister, or I'll fix you.'

"It wasn't until the next day that I learned I had tangled with what the teachers described as their prize psychotic, a young savage who was headed, they said, for murder.

"There is open defiance in the classrooms. Teachers have been threatened with violence by students. Decent children are terrorized by hoodlums in classrooms and co ors.

"Four boys who had been sexually molesting a girl and who had threatened her if she reported them were given a lecture by the dean of boys—and kept in school.

"Because two rapes have been committed at the school, girl students are required to go to the lavatories in pairs.

"I was conducting a quiet and orderly lesson when two rowdies in the back of the room suddenly stood up, squared off and started slugging each other.

"'Stop.' I shouted. 'Stop that fighting.'

"They kept right on punching.

"Finally I had to rush to the rear of the room and step between them. Blocking their punches and grabbing each by the back of the neck, I succeeded in prying them apart.

"By this time the rest of the class was roaring. They howled and shouted and cheered each battler. They banged their desks with their books as I shoved the boys to the front of the room.

"I lectured them, then told them to return to their seats. But as soon as I released them they began lambasting each other again.

"A teacher stopped me in the hall when the students were moving from class to class and pointed out a well-built, good-looking 15-year-old girl. 'Prostitute,' he said. 'When she plays hookey from school, the truant officer hotfoots it up to Harlem to pull her out of an apartment where she and some friends set up an establishment.'

"One of the first bits of advice I received was this chiller from an assistant principal:

"'You must never let them see that you are afraid,' he told me on September 4 before school opened. 'Even if you are afraid, you have to walk into your classroom and make them think that you are not afraid.'"

[From U.S. News & World Report, Apr. 13, 1956]

WHEN NEGROES MOVE NORTH—MANY PROBLEMS OF THE SOUTH—AND OTHERS, TOO—COME WITH THEM

CHICAGO.—A swelling stream of Negro migration from the South is pouring into the city of Chicago.

What whites and Negroes, alike, call Chicago's "black belt" already is bulging outward into adjoining white neighborhoods at the rate of 2½ blocks every week—building up racial friction as white homeowners try to stem the Negro tide.

Nobody knows just how many Negro migrants are coming to Chicago. But a top Negro source puts the figure at "1 arrival every 15 minutes," or about 3,000 a month. Some estimates go even higher.

Chicago's Negro population nearly doubled in size in the economic boom during and after World War II, reaching a 1950 census figure of about 500,000 inside the city limits. And its growth now, if anything, is being stepped up.

A survey by the Chicago Tribune, in 1955, estimated that about 840,000 Negroes were living in the metropolitan retail-trading area. Past census reports indicate that four-fifths of that number, or about 700,000, are living in Chicago itself.

WHITES MOVE OUT

This would mean that Negroes, at present, account for nearly 20 percent of the city's population—a figure that is rising as Chicago's whites move out to the suburbs in growing numbers.

"By 1970," one well-informed Negro writer said recently, "Chicago may have a Negro mayor."

What Chicago has right now, however, is a racial situation of growing concern to both Negro and white leaders.

As migrants pour into congested Negro slums, Chicago's officials are struggling to cope with mounting crime, a serious health problem, and big relief rolls. Around the edges of the expanding black belt, Negroes moving into white neighborhoods are running into trouble—threats, assaults, sometimes even arson and bombings.

"It's a really explosive problem—and few people here know much about it," one leading Chicago editor said.

CONSERVATIVE APPROACH

One thing that keeps it quiet is a policy of handling race problems by caution and conciliation. Newspapers give conservative treatment to racial clashes, or stories that might be considered derogatory to Negroes.

On an official level, politicians are reluctant to talk about Chicago's racial situation. "We're not going to say anything that might stir up trouble," an aid to Mayor Richard J. Daley said. Schools do not give out information on comparative scholastic standards for Negroes and whites.

These officials point out that Chicago, for more than a century, has been dealing with problems caused by successive waves of immigrants—Germans, Irish, Scandinavians, Italians, and eastern Europeans.

Yet some say that the Negro migration into Chicago now may be giving this city its biggest problem of all.

THE BOOM HELPS

What actually keeps the problem from exploding, they say, is a booming economy in the metropolitan area that so far has enabled the city to absorb the flood of Negro jobseekers from the South—either in industry or on relief at the taxpayers' expense.

That boom, at present, is still going strong. Chicago's industrial investment, in the first quarter of this year, set new records. And the Negro migration is rolling right along with Chicago's industrial boom.

Every night, at the 12th Street railroad station, you can see the "City of New Orleans" disgorging bewildered Negroes carrying babies, suitcases, and cardboard boxes as they look around for waiting relatives—who, themselves may have arrived in Chicago only a few months ago.

Other Negro migrants are streaming into Chicago along highway Route 54, in automobiles piled to overflowing with family possessions—mattresses, baby carriages and bundles of all kinds.

Some have money in their pockets, and professional or mechanical skills that will help them find jobs in Chicago's expanding economy.

BROKE AND UNSKILLED

Social workers are finding, however, that a large majority of the newcomers have little money or industrial training.

The Negro director of the Chicago branch of the Urban League, an interracial group that deals with Negro community problems, said this:

"What we're getting here now is a different type of Negro from the one who came in during the 1930's and 1940's. Then the southern Negro off the farm first went to a nearby town, then to a nearby city. After that, he came North, with some idea of city life. Now he is likely to move off the farm right into Chicago or some other Northern city."

A few arrivals mention racial tension as their reason for leaving the South. The National Association for the Advancement of Colored People talks about the flight of southern Negroes from "rope and faggot terrorism."

Yet you hear far more Negro arrivals talking about jobs in Chicago than about racial tension in the South. One Alabama Negro says:

"Where I was, I wasn't getting nowhere. I hear about these big-paying jobs here, where you get $8, $10 a day, almost what I was getting in a week down there. So I figure I'll come up the line and look around."

Nearly all migrants, welfare investigators find, have relatives or friends already living in Chicago—people who echo a popular saying that "if a Negro can't make it in Chicago, he can't make it anywhere."

The Negro just off a southern farm, looking around him, finds much to support Chicago's reputation as a city of opportunity for his race.

Negro millionaires are showing up on the crest of Chicago's industrial expansion. One of Chicago's biggest cosmetics manufacturers is a Negro. The same is true of an important food processor, and a boxmaker. Some Negroes have whites working for them, and sell to white customers.

"If you're not making $50,000 a year, you're not a big man in the Negro community," one Negro newsman said.

Chicago's Negroes are making their mark in other fields. There are 350 Negro doctors, including nationally known specialists, and more than 375 Negro lawyers. One of Chicago's Congressmen is a Negro. Chicago has a Negro judge and all four major metropolitan dailies have Negro reporters working for them.

On top of that, migrants find a city where there is much mingling of whites and Negroes.

One newspaper survey estimates that the Chicago metropolitan area has nearly 5,000 interracial married couples. Well-dressed Negroes are found registering in the biggest hotels and eating at expensive restaurants. Even some private clubs are letting members bring Negro guests on special occasions. On subways and buses, Negro passengers sit alongside whites. Public schools are open to all races—and so are public parks, playgrounds, and beaches.

REALITY VERSUS PROMISE

It is the promising world prosperity and opportunity that draws many Negroes northward. But it is a far different world that most of them are actually entering as they step off the train in Chicago.

South or west of the Loop, Chicago's downtown business center, Negro migrants are having to move into dilapidated slums where large families occupy as little as two small rooms, and where broken windows are stuffed with rags to keep out the cold.

Chicago's public housing program has demolished some of the worst slums and has provided housing for around 45,000 Negroes. Middle-class Negro families are pushing into adjoining white areas by the hundreds.

Yet one city official estimates that Negroes in Chicago have a population density rate of 39,000 to the square mile—4 times the white rate.

Recently housing investigators found 132 Negroes living in a four-story building that originally consisted of eight apartments. In another building, six flats once occupied by whites were converted into 37 apartments. One Negro woman and her family were paying $85 a month for three rooms where floors were rotting away and the bathroom was out of order.

CRIMEWAVE

One result of this congestion and poverty is a crimewave that is beginning to disturb even Chicagoans long accustomed to outbreaks of gang warfare.

Police records for 1954 show that Negroes—with less than a fifth of Chicago's total population—accounted for two out of three murder and nonnegligent manslaughter arrests, one out of two rape arrests, more than one out of two robbery arrests, and five out of six narcotics arrests.

Narcotics is becoming an especially large problem. A few weeks ago, one Negro mother found that her 8-year-old boy had become a heroin addict by associating with older boys.

Negro migration into Chicago, authorities say, is building up this crimewave. Recently the chief justice of Chicago's municipal court said: "There is a growing number of defendants coming to this court who have been here only a short time and are giving Chicago the name of a crime capital."

So serious is the crime problem in Negro slums that some storekeepers no longer stay open at night. Employment offices find difficulty in filling night-shift jobs. A few churches are canceling evening services. And the Negro chamber of commerce is urging a system of "street-corner vigilantes" armed with badges and whistles to reinforce city police.

A health problem in Negro slums is bothering Chicago, too. The Negro tuberculosis rate is 2½ times that of whites, and the Negro infant-mortality rate, while decreasing, is still at 39 per 1,000 live births, just about double the rate among white babies.

Negro newcomers arriving in this world of congestion, violence, and disease find barriers that some describe as more baffling to cope with than the problem of white supremacy.

On one hand, you hear much concern and sympathy among Chicago's established Negroes for what they call Negro victims of southern injustice. A "Bundles for the South" drive in Chicago, sponsored by the NAACP, is drawing donations of clothing and canned foods valued at thousands of dollars, to be sent to southern Negroes.

UNWELCOME NEWCOMERS

Yet some of Chicago's Negroes, themselves, blame the migration for worsening their own job and housing problems. And the top NAACP official here says:

"Of course, we sympathize with the problems of the migrants here. But, personally, I'd rather see them remain in the South. That's where the fight against discrimination is important. Their coming here means that the white man is winning his fight to scare off the Negro."

Newcomers also say they find a tendency, among urbanized Negroes, to look down on them as fresh from the old country, unused to city ways—sometimes, even, to urban sanitation. That attitude is causing complaints among some migrants, one of whom says: "They treat me just like I was dirt."

Within the Negro community, itself, the farm boy from Mississippi or Alabama is finding a color problem. One Chicago sociologist concluded that fair-skinned Negroes just barely mix socially with those of darker hue. And a Cook County official is quoted as saying that dark-skinned Negro orphans often go begging for foster parents.

NO FULL EQUALITY

Migrants learn quickly that full racial equality with the white man is still a long way off in Chicago—that some restaurants and hotels, for instance, discourage Negro customers. A Negro businessman stated:

"Down South, it was simple. They knew where they stood. Here, the Negro has to ask questions, feel his way around, learn little things—for instance, that some white restaurants don't like to have Negroes around at the cocktail hour."

Fewer than a half dozen private hospitals out of 75 in Chicago are open to Negro physicians. The large majority of such hospitals discourage Negro patients. More than 60 percent of Negro births take place in three public hospitals, so crowded that deliveries

sometimes are made on stretchers and mothers in labor are put in hallways.

Negroes complain that it's hard to get mortgage loans and other loans from private banks—even in the case of veterans. The same, they say, is true for automobile insurance. White bankers and insurance executives agree that this situation exists, not because of a "color bar" but because they regard most Negroes as poor financial risks.

THE JOB PROBLEM

Hunting for work, even in booming Chicago, is providing further jolts for Negro migrants, especially those with no skills or training. A recent study on nonwhite employment in Chicago found that the city's Negroes, since World War II, have been doing better than before, especially in lower skilled production and maintenance jobs. But Negroes hold only 6 percent or less of the better jobs, ranging from that of foreman to professional posts.

What some white employers say about Negroes is summed up by a manufacturer of steel and aluminum building materials. He said: "There are some jobs for which we prefer to have Negroes—some of the heavier jobs, and jobs where there is some monotony."

Employment offices are telling much the same story—that Negro jobseekers are either "hard" or "impossible" to place in skilled or white-collar positions with private firms. And unskilled Negroes in factories often are found at the bottom of the ladder, working 2 or 3 days a week and likely to be laid off ahead of others.

RELIEF LOAD

As a result, many Negro migrants are found to be moving in with relatives. After the first year of residence, they can apply for relief. A Negro couple, with two children, can get from city and county about $150 a month, plus all medical care and necessary clothing. The city's officials estimate is that 75 percent of city and county aid cases are Negroes.

Chicago's commissioner of public welfare says: "Our past immigration groups—the Irish and others—were able to organize their communities effectively, build hospitals and so on. But too many of the rural Negroes coming here are used to paternalism, to having something done for them."

FRICTION OVER HOUSING

Overshadowing the migrant's problems in Chicago, however, is racial friction around the "black belt" as middle-class Negroes move into white neighborhoods.

Chicago's Real Estate Research Corp. recently estimated that 253 dwelling units every week change from white to nonwhite occupancy. Sometimes areas "change color" within a few months.

Negro home buyers run into all kinds of trouble. Lawns are trampled, buildings defaced, rocks thrown through windows. Negroes get threatening messages in the mail or over the telephone.

Every few weeks, sometimes oftener, Chicago's police are called in to investigate racial violence—usually an assault by a white or Negro gang against a person of the other race. Last year one arson case was reported. In previous years, bombings caused trouble.

TRUMBULL PARK DISPUTE

The major area of continuing trouble is the white neighborhood in southeast Chicago adjoining the Trumbull Park homes, a public housing project where some Negro families live.

There since August 1953, police have made more than 200 arrests during flareups of violence. At one time, more than 1,000 police were called to keep order after an interracial riot. Nearly 100 police are still stationed in the area. White "vigilantes," most of them wearing working clothes, patrol the white neighborhood nightly to warn off Negroes who attempt to enter certain streets.

A white spokesman in the Trumbull Park dispute says:

"We've seen what happens to other white neighborhoods when Negroes move in—first one Negro, then all the others from the slums, crowding in and making another slum of it as the whites get panicky and move. Here, we have many elderly white couples who expect to live out the rest of their lives on incomes from pensions or savings. They can't move out, get a mortgage on a new home, and start life all over again."

SCHOOL DIFFICULTIES

Elsewhere, whites complain that school standards drop when poorly prepared Negro students start attending. Even in mixed neighborhoods next to the University of Chicago, where many whites have been trying the cooperative approach to Negro newcomers, one professor said:

"I'd like to see cooperation work. But I know of some people who are having to move because they're worried about school standards."

Some white parents who don't want to sell their homes try to place their children in distant public schools which are predominantly white, on the pretext of wanting special courses. One teacher said wryly: "You'd be surprised how many parents want to send their children across town to a mainly white school, such as Austin High, where they can study Greek or some such thing."

On the other hand, a Negro insurance executive pointed out that the Negroes spearheading the push into white areas usually are business, professional, or white-collar workers with good incomes. He added:

"You can't blame an educated, well-salaried Negro for wanting a better home for himself and his family. I talk the same language as a white man doing my kind of work. I want to give my children the same kind of upbringing, the same opportunities as his. Why should I have to live in slums, any more than he does?"

Such Negroes say that dilapidation taking place where Negroes move in often is because of economic factors—Negroes have trouble in getting mortgage loans, and also have to pay stiff prices in order to buy into white areas. The result, in many cases, is that Negroes illegally convert their newly bought homes into apartment houses and use the rentals to meet stiff monthly payments on purchase prices.

PLENTY TO SOLVE

All of these difficulties add up to racial problems that Chicago's leaders admit are far from being solved.

The city government, at present, is handling those problems mainly through its commission on human relations. That agency, with 14 trained administrators and social workers, both Negro and white, is kept busy investigating racial incidents around the edges of the Black Belt, trying to conciliate other interracial quarrels, and looking into Negro complaints of discrimination.

Some officials say the real solution to Chicago's racial problems, however, is the growing number of responsible and conservative Negro businessmen. In recent months, for instance, Negro realtors have organized a committee to help steer home buyers away from exorbitant purchases. The Negro Chamber of Commerce has organized a credit union to help Negro business firms unable to get short-term loans from white sources.

What Chicago needs, too, some critics are saying, is more blunt talk about its racial troubles. Dr. Philip M. Hauser, a University of Chicago authority on population problems, said recently:

"You can't buy a cheap or quick solution for this problem. Negroes, like other groups before them, are going to have to pull themselves up as a group to the economic and cultural level of the rest of the community before they get respect and acceptance. Until then, they are going to be a problem—just as past migrants were. And you can't solve it by ignoring unpleasant facts. You have to look them in the face before you start dealing with them."

As this authority sees it, Chicago has a big problem on its hands—one that many people here know little about. And the problem is getting bigger all the time as the tide of Negro migration from the South pours into the expanding "black belt" of Chicago.

NOW IT'S WISCONSIN—NEW CLUES—FARM REVOLT—WORKERS, NEGROES SHIFT TOWARD IKE

MILWAUKEE.—A fresh sampling of voter opinion in Wisconsin turns up some results that have a clear bearing on the coming presidential election. The primary here, as appraised by politicians of both parties, gives these clues to the political future:

Republicans show important gains among Negroes and industrial workers, in comparison with party totals in the general election of 1952. This tends to offset an apparent drift away from the Republican Party in farming areas.

Democrats note that their vote tends to rise most readily in sections of farm and industrial discontent.

The Wisconsin voting left the question of a Democratic nominee unclarified. Senator ESTES KEFAUVER, of Tennessee, showed himself a votegetter again, but he remains far from the nomination. He still is opposed by the national managers of the party.

Wisconsin retains its status as a Republican State. The vote was light, but President Eisenhower and a little-known Republican candidate, John B. Chapple, Jr., received 58 percent of it. Nevertheless, the Republican advantage was 3 percentage points less than in the Eisenhower-Stevenson election of 1952, and 18 points less than in the 1952 primary.

TRIAL OF STRENGTH

Ordinarily, Republicans run two or three to one ahead of Democrats in Wisconsin primaries. In the 1952 primary, 776,000 votes were cast for 5 Republican candidates, to 240,000 for 3 Democrats, giving the Republicans 76 percent of the total.

In that primary, there was a hot fight for the Republican convention delegates, involving the late Senator Robert A. Taft, of Ohio; Earl Warren, then Governor of California, and Harold E. Stassen, former Governor of Minnesota. The Democratic contest was a listless affair. Senator ESTES KEFAUVER, of Tennessee, had only nominal opposition. The Republican vote was a large one, the Democratic vote small.

In the general election of that autumn—Mr. Eisenhower versus Adlai E. Stevenson—the Democratic total much more than doubled, increasing by 381,000. Democrats appeared at the polls who had not voted in the primary, or had "crossed over" to cast their ballots in the heated Republican contest. The Republican vote rose by 203,000. Of the total, Mr. Eisenhower received 61 percent.

This year, Mr. KEFAUVER sought to make the primary a trial of strength between himself and the President. Wisconsin citizens are not registered by party, may vote in either primary. The Senator urged discontented Republicans and others to "cross over" and support him. More than 770,000 voted.

The Republicans got 58 percent of the ballots. Mr. KEFAUVER's vote this year was 3 percentage points ahead of Mr. Stevenson's 1952 general election showing. Thirty Republican and 28 Democratic convention votes were involved this year.

Are Republicans slipping in Wisconsin?

	Number of votes	Percent of total vote
1956 primary: [1]		
Republicans	447,000	58
Democrats	322,000	42
1952 primary:		
Republicans	776,624	76
Democrats	241,525	24
1948 primary:		
Republicans	568,613	81
Democrats	130,680	19
1944 primary:		
Republicans	280,507	61
Democrats	179,029	39
1940 primary:		
Republicans	332,564	49
Democrats	348,252	51

[1] Figures for 3,236 out of 3,321 precincts.

POINTERS

Analyzing the vote, section by section, Republicans noted gains in comparison with the 1952 Eisenhower-Stevenson election, though not always when compared with the 1952 primary.

Milwaukee County, which Mr. Eisenhower carried in 1952, with 51.8 percent of the vote, this time gave the Republicans 56.8 percent of its ballots. In the 1952 primary, the Republican proportion was 67.3 percent. The county includes the city of Milwaukee and two congressional districts that usually go Democratic in elections to the House of Representatives.

A check of Milwaukee's 12th ward, peopled largely by industrial workers, revealed the Republicans running 12.1 percentage points higher than against Mr. Stevenson, but 4.2 points below their 1952 primary showing.

In the sixth ward, heavily Negro, the Republican percentage, while well below that of the 1952 primary, was up by 19.3 points in comparison with the 1952 general election, a jolt for Democratic politicians.

These politicians reasoned that for industrial workers the Republican slogan of "peace and prosperity" is proving effective. In most industrial areas, employment is high and increasing.

Wisconsin's Negro population is small, some 30,000. The Negro vote had little effect on the statewide outcome. What worries the Democrats is the danger that this same disposition to break away will show up in States such as Illinois, Michigan, Ohio, Pennsylvania and New York, with big electoral votes and large Negro populations.

Since 1932, the Negro vote has been securely tied to the Democratic standard. Even Mr. Eisenhower in 1952 failed to cut into it appreciably. If it now is drifting away, along with a substantial part of the labor vote, Democratic hope of rebuilding the coalition that won five presidential elections are correspondingly dampened.

FARM DISCONTENTS

Looking at agricultural areas, the analysts saw these things:

Spot checks of corn-hog counties in southwestern Wisconsin, along the Iowa line, indicated a shift of 11 to 12 percentage points to the Democratic side since the 1952 general election, and 23 to 29 points since the 1952 primary. However, these counties are so strongly Republican that the vote changes still would leave them in the Republican column.

Mr. LONG of Louisiana. Is the Senator familiar with the suggestion recently attributed to a great Republican leader, Mr. Stassen, to the effect that the northern cities should operate in just the opposite respect, to discourage this migration?

Mr. TALMADGE. I have heard that Mr. Stassen had made a statement along those lines and someone also has called my attention to the fact that several month ago the distinguished mayor of Philadelphia, in seeking to deal with the crime and trouble in that city, asked for voluntary segregation in the city of Philadelphia. While I, personally, have not read the comments of the mayor on that subject, I do know that Philadelphia has been troubled with a great many problems which, fortunately, we do not have in Georgia and Louisiana.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. TALMADGE. I am delighted to yield to my friend, the Senator from Louisiana.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the cities of Chicago, New York, Philadelphia, and some of these other large cities outside of the South, are the areas where residential segregation exists in great degree than anywhere else in America?

Mr. TALMADGE. The Senator is certainly correct. I ask at this point, Mr. President, for unanimous consent to have inserted in the RECORD another article from U.S. News & World Report. It is entitled "Another Northern City Runs Into Race Problems," and deals with the problems of Buffalo, N.Y.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Apr. 18, 1958]

ANOTHER NORTHERN CITY RUNS INTO RACE PROBLEM

In Buffalo, N.Y., there is a story of a race problem that is growing in the North.

This story, reported in the Wall Street Journal, tells of troubles cities face in trying to clean up slums: When Negroes move in, whites leave, and new slums grow up. Negroes complain that public housing is used to maintain segregation.

Similar trouble is reported in other northern cities.

Following are excerpts from an article published in the Wall Street Journal of April 7, 1958, and reprinted here with permission of the Journal:

"BUFFALO, N.Y.—Here in Buffalo you can glimpse some of the difficulties facing city planners in New York, Chicago, and other northern cities as they struggle to make the results of urban renewal schemes conform to their original vision.

"Among the problems:

"How can the cities be kept from turning into giant, ghettolike concentrations of low-income folk, largely Negroes, as the flood of new migrants from the South helps squeeze more and more middle-income whites to suburban areas?

"In clearing slums, how can the creation of new belts of slums and new racial tensions be avoided in the areas into which the present tenement dwellers are moved?

"How can new migrants and other slum dwellers be prevented from turning even new public housing projects into centers of filth and social decay?

"And how can the cities meet the objections of Negro groups that most urban renewal schemes tend to freeze present patterns of racial segregation in housing?

"A VAST MIGRATION

"These problems have been greatly aggravated in recent years by the vast migrations into northern cities of unskilled, poorly educated Negroes from the South. If they have not proved the most welcome of new residents—to other Negroes as well as whites—it is not because of any inherent racial characteristics, but mostly because of their economic and educational backgrounds," city officials say.

"In some cities, migrations of Puerto Ricans and white 'hillbillies' have helped threaten the success of city redevelopment schemes.

"City officials readily admit the exodus of middle-class white families to the suburbs has them worried. It worries Negro leaders, too.

" 'The whites keep moving away and we Negroes keep trying to push into new areas of the city," says William Sims, a Negro lawyer who also serves as head of Buffalo's chapter of the National Association for the Advancement of Colored People. 'Before long most of the city will be Negro, the suburbs white. That's segregation all over again.'

"PLANNED SEGREGATION

"Many Negroes here in Buffalo vigorously attack the projected reconstruction of the deteriorating Ellicott district, which is populated mostly by colored people. Their argument: that civic leaders want to confine the fast-expanding Negro population to one section of Buffalo, thus reserving the rest of the city and suburbs for white homeowners.

"By doing this, charge the Negroes, Buffalo officials hope to pull back to the city many white families who fled to the suburbs supposedly to escape Negro encroachment and seek more elbowroom.

" 'We're being segregated all over again,' says Mr. Sims.

"In New York City, Negro city councilman Earl Brown opposes construction of new low-rent public housing in Harlem, charging: 'When you embalm low-rent housing in Harlem you also embalm segregated schools and low-quality stores.' Many New York Negroes, instead, favor the location of these projects in white neighborhoods on the fringe of the city.

"Buffalo's Negro population now amounts to some 10 percent of its total of about 600,000, compared with a mere 3 percent in 1940. In Chicago, now 19 percent Negro, colored people are expected to comprise one-third of the population by 1970. And New York City, with 8.7 percent of its present population nonwhite, will have one-third of its population made up of Negroes and Puerto Ricans in 12 years, according to the State commission against discrimination.

"THE ECONOMIC IMPACT

"Here in Buffalo, city officials say the economic repercussions of the population shift are readily apparent. Since 1952, the police budget has leaped from $5.6 million to $7.4 million, education expenditures have increased from $19 million to $25 million. County welfare spending meanwhile, has surged from $4.7 million in 1944, to $15.6 million in 1949, to $21.1 million in 1957.

"Buffalo also has started a youth bureau to curb the rising wave of juvenile crime; its budget increased from $52,000 in 1956 to $117,000 this year.

" 'We're being loaded with high costs at a time when Buffalo is really strapped for revenues,' complains Budget Director P. V. Baczkowski.

"The new residents' incomes generally are too low to enable them to produce as much tax revenue as those leaving the city, officials say.

"City officials, taking stock of current municipal problems, hold out little hope for future reductions in expenditures. The job of the youth bureau, for example, continues to expand.

"SHIFTING NEIGHBORHOODS

" 'Recently there's been a high incidence of gang fights pitting whites against colored—particularly in changing neighborhoods,' says Richard V. Carnival, head of the bureau.

" 'There's no doubt that the new migrants cause most of our problems. And things have been made more difficult by the exodus of middle class families to the suburbs, robbing our city of its stable elements.'

"Buffalo's Ellicott Negro district is a dingy thicket of clapboard houses, one-room churches and scabrous saloons.

" 'It's a colored slum of the worst kind, and just a stone's throw from our best business district,' says a Buffalo bank executive.

"TENSIONS IN FRUIT BELT

"In clearing the ground for a pair of seven-story public-housing projects in the Ellicott district, many Buffalo Negro families found themselves relocated in a nearby, hitherto German neighborhood called the Fruit Belt.

" 'It was remarkable how fast the tensions started arising,' says one veteran planning official. 'And you couldn't blame the whites. When you start crowding Negroes into a small, stable neighborhood, they tend to bring the slums along with them.'

"Now the city is trying to persuade residents of the once-German section to repair and paint their houses; to make sure they do, Buffalo recently passed a stricter building-inspection code. In the Fruit Belt—called thusly because most streets in the sections are named after fruits—inspectors are touring each home telling residents what they must do to 'rehabilitate' the neighborhood.

" 'The white landlords create the slums,' charges King Peterson, one of Buffalo's two Negro representatives on the city council. 'Often they split up two apartments into five or six, thus increasing their rental income but badly overcrowding the facilities.'

"Because of these relocation schemes, it's often the newest migrants from the South who penetrate into white neighborhoods in greatest number, rather than the older, better established Negro families. This is a source of much frustration for these older Negroes—many of whom admit they're eager to move away from their more underprivileged neighborhoods.

"The old Negro residents also resent the higher crime rate and lower living standards of the migrants—and the resulting black eye they have given to the entire Negro community.

" 'Most of these migrants never had anything and never will,' says Mr. Sims tartly. 'The whites don't have much use for most of them, and we don't either.'

"WHERE MIGRANTS COME FROM

"A survey by the city's urban league chapter indicates that most of the new Negroes are semiskilled or unskilled. Over 83 percent come from Deep or Middle South States. but usually arrive in Buffalo only after stopping off in some other northern city.

" 'Too many of these folks still don't know how to use garbage cans,' says another Negro resident. 'You should see what happened to our Dante housing project. It's a mess, and all of our people get blamed for it.' Despite efforts to sustain a racial balance at Dante, the project now is predominantly Negro.

"All these resentments add fuel to the current controversy over the Ellicott renewal project. Negro leaders are all the more wary about relocation and about the long-run implications of the plans. They're resentful, too, over being 'left out' of most of the planning sessions—a fact that's denied by some officials, affirmed by others.

" 'As a taxpayer I can appreciate the idea behind these urban-renewal plans,' says one prominent Buffalo Negro. 'A Negro city is a poverty-stricken city. But, as a colored man, I feel that planned segregation is too high a price to pay for the return of the white people to the city.'

"Many Negro leaders, however, admit that segregation, planned or unplanned, is bound to take place in most urban areas.

"A NEGRO MAYOR?

"In Buffalo, as in other Northern cities, these racial questions are not without their political ramifications. The Negroes now wield increasing political power, as was symbolized last summer when Councilman Peterson was made mayor for a week while the mayor and council president were away.

" 'City hall reflects the history of our city, in that each successive nationality group has managed to elect its own mayor,' observes one prominent Buffalo businessman. 'A few years ago our mayors had to be Polish to get elected. Now our mayor is Italian. Who knows but that our next mayor may be a Negro?' "

Mr. TALMADGE. What the Senator has said is quite true, and the Senator from Georgia is grateful to the Senator from Louisiana for bringing up these pertinent points.

This illustrates another point, that those who have more problems than they can solve in their home areas are the first to offer suggestions on how to solve problems in other areas. It is always amazing to me how Senators from States where law and order have broken down and where all other crimes of violence are occurring are the first to come forward with suggestions on how to solve problems in other areas of the country.

Mr. LONG of Louisiana. Is the Senator familiar with the proposal in the Dirksen amendment that would offer us technical aid in the South as to how to achieve integrated schools?

Mr. TALMADGE. If the Senator will withhold his question for one moment, I shall reply to it.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD an article entitled "The City of Washington—In Trouble" from the U.S. News & World Report.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, July 6, 1956]

CITY OF WASHINGTON IN TROUBLE

Washington, D.C., pride of every good American and in reality the capital of the world, is one of the most beautiful cities on earth.

Stately buildings line its leafy avenues. Gleaming monuments dominate green expanses. Gracious homes, familiar to the world's great, cling to parks and wooded hillsides.

The lofty business of state lives next door to forest and stream, surrounded by shining reminders of a glorious past.

This sparkling city seldom fails to thrill the tourist from any part of the United States, or the visiting prince or premier from abroad. For almost everyone, Washington still ranks as a wonderful place to see. Yet, for thousands of people who dwell in the shadow of its greatness, it is losing its traditional charm as a wonderful place to live in.

MOUNTING TROUBLES

The visitor, captivated by the capital's lovely panorama and awed by the power that emanates from its portals, does not see the layers of troubles—governmental, social, financial—that are piling up to overburden the Nation's first city.

To most people, the grandeur of Washington overwhelms the localized grief.

This is the place where a decision can touch the lives of hundreds of millions. Washington is where war is declared, men are drafted, the ultimate weapons ordered. It is a city where peace is made, and bounty bestowed—billions of dollars in foreign aid—to ally and former enemy.

Here you have the White House, which Americans revere, the President, to whom they lift their hats, the Supreme Court, the Houses of Congress and, nearby, the tombs of the mighty and of the Unknown Soldier.

In Washington, too, is the tax collector. And then there are the hundreds of illustrious people who gather at social affairs which, in scale and in glamour, eclipse most international gatherings.

No wonder the city's troubles get hidden. Yet these troubles are not trivial ones. They do not come singly. You cannot even separate one from the other and say it is the "biggest." They grow upon one another, become stalemates because Washington is, at the same time, the Nation's showplace and stepchild.

VOICELESS CITY

Here is a city without a vote, without a real voice in its own government.

There is no strong community leadership, and little civic pride. "Home," for hundreds of thousands, is somewhere else.

Washington is administered by an army of Federal officials, platoons of committees. Some are appointed by the President of the United States.

But the absolute master of the District of Columbia is the U.S. Congress.

Almost nothing of importance can be done until Congress passes a law. Yet, to most Members of Congress, the ordinary affairs of the District are a nuisance.

The nature of Washington's population is changing steadily. This is true of most other big American cities. But, to a city in Washington's special position, the transition tends to become a special problem.

THE EXODUS

As in many another city, the white, middle-income population of Washington is shrinking rapidly and building up a flowering suburbia.

To escape the problems and tensions of Washington residence, well-off families have fled by tens of thousands to nearby Maryland and Virginia. Middle-class children in the District are diminishing in number as if summoned by a Pied Piper.

The consequences follow the pattern of other places, except that in most ways they are more pronounced.

To take one example, the Negro population of the city is growing and flourishing to an extent witnessed by few U.S. cities, north or south.

Latest statistics show that 45 percent of the Washington population, within the District boundaries, is now Negro. Within 10 years, census experts say, white residents will be in the minority. Even now, so many white families with children have moved away that almost two-thirds of the students in the city's public schools are Negroes.

These Washington schools were desegregated promptly in response to the ruling 2 years ago by the U.S. Supreme Court, and the change has caused difficult problems of racial balance, education, and expense.

Expense is Washington's huge, seemingly unconquerable problem.

This is one of the highest income areas in the United States and among the most costly in which to live. Yet the city has been virtually forced to be a perpetual beggar.

Washington has one industry that dominates nearly all activities, the Federal Government. The Government pays no taxes at all on $1 billion worth of District real estate. It doles out a variable amount of

Federal aid, nowhere near what it would pay if it were a taxable private enterprise.

Large private industries virtually are barred from the Capital City proper. The space for light industry within the city limits is shrinking.

More than half the District's 70 square miles is off the tax rolls. Scores of big landholders, foreign and American, are tax-exempt for diplomatic, religious, charitable, and other reasons.

About the only tax that hundreds of thousands of individuals pay is a sales tax.

More than a million people now live in the Maryland and Virginia environs. Most of the breadwinners work every day in Washington. The District gets little from them, and most of them do not care much about the District's troubles.

There is no foreseeable way to recapture these tax losses. Washington cannot expand and annex the suburbs: Its size is limited by the Constitution, and, besides, Maryland and Virginia would never give up the suburban territory.

The 840,000 residents of the District seem to be paying higher taxes every time they turn around. Many have lost interest, or hope, in civic betterment.

NOT DOING THINGS

Washington has no subways or elevated railways, and the private system that has been operating the bright-green streetcars and the buses now operates on a dying franchise, while Congress decides what to do with it.

Traffic is bad and getting worse. The parking problem remains largely unsolved. The Federal Government does little to help, much to complicate.

Washington's historic rivers, the Potomac and Anacostia, and lovely Rock Creek, which runs through the city's vast park, are terribly polluted. Officials concerned haven't been able to work out a remedy.

The Capital's only commercial airport is dangerously overloaded. A second airport long planned, exists only on paper, at the mercy of Congress.

Washington cannot sell bonds or even borrow money, unless Congress says so. For 80 years, Congress has usually said "No."

Even economy, for the National Capital, is an illusion. Congress expects its home city to be monumental, immaculate and expensive. But it doesn't want to pay for it.

All the time, the United States keeps on putting up new buildings on tax-free District land, reaching out for more room. Congress itself is spending $150 million rebuilding Capitol Hill. From this, the city's tax return is zero.

At the same time, Government departments are expanding in the suburbs, as well as spreading out in the city.

Where will it end? What will happen to Washington, the mendicant ward?

Time was when "Home Rule" was a hot topic, supported by distinguished legislators and other public figures as "pie-in-the-sky" for frustrated Washingtonians—difficult to achieve, but worth waiting for.

Today home rule seems as far away as ever. The real reason, not often stated openly, is the fear in and out of Congress that home rule for Washington might mean Negro political rule.

There are still optimists who believe that time and the laws of economics will bring Washington back on even keel. There are pessimists who doubt it, including one former Commissioner of the District of Columbia.

In the former Commissioner's view, as Washington becomes more and more dependent on Federal whim and bounty, it will eventually become a Federal reservation. Then, he moodily predicts, surviving Washingtonians will revert to the status of Indians.

THE "PARIS" OF AMERICA

Just what is Washington like? Who lives there, and why?

George Washington personally selected the site of the city that bears his name, and supervised the original layout by the French engineer, Maj. Pierre Charles L'Enfant.

In planning the city, Major L'Enfant envisaged an American Paris, a place of circles, fountains, radiating avenues. This he achieved, up to a point. He could not foresee how the city would grow.

Today the section of the city he planned, known as "the L'Enfant City," has about 260,000 residents, most of them Negroes. It has been losing population for years. As neighborhoods became blighted, homes have been razed and office buildings have taken their places.

The first landowners thought that Washington would grow and prosper to the east; instead, the important growth has been north and west.

Eastern sections of the Capital are very heavily Negro now. The extreme northwest is still predominantly white, although there has been some moving in by Negroes.

Most fashionable Washington address still is "NW." That's where you find Washington society, the embassies, the best hotels and restaurants, the big houses where capital matrons vie for the imaginary title of "the hostess with the mostes'."

The Washington season, with its big dinners, receptions, cocktail parties, is played out from beginning to end in "NW.," the locale varying from White House to embassy to hotel ballroom. Every distinguished visitor, and there are dozens every year, adds a ripple to the social whirlpool that slows down only in the soggy heat of the Washington summer.

Despite the flourishing air of the upper-crust sections of town, the District as a whole has about come to the end of its growth, according to current projections.

Washington's population is expected to go to 900,000 by 1970, then either stand still or decline. Actually, the city has lost 10,000 people in the last 2 years, perhaps because the exodus was stepped up when the schools were desegregated.

On the other hand, the whole metropolitan area, including the Maryland-Virginia suburbs, is one of the fastest growing in the Nation. Total population for Greater Washington, as of last Januuary 1, was 1,884,000. Of this, the suburbs held 1,044,000—an increase of 382,000 in 6 years.

WHAT KIND OF PEOPLE?

The Washington area, and the city itself, is full of people from other places.

Sixty percent of those now living in the District and nearby Maryland and Virginia were born elsewhere. Only one out of three of the people who live in Washington is a native of the District of Columbia. A much smaller number rate as third or fourth generation Washingtonians.

Hence, very few residents have deep roots in Washington. Strangely enough, however, they find themselves living and talking the same way rather quickly.

The capital has been called the common denominator of all of America's small towns. There is even a recognizable Washington accent.

Women abound in Washington. There are 100 women to every 89 men, as compared with the national ratio of 100 men for 98.6 women. The proportion of unmarried girls is very high, especially among the thousands of G—for Government—girls.

More than one-third of all Washington personal incomes are derived from the Government; the United States employs nearly 47 percent of all District of Columbia workers, and about 40 percent of those who live in the metropolitan area. Four out of every ten Washington women have jobs.

The average Washington family is well off, though millionaires are not numerous. Median family income for the urbanized area was $5,622 in 1955; in the District, it was $4,748.

On the other hand, the cost of living tops that of most American cities, due to the price of housing.

Annual cost of housing a Washington-area family is put at $1,034 by the U.S. Department of Labor. For New York, the figure is $723; for Chicago, $825, for Los Angeles, $854.

Actually, rents for comparable new apartments are much higher in New York than they are in Washington; the apparent contradiction in Department of Labor figures on housing costs is caused by the fact that older New York apartments are under rent control, new ones are not.

Nevertheless, the average single-family house in Washington is valued at $14,022, the highest anywhere.

THE OUTWARD GROWTH

Washington grows with the Government, and the Government has been growing with the Nation. If this keeps up, population experts say, metropolitan Washington, including the suburbs, will total 2.75 million people by 1980.

By that year, the suburbs of Washington and Baltimore are expected to merge. Then, if the forecasts are right, there will be a twin-city area of 4.7 million people. That is the estimate of Dr. Jerome P. Pickard, economist for the Washington Board of Trade.

All this growth, or practically all of it, will be in surburban sections. Already, the boom in the Maryland and Virginia towns that surround Washington rivals anything in the country.

For example, Montgomery County, Md., increased 243 percent in population between 1940 and 1956. In Fairfax County, Va., the public-school enrollment rose from 9,000 to 33,000 in 10 postwar years. As for Silver Spring, Md., it had a population of 47,000 in 1940. Now it has passed 120,000 and is the second-biggest community in the State.

The suburban-county governments have all the financial problems of boom towns everywhere—they need new roads, sewers, water supplies, especially schools. New schools cannot be built fast enough to take care of all the children that are pouring in.

The need for new schools in the District of Columbia is not so critical, because the school population is increasing much more slowly than in the suburbs. Nearly one-third of the white children born in the District between 1940 and 1950 have been taken out of town by their parents. This has left room for increasing numbers of Negro school children inside Washington.

This year, the District's public schools had 106,000 pupils, of whom 71,000 were Negroes The suburban public schools had 154,000—with fewer than 11,000 Negroes.

HIGH TIDE IN AUTOS

Twice a day, morning and evening, a flood tide of suburban cars surges over the main highways that lead to and from the Federal buildings in Washington.

During daytime hours, there are 250,000 out-of-District cars on the streets of the Capital. Yet only 225,000 cars are registered in the District itself.

Once the suburban worker enters the District, he is using, free of charge, the public facilities for which Congress foots the bill—streets, lighting, police protection, etc.

He is aware of the problems shouldered by his fellow employe who lives inside the District—that's why he moved out. But, once removed in residence status, his interest is captured by the need for sanitation in Arlington, Va., or Langley Park, Md.—not Washington, D.C.

MORE NEGROES ALL THE TIME

Among the situations that the suburban dweller feels he has left behind is the unusual growth of the District's Negro population in the last 25 years.

The proportionate rise of the Negro citizenry inside Washington is by no means the city's only important transition. However, it is probably the most noticeable change, one that people talk about, and one that is having obvious social and economic effects.

Big movement of Negroes into Washington started with World War II. Up to that time, through most of its history, less than one-third of the city's people had been Negroes. Records from pre-Civil War days when there was a slave-auction block near the present Department of Justice, show that the racial proportion then was about the same as in 1940.

Even before World War II, the process of racial desegregation was well under way in Government offices. When the war economy opened up thousands of new jobs at higher pay, the Negroes came en masse to the capital from farms and cities of the South. By 1950, about 35 percent of Washington's city population was Negro.

This immigration has picked up new momentum in the postwar boom years, just as it has in many another city above the Mason-Dixon line. This year, the Negro percentage in the District reached 45, higher than that in Savannah, Ga. Yet, in Washington suburbs, the Negroes were outnumbered by nearly 16 to 1.

In the years immediately ahead, the trend is expected to continue until, about 1965, Negroes will number more than 50 percent of District residents. That is the estimate of Dr. Pickard, of the board of trade, and Dr. Raymond F. Clapp, the city's population expert.

Over the war and postwar years, the racial barriers in Washington have fallen, one by one. Washington was in the van of school desegregation after the Supreme Court decision of 1954, in order to set a precedent for the Nation.

CHANGING RATIO

As early as 1950, there had been more Negro than white children in the schools, although the schools were separate. When desegregation came, it brought about situations where some schools in Negro areas had 1,000 or more Negro pupils, half a dozen white ones. Opposite proportions prevailed in some Northwest sections.

Now, with the percentage of Negro school children standing at 64, some adjustments have been made. Still, in some schools, it is hard to find the white children.

Most pressing need to arise in the desegregated schools was that of more teachers, and special teachers, to help bring undereducated Negro children up to the standards of the white pupils in the same grades. The board of education has been asking for several hundred new teachers.

In Washington, there is no legal segregation of Negro adults in public places, although a high degree of voluntary segregation persists. Negroes are free to eat in any restaurant, go to all theaters, use all public facilities on an equal basis. In practice, few do so.

Newspapers still run separate rental ads for colored apartments and houses, although many neighborhoods are decidedly mixed.

A NEGRO CITY?

People now are asking if the entire District of Columbia will be dominated by the Negroes in time, as they continue to move in and as white families keep on moving to the suburbs.

Several experts, including Dr. Pickard and Dr. Clapp, do not believe that this will happen. They consider that the forces now causing the change in Washington's racial composition will spend themselves, that the trend toward a Negro city will drop off, or even go into reverse.

As Negro incomes continue to rise, it is reasoned, Negro families will move to the suburbs, too. A good many white people may move back to town, especially those with money and grown children.

Cited as an example of what could happen is Georgetown, the restored colonial section in west Washington. Until 30 years ago, Georgetown was a blighted white neighborhood, heavily populated by Negroes.

Suddenly it became fashionable for people of means to buy up the decaying townhouses and spend small fortunes fixing them up. Now, with all the mansions rejuvenated, white people are paying big prices for small Negro homes that never had much value when new. They restore them so that they look like Federal-period row houses.

What happened in Georgetown was that the Negroes no longer could afford to live there, among pseudocolonial townhouses with butlers and quaint, high priced shops, so they moved out. Many a nationally known personage now resides in a stylish Georgetown block which was predominantly Negro when he moved in. Now it is all white.

It will not be long, some property owners predict, before all the Negroes are out of Georgetown, unless the wealthier ones decide to buy their way back in.

Restoration of a similar nature, though not quite so "chi chi," is taking place around the U.S. Capitol and the Supreme Court, and in Foggy Bottom, the old gashouse section southeast of Georgetown. Here, again, the Negroes may be pushed out in time.

Thus far, however, nothing has happened to alter the inflow of Negroes or to check their natural increase in Washington.

Between 1940 and 1950, immigration of Negroes totaled nearly 64,000. In the same decade, the District had a net loss of white population of 13,000—a loss in every age group except that between 20 and 29.

A high birth rate and a low death rate also swell the Negro population. In Washington, the Negro birth rate is 30.5 per 1,000 population in a year; the white birth rate, only 19.7. Negro death rate is 8.6; the white rate, 10.

WHAT IT MEANS

Social effects of the increase in Negroes have encompassed a few minor acts of violence, including some in the schools. There has been no major trouble of an organized nature.

Politically, there is no doubt at all that the change in the city's "color" has retarded prospects for home rule, which is a difficult process at best. Privately, many white people are saying that the end result of home rule would be a Negro mayor and council, Negro Congressmen representing the District, Negro functionaries welcoming distinguished visitors to Washington.

Economically, the city has become measurably poorer as the white population has yielded to an increasing inflow of Negroes.

In 1952, the annual income of Washingtonians was $2,339 per capita, near top for the country. Since then it has slipped—down to $2,220 in 1954—although the income per capita of the United States as a whole has gone up.

Main reason cited for the slippage is fewer white wage earners with high salaries and more Negroes getting lower pay.

Negroes, officials say, pay considerably less in taxes than whites. They cost more in terms of welfare. And, where neighborhoods change from white to colored, values of real estate have decreased.

In 1954, income of the average Negro family in the District was $3,700 annually, or $1,250 less than that of an average white family. In the same year, 71 percent of the people on the District's welfare rolls were Negroes.

A brightening side to the economic picture exists, however—Negro incomes are steadily rising. In 5 years, the average has increased by more than $1,100. Some Negroes have become wealthy: more and more are getting better jobs. Of the Federal civilian jobs in the Washington area, one out of four is held by a Negro worker.

More Washington Negroes are buying their own homes; 30 percent of them had become homeowners by 1950, compared with only 19 percent 10 years earlier. Every year more have cars, many of them new. Slowly but steadily, the Negro is becoming an economic force in the National Capital.

The trend, certain analysts say, is toward economic equilibrium between the races; they feel that desegregation will in time spread the Negro over the whole Washington area, that white families in the years to come will again find the District an attractive place to live.

On the other hand, there are other complications to Washington residence that require different and difficult searches for solution. For example, government of the Nation's Capital is a tangled knot that sometimes seems impossible to untie.

A VOTELESS CITY, WARD OF CONGRESS

When something goes wrong with the way Washington is run, you can't find any one man or official or civic group to blame.

All fingers point to Congress. All the big decisions on affairs of the District of Columbia have to be made by the District committees of Senate and House, followed by action on the floor—just like any national law.

Keeping house for the Nation's Capital is an unwelcome, part-time job for most Congressmen.

Many feel as did former President Truman, once a county judge himself. Mr. Truman, writing of his early Senate days, said: "I did not stay on the District of Columbia Committee because I had no interest in becoming a local alderman."

Some Congressmen fret when they find that consideration of world or national affairs must be interrupted to take care of a bill which seems trivial and affects nobody but the disenfranchised residents of the Capital.

Senator A. S. MIKE MONRONEY, Democrat of Oklahoma, put it this way: "When we were considering the British loan, involving billions of dollars, we had to quit and spend a whole afternoon discussing whether rockfish 10 inches long could be sold in Washington."

Chairmen of District committees have a constant struggle to obtain quorums. Bills, when finally ready for action, are squeezed in and passed in such time as the two Houses can spare from national legislation.

Most of the officials who do the day-to-day job of administering the Capital City are appointed by the President.

There are three Commissioners, who hold public hearings and debates on the Washington budget; then send their requests for funds to the Budget Bureau, as all Government agencies do. The Bureau decides how much it will permit the Commissioners to seek from Congress.

Management rests with a great variety of other officials, as the chart on pages 52 and 53 shows [not printed in RECORD]. Only control that the Commissioners have over some of them is to review their budgets.

The schools are run by a board of education chosen by the Federal courts in the District.

All the courts are Federal, the judges being appointed by the President.

City development is in the hands of an agency set up by Congress, called the National Capital Planning Commission. It

plans streets, parks, playgrounds, etc., and has authority to buy land.

A Commission of Fine Arts must be consulted for its views when any public building or park is proposed. This Commission even has a say when it comes to private buildings in the vicinity of public edifices.

The separate, independent police forces are hard to count. There are at least nine different ones, ranging from the city's own force—the Metropolitan Police—through the zoo and aqueduct police, which come under the Smithsonian Institution and the Army Engineers, respectively.

Altogether, some 21 different agencies share the authority of the Board of Commissioners in controlling Washington. None of these is empowered to do any more than Congress, by law, provides. In the words of one politician, the whole setup is "a can of worms."

The hard way: If the city wants to build a new bridge or expressway, years of conference and paperwork can be required. First this commission, then that agency, must pass on the project. Finally the plan goes to Congress and, as often as not, bounces back.

When an ordinary city wants a public-transportation system, the mayor and city council can make the decision. Not in Washington. Only an act of Congress can extend a transit franchise or take it away.

That is just what is happening. Congress gave the franchise to the Capital Transit Co. But last summer the franchise was lifted. Now the question arises: Who gets the franchise?

Cancellation of the Capital Transit franchise is to be effective in August, and now the District officials and Congress are in the process of trying to decide on a successor.

This problem involves parts of suburban Maryland, as well as the District of Columbia, so Maryland gets into the act.

River pollution is a matter that concerns Virginia, Maryland and the District. All contribute to spoilage of the waters. Need for three-way collaboration stalls improvement. Meanwhile 2.5 million gallons of sewage a day is dumped into the Potomac River. None is completely treated chemically, some not at all.

Plans for a second airport, again, are bogged in a wrangle involving Congress, the Civil Aeronautics Authority, Maryland and Virginia.

The CAA has picked Burke, Va., close to Washington, for the site. Suburban dwellers in Virginia, however, don't want any airport in their back yards. Maryland would like to have Friendship Airport, near Baltimore and about 30 miles from Washington, designated as a joint terminus in Baltimore and Washington. Congress must make the final decision.

Meanwhile, Washington National Airport gets more jammed with air traffic all the time. Last year it was the third busiest in the country, after Chicago's Midway and New York's La Guardia.

THE WAYS OF CONGRESS

Congress gives powers to the three District of Columbia Commissioners and to other Washington functionaries within narrow limits. But, when Congress decides to do something in Washington on its own, the city can do nothing about it.

For example, the city requires that anyone building a house must provide a garage or parking space. Yet Congress has let Federal agencies put up some of the largest office buildings in the country without providing for parking.

On occasion, Congress acts like an angry parent, takes away the city's spending money.

A former Commissioner, F. Joseph Donohue, recalls a winter when the District Building, administrative headquarters of the city, almost went heatless because Congress cut a money item by $4,000.

On another case a southern Congressman, running for reelection, was accused by an opponent of being too generous with Washington Negroes. To prove he was not, the Congressman managed to eliminate the funds for the capital's only reform school for Negro girls. Congress had to pass an emergency law to keep the school open.

As recently as last session, a congressional committee voted to withhold $4 million from the city's budget because it thought the city had been too slow in reassessing property values.

DISTRICT OF COLUMBIA BILLS—WHO WILL PAY THEM?

Washington is not the only big city that has a tough time finding enough money to keep its doors open. Most other cities, however, have an emergency set of outs that are not available to the National Capital.

First there is the flight of upper-bracket taxpayers to the suburbs. Some cities could annex the suburbs and recapture the taxpayers. Since Washington cannot, there has been talk of a tax on money these people earn in the District.

This talk gets nowhere. Congressmen from Maryland and Virginia would block such a tax.

Higher taxes on what light industry exists within the District—baking, electrical assembly plants, publishing, and printing enterprises—would only encourage these companies to move out.

More and more, the District must look to the Federal Government for handouts. However, it frequently finds Uncle Sam stingy. The proportion of city expenses that Congress is willing to foot fluctuates wildly, yet Congress insists that Washington stay on a pay-as-you-go basis.

Over the years, the U.S. contribution to the Capital has ranged from 8.6 to 50 percent of the city's budget. Now the Federal contribution hovers around 12 percent.

THE "DEADHEADS"

From the standpoint of the District tax collector, Washington is swarming with "deadheads."

Only 47.4 percent of the city's area is taxable. The rest is exempt because it is owned by the Government, foreign embassies, religious or charitable institutions.

Government holdings are increasing all the time. The United States now owns almost $1 billion worth of District real estate.

In other cities, tax-exempt properties usually make up no more than 20 percent of the assessed value.

Thousands of individual Washingtonians pay no income taxes to the District. Many maintain legal residences elsewhere, pay there. Congress and many of its employees are exempt from District income taxes. So are military personnel.

Diplomats pay no taxes at all. They are exempt from fines for traffic violations, pay no registration fees for their cars, no sales tax.

What it comes down to is that the remaining local residents, those who have resisted the lure of the suburbs, take the rap for the bulk of the tax bill.

The tax rate on real estate, which rises this summer to $2.30 on $100 of assessed valuation, is a little lower than in some other cities. However, the assessment rate—70 percent of market value—is among the highest in the United States.

Income taxes weren't too bad for a while, because there was a $4,000 exemption per taxpayer each year. Congress now has cut this exemption to $1,000, and the rate starts at 2½ percent for incomes under $5,000. Moreover, deductions from salary checks are to begin this autumn.

Sales tax runs from 1 percent on food purchased at groceries to 3 percent for hotel rooms.

To families with higher incomes, the rise in District of Columbia taxes adds up to one more reason for leaving the District and moving out to the suburbs—even though taxes are high and rising there, too.

BIG PROBLEM—WHERE TO PARK

Economy, tightening of the municipal belt, is the stock answer of most cities to financial troubles. Washington, however, can't even cut corners without getting into trouble.

Congressional insistence that Washington look like a corner of Heaven means that, when the city puts up a building or a bridge, it must be massive and costly.

The very layout of Washington is expensive. Streets are so wide that they take more than the usual mileage of water pipes and sewers, more labor, and more materials for upkeep.

The streets and circles are lined with 180,000 trees. The trees cost $400,000 a year to maintain.

Both traffic and parking are bigger problems all the time, cost the city more money to control.

For the half-million cars that are in Washington every day, the city has become a complex of one-way streets, some of which turn abruptly into two-way traffic or change direction according to the time of day.

There are elaborate clusters of traffic lights and arrows, traffic signs that are hard to decipher, circles that are hard to get out of, no-parking signs in vast variety.

Tourists complain that, once they succeed in finding downtown Washington, they are likely to go around and around for an hour before they can find their way to where they want to go.

The parking problem is in the lap of a Motor Vehicle Parking Agency. In the business section, parking garages have helped. But they are crowded and expensive, and the parking problem still is a headache.

HEADQUARTERS FOR LOBBYISTS

The business district, where it's hardest to park, is comparatively small. There are a few big stores, but most of the area is made up of small or medium-sized shops. Competition is not too brisk and, as a result, shoppers do not have a wide choice.

Sales for intown stores have held up well, however, in this era of suburban shopping. Answer to this situation is the Government payroll of more than 300,000 men and women, civilian and military. This kind of payroll, constant and often on the increase, makes the city almost depression-proof. It also means that Washington merchants can sell almost anything, to somebody, sometime.

Outside of Government and retail sales and services, the principal commodities that Washington businessmen sell are history, politics, and news. Tourists bring a quarter-billion dollars a year into the city.

Newspapers, magazines, and news-gathering agencies account for quite a large proportion of Washington payrolls. Then there are thousands of persons who are registered lobbyists or who work for national associations or unions with headquarters in the Capital.

In recent years, as the role of Government expanded, more and more organized groups have made Washington, seat of power, their headquarters. In 1940, for example, the Washington telephone directory listed 669 associations. In 1956, the associations numbered 872. In 1950 there were 91 labor organizations. Now, there are 176.

Washington businessmen would like to have more stores to share the taxload, but there is no hope for a business district that would bring in big revenue for the city.

There is a limit of 130 feet to the height of most buildings, lest they obscure the

Capitol and other Federal edifices. As a result, the density of working people in Washington is only 90,000 to the square mile, compared to 160,000 in Chicago.

Anything that causes smoke, or litter, is banned from Washington. So, automatically the city is denied the taxes that such enterprises would pay.

A FINER CAPITAL IN THE MAKING

Thus the face of non-Government Washington is not likely to change much in the years to come, except to become smaller and more wrinkled. Nothing looms to challenge the Federal behemoth.

Now and then you hear talk of moving the National Capital, or large parts of it, to some location more central and less vulnerable. Beyond plans for emergency evacuation in the event of a sudden outbreak of war, no such move is in the cards.

Instead, preparations are going forward all the time to make the Government's part of Washington bigger and grander. The Capitol may get a new extension, new Senate and House office buildings are planned, a vast State Department annex is in the offing.

An increase in massive buildings, both downtown and in the suburbs, is projected by U.S. agencies. These plans would cut still further the shrinking acreage that is taxable.

Total effect is a constancy of Federal growth, of increasing grandeur, a steady reaching out by the arm of the Central Government for more space, more offices, more workers.

Today there are 235,000 civilians working for the Government in Washington. By 1980, some predict, there will be 315,000—plus the military. And, the experts say, it takes six or seven people to "service" a Government employee.

At the same time, the city that is Federal headquarters will lose more and more of its land to the Government, and its population will become static within a generation. For the foreseeable future, the city of Washington will remain voteless, voiceless, a fief of Congress.

Before long more than half of the people of Washington will be Negroes. Meanwhile the white suburbs will burgeon with growing families, new arrivals, and District fugitives. So the experts paint the future.

Does this mean that the Capital is fated to become the Nation's most luxurious Federal reservation, with the remaining non-Government residents taking in the Government laundry or selling souvenirs to the tomato.

Or can Washington, given a break on Capitol Hill, regain its allure as a place of desirable homes for everyone, with a right to decide its own affairs?

Only time—and Congress, lord of the manor—can tell.

Mr. TALMADGE. I am now delighted to yield to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. Is the Senator familiar with the proposal in the Dirksen amendment, which is pending before the Senate, to send technical aid to the South to help show us how to achieve the integrating of our schools?

Mr. TALMADGE. I would think that, if they have means of furnishing technical aid, they had best keep it at home, because they are more in need of it than we are. I know of no need for technical assistance in New Orleans, Atlanta, or any other areas of the South to solve these problems. However, they apparently need it in Buffalo, Chicago, Washington, New York, Philadelphia, and other areas to which the Senator has just alluded, and, about which I have had inserted articles in the RECORD.

Mr. LONG of Louisiana. Would the Senator be willing to join with some of us in making offer of the support which we can muster to help those Senators who live in great areas like Chicago and New York get all the technical aid we can get for them, if they want it, to help break down segregation in their home towns?

Mr. TALMADGE. I would join with the Senator, but I would not go so far as to say that because their law enforcement has broken down, we ought to pass Federal laws to police them. Yet that is what they want to do to the South.

They think they can pass a law and put power in the Federal Government to carry out some social theory the Muslims in their particular area may have and thus change a social order which has been in existence for 200 years. They want to do that at the same time that we can read in the papers and the news magazines about such horrors in their areas as labor leaders being made human torches and wholesale gang rapes of teenage girls. We also read of the perpetrators of such crimes being given sentences of 2 and 3 years. It is enough to make one think that perhaps these gentlemen want to encourage instead of prevent such outrages.

Mr. LONG of Louisiana. Does it not seem that, perhaps, those who come from areas where crime is more rampant, and where law and order seem to be more difficult to enforce, may find some pleasure in proposing legislation so that they might divert the attention of their people from the vast problems which exist in their areas, and lead them to talk about lesser difficulties which exist elsewhere?

Mr. TALMADGE. Doubtless that is one of the motives behind such proposals. I know that I certainly would be loath to try to tell people in other areas of the country how to solve their problems, if we had had such unfortunate experiences in our region.

Mr. ELLENDER. Mr. President, this morning I received a telephonic communication from some of my constituents in Louisiana regarding the speech I made yesterday. Evidently some sleepy-eyed reporter wrote that the senior Senator from Louisiana "faltered" yesterday at the conclusion of his speech. I am sure whoever wrote it did not know the facts. I happened to be captain of the team yesterday which was in charge of the Senate floor from noon on Tuesday until noon yesterday.

Under a unanimous-consent agreement, when the moment of 12 o'clock was reached, it was necessary for us to stop discussing the measures at hand in order to permit so-called morning hour business to be transacted, preceded by a prayer by the Chaplain of the Senate, for whom all of us have such affection. Of course, since my time, as the captain of the team had expired, I simply asked unanimous consent that, after the prayer, I should be permitted to proceed.

I do not know who wrote the article to which I referred earlier, but I am told it was an Associated Press story and said in substance, that the senior Senator from Louisiana yesterday faltered. Consequently, some of my friends in Louisiana thought I was sick.

I want them to know I am well, that I did not sleep a wink during the 24 hours my team was in charge of debate, and, instead of consuming 4½ hours I did consume before turning debate over to my colleague, Senator LONG, who was leadoff man for team No. 3, I could have gone on for 10, 12, perhaps 15 hours more.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from Louisiana for a colloquy with the Senator from Alabama, without my losing my right to the floor or being charged with having made a second speech.

The PRESIDING OFFICER. Is there objection?

The Chair hears none and it is so ordered.

Mr. SPARKMAN. It is a little amusing to hear the report referred to by the Senator from Louisiana. I was on the floor yesterday when the Senator from Louisiana was finishing his speech. As a matter of fact, I was on the team that succeeded him, and I arrived here about 30 or 40 minutes before the Senator's time was up. I know he was going strong and stopped only when the hour of 12 o'clock arrived, by unanimous consent. I heard him make the unanimous consent request that he saw fit to yield if allowed to continue after the morning hour expired.

The Senator knew there was another team ready to take over at 12 o'clock and he knew the members of that team, of whom I am one, were ready and eager to go, and did not want any infringement on that team's time.

The Senator knew, furthermore, I presume, that as a matter of fact, we had to cut down on the speeches of the final two or three members of our team. The Senator from Georgia, who had an excellent, well-outlined, well-prepared speech which could take several hours to present properly, was going to have only an hour and a half in which to present his speech.

Mr. ELLENDER. I thank the Senator from Alabama for making the matter plain.

I might issue a little warning though, that if my good friend the Senator from Georgia makes the same request I made yesterday, the people of Georgia may receive word that he is faltering. I am sure he could go on for many more hours, as I was able to go, and I hope and pray that in time I will be able to exhibit such stamina as I have in the past. If some of the proponents of these measures are desirous of hearing some real and lengthy debate on the issues before the Senate, I assure them I am ready to accommodate them.

I feel sympathy for some reporters in the gallery, because they have to sit 24 hours a day. I do not blame them for making such statements and I do not criticize them, but I do hope they will use a little more care in choosing their words.

Mr. SPARKMAN. Mr. President, if I may impose upon the Senator for just

another moment, may I say in my own case I was scheduled to start speaking at 4:45 yesterday afternoon. Instead, I started at 2 o'clock this morning. I was prepared to go for 4 hours and 45 minutes. I spoke only 2½ hours in order to leave time for my colleagues who had material they wanted to present.

May I say to the Senator that I was speaking on the matter that is before us now, which concerns section 1, which I contend is a serious threat toward the freedom of speech, the freedom of the press, and the freedom of the Senate.

I did not get halfway through the presentation of my discussion of how it would impinge upon those rights.

Mr. ELLENDER. I am sure the Senator will have an opportunity later to speak on that, because the American people should be informed as to what some of these bills contain. They are not as many newspapers have described them.

This morning I read another editorial from the Washington Post taking issue with the Senator from Alabama [Mr. HILL] and my good friend, the Senator from Arkansas [Mr. FULBRIGHT], a Rhodes scholar. The writer of the editorial indicated that he felt ashamed that the Senators should speak as long as they did on the subjects they discussed by way of criticism of what is now before the Senate.

The Washington Post, I hope, will sometime learn that these bills include much more than the right-to-vote bill. I thank the Senator from Georgia very much.

Mr. TALMADGE. I desire to thank the distinguished senior Senator from Louisiana and the distinguished junior Senator from Alabama for the generosity of their remarks. I can assure them both that I, too, am in good shape physically, that I, too, have strong convictions on this subject, and I sometimes regret that there are only 24 hours in a day when we could present these issues to the Senate when they need the facts and the information so badly and the people in the Nation who need the facts so badly to clear their minds about some of the provisions of this bill.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXCUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of Josiah A. Maultsby, Jr., to be postmaster at Whiteville, N.C., which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

PRAYER BY THE CHAPLAIN

The PRESIDING OFFICER. The hour of 12 o'clock has arrived; and, under the resolution previously agreed to, the Chaplain will offer prayer.

Mr. TALMADGE. Mr. President, I yield the floor.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, for this hallowed moment hushing our words to silence, in sincerity and truth we would bow before Thee who knowest the secrets of our hearts.

As at noontide in reverence we pause at this wayside altar the Founding Fathers set up, we would look to Thee, not just in a passing gesture of devotion, and then go on our busy way with lives empty of Thee: rather, we come to ask Thy guidance as this day Thy servants here in the performance of their national stewardship face the demands of decision, the strain of toil, and the call of duty.

As together we go forward into this new decade of destiny, we pray that Thy spirit may heal the divisions which shorten the arm of our national strength in this great hour of history.

May we keep step, not with the applause of men, but with the drumbeat of Thy purpose as we march in the ranks of those who do justly, love mercy, and walk humbly with their God.

In the dear Redeemer's name we pray. Amen.

CALL OF THE ROLL

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 78]

Allott	Hart	Murray
Bartlett	Hartke	Muskie
Beall	Hayden	Pastore
Bennett	Hickenlooper	Proxmire
Bible	Holland	Randolph
Cannon	Hruska	Robertson
Carroll	Humphrey	Saltonstall
Case, N. J.	Jackson	Schoeppel
Case, S. Dak.	Javits	Scott
Chavez	Johnson, Tex.	Smith
Church	Jordan	Sparkman
Clark	Keating	Stennis
Cooper	Kefauver	Talmadge
Cotton	McCarthy	Wiley
Curtis	McGee	Williams, Del.
Dirksen	McNamara	Williams, N. J.
Douglas	Mansfield	Yarborough
Dworshak	Martin	Young, N. Dak.
Engle	Morse	Young, Ohio
Fong	Moss	
Gore	Mundt	

The VICE PRESIDENT. A quorum is present.

LIMITATION OF DEBATE DURING THE MORNING HOUR

The VICE PRESIDENT. The Senator from Montana.

Mr. MANSFIELD. Mr. President, during the morning hour, there will be the usual transaction of routine business. I ask unanimous consent that time for remarks be limited to 3 minutes.

The VICE PRESIDENT. Will the Senator extend his unanimous-consent request to include a request for the morning hour? In this instance there was no previous agreement.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that we have the usual morning hour.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I repeat my original request.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION, LEGISLATIVE BRANCH (S. DOC. NO. 85)

A communication from the President of the United States, transmitting a proposed supplemental appropriation in the amount of $79,000, for the legislative branch, fiscal year 1960 (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON REVIEW OF PRICING OF MATERIEL DELIVERED TO MILITARY ASSISTANCE PROGRAM BY MILITARY DEPARTMENTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the pricing of materiel delivered to the military assistance program by the military departments, dated February 1960 (with an accompanying report); to the Committee on Government Operations.

REGULATIONS AT WATER SUPPLY PROJECTS IN DISTRICT OF COLUMBIA

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the making and enforcement of regulations at water supply projects in the District of Columbia and environs, and for other purposes (with an accompanying paper); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A copy of a letter addressed by the vice commander, Headquarters, 33d Air Division, U.S. Air Force, Richards-Gebaur Air Force Base, Mo., to Mrs. Mary A. Angelo, of New Castle, Del., relating to Air Force regulations; to the Committee on Armed Services.

A letter in the nature of a petition from Charles A. Hendel, of Hawthorne, Nev., relating to civil rights; to the Committee on the Judiciary.

A telegram in the nature of a petition from the Jesus T. Pinero School, Caguas, P.R., relating to Federal aid to the schools of Puerto Rico; to the Committee on Labor and Public Welfare.

The petition of Iluminada Perez, of Ponce, P.R., praying for Federal aid to education in Puerto Rico; to the Committee on Labor and Public Welfare.

The petition of Mitchell Jackson, of Los Angeles, Calif., praying for the enactment of legislation to extend the time for building a bridge across the Columbia River near The Dalles, Oreg.; to the Committee on Public Works.

The petition of S. Warren Burel, of San Francisco, Calif., relating to civil rights; ordered to lie on the table.

RESOLUTIONS OF GENERAL ASSEMBLY OF THE UNION OF AMERICAN HEBREW CONGREGATIONS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted by the 45th biennial general assembly of the Union of American Hebrew Congregations at Miami, Fla., November 14–19, 1959.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION IN OPPOSITION TO NUCLEAR TESTING

It is recommended that the delegates to this general assembly speak out on the great issues of war and peace and express out of the depths of their prophetic Jewish tradition and social conscience our unequivocal opposition to a resumption of nuclear testing and appeal for the most serious consideration of a comprehensive plan for a complete discontinuance of nuclear testing, and likewise for the most serious consideration of a comprehensive plan for complete and total disarmament. We recommend that this union join with all other religious groups in rallying the massive spiritual resources of mankind in pursuit of enduring peace based upon justice for all.

RELIGIOUS LIBERTY AND POLITICAL OFFICE

The union is profoundly interested in healthy interreligious relationships in American life. In addition, we are vitally concerned with the maintenance of religious liberty for every citizen.

Therefore, we express our dismay over statements made and positions taken by a few religious groups in outright opposition to the possible nomination for President or Vice President of the United States of any person of the Roman Catholic faith. Without expressing any partisanship in favor of or in opposition to, any political party or candidate for any political office, we adopt the following principles which we deem essential to the preservation of a meaningful freedom of religion in the selection of persons for public office:

(a) We oppose all religious tests for office, and deem the suggestion that the profession of any religious belief or disbelief should automatically disqualify a person from holding any office to be fundamentally at variance with our democratic principle that religion lies within the realm of personal conscience.

(b) The separation of church and state, to which we are wholeheartedly dedicated, is a concept developed in American life for the purpose of supporting and enhancing meaningful religious freedom, and any position taken in the name of the separation of church and state that derogates religious freedom and encourages religious bigotry subverts the very purpose and intent of that concept.

RESOLUTION ON HOUSING DISCRIMINATION

Because of our profound commitment to the equality of all men under God, the Union of American Hebrew Congregations has consistently opposed every form of discrimination.

Out of this conviction, we have supported the decision of the U.S. Supreme Court in the school segregation cases and have pledged to do all within our power to make this decision meaningful in our respective communities. We here rededicate ourselves to achieving an harmonious and peaceful implementation of this decision.

At the 44th general assembly of the union, the union pledged "support to the principle of equal housing opportunities for all and urges the members of its constituent congregations to follow nonsegregated practices in the selling, buying, and leasing of residential housing." The past 2 years have focused new attention on the grave problems involved in the spreading pattern of racial segregation in private housing in the North as well as the South. Because housing underlies all other aspects of race relations, this pattern of segregated housing threatens to cancel out many of the gains which have been made in civil rights in the past few years and, also, to invalidate the spiritual values professed by our religious heritage.

In this spirit, we urge appropriate legislation by National, State and local governments to assure equality of opportunity in housing for all persons regardless of race, religion, or national ancestry. We particularly commend those States and local communities which have adopted effective legislation to provide equality in private as well as public housing.

We call upon our congregations to study this problem of housing discrimination as it affects their own communities and States, to examine the moral imperatives of Judaism, and to translate these imperatives into concrete action to remove the unjust barriers which men have created against their fellow men. Specifically, we urge members of our congregations to welcome persons as neighbors irrespective of race, religion, or national ancestry.

In this holy task, we pledge our cooperation to all those forward-looking religious, racial, and civic groups who share our concern in realizing the goal of equality which is basic to the democratic heritage and the Judeo-Christian tradition.

RESOLUTION ON WORLD PEACE AND DISARMAMENT

As President Eisenhower has eloquently reaffirmed, the United States of America is deeply committed to the goals of enforceable disarmament and the reduction of the crushing burden of armaments which weighs so heavily upon us and other nations of the world.

We warmly commend President Eisenhower for his bold initiative in arranging personal exchanges with heads of states toward the end of achieving a lasting world peace.

We, therefore, reaffirm the following resolution passed by the 44th general assembly of the Union of American Hebrew Congregations meeting in Toronto, Canada, in 1957:

"One of the most sacred of our Jewish religious teachings is the messianic vision of universal peace. In this nuclear age, this vision has become a sheer necessity if total world suicide is to be averted. With undimmed faith in man's capacity to establish God's kingdom on earth, we rededicate ourselves to the pursuit of lasting peace with justice. Accordingly, we:

"(a) Commend the efforts of the United States, Canada, and other governments toward the achievement of universal, enforceable disarmament, and we urge that all such efforts be carried forward with the utmost urgency, imagination, and flexibility.

"(b) Call upon our congregations and social action units to continue earnest study of the problems threatening world peace. Such active concern is incumbent upon all who seek to translate religious principles into action.

"(c) Urge the Union of American Hebrew Congregations to join hands with other religious groups in strengthening the United Nations and advancing the ideals of universal peace.

"Believing that the achievement of an enduring and just peace is the paramount moral issue on the agenda of mankind, we pledge our energies and our resources to this indispensable task."

RESOLUTION ON IMMIGRATION

In December 1958, the United Nations adopted a resolution designating the period of July 1, 1959, to June 30, 1960, as World Refugee Year. A U.S. Committee for Refugees was organized to further American participation in World Refugee Year to inform the public about world refugee issues and to stimulate research on refugee problems. In the performance of its functions, the U.S. Committee is to consult with U.S. Government and U.N. officials and work closely with American voluntary agencies in the refugee field.

The Union of American Hebrew Congregations is happy to cooperate with the World Refugee Year. It believes, however, that the plight of refugees cannot be resolved by patchwork but as part of the entire migration problem of the world. In the United States this can be done by enacting a sound immigration law which recognizes that all the peoples of the world are brothers. We therefore,

(a) Call upon the 86th Congress to respond to the challenge of the World Refugee Year by enacting amendments to the McCarran-Walter Immigration and Nationality Act of 1952 which will (1) eliminate the discriminatory national origins quota system and substitute an equitable, nondiscriminatory formula for the admission of immigrants into the United States, (2) remove the harsh and unnecessary deportation provisions from the law, (3) establish fair appellate procedures in immigration and nationality matters, (4) eliminate inequities against naturalized citizens.

(b) Pledge to cooperate with the U.S. Committee for Refugees and all other appropriate efforts to further the worthy aims of World Refugee Year.

(c) Reiterate our resolve to continue, in cooperation with other like-minded organizations, with our programs of public information and education to help bring about an informed public opinion on the subject of an improved American immigration policy.

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. KEFAUVER:

S. 3131. A bill for the relief of Dr. Halil Davasligil; to the Committee on the Judiciary.

S. 3132. A bill to prevent the use of stopwatches or other measuring devices in the postal service; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. KEFAUVER when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. MURRAY:

S. 3133. A bill relating to the rate of duty on primary aluminum pig; to the Committee on Finance.

By Mr. BEALL (for himself and Mr. MORSE):

S. 3134. A bill to amend the District of Columbia Teachers' Salary Act of 1955, as amended; to the Committee on the District of Columbia.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3135. A bill authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. HRUSKA:

S. 3136. A bill for the relief of Mansour Batarse; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

ADDITIONAL COPIES OF HEARINGS ON TRANSPORTATION PLAN FOR NATIONAL CAPITAL REGION

Mr. BIBLE submitted the following concurrent resolution (S. Con. Res. 93); which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Committee on Washington Metropolitan Problems one thousand additional copies of the hearings held by that committee during November 1959, 86th Congress, on a transportation plan for the National Capital region.

PREVENTION OF USE OF STOPWATCHES OR OTHER MEASURING DEVICES IN THE POSTAL SERVICE

Mr. KEFAUVER. Mr. President, I introduce, for appropriate reference, a bill to prevent the use of stopwatches or other measuring devices in the postal service.

In order to provide what the Department considers a useful performance guide to post office distribution clerks and their supervisors, the Post Office Department has recently inaugurated what it calls a distribution guides system.

This misguided attempt to apply scientific management measurement techniques to a field where they are not suitable has provoked a vocal, and I think entirely justified, protest from the Nation's mail clerks.

I would like to quote from a petition I have received from Memphis post office clerks. This petition sums up very well the clerks' objections to the distribution guides system and makes clear the purpose of and the justification for my bill, which would prevent the use of stopwatches or other measurement devices in the postal service.

PETITION TO THE CONGRESS OF THE UNITED STATES

We hereby petition the Congress for relief from the injustices of the distribution guides program recently instituted by the Post Office Department.

We feel that since:

1. No adequate representation was afforded us in this matter as it was arbitrarily set up by the Department and its efficiency experts.

2. This program is most unfair to the oldest and youngest in our service. The result would be forced earlier retirement of our oldest clerks and greatly increase "turnover" in employment of the youngest.

3. This program can be used as a speedup system to the great detriment of all post office clerks.

4. Such a program as this cannot be successful without the willing cooperation of those most affected—us clerks.

5. We clerks have never been unreasonable regarding proper advances in the giving of a good day's work for a good day's pay.

6. This program now rewards the shrewd and conniving and penalizes the conscientious and efficient.

7. The program is so full of "bugs" that if proper hearing be granted it will be quickly ended.

8. We fully realize that there are a few in any group who do not perform to the best of their abilities.

9. Our representatives, if allowed, would willingly explore the possibilities of separating the wheat from the chaff in order to give relief to the taxpayer who bears the burden of the Post Office Department deficit each year.

We request, therefor, that our representatives be properly recognized so that we can defend ourselves against departmental actions such as this evil, nerve-racking, morale lowering and tension building distribution guides program.

We further request an investigation of this program and the passage of such legislation as may be needed to prohibit such sweatshop tactics as this program exemplifies.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3132) to prevent the use of stopwatches or other measuring devices in the postal service, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

CONSTRUCTION OF DAM AND INCIDENTAL WORKS ON COLORADO RIVER AT BRIDGE CANYON

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, the junior Senator from Nevada [Mr. CANNON] I introduce, for appropriate reference, a bill to authorize the construction of a dam and appurtenant works on the lower Colorado River in the vicinity of Bridge Canyon in the State of Arizona approximately 120 miles upstream from Hoover Dam.

This bill was originally sponsored by the distinguished senior Senator from Arizona, Senator HAYDEN, and passed the Senate of the United States only to die in the House.

Under the terms of this bill the works would consist of a dam approximately 750 feet high and about 1,950 feet wide at its crest. It will impound nearly 4 million acre-feet of water and produce nearly 750,000 kilowatts of power. At this time there is a deficiency of power to serve properly the growing industrial area of the Southwest. Even with the production from Hoover, Parker, and Davis Dams and the expected availability of power from Glen Canyon now under construction, there is need for the full development of the river if it is to reach its maximum potential.

Since all of the present development has been under the direction of the Bureau of Reclamation, it is my belief that the balance of the units to be constructed should be integrated with the present development so that the best possible operation of the entire river can be had.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. BIBLE. I am happy to yield.

Mr. DOUGLAS. What effect would this have on the flow of the Colorado River at the Grand Canyon?

Mr. BIBLE. This would have no effect at all.

Mr. DOUGLAS. Is the location above or below Grand Canyon?

Mr. BIBLE. It is just below Grand Canyon.

Mr. DOUGLAS. So the flow of Grand Canyon would be as rapid and as great as it is now?

Mr. BIBLE. That is my understanding.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3135) authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ESTABLISHMENT OF NATIONAL PORTRAIT GALLERY—ADDITIONAL COSPONSOR OF BILL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the name of the senior Senator from Rhode Island [Mr. GREEN] be added as a cosponsor to a bill which I introduced on February 3 of this year (S. 2975) to establish a National Portrait Gallery here in the District of Columbia.

The VICE PRESIDENT. Without objection, it is so ordered.

ENFORCEMENT OF CONSTITUTIONAL RIGHT TO EQUAL PROTECTION UNDER THE LAW—ADDITIONAL COSPONSOR OF BILL

Mr. DOUGLAS. Mr. President, may I renew the request for unanimous consent which I made 2 days ago, that the name of the junior Senator from New Jersey [Mr. WILLIAMS] be added to the list of sponsors of the bill (S. 3045) to effectuate and enforce the constitutional right to the equal protection of the laws, and for other purposes, introduced on February 16, 1960, by the Senator from New York [Mr. JAVITS]?

The VICE PRESIDENT. Without objection, it is so ordered.

VOCATIONAL EDUCATION OUTLOOK FOR THE 1960's

Mr. SPARKMAN. Mr. President, there has been brought to my attention an informative article about a most important subject. I refer to a statement by Dr. M. D. Mobley in the January issue of Overview.

As I am sure Senate Members know, a sound program of vocational education is of prime value in our efforts to build a stronger United States and to retain our leadership of the free world. Moreover, it is essential if we are to avoid being buried economically and otherwise as the present Russian leaders threaten to do.

Fortunately, Congress has had the foresight contrary to unwise effort by the present administration to cut the program, to recognize the great need and value of vocational education.

Fortunately, also, the program has had devoted and capable leaders. The head

of the program in Alabama, with an excellent staff and a corps of exceptionally qualified teachers, has done a wonderful job, typical, I am sure, of other States.

The writer of this article to which I refer, Dr. M. D. Mobley, has been an inspiring leader in vocational education. He is now executive secretary of the American Vocational Association. Prior to taking this assignment he worked in the program for many years in Georgia, as a teacher, administrator, and author of several widely used textbooks.

I urge other Senators to read Dr. Mobley's statement. He correctly points to the necessity of our raising our sights on vocational education during this decade.

Because of the timeliness of the article, I ask unanimous consent that it be printed at this point in the CONGRESSIONAL RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VOCATIONAL EDUCATION OUTLOOK FOR THE 1960'S

(By M. D. Mobley)

Forecasting the growth of vocational education during the next decade could prove to be as inaccurate as the predictions of many demographers during the thirties who said that the population of the United States would reach 165 million in the year 2000. Today, at the beginning of 1960, the Nation's population is more than 180 million and may exceed 200 million by 1970.

This population explosion—a boom to American business—calls for more of everything, including jobs. New technology and new methods of production and distribution are creating new occupations and changing old ones. Scores of products not yet being produced will be on the market before the end of the sixties. These dramatic changes in American life will call for a new kind of vocational and technical education.

James P. Mitchell, Secretary of Labor, says: "The general demand for skilled workers will continue to be a fundamental manpower fact in the future. * * * The pinch gets tighter as the economy grows and as our national appetite for goods and services grows in billion-dollar gulps."

In the sixties we will have more people needing more goods and services. Technological progress will foster demands for more highly skilled personnel and fewer unskilled and semiskilled workers. Population growth and technological changes will force us to expand, revise and improve virtually all phases of vocational education. The program must be patterned on changing conditions if needs are to be served and our high standard of living is to be maintained.

If public schools fail to meet the challenge, private groups within industry, labor organizations or other agencies of the Government will perform the service. Labor and industry should and will continue to be involved with trade and industrial training. But it would be a mistake for the public to relinquish its interest in and control of this important phase of vocational education.

If the public schools fail to meet their responsibilities for effective vocational programs, the resulting inefficiency of American workers could seriously affect the amount of our imports and exports, thus endangering our economic growth. Marketing American goods in foreign countries is becoming increasingly difficult because, in too many instances, we cannot compete successfully on a price basis with goods offered by other nations. This has forced some American industries to move their operations entirely to foreign soil, or to establish branch manufacturing plants outside the United States. If this trend is not halted, our national employment picture could be drastically altered. On numerous occasions Russia's Khrushchev has announced Soviet plans to lick us in an economic war. In his speech to the Economic Club of New York City last September he said:

"All of you are well aware of the fact that we are offering you economic competition. Some describe this as our challenge to the United States of America. But, speaking about challenges, one might say * * * that it was the United States that first challenged all the world; it is the United States that developed its economy above that of all countries. For a long time no one dared to challenge your supremacy. But now the time has come when there is such a state which accepts your challenge, which takes into account the level of development of the United States of America and in turn is challenging you. Do not doubt that the Soviet Union will stand on its own in the economic competition; will overtake and outstrip you."

Machine tools, the basic instruments of industrial production, are being produced in Russian plants "with less than half the manhours required in comparable Western operations," according to a front-page story in the New York Times. This story was based on a report by Seymour Melmon, associate professor of industrial management and engineering at Columbia University and a consultant of production techniques, who spent part of last August and September in Russia studying production methods. Professor Melmon said, "If present trends continue the Soviet Union will in a few years have a world lead in efficiency in the production of machine tools, the basic equipment of modern industrial economies."

As part of Soviet economic plans, Russia is now reorganizing its entire system of education, and it is scheduled to be completed by 1963. The new reorganization law calls for a greatly expanded program of vocational education—patterned somewhat after the programs we have been developing in vocational and practical arts education during the past 40 years. Soviet leaders are acting on the theory that success in winning an economic war depends in large measure upon the skill and productivity of their people—and this comes through vocational training.

Regardless of the hysteria created by the Russian sputniks, it seems safe to predict that there will be a great expansion of vocational education during the sixties. The public will demand it. This is indicated by a recent Purdue University study which shows that 83 percent of a carefully selected sample of leaders in many phases of American life believe that vocational education is extremely important to the security and economy of our Nation.

It is not possible to predict accurately the details of developments or even the extent to which vocational programs will be publicly financed and controlled. However, social, economic and technological changes, coupled with population growth and foreign economic competition, would seem to indicate the following developments in vocational education.

PROGRAMS FOR ADULTS

There will be a tremendous upswing in vocational programs for out-of-school youth and adults. Technological developments in industry, agriculture, business and distribution, and new homemaking problems will demand stepped-up vocational programs for adults. This trend is underscored by the fact that in our Nation's Capital today virtually every major organized group has a staff of specialists charged with the responsibility of developing vocational programs for journeymen, apprentices, farmers, and other workers. These training specialists are employed by both management and organized labor groups. Through membership action at State and local levels they will continue to demand more training programs to keep their workers up to date in science and technology and to advance skills. If public schools fail to provide the training needed and requested, these organized private groups will finance programs from their own resources.

AREA PROGRAMS

Area vocational schools and programs will move forward quickly during the sixties. This will not be a new development, since many States launched such programs years ago—one as early as 1915. Then, too, large cities have for some time operated specialized vocational-technical schools that serve all or a large part of the metropolitan area. But many more area schools and programs are essential if all Americans who need and can profit from such instruction are to have opportunities for vocational training. Many of these programs will be developed to serve rural youth and adults—primarily farm youth beyond high school age—who in past years have had access to vocational training only in agriculture, home economics and in some cases business education.

As mechanized farming continues to force more youngsters off the farms and into urban areas to seek employment, farm youth will of necessity need more vocational preparation. The March 1958 issue of the Farm Journal, which has a circulation of approximately 3 million, carried a splendid feature on area schools entitled "The Kind of School We Need Everywhere," which concluded with this plea: "Farm Journal goes on record as strongly in favor of State aid to provide more funds for area vocational schools. We need such schools to keep America strong, and we need them for the sake of farm boys and girls. Why not do something about it in your community and your State?"

COMPREHENSIVE HIGH SCHOOLS

The sixties will bring new growth for comprehensive high schools with strong vocational and practical arts programs, especially in semirural areas and in cities with a population of 100,000 or less. James B. Conant's report, "The American High School Today," will contribute much to this development. Currently many institutions that are called comprehensive high schools are failing miserably to serve the educational needs of all the pupils enrolled. They are offering little or no vocational education. To be truly comprehensive, high schools must meet the secondary educational needs of all youth.

HOME ECONOMICS EDUCATION

During the sixties home economics education will continue to occupy an important place in the offerings of secondary schools. New problems face America's families as more women enter employment outside the home. Half the new workers will be women, and more than a third of all wives will work outside the home. This calls for an intelligent sharing of home responsibilities by the husband and other members of the family. Larger middle- and upper-class families will call for renewed concentration on the study of child development, nutrition, and human relationships. In home economics, as in other phases of vocational education, there will be a continued increase in the number of adult enrollments.

AGRICULTURAL EDUCATION

Vo-ag programs will continue to be an important offering for high school boys in rural schools; but future years will bring more emphasis on the selection of students.

Today agriculture is the only vocational program available for boys in many rural

schools. As more area programs in other phases of vocational education are developed, pupils will find more choice in occupational training, which in turn will result in a better selection of pupils for instruction in vocational agriculture.

The most important development in this phase of vocational education in the sixties will be the expansion of programs for young farmers. Enrollees will be young men who have completed high school and are already engaged in farming. In many States these courses will be taught by agricultural specialists serving as itinerant teachers. Some of these courses will be conducted on a short, intensive basis at area vocational schools. Much of the course content will deal with farm management problems involving finance, marketing, use and upkeep of farm machinery, use of electricity on the farm and the application of recent agricultural research findings. To keep abreast of these rapidly changing developments, both young and adult farmers will continue to demand educational services.

DISTRIBUTIVE EDUCATION

Today, a high percent of American workers are employed in the field of distribution and this percentage will undoubtedly continue to climb during the coming decade. While instruction in distribution has been neglected in the past, we should soon see exciting new activity in this phase of vocational education. Enrollments will be made up almost entirely of employed people. Because improving efficiency in distribution could be instrumental in reducing the cost of living, public education must of necessity give more attention to this phase of education.

BUSINESS EDUCATION

The amount of paperwork involved in American business is on the increase which will mean more opportunities for employment in all kinds of business occupations. In the future, emphasis will be on selecting business students who have the ability to learn English, exercise good judgment, and acquire the necessary skills. The large turnover and the expanding need will result in a continuing demand for competent workers in this field. Electronic business machines will also influence the offerings in business education courses in the years ahead.

TRADE AND INDUSTRIAL EDUCATION

In trade and industrial vocational programs one major improvement in the sixties will be reflected in the selection of students for specific courses. Vocational schools that are used as a dumping ground for maladjusted or low IQ youth will serve little, if any, useful purpose in upgrading our Nation's work force. In recent years school officials of 15 American cities with the largest population have joined together to find better ways to select students for specific vocational training programs. Organized labor and management groups are taking more interest in this problem as the need for intelligent, well trained, competent workers becomes more acute.

During the next 10 years scientific and technical information will have a greater influence on vocational instruction in trade and industrial education than it has in the past years. This is an essential development for both inschool and out-of-school groups. Much of the instruction for apprentices and journeymen will be in technical aspects of the occupations. Programs of instruction for employed workers—apprentices, journeymen, and others—must of necessity be multiplied during the sixties.

America's productive peak is no accident. It has occurred because its people have developed great education programs for both youth and adults to give them the ability to produce more, and thus have more. These programs comprise both general and specialized education. They include instruction in citizenship, in the humanities, in technical, scientific, and practical education. No nation can remain strong or maintain a high standard of living unless there are adequate provisions for passing on to new generations the skills and knowledge of productive workers of today, and in the march of progress help them acquire new knowledge and develop new skills.

STUDENT LOYALTY OATH

Mr. McGEE. Mr. President, I call attention to an editorial in my hometown newspaper, the Laramie Daily Boomerang.

The burden of the editorial is to remind the Congress that in this session, when our attention is presumably focused on the big issue, they hope we will not lose sight of the real depth of the issue surrounding the student loyalty oath, and the burden of the editorial comment is a reminder to all Americans of true patriotic zeal that we cannot legislate loyalty. Loyalty is earned by a nation's conduct, and this is the kind of loyalty that has made America great.

Mr. President, I ask unanimous consent that the views of the editor of the Laramie Daily Boomerang, Mr. James Howard, be included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THIS THEY CAN'T LEGISLATE

With its main attention riveted on the big issues in a session due to be curtailed to some extent by politics, Congress still cannot afford to overlook the matter of the non-Communist oath now required of student applicants for loans.

This requirement is widely regarded as hostile to the free spirit of America. In addition, there is strong reason to believe it is largely useless as a deterrent to dedicated Communists.

Communism by definition is without moral restraint. The true Communist, student or otherwise, would gladly lie under oath to serve his subversive purposes. So the so-called loyalty oath is not an effective net to screen him out.

On top of that, it is foreign to the atmosphere of the college and university, and is a discriminatory insult to those students who feel they must seek Government loans. Why single them out for this special test of allegiance?

When Adlai Stevenson was Governor of Illinois, he vetoed certain loyalty oath legislation with these comments:

"The vast majority of our people are intensely loyal as they have amply demonstrated. To question, even by implication, the loyalty and devotion of a * * * group of citizens is to create an atmosphere of suspicion and distrust which is neither justified, healthy nor consistent with our traditions."

It is no accident that some of our largest and most respected schools have declined to have any part of the loan program so long as the oath requirement remains. Their views coincide with those of Stevenson and many lawmakers who hope at this session to eliminate the proviso from the law.

A nation either commands the loyalty of its citizens or it does not. Luckily America does hold the allegiance of all but a relative handful of its people. If it did not, it could not legislate loyalty in Washington.

You do not get it by asking men, young or old, to raise their hands and swear to it.

THE RESPONSIBILITY OF THE TELEVISION INDUSTRY

Mr. McGEE. Mr. President, we have been concerned with the status of the payola and television scandals, and I found in the morning Washington Post an extremely penetrating discussion of the issues on this question by the distinguished columnist Mr. Walter Lippmann. I call it to the attention of my colleagues, and ask that the column by Mr. Lippmann this morning be included in the RECORD at this point.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, March 3, 1960]

TELEVISION AND PRESS

(By Walter Lippmann)

Recently, the President of CBS, Mr. Frank Stanton, made a speech arguing that in principle the Government, which grants the licenses, has no right to concern itself in any way with the character of the broadcasts. He calls this free television and asserts that all forms of regulation and accountability are wrong. What the country must have is a vigorous, freely competing, unrestricted television medium.

This is probably the first time that anyone in a responsible position in the television industry has claimed for it an unrestricted right to set its own standards of conduct. This is certainly not the intent of the law under which Mr. Stanton operates. The intent of the law which was passed by Congress in February 1927, was expressed, as Mr. George Sokolsky recently noted, by ex-President Herbert Hoover, then the Secretary of Commerce. Mr. Hoover said that "the ether is a public medium, and its use must be for public benefit. The use of a radio channel is justified only if there is public benefit."

Mr. Stanton would, I suppose, say in reply that the greatest public benefit will come if we leave it to the unrestricted judgment of the industry itself what programs are in the public interest. To support this position Mr. Stanton argues that television stations are like newspapers, and that the Government has no more right to concern itself with what is broadcast than it has the right to concern itself with what is printed.

This is a thoroughly false argument. A television station is not like a newspaper. It is like a printing press. It is a mechanical medium of communication. Now, let us suppose that in a whole region around some city there were only, let us say, three printing presses. They would have to print all the newspapers, all the magazines, all the books, there being no other way to get anything printed. Does Mr. Stanton imagine that under such a condition of virtual monopoly, there would be no public regulation of the printing presses?

There is an essential and radical difference between television and printing, and Mr. Stanton should not pretend that they can be or should be treated alike. It may be true, as he says, that "most metropolitan centers in the United States have more compelling television stations than competing mass circulating dailies." But Mr. Stanton has missed the point.

The three or four competing television stations control virtually all that can be received over the air by ordinary television sets. But beside the mass circulation dailies, there are the weeklies, the monthlies, the out-of-town newspapers and books. If a man does not like his newspaper, he can read another from out of town, or wait for a weekly news magazine. It is not ideal. But it is infinitely better than the situation in television. There, if a man does not like

what the networks offer him, all he can do is to turn them off, and listen to a phonograph.

Networks, which are very few in number, have a virtual monopoly of a whole medium of communication. The newspapers of mass circulation have no monopoly of the medium of print. The situation being so different, the application of the principle of freedom is bound to be different, too. Free speech is a cherished principle. But how it can be exercised depends upon where it is exercised.

When we come to the question of how to protect and promote the public interest in television, Mr. Stanton has more of a case. He has read the report of the Harris committee, and he shrinks with horror from the idea of being regulated by a public commission.

His horror is almost certainly exaggerated because the political commission will almost certainly be ineffectual. For my part, I do not think that public regulation has much promise of correcting the deep faults of television and it might well produce a mess of troubles.

For that reason, it has seemed necessary to go deeper into the problem. The root of the problem is that the television industry, as organized in the United States but in no other civilized country, is run on the principle that the choice of programs shall be determined by selling them to advertisers. The moral, intellectual, and esthetic standards are, therefore, what will attract and hold the largest audience. This leads not only to corruption like that in the quiz programs but, with only some exceptions, to the much more serious fault, which is mediocrity and "blah."

The economic organization of the television industry is in conflict with the intent of the law—which is to use this valuable and essential monopoly for the public benefit. It would be a great improvement over what we have if a way could be found, as in the British independent television system, of selling time on the air but not the programs themselves to the advertisers.

But I have no great hope that such a reform, desirable as it would be, can be counted on to work amidst the entrenched and pervasive commercialism of the existing television industry. For that reason we shall be compelled, it seems to me, to establish alongside commercial television, not in place of commercial television, another network founded on the principle of public benefit and moved by noncommercial motives.

Such a network, which could be governed by disinterested citizens and operated by the frustrated and unhappy professionals of the existing networks, could become a powerful competitor, and by the competition of its example a powerful regulator, of the existing commercial networks.

Then, if such a yardstick existed, it might be safe to tolerate Mr. Stanton's suggestion that his company should be an unrestricted medium.

LAW ENFORCEMENT STYMIED

Mr. KEATING. Mr. President, the Rochester, N.Y., Times-Union in a recent editorial points out in cogent terms the importance of reviewing our present wiretapping laws. The editorial explains that under court decisions it may be a violation of the Federal Communications Act for State law-enforcement officials to tap wires even though they act in complete accordance with State laws.

In my opinion, it is very important for Congress to bring the present outmoded laws on wiretapping up to date. There have been many eavesdropping innovations since adoption of the Communications Act and its provisions are now largely ineffective, except as a means of thwarting legitimate law enforcement efforts.

I have previously introduced a comprehensive eavesdropping bill (S. 1292) which would protect the right of privacy against unauthorized invasions by wiretapping or other means of electronic snooping, but which would at the same time permit the use of scientific methods of crime detection by law enforcement agencies.

Yesterday, the New York congressional delegation met in Washington with a group of New York district attorneys and other State law enforcement officials concerned with this problem. The purpose of this meeting was to discuss the urgent need for legislation validating wiretapping under court order in New York State. A similar meeting was recently held with Governor Rockefeller's counsel, Robert MacCrate, and special counsel for law enforcement, Arthur H. Christy, in New York City at the request of District Attorney Edward Silver, of Kings County, president of the National Association of District Attorneys and a leader in efforts to clarify the present law. Last night the matter was discussed by Governor Rockefeller with the New York congressional delegation at a dinner meeting in Washington. I believe that almost everyone in the New York delegation has been impressed with the arguments of the State law enforcement people and is desirous of making the necessary changes in the present law.

One important provision of the bill I have introduced would make it clear that evidence obtained under State wiretapping laws would be admissible in Federal and State courts. The Rochester Times-Union editorial comments that "law enforcement always lags a little while crime flourishes." This certainly appears to be the present situation in this field, and I hope that Congress will act to remedy this condition before this session is concluded.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Rochester Times-Union, Feb. 15, 1960]

LEGAL WIRETAPPING UNDER ATTACK

A ruling by the U.S. Court of Appeals in New York puts the State law permitting wiretaps by law enforcement officers in jeopardy.

The ruling stayed the use of wiretap evidence in a case in the State courts charging conspiracy to blind a young woman. The stay holds until the appeals court can hear arguments on appeal from State-court denial of an injunction against the use of wiretap evidence.

Apparently rules of evidence in the majority of the States that differ from recent U.S. Supreme Court rulings in Federal cases are in for a legal fight. The Supreme Court has held that use in Federal cases of information obtained by wiretaps is a violation of the Federal Communications Act.

Thus this whole wiretap question is reopened. It seems evident that the clause in the communications act on which these rulings rest was not intended to change the prevailing concept of due process of law. But it has had that effect.

Crime has gained from every modern invention, but law enforcement's use of invention must be won in the courts. Hence law enforcement always lags a little while crime flourishes. The communications act clause needs review.

SECRETARY HERTER'S CLARION CALL IN WORLD PEACE EFFORT

Mr. KEATING. Mr. President, on February 18, before the National Press Club, our able and distinguished Secretary of State, Christian A. Herter, delivered a most stirring and significant address on the subject of the quest for a true and durable world peace by the Government of the United States.

In the present situation of global danger and global fear, it is of paramount importance that we consistently and vigorously affirm not only our dedication to peace but our resolve to commit our full efforts and energies to the achievement of such a goal. This Secretary Herter has done magnificently in an address which has not received the notice and homage that it richly deserves. His words eloquently reflect the historic spirit of America's devotion to the peace of humankind, and they reveal, as well, the wisdom and stature of our outstanding Secretary of State.

It is fervently to be hoped that he will see fit to return to this theme from time to time, and to restate, in the same clear and telling terms, the fundamental truth that our posture of defense has sense and meaning only to the extent that it strengthens the hope and the prospect of a world at peace.

Mr. President, in the light of the profound significance of Mr. Herter's remarks, I ask unanimous consent that the text of his speech of February 18 be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY WITH ARMS LIMITATION

(Address by the Honorable Christian A. Herter, Secretary of State, before the National Press Club, Washington, D.C., February 18, 1960)

I. INTRODUCTION

I would like to talk today about a very important element of American foreign policy—our search for safeguarded arms limitations and progress toward general disarmament. As you know, we are about to make a new effort in the 10-nation Disarmament Commission that will meet in Geneva about the middle of March.

This effort is designed not only to strengthen international peace and avoid wasteful use of the world's resources, but also to promote our national security, in the real sense of that term.

It compliments the national military programs and collective security arrangements that we carry out to this same end.

America's deep commitment to a policy of arms limitation and disarmament is of long standing.

In 1946, just after the war's end, when the United States still had a complete monopoly of atomic weapons, we proposed full international control of atomic energy. In what must surely stand as one of the tragic turning points of human history, the Soviet Government turned down this extraordinary proposal.

In 1953, as part of President Eisenhower's great "atoms for peace" proposal, the Soviet Union was urged to make with us a start

in siphoning off nuclear weapons materials into international control. Although an International Atomic Control Agency was created, the Soviets have refused to fulfill the original intent of this proposal as a means of reducing nuclear weapons stockpiles.

In 1955, President Eisenhower proposed at the Geneva Summit that the United States and the Soviet Union accept mutual aerial inspection. Again, the Soviets held back; their secrecy was a must.

In March 1956, President Eisenhower wrote Bulganin proposing an inspected cessation of all production of fissionable materials for weapons purposes, and gradual contributions of such materials from national weapons stockpiles to international control. This proposal fell on deaf ears.

The United States and its allies then worked out a series of partial arms limitation measures, including safeguards against surprise attack, cessation of production of fissionable materials for weapons purposes, restraints of the transfer of nuclear weapons to other States, reductions of conventional forces, and steps to assure peaceful use of outer space. These measures were proposed to the U.S.S.R. in August 1957 at London. Again the Soviets showed little serious interest and the talks collapsed.

Since 1957, we have tried twice to single out specific limited areas for discussion with the Soviets.

First, a suspension of nuclear tests, on which negotiations are now under way at Geneva. I shall have more to say of this in a moment.

Second, technical discussions about safeguards against surprise attack. These surprise attack discussions came to nothing because the Soviet Union showed little interest in serious technical work that might have paved the way for later political discussions.

And that is where our search for arms limitation stood when it was agreed last year to set up a new Ten-Nation Commission to try again.

II. THE PROSPECT

We approach these new negotiations with some hope that the Soviet leaders may be coming to realize that the arms race offers unacceptable risks. This realization could induce them to attach a high priority to progress in arms control, as being in their own national interest.

This progress is the more needed because of the new dangers which we confront as the arms race continues. Let me mention two of these dangers.

First. Spiraling competition in strategic delivery systems with ever shorter reaction times could lead to war by miscalculation. Such miscalculations might for example, cause an international crisis to develop into general war without either side really intending that this should happen.

Second. The proliferating production of nuclear weapons might eventually enable almost any country, however irresponsible, to secure those weapons. We are not so concerned with regard to the free nations which might be the next to produce nuclear weapons. But we are concerned lest the spread becomes wholly unmanageable: The more nations that have the power to trigger off a nuclear war, the greater the chance that some nation might use this power in haste or blind folly.

These dangers make our task urgent.

Great as are these dangers, however, they are less than the dangers that would arise if we were to enter an unsafe arms control arrangement.

Under existing conditions, the free world depends on our present relative strength for its survival. We are conscious of the extent and the importance of that relative strength. We will not compromise it out of a desire for quick but illusory results in arms control.

If real progress on arms control is to be made, the great weapons systems that have been built up during the long years of the arms race must be carefully and reciprocally reduced. This is no short-term task.

United States action cannot be based alone upon another nation's promise. Our deeds will only be done in step with verifiable deeds of others. We will insist on inspection procedures that will permit verification.

We will, however, gage each possible agreement not by some abstract standard of perfection but by one practical yardstick: Would United States and free world security be greater—or less—under the agreement than without arms agreement?

We will not enter an agreement which fails to meet this test.

III. OUR PREPARATIONS

If the Soviets should wish to negotiate seriously in the Ten-Nation Commission, they will find us ready. Your Government is making intensive preparations.

We in the State Department have conducted an extensive review of the disarmament problem.

The Disarmament Office in the Department of Defense is being expanded and a special group under the Joint Chiefs of Staff has been established to assist in arms control studies and negotiations.

To augment the studies continually being made for the Secretary of Defense and myself by our own staffs, a special committee under the leadership of Mr. Charles Coolidge has reviewed the arms control question.

And the President's Science Advisory Committee has established a special panel for continuing study of disarmament problems under the leadership of its former chairman, Dr. Killian.

Mr. Fredrick Eaton, who is here with us today, will lead our delegation at Geneva; he and his staff are now developing a common approach to these negotiations with our allies in the Ten-Nation Commission: Canada, France, Italy, and the United Kingdom.

These countries share equally with us the task of preparing agreed proposals for the forthcoming negotiations. Each of them will, I am sure, make an important and distinctive contribution.

We will also consult closely with all our NATO partners and a number of other treaty friends.

We shall keep in constant consultation with the Congress.

And the United Nations will, of course, be kept fully informed.

IV. THE AMERICAN PURPOSE

Speaking generally, we will have two major goals in the forthcoming negotiations.

Urgently, to try to create a more stable military environment, which will curtail the risk of war and permit reductions in national armed forces and armaments.

Subsequently, to cut national armed forces and armaments further, and to build up international peace-keeping machinery, to the point where aggression will be deterred by international rather than national force.

These two goals are equally important. I should like to discuss each of them.

V. CREATING A MORE STABLE MILITARY ENVIRONMENT

A more stable military environment will require measures to control the two types of dangers of a continuing arms race to which I referred.

First, to meet the danger of miscalculation, there is need for safeguards against surprise attack.

If these safeguards are effective, there will be less chance of one side being moved to surprise attack by a mistaken belief that the military moves of the other side portend such attack. This danger may be particularly acute in a major international crisis, when tensions are high and both sides are moving to heightened readiness.

These safeguards could include zones for aerial and mobile ground inspection. In the past, we have suggested such inspection in Europe, the Arctic area, and equivalent areas of North America and the U.S.S.R.

Arrangements for more selective inspection in larger regions might also be feasible. Our August 1957 proposals provided that ground observers might be stationed outside, as well as inside, agreed zones of aerial and mobile ground inspection. Such observers might prove useful, during a major crisis, in helping to verify that neither side was preparing a surprise attack upon the other.

Other arrangements for exchanging information might be developed to assure against potentially dangerous misunderstandings about events in outer space.

These different kinds of measures to increase the information available to each side could, where appropriate, be complemented by controls over armaments which would also be designed to reduce the danger of miscalculation and surprise attack.

The second danger—that of the promiscuous spread of production of nuclear weapons—is one that we, our major allies, and the Soviet Union should all view with real concern.

To guard against this danger, the testing of nuclear weapons and eventually the production of fissionable material for weapons purposes must be prohibited under effective inspection.

We are trying to take a first step to this end in the Geneva test suspension negotiations.

We proposed, and have as our objective, a suspension of all nuclear tests under effective international controls.

At present, however, there is no agreed technical basis for the establishment of effective controls over nuclear tests in the smaller yield ranges. Accordingly, the President suggested on February 11 that we agree on a prohibition of those kinds of nuclear tests which could be controlled within the limits of present scientific knowledge and under the limited inspection procedures that the Soviets seemed prepared to accept.

The U.S.S.R. has now submitted a counterproposal for a comprehensive suspension which may reflect a changing view of the inspection procedures that are acceptable to the Soviet Government. We will give this proposal very careful consideration.

An inspected suspension of nuclear tests would be a useful step toward the goal of halting the proliferation of national nuclear weapons stockpiles. To fulfill this goal, our eventual objective would remain the cessation of all production of fissionable material for nuclear weapons.

These modern measures to meet the major dangers of a continuing arms race, and thus to maintain a stable military environment, are very different from the efforts that were made to eliminate certain weapons and dismantle national military establishments in the years between the two world wars. Arms control problems in the nuclear era are as different from the problems of a quarter century ago as those problems differed from the efforts made to ease the rigors of war in the Middle Ages.

We cannot progress toward disarmament, against the present background of a wide spectrum of complex weapons, merely by repeating or endorsing hollow slogans such as "ban the bomb," "give up foreign bases," or "cut armed forces by one-third." One measure of the Soviets' seriousness in the forthcoming negotiations will be their recognition of this fact.

In the absence of arms control, the bomb, the bases, the forces—all respond to an urgent need for deterring aggression. The purpose of initial arms control measures should be to permit this need to be met in a way

which will reduce—rather than increase—the existing risk of war.

As we thus move toward a more stable military environment, progressive, gradual and balanced reductions in national military forces can and should be accomplished. Manpower ceilings should be placed on national forces, and designated quantities of conventional armaments transferred to international custody.

VI. GENERAL DISARMAMENT

These measures to create a stable military environment would be the first stage in our approach to disarmament.

They would enhance our national security and reduce the danger of war.

They would also leave our essential national freedom of action and our relative national capabilities unimpaired. Since large national forces would thus still be under arms, national force—not international law—would still be the ultimate resort.

To assure a world of peaceful change, we should project a second stage of general disarmament. Our objective in this second stage should be twofold:

First, to create certain universally accepted rules of law which, if followed, would prevent all nations from attacking other nations. Such rules of law should be backed by a world court and by effective means of enforcement—that is, by international armed force.

Second, to reduce national armed forces, under safeguarded and verified arrangements, to the point where no single nation or group of nations could effectively oppose this enforcement of international law by international machinery.

Unless both these objectives are kept firmly in view, an agreement for general disarmament might lead to a world of anarchy. In the absence of effective international peace-keeping machinery, nations might violate the disarmament agreement with impunity and thus seek to gain a decisive head start in building up their armaments. Moreover, since each state would be allowed to retain internal security forces, populous states would retain quite substantial forces which they might—in the absence of such peacekeeping machinery—use effectively against their smaller neighbors.

To guard against these dangers, we should, as general disarmament is approached—work toward effective international arrangements which will maintain peace and security and promote justice according to law. We are ready now to take part in appropriate studies to this end. A useful framework and a considerable body of experience already exists in the United Nations.

These studies could focus on two types of basic and needed change:

First, the strengthening and development of international instruments to prevent national aggression in a world that has been disarmed, except for internal security forces.

Second, the strengthening and development of international machinery to insure just and peaceful settlement of disputed issues in a disarmed world.

Progress along both these basic lines will be needed if the goal of general disarmament is to be fulfilled.

We need not—and should not—wait, however, to make a start in taking more limited measures that would have independent value in promoting the growth of institutions for keeping the peace and that would facilitate progress toward disarmament. I have in mind such actions as enhancing the usefulness of the United Nations International Law Commission and supporting Secretary General Hammarskjold's efforts to develop standby arrangements for a United Nations Force and other forms of U.N. presence in places where there is danger of a resort to force. We plan to consult in the United Nations on a series of such specific measures.

VII. CONCLUSION

These then are the broad lines of the renewed effort which the U.S. Government is about to make to enhance U.S. national security through arms control and eventual general disarmament. The specific elements of that effort will, of course, have to be the product of the consultations now under way with our allies.

If this initiative is to have any chance of success, it will need the understanding and support of the American people and Congress. We shall consult closely with the Congress and report fully to the American people at each stage.

The success of this effort will depend, in part, on what the Soviet Union conceives to be the alternative to safeguarded arms agreements. If the Soviet leaders believe that the free world is likely to disarm unilaterally, they will see little reason to enter into safeguarded agreements. Continued and effective prosecution of U.S. and other free world military programs and of our mutual security program is thus essential if we are to have any prospect of progress in arms control.

If the Soviet Union wishes to achieve such progress in an effort to find a better way than the spiraling arms race to try to maintain peace and security, it will find us responsive.

The peril that confronts every man, woman, and child in the world today is too great to admit of anything but the most strenuous, devoted, and persistent effort to this end.

FUNDS FOR VOCATIONAL AGRICULTURE AND HOME DEMONSTRATION AGENTS

Mr. YARBOROUGH. Mr. President, in its deep concern with government by the Budget Bureau, the administration has come up with many recommendations which are completely inconsistent with the public interest and national needs. But it seems to me that none have been more ill advised at this session of Congress than the budget recommendations and those recommending that the original George-Barden funds for vocational education and for aid to schools in federally impacted areas be cut.

At a time when almost every competent authority in the field has recognized the need for a substantially improved and expanded overall educational effort, it seems particularly unfortunate for the Budget Bureau and administration to try to cut funds for programs which have proven highly successful and valuable over many years.

The Bureau of the Budget has recommended that there be a cut of $2 million in the appropriations for teaching of agriculture, home economics, distributive education and trade and industries.

In Texas we are extremely appreciative of the fact that our vocational agriculture instructors and home economics teachers have had key roles in our educational programs, particularly in rural life. Not only on farms and ranches, but in towns having up to 10,000 population, they have greatly benefited rural life in our section of the country, and indeed, in all sections.

As for the plan for funds for federally impacted areas, many of the schools heavily attended by children of service personnel in my section of the country could not be operated with standards worthy of a national level if such funds were cut down or curtailed.

Mr. President, I hope that other Members of the Senate will note particularly this proposed budget cutback, and that many of us will join in opposing what we think to be a very unwise Federal Bureau of the Budget cutback.

CIVIL RIGHTS LEGISLATION

Mr. HOLLAND. Mr. President, in this morning's Washington Post is another of their editorials seeking to create the impression among readers of the Washington Post, who, of course, number many of the best people in this area, and in general throughout the country, seeking to have such people believe that the pending measure is a voting rights measure without reference to any other features included in it.

Mr. President, without placing the editorial in the RECORD, I just desire to read five different references to the bill contained in the editorial, which indicate how completely the editorial gives the impression that the pending measure refers to voting rights and nothing else.

The first reference is in the following words: "to paint the voting rights bill."

I am lifting these excerpts out of context, Mr. President, the whole editorial is available to anybody who wants to read it. I do not place it in the RECORD, because it contains some unfair, and I think wholly improper, references to some of my colleagues.

The second reference is "proponents of voting rights."

The third is:

> Can so intelligent a man seriously contend that present voting protections are adequate?

The fourth quotation is "voting discrimination."

The fifth is:

> It is merely apathy which keeps more Negroes from voting in the South and, indeed, through the Nation.

Mr. President, ample reference has been made to this matter heretofore, but it seems to the Senator from Florida that a newspaper, recognized throughout the Nation as one of the leading newspapers of the Nation, read by hundreds of thousands of people because they want to get the news, and because they want to get intelligent comments upon public business which is pending, should recognize at last that they are slanting this subject matter so greatly as to impair their own standing as a sound instrument for disseminating public information.

Mr. President, I shall later have some further comments along this line, but at this time I ask that this item be included in the morning hour.

The VICE PRESIDENT. Without objection, it is so ordered.

THE CLOTURE RULE

Mr. RUSSELL. Mr. President——

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senator from Georgia.

Mr. RUSSELL. I desire to propound a parliamentary inquiry. I wish someone would invite the Vice President's attention.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. RUSSELL. Mr. President, I desire to propound a parliamentary inquiry.

Mr. JAVITS. I thought while the Senator was waiting I could transact some business.

Mr. RUSSELL. I would prefer to go ahead with my parliamentary inquiry.

The VICE PRESIDENT. The Senator from Georgia.

Mr. RUSSELL. I desire to propound a parliamentary inquiry.

Other Members of the Senate have submitted parliamentary inquiries in an effort to have every Senator fully apprised as to his rights under the rules in dealing with this matter. There have been a number of questions addressed to the Chair with respect to the application of that part of rule XXII which has to do with cloture, or what is familiarly called the gag rule of the Senate.

I desire to submit to the Chair an inquiry that I think is very easy of solution, but I did wish to make it as officially as possible. For that reason, I am glad the Vice President is in the chair.

If the Senate were to abandon its rule of free debate and impose cloture under rule XXII, Mr. President, the rule provides:

> Thereafter, no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks.

To me, Mr. President, it is very clear that under that provision of the rule, any Senator can divide his 1 hour up as he sees fit. He may make six 10-minute speeches or twelve 5-minute speeches and apply them to each of the amendments if he desires to do so. It seems to me that the whole rule is designed for that purpose. But I do desire to evoke an official ruling from the Chair as to whether or not under rule XXII a Senator is entitled to address himself to a number of amendments just so long as his total time does not exceed 1 hour.

The VICE PRESIDENT. The Senator's interpretation of the rule is correct. Each Senator is limited to a total of 1 hour, but he may divide that total in any way he sees fit among the various motions, amendments, or other matters being considered.

Mr. RUSSELL. I thank the Chair for the ruling.

Of course, I hope and trust that the Senate would never permit itself to impose this gag rule. But in the event it did, I thought it well to have this information clear in the RECORD.

Mr. CASE of South Dakota. Mr. President, I have a supplemental inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CASE of South Dakota. Would it be possible for a Member to allocate portions of his hour to others?

The VICE PRESIDENT. There have been rulings to the effect that that practice would not be allowed.

Mr. CASE of South Dakota. I thank the President.

Mr. JAVITS. Mr. President, I have another parliamentary inquiry on the same subject. Where an amendment is presented and there is no objection to it being presented and considered as having been read, and the reading is dispensed with by unanimous consent, does that amendment qualify under the rule to be considered in the event of cloture?

The VICE PRESIDENT. In the opinion of the Chair, the amendment would qualify.

HAIFA CLAUSE

Mr. JAVITS. Now, Mr. President, addressing myself to another subject, we find in a morning paper a report that the Agriculture Department is utilizing a charter agreement for ships which carry surplus agricultural products under Public Law 480, which has in it the same restrictive clause which has just been abandoned by the Navy with respect to prohibiting these ships from calling at ports of the Government of Israel if the same ships propose to deliver cargo in Arab ports.

The New York Times of today, in a news story which I ask unanimous consent be made part of my remarks, refers to a typical charter provision as saying "vessel is prohibited from calling at Israeli waters or ports. Transshipment is prohibited. Vessel has not traded to Israel ports."

The VICE PRESIDENT. Is there objection to the request of the Senator from New York?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BENSON AID SAYS ARAB BOYCOTT ON SHIPS IS "NO CONCERN OF UNITED STATES"

(By E. W. Kenworthy)

WASHINGTON, March 2.—An Agriculture Department official said today it was "no concern" of the Government that ships carrying American surplus food to Arab countries were barred from trading with Israel.

Three days ago the American Jewish Congress accused the Department of Agriculture of not merely tolerating but tacitly supporting practices that aided the Arab boycott against Israel.

The American Jewish Congress charged that the Department and its Commodity Credit Corporation approved charter contracts that forbade ships delivering U.S. sponsored cargoes of surplus food to Arab countries to call at Israel ports.

The cargoes involved are purchases of U.S. agricultural surpluses for local currency under Public Law 480. Under the terms of agreements to the law, the United States returns to the purchasing country by loan 50 to 75 percent of the proceeds of the sale.

When asked about the charge of the American Jewish Congress, Martin J. Hudtleff of the Agriculture Department noted that Congress had decreed that private trade channels should be used "to the maximum extent" in the disposal of surpluses owned by the Commodity Credit Corporation.

Mr. Hudtleff said the shipping contracts were made between the Arab country doing the purchasing and the American exporter or shipowner.

"The terms and conditions are of no concern to us," he added.

All U.S. shipowners do not take this view of the matter.

Four weeks ago a spokesman for one shipping firm said: "In effect one can say the Arabs are looking a U.S. gift horse in the mouth by telling us how it should be wrapped and delivered."

A typical charter contract covering shipment of Public Law 480 cargo, under the Agriculture Department, headed by Secretary Ezra Taft Benson, to the United Arab Republic states:

"Vessel is prohibited from calling at Israeli waters or ports. Transshipment is prohibited. Vessel has not traded to Israeli ports."

The expectation here is that the issue will be further aired when Congress considers the Mutual Security Bill in a few weeks.

Two weeks ago, after considerable criticism on Capitol Hill, the Navy withdrew from its oil-cargo contracts a clause that warned shipowners that the Navy reserved the right to cancel the charter, without liability for costs, if an Arab country refused to let the ship unload because it had previously traded with Israel.

Critics of this clause charged that it virtually foreclosed bidding on Navy oil-cargo contracts by U.S. shippers that had done business with Israel.

The State Department replied yesterday to two other charges made by the American Jewish Congress.

The first of these was that there was "a gentleman's agreement" whereby the State Department avoided assigning Jewish personnel to Pakistan.

The second was that the Air Force acquiesced in Saudi Arabia's requirement that no Jewish personnel be stationed at Dhahran Airfield in Saudi Arabian territory.

On the first charge, Lincoln White, State Department spokesman, said: "We have never, never, never received any request from Pakistan to refrain from assigning Americans of the Jewish faith to the country."

"And I might add to that," Mr. White went on, "that while the Department makes no attempt to determine the faith of employees assigned to Pakistan, that there are employees of the Jewish faith serving there now."

As for the second charge, Mr. White said: "The Dhahran Airfield belongs to Saudi Arabia. The Saudi Arabian Government has granted the United States certain operational facilities at the airfield. These are of considerable importance to our national security.

"The Saudi Arabian Government, in exercise of its sovereign right to legislate and control internal matters, has normally refused to issue entry visas to persons of Jewish faith irrespective of nationality."

Mr. JAVITS. Mr. President, we had exactly the same problem with the Navy Department. The Navy Military Sea Transportation Service has just eliminated the utilization of this so-called Haifa clause. I call attention to the memorandum on that subject announcing that this provision has been withdrawn by the Navy, which was delivered to me by Roy A. Gano, vice admiral, U.S. Navy, Commander, Military Sea Transportation Service, on February 19.

I quote from the memorandum:

> The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, MSTS can accomplish its mission without using the clause. Inasmuch as it has been

mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use.

I ask that the entire memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

USE OF THE SO-CALLED HAIFA CLAUSE BY THE NAVY'S MILITARY SEA TRANSPORTATION SERVICE—MEMORANDUM FOR SENATOR JAVITS

1. Issue: Recently in newspaper editorials and news comments and in correspondence addressed to the White House, to the Secretary of Defense, to the Secretary of the Navy and to Members of Congress, there has been a condemnation of the use by the Military Sea Transportation Service (MSTS) of what is known as the Haifa clause. Bills have been introduced in Congress to prohibit its use in Government contracts. Critical comments range from the accusation that the clause constitutes a boycott by the Government of ships that have traded with Israel to the allegation that the Government, by its use of the clause, is recognizing officially the Arab boycott or is supinely accomodating itself to such a boycott.

2. The Haifa clause: The standard clause used in MSTS contracts for tankers calling at Persian Gulf ports is:

"(a) In event the vessel is prevented from loading or discharging in any port by the local authorities because of the vessel having previously traded with Israel, the charterer shall have the option:

"(1) To cancel the charter as of the date loading is refused or after discharge at another port,

"(2) To require the substitution of another vessel of similar size, class, condition of tanks or cargo holds, and in a similar position,

"(3) To nominate other loading or discharging port or ports.

"Expenses incurred by the charterer in exercising an option shall be for the account of the owner."

3. Background: This clause has been used in appropriate MSTS charters since the spring of 1958. It was adopted only after considerable discussion within MSTS and with the tanker industry and after rejection of several suggested alternatives. The immediate spur to the institution of its use was the *National Peace* incident in December 1957. The *National Peace* had been chartered by MSTS to carry Navy special fuel oil from Ras Tanura, Saudi Arabia, to Manila. Port officials at Ras Tanura discovered that the vessel had previously, under the name of SS *Memory*, traded with Israel; they refused to permit the vessel to load. After some time, when it became quite obvious that the vessel would not be able to perform her contract, MSTS was forced to cancel and charter another vessel to fulfill this operational requirement. The vessel owners claimed damages from MSTS in the amount of $160,000 and upon disallowance of this claim, sued in the Federal courts. This suit is pending.

4. What the clause does: By law, with or without the clause, a voyage charterer may cancel the contract in a situation wherein the owner is unable to present his ship ready and able to perform the voyage for which he contracted. For that reason, inability on the part of a ship to enter the specified port and load the cargo due to a boycott (just or unjust) works great financial hardship on the shipowner. It also results in financial loss to the cargo owner, who must continue to store and care for the cargo and position another ship. Where vital military cargo such as aviation fuel is concerned, a substantial delay in delivery also presents serious problems in the maintenance of the defense posture. The clause used by MSTS is not considered by shipowners as any more severe than a charter without the clause. However, it puts shipowners on notice that ships that have traded with Israel may not be permitted by certain countries to come into their ports. It spells out the options that the Government may pursue in such a situation. It is thus of some assistance to the Government in preventing offerings of ships that would be unable to load important cargoes of petroleum products. It is of help to these shipowners who might unknowingly undertake a service they cannot perform.

5. What the clause does not do: Contrary to the various expressions of public concern, the clause does not:

(a) Preclude any vessel owner from bidding on a Government charter. Any owner of a vessel that has traded with Israel and who is prepared to take the calculated risk may offer his ship.

(b) Assist any boycott in any manner. The test of this statement is simple: Elimination of the clause would not change by one iota the posture of the boycott or the status of any vessel offered to MSTS. Its elimination would not enable any vessel to get into any port otherwise barred to it. Its elimination would not enable any vessel to perform that could not otherwise perform.

(c) Require a vessel owner to choose between serving Arab countries or Israel. (Such an allegation has been made.) The clause does not forbid trading with Israel. It cautions owners who have previously made a choice to trade with Israel of the risk of Arab boycott.

6. The clause was adopted with no intention to give support to any political boycott. It was deemed advantageous to both the Government and shipowners. However, MSTS can accomplish its mission without using the clause. Inasmuch as it has been mistakenly construed as providing some solace to the Arab boycott imposed on persons trading with Israel, the Navy will discontinue its use.

Mr. JAVITS. Mr. President, I deprecate very much the fact that the Department of Agriculture should be continuing the use of the clause which has been found so objectionable for the reasons stated so clearly by the Navy, and at almost one and the same time the Navy states that it is discontinuing this clause and that it can accomplish its mission without using the clause.

It seems to me, Mr. President, that one department of our Government should not operate so inconsistently with the others. The decision of the Navy was taken as a matter of the highest determination of what is the best public policy for our country. It is consistent with the great tradition of liberty of the United States. This ought to be followed by the Department of Agriculture as well.

Mr. President, I hope very much that the practices of both these Departments will now be coordinated, and that the practice of our whole Government will not be conducive to lending any aid, comfort, or sympathy to this boycott which has been branded as illegal in terms of international law, especially in view of the fact that the Navy certifies it can accomplish its mission without using the clause. It seems inconceivable that the Department of Agriculture cannot similarly accomplish its mission without using this clause.

I have great concern for the operation of Government departments. Normally, I would have taken this matter up with the Department of Agriculture, in the hope that they would have taken action without any public protest of the kind I am making now having to be made. But in view of the fact that the story as published in the public press, I assume not only in the United States but also throughout the world, I believe it is important that there be equally a public protest and equally public correction. It is unfortunate. I would rather the correction came in a much more administrative way. But the fact is that the story broke; therefore, a protest ought to be made in the same order of magnitude, and the correction made.

I am not at this time finding fault or making any charges of any kind; I am only expressing, soberly and sincerely, the hope that these two Departments of Government will coordinate their activities and pursue a similar policy, the policy announced by the Navy after consideration. In view of the fact that the Navy is well able to perform its mission, that is the right policy and should be pursued by every department of the Government.

PUERTO RICAN CITIZENSHIP

Mr. CHAVEZ. Mr. President, El Mundo is a Puerto Rican daily newspaper, published in the Spanish language. In my opinion, it is the most widely circulated Spanish-printed newspaper in the United States. It is not only a fine periodical, but editorially is as fine as any English publication.

I ask unanimous consent that an editorial entitled "Ayudenos, Señor Presidente," which translated is "Help Us, Mr. President," and published in El Mundo for February 25, 1960, be printed in the body of the RECORD.

I may add that the editorial was written after the visit of President Eisenhower to Puerto Rico. It discusses the political status of the patriotic citizens of that island.

The Library of Congress has translated the editorial for me, and I believe it would be desirable to have the translation also appear in the RECORD.

Therefore, I ask unanimous consent that the editorial as printed in Spanish and the English translation thereof be printed side by side in the RECORD. I think it would be of interest and benefit in the light of the recent trip of the President of the United States to the island of Puerto Rico.

There being no objection, the editorial, in Spanish and in English, was ordered to be printed in the RECORD, as follows:

AYÚDENOS, SEÑOR PRESIDENTE

Escribimos al partir de nuestras playas el Presidente Eisenhower para dirigirse a otros pueblos de América.

Escribimos al calor del mensaje de aliento y de ánimo que le trajo a Puerto Rico Dwight D. Eisenhower.

Nuestro país ha de encontrar inspiración y fuerza en las palabras de cordialísimo reconocimiento que usó el Presidente al referirse a Puerto Rico.

Son palabras sinceras y sentidas, de profundo estímulo y de manifiesta justicia. Son

palabras para abrir camino en la gran jornada puertorriqueña. Son, además, palabras para agradecerse.

Dijo Dwight Eisenhower: "Puerto Rico ha demostrado que el valor, la persistencia, y la fe en los seres humanos y un destino iluminado por Dios pueden abrir los caminos a través de las barreras y obstáculos que pueden parecer insuperables." Y en otra parte de su mensaje: "Puerto Rico es verdaderamente único en su clase. Nos sentimos felices de que Puerto Rico sea una mancomunidad de gobierno propio, libre y orgullosa, unida a Estados Unidos por su propia determinacion."

Nosotros también nos sentimos felices y orgullosos de reproducir estas palabras. Por lo que dicen y por lo que implican.

Orgullosos nos sentimos de todo cuanto ha logrado Puerto Rico luchando contra barreras y obstáculos que parecian insuperables.

Lo hemos hecho con valor, persistencia, y fe. Fe en los seres humanos, como dice el Presidente, y fe en nuestro destino, iluminado por Dios.

Porque creemos en los valores humanos y porque creemos fervorosamente en Dios, los puertorriqueños hemos abierto caminos que parecían irremisiblemente cerrados.

Por nuestra fe en el hombre y por nuestra fe infinita en Dios, los puertorriqueños estamos resueltos a seguir abriendo caminos de esperanza y salvación.

Como apuntó el Presidente, Puerto Rico es "una mancomunidad de gobierno propio, libre y orgullosa, unida a Estados Unidos por su propia determinación".

Disfrutamos de gobierno propio, nos sentimos libres y orgullosos, unidos a Estados Unidos por nuestra propia voluntad. Pero queremos sentirnos más libres y más orgullosos de nuestra unión con Estados Unidos, haciéndola definitivamente permanente en el logro de la estadidad.

Puerto Rico, señor Presidente, aprobó libremente la fórmula de Mancomunidad que se dio en traducir, en forma acomodaticia y absurda, como Estado Libre Asociado.

Por esta fórmula de mayor gobierno propio votaron los partidarios de la estadidad y votaron los partidarios de la autonomía. Y votaron así en el absoluto convencimiento de que esa fórmula no cerraba en modo alguno el camino para la solución final de nuestro status político.

Se aclaró en el récord de las audiencias, y se aclaró por sus propios defensores, que esa fórmula no cerraba el camino ni a la estadidad ni a la independencia.

Puerto Rico, pues, señor Presidente, no ha resuelto su destino político, y por orgulloso y satisfecho que esté de sus logros, quiere, sobre todas las cosas, situarse definitivamente para seguir recorriendo, con honor y con orgullo, su camino hacia el progreso y la felicidad.

Usted, señor Presidente, nos trajo "el saludo de sus conciudadanos de los cincuenta estados de la República".

Conciudadanos, dijo usted, señor Presidente, y eso es lo que queremos ser. Conciudadanos con todo el orgullo y con todo el honor de la palabra. Conciudadanos de la Unión, como un Estado.

Nuestro presente status de Mancomunidad nos priva del pleno disfrute de la ciudadanía común. Porque nosotros, señor Presidente, no estamos adecuadamente representados en el Congreso Nacional. El Comisionado Residente de Puerto Rico en el Congreso no tiene derecho a votar cuando se adoptan decisiones que afectan la propia vida de los puertorriqueños. Nosotros somos ciudadanos de segunda clase, privados del máximo ejercicio de la ciudadanía.

Señor Presidente, se acaba de recomendar que se otorgue representación sin voto en el Congreso a Guam e Islas Virgenes, y ha dicho nuestro Comisionado Residente, diz que sonriéndose, que desde la admisión de Alaska y Hawaii como Estados se siente solitario como el único Miembro sin voto en el Congreso. Solitario como ánima en pena, diríamos nosotros, sentado al trasfondo de la augusta sala.

Señor Presidente, nosotros no podemos sonreir como el Comisionado Residente. Nosotros queremos ser ciudadanos en toda la acepción de la palabra, con voz y con voto.

Señor Presidente, queremos sentirnos más libres y más orgullosos en el pleno disfrute de la ciudadanía. Usted, que nos honra con su justicia y con su aliento, mucho puede ayudarnos.

(Que gran articulo. Con unas cuantas batidas así estaremos muy cerca de la Estididad; sin embarge creo que estaremos mejor respaldados si ganamos las elecciones de allá—Todos bien por allá y mi cariño para todás allá.

JORGE TRISTANA (EL "DAD").

HELP US, MR. PRESIDENT

[Translation (Spanish)]

We are writing from our shores to President Eisenhower so that he may tell other countries of America.

We are writing under the influence of the warmth of the message of encouragement and reassurance which Dwight D. Eisenhower brought to Puerto Rico.

Our country must find inspiration and strength in the words of highly cordial recognition with which the President referred to Puerto Rico.

They are words of sincerity and understanding, of profound stimulus and manifest justice. They are words to open the road for the great Puerto Rican journey. They are, moreover, words to be grateful about.

Dwight Eisenhower said: "Puerto Rico has demonstrated that courage, persistence, and faith in human beings and a destiny illuminated by God can open the roads through the barriers and obstacles which may seem insuperable." And in another part of his message: "Puerto Rico is truly unique in its class. We are happy that Puerto Rico is a community of interests, with free and proud self-government, united with the United States by its own [self-]determination."[1]

We also feel happy and proud to reproduce these words, because of what they say [spell out] and because of what they imply.

We feel proud of everything that Puerto Rico has achieved by fighting against barriers and obstacles which seem insuperable.

We did so with courage, persistence, and faith; faith in human beings, as the President said, and faith in our destiny, illuminated [guided] by God.

Because we believe in human values, and because we earnestly believe in God, we Puerto Ricans have opened roads which seemed irredeemably closed.

By [With the help of] our faith in man and our infinite faith in God we Puerto Ricans are resolved to continue opening roads of hope and salvation.

As the President pointed out, "Puerto Rico is a community of interests, with free and proud self-government, united with the United States by its own [self-]determination."[1]

We enjoy self-government, we feel free and proud, united with the United States by our own [free] will. But we want to feel even more free and more proud of our union with the United States, making it definitively permanent in the attainment of statehood.

Puerto Rico, Mr. President, freely approved the formula of "Mancomunidad," which came to be translated, for convenience's sake and absurdly, as Free Associated State.

This formula of more self-government was voted for by the proponents of statehood, and the proponents of autonomy voted for it; and they voted for it in the absolute conviction that this formula would not be closing the road to either statehood or independence.

Puerto Rico, therefore, Mr. President, has not resolved its political destiny, and as proud of and satisfied Puerto Rico is with its achievements, it wants, above all, to become finally situated so as to continue to pursue, with honor and with pride, its road to progress and happiness.

You, Mr. President, bring us "the greetings of your fellow citizens of the 50 States of the Republic."

Fellow citizens, you say, Mr. President, and that is what we want to be; fellow citizens with all the pride and all the honor that go with the term; fellow citizens of the Union, as a State.

Our present status of Free Associated State deprives us of the full enjoyment of common citizenship, because we, Mr. President, we are not adequately represented in the national Congress. The Resident-Commissioner of Puerto Rico in Washington has no right to vote when decisions are taken which affect the very life of the Puerto Ricans. We are second-rate citizens, deprived of the full exercise of [the right of] citizenship.

Mr. President, it has just been recommended that representation in the Congress, without a vote, be granted to Guam and the Virgin Islands, and our Resident-Commissioner has said, and does say, smilingly, that since the admission of Alaska and Hawaii as States he feels lonesome, as the only Member in the Congress without a vote; lonesome as a lost soul, we would say, sitting in the back of the august assembly hall.

Mr. President, we cannot smile like the Resident-Commissioner. We want to be citizens in the full meaning of the term, with a voice and with a vote.

Mr. President, we want to feel more free and more proud, in full enjoyment of citizenship. You who are honoring us with your justice and with your encouragement, you can help us greatly.

(Source: El Mundo (San Juan, P.R.), Feb. 25, 1960.)

([Inked-in notes, handwritten:] What a great article. With a few runs ["articles"] like this one we will be much closer to statehood; nevertheless, I believe that we will be better supported if we win the elections over there. With every good wish and love to you all, Jorge Tristán ("Dad").)

[1] Probably "proud and free state, with its own government associated with the United States by its own will"—(Translator).

ADMINISTRATIVE TRIBUNALS SHOULD IMPLEMENT INTEGRATION

Mr. HUMPHREY. Mr. President, in a recent issue of the Catholic Bulletin, published in St. Paul, Minn., there appeared a most thought provoking article by one of our leading lawyers, Ben W. Palmer, which proposes that the Congress enact legislation to provide that desegregation of the public schools be implemented by administrative procedures subject to judicial review.

Mr. Palmer states that not only are our Federal courts greatly overburdened with a backlog of 75,000 cases, but they are simply not equipped to handle the problems which arise in implementing the Supreme Court desegregation decisions. He maintains that Congress should exercise its constitutional powers to enforce, by appropriate legislation, the equal protection clause of the 14th amendment. Mr. Palmer believes that the most appropriate means of assuring equal protection is by way of administrative procedures which are much

more adaptable than the judiciary to secure the solution of new and varied problems with practical and ready adjustment to social changes and with flexibility based on experience.

I agree wholeheartedly with Mr. Palmer in his contention that the Congress has a responsibility to act to assure that the Supreme Court's desegregation rulings will in fact be carried out "with all deliberate speed," to use the words of the Supreme Court.

This is why I joined with the senior Senator from Illinois [Mr. DOUGLAS] in offering S. 810, a bill which would, among other things, provide for implementation of the desegregation rulings of the Supreme Court by administrative process.

I invite my colleagues' attention to this excellent and timely article.

I have had the privilege of knowing Ben Palmer for many years. He is both a distinguished lawyer and a recognized civic leader in Minneapolis. Mr. Palmer was a honor graduate of the University of Minnesota Law School and is past president of the Hennepin County Bar Association. Among the many honors he has received is Archbishop Brady's Distinguished Service Medal.

I ask unanimous consent that this article, entitled "Administrative Tribunals Should Implement Integration," be printed in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Catholic Bulletin, Feb. 12, 1960]

BEN PALMER, MINNEAPOLIS LAWYER, WRITES: "ADMINISTRATIVE TRIBUNALS SHOULD IMPLEMENT INTEGRATION"

(EDITOR'S NOTE.—The article on this page is reprinted with the permission of the American Bar Association Journal, which ran it in its issue of January 1959. Its author is Ben W. Palmer, Minneapolis attorney. Since the original article, entitled, "Resolving a Dilemma: Congress Should Implement Integration," Palmer wrote another on the same subject for American magazine and has given talks on his proposal to end much of the litigation over integration. Palmer is a 1913 cum laude graduate of the University of Minnesota School of Law and a past president of the Hennepin County Bar Association. He is a member of the Minneapolis Serra Club and a recipient of Archbishop Brady's Distinguished Service Medal.)

(By Ben W. Palmer)

Congress should implement integration principles set forth by the Supreme Court by establishing a system of administrative tribunals to take advantage of the flexibility of administrative law.

When holding that racial discrimination in public education is unconstitutional, the Court restored the cases to the docket for further argument regarding formulation of decrees. On May 31, 1955, in *Brown* v. *Board of Education of Topeka* and other cases (349 U.S. 294), the court stated that it had requested further argument on the question of relief because the cases arose under different local conditions and their disposition would involve a variety of local problems. The court said:

"Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles.

"Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

"In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power.

"At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision.

"Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

"While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner.

"The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems.

"They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system. During this period of transition, the courts will retain jurisdiction of these cases."

The cases were then remanded to the district court "to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases."

I submit for consideration the proposition that problems of integration should be worked out by administrative tribunals established pursuant to act of Congress, subject to judicial review as provided by the act, rather than to cast the burden of integration upon the district courts.

INTEGRATION CASES—BURDEN ON THE COURTS

The Supreme Court itself as shown by quotations above recognizes the great variety of local situations that must be taken into consideration in achieving integration. The application of the constitutional principles laid down by the Court in specific situations may well involve thousands of cases. The Federal courts cannot sustain the burden of such litigation.

The Supreme Court as of May 19, 1958, had 1,013 cases on its appellate docket and 781 cases on its miscellaneous docket. Since cases generally get into the court by the selective certiorari process, there is no doubt that they involve questions of great importance not only to litigants but more important than that, to the people of the United States.

No doubt the flow of these cases will continue and will increase. To that flow should not be added a large number of integration cases nor should the Judges of the Supreme Court be burdened with the study of a vast number of applications for certiorari in such cases.

As shown by the report of the Director of the Administrative Office of the United States Courts, Federal district courts have the highest backlog in history; more than 75,000 cases. Says Warren Olney III, Director of the Office:

"Not only is this the highest backlog in history, but it represents a caseload which will keep the Federal trial courts busy for a year, even if not an additional civil case were filed and not an additional criminal indictment were returned. The inevitable result is that delays in the trial of cases in Federal courts, which in some districts are already as high as 4 years, will be still further increased.

"During the coming year persons who file cases do not stand a ghost of a chance of having trials within a reasonable time. In many instances this will be simply a denial of justice."

This report shows that Federal judges are working harder in a so far unsuccessful attempt to keep up with the backlog. Since 1941 the average district judge has increased the number of cases of which he disposes in a year from 169 to 231. But during the same period, the average backlog has gone up from 137 to 270 cases per judge.

Not only do the overburdened Federal courts have no time for the determination of thousands of integration cases under the equity powers and pursuant to mandate of the Supreme Court, but they are not equipped to handle such problems.

The Federal judge, with his stenographer and clerk, is not equipped to consider "problems related to administration, arising from the physical condition of the school plant, the school transportation, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems."

The adversary system is not adaptable to the objective ascertainment of truth and to correct judgments in such cases.

Far more than in the case where the Court is confined to consideration of expert testimony supplied by the adversaries, the court or body attempting to implement the Supreme Court principles must have its own investigative power and staff. It must be able to direct and control objective research of local conditions and opinions and problems of enforcement.

Such staff studies and reports would serve to moderate and stabilize adversary contentions surcharged with emotion. We know from experience that in adversary cases, the tendency of each side is to take an extreme position in the hope that any compromise to resolve the conflict will be more favorable to the party taking an extreme position. This tends to exacerbate rather than allay passions.

The Court itself has recognized that it is impossible suddenly to enforce a uniform rule of law in tens of thousands of school districts in diverse communities in the face of local problems of administration. This is true even in the case of school boards that sincerely desire to integrate.

One reason for the breakdown of national prohibition was, of course, opposition to it

in many areas of the country. While acceptable generally in a State which was predominantly agricultural and perhaps previously a dry State, there were metropolitan areas in which enforcement became impossible.

Any national law which affects the daily conduct of millions of people throughout the United States cannot hope to succeed if it be a Procrustean bed. There must be some flexibility in the administration of standards laid down by the Constitution as interpreted by the courts or laid down by Congress.

EQUAL PROTECTION—JOB FOR CONGRESS

Congress should exercise its constitutional power to enforce, by appropriate legislation the equal protection of the 14th amendment. We learned from experience that the growing complexity of the economic structure in the United States required, as a practical matter, that administrative bodies be established to apply legislative standards and rules of conduct to particular factual situations from time to time.

We learned that through laws of general application we could not effectively regulate such diverse matters as railroad rates which should be reasonable, or trade and labor practices, which should be fair. We learned that these regulations could not be effectively administered except by administrative bodies.

The determination of innumerable problems depends on infinitely varied factual situations. Promptness and efficiency are required on the basis of continuous expert and inexpensive procedures. These procedures are set up so as to secure immediate investigation and the application of statutory rules on the basis of a sound, practical judgment.

Administrative procedures are much more adapted than the judicial to secure the quick solution of new and varied problems with practical and ready adjustment to social changes and with flexibility based on experience.

It is on the basis of these needs and principles that we had the vast growth of administrative tribunals and administrative law. Constitutional objections to the delegation of powers were overcome by the courts. It was held that Congress might not only give authorization to determine specific facts, but might establish primary standards, devolving upon others the duty of carrying out the declared legislative policy, that is to fill up the details under the general provisions made by the legislature.

The Interstate Commerce Commission was given power to fix reasonable rates. The Secretary of Agriculture was validly authorized to meet local conditions in his regulations. The Federal Trade Commission can determine what are unfair methods of competition and the Federal Communications Commission can take action to insure equality of radio broadcasting service.

Agencies were given the power of investigation, separate from the power to take action. Executive officers were authorized to secure the exact effect intended by a congressional act by vesting discretion in them to make regulations interpreting the statute and directing the details of its execution.

Congressional standards were held sufficiently definite as to be constitutionally valid: to determine just and reasonable rates and unreasonable obstruction to navigation, public interest, public convenience and necessity, and protection of investors, and undue discrimination in rates. The Interstate Commerce Commission is given the power to prevent undue preferences and to require suitable facilities for transportation of interstate commerce.

Thus, an administrative body could determine whether the practice of an employer is unfair in that it interferes with the right of employees to form, join, or assist in labor organizations of their own choosing.

It is true that Congress would have to establish the standards of legal obligation which would properly limit administrative bodies. It would have to set up rules of conduct or policy for application by the administrative body to a particular state of fact and it should require findings to show that such rules of conduct or policy apply to the particular type of fact set forth in the statute setting up the standards.

A SOLUTION: ADMINISTRATIVE AGENCIES

Congress should consider authorizing the President to appoint administrative tribunals for integration for States, counties, municipalities or school districts. Consideration might also be given to the appointment of one overall national commission to supervise the work of the other administrative bodies within the States.

Members of all commissions might be subject to removal by the President or by some officer given that authority. In appointing commissions, care could be taken to procure so far as possible local representatives of high standing and of moderate views and of sound discretion.

Legislation would include a persuasive preamble, a declaration of national policy and definitions of such terms as "integration" and "deliberate speed." It would set forth the requirements of notice of public hearings by the integration councils, condition precedent to findings and orders. It would indicate the principle types and range of facts to be considered and included in required basic findings to support integration orders.

Such facts, justifying the timing of integration of specific schools to be covered by successive orders, might include the number of pupils of each race or color in the school, the ratio of teachers to each, the adequacy of staff, creation of teachable groups, pupils' residences in relation to the location of the schools curriculum, physical plant and equipment, particularly as related to integration problems, the cost of needed changes or additions to the plant, sources of funds to meet that cost and of maintenance revenues and social and economic conditions bearing on the timing and practicability of integration. Factors properly to be considered by a court of equity might also be indicated in general terms.

Commissions or administrative bodies should be given the power to investigate; to educate and inform the public, to determine administrative questions and apply the legislative mandates set out in the congressional act in specific cases.

They should be required to accompany or base each opinion or order or rule upon specific or basic findings of fact. The agency should be given the subpena power and the power to require forms of reports from school authorities and to investigate their records and activities.

They might also be given the power to gather information by holding referendums and making them the basis of their determinations. They should be given the power to make rules and regulations to carry into effect the congressional will as expressed in the statute, that is the power to fill up the details.

They should be given especially the power to prevent possible methods of evasion of the statutory law and deprivation of constitutional rights and the possible concealment of forbidden practices.

The statute should provide that when any of these administrative tribunals acts within its properly delegated discretion, its determinations should be conclusive so far as its findings of fact are concerned as supported by substantial evidence.

Advantage, of course, should be taken of the doctrine of administrative finality announced first with reference to the Interstate Commerce Commission. The weight of the evidence should be exclusively for the administrative agency as well as the soundness of its reasons, not subject to review by the courts.

So far as constitutionally possible, the function of the courts should be limited to questions of law so as to relieve them from the tremendous burden of reviewing vast bodies of fact and opinion on the subject of integration. This will relieve the courts from the responsibility of becoming sociological experts and making intensive investigations of detailed facts.

We cannot afford the bitterness of even a mild form of Reconstruction by means of Federal bayonets or an army of U.S. marshals. We cannot afford the criticism of the courts that will inevitably result if they are flooded with thousands of cases which they are not in a position to handle efficiently and promptly.

We should not overburden the Federal district judges, as many of them are overburdened during the days of prohibition enforcement when they complained that their courts became police courts. We should not place upon the judiciary the responsibility for a solution in detail of complex problems of administration and law enforcement in thousands of cases, and of sociological and economic fact finding for which they are not equipped.

This is especially true when there is available an alternative method of a solution of the problem with all "deliberate speed" under Federal control, but with local aid. We should take advantage of our experience with administrative tribunals and administrative law acquired both on the State and Federal level since the Interstate Commerce Commission was established more than 70 years ago.

A congressional approach to the solution of the problem will enable Congress with the aid of the best minds in the country to work out a judicious, sensible, just, peaceful, and practicable solution of the complex problems involved in implementing the decisions of the Supreme Court of the United States.

NEGOTIATED COST-PLUS CONTRACTS

Mr. WILLIAMS of Delaware. Mr. President, last year I submitted to the Comptroller General information which I had received wherein it was alleged that under a Navy contract certain employees of Bendix Corp., of Baltimore, had been transported to Hawaii, and when it was discovered that they were not qualified for their jobs they were returned to the mainland, and the moving bills for each family were paid for by the Government under a cost-plus-fixed-fee contract.

It seems that the Navy Department had negotiated with the radio division of Bendix Aviation Corp., of Towson, Md., a cost-plus-fixed-fee contract wherein certain technicians were to be sent by Bendix for duty at the Pacific Missile Range activities in Hawaii and the Pacific area.

Bendix for a cost-plus-fixed-fee was to furnish technicians having certain specified qualifications; but when the men arrived at the islands it was found that many did not have the necessary qualifications, and the men and their families had to be returned to the States.

While this error was obviously the responsibility of the contracting corpora-

tion, the expenses for each family were paid and added to the cost-plus contract, and their claims were being approved by the Navy Department without question.

The Comptroller General, upon receipt of these allegations last August promptly investigated the charges, and in a report received on January 25, 1960, I was advised that they were found to be correct.

Accordingly, the Comptroller General advises that he is notifying the Navy Department not only that his office will question these payments, but also that they contemplate stating formal exceptions against other similar payments already made. In the absence of information being furnished contrary to the facts stated, this would result in a disallowance in the settlement of the disbursing officer's account.

While the amount involved here may be small as compared to our defense expenditures, it is these small items of waste that pyramids our national defense costs.

In my opinion there is no excuse for the procurement officers in charge of these contracts not doing a better job in seeing that our tax dollars are efficiently spent.

This case only further emphasizes the waste possibilities of negotiated cost-plus contracts when the services or goods could have been bought on a businesslike manner by requesting competitive bids.

I compliment the Comptroller General for his prompt action in this case in protecting the taxpayers against payment of these unnecessary charges.

I ask unanimous consent that the Comptroller General's letter of January 25, 1960, confirming these facts be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, January 25, 1960.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: Further reference is made to your letter dated August 17, 1959, concerning amounts paid to certain persons sent to the Hawaiian Islands for the Bendix Corp. of Baltimore and your letter dated September 10, 1959, which furnished additional information in connection with your inquiry. You requested that we check an allegation that under a Navy contract certain employees of Bendix Corp. had been transported to Hawaii and when it was discovered that they were not qualified for the job they were returned to the mainland, and that the moving bills for each family were paid by the Government.

We found that, under the terms of Navy cost-plus-a-fixed-fee contract N123(61756) 21632A (PMR) with Bendix radio division of Bendix Aviation Corp., of Towson, Md., 33 technicians were sent by Bendix to report for duty at Pacific Missile Range (PMR) activities in Hawaii and the Pacific area during the months of May and June 1959. Twelve of these were returned to the mainland during July and August 1959, prior to the completion of their anticipated tour of duty. Inquiry at Bendix disclosed that 10 of the employees were returned by mutual agreement between the Bendix project engineer and the PMR Navy representative—one because of a clash of personality with Navy personnel and the other nine because they could not operate a teletype machine. The remaining two were recalled by Bendix—one at his own request to resume his studies in school and the other because he was not properly applying himself. Claims covering expenses of three of the employees who were returned to the United States because they could not operate a teletype machine were included in billings submitted to the Navy by Bendix which were paid on December 17, 1959. The expenses for these three employees totaled approximately $7,000. We were informed that Bendix intends to submit claims for all employees who were returned to the United States and that the Navy contract administrator intends to approve such claims without further investigation of the reasons for the premature return of the employees. We contemplate questioning these payments for the reasons stated on pages 4 and 5.

COST-TYPE CONTRACT NEGOTIATED WITH BENDIX

In a letter dated March 6, 1959, the Navy Purchasing Office, Los Angeles, Calif., requested proposals from contractors to furnish engineering and technical services and materials necessary for the operation and maintenance of instrumentation systems and range facilities for a period of 18 months at certain specified locations and elsewhere as required by the Commander, Pacific Missile Range, Naval Missile Center (NMC), Point Mugu, Calif. The specifications enclosed with the request for proposals listed the type of equipment to be operated by the contractor at each site, which included a teletypewriter and a teletype scrambler.

Bendix Radio Division of Bendix Aviation Corp. submitted its proposal by letter dated March 24, 1959. In this letter, Bendix stated: "Bendix Radio is prepared to furnish not only competent personnel and a thorough understanding of the magnitude of this project, but will also establish an organization reflecting a capability to provide for the operation and maintenance of the downrange equipment."

In a letter dated April 22, 1959, to the Navy Purchasing Office, Los Angeles, Calif., the Commander, PMR, submitted an analysis of the proposals received and recommended that the contract be awarded to Bendix. Subsequent negotiations were conducted with Bendix and were later confirmed by the contractor in a letter dated May 12, 1959. On May 13, 1959, cost-plus-a-fixed-fee contract N123(61756)-21632A (PMR) was awarded to Bendix.

The contract, which incorporated by reference the contractor's proposal and the detailed specifications, requires Bendix to furnish for duty communications technicians qualified to operate, at isolated oversea areas, the various types of communication equipment listed in the specifications.

SELECTION OF TECHNICIANS BY BENDIX

We were informed at the contractor's plant that during the latter part of May 1959 NMC advised Bendix by telephone that a crash program was on and requested Bendix to send 13 technicians to Kaneohe, Oahu, headquarters of PMR in Hawaii, as quickly as possible. By June 1, this was accomplished. Shortly thereafter, Bendix was requested, again by telephone, to send 20 more technicians as quickly as possible. One of these men went to Hawaii, and 19 reported aboard naval vessels on the Pacific coast for duty in the Pacific area. This was accomplished by June 15, 1959. Neither the contractor nor the Navy kept any record of these telephonic conversations. Bendix officials informed us that the rush put on them by the Navy, and the length of time necessary to obtain security clearance, forced them to use their personnel who had the necessary clearance. Bendix officials said that they removed the 33 men from other military projects to which they were assigned and gave them only a superficial screening.

Although the rush in having men report for duty appears to have been unanticipated, Bendix was aware early in March 1959 that some of the 33 men would be needed at the sites by May 4, 1959. The instructions for preparation and submission of quotations, which were issued March 6, 1959, stated that 10 technicians would be required at two sites on May 4, 1959. Amendment No. 1 to the specifications, dated May 13, 1959, changed the reporting schedule for seven technicians to May 13, 1959, and for three technicians to June 1, 1959. Inquiry at NMC disclosed that the Bendix personnel were rushed to Hawaii in order to permit their training by employees of the Western Electric Co. who had installed the equipment which was to be operated and also to relieve PMR personnel who were needed at other locations.

After the 33 technicians had reported for duty, the Navy brought to the attention of Bendix that the specifications called for experience in teletype communications systems. As previously stated herein, the specifications listed a teletypewriter and a teletype scrambler as a part of the equipment to be operated at each site. However, in discussions with us, Bendix cited a part of the specifications which required that technicians be qualified in military and merchant marine CW radio procedures and stated that it interpreted this to mean the use of a continuous wave coded key dot and dash system and that its men were selected on this basis.

Bendix officials advised us that the Navy was given a résumé of each man's background before he was sent over. We found that background information had been received at NMC for some supervisory personnel and for two of the technicians. We were unable to obtain any information as to whether the background information had been reviewed by NMC personnel. We were informed that such data is now given a review and approved in advance by NMC before each person is sent overseas.

CONTRACT PROVISIONS FOR RELOCATION COSTS

The contract originally provided that "Relocation (move-in move-out) costs, apply only to a maximum of twenty-five (25) personnel as selected by the contractor, and only to the extent that relocation is necessary and approved by the contract administrator * * *" and "* * * in no event will the contractor be reimbursed in any amount exceeding $71,189 for relocation costs * * *." The contract was amended on June 24, 1959, to provide additional relocation costs for a maximum of 20 additional personnel and an additional maximum amount of $84,328. The contract is silent regarding the allowance of relocation costs for employees returning prior to the completion of their normal tours of duty. We were informed at the Navy Purchasing Office, Los Angeles, that a provision to preclude the allowance of costs for employees returning before completion of their normal tour of duty was not included in the contract because the Navy wanted to give full cooperation to the contractor to enable him to obtain fully flexibility in employee utilization.

CLAIMS FOR TRAVEL EXPENSES OF RETURNED TECHNICIANS

Claims covering traveling expenses for three of the employees, and their families, who were returned to the United States because they could not operate a teletype machine, were included in billings submitted by Bendix which were paid by the Navy on December 17, 1959. These expenses totaled approximately $7,000. We contemplate questioning these payments because we believe that Bendix should have been aware that a teletypewriter and a teletype scrambler were a part of the equipment to be operated at each site from its analysis of the specifications that were enclosed with

the Navy's request for proposals. While a casual reading of the contract specifications on the qualifications of communications technicians might tend to limit their qualifications to the operation of equipment utilizing "CW Radio Procedures," the contract when read in the light of the specifications which were furnished with the request for proposals, and the contractor's proposal, imposes the requirement that the contractor furnish communications technicians who are experienced and qualified in the operation of teletype equipment. For the reason stated above, we also intend to question claims submitted in the future for employees who were returned by Bendix because they could not operate a teletype machine.

In addition, we intend to question any claims submitted for the three employees who were returned because of the following reasons:

1. To resume studies in school.
2. A clash of personality.
3. Not properly applying himself.

In regard to the employee returned to resume studies in school, we believe that the Government should not be charged under the contract for relocation costs incurred for a reason personal to him. With respect to the other two, we feel that it was the duty of Bendix to determine prior to the commencement of their travel to Hawaii their competence and adaptability to perform the required contract work.

We have discussed the facts and circumstances involved in the return of the employees with responsible personnel of the Navy and of the contractor, but we have not obtained formal comments from either organization. We contemplate stating formal exceptions against the payments already made. In the absence of information contrary to the facts stated herein, this will require a disallowance in the settlement of the disbursing officer's account. The Department of the Navy will be requested to advise us of the action it plans to take with regard to the relocation expenses for the other returnees.

We will advise you of the disposition of this matter when final action has been completed.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

INCREASED SALARIES FOR DISTRICT OF COLUMBIA TEACHERS

Mr. MORSE. Mr. President, I am most pleased to join with my distinguished colleague on the Senate Committee on the District of Columbia, the ranking minority member of the committee, the Senator from Maryland [Mr. BEALL], in sponsoring salary increase legislation for the District schoolteachers and school officers.

The Senate will recall, at the time the last pay increase for teachers was before this body, there were those of us presenting the bill for the committee who felt that the increase agreed upon in conference was inadequate. The bill being introduced today, if enacted, would do much to overcome the deficiencies of that legislation.

As is my practice and custom in matters such as these, I would bring to the attention of the Senate that I am not fixed in my view that the legislation as introduced is final and perfect. I anticipate that during the hearings upon it possibly suggestions of great merit will be received, which would deserve, and I am confident will receive, careful consideration by the committee. It is my hope that the reported legislation will be strengthened and sounder than that which we have introduced today.

The session is already more than somewhat advanced. I had hoped, frankly, that by this time the Commissioners of the District of Columbia would have submitted draft legislation containing their views. Perhaps the introduction of this bill today will be of assistance to them in coming to a final determination upon their recommendations.

Mr. President, what is important is that the Congress this session be given the opportunity to consider pay legislation for the teachers of the Nation's Capital.

Dr. Hansen, our very able Superintendent of Schools, has said:

> If we really expect to educate children according to their widely varying abilities and needs, our classrooms must be manned by people for whom teaching is a real profession in the same sense in which law, medicine, dentistry and engineering are professions.

I concur in this view. It is my firm belief that one of the primary steps which need to be taken to convert this ideal into legislative reality is to enact a salary bill which will reflect in dollars and cents the value which we place on the dedicated services of the men and women to whom we entrust our children.

I invite the attention of the Senate to the following data concerning maximum teachers' salaries now being paid in some smaller school systems in parts of this land:

Oak Park, Ill	$12,000
Great Neck, N.Y	10,300
Beverly Hills, Calif	10,000
Garden City Central High School District, New York	10,000
White Plains, N.Y	9,800
Anchorage, Alaska	9,600
Kern County Union High School District, California	9,580
Long Beach, Calif	9,450
Upper Darby Township School District, Pennsylvania	9,400
Oxnard Union High School District, California	9,375
Greenwich, Conn	9,300
Mount Vernon, N.Y	9,300
Chettenham Township School District, Pennsylvania	9,300
Fullerton Union High School District, California	9,230
Whittier Union High School District, California	9,200
San Jose, Calif	9,180
Oakland, Calif	9,165
New Rochelle, N.Y	9,150
Colton Union High School District, California	9,140
Sacramento, Calif	9,135
Sequoia Union High School District, California	9,132

I ask the Senate what justification can we give in the Capital for doing less than these school districts have already done.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there further morning business? If not, morning business is closed.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 79]

Aiken	Engle	Moss
Allott	Fong	Mundt
Bartlett	Goldwater	Murray
Beall	Gore	Muskie
Bennett	Hartke	Pastore
Bible	Hayden	Prouty
Brunsdale	Hickenlooper	Proxmire
Bush	Holland	Randolph
Byrd, Va.	Hruska	Robertson
Byrd, W.Va.	Javits	Russell
Cannon	Johnson, Tex.	Saltonstall
Capehart	Jordan	Schoeppel
Carlson	Keating	Scott
Case, N. J.	Kefauver	Smith
Case, S. Dak.	Kerr	Stennis
Chavez	Long, Hawaii	Symington
Church	McCarthy	Wiley
Cooper	McGee	Williams, Del.
Cotton	McNamara	Williams, N. J.
Curtis	Mansfield	Yarborough
Dirksen	Martin	Young, N. Dak.
Douglas	Monroney	Young, Ohio
Dworshak	Morse	

The PRESIDING OFFICER. A quorum is present.

PRESIDENTIAL DECISIONS ON QUESTIONS OF PUBLIC POLICY

Mr. MUNDT. Mr. President, this past week our Subcommittee on National Policy Machinery conducted its first official hearings in public. This is the subcommittee operating under the able leadership of the Senator from Washington [Mr. JACKSON] and on which I am the ranking Republican member. It is conducting a study which is purely nonpartisan in objectives, and, up to now, it has been entirely nonpartisan in operation. We hope and expect to keep it that way.

We have had a series of distinguished witnesses, who have supplied for the record some very useful, informative, and challenging testimony.

I rise to point out that, unfortunately, however, some of those who have commented on the hearings have apparently elected to comment about what is not in the record rather than what is actually incorporated in the record of these hearings.

One of the witnesses was Robert A. Lovett, formerly Under Secretary of State and Secretary of Defense. Part of the testimony of Mr. Lovett was taken in executive session.

With the cooperation of the White House, this testimony has been released for publication, along, of course, with the open testimony also provided by Mr. Lovett.

Bob Lovett made a strong case that the President, as Chairman of the National Security Council, should preside at meetings, and obtain the benefit of discussions of policy issued by his advisers. A newspaper columnist, Mr. Walter Lippmann, has now written that "this is not President Eisenhower's method." Mr. Lippmann's conclusions, Mr. President, are not supported by the facts.

Mr. President, in order to set the record straight, I ask unanimous consent that the article by Mr. Lippmann, published on March 1, be printed in its entirety at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 1960]

HOW TO MAKE DECISIONS

(By Walter Lippmann)

The text of Mr. Robert A. Lovett's testimony before the Jackson subcommittee of the Senate has now been made public. It deals with the question of how a President is supposed to decide the great interrelated questions of defense and of foreign policy. No President, no matter what his experience in military and diplomatic affairs, can possibly know the answers to all the great questions of policy.

If he was a soldier in the World War, his military experience antedates the gigantic technological revolution in weapons which has occurred since the World War. If he dealt with foreign affairs in the 1940's, his experience antedates the change in the balance of power which has occurred since in 1949 the Soviet Union broke our monopoly of nuclear weapons. His experience antedates also the appearance of Red China as a formidable power in the world, and the rise in all the continents of the submerged masses of mankind.

There is nothing so likely to cause wrong decisions of high policy than old soldiers reliving the last war and old retired diplomats who think that the last good days were the days when they were still in office.

A President, whoever he is, has to find a way of understanding the novel and changing issues which he must, under the Constitution, decide. Broadly speaking, as Mr. Lovett's testimony shows, the President has two ways of making up his mind. The one is to turn to his subordinates—to his chiefs of staff and his Cabinet officers and Under Secretaries and the like, and to direct them to argue out the issues, and to bring him an agreed decision. On the whole this is President Eisenhower's method.

The other way is to sit like a judge at a hearing where the issues to be decided are debated. After he has heard the debate, after he has examined the evidence, after he has heard the debaters cross-examine one another, after he has questioned them himself, he makes his decision. This is the method intended by the authors of the National Security Act, who were the late Secretary Forrestal and Mr. Lovett himself and some others.

It is a much harder method in that it subjects the President to the stress of feeling the full impact of conflicting views, and then to the strain of making his decision, fully aware of how momentous it is. But there is no other satisfactory way by which momentous and complex issues can be decided. The alternative is to smother the issues and not to decide them if it is possible to evade them.

When we talk about choosing between the two methods, we must remember, of course, that no President will or can use any one of them exclusively. There are some issues which he can leave to the decisions of his subordinates. There are other issues which he has to decide after hearing the debate.

But some Presidents will use one method more than they use the other, and General Eisenhower is the kind of President who expects that normally his staff will bring him an agreed decision. As a staff officer in the Army he learned that this is the way the military business is transacted. His bent in favor of the agreed decision has, of course, been much accentuated by his illnesses, by the need to protect him against the strains and the stresses of the Presidency.

A President with a different training and a different temperament would use differently the policymaking machinery of the Government. For while the machinery can be improved, as Senator JACKSON's studies may show, it is a truism that no government machinery is automatic and that the way it operates will depend upon the man who operates it.

In choosing a President there are few things more important to look out for than the evidence of what the candidate has done and what he shows he is likely to do in operating the machinery by which decisions are reached. It is very hard to be sure that one has made the right choice since the office of President is enormously more difficult than any other office. But while it is hard to determine in advance the competence of a candidate for the highest executive responsibility, that is one of the main points which the voter, at least the independent voter, is supposed to determine. It does not help him much in making this decision to see these scattered and disorderly primary fights where everybody talks down to the voters and nobody does more than hint at the things that really matter.

It is no accident that since the 19th century, when the office of President has become so much bigger than it used to be, the successful Presidents have been, with perhaps one exception, men who had learned the art as Governors of States. Whether one likes them or not, the successful Presidents in this century have been Theodore Roosevelt, Woodrow Wilson, Franklin D. Roosevelt, and Harry S. Truman. All but Truman had been Governors. Truman, moreover, was the only President, assuming he was a successful President, who came out of Congress. This is not because Congress is a bad institution but because the work of Congress is very different from that of the Executive.

No rule of thumb is absolute. But for my own part there is a reasonable presumption of doubt about the executive competence of any candidate who has never occupied an executive office, as Governor of a State, as mayor of a big city, or as a Cabinet officer.

Mr. Lippmann first points out that the President has two ways of making high-policy decisions: on the basis of a recommended decision from his subordinates, or after presiding over a discussion of the issue by his advisers. Mr. Lippmann indicates his choice of the latter approach, as follows:

> The other way is to sit like a judge at a hearing where the issues to be decided are debated. After he has heard the debate, after he has examined the evidence, after he has heard the debaters cross-examine one another, after he has questioned them himself, he makes his decision * * * there is no other satisfactory way by which momentous and complex issues can be decided.

Mr. President, I agree completely with Mr. Lippmann on that point. He has shown excellent judgment. The described approach is the proper method for making Presidential policy decisions.

It is the method being followed and it is the formula being employed by President Eisenhower.

The text of Robert Lovett's testimony before our subcommittee leaves no doubt as to his strong preference for decision-making in this manner. Nor does the transcript reveal a contradictory point of view on the part of the subcommittee, or on the part of the witnesses who thus far have appeared. The record clearly shows that this is the formula employed by President Eisenhower. I emphatically agree that it is a good formula to be utilized; and I think the country is entitled to be informed of the methods used by the National Security Council, although, of course, some of the items discussed there are of a high-security nature and cannot be publicly revealed. But I think it is good to know that our President is using the formula recommended by Mr. Lovett; recommended by Mr. Lippmann; and recommended by the various witnesses; and it appears to be working magnificently. If there are better methods or a more effective formula available, however, our committee would like to learn about them.

The other way open to the President for "making up his mind," according to Mr. Lippmann, is "to turn to his subordinates and to direct them to argue out the issues, and to bring him an agreed decision." Mr. Lippmann then charges: "On the whole this is President Eisenhower's method."

Mr. President, I do not know what source Mr. Lippmann has relied upon for his information, or perhaps I should say for his misinformation, in this connection. But his knowledge of the policy-making procedures followed by the President is faulty. It is not supported by the record, and I think the public is entitled to know what the record discloses.

Mr. Lippmann states in the article, in part—and I shall not take this portion of it out of context, because I have received permission to have the entire article by Mr. Lippmann printed in the RECORD; but let me quote one or two paragraphs from the article written by Mr. Lippmann:

> But some Presidents will use one method more than they use the other, and General Eisenhower is the kind of President who expects that normally his staff will bring him an agreed decision. As a staff officer in the army he learned that this is the way the military business is transacted. His bent in favor of the agreed decision has, of course, been much accentuated by his illnesses, by the need to protect him against the strains and the stresses of the Presidency.

Mr. President, that part of the article both states and implies much more strongly that the Eisenhower method is to rely upon subordinates for agreed decisions, and to bring them to him, for him to either accept or reject. So I think the RECORD should show clearly that that is not the Eisenhower method, despite the contents of the Lippmann article.

Here are the facts:

First. Robert Lovett, at no place in his testimony, stated that President Eisenhower does not personally preside over National Security Council meetings, making his decisions on the basis of the evidence presented. Mr. Lovett participated in National Security Council deliberations only until 1953—which, of course, was prior to the time when Mr. Eisenhower was President; and in 1953 Mr. Lovett retired as Secretary of Defense. He specifically related his testimony to "the early days of the National Security Council when procedures were being worked out by the cut-and-try method."

Mr. President, any careful reading of the Lovett testimony clearly supports that position. I ask unanimous consent that the text of the executive session testimony by Robert Lovett, now cleared for publication, as it was given before

the Subcommittee on National Policy Machinery, in executive session, on February 23, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 29, 1960]

TEXT OF LOVETT'S TESTIMONY ON U.S. DEFENSE POLICIES

(Following is the text of the testimony of Robert A. Lovett, former Secretary of Defense, relating to the National Security Council, given before the Senate Subcommittee on National Policy Machinery and made public today.)

Senator JACKSON. The subcommittee will be in order.

Now, Mr. Lovett, we turn to your comments regarding the National Security Council, and this testimony, of course, is being taken in executive session, in accordance with the guidelines which I believe I made available to you some time ago and discussed with you.

Mr. LOVETT. Yes, sir; you did.

Senator JACKSON. You may proceed and make any comments you care to make in accordance with those guidelines.

STATEMENT OF MR. LOVETT, PARTNER, BROWN BROS., HARRIMAN & CO. CHAIRMAN, EXECUTIVE COMMITTEE, UNION PACIFIC RAILROAD CO.

Mr. LOVETT. Thank you, sir.

I mentioned in the prepared statement for the open hearing the matter of split papers and differences of opinion. I would like to pick that up and restrict myself very largely to that area in the National Security Council.

The size, the organization and perhaps even the purpose of the National Security Council have so changed and increased that I do not feel competent to answer the "questions in dispute" posed by the interim report.

Since the National Security Council was designed for the use of the President and was meant to be a help in determining an integrated national security policy, its organization clearly should conform to his wishes and meet his particular work habits.

In earlier testimony, however, I referred during discussions of problems in the Department of Defense to the matter of so-called split papers and, with your permission, I should like to complete that point in executive session.

Since perfectly legitimate and, occasionally, valuable differences of opinion develop in Joint Chiefs of Staff papers, so also do different points of view or emphasis cause disagreement between, say, State and Defense on some proposed plan of action or policy.

REFERS TO PROCEDURES

In the early days of the National Security Council, as procedures were being worked out by the cut-and-try method, a basic purpose of the agency was to provide a kind of court of domestic and foreign relations, before which, with the President presiding, both departments could present their views, debate the points, be subjected to cross-examination and so on.

The purpose was to insure that the President was in possession of all the available facts, that he got firsthand a chance to evaluate an alternative course of action disclosed by the dissenting views, and that all implications in either course of action were explored before he was asked to take the heavy responsibility of the final decision.

The President has, I think, a better chance of getting these factors with a minimum of fuzzy compromise if he gets them fresh from the vigorous staffs of the departments charged directly with both planning and operations in these special areas of concern.

The relatively small number of officials attending the first meetings made it easier to handle such matters. Furthermore, both department heads were directed to bring before the National Security Council only matters of some special importance, all others being handled in the two appointments reserved weekly for the Secretaries of State and Defense, or in the Cabinet meetings.

Senator JACKSON. Mr. Lovett, do you think the Security Council can operate effectively as it was designed originally if you have a large number of participants?

Mr. LOVETT. I would have very grave doubts about its ability to operate in a mass atmosphere. I think it would inhibit frank discussion. I think it would be an embarrassment as regards the vigor with which a man might want to defend his position. I think it would limit the quality of the debate which the President ought to hear.

Quite apart from those considerations, which would be adequate in my mind, the more people you get into one of those things, the more chances of loose talk. I would not go so far as to say that it would create a leak, but certainly it does not promote security.

Question. And it is questionable whether it is really necessary.

Answer. I doubt very much whether it is necessary.

Question. You were in on the early days of the NSC. You were, as a matter of fact, in the Government when it was set up in 1947, and I believe participated in various capacities in the formulation of the National Security Act. Is that not correct?

Answer. Yes; in the discussions which preceded it.

Question. Essentially, the NSC and the National Security Act setting it up, represented a codification of our wartime experience, did it not?

Answer. Yes, sir; it did, and particularly it was an attempt to translate into our form of operation some of the benefits we saw from the British system.

Question. With that background, then, was it your understanding that the NSC should be rather limited in size in order to be effective?

Answer. Yes, sir; it was. Secretary Forrestal was one of the leading spirits in attempting to do two things: (1) to get this form of "court," in effect, over which the President would preside, so that you could get a decision in the light of all of the facts; and (2) a hope which was implicit in the act as it came out of Congress, but quite explicit in the original recommendations, was that it would promote staff continuity.

This group was, regardless of changes in the administration, to have fundamentally in it a hard core of trained, continuous public servants who might assist in the presentation of the points of view of their particular department.

Question. Now turn to this question of the jurisdiction of the NSC, do you think it should confine itself to a few important issues as opposed to having a lot of issues brought in?

Answer. Yes, sir; I do. I think the fewer the better. The National Security Council process, as originally envisaged—perhaps "dreamed of" is more accurate—contemplated the devotion of whatever number of hours were necessary in order to exhaust a subject and not just exhaust the listeners.

It was, I think, very productive in the early days. I recall with some sense of discomfort, because I usually was not as persuasive as I would like to have been, the debates in which I engaged with the Secretary of State at that time. They were hearty and covered the subject rather fully.

Once the decision was made, Mr. Chairman, and I think this is an important point, the subject was dropped. That was that. You had your orders. You went out and did your job.

I think the only field in which the NSC permanent staff was, after the decision, called upon to act was really an extension of the White House function of following up. I believe that that particular function, if you will call it an audit of performance, is a very necessary and admirable thing in government and, of course, it is one, as you know far better than I, of the principal contributions which an astute congressional committee can make to the executive branch.

Question. And the OCB (Operations Coordinating Board) apparently is the instrumentality at the present time that is supposed to implement the orders worked out in the NSC.

Answer. Yes.

Question. Do you think the National Security Council should be closely tied to the budgetary process? In other words, shouldn't the NSC have some vital role apart in the determination of the budget as it pertains to matters within its jurisdiction?

Answer. As presently organized, Mr. Chairman, it seems to me a rather amorphous thing. It is a little bit too large to take the precise line which it needed in dealing with the budget. But insofar as it is a meeting place for the Department of Defense, it might offer an excellent vehicle, at least to get their points of view.

Once you get the other agencies of Government involved in it, I think it reduces the impact of both State and Defense on the expression of national needs.

Question. I take it from your statement that, based on your own experience, you believe in debate before the President in the NSC so the President will have the opportunity to make a decision based on sharp, clear and understandable alternatives?

Answer. I think it is a real disservice to the President not to debate matters of some importance before him, because it denies him, in those circumstances, the possibility of seeing an alternative or an obstacle. It forces him to look down the full length of the hard road and not simply the first few steps of it.

Question. In other words, the President has the constitutional responsibility as Commander in Chief and as head of the Government to make decisions in the area of national security. You do not necessarily lighten the load of the President by bringing to him agreed-upon papers where no decision is involved, other than to say, "We will go ahead with this."

Don't you think there is confusion on the point that there is a tendency to help the President, to lighten his load by trying to do his constitutional work for him?

Answer. I do.

Question. Isn't this a danger?

Answer. Yes, sir. I think the President in his own protection must insist on being informed and not merely protected by his aides. I think that is abundantly apparent in the desire of all of the younger assistants, myself once included in that area, to try to keep the bothersome problems away from your senior's desk.

I think that is very unfair to him in many cases, and I think it is something that General Marshall simply would not tolerate. I think that this is the one occasion I recall in which he regularly got very vehement about things.

Mr. Lovett, this is Mr. Pendleton [Edmund Pendleton, Jr.], minority counsel, who has some questions.

Question. I have two questions. On the meeting of the National Security Council, do you believe that it would be more advisable for the President to be present at those

meetings and to hear the debate or to receive afterwards the recommendations and findings of the National Security Council?

Answer. I think he ought to be there, because so much of the feeling of the intensity of the support comes through when you sit and listen to it yourself. It is a little bit like your own profession, where it is much better to have the judge sitting up there and hearing the arguments with a chance to question than it is to have the cold printed brief put before him and then ask him to make up his mind.

Question. It is the ancient advantage of cross-examination to elicit the truth and get the facts out that might not otherwise appear in a unilateral presentation.

Answer. Yes, sir.

Question. Second, Mr. Lovett do you feel it would be helpful in this budget process tying in the relationship of national security policymaking to have the Director of the Bureau of the Budget a statutory member of NSC? I believe at present he attends the meetings, but is not a statutory member.

Answer. No, sir; I do not think he should be a statutory member. My conception of the budget process is colored perhaps by my civilian nongovernmental background. It seems to me that the budget is a procedure.

The budget is device; it is one of the tools that the Executive uses to maintain control, through controlling the purse strings. The second aspect of it is that it is a procedure to require forward planning, so that you think ahead and do not spend all your money in the first 6 months and have none for the payroll in the last 6 months. So I think the financial officer normally should be a consultant and a participant, but not the decision maker.

Question. Thank you.

Senator JACKSON. Thank you, Mr. Lovett, again, as I expressed our appreciation in the open meeting, I reiterate our appreciation for the time you have taken out of your busy, business life to assist this committee.

We will call on you again for some more work, because I am sure that this is the kind of an undertaking that will take some time to accomplish. Thank you very much.

Mr. LOVETT. I'm very much obliged to you, sir.

Mr. MUNDT. Mr. President, I shall quote a sample of what readers will find when they study this executive session testimony by former Secretary Lovett.

A question was directed to Mr. Lovett, and then he replied. I now read that part of the testimony:

Question. I take it from your statement that, based on your own experience, you believe in debate before the President in the NSC, so the President will have the opportunity to make a decision based on sharp, clear, and understandable alternatives?

Answer. I think it is a real disservice to the President not to debate matters of some importance before him, because it denies him, in those circumstances, the possibility of seeing an alternative or an obstacle. It forces him to look down the full length of the hard road and not simply the first few steps of it.

Now let me turn to a statement by Robert Cutler, as a second fact in this sequence. Robert Cutler was formerly Special Assistant to President Eisenhower for National Security Affairs. Mr. Cutler eloquently described President Eisenhower's concept of policymaking in an article entitled "The Development of the National Security Council," which was published in the Foreign Affairs magazine for April 1956.

Here is what that highly qualified witness, who sat with President Eisenhower on the National Security Council, has said about President Eisenhower's procedures; and now I quote Mr. Cutler:

When he became President, General Eisenhower transformed the Council into a forum for vigorous discussion against a background of painstakingly prepared and carefully studied papers. He likes nothing better than the flashing interchange of views among his principal advisers. Out of the grinding of these minds comes a refinement of the raw material into valuable metal; out of the frank assertion of differing views, backed up by preparation that searches every nook and cranny, emerges a resolution that reasonable men can support. Differences of view which have developed at lower levels are not swept under the rug, but exposed. In fact, it is the particular task of the Special Assistant to the President to sharpen and make more precise and provocative any divergencies that may exist so that the pros and cons can be accurately discussed and explored before the President at the Council meeting.

Mr. President, I should stress, for the benefit of Mr. Lippmann and those who may have read his article, that such discussions of divergencies are actively discussed and explored before the President at the Council meetings; and I believe that is the proper place for them to be discussed.

I continue to read the quotation of Mr. Cutler:

At the Council table all sides are present. Here, together in give-and-take argument, are the President's principal advisers, stating their views before each other and before the President, upon whom rests the burden of decision; questioning, and being questioned; each having his free, full opportunity to speak before the die is cast.

Mr. President, in these times, when decisions by the National Security Council are so vital and so important to all Americans and to the entire free world, I think Robert Cutler performs an exceedingly useful service when he lets down the walls, as it were, and lets Americans look in at the methods employed at the meetings of the National Security Council, so we can know how the decisions there are being evolved.

The third statement which I shall submit was made by Dillon Anderson, also formerly Special Assistant to the President for National Security Affairs. I shall quote from a statement made by Mr. Anderson. The statement is entitled "The President and National Security," and it was published in the Atlantic Monthly for January 1956. Mr. Anderson's statement is as follows:

The Council has five statutory members, beginning with the President, who presides at its meetings.

Fourth, Mr. President, and finally, I shall refer to the evidence given by Gordon Gray, who presently is Special Assistant to the President for National Security Affairs. Mr. Gray emphasizes that the President's strong control of policymaking continues.

In an address prepared for delivery at the 1959 annual meeting of the American Political Science Association, which met from September 10 to September 12, 1959, Gordon Gray reported, as another eye witness of the procedures which are employed:

The President is Chairman of the National Security Council and presides at each Council meeting which he attends. (Since I—

Meaning Gordon Gray—

have been Special Assistant, there have been 45 meetings of the NSC and the President has presided at 43 of them.)

I submit, Mr. President, that a percentage of 43 out of 45 is a pretty good batting average for anybody, whether it is the President of the United States or Senators fighting ennui and sleepiness during the course of this very extended debate on civil rights.

Mr. President, I thought it would be useful for the public to have available the full facts in this case, and I hope that reporters and columnists and editorial writers will base their comments and observations, insofar as our hearings are concerned, on what is said by the witnesses in our committee and not what some particular writer might like to have heard them say or might have assumed that they would say.

Virtually all of our hearings are open, Mr. President. They have been faithfully and fairly and accurately reported by the members of the press who have been there. Happily, that great conscience of the press and the monitor of good reporting, the television and radio people, have also been there, and they convey exactly what is said. There can be no question, when you see it with your own eyes, as to what is being said by the witness on the stand in the course of a televised congressional hearing, which is one reason, since the very beginning, that I have always been an active and vigorous advocate of making public hearings available to all the media of communication, so that when the press can come, so also can come the radio man with his microphone and the television man with his camera, just so long as they conduct themselves with such decorum that they do not interfere with the proceedings of the committee.

I think it is good that folks outside the committee room on occasion can see and hear for themselves what takes place. It gives them ready refutation for errors which creep into the writings of columnists at times. It gives them a ready answer to an editorial with a false slant in order to support some fixation of the man who wrote it. It is good for the reporters, because it helps them realize that the public will be waiting in the morning or the evening for the opportunity to read those highlights in the testimony which they have seen and heard with their own eyes and ears during the discussions in the committee room.

I think the press, Mr. President, is an equally good monitor for the people in the radio and television business, because long before we heard about payola, there were cases, of which the speaker knows something from his own intimate experience, when even a television cameraman or a radio reporter with a microphone could provide his listeners with a

slanted picture if there were no live reporting of the entire hearing. So it is good that the press is there, in the event somebody with a microphone or a television camera might be inclined to report just the portions of the testimony agreeable to him or the people by whom he is employed.

All of this is part of the great business, Mr. President, of agreeing that free and open public discussion is part of the ground rules of democracy. I think, like any good rule, it can be overdone at times, and perhaps this week we are seeing an exemplification of that here on the Senate floor, but at least in the committee room the more people who have an opportunity to see and hear for themselves, the more people are going to be able to rely on what they read in the papers, and the more circumspect, over the long pull, are going to become the commentators and the pontificators and the editorial writers writing at times about what is done in the committee room and at times about what they think ought to have been said during the course of the committee hearings.

Mr. President, I want to commend again our chairman, Mr. JACKSON, and my associates on the committee for the fact that we are exploring a very significant field, endeavoring to determine what methods should be and must be employed by free governments in a cold war to be sure that, with the maximum efficiency, effectiveness, and economy, we can marshal our resources adequately to defeat the challenge of totalitarian, godless, imperialistic communism.

Everybody, of course, is determined that those things which have to be done are going to be done to achieve that objective. We are not interested in partisan comments or reflections. We are interested in helping to evolve the optimum procedures and formulas which will provide for the greatest number the greatest good at this time of greatest danger resulting from the challenges of communism.

Mr. President, I yield the floor.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Does some Senator seek recognition?

Mr. ROBERTSON. Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBERTSON. Mr. President, it has been very difficult for the Southern Senators, who have been stressing opposition to a wide variety of so-called new civil rights, to get even the press, much less the general public, to understand that the Supreme Court of the United States has repeatedly held that the Federal Government cannot create any new civil rights unless that power is delegated to it by the Constitution. Only the States can do that. It has been difficult for us to get an admission of the fact that because some proposals are deemed to be very worthy and desirable, the Congress should proceed to act even if it has no constitutional authority to do so.

Last but not least, it has been difficult to get those who have been pleased with decisions of the Supreme Court to accept our viewpoint that the Supreme Court is human and therefore it is not infallible. Those points are well illustrated by two editorials in the Washington Post of today.

Mr. President, I ask unanimous consent that those two editorials be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL SNARE

The Supreme Court has seized upon a distinction without a real difference to sanction a serious denial of the protection of due process of law. It has said that an employee of the State of California who invokes the constitutional privilege of the fifth amendment in declining to answer questions asked him by a congressional subcommittee may be summarily discharged without so much as a hearing. The decision in the Globe case thus effectively vitiates the Court's 1956 finding in the Slochower case.

Mr. Justice Clark, writing for himself and four colleagues, held that California could properly dismiss Arthur Globe, a temporary employee in the Los Angeles County Department of Charities simply because he declined to answer a question asked him by a touring subcommittee of the House Un-American Activities Committee. The California statute requiring State employees to answer such questions makes no allowance for the possibility that the subcommittee might exceed its jurisdiction or that the question might have no relevance to a legitimate legislative purpose or that it might invade rights protected by the first or fifth amendments.

The summary and arbitrary nature of the proceeding is the nub of the issue. There is no constitutional right to a job, and undoubtedly there are situations in which a civil servant's refusal to answer questions on the plea of self-incrimination warrants a conclusion by his superiors that he is unfit for public service. An employee who declines to say whether he is presently a member of the Communist Party, or a police chief who refuses to account for swollen bank deposits, may be in this category. But the California law allows no discretion or explanation; it makes discharge mandatory upon exercise of a privilege guaranteed by the Constitution.

It is impossible to reconcile Justice Clark's opinion in Globe with his opinion in Slochower in which he reached the opposite conclusion from an almost identical set of circumstances, different only because the city of New York specifically listed invocation of the privilege against self-incrimination as cause for discharge. It also is impossible, as Mr. Justice Brennan pointed out in dissent, to reconcile automatic dismissal for refusal to answer a question with the deliberative fairness implicit in the concept of due process.

Due process demands discrimination. "Here," said Justice Brennan with complete accuracy, "there was not the vaguest semblance of any local administrative procedure designed to determine the fitness of Globe for further employment. It has not been hitherto suggested that the authorizing resolution of the Un-American Activities Committee extend to enabling it to perform these functions on a grant-in-aid basis to the States."

NO COLOSSUS OF RHODES

A number of men of whom this Capital is fond have been diminishing their luster during the civil rights debacle in the Senate. It is distressing, for example, to see such a stout champion of humanitarian legislation as Senator LISTER HILL, of Alabama, abetting the southern extremists. It is dismaying that Senator JOHN SPARKMAN, of Alabama, a former Democratic vice presidential nominee, has been lending his prestige to the Alice-in-Wonderland effort to paint the voting rights bill as an invasion of civil liberties. It is disturbing that other respected Southern Senators have supported Senator RICHARD RUSSELL'S attempt to label those who disagree with him as liars, or Senator OLIN JOHNSTON'S absurd charge that proponents of voting rights have fallen for a "Communist plot to destroy constitutional government."

But the onus falls most heavily upon the chairman of the Foreign Relations Committee, Senator J. WILLIAM FULBRIGHT, of Arkansas, because more is expected of him. Mr. FULBRIGHT is a Rhodes scholar and a former university president. By virtue of his role in foreign affairs he is looked to for sane comment and leadership above sectionalism. He is the author of so enlightened a piece of legislation as the scholarship program that bears his name, and during the McCarthy era he gained justified acclaim for his sometimes solitary protests.

Can so intelligent a man seriously contend that present voting protections are adequate without considering the reasons why enforcement of them has been frustrated in large areas of the South? Can he contend with a straight face that there is no voting discrimination despite the irregularities in Louisiana and the outright defiance in Georgia? Can he really believe, as he stated, that "It is merely apathy which keeps more Negroes from voting in the South and, indeed, through the Nation"? Can he be so blind to the real causes of trouble as to think that it is the "effort on the part of northerners to impose certain conditions on the South" that may give the Communists an opportunity "to try to demonstrate to the world the weakness and deterioration of the democratic system in this country"?

In short, is Mr. FULBRIGHT doing justice to himself, his position and the dignity of the body he represents by joining in this cabal of know-nothingism? In particular, does he relish his Alphonse and Gaston colloquies with Senator JAMES EASTLAND, of Mississippi, who refers to decisions of the Supreme Court of the United States as "crap" and "tripe"?

Mr. ROBERTSON. The first of those editorials and the lead editorial is entitled, "Constitutional Snare." The Supreme Court, in upholding a law of the State of California that a State employee could be discharged if he refused to answer a question about whether or not he is a Communist, incurred, apparently for the first time in some time, the displeasure of the editor of the Washington Post.

In this editorial, entitled "Constitutional Snare," the editor of the Washington Post says:

> The decision in the Globe case thus effectively vitiates the Court's 1956 finding in the Slochower case.

In other words, the editorial says that the Court found one way in 1956 and an entirely different way in 1960. The Post agreed with the finding in 1956, and now bitterly criticizes the finding in 1960.

Oh, if anybody from the South dares to rise here and say we agree with the Court's decision in Plessy against Fergu-

son, which was announced by that great Chief Justice, William Howard Taft, but that we disagree with the decision of the Supreme Court in Brown against Board of Education, in 1954, we are accused of trying to undermine good government, that we are unjustly criticizing a great judicial body, that we should be condemned for saying that is not the law of the land, and should accept every decision by the Court without any protest.

Yet, in a relatively minor case, the distinguished editor of the Post takes the Court very seriously to task because the Court decided one way in 1956 and an entirely different way in 1960.

Mr. President, that illustrates one of the points we have been trying to establish. The Supreme Court is human; therefore, it is not infallible. A decision of the Supreme Court is not the supreme law of the land, because the Constitution provides what is the supreme law of the land. It is the acts of Congress and treaties ratified by Congress.

With respect to the parties involved, of course, the action of the Supreme Court is binding; but the editorial which I have inserted in the RECORD shows that what was binding in 1956 was, just a few days ago, unloosened and is no longer binding. What was the so-called supreme law of the land as announced in 1956 has been repealed, and something else is now the supreme law of the land.

That is the very point, Mr. President, we have been trying to establish in this debate, and in other debates, ever since 1954.

We think the Supreme Court, in the school cases, without any justification, without any citation of legal authority, as has been so frequently pointed out, relied primarily on two books on sociology. Those who wrote the books were not subject to cross-examination.

Mr. President, some sociology was advanced in the district court trial in the Prince Edward County case, and that sociological testimony was analyzed by the three-judge district court and rejected.

Mind you, Mr. President, the same kind of sociological argument then went up to the Supreme Court. The Court took another sociology book, and based its decision on it, and never once mentioned the same type of testimony which had been subject to analysis and argument in the district court.

Mr. President, I have been referring to one of the editorials from the Washington Post that have been put in the RECORD.

The other editorial which I placed in the RECORD from the Washington Post is entitled "No Colossus of Rhodes."

The editor of the Post is evidently a very erudite man, and he likes to make allusions to ancient wonders. The Colossus of Rhodes, I believe, was supposed to have been one of the Seven Wonders of the World. It was a great bronze monument, which took the sculptor 12 years to cast. It was probably the biggest monument of that kind to a sungod that was ever made. The implication of the editorial is that there is nobody opposing the civil rights bill who has any real stature at all; there is no Colossus of Rhodes.

Listen to what the writer said in this editorial:

> A number of men of whom this Capital is fond have been diminishing their luster during the civil rights debate in the Senate. It is distressing, for example, to see such a stout champion of humanitarian legislation as Senator LISTER HILL of Alabama abetting the southern extremists.

Then the editorial expresses regret that Senator JOHN SPARKMAN had lost all of his stature.

Of course, Mr. President, nobody participating in this debate ever had very much stature, this editorial would imply, but it mentions three for whom the writer has some regard. One is LISTER HILL, humanitarian. Another is JOHN SPARKMAN, a former Democratic vice presidential nominee. Of the latter the editorial states he "has been lending his prestige to the Alice in Wonderland effort to paint the voting rights bill as an invasion of civil liberties," and aiding and abetting Senator RUSSELL.

But the main attack, Mr. President, is on the chairman of the Foreign Relations Committee, the Honorable J. WILLIAM FULBRIGHT, "because," the editorial states, "more is expected of him."

According to the editorial, nobody of very tall stature was participating in this debate. But here were three of them. It states one of them had done much to further heart and cancer research and other humanitarian purposes; another had been active in public housing and other housing activities; and Senator FULBRIGHT had been interested in international affairs, and instrumental in establishing Fulbright scholarships and aid to Europe.

The editorial states:

> Can so intelligent a man—

Referring to the Senator from Arkansas [Mr. FULBRIGHT]—

> seriously contend that present voting protections are adequate without considering the reasons why enforcement of them has been frustrated in large areas of the South?

Mr. President, as the junior Senator from Virginia has already said, we are not trying to debate the issue of whether or not somebody has been discriminated against somewhere in the United States. There has certainly never been any proof that any such discrimination has occurred in Virginia, and the Attorney General recently testified before the Rules Committee he was able to find only five or six cases in the whole United States that would stand up in court, and that he was surprised he had received so few complaints.

But, Mr. President, the burden of our plea is that if it is desired to confer a new civil right, it cannot be done by a pious expression in a bill, and thus be automatically created. Some section in the Constitution must be pointed to which authorizes that it can be done, and then that section of the Constitution must be implemented by law.

The junior Senator from Virginia proposes to show, in discussing another one of the so-called administration-Dirksen amendments, namely, the FEPC proposal, that there is no authorization whatever in the Constitution for any of these civil rights bills.

What the proponents of these bills seek to do is make a pious expression in a bill that the right exists, and then proceed to legislate.

Mr. President, please do not think I am exaggerating about that statement. Let me read the opening paragraph of Senate bill 1999, the FEPC bill, which has 12 sponsors. It is a full-fledged FEPC bill. Of course, it is not before the Senate right now. No hearings were held on it. But I shall later go into that bill fully.

Listen to this. Without any testimony, debate, or anything else, the bill states: "The Congress hereby finds that, despite the continuing progress of our Nation, the practice of discrimination in employment against properly qualified persons because of their race, religion, color, national origin, or ancestry is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions," and so forth, and then winds up by saying, "adversely affects the domestic and foreign commerce of the United States."

So the first thing this bill does is to declare that a certain fact exists. There is no proof of it. It states it as a fact and as a violation of the Constitution. It is stated those persons have that constitutional right. It is spelled out in the first six sentences of this bill that they have that constitutional right.

Then it says it also violates the interstate commerce clause, that if we discriminate against a man we are violating the interstate commerce clause because he does not get a job, and he cannot produce as much. If he produced more, there would be more commerce.

He might be working on a farm. They have not yet held that farming is interstate commerce.

If somebody said, "If you let me pick the kind of workers I approve, those that are skilled, that can work in harmony, I can produce more." That does not make a difference for the purpose of this bill. The purpose of the bill as shown in the first paragraph is to spell out in language a right that does not exist, a power the Congress does not have, and then proceed to legislate on it and to eliminate it by setting up a commission with power to go into the employment of everybody in the United States.

So I say, Mr. President, it has been difficult for us to get across to the public, much less to the editors of some of our metropolitan papers, that we are making a fight for constitutional principles, a fight to protect the rights of our sovereign States, and are making a fight in most instances for what we think will best promote the general welfare of the Nation.

Mr. President, we have before us a minor FEPC bill, we might call it, and that is the subject of my immediate discussion today. That is the sixth paragraph of the administration's proposal,

the Dirksen proposal. It is an amendment, of course, pending to H.R. 8315. Let us see what that says:

SEC. 6. (a) There is hereby created a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts", hereinafter referred to as the Commission.

The principal difference between that and S. 1999, which I shall later read into the RECORD, is that the Dirksen proposal is limited to Government contracts, or at least some parts are so limited.

Let us say that out of the 80-some billion dollars the Government plans to spend in the next fiscal year, $40 or $50 billion of it will be spent in everything the Government buys, military supplies, and all other supplies, everything the Government has to buy. It is not an inconsiderable quantity this bill applies to. It is not just a minor matter. Make no mistake about that.

Although there is, as I have said, a delimitation that it does not apply to every private employer, it applies to those with Government contracts.

(b)(1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive fifty dollars per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

(c)(1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of its duties under this section.

(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

(e) The Commission shall render to the President annual reports for transmission to the Congress.

(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section.

Mind you, that is an unlimited amount. Congress, if there were sufficient pressure on it to make this Commission unduly active, could appropriate anything it saw fit. This authorizes that any amount be spent, all depending on what Congress wants to do about it.

Mr. President, the Dirksen FEPC bill raises two questions: First, what changes does it make in existing law, and, second, what does it lead to?

The provision is full of generalities, "recommending," "encouraging," "cooperating," and so on. It is hard, therefore, to see what this new Commission can actually do that the present Committee on Government Contracts cannot do.

There are several new provisions, however, which should be noted carefully, even though they are only administrative.

Paragraph (b)(3) waives the conflict of interest statutes for members of the Commission appointed from outside the Government. This is a dangerous provision. Charles E. Wilson, Harold Talbott, and many other appointees of the present administration would have enjoyed an exemption from these conflict of interest statutes.

The Congress has granted these exemptions from the conflict of interest statutes in a few statutes, like the Defense Production Act, where we felt this exemption was essential to the national security. Even then, we have had to require those employees who were exempted to list their securities in the Federal Register, and their later purchases and sales, in the hope that by this means we can reduce the danger of conflicting interests as much as possible.

The Association of the Bar of the City of New York has prepared a bill to rewrite the whole field of conflict of interest laws. The Senators from New York have introduced this bill, and I am sure this subject will be studied carefully.

A public office is a public trust. No man can serve two masters. These are the principles on which the conflict of interest statutes are based. They are sound and valid principles, and should not be abandoned.

But the administration proposal would exempt these Commissioners entirely from all the conflict of interest statutes.

We should note also that the President will appoint the members of the Commission, and can fire them at will. The Senate will not confirm them; it will not have a chance to consider their abilities or their background.

The Commission is authorized to hire personnel, without limit, and to seek appropriations, without limit. We have not usually been so generous with new agencies or with new programs

Under the Dirksen-administration proposal, the Commission is supposed to be limited to the performance of contracts or subcontracts to provide the Government with goods or services.

This gives the Commission a very broad sweep. A very large part of the Government's $80 billion budget is spent through contracts for goods and services, and the administration's policy of carrying out the ordinary functions of the Government through contract with private firms will increase this expenditure. If only $50 billion is spent by contract for goods and services, it is still 10 percent of our $500 billion gross national product.

The bill authorizes and directs the Commission to do a number of things with respect to contracts and subcontracts to provide the Government with goods and service.

First, it is ordered to make investigations, studies, and surveys, and to conduct hearings. With an unlimited staff and an unlimited budget, this offers a real opportunity for the bureaucrats to show how Parkinson's law operates.

Next, the Commission can make recommendations to the President and to Government contracting agencies about contractual provisions relating to such nondiscrimination in employment.

I can make recommendations to the President, and so can any Senator and so can any man.

The difference between what happens when we call on the contracting agencies to do something and when this Commission calls on them is shown by the requirement in paragraphs (c)(3) that the Government contracting agencies "shall perform such duties as may be requested by the President to cooperate with the Commission."

The word "recommendations" in paragraph (c)(2) has very quickly turned to "shall perform" in paragraph (c)(3). The iron hand is slipping out of the velvet glove.

Then in paragraph (c)(4) the Commission is ordered to distribute propaganda among all kinds of groups in order to eliminate discrimination in employment.

It may be recalled that Congress under the Dworshak amendment prohibited MSA, now ICA, from engaging in propaganda in support of the foreign aid program. We felt this was necessary in order to prevent the use of the taxpayers' money to spread propaganda around the country so as to increase the program. But this bill would order the Commission to use its unlimited personnel and its unlimited appropriations for propaganda purposes.

Also, note that the subject has now changed. In paragraph (c)(2) we read about discrimination in the performance of contracts or subcontracts to provide the Government with goods or services. Now we read about the elimination of discrimination in employment, with no limitation to Government contracts and subcontracts.

A further change is made by switching from "discrimination because of race, color, creed, or national origin," which is the subject of paragraph (c)(2), to unlimited "discrimination."

At this point we might recall that the word "discrimination" in its plain, simple meaning is a virtue, not a vice. A person who has a discriminating taste for poetry or philosophy or music is not a villain. A person who shows discrimination in his choice of books, operas, and paintings, is a person to admire, not one to belabor. So it is in employment. But under the bill, if one hires competent and capable assistants, and fires worthless assistants, he is "guilty" of discrimination in employment.

These changes from Government contracts to all employment, and from discrimination because of race, and so forth, to all discrimination, are pointed up even more sharply by the next paragraph, (c)(5), which authorizes the Commission "to establish and maintain cooperative relationships" with State and local governments and private organizations, "to assist in achieving the purposes of this section."

Nowhere in the section are "the purposes of this section" defined. Consequently, it will be impossible to place any limits on the Commission's "cooperating" with State, local, and private agencies.

A bill as loosely drawn as this one is drawn should be reviewed carefully before enactment.

But aside from the defects and dangers in this section of the bill, even in its present form, I think we can be certain that the Commission will take advantage of the opportunity handed to it on a silver platter in paragraph (c)(4) to carry on a propaganda campaign for the spread of its authority, until it becomes a full-scale FEPC.

There is at least one bill in the Senate, S. 1999, and a handful of bills in the House, which would do this. With express statutory authority, and unlimited personnel and appropriation authority, I am convinced that the pressure which would be exerted would be tremendous.

I think it will pay us, even though S. 1999 is not immediately under consideration, to take a look at its provisions, because much that I shall subsequently say on the unconstitutionality of an FEPC bill, which is limited to Government contracts, will of necessity apply with far greater force to a bill like S. 1999, which applies to all employment throughout the United States. So I shall read from section 1 of S. 1999:

> This act may be cited as the "Federal Equality of Opportunity in Employment Act."

Mr. President, think of finding anything to that effect in the Constitution of the United States. It simply cannot be found there. Think of the framers of the Constitution ever imagining for an instant that Congress would ever seriously be considering the enactment, in a nation dedicated to the capitalistic system of government, under a system of free, competitive enterprise, of a mandatory provision concerning whom one could employ and whom he could not employ. Under this provision, someone could go before a prejudiced Commission and say, "I am of such-and-such a race. A man of a different race got the job I wanted. I have been discriminated against. Therefore, you must put that employer in jail."

I say there is nothing in the Constitution to that effect.

Mr. President, let me call your attention to this, further: As to this and every new right Congress proposes to create, as I have pointed out, the courts have repeatedly held one cannot create a new right. If it had not been delegated by the Constitution, the State could create it, but the Federal Government could not. But it seems that every one of these new rights comes under the prosecution section of the 1957 act, which says in effect: "If you violate one of these new rights, and the judge decides not to fine you more than $300, and not put you in jail for not more than 45 days"—of course, if he can get you on 5 or 10 counts, he can make a separate case on each and fine you $300 for each case and he can put you in jail for 45 days for each case—as I say, if the judge does not fine you more than $300 for each case and does not put you in jail more than 45 days for each case, the 1957 act says "you have lost your right, under the Constitution, for a trial by jury." Is that not something to tell our people?

Mr. President, I had planned to discuss this afternoon the provision in all of these so-called civil rights bills denying everybody that came before a hostile prosecutor and a hostile judge the right to trial by jury, but I decided that I would save that discussion until sometime next week when, perhaps, we would know what those who are trying to cram some civil rights program down our throats are really trying to act on.

We are told there are over 60-some-odd bills. Certainly proponents are not going to try to write them all into law. We are in the dark as to exactly what the whole program is about. But there is one section about which I spoke last Monday, that is, section 7 of the Dirksen-administration bill, which carries the Attorney General's referee vote proposal, and someone said, "Well, that is a motion." We do not know. Before that, it was said, the proposal about registrars was a motion; but the Attorney General said, "Oh, no; do not fool with those registrars; they are not constitutional; they will not do at all; I will give you one."

So he testified on the last day of the hearings, but he did not have a bill there. We did not get a bill until a week later. I could only guess what he was testifying on. There had been no real hearings on the Attorney General's proposal. Of course, there could not be, because he was the last witness before the Rules Committee, and the bill had not even been introduced.

But, as I have said, we do not yet know, with certainty, what the Senate is going to try to act on. So the Senator from Virginia discussed last Monday the unconstitutionality of trying to tell the States they could not fix the qualifications of their voters. They had always thought they had that right. The only thing we thought there was in the way of a limitation upon us was that we could not make any distinction between the qualifications for electors for the legislatures of the States and the electors for a Member of Congress. Other than that, we could say that one has to be in a State for a year or six months, or one could come in yesterday and vote today; one must be 21, or, down in Georgia, 18.

If one is a pauper, in some States he cannot vote. Some States say one has to have so much property before he can vote. Some States, like New York, have a literacy test, which many of our white boys and some of our colored boys in Virginia could not pass. And the same Civil Rights Commission says this discriminates against hundreds of thousands of Puerto Ricans who can read Spanish but cannot read English. But that is their way of determining who shall vote. We thought that that right belonged to the States, and I pointed out at length last Monday that under the referee voting bill which had just come in, if somebody said, "I have been discriminated against," and an ex parte proceeding was had, the registrar would not get a chance to tell what he thought about it. Nobody is put on the stand, but the Federal voting referee would register the applicants, and supervise their votes. Not only does he do that in Federal elections, but in State and local elections.

This is the first time anyone has ever proposed that the Federal Government could run State and local elections. But that is in this bill, and it provides for denial of a jury trial. It was the denial of a jury trial that I planned to discuss this afternoon, but I thought I would take up another phase of the bill first, that is, section 6, dealing with FEPC and dealing with what is bound to be pressed on us if we make a start on this procedure, and that is, a bill similar to S. 1999. I will read how it may be cited:

> Sec. 2(a) the Congress hereby finds that, despite the continuing progress of our Nation, the practice of discrimination in employment against properly qualified persons because of their race, religion, color, national origin, or ancestry is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

That covers a broad field of so-called ills. But why stop there. If a preamble to a bill can change the Constitution and create a right that was not in existence before, why did they not go on all the way down, all through the page, and enumerate other so-called ills that were alleged to grow out of some type of fancied discrimination? I continue now to read from page 2 of the bill:

> (b) The right to employment without discrimination because of race, religion, color, national origin or ancestry is hereby recognized and declared to be a civil right of all the people of the United States.

What could be plainer than that? Here it is, written right in this bill. Why

now bother about the Constitution? It is declared. It is declared to be a right—right here, and there are 12 Senators that have said that; they are co-patrons on it. So all we need to do now—because the bill, as I pointed out and have already said, winds up with the unlimited authority of appropriations—is to set up this Commission and tell them to go to work: "You do not have to bother about the Constitution; you do not have to prove that you are claiming a right that was never delegated to the Federal Government." The Senate has taken care of that in this paragraph I have just read. I will read it again; it is certainly interesting, the way they go about it:

> The right to employment without discrimination because of race, religion, color, national origin or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States.

That carries greater force than a decision of the Supreme Court of the United States, because, after all, we from the South do not admit that the Supreme Court of the United States is the law of the land. It is binding on those to whom it is directed, but they can change their decisions overnight, as the Washington Post said in this editorial entitled "Constitutional Snare."

They made a correct decision in 1956 about a man who took the fifth amendment, but then, when they passed on it in 1960, under the same law, they reversed themselves. So they got in a snare, and they did wrong.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield for a question.

Mr. HILL. Is it not true that the Constitution of the United States says, in clear and explicit language, that the supreme law of the land consists of the laws passed by Congress and treaties, and such laws as may be passed under those treaties?

Mr. ROBERTSON. Absolutely.

Mr. HILL. It says nothing whatever about any decisions of any courts; it is just as clear as it can be; any first-grade child can read and understand what it means, it is so clear. Is that correct?

Mr. ROBERTSON. That is correct.

The junior Senator from Virginia, before he concludes his argument, is going to indicate, first, how we happen to have a Bill of Rights. All these so-called civil rights provisions stab a dagger right into the heart of the 9th and 10th amendments of the Constitution, which were included in the Constitution in order to keep Congress from usurping authority not granted to it by the Constitution, and to make it clear that if Congress was not given, by the Constitution, the right to legislate a civil right, Congress could not declare such a right to exist, by including such language in a bill.

So I shall discuss the origin of the Bill of Rights; and then I shall discuss a great many court decisions which clearly show that the Federal Government cannot deal with the myriad of conflicts between individuals. The power of the Federal Government is limited, in the one instance, to Federal action, which must not be discriminatory; or, in the other instance, to State action of some character.

But all these civil rights bills which we have before us are now seeking to put the Federal Government into the field of action between individuals—something which never was contemplated by those who wrote the Constitution, and something which I say the Congress absolutely has no power to do.

I continue to read from the bill:

> (c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:
>
> (1) To remove obstructions to the free flow of commerce among the States and with foreign nations.
>
> (2) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.
>
> (3) To advance toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote—

Listen to this, Mr. President—

> universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

In other words, one of the reasons why we are asked to do this, regardless of whether we have any constitutional right to do it, is because of the hope of some persons that it will promote respect for us in some other countries; that is stated in this very bill.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. As the Senator knows, I had the responsibility and the great privilege of serving as Governor of Florida during World War II. A limited FEPC was in force at that time, by Presidential decree. I received a continuous stream of complaints from contractors and others who were serving the Federal Government at its military installations. They complained that whenever they found it necessary to fire someone because he did not have ambition or because he did not have any initiative or because he did not have any judgment or because he was not honest or because he could not get along with his fellow employees or because of any of the other numerous reasons why an employee may not be desirable, in every such instance such an employee, when discharged, would at once make the plea that he was fired because of his race or because of his religion or because of some of the other personal attachments which are sought to be protected by means of such legislation.

I wonder whether the distinguished Senator from Virginia has any comment to make on that matter, inasmuch as that situation has been a constant source of trouble for contractors, businessmen, and others who, when they seek to get efficiency, economy, and honest service, run up against such constant complaints by persons who resort to such complaints when their services are terminated.

Mr. ROBERTSON. I recall very distinctly that time. During that period, I was a Member of the House of Representatives. Of course, at that time I represented only one district of Virginia—the great Seventh District, the Valley of Virginia; and of course in that connection I would not then have received as many complaints as would the Governor of a State. But I found, in connection with the textile plants and other plants in my district, that if a man who was employed by a firm which had a Government contract was loafing or was no good, with the result that the firm had to get rid of him, then those at the head of the firm were required to appear before the Commission, and all sorts of trouble and expense were involved. Undoubtedly it was the experience we had during World War II which has protected us up to this time from a full-scale FEPC bill.

It has also been the experience of the few States which have tried that as a State policy that it has been most unsatisfactory for them and their people. Others have watched that experience; and, therefore, a majority of the Congress simply would not pass such a bill, although of course there was a great deal of pressure in connection with the attempts to get the Congress to yield in that respect. And that would happen again, if such an attempt were to be made; let us make no mistake about that.

But from that experience, the Members of Congress and others concerned knew that such a program was unworkable, and that no authority for it existed, and that it would constitute a source of serious friction and trouble, and would work to the disadvantage of those whom it was intended to help.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Does not the distinguished Senator from Virginia think such a system puts a distinct premium upon mediocrity?

Mr. ROBERTSON. It certainly does; there is absolutely no question about that. Under such circumstances, an employer would decide to continue to employ a man who was not producing as he should, for if the employer were to discharge that man, and if the discharged employee were able to claim, on any basis at all, that he was discharged because the employer wished to discriminate against him, then the employer would decide to put up with all sorts of mediocrity and with a great deal of neglect of duty, rather than to go through one of the expensive hearings, and perhaps be subjected to a fine, to boot—because under these civil rights bills, one does not have a jury trial; and a moderate fine and a jail sentence can be imposed upon him.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Is it not a fact that in the various business reports which have come from States in which FEPC laws have been in effect for some years, now, it is stated—and such statements are generally accepted—that a law of that kind tends to bring about deception

in hiring practices and lack of frankness on the part of employers when they are looking for someone with special qualifications, in order to fit a particular job; and that, instead, such a law requires them to operate under cover, in their attempts to find suitable employees to do their work?

Mr. ROBERTSON. The Senator from Florida is entirely correct.

I brought with me to the Chamber, today, a summary of the only real hearings we have held—they were held in 1947—on a bill similar to Senate bill 1999. I hold in my hand that summary of the testimony. It shows how poorly that law worked and how undesirable it was. The summary is 35 pages long. I did not plan to use it in the course of this speech; but when I conclude, it might be desirable to insert the summary in the RECORD, as "Exhibit A." The summary is based on those hearings. At any rate, the summary is 35 pages long, and it summarizes the only hearings of any consequence we ever had—they were had in 1947—on this proposal.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield further?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. I well remember those hearings and the report, and I participated in the debate at the time.

Is it not true that the hearings disclosed and the report shows that the number of States which had repudiated such an approach by State law was greater than the number of States which accepted it?

Mr. ROBERTSON. That is correct.

Mr. HOLLAND. Is it not also true that the total population of the States which had rejected it was much greater than the total population of the States which had accepted it, despite the fact that the largest State—New York—had accepted an FEPC?

Mr. ROBERTSON. That is correct.

Mr. JOHNSTON of South Carolina. Is it not true that if you go into this FEPC, even on a small scale, as this bill goes into it, it does this: It requires every employer, when he is employing someone, to make a very detailed research to see what kind of fellow he is employing, for if he happens to fire him or happens to let him go a little later because of inefficiency, then he is dragged to this hearing and that hearing and every other hearing even before he gets into court?

Mr. ROBERTSON. It does so appear. We could stand here and I could use up quite a bit of valuable time of the Senate if I felt so inclined by giving you a summary of the testimony on a similar bill taken by the Senate Labor Committee in 1947, but I know the Senate wants to get ahead with this business, so I am not even going to keep reading this bill.

I ask unanimous consent to have this bill inserted into the RECORD at this point so that all who are interested to know what is really involved in the Dirksen bill will be able to read this, because this is what we are coming to if we ever start it.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection to the request?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1999

A bill to prohibit discrimination in employment because of race, religion, color, national origin, or ancestry

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Equality of Opportunity in Employment Act".

FINDINGS AND DECLARATIONS OF POLICY

SEC. 2. (a) the Congress hereby finds that, despite the continuing progress of our Nation, the practice of discrimination in employment against properly qualified persons because of their race, religion, color, national origin, or ancestry is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces large segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

(b) The right to employment without discrimination because of race, religion, color, national origin, or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(1) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(2) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

(3) To advance toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof.

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in his employ fifty or more individuals; any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly; but shall not include any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, social, educational, or sectarian corporation or association, if no part of the net earnings inures to the benefit of any private shareholder or individual, other than a labor organization.

(c) The term "employment agency" means any person undertaking with or without compensation to procure employees or opportunities to work for an employer; but shall not include any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, social, educational, or sectarian corporation or association, if no part of the net earnings inures to the benefit of any private shareholder or individual.

(d) The term "labor organization" means any organization, having fifty or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(e) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, possession, or the District of Columbia and any place outside thereof; or within the District of Columbia or any Territory or possession; or between points in the same State, the District of Columbia, or any Territory or possession but through any point outside thereof.

(f) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

(g) The term "Commission" means the Equality of Opportunity in Employment Commission, created by section 6 hereof.

EXEMPTION

SEC. 4. This Act shall not apply to any employer with respect to the employment of aliens outside the continental United States, its Territories and possessions.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 5. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, religion, color, national origin or ancestry;

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, religion, color, national origin or ancestry.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to properly classify or refer for employment, or otherwise to discriminate against any individual because of his race, color, religion, national origin or ancestry.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual or any employer because of the race, color, religion, national origin or ancestry of any individual;

(2) to cause or attempt to force an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, employment agency, or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this Act.

THE EQUALITY OF OPPORTUNITY IN EMPLOYMENT COMMISSION

SEC. 6. (a) There is hereby created a Commission to be known as the Equality of Opportunity in Employment Commission, which shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for

a term of five years, one for a term of six years, and one for a term of seven years, but their successors shall be appointed for terms of seven years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noted.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the cases it has heard; the decisions it has rendered; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $15,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent, other than a member of the Commission, designated to conduct a proceeding or a hearing shall be a resident of the judicial circuit, as defined in title 28, United States Code, chapter 3, section 41, within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint, in accordance with the Civil Service Act, rules, and regulations, such officers, agents, and employees, as it deems necessary to assist it in the performance of its functions, and to fix their compensation in accordance with the Classification Act of 1949, as amended; attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court;

(2) to cooperate with and utilize regional, State, local, and other agencies;

(3) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or any order issued thereunder;

(4) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or other remedial action;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(6) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this Act, and the Commission may empower them to study the problem or specific instances of discrimination in employment because of race, religion, color, national origin, or ancestry and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens resident of the area for which they are appointed, who shall serve without compensation, but shall receive transportation and per diem in lieu of subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C., sec. 73b–2), for persons serving without compensation; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance. The Commission may, to the extent it deems it necessary, provide by regulation for exemption of such persons from the operation of title 18, United States Code, sections 281, 283, 284, and 434. Such regulation may be issued without prior notice and hearing.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 7. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 5. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise: *Provided*, That an agreement between or among an employer or employers and a labor organization or labor organizations pertaining to discrimination in employment shall be enforcible in accordance with applicable law, but nothing contained therein shall be construed or permitted to foreclose the jurisdiction over any practice or occurrence granted the Commission by this Act: *Provided further*, That the Commission is empowered by agreement with any agency of any State, Territory, possession or local government, to cede, upon such terms and conditions as may be agreed, to such agency jurisdiction over any cases or class of cases, if such agency, in the judgment of the Commission, has effective power to eliminate and prohibit discrimination in employment in such cases.

(b) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the Act has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion.

(c) If the Commission fails to effect the elimination of such unlawful practice and to obtain voluntary compliance with this Act, or in advance thereof if circumstances warrant, the Commission shall have power to issue and cause to be served upon any person charged with the commission of an unlawful employment practice (hereinafter called the "respondent") a complaint stating the charges in that respect, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such complaint. No complaint shall issue based upon any unlawful employment practice occurring more than one year prior to the filing of the charge with the Commission and the service of a copy thereof upon the respondent, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the period of military service shall not be included in computing the one-year period.

(d) The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(e) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer.

(f) All testimony shall be taken under oath.

(g) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof.

(h) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision and copies thereof shall be served upon the parties. The Commission, or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

(i) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

(j) If, upon the preponderance of the evidence, including all the testimony taken, the Commission shall find that the respondent engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order requiring such person to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the discrimination), as will effectuate the policies of this Act: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which it has complied with the order. If the Commission shall find that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order dismissing the complaint.

(k) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(l) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, 8, and 11 of the Administrative Procedure Act.

JUDICIAL REVIEW

SEC. 8. (a) The Commission shall have power to petition any United States court of appeals or, if the court of appeals to which application might be made is in vacation, any district court within any circuit or district, respectively, wherein the unlawful

employment practice in question occurred, or wherein the respondent resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(b) Upon such filing the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(e) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(f) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

(g) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(h) Any person aggrieved by a final order of the Commission may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person resides or transacts business or the Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsections (a), (b), (c), (d), (e), and (f), and shall have the same exclusive jurisdiction to grant to the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(i) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(j) The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

(k) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Commission, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C., title 29, secs. 101–115).

(l) Petitions filed under this Act shall be heard expeditiously.

INVESTIGATORY POWERS

SEC. 9. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary of such evidence may be required from any place in the Act, the Commission, or any member thereof, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, including the District of Columbia, or any Territory or possession thereof, at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpena issued to any person under this Act, any district court within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(d) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

(e) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(f) Complaints, orders, and other process and papers of the Commission, its members, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(g) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(h) The several departments and agencies of the Government, when directed by the President, shall furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES AND CONTRACTORS

SEC. 10. (a) The President is authorized to take such action as may be necessary (1) to conform fair employment practices within the Federal establishment with the policies of this Act, and (2) to provide that any Federal employee aggrieved by any employment practice of his employer must exhaust the administrative remedies prescribed by Executive order or regulations governing fair employment practices within the Federal establishment prior to seeking relief under the provisions of this Act. The provision of section 8 shall not apply with respect to an order of the Commission under section 7 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or of the District of Columbia, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders.

(b) The President shall have power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of any Territory or possession of the United States, which contract requires the employment of at least fifty individuals. Such rules and regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

NOTICES TO BE POSTED

SEC. 11. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts of this Act and such other relevant information which the Commission deems appropriate to effectuate the purposes of the Act.

(b) A willful violation of this section shall be punishable by a fine of not less than $100 or more than $500 for each separate offense.

VETERANS' PREFERENCE

SEC. 12. Nothing contained in this Act shall be construed to repeal or modify any Federal, State, Territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 13. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) If at any time after the issuance of any such regulation or any amendment or rescission thereof, there is passed a concurrent resolution of the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or rescission, such disapproved regulation, amendment, or rescission shall not be effective after the date of the passage of such concurrent resolution.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 14. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

EFFECTIVE DATE

SEC. 16. This Act shall become effective sixty days after enactment, except that subsections 7 (c) to (l), inclusive, and section 8 shall become effective six months after enactment.

Mr. ROBERTSON. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Is it not further true as to this FEPC that the employers all along the line, North, South, East, and West, taking them as a whole, do not approve of it?

Mr. ROBERTSON. I have never heard of any employer that approves of it, and that is all over the Nation. I do not know of any employer who does not think that one of his civil rights is the right of association and the right to pick his own employees, men that he knows, men that he can trust, men that will work with him, work for his interest, and men that will get along with each other. I do not know any employer in the United States who does not think that is a civil right that came down under the general provisions of Jefferson's basic concept of life, liberty, and the pursuit of happiness, and that is a very basic phrase, "pursuit of happiness."

I yield to the Senator from Indiana.

Mr. CAPEHART. I just want to say that when you deny Americans the right that you just described, then you kill America.

Mr. ROBERTSON. I think my distinguished friend, who has been a big employer, a big manufacturer, is speaking from experience. If you kill the right to pick your employees, you are going to kill America, as he says. No doubt about that.

I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. At the same time you have taken away a civil right that has always been fundamental.

Mr. ROBERTSON. Undoubtedly, undoubtedly. That is a fundamental right. That is one of the rights that might have been imposed in Cicero's great oration on the origin of natural laws.

I yield to the Senator from Alabama.

Mr. HILL. Is it not true, as the distinguished Senator from Indiana says, that you kill America when you do this, because you kill the free, private enterprise system of America, which has built America and made America the mightiest Nation on this earth?

Mr. ROBERTSON. That is true, and that could not be illustrated better than by the statement made this week by a very distinguished member of the faculty of Roanoke College. Roanoke College is an old and very fine Lutheran school. It is usually headed by a Lutheran preacher. This statement that I am going to read now is by a former dean of the faculty, one who served there for about 20 years. He is an elder in the Presbyterian Church. He is a very consecrated man. He is what everybody would call a liberal, and he is a great influence for good, not only in Salem, where he lives, but throughout all that Roanoke Valley. He is stating what I am trying to develop here, that you cannot legislate something into a man. He has to win it; he has to develop it.

Here is what Dr. Brown says. This is by Dr. Charles R. Brown, and he writes a letter to the World News of Roanoke, dated February 26:

BROWN URGES NEGROES TO CREATE OWN WEALTH

Apropos of my recent letter regarding the move of some of the Virginia legislators to use the old and discredited doctrine of State nullification to get Virginia from under the need of obeying a Federal law, I would now like to offer a thought or two concerning the problem that provoked such a fallacious gesture.

I offer this observation through sympathy, not prejudice, in the hope that it might touch a chord of common agreement and be helpful to all parties who are now greatly exercised over the problem of integration.

Having just noted or celebrated, depending upon where you live, the birthday of the great emancipator, Abraham Lincoln, whose oft expressed desire was to see all men free, leads me to say that nowhere in Mr. Lincoln's many biographies do we find any thought that the colored people could through force, conflict, or intimate association put themselves quickly and happily in the confidence of their white neighbors.

Mr. Jefferson, the great Democrat, stated in the Declaration of Independence that among the rights that mankind is entitled to are "life, liberty, and the pursuit of happiness."

Mr. Jefferson, like Mr. Lincoln, sought to free Americans from a type of tyranny but made no further promise that freedom could be easily won or happiness attained without work, patience, and excellence of conduct.

Both Mr. Jefferson and Mr. Lincoln fought stubbornly for freedom as a right, but never as a license. Also, I am quite sure that both of these men would, if living today, greatly deplore the methods being used in the pursuit of happiness for both races now living on the North American Continent.

Under our form of government, freedom is the right to develop one's potentialities without infringing upon the rights of anyone else whatever these rights might be.

The most that any government can do for its people is to give them the chance to succeed; it cannot pick them up bodily and drop them down in this schoolhouse or that restaurant and say this is it—your pursuit of happiness is now fulfilled.

No people has ever discovered happiness and self-respect while trying to work with other peoples' tools and eating out of their ration bags. Therefore, if we don't learn under our type of freedom by hard work and thrift to produce our own tools and rations we must continue to be followers of those that do; we must create if we would be recognized.

I have often said to my Negro friends that they must produce material and cultural things for themselves by working harder, saving more of their earnings and investing their savings in permanent things—things they can call their own—such as libraries, drugstores, theaters, better homes, better morals, and a more creative livelihood. Blood is thicker than water and they, the Negro people, will never attain by trying to force these things from their more advanced white neighbors.

Neither can their white and colored advisers from "far away places" hope to reap comforting profits by further exploitation of the Negro people.

The Negro people have been subjected to exploitation by prejudiced and narrow-minded leaders ever since Mr. Lincoln issued the Emancipation Proclamation and much of it has come from people who profess much but give little. No, all the carpetbaggers and scalawags are not dead; they continue to exist and disturb.

If instead of collecting our Negroes' hard earned dollars for the high and exalted purpose of pushing them into white peoples' organizations, these so-called leaders would spend this money to help them create their own tools and rations, the colored people would soon be "eating in their own restaurants" amongst a kindred fellowship not now to be found in their white neighbors' eating places.

I submit, therefore, that the approach to the segregation-integration problem smacks of ugliness and discontent due largely to what I would call a poor quality of thinking on the part of those who should know that creative excellence rather than disturbing controversy is now and always has been the key to the door of happiness. Our world needs more creative thinking and honest endeavor and far less talking and loafing.

Excellence has never failed to get recognition no matter from whence it comes. So stop the strife and go to work with whatever tools you now have—not with what someone else has and you will find your happiness. The future belongs to those who prepare for it.

That is signed by Charles R. Brown, a distinguished educator and dean of Roanoke College, who is a liberal, and who is an active dedicated church worker in that community.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. HILL. I observe our distinguished colleague the Senator from Indiana [Mr. CAPEHART] present on the floor, one who has a business enterprise, and risks his capital, money, reputation, good name, career, and future, and I ask the Senator whether he should have the basic, fundamental right as to whom he is going to have working with him and associating with him in carrying out the business.

Mr. ROBERTSON. There can be no doubt about that. This FEPC effort is not only unconstitutional, but it is misdirected and unworkable.

Before I undertake a rather extended discussion of the constitutionality of the

pending proposal, I wish to point out how we happen to have a bill of rights, to which proposals of this kind do such great violence.

The outstanding fact in the history of civilization has been the struggle of mankind to evolve a satisfactory form of government for an organized society, and along the way certain landmarks have been established which we can ill afford to ignore or to remove.

There were the Ten Commandments, delivered by God to Moses on Mount Sinai, which summarized the rules of men's conduct toward each other, on which all our systems of law are based.

Then, some 500 years before the birth of Christ, the people of the city-state of Athens experimented with a plan of government which we now call democracy. That experiment was based on the assumption that each individual citizen was important and that the government should be conducted for his benefit, rather than that of a single ruler or a limited class claiming the privileges of nobility.

When Athens was crushed by superior military might, her democracy disappeared, but the seeds of this system were transplanted to Rome and blossomed in a government which caused the Romans to be known in history as "the great law givers." There came a time, however, when Julius Caesar sought to move the boundary line of democracy to satisfy his personal ambitions, and in the civil war that followed his assassination, Augustus Caesar emerged as the supreme ruler.

The theory known as the "divine right of kings," which is the antithesis of democracy, went unchallenged then for hundreds of years until, on the fateful field of Runnymede, the united barons of Great Britain successfully challenged King John and won from him certain vital concessions embodied in a written instrument called Magna Carta, which is one of the most significant landmarks on the road to human freedom.

Several centuries later a band of dissatisfied British citizens, seeking for themselves those opportunities which were implicit in Magna Carta, started another experiment in democracy in a new world. At Jamestown, and at Plymouth after trying briefly something which we would now call communism as an antidote to the divine right of kings theory, they turned to a form of government modeled largely after the experiment of the city-state of Athens. Thirteen vigorous colonies were developed in the relatively brief period of 169 years, and when a German-born prince, alien to the British traditions of Magna Carta and the development of the British common law, attempted to move the boundary line of supreme control, they rebelled. It was a Virginian, Patrick Henry, who voiced the challenge in his ringing warning that Caesar had his Brutus, Charles the First his Cromwell, and George the Third might profit by their example.

Then, on July 4, 1776, another Virginian, Thomas Jefferson, a Member of the Continental Congress then sitting in Philadelphia, phrased in immortal words the sentiments concerning human rights by which we in the United States live today. Jefferson made it clear that governments are instituted for the purpose of securing those rights by which all men are endowed by their Creator and that governments can derive their just powers only from the consent of the governed.

This limitation on the powers of government was reemphasized when another Virginian, James Madison, carried out the promise he had made to the Virginia convention which ratified our Federal Constitution and offered at the first session of the new Congress those amendments to the Constitution which we know as the Bill of Rights.

Thus, we, the heirs of all the ages, and of all of the progress in self-government accomplished by the Anglo-Saxon race, added two more vital monuments to the boundary lines of government—the Declaration of Independence and the Constitution of the United States with its limiting Bill of Rights.

In recent years, while other nations have turned to dictatorship or have diluted their democracy with socialism, we have preserved the form of government which Jefferson, our greatest political philosopher, planned for us and helped us to get. It is because of this, I believe, that we have become the most prosperous nation in the world as well as the freest.

Mr. President, we have pending before us a proposal urged upon us by a relatively small, but politically effective, minority which if enacted into law will undoubtedly be expanded until it covers all employment, eventually undermining the principle of private enterprise and move an established landmark. It is a criminal offense in all States to move the boundary line that fixes property rights. It is a criminal offense to move a lighthouse which marks the boundary line set up for the guidance of those who go down to the sea in ships. But the sponsors of FEPC wittingly or unwittingly would move a boundary line of the only written Constitution in the world that divides governmental powers between the Central Government and sovereign States and reserves all other powers to the people, the only written instrument in the world which declares that there are certain inherent rights which mankind has received from his Creator which he has no power to delegate or give away and the only written instrument in the world which provides for a system of private enterprise.

Mr. HOLLAND. Will the Senator yield?

Mr. ROBERTSON. I yield for a question.

Mr. HOLLAND. I notice an Associated Press dispatch last Sunday from my own State giving a release by Robert Saunders, field secretary of the Florida NAACP, in which he was claiming the right of freedom of association for those of his color. I desire to read it to the Senate. This is a quotation from the State secretary of the Florida NAACP:

> Freedom to associate and freedom of speech are constitutional guarantees that cannot be abridged or denied by any elected or appointed public official.

I was just wondering if the Senator thought that freedom of speech or association, and freedom of selection for association, in any walk of life, was more important than that in connection with the right of employers to choose persons whom they thought were efficient and who could do the job that they knew had to be done, not only to enable them to operate profitably, but to enable them to operate a business which could continue to employ people, and which could continue to expand.

The freedom to associate was spoken of by the State secretary of the Florida NAACP, and at that time he was talking about freedom to associate in the playing of some softball games between the Negro teams and the white teams. Is there any difference in principle at all between that and the right of freedom of association, freedom of selection, that applies to business, and, as a matter of fact, to all contacts of our people?

Mr. ROBERTSON. There is no difference whatever in principle. There is this difference, that the freedom to associate in business has been a type of freedom that has been well recognized ever since we were colonists. It was recognized under the English common law. It was recognized under the laws of the colonists. It was recognized under our Constitution. And it has been recognized ever since. It has been considered one of our most valuable rights.

This bill, and especially the more complete FEPC bill, would deny a man's right to say about someone who had sought employment, "I did not like that fellow's looks. I do not want him on my premises. I would not trust him."

One cannot say that. He would be in court before he knew it.

The bill cuts out his freedom of speech. It also cuts out his right of association with those, as we have previously said, with whom he would want to be associated in carrying on his own business.

As some colleague has said, he puts up all the money, he owns the plant, he owns the equipment, and if it does not make good, it is his loss.

Mr. HOLLAND. Will the Senator yield for another question, Mr. President?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Is it not a fact that freedom of association requires mutuality?

Mr. ROBERTSON. Of course.

Mr. HOLLAND. I love to associate with my distinguished friend, the Senator from Indiana, whom I see on the other side of the aisle, and up to now he has seemed to reciprocate with that feeling, for which the Senator from Florida is very happy. But if the Senator from Indiana did not care to associate with the Senator from Florida, or if for some reason that would be incomprehensible at this time the Senator from Florida did not care to associate with the Senator from Indiana, is it not the meaning of freedom of association that either of us would have the right to go our way and find somebody else to associate with, and that anything that tries to force us together, by coercion, by compulsion, by force of law, simply flies in the face of a very dear and fundamental principle of

our American Government already mentioned so eloquently by my distinguished friend?

Mr. ROBERTSON. That is the very essence of the whole freedom we are here discussing. That is the reason why the junior Senator from Virginia is so emphatic about this proposition. We cannot create a new right on this subject simply by putting a pious declaration into a bill. If we had the authority to do what they are trying to do under both of these bills, we might as well recognize that when we seek to give a new right to a limited group, we are taking an old and established right from a very large group. It cannot be otherwise.

Mr. President, before I conclude, I hope that I shall have an opportunity to discuss the pending bill from all angles, and to emphasize the fact that while the section of the Nation which I represent may have a particularly keen interest in this matter, because of the acute problems legislation of this kind would create for us, there is no State in the Union which would not, to a greater or lesser degree, find such legislation burdensome.

In Virginia and the other Southern States when charges of discrimination in employment are made the question of race is likely to be involved. In other areas, where many immigrants have settled, the problem may be largely one of nationality and in still other sections it may be primarily a matter of discrimination against religious groups.

Now, if the objective in passing this bill were simply, as some of its sponsors would have us believe, to protect minority groups of all kinds against discrimination when they try to get or hold jobs or to advance in their chosen line of work, many of us who now oppose it might be willing to cooperate in seeking a reasonable bill.

We know only too well, however, that while elimination of job discrimination is the immediate objective that is stressed, the thoughts of many of the more ardent advocates of FEPC are centered on a desire to abolish the whole pattern of segregation or separation of the races which exists not only in the South but by custom if not by law throughout the United States.

When public hearings on this type of legislation were held in 1947, the senior Senator from Louisiana [Mr. ELLENDER] asked most of the witnesses who appeared in favor of the bill to state their personal views on abolition of segregation in all its forms. Witness after witness protested that this was not the question at issue and that the groups they represented had authorized them only to advocate the bill dealing with employment practices. But, witness after witness, when sufficiently prodded, admitted a personal belief that there should be no segregation in social and other aspects of life as well as in business.

Thus, Dr. Beverly M. Boyd, executive secretary, Department of Christian Social Relations, Federal Council of Churches of Christ in America, said, "I am opposed to segregation of any kind."

A. Philip Randolph, cochairman of the National Council for a Permanent FEPC, said, "It is an insult to anyone to separate and segregate them on a basis of race or color."

Joseph Kovner, representing the American Civil Liberties Union, was asked if he thought intermarriage of those of different races should be permitted and replied, "I personally do."

Frank Goldman, national president of B'nai B'rith, was asked, "Do you believe in segregation?" and he replied, "No, I do not." He was asked about intermarriage between members of the white and colored races and said, "I think the law should permit it."

Walter P. Reuther, president of the United Automobile Workers, was asked if he believed it was right for the FEPC to use its power to break down segregation in those States that desired it and he replied, "I am opposed to segregation, North and South."

Joseph L. Bustard, assistant commissioner of education for the State of New Jersey, stated, "I do not believe in segregation."

Mrs. Mildred H. Mahoney, chairman of the Fair Employment Practices Commission of the State of Massachusetts said, "I do not believe in segregation anywhere."

So, we might as well face the fact that one basic issue involved in action on the pending bill is whether or not those States and communities which have a pattern of segregation shall be allowed to continue it so long as the separation does not involve infringement of the rights of one race, or whether the Federal Government can or should enforce a pattern of nonsegregation.

Segregation is not the sole issue involved. If that were left out of the picture entirely, there still would be sufficient reason to reject the pending bill and any later FEPC bill on economic grounds.

It should be rejected, if for no other reason, because it would give so much impetus toward a complete centralization of government power. The founders of our Nation were rightly afraid of such centralization and sought to guard against it by the way they framed our Constitution.

When a Washington bureau ultimately can determine who can be hired or who can be fired throughout the breadth of the United States, a vast step has been taken toward the complete concentration of power. This bill would necessarily involve the power, in a Federal bureau, to determine who is qualified for jobs on Federal projects throughout the Nation. Once that principle is established and extended to all employment there is an obvious temptation to give complete control over employment—for example, the number of jobs, the use of laborsaving machinery, and the type of work to be done. If the commerce clause of the Constitution can be stretched to cover discrimination in employment on the ground that it involves an obstruction to the production of goods, it would seem equally logical to say that underemployment or overemployment affect the production of goods for interstate commerce and therefore a Federal bureau should determine the proper amount of employment for a certain employer and all other conditions affecting employment.

I mention this angle of the question here only in passing. I shall discuss the dangerous trend of the bill from the standpoints of damage to the Constitution and direct interference with individual enterprise in more detail later. But I wanted to mention it now to assure you that there is much more about this bill which deeply concerns me than simply the question of its relation to racial segregation.

But, because segregation is so deeply involved in FEPC, I feel that it is incumbent upon me, as a representative of the people of Virginia, to make clear the historical record as well as the present attitude of Virginians on this question.

Some years ago the division of history of the Virginia Department of Conservation and Development published "A Hornbook of Virginia History," which included a brief outline of Virginia history.

In the outline this statement was made:

> The written record proves that Virginia sought the solution of its race problem by colonization of its Negroes in some suitable area outside the United States, where they could develop their own civilization and government, until events made this plan impossible of realization; and that thereafter the State's racial legislation has been moulded by experience and designed to promote the best interests of both races.
>
> As a colony, Virginia consistently opposed importation of Negroes; as a State, Virginia was the first political community in the modern civilized world to prohibit the slave trade.
>
> Virginia's delegates to the convention which wrote the Constitution of the United States sought to have included in it an immediate and general prohibition of this trade, and it was they who led the losing fight against its extension for a period of 20 years. By or before 1832 public sentiment in Virginia favored emancipation, provided those freed were removed from the State.

Because of a parallel which may be drawn with what is happening with respect to the agitation for FEPC, I want to direct your attention especially to this next quotation from the outline of "Virginia History":

> This favorable attitude (toward emancipation) was completely reversed by one of the most amazing propaganda campaigns known to American history. It was organized by a few northern abolitionists whose objective was the immediate freeing of all slaves by any means and at all costs, without compensation to owners. When the Federal Constitution interfered they denounced that instrument as "a compact with Hell."
>
> Through three decades, 1830–60, these few grew to many, kept Congress in a turmoil over slavery, and made that the political issue which blinded the Nation to all others. They vilified the South with uninhibited violence, sent agents into it and distributed pamphlets among the Negroes inciting them to insurrection. With the aid of extremists on both sides, sectional animosity was cultivated so intensively that war became inevitable.
>
> The debt the Negro race owes to Virginia and the South has never been less recognized than it is today. Virginia took a backward race of savages, part cannibal, civilized it, developed many of its best qualities. For this it was rewarded in the Civil War by the wholehearted loyalty of most of its Negroes.

That is what the record shows about the problem which is behind much of the agitation for fair employment practices legislation—a problem which might have been avoided if the American people as a whole had understood it in the early days of our Nation.

Washington, Jefferson, Madison, Marshall, Monroe, Patrick Henry, and Richard Henry Lee were among the Virginia leaders who opposed slavery. The Assembly of Virginia in 1800, 1802, 1804, and 1816 directed the Governor to ask help from the President of the United States in obtaining suitable colonization areas for emancipated slaves. In the period before the Civil War historians have estimated that Virginians, without any legal compulsion and at great personal expense, freed at least 100,000 slaves while in the entire North less than 60,000 were being freed by legal means.

Refused the aid of the Federal Government which she asked for a century and a half ago, Virginia has tried to solve for herself the problems of permitting two highly dissimilar races to live together, each developing its own potentialities without amalgamation. Great progress has been made and my State now insists on her right to complete the job she has started without any such impediment as FEPC would provide.

To make clear how Virginia has handled her racial problem and to indicate her ability to continue to handle it, I want to present some more historical details.

They are in an article titled "Virginia's Racial Problem 1619–1948," which was published in the 1948 proceedings of the Clarke County Historical Association. The writer is the same competent and careful historian who wrote the "Brief Outline of Virginia History" from which I already have quoted. He is Everard Kidder Meade, a descendant, incidentally, of Bishop William Meade, of Clarke County, who also was an historian and who was a founder, a general agent, and a vice president of the American Colonization Society organized in 1817 to find a suitable home for freed Negroes. It was this society, in cooperation with the Federal Government, which founded the colony of Liberia.

In his paper prepared for the Clarke County Historical Association Mr. Meade said:

No other great nation in modern history has ever faced a racial problem of such gravity, difficulty, and magnitude as the one presented to the United States by its large Negro population. The present situation could have been avoided to the benefit of both races had it been dispassionately dealt with in time. Instead, it was permitted to develop, unchecked, mainly because the American people as a whole failed to understand it.

This lack of understanding has resulted from the fact that until comparatively late years the great bulk of the Negroes were in the South. Southerners learned from first-hand experience the dangers and difficulties inherent to a mixed population of whites and Negroes. The North and the West lacked the guiding hand of experience.

Moreover in the early days of the Republic sectional feeling was intense and the commercial interests of the Southern States were antagonistic to those of the Northern. Furthermore the northerner seems to have been endowed with a greater predilection for being his brother's keeper than the southerner. These facts and their implications, taken collectively, explain why the South's great experience and knowledge have been ignored and why consideration of the problem has always been governed by passion and prejudice and not by calm reasoning.

The Nation's racial issue which can be solved, if at all, only by the exercise of the maximum of patience and understanding in an atmosphere of general good will, has now been projected upon the country wearing a civil liberties cloak but the same old sectional, emotional, and political dress. Politicians of both major parties, fresh from their recent strenuous bidding for the Negro vote, have teamed up with "reformers," whose sincerity need not be questioned but whose knowledge and capacity for sound judgment must be. Their objectives include the leveling of every social barrier between the two races.

Since today the principles which govern Virginia's dealing with its own Negro population are under attack, a brief review of the history of the problem in the State is timely and may prove of value. The chief sources relied upon in this review are the records of Virginia's General Assembly, its legislative body, as given in Hening's "Statutes at Large," and the "Journals of the House of Delegates and the Senate of the Commonwealth;" also the constitutions adopted by the State at various times.

Late in August, 1619, a ship, masquerading as a Dutch man-of-war but in reality a pirate craft, touched at Jamestown and sold the colonists 20 Negroes. These were the first of their race to become a part of Virginia's population.

The addition of a few Negroes was of itself unimportant. But from the start the Colony sought to exclude all blacks because they endangered the racial purity of the white race. Since the Colonial Government lacked the power of exclusion, it enacted laws punishing with increasing severity the white male who had commerce with a Negress.

As early as 1630 the public whipping of a white man for adultery with a Negress was recorded. The record does not show any punishment given the latter. In 1648 the first law prohibiting interracial marriages was passed. It imposed severe punishment upon the white man who broke it, and the very large fine of 10,000 pounds of tobacco upon any minister who performed such a ceremony.

In 1662 the assembly made the legal status of all issue that of the mother, since it was unthinkable then that a free white woman would be guilty of blood amalgamation with a Negro. In the same year the punishment of a white man for racial adultery was increased by the addition of heavy fines. In 1691 it was made perpetual banishment from the colony.

There is evidence that there were free Negroes living in Virginia as early as 1660, and it is significant that even then they proved a greater problem than did the slaves. In 1691, the General Assembly prohibited the emancipation of any slave unless the owner agreed to remove the freed Negro from the Colony at his own expense within 6 months after manumission. Laws similar in character were passed at various times until the end of slavery.

In 1699, to discourage further importation of Negroes, Governor Nicholson discontinued the customary head right grant of 50 acres so far as they were concerned, and imposed an import tax of 20 shillings a head.

There were 25 Negroes in Virginia in 1625, 300 by 1650, 2,000 in 1671, 2,677 in 1683, and 7,000 in 1700.

It should be remembered that in the 17th and 18th centuries anyone who questioned white supremacy would have been considered mentally deranged. Slavery was not a moral issue in any American Colony until after the Revolution. New England was the beneficiary of a most profitable slave-rum business with the West Indies. Merchants in Massachusetts and Rhode Island reaped a golden harvest from their slave ships, losing thereby none of their moral or social standing at home. Virginia appears to have been the first Colony to condemn this traffic officially on the ground of its "great inhumanity" ("Journal of the House of Burgesses," p. 131).

Virginia's policy toward its Negroes was clearly stated in its revised code of 1705. Negroes and mulattoes were prohibited from holding "any office, civil, ecclesiastical, or military, or any place of public power or trust." They were made real property instead of personal. They could possess arms only under exceptional circumstances. They could serve in the militia only as laborers and without arms. They could testify in capital cases concerning Negroes, but not against whites. Punishment for interracial intercourse was made more certain and severe. Free Negroes were (in 1723) totally disfrancised. A mulatto was legally defined as any person having a Negro parent, grandparent, or great grandparent. Severe treatment was given "spurious issue" (mulattoes) and the mothers thereof.

Rumors of projected slave uprisings were reported in Virginia in 1710, 1722, and 1730, but caused no reprisals. In 1741 similar plots in New York resulted in burning 14 Negroes to death at the stake, and in hanging 18.

In 1713 the Treaty of Utrecht made Britain the greatest slave trade nation of the world by granting it a monopoly of supplying slaves to the Spanish colonies. England soon found in America a profitable market for its surplus slaves. The English South Sea Co. was given exclusive rights to this trade until 1749 when the field was thrown wide open to all Englishmen, including colonials. Immediately the New England States, especially Massachusetts, engaged in it in a large way.

The American centers of this business in 1756 were Boston and Bristol in New England and Charleston in the South. The slave trade did not reach its peak until 1775, when 192 ships under British registry, including many American, were recorded as engaging in it. It would be profitless and tedious to give in detail the long fight Virginia made to prohibit the importation of Negroes, or at least curtail it, through the imposition of high import duties. As the slave trade grew and became ever a source of greater profit, so grew the influence of those engaged in it. Before 1723 this influence was powerful enough to persuade the Crown to annul any such taxes levied by the Colony. It was only by deceptive stratagem that approval of such levies could be gained, and then for but short periods.

It is almost pathetic to find Virginia's proud assembly addressing the Throne in 1732 in this language, "We most humbly beseech your Majesty" (to accept an act imposing an import tax on Negroes).

In 1756, the Colony's land books listed more Negro than white tithables in 38 of its 49 counties. A "tithable" was then a male of any color, or a Negress, 16 years or more of age. The Negro population was 120,152 as contrasted with 7,000 in 1700.

In desperation the Burgesses addressed a petition to the Crown in 1772, stating that the importation of slaves from Africa had "long been considered a trade of great inhumanity," and that "under its present encouragement, we have too much reason to fear it will endanger the very existence of your Majesty's American dominions." In England no attention was paid to this petition.

It may be argued that Virginians could have effectively stopped importations by refusing to buy Negroes. This would have

meant a voluntary boycott by all the Colony's inhabitants who had the means to buy slaves, and, more important, by all nonresident landowners. Such action was manifestly impossible because: (1) While the government and most of the citizenry vigorously opposed importation, there was a minority who did not; (2) the nonresident landowners were mainly, if not entirely, Englishmen living in England who were interested only in profits from their land and who would certainly have declined to enter into any nonbuying agreement.

On June 29, 1776, the first constitution of the Commonwealth of Virginia was adopted; it shows Virginia's resentment against the Crown for refusing the Colony the right to exclude Negroes. In a lengthy indictment of George III in the preamble appears this clause, written by Jefferson and included by him in his first draft of the Declaration of Independence: "The very Negroes whom by an inhuman use of his (King George's) negative he hath refused us permission to exclude by law." This same clause appears in every Virginia constitution except the one proclaimed in 1902.

Now at last Virginia had the power to prohibit importation of Negroes "either by land or sea" and lost no time in doing so. A stringent prohibitory law was passed in 1778. The Commonwealth of Virginia was the first political community in the modern civilized world to prohibit the importation of slaves. About the same time the general assembly authorized manumission by deed and devise. A year earlier, 1777, Jefferson, as chairman of a legislative committee, proposed the gradual emancipation of Virginia's slaves and their exportation. The exigencies of the Revolution prevented action upon the proposals.

Virginia legally defined a "mulatto" in 1787 as any person having one-fourth part, or more of Negro blood, and this law was effective until the end of slavery. By an act passed in 1792, no person was a slave in Virginia unless that was his or her status on November 1, 1788, or a descendant of such a slave in the female line. This act was amended in 1819 by substituting October 17, 1785, for November 1, 1788, and adding "and such as since have been legally brought in." The amended law imposed a fine of $1,000 for illegally bringing a slave into the State.

Virginia's delegation to the convention which drafted the Constitution of the United States fought to have included in it a general and immediate prohibition of the slave trade, and against adoption of the clause extending it for 20 years. That fight was lost when Massachusetts, Connecticut, New Hampshire, Maryland, North Carolina, South Carolina, and Georgia voted for the clause and only New Jersey, Pennsylvania, and Delaware joined Virginia in voting against it.

In the same year the assembly made punishable by death the crime of kidnaping and selling into slavery a freed Negro or the children thereof.

Mr. HOLLAND. Mr. President, will the distinguished Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. I hope the distinguished Senator will reread that last statement, because I think it has so much information in it that so many people do not realize: that in 1789, when the Constitution was framed, the great Commonwealth of Virginia—so ably represented by the Senator now speaking—then tried to have written into the Constitution a prohibition of the slave trade, but was prevented by opposition coming from other States.

Mr. ROBERTSON. Coming primarily from Massachusetts—where the Abolitionists afterward developed, and certain men who said slavery was so wrong that they were going to free the slaves by force, or any other way, without compensation; but when Virginia's representatives in the Constitutional Convention in Philadelphia in 1787 attempted to have written into the Constitution a general prohibition against the slave trade, and to provide that it must end at once, Massachusetts, and other States, including Connecticut and New Hampshire, said, "We will walk out of this Constitutional Convention, and break it up, if you insist on that." Therefore the proposal had to be abandoned.

I am trying to point out, Mr. President, although it is a little tedious, of course, exactly how this problem arose for us in Virginia and throughout the State, and the efforts we had made over a long period of time to settle it in a just and fair and humane way. I think we have made through these years a great deal of progress, and, certainly, we tried to live up to the doctrine of Plessy against Ferguson with respect to giving equal facilities in our schools.

I have read the hearings before the Labor Committee in 1947. I have read the testimony, among statements, of Mr. C. Brady Saunders, of Richmond, who runs a big mill. He said that 40 percent of his employees, nearly all of his truck drivers, were colored men, and he preferred them; that they were polite; that they were dependable, and he not only did not discriminate against colored people in Richmond, but that he had put on a larger percentage of colored men as truckdrivers than of white people, because he said he found them more satisfactory.

Mr. President, we simply cannot understand the hue and cry and the bitterness about desegregation. It is made to appear that all that exists in Virginia, but it simply does not exist there.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Is it not true that under the FEPC laws in force in certain of the States, if the Virginia gentleman who runs the millwork business, referred to a moment ago by the Senator from Virginia, wanted to employ good and efficient truckdrivers, such a law would prevent him from advertising for Negro truckdrivers?

Mr. ROBERTSON. Of course that is true.

Mr. HOLLAND. Similarly, if someone wished—for any reason sufficient to himself—to employ a Filipino as a houseboy, he would not be permitted to advertise for a Filipino houseboy?

Mr. ROBERTSON. Of course he would not be allowed to do that.

Mr. HOLLAND. Is it not also true that if anyone—based on his experience or on what he had heard—wanted to employ a Japanese gardener, in the States which have FEPC laws such a person would find that it would not be lawful for him to advertise for a Japanese gardener, and he would not be permitted to do so?

Mr. ROBERTSON. That is true.

Mr. HOLLAND. Is it not also true that if a housewife who was living in one of the States which have FEPC laws, had pleasant memories of some delicious food she had enjoyed at a previous time when she had been living in the Deep South, and if she wished to advertise for a colored cook—for instance, a colored cook from the Commonwealth of Virginia or from the State of Georgia or from any other State in which she had found the cooking by a colored cook to be particularly good—she would find herself confronted with a legal situation which would be such that she could not lawfully advertise for such a cook?

Mr. ROBERTSON. That is correct.

In fact, the complications which would arise would be such that, if I am not delayed too much in presenting the 88 pages I have prepared on the subject of the unconstitutional features of the pending measure, I shall thereafter try to proceed to a discussion of the situation the Senator from Florida has just now mentioned. If possible, I shall discuss that problem; and I appreciate very much the contribution the Senator from Florida has made, and I also appreciate very much his compliment to Virginia.

Certainly, Virginia made the fight to end all forms of slavery in this country; and when it was proposed that the importation of slaves be continued for another 20 years, Virginia voted against that proposal. The States that voted for that proposal were Massachusetts, Connecticut, New Hampshire, Maryland, North Carolina, South Carolina, and Georgia. The States that voted not to continue the slave trade for another 20 years were New Jersey, Pennsylvania, Delaware, and Virginia.

So, as a result of that vote, Virginia lost; and the slave trade was continued for 20 years longer; and thereafter slavery in the United States was not ended until the country had a great war over that situation.

Mr. President, I read further:

In 1782, Virginia's slave population exceeded its white population. But by 1790 the total Negro population represented only 44.6 of the whole. In 1800, the whites numbered 447,780; the blacks, 359,777, including 19,981 free Negroes.

Before the close of the 18th century the morality of slavery as an institution had come under serious question in Virginia. Washington, Jefferson, Madison, Marshall, Monroe, Patrick Henry, and Richard Henry Lee are included in the long list of Virginia statesmen, who, for one or another reason, were opposed to slavery.

From 1790 to 1830–32, emancipation sentiment grew steadily throughout the State. Its growth was reflected in the number of slaves emancipated by their owners. In 1790 there were 12,254 free Negroes in Virginia; in 1830, 46,729. Any general emancipation without Federal aid was recognized as impossible. Gradual emancipation with removal, and the removal of free Negroes, were regarded as practical. There was general agreement with Jefferson, the father of colonization, that resettlement should be in some place beyond the Nation's territorial limits.

The free Negroes had become a serious problem. The State's penitentiary reports, 1800–1829, showed that on a per capita basis he committed three times as many crimes as did the white man, and four and a half times as many as the slave, and this ratio increased in later years. And the free Negress, removed from the discipline and restraints imposed upon her slave sister,

proved by far the greater menace of the two to the maintenance of racial purity.

The assembly in 1800, 1802, 1804, 1805, and 1816 directed the State's chief executive to seek the aid of the President of the United States in obtaining a suitable colonization area to which emancipated Negroes could be transported. In the meantime it enacted a law requiring all slaves freed after 1806 to leave the State within 12 months of their emancipation.

Finally, with President Monroe's support, a law was passed by Congress in 1819 which led in 1822 to the establishment by the Federal Government in cooperation with the American Colonization Society of a colony in Liberia for freed Negroes.

This society's sole purpose was the colonization of emancipated slaves who consented to removal. It was organized in 1817 and Bishop William Meade of Clarke County—

To whom I have previously referred—

was one of its founders, general agents, and vice presidents. By 1831, a state and 31 auxiliary societies had been organized in Virginia. Among the latter were those in Berkeley, Jefferson and Frederick Counties. Nathaniel Burwell, of Saratoga, was president of the last; Obed Waite was its treasurer and Augustine C. Smith was its secretary. In 1833 the assembly appropriated $18,000 annually for 5 years for transportation and sustenance of free Negroes who consented to removal to Liberia through the colonization society, and in 1853 it appropriated $30,000 annually for 5 years for the same purpose.

The enthusiastic support given the society in Virginia was because of the belief that it would solve the State's free Negro problem. Bishop Meade expressed the view universally accepted in the State when he wrote in 1832:

"I have thought, read, conversed, written, and spoken much on this subject for the last 15 years. I have traveled through the length and breadth of our land, and witnessed the condition of all Negroes, bonded and free, conversed fully with them, their owners, and their philanthropic friends, and every year only rivets the conviction more deeply in my mind that, to do them real good, they must be separated from those of a different color."

Many Virginia slaves were freed on the condition that they would go to Liberia. William H. Fitzhugh, of Ravensworth, Fairfax County, liberated by devise his 300 Negroes and directed his executors to pay out of his estate the costs of their removal to that colony and $50 cash to each one who would go. Mrs. Matthew Page, of Annfield, Clarke County, freed at least 33, paid their transportation to Liberia, and assisted them financially after their arrival.

But the Colonization Society never had sufficient funds for large-scale removals. At most, its efforts did nothing more than retard the growth of Virginia's freed population, which reached its peak in 1860 when it numbered 55,363. One authority quotes an estimate that Virginians freed "at least 100,000 Negroes without any legal compulsion, by private beneficence, against a total of 59,421 freed in all the North by legal means."

Jefferson remarked a few years before his death that to deal with the Negro problem as it had been dealt with in the United States was "the height of folly." He held it futile to hope to "retain and incorporate the blacks in the State;" any blood amalgamation he viewed as "both revolting and socially impossible." He believed, with a host of others, that general emancipation without removal would inflict more serious social and political injury on the State than slavery did.

De Tocqueville recognized the Negro problem in the North as entirely different from that problem in the South. After viewing the Southern scene in 1832, he could see only two courses for the South, "to emancipate the Negroes and intermingle with them, or, remaining isolated from them, to keep them in slavery as long as possible." Any other course, he held, would soon result in the "most horrible of civil (racial) wars." His first proposed course was unthinkable.

In August 1831, some 60 whites—mostly women and children—were barbarously slain in Virginia's first and last slave insurrection. It turned out to be a purely local uprising led by Nat Turner, a Negro preacher of Southampton County, and it was quickly suppressed. This tragic episode led to a debate on emancipation in the house of delegates which held for weeks the interest of the Nation.

The emancipation plans considered were all based upon the twofold principle, (1) freeing of Negroes born after a fixed date in the future, especially females; (2) removal of those emancipated beyond the territorial limits of the Nation. The census of 1830 showed that the black population in tidewater was 56.2 percent of the whole; in piedmont, 53.8; in the valley, 22.7; and in trans-Alleghany, 9.9 percent. In the sections where the Negro was in the minority, the sentiment of the delegates was overwhelmingly in favor of some form of emancipation; in those where the blacks outnumbered the whites, the sentiment was strongly antiemancipation.

The debate was able and prolonged. On the crucial vote, the emancipationists lost, 67 to 60. But they carried by the same vote the Bryce preamble. This preamble admitted the great evils of slavery, and declared freeing the Negroes "was in just accord with the sentiments of the community" but was then financially impossible and "should wait further development of public opinion."

It is probable the activities of the abolitionists had caused some recession of emancipation sentiment in Virginia before this debate. It is certain they destroyed it in a few more years. The abolitionists, few in number at first and denounced as strongly in the North as in the South, carried out the most amazing and the most successful propaganda campaign yet known to American history. They demanded immediate general emancipation without compensation to owners, and were willing that the Nation should pay any price to get it. In the end they won over the North, and stirred up such a devil's broth of sectional hatred that they got the Civil War they also wanted.

The violence of their vilification of the South and their endeavors to incite the Negroes to servile insurrection are well known. But northern historians have been strangely silent on another phase of their activities. Abolitionist propaganda demanded blood amalgamation of the two races as well as emancipation. They preached this to Negroes in the South through their agents and their pamphlets. Since they knew that many of the slaves could not read, they resorted to printing illustrations of a character to make their doctrine unmistakably clear.

In stating these facts it is not intended to imply that the northern people approved these activities of the rabid abolitionists. There is strong evidence to the contrary. But if they made a serious effort to stop them, they signally failed.

England denied Virginia the right to exclude Negroes, but few cargoes of Africans were landed at the ports of the British Isles. During the Revolution a number of Negroes left their homes for Canada and England. English philanthropists provided an asylum for them in Sierra Leone and they were promptly moved there. In 1833, Britain emancipated the slaves in her West Indies possessions, and voluntarily appropriated $100 million to compensate the owners.

Between 1840 and 1861, laws were passed offering rewards for the return of runaway slaves and imposing severe penalties on those aiding in their escape. In 1854 requests from freed Negroes for reenslavement were numerous enough to cause the assembly to enact a law providing for voluntary enslavement.

In Virginia the custom of viewing slaves as human beings rather than as property grew steadily until in practice it developed an unwritten code which took precedence over the written. The common recognition of marital and family rights, of which there had been some discussion in the assembly as early as 1695, was the outgrowth of humanity and not of economic interest. It is by no means true that such ties were always observed, but their observance was sufficent to mitigate the conditions of slavery. It is moreover true that any abuse of breeding in the prostitution of female slaves was checked by heavy legal and social penalties.

Mutual trust and even affection often ruled the relationship between master and slave. In the Southampton insurrection many owners armed their slaves for their defense. In several instances whites, particularly white women, escaped only through the help of slaves, and in one instance they resolutely opposed the insurrectionists. Senator Smith of Virginia declared that in an emergency he would rely solely upon his own slaves for his protection. This is the brighter side of the picture. There was also a darker side, but it concerned a minority of slave owners and of Virginia slaves.

Slavery ended in the United States when the 13th amendment was proclaimed in force, December 18, 1865. Lincoln's Emancipation Proclamation applied only to slaves owned by Confederates. General Grant remained a slave-owner until the amendment was proclaimed.

Ballagh states (p. 140) that in 1857 Bishop Meade, whose opposition to slavery was well known, "after 50 years of observation and 30 in travel over the State," expressed the conviction that "notwithstanding the cruelties of the African slave trade, the advantage has been on the side of the Negro, temporally and spiritually." He further states his own conclusion: "No colony ever made a more strenuous and prolonged effort to prevent the imposition of Negro slavery upon it, and no State, a more earnest attempt to alleviate or rid itself of that burden than Virginia."

The great debt that the Negro race owes the South, but more especially Virginia, has never been less recognized than it is today. The fact remains that Virginia took a race of backward savages, part cannibal, civilized it and developed its best qualities. The proof of the humanity and kindness with which the State treated its Negroes is the wholehearted loyalty of most of them in the Civil War, a loyalty which reflects great credit upon the race.

After readmission to the Union as a State in 1870, a devastated and impoverished Virginia had the problem of restoring decent government in the State. The Republicans were then Negroes, carpet baggers, and generally renegade native whites known as "scalawags." This lineup attached a social and moral stigma to membership in that party that has been long in dying. Congress, the Union League, and the Freedmen's Bureau wished to elevate the Negro above his former owner in politics and to give him the dominant social position as well. Congress, therefore, in 1867 gave the former slaves full political rights and unrestricted manhood suffrage in the South while contemporaneously such privileges were denied to Negroes in many Northern and Western States. At the same time, it made Virginia Military District No. 1, and disfranchised most of the whites.

The Union League and the Freedmen's Bureau had the primary job of lining up the Negro vote for the Republican Party. This they did by preaching racial hatred and their worst sin was their successful promotion of ill will between the two races, which resulted in frequent clashes and some bloodshed.

Mr. President, my whole experience as a representative of the people of Virginia and the State and in the State legislature leads me to endorse the sentence that follows, and I quote:

It is strongly felt that those who live with a problem best understand that problem, and that such solutions as may be wise and desirable must await the light and wisdom which can come only from experience and with the slow passage of the years.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. I have noted that the Senator has not made mention of one fact in connection with legislation in Virginia which I think is of great importance, and that is that Virginia was one of the first States to recognize the hideous nature of lynching and passed, as I recall, during the governorship of the senior Senator from Virginia [Mr. BYRD], a very strong antilynching bill and terminated that crime in Virginia. It is my recollection that there has been no lynching in Virginia since that time. Is that correct?

Mr. ROBERTSON. That is true. Our colleague, the senior Senator from Virginia [Mr. BYRD], was elected in 1925. He took office in January 1926. He was elected for 4 years. I think it was probably the January session of 1928 that, under his guidance, framed and sent to the legislature one of the most comprehensive antilynching laws that any State has. It is a very drastic law, and since that time—we had not had a lynching for a long time before that—but since then we have had no lynching in Virginia. It is just out of the question in Virginia at the present time. Even if we did not have that law, I just cannot picture anybody in Virginia who would join in a crowd to lynch anyone, either white or colored.

Mr. HOLLAND. Mr. President, I think that record of 32 years plus, speaks louder than any words, but there is one thing more I should like to ask. I seem to recall that the distinguished junior Senator from Virginia was a part of the administration of the senior Senator from Virginia when he was Governor. Is that correct?

Mr. ROBERTSON. I was in his cabinet. I had previously served for 6 years in the State senate, and the senior Senator from Virginia [Mr. BYRD] and I were deskmates for 6 years together in the State senate. I was in his cabinet while he was Governor. In 1932 I was elected to the House, and I took office in March 1933, and he took office in the Senate in March of 1933 through appointment, after the resignation of Senator Claude A. Swanson to become Secretary of the Navy.

Mr. HOLLAND. And the two distinguished Senators from Virginia have been colleagues here in the Senate, as I recall, since the fall of 1946; is that correct?

Mr. ROBERTSON. That is true. Following the death of Carter Glass in the summer of 1946, the junior Senator from Virginia was nominated in a convention in Richmond in September and elected in November to succeed Carter Glass, and so he had had 14 years of service in the House, and the senior Senator from Virginia [Mr. BYRD] was in the Senate. This will make 27 years of service in the Senate for the senior Senator from Virginia.

Mr. HOLLAND. Mr. President, I just wanted to have the RECORD show this tradition for fine service in Virginia, to show how it couples with such fine legislation and such fine performance as the complete extinguishment of lynching as a crime in the State of Virginia going back to or before the time when the two distinguished Senators from Virginia were colleagues in the State government of that great commonwealth.

I thank the Senator from Virginia.

Mr. ROBERTSON. I want to thank my distinguished colleague from Florida for his very kind and complimentary references to the Virginia Senators, but over and above all else, his tribute is really due to the type of the Virginia electorate. The good government that I think we have enjoyed in Virginia for many years and the freedom from crimes of passion and violence, including the very terrible crime of lynching, has been due to the inherent respect in Virginia for law and order and the lack of animosity against those who had been brought into our State for many years against our protests when we were trying to stop slavery as an improper and inhuman thing.

Much of this civil rights program grows out of the assumption that the Southern States are not treating another race properly, so I have taken this much of the Senate's time to discuss how this problem arose in Virginia and all the steps we took to try to prevent it, and how even in the Philadelphia Constitutional Convention we wanted to end the slave trade and were blocked by those who still wanted to bring slaves in for a profit.

I stated my convictions in a speech at Roanoke in 1948 when I said that a so-called Federal Fair Employment Practices Act would "play into the hands of incompetents, chiselers and troublemakers and would furnish a perfect setup for the operations of bureaucrats eager to exercise control over private enterprise."

I said that "under the guise of pretending to protect citizens against discrimination in employment because of race or religion, such legislation would deprive businessmen of their cherished and long-accepted right to pick their own associates. It would open the way for blackmail and intimidation. Every man who refused to hire a member of any kind of minority group or to promote a member of such a group as often as the employee desired, might be called into court to prove he had not acted on the basis of religious or racial prejudice."

Now, Mr. President, I turn to another phase of this bill, and that is its unconstitutionality.

Mr. ERVIN. Mr. President, I would like to ask the Senator some questions. I would not want to interrupt him at an inappropriate time of his discussion.

Mr. ROBERTSON. Before the Senator from Virginia takes up the discussion of the unconstitutionality of this FEPC, he would be glad to yield, if he might do so without losing the floor, to his distinguished colleague from North Carolina for some questions.

Mr. ERVIN. Mr. President, I would like to ask unanimous consent that the Senator from Virginia be permitted to yield the floor to me for several questions without my having to address the Chair each time and without the Senator from Virginia losing the floor or having his remarks counted as two speeches instead of one.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, reserving the right to object, I would like to ask the distinguished Senator from North Carolina if he proposes to ask a short series of questions so that permission would not have to be obtained from the Chair every time the Senator was asked to yield?

Mr. ERVIN. That is my purpose.

Mr. ROBERTSON. With that understanding, Mr. President, I am glad to yield to my colleague.

Mr. ERVIN. Has the Senator from Virginia heard the charge that we are operating a filibuster?

Mr. ROBERTSON. I have heard that charge. [Laughter.]

Mr. ERVIN. I would like to ask the Senator from Virginia if we were desirous of operating a filibuster or whether that process was thrust upon us against our will and without our consent?

Mr. ROBERTSON. The Senator from Virginia does not admit that a proper discussion of a wide variety of unconstitutional measures constitutes a filibuster. He feels that the Members of the Senate, and the public generally, are entitled to have information on what kind of legislation is being considered and what effect its passage would have, not only upon a given state, but upon the whole Nation. But whether one calls it a filibuster or a proper explanation of what is involved, there can be no doubt of the fact that we of the South did not invite this discussion. It was forced upon us.

Mr. ERVIN. Now I should like to ask the Senator from Virginia if he has observed the same thing in connection with these debates that I have, namely, that these debates are being boycotted by all, or virtually all, of the most zealous advocates of civil rights bills?

Mr. ROBERTSON. The Senator would not like to say that his distinguished colleagues had boycotted the debate, because there have been several Senators in the Chamber this afternoon who are supposed to be for this civil rights program. The Senator from Virginia could not maintain that those who are not here are boycotting the discussion, but they just are not here.

Mr. ERVIN. I should like to ask the Senator from Virginia if he would think the Senator from North Carolina had

drawn a wrong inference from the absence of the most zealous advocates of the civil rights bill from the Senate in these debates when the Senator from North Carolina drew the inference from their absence that they were boycotting the debate?

Mr. ROBERTSON. I think the inference drawn by my distinguished colleague could very well be justified.

Mr. ERVIN. I should like to ask the distinguished Senator from Virginia if he does not think it may be argued that if filibusters are iniquitous, boycotts are likewise iniquitous.

Mr. ROBERTSON. The junior Senator from Virginia feels that could well be argued.

Mr. ERVIN. I should like to ask the Senator from Virginia if he has heard some threats that those who do not listen to or wish to be persuaded by our arguments may attempt to resort to cloture, that is, to silencing us.

Mr. ROBERTSON. There have been rumors circulated that a cloture move will be resorted to and, if so, it will be supported by a number of those who have not been present to hear the southern explanation of the constitutional principles involved.

Mr. ERVIN. I should like to ask the Senator from Virginia if, under the existing rule XXII of the Senate, cloture cannot be imposed by a vote of two-thirds of Senators present and voting and, as a result of cloture under those circumstances, virtually one-third of the Senate can be silenced.

Mr. ROBERTSON. Under the amendment of last year of the cloture rule, two-thirds of those present and voting can impose cloture, and when cloture is imposed only amendments germane can be considered, and all opponents are limited to one speech of 1 hour only.

Mr. ERVIN. I will ask the Senator from Virginia if the roll of Members of the U.S. Senate at this time does not show that there are approximately 65 Members of the Senate who are listed as Democrats and 35 Members of the Senate who are listed as Republicans.

Mr. ROBERTSON. That is correct.

Mr. ERVIN. I should like to ask the Senator from Virginia if the people of Virginia have an expression like that of the people of North Carolina, in which they say a person is a "plumb fool" when that person is doing, or proposing to do, something extremely foolish and very much against his own interest.

Mr. ROBERTSON. I think that expression might be heard in some sections of Virginia.

Mr. ERVIN. I should like to ask the Senator from Virginia this question: If all of the men who call themselves Democrats became dissatisfied with the words of the Republicans and decided to vote for cloture against the Republicans so as to prevent dissemination of false Republican doctrines, could not the Democrats of the Senate effectively silence all of the Republicans under rule XXII and prevent them from even trying to save their country, much less the Republican Party, if one or two of the Republicans happened to be sick and absent from the Senate and all of the Democrats were present for the sake of voting on cloture?

Mr. ROBERTSON. If all the Democrats were present and one or two Republicans were absent, the Democrats could impose cloture on the Republicans.

Mr. ERVIN. I should like to ask the Senator from Virginia if he thinks that, under those circumstances, the Senator from North Carolina would be giving a little sensible advice to the Republicans of the Senate if he were to suggest that the Republican Members of the Senate would be "plumb fools" to vote for cloture in the civil rights debate and thereby set a precedent whereby the Democrats could silence the Republicans under the cloture rule.

Mr. ROBERTSON. The Senator from Virginia is satisfied that, since the distinguished Senator from North Carolina has indicated that problem, it undoubtedly will not pass unnoticed by our friends on the minority side.

Mr. ERVIN. Although the Senator from Virginia will not go so far as the Senator from North Carolina and suggest that the Republicans would be "plumb fools" in voting for cloture, the Senator from Virginia will, I hope, concur with the Senator from North Carolina, in this, and I ask him if he thinks they would be acting extremely unwise if they voted for cloture.

Mr. ROBERTSON. In a breakfast group not long ago we had a reminder of a very fundamental rule, "Do unto others as you would have others do unto you." The reverse is, "If you do something to somebody else, don't be surprised if he does it back to you." I suspect that is what my friend has in mind.

Mr. ERVIN. I wish to ask the Senator from Virginia one more question, and that is this: If he agrees with the Senator from North Carolina in the thought and in the assertion that no reasonable man can construe what has occurred in the colloquy between the Senator from Virginia and the Senator from North Carolina as indicating that either one of them would ever vote, under any circumstances, to deny a Republican the right to stand up on the floor of the Senate and express his opinion to whatever length he saw fit.

Mr. ROBERTSON. That is undoubtedly true. There is nothing in this exchange that would indicate either of us would ever vote for cloture. It is hard for us to picture any condition under which we would vote for cloture, and deny to any minority group in the Senate the right both to explain fully their position and their opposition to a given proposal, and also to explain how that proposal would adversely affect the great State that he happened to represent.

Mr. ERVIN. Just one more question, and then I will actually keep my word and take my seat. It is just this: Does the Senator from Virginia agree that neither he nor I will ever vote to deny any Senator the right to continue to express his opinion on the floor of the Senate so long as the Senator from Virginia and the Senator from North Carolina are still in there right minds and until they are willing to forsake all of their convictions?

Mr. ROBERTSON. The Senator from Virginia would say this: It is difficult for him to conceive of a situation under which he would be willing to vote to impose cloture on debate in the Senate. He is unwilling to say that under no circumstances, as long as he may happen to be a Member, would he vote for cloture. He would say he has never voted for cloture. He has never known of an instance when he wanted to vote for cloture, when he would have voted for cloture.

It is very difficult, if not impossible, for him to picture a situation when he would vote for cloture in the future. One instance in which cloture would actually be invoked is if we were threatened with war and a debate were preventing our Nation from taking the necessary steps to arm and protect itself. But only with the gravest issues of national security which seem to be imminent, where we are threatened by some external enemy, could the Senator from Virginia picture such a situation when he might vote for cloture.

Mr. ERVIN. I ask unanimous consent that I may be permitted to thank the Senator from Virginia, Mr. President, for yielding to me so graciously and answering these questions, and making it plain that there is nothing in the colloquy between himself and the Senator from North Carolina to indicate that we are willing to stop any man, so long as he conscientiously believes that he should stand on the floor of the Senate and express his views to his State and to his Nation.

Mr. COOPER. Will the Senator yield?

Mr. ROBERTSON. I yield to my friend from Kentucky.

Mr. COOPER. I wish to say that the colloquy between the Senator from South Carolina and the Senator from Virginia has been very interesting. But would the Senator agree also that his example of a situation between the Democratic Party and the Republican Party is rather academic because it proceeds on the assumption that the Democratic side is wholly united?

Mr. ROBERTSON. Mr. President, we thank our colleague for his suggestion.

Mr. ERVIN. Mr. President, will the Senator from Virginia yield to me for one more question, which is suggested by the very penetrating question propounded to him by the Senator from Kentucky?

Mr. ROBERTSON. I yield.

Mr. ERVIN. Does not the Senator from Virginia agree that the Senator from Kentucky was correct in his statement, that the Democratic Party to some extent is divided, because of the fact that there are some Democrats, like the Senator from Virginia, myself, and many others, who would be unwilling to silence Republicans or anybody else by a cloture vote?

Mr. ROBERTSON. That is undoubtedly true.

And so, Mr. President, thanking my colleagues for their helpful suggestions, I shall now proceed with a discussion of the constitutional question raised by the pending bill, which would start us on the road to a full-scale FEPC.

Mr. President, it seems clear to me that a Federal statute which would prohibit discrimination in employment because of race, religion, color, national origin in ancestry, and using the enforcement methods proposed, is unconstitutional in the broadest sense of that word.

The authors of our Constitution had learned from history what can happen to a people where the power is concentrated and how easily a substantial concentration may turn into a concentration in the hands of one man or a small group. They framed the Constitution to prevent this. The position of the States as repositories of reserved powers was particularly guarded because it was felt that therein lay protection against the establishment of a dictatorship or tyranny. The separation of powers among the legislative and judicial branches had the same purpose.

I believe an FEPC bill would be unconstitutional, from the negative point of view, because no adequate authority for its enactment can be found in the Constitution. It is unconstitutional from a positive point of view because it is violative not only of the whole spirit of the Constitution, but also is specifically in violation of the 1st, 5th, 6th, 9th, 10th, and 13th amendments.

If this law is to be valid, a basis for it must be found in the Constitution itself.

The supremacy of the Constitution and the limited powers of the legislative branch were stressed by our great Chief Justice John Marshall when he said in the case of *Marbury* v. *Madison* (1 Cranch 137):

> The question whether an act repugnant to the Constitution can become the law of the land is a question deeply interesting to the United States; but happily, not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established to decide it.
>
> That the people have an original right to establish for their future government such principles as, in their opinion, shall most conduce to their own happiness is the basis on which the whole American fabric has been erected.
>
> This original and supreme will organizes the Government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments.
>
> The Government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?
>
> If an act of the legislature, repugnant to the Constitution, is void, does it, notwithstanding its validity, bind the courts, and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory; and would seem, at first view, an absurdity too gross to be insisted on (p. 176).

The doctrine that the States alone can deal with civil rights except where power has been delegated to the Federal Government by the Constitution was laid down clearly by the Supreme Court in the Slaughter House cases in 1872 when it discussed article IV, section 2 of the Constitution and said it did not create those rights which it calls privilege and immunities of citizens of the States. It threw around them in that clause no security for the citizens of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens.

That statement has been reinforced by other decisions such as the Civil Rights cases (109 U.S. 3), decided in 1883 in which the court illustrated the limitation of congressional powers by saying that although the Constitution prohibited the States from passing any law impairing the obligation of contracts, "this did not give to Congress power to provide laws for the general enforcement of contracts, nor power to invest the courts of the United States with jurisdiction over contracts so as to enable parties to sue upon them in those courts"—page 12.

The court went on to say that the implication of a power of Congress to legislate for the protection of fundamental rights "is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, the power is conferred upon Congress to enforce the prohibition"—page 15.

"This assumption," the court said, "is certainly unsound. It is repugnant to the 10th amendment to the Constitution which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively or to the people"—page 18.

Referring then to the authority conferred by the 14th amendment, the court in the Civil Right cases decision said:

> It is absurb to affirm that because the rights of life, liberty and property (which includes all the civil rights that men have) are by the amendment sought to be protected against invasion on the part of the States without due process of law, Congress may therefore provide due process of law for their vindication in every case (p. 13).

Later in this discussion I shall have occasion to quote at greater length from these famous cases as I trace the acceptance by the Supreme Court of the doctrine of States rights, which is involved here, but I mention these particular decisions at this point to illustrate the weakness of the claim to constitutional backing for this bill. It should be apparent that an effort is being made in the pending bill to support Federal antidiscrimination in employment legislation by its own constitutional bootstraps because no firmer foundation can be found.

The framers of the bill seek to justify it under the interstate commerce clause in article I, section 8 of the Constitution, and by broad reference to the treaty-making power and obligations assumed in connection with the Charter of the United Nations.

Most of this argument misses the mark because it relies on cases, with which opponents of the bill need not quarrel, involving discrimination on the part of some official agency of the Government or some organization acting under governmental authority.

There can be no denial of the right and obligation of the Federal Government to avoid the practice of discrimination on racial or religious grounds in connection with its own employment policies or of its right to demand similar practices from those with whom it makes contracts. This, however, is quite different from authority to compel private individuals to pursue similar policies in their own business. In doing this the Government would be compelling citizens to enter into employment contracts without their consent and in contravention of the position taken by the Supreme Court in the case of *Baker* v. *Norton* (79 U.S. at p. 157) when it said, "Consent is the very essence of a contract."

The 1948 Senate committee report on the FEPC bill then pending said:

> Within the acknowledged field of Federal jurisdiction the courts have plainly indicated that action by the Federal Government to prevent discrimination on grounds of race or religion is as valid as action to prevent discrimination on grounds of union affiliation.

But the words to be noted in that assertion are "within the acknowledged field of jurisdiction."

Thus, when a union is protected by Federal law in its right to maintain a closed shop and when it relies on the power of the Federal Government exerted through the National Labor Relations Board to sustain its position, it naturally assumes certain obligations including that of submitting to Federal authority to prohibit discriminatory practices.

Taking this into consideration, we can oppose FEPC legislation as unconstitutional and still accept without quarrel the statement of the Court in the case of *Steele* v. *Louisville and N.R.R. Co.* (323 U.S. 192):

> Congress, in enacting the Railway Labor Act and authorizing a labor union, chosen by a majority of the craft, to represent the craft, did not intend to confer plenary power upon the union to sacrifice for the benefit of its members, rights of the minority of the craft, without imposing on it any duty to protect the minority (p. 199).

The part of the decision I have quoted was cited in the 1948 committee report. It might have gone farther and quoted from the same decision the statement of Chief Justice Stone:

> The representative (the union) is clothed with a power not unlike that of a legislature which is subject to constitutional limitations on its power to deny, restrict, destroy or discriminate against the rights of those for whom it legislates and which is also under an affirmative constitutional duty equally to protect those rights (at p. 198).

The Court then added:

> We think the Railway Labor Act imposed upon the statutory representative of a craft at least as exacting a duty to protect equally the interest of the members of the craft as the Constitution imposes upon a legislature to give equal protection to the interests of those for whom it legislates (at p. 202).

Of course recognition of the fact that the court regarded the union as a quasi-public body would have weakened the usefulness of this case to sponsors of an effort to impose legislation on purely private employers.

The FEPC case is weakened still more if we go a little farther into this decision and find that although the court held that the union was required to perform certain functions as a public duty, the court did not hold that arbitrary exclusions from membership based solely on racial considerations was in itself an act of discrimination which violated the duty imposed on the union.

On this point, the court stated:

> While the statute does not deny such a bargaining labor organization the right to determine eligibility of its membership, it does require the union * * * to represent nonunion or minority union members of the craft without hostile discrimination * * * and in good faith (at p. 204).

In other words, in this case, relied on by advocates of FEPC, the court affirmed the right of free association on the part of labor union members—a right which this bill would deny to employers. It compared the union to a legislative body and said that any rules it set up, under protection of Federal law, must be fair to all employees involved. This, of course, is merely in line with the doctrine of the 15th amendment, which prohibits discriminatory action by the United States or by States but which makes no pretense of reaching individual action.

Again, we find in the 1948 committee report a quotation from the case styled as *Railway Mail Association* v. *Corsi* (326 U.S. 88), in which the Supreme Court upheld constitutionality of a civil rights statute of the State of New York and said:

> We see no constitutional basis for the contention that a State cannot protect workers from exclusion solely on the basis of race, color, or creed by an organization functioning under the protection of the State, which holds itself out to represent the general business needs of employees (p. 94).

The inapplicability of this citation to the issue now before us should be doubly plain. In the first place, the Court was talking about State action, not Federal action. The opponents of a Federal FEPC not only admit but insist that if any such plan is to be adopted it must be on the State level. In the second place, the court in this case, as in the case of Steele against Louisville and Nashville Railroad, to which I already have referred, stressed the point that it was dealing with an organization which was, in the language of the decision, "functioning under the protection of the State," and "which holds itself out to represent the general business needs of employees." The organization accepted State protection and, just as is the case with public utilities, acceptance of protection or a franchise necessarily involves being subjected to State control.

It is only too evident that if we accept the doctrine of FEPC and allow the Federal Government to intervene in hiring, firing, and promotion arrangements between individual employers and employees we have yielded one of the basic principles of private enterprise without which the others might be rendered useless.

But, we can go further than to say that a Federal FEPC cannot be justified by reference to the Constitution. Not only does it lack a positive foundation; it is in direct conflict with the letter and spirit of a large portion of those amendments which are known as the Bill of Rights.

The first amendment forbids Congress to abridge the right of the people "peaceably to assemble." Now, what is the right of assembly if it is not the right to gather for some purpose, or in other words the right to associate? And association is something which certainly happens between employer and employee. Therefore, to deny an employer the right to choose freely those with whom he will associate in his business is to infringe one of the rights guaranteed him under the first amendment. Later on when I cite Supreme Court decisions I shall recur to this point and show that the right of association in business has consistently been recognized as a fundamental right:

An FEPC bill also would violate those parts of the first amendment which guarantee freedom of speech and of the press.

I might add here that the distinguished Senator from Florida has already developed that point earlier in the afternoon.

It would prevent an employer from freely expressing a personal preference for employees of a particular race, religion, color, or ancestry, and it would interfere with the freedom of newspapers to publish material containing such expressions.

It is just as the Senator from Florida remarked about someone advertising for a certain type of gardener, a certain type of houseboy, or a certain type of cook. One simply could not do that under an FEPC bill and not be subject to the charge of discrimination.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. I wonder if the Senator from Virginia has experienced strong opposition to FEPC legislation by labor unions which wish to have their membership either all white or all colored. I know of several instances of such opposition in my State. The feeling is very intense that the unions should have the right to limit and select persons of their own choosing, especially if the selection is on a racial basis. Has the Senator run into that type of thinking?

Mr. ROBERTSON. I recall that back in 1947 and 1948, when there was a serious attempt in the Senate to enact legislation of this kind, certain labor organizations, either openly or quietly, expressed considerable opposition to such legislation.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Does not the Senator recall that some of the railroad brotherhoods were particularly strong in their opposition, on the ground that the relationship of confidence in and dependence on the skill and knowledge of one another in a very technical field was necessary, and that if that confidence did not exist, the safety of passengers would be affected? Does not the Senator recall that the railroad brotherhoods insisted that they be allowed to control the admittance to membership in the various railroad brotherhoods?

Mr. ROBERTSON. That is true. They also said they had the right to say who could be an engineer and who could be promoted to the position of conductor. The objections which were raised at that time are well known. They may have had an influence upon the fact that those bills were dropped. There has been but one real hearing on FEPC, and that was in 1947.

Mr. President, as I was saying, this violation has been demonstrated by the regulations promulgated by the State commissions in New York and New Jersey, which I previously have mentioned. Under those regulations a man dare not ask questions indicating his interest in the nationality, color or religion of a prospective employee and he may be subject to prosecution if he says in a published advertisement that he would prefer to hire workers having or not having certain of these characteristics.

It also seems reasonable to assume that newspapers which published these advertisements regarded as objectionable by the commission might be accused of conspiring with employers to violate the act or might be prosecuted and imprisoned if they should impede the commission or its agents in the performance of their duties.

It seems apparent also that members of a labor organization might be prosecuted for saying or publishing that they preferred a certain type of fellow employee. Thus freedom of speech and publication of employees as well as employers would be abridged.

As Mr. Donald Richberg has said:

> In practical effect, the law attempts to make it a legal wrong for a man to have a preference, a liking, or a confidence in another person because of his race, religion, color or ancestry. Here is the beginning of a thought control by government which has never before been attempted except by some tyrannical form of government, alien and abhorrent to any free people. Only Communist nations today impose thought control. The mind itself is imprisoned when a man cannot freely speak or publish his opinions.

In short, the right to discriminate against a person, so far as one's associations are concerned, on the ground of religious differences is essential to the exercise of religious freedom and the right to express racial or religious prejudices is a right of free speech. Both of these, and consequently the first amendment, would be violated by a compulsory national FEPC law.

As the Supreme Court said in the case of *West Virginia Board of Education* v. *Barnette* (319 U.S. 642):

> Freedom to differ is not limited to things that do not matter much. Tht would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

The principle involved here also was clearly stated by Mr. Justice Jackson in a concurring opinion in the case of *Thomas* v. *Collins* (323 U.S. 516) when he said:

> It cannot be the duty, because it is not the right of the State to protect the public against false doctrine. The very purpose of the first amendment is to foreclose public authority from assuming a guardianship of the public mind through regulating the press, speech and religion. In this field every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us. * * * This liberty was not protected because the forefathers expected its use would always be agreeable to those in authority or that its exercise always would be wise, temperate or useful to society. As I read their intention, this liberty was protected because they knew of no other way by which men could conduct representative democracy (p. 545–546).

The application to an FEPC bill is obvious. Let us concede that those who indicate racial, national or religious prejudice in advertising for employees are neither wise, temperate or useful to society in doing so. The fact remains, as Mr. Justice Jackson said that their liberty to express these views was protected not because it is agreeable to those in authority, but simply because our forefathers knew of no other way by which men could conduct representative democracy.

FEPC legislation also violates the fifth amendment.

When a man engaged in business is required to order his hiring and his promotion of employees in a way that may be unprofitable—and that can easily happen under the provisions of FEPC—he is being deprived of property without due process of law. The amendment says private property shall not be taken for public use without just compensation, but this bill would go even beyond that and take property for private use without compensation. The employer also would be deprived of the liberty to pick his associates and to conduct his own business. Again, this arbitrary restraint on the freedom of association would violate another provision of the fifth amendment which says a person shall not be deprived of liberty without due process of law.

The protection against criminal prosecution without a trial by jury, which is guaranteed by the sixth amendment, would also be denied by the section of the proposed FEPC law which would authorize an administrative commission to fine an employer for refusing to hire a particular applicant for employment.

An FEPC bill would attempt to create a new "civil right" to employment without discrimination and then to provide punishment for those who violate this "right." Essentially this is the creation of a criminal offense, and the sixth amendment says:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the State and district wherein the crime shall have been committed.

Now, under an FEPC bill the Commission might prosecute an offender and if it finds him guilty of unlawful discrimination it may order him to pay a fine and to fulfill the obligations of a contract which he has not made. This order can be enforced by a court which may fine him or put him in jail for contempt if he disobeys. All this is without a jury trial.

As Mr. Donald Richberg said in an able analysis of this point:

> No lawyer would deny that if the law frankly made discrimination a crime, punishable by fine or imprisonment, the enforcement of the law would be a "criminal prosecution" in which a trial by jury would be necessary.

Even clearer evidence of the unconstitutionality of FEPC legislation is found, however, when we consider the ninth amendment which provides:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparate others retained by the people.

And the 10th amendment, which asserts:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

One of the witnesses at the hearings in 1947 summed up the matter by saying:

> The right to choose employees, friends, associates, spouses, falls under the law of natural selection, a natural right, an unalienable right, a fundamental "reserved" to man by the 10th amendment and by the 9th "retained" to him.

As I have suggested previously, and shall emphasize again when I come to the citation of cases, the courts have repeatedly held that any power to create a civil right, unless specifically delegated to the United States by the Constitution, has been reserved to the States. That applies to all of the pending civil rights bills.

Also, in denying the employer the right to choose his employees, and thus compelling him, against his will, to work with those he would not have picked otherwise, the employer is forced into involuntary servitude, in violation of the 13th amendment, which forbids involuntary servitude, except as punishment for a crime.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Does the Senator from Virginia yield to the Senator from Florida?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. The Senator from Virginia will recall that a few minutes ago I discussed, in colloquy with him, a question which had come up both when the FEPC law was before the Congress, some years ago, and when the Taft-Hartley Act was under consideration by the Congress, and particularly when the Congress was considering the right of certain unions—I recall that the ones most interested were the railway brotherhoods—to prescribe their own rules of membership, and to include in that right the right to have white men, colored men, or both, as they might think the situation merited.

Will the Senator be willing to have me place in the RECORD at this point an excerpt from the Taft-Hartley Act, as still another law which specifically exempts the railway brotherhoods and unions, so that the right to control their own membership would not be affected?

Mr. ROBERTSON. Certainly.

Mr. HOLLAND. Then, if I may do so, I shall read that portion of the Taft-Hartley into the RECORD.

Mr. ROBERTSON. Of course.

Mr. HOLLAND. I now read, from the Taft-Hartley Act, section 8(b)(1):

> *Provided*, That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein.

That provision was insisted upon, and was granted by action of the Congress; and it is still the law under which this important right is retained by the unions, who regard it as important.

I thank the Senator from Virginia for yielding.

Mr. ROBERTSON. That is a right upon which the unions insist—the right of voluntary association.

Mr. HOLLAND. The Senator from Virginia is correct; and at that time Congress decided, after long debate, that the position of the unions was nothing but a statement by them and their organizations of a constitutional principle which could not be denied.

Mr. ROBERTSON. That is correct.

Proof that such an involuntary association in business as would be required under an FEPC law might be interpreted as involuntary servitude under terms of the 13th amendment may be found in decisions of the Supreme Court.

The Court, for example, has held unconstitutional a State law under which a person who was fined for a misdemeanor, and, upon agreeing to do so, was allowed to work out the fine for the surety who paid it for him. That was in the case of *United States* v. *Reynolds* ((1914) 235 U.S. 133). The Court also knocked down, in the case of *Bailey* v. *Alabama* ((1911) 219 U.S. 219), a State law making it a misdemeanor, punishable by imprisonment, for a person to agree to perform a service, and then refuse to do so after receiving a part of the consideration in advance.

Thus, the right of an employee not to work unless he chooses to do so, even when he has obligated himself, and has accepted payment for work to be done, has been clearly established; and it is clear that he cannot be forced into an involuntary association with an employer.

If "equal rights under the law" is a term that means anything, it should mean that the employer has an equal right not to be coerced into association with an employee, against his will. Yet, we find that under FEPC legislation, an employer not only can be penalized financially for refusing to employ; but if he opposes, impedes, or interferes with the bureaucrats who enforced the act, he may subject himself to imprisonment, and without a jury trial.

In the case of Bailey against Alabama, to which I have just now referred, the Supreme Court called the 13th amendment "a charter of universal freedom for all persons" and said:

> The plain intention was to abolish slavery of whatever name and form and all its badges and incidents; to render impossible any state of bondage; to make labor free, by prohibiting that control by which the personal service of one man is disposed of or coerced for another's benefit, which is the essence of involuntary servitude (219 U.S. 219).

The Constitution intended that the protection which the Court described in that statement should be given to employers, as well as employees. Yet it seems obvious that an FEPC law would cause one man—an employer—to be coerced for the benefit of another man—an employee—and therefore clearly would violate the 13th amendment.

The fact of the matter is that the type of legislation we are discussing is completely out of harmony with the spirit of the Bill of Rights, despite the effort of its sponsors to label it as "civil rights legislation."

One of the supporters of Senate bill 984 at the hearings in 1947 referred to the purpose of the first 10 amendments to the Constitution as being to protect the rights of the individual and the States, and then added that the FEPC bill represents "a logical extension and implementation of the rights of the individual citizen safeguarded in the Bill of Rights."

A review of the circumstances under which the Bill of Rights became a part of our Constitution will show how erroneous is that conclusion.

In the Virginia ratifying convention, Patrick Henry was largely responsible for the assurance given by Madison that at the first session of the National Congress he would offer the first 10 amendments, now called our Bill of Rights. He knows not his history who does not know that Patrick Henry was fighting to protect the States and the people from the encroachments of the Federal Government. To say that an FEPC bill will implement the rights for which Patrick Henry was fighting is absurd.

The sketchy reports of the debates when the Constitution was being drawn, clearly indicate that the arguments over whether a Bill of Rights should be included did not involve the question of the existence of such rights, but centered around whether it was necessary or advisable to set them out specifically in the Constitution. The division, in short, was between those who felt that the Federal Government in the future could be trusted to recognize and respect these individual rights, and those who felt, as Jefferson did, that in every government there is a germ of despotism which may multiply, if fed on unrestrained power, until it corrupts the body politic.

If we go back to the Articles of Confederation, under which the States originally were united, we find that article II reads:

> Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States, in Congress assembled.

No comparable section is found in any of the plans or drafts for a Constitution submitted to the Convention or in the document which the Convention submitted to the Congress on September 17, 1787. But in the Convention's letter of transmittal, this statement was made:

> It is obviously impracticable in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstances as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which must be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

The Congress, which received the Convention report on September 20, set September 26 as the day on which the new plan would be considered; and when the debate started on that day objections immediately were raised.

Richard Henry Lee, of Virginia, quoted from a letter from George Mason and agreed with Mason that the Constitution ought to include a bill of rights. Lee then proposed a series of amendments.

The Constitution went out to the States without these amendments and ran into a new barrage of criticism. Mason and John Randolph, of Virginia, who submitted the most comprehensive plan on which the Constitution was based but who had refused to sign the final draft, and Eldridge Gerry, of Massachusetts, who also refused to sign, all said they were convinced that unless it could be amended at once it would be a threat to the liberties of America.

The debate in Congress continued into December 1787 with the anti-Federalists arguing that lacking a bill of rights the Constitution destroyed the sovereignty of the States while the Federalists said—and this is the point I would emphasize—"A Federal Bill of Rights was superfluous, since the States had their own and the States gave up their sovereignty only in matters which no one of them had a right to decide upon."

James Wilson, of Pennsylvania, arguing for the Federalists, said:

> My position is that the sovereignty resides in the people. They have not parted with it; they have only dispensed such portions of it as were conceived primarily for the public welfare. The Constitution stands upon this broad principle.

Wilson extended his argument to the point of saying that the power of the States was inferior to that of the people, who could delegate the supreme power as they saw fit, but he did not pretend that the Federal Government had or could have any authority except that which was specifically delegated to it.

In the State ratifying convention, too, we find the argument recurring that a bill of rights was not necessary because the limited power of the Federal Government was obvious.

Thus, in Connecticut, Richard Law, chief judge of the State's superior court and mayor of New London, said:

> This General Government rests upon the State governments for its support. It is like a vast and magnificent bridge, built upon 13 strong and stately pillars; now the rulers who occupy the bridge cannot be so beside themselves as to knock away the pillars which support the whole fabric.

Ratification was obtained in Massachusetts and New Hampshire only after agreement that amendments to the Constitution would be submitted along with the notice of acceptance.

In South Carolina, Gen. Charles Cotesworth Pinckney met objections by assuring the legislature that the Convention had omitted a bill of rights only because these rights already belonged to the people and the power over them had not been granted to the Federal Government either to affirm or withhold.

In Virginia the leading objectors to the Constitution urged that amendments be submitted and acted on by another Federal Convention before ratification. Patrick Henry and George Mason warned of the danger of loss of State and individual rights unless changes were made to protect them. Thomas Jefferson indicated that he would like to see nine of the Thirteen States ratify in order to assure the new Government but that the remaining four should hold out for what he considered indispensable amendments, including a bill of rights. There was general agreement on the need for amendments, the chief difference being that Federalists in the convention argued that Virginia should ratify and then seek amendments in the manner provided by the Constitution, while the anti-Federalists insisted that amendments should be made before ratification.

When the Virginia convention finally voted for ratification it included in its action a provision that "in order to relieve the apprehensions of those who may be solicitous for amendments," they should be recommended to Congress to be acted upon according to the mode prescribed.

Similar debates occurred in the New York State convention and to aid their cause in that crucial struggle, Alexander Hamilton, and John Jay, with the help of James Madison of Virginia, produced the famous "Federalist Papers" to support the cause of ratification. When the final vote was taken it was stated in the motion that New York was ratifying "in full confidence" that until a second Federal Convention should be called for "proposing amendments," certain specified State rights claimed by New York should not be interfered with. A circular letter then was sent by the Governor to the Governors of all other States; recommending the calling of this convention. It was agreed by observers that without these concessions favorable action by New York could not have been obtained.

Some of the arguments used in The Federalist Papers to obtain favorable action on the Constitution in New York

are especially significant when we examine the constitutionality of the type of legislation now under consideration.

In The Federalist No. 17, for example, Hamilton referred to fears that allowing the Federal Government to deal directly with individual citizens might render the Government of the Union too powerful and, as he said, "enable it to absorb those residuary authorities, which it might be judged proper to leave with the States for local purposes."

Hamilton then went on to say it was improbable that there would exist a disposition of the Federal councils to usurp such powers as regulation of the "mere domestic police of a State," or of—and note these words—"private justice between the citizens of the same State," because, Hamilton said, "the attempt to exercise those powers would be as troublesome as it would be nugatory; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the National Government."

Again, in the 39th Federalist, Madison pointed out that the proposed Government would be partially national and partially Federal in its functioning. He said that although it would be national in the operation of its powers it would be Federal in the extent of its authority.

The idea of a national government involves in it—

He said—

not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy is completely vested in the National Legislature. Among communities united for particular purposes, it is vested partly in the general and partly in the municipal legislatures.

In the former case, all local authorities are subordinate to the supreme; and may be controlled, directed or abolished by it at its pleasure. In the latter, the local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them within its own sphere.

In this relation, then, the proposed Government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects.

An even more specific assurance that the powers of the Central Government would be strictly limited was given in the 45th Federalist, written by Madison, who said:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce; with which last the power of taxation will, for the most part be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement and prosperity of the State.

It was in response to such arguments as these that the people of the various States, in their conventions ratified the Constitution, but with a general understanding that it would be promptly amended.

The attitude of the time was well expressed in the North Carolina convention, which refused to ratify until acceptance by nine States already had made the Constitution effective. In that convention William Goudy is reported to have said:

I care not whether it (the Constitution) be called a compact, agreement, covenant, bargain, or what. Its intent is a concession of power on the part of the people to their rulers. We know that private interest governs mankind generally. Power belongs originally to the people, but if rulers are not well guarded, that power may be usurped from them. People ought to be cautious about giving away power. * * * If we give away more power than we ought, we put ourselves in the situation of a man who puts on an iron glove, which he can never take off till he breaks his arm. Let us beware of the iron glove of tyranny.

And so I say to Senators today, we should beware of the concealing aspect of the title of "civil rights" on this legislation and recognize that it covers the mailed glove of tyranny.

Returning to the background of the Bill of Rights, we find that the amendments demanded by the various State conventions were proposed by the first session of the Congress which met in 1789; and some of the things said in the debate while they were under consideration may be illuminating to this discussion.

James Madison, urging immediate consideration of the amendments on June 8, 1789, was reported as saying that unless this were done the people "may think we are not sincere in our desire to incorporate such amendments in the Constitution as will secure those rights, which they consider as not sufficiently guarded."

Madison also referred to the "anxiety which prevails in the public mind," and said:

It appears to me that this House is bound by every motive of prudence, not to let the first session pass over without proposing to the State legislatures some things to be incorporated into the Constitution, that will render it as acceptable to the whole people of the United States, as it has been found acceptable to a majority of them.

He added:

I wish that those who have been friendly to the adoption of this Constitution may have the opportunity of proving to those who were opposed to it that they were as sincerely devoted to liberty and a republican government as those who charged them with wishing the adoption of this Constitution in order to lay the foundation of an aristocracy or despotism. It will be a desirable thing to extinguish from the bosom of every member of the community, any apprehensions that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled.

Madison said there still were a great many who were dissatisfied with the Constitution, but who might join in supporting federalism if they were satisfied on one point, and "we ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this Constitution."

Enlarging on this point, he said:

I believe that the great mass of the people who opposed it (the Constitution), disliked it because it did not contain effectual provisions against encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercises the sovereign power.

Madison then outlined the proposed amendments, which at first were intended for insertion in the body of the Constitution itself. The original form of the proposals which eventually became the 9th and 10th amendments are particularly interesting as indicating the thinking of Madison and others who helped to design the form of our Government.

Instead of the ninth amendment, as we know it, reading: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," the proposal offered by Madison read:

The exceptions here or elsewhere in the Constitution, made in favor of particular rights, shall not be construed as to diminish the just importance of other rights retained by the people, or as to enlarge the powers delegated by the Constitution; but either as actual limitations of such powers, or as inserted merely for greater caution.

That language was not adopted, but I suspect that if Madison and his colleagues had realized the length to which the loose constructionists would go in attempting to construe the rights of the Federal Government, under such parts of the Constitution as the interstate commerce clause, as permitting control over every phase of business activity, they would have been more insistent on the original language, which spelled out the fact that the enumeration of certain rights must not be construed as enlarging powers delegated by the Constitution, but were intended to limit such powers.

In the case of the 10th amendment, changes in language were made to make more plain the fact that it was directed against the Federal Government. Thus, as proposed by Madison, this amendment read:

The powers not delegated by this Constitution, nor prohibited by it to the States, are reserved to the States respectively.

As adopted, this was altered to read:

The powers not delegated to the United States by this Constitution—

Inserting the words "to the United States"—

nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Adding the phrase "or to the people."

In his argument, Madison said he had never considered a bill of rights so essential to the Constitution as to make it improper for the States to ratify the instrument without such an addition, but that he did think it would serve a useful

purpose. He pointed out that the Magna Carta was designed to protect the British people against the power of the Crown, rather than the legislative branch of the Government and said:

Although I know that whenever the great rights, the trial by jury, freedom of the press, or liberty of conscience, come in question in that body—

The British Parliament—

the invasion of them is resisted by able advocates, yet their Magna Carta does not contain any one provision for the security of those rights, respecting which the people of America are most alarmed. The freedom of the press and rights of conscience, those choicest privileges of the people, are unguarded in the British Constitution.

But although the case may be widely different, and it may not be thought necessary to provide limits for the legislative power in that country, yet a different opinion prevails in the United States. The people of many States have thought it necessary to raise barriers against power in all forms and departments of government, and I am inclined to believe, if once bills of rights are established in all the States as well as the Federal Constitution, we shall find that although some of them are rather unimportant, yet, upon the whole, they will have a salutary tendency.

Discussing the nature of a Bill of Rights, Madison said:

In some instances they assert those rights which are exercised by the people in forging and establishing a plan of government. In other instances they specify those rights which are retained when particular powers are given up to be exercised by the Legislature. In other instances they lay down dogmatic maxims with respect to the construction of government declaring that the legislative, executive, and judicial branches shall be kept separate and distinct. Perhaps the best way of securing this in practice is, to provide such checks as will prevent the enrichment of the one upon the other.

But, whatever may be the form which the several States have adopted in making declarations in favor of particular rights, the great object in view is to limit and qualify the powers of government.

Note, now, the contrast between the statement of proponents of FEPC that it is "a logical extension and implementation of the rights of the individual citizens safeguarded in the Bill of Rights," and the statement of Madison, sponsor of the Bill of Rights as proposed in the First Congress, who said "the great object in view is to limit and qualify the powers of government."

There we have the issue set out for us as clearly as it could be stated. On one hand we have proponents of civil rights who seek to establish the constitutionality of their legislation by a power statement in the bill, and who are using the power of the Federal Government against the individual, when Madison said that the purpose of the Bill of Rights was to protect the individual from the powers of the Government.

What a farce we have made of this term "civil rights." As I said in my opening statement, what a dagger they are proposing to drive into the heart of our Bill of Rights in our Constitution, a protection for the individual that does not exist in the organic form of government in any other country of the world, not even in Great Britain.

Continuing the quotation from the debate in Congress on the Bill of Rights amendments, Madison said:

The great object in view is to limit and qualify the powers of government, by excepting out of the grant of powers those cases in which the Government ought not to act, or to act only in a particular mode.

Oh, how clear he was.

It has been well said that never in the history of organized civilization has there assembled at one time and place a group of men so well trained and versed in the science of government as gathered in the summer of 1787 in Philadelphia to form a more perfect Union.

Mr. President, I will continue Madison's quotation.

Continuing his discussion, Madison said:

In our Government it is, perhaps, less necessary to guard against the abuse of the executive department than any other; because it is not the strongest branch of the system, but the weaker, it therefore must be levelled against the legislative, for it is the most powerful, the most likely to be abused, because it is under the least control.

I interpose again to say "How true." Every student of the Constitution knows that the framers of the Constitution put in the general welfare clause as a limitation upon power to tax. Taxes could be levied to promote the general welfare and not to promote some private, individual or local interest. Congress ignored all of the precedents and the statements of those who framed the Constitution to say it was an unlimited grant of power. The Supreme Court held that with respect to appropriations, it was not going to pass on whether Congress had violated their oath to uphold and support the Constitution or not. They could appropriate for anything they pleased. That was the first action that Congress took to tear down what the framers had intended to be a Government of limited and delegated powers.

Here we find Madison, who did more than any one man both to frame and to explain the Constitution, predicting that the legislative branch would become the most powerful because, he said, "It is under the least control."

And, of course, the framers of the Constitution sought to take some of the pressure off Congress by having a Senate that was elected by the legislators. They would be responsible to the legislators, and the legislators were supposed to be more conservative than most of the voters of a given State.

In any event, a Member of the Senate who was elected by the legislature would not be under the direct pressure of any one pressure group. That was one of the plans of the original founders.

It was to keep the Senate more independent and as more of a balance wheel to the House, which was elected every 2 years and which came under the constant hammering pressures of pressure groups to do this, that and the other, regardless of constitutional limitations.

Thus, according to Madison, we should look to our Bill of Rights as a fortress against the abuse of legislative power and not as a source of authority to invade the field of personal liberties with regulative authority.

Discussing, as he had done in some of The Federalist Papers, the theory of our Constitution, Madison said that some had argued that a bill of rights was not necessary in the Federal Constitution "Because the powers are enumerated, and it follows that all that are not granted by the Constitution are retained; that the Constitution is a bill of powers, the great residium being the rights of the people; and, therefore, a bill of rights cannot be so necessary as if the residium was thrown into the hands of the Government."

Madison then said:

It is true the powers of the General Government are circumscribed, they are directed to particular objects; but even if government keeps within those limits, it has certain discretionary powers with respect to the means, which may admit of abuse to a certain extent, in the same manner as the powers of the State governments under their constitutions may to an indefinite extent; because in the Constitution of the United States there is a clause granting to Congress the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested in the Government of the United States, or in any department or officer thereof; this enables them to fulfill every purpose for which the Government was established. Now, may not laws be considered necessary and proper by Congress, for it is for them to judge of the necessity and propriety to accomplish those special purposes which they may have in contemplation, which laws in themselves are neither necessary nor proper?

That statement is so appropriate to the subject under discussion that Madison might almost have been imagining the situation in which we find ourselves today. We have Members of Congress interested in a laudable purpose, which is guaranteeing to every resident of the United States the civil rights to which he is entitled. Since this is an objective which is in itself justified by our Constitution, we find them resorting to the reserved powers of government which permit the making of all laws necessary to carry into execution the powers vested in the Government and its officers. But, as Madison foretold, we find them turning to laws "which laws in themselves are neither necessary nor proper." On the contrary, these laws would in themselves violate the right of the States to control their internal affairs and the rights of individual citizens to associate and do business with one another.

Madison hoped that the limitations of the Constitution would be so clearly recognized that a bill of rights would not be necessary to deal with such a situation, but he also saw the danger and so he advised that the bill of rights be adopted as an extra safeguard.

In the course of the debate from which I have been quoting, on June 8, 1789, Mr. Vining, of Delaware, said that a bill of rights was unnecessary in a government deriving all its powers from the people and said the matter was sufficiently covered by the statement in the preamble that "We, the people, do ordain and establish."

In contrast with this was the viewpoint of Mr. Gerry, of Massachusetts, who pointed out in the debate on July 21 that 7 of the 13 States had thought the Constitution very defective, yet, he said, "5 of them had adopted it with a perfect reliance on Congress for its improvement."

The concern of the people of the United States at the time the First Congress was considering the Bill of Rights amendments also was indicated on August 13 when Mr. Lee, of Virginia, asked the House to consider the report of the committee to which they had been referred and Mr. Page said he hoped the House would agree to the motion of his colleague without hesitation, "because he conceived it essentially necessary to proceed and finish the business as speedily as possible; for whatever might be the fact with respect to the security which the citizens of America had for their rights and liberties under the new Constitution, yet unless they saw it in that light, they would be uneasy, not to say dissatisfied."

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Might I ask the Senator if once in a while he does not gain the impression that the present membership of the Supreme Court seems never to have known that the constitutional debates occurred at all?

Mr. ROBERTSON. One would not infer from reading the decision in Brown against Board of Education that there is nothing in the Constitution concerning public education, and that there is nothing in any of the amendments adopted to the Constitution which relate to segregation in the public schools. Therefore, it is hard to understand why the Supreme Court could have completely ignored the 9th and 10th amendments, which so clearly, as I have pointed out, were adopted for the purpose of making it crystal clear that the Federal Government should never exercise any powers except those spelled out and delegated to it. It is hard to understand that the Supreme Court could have closed their eyes to those two amendments if, as the Senator from Louisiana has suggested, they had ever read them and read the debates which called them into being.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Is the Senator from Virginia familiar with the tendency of the present Supreme Court to refer to the very foundation stones of American jurisprudence in language to the effect that they have more or less gone by the erosion of time?

Mr. ROBERTSON. I remember a surprising statement by the Chief Justice in the school cases, when he referred to the case of Plessy against Ferguson, decided in 1896, to the effect that we cannot turn the clock back; as though the development of a new social program had of itself changed the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield for a question?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. Does the Senator find it somewhat alarming that the present Supreme Court looks back on the history of this democracy and the jurisprudence which has been built up over the years, based on the original intention of the Founding Fathers, and not only casts aside all of that, but even turns its back on its own rulings, rulings made by some of the Justices who have been on the Court for perhaps 12 years, and is not even willing to follow its own doctrines?

Mr. ROBERTSON. Of course, that is very disturbing. Early in the afternoon I called attention to an editorial in the Washington Post which took the Supreme Court to task for overruling a holding of only 4 years ago. The editorial referred to a new decision, which held that a statute of California which enabled the Governor to dismiss an employee who took the fifth amendment and would not say whether he was a Communist or not, was unconstitutional. Four years ago the Court held that the statute was not unconstitutional. The editorial said that that was a very terrible thing.

The Senator from Louisiana is certainly correct in saying that the Supreme Court has gone a long way from our concept of what the Constitution is and of the limitations which it places upon the Federal Government.

One reason why the Senator from Virginia has gone to such pains, last Monday and again today, tedious as it may be to many, to go back to the history of the Constitution, is that he hopes someday we will have a Supreme Court which will go back to those fundamental concepts of the kind of government we were intended to have.

Certainly I believe we can meet all the problems of the 20th century within the framework of our Constitution and a proper interpretation of it, without simply tearing down all the restraints which are provided in the Federal Constitution.

Mr. LONG of Louisiana. Does the Senator not believe that we should turn to the past to learn the standards and concepts which George Washington taught in his Farewell Address? Should not those concepts and teachings be made the permanent foundation stones for the type of democracy and government in which we believe?

Mr. ROBERTSON. Absolutely. Earlier in the afternoon, I referred to the crime of moving a landmark in a State, the moving of the location of a lighthouse for the guidance of ships. There is an injunction in the Bible:

> Thou shalt not remove thy neighbor's landmark, which they of old time have set.

I believe most lawyers feel that the present Supreme Court has turned its back on so many landmarks of constitutional law that they cannot tell clients now with any certainty what is or what is not a constitutional proposal.

Mr. LONG of Louisiana. I thank the Senator from Virginia.

Mr. ROBERTSON. I thank the Senator from Louisiana. I shall continue with Mr. Madison's statement.

Madison agreed with his colleagues, asking:

> Is it desirable to keep up a division among the people of the United States on a point in which they consider their most essential rights are concerned?

Mr. Page then went further and said he "was positive the people would never support the Government unless their anxiety was removed." He begged the House to "consider the importance of the number of citizens who were anxious for amendments. If these had been added to those who openly opposed the Constitution," he said, "it possibly might have met a different fate."

Thus we have an assertion that our Government, in effect owes its very creation and existence to the assurances given in the Bill of Rights—assurances which were to protect the people against too much government and the type of meddling which FEPC represents.

Lee's motion to take up the amendments carried and the first one coming from the committee proposed that:

> In the introductory paragraph of the Constitution before the words, "We the people," add "goverment being intended for the benefit of the people, and the rightful establishment thereof being derived from their authority alone."

Here again we see the working of minds fearful of too much government, insisting that the very first words used in setting up our National Government specify unequivocally not only that it was intended for the benefit of the people, but that the right to establish it was "derived from their authority alone."

As the debate continued the next day, August 14, Mr. Gerry objected to the wording "government being intended for the benefit of the people," because he said it held up an idea that all governments of the earth were intended to benefit the people.

> I am so far from being of this opinion—

Gerry said—

> that I do not believe that 1 out of 50 is intended for any such purpose. I believe the establishment of most governments is to gratify the ambition of an individual who, by fraud, force or accident, has made himself master of the people.

Mr. Page said he saw no need of changing the preamble because "the words, 'We the people,' had the neatness and simplicity, while its expression was the most forcible of any he had ever seen prefixed to any Constitution." He said he did not doubt the truth of the proposition brought forward by the committee, but he doubted the necessity for it in this place.

Mr. Sherman, of Connecticut, agreed with this viewpoint. He said:

> The people of the United States have given their reasons for doing a certain act. Here we propose to come in and give them a right to do what they did on motives which appeared to them sufficient to warrant their determination; to let them know that they had a right to exercise a natural and inherent privilege, which they have asserted in a solemn ordination and establishment of the Constitution. Now, if this right is indefeasible, and the people have recognized it in practice, the truth is better asserted than it can be by any words whatever. The words "We the people" in the

original Constitution, are as copious and expressive as possible; any addition will only drag out the sentence without illuminating it.

Now, there is a point which I think may also be applied quite directly to any proposed FEPC bill. As I previously pointed out, it seeks to create by assertion a Federal right to be free of discrimination in employment. If such a right exists under our Constitution, it can, as Mr. Sherman said of the preamble phrases, be exercised without being spelled out in the bill. But, on the other hand, if such a right does not exist, no amount of wordage in a bill passed by the Congress can create it.

On August 15, 1789, the House took up another proposed amendment which, as it came from the committee, read:

The freedom of speech and of the press and the right of the people peaceably to assemble and consult for their common good and to apply to the government for redress of grievances shall not be infringed.

Mr. Tucker, of South Carolina, moved to insert the phrase "to instruct their representatives," and touched off an extended debate on the proper role of legislators in our Government.

Mr. Jackson, of Georgia, opposed the Tucker proposal, saying he favored the right of the people to assemble and consult for the common good but not the power to instruct their representatives.

If we establish this as a right—

He said—

we shall be bound by those instructions; now, I am willing to leave both the people and the representatives to their own discretion on this subject. Let the people consult and give their opinion; let the representative judge of it; and if it is just, let him govern himself by it as a good member ought to do; but if it is otherwise, let him have it in his power to reject their advice.

Then the representative from Georgia continued with an observation that is worthy of our particular attention today.

What may be the consequence—

He asked—

of binding a man to vote in all cases according to the will of others? He is to decide upon a constitutional point, and on this question his conscience is bound by the obligation of a solemn oath; you now involve him in a serious dilemma. If he votes according to his conscience, he decides against his instructions; but in deciding against his instructions, he commits a breach of the Constitution, by infringing the prerogative of the people, secured to them by this declaration. In short, it will give rise to such a variety of absurdities and inconsistencies, as no prudent legislators would wish to involve themselves in.

Madison reemphasized that point, asking:

Suppose they instruct a representative, by his vote, to violate the Constitution; is he at liberty to obey such instructions?

It is important for us to remember that this proposal to allow the people to instruct their representatives in the Congress was not inserted in our Constitution.

We hear talk from time to time of a "mandate from the people," as result of an election, for their representatives to vote a certain way and some of those who have supported FEPC and other so-called civil rights legislation have claimed to be acting on such a "mandate."

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. The Senator speaks of mandates. Is it not true that many times when a person is elected personalities play a large part in the election?

Mr. ROBERTSON. Absolutely, yes.

Mr. JOHNSTON of South Carolina. Is it not true that never is a person elected because the people are thinking of one issue alone, and not of many issues?

Mr. ROBERTSON. That is certainly true.

Mr. JOHNSTON of South Carolina. So it can never be said, then, that a man is elected with an absolute mandate of the people to fulfill one particular thing. Is that not correct?

Mr. ROBERTSON. That is true. In the last two presidential elections there were many cross currents from the standpoint of Southern Democrats, and they just set the ballots one against the other, and it would have been difficult to say just what kind of mandate an elected Representative was getting or what he was voting for. He just took a certain course, because it seemed to be, in the overall, better than another course.

Mr. JOHNSTON of South Carolina. Is it not true, if that be followed to its logical conclusion, that such a course of action would absolutely do away with the republican form of government which the United States has?

Mr. ROBERTSON. That is correct.

Mr. JOHNSTON of South Carolina. A great many people think we have a democratic form of government, but that is not true, is it?

Mr. ROBERTSON. We have a representative form of government.

Mr. JOHNSTON of South Carolina. A representative form of government here in the United States?

Mr. ROBERTSON. Yes, we have a republic and a republican form of government, but it is not the democracy of ancient Athens.

Mr. JOHNSTON of South Carolina. That is correct.

Mr. ROBERTSON. It is a representative form of government; and the voters of South Carolina, the voters of Florida, the voters of Virginia, picked out the three of us, respectively, in this little group to represent them. Then we took an oath to support and uphold the Constitution of the United States. When issues of the kind we are considering arise, we vote as our consciences tell us is best, in addition to the fact that we have a right to make our decision, regardless of constitutional limitations, whether the proposal is for the best interests of our people, or is against their best interests, or whether it is for the welfare of the Nation or against it.

Mr. JOHNSTON of South Carolina. Is it not also true that when this Nation of ours begins to take one decision of the Supreme Court and say, "You must keep your mouth shut, you must not talk about it or against it," we are living in a dangerous age?

Mr. ROBERTSON. Absolutely. The Senator from Virginia called attention to that fact, that we in the South criticized the Supreme Court, saying, "We do not like the decision of 1954 of the Supreme Court in the school cases." The editor of the Washington Post this morning criticized the Supreme Court for a decision concerning the provision contained in the California law that a man could be fired if he took the fifth amendment; the editorial said that was a bad decision, and that the Court had reversed itself in a very improper way. The editorial called it a "Constitutional Snare."

Mr. JOHNSTON of South Carolina. If they criticize the Court, it is all right. But if the South criticizes the Court, it is not all right. Is that not true?

Mr. ROBERTSON. Yes; here they claim that the South is simply endeavoring to keep somebody from voting. I thank my colleague.

As Madison and others brought out so forcibly in their discussion more than a century and a half ago, when a man has taken a solemn oath to support and defend the Constitution of the United States, there can be no such thing as a mandate to violate that oath. And the duty of supporting the Constitution cannot be brushed lightly aside on the ground that we can pass any law we choose and let the Supreme Court pass on its validity.

Abraham Lincoln put it bluntly when he said:

No man who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it.

Going back to Madison and the debate from which I have been quoting, we find he said:

My idea of the sovereignty of the people is, that the people can change the Constitution if they please; but while the Constitution exists, they must conform themselves to its dictates. But I do not believe the inhabitants of any district can speak the voice of the people; so far from it, their ideas may contradict the sense of the whole people; hence the consequence that instructions are binding on the representative is of a doubtful, if not a dangerous nature.

Somewhat later in the debate, on August 21, when an amendment was under discussion that would have taken away the power of Congress to alter the time, manner, or place of holding elections, Mr. Gerry emphasized another point that has current application.

He pointed to the possibility that the National Government, if in arbitrary hands, might abolish the secrecy of the ballot and order elections at remote places and then said:

Gentlemen will tell me that these things are not to be apprehended; but if they say that the Government has the power of doing them, they have no right to say the Government will never exercise such powers, because it is presumable that they will administer the Constitution at one time or another with all its powers; and whenever

that time arrives, farewell to the rights of the people, even to elect their own representatives.

That is the attitude we must take toward this proposal to allow a Government agency to pass on the propriety of every act of hiring, firing, promotion, or demotion by an employer who has a Government contract. It is said that a Federal fair employment commission would rely on persuasion, negotiation, education, and conciliation. But, the fact remains, as Mr. Gerry said, that when we give any authority to the Government, we must assume that at one time or another all its powers will be used, and, when that time arrives, "farewell to the rights of the people."

Thus, when we consider the thinking of the men who determined the phrasing of our Bill of Rights amendments, the meaning of the amendments themselves—that the Federal Government is prohibited from assuming powers, where interference with personal liberty is involved, becomes unmistakably clear.

The same attitude may be found in the words of the great justices of our Supreme Court who have interpreted the Constitution from the time of its adoption down to the present.

Some of the decisions bearing on the points at issue here have been briefly mentioned. I shall now show in some historical sequence the development and reiteration of the idea that ours is a Government of strictly limited powers, and that the limitations apply most forcibly where relations between individuals are concerned.

From the time when our Government was established there have been, of course, two schools of thought as to the way the Constitution should be applied. At the beginning, the Federalists, headed by Alexander Hamilton, believed in a strong central government; and the Anti-Federalists, headed by Thomas Jefferson, saw the need for keeping the States as effective buffers against encroachment on individual liberty.

On the Supreme Court, our great Chief Justice John Marshall took a broad view of the authority of the Federal Government, as shown by his statement in summing up the case of *Gibbons* v. *Ogden* (9 Wheat 1,211), in 1824, when, in speaking of State powers which "interfere with, or are contrary to the laws of Congress," he said:

> In every such case, the act of Congress, or the treaty is supreme; and the law of the State, though enacted in the exercise of its powers not controverted must yield to it.

But it also was Chief Justice Marshall who made the statement I previously quoted, and stressed the supremacy of the Constitution as guardian of the rights of the people, when he said:

> The powers of the Legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written.

Thus he asserted that, regardless of the comparative authority of Federal and State governments in a particular situation, the limits of governmental authority are fixed by the Constitution itself.

A more restrictive view of the powers of the Federal Government than that taken by Marshall, especially in the field of regulating commerce, was taken by Chief Justice Taney, who said, in 1847:

> A State regulates its domestic commerce, contracts, the transmission of estates, real and personal, and acts upon all internal matters which relate to moral or political welfare. Over these subjects the Federal Government has no power. They appertain to State sovereignty as exclusively as powers exclusively delegated appertain to the general government. (The License cases, 5 How. 504, 588.)

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield, to permit me to make a comment?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Does the Senator from Virginia yield to the Senator from Florida?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. And I ask that the right of the Senator from Virginia to the floor be protected.

Mr. President, I think the Senate is heavily indebted to the Senator from Virginia. Certainly the distinguished Senator from Virginia is an appropriate Member to render this service. He has proceeded to spell out the experience which animated and inspired the Founding Fathers to form our government of sovereign States in an indissoluble Union.

Furthermore, the Senator from Virginia has pointed out most capably that the things which have brought our country into trouble—and it is having trouble in its internal affairs—are the things that have been done hastily, in attempting to change the fundamental concept of a Federal government strong enough to do the Federal things, and of State governments which retain for themselves and for their people the power to do all the things they can do better. The Senator from Virginia has pointed out that our impulsiveness to proceed, on the basis of expediency, to do things which at the time seemed to be necessary, but which would not stand the acid test of long consideration and inspection, is what has brought us into the present troubled situation, in which it is being found that the Federal Government is overburdened, and in which every day there are demonstrations that the Federal Government is unable to carry satisfactorily the burdens which have been placed upon it.

So I congratulate the Senator from Virginia for having pointed out so clearly the fundamentals, so that those who read his remarks may again be inspired to adhere to the Constitution of the United States, the great document which the Founding Fathers established, and which since that time has been followed in principle by many of the other nations on the face of the earth.

Mr. ROBERTSON. Mr. President, I appreciate the kind words of the Senator from Florida.

I wish to state that in discussing the fundamental principles in connection with the formation of the Constitution and in referring to the explanations given by those who framed that document and were responsible for the adoption of the first 10 amendments—the Bill of Rights—which to all intents and purposes became integral parts of the Constitution, my purpose has been to call to the attention of my colleagues the necessity to follow closely the limitations on the powers of the Federal Government; and I have also endeavored to show that in some way, somehow, the members of our present Supreme Court should likewise recognize properly the limitations imposed upon them and should realize that their solemn duty is to interpret the law, not make it.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Indiana.

Mr. CAPEHART. Mr. President, I ask unanimous consent that I may now make a statement, without causing the able Senator from Virginia to lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CAPEHART. Mr. President, I would not make this statement if I thought it would be interpreted by anyone as a criticism of any individual Senator or group of Senators, or of the majority leader, the able senior Senator from Texas [Mr. JOHNSON], or of the minority leader, the able junior Senator from Illinois [Mr. DIRKSEN], or any Member who at this time has introduced any so-called civil rights legislation.

Certainly that is not my purpose.

Mr. President, my purpose is to make clear my own personal feelings as a Member of the U.S. Senate. I am now in my 16th year of service in this great body and I state, for the RECORD, my feelings with regard to this whole matter.

I believe it very, very unfortunate that by means of the procedure being followed today in this Chamber, the Senate is considering civil rights legislation, particularly in view of existing world conditions.

I shall state my reasons for taking that position. They are not emotional reasons. Instead, my position is based upon experiences I have had in foreign countries.

I happened to have been in Denmark when the Little Rock incident occurred. I went to Norway, Sweden, Russia, and other countries. Everywhere I went, and at every press conference I had, it seemed that those to whom I talked wanted to "jump right down my throat" on that incident and that they were unable to ask questions about Little Rock fast enough to satisfy their own desires.

They would ask me, "What about Little Rock? Tell us why people in your country are persecuting the colored people there."

In every instance I took time to point out, for 15 or 20 minutes, to those persons—all of whom I believe were sincere and conscientious—that, in the United States, the colored people are protected—that they enjoy many of the things I shall now mention. It is perfectly natural that I spoke particularly from the standpoint of conditions which exist in my own State of Indiana.

I pointed out that there are more colored people in universities and colleges in the United States than the number of

white people who are in universities and colleges in any other country in the world.

I pointed out that in the United States, colored people belong to labor organizations, and receive equal pay for equal work.

I pointed out that in our country colored people and white people attend school together; that I myself, when I went to school in Indiana, went to school with colored people.

I pointed out all the blessings which colored people and other minorities in the United States enjoy.

When I got through, those people would say, "Well, we didn't know those things. All we hear about are so-called bad things that happen to colored people in the United States. We hear, too, of debates about such things on the floor of the U.S. Senate. We hear that legislation to protect the colored people and other minority groups has been introduced in the Congress; and we get the impression that minority groups in the United States are mistreated."

Of course, Mr. President, the fact is that the United States is made up of minority groups of every conceivable ancestry, color, and creed.

There is no such thing as a majority group in the United States. Our country is made up of minority groups of every conceivable type.

Here today, in this Nation, we are fighting communism. We are trying to prove to the world that our system of government is the best, and it is the best; that our people enjoy more blessings than do any other people on the earth. This is true, and yet we find ourselves introducing legislation, being forced to go through what we are going through here at this very moment, advertising to the world that our people are being mistreated.

What we should be doing, if we want to spend as much time as we are on this subject, is to be devoting our efforts to talking about the blessings of minority groups in America.

I am not saying that there are not people in this country who are mistreated.

I am not unmindful of that at all. I am not saying that we cannot make some improvements. I am saying to you that when you have this sort of thing—and I again say I am not criticizing any individual—I am saying you hurt the United States.

I say to you that every colored man in the United States tonight should wire this Senate to stop this sort of thing, quit talking about it, and start telling the world and the Communists and the people that do not understand throughout the world, what a great country this is and the great opportunities they have. That is what we should be doing if we want to help fight communism and maintain our American system of government instead of beating its brains out, tearing it down.

We should be talking about the good things, because there are a lot of good things.

There may be some bad things, but how do you expect the people of the world to want to adopt our American system when we here in the U.S. Senate and the Congress and the intelligent people of this Nation will do the things going on here right now.

I say to you, let us put a stop to it. Let us be positive in our approaches. Let us improve our system. Let us improve the position of every American, but let us not jeopardize our American system of government and the great advantages and the blessings of the minority groups of the United States.

This is doubly important during this world situation when we are fighting the ideology of communism, a system that encourages friction and misunderstanding and frustration and confusion among the people.

That is my best judgment as one who has been in Russia, as one who has studied this problem and tried to view it in the proper perspective.

My best judgment is that the Communists are thoroughly enjoying what we in the Congress, in the Senate, are doing at this particular moment. It is to their advantage, because they can point to legislation, they can point to debates, they can point to the fact that the situation is so terrible in the United States that the U.S. Senate must remain in session 24 hours a day in order to protect some minority groups in the United States. We all know the situation is no different today than it was a year ago or 5 years ago or 10 years ago, and yet we leave the impression that something new has happened in the United States.

I thank the able Senator for yielding his time. I want to say, let us stop to think and listen.

I again want to say that I hope there is not a single newspaperman, a single person on this floor, that writes or makes the statement that I am criticizing any individual or any political party or any group from the South, the North, or the majority leader, or the minority leader. I am not. I am giving you the benefit, for whatever it is worth, of my personal opinions, based not upon emotion, but based upon my experience of how this sort of thing excites the people of the world and how they misunderstand it. Let us find some way to stop this. Let us find some way to be positive. Let us find some way to say good things about the United States.

Mr. ROBERTSON. Mr. President, I thank my distinguished colleague for his comments. I think I may feel very confident that no Senator on the floor is going to criticize anything he said, because there is no Senator on the floor who is sponsoring any of these present civil rights bills.

Those of us who are trying to defend ourselves from the unconstitutional and unnecessary attacks upon our manner of life and our local self-government welcome his suggestions that this fight which has been forced upon us is uncalled for, is not doing our Nation any good, and is not doing the reputation of the Congress any good.

Of course, it is being used abroad by the Communists to make it appear that we are abusing a minority race over here, that we are lynching them, that we are killing them, that they do not have any rights in employment, and that we treat them worse than slaves are treated in some of the oriental countries today.

Mr. President, I shall not continue this discussion much longer. There are a number of points about this bill which I had hoped to develop before the evening was over, but I shall conclude by a discussion of the unconstitutionality of the FEPC provision in the Dirksen amendment. At a later date, if there is any really sincere effort to try to enact an FEPC bill—I hope there will not be, but we can never tell; it is pending before us—then I will continue the discussion I prepared for today.

I return to what I had last said about the principle on which our Government was organized.

Now certainly if the theory of Taney—that a State acts upon all internal matters which relate to moral or political welfare—is accepted there can be no question but what FEPC legislation would be invalid. It may be argued that Taney's doctrine has been vitiated by later decisions, but it was firmly grounded on the Constitution and, as I shall show by later citations, has been approved by many distinguished later occupants of the Bench.

As a matter of fact, we find Chief Justice Marshall saying, in the case of *Ogden* v. *Sanders* (12 Wheat. 331–356):

> Individuals do not derive from government their right to contract, but bring that right with them into society; that obligation is not conferred on contracts by positive law, but is intrinsic. This results from the right which every man retains to acquire property, to dispose of that property according to his own judgment and to pledge himself for a future act. These rights are not given by society but are brought into it (p. 345).

Again, in 1852, in the case of *Philadelphia & Reading R. Co.* v. *Derby* (14 Howard 486, 487), we find the Court saying:

> The rule of "respondent superior," or that the master shall be civilly liable for the tortious acts of his servants is of universal application (p. 486). * * * Nothing but the most stringent enforcement of discipline, and the most exact and perfect obedience to every rule and order emanating from a superior, can insure safety to life and property (p. 487).

Now, it is evident that if you take away from an employer, through some such device as FEPC legislation the right to determine whom he shall employ, you deprive him of the freedom of selection which is necessary if he is to be held responsible for the acts of his employees.

In so doing, we would fly in the face of the Supreme Court which stated in the case of *Baker* v. *Norton* (79 U.S. 157) that "consent is the very essence of a contract."

In 1872 the Supreme Court decided a group of cases which have been reported under the title of *"The Slaughter House* cases" (16 Wallace 36), and the rule laid down in these cases as to the limitations of the 14th amendment has been accepted by the Court ever since that time.

The State of Louisiana had passed a law to regulate slaughter houses near New Orleans and suit was brought on the ground that this law discriminated

against certain citizens who had previously engaged in business and that it, therefore, violated the 14th amendment. In its analysis of the amendment, which occupies more than a hundred pages of the reports, the Court discussed the meaning of the term "privileges and immunities," as used in article IV, section 2 of the Constitution, which says:

The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States.

It then said that the term "embraces nearly every civil right for the establishment and protection of which organized government is instituted"—page 76—but added that these rights, "which are fundamental"—page 76—have always been held to be "the class of rights which the State governments were created to establish and secure"—page 76.

The court continued:

The constitutional provision there alluded to did not create those rights, which it calls privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens.

Its sole purpose was to declare to the several States that whatever those rights, as you grant or establish them to your own citizens, as you limit or qualify, or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction (p. 77).

Turning then to the 14th amendment, the court asked:

Was it the purpose of the 14th amendment, by the simple declaration that no State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States to transfer the security and protection of rights which we have mentioned to the Federal Government? And where it declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States? (p. 77).

Rejecting such an interpretation of the amendment, the court said:

The argument, we admit, is not always the most conclusive which is drawn from the consequence urged against the adoption of a particular construction of an instrument. But when, as in the case before us, those consequences are so serious, so far as reaching and pervading, so great a departure from the structure and spirit of our institutions, when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character, when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt (p. 78).

The Court said it did not see in the 13th, 14th, and 15th amendments "any purpose to destroy the main features of the general system" of our Government. The opinion concluded:

Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of the States with powers for domestic and local government including the regulation of civil rights, the rights of persons and of property was essential to the perfect working of our complex form of Government, though they have thought proper to impose additional limitations on the States and to confer additional power on that of the Nation.

But whatever fluctuations may be seen in the history of public opinion on this subject during the period of our national existence we think it will be found that this court, so far as its functions required, has always held with a steady and an even hand the balance between State and Federal power, and we trust that such may continue to be the history of its relation to that subject so long as it shall have duties to perform which demand of it a construction of the Constitution or of any of its parts (p. 82).

In 1875, 3 years after the Slaughter House cases had been decided, the Court faced the question of State or Federal responsibility for action of one individual against another individual and clearly indicated the unconstitutional nature of such legislation as we are now considering.

In the case of *U.S.* v. *Cruickshank* (92 U.S. 542) the defendant was indicted for conspiracy under the Enforcement Act of 1870, which made it a crime for two or more persons to band or conspire together to injure, oppress, threaten, or intimidate any citizen, preventing him from exercising rights secured to him by the Constitution. The particular right involved in this case was the right to vote in a Louisiana election but the analogy to the claimed right to demand employment is clear. In the case of the statute involved in the Cruickshank case, as in the proposed FEPC bill, the purpose is to punish an individual for acts committed against another individual presumably when both are within the jurisdiction of the same State.

In rendering the decision of the Court in the Cruickshank case, Chief Justice Waite said:

The 14th amendment prohibits a State from depriving any person of life, liberty or property without due process of law, or from denying to any person equal protection of the law, but this provision does not add anything to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the State upon the fundamental rights which belong to every citizen as a member of society (p. 554).

The duty of protecting all its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee (p. 555).

It might also be noted that when the Cruickshank case was tried in the circuit court—Federal Cases No. 14897—Mr. Justice Bradley said:

It [the 14th amendment] is a guarantee against the acts of the State government itself. It is a guarantee against the execution of arbitrary and tyrannical power on the part of the Government and legislation of the State, not a guarantee against the commission of individual offenses; and the power of Congress, whether express or implied, to legislate for the enforcement of such a guarantee does not extend to the passage of laws for the suppression of crimes within the States. The enforcement of the guarantee does not require or authorize Congress to perform the duty that the guarantee itself supposes to be the duty of the State to perform (p. 710).

This statement was quoted—pages 638–639—with approval by Mr. Justice Woods of the Supreme Court 7 years later when he delivered the decision in the case of *United States* v. *Harris* (106 U.S. 629). In this case the Court reaffirmed the doctrine that action by one citizen against another individual was not properly within the purview of the Constitution. Dealing with a case in which citizens of Tennessee were indicted under a Federal statute for the crime of lynching, the Court declared the statute was unconstitutional and made this assertion:

A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them. The only way, therefore, in which one private person can deprive another of the equal protection of the laws is by the commission of some offense against the laws which protect the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 is warranted by the 13th amendment, we should, by virtue of that amendment, accord to the Congress the power to punish every crime by which the right of any person to life, property or reputation is invaded. Thus, under a provision of the Constitution which simply abolished slavery and involuntary servitude, we should, with few exceptions, invest Congress with power over the whole catalogue of crimes. A construction of the amendment which leads to such a result is clearly unsound (p. 643).

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that if the Founding Fathers, who wrote the Constitution, had not zealously guarded, as they thought, this balance between the Federal and State governments, reserving to the States all the powers which were not expressly or impliedly delegated to the Federal Government, there would not have been the adoption of the Federal Constitution?

Mr. ROBERTSON. That is absolutely true. Two of the biggest States, Virginia and Carolina, not only said that they would insist on amendments being adopted, but each one had a reservation. They said, "We ratify with this understanding: If you go beyond your delegated powers, we are out. We are through."

Of course, as I pointed out earlier this afternoon, Madison said they just could not keep faith with the States that had ratified the Constitution if, in the first session of the Congress, the Bill of Rights was not adopted. The Bill of Rights was to emphasize what they tried to make it appear the Constitution already provided, but some persons had doubts about it, and that was why the powers

of the Federal Government were strictly delegated powers, and all other powers were reserved to the people and the States thereof.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. HILL. The very purpose and intent of the first 10 amendments were to make it clear, definite, and irrevocable that those reserved powers were reserved to the States. Is that not correct?

Mr. ROBERTSON. The Senator is absolutely correct. Therefore, all these so-called civil rights bills are trying to create new rights at the expense of the States and of the people. The way they are sought to be created is by a pious statement in a bill that such and such a right exists; then they proceed to fix the remedy. But the Constitution cannot be amended in that manner.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that the only way these reserved powers of the State could be delegated to the Federal Government would be by amendment to the Constitution, through the processes provided for in the Constitution of the United States?

Mr. ROBERTSON. That is absolutely true. That is what Attorney General Brownell said about the antilynching bill. He questioned the constitutionality of it. He said it ought to be done by constitutional amendment, if they wanted to do it.

If the Court was right in the statement it made in United States against Harris, which I just now quoted, how much more unsound would be a construction of the Constitution or its amendments which would permit the Congress, as is proposed in FEPC bills to create a right by fiat and then undertake to go into the sovereign States to protect that newly created right?

I think we can say of this proposal, as the Court said in the Harris case:

> The section of the law under consideration is directed exclusively against action of private persons, without reference to the laws of the State or their administration by her officers. We are clear in the opinion that it is not warranted by any clause of the 14th amendment to the Constitution (p. 640).

The following year, 1883, another important decision which has a bearing on this discussion was given by the Court in the so-called civil rights cases (109 U.S. 3, 25). The statements made in this decision are particularly significant because the Court was then composed almost entirely of men who were friendly to the 14th amendment and who had been appointed from States which did not secede. It could hardly be charged, therefore, that they had a bias in favor of States rights or against the Federal Government.

In the civil rights cases the Court held unconstitutional a Federal statute passed in 1875 providing that anyone who denied equal privileges in hotels, boarding houses, theaters, public conveyances and public amusements to another citizen because of his race or color was guilty of a penal offense.

After raising the question of whether Congress had the constitutional power to make such a law, Mr. Justice Bradley stated:

> Of course no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments. The power is sought, first in the 14th amendment, and the views and arguments of distinguished Senators, advanced whilst the law was under consideration, claiming authority to pass it by virtue of that amendment, are the principal arguments adduced in favor of the power. We have carefully considered those arguments, as was due to the eminent ability of those who put them forward, and have felt, in all its force, the weight of authority which always invests a law that Congress deems itself competent to pass (p. 10).

Mr. HILL. Will the Senator yield for a question, Mr. President?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that every Senator before he enters upon the office of Senator takes an oath here in the open Senate to uphold and defend the Constitution of the United States, not to uphold and defend it according to what some judge might interpret it to be, but what he, in his own conscience, his own mind, his own best judgment, his own devotion to the public interest determines?

Mr. ROBERTSON. That is the point that the Senator from Virginia was attempting to stress. As Mr. Justice Bradley said in the case I just cited, the Court gives great weight to any law passed by Congress because Congress has taken an oath to support and uphold the Constitution, and the Court has a right to assume that as honorable men we would not deliberately violate that oath. Therefore, Mr. Justice Bradley said that they could not, considering the distinction of those who had voted for a bill that was before them, lightly consider the weight.

I would like to emphasize those words of the Court, because they suggest the grave responsibility that rests upon us in this debate. We cannot simply say that we will pass the law because we approve of its objectives and let the Supreme Court determine whether or not it is constitutional. We must recognize that other justices, as Mr. Justice Bradley said he did in the Civil Rights cases, will feel "the weight of authority which always invests a law that Congress deems itself competent to pass."

But, I continue to quote from Justice Bradley's decision in the Civil Rights cases:

> But, the responsibility of an independent judgment is now thrown upon this Court; and we are bound to exercise it according to the best lights we have. The first section of the 14th amendment (which is the one relied on) after first declaring who shall be citizens of the United States and of the several States, is prohibitory in its character and prohibitory upon the States. It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."
>
> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject matter of the amendment (pp. 10 and 11).

Note that, please: "Individual invasion of individual rights is not the subject matter of the amendment."

Then the court continued:

> It has a deeper and broader scope. It nullifies and makes void all State legislation and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the law. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts and thus to render them ineffectual, null, void, and innocuous—this is the legislative power conferred upon the Congress and this is the whole of it.
>
> It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation, but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights, but to provide modes of redress against the operation of State laws and the action of State officers, executive or judicial, when these are subversive to the fundamental rights specified in the amendment.
>
> Positive rights and privileges are undoubtedly secured by the 14th amendment, but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to the Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings and be directed to the correction of their operation and effect (pp. 11–12).

The court cited several previous cases in support of this viewpoint and then continued:

> An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give the Congress power to provide laws for the general enforcement of contracts, nor power to invest the courts of the United States with jurisdiction over contracts so as to enable parties to sue upon them in those courts. It did, however, give the power to provide remedies by which the impairment of contracts by State legislation might be counteracted and corrected; and this power was exercised (p. 12).

Remember that in this case the court was considering legislation which was claimed, just as FEPC claims, to be for the preservation of civil rights and to prevent discrimination against minorities.

The decision stated:

> If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property? If it is supposable that the State may deprive persons of life, liberty, or property without due process of law (and the amendment itself does suppose

this) why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights in every possible case, as well as to prescribe privileges of inns, public conveyances, and theaters? The truth is that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, the power is conferred upon Congress to enforce the prohibition. This gives Congress power to legislate generally upon that subject, not merely power to provide modes of redress against such State legislation or action.

The assumption is certainly unsound. It is repugnant to the 10th amendment to the Constitution which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people (pp. 14–15).

Still further emphasizing its viewpoint of the restriction of Federal powers, the Court said in this decision:

Civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual; and invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if it is not sanctioned in some way by the State and not done under State authority, his rights remain in full force and may presumably be vindicated by resort to the laws of the State for redress (p. 17).

It is absurd—

Mr. Justice Bradley said—

to affirm that because the rights of life, liberty, and property—which includes all the civil rights that men have—are by the amendment sought to be protected against invasion on the part of the States without due process of law, Congress may, therefore, provide due process of law for their vindication in every case (p. 13).

This decision, from which I have quoted at such length was delivered 77 years ago but it is still sound doctrine, as is indicated by the fact that it was cited by the Supreme Court with approval in a 1948 case from which I shall quote before I have finished.

In the case of *Plessy* v. *Ferguson* (163 U.S. 537) the Supreme Court said:

Legislation is powerless to eradicate racial instincts * * * and the attempt to do so can only result in accentuating the difficulties of the present situation (p. 551).

The Court, in this case, cited the statement of Justice Bradley in the civil rights case:

It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person might see fit to make as to the guests he will entertain or as to the people he will * * * deal with in other matters of intercourse or business (p. 543).

That certainly seems to apply to what is proposed in the FEPC bill.

The Court also said:

In determining the question of reasonableness it is at liberty to act with reference to the established usages, customs, and traditions of the people (p. 550).

It said, too, in the Plessy against Ferguson cases:

The argument also assumes that social prejudices may be overcome by legislation and that equal rights cannot be secured to the Negro except by an enforced commingling of the races. We cannot accept this proposition (p. 551).

In deciding the case of *United States* v. *Joint Traffic Association* (171 U.S. 505) the Court emphasized the limitation placed by the Constitution as a whole on the rights growing out of the commerce clause.

The power to regulate commerce has no limitation other than those prescribed in the Constitution—

The Court said, but it added:

The power, however, does not carry with it the right to destroy or impair those limitations and guarantees which are also placed in the Constitution or in any of the amendments to that instrument (p. 571).

Another statement which seems most applicable in our present discussion was that made by Mr. Justice Holmes, in the case of *Davis* v. *Mills* (194 U.S. 451) when he said:

Constitutions are intended to preserve practical and substantial rights, not to maintain theories (p. 457).

The idea that the considerations which cause a businessman to choose his associates can be limited or eliminated by a Federal statute without doing serious damage to our whole economic and social structure is a "theory," and clearly it is damaging to those "practical and substantial rights" which our Constitution was intended to preserve.

Then, in 1908, we come to the case of *Adair* v. *United States* (208 U.S. 161) in which the Supreme Court upheld the right of an employer to contract with his employees or their representatives without governmental interference.

In this decision Mr. Justice Harlan made this quotation from Cooley on torts:

A part of every man's civil rights is that he be left at liberty to refuse business relations with any person whatsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice, or malice; with his reasons neither the public nor the persons have any legal concern. It is also the right of the individual to have business relations with anyone with whom he can make contracts, and if he is wrongfully deprived of his right by others, he is entitled to redress (p. 173).

Making his own comment on this point, Justice Harlan said:

The employer and employee have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can justify in a free land (p. 175).

Certainly it cannot be successfully argued that there is "equality of right" under a law which may compel an employer to hire an individual whom he does not choose to hire, but which does not require the employee to accept employment from an employer who is not to his liking for reasons of race, religion, or anything else.

The court in the Adair case also said:

It is not within the function of government * * * to compel any person in the course of his business and against his will to accept or retain the personal services of another or to compel any person, against his will, to perform personal services for another (p. 174).

Discussing applicability of the commerce clause in this case, Justice Harlan said:

We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, cannot be exerted in violation of any fundamental right secured by other provisions of the Constitution (p. 180).

It must be admitted, of course, that the attitude of the court in its interpretation of the commerce power has changed during the last 30 years, and that the doctrine of the Adair case, as doctrine, has been largely destroyed.

But, the statements made by Justice Harlan still stand as logical argument and it must be remembered that in his dissenting opinion in the Adair case, Mr. Justice Holmes pointed out that the law prohibiting discrimination against union members involved a very limited interference with the freedom of contract.

In justification for this law Holmes argued:

The section is, in substance, a very limited interference with freedom of contract, no more. It does not require the carriers to employ anyone. It does not forbid them to refuse to employ anyone, for any reason they deem good, even where the notion of a choice of persons is a fiction and wholesale employment is necessary upon general principles that it might be proper to control (p. 191).

Thus, it cannot be assumed on the basis of this statement that the great liberal Justice Holmes would have approved a law such as FEPC which would result in requiring that an individual be hired, because this obviously is more than "a very limited interference" with freedom of contract.

To determine whether the commerce power is limited by the fifth amendment, we must balance the loss of individual liberty against the benefit resulting to interstate commerce. If the benefit to commerce is great and the loss of liberty quite small, it might logically be argued that the action is constitutionally justifiable, although we must remember, as the Chinese philosopher said, "One step begins a journey of a thousand miles." But, if the benefit to commerce is small and the loss of personal liberty to the employer great, the fifth amendment should be invoked to prevent the denial of due process of law.

I think it is notable that in the arguments for FEPC bills, although authority has been claimed at times under the commerce clause of the Constitution, no accompanying effort has been made to prove its value to interstate commerce. There have been some generalized statements that discrimination in employment depresses wages for minority groups and, therefore, cuts mass purchasing power and constricts the market

for goods and services in general. It would be difficult to prove, however, that FEPC would not have an exactly opposite result. When an employer denies employment, taking into consideration racial or religious grounds, he is not likely to do it simply for his own pleasure or through malice, but rather because it seems to his economic advantage. Now, if an employer is forced to hire persons who would lower the profit capacity of his business because of their disrupting effect on employee morale, or some other reason, it stands to reason that his ability to offer high wages will be decreased, along with his profits, and the total contribution to commerce will be less than if he were permitted to build his organization in the most efficient manner.

In connection with our discussion of the limited extent to which the Federal Government might be justified in interfering with freedom of contract, as defended by Justice Holmes, it may be interesting to examine some statements made by an attorney who made a study of the Court decisions from the standpoint of one who favored further extension of Federal powers.

Writing in the National Bar Journal issue for June 1945 under the title "Individual Invasion of Individual Rights," Mr. Loren Miller, a member of the Kansas and California bars and one of the board of editors of that journal said:

> One of the anomalies of our constitutional system is the professed inability of the courts to find legal safeguards to protect individuals against invasion or deprivation of their rights by so-called private persons or groups.

Writing as one who obviously deplored this state of affairs, the author of the article recalled some of the statements, which I have cited from the civil rights cases and reviewed later decisions he had found supporting the same viewpoint.

Then he said:

> It may be safely asserted that political subdivisions cannot bar Negroes from employment by law or ordinance but private employers, even when engaged on public works, may do so at will in the absence of legislation. Similarly, labor unions have long exercised the right of barring Negroes from membership on the basis of race even when by the device of closed shop contracts this discrimination deprived Negroes of all opportunity to work or where their right to represent employees was regulated by legislation.

He continued by saying:

> The list of permissible discriminations under the individual-invasion-of-individual-rights doctrine could be extended, but enough has been said to indicate that, so long as the State remains silent and does not require a discrimination by reason of race, color, or other unwarranted classification, the citizen is without judicial protection and, even in the event the State does overstep bounds, all the courts can do, or will do, is to strike down the offending rule, regulation or law.

In support of this statement he cited the 1914 decision of the Supreme Court in the case of *McCabe* v. *Atchison Ry. Co. et al.* (235 U.S. 151).

This writer found some comfort in recent Court decisions forbidding discrimination by unions which had exclusive bargaining rights and concluded his article by advocating just such a dangerous doctrine as has been advanced in support of FEPC—that "the broad and underlying social effects of contemplated discrimination be stressed and the courts be urged to look at the end sought to be achieved rather than ground their decisions on the means used."

In other words—our courts should admit that the end justifies the means, constitutional or not.

But, returning to our review of Supreme Court decisions, we find that in 1915 the doctrine of the Adair case, was affirmed in the case of *Coppage* v. *Kansas* (236 U.S. 1) and that in this case Mr. Justice Holmes expressed his approval of establishing "equality of position between the parties in which liberty of contract begins."

In the case of *Buchanan* v. *Worley* (245 U.S. 60), the Court said:

> Property is more than the mere thing which a person owns. It is elementary that it includes the right to acquire, use, and dispose of it. The Constitution protects these essential attributes of property (p. 74).

But a man forced to hire an employee against his will is deprived of his right to use the property represented by his business.

In the Buchanan case, which dealt with property restrictions, Mr. Justice Day also said:

> That there exists a serious and difficult problem arising from a feeling of race hostility which the law is powerless to control, and for which it must give a measure of consideration, may be freely admitted. But its solution cannot be promoted by depriving citizens of their constitutional rights and privileges (pp. 80–81).

Mr. President, that was the Supreme Court speaking. This is a doctrine which the FEPC seeks to override.

The decision in this case was modified in part by the case of *Shelly* v. *Kraemer* (334 U.S. 1), which was decided in 1947, but as I shall show when I come to that case the Court still maintained the principle of preserving individual property rights.

Again, in the case of *Wolff Packing Company* v. *Court of Industrial Relations* (262 U.S. 522), Chief Justice Taft said of the Kansas Industrial Court Act:

> It curtails the right of the employer on the one hand and of the employee on the other to contract about his affairs. This is part of the liberty of the individual protected by the guaranty of the due process clause of the 14th amendment. While there is no such thing as absolute freedom of contract, and it is subject to a variety of restraints, they must not be arbitrary or unreasonable.

FREEDOM IS THE GENERAL RULE AND RESTRAINT THE EXCEPTION

In rendering the decision in the case of *Truax* v. *Corrigan* (257 U.S. 312), Chief Justice Taft also said:

> The broad distinction between one's right to protection against a direct injury to one's fundamental property right by another who has no special relation to him and one's liability to another with whom he establishes a voluntary relation under a statute, is manifest upon its statement * * * (p. 329) the legislative power of a State can only be exerted in subordination to the fundamental principles of right and justice (p. 329). * * * Our whole system of law is predicated on the general fundamental principles of equality of application of the law (p. 332). * * * The Constitution was intended—its very purpose was—to prevent experimentation with the fundamental rights of the individual (p. 338).

In the case of *United States* v. *Wheeler* (254 U.S. 281) in which the successful argument was presented by Mr. Charles E. Hughes, who subsequently became Chief Justice, the decision of the Supreme Court cited once more, with approval, that part of the decision in the Slaughter House cases which asserted:

> It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing obligations of contracts. But, with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States and without that of the Federal Government (p. 298).

Again, in 1923, in the case of *Federal Trade Commission* v. *Raymond Bros.* (263 U.S. 565) the Supreme Court, citing a number of its previous decisions, said:

> It is the right "long recognized," of a trader engaged entirely in private business, freely to exercise his own independent deal (p. 573).

Three years later, in the case of *Corrigan* v. *Buckley* (271 U.S. 323) the Court, speaking through Mr. Justice Sanford, upheld once more the rule that the 5th and 14th amendments were inapplicable to individual action.

The Court said:

> Under the pleadings in the present case, the only constitutional question involved was that arising under assertions in the motion to dismiss that the indenture or covenant which is the basis of the bill is void in that it is contrary to and forbidden by the 5th, 13th and 14th amendments. This contention is entirely lacking in substance or color of merit (pp. 329–330).
>
> The fifth amendment is a limitation only upon the powers of the general government and is not directed against the action of individuals. The 13th amendment, denouncing slavery and involuntary servitude—that is, a condition of enforced compulsory service of one to another—does not in other matters protect the individual rights of persons of the Negro race. And the prohibitions of the 14th amendment have reference to State action exclusively, and not to any action of private individuals (p. 330).

The Court in this case also repeated and accepted the statement from the civil rights cases that "individual invasion of individual rights is not the subject matter of the (14th) amendment" (p. 330).

In 1930 the Court once more indicated the limited nature of interference with individual rights which it would approve

when, in the case of *Texas, N. & O. Ry.* v. *Brotherhood* (281 U.S. 548) it said:

> The Railway Labor Act of 1926 does not interfere with the normal exercise of the right of the carrier to select its employees or to discharge them. The statute is not aimed at this right of the employers, but at the interference with the right of employees to have representatives of their own choosing (p. 571).

Then, in 1937, in the case of *NLRB* v. *Jones & Laughlin Steel Corporation* (301 U.S. 1), the Court asserted:

> The (labor relations) act does not interfere with the normal exercise of the right of the employer to select its employees or to discharge them. The employer may not, under cover of that right, intimidate or coerce its employees with respect to their self-organization and representation, and on the other hand, the Board is not entitled to make its authority a pretext for interference with the right of discharge when that right is exercised for other reasons than such intimidation and coercion (pp. 45–46).

In other words, the limited restrictions permitted are aimed at abuse of the employers rights and not at negation of those rights.

As Mr. Justice Brandeis said in the case of *Senn* v. *Tile Layers Protective Union* (301 U.S. 468):

> A hoped-for job is not property guaranteed by the Constitution (p. 482).

And Chief Justice Hughes, in the case of *NLRB* v. *Fan Steel Metal Corporation* (306 U.S. 240), spoke of a company's "normal right to select its employees" (p. 259).

Renewed emphasis was given to the civil rights cases, from which I have quoted, in 1940 when the Circuit Court of Appeals, Fifth Circuit, cited them in the case of *Powe* v. *United States* (109 F. 2d 147) and stated:

> Neither the 14th amendment nor any other part of the Constitution put the matters of conspiracies of individuals touching such matters within the power of Congress, but only gave power to correct wrong action by the State or its officers. The reasoning of these cases though opposed by some dissents is full and convincing, and the conclusion reached as to the effect upon Federal power of the 14th amendment has stood for more than two generations (p. 150).

The holding of the circuit court of appeals in this case is given emphasis by the fact that on further attempted appeal the Supreme Court denied certiorari by a memorandum decision (309 U.S. 679).

The conflict between the Bill of Rights and attempts to interfere with individual liberty was pointedly referred to by Mr. Justice Jackson in the case of *West Virginia Board of Education* v. *Barnette* (319 U.S. 624) in which he said:

> The very purpose of a bill of rights was to withdraw certain subjects from the vicissitudes of public controversy, to place them beyond the reach of majorities and officially to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights, may not be submitted to vote; they depend on the outcome of no elections (p. 638). * * * If there is any fixed star in our national constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein (p. 642).

Now, how shall we square that statement with a law which would permit petty officials to prescribe the way in which an employer should select those who will work for him?

Mr. HILL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HILL. The Senator from Virginia has been making a magnificent address, one of the most eloquent and powerful addresses I have heard in all my 22 years in the Senate. The Senator has just referred to Mr. Justice Brandeis. I have here a quotation from an opinion by Mr. Justice Brandeis which I think it would be appropriate to place in the RECORD at this point. I wonder if the Senator would read it.

Mr. ROBERTSON. I thank the distinguished Senator from Alabama. The junior Senator from Virginia has always had a great admiration for this distinguished former member of the Supreme Court of the United States. I take pleasure now in reading into the RECORD the suggested quotation from an opinion by Justice Brandeis.

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government—the right to be let alone, the most comprehensive of rights and the right most valued by civilized men.

Mr. President, that right is the right to be let alone, a right which is sought to be violated in an FEPC bill. The right of contract; the right of a citizen to secure a contract for $50 billion worth of goods a year. But it is also spelled out in a much more explicit way as applying to all transactions stated in S. 1999, in which there are 12 cosponsors, who would be greatly encouraged to press it for action should the Senate first adopt this more limited FEPC bill.

Mr. President, I wish to continue what I have been saying about the Barnette case.

In the Barnette case the Court also quoted Abraham Lincoln's query:

> Must a government of necessity be too strong for the liberties of its people, or too weak to maintain its own existence? (p. 636).

It then went on to say:

> Assurance that rights are secure tends to diminish fear and jealousy of strong government, and by making us feel safe to live under it makes for its better support. Without promise of a limiting Bill of Rights it it doubtful if our Constitution could have mustered enough strength to enable its ratification. To enforce those rights today is not to choose weak government over strong government. It is only to adhere as a means of strength to individual freedom of mind in preference to officially disciplined uniformity for which history indicates a disappointing and disastrous end (pp. 636–637).

Finally, I would direct your attention to the case of *Shelley* v. *Kraemer et al.* (334 U.S. 1), decided by the Supreme Court on May 3, 1948. In that decision involving restrictive covenants designed to exclude minority groups from the ownership or occupancy of real property, Chief Justice Vinson referred to the case of Corrigan against Buckley and said that case could present no issues under the 14th amendment, for—and I quote—"that amendment by its terms applies only to the States" (p. 8).

The Chief Justice went on to say:

> It cannot be doubted that among the civil rights intended to be protected from discriminatory State action by the 14th amendment are the rights to acquire, enjoy, own and dispose of property. Equality in the enjoyment of property rights was regarded by the framers of that amendment as an essential precondition to the realization of other basic civil rights and liberties which the amendment was intended to guarantee (p. 10).

He referred to the Slaughter House cases and continued:

> Since the decision of this Court in the *Civil Rights* cases (109 U.S. 3 (1883)), the principle has become firmly embedded in our constitutional law that the action inhibited by the 1st section of the 14th amendment is only such action as may fairly be said to be that of the States (p. 13).

Then Justice Vinson significantly added:

> That amendment erects no shield against merely private conduct, however discriminatory or wrongful (p. 13).

After discussing in some detail the right and obligation of the Federal Government to prevent discriminatory action by States or by their agents, the Court's decision indicated that property owners could not come into Court to demand enforcement of restrictive covenants and said:

> The Constitution confers upon no individual the right to demand action by the State which results in the denial of equal protection of the laws to other individuals (p. 22).

If this statement of the Court be accepted, how, then, could we justify a law that would permit an individual to go to a fair employment commission, or to a court, to demand action against another individual who refused to employ him? The would-be employee has the right to work or not to work for the prospective employer. If the employer is to have equal protection of the laws he must have a similar right to hire or or not to hire.

The point involved here was well expressed by Mr. Donald R. Richberg in a discussion of the constitutionality of civil rights proposals when he said:

> The great declared purpose of the Constitution was not to achieve an impossible equality among unequal human beings but to secure the blessings of liberty so that men could be free to be different and to realize their differing ambitions with their differing abilities. Every law which seeks to give a man a right to something which as a freeman he cannot gain for himself, must impose burdens and restraints on the freedom of other men.
>
> Let us be watchful against every effort to create by law a right in one man to compel others to associate with him or to accept obligations to him in the domain of private enterprise or private life.

Next to Winston Churchill, my favorite British statesman was Edmund Burke, who said in his speech on Mr. Fox's East India bill in 1783:

> The rights of men—that is to say, the natural rights of mankind—are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it. If these natural rights are further affirmed and declared by express covenants, if they are clearly defined and secured against chicanery, against power and authority, by written instruments and positive engagements, they are in a still better condition: they partake not only of the sanctity of the object so secured, but of that solemn public faith itself which secures an object of such importance. Indeed, this formal recognition, by the sovereign power, of an original right in the subject, can never be subverted, but by rooting up the holding radical principles of government, and even of society itself. The charters which we call by distinction great are public instruments of this nature: I mean the charters of King John and King Henry the Third. The things secured by these instruments may, without any deceitful ambiguity, be very fitly called the chartered rights of men.

It is for the chartered rights of men that I am arguing today and I urge that the Senate shall not give consent to any measure, no matter how enticingly labeled, which would "mischievously affect them."

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. RUSSELL. I wish to give expression of my appreciation to the distinguished Senator from Virginia, and my unbounded admiration for the great address he has made.

It has served to renew our faith in our form of government, and in our hope of our eventual success in our efforts to preserve it. It is indeed heartening to see a dedicated public servant like the distinguished Senator from Virginia come here to explain the issue so clearly and to point out the vices in all of these proposed bills which are being pressed upon us.

I am reassured in my faith when I see such dedication by a man in public life to his people, to his State, to his country, striving to preserve this form of government which has enabled us to develop what we call the American way of life, and had enabled the American people to enjoy more of the good things of this civilization than any people have ever known.

We know that, with the loyal support of a few devoted Senators possessed of the character and ability of the distinguished Senator from Virginia, we have the men here who can, finally, one day awaken the American people to the dangers inherent in all of this sham and hypocrisy, and strengthen them to strike down all of those who generate it.

I am sorry that I cannot give the exact quotation from Thomas Jefferson, but as I recall it, he said: "We must preserve the Constitution, because, even if men deviate from it, and even if they distort it and abuse it, it will still remain there as a rallying point for the people."

It is equally true that we have today men who will remind the people of what the Constitution means.

I congratulate the Senator from Virginia.

Mr. ROBERTSON. Mr. President, I have no words in which to express adequately my appreciation of the high tribute paid to me by my distinguished colleague.

The Old Dominion has honored me highly by choosing me to represent it in this great body. If I can be of any service in preserving for the State of Virginia the rights for which George Washington fought, which Jefferson and Madison and others helped to put into written form, I shall be indeed happy. On the other hand, I could never forgive myself if I neglected any effort, however futile it might ultimately prove to be, to preserve for Virginia the rights which the Founding Fathers intended that Virginia and its people could have under the Constitution.

Mr. President, I yield the floor.

Mr. HILL. Will the Senator yield to me for a minute?

Mr. ROBERTSON. I yield to my distinguished colleague.

Mr. HILL. Mr. President, I have already congratulated the Senator on his magnificent address. As I have said, in my 22 years in the Senate, I have heard no more eloquent or more powerful address than he has given us here today.

I merely desire to add one word. He spoke of the Founding Fathers, the great men of the Old Dominion, the great Commonwealth of Virginia, who contributed so much to the winning of the Revolution, to the bringing of our Government into being. By what he said, he has indeed proved himself worthy of that honorable company of men, and he truly belongs in the fellowship of that noble company.

Mr. ROBERTSON. Mr. President, I am indeed grateful for praise far beyond my just desserts.

Mr. HOLLAND. Mr. President——

Mr. ROBERTSON. I yield to my friend from Florida.

Mr. HOLLAND. I want my friend from Virginia to know how deeply I have been impressed by his very able address. It is only when one goes back to the fundamentals of our Government that he does the right thing. Today the people are trying to take shortcuts, to do the things which expediency seems to require, to build our Federal Government to be so great and to make its size so huge that it cannot possible operate economically or effectively, and thus to depart from the concept of dual government, Federal and State sovereignty.

I think the distinguished Senator, by his speech today, so stanchly delivered, has put a powerful impact upon this debate, which many people are going to read with approval. Some who have been straying into unsafe paths, I am sure will read it seriously and soberly and I hope, with all my heart, that they will be so impressed that they will change the direction in which they are now going.

I thank my distinguished friend.

Mr. ROBERTSON. Mr. President, mere words do not suffice to enable me to express my deep appreciation of the very kind remarks of the Senator from Florida.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8649. An act to continue for a temporary period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof;

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite;

H.R. 9308. An act to extend for 3 years the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory;

H.R. 9820. An act to extend the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty;

H.R. 9861. An act to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber; and

H.R. 9881. An act to extend for 2 years the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

H.R. 8649. An act to continue for a temporary period the existing suspensions of the tax on the first domestic processing of coconut oil, palm oil, palm-kernel oil, and fatty acids, salts, combinations, or mixtures thereof;

H.R. 9307. An act to continue for 2 years the suspension of duty on certain alumina and bauxite;

H.R. 9308. An act to extend for 3 years the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory;

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H.R. 9881. An act to extend for 2 years the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 80]

Aiken	Gore	Mansfield
Allott	Gruening	Martin
Anderson	Hart	Monroney
Bartlett	Hartke	Morse
Beall	Hayden	Morton
Bible	Hill	Moss
Byrd, W. Va.	Holland	Mundt
Cannon	Hruska	Muskie
Capehart	Jackson	Prouty
Carlson	Javits	Proxmire
Carroll	Johnson, Tex.	Randolph
Case, N.J.	Keating	Robertson
Church	Kefauver	Saltonstall
Cooper	Kerr	Scott
Cotton	Kuchel	Smith
Curtis	Long, Hawaii	Wiley
Dirksen	McCarthy	Williams, Del.
Engle	McGee	Williams, N.J.
Fong	McNamara	Yarborough
Frear	Magnuson	Young, Ohio

The PRESIDING OFFICER (Mr. MCGEE in the chair). A quorum is present.

The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, it seems to me that each time this Senator has to speak, he has to make reference to something that has occurred in the past, because it seems to be a temptation that the local morning paper cannot stand up against to picture this debate and the pending issue as something that is far less than what it is.

In the issue of the Washington Post of this morning, March 3, there is a lengthy editorial entitled "No Colossus of Rhodes," which I shall not read and shall not place in the RECORD because it makes uncomplimentary references to some of my distinguished colleagues.

My sole purpose in referring to it is to call attention again to the fact that somehow the editorial staff of that distinguished paper is not doing its homework sufficiently to realize that the bill now before the Senate is by no means merely a voting rights bill.

This particular editorial, Mr. President, contains five different descriptive references to the bill, and each of them pictures it as a voting rights bill. The first is in these words, "to paint the voting rights bill," and so forth. The second speaks of Senators taking the opposite position from that which the Senator from Florida takes as "proponents of voting rights."

And then, in a later paragraph, it speaks of the bill as having to do with "present voting protections," and those are the three words which I quote.

Six lines later, it speaks of the words "voting discriminations." Then in the following sentence it confirms and continues and repeats the same idea with a question whether "it is merely apathy which keeps more Negroes from voting in the South and, indeed, through the Nation."

Mr. President, I have no objection to anyone referring to this bill as, in part, a voting rights bill, because, of course, that is the fact. So much more is involved within this discussion, within this issue, within the Dirksen amendment which is now up for particular discussion, and within the whole scope of bills which are before the Senate, that I cannot allow anyone to ever speak of this bill as if it relates merely to voting rights, when that just does not happen to be the case, and when, so far as the Senator from Florida is concerned, most of the highly objectionable features of the bill, certainly the most objectionable features, have to do with elements other than voting rights.

Mr. President, there are seven sections in the Dirksen amendment, and the only reason why I repeat briefly the statement made so much better by the distinguished senior Senator from Georgia [Mr. RUSSELL] the other day is that there seems to be a tendency, not only on the part of the Washington Post, but on the part of some other papers and some other commentators, and even of some Senators, to continually refer to this bill as if it involved nothing but voting rights.

There are two sections, the third and the seventh, which do relate to voting rights. The other five sections make no reference at all to voting rights, but they have to do with other issues of great importance not only to the part of the country in which I live and to the State which I represent in part, but I think they have great importance to every American citizen and every American community.

Section No. 1 would create a new crime by making a felony out of the violation of Federal court decrees designed to force school integration. If it is thought desirable to make criminal offenses out of the violation of Federal court decrees, certainly this section should refer not merely to one important subject—and school integration is certainly an important and a controversial subject—but to others which have been found to have great importance throughout the Nation.

One of those that I mention briefly is decrees of Federal courts having to do with labor-management issues, and some of those issues are of very great and transcendent importance to our people as a whole.

I note that there seems to be a pointed exception and exclusion made in this section by not including decrees in the field of labor-management disputes, which is of great importance to all of our people.

The second section, again, would create a new crime, a felony, in that it would define as a Federal crime the crossing of State lines in an effort to escape prosecution after bombing buildings which are used for schools or for religious worship.

Mr. President, again I can see some justice in the effort to make this crossing of State lines after such unspeakable crimes a Federal felony. But I call attention again to the fact that at least in my State the worst bombings have occurred in connection with labor strikes and other disputes. I mentioned on the floor of the Senate the other day two of them in very recent times:

First, a bombing of a great telephone exchange system at Belle Glade, Fla., which covered pretty well all that part of our State, and on which the union involved ultimately had to pay to the telephone company a very large sum as damages.

Second, the bombing of various electrical installations and communications in the Pensacola area, belonging to the Gulf Power Co., some of which, if they had been successful in their efforts and objectives, would have cut off power entirely from great defense installations such as Eglin Field and Pensacola Naval Air Station.

Mr. President, we are going to have a new felony created here. I think it is obviously in the national interest that escape from that type of bombings is entitled to be included along with the field which is mentioned in this bill.

The third section of the bill provides for the preservation of voting records, and that does have to do with voting, Mr. President. I shall not outline it. It has been well developed. I will simply say that insofar as that section is concerned, it is a voting rights section.

The fourth section would recognize the school integration decision of the U.S. Supreme Court, and would go further by declaring that any school district, or school unit, that should be forced to incur extra and difficult expenses in connection with various named objectives because of having to adapt its system from a segregated system to an integrated system, would be entitled to receive Federal funds, in an unstated and, indeed, in an unlimited amount.

Mr. President, some have spoken of this section as an offer to bribe school districts and States to accept the integration decision. I would speak of it as more in the nature of a recognition for the first time of the fact that hundreds of millions of dollars were spent in good faith by school districts in various parts of this Nation in an effort to comply with that line of decisions of the Federal courts which had been applicable for many years prior to the 1954 school decision, in providing for separate and equal facilities in connection with schools.

Perhaps it is the intention of those who offer this measure to simply recognize, belatedly, the fact that hundreds of millions have been spent in a good-faith effort, and that to readjust the schools to a new basis will be highly expensive and certainly should not call for the tremendous additional expenses that will be involved.

Whatever may be the motive, Mr. President, this section has to do with one of the tenderest and sorest subjects in our Nation, and I think it is completely out of place in this bill. Certainly it has nothing whatever to do with voting rights.

This is, Mr. President, the most important section of the bill, and for some reason the Washington Post and various other papers never seem to realize that that is the fact, and that it is that section that causes more trouble, and which is bringing more controversy in this debate and in the discussions that are going on in thousands of communities throughout the Nation, than any other section in the bill.

The fifth section of the bill is a peculiarly dangerous one and yet it is built around a good objective. It would provide that the Federal Government would supply educational facilities and educational personnel for children of armed services personnel and Federal employees if schools were denied them by reason of their schools being integrated and closed.

Mr. President, the bad feature in this is that one part of this section states that if the Federal Government spends, as it has spent already, large sums in helping to install additional buildings or additional facilities, required solely by the presence in the community of a large defense installation, the Federal Government has the power to reach in and take possession of those buildings and operate its own schools.

Mr. President, it would provide that any money furnished from now on in a defense-impacted area for the purpose of supplying better and more adequate facilities, would have coupled with it the condition that the Commissioner of Education could, upon certain findings, move in at any time and take over the buildings. Mr. President, that is very far from a voting rights provision.

The sixth section of the bill has nothing to do with voting rights. It provides in its early portion what I would call a limited but permanent FEPC having to do with what it calls the elimination of discrimination in jobs on Federal contracts.

Mr. President, the bill goes a great deal further than that. It has another section providing that it would be the duty of this permanent but limited commission to make studies of, give advice, and lay plans for the setting up of FEPC programs, or fair employment programs, as it calls them, covering all types of business. I think it is hardly necessary to point to the fact that here is, obviously, a foot in the door, the camel's nose under the tent, and an effort in the guise of a voting rights bill to do something that this Congress has been completely unwilling to do and has voted down repeatedly, either in committee or on the floor of one House or the other.

Mr. President, the seventh section has to do with voting referees and does relate to voting rights.

So there are, to recapitulate, two sections, sections 3 and 7, that relate to voting rights. Insofar as those sections go, it is appropriate to refer to them as voting rights provisions. Insofar as the other five sections, sections 1, 2, 4, 5, and 6 are concerned, they have no relation of any sort to voting rights. They contain among them the provisions which are most highly controversial. They contain among them the provisions that are most dangerous from the standpoint of unconstitutionality. Above all, Mr. President, they leave our country divided, split and in controversy, in conflict, at this time when we are challenged far and wide, not on the field of battle, but in every other conceivable field, by other forms of government and other ideologies.

So, Mr. President, I shall not commence my remarks without this rather brief analysis of the bill again, so that it may be clear from the beginning that we are not talking about a bill which simply relates to voting rights. Instead, the two voting rights provisions have, indeed, become the tail that wags the dog, because the other provisions are of such greater controversy, of such greater importance and implication.

Mr. President, in the first place, let me again say with some pride that I think my own State has done a good job in the field of voting rights in almost all of its areas. Mr. President, I would not represent to this Congress or anywhere that we have done a perfect job, or that we have done an equally good job in all parts of our State. But I do call attention to the fact that in 62 of our 67 counties, persons of color, Negroes, are able to register, are invited to register, are welcome to register, and are welcome to vote, just as in the case of anyone else. We have done away with the poll tax requirement which we had prior to 1937. We have no poll tax requirement now.

We have done away with other things, such as grandfather clauses. So, Mr. President, there is no man who can truthfully say that there is any difficulty or handicap placed in the way of any citizen of color in 62 of our 67 counties.

We have 152,000 colored citizens registered as of 1959, as shown by the report of the Civil Rights Commission, which is 41.6 percent of all of the adult citizens of the Negro race.

I wish it were a greater percentage, but I call attention to the fact that the Civil Rights Commission in its report, and various students and scholars who have made studies of this matter, all make two points: First, that there is an apathy which exists everywhere in this field, and which is more largely responsible than anything else for the want of a larger registration; that there is a lack of political consciousness which is still felt very heavily in this field.

Second, I call attention likewise to the fact that when a community, when a county as a whole, or by the great majority, has not come to the position where it welcomes Negro registration and voting, but is understood as being opposed to it, there is an obvious disinclination on the part of the Negro citizens to come in and register to vote.

As a matter of fact, when registration and voting by women was accomplished by the ratification of the 19th amendment to the Federal Constitution, the women did not all begin to vote at once. They vote very heavily now in almost all sections of our State, although not in all. I wish 100 percent of them in every county voted, because I think their influence is wholesome. I think they have more interest in some fields of government which are very important, such as schools, hospitals, general law observance, and the like, than many men have.

Progress like this does not happen in a day. We must learn in this great Nation, which likes to do things at once, which likes to show results accomplished in 24 hours, that the country is getting to be greater and greater in size. We must have more and more patience, when great reforms are undertaken or new programs are undertaken, in watching them develop and come to full fruition.

Everyone of intelligence whom I know of, who has looked into these problems, has come forth with these two observations: First, that apathy exists and is the biggest cause resulting in small registration. Second, that by all means there is a connection between small registration and an adverse attitude on the part of citizens generally in the limited area which is affected.

When we have registered 152,000-plus of our Negro citizens, and when they are voting freely in all parts of the State and are showing interest in our public affairs, and when we are showing by our attitude, both public and private, that we welcome them, I say that it would be the worst thing in the world, so far as a State like Florida is concerned, to have the Federal Government come in and take the position of coercion and compulsion which is required by the bill, and make it appear to some that when a registration officer is doing his duty, he is being a minion of the Federal Government, taking directions from the Federal Government, and, as a matter of fact, carrying out the mandate of far-off Washington. That is the wrong thing to do for us today.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Arkansas for a question.

Mr. McCLELLAN. The statement just made by the distinguished Senator from Florida with respect to the situation in his State is rather typical, I believe, of all the Southern States today. I ask the Senator if he is not familiar with the situation in my State of Arkansas. Does the Senator not know that what he has said with respect to Negroes voting in his State is also true with respect to Arkansas; and that what he has said about Negroes being solicited to register and to vote in his State is true also in the State of Arkansas? Whereas Florida has a system of registration, Arkansas has a poll tax for both white and black alike. The Negroes are solicited and urged to pay the poll tax, and they are also solicited and urged to vote by the public interest as well as by the candidates who are seeking office. Does the Senator not know that that situation prevails in Arkansas as well as in Florida?

Mr. HOLLAND. I have heard that statement repeatedly. I have no doubt it is true. I have in my office a compilation covering the State of Arkansas. I think it was placed in the CONGRESSIONAL RECORD. But I see that the Senator from New York, in placing various sheets of the reports of the Civil Rights Commission in the RECORD, omitted to include the compilation covering Arkansas. I shall be glad to have the Senator from Arkansas supply me later in my talk with the percentage of registrants and the number of registrants. I shall be very happy to place that information in the RECORD.

Mr. McCLELLAN. I will see if I can obtain that information, if it is readily available. If it is, I will either supply it to the Senator from Florida or will place it in the RECORD myself, in the course of my remarks.

Mr. HOLLAND. I have placed in the RECORD the total number of registrants in 1959, in my State, the number being 152,675, as shown by the Civil Rights Commission report, and the percentage of adult Negroes which the 152,675 figure makes, or 41.6 percent. There are other figures shown in the quite compendious list which was furnished by the Civil Rights Commission. I shall be very happy to have the Senator from Arkansas supply the figures as to his State, or any others, and I shall be happy to supply, as to Florida, or any other Southern State, any figures which the Senator from Arkansas desires to place in the RECORD.

Mr. McCLELLAN. Does the Senator from Florida agree with me that to undertake to enact legislation on this subject and make it applicable to States like Florida and Arkansas, which have made such tremendous progress in this respect, and who today treat their colored citizens alike and equally with respect to registration and voting and the solicitation to vote, borders on a gratuitous insult by the Federal Government to the sovereign States of this Nation?

Mr. HOLLAND. I do. I think it is a gratuitous insult. But what I believe is even more unfortunate—because we have been insulted before, and I imagine we will be again—is that it will diminish the warmth of our people in approving a very real and very great reform. That is something I want to avoid. I am certain that that is what the distinguished Senator from Arkansas also wants to avoid in this field.

Mr. President, I have given the figures as to Florida. I think they are good. I do not ever like to compare them with figures for any other area or any other State, particularly if it is an area outside the South. But I feel that it is necessary to show just now that our encouragement of voting by Negroes has evidently been much more successful than the program of those interested in that objective in Cleveland, Ohio.

On page 4151 of the CONGRESSIONAL RECORD for yesterday, March 2, 1960, will be found a dispatch from the Cleveland Plain Dealer, placed in the RECORD by my able leader, the distinguished Senator from Georgia [Mr. RUSSELL], showing a report made of a meeting by the Associated Press, and quoting certain comments made by the presiding officer or officers at that meeting relative to the same subject, namely, participation in voting by Negroes, and relating solely to the Cleveland area.

The dispatch or article published in the Cleveland Plain Dealer under date of February 29, 1960—4 or 5 days ago—shows a picture of two men, both Negro citizens—Clarence H. Holmes and Harold B. Williams, "discussing Negro voting habits at Cleveland, NAACP register-to-vote clinic yesterday."

I shall not reread the article in full or quote it in full. However, those who are interested in it will find it at the place I have given as a reference. They will find that the persons there were speaking with authority for the NAACP and also for the Urban League, because there is quoted also one Heman Sweat, an attorney from the Cleveland Urban League, saying that only 26 percent of the Negroes over 21 are actually registered to vote in the Cleveland area. Of that only 26 percent of Negroes registered, a second 26 percent actually vote.

I do not have similar figures as to the actual participation in voting in my State, because our voting records make no distinction in color as to who has voted and who has not. But I can say, with complete finality, from having not too long ago been through a statewide race myself, in 1958, and from having examined at that time the returns from many Negro precincts—and we do have many in my State—that a much greater percentage of our registrants than one-fourth vote; and my feeling is that as large a percentage of our Negro registrants are voting as is the case with the white people. I am not saying that as large a percentage of the qualified adults of the Negro race are voting as is true with white people, because, unfortunately, the Negroes are not registering and qualifying to vote in most counties, at least in the same degree that the white citizens are. That is not uniformly true, but there is one small county, the county of Okeechobee, in which 100 percent of the Negroes have registered and qualified to vote.

To imagine that the same or a similar percentage of the Negroes who are registered to vote do actually vote in my State—and I believe that is the case—as is true with the white people, would mean a smaller percentage of the total number of Negro citizens, but a vastly larger percentage than in Cleveland, at least according to this Associated Press dispatch, which reports the activities both of the NAACP, the radical organization in this field, and the Urban League, the moderate or conservative organization in this same field of racial relations.

Mr. President, in citing these figures for the RECORD, I want it distinctly understood that I am not criticizing Cleveland. I am sure that is not the result of anybody's deliberate intent. I am simply calling attention to the fact that whatever may be their methods of encouraging participation by the Negroes, it has not been as successful in the Cleveland area, by a great deal, as the methods in my own State, and I am sure that that is true as to several others of the Southern States, and perhaps all of them.

Mr. President, I am sure the question of apathy is the most important factor there. From the standpoint of comparative progress in this field, I think it must be admitted the South is not only making great progress, but, in the instance I have given, it is making much greater progress, much more satisfactory progress, than is the case in one of our great urban communities, the city of Cleveland.

Mr. President, there are various other comments I would like to make about the voting situation, but perhaps the most enlightening at this time, particularly because of the source from which my information comes, is an article by Mr. Keith Kyle, entitled "Desegregation and the Negro Right To Vote," which appeared in the July 1957 Commentary.

Mr. President, the Commentary magazine is printed by the American Jewish Committee, and I read it on occasion with pleasure and always with interest. It is nearly always a highly progressive and a highly liberal, sometimes radical, magazine in its expressions. This article by Mr. Keith Kyle discusses at great length the effect of desegregation in the schools, and of his feeling that that question should be made secondary, by all means, to the voting participation question.

Time does not permit my reading this article in full, though it is excellent, but I think that perhaps if I read a few paragraphs from it—and I shall skip, Mr. President—it will give for the RECORD the picture of his remarks, which, as I understand them, are to this effect.

First, that emphasis should be laid on voting, and that the other things will follow in any measure that appropriate adjustment would require them to follow. Second, that in the field of desegregation of schools, a peculiarly tender spot in the South is struck, one in which there will be a very small indication that the enactment of legal machinery will have any great effect upon the actual situation.

I read a few paragraphs, again stating that they are taken just here and there so as to give what I think is a fair picture of the article. I quote:

> In its own Southland, the United States confronts the classic predicament dreaded by Otto von Gierke and other great legal thinkers: the need to impose law that does violence to the moral sense of the governed.

That is exactly the case, Mr. President. A fine observer, he has sensed, from long residence in this country and observation of the problem, that the effort in desegregating the public schools is an effort that, in his words, "does violence to the moral sense of the governed."

He continues:

> Law is resisted or, better still, side-stepped, not only under color of an outraged sense of fitness, but under color of law.

He goes on to say that in many parts of the Nation the public schools are a part of the mechanism by which the melting-pot progress is accomplished; that is, citizens from other nations are assimilated into our race. But he says—and I am quoting again now:

> In the South, the school has played a special part as both a symbol and an instrument of the region's long drag out of the ruin of the Civil War. Enthusiastic campaigns throughout Southern States to build up a school system as a means of overcoming southern backwardness are remembered by many southerners now living.
>
> But although until very recently the poverty of the region meant that the schools remained inferior to the national average, they were the occasion of quite exceptional local pride and, especially in the rural areas, they were a center of communal activity.

I am continuing to quote from sporadic parts.

By demanding integration of schools, Negroes were asking not merely to be in the most modern buildings with the best teachers • • • but they were asking to be included as full members in the whole cycle of assimilation, life adjustment, and everything else that is supposed to go with an American education.

To the whites, for whom ethnic assimilation on this heroic scale was something which may have seemed "American" to others but which was decidedly "un-Southern," this meant acknowledging an unacceptable because an "unnatural" end.

Mr. President, I digress to say that I think the author has found an excellent word to describe "desegregation," because he says the South regards the integration of children together in the same school as "unnatural."

Then he asks this question:

Was it honest, was it even kind, to set up for the Southern Negro a mocking imitation of the way Italians, Russians, and Greeks were absorbed into the American mainstream when there was no intention to allow Negroes to be anything but different?

Mr. President, I have never before seen this idea expressed so well and so clearly.

He asks whether it is honest for us to place Negro children in an integrated school and have them gain the impression that they are being assimilated into the stream of American life, at a time when we have no intention in the world—and certainly that is true in the Southland—of assimilating them into the white community or into the bloodstream of the white race. Mr. President, I like the way the author deals with this subject matter.

He continues, as follows:

The issue of school integration united the white community in the Deep South because its moral sense of outrage coincides with practical arguments, while the policy's enforcement presents problems of conscience to many in the North, not least because of all functions of government that of running schools is most closely tied by sentiment to the local community. By contrast—and here we come to the main subject of this article—the Negro's right to vote is a principle that divides white Southerners—

You see, Mr. President, he says that on the desegregation question, the North is divided, whereas the South is united, because the people of the South realize that the functioning of the schools is a matter of local interest, more so than any other governmental function; but he says that the voting right is a

principle that divides white Southerners—leaving many of them morally uncertain, . . .

Then the author says:

Leaving many of them morally uncertain, while its validity seems irrefutable outside the South and its enforcement natural. Most important of all, concentration on the right to vote offers the Federal Government the prospect that, by intervening on a single ground, and that ground the most defensible, it may not have to intervene in the South again. If the Negroes could secure their full voting rights and use them, the remaining issues of racial adjustment might be settled locally.

I read further:

By giving priority to the right to vote, the Federal Government would be inserting its knife in the most vulnerable spot.

I do not like the figure of speech he uses there; we do not like to think of a Federal law as the insertion of a knife into a victim who is about to be eviscerated; but I have quoted the sentence as the author wrote it.

I read further:

In any case, it is unrealistic to expect that ordinary procedures will work where, as in the South, there is an absence of consent on the part of the general political community. The virtue of the present approach is that it seeks to incorporate the Negroes into the political community for whose consent the law pines.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield for a question?

Mr. HOLLAND. I yield to the Senator from Arkansas for a question.

Mr. McCLELLAN. Regarding the subject matter the Senator has been discussing, does he know that the population of Arkansas, according to the 1950 census, was 1,909,511; and that of that number, 880,675 were white people above age 21; and that of the latter number, 499,955 paid their poll tax and became eligible to vote, and they amounted to 56.8 percent of the white population over age 21 who qualified to vote?

Mr. HOLLAND. I did not know those specific facts, but I am glad to have them stated for the RECORD; and I know the Senator from Arkansas so well that I gladly accept those figures as authentic, and I wish to have them stated as such in connection with my address.

Mr. McCLELLAN. Does the Senator from Florida also know that, according to the same 1950 census, in Arkansas there were 227,691 nonwhites, of whom 64,023, or 28.1 percent, paid their poll tax and became eligible to vote.

As the Senator from Florida knows, these figures have been taken from page 560 of the report of U.S. Commission on Civil Rights, 1959.

Mr. HOLLAND. Mr. President, I appreciate the helpfulness of the Senator from Arkansas in providing those figures for the RECORD. I call attention to the fact that in Arkansas—as shown by those figures—the percentage of the adult Negro population who qualified to vote was greater than in the case of Cleveland—that is to say, if the Associated Press dispatch to which reference has previously been made was correct, as I assume it to be.

I congratulate the Senator from Arkansas on the larger percentage in the case of his State. I think that is another illustration of the fact that the South is doing a wholesome job in this field.

Mr. President, to summarize the statements made in article published in the magazine Commentary for July 1957, let me say that the author of the article, after long consideration, and after considering the matter from the point of view and the perspective of his position as an outsider, states that, in his opinion, the voting-right feature should be accentuated, and emphasis should be placed exclusively on it, from the beginning; and he states that because of his own conclusion that the approach we use in dealing with the subject of voting rights will tend to help work out the problems in other fields.

In addition, he feels that in connection with the situation in regard to voting rights, there cannot be any unified objection from the South, because he says the South itself is disturbed about that situation—as would appear to be the case when it is remembered that so many of the Southern States recently have eliminated the poll-tax requirement—as has been done in Florida—and that approximately 8 or 10 Southern Senators supported the anti-poll tax amendment which was passed by the Senate, with such great approval, the other day.

The other reason he gives for accentuating that approach is his belief that in the field of school desegregation, the white people of the South are completely united in regarding it as a disturbance which they believe has important moral aspects and runs very deeply against their convictions.

He also points out that in the North there is no uniformity of feeling on the subject—largely, so he says, because the public school is everywhere in the country regarded as the unit of government which is closest to the people and should be the most answerable to the convictions of the people in regard to the customs and mores of the local communities.

Mr. President, it seemed to me that it might be well this evening to deal with a matter which is the subject of some discussion throughout the Nation. Some persons say a filibuster is under way in the Senate. Other persons deny that such is the case. However, it is certain that as time passes, more persons will say a filibuster is under way, and fewer persons will say a filibuster is not under way in the Senate. However, I believe that is beside the question.

One question is, what justification is there for unlimited debate in the Senate? Another question is, Does the idea that unlimited debate is peculiarly American and peculiarly adapted to our American system have respectable support from many sources outside the South?

Mr. President, it is needless for me to call attention, in the beginning, to the fact that unlimited debate—sometimes called filibustering—has been utilized by Senators from all parts of the Nation—sometimes by Senators from the Western States, where the people are peculiarly conscious of the importance of natural resource development; sometimes by Senators from the larger States, where the people are peculiarly conscious of the fact that, as heavy taxpayers and large property owners, sometimes they have suffered from the imposition of taxes which they considered unfair because they believed them to be of benefit primarily to the smaller, weaker States. Sometimes Southern Senators have availed themselves of unlimited debate in the Senate.

I remember that about 7 years ago, when the issue before the Senate was the tidelands controversy, and when the debate continued for 6 or 7 weeks, as I

now recall—although I shall have to ask my colleagues to refer to the RECORD, in order to ascertain the exact length of that debate—there were certain Members of the Senate who very keenly felt that the rights of the States in that area had been unfairly treated, as a result of an unexpected decision by the Supreme Court, which those Members believed needed to be dealt with by means of the enactment of legislation, whereas other Members, equally dedicated to the discharge of their duties and responsibilities, took exactly the opposite position. As I recall, that debate continued for approximately 6 or 7 weeks, before it terminated.

I remember about 6 years ago there was a question of great national importance as to what use we were going to make of our know-how in the field of atomic energy, insofar as delivery of any portion of it or further development of any portion of it through commercial agencies was concerned. That issue became the subject of a long and unlimited debate, and I cannot recall how many weeks it lasted, but it certainly went on longer than the debate in this matter has as yet proceeded. So in the very beginning it is clear that there are people from all parts of the country in the Senate who have felt keenly enough about particular issues to stand on their feet as long as they could stand to get their story over to the public.

Mr. President, under our form of government there is very great confidence in the final verdict of the public. We believe in it so much that we have an election every 4 years, and we fight like tigers to see who is going to win, but when the ballots have been cast and counted, the man elected is our President, and we fall in behind him in most things. It is well that that should be the case, because we have confidence in a system which invites the expression of the people as a whole, and we have confidence that that expression will generally be wise and always will be founded on the desire to be fair.

Mr. President, in this particular matter there have been many great authorities on our political history and in our political life who have taken the position that the right of unlimited debate is absolutely essential, is absolutely indispensable, to the furtherance of our original national objectives. I could stand here for a long time and read expressions from them if I had time to collect them all. I do not know all of them, but I know enough to last throughout the night.

I have here, however, only three of them, expressions from people who I think are highly regarded by Senators and by the general public, and I believe that all three of them are not directly attached to the southern point of view in any way. If I am wrong in that, Mr. President, it is simply an error. I believe that they are all not directly southerners.

The first one I report at this time is Mr. Arthur Krock, the leading political commentator for the New York Times, which I think is regarded as perhaps the most authoritative newspaper we have. I find it the most willing of all the great newspaper to give both sides of every question.

Mr. President, I believe that the article by Mr. Arthur Krock in today's New York Times is a rather powerful expression of his conviction that a debate of this kind, the resort to long and even unlimited debate, is something that is a part of our national life, and that we should continue to have it. It is valuable.

He calls it a filibuster, Mr. President. Mr. Krock does not know everything. He is one of those who thinks that a filibuster is underway.

The all-out southern filibuster in the Senate, which really is centered only on those sections of equal rights bills that would impose total racial integration by Federal force, is under the usual attack of being undemocratic.

Mr. President, in his first sentence Mr. Krock makes it clear that the southern attack, or the southern defense, whichever it may be termed, is largely centered on those sections of what he says are equal rights bills that would impose total racial integration by Federal force, and he says that this debate is under the usual attack of being—and he quotes others—"undemocratic."

Yet the Senate rules which lend strong protection to such delaying actions are historically in alinement with the basic concept on which the Constitution was drafted and ratified.

Mr. President, this is no ordinary citizen talking. This is a man who has centered his study and directed his scholarship toward the field of the history of this country and its development.

This was that the enforcement of the will of the majority on a strongly opposed minority must be subject to many checks and balances.

Since the Constitution established a republic, and not a mass-action democracy, a number of these checks and balances were written into the text. It allotted two Senators to each State, regardless of size or population, so that the Senators from Rhode Island have the same voting power in their body as the Senators from New York. It provided for the Presidential veto by which one-third plus one member of either branch of Congress can kill legislation supported by one less than two-thirds.

The Constitution also requires a two-thirds Senate vote to approve international treaties submitted by the President. Three-fourths of the States must ratify a constitutional amendment to make it the supreme law of the land. And the Supreme Court has successfully read into the national charter the unspecified power to nullify acts of Congress as unconstitutional.

The Senate rules, which make it possible for a determined minority to forestall a vote on pending legislation until and unless two-thirds of the Members present support a motion to close the debate at a specified time, reflect this same fundamental concept of the Constitution.

Mr. President, I digress again to say that as I recall, there have been only four instances since this cloture rule was enacted in which the Senate has decided by judgment of two-thirds or more to close the debate.

And seldom mentioned is the additional fact that, in the most recent of a series of tests of Senate opinion, many more than one-half of the membership again refused to change the rules to allow either a simple majority of those present and voting, or a constitutional majority (now 51), to terminate a filibuster or any other form of deliberately protracted debate.

Mr. President, I digress again to remind my colleagues that a little more than a year ago we had the last expression of the Senate on this subject.

A GOOD FILIBUSTER

Also, in the criticism of the current filibuster as undemocratic, it is rarely if ever recalled that the threat of a filibuster by nonsoutherners, in August 1958, when Senators were anxious to go home, killed the House preemption bill.

Mr. President, I might differ, in fact, I do differ, with this distinguished commentator in his estimate of the preemption bill, but I certainly agree that his statement of the reason for the killing of that bill is sound, and I will reread it:

A GOOD FILIBUSTER

Also, in the criticism of the current filibuster as undemocratic, it is rarely if ever recalled that the threat of a filibuster by nonsoutherners, in August 1958, when Senators were anxious to go home, killed the House preemption bill.

I read further:

This provided that, unless an act of Congress specified its intent to exclude the States from legislation in its field, the Supreme Court could not read in this intent, which the Court had been doing extensively. But many of the current critics applauded the Senate delaying tactics that preserved this assertion of Supreme Court jurisdiction from the will of a registered majority of the House.

Senator JOHNSON failed to bring the House bill to the Senate floor for several months after the committee reported it. And when it was recommitted, 41 to 40, he voted with the 41. These activities were deeply resented by the author of the measure, Chairman SMITH of the House Rules Committee, who had labored to legislate this restraint on the Court. To his abiding resentment some attribute the present difficulty JOHNSON and some of the filibuster's leaders are having in inducing SMITH to speed to the Senate the modified House equal rights bill.

If it arrived in time to be substituted for the pending Dirksen measure, which has provoked the southern filibuster, it probably would put an end to last-ditch resistance to any equal rights legislations, assure the enactment at this session of stronger Federal protections of Negro voting rights in the South, and close the present breach between JOHNSON and the filibusters. Then only those Senators who would make total use of the Senate rules to deny Negroes their free franchise could fairly be criticized as undemocratic on the test of the Constitution.

Moreover, the undemocratic charge against Senate rules, which at all times have been drafted and modified by a majority (otherwise they would not be in the manual), suggests that some who make it are fundamentally opposed to the concept of checks and balance deliberately embedded in the Constitution. It suggests that what these critics really want is a mass action democracy—except, of course, when a filibuster attains one of their ends. But this cannot be unless the national charter is rewritten and adopted by three-fourths of the States.

Here is a very scholarly article by a very great scholar of government, and I commend it strongly to the attention of all Senators, not simply those few who have done me the honor to remain

here and listen, who perhaps have duties assigned to them, but I hope, in reading the RECORD tomorrow, Senators will see what this scholarly man, who has made a lifetime study of the American form of government, thinks of what is going on, and that they will read what he says about it.

The second article which I shall read on this subject is one which was written some years ago, when we were debating a proposed change in rule XXII of the Senate, the so-called cloture rule. It was written by Mr. David Lawrence.

Mr. President, it will be noted that the three articles which I shall quote or have quoted are written by men of different persuasion, philosophy, and approach to public questions. I would place Mr. Lawrence at more nearly the extreme right. I would place Mr. Krock at more nearly the center. I would place the other gentleman whom I shall quote, Mr. Walter Lippmann, at much nearer the left. I have chosen these three out of many quotations in order to indicate that the approving analysis made of the right of unlimited debate under the democratic system—and I am using a small "d"—in vogue in this country, has not been confined to persons or scholars of one trend of thought.

Mr. Lawrence wrote as follows:

The debate over the right of a majority to cut off discussion in the Senate has implications that can affect the future of American history, as they have in the past.

Behind the right of a minority of Democrats to talk down any measures seeking to impose racial segregation upon the South is an armed truce which has existed in Congress virtually since the time of the Civil War.

Again and again efforts have been made, as far back as the nineties, to impose on the South a strict enforcement of the letter of the constitutional amendments which prohibit racial discrimination. Always the power of a small group of Senators to prevent a motion from being voted on has been interposed to kill such measures as would employ the Federal authority to secure civil rights within the States.

The South for a long time held its power in national party politics by means of the so-called two-thirds rule, whereby candidates at the Democratic National Conventions could not get the nomination and if elected could not obtain renomination unless the veto of the bloc of one-third was removed.

The late President Roosevelt secured the abolition of the two-thirds rule at nominating conventions. Another Democratic President—

He meant, of course, President Truman—

is now behind the drive to abolish the veto by the southern Democrats on civil rights measures.

CIVIL RIGHTS ISSUE

Unfortunately, the controversy over possible changes in the Senate rules has become entangled with the civil rights question. Hence, a vote to abandon the present right of a few Senators to filibuster a motion to death is considered a vote for civil rights, and a vote to retain the rules is considered to be an action opposed to an equitable settlement of the civil rights question.

The issue goes deeper, however, than civil rights and racial problems. It goes to the heart of minority rights on all questions. The right of unlimited debate has kept the Senate from becoming a rubberstamp for the Executive on matters of domestic as well as foreign policy.

In times of economic stress an intolerant majority can ride roughshod over the rights of the minority. In the Senate it has been possible for unlimited debate to be checked only by the processes of public opinion when the debate privilege was abused.

I digress long enough to make the comment that Mr. Lawrence could have said that an intolerable majority of one, without this rule, could ride roughshod over a minority of less than one-half.

While some filibusters have done real damage by delaying important measures till the next session, the real evils of the filibuster have been largely cured by the passage of the constitutional amendment which requires a new Congress to convene in January, virtually as a consecutive session, so that filibusters cannot be as effective as in the old days when Congress had to adjourn on March 4 and could not be brought into action again before December except by a special session.

SAFEGUARDS AGAINST ABUSE

There are safeguards against abuse of the debating privilege. The Republicans are split on the issue, as are the Democrats. In a few days Vice President Barkley is expected to reverse a ruling by Senate President pro tempore Vandenberg in the last Congress.

I digress long enough again to recite that Mr. Lawrence knew, and I am sure no Member of the Senate at that time doubted, that Vice President Barkley was going to reverse the Vandenberg ruling, which he did a few days later.

That ruling originally held that motions to take up measures were subject to unlimited debate and that a cloture or gag rule could not be applied.

When Mr. Barkley rules, as is expected, that a motion to take up a bill can be subjected to the debate limits of cloture procedure, then the Senate itself can by a majority rule uphold or reverse Mr. Barkley's ruling.

Will the Republicans vote to repudiate Senator Vandenberg's historic ruling? If they do, then it is only a question of time when the present cloture rule will be changed to apply to all motions and then debate can be cut off on any motion or measure by a vote of two-thirds of the Senate.

The battle depends now on what the Republicans will do. They scarcely will get the credit for changing the rules, as President Truman and the Democratic leaders are forcing the issue. In the end, the Republicans probably will wind up by depriving themselves of the most important weapon they could use to prevent the inroads of state socialism wherein all civil rights would in the long run probably have to be sharply curtailed anyway.

In that prediction, of course, Mr. Lawrence guessed wrong, because many of the Republicans would not vote as he thought they would. Another prediction that was made was fulfilled, namely, that a great many Senators on this side of the aisle, several not from the South, in addition to practically all of those from the South, voted to maintain and stand by the Vandenberg ruling.

Mr. President, the third authority coming from the left, not from the extreme left, but the left of the group of commentators, at least in my judgment, is the statement by Mr. Walter Lippmann, which was read time and time again in 1949 when we were debating the proposed change of the cloture rule. I think his comment probably had more to do with the ultimate result than the statement of any other person, even including those who were Members of the Senate at the time. Because he is regarded always as a liberal, and is regarded with such respect by many from the middle to the left on both sides of the aisle here, I think his expression carried very great weight. He wrote as follows:

Although the question before the Senate is whether to amend the rules, the issue is not one of parliamentary procedure. It is whether there shall be a profound and far-reaching constitutional change in the character of the American Government. The proposed amendment to rule XXII would enable two-thirds of the Senate to close the debate and force any measure, motion, or other matter to a vote. If the amendment is carried, the existing power of a minority of the States to stop legislation will have been abolished.

"Stripped of all mumbo-jumbo and flag waving," says the New York Times, "the issue is whether the country's highest legislative body will permit important measures to be kept from a vote through the activities of a few leather-throated, iron-legged Members who don't want democratic decision."

The New York Times is quoted there, but without approval of Mr. Lippmann.

Mr. President, I would be very happy if I could truthfully claim to be among the leather-throated Members of the Senate who are referred to here but not named. I would be happy also if I could be properly included within the list of the iron-legged Members who are mentioned but not named. But I cannot claim either of those distinctions.

He continues:

This is an unduly scornful and superficial way to dispose of a great constitutional problem. For the real issue is whether any majority, even a two-thirds majority, shall now assume the power to override the opposition of a large minority of the States.

In the American system of government the right of democratic decision has never been identified with majority rule as such. The genius of the American system, unique I believe among the democracies of the world, is that it limits all power—including the power of the majority. Absolute power, whether in a king, a president, a legislative majority, a popular majority, is alien to the American idea of democratic decision.

The American idea of a democratic decision has always been that important minorities must not be coerced.

Mr. President, that is the very issue here: Shall the majority of the Nation coerce, by compulsory legislation, which runs counter to the deep convictions of 50 million people in the South, inhabiting an area larger than most nations in the world; shall it be allowed to coerce them, and to forcefully change their pattern of living to comply with the will of the majority?

Mr. President, aside from the fact that no legislation is going to do that, Mr. Lippmann says that the majority policy, the simple majority policy, is alien to the American tradition.

When there is strong opposition, it is neither wise nor practical to force a decision. It is necessary and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it.

I am not suggesting that anyone here has shown disrespect of the position of the minority of the Senate in this matter, Mr. President. I am reading the statement of Mr. Walter Lippmann. He says:

It is necessary and it is better to postpone the decision * * * to respect the opposition and then to accept the burden of trying to persuade it.

For a decision which has to be enforced against the determined opposition of large communities and regions of the country will, as Americans have long realized, almost never produce the results it is supposed to produce.

How wise he is.

The opposition and the resistance, having been overridden, will not disappear. They will merely find some other way of avoiding, evading, obstructing, or nullifying the decision.

Mr. President, the attitude of the Senators here when a decision is made, if it should go against that, is not that which will prevail in our States. The decision of our Governors, whatever it may be, is not that which will prevail in our States. The decision will come from the fathers, mothers, grandfathers, and grandmothers, the people who have lived all their lives and their people's lives for generations back under the conditions which they know better than anybody else in this nation or on the earth. They are the ones who are going to make the decision on the question of performance or non-performance, obedience and adoption, or disobedience and failure to adopt, and follow the decision.

I continue with what Mr. Lippmann says:

For that reason, it is a cardinal principle of the American democracy that great decisions on issues that men regard as vital shall not be taken by vote of the majority until the consent of the minority has been obtained. Where the consent of the minority has been lacking, as for example in the case of the prohibition amendment, the democratic decision has produced hypocrisy and lawlessness.

This is the issue in the Senate. It is not whether there shall be unlimited debates. The right of unlimited debates is merely a device, rather an awkward and tiresome device—

And I suspect everyone here will agree that it is awkward and tiresome—

to prevent large and determined communities from being coerced.

The issue is whether the fundamental principle of American democratic decision—that strong minorities must be persuaded and not coerced—shall be altered radically, not by constitutional amendment but by a subtle change in the rules of the Senate.

The issue has been raised in connection with the civil rights legislation. The question is whether the vindication of these civil rights requires the sacrifice of the American limitation on a majority rule. The question is a painful one. But I believe the answer has to be that the rights of Negroes will in the end be made more secure, even if they are vindicated more slowly, if the cardinal principle—that minorities shall not be coerced by majorities—is conserved.

For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people.

Mr. President, there are Senators who I know are scholarly, who I know have convictions in this matter, and who I know want to follow the deeply engraved principle of the American processes, which is mentioned so capably and so truthfully by these three great commentators, coming from the right, the center, and the left, respectively. I hope the Senators will read these statements carefully. I know they will read them with great sincerity. I realize that every man in the Senate knows that the preservation of a law-abiding sense throughout this Nation, under which unity and harmony will prevail, under which this Nation will stand together with its full capacity, addressed to carrying out its great potential in the world and world affairs right now, that that philosophy is the best, and that that philosophy is what we are seeking to find and seeking to apply to this problem.

Mr. President, I have said already in this debate, but not in this particular address tonight, that this debate presents confusion worse confounded. We have taken up a little bill which had nothing whatever to do with civil rights. We have offered, or the minority leader has offered, an amendment of seven parts which I have already described, two parts of which relate to voting rights and the other five to five different sections of activities of vital interest, which are much more controversial, some of them, than those relating to voting rights. But it is not that amendment which we are considering alone. We are facing a situation under which close to a hundred bills and amendments have been laid in the lap of the Senate, have been filed and are now in committee of one kind or another, or out here awaiting consideration as amendments on the pending measure.

No one knows, no one can tell, Mr. President, what shape this bill will take before it comes on for final vote, as it probably will, some time in the future; whether in the near future or far in the future, I do not know.

No one can tell which of the provisions of these 100 bills and amendment will be contained within the final version of the bill. That makes it necessary for us to do some examination of some of the most hurtful measures, some of the most avoidable measures, which are contained in some of the offered legislation.

I first call attention to a field of legislation which, it seems to me, is entitled to some consideration by the Senate, because we know that bills and amendments have been offered by some 20 Senators in this field. This is the field of antilynching legislation. I am told by my legislative assistant, who has very carefully analyzed the bills and counted them, that there are seven bills which contain antilynching provisions, and two amendments, which are not whole bills within themselves, making nine different felony provisions in this field, which are before the Senate at this time.

There are three general types of legislation in this field, to which I wish to call the attention of the Senate at this time. Typical of the first general type is an amendment intended to be proposed by the Senator from New York [Mr. JAVITS] to the amendments proposed by the Senator from Illinois [Mr. DIRKSEN] to H.R. 8315—the little bill which is the pending business, to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo.

Let me read the amendment offered by the Senator from New York [Mr. JAVITS], which I think will fix the type more clearly than any description I might give of it. He proposes that the appropriate section of chapter 73, of title 18, United States Code, be amended by adding at the end thereof a new section, as follows:

§ 1509. Deprivation of right to a fair trial

(a) The Congress finds that willful interference with, or obstruction of, any process or proceeding of a State or territory or political subdivision thereof, for the apprehension, confinement, trial, and punishment of any person charged with a crime or held for investigation or as a material witness, through acts or threats of force by persons not acting under lawful authority constitutes a deprivation of rights, privileges, and immunities guaranteed to such person by the Constitution of the United States, including such person's right not to be deprived of life, liberty, or property without due process of law. The Congress further finds that such interference or obstruction threatens the administration of justice of the several States and thereby imperils their republican form of government which, under the Constitution of the United States, it is the obligation of the United States to guarantee.

(b) Whenever two or more persons shall knowingly in concert for the purpose of depriving any person, either directly or indirectly, of his right to a fair trial or his right not to be deprived of life, liberty, or property except by due process of law, willfully interfere with or obstruct any process or proceeding of a State or Territory or political subdivision thereof, for the apprehension, confinement, trial, and punishment of any person charged with a crime or held for investigation or as a material witness through acts or threats of force, then anyone who knowingly instigates, incites, organizes, aids, abets, or participates in such action shall, upon conviction, be fined not more than $1,000, or imprisoned not more than one year, or both: *Provided, however,* That where such action results in death or maiming or other serious physical or mental injury, constituting a felony under applicable State, territorial, or similar law, any such person shall, upon conviction, be fined not more than $10,000, or imprisoned not more than twenty years, or both.

(c) Any officer or employee of the United States or any State, territory, or subdivision thereof, who shall have been charged with the duty, or shall have possessed authority in his official capacity, to prevent actions punishable under subsection (b) of this section and who shall have refused or knowingly failed to make diligent efforts to prevent them; or who, having custody of any person or persons shall have neglected, refused, or knowingly failed to make diligent efforts to protect such person or persons against the actions made punishable under subsection (b) of this section, shall be guilty of a felony and upon conviction shall be fined not more than $5,000 or imprisoned not more than five years, or both.

That constitutes one of the proposals which fall under the first type of the

various proposals having to do with the crime of lynching and its punishment as a Federal offense.

Also falling within this first type are S. 2784, the bill offered by the Senator from New York [Mr. JAVITS], and title IV of S. 3045, offered by the Senator from New York [Mr. JAVITS] together with the Senator from Illinois [Mr. DOUGLAS], and other Senators.

The second type may be described as that stated by the amendment intended to be proposed by the Senator from New York [Mr. KEATING] to the Dirksen amendment. It reads as follows:

At the proper place insert the following:

SEC. . Title 18, United States Code, section 241, is amended to read as follows:

"§ 241. Conspiracy against rights of citizens

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

"They shall be fined not more than $5,000 or imprisoned not more than ten years, or both: *Provided,* That, if death to any person results, the punishment shall be imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends."

SEC. 2. Title 18, United States Code, section 242, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both: *Provided,* That if injury to any persons results, the punishment shall be a fine of not more than $5,000 or imprisonment for not more than ten years, or both: *And provided further,* That if death to any person results, the punishment shall be imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends."

Mr. President, that is an extension of present law, which contains limited penalties, based wholly upon conspiracy, intimidation, and the like; and that part of the proposed amendment which deals with what is to happen in the event that injury to the person is done, or if death to the person results, would be new law under this class of cases.

Incidentally, under the second type, there are three bills and one amendment: A bill, S. 2001, by the Senator from Minnesota [Mr. HUMPHREY] and several other Senators; title I, S. 2003, by the Senator from Minnesota [Mr. HUMPHREY] and other Senators; a bill, S. 3039, by the Senator from New York [Mr. KEATING]; and an amendment to H.R. 8315, the pending bill, by the Senator from New York [Mr. KEATING]. That is the one I just read into the RECORD.

There is a third type of approach to this matter, and I think it should be amply evident to the Senate at this time that many different Senators, under different methods of approach, are seeking legislation at this time and on the pending measure under this classification, that is, antilynching legislation.

The third type which I shall read, the simplest bill that we find on this subject, is a bill introduced by the Senator from Michigan [Mr. HART], S. 1848. There is another bill, S. 2041, introduced by the Senator from Minnesota [Mr. HUMPHREY], and others, on this same subject.

The bill introduced by the Senator from Michigan [Mr. HART] reads as follows:

That this Act may be cited as the "Federal Antilynching Act."

PURPOSES

SEC. 2. The Congress finds that the succeeding provisions of this Act are necessary in order to accomplish the following purposes:

(a) To insure the most complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States, and to enforce the provisions of the Constitution.

(b) To safeguard the republican form of government of the several States from the lawless conduct of persons threatening to destroy the systems of public criminal justice therein and threatening to frustrate the functioning thereof through duly constituted officials.

RIGHT TO BE FREE OF LYNCHING

SEC. 3. It is hereby declared that the right to be free from lynching is a right of all persons, whether or not citizens of the United States, who are within the jurisdiction of the United States. As to all such persons, such right accrues by virtue of the provisions of the Constitution of the United States. As to citizens of the United States, such right additionally accrues by virtue of such citizenship. Such right is in addition to the same or any similar right or rights they may have as persons within the jurisdiction of, or as citizens of, the several States, the District of Columbia, the Territories, possessions, or other areas within the exclusive jurisdiction of the United States.

The definitions are stated in section 4, Mr. President, and I ask that that section be included in the RECORD, as part of my remarks at this time.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

DEFINITIONS

SEC. 4. (a) Whenever two or more persons shall knowingly in concert (1) kill or attempt to kill or commit or attempt to commit serious physical injury upon any person or persons because of his or their race, creed, color, or national origin, or (2) exercise or attempt to exercise any power of correction or punishment over any person or persons in the custody of any governmental officer or employee or suspected of, charged with, or convicted of the commission of any criminal offense, by killing or committing serious physical injury upon or attempting to kill or commit serious physical injury upon such person or persons, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law, such persons acting knowingly in concert shall constitute a lynch mob within the meaning of this Act. Any such action, or attempt at such action, by a lynch mob shall constitute lynching within the meaning of this Act.

Mr. HOLLAND. The additional definition of the term "governmental officer or employee" is also stated next, Mr. President, and I ask that that be included in the RECORD at this time as a part of my remarks.

There being no objection, the definition was ordered to be printed in the RECORD, as follows:

(b) The term "governmental officer or employee" as used in this Act, shall mean any officer or employee of a State or any governmental subdivision thereof, or any officer or employee of the United States, the District of Columbia, or any Territory, possession, or other area within the exclusive jurisdiction of the United States.

PUNISHMENT FOR LYNCHING

SEC. 5. Any person, whether or not a governmental officer or employee, (a) who is a member of a lynch mob or (b) who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall, upon conviction, be fined not more than $1,000, or imprisoned not more than one year, or both: *Provided, however,* That where such lynching results in death or maiming or other serious physical or mental injury, constituting a felony under applicable State, District of Columbia, Territorial, or similar law, any such person shall, upon conviction, be fined not more than $10,000, or imprisoned not more than twenty years, or both. A felony, for purposes of this section, shall be deemed an offense which, under applicable State, District of Columbia, Territorial, or similar law, is punishable by imprisonment for more than one year.

Mr. HOLLAND. Mr. President, we find a long section on punishments for knowing failure to prevent or punish a lynching, which I ask to be included in the RECORD as part of my remarks.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

PUNISHMENT FOR KNOWING FAILURE TO PREVENT OR PUNISH LYNCHING

SEC. 6. Whenever a lynching shall occur, (a) any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent the lynching, but shall have neglected, refused, or knowingly failed to make all diligent efforts to prevent the lynching, and (b) any governmental officer or employee who shall have had custody of a person or persons lynched and shall have neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, and (c) any governmental officer or employee who, in violation of his duty as such officer or employee, shall neglect, refuse, or knowingly fail to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever, shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding five years, or by both.

DUTY OF ATTORNEY GENERAL OF THE UNITED STATES

SEC. 7. The Attorney General of the United States shall cause an investigation to be made

to determine whether there has been any violation of this Act, whenever information on oath is submitted to him that a lynching has occurred, and (a) that any governmental officer or employee who shall have been charged with the duty or shall have possessed the authority as such officer or employee to prevent such lynching, has neglected, refused, or knowingly failed to make all diligent efforts to prevent such lynching, or (b) that any governmental officer or employee who shall have had custody of a person or persons lynched and has neglected, refused, or knowingly failed to make all diligent efforts to protect such person or persons from lynching, or (c) that any governmental officer or employee, in violation of his duty as such officer or employee, has neglected, refused, or knowingly failed to make all diligent efforts to apprehend, keep in custody, or prosecute any person who is a member of the lynch mob or who knowingly instigates, incites, organizes, aids, abets, or commits a lynching by any means whatsoever.

Mr. HOLLAND. Then, Mr. President, a long section deals with the duty of the Attorney General of the United States to prosecute. There is also an eighth section operating as a severability clause. I ask that that be printed in the RECORD as a part of my remarks.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEVERABILITY CLAUSE

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Mr. HOLLAND. Mr. President, these three methods of approach are not new to the Senate. They have been filed at various times in the past, and various opinions have been given by Attorneys General for years, and also various other able attorneys, as to their constitutionality. I think that it will suffice to read the latest opinion I have found, at least, on this matter, an opinion by Attorney General Brownell included in the civil rights hearing of 1957, though we do have communications from the present Attorney General or his Deputy, Judge Walsh, to the same effect. This was in the printed record of the hearings held in February and March of 1957.

Mr. BROWNELL. Now I come to the antilynching proposal so-called, involved in the various bills.

Title IV, for example, of the bill in subcommittee print and also S. 429 and S. 505 would set up a Federal Antilynching Act, and certainly I think it is clear, I hope at least from our record, that we are not opposed to any legislation which would bring a complete end to anything that is so repugnant to all of our principles of law and justice as lynchings as that term is ordinarily understood.

But I would point out that the bill goes to the extent of making it a Federal crime, and here I quote from the bill:

"Whenever two or more persons shall knowingly in concert commit or attempt to commit violence upon any person or persons or on his or their property because of his or their race, creed, color, national origin, ancestry, language, religion or for any other reason which denies due process of law."

As you know, serious constitutional objections have been raised by responsible authorities to such an extension of Federal power over private citizens, and also doubts have been expressed as to the wisdom of such an extension of Federal jurisdiction, apart from constitutionality.

Now no doubt all of us in this room are shocked by such cases as——

Senator HENNINGS. What do you think about the constitutionality General, just offhand?

Mr. BROWNELL. I have always felt, Mr. Chairman, that the most lawyerlike way to proceed in this area would be a constitutional amendment.

I would make reference here to such cases as Emmet Louis Till down in Mississippi where it was charged that two private individuals seized a Negro teen-aged boy and killed him because he had wolf whistled at the wife of one of them.

All of us too have been shocked by the situation in Montgomery, Ala.——

Senator ERVIN. If I may interrupt at this point?

Mr. BROWNELL. Yes, indeed.

Senator HENNINGS. The Senator from North Carolina.

Senator ERVIN. During the last Democratic administration I had the privilege of sitting on the platform-drafting committee for 5 days in the city of Chicago, and during those 5 days a great many organizations came before us and deplored the Till murder case, which was an atrocious murder case. But during the time we were sitting and hearing of this atrocious case, two murders happened in the city of Chicago just as atrocious as the Till murder case, and yet nobody came before our committee to express any regret over those two matters.

Mr. BROWNELL. I think that that is correct. The Till case was used as propaganda on a worldwide basis. It had tremendous publicity, and damaged the interests of the United States, I am sure, because of that publicity.

But I agree with you, and the point I am going to try to make here is that we should consider the consequences very carefully when we are considering any such extension of this, of putting the Federal Government's jurisdiction into what are essentially murder cases.

There must be literally thousands, as you say, Senator, of cases each year, North and South, which involve violence to persons or property, in which the claim could be made that two or more persons conspired to commit the violence because of prejudice based on race, religion, or national origin.

Senator ERVIN. I might point out in this connection, Mr. Attorney General, while on the point that in the year 1955 there were 6,850 murders and nonnegligent manslaughter cases in the United States. There were 19,100 rape cases, there were 57,490 robbery cases, and 92,740 cases of aggravated assault, and 492,530 cases of burglary, and 1,360,980 cases of larceny, and 227,150 cases of automobile theft, those being cases involving injuries to persons and property.

Mr. BROWNELL. Thank you for that bill of particulars, Senator, which emphasizes the point I am trying to make, that if the Federal jurisdiction were extended in this way, the FBI would have the duty of investigating all these complaints.

The complaints would be larger than the numbers you have mentioned and ultimate Federal jurisdiction would turn on an issue of fact which would be, to put it mildly, exceedingly difficult to determine, that is whether the defendants knowingly in concert committed the violence because of antipathy based on race or religion or national origin.

Now I skip to page 19, where Mr. Brownell is recorded as making the following statement:

Mr. BROWNELL. I think I can make my point clear this way, perhaps, Senator, in closing the discussion on this antilynching area.

What really bothers us is that this tremendous extension proposed for Federal authority in this area would have the unfortunate effect of relieving local communities of any feeling of responsibility in such matters, which would tend to take us away from the ultimate goal of enlightened and responsible local enforcement of the criminal laws in all cases whether or not racial prejudice is involved.

The real concern that we have, the reason we are discussing this here today, is that we want to secure the passage at this session of Congress of a legislative program adequate to deal with at least the most pressing problems before us, and we are really afraid that any attempt to press for the antilynching bill at this time would serve only to divert attention from the basic, what shall we say, middle-of-the-road program which we have proposed, if we added the weight of substantial constitutional policy objections to the flood of determined opposition which already exists toward any form of civil-rights legislation, and might destroy any chance for affirmative action at this session.

The Attorney General raised the question of constitutionality, and also raised the question of wisdom and the question of practicality, in the testimony he gave at that time before the Senate Judiciary Committee.

Mr. President, the latest pronouncement on this subject from the U.S. Department of Justice is contained in a letter dated February 13, 1960, signed by the Deputy Attorney General, Lawrence E. Walsh. The letter is addressed to the Senator from Mississippi [Mr. EASTLAND], chairman of the Senate Judiciary Committee. I now read the letter.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., February 13, 1960.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning S. 1848, a bill "to declare certain rights of all persons within the jurisdiction of the United States, and for the protection of such persons from lynching and for other purposes."

The bill would make it a Federal crime for any person, whether or not a governmental officer or employee, to be a member of a lynch mob or knowingly to instigate, incite, organize, aid, abet or commit lynching, and for any State, Federal or local governmental officer or employee to fail to exercise diligent efforts to prevent a lynching.

A lynch mob is defined as two or more persons acting in concert who: (1) kill or attempt to kill or commit or attempt to commit serious physical injury upon any person or persons because of his or their race, creed, color, or national origin, or (2) exercise or attempt to exercise any power of correction or punishment over any person or persons in the custody of any governmental officer or employee or suspected of, charged with, or convicted of the commission of any criminal offense, by killing or committing serious physical injury upon or attempting to kill or commit serious physical injury upon such person or persons, with the purpose or consequence of preventing apprehension or trial or punishment by law of such person or persons, or of imposing a punishment not authorized by law * * * ." A lynching is defined as any of the above acts.

S. 1848—

That is the bill which Judge Walsh was commenting on—

is subject to the same well recognized constitutional objections pointed out by Attorney General Herbert Brownell when he testified in 1957 before the Subcommittee on

Constitutional Rights of the Senate Judiciary Committee and Subcommittee No. 5 of the House Judiciary Committee and in 1956 before an executive session of the full House Judiciary Committee.

Committee attention is invited to sections 241 and 242 of title 18 of the U.S. Code, relating respectively to conspiracies against rights of citizens and deprivations of rights under color of law. The committee may wish to consider the desirability of amending these statutes to increase the penalties applicable to violations thereof which result in serious injury or death, thereby permitting the imposition of more appropriate penal sanctions in cases involving crimes of such gravity. In this regard, the committee is referred to felony-murder and misdemeanor-manslaughter statutes of many of our States, e.g. (Kan. Stat. Ann. secs. 21-401, 21-407; M.S.A. secs. 619.08, 619.10, 619.15; N.M.S.A. secs. 40-24-4, 40-24-7; N.Y. Pen. Law. secs. 1044, 1050; N.C. Code Ann. secs. 14-17; Okla. Stat. Ann. title 21, secs. 701, 711; S.D. Code, sec. 13.2007; and see generally Michael & Wechsler, Criminal Law and Its Administration, pp. 1271-1272, n. 6; pp. 1276-78; n. 15, 16 (1940)).

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

LAWRENCE E. WALSH,
Deputy Attorney General.

In other words, Judge Walsh, in reporting on only the legal aspect of the case, and not mentioning the wisdom of it—which had been mentioned by Attorney General Brownell—reported that he thought it was unconstitutional; and he felt that the only sound way to approach it would be by amending the statute already on the statute books, which provides for a very small penalty. He suggested that it might be amended by increasing the penalty to be imposed in cases of serious bodily injury or death.

Mr. HILL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield for a question.

Mr. HILL. Is it not true that, today, lynching is almost a nonexistent crime?

Mr. HOLLAND. It is; and I say to my friend that I wish we could find that any other serious crime in the Nation has been so nearly wiped out as lynching has been. I have the figures in that connection; and when I conclude this colloquy with the distinguished Senator, I shall insert them in the RECORD.

Mr. HILL. Is it not true that, today, gangsterism, as it occurs in the North, is a much more prevalent and much more serious matter?

Mr. HOLLAND. It is. For instance, my attention has been called to the murder—by stabbing—of two Negro youths by other youths. Those were most unfortunate cases. One of the boys who was murdered—a youth of 18—was the son of a Senate employee who is well known and well liked by all of us; that young man was the only child of that employee. The boy was stabbed to death without any apparent justification at all. But when attempts were made to ascertain who was guilty of committing that stabbing, although the authorities found many witnesses who saw it—all of them were youngsters—the parents of those youngsters refused to permit them to testify, because they were afraid of reprisals by the same gang to which the young man who had done the stabbing belonged.

Not so many details in regard to the second case are available to me. It occurred last weekend. However, I have looked in vain in the local press to see any reference to it. I found a brief newspaper article in reference to the first death—a most unfortunate and tragic death, as I have stated. Certainly if that Negro boy had been killed by a white boy, the death would have resulted in headlines almost a foot high in many, many newspapers. But apparently the press pays very little attentio to deaths which result from gang warfare; and probably no more attention, or perhaps even less attention, is paid by the press to warfare between Negro gangs and Puerto Rican gangs in New York City.

I see in the New York newspapers nearly every day reports of such deaths. The Senator knows that they are too frequent. I am sure nobody is more regretful of that than are the people of Washington in the first case and the people of New York in the second, but the point remains that these are serious felonies, including many, many murders, and including especially gang murders, taking place by the dozens and by the hundreds in other parts of the Nation. Even the Tuskegee Institute, which reports so carefully and so fully on all lynchings throughout the Nation, has found it very hard to find any lynchings at all to report in recent years, and I am very proud and happy that that is the case.

Mr. HILL. Will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. HILL. Is it not true that one of the most recent lynchings was in the city of Chicago, a gangster lynching of a man named Roger Touhy?

Mr. HOLLAND. That was a recent killing. I do not know whether it was one of the most recent ones, because they are quite frequent, but that was, of course, a recent killing that was much discussed in the paper, because when a gangster is killed, it is a matter for great distribution of news articles.

Mr. HILL. Does the Senator not recall, too, not many months ago, when there was a gangster lynching in the barber shop of a very prominent hotel right in the heart of New York City?

Mr. HOLLAND. Yes, I remember that, but there have been so many comparable incidents that I find it difficult to remember single incidents unless they have to do with some outstanding criminal or gangster who is greatly publicized by the metropolitan press. I do not know why there is that tendency. I know the press wants to do its duty, but apparently it is the sensational cases only that call for any real attention, whereas we have these horrible and pitiful cases, such as the first case that I spoke of, happening right here almost in the shadow of the Capitol, and of which the Senator from Alabama is informed, I am sure. It is those cases that we hear nothing of, and those apparently nobody except the loved ones and relatives seem to remember very long.

I thank the Senator for his comments.

Mr. President, the Library of Congress, through its Legislative Reference Service, and reporting as its source the Tuskegee Institute, has made a report of the number of lynchings between the years 1940 and 1958 inclusive, and I ask that that list be included in the RECORD at this time as part of my remarks.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Lynchings, by States, 1940–58

	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958
Alabama	2										1								
Florida		1		1		1						1							
Georgia	2	1		1			4		2	2	1								
Illinois			1	1															
Louisiana							1												
Mississippi			3		1		1			1						3			
Missouri			1																
North Carolina		1																	
South Carolina		1						1											
Tennessee	1				1														
Texas			1																
Total	5	4	6	3	2	1	6	1	2	3	2	1				3			

Sources:
Tuskegee Institute. Negro Yearbook, 1947; 1952.
World Almanac, 1958; 1960. (Source: Department of records and research, Tuskegee Institute, Alabama).

[Lucy Warren, Education and Public Welfare Division, Library of Congress Legislative Reference Service, Mar. 2, 1960.]

Mr. HOLLAND. I call attention to the fact that while in 1940 there was a total of five lynchings, that total was reduced to such an extent that there are many years, beginning about 1945, in which there was only one lynching. In 1952 there was no lynching. Likewise in 1953, likewise in 1954, likewise in 1956, 1957, and 1958. They were the last 3 years covered by this list. There were three lynchings reported as occurring in 1955, all within one Southern State.

Mr. President, this list speaks for itself. It shows that the crime of lynching—and there is no more heinous, no more hideous crime—has practically disappeared from the criminal records of our Nation, and it has not disappeared as a result of the passage of antilynching legislation. It has disappeared because conscientious and sincere men who believe in the enforcement of the law and want to see it enforced and who particularly were horrified by lynching as it used to occur a great many years ago have insisted upon a reduction and then the practical elimination of that crime.

I repeat, Mr. President, that I wish we could show anything approaching this record of elimination of other serious crimes throughout our Nation. I am rather proud of the record shown in the South of no lynchings at all for 6 years and one only in each of 3 years.

In the hearing record of the Committee of the Judiciary in the 80th Congress, a hearing in January and February 1948 on S. 42 and other bills of that Congress, on page 30 of the printed record, there is found a list of the lynchings from 1919 to 1940, inclusive, and I ask that that be included in the RECORD as part of my statement at this time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Lynching, whites and Negroes, 1919–40

Year	Whites	Negroes	Total
1919	7	76	83
1920	8	53	61
1921	5	59	64
1922	6	51	57
1923	4	29	33
1924	0	16	16
1925	0	17	17
1926	7	23	30
1927	0	16	16
1928	1	10	11
1929	3	7	10
1930	1	20	21
1931	1	12	13
1932	2	6	8
1933	4	24	28
1934	0	15	15
1935	2	18	20
1936	0	8	8
1937	0	8	8
1938	0	6	6
1939	1	2	3
1940	1	4	5
Total	53	480	533

Source: Negro Year Book (1947), Tuskegee Institute, Alabama, p. 307.

Lynchings by States and race, 1882–1946

State	Whites	Negroes	Total
Alabama	47	299	346
Arizona	29	0	29
Arkansas	59	226	285
California	41	2	43
Colorado	66	2	68
Delaware	0	1	1
Florida	25	256	281
Georgia	38	487	525
Idaho	20	0	20
Illinois	14	19	33
Indiana	33	14	47
Iowa	17	2	19
Kansas	35	19	54
Kentucky	64	141	205
Louisiana	56	335	391
Maryland	2	27	29
Michigan	7	1	8
Minnesota	5	4	9
Mississippi	41	533	574
Missouri	51	71	122
Montana	82	2	84
Nebraska	52	5	57
Nevada	6	0	6
New Jersey	0	1	1
New Mexico	33	3	36
New York	1	1	2
North Carolina	15	84	99
North Dakota	13	3	16
Ohio	10	16	26
Oklahoma	82	41	123
Oregon	20	1	21
Pennsylvania	2	6	8
South Carolina	4	155	159
South Dakota	27	0	27
Tennessee	47	203	250
Texas	143	346	489
Utah	6	2	8
Virginia	16	83	99
Washington	25	1	26
West Virginia	21	28	49
Wisconsin	6	0	6
Wyoming	30	5	35
Total	1,291	3,425	4,716

Source: Negro Year Book, 1947, Tuskegee Institute, Alabama, p. 306.

Mr. HOLLAND. Mr. President, this is a bad record. It shows many lynchings, too many lynchings, in the years 1919 to 1935 inclusive. After that date they began to fall off, until, as shown by the other list, they have practically disappeared since the early 1950's in the Southland and elsewhere in the Nation.

I want to be very frank about this subject. I have served as a prosecuting attorney and as a judge. I have served as a State senator and as Governor. I know something about this crime. The most hideous recollection that I have of my boyhood is of seeing a young Negro who had perpetrated a horrible crime, raping and then killing a young white woman down on Peace River, close to our home town, tied on a door and carried on a wagonbody out of town to where he was lynched. That is a recollection that I could never eliminate from my mind.

I have from my earliest manhood opposed this crime with all the vigor that I have. I think I have the right to inform the Senate that I have been up at least as many as a dozen nights in my life in the effort, and almost always it was a successful effort, to avert lynchings. As the Governor of the State of Florida, I found it possible to take an active part in practically eliminating lynchings in the 4 years that I was Governor.

Mr. President, in addition to that, I want to make it very, very clear that not only do I wish to do all within my power to complete the elimination of this crime, but I feel I would be very derelict in my duty if I did not stand here on the Senate floor and tell the Senate, based on my own experience, that the very worst thing that could happen in this connection would be to try to impose Federal jurisdiction and a Federal mandate over the Governors, the attorneys general, the judges, the States attorneys and the prosecutors and sheriffs and other law enforcement officers in the various States who have made such a good record. These crimes are against the State law. They particularly horrify local conscience. The citizens of the community expect their officials to prevent lynchings and to punish them when they occur, and they regard it as their moral duty as well as their legal duty to see that that end is accomplished.

Mr. President, I know something about the pressure which is exerted upon law enforcement officers from the outside and the complete ignorance of the subject matter which is manifested so frequently by people on the outside who I am sure are in the main well intentioned, who try to intervene in matters of these serious crimes, and particularly in matters of punishment for serious crimes.

I recall a particular instance, Mr. President, when, by calling out four companies of the State Guard—the National Guard was away in the war at the time, but this was the Home Guard—we were able to avert the lynching of three Negroes who had perpetrated a particularly heinous crime.

I remember that, having originally averted the lynching, we finally succeeded in gaining a change of venue to another county, about 160 miles away from the scene of the crime, the county where the University of Florida is located, a county of an exceedingly high type of citizenship.

I remember that when the lynching was averted in the first instance, after 2 days of very tough effort on the part of the Home Guard companies, and on the part of at least half of the State highway patrol, which we quickly mobilized to meet the situation, we received literally hundreds of letters of approval, of strong approbation, from all through the country, from NAACP's, Civil Liberties Unions, and all kinds of liberty-loving and liberty-practicing organizations, from one end of the country to the other.

I mentioned that instance only for this reason: After the trial was over, and after the Negroes were tried more than 160 miles from the scene of the crime, and after being supplied with able counsel, and after they had pleaded guilty—and the facts were such that there was no other course open because the facts were too clear—and after they had been sentenced to be electrocuted, and after the case was appealed to the Supreme Court and a writ had been denied, and after the writs of execution were issued—and there is no more disagreeable duty that ever evolves upon the Governor of a State than that of signing writs of execution—I remember, to my consternation and disappointment, that dozens, if not hundreds, of those same organizations which had praised the State officials, the law enforcement officers, and all other efforts made by literally hundreds of citizens to see that the law was enforced and to see that no lynchings should take place, wrote, complaining bitterly about the fact that the executions were to take place, and reciting all kinds of completely false information which they said they had as to a fair trial being denied, as to threats being made, and one thing and another completely divorced from the facts in the case.

I think every Governor makes a practice of holding a telephone line open to his bedroom at night when an electrocution or an execution is to take place next morning.

Mr. President, this is a grisly subject, but it is a subject which should be discussed in this connection. The night before that triple execution was to take place the telephone in my room was ringing all night long. There were messages from people in Los Angeles, New York, and other places, undoubtedly well intentioned people, asserting that they had heard this, that, or the other thing about the case, which was completely foreign to the facts, completely foreign to the fair way in which a lynching had been prevented, completely foreign to the fact that a change of venue to a long distance away had been obtained, completely foreign to the fact that one of the most able trial judges in the State had been assigned to the case, completely foreign to the fact that the Supreme Court had passed upon the case.

These people were making great demands, and sometimes threatening demands, upon the Governor to stay the executions.

Mr. President, this matter of outside pressure from uninformed persons, and well-intentioned persons, is something terrific. We saw an instance of it only last week, or the week before, in a case which was tried in California. I think we had seen some earlier examples.

Anything which interferes with the function of the State, the State's officials, and the responsible State personnel who are charged with law enforcement and anything which substitutes for the moral force, power, and duties of the men who are selected to do the job—and most of whom do it because they should, and the rest of them because they know the public is looking down their throats—anything which substitutes for that kind of enforcement the matter of holding a pistol to the head of a Governor, an attorney general, a State's attorney, a trial judge, or a jury, and gives a bludgeon to defense attorneys to remind every juror that this event may be based on something happening here in Washington, on pressure being applied by organizations like the Civil Liberties Union or the NAACP—any kind of program which makes that kind of substitution is completely wrong and will not bring about the results which good people hope it may—that is, to completely eliminate lynching.

Mr. President, it has been practically eliminated. It has been eliminated in Virginia so much that Tuskegee does not include Virginia on its last list covering the years from 1940 to 1948.

Mr. President, I cannot too vehemently say that, in my judgment, we would get exactly the wrong results, and we would get exactly results which would cut the ground from under the feet of conscientious law-enforcement officers, and executives whose primary duty it is to see that the law is enforced, and destroy the strong moral position which they now have, and for which they are answerable to the people of their State.

The Governor of my State is answerable to 4½ million people. The Governor of New York is answerable to nearly 20 million people. The Governor of every State is answerable to all the people of his State, and, through them, is answerable to all the people of the country and the people of every nation, to see that the laws of his State are faithfully enforced.

Beginning with the Governor, and going all the way down through the courts, the attorney general, all the trial officers, prosecutors, sheriffs, and jurors, the same force, in different degree, would be cut out from under their feet, destroying a part of the high moral plane upon which they must stand. At the same time defense attorneys are placed in possession of a bludgeon with which to handle their appeals to the juries, reminding juries always that this procedure is not the clean, high-level procedure that people have been saying, that this is something based on pressure from the outside, pressure from Federal law, pressure of Federal officials.

If we want to see law enforcement adversely affected to the greatest extent, this kind of legislation should be enacted, because that is exactly what would result from its enactment.

Mr. President, I cannot believe that such a law will be enacted. It has been turned down by the Congress too many times. Meantime, the crime of lynching has been disappearing, until it scarcely exists now. But the very idea of substituting for the conscientious enforcement of law, by officers who are responsible to the people of their State, the mandate of the Federal Government, acting through appointive Federal officials, would be exactly the wrong thing.

Mr. President, several very fine addresses have been made in Congress—much more eloquent than I could attempt on this subject. I think perhaps one of the finest was made by a man for whom I had the greatest respect and for whom I think the Nation had the greatest respect. That was the longtime chairman of the Judiciary Committee of the House, Mr. Hatton Sumners, of Texas. This address was during the debate on an antilynching bill in the House of Representatives on April 15, 1937.

I do not remember whether my distinguished friend from Virginia was a Member of the House at that time, although I think he was. I do not remember whether my distinguished friend from Alabama was a Member of the House of Representatives at that time. I believe he was. I suspect both of them will remember this wonderful argument made by that distinguished lawyer, Mr. Sumners.

Mr. ROBERTSON. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Virginia?

Mr. HOLLAND. I yield.

Mr. ROBERTSON. The junior Senator from Virginia started his service in the House in the spring of 1933, and he was there. He remembers that speech of Judge Sumners. He happened to know Judge Sumners very well. His most famous speech, however, was the one that he made against packing the Supreme Court.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, may I have unanimous consent to yield to the Senator from Alabama for a comment without losing my place?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HILL. Mr. President, I was present at the time the distinguished gentleman from Texas, Mr. Hatton Sumners, of Texas, made the speech to which the Senator from Florida has referred, and I recall the great effect that speech had on the House of Representatives, how persuasive it was, how compelling it was to Members on both sides of the aisle, Members from the North, the South, the East, and the West. It was an unanswerable speech. After that speech, the bill was defeated, as it should have been.

Mr. HOLLAND. I thank my distinguished friend from Alabama. I have heard comments made on this speech many times. I was not fortunate enough to have been a Member of the House of Representatives. But that speech echoed throughout the Nation. It was based on the convictions in the heart of a very great American that a wrong thing was about to be attempted through the passage of an antilynching bill.

Mr. President, I wish time permitted the reading of this whole speech, because it is just as good now as it was then. I shall read but three or four paragraphs from it. I am reading from Chairman Sumners' speech:

> We have the same sort of spirit you have. We are men of the same blood. Why do you do it? We have reduced lynching 5,000 percent and we can finish the job.

He had shown how, from a very large figure in the ante bellum days, lynching had already almost ceased to exist.

> We know how to do the job. We can say things to our people you cannot say, just as you can say things to your people that we could not say. I can talk to the people of Texas. I am a southern man and I can talk to the Governor of Mississippi. Human nature is the same everywhere. Why do you not leave us alone and see what we can do about it? I put it to you, man to man; why do you not give us a chance? What would you think if you had some major problem in your country that your people had been working on for many, many years, and we of the South and the West would get together and come up there, over your protest, when you had said, "Boys, stay out; we have a bad situation; we have a difficult situation; we have a dangerous situation, and we know more about it than you do. Stay out; for God's sake stay out, and see if we cannot stop it." How would you like it? Do you think our coming would help you?
>
> What would you think if we came in there over your protest because we had the major number of votes, in violation of the Constitution of the United States, and did what you are proposing to do to us today? You can do this thing to us today; but as the God of justice reigns in the heavens, there will come a day when the law of retribution will send somebody to do a like thing to you. You are establishing this power of the Federal Government going into sovereign States, and of the U.S. marshal laying his hand upon the Governor of a State, charging him with some violation of Federal law in dealing with the people who elected him to office. Do you think that you can establish that principle and power in the Federal Government and not have that thing come home to plague and bedevil the people who do it?
>
> We are standing at the high peak of history this day. All the world is in strife and confusion.

Mr. President, this was in 1937. Apparently it was thought there existed a major stage of world confusion at that time. We know now that, confused as it seemed, that situation was not the most confusing that the world has seen, because conditions seem to have grown more difficult from decade to decade.

I will continue:

> Whether we can win through our difficulties no sober person will hazard a prophecy. A united, governmentally capable people should be able to win. This bill operates against unity and governmental capacity.

Mr. President, that is the way every one of the seven bills and two amendments now in the lap of the Senate and

being considered in this debate would operate, in the words of Mr. Sumners "against the unity and against the governmental capacity."

Mr. President, a great number of the finest authorities in our Nation have spoken, convincingly, and I think with finality, upon the point that law can go just so far and no further; that there is a limit, a natural limitation to effective lawmaking; and some laws are better not passed because they produce undesirable effects.

I have already quoted Mr. Lippmann, Mr. Lawrence, and Mr. Krock somewhat on the same point, that it is part of our institutional philosophy in this Nation that great minorities and great regions in this Nation cannot be coerced into doing things which are against their sense of moral responsibility.

Let me quote a little from great lawyers on the point of the practical limits of effective law.

First I quote Mr. Sumners again, in the same speech. He said:

> Our Government by its nature is built upon the people. Our real Constitution is a living thing. It is rooted in the governmental concepts of the people. Unless it is sustained by their governmental capacity, it fails. If this government of the people fails in this country, as in all other countries where such a thing occurs, government will resort to its only other alternative, a dictator. By its nature our Government is pyramidal in its shape. It starts with the individual and builds up through the community up through the States, to the capstone, which is the Federal Government. By its nature—I mean by the nature God Almighty gave it—it functions from the bottom upward. We are trying to reverse the natural direction of its operation. It cannot be done. Neither can we stand this pyramid on its point. The members who sat in the Constitutional Convention did not try to do it. Of course, they did not write the Constitution in a creative sense. It came through the ages, every provision originating out of necessity, tested and developed by experience among a people peculiarly gifted with the genius of self-government. No political philosopher suggested its provisions. No convention fashioned them.

In that paragraph he made the point that our great political principles were the result of experience and of history, of trial and error down through the ages under the Anglo-Saxon system of government.

Here is another paragraph:

> You cannot make a government of a free people, our sort of government, function from the top downward. Nature has fixed that as certainly as it has fixed the laws of our own bodies. We cannot violate these laws and escape punishment. With our eyes open, warned by all the lessons of experience, we propose the violation of this fundamental law today.
>
> You cannot establish a great governmental overlord here in Washington, place the hand of superior authority above the voice of the elected representatives of the people, and perpetuate this system of government. It cannot be done. Yet today you are going to take the farthest step in that direction which has been taken in the centuries. Why? Let any statesman answer why. If there ever was a time in the history of this Nation when we needed to turn in the other direction, it is now. [Applause.]

The CONGRESSIONAL RECORD shows applause in that great body, where applause is banned and seldom occurs.

> When we began this administration, due to economic conditions, that fascinatingly interesting thing which has often happened in Anglo-Saxon governmental history occurred. Sensing a crisis requiring a greater strength and a quicker pickup than our institutions functioning normally afford, we concentrated in the Central Government emergency powers to deal with an emergency situation.

So much for that point, so ably and eloquently and perfectly made by that great orator, but above all, great American, Hatton Sumners. I am proud to have counted him among my friends. I wish I could have heard him make that speech, because he made speeches with the greatest of conviction and oratorical power, and I am not surprised that the House rose and applauded him as it did that day.

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield.

Mr. HILL. Will the Senator from Florida ask unanimous consent at this time that he may suggest the absence of a quorum?

Mr. HOLLAND. Mr. President, I make that request.

The PRESIDING OFFICER (Mr. McGEE in the chair). The Chair did not hear the request.

Mr. HOLLAND. I ask unanimous consent that I may yield, without losing my place on the floor, to suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection to the request for a quorum call? The Chair hears none, and it is so ordered.

Mr. HOLLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SALTONSTALL. Mr. President, will the Senator please restate his request?

Mr. HOLLAND. I asked that further proceedings under the quorum call be rescinded.

I think I should state frankly to the Senate that when the calling of a quorum was suggested a few minutes ago, I overlooked the fact that I had told several of our brethren, who planned to attend a Legion meeting downtown, that I would not call for a quorum before 9 o'clock. I overlooked that fact, so I would like to have permission to suggest the absence of a quorum when I get through.

Mr. SALTONSTALL. I have no objection.

The PRESIDING OFFICER. Without objection the order for the quorum call is rescinded. The Senator from Florida may proceed.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I yield for a question only.

Mr. PASTORE. Does the distinguished Senator from Florida anticipate that he will ask for a quorum call at 9 o'clock?

Mr. HOLLAND. No; but I will ask for a quorum call when I get through. I do not think I can frankly state that I could complete my speech within the 8 minutes between now and 9 o'clock. But it will not be a long additional time that I will occupy the floor—perhaps 20, 25, or 30 minutes. I simply forgot, when the calling of a quorum was suggested, that I had told some Senators who wanted to attend the meeting that they could count on my occupying the time until 9 o'clock before a quorum was called.

Mr. PASTORE. The Senator from Rhode Island does not mean to be critical in any way. I was simply wondering whether I should return to my office or stay here.

Mr. HOLLAND. I will appreciate having the distinguished Senator remain on the floor, because I would like to have him listen to my speech. But it is not necessary that he do so; in fact, I should be surprised if he did. But the surprise would be pleasant, I assure my friend.

By way of explanation, I rarely become so enthusiastic in a talk that I am making that I would overlook a matter of the type I mentioned, but I did in this instance, so the best thing I could do to undo what I had done was to ask that the order for the quorum call be rescinded.

Mr. PASTORE. Merely so that the junior Senator from Rhode Island may get into the spirit of things, he intends to stay.

Mr. HOLLAND. I appreciate that so very much. Mr. President, I stated several moments ago, when I was discussing this question from the legal point of view, that some punishments can be imposed with some hope that they will do good, and some cannot. The matter of the kind of law we should enact must always, under our system, depend upon what type of law will not only deal with the situation, but will be accepted by the people; and particularly is that true when there are great areas of the Nation whose people have deep convictions in a field sought to be covered by law.

Perhaps one of the leading authorities on the philosophy of law is Dean Roscoe Pound, of Harvard Law School. He is now dean emeritus, but everybody always speaks of him as "Dean Pound." He speaks of the philosophy of the law in this book, "The Task of Law," one of the best works on this general subject, so recognized by lawyers of all political faiths and of all personal beliefs.

I might reassure my distinguished friend from Rhode Island that I have no intention of reading all this book, but there are three or four quotations from Dean Roscoe Pound, an authority in this field, which I think might add something to this discussion. On page 71 appears this paragraph:

> But when new interests or new forms of old ones attract attention and legislation attempts to secure them, statutes have almost always begun by providing penalties.

Anyone who has been in a legislative body for a long time knows that there is a truism in this field.

There is a strong and deep-rooted human tendency when anything goes wrong to feel that someone should be hurt, and this tendency is usually behind the first attempts at remedial legislation even today. Next, resort is had to imposing civil liability for damages. Then injunction is turned to. Ultimately, nowadays, the main reliance is likely to be some new administrative agency. Thus we reproduce over and over the development of enforcing agencies in the legal order. None of the remedies available to the legal order prove equal to doing all that we demand of them.

Three important limitations of law as an agency of social control have to be borne in mind in determining what interests the legal order may secure and how it may secure them. These limitations grow out of (1) the necessity which the law is under, as a practical matter, of dealing only with acts, of dealing with the outside, not the inside, of men and things; (2) the limitations inherent in the legal sanctions—the limitations upon coercion of the human will by force; and (3) the necessity which the law is under of relying upon some external agency to put its machinery in motion, since legal precepts do not enforce themselves.

As to the first, we are required to note the distinction between law and morals in respect of application and subject-matter. The legal order must to a great extent act in gross and hence even to some extent in the rough. One of the main problems in application and enforcement of law is individualization of application. It can only go a certain distance because of the exigencies of the general security.

Again, the legal order does not necessarily approve what it does not expressly condemn and is often blamed for this. But a mere pronouncement of condemnation, where the thing condemned cannot be reached by the instrumentalities of the legal order, would not merely achieve nothing. It would be likely to do positive injury to the legal order by suggesting that it is helpless to do what it undertakes.

* * * * *

As to the second, there are practical limitations, inherent in administration of justice according to law, which preclude complete securing through the legal order of all interests which ethical considerations or social ideals indicate as proper to be secured.

One of those limitations results from difficulties involved in ascertainment of the facts to which legal precepts are to be applied. A legal precept assumes a certain fact or situation of fact and makes a pronouncement with respect to it. But in practice, we cannot always expect to be able to ascertain the fact or situation of fact with sufficient assurance to justify acting upon the assumption. There is a perennial danger not only of perjury but of honest misunderstanding or misinterpretation. Hence the law has to prescribe formalities of execution and witnessing of instruments, memoranda of agreements, and some voucher for the reality of injuries not objectively manifest.

* * * * *

Another type of limitation arises from the intangibleness of duties which are of much moral significance but are beyond legal enforcement. The law has had experience of attempts at legal sanctions of duties in family relations, of duties of gratitude, and of duties of disinterested benevolence on the part of fiduciaries. In recent times it has had experience of endeavoring to enforce duties of fairness upon directors and upon promoters of companies. Lines have proved very hard to draw in these cases and enforcement has to fall short of the ideal because of considerations of what is practically attainable.

Still another type of limitation arises from the subtlety of certain serious infringements of important interests which the legal order would be glad to secure completely and effectively if it could. Recent State legislation in the United States has tended to abolish the actions for alienation of affections, criminal conversation, and breach of promise of marriage because they were found to lend themselves too much to what are commonly called rackets, while of little or no use for cases of merit. Injunctions, the only available preventive remedy, cannot reach grave infringements of individual interests in the domestic relations through tale-bearing and intrigue without unallowable restrictions upon freedom of speech and individual liberty. Even when the interference with family relations takes the more tangible form of open flirtation with another's wife, experience in the States which have experimented with injunctions has not proved satisfactory.

* * * * *

But even where we have not abated our endeavors to secure recognized interests, we are embarrassed by limitations on the effectiveness of legal remedies. The inadequacy of punishment has been spoken of. As to preventive relief, it is not available unless and until there is a threat and reasonable expectation of injury. Hence its scope is relatively narrow. In case of injuries to personality the wrong is usually complete, the injury has been done, before a preventive remedy can be sought. Specific redress is most applicable to rights of possession and certain acts involving economic advantages. Where, however, it is sought to be made effective by proceedings for contempt, the law may encounter an obstinate Mr. Pickwick who prefers staying in jail indefinitely to giving in to what he considers an unjust judgment.

Mr. President, those philosophic suggestions and conclusions by one of the Nation's greatest legal minds, Dean Roscoe Pound, are quite similar to views which were expressed most eloquently in debate in the House of Representatives by Representative Hatton Sumners, whose sentiments in regard to the problems in this field are so typical of the sentiments of the very, very great majority of the people in the Southern States. For instance, at this point I refer in particular to Dean Pound's statement that some things can be done by law, and some things cannot be done by law; and also the suggestion, which I have pointed out by means of other references I have made in the course of my speech, that it is impossible to accomplish successfully purposes or programs which, although perhaps ardently espoused by a considerable minority, are at the same time very, very strongly opposed by the very, very large majority of the people in the area affected, who, in connection with the subject or field affected, have very deep convictions in regard to what is moral and what is necessary in life. In short, Mr. President, such matters simply cannot be handled in that way.

Mr. President, to summarize the excerpts I have read from the book entitled "The Task of Law," writen by Dean Roscoe Pound, let me state that in it he points out the following:

First, the ineffectiveness in such situations of punishment.

Second, the fact that in dealing with such matters, one is dealing with men's hearts—with their morals and ethics.

Third, the fact that the difficulties of apprehension, proof, and legal procedures are always great where law seeks to run counter to strong, inbred sentiments.

Fourth, that such attempts may make lawbreaking popular and may make the lawbreaker a hero— and he cited prohibition as an example.

Mr. President, I think the entire Southland knows that the present Governor of Florida, the Honorable LeRoy Collins, is regarded with great respect, although with differing opinions, by all people in the Southland, for his point of view in regard to matters in the field of civil rights and matters in the field of racial relations.

Some think he is not firm enough. Others disapprove of the position he takes, for that reason. I think he is on very sound ground, in the main; and I believe that the lack of troubles in our State contrasts most favorably, so far as we are concerned, with the troubles experienced in some other States. Our State has had perhaps fewer troubles in this field than has any other Southern State, unless it be the State of Virginia.

Mr. President, at this time I should like to read some statements recently made by Gov. LeRoy Collins, of Florida, as they were published in an article which appeared recently in Look magazine. Governor Collins is not afraid to state his views, regardless of whether people agree with him or disagree with him. In these statements I think he comes very close to hitting the nail on the head.

Many times he has spoken on controversial matters. I believe all of us have reason to know his position on the poll tax issue in our State, and, more recently, on the poll tax as a national issue. I believe his views have for many years represented the views of the great majority of the people of our State. I have consistently found the positions I have taken upheld by the people of our State. The attorney general of Florida has told me that he, likewise, has regularly found his positions upheld by the people in regard to matters in these fields. The Governor of our State has been a consistent advocate of the cessation of lynching and of the giving of very complete legal rights to our colored citizens.

Governor Collins, of Florida, makes the following statements in the article which I now hold in my hand:

> We have been making great strides in Florida recently. Our people, by constitutional amendment, set up a rigid requirement that new school buildings be in direct relation to needs.

Mr. President, some say that the principle or doctrine upheld by the Supreme Court from 1896 to 1954—separate but equal facilities for the two races—did not mean anything. But obviously it meant a great deal to our State, which ratified a constitutional amendment which provides that the schools must be built in accordance with the existing need; and in this article Governor Collins calls attention to that fact.

I read further from the article which quotes Governor Collins:

As a result, far greater progress has been made in the construction of schools for Negroes than for whites. Negro teachers get paid on the same basis as whites.

Our public health clinics are within easy reach of everyone. We are making real headway in elimination of diseases that long have retarded the Negro. We have a large-scale program aimed at eliminating substandard housing, where crime, delinquency, and disease flourish. Every year, more Negroes vote in our elections. There are 148,000 Negroes registered now—

That was before 1959, Mr. President. In 1959, the number increased to 152,000 plus, as I have already stated for the RECORD—

against only 48,000 10 years ago. In almost all counties, Negroes serve on juries. This was almost unheard of 25 years ago. Generally, increased Negro voter registration and improved Negro welfare have gone hand in hand.

But the Supreme Court's school decisions halted, at least temporarily, much of the southern Negro's progress.

Mr. President, in this article we find a moderate speaking—one whose moderation has exceeded that of most moderates in the South; one who has had sufficient courage to state what he believes in, and then to state what he knows the results could be—on the basis of his own observations both before and during his very high service as the chief law-enforcement officer, under the Constitution of Florida, of our State. One of his primary duties is to see to it that the laws are adequately enforced.

I repeat that in the article Governor Collins states:

But the Supreme Court's school decisions halted, at least temporarily, much of the southern Negro's progress.

Mr. President, I am not quoting now; I am speaking from my own observation. I am sorry to have to say that that is the case, but I know it to be the case. I feel it as I move among the colored citizens of our State. I feel it as I see them and as they come to visit with me when I go about the State. I know that the feeling of cordiality has greatly diminished, and I know that there is strain and tension where there used to be friendship and good will and kindness. Any coercive approach, whether it be through decrees of courts or the passage of coercive legislation, is bound to have that result, because when the people of a great area with a population of over 50 million people feel as keenly in this field as they do, occupying an area of this Nation larger than most of the nations of the earth, where white people and black people live together in close juxtaposition and where there are contacts in every lawful sphere, we are bound to realize that deep convictions of the type held by the white people of the South cannot be overridden, and that we are only riding to a fall and to the worsening of relations if we attempt to coerce the people and force upon them a law not acceptable to the consciences and moral sense of the people of our State and of the other Southern States.

The other night when I spoke I made a statement which has been called in question since by some. There may be some exceptions to what I said, but there are so few that I make the statement as being characteristic of the South. The question of school integration is of great importance to the women of the South. They think of it in terms of their own girlhood, when they went to school. They think of it in terms of their daughters—and we have two grown daughters. They think of it in terms of their granddaughters—and we have six granddaughters. They think of it in terms of their sons and grandsons—and we are rich in both.

There is nothing in the world stronger by way of upholding the convictions of the men and of the community and of the whole area than the conviction of the good women of the South that it is wrong to mix together children of both races in all the intimate ways that occur when they are put in the schoolroom together. Such a condition will not produce good results.

There are exceptions to that rule. There are some good women who believe the contrary, but I know that I am right when I say that I am voicing the conviction of the overwhelming majority of the good women of the South. Even if we menfolks were inclined to feel otherwise—and we are not—I do not believe that an area like the Southland, or any similar area in the Nation, could fail to feel a terrific impact from the convictions of its good women in a field as vital to their homes as southern women feel this question is to them and their families.

Mr. President, I am not trying to arouse anybody. I am not excited myself. I am only calling attention to the fact that we are dealing with something that cannot be dealt with by the passage of a law, or by the handing down of a decree—any more than we could fly out of the top of this Capitol and hope to reach the earth safely if we were flying with only our own hands and arms. It cannot be done, and we are asking for a disastrous experience if we use compulsion or coercion and override the convictions of the good people of the South.

Mr. President, why is it that Senators and Representatives from the South are willing to remain on their feet long hours, willing to face the criticism of a hostile press and commentators, willing to invite the criticism of many good people in other parts of the Nation who do not understand the situation? Can any sound reason be advanced for our willingness to undergo that strain, to ask for that criticism, other than that we know in our hearts, from long experience, that bad results would come from the passage of this type of legislation, and that it would bring a worsening of relations in a vital field?

We have found it possible to live together happily and peacefully. Mr. President, I am not an old man, at least by my own standards. I have lived all my life in the Deep South surrounded by Negro people, working with Negro people. I served as a county judge of a large rural county for 8 years, when few of the Negro people could have private counsel. They would have to bring their troubles into the county judge's office.

I have found them in the main to be good people, happy people, people of deeper religious convictions than we have, people who are much more musical than we are—and people who are musical are generally good-natured people—who have a much better sense of humor than most of us white people have. We are too much given to seriousness as compared with them. Yet we know we are different from them in many, many ways. I know that the great majority of them are good people, and I know how many of them feel about this problem.

We know of their advancement in recent decades—building the homes which they own and living in them, caring for the yards of which they are so proud, we know, of the camellia blossoms and fruit trees in certain of the yards in East Bartow, which is the area where our colored people live, who make up about 40 percent of our total population, where the white ladies and white men, too, go at certain times of the year to buy plants. They seem to have a facility for growing beautiful flowers and plants. They have green thumbs.

They are good people who want nothing more than to be given their legal rights in court, the right to vote, which I want them to have, and an opportunity to advance themselves.

The other night I told the true story of being visited by a committee of our leading Negro citizens pleading with me not to support that part of the Truman civil rights law which said that men in uniform, regardless of their color, could go into any place of entertainment, whether it was a hotel or a restaurant or a dance hall or a bowling alley or a billiard room or what not. They knew that it would cause trouble and that they eventually would be the ones that would have to suffer for it.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I well recall, immediately after the handing down of the decision in the Brown case in 1954, that I read an article somewhere in a newspaper that was written by a Negro authoress who lived in Florida. I do not recall the name, but I read it at the time and it stuck in my mind because it confirmed something I had always believed in, and that was that these decisions and all of this agitation were designed to generate an inferiority complex on the part of the Negro citizens of this country.

It is very strange, Mr. President, that the only people on earth who feel that they are discriminated against and imposed upon by being required to associate with the people of their own kind are our Negro citizens, and that is a comparatively new thing.

It has been generated by political leaders outside the South who have supported the idea that because the Negroes might eat in one restaurant and the whites in another restaurant, there was

some discrimination. I do not know of any instance in all the history of humanity where people of one race have felt that they were being imposed upon because they were compelled to associate with the people of their own race.

I was very much impressed by that story. I have not seen it since it was written. I am afraid the Senator has it there. If he has, people will think this was some kind of staged affair. But there is really no connection whatever between them.

Mr. HOLLAND. The Senator is correct. He did not know I was going to make this statement. Her name was Zora Neale Hurston. She came from a very modest home in the outskirts of Orlando, a section called Eatonville, made up of Negro homes. She was sent by a northern tourist to Barnard College. She wrote several books, two of which were best sellers. One of the books of which the Senator speaks was entitled "Dust Tracks on a Road," which was her own autobiography. The other was dedicated to the name of my wife. We respected her. We liked her. She passed away about 60 days ago. The Senator will find a wonderful editorial about the service she rendered in the Miami Herald, written by John Pennekamp, who is one of the admirers of the Senator from Georgia.

Mr. RUSSELL. I am delighted to hear that.

Mr. President, all over the world there have been instances in which people of different races have lived in different areas. At times groups of white people have lived in China, where there were 450 million Chinese. If there was any requirement that the small number of white people who lived there had to go to schools or go to restaurants and associate with only the white people in China, they did not feel they were being mistreated. They did not feel that there was any imposition upon them.

One of the outstanding instances of that was in World War II, when the Nisei troops from Hawaii were all gathered together, and they fought better than any troops did. They did not feel they were being imposed upon because they were compelled to stand and fight by the side of other Japanese-Americans. That fact, indeed, gave them courage to carry on. But this movement, which has been started by political leaders of other areas in an attempt to make the Negroes feel they are being imposed upon because they cannot sit down and eat with people of the white race, is a new movement among the ethnic groups of this world.

Mr. HOLLAND. The Senator is correct. I am glad to say, insofar as my own observation has gone, that I think that movement has taken in only a very small part of the Negro people. Most of them are proud of their race and proud of their advancements.

Let me give an example. When I was Governor of Florida during the war, I had a request from a leading group of Negro citizens, composed of preachers, bankers, insurance men, and teachers, for a conference. I did not know what it was all about. They came to Tallahassee, and we had a meeting in the board room which adjoins the Governor's office. There were about 30 of them, fine looking persons, most of them elderly. One of them was one of the finest looking persons I have ever seen—he must have been 6 feet 4 inches or 6 inches tall, a very dark Negro, with white hair—before we began our little conference, he asked if he could offer a prayer. We all stood up. He offered a prayer. I never heard a finer prayer offered by anyone.

Then they got down to business. They wanted to try, separately, by themselves, to have a civil defense organization. We were organizing a large one. Eventually we had 138,000 of our citizens in it. We had to cover every foot of the 1,200 miles of our outside seacoast.

Mr. RUSSELL. If the Senator will yield, I thought it was more than that.

Mr. HOLLAND. Twelve hundred miles of the outside seacoast. We have nearly 8,000 miles of seacoast, but much of it is on the inside seacoast.

Mr. RUSSELL. That is the figure I had in mind.

Mr. HOLLAND. They made the request in order that they might make a record of their own, in order that they might work with their own people, in order that their own people might show what they could do. We set up a separate civil defense organization for the colored people in the area where there were large concentrations of Negro people. For instance, in Jacksonville, there are about 90,000 Negro people. There are large concentrations of colored people in Miami, Orlando, Tampa, and Pensacola.

They did a splendid job. They sold bonds. They sold millions of dollars worth of bonds, more than one would imagine could be sold among them, considering the fact that many of them are not strong economically. They patrolled beaches. They had auxiliary police to patrol their parts of towns on weekends, when soldiers and sailors would visit. At one time we had over 1 million servicemen training in Florida at the same time. The problem in that connection was a great one. The colored people did their job superbly.

They had reason to be proud of it, and they were proud of it. They are good people. Instead of wanting to be mixed up with everybody else, in that instance—one of many I could mention—they wanted the right to stand by themselves and show what they could do as good American citizens, and get the credit or discredit for what they did. I want to say publicly, and on the RECORD, that the job was to their credit, rather than to their discredit.

Mr. RUSSELL. Mr. President, I appreciate what the Senator has said. He and I have both lived with this condition for a long time. The statement made by the Senator that they are anxious and willing to stand on their own feet is true; but of late a great many interlopers have come into the Southern States and have told the Negro he had an inferiority complex if he felt he could sit down and associate with Negroes, but could not associate with white persons. That is one of the things that has brought about the difficulties we have had in the South.

Mr. HOLLAND. I thank the Senator. He is stating a fact. I have seen the situation in which interlopers like the Congress of Racial Equality, the NAACP, and others, have come into the Southern States and made trouble by worsening relations, and the effect of the school decision and the efforts of such groups has been to stimulate the colored people to want to participate and claim at once the full fruits of the decision, whether they are due or not. That has been one of the tragic results.

Mr. President, I continue to read excerpts from the statement of our good Governor. Incidentally, he is a great Governor. He has been chairman of the National Governors' Conference and chairman of the Southern Governors' Conference, and he is the only man who has ever held those positions.

Mr. President, I am glad there are Senator other than Southern Senators listening, because I know there has been criticism from some quarters of the position which our Governor has taken.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the Senator from Alabama.

Mr. HILL. Is it not true that, not only has the distinguished Governor of the State of Florida been chairman of the National Governors Conference, but also that the attorney general of Florida has been chairman of the Conference of Attorneys General of the United States?

Mr. HOLLAND. Yes; and at the same time our Secretary of State was chairman of the Conference of Secretaries of State of the States of the Nation.

They are all elected statewide. The Senator from Florida has had some reason for feeling that the electorate of his State, composed of both white and colored people, has been making pretty good selections.

Mr. HILL. Does the Senator know of any precedent for State's having three of its highest officials as heads of the national conferences which have been mentioned?

Mr. HOLLAND. I do not know of any such instance. There may have been one, but there has never been an instance in which a single Governor has been chairman of both the National and Southern Governors' conferences. I heard that statement made by one of the officials of the National Governors' conference recently.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CARROLL. We in Colorado know that Governor Collins, of Florida, is one of the foremost leaders of the Nation. Some of us have wondered why he had not become a candidate for President of the United States.

Does the Senator from Florida not agree that there is a vast difference between deep sociological, physiological, and psychological problems and the right to vote?

Mr. HOLLAND. I certainly do. My State has gone all out to give the right to vote to its citizens. It stands ahead of all the States where there are large numbers of Negroes. For instance, it stands far ahead of the city of Cleveland

in percentage of registrants and those who vote; and we are going to make the situation better.

Mr. CARROLL. Does the Senator from Florida not also agree that the time has come, as we look back now over the history of many years, and since 1957, when we ought to move forward again and give more people an opportunity, American citizens an opportunity, to qualify themselves to vote in whatever section of the country they live?

Mr. HOLLAND. I certainly agree with the Senator, and I think the States are moving in that direction. I reiterate what I said before, that I think the Federal Government can enter into this field as in any other in too much of a forceful and compulsory way.

Mr. CARROLL. Let me say to the Senator from Florida that I think one of the most intelligent statements that has been made of one of the deep, sociological reasons that perhaps retards progress in this country has been expressed by him this evening with reference to fields other than the field of voting. But this observation does not apply to voting. Is that not true?

Mr. HOLLAND. It does not in my State. In my State we have eliminated the poll tax, the white primary requirement, and the educational requirement. Frankly, I was a little doubtful as to whether the last step was wise. As yet there has been no hurtful effect from it. There have been many good effects from the total approach which we made.

I have personally stated to my friend the Senator from Colorado, and to others, and have stated on the floor repeatedly, that I think our experience in this direction indicates that beneficial results can come from such action.

Mr. CARROLL. Will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. CARROLL. Does the Senator not believe that as we look back to 1957 and back beyond that for many years, we are now approaching and moving into a new era in light of the Supreme Court decisions, and that the time has come for every American citizen, irrespective of race or color, to be given equal protection under the Constitution and either the 14th or 15th amendment with reference to his right to vote?

Mr. HOLLAND. I certainly do, but I do not think that protection should come from the Federal source. I think if it does, we cut the moral footing out from under State officials, like Governor Collins, like the junior Senator from Florida, like Senators from other portions of the country—for example, North Carolina.

I see my distinguished friend from North Carolina [Mr. JORDAN] in the Chamber. North Carolina was 10 or 12 years ahead of Florida in eliminating the poll tax. I am sure he would say that good rather than bad results have come from that. I am sure he would say that his people have advanced.

I remember the very fine speech made by his predecessor, my great friend and seatmate here for 7 years, the late Senator Hoey, when we were debating one of these civil rights measures before, in which he pointed out the great progress of the Negro race, both educationally and in a business sense.

He named for the RECORD bankers, insurance men, lawyers, and educators. I believe he said there were six or seven higher institutions of learning for Negroes, serving the Negro youth of the State. His statement is in the RECORD and it is one of the finest I ever heard to substantiate the point that great progress has been made and is being made.

I say to my friend from Colorado I do not want to see the clock turned back, to see the hostility that used to exist show again. To see us lose ground is to see the footing cut out from under men who are trying to do a job for their white and colored people, by having the appearance of a pistol pointed at their head from Washington, to be pleaded to every jury.

The Senator from Colorado is an able lawyer, and I am sure he will agree with me that many defense attorneys do not hesitate to take advantage of a situation of that kind. I do not want to see coercion from Washington, because I think I know what the result will be. It would be hurtful instead of accomplishing additional good, as the Senator from Colorado and the Senator from Florida both so earnestly desire to accomplish.

Mr. CARROLL. Will the Senator yield further?

Mr. HOLLAND. I yield for a question.

Mr. CARROLL. Assuming the progress that we both know of in the States of Colorado and Florida, I am now speaking to the question of political philosophy. We think in terms of what we did in 1957, and the Supreme Court decisions which have been unanimous in the two recent cases upholding constitutionality.

Does the distinguished Senator from Florida say that this is the type of compulsion which would be obnoxious to our brethren of the South?

Mr. HOLLAND. It would certainly be obnoxious to have federally appointed officials come in and take over the duties of the registration officers.

I read into the RECORD an address of Monday night of this week, made before the committee of which the Senator is an able member, by the Attorney General's assistant, speaking for our Governor, our secretary of state, and our attorney general.

That statement made very clear that the situation had worsened; it made it very clear that the Governor had given out press statements saying "If there is anybody in our State who has been kept from registering or kept from voting by improper procedures, let him come to me as Governor and I will see that he is protected."

He has courage enough to do it, too.

He said that since his announcement in the press last September, up to the date of the appearance, which I believe was in early February—the Senator can correct me on that—not one citizen of our State had come in to complain of mistreatment in connection with either registration or voting.

Mr. CARROLL. Will the Senator yield further?

Mr. HOLLAND. I yield for a question.

Mr. CARROLL. Would the Senator say that the people of the South, that great group of Americans, have confidence and faith in the Federal judicial system that exists within that area?

Mr. HOLLAND. We certainly do. But we want that Federal system to function in the Federal field, and we do not want it—because we do not think it was ever so designed—to replace and take over the administration, the administrative offices, elective or appointed, in our own State, under our own State laws, especially when we have Governors who are willing to see that the laws are enforced in the State, as Governor Collins indicated in the statement made for him before the Senator's committee. He invited anybody to complain who had a complaint.

Mr. CARROLL. With reference to the State of Florida, I am inclined to agree in large part with what the Senator from Florida said about Florida, because I believe it is a very progressive State. But if the Federal courts of the South or of all the Nation have equity jurisdiction in cases that involve the violation of the Constitution and the 14th and 15th amendments, should it not be equally enforced not only in the South, but the East, the West, and the North, without respect to whether the Governor or the people of that area seem to be in favor of it?

Mr. HOLLAND. The Senator voices an idea which sounds unassailable, sounds wonderful, and if it could be accomplished simply, as he seems to think it could be, of course, I would be with him. But from the experience and observation of a lifetime, I think he is going at it the wrong way, and that he would get bad and hurtful results, instead of good ones.

Having great confidence, as the Senator does, in Governor Collins, I wish he would let me read the next two statements from him.

Mr. CARROLL. Before the Senator does so, let me ask whether the doctrine which I have expressed to the able Senator from Florida is the law of the land today?

Mr. HOLLAND. The law of the case——

Mr. CARROLL. Is it not the law of the land everywhere in America today, that a private citizen may assert in the Federal court his right to the protection of his constitutional rights?

Mr. HOLLAND. If it is, what is the Senator seeking to accomplish here additionally?

Mr. CARROLL. Is it not the law of the land today that the Attorney General may represent an individual or a group of individuals in the assertion and protection of constitutional rights under the 14th or 15th amendments?

Mr. HOLLAND. I believe that is correct. As I understand, the Attorney General has brought four cases or six cases in the Federal courts—I have forgotten which—since 1957 and has accomplished nothing. If the Senator will permit me to do so, I should like to continue

to read. Of course, I shall be glad to continue to yield to the Senator.

Mr. CARROLL. I should like to ask the Senator to yield at this point.

Mr. HOLLAND. If the Senator will let me continue to read from the statement of an observer, one who is not only qualified and dedicated, but who is known to be highly moderate and highly fair in this field, I think he will see that these statements, which I believe to be the truth, exactly as stated by Governor Collins, indicate a worsening of the situation instead of a bettering of it by legislation, which the distinguished Senator thought would be remedial, and which I hoped would be remedial, although I did not vote for it, because I thought it could not be so.

Mr. CARROLL. Mr. President, will the Senator yield for an observation?

Mr. HOLLAND. I yield for a question.

Mr. CARROLL. The Senator does not mean to say, I am sure, that there has been no progress as a result of these four cases, because the Supreme Court has spoken unanimously only in the past day or two on two of the most important aspects of the constitutionality of the act which we passed in 1957. I agree with the Senator from Florida that when the Governor of Florida is talking, he is talking about a different field than the field of the right to vote.

I was trying to make my point without being critical of what the Senator has been saying. I have a very high regard for his ability. I tried to express with deep sincerity my feelings concerning the presentation of the able Senator from Florida, because he has given us real information in a different field, in a sociological field, concerning the right to vote. Without in any way attempting to embarrass the Senator from Florida, I wanted to emphasize that a point has been reached in American history where we must move ahead in support of the Constitution of the United States so far as concerns the protection of the right of Americans to express their political, democratic opinion in their right to vote.

As to the other areas, there is much to be said as to how fast we shall proceed.

Mr. HOLLAND. I thank the Senator from Colorado. He and I certainly agree in objectives. Where we differ, and differ materially, is in the method to be followed. I have seen the two methods followed, one with great and good results, through the setting aside of the poll tax, as has been done, first, by North Carolina, next by Louisiana, next by Florida, then by South Carolina, Georgia, and Tennessee; and then by setting aside in all those States the requirements for white primary participants only; and by various other methods, and by the strict administration of law, with the determination that lynchings must cease.

Incidentally, anything which causes these people to live with greater freedom from fear contributes to the possibility of their coming in to register and vote. The Senator knows that is true. So these fields are related, even though they may not appear to be at first blush.

Mr. CARROLL. Is it not true, however, that in the Terrell County case, a Federal court attempted to rule unconstitutional that which Congress did in 1957? This is a continuous fight. The obstacle must be knocked down. In the Louisiana case some contention was raised. This is an inching forward, a progressive movement.

I listened to the able Senator from Georgia talk about the nisei. I was overseas with some of the nisei. Mike Matsuoka is fighting for them in his own way, as other minority groups are fighting to sustain their position in society.

Mr. HOLLAND. One of the finest of their men is a Member of Congress who lost his arm in the war. Representative INOUYE is a man whom we all regard most highly, one whom we welcomed warmly as a Member of Congress. He and our own distinguished colleague from Hawaii, Senator FONG, have done much by their travels in the Orient to make the people of the Orient understand that democracy prevails in this country, and that freedom of opportunity prevails for our citizens of oriental ancestry, both Japanese and Chinese.

I certainly agree with the Senator from Colorado that they have, indeed, made a fine record, and my hat is off to them at any time.

Mr. CARROLL. Does not the Senator from Florida agree with me that what has happened merely illustrates the point that more than 10 years ago some of us began advocating statehood for Hawaii? There was a bitter fight for more than 10 years.

Mr. HOLLAND. I was the author of a bill to admit Hawaii to statehood 10 years ago.

Mr. CARROLL. The Senator from Florida has a distinguished record in this respect. There has been a great fight. Suddenly when statehood has come, what do we find? It does not offend the Senate to have a Senator of Chinese ancestry. It does not offend the tradition of the U.S. Congress because it has a Member, a son of Japanese ancestry, who lost his arm with the 442d.

It is America we are talking about. It is America we are concerned about when we ask that Americans be given the right to vote.

The other problems which the able Senator from Florida has so eloquently and sincerely discussed this evening are our deep sociological, psychological, and physiological problems. They will be solved. We have watched the fight for 25 years. There will be an inching forward.

The Senator from Florida is correct in his statement that in some areas we must not push too fast, because the resistance will be greater than the pushing forward.

But there is no justification now, in my opinion, for rejecting the whole constitutional concept of giving Americans the right to vote. We must think of doing it now. We cannot do it by an expression of an abstract theory. We must do it by concrete action, by injunctions, by orders, by threats of sanctions. That is how we make achievements in our American democracy, under our system of government. This is how we progress.

I say frankly to the Senator from Florida that I am not convinced in my own mind yet whether we are ready to have registrars or enrollment officers at this time.

Mr. HOLLAND. It is very much fixed in my mind that we should not have them. But I respect the opinion of the Senator from Colorado.

Mr. CARROLL. The Senator from Florida has made a very important contribution to this question. I trust I have not disrupted his train of thought by my intrusion into his speech. I have high respect for the Senator from Florida and for the chief executive of his State, Gov. LeRoy Collins.

Mr. HOLLAND. I thank the Senator for his compliment to the Governor of my State and to me. I appreciate his courtesy.

I wish to read two or three more quotations from the article written by our Governor.

> Now there are ugly scars on the former good feelings between the races in the South. No one knows how long they will take to heal.

The Senator from Colorado spoke of his great respect for our Governor and the way he administers our great State. With justice and equality he ministers to the needs of the people. But the good faith effort made in 1954 and the supplemental decree issued a little later have resulted in great wrong and great damage, rather than good.

The next quotation is:

> Unquestionably, there have been hardening of racial prejudices and stiffening of resistance in the South since the Supreme Court school-desegregation decisions. Since those decisions, the voice of extremism has grown loud and the voice of moderation has been reduced to a feeble murmur.

I say to the Senator from Colorado that this is one of the tragedies in this whole field. I placed in the RECORD on Monday night two authoritative quotations, one from a mixed group of white and colored citizens, who are doing their best to bring about harmony in the racial field; the other from a Negro newspaper editor in South Carolina. Both were to the same effect, that one of the tragedies in the whole picture is that the moderates were being run underground, and the situation was becoming one in which there were extremists on one side or the other.

If the white people of the South are faced with that kind of problem, they will either be quiet or extremists, and I do not want to see that come about. I have said that with all the urgency and vehemence that I can command. I want to make sure that we avoid that sort of catastrophe.

Mr. President, there are one or two other things I would like to read, if I can. Here is another quotation from our good Governor's article:

> I regard integration in and for itself as no proper goal. But developing a healthy climate for racial tolerance is a very high goal.

In Florida, we have achieved a far more wholesome climate of opinion than we would have if we had plunged into desegregation at all costs.

I join him in that pride.

I have been extremely proud of Florida's Negro citizens. Amid the racial furor besetting the Nation, with few exceptions they have conducted themselves with dignity and reserve. I believe they recognize the vast majority of white Floridians are determined to be fair. Negro Floridians have avoided incidents which would have helped to destroy the climate of understanding which is essential to the progress of both races.

Then a later paragraph:

Racial tension has developed at a specially difficult time for my State. Florida is becoming one of the truly great States of the Nation. We are the fastest-growing State of all those with populations in excess of three million. In population rank, Florida has grown from 27th in 1940 to 13th today. We have 4 million permanent residents. By 1970, we will have 7 million, making us the eighth largest State. Our manufacturing has doubled in the past decade. Our farm cash income has likewise doubled. Eight million tourists visited Florida last year.

Our fellow Americans whom we respect and whom we try to care for in every kindly way that we can.

Eight million tourists visited Florida last year. They spent $1.5 billion.

I am determined also that we continue at an accelerated pace to improve the Negro's educational, health, employment, housing and moral standards and that the Negro be encouraged to exercise his full rights of citizenship, at the polls and elsewhere.

Those are sturdy words and they are not uttered in the sanctum of a Governor's office; they are printed in the pages of a magazine which is read from one end of the earth to the other, and they are a responsible expression of our first citizen, backed up by the expressions of the two Senators from Florida here in the main.

We may differ in detail, but we are all trying to build a greater America, with better understanding; we want to give a better education, we want to have a better social background and everything of the sort, for our Negro citizens. But there is not one of us that wants to destroy the old belief that their happiness is best in a society of their own, and that we intend to keep ours in a society of our own—always with kindness to the other.

Mr. President, I do not like to talk of my own situation so much, but every man has a limited horizon. I remember when I went to the funeral of the president of an institution of higher learning for Florida, now called the Florida Agricultural and Mechanical University, with some 5,000 Negro students, at Tallahassee. The president, whose name happened to be the same as General Lee's—Dr. Robert E. Lee—I see my distinguished friend from South Carolina nodding—was known all through the Southland. He had passed away. I went to show my respect and my liking, my affection for Dr. Lee. We had grown to be good friends. When I got there, the family asked if I would say something. I was Governor of the State. I did not hesitate to do it. One cannot say he enjoys an occasion of that kind, because one cannot enjoy it, but I was happy that I could be there to express for our State, speaking from the position which I happened to fill at the time, the gratitude which the people of our State felt for the great job he had done in elevating the standards of life of 600,000 Florida citizens.

Mr. President, we find that kind of attitude in the performance of citizens generally in high, responsible places in the Southland. I have already mentioned how Senator BYRD, as Governor of Virginia, insisted on the passage of an antilynching law, which has been a model ever since, and under which there has not been a lynching since.

I see here the Governor himself, with a fine record of tolerance, and our able Senator, a later Governor, Senator THURMOND. Senator JOHNSTON likewise is one with a record of performance of good things for the people of Florida, whether they were white or colored. Both Senators from Georgia were outstanding Governors, Senator RUSSELL and Senator TALMADGE.

These men are not the type of men—and there are still governors of that same kind—who are going to respond kindly if one holds a pistol at their heads and says, "Here, you must enforce something which we are handing down to you as Federal law; you must, through the Federal law and through knuckling under to it, get better results in these fields, where your people live together literally all over your State in every kind of close juxtaposition."

It is completely futile to think that, by compulsion and coercion, we can get results in a field like this.

Our people have deep convictions, which they will continue to hold as long as they draw breath.

Mr. President, Senators have been very tolerant with me. I had not expected to keep them until this late hour. [Laughter.] I am grateful for their kindness. I intended to speak about 2 hours, and I am afraid I have spoken 4 hours, for which I apologize to the Presiding Officer and to all other Members who are present, especially to my dear friend from Rhode Island [Mr. PASTORE]. I hope that I have not caused him any inconvenience. I am grateful for his presence.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Rhode Island for a question.

Mr. PASTORE. The distinguished Senator, who is a very intimate and affectionate friend of the junior Senator from Rhode Island, need have no qualms about it. It is always delightful to listen to him. He is a great lawyer, a great scholar of law, a great friend, and I always enjoy listening to him. No apologies are necessary.

Mr. HOLLAND. I thank the Senator very much. He shows his traditional friendship, for which I am grateful.

Mr. CARROLL. Will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Colorado.

Mr. CARROLL. I want to say to the Senator from Florida that I hope I did not delay his presentation, but I thought that it was so interesting that we ought to get the benefit of a great speech. It was an excellent speech.

Mr. HOLLAND. I thank my distinguished friend. I want to say that I think that he enabled me to point up some remarks which, otherwise, I might not have made exactly as I made them. I am always grateful for the intervention by a Senator, with all the courtesy that is always employed by the Senator from Colorado. In fact, I know of no exceptions to that. Senators are always kind in their questions. Sometimes they ask questions that are pretty hard to answer, but that is a part of the game in this body.

Mr. CARROLL. May I say to the Senator from Florida that I had no intention whatsoever, when I came on the floor this evening, to ask any questions. But I became so enraptured with his presentation and the exchange, that I felt I ought to get more information; and the able Senator from Florida, not only in behalf of his Governor but of his colleague and of himself, has given us information which I think is invaluable to many of us.

Mr. HOLLAND. I thank my friend from Colorado.

Mr. CARROLL. I feel that the Senator has drawn a sharp line between those matters which could divide people of different races and different colors. But I sought to bring out what I conceived to be the principal issue under debate—the question of the right to vote. I have no desire whatsoever to interfere with the presentation of my very distinguished friend from Florida.

Mr. HOLLAND. I can assure my friend that he did not interfere. I think he made notable contributions, to which I am grateful. Mr. President, I yield the floor.

(At this point, at 12 o'clock midnight on Thursday, March 3, 1960, with the Senate still in session, the printing of its proceedings in the RECORD was suspended, and will be continued in tomorrow's RECORD.)

NOMINATIONS

Executive nominations received by the Senate March 3 (legislative day of February 15), 1960:

PROMOTIONS IN THE REGULAR ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305. All officers are subject to physical examination required by law:

To be colonels

Adams, James Y., O19755.
Adams, Rellie W., O42663.
Agnew, Richard H., O19956.
Alger, James D., O19848.
Anderson, Blaine E., O39976.
Anderson, Joseph C., 19884.
Anderson, Orvie P., O42727.
Ansel, Sture A., O30554.
Armogida, Salvatore A., O19741.
Ashman, Alfred, O19846.
Badger, Thomas J., O39981.
Baker, James E., O42714.
Baldry, George A., O30615.
Ballentine, John F., O39983.
Bare, Walter E., Jr., O19944.
Barricklow, William R., O56816.
Bassitt, Nassieb G., O19931.

Beall, John A., Jr., O19907.
Bearce, Herrick F., O30498.
Benser, Ernest A., O42360.
Bernier, Donald W., O19911.
Bidgood, Clarence, O19777.
Billingsley, Roberts H., O30608.
Bondshu, Lowell T., O51670.
Bowden, Richard W., O42642.
Bowen, Millard G., Jr., O30536.
Boyle, Andrew J., O19924.
Breakefield, Durward E., O19781.
Brown, Gerald F., O19806.
Bryde, Walter J., O19825.
Burkett, Raymond W., O30603.
Burnett, John W., O42578.
Burns, Samuel E., O30394.
Butscher, Winston, O30599.
Calhoun, William L., O42664.
Carey, Fay E. J., O38814.
Carpenter, James S., O42622.
Caughey, John H., O19885.
Clark, Maurice N., O42690.
Clarkin, Thomas R., O19983.
Clow, Kelso G., O19784.
Coates, Charles F., O30433.
Coburn, Melville B., O19973.
Cole, John D., O19749.
Colvin, George T., O30434.
Cornelson, Arthur J., O51567.
Correll, Louis W., O30582.
Critz, Harry H., O19786.
Cummings, S. Fred, Jr., O19796.
Curtis, Kenneth I., O19790.
Dammer, Herman W., O30634.
Darden, William A., Jr., O42599.
Davis, Charles I., O42658.
Davis, John J., O19935.
DeLoach, Wilbur VonM., O30449.
DeMaio, Mario, O30399.
DeVecchio, Roy G., O42584.
Dick, John S. B., O19726.
Dixon, John H., O42733.
Dixon, Oliver O., O30494.
Driscoll, Maurice L., O30525.
Duffy, John J., 019738.
DuMoulin, Alfred K., O19943.
Dyekman, Ivan J., O30455.
Eckhardt, George S., O19766.
Edgar, James D., O30635.
Edwards, Norman B., O19936.
Elges, Carl H., Jr., O30511.
Ellerson, Geoffrey D., O19759.
Emmons, David B., O39979.
Engstrom, Gustaf A., O30124.
Evans, Graham R., O30656.
Evans, Robert F., O42662.
Everett, Warren S., O19739.
Ewbank, Ernest W., Jr., O30474.
Exton, Hugh McC., O19780.
Farrell, Carl Y., O30628.
Fernandez, Claude E., O30454.
Firehock, Raymond B., O19812.
Flamm, Lewis L., O42384.
Flanagan, Andrew P., O30609.
Ford, Howard G., O38775.
Foreman, Allen H., 019913.
Fortin, Thomas L., O42605.
Foxworth, Edward McC., O42598.
Freshwater, Harold L., O51739.
Fries, Stuart G., O19827.
Frye, Arthur H., Jr., O19716.
Fudge, Russell O., O30652.
Gall, James B., O30563.
Garrison, William C., O30144.
Gibson, Elmer J., O19822.
Gidens, Floyd E., O30543.
Gilbert, James R., O51689.
Gillis, Thomas D., O19864.
Glass, Robert R, O19765.
Gloriod, John A., O19793.
Godbey, Paul, O30281.
Goodall, Leslie D., O30411.
Goodrich, Guinn B., O42680.
Goodwin, James B., O30573.
Grant, Russell P., O42646.
Greenlee, Halford R., Jr., O19801.
Gregory, James B., O51737.
Grieves, William P., O19742.
Griffin, Marcus S. O19954.
Gross, Charles A., O30528.
Guthrie, Paul G., O30050.
Haines, Ralph E., Jr., O19849.
Hansen, Harry F., O42618.
Harden, Harrison B., Jr., O19818.
Hardiman, Ralph S., O30492.
Haskell, Harold G., O30588.
Haug, Clarence C., O19736.
Hawkins, Russell L., O19960.
Heckemeyer, Benjamin W., O19930.
Hill, Charles W., O19430.
Hill, George P., Jr., O19972.
Higley, Howard C., O38821.
Hoisington, Roy D., O30348.
Holman, Robert E., O38815.
Holmstrom, Helmer A., O30382.
Horstman, Sanford W., O19783.
Howard, Ward C., O42515.
Howell, John N., O19840.
Huston, Milburn N., O30612.
Johnson, Albert M., O39858.
Johnson, Stanley T. B., O19743.
Johnson, Wilbur M., O30577.
Johnston, Joseph E., O30424.
Johnston, Joseph W., O30462.
Jones, George M., O19965.
Kamy, Harry D., O42321.
Keating, Joseph W., O19800.
Kendall, Bruce E., O30623.
Kimball, Richard, O42607.
Kimbrough, James M., Jr., O19816.
King, Dick A., O30438.
King, Edward W., O30646.
Kinley, Miles A., O51718.
Knobeloch, Wilfred, O42464.
Kraus, Edward, O19789.
Kuenning, Howard F., O42739.
Land, James D., O30650.
Lang, Cornelis DeW. W., O19734.
Lapsley, William W., O19727.
Lassetter, Roy, Jr., O51714.
Lehmann, Gus E., O40001.
Lemley, Harry J., Jr., O19756.
Leonard, Charles F., Jr., O19829.
Lovsnes, Neal W., O30540.
MacKusick, Arthur L., O42695.
Mahoney, James H., O51613.
Maroun, Autrey J., O19865.
Mason, Grant W., O30738.
May, Robert W., O39968.
McDowell, Samuel T., O30321.
McFeely, Horace F., O38812.
McGoldrick, Francis M., O19857.
McGuckian, Ambrose T., O42725.
Means, William B., O19920.
Meinecke, Henry W., O42722.
Melody, Phillip B., O38782.
Miner, Russell M., O19839.
Mock, Vernon P., O19906.
Moore, Joseph C., O19791.
Morgan, John B., O19871.
Mozley, Joseph T., O42611.
Mudgett, Charles F., O30409.
Murdoch, Francis J., Jr., O19853.
Murray, Harry M., O30610.
Nahas, Jack N., O39990.
Nauman, Arthur C., O30467.
Newman, William J., O51635.
Niles, Ellery W., O19763.
O'Connor, Herbert J., O51654.
Olson, Lester K., O30640.
Osmanski, Frank A., O19745.
Palmerlee, Thomas R., O29895.
Persell, Robert A., O51608.
Peters, Peter, O39961.
Peterson, Arthur C., O42555.
Phelan, Donald A., O19711.
Pickard, Oliver J., O19723.
Pons, Philip E., O30621.
Poole, Theodore L., Jr., O30606.
Poston, Carl McC., O30400.
Powell, Elmer R., O30414.
Quinn, Coile A., O30571.
Rhoades, John F., O19875.
Rich, Charles W. G., O19910.
Richardson, Walter B., O30597.
Ritchie, Paul J., O38808.
Robbins, Alvin D., O19769.
Robbins, Charles, O42512.
Roberts, William E., O30493.
Rohde, Otto J., O19725.
Rubin, Morton A., O39962.
Ruhlen, George, O19733.
Russ, Joseph R., O19860.
Sackton, Frank J., O30553.
Sawyer, Edward W., O19918.
Schaefer, John L., O39999.
Schlanser, Lawrence E., O19886.
Schroder, John W., O30637.
Schumann, Heinrich G., O39991.
Seay, Joseph B., O30420.
Sheen, Clarence E., O40015.
Shelley, Sidney, O42571.
Sherrard, Robert G., Jr., O19922.
Simcox, Lawrence S., O30602.
Simpson, Walter A., O19778.
Sinclair, Duncan, O19757.
Skells, James F., O19830.
Skelly, James E., O30473.
Skinrood, Norman A., O19882.
Slaughter, Page H., O30250.
Sorensen, Lennard C., O42710.
Spring, Sidney G., O19770.
St. John, Lawrence R., O19805.
Steiner, Raymond B., O51622.
Stevens, Douglas, O38816.
Stoll, Justin W., O30483.
Stratton, Chester M., O30431.
Symroski, Charles A., O19753.
Taylor, Milton C., O19867.
Throckmorton, John L., O19732.
Throckmorton, John M., O42711.
Totten, James W., O19834.
Trainor, Thomas J., O51604.
Tryon, Merlin O., O38810.
Tucker, Reuben H., 3d, O19894.
Tucker, Robert E., O19938.
Turner, John G., O31414.
Twitchell, Hamilton A., O19843.
VanOrmer, Henry P., O19787.
Walter, Eugene H., O19836.
Warfield, Charles L., O30590.
Waterman, Bernard S., O19746.
Watters, John E., O18994.
Weld, Seth L., Jr., O19772.
Wells, Albert C., Jr., O19838.
Wheeler, Lester L., O19951.
Wiggins, Levis C., O42556.
Wiken, Arent O., O30426.
Williams, Myron L., O30622.
Williamson, John, O19900.
Wollaston, Pennock H., O19854.
Woodbury, LeRoy B., Jr., O30598.
Woodyard, Thomas W., Jr., O19826.
Worthington, James M., O19797.
Wright, John R., Jr., O19817.

To be colonels, Chaplain

Brown, Charles E., Jr., O25845.
Huchthausen, Walther A., O39665.
Kennedy, Gregory R., O30847.
McMahon, James J., O26443.
Pugh, Ralph H., O24375.
Reiss, William J., O30853.
Saunders, Edward J., O30846.
Sowers, Kenneth M., O24357.
Walsh, Patrick J., O29293.
Woods, John O., O22755.

To be colonels, Medical Corps

Ahnfeldt, Arnold L., O21018.
Anderson, Robert D., O57528.
Batch, Joseph W., O20864.
Bayne, Joseph K., O30913.
Berman, Harry L., O22697.
Binkley, Hubert L., O23594.
Blumberg, Joe M., O29332.
Breslin, John F., O57525.
Caples, Joseph T., O21034.
Carle, Donald E., O20953.
Carroll, Francis L., O66615.
Coats, John B., Jr., O20924.
Collins, Glenn J., O22687.
Crone, Richard I., O21727.
Davenport, Merrill C., O21479.
Davis, Robert McA., O21454.
Dehene, Edward J., O51965.
Donovan, William N., O21042.
Doyle, Edward J., O22314.
Dubuy, Carl T., O23650.
Edger, Herbert D., O21452.
Ekman, Carl N., O22293.
Gingles, Charles H., O20920.
Glascock, Harld W., Jr., O30854.
Govern, Frank W., O21031.

Griggs, Oscar B., O29315.
Hall, John R., Jr., O23576.
Harrell, Henry C. O22307.
Hayes Paul W. O30903.
Hiehle, Wilbur W., O22275.
Higdon, Robert S., O21459.
Huber, Tyron E., O56808.
Hudson, Kenneth E., O22278.
Irey, Nelson S., O30928.
Knoblauch, Frederick J., O21672.
Kostecki, Walter A., O30910.
Lane, William T., O21714.
Leech, Homan E., O21679.
Lynn Doss O., O21722.
Mason, Richard P., O20928.
Mastellone, Aniello F., O43115.
McCarthy, T. Donald, O20954.
Miller, Alva E., O22283.
Minerva, Frank D., O51962.
Naimark, David H., O22782.
Newsom, Samuel J., O57042.
Numainville, Leon J., O21002.
Owen, Cannon A., O22688.
Peatfield Norman E., O21027.
Pollock, Byron E., O20925.
Potter, Laurence A., O2294.
Pulaski, Edwin J., O41779.
Regnier, Francis W., O22699.
Saylor, Louis F., O21733.
Shaffer, Frank J., O22695.
Sheppeck, Michael L., O21478.
Sigafoos, Rolland B., O22291.
Sion, Edward G., O41744.
Slocum Harvey C., O68802.
Snyder, Otis W., O22702.
Spearman, Walter D., O30848.
Svare, Carroll S., O22313.
Thomas, David E., O22700.
Ursin, O. Elliott, O21687.
Voegtly, John H., O21450.
Wallace, Edwin S., O30859.
Weaver, Oswald M., O30861.
Welge, Carl J., O57041.
Wiles Isaiah A., O22709.
Williams, Clark B., O20995.
Zalkan, George, O21000.
Zelenik, John S., O43124.

To be colonels, Dental Corps

Barnes, William P., Jr., O21048.
Budge, Clare T., O21050.
Ehrlich, Karl F., O30858.
Fairchild, James M., O30844.
Faw, Joseph N., O51164.
Fedor Ernest J., O38657.
Fitch, Henry B., O30851.
Flatt, Francis L., O51180.
Hagen, Thoms J., O20967.
Johns, Onas L., O29323.
McManis, Thayne F., O21047.
Nichols, Earl R., O30857.
Nielsen, Willard L., O21051.
Pegg, James S., O20966.
Perkins, William F., Jr., O21691.
Seay, Thomas B., O30862.
Sheets, Clarence E., Jr., O21692.
Shira, Robert B., O21052.
Simms, William B., O20968
Washburn, Maurice E., O20475.

To be colonels, Veterinary Corps

Asbill, Stephen G., O21471.
Maurer, Fred D., O29324.
Nichols, James B., O19693.
Shipley, Wayne D., O20491.
Smit, Walter, O20494.
Tekse, Lloyd C., O20062.
Zacherle, George H., Jr., A30868.

To be colonels, Medical Service Corps

Adams, James J., O31044.
Belanger, Renaldo G., O40109.
Burke, David C., O39667.
Nelson, Harry J., O20053.
Quinn, Edward F., Jr., O31031.
Stepczyk, Frank, O20051.
Zehrer, Frederick A., O41774.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3304. All officers are subject to physical examination required by law:

To be colonels, Army Nurse Corps

Brady, Eileen W., N91.
Harper, Margaret, N147.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298. All officers are subject to physical examination required by law:

To be first lieutenants, Medical Service Corps

Mealey, John J., Jr., O88444.
Moran, Homer B., O86542.
Powell, Harold W., O88881.
Vining, John F., 3d, O88515.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288:

To be majors

Binder, Robert Thomas, O1102155.
Klepper, Irving Comstock, Jr., O455169.

To be captains

Aleong, Fletcher Arthur Kauhane, O2265869.
Carson, Eugene Thomas, O1342366.
Carver, George Odell, Jr., O1880497.
Crowley, Ellsworth Ballard, Jr., O1913259.
Erickson, Alfred Henry, O2267947.
Hibbs, Kenenth Keith, O986499.
Hutchinson, Harold Elmer, O1932495.
Keyser, John Milton, O2006783.
Lenassi, John Richard, O1937965.
Morris, Carl John, O1932487.
Owens, David Arthur, O976646.
Rickards, Donald Alfred, Jr., O1936609.
Rogers, John Christopher, Jr., O1936357.
Samuel, James Evan, O2085008.
Smith, Thomas Lyde, Jr., O1888293.
Spell, William Henry, O1688737.
Swecker, Gerald Ellet, O1873001.
Trapp, Lawrence Ray, O1936495.

To be first lieutenants

Aiken, George Herman, O4070391.
Bragalone, Raymond Anthony, O4041180.
Budd, Alexander Spotswood, Jr., O4070395.
Caldwell, Richard Dorland, O4017144.
Campbell, Frank Donald, O4044414.
Crawford, Stanley Boone, O4076467.
Daniels, John Morrow, Jr., O4034996.
Eddleman, Kenneth Thomas, O4044421.
Egeland, Edgar, O4004690.
Hamel, Albert William, O4010568.
Kuykendall, George Boles, Jr., O4071502.
Luke, John Bailey, O4030984.
Marsh, Robert, O4068965.
O'Connor, William Henry, O5301701.
Powell, Richard Estey, O4065144.
Sims, Billy Gene, O2021507.
Smith, Kenneth Dale, O2288238.
Tussing, James Thurman, O4045500.

To be second lieutenants

Boyd, Thomas Joseph, O5201651.
Collier, John Francis, O4084899.
Coseo, Gregory Farrell, O5302686.
DeRocher, Robert Freeman, O5505661.
Dinger, Darrel Eugene, O5502141.
Engh, Richard James, O5503921.
Field, Charles Newton, Jr., O5405199.
Foos, Charles Henry, O5201381.
Foster, Alton LeRoy, Jr., O5300642.
Fraunfelter, Edgar Richard, O5200285.
Haskins, Franklin Curtis, O5000776.
Hastings, Clark Waverly, O5304336.
Hesse, John Lamborn, O5004302.
Holloway, Havis Lavon, O5402202.
Horn, Jesse Lee, Jr., O5402183.
Hurelbrink, Gerald Walters, O5503653.
Hurley, Paul Charles, O5200684.
Kastenmayer, Walter William, Jr., O5000109.
Kelly, Edward James, O5504340.
Kreitz, Rolf Brooks, O5201328.
Lasseter, Earle Forrest, O5303108.
Mangum, Robert Arthur, O5209124.
McKee, Elmo Judson, O5402868.
Porter, Norman Alvin, O5005694.
Putman, William Perry, O4058853.
Rath, Peter Frederick, O5304375.
Reed, Leo Gaylan, O5300331.
Renzi, Eugene Carmen, O5303015.
Schafer, Floyd Jay, O4086071.
Scher, Donald Malcolm, O5301797.
Schneider, Peter Paul, O5502767.
Shoemaker, James Paul, O4076231.
Squier, Jack Edward, O5304156.
Strickland, Robert Dean, O5702449.
Taylor, Ronald Delbert, O5303803.
Walker, Prosper Newton, O2288598.
Webster, Grady Frank, O3026952.
Winzurk, William Franz, O5303200.

The following-named persons for appointment in the Regular Army of the United States, in the grades and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, 3288, 3291, 3292, 3294, and 3311:

To be captains, Army Nurse Corps

LaBrecque, Virginia Dorothy, N754877.
Lloyd, Katherine Mary, N804737.
Nelson, Margaret Bernice, N777714.
Vernon, Helena Mary, N901609.

To be captain, Judge Advocate General's Corps

Dailey. John William, Jr., O4032637.

To be captains, Medical Corps

Darlak, Joseph John, O4065011.
Harberts, Arthur Stanley.
Williams, Derek William, O5202363.

To be first lieutenants, Chaplains

Garrell, Hubert, O4043440.
Murphy, James Joseph, O2295386.
Shelton, Wayne Gowan, O3059881.

To be first lieutenant, Dental Corps

Stegman, Donald Dietrich, O5210102.

To be first lieutenants, Judge Advocate General's Corps

Easterling, Harry Roberson, O2297359.
Weeks, Leon Richard, O5700322.

To be first lieutenants, Medical Corps

Arneson, Leslie Arvin, O2297915.
Boyd, Ralph Otto, O2298007.
Bray, Jerome LeRoy, O2298004.
Cloud, William Max, O2298005.
Comunale, Francis Louis.
Durland, Richard Crane, O2296785.
Griffith, Donne Gale, O4077756.
Hebert, Donald Homer, O2295631.
Korsak, Richard John, O2297939.
Matson, Raymond Eugene, O2295464.
Mehr, Michael Patrick, O2295415.
Mendelson, Robert Allen, O2297983.
Miller, David, O2297971.
Moore, Ronald Dean, O2295419.
Oxley, Leo Lionel, Jr., O2295618.
Reed, Gilbert Charles, O4045296.
Schwartz, Marvin Nathaniel, O2297978.
Snell, Henry Madison.
Stoebner, John Martin, O5407757.
von Gemmingen, George Robert, O2297937.
Wright, Robert Harold, Jr.
Zbylski, Joseph Raymond, O2295460.

To be first lieutenant, Medical Service Corps

Murray, Ernest Carey, O2287517.

To be first lieutenant, Veterinary Corps

Florine, Thomas Edward, O5500703.

To be first lieutenant, Women's Army Corps

Mastropool, Gladys Marie, L1020162.

To be second lieutenant, Army Nurse Corps

McKinney, Janet Louise, N2293726.

To be second lieutenants, Medical Service Corps

Ellingson, Mayo Keith, O2298270.
Gillespie, Ronald Lee, O2290104.
Hill, Walter Barr, O5704746.
Vallandingham, James Walter.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade and corps specified, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288.

To be second lieutenants, Medical Service Corps

Robert Brian Fulton
Michael Joseph Lynch
George Walter Sinnott
Edward Stockton Tatge
Gerald Wayne Wilkins

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3285, 3286, 3287, and 3288:

Robert Bruce Abernethy
Wilson Roy Adams
Karl Walter Allgeier
Edward Anderson, Jr.
Ronald James Andrew
Edwin James Baker, Jr.
Thurston Elmo Banks
Robert Lee Barker
James Robert Barnett
Thomas John Barrowman
Vernon William Bratton, Jr.
John Jerome Brent, Jr.
Horace Bill Brewster
William Eddins Brickey
Charles Francis Brubach
George Stephen Brunner
Kenneth Dale Buchert
Ralph Donald Cahill
Robert Maluenda Caliboso
Billy Joe Camp
James Joseph Cantarella, Jr.
Edward Louis Cartwright, Jr.
William John Chichwak
John Dondore Cies
Jack Howard Clifton
Leon Blanton Cloud
Larry Paul Cobel
Robert Morin Coombs
William Jesse Cook, Jr.
David Clare Cottington
Donald Jack Crocker
William Arthur Crockett
George Ernest Cromwell, Jr.
Dean Allen Davidson
James Douglas Davidson
Carey Loyd Davis
Peter Allen Davis
Wayne Gilbert Davis
George Arthur Dean
David Duane Dee
John Martin Devitt
Donald John Dlugopolski
Charles Hubert Duckworth
Jerry Dow Edinger
Robert Randolph Edwards
Fred Eldon Elam
David Clark Emmert
Larry Eugene Everitt
Richard Hugh Falk
Jerome Edward Farley
Robert John Fetterolf
Mark Dimitrios Gatanas
Roy Lester Goines
Ted James Gray
Thomas George Green
Jack Henry Griffith, Jr.
William M. Hagan
Franklin Nelson Harris
Robert Lee Harrod
Richmond Berg Henriques
Philip John Herrman
Francis Peter Hofrichter
John Robert Hopkins
William David Horner
Frederick John Huening
Ivan Rondo Jennings
Joel Daniel Jones
Jack Siebert Joost
Kermit Vernon Jorgensen
Kenneth Hisato Katsuyoshi
John Barry Kilday
Karl Paul Killingstad
Kenneth Koichi Kimura
Raymond Otis Kryzak
Richard Arlynn Lacquement
Larry Joseph Landry
Neil Burton Lang
Gerald Joseph Lazzaro
James George Lee
David Leander Linn
Heilbron Bascom Love, Jr.
Robert Corbin Lowry
Gary Edward Luck
Carl Edward Marwitz
Robert Wesley Mason
Billy Wayne May
William Charles Mayville
Sharpe McCullough, Jr.
James Walter McFarland
Kenneth Frank Melton
Gerald Henry Miller
Aubrey Motz III
Robert Warren Mueller
Donald Herbert Muery
Thomas Noriyuki Okamura
Charles Thomas Ostick
Carlos Armando Otero
Darman Cleo Place
John Allen Pouk
Jacob Craig Quickel
Keith Geary Reed
Chris Freddy Rego
Wayne Ronald Rickard
William Randolph Riley
Joe Frank Rippetoe
James Elliott Robinson
Terrol Lee Rose
Thomas Melvin Schlaak
Terry Lee Schuetz
William Albert Schulz, Jr.
Reinhard Hans Schumann
Engle Wayne Scott
Hugh James Scott
Robert Bernard Seller
Charles Douglas Shaul
William Monroe Sherman
Edward Martin Siebert
John Carlisle Speedie, Jr.
Ben Alvis Stafford
Louis Edward Stout
Wain Wilford Stowe
Charles Raymond Sullivan
Thomas Emil Teska
Leon Charles Thurgood
Bruce Stanton Timperley
Gerald Steven Toth
Donald Frank Van Eynde
Robert Edward Wanasek
Carl Leland Warner
David Eugene Weir
Max Whaley
Wade Howard Whitley II
Harry Herbert Wicksell, Jr.
Neil Robert Wienser
Hugh Douglas Willard
Stanley Jay Williams
Winifred Gene Williams
Bruce Ernest Wilson
Jackie Vernon Wright
Dennis Jean York
Paul Richard Zingle

POSTMASTERS

The following named persons to be Postmasters:

ARIZONA

Frederick J. Bolender, Chandler, Ariz., in place of K. N. Stall, transferred.

William J. Mason, Phoenix, Ariz., in place of W. C. Lefebvre, retired.

CALIFORNIA

Lula M. Scott, Pauma Valley, Calif., in place of B. T. True, resigned.

William C. Atkinson, Valley Center, Calif., in place of S. F. Bartlow, retired.

CONNECTICUT

Diogenes P. John, Norwich, Conn., in place of W. P. Moran, retired.

KANSAS

Sherman W. Daeschner, Hiawatha, Kans., in place of N. P. Helvern, retired.

Herschel J. Dougan, Stanley, Kans., in place of F. G. Allison, retired.

KENTUCKY

Van L. Latta, Fulton, Ky., in place of N. W. Carter, Jr., resigned.

Fletcher F. James, Mammoth Cave, Ky., in place of M. R. Meredith, resigned.

LOUISIANA

Morris J. Roy, Iota, La., in place of Richard Broussard, retired.

MARYLAND

Charles D. Biser, Cascade, Md., in place of H. R. Benchoff, removed.

MASSACHUSETTS

Philip S. Brooks, Leeds, Mass., in place of G. H. LaCroix, retired.

MISSOURI

Sidney F. Kittel, Weaubleau, Mo., in place of D. G. Hammond, transferred.

NEW HAMPSHIRE

Leo G. Laroche, Hooksett, N.H., in place of D. P. St. Germain, deceased.

NEW JERSEY

Stanley D. Richards, Normandy Beach, N.J., in place of W. L. Kessler, resigned.

F. Robert Siebert, Point Pleasant Beach, N.J., in place of C. A. E. Snyder, Sr., deceased.

Arthur B. Jahn, Ridgefield, N.J., in place of H. J. Forman, deceased.

NEW MEXICO

Clarence L. Healey, Raton, N. Mex., in place of M. W. Urioste, deceased.

NEW YORK

Mary G. Losty, New Lebanon, N.Y., in place of M. L. Smith, retired.

Horace F. Davies, Plattsburgh, N.Y., in place of Arthur Sharron, deceased.

Archibald M. Veghte, Scottsville, N.Y., in place of R. S. Dunn, retired.

NORTH CAROLINA

James A. Ward, Rosehill, N.C., in place of M. L. Carr, resigned.

OHIO

Orville E. Fuhrer, Clarington, Ohio, in place of S. B. Maury, deceased.

Raymond E. Sprunk, Fremont, Ohio, in place of H. A. Titsworth, deceased.

Donovan J. Huntsberger, Kidron, Ohio, in place of H. R. Sprunger, deceased.

Marguerite E. Uhl, New Bloomington, Ohio, in place of M. R. Schwaderer, removed.

Edna M. Montanye, West Chester, Ohio, in place of M. A. Cramer, retired.

OKLAHOMA

Floyd P. Butler, Poteau, Okla., in place of Monroe Burton, retired.

OREGON

Norman J. Hanson, Canyonville, Oreg., in place of C. E. Atherton, failed to return from military duty.

Peter Lanser, Coquille, Oreg., in place of D. B. Estes, retired.

Fred J. Powell, Jr., Gresham, Oreg., in place of I. L. Swift, retired.

PENNSYLVANIA

Frances G. White, Ferndale, Pa., in place of S. A. Blair, resigned.

Ella A. Eggenberger, Greeley, Pa., in place of E. L. Rosencrance, resigned.

Clarence L. Hampton, Holicong, Pa., in place of L. A. Hampton, retired.

PUERTO RICO

Edilberto Rivera, Aibonito, P.R., in place of M. C. Abraham, retired.

Rita Peterson de Torrens, Dorado, P.R., in place of C. A. de Torrens, retired.

SOUTH CAROLINA

William B. Laye, West Union, S.C., in place of R. H. Ray, deceased.

SOUTH DAKOTA

Orvin F. Henrichs, Winfred, S. Dak., in place of A. C. Maroney, retired.

TEXAS

Geraldine H. Morris, Brownsboro, Tex., in place of E. D. Cotten, retired.

Georgie L. Henderson, Hart, Tex., in place of Herbert Williams, resigned.

W. E. Boyd, Jr., Iredell, Tex., in place of A. N. Pike, transferred.

Ronald A. Helfenstine, Kennedale, Tex., in place of Sallie Helm, resigned.

Marie D. Long, Mirando City, Tex., in place of A. O. Dannelley, retired.

Wilbur H. Borcherding, Nash, Tex., in place of E. B. Pounds, retired.

Virginia Blair Taylor, Ponder, Tex., in place of J. L. Riggs, resigned.

VIRGINIA

Lucille B. Lakes, Cloverdale, Va., in place of J. P. Guyer, retired.

Lilly S. Richmond, Sabot, Va., in place of A. K. Clarke, resigned.

WASHINGTON

Delmer E. Eck, Morton, Wash., in place of M. E. Waste, retired.

Carl P. Chudek, Wishram, Wash., in place of F. G. Bunn, retired.

WYOMING

Faye T. Sankey, Mills, Wyo., in place of M. E. Nolan, retired.

Thomas J. Ferguson, Wolf, Wyo., in place of T. B. Butler, retired.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 3 (legislative day of February 15), 1960:

POSTMASTER

Josiath A. Maultsby, Jr., to be postmaster at Whiteville in the State of North Carolina.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 3, 1960

The House was called to order by the Speaker pro tempore, Mr. McCORMACK.

Rabbi Robert I. Kahn, D.H.L., national chaplain, the American Legion, offered the following prayer:

Our God and Father, author of liberty, source of inalienable rights, we ask Thy blessing upon this House of Representatives who make the laws for a free people.

Thou hast appointed our generation to troubled times, O Lord. The future of America and the fate of humanity depend upon our leaders. Pour out upon them and upon all of us Thy wisdom and truth. Make us sensitive to humanity's need, faithful to democracy's ideals, courageous in the face of opposition, and strong to do Thy will. And may the work of our hands be established to the benefit of America, to the peace and welfare of mankind, and to the building of Thy kingdom, O Lord, our Rock and our Redeemer. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT OVER UNTIL MONDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday of next week and the following week be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH THE CALL OF THE PRIVATE CALENDAR ON TUESDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Private Calendar on Tuesday next be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMITTEE ON RULES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file sundry reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE LEGISLATIVE PROGRAM FOR NEXT WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader concerning the program for the balance of the week and for next week.

Mr. McCORMACK. Mr. Speaker, there is no legislative program for the rest of the week. There is some action to be taken on the question of a subpena, which will come up in a few minutes.

Mr. Speaker, there are five private bills on the Private Calendar which it has been suggested to me might be postponed; is that agreeable to the gentleman from Indiana?

Mr. HALLECK. Yes.

Mr. McCORMACK. The legislative program for next week is as follows:

On Monday there is the Consent Calendar.

There will be one suspension; that is H.R. 10809, the authorization for the appropriation for NASA for 1961. In the committee it was agreed upon that the request would be made to extend the usual time of 40 minutes to 1 hour and 20 minutes. I think I discussed that with my friend from Indiana [Mr. HALLECK].

Mr. HALLECK. Yes; that is agreeable to me.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. McCORMACK. Therefore, Mr. Speaker, I ask unanimous consent that when the bill H.R. 10809 comes up under suspension, debate may not exceed 1 hour and 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, what is the nature of this bill?

Mr. McCORMACK. This is an authorization bill for NASA; that is, the National Aeronautics and Space Agency.

Mr. GROSS. Did the distinguished majority leader say it is an appropriation bill or an authorization?

Mr. McCORMACK. This is an authorization. The importance of this is that if we do not get it up it will have to wait 10 days or 2 weeks and then a subcommittee of the Committee on Appropriations will have to wait to have hearings on the appropriation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. CURTIS of Missouri. Mr. Speaker, reserving the right to object, is this the same authorization bill that we take up each time under suspension? As I recall, we have never yet had debate on the floor of the House concerning it. It seems to me that on a matter as important as this, we should have a full discussion of it in the House.

Mr. McCORMACK. The purpose of asking for 1 hour and 20 minutes instead of 40 minutes is to do that.

Mr. CURTIS of Missouri. I appreciate that, but if I am not mistaken, the history of these authorizations is that they were taken up under suspension.

Mr. McCORMACK. I do not know what happened last year, whether it came up under a rule or under suspension.

Mr. CURTIS of Missouri. I think it was under suspension.

Mr. McCORMACK. There is no history behind that. NASA was established by law in 1958; I was chairman of the select committee.

Mr. CURTIS of Missouri. The point that I am making to the gentleman from Massachusetts is that this House has never really had a full debate on this subject.

I do not mean that there would be a debate because I do not think anyone would be against it. But there has never been ample opportunity for Members of the House to ask questions in this area, and there is one particular area that I am quite interested in, and which I think is very important. That is the area of how we handle patents and re-

search and development. I doubt it, but maybe it can be discussed in 1 hour and 20 minutes.

Mr. McCORMACK. That is why I am asking for 1 hour and 20 minutes.

Mr. CURTIS of Missouri. I will not object, but I do want to say I think this ought to be scheduled in a way in which more discussion can be had.

Mr. GROSS. Reserving the right to object, Mr. Speaker, how much money is involved in this bill?

Mr. McCORMACK. This is an authorization, as I remember, of a little over $900 million.

Mr. GROSS. I agree with the gentleman from Missouri [Mr. CURTIS]. We ought to have a bill of this scope under a procedure so that it could be subject to amendment and longer discussion. I would certainly hope that the next time the bill comes up that it will not be under suspension of the rules which is a semigag rule in that the time is controlled by two individuals and there is no opportunity to offer amendments. I think we ought to have a full-dress debate on this subject the next time it comes up. However, Mr. Speaker, I am not going to object at this time.

Mr. McCORMACK. I might say to my friend from Iowa, I am in agreement with what he has said and I am in agreement with what the gentleman from Missouri has said, but I think the circumstances at this time justify this action because the civil rights bill starts on next Thursday. The situation will be such that if a report was filed and a rule was sought, it could not be programed before the civil rights bill. Further, this is important in connection with the subcommittee on appropriations starting hearings and that, in turn, is important in connection with the possible adjournment of Congress before the national conventions. That is the whole picture that is involved in this situation.

Mr. GROSS. And I would like to take this opportunity to make this further brief comment on the subject of legislative procedure. I hope this year the foreign handout bill, the appropriation bill, will be considered under such circumstances that we may know what is in it. The gentleman will well recall that we passed that bill at about 6 o'clock in the morning after an all-night session in the last session of the Congress with some 65 amendments put on the bill by the other body and some 30 of those amendments were wholly unrelated to the bill. In other words, it had become an omnibus appropriation bill. I hope that we will be spared that kind of treatment in this session of the Congress.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HALLECK. Mr. Speaker, first I would want to say I do not agree with the contention or the assertion of the gentleman from Iowa that this is a foreign handout bill. I do not see this bill in such a light and I do not so judge it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I decline to yield to my colleague.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. HOFFMAN of Michigan. Mr. Speaker, at the request of the majority leader, and because I want to hear our colleague the gentleman from California [Mr. JACKSON] talk on the subject of anticommunism, I ask unanimous consent to withdraw the point of order.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HALLECK. Mr. Speaker, I just want to say further that the recommendations in respect to the mutual assistance program have come up here before the Congress earlier than at any time in the history of this program. I would like to assure the gentleman from Iowa that, according to the timetable that is now laid out, there is no question but that action on the mutual assistance program, both on the authorization and on the appropriation, can be had well before adjournment time.

LEGISLATIVE PROGRAM

Mr. McCORMACK. Mr. Speaker, if I may repeat, the program is as follows:

Monday:

Consent Calendar.

Suspension—One bill—H.R. 10809, authorization NASA appropriation, 1961.

H.R. 10777, authorization military construction, 1961.

S. 2220, Public Health Service Commissioned Corps Personnel Act of 1959.

Any record votes on Monday or Tuesday will go over until Wednesday—New Hampshire primaries.

Tuesday and Wednesday:

If rule is reported, H.R. 5, Foreign Investment Incentive Tax Act of 1959.

If the consideration of H.R. 5 is not completed, if it should be brought up and if it is not completed by Wednesday, then the consideration of that bill will have to be suspended because on Thursday we start on the civil rights bill until it is disposed of.

As I have said, any rollcalls on Monday and Tuesday, with the permission of the House, will go over until Wednesday.

I make the further reservation that any additional program will be announced later and, of course, conference reports may be brought up at any time.

Mr. HALLECK. I thank the gentleman.

NO ROLLCALLS UNTIL WEDNESDAY, MARCH 9

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that in the event of any rollcall being ordered on Monday or Tuesday, that further proceedings on the bill on which such call is ordered be postponed to Wednesday of next week.

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not, the gentleman from Indiana [Mr. HALLECK] takes exception to my use of the word "handout" in reference to foreign aid appropriations. I would say to the gentleman from Indiana that while I do not have it at hand I will insert in the RECORD, as a part of these remarks, a statement by President Eisenhower at a forum in New York in 1952 in which the President described foreign aid funds as "handouts." I was simply repeating a word used by the President of the United States.

On October 21, 1952, in an address to the New York Herald Tribune Forum, President Eisenhower, then a candidate for office, said this:

> Certainly I know we must find a substitute for the purely temporary business of bolstering the free nations through annual handouts. That gets neither permanent results nor friends.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AGADIR TRAGEDY POINTS UP NEED FOR GREAT WHITE FLEET OF MERCY SHIPS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the latest estimates of the total number of dead at Agadir in Morocco are in the neighborhood of 5,000 people. Additional thousands have been injured in one of the great catastrophes of our time. The earthquake and tidal wave which struck during March 1 have caused tremendous damage to property and have taken a terrible toll in human life.

I think every American is proud of the fact that units of our Air Force and the Mediterranean Fleet and of our Armed Forces have moved in to give every possible assistance to this terribly hit disaster area. We are proud of them and of what they are doing; but I believe anyone who knows anything about the military situation is also conscious of the fact that these units have been diverted from essential military missions, and to the extent that their participation takes them away from their military duty, to that extent it has weakened our military posture in the area.

I think this great disaster is a new argument and a very persuasive one for the creation of the Great White Fleet of mercy ships which could deal expeditiously with these great tragedies without diverting from military missions our Armed Forces who happen to be in the area.

I earnestly hope the Committee on Armed Services in the light of this new demonstration of the need for the Great White Fleet will give early hearing to the nearly 50 resolutions which have been introduced by Members of this body calling for the creation of such a fleet.

FIFTEENTH ANNIVERSARY OF CAPTURE OF REMAGEN BRIDGE

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, next Monday, March 7, is the 15th anniversary of the capture of the Remagen Bridge over the Rhine River by American Army forces. This was the first crossing of the Rhine in World War II, and the surprise capture of the bridge saved thousands of American lives and also shortened the war in Europe by many months.

Because of the importance of this brilliant piece of military daring, human courage and almost incredible luck, I have asked for a special order on Monday, March 7, to call attention to the significance of the capture of the Remagen Bridge. Thirteen Distinguished Service Crosses were awarded to those who played major roles in the capture of the Remagen Bridge. These young men came from many States, and no doubt there will be other Members who wish to join in paying tribute to this great epic in American military annals.

On the 15th anniversary, I will make available to each Member of the House and Senate a complimentary copy of a book entitled "The Bridge at Remagen," which describes the capture of the bridge. President Eisenhower said of this episode:

> For me, it always typified one thing: the dash of ingenuity, the readiness at the first opportunity that characterizes the American soldier.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight tomorrow night to file sundry reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PROPOSAL TO REMOVE CONNALLY RESERVATION

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, in view of the tremendous public interest which met the proposal to remove the Connally reservation, I felt it appropriate to conduct a poll of the practicing attorneys in my district to receive their views on the subject. I believe it is fair for me to assume that the attorneys in the Fourth District of Illinois form a normal cross section of legal practitioners of the Nation and truly reflect grass roots legal opinion.

Out of the 363 attorneys I contacted, 142 replied as follows: 108 favored keeping the Connally reservation, 21 approved its repeal, 10 favored keeping it but with some reservations, 3 approved its repeal but with some reservations.

Mr. Speaker, I take this opportunity to call the results of the poll to the attention of the House, reemphasizing that it truly represents a sound cross section of members of the legal profession. It was a gratifying thing for me to note their overwhelming support of the Connally reservation, and I would dare to presume that if most members would take a similar poll of the lawyers in their districts, they would find a similar overwhelming opinion.

RETIREMENT BENEFITS FOR NATIONAL GUARD EMPLOYEES

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, for more than 2 years I have been working on the problem of retirement benefits for employees of the Army and Air National Guard paid for by the Federal Government and who were not covered by any retirement system. Throughout the Nation there are some 33,000 employees hired by the various States, but whose salaries are paid out of Federal funds. Of this number, approximately more than 2,500 are employed in the armories of the State of New York. The following information, I believe, will be of interest to all the Members of the House.

Without the introduction of any legislation, I have now brought this matter to a successful conclusion insofar as the Department of Defense is concerned. I am happy to announce that I was informed today by the Assistant Secretary of Defense, Mr. Charles G. Finucane, that the Department will recommend that its 1962 budget include $8 million to cover the 2,000 employees in the State of New York and a total overall number of 33,000 in the entire United States. This has required intensive cooperation on the part of Assistant Secretary Finucane and in securing the cooperation of the Department of the Army and Department of the Air Force; also, the Comptroller General, in the inclusion of this money to pay for the Government side of the retirement benefits that was so badly needed.

I would like to express my appreciation to the adjutant general of the New York National Guard, Brig. Gen. Charles Stevenson, as well as to Harry W. Albright, Jr., assistant counsel to the New York State Civil Service Employees Association, for having called this matter to my attention. Both of these gentlemen have cooperated to the fullest extent in supplying all the information and details necessary to further this cause. It is only right and just that, when all other Federal and State employees are able to pay into a retirement fund and be covered under the law, these people should now be included.

FAMILY FARM INCOME BILL

Mr. THOMSON of Wyoming. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. THOMSON of Wyoming. Mr. Speaker, in the debate on the second supplemental appropriation bill I had occasion to point out that I had introduced a realistic farm bill and some of its features. At that time I also commented on the bill H.R. 10355, and other bills that have been introduced, with the common title "the Family Farm Income Act of 1960." At that time I had not had the opportunity to fully study the bill. Further study shows it to be even worse than a dressed up Brennan plan to hoodwink the American farmer. It would further cut acreage by further cutting wheat markets.

This so-called family farm income bill which is apparently the radical element of the Democratic Party's answer to the farm situation, would raise the price of wheat to about $2.37 a bushel. On the face of it, this sounds like a fine thing to most wheat farmers, and one can imagine a favorable reaction from a regiment of the wheat farmers to this highly visible figure.

But there is a trap in this bill. The trap is that not more than 5 percent of the value of the wheat crop can be expended on the wheat program. With this limitation, only a small amount of wheat could be exported. With the price objective specified in the bill, it would take an export subsidy of about $1.15 a bushel to reach the world market. There would be only enough funds to export about 70 million bushels. In recent years exports have run in the neighborhood of 400 million to 500 million bushels.

In 1959, wheat production was about 1,128 million bushels. As the arithmetic of the family farm income bill figures out, the total wheat quota would be only approximately 650 million bushels.

The 1959 allotment was about 55 million acres; under the family farm income bill, the allotment would be shrunk to about 25 million acres. Wheat production would be more than cut in half.

In discussing this bill on the floor of the House on February 10, the gentleman from South Dakota [Mr. MCGOVERN] said:

> We have worked long hours on a comprehensive agricultural program which we believe will restore family farming as a satisfying and profitable way of life.

If the program indeed is the product of long hours of work on the part of its sponsors, one can only conclude that there has been a deliberate effort to cut in half the wheat production of this country, with the resultant ill effects on virtually every sector of the industry.

If, on the other hand, the disastrous consequences of this act were not foreseen, then one can only conclude that the long hours of work were concentrated on purposes other than the well-being of our wheat producers.

It is clear that the proposed program would reduce the incomes of wheat farmers. If production is cut in half and price is raised less than correspondingly, as the bill would do, then the gross income of wheat farmers would inevitably be reduced.

When wheat farmers find out the effect of this bill, they will make clear their view that its enactment would result, for them, in making an intolerable situation worse. It would mean certain disaster to the historic and most economic producers.

THE LATE JAMES C. SIMPSON, JR.

Mrs. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. CHURCH. Mr. Speaker, the 13th District of Illinois is deeply mourning the passing of one of its foremost citizens, a most dedicated American, James C. Simpson, Jr. Mr. Simpson, who represented our area as Republican Congressman in the 73d Congress, 1933–34, died last Sunday night in his home near Wadsworth.

Our party shall long miss his leadership and dedicated devotion. His friends, of which I am proud to call myself one, will—year upon year—have a sense of distinct personal loss.

Mr. Simpson was born in Chicago on January 7, 1905. He attended St. Paul's School in New Hampshire from 1919 to 1922 and then Westminster School in Salisbury, Conn., from 1922 to 1925—and later was a student at Harvard University. He was an attorney and a member of the Illinois and Chicago Bar Associations. Entering the Marine Corps in 1943, he served for 36 months, 24 of them in the Pacific area, and left the service as a captain. In 1953, he was appointed civilian aide to the Secretary of the Army for a 2-year term. He organized and served as president of Industry for Veterans, Inc.

Although the only elective office that Mr. Simpson ever held was as Representative in the Congress for the time stated, his devotion to Republican principles was only equaled by his sense of responsibility for active Republican leadership. He was Republican State central committeeman from 1940 to 1943 and again from 1951 to 1954. He never failed to give generously of his time and resources to build the party in whose principles he had such faith.

Mr. Simpson was a man of many interests. His love of the soil was evinced by his close attention to his own farm estates in Illinois and in Virginia. His interest in industry was evinced by his activity as a director of Marshall Field & Co. and other successful enterprises. His interest in civic affairs was constantly evinced by his activity in charitable and civic groups. And no one who knew and loved Jim Simpson, as he was known through every group and area, could fail to mention his sportsmanship. Throughout his life, he was not just a spectator at sports events but a courageous and eager participant. And perhaps no one ever exemplified more in his own life those rugged qualities of courage, and essential elements of good sportsmanship, which have been historically demanded of those athletes to whom winning was merely an incident and to whom loss—though it seldom came to him—was also only an incident to be taken with unwonted magnanimity.

Above all, Mr. Speaker, James Simpson, Jr., was a devoted American. His love of the country which he served here, and his devotion to the principles which he knew had made that country great, never wavered. But it was, Mr. Speaker, as a friend—tried and true—that Mr. Simpson will be missed by all of the thousands to whom he extended, quietly but surely, a helping hand.

I repeat, Mr. Speaker, as a former Congressman, as a political leader, as a great American, as a Christian gentleman, but especially as a friend whose loyalty never wavered, James Simpson, Jr., will be missed by all whose lives he touched so kindly and so loyally.

To Mrs. Simpson and his six children, the Illinois delegation extends its deep and understanding sympathy.

HON. JAMES SIMPSON, JR.

Mr. BURKE of Kentucky. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. LIBONATI] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. LIBONATI. Mr. Speaker, the son of a great man is always beshadowed by the giant stature of his father. But it was not so with James Simpson, Jr., for in his own right he assertively measured up to his responsibilities. He was very popular with the American Legion leaders in Illinois—James P. Ringley, Perce Brautigam, Al Starshak, Stanley Van Dyk, and especially the late leaders, Dwight Anderson and Senator William Knox.

He was a quiet and deliberate individual who showed superior potential abilities as a member of the State of Illinois commission in the conferences of the World War II Illinois bonus hearings and was effective in these deliberations that resulted in the draft of a successful provision later passed on referendum by the voters of the State of Illinois.

He was a person of great courage and showed every interest in any person whom he had reason to believe was worthy of his consideration. It is a pity that the good Lord should remove him from our midst at such an early age, 55 years. His whole life was spent in seeking out any service to be rendered to others. He was a proud and good friend.

Because of his wealth and background he was never given a real opportunity to function at high speed among his fellow politicians. During World War II he served with the Marines in the South Pacific. He held a captaincy upon his discharge. In 1953–54 he served as civilian aide to the Secretary of Army Robert Stevens.

He loved politics and in 1933–34 was elected Congressman from the 10th District of Illinois—now 13th district. He was defeated by Governor Stratton in 1950 for nomination for State treasurer.

He devoted himself to raising thoroughbred horses and prize dogs. His mechanical genius found an outlet in his hobby of driving and racing foreign-make automobiles.

Mr. Simpson's father, the late James Simpson, was the third president of Marshall Field & Co. He was also board chairman of the firm, and of the Commonwealth Edison Co., Public Service Co. of Northern Illinois, and the Peoples Gas Light & Coke Co.

And so at an early age, James Simpson, Jr., director of Marshall Field & Co., was found dead—heart attack—Monday at his home in Wadsworth, Ill. He gave so much to his party and received personally little in return. His influence used always on behalf of others gave to him greater satisfaction than any rewards to himself. His trouble was that he faded within himself in a total retreat to a humble position of obscurity. He was a man of sincere humility.

We extend to his dear wife Elizabeth and his three daughters and three sons, Mrs. Robert K. Cassatt, of Sparton, Md.; Mrs. Curtis Rowley, of Chicago; Mrs. Thorne B. Donnelley, of New Canaan, Conn.; James Simpson III; Jessie McLaren Simpson, and Howard B. Simpson, our heartfelt condolences in the loss of a loving father and devoted husband. Illinois, and the Nation has lost a dedicated public servant, a true patriot of American ideals and a distinguished legionnaire. May God bless his soul.

FIFTY-FIFTH BIRTHDAY ANNIVERSARY OF PARLIAMENTARIAN LEWIS DESCHLER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I take the floor at this time to call the attention of the House to an anniversary—the 55th birthday anniversary of a man who has served this House of Representatives for over 35 years and who has been of invaluable assistance to the Speakers and Chairmen of the Committees of the Whole since the days when Nicholas Longworth presided over this House. I refer to Lewis Deschler.

Lew Deschler has served as Parliamentarian of this great body under seven

Speakers—through a span of more than 32 years. He first came to the Capitol in December of 1925 when he was appointed messenger at the Speaker's table. He became Assistant Parliamentarian in January 1927 and in January 1928 he succeeded Mr. Lehr Fess as the Parliamentarian when only 22 years old. In this capacity he has served for a longer period than any of his predecessors, and has, throughout this time, provided assistance and counsel to Members and officials of this body in a multitude of ways.

We all want Lew Deschler to know of the high esteem and affection in which he is held by all of us, and I know I speak the sentiments of all the Members of this body in extending to him our congratulations and through him to his sweetheart and wife, Mrs. Deschler, and that Lew and Mrs. Deschler will have countless years of happiness and success in the future.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I am happy to add my word of congratulations and best wishes to our great Parliamentarian, our very helpful friend, Lew Deschler. It has been my privilege to know Lew ever since I first came here some 25 years ago. In that time I have served as majority leader and I am now serving as minority leader. Whether the Speaker of the House has been a Democrat or a Republican, Lew Deschler has been the Parliamentarian. And, I must say, out of my close association and experience with him, I have found that not only is he an expert on the rules of the House and on parliamentary procedure, but he has always been, in the very difficult determinations that he is called upon to make from time to time, completely fair, completely unbiased. He just calls the shots as he sees them. That is the reason he is a great Parliamentarian, and that is the reason, of course, that we all respect and admire him. Then, too, he has always been most helpful to us, advising us, giving us information as to the rules of the House, particularly in the more intricate situations, and for that I want to thank him on this occasion and finally to wish him many, many more happy birthdays and a continuation of his very fine service here in the House of Representatives.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I appreciate the gentleman yielding to me. May I say on behalf of the Ohio delegation, on both sides of the House, that Ohio is particularly proud to have its son as the Parliamentarian of this House; proud of his service here, and to be able to call him our friend and our fellow Ohioan. May I also say that I have heard many people say, particularly the Members when they first come to the Congress of the United States, that Lew Deschler has been of great help to them. This has been true with me personally. When you first come here, you feel quite lost, but you also find a great friend and a guiding hand in Lew Deschler. I am delighted, as a member of the Ohio delegation, to add my words of congratulations to Lew Deschler today.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Mr. Speaker, permit me to join in endorsing all the complimentary statements which were made by the majority leader and others, and which referred to the outstanding ability of our Parliamentarian, Mr. Lewis Deschler.

Longtime familiarity with our rules, profound knowledge, not only of parliamentary procedure but of the common law itself, has equipped our Parliamentarian to, on almost all occasions—the exceptions are very, very few—come up with an accurate decision without consulting either the rule book or the precedents.

Moreover, as one who has served here for 25 years, and has, during that time, probably caused the Parliamentarian more justified perplexity than any other Member, it is a pleasure to say that even though his decisions on occasion are adverse to views entertained by the seeker of knowledge, they are always rendered in such a way as to be convincing—convincing without question or resentment.

My almost lifelong experience with judges, justices, and parliamentarians prompts the statement that I have met and listened to none who could ruin my convictions and make me like it with less resentment than Lewis Deschler. Very, very few in this world have the ability to, while clearly pointing out your error, send you away satisfied and sometimes delighted with the new knowledge as does our Parliamentarian.

He has sometimes pointed out my lack of information on some parliamentary issue so convincingly and so eloquently that I really enjoyed his adverse decision—an ability which surely is exceptional and one greatly to be desired, but possessed by few.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I want to endorse everything that has been said here about our great Parliamentarian, Mr. Lewis Deschler. Confidence and trust certainly mean a great deal in politics as well as in business, industry, or anything else.

I do not know of any person who has had the confidence of the Members of this House on both sides of the aisle more than has the Parliamentarian, Mr. Deschler. Members on both sides completely trust him.

I think it is a great tribute to our democratic form of government that we can have these keen and deep differences of opinion, we also have an honest, trustworthy person in whom we can all place complete faith and confidence. That is the situation with Lew Deschler. Not only do the Members of the House completely trust him but the Speakers of the House, Democrats and Republicans alike likewise have trusted him. I think it is a great tribute to Mr. Deschler, deserved, of course, and a great tribute to this body that they have a person like Lewis Deschler to help it with its problems.

Lewis Deschler, Parliamentarian of the U.S. House of Representatives, was born in Chillicothe, Ohio, on March 3, 1905, the son of Joseph Anthony and Lilian Louise (Lewis) Deschler. He was a student at Miami University, Oxford, Ohio, 1922–25, and at George Washington University, 1925. In 1932 he received both the degrees of juris doctor and master of patent law from National University in Washington, D.C., and in 1947 he was awarded the honorary degree of doctor of laws from the same university. He was admitted to the District of Columbia bar in 1934 and to the U.S. Supreme Court in 1937. On January 18, 1931, Mr. Deschler married Virginia A. Cole, of Washington, D.C., and they have two children—Lewis Deschler II and Joan Mari—Mrs. William B. Eddy.

Lewis Deschler's career on Capitol Hill began in December of 1925, when he was appointed by Speaker Longworth to be messenger at the Speaker's table, U.S. House of Representatives. He was appointed Assistant Parliamentarian of the House in January 1927 and Parliamentarian in January of the following year.

Lewis Deschler has been Parliamentarian of the House of Representatives since January 1928, when he was first appointed by Speaker Nicholas Longworth. He served with Speaker Longworth in the 70th and 72d Congresses; with Speaker John N. Garner during the 72d Congress; with Speaker Henry T. Rainey during the 73d Congress; with Speaker Joseph W. Byrns in the 74th Congress; with Speaker William B. Bankhead during a part of the 74th Congress and during the 75th and 76th Congresses; with Speaker SAM RAYBURN during the latter part of the 76th Congress, and all of the 77th, 78th, and 79th Congresses; with Speaker JOSEPH W. MARTIN, JR., during the 80th Congress; with Speaker SAM RAYBURN during the 81st and 82d Congresses; with Speaker JOSEPH W. MARTIN, JR., during the 83d Congress, and with Speaker SAM RAYBURN during the 84th, 85th, and 86th Congresses to date. This means Mr. Deschler has broken many important records.

Mr. Deschler served as assistant secretary of the American group of the Interparliamentary Union Conference in London, England, in 1930. He is a member of Delta Tau Delta. Since 1929, he has been the editor of the "House Rules" and "Manual."

Mr. HOEVEN. Mr. Speaker, Lewis Deschler is regarded as one of the most able and competent parliamentarians of our day. His splendid record as Parliamentarian of the House of Representatives for all of these years speaks for itself. We are all proud to be associated with him. My personal congratulations and best wishes to Lew as he celebrates another birthday.

UNITED STATES v. ADAM CLAYTON POWELL, JR.

The SPEAKER pro tempore (Mr. McCORMACK). The Chair lays before the House the following communication:

The Clerk read the communication, as follows:

MARCH 3, 1960.

The Honorable SAM RAYBURN,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: From the District Court of the United States for the Southern District of New York, I have received a subpena directing the Sergeant at Arms to appear before said court as a witness in the case of the *United States* v. *Adam Clayton Powell, Jr.* (No. 35–208).

The subpena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Respectfully,
ZEAKE W. JOHNSON, Jr.,
Sergeant at Arms.

The SPEAKER pro tempore. The Clerk will read the subpena.

The Clerk read as follows:

MSR:GIG:MB 20559—UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

To the Sergeant at Arms or His Representative,

House of Representatives,
Capitol Building, Washington, D.C.

UNITED STATES *v.* ADAM CLAYTON POWELL, JR.—NO. 35–208

By virtue of a writ of subpena, to you directed and herewith shown, you are commanded and firmly enjoined that, laying all other matters aside, and notwithstanding any excuse, you be and appear in your proper person before the judge of the District Court of the United States of America for the Southern District of New York, at a session of court to be held in the U.S. Courtroom in the U.S. Courthouse, Foley Square, in the city of New York, in and for the said Southern District, on the 7th day of March, 1960, at 9:30 o'clock in the forenoon of the same day, to testify all and everything which you may know in a certain cause now pending undetermined in the said court, then and there to be tried, between the parties therein named, on the part of the United States, and not to depart the court without leave thereof, or of the district attorney.

And this you are not to omit, under penalty of $250, and other penalties of the law.

Dated the 29th day of February 1960.

By the court:

S. HAZARD GILLESPIE, Jr.,
United States Attorney.
MORTON S. ROBSON,
Chief Assistant.

(Room 401.)

NOTE.—Report at room 413. In order to secure your witness fees and mileage, it is necessary that you shall retain this card and present same at the United States Attorney's Office, room 413, upon each day on which you attend court as a witness.

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

HOUSE RESOLUTION 465

Whereas in the case of the United States of America against ADAM CLAYTON POWELL, JR. (criminal case numbered 35–208), pending in the United States District Court for the Southern District of New York, a subpena was issued by the said court and addressed to the Sergeant at Arms of the House of Representatives or his representative directing that one of them appear as a witness before the said court on the 7th day of March 1960, at 9:30 a.m.: Therefore be it

Resolved, That Zeake W. Johnson, Jr., the Sergeant at Arms of the House, or his representative, is authorized to appear in response to said subpena as a witness in the case of the United States of America against ADAM CLAYTON POWELL, JR.; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpena aforementioned.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNCERTAIN TRUMPETS

The SPEAKER pro tempore (Mr. McCORMACK). Under previous order of the House, the gentleman from California [Mr. JACKSON] is recognized for 60 minutes.

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain relevant material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent that at the conclusion of the remarks of our colleague who is about to address us, I may be permitted to extend my remarks and include some editorial comment.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JACKSON. Mr. Speaker, the 14th chapter, 8th verse, of First Corinthians asks, "For, if the trumpet give an uncertain sound, who shall prepare himself for the battle?"

We live today in an uncertain world—a world of uncertain peoples, pursuing uncertain courses. None is qualified to say that this proposal is absolutely right, nor that absolutely wrong, and the regiments of good and evil are called to their places in the struggle by uncertain trumpets.

Controversy appears the order of the day, and in the heat of conflict it is sometimes impossible to determine who carries the standard of right and who the banner of evil.

But, Mr. Speaker, it appears our lot to live in and with controversy, and to maintain silence when confronted with what appears to be wrong is only to compound a grievous affront against truth. One has but the light of conscience to direct his actions and words, and this lamp the gentleman from California proposes to follow today wherever it may lead him. Abraham Lincoln, in his reflections on duty, said, in part:

I do the very best I know how—the very best I can, and I mean to keep on doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, 10 angels swearing I was right would make no difference.

In what I propose to say today, Mr. Speaker, it may well be that some will accuse me of ranging myself against the angels, for I shall speak of some whom I consider to be "uncertain trumpets" in an hour that calls for the truest tone and the most vibrant notes if we Americans are to surmount the threats that encompass us as a people, and which may affect our very survival in the nuclear age.

One of the most violent of the controversies to erupt during recent months grew out of certain statements respecting the infiltration of Communist influence into a segment of the American Protestant church. These statements were included in an Air Force Training Manual, designed to be used in the security instruction of Air Force Reserve non-commissioned officers. Other statements in the subject manual have also been criticized, but it is not my purpose today to discuss these, but to confine myself to those allegations protested against by spokesmen for the National Council of Churches of Christ in the U.S.

In the National Council of Churches are a number of Protestant denominations, including some of the greatest of American church institutions. The National Council states that it is the spokesman for, and represents 38,000,000 communicants in the member churches. The matter of representation I shall discuss at greater length hereafter.

On page 15–14 of the Air Reserve Training Manual, NR45–0050, the following statements appear in the chapter titled "Security Investigations and Clearances." Under a subtitle, "Communism in Religion," and continuing for approximately five pages, the authors of the manual set forth what they consider to be documented evidence of infiltration by Communists into some church activities in the United States. It would appear that most of the information contained in the manual on the general subject was drawn from governmental sources, although in some instances the source of the material quoted was several times removed from the original. I shall not quote the entire text of the "Communism in Religion" section at this time; but, under unanimous consent, I include the material at this point in the RECORD, to the end that Members may have access to the exact quotes used in the original text. I should add that the textbook has been withdrawn by the Department of the Air Force, and is presently under study, preliminary to revision.

COMMUNISM IN RELIGION

From a variety of authoritative sources, there appears to be overwhelming evidence of Communist antireligious activity in the United States through the infiltration of fellow-travelers into churches and educational institutions.

The National Council of Churches of Christ in the U.S.A officially sponsored the Revised Standard Version of the Bible. Of the 95

persons who served in this project, 30 have been affiliated with pro-Communist fronts, projects, and publications.

In its own brochure, the National Council of Churches listed the names of the Revision Committee and the Advisory Board. Among these were Walter Russell Bowie of Grace Church, New York; Henry J. Cadbury of Harvard University; George Dahl of Yale University; Frederick C. Grant of Seabury-Western Theological Seminary; and Leroy Waterman of the University of Michigan. All of these men were affiliated, for example, with the National Federation for Constitutional Liberties (NFCL).

The House Committee on Un-American Activities said of the NFCL: "There can be no reasonable doubt about the fact that the National Federation for Constitutional Liberties * * * is one of the viciously subversive organizations of the Communist Party." Former Attorney General Francis Biddle described the NFCL thus: "Part of what Lenin called the 'solar system of organizations,' ostensibly having no connection with the Communist Party, by which Communists attempt to create sympathizers and supporters of their program."

Not only were these men affiliated with the NFCL, but many similar Communist fronts or enterprises—Walter Russell Bowie with a total of 29; Henry J. Cadbury and George Dahl, 13; Frederick C. Grant, 8; and Leroy Waterman, 25. Among the other fronts with which these individuals were variously members were: The American Committee for Democracy and Intellectual Freedom; the American Committee for Protection of the Foreign Born; and the Citizens Committee to Free Earl Browder. Many more similar activities could be named if space permitted, with the names of the other religious leaders involved who also participated in the Bible revision mentioned.

Fleming James of the University of the South was a member of the Bible Revision Committee and also a signer of an appeal for amnesty for 11 Communist Party leaders. These leaders had been convicted for conspiring to overthrow the U.S. Government by violence and had been sentenced to 5 years in prison.

Dr. E. Stanley Jones, a Christian missionary of one of the leading Protestant denominations, is considered in the circles of the National Council of Churches to be one of the outstanding Christian missionaries in the world. Nevertheless, he has consistently urged a collectivist form of government for America and praised the Soviet slave state as superior to the American system. In his book, "The Choice Before Us," Dr. Jones wrote: "The statement communism loses sight of the individual in the mass is obviously not true of a theory that culminates in the words: 'To each according to his needs, and from each according to his ability.' The fact is as someone has said, 'communism is the only political theory that really holds the Christian position of the absolute equality of every individual.'" Dr. Jones should explain to some of those who have suffered in Red slave labor camps what he means by "equality of every individual."

In comparing nazism, fascism, communism, and capitalism, Dr. Jones wrote: "Of all these supreme things, capitalism seems to have the cheapest and most tawdry goal." Dr. Jones further gave us a clear idea of his opinion of communism when he wrote: "When the Western World was floundering in an unjust and competitive order, and the church was bound up with it and was part of that order, God reached out and put His hand on the Russian Communists to produce a more just order."

Dr. Harry F. Ward, long a recognized leader in the National Council of Churches, was a professor of Christian ethics at Union Theological Seminary in New York City for some 25 years, during which time he influenced thousands of theological students. Dr. Ward was identified by Louis Francis Budenz (an ex-Communist) before the Senate Internal Security Subcommittee as a member of the Communist Party. Ex-Communist Leonard Patterson testified that Dr. Ward, himself, Earl Browder, and others were assigned to a top policymaking body of the Communist Party. Ex-Communist Manning Johnson referred to Dr. Ward as the "Red dean of the Communist Party in the religious field." To show the thinking of Dr. Ward, in a radio broadcast on May 21, 1946, he stated: "the Soviet Union is progressing and growing up economically and politically since the time of the Czars, while capitalist society is starving and going down." Neither Dr. Ward nor his works have been repudiated by the Union Theological Seminary, an interdenominational seminary highly rated in national council circles.

A word about Louis Budenz, who testified concerning Dr. Ward, is in order at this point. Budenz was for many years an active Communist and a former labor editor of the Daily Worker. After turning against communism, he wrote these books: "This Is My Story," 1946; "Men Without Faces," 1950; "The Cry Is Peace," 1952; "The Techniques of Communism," 1953; and "Ex-Red," 1954. Since 1946 he has been a professor of economics at Fordham University.

Herbert A. Philbrick, author of "I Led Three Lives," for 9 years an undercover agent for the FBI, said in a speech before the Daughters of the American Revolution, April 18, 1956: "We are losing the fight with communism * * * there are more names of ministers than any other profession on the list of Communist supporters in this country. * * * Protest this to your religious leaders. * * * If their name is on the list, demand that they withdraw from it or kick them out of your church organization."

COMMUNISM AND RELIGION IN RED CHINA AND NORTH KOREA

Rev. Shih-ping Wang, East Asia director of the Baptist Evangelization Society International, appearing before the House Un-American Activities Committee in March 1959, described at some length the commune system recently instituted in Red China. "This system has hurt the churches," he said, "because it has given the government much more complete control of the people and all worship has been forbidden in the communes". Concerning the system of communes, the Reverend Shih-ping Wang stated:

"The family unit is broken up. Husbands and wives are separated into different barracks. The children are taken away from the parents and placed in government-run nurseries. Husbands and wives may meet only once a week for 2 hours—they have no other contact. Because these places of meeting are few, couples must stand in line at the special rooms waiting their turn. After they have finished, they must report to the commune group leader to tell the date and time and how long they stayed together. They must also report what they said and did together. The parents may see their children once a week and when they see them they cannot show affection toward their children. The idea is to have the children and the family sever their affection and direct it toward the state. Names are taken away from the children, and they are given numbers. There is no individual identity. The basic unit of social life in the commune is the commune itself."

Reverend Wang was questioned further by the interrogator for the House Un-American Activities Committee: "Do families try to meet at other times between the approved once-a-week meetings?" In reply, Reverend Wang stated: "They cannot meet because they are not consigned to the same place and do not have freedom to travel. They come to work in a group, eat in a group, work in a group, and return in a group. There is no opportunity for individuals to get away and see their families. Husbands and wives are placed on different communes. Travel between communes is only possible if the traveler has a pass. There is no contact between the once-a-week meetings."

The commune system, the Reverend Wang continued, is destroying morality in Red China: "There is no morality because the love of the family is taken away. There is no honesty and respect among men or between men. There is no human dignity; they are all like animals. There is no guilt associated with the murder of individuals for the improvement of the state. In Communist Party circles, a woman must submit herself to any party member who desires her favors. If the woman refuses a party member, she may be thrown into jail or stripped and nailed to a wall until she dies. Another punishment is to cut the breasts off the woman who refuses."

Concerning the religious activities and beliefs of the Communists, the Rev. Samuel W. S. Cheng stated to the same House committee:

"At best they preach modernism: Christ the model for all humanity. They take away the divinity of Christ and point out He was a good carpenter, a good example for the working people to follow. At the worst they substitute Lenin the father, Stalin the son, and Mao Tse-tung the holy ghost, for the Triune God of the Christians. They have completely changed the Christian faith. Where Christian teachings fit in with Communist aims, they are retained. Where they do not, they are eliminated."

In similar vein, the Reverend Tsin-tsai Liu testified: "With respect to the Bible * * * they teach that Jesus was a laborer, a carpenter's son, a proletariat and because he was from the working class and wanted to establish a working class, the rich people (the Pharisees) crucified him because he was a revolutionist, or as the Communists say, a Communist, and that is the way they teach it."

Reverend Liu stated that the Communists were friendly when they first took over China in 1949, but began wholesale persecutions of Protestant churches in 1950. Christian leaders were placed under house arrest. In addition, Christians had to be "re-educated" by attending confession classes to reveal their past associations and beliefs. After the Christian ministers and leaders were arrested, they were replaced with Communists.

The Communists confiscated the churches and then rented them back to the people at fantastic rentals. When the people could not pay these rentals, the churches were closed. "The only churches that were allowed to remain open were Communist-run churches that serve as showcases for visitors," said the Reverend Liu. Furthermore, Reverend Liu did not believe that these churches would ever be closed by the Communists because "they are a good means of spreading propaganda and reeducating the people. Also, the churches give them an appearance of a dignified civilization."

The foregoing hearings before the House Committee on Un-American Activities were published in an official Government bulletin on March 26, 1959, and doubtless released previously to the Nation's press. Nevertheless, a United Press International News dispatch of May 27, 1959, said, "A distinguished American theologian has some stern words to offer on the problem of communism and Christianity." The distinguished theologian was none other than Dr. John A. Mackay, retiring president of Princeton Theological Seminary. The news dispatch went on to say: "Dr. John Mackay * * * charged that America is turning its back on untold thou-

sands of Christians in Red China. Dr. Mackay called for the recognition of Red China * * * backing a resolution that had been adopted at the General Assembly of the * * * Church meeting at Indianapolis. Dr. Mackay told the delegates that while Red China had done some terrible things, so had the United States."

Dr. Billy James Hargis, an evangelist and head of the Christian Crusade, Tulsa, Okla., commented on the foregoing as follows:

"Here is a typical example of the twisted and deceiving play on words used by left-wing clergymen in their attempts to disguise their blatant support of important Communist conspiracy objectives. Let's analyze Dr. Mackay's charge that 'America is turning its back on untold thousands of Christians in Red China.' This charge is merely a continuation of a propaganda campaign Dr. Mackay has been carrying on in behalf of the Red Chinese slavemasters for years. He called for recognition of Red China and its admission to the UN back in December 1949. On December 10, 1956, he spoke before 400 religious executives in Indianapolis, Ind., and called for the sending of a delegation of American church leaders to Red China to 'reestablish contact with colleagues there.' * * *

"Dr. Mackay and other apologists for communism in the churches would have us to believe that there is actually freedom of religion in Red China and other Communist conspiracy held nations. They refuse to face the documented and indisputable facts about the Communist conspiracy's takeover of churches in Communist nations, and how the Communists are utilizing these churches to promote the cause of atheistic communism. Now let us remember one thing—that is, that Dr. Mackay is not speaking of the suffering, persecuted Christians of China who have been tortured, sent to slave camps and denied the right to worship God. (Many were killed.) Dr. Mackay is speaking of the so-called Christian leaders who were intimidated into cooperating with communism by converting their churches into tools for promoting Communist propaganda and objectives. He is speaking of the phony pastors placed in the churches by Communist leaders."

The resolution to admit Red China to the United Nations mentioned above is the same resolution that prompted the editorial of June 3, 1959, discussed earlier.

In North Korea, the practices of communism and its attacks on religion are much the same as in Red China. Instead of the system of communes, North Koreans are governed under what is referred to as an "agricultural association system." In operation, it is quite similar to the commune system.

Concerning religion, Mr. Kyung Rai Kim, a deacon in the Hung Chun Presbyterian Church in Seoul, testified before the same hearings of the House Committee on Un-American Activities mentioned above. He stated: "There are no true Christian churches in Northern Korea; * * * persecution since 1945, intensified since the Korea war, has closed the churches in North Korea * * *. There are churches, but they are Communist-run churches." Upon being asked by the interrogator for the House committee as to how the disintegration of Christian churches was being accomplished, Mr. Kim said: "Through brainwashing of the younger people; through the replacing of Christian values with Communist values; through the agricultural association system which makes the individual completely dependent upon the state for his food and existence."

From all of the foregoing, you can judge for yourself how much you must be alert, and how carefully you must evaluate any conversation, speech, article, sermon, or book which you may have occasion to hear or read if the subject touches adversely upon any aspect of the American way of life—our religions, our morals, our social lives, or our political and economic institutions. We believe in the dignity of man—of the right of every individual to choose his manner of living, worship, his occupation, in short, everything that he does, so long as the rights of other individuals are respected. In contrast, the Communists believe the state to be supreme—in individual lives, in family life, in morals, in religion, in government, and in the economics of making a living.

These statements were vigorously protested by spokesmen for the National Council of Churches as being defamatory, and a demand was made for the withdrawal of the manual, repudiation by the Air Force of the statements contained in it, and an apology by the Department of Defense to the national council. The Department of Defense and of the Air Force promptly acceded to the demand, without, so far as I know, making any effort to check the truth of the allegations. As I have said, the Air Force has assured the council that the revised version of the manual will not contain this material.

The Departments involved may have believed that by repudiation and apology the controversy would be resolved, but in taking precipitous action to still the tumult, the military poured high-octane fuel on an issue that has for many years divided clergy and laity in a score of church institutions throughout the country. The resultant explosion was destined to rock the land and inundate all of the participants in the affair under a sea of editorial comment, letters and telegrams.

That this area of our national life is a most difficult one in which a layman can tread, none will deny. Our greatness as a nation has always rested upon the firm faith of the American people in the existence of a Supreme Being. To commence a session of the Congress without first invoking the help and guidance of Heaven, would bring down upon all of us, and rightly, the condemnation of the people we represent. In light of that, Mr. Speaker, we can proceed on the sound premise that all of us—the men who comprise the board of the National Council, the Secretaries of Defense and Air Force, and the membership of the Congress, share with the American people a deep and profound faith in God and in divine justice.

The same issue was in controversy 7 years ago, following a speech by the gentleman from California who is now addressing the House. At that time I made several statements respecting the activities of some churchmen in Communist-front and pro-Communist organizations and publications. A bishop of the Methodist Church in the Washington area, on whose most recent activity I shall comment later, protested the speech in question, and later appeared voluntarily before the House Committee on Un-American Activities in a daylong hearing designed to explore the allegations made, and to answer other questions bearing on his purported support of Red causes. A collateral result of the hearing was that the gentleman from California found himself with a minister for an opponent in the next election. I will say no more on that point, except to note that the minister, whom I hold in high personal regard, is presently performing his duties to his congregation, while I again bring the pitcher to the well. In this connection it should be added that this is probably the last time the gentleman will be seen and heard in the well of the House on this particular subject, inasmuch as he does not intend to be a candidate for Congress next November. And, Mr. Speaker, if some are inclined to attribute my willingness to engage in the controversy to that fact, I shall be content to rest on the judgment of my colleagues in the House as to the extent I have been willing to express my honest convictions for over 13 years.

I am in no manner qualified to discuss or debate the questions of theology which are inherent in the present controversy. It is not to these points that my discussion is directed. Whether modernists are correct in their interpretations of Holy Writ, or whether those who are more fundamental in their approach are the bearers of true faith, I do not profess to know. My only concern is when any of them appear to further the designs of Soviet aggression by participation in organizations or movements directed, manipulated, or participated in by Communist functionaries.

I have heard it said that a great fish could not have swallowed Jonah, because the physical facts of the anatomy of the greatest of the denizens of the deep are such as to preclude getting Jonah into the belly of the whale, to say nothing of getting him out again. I suppose that I am a fundamentalist in this instance, because I am firmly convinced that an Almighty who could put the sun, the moon, the stars, and the planets in precise rotation, would not have a great deal of trouble in getting Jonah in and out of a fish. In any event, Mr. Speaker, I am a Christian, born and reared in the shadow of a church spire, and one thing I do believe is that if there is a personification of Satan today, it is atheistic communism, promulgated and forwarded by agents of the world conspiracy.

I believe that the substance of the statements made in the Air Force Manual are correct—that Communists have used church figures to forward the realization of Communist goals. I do not contend that the men who have permitted themselves to be so used are Communists, or Communist sympathizers, but I would point out that a loaded gun is as dangerous in the hands of a 5-year-old child as it is in the hands of a hardened criminal. Actually, the child probably represents the greater menace, because he does not know what a lethal weapon he holds. By the same token, a minister, having lent the prestige of his high calling and his title to Communist manipulation, renders to the Communist purpose a greater measure of gentility and respectability than could any dedicated member of the Communist conspiracy. People do not expect to find men of the cloth in the company of Communists, and when such an association is disclosed, the result is one of shock and bewilderment.

Communists have attempted to infiltrate every aspect of our national life. It is to the credit of the overwhelming majority of Protestant churchmen that this insidious effort has been repulsed in large part. But one must be truly blind to the facts and realities of life to contend, as do the spokesmen for the National Council of Churches, that there has been no infiltration at all, or that a few clergymen have not been duped into pulling red chestnuts out of the Communist fire.

On one basic premise there can be no substantial disagreement as between honest and fair men in the clergy and in the laity. The international Communist movement, at every level, views the church in every land as the greatest single obstacle confronting it in its unremitting effort to dominate the world and the minds of men. Where Communist Governments have found it possible to do so, they have closed the churches and persecuted the clergy. Where it was expedient to do so only for the period of time required to raise a godless generation, the Communists have contented themselves with the exercise of a strict control over churches and congregations. In other lands, including our own, the tactic has been that of infiltration rather than frontal attack. The Communists have sought to associate themselves in movements and activities which were and are, by their very nature, appealing to churches and to churchmen. These Communist activities are supported, in major part, by non-Communists and simple dupes, who seldom equate a course parallel to Communist doctrine with any possible direction from within the sponsoring group.

More deadly in effect than a known Communist agent is the non-Communist who seeks blindly the good effect without adjusting his bifocals to look over and beyond the immediate and professed goal to the ultimate Communist objective of a world in which religious faith will play no part, and have no role.

Where ministers have joined in common purpose with Communist agents, history records a tragic list of instances in which God lost a battle. Whether He loses a war—at least during the lifetime of our children—will depend upon a much more intelligent appraisal of contemporary events by some who appear willingly to have linked arms with Communists in making common purpose with their mortal and avowed foes.

At this point, Mr. Speaker, I should like to go to the record for an example in point. A subcommittee of the House Committee on Un-American Activities, in executive session, was taking the testimony of an ordained minister in the city of Los Angeles, Calif. The hearing was conducted in 1951, and the witness in that hearing is today the head of a great church in Los Angeles. A forum, conducted in the church headed by the witness, has for years been a sounding board for Communist propaganda, and dozens of identified Communists have appeared as honored guests. The minister, when questioned as to the presence in his church of Communist speakers, declined to answer any questions on the grounds of possible self-incrimination. He likewise refused to answer as to his own membership in, and activities on behalf of, the Communist conspiracy.

Case II is that of a Methodist minister, identified under oath by three witnesses as a member of the Communist Party. I have not been able to determine whether the clergyman in question is still an ordained minister in the Methodist church, although the records indicate that within the past several years he occupied a pulpit in a Methodist church in California.

It is not only fallacious but dangerous, Mr. Speaker, to attempt to sweep this controversy under the carpet, or like the ostrich, simply stick our heads in the sand and pretend that what threatens us does not exist at all. Communism is not going to go away, nor are the agents of the conspiracy going to disappear into nothingness like the last vestiges of a nightmare. When spokesmen for the National Council of Churches protest any mention in any training manual of the threat of infiltration, they do a great disservice to public understanding of Communist tactics and techniques.

Communists and ministers share several things in common. Both have faith—the one in Divine Providence, and the other in the eventual victory of world communism. Both are dedicated—the minister to his high calling—the Communist to the spread of the Marxian philosophy. Both have a purpose—one to guide, minister and counsel those who look to him as a servant of God—and the other, the complete eradication of man's faith in spiritual values. So great a gap exists between the two extremes that it is inconceivable to me that one could be found in the company of the other at any time, to say nothing of becoming the center of a national controversy because of alleged cooperation.

The Congress of the United States and the men who comprise that body, share with a number of liberal churchmen a deep and real concern over the plight of millions of our fellow humans. Since 1948, the Congress has appropriated billions of dollars in an effort to alleviate suffering, hunger, privation, and disease. But members of the House Committees on Foreign Affairs and Appropriations do not find it necessary to meet with, or associate themselves with, known Communist agents in their deliberations on courses of action to be pursued. Nor do the Members of Congress sign every petition laid on their desks, or lend the prestige of their names to organizations without investigating the nature of the petition or the makeup of the organization which seeks their support. One can be for peace without associating oneself with those whose dedication to peace is always suspect. One can fight for civil rights without joining in the effort with those whose hands are red with the blood of slaughtered men, women, and children. One can appeal for justice for the Rosenbergs, Sobells, and Chessmans of our day, without the sponsorship of organizations, the leaders of which have never protested the persecution of the Christian church abroad, nor the violent antisemitism practiced in the Soviet Union.

The National Council of Churches of Christ in the United States, asserting that it is the spokesman for 38 million Protestant members of affiliated churches, protests that it is an affront to these millions of Americans to even suggest that any church has been infiltrated by the Communist philosophy. Does the National Council seriously suggest, in the first instance, that it can truly make any claim to representation of this vast number of church members? I doubt it. If there is any Member of the House who would presume to say that he speaks for all of the people he is elected to represent, I should like to meet him. Representation, whether it be in the National Council of Churches or on the board of directors of General Motors, is in large part a matter of conjecture on the part of those who put out the figures. On the basis of the number of letters received in the House Committee on Un-American Activities during the past week, I would suggest that the National Council of Churches scale down their own estimate by some hundreds, at least. No group or individual in this country, be it the national chamber of commerce, the AFL–CIO, the American Legion, or the National Council of Churches, has any right to state categorically that it speaks for anything other than a majority of its membership, and only then after a painstaking effort to determine, by plebiscite or otherwise, the temper of the people who are arbitrarily ranged by remote spokesmen for or against any given proposal. It would be interesting to know just what the majority of American ministers, and the great body of American Protestants, really think with respect to the allegations made in the controversial Air Force manual. I, for one, do not propose to take the unsupported word of those who protest so strongly, although I believe as firmly in their right to protest as I do in my own privilege of disagreement. Until some more adequate evidence is produced to demonstrate the oneness of American Protestants with the National Council of Churches in this matter, the spokesmen for the council must be regarded as uncertain trumpets.

The statement being made today by the gentleman from California will, I am confident, be deliberately interpreted in some quarters and by some individuals for their own reasons, as an attack upon churches generally. This is the usual defense of those, who, when confronted with some embarrassing situation, promptly identify themselves with the group of which they are a part, and seek to identify their own acts with those of the group. Innocence by association has frequently been the plea of those who were by no means innocent. Thus it is that the fellow-traveling labor leader will protest any investigation of his personal activities is an attempt to intimidate and "smear" the labor movement. The educator, whose activities for and on behalf of the Communist movement results in bringing him under the scrutiny of Government agencies, frequently proclaims that the committee or agency is launching an attack on education, and that academic freedom is threatened.

Inquiry with respect to individuals in a movement is entirely proper, as distinguished from an investigation of the

entire movement itself. No American, high or low, can be held to be unaccountable to anyone for his actions, and as the robes of a judge offer no protection to him for conduct unbecoming a jurist, neither are the robes of a churchman designed to insure him immunity for actions contrary to the national safety or the general welfare. It is important that this distinction be made and that it be understood by all Americans of whatever station or calling.

My distinguished colleague, Representative GORDON SCHERER, of Ohio, made this point clear in his statement before the House Committee on Un-American Activities a week ago, at which time Secretary of the Air Force Sharp was before the committee for questioning on the Air Force manual. On that occasion Mr. SCHERER said:

Mr. SCHERER. Mr. Chairman, I would like to make just one more observation. I have been a member of this Committee on Un-American Activities for the past 8 years. Every time we have inquired into the attempts of Communists or Communist-fronters to worm their way into the churches, the committee has been bitterly attacked and charged with investigating religion—with opposing churches—with interfering with religious freedom in violation of the Constitution.

In connection with this current inquiry, these same charges are again being made by some people. I feel, therefore, it is necessary and timely that I point out a few facts which show conclusively that these accusations are completely false and that just the opposite is the truth.

In 1953 and 1954 this committee conducted some rather lengthy hearings, as I recall. Among others, we heard evidence from individuals who had been in the Soviet Union in the early days when the Communists began their unremitting assault upon the church. The testimony showed conclusively that the Communist apparatus early came to the conclusion that if communism was to succeed throughout the world, it would be necessary to destroy or neutralize the great religions of the world.

The Communists knew, and so stated, that it was the church that was one of the greatest obstacles to the eventual takeover of the peoples of the earth by the Communists. The Communists concluded that before people would or could accept the ideology of communism, religion, which they called the opiate of the people and which they said controlled the mass mind, had to be eliminated or neutralized.

The Communists first attempted a frontal assault on the church; they harassed, persecuted, and imprisoned the clergy. Church properties were confiscated, and destroyed. The Communist hierarchy, however, soon learned that the frontal assault had failed; that religion and morality were so embedded in the minds and souls of men that this outward assault on the church would not accomplish the objective.

They then realized that they must begin the long and tedious process of infiltration and gradually neutralize the religious doctrines of the churches from within by subtle propaganda and other devices.

Since the Communists understood that religion was the greatest obstacle to the success of the Communist cause, this committee consequently has always recognized and pointed out that our religious institutions are the free world's greatest bulwark against atheistic, godless communism. We have, therefore, urged the growth and strengthening of our religious institutions. All that the committee, by its work in this field has ever tried to do, is to point out so all may know and understand this basic Communist policy. The committee has tried to show why the church and religion are the focal point of assault by the Communists.

The Committee on Un-American Activities has uncovered the techniques used by the Communist apparatus to infiltrate and destroy the church. It has done this so that the church itself could be fully aware of the Communist offensive against it; so that church leaders could understand that our religious institutions were in the frontline of this battle; so that with this knowledge the church would be better enabled to foresee and combat this indirect, subtle, and diabolical attack upon it.

It should be obvious to all from the testimony before our committee that some people in our church organizations, whose loyalty both to this country and the church is unquestioned, have not, and still do not, understand the nature and objectives of the Communists, as I have just pointed out. It is unfortunate that some of these good people have been taken in. It is deplorable that many of this group bitterly resent and interpret as an attack upon the church, any efforts by this committee to bring to light the nature and techniques of the Communist attempt to infiltrate the church.

If what I have said is true, and I assure you it is, instead of bitterly resenting this committee, these good people should join hand in hand with us in what I believe is, and should be, a mutual objective, namely, to better understand the nature of the Communist techniques and objectives insofar as religion and the church are concerned and to strengthen our religious institutions so that they can become an even greater bulwark against the most deadly enemy, not only of free men, but also of the church itself.

I am in full accord with the remarks of Mr. SCHERER, and I would recommend that some politically misguided, though possibly well-intentioned clergymen, read them and ponder upon them. J. Edgar Hoover, Director of the Federal Bureau of Investigation, made the same point when he said:

I confess to a real apprehension so long as Communists are able to secure ministers of the gospel to promote their evil work and espouse a cause that is alien to the religion of Christ and Judaism.

Precisely, Mr. Speaker, what do those of us who are concerned about this matter mean when we say that certain members of the clergy cooperate with the Communists? Let me give a case in point, and one of recent vintage.

On January 31, 1960, in the city of Washington, D.C., a meeting was held at the Asbury Methodist Church. The rally, sponsored by an organization called the Volunteer Civil Rights Commission, attracted a crowd of 1,500 persons to hear the experiences of a number of colored citizens from the South who had been denied the right to vote in elections in their own States. The program was titled "The Voteless Speak," a "Report From the South," and on the surface, at least, the meeting had a high moral purpose and held a great appeal for those interested in the plight of the southern Negro. I wonder how many of those in attendance would have gone had they known that a convicted Communist agent would be on the platform, and that the president of a Communist-front organization, named as such by the Internal Security Subcommittee of the United States Senate, would deliver the closing statement. I wish it were possible to say in any honesty that the eight clergymen listed on the program as participants in the affair, had no knowledge of the extent to which the Communists had interested themselves in the meeting. However, the local press had reported some days in advance of the meeting protests regarding the rally, and had so alerted Washington generally that the pastor of the Vermont Avenue Baptist Church refused to grant permission to hold the rally in his church.

What were eight Christian ministers doing on the same platform with long-time spokesmen for Communist causes? Were these clergymen, including two bishops, one a former head of the National Council of Churches, unaware that it was their participation in the rally that served to draw 1,500 persons to the meeting? It is this sort of performance by men who are presumed to be responsible that causes a collective shaking of millions of American heads when the facts are made known. Seeking to obtain the vote for disenfranchised Negroes is an entirely proper undertaking, and one which is presently occupying the attention of the United States Senate on an around-the-clock basis, but I am confident that any Communist who attempted to enter the Senate cloakroom for the purpose of conferring with a Senator on the question would be ejected promptly if his identity were known.

For some unaccountable reason, the name of Carl Braden, convicted Communist, was not listed on the official rally program, although advance news stories had indicated that he would be in attendance, and much of the controversy in advance of the meeting had centered on his participation. Braden was cited in 1958 for contempt of Congress growing out of his refusal to answer questions as to his Communist activities. He was convicted and his most recent appeal was rejected by the Fifth Circuit Court of Appeals in December of 1959. Braden, as a Communist, has no respect for religion, nor for those clerics willing to join with him in a public meeting and a common effort. Through testimony given the committee by former Negro Communists, it is quite likely that he has no real concern for the welfare of the Negro people. Braden's concern is the success of the Communist plan of conquest, and a study of his record in support of the Communist apparatus should indicate to any fair man that he is subversive. These facts could have been ascertained by the sponsors of the rally in question had they been at all alert to the purposes for which they were to be used.

Aubrey W. Williams, president of the Southern Conference Educational Fund, wound up the rally with a closing statement. The SCEF is successor organization to the Southern Conference for Human Welfare, last cited by the House committee as a Communist-front organization in 1947. The citation reads as follows:

SOUTHERN CONFERENCE FOR HUMAN WELFARE

1. Cited as a Communist-front which received money from the Robert Marshall Foundation, one of the principal sources of funds by which many Communist fronts

operate. (Special Committee on Un-American Activities, H. Rept. No. 1311 on the CIO Political Action Committee, March 29, 1944, p. 147.)

2. Cited as a Communist-front organization "which seeks to attract southern liberals on the basis of its seeming interest in the problems of the South" although its "professed interest in southern welfare is simply an expedient for larger aims serving the Soviet Union and its subservient Communist Party in the United States." (Committee on Un-American Activities, H. Rept. No. 592 on the Southern Conference for Human Welfare, June 16, 1947.)

In an effort to escape the onus attaching to the name of the previous organization, a new name for the group was taken several years ago, to wit, the Southern Conference Educational Fund, one of the sponsors of the Asbury Church rally.

Is it any wonder, Mr. Speaker, that there is a widespread concern being voiced by American Protestants? It is not surprising to me that they are asking some very pointed questions regarding the activities of some who profess to speak for them at the highest levels of church affairs.

Permit me to quote, Mr. Speaker, in light of the claims to representation of 38 million Protestants in this country, made by a spokesman for the National Council of Churches, from a few of the many telegrams and letters received this week in the House Committee on Un-American Activities.

From a Lutheran minister in Metropolitan Detroit:

An investigation is long overdue. The National Council of Churches does not speak for us nor do we believe they speak for any sizable number of Protestants.

From an Episcopal minister in North Carolina:

A thorough exposure is long overdue. This last venture of theirs in withdrawing the Air Force manual gives us an undreamed of opportunity in bringing them to the attention of our Nation. Use it I pray.

From a minister in California:

I have watched creeping communism for many years * * * as an Air Force officer * * * as a minister watching our churches being subverted. * * * God bless you in the work you are doing.

From a minister in Montana:

Enroll my name as one emphatically opposed to the withdrawal or editing of the Air Force manual. * * * Strength to your arm, Mr. WALTER.

From a Baptist minister in Michigan:

Don't backtrack, and don't apologize, because many of us are deeply concerned over the infiltration into our churches of those who are seeking to undermine our democracy.

From a Baptist minister in Washington, D.C.:

I am appalled by the pressure and attack by the National Council of Churches against the Air Force manual, and I hereby request a full-fledged investigation regarding the truth of communism infiltrating our churches and religion.

From a Church of the Brethren minister in Pennsylvania:

They (the National Council of Churches) claim to speak for 38 million of church members * * * this claim may well be questioned. Certainly they do not speak for the entire membership of my denomination * * * which has joined up with the council * * * We hope there will * * * be a thorough investigation * * * we congratulate you.

From a Presbyterian minister in Indiana:

I am speaking for myself only, but I can say that it is the opinion of the members of this church as well, that you have taken the right stand for truth and the security of our Nation. * * * Do all in your power to uncover the truth of Communist infiltration of our churches.

From a Methodist minister in Washington, D.C.:

This (the National Council of Churches) is this group which recently recommended the recognition of Communist China by the U.N. * * * I and many other ministers and laymen do not recognize such an organization as our voice.

From a Lutheran minister in Washington, D.C.:

SIR: Unless the National Council of Churches publicly revokes the World Study Conference's * * * resolutions, adopted in November 1958 at Cleveland—resolutions which are basically un-Christian and politically naive * * * I do not see where the church has the right to require to be looked upon in a more favorable light in the present communism-in-religion controversy.

From a Lutheran minister in Chicago:

Don't let them scare you. The prayers of thousands of sincere, loyal Americans are with you.

From a Presbyterian minister in Florida:

Your firm stand re AF Manual and communism in the churches most heartening. * * * Please pursue investigation.

From a Baptist minister in California:

Let's get at the truth of the allegations. Let's have a sane, intelligent showdown, without fear or favor. * * * Let the chips fall where they may. * * * No churchman of any group ought to fear truth.

Mr. Speaker, the foregoing excerpts are but a sampling, and a small one, of what some American ministers think of the present controversy. The excerpts of the letters and telegrams which I have inserted above were addressed to the gentleman from Pennsylvania [Mr. WALTER] in his capacity as chairman of the House Committee on Un-American Activities, and the personal references are directed to him. As of last night, Mr. Speaker, 1,403 letters and telegrams had reached the House Committee on Un-American Activities on the subject of the Air Force Manual, and the allegations of Communist infiltration of American churches. Of this number 40 writers supported the position of the National Council of Churches in that group's protests, while 1,363 of the communications urged a full-scale investigation of alleged infiltration by Communists into church institutions.

The serious view of the matter taken by some ministers is best reflected in a UPI news item, bearing a Lima, Ohio, dateline, March 1, 1960:

LIMA, OHIO.—The Reverend Frank R. Hamblen says "The gradual infiltration of subversive affiliations in the National Council of Churches" is one reason for his decision to resign from his pastorship June 1.

Hamblen, pastor of Lima's West High Evangelical United Brethren Church (EUB) for 11 years, said, "My conscience will not let me continue to pastor a church affiliated with the National Council of Churches."

Hamblen said he would remain in the pulpit until the EUB conference can act on his resignation, which means loss of his pension and security rights.

"Gradual infiltration of subversives" is Reverend Hamblen's phrase, and it constitutes a serious charge which cannot be disregarded. This is not a layman speaking about an Air Force Manual, but a minister who appears to have reached the limit of his endurance. Will the council demand an apology from Reverend Hamblen and caution him as they did the Air Force not to suggest again that any Communist infiltration exists in any American church?

The mail from laymen on this subject has been even less restrained than that received from ministers. I have selected a few at random, making every effort to separate those received from fundamentalists because of basic theological differences existing between the National Council of Churches and the American Council of Churches. I believe that the letters and telegrams I have selected as samples of protest are from members of churches affiliated with the National Council.

From Seattle, Wash.—writer identifies self as member of Presbyterian Church, NCC:

We commend you for the committee action regarding Air Force manual * * * both on information that should be available and on Communist infiltration.

From Minneapolis, Minn.—telegram—signed by 14 persons:

As members of the Methodist, Congregational, Baptist, and Episcopal Churches we urge that you uphold truth of facts that Communists have infiltrated many churches. Denial of these facts aids communism. Americans need to realize and deal with this situation. Grateful for your stand.

Post card from Seattle, Wash.:

I am a Methodist and daughter of a Methodist minister. * * * My husband and I are behind you in your fight—do not apologize to anyone * * * if there is guilt it should be exposed.

From Chattanooga, Tenn.—telegram:

Congratulations on your stand concerning Air Force manual. You are right. We are proud of you. Do not apologize. Gratified at your courage.

From Oklahoma—telegram:

I joined Methodist Church in 1911. On official board since 1921. Don't apologize to anybody.

From Indiana:

Do not be intimidated. * * * (I am) a retired disgusted Methodist.

From South Carolina:

They (National Council of Churches) say they represent millions of church members. I am a Methodist, probably the most liberal of all on a national basis, but I believe that you have a responsibility to point out these things when they appear.

From Pennsylvania:

We are Episcopalians. * * * The National Council of Churches does not speak for us in their political and economic views, and the

assertion that they speak for 38 million Protestants * * * is certainly a misstatement * * * we urge an investigation.

From Florida:

My husband and I are members of the Episcopal Church * * * we know what you say is true. * * * Thank God for someone who has the courage to stand up for what is right.

From New Jersey:

I am a Protestant (Episcopalian). * * * I support you to the utmost. * * * Do not, I beg of you, apologize.

From New York:

I am a member of the Congregational Church * * * the Federal Council of Churches does not represent me in any way, shape or manner.

From Pennsylvania:

As an Episcopalian, I repudiate * * * these National Council of Churches officials * * * none has the right to speak for all of the members of their respective denominations.

From Indiana:

Thank God there are still men like you left in our country. * * * I am a member of a church (United Church of Christ) having membership in the National Council of Churches. It is ridiculous to believe that "they speak for us." * * * Our prayers are with you. * * * Please don't let anyone turn you aside from a long overdue investigation of Communist infiltration into our churches.

From Los Angeles, Calif:

I am an Episcopalian. * * * Don't apologize now or ever to the National Council of Churches. * * * We thoroughly approve of your stand and thank you for your courage.

From Illinois:

I should like to go on record as favoring an investigation of Communist infiltration into * * * churches. I am a member of the Methodist Church, but want no part of the activity of leaders in the NCC who profess to speak for the rank-and-file church people.

From Texas:

While I hope the charges against our churches and the National Council of Churches will not be found true, I have, from the study I have made, reached the sad conclusion that they are true.

From Virginia:

As a member of the Methodist Church, I want to commend you and urge that you continue your investigation. * * * The authors of the Air Force manual should be praised by grateful Americans rather than reprimanded by the Air Force.

From California:

This organization is composed of lay members of the Methodist Church. * * * We congratulate you on your work.

From Delaware:

I am a Presbyterian of long standing. I hope that through your efforts sleeping Protestants will be awakened.

From Pennsylvania:

As a dues payer, trustee and longtime member of the United Presbyterian Church, I wish to advise * * * the leaders of the National Council of Churches are not speaking for me. * * * Keep after them.

From Virginia:

I am a member of a church affiliated with the NCC, but I do not recognize the statements and policies of this body as representative of either my political or religious beliefs.

From Ohio:

As one who is an Episcopalian, but who has been sickened and distressed by the association of a section of our clergy with leftwing activities, I wish to thank you and congratulate you on your stand in the Air Force controversy.

From North Carolina:

The Southern Presbyterian Church, of which I am a member, belongs to the National Council of Churches * * * their claim that they have any authority to speak for me and the 800,000 members of our church is a farce * * * they are only speaking for themselves.

From North Carolina—writer identifies himself as an Episcopalian:

It is nonsense to infer that any criticism of a portion of the clergy is an attack on Protestantism or the church. * * * I wish you and your committee continued tenure and success.

From Delaware:

We * * * congratulate and thank you for taking a firm stand on behalf of the truth of the statements in the Air Force manual regarding Communist influence in our churches. * * * We have been active, loyal members of the Presbyterian Church in the U.S.A. for many years (and, as such, members of the National Council of Churches). * * * Investigate.

From Florida:

As a Presbyterian, I resent this action on the part of our church leaders. * * * More power to you in your efforts * * * may God bless you.

From Pennsylvania:

I am writing to commend you for the stand you have taken regarding the question of Communist infiltration. * * * I am an Episcopalian and regret our church's affiliation with the National Council. They certainly do not represent me.

These excerpts, Mr. Speaker, represent a very small sample of the protest that has been generated by the instant controversy. I do not consider the expressions to be those of the crackpot fringe, but rather an expression of indignation and frustration welling up from the vitals of America * * * from the prairies, the mountains and the bayous. These are American Protestants bespeaking their concern over a very grave matter, and I join my concern with theirs.

During the next few years, Mr. Speaker, the future of this land will have been determined. Either we will win the struggle for the hearts and the minds of men, or we will, as a people, join other silent and prostrate millions. If we fail, there will be no church, no devotions, no religious solace, unless we and our children can meet in prayer and devotion under the threat of the penalty faced by the early Christians. The Communists are after your church, and they intend, if they can, to silence the Word of God. It is not possible to find the "spirit of Camp David" on this score, and those who seek common ground with agents of the international conspiracy are doomed to failure.

Mr. Speaker, under unanimous consent, I include at this point in the RECORD the testimony of eyewitnesses to the persecution of the church by Communists in front of and behind the Iron Curtain together with the opening remarks of Chairman WALTER on the Air Force manual hearing:

OPENING STATEMENT, HON. FRANCIS E. WALTER, DEMOCRAT, PENNSYLVANIA, CHAIRMAN, COMMITTEE ON UN-AMERICAN ACTIVITIES, ON ISSUES PRESENTED BY AIR RESERVE CENTER TRAINING MANUAL, WASHINGTON, D.C., THURSDAY, FEBRUARY 25, 1960

Some few weeks ago, this committee began hearings on the subject of Communist activities and propaganda among youth groups. In opening those hearings, I stated:

"I know that this committee's investigation in this area will probably precipitate a barrage from the Communist press and from Communist sympathizers characterizing our work as an investigation of youth. The Communists know as well as we do that the overwhelming majority of the young people of this Nation are of unquestioned patriotism and dedication to all that is good and noble in our society. But by equating an investigation of Communist activities among youth with an investigation of youth itself, the Communists and their sympathizers hope to becloud the issues. This, of course, is an old trick which the Communists repeatedly use. When this committee investigates Communist activities in defense plants, the smokescreen that the Communists use is that we are investigating organized labor. When we investigate Communist activities in an educational institution, it is protested by the Communists that we are investigating education. I am sure that the overwhelming majority of the American people readily see through this fraud, and it shall not dissuade us from our task."

Although the only witnesses who were subpenaed for those hearings on Communist activities and propaganda among youth groups were hard-core members of the Communist Party who had been identified as such under oath, the Communist and pro-Communist press of this country followed the course which I predicted on the day on which the hearings were opened. Typical of the reaction which I anticipated was a statement of one columnist that the Committee on Un-American Activities was now engaged in intimidating children. An editorial in the Washington Post proclaimed that the Committee on Un-American Activities "aims to stigmatize as subversive a healthy curiosity and youthful hope that peace can be promoted by letting young people of the world rub elbows and minds." With reference to the hard core, identified Communists who were subpenaed before this committee, the Washington Post editorial stated: "The House Committee on Un-American Activities has now used its subpena power to hail before it five young men and women who had the temerity to attend one or another of the youth festivals held at Moscow, Warsaw, and Vienna."

Based on extensive experience as chairman of this committee, I now predict that the instant hearings will be publicized as an investigation by the Committee on Un-American Activities of religion; that we on this committee are concerned about religious beliefs or theology, or that certain ministers of the gospel must be subversive because they advocate tenets with which the committee does not concur. Again I say, as I said when we were investigating Communist activities and propaganda among youth groups, that this diversionary tactic will not dissuade us from our task. We thoroughly expect attack by Communists, pro-Communists, dupes, and misguided liberals who would use the facade of religion to mask Communist activities. We on this committee are as proud of our enemies as we are of our friends.

In the military stalemates between the forces of freedom and international communism, the chief arena of conflict has now shifted from the military to the nonmilitary. The enemy's threat, however, becomes even more dangerous because it is more difficult to detect and engage in combat. His arensal includes weapons of internal subversion, espionage, sabotage, propaganda, and economic and political warfare. His objection remains the same: destruction of all free societies, conquest of the world, and enslavement of mankind. The battlefields are every institution and organization of society including the home, the church, the school, and every agency of our Government.

During the past summer, a 2-week national strategy seminar for 200 carefully selected Reserve officers from all over the Nation was held at the National War College in Washington with the endorsement of the Department of Defense and with the assistance of the Reserve Officers Association, the Foreign Policy Research Institute of the University of Pennsylvania, and the Institute for American Strategy.

The officers who attended this seminar did not study military science. They did not listen to lectures on military strategy, tactics, weapons development, and other subjects usually associated with the Armed Forces. Rather, the major theme of this seminar, at which a score of the country's top authorities on communism lectured, was "fourth dimensional warfare," or, as it is sometimes called, political warfare—combat aimed at destroying an enemy by nonmilitary means. This is a combat science which has been developed by the Communists to its highest degree in the history of civilization.

An implication of this seminar—and a point previously made by many experts—is that this country could be conquered by Communists without a shot being fired; that the military know-how and capabilities of our Armed Forces, our tremendous array of weapons, and the huge sums spent to develop them might never be used in a final defense effort to prevent the enslavement of the American people.

In this struggle between freedom and the forces of slavery, the Congress of the United States has charged the Committee on Un-American Activities with the responsibility for maintaining continuing surveillance over the agitational and propaganda activities, within this Nation, of the international Communist conspiracy. It has also charged it with continually reviewing the administration and operation of our security laws for the purpose of recommending such revisions as are necessary to cope with the ever-changing Communist threat.

Recently the Secretary of the Air Force, Dudley C. Sharp, was quoted in the press as "categorically repudiating" the Air Reserve Center Training Manual as representing Air Force views. Much of this manual deals with problems of Communist infiltration and subversion. Indeed, on the sections dealing with this subject, there appear numerous quotations derived from hearings conducted by the Committee on Un-American Activities in which are presented authoritative statements by experts on each of several facets of the subject.

Since it appears that the "categorical repudiation" of the Air Reserve Training Center Manual by the Secretary of the Air Force stemmed largely because of statements in the manual respecting "infiltration of fellow travelers into churches" (see manual, page 15–14), all God-fearing, freedom-loving people would do well to pause and reflect on the irresolute opposition of atheistic communism to religion.

Here are the words of J. Edgar Hoover, Director of the Federal Bureau of Investigation:

"Communism is secularism on the march. It is the mortal foe of all the world's religions which acknowledge the existence of God. Either the faith of our fathers will triumph or communism will engulf us. In this land of ours the two cannot live side by side.

"Nowhere among the leaders of the Communist Party in the United States, Russia, Red China or in any other part of the world will you find one who loves and believes in God. God is truth. Communists hate truth and, therefore, they hate the church.

"One of the leading slogans of the Communist revolution in Russia in 1917 was: 'Religion is the opium of the people.'

"This was first uttered by Karl Marx, the founder of communism, in 1843. Lenin, now resurrected by the Kremlin as the Communist idol and guide of the present and future, restated it in 1905. And last year, Nikita Khrushchev, the present head of the Russian Communist Party, publicly proclaimed that Communists have not changed their opinion on religion and said:

"'We remain the atheists that we have always been; we are doing all we can to liberate those people who are still under the spell of this religious opiate.'"

Sworn testimony from religious leaders who have escaped from Communist regimes amply demonstrates the intensity of the warfare which communism is waging against the churches.

I am inserting, as an appendix to my remarks, excerpts from typical testimony on this issue

What of Communist infiltration in church groups in the United States?

Incidental to investigations conducted by the Committee on Un-American Activities in our pursuit of Communists, at least a dozen persons who have been identified as members of the Communist Party have also professed to be ministers of the Gospel. In addition, several undercover operatives of the FBI who have served in the Communist Party have testified under oath respecting the directives under which they and other members of the Communist Party operated with respect to penetration of church groups.

I am likewise inserting in the Appendix to my remarks excerpts from sworn testimony on this subject.

How successful have Communists been in their attempts to penetrate church groups?

Although this question is not subject to precise qualitative or quantitative analysis, it is a fact, however, supported by the record that the Communists have duped large numbers of the clergy as well as lay leaders of the churches into supporting Communist fronts and causes which masquerade behind deceitful facades of humanitarianism. This is not to say that these persons are necessarily consciously supporting Communist enterprises but the net result is, for all practical purposes, the same.

Some 2 or 3 years ago the Committee on Un-American Activities held consultations with three prominent clergymen of the Jewish, Catholic, and Protestant faiths, respectively, on the subject, "The Ideological Fallacies of Communism." These clergymen, Rabbi S. Andhil Fineberg, Bishop Fulton J. Sheen, and Dr. Daniel A. Poling, clearly exposed the fallacies of this devilish force. In the course of the consultation, Dr. Fineberg was asked this question: "Have the religious forces of the world, in your judgment, been as vigorous in opposition to the spread of communism as they might have been?" He replied, "Too few religious leaders have accepted the responsibility of refuting Communist propaganda. Like most Americans, clergymen have been against communism without studying it and without effort to expose its fallacies."

In my judgment, much good can come from an objective inquiry into the reasons why the Air Reserve Training Center Manual which in part dealt with this very problem was repudiated by the Secretary of the Air Force. Without apology, therefore, and with firm determination that we will pursue this subject matter honestly, fairly, and sincerely, with end in view of developing the truth, the whole truth and nothing but the truth, we are opening our inquiry today by receiving the testimony of the Secretary of the Air Force, Dudley C. Sharp.

APPENDIX TO OPENING STATEMENT, HON. FRANCIS E. WALTER, DEMOCRAT, PENNSYLVANIA, CHAIRMAN, COMMITTEE ON UN-AMERICAN ACTIVITIES, ON ISSUES PRESENTED BY AIR RESERVE CENTER TRAINING MANUAL, WASHINGTON, D.C., FEBRUARY 25, 1960

Father Theodoric Joseph Zubek, a Franciscan priest who escaped from Slovakia, testified before the Committee on Un-American Activities in December 1959 as follows:

"Male religious orders and congregations were suppressed in April 1950. There were over 700 male religious priests and brothers living in 137 monasteries and were subjected to Communist-sponsored reeducation. If they complied with this brainwashing and took the oath of loyalty, they were sent to parishes and churches as diocesan priests. If they remained unyielding, they were sent to forced labor camps, and later in 1957, released to manual work. Clerics and religious brothers, if they did not want to leave the religious life, went also through the forced labor camps, and eventually to manual work on their own. A similar fate met the female religious congregations. There were 3,548 religious sisters in Slovakia, living in 210 convents. The convents were suppressed in August 1950, and the sisters were forced to leave the religious life. If they refused, they were sent to work without any salary in forced labor camps, collective farms, or various state plants.

"The Communist control can be said to be twofold: public control and secret control of activities of the church. By public control, I mean the antichurch laws of 1949.

"Besides, they have secret control of the church. Spies attend every ceremony. They trail priests and bishops wherever they go."

• • • • •

Concerning Communist persecution of church groups in Red China, Rev. Peter Chu Pong, general secretary of the Hong Kong International Christian Leadership, testified before the Committee on Un-American Activities in March 1959 as follows:

"They (the Communists) formed an indoctrination class in the assembly hall of our church. For 2 weeks they worked on the members of my church, brainwashing them into accusing me of being an imperialist agent and a running dog of the missionaries. • • •

"From morning to night they taught my church members all about communism. They indoctrinated our people along three major points: (1) They entirely denied there is a living God which exists in this universe. They told the people the whole universe was created through evolution; (2) they denied Lord Jesus and His salvation. They told the people that Jesus Christ was just a common carpenter, that the people had crucified him because he wanted to lead the people in counterrevolution work; (3) they told the people that Christianity is a religious instrument of the foreign imperialists to poison our Chinese people and sell them into slavery.

"They held an accusation meeting to accuse me, my wife, and the elders and deacons in our church of being imperialists. They tied our hands with long rope and forced us to kneel on the platform in our church assembly hall with signs around our necks which said 'Guilty Crime.' They slapped our faces, kicked our bodies, and poured cold water on our heads. They made my children stand and watch. If they cried, the Communists beat them. They wanted

me to confess that I was an imperialist agent and reveal the amounts of money I was supposed to have received from the missionaries. They wanted me to tell what kind of guns and radios the missionaries had given to me. They accused me of helping 12 missionaries escape from Nanking before the Communists came. They wanted me to reject Christ, give up my church, and admit that the only God was Mao Tse-tung, head of the Communist government.

"If I had confessed they would have killed me immediately. They were going to put me into prison anyway."

* * * * *

Under date of October 20, 1959, Moiselle Clinger, former undercover agent for the FBI, who served in the Communist Party, testified as follows:

"Question. What was the practice of the Communist Party during the period of your membership with regard to assigning people to work in mass organizations?

"Mrs. CLINGER. Almost everyone was assigned to some type of a mass organization. Now, there may have been something that they were interested in. I mean, they were all in some group that they may have belonged to, but if you didn't belong, you were told where or what to join. I remember the churches. There was one period where they felt it was quite necessary that different people join different churches.

* * * * *

"Question. Now, if you will recall other assignments, you spoke of assignments in church work. Do you know of anyone who received such an assignment who was known to you personally to be a member of the Communist Party?

"Mrs. CLINGER. Yes. The same O. E. Burrell, I know, did quite a bit. I know that he belonged to the church in Santa Monica, and to me this was kind of an odd thing, and to many of the oldtimers in the Communist Party it was kind of earth shaking to have to go into a church. I noticed it was mostly the younger—I wouldn't say younger—I mean the newer, members that they were able to do this with. I noticed it was not the older members, longstanding members who were too interested in taking on this task of going into the churches to work.

"I know my husband was asked to join a church, and I frowned on this, so that he was not pushed to go ahead with this."

* * * * *

A few months ago Mrs. Dorothy Healey, a member of the National Committee of the Communist Party, reported in a convention speech respecting the activities of the Communists of southern California, in part, as follows:

"* * * Communists * * * are working in community organizations, fraternal organizations or churches. * * *

"A further expression of the way to develop and consolidate the antimonopoly alliance is through our participation in activating the program of the people's organizations to which we belong."

* * * * *

Marion Miller, former undercover agent for the FBI, testified before the Committee on Un-American Activities on October 21, 1959, as follows:

"These people carry out this Communist propaganda and the work of the party no matter where they are because this is their duty, to promote communism wherever they are, whatever time it might be. They live and breathe as Communists, and in whatever organization they go into, I can't emphasize this too strongly, whether in a trade union or in a fraternal organization, or in a religious group, in a church, wherever it may be. The duty of a Communist is to carry out the Communist program."

* * * * *

Miss Carol Bayme, San Diego native and resident, appeared before the Committee on Un-American Activities in public session on April 21, 1954. She became a Communist sympathizer late in 1948, and joined the Communist Party early in 1949. She testified that she probably was dropped from party rolls sometime in 1951 at her request, and that she made an effort to rejoin the party in February 1954. She testified as follows:

"Question. Were you given instructions at any time by the Communist Party as to the attitude that should be taken by Communists toward religion or toward religious groups?

"Miss BAYME. Toward religious groups. I can answer that. I was instructed not too long ago, in hopes of assisting the FBI, when I tried to get back into the party, I was instructed that I would have to join a church youth group, or a church, and become active in the work.

"Question. You were told if you came back——

"Miss BAYME. In order to get back into the party I would have to get into a church group and work within it and try to influence it."

* * * * *

Rev. Joseph S. Nowak appeared before the Committee on Un-American Activities in public session on March 25, 1954. He was born in Lwow, Poland, on October 17, 1903, and was brought to the United States by his parents in June 1906.

In the course of his testimony, Reverend Nowak admitted that in 1946 he formally joined the Community Party. In discussing his associations with the Communist Party and its members, he testified that from 1934, upon his graduation from the Union Theological Seminary, until 1942, he was in charge of a small mission, St. Paul's Presbyterian Church, in Baltimore, Md. He testified that, while not a member of the Communist Party, he held an office in a Communist-front organization, the American League Against War and Fascism, knowing that its leaders were officials in the Communist Party:

"Question. Were you a member of the Communist Party while you were on your assignment in Baltimore?

"Mr. NOWAK. No, sir; I was not.

"Question. Although you were not a member of the Communist Party while you were in Baltimore, did you collaborate with functionaries of the Communist Party while you were there——

"Mr. NOWAK. I worked together——

"Question. And worked with the Communist Party?

"Mr. NOWAK. I worked together with them; yes.

"Question. Knowingly?

"Mr. NOWAK. As an official of the American League Against War and Fascism; yes, and also knowingly. I know that they were officials in the party."

* * * * *

Herbert A. Philbrick was a member of the Communist Party as an undercover agent for the Federal Bureau of Investigation. Following are excerpts from his testimony before the Committee on Un-American Activities on July 23, 1951:

"Question. You have testified that you were active in various youth organizations in your church work. Did you continue to be active in your church work after joining the Young Communist League?

"Mr. PHILBRICK. Yes, I did. First of all, of course, I wanted to continue because I wanted to maintain my contacts with some healthy minded individuals; but beyond that, and to my good fortune, I was instructed by the party to continue my contacts and to continue my affiliations in all my normal groups.

"These instructions were also given to other members of my cell. * * *

"Question. Who gave you those instructions?

"Mr. PHILBRICK. I recall that in a discussion at the apartment of Dave Bennett we were given those instructions. I was also given those same instructions by Fanny Hartman and by Alice Gordon.

"Question. Was Dave Bennett known to you to be a member of the Communist Party?

"Mr. PHILBRICK. He was known to me long before I actually became a formal member myself. * * *

"Question. From the instructions which you received from the Communist Party, did it appear, or were you led to believe, that in the field of religious activity the Communist Party was incompatible with any religious belief?

"Mr. PHILBRICK. Absolutely. We were taught that the socialistic theories of Marx had nothing to do with the idealistic superstitions of religious organizations."

* * * * *

Earl Reno, former high-ranking official of the Communist Party, testified before the Committee on Un-American Activities on March 25, 1954, as follows:

"Question. In the performance of the work of the Communist Party through the American League Against War and Fascism, and through the Ethiopian Defense Committee, did you utilize at any time the services of any ministers or any members of the ministry?

"Mr. RENO. Yes. We had two ministers who were particularly active in the American League Against War and Fascism and the Ethiopian Defense Committee, Rev. Joseph Nowak and Rev. Jack Hutchison. * * *

"These two young ministers came there, said they had recently come from the Union Theological Seminary in New York, that they had been students of Harry Ward and intimated that they had some previous contact with the Communist Party and wanted to know in what way they could work. * * *

"They were assigned to churches in Baltimore; that they had previously done some work in conjunction with the Communist Party, I believe, in New York and wanted to know in what way they could do cooperative work while in the period they were in Baltimore. * * *

"Then, in the meantime, I had had discussions with Leonard Patterson about the possibility of their working in the Ethiopian Defense Committee, and at the second meeting with them I suggested they work both with the American League Against War and Fascism and the Ethiopian Defense Committee, and they did. They became members of these two organizations and participated. * * *

"Question. Did they advise you at any time that they were not members of the Communist Party?

"Mr. RENO. No. There were times when they asked the advisability of joining the Communist Party, which I advised them against, and at one point Dr. Albert Blumberg came and said one minister had asked the probability of leaving the church, joining the Communist Party. I said, 'This is ridiculous.' * * * Dr. Albert Blumberg came to me to discuss the possibility of Reverened Hutchison joining the Communist Party, and at that time I said I didn't think it was wise and I thought it was rather ridiculous, and as long as I was in Baltimore I would not have accepted membership application from either of them.

"Question. Why?

"Mr. RENO. I didn't feel a minister belonged in the Communist Party. * * * If a minister were identified as a member of the Communist Party, his use in the Communist Party at that time would have been nil. In

my own words, an unemployed minister of the Communist Party has no value.

"Second, I felt ideologically the training for the ministry inevitably comes in conflict with the ideological training of the Communist, that if they did join they would inevitably come in conflict with it and, therefore, they would be of much more use not being members of the Communist Party than if they were members.

"Question. You mean use to the Communist Party?

"Mr. RENO. That's right.

"Question. I gather in your position as a functionary of the Communist Party it was your feeling you could put ministers to a much better use if they were not members of the party than if they became members of the Communist Party?

"Mr. RENO. That is correct."

* * * * *

Mrs. Anita Bell Schneider, a native of California, appeared before the House Committee on Un-American Activities in public hearings in June and July 1955. She had served 17 months as a control-tower operator in the WAVES during 1944 and 1945; attended San Diego State Teachers College in the following few years, receiving a bachelor's degree in sociology and economics; worked for Deputy Sheriff Robert Newsom from February 1951 to August 1951, when she became an undercover operative for the F.B.I. At their request she joined the Communist Party in the summer of 1951. Most of her Communist Party work was done in San Diego, some in Los Angeles, and Sacramento and a little in Chicago. Her major party assignment was to become chairman of the San Diego Peace Forum. Other assignments included membership on the county central committee of the Independent Progressive Party; service as secretary of the State Independent Progressive Party Convention in Chicago in 1952; and as secretary of the women's division of the Independent Progressive Party.

In her testimony on June 27, 1955, Mrs. Schneider stated that the Communists, recognizing the universal desire for peace, felt that attaching the word "peace" to their efforts would aid in getting the use of churches to meet in, "we could involve other people and active church people." She testified that she had been given literature to take the ministers of the two churches she attended in an effort to make them more active in the peace movement.

In conclusion, Mr. Speaker, and while I may be criticized for going to the Good Book for a second text, I would like to quote just one line which I think is apropos to the present controversy and to the uncertain trumpet. The First Psalm, in part, says:

Blessed is the man who walketh not in the counsel of the ungodly.

Mr. Speaker, I say that the Air Force Manual statements on infiltration were substantially correct. There has been and there presently is, a fraternization of Communists and clergy which has served to lend gentility to the unremitting Communist attack against this Nation and against the word of God. That so few ministers have lent the prestige of their high calling to such an unholy combine is a source of great satisfaction to all Americans. That a few have been duped by the Communists is a matter of national concern.

The National Council of Churches has a tremendous potential for good. The men who comprise the board can be a potent force in the struggle against human indignity and human slavery—but not in concert with those who would destroy us—and them. I have no quarrel with any man who has devoted his life to the service of God—to the contrary, I admire and respect him and am prepared to follow him in pursuit of the great moral truths enunciated beside the Sea of Galilee. But I cannot and I will not follow the notes of an uncertain trumpet to the destruction of all that I hold worth while.

Millions of Americans are seeking the church today, not to listen to political lectures by those who know nothing of politics, but to hear anew the clear charges laid upon man by his Creator—to obtain strength and solace—to be inspired by God's word—to face the Monday after the sermon with courage and faith. The average churchgoer does not need political advice from any remote source. He has his own ideas about the recognition of Red China, social security and labor laws, and he probably knows as much about these things as do those who comprise the governing body of the National Council of Churches or any other ecclesiastical body of any church.

For instance, Mr. Speaker, how many American Protestants favor the admission of Red China to the United Nations? If the past expressions in the Congress on this question are at all accurate, very few Americans of any faith look with favor on the proposal. Yet, in 1958 the National Council of Churches, professing, I suppose, to speak for 38 million American churchgoers, went on record, and, by a unanimous vote, in favor of the admission of Red China. It is certain that one dissenting Protestant was the late Secretary of State, John Foster Dulles, himself a former chairman of the National Council of Churches, and subsequently one of the most effective spokesmen against any recognition of the Communist regime in China.

Disturbed by this arbitrary action on the part of the National Council, the Committee of One Million Against Admission of Red China, and, parenthetically, Mr. Speaker, I am proud to be a member of that committee, took a poll of 45,000 Protestant clergymen from every State in the Union on the question of recognition. The returns of the poll indicated that church members were 10 to 1 in opposition to the stand taken by the National Council of Churches. It would appear that the relationship of the council to its member churches in this case was a matter of too much policy at the top of the pyramid and too little liaison with the base. If the Members of this House maintained that kind of rapport with their constituencies, we should and would all be turned out to pasture in the next election.

I would be derelict, Mr. Speaker, if I did not at this time express my respect for, and affection to, the chairman of our committee. Of all of the difficult jobs to be carried on in the Congress, his is probably the most difficult. Not only is he a man of character and deep conviction, but one whose courage to do the right as he is given to see the right, is not exceeded in the Congress or anywhere else. His prompt action in calling Secretary Sharp before the committee for a full inquiry into the matter of the statements contained in the manual, demonstrated a measure of this courage. When he was convinced, together with others on the committee, that the Air Force had been hasty in repudiating the statements and apologizing to the National Council of Churches, he said so, and in terms which permitted no misunderstanding in any quarter. Called upon by spokesmen for the National Council to apologize to that organization he replied as he should, extending an invitation to the spokesmen for the Council to come before the House committee for an exploration of the entire subject. He did not back water, he did not apologize, but expressed himself as satisfied that the statements contained in the manual were substantially correct.

I am a Republican, Mr. Speaker, and, I hope, a good one. Certainly I have tried for 13 years to follow the dictates of my conscience, without descending to personal vilification or demagogery. But, for my part, and this may be heresy of a high order down in the Republican National Committee, I would be as content if FRANCIS WALTER remained in the Congress of the United States until he is 90, and longer if he wished to stay. This country is safer today—its people more alert to the dangers which confront us—because the gentleman from Pennsylvania is chairman of the House Committee on Un-American Activities.

In the matter of the present controversy, there is no division between those of us who serve on the House Committee on Un-American Activities. We Republicans on the committee intend to uphold the chairman in the course of action upon which he has embarked. We believe with him and with our Democratic colleagues, that there has been Communist infiltration into some of our churches, and that a few of the many thousands of American ministers have been beguiled into channels grooved out for them by the Communist conspiracy.

The gentleman from California has taken the floor today, not in an effort to divide Americans on this important issue, but to inform the House of some of the facts in the case which will be important to them in their assessment of the charges and countercharges which have been hurled during the last 10 days.

In summary, Mr. Speaker, these facts appear to me to be self-evident:

First. The charges in the Air Force manual are correct to the extent that they allege Communist efforts to infiltrate American churches.

Second. Some American clergymen have given direct support to Communist causes.

Third. Other clergymen have been duped into support of Communist-front activities.

Fourth. The Air Force should not retreat from the basic premise that infiltration by Communists into American churches is a continuing effort.

Fifth. The National Council of Churches of Christ in America, in protesting the statements contained in the Air Force manual, have run counter to

the sentiment of many Protestants in the country, members of NCC church affiliates.

Sixth. Individual churchmen who participate in Communist-directed activities should enjoy no immunity from proper investigation.

Seventh. No investigation should be contemplated respecting a church organization, as distinguished from investigation of individuals.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Michigan.

Mr. JOHANSEN. Mr. Speaker, I have asked the gentleman to yield, first of all so that I may associate myself with the completely merited tribute which he has paid to the chairman of the House Committee on Un-American Activities. I know that the gentleman reflects the sentiment of all of the members of that committee in this tribute. I want to take the liberty of adding my own word of commendation to the gentleman from California, himself the ranking minority member of the committee, for he has matched, in his own devotion in that very difficult assignment, the dedication of the chairman of that committee. It is a matter of grievous regret to me that he is not going to be in the House next year or with the committee next year. I could not permit this opportunity to pass without paying tribute to him and to confirm what he has said and what I had occasion to say, both to the committee and on this floor only 2 or 3 weeks ago in connection with an investigation of Communist activities in the youth movement, that in their service to the country there are neither Democrats nor Republicans on the committee. I commend the gentleman for the statement he has made here today. It is my one great concern that there have been pressures continuing on the Air Force, in effect, to delete any reference to Communist infiltration wherever it might occur.

Mr. JACKSON. I thank the gentleman for his very gracious words.

Mr. HIESTAND. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from California.

Mr. HIESTAND. I wish to echo the sentiment of the gentleman from Michigan just expressed. I consider the statement of the gentleman from California to be not only very eloquent but devastating. I hope that we may all have copies of the statement to use because I consider the statement a classic, and I thank the gentleman for yielding.

Mr. JACKSON. I thank the gentleman for his kind remarks.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. The gentleman from California said one thing I do not believe any of us like. That is, he would not be with the House next year. If the gentleman could be induced to change his mind about that, it would be the best news many of us, if we happen to be here, could get. As I understand the gentleman's statement, the criticism of the position he takes is based upon the assumption that no one in the organization to which he makes reference could possibly be mistaken?

Mr. JACKSON. That is substantially the position. They do not want even a suggestion, that any church organization could in any way have been infiltrated by Communist doctrines or by Communist persuasion.

Mr. HOFFMAN of Michigan. Of course, if that be true, if it applied to the folks that attend the churches, there would not be any need for churches or ministers either.

Mr. JACKSON. I thank the gentleman.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Kansas.

Mr. AVERY. As I understand the gentleman's statement, he made reference at one point that he had excerpts in his statement from laymen in churches, and also from ministers in churches, two sets of messages. The gentleman said he did not have time to read those in his statement. Could he summarize those for the Members?

Mr. JACKSON. I shall be happy to. As of this morning the House Committee on Un-American Activities had received some 1,400-odd communications relative to the controversy over the Air Force Manual. More than 1,400 supported the allegations in the manual and all were very strong in their representation that this matter is an important one and a proper one to be looked into.

Mr. AVERY. Has there been any response to the suggestion of the gentleman from Pennsylvania, the chairman of the committee, that perhaps the persons casting this reflection might appear before his committee and make a further clarification if they wish to do so? Has there been a formal response to the invitation of the chairman?

Mr. JACKSON. Not to the best of my knowledge.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Ohio.

Mr. DEVINE. I should like to associate myself with the gentleman's remarks. The gentleman has done an extremely commendable job in outlining this subject for the Members of the House and for the American people. I join my colleagues in their regret that the gentleman from California has decided not to become a Member of the 87th Congress. This will be a great loss to the membership here and to the people of America who depend on persons of the gentleman's character to defend their rights.

The gentleman mentioned Congressman SCHERER, of Ohio, and some of his remarks that you have included in the RECORD. In discussing this matter with Congressman SCHERER the other day when the subject was brought up, it was mentioned that a lot of persons who have deplored the practice of book burning would like to engage now in the practice of manual burning.

The issue here is not who is responsible for the remarks that appeared in the manual, but what is the truth. I think that our distinguished colleague from California has demonstrated quite clearly what the truth is, and I would like to again, individually and as a member of the official board of Bexley Methodist Church, associate myself with his remarks. I certainly do not feel that I nor any member of the congregation with which I am associated would care to be represented by those mentioned who profess to speak for 38 million Protestants across this Nation.

Mr. JACKSON. I thank the gentleman. Of all the people in this land whose dedication is to truth, those who should be the last in protesting an inquiry in the area of Communist efforts, are the spokesmen for the National Council of Churches. Truth is the ultimate goal they pursue. If these charges are true, let us get them out in the open. If they are not true, let us have a positive establishment of that fact. In any case, this matter should be resolved, because it is a divisive controversy in its present form, which serves to separate churchman from churchman, laity from laity, but it will never be resolved until such time as it is gone into in detail and we find out to what extent Communist influences are at work and to what extent they have been able to infiltrate American church institutions, if at all. If they have not, let the record show it affirmatively. If they have, and the abundance of testimony presently available would indicate that they have, let us make such determination, and then let the churches themselves go to work and get rid of the Communist termites.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield further?

Mr. JACKSON. I yield.

Mr. JOHANSEN. I have just been rereading this week a document which was prepared and published in 1933, which outlined in great detail Communist activities and infiltration in the field of organized labor and of labor unions. The significant point about this document is that it was prepared by and submitted to the President of the United States over the name of the president of the American Federation of Labor, Mr. William Green. Now, he apparently did not feel that he was acting contrary to the good name or the interests of the American Federation of Labor when he contributed this exposé of the Communist enemies of organized labor.

Mr. JACKSON. It is entirely fallacious for anyone in labor, education, the churches or in any other walk of American life to contend in the first instance that he is above inquiry. Secondly, it is equally fallacious to contend that when an individual in a group is investigated, you are investigating the organization of which he is a member. This is an important distinction which should be borne in mind. No one has ever suggested an investigation of the Baptist Church, or the Catholic Church, or the Episcopal Church, or of the Methodist Church, nor would anyone in his right mind make such a suggestion. But, to contend that a Communist or Communist sympathizer is entirely at liberty to operate within a church group and

that by some alchemy he is exempt from any investigation is, as I say, fallacious and dangerous.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from Missouri.

Mr. CURTIS of Missouri. I appreciate your remarks very much, particularly, as I noted the gentleman's point, that whatever is the truth, let us get that out in the open. One thing that disturbed me about this controversy—and I thought perhaps the gentleman could throw light on it—was the quotation out of context from the manual about the right of Americans to know certain things. I forget the exact language, but that was the general import. Then I heard the gentleman from Pennsylvania quote it in context, and in one of our national magazines I saw the full text. I have not seen the manual itself. But what disturbs me, and my question is this, Does the gentleman know who it was who started quoting that phrase out of context? It has been repeated constantly, and certainly those of us who are interested in honest public debate and controversy abhor this business of quoting out of context. Does the gentleman know where it started, or who started this quoting out of context?

Mr. JACKSON. I cannot enlighten the gentleman as to the individual or individuals who took the sentence out of context. As I said in my preliminary remarks I did not go to the point of these other matters.

Mr. CURTIS of Missouri. Yes, the primary point was the one the gentleman discussed.

Mr. JACKSON. I will say to the gentleman that my reading of the freedom of information paragraphs was entirely different; that is, I obtained an entirely different impression of what the author intended than I did from the line or two lines which appeared in the press.

Mr. CURTIS of Missouri. I certainly did, too.

Mr. JACKSON. The author is dealing with secret information; this is the whole point of his discussion.

Mr. CURTIS of Missouri. That is correct.

Mr. JACKSON. Secret information is not public information. Certainly I do not think it is unwise to deny a citizen who is not cleared for secret information access to it. I think the Defense agencies would be more than a little stupid if they let anyone have secret information who was not entitled to have it in the course of his duties. Freedom is not absolute and none of us enjoys absolute freedom. To contend that secret information should be given willy-nilly, to whomever wants it, is of course foolish, as the author of the manual stated.

Mr. CURTIS of Missouri. May I say to the gentleman that taking that sentence out of context meant that the public, in reading it, did not know what the author had in mind, which was very obvious, I think, to anyone reading it in context; that is, that he was discussing classified information. The thing that disturbs me, and the reason I asked the gentleman to yield, is this. The gentleman made the point of this search for truth.

I certainly agree with him. The churches should have, and in my judgment do have that as their main objective. This is also true of our educational institutions. They should be the last ones to quote out of context and to use improper procedures of debate, which is really a falsification—that is, to quote out of context is deliberately falsifying. So that although it is a collateral point, it does disturb me, because it was immediately picked up. I heard it repeated in church myself last Sunday by a minister who, I should have thought, if he was a scholar and dedicated to the pursuit of truth, would have checked to find out whether he was quoting out of context or not. Apparently he did not take the trouble to find out. I have seen newspapers around the country quoting this phrase out of context and, of course, there is a special responsibility on their part to find out whether an item given them is being quoted out of context.

Mr. JACKSON. Mr. Speaker, on that point I would ask unanimous consent to insert in the RECORD at this point the full text on the freedom of information matter presently under discussion.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

(The matter is as follows:)

ESPIONAGE

How the United States lost its most valuable secrets concerning the means for constructing an atomic bomb has been discussed in lesson 12. The principals in these exploits, as you will recall, were David Greenglass, Klaus Fuchs, Harry Gold, and Julius and Ethel Rosenberg. These spies operated, it should be remembered, while the United States and Russia were allies in World War II.

More recent than World War II is the espionage case of Kim Suim. Many of our soldiers who fought in Korea will never forget this beautiful Oriental girl. She had studied in a missionary school, spoke perfect English, and had wit and good looks which made her a favorite with American occupation forces in Korea after World War II. Kim Suim had only one major fault—she was a Communist agent.

Kim Suim operated for more than 4 years. During that time she gathered information for the Reds and sent them equipment which later was responsible for the deaths of many Americans who trusted her. Her popularity was so great, in fact, that first reports of her treason were met with incredulity and laughter. But no one laughed in 1950 when she was tried by the South Korean Government and executed.

Sometimes we hear loyal Americans remark that security precautions are useless anyway, that the newspapers are always printing information about our latest secret weapons. If security is so useless, why do they suppose our potential enemies go to the trouble of recruiting and training a large force of espionage agents?

When a newspaper prints some so-called secret data, it merely means that the Government no longer considers that particular data secret—it does not mean we have no secrets left. Or it could mean that clever newspapermen took pieces of unclassified information which they were authorized to have, put them together, and came up with the right answer. However, because such accounts may have given the correct information does not mean that the information is no longer classified. Newspapers are not official—and until the Government declassifies security information, it remains classified.

Another rather foolish remark often heard is that Americans have a right to know what's going on. Most people realize the foolhardiness of such a suggestion. If a football team should start telling the other side the plays it planned to use, their opponents would sweep them off the field. It's the same in war—hot or cold; if we tell our secrets, we are likely to be beaten, and beaten badly.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield further?

Mr. JACKSON. I yield to the gentleman.

Mr. JOHANSEN. In that same connection, may I read just one question and one answer from the hearing of last week after this material which the gentleman has just asked permission to insert in the RECORD was read. The chairman asked Secretary Sharp.

Mr. Secretary, the whole import of that language is that the military is entitled to protect secrets, is it not?

And the Secretary replied:

Yes; I would think so; yes, sir.

Mr. JACKSON. I think when one understands that this matter went to the point of secret information, information not generally made available except to those who are given clearance to have it, it becomes entirely logical, which is to say that it is foolish for the American people to believe that they may have such classified information, information which deals with matters affecting our national welfare and our national safety. But in order to make this clear the phraseology should be taken in the context in which it was written and not out of context as it was used.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I yield.

Mr. HOSMER. Mr. Speaker, I think the gentleman, in addition to the other matters upon which he has received congratulations, should receive them for exposing to public view a somewhat new technique our enemies have adopted, namely, the one he specifically mentioned of innocence by association.

Along that line there appears to be another new technique coming into use. That is the purchase of paid newspaper advertising to put across their line. I do not know much about it, but I read a story recently of a full page ad in several newspapers purportedly an example of this. I hope that the gentleman from California or some other member of his Committee on Un-American Activities will at some future time take the opportunity to advise us on this—a new cold war technique.

Mr. JACKSON. I thank the gentleman.

Mr. HOFFMAN of Michigan. Mr. Speaker, under leave previously granted, I am inserting the following report:

NATIONAL COUNCIL OF CHURCHES

On February 11, 1960, Mr. James Wine, associate general secretary of the National Council of Churches, wrote a letter to Mr. Thomas S. Gates, Jr., Secretary of the Department of Defense, protesting against remarks in an Air Force instruction manual. Mr. Wine demanded that the Department

of Defense repudiate the manual, withdraw it from use, recall all distributed copies—and give the national council a complete explanation. The Air Force ordered withdrawal of the manual that same day—February 11—and both Mr. Gates, Secretary of Defense, and Dudley Sharp, Secretary of the Air Force, expressed regrets to the national council that the manual had ever been issued.

None of this got into the news until February 17, 1960, when Mr. James Wine released to the press a copy of the February 11 letter of protest.

The Air Force Manual in question was issued by the training command headquarters of the Continental Air Command at Lackland Air Base, Tex. A total of 6,100 copies were printed. Of these 3,290 had been distributed to Reserve training centers of the Air Force throughout the United States. The National Council of Churches complaint was against a section of the Air Force Manual which, under the heading "Communism in Religion," said:

"From a variety of authoritative sources, there appears to be overwhelming evidence of Communist antireligious activity in the United States through infiltration of fellow travelers into churches and educational institutions.

"The National Council of Churches of Christ in the U.S.A. officially sponsored the Revised Standard Version of the Bible. Of the 95 persons who served in this project, 30 have been affiliated with pro-Communist fronts, projects, and publications."

As soon as the National Council of Churches forced this issue into the open, Pentagon officials issued public apologies. News stories characterized the officials variously as "appalled," "stunned," "startled," and "shocked," at this "attack on the churches of America" in an Air Force manual.

Liberals of both parties in Congress made impassioned statements for the press. Senator PRESCOTT BUSH (Republican, Connecticut) said the manual was an "unjustified and outrageous" reflection upon "the great body of American clergymen" and that its issuance was "inexcusably stupid." Congressman JOHN E. MOSS (Democrat, California), chairman of the House Government Information Subcommittee; Congressman MELVIN PRICE (Democrat, Illinois), chairman of the House Subcommittee on Military Manpower; Congressman FRANK KOWALSKI (Democrat, Connecticut), member of the House Armed Services Committee; Congressman CARL VINSON (Democrat, Georgia), chairman of the Armed Services Committee, were among those who made statements comparable to that of Senator BUSH, all of them demanding or promising full-scale investigations.

At least one Member of Congress, however, spoke calmly and factually about the controversy. Congressman FRANCIS E. WALTER (Democrat, Pennsylvania), chairman of the House Committee on Un-American Activities, criticized the Air Force for withdrawing the manual without even trying to find out about the accuracy of the charges of Communist infiltration into churches. Congressman WALTER said he had examined the Air Force Manual. He said that 30 of the 95 persons who prepared the National Council of Churches' Revised Standard Version of the Bible do have Communist front affiliations. Congressman WALTER said that if Air Force officials had looked into the charges which the manual made, they would have found that the manual is correct in what it says.

THE DOUBLE STANDARD

The most interesting thing revealed by this controversy is the double standard of liberalism. Roscoe Drummond's syndicated article for February 21, 1960 (New York Herald Tribune service), begins by saying,

"The U.S. Air Force has committed an awful offense against the United States * * * by allowing one of its training manuals for Reserves to be used to try to smear the Protestant churches with undocumented, unproved, false charges that the clergy are knee deep with Communists and fellow travelers."

Mr. Drummond characterizes the issuance of the Air Force manual variously as an "evil, pernicious, dangerous thing"; as "poisonous"; as "meat ax, guilt-by-association accusations"; as "mean" and "false." Drummond then falsely implies that even the late Senator Joseph McCarthy had been outraged (in 1953) by charges that Communists had infiltrated American churches; and he falsely implies that the House Committee on Un-American Activities belittles charges of Communist infiltration into religious institutions.

Near the end of his column, Roscoe Drummond says:

"What is needed is to find out who wrote this stuff, who had anything to do with clearing it at every level, where it was distributed, and what assurance there is that it won't happen again."

What Mr. Drummond here demands is exactly what he and all others of his kind were denouncing as "smear" and "book burning" in 1953, 1954.

In 1953, the late Senator McCarthy, looking into operations of the Government's oversea information agency, discovered that a large number of books in the agency's oversea libraries (libraries created and maintained with tax money for the ostensible purpose of helping our struggle against communism) were written by Communists and Communist-fronters, falsely putting communism in a favorable light. Demanding that the pro-Communist books be removed from our Government's "anti-Communist" libraries, Senator McCarthy tried "to find out who wrote this stuff, who had anything to do with clearing it at every level, where it was distributed, and what assurance * * * that it won't happen again."

In 1954, Senator McCarthy, investigating Communist infiltration into the Army (particularly at Fort Monmouth), discovered that Irving Peress had been given a promotion in rank after the Army had been informed of Peress' Communist connections. Senator McCarthy wanted to find out "who had anything to do with clearing" this thing "at every level." He sought assurances that such a thing wouldn't happen again.

But in 1953 and 1954, Roscoe Drummond and all other McCarthy-hating anti-anti-Communists (including President Eisenhower) accused McCarthy of character assassination and "book burning."

THE OTHER SIDE

In 1953 and 1954, anti-Communists never did find out who was responsible at every level for putting pro-Communist books in our oversea libraries and for promoting Peress after his Communist connections were known.

In 1960, the Nation knew precisely who prepared the controversial section in the Air Force manual, long before liberals had quit making headlines with their demands for an investigation.

The "Communism in Religion" section of the Air Force manual was written by Homer H. Hyde, 54 years old, who has worked for 18 years as an educational specialist at the Lackland Air Force Base. He is a member of Grace Baptist Temple at San Antonio, Tex.

Mr. Hyde says:

"I would welcome a complete and full-scale investigation into all aspects of Communist activities in the United States, especially the infiltration into our churches and religious activities.

"From the records I have examined, I'm fully convinced the greatest danger to our way of life is the insidious infiltration of Communists into various phases of American life, and particularly in the churches.

"The Communists are using our churches because people tend to believe what they hear from the pulpit as gospel truth."

The statement that 30 of the 95 men who produced the National Council of Churches' Revised Standard Version of the Bible have Communist-front records: Mr. Hyde got this information from a pamphlet published by Circuit Riders, Inc., 18 East Fourth Street, Cincinnati, Ohio. Mr. M. G. Lowman, executive secretary of Circuit Riders, says:

"Apparently, the Secretary of the Air Force and the Secretary of Defense have ignored the public records of 9,000 clergymen whose names appear from 1 to about 200 times each, in public print, supporting Communist and pro-Communist causes.

"Once these amazing facts were called to their attention by Homer H. Hyde, in the Air Force officer manual, both the Air Force Command and the Secretary of Defense proposed a great book burning of the offending manual to placate the outraged National Council of Churches of Christ in America.

"The public should know that both the U.S. Air Force and the Department of Defense now have copies of the public, pro-Communist records of 2,109 Methodist ministers, 1,411 Protestant Episcopal rectors, 614 Presbyterian clergymen, along with the publications 'Recognize Red China,' and 30 of the 95 men who gave us the 'Revised Standard Version of the Bible.'

"These last two publications portray the National Council of Churches as one of the most infiltrated and exploited operations in the United States.

"The Air Force can burn its manuals; but in so doing, it has focused more light on this situation than patriotic organizations have managed to do.

"The vast majority of U.S. clergymen are loyal to God and to the United States: they have not taken part in an attempt to neutralize against world conquest by the Soviets, which the liberal church programs and church organizations have done, propagandizing for peace-at-any-price and compromise-with-atheism.

"If the public would like to have some of the material which Homer H. Hyde used in the Air Force Officer Manual which outraged the National Council of Churches of Christ and, thus, terrified the Department of Defense, they can obtain it by writing to Circuit Riders."

Some of the general information about communism in religion, which Homer Hyde put in the Air Force manual, was taken from material published by Dr. Billy James Hargis, Protestant evangelist who is president of Christian Crusade, Tulsa, Okla. Dr. Hargis says:

"Newspaper stories say the 'Communism in Religion' section of the Air Force Reserve Training Manual was based on: (1) a booklet entitled 'The National Council of Churches Indicts Itself on 50 Counts of Treason to God and Country,' which I wrote and published 4 years ago; (2) a Christian Crusade broadcast, still in print, entitled 'Apostate Clergymen Battle for God-Hating Communist China'; and (3) a booklet entitled '30 of the 95 Men Who Gave Us the Revised Standard Version of the Bible,' published by Circuit Riders, a Methodist laymen's group concerned about subversion in its particular denomination.

"I had sent all these publications to Mr. Homer H. Hyde, of San Antonio, when he asked for documentations last November.

"In my opinion, the National Council of Churches of Christ has done more to nurture communism than any other organization in the United States. It is nothing short of folly for the United States to spend $60 billions a year to defend our country against

communism abroad, and here at home hide our eyes to the realities of Communist infiltration.

"I would gladly debate the charges of Communist infiltration of American churches with the national council president, Dr. Edwin Theodore Dahlberg.

"Mr. Hyde is concerned about losing his job with the Air Force. I have offered him a research position at his present salary on my Tulsa staff if he is fired. Congressman FRANCIS WALTER, chairman of the House Un-American Activities Committee, has asked me to extend an invitation to Mr. Hyde to join his staff in event of his dismissal.

"As an ordained Protestant minister, I have asked the House Committee on Un-American Activities to make a thorough investigation of alleged Communist infiltration into American churches. After 12 years of research and study on this subject, I am convinced that there is evidence to prove that Communists have infiltrated the National Council of Churches, its affiliated denominations and the Unitarian denominations."

Edgar C. Bundy, general chairman of the Church League of America, Wheaton, Ill., said he would testify under oath that—

"The National Council of Churches is one of the greatest enemies in regard to national security."

Bundy said his organization can give documentary proof of his charges. Bundy's book, "Collectivism in the Churches," published by the Church League in 1958, is a heavily documented account of the leftwing political activities of the National Council of Churches.

Verne P. Kaub, president of the American Council of Christian Laymen, Madison, Wis., says:

"In 1949, our American council published a brochure, 'How Red is the Federal (now National) Council of Churches?' making substantially the same charges as those made in the questioned Air Force manual. Our brochure reports, among other things, that in 1935 naval intelligence branded the Federal Council of Churches as subversive. No legal action has ever been brought against us and no statement in the brochure has been successfully challenged."

Dr. Ralph I. Yarnell, general secretary of the American Council of Christian Churches, said the charges about Communist infiltration into American churches can be "more than sustained." He said the Air Force withdrew the manual "merely to shield and satisfy the National Council of Churches."

Dr. Carl McIntire, president of the International Council of Christian Churches, 801 Haddon Avenue, Collingswood, N.J., says:

"The quick and unjustified surrender of the Air Force and Defense Department to the demands of the National Council of the Churches of Christ in the U.S.A. leaves up in the air the truth of the Air Force manual's statements about Communist infiltration of religious institutions. The manual's statements are true, and point up a serious problem facing the Nation. There is no field today where the Communists are more successful with their 'peace' and 'peaceful coexistence' propaganda than in the field of religion."

A BRIEF HISTORY

The Federal Council of Churches was organized in 1908. By 1950, Communist infiltration into the organization was so well known that anti-Communist intelligence agencies regarded it as an arm of the Communist Party.

In November 1950 the Federal Council merged with a few other church organizations and formed the National Council of Churches. The old Federal Council leaders became the leaders of the National Council. Indeed, the Federal Council Bulletin for December 1950 officially announced that "All the work of the Federal Council will continue under the new auspices."

The constituting convention which converted the Federal Council into the National Council and merged it with other similar organizations was held in Cleveland, Ohio. It was composed of delegates from 29 Protestant denominations. Delegates of 28 of these denominations took their whole denominations into the National Council. Thus, denominational churches with a total membership of something like 28 million people became members of the National Council of Churches by the arbitrary action of a few score delegates at the Cleveland convention. The question was never submitted to church congregations, or even to individual churches, for approval or ratification. Today, the national council is composed of 33 cooperating Protestant and Eastern Orthodox denominations representing 38 million people.

The National Council of Churches of Christ is probably a powerful political lobby for socialism, hiding behind the facade of a Christian name and enjoying the tax exemption of a church institution. The anti-Communists who complain about the socialism and Communist infiltration into the National Council are precisely the people who want to protect the Christian churches; want to protect them from the pro-Communist leadership of the National Council.

COMMUNIST PROPAGANDA

The best way to prove the pro-Communist orientation of the leadership of the National Council, and of the interlocking leadership in its affiliated denominations, is to look at the record of what they do and say.

In November 1958 the Fifth World Order Study Conference, held under the auspices of the National Council of the Churches of Christ in the U.S.A., at Cleveland, Ohio, went on record, by unanimous vote, in favor of diplomatic recognition of Red China by the United States. The Cleveland conference was composed of about 600 delegates, two-thirds of whom were laymen, one-third clergymen. One-half of the clergymen at that conference had public records of affiliation with leftwing operations which followed the Communist line. During the past 20 years, 719 officers of the Federal Council and National Council of Churches have been affiliated with one or more organizations of a leftwing character.

It is revealing to look at the pro-Communist propaganda about Red China which was insinuated into church publications, prior to the 1958 Cleveland conference, thus preparing the way for the great Communist propaganda victory which resulted from that conference.

Volume II, No. 2, 1957, of the Episcopal Overseas Mission Review, 606 Rathervue Place, Austin, Tex., has an article entitled "China and the Chinese Church" by the Right Reverend Ronald O. Hall, Anglican bishop of Hong Kong. Here are excerpts:

"To our brethren in the Chinese Church * * * all that has happened is God's answer to the prayers of the church throughout the world for China and her people. That, my dear friends, is the one thing they beg you to understand.

"They do want you to know that for the first time for several centuries China has a government of which her people are proud and for which China's Christian people thank God. * * *

"Let us with God's help adjust our thick skulls and eager hearts to the fact that the Chinese church has come of age. Their country has been rescued from moral corruption and seemingly irreparable war damage by a new technique for governing as yet not 40 years old as far as its testing in history is concerned.

From the Presbyterian Outlook, volume 139, No. 42, dated November 25, 1957:

"With a full measure of caution, Prof. Walter Freytag, of Germany, describes developments in the Christian Church in China (after a 3-week visit there). * * *

"Dr. Freytag pointed out that he was impressed with the 'look of the people' and 'a new spirit of self-respect.' Certain national evils like opium smoking, gambling, and prostitution seem to have disappeared, he said. * * *

"For China, no other way has emerged than the one which it has followed, and it is unthinkable that they should give it up. * * *

"Christians are clearly impressed with the moral strength of the Communist movement."

Presbyterian Survey is a magazine published monthly under the authority of the General Assembly of the Presbyterian Church, U.S. Presbyterian Building, Richmond, Va. In the November 1956 issue of this magazine there is a report on a meeting of the Central Committee of the World Council of Churches, held in Communist Hungary during the summer of 1956. Here are passages from the report:

"Bishop (K. H.) Ting, Anglican, from Peiping, China, was the first Christian from his land to attend a WCC (World Council of Churches) meeting since 1948. * * * He said that although Christians in the West may regard the new China as a judgment of God, Chinese Christians in the past 6 or 7 years have come to see it as 'an act of God' and a demonstration of His love for China.

"The Communists do not believe in God or Christ * * * (but) we thank God for the good things they do and feel humbled * * *. We think we know the essence of the Communist. He is a child of God, and in him there is something God regards as worth saving."

The Lutheran (1228 Spruce Street, Philadelphia) is a news magazine of the United Lutheran Church in America. In the July 3, 1957, issue there is an article, "I Went to Red China," by Shiro Aoyama, who is pastor of the Lutheran Theological Seminary Church in Tokyo. Here are some passages from the article:

"One leader reported as follows:

" 'The Church of China and the Christians of China are fundamentally opposed to communism. * * * However, both individual Christians and the church as a whole are loyal to the policies of the Government. This is true because in the present Chinese society there no longer exist such social evils as gambling, bribes, prostitution. Rather, the whole moral level has been so raised that the church need not take a hand in such matters.

" 'Further, religious liberty is guaranteed us. * * * The Government merely said, worship without hindrance, only don't cooperate with the counterrevolutionaries. We have no freedom for counterrevolution, but within this limitation the Government upholds us, makes church property tax free, and grants aid in cases of need.' * * *

"All schools, social agencies, hospitals, and so forth, formerly conducted by the church have been turned over to the Government, and such works have been nationalized. The Government is putting much effort into this kind of work. The Government pays rent to the church for its property now used in these agencies and in this way aids the finances of the church.

"Thus the church is now restricted to worship and evangelism alone. It seems that the Government places no restriction on faith or evangelism and gives no directions pertaining thereto."

The Communists having created heaven on earth in China, Christians need not concern themselves with temporal things any more; and they are happy in their freedom to keep their mouths shut. This whole article—which, incidentally, is the lead article in the July 3, 1957, issue of the Lu-

theran—could very well have been prepared by the Communist minister of propaganda in Peking.

Church publications of the great denominations affiliated with the National Council still carry such obvious Communist propaganda pieces, not only on the subject of Red China, but on all aspects of the current Communist Party line.

THE TRUTH

Anyone who wants to prove that the picture of Red China given in the foregoing quotations from church publications is a frightful Communist distortion, could begin his research by reading the March 26, 1959, publication of the House Committee on Un-American Activities, setting out the testimony of five Protestant leaders from the Far East who had firsthand experience with the Communists.

Here are passages from the official report:

There are no longer any truly Christian churches operating in Red China. * * * The only ones in existence are propaganda churches operated by the Communists with Communist ministers "picked by the Government to fill the pulpits and indoctrinate the people in communism."

Describing the incentive the Communists' offer to the young people of Red China to join the Communist Party, Reverend (Peter Chu) Pong (general secretary of the Hong Kong International Christian Leadership) said:

"In 15 years, they are told, Red China will surpass the United States. They are told they will be the masters of the whole world; that by 1965 Red China will be celebrating their victories in San Francisco. As an immediate reward, the Communist young men are given their choice of the young women and they have wine to drink."

Rev. Shih-ping Wang, East Asia director of the Baptist Evangelization Society International, described at some length the commune system recently instituted in Red China:

"The family unit is broken up. Husbands and wives are separated into different barracks. The children are taken away from the parents and placed in Government-run nurseries. Husbands and wives may meet only once a week for 2 hours—they have no other contact. Because these places of meeting are few, couples must stand in line at the special rooms waiting their turn. And after they are finished, they must report to the commune group leader to tell the date and time and how long they stayed together. They must also report what they said and did together. The parents may see their children once a week and wher they see them they cannot show affection toward their children. The idea is to have the children and the family sever their affection and direct it toward the state. Names are taken away from the children, and they are given numbers. * * *

"There is no morality because the love of the family is taken away. There is no honesty and respect among men or between men. There is no human dignity; they are all like animals. There is no guilt associated with the murder of individuals for the improvement of the state. There is no prostitution on the mainland in the communes. * * * In Communist Party circles, a woman must submit herself to any party member who desires her favors. If the woman refuses a party member, she may be thrown into jail or stripped and nailed to a wall until she dies. Another punishment is to cut the breasts off the woman who refuses. * * *

"All the elderly people 60 years of age and above who cannot work are put in the old people's 'Happy Home.' After they are placed in the homes they are given shots. They are told these shots are for their health. But after the shots are taken, they die within 2 weeks."

Rev. Tsin-tsai Liu, pastor of the Gospel Baptist Church in Taipei, said that "the Communists * * * began wholesale persecutions of Protestant churches in 1950. Christian leaders were placed under house arrest * * * were blacklisted, and * * * had to be reeducated and attend confession classes to reveal their past associations and beliefs. If the self-confessing classes are not successful, the Communists resort to other means.

"They stop the noses of the people and pour water in their mouths. Every time the person breathes, he swallows water. After he swallows enough water, his stomach swells up, and then they stand on it. Then they use 24-hour questioning. The questioning goes on day and night with different shifts of Communists asking the questions. The person being questioned loses all sense of time. Also used are threats of violence to loved ones."

After the Christian ministers and leaders were arrested, they were replaced with Communists. The Government now uses Chin Ling Theological Seminary in Nanking and the Shanghai China Theological Seminary in Shanghai to train their own preachers.

The only churches that were allowed to remain open were Communist-run churches that serve as showcases for visitors.

Rev. Samuel W. S. Cheng, who received theological training at Princeton Theological Seminary and is superintendent of the Gospelaires Friends Mission in Taipei, stated that since 1949 the Communist government of China has confiscated over 20 million U.S. dollars in church property; about 140,000 mainland Christians have been killed by the Communists; 5 million Chinese have fled as refugees to Hong Kong, Formosa, and other parts of the world, and over 30 million Chinese have been killed or persecuted. * * *

Reverend Cheng described what had happened to the family of a member of the Chinese Nationalist House of Representaives on Formosa because he was intensely anti-Communist: "His family and his cousins, brothers, all relatives, altogther 180 persons, have been killed. * * *

"This writer's sister-in-law is a very good woman. The Communists thought she had a whole lot of money and asked a lot of her, and she said she had lent it. So it made the Communists very mad at her. They used five horses. One horse was tied to her neck and the other horses were tied to her arms and legs and they went in all directions. The biggest horse ran and it just tore her body into pieces. The blood streamed all over the public square, and the people shut their eyes and cried. They could not stand to see it."

UNITED STATES OF AMERICA v. MARTIN POPPER, DEFENDANT

The SPEAKER pro tempore (Mr. McCORMACK). The Chair lays before the House the following communication:

The Clerk read as follows:

MARCH 3, 1960.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the U.S. District Court for the District of Columbia, I have received a subpena duces tecum, directed to me as Clerk of the House of Representatives, to appear before said court as a witness in the case of the *United States* v. *Martin Popper* (No. 1053–59), and to bring with me certain and sundry papers therein described in the files of the House of Representatives.

The rules and practice of the House of Representatives indicates that the Clerk may not, either voluntarily or in obedience to a subpena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without consent.

The subpena in question is herewith, and the matter is present for such action as the House in its wisdom may see fit to take.

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

The SPEAKER pro tempore. The Clerk will read the subpena.

The Clerk read as follows:

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—UNITED STATES OF AMERICA *v.* MARTIN POPPER, DEFENDANT—No. 1053–59

RALPH ROBERTS,
Clerk, House of Representatives, Congress of the United States, House Office Building, Washington, D.C.:

You are hereby commanded to appear in the U.S. District Court for the District of Columbia at Third and Constitution Avenue NW., fourth floor, courtroom 8, in the city of Washington on the 7th day of March 1960 at 10 o'clock a.m. to testify in the case of *United States* v. *Martin Popper*, and bring with you the documents as set forth in the attached schedule A.

This subpena is issued upon application of the defendant.

HARRY M. HULL,
Clerk.
By CLARICE FULGHAN,
Deputy Clerk.

FEBRUARY 26, 1960.

LEONARD B. BOUDIN,
Attorney for Defendant.

SCHEDULE A

The following material from the files of the Committee on Un-American Activities of the House of Representatives:

1. The original stenographic minutes of the organization meeting of January 23, 1959, of the Committee on Un-American Activities, House of Representatives (herein referred to as the committee) in which the committee decided to conduct hearings on passports and "passport security."

2. The original stenographic minutes and memorandums of the committee authorizing or relating to the issuance and service of a subpena upon Martin Popper, the defendant herein.

3. The original stenographic minutes or memorandums of the committee with respect to the committee's compliance in the case of the defendant herein with rule 26(m) of the Rules of the House of Representatives.

4. The original stenographic minutes of the executive session of the committee conducted on or about January 23, 1959, designating a subcommittee to handle the hearings on passports and "passport security."

5. All reports of the committee and all prior testimony taken by the committee in executive and public sessions with respect to the defendant.

6. All the material in the committee's files of any character whatsoever relating to the defendant.

7. All the material in the committee's files of any character whatsoever relating to the defendant's trips abroad, and to his activity, statements and business abroad, and to his applications for passports.

8. Memorandums and correspondence relating to oral and written communications with representatives of the State Department and of other governmental departments and agencies with respect to the defendant.

9. Press releases issued by the committee with respect to the committee's hearings on passports conducted in 1956 and in 1959.

10. All communications with the Committees on Foreign Affairs and on the Judiciary of the House of Representatives and with the Speaker of the House on the subject of passports.

11. Press releases and copies of statements, speeches and testimony issued or given by the chairman of the committee from June 17, 1957, to date, and particularly press releases, statements, speeches, testimony, and correspondence in the month of January 1959 as to (a) the meaning and effect of the Supreme Court's decision in *Watkins* v. *United States* (354 U.S. 178); (b) the necessity for limiting the jurisdiction and powers of the U.S. Supreme Court; (c) the proposals by the chairman of the committee, the Honorable FRANCIS E. WALTER, and by other members of the committee to change the name, jurisdiction, and powers of the committee; (d) their proposals that the House of Representatives grant the said committee jurisdiction over passport legislation.

12. Communications with the Speaker of the House and the majority and minority whips and other Members of the House with respect to the items set forth in the last two subparagraphs c and d of paragraph 11.

13. The original stenographic minutes of executive and other sessions of the committee at which the committee members discussed the desirability of changing the name, jurisdiction, and powers of the committee and at which the committee members discussed the desirability of requesting the House of Representatives to grant the said committee jurisdiction over passport legislation.

14 Drafts prepared by the committee, its members and employees, of legislation and rules proposed or to be proposed, which would change the name, jurisdiction, and powers of the committee or which would grant the committee jurisdiction over passport legislation.

15. The original stenographic minutes of the executive sessions of the committee and of its subcommittee from September 1, 1959, upon which the citation of the defendant was considered and acted upon.

16. The original stenographic minutes of the hearing conducted on June 5, 1959, at which the defendant testified.

17. All communications between the defendant and his several counsel on the one hand and the committee and its counsel and director on the other hand between the issuance of the subpena on March 26, 1959, and the defendant's appearance before the committee on June 5, 1959, on the subject of adjournments of the defendant's appearance before the committee.

GENERAL LEAVE TO EXTEND REMARKS ON BIRTHDAY OF HON. LEWIS DESCHLER, PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in commemoration of the birthday of our distinguished Parliamentarian, Mr. Deschler.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

INTEREST RATES ON U.S. BONDS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, a few days ago, to be exact, February 29, 1960, the Committee on Ways and Means submitted a favorable report on the bill H.R. 10590. This is a bill concerning the maximum interest rate on U.S. bonds. The Treasury and the administration have asked that the 4¼ percent interest rate limitation on long-term Government bonds be removed. The Committee on Ways and Means in its report did not recommend a bill removing this limitation of 4¼ percent, but it did report a bill which would for all practical purposes do the same thing. I shall not criticize any Member of this body. I am speaking only for myself. But, if I were to vote for this bill that has been reported out by the Committee on Ways and Means of the House of Representatives, I would feel as if I were voting the Republican ticket in an election.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. ULLMAN. The gentleman feels then that this bill is in violation of the traditional and historic position of the Democratic Party in the field of monetary policy; is that correct?

Mr. PATMAN. I agree with the gentleman. I am glad the gentleman suggested what he did.

On this subject the Democratic platform adopted August 16, 1956, in Chicago by the convention delegates reads as follows:

> The Republican debt management policy of higher interest rate serves only to benefit a few to the detriment of the general taxpayer, the small borrower, and the small- and middle-class investor in Government bonds. We pledge ourselves to a vigilant review of our debt management policy in order to reduce interest rates in the service of our common welfare.

For over 100 years the traditional policy of the Democratic Party, since the time of Andrew Jackson, has been a low interest policy. This has been a basic and unchanging principle of the Democratic Party from its beginning. The Republican Party and its ancestor parties, on the other hand, has been recognized as the high interest party. That is one fundamental and basic difference between the two parties, and that has been so for more than 100 years. For me to desert this principle of the Democratic Party, as old as the Democratic Party itself, I would feel that I was joining the other party on a fundamental issue. I hope that this bill is never presented to the House. I feel reasonably certain that over 50 percent of the Democratic Members are violently opposed to this bill.

It occurs to me that a bill like this should not be brought on the floor; in fact, the committee report on the bill discloses that of the 25 members of the Ways and Means Committee, 15 Democrats and 10 Republicans, only 8 of the 25 really favor this bill.

The 10 Republicans voted to report the bill favorably, but with the statement that they are going to make an effort, when it reaches the floor of the House, to amend it by inserting the administration's direct approach of taking the limit off interest rates. Therefore, only 8 members of 25 members actually favor this bill.

If the proposal that a rule for the consideration of this bill is adopted by the Rules Committee—and I certainly hope it is not—this will mean the chairman of the Ways and Means Committee, representing the eight Democrats who voted for the bill, will have 2 hours of general debate at his disposal, and the members of the minority, the Republicans, will have 2 hours of general debate at their disposal. That will mean, of course, that the only opportunity those Democrats who want to stay with the traditional policy of their party will have to speak, will be from the chairman of the committee, and he will be obligated to yield to members of the Ways and Means Committee first. That will mean that the eight members of the majority party, if they use 15 minutes each, will consume all of the 2 hours the majority side of the committee will have at its disposal.

But, for the sake of argument, let us say that these members will not take all of the 15 minutes each, it is hard to conceive of their taking less, but let us suppose they will not take their 15 minutes each and that there will be time left for other members, who will get that time? The other seven members of the Ways and Means Committee, What will happen to a majority of the Democratic members of this body here in this House? They will be a captive audience and a muzzled audience; they cannot say a word, they cannot offer any suggestion or amendment; they will be a captive audience.

I do not believe that is fair. I am going to appear before the Rules Committee when it has a hearing on this bill and ask it to grant a liberal rule, not a closed rule. Under the closed rule that is proposed, the Members of the House will be gagged; they will not only be denied the privilege of discussing the bill on its merits, but they will also be denied the privilege of offering any amendment at any time. No amendments will be allowed; none. Such a gag rule is pretty serious procedure to impose upon a democratic body.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Oregon.

Mr. ULLMAN. I think the gentleman is bringing out a most important point. Is it not also true that in matters of this importance—when you are allowed to amend, Members can also speak under the 5-minute rule? That gives many Members an opportunity to be heard on an issue of this kind, and I know that there are at least 20 or 30 Members on the Democratic side who want to speak in opposition to this measure; but under this closed rule they would be denied even that opportunity to speak; is that not true?

Mr. PATMAN. That is true. They will not only be denied that privilege but they will have no opportunity, because there will be no more time than the committee will need for its members. They will also be denied the privilege of offering an amendment to the bill.

We are always boasting of the fairness of the House of Representatives.

We have rules under which a Member can be heard. He can present any suggestion that he has to offer and it will

be considered. Then he may offer amendments to the bill and the Members of the House will vote on the amendments. In that way it is a democratic form of Government. People can be heard and have their views considered. But if this particular application for a rule is adopted by the Rules Committee not only will the Democratic Members of this body—who are staying with the party—be denied the opportunity to speak in general debate, but they will be denied an opportunity even to offer amendments and to speak under the 5-minute rule. So I think it is going too far, particularly in view of the fact there are no printed hearings on this bill.

When we have had closed rules in the past, the committee chairman has come before the Rules Committee and said: "We have had exhaustive hearings on this bill; we have had many witnesses testify. Here is a printed volume of the testimony which is available to all Members of this body. They can read what was said before the committee; they will know what the issues are, and they will be in position to intelligently vote on the matter before the body."

But in this case he cannot say that. The committee has no printed hearings; nothing to present in the form of printed documents; just a bill reported out here. Yet it wants a closed rule; a gag rule. I think that is going too far, and I hope that the Rules Committee will not grant the request.

On the question of high interest, the real question is whether we are going to compel the Federal Reserve people to do their duty, or whether we are going to abdicate our duty and allow the Federal Reserve and the Treasury to do whatever they please. That is the question here. If the Federal Reserve will do its duty, this bill will become moot. We will not need to raise the ceiling and permit them to raise interest rates still further.

Back in 1918, under the administration of Woodrow Wilson, this 4¼-percent ceiling on long-term interest bonds was enacted into law. Soon after that the Secretary of the Treasury, Carter Glass of Virginia, asked the Congress to remove that lid. He said the Treasury was having to pay a higher rate on short-term loans than on long-term loans. That is exactly the same question we have here today. That was more than 40 years ago, and it was exactly the same question. What did the Congress do? Congress said, No, we will not raise the rate. We would rather pay you more on short term for a short time than to issue 30- or 40-year bonds at a very high rate of interest.

That is what the corporations do. They do not go into the long-term market when the rates are high. They borrow on short term. So the Secretary of the Treasury, Carter Glass, did not get his request from the Congress. Congress turned it down.

Since that time the interest ceiling has remained at 4¼ percent for more than 40 years, and has never been violated.

What happened when the Congress did not grant Carter Glass' request to remove the lid? The Treasury had to pay 5 percent, and in one or two instances 6 percent, on short-term obligations. But that lasted only a short time, and they were soon paid off. Then the interest rates went way down. So why should we now rush into this and say that we are going to refinance our huge national debt while these interest rates are so terribly high?

We have gone through the worst wars and the worst depressions of all history and we have not had to raise that rate and there has been no request or demand from anyone during that time, Republicans or Democrats, to raise that rate until this administration just recently asked that it be raised.

From 1939, September 1, I believe it was, when the trouble really started in Europe, and we were in a real great national emergency here—from September 1, 1939, until after 1951, longer than 12 years. Now, just keep that in mind. We will call it a 12-year period. Commencing with the emergency, the national debt was much below $50 billion, but we had immediately to increase the debt. In the first 6 years we, of course, borrowed a lot of money, we increased our national debt more than $200 billion. That was more than $40 billion a year. During that first 6 years we were spending a quarter of a billion dollars a day, sometimes, on the battlefields, shooting it away. Can you imagine anything that would cause inflation and uncontrolled inflation and ruinous inflation more than that?

Now, let us take the last 6 years after the war was won in Europe in 1945. Controls were pretty well taken off by the Democrats in 1946, and those that remained were taken off by the Republicans in the 80th Congress in 1947. So, there were practically no controls in the last half of the 12-year period.

Yet, my friends, during those 12 years from 1939, September 1, until 12 years later, half of it in wartime and half of it right after a war, interest rate on long-term bonds never went above 2½ percent. Most of the time the rate was much below that. None of our bonds, not one, went below par, or 100 cents on the dollar.

Now, if we have a system in this Nation that is as efficient as that, why can it not be used by this administration? If the Federal Reserve will do their duty again—carry out the responsibility Congress has delegated to them, they can, just as they did during that 12 years, the worst time in all of our history, keep interest rates low and keep Government bonds from going below par.

Of course, they make a lot of false statements about how they had to buy a lot of Government securities in the postwar years. Analyze their statements and consider them in the face of the facts, and you will find that the statements are not true. The Federal Reserve actually reduced its holdings of Government securities in the postwar years prior to the so-called accord of March 1951.

So, the question here is, are we going to permit the Federal Reserve to raise interest rates even higher and have no limit as to how high they may raise them; or are we going to look to the Federal Reserve and say, "Now, you are our agent and we want you to go into operation and do what you are required to do under the law, which you are not doing now." That is the question here.

Now, the interest rates have gone up ever since this administration came into power. I know that our Republican friends are sincere in their beliefs that high-interest rates help the country, but I do not subscribe to that theory. It is a trickle-down theory. It is taking money away from the masses of the people, pouring it in at the top, expecting it may trickle down to the masses again. It does not work that way.

Now, since this administration has come in, interest rates have increased astronomically. Today we have about $1,000 billion in debts. I am talking about the national debt of $290 billion, the debts of the States and local governments, plus the private debt. Now, a 2-percent increase in interest rates that the people are paying on this debt means $20 billion a year extra that they are paying. Where does that $20 billion come from?

It comes from the pockets of the people. It comes from the pockets of the many and goes into the pockets of the few.

You divide $20 billion by 174 or 175 million people, and you will find that that is $114 a year per person—$114 per year extra interest. For a family of five that makes $570 a year. Oh, you will say, what about the family that does not go into debt? The answer is that that family has to pay it just the same as the family that goes into debt. It will pay it in higher prices of everything that it buys. It will pay it in the services that it buys. It will pay it in increased taxes.

This is a diversion of purchasing power. In other words, $570 a year will be diverted from the purchasing power of most families and into more wealth for the families that receive their income from clipping bond coupons, more bank profits and more profits for the insurance companies.

This high interest policy is a great indictment of our Congress, really. It is a reflection on us. It is a reflection on me; it is a reflection on all Members of Congress, because the Founding Fathers, in writing our Constitution, so wisely said on the question of money, that the Congress shall have the exclusive power to coin money and regulate the value of money. And the Supreme Court has properly held that the phrase "to coin" money includes the creation of all forms of money. Therefore, the Congress is charged with this duty. And the Congress has delegated this power to the Federal Reserve Board and the Federal Reserve System. They are our agents. They are our agents and we are responsible for their acts. The Congress is responsible for this increase in interest.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. SCHWENGEL. Mr. Speaker, I have listened with interest many times to the gentleman's dissertation on this

subject. I am always interested, because I want to learn. I want to try to understand more about this entire area. I agree with the gentleman that Congress has a responsibility here.

I was especially impressed with the statement the gentleman made about our public debt and private debt, reaching a figure of over a trillion dollars, according to the gentleman. This is, indeed, quite a sum. This is quite a responsibility that we the public have taken on. It occurred to me, since the gentleman said that Congress is responsible, that if Congress adopted a policy of paying off some of these debts, and if other governments did the same thing, would that not have a salutary effect on this question of interest that the gentleman is talking about?

Mr. PATMAN. A wonderful effect, and I am very much in favor of it. If the gentleman will read the report that has just been made by the Joint Economic Committee, on the President's report, he will find my supplemental views advocating a flexible tax rate; to give the President power, when Congress does not do it, actually to raise taxes for the purpose of balancing the budget. No Congress should adjourn in good times until it balances the budget. And if the Congress should adjourn, then let the President raise the taxes to balance the budget and even possibly pay something on the national debt. I think it is a disgrace that we have allowed this debt to get bigger and bigger and bigger over the years without making any effort, seemingly, substantially to reduce it. I agree with the gentleman that it would have a tremendous effect.

Mr. SCHWENGEL. I agree with the gentleman, too. I want to say to the gentleman that I have read that report and have read the gentleman's supplementary views and I am in substantial agreement with much of it. Does the gentleman agree with me that we should also give the President the power of an item veto?

Mr. PATMAN. I am glad to learn that the gentleman has read my supplemental views and is in substantial agreement with them. If it is not imposing too much I will insert them at the head of my speech in the hope that other Members may read them.

No, I do not agree to the item veto, because that is too much power for a President to have.

Mr. SCHWENGEL. That would take out some of the unreasonable expenditures.

Mr. PATMAN. That poses a question. President Eisenhower is a great man. I shall never say a word attacking our President. I do not care whether the President is a Republican or a Democrat. I am not going to attack any President. In this case we have a great President, as we have had them in the past. He is a sincere and honorable person.

But let us recognize basic facts.

You know the people have always believed that those who make the decisions should sometimes come before them for ratification, approval, or rejection of their views. I have been here long enough to remember that we went through that question on lameduck sessions of the Congress. There was great sentiment built up in this country against a Congress meeting after so many Members of that particular Congress might have been defeated, and the sentiment was that they should not be allowed to vote on laws that would be permanent when they had been defeated at the polls. Congress acted in accordance with that disapproval of lameduck sessions of the Congress, and we even amended our Constitution to change that situation. Yet this interest-rate ceiling bill leaves it up to a President to say whether or not interest rates will be raised for years to come when the President cannot go before the country again for approval or rejection of his decision. I would not like to refer to the President as a "lameduck" President. I would not wish to use that phrase in connection with the Presidency, but the President is occupying the position of one who has been defeated because he cannot succeed himself. Yet, here is a Democratic Congress proposing to leave to a Republican President a decision that cannot be passed upon by the people for approval or rejection and to leave it to the President to say whether or not interest rates will again be raised.

In addition to this 2 percent that I have mentioned on the trillion dollars of debt——

Mr. SCHWENGEL. I would like to state, and I think it should be in the RECORD at this point with reference to this veto matter, since you have referred to our President, and I appreciate the remarks you have made about him, and I agree with you that he is a great President—but the RECORD ought to show also that every other President since 1880, I believe, has recommended that the item-veto power be given to the President; is that not true?

Mr. PATMAN. I do not know, but that would not influence me, I do not believe in that, because it would give the President too much power. It would give him the power of a dictator. Why he could just pick out the Republican districts and favor them, on all their projects, and veto all the Democratic proposals. I do not say that a Republican President would do that; but I would also not wish a Democratic President to have that much power.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. ULLMAN. Is it not true that the second largest item in the budget, the only item exceeding it being our national defense expenditures item, is that of interest rates and that the Federal Government is actually paying more than $2½ billion every year for additional interest rates than it paid some 7 years ago, due entirely to this tight money policy and the rise of interest rates in the country? And is it not so that this could very well be applied toward the payment of the national debt and that it would have a definite deflationary effect upon our economy?

Mr. PATMAN. Yes, sir. When this administration came into power, interest cost on the national debt was about $6 billion a year. It is costing us now about $9 billion a year, and the cost is rapidly going up.

The SPEAKER pro tempore (Mr. EVINS). The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Speaker, if there are no other special orders at this time, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the increases hurt not only the Federal Government; they have hurt everybody except the bankers and the wealthy few. We have no free market in this country for Government bonds. Congress—we are all guilty in this, to permit a system whereby the Federal Open Market Committee—the most powerful group in America—decides all questions of money, credit, interest rates, supply of money, and so on. These 12 men have more power than the Congress of the United States. I have often wondered if it might not be in the public interest for the Congress to take back the power that we have given to the Federal Open Market Committee. If the 12 men on the Open Market Committee were operating in the public interest that would be one thing; but in order to get people operating in the public interest you have to have members who are selected on the basis of their devotion to the public interest. The fact is that seven of the members of the Federal Open Market Committee are members of the Federal Reserve Board. Five of them are selected by representatives of the private banks. In other words, we have people who profit from the high interest rates selecting 5 of the 12 members of the Committee which determines interest rates for the country. This is just what Woodrow Wilson rejected in 1913. He said you might just as well put the railroad owners on the Interstate Commerce Commission to fix passenger fares and freight rates as to put bankers on policymaking boards to determine interest rates.

Woodrow Wilson was right. But in the depths of the depression, when Congress was willing to do anything to get the country out of the depression, and the people were not looking, we put the representatives of private bankers back on these boards. The consequences have been disastrous.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. ULLMAN. Is it not true that Congress has been relinquishing its authority in the field of money to the point that now virtually the only authority we have left is the limit on the size of the Federal debt and on the long-term interest rate and that it is now proposed that this important limit on the interest ceiling be abandoned in the legislation the gentleman refers to?

Mr. PATMAN. That is right. The sky will be the limit. The Federal Reserve does not agree to go into the market and help us. If we raise this interest, will

it go to 5 percent? 6 percent? 8 percent? 10 percent? We do not know; but the Federal Reserve makes no promise, the Federal Reserve considers itself seceded from the Government, so to speak, off to themselves, operating a Government institution.

And that brings up another point on which I think the President is wrong. He has said that the Federal Reserve is independent. The people who wrote the Constitution wrote something in about the responsibility of the President. The Constitution says that the President shall take care that the laws be faithfully executed. That is a constitutional provision, yet Mr. Eisenhower has said that he is not going to have anything to do with the Federal Reserve. I think that in carrying out that provision of the Constitution he should make sure that the Federal Reserve Act is faithfully executed, the same as other laws passed by the Congress and signed by the President.

Mr. Speaker, I ask permission to revise and extend my remarks and include extraneous matter. I also ask unanimous consent to include tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, if I made an argument to the House that the speed limits on all the Nation's highways should be repealed because taking the speed limit off would make traffic go slower, I doubt if the House would be much persuaded by my argument.

Yet it is this same absurdity that the administration has urged upon the Congress, in asking that the 4¼-percent interest rate ceilings on Government bonds be repealed.

The Ways and Means Committee of the House has not accepted the administration's absurd argument. It has gotten around this absurdity in its own bill, H.R. 10590, by saying, in effect, "No, we will not take the speed limit off nor even raise the speed limit; but what we will do is to let the drivers adjust their speedometers to suit themselves, so that when a car is traveling, say 90 miles an hour, the speedometer will show it to be going only 45 miles an hour. And what the speedometer shows will be the test of legality."

The report on H.R. 10590 became available yesterday, and I have had an opportunity to study it very closely, hoping that there would be something in it to redeem, at least in part, the committee's very bad bill. There is nothing in the report which redeems the bill. It simply gives the Federal Reserve people a blank check to drive interest rates as high as they care to drive them. And it gives the Treasury a blank check to refund the whole marketable debt at these new high interest rates.

Section 2 of the bill would permit the administration to issue as much as $11.2 billion of long-term bonds between now and election time, at any interest rate it chooses—no limitation whatever.

Section 1 of the bill would permit the Treasury to issue new long-term bonds for 10 years, 20 years, 50 years, or any number of years at whatever interest yields the people downtown care to bring about, and exchange these bonds for short-term maturities.

There is a bit of folderol in the committee's bill which says that the coupon rate of 4¼ percent cannot be exceeded. But on the other hand, the bill would permit the Treasury to sell its bonds at a discount so that the actual interest rate can be whatever the Treasury wishes it to be. This indirect way of giving the administration what it has requested can serve no purpose except to confuse people who are less knowledgeable about arithmetic. It will not confuse anybody in Wall Street; it will not confuse anybody in the Treasury or the Federal Reserve; and it will not confuse any banker or insurance company executive.

In addition to a very bad bill, which would have Congress abdicate its responsibilities and duties and desert the American people—put them completely at the mercies of the bankers—the Ways and Means Committee has tried to justify its action with a report which is extremely naive, to say the least. Let me call attention to a few of the basic arguments in this report. I do not think they will take much discussion.

Item 1: Speaking of the fact that the Treasury is now selling all of its securities at maturities of 5 years or less, the report states that "this has driven short-term rates above long-term rates and congested the short-term market" and so on. What nonsense. You could not find a teacher of economics in the most backwoods college in the country who does not know better than that.

The short-term rates are above the long-term rates for one reason and one reason only. The reason is that the people who have funds to invest think that the short-term rates are abnormally high and will come down. People who have funds in long-term securities paying the lower rates would promptly take them out and put them into short-term securities paying the higher rate, except for one reason: Their professional estimate is that in the long run they will receive a higher return on the long-term securities at present rates, than they would be able to get by going into short-term securities.

In other words, the financial community is not completely convinced that Congress will pass any bill to allow the Federal Reserve to raise long-term rates. If they were, they would know that the market value of their long-term securities is about to take a nosedive, and they would be getting out of those securities and into short-term securities.

Item 2: The committee's report makes a nonsensical argument that it is more "inflationary" for the Treasury to sell short-term securities than it is for the Treasury to sell long-term securities. We need not consider why the argument is nonsensical. We need only notice that the committee's report makes a stronger argument that issuing short-term securities is more deflationary. The committee's report makes this argument:

> Competing with farm, business, consumer, and housing loans: Evidence has been presented to your committee that this concentration of Government debt in the 5-year-and-under category with the resulting increase in the interest rate in this area, has also been injurious to farm, business, and consumer loans. Farmers, businessmen, and consumers are finding it increasingly difficult to obtain short-term loans for crop, inventory, and general credit purposes because the Treasury is having to meet more and more of the Government's fiscal requirements solely by borrowing within this short-term range (p. 8).

Obviously then, if selling short-term securities is sopping up funds which would otherwise be available to business, farmers, consumers, and for housing loans, then selling short-term securities is deflationary, which is just what the Federal Reserve, the Treasury, and the Ways and Means Committee is arguing for. I realize here that the committee's report is merely repeating propaganda arguments made by the Treasury. But it cannot have the argument both ways, that selling short-term securities is both inflationary and deflationary.

Item 3: Giving recognition to the very embarrassing question of why long-term rates have recently gone to the 40-year-old ceiling, the committee's report consults the stars and finds a happy answer to this mystery. Increased debt and increased demand for investment funds, says the report. And here it analyzes the long sweep of history. Interest rates were low after 1920, according to the explanation given, because of debt retirement. Interest rates were low in the thirties, according to the explanation, because borrowers were few and investors had large amounts of idle funds. Interest rates remained low during World War II and the postwar years because, it is admitted, the Federal Reserve kept them low.

But finally, interest rates have now shot up, we must believe, because all kinds of debts are bigger than they once were.

Let me offer a little more systematic examination of this question of the demand for investment funds. The information is supplied by the Economic Report of the President for January 1960. It is in a table prepared by the President's Council of Economic Advisers and from data gathered by the Department of Commerce. At page 173 of the President's report, one may find the yearly figures on the net deficits or surpluses of all governmental units, that is Federal, State, and local, the amount of funds invested privately; this includes all business investment, all changes in business inventory, and all housing construction, and also the net foreign investment. The question then is not whether the demand for investment funds is bigger in the United States than it is in Laos. And the question is not whether the demand for investment funds in the United States was greater last year than in George Washington's time, or 10 years, ago, or 2 years ago. The question is whether this demand is now a greater proportion of our gross national product or our national income than it was in previous years when interest rates were low.

I will insert at this point a table showing for each year, beginning with 1952,

the percentage of the national income which has gone into investment:

Demand for investment funds compared with the national income

Year	Demand for investment funds [1]	National income [2]	Demand for investment funds as a percent of the national income
	Billions	*Billions*	*Percent*
1952	$53.6	$292.2	18.3
1953	55.4	305.6	18.1
1954	55.2	301.8	18.3
1955	60.5	330.2	18.3
1956	63.6	350.8	18.1
1957	68.7	366.5	18.7
1958	65.5	366.2	17.9
1959 [3]	71.3	398.3	17.9

[1] Gross private domestic investment plus net deficits (or less net surpluses) of Federal, State, and local governments, plus net foreign investment. Source: Table D-16, p. 173, Economic Report of the President, January 1960.

[2] Source: Table D-11, p. 168, Economic Report of the President, January 1960.

[3] Preliminary estimates by Council of Economic Advisers.

In the high interest year of 1959, the total demand for investment funds was 17.9 percent of the national income. And this was the same as in 1958, which was a relatively low interest year. In both of these years, the total demand for investment funds was a significantly lower percentage of the national income than any of the 6 previous years. To illustrate, in 1952, 18.3 percent of the national income went into investment, into net exports of capital, and to finance the net deficits of the Federal, State, and local governments. In that year, the average market yield on long-term U.S. bonds was 2.68 percent. Last year, 1959, the average yield was 4.07 percent.

No, the stars have not given the right answers as to why interest rates are at a record-breaking level for modern times. They cannot do so because interest rates are not made in heaven; they are made by the Federal Reserve people, with the help of the people in the Treasury. Interest rates have gone up simply for the reason that the administration and the Federal Reserve people wanted them up. They have now gotten them up to the legal ceiling and they are asking that the legal ceiling be removed for no reason except that they wish to push the rates up even higher.

When the administration first started on its program of raising interest rates, its spokesmen were much more frank and bold about their deliberate intentions and actions to raise interest rates.

In early April of 1953, the new administration issued its first bonds. The Treasury set a coupon rate of 3¼ percent on these bonds, which was three-fourths of 1 percent higher than the then market rate on the longest term marketable bond outstanding.

A number of Members of Congress immediately protested this unprecedented action as a result of which Secretary Humphrey gave his explanation. The reason for this, he said, was one step in a program of extending part of the debt over longer periods. And he also said that the reason was that savers had, at the level of interest rates inherited from the previous administration, been damaged by an inadequate return on savings because of artificially low interest rates. Secretary Humphrey made no bones about the fact that the administration felt that interest rates were too low and that the administration was going to raise them.

I will insert in the RECORD at this point the full statement of Secretary Humphrey:

EXHIBIT 41

STATEMENT BY SECRETARY OF THE TREASURY HUMPHREY, APRIL 13, 1953, ON THE 30-YEAR 3¼ PERCENT TREASURY BONDS

In answer to inquiries on the statement of the nine Senators, Secretary of the Treasury George M. Humphrey made the following statement:

"The new issue of 30-year 3¼ percent bonds is one step in a program of extending part of the debt over longer periods and gradually placing greater amounts in the hands of longer term investors announced by President Eisenhower in his state of the Union message.

"The concentration of short-term debt in the banks by the previous administration was one of the causes of inflation in the cost of living which has cost the American people billions of dollars. A gradual placing of more securities in the hands of nonbank investors is a necessary step for economic stability.

"The sale of long-term bonds to these investors carries a somewhat higher interest rate, but this cost will be offset many times over if it lessens the cost and disorganization of inflation. The increased interest cost is partly recovered in taxation. To the extent that the interest on these bonds goes to insurance companies, savings banks, pension funds, and other forms of the people's savings, it will benefit the millions of families who have been most damaged by inflation and by inadequate return on savings because of artificially low interest rates.

"As far as deflation is concerned, while a few prices have declined recently, the cost of living is near its postwar high, employment is higher than ever before and unemployment is very small. With continued heavy military expenditures, the Government is still operating at a deficit."

(Source: H. Doc. 245, 83d Cong., 2d sess., Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1953 (p. 255).)

Now what about the lengthening of the average maturity of the debt? We have had a program throughout this administration of raising interest rates from one new high level to still a new high level, but the average maturity of the debt has not yet been lengthened. Yet the Ways and Means Committee now tells us that the purpose of its bill is to permit the Treasury to lengthen the average maturity of the debt. I will insert at this point a table from the Bulletin of the U.S. Treasury, dated February 1960, showing the average maturity of the marketable debt, as follows:

Average maturity of marketable interest bearing Federal debt

Year	Amount outstanding	Average time to maturity
	Billions	
1952	$140.4	5 years 8 months.
1953	147.3	5 years 4 months.
1954	150.4	5 years 6 months.
1955	155.2	5 years 10 months.
1956	155.0	5 years 4 months.
1957	155.7	4 years 9 months.
1958	166.7	5 years 3 months.
1959	178.0	4 years 7 months.

Item 4: Finally, the report of the Ways and Means Committee offers this interesting combination of arguments to try to justify its bill. First, it assures us that maintaining the present ceiling will not bring interest rates down. And, second, it assures us that by taking the ceiling off, which will permit the Federal Reserve and the Treasury to do whatever they care to do, they are not endorsing the Federal Reserve's monetary policies and the Treasury's debt management policies.

It is good to know that retaining the ceiling will not get interest rates down. But this is not the question which is relevant to the proposal being made. The question is whether removing the ceiling will allow interest rates to go up. And clearly it will do so. The Federal Reserve people and the administration are determined to try to force Congress to repeal this ceiling so that they can then raise rates as high as they wish to raise them. If Congress stands firm on this matter and calls Chairman Martin's bluff, he is not going to embarrass the Treasury to the extent he would cause a head-on clash with Congress over his high interest policy. I am not alone in this appraisal of the matter. Let me read you, for example, a brief quotation from Business Week of January 30, 1960, concerning the opinion in Wall Street on the matter. By way of reminder, I might remark that Business Week is no "funny money" journal. It is a McGraw-Hill publication and is edited by the distinguished Elliott V. Bell, than whom there is no more militant campaigner for high interest. Speaking of what Chairman William McChesney Martin may do about interest rates in the coming months, Business Week said:

Sticking to his guns—Some Wall Street observers think that despite his convictions, Martin will avoid a head-on fight by subtly easing credit sometime later this year. They reason that he does not want to jeopardize the administration's chances in the election. In the 1952 campaign he delayed putting through a rise in the discount rate until after Eisenhower's victory. This, they claim, may happen again.

But this view fails to take into account the changes that have taken place in the administration, in the public mood—and in Martin himself. In 1952, he had only recently come to the Fed, and he was disposed to act cautiously, for fear of provoking a fight within the System or with Truman's administration. Even in the 1955 boom, when there was no election to worry about, Martin moved slowly in tightening.

Now he is much more secure. He is not, as some of his critics charge, bold and belligerent and "out for blood." On the other hand, he is not so meek and self-effacing as some of his admirers claim. He is, in fact, a complex and enigmatic personality. There is no doubt, however, that he will stand by his convictions with the fervor of a man who has discovered religion.

My point is that the Congress will not know, when it acts on this bill, what Mr. Martin will do about interest rates.

My own conviction is that he will drive interest rates much higher, if this bill is passed. Otherwise, he would not be asking for removal of the ceiling. This is assuming, of course, that there is no sudden reversal in the trend of business or in the trend of stock prices. If there

should be another slump in the stock market as there was in late January and early February, then we can expect that he will ease credit again and get interest rates down—at least temporarily.

But the main point is not what I think he will do. The main point is that the committee has no assurance as to what he will do.

The idea that the committee can disclaim endorsement of the present monetary policy while it is proposing a bill which would have Congress abdicate all control and responsibility, and remove all check against a further excess of these policies, is an idea which would have intrigued Pontius Pilate.

JOINT ECONOMIC REPORT, 1960—SUPPLEMENTAL VIEWS OF REPRESENTATIVE WRIGHT PATMAN

The committee's report is, on the whole, a good one. Manifestly, it is an extremely important document, because it points the way to solutions of some of the gravest problems of our times. Yet there are several points on which the report leaves me dissatisfied. Be it said, however, that my dissatisfaction is over matters which have been omitted, or only incompletely considered, more than with the findings which have been made and solutions which have been suggested.

TAXES

The committee's report gives first and foremost attention, as it properly should, to the central problem of our time. This is to find a reasonable and promising policy of government to be substituted for the unsuccessful policy of manipulating credit and interest rates in an effort to achieve a desirable degree of stability and progress in the Nation's economic affairs, such as is described in the Employment Act of 1946. The committee's report does an adequate job of pointing out the unwisdom of relying upon monetary policies for this purpose. Indeed, the committee's report leaves no question that these policies have created great injustices and are leading to certain disaster.

As an alternative way of achieving, when tight money and high interest policy has failed to achieve, the committee recommends the use of fiscal policies, particularly flexible tax rates. I agree that this is a most promising suggestion. Yet it is on this subject of taxation that the committee's considerations seem most incomplete. The committee has not really explored the tax structure.

Furthermore, while it recommends several specific changes in the tax laws, seemingly of a random sort, it has not suggested any specific way for achieving the flexibility in tax rates which constitutes its central program for maintaining economic stability. This omission is unfortunate in all respects. Members of Congress are not given sufficient specificity by which they may appraise the program being recommended. Furthermore, some specifications are necessary to make the program politically salable, and this is a matter of no small importance. Any program the committee recommends, no matter how manifestly sound it may be, must be sold, politically, in competition with a quite formidable sales effort being made on behalf of the tight money and high interest policy. The vested interests supporting this policy have much at stake, and the commercial media of communications are highly resistant to carrying any word or fact which tends to discredit the policy. Thus, if the committee's recommendations are to have any practical effect, they must be sufficiently developed and in a form which the candidates for national office can take directly to the people in the political campaigns this fall.

It would seem to me that a practical and understandable program to accomplish the committee's recommendations must take account of the following:

First, let us consider the primary emphasis in the committee's recommended policy, which is on reducing tax rates, temporarily, when the first signs of recession appear. If tax reductions are to be effective in combating recessions, such reductions must be made promptly, which means that decisions must be reached more quickly than the legislative processes normally permit. This being true, I would urge that the Congress enact general legislation giving the President discretionary powers to reduce the tax rates on the incomes of individuals by a uniform percentage, whenever he finds that recessionary tendencies are developing.

But what of the opposite problem? What are to be the means of restraining inflationary pressures in boom periods? The committee's report has taken the position that substantial reductions should be made in the public debt at such times, and that such reductions would provide both effective and just restraints against monetary inflation. With this I agree. But nothing is said of raising tax rates beyond present levels in order to accomplish substantial reductions in the public debt. Clearly, however, such increases would be necessary for substantial debt reductions in such times as at the present, unless there are to be reductions either in essential public services or our defense preparations. The committee does not recommend the latter, nor would I.

Proposals for increased taxes are, of course, never very popular. Yet it seems to me that the American people would readily understand the advantages of such a proposal if these facts were made clear to them:

First, they are already paying an anti-inflationary tax. At least they are paying what is for all practical purposes a tax—in the form of high interest rates—on the theory that this helps to check inflation. The theory has not been able to stand up under examination; but as to the fact of the "tax," there is no question. At times this "tax" is half hidden, that is true, but it is reaching very far into the pocketbooks of all except the very wealthy.

Second, the high interest "tax" which we all pay to combat inflation has very bad effects and it does not accomplish the good effects which are claimed for it. The bad effects are these:

(a) High interest is a tax not on the fruits of economic activity but a tax on economic activity itself. As the committee's report clearly points out, the high interest and tight money policy causes unemployment, causes nonuse of productive capacity, and retards the Nation's economic growth. This is bad from the standpoint of our present and future ranking among the nations of the world, even if we felt that we are already so comfortably situated that we do not need to produce more of the material things of life. The Russian economy has been growing, in recent years, at a rate almost three times as fast as our growth.

(b) The hight interest "tax" is a regressive tax. The burden of it falls not on those most able to pay, but upon those least able to pay. It thus cuts down on the consumption of the goods and services which the Nation already has the capacity to produce.

(c) Finally, the income from the high interest "tax" is not going to pay off any of the Federal debt. It is only going to fatten the incomes of the financial corporations and the wealthy families. Actually, the high interest rates are adding to the Federal debt. They are increasing the Treasury's cost of meeting interest charges so greatly that the Treasury is going more into debt to meet the interest charges.

It should be clear by now that I am not suggesting that the American people be offered a proposal that they carry an increased burden. On the contrary, I am suggesting that they be offered a proposal that they pay more in taxes in prosperous times, and pay less in direct and indirect interest charges. These interest charges actually amount to a great deal more than we would need to pay in taxes in order to make substantial reductions in the debt and to provide a much better restraint against inflation than the high-interest program provides.

In other words, I am suggesting that the President be given also the power to raise tax rates on individual incomes, uniformly, and at his discretion, as a means of combating inflation.

In order to assure that the American people would not be subjected to both high interest and increased tax rates, however, other legislation would be necessary to fix the responsibility of the Federal Reserve System, and I shall discuss this at a later point. So much for my ideas on a specific program for providing the flexibility in tax rates which the committee has recommended as an alternative to the high-interest and tight-money policy.

As to the specific recommendations which the committee report makes to correct tax inequities, however, I feel that this subject of tax inequities has not been sufficiently considered. To illustrate, the committee's report recommends repealing the dividend-received credit and exclusion provision, but it is silent on the notorious ways by which corporate executives and employees escape taxes through stock option schemes. Similarly, the committee's report recommends reductions in depletion allowances for oil and gas, apparently only for the reason that large amounts of money are involved, without considering the practical consequences of the depletion allowances on all the other commodities and resources for which such allowances are provided.

Finally, in order to recommend a program for correcting tax inequalities, I believe that the committee would need to consider first and foremost the impact of Federal taxes on our business structure. There is a great deal of evidence which suggests that the giant corporations are in reality bearing little or none of the tax burden, while the smaller and more competitive business firms are, on the other hand, being taxed out of existence. If I am right about this, the Federal tax structure, more than any other factor, is bringing about the concentration of business which the committee deplores, and bringing about the breakdown of the competitive price system which the committee sees as the principal cause of the so-called inflation.

NEED TO PUT THE FEDERAL RESERVE'S HOUSE IN ORDER

The committee's report strongly recommends that the Federal Reserve adopt a less restrictive credit policy. It also makes a number of good recommendations for changes in Federal Reserve practices which would also have the effect of reducing interest rates. These are in addition to its recommendations for "flexible" tax rates, which, as I have discussed, seems to require an assurance that the American people will not be burdened with both high taxes and high interest rates. Yet there are no recommendations for legislation which would assure that the Federal Reserve will not go its own determined way, without respect to what the American people may wish or the Congress may recommend.

The Federal Reserve authorities have assumed a posture of independence from the rest of the Government. Further, the President and other administration officials have lent support to the idea that this agency is beyond the reach of the voice of the people.

Most of the confusion arises from the fact that the member banks of the Federal Reserve System have invested a relatively small amount of money in what is called stock in the Federal Reserve banks. This has lead many bankers to believe that they own the Federal Reserve System. Consequently, it has led the banking community to urge policies which are based on the premise that the Federal Reserve System should be operated in ways that produce maximum profits for its alleged owners—the banks.

This has led to confusion all around. The Federal Reserve banks themselves write letters to the public and distribute expensive booklets which say in one way or another that the Federal Reserve banks are not owned by the Government, that their employees are not Government employees, and, boastfully, that the Federal Reserve banks receive no support from the Government.

The Federal Reserve banks are not owned by the private banks. They are owned by the Government of the United States. The so-called stock in the regional banks is not stock in any normal sense of the term. As the law makes clear, it cannot be transferred, sold, traded, purchased voluntarily, or used as collateral. It does not represent an equity in undistributed profits, carry voting rights, or share (beyond a fixed 6 percent) in profits.

The funds which have been invested by the banks in this so-called stock should be repaid, and this so-called stock should be canceled. Only approximately $390 million has been invested in this stock and this is a pittance compared to the assets of the Federal Reserve System. It has no need whatever for the money. Repaying it would, therefore, save the U.S. Treasury an unnecessary interest charge of 6 percent per annum or about $24 million a year. And most important of all, canceling the stock would remove the basis of confusion concerning the ownership, and hence clarify the Federal Reserve's responsibility for determining credit and interest policies for the whole economy.

In the interest of further fixing political responsibility for the Federal Reserve System's political decisions, the Federal Open Market Committee should be abolished and its duties transferred to a board or a committee composed entirely of members appointed by the President and confirmed by the Senate.

At present the top policymaking body of the Federal Reserve System is not the Board of Governors; it is the Federal Open Market Committee. And 5 of the members of this 12-man Committee are selected by representatives of the private banks. Manifestly, the private banks should not be permitted to select members of a public body which is to determine credit and interest-rate policies. The private banks have too much private interest in the policies to be determined.

There are several other long overdue reforms in the Federal Reserve System which, when made, will save unnecessary expenses and reduce the System's burden on the taxpayers. These require legislation, either to make the reforms possible or to make them likely. They are as follows:

(1) The Federal Reserve System should be required to submit to annual audits and to the normal audit control of the Comptroller General of the United States. The System receives its income—or substantially all of its income—in the form of interest payments from the U.S. Treasury on the huge amount of U.S. bonds and other obligations which the System is holding. This provides an income vastly in excess of what the System needs for all purposes. The System pays its expenses out of this income—most of which are incurred in providing free services to the private banks—and then it returns what remains to the Treasury. At least the System returns 90 percent of what remains; it puts the other 10 percent in surplus funds.

In the process of meeting expenses, however, the Federal Reserve banks assume a strange variety of expenses, and, in general, they spend the taxpayers' money in a generous and freehanded way. The unusual expenses include such things as providing free office space for private associations, paying dues in private associations, meeting banquet and entertainment expenses, handing out gifts to nonbank employees, and paying for the college educations of youths who may or may not become bank employees.

The Federal Reserve authorities have tried to defend such freehanded spending of public funds on the ground that these are customary practices of business firms in the areas where the banks operate. Yet the Federal Reserve banks have no more right to spend public funds in these ways than the local post offices have a right to spend public funds for such purposes. A proper audit by the General Accounting Office would promptly put a stop to such improper expenditures. It would, moreover, provide a check and a safeguard on the possibility of mishandling of billions of dollars of Government funds and Government securities.

(2) At least $15 billion of U.S. Government securities which the Federal Reserve System is holding should be returned to the Treasury for cancellation. In order to put to rest the argument that such a transfer of assets from one Government agency to another would put the Government's "books out of balance" and thus "bankrupt" the Government, I have proposed that the Secretary of the Treasury issue to the Federal Reserve, in exchange for these interest-bearing obligations, a non-interest-bearing, nontransferable note payable on demand. This would keep the books in balance.

Canceling $15 billion of the approximate $27 billion of Government securities which the Federal Reserve now holds would make it unnecessary for the Treasury to pay interest charges on this amount of debt in the first place. It would thus enable the Treasury to operate on a lower level of debt, which would mean less cost to the taxpayers in interest charges.

Canceling $15 billion of the Federal Reserve's securities would serve another good purpose, in that it would safeguard against the possibility that the Federal Reserve System may transfer a substantial share of its holdings of Government securities, on a cost-free basis, to the private banks.

Early in 1957, the American Bankers Association made a "report" to the Board of Governors of the Federal Reserve System recommending a program whereby the Federal Reserve would transfer to the private banks approximately $16.8 billion of U.S. Government securities by mid-1961. The proposed transfer was to be made up of $9.8 billion of securities which the Federal Reserve already held at mid-1956, plus another $7 billion which it was expected to acquire by mid-1961, in order to provide for the normal increase in the money supply, assuming that no part of the American Bankers Association program was accepted. The proposal, in a nutshell, was that the Federal Reserve issue regulations reducing reserve requirements of the member banks, and, simultaneously, "sell" its securities in the amounts suggested. This would have meant that the Federal Reserve would "sell" its securities in the open market at the same time it was giving the member banks the power to create the money needed to "purchase" the securities. The Federal Reserve authorities smiled favorably on this proposal and recommended legislation by which it could have been carried out—all of which suggests that an additional safeguard would not be out of order.

(3) Funds being held in the Federal Reserve's surplus account and in its "other capital account" should be returned to the Treasury, so that they may be used for debt reduction. The Federal Reserve System has no more need for carrying surplus funds, either in a surplus account or in an "other capital" account, than does the Post Office Department—in fact, considerably less so. At the end of 1959, these items amounted to more than $1.1 billion.

Neither item serves any purpose other than to help preserve the fiction that the Federal Reserve System is a private business organization and should, therefore, make public reports which show it in a favorable "surplus" position, such as is expected of successful private business organizations.

The System's authorities themselves recognize this. Since the end of 1959 they have "voluntarily" transferred a part—$266 million—of these unneeded surplus earnings to the Treasury Department.

TAX-EXEMPT STATUS FOR SECURITIES SHOULD BE ELIMINATED

The haven for tax avoidance which tax-exempt securities provide and the consequent loss of revenue to the Federal Government have been neglected far too long. This committee should undertake on its own part, or at least encourage and recommend to other committees, that a study should be made of the alleged savings to State and local governments from the tax-exempt privilege.

It seems likely that the supposed savings in interest cost to local governments actually does not compensate, under today's conditions, for the tax loss suffered by all taxing jurisdictions taken collectively. Until we have the facts which such a study would bring out, there is of course a natural reluctance on the part of the local governments to give up the tax-exempt feature.

The immunity of State and municipal securities from Federal taxation, it will be remembered, is not an express provision of the Constitution. It has, indeed, become a serious problem only in comparatively recent times. The large and increasing amount of State and municipal bonds outstanding coupled with high Federal tax rates on corporations and high marginal rates on individual income have made it an increasingly serious tax loophole.

An example of questionable situations which arise in permitting the continuance of this tax-exempt feature is illustrated by the case of the commercial banks. They now own approximately $17 billion of tax-free obligations purchased with "money" which the commercial banks literally created out of nothing, under our fractional reserve banking system.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MATTHEWS.

Mr. HECHLER and include extraneous matter.

Mr. GROSS, the remarks he made on the floor today and to include a statement by President Eisenhower.

Mr. WEAVER and to include extraneous matter.

Mr. FENTON and to include an editorial.

Mr. DENT.

(At the request of Mr. BROOMFIELD, the following Members were granted permission to extend their remarks and to include extraneous matter in the CONGRESSIONAL RECORD:)

Mr. REECE of Tennessee into two instances.

Mr. HOEVEN.

Mr. HENDERSON.

(At the request of Mr. BURKE of Kentucky, and to include extraneous matter, the following:)

Mr. MULTER.

Mr. MORRIS of New Mexico.

ADJOURNMENT

Mr. BURKE of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 16 minutes p.m.) the House, pursuant to its previous order, adjourned until Monday, March 7, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1904. A letter from the Secretary of the Treasury, and Managing Trustee of the Trust Funds, transmitting the 20th Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, pursuant to section 201(c) of the Social Security Act, as amended (H. Doc. No. 352); to the Committee on Ways and Means and ordered to be printed.

1905. A letter from the Comptroller General of the United States, transmitting a report on the review of management of aeronautical spare parts by the Middletown Air Materiel Area (MAMA), Department of the Air Force; to the Committee on Government Operations.

1906. A letter from the Comptroller General of the United States, transmitting a report on the review of the pricing of materiel delivered to the military assistance program by the military departments; to the Committee on Government Operations.

1907. A letter from the Comptroller General of the United States, transmitting part I of a report on the review of aircraft procurement programs in the Department of the Navy; to the Committee on Government Operations.

1908. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled "A bill to authorize appropriations for continuing the construction of highways under title 23, United States Code"; to the Committee on Public Works.

1909. A letter from the Administrator, Federal Aviation Agency, transmitting a copy of the Federal-aid airport program for the fiscal year 1961; to the Committee on Interstate and Foreign Commerce.

1910. A letter from the Administrator, Housing and Home Finance Agency, transmitting the annual report with respect to tort claims paid within the Housing and Home Finance Agency for the calendar year 1959, pursuant to Public Law 601, 79th Congress; to the Committee on the Judiciary.

1911. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

1912. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Tseh Ming Ho also known as Ho Timothy Tseh-Ming, A6904314, pursuant to the Immigration and Nationality Act of 1952; to the Committee on the Judiciary.

1913. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Bei Wun Tun Yu, A7651542, pursuant to Public Law 863, 80th Congress; to the Committee on the Judiciary.

1914. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases of certain aliens who have been found admissible to the United States, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

1915. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders granting the applications for permanent residence filed by the subjects, pursuant to the Refugee Relief Act of 1953; to the Committee on the Judiciary.

1916. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation entitled "A bill to authorize payment to the Government of the Philippines"; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS of Louisiana: Committee on Science and Astronautics. H.R. 10809. A bill to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction and equipment, and for other purposes; without amendment (Rept. No. 1333). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10000. A bill to amend further certain provisions of the District of Columbia tax laws relating to overpayments and refunds of taxes erroneously collected; with amendment (Rept. No. 1334). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act; without amendment (Rept. No. 1335). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H.R. 471. A bill to amend chapter 561 of title 10, United States Code, to provide that the Secretary of the Navy shall have the same authority to remit indebtedness of enlisted members upon discharge as the Secretaries of the Army and the Air Force have: with amendment (Rept. 1336). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOLL: Committee on the Judiciary. H.R. 5726. A bill for the relief of Hood County, Tex.; with amendment (Rept. No. 1337). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on the Judiciary. H.R. 5850. A bill for the relief of the borough of Ford City, Pa.; with amendment (Rept. No. 1338). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H.R. 8868. A bill for the relief of the Albertson Water District, Nassau County, N.Y.; with amendment (Rept. No. 1339). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H.R. 9921. A bill to validate certain payments of additional pay for sea duty made to members and former members of the U.S. Coast Guard; without amendment (Rept. No. 1340). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10183. A bill to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia; without amendment (Rept. No. 1341). Referred to the House Calendar.

Mr. FORRESTER: Committee on the Judiciary. H.J. Res. 602. Joint resolution authorizing the President to proclaim henceforth the week in May of each year in which falls the third Friday of that month as National Transportation Week; with amendment (Rept. No. 1342). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 467. Resolution for consideration of H.R. 10777, a bill to authorize certain construction at military installations, and for other purposes; without amendment (Rept. No. 1343). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. S. 1193. An act for the relief of Eleanor Constan; without amendment (Rept. No. 1310). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. House Resolution 451. Resolution providing for sending the bill H.R. 7901, with accompanying papers, to the court of claims; without amendment (Rept. No. 1311). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 2314. A bill for the relief of Mrs. Ola F. Thompson and Mrs. Mattie F. Thompson; with amendment (Rept. No. 1312). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 3242. A bill for the relief of Mrs. Virginia Lee Sage; without amendment (Rept. No. 1313). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 5033. A bill for the relief of Betty Keenan; without amendment (Rept. No. 1314). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 5771. A bill for the relief of Emmett P. Dyer; without amendment (Rept. No. 1315). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 6083. A bill for the relief of Mary V. Jones; with amendment (Rept. No. 1316). Referred to the Committee of the Whole House.

Mr. HENDERSON: Committee on the Judiciary. H.R. 6121. A bill for the relief of Placid J. Pecoraro, Gabrielle Pecoraro, and their minor child, Joseph Pecoraro; with amendment (Rept. No. 1317). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 6149. A bill for the relief of Wesley C. Newcomb; without amendment (Rept. No. 1318). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 6493. A bill for the relief of Robert Dolton; with an amendment (Rept. No. 1319). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 7037. A bill for the relief of Carl J. Fisher, captain, U.S. Army, retired; without amendment (Rept. No. 1320). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 7363. A bill for the relief of Chester A. Spindler; with amendment (Rept. No. 1321). Referred to the Committee of the Whole House.

Mr. HENDERSON: Committee on the Judiciary. H.R. 7582. A bill for the relief of Royce C. Plume, a member of the Arapahoe Tribe of Indians; with amendment (Rept. No. 1322). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 8280. A bill for the relief of Clarence T. Tolpo; with amendment (Rept. No. 1323). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 8383. A bill for the relief of Maj. Jack E. Hudson; with amendment (Rept. No. 1324). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 8456. A bill for the relief of Capt. Jack Rubley; with amendment (Rept. No. 1325). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 8941. A bill for the relief of Mrs. Alice Anderson; without amendment (Rept. No. 1326). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9170. A bill for the relief of John J. Finn, Jr.; without amendment (Rept. No. 1327). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9216. A bill for the relief of Daniel C. Turner; with amendment (Rept. No. 1328). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9228. A bill for the relief of Rosina Gartling, Rosa Gartling, Gustav Gartling, and Adolph Gartling; without amendment (Rept. No. 1329). Referred to the Committee of the Whole House.

Mr. KASEM: Committee on the Judiciary. H.R. 9476. A bill for the relief of George E. Williams and William L. Johnson; with amendment (Rept. No. 1330). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9560. A bill for the relief of Dr. Ferenc Domjan and others; without amendment (Rept. No. 1331). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 10631. A bill for the relief of George T. Moore, Carl D. Berry, and Dr. Harold J. Heck; without amendment (Rept. No. 1332). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. S. 1315. An act for the incorporation of the Blue Star Mothers of America, Inc.; with amendment (Rept. No. 1344). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 10875. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. COOLEY:

H.R. 10876. A bill to amend section 22 (relating to the endowment and support of colleges of agriculture and mechanic arts) of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land-grant institutions; to the Committee on Agriculture.

By Mr. CRAMER:

H.R. 10877. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. DADDARIO:

H.R. 10878. A bill to amend the Internal Revenue Code of 1954 to tax cigars having manufactured wrappers at rates no lower than those applicable to cigarettes; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 10879. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 10880. A bill to amend the Internal Revenue Code of 1954 to provide that the cost of all medicine and drugs for the taxpayer and his spouse, rather than only the excess over 1 percent of adjusted gross income as otherwise provided, may be included in computing the medical expense deduction where such taxpayer or spouse is 65 or over; to the Committee on Ways and Means.

H.R. 10881. A bill to provide for the transfer of income taxes to the States for use for educational and other purposes without Federal direction, control, or interference; to the Committee on Ways and Means.

By Mr. ELLIOTT:

H.R. 10882. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. FULTON:

H.R. 10883. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least one quarter of coverage, and for other purposes; to the Committee on Ways and Means.

H.R. 10884. A bill to amend title X of the Social Security Act to provide that, without an increase of Federal participating funds, a State plan for aid to the blind may utilize a more liberal needs test than that presently specified in such title; to the Committee on Ways and Means.

By Mrs. GRANAHAN:

H.R. 10885. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. KING of Utah:

H.R. 10886. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

By Mr. LANE:

H.R. 10887. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. MERROW:

H.R. 10888. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. GEORGE P. MILLER:

H.R. 10889. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. RANDALL:

H.R. 10890. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas (by request):

H.R. 10891. A bill to amend section 704 of title 38, United States Code, to permit the conversion of certain term policies of national service life insurance to a new plan; to the Committee on Veterans' Affairs.

H.R. 10892. A bill to amend section 704 of title 38, United States Code, to permit the conversion of certain participating policies of national service life insurance to a new plan; to the Committee on Veterans' Affairs.

By Mr. ANFUSO:

H.R. 10893. A bill to require the filing of a registration statement with the Federal Bureau of Investigation with respect to each pistol possessed by any private person in the United States; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 10894. A bill to amend title I of the Housing Act of 1949 to provide for the disposition for historical site purposes of certain real property acquired in urban renewal areas; to the Committee on Banking and Currency.

By Mr. GUBSER:

H.R. 10895. A bill to provide for a joint study by the Administrator of the Federal Aviation Agency and the Secretary of Defense of the disposal and future use of military airports found to be surplus to the needs of the Department of Defense; to the Committee on Armed Services.

By Mr. HECHLER:

H.R. 10896. A bill to amend section 6 of the act of August 24, 1912, with respect to the recognition of organizations of employees in the Federal civil service and postal employees; to the Committee on Post Office and Civil Service.

H.R. 10897. A bill to establish in the General Services Administration an office to disseminate general information concerning the organization of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. PILLION:

H.R. 10898. A bill to amend section 315 of title 38, United States Code, to provide additional compensation for seriously disabled veterans having four or more children; to the Committee on Veterans' Affairs.

By Mr. WHITTEN:

H.R. 10899. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. HECHLER:

H.J. Res. 642. Joint resolution to further reduce the incidence of brucellosis by providing Federal support to complete nationwide certification and proceed toward the eradication of brucellosis under the brucellosis eradication program; to the Committee on Agriculture.

By Mr. MURRAY:

H. Res. 466. Resolution to provide additional funds for the expenses of the investigations and studies authorized by House Resolution 78 of the 86th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly, memorializing the

President of the United States, the Senators and Representatives in Congress from Rhode Island, the Secretary of the Interior, and the Governor of the State of Rhode Island to make every effort to have built on Federal unused land, on the Island of Aquidneck in Newport County a saline water-conversion plant; to the Committee on Interior and Insular Affairs.

Also, memorial of the Rhode Island General Assembly, opposing efforts to diminish services to veterans at Veterans' Administration Hospital at Davis Park in Providence, R.I.; to the Committee on Veterans' Affairs.

Also, memorial of the Rhode Island General Assembly memorializing Congress and praying for the passage of H.R. 4700, introduced by Representative AIME J. FORAND, the purport of which is to help the American people find a low-cost method of paying for the high cost of hospital and surgical care in their old age; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Hawaii, memorializing the President and the Congress of the United States relative to requesting passage of House Joint Resolution 546; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 10900. A bill to authorize the award posthumously of Congressional Medals of Honor to Chaplain George L. Fox, Chaplain Alexander D. Goode, Chaplain Clark V. Poling, and Chaplain John P. Washington; to the Committee on Armed Services.

By Mr. BOLAND:

H.R. 10901. A bill for the relief of Veda Alixia Bogle; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 10902. A bill for the relief of Benjamin E. Campbell; to the Committee on the Judiciary.

By Mr. KIRWAN:

H.R. 10903. A bill for the relief of Dr. Jose Ramirez; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 10904. A bill for the relief of Suraj Din; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

347. Mr. HALEY presented a petition of the West Coast Inland Navigation District, Bradenton, Fla., to provide funds for the continuance of construction of the Intracoastal Waterway from the Caloosahatchee River to the Anclote River, Fla., during the next Federal fiscal year, which was referred to the Committee on Appropriations.

EXTENSIONS OF REMARKS

Lawmaker on Hoffa Purge List Defends Vote on Labor Bill

EXTENSION OF REMARKS

OF

HON. CHARLES B. HOEVEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 1960

Mr. HOEVEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by our colleague, Hon. THOMAS B. CURTIS, of Missouri, which appeared in the Des Moines Register of February 29, 1960:

(By THOMAS B. CURTIS)

(The author of the following article, a Republican, has been a Member of the House of Representatives for 10 years. His district is one of the strongholds of the Teamsters Union.)

WASHINGTON, D.C.—Fifty-six Congressmen have been marked for political purge by James Hoffa, general president of the International Brotherhood of Teamsters.

I am one of those Congressmen, representing St. Louis County and South St. Louis, home of Harold Gibbons, Teamster executive vice president, and Sidney Zagri, director of Hoffa's purge campaign.

Most of us on the Hoffa purge list will run in the November 8, 1960, elections. Forty of us have banded together in the committee to reelect Hoffa-threatened Congressmen to offer a solid front to the threats of Hoffa and to delineate a choice for our citizens:

Shall Hoffa or the American voters have the final voice in choosing a Congress?

HOW THEY GOT ON THE LIST

To "qualify" for the Hoffa purge list a Congressman had to (1) have voted for the Landrum-Griffin Labor-Management Reform Act and (2) have won an election victory in 1958 by less than a 5-percent majority.

Fifty-three Republicans and two Democrats made the list in this way. The 56th, Representative WILLIAM AYRES, of Akron, Ohio, despite his convincing 36,000-vote victory in 1958, was marked for purge because of his membership on the House-Senate conference committee which drafted the final version of the law.

The purge campaign is based on the fallacy that the act is union busting and that those who supported it are antilabor.

This is untrue. The 56 named, plus 173 other House members who supported the Landrum-Griffin bill, did so to curb abuses in the labor-management field revealed to the Congress and to the public. As its name plainly states, the law aims at the unscrupulous employer as well as the unscrupulous labor leader.

Since most of the abuses exposed were perpetrated by Hoffa and his close associates, it is clear why they were angry at the Congress for protecting the public interest and the rights of working men and women.

RIGHT-TO-WORK PROPOSALS OPPOSED

Propaganda opposed to the Landrum-Griffin Labor-Management Reform Act characterizes those who voted for it as either blind in their disregard of labor or servile in yielding to the pressures of big business. I object to this attack on the motives and integrity of Congress.

Had I any reason to feel that the law was a vindictive assault on the labor movement, as it has been called by its opponents, I would have voted, worked, and spoken against it, just as I have from 1954 to the present against the right-to-work proposals that have been presented in Missouri during that time.

There is nothing in this law requiring the overwhelming majority of properly run unions to do anything which they were not previously doing nor to prevent them from doing anything that they were.

Response to the creation of the Committee To Reelect Hoffa-Threatened Congressmen has been spontaneous, widespread, and encouraging. Civic leaders, editors, and commentators have commended the committee's formation.

RESPONSE FROM MANY PEOPLE

Many people throughout the Nation have responded. Letters are flowing into the House Office Building offices of the temporary committee cochairmen, Representatives AYRES and CARROLL KEARNS, of Pennsylvania. These letters offer voluntary services and money to offset Hoffa's huge slush fund, his main weapon for waging political war.

The public response has highlighted the Hoffa purge list as an honor roll on which my colleagues and I are all proud to be named.

Surely no one wishes to deny Mr. Hoffa his right to engage in political activity. To flourish, our system of government requires a maximum of political activity and our committee would not strip anyone—an individual, organization, union, or corporation—of his legitimate right of political advocacy.

We do not condemn Hoffa for his exercise of this right; rather we commend him. We urge, however, that our citizens also exercise their rights in this field and prevent a special interest from usurping the powers of the public at large.

This is the only way to counter the Hoffa purge. The hundreds of thousands of interested, thinking citizens who refuse to let their rights be snatched away by a special interest group must act.

Those who cared enough to demand the Landrum-Griffin labor-management reform act by an unprecedented deluge of mail, those who resent the threats of a bully can help. To show this interest they must support those Congressmen Hoffa would purge.

A WAY FOR POPULAR PARTICIPATION

We honestly believe we are right. We were right to work for a law curbing a small but dangerous element in labor leadership that has perverted the movement for personal power.

We are right in banding together against the purge of a well-heeled special interest. We are opening the way for popular participation in a drive that will show it is not Hoffa, but the voters, the American people, who will name their Members of Congress next November 8.

This is the crux: do the voters endorse our action or do they not?

If those who agree with us do not register their convictions at the polls, then we are doomed to the purge Hoffa has decreed.

Have no doubts, Hoffa with his huge slush fund for this purge will succeed unless the people rise and prove that they are the true rulers under our form of government.

Thomas G. Masaryk, "Champion of Liberty"

EXTENSION OF REMARKS

OF

HON. D. R. (BILLY) MATTHEWS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 1960

Mr. MATTHEWS. Mr. Speaker, March 7 marks the 110th birthday anniversary of one of the world's great champions of liberty. I refer to Thomas G. Masaryk, founder and first President of

Czechoslovakia. Though that nation now sadly finds itself under the heels of a ruthless tyranny, the flame of liberty ignited by Masaryk long ago is still aglow. A special stamp commemorating the birthdate of this great statesman is not only a fitting testimonial to his contributions to freedom but will serve as a reminder to the people of Masaryk's benign nation and others throughout the world that the causes for which he stood remain an inspiration to liberty-loving peoples everywhere, and that freedom, though seemingly crushed in Czechoslovakia, Hungary, Poland, Rumania, and other countries, will rise again.

Public Opinion Poll

EXTENSION OF REMARKS
OF
HON. JOHN E. HENDERSON
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 3, 1960

Mr. HENDERSON. Mr. Speaker, for the past 5 years, I have made an annual survey of public opinion in the 15th Congressional District of Ohio on important national issues. The response to each of these polls has been, without exception, most gratifying and informative. Its results represent, I believe, an excellent indication of prevailing thinking in southeastern Ohio.

Many of my colleagues here have expressed an interest in this poll and its findings. The questions which are included in the 1960 survey are as follows:

1. Do you believe it advisable that the Federal Government balance its budget and reduce the national debt? Yes ☐ No ☐
2. Are you in favor of providing Federal tax benefits to companies which will employ greater numbers of persons over 50 years of age? Yes ☐ No ☐
3. Do you believe that the Defense Education Act should be changed to eliminate the requirement that students receiving Federal loans take loyalty oaths? Yes ☐ No ☐
4. Would you favor Federal aid for school construction even though it would require tax increases or deficit financing? Yes ☐ No ☐
5. Do you feel that the $45½ billion requested for defense next year is sufficient for our national security? Yes ☐ No ☐
6. Would you favor granting the President the power to veto parts of appropriation bills passed by Congress in place of the present system requiring his acceptance or veto of entire bills? Yes ☐ No ☐
7. Do you support a temporary increase in the Federal gasoline tax of one-half cent per gallon to pay for the highway construction program? Yes ☐ No ☐
8. Do you favor changes in the Taft-Hartley Act to eliminate the power of States to enact their own right-to-work laws? Yes ☐ No ☐
9. Are you in favor of the United States greatly increasing spending in its program for the exploration of outer space? Yes ☐ No ☐
10. Do you believe Communist China should be admitted to the United Nations? Yes ☐ No ☐
11. Are you in favor of proposals to give up U.S. ownership of the Panama Canal in favor of international control? Yes ☐ No ☐
12. Do you feel that Congress should enact legislation to give the Federal Government greater power in negotiating settlements of prolonged nationwide labor-management disputes? Yes ☐ No ☐
13. Do you support a national fair trade law whereby a manufacturer could require that his product be sold to a consumer for a stated minimum price? Yes ☐ No ☐
14. Do you favor increasing the hourly minimum wage from $1 to $1.25? Yes ☐ No ☐
15. Do you favor ending agricultural controls and the termination of price supports? Yes ☐ No ☐
16. Do you favor legislation to provide medical benefits under the social security program financed by an increase in the tax? (Present social security law provides that the combined employee-employer tax will become 9 percent on incomes up to $4,800 in 1969.) Yes ☐ No ☐
17. Would you favor the Federal Government exercising greater surveillance over practices in radio and TV programs and advertising? Yes ☐ No ☐
18. Do you believe Congress should pass civil rights legislation providing Federal guarantees of individual voting rights in Federal elections? Yes ☐ No ☐
19. Are you in favor of policies which seek to fight inflation through increases on interest rates for installment credit buying? Yes ☐ No ☐
20. Do you feel that the chances for world peace are better today than they were 10 years ago? Yes ☐ No ☐
21. Would you support legislation to provide a Federal pension of $100 per month for all World War I veterans at age 65? Yes ☐ No ☐
22. Are you in favor of continuing our present policy of purchasing sugar from Cuba at prices higher than those prevailing on the world market? Yes ☐ No ☐

Johan Ludvig Runeberg (1804–77)

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 3, 1960

Mr. MULTER. Mr. Speaker, on March 5 Finland will celebrate the anniversary of the birth of Johan Ludvig Runeberg.

Runeberg was a distinguished man of letters of the last century, though little known in this country. At the peak of his fame, in mid-19th century, he had become the national poet of Finland, and at the time of his death he was esteemed most highly as a great poet both in Finland and in Sweden.

This highly talented son of a Swedish sea captain was born in Finland, but really belonged to two nations. He showed unusual interest from the very first in popular poetry and folklore. Breaking off his college studies at the University of Abo, he traveled various parts of the country and learned many popular songs by heart. Later when he began to compose his own verses, he showed the influence of classical Greek poetry. In 1848 he achieved great popular success with the publication of his series of poems on the war of independence of 1808. It was this series of poems that made him Finland's national poet, her poet laureate. All his verses show great originality and immense power, and his poems form the firmest link between the Finnish and Swedish people. He remains the idol of both peoples.

All honor to the memory of Johan Ludvig Runeberg, the national poet of Finland.

Eradication and Control of Saltcedars in the Streams of the Nation

EXTENSION OF REMARKS
OF
HON. THOMAS G. MORRIS
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 3, 1960

Mr. MORRIS of New Mexico. Mr. Speaker, I have introduced a resolution providing for a program of research and experimentation toward the eradication and control of worthless saltcedars in the streams of the Nation. Our extremely limited water resources, particularly in the Western States, are being drained needlessly of an estimated 25 million acre-feet annually by these water-consuming growths.

All of us have been greatly concerned for many years regarding the tremendous wastage of water, as well as damage caused, through failure to provide proper dams and reservoirs on our rivers. Great progress has been made in that direction through the dedication of our legislators to the development of adequate controls. However, it is well realized much remains to be done in this area and businessmen and civic leaders are cooperating to the fullest extent in urging and planning action for the protection of one of our most valuable national assets, our water resources.

During the last Congress, legislation was enacted to determine methods for conversion of brackish and saline water into usable quality. This step has resulted in extensive research by the Interior Department Office of Saline Water which has produced experimental methods for converting nonpalatable water into a quality acceptable for human consumption and utilization. Some progress has been made since that program was inaugurated and their is great hope for future benefits to be derived from these methods of research.

The present Congress is continuing those efforts to provide all possible aids for increasing beneficial supplies of water. As a matter of fact, I presented some of this same information to the Senate Select Committee on National Water Resources when it held hearings in Albuquerque last fall. It is my understanding that the great interest expressed in this subject in Albuquerque was duplicated in all cities where this committee held hearings. Therefore, it is quite evident that the citizens of the various States recognize and are concerned over the problem of water supplies.

My own State, New Mexico, has suffered and continues to suffer economically from its shortage of water re-

sources. In the few irrigated areas of the State, it has been well proven that New Mexico can rank with other outstanding States of the Nation in agricultural production—if there is adequate water. Not only is agriculture limited by such aridness but industrial expansion in the State is held to a minimum because large corporations hesitate to locate their facilities in an area which has a history of continuing water shortages.

It is for these many reasons that I urge passage of the resolution I have introduced. Through its provisions, the Department of Agriculture in cooperation with the Bureau of Reclamation, U.S. Geological Survey, as well as State and local water authorities, will conduct a 5-year study of the development of tamarisks and similar phreatophytes. This program will include research into the botanical, hydrological, and climatological factors influencing the growth of saltcedars. As a result of that research, it is hoped economical methods will be developed for eradicating and controlling their growth.

To my knowledge, only limited research in this field has been carried on previously. In 1951, phreatophytes were removed from 35 miles of the Rio Grande near Elephant Butte Reservoir in New Mexico with resultant saving of 200,000 acre-feet of water in the following 5-year period. Therefore, we know the eradication of saltcedars will salvage a great deal of water each year. The real problem is how we can do it as economically as possible. Previous attempts to control saltcedars have consisted of mowing the extensive growths as well as spraying them. However, in addition to being extremely expensive, these methods proved to be complete failures. Even though the plants were cut, their seeds were strewn into the rivers and spread rapidly.

Although the greatest concentration of these parasites now exists in the Western States, they spread at a fantastic rate and present a real threat to water resources in much of the rest of the United States.

Because I believe my resolution represents the first real and constructive step toward an adequate research program into the control of saltcedars, I urge favorable action upon it as soon as possible.

Elks Name Nine to John Brown Gallery of Fame

EXTENSION OF REMARKS

OF

HON. B. CARROLL REECE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 1960

Mr. REECE of Tennessee. Mr. Speaker, on January 28 the Negro Elks National Education for Citizenship Banquet was held in Washington at the National Press Club. It was sponsored by the department of education under the leadership of one of my Tennessee constituents, Lt. George W. Lee, the grand commissioner of education of this great order that boasts of a membership of over 500,000 in the United States and many of the islands of the sea. The order is ably led by Robert H. Johnson of Philadelphia, the grand exalted ruler, with a woman's auxiliary headed by Mrs. Nettie Carter Jackson, of New York City, the grand daughter ruler.

Merit awards were given to:

Mrs. Christine Ray Davis, staff director, Committee on Government Operations, House of Representatives. For overcoming obstacles of race and sex and striding unerringly into a position of unusual responsibility.

B. CARROLL REECE, Congressman from Tennessee, for a long and distinguished career marked by unselfish devotion to his people, a heroic stand for freedom for all citizens under trying circumstances, and service to war veterans.

E. Frederic Morrow, administrative officer for special projects group, Executive Office of the President of the United States. For bringing excellence, enthusiasm, and restraint to the pinnacle of the Negro's climb in the elastic field of government and for laying the stepping stones upon which Negro youth may aspire to trod.

PAUL DOUGLAS, Senator, State of Illinois, for constant and unwavering devotion to the cause of freedom of all people and for setting a standard of excellence for the corps of elected officials of the United States.

Val J. Washington, director of minorities, Republican National Committee, for demonstrating a type of leadership in a great political party which serves to radiate to Negro America an inspiration to great achievement.

Lt. Col. Daniel James, Jr., air staff office, directorate of operations, the Pentagon. For heroic leadership as a flight commander in World War II which led to a top level assignment in the Pentagon and extraordinary achievement in the service of his country.

Simeon S. Booker, Jr., chief of the Washington bureau, Johnson Publication. For unusual perception in the sensitive field of journalism which has brought to thousands a vital understanding of the Nation's processes of self-government.

A. Philip Randolph, international president, Brotherhood of Sleeping Car Porters. For standing stalwart as the laborer's advance guard and fighting gallantly against any odds toward the achievement of full equality and uncompromising dignity for the workingman.

KENNETH B. KEATING, Senator, State of New York. For devoted and dedicated service to the United States as Congressman and Senator from New York and for providing our Nation with an enviable brand of leadership in one of its most trying periods.

It is fitting that this great occasion should be recognized, it primed the wells of enthusiasm and stirred the pride of all the people strikingly devoted to our country and its great history.

The junior Senator from New York and I have not at all times agreed on matters that touched upon the delicate and extremely complex human relations question, but we are in full agreement on the deep admiration of the Elks' scholarship program. Many are not aware of the Elks' accomplishments in providing scholarships in American, Canadian, and Mexican colleges and universities for young men and women.

Since World War I, this organization has provided some 900 scholarships at a cost of $1,500,000. Currently it has 46 youths getting higher education in some of the best schools, and during the past year it has been carrying on a campaign, under the direction of its grand commissioner of education, the capable George W. Lee, of Memphis, to raise $100,000. The campaign will end in August at the Chicago Grand Lodge where scholarships in large number will be handed out.

This remarkable self-help effort is a good example of what Negroes can do for themselves under intelligent leadership without relying upon others for alms. It is something of which all of us should be proud, and certainly no other Negro group has even approached it.

The progress of any group is gaged by the proportion of educated people in its midst who are equipped to avail themselves of the opportunities presented; ignorant, uneducated people can have all the civil rights there are and still not advance themselves very much.

Under unanimous consent I include Senator KEATING's address and the one delivered by A. Philip Randolph, vice president of the AFL–CIO, to be printed in the Appendix of the RECORD:

CIVIL RIGHTS LEGISLATION—A CHALLENGE FOR 1960

(Address by Senator KENNETH B. KEATING, Republican, of New York, at a banquet given by the I.B.P.O.E. of W., upon the occasion of receiving a Merit Award at the National Press Club in Washington, D.C., January 28, 1960)

Thank you very much for this great honor. I shall deeply treasure this merit award, and it will occupy a prominent place in my Senate office. I know personally of the dedication to freedom and justice and of the outstanding courage and integrity of the others you have tonight singled out for this recognition. I am very proud to have been joined with this distinguished group of Americans to receive your award.

I want to discuss with you tonight one of the most important problems before this session of Congress—the urgent need for new civil rights laws.

The present civil rights situation in the country—despite much progress in recent years—is deplorable. The constitutional dream of equal justice and equal opportunity for all Americans has been shattered by a lynching, by scores of school and church bombings, by mob action against children seeking a proper education. Groups such as yours multiplied a thousand times in assemblies across the Nation can justly cry out for action against these shocking betrayals of our democratic heritage.

I believe that no American's liberty is safe unless the liberty of all Americans is protected. There can be no second-class citizenship under our Constitution. There can be no differences in the rights of men created in the image of God.

Throughout my career in Congress, I have fought to strengthen the civil liberties of the people of America. Discrimination against any American because of his race, religion, or national origin is abhorent to me. It is

an ugly, evil practice. My love for my country, my pride in its heritage, my complete devoting to the democratic ideals, compel me to struggle against those who would undermine our freedoms. The lynching mobs, the bomb throwers, the hatemongers are worse than ordinary criminals. These men betray America. In every sense, they are subversives who would destroy our laws and violate the most sacred principles of our precious Republic.

It has been almost 6 years since the Supreme Court's decision declaring school segregation unconstitutional. Yet, in five States—Alabama, Georgia, Louisiana, Mississippi, and South Carolina—not a single Negro child has been admitted to an all-white public school. At the same time, thousands of children, white and colored, have been deprived of all schooling for periods ranging up to several months. Other thousands of schoolchildren have been forced to use inadequate makeshift facilities. It has been estimated that over 1 million pupil days of schooling have been wasted just in the last 2 years.

The extremists have resorted to every kind of device to frustrate compliance with the law of the land. In some States, a rash of pupil placement laws have been enacted, in others automatic school closing statutes, and in still others a system of allegedly private schools supported by State funds has been instituted.

Can you imagine all of this frantic activity to keep a colored child from sitting next to a white child in a classroom? The children are the immediate innocent victims of a blind prejudice nurtured by years of unremedied, unequal treatment of Negroes. But the whole country ultimately suffers from this madness. We need a better educated America to meet the challenges of our age. American children forced to get their lessons in makeshift schoolrooms in buildings with inadequate facilities will not readily develop into the top scientists and other leaders of the future. The antics of the die-hard segregationists in the South are a blow to our hopes for these youngsters.

Despite some progress in these last 5 years, due in no small measure to the efforts of the NAACP, and the optimism I have that we can improve these conditions, I am frankly alarmed at the damage already done in this area. We have the right to be impatient about the slow progress in carrying out the Supreme Court's ruling. I do not intend to sit back and watch the Court's mandate die of old age.

It has been more than 2 years since passage of the Civil Rights Act of 1957—the most far-reaching provisions of which dealt with the enforcement of voting rights. Yet where do we stand in the field of voting rights today? Here are some facts from the report of the Commission on Civil Rights issued in September 1959—the second anniversary of the 1957 act.

In many Southern States, less than 25 percent of the eligible nonwhite residents are registered to vote.

In Mississippi, less than 4 percent of the 41 percent of the voting age population which is Negro, is registered to vote. In 14 counties in Mississippi with a Negro population of voting age of over 50,000, not a single Negro was registered.

Are these incredible figures the result of indifference on the part of Negro citizens in the South? Let's look again to the report of the Commission for the answer:

A Negro minister in Florida who suggested from the pulpit that Negroes should register and vote was subsequently denied a small bank loan despite the fact he had a highly solvent cosigner.

Negro citizens in Sunflower County, Miss., in which only 114 out of 18,949 voting age Negroes are registered, stated that when they tried to register they were turned away. A Negro public school principal in Charleston, Miss., which is in Tallahatchie County, Miss., in which not one of 9,235 voting age Negroes is registered, testified that he tried to register 16 times, twice a year, for 8 years. Every time the registrar simply told him he could not register.

There are many, many other similar illustrations of flagrant denials of the right to vote to Negro citizens in the South. Many of these Americans actually were fearful of recounting their experiences to Commission investigators because of fears for their physical and economic well-being. One Negro man in Florida, told an investigator that he refused to be interviewed, "because they would bomb my (business) out of existence if I ever talked with you." Can anyone dispute the deterrent effect of such fears on Americans who want to exercise their citizenship rights? These facts should make us all a little bit ashamed, because what they add up to is proof that a part of America is unable to participate in our democratic way of life.

I pledge to work unceasingly in this session of Congress for measures which will guarantee equal opportunity to all Americans. I will not settle for promises, phony assurances, or weak proposals on any of these issues. We had too many of these in the last session of Congress. In a bill introduced by the majority leader, it was actually proposed that these hard won legal rights be made subject to conciliation; that the whole subject be treated like another form of collective bargaining. Well, I hope we never reach the stage in this country when the judgments of a court or the requirements of a law are made subject to review by a director of a conciliation service. The recognition and enforcement of a person's civil rights it not a subject to be bargained about.

Now what do I mean by effective civil rights legislation? First of all, I mean a bill which will deter lynching for all time by providing a discretionary death penalty for deprivations of civil rights resulting in the murder of the victim. Under the present law, a person who, under color of law, deprives a citizen of his civil rights, can be imprisoned for not more than a year no matter what injury results. These penalties obviously are inadequate in lynching cases and must be increased. We cannot allow another Charles Mack Parker case to go unremedied.

Secondly, I believe it is essential that we enact legislation to give the Attorney General the right to prosecute civil actions in all cases involving denials of equal protection of the laws and not just in voting cases. This power is needed particularly in school cases. The NAACP has done a magnificent job, but the Government has its own responsibilities in this area. This was part III of the 1957 act as it passed the House of Representatives. I am now more convinced than ever as to the merits of this provision.

I have never been able to understand the deep hostility with which this provision is viewed by some Members of the Congress. Under a host of Federal statutes the whole weight of the Federal Government, including the legal resources of the Department of Justice, are made available to enforce Federal laws which certainly are no more significant to our national welfare than the provisions of the Constitution involved in equal protection cases.

The FCC, for example, will argue a case all the way up to the Supreme Court to defend the granting of a license to a broadcaster or a rate increase to the telephone company. The NLRB will exhaust every available remedy for the benefit of an employee whom it finds has been subjected to antiunion discrimination by his employer or coercion by his union. The ICC will defend shippers from unfair rate charges without any investigation of the ability of the shipper to prosecute his own claim. In all these cases, there is a public interest in the enforcement of the law which we have agreed, without too much controversy, makes it appropriate for the Federal Government to intervene. Is there any less public interest in enforcement of the law most important to our country, the Constitution?

But even enactment of an antilynching law and the grant of authority to the Attorney General to bring civil injunctive suits would not do the whole job.

We also need a law to guaranty prompt relief to otherwise qualified citizens who are being denied their right to vote by reason of race, color, religion or national origin. The appointment of temporary registrars has been suggested as an administrative remedy for these cases. Just 2 days ago, the Attorney General, after conference with the President, submitted a new proposal under which the courts would appoint U.S. voting referees. I shall favor whichever procedure appears to me, after hearings, to promise the most effective relief to the victims of State voting deprivations. The registrar proposal may have some advantages, but the Attorney General's proposal has the distinct merit of being applicable to voting as well as registration and is more closely related to the existing framework for prosecuting such cases. Actually there is no reason to consider these proposals mutually exclusive. We may need both as an administrative and judicial remedy to do the whole job. The best solution may be a dual approach, and I am now drafting a new bill which will combine the best features in both proposals.

Experience with the Kaspers and Faubuses in Little Rock and other cities shows a need for a Federal law to punish those interfering by force with court orders in school cases. The deplorable rash of bombings of schools, churches and synagogues, and homes in the past several years shows the need for a Federal antibombing law. The difficulties with which the Department of Justice and Civil Rights Commission have been faced in obtaining documentary material needed to evaluate cases and policies in this field shows a need for Federal laws requiring the preservation of voting records under court process if necessary. The difficulties which local school boards have had in attempting to carry out, on a voluntary basis, desegregation plans show a need for a Federal grant-in-aid program to help local communities carry out such programs. The impct on the children of servicemen in areas in which the schools have been closed in defiance of Federal law, shows the need for authority to provide extra educational facilities for these innocent victims of community desegregation controversies. And there is no justification for not acting on the President's request to give his Commission on Nondiscrimination Under Government Contracts, full statutory authority.

These are the outlines of a program which would justify the name, civil rights. If these proposals sound far reaching, it is only because so much needs to be done. In light of the facts they are in reality very moderate steps for furthering the liberty and equal opportunity of all our citizens.

It will be a hard struggle to get this kind of program enacted in this session of Congress. Members of Congress in key positions in the House and Senate will be trying to block our efforts. A filibuster will have to be overcome. But there is no finer mission for the energies of Americans. I pledge my complete dedication to the task. With your help and encouragement, we can succeed.

ADDRESS BY A. PHILIP RANDOLPH AT THE NATIONAL EDUCATION FOR CITIZENSHIP BANQUET OF I.B.P.O.E.W., NATIONAL PRESS CLUB, WASHINGTON, D.C., JANUARY 28, 1960

My dear friends, first of all permit me to say that I am honored for the privilege to share in this occasion.

We are here because Negroes are not yet fully free. Negroes are not yet fully free because the Civil War revolution was never completed. The Civil War revolution was never fully completed because the new industrial and financial rulers of the North considered it unnecesary since the Union had been saved.

Because of the fact that we are in the midst of a crisis in the civil rights revolution now underway, it is well for us to look back to note and evaluate the crisis which followed the close of the Civil War revolution, during which time the major rights of Negroes were systematically nullified and virtually cast into the ashcan of history.

It is important to point out that in every crisis there are two major forces: (1) Danger; (2) opportunity.

There is always danger that the cause may be lost and there is opportunity that it may be won. Whether it be lost or won depends primarily upon the policy and action adopted and carried on by the people who have a stake in the cause of freedom and human justice.

* * * * *

As another example of political indifference and unconcern we have the hideous experience of a brutal murder in Mississippi, with the killers identified, their premeditation and conspiracy known in full detail, but neither State nor Federal Governments able even to punish them for disorderly conduct. An utter and complete breakdown of law disgraces the Nation, terrorizes its citizens, and neither party has yet proposed that a Federal antilynch law be enacted.

The list could be extended. The heart of civil rights legislation, section 3, still remains in a congressional pigeonhole. An FEPC law to extend economic opportunity and security for Negroes is still another forgotten bill.

Why have reactionary forces been able to frustrate, delay, and obstruct not only these urgently needed laws but the enforcement of the Supreme Court decisions of 1954 as well?

The answer is simple.

This tragic condition proceeds from the fact that the leaders of nations do not act from motives of pure justice. Instead, they seek to maintain a peaceful balance amongst the contending forces that comprise the Nation. No group knows this better than southern reactionaries and their northern allies. They have always employed the technique of creating confusion and diversions, with the object of damaging the peaceful pursuits of government and the social order. Their object is to compel the liberal forces to submit if they want a peaceful and quiet community. Tragically, liberal forces have submitted in their quest for an end to disruption.

The pattern of reaction since Reconstruction days has been based on these factors:

1. The Government and the liberals speak of justice and progress but more profoundly desire internal peace.

2. The Government and liberals finally yield to the demands of those most capable of creating maximum pressures and social discord.

3. That Negroes are not capable of creating counter pressures that can be more forceful and embarrassing to Government than those reaction create.

To state the condition suggests its solution. Our task is to find the nonviolent ways to bring direct and powerful pressure to bear upon Government, offsetting and countering the pressure of reaction.

We cannot permit the Nation to seek a false social serenity by sacrificing the human rights and needs of millions of its citizens. We must make it clear that we will not permit such a false peace to exist but will create and conduct a wide variety of actions constantly, so that social calm will not prevail until our demands have been met.

We must make it clear that if reaction can win by creating discord in the community, peace cannot be found by abandoning our rights to reaction because we shall not be quiet, polite, or content until justice is firmly in our hands.

We must make it clear that democracy cannot be mutilated while we sit by passively, silently, and submissively.

To this end, I intend to call for marches on the political conventions of both major parties, Democratic and Republican. The Negro people must stand up before these conventions and say to the Nation and the world, "We want to be free now."

The concrete demands and just grievances of the Negro people presented as they march before these conventions is a weapon that will circle the globe as a moral missile.

Such a project, the first of its kind in American political history, will mobilize the power and resistance within the people and will demonstrate that the Negro is aware that he holds the balance of power in many key States. It will give the parties and candidates clear warning that we intend to use our ballots to support only those forces that will take a firm and unequivocal stand for justice now.

Our marching will furnish clear warning that if rash promises are not kept we will march again and again to State capitals and to the Nation's Capital.

We are challenged to demonstrate that when we are contemptuously brushed aside we will retaliate. We are challenged to prove that when political leaders and parties yield to reactionary pressures we, too, have the will, the determination, and the capacity to inflict penalties politically. We are challenged to prove that Negro interests cannot be dismissed or ignored with impunity.

We can meet these challenges by marching at the conventions to declare to the Nation and the world that we shall never, never relax our pressure until full freedom is won.

Gettysburg Battlefield

EXTENSION OF REMARKS
OF
HON. IVOR D. FENTON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 3, 1960

Mr. FENTON. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD I include an editorial appearing in the Sunbury Daily Item, of Sunbury, Pa., on February 19 last, as follows:

Gettysburg battlefield holds a secure place in American history, but with one of its important segments slated for sale, word comes from Washington that funds allocated by Congress to acquire additional land have been spent elsewhere. The reason given is that failure of local authorities to enact zoning regulations ruled out purchase of the desired property by the National Park Service. As a result the $450,000 allocated for this purpose was committed to the acquisition of additional land at Manassas (Bull Run) battlefield.

Commercialism has been permitted to become rife on the Gettysburg Battlefield which has far more than its quota of souvenir stands, hotdog palaces, auto junkyards, motels, and housing developments. Now with the land on which the first day's fighting in the battle which turned the tide of the Civil War available to any fast-buck operator, diversion of funds intended to protect this world shrine from further encroachment is attributed to dillydallying on the part of small-time officials. To what extent buckpassing is involved in this impasse cannot in fairness be stated. It should be entirely obvious, however, that Congress and the National Park Service have obligations to the people in the matter of preserving this hallowed ground. A request now before Congress for $400,000 for further purchase of Civil War battlefield land in the fiscal year beginning July 1 may be meaningless in halting another serious incursion of commercialism, but Gettysburg merits serious and special consideration.

Mr. Speaker, as a member of the Interior Appropriations Subcommittee that has heard considerable testimony on this subject I would like to clarify the situation by pointing out that the 1961 appropriation bill for the Department of the Interior and related agencies, as it passed the House on February 16, included provision of the full budget request of $400,000 for the continued acquisition of Civil War battlefield lands by the National Park Service. In recommending this appropriation, which included $200,000 for acquisition of lands at Gettysburg, the Committee on Appropriations felt it expedient to continue the same stipulations placed upon acquiring such lands by the House and Senate last year to the effect that these funds should not be spent by the Department of the Interior until such time as adequate zoning laws were developed by local authorities to prevent commercial development and that the funds should not be used to acquire the Adams County Poor Farm.

As general background to this subject, it must be realized that the Federal Government now owns and maintains 18,000 acres of Civil War battlefield lands, including 2,800 acres at Gettysburg. The cost to the Federal taxpayers of acquiring these lands, with the accompanying requirement of roads, buildings, utilities, etc., is evidenced by the fact that at Gettysburg alone the Government has spent over $3 million during the last 10 years. The Park Service plan of last year was that during the next 4 years an additional $5 million worth of land be acquired at Civil War battlefield sites. This included a proposal to acquire an additional 691 acres at Gettysburg at an estimated cost of $2,415,000. With such large expenditures involved, I believe that the general public now will appreciate the necessity to assure that future acquisitions are protected from commercial development on adjacent properties. If not, we have the never-ending problem that one purchase necessitates still another purchase as we move on down the street.

The action of the House of Representatives this year in providing the funds and continuing the provision requiring adequate local zoning is in line with the testimony received by the committee during its hearings. The net effect of such testimony was that the committee not necessarily open its pocketbook, but rather that it keep an open mind on this subject until local authorities have had an opportunity to do something about the problem.

Current efforts along three lines, if successful, should solve the problems at Gettysburg. First, local authorities are now working toward the adoption of

necessary zoning regulations. Second, the Gettysburg Battlefield Preservation Association has been organized and is proceeding with a nationwide fundraising campaign which should provide significant revenues to be used for acquiring additional lands. Third, under consideration is a possible exchange plan which would permit the National Park Service to swap some of the present property owned by the Federal Government for property such as that in Adams County which is of greater historical significance. Although certain legal complications must be overcome, these do not appear insurmountable.

New Wheat Bill Holds Hope for Farmers

EXTENSION OF REMARKS
OF
HON. PHIL WEAVER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 3, 1960

Mr. WEAVER. Mr. Speaker, I would like at this time to discuss briefly a new wheat marketing bill, H.R. 11022, which I introduced in the House on March 9, 1960. The bill, to amend the Agricultural Adjustment Act of 1938, would establish a wheat marketing program for the thousands of farmers whose principal product is wheat and who, for the past few years, have been suffering a severe setback because of falling prices and mounting surpluses.

Basically, this is the same bill that I introduced last year along with a group of my colleagues from the wheat-producing States of the Midwest and Pacific Northwest. However, the bill has been changed in several respects and we hope that this year it will be more acceptable to the Secretary of Agriculture.

Under provisions of this bill the most dramatic change from old programs is contained in the bushel quota proposal rather than the old acreage allotment system. We all fully realize that the acreage allotment system has not functioned well. The wheat in storage continues to mount up and the cost to the taxpayers and the farmers themselves continues to rise. These price-depressing surpluses have become an almost impossible burden to America.

The purpose of my wheat bill is to stabilize prices to the wheatgrowers, lower the surpluses now in stock and prevent the accumulation of further unwieldly surpluses in wheat.

To accomplish this we have switched from the acreage control to the bushel control.

Each year, under the proposal, the Secretary of Agriculture would be directed to assay the wheat market, both domestic and foreign, in terms of bushels of wheat. Once this assessment is made, the Secretary would then draw out of storage 150 million bushels of wheat to be sold on the domestic or export exchanges at not less than 100 percent of parity.

The rest of the market would be divided up among the wheat producers whose bushel allotment would be based on the present acreage allotments. However, in order to get marketing certificates the wheat producer would have to withdraw 20 percent of all his land from production. Of this 20 percent, at least half would be in the acreage reserve and the Government would be required to pay the usual soil bank fees. The other half would simply be withdrawn from production without compensation to the producing farmer.

Once a farmer has received a certificate to sell wheat, the sales would be made on the open market at the going price. This competitive sales principle would put the wheat producer back on his feet as an independent.

Obviously, only top grade wheat would go into the domestic and foreign markets for human consumption. Lower grades would be sold as feed. Feed grain producers, however, would not be as severely penalized by this plan as they are at present, because the wheat producer would not be sowing part of his land to feed grains as he is now; it would be out of production altogether.

By reducing our surpluses at the rate of 150 million bushels annually, the storage costs to the taxpayers would be lowered and the general public would benefit. By withdrawing 20 percent of the wheatland from production, future surpluses would not be allowed to accumulate. By putting the 150 million bushels on the open market, the Secretary of Agriculture, in effect, would force a short market which, in turn, would stabilize prices at or near 100 percent of parity without cost to the Government.

Although no legislation ever drafted is ideal or 100-percent foolproof, Mr. Speaker, this measure seems to me to be most meritorious and a long step along the road to solving a very difficult problem.

Comments by Congressman John H. Dent, Dickinson Law School, Carlisle, Pa.

EXTENSION OF REMARKS
OF
HON. JOHN H. DENT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 3, 1960

Mr. DENT. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to present a speech to be made at Dickinson Law School, Carlisle, Pa., on March 5:

In this day and age the question of the why, the wherefore, and the future of the union movement is the subject of daily discussion and debate.

I believe the first thing to attempt here is to give a logical reason for the existence of unions.

The reasons for trade unionism are threefold. Morally, a free society must allow freedom to all its members. This freedom should only be restricted by the common good of society as a whole. Unions are the means through which workers are able to express their needs as wage earners.

The transgressions of union officials do not detract from the moral necessity and right of unionism. Internal union reform and the force of public opinion will bring desirable changes.

Economically, unions are necessary to enable workers to determine to a reasonable extent the terms and conditions under which they work. Collective action is necessary, for individual effort is often ineffective in a highly industrialized society.

The psychological need for unions is in some respects the most important. Unless workers feel they have an assured means of expressing themselves, harmony in industry and a high level of performance becomes difficult to maintain. Workers readily become frustrated and resentful and a prey to harmful rumors.

Among the most important reasons why workers unionize are to achieve greater security, equal justice and a voice in determining their economic conditions.

However, sound trade unionism benefits management also. When workers' aspirations are reasonably satisfied, a more contented work force normally results. Through unionism, a channel of communication is established between workers and management, and practical cooperation can be developed in connection with such important matters as production and safety.

Is labor justified in promoting interest in unionism among workers? Sometimes management complains that nonunionized workers are satisfied until they are approached by unions during organizing campaigns.

Labor replies that in a free society it has every right to promote its viewpoint. Employers are free to encourage the formation of new companies. Organized labor feels that all workers should share in the benefits of unionism.

It is not fair to charge that wage increases cause inflation. Economic expansion can be inflationary. Arbitrary pricing policies and anticipation of economic developments, as during the Korean war, can cause higher prices.

Furthermore, management always has the right to resist excessive wage demands.

If a wage-inflation problem exists, there is not too much the average local union can do about it. Its wage demands will be governed largely by area or industry standards, and it has a primary duty to make economic gains for its members.

Effective action, if required, must come at the top, through a "meeting of minds" among the top leaders of industry and labor.

A spirit of mutual understanding will result in good industrial relations. Management must accept unionism and unions must accept management's right to manage. The threat of strikes is definitely lessened through proper understanding.

In a company, definite responsibility for labor relations dealings should be assigned. That does not mean that a person need do nothing else but deal with the union. However, it is only natural for a union to expect to receive proper attention and consideration.

Where it does not appear that definite responsibility for this important matter has been assigned, a union may feel that the problems of its members are being disregarded.

If the demands of the union are really outrageous, it may mean that it has not been given full access to the facts. Both sides must face the facts in their dealings, especially in connection with bargaining and grievances.

If both sides practice real understanding, the union-management relationship can be highly beneficial.

In sequence, then the next question to be answered is: Should Government regulation of unions be increased? The American trade-union movement is the organized conscience of the American people.

No other substantial segment of the population of this country accepts as readily, as conscientiously, as seriously, and with the dedication and determination to discharge its obligations to itself, to its fellow citizens, and to the country as do the American labor unions. Unions blazed trail in the United States for more than a century. Every good law, every step of social progress, every equitable economic advance, and every movement toward strengthening and improving the democratic processes of government in the United States has been inspired and brought to fruition because organized workers helped to initiate or fully supported it.

Some specific examples are:

1. The 8-hour day.
2. The free public school system.
3. Woman suffrage.
4. The U.S. Department of Labor.
5. The Pure Food and Drug Act.
6. The elimination of child labor.
7. Elimination of discrimination against women workers, including equal pay for equal work.
8. Premium pay for overtime work.
9. The 5-day workweek.
10. Paid holidays and vacations.
11. Progress in civil rights and in the elimination of employment discrimination.
12. The Wage-Hour Act (including minimum-wage law and 40-hour week).
13. National and State laws protecting women and juvenile workers.
14. Apprenticeship system for training skilled workers.
15. Public power and rural electrification.
16. Social security program and unemployment insurance.
17. Public housing.
18. School construction, increased salaries, and improved working conditions for educators.
19. Improved highways and roads.
20. Safety codes for transportation, construction, mining, and in the home.

These are but a few of organized labor's magnificent contributions to the welfare and security of the workers and to the social and economic progress of the United States. To name them all would require many volumes of many pages of fine print.

At the State and community levels, trade unionists are always found in positions of leadership in movements which are based upon civic, humanitarian, and fair economic motives. Organized labor plays a dominant role in such community projects as community chests and united fund drives, and hospital, school, housing, and library construction planning. Charitable and eleemosynary institutions draw heavily on organized labor for contributions, financial, and otherwise.

In times of war—hot and cold—it is organized labor, with its massive forces of workers who provide the leadership, the manpower, the brains and the skills which furnish the essential logistics so necessary to victory.

This leads into the subject of congressional action such as the Landrum-Griffin bill.

This legislation was the result of the most intensive drive for labor reform ever witnessed in the U.S. Congress.

Sparked by the dramatic, well publicized McClellan committee revelations over a period of months, the demand for so-called reform legislation reached the proportions of an avalanche. Like an avalanche it swept all before it, logic, reasoning, rights, wrongs, facts and justice.

In almost every case when questioned, one of two answers was given to the question, "Why this law?" First and foremost was the statement, "This will get Hoffa and that's what has to be done." Second, the answer was, "I can't win at home unless I vote for a labor bill. I prefer a better bill but I'll take any bill in preference to no bill."

In this atmosphere anything was possible and Congress in the main failed to give the kind of consideration this situation demanded.

One question never answered was asked many times: "If this bill gets rid of Hoffa, do we then repeal the law?"

Let's see what has happened to the labor bill since it passed.

First, the National Labor Relations Board charged with its administration has been issuing rules and regulations some of which are contrary to the letter of the law according to experts in the field. This, of course, is due to the need for political expediency in an election year.

One example is the section dealing with the bond requirements. Much ballyhoo and capital was made out of this section by the promoters of the reform legislation. It was supposed to put a straitjacket on union officers who handled money belonging to union members. The vast majority of Americans, I am sure, had a mental picture of union treasuries being looted by union officials systematically without any protection for the poor dues payer.

What's happened, however, is that the Secretary of Labor has taken a realistic view of the situation and although Congress wrote a bill that would have cost the unions millions of extra dollars under a drastic bonding provision, the Secretary has issued regulations that left the bonding practices practically in tact.

This is true in other features of the new law. Even Congress made some changes in the so-called Bill of Rights for union members embodied in the Kennedy bill when it passed the Senate.

Under the high-sounding title of "Bill of Rights" for union members Congress set out to take away from the majority of the union members all of their rights and to give to the minority rights never intended under our Federal Constitution.

Let's look at a rundown of just what the Landrum-Griffin bill does for or against labor.

Title I: "Bill of Rights of Members of Labor Organizations." This title contains provisions designed to secure reasonable equality among members, freedom of speech, assembly, and the right to sue the organization, as well as protections from arbitrary discipline and arbitrary financial exactions. Union members may enforce these rights by civil suit in Federal court. This title also requires unions to forward a copy of any collective bargaining agreement at request of any member whose rights are affected thereby. This requirement is enforcible by Secretary of Labor in same manner as reporting requirements.

Title II: "Reporting and Disclosure." This title requires labor organizations to adopt a constitution and bylaws and file a copy with the Secretary of Labor, along with specific details as to their procedures for the conduct of internal affairs, and to file annual financial reports containing certain specified information "in such detail as may be necessary accurately to disclose its financial condition and operations."

The act also requires union officers, principal employees, certain employers, and persons providing labor relations consultant services to file reports with respect to certain financial transactions, to reveal conflict of interest dealings of union officers as well as expenditures of employers for the purpose of influencing employees in the exercise of their protected rights with respect to representation. Basic records must be kept for 5 years. Willful violation of title II is made a misdemeanor subject to $10,000 fine and up to 1 year imprisonment.

Title III: "Trusteeships." This title requires every labor organization which assumes supervisory control over a subordinate body to file a report with the Secretary of Labor within 30 days after assuming such control, and semiannually thereafter. Such report must include, among other things, the reasons for the trusteeship and a complete account of the financial conditions of the subordinate union. The provisions for disclosure, regulations, and compliance of title II are applicable to the reporting provisions of title III, and similar criminal penalties are imposed for willful violations.

Title IV: "Elections and Removal of Officers." The bill requires union elections to be held periodically by secret ballot, that reasonable opportunity be given for the nomination of candidates, for the protection of freedom of choice in voting, for due notice of elections, publication of the results of votes cast by local members, conduct of elections in accordance with the constitution of the union, and preservation of election records. Expenditures of dues money of labor organizations, or of employer contributions to promote the candidacy of any individual is prohibited.

Officers of local unions guilty of serious misconduct may be removed by the members if the Secretary of Labor finds upon application of a member and after a hearing that adequate procedures for removal are not provided in the union's constitution and bylaws, or may be removed in a hearing and vote at the direction of the Federal district court in a suit brought by the Secretary as indicated below.

An election may be challenged by a member who has exhausted internal remedies, or invoked them and received no decision in 3 months.

Title V: "Safeguards for Labor Organizations"—Bonding. The act requires every officer or other official of labor organizations whose property and annual receipts exceeds $5,000 to be bonded for faithful performance of duty. It prescribes standards for acceptable security companies and prohibits bonding through an agent or with a company in which the union has an interest. Criminal sanctions are imposed for violations. Labor organizations are also prohibited from making loans to their officers or employees in excess of $2,000.

Barring Communists and criminals from office: The act prohibits Communists and persons convicted of enumerated crimes from serving as union officers, agents, or employees, labor consultants, or officers or employees of employer associations dealing with unions, for five years after (1) termination of membership in the Communist Party, (2) conviction, or (3) imprisonment, unless citizenship rights which may have been lost are restored or unless the Federal Parole Board determines suitability of an ex-convict to serve. Persons convicted of violating reporting provisions of act are banned also from serving in such offices or paid positions.

Title VI: "Miscellaneous—Investigatory Power of Secretary." The act provides the Secretary of Labor with authority to investigate violations of any provision of the act, except title I or amendments made to other statutes, whenever he deems it necessary in order to determine whether any person has violated or is about to violate any such provision.

Extortionate picketing: The act prohibits extortionate picketing for the purposes of extracting money from an employer against his will for the personal enrichment of an individual and makes such conduct a felony under Federal law.

Discipline of union members: The act gives to members a civil right of action against labor organizations for disciplining any such member for exercising rights to which he is entitled and makes it a Federal crime to use force or violence, or the threat thereof, to interfere with the exercise of such rights by union members.

Title VII: "Taft-Hartley Amendments—No Man's Land." The States are permitted to assume jurisdiction over cases involving a labor dispute in which the National Labor Relations Board declines to assert jurisdiction. The Board is prohibited from further narrowing its present jurisdictional standards. Provision is made for delegation of representation matters by the Board to its regional directors.

Voting by economic strikers: The existing prohibition on voting by economic strikers in representation elections is eliminated in any election conducted within 12 months after the commencement of the strike.

Secondary boycotts: Hot cargo; the secondary boycott provisions of the National Labor Relations Act, as amended, are extended to cover direct coercion of employers to cease or agree to cease doing business with another, inducement of individual employees not to work, and the secondary boycott protection of employers is broadened to include railroads, municipalities, and farmers. The amendments permit publicity, other than picketing, for the purpose of advising consumers of disputes, so long as other employees are not induced to refuse services by such conduct.

Hot cargo agreements are prohibited by the bill. However, subcontracting agreements between unions and construction employers relating to work to be done at the site of the construction are excepted from the prohibition, and the prohibitions on the certain secondary boycotts and the hot cargo clause do not apply where jobbers and subcontractors in the apparel and clothing industry are involved.

Organizational and recognition picketing—Organizational and recognition picketing are made an unfair labor practice under certain circumstances, i.e. picketing where another union is lawfully recognized, where an election has been held within the preceeding 12 months, or where conducted without a petition being filed within 30 days. Whenever a petition is filed the Board is directed to conduct an election forthwith without regard to other election provisions of the National Labor Relations Act. Publicity picketing which does not induce refusals to perform services by other employees is preserved. The provisions for injunctive relief in the existing law are extended to violations of the picketing provisions, but employer unfair labor practices of domination or interference with the formation of a union are made defenses against the issuance of injunctions in such picketing cases.

The act permits unions and employers in the building and construction industry to conclude prehire agreements with 7-day union shop provisions. It further permits contractual requirements that employers notify unions of vacancies, unions may refer applicants, and that priority in employment may be given on basis of length of service with employer or in the industry or area. Minimum training or experience qualifications may also be prescribed in such agreements.

Discrimination—Provisions are made in the act for priority of case handling where unfair labor practices involving discrimination in employment because of membership or nonmembership in a union are involved (whether by the employer or union).

Let's look at action now taking place in Congress.

There are three bills occupying the attention of the Labor Committee right now—one dealing with safety, one with wages and hours, and one with picketing.

Without getting into the details, I just want to make this one observation. The more union-management regulation becomes the law of the land, the more Congress will be asked to pass legislation that once was considered the proper sphere of labor-management negotiations.

If unions were as powerful and absolute as some would have us believe, there would be no need for Congress to pass laws prescribing working conditions in a specified industry or a law establishing a minimum wage and maximum hours. The union-management negotiations would establish these standards on a local and industry basis.

Because of the national scope of legislation passed by Congress, many inequities are created when a law has to disregard the basic concept of labor-management relations, that takes into consideration facts peculiar to the issue being negotiated.

However, one of these bills being discussed at this time by our committee deserves more than passing attention because it is the first amendment to the Landrum-Griffin concept of labor-management legislation. This deals with the right of building trades unions to picket a construction project.

This bill would set aside the Denver Building Trades decision. This decision later clarified by the Moore drydock decision restricts pickets on a building project to establishing a picket line under severe restrictions. There are strong arguments made by both sides—the unions and the contractors.

When the Landrum-Griffin bill restricted picketing and made employment of strikebreakers common practice in labor disputes, the ability to successfully carry on a strike by an individual craft union at a multiple-employer construction job impossible under the law.

Congress is again being misled by the use of slogans and half truths. Instead of dealing with facts and the provisions of the proposed bill, the whole attack is being made against the term "Secondary Boycott." It is alleged that the right given to a striking union to picket a construction by use of a picket line would be in effect a secondary boycott on nonstriking subcontractors.

The unions argue that if they can't advertise their disagreement with one employer by using a projectwide picket line it gives the employer being struck every avenue to use strikebreakers or workers from other employers on the same job, thereby making the dispute one sided in favor of the employer.

This again shows the difficulties encountered when the National Government tries to write rules that can't possibly cover all situations that arise in labor disputes.

Simply put this is what the law now allows. Every union other than the building trades can picket every gate, every place of production in any plant or industry, can picket and advertise to all workers that a strike is in progress.

The building trades unions can only picket a certain gate or place of work where the union members were last working before the strike although the construction is one individual project. With the provisions of Landrum-Griffin affecting hot cargo, picket line restrictions and free admission of strikebreakers, the unions argue that their constitutional right to strike in a labor dispute has been ineffective and for all practical purposes, useless.

Whether the right to strike is good or bad has nothing to do with the present proposal. The question to be resolved is whether or not Congress will pass a law reestablishing this right as an effective weapon in a labor-management dispute in the construction field the same as it is in other fields.

Industry contends that projectwide picketing by one or more trades is, indeed, a secondary boycott in that it stops workers not involved in the dispute from going to work across a union picket line.

The practical situation, of course, is that if the struck employer could not employ strikebreakers or workers of other employers to do the jobs of the striking employees the other subcontractors would soon have to stop work anyway because construction jobs are in reality dependent upon each craft or trade doing its work individually, yet jointly.

In closing, let's listen to some words spoken in farewell by a man whose experience covered over half a century in the most turbulent of all labor-management disputes in our lifetime:

"Not only in the coal industry has our organization been strong. The strength of this union has ever been an example for workers wherever situated in our Nation who are struggling to improve their lot. The establishment of widespread collective bargaining in our modern industries has been responsible to a great degree for the high standard of living and culture achieved by all Americans under our flag during the past few decades.

"Too many of our professional and business leaders failed to realize for many years that as the workers in their communities prospered and increased their buying power and their standards of living were raised, so inevitably that progress and that improvement would be shared by the business and professional and clerical interests in that community.

"So, America has finally achieved the highest standard of living that as far as we know has hitherto not existed in any country at any time in known history. There must be a reason that goes beyond what our political representatives may have done, or what our employers have done gratuitously, and that reason, of course, is the collective strength of the great masses of productive workers in our Nation making their influence felt through representatives of their own choosing and through the medium of collective bargaining.

"Can we keep America this way? Are we sure that progress will continue to be made in the face of the existent world problems and world trends and world confusion and expanding world population? That, my friends, is the task that lies ahead for the coming generations in our land, and that is the task that will face the organized labor movement of this country. But the organized labor movement cannot exercise its mass strength or fulfill its own destiny in the face of divided councils and cavilling and warfare in the ranks of organized labor down to the lowest bobtail and ragtag local union in any particular craft.

"Private enterprise, as we know it in our country, is more or less on trial in all of the countries in the world except our own. Private enterprise, investment for profit, reward for incentive, doesn't exist in many countries. In countries where it does exist, it is in modified form as compared to our own economic scheme and our own economic arrangements.

"Our economy is not expanding. This is recognized by those who are students of such things. It is not expanding at a rate sufficiently rapid to protect this standard of living here in the face of the rapid expansion of other economies. American goods are increasingly and progressively being undersold in the world market—undersold by goods produced by economies that have been erected in these countries at the expense of the American taxpayer.

"How far do we go with it? Do we impoverish ourselves so that, with all vainglory, we can keep on contributing half of our national income to countries that will drive our goods from the world markets? Do we impoverish ourselves for countries that are only resisting Communist infiltration as long as we hire them in dollars? In reverse English that means that when these countries get to the place where they stand on their own feet they won't take our money, and then they will do as they please.

"The flight of American capital, for instance, is a problem that will attract the attention of this Nation in the years to come. Many of our manufacturers have items suit-

able for trade in the world marts but are finding it impossible to manufacture their goods in the United States under our standards of wages and living and collateral costs. So they are going abroad and are erecting production plants in foreign countries. One thousand American concerns already have plants that they erected in foreign countries. There they produce articles of trade which they had produced in their own American plants. There they produce articles with money earned under the American flag, under the free enterprise system. They are failing to reinvest under that same flag and under that same system. Many additional American concerns of magnitude in the commercial world are even now considering whether they are going to be forced to withdraw from the world markets or build production plants abroad, where there are low wages and standards of living conditions. There they can manufacture the same articles at less than they can do at home.

"You know, I used to know a baker in a fairly large town. His name was Heine, and he only had one ad. He had it on the highway a mile out of town, a highway that meets the four roads, and all it said was, 'Heine eats his own bread.' But apparently American capital, in part, does not want to eat its own bread. If one carries the arrangement or idea to its logical conclusion, the result will be the reduction of all our volume of trade in foreign countries and the abandonment of manufacturing enterprise here at home. This will augment the unemployment situation, add to the distress of our economy, dry up the source of taxation, until, perhaps, in the end we will not be able to sustain our foreign friends under the standards to which they have been accustomed, because we are destitute ourselves.

"These things are of great concern because they run to the question of whether the coal industry can continue as a vital part of the American economy—as its basic fuel. The coal industry, during the past decade, has made great strides in establishing national leadership, in modernizing its methods of operation and production, in lowering the unit cost of a vital necessity for American commercial purposes. There is a fair chance that this stupendous effort will bring great economic reward to the investors in the coal industry, to the labor in the coal industry, and to the public at large—which gets a lower unit cost in purchasing this commodity.

"We must, however, maintain this economy of ours in that state of progression necessary to sustain our increasing population. The increase in population is a phenomenon not only in the United States, where 85 percent of our citizens now live in urban communities, increasingly dependent on their day-to-day income and their ability to meet their day-to-day expenses, but also in other countries. The teeming millions of the increased population in those countries are going to continue to overflow the political boundaries and strive with other peoples for the right to continue their existence in the only way they see possible at the time.

"Unless we keep our own Nation strong America cannot contribute for long to the maintenance of world peace against these menacing portents unless we keep our own house in order and unless we keep our own Nation strong. The business of keeping alive, keeping one's family in good health so the children can grow to be men and women is the primary obligation of every citizen. It begins at home. It is even more important than which candidate will get the nomination or be elected next fall. Far more.

"It is time for America to think. Our public debt is beyond all comprehension. Nine billion dollars a year in taxes are collected and paid to the bondholders as interest before a dollar becomes available for the ordinary operation of the Government and our public agencies. Perhaps we can continue expanding the national debt but it is very doubtful that we can do it successfully.

"I merely mention these things as indicative of my thoughts: that the members of labor organizations, as well as all other citizens, have a great obligation upon them in the future; that the work of labor is not finished; that America as a whole cannot grow soft and let the politicians do it all because pages of history are replete with incidents that indicate that the politicians rarely succeed after the confidence of the people has been removed through the lack of efficiency of their public representatives."

These are the words of John L. Lewis, miner, philosopher, American. His union shows what can be done by union-management cooperation without the interference of Congress.

Comparison of Russian and American Education

EXTENSION OF REMARKS

OF

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 3, 1960

Mr. HECHLER. Mr. Speaker, I would like to present the following report on Russian and American education, which I prepared with the invaluable assistance of Mrs. Margaret Sahlin Malone, of the Education and Public Welfare Division of the Legislative Reference Service. Mrs. Malone, a West Virginian and a former student at the Institute for Russian Studies at Columbia University, is an example of the outstanding West Virginians in many fields of endeavor.

The report follows:

A COMPARISON OF AMERICAN AND RUSSIAN EDUCATION

About a century and a half ago, General Lafayette, a great friend of American freedom and independence, warmly affirmed before our Congress that the United States reflected "on every part of the world the light of a far superior civilization." I wonder how many of us gathered here now has the uneasy feeling that this light may be flickering and dimming in the eyes of many of our friends in other countries. We, ourselves, are beginning to awaken to the fact that there are weaknesses in our civilization which threaten our well-being.

Recently, one of our own countrymen addressed our Congressmen, and the American people, in terms far different from those of Lafayette. He pinpointed a weakness which every one of us must be concerned about if we are to maintain the superior civilization which is our heritage. I should like to quote a few of the words of Adm. Hyman Rickover, because he posed a problem and a challenge of great significance.

"I could not help wondering," the admiral said, "whether we in this country—privileged as we are to live in a land blessed with every material possession anyone could possibly wish to have—whether we are worthy of the great tradition established over 175 years ago. Are we not neglecting the things of the mind in our near total absorption with comfort and material wealth, with having a good time and with getting by with as little effort as we can? It is this emphasis on a good time and on avoiding effort which prevents our children from becoming as well educated as children abroad. To become educated takes sustained effort, hard work, excellent instruction by teachers who themselves are excellently educated and who thoroughly know their subjects. Frills, know-how subjects, easy snap courses may seem agreeable to our children today, but they shortchange them for the future. They will have to live in a world where other people are better educated than they. The world outside the United States is being transformed so rapidly and so completely that we cannot afford to stand still. In my opinion we are not adequately planning for the future. Education must be given priority in our scheme of things. Education benefits both the Nation and its individual citizens. It takes a long time to produce highly educated professional men. If we don't take steps now to make sure we do this through our educational system, we will inevitably be bypassed by Russia."

Admiral Rickover, like many others in this country, has compared our educational system with that in the Soviet Union and has found it wanting. It seems painfully apparent that Soviet schools are in many ways doing a better job of training their young people to meet the needs of their society than we are doing to meet the needs of our own.

Soviet schools are not perfect. The Russians do not think so, and there is no reason why we should think so either. Their newspapers often point to what they call shortcomings, which they say must be overcome. They have children who are going to schools which operate on multiple shifts. Some of their textbooks are mediocre, and some of their teachers are, too. Education, though free, is not equally accessible to all. This is especially true of higher education, where the number of students who wish to continue their education is far greater than the number the state is willing to educate. Premier Khrushchev himself has criticized the way the admissions process has been operating. "There are considerable defects," he said, "in the very practice of selecting young people for admission to higher educational institutions. Although there are competitive examinations for admission to higher schools, it must be admitted that frequently it is not enough to pass an examination to enter a higher educational institution." Mr. Khrushchev continued: "There is good reason why young people entering higher educational institutions quite frequently say that after they have won in the admission competition, the competition among the parents begins, and it is this that often settles the matter."

I mention a few of the defects in the Soviet system, and repeat Mr. Khrushchev's words simply to emphasize that it is possible for the Soviet student to be shortchanged, too. He doesn't have a corner on the educational market. He does, however, attend school under a system that has virtues we would do well to examine.

Russian school curriculums are, I believe, well designed to meet the needs of a citizen of the modern world. The fact that students in the present 10-year general schools are required to study physics, chemistry, and advanced mathematics means that there is a well-trained corps upon which the universities and institutes can draw in turning out able engineers, scientists, and teachers. Those who do not go on to get a higher education have the training and background to become more knowledgeable and productive workers, and better informed citizens.

I do not believe there can be any question that the Soviet 10-year school curriculum provides for more thorough training in mathematics and science than most of our own schools are offering. Russian students are required to study mathematics 6 days a week throughout their schooling. Each student who has completed his 10-year education has therefore acquired a thorough

grounding in advanced mathematics, and has been exposed to studies that few American students ever become acquainted with. In 1956, for example, only 9.2 percent of our public high school students, who were in the grade where trigonometry is usually taught, were studying that subject. Only 7.6 percent were studying solid geometry. In the Soviet Union, every 10-year school student is required to take these subjects.

The same kind of comparison can be made in the sciences. The Russians believe that all of their young students can benefit from a knowledge of physics and chemistry, and require that they study them. We, far from considering these subjects as requirements, often do not teach them at all. For example, physics is not even offered in 12,000 of our 21,000 high schools.

We in the United States have awakened late in the realization that our country, and our children, are being handicapped by a neglect of foreign language teaching. We know now that we desperately need people who can speak French and German, and Russian, Arabic, and Chinese as well. Yet even the people who have command of one of the familiar Romance languages are few and far between, and the person who knows one of the more esoteric languages is a rarity indeed.

The Russians, on the other hand, begin teaching their children a foreign language when they are in the fifth grade, so that before they complete the secondary school they have had an opportunity to become thoroughly familiar with the language. When they enroll in a university or institute, most of them are required to continue foreign language study in order to pass the foreign language examination given when their academic studies are completed.

This description does not, of course, apply to what we might describe as the Soviet Union's "language elite." There are many Russians who are getting even better language training than that I have just described. In 1956 the Government initiated a new program which has proved overwhelmingly popular among the students and their parents. A number of schools in central Asia have been authorized to start teaching a Near Eastern or Asian language to students in the second grade. The plan is that the children will study the language for several years and then have it as the medium of instruction for all their classes. In this way they will grow up thoroughly at home with one of the world's more difficult languages. This same kind of foreign language program, it should be mentioned, is also being conducted in Moscow and Leningrad.

Items appearing in the Soviet press indicate that the Russians are becoming more and more concerned about teaching their children a foreign language at a very early age. A letter to the editor of Izvestia, the official government newspaper, contained the following observation: "The study of a foreign language should begin with the nursery school. Some parents have been organizing groups of preschool children and inviting a person who knows a foreign language to teach them. Isn't it possible to select nursery-school teachers who know a foreign language?" The writer concludes: "This can and must be done."

One of the primary obstacles to improving language training in the United States is the lack of qualified teachers. Since the tremendous emphasis on language training is fairly recent in the Soviet Union, the Russians, too, have this problem. But whereas we are tending to let our language crisis go unresolved, the Russians are taking measures which will assure them of an adequate army of language experts for their schools. In addition to training thousands of language specialists in the universities and unspecialized pedagogical institutions, they have established a dozen pedagogical institutes of foreign language. These special institutes are designed to provide a highly skilled supply of language teachers to meet the needs of the schools. It should also be noted, I believe, that one of the greatest areas of expansion in all Soviet institutions of higher education has been in foreign language training. The Russians clearly have given language training a high priority rating. And their brilliant scientific achievements have showed us all too clearly what they can accomplish once a goal is set.

In the Soviet Union, the one sure vehicle for success is education. Perhaps it is because of this, rather than an innate love of learning, that the Soviet student is willing to work so hard. But whatever the reason, the fact is that most American students would be appalled at the effort which their counterparts in the Soviet Union put into their studies. Russian students carry a full load of classes 6 days a week. These days are not broken up with study halls and extracurricular activities. The time in school is spent in the classroom, and homework and other pursuits are undertaken after school hours. Many times libraries remain open in the evenings so that students will have access to the books they need.

Because education is considered so important in the Soviet Union, the educator is looked upon with respect, and is compensated accordingly. Compared to American teachers, the teacher in the Soviet general school is poorly paid. But compared to others in the Soviet society, which is a more meaningful basis for comparison, he earns a handsome salary. Beginning teachers are often able to earn salaries equal to those of beginning doctors and engineers, and they are eligible for periodic increases according to length of service.

Persons teaching in universities and institutes are even more generously rewarded. It has been estimated that a Soviet professor earning a typical salary for his rank may make as much as 12 to 15 times the salary of a typical unskilled worker, or 3 to 5 times that of a typical highly skilled worker. Many professors, of course, have salaries far above this range. American professors, who are at the very top of our academic scale, would be stunned at the idea of being paid such high salaries. Even the football coaches do not always do that well.

Speaking again of money, I think we might get some idea of the value the Russians put on education by taking a look at their budget. In 1959, they allocated 94.4 billion rubles to educational and cultural needs. This figure represents 13.5 percent of the total budget. This is an amazingly high figure when you consider the enormous pressure on the Government for development of critical areas of the economy and for defense expenditures. It has been estimated that the Soviet expenditure for general education purposes represents about 8 percent of their gross national product.

We in the United States and in West Virginia, have been rightfully inpressed by what we have learned about Soviet education in the last 2 or 3 years. We have learned that the Soviet people, though infinitely poorer than we, have evolved a school system that is turning out young scholars who have received an education which in a number of ways is superior to that which many of our students here have an opportunity to get.

The explanation for the high quality of Soviet schools is no secret. The schools are a potent weapon against us, but they are not based on an unknown formula. I believe that anyone who bothers to read a little about the Soviet system will promptly conclude that the little Ivans and Olgas of Russia are getting good educations because they, their parents and the State have dedicated themselves to this goal.

Last fall the first official U.S. education mission to the Soviet Union issued a report on its trip, entitled "Soviet Commitment to Education." Shortly thereafter the Christian Science Monitor published an editorial on this report, which I would like to quote to you in part:

"Perhaps Soviet education's greatest asset," the editorial reads, "stems not from methods or mechanics at all, but from what the mission calls the people's 'grand passion' for schooling—a nation intelligent but hitherto largely illiterate for whom the doors of learning have just yesterday been thrown ajar. This is an enormous asset. It can compensate for any number of shortcomings in method, pedagogy, and instructional facilities.

"It can instill the willingness to work hard and long. It can inspire the abler students to pursue their studies higher and higher and attract able teachers to teach them. It can assure that the educators and the educated are rewarded with both money and status."

The editorial concludes: "Not so much state-provided equipment, state-formulated curriculums, or state-set study loads so challenge American education as does this grand passion for schooling."

I frankly wish that we in the United States had a little more of this grand passion for schooling, because if we did—with all our great wealth, our bright, healthy and able youngsters—we could have a society of unequaled strength, wisdom and vigor. The light of a superior civilization that Lafayette applauded would be a bright light, indeed.

With or without this passion, however, there are a number of things we absolutely must do if we are to survive as a democracy in a free world. We must strengthen our study programs. Physics and chemistry must become requirements for all capable students, as must advanced mathematics. Language study should be introduced in the early grades, and should be continued long enough to give the student a mastery of the language. The smattering of high school French or Spanish our boys and girls are now getting is totally insufficient for any useful purpose. Our courses in history and in English literature and grammar must also be expanded and improved. The Russians quote with glee the complaints of our universities that our students cannot even write grammatical sentences. We cannot afford to share their amusement. We have high school students in this country who are unable to identify the names of Hitler or Khrushchev, and who cannot find France on a map. We are only deluding ourselves if we think we can hand these students a high school diploma and call them educated.

If we expect our children to be well taught, we must also see to it that they have an adequate number of well-trained, dedicated teachers. Unfortunately, we are not doing this now. The teacher shortage throughout the country is critical. The situation in West Virginia is almost desperate. A recent study on higher education in the State showed that only a small percentage of the students who receive degrees in education from one of our West Virginia institutions remains in the State to teach. One major reason for this, of course, is the very low salary scale of West Virginia teachers. According to estimates for the last school year, our State ranked 41st in the Nation in average salary paid to classroom teachers. I fear we cannot continue to place such a low value on the services of the men and women who are responsible for educating our young people.

Providing our children with adequate classrooms, equipment and good teachers is not cheap. But money for education is probably the most rewarding investment we can make. The Russians have learned this lesson. So far we have not. So long as one of our children is sitting in an overcrowded classroom, or is denied the opportunity to

learn because of lack of facilities or a teacher, we are doing him and ourselves an irreparable injustice.

Long before the days of the Russian revolution, a great Russian liberal educator, K. K. Ushinsky, observed that the cause of education was "one of the greatest causes of history—a cause on which kingdoms and generations rest." This man was not a Communist. It is a pity, I believe, that his words seem to have had more meaning for the Soviet regime than for our own free country—because I agree, as I am sure you must, that the cause of education is one which will determine our own course of history.

SENATE

FRIDAY, MARCH 4, 1960

(Legislative day of Monday, February 15, 1960)

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 81]

Allott	Frear	Mansfield
Anderson	Goldwater	Martin
Bartlett	Gore	Morse
Beall	Gruening	Moss
Bible	Hart	Muskie
Brunsdale	Hartke	Pastore
Byrd, W. Va.	Hickenlooper	Prouty
Cannon	Hill	Proxmire
Carlson	Holland	Randolph
Carroll	Hruska	Saltonstall
Case, N.J.	Jackson	Schoeppel
Case, S. Dak.	Javits	Scott
Church	Johnson, Tex.	Smith
Clark	Jordan	Wiley
Cooper	Keating	Williams, Del.
Curtis	Kerr	Williams, N.J.
Dirksen	McCarthy	Yarborough
Douglas	McNamara	Young, Ohio
Dworshak	Magnuson	

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN] to the amendment offered by the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute.

Mr. HILL obtained the floor.

SEVERAL SENATORS. Vote! Vote!

Mr. HILL. Mr. President, cries of "Vote" will be of no avail, I can assure the Senate. If they want to take up some time crying "Vote" I will be happy to have them do so, but it will be of no avail because I rise to further discuss the Rogers-Dirksen amendment to the Fort Crowder bill. I have heretofore endeavored to speak at length on the various parts of the bill because of my conviction that there may be many Senators who are not aware of iniquities and injustices which are contained in the pending amendment. I have sincerely directed my remarks to the constitutionality and the legal aspects of the Rogers-Dirksen amendment.

I should like at the present time to continue my discussion in this vein.

Mr. President, there appeared in this morning's edition of the Washington Post an editorial entitled, "No Colossus of Rhodes."

The editorial makes derogatory references to me and to several other of my colleagues who have been endeavoring to bring to the attention of the country the basic iniquities and injustices that are to be found in the Rogers-Dirksen amendment. Because this editorial appears in one of the great metropolitan daily papers of our country, I believe that it is important to bring it to the attention of the Senate. The editorial reads as follows:

NO COLOSSUS OF RHODES

A number of men of whom this Capital is fond have been diminishing their luster during the civil rights debacle in the Senate. It is distressing, for example, to see such a stout champion of humanitarian legislation as Senator LISTER HILL, of Alabama, abetting the southern extremists. It is dismaying that Senator JOHN SPARKMAN, of Alabama, a former Democratic vice presidential nominee, has been lending his prestige to the Alice-in-Wonderland effort to paint the voting rights bill as an invasion of civil liberties. It is disturbing that other respected southern Senators have supported Senator RICHARD RUSSELL'S attempt to label those who disagree with him as liars or Senator OLIN JOHNSTON'S absurd charge that proponents of voting rights have fallen for a "Communist plot to destroy constitutional government."

But the onus falls most heavily upon the chairman of the Foreign Relations Committee, Senator J. WILLIAM FULBRIGHT, of Arkansas, because more is expected of him. Mr. FULBRIGHT is a Rhodes scholar and a former university president. By virtue of his role in foreign affairs he is looked to for sane comment and leadership above sectionalism. He is the author of so enlightened a piece of legislation as the scholarship program that bears his name, and during the McCarthy era he gained justified acclaim for his sometimes solitary protests.

Can so intelligent a man seriously contend that present voting protections are adequate without considering the reasons why enforcement of them has been frustrated in large areas of the South? Can he contend with a straight face that there is no voting discrimination despite the irregularities in Louisiana and the outright defiance in Georgia? Can he really believe, as he stated, that "It is merely apathy which keeps more Negroes from voting in the South and, indeed, through the Nation?" Can he be so blind to the real causes of trouble as to think that it is the "effort on the part of northerners to impose certain conditions on the South" that may give the Communists an opportunity "to try to demonstrate to the world the weakness and deterioration of the democratic system in this country?"

In short, is Mr. FULBRIGHT doing justice to himself, his position, and the dignity of the body he represents by joining in this cabal of know-nothingism? In particular, does he relish his Alphonse and Gaston colloquies with Senator JAMES EASTLAND, of Mississippi, who refers to decisions of the Supreme Court of the United States as "crap" and "tripe"?

Mr. President, I do not care to indulge in an effort to defend the unwarranted and unjustifiable personal attack which has been made on me in this editorial. However, inasmuch as the editorial seeks to malign some of the ablest men in this Senate, I should like to address myself briefly to some of the aspersions which have been made upon my distinguished colleagues.

The editorial assails the able and distinguished junior Senator from Alabama [Mr. SPARKMAN] as lending his prestige to the "Alice-in-Wonderland effort to paint the voting rights bill as an invasion of civil liberties." My colleague [Mr. SPARKMAN] is one of the ablest lawyers in the Senate. It is certainly no Alice-in-Wonderland approach to a debate to emphasize the unconstitutional and unwise provisions contained in a measure which is before the Senate of the United States for consideration. My junior colleague from Alabama, in my judgment, has rendered a service to the whole country by pointing out, as forcefully as any Senator can, the defects which are to be found in the pending measure. He certainly has done nothing for which he need apologize to the people of Alabama, to the people of the South, or to the people of America as a result of his participation in this debate.

The editorial then proceeds to criticize the able and distinguished senior Senator from Georgia [Mr. RUSSELL] and the able and distinguished senior Senator from South Carolina [Mr. JOHNSTON] for their participation in this debate in opposing the Dirksen amendment.

It is inconceivable to me that any responsible newspaper can legitimately question the integrity and the motives of such devoted and able men as the Senators from Georgia and from South Carolina. There is no basis whatsoever for questioning the sincerity of these two outstanding Senators and I personally resent the implication that either of them has failed in any wise to present to the Senate his honest convictions with respect to the Dirksen amendment. Both the Senator from Georgia [Mr. RUSSELL] and the Senator from South Carolina [Mr. JOHNSTON] have contributed brilliantly and magnificently to this debate.

The editorial then singles out for its special attack the distinguished chairman of the Senate Foreign Relations Committee, a Member of this body who has through the years earned the national and the international stature for which he has been so universally acclaimed. I regard the most recent address of the Senator from Arkansas as one of the finest contributions that has been made to this debate and I can find nothing therein to justify the unwarranted criticism to be found in the Washington Post and Times Herald editorial.

"No Colossus of Rhodes" is the title of the editorial, and I assume that the headline seeks to make reference to the fact that the Senator from Arkansas is a Rhodes scholar, a distinguished educator and, I might say, one of the finest lawyers who grace this Senate. The unfounded accusations of the editors of the Washington Post and Times Herald to the contrary notwithstanding, I can assert, Mr. President, without fear of successful contradiction, that the Senator from Arkansas is indeed a "colossus" in this Senate. His contributions as, first a Representative in Congress from Arkansas and then a U.S. Senator; his contributions, first, as chairman of the

Senate Committee on Banking and Currency and now as the chairman of the Senate Committee on Foreign Relations; have earned for him an unassailable niche in the history of the U.S. Senate. His contributions in this debate constitute nothing for which he need apologize and he has nothing to explain away.

In short, Mr. President, it is ridiculous to question the motives and the sincerity of the Senators who are speaking in opposition to the Dirksen amendment. It is only out of a devout conviction with regards to the constitutionality and the injustice of the pending measure that we who oppose the Dirksen amendment have endeavored to speak at considerable length. It is only as a result of our abiding belief that justice can ultimately be rendered through the instrumentality of free debate and free discussion that we address ourselves so strongly against the various features of the amendment. There is no demagoguery involved in a full but germane legal argument against the pending amendment.

I submit, Mr. President, there has not been a single speech by a single Senator against the amendment which has not gone directly to the provisions of the amendment, or which has not been absolutely germane to the questions presented by the amendment. The only demagogery, the only grandstanding, the only arm waving which can be found in the present discussion must be attributed to proponents of the pending amendment who have offered us this package which is composed of political expediency and legislative ineptitude.

I defend my colleagues who have been so bitterly and unjustifiably criticized, and I applaud their efforts to thoroughly air in the bright light of public debate the inequities and the injustices which are to be found in the Rogers-Dirksen amendment.

Mr. President, I believe that one of the strongest objections to the amendment is to be found in the fact that it is wholly unnecessary. The amendment is wholly unnecessary because there are adequate criminal and civil remedies already on the statute books which afford more than adequate relief to any allegedly aggrieved person who claims to have been deprived of the privilege of registering, of voting, and of having his ballot counted as it was cast.

There has been some discussion of the various remedies afforded an aggrieved person heretofore in this debate. However, I feel that Senators ought to understand the existing remedies which are already on the statute books, which are already the law of the land. The remedies are available for anyone who feels he has been denied any right, or who has any grievance or needs to seek any remedy.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to my friend from Alaska.

Mr. GRUENING. I am wondering whether I interpret the last two sentences of the Senator's statement correctly, as indicating the Senator's belief that there is ample remedy now available in the case of abuse in this field, and that if there is abuse existing which has not been corrected it is due to the lack of interest or the lack of concern of the present administration?

Mr. HILL. The Senator does, indeed. The Senator from Alabama is proceeding now to lay the predicate for enumerating the remedies which are available and which have been available. They are available now to any person. They are available to the Attorney General of the United States. As the Senator well knows, under the Civil Rights Act of 1957 the Attorney General does not have to wait for some person who feels he is aggrieved to come to him, but can, on his own motion, go into court for that person even without that person's consent.

Mr. GRUENING. Does the Senator believe he is correct in pointing out that there is considerable law at present, so that if the administration had felt that there had been injustices it could have acted upon them, and that the Eisenhower administration has failed to take advantage of such legislation as is already on the books, and instead is now merely passing the buck to Congress and saying, "We need more legislation," while it does not utilize and has failed to utilize the legislation which has already been enacted.

Mr. HILL. Not only is that correct, but I would say that on page 243 of the hearings before the Committee on Rules and Administration, U.S. Senate, of the 86th Congress, 2d session, I find these words of the Attorney General of the United States:

> In addition I would refer the committee to the testimony of the Attorney General of the United States before a House judiciary subcommittee on March 11, 1959, where on page 227 of the printed hearings he—

Meaning the Attorney General of the United States—

> answered in reply to a question as to how far the Federal Government can go in connection with voting, the Attorney General made this answer: "I think we can go just as far as we have asked to go in this legislation."

Meaning that he is now proceeding to try to go a whole lot further than he felt that they had any right to try to go at the time he was asked this question over about a year ago. I shall now proceed to point out these remedies that are available if the Attorney General of the United States and if parties who feel aggrieved, who think that they have been denied their rights, only seek to use these remedies.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Vermont.

Mr. PROUTY. I am just a little bit curious. Am I to understand that the Senator from Alabama agrees wholeheartedly with the philosophy expressed by the Senator from Alaska?

Mr. HILL. I was laying the predicate, as I said, to point out remedies which are now available and have been available for parties who feel aggrieved. The Senator knows that under the act which we passed in 1957 the Attorney General of the United States can go into court and he does not even have to have the consent of the aggrieved parties to do so. He can go on his own motion. I am going to point out in my later remarks that the Attorney General, in testifying, said there had only been some five or six cases that he knew of—some five or six cases arising under the Civil Rights Act of 1957. I shall quote them as I continue with these remarks.

Mr. PROUTY. I am sure of that, but does the Senator from Alabama agree with the statement made by the Senator from Alaska?

Mr. HILL. To the extent that the Senator observed that the Attorney General has these remedies now on the book and has not resorted to them, has not used those remedies, I do agree with the Senator. I am going to point out these remedies. I am going to point out the criminal statute under which the Attorney General can proceed. I am going to point out other remedies given to aggrieved parties as well as the rights that are given to the Attorney General under the 1957 Civil Rights Act.

Mr. PROUTY. Does the Senator from Alabama think that he is going to vote along the same lines as the Senator from Alaska?

Mr. HILL. I have not discussed this question with the Senator from Alaska. I do not know how he is going to vote. I will say to the Senator from Vermont that I am against this bill stoutly, strongly, and vigorously.

Mr. PROUTY. I wish very much that the Senator from Alabama would interrogate the Senator from Alaska, so that I might be informed as to how the Senator from Alaska is going to vote.

Mr. HILL. I would say this to the distinguished Senator from Vermont. I shall proceed with my speech, and then if the Senator from Vermont wishes to interrogate the Senator from Alaska, I am sure the Senator will be glad to have him do so.

As the Senator well knows, under the rules of the Senate it is not proper for the Senator who is on the floor to proceed to interrogate some other Senator.

Mr. PROUTY. I am sure the Senator from Alabama knows that I have great affection for him.

Mr. HILL. And I assure my friend that it is a mutual affection.

Mr. PROUTY. I hope sometime during the course of his remarks the Senator will be able to explain the position of the Senator from Alaska, who is a member of the same party, who has interrogated him.

Mr. HILL. If the Senator from Vermont wishes to ask some questions of the Senator from Alaska, and the Senator from Alaska is willing to have those questions asked of him, and I can obtain unanimous consent that I will not in any way impair my rights to the floor by having the Senator from Vermont ask these questions, I shall be glad to do so.

Mr. PROUTY. I should like very much to ask the Senator from Alaska whether he is going along with the philosophy which has been expressed and expounded by the distinguished Senator from Alabama.

Mr. HILL. Mr. President, I would have to ask unanimous consent that I would not in any way lose or impair my rights to the floor if the Senator from Alaska saw fit to make any statement. That is a matter for the Senator from Alaska. I want the Chair to protect my rights. I want nothing to happen here that would in any way impair my right to the floor.

The PRESIDING OFFICER (Mr. CANNON in the chair). Up to this time no request has been made.

Mr. HILL. Does the Senator desire to make a request?

Mr. PROUTY. I would very much appreciate it if the Senator from Alabama would permit me to interrogate the Senator from Alaska——

Mr. HILL. Mr. President, I ask unanimous consent that the distinguished Senator from Vermont may ask questions of the Senator from Alaska, with the very definite understanding that I do not in any way impair my rights to the floor or lose my rights to the floor.

Mr. PROXMIRE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRUENING. Will the Senator from Alabama yield?

Mr. HILL. I yield to my friend.

Mr. GRUENING. Objection having been heard, I wish to clarify the point that I sought to make in my question.

Mr. HILL. Mr. President, I want the Chair to understand that I am asking unanimous consent, without losing my rights to the floor, that the Senator from Alaska be permitted to make a brief statement.

Mr. SALTONSTALL. Mr. President, reserving my right to object—I do not think I shall object if the Senator from Alaska merely answers the question of the Senator from Vermont and does not go into an extended speech.

Mr. GRUENING. I would have to ask the Senator from Vermont to repeat his question.

Mr. HILL. Mr. President, I want the Chair to protect the rights of the Senator from Alabama to this floor. The Senator from Alabama has the right under the rules, as the Chair well knows, to yield only for a question.

The PRESIDING OFFICER. The Senator is correct.

Mr. HILL. I want to be protected in my rights.

Mr. PROUTY. Mr. President, my question is addressed to the Senator from Alaska.

Mr. HILL. I want to protect my rights.

The PRESIDING OFFICER. Is there objection?

Mr. HILL. The Senator has spoken of his affection for me, and I assure him that the affection is mutual. I do not want anything to cause me in any way to lose this floor.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. HILL. If the Senator wishes to ask the Senator from Alabama a question, I can yield only for a question.

Mr. GRUENING. I would like to ask the Senator from Alabama the question whether the Senator from Alabama did not understand my question to him as saying that I agreed with him that there had been plenty of law on the books sufficient to correct abuses if this administration had been clearly desirous of correcting them, and that the Attorney General of the United States should take up such laws as they exist? I ask the Senator whether he understood my question as meaning that, because that was my intent.

Mr. HILL. I did certainly understand the question of the Senator from Alaska to have that very definite meaning.

Mr. MORSE. Mr. President, will the Senator from Alabama yield to the Senator from Oregon for a question only?

Mr. HILL. I yield for a question only.

Mr. MORSE. Would the Senator from Alabama be surprised if the Senator from Oregon placed at the desk tonight a cloture motion which reads as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the amendment to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, proposed by Mr. DIRKSEN, in the nature of a substitute striking out all after the enacting clause and in lieu thereof inserting certain other language, being designated as "2–24–60—I."

Mr. HILL. Mr. President, with all respect to the distinguished Senator from Oregon [Mr. MORSE], I would not be surprised at anything legitimate the Senator from Oregon might do.

Mr. PROUTY. I do not believe the Senator has answered the question.

Mr. HILL. Does the Senator from Oregon [Mr. MORSE] wish me to yield for another question?

Mr. MORSE. Yes; I have several questions I should like to ask.

Mr. HILL. I yield to the Senator from Oregon [Mr. MORSE] for a question.

Mr. MORSE. Would the Senator be surprised if I advised him that in my opinion the time has come in this debate when the Senate ought to carry out what the Senator from Oregon believes is the clear express desire of the people of the United States to bring this debate to an end?

Mr. HILL. Mr. President, as I have said, with all respect to the Senator from Oregon, nothing the Senator from Oregon might do here would surprise the Senator from Alabama, and I do not believe it would surprise any of the other Senators.

Mr. MORSE. Will the Senator from Alabama yield for another question?

Mr. HILL. The Senator from Alabama yields for a question.

Mr. MORSE. Would the Senator from Alabama be surprised if the Senator from Oregon advised him that he proposes to place at the desk this cloture motion, on which motion the Senator from Oregon has already placed his signature, and to invite other Senators who share the view of the Senator from Oregon that this debate ought to be ended forthwith by cloture to place their signatures on this cloture motion also?

Mr. HILL. Mr. President, I believe I have made it very clear that with all respect to the Senator from Oregon [Mr. MORSE], the Senator from Alabama would not be surprised at anything the Senator from Oregon might do. Of course, I mean anything which is legitimate and within the rules.

Mr. MORSE. Will the Senator from Alabama yield for another question?

Mr. HILL. I yield to the Senator from Oregon for another question.

Mr. MORSE. Would the Senator from Alabama be surprised if after the Senator from Oregon places this cloture motion at the desk, which I shall do in a moment in the full view of the Members of the Senate who are present on the floor of the Senate, if 15 other Senators did not sign this cloture petition in the very near future?

Mr. HILL. I do not know whether the Senator from Oregon has that many followers or not, to tell the truth. I sometimes think my friend from Oregon likes to be the lone champion in the arena by himself. So I do not know whether he has that many followers on this proposition or not. I could not tell him. I would not know.

Mr. MORSE. Will the Senator yield for a question?

Mr. HILL. I yield to the Senator from Oregon for a question.

Mr. MORSE. Does the Senator from Alabama agree that if the Senator from Oregon has a conviction on a matter of public policy and he did not find anyone else in the Senate who shared his view, he would still owe it to the people of his State nevertheless to stand for that conviction and be perfectly willing to be counted in support of it?

Mr. HILL. I would say the Senator's record in the Senate has been such that we know whenever he has a conviction about a matter, he acts on that conviction, even though he may be a lone wolf. Even though he may be all by himself, he acts on his conviction.

Mr. PROUTY. Mr. President, may I suggest that the Senator from Alabama [Mr. HILL] has not answered the question.

Mr. HILL. Does the Senator from Vermont wish the Senator from Alabama to yield for a question only?

Mr. PROUTY. No, I suggest that he answer the question of the Senator from Oregon.

Mr. HILL. With all of my warm regard for the Senator, I canot yield except for a question.

The PRESIDING OFFICER. The Senator from Alabama has the floor and he has the right to yield for a question to whomsoever he wishes.

Mr. MORSE. Does the Senator from Alabama yield for a question?

Mr. HILL. I yield for another question to the Senator from Oregon.

Mr. MORSE. If the Senator from Oregon could get unanimous consent without affecting the rights of the Senator from Alabama to the use of the floor, would the Senator from Alabama permit him to try to offer this cloture motion at this time by asking the Senate for unanimous consent to file this cloture motion at the desk only for the purpose

of letting it remain there for such time as is necessary for other Senators to decide whether or not they wish to sign it?

The PRESIDING OFFICER. The Senator could not yield for that purpose. It is not a question.

Mr. MORSE. Am I to understand the Senator from Alabama would not yield for me to ask unanimous consent for permission to file the motion?

Mr. HILL. No, the Senator from Alabama could not yield for that purpose.

Mr. President, I feel that the Senators ought to understand the existing remedies which are already on the statute books—remedies which grant to an alledgedly aggrieved party every legal recourse which he ought to have, remedies which make the allegedly aggrieved party the special subject for the special protection which the statutory enactments of the United States already afford.

The laws already on the statute book grant to a person who complains about being deprived of his rights and privileges under the 15th amendment the legal recourse of being able to come into either a State court or a Federal court and to assert those special immunities, those special privileges, that special place under existing laws which have made him the subject of being accorded a special place under the law.

If there were no adequate remedy for any alleged grievance in voting cases under State law—and I assert without qualification that there are adequate remedies under existing State laws—the existing Federal statutes provide more than enough relief to insure that any person who claims such deprivation has adequate remedies under the Federal statutes.

Section 7 of the pending amendment which would establish a Federal referee purportedly to enforce voting rights lacks merits because it is totally unnecessary. Section 7 is totally unnecessary because there are ample statutory provisions already on the books fully to implement the 15th amendment of the Constitution.

Title 18, section 242, of the United States Code makes it a criminal offense for any State official, including a State registrar or any other State election official, willfully to deprive any American of any race or color of his right to register or to vote or to have his vote counted or to insure that his vote will be counted as cast. Section 242 has been interpreted by the U.S. Supreme Court and by the lower Federal courts to mean exactly what it says, namely, that any State official who willfully denies any person the right to register, to vote, and to have his vote counted can be sentenced to imprisonment or subjected to a fine, or both.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Vermont for a question.

Mr. PROUTY. Will the Senator permit me to commend him for doing what in my judgment is an outstanding job?

Mr. HILL. Mr. President, I yield only for a question.

The PRESIDING OFFICER. The Senator has a right to yield only for a question without a unanimous-consent agreement.

Mr. PROUTY. Will the Senator permit me to commend him?

Mr. HILL. Mr. President, I ask unanimous consent that I may permit the Senator from Vermont to make a brief statement without losing or impairing in any way my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. PROXMIRE. Mr. President, reserving the right to object, I shall not object provided the request of the Senator from Alabama limits the Senator from Vermont to 2 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Mr. HILL. Mr. President, I shall have to limit it to the 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. I assure the Senator from Alabama that I am a man of few words.

Mr. HILL. I have had the honor of serving on the same committee with the Senator from Vermont, and fully appreciate the correctness of what he has said. He is definitely a man of few words.

Mr. PROUTY. I should like to commend very highly the distinguished Senator from Alabama for expressing a point of view which I am sure represents the view of the majority of the voters in his State. I commend him for doing a superlative job in that respect, although I do not go along with all of his points of view. He is a fine man, and the people of Alabama should be proud of him.

Mr. HILL. I thank the Senator for his generous words. I regret that he does not fully agree with me. There is an old saying, Mr. President, that if a man agrees with you, you conclude you are the smartest man in the world and he is the next smartest man in the world. In any event I very much appreciate my friend's generous words.

Mr. PROUTY. The distinguished Senator from Alabama is most persuasive, and I believe if he works on me long enough, he may convince me of some of his points of view.

Mr. HILL. That is very hopeful.

Mr. President, I was referring to title 18, section 242 of the United States Code, making it a criminal offense for any State official, including a State registrar or any other State election official, willfully to deprive any American, of any race or color, of his right to register or to vote or to have his vote counted or to insure that his vote will be counted as cast.

I submit, Mr. President, that this law already on the books is a type of enforcement legislation that was contemplated by the framers of section 2 of the 15th amendment. It provides all the traditional criminal remedies to an injured party who claims to have been injured in his person, property, privileges or rights.

It gives the aggrieved party the right to make a complaint to the law-enforcement officials of the United States with respect to an alleged violation of a criminal statute which resulted in his injury.

It gives the aggrieved party the right to make a complaint regarding such alleged violation to a district attorney of the United States in the district in which the crime is supposed to have been committed.

It gives the aggrieved party the right formally to swear out a warrant against the alleged perpetrator of the crime.

It affords the aggrieved party the established Anglo-Saxon criminal remedy of the right to go before a grand jury convened by a district court and there to state the facts and circumstances made the basis of his complaint.

And finally, Mr. President, section 242 gives the aggrieved party the support and assistance of the U.S. Government through one of its district attorneys to present his charges before a petit jury and to have the merits of the criminal prosecution determined through the orderly procedure of a trial by jury.

Moreover, section 242 of title 18 of the United States Code has the meritorious result of securing to the accused the rights and presumptions enshrined in our law by the bloodshed and sacrifice of our forebears in their ageless struggle against tyranny, oppression, and arbitrary and capricious power.

It grants to the accused the presumption of his innocence until found guilty by due process of law.

It cloaks the accused with the constitutional and legal protections justly due any member of a free society.

It gives the accused the right to employ counsel in his defense.

It gives the accused the right to know the nature of the charges made against him and the identity of the person or persons by whom they are brought.

It gives the accused the right of confrontation of his accuser and of adverse witnesses.

It gives the accused the right to cross-examine, within the limits of orderly procedure, those who testify against him.

It gives the accused the right to present witnesses in his own behalf and the right to assert his own innocence in a court of law.

Most important of all, section 242 gives the accused the right to have his guilt or innocence adjudged by a jury of his own peers, who are the arbiters of the facts, including the ultimate fact of conviction or acquittal.

It gives the accused the right to appeal a conviction first to a U.S. circuit court and then to the highest court in the land to review questions of law, the substantial nature of the evidence and in some cases the accused may even be granted a new trial on the basis of newly discovered evidence.

And throughout every step of this criminal process he is assured the prohibition against double jeopardy and the right to counsel in his defense.

How can anyone say, without condemning long-established English and American criminal procedures, without condemning the grand jury process, without condemning the right of confrontation and cross-examination, with-

out condemning the rules of evidence in criminal cases and without condemning the right to trial by jury, that title 18, section 242 of the United States Code is not sufficient to bring to justice and to proper punishment any person who deprives any American of any race of his right to register and vote? Section 242 provides nothing more or less than an orderly process for securing the voting privilege. The same rights and the same standard of justice that are granted to traitors, murderers, robbers, thieves, and kidnapers are hereby assured persons accused of depriving others of the right to vote. How can anyone say in good conscience that duly constituted election officials should not be accorded the same rights and legal processes that are guaranteed to traitors and felons?

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. HILL. I am glad to yield to the distinguished Senator from North Carolina.

Mr. JORDAN. I think the Senator brought out this fact very ably. Is that same law not applicable to every State in the Union?

Mr. HILL. Certainly. I want to emphasize the fact that I am speaking now of a Federal statute that applies to every person within every one of the 50 States.

Mr. JORDAN. In other words, one State has one law, and some other State another law?

Mr. HILL. Different States may have some degrees of variance, as far as their own State statutes are concerned. But I have been referring to the law that is found in title 18, section 242, of the United States Code, which is Federal law, and which is all-embracing, which includes every person within every State in all of these United States of America.

Mr. JORDAN. I thank the Senator from Alabama.

Mr. HILL. I thank the Senator.

Mr. President, I emphasize "United States," because I am still talking now, not about any State laws, but I am talking about Federal law, the law that applies to Kentucky or Alabama, to Wisconsin or Texas or North Carolina. I am talking about the law that reaches up and applies to the State of Vermont, then down into Kentucky, applying to every State in the United States. I am talking about Federal laws now, which apply to every State and to every person within these States.

The statutory enactments of the United States afford even more protection. And when I say "even more," I am speaking about protection in addition to that to which I have already called attention, namely, section 242 of title XVIII, which makes the denial of this right a criminal offense.

The statutory enactments of the United States afford to persons claiming to have been deprived of the right to vote even more protection than the criminal prosecution authorized by section 242. There are also available, in addition to section 242, title XVIII, two civil statutes of the United States under which any person claiming to have been disenfranchised is granted his judicial remedies. One of these statutes is title XLII, section 1983 of the United States Code, which is captioned "Civil Action for Deprivation of Rights," and reads as follows:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Mr. President, section 1983 of title 42 of the United States Code grants any private citizen who is allegedly deprived of any civil right, including that of registration and voting, a right to bring a civil action either to prevent the wrong from being committed or to obtain damages for its commission.

The aggrieved party is afforded the sweeping legal remedy of bringing an action at law, as I have said, a suit for damages; or he has a right to go into court, in what we call equity, and ask for an injunction to prevent any such action as he thinks might be taken to deny him any right to vote or any right to have his vote counted—any of these rights we have been discussing.

It is obvious that section 1983 does not limit the form of action with respect to the civil remedies made available by the statute. Of course we know that in the Federal courts the distinction between the law side and the equity side has been abolished, and that all pleadings are superseded by the district court's pretrial order, which narrows and defines the issues upon which the court shall proceed to adjudicate the rights of the parties. Under the Federal Rules of Civil Procedure, which are designed to avoid an ultimate decision on the basis of a technicality in pleading or procedure, the plaintiff in a civil action arising under section 1983, is thus afforded the easiest, the most expeditious, and the most advantageous possible remedy for a redress of his grievances.

Furthermore, there is no prohibition under the Federal statute against an aggrieved party's obtaining both the criminal remedy granted under title 18, section 242, and any one of the various civil remedies authorized under section 1983 of title 42.

So far as Federal law is concerned, an aggrieved party has all these remedies. He may sue for damages, he may get an injunction to start with, and then he may proceed to bring about criminal prosecution for the violation of a criminal statute. He has all of these rights.

A further amplification and liberalization of the two statutes which I have cited are afforded by section 1988 of title 42 of the United States Code, which reads as follows:

§ 1988. Proceedings in vindication of civil rights.

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

In other words, a person not only has available to him these Federal statutes providing these several remedies of injunctive process, suit for damages, criminal prosecution, with punishment or imprisonment and fine, but he may also go into Federal court and invoke therein such common law as may be applicable in the particular State in which he lives, unless that common law is in some way in conflict with the Constitution of the United States or with a Federal statute. Therefore, it gives to an aggrieved party the benefits of all these protections under Federal law, and then includes the common law of the State as well.

This statute extends the common law, as modified and changed by the Constitution and statutes of the State to the jurisdiction of the U.S. district courts in the case of any proceeding in vindication of civil rights, including the privilege of registering and voting. Section 1988 permits a citizen to invoke in a U.S. court all of the remedies and procedures in voting cases that are accorded under the States common law as modified and changed by the constitutional and statutory provisions of the State relating to such remedies.

Thus the charge of an aggrieved party that he cannot obtain justice at the hands of a State court is negated by this statute which gives the aggrieved party his choice of forums, State or Federal.

Not only is there a criminal remedy under the statute embodied in title 18 of section 242 of the United States Code, which can be invoked by the Attorney General or a district attorney; not only are there two civil statutes, sections 1983 and 1988 of title 42 of the United States Code which can be invoked by any citizen for the prevention of wrong or the redress of grievances; but also in 1957 Congress enacted a civil rights act embodied in section 1971 of title 42, which is also available for these purposes. Section 1971 is specifically addressed to voting rights and reads as follows:

§ 1971. Voting rights.

(a) Race, color, or previous condition not to affect right to vote: All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding.

(b) Intimidation, threats, or coercion: No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose

of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

(c) Preventive relief; injunction; costs: Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

(d) Jurisdiction; exhaustion of other remedies: The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

Ordinarily, as we know, before a right of action of this kind will lie, a party must first exhaust all administrative remedies. If there are available any administrative or other remedies, he must first exhaust them before he may come into Federal court, and before the court will entertain any petition or any complaint on the part of the aggrieved party. However, under this statute he does not have to exhaust any other remedy of any kind at all; he can come into a Federal district court right away.

Ordinarily, as we know, in most cases, a Federal court will not take jurisdiction of a case unless all administrative remedies have been exhausted, and, in many cases also, unless all remedies through the State courts have been exhausted. However, that is not the case under this statute. An aggrieved person can go into Federal court ab initio.

This fantastic statute provides that a person who is too lackadaisical or complacent to assert his own rights under other laws may have the Attorney General of the United States institute proceedings in his behalf, with or without his permission, against any person who has engaged or who allegedly is "about to engage in" any act or practice which would deprive such person in the right or privilege to register or to vote.

The Attorney General does not have to wait for anybody to make a complaint to him at all. He can institute these proceedings without any complaint from anyone, without the consent of anyone, without anyone having said "I have been aggrieved, I have been wronged, I have been denied my rights."

We recall in the civil rights debate of 1957 this proposal was presented to us as a measure vitally necessary to prevent discrimination in registration and voting cases. Apparently the proponents of this statute felt that it was not adequate to treat State election officials on the same basis as the law treats traitors, murderers, burglars, thieves, arsonists, and other felons, because the Attorney General and his district attorneys would be forced to meet adversary counsel for the accused on an equal footing under the law. To force the Attorney General and his district attorneys to meet adversary counsel on an equal footing under the law places them at a terrible disadvantage. And it was, therefore, necessary to give the Attorney General, his district attorneys, and the persons for whom they institute litigation, special treatment under the law, so that they would not have to meet adversary counsel and adversary parties on an equal footing. If there ever was a special statute passed for special privilege, this is the statute.

Mr. President I was vigorously opposed to the enactment of section 1971 which was presented to us as part IV of the Civil Rights Act of 1957. At the time the bill was being considered by the Senate I undertook to make a lengthy legal argument in which I emphasized that part IV was wholly unnecessary and unwarranted. But regardless of our personal predilections with respect to the merits of the statute we must all accept the fact that section 1971 is a part of the statutory law of the United States. The proponents of the pending measure must certainly accept the fact that section 1971 is available to those persons who claim to have been deprived of the right to register and vote.

Despite the fact that section 1971 was foisted upon us in 1957 with such vehemence and professions of emergency and dire necessity as an indispensable measure to enforce the provisions of the Constitution, we find that the Attorney General of the United States and his district attorneys have had few occasions to invoke the remedies provided in section 1971.

Attorney General Rogers in his testimony before the Senate Rules Committee on February 5, 1960, admitted that only five or six suits had been instituted under the Civil Rights Act of 1957. Apparently the basic motive of the Attorney General in submitting his Federal referees proposal to Congress was to stir up and encourage litigation with respect to voting rights cases. He said there had only been five or six of them since 1957 since we passed that act.

In response to a question by the chairman of the Senate Rules Committee the Attorney General of the United States made the following extraordinary statement:

I might say, Mr. Chairman, that I have been surprised how few complaints we have had, and I would hope that if Congress does give support to these proposals, this one and the one about preserving election records, which is vitally important, that there will be greater effort on the part of the Negro to register and vote, because constitutional rights cannot be enforced unless the people attempt to exercise them.

The Attorney General frankly admitted that the various Federal registrar proposals that have been introduced are subject to valid constitutional objections. The Attorney General assessed the constitutionality of the Federal registrar proposals as follows:

Now once you extend the registrar proposal, as you have suggested that you want to do, to State elections, then you run head on into that problem. That is exactly why the Civil Rights Commission did not include State elections. You run directly into the problem of a Federal officer saying to a citizen, "You have got a right to vote in a State election."

Now that is done without a judicial-type determination. Our proposal is constitutional because it is a judicial determination that the Constitution has been violated, and the Court merely is trying to vindicate the constitutional guarantees to the citizens.

Moreover, after having implied that the Federal registrar proposal is unconstitutional, the Attorney General then proceeded to take the ridiculous and untenable position of acquiescing in the enactment of a registrar bill in the event that such enactment should prove to be politically expedient. In response to a question posed by the junior Senator from New York, the Attorney General of the United States made the following incredible statement:

As I say, I appreciate your problem. I understand the practical problems which you are wrestling with, and if you go along and somehow you think it is necessary to put some label on the program that will help it get through, I am not going to oppose it.

Mr. President, a few days ago, the able and distinguished senior Senator from North Carolina made another significant contribution to this debate in discussing the adequacies of existing statutes. He made the following observations:

Mr. President, not only is there a criminal remedy under the statute embodied in title 18, section 242 of the United States Code, which can be invoked by the Department of Justice or the U.S. attorney for the district; and not only are there two civil statutes, those embodied in title 42, sections 1983 and 1988 of the United States Code, which could be invoked by any citizen of any race for the prevention of wrong or the redress of wrong; but in 1957 Congress enacted a Civil Rights Act which is also available for these purposes. That act is now embodied in title 42, section 1971 of the United States Code.

That act makes the supposed beneficiaries of the civil rights program special favorites of the law, and excuses them from the necessity of having their rights in the voting field adjudged under the same laws by which you and I, Mr. President, and all other Americans must have our rights adjudged. This is true because under this statute the Attorney General of the United States becomes private counsel for the vindication of purely personal rights. You and I and all other Americans must retain our own counsel if we wish to vindicate our rights. However, under this act, if the Attorney General elects to sue in behalf of any of the supposed beneficiaries of the act, those beneficiaries have their litigation carried on at the expense of the taxpayers of the United States. If you and I or any other American wishes to carry on litigation, we must defray the expense of such litigation out of our own pockets.

In addition, if the Attorney General elects to sue for any of the supposed beneficiaries of the Civil Rights Act of 1957, the mere fact of his bringing the suit automatically nullifies all the State laws prescribing administrative remedies, even though such State

laws were enacted by State legislatures in the undoubted exercise of the legislative power reserved to them by the ninth amendment to the Constitution of the United States.

But, Mr. President, if you or I or any other American wishes to bring a similar suit for the vindication of similar rights, we are denied the right to go to a court of justice until we have first exhausted all of the administrative remedies established by the laws of the State.

So in three respects the Civil Rights Act of 1957 makes the supposed beneficiaries the special favorites of laws, and excuses them from litigating their matters under the same laws under which all other Americans are compelled to have their rights litigated.

Mr. President, the seventh section of the pending amendment presumes that there is an inadequacy in State election laws and that a person allegedly disfranchised does not have the protective guarantee to insure the privilege of voting.

This presumption, in the case of the State of Alabama, is utterly false. No one can accurately assert that the laws of the State of Alabama are inadequate to guarantee a person the privilege to register and to vote. Every reasonable legal remedy is afforded a person who seeks to register and to vote under the laws of the State of Alabama.

If a citizen of the State of Alabama files an application with the board of registrars of his county, asking that he be certified as duly qualified to vote and that his name be placed on the list of qualified voters, and if for any reason the board of registrars of that county refuses to allow him to register and if the board of registrars refuses to place his name on the list of qualified voters, then such person has a right under our State law to appeal to a circuit court, or to a court of like jurisdiction, in his county within 30 days after he shall have been rejected as a qualified registrant and voter.

In the circuit court, which is the court of general jurisdiction in the State of Alabama, he is entitled to and is granted a trial. He may employ the counsel of his choice, and he has the right to a trial by jury in the event that he demands such.

Should the applicant win his case in the circuit court, the State of Alabama has no appeal from the decision, and the applicant's name is placed on the list of qualified voters. In the event that the circuit court rules adversely, the applicant can appeal directly to the supreme court of Alabama, where his case will be treated as a preferred case, as though he were making an application for a peremptory writ, such as a petition for mandamus, habeas corpus, or special injunctive relief. This procedure facilitates the applicant's appeal by placing his case ahead of other cases which may already be pending on the docket of the supreme court.

If the supreme court of Alabama rules adversely, the applicant is entitled to the right to petition the Supreme Court of the United States on an application for a writ of certiorari, for a redress of his alleged grievances. If the applicant contends that he has been discriminated against in violation of the 15th amendment or any other provision of the U.S. Constitution, he is entitled to present such matter to the Supreme Court of the United States on his appeal.

The procedure is similar to that embodied in the statute books of most of our States.

If one examines the statute books of most of our States, one will find they generally follow this procedure. It is a proceeding whereby a person is granted full and ample rights to have his complaint adjudicated by the judiciary of his own State. It is a full and adequate remedy under the law for each person who claims to have been denied the right to register and to vote because of race, religion, color, national origin, previous condition of servitude, or for any other reason whatsoever.

Mr. President, there has been criticism of the election and registration processes in the State of Alabama. Such criticism demonstrates, on the part of the critics, a woeful lack of information with respect to the statutory remedies which are accorded an applicant who desires to register and to vote.

I have been in touch with the Honorable J. Russell McElroy, who for many years has been the presiding judge of the 10th judicial circuit of Alabama, which is the court of general jurisdiction in Birmingham and Jefferson County.

Birmingham is the largest city in Alabama, and Jefferson County is the most populous county in Alabama. I have been in touch with Judge McElroy regarding the exercise of appellate procedures under Alabama law in voting cases. Judge McElroy has advised me that he knows of no case in Jefferson County, or for that matter in the entire State of Alabama, in which an applicant to register and to vote has been refused his privilege after proceeding to trial on the merits of the case and after exhausting all of his appellate remedies.

In order that the Senate may fully understand and appreciate the liberality of Alabama statutory law regarding voting rights, I should now like to invite the attention of the Senate to some of the statutory provisions that are contained in the Alabama Code relating to the procedures for registering and voting:

ARTICLE 2

ELECTORS AND VOTERS IN GENERAL

SEC. 12. (361) (290) (1556) (319) (224) QUALIFICATIONS OF ELECTOR TO VOTE.—Every citizen of this State who is a citizen of the United States, and every resident of foreign birth, who, before the ratification of the present constitution of the State, shall have legally declared his or her intention to become a citizen of the United States, 21 years old or upward, not laboring under any of the disabilities named in section 15 of this title—

I shall read those disabilities shortly. They are disabilities dealing with the commission of crimes—

and who shall have resided in this State at least 1 year, in the county 6 months, and in the precinct or ward 3 months, immediately preceding the election at which he offers to vote, and who shall have been duly registered as an elector, and shall have paid, on or before the 1st day of February next preceding the date of the election at which he or she offers to vote, all poll taxes due from them for the next 2 preceding years, shall be an elector, and shall be entitled to vote at any election by the people.

And every dollar collected by this dollar-and-a-half tax goes to the schools of Alabama for the education of the youth of Alabama.

I refer now to section 15:

SEC. 15. (364) (293) (1557) (320) DISQUALIFICATIONS OF ELECTOR TO VOTE.—The following persons shall be disqualified both from registering and voting: All idiots and insane persons; those who were by reason of conviction of crime disqualified from voting at the time of the ratification of the constitution on November 28, 1901; those who have been since November 28, 1901, or who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crimes involving moral turpitude; also any person who has been since November 29, 1901, or who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote, or the vote of another; or of buying or offering to buy the vote of another, or of making or offering to make false return in any election by the people, or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

There is a section dealing with restoration of citizenship by pardon. I ask unanimous consent that section 16 may appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection. So ordered.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SEC. 16. (365) (294) PARDON RESTORES CITIZENSHIP AND RIGHT TO VOTE.—Any person who is disqualified from voting by reason of conviction of any of the offenses mentioned in section 15 of this title, except treason and impeachment, whether the conviction was had in a State or Federal court, and who has been pardoned, may be restored to his or her citizenship with right to vote by the State board of pardons and paroles when specifically expressed in the pardon.

SEC. 17. (366) (295) (1558) (321) (226) RESIDENCE NOT ACQUIRED OR LOST BY TEMPORARY ABSENCE.—No person shall lose or acquire a residence either by temporary absence from his or her place of residence without the intention of remaining, or by being a student of an institution of learning, or by navigating any of the waters of this State, the United States, or the high seas, without having acquired any other lawful residence, or by being absent from his or her place of residence in the civil or military service of the State, or the United States; neither shall any soldier, sailor or marine, in the military or naval service of the United States, acquire a residence by being stationed in this State.

SEC. 18. (367) (296) (1559) RESIDENCE IN TWO OR MORE COUNTIES; RIGHT TO SELECT.—When the place of residence of any person is located partly in two or more counties, or precincts, such persons may select the county or precinct of their residence, and to that end may file a statement in writing in the office of the judge of probate of the county selected, setting forth the locality of their residence and the lines passing through the same, together with the county or precinct selected for residence, which statement,

when filed and recorded, shall establish the residence of the person filing it in the county or precinct of their selection.

SEC. 19. (368) (297) LINERS BETWEEN COUNTIES OR PRECINCTS.—Any person who may be declared to be a liner between counties or precincts, and shall have fixed his or her citizenship according to law and that may be hereafter provided in such cases, shall be construed a citizen and elector of the county or precinct in which he or she so fixes his or her citizenship, for all the purposes of this title.

Mr. HILL. Then there is section 20, I wonder how many different States go quite this far:

SEC. 20. (369) (298) (1634) (378) (282) ARREST OF ELECTORS DENIED DURING AND WHILE RETURNING FROM ELECTION.—An elector must not be arrested during his attendance at elections, or while going to or returning therefrom, except for treason, felony, or breach of the peace, or for a violation on that day of any of the provision of the election law. For such breach of the peace the sheriff or his deputy may arrest without process and commit to jail until the offender shall give bond with good and sufficient sureties, to be approved by the sheriff, for his appearance at the next session of the judge of probate court.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from North Carolina for a question.

Mr. JORDAN. Mr. President, I should like to read one paragraph appearing in the Washington Post of this morning.

Mr. HILL. If the Senator will put it in the form of a question, I will be glad to yield. I yield only for a question.

The PRESIDING OFFICER. The Senator yields only for a question.

Mr. JORDAN. The paragraph reads as follows:

Some of the amateur thespians in the Senate appear to have been enjoying their play to the galleries in the civil right filibuster. The ham on this menu will get pretty dry, however, before very many hours. To change the metaphor, the spectacle of the Senate of the United States being subjected to a kind of brainwashing by a small group of its own Members in an effort to prevent effective extension of the right to vote to all citizens, with an endless drone of verbiage no more pertinent than the contents of the telephone directory is nothing but degrading to the Senate and to the country.

The question I want to ask is, Does the Senator think this debate is germane to what he is talking about or does he think it is perfectly ridiculous to say that everything that has been said on this floor is germane to the issue?

Mr. HILL. I ask my distinguished friend, What could be more germane than the debate that is taking place? We have called attention to the Federal statutes dealing with this matter of registration, dealing with this matter of voting, dealing with the matter of the vote being counted. We are now calling attention to the statutes dealing with the whole question of registration and voting under State laws. A person has certain rights and remedies under Federal statutes, and as I emphasized earlier in my remarks, he also has his rights and remedies under State laws. What we are talking about now is the question of right of voting and of registration and the exercise of these rights, and the remedies provided under Federal laws and State laws for the enforcement of such rights and privileges.

Mr. JORDAN. I thank the Senator from Alabama.

Mr. HILL. Section 33 is a section which no doubt will be of interest:

SEC. 31. (380) (311) EXAMINATION AND OATH OF APPLICANTS TO REGISTER.—The board of registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants. In order to aid the registrars to judicially determine if applicants to register have the qualifications to register to vote, each applicant shall be furnished by the board a written questionnaire, which shall be uniform in all cases with no discrimination as between applicants, the form and contents of which questionnaire shall be prescribed by the Supreme Court of Alabama and be filed by such court with the Secretary of State or of the State of Alabama. The questionnaire shall be so worded that the answers thereto will place before the registrars information necessary or proper to aid them to pass upon the qualifications of each applicant. The questionnaire shall be answered in writing by the applicant in the presence of the board without assistance. There shall be incorporated in such answer an oath to support and defend the Constitution of the United States and the constitution of the State of Alabama and a statement in such oath by the applicant disavowing belief in or affiliation at any time with any group or party which advocated the overthrow of the Government of the United States or the State of Alabama by unlawful means. The answers and oath shall be duly signed and sworn to by the applicant before a member of the board. Such questionnaire and the written answers of the applicant thereto shall be filed with the records of the board of registrars. If solely because of physical handicaps the applicant is unable to read or write, then he shall be exempt from the above-stated requirements which he is unable to meet because of such physical handicap, and in such case a member of the board shall read to the applicant the questionnaire and oaths herein provided for and the applicant's answers thereto shall be written down by such board member; and the applicant shall be registered as a voter if he meets all other requirements herein set out. Each member of the board is authorized to administer the oaths to be taken by the applicant and witnesses.

SEC. 32. PERSONS QUALIFIED TO REGISTER.—The following persons, and no others, who, if they are citizens of the United States over the age of 21 years and have the qualifications as to residence prescribed in section 178 of the Constitution, shall be qualified to register as electors provided they shall not be disqualified under section 182 of the Constitution—

That is the section dealing with felons, traitors, rapists and other such people.

Continuing to read:

those who can read and write any article of the Constitution of the United States in the English language which may be submitted to them by the board of registrars.

All the statute requires is to be able to read or copy the English language out of the Constitution. They do not have to know or recite the Constitution. They merely have to copy or read those words out of the Constitution.

Continuing to read:

No persons shall be entitled to register as electors except those who are of good character who embrace the duties and obligations of citizenship under the Constitution of the United States and under the constitution of the State of Alabama.

Then, Mr. President, I come to section 35, which concerns the right of appeal. As the Senator from North Carolina well knows, to make an appeal in any case, unless it is an exceptional case, before one can make the appeal, he must give a bond or some security for costs.

Continuing to read:

SEC. 35. RIGHT OF APPEAL FROM REGISTRATION.—Any person to whom registration is denied shall have the right of appeal, without giving security for costs, within 30 days after such denial, by filing a petition in the circuit court at law or court of like jurisdiction held for the county in which he or she seeks to register, alleging that he or she is a citizen of the United States over the age of 21 years having the qualifications as to residence prescribed in section 178 of the Constitution and entitled to register to vote under the provisions of the constitution of Alabama, as amended. Upon the filing of the petition, the clerk of the court shall give notice thereof to the circuit solicitor authorized to represent the State in said county, who shall appear and defend against the petition on behalf of the State. The issues shall be tried in the same manner and under the same rules that other cases are tried in such court, and by a jury, if the petitioner demands it.

In other words, if he wants his case tried by the court, he can have it tried by the court; if he wants it tried by a jury, he can have it tried by a jury.

Continuing to read:

The registrars shall not be made parties and shall not be liable for costs. An appeal will lie to the supreme court in favor of the petitioner if taken within 30 days from the date of the judgment.

As I have said, there is no appeal on the part of the State but only on the part of the petitioner.

Continuing to read:

Final judgment in favor of the petitioner shall entitle him or her to registration as of the date of his or her application to the registrars.

SEC. 36. PERSONS NOT REQUIRED TO REGISTER.—No person heretofore registered and no person hereafter registered shall again be required to register unless he or she changed the county of his or her residence.

Once a person registers in Alabama, unless he changes his residence from one county to another, he is registered for life.

While I am speaking on the subject of registration and voting, it might be interesting to note that officials in Alabama are elected directly by the people themselves. I say that to illustrate how much government of the people, by the people, and for the people we have, and how much of what we term American democracy we have in the State of Alabama.

I read now from section 65, article 5:

WHAT OFFICERS ELECTED: TIME AND PLACE OF ELECTION

SEC. 65. STATE AND COUNTY OFFICERS WHO ARE ELECTED BY THE PEOPLE.—The following officers in this State shall be elected by the qualified electors thereof: Governor, Lieutenant Governor, attorney general, auditor, secretary of state, treasurer, superintendent of education, commissioner of agriculture and industries, public service commissioners, senators and representatives in the legislature, chief justice and associate justices of the supreme court, three judges of the court of appeals, judges of the circuit court, circuit solicitors, judges of the probate

court, sheriffs, coroners, clerks of the circuit courts, deputy circuit clerks in counties for which they are provided, tax assessors, tax collectors, county treasurers in counties of more than 56,000 population, as provided by law, deputy or assistant solicitors, whose offices are elective, county commissioners and boards of revenue, constables, justices of the peace, Representatives in Congress, U.S. Senators, and electors for President and Vice President of the United States, and such other officers as may be required by law to be elected by the people, when not otherwise specially provided for.

In Alabama today practically all officials are elected by the people, even including our county boards of education and our justices of peace. Practically all officers are elected by the people. About the only time a citizen of Alabama is appointed to office is when a vacancy arises due to death or resignation, and the Governor, of course, has the power of appointment for the time only until the next election when the people elect a successor to fill the vacancy.

I continue to read:

SEC. 66. GENERAL ELECTION; FOR WHOM HELD.—General elections throughout the State shall be held for Governor, Lieutenant Governor, attorney general, auditor, secretary of state, treasurer, superintendent of education, commissioner of agriculture and industries, three public service commissioners, no two of whom shall be elected from the same congressional district, chief justice and associate justices of the supreme court, three judges of the court of appeals, and electors for President and Vice President of the United States, U.S. Senators and such other officers as may be required by law to be elected by the voters of the entire State; for a Member of Congress in each congressional district; judges of the circuit court in each judicial circuit; circuit solicitors in each judicial circuit, solicitors and deputy solicitors when authorized by law; a senator in each senatorial district; a representative or representatives in the legislature; a judge of the probate court, sheriff, clerks of the circuit courts, deputy circuit clerks in counties for which they are provided, tax assessor, tax collector, a county treasurer in counties of more than 56,000 population, as provided by law, deputy or assistant solicitors in counties where there are such solicitors, whose offices are elective; coroner, and county commissioners or members of the board of revenue in each county, or courts or boards of like jurisdiction; justices of the peace and constables in each precinct of the county.

Mr. President, I strongly believe that all Members of the Senate will agree that the senior Senator from North Carolina [Mr. ERVIN] is one of the finest and ablest lawyers in the Senate, and one of the greatest authorities on the Constitution that we are privileged to have in the Senate.

The senior Senator from North Carolina, in his magnificent address of Tuesday, February 16, made the following summarizing observation with respect to existing remedies under Federal law and voting rights cases:

In any case, Mr. President, there is a criminal remedy now in existence of undoubted constitutionality, and there are also available two civil statutes under which any individual who is wrongfully denied his right to vote can sue the State election official who commits the wrong and can recover damages if the deprivation has actually occurred or obtain an injunction to prevent it if the deprivation is merely threatened.

In other words, any person allegedly aggrieved can either recover damages or can obtain what we call preventive relief.

One of these statutes is title 42, section 1983 of the United States Code. The other is embodied in title 42, section 1988 of the United States Code. This last statute is a rather marvelous statute because it says, in effect, that if the procedures for the vindication of civil rights established by the laws of the United States are not sufficient then the party can have the benefit, even in the Federal court, of any State remedies which are available for that purpose.

There, Mr. President, the senior Senator from North Carolina was emphasizing the very point which I sought to emphasize.

Continuing, he said:

Those two statutes give any private individual who is allegedly deprived of any civil right, including the right to register and to vote, a right to bring a civil action either to prevent the wrong from being committed to him or to obtain damages for its commission.

So we already have upon the statute books of this Nation one criminal statute and two civil statutes which are sufficient to vindicate the civil rights and the voting rights of any American of any race, provided he does not wish to be made a special favorite of the laws and be excused from having his rights adjudged by the same laws by which all other men's rights are adjudged.

Mr. President, there can be no question but that the Federal courts have on existing statute books available processes to enforce the privilege of anyone who claims to have been deprived of the right to register or to vote or to have his ballot counted as cast because of race or color. Not only do we have ample Federal statutes to protect the privilege of voting but, as I have previously said, the Federal courts have for their use all of the statutes pertaining to registration and voting procedures.

Few States have more liberal procedures to enforce the voting privilege than my State of Alabama. As I have endeavored to explain, the State of Alabama provides full and adequate appellate remedies to insure that anyone who claims to have been deprived of the right to register or to vote may assert his remedy at law. Such person is entitled either to a trial before a judge of a circuit court, which is the court of general jurisdiction in the State of Alabama, or to a trial by a jury of his peers to determine all factual questions presented in the trial of the cause.

Not only is a person who claims to be deprived of the voting privilege afforded the remedies granted to any citizen of the State of Alabama in the State courts but also such person is in addition entitled to exercise all statutory and common law appellate procedures in his behalf in a U.S. district court. And the most extraordinary aspects of existing statutes is that under the Civil Rights Act of 1957 the Attorney General of the United States and any of his district attorneys are authorized and directed to serve as counsel for an allegedly aggrieved party, with or without that party's permission and consent.

Mr. JORDAN. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to my distinguished friend from North Carolina.

Mr. JORDAN. I believe the Senator referred a while ago to the fact that the Attorney General testified before the Committee on Rules and Administration that only five or six people in the United States had appealed to his office for rights under the voting provisions of the Civil Rights Act.

Mr. HILL. That is correct. The Attorney General so testified.

Mr. JORDAN. And is it not true that while we have thousands of laws upon the statute books of the United States, there are more crimes committed every minute in the city of Washington than in the whole United States concerning voting rights?

Mr. HILL. That is certainly true.

Mr. JORDAN. That leads me to ask this question: Does the Senator believe it is necessary to enact any other laws to protect the voting rights of anybody in the United States, in addition to those we already have on the books?

Mr. HILL. We have all the laws I have been talking about for nearly 2 hours—Federal statutes, both criminal and civil, and also State statutes, which give full and ample protection, full and ample remedies, which give all possible protection for anyone who feels he has been denied any right to vote, any right to register and have his vote counted, or who feels he needs any remedy of any kind in connection with voting.

Mr. JORDAN. Mr. President, will the Senator yield for a further question?

Mr. HILL. I yield to my friend from North Carolina.

Mr. JORDAN. Contrary to what the Washington Post says in the article from which I read a while ago, what the Senator and I and a few more people are trying to do is convince not only Senators, but the people of the United States, that we have enough laws; that if the Attorney General and other officials charged with administering the present laws would just carry out those laws, we do not need any more laws.

Mr. HILL. We do not need any more laws; the Senator is exactly right. One of the tragic things about this whole situation is that the people are not informed by the press as to the many remedies available to any aggrieved party, and are not informed as to all the many statutes, both Federal and State, now on the lawbooks, that are available to these people, many of them available to the Attorney General of the United States, to provide any remedy that might be needed to redress any wrong, or even to prevent any wrong from being done.

Mr. JORDAN. I thank the able Senator.

Mr. HILL. The people of the United States should know that these laws are available to protect every right and every privilege.

Mr. President, in my speeches on the pending Rogers-Dirksen amendment to the Fort Crowder bill, I have endeavored to emphasize the indisputable fact that the pending amendment is wholly unnecessary and unwarranted, for the very reason, as the Senator from North Carolina has just emphasized by his question,

that there are ample laws, many different laws, now on the statute books, laws which, if resorted to, could afford every possible remedy, every possible protection in the matter of registration, in the matter of voting, in the matter of having votes counted. The laws are here. Certainly there are no more laws needed. So this pending amendment is wholly unnecessary and unwarranted.

Even if we should accept the pending amendment as nothing more or less than a voting-rights measure, which it certainly is not, we can readily see that any additional legislation in this field is not necessary. It would constitute a redundancy on the statute books. The Attorney General of the United States and his district attorneys have not seen fit to exercise the statutory authorizations to be found in existing law.

As the Senator from North Carolina has emphasized and as the Senator from Alabama has emphasized, the Attorney General testified that there were only some five or six cases in which he had used the law passed in 1957, or had any occasion, or any reason whatever, to use that statute.

Mr. President, I can find nothing in the pending amendment to merit the approbation of a free people. I am against it all. Far from securing and protecting the rights of our people, which is its alleged purpose, enactment of the pending amendment would constitute a grave threat to the sacred rights guaranteed in the Constitution, and particularly the liberties sought to be held forever sacrosanct in the Bill of Rights.

In my three speeches made thus far in opposition to the pending amendment, I have undertaken to express the reasons for my objections to each and every section of the bill. I anticipate that I shall have much more to say in opposition to the bill and its various provisions in the days ahead but today it was my purpose to demonstrate that the voting rights provisions contained in the pending measure are completely unnecessary and unwarranted.

The Senate is now concentrating its attentions and squandering its time on such an indefensible proposal only because proponents of the measure have found it politically expedient to obtain minority bloc votes in their behalf through the instrumentality of a so-called voting-rights bill.

Let us be done, Senators, with this measure brought here under the pressure of political expediency, which distracts and misguides our people, which separates and divides us and which inherently lends itself to the blatant misrepresentations and misinterpretations which have appeared in the public press.

Let us be done with this measure.

Let us lay aside for all time efforts to aim legislation against such a large section of our country as the Southern States and the people of the Southern States.

Let us end sectionalism once and for all, so that the people throughout the Nation and throughout the world shall no longer have presented to them the inaccurate and irresponsible image of a large part of our country abounding in the despotism of disfranchisement and oligarchy.

Let us go forward in discharging our responsibility to the country and to the world by giving our undivided attention to the great issues that demand every good effort from a free people. Let us by our actions and by our words and our deeds demonstrate the soundness and the practicality of our governmental system and the devotion of our people to the concept of constitutional liberty.

I know of no statement more apropos to the proposal before us than that uttered by Senator William E. Borah, of Idaho, speaking in the Senate on January 7, 1938, in opposition to a measure similar in nature. With reference to the Southern States, the Senator from Idaho declared:

> These States are not to be pilloried and condemned without a full presentation of the nature of the task which fate and circumstances imposed upon them, and not without a complete record as to the weight and difficulty of the task, what has been done, and with what faith it has been met. I shall contend that the southern people have met the race problem and dealt with it with greater patience, greater tolerance, greater intelligence, and greater success than any people in recorded history, dealing with a problem of similar nature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HART in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 82]

Allott	Gore	Monroney
Anderson	Gruening	Morse
Bartlett	Hart	Morton
Beall	Hartke	Moss
Bible	Hickenlooper	Mundt
Brunsdale	Hill	Pastore
Byrd, W. Va.	Jackson	Prouty
Cannon	Javits	Proxmire
Carlson	Johnson, Tex.	Randolph
Case, N.J.	Jordan	Saltonstall
Case, S. Dak.	Keating	Schoeppel
Church	Kerr	Scott
Cooper	Kuchel	Smith
Curtis	Long, Hawaii	Wiley
Douglas	McCarthy	Williams, N.J.
Dworshak	McGee	Yarborough
Frear	Magnuson	
Goldwater	Martin	

The PRESIDING OFFICER. A quorum is present.

Mr. MORSE. Mr. President, I rise to a point of personal privilege, and I would like to have the attention of the Senator from Kentucky [Mr. MORTON], the National Chairman of the Republican Party.

Mr. President, it is said that variety is the spice of life. We have had a great deal of variety tonight in this debate. A good many Senators have not heard some of the variety or tasted some of the spice, but I want to call attention to a couple of events that occurred in a debate tonight in order to make it a matter of record, and I do so, Mr. President, in all good spirit and sense of humor, but also with the feeling and obligation that the record ought to be made so far as the senior Senator from Oregon is concerned, setting forth his views as to what such precedent as I shall refer to might lead to in the Senate.

Of course, Mr. President, we had been debating the so-called civil rights issue for many days in the Senate—about 2 weeks, as we know—before the round-the-clock session started last Monday. Some of us have been here a part of the time, others have been here all the time; most of us certainly have fulfilled our obligations to our office in connection with the debate on the pending bill.

The senior Senator from Oregon, as the RECORD will show, was absent last night. I think I left the floor of the Senate around 4 o'clock expecting to get back about midnight. I left in order to keep a long-standing speech engagement in New Brunswick, N.J., but while there the storm broke out, the planes did not fly, and the senior Senator from Oregon spent from 11:30 p.m. last night until 10 minutes to 9 this morning driving by car from New Brunswick, N.J., to Washington, D.C. It had its compensations, Mr. President, in that it was one of the most beautiful storms I have ever witnessed. In fact, one could not have the experience that I had last night driving through a storm without being a better person for having had that experience.

I think each one of us knows that when we have the experience, as many of us have from time to time in our lifetime, of coming to grips with the elements, it convinces us more than ever that God is in His Heaven and things are better with the world than the storm may indicate by the inconveniences that it causes us at the time.

Then, Mr. President, I was absent most of the night, the night before last, with the same cause that has afflicted some of my other colleagues from time to time here during the course of this strenuous debate. We call it virus. In my case we called it "fever," which, with the use of antibiotics, I was successful in breaking up yesterday morning, so that I could come back to the Senate during the day.

Then, too, Mr. President, I take the position that in this particular procedure that is prevailing in the Senate, we ought to divide up the task of being present in order to make a quorum, when we are satisfied that a quorum is going to be present without too much inconvenience to our colleagues, and wherever we have a good reason for not being present to make up the quorum. I think it is understandable that any one of us might absent himself from the floor of the Senate.

Having said that, Mr. President, I also want to say that I am very proud of the total record that I have made in attendance during the time the round-the-clock procedure has been on. In fact, the first night, as I recall, some of my colleagues found out that I had been of assistance to the majority leader in some procedure that we followed that night, because I stayed through the night and tried to be of assistance in connection with the procedure that was used during the night. I make that comment because I have followed the procedure with great interest when I have been here, and when not here have read the RECORD of what transpired when I was not here. I followed with great interest the very fascinating debate on the pend-

ing business, and I think I am within the realm of accuracy when I say that there is no question about the fact that a filibuster is being conducted on the floor of the Senate. I know something about filibusters. I know something about what is involved in them. I have certain ideas as to what procedures ought to be followed when the filibuster is of the type that apparently seeks to prevent a vote from ever occurring on a piece of legislation.

As Senators, we can have differences of opinion as to what type of filibuster the one now prevailing in the Senate is. In my judgment, it is a filibuster that seems to have all the characteristics of a filibuster which it is hoped to last so long that no vote will occur on civil rights legislation now pending before the Senate, either because the majority debates the motion to lay the pending business aside and proceed with other matters, or a compromise is finally entered into in order to pacify, shall I say, those who are opposed to what others might think is necessary and adequate civil rights legislation in order to gain first-class citizenship for those many Americans, particularly Negroes, who, in the opinion of some of us at the present time, are not receiving full citizenship rights and benefits.

It happens to be the position of the senior Senator from Oregon that if this filibuster goes on much longer, the chances increase with the prolonging of the filibuster that a compromise will be entered into which would result in the passage of a bill which would fall far short of what this session of the Congress ought to pass in view of what I am satisfied is the public demand of a great many Americans, so many that I think it is fair to say they represent the predominant public opinion on this great civil rights issue.

In recent days I have received an increasing number of questions from members of the public, written and oral, as to why we do not take steps to file a cloture petition, questions as to when some of us are going to try to get a cloture petition signed. I have given a great deal of thought to the matter. I have talked to a considerable number of my colleagues about it, in fairness to them, and I respect their judgment. Many with whom I talked have said they thought it was too early, that we ought to wait until some time next week to seek to get a cloture petition. Others whose point of view I appreciate have said we ought to wait longer until there is a great deal more crystallization of opinion among Members of the Senate as to the final civil rights bill that we ought to try to adopt in this session of Congress.

Mr. President, I respect that point of view. I feel, however, that I cannot share that view to the degree that some of my friends in the Senate hold to it, and I believe the time has come when we should start a movement toward a cloture petition. We ought to start finding out how many Senators might be willing to sign a cloture petition at the present time on the basis of their having reached a conclusion, as I have, that now is the time to get a cloture petition signed, and then there can be consideration of the question as to how soon it ought to be officially filed with the Senate after it has been signed.

So tonight, Mr. President, I started to take the steps that I felt compelled to take in carrying out what I consider to be my obligations in regard to this matter, and I outlined my suggestions in a very interesting colloquy with my good friend from Alabama [Mr. HILL]. This colloquy was one of the incidents tonight which I thought provided us with a considerable amount of variety of debate and I thought some enjoyable spice. I read from the reporter's transcript of this colloquy, not one word of which I have modified in any way as it was completed by the Official Reporter.

I have asked what the source of the pencil changes in the transcript is, and I have been advised that they are changes made by the Official Reporter editor as he went through the transcript. I suppose that means corrections the official editor deemed necessary in order to make the transcript official. As I look at them, they in no way change the meaning of anything which was said. The transcript will speak for itself.

Mr. President, I will start with the transcript, which reads as follows:

Mr. MORSE. Mr. President, will the Senator from Alabama yield to the Senator from Oregon for a question only?

Mr. HILL. I yield for a question only.

Mr. MORSE. Would the Senator from Alabama be surprised if the Senator from Oregon placed at the desk tonight a cloture motion which reads as follows:

"We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the amendment to the bill (H.R. 8315), to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, proposed by Mr. DIRKSEN, in the nature of a substitute striking out all after the enacting clause and in lieu thereof inserting certain other language, designated as '2–24–60—I.'"

Mr. HILL. Mr. President, with all respect to the distinguished Senator from Oregon [Mr. MORSE], I would not be surprised at anything legitimate the Senator from Oregon might do.

Mr. PROUTY. I do not believe the Senator has answered the question.

Mr. HILL. Does the Senator from Oregon [Mr. MORSE] wish me to yield for another question?

Mr. MORSE. Yes, I have several questions I should like to ask.

Mr. HILL. I yield to the Senator from Oregon [Mr. MORSE] for a question.

Mr. MORSE. Would the Senator be surprised if I advised him that in my opinion the time has come in this debate when the Senate ought to carry out what the Senator from Oregon believes is the clear express desire of the people of the United States to bring this debate to an end?

Mr. HILL. Mr. President, as I have said, with all respect to the Senator from Oregon, nothing the Senator from Oregon might do here would surprise the Senator from Alabama, and I do not believe it would surprise any of the other Senators.

Mr. MORSE. Will the Senator from Alabama yield for another question?

Mr. HILL. The Senator from Alabama yields for a question.

Mr. MORSE. Would the Senator from Alabama be surprised if the Senator from Oregon advised him that he proposes to place at the desk this cloture motion on which motion the Senator from Oregon has already placed his signature, and to invite other Senators who share the view of the Senator from Oregon that this debate ought to be ended forthwith by cloture to place their signatures on this cloture motion also?

Mr. HILL. Mr. President, I believe I have made it very clear that with all respect to the Senator from Oregon [Mr. MORSE], the Senator from Alabama would not be surprised at anything the Senator from Oregon might do. Of course, I mean anything which is legitimate and within the rules.

Mr. MORSE. Will the Senator from Alabama yield for another question?

Mr. HILL. I yield to the Senator from Oregon for another question.

Mr. MORSE. Would the Senator from Alabama be surprised if after the Senator from Oregon places this cloture motion at the desk, which I shall do in a moment in the full view of the Members of the Senate who are present on the floor of the Senate, if 15 other Senators did not sign this cloture petition in the very near future?

Mr. HILL. I do not know whether the Senator from Oregon has that many followers or not, to tell the truth. I sometimes think my friend from Oregon likes to be the lone champion in the arena by himself. So I do not know whether he has that many followers on this proposition or not. I could not tell him. I would not know.

Mr. MORSE. Will the Senator yield for a question?

Mr. HILL. I yield to the Senator from Oregon for a question.

Mr. MORSE. Does the Senator from Alabama agree that if the Senator from Oregon has a conviction on a matter of public policy and he did not find anyone else in the Senate who shared his view, he would still owe it to the people of his State nevertheless to stand for that conviction and be perfectly willing to be counted in support of it?

Mr. HILL. I would say the Senator's record in the Senate has been such that we know whenever he has a conviction about a matter, he acts on that conviction, even though he may be a lone wolf. Even though he may be all by himself, he acts on his conviction.

Mr. President, there was another part of this colloquy which I did not read; and I will return to the transcript. I saw here the name "Mr. PROUTY," and I thought that was the end of the colloquy between myself and Mr. HILL. I recall now it was not. The transcript, where I left off reading, continues:

Mr. PROUTY. Mr. President, may I suggest that the Senator from Alabama [Mr. HILL] has not answered the question.

Mr. HILL. Does the Senator from Vermont wish the Senator from Alabama to yield for a question only?

Mr. PROUTY. No; I suggest that he answer the question of the Senator from Oregon.

Mr. HILL. With all of my warm regard for the Senator, I cannot yield except for a question.

The PRESIDING OFFICER. The Senator from Alabama has the floor and he has the right to yield for a question to whomsoever he wishes.

Mr. MORSE. Does the Senator from Alabama yield for a question?

Mr. HILL. I yield for another question to the Senator from Oregon.

Mr. MORSE. If the Senator from Oregon could get unanimous consent without affecting the rights of the Senator from Alabama to the use of the floor, would the Senator from Alabama permit him to try to offer this cloture motion at this time by asking the Senate for unanimous consent to file this cloture motion at the desk only for the purpose of letting it remain there for

such time as is necessary for other Senators to decide whether or not they wish to sign it?

The PRESIDING OFFICER. The Senator could not yield for that purpose. It is not a question.

Mr. MORSE. Am I to understand the Senator from Alabama would not yield for me to ask unanimous consent for permission to file the motion?

Mr. HILL. No; the Senator from Alabama could not yield for that purpose.

It was after that statement by the Senator from Alabama that the Senator from Oregon left his desk and walked to the desk of the clerk of the Senate and left informally this motion of cloture.

Mr. President, I want to make it very clear on the RECORD that the Senator from Oregon recognizes, when he was unable to get unanimous consent to officially file a cloture petition for the purpose of having it remain officially at the desk to be signed by other Senators, that the document had no official parliamentary status at the desk. But the Senator from Oregon made it very clear, Mr. President, that if he could not get the official consent of the Senator from Alabama to ask for consent to file the document officially, he nevertheless intended to leave the motion at the desk as a place of convenience for other Senators to sign it, if they saw fit to do so, so that, when it was signed, he could at a later time, when it would be in order, during a morning hour or, for that matter, it having become a privileged matter, offer it officially at any time during the proceedings of the Senate.

So I want my colleagues to know that it is not the position of the Senator from Oregon that the document he left at the desk was an official parliamentary document of the Senate. It was, however, a document belonging to the Senator from Oregon. It was a document that had on it the first signature for a cloture petition. It was a document which I left at the desk because I thought that was the most convenient way to give my colleagues an opportunity to sign it, if they shared the point of view of the Senator from Oregon that the time had arrived for starting the perfecting of a cloture motion.

I think we have had enough discussion, Mr. President, in regard to when, if ever, a cloture motion should be prepared, to justify my saying that it is a rather delicate subject. It has its embarassing overtones and undertones. Senators do not care often—I certainly do not care often—to dispute with any Senator as to whether or not he should sign a cloture petition. But, of course, it is his own prerogative, his own decision to make. And so I sought only as a matter of convenience to leave this document, which was my property, signed by me, at the desk for the convenience of Senators who might want to join me in signing it.

Mr. President, after I left the document at the desk I returned to my seat. I was then advised that the Senator from Kentucky [Mr. MORTON], against whom I want to say I have no animus, saw fit to take the document and tear it, I understand, to bits.

Being so advised, I walked over to the Senator from Kentucky and asked him if I were correctly advised that he had destroyed my document. He agreed that he had. I recollect his saying to me that if a cloture petition was to be filed, it was going to be filed from that side of the aisle.

I had not thought of it before, but I can well understand how the chairman of the National Republican Party might want to have a cloture petition in this debate filed from the Republican side of the aisle.

I think if such was the motivation of the Senator from Kentucky or any other Republican, none of us would have to be hit on the head with a baseball bat to know why that point of view might be held.

Mr. President, in carrying out our duty in the Senate as we see it, surely we are not limited by what might be the political desire of any Senator on either side of the aisle. After all, we ought to recognize that we deal with each other in the Senate, I hope and trust, in good faith, with mutual respect. We in political life ought to recognize that differences of opinion exist, of course, in regard to political policies and in regard to the merits of legislative proposals.

But, I say, good naturedly, that though the hour was late, I do not know what might cause anyone to follow the course of action taken by the Senator from Kentucky. He certainly has the right to do what he wants to do, and assume responsibility for it, as I am sure he would be perfectly willing to do. Yet, Mr. President, in all good nature and kindliness, I simply raise for the record the point that an incident such as occurred is unfortunate and is not conducive, it seems to me, to orderly procedure on the floor of the Senate and to that intercourse among Senators in the parliamentary body that develops the mutual respect, the confidence, and comradeship that ought to prevail. I think it is desirable to say what I have said tonight in the hope, at least, that the precedent established by the distinguished Senator from Kentucky will not become a common practice in the Senate.

Of course, I can prepare other such motions. I have prepared another one. I have signed it. It is now at the desk. I now announce to the Senate, Mr. President, that unless someone tears it up it is going to remain at the desk until I can formally present it, until I can place it at the desk without having to ask unanimous consent to do so. I am advised that I can do that at the next morning hour, and I shall do so at the morning hour tomorrow, assuming that there is to be one.

I hope that in the meantime it will not be necessary for me to prepare another such motion. If it is necessary, it is not a great chore. It requires a piece of paper. In this instance it took the Parliamentarian's time, because I was so anxious that there be no parliamentary mistake in it that both of these documents were prepared by the Parliamentarian.

Mr. President, having used this procedure for accomplishing the end I have in mind, I speak now in dead seriousness. I think that those of us who believe cloture should be adopted in this Senate, and that a petition ought to be prepared, should have such an opportunity as I have sought to provide my colleagues, by placing this petition at the desk, informally, as a convenient place for Senators to go and sign it.

I make this record tonight, Mr. President, and I want to say to my friend from Kentucky that I am not at all interested in or concerned with the motor reactions he may have had in the course of action he followed. He is within his rights to conduct himself as he sees fit. I merely wish to make this record as to what happened.

Mr. MORTON. Mr. President, first let me say that I appreciate the good nature in which my colleague from Oregon has accepted this incident.

Let me say this, Mr. President. I speak as a Member of the U.S. Senate. I have never used this forum in my capacity as chairman of the Republican National Committee. I have spoken out many times on the problem that is before the Senate today. I have been loud and clear in stating that we are not going to get legislation in this field, especially in the field of the right to vote, by either political party taking credit for it one way or another.

Here we are, Mr. President. We started on Monday in around-the-clock sessions, making ourselves somewhat ridiculous in the eyes of this country, and perhaps in the eyes of the world. The Senator from Oregon has taken pains to point out that I missed a few rollcalls. We all miss them at times. I do not criticize him for that. However, I felt sincerely that he was trying to make a partisan issue of this. I have tried always to avoid that. I have never tried to be partisan about this matter.

We have been here since Monday morning. We had four quorum calls on Monday. MORTON answered four quorum calls. MORSE answered none. On Tuesday we had eight quorum calls and two votes. MORTON answered eight and voted twice. Senator MORSE was absent for six quorum calls and both votes.

On Wednesday we had eight quorum calls and four votes. I answered eight quorum calls and voted four times. Senator MORSE missed five of the quorum calls and four votes.

On Thursday I was downtown most of the day, and I missed 3 of the 10 quorum calls. I do not criticize him for those he missed, but I say that at the times he was here he has been dramatic. He was dramatic tonight when the Senator from Alabama [Mr. HILL] was speaking. He pulled out the cloture petition and said he had left it at the desk expecting 16 Senators to sign it. That was a purely selfish gesture which he took on this issue, which he should not take in the light of reaching our end.

I may be wrong, and the Senate may censure me if it wishes, or some Senator may rise to a point of personal privilege, but I say that he should not have done that. It is nothing more than a partisan gesture. We ought to do what is right for the country, and not worry about

votes at the convention. I say to my colleagues, Do with me what you will. I rest my case.

Mr. MORSE. Mr. President, I only wish to make a brief reply to my friend from Kentucky. It is always a mistake when one tries to discuss another's motivations, particularly when there is not a scintilla of evidence to support him. There is not a scintilla of evidence in anything the Senator from Oregon has done in regard to this matter which shows that he regards this as a partisan matter. I read the entire colloquy, and there is not a scintilla of partisan evidence in this whole thing.

The motion was placed at the desk informally for any Senator to sign it who wanted to sign it, whether he be a Republican or a Democrat. I happen to believe that this is a nonpartisan issue. I believe that this matter of guaranteeing first-class citizenship to all the people of this country, irrespective of race, color, or creed, is far above any partisan level.

I am very sorry that the Senator from Kentucky believes that I was motivated by partisanship. I only wish to say that I was not motivated by partisanship.

I am also very sorry that my friend from Kentucky thinks that I am guilty of some offense because I had the good judgment to follow my doctor's advice and go home and try to lick the flu fever. That accounted for some of my absences. I would have been back here for the session last night if I had been physically able to get back.

I believe we make a mistake if in the middle of a filibuster we take the position that every Senator must be on the floor for each vote. In fact, I may say that those of us who are in favor of civil rights ought to be better organized—I say this most respectfully—in regard to our attendance on the floor of the Seante, so that we could have our membership pretty well assigned to meet this quorum call by one group, another quorum call by another group, and have still another group meet another quorum call. In that way it would not be necessary for all of us to come here all the time to meet all the quorum calls, but have only the number of Senators necessary to assure a quorum. The rest of us, who are not on duty for a particular quorum call, could get some rest and be ready for other quorum calls. I believe that would be a pretty good procedure.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. MORSE. I will yield in a moment.

So I say most respectfully that any discussion as to whether I missed this quorum call or that quorum call, or whether my friend from Kentucky missed this quorum call or that quorum call is not relevant here, and certainly should not raise any blood pressure. All I suggested was that I felt I had a duty, under the circumstances, to make sure that we had not established a precedent for a Senator to walk up to the desk and tear up a motion that another Senator had left at the desk. I thought we ought to stop it. I do not think we should do that sort of thing.

I certainly had no desire to censure the Senator from Kentucky. All of us have some human frailty or other that sometimes gets the better of us. I think good old temper is a good thing to have in reserve, to use when there is a battle. However, I suggest that there was no battle here tonight.

In all sincerity I felt that we ought to proceed with cloture. I decided on this procedure as a good way to give Members of the Senate an opportunity to sign a cloture petition rather than take it around to 16 or 20 Members of the Senate, and perhaps in that way get into an argument as to whether they should sign the cloture petition. I do not like to go to a Senator and ask him to sign a cloture petition, perhaps saying to him, "I want to know whether you want to sign it," particularly when fatigue stalks the Senate.

I thought what I was doing was the right thing by leaving the petition at the desk. I did not intend to have this blown into a great issue. Of course, when I saw what had happened, when my friend followed the course he had followed, I thought I had to make a record here. Otherwise it might have some precedential effect. We might find ourselves in the Senate, when we do not have the slightest idea of what is going to happen to a document, picking up bits of paper only to find that the small bits of paper are the body of a motion in its totality, but which are now divided up into small bits of paper.

While I have completed my remarks, I say to my friends and colleagues that while everyone is resentful of what happened, nevertheless, I think it demonstrates a pretty good argument in support of a feeling that I have had that we have reached the point where we had better end this debate or at least see to it that every Senator has in his own bed a continuous 8 hours' sleep each night before we continue in what I think—and I say this in all seriousness now—is a course of action here in the Senate that is not doing the Senate of the United States any good in the estimation and esteem of the country.

Mr. MORTON. Mr. President, first let me say that I did not mean to be critical of the Senator from Oregon. I understand that because of the snowstorm and the doctor's orders the Senator may have missed some votes during this week.

I agree with him that we could probably work out a more sensible or perhaps, let us say, a better system which we could stand better physically for those of us who wish some legislation to guarantee the right to vote in this country. I point out, however, that it takes 51 Senators to make a quorum, and there are about 70 of us who have been able to be on hand to make a quorum and that is a rather high percentage.

However, I do not want to leave the impression that I am going to tear up every petition that my colleagues may sign, and I did not want to leave the impression that this was a partisan matter with me in the sense of Democratic versus Republican. But I thought if we were to get the job done, it would be better to have the petition originate with some other Senator. I do not say it must come from this side of the aisle. If some other Senator would offer a petition for cloture, I think there would be many more signatures from this side of the aisle.

Mr. KUCHEL. Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Under the ruling, what is the significance of the proposed petition for cloture signed by one person? Is there any responsibility on the Chair or on the clerks to accept such a piece of paper?

The PRESIDING OFFICER. It has no parliamentary significance until there are 16 signatures.

Mr. KUCHEL. Is there any responsibility on the part of the clerks to accept such paper?

The PRESIDING OFFICER. There is none.

Mr. KUCHEL. Assume such a paper is placed at the desk. Is there any responsibility for safekeeping of that paper by any of the clerks of the Senate?

The PRESIDING OFFICER. There is none under the rules.

Mr. McCARTHY. Mr. President, is there any precedent or rule to keep one Senator from going to another Senator's desk and tearing up a petition which he may have left on the desk?

The PRESIDING OFFICER. There is nothing in the rules of the Senate.

Mr. McCARTHY. Mr. President, might we interpret the action taken tonight as a precedent which might permit Senators of the future to tear up papers left on any Senator's desk or at the main desk in the Chamber because they contain partisan language?

The PRESIDING OFFICER. It would not be a precedent, but certainly it has become an individual practice in one instance.

Mr. McCARTHY. Mr. President, a further question. Would there be a precedent if the legislation itself were introduced by a Member of the Senate who has shown individualistic characteristics?

The PRESIDING OFFICER. That is not a parliamentary inquiry.

Mr. CURTIS. Mr. President, do I correctly understand that the Presiding Officer or any of the clerks or other officials has authority to receive a proposed motion of cloture containing only one signature?

The PRESIDING OFFICER. It would be only a matter of courtesy and not a matter of parliamentary status.

Mr. CURTIS. Is there no authority to receive it?

The PRESIDING OFFICER. Not in any official capacity.

Mr. CURTIS. In other words, to leave the paper at the desk constitutes an abandonment of the paper or throwing it away?

The PRESIDING OFFICER. The Chair takes the fifth amendment on that.

Mr. CASE of South Dakota. Mr. President, while this debate has been going on, I was trying to find out if

there were any precedents or any references, and I find the clerk is not supposed to let papers go out of his custody if they are delivered to his custody. But in Jefferson's manual, it is stated that there is no possession of a bill unless title is delivered by the speaker to the desk. I understand the Chair has already ruled that the paper in question here tonight had no standing. It was not a bill. It was not a petition for cloture because it did not have 16 signatures; is that correct?

The PRESIDING OFFICER. That is correct; it had no parliamentary status.

Mr. CASE of South Dakota. Does the Parliamentarian have any responsibility to circulate papers for the Members of the Senate who desire to secure 16 signatures on the petition?

The PRESIDING OFFICER. He has no authority or responsibility to do so.

Mr. MORSE. Mr. President, it is a very interesting discussion, but I want to call attention to some interesting practices that occur in the Senate. Of course, I apparently did not speak loudly enough for the Senator from California [Mr. KUCHEL], the Senator from Nebraska [Mr. CURTIS], or the Senator from South Dakota [Mr. CASE] to hear me, or, if I did, I did not make clear to them that I did not leave the document at the desk as an official Senate document. I left the document at the desk as a convenient place for me to leave the document for the convenience of my colleagues, announcing to my colleagues, as I did, that it would be there for their signing as a matter of convenience if they cared to sign it.

I doubt very much if anybody wants to argue that we have reached the point in the Senate where such a courtesy is not going to be extended to any Member of the Senate by the staff of the Senate when a Senator comes to the desk and says, "I would like to leave this here for any Senators to sign who may wish to do so."

I wish to say that I have signed documents at the desk in my 16 years in the Senate, which documents had no official status whatsoever but which were left at the desk as a matter of convenience. Sometimes it was a document of sympathy which was being sent to a member of a deceased person's family. Sometimes it was a document in which I joined with other Senators in expressing high regard for the meritorious service of some colleague. It is a practice and custom. There was nothing extraordinary about what the Senator from Oregon did tonight.

I made it very clear, I think, that I was going to do this after I finished my colloquy with the Senator from Alabama. It was in that spirit I left the document. It is in that spirit that there is now at the desk a complete duplicate of the document I first left. I am sure, Mr. President, that the senior Senator from Oregon as well as any other Senator can expect at any time that a member of the staff at the clerk's desk is not going to be overburdened in his labors if the Senator asks him if he will keep a document at the desk unofficially for Senators to sign.

Mr. MORTON. Will the Senator from Oregon yield to me for a moment?

Mr. MORSE. I yield.

Mr. MORTON. I would merely like to say I think we are dragging this thing on. I think some of us would like to leave.

Mr. MORSE. I quite agree.

Mr. MORTON. If the Senator will not be a "litter bug" I will not be. I should like to shake hands with the Senator and say, "You are a good guy and let us get this conversation over."

Mr. MORSE. It is a great pleasure, indeed. [Applause.]

The PRESIDING OFFICER. The Chair interprets this as a precedent of the Senate.

Mr. COOPER. Mr. President, I intended to comment on this incident, but now that my colleague and the Senator from Oregon have joined hands in good will, no further intervention is needed.

Knowing the good sense of humor of my colleague, he was probably making it clear that he did not intend to join in the cloture petition drawn by the Senator from Oregon.

I have known my colleague for many years. He is a man of good will and good humor, and of conviction on the subject of civil rights.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YARBOROUGH. There are locks on the desks and holes where the keys fit. My inquiry is whether keys would be furnished to Senators for the protection of their papers.

The PRESIDING OFFICER. That is not within the purview of the Parliamentarian or the Chair to rule upon.

Mr. YARBOROUGH. If it is to be considered all right for one Senator to go around and take papers of other Senators, Mr. President, and tear them up, I think keys should be issued for these locks so that we may have some protection for our papers.

The PRESIDING OFFICER. This is a matter under the jurisdiction of the Sergeant at Arms.

Mr. SALTONSTALL. Mr. President, as one who witnessed the colloquy between the Senator from Alabama [Mr. HILL] and the Senator from Oregon [Mr. MORSE] and who saw the Senator from Oregon [Mr. MORSE] leave the paper at the desk; as one who went to the desk to look at the paper and who watched the Senator from Kentucky go to the desk to look at the paper; as one who found out what has happened to the paper, I think we have had a very interesting colloquy and it has ended in a very pleasant way. We can well end it by a little verse from a wonderful poem, "The Ancient Mariner":

> Sleep! it is a gentle thing,
> Beloved from pole to pole!
> To Mary Queen the praise be given!
> She sent the gentle sleep from Heaven
> That slid into my soul.

I think that is what we can do with the incident, and that is what I think many of us can do with ourselves.

Mr. JOHNSON of Texas. Mr. President, I do not know that I can contribute anything of value to the proceedings this evening, but I am distressed, first, that the Senator from Oregon should feel his duty required him to file a cloture petition or to attempt to file one at this stage of the proceedings. That is a matter of judgment, and the judgment of the Senator from Oregon and of the Senator from Texas are not always in agreement.

Mr. SCOTT. Mr. President, would the Senator speak a little louder, please.

Mr. JOHNSON of Texas. Our judgments are not always in agreement.

I express the hope that, since the Senator feels very deeply that he should like to have the opportunity to exercise his right to file a cloture petition and have his colleagues join him, consent should be given for it. Personally, I think it is very premature.

I feel very deeply about the cloture question. I am a great believer in unlimited debate, even the unlimited debate of the Senator from Oregon which takes place from time to time. I am going to be very reluctant ever to vote cloture and stop my colleagues from saying what they want to say.

At the same time, Mr. President, in this hour of divided government, I think the eyes of the world are upon us, and after every Senator has adequate opportunity, and more than adequate opportunity, to express himself fully and at length and completely on these issues, I think the Senate is going to have to stand up and in a proud moment say, "We are able to transact business."

I presume every Member of the Senate has a different estimate about when that time will come. The Senator from Oregon thinks it has come, and he asked consent to file his motion. I should like to renew that consent request.

I will not sign the petition at this time. I do not think it is the proper time to do so. I think many other Senators desire to discuss this matter further.

I should like to have the discussion continue at least into next week, so that we can take another look at the question. However, I do not like to see one Senator deprived of the privilege of offering his views and his suggestions and submitting them to his colleagues.

Mr. President, I ask unanimous consent that it be in order for the Senator from Oregon [Mr. MORSE] to submit his petition and to leave it at the desk; and, if any other Senator agrees with the Senator or if a substantial number agree with him, they can record their views. I see nothing wrong with that procedure. I hope that may be done.

I want every Member of the Senate to know that, in view of the sentiment which I know prevails among my colleagues, I think this petition is extremely premature, and I do not think it will command the support of many Members of this body, but I still think the Senator ought to have the right to submit it, and I should like to ask consent that he have that right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. ALLOTT. Mr. President, reserving the right to object, I should like to propound a question to the Presiding Officer.

As I read paragraph 2 of rule XXII, the only right which any Member has when he has obtained recognition is to present a motion which is signed by 16 Senators, and no other paper has any effect. Is this a correct understanding?

The PRESIDING OFFICER. It is premature until that time.

Mr. ALLOTT. So if the unanimous consent request of the majority leader were granted—I must say I concur with the general observations—then we would, in effect, be changing the rules and providing that a Senator could file a cloture petition and leave it at the desk with one name on it. Is that correct?

The PRESIDING OFFICER. This could be done only by unanimous consent.

Mr. KEATING. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. KEATING. Mr. President, am I correct in my understanding that if the unanimous consent request were granted, and subsequently a petition is filed with the requisite 16 signatures, that petition would in no way be prejudiced by the existence of a prior petition with one or more signatures, less than 16, at the desk?

The PRESIDING OFFICER. The effective cloture petition would be the one with the 16 signatures.

Mr. JOHNSON of Texas. Before that procedure would become operative, it would have to be supported by 67 Members of this body.

The PRESIDING OFFICER. Submission by 16 Senators would be required.

Mr. JOHNSON of Texas. I understand that.

The PRESIDING OFFICER. And it would have to be supported by two-thirds of the Senators present and voting, a quorum being present.

Mr. JOHNSON of Texas. Two-thirds of 100 is what?

The PRESIDING OFFICER. Two-thirds of those present and voting.

Mr. JOHNSON of Texas. And if 100 Members of the Senate were present, two-thirds would be how many?

The PRESIDING OFFICER. The Chair would consult a mathematician.

Mr. JOHNSON of Texas. How many?

The PRESIDING OFFICER. Sixty-seven, mathematically.

Mr. KUCHEL. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. KUCHEL. Reserving the right to object, and I shall object, nevertheless, in the spirit of Christian charity, I would be very glad to have my friend from Oregon put his suggested cloture petition right here, so that any Senator who wishes to come up and sign it may do so. I shall be glad to give it appropriate consideration, and I am sure other Senators will.

Mr. JOHNSON of Texas. If I understand the suggestion of my friend, the acting minority leader, he advises and counsels the Senator from Oregon to place on the minority leader's desk his cloture petition?

Mr. KUCHEL. Not on the desk, but right next to the desk, on the stand between these two desks.

Mr. JOHNSON of Texas. Can the minority leader give us any assurance that it will not be torn up or pocketed or destroyed?

Mr. KUCHEL. I regret that I cannot. In the absence of the able minority leader, I am going to object to the filing of such an unofficial paper with all the potential legal implications which perhaps on reflection may become highly important. If the able majority leader will wait until tomorrow, when the minority leader is here, I am sure that he can then renew his unanimous-consent request then, if he so desires.

Mr. JOHNSON of Texas. I shall be delighted to do that.

Mr. MORSE. Mr. President, will the Senator from California yield?

Mr. JOHNSON of Texas. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from California had the floor.

Does the Senator from California yield to the Senator from Oregon?

Mr. KUCHEL. I yield.

Mr. JOHNSON of Texas. Mr. President, when did I lose the floor?

The PRESIDING OFFICER. The Chair is in error. The Senator from Texas has the floor.

Mr. JOHNSON of Texas. Mr. President, I appreciate the position of my friend from California, and I certainly do not want to make any request or take any official action in the absence of the great minority leader, who so well performs the services of minority leader. I will consult with him tomorrow. It is of no great moment to me whether my request is acted on tonight or tomorrow. I think it is very premature. I think we ought to lean over backward to give every Senator all the time he needs to discuss this subject, if he is discussing the subject, and if he feels impelled to give us additional information; and while I may not recognize it as compelling information or important information, if he feels that way about it I want to see that he does it before he is cut off.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Oregon.

Mr. MORSE. All I want to say respectfully, Mr. President, is that in my judgment the request that the Senator from Texas makes has no bearing whatsoever upon rule XXII at all, could not possibly change rule XXII in regard to what is required for filing a cloture petition. In fact, it does not make one bit of difference to me whether the consent is granted officially by the Senate or not if it does not see fit to do it.

All that is being really requested, as I understand the proposal of the Senator from Texas, is that the clerk of the Senate be authorized to take custody of a motion for cloture which has not been signed as yet by 16 Senators, and as a matter of convenience for Senators to have a receptacle at his desk for the signing of it if anyone wishes to sign it. It could not possibly have any effect on rule XXII. It could not affect rule XXII at all. It simply proposes that the petition may be received by the clerk for custody. It does not make any difference whether it is received by the clerk at the request of the Senate or for custody. I have left documents with the clerk. I have no doubt that he informally and unofficially is not going to release the document. Senators know that it is there and anyone who wishes to sign it can do so.

Mr. JOHNSON of Texas. Mr. President, I concur in what the Senator from Oregon has said. The reason I made the unanimous-consent request was twofold. First, I wanted the Senator from Oregon to know that I felt his colleagues should have the opportunity to pass on his request and place his paper in the custody of the official attachés of the Senate and have it at a convenient place in the Senate Chamber. Second, I wanted to attempt, as leader of the majority, to give the Senator from Oregon such protection as was available for this very important document; and I felt that if it was officially presented and received and was in the hands of the official employees of the Senate they might be able to protect it from any riots or destructions that might be visited upon it.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, it was my privilege this evening to examine the paper which had been left with the Parliamentarian. I did so for the purpose of determining to what motion or pending matter the petition or purported petition might be addressed. It was addressed to securing cloture on the so-called Dirksen substitute amendment. I make that statement because I desire at this time to express appreciation to the Senator from Texas for acceding to the request or suggestion of the assistant minority leader that the matter go over until tomorrow when the Senator from Illinois can be present. It seems to me we have heard a little about courtesy here tonight, and it occurs to me that if we are to take any action by unanimous consent of the Senate with regard to giving special status or some special custody to any paper relating to the amendment or to the substitute amendment proposed by the Senator from Illinois, we ought to extend the courtesy to him to be present when it is proposed.

Mr. JOHNSON of Texas. The Senator from Texas is not prepared to dissent with the Senator from South Dakota. It is a good suggestion. I shall be glad to have the Senator from Illinois look upon the request in his usual fair manner and to determine what he thinks the public interest justifies.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. SCOTT. Mr. President, may I make what I hope is an adult suggestion at this hour of the morning?

Mr. JOHNSON of Texas. I am sure it will be.

Mr. SCOTT. May I express the hope that when it is deemed timely for the presentation of a cloture petition, the majority leader and the minority leader will consult about the presentation of a petition.

I further express the hope that such a petition will bear signatures from both sides of the aisle so that this matter may be treated in a nonpartisan fashion, so that the country may be advised that the rights of individuals are not the sole property of any individuals or of any political party but are the concern of the Senate. I state that as a suggestion.

Mr. JOHNSON of Texas. I thank my friend for his suggestion, I consult with the minority leader more often than does perhaps any other Member of this body, and it is rare that I ever find him taking a partisan position. Certainly he has not taken one on this subject. I hope that we in the Senate will recognize that the eyes of the world are upon us and that what we do is measured by only one standard, and that is if we do what is good for America, we will do what is good for both parties.

Mr. SCOTT. I am in entire agreement with the Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN].

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, and I ask for the yeas and nays upon that motion.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas. The yeas and nays have been ordered. The Clerk will call the roll.

The Chief Clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from California [Mr. ENGLE], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Arizona [Mr. HAYDEN], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Montana [Mr. MANSFIELD], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Michigan [Mr. MCNAMARA], the Senator from Maine [Mr. MUSKIE], the Senator from Montana [Mr. MURRAY], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from Arizona [Mr. HAYDEN], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Michigan [Mr. MCNAMARA], the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Connecticut [Mr. BUSH], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Hawaii [Mr. FONG], the Senator from Nebraska [Mr. HRUSKA], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

If present and voting the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from Illinois [Mr. DIRKSEN], and the Senator from Hawaii [Mr. FONG] would each vote "yea."

The result was announced—yeas 56, nays 0, as follows:

[No. 83]

YEAS—56

Allott	Goldwater	Monroney
Anderson	Gore	Morse
Bartlett	Gruening	Morton
Beall	Hart	Moss
Bible	Hartke	Mundt
Brunsdale	Hickenlooper	Pastore
Byrd, W. Va.	Hill	Prouty
Cannon	Jackson	Proxmire
Carlson	Javits	Randolph
Case, N. J.	Johnson, Tex.	Saltonstall
Case, S. Dak.	Jordan	Schoeppel
Church	Keating	Scott
Clark	Kerr	Smith
Cooper	Kuchel	Wiley
Cotton	Long, Hawaii	Williams, Del.
Curtis	McCarthy	Williams, N. J.
Douglas	McGee	Yarborough
Dworshak	Magnuson	Young, Ohio
Frear	Martin	

NAYS—0

NOT VOTING—44

Aiken	Capehart	Ellender
Bennett	Carroll	Engle
Bridges	Chavez	Ervin
Bush	Dirksen	Fong
Butler	Dodd	Fulbright
Byrd, Va.	Eastland	Green
Hayden	Long, La.	Russell
Hennings	Mansfield	Smathers
Holland	McClellan	Sparkman
Hruska	McNamara	Stennis
Humphrey	Murray	Symington
Johnston, S. C.	Muskie	Talmadge
Kefauver	Neuberger	Thurmond
Kennedy	O'Mahoney	Young, N. Dak.
Lausche	Robertson	

So the motion was agreed to and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER (Mr. MCGEE in the chair). The clerk will state the nomination on the calendar.

U.S. COURT OF CLAIMS

The Chief Clerk read the name of James R. Durfee to be an associate judge of the U.S. Court of Claims.

Mr. JOHNSON of Texas. Mr. President, since I made the motion to proceed to the consideration of executive business, the able senior Senator from Wisconsin [Mr. WILEY] has raised a question with me about the subcommittee and about the desirability of the members of that subcommittee being present. Who are the members of the subcommittee, may I inquire of the Senator?

Mr. WILEY. The chairman of the Committee on the Judiciary, the Senator from Mississippi [Mr. EASTLAND], the Senator from South Carolina [Mr. JOHNSTON], and I. If possible, I should like to have an understanding in relation to a definite time when this nomination could be taken up in the daytime, before we are all petered out. I understand that my associate, the junior Senator from Wisconsin, has stated that that is agreeable to him also.

Mr. JOHNSON of Texas. Does the Senator suggest that we take up this nomination in the daytime when the members of the subcommittee are present?

Mr. WILEY. That is correct.

Mr. JOHNSON of Texas. The Senator is a very persuasive man.

Mr. WILEY. The Senator from Texas is quite a flatterer. I have great affection for him in spite of his flattering tactics.

Mr. JOHNSON of Texas. The Senator from Wisconsin is one of my best friends, and I certainly wish to accommodate him in connection with the nomination of a citizen of his State. If he believes it would be better to schedule the nomination for consideration at some time during the day, when we are able to obtain the presence of the other members of the subcommittee and have the benefit of their observations, the majority leader will be glad to comply with such a request, as he is usually glad to comply with any suggestion made to him by his beloved and wise friend, the senior Senator from Wisconsin.

Mr. WILEY. The majority leader is very gracious. I do not want to see any delay in this matter. We have had the nomination before us since last July. I trust that the matter may be terminated by a favorable vote in the very near future. I understand that is the wish also of my junior colleague [Mr. PROXMIRE].

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I will be glad to yield in a moment. I wish to assure the senior Senator from Wisconsin that if there has been any delay, I am not aware of it. Of course there are many things that I am not aware of. However, I have had no part in any delay, if there has been any.

Mr. WILEY. I agree.

Mr. JOHNSON of Texas. I try to keep the Executive Calendar as clear as I can. There is rarely a day when a nomination goes over. Due to the circumstances under which we are operating, when no business except the pending business can be transacted, there may be a delay of a few days.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. PROXMIRE. I merely wish to make my position clear on the RECORD, and to clarify what my senior colleague has stated. I am perfectly willing to discuss this nomination at any time. However, I wanted to make it clear that I shall strongly oppose the confirmation of the nomination, and I intend to do so in some detail when the nomination comes before the Senate.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN].

Mr. JORDAN obtained the floor.

Mr. CASE of South Dakota. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN. I am glad to yield with the understanding I do not lose the floor.

Mr. CASE of South Dakota. If we follow the pattern we have been following during recent nights, I assume that perhaps at the conclusion of the Senator's remarks there may be a quorum call. Does the Senator know about it?

Mr. JORDAN. I rather think that will happen.

Mr. CASE of South Dakota. Having listened, with the Senator, with rapt attention to the poetry which was offered to the Senate by the distinguished Senator from Massachusetts [Mr. SALTONSTALL] earlier this evening on the sweetness of sleep—and that is one side of it—I wonder if the Senator would permit me to quote a few lines of poetry and ask for his comment on it:

God bless the man who first invented sleep,
So said Sancho Panza.
And so say I.
But blast the man with curses loud and deep
Who first invented and held round
Advising that artificial cutoff, early rising.

I should like to ask the Senator whether he will have sympathy for us who do not wish to be awakened too early in the morning.

Mr. JORDAN. That is a difficult thing to say at this time.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JORDAN. I yield to the Senator from Illinois.

Mr. DOUGLAS. Inasmuch as we are paying literary tributes to sleep, I wonder whether the Senator remembers the lines from Macbeth:

Sleep that knits up the ravell'd sleeve of care.

Mr. GRUENING. There are also the lines:

Macbeth does murder sleep.

I hope the Senator will not murder the sleep of his colleagues.

Mr. JORDAN. Sleep makes one too drowsy. I do not want my colleagues to become too drowsy.

Mr. President, as I stated in the Senate the other morning, the Senate Committee on Rules and Administration, of which I am a member, conducted a series of hearings on several bills proposing a system of Federal registrars, and statements were made during these hearings by a number of able and distinguished Governors and attorneys general who presented their reasons for opposing these bills.

As I said then, very little of this opposition testimony was heard by the majority of Members of the Senate, and for that reason I thought it would be well to read portions of their statements to the Senate.

I intend to continue reading from these statements this morning, beginning with the one made by the Honorable Malcolm Seawell, attorney general of my State of North Carolina. Since I had just begun reading from his statement when I yielded the floor the other morning, I will begin at the beginning of it now, so that it will appear in complete form in the RECORD.

As I said, about 2 weeks of testimony was taken before the Committee on Rules and Administration on the question of Federal registrars. Witnesses appeared from North Carolina, South Carolina, Georgia, Alabama, and Florida, as well as from some of the other States. I held some of the hearings myself. The Senator from Missouri [Mr. HENNINGS] held some. Therefore, I should like to read some of that testimony into the RECORD, because I am certain that no Senator has read all the testimony given at the hearings.

I should like to read from the testimony of Malcolm B. Seawell, of North Carolina. He was the attorney general of North Carolina at the time he testified. He is not the attorney general any more. He resigned to run for Governor of the State. He testified as follows:

STATEMENT OF MALCOLM B. SEAWELL, ATTORNEY GENERAL, STATE OF NORTH CAROLINA

Mr. Chairman and members of the committee, I am Malcolm B. Seawell, attorney general of North Carolina, and prior to assuming the duties of the office of the attorney general I served as district solicitor, or the State's prosecuting officer, for several counties, and I also served for several years as judge of the superior court, which is a court of general jurisdiction in my State.

This statement relates to certain bills now pending before this committee which I shall designate by their respective numbers, as follows: S. 2535, S. 2684, S. 2722, S. 2719, S. 2783, and S. 2814.

Before commenting on the various bills now pending before this committee I would like to make a brief reference to some of the salient Federal statutes that are now operative and in effect for the protection of the elective franchise as the same relates to Federal officers. The committee, of course, is familiar with these Federal statutes but for the purposes of this statement I would like to remind the committee again of the existence of these statutes. It is my position that this is not a question of sufficiency of laws or of the requisite statutory machinery but it is rather a problem of a selective, careful, and patient enforcement of the laws now in existence.

That statement ties in absolutely with the able speech made by my colleague the distinguished Senator from Alabama [Mr. HILL]. In other words, the attorney general for North Carolina is pointing out that we have enough laws, if they are enforced as we contend they are in our State, and that any additional laws are superfluous.

The enactment of one Federal statute after another, the heaping up and cumulating of legislation will not in some mysterious and occult manner achieve the desired results. Legislation prompted by impatience can never be, in the long view, a substitute for careful investigation and bringing into public view some abuses that may exist combined with the application and prosecution under the authority of present statutes. At the present time under the provisions of 42 U.S.C.A. 1971 (71 Stat. 637) all persons are allowed to vote in any elections of a governmental nature without distinction of race, color, or previous condition of servitude, notwithstanding any constitution, law, custom, usage, or regulation of any State or Territory to the contrary. The same statute contains provisions against intimidation, threats, or coercion for the purpose of interfering with the right to vote at any election involving Federal officers whether the same be a general, special, or primary election. If there is reasonable ground to believe that any person is engaged in any act or practice which would deprive any other person of these voting privileges the Attorney General of the United States can institute, in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or any other necessary order, and the district courts of the United States have jurisdiction. The party aggrieved does not have to exhaust any administrative remedies. Contempt citations are also available for effective enforcement.

That also parallels the able speech by my colleague from Alabama who spoke earlier, which emphasizes that we do not need any additional election laws or registrars or anything else to see that people have the right to vote, because they can vote if they wish to do so. It is my contention that we cannot make people register unless they want to. The law prevents anyone from interfering with their registering to vote, but we cannot make people register.

There is ample provision in the statutes of the United States and in State laws to take care of anyone who wants to vote. I thoroughly concur with all the speeches that have been made to the effect that the civil rights bill which we are debating now is not necessary.

Continuing with Mr. Seawell's observation on this matter:

Under the provisions of paragraph (3) of 42 U.S.C.A. 1985 (R.S. sec. 1980) an action for damages is allowed if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any person as elector for President or Vice President, or as a Member of the Congress of the United States.

Chapter 29 of title 18, beginning with 18 U.S.C.A. 591, contains many criminal statutes designed for the protection of the rights of voters in the selection of candidates for Federal officers, including the intimidation of voters, the interference of officers of the Armed Forces, the interference of administrative employees of Federal, State, or territorial governments, as well as expenditures for influencing or buying votes.

We could cite many other Federal statutes, such as the Federal Corrupt Practices Act, the Hatch Act, regulations dealing with the Armed Forces, promises of appointment by a candidate for the support of candidacy and solicitation of expenditures to influence voting.

The provisions of S. 2535 establish complete Federal machinery for the registration and conduct of all elections and primaries relating to Members of the Senate and the House of Representatives of the United States. S. 2535 establishes a Congressional Elections Commission as an agency of the legislative branch of the Federal Government and vests in it authority to conduct primary, special, and general elections for all Members of the Congress. It is composed of three members appointed by the President by and with the advice and consent of the Senate. Not more than two of the members can belong to the same political party. After the first terms of office expire each member of the Commission is appointed for a term of 9 years, and it is noticeable that while there can be two members of the same political party on the Commission, these same two members can constitute a quorum. The Commission is authorized to make and maintain temporary and permanent registers of voters, and this can be carried out even though the Commission has not determined to hold an election under its own authority. No State or local laws governing the time, place, or manner of the registration of voters shall be applicable to or limit the power of the Commission to conduct registration of voters. The Commission can conduct a primary, special, or general election for the purpose of selecting and electing Members of the Senate and House of Representatives when (1) the Commission is officially requested to do so by the duly empowered official of the State in which the congressional district is situated, or (2) the Commission determined that unless such election is conducted by the Commission persons having the necessary qualifications for elector of the most numerous branch of the legislature of the State in which the congressional district is located are likely to be denied their right in such primary, special, or general election to cast their votes and to have them fairly counted. The Commission certifies the results of the election to the Governor of the State and no State law governing the time, place, and manner of conducting elections shall be applicable to or limit the power of the Commission. The results are certified to the Speaker of the House of Representatives, to the Secretary of the Senate, and to the Governor of the State. The Commission may delegate authority to State agents and employees or to its own designees except the authority to make and maintain registers and the authority to determine whether or not to conduct an election. There are various other powers given the Commission as to holding hearings, administering oaths, securing the attendance of witnesses, and appointing and fixing the compensation of officers and employees, including the right to initiate proceedings for contempt and the right to promulgate rules and regulations. In short, this takes away from the States completely the power to conduct congressional primaries and elections which have been handled by the States for many generations.

S. 2684 applies to the offices of President, Vice President, elector for President or Vice President, Members of the U.S. Senate, Members of the House of Representatives of the United States, or the Delegate or Commissioner of any territorial possession of the United States. The provisions apply to general or special elections and include any primary election held for the purpose of selecting a candidate or any nominee for Federal office. Any individual who is not a registered voter in the State in which he lives but who believes he is qualified under the laws of the State and who has within 1 year before filing a petition under the act unsuccessfully attempted to register to vote in a Federal election and who believes he is being deprived of his legal right to register to vote in such election because of race, religion, or national origin can file a petition with the President requesting that a Federal registrar be appointed. If the President receives within a period of not more than 1 year not less than 9 petitions filed by individuals living within the same registration district, then he shall refer these petitions to the Commission on Civil Rights. The Commission investigates, and if it is found by the Commission that such denials of the right to vote are being made for the reasons above stated this is certified to the President and to any Federal registrar who may be appointed by the President "from among Federal employees living in or near such district." This Federal registrar serves until the individuals living in the district are no longer denied the right to register and vote in Federal elections because of race, religion, color, or national origin. This Federal registrar accepts registration applications from these complaining individuals and he may register them if they are qualified for the purpose of voting in Federal elections, and he certifies these individuals to the election officials of the State. Such person then has the right to cast his vote and have it counted in a Federal election. As will be seen this is a modified form of the first bill above discussed except that it stops short of conducting the election.

Mr. President, I am reciting some of the things in the bills which were presented in the hearings. These are things we do not want, such as Federal registrars.

S. 2722 requires every election officer to preserve all election records, both general, special, and primary, which pertain in any way to voting, for a period of 5 years from the date of such elections. The provisions are applicable to any custodian designated by the State or when the records and papers are delivered to another election officer. Any custodian or officer who steals, destroys, conceals, mutilates, or alters any record or paper is guilty of a crime or any officer who fails to comply with the preservation section is guilty of a crime.

Mr. President, that is another section I do not think is necessary. I do not think it is necessary to keep records 5 years. I would not have any great objection to it, but it would put a big burden on election officials if they had to keep all the ballots cast in the United States for 5 years. It would require a vast amount of storage space, which would have to be fireproof.

It has been my feeling that keeping ballots for 2 years would certainly be ample, if anything were wrong with the election, for the trouble to be cleared up. Usually any question is cleared up within a few months. Whoever has been denied any of his rights, or whoever is in an argument about who won the election, will want it cleared up very quickly and settled.

Mr. President, instead of reciting all the bills which were presented I am going to read from a statement by Hon. John Patterson, Governor of the State of Alabama, the Governor of the State represented in part by my distinguished colleague from Alabama [Mr. HILL]. I heard Governor Patterson's testimony. He made a very fine impression in his testimony before the committee.

Mr. Chairman, and members of the Rules and Administration Committee of the Senate, my name is John Patterson and I am the Governor of the State of Alabama. I am presently serving a 4-year term which began January 19, 1959. Prior to that date I served as attorney general of Alabama from January 18, 1955, to January 19, 1959. I wish to thank you for the opportunity that you have given me to testify before you on this occasion.

Mr. President, it was my very candid opinion that the bill should never have been presented to the Committee on Rules and Administration at the start. I think the bill should have gone to the Committee on the Judiciary, where I think it should have been discussed thoroughly. In my opinion, the Committee on Rules and Administration is not the proper committee to hear the testimony and to report the bill. Nevertheless, that is where the bill landed, and we heard the testimony.

I wish to voice my strong opposition to bills S. 2535, S. 2684, S. 2719, S. 2722, S. 2783, and S. 2814, now pending before your committee. These bills are far reaching in nature and seek to make radical changes in our basic laws. If these bills are enacted into law, the implementation of such laws will lead to chaos and bitterness and a further deterioration of the relations between the States and Federal Government. If these bills are enacted into law, they could well lead to a breakdown of the election machinery in many States. I feel that I know the sentiment of the people of Alabama, and I know that the overwhelming majority of the citizens of my State are opposed to the passage of these bills. As Governor of the State, I feel it my duty to tell you the feeling of our people.

The enactment of these bills will lead to grave consequences and these bills will not succeed in doing that which the authors of the bills intend.

S. 2535 seeks to establish an agency of Congress authorized to conduct elections and register voters in certain areas under certain conditions. This bill seeks to establish a Congressional Elections Commission for this purpose. Bills S. 2684, S. 2719, S. 2783, and S. 2814 are similar and provide that where a person's application to register to vote has been denied, and such person believes himself to be qualified under State law and believes that he has been denied registration

because of race, religion, color, or national origin, he may file a petition with the President, requesting that a "Federal registrar" be appointed for the district in which such person lives.

The bills further provide that when the President receives not less than nine petitions within 1 year from persons in the same registration district, he shall refer such petitions to the Civil Rights Commission for investigation. If the Civil Rights Commission determines that such persons are being denied the right to vote solely because of their race, religion, color, or national origin, the Commission shall certify such information to the President.

The President then, under these bills would appoint a "Federal registrar" for the district involved, and the registrar would accept registration applications from all persons in the district who claim that they are being denied the right to vote because of race, religion, color, or national origin. If the Federal registrar determines that the applicants are qualified under the State law, he shall certify the names to the State election officials, and such person would have the right to vote in any election where Federal officials are being elected. The bills place a fine and penitentiary sentence on any State official who does not abide by the decisions made by the Federal registrar.

Mr. President, the statement made in connection with this bill has very strong implications. It goes a long way toward turning over authority to one person—as was pointed out in the hearings, any Federal employee, whether he be a janitor in a post office, a rural mail carrier, or any other person. There is nothing wrong with the type of persons I have mentioned, but I do not think they would be qualified to discharge the duties of election officials. If he felt so inclined he could levy fines on them and impose penitentiary sentences. We do not think that provision is necessary at all, and we think it is usurpation of the power of the constituted election officials as now provided by the States. As was pointed out earlier, so far as I know there are ample means of redress in every State. I have studied practically all the State election laws to be certain that none have two systems of election, one for one race and one for another.

S. 2535 is similar to the aforementioned bills in that it attempts to do the same thing, except it provides for a Registration of Voters Commission instead of Federal registrars.

S. 2722 requires State officals to preserve all registration and voting records of all elections for a period of 5 years after the making of the record.

I know that the members of the committee are familiar with these bills; however, I have attempted to summarize them briefly for the purpose of showing that we are dealing here with something new in the way of legislation, and to further show what a radical departure this procedure is from any registration procedure that any State has ever had before.

The Constitution of the United States does not give Congress power to prescribe the qualifications of electors in the States. The Constitution leaves the setting of the qualifications of voters to the States. In my opinion, these aforementioned bills now under consideration are clearly unconstitutional. They are an attempt by the Federal Government to set the qualifications of electors in the States and to put Federal officials actually in charge of elections in the States. Such action is a usurpation of the powers of the States by the Federal Government and is a clear violation of the sovereign rights of every State in the Union.

The sponsors of these bills are inferring that our State officials are violating their oaths of office. I resent this inference. I can truthfully say, of my own personal knowledge, that the officials of my State are obeying the law, doing a good job, and living up to their oaths of office. This type of legislation is an insult to the officials of every State in the Union and, obviously, is politically inspired.

The right to vote is conferred and safeguarded by each State constitution. The laws of Alabama setting out the qualifications for electors are fair, just, reasonable, and impartial.

Adequate remedies exist to protect each and every individual in his right to register and vote. No one can come before this committee and truthfully tell you that the laws of my State protecting the right to vote are not adequate. If a person in Alabama files an application with the board of registrars of his county asking that he be placed on the list of qualified voters and the board of registrars denies his application, the applicant has the right of appeal, without giving security for costs, within 30 days after such denial, by filing a petition in the circuit court at law or court of like jurisdiction held for the county in which he seeks to register. The petitioner must allege that he is a citizen of the United States, over the age of 21 years, has the qualifications as to residence prescribed in section 178 of the constitution of Alabama, and is entitled to register to vote under the provisions of the constitution. The issues are tried in the court in the same manner and under the same rules as other cases are tried, and by a jury if the petitioner demands it. The circuit solicitor defends the action for the State. If the petitioner wins his case in the lower court, the State has no appeal and the petitioner's name goes on the qualified voter list forthwith.

If he loses his case in the lower court, he can appeal to the Supreme Court within 30 days from the date of the judgment. If the petitioner loses his appeal in the State supreme court, he can appeal to the U.S. Supreme Court. A judgment in favor of the petitioner under our law entitles him to be registered as of the date of filing his original application with the board of registrars. This procedure is similar in all States and it is a proceeding whereby a person's rights are tested by the judiciary, which is as it should be. I submit to you that this is a full and adequate remedy for each and every individual who claims that he has been denied the right to register as a voter because of race, religion, color, or national origin, or for any other reasons which he might think unconstitutional.

I can truthfully say that I cannot recall a single instance where a Negro has filed an appeal under our State statutes claiming that he had been illegally denied the right to register. Furthermore, I can truthfully state that since January 18, 1955, when I took office as attorney general, not a single Negro has taken an appeal under our statutes providing for appeals where boards of registrars have turned down applications to register.

How can anyone come in here and truthfully say to you that our laws are inadequate when none of the complaining Negroes have taken advantage of our statutes. How can anyone say that the State of Alabama has denied citizens the right to vote when they have not even tried to use the remedies which the State gives them to protect their rights. The mode by which they may obtain justice is clearly marked out by the State law. It is so plain and simple that any citizen may readily avail himself of it. Yet, the few complaining persons have not done so. Why?

I feel that the real reason why the agitators, who are constantly bringing up this issue, have not resorted to our courts for relief, if they are entitled to such relief, is that the Federal courts have consistently held that class actions will not lie in cases testing the qualifications of persons to vote. The courts have consistently held that each individual case and each individual's qualifications to vote must res upon the facts in each individual case, and that, of course, is as it should be. The proponents of this type of legislation under consideration by this committee are not content to seek individual redress through the courts. That's too slow for them.

What they seek is a procedure which circumvents the courts and sets up an administrative procedure whereby Negroes can be herded together and marched in battalion formation to the poling places under the watchful eyes of Federal registrars and Federal marshals to register and vote whether or not they can read or write, and whether or not they are qualified otherwise under State laws. The proponents of this legislation are not interested in a judicial determination of an individual's rights, but only in mass registration before the next election. We have not had anything in the South similar to Federal registrars as outlined in these bills since Federal troops occupied the South during Reconstruction days.

I submit to you that the statutory procedures for testing a person's right to vote under our State law are full, adequate, and reasonable. This is the proper and orderly way for a person to have determined his right to vote if he feels that it has been illegally denied. Certainly, this committee, and this Congress, should require these complaining people to at least try to seek relief under the existing laws, which heretofore they have not done, before this committee or this Congress should resort to such a radical procedure as sending Federal registrars into the South to usurp the powers of our State officials and to usurp the powers of our courts. Make these complainants go to the courts for their relief. They have not done so and I submit to you if you make them, their rights will be promptly and adequately determined.

S. 2814, S. 2783, S. 2719, and S. 2684 provide for investigations to be made by the Civil Rights Commission in cases where individuals claim they have been denied the right to vote because of race, religion, color, or national origin. I wish to voice my strong objections again to the actions of the Civil Rights Commission, and I urge you not to extend the authority of that body. The recent actions of the Civil Rights Commission damaged race relations in the South and further injured the already strained relations between the States and Federal Government. The Commission failed to do anything constructive, but, on the contrary, further widened the breach existing between the races. It harassed and intimidated our State and local officials. Its actions have made it difficult for us to find responsible citizens who are willing to serve as members of boards of registrars.

The Commission attempted to sit in judgment over the manner in which our officials conducted their offices. It interfered with the operation of our courts. The Commission attempted to arrogate unto itself powers which it did not, and could not, constitutionally possess.

It claimed to be "a roving grand jury" with the powers of a common law grand jury, a position legally untenable. The Commission attempted to go on "fishing expeditions" in the records of judicial officers. It subpenaed our State officials to hearings at distant places from their homes and put them on the witness stand under spotlights and before batteries of nationwide television cameras. No room or seats were provided for

counsel of the public officials and the Commission would not allow attorneys for the officials to make objections. The State officials were in effect placed on trial by the Commission and publicly harassed and intimidated. The Commission attempted to go far beyond its factfinding powers, and hearings were conducted in a circuslike arena and no semblance of due process was accorded our State officials.

It is inconceivable that persons trained in the law would be a party to conducting such hearings as were conducted by the Civil Rights Commission. The Commission accused our public officials of violating the law, but refused to divulge the names of their accusers or to advise them of the nature of the charges against them.

The Commission refused to permit the State officials' counsel to properly represent them and refused to allow them to cross-examine the witnesses who appeared against them. In fact, the actions of the Civil Rights Commission were so reprehensible that it was enjoined from conducting any further hearings by the Federal court in Shreveport, La., until the constitutionality of their procedures could be tested by higher courts. The Commission came into the South ostensibly to seek facts but in reality it was seeking publicity and notoriety.

I take issue with the report filed before Congress by the Civil Rights Commission. The information in that report is biased and prejudiced and is not based upon proper investigation. A large portion of the report of the Civil Rights Commission is in the form of editorials by the Commission's staff writers. The actions of the Civil Rights Commission in Alabama created ill will and hostility between the people of my State and the Federal Government. The Commission accomplished nothing but its actions seriously injured race relations in the South. I ask you not to favorably consider any more legislation which would enlarge the powers of the Civil Rights Commission. Such action would not be in the best interest of our Nation.

No public official cares to serve in public office when he is subjected to harassment and intimidation by agents of the Civil Rights Commission, or any agency for that matter. No person likes to accept an appointment as a member of a board of registrars when he knows that he will be immediately visited by Federal investigators and run the risk of immediate suit in Federal courts seeking injunctive relief and damages. Recently President Eisenhower stated that he was having difficulty finding persons willing to accept appointment to fill the vacancy on the Civil Rights Commission for, as he said, people do not like to be harassed.

The Attorney General of the United States and the Civil Rights Commission have apparently declared open war upon all members of State boards of registrars and they are making it difficult for us to find people who are willing to serve in that capacity. In most States the members of boards of registrars do not receive much pay and they agree to serve usually as a public service. They cannot afford lawyers to defend them, nor can they afford to attend court or hearings in distanct places which takes them away from their work and families.

No member of a board of registrars likes to have a Federal agent peering over his shoulder, passing upon everything that he does and threatening to take him to court with every act. If the actions of the Federal Government in this regard continue and if Federal registrars are sent into the South along with the Civil Rights Commission investigators to carry out the provisions of the aforementioned bills, it could well lead to a breakdown of all our election machinery. It will certainly lead to bitterness and misunderstanding and hostility between the State and Federal officials. The people will suffer the consequences. I can tell you that it would be practically impossible to get people to serve as election officials if they are dictated to, threatened, and harassed by Federal registrars and Federal agents. It is plain to see that the so-called Federal registrar plan will result in utter failure and bring confusion and chaos to our electoral system.

Due to the action of the Civil Rights Commission, we have been unable to get responsible people to accept positions on the boards of registrars in Macon and Dallas Counties, Ala.

I have appointed numerous persons to fill these positions and they have declined stating that they do not feel that they should have to subject themselves to public intimidation and harassment by Federal agents. The responsibility for the breakdown of our registration machinery in these counties rests squarely at the doorstep of the Federal Government. I feel confident that we will be able to find someone to serve on these boards soon, if we can have some assurance from the Federal Government that we will be able to carry out our duties within the framework of our laws without harassment and intimidation.

In conclusion, I want to again voice my strong opposition to all the aforementioned bills. They are clearly unconstitutional. They invade an area which has always been left exclusively to the States. The States have adequate remedies for all persons to quickly and promptly test their right to vote.

S. 2722 requiring the preservation of voting and registration records for a period of 5 years is absolutely unnecessary and an invasion of the right of the States.

Alabama law, which is similar to that in all States, provides that when an applicant is registered to vote by the board of registrars, his name is placed on the voters list and this list, along with his application, is filed with the probate judge of the county and becomes a permanent public record. Of course, after a person is registered, he should have no grounds for complaining. In cases where the application is denied by the board of registrars our laws provide that the board of registrars must keep on file the application form until the time expires for the applicant to appeal under our statutes. This procedure gives full and adequate protection to all citizens regardless of who they are, if they would just avail themselves of the remedies now available.

The sending of Federal registrars or a Registration of Voters Commission into the South, or into any State, would cause animosity and hostility among the people and would result in a breakdown of our election machinery. Such action would cause further widening of the breech between the races and would worsen Federal-State relations. The citizens of the States would look upon these Federal agents as carpetbag registrars and that is truly what they would be.

Any extension of the powers of the Civil Rights Commission would do nothing to help the situation and would cause a further deterioration in race and Federal-State relations. Federal registration of voters in addition to being unconstitutional and unwarranted, would not work, would lead to grave consequences, and I think would be analogous to the sending of Federal troops into Little Rock or the acts of Federal troops in marching Negroes to the polls during Reconstruction days.

The views which I have expressed about the Civil Rights Commission are not mine alone but are shared by almost every citizen of my State. As further proof of the Commission's questionable conduct, one can refer to the actions in the Federal courts involving the Civil Rights Commission in Terrell County, Ga.; Montgomery, Ala.; and Shreveport, La., where the Federal courts ruled against the Civil Rights Commission in every case.

In recent days the Attorney General of the United States has expressed himself as favoring a plan whereby the Federal courts would appoint so-called referees to register voters.

That is a new proposal. The Attorney General himself, I think, found that all the bills that had been presented before were unconstitutional, though everyone who appeared in favor of them said they were and argued for about 2 weeks that they were. Then the Attorney General proposed this other law which is being debated now.

In recent days the Attorney General of the United States has expressed himself as favoring a plan whereby the Federal courts would appoint so-called referees to register voters. This proposal is just as shocking as the Federal registrars proposal and just as unconstitutional and unworkable. I am equally opposed to the plan of the Attorney General. The Federal courts have already expressed their opposition to being used as boards of registrars. See *Darby* v. *Daniels*, decided November 6, 1958, in the U.S. District Court for the Southern District of Mississippi.

I would like to point out to the committee that the number of registered Negro voters in Alabama is steadily increasing. This is not due to action by the Civil Rights Commission or the Federal Government, but it is in spite of them. At present there are more than 70,000 registered Negro voters in Alabama. The number of registered Negro voters in Alabama has more than doubled since 1956. The number has increased more than 10 percent since the primary election of 1958. The Negro is making tremendous progress in Alabama. I ask you not to enact laws which would retard his progress. These aforementioned bills now pending before your committee would retard the Negroes' progress. Matters concerning race relations will never be solved by legislation, court decrees, injunctions, Federal troops, and Federal registrars. It can only be solved through local people working together in a spirit of cooperation without outside interference and agitation.

We have on our books the necessary laws to protect every person's right to vote. They are State laws and State remedies and that is the way it should be. I ask you to leave it that way, and require these persons who complain that their rights have been violated to seek their redress in the proper and legal manner in the courts of our States. They have not done this in the past. They cannot tell you truthfully that our remedies are not full and adequate. So before you resort to "carpetbag registrars" and Federal investigators, before you do harm to our people, before you do violence to our Federal system, before your resort to the tactics of grinding us under the heel of the Federal boot, and before you wreck our election machinery, make them at least try to test their rights in our State courts.

That was by Gov. John Patterson.

I skip over, Mr. President, and read the statement of Mr. John S. Battle, who was a member of the Commission on Civil Rights and who resigned, but who came before the committee and testified. As many Senators know, John Battle was formerly Governor of the great State of Virginia. He is a very able lawyer, a good friend of mine. Mr. Battle made a very able member of this Commission,

but decided he would not stay on it any longer, and is not now serving with the Commission.

STATEMENT OF JOHN S. BATTLE, MEMBER, COMMISSION ON CIVIL RIGHTS

Now, Mr. Chairman, and gentlemen of the committee, I had the privilege of serving as a member of the Commission on Civil Rights established by act of the Congress of September 9, 1957.

The Commission, in its report to the President and the Congress, recommended, among other things, that the President be authorized to appoint Federal registrars of elections under the conditions and with the powers therein outlined, and I understand that bills have been introduced and are now before this committee designed to carry out this recommendation of the Commission on Civil Rights.

I disagreed with my colleagues in this recommendation and your chairman has graciously invited me to appear and give you my reasons for my disagreement.

I am not a constitutional lawyer and do not have any peculiar knowledge of this subject but do have very deep convictions relative to it.

The recommendations of the Commission and the bills which are before the committee designed to carry out those recommendations may be summarized as follows:

When a citizen of the United States believes he has been deprived of the right to register and vote because of his race, religion, color, or national origin, he may file with the President a petition setting out those facts and request the appointment of a Federal registrar for his registration district. When, within the time specified in the bills, the President receives nine or more petitions from individuals who reside in the same registration district, he shall refer the petitions to the Commission on Civil Rights. The Commission shall investigate matters set forth in such petition "and if the Commission determines that any individual who files such petition is, solely because of his race, religion, color, or national origin, being deprived the right to register as a voter under the laws of the State in which he resides, the Commission shall certify such determination to the President."

Upon the receipt of such certification, the President "shall establish an office of Federal registrar for the registration district in which the individual who filed such petition resides and appoint a Federal registrar for such registration district from among officers or employees of the United States who reside within the State and within or near such registration district."

The Federal registrar shall accept registration applications and all applicants whom the registrar finds to be properly qualified, under the laws of the State, shall be registered to vote for all candidates for Federal elective office in Federal elections held in such district. Each individual so registered shall have the right to vote and have his vote counted for all candidates for Federal elective office in any Federal election held in his registration district.

My objections to the recommendations of the Commission on Civil Rights and to the bills now before this committee are as follows:

First. The preservation of our Federal system is of supreme importance. Rights privileges, and obligation of the States and of the Central Government as delineated in the Constitution of the United States must be preserved. The Constitution clearly reserves to the States the conduct of elections and the qualification of voters in such elections. Under the bills before this committee, a vital part of the election machinery will be taken away from the States and turned over to the Federal Government.

Second. The Federal registrar voter plan would be cumbersome and difficult of administration. It would set up two sets of voters: the one group permitted to vote in all elections and the other group permitted to vote only in Federal elections. When a name is placed on the Federal list, there appears to be no way of correcting that list, even though the voter may subsequently become disqualified under the provisions of State law, that is, by being convicted of a felony, and so forth. No method of transfer of voters from one voting precinct to another is prescribed, and I emphasize this, if the chairman please, no right of appeal is provided on behalf of a State official or of the applicant to register.

These bills would place in the hands of a Federal official or employee who would, in rural sections, of necessity, be a second- or third-class postmaster or post office employee, deputy marshal, and the like, as the only Federal official or employee available, the duty and authority to interpret and give effect to State laws relative to qualification of voters and determine whether the applicant to vote be properly qualified under the laws of his State.

He must further determine whether the applicant has been denied the right to register on account of his race, religion, color, or national origin, and having made all of these decisions, he may register the applicant to vote in an election for Federal officials or decline such registration.

Let me repeat and emphasize as strongly as I can that the determination by this Federal employee as to the propriety of the registration of an applicant would be final and conclusive. It could not be questioned in any proceeding except possibly upon the ground of fraud or gross dereliction of duty on the part of the registrar. I know of no such finality of authority being given any official of the Federal Government short of the Supreme Court of the United States.

The Attorney General of the United States in his statement of January 27, in referring to a bill presented by him, said:

"I believe this bill would be more effective than the Federal registrar proposals and would avoid many of the serious and practical problems connected with Federal registrars."

Mr. HILL. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. HILL. As I understand, the Senator is a member of the Committee on Rules and Administration. Is that correct?

Mr. JORDAN. That is correct.

Mr. HILL. The Senator heard a large part of this testimony?

Mr. JORDAN. Yes.

Mr. HILL. Is it not true that the reasons set out by the Attorney General as to why the registrar bill should not be passed confirm what the Senator has read from the testimony of Governor Battle?

Mr. JORDAN. Exactly.

Mr. HILL. In other words, is it not true that the Commission, over Governor Battle's protest, made a recommendation in behalf of the registrar bills, which the Attorney General was forced to say would be unconstitutional?

Mr. JORDAN. That is absolutely correct. Those five or six bills, of which I have read the numbers, were all presented before the committee and were recommended as laws. As the Senator has said, the Attorney General said, "These are not constitutional, but I will send something up that is constitutional." The Civil Rights Commission recommended that Federal registrars be appointed. That was when Governor Battle retired from the Commission.

I continue to read from the hearings:

Third. The recommendations of the Commission on Civil Rights and the bills before the committee are, in my judgment, clearly unconstitutional for they charge the Commission with the duty of investigating and determining whether or not the allegations contained in the petitions filed with the President are true. If the Commission should find that the petitioners are being deprived of the right to vote in Federal elections solely because of race, religion, color, or national origin, the Commission shall so certify to the President. The act under which the Commission on Civil Rights was created provides that it is "in the executive branch of the Government" and yet under these bills, this arm of the executive branch of the Government is called upon to perform a judicial function and this without notice to the interested parties or appeal from its decision.

The requirement of the performance of this judicial function by an agency in the executive branch of the Government clearly violates the fundamental requirement of the Constitution of separate and distinct functions in the executive, legislative, and judicial branches of government.

The Attorney General clearly was conscious of this fundamental objection when in his statement of January 27 he said:

"This would avoid"—referring to his own bill—"the constitutional and legal questions which would arise under plans based upon a determination by a nonjudicial body that State officials have discriminated against citizens in violation of the Federal Constitution."

Mr. HILL. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. HILL. The truth is that what the Attorney General did was to take the recommendation in the proposed bill of the Civil Rights Commission and pitch it out the window?

Mr. JORDAN. That is exactly what he did. He wrote a new one.

Mr. HILL. Then he wrote one of his own and sent it down?

Mr. JORDAN. Yes. It is contained in what we are working on right now.

Mr. HILL. Is it not true that the Attorney General had more to do with the naming of this Commission in the beginning than anyone else?

Mr. JORDAN. That is my understanding.

Mr. HILL. After the Commission made its report he practically repudiated the report of the Commission as far as this recommendation is concerned?

Mr. JORDAN. That is true.

As the able Senator knows very well, there were some fine lawyers on that Commission. The vice chairman, who appeared first on the Commission to offer testimony, was questioned pretty thoroughly by my able senior colleague [Mr. ERVIN], and, if I am not mistaken, he was a little tangled up in his testimony. I should say his testimony indicated that his memory was a little bit fuzzy on constitutional law, and, yet, that subject was injected into the

bill which had been presented. I believe Governor Battle said in his testimony prior to this that the staff wrote most of the report anyway.

I continue to read from the hearings:

And referring to proposals in the bills before the committee, he continued:

"Since these other proposals are not within the established judicial framework, they would, I believe, be subject to a more extended and severe legal challenge."

It would appear unnecessary to say more on this phase of the matter except we might comment that in the event these bills are enacted into law, it will be the duty of the Attorney General to defend them and in view of his public statements to which I have referred, he would certainly be in an embarrassing, if not impossible, position before the Court.

Fourth. Although the Commission on Civil Rights is in the executive branch of the Government, it does not appear to be amenable to the President, but, rather, the contrary, for upon the certification by the Commission on the petitions to which I have referred, the President "shall appoint" a Federal registrar. Here, the Commission appears to be superior to the President, for upon its finding, whether such finding is justified or not, the President "shall appoint." He has no discretion in the matter for the language of the bills is definite and explicit.

Mr. HILL. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. HILL. Is it not a fact that in that amendment the finding of the referee, unless the language in the amendment clearly is erroneous, is binding on the Federal judge?

Mr. JORDAN. If that is carried out, a Federal judge is not needed.

Mr. HILL. Is it not also true under the language in the Dirksen-Rogers amendment the referee is given the authority and the powers of a master in chancery, which means, unless the findings of the master are entirely wrong, those findings are absolutely fixed and the judge has no authority to overrule them?

Mr. JORDAN. That is the way I understand it.

Mr. HILL. Is it not true that under the provisions of the Dirksen-Rogers amendment, the motion, so far as the referee is concerned and so far as the judge is concerned, could be entirely ex parte? In other words, any State official or county registrar might have no opportunity whatever to present his side of the case.

Mr. JORDAN. I think that is exactly right. As I have said many times, I am not a constitutional lawyer, and I am certainly not qualified to pass judgment on it, but from a study of these bills that is my clear understanding.

I continue reading from the hearings:

Now, with reference, Mr. Chairman, if you please, to the Attorney General's bill, in an effort to present to the Congress a plan which he could defend, the Attorney General has prepared and submitted a bill which I believe is now before the committee.

This bill is nothing more or less——

The CHAIRMAN. My delay this morning, Governor Battle, I might say, was because of a call from the Attorney General relating to his testimony on Friday—that he would be here tomorrow. He told me that he did not propose to have a bill or ask that a bill be offered embodying the plan that he wanted to testify about tomorrow. So there is no bill presently pending.

Mr. BATTLE. Well, I take it, my comments then on that would be out of order, sir.

The CHAIRMAN. It is really technical because the Attorney General has submitted a memorandum and a proposal. But there is no bill before us as yet.

Mr. BATTLE. I had about completed my statement, sir, and I just had one page on that subject.

The CHAIRMAN. I did not want to interrupt you except to indicate to you that nothing as yet has been introduced as a bill which embodies the Attorney General's plan. However, it is perfectly proper and indeed desirable for you to discuss it.

Mr. BATTLE. Sir?

The CHAIRMAN. I say it is perfectly proper and indeed desirable for you to discuss it, if you care to do so.

Mr. BATTLE. I thank the chairman very much for his consideration. Technically, I presume I am out of order.

The CHAIRMAN. I did not mean to raise the technical point, Governor. I just wanted to advise you that there is presently no bill before us.

Mr. BATTLE. Well, I hope there will not be a bill. The bill, if the chairman please, which was carried verbatim in the New York Times, in the issue of January 27, at which time the Attorney General's statement was carried verbatim, is the statement to which I have made reference, and that bill is nothing more nor less than a refinement of the old act of 1870, as amended, described as the Enforcement Act and generally known as the force bill of Reconstruction days.

It resurrects the specter of reconstruction which those of us who live in the southern portion of our reunited country had hoped and believed had been forever buried. The force bill, which was so obnoxious, was, in 1894, repealed by the Congress by an act which sets out the various code citations of the Enforcement Act, and not being satisfied with that, concludes—the author of this act seems to have been very anxious that he wipe out the whole works, for he concludes:

"All statutes and parts of statutes relating in any manner to supervisors of election and special deputy marshals be and the same are hereby repealed."

The bill of 1870 provides for "supervisors of election." The Attorney General's bill, in an effort apparently to make it more palatable, provides for "voting referees," but their powers and duties are substantially the same.

The bill of 1870, when attacked on constitutional grounds, was sustained by a divided Supreme Court as being authorized under article I, section 4, of the Constitution, which, it will be recalled, provides "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Although the 14th and 15th amendments had been adopted prior to the passage of the bill of 1870, no reference to those amendments was made in the Court's decision. The Enforcement Act, by its terms, operated only in elections for Members of the House of Representatives, and the Court in its decision in *Ex parte Siebold* (100 Supreme Court Reports, p. 393) used this language:

"We do not mean to say, however, that for any acts of the officers of election having exclusive reference to the election of State or county officers they will be amenable to Federal jurisdiction."

Mr. HILL. Mr. President, will the Senator yield for a question?

Mr. JORDAN. I yield.

Mr. HILL. Governor Battle referred to the act creating the supervisors of elections. Is it not true that the act brought out so much fraud, corruption, and dishonesty in elections, particularly in Northern States, that Congress repealed the act in 1894?

Mr. JORDAN. That was the testimony some witness gave, that one could almost buy an election outright. If one had enough money, he simply bought those charged with holding the election and carried the election the way he wished. Things became so corrupt that Congress, even, could not stand it; and it has to get pretty bad for that.

It is further interesting to note, Mr. Chairman, that one of the cases sustaining the Enforcement Act arose from Maryland and the other case came up from Ohio.

The Attorney General's bill further provides, when authorized by the Federal district court, the so-called referees shall attend at any time and place for holding any election in which any person authorized by the court shall vote or is entitled to vote and report to the court whether any such person has been denied the right to vote. He shall also attend at any time and place for counting the votes cast in the election at which any such person would vote and report to the court if any vote cast by such person has not been properly counted. So that under this bill, this Federal referee would be present when the election officials counted the ballots and this even in a State, county, or municipal election.

In other words, a referee could be put in every precinct in the United States, because if he is going to supervise all balloting and the counting of ballots there would have to be at least one, and, in the big precincts, two or three.

We have two, one Republican to watch the Democrat and one Democrat to watch the Republican. There would have to be two in every precinct.

It is difficult to see how this Federal referee could ascertain that the vote cast by the voter he had registered was properly counted, unless he examined every ballot cast, and even then he could not be certain for it is common knowledge that some ballots are thrown out because of improper marking or mutilation.

If I might interpose there, Mr. Chairman, that in the hearings conducted by the Commission on Civil Rights and in its report there is not a scintilla of a suggestion that any vote had not been counted as properly as it was cast.

The Attorney General's bill would, therefore, appear to be objectionable because it would set up two lists of qualified voters. It would deprive the States of their time-honored rights to administer the voting processes. It would authorize the appointment of Federal officials with the right of general supervision over the voting of electors and be at least of highly doubtful constitutional validity in that it embraces within its terms the election of every State and local official.

In my judgment, Mr. Chairman, the present laws are ample to take care of the situation as revealed in the report of the Civil Rights Commission.

I do not for one moment condone conditions such as were recited in the report of the Commission on Civil Rights, but I believe the remedies proposed are worse than the malady, and I am further of the opinion that there is ample legislation already enacted which, if properly invoked, would correct the conditions complained of. I would

refer in this connection to, first, 18 U.S.C.A. 242, which makes it a crime for State election officials willfully to deprive any qualified person of the right to register, vote, or have his vote counted as cast.

Second, to U.S.C.A. 1983, 1985, and 1988, which vests in each citizen the right to sue State election officials for damages or for preventive relief if he is actually denied or threatened with denial of his right to register, to vote, or to have his vote counted as cast.

Third, under the Civil Rights Act of 1957, now 42 U.S.C.A. 1971, the Attorney General may sue State election officials to prevent any qualified citizen from being denied his right to register or vote.

I conclude, therefore, with the statement I filed with the report of the Commission on Civil Rights:

"I concur in the proposition that all properly qualified American citizens should have the right to vote, but I believe the present laws are sufficient to protect that right and I disagree with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers."

Mr. President, I now read the testimony by the Honorable Daniel R. McLeod, attorney general of the State of South Carolina:

Mr. McLEOD. Mr. Chairman and gentlemen of the committee, I am grateful for the opportunity of appearing before this distinguished committee in connection with its consideration by it of S. 2814, S. 2783, S. 2722, S. 2719, S. 2684, and S. 2535.

These bills constitute an unconstitutional and unwarranted attempt to invade the rights of the States, which rights are specifically reserved to the States by the 10th amendment. The right of the individual States to determine the qualifications of those persons who shall be privileged to vote is one of the most zealously guarded attributes of State sovereignty. It is now proposed to entrench upon that cardinal right with the inevitable result that superpowerful Federal registration boards will be created, vested with plenary authority to determine whom a State shall send as its representatives to the Congress of the United States.

The result can only be discord and confusion in the elective process and the destruction of the identity and sovereignty of the States.

It is almost a sufficient answer to these proposals to state that a similar plan of operation was adopted as an outgrowth of the emotional feelings of hatred, and desire for punishment, following the War Between the States; that that plan of operation was in large measure declared unconstitutional by the U.S. Supreme Court; and that the same was ultimately abandoned as unwise and unjust, and because of the evils which it spawned.

It is appropriate to consider the principles governing the application of the 14th and 15th amendments, in that they are the principal source of asserted power for the enactment of these bills:

The 14th amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee (*U.S.* v. *Cruickshank* (23 L. Ed. 588, 592)).

Until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority. Federal legislation cannot properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society.

It would be to make Congress take the place of the State legislatures and supersede them. The legislation which Congress is authorized to adopt is only such as may be necessary and proper for counteracting such laws as the States may adopt or enforce and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking. Legislation should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind (civil rights cases (27 L. Ed. 835)).

When the State has been guilty of no violation of its (14th amendment) provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the laws; when on the contrary the laws of the State, as enacted by its legislative and construed by its judicial, and administered by its executive, departments, recognize and protect the rights of all persons, the amendment imposes no duty, and confers no power upon Congress (*United States* v. *Harris* (27 L. Ed. 290)).

The 15th amendment itself has been considered by the U.S. Supreme Court and the same limitations placed upon its provisions (*James* v. *Bowman* (47 L. Ed. 979)).

It should be remembered, moreover, that the Constitution of the United States gives Congress no power to prescribe the qualification of electors in the States. The privilege of voting is not derived from the United States, but is conferred by the State (*Breedlove* v. *Suttles* (82 L. Ed. 252)). And I interject here the citation which is inserted in the record at this point is supplemented also by an additional case decided in 1951 which arose in nearby Virginia and which was referred to in a communication sent out by Senator Johnston just this week.

Moreover, Congress can only legislate with respect to national elections, or in elections in which some mandate of the National Constitution is disobeyed (*U.S.* v. *Foote* (42 F. Supp. 717), citing *James* v. *Bowman*, supra).

The limits of the Congress power are in respect to elections in which the Nation is directly interested, or in which some mandate of the National Constitution is disobeyed.

The States, therefore, having the right to determine the qualifications of its electors, and the State qualification has been adopted as the Federal qualification for the voter (*Ex parte Yarbrough* (110 U.S. 651, 28 L. Ed. 274)).

In his testimony before this committee, the Vice Chairman of the Commission on Civil Rights states (release dated Jan. 18, 1960, p. 5) that the power of Congress to legislate upon Federal elections is based:

"First by article I, section 4, the Constitution has reserved plenary power to the Congress to legislate upon the 'times, places, and manner of holding elections for Senators and the Representatives.'"

That "time, place, and manner of holding elections" does not embrace the determination of the qualifications of voters is self-evident from the very wording of the constitutional provisions, as well as from the various decisions. From these it is clear that the constitutional phrase has reference to the conduct of an election and the certification of the result thereof (*In re Coy* (127 U.S. 731); *U.S.* v. *Gradwell* (243 U.S. 476, 485); *Scott* v. *U.S.* (3 Wall 642)).

The States, therefore, have the right to determine the qualifications of its electors; and in determining this criterion the States cannot enact legislation in contravention to the 14th and 15th amendments; but the qualifications of the electors, as so determined by the States, are constitutionally adopted as the qualifications of electors for Members of Congress. These measures would deprive the States of their rights to determine the qualifications of their voters.

Such a deprivation of States rights can only be accomplished by constitutional amendment. Such amendment should not be sought by legislative attempts to extend the meaning of "time, place, and manner of holding elections" to include determination of voter qualification contrary to all historic and legal precedent.

Additionally, vesting in a Commission of Federal Registrars the authority to conduct congressional elections is invalid as a patent delegation of legislative power. Congress may, under the Constitution, make regulations or alter such regulations as the States have prescribed for the time and manner of holding elections for Senator and Representatives, but it may only do so by duly enacted laws. It has no authority to delegate its rights in this respect to a Commission of Federal Registrars (*Panama Refining Co.* v. *Ryan* (293 U.S. 388, 79 L. Ed. 446)).

Another constitutional aspect of all of the bills, except one, concerns the power of Congress to determine qualifications of Presidential electors. The absence of any authority in the Congress to legislate upon this subject was tacitly recognized in the testimony given this committee by the Vice Chairman of the Commission on Civil Rights. It is noted also that S. 2535 omits therefrom all reference to presidential electors.

"Congress may not interfere with the method designated by State legislatures for the appointment of Presidential electors" (*Commonwealth ex rel. Dummit* v. *O'Connel* (Ky.) (181 S.W. 2d 691), citing *Ex parte Siebold* (25 L. Ed. 717)).

In the dissenting opinion in *Ex parte Siebold*, Mr. Justice Field placed great reliance upon expressions of Madison and Hamilton in determining the meaning of portions of the Constitution relied upon in support of these bills:

"The power vested in Congress is to alter the regulations prescribed by the legislatures of the States, or to make new ones, as to the times, places, and manner of holding the elections. Those which relate to the times and places will seldom require any affirmative action beyond their designation. And regulations as to the manner of holding them cannot extend beyond the designation of the mode in which the will of the voters shall be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualification of voters. These are matters not pertaining to or involved in the manner of holding the election, and the regulation rests exclusively with the States.

"The greater its (general government's) lawful power, the greater the reason for not usurping more. Unrest, disquiet, and disturbance will always arise among a people, jealous of their rights, from the exercise by

the general government of powers which they have reserved to themselves or to the States."

Now consider what Alexander Hamilton said in the Federalist, bearing in mind that his words were spoken contemporaneously with the writing of the Constitution:

"Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment."

Mr. HILL. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. HILL. Has the Senator not just read from the views of Alexander Hamilton as they were written in the Federalist?

Mr. JORDAN. Yes.

Mr. HILL. Is it not true that had the power of fixing the qualifications of electors not been left absolutely in the hands of the States, we would not have had a Federal Constitution? The Constitution would not have been ratified?

Mr. JORDAN. The people of the States never would have voted for it.

Mr. HILL. Is it not true that a distinguished Senator from North Carolina was one who took a strong stand on the resolution of ratification, insisting and demanding that it be made certain that the fixing of the qualifications of voters be absolutely in the hands of the States?

Mr. JORDAN. I think that is correct. The States took a very firm stand on that question.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. JORDAN. I yield to the Senator from Minnesota.

Mr. McCARTHY. Is there anything in the proposed legislation which would prevent the States from fixing their general standards in regard to qualifications for voting?

Mr. JORDAN. Does the Senator mean in the bill which is now pending?

Mr. McCARTHY. Yes.

Mr. JORDAN. What is the question the Senator asked?

Mr. McCARTHY. I asked whether there is any provision in any of the legislation which has been discussed and which is pending, or legislation which the Senator knows is going to be presented in the course of this debate, which would in any way interfere with the rights of the States to establish voting standards for their own people?

Mr. JORDAN. There is nothing of that kind in the bill as I understand it. I wish to seek the advice and help of my distinguished colleague as to whether there is any provision with respect to the qualifications of voters.

A Federal registrar could come in and change the entire procedure and prescribe who is eligible to vote and who is not eligible to vote, and he could completely throw out the election officials if he so desired in any district or precinct in the United States. This matter does not concern only one State.

Mr. McCARTHY. As I understand, however, he would be compelled in each State to apply the law of that State to all the people of that State. If he went beyond that and discriminated in the sense that he would not completely follow the law in the State, he would be subject to court action.

Mr. HILL. Is it not true that the language of the Dirksen bill provides that unless his findings are clearly erroneous, those findings are binding on the Federal judge? The bill goes further and says his findings shall be on the same footing as those of a master in chancery; and, as we know, under the rules, the master in chancery's powers are such that unless they are absolutely wrong, the findings of the master are just what the word "master" implies.

Mr. McCARTHY. Does the Senator not feel that in the case of the exercise of such a fundamental right as the right to vote it should be the disposition of the law to give a man the right to vote? This should be the first rule; and only unless there are serious reasons for taking them away from him should he be deprived of the right to vote.

Mr. JORDAN. I do not believe that anybody should be deprived of the right to vote. I have never questioned that principle. However, I am thoroughly convinced that there is ample election machinery in every State in the Union to take care of every single case if the States will apply and use the laws they now have. I am not certain that the evidence the Civil Rights Commission took was sufficient, because they were not allowed to question the witnesses, investigate and get all the necessary information. The Federal registrar or referees could completely take over the election machinery in a county, city, or precinct, and the registrar would be the sole judge of who was eligible to vote without carrying the case through any of the State machinery, including the courts. That is the point we are objecting to.

Mr. McCARTHY. The Senator objects also to the procedure which has been followed since the passage of the 1957 act.

Mr. JORDAN. I do not think we should make a bad law worse.

Mr. McCARTHY. Would the Senator agree that the provisions of the 1957 act are acceptable, and that where they have been applied the results have been good?

Mr. JORDAN. We could at least live with that system, but they have not availed themselves of that act to the extent they could.

Mr. McCARTHY. Does the Senator say they could live with the law or the way in which it has been applied?

Mr. JORDAN. The law is ample. I believe the Attorney General in his testimony said he had had only five or six cases referred to him.

Mr. McCARTHY. Four or five.

Mr. JORDAN. So they are not using the law that they have. The Attorney General has ample authority under the law to handle any case if it is brought to his attention. Why give him more authority to go out and hunt people who complain they are being damaged to any great extent?

Mr. McCARTHY. I thank the Senator.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. KUCHEL. I disagree with my good friend from Alabama in the implication which he reads into the provisions of the bill with respect to the appointment by a Federal court of a referee clothed, in the language of the bill at the desk, with the rights of a master in chancery, whose decision, after sifting the facts, will be accepted by the court unless "clearly erroneous." Why not? I ask my good friend, if a Federal court were to find a pattern by which citizens are deprived of their right to vote, why not, in seeking to implement the 15th amendment to the Constitution, give the Federal court the power to appoint individuals representing the court as masters in chancery whose decision, unless "clearly erroneous," would be final? I say that only because I disagree with my friend from Alabama and respectfully say that in my judgment the gravity of the charge clearly warrants the attempt that we make here to rectify it.

Mr. HILL. It is true that under this Dirksen-Rogers amendment greater sanctity is given to the findings of one of these referees than even to a jury of 12 peers. The Federal judge would have much more power to set aside a verdict of a jury or to indicate what that verdict might be, than he would have over any finding of a referee, with greater sanctity given to the finding of a referee than even to a verdict of a jury.

Mr. KUCHEL. I am sure my friend would agree that this is an equitable proceeding. Under the law the court proceeds in equity. To that extent, if the court in proceeding to a determination of final justice uses masters in chancery or referees with the powers of masters in chancery, he is seeking to apply equitable relief in an equitable proceeding. The language of the bill before us lays down the facts which he first must find, namely, that there has been a pattern of refusal to permit qualified citizens to register and to vote. To that extent my friend, able lawyer that he is, knows that the power of the court in an equitable proceeding is inherent in him. And to that extent the court acts on the basis of what the facts are, which he finds himself or through his representative, whom he has appointed to sift and find the facts.

Mr. HILL. Mr. President, would the Senator yield?

Mr. JORDAN. I yield.

Mr. HILL. The Senator knows that in our Federal courts there is no line of demarcation between equity and law, so to speak. One who comes into the Federal court comes with the right to trial by jury. But under this system he does not have any trial by jury. The proceeding be ex parte, with the findings of the referee binding on the Federal judge, unless those findings are clearly erroneous and absolutely wrong on their face.

Mr. KUCHEL. Mr. President, will my friend yield?

Mr. JORDAN. I yield.

Mr. KUCHEL. If my able friend from Alabama were to object to the present legislation on the ground that it was unconstitutional, while I would disagree with him, I would say he was making an argument which I would consider relevant. But does my friend concede that what we, in sponsoring this legislation, are trying to do is in line with the 15th amendment to the Constitution?

Mr. HILL. I think the Congress has long since taken care of that, as I pointed out earlier in my speech to the Senate. I regret that the distinguished Senator could not be here at the time. I cited many laws now on the statute books dealing with the matter of voting, which in every case meet the requirements of the 15th amendment.

Mr. KUCHEL. My friend does not quarrel with the constitutionality of what we are seeking to do here, does he?

Mr. HILL. Yes, I would say this proposal is unconstitutional. It goes far beyond anything ever contemplated at the time the 15th amendment was adopted.

Mr. KUCHEL. My friend knows that what we are trying to do here is based in part upon the civil rights legislation which we enacted 3 years ago.

Mr. HILL. This proposal goes much further than what was done in 1957.

Mr. KUCHEL. Does the Senator feel that what we did in 1957 was constitutional?

Mr. HILL. I think it went much too far. We already had a great many statutes on the books that had not been used and which were certainly as many as were necessary.

Mr. JORDAN. Mr. President, the testimony of Mr. McLeod continued:

The question of voter qualification is a judicial one. Yet this judicial function is by the terms of these proposed measures reposed in appointees of the executive department of the Federal Government. The constitutional impropriety of this is apparent and was recognized by the statement of the Attorney General of the United States dated January 26, 1960.

In South Carolina, we have approximately 546,000 registered voters. Of this total, approximately 480,000 are white and approximately 60,000 are colored.

Mr. Chairman, I interject at this point that up until 1948 there were no compilations of figures by race. But I can speak from personal experience and from consultation with those who have observed it, that since the decisions of the U.S. Supreme Court and the lower Federal courts whereby the primaries were made, in effect, part of the general election machinery and considered as such, that voter registration in South Carolina in the primaries has constantly increased insofar as the colored race is concerned.

I myself have observed it in the lines before the various boards of registration, and although we have no precise figures to go by, I can assure the committee—and I do not think it will be disputed by anyone—that voter registration, insofar as the colored race is concerned, has mounted spectacularly since the decisions relating to primaries was handed down by the courts.

The colored registrants constitute approximately 10 percent of all registered voters. Our laws providing for the registration of voters and the conduct of elections are fairly and impartially administered. Ample safeguards are provided to protect the right to register to vote, even to the extent of a convocation of the Supreme Court of South Carolina in special session to hear an appeal from a denial of registration.

I have served as attorney general of South Carolina for 1 year, and before that I served as assistant attorney general for 9 years. My office works closely with the election officials in the various counties, and I know that I would have immediate cognizance of any complaint relating to the denial of registration, the right to cast a ballot, or to have that ballot counted. Yet in those 10 years not one single complaint has come to my ears officially, or unofficially, whereby anyone has asserted that he has been denied the right to register or to vote.

I have made pointed inquiries of various election officials in the counties with respect to this; I have consulted my immediate predecessor in office, and I have consulted with the secretary of state of South Carolina, the Honorable O. Frank Thornton, who is charged primarily with the administration of the election laws. I am authorized by them to say that they concur in the statement which I now make.

There has been no appeal from a denial of registration in South Carolina. Nor has there been any complaint, even unofficially made, from such denial.

I may interject at this point, Mr. Chairman, that after having prepared that statement, I consulted again with my distinguished predecessor, the Honorable T. C. Callison, of Lexington, and his memory was refreshed and he stated to me after having told me before that in his recollection, after having been in the office of attorney general of South Carolina for 10 years, that there was one complaint that had been made with respect to Williamsburg County. I do not know whether that could be described as a complaint or not. I think it may be of some interest to detail to the committee the only single isolated instance of all of the thousands of people who registered in South Carolina, the only single isolated instance where one complaint, if it can be called that, has been made.

My predecessor states that he remembered that in the elections of 1958 he received a call from a person known as Mrs. Andrew W. Simpkins, or he received a letter from her, relative to the fact that the board of registration in Williamsburg County had apparently refused to register a graduate of Howard University.

Our law, Mr. Chairman, requires that a person be possessed of an assessed value of property of $300 or be able to read and write the provisions of our Constitution.

The facts that came to light after we immediately investigated that were these: that that person, whether he was a college graduate or not, arbitrarily refused to read the provisions of the Constitution when they were put before him. He was unable to show that he possessed the alternative property qualification to be permitted to register and vote.

Mr. Chairman, when I registered to vote, I was required to read from the constitution of South Carolina. Perhaps they looked at me and thought I was not able to read, but nevertheless they required that I read it.

Senator JOHNSTON, my distinguished senior Senator, was undoubtedly required to read a provision of the constitution before being permitted to vote.

I met with the State board of registrars in the hall of the house of representatives in Columbia, S.C., at a meeting that we had with Mr. Frank Thornton, the secretary of state, which he called inviting all registrars in South Carolina to meet there for a general discussion. They asked me to talk to them and answer their questions.

I stated to them then—and practically all of the registrars in South Carolina were present—in response to a question, I stated that every person submitting himself for registration should be required to read and write a provision of the Constitution without exception.

Now, when this person in Williamsburg County arbitrarily refused to read and demonstrate that he could read, and I doubt—I daresay nobody can be charged with ability, by looking at a person, whether he could read or write. When he arbitrarily refused to read a portion of the Constitution, they had no alternative but to reject him.

Nevertheless, we took steps to assure ourselves that this person was in our own view able to read and write, and therefore we told the registration board in Williamsburg County to consider it in that light and they registered him.

Now, as a result of that, Mrs. Andrew W. Simpkins wrote my predecessor a letter dated June 21, 1958, a portion of which I quote now:

"May I extend belated but no less deep appreciation for the immediate action you took in the Williamsburg matter. I was glad to amend my already mimeographed report as I gave it in Washington. A copy of that report is enclosed. Copies of all reports have been read into the CONGRESSIONAL RECORD and will be distributed shortly in printed form. I believe you would be interested in the complete report and to see how favorably we compare with other States in the voting matter. I was happy to be able to make the kind of report that was possible for our State. I sincerely hope that whatever our problems are will be investigated immediately so that we can remain of good repute."

That is signed Mrs. Andrew W. Simpkins, who is affiliated or was at that time affiliated with the NAACP.

That, Mr. Chairman, I repeat, is the only instance in which a denial of registration had been called to my attention, and I have made extensive and exhaustive efforts to find and uncover any complaint being made with respect to the denial of registration in South Carolina.

The Civil Rights Commission report that I have had the opportunity to look at fairly briefly makes no reference to any voter deprivation in South Carolina, and I proceed back to page 7 of my written statement.

Mr. President, I yield the floor.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

Mr. JOHNSON of Texas. Mr. President, much as I regret to do so, I think some of our colleagues who desire the quorum want some of their associates to be present to hear the very fine address I know the junior Senator from Florida [Mr. SMATHERS] is about to deliver.

Mr. SMATHERS. I thank the able Senator.

Mr. JOHNSON of Texas. I must object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the roll.

The Chief Clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 84]

Allott	Gruening	Morse
Anderson	Hart	Morton
Bartlett	Hickenlooper	Moss
Beall	Hill	Mundt
Bible	Hruska	Muskie
Brunsdale	Javits	Pastore
Byrd, W. Va.	Johnson, Tex.	Randolph
Carlson	Jordan	Proxmire
Case, N.J.	Keating	Saltonstall
Church	Kerr	Schoeppel
Clark	Kuchel	Scott
Cooper	Long, Hawaii	Smathers
Curtis	McCarthy	Smith
Douglas	McGee	Wiley
Dworshak	Magnuson	Williams, N.J.
Goldwater	Martin	Young, Ohio

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. CASE of New Jersey. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. It is not in order to move to lay the motion on the table.

The question is on agreeing to the motion of the Senator from Texas.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Colorado [Mr. CARROLL], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Hawaii [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. CANNON], the Senator from Colorado [Mr. CARROLL], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

I further announce that, if present and voting, the Senator from Florida [Mr. HOLLAND] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Connecticut [Mr. BUSH], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Hawaii [Mr. FONG], the Senator from Vermont [Mr. PROUTY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The result was announced—yeas 52, nays 0, as follows:

[No. 85]

YEAS—52

Allott	Goldwater	Morse
Bartlett	Gore	Morton
Beall	Gruening	Moss
Bible	Hart	Mundt
Brunsdale	Hartke	Muskie
Byrd, W. Va.	Hickenlooper	Pastore
Cannon	Hruska	Proxmire
Carlson	Jackson	Randolph
Case, N. J.	Javits	Schoeppel
Case, S. Dak.	Johnson, Tex.	Scott
Church	Jordan	Smathers
Clark	Keating	Smith
Cooper	Kerr	Wiley
Cotton	Kuchel	Williams, Del.
Curtis	McCarthy	Williams, N. J.
Douglas	McGee	Young, Ohio
Dworshak	Mansfield	
Frear	Martin	

NAYS—0

NOT VOTING—48

Aiken	Eastland	Johnston, S. C.
Anderson	Ellender	Kefauver
Bennett	Engle	Kennedy
Bridges	Ervin	Lausche
Bush	Fong	Long, Hawaii
Butler	Fulbright	Long, La.
Byrd, Va.	Green	McClellan
Capehart	Hayden	McNamara
Carroll	Hennings	Magnuson
Chavez	Hill	Monroney
Dirksen	Holland	Murray
Dodd	Humphrey	Neuberger
O'Mahoney	Saltonstall	Talmadge
Prouty	Sparkman	Thurmond
Robertson	Stennis	Yarborough
Russell	Symington	Young, N. Dak.

So the motion of Mr. JOHNSON of Texas was agreed to.

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 0. The motion is agreed to, and a quorum is present.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. SMATHERS. Is there a Senate rule with respect to the attire of a Senator in the Senate Chamber? Do we have such a rule?

The PRESIDING OFFICER. There is nothing in the rules of the Senate with respect to a Senator's attire.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Would a Senator having the proper attire of the Senator from Florida have two votes?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN] to the amendment of the Senator from Illinois [Mr. DIRKSEN].

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. What is the question?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN] to the amendment offered by the Senator from Illinois [Mr. DIRKSEN].

Mr. SMATHERS. Mr. President, I wish to speak on the amendment, unless there is a motion made to lay it on the table.

Mr. JOHNSON of Texas. Does the Senator care about voting on amendments?

Mr. SMATHERS. The Ervin amendment? I would like to speak in behalf of the Ervin amendment.

The PRESIDING OFFICER. The Senator may do so.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the Ervin amendment be read.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, what is the request?

The PRESIDING OFFICER. The request is for the reading of the Ervin amendment. Is there objection?

Mr. FREAR. I object.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from South Dakota.

Mr. CASE of South Dakota. Does the Senator wish to know generally the provisions of the amendment under consideration?

Mr. SMATHERS. I should be happy to have the Senator state them.

Mr. CASE of South Dakota. The Ervin amendment changes the penalty from a potential fine of $10,000 to $1,000, and the possible imprisonment from 2 years to 1 year, or both. Personally I think it is a good amendment.

Mr. SMATHERS. Mr. President, I think it is, too. I hope very much the Senate will vote for it. In view of the fact that the author of the amendment is not present in the Chamber, and in view of the fact that it appears that the present disposition of the Senate would be to vote against this particular amendment, I think it should be explained at some length.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. JOHNSON of Texas. If there is no disposition to vote on the amendment, I ask unanimous consent that my request for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. CASE of South Dakota. I object.

Mr. SMATHERS. Mr. President——

Mr. FREAR. Mr. President, a parliamentary inquiry. Was the clerk instructed to call the roll?

The PRESIDING OFFICER. Does the Senator from Florida yield for a parliamentary inquiry?

Mr. SMATHERS. If I do not lose my right to the floor, I shall be glad to yield to the able Senator from Delaware [Mr. FREAR].

Mr. FREAR. The Senator from Delaware is not very able at this hour of the morning, but he would like to ask the Chair if the clerk was not ordered to call the roll.

The PRESIDING OFFICER. The clerk was ordered to call the roll, but before a response was heard to the call, the Senator from Florida sought and obtained recognition.

Mr. FREAR. Had the clerk started to call the roll before the Senator from Florida was recognized?

The PRESIDING OFFICER. Until response is made by some Senator on the rollcall, it is not considered that the call has been made.

Mr. FREAR. I respectfully make another inquiry of the Chair?

The PRESIDING OFFICER. The Senator will state it.

Mr. FREAR. Is the present occupant of the Chair sure he did not hear a response?

The PRESIDING OFFICER. The present occupant of the Chair regrets to announce that he did not hear a response.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Minnesota with the same understanding.

Mr. McCARTHY. What is the status of the request for a roll call on the amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the Ervin amendment. Further debate is in order on the amendment.

Mr. McCARTHY. I thank the Senator from Florida.

Mr. SMATHERS. Mr. President, with the respect to the Ervin amendment, I, like many other Senators present, would be expected to vote for it because it has as its purpose the diminution of the penalty provisions of section 1 of the so-called Dirksen amendment supplementing section 1503 of title 18 of the United States Code, the obstruction of justice statute, by adding a new section which would subject any person to a fine of $10,000 and imprisonment for a period of 2 years or both for any act interfering with a court order relating to desegregation of schools. Obviously, this is an overstringent penal provision and should be diminished. As a matter of fact, the whole section under the so-called Dirksen substitute, in my humble judgment, is without validity, undesirable and certainly without need.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

The Chair hears none, and it is so ordered.

Mr. SMATHERS. Mr. President, I did not hear the request.

Mr. JOHNSON of Texas. I asked that the order for the yeas and nays on the amendment, since it is not going to be voted on tonight, be vitiated.

The PRESIDING OFFICER. Without objection, the order is vitiated.

Mr. SMATHERS. Mr. President, yesterday at this same time in the morning I had the privilege of being present on the floor and seeing so many of my colleagues interested in the subject of civil rights by carrying on a very lively debate at times. One of the things which disturbs me tonight is that I do not see any of my friends who are announced and unannounced candidates for the Presidency of the United States.

I have the somewhat great privilege of running in my own State as a favorite son. This issue of civil rights, of course, is an important issue to people all over the country, and certainly it is to the people in my own particular State. And I somehow have the idea that possibly on these quorum calls, even though they come at 4:30 in the morning, it would be very helpful to this debate if we could have with us all of those men, one of whom will in the near future, I believe, guide the destinies of our country. I think it would be very helpful if a number of them could be here to participate in what I consider to be a very informative and very instructive discussion.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Kansas.

Mr. CARLSON. Mr. President, I am delighted to know that the distinguished junior Senator from Florida is available for the Presidency of the United States and that he is the chosen candidate of the State of Florida. I, as junior Senator from Kansas, and a Republican, am not consulted as to who their nominee will be. But I wish to state that the Democratic Party could do worse, and probably will, than nominate the Senator from Florida.

Mr. SMATHERS. I am very grateful for the endorsement of the able Senator from Kansas. My only trouble is that he probably will not be able to vote for me. Unfortunately, some of those who might be interested in advancing my candidacy are outside of the State. I must say in all candor that I am not a serious candidate. This was a move taken by the people of our State in light of the fact that we were fearful that one of the candidates would come into our State and walk off with an endorsement which would not be reflective of the desires and wishes of the majority of the people of our State. It was only under those circumstances that we agreed to have a favorite son candidate.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. I want to join heartily in the sentiments expressed by the distinguished Senator from Kansas. We all do feel that the able Senator from Florida is at least technically in the field. But the purpose of my interruption is that I was not quite sure I understood what the able Senator said just a few minutes ago in expressing regret that he did not see in the Chamber the announced and unannounced candidates for President of the United States. I thought he overlooked the fact that at that particular moment the distinguished majority leader, the Senator from Texas, was in the Chamber, and not very many feet away from him; and second, I thought he was being very loose with his observation when he said he did not see any unannounced candidates.

Mr. President, I do not suppose there is a Member of the Senate who is not an unannounced candidate for the Presidency or for something else. Therefore, I think the Senator should revise his remarks on those two points.

Mr. SMATHERS. I happily accept the correction of the able Senator from New Hampshire. First I completely agree with him that the able majority leader, the Senator from Texas, is a very considerable candidate. I thought that I was stating—and if I did not, I would want to state—that I regretted that all of the candidates for the Presidency were not here. I would not want it said that I did not see any of them, because certainly many of the people in our State look with great favor upon the candidacy of the Senator from Texas. I did not by my remarks intend to exclude him in any fashion. He is indeed one of the major candidates of the Democratic Party.

With respect to the unannounced candidates, I remember very well that at one time it was proposed that the presidential candidate be selected from the United States Senate. At that time I think there were some 50 Members of the Senate, who proceeded to have a trial run on the matter. It turned out that they nominated 52 different candidates. So it can only be concluded that

residing secretly and deeply within the heart of every Senator somehow is the conviction, if not the desire, that each individual Senator could probably fill the Presidency better than any of his colleagues.

In any event, I would agree with the Senator from New Hampshire that I should not have excluded the unannounced candidates. I wish only that every Senator could be here, to hear discussed all the facets of this particular civil rights issue.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the able and distinguished Senator from Arizona.

Mr. GOLDWATER. I might suggest to my friend from Florida that if what he hopes should happen, that is, that all of the announced and unannounced candidates were present, there would be a much higher attendance.

Mr. SMATHERS. I completely agree with the able Senator from Arizona. We would probably have almost a 100 percent attendance.

Mr. President, I do not by my remarks intend or wish to put any of my good friends seeking the presidential nomination of the Democratic Party under the gun in this respect. It is now 4:55 in the morning. I understand several of them are out over the country seeking for themselves delegate strength for the Democratic National Convention. It may be that they have a right to believe that what they are doing at the moment is considerably more important to them—and they may even believe more important to the country—than that which we are doing here at the moment. Of course there are those of us who feel that nothing is more important than that which we are doing, and I happen to be one of them. But I would not want to have it thought that I was attempting to pass judgment on them or was in any way criticizing their conduct. My remark fell under the heading of facetious remarks.

Mr. President, in my remarks of yesterday I stressed the point that the pending legislation is without doubt politically inspired. Adequate laws already exist on the statute books to enforce civil rights of all our citizens. The recent decision of the Supreme Court in the Raines and the Thomas cases, which I will refer to later in my remarks, has already substantiated the view of many of us that the Attorney General of the United States has adequate power to enforce the voting rights of citizens who may be discriminated against under the civil rights legislation passed by the Congress in 1957.

What then, Mr. President, can be the purpose of this legislation other than that of political opportunism? And in order to achieve that goal there are those among us who are willing to tear asunder the last vestige of the sovereign power of our States. I am sure that if those who sponsor this legislation fully realized its impact they would seek some other method of providing their political opportunity than to choose the magic words "civil rights."

I am sure they would not choose the magic, and I think now the too often hackneyed, words of "civil rights." Like everybody else, I believe in basic civil rights. But I do not think that this particular proposal now under consideration qualifies to be entitled a civil rights bill.

I was remarkably impressed by the testimony of the assistant attorney general of our State when he appeared before the Subcommittee on Constitutional Rights concerning various civil rights proposals which were then being considered. The views which he expressed on these proposals, which are for the most part embodied in the pending legislation, coincide very much with my thinking, and I desire to associate myself with these remarks.

Because of the excellent reasoning throughout Assistant Attorney General Odum's statement, I believe it to be of such importance as to be set forth in the RECORD in its entirety, which statement, by the way, appears on pages 486–491 of part I of the hearings. At that time he had this to say:

> We recognize that it would be impractical to undertake a detailed legal analysis of each of the 17 Senate bills relating to civil rights now being considered by this committee.
>
> We have considered the following proposals: Senate bills 188, 73, 125, 121, 122, 124, 956, 957, 959, 958, 123, 435, 960, 499, 456, 810, and 955. There may be additional Senate bills which have been introduced of which we are not aware.
>
> A casual reading of some of the bills in question stimulates serious doubts as to their constitutional validity. As to these specific acts, we will subsequently make reference.
>
> Although it is to be presumed that the courts would in due time correct unconstitutional enactments, we believe that Congress would not wittingly adopt laws which cannot be sustained and could only result in unnecessary litigation which would do harm to the public in general.
>
> We think the more immediate and urgent questions involved relate to the necessity and wisdom of the whole group of legislative proposals confronting you.
>
> I believe that when the information developed by the Federal Civil Rights Commission is made available to you it will indicate that in areas such as Oklahoma, where some school integration has been accomplished peaceably, it resulted from the efforts of local citizens.
>
> In all likelihood, the outside influence, if it had existed, of Federal agencies and funds as contemplated in some of the bills before you, would have acted as a deterrent in solving the problems involved in those areas. The logical effect of Federal administrative pressure exerted from the outside would have been to relieve the local community of responsibility and to create feelings of resentment among local people.
>
> We are pleased to endorse and support some of the statements in this regard which Attorney General William P. Rogers is reported to have made to the House of Representatives Judiciary Subcommittee on March 11.
>
> According to the Washington Post and Times Herald of Thursday, March 12, 1959, Attorney General Rogers told the committee:
>
> "It might do more harm than good at the moment to give the Justice Department power to initiate court suits to force school desegregation.
>
> "We have to be pretty mature in our judgment as to whether legislation which seems to help civil rights really would have that effect. I doubt that part III would now."

He had reference, of course, to the bill in 1957.

> The image of the Federal Government trying to dominate the States could tend to harden resistance. In light of Virginia's experience, I think we should keep our minds open and wait.

Mr. President, there is no doubt in anyone's mind that as the Federal Government moves further and further into this field of endeavoring to enforce an alleged civil rights program, it has the inevitable effect of hardening resistance.

I believe that the statement of the junior Senator from Louisiana [Mr. LONG], made either last night or the night before last—it is difficult to remember just when it was, as he talked for approximately 10 hours—was to the effect that there has been a continued increase in Negro registrations in his State, since 1947, of about 200 percent a year, until the Civil Rights Commission moved into his State and began to conduct these hearings and began to create the image of a Federal bureaucracy, telling the people in the area how to run their business in this regard, is significant. He pointed out that thereafter, as the Attorney General of the United States had predicted, the resistance began to harden to the point that actually the rate of increase in Negro registration dropped from that high percentage, which had been the pattern for the past 10 years, to a point where, in 1957, 1958, and 1959, the average Negro increase in registration was only around 6,000.

Mr. President, I believe this proves the verity and validity of the statement made by the Attorney General of the United States, when he said he recognized that if the Federal Government endeavors to move into this field and force these issues, rather than accomplishing more civil rights—and I use that phrase loosely and in the connotations of the sponsors of civil rights legislation—less civil rights will result.

I believe the same is somewhat true in my own State of Florida. We have had an enormous increase in the number of Negroes who have been registering and participating in our elections. We have encouraged it.

There is no man who offers himself for statewide office in our State who does not have, as an integral part of his campaign committee, some respected Negro who sits with him and advises with him on the importance of getting more Negroes registered and getting them to participate in the election, and, wherever possible, getting him to vote for the particular candidate.

We have seen the number of Negroes registered in Florida jump from some 47,000 in 1949 to over 155,000 in 1959. I must admit that the rate of growth was much more rapid in the days before the Civil Rights Commission undertook its labors than it has been since, even though the Civil Rights Commission in its travels around the United States in recent years did not come into the State of Florida and attempt to hold any hear-

ings. Apparently they did not do so because they could find no reason for it.

There are 844,000 Negro citizens in our State, according to the latest census. I assume that there are considerably more now. When the Civil Rights Commission wrote to the leaders of our State requesting that they advise the Commission as to whether there had been any complaint filed with respect to any individual being deprived of the voting privilege, my information is that there were less than 14 complaints. I understand further that those 14 complaints were not vouched for or supported by any additional evidence.

Mr. President, when only 14 complaints are made, with a Negro population of 844,000, I believe that the State of Florida, as any State should, is privileged to take off its hat and take a bow and say that under no stretch of imagination could anyone construe in any fashion whatever, that anyone was endeavoring to keep a Negro citizen or, for that matter, any citizen from fully participating in his basic right to vote in our State.

"I'm not in favor of proceeding slowly," said Rogers. "I'm in favor of proceeding as fast as we can, intelligently. Sometimes progress can be made faster without litigation. If you have everyone in a State against you, you can't do much law enforcement that isn't pretty disastrous."

We also heartily endorse certain statements attributed to Secretary of Health, Education, and Welfare Arthur S. Flemming when testifying before the same House subcommittee on March 12. According to the Washington Evening Star of March 13, 1959, Secretary Flemming "warned yesterday against legislation that would give the executive branch of the Federal Government direct responsibility for carrying out the Supreme Court's school desegregation decision * * *. Mr. Flemming also expressed opposition to cutting off Federal aid for States still practicing segregation.

In other words, what Mr. Flemming recommended at that time was directly in opposition to the particular proposal which the Senator from Illinois [Mr. DIRKSEN] has in his so-called Dirksen substitute, containing a proviso which would grant to those States which participated in the desegregation movement a special benefit and aid from the Federal Government while, at the same time, denying similar attention and aid to those States which, in the mind of the Attorney General, are not cooperating in this move of desegregation.

Mr. Flemming came out completely against that type of legislation and completely opposed that theory of legislation.

The Health, Education, and Welfare official said the Supreme Court's decision left Federal district courts the responsibility for determining the speed of desegregation and that in his opinion it should remain there. "Frankly, we are opposed to any action that would shift this responsibility to the executive branch," Mr. Flemming testified.

Both Attorney General Rogers and Secretary Flemming apparently did speak in support of other civil rights proposals such as financial and technical assistance to communities upon their request in carrying out school desegregation.

We respectfully suggest, however, that the same logic which prompted caution on the part of both officials on some phases of the civil rights legislation is equally applicable to all of it. In other words, we think all of the proposed legislation on civil rights under present conditions will do harm and not good because it will create "the image of the Federal Government trying to dominate the States."

We would also like to commend the statement made by Dr. George Marion Johnson in the Washington Evening Star of March 11, 1959: "Named yesterday by President Eisenhower to the Civil Rights Commission to fill the vacancy created by the death of J. Ernest Wilkins, Dr. Johnson is a realist on racial questions who has recognized that laws are not, as he put it, 'the ultimate answer to the problem.' * * * Dr. Johnson places major importance on 'keeping open the lines of communication' between the races in the hope that differences may be ironed out through negotiation and understanding."

Mr. President, on that particular point, I should like to digress from my text for a moment to say that one of the unfortunate aspects of the so-called civil rights legislation is that, invariably, extremes beget extremes. One side begins to make great charges and the other side, countering those charges, comes back from time to time with very extreme defenses.

I have reason to believe, as the able senior Senator from Georgia has stated, that somebody is promoting, at the same time that the civil rights debate is going on in the U.S. Senate, various so-called sitdown counter strikes in restaurants throughout the South. I cannot help but believe that as this movement grows, the situation will grow more serious; that patience will be tried to an even greater extremes; that prejudices on both sides will become hardened; and that the lines of communication between the Negro race and the white race will once again be strangled and eventually disappear. I think we are beginning to see these lines of communication grow less with the result that rather than breeding better racial understanding, rather than making it possible for sensible people on both sides of this issue to get together and resolve their differences as reasonable and civilized people should do, this type of action makes it more difficult because it will break down the method of communication between the peoples who are involved.

Realizing the importance of the position of all three of these Federal officials in an administration committee to school integration, we think it significant that they have felt impelled to caution against some of the precipitate coercive legislation now being proposed.

If Abraham Lincoln were alive today and confronted with the problem he might make the same remark which he actually did make to C. A. Dana in 1865: "When you have got an elephant by the hind leg, and he is trying to run away, it's best to let him run."

We have not attempted to brief the constitutional aspects of all the bills in question but we do think it appropriate to point out the obvious defects and fallacies in some of the bills.

Senate bill 810 undertakes, among other things, to appropriate $40 million a year for the next 5 years for grants to areas where desegregation in public education is being carried out.

These grants are to be made "on such terms and conditions as the Secretary shall prescribe."

They may be made for the "construction, enlargement, or alteration of school facilities * * *," or for "other costs directly related to the process of eliminating segregation in public schools, including the replacement of State payments to a school district or other political subdivision withdrawn because the applicant district or subdivision is eliminating, or is starting to eliminate segregation."

The bill authorizes the Secretary of Health, Education, and Welfare to make plans for desegregation and after public hearings, to promulgate said plans. If the local school officials do not carry out the plans, the Secretary can turn the matter over to the Attorney General and he in turn is authorized to institute a suit against State or local officials or any individual acting in concert with such officials to enforce compliance with the approved plan.

The act further authorizes the Attorney General to bring suit in the name of the United States in behalf of anyone who complains that he is being deprived of his right to equal protection of the law by reason of race, color, religion, or national origin against any individual.

Mr. McCLELLAN. Mr. President, will the distinguished Senator yield to me for a question?

Mr. SMATHERS. I am happy to yield to my very able friend from Arkansas.

Mr. McCLELLAN. Does the distinguished Senator from Florida agree with me in observing that the clock says 5:21 a.m.?

Mr. SMATHERS. I do.

Mr. McCLELLAN. Does the Senator also observe with me that there are only two Members of the Senate on the floor, save and except the Presiding Officer and the Senator from Florida?

Mr. SMATHERS. I regrettably so observe.

Mr. McCLELLAN. I think we should keep the record straight, Mr. President.

Mr. COOPER. Mr. President, another Senator has entered the Chamber, the Senator from California [Mr. KUCHEL].

Mr. McCLELLAN. That makes four Senators, in addition to the speaker.

Mr. SMATHERS. I think it is regrettable that not more Senators are present, but I must say that so long as we have no more than four, I am delighted with the caliber and the quality of the four who are present.

Mr. KUCHEL. Mr. President, I should like to express my gratitude to my friend. I was called from the Chamber temporarily, but to be here at this hour of the morning, in company with able Senators, good friends, is a comforting thing.

Mr. SMATHERS. I very much appreciate those comments. It is regrettable more Senators are not present at this hour of the morning, when it is customarily very quiet and one can have an opportunity to delve into the real meanings and nuances of problems of the magnitude of the proposed civil rights legislation.

I am delighted, however, that while we do not see many Senators on either side of the aisle, we do have such able Senators present as the Senator from Kentucky, whom we all respect and admire greatly; that very charming, intelligent, and very handsome, young Senator from California, the minority whip and acting minority leader, whose contributions on this as well as other subjects are always greatly appreciated; and of

course, the able senior Senator from Arkansas [Mr. McCLELLAN], in whom we all took great pride recently, when he was given the Freedom Foundation Award for his great contribution to the citizenship program of the United States, which undoubtedly resulted from his very courageous and magnificent work in connection with conducting the hearing of the Committee on Government Operations, which developed, unfortunately, some of the tie-ups between labor racketeering and certain officials, and some evils which were going on in labor and management relationships.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to my able friend from Kentucky.

Mr. COOPER. I am very happy that I am present at this hour of the morning and have an opportunity to listen to the very learned argument of the Senator from Florida on this important proposal. What the Senator says about being a candidate for President—he has said he is not a serious candidate—prompts me to say that I think we are very fortunate, at 5:25 in the morning, to have a candidate for President who will come to speak to us. I feel honored.

Mr. SMATHERS. I very greatly appreciate the statement of the Senator from Kentucky. My only regret is that more people do not feel that way.

I continue reading:

As noted earlier, the Attorney General of the United States has indicated his opposition to such power being placed in his office. In effect, it would provide free legal services by the Government in any dispute between individuals involving religious or racial differences and would tend to foster even more bitterness than already exists.

We think this act goes far beyond the ruling of the U.S. Supreme Court in the Brown case, which simply said that children could not be denied admission to public schools because of their race. It goes far beyond the provisions of the 14th amendment and completely ignores the 10th amendment.

Its ultimate effect would be to place the Federal Government in the position of dominating the public school system and interfering in the private lives of the people in the various States—an image which caused the Attorney General of the United States to speak out firmly against such legislation.

Senate bill 955 provides that "whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of right or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than 2 years or both."

Under this act, a newspaper editor could be fined $10,000 and sent to prison 2 years for writing an editorial in which he criticized an integration plan adopted by the local school officials and approved by a Federal court if he threatened to oppose the officials at the next election.

Actually, in my judgment, he would not even have to threaten to oppose the officials at the next election. According to the language of the bill, all he would have to do would be to write an editorial in which he opposed a proposal for integration at the local school, and it could be then considered that he was impeding the order of the court. I looked up the meaning of the word "impede" in the dictionary the other night, and it said "to hinder," and had various other synonyms which were of about the same quality. There is no doubt in my mind that some judge who would want to make it difficult for those who had beliefs with respect to desegregation could, merely on the basis of the editorial alone, conclude that the editor was impeding the order of the court, and hence the editor could be found guilty of a violation of this section, which would subject him to a $10,000 fine and/or 2 years imprisonment.

I continue to read:

This is inconsistent with time-honored procedures and authority of courts to punish persons for contempt.

It seems to us that it must surely be at variance with the first amendment to the Constitution which provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof: or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Senate bill 956 makes it a Federal crime to move in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public, or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense.

Senate bill 188 makes it a Federal crime to possess or transport explosives with the knowledge or intent that they will be used to destroy buildings and personal property for the purpose of interfering with the use for business, educational, religious, charitable, or civic objectives.

Laws such as these appear on the surface to be desirable. Certainly no good citizen is sympathetic with the terrorist who strikes against helpless people or destroys churches and schools.

The people of Florida are well aware of the threat these crimes present to our society and freedom and they demand that every effort be made to apprehend the criminal and to punish him severely.

The mayor of Jacksonville is working with the officials of other southern cities in an effort to deal properly with the problem and to secure the prompt prosecution of these criminals.

Our Florida Sheriffs Association has asked the Florida Legislature which convenes this spring to enact more stringent laws to facilitate the apprehension of this kind of loathsome criminal and to make the crime a capital offense. Florida prosecuting attorneys have made a similar recommendation. We believe the other Southern States are moving in the same direction and that there is no valid evidence of a breakdown of local law enforcement in this regard.

In the absence of a showing that the States are shirking their duty to enforce these criminal laws, there can be no more excuse to make them the responsibility of the Federal Government than other types of heinous crime such as murder, rape, or organized gambling.

There is no evidence of an interstate aspect to the crimes in question although there definitely is in the case of organized gambling which investigations of your own committees have disclosed to be operated by national crime syndicates which move at will across State lines. We think it peculiar and a reflection on the integrity of our State government that the crime of bombing churches and schools should be singled out as a Federal responsibility.

Mr. SMATHERS. Mr. President, I know of no one in our State who would condone this type of desecration of any educational institution or any religious institution. As is pointed out in my remarks thus far, the basic objection which we have to a proposal of this type is that the proposal singles out educational and religious buildings, whereas, it should be a crime to desecrate, damage, or destroy any building, whether it is public or private in character. Certainly, if people who have such devious or criminal minds, would desecrate any religious building or any educational building, would not in my judgment, stop at such desecration but would bring about similar trouble by destroying public or private buildings of any character. If we are going to endeavor to stop this kind of thing and make it a criminal offense and place the responsibility for policing that crime in the hands of the Federal Government, it would appear that we should make this application of Federal authority apply to all buildings and in all instances in which such action occurs, and not limit it in its scope to buildings which have to do with education or with religion.

The second reason we object, as we are pointing out here, is that there is no need for it. As we are demonstrating it in our State—I think it is equally true in every other State—the State officials, the State sheriffs, and the local police in the community throughout the Nation are effectively able to stop this kind of desecration, and until there is some evidence of a breakdown on the part of local law enforcement and State law enforcement, certainly there is no excuse to try to move the Federal Government into a field which has historically and uniformly been the field of local government and State government.

I continue reading:

We think Mr. J. Edgar Hoover, who heads one of the most efficient and highly regarded law-enforcement agencies in the world, has well expressed these thoughts and the dangers of a consolidation of police power in his letter of January 1, 1953, to all law-enforcement officials.

In his letter, Mr. Hoover said: "In the December 1952 issue of the FBI Law Enforcement Bulletin I discussed some of the reasons why any move to centralize police powers in either a State or a Federal agency is unnecessary. It is also my belief that proposals of this kind are ineffective, unrealistic and, ultimately, dangerous substitutes for the democratic methods of police work now in use.

"When any plan leading to consolidation of police power is advanced we will do well to examine it carefully, no matter from what

source it originates. Close examination may lead to the discovery of certain basic defects which the proponents of such proposals habitually overlook in their zeal to install an overall law-enforcement agency.

"One of the results most evident is that the authority of every peace officer in every community would be reduced, if not eventually broken, in favor of a dominating figure or group on the distant State or National level. That official or group might be given the power by law to influence or dictate the selection of officers, the circumstances of their employment and the decisions they make in arresting and prosecuting those who violate the law.

"The excuse often advanced to justify this request for supervisory authority is that it is necessary to correct deficiencies in local law enforcement. Inasmuch as the officer in the community may fail in the proper performance of his duty by falling victim to certain pressures and temptations, the higher arm of Government must have the power to take over the job and do it right. This is a novel argument. It assumes that those who hold the reins of higher authority spring from a different breed not subject to the subtle influence of money and corrupt politics. While this may be true in any given case, experience gives us little basis for expecting a constant succession of such conscientious public servants. Should the overriding power of law enforcement be held by a corrupt official, he and his superiors could just as easily reduce, rather than increase the effectiveness of the local peace officer by subjecting his work to corruption from above in addition to that exerted below.

"A subordinate status for the community peace officer is the exact opposite of what we now require for better law enforcement. Our paramount need at this time is to give the local officers an opportunity to fairly and honestly exercise the authority which they now have by stripping off the apathetic public attitude and corrupt political control with which some of them are shackled. If these fetters are removed, the overwhelming majority of our officers will lack neither the ability nor the desire to enforce the law properly in the areas which they serve. The way to loose the bonds is by citizen action in the polling places and other public opinion forums available to every community, not by subordinating the sheriff or policeman to some higher authority whose decisions are just as likely to be a reflection of public morals, good or bad, as those of the local officer.

"Proposals to centralize law-enforcement authority can be quite unrealistic; they tend to assume that either the State or Federal Government can and should do for each community what the people of that city or county will not do for themselves. This is a somewhat naive view of the problems involved in enforcing the law, a view based on the fallacious assumption that in the Government there exists some magic method by which all good things can be accomplished, regardless of the will and the responsibility of the people. This is not the case. If the majority of the communities in a State are unable to enforce a law, either directly as a result of widespread disobedience or indirectly from public apathy, we have no reason to believe that some higher authority will be more successful. Federal experience during the prohibition era is strong evidence bearing on this point. The basic power of law enforcement still resides in the citizens of this Nation; without their cooperation no agency of government, whether local, State, or Federal, can do the job well."

Mr. President, I digress from the statement of Mr. J. Edgar Hoover, Director of the FBI, to say that is exactly why some of the proposals with respect to so-called civil rights legislation in the South are in fact meaningless unless we have the cooperation of the people, unless we have the will and the desire on the part of local law-enforcing agents to do the job, and unless the general climate in the area in which the law is sought to be applied is such that the people seek to cooperate in the accomplishment of what the law seeks to accomplish, or, in this instance, seeks to avoid. Then there is no meaning to the law and it will not be enforced and it will not be realized, and as Mr. Hoover so ably points out, unless there is present the type of climate in which the people are desirous of cooperating in the law-enforcement work, the law will not be enforced. Certainly in the Southern States the vast majority of the people do not want the so-called civil rights legislation. They do not think it is needed.

They think it is an undue burden on them. They think it results in the efforts of some people to punish them, with the result, as Mr. J. Edgar Hoover so well points out, in such instances that these laws if adopted—and certainly we hope they will never be adopted—will be meaningless and irksome statutes on the books which, in my judgment, will have no great effect other than to worsen the situation rather than to help it.

Mr. McCLELLAN. Mr. President, will the distinguished Senator yield for a question?

Mr. SMATHERS. I am happy to yield to my able friend from Arkansas.

Mr. McCLELLAN. First, the distinguished Senator has said that such laws are not needed; second, they are not wanted; third, they will not be enforced. Since that is the case, the proposed legislation is only a political play more than a constructive effort on the part of the Congress to legislate for a wholesome effect and influence upon the country.

Mr. SMATHERS. I completely agree with the able Senator from Arkansas, and I have begun to conclude that the proponents of this legislation realize that the greatest benefit which can result, the only benefit which can result by reason of this proposed legislation, is some possible political benefit. I cannot help but feel that the legislation is completely politically inspired, for if the proponents of the legislation wished to reconcile differences between the races and to make it possible for all of us to live together in unison and harmony, as the Senator from Arkansas [Mr. McCLELLAN] knows is the case in his State and as I know it in my State, the proponents would realize that we cannot bring about that condition by what amounts to enforcement through punitive legislative fiat. We aggravate differences. We accentuate enmities. We destroy what friendship previously existed. That is what this type of legislation will do. Therefore, I completely agree with the Senator from Arkansas that it is politically motivated, and that the only result will be that in one of the key States in the North someone may believe that he will get all the Negro vote by virtue of this legislation, and thereby he may be successful in winning an election.

Mr. McCLELLAN. Does the Senator agree that acts which aggravate a situation are not conducive to a reconciliation of differences?

Mr. SMATHERS. I completely agree with the able Senator from Arkansas in that statement. It aggravates the situation; it makes it worse.

Mr. McCLELLAN. Does the Senator agree that it prolongs the day and time when there will be an understanding and a relationship between the races which is compatible with their living together in peace and tranquillity?

Mr. SMATHERS. There is no question about it. The only way in which the races can live side by side in peace and harmony is, as I stated earlier, by keeping the lines of communication open, at all times allowing one group to sit down with the other, to discuss and resolve differences which might arise, and the creation of respect on the part of one group of people for the other group of people, in a cooperative effort to meet together the problem which exists.

I know of no one in the South who does not recognize that this whole problem is a major one and one to which we must give our best energy and our best thought. It is also one which we have learned from bitter experience will be answered only when people of good will and tolerance get together and endeavor jointly to solve it. It will not be solved by the passage of law or the importation of Federal authority, the importation of Federal troops, in an endeavor to cram down on any people the judgment of other people who live hundreds and in some instances thousands of miles away from the problem and who know very little about it. Such action as is envisioned by this proposed legislation can have as its result only a further widening of the breach and destruction of the lines of communication, the aggravation of enmities, and I think the postponement of the solution of the problem. I thank the able Senator for his contributions.

I continue to quote the statement of Mr. Hoover:

"It may be argued in defense of these proposals that no such power in the State or Federal Government was either assumed or intended—that the authority proposed is to be used only in a limited and occasional situation where local law enforcement has broken down. This argument is not reassuring; it is little more than a promise that the power requested will not be abused. We had better catch the malefactors with the statutes now available to us rather than fasten another control over every community in order to fashion a new trap for improper law enforcement in a few of them.

"The most compelling argument against any move toward a centralization of police power is the danger which it represents to democratic self-government. We should not be misled by urbane representations that the power is limited and will be sparingly used. While this may well be the honest intention of those who first advance the proposal, we have good reason to fear a different result. Experience teaches that power once granted to a sovereign authority is seldom relinquished, more often used to

the hilt and extended in scope. It may be a tool of great value when used only for the public good but it can become a vicious weapon in the hands of one who is corrupt. The judgment of history is on the side of those who take the skeptical view."

We have quoted Mr. Hoover at length because his statement is of far-reaching importance.

I believe his convictions on the necessity for keeping responsibility fixed at the local level have made a greater contribution to law enforcement in this country than any other single factor during the shifting political tides of the past several decades.

I think his clarity of understanding of the function of the Federal Government in its relations with local law enforcement agencies is the cornerstone on which the Federal Bureau of Investigation has been successfully built.

We think Mr. Hoover's logic and fundamental concern in fixing responsibility for good government at the local level should be recognized and adhered to, not only in the field of law enforcement. It is equally important in every other area of governmental activity and responsibility.

His statement that "the most compelling argument against any move toward centralization of police power is the danger which it represents to democratic self-government" should never be forgotten whether we are considering the civic duties of policemen, school officials, farmers, or any other American.

Although in many respects we people in Florida, like people everywhere, have "looked at each other with a wild surmise" during the last few years and now we stand "upon a peak in Darien," we feel that in due time we can adjust to this brave new world. But we can do it better without the image of Federal domination or the hair shirt of emotionally inspired Federal laws.

We survived Reconstruction and the social adjustment of the past 90 years with the aid of a wise and fair legal doctrine called separate but equal.

Now that this has been denied us, by reversal of the U.S. Supreme Court of its own well-established precedent, we must find a new way for our people who share the same land but not the same cultural standards, to live together peaceably with a common respect for virtue and mutual tolerance of each other's faults.

With respect to education, we do not know what the answer will be but it may prove to be a combined system of public and private schools. We do not feel that any of the laws proposed here will help and we are sure that some of them will do harm.

We have weathered through the day of the carpetbagger, the times of famine, hurricanes, freezes, high water, and more recently burrowing nematodes, and the NAACP. We are not dismayed and we think Florida has a great future for all our people of every race.

Finally, I believe that racial tolerance and social acceptance must necessarily be freely given and graciously received. They result from the efforts of the humanitarian, not of penal codes.

There is reason to think that the yeast of discontent in our dealings with one another is at work throughout the land. But yeast is a delicate substance, easily killed if heated too fast and the loaf will not rise without it.

Many of us feel that the U.S. Supreme Court has made a grievous error in its school integration decision. Although we respect the Court as an institution of Government, we do feel free to criticize its opinions. We believe that the right of the people to disagree and to criticize is an essential safeguard to the integrity of a free and just Court.

We hope that Congress will not compound the error of the Court with unwise, unconstitutional, and unnecessary enactments which may destroy the patient efforts of those who value democracy more than their personal longings and private prejudices.

In that connection, Mr. President, I was reading an editorial in the Washington Evening Star yesterday—apparently I do not have it here. It referred to the New York Times and editorial writers of other papers who have been criticizing southerners who had themselves been criticizing the Supreme Court for its decision in the Brown case. The Evening Star pointed out that this great liberal instrument, the editorial page of the New York Times, was now, in equally vehement and unrestrained language, criticizing a decision of the Supreme Court. Justice Tom Clark ruled in this most recent decision, with the concurrence of a unanimous Court, that a State had authority to fire an employee merely because he refused to testify before a congressional committee, not with respect to whether or not he may have had some party affiliation which was un-American, but with respect to his activities in connection with certain State investigations. The New York Times editorial page—and when I say the editorial page, I mean the editorial writer—has now seen fit to castigate severely the Supreme Court, thus exercising the very right it would deny southerners with respect to the Brown case. Reams of paper and books of words were used attacking those who criticized the Supreme Court's decision in the Brown case. Now we find these editorialists criticizing the Court in the same manner, if not for the same reasons, that the southerners were criticizing the Court. I hope they will be big enough and wise enough to agree that if they have a right to criticize the Court for its recent decision, certainly the southerners had an equal right to criticize the Court for its decision in the Brown case.

I hope the men who write editorials for the New York Times do not seek to apply a double standard, a standard which says, "It is all right for us to criticize the Court, because somehow we have an intellect and a capacity to see which is far above that of anyone else, and therefore we are justified in criticizing the Court. But those who come from below the Mason-Dixon line do not possess that capacity, and therefore they are completely in error when they criticize the Court."

Mr. President, I hope that they will apply to themselves the same standard which they want applied to the South.

I should like to say that during the course of the last hour I have quoted rather liberally from the statement made by the assistant attorney general of Florida, Mr. Odum. I think it is an excellently prepared statement. I agree with his conclusions. He is reasonable, and he is sensible. He recognizes, as I said a moment ago, that we do have a problem. He points out the way in which the problem should be met, and I believe without question he makes a strong case against the enactment of the type of proposal we now have before us in the Senate under the guise of civil rights. He points out devastatingly, I think, and unanswerably that this type of legislation, if adopted, would not accomplish what the proponents say it would accomplish; that, rather, it would result in great evil. It would aggravate the situation in many States. It would destroy lines of communication between the Negro and the white races. It would, in fact, set back the progress which we have seen made in the last few years.

It seems axiomatic to me that the first and most important test for any civil rights measure must be one of constitutionality. Legislation that is not compatible with the Constitution cannot have a beneficial effect on American civil rights, regardless of its fiery verbiage and flashy facade. At best, such legislation is self-defeating, deceptive, and dangerous.

Our rights and liberties are inherent in the American system of government. As long as that system prevails, our fundamental rights will be secure, and we shall have a sound basis for further progress in the American tradition.

If we abandon our constitutional, Federal framework, however, the very phrase "civil rights" will become an empty political slogan. You cannot build an elaborate civil rights structure on the quicksand of political expediency. Only the Constitution can serve as a basis for genuine progress in this sensitive area.

There is little doubt in my mind but that we have strayed very far from the Constitution when we consider measures that would, in effect, give the Federal Government extensive powers over elections.

The authors of the Constitution left the responsibility for elections where they found it; namely, with the States.

Mr. President, I cannot help notice that we are having a change in Presiding Officers of the Senate at this time, 5 minutes after 6 in the morning. I should like to say to the very able junior Senator from Michigan [Mr. HART] that we greatly appreciate his tolerance in listening to the arguments which we have made. From time to time we noticed that he nodded his head, obviously not in agreement with the argument but, I hope, in some sympathy with the efforts which we southerners are endeavoring to make in what we believe is the protection of our constitutional rights.

I thank him for his attention to what we have said. I trust that now, as he departs, at 5 minutes after 6, he will shortly find himself in the arms of Morpheus, where he will get some very refreshing rest after his labors here. For my own part, I hope he does not have to get up to return to the floor until shortly before 8 o'clock in the morning. I wish him a pleasant rest.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCGEE in the chair). Does the Senator from Florida yield to the Senator from Michigan?

Mr. SMATHERS. I yield.

Mr. HART. The question that I would have asked of the Senator from Florida, if he had yielded to me for a question, has been answered by the Senator, when he said that he hoped my rest would not be

disturbed until about 8 o'clock in the morning.

In addition, this gives me an opportunity to say that throughout this discussion I have been impressed with the fact—and I am quite willing to put this on the record—that the discussion by the distinguished Senator from Florida and his colleagues from the South has been generally to the point.

As a freshman Senator, exposed to this discussion which is being led by the Senators, I can now better understand what the writers and observers of this institution had long told me, namely, that the men representing the South have great skill. Perhaps it is traditional that they seem to fit the style of this institution. Although in spite of all this argument on their part, I remain unpersuaded, I have not found it difficult to listen to the able argument of the Senator from Florida and other Senators from his part of the country in the course of these hours in the Senate.

Mr. SMATHERS. I greatly appreciate the very generous statement of the able Senator from Michigan. I know the State from which he comes, and I know of his convictions and beliefs with respect to civil rights. As I said earlier, I appreciate the judicial and fair manner in which he has listened to our argument. I thank him for his generous compliments.

I must say that we do this because our beliefs spring from a great well-being of righteousness. We think we are right. Perhaps history will prove us wrong. We think not.

Mr. HART. I have never doubted the sincerity of the Senator from Florida.

Mr. SMATHERS. We believe we are right. I am certain that if the able Senator from Michigan lived in the South and had an opportunity to associate himself intimately with the problems that we have had to face for approximately 150 years, his mind would be more akin to our mind than it is to the mind of anyone who lives in Michigan.

I believe that all of this reflects the thinking and feeling of the people of the State from which we come. Otherwise, we would not long remain in the U.S. Senate. This is a representative government, and we are called upon to bespeak the thoughts and convictions of the people of our State. The Senator from Michigan does it ably and well.

At the same time, the background of the people of Michigan is somewhat different from the background of those who come from the South, with the result that in this representative government we find ourselves taking different positions only because we represent different constituents. I very much thank the able Senator, and I trust he will have a good rest in the next few hours.

Mr. HART. I thank the Senator from Florida.

Mr. SMATHERS. Let me say to the present occupant of the chair that I should like to go on record publicly as saying that I am delighted to see him. He is one of the former great educators of the wonderful State of Wyoming, a beautiful State, and one in which I had the privilege of spending a summer, a State in which I wish I had the privilege of spending more summers.

I appreciate, most of all, the fact that the present Presiding Officer of the Senate has been most cooperative in helping the junior Senator from Florida meet certain political commitments with respect to the Democratic Party. He has appeared a number of times in our State at various rallies. Only a week ago, I believe, he met with a Young Democrat group at Fort Lauderdale.

I must say that I do not remember anyone going down there from outside the southern area and making such a favorable impression on those people as did the junior Senator from Wyoming when he was recently in Florida. We always like to have him down there, and we are naturally desirous that he come down there and visit us soon again.

The PRESIDING OFFICER (Mr. McGEE in the chair). The present occupant of the chair takes grateful note of the comments of the Senator from Florida.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. SMATHERS. I would be happy to yield to the Senator from Minnesota.

Mr. McCARTHY. Is it in keeping with the rules of the Senate to make objective remarks?

The PRESIDING OFFICER. The Chair rules they should be objective, and these were most objective terms.

Mr. SMATHERS. Mr. President, I cannot help but believe, even if the Senator from Minnesota appealed the ruling of the Chair, that he would sustain the Chair in the Chair's observation.

Mr. McCARTHY. Mr. President, if the Senator will yield, I will confirm what the Senator from Florida has said.

The PRESIDING OFFICER. Does the Senator yield?

Mr. SMATHERS. I yield.

Mr. McCARTHY. I appreciate the opportunity the Senator from Florida has given me to underscore the fact that his objectives are quite in accord with the views of the Senator from Minnesota.

Mr. SMATHERS. I thank my friend from Minnesota for his comments.

I should like to say to the Senator from Minnesota that we hope to have him in Florida shortly. I know from past experience that he can make a considerable contribution to the type of improvement we would like to see there. We do not want him down there in connection with this matter of civil rights, but, aside from that there is much on which all of us on this side of the aisle agree.

As has been previously said, while we find that there are differences within the Democratic Party, we find that on most of the big issues of the day, most Senators on this side of the aisle stand together. This is a big issue, and it is regrettable that we do not stand together on it, but we like to respectfully say to people who come from Minnesota, Wyoming, and Montana, where this problem does not really exist and where the people really are not aware of what is going on, with respect to this issue that we believe by virtue of having lived intimately with the problem year after year, decade after decade, and day after day that it is a problem that we better understand than do they; and if, in fact, they are looking for solutions to the problem, they would be well advised to listen to those who have had experience with it rather than to listen to those who are advocating the proposed legislation, we think, only for certain political advantages.

We think too they know better about problems which arise in their States than we do. Certainly the able Senators from Wyoming, Montana, and Minnesota have problems which arise in the West and Northwest areas that we do not have in the South. When those problems are brought before the Senate, we like to listen to them on the theory that they have had experience with those problems and they know their problems. Invariably we listen to their views on the basis that their hearts are pure; that they know what they are talking about, and we think we would be well advised to follow them. We try to follow them because we think, by virtue of their experience, they know what they are talking about. We would like to think, when we have a problem of this character which is intimately related to us, one that we have lived with closely for 150 years, and a problem in which we are making progress, as the statistics and the record show, that they should follow the same theory of turning to the people who have had experience in it, recognizing that their hearts also are pure even though it is a delicate problem, and follow the views of those who have had long experience in dealing with the problem.

We commend that particular course to them as we think it is the wisest course, just as we follow that course with respect to their problems. We think it is the wisest course to follow.

To get back to my text, Mr. President, subsequent amendments put certain limits on the States authority over elections, without, however, questioning that authority or attempting to transfer it to Washington.

Moreover, it has been generally recognized that the power over elections constitutes a basic State function without which the American States could not retain any degree of political vitality.

The pernicious idea that the Federal Government has some vague, inherent power over elections is not new. In 1921, Mr. Justice McReynolds, who delivered the majority opinion of the Supreme Court in the case of *Newberry v. U.S.* (256, U.S. 232), wrote:

> We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite undefined power over elections for Senators and Representatives not derived from section 4.

Mr. Justice McReynolds' reference is to section 4 of article I of the Constitution. That section authorizes Congress to make or alter regulations regarding the "Times, places, and manner of holding elections for Senators and Representatives."

The records of the Federal Constitutional Convention, as well as the "Federalist Papers," leave little doubt regarding the intent of the Convention with respect to section 4 of article I.

The primary purpose of section 4 was to assure regular elections and to safeguard the Union against any attempt to dissolve it by the simple device of an election boycott by a number of disaffected States. Alexander Hamilton put it this way in the 59th "Federalist Paper":

> If the State legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the Union, if the leaders of a few of the most important States should have entered into a previous conspiracy to prevent an election.

In order to prevent these "delicate crises," the authors of the Constitution invested the Federal Government with a supervisory power over the times, places, and manner of Federal elections.

The times, places, and manner, Mr. President, and nothing more. All substantive issues regarding elections were left to the States.

Any idea that section 4 might serve as a vehicle for a full-scale Federal invasion of the States power over elections is manifestly absurd.

The constitutional amendments that deal with voting have just as little to offer in the way of constitutional camouflage for the current campaign to destroy the last vestiges of State sovereignty.

The 15th and 19th amendments place certain specific restrictions on the exercise of the States inherent power over elections. These amendments prevent the States from employing the criteria of race or sex in determining voter qualifications. In all other respects, the States prerogatives in regard to elections were left undisturbed.

In spite of the Constitution, however, misguided reformers have long regarded elections as a fertile field for Federal meddling. For decades, they have not tired of suggesting various more or less ingenious schemes for Federal usurpation of the electoral process.

Among the latest of these plans is the Civil Rights Commission's ingenuously brazen suggestion for the designation of Federal registrars. The Civil Rights Commission eschewed subtlety: they simply assumed that the Federal Government has unlimited control over Federal elections. It would be an understatement to say that the Commission's plan contravenes the Constitution; the Commission simply ignored the Constitution.

The Civil Rights Commission's complete disregard for the Constitution caused considerable embarrassment among many of the adversaries of States rights. President Eisenhower, having undoubtedly consulted the Attorney General, expressed doubt about the plan's constitutionality. The administration's concern seems to have been limited to the letter of the Constitution, though. If the spirit can be violated with impunity, the administration apparently sees no objection.

I submit, Mr. President, that this cynical theory offers the only possible explanation for the Attorney General's course of action. Having evidently told the President that the Civil Rights Commission's registrar plan is at least of doubtful constitutionality, he proceeded to devise a scheme which would achieve the same unconstitutional ends by means which appear, at first blush, to be constitutional. In other words, the wrecking of our constitutional system is to take place as scheduled, but all the wreckers are to be garbed in judicial black.

In his statement of January 26, the Attorney General observed that his proposal dealing with the appointment of referees "would leave the election procedures in the States where they have always been."

Perhaps the procedures would be in the States, but so would a host of Federal minions who would, to all intents and purposes, be in control of the entire process. Moreover, the Federal judiciary would suffer severely from such an injudicious involvement in a political adventure. The effect of such an involvement on the workload, efficiency, and reputation of the U.S. courts would be nothing short of disastrous.

Mr. President, this is not the first time in our history that the Federal Government has attempted to bring force to bear on the so-called civil right issue. The first such attempts were made in the most vicious and unconstructive era of our history: the Reconstruction Period. The instruments used at the time were the so-called Force Acts, three of which were passed during the years 1870 and 1871. One of these acts dealt with elections. This measure, which was passed on February 28, 1871, regulated every minor detail of registration and election by means of an elaborate system of Federal registration commissioners, election supervisors, marshals, and circuit judges. Together with the other force bills, the Election Act of 1871 was responsible for a reign of terror that besmirched American justice and caused the practical breakdown of the Federal judicial system in the South. The sheer weight of litigation under the force bills rapidly overtaxed the capacity of the South's 24 district courts. By 1873, Congress had before it a report from a Federal official in South Carolina to the effect that—

> The machinery for the execution of these [laws] never contemplated such a state of affairs as has existed. The U.S. courts are choked with a quantity of business which amounts practically to a denial of a hearing of four-fifths of the cases which are before them.

In spite of all this frantic activity, the results of the force bills proved disappointing to the extreme partisans of the North. In 1890, Representative Henry Cabot Lodge introduced another election bill, which was passed by the House. This time, however, the Senate failed to act. The failure of the force bill of 1890 was the beginning of the end for a type of legislation which has been described by Professor William W. Davis, in his contribution to a book entitled "Studies in Southern History and Politics," as fitting "a condition of war, not of peace, and suggesting an autocracy rather than a democracy." In 1894, the Congress repealed most of the sections of the force acts. Other sections were declared unconstitutional, and the few remaining provisions fell into disuse.

Mr. President, it would seem that in this enlightened decade of 1960 certainly someone, somehow, should be able to devise a system, if he believes a system is needed, which does not have its genesis in the force acts of 1870 and 1871, which themselves grew out of the bitterness and resentment of the people who had participated in that greatest of all wars which we in the United States have suffered—the Civil War or the War Between the States. Those force acts were "dreamed up" in the mind of a man who had long expressed not only contempt but also great hatred for everything which was southern—Thaddeus Stevens. It was his idea that there be a Federal supervisor and Federal registrar in the South, because he thoroughly understood that by having a Federal official from Washington, D.C., appointed to operate the election procedure in the States of the South there would be a way—and a most effective way—for him and his minions to control the outcome of all the elections in the South.

It seems to me that this administration and the Members who sponsor this particular proposal must be somewhat bereft of new ideas when they can come up with nothing better in order to satisfy the political demands of certain minority groups in the North, which they hope to have lined up with them politically in the coming election. That, after all, is the genesis of this particular proposal. The proponents must be bereft, certainly, of ingeniousness, because the only idea they can come up with is the idea that Thaddeus Stevens had in 1871, an idea which the Congress in 1894, certainly not dominated by southerners, repudiated when it threw out all these force acts on the basis that they were punitive and unfair and unworkable.

So in the enlightened year of 1960 we find that with the change of only a very few words we have before us again the same proposal suggested almost 100 years ago as a punitive measure for the South. We find it now being resurrected and brought up, and the Congress is asked to apply it once again to the people of the South, even though it has been nearly 100 years since the Civil War ended.

I do not think that it speaks very highly of the capacity and originality of those who seek to bring about what they would like to say are greater voting rights of certain individuals in the South.

Mr. President, as I have said over and over again, one has only to look at the statistics to see that, for example, in the State of Florida in 1947, 49,000 Negro citizens were registered. In 1959 we had 155,000 Negroes, an increase of about 24 percent, I believe, I am not quite sure of the percentage.

As was pointed out by the able junior Senator from Louisiana [Mr. LONG], Louisiana also had a great increase, but as we pointed out last night, taking it from the words of the Southern Regional Council, a council which works in this area on how to improve relationships

between the Negro and the white, which pointed out that what actually happens with respect to voting is not that the Negro citizen is deprived of his right to vote, but that in fact the Negro citizen votes in proportion to his education.

Those who have had the benefit of education, younger Negro citizens who have been through high school, many of whom have done college work, are actively participating in the elections throughout the South, and they are increasing their numbers by a substantial percentage every year. The ones that we find do not vote are the elderly Negro citizens who have not had the educational opportunity—and this is a fact which we all regret. Frequently he cannot write, and when asked to read one section of the Constitution, he is unable to do so. As a result, it is found that a higher percentage of Negroes over 50 years of age are not voting, and that is why we find a high percentage of the older Negroes not participating. All the young ones are participating with as much activity and as much energy and as much enthusiasm as any of the young white people. They are encouraged to participate by every man who runs for public office. They are encouraged to register, and to vote.

I said earlier this evening, and I repeat for the sake of my friend from Wyoming [Mr. McGEE] that I want him to understand that there is not a man who runs for public office in our State or any other State in the South who does not have a committee on which sits at least one or more of our Negro citizens whose sole purpose is to get the candidate into a friendly position with the Negro citizens and have the candidate meet and talk with Negro citizens, in an effort to try to get the Negro citizens to vote for him. No one is elected in the South today who does not have some cooperation from the Negro citizens. So the talk about somebody trying to keep them from voting, frightening them out, and threatening them is without foundation. I am 46 years old, Mr. President, and I have actively participated in politics in my State since I was about 21 years of age, and I can stand in the Senate Chamber and take an oath that I have never heard anybody ever say or suggest that any man had ever threatened any citizen, be he Negro or white, with injury if he went to vote.

The contrary is true, and that is the reason why we so seriously resist the kind of legislation which is proposed. In the first place the inference sought to be drawn is wrong. In the second place the proposal is unconstitutional. In the third place, it is not needed; and in the fourth place—and possibly this is the most serious point—if it is enacted—rather than accomplishing greater understanding between the Negro people and the white people, rather than encouraging more Negroes to come out and vote, I am fearful that it will aggravate emotions, that it will harden differences; and rather than seeing more of the Negro people participating in our elections we are likely to see less participation on their part.

Mr. President, the proponents of this legislation should not have to go back to 1870 and 1871 and follow the idea first dreamed up in the diseased mind of Thaddeus Stevens to get an idea as to how to conduct voting in the South. Let us not repeat mistakes of the past.

Mr. President, in a recent issue of the U.S. News & World Report, an article entitled "Here's the Latest Plan for Cracking Down on South," discusses in detail the recent plan of the Attorney General. It should serve as a warning to all of us that the mistakes of the past should not be repeated; to breed hate and passion. I should like to read the article, because the thoughts it provokes are those which should be carefully studied by all men.

Mr. McCLELLAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. (Mr. McGEE in the chair). Does the Senator from Florida yield to the Senator from Arkansas?

Mr. SMATHERS. I am happy to yield to my distinguished colleague from Arkansas.

Mr. McCLELLAN. May I ask if the Senator is able to rationalize why the proponents of such legislation persist in trying to punish the South, and to impose upon it measures that obviously cannot serve to bring about better conditions for either race? What is responsible for the obsession that we must be eternally undertaking to persecute one section of this country?

Mr. SMATHERS. I do not understand it. I am like him. I am completely confused about it except for one fact. I cannot help but believe that if there were a different process than that of the electoral college, whereby, for example, the electoral vote of the State of New York could be influenced and actually won by what we call the swing vote, a tight minority vote which would go either to the Republicans or the Democrats, depending upon which offers them the most, the situation might be improved. Take New York, for example. If the Democratic Party gets 3,300,000 votes and the Republican Party gets 3,400,000 votes, the party which wins is the Republican Party in this case because of the 100,000 more votes and by virtue of this fact wins all electoral votes in New York, the same is true in Illinois or Pennsylvania or elsewhere. What happens? There is a very small minority which can throw the election either way, and there is given to this small minority a power and a voice in our political life which it should not have. Those who are promoting the legislation thoroughly understand that, and want to get this tight minority to vote with them so that they can win all the electoral votes of New York, Pennsylvania, California, and the other States, and thereby hope to win the next election.

Mr. President, that is why I feel this legislation is brought back year after year, it is a sort of play for that particular minority group, which unfortunately votes pretty much as a bloc. The swing vote may go either way. They sometimes vote Republican and sometimes vote Democratic, but the fight is made to get them on one side or the other. The Democrats pursue them with everything they have and the Republicans pursue them with everything they have, and the South becomes the whipping boy for both sides so that this vote can be gotten and the election perhaps won. However, I doubt seriously if those who promulgate and sponsor this legislation really believe it is going to help the voting conditions or living conditions of the Negro citizen of the South.

Mr. McCLELLAN. Mr. President, will the Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. McCLELLAN. I have tried to understand and appreciate that is possibly the motivation of this constant campaign to inject racial issues into politics throughout the country, and possibly, as the distinguished Senator has pointed out, they think the more they pretend to demonstrate their interest in the Negro, the more likely they are to get that bloc vote and thus benefit from it as a balance of power in determining elections. If that is the only motive, or if that is the prime motive, I can understand why in New York, for example, they still permit a situation to exist where some six or seven hundred thousand or more Puerto Ricans have no right to vote, and yet these people would constitute a pretty substantial bloc of votes. I do not understand why their hearts do not bleed and cry out for those poor people who are not voting today, for every time they cry and the crocodile tears flow they look toward the South with contempt and derision. I do not understand it.

Mr. SMATHERS. I thank the able Senator from Arkansas [Mr. McCLELLAN]. I do not understand it either, but it does definitely point up the hypocrisy of this whole operation because in fact the Negro citizen is entitled to vote. He is voting and they cannot stop him. Therefore they are courting him with everything they have.

But the Puerto Ricans in New York, who number 618,000, according to the Civil Rights Commission—I am told it is about 750,000—are not permitted to vote, because in its qualifications for voting one must be able to speak the English language and to read and translate the Constitution in the English language. Of course, the Puerto Rican citizens are not able to do that, whereas in Louisiana, which is so highly and hotly condemned as being a backward and illiterate State where discrimination is practiced in the qualifications for voting, they say to the citizens, "You have to read this Constitution, yes; but you can read it in your native tongue, whether it be Spanish, French, or whatever language it may be." That is supposed to be the voting requirement of a backward State. New York is supposed to be an enlightened and democratic State. When the senior Senator from New York [Mr. JAVITS] was asked about this on the program I saw, his only answer was, "Well, we have all of our educational facilities turned toward improving and helping these people to learn to speak English."

That explanation, I thought, was a limp and unpersuasive type of answer. Why does he not get busy and offer an amendment He was the former attorney general of his State. He has great influence there. Why does he not offer an amendment of the character of the statute in Louisiana, which would give to those citizens from Puerto Rico the right of franchise in his State? So long as they remain neutral, and cannot vote either for the Democrats or the Republicans, so far as he is concerned, they can be put in the "icebox" and left there. They do not amount to anything to anybody. But if they could ever vote, we would see both parties trying to court them as they are trying to court some of the other groups.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield.

Mr. McCLELLAN. Since they want registrars and referees to supervise voting in the South, why would it not be a very good idea to suggest that the Senators from New York sponsor legislation to set up such machinery in the State of New York to insure voting rights to Puerto Ricans and give it a trial run for the next half dozen years and see how it works up there before they insist on prying into the affairs of the Negro of the South, who already has every right to vote which any white person has in my State and in the Senator's State? If we are going to start enacting remedies into law, does the Senator not agree with me that we ought to start where the evil is most pronounced? If we can cure the worst, of course we can cure the lesser, but I do not think it demonstrates fair play. I think the Senator will agree with me that we should not start where the effort has been made and the laws are equal and just with respect to the races, and apply the harsh medicine which is proposed here to the locality where the evil prevails in the worst fashion.

Mr. SMATHERS. I completely agree with the able Senator from Arkansas. Of course, the whole purpose of this kind of proposal is to say, in effect, "We are perfect in our area and we want to correct some other area." This is not only class legislation, but it is also area legislation. This legislation is designed to affect only the States of the South. One would think that if the New York Senators had a genuine concern for all the voters, irrespective of race, color, or creed, they would be absorbed in improving conditions at home, on their front doorstep, rather than spending all their energy in making speech after speech on the floor of the Senate trying to change conditions which exist twelve or thirteen hundred miles away from them.

Mr. COOPER. Mr. President will the Senator yield.

Mr. SMATHERS. I am happy to yield to my friend from Kentucky.

Mr. COOPER. I will say to the Senator from Florida that of course our colleagues, the senior and junior Senators from New York, are not present this morning. But is it not a fact that the section of the bill which would establish a plan for referees would not be as applicable to New York as it would be to Florida, Arkansas, Georgia, or Kentucky?

Mr. SMATHERS. The Senator is absolutely correct. But the registrar plan does not envision giving to the registrar the right to say in New York, to a Spanish-speaking Puerto Rican, "You can vote, even if you do not speak English." It does not attempt to change the qualifications established by the States at all.

Mr. COOPER. Neither of these plans would do that. I think the Senator knows that. They would not attempt to fix the qualifications for a State, but they simply relate to the provisions of the 15th amendment, which says that if it can be shown that there is discrimination in voting rights because of race or color, the Federal Government can intervene, but with the same application all over the country.

Mr. SMATHERS. Would the Senator say, if a French-speaking citizen of Louisiana is entitled to vote, there is justification for not allowing a Spanish-speaking citizen of New York to vote?

Mr. COOPER. I agree with the Senator, if it can be shown that the qualifications are fixed in such a way as to discriminate against the possible voter because of race or color. Then I think the courts and the Federal Government can intervene.

What I am saying is that this bill is applicable to all the States, and its provisions would apply to every State.

Mr. SMATHERS. What I say to the Senator is that he should be equally concerned that all citizens vote. What this bill has is limited to race or color. Why do we not make it apply to language as well? Why not make it apply to many other problems? Our contention is that in fact in New York 618,000 Puerto Ricans have been effectively disenfranchised.

Mr. COOPER. I do not think the Senator would want to pass a bill which would go beyond the 15th amendment. The 15th amendment simply establishes a right to the extent that citizens shall not be discriminated against in voting because of race or color. It does not go to any other qualification.

Mr. SMATHERS. I do not want them to be discriminated against because of race, color or creed. I do not want them to be discriminated against because they may not speak the English language as well as somebody else. I do not want people to be discriminated against because of age. I am against discrimination. But I say this bill is not needed. I say if we are supposed to eliminate discrimination, let us eliminate it in the areas where it really exists.

Mr. COOPER. I am only saying that if it can be shown that there is a purpose or an effect of discrimination against citizens because of race or color, the bill would be equally effective anywhere in the United States.

Mr. SMATHERS. The Senator is correct in his assumption that if we had Federal Registrars, the law would apply all over the United States, in every State. My statement is that we do not need Federal registrars at all. It is a violation of the constitutional right of States to control and set up qualifications for voting in the States. If the Senator wants to violate that States rights principle, why does he not advocate eliminating in New York the prohibition against a citizen's voting merely because he happens to speak a foreign language? Why do we not eliminate that, if we are to do violence to the theory of States rights to start with?

Mr. COOPER. Mr. President, I will say to the Senator that I appreciate his argument; but he cannot make my argument for me. My argument is that I would like to see all the States treated in the same way. I am simply saying that the referee provisions—not speaking about the registrar provisions—would be applicable to any State. And if there are qualifications in the States which are likely to discriminate against citizens in their voting rights because of color or race, the provisions of the act would apply equally to all.

Mr. SMATHERS. Then the Senator would be for the last recommendation of the Civil Rights Commission, to have a 23d amendment to provide that there will be universal suffrage.

Mr. COOPER. No; that is not what I am saying.

Mr. SMATHERS. That is what Senators are talking about. That is what they are recommending. Their last recommendation is that all may vote, if they have become 21 years old and are now residing in the United States and have met the residence requirements. Is that what the Senator wants?

Mr. COOPER. No, the Senator is not saying that, but is talking about the referee provisions. That is all I want to talk about.

Mr. SMATHERS. But what the Senator wants to do is to take the half of it which hits the South, but not go all the way. I would be for the last amendment of the Civil Rights Commission, if I could bring myself to the thought that we ought to have the Federal Government operate the system. Then I would be for the general theory of universal suffrage, on the theory that we have progressed fast enough and far enough in the United States to have no limitation on voting, and should not let any State make any requirement of anybody. In that case we should have universal suffrage, on the basis that a voter has reached the age of 21 years and meets the residence requirements.

However, I have not been able to bring myself to that. If we are to go into the Federal registrar plan, why not go all the way? Why do we go only part of the way?

If we can go that far in violation of the States rights theory, then the States rights theory is gone. We should then adopt the whole Federal program and let everybody vote, upon the fact of accomplishment of 21 years of age together with residence requirement.

Mr. COOPER. Suppose we deal with the provisions of the Constitution now applicable. It is true that the Constitution gives the States the power to fix the qualifications. The 15th amendment confers another right upon the citizens of all the States. That right is that the

qualifications shall not be used to discriminate against any citizens because of race or color. It is in both constitutional provisions. I am speaking to those points, and not about something that the Civil Rights Commission may have recommended which has not yet been made the law.

Mr. SMATHERS. I am sure the Senator would agree that there are very few States—in fact only two—where the Civil Rights Commission has made any real claim of discrimination because of race, creed or color. They are not Kentucky, not Florida, not Arkansas, not Minnesota, not California. The situation exists in only two States. So we are asked to pass a universal law, so to speak, certainly a nationwide law, which none of us ever expects to have any application except in the State of Alabama and the State of Louisiana—and possibly the State of Mississippi. So we are doing it for three States. It is easy to jump on them.

But if we can jump on those three States for these discriminations, I am sure the Senator then would be in favor of an amendment to eliminate discrimination against Puerto Ricans, because he has expressed a genuine desire to see nobody discriminated against. Surely he would support an amendment which would say, "Let us not discriminate against Puerto Ricans because they may not speak English very well. Let us permit them to vote, too, because the Congress in 1907 said they had full citizenship, that they had every right every other citizen had."

But in New York, unless one can read English, one cannot vote.

I think that is discrimination between citizens. So I am sure the Senator from Kentucky would wish to be consistent. If we are to eliminate discrimination, let us eliminate it completely. Let us not do it piecemeal by picking out two or three States which, incidentally, are doing a good job of eliminating discrimination, particularly when we think where they had to come from and where they must go. When we think of that, it is apparent that they have covered a great deal of ground. I know that there are those who would like to have it all done yesterday, or certainly today. I am afraid it will not happen like that.

Mr. McCARTHY. Will the Senator yield?

Mr. SMATHERS. I am glad to yield to my distinguished friend from Minnesota, a great member of the Committee on Finance and the campaign manager of one of the great candidates for the Democratic presidential nomination.

Mr. McCARTHY. First I should like to say to the Senator that I appreciate his plug for my candidate.

Mr. SMATHERS. He is the senior Senator from Minnesota.

Mr. McCARTHY. I should like to make one correction, however, in the Senator's statement. I am not the campaign manager of the senior Senator from Minnesota. I am the cochairman of the campaign committee. There is a significant difference between a cochairman and a campaign manager.

Mr. SMATHERS. The Senator does not mean that he is any less interested in the candidacy of the able senior Senator from Minnesota because of that fact.

Mr. McCARTHY. Not any less interested. However, in terms of directing the campaign, a cochairman is several steps removed from the power and influence of a campaign manager. If I am going to be held reponsible eventually, I should like to have the record show what my relationship is.

Mr. SMATHERS. I know the Senator is too modest to admit it, or to say it. I must say, however, that the senior Senator from Minnesota is very fortunate in having his junior colleague acting in the capacity in which he is serving, in the endeavors of the senior Senator from Minnesota to obtain the Democratic nomination for President. While I have a great affection for the senior Senator from Minnesota, I cannot help but look more kindly upon the candidacy of the senior Senator from Minnesota because of the association of the junior Senator from Minnesota with the candidacy of the senior Senator from Minnesota.

Mr. McCARTHY. I do not know whether the senior Senator from Minnesota appreciates that tribute to him, but I certainly appreciate the comment of the Senator from Florida.

I wonder if I could now ask one or two questions on the subject of the debate. I believe the Senator from Florida understands that the issue before us now is not one of establishing national standards for voter qualifications. I think we may reach a time when it may be necessary to establish, by constitutional amendment, what was recommended by the President's Commission on Civil Rights. However, the issue now is the basic one of whether the citizens of each State shall be treated with equality. In the case of New York a literacy standard is applied. So far as I know, that standard is applied to all who seek to register. It is applied not only to Puerto Ricans and Negroes, but to everyone who presents himself seeking to be registered to vote.

So far as New York itself is concerned, I am sure the Senator does not claim that there is discrimination among the citizens of that State.

Mr. SMATHERS. I do.

Mr. McCARTHY. I am sure the Senator claims that there is discrimination as between the citizens of that State and some other State which does not have the same standard with regard to literacy.

Mr. SMATHERS. If I may interrupt the Senator at that point, I should like to say that I do claim there is discrimination between citizens of New York. Puerto Ricans are citizens of New York and of the United States.

Mr. McCARTHY. The qualification is not applied to Negroes and Puerto Ricans alone. Everyone must meet the qualification.

Mr. SMATHERS. But it is so designed that it ends in discrimination. So far as Mississippi is concerned, for example, the people of that State say that prospective voters must be able to read the Constitution and give a fair statement as to what it means; therefore that test applies to everyone.

Mr. McCARTHY. I do not believe that the President's Commission on Civil Rights ruled against that practice. Their position was that, based upon their judgment, the standard was applied to Negroes, but not applied to white applicants for registration.

Mr. SMATHERS. As I understand the Civil Rights Commission's complaint, it was that in Alabama the registrars refused to register some Negroes because they did not give a satisfactory explanation of certain provisions of the Constitution. That was a matter of judgment on the part of the registrars. The Civil Rights Commission said that that judgment was motivated by discrimination. Motivation refers to how a man thinks. I do not believe it would be possible to pass a law which would satisfy everyone, because it would be necessary to pick a fairminded man in the first place to do the job, whether it be in Minnesota, New York, or Mississippi.

Mr. McCARTHY. Let me ask the Senator a hypothetical question. Let us assume that a State had a law which provided that no man who is less than 5 feet tall shall be permitted to vote, on the assumption that anyone less than 5 feet tall has a Napoleonic complex, and therefore cannot be trusted to exercise a rational judgment. Does the Senator believe that that would be a reasonable requirement?

Mr. SMATHERS. Will the Senator kindly repeat his question? I was conferring with the majority whip.

Mr. McCARTHY. If we found that in a certain State the law provided that anyone who was less than 5 feet tall would not be permitted to vote, on the assumption that anyone less than 5 feet tall suffered from a Napoleonic complex, and therefore could not exercise rational judgment with regard to a candidate or a program, would the Senator feel that such a requirement was a reasonable requirement?

Mr. SMATHERS. That would be a very fine recommendation so far as the Senator from Minnesota, the Senator from Kentucky, and the Senator from Florida are concerned but in my view it would be discriminatory.

Mr. McCARTHY. Let us say that it would apply to anyone between 5 feet and 6 feet tall. That would eliminate us. That would establish a physiological distinction.

Mr. SMATHERS. That would be bad.

Mr. McCARTHY. So is race discrimination.

Mr. SMATHERS. Does the Senator agree with me that it is bad?

Mr. McCARTHY. I believe we would have trouble being elected.

Mr. SMATHERS. Does the Senator agree that to set up such a qualification would be bad; namely, to say that a man is suffering from a psychological deficiency because he is less than 5 feet tall?

Mr. McCARTHY. We would certainly have to have some explanation.

Mr. SMATHERS. Would he agree that that is bad? I ask that because the Supreme Court said that a man suffers from an inferiority complex

merely because he is black. That is what the Supreme Court said.

Mr. McCARTHY. They did say that in effect.

Mr. SMATHERS. I think that is equally bad.

Mr. McCARTHY. I believe the Senator is making my point, that we should not discriminate.

Mr. SMATHERS. I am glad that the Senator is on the right side on this question.

Mr. McCARTHY. It is just as bad to discriminate on the basis of race as it is to discriminate on the basis of a psychological difference, just as irrational, and just as indefensible.

Mr. SMATHERS. I completely agree with the Senator.

Mr. McCARTHY. I appreciate that fact.

Mr. SMATHERS. I completely agree with the Senator.

Mr. McCARTHY. I did not know that we were so close to agreement.

Mr. SMATHERS. I completely agree with the Senator. I do not believe we should stop anyone who is qualified to vote from voting. The Senator will not find anyone in the South who disagrees with him. We are not saying that these people should not vote because they are colored. We want to see every qualified voter vote, irrespective of race, color, or creed. We do not concur in the view of Chief Justice Warren of the Supreme Court that a difference in the color of a man's skin gives him an inferiority complex, a point decided in the Brown case.

I do not want to offend my junior colleague from California by mentioning Justice Warren, but I want to say that apparently that was his theory. I make no imputation as far as my distinguished and close friend the junior Senator from California is concerned.

Mr. KUCHEL. I am sure the Senator does not, and I am sure he does not make any imputation with respect to the members of the Supreme Court of the United States.

One of the regrettable, low points in this debate has been the spleen that has been poured forth, on too many regrettable occasions, on the judicial branch, and particularly the U.S. Supreme Court. I say that to my friend most sincerely, and I believe he will agree with me.

Mr. SMATHERS. I regret it when spleen and purely personal bile are visited on anybody or anything. I think the Senator from California will agree with me that it is within the proper rights of any Senator to disagree with a decision of the Supreme Court.

Mr. KUCHEL. I do.

Mr. SMATHERS. Many people say the U.S. Senate may be an inferior group, but we all must recognize the Supreme Court is an integral part of our system and we want it to remain and operate, even though it may not operate at times the way we would want it to.

Mr. McCARTHY. I wish to clarify in my own mind the position of the Senator. I understand clearly that he is opposed to discrimination which is based purely upon physiological or racial differences.

Mr. SMATHERS. That is correct.

Mr. McCARTHY. If it were found that such discrimination existed with respect to the right to vote, he would want that situation cleared up.

Mr. SMATHERS. That is correct.

Mr. McCARTHY. Would the Senator want it cleared up by State action or would he, except under certain circumstances, say that the Federal Government would have not only a right but an obligation?

Mr. SMATHERS. I am completely of the view that this is a matter which the States should clear up themselves. They can clear it up and they should clear it up. One of the authorities to whom I have referred is J. Edgar Hoover, Director of the FBI, who says the only way to avoid setting up a national police state is to maintain local law enforcement. The only way to keep our country from falling into a complete Federal system is to let the States do the job which the Constitution intended for them to do at the time it was adopted.

I believe that we should do everything we can in our States to eliminate discrimination with respect to voting or, for that matter, anything else. There are customs in the South which I do not think constitute discrimination, but I do not know of anybody in my State who holds or runs for public office who would condone the practice of not having any citizen vote because of his race, color, or creed.

Mr. McCARTHY. The Senator's argument is a practical one; namely, that the States can and should take care of the problem, and are in the process of doing so; but he is not making an argument on the principle of the right of the Federal Government to intervene under the 15th amendment.

Mr. SMATHERS. I think the Federal Government should not intervene by setting up a Federal bureaucracy. If I am a citizen of Mississippi or Florida and I believe that my right has been contravened because of my race or color, I have a perfect right to go into the court and have the court give me protection. It does so with respect to almost everything, and has been doing it with respect to voting rights. I think that is the way we should continue to operate.

Mr. McCARTHY. The basic difference has to do with the procedure.

Mr. SMATHERS. That is right.

Mr. McCARTHY. Earlier in his remarks the Senator indicated that because this is a local problem the rest of us should not be concerned about it. This may be an oversimplification of the Senator's statement.

Mr. SMATHERS. From time to time we must be interested in the problems that arise in various States, even though they might not arise in our own States. I agree with that, but I say it is particularly unbecoming that the two prime sponsors of this particular type legislation, who are so peculiarly associated that they could do a great deal about eliminating a very big problem in their own State, have done nothing about it and are doing nothing about it. They continue to talk about what needs to be done in other States. The situation is very much as the able Senator from Louisiana [Mr. LONG] described the other night in his speech, in quoting from the Sermon on the Mount, "Judge not, that ye be not judged."

He then quoted this biblical passage:

> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

Mr. McCARTHY. I note that the difference is a quantitative one, and I think this may be an important point to make against the Senator from New York.

Mr. SMATHERS. I think they have the right, as does any Senator, to raise their voices in objection to anything they think is going on in any one of these five States, which they believe is unconstitutional or incongruous. I cannot help but believe that when the question is raised in another State about a condition that exists and Senators raise all manner of Cain about it and introduce bills, make speeches, spend time talking about it, it behooves those particular Senators at least to spend some time and give some thought to cleaning up the situation which exists in their own yard rather than to attempt to clean up the problem which exists in the yard of his neighbor who lives in the next block.

Mr. McCARTHY. I think that would be good advice for the Senators from New York, and I hope they will take it back to New York City with them. I think the Senator will agree with me that this apparent inconsistency on the part of the New York Senators should not discourage the rest of us from making a case here with regard to this particular problem, and perhaps at some time we can move ahead to national standards directly to affect the New York situation.

Mr. SMATHERS. The able Senator from Minnesota does not have this particular problem to any great extent in his State. Other Southern States do have this problem. The situation is like that of the man who lives on the side of a hill, and who continually talks about how he keeps the rocks out of his yard, while the man who lives down on the plateau 4 miles away says, "This is the way you ought to do it." We believe that the people of other States know best how to take care of their particular problem, and we can assume that their motives are good and their inspiration is good. All that we ask is that that consideration be given to us who have the problem right on us.

In my State of Florida, this problem does not exist to any great extent. The Civil Rights Commission does not make any great case against us. However, in the States where there are complaints they should be handled by the States. The distinguished former Governor Battle, of Virginia, who sat on the Civil Rights Commission, did not recommend any of this legislation, but severely criticized the Alabama officials. At least he inferred that he wished they would handle this matter in a fashion somewhat different than they were handling it, although he also recognized that they were making considerable progress with it. He thought there was room for improvement and he so stated.

He so stated. I do not profess to pass judgment on what my fellow citizens in

Alabama or Louisiana are doing. I know, from having talked with a number of them, that they are aware of the problem, that they are sincerely endeavoring to solve the problem, and that they are as anxious as anyone who comes from the area could be, with the knowledge they have of the background in that area, to see that no citizen is deprived of his just rights, be he colored black or yellow, or be an Indian.

I think we are not very far apart. I should like to hear the Senator from Minnesota say, "We want you people to work this problem out."

Our contention is that the 1957 law is sufficient, particularly in the light of the fact that the Supreme Court decided the other day it was going to order placed on the rolls 1,537 Negroes, whether they were qualified or not. The Negroes fell in the same category or classification as certain other people, and the Court said, "We are going to order them put on the rolls so long as you have certain white people on the rolls, and it does not make any difference whether any of them are qualified or not."

The Senator from Louisiana has a chart which shows the number of illiterate people who are registered. Those are the people who cannot read and write, and the Lord knows that is about a low a standard as one could have. In Louisiana there are some 20,000 white people on the rolls who are in the illiterate category, and though I may be incorrect in the figure, I believe I am not far off when I say there are some 19,000 colored people in that category on the rolls. The proportion of colored people compared to white people in Louisiana is not that high, so the courts and the registrars and everyone else have done better with respect to the colored people in that category than they have with respect to the white people. I do not see how people can say there is so much discrimination.

What we say is that we would like to be permitted to work the problem out under the present law. We think the law is more than adequate. We think that additional law will solve nothing. We think that additional law would actually aggravate the situation. We think that additional law would set back the good relationships which have been created over the past 20 years—for that matter, over the past 50 years. We ask to be permitted to solve this problem under our own standards, in our own way, and in fact in our own time, recognizing that it is a problem and that something must be done about it.

Mr. McCARTHY. I thank the able Senator for yielding to me and for his discussion.

Mr. SMATHERS. I thank my friend from Minnesota.

Mr. McCLELLAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from Florida yield to the Senator from Arkansas?

Mr. SMATHERS. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. Does the Senator agree with me, in response to the statement made, I believe by the distinguished Senator from Kentucky, with respect to the absence of the Senators from New York, that Senators who believe in these round-the-clock sessions day after day, when they vote in that manner and so help to order these sessions, certainly ought to be present to support such sessions? The fact is that in the course of a debate on such an important subject, when Senators are taking a vital and important part in it, one should have the right, of course, to refer to conditions in a State, whether the Senators from that State happen to be present in the Chamber or not.

Does the Senator agree with me that, under these circumstances, we cannot necessarily wait until some Senator is present in the Chamber, when the Senator is active in regard to the matter and yet is absent after having voted for all-night sessions?

Mr. SMATHERS. I agree with the Senator. I think the course taken by some Senators who are very active in sponsoring and pushing this type of legislation is one which does not demonstrate a particular interest in night sessions.

If we look up to the galleries, we see there three very distinguished members of the press, who drift in and drift out. We put a great burden on them. We look around the galleries and observe that they are not filled with people. We look across the Chamber and we do not see many Senators, even though debate is going on.

I find that most Senators who are sponsoring this type of legislation like to get to the Chamber at just about the time of day—perhaps 4 o'clock in the afternoon, or 3 o'clock—when they can catch the afternoon press. They also work it out so that they can catch the morning press at exactly the right time. In other words, rather than being interested in convincing Senators on the floor of the Senate as to how this problem should be solved and what we ought to do, I have a feeling that they are more concerned about the news which goes out over the country and which goes back to the home States, and what is read by the people there.

We know that members of the press, being human, must get some sleep. They are not going to stay up all night, except for the few who perhaps, like us, draw the unfortunate graveyard shift. There is not much publicity resulting from a session of this character. Naturally, the newsmen do not want to be present on this occasion, even though I think some very forceful arguments have been made both for and against the proposals. I think there is much learning and much constructive thought permeating these practically vacant halls on such nights.

This is the second time in a row I have had this 4 a.m. to 8 a.m. shift. I must say I have not been overwhelmed by the size of the gallery audience or by the size of the crowd on the floor, and I have not seen, on either of those two occasions, either one of those stanch, great, 100-percent civil rights advocates from New York, the junior and the senior Senator, who get to the Chamber during the busy hours of the day, when the galleries are full, and who then occupy so much time of the Senate. I wish the Senators would come to the Chamber during some of the graveyard shifts and contribute to some of the sound arguments which are made.

Mr. McCLELLAN. Mr. President, will the distinguished Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. McCLELLAN. The Senator noted only a moment ago the number of people in the visitors' galleries and in the Press Gallery, so I will ask the Senator a question. About an hour and 17 minutes ago, did the Senator happen to observe, as I did, that there were only two people in the visitors' galleries and only two people in the Press Gallery, plus four Senators on the floor? That was the entire audience, other than the employed help of the Senate, who have to be present to help carry on these night proceedings.

Mr. SMATHERS. It is not particularly inspiring, but I will say for the press representatives that at least they are present to report what is happening, and I suppose they get the impression there is not going to be too much done in these particular operations. I congratulate those who do come. I know it is an imposition upon them. I am grateful that they are here to add the warmth of their friendly nature. The fact that they look interested from time to time encourages us all to perhaps wave our arms and shout a little bit, to try to make a few points, in the hope that the points will be printed and will get to the people. We always hope a few more arguments will go to the people.

I am very happy that the news representatives are here to report what is happening. I wish more people would come.

Later in the day, at about 12 o'clock, there will be a good crowd, when the galleries will be full and both Senators from New York will be standing on the floor at the same time, offering all kinds of suggestions and amendments as to how to cure the situation throughout the country.

Mr. McCLELLAN. Except New York.

Mr. SMATHERS. They turn their backs on the condition which exists in their own State, ignoring it completely and leaving approximately 618,000 citizens without the right to vote in New York. However, I do not believe we are going to get very far spending too much time on that subject.

Mr. President, I should like to read an article from the U.S. News & World Report, which I think has not been considered a radical magazine by anybody.

Judges in Federal courts, already wrestling with the problem of integrating races in schools, may soon be given the added job of policing elections.

President Eisenhower wants to set up machinery that can be used to assure that Negroes in Southern States are allowed to register and vote in State, local, and National elections. This machinery would be operated by judges in Federal courts with the help of so-called voting referees.

To the South, this proposal brings up memories of the force bills of Reconstruction days after the Civil War. Once before, back in 1871—

That is why I say this particular force bill is not original; the idea goes back almost 100 years ago—

the Federal Government passed a law to police voting, but only in elections for Members of Congress. This law was administered by election supervisors appointed by the Federal courts. Their powers, however, were abused by politicians in the big cities of the North, and the act was repealed in 1894.

At the present time, the plan is to bring Federal power to bear to protect or assure voting rights with more safeguards against abuse than were contained in previous legislation.

The plan, as being offered to Congress with White House backing, proceeds in methodical steps.

FIRST, A COMPLAINT

A Negro in the South, for example, complains that he is not permitted to vote, although qualified. If the Department of Justice, which gets the complaint, decides that it has merit, suit is brought in Federal court under the 1957 Civil Rights Act.

The suit is heard before a judge, without a jury. If the court finds that voting rights have been denied because of race or color, and that there has been a pattern of such deprivation, a U.S. voting referee is appointed to continue the investigation. The referee is authorized to receive complaints from any other person in that State who claim to have been deprived of their voting rights.

After holding hearings and listening to evidence, the referee sends his findings to the Federal court where the case was originally opened. The judge accepts the referee's report, unless clearly erroneous, and puts the findings in the form of a decree listing the names of those kept from voting because of race or color.

Voting certificates are issued to every person named in the decree. Copies of the decree are served on all election officials of the State by the U.S. Attorney General's office. Any State official who refuses to honor the decree faces action for contempt.

FOR A LOOPHOLE: A PLUG

In the South, some voting registrars in various States have resigned, leaving their positions unfilled. This effectively blocked efforts of some Negroes to register and vote for the first time.

The administration's proposal would plug this loophole by providing that, if a voting registrar resigns and no successor is named, any act of the registrar which constitutes a deprivation of voting rights should be considered an act of the State, and the State may then be sued in Federal court.

HOW OLD LAW WORKED

The force bill repealed by Congress in 1894 was not linked to race or color. It was based on the constitutional power of Congress to regulate its own Members.

Under the force bill, so-called supervisors of elections were appointed by Federal courts, which then stepped out of the picture. These appointments could be made if two or more citizens in towns with a population of more than 20,000 requested to have guarded and scrutinized the registration of voters for any congressional election or the election itself.

The supervisors were empowered to challenge the qualifications of anyone seeking to register, and to mark the registration lists in such ways as to detect irregularities.

In elections, the supervisors were authorized to challenge any voters and to count the ballots. Federal marshals assisted the supervisors. Interference with these officials was made a criminal offense.

The supervisors reported to a chief supervisor on the fairness of an election. If irregularities were found, the chief supervisor had authority to hold hearings, take testimony, and issue subpenas. Results of such investigations were to be filed with the Clerk of the House of Representatives.

IN THE SOUTH: LITTLE EFFECT

History records failure of the Federal election law in the South. Federal authorities tried thousands of times to prosecute violations of the act, but few convictions resulted.

In South Carolina, for example, there were 1,392 indictments, but only 114 convictions under the election law.

One-party control by the Democrats made enforcement extremely difficult. Moreover, as the Ku Klux Klan gained strength, it severely restricted voting by Negroes and northern carpetbaggers.

TROUBLE IN THE NORTH

It was in the big cities of the North that the Federal election law had the most impact. Democrats in Congress charged that Republican Party machines in the North deputized criminals, drunks, and armed thugs as marshals, and used them to keep Democratic voters from the polls.

In 1876, of 5,001 Federal deputy marshals appointed to protect voting rights, 4,194—more than 80 percent—were appointed in the three Northern States of New York, New Jersey, and Pennsylvania. One election supervisor in New York City drew fees totaling $145,000 for his services.

In 1892, a special investigating committee of the House of Representatives went to New York City to observe the presidential election. A majority report written by the three Democratic members recommended repeal of the election law because it has "failed to produce any good results in the direction of the purity of elections or the protection of the ballot box."

The law was used, the majority report said, "only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party."

BRIGADE OF TROOPS

In House debate on a move to repeal the law in September 1863, Representative John C. Black, Democrat, of Illinois, described the use of Federal marshals in the 1892 election in Chicago:

"Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals, were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were.

"They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers * * * and thus they stood, armed and equipped for their service, to 'protect the election' in the city of Chicago, and in the great State of Illinois."

In the Republican minority report, it was said that Federal supervisors and marshals were needed to combat ballot-box stuffing and the issuance of fraudulent naturalization certificates by Democratic Party machines.

With Democrats in control of Congress, the "force bill" regulating voting was repealed in 1894.

OPPOSITION IN SOUTH

Despite the differences between the old Reconstruction law and the administration's new proposal, Democratic opposition in the South remains strong.

Senator HERMAN E. TALMADGE, Democrat of Georgia, has called the plan for establishing referees "bait in a new election year for a second Reconstruction era which would throw into Federal receivership the election machinery not only of the Southern States, but also of all 50 States."

"Now we are asked," said Senator A. WILLIS ROBERTSON, Democrat of Virginia, "to repeat the mistake which Congress made nearly 100 years ago."

With these objections and the record of past experience in mind, Congress, in the weeks ahead, must decide whether it wants to hand over to Federal control the problem of policing voting rights of Negroes in the South.

With the disastrous effects of vengeful Reconstruction legislation documented in history, we would do well to heed the lessons of the past lest we allow the strident politics of a presidential election year lure us into a second force bill disaster.

There is little doubt in the mind of any of us but that the present proposals under the magic spell of the words "civil rights" are politically inspired. This is regrettable indeed because it implies the fallacious theory that the means justify the end. It is not an atmosphere in which the great deliberative body of the Senate can function in its true legislative fashion. To put it more bluntly, it is the political byplay for the swing minority groups who are said to vote en bloc and can be delivered en bloc. It is a designed plan to give such groups, to the disadvantage of the majority of the voters of this great Nation, a weightier vote in the ballot boxes throughout the land. The real evil sought to be perpetuated is the way the electoral vote is determined and to perpetuate this evil, some are prepared to make a mockery out of the greatest document of them all—the Constitution of the United States. Under the so-called cause of liberalism, these individuals would have us tear down the remaining bulwark of State sovereignty.

If we are real serious in our consideration of advancing the cause of civil rights, then the inescapable conclusion is that what we need is less law and greater understanding, for to take away that right of the State to determine the qualification of voters, most certainly is a step in the direction of the Congress of the United States perpetuating a civil wrong.

Frankly, Mr. President, our time could be better spent on winning the battle of survival itself than in spending the time of this great deliberative body in considering legislation which can only have as its ultimate effect, fanning the fires of hate, passion, and discontent among our people.

I would at this time like to set forth on the RECORD, by reading, a report submitted by the Senate Committee on Privileges and Elections recommending the repeal of the Force Acts of the Reconstruction days. This report is identified as Report No. 113 of the 53d Congress, 2d session, which adopted a report of the House Committee on Election of President and Vice President and Representatives in Congress. Since I believe the contents of the report have a significant bearing on the matter before this Senate, I would like to take this occasion to quote the report:

The Committee on Election of President and Vice President and Representatives in Congress, to whom have been referred various House bills providing for the repeal of all statutes relating to supervisors of election and special deputy marshals at the polls, beg leave to report back to the House House

bill 2331, with an amendment thereto, and to recommend its passage.

The bill provides for the repeal of section 2002 of the Revised Statutes of the United States relating to the bringing of armed troops to the place of election, and of sections 2005, 2006, 2007, 2008, 2009, 2010 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 relating to the appointment, qualifications, powers, duties, and compensation of supervisors of election; and also for the repeal of sections 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, and 2031 relating to the appointment, qualifications, powers, duties, and compensation of special deputy marshals.

Also for the repeal of sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, and 5523 relating to crimes and their punishment; and also a part of section 643 as follows:

"Or is commenced against any officer of the United States on account of any act done under the provisions of title 26, 'The Elective Franchise,' or on account of any right, title, or authority claimed by such officer or other person under any of the said provisions."

Section 2002 declares in effect that no military or naval officer shall bring any troops or armed men to the polls unless "it be necessary to repel the armed enemies of the United States or to keep the peace at the polls." This act was passed in February 1865, during the war, and the object and purpose for which it was enacted must have long since passed away. Article IV, section 4, of the Constitution is as follows:

"The United States shall guarantee to every State in this Union a republican form of governme. t, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature cannot be convened) against domestic violence."

It is evident from this clause that the United States must guarantee to every State in the Union protection against "invasion." In order to do this it may be necessary for the Government to employ its Army; but it is difficult to see, by any stretch of the imagination, for what purpose the enemies of the United States would invade a polling precinct in any State in the Union. The "armed enemies" of the United States may at any time invade her soil and destroy the property of the people of the United States, and for the purpose of rapine and plunder may invade her borders, but it is difficult to see why the "armed enemies of the United States" should invade a polling precinct within a State. Where "domestic violence" has outrun State control, and the State government is unable to protect itself, this provision of the Constitution provides a direct and specific mode of action, on the application of the legislature of the State to the Government of the United States, or of the Executive if the Legislature cannot be convened. "Domestic violence" may arise from a failure to keep the peace at the polls, and should such a state of things arise the remedy is plain.

But this section 2002 provides an extra-constitutional mode of keeping the peace at the polls, in that it lodges an implied discretion in the military or naval officer of determining when it is necessary to repel the "armed enemies of the United States," or to "keep the peace at the polls": Whereas the determination of that question, under the Constitution, is left with the legislature of the State, or, where it cannot be convened, with the Executive. Surely no officer of the Army or of the Navy should be left to determine when it is necessary to bring troops to the polls, and the Constitution has impliedly prohibited it in the provision just referred to. This section 2002 was a war measure. Twenty-eight years after it was enacted, and 28 years after the cessation of hostilities, as the last vestige of war legislation on this subject, it should be wiped from the statute books forever.

The sections from 2005 up to and including 2020, relating to the appointment, qualification, powers, duties, and compensation of supervisors of election, and sections 2021 up to and including 2031, relating to the appointment, qualifications, powers, duties, and compensation of special deputy marshals, and the remaining sections up to and including 5023, may all be considered together, as they embrace and constitute the same principle and kindred subjects.

The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.

This subject has been discussed before in report No. 1882, part 2, page 5, 1st session of the 51st Congress, as follows:

"The power is sought in the fourth section or article I of the Constitution, which is as follows:

" 'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.' "

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction, put upon them by Congress itself and recognized authors on the Constitution.

We notice, first, that the time, places, and manner of holding elections, etc., is primarily confined to the legislature of each State; secondly, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is eqaully improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the Original Thirteen States that framed the Constitution, seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February 1788 Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the First Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might someday waver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a general government and the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, neverless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

I notice with considerable interest that we have another Presiding Officer [Mr. HARTKE]. The very able junior Senator from Wyoming presided for several hours this evening the "graveyard shift," listening with great attention and with great courtesy. That is a fact which we very much appreciate.

Due to the paucity of Senators on the floor, and in the belief that it is always pleasant to have someone to talk to, we greatly appreciate the fact that the junior Senator from Wyoming listened so closely to the things we had to say. At times he even gave a friendly nod. I do not know whether or not it was because he was impressed by some argument we made.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. McGEE. The junior Senator from Wyoming wishes to assure the Senator from Florida that he nodded with admiration for the Senator's capacity to continue at this hour of the morning. I assure him it was not the "graveyard shift," as he suggests. This is the rising morning. This is a new day, and I was present when the new day was brought into being. The junior Senator from Wyoming is grateful for the opportunity to have endured this part of the rising morning with the junior Senator from Florida.

Mr. SMATHERS. I am grateful to the able Senator from Wyoming. I particularly appreciate the new thought he has given us, that this is the beginning, rather than the end. The day was particularly beautiful as I rode down here this morning. I could not help feel a litttle less bad about having to get my fellow Senators out of their cots at this early hour. It is probably one of the most beautiful mornings that Washington has experienced in many years.

It was beautiful on coming to the floor to see these bright and shining faces, alert and ready to debate this very serious question. It was very encouraging to me.

I should like to say also to the junior Senator from Wyoming that I hope that at least somewhere along the line he was impressed with the idea that we who were standing on the floor holding forth did so out of a complete and unlimited depth of feeling of righteousness in our cause. If the Senator from Wyoming should ever find himself in the situation of being thoroughly convinced of the righteousness of his cause, and the only thing left open to him is to talk in order to keep off his land and his people some legislation that he does not think is right, he may feel certain that he will get from the junior Senator from Florida the same courteous treatment which he has provided for us in this early morning hour of whatever day it is.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield.

Mr. McGEE. I wish to express my gratitude to the Senator from Florida for giving us his report on conditions on the outside world this morning. I heard rumors that there had been some snow. I have not been privileged to get outside the Hall of this body for several days. I might add that early Monday morning I was able to move my family into another house. We have looked forward to this house for a long time.

So far I have not been privileged to spend a night in that house. I do not know how many days ago it was. It was some Monday ago. So, to get the news that it is indeed all beautiful outdoors is very gratifying, and I apprecite the good news.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. SMATHERS. I shall be glad to yield in a moment.

I hope the junior Senator from Wyoming will soon be able to see his new house. Being from Wyoming, I am certain he appreciates the condition of nature which exists in Washington today. We rarely have such beautiful snows here. I am sure that out in his country people are accustomed to frequent and beautiful snowfalls.

I hope that the leadership on both sides of the aisle will very shortly make it possible for the junior Senator from Wyoming to go home and see his family and his new house, which he has not seen, as he says, since some Mondays ago. Certainly I shall be glad to cooperate with the leadership at any time they decide to make a motion to recess the Senate and go back to regular sessions. In such an endeavor they can count on the complete cooperation of the Senator from Florida.

Mr. McGEE. Mr. President, will the Senator yield further?

Mr. SMATHERS. I am happy to yield.

Mr. McGEE. I should like to correct one impression which the Senator from Florida apparently has about the weather in Wyoming. Snow is a rare phenomenon in Wyoming, except in the very high mountain country. We get a little that blows through horizontally, but none that comes on the ground.

When I was lecturing out in Tacoma, Wash., I had my boys with me. While we were there that part of the country had 18 inches of snow. Everyone apologized for it, particularly the chamber of commerce, because that sort of thing just did not happen in the Northwest.

"Of course," they said, "you being from Wyoming realize what this means, to have that much snow." We had to explain on that occasion that my two boys were riding sleds for the first time in their lives that afternoon, because we did not get that kind of snow in Wyoming. During our winters we bask in the kind of sunshine that Florida has and California claims. I am sorry that the minority whip is not present. For that reason, because we love snow, we relish the opportunity of enjoying it in the District of Columbia, and therefore feel deprived of this opportunity.

Mr. SMATHERS. Mr. President, this is a wonderful illustration of how we Senators can sometimes be erroneous in our concepts. For some reason I was always under the impression that at this time of year Wyoming was laden down with heavy snowfalls. Now the able Senator from Wyoming comes along and shocks me with his information about snow in Wyoming. It shows what we can learn from the arguments of other Senators, if we will but listen. That is the whole point of our argument. If people would only listen to us on how to preserve the voting rights of all citizens, they would be beneficially educated and factually informed about the voting situation in the South, just as I have been informed factually by the Senator from Wyoming.

The only thing that worried me about what the Senator said was that Wyoming had sunshine in the winter of the

type we have in Florida. I would like to ask the Senator if he minds striking that from the RECORD. I suppose, though, that he would not like to do that, so I will not ask him to do it. However, we do not want to have any more sunshine States in the wintertime except Florida and, as the Senator says, California claims to be.

I again express my appreciation to the Senator from Wyoming for being such a helpful and courteous Presiding Officer.

I am happy to yield to the able Senator.

Mr. McCARTHY. I was moved by the Senator's description of the beauties of nature and by his reflections on his way here this morning to deliver his address. I assume he will be out in the world for 2 days before he speaks again. I hope he will give us not only the date, but also give us a report on the weather when he returns. Some of us here are like Noah in the ark—we must send out a bird once in a while, and if the Senator brings back a green branch, we will know that spring is here.

Mr. SMATHERS. I have been a little confused as to the date, and I do not know whether it falls within the realm of a parliamentary inquiry, but would it be in order for the Chair to inform us what day this is?

The PRESIDING OFFICER. Today is Friday.

Mr. SMATHERS. What is the day and date?

The PRESIDING OFFICER. March 4, 1960.

Mr. SMATHERS. I presumed years had not passed, but I presume to some it feels like it.

The PRESIDING OFFICER. This is not the March 4 legislative day.

Mr. McGEE. Will the Senator yield?

Mr. SMATHERS. I yield.

Mr. McGEE. I am shocked to learn of this disclosure. I thought it was later than it was.

The PRESIDING OFFICER. This is February 15 as far as the legislative day is concerned.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Arkansas.

Mr. McCLELLAN. I presume the distinguished Senator may have in mind concluding his remarks, and, before he does so, I take this occasion to congratulate him upon the constructive, informative, sound philosophy he has expounded here during the past 3 or 4 hours, largely, of course, to empty seats, because there seemingly has been great inconsistency in this whole proceeding; those who insist upon round-the-clock, day-and-night debate find it convenient to be absent, and it is pretty difficult to reach those who, having eyes, will not see, and, having ears, will not listen. But we have to persist in the cause we believe to be right, and I commend the Senator on his wonderful address. I do hope that in their waking hours some of the Senators who were not present, but who should have been here and who would like to have heard this discussion, may take the occasion and opportunity to read the remarks of the distinguished Senator from Florida.

At the conclusion of his remarks if there are no more Senators on the floor than there are now—I believe there are six or seven of us, and that is two or three more than the average that has been here while the distinguished Senator was speaking—I recommend, if he does not think it an impropriety, that he suggest the absence of a quorum so that our slumbering friends might get up and see this beautiful morning before it disappears into the afternoon.

Mr. SMATHERS. I thank the able Senator from Arkansas for his very generous comments. While my remarks may not have been very eloquent and might not even have been persuasive, I assure him that they were delivered with a very deep conviction of the righteousness of our cause and the belief that we should stand and endeavor to stop this type of legislation if at all humanly possible.

I must say to him also that I appreciate his faithfulness in having sat here to listen to me since shortly after 3 o'clock. I feel comforted in the knowledge that he was flying wing on me, as was the practice of fellow pilots during World War II when I was serving in the U.S. Marine Corps and, from time to time, used to participate in missions with my fellow flyers. It was always a great, comforting thought, particularly over enemy territory, to know we had a good stalwart wing on us; that nobody was going to slip up and get us from the side. I have had that comfortable feeling here, having had the knowledge that the Senator from Arkansas was sitting and protecting me all through the night.

Now, Mr. President, before I indulge in that impropriety of suggesting the absence of a quorum—and I hope the clerk will not ring the bell yet, and will give to our slumbering brothers at least 2 or 3 more minutes—I should like to get off on another one of my favorite subjects for just about 5 minutes.

I should not like to have it written by my friend of the press, John Chadwick, who has been here all evening, that anyone indulging in this debate has talked about anything other than the questions at issue—the civil rights debate and the Ervin amendment which is now pending.

THE PRESIDENTS' LATIN-AMERICAN TRIP AND CONDITIONS IN CUBA

Mr. SMATHERS. Mr. President, I ask unanimous consent, and anticipate the morning hour for just a minute, to put into the RECORD two or three reports which have come to me with respect to the trip of the President of the United States to Latin America. So, with the knowledge that we will not be accused of talking about things other than the civil rights issue, I should like now to ask unanimous consent, Mr. President, to insert in the RECORD an editorial which appeared in the Evening Star, Thursday, March 3, entitled "Tear-Gassed President."

The PRESIDING OFFICER. Is there any objection? If there is no objection, it is so ordered.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TEAR-GASSED PRESIDENT

Mr. Eisenhower has put the best face on the hostile demonstrations which he encountered in Montevideo—demonstrations which brought a few whiffs of tear gas to the President as Uruguayan police tried to quell the fist-shaking students.

Through his press secretary, the President said he hoped "everyone would understand this did not represent the opinion of the vast majority of people" in Uruguay. This plainly is true. For the most part, Mr. Eisenhower was warmly and even enthusiastically welcomed.

Nevertheless, it does not seem to us that this calls for looking the other way or turning the other cheek, with respect to the hostile students, whether they be Communists or just garden-variety screwballs. Tin cans and rocks were thrown at the procession as the President rode by. None hit the President's car, but his automobile doubtless was the intended target.

Our feeling about this business stems from the proposition that Mr. Eisenhower is the President of the United States. An affront to him is an affront to the office he holds. Rock-throwing demonstrations against a President would not be tolerated in the United States, and we do not believe a President should expose himself to them outside the United States. If local authorities, in Montevideo or elsewhere, cannot or will not take adequate measures to prevent these hostile manifestations, the President should solve the problem by staying away. The United States has put up with a great deal of abuse from crackpot elements in Latin America. And we do not think that any more should be tolerated.

With this said, it should be emphasized that Mr. Eisenhower's trip, taken as a whole, has been a useful experiment, in the course of which the President has done much to improve relations between the United States and our South American neighbors.

He has done so by taking pains to straighten out Communist-fostered misunderstandings about our country's policies in relation to the rest of the hemisphere. And he has been especially effective in making clear to the people of Brazil, Argentina, Chile and Uruguay that it is altogether erroneous to accuse the United States of being so preoccupied with Europe and Asia as to be indifferent to Latin America and its problems.

On this latter point, Mr. Eisenhower has spoken out in a manner that must certainly impress all our friends to the south. Thus he has reminded them, notably in his address to the joint session of the Chilean Congress, of how our country—wholly apart from its private investors—has been working through several important agencies, such as the World Bank, the Export-Import Bank and the fledgling Inter-American Development Bank, to help the American States finance key projects designed to promote agricultural modernization and industrial progress as swiftly and on as large a scale as possible.

Further, the President has emphasized that the United States is solemnly committed under the 1947 Treaty of Rio de Janeiro to defend the Americas against armed aggression from any quarter—a commitment enabling them, if they so wish, to cut down on arms expenditures and invest the savings in nonmilitary economic development. Of course, as indicated by Uruguay's leftist students, Latin America is infested with trouble-making minority elements dedicated to the task of spoiling relations with our country. But the vast majority of the peoples south of us are still our friends, and Mr. Eisenhower's visit among them undoubtedly has helped to confirm them in that feeling.

Mr. SMATHERS. The President's trip, I think, has been a splendid contribution to the relations between the United States and Latin America. I think one of the interesting aspects of the trip is that we find that a left-wing—and, in fact, Communist-inspired group—exists in every one of the Latin American countries into which the President has gone. For that matter, it exists in every country, because communism, after all, is an international conspiracy endeavoring to take control of the Government in every one of the countries. Wherever the President went, the opposition which he received to his visit was, of course, Communist-inspired. The Communists displayed the picture of Fidel Castro. A point which many have not understood is that the government of Fidel Castro is today following the Communist line and is controlled by the Communists. I think that there is need for no further evidence. On each of these occasions when the President had trouble Fidel Castro's picture was displayed. This, remember, is the greatest democracy on the face of the globe. There are those who do not want democracy, who want dictatorship. Apparently the Communists like variety. They did not put up the picture of Khrushchev, or Joe Stalin. Those who study the Marxist philosophy and believe in the statements which are made by Lenin and Stalin and all the rest, in this instance put up the picture of Fidel Castro. He has now become the symbol of the Communist movement all over Latin America.

I say that, Mr. President, only because I was one of those who stood on this floor many, many months ago and said I feared this was going to happen. Some of my less friendly friends of the press, who come from some of the big cities of the North, continued to say, "This fellow, who preaches this way, is blind and does not know what he is doing." They continued to write apologetic articles for this fellow Castro. In fact, some of them still do.

I think it is now clear, from what has happened on the President's trip, that the only problem the President had was from those people who were obviously paying allegiance to the Communist cause and displaying the picture and the flag of Fidel Castro.

Mr. President, along that same line, there was an article published in the newspaper under the headline, "Sugar Bonus Enslaves Cuba, Guevara Says."

Mr. President, "Che" Guevara is the head of the national bank in Cuba. He is originally from Argentina. He was in Guatemala, where he participated in the Communist government of Arbenz there. When that government was overthrown by Castillo Armas, he took refuge in Mexico and was in Mexico until he joined Fidel Castro. "Che" Guevara was with Fidel Castro all of the time until he went into Oriente Province, before he went against Batista.

"Che" Guevara is a trained Communist. The CIA and the FBI and everybody else who knows anything about that subject will substantiate the fact.

Now there is a strange line being followed, when "Che" Guevara is talking to the students. He says that the United States is enslaving the Cuban people's economy, apparently because we are giving to them 3 cents per pound more for sugar than the Soviet Union is paying. Somehow the Soviet Union is liberating the Cuban economy, because the Soviet Union is paying 3 cents per pound less for sugar than the United States is paying. In fact, the Soviet Union is paying less for sugar than it costs to produce it.

"Che" Guevara, in his effort to make it look as though the United States is a great imperialistic nation, has gone before the students, condemned the United States, and completely ignored the arithmetic, which is indisputable, that the Cubans are getting from us 3 cents a pound more than the Soviet Union is paying them for the same sugar. He says that somehow we are at fault and somehow the Soviet Union is doing Cuba a great deal of good.

Can there be any doubt in the mind of anybody who reads the article as to which side "Che" Guevara is on? Can there be any doubt in the mind of anybody it is not very wise for us to continue to carry on a program when to continue it, in the words of "Che" Guevara, who is the second highest authority in the Cuban Government today, is economic imperialism?

Then Guevara goes a little further. He says that if we stop the quota it will somehow be economic aggression. He has it figured out that we are imperialistic if we pay 3 cents a pound more than the world price, and 3 cents more than the Soviet Union is paying, but if we stop it we are economic aggressors. That is the kind of people who are running the Government of Cuba today.

When our State Department continues to want to do business with these people and when they want to follow this program of appeasement with the Cuban Government, I cannot help but think, Mr. President, that they are making a grave mistake, one which is going to call for some very hard, tough decisions somewhere down the road. Sooner or later, if the government of Fidel Castro continues to get away with what it is getting away with, the day for decision is going to arrive. The Cubans are going to get $400 million from the harvesting of the sugar crop this year, for the 3.2 million tons of sugar which they sell to the United States. When Castro begins to buy those jet planes and begins to buy the modern machinery of war, and when he runs that second invasion of the Panama Canal—he has already run one—the next time, because of the modern machinery of war, somebody is going to have to make some tough decisions.

Mr. President, as I have been trying to tell my friends in the State Department for a long time, they had better start making these decisions now. They should not wait. We should not follow a foreign policy of simply hoping everything will work out. When we know a cancer exists we had better start doing something about it.

Mr. President, without taking up too much of the time of the Senate, since I have already recommended four points in a program I wish we would follow, I simply say that if anybody wants to read those four points I delivered them in a 4-hour speech I made last Friday.

In any event, Mr. President, something had better be done.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SUGAR BONUS ENSLAVES CUBA, GUEVARA SAYS

HAVANA, March 3.—Ernesto "Che" Guevara, Fidel Castro's chief economic adviser, asserted last night that the 3 million tons of Cuban sugar the United States buys at prices well above those on the world market serves to enslave the Cuban people because of the island's one-crop economy.

Major Guevara, extreme leftist and president of Cuba's National Bank, charged before a nationwide television audience that U.S. businessmen had made Cuba dependent on sugar and had kept the country in a semicolonial state until the Castro revolution.

"They never stopped to analyze what an enslaving quantity the 3 million tons we sell at supposedly preferential prices to the northern giant signifies for the Cuban people," Major Guevara declared.

Major Guevara made clear, however, that the Castro regime does not yet want to give up the $150 million a year bonus the United States pays for Cuban sugar. Obviously referring to sentiment in the U.S. Congress for reduction of U.S. purchases of Cuban sugar, he accused Congress of plotting economic aggression against the Castro government.

CHARGES U.S. PLOTTING

The bearded major, an outspoken admirer of the Soviet Union, said U.S. representatives tried to sow confusion after Cuba signed a trade pact with the Soviet Union. This pact calls for Cuba to sell a million tons of sugar a year at the world market price, which now is about a cent a pound below the cost of production in Cuba.

Describing Castro Cuba as the political leader of the Latin American masses, Major Guevara said:

"We have arrived at the highest place in unfreed America in regard to political projection. But we know perfectly well our political development has greatly outstripped our economic development and therefore attempts at economic aggression that are being plotted in the U.S. House of Representatives can have an effect, because we depend on one product and one market."

Major Guevara said Mr. Castro has grown in stature and is living presence during the tour of moneyholders of America—an obvious reference to the small-scale pro-Castro demonstrations during President Eisenhower's tour of Latin America.

PREDICT CUT IN QUOTAS

"Every time a people tries to express its discontent and rebellion against exploitation, it raises the banner so dear to us—the portrait of Fidel Castro," said Major Guevara.

Cuban newspapers, in apparently officially inspired stories, predicted today that President Eisenhower will ask Congress to reduce Cuba's basic sugar quota by 192,000 tons. Some sources saw this as an attempt to whip up anti-American sentiment which would frighten off any U.S. move to cut the quota.

Revolution, the mouthpiece of the Castro regime, bannered the report as contemplated economic aggression against Cuba. But it went on to say that U.S. purchases of Cuban sugar would not be reduced since Puerto Rican shipments to the U.S. mainland now would be considered domestic U.S.

production and Cuba would be authorized to fill 192,000 tons of the foreign quota previously filled by Puerto Rico.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. I wish to commend the Senator from Florida for the information he is presenting to the Senate and bringing to the attention of the people of the United States. By giving Cuba a quota of over 3 million tons of sugar a year and by paying 2½ to 3 cents a pound more than the Russians are paying the Cubans we, in effect, are financing the purchase of weapons of war by the Cubans from Russia. That puts us in a wholly untenable position.

This is also economically wrong. In the United States we are now importing more agricultural commodities than we are exporting. Our people want to produce much more sugar. Why should our people not produce more of our own sugar needs, when the people of Cuba, or at least the leaders of Cuba, no longer appreciate the preferential treatment we have accorded them.

Mr. SMATHERS. I agree with the Senator from North Dakota completely.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield to the Senator from Nebraska.

Mr. CURTIS. I commend the Senator for what he has had to say about the sugar situation. Some people are rather naive about suggesting that the Sugar Act, which expires at the end of this year, should be merely extended. Some people fail to realize that the mere extension of the present law would increase Castro's quota by 50,000 tons.

Mr. President, it takes 25,000 acres of beet land to produce 50,000 tons of sugar. We have a very expensive operation, attempting to support agriculture in this country. There are hundreds and hundreds of farmers in my State who want to produce sugar. They cannot do so. They have no allotment whatever.

The 50,000-ton increase is for 1 year only, and if we extend the act for 4 years the increase given to Castro will be 200,000 tons of sugar.

The entire matter of our sugar legislation merits the attention of everyone in government who is interested in agriculture and who is interested in financial stability, as well as of everyone who has any concern for the taxpayers and the problems which we face in the field of agriculture.

Certainly we cannot follow the suggestion from some quarters that we merely extend the present act, because in years ahead, with the exploding population that we have, we are going to need and consume a great deal more sugar than we do right now. I do not suggest that we reduce the quota to foreign producers; that would create problems. But certainly we do not need to increase it this year, and perhaps never, if we are going to set the pattern of turning our backs on American agriculture, as well as continuing with an economic position that cannot be justified on any ground whatever. I thank the Senator for what he has done in this field.

Mr. SMATHERS. I appreciate very much the generous remarks of the Senator from Nebraska. Right on the point, as he says, we cannot continue it because it lends confusion to our whole pattern of policy in South America with our friends like Mexico, Peru and El Salvadore and Brazil, which has no quota whatever. Brazil, we must remember, not only has given the President a very warm reception, but that was the country which turned down the first invitation issued by the Castro government to all the underdeveloped nations of the world to come and visit in Havana where they could then abuse the United States in concert.

The first government that turned it down was Brazil and thereafter all the other Latin American governments did, but they do not understand how it is that they get no quota when they are our friends and stand with us, when this Cuban Government has the most-favored-nation position, and has this bulk of the sugar quota and can continue to abuse us and despise us and step upon us actually verbally every time they have an opportunity. So these countries say to you, "We do not understand a policy where you treat your enemies better than you treat your friends. Maybe the time has come when we as your friends should get a few of your enemies in our government and perhaps we would get some better treatment."

This policy must be changed, Mr. President. It cannot continue much longer or else we are even going to lose the friends that we have, and we do not want that to happen.

President Eisenhower went into a theater and made a speech as to what we have been doing and I wish to go on record as applauding him for what he had to say. I must say that I had the privilege of being in that same theater about 3 weeks before the President spoke there. We had a question-and-answer audience-participation program. The same questions came up to me as the gentleman who led the opposition party against the Government of Jorge Alessandri got up on the floor to ask me a question, made a speech, and it looked like he would have been a good recruit for the southern cause in the present controversy which is going on. But after quite some time the question was why was not the United States doing more for Latin America and for Chile and so on. It was a large gathering. The gathering was in an old theater. It was filled in the second gallery and the third gallery and the first gallery and down on the floor. They were all hanging over the galleries and I thought, well, they might throw something at me, but I thought at least they ought to know the truth. So I had the privilege of standing there saying that I thought they knew I was a friend of Chileans and South America. I went on to tell them just what the President had to say the other day, which I thought was so indeed, how much the people of the United States actually contributed in assistance to these countries.

They complained about the fact that over in France and Italy and so on we have given $60 billion away for the Marshall aid program, but I was able to point out to them that we did that in order to stop Communism and that we did it to stop Communism not only against the United States, but against the Chileans and the Argentinians, against the Peruvians and the Brazilians and all the rest, and had we not stopped at that time and there that they would probably not have free government right there in South America today, and the contributions that we made were not made to benefit the people of the United States any more than the people in South America because to halt communism helped them as it helped us, and they should stop this argument "Look how much you have given to those people over there and how little you have given to us."

This was a contribution to freedom for everybody and it certainly benefited them as much as it did us.

Then I also had the privilege of telling them about the tax program in this Nation, which they do not have down there in those countries, where the people who have any kind of income really do not pay very much. I told them about my 84-year old father who reaches into his pocket every year and figuratively puts up on the table $800 to a thousand dollars to help some people in Chile and some people in Peru, and he has never been out of the United States.

He does not know any Chileans but he is trying to help people because he thinks that is the way to do it. Is he to be criticized or is anybody's father in the United States to be criticized for the things which they are doing? They are doing it out of a big heart and gratitude. They are doing it because we in the Congress think that is the way to do it. It is not right to criticize those people who are doing that which they are doing, when they really do not quite understand it, but doing it because they are motivated by generosity and a desire to help all people.

I must tell you that in this Hall it was pretty quiet. You could not hear any hollering, any clapping, but I must say that they listened and that they were with good grace, I went on and told them a couple of other things, about the fact that they did not want us to run their government, that we tried to cooperate in all the programs which they had recommended for us that we help them in. We were still going to follow it, but the only thing we asked was some appreciation for the things which we were doing, and finally when I concluded I am happy to say that I received a pretty good hand; at least the people took it very well.

I was delighted to see the President of the United States the other day do the same thing—of course, do it better—by giving them the facts and circumstances as to what the people of the United States are doing. We do not have to apologize for anything that we are doing on that score, because we are doing more than any law requires us to do, and we are doing a lot. We want them to appreciate it. We will continue to help.

We will continue to help, because we believe that we should help. We want to help, but we want to help people who in turn appreciate it and who understand that we do not have to do it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 86]

Aiken	Gore	Morse
Bartlett	Gruening	Moss
Beall	Hart	Mundt
Brunsdale	Hartke	Muskie
Cannon	Hickenlooper	Pastore
Carlson	Hruska	Randolph
Case, N.J.	Jackson	Robertson
Church	Javits	Saltonstall
Clark	Johnson, Tex.	Schoeppel
Cooper	Keating	Scott
Curtis	Kerr	Smathers
Douglas	Long, Hawaii	Smith
Dworshak	McCarthy	Wiley
Engle	McClellan	Williams, N.J.
Frear	Mansfield	Young, Ohio
Goldwater	Martin	Young, N. Dak.

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. JAVITS. Mr. President, on that I ask the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. KERR. Mr. President, how am I recorded?

The PRESIDING OFFICER (Mr. HARTKE in the chair). The Senator is recorded as having voted in the affirmative.

Mr. WILLIAMS of New Jersey. Mr. President, may I inquire whether I am recorded?

The PRESIDING OFFICER. Such an inquiry is not in order.

Mr. CLARK. Mr. President, am I recorded on this vote?

The PRESIDING OFFICER. The announcement has been made that a quorum is not present.

Mr. KERR. Mr. President, a parliamentary inquiry.

Mr. CLARK. Mr. President, my parliamentary inquiry has not been answered.

Mr. KERR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that these requests are not in order at this time, for the reason that it was previously announced by the Chair that a quorum was not present. Therefore, such inquiries and statements are not in order.

Mr. JOHNSON of Texas. Mr. President, I did not hear the announcement of the Chair.

The PRESIDING OFFICER. The Chair announced previously that a quorum was not present. Therefore, any inquiries or statements at this time are not in order.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry. What is the question?

The PRESIDING OFFICER. The regular order would be the announcement of the vote on the motion to request the attendance of absent Senators. Upon this question——

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry. Did any Senator ask for the regular order?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that any proceeding is out of order in the absence of a quorum. The absence of a quorum having been previously announced, any proceeding at this time is out of order.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Rhode Island [Mr. GREEN], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from South Carolina [Mr. THURMOND] are absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON], the Senator from Texas [Mr. YARBOROUGH[, and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

I further announce that, if present and voting, the Senator from Florida [Mr. HOLLAND] would vote "nay."

Mr. YOUNG of North Dakota. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Utah [Mr. BENNETT], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The result was announced—yeas 56, nays 2, as follows:

[Roll No. 87]

YEAS—56

Aiken	Engle	Mansfield
Bartlett	Frear	Martin
Beall	Goldwater	Morse
Bible	Gore	Moss
Brunsdale	Gruening	Mundt
Bush	Hart	Muskie
Byrd, W. Va.	Hartke	Pastore
Cannon	Hayden	Proxmire
Carlson	Hickenlooper	Randolph
Carroll	Hruska	Saltonstall
Case, N.J.	Jackson	Schoeppel
Case, S. Dak.	Javits	Scott
Church	Johnson, Tex.	Smathers
Clark	Keating	Smith
Cooper	Kerr	Wiley
Cotton	Long, Hawaii	Williams, Del.
Curtis	McCarthy	Williams, N.J.
Douglas	McGee	Young, N. Dak.
Dworshak	Magnuson	

NAYS—2

McClellan Stennis

NOT VOTING—42

Allott	Fulbright	Monroney
Anderson	Green	Morton
Bennett	Hennings	Murray
Bridges	Hill	Neuberger
Butler	Holland	O'Mahoney
Byrd, Va.	Humphrey	Prouty
Capehart	Johnston, S.C.	Robertson
Chavez	Jordan	Russell
Dirksen	Kefauver	Sparkman
Dodd	Kennedy	Symington
Eastland	Kuchel	Talmadge
Ellender	Lausche	Thurmond
Ervin	Long, La.	Yarborough
Fong	McNamara	Young, Ohio

So Mr. JAVITS' motion was agreed to.

The PRESIDING OFFICER. The quorum is shown to be present.

The question before the Senate is on agreeing to the amendment of the senior Senator for North Carolina [Mr. ERVIN] to the amendment offered by the senior Senator from Illinois [Mr. DIRKSEN].

Mr. MCCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MCCLELLAN. Last Friday, a week ago, I began a discussion of S. 1617. I was unable to conclude my remarks on that day, and I resumed speaking on the bill last Tuesday again because I was unable to get the cooperation I desired with respect to having amendments read into the RECORD. I was unable to conclude my remarks.

Is it in order today that I may again speak to this bill, since there is an amendment at the desk, which has been read, and is eligible to be called up even though cloture might be invoked?

The PRESIDING OFFICER. The Senator is permitted to make a speech

upon this amendment, even though the matter is not germane to the Ervin amendment.

Mr. McCLELLAN. Mr. President, who is holding that it is not germane?

The PRESIDING OFFICER. I said the Senator could make the statement even though it were not germane.

Mr. McCLELLAN. Even if this is germane, and I want to talk about something that is germane, I may do so.

The PRESIDING OFFICER. Germaneness of the debate is not required of the Senator in a statement before the Senate.

Mr. CASE of South Dakota. Mr. President, will the Senator yield to me so that I may propound a parliamentary inquiry?

Mr. McCLELLAN. If I may do so without losing the floor, I am happy to yield to the distinguished Senator from South Dakota for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. When the Senator from Arkansas was speaking the other day there was an Ervin amendment pending, but not the amendment now pending.

The PRESIDING OFFICER. That is correct.

Mr. CASE of South Dakota. If the Senator speaks today, he is speaking on a different subject and addressing himself to the presently pending Ervin amendment?

The PRESIDING OFFICER. From the standpoint of parliamentary procedure, the Senator's speech, if he makes one today, would be charged to the amendment which is before the Senate, and the question of germaneness of debate is not a question for proper parliamentary inquiry.

Mr. CASE of South Dakota. I am wondering, since we are still in the same parliamentary day, whether it constitutes a second speech. When the new amendment was offered, did the Senator become entitled to two speeches on the presently pending amendment?

The PRESIDING OFFICER. The Senator is entitled to make two speeches on the pending Ervin amendment.

Mr. CASE of South Dakota. So the Senator is getting a fresh start today?

The PRESIDING OFFICER. That is correct.

Mr. CASE of South Dakota. Notwithstanding the fact that the earlier Ervin amendment was withdrawn and not voted on?

The PRESIDING OFFICER. The speech would be directed to new matters, and would be so charged, from a parliamentary standpoint.

Mr. CASE of South Dakota. Mr. President, were all of the speeches which were made on the previous Ervin amendment to a different matter, so that all of the speakers who spoke on the first Ervin amendment got a fresh start of two speeches when the second Ervin amendment was offered?

The PRESIDING OFFICER. Whenever a new amendment is offered every Senator is entitled to make two speeches upon the new amendment.

Mr. CASE of South Dakota. Even though the earlier amendment was withdrawn and not voted on?

The PRESIDING OFFICER. The Senator is correct. Irrespective of previous speeches, that is the case. If the amendment is withdrawn, the speeches are not charged to anybody.

Mr. CASE of South Dakota. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. Must a cloture petition be offered to the amendment then pending or to the business then pending?

The PRESIDING OFFICER. A cloture petition in its ordinary sense is offered to the main proposition before the Senate rather than to an amendment to the main proposition. However, the cloture petition can be directed to any portion of debate, including any amendment.

Mr. CASE of South Dakota. Mr. President, is it not a requirement that once a cloture petition is offered the amendments must be germane?

The PRESIDING OFFICER. That is correct, after the cloture petition is adopted.

Mr. CASE of South Dakota. Amendments must be germane.

The PRESIDING OFFICER. After the cloture petition is adopted, amendments must be germane, that is correct, if they are offered and read prior to the adoption of the motion.

Mr. CASE of South Dakota. During the course of the evening I asked the Assistant Parliamentarian what the pending business was. He advised me the Ervin amendment was the pending business. Is that still the case?

The PRESIDING OFFICER. That is still the case.

Mr. CASE of South Dakota. Then a cloture petition to be offered at the present time would have to be directed toward the Ervin amendment?

The PRESIDING OFFICER. No; it could be offered to the Ervin amendment or to the main business before the Senate.

Mr. CASE of South Dakota. What is the main business?

The PRESIDING OFFICER. The Dirksen amendment in the nature of a substitute.

Mr. CASE of South Dakota. Then even though the Ervin amendment is the pending business, the Presiding Officer rules that the cloture petition could be directed toward the Dirksen amendment in the nature of a substitute?

The PRESIDING OFFICER. It could be; yes. The customary filing of a cloture petition would be directed toward the Dirksen amendment, which is the principal business. However, a cloture petition could be filed directed toward the amendment of the senior Senator from North Carolina [Mr. ERVIN].

Mr. CASE of South Dakota. Mr. President, the ruling will probably provide little comfort for those who are anxious to get a cloture petition filed, but under the citations in the book on Senate procedure, and under the cases which are cited it seemed to me, in going over the matter, that a cloture petition had to be directed toward the pending business. I believe that question has come up on many occasions, and heretofore the rulings have been the petition had to be directed toward the pending business.

Mr. McCLELLAN. Mr. President, may I interrupt to make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. McCLELLAN. Is this being taken out of my time, or is my time unlimited?

The PRESIDING OFFICER. The Senator's time is not limited.

Mr. McCLELLAN. I thank the Presiding Officer.

The PRESIDING OFFICER. Does the Senator from Arkansas yield the floor?

Mr. McCLELLAN. I do not yield the floor. I yielded only and solely upon the premise that a parliamentary inquiry was to be propounded, with the understanding that I would not lose my right to the floor.

Mr. CASE of South Dakota. Mr. President, that was my understanding, and I certainly do not want to take the Senator from the floor.

Mr. McCLELLAN. I am perfectly willing to indulge the Senator in his parliamentary inquiries from now until he has concluded, provided I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from Arkansas did not lose the floor, and he is yielding for the purpose of the propounding of parliamentary inquiries.

Mr. CASE of South Dakota. Mr. President, I appreciate the courtesy of the Senator from Arkansas. I do not care to pursue the matter further at this time, but I will consult with the Parliamentarian with respect to this matter.

The PRESIDING OFFICER. For the information of the Senator from South Dakota, the rule was changed in 1949, which permitted the cloture petition to be directed either to the amendment or to any portion of the business before the Senate. If the Senator will check with the Parliamentarian, perhaps he will fully understand the situation.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a parliamentary inquiry with the understanding that he will not lose his right to the floor?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Delaware?

Mr. McCLELLAN. Mr. President, I shall be happy to yield to the Senator from Delaware, so that he may propound a parliamentary inquiry, with the understanding that I shall not lose my right to the floor, and I ask the Presiding Officer to protect me in that right.

The PRESIDING OFFICER. The Senator from Delaware will state his parliamentary inquiry.

Mr. WILLIAMS of Delaware. Mr. President, as I understand the situation, last Friday the Senator from Louisiana [Mr. LONG] offered an amendment, and night before last the Senator from Texas moved to lay the amendment on the

table. The Senate, by an affirmative vote, tabled the amendment.

This is my parliamentary inquiry: Did that action of tabling the Long amendment wipe the slate clean as to all speeches made between Friday and the time of the action of the Senate? In other words, were all the speeches written off, and will everybody start all over again?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. That is my understanding of what the Senate was doing at the time the Senate voted.

The PRESIDING OFFICER. The Senator is correct in his understanding.

The Senator from Arkansas has the floor.

Mr. McCLELLAN. Mr. President, I should like to resume where I left off on the first speech I had in mind making with respect to the pending business.

The Presiding Officer will recall, and my other colleagues will recall, I had pointed out it was not necessary to do violence to this little school bill by making it the scapegoat for the proposed civil rights legislation. I pointed out there was on the calendar a bill which did affect voting rights and which did permit the enfranchisement of thousands of American citizens who are now disfranchised, which bill would have been a proper vehicle for civil rights amendments such the Dirksen amendment and other amendments which may be offered.

I pointed out that the bill, S. 1617, had gone through the parliamentary processes and the committee processes and was on the calendar, subject to motion. I also pointed out that the reason the bill had not been made the pending business and used as a vehicle for other civil rights proposals was, in my judgment, because the NAACP wrote a letter to the distinguished majority leader expressing its opposition to the measure. When the fact became known that the NAACP was opposed to the bill, which had the potential of giving voting rights to thousands of citizens who now live on Government reservations in the United States and who are not privileged to vote, there were submitted a flood of amendments to S. 1617. Those amendments dealt with practically all aspects of the civil rights issue. In my judgment, the amendments were introduced for one of two purposes. They were introduced either to defeat the proposed legislation altogether, or they were introduced in good faith in the belief that the bill would afford a legislative vehicle for the Senate to use in considering and possibly in adopting many provisions regarding civil rights, such as are contained in a number of bills which have previously been introduced in the Senate.

Mr. President, in my previous remarks I discussed three of the amendments that had been offered to the bill. I submitted an analysis of the amendments and undertook to enlist the cooperation of Senators to the end that the amendments might be read into the RECORD by the reading clerk of the Senate, but I encountered some objection, and, of course, proceeded to read the amendments into the RECORD myself. I assume that would be expected of me again today; I am not sure. I may decide to submit the affidavit and request that the clerk read it after I have given an analysis of it, and I point this out to my colleagues. The reading clerk of the Senate reads much faster than I do, and if he were permitted to read the amendments, I am sure it would be timesaving ultimately. I should like to analyze them. I am trying to make the RECORD complete.

Mr. President, I have made statements about the situation as to the particular bill now pending, and how it is being sidetracked. A wholly innocent little bill that had no odor of civil rights about it at all has been taken up and been contaminated with some of these civil rights proposals. So, Mr. President, I want to make the RECORD complete and show the whole area of some 15 amendments that were offered to this bill to which I have referred. In order to make the RECORD complete, it is necessary for me to proceed with the insertion or reading into the RECORD of the amendments to which I have alluded.

Mr. President, first is the amendment that was offered by the distinguished Senator from New York [Mr. JAVITS] on August 17, 1959.

I make this analysis of the amendment: It would amend section 1073 of title 18 of the United States Code. This section now makes it a Federal crime either, first, to flee in interstate or foreign commerce in order to avoid prosecution, or custody or confinement after conviction under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses, as they are defined either at common law or by the laws of the place from which the fugitive flees; or second, to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged.

Violators are punishable by a fine of not more than $5,000 or imprisonment for not more than 5 years. Finally, violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

This amendment would add the willful destruction or damaging of any building or structure to the list of crimes contained in the section.

Mr. President, after all, this is a rather short amendment, and I am not going to ask that the reading clerk of the Senate read this one because it is short and I shall just proceed, Mr. President, and not make the request at this time. I will read some of them at least. This amendment, as I pointed out, proposed on August 17, 1959, by the distinguished senior Senator from New York [Mr. JAVITS] provides:

Section 1073 of title 18 of the United States Code is amended by inserting after "arson punishable as a felony," the following: "willful destruction or damaging of any building or structure,".

Mr. President, I believe the analysis I just gave of the amendment will be found to be substantially correct, and sufficiently accurate to inform those who are interested as to what the effect of the amendment would be if it should be adopted, when we succeed, if we ever do, in getting a bill up for consideration over the objection of the NAACP notwithstanding the support of the present administration for it, notwithstanding the fact that the Department of Justice requested that the bill be introduced, and nowithstanding the fact that all of the States through their Governors and through their attorneys general have endorsed the legislation, and desire its passage in order to deal with the very difficult problem of jurisdiction between Federal and State Governments, to the end that an adjustment could be made about such jurisdiction with the result that people who are now denied the right to vote would be given the great privilege of voting in elections in this country.

Mr. President, that suffices for that particular amendment. As I pointed out, some 15 were presented. I have so far given an analysis of four. I now proceed to the fifth amendment, which also was presented by the distinguished senior Senator from New York [Mr. JAVITS] on the same date the other was presented, August 17, 1959.

Mr. President, surprising to me, and something I am unable to recognize, is why these amendments were offered to the bill if they were not in good faith presented having in mind at the time that this bill, being on the calendar and having been approved by the committee, would be brought up, and thus an opportunity afforded to present other proposed civil rights legislation and have it considered and possibly adopted as an amendment to the bill. Anyway, whatever the reasons then, obviously they served the purpose of defeating the bill, or at least obstructing its being processed to passage in the Senate by conforming to the issues of the NAACP. Thus the bill is still on the calendar and not being considered along with civil rights legislation, except so far as I have been able to have it received at the desk, printed, and lie on the table subject to being called up if and when the parliamentary situation will permit it, and in the hope that it is now eligible also as an amendment to be considered in the event even that cloture should be adopted.

The fifth amendment of which I speak, Mr. President, would amend the Federal Judicial Code by adding a new section, 2403A—"Intervention by United States: Loss or threat of loss of equal protection of the laws"—to chapter 161 of title 28, which deals with the United States as a party generally.

It provides that in any action, suit, or proceeding in a U.S. court to which the United States or any agency, officer or employee thereof is not a party, wherein any person alleges on oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution

of the United States to equal protection of the laws by reason of race, color, religion, or national origin, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with loss of his right to equal protection of the laws and the relief to be granted.

In such an action, the United States would be subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relative to the questions of whether such person is subject to or threatened with loss of his right to equal protection of the laws and the relief granted by the court.

Mr. President, while I am reading these amendments to make the record so that those who read may know just what is involved and what is proposed, I am not at this time undertaking to discuss the lack of merits of the proposed amendments to the bill, because amendments will be proposed, I assume, to the bill now pending, the little school bill, or Dirksen substitute therefor, at some propitious time during the course of the consideration of this legislation. But later, after I have the record made on this, I propose to have a little discussion from time to time as we proceed on the merits or rather, lack of merit in the proposal, because some of them are contained in the Dirksen substitute amendment, and when I reach the point where we can discuss that matter without leaving the record blank, which I do not want to do, then I will have something to say about the merits or the lack of merits and the consequences which would follow if such amendments as these should be enacted into law.

Mr. President, this, again, is a short amendment. I am not going to ask the clerk to read it this morning. I might come to one which is a little long and ask him to read it, but for the present, and since it is not too long, until the morning hour arrives, I think I can move along fairly expeditiously with the amendments. So I shall read this amendment, which I have analyzed in order that those who read it may determine for themselves whether the analysis I gave of it is substantially accurate and correct. This amendment also was proposed by the distinguished Senator from New York [Mr. JAVITS] on the 17th day of August 1959, and it reads as follows:

SEC. . (a) Chapter 161 of title 28 of the United States Code is amended by inserting a new section immediately following section 2403 as follows:

"§ 2403A. Intervention by United States: Loss or threat of loss of equal protection of the laws

"In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein any person alleges on oath or affirmation that he is subject to or threatened with loss of his rights under the Constitution of the United States to equal protection of the laws by reason of race, color, religion, or national origin, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether such person is subject to or threatened with loss of his right to equal protection of the laws and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and law relating to the questions of whether such person is subject to or threatened with loss of his right to equal protection of the laws and the relief granted by the court."

(b) Such chapter is further amended by inserting in the analysis at the beginning of such chapter, immediately following section 2403, the following:

"2403A. Intervention by United States: loss or threat of loss of equal protection of the laws."

Mr. President, the sixth amendment that was proposed by the distinguished senior Senator from New York [Mr. JAVITS] on that same day, August 17, 1959, would amend section 875—interstate communications—of title 18 of the United States Code by adding a new subsection which makes it unlawful for anyone who, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment, or mandate of any Federal or State court, transmit in interstate commerce any communication containing any threat to kidnap any person, to injure the person or property of another or to injure public property. Violators would be fined not more than $5,000 or imprisoned for not longer than 5 years, or both.

Mr. President, what this emphasizes is that the strongest advocates among Senators in this body of civil rights legislation immediately seized upon this bill in terms of contemplating it as a vehicle for the enactment of other civil rights proposals, and presented this rash of amendments to it, with the idea, Mr. President, that it would be proper to do so, and would be within the rules of the Senate. Or those who presented the amendments thought that by loading it down, by threatening the bill, with all of these provisions, they would indicate to the author of the bill, to the Attorney General, and to the administration and to the State Governors and attorneys general and all who want this legislation, that "if you dare bring it up in the Senate, we are going to contaminate it with all of these proposals; so you had better not bring it up."

So far, Mr. President, it has not been brought up. I see no prospect that it will be, except and unless, as I propose to undertake to do, I am able to get it brought up and considered as an amendment to this little school bill which is now the principal business before the Senate, subject to the proposal that the little school bill be substituted with an amendment known as the Dirksen substitute amendment.

I still point out, Mr. President, that here was the opportunity, if Senators were in good faith in presenting these amendments. Of course, from the results which have followed and the actions taken and the parliamentary situation in this body at present, it is clearly indicated to me that there was no intent to let this bill pass, which would free thousands of citizens in this country from their bondage, in effect, or from the restriction which now rests upon them and prohibits or prevents them from exercising the right of voting because they happen to live where their work is, upon a Government reservation.

So, Mr. President, I am submitting this analysis of the amendment.

They are probably working for our country, serving it in a defense plant or at some defense area. They are there to carry out their duties to the country, and yet they are denied the right to vote. And here is the Government, the present administration, all of the State governments, everybody, agreeing that relief ought to be afforded, that some action ought to be taken.

I introduced a bill, at the request of the Department of Justice to have the matter considered, providing that the States and the Federal Government in these cases might make an adjustment of their jurisdictional conflicts, so that these people might have the right, as American citizens, to vote. And now where do we find the situation? Senators are demanding, with all the round-the-clock day and night sessions, that we enact certain so-called civil rights legislation they say would free or make eligible to vote, according to the Civil Rights Commission, I believe, in only a a very few counties in the United States where there is any question about such privilege being denied. They are insisting upon that. And yet where there is agreement, by State, Federal, and all authorities that relief should be provided for thousands of citizens, we find obstruction and denial, Mr. President; we find they do not want that bill passed.

Those folks are not organized. There is no organized block of votes with these people. It is just a matter of simple justice. This situation has been discovered, and everybody wants to correct it. But we find this obstruction, "No; we will not correct it. We will not let you correct it."

Why? And the only answer is, as far as this record is concerned, Mr. President—and this is the record—the NAACP writes a letter to the distinguished majority leader, saying they do not want this bill brought up. They oppose it.

I ask in simple justice, in fairness, and in good faith, Mr. President, should not this bill be considered and passed? If we want to be fair and do justice, if we are sincere in this idea of getting every citizen of the country enfranchised and assured of the right to vote, should not we be willing to take up a bill on the calendar here and pass it by unanimous consent? All agencies of Government are agreed.

But no, we cannot get it up. Why? The NAACP does not want it. You wonder who is running the Congress today. Who? Not the Department of Justice, that wants it; not this administration, that wants it; not the committee that reported it out unanimously and

put it on the calendar; not the State governments, who want it, the governments and the Attorney General. They are not influencing the action here. But who?

As far as the record reflects and as far as I have been able to find out, the only source of objection, and the one source that is influencing the procedure that is now here before us, is the NAACP.

Mr. President, if I have made a statement that is inaccurate, there are 99 other Senators of this body who I am sure are fully capable of pointing out the inaccuracy. I am entirely willing to correct the RECORD if I have made any statement that is in error.

Unless the analysis is found to be incorrect, Mr. President, unless I am shown to be in error, then I assume this record will have to stand.

Mr. President, at this time I should like to read the amendment of which I have just now given an analysis, to the end that the record with respect to it may be complete. The amendment, which I stated I believe was submitted on the same day—August 17, 1959, by the distinguished Senator from New York—reads as follows:

SEC. . Section 875 of title 18 of the United States Code is amended by adding at the end thereof a new subsection as follows:

"(c) Whoever, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment, or mandate of any Federal or State court, transmits in interstate commerce any communication containing any threat to kidnap any person, any threat to injure the person or property of another, or any threat to injure public property, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

Mr. President, the seventh amendment offered by the distinguished Senator from New York to the bill, on August 17, 1959, would amend section 876—mailing threatening communications—of title 18 of the United States Code by adding a new paragraph to the last section thereof, which would make it unlawful for anyone who, with intent to interfere with the execution of any Federal or State statute or with the decree, order, judgment or mandate of any Federal or State court, knowingly so deposits or causes to be delivered any communication, with or without a name or designating mark subscribed thereto, addressed to any other person or public authority, and containing any threat to kidnap any person, to injure the person or property of another, or to injure public property. Violators would be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

The amendment actually is comparatively short, so I shall proceed to read it into the RECORD, so it can be compared with my analysis of it, and thus make it possible to determine as to the accuracy of my statements about it. The amendment reads as follows:

SEC. . Section 876 of title 18 of the United States Code is amended by adding at the end thereof a new paragraph as follows:

"Whoever, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment or mandate of any Federal or State court, knowingly so deposits or causes to be delivered, as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person or public authority, and containing any threat to kidnap any person, any threat to injure the person or property of another, or any threat to injure public property, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

Mr. President, a glance around the Senate Chamber prompts me to make an observation which I trust is not out of line and will not be offensive to anyone—namely, that of the Senators who voted for the around-the-clock, all-day and all-night sessions, I observe there are now present only two: One of them, the present occupant of the chair [Mr. HARTKE], perhaps; the other, the distinguished Senator from Vermont [Mr. AIKEN]. Why the others are not here—the others who wanted these sessions to continue day and night, around the clock—I do not know. I expect that some of them are still sleeping, and are not able to be here this morning. I regret that.

Mr. AIKEN. Mr. President, if the Senator from Arkansas will yield, let me say that he must realize that the others cannot now realize what a good speech they are missing; otherwise, I am sure the Chamber would be full.

Mr. McCLELLAN. I thank my distinguished friend. I hope he will convey to them that wonderful message, so they will not again miss such an opportunity.

Mr. AIKEN. It is a loss which they will regret all their lives, I am sure.

Mr. McCLELLAN. I am certain of that, and I thank the Senator from Vermont for that statement. Certainly I cannot understand why, after they voted to have continuous, around-the-clock, all-day and all-night sessions, they now suddenly forget. I guess sleep overtook them. Certainly I am very sorry they are not here.

Mr. SMATHERS. Mr. President, if the Senator from Arkansas will yield, I should like to ask him, in connection with his delivery of so very able and persuasive an argument, whether the absence of those Senators could be for the reason that they have so little confidence in the soundness of their own arguments and their own position that they are afraid that if they heard the arguments which are being made against them, they would be compelled, in good conscience, to change their minds.

Mr. McCLELLAN. Well, I have heard it said of others, "He is so persuasive that he has a way of convincing those who hear him." Mr. President, I am under no illusion whatsoever with regard to my ability; I know I could not do that. But I think that Senators who favored continuous, around-the-clock, day-and-night sessions should certainly support them by their presence. I do not think they should leave it to those of us who oppose them to carry on the sessions for them. I think they should be present, to support the sessions.

Mr. President, I have before me another amendment which was offered on the same day—August 17, 1959—by the distinguished Senator from New York. I shall designate the amendment "No. 8," and I desire to analyze it.

This amendment would add a new section 123 to part III of the Civil Rights Act of 1957, which would authorize the Attorney General to intervene in certain types of cases either upon written sworn complaint of an individual or upon the written request of a duly constituted authority of a State, territory, municipality, or instrumentality thereof, and would give the U.S. district courts jurisdiction over such proceedings.

Subsection (a) would authorize the Attorney General, upon written complaint or information on oath or affirmation of any person who was subject to or threatened with the loss of his right to equal protection of the laws by reason of race, color, religion, or national origin, or who was unable because of financial inability or other reason effectively to prosecute a Federal civil proceeding on his own behalf, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an injunction or other order against any person or persons acting under color of any statute, ordinance, regulation, custom, or usage of any State or territory, or subdivision or instrumentality thereof, or who conspires with such person or persons to deprive or threaten to deprive any person of his rights to equal protection of the laws by reason of his race, color, religion, or national origin.

Subsection (b) would authorize the Attorney General, upon the written request of the duly constituted authorities of any State or territory, or municipality, or instrumentality thereof, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an injunction or other order, against any two or more persons who conspire through violence, threats, or otherwise to prevent or hinder such duly constituted authorities from giving or securing to any person his right to equal protection of the laws.

Subsection (c) would vest jurisdiction of proceedings instituted pursuant to this section in U.S. district courts and authorize them to exercise such jurisdiction without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted. It would also make the United States, in any proceedings under this section, liable for costs the same as a private person.

Subsection (d) provides that nothing in this section shall impair any rights secured by the Constitution and laws of the United States, or any remedies already existing for their protection and enforcement.

Mr. President, in order again to expedite the making of this record, which I feel should be complete, I ask unanimous consent that the clerk be permitted to read into the RECORD at this point the amendment to which I have just referred.

The PRESIDING OFFICER. Is there objection? There being no objection, the clerk will read the amendment.

The legislative clerk read as follows:

Amendment intended to be proposed by Mr. JAVITS to the bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in

the several States used for Federal purposes, and for other purposes, viz: At the end of the bill insert the following:

"SEC. . Part III of the Civil Rights Act of 1957 (71 Stat. 637) is amended by adding at the end thereof the following new section:

"'SEC. 123. (a) The Attorney General is authorized upon written complaint or information on oath or affirmation of any person who is subject to or threatened with the loss of his right to equal protection of the laws by reason of race, color, religion, or national origin, and who is unable because of financial inability or other reason effectively to prosecute a Federal civil proceeding on his own belief, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any person or persons acting under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, or subdivision or instrumentality thereof, or who conspires with such person or persons, to deprive or threaten to deprive any person of his rights to equal protection of the laws by reason of his race, color, religion, or national origin.

"'(b) The Attorney General is hereby authorized, upon written request of the duly constituted authorities of any State or Territory, or municipality, subdivision, or instrumentality thereof, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any two or more persons who conspire through violence, threats, or otherwise to prevent or hinder such duly constituted authorities from giving or securing to any person his right to equal protection of the laws.

"'(c) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"'(d) Nothing in this section shall impair any right secured by the Constitution and laws of the United States, or any remedies already existing for their protection and enforcement.'"

Mr. McCLELLAN. Mr. President, the next amendment to which I refer was offered by the Senator from South Carolina [Mr. JOHNSTON] on August 17, 1959.

This amendment would amend the amendment proposed by Senator HENNINGS by providing for a trial by jury in any criminal contempt case that may arise in connection with proceedings authorized under the provisions of Senator HENNINGS' amendment.

Mr. President, I read into the RECORD last Tuesday, I believe, the last time I spoke, the Hennings amendment, so it is now a part of the RECORD. The amendment here offered by the Senator from South Carolina would simply amend the Hennings amendment to give protection to people so that they would have the right to trial by jury. The Hennings amendment would take it away from our citizens. This amendment would be a perfecting amendment actually designed to protect citizens from trial and imposition of punishment without a jury.

It reads as follows:

TITLE —JURY TRIAL IN CRIMINAL CONTEMPT CASES

SEC. . No person shall be punished for any criminal contempt for alleged disobedience of any order, process, judgment, or decree entered in any proceeding under this Act (other than title I) unless the facts constituting such criminal contempt are established by the verdict of a jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district courts of the United States.

Mr. SMATHERS. Mr. President, will the Senator yield at that particular point.

Mr. McCLELLAN. I am glad to yield to the distinguished Senator from Florida for a question. I reserve the right, Mr. President, not to lose the floor.

Mr. SMATHERS. Is it not a fact that these amendments to which the Senator makes reference, which have been offered by other Senators, have nothing whatsoever to do with actual voting rights?

Mr. McCLELLAN. That is true of some of the amendments I am reading. They have had nothing whatsoever to do with voting rights. Yet they were proposed to a bill that would result in permitting thousands of citizens in this country to vote who are now denied the opportunity to vote.

Mr. SMATHERS. Is it not a fact that there are many sections of the bill which we are considering, but that only one of those sections has to do with voting?

Mr. McCLELLAN. That is correct. Actually, the issue here is just about one-fiftieth voting rights, and the rest something else.

Mr. SMATHERS. Is it not a fact, then, that every time newspapers and others refer to this bill as a voting rights bill, they are making an inaccurate statement?

Mr. McCLELLAN. I would say it is a concealment, rather than a revealing report of the facts. When one reports only half or less of the facts, so as to give the impression that what is reported is all that is involved, I would regard that as concealing the facts, rather than revealing the whole truth.

Mr. SMATHERS. Is it not a fact that the first section of the bill deals exclusively with the question of desegregation of schools?

Mr. McCLELLAN. That is correct; and, of course, if that issue were taken out, I doubt if there would be any bill before the Senate. That is the predominant issue. There is no question about it.

Mr. SMATHERS. Is it not a fact that another major section of the bill has to do with prohibition against destruction and bombing of churches and educational institutions and buildings?

Mr. McCLELLAN. That is correct. I may say to my distinguished colleague that I propose to submit some amendments at the conclusion of my remarks, if I can have the opportunity to do so under the rules of the Senate, as was accorded to one of the proponents of this legislation a day or two ago. I shall offer amendments as I conclude my remarks today. If I cannot do so, then I will do it during the morning hour, to make the provisions with respect to bombing of public buildings apply also to private property. I do not think there is such a great distinction in the crime if somebody gets angry and bombs a public building which is the result of the heat of passion and prejudice of the moment. The same motives, feelings, and emotions prompt persons to destroy private property under certain conditions. I think if it is to be a crime, under the bill, to bomb one type of building, it ought to be a crime to bomb another type.

Arson is a crime, and it applies to private property as well as public property. I do not know why we should make a distinction if a man has a bomb in his hand and throws it at a church, and it does not hit the church, but, instead, hits a private building. Under the provisions of the bill, if he should hit the church, it would be a crime, but it would not be a crime, under the bill, if he hit a private building. I think when we are going to legislate about crime, we ought to cover all crimes in that particular category.

Mr. SMATHERS. Is it not a fact that, under the particular provision as recommended by the Senator from Illinois, a person could bomb the Capitol of the United States, or the House of Representatives, or the Senate itself, and, under that provision, that person would not be considered guilty?

Mr. McCLELLAN. I have not made a complete interpretation of the language, but I am positive it is not comprehensive enough to cover private property. The Senator may be correct when he states it does not even include, or would not protect, the Capitol building of the United States.

Mr. SMATHERS. Is not the Senator of the opinion that the bill does not even cover public buildings other than those used for education and those used for religious work?

Mr. McCLELLAN. That is correct. Now, I do not know whether the Senate wing of the Capitol building would be considered as one used for religious worship, in view of the fact that the Chaplain prays here, or in view of the fact that during the course of discussion in the Senate the Bible is quoted. I do not know whether it would be regarded as possibly "tainted" with a bit of religion. I am not sure. I cannot be sure what the Supreme Court will hold. I do not think anyone else can predict.

Mr. SMATHERS. Is it not a fact that the particular provision of the section we are discussing has absolutely nothing to do with voting?

Mr. McCLELLAN. Absolutely nothing. Throwing a bomb at somebody or at a building would not have any direct or indirect connection with voting, unless, possibly, it were thrown at a voting booth.

Mr. SMATHERS. Is it not a fact that there is another section of the proposal which has to do with the Federal Government assisting those schools and those public subdivisions which themselves encourage desegregation? Is there not such a section?

Mr. McCLELLAN. That is true. There is a provision in the proposal to brainwash citizens in the country with regard to segregation or desegregation, and unlimited funds can be appropriated

for that purpose. But, personally, I do not believe in brainwashing in that fashion, and I do not believe the taxpayers should be put to the burden of the expense which would be incurred.

Mr. SMATHERS. Is it not a fact that such a provision has nothing to do with voting?

Mr. McCLELLAN. It cannot possibly have anything to do with voting.

Mr. SMATHERS. Is it not a fact that of the six sections of the bill, one has to do with voting?

Mr. McCLELLAN. There are six sections, and only one has to do with voting. I think I said one-fiftieth a moment ago. I will be more accurate. That is my view of it, but I want to be accurate. Let us say one-sixth might be ascribed as trying to deal with voting rights.

Mr. SMATHERS. So is it not true that when the newspapers continue to refer to the proposal as a voting rights bill, they are in fact misleading their readers and the general public?

Mr. McCLELLAN. They are not telling the public the truth about it, and they do not even start with the first section of the bill and describe it.

Mr. SMATHERS. Is there not another section in the same proposal which in effect sets up an FEPC which guarantees that there will be no discrimination in employment wherever that employment has anything to do with the Federal Government?

Mr. McCLELLAN. That is correct. May I say to my colleague I have always thought that personal liberty and free enterprise afforded the opportunity to the one who desired to employ labor, skilled assistants, or technical assistants, the freedom of choice and the right to exercise the employer's judgment as to whether he wanted to employ a given person for any reason—race, ancestry, reputation, education, or for whatever reason. It is the employer's money. It is not the Government's, if he has paid his taxes. The Government has no interest in it. He should have the right to use his money to employ the person, whatever his color, whatever his religion, whatever his race, whom he thinks can best serve him as a servant unto him in the particular character or work or job that is to be done.

Mr. SMATHERS. Is it not a fact that, under the provisions of that section of this proposal, there would be a Federal bureau set up which could tell a small businessman in the State of Arkansas, or in the State of Vermont, or in the State of Illinois, if that particular person happened to have a contract with a military establishment, that he had too many colored people or that he had too many white peoople in his place of employment, and could force that particular employer to hire employees that particular man might or might not want?

Mr. McCLELLAN. I think that is true, and particularly so if it was shown, in hearings before the Court, that the ratio of the population in a particular area was of one particular percentage, and that the employment of persons according to race varied from that particular percentage. It might be held by the Supreme Court as being discrimination. The Court might find that the population in that particular area was 50 percent white and 50 percent colored and that the employer had hired 55 percent of his employees who were colored and might hold that it was not fair to the white persons. I cannot conceive that would happen, but if the Court were to go as far astray as it has in other cases, that could happen.

Mr. SMATHERS. Under the authority of this bill, it could be done, could it not?

Mr. McCLELLAN. It could be done.

Mr. SMATHERS. The Senator will agree that this particular section has nothing whatever to do with voting rights?

Mr. McCLELLAN. I cannot see any voting rights in it. It is an interference, in my judgment; it is a trespass upon the rights and privileges of individual citizens who are free men, who paid their taxes, and who have a right to spend their money and follow private enterprise, to pursue their economic success and program according to their own conscience.

Mr. SMATHERS. So then is it not correct to say, in the light of this particular section, aside from the others, when the newspapers refer to this bill as a bill dealing solely with voting rights, that is an inaccurate statement?

Mr. McCLELLAN. I think some papers actually desire to convey an inaccurate picture of the situation to the country. I do not think they want to let the people get the whole truth about the bill. They keep emphasizing voting rights—voting rights—to try to create the impression that someone is being imposed upon in a matter of justice, and that humanity cries out for the passage of a bill that will protect some citizens in their voting rights.

Yet the same people who are back of and are sponsoring this so-called civil rights legislation—this organization, the NAACP—stand in the way in the Senate today as a roadblock against a bill approved by this administration, by the Attorney General, by the Governors of the States, by the attorneys general of the States, which, if enacted into law—and I hope we will be able to enact it into law over the opposition I have named—would free and make eligible for voting thousands of citizens who now live on Government reservations.

We have not found the papers mentioning anything about that. They are not going to tell the country that the NAACP is blocking a bill like that. Let us see if they do. I would like to see their papers in the morning. Let us see if they will print it. I hope they will.

Mr. SMATHERS. Is it not a fact that the Senator thus far has not been able to find in the press any statement that this bill has in it an FEPC section, that it has in it a section which has to do with desecration of religious places and institutions, as good as that may be? Is it not true that the Senator has not seen written in the press that this bill also has in it provisions which would permit the Federal Government to give Federal assistance to those schools which are desegregating and withhold Federal funds from those schools which practice segregation? That has not been written.

Is it also not true that there has not been written in newspapers any statement that this bill encompasses the provision which would have Congress go on record to the effect that the Supreme Court decision in the Brown case is the law of the land?

Mr. McCLELLAN. I think what it sums up to is this: They are withholding more facts than they are revealing. Thus, it is difficult for us to get the true picture before the country. We have the problem of presenting it for our RECORD so that in future years, when people come to study history, in order to know how history moved from this point, whether it was a turning point one way or another, would know what the truth is.

Why we cannot get this information out to the people, to the public, who will be affected by it, why we cannot get it disseminated and brought to their attention so they will know, actually, what is at issue here, I cannot understand—except by considering that it is alleged to affect the freedom of the press. The press is free to withhold, I assume, if that is what it desires to do. It is free to do that. We have freedom of the press, and I do not want to change that. I want the press to be free. But I think when the press fails in its obligation, the obligation that attends freedom of the press—to report all the news and report all the facts—when they fail to do that, I think it is not out of line, it is not improper, for us here in the course of this debate to point out that fact in the hope that they will see and recognize their obligation to give all of the facts about it.

I hope they will do that. The press, with its freedom, the great freedom that it has, can be, often is, and should always be, one of the most powerful influences in the molding of public opinion in a free country such as ours. I hope the time will never come when they lose that influence and lose that prestige. That time will never come if they report accurately and correctly what is actually happening. However, I do say that they are not meeting their full obligation when they withhold a part of the truth on an issue of this nature, and do not report all the facts as they are spread here upon the RECORD.

Mr. SMATHERS. Would the Senator not agree that the press would be doing a great service to this Nation, and at the same time restoring the confidence of the people of the Nation in the press, if they ceased referring to this bill solely as a voting rights bill, when in fact they know, and we all know, that it has in it provisions relative to FEPC, bombing across State lines, Federal aid to the schools which practice desegregation, and all that?

Would the Senator not agree that it would be much more accurate and helpful to the people of the Nation if they stopped referring to this bill as the voting rights bill?

Mr. McCLELLAN. It would be far more accurate if they referred to the other aspects of the bill, which are five-sixths of it, the other aspects, as related to one-sixth, which might pertain to voting rights.

Mr. SMATHERS. In this morning's Washington Post there is an article which criticizes Senators, which says they are trying to brainwash a small group in an effort to prevent an effective extension of the right to vote to all citizens.

When we recognize that there is only one-sixth of this bill which has anything to do with voting rights, and the rest of it has to do with FEPC and the extension of Federal aid to desegregated schools, to bombings, and things of that character, would the Senator not agree that it is not quite accurate to continue to refer to the measure as merely an extension of the voting rights bill?

Mr. McCLELLAN. What the Senator is doing by his questioning is pointing out with appropriate emphasis that in reporting it and in treating it as only a voting rights bill, they are only disclosing to their readers one-sixth of the true facts about it, while withholding five-sixths of the things the bill is designed to do, and the objectives it seeks to achieve.

The Senator referred to the press. We are thankful in this country, everybody is, that we have freedom of speech and freedom of the press. We want to preserve it.

We cannot preserve our freedoms—our cherished heritage will be lost—whenever we cease or are unable to preserve the freedom of the press. So the discussion which the Senator from Florida has elicited by his very pertinent and timely questions is simply in the hope that the press may know that it is not merely a few Senators with whom they disagree. They have a perfect right to disagree with us. I respect that right. I defend it. What I am talking about, and what the Senator from Florida has pointed up by his able interrogation, is that along with that right is an attending or a corresponding obligation to show that this is not simply a voting rights bill, because the bill contains six different, definite, separate titles or aspects of proposed legislation.

The facts ought to be made known to the people throughout the country. I believe that if the press would put as much emphasis on the other provisions of the bill as they put on the voting rights part of the bill, a great public service would be performed. The press should enlighten the people of the country as to all the facts. Thus our constituents—the constituents of all of us—each Senator's constituents—would have a better understanding of the measure, and would be enlightened concerning what it will do. They would be able, then, to form a more intelligent judgment as to whether legislation is desirable and should be enacted.

I hope I will have time to place all these amendments in the RECORD this morning. I want the RECORD to be complete, because I have quite a bit of material on the main issue. However, I could not begin to discuss the main issue without making a record of what has happened that has resulted in the parliamentary situation in which we now find ourselves, in which we are handling a matter as it is being handled, instead of letting the regular and the proper legislative process prevail.

The 10th amendment I referred to was one offered by the distinguished Senator from Montana [Mr. MANSFIELD] on August 18, 1959. This amendment is actually germane to the bill. I compliment and commend the distinguished Senator from Montana, the majority whip, for having offered an amendment which is germane to the bill. His amendment is set off from the other amendments, which may have been designed actually to kill the proposal. But the amendment of the distinguished Senator from Montana is germane. It is one which it was most proper and appropriate for him to offer concerning a situation which prevails in his own State. I shall point out how the amendment is actually germane. It would simply except from the operation of the bill any land or interest of land within any national park or monument. In other words, it would not authorize the relinquishment by the United States of Federal legislative jurisdiction of any lands within national parks.

The distinguished junior Senator from Montana was joined in offering the amendment by his colleague, the distinguished senior Senator from Montana [Mr. MURRAY], who is a cosponsor.

The amendment reads:

On page 3, line 6, before the period insert a comma and the following: "except that the provisions of this section shall not apply with respect to the relinquishment by the United States of any legislative jurisdiction over any land, or interest in land, within any national park or monument".

On page 3, line 7, after "jurisdiction" insert "by such head or other authorized officer of a department or independent establishment or agency".

The PRESIDING OFFICER (Mr. CASE of South Dakota in the chair). Would the Senator repeat the first part of his observation with respect to the amendment? The attention of the Chair was directed to another conversation.

Mr. McCLELLAN. My first observation with respect to the amendment is that it is germane to the bill to which it was offered as an amendment.

The PRESIDING OFFICER. Has the amendment been previously presented?

Mr. McCLELLAN. This amendment?

The PRESIDING OFFICER. Yes.

Mr. McCLELLAN. This amendment is not an amendment to the pending bill. I am speaking of amendments which were offered to S. 1617, before I offered S. 1617 as an amendment to this particular bill.

These are not being offered as amendments. I am not now asking that they be read, except that I asked that one be read, and there was no objection to it. However, the other day when I presented the amendments there was objection. I simply asked that they be read for the RECORD. I do not contend that it will settle any thought which might be in the mind of the Presiding Officer or the mind of any other Senator that I am reading the amendments with any thought that it will mean that they will be eligible to be offered to the pending measure. I am not attempting to offer them as such. I am simply pointing up what happened to a bill which is on the calendar, a bill which provides for and makes it possible to give voting rights to thousands of citizens who are now disfranchised. But that measure has been loaded down with amendments or proposed amendments concerning wholly unrelated matters. That bill is now on the calendar, having been processed through committees in the proper way. This amendment, which was offered by the Senator from Montana, was, I said, intended to correct a condition and was a quite proper amendment.

But the other amendments were offered either with the idea of using S. 1617 as a vehicle for all general civil rights legislation or with a view of killing the bill, because the NAACP wrote a letter to the majority leader, asking him to oppose the bill, notwithstanding that the Department of Justice and the administration had requested that the bill be introduced and processed.

I introduced the bill at their request. Thereafter, we took it up with the State Governors and the State attorneys general and all of them approved it. We encountered no opposition or obstruction until the bill was placed on the calendar. That is what I am showing. I think I am going to make the record pretty complete, if my time does not run out.

The PRESIDING OFFICER. The Chair appreciates the statement of the Senator from Arkansas. He was merely seeking to have clarified whether any parliamentary status was being attempted for something which the Senator intended to offer.

Mr. McCLELLAN. I think I would have the right to attempt that anyhow, if I wanted to do so.

The PRESIDING OFFICER. The Chair assures the Senator that any rights he has will be protected.

Mr. McCLELLAN. I can assuage any fears which the Chair may have about the matter, because the amendment is not intended for that purpose. I said I was going to make the record.

The PRESIDING OFFICER. The Chair has no fears about it.

REPORTS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. MAGNUSON. Mr. President, will the Senator from Arkansas yield to me, provided he does not lose his right to the floor?

Mr. McCLELLAN. I will be very glad to yield, with that understanding.

Mr. MAGNUSON. Mr. President, I ask unanimous consent, out of order to submit two reports from the Committee on Interstate and Foreign Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I thank the Senator from Arkansas.

The reports are as follows:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, with an amendment:

S. 1765. A bill to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges (Rept. No. 1155).

By Mr MAGNUSON, from the Committee on Interstate and Foreign Commerce, with amendments:

H.R. 8042. An act to authorize the Secretary of Commerce to resell four C1–SAY–1 type vessels to the Government of the Republic of China for use in Chinese trade in the Far East and Near East waters exclusively (Rept. No. 1156).

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. McCLELLAN. The next amendment, Mr. President, I have termed "Amendment No. 11." It was presented by the distinguished junior Senator from New York [Mr. KEATING] on the 19th day of August 1959.

This would amend the amendment proposed by Senator HENNINGS by incorporating therein provisions prohibiting certain acts involving the importation, possession, or the use of explosives.

It would add a new section 837—explosives, illegal use or possession—to chapter 39 of title 18 of the United States Code which deals with explosives and combustibles.

Subsection (b) would make it unlawful for anyone to import or introduce into the United States, or deliver or receive for introduction, or attempt to transport in interstate commerce, or who possesses any explosives imported or delivered with the knowledge or intent that it will be used to damage or destroy any building or real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives. Violators of this subsection would be punishable by imprisonment of not more than 1 year or a fine of not more than $1,000, or both. However, if personal injury resulted, violators would be subject to imprisonment of not more than 10 years; and if death resulted, they shall be subject to the death penalty or imprisonment for life.

Subsection (c) provides that the possession of explosives in such a manner as to evince an intent to use, or the use of such explosives, to damage or destroy any building or any real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosives were imported into the United States, or transported in commerce and was imported or transported by the person so possessing it or using it.

Subsection (d) makes it unlawful for anyone who, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys any threat or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to perform any act prohibited by this section, or travels in commerce with intent to use any explosive in violation of this subsection. Violators would be subject to imprisonment for not more than 1 year, or a fine of not more than $1,000, or both.

Subsection (e) provides that this section shall not be construed as indicating an intent on the part of Congress to occupy the field in which the section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any of the foregoing instrumentalities, which would be valid in the absence of the section shall be declared invalid. Finally, it provides that no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.

Mr. President, I ask unanimous consent that the amendment which I have read be inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, reserving the right to object, I understand the Senator from Arkansas previously stated that his purpose in offering these amendments was not to offer them as amendments to any portion of this bill, but to ask that they be placed in the RECORD and read.

Mr. McCLELLAN. I say to my distinguished friend he is in error. I am assuming that I am not offering them as amendments; I am offering them as part of my remarks. I am discussing what happened to another bill. They are not being offered.

Mr. MAGNUSON. It is as part of the RECORD that the Senator is offering them.

Mr. McCLELLAN. That is correct; simply as part of my remarks. I thank my colleague.

There being no objection, the amendment referred to was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. KEATING to the amendments intended to be proposed by Mr. HENNINGS to the bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, viz:

Redesignate "Title XIII" and "Title XIV" of the amendments intended to be proposed by Mr. HENNINGS to the bill S. 1617 as "Title XIV" and "Title XV" respectively, and at the end of "Title XII" thereof insert the following:

"TITLE XIII—PROHIBITING ACTS INVOLVING THE IMPORTATION, TRANSPORTATION, POSSESSION, OR USE OF EXPLOSIVES

"SEC. 1301. Chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 837. Explosives; illegal use or possession

"'(a) As used in this section—

"'"commerce" means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"'"explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"'(b) Whoever—

"'(1) imports into the United States or introduces, delivers, or receives for introduction, attempts to transport, transports, or causes to be transported by financing such transportation or otherwise, in commerce, any explosive, or

"'(2) possesses any explosive which has been imported into the United States, or introduced, delivered for introduction, or transported in commerce,

with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years; and if death results shall be subject to the death penalty or imprisonment for life.

"'(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive (1) was imported into the United States, or transported in commerce and (2) was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it: *Provided, however,* That no person may be conceived under this section unless there is evidence independent of the presumptions that this section has been violated.

"'(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to perform any act prohibited by this section, or travels in commerce with intent to use any explosive in violation of this section, shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"'(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth, or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.'"

Mr. McCLELLAN. Mr. President, the 12th amendment was also offered by the distinguished junior Senator from New York [Mr. KEATING] on the 19th day of August 1959.

This would amend the amendment proposed by Senator HENNINGS by extending the life of the Civil Rights Commission. Specifically, it amends section 104(b) of the Civil Rights Act of 1957 by authorizing the Commissoin to submit an interim report to the President and the Congress not later than September 1, 1959, and at such other times as either the Commission or the President shall deem desirable. It provides further that the Commission would submit its final and comprehensive report of its activities, findings, and recommendations not later than 4 years from the date of enactment of this act.

Mr. President, the amendment that I have just referred to is comparatively short. I shall read it into the RECORD at this point, so that it may be examined in relation to the analysis I have just made of it.

Strike title IX of the amendments intended to be proposed by Mr. HENNINGS to the bill S. 1617, and in lieu thereof insert the following:

"TITLE IX

"SEC. 901. Section 104(b) of the Civil Rights Act of 1957 (71 Stat. 635; 42 U.S.C., Supp. V 1975c(b)) is amended to read as follows:

I may observe, Mr. President, that these amendments are pointing up the differences of opinion between those who are sponsoring these various civil rights bills. When the Senator from Missouri [Mr. HENNINGS], presented his very comprehensive amendment to the bill, then we find other Senators, who disagree with his approach to some aspects of civil rights, offering amendments to the amendments offered by the distinguished Senator from Missouri.

I continue reading the amendment:

"'(b) The Commission shall submit an interim report to the President and to the Congress not later than September 1, 1959, and at such other times as either the Commission or the President shall deem desirable. It shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than four years from the date of enactment of this Act.'"

Mr. President, I am trying to hurry along. I wish to complete this record but I also wish to get into another phase of my discussion of this problem.

I come now to the 13th amendment. It was submitted by the junior Senator from New York [Mr. KEATING] on August 19, 1959.

This amendment would amend Senator HENNING'S amendment by establishing a Commission on Equal Job Opportunity Under Government Contracts, to consist of 15 members appointed by and serving at the pleasure of the President.

The Commission would be required first, to make investigations, studies, and surveys and to conduct such hearings as may be necessary under the act; second, to make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to nondiscrimination in employment, in order to implement the policy of the U.S. Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services; and third, to encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

The Commission would be authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this act.

Finally, the Commission would be authorized to employ such persons as may be required for the effective performance of its duties, and is required to render to the President annual reports for transmission to the Congress. This amendment also contains the usual authorization for the appropriation of such funds that may be necessary to carry out the provisions of the act.

It is quite significant that in many of these amendments—and this is not the first one; the same is true of others to which I have previously called attention—unlimited appropriations are authorized. Thus, if the Government were to undertake to provide the supervisory services, authority, and power called for by these amendments, I should think there would be no way properly to estimate their cost.

The amendment is somewhat lengthy. Therefore, Mr. President, in order to expedite the matter, I ask unanimous consent that this amendment be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. KEATING to the amendments intended to be proposed by Mr. HENNINGS to the bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, viz:

Redesignate "Title XIV" of the amendments intended to be proposed by Mr. HENNINGS to the bill S. 1716 as "Title XV", and immediately preceding redesignated "Title XV" insert the following:

"TITLE XIV

"SEC. 1401. There is hereby created a Commission to be known as the 'Commission on Equal Job Opportunity Under Government Contracts', hereinafter referred to as the Commission.

"SEC. 1402. (a) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

"(b) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive fifty dollars per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

"(c) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provision of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

"SEC. 1403. (a) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of its duties under this Act.

"(b) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

"(c) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

"(d) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

"(e) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this Act.

"SEC. 1404. The Commission may employ such personnel as may be required for the effective performance of its duties.

"SEC. 1405. The Commission shall render to the President annual reports for transmission to the Congress.

"SEC. 1406. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act."

Mr. MCCLELLAN. Mr. President, the 14th amendment also was submitted by the junior Senator from New York [Mr. KEATING], and is dated August 19, 1959; and, inasmuch as I have previously stated that there were only 15, it is obvious that we are moving toward the last of these amendments.

This amendment would amend Senator HENNINGS' amendment by adding at the end thereof an amendment to the Federal Criminal Code. It would add a new section 1509—obstruction of certain court orders—to chapter 73 of title 18 of the United States Code, which deals with the obstruction of justice.

This proposed section makes it a Federal crime for anyone, by threats or force, or by any threatening letters or communications, to willfully prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which, first, directs that any person or class of persons shall be admitted to any school, or second, directs that any person or class of persons shall not be denied admission to any school because of race or color, and third, approves any plan of any State or local agency the effect of which is or will be to permit

any person or class of persons to be admitted to any school.

Violators would be subject to a fine of not more than $10,000 or imprisonment of not more than 2 years, or both.

Mr. President, it is significant that the amendment singles out one type of court orders, and the provisions of the amendment would not apply to the other types of instructions or orders of the courts. Instead, the amendment singles out court instructions or orders in regard to school cases. So, it is obvious that this amendment is not a voting-rights amendment, even though the press tends to refer to all these amendments as amendments with respect to voting matters. However, as I have pointed out, this amendment would have the effect of providing for the adjustment of jurisdiction between the States and the Federal Government, with respect to lands owned or controlled by the Federal Government, so as to give to citizens who live on such lands, as to which such adjustments could be made, the right to vote, if it is now denied to them.

The amendment also provides (a) that no injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime; and (b) that this section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

Mr. President, I ask unanimous consent that this amendment be printed at this point in the RECORD, so that the analysis I have made of it can be compared with the amendment itself.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. KEATING to the amendments intended to be proposed by Mr. HENNINGS to the bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, viz:

Redesignate "Title XIV" of the amendments intended to be proposed by Mr. HENNINGS to the bill S. 1617 as "Title XV", and immediately preceding redesignated "Title XV" insert the following:

"TITLE XIV

"SEC. 1401. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"'§ 1509. Obstruction of certain court orders

"'Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"'No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

"'This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.'

"SEC. 1402. The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"'1509. Obstruction of certain court orders.'"

Mr. McCLELLAN. Mr. President, I come now to the 15th amendment which was offered to the bill. It was offered on August 28, 1959, by the senior Senator from New York [Mr. JAVITS], on behalf of himself and the Senator from Michigan [Mr. HART].

As I have previously explained in the course of my remarks, this amendment is to Senate bill 1617; and the amendment would authorize the head or other authorized officer of any department or independent establishment or agency of the Government, consistent with the policy set forth in this act, to acquire from or relinquish to, the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, such measure of legislative jurisdiction over any such lands as he may deem desirable. This amendment would add a proviso that such acquisition or relinquishment must provide that no law requiring or permitting the segregation or other unequal treatment of any person because of race, color, religion, or national origin shall affect any such property.

Mr. President, I ask unanimous consent that this amendment, which I have just now analyzed, be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. JAVITS (for himself and Mr. HART) to the bill (S. 1617) to provide for the adjustment of the legislative jurisdiction exercised by the United States over land in the several States used for Federal purposes, and for other purposes, viz:

On page 3, line 6, after the word "desirable", change the period to a colon and insert the following: *"Provided, however,* That such acquisition or relinquishment shall provide that no law requiring or permitting the segregation or other unequal treatment of any person because of race, color, religion, or national origin shall affect any such property."

Mr. McCLELLAN. Mr. President, at this time I desire to thank my distinguished colleagues who are on the floor and the present occupant of the chair, the Senator from South Dakota [Mr. CASE] for helping me expedite the presentation of the background of Senate bill 1617 and what happened to it from the time when the request came from this administration to have the bill introduced, up to the present time, when the bill is now on the calendar, and is also pending at the desk as an amendment to the little school bill and to the Dirksen substitute therefor. At the proper time, when that amendment is called up, if I am able to get this amendment taken up and get it considered, I shall at that time explain the full gist of it, the benefits it will provide, the necessity for it, and the support it has; and, again, I shall emphasize that, so far as I know, the only opposition to it comes from the organization known as the NAACP.

Mr. President, again I express my appreciation to the Chair and to my other colleagues now present for their cooperation in permitting me at this time to proceed to deal with the main subject matter at issue here. I shall now commence to make some remarks about it. Of course I want to make some progress, even though it is now quite obvious that I shall not be able to conclude my remarks by the time the Senate will take up morning business, in the morning hour.

But I should like to proceed in the hope that I can get to the point where I can offer some amendments to the pending legislation and have them presented, read, printed, and laid on the desk subject to being called up. I hope I can now get to that point.

Mr. President, civil rights, whatever the meaning of that term may be, has caused the most unprecedently harsh, cruel, and, unnecessary procedure here to which, in my judgment, the Senate of the United States has ever resorted. There have been so many bills, resolutions, amendments, and amendments to amendments presented, and there is such an overlapping of proposals presented in this mad scramble to get on the political civil rights bandwagon, that I believe the sponsors of the various proposals would be rather hard put to it to explain why the same measures have been introduced, reintroduced, and tacked onto bills that are not germane to the issue.

Mr. President, in my previous two speeches and so far up to now in this one, I have been pointing out how they are using this civil rights issue as an instrumentality and a device here on the floor of the Senate to stifle, obstruct, and to kill off possible legislation that the NAACP is opposed to but that this administration wants, that the Governors of the States want, that the attorneys general of the States want, that would free people in America now living on Government reservations to vote, whereas they cannot now do so.

For instance, we all recall that an amendment was tacked onto H.R. 4938, the so-called peanut bill, and since I have not yet, Mr. President, had explained to me the exact meaning or just what the term "civil rights" really means—it has not been explained to my satisfaction—it may just be that it does, after all, have something to do with peanuts. In many of the proposals made in the name of civil rights, some of which I have read and analyzed here, Mr. President, it is certainly more of a peanut system than it is one of statesmanship.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am delighted to yield to my distinguished friend from Georgia, provided I do not lose the floor, Mr. President.

Mr. RUSSELL. Mr. President, the Senator is dealing with a question that has caused me some concern for a number of years. I am convinced that more crimes against basic rights, constitutional rights, and true civil rights, have been committed through the abuse of the words "civil rights" than by any other name that could be affixed to legislation that is pending here.

An association should be formed to prevent the abuse of the words "civil rights," because, Mr. President, those words mean a great deal. If there is any section of this land where the people are dedicated to the maintenance and the respect of all true civil rights, it is that section of these United States from which I come and from which the Senator from Arkansas hails.

Unfortunately, we have become a nation of sloganeers. We live so rapidly that we just look at the package without really viewing the contents. Here we have been carrying on this debate for several days. The Senator from Arkansas and other Senators have made wonderful speeches dealing with the subject matter of the proposed bill, yet the press of the country has not as yet found out that there are seven sections in this bill instead of just two.

Mr. McCLELLAN. May I say to my distinguished friend that we have made some suggestions to the press this morning, and I saw the reporters here taking notes. I know that all they can do is merely report what they heard here, and I am hopeful the press will make use of some of the notes their representatives made here this morning.

Mr. RUSSELL. I do not doubt, Mr. President, that the working press here have fairly reported what transpired in this Chamber. I am referring to the so-called interpretative gentlemen who man the desks down in the cloisters of the editorial rooms and seek to place their interpretation upon events, and they do it in such a way as to be guilty of abuse of freedom of the press. Indeed, the manner in which this issue has been handled is an abuse of the freedom of the press. But the Senator is right. The words "civil rights" have gotten to the point where they do not mean anything. Any time a man wants to put over any legislation in the Senate which he does not want studied, which he wants people to commit themselves to sight unseen, he puts a big sign on it "civil rights," and brings it here, and we have seen some awful monstrosities that were adorned with that very noble slogan.

Mr. McCLELLAN. That is correct, and I may say to my distinguished friend that earlier this morning, in response to interrogations made of me by the distinguished junior Senator from Florida, I pointed out that if we ever lose the freedom of the press in America, we have lost liberty. It must be preserved. But the press has an obligation, whether it likes anything or not, whether it agrees with a proposal or not, to tell the American people, through its media, what the proposal is, what the bill contains, and not tell only one-sixth or one-seventh of what the bill contains, and thus conceal the other six-sevenths or five-sixths, as the case may be, withholding knowledge and information which the public should have.

If the press cherishes its freedom—and I am sure it does—then it ought also to be faithful to its obligation, irrespective of its own personal views. It can editorialize, and we can evaluate an editorial, because it is often one man's opinion, and one man's opinion does not predominate in America, usually; but a paper should give the news, irrespective of whether it is in accord with what the news indicates the objective of a measure may be.

Mr. HOLLAND. Mr. President, will the Senator yield so that I may comment on the editorial situation to which the Senator has referred?

Mr. McCLELLAN. I am happy to yield to my distinguished friend from Florida if I do not lose the floor, Mr. President.

Mr. HOLLAND. Mr. President, we do have some learned men and some well-educated men in the Southland, and among them are Mr. Caleb J. King and Mr. Robert T. Pitman, the editorialists of the Florida Times-Union at Jacksonville. They have written a gem of an editorial which I wish to read into the RECORD at this time, because I think it shows very clearly that not all editorialists in the Nation are clipping out of the news those things that relate to the cause in which the distinguished Senator from Arkansas and myself and others are so much interested.

The title of the editorial is "Machiavellian Theory Is Far From Dead." It reads:

Southern Senators are only partly right.

The rights ruckus is a trial by ordeal, all right, with Dixie solons on the Senate inquisitorial rack of around-the-clock sessions, but the significance of the exhibition is a lot deeper than that and more pernicious. The political strategy is oriented more to a philosophy of the postmedieval period in history rather than to the Middle Ages with its horror device, the Inquisition.

Arkansas' Senator BILL FULBRIGHT, a former Rhodes scholar and one of the more erudite men in the Senate, comes closer to the heart of the matter when he terms the furore political expediency, designed to vilify the South and gain votes during this election year.

FULBRIGHT is a student of history, well acquainted with the thinking of Niccolo Machiavelli, the 16th century prophet of the politically expedient action. Machiavelli's disciples are still very much alive, preaching the doctrine that the end always justifies the means. In the current instance, if tactics get the votes—the pivotal Negro bloc votes in large northern cities—then go after them with tooth and tong.

Machiavelli, in his book, "Il Principe," deemed the situation in 16th century Italy so desperate that it called for the intervention of a powerful and unscrupulous despot, personified in his Prince. Today's "Little Princes," in and out of Congress, seek to accomplish a similar tyrannical end through the vehicle of federalism. The political gospel according to Machiavelli has to be adapted to the American scene and we are not ready yet so much for a strongman as we are for a strong, centralized government.

Let the National Government handle the problem, whatever it is. That is the prevailing philosophy.

The South grants that it has a problem with a large Negro population in its midst. But the South maintains it is dealing with it. The Negro has prospered under our system. His voting numbers have more than doubled in the South during the last decade to a point where better than a million Negroes are registered voters.

All is not hopeless for the Southern effort. Senator PAT MCNAMARA, of Michigan, has admitted that he and his liberal associates may not get the bill they want, in face of strong Southern opposition.

Princes have been displaced before. The South's valiant 18 in the Senate may do it this time.

I thought the distinguished Senator might be encouraged to know that there were editorialists in the country who are reporting the matter as it is, and who recognize that the effort to build an ever stronger, ever too great, ever too extravagant Federal Government is the larger part of the effort in this case.

I thank my distinguished colleague.

Mr. McCLELLAN. I appreciate the contribution made by the Senator from Florida. That is a wonderful editorial. I regret exceedingly that the press here, at least the Washington Post in yesterday morning's issue, so castigated my distinguished colleague from Arkansas [Mr. FULBRIGHT]. I think perhaps that editorial has already been put in the RECORD. I shall not reinsert it at this point. It seemed to take the attitude that my distinguished colleague, being a Rhodes scholar, should have a lot more intelligence than he has displayed. The editorial looked down its nose at the rest of us who have convictions that do not conform to the extreme liberal views of the writer who wrote the editorial.

Even though the press, and even an editorial writer may disagree, when a Senator is so distinguished and regarded so highly, may we say, in liberal circles, as is my distinguished colleague, he ought to be permitted to vote his conscience and vote his convictions, and in doing so truly represent his people, without being castigated in the fashion that this editorial sought to do. I would say it ridiculed him.

Mr. President, I regret to see those things happen. I am sorry the Washington Post took that attitude.

CORRECTION OF QUORUM CALL

Mr. BEALL rose.

Mr. McCLELLAN. I suggest that the Senator address the Chair, if he desires to have me yield.

Mr. BEALL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. McCLELLAN. Yes; I am delighted to yield to my distinguished friend, if I do not lose the floor.

Mr. BEALL. That is understood.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BEALL. Mr. President, on quorum call No. 74, as it appears on page 4276 of the RECORD of Thursday, March 3, I am listed as not being present. I ask unanimous consent that the permanent RECORD be corrected to show that I was present.

Mr. RUSSELL. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. McCLELLAN. Mr. President, the Senator from Georgia has a right to object.

Mr. RUSSELL. Will the Senator from Maryland state, as a U.S. Senator, that he was present at that time?

Mr. BEALL. Yes. The RECORD shows that I was present for quorum calls 73 through 76, but does not include No. 74.

Mr. RUSSELL. If the Senator will state as a Senator that he was present, I will take his word.

Mr. BEALL. Yes.

The PRESIDING OFFICER. The RECORD will be corrected as requested.

Mr. McCLELLAN. Mr. President, noting the hour indicated by the clock in the Senate Chamber, may I ask if my understanding is correct that at noon the Senate will go into a morning hour?

The PRESIDING OFFICER. At that time the Chaplain will offer prayer.

Mr. McCLELLAN. Does that mean I shall have to suspend at that time?

The PRESIDING OFFICER. The Senator's right to the floor will be suspended until the prayer is over.

Mr. McCLELLAN. Will the morning hour follow the prayer? Is a morning hour scheduled?

The PRESIDING OFFICER. At the present time the Parliamentarian informs the Chair there is no order for morning business.

Mr. McCLELLAN. Notwithstanding that there may not be, and I seemed to be under the impression that there would be—I do not know whether it has been announced, and I may be in error—I had wanted, before I yielded the floor, to submit three amendments, to be printed and lie on the desk, and first to have them read by the clerk. The purpose in this instance is to make those three amendments eligible for presentation and consideration even though and notwithstanding a cloture petition may be filed. I may state what the amendments are.

On March 1, amendments relating to destruction of property by bombing were submitted by the Senators from New York [Mr. KEATING and Mr. JAVITS]. I have prepared the amendments that I shall now submit to each of those amendments.

The Keating amendment prohibits importation and shipment in commerce or possession of explosives with knowledge that they are to be used to destroy charitable, religious, or business property.

The amendment which I have drafted, designated as No. 5 in the upper right-hand corner, simply extends these provisions to cover cases where the explosives are to be used to destroy or damage property in connection with a labor dispute.

Mr. President, it applies whether labor or whoever else uses explosives. It would apply, across the board, to anybody.

The one designated as No. 2, the Javits amendment, is identical except for certain minor clerical changes with the amendment submitted by the Senator from New York [Mr. JAVITS] on February 24, 1960, and to which I have prepared amendments, designated as 3 and 4, but which I have not submitted as yet.

So I have rewritten those amendments to fit the new Javits amendment. These I shall offer. They are designated as 6 in the upper right-hand corner and have reference to property, explosion, or fire.

The other one I shall offer, designated as No. 7, applies to any destruction of property in the course of a labor dispute, regardless of the means, whether by explosion or otherwise, if the destruction is willful.

I now send to the desk the first of the three proposed amendments to which I have referred.

I ask that the amendment be read by the clerk, that it be printed, and that it lie on the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. MAGNUSON. Mr. President, reserving the right to object, may I address a parliamentary inquiry to the Chair?

Does it require unanimous consent to have the amendment read?

The PRESIDING OFFICER. It does at this time.

Mr. MAGNUSON. Again propounding a parliamentary inquiry, it is the understanding of the Senator from Washington that some of the amendments that were proposed to be read under unanimous consent have been objected to and others have not. Are there some amendments that have been read which are lying on the desk?

The PRESIDING OFFICER. There are.

Mr. MAGNUSON. May I inquire of the Chair how many amendments to the pending legislation have been read?

The PRESIDING OFFICER. The Chair has been informed by the Parliamentarian that there are at least a half-dozen or more, possibly 8 or 10.

Mr. MAGNUSON. May I inquire of the Chair how many requests for unanimous consent have been made to present amendments and that they be read, which have been objected to?

The PRESIDING OFFICER. There is no record of that at this time.

Mr. MAGNUSON. May I inquire of the Chair if any have been objected to?

The PRESIDING OFFICER. Some have been objected to.

Mr. MAGNUSON. Mr. President, I am sure the Senator from Arkansas will bear with me. I shall have to object to the amendment being read, but I state to the Senator from Arkansas that it may be entirely possible that I shall withdraw the objection, as I am not familiar with the amendment he proposes. As the Senator knows it does involve, a serious question. I understand that if a cloture petition should be presented to the Senate, the amendments, if read, would be included in the cloture petition, and those that have not been read may or may not be included in the cloture petition.

The PRESIDING OFFICER. That is correct.

Mr. McCLELLAN. Mr. President, will the Senator withhold his objection for just a moment?

Mr. MAGNUSON. I am glad to.

Mr. McCLELLAN. We all know an agreement was reached. I interrogated the Presiding Officer at the time the matter was being discussed. It was stated that these amendments could be offered during the course of a Senator's speech and he could request that they be read. It is true, I understand the ruling to be, there would have to be unanimous consent. But when we go into the morning hour there will not have to be unanimous consent. We can present the amendments as a matter of right. Am I correct?

Mr. MAGNUSON. Mr. President——

The PRESIDING OFFICER. Any time before a cloture motion is presented, any proposal to submit an amendment will have to be received by unanimous consent, whether in the morning hour or any other time.

Mr. McCLELLAN. Mr. President, we have to get this straightened out. I can say now that I do not propose to have my amendments objected to, and then extend the courtesy to all other Senators to offer amendments. We have legislation proposed dealing with alleged discrimination. I do not propose, Mr. President, to be discriminated against in the U.S. Senate. If there are to be objections to my amendments, some other Senators may expect objections to theirs. It does not make sense to me.

I do not desire to object to any Senator's amendment. I want the proposed legislation thoroughly considered. But we are not going to have a one-way street in the processing of this legislation.

Mr. RUSSELL. Will the Senator yield?

Mr. McCLELLAN. I hope no objection will be made.

Mr. MAGNUSON. I merely reserved the right to object.

Mr. McCLELLAN. I understand.

Mr. RUSSELL. Will the Senator yield?

Mr. McCLELLAN. I am happy to yield to my distinguished friend.

Mr. RUSSELL. Mr. President, this particular problem has plagued us ever since the Senate proceeded to consider the bill providing for the leasing of a portion of Fort Crowder Reservation to the Stella Reorganized Schools. It has come up in various forms. It has been discussed on the floor time and again, and has become the subject matter of a number of parliamentary inquiries. The distinguished minority leader and the distinguished majority leader had a conference about it and came to me and presented an open-end, unanimous consent agreement that would permit any Senator to offer amendments, send them to the desk at any time, and have them printed in the RECORD, with the agreement that they would be considered as being eligible for consideration under rule XXII.

I did not agree to that, Mr. President. I thought that was going rather far. I told them I thought we should continue to operate the Senate as we had in times

past, and any Senator who could get recognition in the morning hour, or at any other time, could ask unanimous consent to send his amendments to the desk and have them read, printed in the RECORD, and lie on the table, unless objections were interposed from other sources. Those of us who are resisting this legislation would not object.

I think that practice has very generally been followed. In my opinion there are a great many more than six or eight amendments at the desk that have already been proffered under this agreement, which should have been printed, and which should be on the table. I am sure the distinguished Senator from Washington was not aware of that. He was protecting the Chair which he was occupying with such grace here this morning, rather than expressing any personal objection to the amendment proposed by the Senator from Arkansas.

I repeat, Mr. President, what the Senator said, that if we are going to get into this kind of a cutthroat method, it is also a game two can play, and there will not be any more amendments that will be made eligible for consideration.

Mr. MAGNUSON. Mr. President, a further parliamentary inquiry. The Senator from Washington did inquire of the Chair, did he not, whether or not some amendments have been objected to and others have been admitted under the unanimous consent agreement? Did not the Chair answer that some had been admitted and some had been objected to?

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. The Senator from Washington was trying to find out whether or not the amendment of the Senator from Arkansas came under the category of those that were being admitted.

Mr. McCLELLAN. It does.

Mr. MAGNUSON. I have no personal objection whatsoever. I surely think that in any event the Senator from Arkansas should have the privilege in the morning hour of submitting any amendment he wishes to present.

Mr. RUSSELL. A Senator has to get unanimous consent any time, Mr. President, whether it is in the morning hour or now. He has to get unanimous consent to have it read.

The PRESIDING OFFICER. For the information of the Senator, the Chair is informed by the clerk that there are probably 14 or 15 amendments which have been presented without objection. The Chair desired to straighten that matter out.

Mr. MAGNUSON. In view of the colloquy between the Senator from Arkansas and the Senator from Georgia—and the Senator from New York just mentioned something personally to me—I have no desire to object, as I think the question on all amendments should be put. The presentation of amendments is not a one-way street. Some were objected to and some were not. The Senator from Arkansas [Mr. McCLELLAN] has no knowledge of that, but that has apparently been part of the procedure.

Mr. RUSSELL. There may have been objection to some amendment lying on the table, and left open for cosponsors and things of that kind.

Mr. MAGNUSON. I shall withdraw my objection.

Mr. RUSSELL. The Senator from New York offered some six or eight amendments, and so far has the lead, I believe.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I have reserved my right to object only to make my own views clear. This understanding has been scrupulously honored on the Senate floor, as the Senator from Georgia, has said, by those who resist as well as those who are the proponents of civil rights legislation.

I myself have offered amendments under this arrangement. Perhaps I shall introduce another one under the same arrangement. Senators who resist the proposed legislation have availed themselves of the same opportunity in connection with whether the amendments are read or not. This matter is entirely discretionary with Senators who are in the Chamber at the particular time.

The Senator from Georgia desires to have the amendments read. Naturally, his wishes have always been respected. My own amendments were offered before the time the Senator from Georgia indicated that he wanted amendments to be read. However, the amendments were very long.

Mr. RUSSELL. That is correct.

Mr. JAVITS. I hope very much that this practice will be scrupulously continued. The Senator from Arkansas himself was not a leader in the effort to bring this practice about, because he felt he wanted no one cut off. I hope very much that the practice will be continued or honored, so that the amendments of other Senators may be considered, should there be cloture.

Mr. McCLELLAN. The Senator from New York asked me before he offered his amendments if I would object. I said I would not. I said I wanted all Senators to have the opportunity to offer amendments according to their discretion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the clerk will receive and read the amendment.

The legislative clerk read as follows:

On page 3, line 4, after "objectives," insert the following: "or to damage or destroy any building or other real or personal property in the course of or in connection with a labor dispute,".

On page 3, line 16, after "objectives," insert the following: "or to damage or destroy any building or other real or personal property in the course of or in connection with a labor dispute,".

Mr. McCLELLAN. Mr. President, I offer another amendment which I ask to have read, printed, and lie on the table, subject to its being called up, in order that it may be eligible for presentation even though cloture shall have been invoked.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will proceed to read the amendment.

The legislative clerk read as follows:

On page 3, line 5, after "objectives," insert the following: "or to damage or destroy any building or other real or personal property in the course of or in connection with a labor dispute,".

On page 3, line 16, after "objectives," insert the following: "or to damage or destroy any building or other real or personal property in the course of or in connection with a labor dispute,".

On page 4, lines 19 and 20, strike out "a new section as follows" and insert "the following new sections".

On page 5, strike out the quotation marks at the end of line 14, and between lines 14 and 15 insert the following:

"§ 1075. Flight to avoid prosecution for destruction of property in connection with a labor dispute

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive, during the course of or in connection with any labor dispute, and building, structure, facility, vehicle, or other property, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended."

On page 5, strike out the matter following line 18 and insert the following:

"1074. Flight to avoid prosecution for destruction of certain property by fire or explosives.

"1075. Flight to avoid prosecution for destruction of property in connection with labor dispute."

Mr. McCLELLAN. Mr. President, I offer my third amendment, to which I have referred, designated No. 7, according to my marking. I ask that it be read, and that it be printed and lie on the table, subject to being called up at any time, either before or after cloture may have been invoked.

The PRESIDING OFFICER. The clerk will receive and read the amendment.

The legislative clerk read as follows:

On page 3, line 5, after "objectives," insert the following: "or to damage or destroy any building or other real or personal property in the course of or in connection with a labor dispute,".

On page 3, line 16, after "objectives," insert the following: "or to damage or destroy any building or other real or personal property in the course of or in connection with a labor dispute,".

On page 4, lines 19 and 20, strike out "a new section as follows" and insert "the following new sections".

On page 5, strike out the quotation marks at the end of line 14, and between lines 14 and 15 insert the following:

"§ 1075. Flight to avoid prosecution for destruction of property in connection with a labor dispute

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to

avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy, during the course of or in connection with any labor dispute, any building, structure, facility, vehicle, or other property, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended."

On page 5, strike out the matter following line 16 and insert the following:

"1074. Flight to avoid prosecution for destruction of certain property by fire or explosives.

"1075. Flight to avoid prosecution for destruction of property in connection with labor dispute."

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator from Washington for having withdrawn his objection and permitting the amendments to be read. I am seeking to offer amendments and have them read during the period of general debate, before the Senate enters upon the morning hour, with the thought that I might be willing to yield the floor at the time of the morning hour, and thus would not have to take up any further time either during the morning hour or afterward.

I remind Senators that it takes no longer to read the amendments which I propose, and no more time will be consumed in reading them when a Senator has the floor and is speaking and offers amendments to be read, than at a time when he might get the floor in the morning hour. I did not ask to have them read at this time or during the course of my remarks, because I was about to run out of material on which to speak. I certainly would not want any impression like that to be gained. I really thought that to have the amendments read now would expedite matters. That is what I was seeking to do. I shall not engage in any tactics which would unduly delay the Senate. I simply wanted to present my case and to give my viewpoint.

I am greatly impressed with the array of sponsors and cosponsors of measures which have been introduced and reintroduced on the subject of civil rights, and with the varying and various tactics of the committees. But I have pored over much of the mass of proposed legislation on this subject, and I am deeply concerned over its rashness, severity, and terms. If some of the bills and amendments which are proposed should be enacted, I say that new crimes and punishments would be written into the statute books. In some instances, the death penalty or imprisonment for life would be made mandatory by the provisions of some of these proposals. That illustrates some of the venom which inspires this campaign of ordeal and oppression against those of us who come from my section of the country. Various terms of imprisonment and fines would be imposed in other of the proposals, in addition to the punishments of death or incarceration. Many of the bills impose fines ranging up to $1,000 and $10,000. The taxpayers as of now do not realize the tremendous burdens which would be placed upon them if the provisions of only one bill which I shall use as an example should be enacted.

One item, two and a half million dollars a year, under the provisions of this bill, would be appropriated to enforce this program. But, Mr. President, that figure is a very minor item compared to the grants, the unspecified or open-end appropriations, for travel expenses, per diem charges, the money to employ specialists in problems incident to desegregation—and, Mr. President, that means to employ experts to brainwash some of us—and numerous other expenses, including appropriations for personnel, and other items provided for in that one bill.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am very happy to yield to my distinguished friend, if I do not lose the floor.

Mr. ELLENDER. Is it not true that even privately organized associations could be employed, to be paid on a per diem basis, in order to carry out the purposes of some of these amendments?

Mr. McCLELLAN. That is correct. The way the bills read at present, if they are not amended or revised, they may simply open up the whole Treasury, whether there is any money in it or not. We do not know how much it would cost. At present we have to keep going out and borrowing money. It happens that we would have to be functioning on credit, if we can get the credit, at a high rate of interest—and the rate of interest is going up, I understand—and adding on to the national debt, for our children and grandchildren and others to pay, if it is ever paid.

Mr. ELLENDER. Will the Senator yield further?

Mr. McCLELLAN. I am very happy to yield.

Mr. ELLENDER. Is it not true that many of the organizations which are now engaged in gathering information and disseminating it all over the country, could do so under some of these amendments, and let Uncle Sam pay the bills?

Mr. McCLELLAN. That is true, and we will find many of them willing to do it, if they can get a little money out of the U.S. Treasury.

Mr. President, it would be a staggering amount to place upon the already overburdened taxpayers of this country. I just wonder if it is possible that the proponents of these various proposals expect—and I am sure they do not—that the fines to be imposed would exceed the millions of dollars proposed to be spent on this program, and also take care of the various expenses proposed in these bills.

They are not going to collect enough fines to finance all of this program. Cases cannot be tried that fast, even if the court machinery throughout the whole country were put to work on them.

Mr. President, the expense of enforcement will have to be on credit, and it will have to be added to the national debt, which is a poor way to balance the budget.

Mr. President, if it is not for political expediency, then why all this mad rush for drastic civil rights legislation?

While the senior Senator from Oregon [Mr. MORSE] and I do not always see eye to eye on the merits of certain proposals, particularly those dealing with civil rights, I point to a particular instance in which I wholeheartedly agree with him. In a statement made by him on the floor of the Senate on February 16, 1960, which appears at page 2624 of the CONGRESSIONAL RECORD, he stated, in part, as follows:

> This is not the only time that civil rights will be before the Senate. This issue will continue to be before us for some time to come.

Mr. President, he was not talking about this session of the Congress. He said, "for some time to come." When he said this would not be the only time the issue would be before us, he was referring to other sessions; and that, Mr. President, is what I have tried to point out, in discussing this in private conversations, to members of the press, to my colleagues, and others. There is no end to it. Pass every bill on the Calendar today; adopt every amendment that has been offered, where they do not conflict; and at the next session of Congress we would have the NAACP down here demanding more legislation. It is not possible to satisfy them. Talk about compromise: I always thought a compromise settled something, ended it. How is this controversy to be concluded? Nobody is bound by anything which is done at this session, so that it may not be brought up at another. It cannot be ended. It is here. We must deal with it. The only way to handle it is to do the right thing about it—stop this campaign, this continuous shouting about civil rights.

What is wrong in America? What is happening now that has not happened throughout the history of the country? What is it that has gone to pot that demands all of this legislation? With the laws under which we have lived—economic, social, criminal, civil, and otherwise—we have developed and grown to be the greatest Nation in the world—a power today that is preeminent, Mr. President.

Why all this sudden necessity—imperative necessity, as some would have us believe—to change our way of life? Why? It does not appeal to reason.

Mr. President, I am resigned to the fact that it is a sad truth, as the distinguished Senator from Oregon said, that the issue will be with us for some time to come. There is only one way to deal with it, and that is to keep the Federal Government in the business it ought to be in: Keep the States sovereign; permit the States to operate in their own way under the Constitution of the United States and under their State constitutions.

I am sure that, wherever discrimination may exist in this country with respect to voting, as the Civil Rights Com-

mission has reported it, I say it is in very small spots and localities. It does not prevail generally throughout the States. In my State and in other Southern States, the colored people not only vote; they are urged to register. Campaigns are put on to impress upon them the necessity and the desirability of their meeting their citizenship obligations, and to going to the polls and voting for the candidates of their choice. Yet, at every session of Congress, we must be pounded, cuffed around, beaten and bruised over this so-called issue of civil rights.

Great progress is being made in the South. Great strides are being achieved, Mr. President, in the direction of race relationships—all for the good of both races. That would have continued and would have been accelerated, in my judgment, except for the unfortunate and tragic court decision of May 17, 1954.

Mr. SMATHERS. Mr. President, would the Senator yield, before we get to the hour of 12 o'clock, so that I might just say to the able Senator from Arkansas that it has been a great privilege to have served with him on this floor on this very issue since 4 o'clock this morning. He has made a marvelous speech. He has made an unanswerable argument against the bill. He has demonstrated most clearly that this bill is much more than a voting rights bill, as, unfortunately, the press have stated it to be, and that is all that is involved. He has pointed out forcefully that this FEPC bill is a bill which is designed to stop bombing of educational institutions and churches, with which we are all agreed.

I think it is a bill, as I pointed out, that has in it the provision that the Federal Government shall assist in the desegregation programs, if any discrimination exists in the schools, then that the Federal Government help in those schools where desegregation oppresses, but it will not help in other schools that do not have the desegregation programs.

The Senator from Arkansas has made a fine contribution. I merely desired to say, as far as the junior Senator from Florida is concerned, that I very much appreciate the opportunity to have been with him.

Mr. McCLELLAN. I thank the distinguished Senator from Florida.

Mr. President, I ask unanimous consent that I may retain the floor, so that after the approaching morning hour, I may resume my remarks.

The VICE PRESIDENT. The Senator has that right without obtaining unanimous consent.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senate now proceed with the usual morning hour.

Mr. RUSSELL. Mr. President, reserving the right to object, let me say that I have no objection to having a morning hour, if the introduction of new bills is eliminated. But during the last 2 days I have raised that question and objection. So I have no objection to having at this time the usual morning hour for the transaction of routine business, with the exception of the introduction of new bills.

The VICE PRESIDENT. Without objection, the morning hour will be had after the prayer; and during the morning hour, routine morning business will be in order, except for the introduction of bills.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H.R. 9862) to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 9862) to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing, was read twice by its title, and referred to the Committee on Finance.

PRAYER BY THE CHAPLAIN

The VICE PRESIDENT. Under the resolution previously agreed to, the Chaplain will now offer prayer.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal and blessed God: In the midst of the toiling days when the fever and fret of crucial times take their toll of our physical powers and of our spiritual reserves, we are grateful for quiet arbors where, at an altar of contrition, we may bow and pray for Thy forgiveness and cleansing.

Lead us, we pray, beside still waters and into green pastures.

With the refreshing dew of Thy strengthening grace upon us, may we go forth on our way, attended by the vision splendid, as we lift up our hearts with the grateful te deum, "He restoreth my soul."

Give us, we beseech Thee, some small part in making the earth's crooked ways straight, so that social and industrial relations will lose their hard antagonisms, and will become the hallowed cooperation of comrades in human service.

Toward this high purpose may we labor, while our brief day lasts, in the quiet confidence that Thou wilt guide our steps and keep our feet from faltering.

We ask it in the dear Redeemer's name. Amen.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state it.

Mr. MAGNUSON. It is my understanding that all matters and business submitted during the morning hour will be subject to a 3-minute limitation. Is that correct?

The VICE PRESIDENT. The Senator from Washington is correct.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Arkansas will state it.

Mr. McCLELLAN. In order to retain the floor, is it necessary that during the morning hour I remain on my feet?

The VICE PRESIDENT. No. The Senator from Arkansas will be recognized at the conclusion of the morning hour.

Mr. McCLELLAN. I thank the Chair.

The VICE PRESIDENT. Is there morning business to be submitted?

CALL OF THE ROLL

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, is it now permissible for me to propound a parliamentary inquiry, or to request unanimous consent that I may make a statement?

The VICE PRESIDENT. Only after the call of the roll; during the call of the roll, debate is not in order.

Mr. MAGNUSON. Mr. President, I merely wish to state that there has been a failure or breakdown in the supply of electric current. So we hope the quorum will be called slowly, because many Senators have no idea that a quorum is now being called.

Mr. RUSSELL. Mr. President, I shall not object to having that statement made at this time, if the Senator from Washington does not blame the failure of the electric current supply on the southerners. [Laughter.]

Mr. MAGNUSON. No, Mr. President; the electrician is a northern gentleman.

The VICE PRESIDENT. The clerk will call the roll slowly.

The legislative clerk resumed and concluded the call of the roll; and the following Senators answered to their names:

[No. 88]

Aiken	Ervin	Martin
Allott	Frear	Monroney
Anderson	Goldwater	Morse
Bartlett	Gore	Moss
Beall	Hart	Mundt
Bible	Hartke	Murray
Bush	Hayden	Muskie
Byrd, W. Va.	Hickenlooper	Proxmire
Cannon	Holland	Randolph
Capehart	Hruska	Robertson
Carlson	Jackson	Russell
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Church	Johnston, S.C.	Smathers
Clark	Keating	Smith
Cooper	Kefauver	Talmadge
Cotton	Kerr	Wiley
Curtis	Lausche	Williams, Del.
Dirksen	Long, Hawaii	Williams, N.J.
Douglas	McClellan	Yarborough
Dworshak	McNamara	Young, N. Dak.
Eastland	Magnuson	Young, Ohio
Ellender	Mansfield	

The VICE PRESIDENT. A quorum is present.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. The Senate is still in the morning hour, is it not?

The VICE PRESIDENT. We are.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AUTHORIZATION FOR PAYMENT TO GOVERNMENT OF THE PHILIPPINES

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to authorize payment to the Government of the Philippines (with an accompanying paper); to the Committee on Foreign Relations.

REPORT ON REVIEW OF MANAGEMENT OF AERONAUTICAL SPARE PARTS BY MIDDLETOWN AIR MATERIEL AREA, DEPARTMENT OF THE AIR FORCE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of management of aeronautical spare parts by the Middletown Air Materiel Area, Department of the Air Force, dated February 1960 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF AIRCRAFT PROCUREMENT PROGRAMS, DEPARTMENT OF THE NAVY, PART I

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of aircraft procurement programs in the Department of the Navy, part I, dated February 1960 (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Three letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a list of the aliens, and a statement of fact relating to each alien, and the reasons for suspending deportation (with accompanying papers); to the Committee on the Judiciary.

APPLICATIONS FOR PERMANENT RESIDENCE FILED BY CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence filed by certain aliens, together with a detailed statement of facts and pertinent provisions of law as to each alien, and the reasons for granting such applications (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the House of Representatives of the State of Georgia; to the Committee on Finance:

"H.R. 538

"Whereas the House of Representatives of the General Assembly of Georgia is unalterably opposed to the insidious centralization of bureaucratic functions in Washington; and

"Whereas there is before the Congress of the United States at the present time legislation to increase social security taxes and the bureaucratic administration connected with social security; and

"Whereas a bureaucratic system for solving individual health problems of the aged would result in political abuses, administrative waste, and discriminatory handling: Now, therefore, be it

"Resolved, That the House of Representatives of the General Assembly of Georgia go on record as favoring the solution of the health problems of the aged population through voluntary methods on the community and State level; and be it further

"Resolved, That this house hereby expresses its opposition to Federal legislation designed to increase social security taxes by encroaching on the legitimate and most effective function of the community in caring for its own problems of the health care of the aged; and be it further

"Resolved, That the clerk of the house is hereby instructed to transmit a copy of this resolution to each Member of the Georgia congressional delegation, to the Presiding Officers of the Senate and the House of Representatives of the U.S. Congress, and to the members of the House Ways and Means Committee.

"Read and adopted in house, February 19, 1960.

"GLENN W. EWARD, *Clerk.*"

By Mr. HOLLAND:

A resolution adopted by the Board of Commissioners of Sarasota County, Fla.; to the Committee on Public Works:

"MEMORIAL TO THE CONGRESS OF THE UNITED STATES TO PROVIDE ADDITIONAL FUNDS FOR THE CONTINUATION OF CONSTRUCTION OF THE INTRACOASTAL WATERWAY IN FLORIDA, FROM THE CALOOSAHATCHEE RIVER TO THE ANCLOTE RIVER, DURING THE NEXT FEDERAL FISCAL YEAR

"Whereas, the Florida Legislature created the West Coast Inland Navigation District in 1947 to coordinate requirements of local cooperation for this project; and has extended the taxing panel of this district until 1969 or the completion of the project, whichever is earlier, to insure full cooperation and participation by the combined local interest of Hillsboro, Pinellas, Manatee, Sarasota, Charlotte, and Lee Counties in the completion of this project; and

"Whereas these local interests in the last 13 years have contributed over $1,700,000 in local taxes to meet local commitments, and will continue to contribute at an increased rate; and

"Whereas studies have determined that the project is economically feasible, and that it is in the best interest of the citizens in the fast growing and developing area involved; and

"Whereas studies confirm that the continuation of this project is economically feasible and in the best interests of the State of Florida, and of U.S. commerce generally to have an inland waterway connecting the great port of Tampa to the already established waterway system of the eastern United States; and

"Whereas this waterway will also provide a haven during tropical storms for the resident, and transient pleasure craft and commercial fishing boats, both contributory to the stable economy of the area; and

"Whereas the delivery of heavy materials at more favorable rates and service for greater economy in the building of homes and business operations will be expedited by the completion of this project; and

"Whereas funds for the start of construction were appropriated by Congress in 1959 to the great encouragement of local taxpayers who are anxious to see the culmination of the joint Federal-local cooperative effort; and

"Whereas, the Corps of Engineers, U.S. Army has reported that it will be able to use economically $2 million for the continuance of construction during the next fiscal year: Now, therefore, be it

"Resolved by the Board of Commissioners of the County of Sarasota, State of Florida, That the Congress of the United States be and is hereby requested to provide for use during the next Federal fiscal year $2 million as found by the Corps of Engineers of the U.S. Army may be expended economically for the continuance of construction of the intercoastal waterway, from the termination of the existing Okeechobee Waterway at the mouth of the Caloosahatchee River to the Anclote River, Fla., and that such additional funds be provided from time to time thereafter as may be needed to pursue this project expeditiously to completion; and be it further

"Resolved, That copies of this memorial be dispatched to the President of the U.S. Senate; to the Speaker of the U.S. House of Representatives, and to each of the Florida congressional delegation in the U.S. Congress.

"Attest:

"J. A. SPANOS,
"Chairman of the Board."

RESOLUTION OF UNION COUNTY POMONA GRANGE, LA GRANDE, OREG.

Mr. MORSE. Mr. President, in common with many Senators I have received much correspondence from individuals and associations opposed to the provisions of House bill 7875, relating to income allocated as patronage dividends by cooperatives.

Illustrative of these is the resolution recently passed by the Union County Pomona Grange, La Grande, Oreg. I ask unanimous consent that the resolution be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas H.R. 7875 would make it impossible to pay off any heavy indebtedness that a cooperative might have to incur, thus putting it out of business in a short time: Now, therefore, be it

Resolved by the Union County Pomona Grange, That we oppose H.R. 7875 in its entirety.

HENRY WEATHERSPOON,
Master.
LAURA E. BATES,
Secretary.
CLARENCE CARTER,
J. A. NICE,
NOEL SCOTT,
Members, Executive Committee.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mrs. SMITH:

S. 3137. A bill for the relief of Luis Mir Barbeta; to the Committee on the Judiciary.

CIVIL RIGHTS—ADDITIONAL COSPONSOR OF AMENDMENT

Under authority of the order of the Senate of March 1, 1960, the name of Mr. NEUBERGER was added as an additional cosponsor of the amendment of the Senator from New York [Mr. JAVITS] to the amendment proposed by the Senator from Illinois [Mr. DIRKSEN] to the bill (H.R. 8315) to authorize the Secretray of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, which was submitted on March 1, 1960.

NOTICE OF HEARING ON NOMINATION OF ROBERT ERASTUS WILSON TO BE MEMBER OF ATOMIC ENERGY COMMISSION

Mr. ANDERSON. Mr. President, in accordance with section 22 of the Atomic Energy Act of 1954, as amended, the President on February 23, 1960, submitted to the Senate the nomination of Mr. Robert Erastus Wilson, of Illinois, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 30, 1960, of the late Harold S. Vance, who died August 31, 1959.

The President on February 23, 1960, also submitted to the Senate the nomination of the same Mr. Wilson for the full succeeding 5-year term ending June 30, 1965.

An open public hearing will be held on these nominations by the Senate section of the Joint Committee on Atomic Energy in room P–63, the old Supreme Court Room of the Capitol, Tuesday, March 15, 1960, commencing at 2 p.m.

For the information of the Congress and the public, I request unanimous consent to insert in the body of the RECORD, biographical data on the nominee, as furnished to the Joint Committee by the White House.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BIBLIOGRAPHICAL DATA ON ROBERT ERASTUS WILSON, CHEMICAL ENGINEER

Born March 19, 1893, Beaver Falls, Pa.

Education: Ph.B. magna cum laude, College of Wooster (Ohio), 1914, honorary Sc.D., 1931; B.S. in chemical engineering, Massachusetts Institute of Technology, 1916; honorary doctor of engineering, Brooklyn Polytechnic Institute, 1940; honorary LL.D., Colby College, 1941; Northwestern University, 1947; Lake Forest College, 1952; William Jewell College, 1953; Hamline University, 1953; honorary L.H.D., University of Tulsa, 1948; Washington University, 1955; Shurtleff College, 1955; honorary H.H.D., Bradley University, 1954; Parsons College, 1953; Sc.D., Drexel Institute Technology, 1955.

Married 1916, three children.

Affiliations: Assistant, research laboratory, General Electric, 1916; research associate, research laboratory, applied chemistry, MIT, 1916–17; consulting chemical engineer, U.S. Bureau of Mines, 1917–18; director, research laboratory, applied chemistry and associate professor, chemical engineering, MIT, 1919–22; assistant director of research, Standard Oil Co. (Ind.), 1922–28; assistant to vice president in charge of manufacturing, director and vice president in charge of research and development, 1929–30, 1931–34, Standard Oil Co. (Ind.); chairman of the board and chief executive officer, 1945 to retirement 1958, Standard Oil Co. (Ind.); vice chairman, Pan American Petroleum & Transport Co., 1935–37, president, 1937–44, director and chairman of board, 1945–54; chairman of board, American Oil Co., 1954—.

Member of Corporation Massachusetts Institute of Technology; trustee, College of Wooster, Chicago; Museum Science and Industry, Chicago; Carnegie Institute, Washington.

Member of governing body, National Industrial Conference Board.

Member of National Petroleum Council.

Member of General Advisory Committee of the Atomic Energy Commission, appointed by President on October 26, 1956, to 6-year term expiring August 1, 1962.

Member of Ad Hoc Committee on Reactor Programs and Policy of the Atomic Energy Commission, which committee was organized October 6, 1958, reactivated April 1, 1959, to exist until March 30, 1960.

Member of Plowshare Advisory Committee of the Atomic Energy Commission, appointed on November 1, 1959, to October 31, 1962.

Member of Advisory Committee on the Shippingport Project of the Atomic Energy Commission, which was established January 12, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. BEALL:

Statement prepared by him to those in attendance at the annual banquet commemorating Bulgarian Liberation Day, New Yorker Hotel, New York City.

By Mr. MUNDT:

His remarks and editorial from Daily Republic of Mitchell, S. Dak., of Tuesday, March 1, 1960, in connection with death of Red Cloud, Sioux Indian.

By Mr. MORSE:

Tributes to three outstanding Oregon orchardists: William Hazeltine, Ross Hukari, and Jan Kurahara, of Hood River.

By Mr. CARROLL:

Editorial from Denver Post of February 25, 1960, and explanatory statement and letter to Mayor C. O. Bowman, of Lamar, Colo., from Mr. CARROLL concerning Lamar, Colo.

CIVIL RIGHTS LEGISLATION

Mr. RUSSELL. Mr. President, I noticed in the Washington Post of this morning that my old friend, the leading editorialist of that paper, Mr. F. P. Ananias, has written another editorial contending that the only thing involved in the pending legislation is the matter of voting rights for Negroes.

Not knowing the real identity of the writer of the editorial, I am taking a little liberty with his name—though not nearly so much liberty as he takes with the truth in writing these editorials.

I can but believe that he is a direct, lineal descendant of the original Ananias, who gained considerable fame in Biblical history because of his recklessness with the facts and the truth.

I am quite sure that when the father of F. P. Ananias looked at him as an infant and decided to give him the name of Falsifier Prevaricator Ananias, he could not have then realized that he would cause the original Ananias to turn over in his grave—almost causing earth disturbances in the Middle East—because of his envy of one of his descendants who could tell bigger falsehoods with much more rapidity than the original could possibly have done.

I know that when Mr. F. P. Ananias dips his pen in lye to write one of his scorching editorials for the Washington Post he is going to rise to new heights and gain new honors for the Ananias family.

Mr. President, Hitler proved that the people could be deceived if a falsehood were constantly repeated to them; but the constant repetition of a falsehood does not make it the truth.

On last Monday, I undertook to expose the falsehood that the Washington Post persists in spreading that the pending legislation is only a voting bill. I placed in the CONGRESSIONAL RECORD, section by section, all of the seven provisions of the bill. The RECORD demonstrates conclusively to any man who has the slightest interest in the truth that the statement that this is only a voting rights bill is a vicious falsehood intended to deceive the people of the country and to array them against those of us who are undertaking to maintain some semblance of constitutional government in this country.

BREAKDOWN OF EQUIPMENT ON CAPITOL HILL

Mr. MONRONEY. Mr. President, as we approach the end of the first week of round-the-clock sessions in the U.S. Senate, it seems to be appropriate to report that there is definite evidence of signs of exhaustion and signs of wearing out in this filibuster. Certainly it is true that one of our brandnew streamlined cars in the Senate has acquired a flat wheel and is being laid up for surgical repair. The buzzers in the New Senate Office Building have worn out as a result of frequent buzzing of the new, highly complicated, expensive electronic equipment.

Coming to the Capitol, we find the elevators and the lights in the subway also have suffered from a great state of exhaustion.

In fact, it seems that in this first week the equipment in all parts of the U.S. Senate is in a state of collapse. But our southern friends appear to be as fresh as the crocuses as they push their way up from beneath the snow to meet the morning sun. Chances are they still will be fresh when tulip time arrives in Washington. [Laughter.]

MARCH 4 A SIGNIFICANT ANNIVERSARY

Mr. HARTKE. Mr. President, today marks a milestone in the history of our Nation. Twenty-seven years ago today, Frank Delano Roosevelt was inaugurated as President, a turning point in our philosophy of government coming at a point of crisis in our national existence.

Only one Senator remains with us today who came here for the first time on March 4, 1933. Only two others among us were Members of the Senate on that day. Our distinguished colleague, HARRY FLOOD BYRD, came to the Senate 27 years ago today. Senators CARL HAYDEN and RICHARD RUSSELL were Members then.

In paying tribute to these three great colleagues and our departed leader, President Roosevelt, I cannot escape calling attention to the contrast between our attitude 27 years ago and that which we have today. Then the whole Nation was determined to march forward under this new and decisive leadership. Then the Senate and the House were prepared to do what had to be done to make

democracy work once more from the depths of an economic depression which had crippled the Nation and much of the rest of the world.

How we did manage to extricate ourselves is the story of democracy in action.

So is the prolonged debate in which we now find ourselves. Much of the world cannot understand how we are able to allow debate to go on and on through long days and longer nights. But we will survive this and we will, through it, grow from strength to strength.

It is regrettable, however, that this present demonstration of democracy also marks an attempt by a few to withhold the will of the majority. But this is another manifestation of our beloved American system.

Perhaps we can all draw strength from the foresight and wisdom of President Roosevelt on this anniversary. Although he was speaking of other problems and crises, some of the words from his inaugural address bear repeating today.

President Roosevelt told us 27 years ago, in part:

If I read the temper of our people correctly, we now realize as we have never realized before our interdependence on each other, that we cannot merely take but we must give as well; that if we are to go forward we must move as a trained and loyal army willing to sacrifice for the good of a common discipline, because without such discipline no progress is made, no leadership becomes effective.

We face the arduous days that lie before us in the warm courage of national unity, with the clear consciousness of seeking old and precious moral values, with the clean satisfaction that comes from the stern performance of duty by old and young alike. We aim at the assurance of a rounded and permanent national life.

We do not distrust the future of essential democracy. The people of the United States have not failed. In their need they have registered a mandate that they want direct, vigorous action. They have asked for discipline and direction under leadership. They have made me the present instrument of their wishes. In the spirit of the gift I take it.

In this dedication of a nation we humbly ask the blessing of God. May He protect each and every one of us. May He guide me in the days to come.

Those were the words of Franklin D. Roosevelt 27 years ago today.

CIVIL RIGHTS LEGISLATION—AMENDMENT

Mr. JAVITS. Mr. President, I send to the desk for presentation to the Senate, and reading under the rules, an amendment to H.R. 8315, an amendment specifically to the Dirksen substitute now pending before the Senate.

The PRESIDING OFFICER. Is there objection to the reading of the amendment?

Without objection, the clerk will read the amendment.

Mr. JAVITS. The amendment is sent to the desk for myself and 14 other Members of the Senate, Senators DOUGLAS, of Illinois; ALLOTT, of Colorado; CASE, of New Jersey; CHURCH, of Idaho; HART, of Michigan; HUMPHREY, of Minnesota; KUCHEL, of California; NEUBERGER, of Oregon; SCOTT, of Pennsylvania; PROXMIRE, of Wisconsin; CLARK, of Pennsylvania; CARROLL, of Colorado; McNAMARA, of Michigan; and ENGLE, of California.

Mr. HOLLAND. Is this one of the eight amendments which the distinguished Senator sent to the desk at one time the other day?

Mr. JAVITS. It is not the same amendment; no. It is another amendment which I add to the package I have introduced.

Mr. HOLLAND. I thank the Senator.

The PRESIDING OFFICER. The clerk will read the amendment.

The clerk read the amendment, as follows:

On page 3, after line 24, insert the following, and renumber the following sections:

"SEC. 3. (a)(1) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

"(2) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of paragraph (1) not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

(b) The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

"(c) The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the fourteenth amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin."

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I desire to add as a sponsor to that amendment the name of Mr. ENGLE, of California.

Mr. President, I would like to take a minute to explain this amendment in connection with its offering and reading in the Senate today.

Mr. MAGNUSON. Mr. President, I shall have to object. We are trying to limit statements in the morning hour to 3 minutes. The amendment speaks for itself. Why does not the Senator put the explanation in the RECORD?

Mr. JAVITS. The Senator will take 3 minutes to state what he wishes to state. I thank the Senator from Washington for his solicitude, but I believe this is important enough to engage the time of the Senate in the morning hour business.

Mr. MAGNUSON. The Senator has already taken several minutes.

Mr. JAVITS. Mr. President, in the first place, the regular order in the Senate requires that a Senator ask another Senator whether he desires to yield. Since nothing was said about yielding, I do not know whether the remarks of the Senator from Washington [Mr. MAGNUSON] will appear in the RECORD or not. The Senator from New York will appreciate a parliamentary ruling by the Chair on that question.

The PRESIDING OFFICER (Mr. COOPER in the chair). The reading of the amendment and the question asked by the Senator from Washington will not come out of the time of the Senator from New York. The Senator may proceed.

Mr. JAVITS. Mr. President, the amendment which has just been read at the desk is the so-called part III amendment which a great many Senators, now a total of 14, desire to have considered by the Senate cleanly and on its own. The reason for that is that we feel that an essential element of a truly effective civil rights bill requires this provision for the Attorney General to act to protect the constitutional rights of every citizen in respect of civil rights, regardless of his race, creed, color, or national origin.

Experience has shown, including from some opposed to desegregation of our public schools, that tremendous expense has been involved to the injured litigants in bringing these actions, the amount ranging from $15,000 to $19,000 a case. We believe that the authority of the United States should be available in representative cases for this purpose, and that such a practice follows the practice under the Fair Labor Standards Act and other laws, including the National Housing Act and the Stockyards Act, in which similar authority is exercised by the Attorney General.

This was a highly controverted question in 1957. We believe experience confirms the need of this section, and it is our desire to give the Senate a clear opportunity either to include or exclude in the particular measure which is before the Senate the so-called title III provision or part III provision.

Mr. KEATING. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. KEATING. I should like to explain that the only reason why I have not joined in this amendment at this time is that on March 1 I presented and had read the same amendment relating to title III. My amendment is designated "3-1-60."

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I shall speak on another subject.

First, I desire to thank the distinguished junior Senator from New York. I invited the junior Senator from New York to join in offering the amendment as a cosponsor. The Senator has already advised with me and has offered his amendment to this general effect.

DISCLAIMER AFFIDAVIT—COLLEGE STUDENT LOANS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed as a part of my remarks an article entitled "Hamilton College Trustees Seek Red Affidavit Repeal," published in the Utica (N.Y.) Press of February 11, 1960.

The article relates to the action of the trustees of Hamilton College in seeking the repeal of the disclaimer affidavit with respect to college student loans.

Mr. President, I also ask unanimous consent to have printed in the RECORD a resolution of the Joint Student Legislature of Syracuse University to the same effect.

It is significant that the protests from colleges in my own State upon this subject are mounting. I find it very gratifying that there is this particular support for S. 2929, a bill to repeal the disclaimer affidavit, which I have cosponsored with the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Pennsylvania [Mr. CLARK] in connection with our work on the Committee on Labor and Public Welfare.

There being no objection, the article and resolution were ordered to be printed in the RECORD, as follows:

[From the Utica (N.Y.) Press, Feb. 11, 1960]

HAMILTON COLLEGE TRUSTEES SEEK RED AFFIDAVIT REPEAL

CLINTON.—Trustees of Hamilton College are calling for the repeal of the non-Communist affidavit required of students seeking Federal loans under the National Defense Education Act.

President Robert W. McEwen of Hamilton College announced yesterday that copies of a resolution, approved by the trustees on January 30, have been sent to Senators JACOB K. JAVITS and KENNETH B. KEATING, New York Republicans, and Representative ALEXANDER PIRNIE, of Utica, Republican.

The Government is supplying Hamilton College with about $27,000 in student loans during the current academic year under provisions of the act.

To date no student has refused to make either the affidavit or a similar oath, said President McEwen.

Informally, polls in some Hamilton classes have indicated the students are indifferent to the controversial parts of the law and seem in favor of leaving the act as it is.

Hamilton joins a growing list of colleges and universities, that either refused to participate in the loan program, withdrew after participation, or protested although participating.

The Hamilton College resolution reads:

"*Resolved*, That this board go on record as favoring the passage of pending bills which would repeal that provision of the National Defense Education Act which now requires students securing loans to sign an affidavit disclaiming membership in Communist or Communist-affiliated organizations."

There is both an oath and an affidavit involved for students wishing to borrow money under the act's provision, the oath is the pledge of allegiance to support and defend the Constitution.

Neither Hamilton nor any other college or university has objected to this section of the act, according to President McEwen.

The affidavit requires students to swear that they do not believe in, belong to, or support any organization that advocates the violent overthrow of the Government.

The Hamilton trustees and other opponents of this clause object on grounds that it singles out students for suspicion. They point out that farmers, veterans, and other groups are given Federal funds without being asked to sign a similar affidavit.

These opponents claim that the pledge of allegiance is sufficient; that actual members of left-wing organizations would not be deterred by having to sign any affidavit, that Communists can be prosecuted under the Smith Act.

President Eisenhower included the repeal of the affidavit requirement in his budget message to Congress, and the administration is expected to back a bill on the repeal filed by Senator JOHN F. KENNEDY, Democrat, Massachusetts.

Because of the affidavit requirements, six schools declined to participate in the program. They were Bryn Mawr, Haverford, and Swarthmore in Pennsylvania; Wellesley College, Massachusetts; Princeton University, New Jersey; the University of Richmond, Virginia; and Mills College, California.

The schools that participated and then withdrew were Harvard, Yale, St. John's, Amherst, Antioch, Bennington, Goucher, Grinnell, Oberlin, Radcliffe, Reed, Sarah Lawrence, and Wilmington.

Forty other schools are participating but have registered protests. These include: Cornell, Brown, Bates, Bowdoin, Colby, Dartmouth, Rutgers, Queens, Wesleyan, Columbia, and many State universities.

The faculties of Syracuse University and others have protested.

Among associations protesting are American Association of Land Grant Colleges; National Conference on Higher Education; National Council of Churches; National Education Association.

SYRACUSE UNIVERSITY JOINT STUDENT LEGISLATURE

Whereas Syracuse University has always prided itself for its freedom of academic thought; and

Whereas the chancellor and administration of this university have consistently opposed any infringement of this freedom; and

Whereas the liberal arts faculty of Syracuse University has gone on record as opposing bills threatening restriction of academic freedom and opportunity; and

Whereas loyalty oaths, affirmations of disbelief, and affidavits of allegiance are repugnant as prerequisites to intellectual inquiry: Therefore be it

Resolved, That the student body of Syracuse University, through their joint student legislature, affirm their belief in academic freedom and their opposition to any bills, resolutions or laws passed by governmental agencies impinging upon this basic freedom.

Submitted by:

RAYMOND A. FOSTER,
President, Men's Student Government.
SUSAN E. PERRY,
President, Women's Student Government.

CIVIL RIGHTS LEGISLATION

Mr. RUSSELL. Mr. President, the eminent editorialist of the Washington Post, Mr. Falsifier P. Ananias, can write and, I assume, can read. I hope he will read the amendment just offered by the senior Senator from New York [Mr. JAVITS], together with the others which the Senator from New York has offered, and then write another editorial saying that only voting rights are involved in the proposed legislation. It will add great laurels to him as the greatest Ananias of 40 generations.

Mr. President, I desire to read a letter which was published in the "Letters to the Chronicle" of the Houston Chronicle of January 22, 1960. It is entitled "JAVITS Corrected on Voting Charge." It reads:

JAVITS CORRECTED ON VOTING CHARGE

Part of a letter I have sent to Senator JACOB JAVITS, Republican, of New York, Washington, D.C.:

"Reference to your speech in the Senate alleging vote denials in Houston:

"Senator JAVITS, I know not where your information came from, but you have falsely accused the assessor and registrars of this county. I have resided in Harris County for 18 years and have served as a registrar along with many of my friends and we have never denied any member of our race a poll-tax receipt.

"Your crusade against vote infringement can certainly find some other area of the country to single out other than a county where there is no denial at all.

"Most of our election judges are Negro in our areas and I can't see one of them denying a chance to vote to another Negro. So where is your vote denial?

"I, being a Negro of this county, believe that no progress can be made by you falsely accusing the officials of this county.

"I thank you for any help you can give to aid the Negro cause, but for God's sake keep it factual.

"JOHN J. JOHNSON."

HOUSTON.

Mr. President, to show the tremendous amount of misinformation and confusion surrounding these oft repeated charges, I may say that before I read this letter I had a member of my staff call the author of the letter on the telephone. He confirmed that he is a Negro citizen of Houston, Tex., that he had served as a voting registrar himself, and that he wrote the letter, an extract of which I have just read.

THE MENTAL HEALTH CENTER OF AMERICA IN DENVER, COLO.

Mr. ALLOTT. Mr. President, in Colorado a group of public-spirited citizens from all faiths and all walks of life have established in Denver the Mental Health Center of America. This is the first free, nationwide, nonsectarian treatment and

research center in mental illness, and I feel privileged and proud to be one of the sponsors.

The Colorado House of Representatives and the Colorado Senate recently paid tribute to the board of trustees of the center, and I ask unanimous consent at this time that a copy of that resolution and a description of the background and work of the Mental Health Center be printed at this point in the RECORD.

There being no objection, the resolution and description were ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION 9

Whereas mental illness is the most prevalent major disease among the population of North America; and

Whereas more than 50 percent of all hospital beds are filled with patients suffering from mental illness; and

Whereas treatment of mental illness in private hospitals is extraordinarily expensive in terms of dollars and cents; and

Whereas it is imperative that sufferers from mental illness receive not only intensive treatment but there must also be developed research facilities to investigate and discover the source of mental illness; and

Whereas there has been established in Denver, Colo., the first free, nationwide, nonsectarian treatment and research center for mental illness, known as the Mental Health Center of America: Now, therefore, be it

Resolved by the House of Representatives of the 42d General Assembly of the State of Colorado (the Senate concurring herein), That we, the members of this assembly, do congratulate and applaud the farsighted and dedicated men of the board of trustees of the Mental Health Center of America for their devoted and unselfish service in providing such an institution which will be of benefit to persons all over North America and particularly to those who may be able to escape the effects of this illness because of the research being carried forward at the Mental Health Center of America; and be it further

Resolved, That this joint resolution be spread upon the journals of the house of representatives and senate of this general assembly, and that a copy hereof be transmitted to the chairman of the board of trustees of the Mental Health Center of America.

ROBERT L. KNOUS,
President of the Senate.
LUCILE L. SHUSTER,
Secretary of the Senate.
CHARLES R. CONKLIN,
Speaker of the House of Representatives.
ROBERT S. EBERHARDT,
Chief Clerk of the House of Representatives.

MENTAL HEALTH CENTER OF AMERICA

HISTORY

The Mental Health Center of America is the outgrowth of a Denver-based national institution known as the Ex-Patients' Sanatorium for Tuberculosis and Chronic Disease, which was first founded in 1908. Free, nationwide, and nonsectarian, the Ex-Patients' has provided treatment and rehabilitation for thousands in its over half-century of existence.

Prior to 1958, the board of trustees of the Ex-Patients' decided it was time to evolve a new medical program, inasmuch as tuberculosis was on the wane as a result of new treatment techniques. A survey was made and it was recommended that the mental health center be formed as a psychiatric and research center.

In July 1958 the Mental Health Center formally opened its doors. From its inception it stood unique—it was, and is the Nation's only charitable psychiatric hospital dedicated to the treatment of the "borderline" mentally ill on a free, nationwide and nonsectarian basis.

TREATMENT

"Borderline" is the psychiatric term for those mentally ill persons who are between neurosis and psychosis. By way of further definition, the borderline mentally ill are those afflicted persons who cannot compete or function in the daily arena of life. They are on the brink of becoming stricken with irreversible mental illness if they do not receive the kind of hospitalization and treatment given at our Mental Health Center.

It is estimated that approximately 17 million persons in our country are disabled with some form of mental and emotional disorder. Mental illness represents the most pressing and tragic health problem facing our Nation today. Statistics on the number of borderline patients are not available but it is felt in leading psychiatric circles that the number of persons who fall in this category is great.

The borderline case can be treated effectively in an open-type hospital setting where there are no bars or no restraints. The Mental Health Center is such an open-type hospital. Shock treatment is not utilized at the Mental Health Center. Psychotherapy under the guidance of our full-time psychiatric staff is the tool employed in the treatment of the patients entrusted to our care. The borderline is also beyond that point where psychoanalysis can be used. To sum up, the borderline mentally ill are only a short step away from the locked bars and closed setting of State or similar institutions. It is the function of our program to treat these people before, so to speak, it is too late.

The average patient admitted to MHCA has this general background: He has been mentally ill for a number of years. He has received psychiatric treatment on an outpatient basis; he has been hospitalized a number of times during the course of his illness; he might have received shock therapy. Despite these various therapies, he continues to decline. The only solution then is hospitalization, if he would be saved.

A mentally ill person in this predicament has two choices: (1) He can be hospitalized at a private institution. However, this is usually impossible for the average, and even above average, income family because this kind of hospitalization would cost approximately $1,600 a month or more. Considering that the hospitalization period would extend over a year, it is readily seen that the financial burden would be staggering; (2) hospitalization could be sought in a State institution. However, tragically enough, virtually all State institutions are terribly crowded and understaffed. The very dedicated men at these institutions have under their responsibility psychotics behind locked bars, senility cases, and an assorted variety of other hard core cases that demand much of their professional time. In addition to this, most State institutions are understaffed. For example, in Colorado we have only 3 psychiatrists for the 6,000-patient population at our State institution.

At the Mental Health Center the patient is able to receive highly intensive and individualistic care. Since we are concentrating solely on the borderline area, this alone represents a major therapeutic asset for both patient and psychiatrist.

The following is a brief and condensed case history of a patient who has been treated at MHCA:

Mrs. Smith is a housewife and mother. For many years she had suffered from chronic mental and emotional disorders which made her unable to function as a healthy citizen. Her family had sought psychiatric help on an out-patient basis and from various psychiatric consultants. As the years went along this type of treatment did not evolve into any positive progress. She made a number of attempts on her life and the most recent one almost proved fatal. By this time her family had exhausted its financial resources. She required hospitalization and intensive treatment if she would be saved. Tragically enough, her family could not afford this kind of hospitalization and treatment. Fortunately, there was a bed available at our Mental Health Center. Through many long months of psychotherapy and constant observation she began to show signs of new emotional and mental stability. Finally, our psychiatric staff felt that she was ready to return to her home and her family, and she was discharged. Today she is a productive citizen, happily reunited with her family.

RESEARCH

Research is essentially the prime and major goal in our future. Psychiatry is a relatively young science. The need for research in this area is as great as the need for facilities to take care of our mentally ill.

With our specialization and concentration on the borderline case we have a tremendous potential for study and research. There are so many questions yet unanswered in the realm of mental and emotional disorders. This is the great challenge that must be met. What our professional people can learn at MHCA will gradually start appearing in the medical literature. This, necessarily, will be a slow process because research is an exacting task. MHCA can be regarded as a laboratory from which eventually could very well be produced new concepts in the treatment of mental illness. Our current treatment program actually falls into clinical research and what has been learned so far at MHCA is being amassed and evaluated for later presentation.

STAFF

We have two full-time, Menninger-trained psychiatrists, five psychiatric nurses, two psychiatric nurse assistants, occupational therapist, psychologist and social worker. Among those serving on our psychiatric advisory committee is the medical director of the University of Colorado's Psychopathic Hospital. Right now we are in the process of forming a national advisory group which will be composed of psychiatrists and professional men of other medical disciplines interested in the treatment, rehabilitation, and research of mental illness.

Since our chief psychiatrist and his assistant are both Menninger-trained we have a close working relationship with Dr. Menninger and the staff at the famed Topeka Clinic. The Menninger people are deeply interested in the success of our program and, as a matter of fact, have referred patients to us.

ADMISSION PROCEDURE

The admission age is between 21 and 50. Admission procedure is started through the patient's psychiatrist who provides our medical staff with the case history. If, from this liaison process, it is decided that the patient fits into our medical criteria, the patient is asked to come to Denver for personal interviews and examination. Then, at an admissions committee meeting, the medical staff presents the worked up case for final acceptance.

The average stay of a patient runs from 6 to 18 months, depending, of course, on the medical and psychiatric factors involved. There is no rigidity insofar as the term of hospitalization is concerned, and as long as there is hope that a breakthrough will be achieved, the patient will continue to be treated. Since our doors have been opened we have taken care of persons from 17 States, including New York, Pennsylvania, California, Illinois, Massachusetts, and Texas. The facilities of MHCA can rightfully be re-

garded as a local mental health resource for every community in our country. For example, a person from any State who fits into our medical criteria would have automatic access to treatment, providing, of course, there was a bed available at the time he or she had applied for admission.

As we build our program and our financial resources grow, naturally more beds will become available. In a unique psychiatric program such as ours, funds are needed not so much for capital improvements—they are needed essentially for expansion of our top-level staff. The hallmark of any great medical program is not buildings—it is the quality and dedication of the men and women who make up the core of the treatment, rehabilitation, and research staffs.

TRIBUTE TO SENATE PAGES

Mr. ALLOTT. Mr. President, during these days, when the Senate is in session around the clock, we are often prone to forget not only the members of the staff itself, but perhaps some of our younger assistants in the Senate, who do so much and work so hard in order that they may contribute a little toward having the Senate operate in a smooth and able manner. I refer particularly to the Senate pages. I am certain that all of us are proud of them.

Yesterday the Washington Star published an article concerning the pages, entitled "The Rambler Is No 10 O'clock Scholar." The article was written by the Rambler, who is George Kennedy, and relates to the activities of the pages, particularly their school activities.

Mr. President, I ask unanimous consent that the article may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RAMBLER IS NO 10 O'CLOCK SCHOLAR
(By George Kennedy)

The Rambler's alarm clock went off early yesterday.

He was going to school.

He made it, too—checked in at 6:28, 2 minutes to spare, no demerit for tardiness.

Time had turned backward in its flight, or made an early start or something, in order to let him make believe he was a boy again and spend the morning attending classes at the Page School on the Hill.

This is the school for the pages of the House and Senate and Supreme Court. It is located in the attic of the Library of Congress.

The Rambler remembered that Henry L. DeKeyser, the principal of the school, had once told him things were difficult when Congress was holding late sessions. So he decided the round-the-clock sessions of the Senate called for a visit to the school.

It will surprise no one that he was more fatigued by getting up so early than were the kids, who had been up most of the night fetching black coffee for filibusterers.

Mr. DeKeyser, who looked like Mr. Chips in the early part of his career, said the school was getting along pretty well.

"There are 26 Senate pages," he said, "and they are working on 2 shifts. The second shift will go off the floor at 9 o'clock and arrive here for the second part of the school day, which lasts from 6:30 to 10:30 a.m.

"Of course the boys are missing some classes, but we are doing our best. Our French teacher dictated her lesson for Tuesday onto multiple tapes. The boys who missed the class are taking the tape recording home and playing it in their off-hours.

"The school started in 1931 when an arrangement was made for the pages to pay a teacher for his services. The teacher, Ernest L. Kendall, continued for 16 years, until 1947, when the school became part of the District school system.

"Since then one graduate of the school has been elected to Congress, Representative JOHN D. DINGELL, JR., of Michigan, whose father was a Congressman.

"I'm hoping to see some of this crop come back as Members. They're fine boys.

"We have 80 students and 6 teachers—4 women and 2 men—and myself. Last year we graduated 17 seniors and they all went to college. One passed the entrance examinations to Harvard with high marks."

The first class we attended was the senior class in government, conducted by Dr. Kenneth Crofoot, a Hoosier with a wide smile that was frequent, and a big display of teeth. We found that the House pages were trying to take advantage of the enforced absenteeism of some of their Senate colleagues.

The term of the Reverend Dr. Frederick Brown Harris as chaplain of the Page School had come to an end. The House boys were trying to replace him with the Reverend Dr. Bernard Braskamp, Chaplain of the House. Dr. Harris is Chaplain of the Senate.

Duke Zeller, a Senate page appointed by minority leader DIRKSEN, of Illinois, had the floor.

"Dr. Harris has chaperoned us at dances," he said. "He has got dates for us. He has called up girls' schools and asked if the girls would like to go to our dances."

Young Zeller evidently was aware of the dictum of Connecticut's Roger Sherman of the Continental Congress: "If you have a majority, vote; if you haven't, talk."

Young Zeller talked. "Let's come to an agreement on this," he said. "Let's not vote. A vote is too mechanical. Besides, half the Senate is not here.

"I'm going to filibuster."

But the privilege of unlimited debate does not extend to the school. Cloture was imposed and a vote taken. It followed strictly party lines. The 10 House pages voted for Dr. Braskamp. The five Senate pages present voted for Dr. Harris and were joined by the three Supreme Court pages. The final tally was Braskamp, 10; Harris, 8.

Then Dr. Crofoot (the boys call him "Doc") set the vote aside on a parliamentary technicality. But Dr. Harris' chaplaincy of the school is in danger, as long as the Senate keeps going around the clock.

PRESIDENT EISENHOWER'S PRESS CONFERENCES

Mr. ALLOTT. Mr. President, today, as at no other time in our history, our citizens are more fully aware of fast-happening events and aware of them more quickly. Radio, television, and newspaper coverage bring to each home a variety of angles to any given event, providing the listener, or viewer or reader with several sources from which to make up the mosaic of his own opinion.

In one respect, however, there is but a single source for the story. I refer to the Presidential press conference. For the first time, a Chief Executive has insisted upon a completely unedited transcript of the conference to be used for press purposes. Dwight Eisenhower is the first President to so insist upon verbatim quotes from such a conference.

Moreover, Mr. President, Mr. Eisenhower has made himself available to members of the press, both at formal press conferences and at less formal on-the-spot occasions, more than any other occupant of the White House in the memory of veteran White House newsmen. This free and friendly exchange has had its drawbacks and some have leaped upon these with a vengeance.

I refer to criticism of the President's delivery during such press conferences; criticism of his perfectly normal and manly reaction to untoward questions or innuendo; of his hesitation and careful selection of words in framing answers to these rapid-fire spontaneous questions.

Mr. President, no more thoughtful reply to these cynics has been published than that created by the press itself. I refer to the clear and objective opinion expressed in an editorial published by the Rocky Mountain News of Denver on February 12, 1960. It is heart warming to read after hearing unfounded criticism. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TWISTING THE RECORD

Let us agree with his critics that the literary and phrasemaking gifts of Ike Eisenhower perhaps are inferior to those of Oliver Wendell Holmes, or even Bob Hope, or Walter Lippmann. But then, we didn't hire him to write a book, or as a TV master of ceremonies.

The President's press conferences are cruelly spontaneous and unrehearsed. He has to respond promptly to the questions of a roomful of newswriters, meanwhile exercising extreme care lest an incautious remark upset governments around the world.

In this situation, his sentences sometimes don't parse; but he generally succeeds in making himself understood, at least to the attentive. Nevertheless his critics sometimes employ their fancier, and more leisurely, literary skills to make him say things he obviously never intended.

An instance was his last conference, including some offhand remarks on dictatorship. The discussion concerned possible Soviet leads in missiles, space exploration, etc., and he said "let us remember that dictatorships have been very efficient."

Over the years, Mr. Eisenhower has proved his dedication to democratic processes. His faith was reaffirmed, if somewhat awkwardly, at that particular press conference. In the light of earlier remarks and in the context of the discussion, he obviously meant dictators can concentrate on limited objectives almost at will, regardless of popular opinion. This might be granted. They can, for instance, let their people go barefooted or hungry, while they make guns. But over the long haul, as Mr. Eisenhower said, free men do better.

Yet these remarks have been taken in some quarters as the admission of a "tired old man" that the job is too big for us. The inference is that the Russians have a military advantage and Ike feels we can't do anything about it.

This is the exact opposite of President Eisenhower's attitude, repeatedly stated. He steadily has affirmed confidence in our defenses and potentials for scientific progress. Honest men may disagree with his judgments in this respect, and they even could be right. They should not, however, warp his remarks to imply he has given up, or never was trying.

THE CIVIL RIGHTS DEBATE

Mr. SCOTT. Mr. President, in the consideration of complex national issues, such as the issue of civil rights, it seems to me that the public opinion passes through three recognizable stages: first,

confusion; second, irritation; and third, comprehension.

Now we are all receiving letters which indicate, with some justice, surely, that the Senate of the United States is making itself ridiculous, and that the proceedings which are occurring here are a sad commentary on a deliberative body which is apparently unable to untangle itself from the snow of its archaic rules. I think that indicates that the public has passed through the stage of confusion and has moved to the stage of irritation, which extends in a fairly generalized fashion to the Senate as a whole and, presumably, therefore, to its Membership. This stage we must bear with and go through until we reach, as I hope we will by the beginning of next week, the stage of comprehension; in other words, when the public generally becomes aware of who is doing what to whom.

Mr. President, I think it is time to point out one more time that while the Senator from Oklahoma may be entirely correct in referring to some of our friends who do not want to vote as being "fresh," I think at the same time it ought to be pointed out that those who do feel that the Senate, in respect to itself and in respect to moral principle, and in respect to the will of the country—those of us who feel we ought to vote if we are not as fresh, we are certainly as firm.

Therefore, let it be understood that there are two distinct points of view in the Senate. One, those who do not wish the Senate to vote on the basic issue; second, those who do wish the Senate to vote as soon as possible. I am very happy to be allied with the second of those two groups.

Mr. BEALL. Mr. President, I introduce a bill for appropriate reference.

The PRESIDING OFFICER. The Chair will advise the Senator that to introduce a bill and have it received is not in order. An exception was made to the introduction of bills during the morning hour.

Mr. BEALL. Is the Chair saying it is not in order to introduce a bill?

The PRESIDING OFFICER. The Chair advises the Senator that the introduction of bills is not in order, because an exception was made to exclude the introduction of bills in the morning hour.

Mr. BEALL. Mr. President, I ask unanimous consent that I be permitted to introduce a bill and have it referred to the appropriate committee.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON of South Carolina. Mr. President, I must object to that request on the ground that I, too, have a bill at the desk, and I understand I may not introduce it.

The PRESIDING OFFICER. Objection is made, and the bill may not be received.

THE CIVIL RIGHTS ISSUE

Mr. KEATING. Mr. President, as I earlier explained, I did not join in the introduction of the amendment offered today by my colleague [Mr. JAVITS] only because on March 1, I presented and had read a title III amendment which contained virtually the precise wording of the amendment offered in 1957. In 1957, title III was approved in the House but was emasculated in the Senate. My pending amendment is No. 3160–J, it appears at page 3964 of the RECORD, and was presented and read on March 1.

I believe that since the language in my title III amendment was the subject of discussion in 1957, it is better to present the issue again in the wording which we had before us in 1957.

In furtherance of the remarks of the distinguished Senator from Pennsylvania [Mr. SCOTT] we have witnessed in this debate the supreme irony of an attempt to kill civil rights with the weapon of free speech. I have compiled some figures, which might be of interest to the Members of the Senate, showing that between February 15 and March 3, 1960, inclusive, the debate on civil rights in the Senate has filled over 700 pages of the CONGRESSIONAL RECORD.

Of this total, approximately 545 pages were filled by Democratic opponents of civil rights; approximately 47½ pages were filled by Democrats in favor of civil rights, and approximately 108½ pages were filled by Republicans in favor of civil rights. In addition, approximately 20 pages were filled by the distinguished majority leader, Senator JOHNSON of Texas.

Allowing an average of 12 minutes' time per page, this means that the Democratic opponents of civil rights have spoken for approximately 109 hours; Democrats in favor of civil rights have spoken approximately 9½ hours; Republicans in favor of civil rights have spoken around 21½ hours; no Republicans have spoken in opposition, and the majority leader of the Senate has spoken about 4 hours.

I think those figures should be kept before us, and I shall try to bring them up to date each day that this debate continues.

Mr. SALTONSTALL rose.

Mr. KEATING. Mr. President, I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I thank the Senator from New York.

Mr. President, I would like the RECORD to show that I was in my office when the quorum call came this morning, and that none of the electric bells were working, and I received no notice of the quorum call. If I had received notice of it, I would have come to the Senate Chamber. I was in my office available. I would like the RECORD to show that.

I thank the Senator from New York.

ANNIVERSARY OF BIRTH OF GEN. CASIMIR PULASKI

Mr. KEATING. Mr. President, one of the great and revered heroes of the American Revolution, Gen. Casimir Pulaski, of Poland, was born on this date—March 4—in 1748.

The American War of Independence was one of the first real revolutions for freedom and democracy in modern history; and, as such, it attracted many great and gifted fighters from many lands. A number of gallant warriors came from unhappy and divided Poland. Here, they served in our forces, for our cause. Among them, perhaps the most famous was Casimir Pulaski.

He was the son of a well-to-do Polish family. He was born in 1748; and from his earliest days he was filled with chivalric and heroic ambition. Individual and national freedom meant more to him than to most people in those days. His one purpose in life was to fight for the freedom of Poland and for the liberation of its oppressed people. But when political conditions there made it impossible for him to serve his native country, he welcomed the opportunity to lend his valuable services in fighting for our freedom.

Pulaski arrived here in the summer of 1777. He was armed with letters of recommendation, including one from Benjamin Franklin. Here he met Washington; and, on the latter's recommendation, Pulaski was placed in charge of our cavalry. Thenceforth, his genius for organizing that force effectively earned him the title "Father of Cavalry." He took part in many battles, and in all of them he distinguished himself as a fearless fighter and a resourceful leader. He was made brigadier general by Congress in September 1777. Finally, on October 9, 1779, he was mortally wounded at Savannah; and 2 days later he died, at the age of 31.

Today, on the 212th anniversary of his birth, we honor the memory of this gallant soldier of freedom.

We should also take this opportunity to rededicate ourselves to work and pray for the day when noble Pulaski's beloved Poland will throw off the chains of atheistic communism, and will regain her rightful place in the family of free nations. That is a goal to which all admirers of Pulaski and his great nation must pledge their untiring efforts.

ANNIVERSARY OF GRANTING OF UNITED STATES CITIZENSHIP TO PUERTO RICANS

Mr. KEATING. Mr. President, by official proclamation, Gov. Nelson A. Rockefeller, of New York, has designated this week of February 29 to March 6 as "Puerto Rican Week." The special significance of the choice of this week for such a proclamation lies in the fact that the date of March 2 marks the 43d anniversary of the granting of United States citizenship to the people of Puerto Rico.

In commemoration of this significant anniversary, the 1 million or more Puerto Ricans residing in the continental United States, as well as those in Puerto Rico, will celebrate the date with appropriate ceremonies on Sunday, March 6.

The recent official visit of President Eisenhower to Puerto Rico and the warmth of the welcome given to him by President Muñoz-Marín and the fine people of Puerto Rico symbolize the historic spirit of friendship and solidarity that have always marked the close association between the United States and the great island commonwealth.

Americans of Puerto Rican descent have traditionally exemplified their consciousness of the responsibilities of their U.S. citizenship. They have fought for freedom in the two World Wars and in Korea. They have given proof of their dedication, their industry, and their resourcefulness, in adapting themselves to a new way of life, despite difficulties of language, of customs, and of environment, here in the United States, and particularly in New York City. By their warmth of personality, their friendliness, and their natural and their developed gifts, they have contributed importantly to the cultural, social, and economic life of the United States.

In recognition of the great significance of such contributions on the part of the people of Puerto Rico, and in testimony to the strong bonds of friendship and loyalty that unite us, I have introduced, in the Senate of the United States, with the cosponsorship of my colleague from New York [Mr. JAVITS], Senate Joint Resolution 88. This resolution, now referred to the Committee on the Judiciary, proposes that each year a day be designated as "Puerto Rican Day in the United States," and that the President of the United States be authorized and requested to issue annually a proclamation calling upon our citizens to observe this day with appropriate ceremonies. This proposal provides all of us with a tangible opportunity to reaffirm our strong bonds of friendship with the people of the Commonwealth of Puerto Rico.

LIFE PAYS OFF FOR THE BIG PAYOLA

Mr. MORSE. Mr. President, among the hearings taking place on the House side, the one being conducted by Chairman HARRIS in connection with payola has received much coverage in the press. The comments contained in an editorial entitled "Life Pays Off for the Big Payola," which appeared in the February 8, 1960, issue of the Farmers Union Herald, ought to be of concern to some of us in the Senate who are interested in setting the record straight.

The editor gives a rather clear analysis of an editorial which appeared in the January 25 issue of Life magazine. Because of the incisive nature of the editorial and because of its general interest to friends of the farm cooperative movement, I suggest that my colleagues may find it of value. Therefore, Mr. President, I ask unanimous consent that the editorial to which I have alluded be printed in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Paul (Minn.) Farmers Union Herald, Feb. 8, 1960]

LIFE PAYS OFF FOR THE BIG PAYOLA

Life magazine is published in New York City, where the Madison Avenue offices of the big advertising agencies are handy. It costs a pretty penny to advertise in this mass circulation periodical. Because of this you won't find any co-op advertisers. Just the giants of our commercial world.

You couldn't expect Life to editorialize in behalf of little people like farmers. And you couldn't expect Life to take sides with cooperatives who fight, from year to year, to survive from the attacks made by Life's big advertisers against them.

You could, however, expect Life's editorials to make some sense. You could expect that a big magazine which depends on its mass circulation for its high advertising rate would show better judgment in editorializing in fields it knows so little about.

In the January 25 issue of Life there appears an editorial entitled "Crop Storage in a Vicious Circle." Under this title the editors of the magazine take up the problem of grain storage rates publicized in the press during the current hearings in Washington of the Symington committee.

Life reviews the facts that the Government, through CCC, is now paying around 16 cents a bushel for storage and that this "costs U.S. taxpayers about $1.5 million a day."

Life magazine is not concerned with whether or not the profits are exorbitant and Life doesn't believe that SYMINGTON is doing any great service by finding out. It says so. We can readily believe it isn't concerned about these things because if they were true the reflection would surely fall on Secretary of Agriculture Benson whose aides negotiate the rates and encourage the construction of warehouses.

What this great champion of the American industrial empire is concerned about is that "a leading participant in the booming business of storage business is the Farmers Union." And by "Farmers Union" Life says it means Farmers Union Grain Terminal Association. It seems that GTA grossed a little more than $3 million last year on CCC storage.

Not one word about GTA's private competitors, one of whom right here in the Twin Cities does 10 times GTA's business with Government. Not one word about any other business, either private or co-op. Just GTA.

So why does Life fret and fume?

Here the editors think they have something. "Being a cooperative, it pays few taxes on its profits." And furthermore, it (GTA) spends money on trying to get higher farm prices for farmers.

Of course, being what they are and where they are, the editors of Life magazine either don't know or don't want their readers to know that laws require GTA and other cooperatives to allocate all of their net margins to their patrons.

Because they omitted the facts, the Life editors either don't know or don't want their readers to know that GTA has never taken advantage of the fast writeoffs, trick deals, hidden profits or tax loopholes which characterize the operations of a large segment of Life's advertisers.

Life magazine, in short, has picked GTA as a "malodorous fraction" in its longtime efforts to kill off farm programs and farm cooperatives.

We think Life's farm attitudes are stupid for a magazine which depends on grass roots readers for the circulation that warrants the big Madison Avenue payola. Farmers and their friends may lose all interest in paying for a magazine as irresponsible as that.

ELIMINATION OF DECEPTION IN POLITICAL CAMPAIGNING

Mr. MORSE. Mr. President, I announce that, at an appropriate time, I hope to have ready for introduction, under the procedure of the Senate, a joint resolution which I think may have the effect of producing as sweeping a change in political campaigning in the United States as any reform which could possibly be suggested.

Mr. President, the country has been shocked by the immorality of the television and the radio industries; and, in that connection, I refer to the scandals which have rocked those two industries—for instance, payola and the deception programs that the television industry has given to the American people. I believe that the checking of deception in the radio and the television programs should be extended to the political platforms, as well; I believe that politicians, too, should stop deceiving the American people.

Mr. President, if, as, and when I get out of politics, I propose to write a book. But it will not be on the subject "Politics, the Art of the Possible." Instead, I shall write a book entitled "Politics, the Art of Deception, as Practiced in the United States by Most Politicians."

So, Mr. President, as I have said earlier I shall submit a joint resolution to require that before any politician appears on radio or television, to read a manuscript, he shall file a certificate that he wrote the manuscript. I do not believe any greater revolution than that could occur in the field of political campaigning. Why should such deception be practiced by so many politicians, in attempts to give their audiences the impression that the ideas they set forth in what they read on radio, on television, or elsewhere are their own? In so many instances such presentations can properly be classified as downright deception and deceit. The joint resolution I propose to submit should correct such political deception.

GRAIN STORAGE PROGRAM

Mr. MORSE. Mr. President, there has been much controversy under the grain storage program, which has been given wide publicity.

Most of the informational material which has appeared in the mass publications has been highly critical of storage rates and fantastic profits being made by elevator operators in the storage of Government grain.

While certainly there has been some fire at the basis of this barrage of smoke and, in my judgment, the matter is one with which the Congress needs to concern itself, nevertheless, in fairness, I feel that the viewpoint of the elevator operators ought to be given a fair hearing. The matter was brought to my attention through a letter received on February 16 from Mr. W. J. Chastain, general manager of the Inland Empire Pea Growers Association, in which he enclosed a copy of the remarks made by Mr. Roy F. Hendrickson, executive secretary, National Federation of Grain Cooperatives, Washington, D.C., in a speech to the Farmers Grain Dealers Association of Iowa on January 27, 1960.

The remarks of Mr. Hendrickson and the position of Mr. Chastain will be of interest to many Senators, and I commend these documents to their attention.

Mr. President, I ask unanimous consent that the letter and the speech to which I have alluded be printed at this point in my remarks.

There being no objection, the letter and the speech were ordered to be printed in the RECORD, as follows:

INLAND EMPIRE
PEA GROWERS ASSOCIATION,
Spokane, Wash., February 16, 1960.

The Honorable WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: We have been reading a great deal in the newspapers about storage rates and the fantastic profits being made by elevator operators in the storage of Government grain. These stories have certainly made good reading and have put elevator operators in a very bad light. Most of these stories contain an element of truth, but they do not present the entire picture.

As elevator operators go, we are rather small country elevator operators. We own and operate eight elevators which have a total capacity of a little under 2 million bushels. Three of these elevators were built in 1954 and the accelerated depreciation has been taken. During the past 5 years we have had no profit from our grain operation which could be allocated to our farmer members. In taking the accelerated depreciation, our entire grain income during the past 5 years was absorbed by the actual costs of labor, taxes, insurance, and of course, the major item, depreciation. As a matter of fact, during two of those years our grain income did not quite cover our expenses.

This matter of accelerated depreciation was specifically approved by Congress and is used extensively under specific authority in industry. We do not feel that the grain storage industry should be criticized and labeled as profiteers in the use of depreciation.

I have just recently read a copy of a speech, "Grain Storage in Perspective," made by Roy F. Hendrickson, executive secretary of the National Federation of Grain Cooperatives, which I felt was very enlightening. I am enclosing a copy of this speech, which presents some of the background and history of grain-storage costs better than I can.

I feel sure you know more about problems and facts concerning this storage of grain than do some of our urban friends and will do everything in your power to see that some of the impressions they have are corrected.

Sincerely yours,

INLAND EMPIRE PEA GROWERS ASSOCIATION, INC.
WAYNE J. CHASTAIN, *General Manager.*

GRAIN STORAGE IN PERSPECTIVE

(Remarks by Roy F. Hendrickson, executive secretary, National Federation of Grain Cooperatives, Washington, D.C., before the annual meeting of the Farmers Grain Dealers Association of Iowa, Des Moines, Iowa, on Wednesday, Jan. 27, 1960)

On January 12 and 14, a subcommittee of the Senate Committee on Agriculture and Forestry, headed by Senator SYMINGTON, Democrat, of Missouri, conducted public hearings on grain storage costs. One professor and three elevator managers out of some 11,000 in the Nation testified.

Congress has clearly the right to investigate. Its investigations are often useful. This is especially so when they employ systematic presentation, display an earnest endeavor to present the whole picture fairly and a sincere effort to give bias a holiday.

In this effort to supply perspective on the complex grain storage problem we are not concerned with the examination, or even the existence, of political motivations.

CCC STOCKS

At the present time, and for some years past, the Commodity Credit Corporation (CCC) owns and has owned large quantities of grains, fibers, and other farm commodities acquired under price supports. The inventory figure changes every day.

The Government also owns many other things—for example, a strategic stockpile of metals, rubber, duck feathers, and other items of approximately the same magnitude of value. This occasions limited interest. It is not dealt with here. Few have shown the slightest interest in the cost of transporting and storing its contents. So far as we know, this information is not classified, but we may be in error.

The CCC stocks of grain consist mainly of wheat and corn. If war came tomorrow, they would rise in price and any surplus vanish in short order. These commodities are basic to the national food supply of cereals and livestock and livestock products.

These and other grains are perishable organisms. In years of study under powerful microscopes at the Peoria, Ill., regional laboratory of the U.S. Department of Agriculture, only one sterile kernel of wheat was found, none of corn, oats, barley, rye, or grain sorghum. Each kernel has a small host of micro-organisms and each undergoes constant, subtle change, sometimes slow, sometimes rapid, which justifies the classification "perishable." Some warehousemen learn this the hard way.

A LONGSTANDING ISSUE

An issue of public policy has centered about grains for 30 years, which is not settled or in prospect of early settlement. It was a redhot issue when I came to Washington in 1932; it is still an unsettled, lively issue. Other things change, but this issue goes on and on and on.

The level of price supports for these grains continues currently to be the central issue—the subject of periodic political debate, especially in election years. It is a matter of great importance to many farmers and their families. It is a matter, too, of importance to the public interested in a secure food supply. It is of importance to taxpayers as a matter of cost.

The two extreme views are: No supports versus support prices at a substantial level. There are many compromise proposals in between.

Another facet of the same controversy centers on whether the most desirable method to equate supply (for some years now in excess of market requirements) with demand is through unlimited production and free pricing or through production control and price supports. Again, there are numerous compromise variants.

Currently the forces at odds in this longstanding controversy are so arrayed that neither side can have its way fully. The result has become a chronic state of stalemate.

But while this stalemate continues, production goes on by farmers, featuring the dynamics of new technology, hard work, and the application of American farm genius. This is reflected in steadily increasing per capita farm productivity, the envy of the world. While most nations wrestle with food shortages, our problem is how to deal with abundance.

Despite markets expanded by domestic consumption reflecting a high level of employment and growing payrolls and exports assisted by Public Law 480 and other steps, grain continues to outrun effective market demand in this country even though there have been substantial reductions in support prices in recent years.

The result is that additional millions of bushels of these living organisms we call grain are each year set aside to be stored against the day they may be needed for some peace or war purpose not clearly specified at this time. No clean-cut rationale which might be regarded as a national stockpile policy exists in law.

It is not the function of those who assume responsibilites for storing and preserving such grain for the account of the Government to formulate a farm policy either for Congress or the executive branch. Proximity to grain at the marketplace or in a mill or warehouse does not confer the requisite wisdom. The fountainhead for such wisdom is doubtless hard to find.

But two things are self-evident:

1. Those who, in good faith and at great financial risk, contract to store grains for the Government now find themselves in the crossfire of the controversy between the contending camps over farm policy.

2. The terms and conditions of the contract to store for CCC and the rates paid do not constitute the farm problem. The solution of that problem calls for deeper digging.

The annual cost of storing these commodities is substantial and growing. Even one-half or one-third of the cost figure currently used is substantial. Protecting these grains from loss and deterioration is part of the current national policy as laid down by Congress, and they are being well protected, and for performing this service all agree there must be just compensation.

SOME BACKGROUND DATA

On May 15, 1918, according to the USDA Yearbook of 1921, grain storage capacity in the United States was 1,432,053,000 bushels. The estimated capacity then of country elevators was 1,034,351,000 bushels; of terminal elevators, 248,122,000 bushels; and of mills, 149,580,000 bushels.

The storage rate effective then under published tariffs, used as the basis of payment by the U.S. Grain Corporation, in the Kansas City area was one-thirtieth of a cent per day with 10 days free time. This meant that if wheat was stored for a full year of 365 days, the charge was 11.83 cents per bushel. This was exclusive of handling charges.

Passing on to 1928–31, when the Farmers National Grain Corporation came into being as an institution created by the U.S. Government, storage capacity had changed only slightly from 1918. The rate in effect for the same area had advanced to one twenty-fifth of a cent per day. With 10 days free time, this meant a charge—if storage was for a full year of 365 days—of 14.72 cents per bushel.

In the 1930's two severe droughts in the grain-producing areas created hardship, and there was widespread support for the idea of creating and maintaining an ever-normal granary. This was a period of severe depression in the grain warehousing industry, with much empty, unused space.

Under the present Uniform Grain Storage Agreement, in effect since 1956, Kansas City is in area III for wheat. The rate is forty-six one-thousandths per bushel per day, which figures—if the wheat is stored for a full year—at 16.79 cents.

The published public tariff for storage of grain there by others than the Government is one-twentieth of a cent per day, or 18.25 cents for 365 days.

Taking the rates of those three periods into account—1918, 1928–31, and 1956–59—if other things had advanced in price no more, we should not hear so much talk of inflation.

STORAGE BY COOPERATIVES

The first grain storage facility built by farmers as a cooperative, joint venture was constructed more than a century ago at Madison, Wis. Since that time, grain producers have repeatedly joined together in self-help grain marketing efforts known as cooperatives.

Grain and other farm producers have been encouraged to enter into self-help organizations by every Secretary of Agriculture since the Department was founded. Every Congress and every administration for many decades has endorsed and encouraged this form of enlightened private enterprise. Most States have passed laws to facilitate the organization of farm cooperatives, recogniz-

ing their unique character as incorporated partnerships of producers engaged in collective bargaining.

These cooperatives have these characteristics in common: (1) One vote per member. (2) A contract between the member and the cooperative, under which it agrees to remit any earnings above necessary expenses to the member in proportion to the business he does with or through the cooperative. (3) Policies and programs are determined by majority vote of the members who select the board of directors which, in turn, employs management.

These cooperatives have an important place in the marketing of grains and oilseeds. There are more than 2,700 local grain associations, small, medium, and large. These in turn have organized some 28 regional or federated marketing associations to supply marketing services at all of the terminal markets. Twenty-two of them have joined in the creation of an export corporation which is successful and growing in selling these commodities for use in other lands.

These cooperatives at all levels were organized in response to need, often acute need, for fair practices, for better service and adequate facilities, to assist in realizing the highest possible financial return for producers, and to give tone, vitality, and spirit to the competitive principle in pricemaking at the marketplace. They are private enterprise 100 percent. They have greatly contributed to efficient marketing by appreciably narrowing the margin or toll borne by producers and consumers in the marketing process, and are generally regarded by students of grain marketing to have made a constructive contribution. Their margins above expenses, known as savings, distributed to producer-patrons, have increased financial returns to farmers by many millions of dollars annually.

These cooperatives are reported by Daniel H. McVey, Chief of the Grain Branch, Farmer Cooperative Service, USDA, to own approximately 33 percent of the licensed grain storage in the United States of more than 4 billion bushels. About 80 percent of this capacity is at the country or primary marketing level; about 20 percent is at terminal or subterminal points.

These have expanded storage substantially in the last 14 years in response to the requests of the Government and of producers. The latter, more than 1,350,000 farmers owning and controlling their own self-help institutions, have repeatedly asked for safe, efficient storage space where their grain might be conditioned and stored so as to qualify for price supports. These farmers, usually by unanimous vote, have ordered expansion and chosen to supply the basic capital to finance or have authorized large borrowings. Then they have seen the facility filled with grain left there by CCC pursuant to its rights under the CCC contract, and have been forced to build more. Obviously, they are entitled to a return on this investment commensurate with the high risks involved when they assume the hazards and responsibilities of warehousemen, with account to be taken of the temporary or emergency character of the building enterprise.

Many have contracted heavy indebtedness, and substantial amounts of this remain outstanding at current high interest rates. Many of these structures face a future of uncertain need. Grain merchandising requirements for facilities under normal conditions will require only 25 percent of current storage space.

Other elements of the grain marketing and warehouse industry have equally, if not even more aggressively, expanded facilities. In general, most operators, cooperative and otherwise, are fully agreed that the industry is very seriously overexpanded, with minor exceptions at a few locations. The day may well come when many giant grain warehouses will be known as white elephants of the prairie.

Most who are realistic sense that congressional farm policy may change in important respects at any time. That policy is often unpredictable. In general, they realize that a rational stockpiling policy, geared to meet any known contingency of war or peace, would counsel a degree of contraction and surely no expansion in the inventory at hand. Doubtless it would be unwise to return to the small average carryover preceding World War II, but there is no proven need for the present level of supply.

The function of warehousemen is not to reason why, but to condition grain, to store it, to ship it, and to transfer the grains and oilseeds as ordered by CCC. They have learned to have a high regard for the capacity of the USDA personnel administering the inventory management programs, and most contracting warehouses are credited by the leadership of this and preceding administrations with rendering good services promptly and honestly.

THE CURRENT CONTRACT

The terms and conditions of the Uniform Grain Storage Agreement in current use were established in 1956. Some of its essential features have been in effect for two decades.

Under this contract most grain and oilseeds are stored commingled—a method that contributes to economy in the use of facilities. If all grain should be stored identity-preserved, the number of bins required would be endless and much space wasted.

As grain is received by a warehouse under contract with CCC, the methods employed for identifying it vary as to whether it is a county or a terminal facility. The chief difference is that at terminal facilities, official grades and weights are available. After grain has been graded, pursuant to Federal grades, as to grade, class, and various grading factors, and its weight determined by licensed weighmasters, warehouse receipts are issued, much as deposit slips are issued by banks, on forms specified by CCC. The ownership of grain by CCC in public warehouses is in the form of these receipts, redeemable at any time. Possession of such warehouse receipts supplies CCC with the right to call for the loading out of grain of the same grade, class, often with supplemental quality certificates as in the case of wheat protein content. Grain put in store may be ordered loaded out in a week, a month—at any time—with only routine notice. Thus, the per diem storage rate is the significant one. Computing rates in terms of a year is like multiplying a single day's hotel room rate by 365 in the face of the fact that few hotels have every bed filled every night.

The warehouseman is fully bonded. The risk of deterioration in quality, shrinkage, and other substantial risks are assumed by the warehouseman, and he must be financially responsible. The liability of warehouses currently outstanding runs into billions of dollars because that is the value of the grain represented by the paper—warehouse receipts—CCC owns. No revenue for storage is finally earned and not subject to offset for losses until loaded out and the warehouse receipt canceled.

CCC'S OWN STORAGE

At present, CCC owns storage bin space of 985 million bushels, up from 543 million in December 1952. As of February 27, 1959, there was commercial storage space approved by CCC for its use of 3,546 million bushels. This figure has since passed 4 billion bushels, may soon reach 4.5 billion bushels.

In the case of its bins, CCC owns the grain outright and is heir to all the attendant risks. It buys and operates equipment and employs many people at the tasks of checking and double-checking the condition of its inventory. No one really knows with absolute finality what it costs CCC to do this job for itself. But almost anyone with any business experience knows that no one can compete with the Government in any field with the expectation of winning, for the simple fact is the Government has more resources and need not rely upon normal profit and loss measurements.

Why wouldn't it be a good idea for CCC to store its entire inventory in bins, thus saving warehousemen from worry and risk?

The same question might be asked about other things the Government buys, such as planes, trucks, pencils, and caps for sailors.

The charter of the CCC enacted by Congress states that "whenever practicable" CCC shall "utilize the usual and customary channels, facilities, and arrangements of trade and commerce." This has been properly interpreted to mean that Congress did not intend to transfer the function of grain storage to public ownership.

Under the Hoover administration, there was formed by the Government the Farmers National Grain Corporation, which owned and operated storage. Under Franklin D. Roosevelt, this organization was abolished and ownership of storage was placed in liquidation, and the commercial storage industry was employed to store and handle grain for the account of CCC. Some bins were purchased and used, but most were liquidated during World War II. Some became houses for war workers.

The matter of whether the Government should purchase bins was an issue in the 1948 presidential campaign. The result of that campaign was interpreted as a mandate to expand CCC bin ownership, if needed. However, during the administration of Charles F. Brannan as Secretary of Agriculture, inducements were offered to encourage expansion of commercial storage. These included some increases in storage and handling rates and offers of guaranteed occupancy. During the Korean war, accelerated depreciation of up to 40 percent was authorized on application to the Defense Transportation Coordinator. Such accelerated depreciation granted grain warehousemen was minor in volume compared with that granted many other business segments.

Actually, the need for an extremely large volume of commercial storage plus CCC bin storage was interrupted by the Korean war which greatly reduced carryover stocks of grains. Worried deficit countries built up their stocks by purchases here. The grain surplus carryovers on July 1, 1952, and even July 1, 1953, were not burdensome.

There were no allotments in effect, for example, for wheat planted in 1952 or 1953; and for the crop harvested in 1954, Congress on the recommendation of the current administration in 1953 placed the national wheat allotment at 62 million acres instead of the fixed statutory minimum of 55 million. The chief pileup of inventory has occurred since.

THE EVOLUTION OF HANDLING RATES

Earlier, we have referred to storage rates during World War I, and subsequently. The handling rates, the charges for unloading grain at a warehouse, and, on call, for loading it out into a boxcar, truck, barge, or other vessel, have remained unchanged since 1949. It is generally believed that the in-and-out handling charges for terminal elevators are not only profitless, but are actually carried on at a loss. New data supports this conclusion.

For all grains except flaxseed, which is 2 cents a bushel, the "in" charge for grain received by rail or water, usually referred to as the terminal rate, is 1½ cents a bushel. The "loading out" charge is three-fourths of a cent a bushel, or 2¼ cents in all.

Table 24 of the USDA storage and handling cost summary, released on January 22, shows the average direct cost of in-and-out handling, excluding such an important factor

as return on capital, to be 3.5 cents. This would indicate an average loss of 1¼ cents per bushel. Considering the great volume handled by more than 600 terminal warehouses, this indicates a substantial loss overall which must be absorbed from revenue from storage.

The average cost to country houses for in-and-out handling was reported to be 4.7 cents. This also means that for many this operation was at a loss before taking any return on capital into account.

It happens that there is variation in wheat country handling charges by areas. They are highest in the South and East, where volume is smaller and unit costs are presumably higher. For corn, they are uniform nationally—3¾ cents in and three-fourths cent out, or a total of 4½ cents. This is somewhat below the national average cost of 4.7 cents reported in the USDA survey on January 22.

THE STORAGE RATES

The USDA storage cost survey, released January 22, shows first that there is a substantial range in costs. This is to be expected for a number of reasons. First, construction costs, including labor and materials, vary greatly from area to area. Secondly, many warehouse operators have long since built as much high-cost-per-bushel conventional elevator space as they feel is justified for grain-merchandising needs in their markets for the next three decades.

This is because such facilities, with modern equipment, are capable of handling fast a large volume of grain daily and storage is only incidental to their normal merchandising operations. Such houses are capable of conditioning and standardizing grains to meet market needs, and market needs are expanding at a far slower rate than storage needs.

There has come, therefore, increasingly into the picture to meet CCC's emergency—and perhaps very temporary—need, less expensive but far less maneuverable facilities. Some of this is vertical storage, safe enough for a prudent warehouseman to operate if he uses it only for seasoned grain of good and proven storage deportment. Some of it is in the form of tanks that resemble balloons awaiting the signal to go aloft. Some consists of adaptation of other structures.

These types of emergency storage will have little or no place in the normal marketing process now or in the future. They are creatures destined to pass into other or no uses when the present inventory problem is dealt with resolutely by an attack on the problem instead of the symptoms.

The responsibility of the warehouseman storing grain for CCC account in these temporaries is virtually the same as in conventional storage. If he loads out grain below the specification shown on his warehouse receipt, he is assessed the difference between the market value of the grade of grain he took for deposit and what he loaded out. His shipments are subject to rejection by CCC if they fail to meet specific standards. He must absorb the costs of shrinkage. He must be prepared to buy free grain to replace grain as may be needed to offset quality and quantity losses.

One warehouseman, experimenting with new forms of low-cost storage, experienced a loss variously estimated at $15 million to $18 million. There have been other and substantial losses. By and large, warehousemen have been prudent, careful, and responsible. They have been credited repeatedly by this and prior administrations with protecting and preserving well and responsibly the values in grain entrusted to their care by CCC.

The fact that there is a substantial range in costs shown in the survey, that the average cost is below estimated revenue, was to be expected. It is far less significant than seems true at first glance. It is a large country and costs vary, management capacity varies, the extent of the surplus owned by CCC is not distributed with equal impact in all areas, and harvests vary.

The survey period, the most recent full fiscal year, was a year of large CCC inventory relative to available space. Thus, the warehouses surveyed showed average occupancy of 78.6 percent, 77.3 in the country and 83 for terminals. This was large, extraordinary, unusual, and abnormal by any standard except a few recent years. It is like comparing the occupancy of hotels at Chicago during a year when the World's Fair is there with ordinary years.

A warehouse that is 80 percent filled with revenue-producing grain in storage is one thing. A 50-percent occupancy figure is another. The costs will remain nearly constant. But in one case the revenue yields a profit; in the other it may well be below the break-even point. The break-even point will vary but usually takes effect well above 50 percent occupancy.

THE CCC STORAGE COST SURVEY

CCC on January 22 released the preliminary results of its grain storage cost survey. It covered 331 country and 101 terminal warehouses. It showed that direct operating costs, not including handling charges, shrinkage, return on capital invested, and other costs involved, to range from an average of 5 to 21 cents a bushel figured on an annual basis.

In his comment, Secretary Benson said:

"Average direct operating cost, excluding other expense items previously mentioned, was shown by the survey to be 10.1 cents a bushel for country warehouses, on an annual basis. For terminal warehouses, it was 8.6 cents a bushel. The overall average, for both types, was 9.5 cents a bushel direct operating cost to the warehouse for a year.

"Only half the space the commercial industry has available for storing grain for others falls within the groups of houses where the storage costs are at or below the averages. A check of the "cost per bushel" groups shows that the direct storage costs go up to about 13.5 cents a bushel for the groups that would have to be included to cover around 85 percent of the total commercial space which is 'available.' In recent years, the Government, farmers, and others have needed a very high percentage of all space."

FARM STORAGE

CCC also employs programs under which farmers are encouraged to store grain owned by CCC under reseal programs. Farmers receive the same rates for storage as commercial warehouses in the area.

Many farmers so store, but many of them after difficulty in maintaining the quality of stocks and incurring grade discounts on loadout have chosen to discontinue this service.

CHANGES IN TERMS OF AGREEMENT

A report, entitled "Storage Operations of CCC," being a report of hearings on March 24, 1959, by the Jones Subcommittee on Departmental Oversight and Consumer Relations of the House Committee on Agriculture, was published in 1959.

Starting on page 27, the changes in the terms of the contract since 1940 are outlined. The summary of rate changes begins on page 31.

Subsequently, this useful report compares various State rates with those posted by CCC. In general, this study shows that CCC rates are either the same or lower than tariffs charged other depositors of grain under published tariffs.

The changes in terms over the years indicate a strong increase in the assignment of financial responsibility to warehousemen.

When more responsibility is thus assigned, risks and cost are obviously increased. These changes would have justified substantial rate increases for the average warehouse except for one average offsetting factor—a high average rate of occupancy. Thus, CCC has had the benefit in its rates of large volume use.

The time will come, of course, when CCC inventories will be sharply reduced from current levels. No one known to me is capable of prophecy as to the timing or extent of such reduction. Accordingly, we do not know when average occupancy of the greatly expanded commercial storage space will fall below the average break-even point. It could be soon.

This points to a problem which will then arise. If and when there are only 1 to 2 billion bushels of grain and oilseeds to store for CCC and normal market needs, with more than 4 billion bushels of space available, a period of unbridled competition will begin which will bankrupt many warehousemen. It is not a pleasant prospect. It hovers as a specter in the shadows of every cupola crowning the grain warehouses of the land.

Mr. CASE of South Dakota. Mr. President, on the subject the Senator has mentioned, I should like to say that a recent survey showed that in South Dakota there were 43,500,000 bushels of grain in farm storage, with 51 million bushels in commercial storage. Supplementing the point the Senator from Oregon has made, I call attention to the fact that farm storage is not receiving the exorbitant rates which have been developed in connection with certain places, and I think it is only fair that the whole picture be before the country.

Mr. MORSE. Mr. President, I think my remarks make it very clear that all I ask to do is to put in the RECORD the point of view of my constituents, which I think is entitled to the consideration of the Senate. Their views have to stand on their own merits.

CIVIL RIGHTS—CLOTURE PETITION

Mr. MORSE. Turning now to my last point, Mr. President, I simply wish to announce that there is still at the desk, in an unofficial custodial status, a petition to invoke cloture, which the Senator from Oregon placed at the desk last night. I discovered just a few minutes ago that it had not been destroyed yet, and I hope that my colleagues will see fit to sign this petition so that early next week we can officially file it in the Senate.

I merely desire to make one comment, Mr. President—and I shall be within my 3 minutes in saying it—that in my judgment the time has come for us to file a cloture petition and proceed to bring to an end the filibuster now in effect on the floor of the Senate and vote item by item, up or down, the various civil rights proposals. As I indicated in debate last night, Mr. President, I think that there is one great danger that confronts us now. The longer this debate is prolonged, the greater danger there will be that an effective civil rights bill will be watered down with one compromise after another, and once again the Congress of the United States will be far behind what I am satisfied is the will of the overwhelming majority of the American people.

I happen to believe, Mr. President, that the overwhelming majority of the

American people believe that the time has come for us to implement legislative-wise, procedural-wise, and enforcement-wise, the 14th and 15th amendments. I think we ought to do it for many reasons, but I close by saying, Mr. President, that we ought to do it as one of the great steps that should be taken to strengthen American foreign policy, because we have to win over to the cause of freedom the millions and millions of people, far greater in number than the total population of the United States, who live in Southeast Asia and Latin America and Africa, whose skins happen to be colored, and who make perfectly clear to us, as we travel through their countries, that they are at a loss to understand the great differences between what we claim are our principles of freedom in the United States and our practice of freedom as evidenced by the fact that we still in this country deny to colored people the same rights and privileges under the Constitution of the United States in actual practice in their daily lives which white men and women are allowed to enjoy.

Mr. RUSSELL. Mr. President, I desire to propound a parliamentary inquiry. The petition to invoke cloture or to gag the Senate has no standing whatever unless it has been signed by at least 16 Senators, has it?

The PRESIDING OFFICER. That is correct—and presented from the floor.

Mr. RUSSELL. And presented from the floor. I thank the Chair.

TRIBUTE TO ELVIS PRESLEY

Mr. KEFAUVER. Mr. President, about 2 years ago a young Tennessean became a member of our Armed Forces under highly publicized circumstances. I am referring to Elvis Presley, of Memphis, who is now in the process of being honorably discharged from the Army.

I have not talked to Sgt. Elvis Presley since he was inducted as a private into the service, but I presume his fame as a rock and roll singer posed a personal problem for him when he first donned a military uniform.

It may have been a temptation for him to have asked for special privileges because of his civilian fame as an entertainer. To his great credit, this young American became just another GI Joe. He went through recruit training with one intent and that was to become a good soldier. After his recruit training, the then Private Presley was assigned to an oversea unit. Here too, Private Presley concentrated on the job at hand: That of being a credit to his country as a peacetime soldier. In recognition of his service, he was promoted by his superiors to the rank of sergeant. At no time did he complain or ask for special consideration.

Some of my generation may ridicule the antics of rock and rollers, but none of them will find fault with Sgt. Elvis Presley or millions of other young Americans who have served and will continue to serve their country in both peace and war with courage and patriotic zeal.

Sergeant Presley will return to his home town of Memphis to be greeted by thousands of his neighbors in a well-deserved homecoming ceremony.

I, for one, would like to say to him: "Yours was a job well done, soldier."

FEDERAL AVIATION ADMINISTRATION'S ACCOMPLISHMENTS UNDER ADMINISTRATOR QUESADA

Mr. SCOTT. Mr. President, a little more than a year ago Gen. E. R. "Pete" Quesada took over the reins of the newly created Federal Aviation Agency. He was not content to merely set up a new organization. He demanded that that organization start producing immediately. As he put it, safety could not wait. And produce he did.

One theme — aviation safety — has dominated all of Mr. Quesada's efforts. In this pursuit of safety he has been uncompromising. It is this singleness of purpose which dominates FAA. It is this singleness of purpose which lies behind the long list of FAA achievements. Let us look at those achievements; and I remind my colleagues that this record was compiled in only 1 year of operations.

Basically, the FAA has three programs to improve aviation safety: It sets standards of safety; it maintains a close watch to insure that these standards are being followed; it investigates and initiates corrective and punitive action when these standards are violated.

In its first year of operation, this FAA system resulted in a number of new safety regulations. The Agency ruled, for example, that no person who has reached his 60th birthday can be utilized as a pilot on any air carrier.

Another new safety regulation required more detailed initial training and proficiency tests for copilots of the commercial airliners.

The Agency also issued a new rule that airborne weather radar shall be mandatory equipment on the nation's airlines.

The FAA also ordered its flight inspectors to enforce by inspection the requirement that flight crew members on commercial transports remain at their duty stations during flight.

In the closing month of its first year, FAA put its safety inspectors on a round-the-clock, 7-day-week schedule in a concentrated safety inspection program of all scheduled air carrier training programs and flight operations.

Improved and modernized medical standards for airmen certificates were adopted. Reasonable limitations were imposed on the consumption of alcoholic beverages by airline passengers.

To keep pace with the expansion of jet operations, FAA established 30 new high-altitude jet route segments for a total of 25,455 miles. Radar surveillance for these civil jet operations was accomplished when the military permitted the Agency to man and utilize 38 Air Defense Command long-range radars. This combined radar system enabled FAA to track all jet flights from takeoff to touchdown with the exception of a small area in the Rocky Mountain-west.

To meet the needs of an expanding volume of air traffic, the Agency commissioned a new navigational aid or air traffic management facility at the rate of 1 a day for a total of 365 for the year. These included, in part, 72 approach light systems, 11 new airport traffic control towers, 18 long-range radars, 9 precision approach radars, and 2 airport surveillance radar units. Also during the year, FAA contracted for the construction of six new air route traffic control buildings, and one new traffic control center building was put in service at San Antonio, Tex.

Also during its first year, FAA installed new electronic computers at six of its busier air traffic control centers. At the same time, Agency scientists and engineers received delivery of the first components of a new fully automated air traffic control system. This giant computer, called Data Processing Central, will handle all the repetitive, non-decision-making functions of the air traffic controller. Its most spectacular function, however, is its ability to probe, detect, and predict conflicts or collision courses.

Soon after it was established, FAA set up a new air space management program which made available 10,000 miles of new airspace for civil aviation.

This is, in part, the record of FAA's first year of operations. I submit Mr. President, that it is a formidable story of achievement, and I should like to single out Federal Aviation Administrator Quesada for his accomplishments. He is to be heartily congratulated for a job well done.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN] to the amendment of the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute.

Mr. McCLELLAN. Mr. President, I had the floor at the time the Senate went into the morning hour, and I desired to continue with my remarks, but I have learned that one of my distinguished colleagues had prepared to speak at this time, and therefore, I shall relinquish the floor; but before doing so, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 89]

Aiken	Byrd, Va.	Case, S. Dak.
Allott	Byrd, W. Va.	Church
Anderson	Cannon	Clark
Bartlett	Capehart	Cooper
Beall	Carlson	Cotton
Bible	Carroll	Curtis
Brunsdale	Case, N.J.	Dirksen

Douglas	Johnson, Tex.	Murray
Dworshak	Keating	Muskie
Eastland	Kefauver	Proxmire
Engle	Kerr	Randolph
Ervin	Kuchel	Russell
Frear	Lausche	Saltonstall
Goldwater	Long, Hawaii	Scott
Gore	McClellan	Smith
Green	McGee	Stennis
Gruening	McNamara	Talmadge
Hart	Magnuson	Wiley
Hartke	Mansfield	Williams, Del.
Hayden	Martin	Williams, N.J.
Hickenlooper	Morse	Yarborough
Hruska	Morton	Young, N. Dak.
Jackson	Moss	Young, Ohio
Javits	Mundt	

The PRESIDING OFFICER (Mr. GRUENING in the chair). A quorum is present.

Mr. ERVIN. Mr. President, at the outset, I wish to ask unanimous consent that I may have the assistance in handling my papers during this discourse of John Ingle, who is a research law student working in my office. He is not technically a member of my staff. That is the reason why I ask for unanimous consent to have his assistance.

The PRESIDING OFFICER. Is there objection?

The Chair hears none. It is so ordered.

Mr. ERVIN. Mr. President, I am glad that the genial junior Senator from Pennsylvania has returned to the floor. He was stating a few moments ago that he had now reached the point of irritation with those who are seeking to explain our opposition to these bills, and he suggested that we are thwarting the will of the people.

It might be conducive to some clarity in this debate if the genial junior Senator from Pennsylvania would tell us which one of these 175 civil rights bills represents the will of the people, or how many ounces of these 5½ pounds of civil rights bills the people desire enacted into law.

I am glad to see that my friend, the genial Senator from New York, is also present. The genial Senator from New York has explained why he wants some 5 or 6 of 42 separate bills he has introduced, and the 24 other bills which he has cosponsored, to be enacted into law. But I respectfully submit that there are at least 50 of those bills, not including the amendments he offered this morning, that he has not explained to this Senate nor has he given any proof that they represent the will of the people.

Since our colleagues who are urging the civil rights bills will not explain to us which of these multitude of bills represent the will of the people, and exactly how many ounces of them they want enacted into law, we are compelled to try to find out for ourselves.

For some strange reason they seem to be very desirous of concealing this information from us. I want to assure my good friend from Pennsylvania that this protracted debate is not of our choosing. I voted against holding sessions around the clock. I thought it was a very unintelligent way for adults to handle this. If I had my way about it, I would put down this debate now, and have the meetings begin at about 12 o'clock and end about 5 o'clock in the afternoon. But I do not have much voice in this. Those of us who have the same attitude as I have toward these bills do not have much voice in it.

As a matter of fact, it reminds me of the young fellow who got married, and his friends invited him and his bride to a dinner. The young man was not accustomed to speaking in public, so when the toastmaster congratulated him on his good fortune in winning the very charming and beauteous bride, the toastmaster called for a speech from the young man. He got up, rested his hand on his bride's shoulder, and said, "I will have you to understand, my friends, that this thing was thrust on me."

This 24-hour round-the-clock session has been thrust on us. It was not of our choosing; it was not of our election; it was not by our vote.

We southerners, in common with everybody else in the United States, can be led by reason and persuasion. But I have to confess that we have that quality which one's friends call firmness and which one's enemies call obstinacy. Several weeks ago the leadership on both sides of the aisle called up civil rights for debate, not only very much to our disadvantage, but also to the great disadvantage of poor Stella, who is now lost somewhere in outer space.

At that time they said they had made a promise last September to call up a civil rights measure on February 15, and they had to keep their promise. I never object to anyone keeping a promise, but I must say that I do not believe they promised at that time that they would act in this way. They had to keep a promise to call it up, even if they did disadvantage Stella and deprive the people in the Stella School District, in Missouri, of an opportunity to get an education, because the Stella school building had burned down, and the little bill which we are debating provided that the Secretary of the Army could lease Government property to the people of Stella, so that their children could be educated.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield for a question.

Mr. LAUSCHE. I have been constantly hearing mention made of Stella. Who is she?

Mr. ERVIN. I have almost reached the point that I have forgotten what the Stella School District is. I think she must be a girl friend of the majority leader and of the minority leader. I think they are not treating her exactly right, with the proper degree of—what is it that the French call it? Esprit d'amour?—because they keep her waiting so long. [Laughter.]

Mr. President, I forgot to announce that I am speaking in behalf of my amendment to the Dirksen amendment in the nature of a substitute to the bill to allow the Stella School District to educate the people of Stella. I think the reason the proponents are not concerned about whether the Stella School District gets its school in operation is that they found out that everybody in the Stella School District is white; so the passage of the bill will not do anything to bring about integration of the school in Stella.

As a consequence of the delay in passing the Stella school bill, those of us who are somewhat concerned about the history of the United States feel that we must stay on the floor of the Senate and give the children in Stella some instruction which the majority of the Senate, by a vote, have decided they cannot have inside Government property. The children of Stella must use a substitute building until their own school can be replaced.

Mr. President, I wish to make it clear that this debate was thrust on us and is not of our choosing. There is a great difference between a filibuster and what is called educational debate, in which we are now indulging; at least, we hope it will be educational, but those whom we seek to educate are more conspicuous by their absence than they are by their presence. Our hope and desire to broaden their mental horizons may, therefore, be in vain.

I started to say that there is quite a distinction between educational debate, on the one hand, and a filibuster, on the other. That distinction is well known to Members of the Senate. For that reason, it is not necessary to explain that great distinction between these two types of debate to the Members of the Senate. However, it is quite possible that the students in the Stella School District, who are enjoying an enforced absence and vacation from school while this debate continues, as well as other people throughout the United States, may not understand that distinction. As a consequence, I shall try to explain the difference between educational debate and a filibuster.

An educational debate is the course of speaking carried on in the Senate by persons who express views which the listener entertains. If those who are speaking have the wisdom to believe the same things which the listener believes, and to have the same ideas about the pending proposed legislation, then it is an educational debate, and that is the kind of debate which we are carrying on.

On the contrary, if those who are speaking are so foolish as not to entertain the same sound views which the listener entertains on public questions, and if they speak more than 2 or 3 minutes in the morning hour, they are engaging in a filibuster. [Laughter.]

So I sincerely trust that those people throughout the length and breadth of the Nation who may not have understood in times past the wide distinction between an educational debate and a filibuster will now understand what we mean by those terms. I myself do not know why some persons think of a filibuster as reprehensible, whereas a boycott of a filibuster is altogether righteous. I have always thought there was something iniquitous about a boycott, but what has been apparent in the Senate during the course of the debate is that those who were most instrumental in forcing the around-the-clock sessions are more conspicuous by their absence than they are by their presence. They never come to the floor of the Senate until they are given a special invitation in the form of the call for a quorum. [Laughter.]

Of course, I do not blame them for not coming, because it is possible that if

they came they might become converted to the right side, and they do not want to run that risk.

I say again that this educational debate is certainly not of our choosing. To show that it is not of our choosing, I should like to make a unanimous-consent request, without losing the privilege of the floor, and without my request being counted as two speeches, instead of one, on the amendment to the Dirksen substitute; and I advise the Senate in advance that if my unanimous-consent request be granted, I shall then ask unanimous consent that the Senate adjourn until 12 o'clock noon on Monday, and thus put an end to this educational debate, which some persons are so short-sighted as to call a filibuster.

If there is any Senator present at this time who objects to my unanimous-consent request that I be allowed to make a unanimous-consent request of that nature, without losing the floor, and without having it counted as two speeches, I should like to hear from him.

The PRESIDING OFFICER. Is there objection?

Mr. MARTIN. Mr. President, I did not hear the request.

Mr. ERVIN. I said that just to show that we are not desirous of engaging in either educational debate or a filibuster, I should like to make a unanimous-consent request, without losing the privilege of the floor or having it counted as a second speech on my amendment to the Dirksen amendment, and that my second unanimous-consent request, in the event I were granted the first privilege, would be that the Senate adjourn until 12 o'clock noon on Monday.

I hope the Senator from Iowa has not risen to interpose objection to that very reasonable request.

Mr. MARTIN. Mr. President, I must interpose objection to that request.

Mr. ERVIN. Mr. President, I judge that my very genial friend from Iowa prefers the educational debate to continue. [Laughter.]

Mr. CASE of South Dakota. Will the Senator yield for a question?

Mr. ERVIN. Mr. President, I am delighted to yield to my good friend from South Dakota for a question, in the event I may be permitted to do so without losing the privilege of the floor or having my action construed as my making two speeches on the same amendment.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. CASE of South Dakota. Mr. President, I was wondering if the distinguished Senator from North Carolina would ask for a vote on his amendment, if I assured him that I would vote for it, if he could bring it to a vote.

Mr. ERVIN. If the Senator from South Dakota could grant the Senator from North Carolina assurance that a majority of the Senate would vote for my amendment, I would be glad to agree to his proposition. [Laughter.] I knew in the first place, when I presented my amendment, that my good friend, the able and distinguished Senator from South Dakota, would vote for it, because it is a reasonable amendment and he is a most reasonable man, and the only reason I am speaking in behalf of my amendment is because I want to convert some other Senators, so that they will also join the Senator from South Dakota and myself in supporting my amendment.

Mr. CASE of South Dakota. Mr. President, if I may, I should like to say something more, and I do not want this to be charged to the Senator or impair his right to the floor or cause his reply to be considered as making two speeches on the same amendment.

Mr. ERVIN. Mr. President, I will have to ask, under these circumstances, for the protection of the Chair, because I am not as familiar as I ought to be with all the rules of the Senate, but if I may yield to the Senator from South Dakota for a question, without losing the privilege of the floor and without having it counted for two speeches, it will afford me great pleasure to do so.

The PRESIDING OFFICER. The Senator from North Carolina yields to the Senator from South Dakota for a question.

Mr. CASE of South Dakota. Does the Senator from North Carolina know that along about 3 or 4 o'clock in the morning the possibility arose of a vote on his amendment; that the Senator from South Dakota at that time said that he would be glad to vote for the amendment; that we had the yeas and nays ordered, and the Senator from South Dakota objected to the withdrawal of the yeas and nays at that time, but later was persuaded, because so many of the Senators could not be reached, what with the snow and the conditions underfoot, to permit the request to be withdrawn? Did the Senator from North Carolina know that?

Mr. ERVIN. No, Mr. President, I did not, because, having passed 37 hours since Monday with only 2 hours of sleep, the Senator from North Carolina last night was locked in the arms of Morpheus, and was not disturbed on that occasion. He was sleeping then, forgetful of all the turmoil in the Senate, and at peace with God and all mankind. [Laughter.]

Mr. CASE of South Dakota. Would the Senator yield for one more question, under the same conditions?

Mr. ERVIN. Mr. President, if I may yield to the Senator from South Dakota for another question, without losing the privilege of the floor, and without having my action in so doing counted as two speeches, it will afford me the greatest of pleasure to do so.

Mr. CASE of South Dakota. Does the Senator know that the junior Senator from South Dakota, if he could express himself, would say something like this: If the Senator will bring his amendment to a vote, it is my conviction it will pass?

Mr. ERVIN. If the Senator from South Dakota will give me a good bond, signed by all of the Members who are not embraced in this educational debate, to the effect that they will vote for my amendment, I will sit down and call up my other amendment. [Laughter.]

Mr. President, at some indefinite time earlier this week, at 11:50 p.m., I rose on the floor of the Senate for the purpose of discussing these proposals, and I was compelled to continue in my laconic remarks on that occasion until 3:20 a.m. on the following day, whatever day that was. At that time I undertook to talk about some of the fundamentals of our system of government, which are involved in this debate. I attempted to point out that the men who were the delegates from the Thirteen Colonies to the Constitutional Convention of 1787 were wise men, who had studied and who understood the history of the experience of mankind in general, and of the English-speaking race in particular, with the right of self-government.

I pointed out that these men had found this everlasting political truth inscribed on each page of that history: No men can be safely entrusted with governmental power of an unlimited nature.

I attempted to point out then that these men were determined, above all things, to establish a government of laws, and not a government of men.

I discussed in some detail at that time that, to accomplish this object, they provided in the Constitution for the separation of the powers of government between the Federal Government on the national level, and the States on the local level.

I also pointed out that, in addition to that division of the powers of government between the Nation and the States, they also inserted in the Constitution a system of checks and balances to prevent one department of the Federal Government from encroaching upon the governmental areas reserved to the other departments of the Federal Government.

I also called the attention of those present to two of the great decisions of the Supreme Court of the United States, one being the decision in the case of *South Carolina* v. *The United States* (190 U.S.) at pages 448 to 449, where the Court said this:

> The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when adopted it means now. Being a grant of powers to a government, its language is general, and as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers and the terms conferred.
>
> In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable.
>
> This in no manner abridges the fact of its changeless nature and meaning. Those things which are within its grants of power, as those grants were understood when made are still within them, and those things not within them remain still excluded.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from North Carolina yield for a question, if it is understood that when he resumes his remarks, following the question, he will not be charged with making a second speech, and also that, as a result of yielding for the question, he will not lose the floor?

Mr. ERVIN. Mr. President, I should be delighted to yield to the Senator from South Carolina for a question, with that understanding.

The PRESIDING OFFICER (Mr. GRUENING in the chair). Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON of South Carolina. In view of the decisions the Supreme Court has recently been handing down, I wonder whether the Senator from North Carolina believes that the Supreme Court ever read that opinion.

Mr. ERVIN. In response to that question, Mr. President, I believe I would prefer to discuss what the present Court has said, rather than indulge in assumptions about what the Court may not have read.

Mr. JOHNSTON of South Carolina. So the Senator from North Carolina probably thinks the Court read it. But, at least, the Court did not follow that decision, did it?

Mr. ERVIN. Instead of answering the Senator's question specifically, I shall discuss for a few minutes—or a few hours—what the Court has said in recent days.

Mr. JOHNSTON of South Carolina. I am glad the Senator will discuss that, for I know it will be very interesting to hear him discuss just how the Court has been deteriorating.

Mr. ERVIN. Mr. President, on the recent occasion when I had to speak during the somewhat unholy hours of the morning, I also pointed out the magnificent words which the Supreme Court of the United States employed in the case of Ex parte Milligan. In that case the Court stated in most emphatic language that the Constitution of the United States was reduced to writing because the Founding Fathers—that is to say, those who drafted and those who ratified the Constitution—knew that what had been attempted in times past would be attempted in the future, and that it was necessary to set forth in irrepealable law the fundamentals of the government which they were establishing, so that the substance and the fundamentals of our law would not be destroyed by the shifting winds of public opinion or the impatience of Presidents or the impatience of Members of Congress or the impatience of men occupying judicial positions in the Federal Government.

Mr. President, in those remarks I also pointed out that the Constitution, as drafted and ratified by the Founding Fathers, did not contain any limitation upon the power of the Supreme Court of the United States. On that occasion I also pointed out that that omission was called to the attention of the Constitutional Convention, and, after the Constitution was submitted to the States, for ratification, was called to the attention of the people, by such distinguished men as Eldridge Gerry, of Massachusetts; George Mason, of Virginia, and others; and that those distinguished men pointed out that, under the Constitution, the members of the Supreme Court of the United States could substitute their personal notions for constitutional provisions, while professing to interpret that instrument. I also pointed out that the Convention was induced to draft the Constitution without inserting in it any limitation upon the action of the Supreme Court, to prevent the Court from encroaching upon the domains of the President, the Congress, and the States; because of the eloquence of Alexander Hamilton, who said that the criticism voiced by Gerry, Mason, and others, was a phantom. He said that criticism was a mere phantom, because only a few men in the country would be qualified to occupy positions on the Supreme Court of the United States, and that the Presidents of the United States would appoint to membership on that Court only men who, by long and laborious efforts and service in the administration of justice and the practice of law, would have acquired competent knowledge of the precedents and would have acquired the capacity to exercise the restraint inherent in the judicial process when that process is committed to the hands of competent occupants of judicial offices. And Alexander Hamilton said, in effect, that the restraint inherent in the judicial process could be acquired only by men who, as lawyers and judges, had devoted long and laborious efforts to the administration of justice; that men who had undergone that mental discipline would be able to exercise that restraint; and that that restraint gives to one who occupies a judicial office the capacity and the willingness to lay aside his personal notions as to what the law should be, and to be guided in his decisions by what the law has been declared to be, in the precedents that are binding upon all men who are willing to exercise judicial restraint.

Mr. President, although I shall probably discuss this subject in more detail later on, I wish to give the Senators now present in this Chamber the benefit of what one of the greatest lawyers and judges in America had to say on the question of adherence to precedents.

I gave a part of this statement in response to a question to me the other morning by the able and outstanding junior Senator from Tennessee [Mr. GORE]. I now desire to give the relevant portion of the quotation in full. This is from pages 127 to 129 of Justice Benjamin N. Cardozo's wonderful book entitled "The Nature of the Judicial Process."

Apologists for recent actions of the Supreme Court in disregarding and overruling precedents say that that is all right because courts sometimes overrule their own decisions. In the passage to which I have referred, Justice Cardozo said:

> The quality of law is not withdrawn from all precedents, however well established, because courts sometimes exercise the privilege of overruling their own decisions. Those, I think, are the conclusions to which a sense of realism must lead us. No doubt there is a field within which judicial judgment moves untrammeled by fixed principles.

And then he points out that field in these words:

> Obscurity of statute or of precedent or of customs or of morals, or collision between some or all of them, may leave the law unsettled, and cast a duty upon the courts to declare it retrospectively in the exercise of a power frankly legislative in function. In such cases, all that the parties to the controversy can do is to forecast the declaration of the rule as best they can, and govern themselves accordingly.

Then after stating that this power to overrule prior decisions can be properly exercised only in cases where there is an obscurity of statute or of predecent or of morals or of collision between some or all of them, leaving the law in question unsettled, Justice Cardozo proceeds as follows:

> We must not let these occasional and relatively rare instances blind our eyes to the innumerable instances where there is neither obscurity nor collision nor opportunity for diverse judgment.

That is the end of this quotation, and I leave out two sentences which are not germane to this precise point.

Then Justice Cardozo proceeds:

> In countless litigations, the law is so clear that judges have no discretion. They have the right to legislate within gaps, but often there are no gaps. We shall have a false view of the landscape if we look at the waste spaces only, and refuse to see the acres already sown and fruitful.

Justice Cardozo then proceeds to discuss what might well be called the nub of the proposition, or the gravamen of the controversy between those who think that judges ought to obey the law and carry out precedents and those who think that judges are at liberty to disobey and ignore the law which all other men are required to obey.

Judge Cardozo says:

> I think the difficulty has its origin in the failure to distinguish between right and power, between the command embodied in a judgment and the jural principle to which the obedience of the judge is due. Judges have, of course, the power, though not the right, to ignore the mandate of a statute, and render judgment in despite of it. They have the power, though not the right, to travel beyond the walls of the interstices, the bounds set to judicial innovation by precedent and custom. Nonetheless, by that abuse of power, they violate the law.

The men who drafted our Constitution knew that experience would show on some occasions that there ought to be some change in the Constitution, so they put a provision in the Constitution specifying exactly how that Constitution should be amended. I wish to read this provision which is embraced in article V of the original Constitution.

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The man who had most to do with the actual drafting of the Constitution of the United States in the Convention of 1787 was James Madison, who has been very fittingly named by historians as

the Father of the Constitution. James Madison had this to say about the fifth amendment, describing the manner in which the Constitution should be amended, and I read from one of his essays in "The Federalist":

> That useful alterations will be suggested by experience, could not but be foreseen. It was requisite, therefore that a mode for introducing them should be provided. The mode preferred by the Convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution mutable and that extreme difficulty which might perpetuate its discovered faults. It, moreover, equally enables the general and the State governments to originate the amendment of errors as they may be pointed out by the experience on one side or the other.

The essays in "The Federalist," and particularly those of James Madison, make it so plain, that he who runs may read and not err in so doing, that the Founding Fathers never intended any provision of the Constitution to change otherwise than by the consent of the Congress and the consent of the States, as set out in article V of the original Constitution.

The usurpation of governmental power is reprehensible whether it be committed by the executive department of the Government, or the legislative department of the Government, or the judicial department of the Government. If one species of governmental usurpation be more reprehensible than another, it is usurpation practiced by the judicial department of the Government.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the able and distinguished Senator from Florida for a question, with the understanding that I shall not lose the floor or have it counted as my having made two speeches on my amendment to the Dirksen substitute.

Mr. HOLLAND. I have a question. Is it not really the very essence of States rights, as embodied in the Constitution, that before a fundamental change can be made in the Constitution, the matter has to be submitted to the jury of the States, to be passed on and approved by no less than three-fourths of the States.

Mr. ERVIN. That is true; and if any agency of government undertakes to change the meaning of the Constitution in any particular otherwise than that method, it is attempting to usurp a power denied to it by the Constitution itself.

Mr. President, I was saying, just before I yielded to the able and distinguished senior Senator from Florida for a question, that if any species of usurpation was more reprehensible than another, it was usurpation on the part of the judicial branch of the Government, and I am speaking, in this connection, in respect to the Federal Government.

The reason underlying my assertion in this respect is as follows: If the President of the United States attempts to exercise a power denied to him by the Constitution of the United States, the President is answerable to the people in the next election. If a Senator or a Representative in the House undertakes to exercise the power denied to him by the Constitution, he, too, can be called to account by the people the next time he seeks public office. If the Congress as a corporate body—that is, both Houses acting in concert as a national legislative body—undertakes to exercise by legislation, or other means, powers not possessed by the Congress under the Constitution, the act of Congress can be set aside as unconstitutional, at the suit of any party aggrieved thereby, by the Supreme Court of the United States.

But members of the Supreme Court of the United States are given their offices for life, under our Constitution, which also gives them the additional safeguard that their salaries shall not be diminished during their continuance in office.

When the Supreme Court of the United States usurps the power to alter the meaning of any constitutional provision, under the pretense or profession that it is merely construing the Constitution, there is virtually no power on earth which can call its members to task. To be sure, the Congress and the States have the power to change the decision by amendment to the Constitution, but for all practical intents and purposes the action of members of the Supreme Court of the United States in the constitutional field is beyond the power of review by any practical method available on this earth.

While Presidents, Senators, and Congressmen are subject to the plague and propaganda of all the parties and organizations in this country having axes to grind, the Supreme Court was intended to be above those considerations, and to construe the Constitution of the United States to give effect to the intent of those who drafted it and those who ratified it.

When I spoke the other morning, I read to the Senate the statement of one of the greatest authorities on the Constitution of the United States, Judge Thomas M. Cooley, of Michigan. In the statement which I read to the Senate, Judge Cooley declared that a court which would attribute to a constitutional provision an interpretation not warranted by the intention of its framers would be justly chargeable with neglect of official duty and disregard of official oath.

That is true because of the fact that it is virtually impossible, for all practical intents and purposes, for Congress or the States to correct usurpations of power by the Supreme Court of the United States.

It is important for us to ponder for a moment why usurpations of governmental power, by whomsoever they may be practiced, are reprehensible.

I think I could give you the explanation of that matter best in the words of that great American whom Richard Henry Lee declared was "first in war, first in peace, first in the hearts of his countrymen."

Americans know of the great record which George Washington made as Commander in Chief of the Armies during the Revolution. Virtually every schoolboy and schoolgirl in this Nation is familiar with the wonderful story of how Washington crossed the Delaware River and defeated the Hessians near Trenton, N.J., as they were celebrating Christmas. All of us are familiar with the great picture that shows the Americans under Washington crossing the ice-choked river. And, of course, all of us hold among our fondest memories as Americans how Washington prayed in the snow at Valley Forge in order that this Nation might, in God's providence, achieve independence and the right to set up its own system of government under a written Constitution, a Constitution which would specify the powers of the Government.

But a lot of Americans forget the fact that George Washington was the Presiding Officer of the Constitutional Convention of 1787. They forget the fact that he gave us some very sound advice about the Constitution when he made his farewell address to the people of America.

George Washington had this to say on this subject:

> It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another.

These words of George Washington come from the portion of his Farewell Address when he was discussing the Constitution of the United States. The members of the Convention over which he presided had been careful to distribute those powers of Government among the executive, the legislative, and the judicial departments to avoid the practice of tyranny upon the American people. In this passage which I have just read, George Washington was saying to the President of the United States, in substance, "You must not trespass upon the legislative domain of Congress. You must not trespass upon the domain of the Supreme Court of the United States, or any inferior Federal courts which Congress may establish."

George Washington was likewise saying to the members of the Supreme Court of the United States, "You must confine yourself to the judicial field. You must not trespass upon the powers of the President, or upon the domain reserved by the Constitution to Congress."

Moreover, he was saying, in effect, to the Supreme Court of the United States, "You must not usurp the power of Congress and the States to amend the Constitution."

I should like to make it clear at this point that there is a distinction between interpreting the Constitution and amending the Constitution which is as wide as the gulf between Lazarus in Abraham's bosom and Dives in hell. The power to interpret the Constitution is merely the power to determine the meaning of the Constitution. The power to amend the Constitution is the power to change the meaning of the Constitution. The first of these powers—that is, the power to interpret the Constitution—is vested in the Supreme Court. The second of these powers—the power to amend the Constitution—is vested in Congress and the States.

George Washington was a wise man. Like all the other delegates from the 13 States to the Constitutional Convention of 1787, he knew that no man was fit to be trusted with unlimited governmental power. He knew that men who were given power thirsted for more power, and that unless they were exceedingly strong men, they would yield to the temptation to encroach upon the powers vested in other departments of the Government.

George Washington said further in his Farewell Address to the American people:

> The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.

I call attention to the next sentence in this part of George Washington's Farewell Address to the American people. The next sentence follows the sentence in which George Washington stated, in the finest possible fashion, why the Constitution separated the powers of government on the Federal level between the executive, the legislative, and the judicial departments of the Federal Government, and why the Constitution also divided the powers of government between the Federal Government, as the National Government, and the States, as local governments. Washington said this:

> To preserve them must be as necessary as to institute them.

That observation is self-evident. It would be very foolish for the American people to establish a written Constitution defining exactly what form the powers the Government created by that Constitution should take, and then to permit that government to be destroyed in any manner, regardless of whether it be by foreign foe or by usurpations on the part of the President, by usurpations on the part of Congress, or by usurpations on the part of the Supreme Court.

It is well to remember at this time, too, what was said by a great American, namely, that God gives liberty to those who love it and are always ready to defend it.

In connection with this debate on civil rights, those of us who are opposing the 175 bills, weighing more than 5 pounds, are trying to carry out George Washington's advice that it is just as necessary to preserve our Constitution as it was for the Founding Fathers to draw that Constitution and ratify it.

An attempt has been made, apparently, by some segments of the press, and by some commentators upon the radio and television, to convey the impression that we southerners are only opposing a little, simple voting rights bill. As a matter of fact, 175 so-called civil rights bills are pending before Congress—that is, there were that many bills before the senior Senator from New York [Mr. JAVITS] offered his latest amendment this morning. I do not know how many there are now.

I make this assertion about the so-called civil rights bills: They contain multitudes of constitutional and legal monstrosities. If they were enacted and upheld they would virtually destroy the Government and the Constitution of the United States under which we live.

For example, the second section of the Dirksen amendment in the nature of a substitute contains a provision which violates the Constitution in two different particulars. If I were to attempt to point out all the other offenses against the Constitution and the legal system of the United States which are contained in these bills, someone would have a pretty good reason for charging me with participating in a filibuster.

To proceed with George Washington's Farewell Address, Washington gave some advice which those who think it is all right for the Supreme Court of the United States to usurp the power to amend the Constitution, while professing to interpret it, ought to ponder and to heed.

After saying, in effect, that it was just as important to preserve the Constitution as it was to ratify it, George Washington said this—and I commend this to the prayerful consideration of every person who loves the American Constitution and every person who loves America:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.

I repeat, George Washington said:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates.

That statement of George Washington puts him squarely in opposition to those apologists for the Supreme Court, who say that it is all right for the members of the Supreme Court to change the meaning of the Constitution, that is, to amend the Constitution, while they are professing simply to interpret it.

In the next sentence, the Father of his Country and the Presiding Officer in the Constitutional Convention of 1787, gives us a reason why the Constitution should never be altered or modified in any way, except by an amendment in the manner prescribed by the fifth article of the Constitution, and here is the reason which he gives:

> But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

In that statement George Washington gives the reason why the Constitution should never be changed in its meaning by usurpation. He had learned that reason in his study of the history of the experience of mankind in his quest for self-government. George Washington said that the reason why the Constitution ought not to be changed by usurpation was because usurpation is the weapon by which free governments are destroyed.

I have called the attention of the Senate to some of the great decisions of the Supreme Court of the United States, to one of the statements of James Madison, the father of the Constitution, and to the statements in reference to the Constitution and its amendment made by the greatest of all Americans, George Washington, in his Farewell Address to the American people.

I submit, without fear of contradiction by any informed person, that the proceedings and the cases and the statements to which I have directed the attention of the Senate make these things crystal clear: That the Founding Fathers established a government under a written Constitution, in order to put the power to change any of its provisions beyond the reach of the shifting wind of public opinion, and beyond the reach of impatient public officials and impatient judges; that the Founding Fathers put a provision in article V for the amendment of the Constitution; that they intended that the Constitution should never change its meaning in any particular except by amendment, in conformity to the mode prescribed by the fifth article; and that the greatest of all Americans, George Washington, in his Farewell Address to the American people, pointed out that any change in the meaning of the Constitution by usurpation would be disastrous to America, because usurpation is the weapon by which free governments are destroyed.

Mr. President, I wish to assert something which I am convinced is absolutely true: Those of us who are fighting these so-called civil rights bills are seeking to preserve the constitutional and the legal systems of America for the benefit of all Americans, of all races and all generations; and those who seek to force through these so-called civil rights bills, which would impair the fundamentals of our governmental and legal systems are like Samson who, in his blindness, pulled down the pillars upon which the temple rested.

If the writer of the Book of Ecclesiastes had been living during this session of Congress, he could not have written, "There is nothing new under the sun." There is something new under the sun in several of these bills, and that is the proposition that the Congress should stamp with its approval the decision of the Supreme Court in the so-called school desegregation cases.

So far as I know, it has never been suggested in times past that the Congress should undertake to express its approval or disapproval of a Supreme Court decision.

It is beyond the power of Congress to pass upon the validity or the invalidity of Supreme Court decisions, and it is extremely unwise for anyone to ask Congress to do so. As I have heretofore pointed out, those who undertake to have Congress do so in this instance must have some doubt about the soundness of the Court's decision. I have always

thought that the decision of a court should stand on its own merits; and I have always thought that if a court decision were valid, it would not need any legislative props to hold it up. So I proceed on the basis of the proposition that a congressional statement that this decision is a sound one would be an admission by those who might make such a statement that there had been some doubt about the soundness of the Court's decision.

However, Mr. President, there is another reason why Congress should not undertake to enter into that field. These civil rights bills prove beyond any question that Congress is composed of politicians, many of whom seem to be totally incapable in an election year of determining the distinction between what they think is good politics and what they should know is extremely bad law.

But there is another reason why Congress should not put the stamp of its approval upon these particular decisions of the Supreme Court—namely, if Congress were to put the stamp of its approval upon these decisions, Congress would necessarily stamp with its approval the methods by which the decisions were reached.

Mr. President, for 15 years of my life I was charged with the duty of what the Memphis jurist and poet, Walter Malone, has called "judging one's fellow travelers to the tomb." I believe that during those 15 years I acquired to some extent what is known as a judicial temperament. For that reason, I trust that I shall be able to discuss with at least some measure of objectiveness these cases and these decisions by the Supreme Court.

Mr. President, I believe there is before us at this time an issue of far greater seriousness than the issue of whether any civil rights bills are to be passed. When all is said and done, the issue at this time before the Senate, the House of Representatives, and the Nation is whether constitutional government shall endure in America.

Mr. President, if constitutional government endures in America, that will be due to the understanding and the courage of certain Americans such as David Lawrence, editor of the U.S. News & World Report; the 36 State chief justices, who, at the Conference of State Chief Justices, held at Pasadena, Calif., on August 23, 1958, protested the usurpations by the Supreme Court of the United States in the field of Federal and State relations; Thomas Raeburn White, a Philadelphia lawyer; Chief Justice John R. Dethmers, of the Michigan Supreme Court; and Judge Brockenbrough Lamb, of the chancery court of Richmond, Va.

Mr. President, at this time I wish to read to the Senate some of the statements made by these understanding and courageous men.

I now read from an editorial written by David Lawrence, and published in the U.S. News & World Report of December 12, 1958:

> There has been a lot of misrepresentation of the current criticism of the Supreme Court. It is mistakenly argued that the attack is against the Supreme Court as an institution and that this tends to undermine the prestige of the Court.
>
> Nobody can undermine the prestige of the Supreme Court of the United States except the Justices themselves.

Mr. President, if I may be permitted to digress briefly from my reading of the editorial written by David Lawrence, I should like to say that every public official—be he President, Senator, Member of the House of Representatives, Governor, State legislator, judge, or dogcatcher, will enjoy exactly the amount of prestige to which he is entitled, and no more. That is one of the laws of life; and I do not believe that too much emphasis can be placed upon it.

It is for that reason that David Lawrence has written:

> Nobody can undermine the prestige of the Supreme Court of the United States except the Justices themselves.

I continue to read from the editorial written by David Lawrence:

> By their decisions they twist the Constitution out of its accustomed and natural meaning, as they assume the power to legislate or as they supply words to the law and to the Constitution which never were there in the first instance. When they do this, they provoke widespread condemnation.
>
> An effort is being made nowadays to make it appear that the criticism of the High Court is due wholly to its decision in the desegregation cases. This simply is not true. The report which was approved last summer by a vote of 36 to 8 by the chief justices of the State supreme courts did not even mention the segregation issue. It did accuse the High Court of a lack of judicial self-restraint and cited a long list of decisions in recent years to back up the indictment.
>
> The trouble is not wholly in the Court itself. It is in the law schools, too, where many of the new cult hold sway. Students are taught that the Supreme Court need not respect the intent of Congress nor the decisions of the past but instead can at any time ignore the law of the land and issue its own amendments to the Constitution.
>
> Up to recent years it was accepted that the Supreme Court should make an initial interpretation of the Constitution and, once this was proclaimed as the law of the land, it would not be changed unless some new legal point was raised or new legislation passed by Congress or a new amendment added to the Constitution.
>
> America didn't depend on Supreme Court decisions to change the Constitution in order to permit a Federal income tax to be levied or woman suffrage to be adopted or prohibition to be imposed and later repealed. The people had an opportunity in each instance to vote on a constitutional amendment. This is as it should be.
>
> But today we have what Judge Learned Hand, of New York—perhaps the ablest of the Federal circuit court judges of our times, now retired—recently described as a "third legislative chamber."
>
> Criticism of the Supreme Court is not only legitimate but essential to a free republic. There are voices heard which would stifle criticism and require of everybody a sycophantic obeisance.
>
> It is healthy to discuss all phases of public questions. The American people have not yet been aroused to the dangers of judicial tyranny that face them. It is time to expose the true meaning of the philosophy of the cult which is teaching our youth that we no longer need to amend the Constitution and that the Supreme Court—nine Justices appointed for life—hereafter will perform that task for us.
>
> How easy it is to fall into the ways of totalitarianism—to let an autocracy rule the people because presumably the people are unable to rule themselves.
>
> The fight for constitutionalism must go on.

I wish to say, Mr. President, that those of us who fight these civil rights bills are fighting for constitutionalism. We are fighting to preserve our Constitution for all Americans of all races and all generations.

I wish to read an excerpt from an article entitled "The Duty of Judges: A Government of Laws and Not of Men," which was written by a famous Virginia judge, Brockenbrough Lamb, and printed in the American Bar Association Journal for July 1958. This article was really an address delivered by Judge Lamb to the Virginia State Bar. He says:

> The thought I am endeavoring to express is embodied in the Canons of Judicial Ethics (194 Va. clxii) in words that pull no punches. Quoting from canon 20: We have a "government of law and not of men," and a judge "violates his duty as a minister of justice"—(strong language, is it not? It is not mine. It is quoted from the canon)—"violates his duty as a minister of justice if he seeks to do what he may personally consider substantial justice in the particular case and disregards * * * the integrity of the system of the law itself." This canon cautions a judge to remember that he is "not a depositary of arbitrary power, but a judge under the sanction of law."

Judge Lamb proceeds further to say:

> And yet I apprehend, in view of current developments, that justice is all too often administered in accordance with the individual conceptions of judges of morality, psychology, sociology and ethics. Irrespective of the motive, whether good or bad, the result is tyranny: for the definition of a tyrant is one who is "unrestrained by law or constitution; a usurper of sovereignty." May we ever retain our capacity to detect it from afar "down every tainted breeze."

Later Judge Lamb proceeds to say:

> The duty to which a judge may cleave in his official actions is owing by him to the integrity of the law—and to that alone. Every decision that is based upon the judge's individual concept of right and justice—every opinion that justifies a decision because it achieves the ends of justice under the special facts of the particular case—serves to weaken the foundations upon which our liberties rest.
>
> The continued violation by us as judges of this fundamental principle will make our judiciary another Samson, blind to duty and swollen with power, pulling down the very pillars that support our most cherished institutions.

Mr. President, I am impressed by the similarity of the observations of Judge Lamb and those of Justice Benjamin N. Cardozo in this little booklet to which I have heretofore referred, entitled "The Nature of the Judicial Process." In discussing the same question, whether a judge is at liberty to disregard the law as declared in the precedents and to base his opinion or decision upon his personal notions of right and wrong, Justice Cardozo said if that were to be the practice, we would have benevolent decisions provided the judges who handed down the decisions were benevolent men.

But, he said, that practice would mark the end of the reign of law.

Mr. President, I wish to read some extracts from a speech of Chief Justice John R. Dethmers, of the Supreme Court of Michigan, which was printed in the U.S. News & World Report for December 12, 1958. Judge Dethmers said this:

In all history no other people has enjoyed the equal of American liberty and freedom of opportunity. The Founding Fathers planned it so. They determined that here the state should exist for man, not man for the state.

To achieve that end they knew it would not be enough to establish majority rule, a government by the people, for at times no other tyranny can match that of an unfettered, shifting majority, which Jefferson termed an "elective despotism." To safeguard against this eventuality a written Constitution was adopted, limiting the powers of the majority for the protection of the individual and spelling our guarantees of personal rights.

Mr. President, I shall yield to the temptation to digress from Judge Dethmers' speech at this point to make certain remarks concerning the situation which now confronts the Senate. At the outset of my remarks, I pointed out that these round-the-clock sessions were not of our making and were not of our choosing; that they were imposed upon us by the majority leader and the minority leader, whose action was sanctioned by an overwhelming vote of this body, and that we would prefer, if we had the power to make the decision, to debate these matters under normal conditions. But that power has been denied us.

Judge Dethmers said in his speech, what is undoubtedly true, that the Constitution of the United States was not written primarily for the purpose of establishing majority rule, but it was written for the purpose of protecting the rights of majorities.

I would say, in that connection, those who criticize the use of what they call a filibuster are criticizing the only protection which a minority has in the Senate of the United States when a majority seeks to rob them of the power to represent their own States in an adequate fashion and to stand for the things which they believe are best for the welfare of their Nation.

It has been suggested that cloture should be invoked and that we should be silenced and that we should not speak because we are a minority. Mr. President, there is only one legislative body left on the face of the earth where a minority has the right to stand up and say what it thinks the welfare of the country they serve demands, and it is now proposed that this right be denied in the last legislative body on earth in which it exists, and that we have a sort of totalitarian Senate, where the tyranny of the majority is to be upheld and sustained, contrary to the spirit of the Senate, contrary to the spirit of the Constitution, which was drawn to protect the minority against the majority, and contrary to sound legislation.

The truth of the matter is, Mr. President, a study of so-called filibusters in the U.S. Senate shows that filibusters have been used to defeat civil rights bills only a few times, perhaps some 8 or 9 times, whereas filibusters have been used 45 or more times in the history of the Senate. And the strange thing about it is that those who in times past have made the most use of filibusters are those who call themselves liberals, and those who now seek to silence us are those who, as a general rule, call themselves liberals. But I believe there are a few liberals in the Senate who will not vote for cloture.

Mr. President, a true liberal is a man who does not want to compel everybody by law, or some other form of legislative fiat, to conform to the views of the majority. A true liberal is a man who has tolerence for the beliefs of others. A true liberal is a man who believes in liberty, and a man who does not yield to intemperate demands.

Mr. President, I am satisfied that enough true liberals and enough conservatives are left in the Senate of the United States who are not willing to vote to let the tyranny of a majority be imposed upon a minority conscientiously speaking for what they believe the welfare of their country demands.

I proceed further with the statement of Judge Dethmers:

A further protection of human freedom against the dangers inherent in a high concentration of governmental powers was contrived by separation of those powers in three branches of Government and a division of powers between the National and State Governments. The rights of the people were believed, by our forebears, to be safest under a retention of the highest possible degree of local self-government.

Having provided for this by express constitutional terms, they undertook to forestall an enhancement, through judicial construction, of the national powers, at the expense of State and local governments or the people by adopting the 10th amendment reserving to the States and the people all powers not delegated to the United States by the Constitution nor prohibited by it to the States.

Mr. President, the extracts which I have read from Judge Dethmers' statement are about as fine a summation as can be made of the fundamental objectives which our Constitution, as it came from the hands of the Founding Fathers, had in view.

I stated a moment ago that the issue which confronts the American people and the issue which confronts the Senate and the Congress at this very time is whether or not constitutional government in America, as we have known and loved it, is to be permitted to survive.

I should like to read another excerpt from the speech of Judge Dethmers:

You, the American people, must make the final judgments on these matters. As you do, mark well what the philosophy of the judicial activists may portend for the liberties of the people and our free institutions.

Mr. President, the term "judicial activist" refers to those judges who are legislators at heart rather than judges, and who seek to make laws and constitutions rather than to interpret them. The activities of the Supreme Court during the latter years reveal that there are entirely too many judicial activists on that Court.

Judge Dethmers continues:

If the Court is to have wide latitude in determining constitutional meaning and, as some suggest, may find it elsewhere than in the language of the Constitution itself or may ascribe a new meaning thereto not intended by the framers; if, as urged, the Court is to exert political power to achieve the social ends it deems expedient, what will remain of constitutional restraints on government and constitutional guarantees of personal rights and liberties?

Shall not these be left, then, to the whim and caprice or, at best, the good intentions of men, be they judges, legislators, or administrators of the law? It was not for this that our forefathers fought nor for this they framed the Constitution and its Bill of Rights.

Mr. President, I have read pertinent extracts from the article by David Lawrence, the speech by Judge Lamb, and the speech by Chief Justice Dethmers. In order that the Members of the Congress might have the full benefit of the observations of these three understanding and courageous men, I ask unanimous consent to have printed at this point in the RECORD as part of my remarks the article and the two speeches in full.

There being no objection, the article and two speeches were ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Dec. 12, 1958]

WHAT A STATE CHIEF JUSTICE SAYS ABOUT THE SUPREME COURT

(By John R. Dethmers, chief justice, Supreme Court of Michigan)

The role of the courts in tomorrow's America is foreshadowed by their performance yesterday and today. Awareness of where we started, where we now are and the trends which brought us there brings prescience of our destination if those trends continue unabated.

In all history no other people has enjoyed the equal of American liberty and freedom of opportunity. The Founding Fathers planned it so. They determined that here the state should exist for man, not man for the state.

To achieve that end they knew it would not be enough to establish majority rule, a government by the people, for at times no other tyranny can match that of an unfettered, shifting majority, which Jefferson termed an "elective despotism." To safeguard against this eventuality a written Constitution was adopted, limiting the powers of the majority for the protection of the individual and spelling out guarantees of personal rights.

A further protection of human freedom against the dangers inherent in a high concentration of governmental powers was contrived by separation of those powers in three branches of Government and a division of powers between the National and State Governments. The rights of the people were believed by our forebears, to be safest under a retention of the highest possible degree of local self-government.

Having provided for this by express constitutional terms, they undertook to forestall an enhancement, through judicial construction, of the national powers at the expense of State and local governments or the people by adopting the 10th amendment reserving to the States and the people all powers not delegated to the United States by the Constitution nor prohibited by it to the States.

Sir William Gladstone said of the American Constitution that it is the "most wonderful work ever struck off at a given time by the brain and purpose of man." Throughout the years a great reverence for it has developed in the American people. They have come to regard it as the guardian of their liberties. What a thrilling expe-

rience it is to view the original document, under glass, at the National Archives Building in Washington.

The glow of that experience soon gives way, however, to the sobering thought that an inanimate parchment, however noble the sentiments inscribed thereon, cannot be self-executing. For that, some human agency is required. Lawyers and judges need not be told, but all too often laymen must, that it is the courts which breathe the breath of life into its provisions and make its guarantees meaningful.

How often, at the instance of the humblest citizen, have the courts upheld the constitutional rights and privileges of persons by denying validity and enforcement to legislative enactments violative thereof or by prohibiting the invasion or curtailment of them by administrative officials. The courts are the final bastion of our liberties. As in the past, so in tomorrow's America their role will be vital.

In the exercise of that all-important role the courts proceed on no express constitutional authority. That they should do as they do is, however, implicit in Anglo-American jurisprudential tradition. How can courts decide cases before them involving some claimed right under a statute or some grievance flowing from official action unless they determine first the issue whether such statute or action squares with constitutional rights, guarantees or limitations?

When, some decades ago, Brazil desired to establish a new form of government, its people adopted a constitution and, under it, established a Federal Union of States, both almost duplicating our own. Despite the similarity, while we have continued to enjoy government by the people, Brazil's history has been one of recurrent dictatorships. What was lacking in Brazil, but present here, to make the constitutionally guaranteed rights of the people effective? The answer appears to be the tradition here that courts may decide cases against the Government and for persons to enforce their rights.

A tradition such as this can survive only so long as it is sustained by public opinion. And it is so with the courts' decisions, upholding the constitutional rights of persons against infringement by Government. The courts are possessed of no armed constabulary to enforce their judgments. Their decisions are given vitality and effectiveness only by the force of public opinion, which even those in Government dare not, for long, to defy. There can be no doubt that, in past decades, the majority of the people has favored court decisions protecting the rights of individuals and has wanted the courts to perform in that fashion. Once the public becomes disinterested or withdraws its support, court decisions will lose their force and we will have witnessed the beginning of the end of ordered liberty and our free institutions.

One must experience some concern for our liberties, then, in noting an apparent diminution of public confidence in the judicial process stemming from nationwide attacks currently being leveled at our courts and particularly, the Supreme Court of the United States.

This, of course, has happened before. It goes back, at least to 1803 and the case of *Marbury* v. *Madison*, in which the Court declared its power to pass on the constitutionality of acts of Congress. Presidential wrath was incurred, congressional threats to impeach the Justices ensued, and it was vigorously asserted that each branch of the Government should determine for itself the constitutionality of its acts, without overlordship by the courts.

Then came *McCulloch* v. *Maryland*, announcing the doctrine of Federal supremacy and the power of the U.S. Supreme Court to hold State action violative of the Federal Constitution. It was urged then that the Court be deprived of its power to review the acts of States.

The Dred Scott decision of a century ago is still remembered as a contributing factor to the furor which culminated in the Civil War. In the 1930's a hue and cry was raised against "the nine old men," traveling in the horse-and-buggy days, thwarting the will of a determined Chief Executive with respect to social legislation.

Present-day attacks, perhaps more virulent and widespread than ever before, emanate from a number of sources: from the halls of Congress, where it is felt that Court decisions have impinged on congressional powers; from States which see in the decisions a sapping of their powers and a gathering of them into the National Government; from sectional groups which view certain decisions as destructive of their social structures; and from persons everywhere who are fearful that decisions are enlarging the national power to constrict the rights of law-abiding people and, yet, are weakening our defenses against the enemies of our free institutions. Whether justified or not, these feelings, beliefs, views and fears have produced a combined outburst of criticism which cannot be ignored.

With the criticism have come proposals to curb the Court. These go to the very roots of our system. One would make the Justices subject to periodic reconfirmation by the Senate and another would empower the Senate to withdraw confirmation whenever the judicial work of a Justice does not comport with the Senate's views as to what is "good behavior," fixed by the Constitution as a condition to continued tenure.

Lost would be judicial independence and destroyed our system of checks and balances between the three branches of Government, leaving a Court dependent on legislative favor and approval for performance of its role as protector of the rights of the people against governmental encroachment.

LIMITING THE "POWER OF REVIEW"

By another measure, Congress would strip the Supreme Court of the power of review in several areas of the law. If the powers of the Court to determine constitutional questions were, thus, to be limited, the constitutional rights of individuals and minorities could be made to depend on the will of the majority as reflected in Congress. That would mark the beginning of parliamentary, and the end of constitutional government in the United States.

In view of the unlikelihood of success for such proposals, however, it must be concluded that, for our liberties, the most serious consequence of the present controversy inheres in the unbridled attacks on the intelligence, integrity, and motives of the Justices and on the Court as an institution of Government. Subversives and those bent on the destruction of our system have as a prime objective the undermining of public confidence in the courts, knowing full well that, without the support of public opinion, courts can avail nothing in defense of the constitutional rights of persons. As earlier observed, when that day comes we will have reached a parting of the ways with our cherished freedoms.

In warning of the dangers of intemperate attacks on the Court as an institution of Government and the guardian of our liberties, I do not suggest that the Court's decisions may not be criticized or differences therewith expressed. Dissenting members of the Court do so with apparent relish and regularity. Citizens under a government by the people may and ought to do no less, if that system is to be maintained. That was a major object of the first amendment guarantee of freedom of speech, designed to insure a Government sensitive and responsive to the expressed public will and wish.

On this subject, Mr. Chief Justice Stone said:

"I have no patience with the complaint that criticism of judicial action involves any lack of respect for the courts. When the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their actions and fearless comment upon it."

STATE JUDGES' VIEW OF COURT

This brings us to consideration of that portion of the subject matter which, I apprehend, prompted the invitation to me to speak on this occasion. As is well known, the Conference of Chief Justices, assembled in Pasadena last August, adopted a report prepared by its Committee on Federal-State Relationships as Affected by Judicial Decisions.

At the outset, permit me to make these observations:

1. Neither that committee, its report or the conference presumed then, nor do I now, to criticize the Supreme Court's decisions in the troublesome segregation cases.

2. It was not questioned that, with government under a Constitution made by its own terms the supreme law of the land, someone must interpret that Constitution and declare its meaning. It was acknowledged, and I reiterate with conviction, that nobody is better suited to the task than the Supreme Court and no process is better adapted than the judicial process to the function of determining constitutional meaning and making constitutional limitations and guarantees effective.

3. The conference's expressed alarm, and mine, at the noticeable trend toward increased national powers accompanied by a diminishing of the powers of States and local government's relates not to mere sectional or selfish interests but springs from the same concern as that of our Founding Fathers that liberty's cause may be lost in too high a concentration of powers in the National Government, and from the conviction that safety for the rights of man inheres in a diffusion of those powers and maintenance of the highest possible degree of local self-government compatible with national security and well-being.

So long as we adhere to the determination of the Fathers that the State, the Government, exists for man and not man for the state, our lodestar in the consideration of every proposed extension or withholding of governmental power must always be, "How will the cause of freedom best be served, how the rights of man advanced?"

That there has been a trend toward centralization in Washington can scarcely be gainsaid. Challenged at mileposts along the way, it has advanced under the green light of judicial decisions. Time will not permit mention of them all nor a thorough analysis of any. The first relates to the rule long adhered to by the Court and redeclared as recently at 1936 that neither the Federal nor State Government may tax the income of officials or employees of the other, on the principle that a tax on income is a tax on its source and that the one Government may not levy a tax which will impose a burden on the governmental activities of the other.

This was overruled by a 1938 decision. That a burden was imposed upon the States by this judicial change in the law is evidenced by the subsequent necessity for increasing the salaries of State employees in an amount commensurate with the resultant tax exaction.

Of more recent vintage is the Supreme Court holding that Congress has preempted the field, leaving no room for the State anti-subversive laws found in the statute books of 42 States, and a companion decision emasculating a State statute empowering its attorney general to investigate subversion and examine witnesses in that connection.

Two others upset State action denying admission to the bar to two applicants who refused to answer questions concerning Communist affiliation. Lawyers are officers of the State courts, admitted by them and under their control. The manner of this recent invasion of that relationship by the Federal court has proved startling to members of the bench and bar as well as the public.

RULING AGAINST A SCHOOL BOARD

Equally disturbing to those concerned about local government is the action of the Supreme Court upsetting a local school board's dismissal of an employee for invoking the fifth amendment and refusing to answer questions put to him in an authorized inquiry concerning Communist activities.

A number of fairly recent cases construing the interstate commerce clause disclose a judicial shift from the original position that the regulatory power of Congress extends only to goods moving and persons actually engaged in interstate commerce. The later holdings are that that control extends to anything or anyone engaged in that which affects interstate commerce. Accompanied by new decisions applying the preemption doctrine also to the field of labor relations, the result is that we now find national action controlling, and State action excluded, where formerly the Court had held either directly or in effect, to the contrary, namely in such areas as production or processing of goods before entering commerce and, as well, after having come to rest following movement in commerce.

The Court also upset a long line of its decisions by holding in 1944 that the writing of insurance is commerce subject to Federal control under the commerce clause. Thereafter Congress passed an act restoring a measure of State control over the industry. Then, there is the case holding, in effect, that a farmer's raising of wheat for consumption on his own farm is commerce, subject to Federal regulation.

Federal law even has been held to extend to the relations between a local automobile dealer and his repair-shop employees, excluding the power of State courts, acting under State law, to enjoin unlawful picketing designed to compel the employer to force his employees into a union.

A State statute aimed at preventing strikes and lockouts in public utilities has been upset, leaving States powerless to protect their own citizens against emergencies resulting from suspension of essential services, even though such emergency be economically and practically confined to one State.

Even the employment of a window washer in a building in which office space is leased by a tenant engaged in interstate commerce may, by reason of the latter fact, be subject to Federal labor law to the exclusion of State control.

Interpretation of the 14th amendment has opened up whole new vistas for Federal judicial review of criminal convictions in State courts in a manner and to an extent until recently unknown to legal and judicial thinking in this country and with interminable resulting delays in bringing the wrongdoer to final justice. State convictions may be and now are upset in Washington for too-speedy justice, for nonappointment of counsel for the defense, for failure to provide the accused, on appeal, with a transcript of the trial at public expense, etc.

As the ambit of Federal judicial authority is thus constantly widened, we may get a glimpse of things to come. Already in lower Federal courts, it has been urged and those courts have considered whether a State law prohibiting public employees from belonging to unions is violative of the due process, privileges-and-immunities and equal-protection clauses of the 14th amendment or abridges the freedom of expression and association guarantees of the Federal Constitution, or whether treaties of the United States made by the Constitution, the supreme law of the land, may supersede State and local law governing matters of local concern; or whether a State may proceed with removal proceedings against the mayor of one of its cities for malfeasance while criminal proceedings on the same grounds are pending against him.

These are part of the body of decisions giving rise to a concern that, by judicial construction, national powers are being too greatly and dangerously enlarged and State and local power correspondingly contracted. Of this trend, the Conference of Chief Justices and many others have spoken with consternation. Great judicial self-restraint in this critical field of Federal-State relationships was enjoined upon the Supreme Court by the members of the conference. I concur.

If Jefferson were to reappear on the American scene today, would he feel impelled to say, "I told you so," pointing to his language of 1823:

"There is no danger I apprehend so much as the consolidation of our Government by the noiseless, and therefore unalarming, instrumentality of the Supreme Court."

WHY COURT DECISIONS CHANGE

What, you may ask, accounts for this change in judicial holdings with its resultant change in Federal-State relationships? If, as commonly supposed, courts follow precedents, how can these latter-day decisions be explained? In this connnection, comments of Mr. Justice Owen J. Roberts in 1944 are pertinent. Said he:

"I have expressed my views with respect to the present policy of the Court freely to disregard and to overrule considered decisions and the rules of law announced in them. This tendency, it seems to me, indicates an intolerance for what those who have composed this Court in the past have conscientiously and deliberately concluded, and involves an assumption that knowledge and wisdom reside in us which was denied to our predecessors.

"The reason for my concern is that the instant decision, overruling that announced about 9 years ago, tends to bring adjudications of this tribunal into the same class as a restricted railroad ticket, good for this day and train only."

At root of the problem is a difference in concept of the proper function and role of the Supreme Court. The Court is divided into two competing judicial philosophies. Let us examine a bit of the thinking of each.

First, there is the language of John Marshall, who said:

"Courts are the mere instruments of the law, and can will nothing. * * * Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law."

Mr. Justice Frankfurter recently wrote:

"The Constitution is not the formulation of the merely personal views of the members of this Court."

Mr. Chief Justice Hughes said:

"Extraordinary conditions do not create or enlarge constitutional power."

The great constitutional authority, Judge Thomas N. Cooley, wrote:

"What a court is to do, therefore, is to declare the law as written, leaving it to the people themselves to make such changes as new circumstances may require. The meaning of the Constitution is fixed when it is adopted, and it is not different at any subsequent time when a court has occasion to pass upon it."

Similar views often were expressed by the Court in the past. So, in 1889, it said of the object of constitutional interpretation that it "is to give effect to the intent of its framers, and of the people adopting it." In 1905, the Court declared:

"The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now. * * * Those things which are within its grants of power, as those grants were understood when made, are still within them, and those things not within them remain still excluded."

In 1936, Mr. Chief Justice Hughes wrote:

"If the people desire to give Congress the power to regulate industries within the State, and the relations of employers and employees in those industries, they are at liberty to declare their will in the appropriate manner, but it is not for the Court to amend the Constitution by judicial decision."

These statements are expressions of the traditional concept of the rule governing Court construction of constitutional provisions, held by an earlier Court and perhaps still shared by some of its present members. This represents the doctrine of judicial restraint.

THEORY OF A "POLITICAL" COURT

In opposition are those on the Court, with disciples notably among the writers and professors of law, dedicated to judicial activism. The theme of this group has been succinctly stated by one of the professors. It is this, "The Court cannot escape politics, therefore, let it use its political power for wholesome social purposes." They seize upon the statement of Hughes, in his 1907 Elmira speech, that the Constitution is what the judges say it is. Can it be concluded from this that the Constitution may be made, by judicial fiat, to mean whatever the Justices want it to mean?

That was not the import of the Hughes statement or speech nor does it comport with his judicial writings. It is the position of the judicial activists that the Court is free to interpret the Constitution in the light of current philosophies, psychology, and political and social doctrines regardless of the original intent of its framers and adopters. One of the Justices of this group has written, "Stare decisis"—that is, the rule of following precedent in the decision of cases—"must give way before the dynamic components of history."

The dean of a noted law school has written:

"It will not do to say that, in construing these provisions of the Constitution, the Court should be limited to the meaning the terms had when they were written. * * * The scope and meaning of the provisions of the Bill of Rights evolve, like the meaning of other constitutional terms, and other terms in law. They are stages in the organic process by which ideas flourish or languish as new generations find for themselves new and valid meanings for the old words."

The late Prof. Thomas Reed Powell wrote of the differing approach to the law of the two schools of thought, that the difference between them is in their conceptions of the proper scope of the judicial function, the one having a leaning for getting the result in the particular case as if it were a legislative choice, but the other, on the contrary, having a leaning to respect the outlines and many of the details of an established legal system.

Gentlemen, in our consideration of the role of the courts in tomorrow's America we have noted, as suggested at the outset, the place of our constitutional beginnings and our present position, observed trends which brought us there, and gained a glimpse of the destiny to which their continuation may bring us. Shall the trends be continued, retarded, or arrested? Shall it be held again, as the Court once said, that "The Constitu-

tion, in all its provisions, looks to an indestructible union of indestructible States"?

THREAT TO "PERSONAL RIGHTS"

You, the American people, must make the final judgments on these matters. As you do, mark well what the philosophy of the judicial activists may portend for the liberties of the people and our free institutions. If the Court is to have wide latitude in determining constitutional meaning and, as some suggest, may find it elsewhere than in the language of the Constitution itself or may ascribe a new meaning thereto not intended by the framers; if, as urged, the Court is to exert a political power to achieve the social ends it deems expedient, what will remain of constitutional restraints on Government and constitutional guarantees of personal rights and liberties?

Shall not these be left, then, to the whim and caprice or, at best, the good intentions of men, be they judges, legislators or administrators of the law? It was not for this that our forefathers fought nor for this they framed the Constitution and its Bill of Rights.

One of the chief responsibilities of citizenship, essential to survival of a government by the people, is to become informed about government, to arrive at conclusions, form convictions, and then make a worthy contribution to the great body of public opinion which ultimately makes itself felt in the Halls of Government. So, if perchance there be courts with ears to the ground, even there may the voice of an informed people be heard. Thus may the issues here considered be resolved and thus may government and constitutional rights in the future be what you, the people, want.

Let me conclude with a repetition. If the courts are to continue performing their greatest role of preservers of the people's liberty and freedom, they must have the support of an informed and understanding public opinion. As Charles S. Rhyne, immediate past president of the American Bar Association, has said: "Our system of government is no stronger than our courts, and our courts are no stronger than the strength of the public's confidence in them." There is no greater claim on citizenship. Gentlemen, an awesome obligation is yours. The role of the courts in tomorrow's America, and the future of America itself depend on what you and Americans everywhere do about it.

[From U.S. News & World Report, Dec. 12, 1958]

TWENTY YEARS OF COURT "PACKING"

(By David Lawrence)

For 20 years now the Supreme Court of the United States has been packed with Justices selected from a cult that believes the Constitution can be rewritten at will by the judiciary.

The late Samuel Gompers, president of the American Federation of Labor, once proposed a constitutional amendment "to curb the power of the Supreme Court over Congress, the Constitution and the rights of the individual citizen." He wrote in 1924:

"Labor and the progressives do not attack the Supreme Court or any court. Their proposal to check the present assumption of power arises wholly from two facts: first, that the Supreme Court, whether by usurpation or by a sound interpretation of the Constitution, has exercised supreme power over our entire governmental structure; and, second, that this Court is selected in the most undemocratic manner conceivable under our governmental system, namely, appointment by the President for life.

"According to Thomas Jefferson, the danger to our Constitution lies, not in lessened power of the courts, but in their augmented powers. He said:

" 'The germ of dissolution of our Federal Government is in the judiciary—the irresponsible body working like gravity, by day and by night, gaining a little today and gaining a little tomorrow and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.'

"If this process of judicial usurpation outlined by Jefferson should continue, it would inevitably lead to a revolutionary explosion. For a judicial autocracy is no better than any other form of tyranny."

Mr. Gompers pointed out that the Supreme Court is not supreme over the Constitution because Congress can at any time increase the number of Justices and, by this means, a Congress and the President can overthrow this judicial autocracy. But the labor leader said this was a very dangerous method and he preferred instead a constitutional amendment limiting the powers of the Court.

The late President Franklin D. Roosevelt, however, did propose in 1937 just such a plan to increase the number of Justices. He hoped to be able to appoint Justices sharing his viewpoint so as to achieve a new majority. This move failed in Congress, but Mr. Roosevelt won his victory anyway. It was a victory for the philosophy that believes in adapting the Constitution to the demands of the hour—ignoring the amending process.

Mr. Roosevelt gloated over his victory. Having made several appointments to the Court to fill successive vacancies, he wrote in 1941, in the introduction to the 1937 volumes of his public papers, as follows:

"By the time the Court term was over in June of 1937, it was very clear that the entire approach of the Court to the many problems confronting us had completely changed. The views of the liberal minority of 1935 and 1936 were being gradually adopted by the one or two Justices on the other side necessary to make them the views of the majority.

"It was not until after the end of the judicial term in June 1937, that a single vacancy on the Court actually occurred. The about-face in the decisions of the Court had come from the very same personnel that had been on the Court since my first inauguration. The victory, therefore, cannot be attributed to the new Justices. It was rather a realization by one or two members of the Court that the Court had exceeded its powers, that it had strayed away from the Constitution itself, and that the liberal minority of the Court had been correct in its conclusions."

But the fact is that the few decisions of this brief period which did represent a change were not as fundamental as those that came afterward from the Court that Mr. Roosevelt did pack.

This writer in 1936 wrote a book in defense of the Supreme Court as an institution and particularly emphasized the long line of decisions that had affirmed and reaffirmed what Abraham Lincoln once described as "settled law." The Court decisions prior to 1936 were commended as in accord with basic constitutional principles. But by 1941 it was apparent that "settled law" was being tossed aside by a new majority made up in large part of Justices appointed by Mr. Roosevelt. In an editorial here on June 13, 1941, this writer commented on the change as follows:

"The opinions handed down in the session of the Court just ended are amazing in their deviation from accepted principles of constitutional law. Words not written in the statute have been supplied by the Justices. What Congress meant to say or did not mean to say—though not revealed in the statute—are glibly interpolated through judicial legislation. Principles that have stood the test of time in their thoughtful balance of relationships between the Government and the citizen are demolished overnight. The lower courts are bewildered. The bar is stunned. The basic guide to human intercourse—that principles once settled are immutable but that details and applications of principles in specific cases alone may change—is now brushed aside.

"The members of the bar who have been reading the decisions of the five 'yes men' stand aghast. For they see a Court 'packed' with men who are engaging in the very practices of Mr. Roosevelt so vehemently condemned—the writing of legislation. They see the Court voting almost always as a unit on New Deal issues."

There has been a lot of misrepresentation of the current criticism of the Supreme Court. It is mistakenly argued that the attack is against the Supreme Court as an institution and that this tends to undermine the prestige of the Court.

Nobody can undermine the prestige of the Supreme Court of the United States except the Justices themselves.

By their decisions they twist the Constitution out of its accustomed and natural meaning, as they assume the power to legislate or as they supply words to the law and to the Constitution which never were there in the first instance. When they do this, they provoke widespread condemnation.

An effort is being made nowadays to make it appear that the criticism of the High Court is due wholly to its decision in the desegregation cases. This simply is not true. The report which was approved last summer by a vote of 36 to 8 by the Chief Justices of the State supreme courts did not even mention the segregation issue. It did accuse the High Court of a lack of "judicial self-restraint" and cited a long list of decisions in recent years to back up the indictment.

The trouble is not wholly in the Court itself. It is in the law schools, too, where many of the new cult hold sway. Students are taught that the Supreme Court need not respect the intent of Congress nor the decisions of the past but instead can at any time ignore the "law of the land" and issue its own amendments to the Constitution.

Up to recent years it was accepted that the Supreme Court should make an initial interpretation of the Constitution and, once this was proclaimed as the "law of the land," it would not be changed unless some new legal point was raised or new legislation passed by Congress or a new amendment added to the Constitution.

America didn't depend on Supreme Court decisions to change the Constitution in order to permit a Federal income tax to be levied or woman suffrage to be adopted or prohibition to be imposed and later repealed. The people had an opportunity in each instance to vote on a constitutional amendment. This is as it should be.

But today we have what Judge Learned Hand of New York—perhaps the ablest of the Federal circuit court judges of our times, now retired—recently described as a "third legislative chamber."

Criticism of the Supreme Court is not only legitimate but essential to a free republic. There are voices heard which would stifle criticism and require of everybody a sycophantic obeisance.

It is healthy to discuss all phases of public questions. The American people have not yet been aroused to the dangers of judicial tyranny that face them. It is time to expose the true meaning of the philosophy of the cult which is teaching our youth that we no longer need to amend the Constitution and that the Supreme Court—nine Justices appointed for life—hereafter will perform that task for us.

How easy it is to fall into the ways of totalitarianism—to let an autocracy rule the

people because presumably the people are unable to rule themselves.

The fight for constitutionalism must go on. Sam Gompers won his fight by public agitation, as Congress in 1932 passed the Norris-La Guardia Act curbing the courts' jurisdiction over labor disputes by prohibiting injunctions in a large variety of cases.

Franklin Roosevelt won his fight when he appointed only those Justices that he knew were believers in an elastic Constitution which could be altered at any time to satisfy the whims of so-called liberalism.

Unfortunately, the Presidents who have followed him, misled by some of the same cult in the Department of Justice, have selected several Justices known to be dedicated to the belief that the Supreme Court can rewrite the Constitution at will.

Thus, we have had 20 years of Court packing—and the time has come for the people to checkmate that practice by limiting its effects. This can be done by a constitutional amendment prescribing a limited tenure for Justices and requiring that, among their qualifications, they be experienced, not in party politics but at the bar or on the bench. Also, it should be provided in the Constitution itself that, once an initial interpretation is made by the Supreme Court, this interpretation can be changed only by a constitutional amendment when a provision of the Constitution is in dispute—or by a valid act of Congress when a previous Federal statute has been declared unconstitutional. This is the historic doctrine—known as stare decisis or "settled law"—bequeathed to us by the Founding Fathers.

[From the American Bar Association Journal, July 1958]

THE DUTY OF JUDGES: A GOVERNMENT OF LAWS AND NOT OF MEN

(By Judge Brockenbrough Lamb, judge of the chancery court, Richmond, Va.)

(Addressing a recent meeting of the Virginia State Bar, Judge Lamb discussed one of the greatest problems that any judge must face: the danger that he will forget that he is "not a depositary of arbitrary power, but a judge under the sanction of law." Justice, Judge Lamb reminds us, must not be administered according to a judge's individual concept of right and justice, but only as justice is defined by the law. "Anything else is tyranny.")

My subject is courtroom decorum, procedure, and the problems of new judges.

Procedure may be disposed of in a word. Under any civilized system the primary essentials are notice and opportunity to be heard; reasonable notice in advance and an ample opportunity to speak. The soundness of the ideas expressed is not pertinent in this connection. A litigant is at liberty to assert untenable propositions and to speak nonsense. The same privilege of catharsis is accorded his attorney—and is frequently availed of.

It has been recently said of the English court procedure, which is our historical model, that the primary duty of a judge is to maintain an attitude that is amiable, detached and effortless. Upon catching a glimpse of the quarry, the most the judge should say is "Tallyho, the fox." Reference to his ancestry and recommendation of extinction are to be avoided. We have Biblical authority warning against precipitate action; for it is said: "He that answereth a matter before he heareth it, it is folly and shame unto him."

It was an apparent departure from this Biblical injunction that occasioned Alice's surprise upon observing that the jurors were writing on their slates before the trial had begun. The explanation, you recall, was that each was writing his own name for fear he would forget it before the trial was over.

In the matter of decorum we may well emulate the example of the English judges and endeavor to be, or at least appear to be, unemotional, amiable, detached, and effortless. The power reposed in a judge is so great that no emphasis in expression is needed. There is no need to employ italics in a decree. It seems after all that in the conduct of litigation the "how" and the "when" of the judge's participation are even more important than the "what."

Above all the judge should strive at all times to speak in language that is understood by lay litigants. I may go so far as to say that, if a choice is to be made, what we refer to as the language of the street is more appropriate from the bench than words of art, interspersed with mispronounced Latin phrases.

The main objection to the wisecrack from the bench is not so much because it is a breach of decorum as because it is unsportsmanlike. The judge has a captive audience, under compulsion to laugh at the slightest twitch of the strings—at any incident of the farmer's daughter, or even at the letter from the Siwash Indian.

And now a serious word. What I shall say is but recurrence to a fundamental principle, founded upon that truth which if known shall set us free. Upon adherence to this canon of judicial conduct the vitality of our cherished liberties depends; for otherwise the doctrine of State sovereignty, right to trial by jury, freedom of speech and of religion—in short, all that we have hardly won and hold dear—become as sounding brass or a tinkling cymbal.

The greatest hazard a judge faces is not from without. The gravest danger, the most constant and appalling danger, lurks within the judge himself. It is what the judge would call his conscience, what others refer to as his preconceptions or his predilections—and what those who disagree with him denounce as his prejudices. By any of these dissimilar names it is the same identical thing. The difference is in the viewpoint.

I refer to what Chancellor Wythe had in mind when he said: "Compassion ought not to influence a judge, in whom, acting officially, apathy is less a vice than sympathy." This expression from the pen of a great philosopher in the law is cited by the elder Burks in *Harris* v. *Harris* (31 Grat. 32). In the course of his opinion in a heartrending case Judge Burks says:

"The unhappy condition of the appellee excites my commiseration; but courts of justice are not allowed to be controlled in their decisions by considerations of that character."

He then quotes Chancellor Wythe's eloquent words.

The crying need for this kind of judicial perspicacity and courage, in these times that are so badly out of joint, justifies the repetition of what should, in truth, be recognized as a platitude:

"We regret that the conclusion reached will prevent a recovery and may thereby defeat the ends of justice in the particular case before us, but however that may be, we must declare the law as we find it written and comfort ourselves with the confident belief that in its results it will promote the ends of justice to all."

The thought I am endeavoring to express is embodied in the Canons of Judicial Ethics (194 Va. cixii) in words that pull no punches. Quoting from Canon 20: We have a "government of law and not of men," and a judge "violates his duty as a minister of justice"—(strong language, is it not? It is not mine. It is quoted from the Canon)—"violates his duty as a minister of justice if he seeks to do what he may personally consider substantial justice in the particular case and disregards * * * the integrity of the system of the law itself." This canon cautions a judge to remember that he is "not a depositary of arbitrary power, but a judge under the sanction of law."

It would be well if the emphatic language of this canon and the striking words of Chancellor Wythe were engraved over every bench in the Commonwealth, and in other sections of the Union as well.

The inscription over the portal of the Supreme Court of the United States refers to that edifice as the temple of "justice under law." That inscription can but mean that there is, for a court or for a judge acting officially, no other justice than that defined by law. Unless the words mean this, they mean nothing. Since we have a government of law and not of men, there is no such thing for a judge acting officially as "justice," save only as it is found in and defined by the law.

The concept, now apparently prevalent, that the justice administered by the courts is a thing existing apart from the law, may have its roots in the ancient Latin maxim: "Fiat justicia ruat coelum"—let justice prevail though the heavens fall.

The translation of the Latin "justicia" into our modern justice, considered as an ideal thing apart, is a mistranslation. "Justicia" to the Romans was their system of law, for the enactment and administration of which they had a gift that is not surpassed in recorded history.

And yet I apprehend, in view of current developments, that justice is all too often administered in accordance with the individual conceptions of judges of morality, psychology, sociology, and ethics. Irrespective of the motive, whether good or bad, the result is tyranny; for the definition of a tyrant is one who is "unrestrained by law or constitution; a usurper of sovereignty." May we ever retain our capacity to detect it from afar "down every tainted breeze."

In view of the almost unlimited power reposed in a judge, acting officially, it would be well indeed for us to hark back to Chancellor Wythe and the elder Burks; to bear in mind that ours is a government of law and not of men; to place again the emphasis on the phrase "under law" when we speak of "justice under law"; to pay more than lip service to the vigorous assertion of a judge's official duty as plainly stated in Canon 20 of the Canons of Judicial Ethics, pronouncing for all that have ears to hear that a judge is not, in truth and in fact, a repository of arbitrary power but a judge under sanction of law.

The duty to which a judge may cleave in his official actions is owing by him to the integrity of the law—and to that alone. Every decision that is based upon the judge's individual concept of right and justice—every opinion that justifies a decision because it achieves the ends of justice under the special facts of the particular case—serves to weaken the foundations upon which our liberties rest.

The continued violation by us as judges of this fundamental principle will make our judiciary another Samson, blind to duty and swollen with power, pulling down the very pillars that support our most cherished institutions.

Mr. BEALL. Will the Senator from North Carolina yield?

The PRESIDING OFFICER. Will the Senator yield?

Mr. ERVIN. I will yield to the Senator from Maryland, provided I do not lose the floor and do not have the action counted as two speeches on my amendment.

Mr. BEALL. Mr. President, I ask that the remarks I am about to make be put

at the conclusion of the remarks of the distinguished Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BEALL appear elsewhere in the RECORD under the appropriate headline.)

Mr. ERVIN. Some months ago I stated that if the constitutional system of government in America which we have known and loved is to endure, we will have to give credit to the understanding and courageous men who dared to speak out in respect to the action of the Supreme Court of the United States, even though such speaking out in many instances is unpopular.

I mention among those men Thomas Raeburn White, a Pennsylvania lawyer. Mr. White was admitted to the bar of Pennsylvania in 1899, after being graduated from Earlham College and the Law School of the University of Pennsylvania. He has been engaged in the practice of law in Philadelphia, although for several years he also taught at the University of Pennsylvania. He has published a book on the constitution of Pennsylvania, and is the author of many articles for law reviews and other publications.

Mr. White wrote a very significant article on the subject "Construing the Constitution: The New 'Sociological' Approach," which appeared in the American Bar Association Journal for December 1957.

I wish to call attention of the Senate to a quotation of Mr. White in this article. The quotation is from a lecture delivered by Judge James Wilson of the U.S. Supreme Court to the law school of the University of Pennsylvania in 1792. Justice Wilson said on that occasion:

> Nothing is more to be dreaded than maxims of law and reasons of state blended by judicial authority. Among all the terrible instruments of arbitrary power, decisions of courts, whetted and guided and impelled by considerations of policy, cut with the keenest edge and inflict the deepest and most deadly wounds.

That is a statement by one of the Founding Fathers which merits the serious consideration of all the Members of the Senate when they pass on the issues now confronting this body.

Mr. White, after discussing the danger of courts undertaking to mix up law and matters of policy, proceeds to make this very significant statement:

> The serious question which confronts us now is whether constitutional government has broken down. Whether the American theory that tried and true principles of government may be enshrined in a written Constitution and entrusted to the courts for their protection, has proved to be illusory.

Mr. President, I have one more statement from the article by Mr. White which I should like to read:

> The reputation of the Supreme Court has suffered certainly in the opinion of the legal profession and probably more generally by reason of its instability as shown by the frequent overruling of its own recent decisions, caused largely by changes of opinion of individual judges, its disregard of precedents which were believed to have settled the law, and most of all by a method of construing the Constitution to attain a desired object, although in effect the Constitution is amended and the balance of power between the Federal Government and the States seriously disturbed.

These statements from these great and understanding and courageous Americans point up the fact that in the opinion of competent observers the Supreme Court of the United States has, in effect, during recent years usurped the power of Congress and the States to amend the Constitution, and that, in consequence, a serious question has arisen whether or not our constitutional system of government is to endure.

In order that all the Members of the Senate may have the benefit of all of the remarks of Mr. Thomas Raeburn White on this point, I ask unanimous consent to have printed in the body of the RECORD at this point, as a part of my remarks, Mr. White's entire article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONSTRUING THE CONSTITUTION: THE NEW SOCIOLOGICAL APPROACH

(By Thomas Raeburn White of the Pennsylvania Bar—Philadelphia)

(Mr. White declares that the Supreme Court of the United States has adopted a new approach in construing the Constitution. Consciously or unconsciously, he writes, the Court is now following what Mr. Justice Cardozo once called the method of sociology in determining the extent of Federal and State powers: the inquiry is not what the Constitution meant at the time it was adopted, but what the Constitutional Convention would have done if it had known present conditions. Mr. White examines in detail cases from the past 20 years to show why he thinks the Court is now using this approach to constitutional problems.)

Decisions of the Supreme Court of the United States in recent years have had the effect of greatly increasing the power of the central Government by sustaining as valid congressional legislation in certain fields beyond the limits previously held to exist, and in other instances have relaxed restrictions on State power by approving State laws which under earlier decisions would have been held to be unconstitutional.

This study has been undertaken in the hope that it may throw some light upon the question as to how these great changes have come about.

Ever since *McCulloch* v. *Maryland*[1] it has been held that the Constitution should be adapted to new conditions as they arise. But while the Supreme Court has faithfully followed Marshall's opinion in that case and has been liberal in construing the power of Congress to use means necessary and proper in the execution of its express powers, it has never until recently assumed to change the construction of the Constitution to meet new conditions. That it has done so, however, is apparent from some of its decisions and it is reasonable to conclude that a different theory of the proper method of construing the Constitution has been followed by the Court. This method, whether consciously adopted or not, is evidently the method of sociology which was well explained by the late Justice Cardozo before his appointment to the Supreme Court.[2]

He refers to judicial interpretation of statutes in France, pointing out that the inquiry is not what the legislator willed when the law was passed but what he would have willed had he known present conditions,[3] and says that he has no doubt that this method of construing a statute will be applied "with increasing frequency" in the future "to fix the scope and meaning of the broad precepts and immunities in State and National constitutions."[4]

It appears to be the opinion of the author that by the "method of sociology," a constitution, in the light of conditions found to exist at the time, may be construed to have a meaning different from that which it had when adopted by the people, in order to sustain as valid a law which in the Court's opinion accomplishes a desirable object, provided it is not such that "right-minded men and women" would regard it as arbitrary and oppressive.[5]

One of the grievances of the people at the time the Constitution of the United States was adopted was price-fixing by law of commodities in common use. The extent to which this was done is indicated by some references in the margins.[6]

Such practices were strongly disapproved as early as 1784,[7] and Judge Cooley says that since the Revolution price-fixing of ordinary commodities has been considered to be inconsistent with constitutional liberty.[8]

The only exception made to this rule was in cases where prices were fixed in connection with a business affected with a public interest: *Munn* v. *Illinois*.[9]

In *Chas. Wolff Packing Company* v. *Court of Industrial Relations*,[10] the Supreme Court said: "It has never been supposed, since the adoption of the Constitution, that the business of the butcher, or the baker, the tailor, the wood chopper, the mining operator or the miner was clothed with such a public interest that the price of his product or his wages could be fixed by State regulation."

Other cases which sustain the same principle are cited in the margin.[11]

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[1] 4 Wheat. (U.S.) 316 (1819).

[2] Cardozo, "The Nature of the Judicial Process," p. 76 et seq. (1921).

[3] Id. at 84.

[4] Id. at 85.

[5] Id. at 91.

[6] In the laws agreed upon in England, as quoted in the Duke of Yorke's "Book of Laws" (1676–82), it is provided (ch. 33, p. 115) that "Strong beer and ale, made of barley malt, shall be sold for not above 2 pennies, sterling, a full Winchester quart; and all beer or drink made of molasses shall not exceed 1 penny a quart."

In ch. 99, id. at 139, so-called "ordinaries" were required to be licensed for the accommodation of travelers and "* * * no such keeper of an ordinary shall demand above 7½ pence a meal by the head; which meal shall consist of beef or pork, or such like produce of the country, and small beer; and of a footman, he shall not demand above 2 pennies a night for his bed; and of a horseman nothing, he paying sixpence a night for his horses hay or grass," and "If any one shall presume to ask more than is herein expressed, shall forfeit 5 shillings for every such offense."

In the preparation of this article I have drawn freely upon other articles I have written, particularly those published in the University of Pennsylvania Law Review, which has very kindly given me permission to use them.

[7] See report of the council of censors, as reported in the proceedings relative to calling the [Pennsylvania Constitutional] Conventions of 1776 and 1790, pp. 86–87 (1825).

[8] Cooley, "Constitutional Limitations," 870 (7th ed. 1903).

[9] 94 U.S. 113 (1876).

[10] 262 U.S. 522, 537 (1923).

[11] *Tyson & Brother* v. *Banton*, 273 U.S. 418 (1927): *Fairmount Creamery Co.* v. *Minnesota*, 274 U.S. 1 (1927); *Ribnik* v. *McBride*, 277 U.S. 350 (1928); *Williams* v. *Standard Oil Co. of Louisiana*, 278 U.S. 235 (1929); *New State Ice Company* v. *Liebmann*, 285 U.S. 262 (1932).

Nevertheless, in *Nebbia* v. *New York*,[12] the Supreme Court upheld a New York statute fixing the price at which milk might be sold; it was conceded that the transaction before the Court was not one in which the public had an interest in the sense in which that phrase had been used in earlier cases, but it was held against a strong dissent by four justices that the statute was valid. The only reason given for departing from the settled doctrine, reaffirmed only 2 years before,[13] was the disclosure of facts (based in part upon a legislative report) said to show that the milk business in New York was in a bad way and that the welfare of the community required that it be regulated.

The rule that the price of a commodity could not be fixed, except in a case in which the business was one affected with a public interest, was put aside. In distinguishing *Munn* v. *Illinois*, supra, and the long line of cases following it, the Court said that the phrase " 'affected with a public interest' can, in the nature of things, mean no more than that an industry for adequate reason, is subject to control for the public good." [14] It is clear, therefore, under this decision, that whenever an act of legislation fixes the price at which a commodity of any kind may be sold, the law will be sustained if the Court decides that it was passed for the "public good," a phrase which can neither be defined nor limited. As the enactment of the law is in effect a declaration that it is for the public good, the Court is not likely to decide otherwise. To borrow a phrase from Mr. Justice Holmes, "there would be hardly any limit but the sky."

Nebbia v. *New York* is a typical instance of applying the method of sociology to the construction of the Constitution. The law had been settled by many decisions, one within a very short time. They were not expressly overruled but because of conditions disclosed to the Court which were thought to make a change desirable, the earlier decisions were disregarded and a new construction adopted.

A NEW DOCTRINE: FREEDOM OF CONTRACT

The doctrine of liberty of contract has undergone considerable modification in other respects in recent years. The early cases, while recognizing that freedom of contract is a qualified and not an absolute right,[15] were inclined to restrict legislative interference with the right to contract to a greater extent than later decisions which recognize that changed conditions make some modifications of the previous rule important, if not necessary. *Adkins* v. *Children's Hospital*,[16] holding that a law fixing minimum wages of women in the District of Columbia was unconstitutional, was overruled by *West Coast Hotel Company* v. *Parrish*,[17] after one judge changed his vote. Also in the matter of contracts to exclude persons from employment, because they were or were not members of labor unions, there has been a decided modification of earlier decisions holding that interference with such contracts was an invasion of constitutional liberty.[18] These cases have in effect been overruled by *Lincoln Federal Labor Union* v. *Northwestern Iron & Metal Company*,[19] which referred to the "Allgeyer-Lochner-Adair-Coppage constitutional doctrine" [20] as being deliberately discarded [21] and an amendment of the Nebraska constitution making void and unenforceable contracts between an employer and an employee to exclude persons from employment, because they were or were not members of labor unions, commonly known as "yellow dog contracts," was held valid. This case was followed and approved by *American Federation of Labor* v. *American Sash & Door Co.*[22]

These changes, which came about gradually, may possibly be ascribed to an adaptation of the Constitution to new conditions rather than to a change of interpretation. This cannot be said to be the case, however, when the Court enlarged and extended by construction the power of Congress to regulate commerce with foreign nations and among the several States.

In *Carter* v. *Carter Coal Co.*[23] the Court held void the Bituminous Coal Conservation Act of 1935 because it attempted to regulate the production of coal on the theory that this was a regulation of interstate commerce. In holding the act unconstitutional, the Court quoted and followed Chief Justice Marshall's opinion in *Gibbons* v. *Ogden* [24] holding that, as used in the Constitution, the word "commerce" is the equivalent of intercourse and does not include transactions wholly internal, such as manufacturing or production.

Chief Justice Hughes filed a separate concurring opinion, in which he said: "* * * the power to regulate commerce among the several States is not a power to regulate industry within the State." [25] Justice Cardozo filed a dissenting opinion in which Justice Brandeis and Stone joined.

In *Sunshine Anthracite Coal Co.* v. *Adkins* [26] the Carter case was in effect overruled, it being held that regulation of coal production was "within the power of Congress under the commerce clause of the Constitution." [27]

This is clearly another case in which the "method of sociology" was used. It was deemed necessary to correct conditions said to exist in the coal mining industry, and it was concluded that the Constitution should be so construed as to permit Congress to provide a remedy, although this involved a change in the construction of the Constitution as previously understood, a change as to the scope and meaning of the power of Congress to regulate interstate commerce.

In *A. L. A. Schechter Poultry Corp.* v. *United States* [28] it was held that the National Industrial Recovery Act, which established codes for regulating the conduct of almost every business in the country was unconstitutional in that it involved unconstitutional delegation of power to the President and attempted to regulate intrastate transactions that lay outside the authority of Congress. The Chief Justice, answering the contention that Congress had the power to regulate such activities because they affected interstate commerce, said: [29]

"Where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of State power. If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the Federal authority would embrace practically all the activities of the people and the authority of the State over its domestic concerns would exist only by sufferance of the Federal Government."

The doctrine that the power to regulate interstate commerce does not extend to activities which only indirectly affect such commerce did not long survive.

In *United States* v. *Darby* [30] the Court sustained an act prohibiting shipment in interstate commerce of lumber manufactured by employees whose wages and hours did not conform to a prescribed standard. The Court said that the power of Congress [31] "extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate interstate commerce. * * * [32]

"While manufacture is not of itself commerce, the shipment of manufactured goods interstate is such commerce and the prohibition of such shipment by Congress is indubitably a regulation of the commerce." [33]

In so deciding the Court held that articles prohibited from shipment need not be in themselves of an illegal or deleterious character, overruling *Hammer* v. *Dagenhart*,[34] which had held otherwise.

INTERSTATE, INTRASTATE—A NEGLIGIBLE DIFFERENCE

Under the present view of the Court, Congress may prohibit or control activities wholly intrastate because of their effect on interstate commerce, even when the effect may be indirect and so slight as to be almost negligible.[35] That this involves a changed construction of the Constitution is obvious.

In the Labor Board cases, beginning with *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.*,[36] it was held that under the power to regulate interstate commerce Congress can stipulate labor practices which must be followed by manufacturers whose product is ultimately to become a part of interstate commerce. The dissenting opinion [37] said:

"If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the Federal authority would embrace practically all the activities of the people and the authority of the State over its domestic concerns would exist only by sufferance of the Federal Government. * * *

"Almost anything — marriage, birth, death—may in some fashion affect commerce." [38]

The Court's opinions were by the Chief Justice and are clearly inconsistent with what he said in *Carter* v. *Carter Coal Co.*, that production is not commerce.

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[12] 291 U.S. 502 (1934).

[13] *New State Ice Co.* v. *Liebmann*, 285 U.S. 262 (1932).

[14] 291 U.S. at 536.

[15] *Chicago B. & Q.R. Co.* v. *McGuire*, 219 U.S. 549, 567 (1911).

[16] 261 U.S. 525 (1923).

[17] 300 U.S. 379 (1937).

[18] See *Allgeyer* v. *Louisiana*, 165 U.S. 578 (1897); *Lochner* v. *New York*, 198 U.S. 45 (1905); *Adair* v. *United States*, 208 U.S. 161 (1908); and *Coppage* v. *Kansas*, 236 U.S. 1 (1915).

[19] 335 U.S. 525 (1949).

[20] Id. at 535.

[21] Id. at 537.

[22] 335 U.S. 538 (1949). See also *Railway Employes' Department* v. *Hanson*, 351 U.S. 225 (1956), sustaining a provision of the Railway Labor Act of Congress permitting union shop agreements.

[23] 298 U.S. 233 (1936).

[24] 9 Wheat (U.S.) 1, 189–190 (1824).

[25] 298 U.S. at 317. See also Hughes, "The Supreme Court of the United States," 234 (1928).

[26] 310 U.S. 381 (1940).

[27] Id. at 393.

[28] 295 U.S. 495 (1935).

[29] Id. at 546.

[30] 312 U.S. 100 (1941).

[31] Id. at 118.

[32] Id. at 118.

[33] Id. at 113.

[34] 247 U.S. 251 (1918).

[35] *See Wickard* v. *Filburn*, 317 U.S. 111 (1942), in which the Court held that Congress could regulate the production of wheat so as to affect prices, even in a case where the wheat was consumed on the premises where grown and was not shipped in interstate commerce: and *Mabee* v. *White Plains Publishing Co.*, 327 U.S. 178 (1946), where a daily newspaper was published entirely within a State but one-half of 1 percent of its circulation was without the State. See also *Oklahoma Press Publication Co.* v. *Walling*, 327 U.S. 186 (1945).

[36] 301 U.S. 1 (1937).

[37] Id. at 96.

[38] Id. at 99.

In *United States* v. *Appalachian Electric Power Co.*[39] it appeared that a private company was planning to make use of a small stream called New River for the development of electric power and had begun the construction of a dam. This was opposed by the national administration which desired to use the stream for the development of electric power for public use, and on the theory that the stream was navigable and under the control of Congress brought suit to compel the removal of the work already begun by the power company. The question involved, as the Court said at the beginning of its opinion, was whether the stream was navigable. Both the lower courts had held that it was not navigable, which was of course a finding of fact, and under all former decisions of the Court such a finding was held to be binding on the Supreme Court if supported by substantial evidence, as it clearly was in this case.

This was a high hurdle for the Court to cross, even if it felt, as it evidently did, that it would be in the public interest for the stream to be under congressional control, but the Court surmounted the obstacle, holding that it could examine for itself the question whether the stream was navigable, and found that it was, not because in its present condition it was in fact navigable but because it could be made so by a reasonable expenditure, a conclusion which Professor Corwin finds to be absurd as entirely outside of the Court's prerogative.[40]

This is another good illustration of the method of construing the Constitution so as to accomplish what was believed to be a laudable purpose, although it involved departing from all previous rulings.

This decision calls to mind an unreported decision of a municipal court judge of Philadelphia (now dead), who was presiding at a juvenile court hearing which concerned a boy who had committed some youthful indiscretion. The point was made that he had no jurisdiction, because the boy was not under the age of 16, which was the limit of the age of children subject to the juvenile court. The judge, however, was equal to the occasion. He said, "Well, I'll declare him under 16," and proceeded with the case. He probably had never heard of the method of sociology but was using it to good advantage nevertheless.[41]

THE POWER TO TAX—A COERCIVE WEAPON

The power to tax and spend is a weapon which can be used to force compliance with regulations laid down by Congress. The obvious method is to tax those who do not comply with regulations and exempt those who do. This method of forcing compliance with regulations with respect to the growing of crops as set forth in the Agricultural Adjustment Act of 1933 was condemned in *United States* v. *Butler* [42] as:

"A statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government.[43]

"A resort to the taxing power to effectuate an end which is not legitimate, not within the scope of the Constitution, is obviously inadmissible." [44]

In *Mulford* v. *Smith*,[45] however, title 3 of the said act, regulating and limiting production of tobacco, was sustained as a regulation of interstate commerce, although a similar device was used to force compliance with the regulations.

In *Steward Machine Co.* v. *Davis*,[46] it was held that the Social Security Act which laid a tax upon the employers of labor and provided that such employers would be credited with similar taxes paid under a State social security or unemployment act which had been approved by the Federal authorities was valid, although it in effect coerced the States to pass unemployment relief acts or social security laws which were approved by Federal authority.

This case was followed by *Helvering* v. *Davis*.[47] It may be noted in passing that in this case, as in many others, the decision was based very largely upon statistics gathered by committees and commissions whose reports were not admitted in evidence, nor could they be.

The method of changing the construction of the Constitution so as to permit legislation to afford relief from alleged hardship has been used even in the case where specific provisions of the Constitution appear to be violated.

In *Home Building & Loan Association* v. *Blaisdell*,[48] an act of the State of Minnesota was under consideration which made certain changes in judicial proceedings with respect to foreclosure of mortgages and execution sales of real estate. The Court did not deny the finding of the court below that the obligations of the mortgage contracts were impaired by the act under consideration but held:[49]

"If it be determined, as it must be, that the contract clause is not an absolute and utterly unqualified restriction of the State's protective power, this legislation is clearly so reasonable as to be within the legislative competency."

There was a strong dissent by four Justices who did not subscribe to the view that unusual conditions could permit a change in the construction of the Constitution. Mr. Justice Sutherland in his dissenting opinion said: [50]

"A provision of the Constitution, it is hardly necessary to say, does not admit of two distinctly opposite interpretations. It does not mean one thing at one time and an entirely different thing at another time. * * * This view, at once so rational in its application to the written word, and so necessary to the stability of constitutional principles, though from time to time challenged, has never, unless recently been put within the realm of doubt by the decisions of this Court."

It would, of course, be impossible in one article to discuss all cases decided on the points above mentioned, nor is it necessary, as enough has been said to illustrate the method the Court has used to sustain laws which under previous rulings would have been held invalid. It is not meant to suggest that many of these laws were not honestly passed in an earnest effort to relieve public distress nor that the Court failed to use its best judgment in an effort directed to the same end, but the principle of stare decisis was ignored and for the most part the beneficent results sought could have been accomplished in a legal manner without interfering with the powers of the States.

An influence which it is widely believed may have had an effect upon the changes in construction above referred to was the impact upon the Court of the New Deal, or in other words, the Roosevelt administration. When this administration came into power the country was in the depths of the depression. It was a question whether the Constitution, which in quiet times "sails upon a summer sea," [51] could ride out the storm under the conditions that then existed. Undoubtedly the cries of the distressed, the rumblings of discontent, the demands of the agitator and the politician penetrate like the sound of many waters, even into the quiet of the judicial chamber, and it cannot be doubted affect the minds of the judges.

The New Deal administration was impatient that there should be any interference with its program of reform and strenuously insisted that laws believed to be beneficial should be sustained by the Supreme Court as constitutional. This insistence vigorously expressed had its influence, but there was also severe criticism of the Court and in fact of our constitutional system by the New Deal administration and its adherents. President Roosevelt is reported to have complained that in an emergency all laws passed by Congress had to be constitutional, and Senators Norris, of Nebraska,[52] and Frazier, of North Dakota,[53] as reported in the public press, both advocated depriving the Supreme Court of the power to declare laws unconstitutional.

President Roosevelt even went so far as to claim that what he called the Supreme Court fight caused the Court to change its decisions.[54]

These changes necessarily involved a change of view by some individual Justices. Chief Justice Hughes had a hard enough task to administer the Court under conditions then existing, and it is not surprising that in some respects he felt bound to modify opinions which he had previously expressed. In his book entitled "The Supreme Court of the United States," he said:

"Stability in judicial decisions is of no little importance in obtaining respect for the Court's work." [55]

Referring to the Legal Tender cases,[56] he said:

"There can be no objection to a conscientious judge changing his vote, but the decision of such an important question by a majority of one after one judge had changed his vote aroused a criticism of the Court which has never been entirely stilled." [57]

In later paragraphs he said:

"While the meaning of constitutional guarantees never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming within the field of their operation. In a changing world, it is impossible that it should be otherwise. But although a degree of elasticity is thus imparted not to the meaning, but to the application of constitutional principles, statutes and ordinances, which, after giving due

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[39] 311 U.S. 377 (1940).

[40] Corwin, Constitutional Revolution, Limited, p. 77.

[41] Although unreported, this decision was well known to the bar, including the author.

[42] 297 U.S. 1 (1936).

[43] Id. at 68.

[44] Id. at 69.

[45] 307 U.S. 38 (1939).

[46] 301 U.S. 548 (1937).

[47] 301 U.S. 619 (1937).

[48] 290 U.S. 398 (1934).

[49] Id. at 447.

[50] Id. at 448–449.

[51] 1 Bryce, "The American Commonwealth," 310 (1899).

[52] Philadelphia Record, June 3, 1935.

[53] Philadelphia Inquirer, Mar. 3, 1936. The distinguished Senator reminded the public that judges who declared an act of the English Parliament to be unconstitutional and void were beheaded.

[54] In Colliers for September 1941, appears an article entitled "The Fight Goes On" in which he wrote concerning the changed attitude of the Court: "The Court yielded. The Court changed. The Court began to interpret the Constitution instead of torturing it. It was still the same Court with the same Justices. No new appointments had been made. And yet beginning shortly after the message of Feb. 5, 1937 (proposing the Court packing plan). What a change * * * it would be a little naive to refuse to recognize some connection between these decisions (overturning earlier decisions) and the Supreme Court fight."

[55] Hughes, "The Supreme Court of the United States," 53 (1928).

[56] 12 Wall. (U.S.) 457 (1872).

[57] Hughes, "The Supreme Court of the United States," 54 (1928).

weight to the new conditions, are found clearly not to conform to the Constitution, of course, must fall." [58]

* * * * *

"It must be remembered that production—coal mining, for example—is not interstate commerce and the power of Congress does not extend to its regulation as such." [59]

The Chief Justice expressed the same view in *Carter* v. *Carter Coal Company*.[60] In his concurring opinion, he said [61] "the power to regulate commerce among the several States is not a power to regulate industry within the States," and that "Congress may not use this protective authority [to regulate interstate commerce] as a pretext for the exertion of power to regulate activities and relations within the States which affect interstate commerce only indirectly. Otherwise, in view of the multitude of indirect effects, Congress in its discretion could assume control of virtually all the activities of the people to the subversion of the fundamental principles of the Constitution. If the people desire to give Congress the power to regulate industries within the State, and the relations of employers and employees in those industries, they are at liberty to declare their will in the appropriate manner, but it is not for the Court to amend the Constitution by judicial decision." [62]

That this is sound law is scarcely to be questioned, but the Chief Justice considerably modified his views thereafter as shown by later cases, in which he voted with the majority. See *Sunshine Anthracite Coal Company* v. *Adkins*,[63] in which the Carter case was in effect overruled, and other cases, to some of which reference has been made, holding that production having an indirect and in some instances an extremely tenuous effect on interstate commerce, could be regulated under the interstate commerce power.

It is also to be noted that in *New State Ice Company* v. *Liebmann* [64] the Chief Justice, together with Mr. Justice Roberts voted with a majority of the Court holding that the manufacture of ice cannot be regulated by law, and said: [65]

"Here we are dealing with an ordinary business, not with a paramount industry upon which the prosperity of the entire state in large measure depends. It is a business as essentially private in its nature as the business of the grocer, the dairyman, the butcher, the baker, the shoemaker, or the tailor."

Whereas in *Nebbia* v. *New York*,[66] both of these Justices voted that the business of the dairyman could be regulated and the prices of his products fixed by law.

The change of vote which has been most criticized is that of Mr. Justice Roberts on the validity of a law regulating the wages of women and children in industry. Such a law was held to be unconstitutional in *Adkins* v. *Children's Hospital*.[67] The question again came before the Court in *Morehead* v. *New York ex rel. Tipaldo*,[68] decided June 1, 1936. In this case the Court with four dissents affirmed the rule as announced in *Adkins* v. *Children's Hospital*. Justice Roberts voting with the majority. Ten months later a similar law was involved and its validity sustained in *West Coast Hotel Co.* v. *Parrish*,[69] decided March 29, 1937; *Adkins* v. *Children's Hospital* was overruled, Justice Roberts having changed his vote.

[58] Id. at 197–198.
[59] Id. at 234.
[60] 298 U.S. 238 (1936).
[61] Id. at 317.
[62] Id. at 317–318.
[63] 310 U.S. 381 (1940).
[64] 285 U.S. 262 (1932).
[65] Id. at 277.
[66] 291 U.S. 502 (1934).
[67] 261 U.S. 325 (1923).
[68] 298 U.S. 587 (1936).
[69] 300 U.S. 379 (1937).

JUSTICE ROBERTS EXPLAINS THE REASON

In the meantime the New Deal had been overwhelmingly approved at the election in November 1936, and the President's court-packing plan had been announced. This naturally led to the question whether Justice Roberts' change had been influenced by these facts. He evidently felt the criticism, for he prepared a memorandum in explanation of his action, which, having been left with Justice Frankfurter, was by him made public after Roberts' death.[70]

Justice Roberts' explanation is that he voted for affirmance in the Morehead case under the impression that the only point being decided was that there was no distinction between it and the Adkins case, although the opinion in the Morehead case fully reaffirmed the doctrine of the Adkins case.

In the opinion for the Court in the Parrish case, the Chief Justice gave the same explanation for the Court's change of decision within so short a time. This explanation is apparently accepted as satisfactory by Dean Griswold of the Harvard Law School [71] but not by Robert H. Jackson (afterward Mr. Justice Jackson), who says that the Chief Justice disposed of the New York case [72] "by asserting that the New York attorneys had not asked the Court to reconsider the constitutional questions decided in the Adkins case and that, therefore, those questions were closed to the Court's inquiry in the case of the previous June. This doctrine that the Court would apply bad constitutional law to a case unless the lawyers asked it specifically to correct itself was a bit of face saving for the Court."

Prof. Thomas Reed Powell, in "Some Aspects of American Constitutional Law",[73] says that the Chief Justice's explanation of the change of decision "is a story that should bring blushes to those who joined in the official narration."

These caustic comments make further comment unnecessary.

The decisions, some of which have been mentioned above, departing from views believed to be settled by many former decisions of the Court, have led to a great increase in the legislative power of the Central Government, especially in the particulars above indicated and in some instances of the States also.

Political pressure such as above described was of course the very thing warned against by the makers of the Constitution, and which caused them to establish the judicial department in such a manner that, as they thought, it could be independent. There were some, however, who doubted. Mr. Justice Gibson, one of Pennsylvania's greatest judges, as far back as 1825 said in a dissenting opinion in *Eakin* v. *Raub*: [74]

"Once let public opinion be so corrupt, as to sanction every misconstruction of the Constitution, and abuse of power, which the temptation of the moment may indicate, and the party which may happen to be predominant, will laugh at the puny efforts of a dependent power to arrest it in its course."

The danger was well understood when the Constitution was under consideration. James Wilson said: [75]

"Nothing is more to be dreaded than maxims of law and reasons of state blended together by judicial authority. Among all the terrible instruments of arbitrary power, decisions of Courts, whetted and guided and impelled by considerations of policy, cut with the keenest edge, and inflict the deepest and most deadly wounds."

It was of course recognized that such influences could be resisted only by uncommon fortitude on the part of the judges "where legislative invasions of it [the Constitution] had been instigated by the major voice of the community." [76]

In Story, "Commentaries on the Constitution of the United States," [77] it is said:

"Few men possess the firmness to resist the torrent of public opinion; or are content to sacrifice present ease and public favor in order to earn the slow rewards of the conscientious discharge of duty; the sure but distant gratitude of the people; and the severe but enlightened award of posterity."

The serious question which confronts us now is whether constitutional government has broken down. Whether the American theory that tried and true principles of government may be enshrined in a written constitution and entrusted to the courts for their protection has proved to be illusory. Although Chief Justice Hughes said in *Carter* v. *Carter Coal Co.*, as quoted above: [78] "It is not for the Court to amend the Constitution by judicial decisions," he later went along with decisions which had that effect, and the late Justice Jackson asserts that the Court does in fact amend the Constitution by its decisions.[79] An excellent statement of the opposing view is contained in the dissenting opinion of Mr. Justice Sutherland in *West Coast Hotel Co.* v. *Parrish*,[80] as follows:

"It is urged that the question involved should now receive fresh consideration, among other reasons, because of the economic conditions which have supervened; but the meaning of the Constitution does not change with the ebb and flow of economic events. We frequently are told in more general words that the Constitution must be construed in the light of the present. If by that it is meant that the Constitution is made up of living words that apply to every new condition which they include, the statement is quite true. But to say, if that be intended, that the words of the Constitution mean today what they did not mean when written—that is, that they do not apply to a situation now to which they would have applied then—is to rob that instrument of the essential element which continues it in force as the people have made it until they, and not their official agents, have made it otherwise."

If it be admitted that the Court may change the Constitution by construction whenever it sees a need therefor, constitutional government as we have known it and as it was visualized by its founders has indeed ceased to exist.

Under the pretense of regulating interstate commerce or of taxing for the general welfare, Congress under the present view of the Supreme Court may regulate or even

[70] See 104 U. of Pa. L. Rev., 314–315 (1955).
[71] See U. of Pa. L. Rev., 340–342 (1955), in which Dean Griswold also mentions other cases in which Justice Roberts changed his mind but without criticizing him.
[72] Jackson, "The Struggle for Judicial Supremacy," 208 (1941).
[73] 53 Hav. L. Rev. 529, 549 (1942).
[74] 12 S. & R. 330, 355 (Pa. 1825).
[75] I am indebted to my friend, Theodore W. Reath, Esq., for this statement of James Wilson, which was made in a lecture at the Law School of the University of Pennsylvania in 1792.
[76] Hamilton, "The Federalist," No. 78 (Hallowell's ed. 1831, at 389).
[77] Vol. II, par. 1619.
[78] Note 62, supra.
[79] Jackson, "The Supreme Court in the American System of Government," 56–58 (1955): "Only those heedless of legal history can deny that in construing the Constitution the Supreme Court from time to time makes new constitutional law or alters the law that has been. * * * The difficulties of amendment are such that many look to interpretation rather than amendment as a means of change."
[80] 300 U.S. 379, at 402.

prohibit the activities of substantially any business within the United States.[81]

The reputation of the Supreme Court has suffered certainly in the opinion of the legal profession and probably more generally by reason of its instability as shown by the frequent overruling of its own recent decisions, caused largely by changes of opinion of individual judges, its disregard of precedents which were believed to have settled the law, and most of all by a method of construing the Constitution to attain a desired object, although in effect the Constitution is amended and the balance of power between the Federal Government and the States seriously disturbed.

It is not for this writer to say that these decisions of the Supreme Court are wrong, but it is respectfully suggested that a method of construing the Constitution so as to make it apply to a desired object may be carried too far.

Mr. ERVIN. Mr. President, as a lawyer, I share the views which have been expressed in the article by David Lawrence, the article by Mr. White, and the speeches of Judge Lamb and Chief Justice Dethmers.

I am a southerner. I believe that the so-called desegregation cases constituted a usurpation by the Supreme Court of the power of Congress and the States to amend the Constitution. But I wish to make it clear that I would entertain the opinion I have just expressed with reference to the instability of the Supreme Court in recent years even if the school desegregation cases had not been handed down. Beginning about 20 years ago, I became conscious of the fact that men were being appointed to the Supreme Court of the United States who were at heart legislators rather than judges, and who, by reason of their attitudes of mind, preferred to make laws and amend constitutions rather than interpret laws and constitutions.

Perhaps the time when I was most seriously impressed by the recent tendency of the United States to encroach upon the legislative power of Congress, and the power of Congress and the States to amend the Constitution, occurred on April 22, 1946, when I had occasion to visit the Supreme Court on opinion day with one of my children. While I was there, I heard the reading of an opinion, which was most startling to me as a lawyer. It was an opinion in the case of Girouard versus the United States, which is reported in 328 U.S. at page 61.

This case involved the question whether an alien could become a naturalized citizen of the United States if he were unwilling to bear arms in defense of the United States. That question had been before the Supreme Court of the United States three times during a period of approximately 25 years next preceding that day. On each of those three occasions, the Supreme Court had interpreted the act of Congress in respect to the oath required of persons applying for naturalization, and had held, in express terms, that no alien could become a naturalized citizen of the United States unless he were willing to bear arms in defense of the United States against any enemy of the United States which undertook to destroy the United States by force of arms.

Involved in those three previous cases and in that case was the requirement that a person applying for naturalization take an oath to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic, and to bear true faith and allegiance to the same.

Manifestly, Mr. President, a person cannot support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic, which undertake to destroy the United States and its Constitution and laws by force, unless he is willing to bear arms for the defense of the United States against such enemies. Any other conclusion is a linguistic impossibility as well as a legal impossibility.

Subsequent to the handing down of those three decisions holding that no person could become a naturalized citizen of the United States unless he were willing to bear arms in defense of the United States against an enemy which sought to destroy the United States by force of arms, certain Members of the Congress introduced bills to change the interpretation placed upon the naturalization statute by the Supreme Court of the United States in those three cases.

Congress clearly manifested its determination that the interpretation placed upon its act by the Supreme Court of the United States in those three cases expressed the true congressional intent by refusing to pass any of the bills which, in effect, proposed a change of that interpretation.

Moreover, in addition to that, Congress passed a subsequent codification of the statutes, and in exact words reenacted the statutes which had been involved in and had been interpreted in those three previous decisions by the Supreme Court of the United States.

Mr. President, as I sat in the Supreme Court chamber on that day and heard the reading of that opinion of the Court—which, by a vote of 5 to 3, with one Justice not sitting, reversed those three previous decisions—I could not refrain from arriving at what I, as a lawyer, think is an absolutely sound judgment, namely, that those five Justices of the Supreme Court were overruling those three decisions and the subsequent confirming act of Congress, and were distorting the language used in that connection by Congress, merely because those Justices did not like the way Congress had then exercised the legislative power it enjoys under the Constitution, and merely because they would have exercised that legislative power in another way if they had been Members of Congress.

To be sure, the majority of the Court on that occasion did not say they were handing down that opinion because they did not like the way Congress had exercised its legislative power. But if the majority of the Court had given that reason, they would have given a far better reason than the one they did give; and I invite a study of that opinion by any American who thinks that an error has been made by those of us who charge that during recent years the Supreme Court of the United States has, on occasion, usurped the power of Congress to legislate, by attributing to acts of Congress intentions which Congress never had.

Mr. President, I shall not undertake to explain on the floor of the Senate the peculiar method by which the majority of the Court on that occasion cast upon the scrap heap three previous decisions by that Court and a subsequent confirming act of Congress.

Ordinarily I do not like to tell a story to illustrate so serious a point as this one, Mr. President. But that decision reminds me of a story about a Louisiana lawyer who would not wear a necktie. His practice was usually in the courts of justices of the peace in his area of Louisiana, although on some occasions he did appear in the Circuit Court of Louisiana, which, as I understand, is a court of general jurisdiction.

On one occasion he had won a case in the circuit court; and his adversary in that case appealed the decision to the Louisiana Court of Appeals, which sat at New Orleans. When the time came for the lawyer who had won the case to go to New Orleans, to argue his case before the court of appeals, some of his friends gave him some advice; they said, "It's bad enough for you to go into court on the local level without wearing a necktie, but it would be a breach of the proprieties for you to argue a case before the court of appeals in New Orleans without wearing a necktie. So we beg you for once to conform to convention and wear a necktie when you argue that appeal before the court of appeals."

The lawyer said, "Well, I don't put on any 'dog' here, and I am not going to put on any 'dog' in New Orleans."

So he went to New Orleans, and argued the case. Then he returned to his home, which was a considerable distance from New Orleans.

After some 5 or 6 weeks, the court of appeals handed down a decision adverse to that lawyer's client. The lawyer got a copy of the opinion, and studied it and studied it and studied it; and the more he studied it, the more troubled he became.

So he told some of his friends that he was going down to New Orleans, to find out whether the court of appeals had decided that case against him because he was not wearing a necktie when he argued it.

That was in the old days; and he got on a train, and rode to New Orleans, and went to see the chief justice of the court of appeals, in his chambers. When he was ushered into the presence of the chief justice, he said to the chief justice, "I am lawyer So-and-So, and I came down here about 6 weeks ago, and argued a case before you. And recently you have written an opinion deciding against my client."

The chief justice said, "Oh, I remember you very well. What is the purpose of your visit here, today?"

The lawyer replied, "Well, Judge, I make it a habit not to wear a necktie.

[81] See the earlier views of the late Chief Justice Hughes as expressed in his book, "The Supreme Court of the United States," pp. 39–40.

And before I came down here to argue that appeal, some of my friends advised me to wear a necktie when I argued the case before your court. But I didn't do it, because I don't put on any 'dog' up where I live, so I wasn't going to put on any 'dog' down here in New Orleans. So I didn't wear a necktie.

"So I have come down here to find out whether your court decided the case against my client because I wasn't wearing a necktie that day, when I argued the case before you."

That made the chief justice somewhat angry; and he said—somewhat indignantly—"Of course not. Of course not."

Then the lawyer said, "Well, Judge, I didn't know. I've read your opinion many times over, and that reason would have been far better than any reason you give in your opinion, in deciding the case against my client."

So, Mr. President, I say that if the Justices who overruled those three decisions and nullified the subsequent act of Congress in the Girouard case had said, "We are overruling those decisions and we are nullifying that act of Congress because we do not like the way Congress has legislated," that would have been a far better reason than any reason they gave in their opinion, as justification for their action.

I remember that day mighty well, because at that time the Chief Justice was Harlan F. Stone; and he was reading a dissenting opinion at the time when he had a heart attack which culminated in his death, that evening; and I have never been able to escape the conviction that all of the pain in the heart of Chief Justice Stone on that date was not physical.

Mr. President, there are a multitude of cases in which the Supreme Court during these latter years has gone beyond the bounds of its duly appointed constitutional sphere.

The other evening—or, rather, the other morning—when I spoke here, I introduced into the RECORD the resolution adopted by the 36 State chief justices, at Pasadena, Calif., on August 23, 1958. At that time I did not present, for inclusion in the RECORD, the full text of the committee's report, as approved by the State chief justices. Mr. President, I wish to read the report to the Senate, because it sets forth numerous cases in which, according to the 36 State chief justices, the Supreme Court of the United States transgressed its duly appointed constitutional bounds, in handing down decisions in the field of Federal-State relations.

I begin with the foreword of that report as it appears on page 92 of the U.S. News & World Report for October 3, 1958:

FOREWORD

Your Committee on Federal-State Relationships as Affected by Judicial Decisions was appointed pursuant to action taken at the 1957 meeting of the conference, at which, you will recall, there was some discussion of recent decisions of the Supreme Court of the United States and a resolution expressing concern with regard thereto was adopted by the conference. This committee held a meeting in Washington in December 1957, at which plans for conducting our work were developed. This meeting was attended by Sidney Spector of the Council of State Governments and by Prof. Philip B. Kurland of the University of Chicago Law School.

The committee believed that it would be desirable to survey this field from the point of view of general trends rather than by attempting to submit detailed analyses of many cases. It was realized, however, that an expert survey of recent Supreme Court decisions within the area, under consideration would be highly desirable in order that we might have the benefit in drafting this report of scholarly research and of competent analysis and appraisal, as well as of objectivity of approach.

Thanks to Professor Kurland and to four of his colleagues of the faculty of the University of Chicago Law School, several monographs dealing with subjects with the committee's field of action have been prepared and have been furnished to all members of the committee and of the conference. These monographs and their authors are as follows:

1. "The Supreme Court, the Due Process Clause, and the In Personam Jurisdiction of State Courts," by Professor Kurland.

2. "Limitations on State Power To Deal With Issues of Subversion and Loyalty," by Assistant Professor (Roger C.) Crampton.

3. "Congress, the States and Commerce," by Prof. Allison Dunham.

4. "The Supreme Court, Federalism, and State Systems of Criminal Justice," by Prof. Francis A. Allen.

5. "The Supreme Court, the Congress and State Jurisdiction Over Labor Relations," by Prof. Bernard D. Meltzer.

These gentlemen have devoted much time, study, and thought to the preparation of very scholarly, interesting, and instructive monographs on the above subjects. We wish to express our deep appreciation to each of them for this very thorough research and analysis of these problems. With the pressure of the work of our respective courts, the members of this committee could not have undertaken this research work and we could scarcely have hoped, even with ample time, to equal the thorough and excellent reports which they have written on their respective subjects.

I should like to state at this point, Mr. President, that the 10 State justices who are members of the committee which drew up the report on the Supreme Court were the following:

Frederick W. Brune, chief judge of Maryland, chairman.

Albert Conway, chief judge of New York.

John R. Dethmers, chief justice of Michigan.

William H. Duckworth, chief justice of Georgia.

John E. Hickman, chief justice of Texas.

John E. Martin, chief justice of Wisconsin.

Martin A. Nelson, associate justice of Minnesota.

William C. Perry, chief justice of Oregon.

Taylor H. Stukes, chief justice of South Carolina.

Raymond S. Wilkins, chief justice of Massachusetts.

Those 10 members of the committee, of course, approved the committee report and the committee resolution. Also voting to approve the report were chief justices from 26 other States, namely: Alabama, Arizona, Colorado, Delaware, Florida, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Virginia, Washington, Wyoming.

Voting against the report which I have stated was approved by 36 chief justices were the chief justices of seven States and one Territory: California, New Jersey, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, Hawaii.

Abstaining from voting were the chief justices of Nevada and North Dakota.

Absent were the chief justices of Arkansas, Connecticut, Indiana, and Puerto Rico.

I resume the reading of this report:

It had originally been hoped that all necessary research material would be available to your committee by the end of April, and that the committee could study it and then meet for discussion, possibly late in May, and thereafter send at least a draft of the committee's report to the members of the conference well in advance of the 1958 meeting, but these hopes have not been realized.

The magnitude of the studies and the thoroughness with which they have been made rendered it impossible to complete them until about 2 months after the original target date, and it has been impracticable to hold another meeting of this committee until the time of the conference.

Even after this unavoidable delay had developed, there was a plan to have these papers presented at a seminar to be held at the University of Chicago late in June. Unfortunately, this plan could not be carried through, either.

We hope, however, that these papers may be published in the near future with such changes and additions as the several authors may wish to make in them. Some will undoubtedly be desired in order to include decisions of the Supreme Court in some cases which are referred to in these monographs, but in which decisions were rendered after the monographs had been prepared. Each of the monographs as transmitted to us is stated to be in preliminary form and subject to change and as not being for publication.

Much as we are indebted to Professor Kurland and his colleagues for their invaluable research aid, your committee must accept sole responsibility for the views herein stated. Unfortunately, it is impracticable to include all or even a substantial part of their analyses in this report.

BACKGROUND AND PERSPECTIVE

We think it desirable at the outset of this report to set out some points which may help to put the report in proper perspective, familiar or self-evident as these points may be.

First, though decisions of the Supreme Court of the United States have a major impact upon Federal-State relationships and have had such an impact since the days of Chief Justice Marshall, they are only a part of the whole structure of these relationships. These relations are, of course, founded upon the Constitution of the United States itself. They are materially affected not only by judicial decisions but in very large measure by acts of Congress adopted under the powers conferred by the Constitution. They are also affected, or may be affected, by the exercise of the treaty power.

Of good practical importance as affecting Federal-State relationships are the rulings and actions of Federal administrative bodies. These include the independent-agency regulatory bodies, such as the Interstate Commerce Commission, the Federal Power Commission, the Securities and Exchange Commission, the Civil Aeronautics Board, the Federal Communications Commission, and the National Labor Relations Board.

Many important administrative powers are exercised by the several departments of the executive branch, notably the Treasury Department and the Department of the Interior. The scope and importance of the administration of the Federal tax laws are, of course, familiar to many individuals and businesses because of their direct impact, and require no elaboration.

Second, when we turn to the specific field of the effect of judicial decisions on Federal-State relationships, we come at once to the question as to where power should lie to give the ultimate interpretation to the Constitution and to the laws made in pursuance thereof under the authority of the United States. By necessity and by almost universal common consent, these ultimate powers are regarded as being vested in the Supreme Court of the United States. Any other allocation of such power would seem to lead to chaos. See Judge Learned Hand's most interesting Holmes lectures on "the Bill of Rights" delivered at the Harvard law school this year and published by the Harvard University Press.

Third, there is obviously great interaction between Federal legislation and administrative action on the one hand and decisions of the Supreme Court on the other, because of the power of the Court to interpret and apply acts of Congress and to determine the validity of administrative action and the permissible scope thereof.

Fourth, whether federalism shall continue to exist and if so, in what form is primarily a political question rather than a judicial question. On the other hand, it can hardly be denied that judicial decisions, specifically decisions of the Supreme Court, can give tremendous impetus to changes in the allocation of powers and responsibilities as between the Federal and State governments. Likewise, it can hardly be seriously disputed that on many occasions the decisions of the Supreme Court have produced exactly that effect.

Fifth, this conference has no legal powers whatsoever. If any conclusions or recommendations at which we may arrive are to have any effect, this can only be through the power of persuasion.

Sixth, it is a part of our obligation to seek to uphold respect for law. We do not believe that this goes so far as to impose upon us an obligation of silence when we find ourselves unable to agree with pronouncements of the Supreme Court—even though we are bound by them—or when we see trends in decisions of that Court which we think will lead to unfortunate results.

Mr. President, I digress from the reading of this report for the purpose of saying I think it was wholesome for the country that these 36 justices of State courts stated that their obligation to seek to uphold respect for law did not require them to be silent when they found themselves unable to agree with the pronouncements of the Supreme Court or when they saw trends or decisions of the Court which they thought would lead to unfortunate results.

As I have emphasized, or attempted to emphasize, both in my own remarks and in quotations from others, it is the duty of any man who believes that governmental power has been usurped by any branch of the Federal Government, whether it be the executive branch or the legislative branch or the judicial branch, to condemn that usurpation of governmental authority.

That was what Chief Justice Stone had in mind when he said that in order to protect this country against unwise decisions, and even against judicial usurpation, it was essential that there be careful scrutiny of the decisions of the Court and fearless comment upon them.

Continuing with the report of the 36 chief justices:

We hope that the expression of our views may have some value. They pertain to matters which directly affect the work of our State courts. In this report we urge the desirability of self-restraint on the part of the Supreme Court in the exercise of the vast powers committed to it. We endeavor not to be guilty ourselves of a lack of due restraint in expressing our concern and, at times, our criticisms in making the comments and observations which follow.

PROBLEMS OF FEDERALISM

The difference between matters primarily local and matters primarily national was the guiding principle upon which the framers of our National Constitution acted in outlining the division of powers between the National and State governments.

This guiding principle, central to the American Federal system, was recognized when the original Constitution was being drawn and was emphasized by De Tocqueville (Alexis de Tocqueville, author of "Democracy in America"). Under his summary of the Federal Constitution he says:

"The first question which awaited the Americans was so to divide the sovereignty that each of the different States which compose the union should continue to govern itself in all that concerned its internal prosperity, while the entire Nation, represented by the Union, should continue to form a compact body and to provide for all general exigencies. The problem was a complex and difficult one. It was as impossible to determine beforehand, with any degree of accuracy, the share of authority that each of the two governments was to enjoy as to foresee all the incidents in the life of a nation."

In the period when the Constitution was in the course of adoption, the Federalist—No. 45—discussed the division of sovereignty between the Union and the States and said:

"The powers delegated by the Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the internal order and prosperity of the State."

Those thoughts expressed in the Federalist, of course, are those of the general period when both the original Constitution and the 10th amendment were proposed and adopted. They long antedated the proposal of the 14th amendment.

The fundamental need for a system of distribution of powers between National and State Governments was impressed sharply upon the framers of our Constitution not only because of their knowledge of the governmental systems of ancient Greece and Rome, they also were familiar with the Government of England; they were even more aware of the colonial governments in the original States and the governments of those States after the Revolution.

Included in government on this side of the Atlantic was the institution known as the New England town meeting, though it was not in use in all of the States. A town meeting could not be extended successfully to any large unit of population, which, for legislative action, must rely upon representative government.

LOCAL GOVERNMENTS: A VITAL FORCE

But it is this spirit of self-government, of local self-government, which has been a vital force in shaping our democracy from its very inception.

The views expressed by our late brother, Chief Justice Arthur T. Vanderbilt (of the New Jersey Supreme Court), on the division of powers between the National and State Governments—delivered in his addresses at the University of Nebraska and published under the title "The Doctrine of the Separation of Powers and Its Present-Day Significance"—are persuasive.

He traced the origins of the doctrine of the separation of powers to four sources: Montesquieu and other political philosophers who preceded him; English constitutional experience; American colonial experience; and the commonsense and political wisdom of the Founding Fathers. He concluded his comments on the experiences of the American colonists with the British Government with this sentence:

"As colonists they had enough of a completely centralized government with no distribution of powers and they were intent on seeing to it that they should never suffer such grievances from a government of their own construction."

His comments on the separation of powers and the system of checks and balances and on the concern of the Founding Fathers with the proper distribution of governmental power between the Nation and the several States indicates that he treated them as parts of the plan for preserving the Nation on the one side and individual freedom on the other—in other words, that the traditional tripartite vertical division of powers between the legislative, the executive, and the judicial branches of government was not an end in itself, but was a means toward an end; and that the horizontal distribution or allocation of powers between National and State Governments was also a means toward the same end and was a part of the separation of powers which was accomplished by the Federal Constitution. It is a form of the separation of powers with which Montesquieu was not concerned, but the horizontal division of powers, whether thought of as a form of separation of powers or not, was very much in the minds of the framers of the Constitution.

TWO MAJOR DEVELOPMENTS IN THE FEDERAL SYSTEM

The outstanding development in Federal-State relations since the adoption of the National Constitution has been the expansion of the power of the National Government and the consequent contraction of the powers of the State governments. To a large extent this is wholly unavoidable and, indeed, is a necessity, primarily because of improved transportation and communication of all kinds and because of mass production.

On the other hand, our Constitution does envision federalism. The very name of our Nation indicates that it is to be composed of States. The Supreme Court of a bygone day said in *Texas* v. *White* (7 Wall. 700, 721 (1868)): "The Constitution, in all its provisions, looks to an indestructible Union of indestructible States."

Second only to the increasing dominance of the National Government has been the development of the immense power of the Supreme Court in both State and National affairs. It is not merely the final arbiter of the law; it is the maker of policy in many major social and economic fields. It is not subject to the restraints to which a legislative body is subject. There are points at which it is difficult to delineate precisely the line which should circumscribe the judicial function and separate it from that of policy-making.

Thus, usually within narrow limits, a court may be called upon in the ordinary course of its duties to make what is actually a policy decision by choosing between two rules, either of which might be deemed applicable to the situation presented in a pending case.

But, if and when a court in contruing and applying a constitutional provision or a statute becomes a policymaker, it may leave construction behind and exercise functions which are essentially legislative in character, whether they serve in practical effect as a constitutional amendment or as an amendment of a statute. It is here that we feel the greatest concern, and it is here that we think the greatest restraint is called for.

There is nothing new in urging judicial self-restraint, though there may be, and we think there is, new need to urge it.

To depart from the report for a moment, it is rather significant that the 36 chief justices who voted to adopt this report said that there was a new need to urge the exercise of judicial restraint on the part of the Supreme Court of the United States. I certainly think that in the light of numerous decisions which have been handed down by the Supreme Court during the past 20 years, that that was certainly a most pertinent observation on the part of these State chief justices.

I continue reading the report:

It would be useless to attempt to review all of the decisions of the Supreme Court which have had a profound effect upon the course of our history. It has been said that the Dred Scott decisions made the Civil War inevitable. Whether this is really true or not, we need not attempt to determine. Even if it is discounted as a serious overstatement, it remains a dramatic reminder of the great influence which Supreme Court decisions have had and can have.

As to the great effect of decisions of that Court on the economic development of the country, see Mr. Justice Douglas' address on "Stare Decisis" [to stand by decided matters], 19 Columbia Law Review 735.

SOURCES OF NATIONAL POWER

Most of the powers of the National Government were set forth in the original Constitution; some have been added since. In the days of Chief Justice Marshall, the supremacy clause of the Federal Constitution and a broad construction of the powers granted to the National Government were fully developed and, as a part of this development, the extent of national control over interstate commerce became very firmly established.

The trends established in those days have never ceased to operate and, in comparatively recent years, have operated at times in a startling manner in the extent to which interstate commerce has been held to be involved, as for example in the familiar case involving an elevator operator in a loft building.

If I may be permitted to digress a moment from the reading of the report, I should like to say that I think the State judges had in mind one of the most peculiar cases ever considered by any court. It involved the question of whether a man who sweeps up dust and collects trash and debris in an office building for the purpose of disposing of it as waste, is engaged in the production of goods for commerce within the meaning of the Fair Labor Standards Act because some of the occupants of the office building are engaged in interstate commerce.

One of the first of those cases was tried by a great judge of Texas who is a member of the court of appeals for the circuit which embraces Texas, Judge Joseph Hutchison. He wrote a remarkable opinion which is well worth reading by anyone who is interested in some of the comic things that creep into judicial opinions on occasion.

Judge Hutchison said that he had difficulty writing this opinion because there were two decisions of the Supreme Court of the United States on the subject, and he could not fully understand either one of them. He said if he were permitted to give to the words of the Fair Labor Standards Act their plain meaning, he would certainly hold that a man who was sweeping up dust in an office building for the purpose of disposing of that dust locally was not engaged in the production of goods for commerce within the meaning of the statute.

He said, however, he was supposed to follow the decisions of the Supreme Court of the United States if he was able to understand them, and if they pointed out a path through the trackless wilderness of the law. He said that having read these two decisions, which seemed to him to be contradictory, and neither of them pointing out any path by which he could get through the wilderness, he therefore felt himself permitted under the circumstances to give to the meaning of these simple English words their common meaning and would, therefore, hold that a man who swept up dust in an office building was not engaged in the production of goods for commerce.

I resume reading from the report of the 36 State chief justices:

From a practical standpoint, the increase in Federal revenues resulting from the 16th amendment—the income tax amendment—has been of great importance. National control over State action in many fields has been vastly expanded by the 14th amendment.

We shall refer to some subjects and types of cases which bear upon Federal-State relationships.

THE GENERAL WELFARE CLAUSE

One provision of the Federal Constitution which was included in it from the beginning but which, in practical effect, lay dormant for more than a century, is the general-welfare clause. In *United States* v. *Butler*, 297 U.S. 1), the original Agricultural Adjustment Act was held invalid. An argument was advanced in that case that the general-welfare clause would sustain the imposition of the tax and that money derived from the tax could be expended for any purposes which would promote the general welfare.

The Court viewed this argument with favor as a general proposition, but found it not supportable on the facts of that case. However, it was not long before that clause was relied upon and applied (see *Steward Machine Co.* v. *Davis*, 301 U.S. 548, and *Helvering* v. *Davis*, 301 U.S. 690). In those cases the Social Security Act was upheld and the general-welfare clause was relied upon both to support the tax and to support the expenditures of the money raised by the social security taxes.

GRANTS-IN-AID

Closely related to this subject are the so-called grants-in-aid which go back to the Morrill act of 1862 and the grants thereunder to the so-called land-grant colleges. The extent of grants-in-aid today is very great, but questions relating to the wisdom as distinguished from the legal basis for such grants seem to lie wholly in the political field and are hardly appropriate for discussion in this report.

Perhaps we should also observe that, since the decision of *Massachusetts* v. *Mellon* (262 U.S. 447), there seems to be no effective way in which either a State or an individual can challenge the validity of a Federal grant-in-aid.

DOCTRINE OF PREEMPTION

Many, if not most, of the problems of federalism today arise either in connection with the commerce clause and the vast extent to which its sweep has been carried by the Supreme Court, or they arise under the 14th amendment. Historically, cases involving the doctrine of preemption pertain mostly to the commerce clause.

More recently the doctrine has been applied in other fields, notably in the case of *Commonwealth of Pennsylvania* v. *Nelson*, in which the Smith act and other Federal statutes dealing with communism and loyalty problems were held to have preempted the field and to invalidate or suspend the Pennsylvania antisubversive statute which sought to impose a penalty for conspiracy to overthrow the Government of the United States by force or violence. In that particular case it happens that the decision of the Supreme Court of Pennsylvania was affirmed. That fact, however, emphasizes rather than detracts from the wide sweep now given to the doctrine of preemption.

LABOR-RELATIONS CASES

In connection with commerce-clause cases, the doctrine of preemption, coupled with only partial express regulation by Congress, has produced a state of considerable confusion in the field of labor relations.

One of the most serious problems in this field was pointed up or created—depending upon how one looks at the matter—by the Supreme Court's decision in *Amalgamated Association* v. *Wisconsin Employment Relations Board* (340 U.S. 383), which overturned a State statute aimed at preventing strikes and lockouts in public utilities. This decision left the States powerless to protect their own citizens against emergencies created by the suspension of essential services, even though, as the dissent pointed out, such emergencies were "economically and practically confined to a [single] State."

In two cases decided on May 28, 1958, in which the majority opinions were written by Mr. Justice Frankfurter and Mr. Justice Burton, respectively, the right of an employee to sue a union in a State court was upheld. In *International Association of Machinists* v. *Gonzales*, a union member was held entitled to maintain a suit against his union for damages for wrongful expulsion. In *International Union, United Auto, etc. Workers* v. *Russell*, an employee, who was not a union member, was held entitled to maintain a suit for malicious interference with his employment through picketing during a strike against his employer. Pickets prevented Russell from entering the plant.

Regardless of what may be the ultimate solution of jurisdictional problems in this field, it appears that, at the present time, there is unfortunately a kind of no-man's land in which serious uncertainty exists. This uncertainty is in part undoubtedly due to the failure of Congress to make its wishes entirely clear. Also, somewhat varying views appear to have been adopted by the Supreme Court from time to time.

In connection with this matter, in the case of *Textile Union* v. *Lincoln Mills* (353 U.S. 448), the majority opinion contains language which we find somewhat disturbing. That case concerns the interpretation of section 301 of the Labor-Management Relations Act of 1947.

Paragraph (a) of that section provides: "Suits for violation of contracts between an employer and a labor organization representing employees in an industry affecting commerce as defined in this chapter, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties."

Paragraph (b) of the same section provides in substance that a labor organization may sue or be sued as an entity without the procedural difficulties which formerly attended suits by or against unincorporated associations consisting of large numbers of persons. Section 301(a) was held to be more

than jurisdictional and was held to authorize Federal courts to fashion a body of Federal law for the enforcement of these collective-bargaining agreements and to include within that body of Federal law specific performance of promises to arbitrate grievances under collective-bargaining agreements.

What a State court is to do if confronted with a case similar to the Lincoln Mills case is by no means clear. It is evident that the substantive law to be applied must be Federal law, but the question remains: Where is that Federal law to be found? It will probably take years for the development or the "fashioning" of the body of Federal law which the Supreme Court says the Federal courts are authorized to make. Can a State court act at all? If it can act and does act, what remedies should it apply? Should it use those afforded by State law, or is it limited to those which would be available under Federal law if the suit were in a Federal court?

It is perfectly possible that these questions will not have to be answered, since the Supreme Court may adopt the view that the field has been completely preempted by the Federal law and committed solely to the jurisdiction of the Federal courts, so that the State courts can have no part whatsoever in enforcing rights recognized by section 301 of the Labor-Management Relations Act. Such a result does not seem to be required by the language of section 301 nor yet does the legislative history of that section appear to warrant such a construction.

Professor Meltzer's monograph has brought out many of the difficulties in this whole field of substantive labor law with regard to the division of power between State and Federal governments. As he points out, much of this confusion is due to the fact that Congress has not made clear what functions the States may perform and what they may not perform. There are situations in which the particular activity involved is prohibited by Federal law, others in which it is protected by Federal law, and others in which the Federal law is silent. At the present time there seems to be one field in which State action is clearly permissible. That is where actual violence is involved in a labor dispute.

Mr. President, if I may depart from the reading of the report I should like to observe that during the first session of this Congress, Congress was very much concerned with many of the matters which are considered in the section of the report of the 36 chief justices which I have just finished reading.

I resume reading from the report:

STATE LAW IN DIVERSITY CASES

Not all of the decisions of the Supreme Court in comparatively recent years have limited or tended to limit the power of the States or the effect of State laws. The celebrated case of *Erie R.R.* v. *Tompkins* (304 U.S. 64), overruled *Swift* v. *Tyson* and established substantive State law, decisional as well as statutory, as controlling in diversity [of citizenship] cases in the Federal courts. This marked the end of the doctrine of a Federal common law in such cases.

IN PERSONAM JURISDICTION OVER NONRESIDENTS

Also, in cases involving the in personam [against the person] jurisdiction of State courts over nonresidents, the Supreme Court has tended to relax rather than tighten restrictions under the due-process clause upon. State action in this field *International Shoe Co.* v. *Washington* (326 U.S. 310), is probably the most significant case in this development.

In sustaining the jurisdiction of a Washington court to render a judgment in personam against a foreign corporation which carries on some activities within the State of Washington, Chief Justice Stone used the now-familiar phrase that there "were sufficient contacts or ties with the State of the forum to make it reasonable and just, according to our traditional conception of fair play and substantial justice, to enforce the obligation which appellant has incurred there."

Formalistic doctrines or dogmas have been replaced by a more flexible and realistic approach, and this trend has been carried forward in subsequent cases leading up to and including *McGee* v. *International Life Insurance Co.* (355 U.S. 220), until halted by *Hanson* v. *Denckla* (357 U.S. decided June 23, 1958).

Mr. RUSSELL. Mr. President, the Senator from North Carolina is making a very great speech. I believe that a quorum should be present to hear it. I ask unanimous consent that I may suggest the absence of a quorum without depriving the Senator of his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 90]

Aiken	Dworshak	Mansfield
Allott	Ellender	Martin
Anderson	Engle	Monroney
Bartlett	Ervin	Morton
Beall	Frear	Mundt
Bible	Goldwater	Muskie
Brunsdale	Gore	Pastore
Bush	Green	Prouty
Byrd, Va.	Gruening	Proxmire
Byrd, W. Va.	Hart	Randolph
Cannon	Hartke	Russell
Capehart	Hayden	Saltonstall
Carlson	Hickenlooper	Scott
Carroll	Hruska	Smith
Case, N.J.	Jackson	Stennis
Case, S. Dak.	Johnson, Tex.	Wiley
Church	Johnston, S.C.	Williams, Del.
Clark	Keating	Williams, N.J.
Cooper	Kefauver	Yarborough
Cotton	Kuchel	Young, N. Dak.
Curtis	Lausche	Young, Ohio
Dirksen	Long, Hawaii	
Douglas	McNamara	

The PRESIDING OFFICER. A quorum is present.

Mr. ERVIN. Mr. President, I continue to read from the report of the 36 State chief justices, who implored the Supreme Court of the United States to exercise judicial self-restraint.

Mr. CASE of South Dakota. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I yield to the Senator from South Dakota for a question, if it is understood that in doing so I shall not lose the floor, and also that the remarks I shall make following the question by the Senator from South Dakota will not be construed as constituting a second speech by me on my amendment to the Dirksen substitute to the Stella School District bill.

Mr. CASE of South Dakota. Mr. President, I submit my question with that understanding.

My question is as follows: Has the Senator from North Carolina progressed far enough in his remarks to be ready at this time to submit his amendment to a vote—in view of my personal assurance to the Senator from North Carolina that I intend to vote for his amendment to reduce the penalties provided in this section of the so-called Dirksen substitute.

Mr. ERVIN. Mr. President, it grieves me not to yield at this time for the taking of a vote on my amendment. But I do not do so at this time, because, so far as I know, the able and distinguished Senator from South Dakota is the only convert I have made—the only Senator, aside from myself, who at this time is in favor of my amendment. [Laughter.]

Mr. CASE of South Dakota. O Mr. President, I think there are other converts.

Mr. ERVIN. Mr. President, I repeat the assurance that I gave a few minutes ago when I say that if the Senator can produce a bond, signed by all the Members of the Senate other than myself, that they will vote for my amendment, I shall be glad to let my amendment come to a vote. I think my amendment is very crucial to the proposition now pending before us.

Mr. YOUNG of Ohio. Mr. President, may we have order in the Chamber so that we may enjoy the pleasure of indulging in the liquid amber of the remarks of the distinguished senior Senator from North Carolina?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ERVIN. Mr. President, I certainly appreciate the most generous, gracious remarks of my good friend from Ohio, and I believe that maybe by the time I finish this speech he will be converted to my amendment.

I will continue to read from this report:

In the field of taxation, the doctrine of intergovernmental immunity has been seriously curtailed partly by judicial decisions and partly by statute. This has not been entirely a one-way street. In recent years, cases involving State taxation have arisen in many fields. Sometimes they have involved questions of burdens upon interstate commerce or the export-import clause, sometimes of jurisdiction to tax as a matter of due process, and sometimes they have arisen on the fringes of governmental immunity, as where a State has sought to tax a contractor doing business with the National Government. There have been some shifts in holdings. On the whole, the Supreme Court seems perhaps to have taken a more liberal view in recent years toward the validity of State taxation than it formerly took.

Mr. President, I am tempted and shall succumb to the temptation to make an observation on this statement of the report of the 36 State chief justices relating to the liberality of the Supreme Court in its rulings about the power of the States to tax. I fear that the Supreme Court has heard of the great declaration of Chief Justice Marshall that the power to tax is the power to destroy and that therefore it is liberalizing the rules in favor of State taxation in the expectation that that will complete the destruction of the States.

I read further:

OTHER 14TH AMENDMENT CASES

In many other fields, however, the 14th amendment has been invoked to cut down

State action. This has been noticeably true in cases involving not only the 14th amendment but also the 1st amendment guarantee of freedom of speech or the 5th amendment protection against self-incrimination. State antisubversive acts have been practically eliminated by *Pennsylvania* v. *Nelson*, in which the decision was rested on the ground of preemption of the field by the Federal statutes.

Mr. GOLDWATER. Mr. President, I wonder if the Senator would yield to me, with the understanding that by so yielding he will not lose the floor.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield to the able and distinguished Senator from Arizona for the introduction of an amendment, with the understanding that I shall not lose the privilege of the floor or have my act of so doing counted as two speeches on my amendment to the Dirksen amendment to the Stella schoolhouse bill.

Mr. CANNON. Mr. President, reserving the right to object, may I inquire, is this limited solely to the introduction of an amendment?

Mr. GOLDWATER. Yes. I might say to my friend that it is the introduction of an amendment. Inasmuch as I will not be here during the morning hour tomorrow, I was afraid I might lose the opportunity to have it read. It is very short, just a few lines.

Mr. CANNON. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, on behalf of myself, the Senator from Delaware [Mr. WILLIAMS], the Senator from South Dakota [Mr. MUNDT], and the Senator from Nebraska [Mr. CURTIS], I send to the desk an amendment and ask that it be read, printed, and lie on the table, so that other Senators who care to join in sponsoring the amendment may have an opportunity to do so.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table as requested by the Senator from Arizona, and without objection, the clerk will now read the amendment.

On page 2 of said amendment, line 11, beginning with the word "or" strike out everything through the word "education" on line 14, and in lieu thereof insert the following: "vehicle, dwelling house, business structure, synagogue, church, religious center or educational institution, public or private".

On page 2, after line 24, strike out

"1074. Flight to avoid prosecution for destruction of educational or religious structures".

and in lieu thereof insert:

"1074. Flight to avoid prosecution for destruction of educational, religious, or other structures, buildings, facilities or vehicles."

Mr. ANDERSON. Mr. President, I ask unanimous consent that the Senator from North Carolina, without losing his right to the floor, and without being charged with an extra speech, may be allowed to yield to me for a personal announcement.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

(The statement of Mr. ANDERSON, on the nomination of Mr. Robert W. Wilson to be a member of the Atomic Energy Commission, appears elsewhere in the RECORD.)

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. ERVIN. Mr. President, I read further:

THE SWEEZY CASE—STATE LEGISLATIVE INVESTIGATION

One manifestation of this restrictive action under the 14th amendment is to be found in *Sweezy* v. *New Hampshire*, 354 U.S. 234.

In that case, the State of New Hampshire had enacted a subversive-activity statute which imposed various disabilities on subversive persons and subversive organizations. In 1953, the legislature adopted a resolution under which it constituted the attorney general a one-man legislative committee to investigate violations of that act and to recommend additional legislation.

Sweezy, described as a non-Communist Marxist, was summoned to testify at the investigation conducted by the attorney general, pursuant to this authorization. He testified freely about many matters but refused to answer two types of questions: (1) inquiries concerning the activities of the Progressive Party in the State during the 1948 campaign, and (2) inquiries concerning a lecture Sweezy had delivered in 1954 to a class at the University of New Hampshire.

He was adjudged in contempt by a State court for failure to answer these questions. The Supreme Court reversed the conviction, but there is no majority opinion. The opinion of the Chief Justice, in which he was joined by Justices Black, Douglas, and Brennan, started out by reaffirming the position taken in *Watkins* v. *United States* (354 U.S. 178), that legislative investigations can encroach on first amendment rights. It then attacked the New Hampshire Subversive Activities Act and stated that the definition of subversive persons and subversive organizations was so vague and limitless that they extended to "conduct which is only remotely related to actual subversion and which is done free of any conscious intent to be a part of such activity."

Then followed a lengthy discourse on the importance of academic freedom and political expression. This was not, however, the ground upon which these four Justices ultimately relied for their conclusion that the conviction should be reversed. The Chief Justice said in part:

"The respective roles of the legislature and the investigator thus revealed are of considerable significance to the issue before us. It is eminently clear that the basic discretion of determining the direction of the legislative inquiry has been turned over to the investigative agency. The attorney general has been given such a sweeping and uncertain mandate that it is his discretion which picks out the subjects that will be pursued, what witnesses will be summoned and what questions will be asked. In this circumstance, it cannot be stated authoritatively that the legislature asked the attorney general to gather the kind of facts comprised in the subjects upon which petitioner was interrogated."

I digress again for a moment from the reading of the report to observe that is a most astounding legal doctrine, in view of the record in the Sweezy case. It had been held by the Supreme Court of the United States, since the founding of this Nation, that all Federal courts, including the Supreme Court of the United States itself, would accept as binding an interpretation placed upon a State statute or a State resolution by the highest court of the State whose legislature had passed such statute or such resolution.

When the Sweezy case was before the Supreme Court of New Hampshire, that court held in express terms that a legislative act or resolution of the New Hampshire Legislature had empowered the attorney general of New Hampshire to seek the very information which he was seeking from Professor Sweezy.

In light of that fact, and in light of the unbroken line of Federal decisions holding that the Federal courts will accept as valid the interpretation placed upon a State act or resolution by the highest court of the State, we see this astounding position taken by the Chief Justice and three Associate Justices that the conviction of Sweezy was invalid because it did not appear that the act or resolution of the New Hampshire Legislature had empowered the attorney general of New Hampshire to seek from Sweezy the information which Sweezy had refused to give.

I resume the reading of the report of the 36 chief justices of the State courts:

Four members of the Court, two in a concurring opinion and two in a dissenting opinion, took vigorous issue with the view that the conviction was invalid because of the legislature's failure to provide adequate standards to guide the attorney general's investigation.

Mr. Justice Frankfurter and Mr. Justice Harlan concurred in the reversal of the conviction on the ground that there was no basis for a belief that Sweezy or the Progressive Party threatened the safety of the State and, hence, that the liberties of the individual should prevail.

Mr. Justice Clark, with whom Mr. Justice Burton joined, arrived at the opposite conclusion and took the view that the State's interest in self-preservation justified the intrusion into Sweezy's personal affairs.

In commenting on this case Professor Cramton says:

"The most puzzling aspect of the Sweezy case is the reliance by the Chief Justice on delegation-of-power conceptions. New Hampshire had determined that it wanted the information which Sweezy refused to give; to say that the State has not demonstrated that it wants the information seems so unreal as to be incredible. The State had delegated power to the attorney general to determine the scope of inquiry within the general subject of subversive activities.

"Under these circumstances, the conclusion of the Chief Justice that the vagueness of the resolution violates the due-process clause must be, despite his protestations, a holding that a State legislature cannot delegate such a power."

PUBLIC EMPLOYMENT CASES

There are many cases involving public employment and the question of disqualification therefor by reason of Communist Party membership or other questions of loyalty.

Slochower v. *Board of Higher Education* (350 U.S. 551) is a well-known example of cases of this type. Two more recent cases, *Lerner* v. *Casey*, and *Beilan* v. *Board of Public Education*, both in 357 U.S. and decided on June 30, 1958, have upheld disqualifications for employment where such issues were involved, but they did so on the basis of lack of competence or fitness.

Lerner was a subway conductor in New York and Beilan was a public school instructor. In each case the decision was by a 5-to-1 majority.

I digress at this point to make some observations concerning the Slochower case. The Slochower case had been before the Court of Appeals of the State of New York, and the Court of Appeals of the State of New York had interpreted the statute under which Slochower had been discharged for refusal to furnish information to a congressional committee. The New York Court of Appeals had said that, under that statute, Slochower's action constituted, in effect, a resignation of his public employment.

In the Slochower case the majority of the Supreme Court took the same kind of position which has been taken by the Chief Justice and the three Associate Justices in the Sweezy case. The majority ignored the fact that the Court of Appeals of New York had placed this interpretation on the statute, and that, under the interpretation placed on the statute by New York's highest court, there was no constitutional basis for the Supreme Court to review the decision of the New York Court of Appeals at all. But the Supreme Court of the United States, during recent years, has been so anxious to extend its jurisdiction that it has ignored the long line of Federal decisions holding that the Supreme Court of the United States and other Federal courts will accept the interpretation placed upon a statute by the highest court of the State whose legislature enacted that statute. It proceeded to put an entirely different interpretation upon the New York statute itself, so as to have some basis to review the discharge of Professor Slochower.

ADMISSION TO THE BAR

When we come to the recent cases on admission to the bar, we are in a field of unusual sensitivity. We are well aware that any adverse comment which we may make on those decisions lays us open to attack on the grounds that we are complaining of the curtailment of our own powers and that we are merely voicing the equivalent of the ancient protest of the defeated litigant—in this instance the wail of a judge who has been reversed. That is a prospect which we accept in preference to maintaining silence on a matter which we think cannot be ignored without omitting an important element on the subject with which this report is concerned.

Konigsberg v. *State Bar of California* (353 U.S. 252) seems to us to reach the high watermark so far established by the Supreme Court in overthrowing the action of a State and in denying to a State the power to keep order in its own house.

The majority opinion first hurdled the problem as to whether or not the Federal question sought to be raised was properly presented to the State highest court for decision and was decided by that court. Mr. Justice Frankfurter dissented on the ground that the record left it doubtful whether this jurisdictional requirement for review by the Supreme Court had been met and favored a remand of the case for certification by the State highest court of "whether or not it did in fact pass on a claim properly before it under the due-process clause of the 14th amendment." Mr. Justice Harlan and Mr. Justice Clark shared Mr. Justice Frankfurter's jurisdictional views. They also dissented on the merits in an opinion written by Mr. Justice Harlan, of which more later.

The majority opinion next turned to the merits of Konigsberg's application for admission to the bar. Applicable State statutes required one seeking admission to show that he was a person of good moral character and that he did not advocate the overthrow of the National or State Government by force or violence. The committee of bar examiners, after holding several hearings on Konigsberg's application, notified him that his application was denied because he did not show that he met the above qualifications.

The Supreme Court made its own review of the facts.

On the score of good moral character, the majority found that Konigsberg had sufficiently established it, that certain editorials written by him attacking this country's participation in the Korean war, the actions of political leaders, the influence of big business on American life, racial discrimination, and the Supreme Court's decision in *Dennis* v. *United States* (341 U.S. 494) would not support any rational inference of bad moral character, and that his refusal to answer questions, almost all of which were described by the Court as having "concerned his political affiliations, editorials, and beliefs" (353 U.S. 269), would not support such an inference either.

MEANING OF REFUSAL TO ANSWER

On the matter of advocating the overthrow of the National or State Government by force or violence, the Court held—as it had in the companion case of *Schware* v. *Board of Bar Examiners of New Mexico* (353 U.S. 232), decided contemporaneously—that past membership in the Communist Party was not enough to show bad moral character. The majority apparently accepted as sufficient Konigsberg's denial of any present advocacy of the overthrow of the Government of the United States or of California, which was uncontradicted on the record. He had refused to answer questions relating to his past political affiliations and beliefs, which the bar committee might have used to test the truthfulness of his present claims. His refusal to answer was based upon his views as to the effect of the 1st and 14th amendments. The Court did not make any ultimate determination of their correctness, but—at 353 U.S. 270—said that "prior decisions by this Court indicated" that his objections to answering the questions—which we shall refer to below—were not frivolous.

Mr. President, I invite the complete attention of the Senate to what I shall read next in reference to the Konigsberg case. To me this decision of the majority in the Konigsberg case is not only contrary to law and contrary to facts, but it constitutes a more complete assumption of power not possessed by the Supreme Court of the United States than is to be found in virtually any other decision in these latter years, except the decisions in the so-called school desegregation cases.

The majority asserted that Konigsberg "was not denied admission to the California bar simply because he refused to answer questions."

In a footnote appended to this statement it is said (353 U.S. 259):

"Neither the committee as a whole nor any of its members even intimated that Konigsberg would be barred just because he refused to answer relevant inquiries or because he was obstructing the committee. Some members informed him that they did not necessarily accept his position that they were not entitled to inquire into his political associations and opinions and said that his failure to answer would have some bearing on their determination whether he was qualified. But they never suggested that his failure to answer their questions was, by itself, a sufficient independent ground for denial of his application."

The majority of the Supreme Court created a strawman and sat him up to knock him down. The truth is that under the law of California governing the admission of applicants to practice law in the courts of California, an applicant for a law license had to satisfy the California Board of Bar Examiners of two things, in addition to his competent knowledge of law. These two things were, first, that he was a man of good moral character, and, second, that he did not advocate the overthrow of Government by force or violence.

When Konigsberg appeared before the California Board of Bar Examiners, he offered some evidence that he was a man of good character, and then he stated that he was not at that time in favor of the overthrow of Government by force or violence.

The members of the board of bar examiners thereupon undertook to inquire of Konigsberg whether in times past he had advocated the overthrow of the Government by force or violence, or whether he had belonged to organizations which advocated the overthrow of the Government by force and violence.

Konigsberg refused to answer those questions, invoking not the 5th amendment, but the 1st amendment and the 14th amendment, saying that under the freedom of speech guaranteed by the 1st amendment, and under the due process of law clause of the 14th amendment, he was not required to answer as to his prior associations.

The California Board of Bar Examiners then held that Konigsberg had not satisfied them of the truth of his claim that he did not advocate the overthrow of Government by force and violence, and refused to admit him to the bar on the ground he had failed to carry the burden of proof on that point imposed upon him by the California law.

Anyone who will read the specific questions put to Konigsberg, which are set out at length in the dissenting opinion of Mr. Justice Harlan, will come to the inevitable conclusion that those questions were directly pertinent to the question whether Konigsberg held the opinion that the Government ought to be overthrown by force and violence.

For that reason, the Board of Law Examiners of California had an undoubted right to put those questions to Konigsberg, but the majority of the Supreme Court held to the contrary. They did say, practically, that the due process clause of the 14th amendment required the Board of Law Examiners of the State of California to believe testimony which they disbelieved. That, in my judgment, is the most astounding doctrine ever enunciated by the Supreme Court of the United States in a case of this nature. It has in it about as much reason as would be found in a ruling in a case involving the issue whether the defendant is a thief, that the defendant cannot be asked on cross-examination about larcenies committed by him yesterday because he has taken the stand today and denied he is a thief.

It is a case which illustrates that the members of the Supreme Court of the United States, as well as the members of

any other court, ought to be men who have practiced law to such an extent that they are familiar with the methods of examination of witnesses and the methods which are resorted to in courts of justice to ascertain the truth.

I now resume reading from the report of the 36 chief justices of the State courts, who adopted the resolution and report at Pasadena, Calif.:

A CONVINCING DISSENT

Mr. Justice Harlan's dissent took issue with these views—convincingly, we think. He quoted lengthy extracts from the record of Konigsberg's hearings before the subcommittee and the committee of the State bar investigating his application, 353 U.S. 284-309. Konigsberg flatly refused to state whether or not at the time of the hearing he was a member of the Communist Party and refused to answer questions on whether he had ever been a Communist or belonged to various organizations, including the Communist Party.

The bar committee conceded that he could not be required to answer a question if the answer might tend to incriminate him; but Konigsberg did not stand on the fifth amendment and his answer which came nearest to raising that question, as far as we can see seems to have been based upon a fear of prosecution for perjury for whatever answer he might then give as to membership in the Communist Party.

We think, on the basis of the extracts from the record contained in Mr. Justice Harlan's dissenting opinion, that the committee was concerned with its duty under the statute "to certify as to this applicant's good moral character," page 295, and that the committee was concerned with the applicant's disinclination to respond to questions proposed by the committee, page 301, and that the committee, in passing on his good moral character, sought to test his veracity, page 303.

The majority, however, having reached the conclusion above stated, that Konigsberg had not been denied admission to the bar simply because he refused to answer questions, then proceeded to demolish a straw man by saying that there was nothing in the California statutes or decisions, or in the rules of the bar committee which had been called to the court's attention, suggesting that a failure to answer questions "is ipso facto a basis for excluding an applicant from the bar, irrespective of how overwhelming is his showing of good character or loyalty or how flimsy are the suspicions of the bar examiners."

Whether Konigsberg's overwhelming showing of his own good character would have been shaken if he had answered the relevant questions which he refused to answer, we cannot say. We have long been under the impression that candor is required of members of the bar and, prior to Konigsberg, we should not have thought that there was any doubt that a candidate for admission to the bar should answer questions as to matters relating to his fitness for admission, and that his failure or refusal to answer such questions would warrant an inference unfavorable to the applicant or a finding that he had failed to meet the burden of proof of his moral fitness.

Let us repeat that Konigsberg did not invoke protection against self-incrimination. He invoked a privilege which he claimed to exist against answering certain questions. These might have served to test his veracity at the committee hearings held to determine whether or not he was possessed of the good moral character required for admission to the bar.

The majority opinion seems to ignore the issue of veracity sought to be raised by the questions which Konigsberg refused to answer. It is also somewhat confusing with regard to the burden of proof. At one point—pp. 270–271—it says that the committee was not warranted in drawing from Konigsberg's refusal to answer questions any inference that he was of bad moral character; at another—p. 273—it says that there was no evidence in the record to justify a finding that he had failed to establish his good moral character.

Also at page 273 of 353 U.S., the majority said: "We recognize the importance of leaving States free to select their own bars, but is it equally important that the State not exercise this power in an arbitrary or discriminatory manner nor in such way to impinge on the freedom of political expression or association. A bar composed of lawyers of good character is a worthy objective but it is unnecessary to sacrifice vital freedoms in order to obtain that goal. It is also important to society and the bar itself that lawyers be unintimidated—free to think, speak, and act as members of an independent bar."

That is some of the most astounding language I have ever seen, in a court opinion or anywhere else. By that language, the majority of the Supreme Court adjudged, in essence, that under the due process clause of the 14th amendment the Board of Bar Examiners of the State of California was obliged to adjudge that the applicant for a license to practice law in the courts of California did not believe in overthrowing the Government by violence, even though the applicant absolutely refused to answer any questions concerning his views on that subject or his association with organizations holding such views antedating his appearance before the board.

I cannot conceive of any circumstances which would justify the carrying of the due process clause of the 14th amendment to such an extreme as that. Certainly there is nothing in the due process clause of the 14th amendment which can reasonably be construed to compel a factfinding body of any State to accept as true something which they do not believe. Yet that is the effect of the majority holding in the Konigsberg case.

The majority thus makes two stated concessions—each, of course, subject to limitations—one, that it is important to leave the States free to select their own bars and the other, that "a bar composed of lawyers of good character is a worthy objective."

The inference is that the writer of the majority opinion thought that the applicant for a law license was a man of good character, even though he refused to answer any questions on cross-examination which were relevant to a determination of whether that was a fact or not, and did not entertain an opinion that the Government ought to be overthrown by force and violence, even though he refused to answer any questions which were directly relevant to test the veracity of his claim to that effect.

I now resume the reading of the report of the 36 chief justices of the States:

AVOIDING A TEST OF VERACITY

We think that Mr. Justice Harlan's dissent on the merits, in which Mr. Justice Clark joined, shows the fallacies of the majority position. On the facts which we think were demonstrated by the excerpts from the record included in that dissent, it seems to us that the net result of the case is that a State is unable to protect itself against admitting to its bar an applicant who, by his own refusal to answer certain questions as to what the majority regarded as "political" associations and activities, avoids a test of his veracity through cross-examination on a matter which he has the burden of proving in order to establish his right to admission to the bar.

The power left to the States to regulate admission to their bars under Konigsberg hardly seems adequate to achieve what the majority chose to describe as a "worthy objective"—"a bar composed of lawyers of good character."

We shall close our discussion of Konigsberg by quoting two passages from Mr. Justice Harlan's dissent, in which Mr. Justice Clark joined. In one, he states that "this case involves an area of Federal-State relations—the right of States to establish and administer standards for admission to their bars—into which this Court should be especially reluctant and slow to enter." In the other, his concluding comment—page 312—says: "What the Court has really done, I think, is simply to impose on California its own notions of public policy and judgment. For me, today's decision represents an unacceptable intrusion into a matter of State concern."

The Lerner and Beilan cases, above referred to, seem to indicate some recession from the intimations, though not from the decisions, in the Konigsberg and Slochower cases. In Beilan the schoolteacher was told that his refusal to answer questions might result in his dismissal, and his refusal to answer questions pertaining to loyalty matters was held relevant to support a finding that he was incompetent. "Incompetent" seems to have been taken in the sense of unfit.

STATE ADMINISTRATION OF CRIMINAL LAW

When we turn to the impact of decisions of the Supreme Court upon the State administration of criminal justice, we find that we have entered a very broad field. In many matters, such as the fair drawing of juries, the exclusion of forced confessions as evidence, and the right to counsel at least in all serious cases, we do not believe that there is any real difference in doctrine between the views held by the Supreme Court of the United States and the views held by the highest courts of the several States.

There is, however, a rather considerable difference at times as to how these general principles should be applied and as to whether they have been duly regarded or not. In such matters the Supreme Court not only feels free to review the facts, but considers it to be its duty to make an independent review of the facts. It sometimes seems that the rule which governs most appellate courts in the view of findings of fact by trial courts is given lipservice, but is actually given the least possible practical effect.

Appellate courts generally will give great weight to the findings of fact by trial courts which had the opportunity to see and hear the witnesses, and they are reluctant to disturb such findings. The Supreme Court at times seems to read the records in criminal cases with a somewhat different point of view. Perhaps no more striking example of this can readily be found than in *Moore* v. *Michigan* (355 U.S. 155).

In the Moore case, the defendant had been charged in 1937 with the crime of first-degree murder, to which he pleaded guilty. The murder followed a rape and was marked by extreme brutality. The defendant was a Negro youth, 17 years of age at the time of the offense, and is described as being of limited education—only the seventh grade—and as being of rather low mentality.

He confessed the crime to law-enforcement officers and he expressed a desire to plead guilty and "get it over with." Before such a plea was permitted to be entered, he was interviewed by the trial judge in the privacy of the judge's chambers and he again admitted his guilt, said he did not want coun-

sel and expressed the desire to "get it over with," to be sent to whatever institution he was to be confined in, and to be placed under observation. Following this, the plea of guilty was accepted and there was a hearing to determine the punishment which should be imposed.

About 12 years later the defendant sought a new trial, principally on the ground that he had been unfairly dealt with because he was not represented by counsel. He had expressly disclaimed any desire for counsel at the time of his trial. Pursuant to the law of Michigan, he had a hearing on this application for a new trial. In most respects his testimony was seriously at variance with the testimony of other witnesses. He was corroborated in one matter by a man who had been a deputy sheriff at the time when the prisoner was arrested and was being questioned.

The trial court, however, found in substance that the defendant knew what he was doing when he rejected the appointment of counsel and pleaded guilty, that he was then calm and not intimidated, and, after hearing him testify, that he was completely unworthy of belief. It accordingly denied the application for a new trial. This denial was affirmed by the Supreme Court of Michigan, largely upon the basis of the findings of fact by the trial court.

The Supreme Court of the United States reversed.

The latter Court felt that counsel might have been of assistance to the prisoner, in view of his youth, lack of education and low mentality, by requiring the State to prove its case against him—saying the evidence was largely circumstantial—by raising a question as to his sanity, and by presenting factors which might have lessened the severity of the penalty imposed. It was the maximum permitted under the Michigan law—solitary confinement for life at hard labor.

The case was decided by the Supreme Court of the United States in 1957. The majority opinion does not seem to have given any consideration whatsoever to the difficulties of proof which the State might encounter after the lapse of many years or the risks to society which might result from the release of a prisoner of this type, if the new prosecution should fail. They are, however, pointed out in the dissent.

Another recent case which seems to us surprising, and the full scope of which we cannot foresee, is *Lambert* v. *California* (355 U.S.), decided December 16, 1957. In that case a majority of the Court reversed a conviction under a Los Angeles ordinance which required a person convicted of a felony, or of a crime which would be felony under the law of California, to register upon taking up residence in Los Angeles.

Lambert had been convicted of forgery and had served a long term in a California prison for that offense. She was arrested on suspicion of another crime and her failure to register was then discovered and she was prosecuted, convicted, and fined.

The majority of the Supreme Court found that she had no notice of the ordinance, that it was not likely to be known, that it was a measure merely for the convenience of the police, that the defendant had no opportunity to comply with it after learning of it and before being prosecuted, that she did not act willfully in failing to register, that she was not blameworthy in failing to do so, and that her conviction involved a denial of due process of law.

A DEVIATION FROM PRECEDENTS

This decision was reached only after argument and reargument. Mr. Justice Frankfurter wrote a short dissenting opinion in which Mr. Justice Harlan and Mr. Justice Whittaker joined. He referred to the great number of State and Federal statutes which imposed criminal penalties for nonfeasance and stated that he felt confident that "the present decision will turn out to be an isolated deviation from the "strong current of precedents—a derelict on the waters of the law."

Mr. President, I pause at that point to state that I have been much impressed by the difficulty which some of the recent decisions of the Supreme Court—and I use the word "recent" to cover the past 20 years—have had on the State administration of justice.

During a portion of that time I had the privilege of serving upon the superior court in my State and upon the supreme court of my State. The superior court is a court of general jurisdiction, and the supreme court of my State is the highest State court for the correction of errors of law. As a matter of fact, during some of that period it became exceedingly difficult for the States to administer their own criminal laws against their own citizens, in their own courts, because of the undue solicitude of members of the Supreme Court of the United States for persons who committed crimes against society. In that connection, I do not attribute any wicked will to the members of the Supreme Court; but the fact is that prior to the elevation of Mr. Justice Harlan to the Supreme Court of the United States, the Supreme Court was in large part composed of men who had had virtually no judicial experience, and most of them had had no experience in the practice of law. As a matter of fact, of the nine Justices of the Court which handed down the decisions in the school-desegregation cases, only one had ever served prior to his elevation to the Supreme Court as judge of a court of general or appellate jurisdiction. It is difficult to believe, Mr. President, that in the history of the Supreme Court of the United States there ever could have been a day when eight of its nine judges were without legal experience. As a matter of fact, I do not think it could truthfully be claimed that at that time more than two of the nine had had any substantial experience in the general practice of law.

During the course of my remarks on a previous occasion, this week, I pointed out what Alexander Hamilton said about the way in which men acquire the capacity to be judges in courts, in a government of laws. No court composed of men who had had great experience in the administration of justice at the local level, where witnesses are heard, would be prone to set aside the findings of fact by the trial judges in respect to any matter, and particularly in respect to matters of the voluntariness or involuntariness of confessions.

Whenever the testimony of the witnesses in a case is reduced to cold type, it is virtually impossible for the judge of an appellate court to tell from the cold type whether one of the witnesses was an Ananias or a George Washington; and every person who has had any considerable amount of experience in trial courts knows that to be a fact.

Yet in case after case involving the most serious crimes, the Supreme Court of the United States itself has reviewed the facts and has set aside the findings of the trial judges who heard the witnesses and who had an opportunity to observe their demeanor and their conduct upon the witness stand. As a result of the proneness of the Supreme Court of the United States to do that in recent years, it has been extremely difficult for the courts of the States to administer justice in criminal cases against their own citizens, for violation of their own laws.

As a result of that practice on the part of the Supreme Court of the United States, it has been necessary for States to set up what are called postconviction hearings; and the truth is that a postconviction hearing is designed to let the accused in a criminal case try the court, after the court has tried him.

When one ponders these decisions, he is prone to exclaim, "Enough has been done for those who murder and rape and rob. It is time for something to be done for those who do not wish to be murdered or raped or robbed."

Mr. President, in some instances it has taken years to bring to justice persons who have committed the foulest offenses against State law, and whose guilt was never seriously in doubt from the time of their arrest and arraignment.

Mr. President, many generations ago there was laid down in our law a doctrine that ignorance of the law does not constitute a defense to a criminal charge. The reason for this rule is very clear: If a person could defend himself against a criminal charge by proving that he was ignorant of the law, very few men would ever be convicted. So in the United States, in both the Federal courts and the State courts, there have been hundreds and hundreds of decisions in which the courts have held that ignorance of the law is not a defense to a criminal charge.

Yet, in the case of Lambert against California, we have this astounding decision—by a divided Court—that the due process clause was inserted in the 14th amendment for the purpose of outlawing a rule of law which has been universally accepted and enforced in all the courts of this Nation and in all the courts of all the States which compose this Nation. To me, as a lawyer, that is a most astounding interpretation of the due process clause of the 14th amendment—to say that it outlaws a rule of law which has been universally accepted and enforced throughout America, and is essential to the protection of society from criminals.

Mr. President, I now resume the reading of the report:

We shall not comment in this report upon the broad sweep which the Supreme Court now gives to habeas corpus proceedings. Matters of this sort seem to fall within the scope of the committee of this conference on the habeas corpus bill which has been advocated for some years by this conference for enactment by the Congress of the United States, and has been supported by the Judicial Conference of the United States, the American Bar Association, the Association of Attorneys General, and the Department of Justice.

We cannot, however, completely avoid any reference at all to habeas corpus matters because what is probably the most far-reaching decision of recent years on State criminal procedure which has been rendered by

the Supreme Court is itself very close to a habeas corpus case. That is the case of *Griffin* v. *Illinois* (351 U.S. 12), which arose under the Illinois Post Conviction Procedure Act.

The substance of the holding in that case may perhaps be briefly and accurately stated in this way: If a transcript of the record, or its equivalent, is essential to an effective appeal, and if a State permits an appeal by those able to pay for the cost of the record or its equivalent, then the State must furnish without expense to an indigent defendant either a transcript of the record at his trial, or an equivalent thereof, in order that the indigent defendant may have an equally effective right of appeal. Otherwise, the inference seems clear, the indigent defendant must be released upon habeas corpus or similar proceedings.

Probably no one would dispute the proposition that the poor man should not be deprived of the opportunity for a meritorious appeal simply because of his poverty. The practical problems which flow from the decision in *Griffin* v. *Illinois* are, however, almost unlimited and are now only in course of development and possible solution. This was extensively discussed at the 1957 meeting of this Conference of Chief Justices in New York.

We may say at this point that, in order to give full effect to the doctrine of *Griffin* v. *Illinois*, we see no basis for distinction between the cost of the record and other expenses to which the defendant will necessarily be put in the prosecution of an appeal. These include filing fees, the cost of printing the brief and of such part of the record as may be necessary, and counsel fees.

The Griffin case was very recently given retroactive effect by the Supreme Court in a per curiam [by the court as a whole] opinion in *Eskridge* v. *Washington State Board of Prison Terms and Paroles* (78 S. Ct. 1061). In that case the defendant, who was convicted in 1935, gave timely notice of an appeal. His application then made for a copy of the transcript of the trial proceedings to be furnished at public expense was denied by the trial judge.

A statute provided for so furnishing a transcript if "in his (the trial judge's) opinion, justice will thereby be promoted." The trial judge found that justice would not be promoted, in that the defendant had had a fair and impartial trial, and that, in his opinion, no grave or prejudicial errors had occurred in the trial.

The defendant then sought a writ of mandate from the supreme court of the State, ordering the trial judge to have the transcript furnished for the prosecution of his appeal. This was denied and his appeal was dismissed.

In 1956 he instituted habeas corpus proceedings which, on June 16, 1958, resulted in a reversal of the Washington court's decision and a remand "for further proceedings not inconsistent with this opinion." It was conceded that the "reporter's transcript" from the trial was still available. In what form it exists does not appear from the supreme court's opinion. As in Griffin, it was held that an adequate substitute for the transcript might be furnished in lieu of the transcript itself.

Justices Harlan and Whittaker dissented briefly on the ground that "on this record the Griffin case decided in 1956 should not be applied to this convicton occurring in 1935." This accords with the view expressed by Mr. Justice Frankfurter in his concurring opinion in Griffin that it should not be retroactive. He did not participate in the Eskridge case.

Just where *Griffin* v. *Illinois* may lead us is rather hard to say. That it will mean a vast increase in criminal appeals and a huge caseload for appellate courts seems almost to go without saying. There are two possible ways in which the meritorious appeals might be taken care of and the nonmeritorious appeals eliminated.

One would be to apply a screening process to appeals of all kinds, whether taken by the indigent or by persons well able to pay for the cost of appeals. It seems very doubtful that legislatures generally would be willing to curtail the absolute right of appeal in criminal cases which now exists in many jurisdictions.

Another possible approach would be to require some showing of merit before permitting an appeal to be taken by an indigent defendant at the expense of the State.

Whether this latter approach, which we may call "screening," would be practical or not is, to say the least, very dubious. First, let us look at a Federal statute and Supreme Court decisions thereunder. What is now subsection (a) of section 1915 of title 28, United States Code Annotated, contains a sentence reading as follows: "An appeal may not be taken in forma pauperis (as a poor man) if the trial court certifies in writing that it is not taken in good faith."

This section or a precursor thereof was involved in *Miller* v. *United States* (317 U.S. 192), *Johnson* v. *United States* (352 U.S. 565), and *Farley* v. *United States* (354 U.S. 521, 523). In the Miller case the Supreme Court held that the discretion of the trial court in withholding such a certificate was subject to review on appeal, and that, in order that such a review might be made by the court of appeals, it was necessary that it have before it either the transcript of the record or an adequate substitute therefor, which might consist of the trial judge's notes or of an agreed statement as to the points on which review was sought.

Similar holdings were made by per curiam opinions in the Johnson and Farley cases, in each of which the trial court refused to certify that the appeal was taken in good faith. In each case, though perhaps more clearly in Johnson, the trial court seems to have felt that the proposed appeal was frivolous, and hence not in good faith.

The Eskridge case, above cited, decided on June 16, 1958, rejected the screening process under the State statute there involved, and appears to require, under the 14th amendment, that a full appeal be allowed—not simply a review of the screening process, as under the Federal statute above cited. The effect of the Eskridge case thus seems rather clearly to be that, unless all appeals, at least in the same types of cases, are subject to screening, none may be.

It would seem that it may be possible to make a valid classification of appeals which shall be subject to screening and of appeals which shall not. Such a classification might be based upon the gravity of the offense or possibly upon the sentence imposed. In most, if not all, States, such a classification would doubtless require legislative action. In the Griffin case, it will be recalled, the Supreme Court stated that a substitute for an actual transcript of the record would be acceptable if it were sufficient to present the points upon which the defendant based his appeal. The Supreme Court suggested the possible use of bystanders' bills of exceptions.

It seems probable to us that an actual transcript of the record will be required in most cases. For example, in cases where the basis for appeal is the alleged insufficiency of the evidence, it may be very difficult to eliminate from that part of the record which is to be transcribed portions which seem to have no immediate bearing upon this question. A statement of the facts to be agreed upon by trial counsel for both sides may be still more difficult to achieve even with the aid of the trial judge.

The danger of swamping some State appellate courts under the flood of appeals which may be loosed by Griffin and Eskridge is not a reassuring prospect. How far Eskridge may lead and whether it will be extended beyond its facts remain to be seen.

CONCLUSIONS: THE JUSTICES SUM UP

This long review, though far from exhaustive, shows some of the uncertainties as to the distribution of power which are probably inevitable in a Federal system of government. It also shows, on the whole, a continuing and, we think, an accelerating trend toward increasing power of the National Government and correspondingly contracted power of the State governments.

Much of this is doubtless due to the fact that many matters which were once mainly of local concern are now parts of larger matters which are of national concern. Much of this stems from the doctrine of a strong Central Government and of the plentitude of national power within broad limits of what may be necessary and proper in the exercise of the granted powers of the National Government which was expounded and established by Chief Justice Marshall and his colleagues, though some of the modern extensions may and do seem to us to go to extremes. Much, however, comes from the extent of the control over the action of the States which the Supreme Court exercises under its views of the 14th amendment.

We believe that strong State and local governments are essential to the effective functioning of the American system of Federal Government, that they should not be sacrificed needlessly to leveling and sometimes deadening uniformity, and that, in the interest of active citizen participation in self-government—the foundation of our democracy—they should be sustained and strengthened.

As long as this country continues to be a developing country and as long as the conditions under which we live continue to change there will always be problems of the allocation of power depending upon whether certain matters should be regarded as primarily of national concern or as primarily of local concern. These adjustments can hardly be effected without some friction. How much friction will develop depends in part upon the wisdom of those empowered to alter the boundaries and in part upon the speed with which such changes are effected. Of course, the question of speed really involves the exercise of judgment and the use of wisdom, so that the two things are really the same in substance.

We are now concerned specifically with the effect of judicial decisions upon the relations between the Federal Government and the State governments. Here we think that the overall tendency of decisions of the Supreme Court over the last 25 years or more has been to press the extension of Federal power and to press it rapidly.

There have been, of course, and still are, very considerable differences within the Court on these matters, and there has been quite recently a growing recognition of the fact that our Government is still a Federal Government and that the historic line which experience seems to justify between matters primarily of national concern and matters primarily of local concern should not be hastily or lightly obliterated. A number of Justices have repeatedly demonstrated their awareness of problems of federalism and their recognition that federalism is still a living part of our system of Government.

The extent to which the Supreme Court assumes the function of policymaker is also of concern to us in the conduct of our judicial business. We realize that in the course of American history the Supreme Court has frequently—one might, indeed, say customarily—exercised policymaking powers going far beyond those involved, say, in making a selection between competing rules of law.

We believe that, in the fields with which we are concerned and as to which we feel entitled to speak, the Supreme Court too often has tended to adopt the role of policy-

maker without proper judicial restraint. We feel this is particularly the case in both of the great fields we have discussed—namely, the extent and extension of the Federal power, and the supervision of State action by the Supreme Court by virtue of the 14th amendment. In the light of the immense power of the Supreme Court and its practical nonreviewability in most instances, no more important obligation rests upon it, in our view, than that of careful moderation in the exercise of its policymaking role. We are not alone in our view that the Court, in many cases arising under the 14th amendment, has assumed what seem to us primarily legislative powers. (See Judge Learned Hand on the Bill of Rights.)

We do not believe that either the framers of the original Constitution or the possibly somewhat less gifted draftsmen of the 14th amendment ever contemplated that the Supreme Court would, or should, have the almost unlimited policymaking powers which it now exercises.

It is strange, indeed, to reflect that, under a Constitution which provides for a system of checks and balances and of distribution of power between National and State Governments, one branch of one Government—the Supreme Court—should attain the immense and, in many respects, dominant power which it now wields. We believe that the great principle of distribution of powers among the various branches of government and between levels of government has vitality today and is the crucial base of our democracy.

We, further believe that, in construing and applying the Constitution and laws made in pursuance thereof, this principle of the division of power based upon whether a matter is primarily of national or of local concern should not be lost sight of or ignored, especially in fields which bear upon the meaning of a constitutional or statutory provision, or the validity of State action presented for review. For, with due allowance for the changed conditions under which it may or must operate, the principle is as worthy of our consideration today as it was of the consideration of the great men who met in 1787 to establish our Nation as a nation.

DOUBT IN RECENT DECISIONS

It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast. We find, that, in constitutional cases unanimous decisions are comparative rarities and that multiple opinions, concurring or dissenting, are common occurrences.

We find next that divisions in result on a 5-to-4 basis are quite frequent. We find further that, on some occasions, a majority of the Court cannot be mustered in support of any one opinion and that the result of a given case may come from the divergent views of individual Justices who happen to unite on one outcome or the other of the case before the Court.

We further find that the Court does not accord finality to its own determinations of constitutional questions or, for that matter, of others. We concede that a slavish adherence to stare decisis could at times have unfortunate consequences; but it seems strange that under a constitutional doctrine, which requires all others to recognize the Supreme Court's rulings on constitutional questions as binding adjudications of the meaning and application of the Constitution, the Court itself has so frequently overturned its own decisions thereon, after the lapse of periods varying from 1 year to 75, or even 95 years. See the tables appended to Mr. Justice Douglas' address on "Stare Decisis" (49 Columbia Law Review, 735, 756–758).

The Constitution expressly sets up its own procedures for amendment, slow or cumbersome though they may be.

These frequent differences and occasional overrulings of prior decisions in constitutional cases cause us grave concern as to whether individual views of the members of the Court as from time to time constituted, or of a majority thereof, as to what is wise or desirable do not unconsciously override a more dispassionate consideration of what is or is not constitutionally warranted. We believe that the latter is the correct approach, and we have no doubt that every member of the Supreme Court intends to adhere to that approach, and believes that he does so.

It is our earnest hope, which we respectfully express, that that great Court exercise to the full its power of judicial self-restraint by adhering firmly to its tremendous, strictly judicial powers and by eschewing, so far as possible, the exercise of essentially legislative powers when it is called upon to decide questions involving the validity of State action, whether it deems such action wise or unwise. The value of our system of federalism, and of local self-government in local matters which it embodies, should be kept firmly in mind, as we believe it was by those who framed our Constitution.

At times the Supreme Court manifests, or seems to manifest, an impatience with the slow workings of our Federal system. That impatience may extend to an unwillingness to wait for Congress to make clear its intention to exercise the powers conferred upon it under the Constitution, or the extent to which it undertakes to exercise them, and it may exend to the slow processes of amending the Constitution which that instrument provides.

The words of Elihu Root on the opposite side of the problem, asserted at a time when demands were current for recall of judges and judicial decisions, bear repeating: "If the people of our country yield to impatience which would destroy the system that alone makes effective these great impersonal rules and preserves our constitutional Government, rather than endure the temporary inconvenience of pursuing regulated methods of changing the law, we shall not be reforming. We shall not be making progress, but shall be exhibiting that lack of self-control which enables great bodies of men to abide the slow process of orderly government rather than to break down the barriers or order when they are struck by the impulse of the moment." (Quoted in 31 Boston University Law Review 43.)

We believe that what Mr. Root said is sound doctrine to be followed toward the Constitution, the Supreme Court, and its interpretation of the Constitution. Surely, it is no less incumbent upon the Supreme Court, on its part, to be equally restrained and to be as sure as is humanly possible that it is adhering to the fundamentals of the Constitution with regard to the distribution of powers and the separation of powers, and with regard to the limitations of judicial power which are implicit in such separation and distribution, and that it is not merely giving effect to what it may deem desirable.

We may expect the question as to what can be accomplished by the report of this committee or by resolutions adopted in conformity with it. Most certainly some will say that nothing expressed here would deter a member or group of members of an independent judiciary from pursuing a planned course.

Let us grant that this may be true. The value of a firm statement by us lies in the fact that we speak as members of all the State appellate courts with a background of many years' experience in the determination of thousands of cases of all kinds. Surely there are those who will respect a declaration of what we believe.

And it just could be true that our statement might serve as an encouragement to those members of an independent judiciary who now or in the future may in their conscience adhere to views more consistent with our own.

Mr. President, it has become obvious to me that it will be impossible for me to complete my entire argument in favor of my amendment to the Dirksen amendment in the nature of a substitute to the Stella school bill on this occasion, and that it will be necessary for me to resume this argument on a future occasion. At this time I complete the presentation of this report of the 36 chief justices of the State courts who approved and adopted the resolution and the report.

Later I shall proceed to an analysis of the decisions of the Supreme Court in the so-called school desegregation cases, and I will present, I think, documentation which ought to satisfy any impartial mind that in handing down these decisions the Supreme Court of the United States violated every rule for the construction of constitutional provisions ever laid down by the Supreme Court of the United States itself from the time that John Jay became Chief Justice, on appointment of George Washington, down to 12 o'clock noon on the 17th day of May 1954.

Mr. President, I appreciate the patience of the Presiding Officer and the patience of the Senators who have listened to my remarks, and look forward with anticipation to proceeding further in the course of my argument against the invalidity of all the pending proposals except my own amendment.

DEATH OF FORMER SENATOR HERBERT R. O'CONOR, SR., OF MARYLAND

Mr. BEALL. Mr. President, it is with the deepest regret that I rise to announce that my predecessor in this body and a close personal friend, the Honorable Herbert R. O'Conor, Sr., died unexpectedly today in Baltimore. From a relatively humble origin, this man rose through a career of public service to become one of our truly great American patriots, serving twice as Governor of Maryland and once as a U.S. Senator from our State. I am sure that many of my colleagues here today and millions of American citizens elsewhere will remember him for his strong fight against communism and subversion and for his equally determined efforts in behalf of such worthy causes as this Nation's merchant marine.

Senator O'Conor's illustrious career included work for the Baltimore Sun papers as a reporter, services from 1921 to 1923 as an assistant State's attorney and during 1923 and 1924 as people's counsel to the public service commission, 10 years as State's attorney of Baltimore City; 4 years as attorney general of Maryland; two terms as Governor, and a distinguished term in this body, from which he retired in January of 1953 to reenter private life. Since he left the Senate, he has served at various times as a labor consultant for the city of

Baltimore and as general counsel for the American Merchant Marine Institute.

His career, in which he rose through the opportunities presented to him and became, among other things, the first Catholic Governor of Maryland, typifies the spirit which is inherent in the phrase we use in speaking of Maryland—"The Free State."

The sincere and dedicated work of Senator O'Conor stands today as his greatest memorial. Whether he was devoting his efforts to the Catholic charities appeal or serving as chairman of the Senate Crime Investigating Committee, he put into his efforts a devotion and sense of responsibility which surely could not have been matched. Maryland and the Nation owe him a debt of gratitude which far surpasses our feeble abilities to express.

Mrs. Beall joins me in expressing our most sincere sympathy to his wife and children.

Mr. President, I ask unanimous consent that my colleague, the distinguished senior Senator from Maryland [Mr. BUTLER], who is unavoidably absent today, may be permitted to place a statement in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BUTLER

My grief at learning of the unexpected and untimely passing of my very close friend, Herbert R. O'Conor, is in direct ratio to the great respect, admiration, and affection which I held for him. At the time of my coming to the Senate he was the senior Senator from the State of Maryland and from the inception of our status as colleagues in the U.S. Senate, Senator O'Conor was a bulwark of strength and assistance for me. During the 2 years when we both represented our State, Herb O'Conor was of tremendous assistance in advising me regarding the organization of my office and staff. During our close association together from that point on we never ceased to be the stanchest of friends despite our differences in party affiliation. On numerous occasions we joined together in nonpartisan efforts knowing that such would enure to the greatest benefit to our State and perhaps more often than not our votes on any number of issues were identical rather than opposite.

Senator O'Conor enjoyed the esteem of the people of the State of Maryland as few others have in our political history. Over a period of 30 years he was a brilliant and diligent public servant as he passed successively through the offices of State's attorney, attorney general, Governor, and U.S. Senator. Indicative of his great ability was the distinguished honor conferred upon him during his service as attorney general when, in 1937, he was elected president of the National Association of Attorneys General. So truly, in effect he was an attorneys general attorney general, a singular distinction.

It was during his tenure as one of the great Governors of the State of Maryland that was the then Governor O'Conor was elected chairman of the Governors' conference and thereby became the first Maryland Governor ever to be so honored. In November of that same year, 1942, at the annual meeting of the Council of State Governors in Chicago, he was elected president of that body, which included not only the Governors' conference, but various State and interstate governmental groups. Breaking a precedent of 35 years' standing, the Governors' conference at its 35th annual meeting in Columbus, Ohio, in 1943, retained my good friend Herb O'Conor as a member of the executive committee and unanimously adopted a resolution expressing appreciation of his "patriotic and faithful service, which has been of such benefit to the Governors of all the States and to the Nation—during one of the most important years in the history of the Governors' conference.

Senator O'Conor was one of the most prominent Catholic laymen in the great State of Maryland and his reverence to his God and his church have been, on repeated occasions, recognized from a point of pride and admiration by his vast host of friends among varied religions.

Senator O'Conor, during his first inaugural as Governor, told his fellow citizens in the State of Maryland that, "my gratitude to the people who have given me this mandate is both deep and abiding. I am determined to live up to their expectations." Certainly, all my colleagues who had the refreshing experience of serving with Herb O'Conor and knowing him well can join with the people of his State and mine in emphasizing that during his complete and long public service, he continued to manifest a deep and abiding gratitude.

Senator Herbert R. O'Conor was an admirable administrator and legislator. His service in public life and in private life continued to be that of a stalwart American who worked tirelessly for the preservation of our American ideals, mindful of our constitutional obligations. Senator O'Conor was a very gracious gentleman. To his wonderful family, I extend my deep-felt sympathy and I shall intimately share with them this great loss.

Mr. RANDOLPH. Mr. President, I join with my colleagues in tribute to Herbert R. O'Conor, Sr.

It was just 2 days ago that I was with the former Senator and Governor of Maryland when he came on the floor of this Chamber.

In his capacities in Federal, State, and business leadership he displayed ability and courage.

Herbert was a longtime associate and friend, and Mrs. Randolph joins in our sympathy to Mrs. O'Conor and the family.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BEALL. I am delighted to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am distressed to hear the sad news which has just been announced by the distinguished Senator from Maryland.

Herbert O'Conor was not only a great public servant; he was a grand friend. He was a friend to all with whom he served in the Senate and with whom he served in other capacities. I remember that the Senator from South Carolina [Mr. JOHNSTON] and I and other Senators now serving in the Senate had the privilege of serving as Governors at the same time Herbert O'Conor was the Governor of the great Free State of Maryland. I recall that he was chairman of the Governors' conference during 1 year of that time, and that I had the pleasure of being rather closely associated with him during that year, because I was a member of the executive committee of that conference.

He was a dedicated servant of the public at that time, which was during World War II, and the Governors' conference had many activities in connection with the defense effort. Governor O'Conor lost no occasion to see that the States had every opportunity to measure up to their responsibilities in that supreme effort of our Nation. We were extremely fond of him as a Governor and as a U.S. Senator. We found him to be a dedicated, devoted servant of the public, and a great American.

We were devoted to his family. I hope that in this brief expression we may show our feeling of sorrow and may transmit our heartfelt sympathy to Mrs. O'Conor and their fine children, in which expression I know that Mrs. Holland would want to join me. I regret exceedingly to hear the sad news.

Mr. BEALL. I thank the Senator from Florida.

Mr. President, I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, I regret to learn that former Senator, and former Governor of Maryland, Herbert O'Conor has just passed away. It happened that probably I knew him better than some other Senators did, simply because I was serving as Governor of South Carolina at the same time he was serving as Governor of Maryland. We met in conferences together as Governors and discussed many of the problems of his State, my State, and the various other States of the Union.

Also, it happened that while he was Governor and I was Governor, I was called upon to campaign in his State. I recollect that he was very conscientious in everything he did concerning the campaign to try to bring out only the truth as he saw it at that time.

Then, as U.S. Senator, it happened that I was chairman of the Committee on Post Office and Civil Service, and he was a member of that committee with me. There I found him to be a hard worker, conscientious, always doing what he believed was in the best interests of all the people of this great Nation.

In the death of Herbert R. O'Conor, the United States and the State of Maryland have lost a great citizen. I believe that if the Nation had more citizens like Herbert R. O'Conor, we would probably meet much better the obstacles which we have to meet today.

Herbert O'Conor was a family man. He was close to his family. I know that in his death, his immediate family—his wife and his children—have suffered a great loss. I sympathize with them and hope that God will be with them to comfort and keep them in the great bereavement which they have just suffered.

I join with other Senators, especially the Senator from Florida [Mr. HOLLAND], who knew Herbert O'Conor so well also, because they served as Governors at the same time.

I think it is mighty nice that the Senator from Maryland [Mr. BEALL] is the Senator to speak out and state what he has stated on the floor concerning Herbert O'Conor.

May we all stop just for a minute to ponder the life and the example of Herbert O'Conor. If we will, I believe we, too, will become better citizens.

Mr. BEALL. I thank the Senator from South Carolina.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. BEALL. I yield.

Mr. BYRD of Virginia. Mr. President, I am very deeply grieved at the passing of my dear friend, Herbert O'Conor. I knew him intimately during our service together in the U.S. Senate. He was able, he was courageous. He was one of the most valuable Senators I have ever served with.

Virginia and Maryland are very close together. We see much of each other. I came frequently in contact with Governor O'Conor when he served two terms as Governor of Maryland. I had great admiration for the work he then did. I also came in contact with him when he was attorney general of Maryland.

I grieve for him, and I join with my very dear friend from Maryland in expressing sympathy to the wife and family of Governor O'Conor.

Mr. BEALL. I thank the Senator from Virginia.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BEALL. I yield.

Mr. PASTORE. Mr. President, the untimely death of Mr. Herbert R. O'Conor, a former Member of this august body, comes as a surprise and a shock to the junior Senator from Rhode Island. In his passing, I feel a sense of very deep personal loss.

Herbert O'Conor was Governor of his State for some time before I was privileged to become Governor of my own State of Rhode Island, and our terms did not give me the opportunity and the privilege of knowing him well and closely at that time.

When I came to the U.S. Senate, he was then a member of the Committee on Interstate and Foreign Commerce, of which I became a member. Through our association on that committee, we were very intimate colleagues and close friends. After he resigned as a Member of the Senate, we continued that friendship, and on his visits to the Senate we would chat together on this floor.

Herbert O'Conor was a great philanthropist. He did much to expand the work of the Catholic Charities of Maryland, as I know from personal knowledge. The present archbishop of Baltimore was formerly our beloved bishop of Providence. I remember that when I came here to Washington for the consecration of Archbishop Keough to his high office, I met Herbert O'Conor and learned of his dedicated role in love of his fellow man. Since that time I have continued to hear much about his good work for the underprivileged, the sick, and the poor in the great State of Maryland.

I know that we will all feel his passing deeply. But I do find comfort in the fact that I was privileged to know this good man, this sincere patriot, this great American. I know that his family will find solace and comfort in the very pleasant moments which they possessed with a devoted husband and father, and in the precious memories of his lifetime of faith and good works.

To Mrs. O'Conor and to their very dear children, I extend my deepest sympathy.

Mr. BEALL. I thank the Senator from Rhode Island.

Mr. President, I may say that definite funeral arrangements for Senator O'Conor have not yet been made, so far as I know, but I will make an announcement on the floor of the Senate when that information becomes available.

I thank the distinguished Senator from North Carolina for yielding to me at this time.

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 91]

Aiken	Eastland	Mansfield
Allott	Engle	Martin
Anderson	Ervin	Monroney
Bartlett	Frear	Morton
Beall	Gore	Moss
Bible	Gruening	Mundt
Brunsdale	Hart	Muskie
Bush	Hennings	Pastore
Byrd, W. Va.	Hickenlooper	Prouty
Cannon	Holland	Proxmire
Carlson	Hruska	Randolph
Carroll	Jackson	Russell
Case, N.J.	Johnson, Tex.	Saltonstall
Church	Johnston, S.C.	Scott
Clark	Keating	Smith
Cotton	Kefauver	Wiley
Curtis	Lausche	Williams, N.J.
Dirksen	Long, Hawaii	Yarborough
Douglas	McNamara	Young, N. Dak.
Dworshak	Magnuson	Young, Ohio

The PRESIDING OFFICER (Mr. BARTLETT in the chair). A quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSTON of South Carolina. Mr. President, early this week in my speech, I mentioned the subject of Communist infiltration and Communist efforts to force civil rights provisions of every nature upon the people of this country. I charged the Communists were behind the sitdown strikes and the other race violence that has occurred across our land. I further charged that Communists were supporting and driving for Federal controls over elections and for enactment of civil rights legislation.

This brings up a subject that I think we ought to delve into a little bit. I notice the newspapers have been trying to mislead the people into thinking we will have only election laws in this bill. I hold in my hand some of the amendments. I notice first H.R. 8315. That is a bill that has come over from the House. That bill started off by authorizing the Secretary of the Army to release a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

There has been a great deal of talk about Stella. We have been talking and talking about Stella—Stella, Stella—so we are probably going to hear more about Stella, because Stella is carrying the burden of all these other bills and amendments that are sought to be attached. She has a lot of sweethearts. So we have them attached.

I notice we have a bill known as the Dirksen bill. It contains about 22 pages. As one goes through it, he finds that it not only is about elections in the various States, but it is also concerned with the obstruction of certain court orders. I read that paragraph:

> Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school—

That sounds as though it is to be applied to the school districts throughout the United States. They certainly are not speaking of elections when they are talking about schools.

Then it directs that—

> or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

I will not read the rest of that section, but it is along the same lines about the court orders.

On page 3 we find section 1074, "Flight to avoid prosecution for destruction of educational or religious structures." I read the first paragraph of that:

> Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Then it proceeds, and I notice section 3 goes into the subject of elections.

> SEC. 3. (a) Every officer of election shall retain and preserve, for a period of three years from the date of any general, special, or primary election at which candidates for the office of President, Vice President, presidential elector, Member of the Senate or Member of the House of Representatives are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that if a State designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

On and on it goes. I should like to know who is going to pay for the rooms where all of these boxes are to be stored for the 3 years. The bill does not say anything about that. The Federal Government is requiring the State election commissioners to take charge of that activity and store the boxes somewhere.

I know one thing. It will take a large amount of room throughout the United States to store all the records of all the elections for 3 long years. Those records will increase in quantity as the amount of wheat in storage increases. The present administration is paying millions and millions of dollars a year for the storage of wheat. The truth of the matter is that in July 1952, when the Democrats were in control of the Government, only 400 million bushels of wheat were in storage. Do Senators know how much wheat is on hand at present? Throughout the United States, 3,300 million bushels of wheat are in storage. If that tendency continues, this administration will have so many places of storage, here, there, and yonder, that there will not be enough buildings in the United States to hold all the wheat.

I turn now to section 4.

Section 4. (a) (1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted—

The sponsors acknowledge that the Supreme Court changed everything on that date. It is proposed to put that into the law. I thank them for that. They have been sort of dodging that issue a little, but they propose to put the date into the statutory law.

The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the 14th amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land.

I deny that. It is not the supreme law of the land. No ruling by the Supreme Court is the supreme law of the land. It is only an interpretation of the law. Any statute passed by Congress is the supreme law of the land, but not a ruling by the Supreme Court.

(D) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

Mr. President, they are stating the truth there. My State of South Carolina has spent $100 million to provide equal school facilities for the white and colored races.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. EASTLAND. Does the distinguished Senator know what percentage of the appropriations for education in South Carolina is allocated to Negro schools, and what percentage is allocated to white schools?

Mr. JOHNSTON of South Carolina. I do not know; but I can say that in my State while I was Governor, what is known as the law of equalization was passed, and certain standards were established. Every teacher in South Carolina, whether white or black, receives the same pay.

Under the Recertification Act which was passed at that time, if the teachers have finished high school, the salaries start at the same amount. For each year of teaching, a certain amount is added.

If a teacher has an A.B. degree, whether she be white or colored, she receives pay according to that grade. If she has a degree of M.A., she gets a certain salary.

The standard examination records, in a sense, the amount of education the teachers have. Those papers are not even graded in South Carolina. The names of the persons are not on them when they are sent off for grading. No one knows whether the person is colored or white. The papers are sent to Princeton University, which grades the papers for us. The grading is numbered 1, 2, 3, or whatever the number may be for that examination paper, and it is sent back, and the teacher is paid in accordance with the grading which was made on the examination.

Mr. EASTLAND. Does the Senator know that in Mississippi the Negro race comprises 45 percent of the population; yet 70 percent of the total appropriation for education is made for Negro schools, and that that has been true since 1952, before the integration suit? Does the Senator from South Carolina know that?

Mr. JOHNSTON of South Carolina. I knew the figures were somewhere in that neighborhood. Of course, I did not know the exact figure for the Senator's State.

South Carolina has spent far more in recent years for the building of schoolhouses for colored people—high schools and grade schools—than it has for white people.

Mr. EASTLAND. Does the distinguished Senator know that, as a rule, in Mississippi most of the Negro newspapers condemn this bill and compare the number of Negro property owners in Mississippi with the number in Midwestern States; compare the number of Negro professional men with those of Midwestern States; and say that our own system outclasses that in other areas of the country? I am certain that the Senator will find that that is true in South Carolina, because Negroes there have absolute economic equality. Is there any question about that?

Mr. JOHNSTON of South Carolina. There is no question about it. No Negro teacher in South Carolina has questioned that she does not receive the same pay a white teacher having the same qualifications receives in South Carolina.

Mr. EASTLAND. Is it not true that when there is treatment of a social question which will lead to intermarriage, that is where the southern people draw a line, and that is where we will fight?

Mr. JOHNSTON of South Carolina. That is the main thing. That is where we draw the line. I was chairman of the State board of education for 6 years. We tried our best to do everything possible to equalize the schools and facilities for educational purposes.

Mr. EASTLAND. Does the Senator not realize that every southern Member of this body believes in giving the Negro race its full economic rights?

Mr. JOHNSTON of South Carolina. That is true. So far as I know, no one has tried to take anything away from the Negroes. The only thing we do not like is having outsiders come in and tell us what we ought to do.

I was very much struck by what the senior Senator from Indiana [Mr. CAPEHART] said on the floor. Too much harm and injury are being done to the colored people of the Nation as a whole by stirring up these issues, when really, when we search and examine into the question, there is no such treatment as has been alleged throughout the Nation.

Mr. EASTLAND. Is it not true that we in the South, who have had experience throughout the generations, realize that each group can develop its talents better, and that they can reach a higher standard of living, on a segregated basis?

Mr. JOHNSTON of South Carolina. They have lived that way for so long that they feel a certain degree of embarrassment when they are forced to be in contact, day in and day out, with the whites.

Mr. EASTLAND. Is the proof of that statement not the fact that there are more property owners and more professional men of the colored race in the South than there are in the entire rest of the country, including more schoolteachers?

Mr. JOHNSTON of South Carolina. It will be found that the ratio of colored schoolteachers is three times as great in my State and in the Senator's State of Mississippi as it is in the North.

Mr. EASTLAND. Does the distinguished Senator realize that there are many very fine colored people?

Mr. JOHNSTON of South Carolina. There is no question about that.

Mr. EASTLAND. Does the Senator realize that the white race in the South is helping them in every way, and that today the colored people are better off there than in any other part of the country?

Mr. JOHNSTON of South Carolina. There are to be found all over my State schoolhouses which are named for colored teachers who have done wonderful work for their race in my State. There is one such school in Spartanburg.

Mr. EASTLAND. The distinguished Senator, as Governor, rendered great service to that race in his State. While I do not know that it is a fact, I judge there will be found some schools named for the distinguished Senator from South Carolina, where he worked in behalf of that race, in the promotion of the welfare of that race. Yet we are pilloried;

we are condemned. The whole picture is distorted, and it is claimed that we are against the colored people, and attempting to destroy the colored people; that we are attempting to hold them down and oppress them, when the truth is that we in the South are the best friends they have ever had.

Mr. JOHNSTON of South Carolina. The Senator from Mississippi is entirely correct. I was for 6 years, too, chairman of the board of South Carolina State College. That is a Negro college. In those 6 years the acreage belonging to the college was doubled; it was during my administration that the school got that acreage. The school is situated at Orangeburg, S.C.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I do.

Mr. EASTLAND. The distinguished Senator realizes, does he not, that one cannot build a prosperous economy in any area on poverty, and it is to the interests of the white race, as it is to those of any other people, that the Negro race be educated; that their standard of living be raised, and that his purchasing power increase, and when that happens, we will have a better State and a better country?

Mr. JOHNSTON of South Carolina. The Senator is entirely correct. I have urged upon my people in my State that, in all instances possible, we pay better salaries to get better persons. Unless we pay better salaries, we do not develop a better purchasing value. That is one thing which I admit we did not have for a long time in the South. There was another reason for our not having better purchasing power: One reason was, we were raising cotton, and cotton alone. It was King Cotton in South Carolina, and when the prices of cotton were very low, it meant that all the people on the farms of my State had very little purchasing power, and it hurt everyone throughout the State as long as that condition existed. I am glad to say we are improving very rapidly in that regard, because we are diversifying.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I do.

Mr. EASTLAND. Does the Senator realize that, when the Negro race is impoverished and held down, the white race is impoverished and held down?

Mr. JOHNSTON of South Carolina. In other words, they are both pulled down together; that is correct. One alone cannot be pulled down without pulling the other one down.

Mr. EASTLAND. Does the distinguished Senator realize that the whole theory and the desire of the southern people have been to build up the Negro race and improve their standards?

Mr. JOHNSTON of South Carolina. That is true. If anybody will take the time out to study what has been done for the colored people in my State and in the State of the distinguished Senator from Mississippi and other southern States in the last 25, 30, or 40 years, he will discover that year after year more of them are finishing high school, more of them graduating from college, more of them are buying homes, more of them are more prosperous in that section of the country.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I do.

Mr. EASTLAND. Does the Senator realize that the sentiment in the South has been distorted all over this country, and there is a wave of propaganda whose purpose it is to discredit the southern people? Does the Senator know it is taught in the schools, it can be heard on the radio and on the television, and it is spread by these groups who want to destroy the American system of government?

Mr. JOHNSTON of South Carolina. It is true that is happening, whether those responsible want to bring about that result or not. Some of them may not realize the injury they are doing to this Nation of ours.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I do.

Mr. EASTLAND. Did the Senator mention communism a few minutes ago?

Mr. JOHNSTON of South Carolina. I did.

Mr. EASTLAND. Does or does not the Senator think that the Communist movement has a hand in this propaganda?

Mr. JOHNSTON of South Carolina. There is no question in my mind about it, because I have heard it uttered on the lips of many persons whom I know and the Senator knows who have testified before our committee, time and time again, telling us what the plan was and how they intended to carry it out. They are doing it. And what hurts me so much is that so many newspapers in the United States and so many good people have been duped into going along with them. I do not think they mean to encourage it. I do not mean to criticize them for that. I think they are innocently making a mistake.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I do.

Mr. EASTLAND. Has the Senator observed, in discussing this question with persons from other sections of the country and in the schools, and especially the young people in the schools, the smirk on their faces, as if they disbelieved what he was saying about the Communist angle to this campaign of distortion?

Mr. JOHNSTON of South Carolina. They think that we are throwing up a smokescreen.

Mr. EASTLAND. Is the Senator a member of the Internal Security Subcommittee?

Mr. JOHNSTON of South Carolina. I am, and have been for several years.

Mr. EASTLAND. Will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I do, with the understanding that I do not lose my right to the floor and that it is not to be counted as two speeches.

Mr. EASTLAND. It is for a question.

The PRESIDING OFFICER. The Senator from South Carolina yields for a question.

Mr. EASTLAND. It is a question. Does the Senator realize that there is proof to that effect?

Mr. JOHNSTON of South Carolina. Absolute proof; not simply by one person, but by many, many who have testified under oath before the Internal Security Subcommittee.

Mr. EASTLAND. Does the Senator believe that some of these people who come around to the schools with a smirk on their faces have been brainwashed?

Mr. JOHNSTON of South Carolina. I think they have been. I know they have, for I know that what they believe is not true.

I now continue reading:

(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

(b)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

I wonder how many millions or billions of dollars that will cost when they go into the States; and the Senator from Mississippi knows and I know that when they go in and spend the money there, they intend to control things absolutely.

(2) Appropriations under this subsection shall be available for grants to help finance—

I want the newspapers to publish this, that they are to finance their activities with all those millions of dollars.

(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

Bear in mind that I am reading from the Dirksen bill, the substitute for the bill that was introduced concerning Fort Crowder, which came over from the House.

(c)(1) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the

number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States—

They say they are going to be fair, but it can be noticed that they go back to the school year 1953–54. That was when the States were carrying out the law, providing the equal facilities which the Supreme Court required up to that time. Is it very fair for them to do that? Anyone can readily see that.

The number of students who attended segregated public schools in each State during the school year 1953–1954 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

Oh, Mr. President, under that provision the States would be helped; but we see what the result would be, for that provision would prevent most of the Southern States from receiving any such funds whatever.

I read further from the amendment in the nature of a substitute:

(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (b)(2)(A) under applications approved by the State agency (designated as provided in subsection (d)(1)(A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

Mr. President, that does not sound like a provision which relates only to elections, does it? Certainly the newspapers should publish all of these provisions.

I read further from the amendment in the nature of a substitute:

(d) (1) A State plan shall be approved by the Commissioners for purposes of this section if such plan—

(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education, and

(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

Mr. President, the amendment continues on pages 10, 11, 12, 13, and 14—and still the amendment is dealing with schools, and on page 15—and still the amendment is dealing with schools. Then, on page 16, we find that the amendment still is dealing with schools, and States how they shall be run and how the Federal Government will take over the schools throughout the Nation, and will run them. Although the Constitution says nothing about schools, but leaves them entirely to the States, this amendment in the nature of a substitute would have the Federal Government take over the schools entirely, and would have the Federal Government run all matters in connection with the schools.

And then, Mr. President, on page 17 of the amendment in the nature of a substitute we come to section 6, which provides for the creation of a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts." Mr. President, here comes the FEPC. Under this provision there would be Federal checking, to see whether each group—the whites, the blacks, the Indians, and what-not—was receiving its proper share. I wonder how many citizens of the United States want to have such provisions establishing an FEPC enacted into law. Those provisions begin on page 17, and continue on pages 18 and 19. So now we begin to see what is included in this amendment in the nature of a substitute.

Now let us examine some of the other amendments. I notice that some of the other amendments that have been brought forward here not only would result in sentences to the penitentiary for life, but, in the case of some of the States, would result in execution in a gas chamber, and in the case of other States would result in execution by electrocution—in other words, death in an electric chair—depending on what method the various States use to take the lives of those convicted of crimes for which the death penalty is imposed.

Mr. President, let us see what the Senators from New York [Mr. JAVITS and Mr. KEATING] propose. Mr. President, they would fix us sure enough. But no newspaper has been publishing anything about that, either, although these amendments which have been submitted by Senator JAVITS and Senator KEATING would fix us, all right. So many amendments have been submitted here by Mr. JAVITS—oh, goodness, about 15 or 20 of them—that I have quite a time finding out just what amendments Senator JAVITS has submitted, and just what each one provides, and what amendments Senator KEATING has submitted, and what each one of them provides. The amendments which the two New York Senators have submitted deal with almost everything imaginable; and, Mr. President, they are going to try to fix us.

For instance, Mr. President, one of the amendments that has been submitted, or is intended to be submitted, calls for the imposition of a death sentence; that is the severest of the provisions to be found in that amendment. Here it is, Mr. President; it is the amendment identified as "3–1–60—I"—by Mr. KEATING—and it provides:

SEC. . Title 18, United States Code, section 241, is amended to read as follows:

"§ 241. Conspiracy against rights of citizens

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

"They shall be fined not more than $5,000 or imprisoned not more than ten years, or both—

In other words, if someone gets into a fight, and if someone else is killed, if the person went on the premises for that purpose, it would not be necessary for any further facts to be found. The amendment deals with those who conspire and those who go on the premises of another.

I read further from the amendment:

"*Provided*, That, if death to any person results, the punishment shall be imprisonment for any term of years or for life, but the court may impose of the death penalty if the jury so recommends."

SEC. 2. Title 18, United States Code, section 242, is amended to read as follows:

"§ 242. Deprivation of rights under color of law

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both: *Provided*, That if injury to any person results, the punishment shall be a fine of not more than $5,000 or imprisonment for not more than ten years, or both: *And provided further*, That if death to any person results, the punishment shall be imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends."

Mr. President, those who propose these amendments say the purpose is to deal with the election laws. But now we find that these amendments deal with criminal laws. Senators should also remember that these amendments would invade States' rights. One who votes in a State does not go into interstate commerce; in voting, he does not cross a State line. But under the amendment I have just finished reading, the death penalty could be imposed against a person who, with another person, went on the premises of another, with the intent referred to in the amendment, and if a death then occurred. But in such a case, under this amendment the Federal courts—not the State courts—would take jurisdiction. Certainly it is something new to have the Federal courts take jurisdiction, and, under the criminal laws, punish for acts such as these.

We have always thought that one had to be in interstate commerce in order to be subject to that; but they also have fixed that. They have here a bill that tells what commerce is. I want to read that. This is some new law too.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, territory, possession, or the District of Columbia and any place outside thereof; or within the District of Columbia or any territory or possession; or between points in the same State but through any point outside thereof.

That is something new. They are defining commerce. Heretofore, to give the Federal Government a right, something had to be done between States or across the line in regard to it, but here they have taken over States rights again, coming within the State and telling the State not what they must do, but what the Federal Government is going to do if something happens within the State.

The papers ought to get straight on this matter and let all the facts be known and let the chips fall where they may. Let the public know. Instead of giving them just half truths, give them the whole truth. Half truths are worse than lies. There is no question in my mind about that. I can take a half truth and do more injury than if I lied outright, because you can probably catch me if I lie, but if I tell a half truth, it is sometimes very hard to find it out. I for one do not believe in half truths any more than I believe in lies.

I guess I better quiet down. I do not want to do what the Washington Post and Times Herald want me to do, ruin my voice. I notice they had in the paper that I talk just above a whisper, but if I followed their wishes, I guess I would continue to talk loud. I am going to quiet down and let them know what is going on, and I am going to last. I think that would be better for me and better for the cause. They even had in their paper today that some of the people went to sleep. I think we will have a crowd here after a while. I want my voice to be better then.

I am not attacking well-meaning people who have thought they are supporting lofty purposes when they support civil rights legislation. My point is this: The Communists have succeeded in duping many innocent people into promoting legislation which stirs up strife and hatred among decent, honest American citizens of all colors, of all races and of all religions.

The leftwing newspapers like the Washington Post and Times Herald are attacking me because I have made these charges. The fact is that the present civil rights and voting legislation now before the Senate is more obnoxious and dangerous than the Communist Party platform which was outlined to the American people in 1928 and which contained nine so-called demands in the field of so-called civil rights.

They followed right down the line what the Communists wanted them to do.

For the benefit of the Senate, I would now like to read the platform of the Communist Party as printed in the Communist Daily Worker of May 26, 1928, and after that, I shall compare it with a few provisions in the pending legislation.

I am quoting now from the Communist Daily Worker of May 26, 1928. It sounds as though somebody might be making a speech for these civil rights bills on the floor. Listen to it:

American white imperialism oppresses in the most terrific way the 10 million Negroes who constitute not less than one-tenth of the total population. White capitalist prejudice considers the Negroes as a lower race, as the born servants of the lofty white masters. The racial caste system is a fundamental feature of the social, industrial, and political organization of this country. The Communist Party declares that it considers itself not only the party of the working class but also the champion of the Negroes as an oppressed race and especially the organizer of the Negro working class elements. The Communist Party is the party of the liberation of the Negro race from all white oppression.

There is a new Negro in process of development. The social composition of the Negro race is changing. Formerly the Negro was the cotton farmer in the South and domestic help in the North. The industrialization of the South, the concentration of a new Negro working class population in the big cities of the East and North, and the entrance of the Negroes into the basic industries on a mass scale have changed the whole social composition of the Negro race. The appearance of a genuine Negro industrial proletariat creates an organizing force for the whole Negro race; furnishes a new working class leadership to all Negro race movements, and strengthens immensely the fighting possibilities for the emancipation of the race.

The Negro tenant and share farmers of the South are still, despite all the pompous phrases about freeing the slaves, in the status of virtual slavery. They have not the slightest prospect of ever acquiring possession of the land on which they work.

Anybody that knows the South knows that that is not so, but that is what the Communists are saying, and that is what we have heard sometimes around here.

By means of an usurious credit system they are chained to the plantation owners as securely as chattel slaves. Peonage and contract labor are the fate of the Negro cotton farmer. The landowners, who are at the same time the merchants and the government of the South, rule over the Negroes with a merciless dictatorship.

There is the most dishonest and disgraceful "gentlemen's agreement" between the two capitalist parties against the political rights of the Negroes.

They refer to both parties.

The famous 14th and 15th amendments of the Constitution amount but to a scrap of paper. They were never carried out for a moment. The Supreme Court has upheld all State laws which disfranchised the Negroes. Sheer force prevents the Negro from exercising his so-called political rights. The Federal Government has never made any attempt to reduce the representation of those Southern States which violate the Constitution, as section 2 of the 14th amendment of the Constitution provides.

It has caused strife and discontent between the two sections.

The Republican Party, the party of Lincoln, has sunk so low that it has provided for measures to segregate the Negro delegates to its 1928 Kansas City nominating convention. Lynch law is the hold over the Negroes.

We have not had but two lynchings in South Carolina in the last 20-odd years.

The terror of the Ku Klux Klan is the constitution for the Negroes. They are burned alive, whipped to death, hunted to death with dogs in the name of white civilization.

There is a general segregation policy against the Negro race. Separate residential sections; Jim Crow cars; separate schools for Negro children; exclusion from "white" hotels, restaurants, theaters, and railway waiting rooms; exclusion of Negroes from juries which try Negroes. Negro teachers cannot teach in white schools. The white masters try to reduce the Negroes to illiteracy. According to the 1920 census, there were 4 percent illiterates among the whites and 22.9 percent among the Negroes. The Southern States spend hardly any money for the education of Negro children, but provide lavishly for the education of the children of the white.

In the cotton States the Negro farmers live in shacks together with their animals.

Mr. President, I have been all over my State, and I have never seen a building in South Carolina in which the colored people lived with their stock—not one.

I continue the quotation:

In the cities the Negroes do the unskilled, the most disagreeable, most hazardous work, and are crowded into the worst sections of the city. The death rate of the Negroes is much higher than that of the whites. In 1925 it was 11.8 per thousand for the Negroes and 8.2 for the whites.

The southern plantation owners and their government have tried to keep the Negro farmers and agricultural workers in the southern cotton fields by force. But even their brutal terror has not been able to check the mighty migration from these cotton plantations to the industrial centers of the Northern and Eastern States. This migration is an unarmed, Spartacan uprising against slavery and oppression by a capitalist and feudal oligarchy.

The Negro fled from the South, but what has he found in the North? He has found in the company towns and industrial cities of the North and East a wage slavery no better than the contract labor in the South. He has found crowded, unsanitary slums. He has exchanged the old segregation for a new segregation. He is doing the most dangerous, worst paid work in the steel, coal, and packing industries. He has found the racial prejudices of a narrow, white labor artistocracy, which refuses to recognize the unskilled Negro worker as its equal. He has found the treachery of the bureaucracy of the A. F. of L. which refuses to organize the Negroes into trade unions. The lynchings of the South are replaced by the race riots of the East. The employing class tries to arouse the racial hatred and prejudice of the white workers against the Negro workers with the sinister aim to split and divide the ranks of the working class.

The Communist Party considers it as its historic duty—

Get this, now—

to unite all workers regardless of their color against the common enemy, against the master class. The Negro race must understand that capitalism means racial oppression and communism means social and racial equality.

Let us see what they are going to do about it.

DEMANDS

1. Abolition of the whole system of race discrimination.

These are the Communists speaking—

Full racial equality.

These bills we have before us are right down the Communist line.

2. Abolition of all laws which result in segregation of Negroes. Abolition of all Jim Crow laws. The law shall forbid all discrimination against Negroes in selling or renting houses.

All of it is right down the Communist line.

3. Abolition of all laws which disenfranchise the Negroes on the ground of color.

We do not disfranchise them. Negroes vote in my State. It has been admitted there are 160,000 enrolled in the State of South Carolina.

4. Abolition of laws forbidding intermarriage of persons of different races.

I will say those advocating all these bills presently have not quite stepped up to that one yet; but, Mr. President, they will either have to take that or the NAACP will go against them later. Watch my prediction, and see if it does not come to pass.

5. Abolition of all laws and public administration measures which prohibit, or in practice prevent, Negro children or youth from attending general public schools or universities.

6. Full and equal admittance of Negroes to all railway station waiting rooms, restaurants, hotels, and theaters.

This is the Communist program.

7. The War and Navy Departments of the U.S. Government should abolish all Jim Crow distinctions in the Army and Navy.

8. Immediate removal of all restrictions in all trade unions against the membership of Negro workers.

9. Equal opportunity for employment, wages, hours, and working conditions for Negro and white workers.

That is what is provided by one of the amendments which is before the Senate at the present time. That program was recommended by the Communists.

Mr. President, there is nothing, absolutely nothing, contained in the nine-point Communist demand of 1928 that is not encouraged, demanded, or provided for in the legislation on civil rights and voting confronting the Senate at this point—except to provide that whites and colored get married.

The Communist Party goals in civil rights, Federal controls, and civil strife have not changed in all these 30-odd years. It is only the thinking of those who are being duped by Communist propaganda that has changed.

Any time the Southern Senators strike a vulnerable point in the arguments of the radical supporters of Federal controls over voting, and civil rights legislation, the liberal elements yell "demagogue" and try to ridicule us.

In regard to voting, colored people are allowed to vote and to register in my State.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. Yes.

Mr. EASTLAND. In what part of the world has the Negro race made the progress it has made in the South?

Mr. JOHNSTON of South Carolina. The white race has done a wonderful job in lifting the colored man from the status he was in to the status in which he now finds himself.

Mr. EASTLAND. I know, but where else in the world has he made the progress he has made in the South?

Mr. JOHNSTON of South Carolina. I have not finished. It will be found, in comparison to the progress of the Negro race in countries where he was left alone and where he tried to pull himself up, so to speak, that the Negro race is so far ahead here in the United States that it is almost unbelievable, when one really studies the situation and learns how much more that race has advanced in this country than in other nations.

Mr. EASTLAND. Has he made such progress in the North?

Mr. JOHNSTON of South Carolina. He has not made it anywhere else.

Mr. EASTLAND. Has he made it in New York?

Mr. JOHNSTON of South Carolina. No.

Mr. EASTLAND. Has he made it in any place where the civil rights howl is raised?

Mr. JOHNSTON of South Carolina. No.

Mr. EASTLAND. Does the progress he has made there compare with the progress he has made in South Carolina?

Mr. JOHNSTON of South Carolina. He has not made the same progress there, in my opinion.

There is one consolation, though: When newspapers, such as the Washington Post, begin their criticism of me, then I know I am going down the right path. I want to thank them for the big headlines they used for me. They said "The New Huey Long." When they accused me of that, my people in South Carolina thought that was worth $10,000, knowing what I was trying to do up here.

The Washington Post was trying to do me harm, but politically, it was worth $10,000, if I had to run tomorrow.

So I thank them very much for making that statement about me.

Another thing some Americans do not seem to realize—and we have been trying to drive this home in the Senate—is that civil rights bills and Federal controls over State elections may appear on the surface like idealistic emancipation devices which appeal to minority groups; but when they are put on the books, they will actually destroy more rights and more freedoms than they will ever guarantee anyone.

Mr. President, many people across the Nation do not realize the multiplicity of measures contained in the legislation now before us. They throw the term "civil rights" around like a brand used on a herd of cattle, but they do not know what is in the bill, and amendments now pending on the table.

We have talked about Federal controls on voting and about "civil rights."

I think we ought to discuss some of the other features in this legislation and, in particular, I want to discuss the FEPC provisions.

When the FEPC bill was pending before the U.S. Senate, I had made some speeches about it. They invited me up to Chicago to make a speech before the Executive Club.

The Executive Club is made up of executives, people who employ others. At that meeting there must have been somewhere around 1,000 present when I delivered my address on FEPC and told what I thought about it.

I must say that in all my days of traveling to make speeches, especially in a strange city, I have never received any more attention, and I never received any more applause. I never had such an enthusiastic audience on the subject of FEPC.

The owners and people at this meeting who were employers seemed to be just as near 100 percent against FEPC as I have ever found anyone in my life.

The people of Chicago, the city which hence comes the junior Senator from Illinois [Mr. DIRKSEN], at that time did not believe in the amendment he has pending at the present time.

They do not want to be harassed, troubled, bothered, every time they employ anybody and every time they have to fire someone. They do not want some Federal Commission telling them what they can do and what they cannot do.

Mr. President, from the very beginning of our Nation there has always been the right of States provided for in our Constitution, and upon this foundation of State rights has been built this country. Until recently State rights have been the guiding mark for the Congress, the President, and even the Supreme Court to follow.

On this foundation of placing the right of States first, this Nation has prospered and grown strong. Our industry has flourished, our people have prospered, cities have grown, and we became the mightiest giant of nations with the highest ideals—a nation which stood, like Sir Galahad, among the nations of the world, having a right over wrong, and striving constantly for peace.

At no point in our history did we ever begin to deteriorate or become weak or falter, or fail, until people began tampering with the rights of States. The most terrible war in our Nation's history was fought over the rights of States, and next year it will be 100 years since that war started.

From 1861 through 1894 there were civil rights statutes on the books that placed soldiers at the doorstep of every home in the South, and it was the most immoral, unsavory, black period in our history. Our Nation had split itself apart, and our people had killed one another in the bloodiest of wars. By the time the war was over, there were gluttonous European nations standing by wondering when we would topple over and they could all move in to take us over. Several nations were just waiting to take the United States up after the two sections fought each other. I hope nothing like that will ever happen again.

We took a step backward when we tampered with the rights of the individual States. From 1860 to 1894, people who were conscious of the rights of

States worked unendingly to repeal these laws which were taking away more freedoms than they were guaranteeing.

Finally, in 1894, the believers in States rights government, those who thought the rights of States were the foundation upon which the future of our Nation must rest, succeeded in repealing these laws. From that point in our history we went forward, resuming our leadership in the world, resuming our prosperity and, in general, went forward like a progressive, intelligent people.

But then we started talking again about civil rights, voting rights, and all kinds of rights. The more we talked, the more the politicians tampered with States rights.

It was back in 1928 that the Communist Party platform came out demanding all kinds of civil rights. If I took up the Communist Party platform of 1928 on civil rights and laid it down alongside the proposals in the Senate now on civil rights, one could not tell the difference.

If there is any difference, it is that the bills now pending in the Senate are stronger than what the Communists were demanding. I do not think they demanded anywhere that the life of anybody should be taken.

Mr. President, the goals of the Communist Party sought in their platforms have not changed. It is the thinking of some people who have been propagandized into following them that has changed.

The more we tamper with the rights of the States, the faster we will bring about the decline of the American democratic government. At no time in our history have we ever worried about our military position in the world as we worry today, unless it was back during the War Between the States.

At no time in our history have we worried about the immorality that is creeping into our institutions and our people, as we worry today.

At no time in our history has there been so much lawlessness in our country as we have today. Hoodlums roam the streets and the police are helpless except to advise citizens to stay indoors, particularly at night.

Yes, Mr. President, the more we talk and vote for civil rights and Federal controls, the faster this Nation is going to decline.

I know, as we all know, if we stop and think, if we stop putting the control of criminals into the U.S. courts alone, that we can expect a decline in the enforcement of law. The States are going to say, "It is not our responsibility to do anything about it." The Federal Government agencies will only stir up strife and discontent, and cause a great deal of trouble and worry throughout this Nation of ours.

If we pass the measures now pending in the Senate on FEPC, Federal controls over voting, and provisions for policing our schools with Federal agents and troops, the Senate will be expediting the further decline of our Nation and will break up what I believe to be the greatest Nation on the topside of the world.

Yes; that is what will happen if we pass the bills now pending. Bear in mind that they are all amendments to the bill which came over from the House. These proposals cannot go before any committee for consideration and thought. They came directly to the floor of the Senate.

Freedom is like a fire. Fire can be burned out with fire, and the light of freedom can be put out by guaranteeing it with Federal laws which destroy other freedoms in the process. This is what the proposals of civil rights legislation now before the Senate would do.

One of the most dangerous provisions in the legislation before us amounts to nothing more than an FEPC—a Federal Employment Practices Commission. That is what it is.

Mr. President, as I understand the language of the proposed legislation, it provides that anyone who does anything for the Government, whether it be under contract or some direct service, must guarantee that he will give everybody an equal opportunity to do the job involved.

Mr. President, let us look at this situation. Suppose a man has a company which has been established and is involved in secret research and production of some highly important defense work. Nobody will deny that that would be Government employment. Suppose, too, that the man has a secretary who has been with him for years; his employees have been with him for years. These men have been trained through the years to do specialized jobs. They are capable of doing these jobs. But along comes the arm of the Federal Government and says, "You have none but white people employed in this plant. Have you given equal opportunity to Negroes to apply for and fill jobs in this plant?" The owner quite naturally says, "No. I have never given much thought to who I employ so long as I have considered their qualifications for the job." The Government then goes further and says, "If you don't employ some Negroes or Indians or Chinese or Mongolians," or whatever it has in mind, "then you will lose the Government contract. You must comply with the letter of the FEPC section of the law."

I presume the next step of the Federal Government would be to take the contract away from the man or force him to hire some people of the particular race, creed, or color that the Government is alleging is being discriminated against. Then, as the cost of production goes up, the Government loses money because the man cannot do the work without making a profit.

On the other hand, the man might decide to let the contract go rather than disturb the personnel setup in his office. If he does this, then the Government must go out and find another company to do the same work. The next company may not be as well qualified to do the job, and, as a result, our defense program would fall behind again in some vital defense area. So, what price FEPC?

Let us look at another situation, Mr. President, and I do not intend to be facetious in the least because if anyone has seen how the Supreme Court can stretch intents of Congress then he will know what I am talking about. The Federal Government subscribes to a newspaper, let us imagine. Under the provision of this law the Federal Government could go to the newspaper and say, "How many Negro reporters do you have? Why do you not have a Negro bookkeeper in your bookkeeping department?" The newspaper management, unable to give the Federal agent a satisfactory answer, is then faced with having to hire employees he does not care to have working for him or does not need, or to lose the Government subscription. One can readily see that the newspaper management would let the Government newspaper subscription go. At least, if I were a newspaper manager I would let it go.

However, the problem is not that simple. The Federal agent goes back and reports that we must drop that subscription because newspaper so-and-so is not complying with the letter of the law—in this instance, the FEPC law. What happens then? The Government bureau that was subscribing to the newspaper says, "We have to have that newspaper in order to function. We must keep up with events dealing with our operation. We cannot drop that newspaper." The Federal FEPC agent says, "Well, that sheds a new light on the subject. I will go to the Attorney General and have him draw up a suit, and we will just sue that newspaper. We will declare that it has a monopoly on a commodity or service the Government needs. This being the only source for this commodity or service, the Government, being in the position to have to buy from this newspaper, will have to make this newspaper comply with the letter of the law."

The Federal agent's reasoning is that the Government cannot violate the letter of its own law, so we go where? The newspaper and the Government go to court and the suit is rushed through the Federal judicial courts, as all things pertaining to civil rights are rushed, and they finally wind up in the Supreme Court.

To illustrate my point that cases are rushed through the courts, I believe a suit was brought in the Federal district court in Louisiana in December.

Mr. ELLENDER. That is correct.

Mr. JOHNSTON of South Carolina. It has already been carried up through the other courts and has been tried in the Supreme Court.

Mr. ELLENDER. That is correct. But I may say to the distinguished Senator from South Carolina that a case was brought before the same Court and was argued about a month and a half ago, a case involving different issues altogether. That case is still pending without a decision. I believe the Court should rule upon what the district court decided.

Mr. JOHNSTON of South Carolina. Just to bring out how quickly it is possible to get a civil rights case up and get it tried, I happened to be chairman of the Subcommittee on Improvement of Judicial Machinery in the U.S. Senate. We are studying that problem now.

Senators should hear how they come before me and make complaint that they are 3, 4, and 5 years behind in the court. When one files certain cases now, it takes 3, 4, or 5 years to get it tried. And they want more judges. They want 47 more judges in order to expedite the courtwork, so that the cases can be tried more quickly. Do Senators realize what providing for those 47 new judges will cost? It will be somewhere in the neighborhood of $3 million annually, as long as the judges live—not as long as they act as judges, because some men will have to take their places. Then it is necessary to pay each of those judges $27,500 when he retires, and as long as he is retired.

All of the people that work for him will be retired, and they will be drawing retirement pay.

The new judge on the bench will be drawing pay. All his attachés will be drawing pay at the same time. So it can readily be imagined how $3 million will be mighty little, and that is what it will cost annually, forever in the future, if we put on 47 new judges. Personally, I am not saying that we do not need them, but I am showing how they have used the judges to expedite this kind of cases first. It cannot be denied.

It naturally takes time to read the briefs and study the law in order to make a true interpretation of the law, and I think a few district judges are still doing it. I think that in our Supreme Court one does not have to wait very long. They just let a swarm of clerks write the opinions and decide the kind of cases in which the people are entitled to civil rights, and they sign the order, and out it goes. That is about all the Supreme Court does. Sometimes I think we ought to cut off a whole lot of the attachés over there and these opinion writers for the Supreme Court, and they would probably get along a little better.

We know that they try some of the smallest cases there. I was over there the other day listening to the Supreme Court, and do you know what they were arguing? The authorities had arrested a fellow who came from St. Louis, Mo., on a civil rights matter and had taken him into the magistrate's court and fined him $15. He had raised a constitutional question, and brought the case to the Supreme Court. I would not be much surprised, though, to hear what they decided. I have not read the decision. I did not keep up with the case, but I can imagine what they will decide in that case also. He will get his $15 back.

It is a foregone conclusion what the Supreme Court would rule in a civil rights case. The nine men would rule the newspaper must invoke FEPC—Federal Employment Practices—in its plant whether or not that privately owned newspaper desires it.

Mr. President, such conditions are not far fetched because we have seen less practical cases go up to the Supreme Court and be ruled in such a way. Mr. President, some of the supporters of this legislation argue "Do not let this FEPC provision frighten you because it only applies to people dealing in Government contracts." Mr. President, how many people have stopped to think about what the U.S. Government buys. There is not a commodity manufactured in the United States that is not consumed by the Federal Government in one way or another. Think about that. The Government buys clothing, blankets, and practically every textile goods manufactured in the country. The Government buys automobiles, planes, ships, practically all rubber products, leather goods, and even furniture. There is nothing made in America that is not bought by the Federal Government. I have not been able to find a thing that is made that the Government does not buy. So, in the long run, the application of this law would eventually be levied against every single company in the United States. How far it would be taken and how harshly it would be applied would be left up strictly to the individual bureaucrat running things in Washington. I can say a little more: It would be left to that Bureau that might go into a State to investigate the matter. Think of that.

An unscrupulous, imprudent Federal agent running the FEPC wing of this omnibus civil rights law would be able to break or make individual companies. He can so harass any company that he could make it or break it, if he wanted, declaring that a company is not following the spirit of the law. It could retain contracts from such a company and eventually run it out of business. Mr. President, our soldiers travel on our trains and on our planes and on our ships that are privately owned. These companies have certain employment practices and policies which have been proved over the years to be most economical and practical. I want the Washington Post to print what I am saying tonight, and I want them to tell about the FEPC, and how broad I think the features of this bill are, instead of just saying, "Oh, it is nothing but a little election law."

If this FEPC provision is levied against them under the guise that these are companies engaged in Federal contracts hauling for armed service personnel, then the strict application of this law could cause an unemployment upheaval which could result in the firing of millions of competent, capable people and the forced hiring of untrained, incompetent personnel.

Mr. President, there is no end to the ways and means in which such an FEPC law can be applied. I presume if it is ever passed that it could possibly be forced upon me, the Senator from South Carolina, because I am engaged in a Federal occupation. I do not want anyone to think that I am a Federal Senator because I am South Carolina's Senator representing by State in the U.S. Senate. The day I have to hire people to work in my office that I do not want to hire is the day I think I will go back to South Carolina and recommend to the people of my State that they not send any more representatives to Washington, for freedom will have been lost for some future civilization to find.

Mr. President, those who are striving for this legislation should read the minority views expressed by the distinguished Senator from Alabama who is chairman of the Committee on Labor and Public Welfare, which he filed with the Senate on May 5, 1950, when the Senate was considering a National FEPC act. Every word of this report is certainly applicable to the provision contained in the present legislation under consideration. Everywhere in the report S. 1728 is mentioned, we can simply substitute the words "pending legislation" and the language of the views of Senator HILL would hold true today.

Mr. President, bear in mind that during this Congress there have been no hearings whatsoever on this part of this measure. It is true that in 1950 some hearings were held on a similar FEPC bill.

Mr. President, I hold in my hand the report which the Senator from Alabama [Mr. HILL] submitted on the FEPC law which was proposed in 1950; it is Senate Report No. 1539. I now read from that report—and, Mr. President, let me say that the amendment now proposed, which I have been discussing, also calls for the creation of an FEPC:

> The Declaration of Independence asserts: We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights. That among these are life, liberty, and the pursuit of happiness.
>
> By declaring these rights to be God-given rights, natural and unalienable, the Declaration of Independence asserted that no government of men had bestowed them and no government could enlarge upon them, diminish them, alter them, or take them away.
>
> The first 10 amendments to the Constitution—the Bill of Rights—enumerate certain natural rights which Congress shall not abridge, including in the 1st amendment freedom of religion, freedom of speech, freedom of the press, and freedom of assembly.
>
> The ninth amendment makes clear that other rights than these enumerated do exist and are retained by the people. The 10th amendment expressly limits the powers of the Federal Government to those delegated to it by the Constitution, and reserves all other powers to the States or to the people.
>
> In the face of these clear and explicit provisions of the Constitution, S. 1728 proposes that Congress assume a power it does not possess and in fact is expressly denied. S. 1728 would have Congress declare—that the right to employment without discrimination because of race, color, religion, or national origin is a right of all persons within the jurisdiction of the United States.
>
> And while S. 1728 purports to establish a new civil right, the bill would recklessly destroy the natural rights guaranteed in the Constitution.
>
> The bill violates the first amendment by abridging freedom of speech, freedom of religion, and freedom of association. It violates the fifth amendment by denying an essential liberty of a free people through arbitrary restraints on freedom of association in business, in schools, and in labor organizations; by denying liberty of contract, in attempting to compel employers to hire undesired persons and to deny employment to desired persons; by denying to a minority of those operating private enterprises the same liberty of contract and the same freedom of association which are preserved for the majority, thus violating the constitutional guarantee of "equal protection of the laws" which is implicit in the fifth amendment. It violates the ninth amendment by proposing that Congress usurp rights re-

tained by the people. It violates the 10th amendment because Congress would assume a power reserved to the States. And it violates the 13th amendment by imposing a form of involuntary servitude upon certain groups of employers.

If such a Federal law can be enacted and held constitutional, there is no constitutional protection against laws which first deprive employers of their rights, as is attempted in this bill, then deprive employees of their rights, as is partially attempted in this bill, and finally deprive all persons of their rights—heretofore regarded as permanently preserved and safeguarded by the guaranties of individual liberty set forth in the Constitution of the United States.

Mr. President, I continue to read from the report submitted by the Senator from Alabama [Mr. HILL], from the Committee on Labor and Public Welfare, in May, 1950; the report was on a proposed FEPC law:

The Supreme Court of the United States, the final arbiter of the constitutionality of laws enacted by Congress, through the years has held the line between the Federal powers delegated to Congress and those powers retained by the States and the people.

The Court has ruled uniformly that any power to create a civil right, unless specifically delegated to the United States by the Constitution, has been reserved to the separate States. The Court has been steadfast in its defense of freedom of religion, freedom of opinion, freedom of association, and that greatest of all rights, the right that the late Justice Brandeis called "the right to be let alone."

It is not necessary to dig into the past to find decisions of the Supreme Court which mark out the limitations upon the power of Congress and hold such laws as S. 1728 to be unconstitutional. Recent decisions of the Supreme Court are consistent with earlier decisions. No change of time or condition or circumstance has altered the Court's fundamental concept of the rights of the individual or of the demarcation between Federal and State powers.

The Court has drawn upon the language of earlier judgments to reaffirm its reasoning. In *Hodges* v. *The United States* (203 U.S. 1), the Court quoted and gave new vigor to the following language from Justice Miller's decision in the famous Slaughterhouse cases of 1873:

"With these decisions, and many others that might be cited, before us it is vain to contend that the Federal Constitution secures to a citizen of the United States the right to work at a given occupation or particular calling free from injury, oppression, or interference by individual citizens.

"Even though such right be a natural or inalienable right, the duty of protecting the citizen in the enjoyment of such right, free from individual interference, rests alone with the State."

Mr. ELLENDER. Mr. President, will the Senator from South Carolina yield for a question?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator from South Carolina yield to the Senator from Louisiana for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. ELLENDER. Is the Senator from South Carolina aware of the fact that a few days ago the Senator from New York [Mr. JAVITS] submitted an amendment to the effect that if any person who applied for a job were denied it, and if the contractor involved were manufacturing goods for the Government, the contractor could be sued for damages, with no limitation on the amount of the damages, and all the costs of the suit for damages and also all the attorneys' fees would have to be paid by the taxpayers of the United States.

Yesterday, the Senator said he did not like the idea of having more judges appointed. If an amendment similar to this one were enacted into law, to what extent does the Senator think lawsuits would be filed in the courts and would occupy the attention of the judges?

Mr. JOHNSTON of South Carolina. In my opinion, great numbers of suits would be filed under such a law in the courts of the country; and, in that event, the present delays in the trial of cases would be greatly increased, until the courts would perhaps be 5 or 6 years behind in the trial of cases.

Furthermore, such cases should be tried in the State courts, not in the Federal courts.

Mr. President, I read further from the report submitted by the Senator from Alabama [Mr. HILL] on May 5, 1950:

In the case of *United States* v. *Wheeler* (254 U.S. 281), the Court demonstrated the continuity of its judgment and the steadfastness of its position by turning again to the slaughterhouse decision and quoting:

"It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government."

And in the recent case of *West Virginia Board of Education* v. *Barnette* (319 U.S. 638), the Court declared:

"The very purpose of a bill of rights was to withdraw certain subjects from the vicissitudes of public controversy, to place them beyond the reach of majorities, and officially to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

In *Douglass* v. *City of Jeanette* (319 U.S. 157), the Court, speaking through Justice Jackson, declared:

"In my view the first amendment assures the broadest tolerable exercise of free speech, free press, and free assembly, not merely for religious purposes, but for political, economic, scientific, news, or informational ends as well."

In another recent opinion the Supreme Court has declared—

I am still quoting from Senator HILL's report from the Committee on Labor and Public Welfare.

"But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us."

That is the speaker speaking.

I read further from Senator HILL's report:

There are many opinions of the Supreme Court which might be cited, clearly demonstrating that the proposed act flings itself into the very teeth of the Constitution. A comprehensive and able analysis of S. 984, the fair employment practice bill introduced in the 80th Congress, submitted by Mr. Donald R. Richberg and available from the committee, reveals the unconstitutionality and legislative defects of the present bill. It is enough to quote here one final beautiful passage from an opinion by one of the great liberals of our time, Justice Brandeis. He declared:

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government—the right to be let alone, the most comprehensive of rights and the right most valued by civilized men."

Oh, if they had men like him on the Supreme Court now, we would get along so much better. That is Justice Brandeis speaking.

I continue:

It will be argued, of course, that the power of the Federal Government to regulate interstate and foreign commerce provides a constitutional basis for the proposed law.

They do not do it in this present bill. They go a step further, and they describe commerce as something that takes place in one State, not that goes across State lines. It does not bring in two States, but just one State. It takes away from the State the right of trial in that State and puts it into the Federal court.

I read further:

But civil rights are rights "assured to every member of a well-regulated community." And the word "civil" is defined as "pertaining to the whole body of citizens."

In this light, the bill reveals its inadequacies so quickly as to be guilty almost of indecent exposure.

Section 2(b) undertakes to create a civil right for "all persons within the jurisdiction of the United States." And section 3(b) promptly limits the application of the act to persons "engaged in commerce or in objectives affecting commerce," and to employers employing more than a certain percentage of individuals.

This bill does not do that. It goes farther than the one that Senator Hill is writing about, but it does not make any limitation as to how many people, and it does not have to be between States or out of the State in order for the law to step in and take effect in the Federal courts.

The effort to use the commerce power as the authority for legislation to establish a civil right deserves the condemnation and abrupt dismissal expressed in a dissenting

opinion of the late Justice Holmes when he said: "I should regard calling such a law a regulation of commerce as a mere pretense."

In the same opinion Justice Holmes made this comment on legislation which attempted to reconstruct society:

"I am not concerned with the wisdom of such an attempt, but I believe that Congress was not entrusted by the Constitution with the power to make it and I am deeply persuaded that it has not tried."

It is significant that the States themselves, even though they hold the power to set up in their respective jurisdictions fair employment practice commissions such as that proposed in S. 1728, have been wary of exercising their power. Twelve States have rejected FEPC bills in their legislatures or have seen the bills die because legislative committees refused to take action. All of these 12 States lie outside the South and include Illinois, Arizona, Montana, Minnesota, Nebraska, North Dakota, Utah, Indiana, California, Delaware, Michigan, and Pennsylvania.

S. 1728 is so clearly unconstitutional—

This is a report of the committee on the FEPC bill—

and so destructive of our social and economic way of life that your committee refused to report the bill favorably to the Senate and resorted to the unusual procedure—

When the bill was gotten out of committee in 1950—

of reporting the bill without recommendation. The committee which studied the evidence and weighed the arguments of proponents and opponents could not bring itself to act favorably on the bill. The committee merely rid itself of the bill by dropping the bill, like a foundling, on the Senate's doorstep.

That was in 1950, when the report was written by the committee on the bill.

Let us consider briefly the ways in which this bill would do violence to our American way of life.

Freedom to choose one's associates is a fundamental right reserved to the individual. And an integral part of that right is freedom from compulsion to associate, for forced association is not free.

Mr. President, I have often wondered about the idea of forcing certain persons to associate with other persons when the latter did not want them to. It looks to me as though both sides might have some rights. Those other persons might want to associate with somebody else, and not associate with the first group. I think it should work both ways. I think there is something to be said for individual rights.

Congress has never been delegated any power to interfere with freedom of association—

It is not anywhere in the Constitution—

except where abuse of this freedom results in a violation of the laws which Congress has the power to enact and enforce. Yet under section 5(a) it is made unlawful for an employer—

I am speaking of the bill known as the Dirksen bill now—

to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment because of such individual's race, color, religion, or national origin.

That is what we have in the bill pending before the Senate. Some persons say the bill has nothing to do with anything but election laws, but I point out that there is a great deal more in it. I think the newspapers ought to rewrite their articles, especially the Washington Post and Times Herald, instead of misleading the people. I think they ought to give the people true information.

Mr. President, when a person slanders me, I call him and give him the right to correct his error. I did that today with one, and I am glad to say that the person was very nice about it, and said he was going to correct his error and put it in the paper in the future. I refer to an article published by the Washington Post and Times Herald a few days ago. That person was good enough to correct his error. I think the Washington Post should write an editorial and refer to the fact that section 6 is in the bill before the Senate at the present time, so that the people can read it and see what is contained in the bill and how dangerous it is. That would be giving true information to the readers of the paper, instead of saying that the only proposal under consideration at the present time is that of voting rights.

I continue to read from the report:

This means that an employer cannot freely express by speech or by advertisement the views that other citizens are free to express as to the desirability of hiring or promoting an individual, if he indicates a preference for persons of a particular race, color, religion, or national origin; or if he indicates a preference against persons of a particular race, color, religion, or national origin. Yet if there there is any one subject upon which free men and women have the right to express their opinions, it is upon matters involving race, color, religion, or national origin.

The people of the United States have fought a terrible war with the Japanese, which was begun in treachery and carried on with horrible brutality.

I hope we have not forgotten Pearl Harbor.

It may be that lofty idealism would require that all Americans immediately embrace the Japanese as brothers as soon as they laid down their arms and ceased to torture our friends and relatives. But men and women have feelings, and free men and women can express those feelings. To proclaim by Federal law that no employer can express himself anywhere in speech or print in dislike of association with Japanese without making himself liable to the charge that he has refused to employ Japanese is an outrageous invasion of personal right to which other citizens are not subjected.

The survivors of Dachau and Buchenwald are not expected to maintain equanimity and objectivity regarding their Nazi oppressors. No one regards it as unwarranted for Jews to dislike association with nazified Germans or with other racial or religious groups that have persecuted them.

To millions of people association with their fellow religious believers may be entirely acceptable, regardless of whether they are Catholics or Protestants or Jews, while association with outspoken atheists would be most offensive.

Even if opinions be considered wrong or evil or prejudiced, the right of expression must remain.

That is a right we have, as I see it, under our Constitution.

In the words of the Supreme Court: "In the realm of religious faith and in that of political belief sharp differences arise. In both fields the tenets of one man may seem the rankest error to his neighbor, but the people of this Nation have ordained in the light of history that, in spite of the probability of excesses and abuses, these liberties are in the long view essential to enlightened opinion and right conduct on the part of the citizens of a democracy."

Under our Constitution, it has never been seriously questioned that a man has the right to set himself up in business, to select his own employees on the basis of such qualifications as he might, within his own free and uncontrolled discretion, consider advantageous to the undertaking, and to do all this without hindrance or interference.

Or fear—

This personal freedom of contract is basic to the free-enterprise system and to the whole American concept of individual freedom.

If the Federal Government is going into plants and dictate, as Russia does, then we ought to surpass the FEPC bill.

Yet S. 1728 violates the liberty of contract guaranteed in the Constitution by compelling the making of contracts.

This is the only bill that came from a committee which made a study of the FEPC proposal. That is the reason why I am quoting the committee report.

The far-reaching character of this provision of S. 1728 is given its true perspective when we consider that laws have been enacted governing the form or substance of contracts voluntarily entered into; that laws make illegal certain types of contracts; that the labor laws require collective bargaining as a method of arriving at contracts and affect the scope of contracts. But the right of contract is left free to be exercised between voluntary parties.

I will quote from the Hill report.

Our history of encouragement to the men and women who give employment has been one of the compelling reasons for our unparalleled industrial success which again and again has served our Nation so well in time of need.

I am wondering, if we had had FEPC since the War Between the States, how far we would have progressed. I wonder how far behind we would be compared to where we are at the present time.

Now going back to the report:

Labor organizations would be subject to interference and supervision of thier internal affairs. And the law which tells the employer who his workers shall be today, can be reversed and the worker told who his employer shall be tomorrow—and where and at what wages.

Justice Brandeis has warned: "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. * * * The greatest dangers to liberty lurk in insidious encroachment of men of zeal, well meaning but without understanding."

But under the bill every act of the employer or any of his subordinates in hiring, discharging, promoting, or otherwise regulating conditions of employment is subject to complaint and investigation on the grounds of discrimination.

The employer is subject to a Commission having wide powers of rulemaking, investigation, and the issuance of cease-and-desist orders. But the right of trial by jury is denied and judicial review is provided with a clearly recognized inferential power to punish contempt of court orders.

The inquiries and investigations directed by the act would vex and harass business to the point where orderly plant management and efficient production would be impossible. The small businessman, already overburdened, would encounter new regulations, investigations, hearings, and litigation far beyond his time, his energy, or his finances.

A great many small businessmen have come to me since I have been in the Congress and talked to me about getting contracts with the Government. When I went into details and told them what they would have to do, how many regulations they would be tied up with, how they would have to employ people, and so forth, they would say, "We are just going to leave that alone. We are not going to fool with it." That has happened time and again since I have been in the Senate of the United States.

If S. 1728 becomes law, employment and promotion based on merit would be superseded by governmental decree and the worker would be moved to look with distrust and suspicion on his fellow workers. The worker could not feel secure in his job.

Suppose a plant employs 50 men. Ten of them can be identified with a minority group. If the employer has to lay off eight men would he be likely to discharge any of the 10 men who could claim discrimination—whether it existed or not—who could take the case to the commission and into the courts, causing the employer expense and possible punishment? We know that the natural thing for the employer to do would be to avoid trouble and lay off eight of the average Americans who could not claim discrimination, even if they were better workmen than the employees who belonged to a minority group. We can picture the resulting damage to the efficiency of management and to the morale and productivity of the workers in that plant.

Section 6 of the proposed act provides for rulemaking. We know that the issuance of rules and regulations by a commission is lawmaking by the executive branch under the authority delegated by Congress.

I never thought well of that myself. I think the rules and regulations should be as few as possible. I am a great believer in what Jefferson held—that the least governed are the best governed.

But where Congress so obviously has no power to take the actions proposed in S. 1728, Congress has no power which it can delegate to a rulemaking commission.

And what kind of rules could we expect this commission to prescribe?

If we look at the history of the New York statute we can judge what such a commission would do. Following the precedent in New York it would rule that you cannot mention color or religion in advertising for employees, that you cannot ask for the photograph of an applicant, you cannot ask his birthplace, you cannot ask his original name, you cannot ask what holidays he celebrates. We would see a host of restrictions upon the rights of free speech and free opinion, all under the guise of rule and regulation.

Another aspect of the proposed legislation which has received far too little attention is the fact that if enacted, S. 1728 would be a constant invitation to sabotage. The bill applies to the Federal Government and its instrumentalities as well as to private business. The bill would make it unlawful to discriminate in Federal employment against any job applicant because of his national origin or ancestry. The Atomic Energy Commission, for example, would be precluded by law from asking an applicant any question as to where he was born, whether he is a naturalized or native-born citizen, what his race is, or even what his original name was. It would be unlawful under S. 1728 to request an applicant to produce his naturalization or first papers. Inquiry could not be made as to the racial or religious organizations to which he belongs.

The same situation would prevail in the case of private industry engaged in production for national defense. A company manufacturing the most secret equipment for the armed services would be precluded from securing the very information most likely to throw light upon a job applicant's probable loyalties.

Whether the applicant was loyal or not.

It has long been considered that involuntary servitude is something that can be suffered only by an employee. But involuntary servitude may be of many varieties. A man who accepts obligations to another man is putting himself in the servitude of that man. The law which says that one man can be compelled, on penalty of paying back pay, on penalty of contempt of court, to hire another man whom he does not wish to hire, means that the first man is compelled by law to make a contract to pay the second man wages, to furnish him with tools, to accept obligations under law that the employer accepts voluntarily toward other employees. The employer is forced into a servitude to the employee from a minority group.

S. 1728—

Bear in mind, that was FEPC, and there is an FEPC feature in this bill—

carries within it so many seeds of dissension that it is foredoomed to failure. Its enactment would impair and undermine the very foundations of our economic strength—that strength upon which rests our security and our happiness. Its enactment would inevitably undermine established social patterns based on law and custom. Its enactment would disrupt the progress being made by the States in the area of human relations and would do immeasurable harm to the cause of improved race relations. The attempted administration of the proposed bill would be an incalculable mischief.

In the end the bill would be nullified by concerted violation, repealed by an indignant Congress, or stricken down as unconstitutional by the Supreme Court.

LISTER HILL.

Mr. President, I think at this point it is necessary for us to fully understand the provisions of this legislation, that we just read that section of the proposed legislation being pushed by the Senator from Illinois and others. The language of the bill provides for a new section which reads:

There is hereby created a commission to be known as the Commission on Equal Job Opportunity Under Government Contracts, hereinafter referred to as the Commission.

As I have pointed out before the innocent reference to "under Government contracts" would make one believe that the scope of this law would be small in nature.

By the way, I call attention to the fact that "commerce" has been defined. It is not necessary to cross State lines. Anything which is done within a State is all that is necessary to be included in the bill; or commerce between one State and another State. It covers the whole field of the United States—every county, every village, every city—everything. It is not as we usually consider commerce when we speak from the Federal standpoint, commerce which is carried from one State to another State or from one State to another country, or between the Federal Government and some other country. "Commerce" is not so defined in the bill, but it is broken down, and it is said that it can be commerce within one county, one city, one State, or between States.

To the contrary, the Federal Government is engaged in contracts which reach into every city of our Nation and touch every industry, if not every individual, engaged in the manufacture and production of anything. Because our farmers are engaged in doing business with the Federal Government through our multiplicity of farm programs, the farmers of our country would be affected. I can see the Federal FEPC agents swooping down on some farmer in South Carolina and saying, "You haven't hired any white people on your plantation; you've got to let some of these colored people go and put some white people in their place; if you don't, we will cancel all our contracts, and you won't have any tobacco allotment next year, and we won't put any of your cotton in Government storage."

Or it could be wheat. Wheat is the commodity of which the Government has the greatest amount in storage now. This administration has about 10 times as much wheat in storage as was in storage when the Democrats turned the administration over to the Republicans. The Government today is paying millions of dollars for that storage because of the ridiculous way in which Secretary Benson has handled the farm surplus problem in the United States. He has gotten us into this mess.

I was interested the other day to see in a Republican magazine, the U.S. News & World Report, a little box article which told why Ike wants something done about the problem. Then it gave the amount of wheat in storage on July 1, 1952, and the amount in storage today. The amount in storage today is about eight times the amount in storage in 1952. So it can readily be seen that we should be concerned about the surplus wheat. So the farmer would either have to comply with the measure or go on relief along with all his employees who would be out of work if he quit operating.

Let us look at the next paragraph of the proposed law which reads:

The Commission shall consist of 15 members appointed by and serving at the pleasure of the President. The chairman and vice chairman shall be designated by the President.

This section appoints 15 people on this Commission "serving at the pleasure of the President." It goes on and says arbitrarily that the chairman and vice chairman shall be designated by the President. Here we have a Federal law providing equal job opportunities, which has no provision for the equal job opportunity provision to be applied in the employment of the commissioners themselves. In fact, the law is discriminatory, because in the very next section which I shall read it provides commissioners who are not officials or employees of the United States shall receive $50 a day

plus travel subsistence and other expenses incurred, but makes no provision for the Federal Government employee who may be on the Commission. This section of the bill reads as follows:

Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

It cares for part of them, but it does not care for the others—or perhaps I might investigate some job opportunity cases down at Miami Beach. What a grand time these commissioners are going to have. We are going to reimburse all expenses incurred by them and hold hearings anywhere and any time they may think it necessary.

Mr. President, even we Senators do not get all our expenses paid; we are allowed a couple of trips down home and actual expenses while engaged on some committee work, but I will tell the whole world that I lose hundreds of dollars every year carrying out my duties as U.S. Senator. If we are going to have one of these FEPC commissions then I think the President should appoint these patriotic souls who drive so hard for this legislation and they should be willing to serve free of charge. To say the least, I am astonished that the provision for appointment of these commissioners does not provide that the 15 members be made up of one citizen of every national origin, race, color, and creed that we can find in America. A prejudiced President could appoint a prejudiced commission which could conduct its business in a prejudicial manner and then what would we have? We would have, not a commission exercising justice, but we would have a commission established for the purpose of expanding discrimination by means of a Federal law.

Mr. President, the next part of this bill reads like this:

Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

Mr. President, what are the provisions of sections 281, 283, and so forth? I think the Senate should know what we are voting on so I think I will read into the RECORD at this point these sections cited:

TITLE 18 UNITED STATES CODE

Chapter 15—Claims and services in matters affecting Government

281. Compensation to Members of Congress, officers and others in matters affecting the Government.

Whoever, being a Member of or Delegate to Congress, or a Resident Commissioner, either before or after he has qualified, or the head of a department, or other officer or employee of the United States or any department or agency thereof, directly or indirectly receives or agrees to receive, any compensation for any services rendered or to be rendered—he can get all he wants—nothing can be done with him, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter in which the United States is a party or directly or indirectly interested, before any department, agency, court martial, officer, or any civil, military, or naval commission, shall be fined not more than $10,000 or imprisoned not more than 2 years, or both: and shall be incapable of holding any office of honor, trust, or profit under the United States.

Retired officers of the Armed Forces of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status. We have a President there too. It lets them all out, all the retired military men.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by act of Congress.

They let them all out, although they are dealing with them in the contracts and otherwise in the United States. It can be seen what a dangerous position they are put in, but, for some reason, that is all they are going to exclude from under this section of the code, 281.

They let them out of 283. Let us see what that is.

283. Officers or employees interested in claims against the Government.

Whoever, being an officer or employee of the United States or any department or agency thereof, or of the Senate or House of Representatives, acts as an agent or attorney for prosecuting any claim against the United States, or aids or assists in the prosecution or support of any such claim otherwise than in the proper discharge of his official duties, or receives any gratuity, or any share of or interest in any such claim in consideration of assistance in the prosecution of such claim, shall be fined not more than $10,000 or imprisoned not more than 1 year, or both.

Retired officers of the Armed Forces of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section. Nothing herein shall be construed to allow any such retired officer within 2 years next after his retirement to act as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States involving the department in whose service he holds a retired status, or to allow any such retired officer to act as agent or attorney for prosecuting or assisting in the prosecuting of any claim against the United States involving any subject matter with which he was directly connected while he was in an active-duty status.

This section shall not apply to any person because of his membership in the National Guard of the District of Columbia nor to any person specially excepted by enactment of Congress.

It can be seen they are letting them out. Anyone who falls under this they except.

I turn to section 284:

284. Disqualifications of former officers and employees in matters connected with former duties.

Whoever, having been employed in any agency of the United States, including commissioned officers assigned to duty in such agency, within 2 years after the time when such employment or service has ceased, prosecutes or acts as counsel, attorney, or agent for prosecuting, any claims against the United States involving any subject matter directly connected with which such person was so employed or performed duty, shall be fined not more than $10,000 or imprisoned not more than 1 year, or both.

Although one had been dealing with a big company for discriminating against some people, he can go and represent them, if he wants to, or he can resign and immediately go and represent them again, and receive a big, fat attorney fee, and it can be imagined how much influence he would have if he had been a commissioner.

Very few people have such exclusive rights.

I am not saying that all of these persons would be crooks, but there are crooks in every kind of activity, and I believe some could be appointed to this group. At any rate, the commissioners would be greatly tempted due to the exclusion from prosecution under this provision.

434. Interested persons acting as Government agents.

Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or association, or of any firm or partnership, or other business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such business entity, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

They are letting that one out, too. That is another one that they are exempting them from.

1914. Salary of Government officials and employees payable only by United States.

They let them out of this, too.

Whoever, being a Government official or employee, receives any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether a person, association, or corporation, makes any contribution to, or in any way supplements the salary of, any Government official or employee for the services performed by him for the Government of the United States shall be fined not more than $1,000 or imprisoned not more than six months, or both.

Mr. President, the statutes I have read just now are very necessary to our Government. These statutes were enacted to prevent graft and corruption from wrecking our Government, and to protect the Government from fraud.

However, Mr. President, section 6(b)(3)—which commonly is known as the Dirksen amendment, which now is pending, and which we are discussing at the present time—of Senate bill 3001 seeks to absolve members of this Commission from liability under these statutes. This Commission would be established by the legislative branch of the U.S. Government, and would be directly answerable to the President and the legislative branch, under the terms of this provision. Yet its members would not in effect be Government employees unless they were Government employees before their appointment. The fact that the

taxpayers would be paying the members' salaries, through Government payrolls, evidently would not result in making these members Government employees.

Mr. President, a member of this Commission could act as a representative of the Government, and he could also act as a representative of a private corporation, and would receive payments from both, to the detriment of the U.S. Government; and under the terms of this FEPC provision he would not be liable in any way to the Government. This would allow him to defraud the Government and the taxpayers. How can any Member of this body vote for such a provision?

I, for one, will protect my constituents to the extent of doing all within my power to prevent this proposed legislation from passing. I do not know how long I can talk, but I can talk for a good, long time.

This bill contains a provision that "the Commission shall make investigations, studies, and surveys, and shall conduct such hearings as may be necessary or appropriate in the discharge of its duties under this section."

Mr. President, how broad the language is in this part. I can see these 15 Commissioners setting up subcommittees and holding hearings all over the 50 States. I believe I would like to get on that Commission, if it is created, because I can now see myself traveling to Hawaii, to investigate some job opportunity case; and, of course, I want to stay at the finest hotel in Honolulu, and to loll a little while on the beautiful beaches of Hawaii; or I can see myself going to Florida, to make a similar investigation, and then going to Miami Beach, and spending a considerable length of time there.

Mr. President, the next section is a ridiculous statement of policy for the Federal Government to adopt. This section says that in order to implement the policy of the U.S. Government to eliminate discrimination because of race, creed, color, or national origin, the Commission shall make recommendations to the President "and to Government contracting agencies."

Mr. President, the Commission would also be given powers to assist in the preparation of contract provisions, to help eleminate so-called job discrimination. You see, Mr. President, under those provisions, the Commission could fix things up with the agency with which the contractor was doing business; and, no doubt, then the contractor would be told, "Just employ me as your attorney, and pay me a big, fat fee, and I will fix things very nicely for you, so as to make it easy for you to get by with all this discrimination, and you will not be bothered at all by the Commission or by all these laws. So just employ me as your attorney."

Mr. President, for the life of me, I cannot understand why all this proposed new law is necessary. Furthermore, I do not believe it would ever work. It would be absolutely impossible for the Commission to track down every little detailed charge of discrimination that might be hurled against someone who had a Government contract.

Mr. President, I happen to be chairman of the Senate Committee on Post Office and Civil Service. I know something about the complaints made by civil service employees who say they have been discriminated against. At the present time, no law similar to the one now proposed is on the statute books; but if such a law were on the statute books, I suppose our committee would have twice as much work to do in connection with the salaries of postal employees and other civil service workers, and I can imagine that a great many more charges of discrimination would be brought before our committee. So we can easily see how the committee's work would pile up and increase because of the great numbers of charges of discrimination.

In addition, I presume that when a subcontractor contracted for work under an original contractor, the subcontractor, too, would be made to apply the equal-job-opportunity provisions contained in the original contract. I do not see how 15 Commissioners could possibly keep up with all the work involved in disposing of such problems in connection with all the construction jobs, all the jobs involved in the contracting for military planes, ships, tanks, guns, and the other implements of war, plus all those involved in the road construction work in which the Government is involved, the dredging of harbors and rivers, the construction of multipurpose dams, and the millions of other contracts into which the Government enters.

You know what would happen, Mr. President: The Commissioners would get so bogged down in so many cases, that the Commissioners would hire a whole lot of employees, and then they would start having bureaus within the Commission, something like the Agriculture Department does; and they would have a chief of this Division, and a second chief, and a chief clerk; and they would have secretaries and hordes of agents.

You know, Mr. President, in the last few years in many of the Government agencies a secretary would be employed—and then a secretary to the secretary, and then a secretary to that secretary, and then a secretary to that secretary, and then a secretary to that secretary, and then a secretary to that secretary—and on and on and on. That is about the way our Government is being run at this time. If anyone has any doubt about it, let him go over to the "little" building that is called the Pentagon, and find out whether what I have said is not so.

There are about 6,000 FBI agents to take care of the security of our Nation, from an internal standpoint; but I predict it would require 10 times that many agents in order to carry out the provisions of this ridiculous, but highly dangerous legislation.

Then there is the scandal aspect. Let us consider a hypothetical case. Suppose the manager of a plant were charged with having violated the provisions of the Federal Employment Practices Act. First, the Commission would get a complaint, and would go through hearings and whatnot, and would send an agent to see the manager of the plant. They would go over the situation, and the manager would point out that it would cost him the difference between breaking even and making a profit in his operation, in order to comply with the law. The agent would say to the manager: "How much does that amount to?"

After all, Mr. President, people will be people; and there are all kinds in the world.

The manager would reply: "On this particular contract, around $40,000."

Of course, that is not very much, in terms of the billions of dollars the Government has been spending.

The agent would say: "Well, nobody is going to come in here, behind me. I will go back to Washington, and report that you are complying with the law now. All you will have to do, Mr. Manager, is comply a little bit, and then it won't cost you but a little bit. Of course, that might endanger my job, so I would, naturally, expect you to provide for my security in case something happens."

That sort of thing has happened, of course.

The plant manager, after deciding that the cheapest way would be the best, would give the agent a gratuity fee—probably around 10 percent of the saving. That sort of situation would rock along, off and on, for a few years; and then, one day, some manager would burst it open, and we would have a great series of investigations that probably would cost the taxpayers one hundred million dollars before they were over. Then we would discover that the FEPC, through its agents, had caused the cost of Government contracts to skyrocket, as a result of all that nagging and crookedness; and there would be another tremendous scandal.

Mr. President, now I am not indicting all the people that contract with the Government, nor am I indicting the people who accept contracts for the Government. I am merely explaining a hypothetical situation that could easily develop under the terms of such a broad, generally worded law.

Mr. President, I have not quoted this whole section and so at this point I would like to read into the RECORD this part of the bill:

> To implement the policy of the U.S. Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

Mr. President, the next section of this bill says:

> The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

Mr. President, this is practically giving the FEPC dictatorial powers over all other Government agencies which do

any contracting business. Now, supposing the Defense Department, to get at a vital function of our Government, want to let a contract to a firm in the South for construction of some priority defense item. This plant, which has followed the natural customs and habits of the people, does not integrate. The Defense Department presses to let the contract with this firm because it is the only firm that is capable of carrying out the provisions of the contract. But if we establish this FEPC, the Commissioners would be able to tell the Defense Department that it cannot let such a vital contract to the southern firm because the southern firm cannot comply with the so-called equal opportunity provisions.

I do not have to go very far to give you something along that line. When the Government had tents made for the Army during the war, most of the work was done by the duck mills in the South. Very few colored people worked on it. They did not know how. No person without experience can do it. It does not matter how smart he is. It takes years to make a good weaver. But the Government and the Commissioners do not know anything about working in a cotton mill. They would just make you provide so many colored employees, and I can imagine what a mixed-up mess you would have in that way.

How stupid are we Americans? If Communists were to get onto this Commission they, working with outside Communists, would be able to tie up every contract the Defense Department wants to let. Furthermore, they would be able to read contracts and obtain secret information which has no business being in the hands of busybody, do-gooders; and that is what members of this Commission would be because no one but a do-good busybody would accept the position.

Mr. President, there is no end to the ridiculous situations that our country could be placed in if we enact this legislation. The entire function of our Government could be tied up in any single field.

Mr. President, let us look at the section dealing with so-called furtherance of educational programs. This section reads as follows:

> The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

Mr. President, here again we have the FEPC charged with the duty of forcing employers, working people, civic leaders, school people, religious sects, and other nongovernmental groups to eliminate discrimination in employment.

In other words, they are fooling around where they have no business, trying to tell people what to do, and stirring up enmity and fear and hard feelings between the races.

Mr. President, there is nothing more personal and sacred to the individual than his religion.

We have freedom of religion under the Constitution, thank the Lord.

If we ever once start trying to tell religious groups what they should believe and what they should practice in the employment field or any other field, then the division of state and church will be lost forever. The Founding Fathers of this country declared time and time again that religion and state must be separated and remain separated for so long as this country shall live. If we ever mix religion and our Government together, we will never be able to split them asunder. The Government has no business working with religious groups for anything except to continue to guarantee every single individual in this country absolute religious freedom. The provisions of this bill would enable an FEPC agent to come in and coerce and browbeat people of various religious faiths and ideals about which these people may not think alike.

Looking at the educational aspect of this same provision, I shudder to think of what reams of propaganda the FEPC Commissioners will turn out to the young impressionable minds of our children. The school system of our Nation has been tampered with enough. It is bad enough to have the Supreme Court decide, as it did in 1954, that we people in South Carolina, who pay for our own schools, who support these schools, who created these schools, must turn them over lock, stock, and barrel, so to speak, to the knowing-all Federal Government. We might as well have turned them over to the Federal Government the day they said we must integrate, because they are really no longer ours if we cannot operate them as we see fit. So I should think any thinking Senator would oppose this bill on this basis, if nothing else.

Bear in mind, Mr. President, that the Supreme Court of the United States, even during Reconstruction days, and all down through the remaining part of that century, and on through the first half of the next century, and until 1954, held what? That the only condition that was necessary was to see to it that each race was given equal opportunity to attend schools with equal facilities. But the Supreme Court—the know-all Supreme Court that we now have—set aside all those decisions, not one, but some 90-odd decisions, of the Supreme Court on that question, and said, "No, that is not right. All the Supreme Court Judges in the past did not know what they were talking about. They did not know the law. We know the law. We will write a new law. We will not do what the Supreme Court has done in the past, and be guided by the precedents, but we will make our own precedents and reverse all the decisions of the Supreme Court in the past."

South Carolina has spent $100 million in floating a bond issue, and it is still paying today. The people are paying back that indebtedness with a sales tax, in order to provide proper facilities in accordance with the Supreme Court ruling in the Texas case. We no more than got the bond issue floated, and the building contracted for and under way than the Supreme Court, with its power, turned down and reversed all the decisions of almost 100 years, and said, "No. The Supreme Court in all these decisions did not know what it was talking about. We are the wise boys." The nine old men on the Supreme Court reversed all those decisions and wrote a new opinion, which cost my State $100 million. The Supreme Court said, "No. All the schools must be integrated."

How are we going to integrate them now, when the buildings are already constructed, separately, when we have a bus system to carry colored children to their schools? In my State they are transported the same way as the white children. The colored teachers are paid the same as the white teachers in my State. Then, just because the Supreme Court makes this ruling, we are told the schools must be integrated at this particular time.

That is another section of the bill, but it is just one section.

I resume my statement.

What would they teach in schools to help these children become unconscious of the differences between people? How would they go about such a program? I contend it is physically, mentally, religiously, and governmentally impossible to make people unconscious of their differences and to make people hire people who are not in tune with their thinking and beliefs.

If, for example, I were running a religious publishing house, I certainly would not want to hire an atheist as one of my proofreaders or one of my writers.

Mr. President, I happen to have been a proofreader. I worked my way through college by proofreading at night.

If I were engaged in running a Roman Catholic parochial school, I certainly would not want to have to hire a non-Catholic to teach Catholic children. I think the same holds true for any such religious group of people. Here again is an area for the Federal Government to come tampering with the freedom of religion.

Mr. President, if there should be freedom in anything, I think it should be in the right of freedom of religion, the right to worship God according to our own dictates.

Mr. President, let us look at the language where it mentions employers and labor. What could the Commission do in the labor-management field regarding the employment of persons that an employer does not wish to hire? Employers and labor have enough liaison set up by the Federal and local governments without adding anything to the list.

They have enough pestering as it is at the present time. Such questions as who will accept employment and why, or who will give or deny employment are matters left to be ironed out between management and labor, and not something for a new Federal Bureau to supervise and meddle with. That proposal is in this bill.

The Federal Government, becoming a third part in the delicate matter of employee-employer relations will be like an in-law come to roost with a newly married couple. The only thing that will be brewed by such a concoction will be trouble, more trouble, and more trouble.

An odd thing about this all is that the Civil Rights Commission that was created in 1957 was charged, among

other things, to help promote racial tolerance, understanding, and such things. If we are going to create a new Civil Rights Commission, which this bill does, then we should first abolish the old Commission. We do not need them all.

This whole piece of legislation is a Civil Rights Commission bill. If we pass such legislation we are going to have Commission on top of Commission, dragging our citizens all over this land to hearings and meetings and pressuring them with reams of literature at the expense of the already overburdened taxpayers.

Mr. President, this whole bill violates a basic constitutional right "to enjoy life, liberty, and the pursuit of happiness." No one can enjoy life, liberty, and the pursuit of happiness with a 15-member FEPC breathing down their neck night and day as they go about their business. If such a proposal were made in the writing of the Constitution in Philadelphia the Constitutional Convention would have broken up and we would have never become free men. Such a provision as is now before us would have made King George's Stamp Act look like peanuts. This is a most wide-sweeping Federal agency ever proposed to the U.S. Congress. It has more snooping powers than the Internal Revenue Service and can do more damage to our Nation than all the efforts of the underground Communist Party.

Let us look at the next section which says:

> The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section. The Commission may employ such personnel as may be required for the effective performance of its duties.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. FULBRIGHT. The Senator said, I believe, that this bill provides for an FEPC and a new Civil Rights Commission. The newspaper accounts of the bill are to the effect that it is only a voting rights bill.

Does the Senator think that is an accurate and honest presentation of what the bill really provides?

Mr. JOHNSTON of South Carolina. I am glad the Senator brought that up. I said earlier in my speech that I thought a half truth was worse than a lie. The newspapers have been stating that it is nothing but a voting bill. The editorials have been to that effect. I defy them to take this bill, take these sections that I am reading, write them on the editorial page and then try to fool the people. They cannot do it.

Mr. FULBRIGHT. Will the Senator yield for a further question?

Mr. JOHNSTON of South Carolina. I yield. All of this is with the understanding that I do not lose the floor and that it will not be counted as an additional speech.

Mr. FULBRIGHT. I am only asking the Senator if he will yield for a question. I am not asking permission to make a statement.

Is not one of the great problems in dealing with this kind of legislation the inability to have the true issues presented to the American people?

Mr. JOHNSTON of South Carolina. That is true, and that is one reason we subsidize the newspapers of America. It might be news to some people that that is the reason we have such a big deficit in the Post Office Department. Every newspaper in every county where it is published in the United States is delivered to every boxholder out in the rural districts without any charge at all. The Government pays for it. I do not see why we are not given the facts. I am not making any threats, but the next time we have hearings and that subject comes before my committee, those things may be brought up and discussed, to be looked into thoroughly to determine whether or not we should continue to pay a subsidy.

The newspapers are so subsidized that they do not pay one-fourth of the costs of delivering newspapers and magazines in the United States.

Mr. FULBRIGHT. If the Senator will yield further, is it not a fact that the provision in the Constitution protecting the freedom of the press is based upon the assumption that the press would discharge its function in the free economy by presenting the facts, which are of great importance, in an impartial manner?

Mr. JOHNSTON of South Carolina. I agree with the Senator that the main reason we are subsidizing today, and why they have always been subsidized, is that Congress wanted the public at large, all the individuals in this Nation of ours, to know what is going on in the Government, and to know the facts as to what is going on in the world. For that reason, the magazines and newspapers have been treated preferentially, so to speak, in regard to rates.

Mr. FULBRIGHT. If the Senator will yield further, not only are they treated preferentially in regard to rates, but they are given certain immunities from interference by the Government in many respects, such as protection for their news sources, and so on, which other people do not enjoy; is that not correct?

Mr. JOHNSTON of South Carolina. That is true. We have given them a great deal of protection. We did it in order to get them to cooperate and work with us in order to spread the truth to the people. When they give the people half-truths, it is wrong. I hope they will print this bill in their newspapers, and also print some of the amendments, which go so far as to take a man's life, after a trial in the Federal courts.

It is not a matter of trial in one State or another, but the right to trial would be taken away from the State and given to the Federal Government. Upon conviction by a jury, there could be a death sentence. We are not told about that in the bill, either—

> The Commission shall render to the President annual reports for transmission to the Congress. * * * There are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section.

I am reading from the proposal that we are discussing, the Dirksen amendment.

I say to those sponsoring the bill that I doubt that South Carolina would ever allow the Commission, if created, to establish relations with that State.

We have been keeping the other Commission out of that State for a long while.

I think I know some other States that would act similarly.

There is a great deal of redundancy in this legislation; for example, the first part of this section provides for the Commission to set up relationships with State and local governments as well as with nongovernmental bodies. If we look back to the previous section we see where the Commission is authorized to set up all these programs with nongovernmental groups. Why is the bill written so as to set up one relationship group in one section and provide for the same thing in the second section? I think somebody just wanted to make sure he would get a job when this thing was set up. This outfit, under the terms of the legislation, will have agents, secretaries, personnel, liaison officers, liaison organizations, and other types of personnel coming out of its ears. That is what the bill provides.

The relationship between an FEPC and local governments will certainly become strained to say the least.

So strained that I doubt whether they will have any in South Carolina.

And what, may I ask, will happen when the Federal FEPC goes to work with the New York FEPC? I wonder what the FEPC Commissioner from Washington will say to the FEPC Commissioner from New York? Will they coordinate their activities or will they clash when their policies differ?

That is a question which we will have to look into. Two Commissions will be set up, both of them in the field of civil rights.

If people wanted civil rights commissions and FEPC, I think the level at which to create them is at the State level. New York wants an FEPC and has one; South Carolina does not want an FEPC and we have none. This is the way a Government should be operated; if one State wants something let it have it, if another State does not want something, the rest of the country should not force them to have it.

As will be recalled, earlier tonight, I read the number of States which had rejected Commissions. Are we to force them to have Commissions now, after their legislatures have voted against them, and regardless of whether they want Commissions or not?

It would be as ridiculous for the building codes of the city of Miami which are the strongest in the world in order to withstand hurricanes, to be applied against some city in the Midwest that has never seen a hurricane, as it would be to try to make the FEPC laws of New York work in South Carolina. The needs of each section of the country in every facet of life are different from the needs

of other sections. Our agriculture program has a formula for corn producers, a different formula for wheat producers, a different formula for cotton producers, and no formula for certain producers. It is that simple as to how FEPC should be practiced. Let those who want FEPC create it for themselves in their own States, but let other States alone who are getting along without one.

I cannot resist speaking about agriculture. I am the ranking Democratic member of the Committee on Agriculture and Forestry. Many agricultural bills have been vetoed by the President. I thought it would be good when we did something for the wheat, corn, cotton, and oat farmers. But it makes me sick to realize that the President of the United States has cost the farmers and other taxpayers billions of dollars. He has built up an enormous surplus of farm commodities by his activities. When we have passed agricultural bills, he has vetoed them and said that we would have to do certain things, and that was all we could do for the farmers.

Today, the wheat growers of the United States have wheat running out of their ears, noses, and mouths. We do not know what to do with all the wheat. The truth of the matter is that today the United States has a wheat surplus eight times larger than it had on July 1, 1952. The Government probably will have to pay for all of it. The Government is paying storage costs on it now. It makes me sick to think of it.

Then the Government comes along with all its other buildup. Remember, the farmers will have to pay their share of the cost. Somebody will have to pay it.

I have not seen anything in the civil rights measure which relates to foreign aid. If the people overseas who get our money need employees, they can hire whom they please and spend our money in any way they choose. That is what is ruining this country.

Consider how the debt ceiling has been increasing every year or two. Do Senators know why it has been increasing every year or two? If we make a study of it, we see that it has been increasing in the same amount as we have given money away. When we did not have enough, we borrowed it. We have borrowed billions of dollars in the past 10 years. It will be found that in the 8 years of this Republican administration our debt has increased by $30 billion. We give on an average about $3 billion or $4 billion for oversea programs. If we do not have the money, we go out and borrow it and then give it away.

Now we are beginning to realize what has happened. Some Members of the Senate and House are getting ready to cut back a little on foreign aid, but not Eisenhower. He has made trips to practically all the countries on the globe. Everywhere he went he played Santa Claus.

He has been telling the people of foreign nations, "I want to give you a little more money." God knows where we are going.

We have not been giving the countries of South America quite so much as we have given to other countries. So we have noticed that in some of the countries of South America the President was not treated quite so nice as he was treated in other countries of the world.

The only way he could pacify the people of the South American countries was to say, "Remember, I am going back to make certain that you will get more money. I will see to it that you get more money." Everywhere he went he promised the people something. I do not understand why more people did not come out to see him. Whenever there is a Santa Claus parade, the people crowd out to see Santa Claus, and the President has been playing Santa Claus in the South American countries.

I would like to look at the employment situation within the Commission itself as proposed in the pending legislation. This bill provides that the Commission can hire anyone it needs to with practically no strings attached. There is no provision in the bill to say that the Commission cannot be prejudice in its selection of personnel. I will guarantee you the Commission will be prejudiced in its selection of employees. The Commission will never hire someone who is a pronounced segregationist. I guarantee that.

The Commission is charged with the duty of promoting integration and thereby it is prejudiced before it is even conceived or created, or both. There is utterly no consideration given to fair engagement of employees for the Commission. I dare say the Commissioners will more than likely study intensively the religious, civic, educational, and general philosophical background of each employee it hires. I can imagine some of the ones they will hire, too. It would not dare hire someone on the basis of name, plain ability, and with complete disregard for the man's political beliefs.

The bill is prejudiced in the very way it is drafted for it does not say the Commission shall hire employees in accordance with the provisions of the Commission's objectives. It simply gives the Commission power to employ such personnel as may be required. I should think the bill would insist the President appoint the Commissioners in an unprejudiced way and that the Commissioners would be charged with hiring its employees in an unprejudiced way.

I am disappointed that the drafters of this bill throughout its entirety have not mentioned sex whatsoever. In my opinion, there is more prejudice against the sex of a person when being considered for employment than there has ever been for racial or religious reasons.

If the distinguished minority and majority leaders of the Senate are so "hepped up" on giving everybody in the world fair, unprejudiced treatment, I wonder why it is they do not propose to change the system in the Senate cloakroom and start hiring some fair young maidens as pages.

Why have we not girl pages here? We have little boys sitting around here but no girls. That is mistreating the sex. It is unfair to the sex, not to employ some girl pages. We have a woman here as a Senator. We have no girl pages at all. [Laughter.]

Could it be that there is a logical reason behind this prejudice, or has the Senate all these years been simply mean to the womanhood of America?

I believe I am the first Senator to mention this. So if we ever get any girl pages, let is be said that Senator JOHNSTON of South Carolina rose on the floor of the Senate and called the subject to the attention of the Senate and asked the Senators to be fair with the sex of this Nation.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. CASE of South Dakota. Does the Senator have a girl page under his patronage?

Mr. JOHNSTON of South Carolina. No; I do not have any at all.

Mr. CASE of South Dakota. If the Senator were to ask for that patronage, would the Senator name a girl for his page?

Mr. JOHNSTON of South Carolina. I do not know whether I would or not. As is well known, under the patronage system of the Senate, a Senator is given so much, and I have had mine for several years, practically the same ones. They are rationed out in accordance with pay. I think that is well known.

Mr. CASE of South Dakota. Of course the Senator of South Dakota is only a new Member. He knows very little about patronage after 6 weeks in the Senate.

Mr. JOHNSTON of South Carolina. Yes; Senators get some. We all get a little more. I think it is disgraceful, with all the money that we are spending, that we do not even do something about the boys we have. We do not even have a dormitory for them to stay in. They are brought up here and they are turned loose, and it is disgraceful. I have introduced a bill, but nothing has been done with it. We ought to do something about that situation and protect the young men that are here to serve us on the Senate floor. I am glad the subject of pages, both girls and boys, has been brought up.

Mr. President, the prejudice against women is much more obvious than prejudice in other discriminations in the employment of people. I do not believe we have ever had women to enroll at Annapolis, West Point, or the Air Force Academy.

I plead with the great liberal Senators from Illinois and from New York on both sides of the aisle to come forth and break down this barrier to the Academies. I am in favor of starting something in that field also. Whether they want them or not, I think in the next Legislature there will be a girl sent over to the War Department and I know they are going to have a fit when that happens. I can imagine what word we will get over the phone: "This is a school for boys" is about the remark we will see from West Point and Annapolis. If we are going to have women in the Army we ought to have a school for them. I do not necessarily say we should send them to West Point or Annapolis, but we ought to have a school for their training. Let us treat them as we treat the boys.

I wonder what repercussions would thunder across this Nation if a woman were appointed by some Senator to enroll at one of the Academies and she was turned away by the administrative officers of the Academies. Would the great liberal Senators in this body rise up in indignation and introduce a bill for the civil rights of women to establish a commission to eliminate all prejudices between the sexes? If great mass demonstrations were held by women all over the country demanding that women be appointed to the Military Academies would the great liberals of the Senate support legislation such as we have here before us except dealing with the rights of women?

Mr. President, the Commission is also given the routine duty of rendering to the President annual reports for transmission to Congress. Normally such authority given to a Federal agency is used for the vital purpose of keeping the President abreast of the facts. Quite frankly, Mr. President, I do not see how this meager 15-man Commission will be able to attend to its busybodiness and still have time to make up a report for the President. So, in order to save money, I would suggest elimination of this report because the President would not have time to read it anyway.

We are in debt, and going more in debt every year. We have not balanced the budget for many years now. I want to mention something about the balancing of the budget this year. In order to balance the budget, the administration went along with appropriation bills, and proposed to add some $550 million in taxes at the expense of the Post Office Department.

The bills were not even passed, and I predict they will not be passed. It was hoped thereby to get enough to balance the budget, and have $100 or $200 million left over. It was hoped to get $550 million in increased taxes from stamps.

Consider the other things we must do this year. We must build a few dams throughout the United States. They are going to be beneficial to this Nation. The President may veto the bill. I hope we override the veto, but we must progress with time. He has been spending a great deal in other fields, and he will not even tell us where he is spending it. Perhaps much of it is being spent under the table. About 70 percent of it is so spent. I would like to have someone tell me where every dollar goes that is sent over to the Pentagon—not only dollars, but billions—but nobody can tell me where it goes. But those are military appropriations, that is, and they must be a dark secret. Nobody can tell us anything about them, although the Constitution of the United States put the burden upon the Congress of the United States to appropriate, and it was not intended that we should appropriate without knowing what we are appropriating for.

Quite naturally, the taxpayers of this country who cannot even pay their bills and taxes already are asked to support this heinous monstrosity. How much will it cost to keep feeding this ogre once it is created? No one knows, Mr. President. They simply stick in a section saying that "there is hereby appropriated an amount necessary" to set up the commission and carry out its function.

One can see what the newspapers have been saying. It is said that this is only a simple little bill to regulate matters so that certain people will not be discriminated against when they endeavor to register and vote. That is what the newspapers are saying. However, that is not true. The truth of the matter is that the voting section is the least objectionable part of the bill. If it were not for one thing, I would not be opposed to it. If the State of South Carolina were doing it, I would have no objection. However, I believe that the Constitution of the United States gives to each State the right to set the qualifications of its electors, the people who wish to register and vote. I believe that is a State matter, not a Federal matter. For that reason I have contended that the Federal Government should stay out of that field. For that reason I am against that section also.

People have been talking for a long time about the poll tax. A great many poll tax bills have been introduced. We were told that we could not require people to pay a poll tax; that a State could not charge a dollar to people who wanted to register to vote. At the present time only five States in the country have a poll tax as a prerequisite for voting. My State does not have a poll tax. We abolished it in 1948. However, we fought Federal intervention in State poll tax matters.

The same thing is true of elections. The colored people in South Carolina vote. Testimony before the Commission showed that 160,000 colored people were enrolled to vote in South Carolina. By 1959 there were only 60,000 colored people who had enrolled. However, did the Commission tell the truth about that? What happened?

Through 1958 we used all the old registrations for voting. Then all of them ended. That happens every 10 years in my State. It happened in 1948 and 1958, and it will happen again in 1968. Voters have to register again every 10 years. Sixty thousand voters have registered in South Carolina since 1958. We have had only one election down there since that date. Senators know as well as I do that the rush in registration generally is a few months before an election. That is what has happened in my State. I predict that is what will happen again in my State. The Commission did not say anything about it. They did not say that the attorney general of South Carolina had not had one individual in the last 10 years say to him that he had been refused the right to register when he was entitled to it. Still a great deal is said about registering colored people. We register them. If my State did what is proposed, I would not object to it. However I believe it is a State matter. I do not think the Federal Government has any right to come into my State and interfere and try to tell the people of South Carolina what they should do and how they should run their elections. I believe there are a great many other States whose people feel the same way.

Mr. President, I would now like to look at some more of this proposed legislation, which is the administration's answer to "what ails us." At the outset let me say that existing laws already passed by Congress are sufficient in scope and power to cope with any situation which could arise in the field of civil rights. This being so, we certainly need no surplusage which serves only to clutter up the statute books and lead to confusion.

Since every Member of this body has had the opportunity to read these bills—and there are some 18 or 20 of them—I will merely give my comments on certain sections without having them reprinted here to clutter up the RECORD. The first section of S. 3011, the Dirksen substitute, deals with obstruction of court orders handed down with regard to the desegregation of schools. That does not sound like elections.

The language of the bill, however, does not designate which schools and so necessarily it covers both public and private schools, colleges, and universities. If this legislation is passed then there will be no such thing as private schools or State schools—there will be only federally controlled schools. This is not a matter with which the U.S. Senate should concern itself.

Mr. President, even in my short life I have seen the schools of my State progress. I can well remember, when I was a little country boy that the schools were in session only for about 4 months a year. They were practically paid for out of what was known at that time as the $1 poll tax. Every bit of money collected within the district was retained there. When we consider the poll tax and look up the question of the poll tax, we find that even in colonial times a poll tax was used. Not only did the poll tax apply to men, but it also applied to unmarried women. If a woman lost her husband, she had to pay a poll tax. That was the situation in my State. So there is nothing new about a poll tax. In 1868, during Reconstruction days, when the colored people had charge of our government in South Carolina, they wrote a new constitution for South Carolina.

Do Senators know that Republican scallywags and carpetbaggers put in a poll tax?

They passed the first poll tax bill, and then the constitution of my State in 1895 incorporated that same section because the money was needed to operate the school districts out in the country, here, there, and yonder.

There was a great howl about it, and we decided we could do away with it. There was a great deal of trouble collecting a $1 poll tax. Salaries are high today and expenses are a little more than they used to be. So we decided to do away with the poll tax, while many other States did not do so because of the Federal Government and because of the tax matter. We thought we could collect some other taxes and get more from some other source. Even in South Carolina there is a tax that hits the poor colored man, the poor workingman much harder than the poll tax did. They pay

about 3 percent on everything they buy. There is a sales tax in many States.

As for complaints about the poll tax, somebody ought to start complaining about the sales tax against the poor fellow because he has to buy, just as the wealthy man does.

We are always complaining about something, and other things we let go by the board.

Mr. President, I would now like to look at some more of this legislation which is the administration's answer to "What ails us." At the outset let me say that existing laws already passed by this body are sufficient in scope and power to cope with any situation which could arise in the field of civil rights. This being so, we certainly need no surplusage which serves only to clutter up the statute books and leads to confusion.

Since every Member of this body has had the opportunity to read these bills, I will merely give my comments on certain sections without reprinting them in the RECORD.

The first section of S. 3001 deals with obstruction of court orders handed down with regard to the desegregation of schools.

The language of the bill, however, does not designate which schools and so necessarily it covers both public and private schools, colleges, and universities. If this legislation is passed then there will be no such thing as private schools or State schools; there will be only federally controlled schools. This is not a matter with which the U.S. Senate should concern itself.

I do not know why they picked out churches and schools. I suppose they are uppermost in the minds of the people at the present time. I do not know about a man's house. Sometimes that is blown up. So far as this bill is concerned, that would not make any difference.

Section 11 of S. 3001 generally seeks to prevent destruction of schools and churches and other property by providing for the punishment of criminals who flee in interstate or foreign commerce after such acts. This act would allow the criminal to be tried in any of the four following places: First, where the act was committed; second, where in custody; third, where held after conviction; or fourth, wherever he may be caught. This section should certainly be clarified, because the venue is too indefinite.

This also refers to criminals who flee in interstate commerce. I am surprised at the part of the bill which describes interstate and foreign commerce. They made a slip there. Commerce is said to be anything within a State or territory, but the proponents fail to take that into account. If a criminal is caught in Cuba, he can be tried down there.

Mr. President, the next section of the administration bill deals with the preservation of election records and also gives the Attorney General power to inspect and copy these records and to use these records in any manner prescribed by the act.

I thought they had some attorneys over in the Department of Justice. They must have gone off fishing the day this bill was written.

I, being a firm believer in the right of a State to control its own elections, could not support such a measure.

I am not sorry that I cannot go along with the administration because I can in all good conscience and in all good faith believe that I am doing what is right in not voting for this measure.

In order to present my position to the Senate I have searched the records and reports of the 53d Congress, 1st session. This was the period when our election laws were in such a condition that the public, as well as the elected officials, were being defrauded by them. Mr. President, in order to get the language of this report before the Senate and in order to prevent, if possible, reenactment of such legislation, I will read into the RECORD this report.

This bill did not go to the committee. Therefore, we have no committee report. I wish to read from a report from the Committee on Privileges and Elections in the 53d Congress on this type of legislation. I shall read the language with respect to one section. We have six in the bill.

Mr. President, for brevity I shall eliminate the title language of the report of the Senate and merely enter its description and then proceed with the language of the report. This is Report No. 113 of the 53d Congress, 2d session, from the Committee on Privileges and Elections, to accompany the then pending legislation to repeal Federal election laws:

The Committee on Election of President and Vice President and Representatives in Congress, to whom have been referred various House bills providing for the repeal of all statutes relating to supervisors of election and special deputy marshals at the polls, beg leave to report back to the House, House bill No. 2331, with an amendment thereto, and to recommend its passage.

The bill provides for the repeal of section 2002 of the Revised Statutes of the United States relating to the bringing of armed troops to the place of election, and of sections 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 relating to the appointment, qualifications, powers, duties, and compensation of supervisors of election; and also for the repeal of sections 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, and 2031 relating to the appointment, qualifications, powers, duties, and compensation of special deputy marshals.

I ask Senators to bear in mind that they are referring to repealing laws on the statute books in Reconstruction days. This Congress is considering putting the laws back on the books. It is practically the same thing. If Senators will read the section, they will observe it is.

I quote further from the report of that time on the repeal of these sections:

Also for the repeal of sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, and 5523 relating to crimes and their punishment; and also a part of section 643 as follows: "Or is commenced against any officer of the United States on account of any act done under the provisions of title 26, 'the elective franchise', or on account of any right, title, or authority claimed by such officer or other person under any of the said provisions."

It is said in our part of the country that a burned child fears the fire. In my State we have been burned by these elections procedures, and we fear the fire for the future. That is one reason why we do not want the Federal Government controlling our elections in the States, like it did when these laws were on the statute books before.

Section 2002 declares in effect that no military or Naval officer shall bring any troops or armed men to the polls unless "it be necessary to repel the armed enemies of the United States or to keep the peace at the polls." This act was passed in February 1865, during the war, and the object and purpose for which it was enacted must have long since passed away. Article IV, section 4, of the Constitution is as follows: "The United States shall guarantee to every State in this Union a republican form of government"—

I ask Senators to bear in mind that that does not mean "republican" in the sense of Republicans in charge of the Government. There was a different meaning placed on the word "republican." We do not have a democratic form of Government in the United States; we have a republican form of government—

"and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature cannot be convened) against domestic violence."

It is evident from this clause that the United States must guarantee to every State in the Union protection against "invasion." In order to do this it may be necessary for the Government to employ its army; but it is difficult to see, by any stretch of the imagination, for what purpose the enemies of the United States would invade a polling precinct in any State in the Union. The "armed enemies" of the United States may at any time invade her soil and destroy the property of the people of the United States, and for the purpose of rapine and plunder may invade her borders, but it is difficult to see why the "armed enemies of the United States" should invade a polling precinct within a State. Where "domestic violence" has outrun State control, and the State government is unable to protect itself, this provision of the Constitution provides a direct and specific mode of action, on the application of the legislature of the State to the Government of the United States, or of the Executive if the legislature cannot be convened.

"Domestic violence" may arise from a failure to keep the peace at the polls, and should such a state of things arise the remedy is plain.

But this section 2002 provides an extra constitutional mode of keeping the peace at the polls, in that it lodges an implied discretion in the military or naval officer of determining when it is necessary to repeal the "armed enemies of the United States," or to "keep the peace at the polls"; whereas the determination of that question, under the Constitution, is left with the legislature of the State, or, where it cannot be convened, with the Executive. Surely no officer of the Army or of the Navy should be left to determine when it is necessary to bring troops to the polls, and the Constitution has impliedly prohibited it in the provision

just referred to. This section 2002 was a war measure. Twenty-eight years after it was enacted, and 28 years after the cessation of hostilities, as the last vestige of war legislation on this subject, it should be wiped from the statute books forever.

That is the report of the committee.

The sections from 2005 up to and including 2020, relating to the appointment, qualification, powers, duties, and compensation of supervisors of election—

That is what the bill before us relates to—

and sections 2021 up to and including 2031, relating to the appointment, qualification, powers, duties, and compensation of special deputy marshals—

Those are watchers—

and the remaining sections up to and including 5023, may all be considered together, as they embrace and constitute the same principle and kindred subjects.

The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress and if the right exists whether it is proper for them to do so.

This subject has been discussed before in Report No. 1882, part 2, page 5, 1st session of the 51st Congress, as follows:

"The power is sought in the fourth section or article I of the Constitution, which is as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

This report tells why the law should be repealed:

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

We notice, first, that "the times, places, and manner of holding elections, etc.," is primarily confined to "the legislature of each State."

"Secondarily, it is given to the Congress."

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State."

I refer to the committee making a report. Note that the bill before us does not have a committee report. In this report it was pointed out that these things were left to the States and the Congress had nothing to do with the matter.

But the Congress may, by law, at any time make or alter, etc.

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned.

If the Federal Government comes in now we have to get out. In the Pennsylvania case, it was ruled by the Supreme Court, that if the Federal Government took over the State had to get out.

Nor can we believe that the men who draughted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We never have kept anyone from voting who desired to register and vote. Of course, it is always true on election day that some persons find that through their own fault they have failed to register and consequently cannot vote. That happens every election day. A great many people come in on election day and discover that they are not properly qualified because of not having registered and therefore they cannot vote. That is, of course, their own fault and no one else's.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution.

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the First Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

South Carolina ratified on May 23, 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

That is what those States were saying at that time and that is what we people in South Carolina are saying today. We want to be left alone. We want to conduct our own elections and we do not want outsiders coming in and telling us anything about our elections, so long as there is no fraud perpetrated in our elections—and no one has said that there has been any fraud in South Carolina sufficient to justify the Federal Government coming in—frauds that were not taken care of by the laws of my State of South Carolina.

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

They approved it afterward. They must have gotten hold of Massachusetts to put that into effect.

The great old State of Virginia had something to say on the subject.

Virginia, on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

I do not think anybody can interpret the Constitution with all these States speaking up without realizing the position the southern Democrats are taking at the present time. The southern Democrats took the same position when the Constitution was being written.

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

Let us see what New York did. I do not see the two Senators from New York on the floor. They ought to be here. That State at the time of the ratification of the Constitution had some men who had their feet on the ground and believed in States rights.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates, do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

They were attempting to hold the power for the State, and that is what I am trying to do at the present time.

Next we come to Rhode Island. I do not see the Senators from Rhode Island here. I wish they were here. At that time I believe Rhode Island believed in States rights. The people of that State did not believe in the Federal Government gobbling up all the rights of the States and running away with them.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger.

They are trying to rewrite the law. They felt that way, but they wanted to make it a little stronger.

The above extracts have been made that it might be shown how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Further quoting from that report in 1893:

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal Convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

If Senators will notice that all the way through they speak of electing Senators and Representatives. Do Senators know what they are trying to do now? Under the proposed bill the Federal Government would go into all the primaries in every State. It would go into every city election, and every county election. They do not stop with elections for Members of the House and the Senate, but they go into all of them. I believe they are biting off a little too much.

Further quoting from the report:

In the 58th number of The Federalist, Mr. Hamilton discusses this subject and says:

"They [the Convention] have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the National Authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his "Commentaries on the Constitution," volume 2, chapter II, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise—

I have listed some quotations here which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. CLARK. Mr. President, reserving the right to object, I propose a parliamentary inquiry. Has the Senate transacted business——

The PRESIDING OFFICER. Does the Senator yield for the purpose of a parliamentary inquiry?

Mr. JOHNSTON of South Carolina. Does the Senator from Pennsylvania interpose an objection to the request?

Mr. CLARK. Reserving the right to object to the unanimous-consent request——

Mr. JOHNSTON of South Carolina. I can read the citations. There are only two lines of them anyway.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from South Carolina yield for a parliamentary inquiry?

Mr. JOHNSTON of South Carolina. I yield with the understanding that it does not in any way affect my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Pennsylvania [Mr. CLARK] will state his parliamentary inquiry.

Mr. CLARK. Has the Senate transacted business since the Senator from South Carolina [Mr. JOHNSTON] was recognized?

The PRESIDING OFFICER. Not until this time.

Mr. CLARK. Then the Senator from Pennsylvania now objects to any unanimous consent which may constitute the transaction of business.

The PRESIDING OFFICER. The Senator will have to do that on each occasion.

Mr. JOHNSTON of South Carolina. Reading further from the report:

(Secs. 820, 823, 824, et seq. See also 1 Tucker's black. comm. app., 191, 192; Curtis on the Constitution, 479, 480.)

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these (times, places, and manner) in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether" ("Madison Papers," vol. 3, 1282).

Further quoting from the bill which sought to repeal these laws interfering with the States, and which did repeal them:

Has any State refused to provide the necessary election machinery, or is any State

unable to do so for any cause, or what "extraordinary circumstances," what "extreme necessity," what "urgent exigency" exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be "necessary and proper" for carrying into execution the foregoing power. In *Hepburn* v. *Griswold* (8 Wall. 614), Chief Justice Chase, in defining these words, says the words "necessary and proper" were intended to have a sense, to use the words of Justice Story, "at once admonitory and directory," and to require that the means used in the execution of an express power should be "bona fide appropriate to the end."

There was a showing of the necessity for repealing laws on the statute books at that time, the type of laws now proposed to be put back on the statute books. The law usurps States rights.

Let us see what this report says:

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties.

Every State has passed laws dealing with elections. These laws punish people in charge of elections if they do anything wrong. Those people are tried in State courts, not in Federal courts.

This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States.

This of itself must create friction, and the history of the country, since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of article I of the Constitution declares: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Further quoting from this report, which is so apropos at this particular time:

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

This is the report that was written back in 1893 when the legislation was repealed. This is right on the point.

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.

I cannot understand why we cannot use a little history to keep us from getting into trouble and preventing a great deal of dissension throughout the United States. That is what will happen when the Federal Government tries to go into a State and mix into these election matters. There will be a great deal of trouble created. Further quoting from this report which is so apropos:

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union.

Our people do not want the Federal Government to run things in our State. If the Federal Government tries to do so, we can be sure that there will be trouble. I for one do not believe that the Federal Government should step in. I almost said that it might start another little war if the Federal Government tried to step in. Our people would resent that very much.

We could hardly blame them for resenting it and trying to do something about it if the Federal Government were to step in. It would be like one going into another's house and abusing his family.

One would be justified in taking the old shotgun down and putting the intruder out. This is the same sort of thing that led to the War Between the States. One would think that with all the history books we have and with all the books that have been written on Reconstruction, and all the books on the tragic era in the United States, we would use a little commonsense.

Some people went absolutely crazy after the War Between the States. They tried to penalize the South. One would think they would be a little lenient with us in the South and not treat us so rough, especially since we have been treating our former enemies so well since the last war. We have given them millions and billions of dollars to help rehabilitate them, and to help put them back into the same shape they were in before the war. They did not do that to the Southern States after the war.

For years and years they stole cotton from us. Not for 10 or 20 or 50 years after the war, but almost up until the election of Franklin Roosevelt. They stole our cotton almost up until that time. In the fall when the cotton was gathered, the price was 6 or 7 cents a pound. Three months afterwards it went up to 15 cents a pound, after it had been sold by the farmers in South Carolina and in the rest of the Southland to northern manufacturers. We did not have manufacturers in the South. Under the laws then in existence cotton could be shipped at a very low rate on the railroads to the north. However, if one wanted to bring a bale into the South, it cost almost twice as much to ship it on the railroad. The same thing was true with cloth. That law was in existence until I became Governor in 1935. In 1935, when I was elected Governor I called together the first Governors' conference of the southern Governors. I met with the Governor of Alabama and the Governor of Georgia, and we decided to raise $15,000, $5,000 from each State. That was the beginning of the Southern Governors' Conference.

But when I went back to my legislature and tried to get $5,000 to equalize the freight rates on certain commodities, my legislature would not give it to me. Senators know the situation in a State legislature. So I waited until the legislature adjourned. Since I had a contingent fund I took the money out of it.

The Georgia Governor, the Alabama Governor, and I met. We started to study, and we met with Mr. Roosevelt. The three of us met at Warm Springs.

I am showing Senators how we were treated all along. This is nothing new. We saw Mr. Roosevelt. He had a way of doing what he thought was right. He said, "You boys be quiet about this. I think you are entirely right." He said, "We will have to get some men on that Commission"; and we got some. I got the colonel from my old outfit from South Carolina on the Commission. Finally, we started adjusting rates. They had the official rates for anything above the "Smith and Wesson line." Anything below it took a different rate on the railroad, and anything above it took a cheaper rate. Anything west of the Mississippi, the western boys caught too. So we got together and changed the rates. Do Senators know what was done? On certain commodities 10 percent was added in official territory north

of the "Smith and Wesson line" and below the "Smith and Wesson line" were reduced 20 percent.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. CLARK. Can the Senator advise us whether there is any identity between the "Smith and Wesson line" and the "Smith and Western line"?

Mr. JOHNSTON of South Carolina. We always called it the "Smith and Wesson line" because it amounted to putting a pistol to our heads.

We might have gone on and on and on. The fight we made in this field shows how we have been treated in that regard.

Later, of course, manufacturers began to move to the South and we began to get mills. South Carolina and North Carolina have more than 50 percent of the cotton mills at the present time. So we are pretty well fixed. They are not kicking up so much now because they have lost the cotton mills.

There are many reasons why they lost the industry. I worked in a cotton mill for 10 years. I started out as a little sweeper in the cotton mills. Then I worked in the weave shop as a weaver, fixed looms a little, and worked my way through college, working every other week in the cotton mill. I went to school one week and worked in the mill the next. After I entered college, I worked every summer in the cotton mill and played baseball.

I can speak with authority as to why the mills were lost.

The northern fellow was after the almighty dollar. The people from Massachusetts who owned the mills were taking out the dividends instead of keeping up with modern machinery. The South came along later and put in the modern equipment. We could do with one man the work that they had to have three and four men to do in some instances.

Another factor in favor of the South was a favorable climate. God had given us that and He would not take it away from us.

In South Carolina, all the workers could get to the mill every day. They were not snowbound; they could get to work. We had a class of workers down there who did not mind working.

I am not saying anything against people who come from other countries, but it is quite a job for a man acting as overseer when half a dozen different languages are being spoken in a room, and the overseer is trying to tell the workers what to do and what not to do. So we had a class of employees who could not be beat.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. CLARK. I agree with my friend from South Carolina that the salubrious climate and the introduction of modern machinery, and perhaps the pulchritude of the ladies in the district had a great deal to do with the movement of the mills to the South, but I wonder if my friend would also agree that the absence of labor unions played a little part.

Mr. JOHNSTON of South Carolina. We had labor unions, and they made out. I have seen some sections pretty fully organized, and then again, for some reason, they leave. Part of them are organized and part are not organized. That may have something to do with it, too. Some of the manufacturers in the North may have had labor troubles with the type of employees they had. I feel that that, too, played its part.

However, I am for organized labor. I think if we did not have organized labor in the United States the laboring man today would be in a far worse condition than he is in at the present time. In other words, we need the laboring people to be organized just as much as we need the bankers to be organized, just as much as we need the farmers and just as much as we need any other type to be organized. So I am a great believer in organizing. I am not apologizing for organization.

The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the State to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot.

We have passed many laws in South Carolina on this very subject:

These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party—

To all those for Eisenhower I say, "What do you think of that?"—

to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

Mr. President, in the section of this bill which deals with Federal aid to public schools, I desire to make it clear that the scheme seems to be bribery on the part of the Federal Government. In order to receive aid under this provision, it is necessary that all State and local subdivisions would have to take immediate steps toward the elimination of segregation in their public schools.

It goes even further than that. Aid would be given only to the schools which were desegregated in 1953, before the Supreme Court ruling. Aid would be given in a ratio to the pupils who were in desegregated schools.

In order to receive aid under this provision, it is necessary that all State and local subdivisions would have to take immediate steps toward the elimination of segregation in their public schools.

In my State of South Carolina there are areas where there would be no integration even if that were our way of life. This fact would make it impossible for these schools, if they so desired, to participate in this plan.

Another glaring error which the administration seems to have made in offering this provision is the fact that there is no limit placed on the amount which would have to be appropriated and there is no limit to the number of schools which could participate. Therefore, the poor taxpayer would find himself paying for another of the mistakes of the administration which, in fact, offers him no assistance in a great many instances. This fact, in itself, should be sufficient to eliminate this provision. Again, the rights of States are being usurped and control by a State over its own affairs is being divested from it.

Mr. President, I am a strong advocate of education for everyone, and certainly I would not vote to destroy the privilege of education for the children of our Nation. However, a vote against this provision would be a vote to prevent making a bureaucracy of our school system, and I shall so vote. Each State has a board of education and no new Federal bureau need be created to oversee these State affairs.

As I said a few minutes ago, in my State it happened that I was the chairman of the State board of education for 6 years. No one who will study the

problem can say that we did not try to elevate the colored people as much as possible.

I happened to be the Governor of my State for two terms. I do not know today how many colored people I pardoned or paroled or reduced sentences for, but I can say I truthfully believe I pardoned and paroled, probably, more colored people than I did white people, though the population in my State is divided about 38 percent colored and 62 percent white.

I can further say I believe that from 95 to 98 percent of those I pardoned and paroled—and I saved the lives of some, for they were sentenced to the electric chair—did not have an attorney. I simply studied the cases myself, not having a parole board at that time. I set up my own pardoning board and studied various cases in my State.

The truth of the matter is that I let a good many people out of prison. I received some criticism for it. I will say today that if I had to do it over again, I might let even more out than I did before.

I think in that field at that time we needed some parole system, and we did not have it. That was the only way we were able to get a parole system in my State, I believe. I think every State should have some sort of parole system. I do not think it should be the responsibility of the Governor to study every case. That is too big a burden for any Governor.

Another thing was that since I was a lawyer I knew the judges in my State very well. I had practiced law for many years and had tried several criminal cases in the courts, so I was mindful of the fact that the judges had different temperaments. One judge would give a sentence for a crime of perhaps 6 or 7 years, while another judge would give a sentence for the same type of crime of 2 or 3 years.

I remember one particular judge in my State. I will not mention his name, but anybody in South Carolina who reads what I am saying will know the judge I am talking about, for they know him almost as well as I do. When I picked up a case of his and studied it, though he was not discriminating against a colored person and was not discriminating against a white person, I knew he probably had given twice as long a sentence as the average judge in the State would. When I studied a case like that and saw the judge who served on the case, I did not have to do much studying. I knew what to do.

The bill we have before us at the present time is very important.

Mr. President, section 6 of S. 3001 proposes to establish another commission—a commission on equal job opportunities under Government contracts. The trouble with us today is there are so many boards and commissions that the Senate finds itself bogged down in bureaucracy.

I know the Government Operations Committee has a terrible time studying the matter, to know what to do with all of these boards and commissions. I hardly know all the names of them myself, though I serve in the Senate. This will be another commission. I do not know how many there will be. There will be several under the provisions proposed. This job opportunities proposal, the FEPC, would involve only one.

In awarding Government contracts the United States uses discretion in order to obtain the most satisfactory work and, at the same time, to save the taxpayers money. Such discretion is necessary; however, this measure proposes that the corporations and individuals with whom the Government deals abide by laws which prevent such discretion in the hiring and firing of personnel.

If such a measure is enacted, the United States may become bogged down in legal red tape in crucial moments. Defense contracts must sometimes be awarded without regard as to the personnel of a corporation. In time of war, time is of the essence. Therefore, to enact such legislation would be to tie the hands of industry. This is not a provision of civil rights, but a right of the Nation as a whole to protect itself from aggressors.

At last, Mr. President, we come to voting rights, and the provision which seeks to appoint voting referees.

It would seem that the administration is trying to supply as many Federal jobs as possible before the next election.

There is no such thing as a Federal election and consequently there is no need for a Federal voting referee. The U.S. Constitution grants to States the power to establish laws designating the qualifications of voters and control of elections. This provision in the bill places a Federal watchdog in the State to oversee elections. The constitutionality of such an act is very questionable in my mind and in the mind of any lawyer who studies our Constitution.

Mr. President, the whole area of so-called civil rights which is sought to be protected by this bill can be rebutted on many counts. Among these are first, laws, both State and Federal, protect the rights of individuals in these areas; second, bills sought to be enacted border on the unconstitutional; third, the technical loopholes which remain in these provisions would require years of work either to close or undo; and fourth the rights of States are being usurped.

Mr. President, I have spoken before about the confusion existing in the Senate, but I do not believe I can discuss this confusion too much.

The growth of civil rights bills and proposals fostering federalization of State registration and election machinery reminds me of a wild vine in the woods that has grown up to surround and choke to death a giant tree. The U.S. Senate, the giant of all parliamentary bodies in the world, has entwined itself with civil rights until it has become imprisoned by its own doings.

There are on the desks of Senators a great number of bills and amendments. I notice that the two Senators from New York have introduced some. They are in a race, I think. Every time one introduced a bill, the other introduces two; whenever one introduces two the other introduces three, and so on down the line. I have never seen the like of it all the days of my life. The Senators from New York are the most prolific introducers of bills I have ever seen.

I have never seen any Senators who could introduce bills on more subjects. There is even a bill to kill people if they do not do a certain thing, yet the Washington Post does not say anything about that. The Post ought to write up that bill.

There is a bill dealing with conspiracy. Suppose two people conspire to do something. If they conspire to do one illegal act, it leads into another. If something happens and somebody gets killed, under the terms of this proposal they can be tried and possibly lose their lives. That is how far the bill goes. So I am a little afraid of going quite so far at the present time in killing people over little things with which the Federal Government has no business in at all. The Federal Government has no business trying anybody for murder in the State. It is something new to me. And if a person escapes and goes somewhere else, he can be tried anywhere he may be found—not in the place where the crime was committed but anywhere he may be found. That is the provision in the bill.

No bill on this subject has come from any committee yet. I cannot understand that. I think perhaps I know why no bill came from the Judiciary Committee, but I cannot understand why none came from the Committee on Rules and Administration. I thought everything had been done there. When I went before the committee to ask for postponement on February 4, so that my attorney general could come up here on February 4. The committee finally agreed to hear him on February 5. When the attorney general came in on February 5, he began to do a little dissecting and inspecting and looking at the bill. He said, "I believe this would not be constitutional."

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. FULBRIGHT. Did not the Senator forget "bisecting" when he was describing that operation?

Mr. JOHNSTON of South Carolina. Oh, yes. He took it apart and examined it until the hearings were finished on the 5th of February. It cannot be said that anybody was holding up the bill or that the committee was prevented from reporting it. I could not understand that. Then the Attorney General came forth with a different bill, which was not referred to any committee. The committee did not even report his bill. It was brought to the floor of the Senate and laid in our laps. It did not come from any committee. Then the Senate proceeded to consider a little innocent House bill, to provide a little relief for a school district in Missouri. An amendment was offered to strike all after the enacting

clause in that bill, and substitute language which does not have anything to do with it.

If the question of germaneness should arise, it may be ruled that that amendment is not germane to the bill to which it is proposed to add it. Had Senators ever thought about that? That situation may develop in connection with a cloture petition. If cloture should be voted it may be found that that amendment is not germane to the bill to which it is sought to be attached.

Besides bills introduced by individual Senators, the administration has its own idea as to the correct manner in which to present a remedy—there is also a proposed committee bill which seeks to present to us the "dream" answer.

In trying to reconcile all of these measures, I find myself wondering whether or not we, as Members of the U.S. Senate, are not disregarding the past practices and customs of this esteemed body, and are following the lead of the Civil Rights Commission in trying to confuse, not only ourselves, but anyone else who may have the desire to keep up with the procedings of the Senate in this matter.

Then I wonder where they will be, because if the House bill is not germane and the committee is hanging onto the germane bill, and if the amendments submitted are not germane, I do not know exactly what the condition may be.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield.

Mr. EASTLAND. The Senator from South Carolina would not be a party to an effort to keep that bill from coming out of committee, and he does not know a member of that committee who would have kept that bill from coming out of committee, does he?

Mr. JOHNSTON of South Carolina. I do not think the chairman would. If we could get a bill in the shape we would want it, we would have gotten it out.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I should add also, if it could be handled on the floor the way we decided it should be handled. I would want that, too.

Mr. EASTLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield, for a question?

Mr. EASTLAND. The Senator has already answered the question.

Mr. JOHNSTON of South Carolina. We do not have a bill from any committee here. Many bills have been introduced. Senators introducing them have received credit back home. They received credit politically, and that is nice for them.

As many Senators may recall, the Civil Rights Commission was required to report to the Senate in September of last year. Can you also recall the manner in which the report was made? We had an appendix, an abridged version and the regular report, all of which supposedly dealt with the same subjects, but none of which were reconcilable as to pages, sections, and findings.

Maybe this is what is happening to the Senate now—there are so many bills and reports and proposals that one finds it a monumental task trying to reconcile them, and yet, each and every one of them proposes to present civil rights legislation which would, in the eyes of the authors, correct the situations now existing.

A bill is introduced, and before it can be acted upon we have another which seeks to close the loopholes left open by the original. However, since the second bill itself presents loopholes, someone else attempts to close these by another measure introduced as a cure-all for the whole situation.

On top of this conglomeration of bills, we have motions on the floor to discharge this committee or that; we have amendments to this bill or that one; and we have amendments in the nature of substitutes.

Mr. President, it seems to me that if the leadership of the Senate, the administration, and individual advocates of civil rights really want to get the job done, they would have consulted with one another. I cannot understand why the two Senators from New York have not consulted with each other and have not submitted amendments jointly. One Senator submits one amendment, and the other Senator another. They are supposed to be fighting together. I discovered a long time ago that when one wishes to get something done and he knows that others besides himself are going to be working on it, he had better work with the other people and find out what they are doing, and get together with them. Instead of that, however, here everybody is pulling in opposite directions and every Senator is going to get some credit for having introduced a bill. But when they do that and only get credit for themselves, that does not go very far. We do not get much legislation passed.

I ask Senators to look at the load of bills which have been presented. Has any Senator read them all? I do not think any Senator has read all the amendments submitted. I doubt whether any of us has had time to read all the amendments which have been submitted and tried to digest them.

I know we have not had time to digest them and see just what they do and how they would change the law. Many times it is not only a question of what is in a bill which is being passed, but the question arises whether the bill links in with other laws, for if not, it may create a dangerous situation. For that reason I am not going to vote on those amendments until I know more about them and until some committee has had time to study them, look into them, and see what laws they would change and what laws they would perfect.

Senators claim to be perfecting the law. I think we have enough laws on the statute books. I think if anything we should repeal some of them. The trouble today is that we have too many laws on the statute books. We rush headlong into Congress and introduce this, that and the other bill. We have come to Congress and introduced some 15,000 bills in 2 years. Who has time to read all those bills? Some of the bills have a hundred pages in them. Then amendments such as those before us are submitted, and we have to take time with something like this when we ought to be doing something which would benefit the people of the United States. I think we are reaching a pretty low ebb in legislation. We talk about the U.S. Senate being a deliberative body. Thank God, we have some deliberation here and we can discuss things and have the benefit of unlimited debate. If we did not, with all those 15,000 bills introduced, I fear the people back home would be in a terrible fix with all the bills that have been presented. It is terrible to think about.

Mr. President, it seems to me that if the administration, the leadership in the Senate, and individual advocates of civil rights really wanted to get the job done, they would have consulted with each other and presented to the Senate a so-called "working paper" which they could have rammed down the throats of the minority of us here who think that such measures are a usurpation of the rights of the sovereign States of our Nation.

With all the amendments pending to the present bill, who is going to vote for cloture? Who would have the audacity to vote for cloture on a bill with all these amendments hung onto it, and jeopardize our right to pass on these amendments? We ought to stop, look, and listen before we cut off debate with all of these bills and amendments facing us in the Senate. Some Senators have friends who do not want the NAACP back home interfering with elections, and they will not vote for cloture. Some will not want anyone from outside interfering with their schools. I observe the presence here of the Senator from Delaware. I believe there has been some trouble with the schools in his State.

Mr. FREAR. In Delaware?

Mr. JOHNSTON of South Carolina. A little. All over the country we find the same situation. In Chicago there has been a little trouble with housing. I believe a good deal of money has been spent for it. It could not be kept segregated, and it began to disintegrate. Then what happened? Prices went down. That is all right. They asked for it.

It is beyond me to discover just what the game is, because it is no secret that there is an overwhelming majority of pro-civil rightists in the U.S. Senate. And they keep playing the game.

Mr. President, I would like to try to analyze some provisions of some of the bills which are, or shall be before us. I hope the Members of this body will indulge me if I seem confused, because I probably will be. With so many bills to choose from, I may have trouble finding one, at random, to discuss, and upon finding a likely looking provision, I may not realize the bill from which it comes.

But I have an amendment which I thought it would be well to introduce,

for the simple reason that it is needed. It will be found that the Senate has already voted on this bill. The Senate voted overwhelmingly for it, the House voted overwhelmingly for it, and just a few votes were lacking to override the President's veto.

Mr. President, the bill to which I refer would amend the Federal Water Pollution Control Act, which I think we will certainly need if the bill now before us is passed. The Water Pollution Control Act would be quite helpful in doing a bit of cleaning up. I am sure many Senators who agree with me that this latter bill should be passed realize that it probably would not be signed by the President this year. But if it can be hung onto something which the President might want to sign, that might do it. The President cannot separate it, of course. Senators will have to vote for or against all of it, and, in voting for civil rights, get the pollution bill, too.

So I think Senators certainly ought to hang this proposal onto the civil rights bill, and be afforded a chance to vote on it. Since I have the previous voting records, we will be able to compare the voting both times, as to which the President may be advised after the veto.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON of South Carolina. I yield for a question.

Mr. CLARK. The Senator from South Carolina knows how interested the State of Pennsylvania is in the water pollution bill. I ask my friend from South Carolina if he would be willing to explain that bill at some length right now. It may be that I would be able to join him in attaching it as a rider to the civil rights bill, if I fully understood it.

Mr. JOHNSTON of South Carolina. Does the Senator from Pennsylvania say he does not know anything about it? Would the Senator say that to his people back home?

Mr. CLARK. All I am saying is that I do not understand the subject as well as does my friend from South Carolina. I thought, too, that my friend from South Carolina might have made one or two changes in it since it was vetoed by the President.

Mr. JOHNSTON of South Carolina. No, it has not been changed. It is the same, word for word. I shall be glad to read it to the Senator, if he has not read it.

Mr. CLARK. I should be very happy to have the Senator do so.

Mr. JOHNSTON of South Carolina. I shall be very glad to read it to the Senator.

But perhaps I should give the Senator a chance to discuss this subject later, because I intend to make another speech on this amendment and would not like to have it said that "You have already made a speech on this bill."

No; I am speaking now on this amendment, and I do not want to get caught in that trap.

Let us take, for instance, the committee plan, the one to be proposed by the Committee on Rules and Administration.

I wish to quote from the proposed title I:

TITLE I—DEFINITIONS

SEC. 101. For the purposes of this Act—

(a) The term "election" means any general or special election held in any State for the purpose of electing any candidate to elective office and any primary election held in any State for the purpose of selecting any candidate for elective office.

(b) The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

Under title I, the U.S. Government is giving itself the power to control the smallest local election in the smallest town of my State. Though the town may be so small as to require only one elected official—say that of dogcatcher—the U.S. Government can decide who is entitled to vote. The U.S. Constitution has given the power to control such elections to the individual States, but, under the terms of this provision, the power is yanked from the States and given to the Federal Government.

Is this the American way of life? Is this government by the people and for the people? The possibility is that as a result, Federal officials will soon make certain that 98 percent of the eligible voters cast their ballots and cast them for predetermined candidates. Democracy cannot survive where the central government controls every move made by an individual. If the power to control elections is usurped from the States, then the power to worship as one sees fit may be usurped from the individual.

Title II of the proposed committee plan deals with the conditions under which a person may receive a remedy for being disfranchised. It states:

TITLE II—JUDICIAL DETERMINATION OF PATTERN OR PRACTICE OF DISFRANCHISEMENT

SEC. 201. Whenever, in any action brought under section 131(c) of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)) a court shall find, that, under color of law or by State action a voting registrar or other State or local official, pursuant to a pattern or practice, has because of their race or color, unlawfully deprived persons in any locality or area, or registration, of the opportunity of registration, for elections, the attorney general shall notify the President of the United States of such finding.

Mr. President, one person could be deprived wrongly of the right to vote, and could get no aid whatsoever from this bill or the procedures set forth therein.

In order to proceed under this section, there must be a systematic practice or pattern of disfranchisement.

Therefore, if one man, regardless of race, creed, or color, meets the qualifications, attempts to register, but is refused the right to vote due to a personal feeling of one of the registrars toward him, he has no remedy, yet his right to vote has been taken from him wrongfully and without justification under the civil rights legislation sought to be enacted by this body.

However, if this loophole is sought to be plugged by amendment or otherwise, then other loopholes will surely arise.

The pattern or practice to deprive persons of their voting rights must be due to the race or color in a particular locality or area. Therefore, the one who was refused a registration certificate because of the animosity of the registrar still has no remedy here and, consequently, under this provision cannot receive that which he deserves.

Mr. President, I know that the persons who drew up this particular bill were probably mindful of these loopholes, because they are learned men in the law. Why, then, did they leave these tremendous gaps in a piece of legislation designed to be all-inclusive of rights of persons to vote?

Let me tell this body my views as to why.

Every State in the Union, including South Carolina, has laws governing the qualifications of voters and the rights of those qualified to vote. The learned scribes who drew up this bill knew that if a situation such as the one I used to illustrate my point arose, these State laws were adequate in every way to cope with the problem and so there was no need to embrace such a situation in this bill.

Mr. President, my biggest point is that if States have laws governing such a minor case they certainly are prepared in like manner to cope with any larger problem, including those of civil rights, of its citizens.

Therefore, the wronged person or persons need only to follow the State laws to get the desired remedy.

The Supreme Court has shown itself to be a friend of the minority groups in these cases—as shown in the recent Louisiana case—so why do we need Federal legislation? The valid remedy under State statutes must not be done away with because of Federal usurpation.

I warn Senators that if we pass these laws, the State laws go out the window. I would not be surprised if some States, if these laws are passed, would simply repeal their laws and say to the Federal Government, "Come in and handle the situation."

Mr. President, the question of the appointment and duties of Federal enrollment officers found in titles III and IV leaves much doubt in my mind as to their purpose.

Let me quote these proposed titles:

TITLE III—APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

SEC. 301. Upon any notification of a finding pursuant to title II, the President is authorized to establish a Federal enrollment office in each registration district—

There are 1,534 in South Carolina—

for which such finding has been made and appoint one or more Federal enrollment officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal enrollment office, he shall abolish the office for such registration district. An individual who is appointed a Federal enrollment officer shall perform the duties required by the Act until such time as he is relieved of such duties by the President.

TITLE IV—ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

SEC. 401. The Federal enrollment officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to title II of this Act. All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal enrollment officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an enrollment officer to enroll any person who is not of the race or color against which a pattern or practice of racial disfranchisement has been found to exist pursuant to title II of this Act.

Are these Federal officers to enroll individuals for only the election in question, or forever? Also, we note the words "pattern or practice" again. Therefore, in an isolated case where only one individual is concerned these new Federal appointees could not act, and another loophole is left open.

The provision for the abolition of these Federal enrollment officers makes me chuckle, because if they were ever intended to be abolished where they are not needed, there would be no need for the provision in the first place. It is the intention of the authors of this bill to so firmly entrench these officers in State elections that they will always be necessary to whip the straggling minority into the party line. Again, States rights are usurped and the minority groups suffer from needless Federal intervention.

I should like to read a telegram which some Senators have been receiving at this time. I did not get one. I do not belong to that group. The telegram reads:

Please accept thanks of civil rights supporters for your steadfast antifilibuster action in remaining available during 24-hour sessions. It now appears that after this sturdy display by you and other advocates of strong civil rights bill, the filibusterers are about to be offered victory in the form of emasculated version. No bill which has even grudging acquiescence of RUSSELL, EASTLAND, and company can be acceptable to citizens for civil rights. We regard present voting proposals as adjuncts to part III language and most certainly not as substitutes for it. We urge affirmation of Supreme Court school desegregation opinion and aid to its implementation; also other sections which have had bipartisan support from as far back as 1956. National Association for Advancement of Colored People soberly advises that current widespread dissatisfaction of Negro population with status quo clearly suggests that Congress should not temporize on action overdue by at least two generations.

ROY WILKINS,
Executive Secretary.

Mr. President, titles V and VI prove to me that even advocates of this type legislation are not really pushing, but are being pushed by minority groups who are seeking power and control, and not just equal recognition of their rights.

Title V states:

TITLE V—VOTING ELECTIONS

SEC. 501. Each qualified voter who is enrolled pursuant to title IV shall have the right to vote, and to have such vote counted, for all candidates for elective office in elections held in his registration district, subject to the provisions of section 601 of this Act.

Mr. President, how do the authors of this proposed provision intend to know that these votes are counted? Are they to be marked?

It is universally known that only valid votes are counted. The language of this provision might provide that though one who was "federally enrolled" cast votes for six candidates when seven were supposed to have been chosen, his vote still must be counted. Technical, yes, but laws are technical, Mr. President.

The judicial system of the United States is known to be the best in the world insofar as the decisions render justice to the parties concerned. Title VI, however, requires courts, without making findings of fact, to issue orders so that these Federal registrars will have the power to allow persons to vote and have the votes counted. Look at the language of the proposed title VI, section 601(c):

(c) The provisions of this Act shall be enforcible by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under title IV of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this Act to cast their votes and have them counted in accordance with the provisions of subsection (a) of this section.

When a State appeals such action, the same court may be required to reverse itself, in form though not in fact. If the States contention that there was no systematic pattern or practice of denial of the right to vote is upheld, the court would have to hold for the State and, in doing so, would rescind its earlier order giving the individuals the right to vote.

No attorney at law could possibly wish to see the courts in which he seeks justice placed in such a shameful position of not being able to decide for themselves on questions of law, however, these provisions hold the unique power to decide for courts.

Mr. President, this is a case of tearing down one branch of government—the judicial branch—in order to lift up another—the legislative branch. The majority of citizens of the United States would not stand for such procedures in their Government, nor would one branch of government tolerate usurpation of its powers by another.

Mr. President, the results of elections are known almost immediately after the polls close in this day and time. Certainly unofficial returns are known before the next day.

However, under the provisions of this bill, election results may be known only after months of delay in court. Why? Picture a small local election which is hotly contested. When the votes are counted one candidate has seemingly won by three votes. That happens sometimes. However, five of the votes cast have been counted, then impounded by the Federal enrollment officer because these five votes were cast by persons enrolled by the Federal officer and the State has appealed to the Federal court.

It may take months before the court can get to the case; once a decision is reached, these votes must be checked to see if the same candidate remains the winner. If the State should win the appeal, the loser could possibly be adjudged the winner.

Besides the legal tangles involved, the right of these citizens to cast their secret ballots—if they have the right—no longer remains secret, and an individual's right under the Constitution is destroyed.

Mr. President, before we, as Members of the Senate of the United States, can act on such legislation, we must explore all the possibilities which can arise. We cannot "rob Peter to pay Paul," nor can we take away the rights given to States and individuals by the U.S. Constitution in order to create more power in the Federal Government.

While the proposed bill I have discussed is still in the Committee on Rules and Administration, many are not, and the same provisions are set forth in the bills already before us.

The Senate of the United States is a highly respected body, and should so remain—we, as Members, will not warrant such esteem if we allow legislation of this caliber to oppress and confuse the people and laws of our respective States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 92]

Aiken	Eastland	Long, Hawaii
Allott	Ellender	McCarthy
Anderson	Engle	McNamara
Bartlett	Frear	Magnuson
Beall	Fulbright	Mansfield
Bible	Gore	Martin
Brunsdale	Gruening	Monroney
Bush	Hart	Morton
Byrd, W. Va.	Hartke	Moss
Cannon	Hennings	Mundt
Carlson	Hickenlooper	Muskie
Carroll	Hruska	Pastore
Case, N.J.	Jackson	Proxmire
Case, S. Dak.	Javits	Randolph
Church	Johnson, Tex.	Scott
Clark	Johnston, S.C.	Smith
Cooper	Keating	Wiley
Curtis	Kefauver	Williams, Del.
Dirksen	Kerr	Williams, N.J.
Douglas	Kuchel	Yarborough
Dworshak	Lausche	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

(At this point, at 12 o'clock midnight on Friday, March 4, 1960, with the Senate still in session, the printing of its proceedings in the RECORD was suspended, and will be continued in tomorrow's RECORD.)

EXTENSIONS OF REMARKS

Death of Red Cloud

EXTENSION OF REMARKS
OF
HON. KARL E. MUNDT
OF SOUTH DAKOTA
IN THE SENATE OF THE UNITED STATES
Friday, March 4, 1960

Mr. MUNDT. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD some remarks of my own, and an editorial from the Daily Republic of Mitchell, S. Dak., on Tuesday, March 1, 1960, in connection with the death of Red Cloud, one of our great Sioux Indians.

There being no objection, the remarks and editorial were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MUNDT

RED CLOUD—A GREAT INDIAN PASSES ON

There has passed from the South Dakota scene a truly remarkable man. Death has taken James Red Cloud of the Pine Ridge Indian Reservation in South Dakota.

The Daily Republic, of Mitchell, S. Dak., published a story about this well-known Indian leader in the March 1, 1960, edition.

Those of us in public life knew Red Cloud well. He was a spokesman for his people. He devoted his life to their problems and he attempted at all times to seek means of raising the standard of living for the Indians of South Dakota.

Red Cloud was a modest man. He was not self-seeking nor did he attempt to promote his own welfare at the expense of those whom he represented. He was a man from whom an honest answer could be expected. He was honorable, tolerant, religious, and solicitous of others.

I am sure that many South Dakotans will appreciate the fact that the Mitchell Republic printed this story about the life of Red Cloud. Too many of our great Indians pass away without any record being printed of their contributions to the welfare of their people and to their country.

The name of James Red Cloud will always remain on the great tribal honor rolls as a distinguished American Indian. He should serve as a model to his own people as well as to all of us.

[From the Mitchell (S. Dak.) Daily Republic, Mar. 1, 1960]

OGLALA SIOUX CHIEF, CHAMPION OF TRIBAL RIGHTS, WELFARE, DIES

PINE RIDGE.—On February 16, there passed from the American scene a great and romantic figure one of the few remaining links of the time with the old West, James Red Cloud, hereditary chief of the Oglala Sioux and grandson of the famous old warrior leader Red Cloud, died at the age of 83.

Chief James Red Cloud was born at Fort Laramie, Wyo., in 1877, the year another famous chief Crazy Horse was killed and the year following the Custer battle. He was a boy during the time of the last sad struggles of his heroic people for their freedom and their homeland. He was 13 years old in 1890, when during Christmas week the Wounded Knee Massacre occurred, in which totally unarmed Indian men, woman, and children, even babies, were shot down or sabered to death by American cavalry troops, and his distinguished grandfather finally prevailed upon the Sioux to surrender and make a lasting peace.

After a childhood spent near Oglala on White Clay Creek among what were called the "Sore Back" clan (today no one seems to know the meaning of this description) his family moved to Pine Ridge in 1887, where the Government had built a house for the old chief out on the edge of the prairie just west of the present Indian boarding school. It was at this school that James Red Cloud made his first contact with the white man's learning. Later he attended Holy Rosary Mission which his grandfather had repeatedly invited the Jesuit Black Robes to found.

In 1911, he was a member of Buffalo Bill's 101 show and traveled all over the country, though never to Europe. It was while he was helping to load some show stock on a train that the accident occurred in which he fell and a switch engine ran over his left leg, making amputation necessary.

Like his grandfather, Chief James Red Cloud believed strongly in education and preached its value nearly all his life. Shortly before he died, at a feast to honor a grandson who had just graduated from high school at Holy Rosary Mission, the old chief, in full ceremonial costume and wearing his great headdress of eagle feathers, spoke long and eloquently from his wheelchair in behalf of education. He said that the Sioux people had lost to the white man; but that, even so, there was no need the Sioux should forever remain a defeated people; that through education they would rise again and learn to live in the white man's world and become honorable—and honored—citizens of America.

He was a great fighter all his life for the rights and welfare of his afflicted people and made 11 trips to Washington during his life to speak for them. He was also a great Christian, with a simple, living faith. Whenever he came to Pine Ridge, he never failed to visit Sacred Heart Church, where he would pray aloud in Indian and chant the praises of the Lord, whom his grandfather had first helped his people to know and honor.

In his old age, despite his many physical afflictions, the chief kept something of the striking handsomeness and fine bearing of his younger days. He was a tall, dignified man, and in his headdress presented an imposing figure. He kept his hair in two braids all his life.

He was buried at Holy Rosary Mission, the Rev. Lawrence Edwards, S.J., officiating at the grave. His grandfather also lies at rest in the same cemetery.

He is survived by two sons: Edgar, of Pine Ridge, and Louis of Pueblo, Colo., and one daughter, Agnes, of Pine Ridge.

Bulgarian Liberation Day

EXTENSION OF REMARKS
OF
HON. J. GLENN BEALL
OF MARYLAND
IN THE SENATE OF THE UNITED STATES
Friday, March 4, 1960

Mr. BEALL. Mr. President, today we are celebrating Bulgarian Liberation Day. A banquet will be held in New York tonight in honor of this event. In view of the fact that it will not be possible for me to be there myself, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement I have prepared to be read at the banquet.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR J. GLENN BEALL, OF MARYLAND

To Those in Attendance at the Annual Banquet Commemorating Bulgarian Liberation Day, New Yorker Hotel, New York, N.Y.:

I regret that it is impossible for me to be with you this evening. It would be a distinct pleasure to join with my Bulgarian-American friends and other friends of Bulgaria on this occasion commemorating Bulgarian Liberation Day.

On March 3, 1878, after 500 years of foreign rule, Bulgaria gained her freedom. Many brave Bulgarians gave their lives in the struggle for liberation. It is that victory which you are celebrating—and it is one the Bugarian people will always remember with gladness.

Unfortunately, your country has fallen under Communist oppression. Bulgaria is held under satellite status by the Soviets. However, the spirit of freedom lives in the hearts of all Bulgarians everywhere, and I am confident that your country will again enjoy freedom—in the not too distant future.

I extend my best wishes to you all on this occasion.

Lamar, Colo.—All America City

EXTENSION OF REMARKS
OF
HON. JOHN A. CARROLL
OF COLORADO
IN THE SENATE OF THE UNITED STATES
Friday, March 4, 1960

Mr. CARROLL. Mr. President, the courageous Great Plains city of Lamar has become the second Colorado community in 2 years to receive designation as an All America City by the National Municipal League and Look magazine. Last year, similar honors went to Leadville, 2 miles above sea level in the Rockies. The people of Colorado are pleased, but not surprised.

I ask unanimous consent that an editorial on this subject from the Denver Post for February 25 be printed in the CONGRESSIONAL RECORD, together with a copy of a letter of congratulations which I wrote to Mayor C. O. Bowman, of Lamar.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

LAMAR'S EXAMPLE

Twelve years ago, Lamar, Colo., was an uneasy town, uncertain of its future. It was drought time; not as bad as the Dust Bowl days, but it brought back fears and memories.

Today, Lamar is thriving and confident.

It has a new community building, new schools, new sewage disposal facilities, a thriving airport, a big recreation program, a bigger hospital, an adequate water supply and many more new public facilities.

How did this happen?

First, through strong leadership by the chamber of commerce, the city council, the civil planning commission, and by the press.

Second, and perhaps more important, by the involvement of all the people, so that

every Lamar citizen took a proprietary interest in what was going on, and so that the idea of "I got mine—let George do it" could not sidetrack the city's bootstrap project.

In a nutshell, that's why this week Lamar received from the National Municipal League and Look magazine the designation of "All America City." The honor is well deserved.

Lamar's community effort can serve as an excellent object lesson to many other Great Plains cities—some of them considerably bigger.

There's nothing so satisfying as achievement—especially community achievement—but it's like ice cream: You've got to taste it to know how good it is.

Trouble is, there are lots of skeptics who don't believe it's worth while to go to the trouble of picking up the spoon.

FEBRUARY 17, 1960.

Hon. C. O. BOWMAN,
Lamar, Colo.

DEAR MAYOR BOWMAN: Mrs. Carroll and I regret that the increasing pace of Senate business of historic significance during this session prevents us from attending the presentation ceremonies on February 22, when Lamar will join the proud ranks of All America Cities. I wish I could be with you all that evening, but I trust that you will understand.

Let me say, however, that while the award is gratifying to all Coloradans, it comes as no surprise to the people of our State. Lamar's progress has been the talk of Colorado for years.

A plainsman named Lincoln once said that government should do for the people only what they could not do as well for themselves. Lamar citizens have shown the kind of healthy community independence that proves the wisdom of those words.

They saw a problem, studied it carefully, and went to work. They recognized that it would mean sacrifice of hard-earned money and perspiration and time, but they were willing to make the sacrifice. And they did it in a period of drought, uncertain farm economies, and a general flight of population toward metropolitan centers.

This marks the second year in a row that a Colorado city has been singled out for All America honors. As you may recall, Leadville was one of the 1959 winners. Both on the plains and in the mountains, Coloradans are showing the rest of the Nation how to turn a tough situation into an asset. This is appropriate, for ours has not been an easy kind of country to settle and make prosperous. It has required a special breed of people.

It is equally stimulating to note that you are not content to rest on your laurels—that another 10-year program is being developed under the same strong leadership mentioned by Look magazine—yourself, Fred Betz, Sr., Mrs. J. B. Spencer, Bob Scarffe, the members of the civic planning commission, and others.

In an age of self-doubt, when some thoughtful people express the fear that Americans have become physically and morally flabby—interested only in their own personal luxury and leisure—the Lamar story makes big news everywhere. It demonstrates that the individual's feeling of personal responsibility for the well-being of his neighbors, his friends, his hometown, is still a vital part of life in Colorado and our Nation. May it always be thus.

My warmest congratulations to you all.

Sincerely yours,

JOHN A. CARROLL.

Recognition of Outstanding Accomplishments of Three Oregon Orchardists

EXTENSION OF REMARKS
OF
HON. WAYNE MORSE
OF OREGON
IN THE SENATE OF THE UNITED STATES
Friday, March 4, 1960

Mr. MORSE. Mr. President, it is a singular pleasure for me, upon occasion, to be able to pay tribute to deserved accomplishments which have been recognized by various Oregon communities.

The Hood River County Chamber of Commerce, through my good friend, Mr. George D. Bartch, its able manager, has written to me concerning the awards won by three farmers of the area.

Bill Hazeltine, a Parkdale orchardist, who owns and manages a 60-acre ranch, of which 50 acres is in orchard, received the "Orchardist of the Year" award. The following public services are connected with Bill Hazeltine's name: Charter member of Parkdale Fire Department 9 years, past member of board of directors of Parkdale Fire District, member and past president of Upper Valley Booster Club, member of Wy'east Booster Club, member of Parkdale and Wy'east PTA, charter member of Hood River Soil Conservation District, past vice president of board of supervisors of Hood River Soil Conservation District, vice president Hood River County Unit School Board, member of Wy'east Vo-Agr Advisory Council, member of several extension service committees, alternate member of Hood River County School District Reorganization Committee, member Hood River Elks Lodge 14 years, second vice president of Oregon State Horticultural Society, past council member of Boy Scouts and Job's Daughters, and president, 1959–60, Oregon State Horticultural Society.

A second young farmer is Ross Hukari, who was awarded the "Young Farmer of 1959" recognition. He operates a 70-acre orchard in the Pine Grove district. He is past president of Oregon Horticulture Society and past president of the Apple Growers Association. Of particular interest is the fact that he participates annually in the foreign student exchange program which employs foreign students in his orchard operation.

The third Hood River County resident who took top honors in the annual award banquet is Odell rancher Jan Kurahara, who received the "Senior Citizen" award. Mr. Kurahara operates a 30-acre orchard, and has taken an active role in community affairs. Not only is he a successful valley rancher, but he also is a member of the Hood River County Farm Bureau, member of chamber of commerce agricultural committee, past director of Hood River County Chamber of Commerce, chairman of the Hood River County Agricultural Stabilization and Conservation Committee, district commissioner, Explorer Training Committee, Columbia Gorge District Boy Scouts, chairman, county unit school board; and he served 3 years on the Hood River County Budget Committee.

George Bartch tells me that the awards dinner featured our great Hood River apples in many ways, including casseroles of apple and onion, sweet potatoes and apples, three apple salads, a number of relishes, five apple desserts, and apple breads, and apple candy, all of which were prepared by the Pine Grove Home Economics Club.

Mr. President, the awards dinner is, as I have indicated, an annual one, at which the community gives deserved recognition to those who serve as models and inspiration to their colleagues. It was fitting and appropriate that at the celebration the Governor of the State presented the banquet address. I join with him in extending congratulations not only to the winners, but also to all others who participated in making it an outstanding community function.

SENATE

SATURDAY, MARCH 5, 1960

(Legislative day of Monday, February 15, 1960)

WHERE DO WE STAND?

Mr. FULBRIGHT. Mr. President——

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, may we have order in the Chamber?

Mr. JOHNSON of Texas. Mr. President may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arkansas may proceed.

Mr. FULBRIGHT. Mr. President, the Congress of the United States has been in session for 2 months. During that period we have heard the President in his report on the state of the Union assure the American people that all is right with the world, and that our freedoms and our place in the world are secure.

We have received his budget message and been assured again that all is well—indeed, very good, because we look forward to a budget surplus, albeit we must do without new schools and better missiles.

Mr. McCARTHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order. Senators will please desist from conversation. The Senate is still not in order.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Arkansas yield for that purpose?

Mr. SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I will yield if I am given unanimous consent to yield for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the Senator from Pennsylvania may state his parliamentary inquiry.

Mr. SCOTT. The Chair has indicated that the Senators will desist from further conversation. Is it permissible to observe that there are many Senators who hope that admonition will be taken seriously?

The PRESIDING OFFICER. The Senator from Pennsylvania has not asked a parliamentary question. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. We have debated the state of our defenses and argued whether by 1962 the Soviet superiority in missiles would be 3 to 1 or maybe only 2 to 1.

We have read in the press of the travels of our President and we have tried to keep abreast of the speeches of presidential aspirants.

And now for over 2 weeks of lengthy sessions in the Senate, we have discussed proposed legislation in the field of civil rights, a discussion in which I have participated.

Under these circumstances, I have hesitated, Mr. President, to speak at this time to present my views on the state of the country. I do so now only because it seems to me that we have lost our perspective. It may be that I have lost my perspective, but I will take my chances and assert that it seems to me we are talking about the wrong things, even though I would not deny their importance. We have become so concerned with self-introspection that we have failed to discuss the most basic issues of national policy, namely, as a nation where we stand today; where we want to go; and how we can get there.

I hope to explore these issues in some depth during the next few weeks.

Where do we stand today?

A nation with a gross national product that will soon hit a peacetime high of $500 billion and with a per capita income of over $2,500—nearly double that of any other nation—is debating the extent to which our Armed Forces may be inferior to those of the Soviet Union.

If there is confusion about the facts, some things are clear. It is humiliating that the debate should have to occur. Its occurrence is evidence of our failures. It is a revelation of our lack of foresight of possessing great riches yet failing to use them to make ourselves, and keep ourselves, the world's strongest power, although to do less is to invite national extinction.

Mr. Khrushchev, having outrun us, is not one to let our grass grow under his feet. "It would be naive to think," he has said, "that we are going to sit with arms folded" while the Americans "make every effort to raise their rocketry from the state it is now in and reach a better position." But before considering this let us place the problem in perspective.

Men have anciently yearned for a universal commonwealth. Now we have it of sorts. But it is a commonwealth of fear kept going by a precarious balance of terror, a chilling oscillation between negotiation and incineration.

We endure in an era of total crisis. The great truths are denied. Black becomes white, the horizontal vertical. Whole states—as Estonia, Latvia, Lithuania and lately Tibet—sink from sight. Whole countries—as Hungary—languish behind bars. An ancient culture such as China's is shattered and remade overnight into the largest anthill slave state men have ever known.

All the world's parts, for the first time, are simultaneously out of joint. And while horrors stalk the earth, weapons of potential universal destruction are hurled to the stars, or into the Pacific not too far from our own shores. Everywhere the implacable cage stalks the unwary bird.

Our communications instruments are superb. Yet over huge areas the telephone is silent, the postman is frozen in his rounds and the airplane dare not land. We cannot communicate with the Russian people who occupy one-sixth of the earth's surface nor with the Red Chinese who compose about one-fifth of the world's population. Perhaps half of humanity lies beyond our hailing.

Where do we stand? What is our so-called peace? Is it not a monstrous make-believe to which men lend credence so that thereby they may have the prospect of another day under the sun?

The captains and the kings depart. Yesterday's empires—from Britain's to Japan's—are today dust. The world's stage lately occupied by several powers has been cleared of all but two giant protagonists. They are engaged in deadly conflict even if they are not in physical combat. The one holds half the world in its fist. The other haltingly sustains the remaining half.

We have never faced an antagonist quite like this one. The Soviet Union swiftly leaped from the oxcart to the moon. It rose from a second-rate underdeveloped country to loom menacingly over the world.

Master of complex technologies, primitive and advanced, her soldiers march with black bread in their hands and the awful secrets of nuclear fission in their minds. Their leaders are obsessed by a dedicated sense of mission to dominate all mankind.

It long antedates Karl Marx and it did not falter when the Germans stood at Moscow's gates. Even as we sent stupendous quantities of munitions to the Soviet Union during the war Stalin was plotting for our demise in the postwar period.

Elsewhere, a colossal specter rises in the Far East. It commands the world's largest labor force. At this time 100 million people—a group exceeding half of our total population—are building the world's greatest network of hydroelectric stations, irrigation canals, and dams. Red China is attempting within one generation an enterprise greater than any undertaken by man: that of catching up, in this short time, with the most advanced industrialized nations. Many experts believe she will become a major industrial power during the late 1960's.

China's vast population grows. Soon 1 in 3, or 1 in 4, of all men will be Chinese. Awesomely industrious, tough, inured to hardship, China's millions are as the fingers of the hand manipulated by their determined and ruthless masters. They direct a revolution unparalleled in its dimensions which in its pitilessness, has swiftly destroyed a culture ancient when Christ was born.

We may expect that within foreseeable time the fingers will become a clenched fist prepared to smash all that stands in the path of China's domination of the Asian reaches, their resources, and the nearly three-quarters of a billion people who inhabit them.

Returning to the Soviet Union we find that Mr. Khrushchev even as he bade goodby to his American hosts, repeated what he has often said: Communism would take us over. Given communism's unrelenting objective—world domination—this goal is logical. We must be the first to go by one means or another. For when the free world's shield is broken those whom it shelters become defenseless.

We have been warned, but have we heard? If we should perish it will not be for lack of warning but for lack of the will to survive.

In this context there is something new under the sun. It is a newness illuminated by the fact that the sun itself is no longer inviolate and unattainable. For the first time a would-be conqueror could win the world; win it in perhaps 30 minutes. He might succeed where others, from Genghis Khan to Hitler, had failed.

How almost overwhelming, then, must be the temptation to such a one to act? How nearly irresistible the compulsion to use his ocean-spanning, catastrophic weapons? How intoxicating the vision that, winning, the world would be one state to do his bidding with its people as his puppets, its continents as his provinces, and its seas as his lakes?

How must the aspirant conqueror be moved when he contrasts the position of his country and ours at the end of the war—only 15 years ago—and today? For among nations, as among individuals, what ultimately counts is not being but becoming.

At the war's end we were, incomparably, the world's strongest power, commanding the mightiest fighting force ever assembled, and a monopoly of atomic weapons. Our wartime casualties had been small, our homeland was untouched. our farms and factories had hugely expanded. The world's gold flowed to us. The world's trade fell to us as former rivals were removed from competition. We stood upon the heights of power, prestige, riches. We had arrived.

What of the Soviet Union in 1945? She did not announce her casualties lest they reveal her grave weakness. But they were on the order of 20 million people. She suffered an enormous loss of houses, factories, powerplants, domestic animals. Many thought that for years to come her energies would be absorbed by domestic reconstruction.

But she quickly repaired her war damages. Then she built a giant heavy industry, created new cities, opened vast new lands to cultivation. Above all she advanced education in a mighty surge of passionate and determined effort. For, writes Dr. Lawrence Derthick, U.S. Commissioner of Education:

> The Russians have decided that education is the best means of winning their place in the sun and on the moon. * * * The Soviet Union is like one vast college compus on the eve of a football game with its greatest rival. That rival is the United States.
>
> This is the mark of our antagonist:

Forty-four years ago communism was confined to a rented room in Zurich, Switzerland. Today it dominates one-third of the earth containing 40 percent of the population and a third of the industrial power.

The Soviet Union's trained cadres operate throughout southeast Asia, and are now appearing in countries on our doorstep. Promoters of communism swarm over Africa and Latin America. In Egypt the Soviet Union is constructing spectacular works that will dominate world headlines for years to come and enable her to tighten her grip on the strategic Middle East where no former Russian regime had ever been able to penetrate. At the same time she lends money to free world countries and builds great mills for them as in India. The Soviet Union is on the move.

Thus Lenin's "strategy of encirclement" is not only being fulfilled—it is moving ahead of schedule.

Surprisingly to the West, the Soviet Union exploded an atomic bomb only 4 years after the war's end. Four years later she exploded a hydrogen bomb. Now abreast of us in this field she forged ahead of us in the conquest of space as she launched man's first satellite and was first to the moon.

She maintains vast armies, and a navy second to ours. No power has ever had, in peacetime, so many submarines. They number 450; two-thirds of them long-range ocean patrol types. In 1956 alone Soviet shipyards built 100 submarines, or one every third or fourth day during the year. This is as many submarines as we have in our entire fleet.

In addition the Soviet Union is mounting a worldwide trade offensive aimed primarily at us. Hence the challenge to us is total. It involves the military, the political, the intellectual, and the industrial. The measures of our antagonist cannot be countered by half-measures or by halfhearted competition.

If, Mr. Khrushchev must reason, his country has come so far so fast, how much will it forge ahead of us in the future unless we greatly step up our pace in education, weapons, foreign aid, and foreign trade? But how shall we excel in these fields if we are more concerned with keeping up with the Joneses than surpassing the challenges of Khrushchevs?

How shall others appraise us—to consider only one phase of the struggle—in the light of Dr. Wernher von Braun's remarks about the conquest of space?

Last year he said the Russians disregarded our efforts. "The Russians appear so sure of their technological leadership," he observed, "and their ability to retain the initiative that they do not even consider the possibility someone else might beat them to the moon."

They were right. They got there first.

Only the other day Dr. von Braun said we cannot overtake the Soviet Union in the space race "for several years." It is "still moving faster than us," and he would "not be surprised" if it placed the first man in orbit this year.

President Eisenhower denies we are in a space race. But ordinary men believe we are in the race and are behind the pacesetter. Mr. Eisenhower also denies that our prestige has been lowered by our poor showing in space.

Here he is contradicted by an administration member, Mr. George V. Allen, head of the U.S. Information Agency. He says that the effect of Sputnik I was to "plunge the U.S. scientific prestige far below that of the Soviet Union" in critical India, Italy, Turkey, and elsewhere.

Many, in a world dominated by science, regard us as occupying a second-rate position in science. How long will it be before they fatally downgrade us to the status of second-rate power?

Mr. Eisenhower is also in sharp conflict with critics of our defenses. He treats them contemptuously. He was not disturbed, he said, "because anyone with a parochial viewpoint says the bosses know nothing about it."

Generals are not to reason why. Their Commander in Chief complains that "too many generals have all sorts of ideas."

Yet mankind moves on ideas. Men with ideas are the makers and shakers of the world. The larger their number serving the country, the more fruitful and vigorous the country. But few men of ideas come to Washington. They are not likely to seek service under a Chief Executive who is scornful of their kind.

Let us recall a recent occasion when an officer with ideas was stifled by his superiors. Before war came in 1939 it was widely believed that France had Europe's best army. But a French officer, disbelieving this, wrote a book describing new methods of warfare to meet new conditions. He and his book were ignored by his superiors. The Germans, however, read the book and profited by it. The author was Charles de Gaulle. I doubt not that the Russians have already read Generals Taylor and Gavin.

Yet this is the somber reality. Mr. Eisenhower, by virtue of his powers as President of the United States and Commander in Chief of its Armed Forces is the only man alive whose decisions about our armaments, if faulty, could cause the free world to be lost in an afternoon.

But he has dubbed those who disagree with his judgments as "noisy extremists"; men unpatriotic because they have "the tendency to disparage our country," while they are also dishonest because their assertions are "spurious"; that is, they are fake.

The group so condemned includes such distinguished soldiers as former Army Chiefs of Staff Generals Ridgway and Taylor, Gen. James M. Gavin, former Chief of Army Research and Development, and General Power, present Chief of the Strategic Air Command; such distinguished journalists as Joseph Alsop and Walter Lippmann, and such research organizations as the Rand Corp. and the Rockefeller Bros. Fund.

Alas for Members of Congress who question the President's military concepts. He calls them "political morticians exhibiting a breast-beating pessimism." This scarcely answers the inquiries of earnest men worried about their country's security. Nor is it helpful to the case since it is merely the dropping of an empty bucket into an empty well and coming up with nothing.

Perhaps more disturbing is the President's assertion to a press conference that he knows more than "almost anyone" about military matters. This is dangerous because the President's attitudes foreclose discussion while precluding reason; deter military men, fearful of their careers, from speaking up; encourage the dominance of yes-men, and tend to drive superior men from the service. Such men are repelled by assumptions of omniscience this side of heaven.

One remembers a day just before the Germans marched. Senator William E. Borah, a foreign affairs expert, then told Mr. Cordell Hull, Secretary of State who feared imminent war, that there would be no war. Why? Because he, Borah, knew more about it than the Department of State. He had his private sources of information.

"No one in the administration," writes John L. Steele in Life magazine, a longtime supporter of this administration, "is supposed to rock the boat on defense. The President has an almost impenetrable reputation for knowing more about the subject than any other American. The team is always more inclined to go along than to criticize or suggest. And Assistant Secretary of Defense Murray Snyder has counseled top defense officials to 'kick in the teeth' reporters who dare question U.S. defenses and suggested that critics of the program are undermining national confidence."

Thus assumptions of omniscience at the top breed assumptions of omnipotence down the line. In the person of Mr. Snyder, the infallible, by remote control, merges with the unspeakable. He may, if he likes, play the sedulous ape to his masters. But he must be told, since he does not seem to know it, that in our democracy a public servant does not—to use his elegant language—"kick in the teeth" reporters doing their duty or besmirch the patriotism of men inquiring about the public business.

Perhaps Mr. Snyder would like to rebuke Lieutenant General Schriever, Chief of the Air Force Research and Development Command, for telling Congress that next year Russia will open a lead in missile strength that we cannot overtake for a long time. The reason for this, he said, is the failure in 1958 and 1959 to increase our missile production.

General Schriever also said there is "very much evidence" that Russia has greatly strengthened its bomber defenses. But the aircraft that might not be able to get through may not even be able to demonstrate their impotence. For, states Gen. Thomas Power, Chief

of the Strategic Air Command, our bomber bases are vulnerable to surprise attack.

Next year, says Representative GEORGE H. MAHON, the able chairman of the House Defense Appropriations Committee, America is going into a 2- or 3-year period when the Soviet Union's missile superiority will present "the most frighteningly important situation that we have been in in our lives."

Recently three well-informed witnesses appeared before Senator HENRY M. JACKSON'S Subcommittee on National Policy Machinery.

The first was Robert A. Lovett, a Wall Street banker, a lifetime Republican, and a Secretary of Defense in the Truman administration.

He criticized the Defense Department for "its constant increase in committees which has reached a point where they are no longer mere nuisances, but have become positive menaces to the prompt and orderly conduct of business."

In executive session, Mr. Lovett indicated his belief that President Eisenhower leads a dangerously sheltered life as Chief Executive of the Nation. For, he said, the National Security Council "protects" Mr. Eisenhower from the debates that precede policy decisions.

Mr. Lovett was firmly convinced "we are doing something short of our best" in meeting the "deadly challenge by an implacable, crafty, and openly contemptuous enemy."

In answer to the question of the Senator from Washington [Mr. JACKSON], "Do you think our prestige has been affected worldwide?" Mr. Lovett answered, "Yes, sir, I think that it has."

Finally, he said that the Budget Bureau has "authority without responsibility" in setting defense policy.

I may say we had good evidence last year that the same is true in foreign policy.

Mr. Lovett went on to say, "If a proper need were demonstrated, I would not hesitate to increase the budget."

Mr. Lovett, I repeat, has had an enormous experience with our defense requirements. He is a leading Wall Street banker with a wide knowledge of financing, including Government financing, and is a lifelong member of the Republican Party.

I think it would be very difficult to overemphasize the significance of these comments, coming from this source. If they came from me, or any other Democrat, I suppose they would be discounted as being partisan. But I do not know how anyone could question the authenticity and the impartiality of the judgment of Mr. Robert Lovett. As a matter of fact, it is a great mystery to me why this administration has not enlisted Mr. Lovett in its service, just as Mr. Truman did, because I think he is widely acknowledged as being as eminent an authority as anyone I know of in several fields which I have just mentioned.

A day later Mr. Robert Sprague testified. An industrialist, chairman of the Federal Reserve Bank of Boston, and consultant to the National Security Council, he also is a lifelong Republican.

Even more outspoken that Mr. Lovett, Mr. Sprague said, "The idea that an increase in spending for survival will bankrupt us is, to put a plain word on it, silly." He pointed out that the Russians put 25 percent of their gross national product into military preparations, while the United States devotes only 9 percent of its gross national product to national security.

Mr. Sprague insisted that the United States be awakened to the scope of the overall Russian threat to us. But who is to ring the alarm bell?

"There is only one man in the United States that can do this effectively, and that is the President," said Mr. Sprague. He continued: "I believe, and this is a personal belief, that the danger is more serious than the President has indicated to the American public."

There ensued then this colloquy:

Senator EDMUND S. MUSKIE. I gather that you consider our present military program inadequate to the needs?

Mr. SPRAGUE. That is correct, Senator.

Mr. MUSKIE. And I gather that you consider the deficiencies a threat to our survival?"

Mr. SPRAGUE. I do.

Another critic of Mr. Eisenhower's defense policy was Mr. Thomas Watson, Jr., president of International Business Machines Corp. He said:

We may gain peace of mind by mixing our own doubts about our abilities in rocketry with thoughts of the superiority of our Air Force and other weapons. However, this kind of thinking is not conducive to long-term world leadership.

Asked if he felt the military budget adequate, Mr. Watson replied:

I do not believe the adequacy of our defense posture can be discussed in the same context as inflation.

Then he went on:

I do not agree with people who suggest that we must not push our economy to any point necessary to win in competing with the Soviet because then we might lose what made our country great. Our national goal should be clear superiority over the Soviet Union in all possible areas, and we should believe enough in our democracy so that we will not be reluctant to enter fully into the contest.

This is Mr. Watson, also a leading Republican businessman, not some Democratic political officeholder or candidate. These are all nonpresidential aspirants and Republican businessmen of the highest caliber.

These men believe that our survival is imperiled; that we are not doing enough to assure our security to the greatest degree possible; that we should do more; and if it costs more to do more we ought to pay for it in the spirit of "damn the torpedoes, go ahead."

But let there be no mistake about this. If we are to have peace we must have a high degree of discipline at home. We must understand—and the President is the only man among us who can bring this forcibly to the Nation—that waging peace in our times is a task of formidable proportions second only to waging war.

The successful waging of peace requires a vigorous national administration, an informed people, and a mature people who know that you cannot be adult without being willing to pay for what you want. It is only in heaven that you can eat your cake and have it too.

This is the melancholy pass to which we have come. It is like the common story of the rich, miserly recluse found starving in a garret. There has never been a time when we did not have the resources of men, money, and access to knowledge that might have given us a wide lead over any aggressor and made attack upon us suicidal. Yet we have apparently believed we could not afford to spend enough to secure our liberties.

Let us again hear from Life magazine, a longtime, devoted supporter of this administration. In its issue of February 15, 1960, Life says editorially:

President Eisenhower's defense budget is dangerously deficient. He has great military experience and deep confidence his $41 billion program is adequate. But harsh facts argue it isn't.

The harshest fact is that by the President's own intelligence estimates, the Soviets by 1963 will have twice as many ICBM's as we—enough by SAC Commander Thomas Power's warning, to wipe out all our bases and retaliatory planes in one salvo.

In order to do all that needs to be done we are convinced that the United States must spend on defense, at the very least, $2 billion more than it is now planning.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. Does the Senator know how many of the very capable witnesses who testified to the weaknesses of our defense are engaged in the manufacture of munitions or the financing of the manufacture of munitions of war, or who hold Government contracts, or who would like to have larger Government contracts?

That is a very impressive list the Senator has read, and I believe we ought to know how many of them who repeatedly point out the weaknesses of our defense and advocate the appropriation of billions of additional dollars, are engaged in the manufacture of munitions or in the financing of the maufacture of munitions.

Mr. FULBRIGHT. I have known Mr. Lovett personally ever since he served in our administration.

Mr. AIKEN. I did not mention Mr. Lovett.

Mr. FULBRIGHT. It is inconceivable to me that he is motivated by a desire for personal gain. I know Mr. Sprague by reputation. He is an adviser to the National Security Council. I would say that if the leading citizens of our country—in the Republican Party in this case—are so lacking in common decency and patriotism that they cannot come before a committee and give their honest and informed opinions, based on long experience in this case, then our country is in such a condition that there is really no hope for it at all.

For my part, I am unwilling to take that attitude. I am unwilling to say that because these men are men of substance—of course, it is true that Mr.

Lovett is a Wall Street banker—they are unfit to give advice to our Government. I believe Mr. Lovett to be a man of integrity. I do not believe that he would give this testimony in the hope that he might make a few more dollars. And besides I do not think he needs the dollars.

The propaganda to the effect that the economy of the United States is so weak and so fragile that it cannot afford even to enter into a disarmament program for fear that if we disarm, the economy would collapse, is a lot of nonsense. I do not think that is the case at all. I do not believe we have that kind of economy. I do not believe that these men would come and give testimony because they want to make more money.

They have not said anything that many of our generals and many of our informed colleagues in the Senate have not also said. I cite these men particularly because they are Republicans in good standing and therefore could not be motivated by partisan considerations. It never occurred to me that anyone would rise and insinuate that they were giving this testimony in order to get more Government contracts. I really do not believe that is so.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield only for a question to my colleague from Vermont.

Mr. AIKEN. Does the Senator realize that I did not get the answer to my previous question? How many of the parade of witnesses on the national scene advocating the appropriation of billions of more dollars for national defense are engaged in the manufacture of munitions or in financing the manufacture of munitions or who are interested in Government contracts?

Mr. FULBRIGHT. I made no investigation of the witnesses I mentioned because it never occurred to me to question their integrity and patriotism.

It is well known that a great corporation such as International Business Machines is engaged in many diversified activities, and I am quite sure that the International Business Machines Corp. has, either directly or indirectly, substantial Government contracts. I know that not because I have looked it up; I think I know that just as a matter of general knowledge, knowing what kind of company it is. Since Mr. Watson is president of that corporation, I suppose one might say he has a personal interest. I do not believe, however, that interest is sufficient or direct enough to motivate Mr. Watson to come before a congressional committee to give testimony with regard to this matter.

Life magazine, so far as I know, has no direct Government contracts. However, it could be argued that they have many advertisers who have Government contracts and, therefore, perhaps they are motivated by that fact. I do not think so. They are a very prosperous concern.

I should say that if we question the motives of such people we are in trouble. I think it is quite logical to question their judgment. That is always open to question. I think one might argue that perhaps they are not informed. Perhaps, for one reason or another, they are ignorant or their judgment is not good, but I am unwilling to question their motives even if they do have contracts, such as International Business Machines may have.

I have no doubt that Brown Bros., Harriman has banking relations with people who do have contracts. I doubt that they have a direct contract. I have done no research and I am only assuming that because it is a big investment house. It probably finances or participates in the financing of companies that do have Government contracts. Therefore, a case might be made that they would profit by defense contracts.

I am only saying that I am unwilling to question their motives. I am perfectly willing to argue about their judgment and their information, but in this case it so happens that we have a great mass of evidence from other sources that corresponds to their views, and I cite these men largely as nonpartisan witnesses.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield only for a question.

Mr. AIKEN. The Senator from Vermont did not mention the name of anyone. It was the Senator from Arkansas who brought out specific names. Does the Senator from Arkansas regard the $41 billion which the President has requested for defense purposes as a completely inadequate and pitiful amount?

Mr. FULBRIGHT. In answer to the Senator from Vermont, I am trying to make the point that I agree with these witnesses. These are not the only witneses. I have cited a number of other people, and we have had some very fine debates in the Senate about this matter. The Senator from Missouri, [Mr. SYMINGTON] a few days ago—I think it was last Monday—presented many facts, and I have read those. I have read many of the statements made by some of our great generals, several of whom I have just mentioned here, and they have persuaded me that they are correct.

In addition to their testimony, there is no question about the success of the Russians with regard to space explorations. I do not know that anybody denies that. The testimony, much of which has been made public by the Director of CIA, makes it quite clear that the Russian program of testing of missiles is very successful indeed. I have heard of no responsible person questioning the accuracy of the reports concerning the exploits of the Russians in the Pacific.

On all of these things, it seems to me, I do not have to be a military expert such as the President, who served as general of the expeditionary forces, in order to conclude that, on the balance of the evidence from all sources, it is correct to say we are not doing what we ought to do in this field.

I am trying to present this as a reasonable argument and not one on which I am asking Senators to accept my judgment because I personally know more about it. I am trying to gather into one place as much evidence as bears upon this subject, and I believe the weight of the evidence makes a persuasive case that we are not exerting our strength as we are capable of doing and as we should do.

I think what is very significant about people like Mr. Lovett, Mr. Watson, and Mr. Sprague is that they represent the business community. Perhaps they are not the greatest authorities on missiles, but I can think of no better authority on the question of whether our economy could sustain a greater effort. Would it bankrupt us, for example, if we spent some more money on increased effort? Who is better qualified to pass judgment on that than men like Mr. Lovett?

Let us for a moment assume he is giving his best judgment on the matter of defense. He is an expert in that field, and I would say he knows more than almost anybody about our economy because he has had experience in the very highest circles. In addition to that, he is a very able man. Anyone who has ever had any personal contact with Mr. Lovett immediately recognizes him as a man with very strong intellectual power, and, I think, a very impressive character generally. If he and others tell me—and I see nothing to controvert it—that this economy is not being stretched to the limit, that there is a great deal of play in it, that there is much we could do without endangering its soundness, I think it is sound advice.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. MONRONEY. Does the Senator feel that generals like Maxwell Taylor, Gavin, and Ridgway would surrender their life's career 2 or 3 years before the normal retirement age, when the heights of the Chief of the Joint Chiefs of Staff would be reachable by any one of these three men, because they felt under the budget control of our ground forces these men could not carry out the mission assigned to them? Does the Senator think these men were arguing from a position of seeking personal gain and profit, as has been intimated tonight?

Mr. FULBRIGHT. I will say to the Senator that, of course I do not. I think these men showed an unusual devotion to duty in sacrificing their personal caeers in order to make the case as persuasive as they could.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I think these men deserve much credit for what they have done. They have done everything they reasonably could to impress upon the country and upon the administration the need for attention to this problem. While I do not know this of personal knowledge, as a matter of common sense I am sure that before they reached the ultimate conclusion to resign they did all the arguing they could with the administration. I am sure they finally resigned as a result of frustration, when they could not overcome the position of the Bureau of the Budget and of the Treasury Department.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. MONRONEY. Mr. President, will the Senator yield further to me, to develop this point?

Mr. FULBRIGHT. I yield only for a question.

Mr. MONRONEY. For a question, I understand.

Does the Senator feel that in this administration, under the evidences he has clearly given, the instructions went out through the Assistant Secretary of Defense, Murray Snyder, "to kick in the teeth" any reporter? Does he think any company with a large amount of military contracts under this administration, knowing the way others have been treated, would dare to stand up and dare to criticize this administration before the Congress?

The criticism is not coming from the people who hold big defense contracts or from those seeking big defense contracts, because, under this administration, they fear they will be left out in the cold and cut off the list.

I believe the Senator will agree that the criticism has come from career men; from men like Mr. Lovett and men like Mr. Sprague, who I believe is the head of the Federal Reserve for the great New England area.

Mr. FULBRIGHT. In Boston.

Mr. MONRONEY. For the Boston area.

The men who hold defense contracts are not going to jeopardize future contracts by appearing before the Congress. We have observed that situation before the Aviation Subcommittee. We know these men hesitate to defy the administration in testifying with regard to proposed legislation.

Mr. AIKEN. Mr. President, will the Senator yield for one more question?

Mr. FULBRIGHT. I yield for a question only.

Mr. AIKEN. Does the Senator consider it a hardship and a sacrifice for a man to give up a $15,000 job with the Government to take a position which pays two or three times that amount with a concern doing business with the Government?

Mr. FULBRIGHT. I do not know that I understand the Senator's question. It is a hypothetical question.

I wonder whether the Senator means to say he questions General Gavin's patriotism, because of the observations made by General Gavin; or questions General Taylor, whom I know better than I do General Gavin, who wrote a book; in that perhaps they did not have the most sound reasons for doing what they did, and that perhaps they resigned for an opportunity to make personal gain, to get a better job?

If that is what is meant, I can only say I do not agree.

I know General Taylor better than I do General Gavin. I know General Gavin by reputation. These men appear to me to be of a very high type, about the best I have known in their field.

The thing which is really distressing to me is that doubt is cast upon the motives of and upon the integrity of our leading businessmen and our leading generals. We are really in bad shape. It reminds me a little of the time when clergymen, professors, and many others were accused of being subversive.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I thought it was a distressing thing.

Mr. JOHNSON of Texas and Mr. SCOTT addressed the Chair.

Mr. FULBRIGHT. I think it is distressing to have an implication that those who criticize the administration have some ulterior motive, and that no one is doing it because of a belief that it is necessary, judging from experience.

Mr. AIKEN. Mr. President, will the Senator yield for one more question? Is not the whole tenor of the Senator's speech to cast doubt upon those who are today responsible for the defense of this country?

Mr. FULBRIGHT. I will say to the Senator that what I am trying to do in this speech is to gather together in one place, for presentation as clearly as I can, what has persuaded me to certain conclusions. I am trying to do that, since I think it is my duty to do so through the forum provided us in the Senate. I think it is the duty of every Senator, if that Senator has a conviction on a matter of great importance, to make that conviction known.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the majority leader for a question.

Mr. JOHNSON of Texas. Mr. President, all who have served with the Senator from Arkansas through these many years recognize him to be a man of great vision, of great courage and of great character.

Apropos of the point made by the distinguished Senator from Arkansas, if we are to question the patriotism of men who have left the service, given up their careers and gone out in order to speak freely their minds and give to the people of America the truth; if we are going to say that there is some question about what they have said, I do not want to be a party to it.

I remind the Senator that we still have serving our country in positions of high responsibility men who are sounding a warning, men who are saying, "Stop, look, and listen."

These are men like Admiral Rickover, who is constantly telling us of his great concern about our shortages in the field of education and the progress we are making in that direction; men like General Powers, who have the terrifying responsibility of defending and protecting this Nation. These men tell us that they cannot forget Clark Field in 1941, when all of our planes were on the ground—caught on the ground and wiped out on the ground—and we were left without any capability. Our fleet was upside down in Pearl Harbor, while we were buying magazines which said, "We can whip them in either ocean."

We should have learned something from those lessons. I have not had the great privilege of hearing everything the Senator has said, but I am very proud that my 16-year-old daughter came to my office earlier this evening and said, "Daddy, this is the finest speech I have read in a long time." The remark concerned the Senator's early release.

I congratulate the Senator from Arkansas, and commend him for making the speech. Even though I may not share all his views, I certainly share the Senator's concern.

Mr. SCOTT and Mr. McCARTHY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield, and if so, to whom?

Mr. FULBRIGHT. Mr. President, I want it understood I will yield only for a question.

Mr. SCOTT. Will the Senator yield for a question?

Mr. FULBRIGHT. I yield to the distinguished Senator from Pennsylvania for a question, and I hope the Presiding Officer will protect me if it is not a question. It is not easy, always, to tell whether it is going to be a question, as the Presiding Officer knows.

Mr. SCOTT. Mr. President, preliminary to my question, I assume that the remark must have relation to the query—question or not question—recently addressed to the Senator in the form of a speech.

However, I have a question. When the Senator quotes remarks of a handful of generals, largely from the Army, a service which has felt from time to time, with perhaps some reason, that it has not fared as well as the other services, and relies on generals who have indicated a difference of opinion with the administration and a handful of industrialists who have indicated a difference of opinion with the administration, does not the Senator agree that there are literally thousands of retired generals and hundreds of thousands of industrialists, large and small, and that the silence of all the thousands ought also to be given some weight against the volubility of a small handful of men, whose motives I do not impugn in any way?

Mr. FULBRIGHT. It has never occurred to me that questions of this kind should be decided upon the basis of numbers. The quality of the testimony should be of first importance.

We do not find hundreds of thousands of people of the stature of Bob Lovett or of Mr. Sprague or of Mr. Thomas Watson. Very few men in this country have the experience and stature of these men in their fields.

The same could be said with respect to the admirals and generals we have mentioned. Admiral Rickover has been mentioned, and Generals Power, Taylor, Ridgway, and Gavin have been mentioned.

Beyond that, the point I was trying to make seems to escape the Senator. I am not trying to say, "There are this many who have said nothing, and only a few who have complained." That would seem to me to be a very false way of trying to arrive at an intelligent conclusion.

The thing which is most persuasive is that the facts about which we know, in

addition to and apart from the testimony, confirm this view. What we know about what the Russians have done with the sputniks and what we know about what they are undertaking to do in the economic field, such as, for example, the Aswan Dam, are facts these men did not use specifically. All we can say is that the circumstantial evidence available to us from other sources supports the conclusions of these particular men.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me at that point?

Mr. FULBRIGHT. I will yield to the Senator in a minute.

Mr. JOHNSON of Texas. I should like to say something on that point.

Mr. FULBRIGHT. I yield for a question.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Arkansas may yield to me for not to exceed 1 minute without losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I point out to the Senator that the Gaither Committee selected by the President also supports that position, and that the Rockefeller report also supports it. The very distinguished Governor of New York, who is not a gentleman who has to lift an arm to pick up an extra dollar, supports that position. I call the attention of the Senator to the fact that a nonpartisan committee of this body, the Preparedness Subcommittee of the Committee on Armed Services, sat day after day, week after week, heard hundreds of witnesses, took testimony from dozens of men, and unanimously made recommendations—17 of them in number—urging this Nation to accelerate its program. Most of those recommendations have not been carried out. The Gaither Committee was selected by the President. We have never been able to have its report made public, but I say to the Senator that it supports some of the conclusions that he has reached. Mr. Nelson Rockefeller, before he was elevated to the high nonpartisan office of Governor of New York, came before our committee and urged us to open the door and let the American people see what was happening.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may have the same privilege which has been extended to the majority leader.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. FULBRIGHT. Mr. President, I yield with the understanding that my rights to the floor are not in any way prejudiced.

The PRESIDING OFFICER. That is the understanding.

Mr. SCOTT. Mr. President, the question I am about to ask the Senator to comment on, I have also asked other Senators as they have come forward indicating that this Nation needs to do more for its own defense. I do not know whether it does or not, but would the Senator care to comment on why it is that after we have heard so many Senators on that side of the aisle indicate that we ought to be spending more for this and that, for all kinds of weapons, the Armed Services Committee of the Senate in the 86th Congress, in a year and a quarter, with a little over 3 months of this session to go, in all probability has not implemented nor even made a genuine effort to implement what is so seriously asserted to be the needs of this country for defense? If we need these things, I ask the Senator from Arkansas, why does the majority not get busy and bring the bills to the floor for action and performance instead of arguing for further preparedness?

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may yield to me for not to exceed 2 minutes without his losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. JOHNSON of Texas. Mr. President, I do not know exactly what the Senator wants us to do.

Mr. SCOTT. Action.

Mr. JOHNSON of Texas. The committee has made recommendations. The Congress has appropriated millions of dollars that the President has not used in the field of defense. There is more than $1 billion available—impounded, sunk, hidden, that is not available, that the Congress has appropriated. "You can lead a horse to water but you cannot make him drink." I think most students of government realize that the Congress is not the action arm of the Government. We can take the President's recommendations and consider them, increase some of them, decrease some of them, go along with some of them, but I think the objective student who will look at the record will find that Congress has been very generous in supplying the President with more money in the field of defense than he has felt was desirable or than he needed, and I think it will be found that the President has impounded some of those funds and not allowed them to be spent. Perhaps we could have some more impounded. I do not know what purpose that would serve.

Mr. SCOTT. Mr. President, will the Senator from Arkansas yield to permit me to ask a question, by way of a commentary question?

Mr. FULBRIGHT. Mr. President, I yield with the same understanding, that it in no way affects my right to the floor.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from Pennsylvania is asking the Senator from Arkansas to yield for a question?

Mr. SCOTT. For a question in the form of a comment, which I said was a commentary question.

Mr. FULBRIGHT. Mr. President, I ask the Chair to judge as to whether or not it is a question. If not, I ask unanimous consent, if it proves not to be a question, that I will not lose my right to the floor.

Mr. SCOTT. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield for a question.

Mr. SCOTT. I have a command of the entire alphabet. I will be glad to see that at the end of my remarks a large question mark appears in the RECORD.

I ask the Senator from Arkansas if he does not realize that one can only assume from the remarks of the distinguished majority leader that his contention presumably on behalf of all those who have made these points on lack of defense is that the President of the United States has enough money now impounded to build all the weapons needed, all the submarines needed, and all the missiles needed; if the President would only use the impounded money, which most of us realize to be now in the pipeline for future completion of orders. That is apparently the only issue before us; and if that is so, I am happy that it is simplified and that all the rest of this demand for money by implemented action in the Senate is sound and fury, signifying nothing—question mark.

Mr. FULBRIGHT. Mr. President, I would first say that those remarks are not designed to clarify the situation. I did not understand the majority leader to say any such thing. The Senator from Pennsylvania asked why the Committee on Armed Services had not done something about it, and the Senator from Texas' reply was, I believe, responsive.

I should like to comment about the attitude of the Senator from Pennsylvania. We have, of course, a divided Government. In my opinion this is the most disastrous characteristic, the most disastrous condition that now faces this country. If we continue to have divided Government with the executive branch controlled by one party and the legislature by the other, the future is very dark indeed for this country.

Now, even if the same party controls both the executive and the legislative branches, it still remains the prime responsibility of the executive to formulate and submit programs, especially in the field of foreign relations and defense. These are highly technical activities in which the ordinary Members of the House and the Senate do not usually spend a great deal of time. Many of us have personal knowledge of such things as agriculture in its various phases, of road programs, of conservation of resources, but few of us have grown up either in the Army or Navy or in the Foreign Service. Even if we had a united government, which we do not have, it would still be the Executive responsibility to formulate and present the programs. Now all the Congress can do in either case is to try to criticize and to advise the Executive. As the Senator from Texas said, we cannot even make him spend when we appropriate funds. This has happened several times. It is not a recent development. It has happened even under the Democratic administration. I remember that. The Congress, I believe, appropriated a billion dollars more for the Air Force than the administration asked some time ago. That is a great deal of money.

But to try to confuse this issue by saying, "Why do you not do it?" I think is no contribution to a clarification of the issues. I think it is clear where the responsibility lies. The question is whether or not it is true that we are doing all we should. What I am trying to do is to present the evidence in as

clear a way as I can through use of the testimony of those authorities, both in and out of the Government; those in business; those in the defense forces; and those retired from the defense forces.

I have stated the circumstantial evidence of what the Russians have done. I mentioned their reports and their educational efforts, and what they are doing in the field of foreign aid, as in the example of the Aswan Dam. They recently approached Cuba with an offer of a loan of $100 million. Within the last few days they have offered Indonesia $250 million.

They are on the move. I say, relatively speaking they are building up much more rapidly than we are.

I was about to cite a personal experience. I do not rely upon anybody else for this. It happened in the Senate last year in regard to the foreign program.

The Foreign Relations Committee labored long and hard and reported a bill almost unanimously. Except for one absent member, one of our respected members who has since passed on, it was unanimous. It was, for all practical purposes, a unanimous report advocating a substantial change in the approach to the foreign program, a very controversial program about which there is much criticism in this body.

The point I wish to make is that I know of my own personal knowledge in this case that the top men in the Department of State supported the committee's position, but in a controversy within the administration over the final decision as to how this program should be financed, specifically the Development Loan Fund, the Treasury Department and the Budget Bureau overruled the State Department. This is a case within my own knowledge in which the final determination was not the best judgment of the State Department as to the demands of our foreign policy; it involved the budget considerations of the Budget Bureau and the Treasury Department, and I challenge anybody to prove to the contrary. We know what happened in the crucial vote on the floor of the Senate. The word came from the White House not to support the committee and the committee's recommendation was sabotaged. It was emasculated in this body, and I predict history will say that was one of the great mistakes of the last Congress. This is not hearsay. I know this of my own knowledge. This is evidence supporting the allegations of men like Mr. Lovett, that it is the Budget Bureau that determines the level of expenditures and the needs of the Nation in our security efforts.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Arkansas may yield to me for a statement without losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. The Senator has spoken eloquently and accurately concerning the action of our foreign program. I remind the Senator in connection with the expansion of our Nation and the development and conservation of our own resources that the Congress found it necessary to send to the President a bill which contained our best judgment in the field of the development of our resources and the development of our public works, and that bill was vetoed. We came back under the leadership of the very able Senator from Louisiana [Mr. ELLENDER]. We had additional hearings, and I believe submitted that bill again. Is that correct?

Mr. ELLENDER. That is correct.

Mr. JOHNSON of Texas. And we made our recommendations for the second time, only to be met with a veto the second time.

Mr. President, by that time the people of this country had awakened and had reviewed what Congress had done, and I am thankful that in their wisdom they communicated their desires to the Congress, namely, that this was not a status quo nation, that we were not hidebound and chained, that we had a great country that had yet to be developed. The Congress in its wisdom overrode that veto and provided the funds to go ahead with the expansion in the domestic field just as we had tried to do in the foreign field.

When I hear Senators saying, "Why do you not do something about it?" I say to the Senator from Pennsylvania [Mr. SCOTT] that we have done something about it. We can lead a horse to water, but we cannot make him drink.

Mr. President, a committee made up of some of the leading Republicans in this body—the chairman of the Republican conference [Mr. SALTONSTALL], the chairman of the Republican policy committee [Mr. BRIDGES], and some of the most outstanding and patriotic Senators who have ever served in this body, on January 23, 1958, more than 2 years ago, said, "The committee has received urgent recommendations. The principal areas covered, though not necessarily following in order of priority, call upon us for decisive action which must be taken now."

What was that decisive action?

Modernize and strengthen the Strategic Air Force.

That was No. 1, at the head of the list. Yet the commander of our Strategic Air Force testifies today that he needs hundreds of millions of dollars, in his judgment, to provide an air alert in order to secure this Nation, because we have no warning system.

Step up the dispersal of SAC bases.

Put more effort into developing antimissile missiles.

Improve our early warning system for manned aircraft and accelerate the development of an early warning detection system for ballistic missiles.

Modernize and strengthen ground and naval forces.

That is what General Taylor recommends. That is what Admiral Burke recommends. They are all outstanding authorities in this field, and I remind Senators that their patriotism cannot be questioned, because they are still on the Government payroll at moderate salaries.

Provide an adequate airlift for ground troops.

We do not have that 2 years later.

Pour more effort into our antisubmarine program.

Reduce lead time in the development of weapon systems by cutting down on decision time and by simplifying procurement procedures.

Provide for a freer exchange of scientific and technical information between the nations of the free world.

I congratulate the Senator from Arkansas [Mr. FULBRIGHT] for the contribution and leadership he has provided in that field.

Start work at once—

I hope the Senate is listening. January 1958. Why did not Congress do something? This is what it did. It said:

Start work at once on the development of a rocket motor with a million pounds thrust.

Six months later they did get around to start doing a little something about it.

Reorganize the structure of the Defense Establishment.

Mr. President, we have competition between the services that involves duplication which in my judgment is costing the American people hundreds of millions of dollars a year that ought to be spent on the rocket motor with the needed thrust, spent on missiles, and spent on the air alert.

Accelerate and expand research and development programs, provide funding on a long-term basis, and improve control and administration within the Department of Defense or through the establishment of an independent agency.

Put more effort in the development of manned missiles.

Accelerate the development of the Polaris missile system.

Mr. President, I point out that this is not a document from the Democratic National Committee. I point out that that is the unanimous recommendation of a group of experts in this field, and some of them are also experts in the field of leadership on the other side of the aisle.

The chairman of that group was the senior Senator from Texas [Mr. JOHNSON], but every member of the Armed Services Committee was ex officio a member of that committee, and the chairman of the Republican policy committee and the chairman of the Republican conference were leading members. That was the unanimous recommendation.

The question is asked, What have we done?

I say, "This is what we have done."

Mr. SCOTT. Mr. President, will the Senator from Arkansas yield to me for 1 minute? I ask unanimous consent that the Senator from Arkansas may yield to me for 1 minute, in order that I may make a reply to the Senator.

Mr. FULBRIGHT. If I may do so without losing my right to the floor, I yield.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, insofar as any recommendations made by that or any other committee are concerned,

which require legislation, my point is that there has been no legislation. It is something like discussing the owls in Iceland. Mr. President, there are no owls in Iceland.

I would like to comment on what the Senator from Arkansas has said regarding the emasculation of a bill which he supported. Since I generally support the Senator from Arkansas in his foreign affairs recommendations, I presume I too supported it. But I would like to point out that no bill in the Senate can be emasculated by this side of the aisle; it requires a substantial amount of emasculatory activity on the part of the Senator's party, because no bill can be passed save by a majority, which we do not have. No bill can be defeated save by a majority, which we do not have.

Therefore, if the Senator wishes to indulge in criticism on the failure of legislation of his own party, I do not want to deter him. But I did want to make the observation and the asseveration that there has been no legislation along the lines recommended by the committees to which reference has been made, in addition to the amounts recommended by the President of the United States. On the contrary, on the President's own recommendations, over the last 5 years this Democratic Congress has slashed them in the defense field by $1,978 million.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, the Senator is again seeking to excuse the executive department from responsibility in this field. I remind him that there were approximately 150 vetoes in the last session. As I recall, at the time we were dealing with public works legislation there were approximately 143. By the end of the session the number was something like 150. That is one pertinent observation. I believe we do not have a two-thirds majority. But I will go further than that.

The Senator from Pennsylvania knows very well that while we are a Democratic majority, we do not all see alike on such things as foreign affairs. I grant that we never have 100 percent agreement on foreign aid. Likewise, on the Republican side, there is not always unanimity.

The decisive influence in the defeat of the committee's recommendation was the White House advice, to the leadership on the minority side, that the proposal of the committee was not acceptable. There was division on this side. As is well known, of course, a number of my colleagues on this side opposed all foreign aid from top to bottom. They are not in the majority, but there are some. They are a minority. But our leadership certainly did not oppose it. I would say the majority do not oppose it.

There is always some deviation in view on a highly controversial matter, on both sides. But I know, of my own knowledge, that there was a withdrawal of support; there was a call, there were advices from the White House to the minority leader, which changed the course of that whole situation; that is, not to give the borrowing authority to the Development Loan Fund. I do not know that it is a secret. I have discussed this matter with men high in the State Department, and I know what I am talking about. I use that example only as circumstantial evidence to support statements made by people like Mr. Lovett. When they say it, I happen to know of other evidence that supports what they say.

On the question of reorganization of the Defense Department, it has been my impression that the Congress has given the administration all the authority it needs. What has been wrong is they have not had the will and the determination to do it. In addition to the money they need—and perhaps to a greater extent than they need even money—they need some coordinated direction of effort to produce. It is my own belief that if we could get some determined, sustained interest in this field on the part of the Executive, the Chief Executive, a solution would be found. I think the greatest difference between the Russians' effort and our effort is that the Russians have streamlined their effort in the rocket field. They have picked out one long-range missile, one intermediate-range missile and one short-range missile, and they have developed one that will work. We have had literally dozens of missiles. Each of the three major Departments—the Army, the Air Force, and the Navy—has duplicated the efforts of the others. This means not only a waste of money but a demand for scientific brains which we do not have. There are not enough to staff an unlimited number of research projects. We have tried to go off in all directions, and not only have spent an enormous amount of money but have spread our scientific brains so thin that they have been unable to bring to fruition the projects themselves. So the projects have been delayed.

I think this difficulty goes back to the energy and determination of the guiding spirit heading the Government. I see no other explanation. Here again there is circumstantial evidence which we have observed personally. We have observed the leader of the Russian state and the energy with which he applies his talents contributes to the conclusion. This is self-evident.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Minnesota for a question.

Mr. McCARTHY. The Senator from Arkansas will recall that when Mr. Wilson was Secretary of Defense, Congress appropriated about $175 million for basic research. Mr. Wilson, when asked why he had not spent the money, was quoted as saying that in his mind basic research was what you were doing when you did not know what to do.

Mr. FULBRIGHT. That was a typical remark.

Mr. McCARTHY. And he was also quoted as saying, when asked about the lagging space program, that he had enough troubles on earth.

Mr. FULBRIGHT. With that last statement I am rather sympathetic. [Laughter.]

Mr. McCARTHY. Mr. President, will the Senator from Arkansas yield for another question?

Mr. FULBRIGHT. I yield for a question.

Mr. McCARTHY. I recall that he made reference to his attempt to put the foreign aid program on a long-range basis; that this effort was initiated, at least, with an understanding that the administration was supporting it; and at the critical moment that support was withdrawn. I do not know whether it was on that occasion or in connection with an education bill, but the President was quoted saying that this particular program was all right for a starter, but it went too far.

Was that statement made with respect to the long-range foreign aid program, or with respect to the education program?

Mr. FULBRIGHT. I believe that statement was made with regard to the education bill.

I happen to know, in the case of the Development Loan Fund, that the motive power for that decision originated in the Treasury and the Budget. The President had to make a choice as to whether he would follow the State Department or his Treasury and Budget. He went with the Treasury and Budget. That is how simple it was. I think, of course, he was grossly in error.

Nevertheless, I am using this example not to rehash the merits of foreign aid. I am using it as a valid piece of circumstantial evidence as to how it operates, and to support the testimony which Mr. Lovett and Mr. Sprague and the others gave, and to obviate the implication that those people come here with selfish motives, trying to influence our defense effort in order to make some money out of it.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Let me finish, and then I will yield to the Senator.

Mr. McCARTHY. Mr. President, as I listen to the Senator from Arkansas, and the exchanges which have developed from his speech, I have really become almost confused as to the basis the Congress would have for making any kind of judgment in the field of foreign affairs. We have been told our colleagues cannot understand the complexity of these defense problems or else are not adequately informed. Is that not correct?

Mr. FULBRIGHT. That is correct. And, of course, the implication is constantly made, "You are a majority of the Congress. Why do you not solve everything?"

As I say, it comes back to what I consider to be the most serious problem, which is even more serious than defense itself. I believe that the defense problem could be quickly cured if we could develop a united government in which the same party controlled both the executive and the legislative branches. That is not the subject of my remarks tonight, but I have said it in many speeches.

It is the continuation of the division of responsibility and power in the Government which is the big problem. If it continues, I foresee no cure for the very things we are talking about, along with other problems. If one party or the other party—of course, if anyone asks me I can suggest which one it should be—gains control of all of the Government, then I think progress can be made in curing the problems that I am speaking of. However, I do not see much hope in doing it if we do not get such unity. This idea of shoving off responsibility to the majority leadership, in my opinion, is definitely without merit.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. McCARTHY. I should like to ask the Senator to yield for a series of questions.

Mr. FULBRIGHT. I yield.

Mr. McCARTHY. As I have said, we have been told that either we cannot understand the complexity of these defense problems, or else we have not been adequately informed. The next step was to go to the Defense Department. Is that correct?

Mr. FULBRIGHT. That is right.

Mr. McCARTHY. Then we were told by the President that these people had a parochial outlook or parochial mind, is that correct?

Mr. FULBRIGHT. Yes.

Mr. McCARTHY. Consequently, it was said that what they said was not acceptable.

Mr. FULBRIGHT. Yes.

Mr. McCARTHY. So then we moved another step and went to the men who had been in the Department of Defense and had worked on the various commissions and committees.

Now we are told we cannot trust them. Why can we not trust them? It appears that these men in industry are concerned with selling munitions; that these men who were formerly with Department of Defense have now become employed by munitions makers.

Mr. FULBRIGHT. That is right.

Mr. McCARTHY. What recourse is left to us?

The President said that if he knew anything, he knew defense. I did not argue with that. More recently—I think the Senator from Arkansas quoted that part from the President's speech—the President said that he knows more than almost anyone else about defense. That statement has been supported by a number of Republicans, I think.

The minority leader of the House has said that President Eisenhower is the greatest military genius of the 20th century. I am not sure, but I believe he said the same thing about General MacArthur back in the days of the MacArthur crisis.

I believe that General Montgomery believes that he is a greater genius than either of these two. So these statements all seem to be contrary to one another. They cannot all be the greatest genius.

Mr. FULBRIGHT. That is correct.

Mr. McCARTHY. How would the minority leader in the House of Representatives know whether President Eisenhower is the greatest military genius? It seems to me that the only man who would know who is the greatest military genius would be the second greatest military genius; or the third greatest would know, if the second greatest told him. Unless we can draw the line of succession, and unless we know where a man stands and what the second greatest genius has told him, how can we tell who the greatest genius is?

Mr. FULBRIGHT. I agree with the Senator that it is a very difficult problem.

Mr. McCARTHY. Mr. President, will the Senator yield for one more final question? [Laughter.]

Mr. FULBRIGHT. I yield for one more question.

Mr. McCARTHY. Will the Senator yield for one more question, which will be my final question?

Mr. FULBRIGHT. I yield.

Mr. McCARTHY. Does it not seem to the Senator that the only solution is to recommend that we change the administration in the next election so that we can get behind the curtain of the Pentagon to see what the facts are and report them to the people?

Mr. FULBRIGHT. I certainly think that is a very fruitful suggestion. I hope the Senator can persuade the country to that effect.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may yield to me briefly without his losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I do not desire to detain the Senator from Arkansas very long, but I have such admiration and affection for him that I cannot let this opportunity go by without recalling for him the unanimous statement of a responsible committee of Congress on January 23, 1958. I quote it somewhat in reply to the question asked of the Senator, "What has Congress done about it?"

On January 23, 1958, the Preparedness Subcommittee of the Senate said:

> Our country is entering a new period of history in which the total resources of America must be brought to their greatest development. No segment of our economy or of our life must be ignored or neglected.
>
> Our programs, our policies and our practices must all be in good working order. A full national effort is required and this can be achieved only by people working together.

That was said by all of the Democrats and Republicans on that committee. I quote further:

> The goal is not just imitating some Soviet missile or some Soviet achievement. This attitude could lead us into a hypnotic trance in which we would forget that our true strength is our freedom.
>
> And that is a fundamental which must not be forgotten.
>
> We would lose much more than we would gain if we tried to match totalitarian accomplishments by adopting totalitarian methods and values.
>
> Our need to mobilize today flows from a necessity of forging ahead to broader frontiers of freedom—not just from the need of catching up with the Soviets.
>
> We must not fail because we sell short the potential of a free society.

I thank the Senator for emphasizing that point tonight. We attempted to emphasize it in Congress 2 years ago.

I quote further:

> We must succeed by unleashing our minds, unleashing our capacity and moving forward with the great force, vigor and imagination of which we are capable.
>
> I believe that spirit dominated the deliberations of the Senate Preparedness Subcommittee. I do not mean that we are in agreement on every point presented to us in some 7,000-odd pages of testimony.

I quote further:

> These two facts raised a number of disturbing questions. We set out to explore those questions and determine the answers. On the basis of sworn testimony by top scientists, leading industrialists, and Government and military officials—

I might add that these people included men like Governor Rockefeller and members of the Gaither committee—

> it can now be said:
>
> 1. The Soviet Union leads the United States in the development of ballistic missiles.
>
> 2. The Soviet Union leads the United States in number of submarines, which raises the possibility of attack with modern weapons or missiles—although the indications are that we are ahead in the production of atomic submarines.
>
> 3. The Soviet Union is rapidly closing the gap in manned air power—and, at present rates, will surpass this country in a comparatively short time.
>
> 4. The Soviet Union has a system which enables it to develop new weapons in substantially less time than the United States.
>
> 5. The Soviet Union has led the world into outer space.
>
> 6. The Soviet Union is producing scientists and technicians at a rate substantially greater than our country.

Mr. President, I submit that the Senator from Arkansas is repeating tonight and sounding the clarion call tonight and giving the people of the free world a warning note that it is later than we think. Congress cannot be charged with being derelict when we have taken the position that was taken in that statement.

Mr. FULBRIGHT. I thank the Senator for that contribution. Not only do I think that we were not derelict, but that statement evidences great foresight.

Whoever wrote it did it very eloquently. The only difference is that it was made earlier.

Since that statement was made we have had continuing evidence to support that statement, and it ought to be plainer and more conclusive. Any objective and impartial observer would agree that what was said in that statement is true.

I believe it is a statement of great foresight and wisdom. I cannot find anything in that statement with which I disagree or that I do not think is a fact. Every day we hear comments about the number of engineers and scientists that the Russians are training. Only in the past week I read the announcement of the establishment of a university at Moscow for the benefit of

foreign students who come there to study. It reminds me of the proposal of the Senator from Texas for a university in Hawaii. It is very much the same idea. It is to bring there people from Asia.

Having read about this proposal, I expect the Russians are going to do it with 4,000 students, or 5,000, whereas I understand the Department has now decided perhaps 100 would be enough for our efforts. Here again we cannot afford it. We are a poor country. Our budget is barely in balance; there is a very slight surplus, and, of course, no one would even think that we could afford an increase in taxes of any kind in spite of the fact that in 1954 we decreased taxes by $5 billion or $6 billion a year.

Mr. MONRONEY rose.

Mr. FULBRIGHT. I yield to the Senator from Oklahoma.

Mr. MONRONEY. I want to compliment the Senator for his fine statement.

Would not the authority the Senator cites—and the questions from the distinguished majority leader—indicate that the great difficulty in this administration is that it can never make up its mind or support the things it is for? It only knows what it is against. This negative approach is causing slippage in every department from the primary schoolrooms to the scientific laboratories and from the simple foot soldier, with obsolete equipment, to missiles of outer space. It is a complete across-the-board record of ability and decisive leadership that this Nation needs.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I feel that the Senator from Oklahoma has expressed very excellently the facts in the case.

I yield for questions.

Mr. COOPER. I ask unanimous consent that the Senator from Arkansas may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

The Chair hears none, and it is so ordered.

Mr. COOPER. The Senator from Kentucky has listened to the entire speech of the Senator from Arkansas as well as the comments that have been made by other Senators.

May I say that I agree that the Senator has made a substantially correct appraisal of the world situation, as I see it, where power is limited to two countries—our country and the Soviet Union. I would agree wholly that if our country is to remain free and secure we must hold or recapture leadership in defense, education, and in our economic strength.

I have anticipated a part of the Senator's speech. I have read his entire speech. It seems to me that he is saying that the President of the United States bears the greatest burden for assuring our country's leadership and that, if progress is to be made, it is essentially within the hands of the President.

He has suggested also that there is need for greater discipline on the part of the American people. The leadership and example of the President can, I have no doubt, have its influence on the efforts and discipline of the people.

I make the comment that the discipline of Congress also has its influence. I would assume, if we are to strengthen our defenses and take other great steps—and they ought to be taken—it does require money. We will be required to sacrifice some of the programs and expenditures that we are now making, or we will have to raise taxes to provide a more adequate defense, educational system.

My good friends on the other side of the aisle have been very critical of the administration. May I say in answer that one of the factors that has led to any lack of discipline in this country, and unwillingness to sacrifice, is the fact that in this Congress, and upon the Democratic side, there exists the same lack of discipline and unwillingness to sacrifice. No choices are made between the important things such as defense, education, and the less important things. The Senators on the other side are friends and I like them, but with the exception of a few they were for everything. Last year they were for spending $600 million to put every peacetime veteran under the GI bill. They passed a bill to spend $500 million to reenact the CCC. They supported a tremendous airport bill—money for facilities other than airstrip. They insisted on a housing bill which had to be vetoed several times, involving hundreds of millions of dollars. They will not make the sacrifices. They want everything.

I am not one who is considered the greatest economizer on my side of the aisle, but if we want to lead the American people, then we must give priorities to things which are most essential—defense, education, and so forth—and postpone some programs not so essential. But this is not going to be done. I doubt that we will make that kind of a sacrifice. So it ought to be said sometime—and perhaps the Senator from Arkansas will say it—and I would like to join with him in saying, why do we not have the nerve and character and leadership to make another kind of sacrifice—raise taxes and spend an additional $2 or $3 billion a year for the defenses and essential needs of this country? I say this in good spirit and good heart.

I should like to make one other comment and then I shall close.

The distinguished Senate majority leader has pointed out the recommendations of this committee 2 years ago. They were fine recommendations, but again there were no priorities, in specific recommendations. The Defense Department has set its priorities, and, if the Armed Services Preparedness Committee and Armed Services Committee would recommend priorities, we could push them and get something done.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield

Mr. GRUENING. The able Senator from Arkansas has given us an illuminating and restrained speech. Contrary to the allegation that we Democrats are spenders, would not we all profit if the administration would take the lead in cutting out some of the wastes and duplication, or rather triplication, in the three armed services, the waste in the agricultural program, and waste in other fields.

If the administration cut out that waste would we not have enough money to do the things which are needed—the very things the Democrats have sought to achieve over the President's veto and despite the President's veto—things vital to the very objectives which the Senator seeks, in which we are falling behind on—in competition with Russia.

Mr. FULBRIGHT. I think the observations of the Senator from Alaska are very pertinent. I tried to suggest a moment ago that I thought lack of efficient organization in the defense agencies accounted for part of the failure to achieve our objectives with reasonable funds. There are many instances of waste and extravagance. I would also say the same is obviously true in the field of agriculture.

However, with regard to the suggestion of the Senator from Kentucky, I would go further and say, if, after reasonable reorganization of those departments and elimination of waste there was still need for additional funds, I would have no fear of supporting increased taxes.

I remind the Senator from Kentucky that I was 1 of 11 Members of this body, I believe, who voted against Secretary Humphrey's bill in 1954. I thought ther. such action in reducing taxes was premature and that the needs of the country were such as to justify the continuation of taxes at the existing level.

When one goes around this country to any of the large manufacturing centers, one can notice the large growth in our gross national product, particularly a tremendous growth of strictly luxury accommodations of all kinds and consumer goods of all kinds. I know we could afford to spend what is necessary for our national defense. Perhaps nobody would like the additional taxes, but I know we could afford it.

I know it is difficult to persuade people as a whole and to persuade even our consciences to increase taxes, when people are so aware of what the Senator from Alaska has said. There is a much greater reluctance, when we consider such programs as the Senator mentioned.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from West Virginia for a question.

Mr. RANDOLPH. It is impossible to cover quickly the subject matter which has been spread before us by our colleague from Kentucky, my personal friend, but I must reply, with the indulgence of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Senator from West Virginia may make an observation, without my losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. The contention made by the Senator from Kentucky is not valid in regard to a renewal of the old civilian corps in the form of a new Youth Conservation Corps. It is my considered judgment—which I believe is shared in by a majority of the Senate—that in passing the bill we advance this legislation. If it became law it would be dividend producing for the youth of the country from the standpoint of strengthening our human resources and it would be dividend producing from the standpoint of vital development of the natural resources of this Nation. We would again do, a quarter of a century later, what we did so effectively in the 1930's.

I remind Senators that the program which was enacted into law at that time, and which was renewed by the affirmative action of the Congress, had, and still has, the support of the people of this country. It is an endeavor in which there has been little criticism. Its merits have been proven as it was envisioned and as it was carried to fruition. We are a better Nation for the CCC work—and it is timely to reenact such a proposal.

Very frankly, I think tonight perhaps we suffer as a Congress from the fact that our thinking is less positive than it should be in a time when deterioration has set in. Body building, mind strengthening, and dedication to duty are served by such an effort for our youth.

I thank my colleague from Arkansas and I also commend my colleague for giving us at this hour of the morning, with clarity and courage, an address which is a contribution to what I hope will be at times the genius from the Members of this body in speaking not so much to ourselves but to the Nation and to the world.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and, if so, to whom?

Mr. McCARTHY. Mr. President, will the Senator yield to me for a question with regard to fiscal responsibility?

Mr. FULBRIGHT. If the Senator does not mind, I should like to yield first to the other side of the aisle.

Does the Senator from Pennsylvania wish to have me yield for a question or for an observation?

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Arkansas may yield to me so that I may make an observation, with the understanding that the Senator from Arkansas will not lose his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SCOTT. I should like to observe, unless we break out into a rash in which each Member of the Senate rushes to the preservation of his own particular domestic spending hobby, that I agree with the Senator that belt tightening needs to be done. I do not agree with the Senator's overtones of ridicule or sardonic comment in referring to the attitude of some of us that the budget really does need to be balanced. I do not laugh at that. I think it is important.

I suggest to the Senator that if he feels we should make sacrifices, we should begin pretty soon. I suggest to the Senator that we are spending over $1,000 a minute for the storage of food and fiber which we cannot consume, sell, or give away, and that the President of the United States has repeatedly tried to reduce that burden and has been repeatedly blocked by the Congress of the United States, which is in the control of the majority party.

I suggest that if the Senator wants sacrifices on the domestic front, in order to use that money for the purpose of improving and strengthening our defenses, he should join with me and with others who believe that this $1,000 a minute for storage is largely wasted and ought to be conserved by use of a better plan.

Mr. McCARTHY. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I should like first to make an observation.

It is my information that the present Secretary of Agriculture of the present administration has spent more money on agricultural programs in 8 years than was spent in the preceding 32 years, that is, for the entire period we have had such support programs.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

I ask unanimous consent that the Senator from Arkansas may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I am informed that the Secretary of Agriculture has had available to him and has expended more money in the 7-odd years he has served as Secretary of Agriculture than has been made available to all of the Secretaries of Agriculture combined in the history of this country, since the Department was first founded, I believe in 1869. I think no one will question the fact that the Secretary of Agriculture has gotten less for his money than has ever been obtained before.

Mr. SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I do not wish to interfere with the proper presentation of this case, but it is all with the understanding that my right to the floor will be protected by the Presiding Officer.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator from Arkansas may yield to me for a further observation without losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SCOTT. My observation is in reply to what the distinguished majority leader has said. The Secretary of Agriculture is compelled by law to administer a program which was not the program of this administration and which has been opposed by this administration. It is a program passed by a majority Congress and repassed by a majority Congress. Every cent, every dollar which the Secretary of Agriculture has spent has been appropriated for him and, certainly in recent years, by a Democratic Congress holding approximately a two-thirds majority in both Houses.

Mr. FULBRIGHT. Mr. President, I must make an observation.

Again the Senator from Pennsylvania persists in this argument. It is our misfortune to have a divided government. It is a great misfortune, the greatest I can think of. If this Democratic Congress refused to pass the laws which the Executive recommended, we would bring the Government down in complete collapse.

If we had had a parliamentary system, there is no question in my mind that we would have long since had a change in the Executive.

Under these circumstances, the only thing the Democratic majority could do was to go along, no matter how reluctantly. As a matter of fact, we passed a wheat bill and the Executive vetoed it. The soil bank is another illustration. We did not originate that program. It was offered with great acclaim, as being a solution to the problem of surpluses and to the necessity of expenditures for price supports. We accepted Secretary Benson's program in that case, but not only has this program been very extravagant, but it has failed to accomplish its objective.

I think it is an absolutely untenable argument to try to lay the blame for everything wrong which has happened during these past 8 years upon the Congress, simply because there is a Democratic majority in the Congress. In the early years, of course, it was a very small majority. It has been only since the 1958 election that we have had a substantial majority. Even now it is not enough of a majority to override Presidential vetoes. Even if it were, I still come back to the point that with this division of responsibility, this is an utterly unworkable way to operate a government.

Mr. President, I have had the greatest of admiration for the majority leader. I know that on several occasions he did not agree with me. Particularly this was true in the case of the Eisenhower doctrine which I opposed. The reason he did not agree with me was that he felt if he followed that course and if he used all of his prestige and power to thwart the administration, it would advertise to the world such a depth of division that the Russians would be encouraged to take adventures which would imperil the safety of this country. When I look back upon it, I think he was probably correct. On the other hand, I still think I was correct as to the merits of the case. I think the doctrine and the situation out of which it grew were subject, and properly so, to the most serious criticism by this body and by the country. In a sense, because of his patriotism, the majority leader played the game of the administration. This

sort of thing is self-defeating politically, for if the doctrine succeeded, the President received the credit, while if it failed, the Democrats shared the responsibility for the decision.

Now we are faced with the charge by the Republican Members here that the shortcomings in our Nation are our responsibility. I suppose they might argue that because the majority of this body supported the Eisenhower doctrine, it is our doctrine. It certainly is not and I had no part in it. I voted against it. I still think it was unwise and that it grew out of the terrible mistakes that were made with regard to the Aswan Dam and the other events leading up to the war over the Suez Canal. I do not want to rehash all that. I do want to emphasize the fact that this is an unworkable way to run the Government. No other self-government in the world has ever had this situation. This situation cannot occur in a parliamentary government system. It is impossible for such division of responsibility to occur in Great Britain, in Canada or Australia, or, for that matter, in any other governments I know of. The bitter fruit is that when the administration is faced with the failure of one of its projects, it comes forward with the explanation that the Democratic majority in Congress is to blame.

The majority leader knows he has gone along with many administration measures because the alternative was to bring about a paralysis in our Government that would be disastrous to our security with regard to the Russians. I know it in my heart he has done it. I can almost swear that that happened in the case of the Eisenhower doctrine.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Vermont for a question.

Mr. AIKEN. I express the belief that the Secretary of Agriculture will be very pleased by the praise heaped upon him by the majority leader, the Senator from Texas, for making the statement before the Senate that he has spent more money in behalf of agriculture than all his predecessors put together.

Mr. JOHNSON of Texas. Mr. President, since my name was mentioned, I ask unanimous consent to have the Senator from Arkansas yield.

Mr. FULBRIGHT. With the understanding, the usual one, that I yield without any prejudice to my right to the floor.

The PRESIDING OFFICER. Does the Senator from Texas ask unanimous consent?

Mr. JOHNSON of Texas. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. JOHNSON of Texas. I have very high regard for the character of the Secretary of Agriculture. I believe him to be an honest and dedicated public servant. I did not intend to say or to indicate that he had done more for the farmers than any other Secretary in history. I intended to say what I did say, and that is that he had spent $32 billion during the almost 8 years of his administration, compared to $28 billion that had been spent by all the Secretaries of Agriculture from 1869 to 1952. And what results did he get for those $32 billion? Out in my country we have 25-cent calves. We did get 40 cents for them during part of the Truman administration. Out in Iowa they have some 10-cent pigs. They were getting 20-odd cents a few months ago. All I want to say is that here is a man who has taken $32 billion out of the Public Treasury and secured less for it than any other Secretary of Agriculture in the history of the Nation. Now, that is the distinction, but I did not intend to praise him for it.

Mr. AIKEN. I accept the explanation of the majority leader that he came to bury Benson not to praise him.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I ask that I may yield without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. McCARTHY. I rise to support the position of the Senator from Arkansas with regard to taxes and point out that, as he said, he was one Senator who voted against the 1954 Humphrey tax reduction bill.

But in the House of Representatives the Democratic Members of the Ways and Means Committee were unanimously opposed to that tax reduction. I would say that it seems to me that the Senator from Pennsylvania [Mr. SCOTT] seems to be of a school who says that the Democrats always spend more than they collect—that is highly immoral—but the Republicans collect less than they spend, and that is fiscal responsibility.

In the last session of Congress we gave them a chance. In the second fiscal year under the Eisenhower administration it developed a deficit of $12.5 billion, which was not only the greatest deficit in peacetime history but was twice as great as any previous peacetime deficit in the history of this country. So we proposed that the dividend credit be repealed. What kind of support do we get from the Republicans? Little or nothing. We proposed that there be dividend withholding.

Those of us who followed the recent hearings will know that it was testified that something like $4 billion of dividend income in this country goes unreported. If the ordinary tax rules applied, the Government would have collected something over a billion dollars through that withholding. The administration, the Republicans, were opposed to that.

We proposed that something be done to tighten up the expense account, and again we were opposed by the administration, by the Republicans here in Congress. So I say if they want to look at the record of fiscal responsibility, let us have them look at the whole record. That record will stand any kind of examination.

Mr. FULBRIGHT. I thank the Senator for his contribution. It is a good thing to have present Members who have served on other committees, because I was not aware of the fact that the Democratic members of the Ways and Means Committee had unanimously opposed the tax reduction bill.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. SCOTT. Does the Senator feel that having deplored what he calls divided government, he should not have campaigned in the years 1954 and 1958 when we had a Republican President? Does the Senator feel he should not have campaigned for Democratic candidates for the legislature because by the very act of so campaigning he would be appealing to the country for a divided government?

Mr. FULBRIGHT. As a matter of fact, I did not campaign for members of the legislature. I did campaign in the Presidential election by request. I do not recall that any Members of the House or the Senate asked me to campaign for them. I usually campaign for myself. I may say also that I do not recall ever asking anyone to come into my State to campaign in my behalf. The people in my State have the view that they are quite able to make up their own minds without having outsiders come in and tell them whether or not their Senator is any good. I try to visit extensively in the State as I did last fall for 3 months. I spoke every day in the week as often as two or three times a day. That is the way we campaign.

What I do say is that the thesis of my remarks is that a divided government is an intolerable way to run our kind of a system and that this situation I have described is evidence of it.

Here is the attempt of the Senator from Pennsylvania [Mr. SCOTT] to lay all the blame on the majority of the Congress when anybody who knows anything about our system of government knows that its moving force is the executive power. The function of Congress is not, by and large, to initiate programs in the fields I mentioned, although there are certain fields in which congressional Members have personal knowledge and assert leadership, particularly in the field of agriculture and conservation. However, even in this area no Senator has the great staff of experts necessary to put together an omnibus agriculture program. He is limited by the information available to him and in addition he is called upon to inform himself on a great variety of subjects.

It is traditional and perfectly proper that the administration has the responsibility for developing a program, and it is our function to refine, to improve, and to criticize. In foreign relations, it is our responsibility to advise and consent to the recommendation. If after examination a proposal appears reasonable, we usually do consent.

Mr. SCOTT. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. In his approach is it the desire of the Senator from Pennsylvania [Mr. SCOTT] to avoid responsibility for anything which has happened throughout this administration? I think he should defend it and justify it, if he can, instead of shifting the responsibility to the other side.

I yield to the Senator from Pennsylvania [Mr. SCOTT] for a question.

Mr. SCOTT. Does the Senator from Arkansas [Mr. FULBRIGHT] want the country to believe that the Congress has no function to legislate and to establish the laws which the Executive administers? Does the Senator from Arkansas want the country to believe that the President somehow receives moneys raised from the taxes upon people from some source other than the legislature? Does the Senator from Arkansas [Mr. FULBRIGHT] really seriously contend that there is no liability on a political party by virtue of the fact that it is a majority—in fact, practically a two-thirds majority in both Houses of Congress? How could the Senator avoid that responsibility?

Mr. FULBRIGHT. I do not make any such generalizations as that. We have pointed to specific programs, for example, in defense. I asserted, and I assert now, that the responsibility for the failure of our missile program rests primarily with the executive branch of the Government. It is due to the failure of the executive to organize it properly, to execute it properly, and to spend it properly.

I also assert that in the field of foreign relations the primary responsibility for the initiation of programs is upon the executive. We have a Committee on Foreign Relations. I believe we have a total of 20 persons on the staff. The State Department has 20,000. Many of those are the best experts available.

Does anyone think this committee can initiate policies? Occasionally one of us may have an idea in a restricted field, but it is quite isolated. All we can do is to help the administration develop programs it proposes. I am not trying to shift all the responsibility to the Republicans. I believe they have great difficulty and they probably would do a much better job if they had a Republican Congress. I am not sure about that, because we do not have very much to go on. The experience in recent years is not reassuring, but as a matter of political reality, a Government where the executive and the legislative branches of the same party would provide for greater consultation because of human nature. I think that is inevitable.

Is our majority leader asked to the White House every Monday morning to go over the program and to give advice as to what the Executive should or should not do? No. I have seen him go down there and I have been with him once or twice. His advice is not asked in any specific way which I have noticed. I have not seen any great influence upon the policies of the administration by the majority leader representing the Democratic Party. In fact, I see many evidences to the contrary. But there are no personal, human relations between the two great bodies of the Government in the construction of policies and in the execution of them. I believe this is fundamentally the trouble about which we are quarreling. We are discussing at least some of the symptoms of the basic disease. No one here can cure it. No one of us could be expected to resign in order to give majority control to the opposite party. This is a decision and a responsibility of the people of the country. They are the ones who have to make up their minds.

They have to make up their minds to give one party or the other control and responsibility. If they do not like that party, they are privileged to remove the members of that party and give the responsibility to the other party. So long as the public follows the procedure of dividing that responsibility, they are doing nothing but refusing to make a basic decision, and it will not work. We can argue until kingdom come about who is wholly responsible, but any man of common sense knows the initiating motive power in any democratic form of government is the Executive. In the British Government it is the Cabinet headed by the Prime Minister and here it is the President and the Cabinet.

Mr. President, I believe I had better proceed with my speech.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield for one observation without losing his right to the floor?

Mr. FULBRIGHT. I yield with that understanding.

Mr. JOHNSON of Texas. I have agreed with much of what the Senator has said, but I do not wish to be associated with his comment that under any conceivable circumstances the country would be better off with a Republican Congress.

Mr. FULBRIGHT. I respect the Senator's judgment. I only remind him that I have some experience with this particular question. In order to indicate my nonpartisanship in this position I might point out that, in 1946, being a new Senator and somewhat naive in political matters, I suggested that, since the country had just elected a Republican Congress, the Executive ought to resign and let his office devolve to a person from that party. I will admit that I think the judgment of the people in the election of a Congress is more likely to be sound and based upon proper considerations than it is in respect to the Presidency. Our presidential campaigns have become such a show and so subject to circus manipulation, with publicity and aspects of popularity contests, that I must say it is difficult to feel very good about the judgment which may be rendered because of the difficulty we have in acquainting the people with the real merits of the candidates. I think I would be a much better judge than the people who do not know some of the candidates to pick them out as they do in the parliamentary system. But that is not our system, and, so, I do not want to discuss it too much. But, in all deference to the judgment of the Senator from Texas [Mr. JOHNSON], I believe, as a matter of good government, that it is better to have the same party control the executive branch and the legislature. I think it enables the people to make a sounder judgment on the performance of their government.

It is evident what is the matter right now. One of our troubles is that Republicans, having control of the press, largely, are now trying to lay all the blame for their own shortcomings upon the Democrats. This confuses the people. This makes it more difficult for them. They do not know what to believe, they have elected a Republican President in spite of the confusion which arises out of this division. It is a kind of self-perpetuating evil. How do we get out of this squirrel cage?

Mr. SCOTT. Mr. President, I ask unanimous consent that I be permitted to make an observation.

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Pennsylvania?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. I wish to make an observation. I would observe that there are twice as many Senators on the Democratic side of the aisle as there are on our side, and I suppose this situation would compel us to work twice as hard at the job. However, I rose chiefly to agree with the good judgment of the Senator from Arkansas [Mr. FULBRIGHT] in the incident which he related, and that was the occasion of the election of the Republican Congress. Mr. Truman would have done well to resign. That is a case in respect to which the Senator and I agree. I do not believe the observations of Mr. Truman are on record, but I suppose they will appear in future memoirs at so much a word.

Mr. FULBRIGHT. No, his observation was not on record in a public meeting, as I recall, but there was a press report on it.

Mr. SCOTT. I have forgotten.

Mr. FULBRIGHT. I believe according to press reports he referred to the Senator from Arkansas as an overeducated S.O.B.

Mr. SCOTT. I do not think the Senator from Arkansas is overeducated at all.

Mr. FULBRIGHT. If the Senator is consistent, then, he would also agree that as a result of the last congressional election President Eisenhower should have resigned, and I would go along the whole way. I think the country would have been much better off today if both those events had taken place. I think we would be better off today if we had established within our constitutional system the tradition and the custom that whenever the country clearly evidences its preference in the congressional election for one party or the other, the Executive ought to follow that view. That is the principle of the parliamentary system.

It could have been established as a custom within our constitutional system without any constitutional amendment if the Executives had been willing to establish and follow such a precedent.

So I think if the Senator joins me in regard to the action Mr. Truman should have taken, he should join me in regard to Mr. Eisenhower. Then I think we would have a far more flexible and a far more workable system.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am happy to yield to the Senator from Pennsylvania. I appreciate his assistance in this discussion of the pending business. It has simplified my problem very substantially.

Mr. SCOTT. I am sure the Senator does appreciate it.

Mr. FULBRIGHT. I yield for a question.

Mr. SCOTT. My question is this: Does not the Senator agree that perhaps another solution would have been, in view of the fact that President Eisenhower proved to be a much more successful President than, say, President Truman, perhaps the working out of his desire to avoid a divided Government might also have been accomplished by an adequate number of resignations on the part of Members of the legislature who would by that action suffuse themselves with self-sacrifice in the interest of the country?

Mr. FULBRIGHT. The Senator, of course, cannot have it both ways. If he thought it was good in 1946 because the country spoke its mind, I do not know why he can make any distinction in 1956. Although I am sure no one would be foolish enough to think I agree with the assertion that Mr. Eisenhower has been a more successful President than President Truman, my prediction is that history will prove in final judgment the lack of wisdom in electing a professional general to a political office. In this respect I agree with the attitude of Mr. Robert E. Lee when he was asked to run for Governor of Virginia. I recommend that the Senator from Pennslylvania [Mr. SCOTT] read what he said on that subject.

Mr. GRUENING. Mr. President, I ask the distinguished Senator from Arkansas whether he has noted that while the country spoke adversely once to the Democratic administration in power in 1946, it has done so three times in opposition to the Republican administration. In 1954, in 1956, and overwhelmingly in 1958, and in the last case, to a far greater extent than in 1946.

Mr. FULBRIGHT. The Senator is absolutely correct. The way I explain this apparent conflict is that in the congressional elections, Senators and Representatives are able, becaues of the size of the electorate, to make themselves personally acquained with the voters directly, and without the intervention of Time, Life, Fortune, and the newspapers. A Representative or Senator can visit with and acquaint himself with the people of his district or State. But it is impossible to do that with a nation of 180 million people.

Our candidates are going about furiously; but what percentage of the people will they actually come to know? A candidate can go to Chicago and make a speech, and the public will assume he saw everybody in Chicago, with its 4 or 5 million people, whereas in fact he may have seen 200 or 300, or, at most, a thousand. The percentage is so small it can make no impression.

The great mass communications are Time, Life, Fortune, and television, all of which are almost completely dominated by the Republican Party. That is the only rational explanation I can suggest, for the seeming preference of the people for an executive branch controlled by one party and the legislative branch by the other. The candidates for President are being interpreted by an intervening medium, and there is no way for the people actually to know them first hand, as the constituents of the Senator from Texas [Mr. JOHNSON] know him, or as the constituents of the two Senators from Alabama [Mr. HILL and Mr. SPARKMAN] know them, or as mine know me in Arkansas. I can see no other rational explanation of how this comes about. Time magazine cannot get into every local election. It is beyond their capacity. They cannot afford to support every candidate in local elections. But they certainly concentrate upon the national office, and with great effect. When any medium with such wide circulation can repeat its message week after week, year after year, it is not what is accomplished in election years that is significant, it is what occurs between elections, that is so devastating when it comes to the time of decision.

This was not quite the theme of my speech. I will return to that. I have only a few more pages.

Money plainly is not power. It is only potential power. It becomes real power only when used in quantities sufficient to the task. Today although the walls of our world might be tumbled down tomorrow, all our gold could not produce a single missile or enable us to hurl a rocket to the moon.

We must abandon the perilous notion that we can afford security only within the straitjacket of the budget. This is equivalent to throwing 3 feet of rope to a drowning man who is 6 feet away.

If we had tried to fight the last war within the budget, we would have lost. Congress did not say to the Air Force: "For budgetary reasons we can allot you only $2 billion." On the contrary, it said: "Tell us your requirements and we'll find the money."

Since we are now in deadly conflict with a prodigious antagonist, we can neglect nothing that might assure our security. So doing, we might waste some money. But failing, we would lose our lives.

There is no room here for margin of error. One slip would be fatal. Gone are the days of the last two World Wars when we could go to the battlefield in our own good time and retrieve the balance. In 30 minutes we could now go from national existence to national death.

Certain it is that we cannot escape biology. When white men came here, the Indians on this continent wanted what we want; that is, to be let alone. But they were not let alone and could not stand against their antagonists. In the pitiless universe plants, animals, or men struggle hard enough to survive or they disappear. The Indians are gone. History records their passing. But nature does not weep for them. She is concerned only with the survival of the species; not with some segment of it, not even with the survival of Americans.

Where do we stand? We stand today a Nation with prodigious resources, able to afford private luxuries incomparable in history, but trailing the Soviet Union in science, space, armament, and only last week in the winter Olympics. Rich in the private sector of our economy, we are poor in the public sector, and we will get poorer if we follow the admonition of our Secretary of Commerce, who branded any politician as "irresponsible" or an "economic illiterate" if he were to try to drain from the bloodstream of the private economy the savings urgently needed for growth.

Look but at the growth we get. Television repairmen being paid more than teachers; 200,000 fewer scientists and engineers than the Soviet Union with half as many college graduates; toilet water at every drug store; and polluted streams in nearly every State.

Without national leadership we are not able to put our enormous productive capacities to the needs of the Nation. It is every man for himself, and the Nation take what is left.

Of course, if we think Khrushchev was only kidding when he said he would bury us, we have no need to worry. But I, for one, believe our security is at stake. And yet, we stand as a nation, a 20th century Babylon, headless and heartless, a big, fat target for the ably led Communist world and the clamoring, poverty ridden new states.

Even if we do not know where we stand in the world—even if we would rather not know—it is a fact that we cannot hide our image from the world and this image is as important as any foreign policy we might devise.

The challenge to us arises partly from the arrival on the world scene of the Soviet Union and this is the subject upon which I have focused today. But the challenge also arises from what we have let ourselves become, and this is a subject upon which I have spoken at an earlier time. I said then, and I repeat, there is one indispensable condition precedent to meeting the deadly challenge of our times. The American people ought to be told the bleak truth about their world, the character of the forces arrayed against them, and what they must do, at whatever cost, to survive or even to bring about a state of high security. They must be told that however humane their society, whatever its ideals, this alone will not save them from destruction by a society armed with the prodigious mechanisms of our times and an implacable determination to dominate all men.

They must be told, furthermore, that the problems they face are incapable of solution within their time or the time of their children; that for decades to come the life of humanity will be threatened by the lava flow emerging from the greatest eruption of all time. They must be reminded of what history and experience demonstrate: that merely because something is desirable does not mean that it will necessarily come to pass; that things men have longed for during centuries are as far from being realized now as they were in the days of Babylon.

The people must be told, too, that it will not be enough simply to react to the Soviet threat and to clean our domestic Augean stables. Goals we must have to which we and mankind may aspire. And once the goals are clarified we must have the fortitude and the patience and the means to attain them.

It is the duty of the President of the United States to inform the people. It is also his high privilege—if he avails himself of it—to call the people, so to speak, up to the hill of the Lord and tell them what will be exacted of them if they seek salvation on this earth against extinction or slavery.

I believe that the people would respond, that their latent greatness so long submerged would again manifest itself; that they would be found equal to the task.

Mr. President, I ask unanimous consent to insert at this point in the RECORD various articles and statements pertaining to the remarks I have just made.

I direct the attention of my colleagues especially to the article from the Listener by Mr. Seymour Melmon. This is indeed an ominous development. Also I call attention to the article from Newsweek on China, and the article from the Washington Star by Mr. William Hines.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, Feb. 15, 1960]

MEN, WOMEN, CHILDREN AT WORK

More than any other, the people of China throughout their long history have been the victims of angry nature. Tens of millions of them have perished in 1,621 major floods and 1,392 serious droughts recorded since the Han dynasty (first century A.D.); scores of millions more have died in the famines that followed.

Today—with modern engineering methods and the totalitarian control imposed on 654 million by a regime that does not count the cost of progress in terms of human suffering—the Chinese Communists are attempting to harness China's mighty rivers in the most prodigious struggle against nature ever attempted by man. This week's "News Spot," by General Editor Philip C. Clarke and southeast Asian Correspondent Robert S. Elegant, puts that struggle into focus:

Monumental. Stupendous. Colossal. Not even the most imaginative Hollywood press agent could find big enough adjectives to describe the task that the Chinese Communists have undertaken in their primitive land. Statistics tell part of the story: 100 million people—count them, 100 million—are currently engaged in building the world's largest network of dams, irrigation canals, and hydroelectric stations. Already, their masters say, they have spent 40 billion workdays digging 15 million storage and spill-off ponds and an incredible 11 million wells. Like human ants, they have moved enough earth to fill 450 Panama Canals—or to build a 3-foot high dike that would circle the Equator 2,000 times.

People tell another part of the story. Take Liang Yu-teh, for instance, one of 10,000 peasants drafted to work on the White Rattan Dam near Canton in southern China. Last week, after fleeing to Hong Kong, Liang told how "one by one we carried the heavy baskets of earth up the steep embankment, on our backs. Rain or shine, the work went on [from] before dawn * * * until midnight. A brief sleep, and then the whole routine started all over again."

Liang was allowed to quit work when he became desperately ill, but his family's meager food rations were cut. When he was well enough to stand on his feet again, Liang went back to work on another project—the Heavenly Mountain Dam. "For a month," he said, "we labored in storms, deep frost, rain, and hail."

The labors of Liang Yu-teh—and 100 million others—are being harnessed to the accomplishment of Red China's greatest dream, "catching up," in less than a generation, with "the most advanced industrialized nations." Such a gargantuan effort, in so short a time, is an undertaking which dwarfs every other human endeavor, from the building of the Great Pyramid to the construction of the Grand Coulee Dam. If it succeeds, Western experts—after making careful allowances for Chinese exaggeration—believe that Communist China will become a major industrial power during the late 1960's, and that it may well dominate Asia. But if the great drive fails—or only half succeeds—uncounted millions will starve.

After centuries—change: When the Communists took over in 1949, they found a nation well versed in the arts of river control. As far back as 2300 B.C. the Emperor Yu had "separated the nine streams (of the Yellow River), cleared the courses of the Tsi and Ta Rivers * * *." But in 1954, catastrophic floods inundated an area of modern China twice the size of Lake Michigan. At the height of the famine that followed this disaster, Chairman Mao Tse-tung determined on a massive nationwide water-control program that would dwarf anything ever tried before.

Mao's decision jolted all of China. Overnight, or so it seemed, the Minister of Water Conservancy, Fu Tso-yi, was provided with a huge budget, along with an army of Russian technical advisers, and above all, unlimited power to conscript peasant labor.

Fu and his aids pored over the maps of China's rugged terrain. They found that of China's 3.7 million square miles—two-thirds of which are mountainous or semidesert—only 7 percent was under the plow. Fu decided that 300 million acres—12 percent of all the land in China—could be reclaimed by 1962. This would provide farms for 100 million settlers. And by damming the major rivers Fu reckoned that China could generate a total of 43 billion kilowatt-hours of electric power yearly.

Once the plans were laid, orders went out to every village and commune: "Recruit men to work on the dams." From the schools, hundreds of thousands of students flocked out with picks and shovels; from the police force, the high schools, even the Red army itself, 7 million more were sent to work part time. Of the millions and millions who are engaged in building the dams during peak work periods, at least one-quarter are women.

To the Communists, the human cost of building China's new dams is secondary—at best. Peking actually boasts that 30,000 teenagers were assembled from all over China to build the Youth Canal near Urumchi in Sinkiang Province. The work was done in 131 days, and the official account of this "march to victory" reads like an Orwellian nightmare:

"Temperatures plunged to between 22° and 40° below zero. Fierce, cold winds blew from the Gobi Desert. Yet, the heroic youth worked on. When their shoes fell off, they worked in their socks. Those without gloves worked with bare hands. * * * Little girls of 14 could barely lift the heavy stones.

"They worked 10 to 12 hours a day; some worked 3 days and 3 nights without sleep. * * * When there were no baskets, they carried stones in their hands. When there was no water, they melted ice; when there was not enough food, two or three ate a single portion. Their teeth chattered, yet the work went on, ceaselessly."

Toward the future: By such methods, the Communists claim to have already increased the area of irrigated land by 400 percent, to have boosted hydroelectric output by 800 percent. Two million settlers have pushed into the newly opened northwestern provinces of Inner Mongolia, Ningsia, Tsinghai, and Sinkiang in the past decade. And a mass movement of tens of thousands of young migrants is pushing into areas of Yunnan Province in the far southwest, bordering North Vietnam, Laos, and Burma. Remembering Tibet, China's neighbors look on with increasing nervousness.

Yet Peiping's war for water and power has only just begun. Among the ambitious schemes soon to be started:

Diversion of waters of the Yangtze River system northward to the less abundant Yellow River, thereby irrigating vast areas of the Great North China Plain, now a semidesert. Linking this trelliswork of waterways, a 2,000-mile canal will be built.

Taming of the wild Yangtze River gorge above Ichang with China's largest dam—650 feet high and more than 2 miles wide. While many engineers, including some Chinese, believe the project cannot be built, the Red planners say it must and will be built.

Creation of a system of canals and deepened rivers interconnecting Peiping with the Gulf of Tonkin in the south, Chengtu in the west, and Mongolia in the north—the equivalent of a waterway reaching from New York to Jacksonville, Fla., then to Phoenix, Ariz., onward to Edmonton, Alberta, and back to New York via Boston.

Can Red China actually accomplish—in one generation—the task that its people have been unable to master in 4,000 years? There are many reasons to be skeptical. For one thing, the regimentation of China's peasants has provoked a latent hostility in many villages; go-slow tactics are often the result. For another, the soaring birth rate (China's population grows by 12 million a year) will eat into any gains that are made in producing food and consumer goods. The Reds can also be shown to have exaggerated their achievements and overrated their own capacity to wring more work out of their people.

Yet when all the odds are counted, many Western experts concede that under the lash of Communist discipline, China's millions can fulfill the bulk of Peiping's plans—if not by 1970, then not many years afterward. For Communist or non-Communist, the Chinese people recognize that they must overcome nature—or die. Into the earthen side of one recently built canal near Tientsin, workers pressed small white stones spelling out this message: "One thousand generations will benefit from one generation's labors."

[From the Listener, Nov. 26, 1959]

THE MACHINERY MAKERS

(By Seymour Melman)

Machine tools, which are the basic producing equipment for industrial societies, are being mass produced in only one place in the world at the present time, that is the Soviet Union. Mass-production methods of manufacturing, so elaborately developed in many industries in the United States and Western Europe, are not being applied in the one industry which itself produces the basic means of production.

The western machine-tool industry has developed a longstanding pattern of small quantity production of various products in small factories. In the Soviet Union, which I recently visited, I found that the mechanization of the machine-tool industries, specialization of factories, standardization of parts, and the use of mass-production techniques are being vigorously pressed as a central feature of the current economic plan.

Almost everyone is familiar with the fact that machinery products, like automobiles, may be produced cheaply and in good quality when methods of mass production are employed. Similar products, when produced in small quantity, are bound to cost three or four times as much. This is the underlying contrast that has begun to develop between the machinery-producing industries of the West and those of the Soviet Union.

The development in the Soviet machine-producing industries is of the greatest political and economic importance. An economic advantage in production efficiency, owing to the extension of mass production, will permit the Russians to supply basic industrial equipment to the unindustrialized areas of the world, as well as in the West, at advantageous prices. Whoever supplies the basic means of industrial production thereby establishes a network of contacts the result of which is political influence on a broad scale. In my opinion, this is the underlying strategy of the oft-expressed Soviet interest in economic competition on a peaceful basis. With their side of economic competition being carried out from a base of mass-producing machinery industries, the Russians could very well be in a position to win, on a world scale.

In 1953, the Anglo-American Council on Productivity published a report on the machine-tool industry that was prepared by leading British technicians. They recommended reorganization of the British machine-tool industry and revision of many practices in order to introduce the technology of mass production, standardization, and allied methods to that industry. I recently presented a report on productivity in the machine-tool industries of Western Europe to the director of the European Productivity Agency in Paris. In it I made a series of recommendations that essentially paralleled those of the 1953 report of the Anglo-American Council. To my knowledge, the recommendations of both these reports are being applied only in the Soviet Union.

When basic industrial equipment is efficiently produced at good quality, and at low price, it has far-reaching effects in industrial life. At home, the whole range of manufacturing industries that utilize machine tools is enabled to purchase new models of higher efficiency and at low price. Managements that use machine tools can then justify more rapid replacement of older models. The importance of this factor is clearly visible in the United States, where in the absence of an abundant supply of economically produced machines, the industries using machine tools have instead preferred to retain older equipment. The result is that in 1959 about 60 percent of the machine tools used in the United States are 10 years old and more. This means that low productivity and high prices in the machine-tool industry have a depressing effect on the efficiency of manufacturing industry as a whole.

The availability of low-priced machine tools is bound to have an impressive effect on the course of political affairs in Asia, Africa, and South America. In these areas governments are hard pressed to carry out programs of industrialization with limited capital resources. In these circumstances, when they are offered capital goods at one-half the price of similar goods in Western markets, such offers may prove virtually irresistible. That is precisely what is likely to occur in the foreseeable future, owing to the rapid expansion of techniques of mass production in the Soviet Union. In my opinion, this is an important problem for the West and is composed of two questions: Why have methods of mass production not been introduced into the machine-tool and allied industries; and, what can be done now to put this right?

It may be useful to give a brief account of the three Soviet factories that I recently visited: they were the Krasni Proletari factory and the Ordjonikidze factory in Moscow, and the Sverdlov factory in Leningrad. They were described to me as leading factories of the Soviet machine-tool industry. Accordingly, they are important not only in their own right, but also as examples of the preferred direction of development for this industry in the Soviet Union.

In the Krasni Proletari factory at Moscow, about 1,000 workers are producing a good quality, general-purpose production lathe. This machine, 4,300 pounds of fabricated metal, is produced at the rate of one every 15 minutes, or 12,000 units a year. About 200 man-hours of labor are required for the production of each one of these machines. This factory uses manufacturing equipment of the type that is typically found in automobile factories. This means that transfer type machines, automatic gear lines, and powered conveyors are used to produce these machines in a steady stream, despite crowded quarters, old buildings, and working conditions that are substandard to Western eyes. The basic design of production is of the well-known mass-production type and the results are fully consistent with this mode of operation. Most of the workers in the Krasni Proletari factory are engaged in the production of various types of special lathes, all of which are variants in one way or another of the general class of metal working lathes. In this sense this factory specializes in one class of products.

The Ordjonikidze factory, the second I visited in Moscow, specializes in the production of certain types of automatic machine tools. The most important product is the general class of transfer-type machines. These are essentially collections of machine tools that are linked together by powered conveyors so that the work moves from one machine to the next in an automatic cycle. This is the type of automatic equipment which gives a modern automobile factory its high productivity. Machines of this sort, ranging from simple units to intricate multiple station machines, are produced in this factory at about 50 a month.

A second important product of this factory is four- and six-spindle automatic lathes. These are mass-production machines par excellence for the metal-working industries and are extremely important for mass production of all types of metal goods, both producers' and consumers' goods. Once such machines are properly adjusted, they operate in continuous, automatic cycles, little attention being required. At the time of my visit there were about 25 of these machines in various stages of assembly being completed at the rate of about 1 a day. This factory is also notable for a full range of research departments and specialized laboratories including a well-equipped measuring laboratory.

The Sverdlov factory in Leningrad, the third Soviet factory that I was able to visit, specializes in the production of large machine tools: horizontal borers, copying milling machines and precision borers. In this plant the most interesting item of production was the horizontal boring machine that had been exhibited by the Russians at the Brussels Fair and elsewhere. This machine, together with electronic control equipment for automatic control, was being produced on a continuous basis. In the assembly section I saw about 25 of these units in various stages of assembly. They were being produced at this factory at the rate of about one a day: an impressive performance, since this is a fairly intricate, general-purpose machine, and weighs about 27,000 pounds.

In the same factory an electronics design and manufacturing department was fabricating electronic control equipment for the same machine, based upon storage of information on punched cards. In the machine-tool plants of the West such control equipment is typically bought from outside firms that are not connected directly with the production of machine tools.

The results of mass-production technique are vividly seen in the productivity and the prices of the Soviet mass-produced equipment when compared with fairly similar Western machines that are typically made in small quantities. In the case of the general-purpose lathe, only 200 man-hours were required in Krasni Proletari to produce each machine. This compares with about 600 or more man-hours for machines of this type in Western Europe. The boring machine that has been produced as a specialty in the Sverdlov factory required an average of 2,000 man-hours of labor. A smiliar machine produced in Western Europe has required as much as 10,000 man-hours of labor. This is the striking difference between mass production and our usual Western methods.

The differences in productivity between Soviet mass-produced machine tools and Western small-quantity-produced machine tools correspond closely to the differences that are found within Western industry as between mass-produced and small-quantity-produced products. Thus, when productivity is compared for machinery in the United States, produced under these differing conditions, it is found that the mass-produced products have a productivity advantage of 3 or 4 to 1.

The price of the Soviet-built lathe is about $3,800 to customers in Western Europe. A similar machine produced in the United States has a price of $10,000. The Soviet-produced boring mill is priced at $21,000 in Western Europe and comparable machines in the United States have a price of about $46,000. In Western Europe, Soviet machine tools are sold at about one-third less than local products. There is the possibility that Soviet pricing abroad may be affected by various business tactics, including specially attractive pricing to penetrate markets. The fact remains, however, that the differences in production efficiency in these instances are so large as easily to make possible substantial differences in price, regardless of other considerations in pricing policy.

In my opinion, there is no escaping the conclusion that in the West there has been a failure in industrial organization and a failure of technological efficiency in the machinery-producing industries. Furthermore, the failure to apply mass-producing methods to these industries can no longer be regarded as the private affair of the managements or of the workers immediately concerned. Ordinarily, one may prefer to take the view that the inefficiency of particular managements would in due course be remedied by the victory of superior competitors, and thereby society would be served by more efficient firms. In the present case, however, the competitor is going to be the rapidly expanding machine-tool industry of the Soviet Union. The commercial victory of the Soviet machine-tool industry on the world market, including the penetration of Western markets, could measurably contribute to a worldwide economic and political victory for the Soviet system.

In the past, the machinery-producing industries have not had the kind of rapidly expanding market that has attracted to other industries the sort of financier-organizer who has put the operation of many industries like chemicals, electronics, automobiles, and others on a mass-production basis. At the same time, the managers of the machine-tool industries have developed an ideology for justifying the continuation of their mode of small quantity, small plant operation. They have held that machines of this type cannot be mass produced. The facts of the case do not support that proposition. They have held that standardization is not technically possible and would retard technological development. This is not supported by the experience of other industries that have utilized these methods.

In the Western machine-tool industry there has been a mythology that only people with a long handicraft tradition are capable

of designing new machines and building them properly. That is not supported by the experience of other industries, and it is contradicted by the demonstration of ordered research and design operations on a large scale in the Soviet machine-tool industry. More recently, it has been argued that the Russians, the Chinese, and their allies are probably incapable of producing high-grade special machines. Therefore the design and construction of such equipment would probably be a continuing basis for the prosperity of Western firms. My observations in the Soviet Union contradict such reasoning. I see no way of escaping the inference that the machine-tool and kindred industries must now be regarded as a public utility in the West. Accordingly, the public must demand of them the kind of efficient operation, in the public interest, that is required of a well operated public utility. At the same time, these industries must be assured conditions for stable operation: these are essential for efficient performance.

Western machine-tool and kindred industries have largely avoided the use of methods of mass production owing to the inability or unwillingness of single managements to cope with the problems of investing in and operating mass-production factories. Their inability has been owing to the fluctuations of the machine-tool markets, which have made mass-producing firms vulnerable to large losses during periods of low production. At the same time the managements have not been willing to introduce standardization and similar methods on an industrywide basis. Occasionally, outside firms enter an industry and revolutionize it with fresh views and with new methods. The entry of General Motors into the making of diesel locomotives, with mass-production methods, is a case in point. For the machine-tool industry, such a role might be played by large firms that manufacture electronic controls for machine tools, or that use large numbers of machine tools. Until now, however, such intervention by outside firms has not appeared on an import scale.

In my judgment, the next years, possibly as few as two, are crucial ones during which Western methods in the production of machine tools and allied equipment must be decisively improved. The target for productivity should be a rise of several hundred percent, and cost and price reduction should be aimed at not less than 33 percent in Western Europe and 50 percent in the United States. Failing decisive moves in this direction, the full range of political and economic effects from the developing Soviet mass-production superiority in these industries will begin to emerge, despite the long traditions in elegance of design and in finish of products that have characterized many Western machinery-producing firms.

Clearly, the first responsibility for action lies with the managements and employees of these industries. In the public interest, and in their own as well, they should proceed with all speed to reorganize their industries along mass-production lines. My recent report to the Director of the European Productivity Agency in Paris calls attention to a range of technical and economic opportunities for improving efficiency. Owing to the large public stake in these matters, I suggest that appropriate committees and conferences be set up by the Western governments, nationally and internationally, to recommend detailed action in support of such moves. If private managements should prove unwilling or incapable of acting decisively for improved efficiency, then government intervention would be called for. In the interest of preserving freedom in society I prefer to face these problems rather than to avoid them by such misleading devices as claiming a generalized cultural superiority for the West.

[From the Washington Evening Star, Feb. 11, 1960]

PRESIDENT'S QUICK TRIP SPARKS SECURITY SLIP

(By William Hines)

When President Eisenhower left Cape Canaveral, Fla., yesterday after 3 hours and 15 minutes on that desolate sand and palmetto heath, he observed that it had been "a very worthwhile trip."

Many of the reporters who made the hurried, 1,600-mile round trip wondered from what point of view the President spoke. They thought that as far as increasing his grasp of either science or missilery was concerned, Mr. Eisenhower could have learned as much by staying at home and being briefed, or by looking at any of a spate of recent picture books on the Florida missile site.

About the only thing of any national consequence that occurred was a breach of military security. The effect of this was to spread among perhaps twoscore reporters information about the Polaris missile that had been known earlier to a relative few on a confidential basis.

BOBBLE ALMOST INEVITABLE

The security leak was nothing more or less than a bobble of the sort almost inevitable in a hastily arranged trip like that Mr. Eisenhower took yesterday. How effectively the fumble was covered up remains to be seen; how serious its import is a matter of opinion.

But the leak was important as a symptom characteristic of what happens when news is created or managed for reasons that apparently have little to do with the national welfare.

President Eisenhower's trip to Canaveral was whipped up on the spur of the moment. Some of the White House aids who normally are cut in on trips far in advance say they did not know about this one until 24 hours before the President left for Florida.

This was just about the same time officials at the cape were notified of the forthcoming trip, and 1 hour before reporters were called in by White House Press Secretary James C. Hagerty and given the news.

From all that could be learned in the course of that hectic trip, the Canaveral inspection tour apparently "jus' growed" like Topsy.

"Plan a 4-hour tour for the President," seems to have been about the extent of the instructions sent down to Cape Canaveral. The trip was later cut to 3½ hours by eliminating a luncheon, and finally to 3¼ hours by spinning the convoy's wheels a little faster.

A prime purpose of the tour seemed to be to secure photographs of Mr. Eisenhower in front of some missiles.

In the original tour plan, photographers were given ample opportunity to take pictures, but writers were not granted an equal chance to observe. This plan broke down, however.

DEVIL-MAY-CARE AIR

The whole thing had a gala, devil-may-care air about it. Had the President wished to inspect a war-ready missile base, Cape Canaveral is about the last place in the world he should have gone. No shot has ever been—or will ever be—fired in anger from there. It is a test base, pure and simple. Its relationship to actual combat bases is about equivalent to General Motors' test track's relationship to a great metropolitan freeway.

For a meaningful briefing and an actual feel for missile base operations, Mr. Eisenhower should have gone to some such place as Vandenberg Air Force Base, Calif. He might have done so last month while on the west coast for the "Dinner With Ike" at Los Angeles. It would have interrupted his trip for less than the 6 hours and 47 minutes total elapsed time of his absence from Washington yesterday.

At any event it is unthinkable that the President needs to travel to Cape Canaveral to learn about missiles. The men who have managed the Air Force and Navy missile programs—Lt. Gen. Bernard A. Schriever and Rear Adm. W. F. Raborn, for example—are only minutes away from the President's side, and can fill him in on Atlases, Polarises, and Titans without breaching security.

DEFEATISM

(By Walter Lippmann)

At his press conference last week the President replied to his critics who are saying that we are behind the Soviet Union. At the end, in response to a question by Mr. Edward P. Morgan, he went beyond the technical argument about the missile gap and deterrent power to his own philosophical attitude toward the rivalry of the two strongest world powers, the Soviet Union and ourselves.

Mr. Eisenhower's philosophy, if I have understood correctly his impromptu remarks, is that our security is not in jeopardy and that if the Soviet Union is moving faster than we are in the development of certain elements of national power, that is to be expected and must be accepted. For, said Mr. Eisenhower, "let's remember that dictatorships have been very efficient." If we must achieve a greater tempo in our development of national power, we shall have to "take our country and make it an armed camp and regiment it * * * and get people steamed up like you did in wars."

After that explanation of why we have fallen behind, Mr. Eisenhower delivered a little lecture on how we should think and talk more about the values * * * which we do believe—namely "our own individual freedoms and rights." He went on to say that "our people ought to have greater faith in their own system." By this he seemed to mean that the critics who think our defenses are inadequate and the critics who say that we are neglecting our children and not keeping up with the needs of our population, have less faith than he has in our system.

With all due respect, Mr. Eisenhower is mistaken. It is he who lacks faith in our system. It is he who is saying that we cannot meet the Soviet challenge without changing our system and giving up our freedom. It is he who is telling the country that it cannot afford to meet the needs of our rapidly growing and increasingly urbanized population. It is he who is saying that with a $500 billion economy, the American Nation will lose its freedom if it devotes to public purposes a somewhat larger share than it does today.

It is he who is saying that our system of liberty is so fragile that it is not tough enough and durable enough to keep up the pace in the great contest of national power.

Again with all due respect, he has sunk into, he has resigned himself to an attitude of defeatism in which there is no faith that our people have the will, the energy, the resourcefulness, and the capacity to close ranks, if they are summoned to make a greater effort. Mr. Eisenhower is talking like a tired old man who has lost touch with the springs of our national vitality.

The doctrine which the President holds, the doctrine which determines his budget, his program, and his preaching to the Nation is, in the perspective of the world struggle, a most dangerous doctrine. The central issue of the world struggle is whether the Soviet system or a liberal system can deal best with the problems that beset mankind. In that struggle we shall surely lose if we tell the world that, though we have the richest economy in all history, our liberal system is such that we cannot afford a

sure defense and adequate provision for the civil needs of our people.

If that doctrine goes out into the world, unchallenged and unrefuted here at home, Mr. K. will have the ball which we will have fumbled. We can talk to the end of time about how much we love liberty. But if the masses of mankind understand us to mean that we love liberty in such a way that we cannot keep our place in the world, they will look for guidance and for example to Moscow and not to Washington.

Yet the President's defeatism has no objective justification. The virtues of our system of society are not inseparably tied up with the Revenue Act of 1954 or with a philosophy of government which, when the President explains it, regards the Federal Government as at best a necessary evil.

The Federal Government is no doubt wasteful, and clumsy, and inflated with bureaucracy, and not wholly immune to the payola. But the Federal Government is not a necessary evil to be talked down to. The Federal Government is an indispensable good which must be held to account and be criticized but with respect and appreciation.

For when we talk about our freedoms and our rights, we should not forget the next sentence in the Declaration of Independence which says "that to secure these rights governments are instituted among men" deriving their just powers from the consent of the governed.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. GRUENING. And also perhaps a comment?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield for a comment also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRUENING. I could put it in the form of a question.

I believe that the fact that the distinguished Senator's speech has been extended over a period of 3 hours, from midnight to the present hour of past 3 o'clock in the morning, is due largely to the great interest which it has generated and which has led to a prolonged but extremely interesting series of worthwhile colloquies, which are tributes to the vital nature of the Senator's discourse. There is much in it that could elicit comment, and that comment could last for many hours.

I find in the Senator's remarks sentences which go to the very heart of this discussion. I find, for instance, the sentence in which the Senator contrasts what we, in America, should have with what we actually do have. He speaks, for instance, of television repairmen being paid more than teachers. Here is a striking evidence of the origin of the conditions which he deplores. This body passed an excellent aid-to-education bill, in which we paid attention to the inadequacy of teachers' salaries and rectified it. Yet that bill—with the Clark amendment thereto—was defeated by one vote, the vote of the Vice President, who represented the administration, and the President's view.

Here is the contrast that has been pointed out during this discussion in the course of Senator FULBRIGHT's speech between the desire and the purpose of the legislative branch of the Government—the Congress—and the opposition of the executive branch. In the case of the schoolteachers it is one of the most fundamental problems we face, involving, as it does, the welfare, security, and quality of the persons to whom we entrust the care of the future citizens of our Republic. No element in our society is worthier of the consideration that the Senate sought to bestow upon it, and managed to do finally but in a curtailed form, when it repassed the bill with the Monroney amendment.

The Senator called attention to the fact that we have toilet water in every drugstore, but polluted streams in every State. Again, here is the contrast between legislative and executive. This administration is dedicated to the consumer. The consumer must have more toilet water. He must have more gadgets. That is the administration's declared policy. But a bill for the elimination of pollution from our streams, the removal of sewage from our rivers and drinking water, is vetoed by the President of the United States. That goes to the very heart of what we have been discussing, the vital things this Congress has sought to achieve. Such measures have been vetoed time and time again, whether they related to housing, education, public works, or the development and maintenance of various essential public services.

Only a short time ago we had an excellent forest program come before this Congress. It was discussed at great length by the junior Senator from Mississippi [Mr. STENNIS]. The program originated with the administration. It was a sound program for research and greater utilization of our forest products. The program called for only $6 million. Yet it came to the Congress with a budget estimate that cut the required figure by 70 percent to $1,700,000. If the program is to be restored, it will have to be restored by action of the Congress.

I congratulate the Senator from Arkansas on his very important and well documented speech this evening, which goes to the heart of what ails our Nation.

Mr. FULBRIGHT. I thank the Senator from Alaska for his kind words. I appreciate them very much. I may say to him that I did not anticipate that my remarks would elicit so much discussion. In view of the fact that it has taken so much time, I shall reserve for later use the remainder of my speech bearing upon the pending question.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. SCOTT. Mr. President, does the Senator from Arkansas not know that the bill to which the Senator from Alaska has referred as a clean streams bill or a anti-water-pollution bill, actually is nothing of the sort, but is a bill to permit the Federal Government to assist States in the construction of sewers and sewage-disposal systems within certain areas, largely urban, and that it cannot properly be called an anti-water-pollution bill? It is not an anti-water-pollution bill, and I do not care what the President or the press called it.

Mr. FULBRIGHT. I am confused. The President called it that. We all called it that. The purpose of it was to avoid the pollution of streams.

Mr. SCOTT. I suggest that someday, sometime, somewhere people ought to read some of these bills.

Mr. FULBRIGHT. It strikes me that that was an accurate designation of the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 93]

Aiken	Douglas	McCarthy
Allott	Dworshak	McNamara
Anderson	Eastland	Magnuson
Bartlett	Ellender	Martin
Beall	Engle	Monroney
Bible	Fulbright	Morton
Brunsdale	Gruening	Moss
Bush	Hart	Mundt
Byrd, W. Va.	Hartke	Muskie
Cannon	Hickenlooper	Pastore
Carlson	Hruska	Proxmire
Case, N.J.	Javits	Randolph
Case, S. Dak.	Johnson, Tex.	Scott
Church	Keating	Smith
Clark	Kefauver	Wiley
Cooper	Kuchel	Williams, Del.
Curtis	Lausche	Williams, N.J.
Dirksen	Long, Hawaii	Young, Ohio

The PRESIDING OFFICER (Mr. BARTLETT in the chair). A quorum is present.

LEAVE OF ABSENCE

Mr. CURTIS. Mr. President, I rise to ask the consent of the Senate that I may be absent on Monday, Tuesday, and Wednesday of next week on public business.

The PRESIDING OFFICER. Without objection, leave is granted.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. EASTLAND. Mr. President, when I addressed the Senate on Tuesday of last week in regard to the Dirksen substitute, I refrained from discussing the merits of section 7 of the proposed legislation, which provides for court appointment of so-called U.S. voting referees. At that time I pointed out that while the Attorney General had presented this new and novel proposal to Congress in testimony given before the Rules Committee of the U.S. Senate and that a bill such as the Attorney General suggested was incorporated in the section 7 above mentioned, that the Deputy Attorney General had sent to Congress an entirely new and different version of the voting referees proposal.

The revised plan of the Department of Justice has been incorporated in a bill introduced by Representative MCCULLOCH in the House designated as H.R. 10625. Mr. MCCULLOCH is the ranking member of the House Judiciary Committee on the Republican side, and it must

be presumed that his latest plan is the plan that the administration and the Department wish this Congress to adopt. We who are opposed to both the original plan and the revised plan are placed in a most ambiguous situation here in the Senate in not knowing what we are supposed to discuss.

When Attorney General Rogers presented his original version to the Senate Rules and Administration Committee he chose to rely solely and alone on the 15th amendment as the basis for the legislation. After repeating the language of the 15th amendment he said:

The Constitution does not leave the Government established by it powerless to act effectively to eliminate racial discrimination in voting. Section 2 of the amendment expressly confers upon Congress power to enforce the prohibition against State-supported racial discrimination in elections of any kind, both State and Federal.

It should be noted that the Attorney General in paraphrasing section 2 omitted mentioning that all important word "appropriate" in pointing out the power of Congress to enforce section 1 of the 15th amendment.

Subsection (a), section 1971, United States Code, was incorporated into the language of the Civil Rights Act of 1957 as it appeared in section 2004 of the Revised Statutes, taken from the act of May 31, 1870, 16 statutes at large, chapter 114, section 1, at page 140. It reads:

(a) All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

This subsection simply declares by legislative act sanction to the right conferred by the terms of the 15th amendment, which states:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 131(c) of the Civil Rights Act (42 U.S.C. 1971(c)) gave to the Attorney General a new and novel power. It provided:

(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsections (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

While the Attorney General was here given authority to institute suits in the name of the United States under both subsections (a) and (b), he now chooses to ignore subsection (b) and asks for additional powers and new legislation based squarely on subsection (a) and its inspiration, the 15th amendment.

Thus, it is clear that in approaching either one or both of the Voting Referee Plans proposed by the administration, attention can be confined solely and alone to the 15th amendment. The question involved becomes crystal clear. Is this newly sought congressional enactment appropriate legislation under section 2 of the 15th amendment to the U.S. Constitution?

Section 7 of the Dirksen substitute to H.R. 8315 amends section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), by designating the present subsections (e) and (f) and inserts a new subsection (e), and adds a new sentence at the end of subsection (c).

The new subsection (e) provides, in part:

1. That when the Attorney General has instituted a suit pursuant to subsection (c) of section 1971 (42 U.S.C.) and the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of section 1971 (42 U.S.C.)—

And—

that such deprivation was or is pursuant to a pattern or practice.

2. The court may appoint one or more persons to be known as voting referees.

The substantive language of the revised plan states in the outset:

(a) That when the Attorney General has instituted a suit pursuant to subsection (c) of section 1971 (42 U.S.C.) and the court finds any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General make a finding whether such deprivation was or is pursuant to a pattern or practice.

Two significant portions of the original proposal are omitted from the revised—the phrase "under color of law" and the request for authority to institute suits pursuant to subsection (b) of section 1971—the Civil Rights Act of 1957.

I have made every effort to ascertain whether or not the Department of Justice has submitted to Congress any memorandum of any kind or character that explains the meaning and intent of the revised plan for the appointment of voting referees. I have been unable to find where any comment of any kind or character has been offered by the Department on this revised plan. To this extent we are simply "feeling in the dark," but even though the revised plan is not before the Senate, if this is what the Department wants in the way of legislation, it is absolutely essential that it be discussed, and it is my purpose to discuss both of them.

In the original plan it would appear that it is left to the determination of a U.S. district court judge to find whether any person or persons for whom the Attorney General has instituted a suit have been deprived on account of race or color of any rights secured and that such deprivation was or is pursuant to a pattern or practice. The revised version confers an additional power on the Attorney General because it is only when the Attorney General makes a request of the court that the court then proceeds to make a finding of whether such deprivation was or is pursuant to a pattern or practice.

Mr. President, I do not know what a pattern or practice is, but one thing is clear—that this so-called finding of a pattern or practice has nothing whatsoever to do with the person or persons who may be the parties to the suit instituted by the Attorney General. If any person or persons who were appointed to this suit had been deprived on account of race or color of any right or privilege secured by subsection (a), the court would then and there enter the necessary and proper orders restoring or conferring upon the individual parties to that particular lawsuit the right to vote. From the language of both versions it is clear that the finding of a pattern or practice is a condition precedent to other actions that may be taken by the court. It is also a point of departure where we leave completely the original complainants for whom the Attorney General instituted the action under the Civil Rights Act of 1957. It is a further departure from the recognized judicial processes and judicial functions of the Federal courts under the U.S. Constitution into a morass of nonlegal and nonjudicial functions that are proposed to be given to U.S. district courts by a congressional enactment.

Now, Mr. President, let me say that all the referee plans submitted by the Attorney General have a common constitutional infirmity. All plans start with the proposition of a conclusive presumption that there is a pattern or practice of discrimination, and by the use of this conclusive presumption permit persons who are not parties to the original suit to be registered and voted.

I submit, Mr. President, that Congress does not have the authority to enlarge the jurisdiction of the district courts so as to permit the district courts to act as registration boards. But that is exactly being asked by the administration in seeking favorable congressional action on this voting referee proposal.

The Attorney General wants the Congress by statute to provide that, where a court has found a pattern of discrimination against Negroes, that evidence of this discrimination can now be used to declare that others not at all parties to the suit can be deemed qualified as voters because they have been discriminated against.

In other words, in the event that the court finds that any person has been deprived of his rights on account of race or color, the court thereafter, upon the request of the Attorney General, shall make a finding whether such deprivation was, or is, pursuant to a pattern or practice, and if the court finds such pattern or practice, then on that basis persons of such race or color will be permitted to register without being required to prove that the denial of their right to register was because of that pattern; and then, in turn, once the court, pursuant to this statute, has found a pattern

of discrimination against Negroes, because of this finding, parties outside of this proceeding will come in under the umbrella of the court's finding without having to prove in a case-by-case approach that they have been denied the right to vote because of that pattern of discrimination.

Mr. President, this is indeed a very clever scheme to turn the courts into virtual registration boards by having the Congress provide that when a court has found a pattern in practice this is the only reason for the denial of registration to a fully qualified Negro. Thus it will not be necessary for an applicant to prove again the existence of a pattern or practice which the judge has already found. If this statute is enacted it will not be necessary for the applicant to prove that the denial of his right to register was because of that pattern. This proposed section would eliminate the need for the applicant to allege and prove the discrimination, but would instead force the registrar to register the voters or face the contempt power of the court.

Now, let us see how this suit originally came about. The Attorney General under 1971(c) of title 42 of the United States Code, being part of the 1957 Civil Rights Act, is authorized to institute a suit in the name of the United States or for the United States on behalf of citizens that their constitutional rights have been deprived. The only question at issue under 1971(c) would be whether or not the privilege of voting has been denied or abridged by those persons for whom the United States has brought the suit. The district court, under subsection (d) of section 1971, if it so found, could grant an injunction, restraining order, or other order prohibiting those practices.

Now, Mr. President, bear this in mind, that in this original proceeding, there are only two parties, the United States and the official, or officials, against whom the injunction is sought. The parties are just these two. The voter, that is, the Negro voter who alleges that he has been discriminated against, is in no wise a party to this suit. At this point, Mr. President, the new mechanism, the new scheme that the Attorney General is now proposing comes into play. By this proposal the Congress could provide that where the court has found a pattern of discrimination against Negroes, it is conclusively presumed that this pattern is the only reason for the denial of registration to a qualified Negro, and from that presumption the Federal courts would be thus authorized to register persons who were never parties to the original action, and thus force registrars to register these applicants without those persons being required to prove that the denial of their right to register was because of that pattern or practice.

By this scheme State officials will be required to register all applicants in an area without those applicants being required to prove that the only reason they were denied registration is because of their color or race. It is obvious why the Attorney General endorses and promotes this proposal, because it permits wholesale registration of voters by State officials who dare not refuse to register them, otherwise they would be subject to the court's powers of contempt.

Mr. President, it seems to me that this proposal of the Attorney General is so patently unconstitutional on its face that we should not have to be here today arguing its invalidity. Undoubtedly, the efforts of those who seek this legislation are so great that my words and my arguments of the unconstitutionality of this proposal will go unheeded. However, I am sure that the courts at a future time may pay some heed to these words when this statute is attacked as invalid in a future proceeding. This proposal on its face is clearly violative of due process. The essential elements of due process are notice and an opportunity to be heard and to defend in an orderly proceeding adapted to the nature of the case before a tribunal having jurisdiction of the case.

Under this proposal are State officials or State registrars accorded notice and an opportunity to be heard and to defend in an orderly proceeding? I see no language in the section which would permit these officials to defend or be heard. I say that this failure to accord defendants an opportunity to rebut or repel this presumption raises serious constitutional questions.

The Attorney General is asking the Congress to create by statute a conclusive presumption which would permit subsequent applicants to be qualified as voters without any proof whatsoever that they have been deprived on account of race or color of the right either to register or vote. That I am not the only one who is concerned about the unconstitutional aspects of creating a statutory conclusive presumption in this instance, is indicated by the hearings held in the House of Representatives by the Judiciary Committee of that body, when Deputy Attorney General Walsh testified before that committee in connection with this proposal. Chairman Celler of the House committee recognized the gravity of this question when he engaged in a colloquy with Deputy Attorney General Walsh. Judge Walsh stated:

> Well, if you found a pattern and practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.
>
> The CHAIRMAN. You mean that Congress can justify that presumption?
>
> Mr. Walsh answered: Yes, sir. I think it is a reasonable presumption. I think if you have a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil. So I think there is a reasonable basis for such a presumption. Not only is it reasonable, but it is necessary, because for an individual to prove each case that he has been a victim of prejudice [sic] is very difficult. Therefore, I think he needs Congress' help in that regard (pp. 24–25).

Great concern was expressed by many members of the House Judiciary Committee over the validity of Congress enacting a statutory conclusive presumption in this legislation. I contend that Congress is without power to create a conclusive presumption that is an irrebuttable presumption where there is nothing in the statute which would accord the defendant the right to rebut or to introduce evidence to rebut it—clearly a violation of the due process clause of the Constitution.

During the House hearings Judge Walsh was asked on what grounds a conclusive presumption could be justified, and Judge Walsh replied that, in his opinion, it was reasonable and necessary that Congress provide such a statutory conclusive presumption not on the basis of its constitutional validity, but solely because it was necessary. It seems to me, Mr. President, that the administration is going pretty far in its efforts to enact civil rights legislation that to further that end it is willing to disregard constitutional limitations.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. ERVIN. Has it not been held in a number of cases that a conclusive presumption cannot be established, because if we establish a conclusive presumption we shut the door to the other man to prove the falsity of the thing which is presumed?

Mr. EASTLAND. That is exactly correct.

Mr. ERVIN. Would it not be about as justified as it would be in a case in which a plaintiff sues a defendant for damages growing out of an automobile accident, and it is presumed the defendant is liable to the plaintiff?

Mr. EASTLAND. That is exactly correct.

Mr. ERVIN. Is this bill not broad enough to cover State and local elections as well as national elections?

Mr. EASTLAND. Yes. It does cover those also.

Mr. ERVIN. I ask the Senator from Mississippi if he agrees with me in the observation that the Federal Government has no right to take over the registration of persons under any circumstances in the State and local elections, the provisions of the 15th amendment being a mere prohibition on State action and not a grant of affirmative power to the Federal Government?

Mr. EASTLAND. The Senator is exactly correct.

I thank the Senator.

Wigmore on evidence, in his third edition, volume 9, section 2492, says of conclusive presumptions:

> Wherever from one fact another is said to be conclusively presumed, in the sense that the opponent is absolutely precluded from showing by any evidence that the second fact does not exist, the rule is really providing that, where the first fact is shown to exist, the second fact's existence is wholly immaterial for the purpose of the proponent's case, and to provide this is to make a rule of substantive law, and not a rule apportioning the burden of persuading as to certain propositions or varying the duty of coming forward with evidence.

In line with Professor Wigmore's concept of conclusive presumptions, this bill, if enacted, therefore would enact into law a rule of substantive law which would deprive defendants of the opportunity to present evidence in opposition or in any way to be heard or to offer testimony

rebutting this presumption. This clearly is a denial of due process of law. And let me say, Mr. President, it is pure and simple tyranny. I say that Congress has no power to create a conclusive presumption, one incapable of being overcome by proof of the most positive character. This conclusive presumption which the Attorney General would have the Congress create under these proposals, flies squarely in the face of the holding by the Supreme Court of the United States in *Heiner* v. *Donnan* (285 U.S. 312), wherein that Court stated:

> If a legislative body is without power to enact as a rule of evidence a statute denying a litigant the right to prove the facts of his case, certainly the power cannot be made to emerge by putting the enactment in the guise of a rule of substantive law.

If the presumption is not unreasonable and is not made conclusive of the rights of the person against whom raised, it does not constitute a denial of due process of law. *Mobile, J. & K.C.R.R.* v. *Turnipseed* (219 U.S. 35, 43).

A prima facie presumption casts upon the person against whom it is applied the duty of going forward with his evidence on the particular point to which the presumption relates. A statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment. *Bailey* v. *Alabama* (219 U.S. 219, 233).

Legislative fiat may not take the place of fact in the judicial determination of issues involving life, liberty, or property. *Manley* v. *Georgia* (279 U.S. 1, 7).

The Attorney General would ask the Congress of the United States to enact a statute creating a presumption which operates to deny a fair opportunity for defendants to repel it and therefore in line with consistent Supreme Court decisions violates the due process clause of the Constitution.

I submit, Mr. President, that there is absolutely no way of justifying what is sought in this bill—that is, the creation of a conclusive presumption or a rule of substantive law, by the use of which applicants be permitted to vote without requiring those applicants to prove that the denial of their right to register was because of a pattern or practice. It is my firm conviction that this presumption sought here is violative of due process and beyond the power of Congress to enact.

The opponents of these referee proposals are laboring under a most serious disadvantage in that no one has explained what these proposals seek to do and justify the necessity for such extreme legislation. I would like the proponents to explain the basis for the district courts deciding that a pattern or practice exists, and whether the Attorney General is going to be required to allege and prove that there is such a pattern or practice existing in certain areas, and whether defendants in that main case would be permitted the right to introduce evidence to the contrary. To this point, I have seen no testimony nor any evidence explaining the basis for this pattern or practice and whether the defendants would be accorded an opportunity to rebut such a finding.

The common vice of these proposals is the attempt by legislative fiat to declare through a conclusive presumption that subsequent applicants shall be qualified as voters without any proof whatsoever that they have been deprived on account of race or color of the right either to register or to vote. Judge Walsh made it perfectly clear in testifying before the House Judiciary Committee that the idea behind these proposals is to have the Congress create a conclusive presumption, a substantive rule of law under which persons not parties to the original action would be accorded the right to register and vote without having to prove that the denial of their right to register was because of that pattern. The difficult element of proof is the one that this proposed statute would eliminate. Judge Walsh highlighted this fact when he said before the House committee:

> The key feature of the Attorney General's bill is that where a pattern of discrimination against Negroes has been found, a qualified Negro who has been deprived of the right to vote is conclusively presumed to have been so deprived because of the existence of that pattern.

This statement brings into sharp focus just what the administration is seeking from the Congress in order to bring about wholesale registration of voters without requiring these voters to meet the test of the statute, namely, to prove on an individual case-by-case basis that they have been deprived of the right to register because of their race or color.

The Attorney General wants the Congress to make it easy for him to have these voters register without proof of any discrimination solely from this practice or pattern arrived at in the original statute.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. ERVIN. I ask the Senator if a statute in that form would not constitute a denial of the equal protection of the laws to white persons who are qualified to vote and are denied the right to vote.

Mr. EASTLAND. What the Senator says is exactly true. But the purpose of this whole thing is to deny the white people of the South their civil rights. That is the only conclusion one can draw from this whole proposal.

Mr. ERVIN. I will ask the Senator if this is not an effort to enable the Federal Government, acting through the district court and the voting referees, to take charge of elections in the South, but have the Northern States continue to exercise full control over elections in those States?

Mr. EASTLAND. That is exactly the pattern. That is exactly it. That proposal has been tried before; but the way it worked out, there was wholesale fraud in the North. And when honest men regained control of Congress, they repealed the law, largely because of corruption in New York State.

Mr. ERVIN. Incidentally, I will ask the Senator from Mississippi if he has seen articles in the Philadelphia papers in the last few days in which it is alleged that voting frauds have occurred in that City of Brotherly Love.

Mr. EASTLAND. I have not read it, but I heard some discussion of those articles. I heard discussion of conditions in the city of Philadelphia. I believe our elections are as fairly conducted as any in the country. I believe we are on a higher plane than many other parts of the country.

Mr. ERVIN. I believe I asked the Senator the other day in reference to the Senators from New York undertaking to correct conditions in the Southern States and not conditions in New York State. I ask him if he does not think that the same thing applies to the Pennsylvania representatives in Congress.

Mr. EASTLAND. The Senator is right. In that connection, I have not heard of any such problems arising in the State of North Carolina. The people of North Carolina through their elected representatives control their own affairs. The Senator may have heard about allegations of a so-called crime syndicate that operates throughout the country.

I say that because when Roger Touhy was assassinated, his bodyguard, before he was taken to the hospital, stated that "We have a secret government here. We have a super government, and they have assassinated us," or words to that effect.

The Senator from North Carolina does not have conditions like that in North Carolina. I believe that if the proposed legislation is enacted it will lead to corruption of elections in the Southern States.

There is a considerable difference in the approach taken by the new version of the referee voting plan as contrasted with the Dirksen proposal as originally introduced. The latest version would provide that once the court determines that a pattern or practice is found to exist, any Negro resident within the affected area shall be entitled, upon application, to an order declaring him qualified under State law to vote upon his own statement that he is qualified under State law to vote, and that he has been deprived or denied under color of law the opportunity to register, to vote, or otherwise qualified to vote, or found not qualified to vote, by any person acting under color of law. Such court order would run contemporaneously with the State laws regarding periods of registration.

Certified copies of the court order shall be transmitted by the Attorney General to the appropriate election officers and with this notice refusal to permit the person declared qualified to vote shall constitute contempt of court. Hearings on an application are to be conducted within 10 days and disposition of the application shall not be stayed if the effect of the stay would deny the applicant the right to vote at an election at which he would otherwise be enabled to vote.

It should be noted that this provision of the new proposal confers additional powers upon the district court in regard to orders and acts that are performed

subsequent to the declaration of the finding of a pattern and practice.

These orders and the hearings on applications are, in actuality, dependent upon what the court-appointed referees will find and report.

If the applicant can prove in the ex parte proceeding that he is qualified to vote, meaning that he can comply with the age and residence requirements, and, too, that he has tried to comply with the State's procedures, and that he has been unable to qualify because the State registrar denied his application, then the referee will so find and recommend to the judge that he be ordered qualified to vote. The conclusive presumption or rule of substantive law again comes into play and the applicant does not have to allege or prove that his denial of the right to register or vote was because of a pattern or practice. Clearly, this is a procedure seeking congressional approval which goes far beyond the powers of the Congress to enact. By no stretch of the imagination is this contemplated procedure appropriate as a statutory means of enforcement of the 15th amendment, or, as Judge Walsh would suggest, as "legislative facilitation of a court's ancillary procedures for the enforcement of its own decrees."

The original Rogers plan, as contained in section 7 of the Dirksen amendment to H.R. 8315, would provide that the Attorney General under section 1971(c) of title 42, United States Code, after he has instituted a proceeding under this section in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or vote due to the existence of a practice or pattern of discrimination, then the court may appoint voting referees to receive applications from persons claiming such deprivation of their rights. After the court's finding that this pattern exists, it will enjoin its continuance. The court in its order will detail those procedures which the referees are to follow. The original Rogers proposal does not spell out any rigid procedures but gives the court full discretion to have the referees proceed in a manner so as to make the mandate effective. After the referees have been appointed they may take applications from Negroes who can show that they are qualified to vote and that they have attempted to exercise that right but have not been so permitted by the action of State officers. It should be noted at this point that the nub of the original Rogers proposal and the supplemental version rests upon the court's declaring that a pattern of discrimination against Negroes has been found to exist and that a qualified Negro who has been deprived of the right to vote is conclusively presumed to have been so deprived because of the existence of that pattern or practice. Both proposals seek to register and vote Negroes not a party to the original suit, without requiring these applicants to prove the existence of the pattern or practice of discrimination and without requiring the applicants to prove that the denial of their right to register was because of the existence of that pattern.

Mr. President, both proposals seek to have Congress provide that where the court has found a pattern of discrimination against Negroes, this pattern is the only cause for the denial of registration to a fully qualified Negro applicant, and because of the existence of the pattern the applicant need not prove this casual link. This is where I differ with the Attorney General that such a procedure is clearly appropriate as a statutory means of enforcement of the 15th amendment. It is my belief that this is not appropriate legislation under the 15th amendment; rather, that this attempt to create a statutory presumption violates the due process clause of the Constitution and is unconstitutional.

After the referee is appointed, the original Rogers proposal contemplates the referee will hear applications brought by members of the Negro race. In these ex parte proceedings, if the applicants demonstrate they are qualified to vote, and they have complied with the State's procedures and have been denied registration, the referees will find and recommend to the court that these persons be ordered qualified to vote. The judge in his order will have provided for notice to the other parties of the action and for an opportunity for them to be heard in opposition. Apparently, under the original Rogers plan it is contemplated that this would be by serving upon the State registrar and the U.S. attorney the report of the referee and an order to show cause why the persons named in the report should not be authorized to vote. In cases where substantial issues of fact exist, the court may by general or specific provisions provide for their expeditious disposition by the court or referee.

The original Rogers version calls for the court to enter a supplementary decree in the original proceeding listing all of the persons found entitled to vote. Once this decree is signed by the judge, the voting referees will have the power to issue a voting certificate to each person named in the decree. The certificate will identify the holder as a person entitled to vote at any election covered by the decree.

The Attorney General would then have certified copies of the court's original and supplementary decrees transmitted to all appropriate State election officials. Any election official who has notice of the decrees and refuses to permit an individual covered by the decrees to vote, or to have his vote counted, will be subject to contempt proceedings.

The original version further authorizes the court to direct the voting referees to attend any election covered by the decrees and report to the court whether any person entitled to vote pursuant to them has been denied the right to vote or to have his vote counted, and empowers it to take such other action as may be necessary or appropriate to enforce its decrees.

In addition, the voting referees may be vested with all the powers conferred upon a master appointed by the court pursuant to rule 53(c) of the Federal Rules of Civil Procedure. This version would provide that the court shall fix the compensation of the voting referees which will be payable by the United States.

This version further provides that in any voting rights case where State officials charged with the discrimination involved have resigned or have been relieved of their offices and no successors have taken their places, the case may be instituted or continued against the State itself.

I am opposed to both of these so-called referee plans to register voters.

Both of these plans are invalid on their face, in that they are not appropriate legislation under the 15th amendment. To be appropriate legislation under the 15th amendment, legislation enacted by the Congress must be limited to the prevention of denials or abridgements by a State of the right of a person to vote by reason of his race or color or previous condition of servitude.

These plans, allegedly based upon the 15th amendment, seek to empower a Federal court to decree that State officials are guilty of depriving one individual of his 15th amendment rights, and then by reason of that decree to compel the State or its officials to permit other persons, not parties to the suit, to vote at its elections. I submit that Congress has no power to convert Federal courts into registration boards and supplanting State officials.

I am unalterably opposed to these referee proposals in any way, shape, or manner. They are so constitutionally defective that I do not believe Members of this body should entertain any ideas of creating legislation such as herein proposed.

As a representative in the U.S. Senate of a sovereign State, I resent efforts by way of a legislative enactment by the Congress which would destroy the electoral processes of my State. So long as I am a Member of this body I will resist with all my strength proposals such as this which would deal a death blow to the election machinery of the State that I represent.

I oppose this so-called referee plan in principle. It is unnecessary. It is unwise.

This proposal falls squarely in the face of long established constitutional principles. It has been long settled that the 15th amendment does not confer the right of suffrage. It prevents the States, or the United States, from giving preference to one citizen of the United States over another on account of race, color, or previous condition of servitude. That is what the 15th amendment does. Now, the Attorney General says that this referee proposal is appropriate legislation under the 15th amendment. With this I cannot agree. This legislation is an attempt to extend the 15th amendment so as to confer the right of suffrage upon certain persons who have been allegedly discriminated against on the ground of race or color, for, in effect, this bill says that if a court finds that one person has been discriminated against, it necessarily follows that because of this one instance all other persons of the same race must be in the same class, and applying that presumption, State officials

are coerced into extending suffrage to others in that class without the requirement of those persons having to prove case by case that they have been denied any of their rights. I submit that this is clearly inappropriate legislation and violative of the due process clause of the Constitution.

This legislation attempts to establish a new concept unknown before in the law—that is, the pattern or practice upon which the court makes a finding at the request of the Attorney General that certain persons are being discriminated against. The Attorney General has made no effort to give us guidelines, definitions or any basis whatsoever for what is a pattern or practice. Nowhere is there any effort made to explain what is the basis for this pattern or practice and how the court is to arrive at such a determination. This legislation is defective further in that the defendant State officials are denied due process and opportunity of hearing and coming forward with proof to rebut this finding of a pattern or practice. Apparently, it is contemplated that what constitutes a pattern or practice is to be left entirely within the province of the Federal judge.

Another fundamental defect that I see in this proposed legislation is that the Attorney General, in the guise of extending the protection of the 15th amendment to persons claiming that their rights have been violated, attempts to rectify those deprivations by compelling the States to permit persons who are not parties to the suit originally brought under 1971(c) to be declared qualified to vote.

The Attorney General, while seeking to prevent alleged discriminations in voting, does so at the expense of destroying the right of sovereign States to control their own elective process.

Throughout the history of our country regulation of voting has been traditionally and appropriately a function of the States. In fact, the intrusion of the Federal Government into the regulation of voting has been generally considered unconstitutional except in those instances precisely defined in the 14th and 15th amendments. In *Minor* v. *Happerset* (88 U.S. 162 (1874)), Mrs. Minor was refused registration to vote for electors for President and Vice President of the United States, and for a Representative in Congress at the general election held in November 1872. She was refused because the Missouri constitution authorized voting by male citizens only. Mrs. Minor contended that the right to vote at elections affecting Federal offices was a right and privilege secured to her by the Constitution of the United States which could not be abridged by the State of Missouri. The Court said:

If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is, therefore, presented whether all citizens are necessarily voters.

The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case one need not determine what they are, but only whether suffrage is necessarily one of them.

It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The Members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State legislature. Senators are to be chosen by the legislatures of the States, and necessarily the members of the legislature required to make the choice are elected by the voters of the State. Each State must appoint in such manner, as the legislature thereof may direct, the electors to elect the President and Vice President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.

The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen (*Minor* v. *Happerset*, 88 U.S. 162, 170 (1874)).

Finally the Supreme Court said:

Certainly, if the courts can consider any question settled, this is one. For nearly 90 years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to declare what it should be (*Minor* v. *Happerset*, 88 U.S. 162, 170 (1874)).

This was the consistent doctrine of the Supreme Court for generations. In *United States* v. *Reece* (92 U.S. 214 (1875)), election inspectors were indicted under sections of a postwar Civil Rights Act for depriving a Negro citizen of the right to vote in a municipal election. The Court held that those sections of the statute were vague and indefinite, therefore unconstitutional, because they did not precisely limit the definition of the Federal crime to deprivation of voting rights protected by the 14th and 15th amendments.

The Court said (*United States* v. *Reece* 92 U.S. 214, 217–218 (1875)):

The 15th amendment does not confer the right of suffrage upon anyone. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guaranty against this discrimination; now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by appropriate legislation.

In the case of *Breedlove* v. *Suttles* (302 U.S. 277, 238 (1937)), a Georgia statute making a poll tax a voting prerequisite to Federal and State elections was attacked on the ground that it violated the 14th and 19th amendments. The tax in question applied to all inhabitants of Georgia between the ages of 21 and 60, with an exception for females who did not register for voting. The Court held that the classification of the law, not being an invalid discrimination, did not violate the equal protection clause of the 14th amendment. The Court also held that the exemption for women who did not vote was not in violation of the 19th amendment. In the course of its opinion the Court also stated clearly that the poll tax was not prohibited by the privileges and immunities clause of the 14th amendment and was a proper qualification for voting for the States to impose.

Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate (*Minor* v. *Happersett* (21 Wall. 162, 170 et seq.), *Ex Parte Yarbrough* (110 U.S. 651, 664–665), *McPherson* v. *Blacker* (146 U.S. 1, 37–38), *Guinn* v. *United States* (238 U.S. 347, 362)). The privileges and immunities protected are only those that arise from the Constitution and laws of the United States and not those that spring from other sources (*Hamilton* v. *Regents* (293 U.S. 245, 261)).

In view of the fact that these proposals which are being advanced here today, in my judgment, do violence to long established constitutional principles, I think it well for all to recall Mr. Justice Story's injunction regarding the Constitution of the United States:

What is to become of constitutions of government if they are to rest, not upon the plain import of their words, but upon conjectural enlargements and restrictions, to suit the temporary passions and interests of the day? Let us never forget that our constitutions of government are solemn instruments, addressed to the common sense of the people, and designed to fix and perpetuate their rights and their liberties. They are not to be frittered away to please the demagogs of the day. They are not to be violated to gratify the ambition of political leaders. They are to speak in the same voice now and forever. They are of no man's private interpretation. They are ordained by the will of the people and can be changed only by the sovereign command of the people.

The revised voting referee plan of the Attorney General is now incorporated in the Dirksen amendment in the nature of a substitute for H.R. 8315 by an amendment designated as "3-2-60—A." Section 7 of the substitute is deleted completely and a substitute to the substitute inserted.

Mr. President, this procedure is most confusing. This latest amendment does not incorporate what I now understand will be still further refinements of the revised voting referee proposal. And, as far as I know, neither the Attorney General, nor any of his representatives from the Department of Justice, nor any proponent of this proposed revised voting referee plan has given any explanation whatsoever of what this proposal means or how they intend that it will operate. It must, therefore, be considered in the form of its literal text without any clarifying comment, committee hearings, or legislative report of any kind or character.

To this point in my remarks, I have discussed only the pattern or practice and the conclusive presumption that the Attorney General proposes to have established thereby. Now, what will happen after the conclusive presumption is fixed by the finding of the pattern or practice? From here on, I am going to confine my discussion to the late, March 2, revised voting referee plan.

Under the revised plan, the court may next appoint one or more persons, to be known as voting referees, for the purpose of receiving applications from any Negro resident within the affected area who claims that he is qualified to vote under State law and has been deprived or denied the opportunity to register or vote, or otherwise qualify to vote, or found not qualified to vote by any person acting under color of law. No longer is it necessary for the applicant to either allege or prove that he is within the right given to him under the terms of the 15th amendment—that his right to vote has been denied or abridged by the State on account of race, color, or previous condition of servitude. Congress has enacted a "conclusive presumption" into the 15th amendment to take care of this minor constitutional detail.

Now that the application has been filed and the referee appointed and sitting, what kind and character of evidence is necessary to be produced to make out the case? The applicant is sworn, and his statement under oath is prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

If a State further requires some form of literacy test or an understanding of other subjects, and the referee believes, or the court believes, or at least somebody believes that these requirements are valid provisions of a State law, the answers of the applicant, if written, shall be included in such report to the court; if oral, they shall be taken by a stenographer and the transcription included in such report.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. ERVIN. I ask the Senator if this taking of the statement is ex parte, which means that State election officials have no notice and no opportunity to be heard, and the applicant is not subject to cross-examination?

Mr. EASTLAND. That is correct.

Mr. ERVIN. Then it provides that after the record is made up, some notice shall be served on the Attorney General, but then it provides that the applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee?

Mr. EASTLAND. That is correct.

Mr. ERVIN. In other words, I ask the Senator if it does not provide that the answers be made up in an ex parte manner, meaning without any notice or opportunity to be heard by the State election officials, and then it provides that while notice is given to the Attorney General, the Attorney General cannot introduce any evidence to contradict the record made by the voting referee as to literacy or understanding?

Mr. EASTLAND. That is correct.

Mr. President, I ask unanimous consent to ask the distinguished Senator from North Carolina a question without prejudicing my rights to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EASTLAND. Does the Senator from North Carolina think he could devise a more unfair proceeding than this?

Mr. ERVIN. I could not devise a more unfair or more absurd proceeding than this. I have never before heard of a situation in which we pretend to give somebody an opportunity to be heard but we say it has to be decided on the evidence given by the other party.

Mr. EASTLAND. Without the opportunity to prove what the truth is.

Mr. ERVIN. That is right.

This provision is the most peculiar thing I ever heard of. I have never heard of anything comparable to it in any procedure.

Mr. EASTLAND. It is an attempt to take over elections in the South by the Federal Government.

Mr. ERVIN. Also, I ask if the bill does not provide, in effect, that where the State officials wish to contest the finding, they cannot even specify what kind of evidence they can have. They cannot have any evidence that will contradict the evidence taken by the referee so far as the literacy test is concerned, and then the provision specifies what kind of evidence they may have. They have to have a public record or a person having personal knowledge of the facts. They are not even permitted to go on circumstantial evidence on that, are they?

Mr. EASTLAND. That is correct.

Mr. ERVIN. I have never seen such a concoction as this since, as the old expression goes, "since me and Wilkes Booth Lincoln were born."

Mr. EASTLAND. Mr. President, I ask unanimous consent to ask the distinguished Senator from North Carolina another question without prejudicing my rights to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. EASTLAND. The referee is an agent of the district judge. His findings are conclusive on that judge, are they not?

Mr. ERVIN. I have not found that provision. The other bill says they are unless they are clearly erroneous. There is no provision in the other bill to bring evidence in before the judge to show whether they are erroneous or not.

Mr. EASTLAND. Mr. President, this is a monstrous thing. I do not believe that any system of government or any system of justice anywhere in the world would condone such an unfair proceeding as this. It goes beyond the Soviet Union in Stalin's time.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. EASTLAND. I yield for a question.

Mr. ERVIN. My question is based on the provisions of lines 17 to 22 on page 6, of the amendment of the Senator from New York [Mr. KEATING] and other Senators, to the Dirksen substitute which provides that "qualified under State law" shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist." If that means what it says, the result would be, in the case of a schoolteacher who was a State registrar, for example, if she had a pupil in school whom she taught and whom she knew could read and write and this person came before her and she did not give that person an examination again to see whether he could read or write, the voting referee would have to forego carrying out the law of the State applying a literacy test to any Negroes applying for registration when he had no knowledge whatever as to whether they could read or write or not. He could not give the literacy test?

Mr. EASTLAND. That is right.

Mr. ERVIN. In other words, does the provision to which I have directed the Senator's attention not require the Federal voting referees to violate the State laws where State election officials have violated those laws in the election district in question?

Mr. EASTLAND. That is correct.

Mr. ERVIN. I will ask the Senator if this is not about the 10th or 15th bill which has been drafted and proposed to establish some shortcut to let the Federal Government, pretending to act through the courts or otherwise, to take charge of registration?

Mr. EASTLAND. It would permit the Federal Government to take charge of registration.

Mr. ERVIN. I ask the Senator if every one of them is not full of unconstitutional provisions, and if this is not the most monstrous of all of them?

Mr. EASTLAND. This is monstrous and makes a mockery of every single principle of justice.

On lines 21 and 22, page 3, of the amendment to the substitute amendment to H R. 8315 is to be found this most significant language:

In a proceeding before a voting referee, the applicant shall be heard ex parte.

Riding on a presumption that Congress had no power on earth to create, not only under the Constitution, but also under the most elementary rules of evidence as recognized by the common law, and on an ex parte hearing, where the referee must accept the oath of the applicant as prima facie evidence, the referee can report him to the court as one qualified to vote.

Courts of the United States, as created under the Constitution, are not registration bureaus. They do not, and cannot, perform administrative functions. Their function is solely judicial.

Article III, section 1, of the Constitution provides that:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

After the courts are established it is then provided in section 2 of this article that:

The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

And, in a later clause of this section, to controversies to which the United States shall be a party.

If an applicant before the voting referee has a case or controversy arising under the laws of the United States, who is the party defendant? Who has committed the wrong in violating section 1971(a) of 42 U.S.C., which provides:

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous conditions of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Either a sovereign State under its constitution or statutes, or a person or persons acting under the authority of the State, or under color of State law had to violate the right above stated in order for any individual to claim the protection of this statute, which simply states the terms of the 15th amendment. But the proposed voting referee legislation provides that the applicant shall be heard ex parte.

The legal definition of ex parte is "on one side only; by or for one party; done for, in behalf of or on the application of, one party only."

The leading case on the limits of the judicial power of the courts under the Constitution of the United States is that of *Muskrat* v. *United States* (219 U.S. 346). I quote at length from this opinion of Mr. Justice Day, delivered on January 23, 1911, for a unanimous Court. The pertinent portions state:

It therefore becomes necessary to inquire what is meant by the judicial power thus conferred by the Constitution upon this Court, and with the aid of appropriate legislation upon the inferior courts of the United States. "Judicial power," says Mr. Justice Miller in his work on the Constitution, "is the power of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision," (Miller on the Constitution, 314):

As we have already seen by the express terms of the Constitution, the exercise of the judicial power is limited to cases and controversies. Beyond this it does not extend, and unless it is asserted in a case or controversy within the meaning of the Constitution, the power to exercise it is nowhere conferred.

What, then, does the Constitution mean in conferring this judicial power with the right to determine cases and controversies? A case was defined by Mr. Chief Justice Marshall as early as the leading case of *Marbury* v. *Madison* (1 Cranch, 137, to be a suit instituted according to the regular course of judicial procedure. And what more, if anything, is meant in the use of the term controversy? That question was dealt with by Mr. Justice Field, at the circuit, in the case of *In re Pacific Railway Commission* (32 Fed. Rep. 241, 255). Of these terms that learned Justice said:

"The judicial article of the Constitution mentions cases and controversies. The term 'controversies,' if distinguishable at all from 'cases,' is so in that it is less comprehensive than the latter, and includes only suits of a civil nature. *Chisholm* v. *Georgia* (2 Dall. 431, 432; 1 Tuck. Bl. Comm. App. 420, 421). By cases and controversies are intended the claims of litigants brought before the courts for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the court for adjudication.

As this opinion so clearly points out, cases and controversies, which are the extent of the judicial power, must involve persons, parties, litigants—always those who have adverse interests. Then, too, if the party or parties who were responsible for the wrong charged, were not given their contemporaneous day in court, Congress would also be violating the fifth amendment in enacting this proposed legislation, depriving the adverse party of due process of law.

Edward S. Corwin, in the 1952 edition of the "Constitution of the United States, Analysis and Interpretation," elucidates further on the subject of cases and controversies. He says:

The meaning attached to the terms "cases" and "controversies" determines therefore the extent of the judicial power, as well as the capacity of the Federal courts to receive jurisdiction. As Chief Justice Marshall declared in *Osborn* v. *Bank of the United States*, judicial power is capable of acting only when the subject is submitted in a case, and a case arises only when a party asserts his rights "in a form prescribed by law." Many years later Justice Field, relying upon *Chisholm* v. *Georgia*, and Tucker's edition of Blackstone, amended this definition by holding that controversies, to the extent that they differ from cases, include only suits of a civil nature. He continued: "By cases and controversies are intended the claims of litigants brought before the courts for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the court for adjudication." The definitions propounded by Chief Justice Marshall and Justice Field were quoted with approval in *Muskrat* v. *United States*, where the Court held that the exercise of judicial power is limited to cases and controversies and emphasized "adverse litigants," "adverse interests," and "actual controversy," and conclusiveness or finality of judgment as essential elements of a case.

Again, at a later point Corwin says:

Because judicial review is an outgrowth of the fiction that courts only declare what the law is in specific cases, and are without will or discretion, its exercise is surrounded by the inherent limitations of the judicial process and notably the necessity of a case or controversy between adverse litigants with a standing in court to present the issue of unconstitutionality in which they are directly interested. The requisites to a case or controversy have been treated more extensively above, but it may be noted that the Supreme Court has repeatedly emphasized the necessity of "an honest and actual antagonistic assertion of rights by one individual against another," and its lack of power to supervise legislative functions in friendly proceedings, moot cases, or cases which present abstract issues.

While I disagree with the original premise that Corwin states in this section—judicial review most certainly is confined to courts declaring what the law is in specific cases—he again asserts the fact based on uniform decisions that a court is limited to deciding "an honest and actual antagonistic assertion of rights by one individual against another."

The Attorney General was driven to this novel device of ex parte hearings based on a conclusive presumption with the oath of the applicant being prima facie evidence of his qualifications because, for political reasons, he was attempting to devise a scheme that would make it just as easy for an applicant to be registered by a referee as it is for him now to be registered by a State registrar or other appropriate official. This purpose cannot be achieved under any concept of judicial proceeding where necessarily both the wronged and the wrongdoer are entitled to their day in court.

Mr. President, this portion of the proposed amendment is unquestionably beyond the power of Congress to enact as appropriate legislation under section 2 of the 15th amendment.

For the purpose of illustration, I have gone through the process which an appointed voting referee would apply to an applicant. Under the proposed amendment, there is nothing to prohibit

the court from accepting applications and giving to applicants the same character of ex parte hearing that I have above outlined as being given by the referees. For the court to follow this procedure is just as legally wrong as it is for the referee to go through with it.

After a referee has filed his report to the court the next step in the Department of Justice's plan requires the court to direct the Attorney General to transmit a copy of the report to the State attorney general and to each party to such proceeding with an order to show cause within 10 days, or such shorter time as the court may fix, why an order should not be entered, in accordance with such report. Then, upon the expiration of such period, such order shall be entered, unless, prior to that time there has been filed with the court and served upon all parties a statement of such exceptions to such report.

Either the attorney general of the State and a State voting registrar, or either the attorney general or the State voting registrar, were found guilty by the referee of violating an alleged constitutional or statutory right of the applicant. Otherwise, there would have been no reason for the Attorney General of the United States to transmit a copy of the report to them. If they were found so guilty, not only were they not parties to the proceedings and involved in a case or controversy recognized under the judicial power of the United States, but they were also victims of the denial of constitutional rights guaranteed to them under the Constitution of the United States.

The State registrar, who must be in fact, even if not under the proposed legislation, the defendant to the ex parte hearings, would be denied the right of a full hearing, or any kind of hearing, and the right of confrontation and cross-examination of the applicant accusing him of wrongdoing. Mr. Chief Justice Hughes delivered the opinion in the case of *Morgan* v. *U.S.* (304 U.S. 1). The duty of courts to follow procedural safeguards is much greater than that of the administrative agencies involved in this case. Mr. Justice Hughes says:

> The first question goes to the very foundation of the action of administrative agencies entrusted by the Congress with broad control over activities which in their detail cannot be dealt with directly by the legislature. The vast expansion of this field of administrative regulation in response to the pressure of social needs is made possible under our system by adherence to the basic principles that the legislature shall appropriately determine the standards of administrative action and that in administrative proceedings of a quasi-judicial character the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play. These demand a fair and open hearing—essential alike to the legal validity of the administrative regulation and to the maintenance of public confidence in the value and soundness of this important governmental process. Such a hearing has been described as an inexorable safeguard. * * * And in equipping the Secretary of Agriculture with extraordinary powers under the Packers and Stockyards Act the Congress explicitly recognized and emphasized this requirement by making his action depend upon a full hearing.

The Court said further of this ex parte finding of the Secretary of Agriculture:

> Findings were prepared in the Bureau of Animal Industry, Department of Agriculture, whose representatives had conducted the proceedings for the Government, and were submitted to the Secretary, who signed them, with a few changes in the rates, when his order was made on June 14, 1933. * * *
>
> No opportunity was afforded to appellants for the examination of the findings thus prepared in the Bureau of Animal Industry until they were served with the order.

And again, at a later point, the Court graphically describes the due process of law to which a defendant registrar should be entitled. It reads:

> Congress, in requiring a full hearing, had regard to judicial standards—not in any technical sense but with respect to those fundamental requirements of fairness which are of the essence of due process in a proceeding of a judicial nature. If in an equity cause a special master or the trial judge permitted the plaintiff's attorney to formulate the findings upon the evidence, conferred ex parte with the plaintiff's attorney regarding them, and then adopted his proposals without affording an opportunity to his opponent to know their contents and present objections, there would be no hesitation in setting aside the report or decree as having been made without a fair hearing. The requirements of fairness are not exhausted in the taking or consideration of evidence but extend to the concluding parts of the procedure as well as to the beginning and intermediate steps.

Nothing could be clearer than this language to establish that the ex parte proceeding proposed by this amendment is beyond the power of Congress to enact. A special master in equity proceedings is identical with a referee proposed to be established by the amendment. Serving the report of ex parte proceedings on the defendants and permitting them to file exceptions can never cure the fatal defect of a lack of a full and fair hearing—the opportunity to cross-examine and to present evidence.

On the right of a defendant to confrontation and cross-examination of his accuser, the case of *Greene* v. *McElroy* (360 U.S. 474) decided June 29, 1959, holds:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right "to be confronted with the witnesses against him." This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, e.g., *Mattox* v. *United States* (156 U.S. 237, 242–244); *Kirby* v. *United States* (174 U.S. 47); *Motes* v. *United States* (178 U.S. 458, 474); *In re Oliver* (333 U.S. 257, 273), but also in all types of cases where administrative and regulatory actions were under scrutiny, e.g., *Southern R. Co.* v. *Virginia* (290 U.S. 190); *Ohio Bell Telephone Co.* v. *Public Utilities Commission* (301 U.S. 292); *Morgan* v. *United States* (304 U.S. 1, 19); *Carter* v. *Kubler* (320 U.S. 243); *Reilly* v. *Pinkus* (338 U.S. 269). Nor, as it has been pointed out, has Congress ignored these fundamental requirements in enacting regulatory legislation (*Joint Anti-Fascist Committee* v. *McGrath* (341 U.S. 168–169) (concurring opinion)).

Professor Wigmore, commenting on the importance of cross-examination, states in his treatise, 5 Wigmore on Evidence (3d ed. 1940), section 1367:

> "For two centuries past, the policy of the Anglo-American system of evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test, has found increasing strength in lengthening experience."

Mr. President, this proposed amendment is simply unconstitutional in the whole cloth. From the start to finish, it violates every possible concept of proper judicial processes, both substantively and procedurally. After proposing that Congress legislate a conclusive presumption, it sets out a so-called judicial procedure that is beyond the limits of the judicial power of the United States as defined in article II of the Constitution. Then, in the name of establishing new civil rights it tramples into the dust fundamental constitutional rights and privileges of State officials, and State voting referees throughout the areas of the South at which it is aimed.

The people of the South have a side to this great controversy in which we are now engaged. There is racial peace and harmony in the South. In fact, there is more peace and harmony in the South than there is in the East and in other areas of the United States. Negroes in the South are satisfied. They have made tremendous progress. There is not a southerner who will disagree when I say that we believe in giving Negroes full economic equality. We believe in giving the Negro good housing, better schools, better education, and a higher standard of living. If the Negro does not have a high standard of living and a high purchasing power, it is impossible to have a prosperous economy. It has gone on all over the length and breadth of this country that the Negro in the South is mistreated. The State of Mississippi is held up to scorn and ridicule all over the country.

I have in my hand a copy of a prominent Negro newspaper published in the State of Mississippi. I shall read an editorial which appeared in the Community Citizen of February 25, this year.

It is a newspaper which J. W. Jones publishes and edits in New Albany, Miss. I have had to strike out a part of the editorial because it would violate a rule of the Senate.

A Member of the Senate made a speech in favor of the civil rights proposal which is now before us, and mailed a copy of the speech to the editor. The Senator comes from another area of the

country. The editor says that the Senator evidently sent it to him to get publicity for political purposes, and has made some statements on that point.

Aside from that deletion I will read the editorial, which gives a picture of what is happening in the South, which is a picture far different from that which the American people get.

Let me say that we do not have reports of violence coming from the South, or of fraud and corruption, as we get from other areas of the country. I will read the editorial:

THOSE WHO ARE NOT PROUD OF MISSISSIPPI SHOULD BE INSPIRED BY NEGRO POSSESSION

Why should we be disturbed by outside propaganda when we are in better fix than the Negroes are in the States which are producing the propaganda?

There, Mr. President, it says the Negro of Mississippi is in a better fix and is getting along better than is the Negro of Pennsylvania, New York, or other States.

If equal school buildings are what the NAACP keep up so much racket about here in Mississippi, they should send a man over the State to see what we Negroes have, and also, see what is in the process for Negro children. They don't want to see that.

We are more satisfied and less disturbed with segregation in Mississippi than the Negroes are in States where there are integrated schools. When we lie down to sleep at night we are not uneasy that our house will be destroyed by a stick of dynamite before the sun rises. We are not only at ease, but we are progressing under a segregated system. Statistics show that 27,746 Negroes own farms, holding titles to 1,772,414 acres of land, valued at $95 million.

Mr. President, there are more property owners in Mississippi among the Negro race than among members of the Negro race in any other State in the Union.

And there are 12,061 Negro professional workers in the State of Mississippi. These figures are made public by Mr. Hal DeCell, publicity director for the State Sovereignty Commission, and the economic status of the Negro in Mississippi. Mr. DeCell has done extensive research. The figures above and those to follow are real facts.

The study showed that Mississippi has a total work force of 716,282 persons over 14 years of age. Of this working force, 317,411 are Negroes (near 50 percent). Compared with the population of the State, more Negroes are employed than whites.

Close observation will show that politicians are raising more fuss about civil rights than the working people. All they are after is the Negro vote. Wait until the presidential election is over, you won't hear very much about civil rights until the next 4 years.

Farm work is the chief occupation of Negroes in Mississippi. We have a better talent for farming than for any other vocation of life. Some people may dispute this. But the Bible will show that we do not all have the same gift: "For I would that all men were even as I myself. But every man hath his proper gift of God, one after this manner, and another after that" (I Corinthians 7: 7). Therefore, it is our responsibility to do our best in whatever calling we are fit for.

Then, too, we were not shaped for politics. One may note that there are more Negro farm owners in the State than there are Negro registered voters. There are 25,000 registered Negro voters compared with 27,746 farm owners. This shows that it is the character within the man.

We have in the State of Mississippi 7,217 Negro teachers, drawing a total salary from the State funds of almost $19 million, in addition to what we get on a local level.

In addition there are 12,061 professional and technical workers. This includes everything from accountants to dental technicians. There are no figures available for the number of Negro doctors and lawyers in the State. But they have been increasing in recent years.

Other Negro jobs classification including craftsmen, foremen, and kindred workers, 11,015; private household workers (maids etc.), 32,075; laborers, 31,262; salesmen, 1,839; clerical workers, 1,706.

To show the picture on local level, Mr. DeCell picked out some examples which are cherished by white people, in a sense, as much so as the Negroes who own the business. In Lee County, 82 Negro businesses, valued at $2 million, 184 professional workers and 288 Negro landowners, holding 17,260 acres. In the city of Greenville, 141 Negro businesses, 287 Negro landowners, holding 8,610 acres. In Oktibbeha County, 17 Negro businesses, 700 Negro landowners, holding 55,000 acres. In Jefferson Davis County, 27 Negro businesses, 95 professional workers, 1,800 Negro landowners, holding 69,120 acres. In the city of Laurel, 84 Negro businesses, 61 professional workers, 1,071 Negroes owning lots and homes.

Let me say right there, Mr. President, that here is some of the most fertile soil in the world. It is in the Mississippi Delta. I judge that it is more fertile than the Nile Valley, and in that one county, Washington, which is a small county near my home, there are more than 8,500 acres of land owned by Negro farmers.

The above is a part of the outstanding Negro accomplishments. We say the white people are proud when Negroes accomplish something. When we do something worth while they know that we have appreciated their help. They get joy out of the fact: "I gave Uncle John a chance, and now he is in good circumstances."

Any Negro who is reliable can get anything he needs in the State of Mississippi. But, if his head gets topheavy, nobody will want to help him. All he gets will be by the hard way.

The story of progress of Negroes in the State of Mississippi has never been sufficiently told. The enemies of the South are trying to take the advantage of unthoughtful people in our race by magnifying the deeds of one or two radicals. There are less conflicts between the whites and colored in the South than there is in the East or North. Why? We are living as God has designed.

Mississippi has two Senators and six Representatives in Washington, D.C., to look after the interests of the State. We feel that they will do everything they can to keep Mississippi a peaceful State (harmony between the whites and colored). If there are any dissatisfied people in a State, and do not want to abide by the States' policy, they should choose the examples of foreigners who flock to this country every year. They come here because they are not satisfied with the government under which they were living.

* * * * *

If we will allow our thoughts to run back as far as we are able to recall, we would note that politicians have kept some issue alive as bait for the Negro. For years, they kept the antilynch laws a favorite to bait the Negro. Next, they came up with integration. Now, it is civil rights. Any Negro that believes that these issues are for the advancement of our cause (he may have a Ph. D. degree), yet his head is in a sack of stupidity of perception.

We said, above, that we have two Senators and six Representatives in Washington, D.C. Some of these men have served 12 years in the said capacity and we have progressed under their administration. There are some white people, in the State, who are not satisfied with what they have done. That should lead us to understand that it is impossible for the heads of a government to please everybody. When Christ was on earth, his work was solely for the interests of all mankind. He was a fine character to the selfish group who wanted something for nothing. But as soon as He quit handing out the fishes and loaves, they could not see any good in Him.

My friends, don't let outside propaganda deceive you. Common sense should lead any sane person to know that there is no one who does not know anything about us, will go to any expense to help us, unless they have some selfish motive.

Mr. President, this was written by a very distinguished Negro editor of a fine Negro newspaper, who gives the conditions in Mississippi and in the South.

It is said that Negroes in Mississippi are mistreated, that in our State we do not educate them. Nothing could be further from the truth. In 1953 the Mississippi Legislature enacted a broad program of new laws to provide for the complete reorganization of the school system in the State of Mississippi. The State, in an all-out effort to equalize school facilities, will contribute $12 annually for each child in average daily attendance until 1978 and $3 additional for each Negro child in average daily attendance until 1964.

A reorganization of all school districts was completed in 1957. Each school district is required to submit a long-range plan for providing equal facilities for the children in the district before application for construction funds will be considered by the State educational finance commission. As a result of this program since it was put into effect in 1953, a total of $70,954,072.70 has been allocated for school construction projects; 29.6 percent, or $20,987,573.25, was allocated for schools to be utilized by white children; 70.4 percent, or $49,966,499.45, of the funds has been spent or allocated for the construction of schools for Negro children.

In other words, Mr. President, of the total sum of $70,954,072.70 which has been allocated for school construction in the State, 70.4 percent is for the construction of schools for Negro children.

Let me make very clear that we have a dual school system, and we are not about to abandon it or give it up. We are not about to give up our segregated society.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield for a question.

Mr. JOHNSTON of South Carolina. Would it not be almost impossible, since Mississippi has built up a dual system and has two systems for the high schools and grade schools throughout the State, to integrate and have one single school system?

Mr. EASTLAND. That is correct, but I am sure the Senator will agree with me that in South Carolina and Mississippi, where we have real racial harmony, we find the Negro is satisfied with

the progress he has made. The Negro wants good schools, and he has good schools. The Negro does not want integration.

Mr. JOHNSTON of South Carolina. Mr. President, the reason for that——

Mr. EASTLAND. Mr. President, I yielded for a question.

The PRESIDING OFFICER. The Senator yielded for a question.

Mr. JOHNSTON of South Carolina. The reason for that is the people have had the dual system for over 100 years and have become accustomed to it.

That is what both the white and the colored people want at the present time. It is not merely the white people who want this, but it is the white and colored people who want it; is that not true?

Mr. EASTLAND. That is absolutely correct. There is fair treatment of each race by the other.

Mr. JOHNSTON of South Carolina. Mr. President, I shall ask another question. Is it not true that if the agitators from without had left the South alone today we would not be hearing anything about any one system of schools or about integration in the South? Is that not the Senator's opinion?

Mr. EASTLAND. Of course, I know that is correct.

The ratio of these expenditures between white and Negro children becomes even more marked when the average daily attendance is taken into consideration. Average daily attendance is the base upon which all school operations are founded.

Since the school year of 1954–55, this is a statistical record of average daily attendance:

Average daily attendance

	White	Negro
1954–55	237,865	204,826
1955–56	240,346	203,188
1956–57	241,889	207,004
1957–58	242,413	201,756
1958–59	256,468	216,562

A total of 3,780 new classrooms have been constructed for Negro children, and 1,728 for white children.

One hundred and eighty-nine combination auditorium-gymnasiums have been built for Mississippi Negroes while 18 were being constructed for white children.

I repeat that, Mr. President, 189 combination auditorium-gymnasiums have been built for Mississippi Negroes while 18 were being constructed for white children; 115 cafeterias have been built for the use of Negro children while 68 were completed for the use of white.

In the total number of completed buildings the Negroes utilized 146 while the whites have available to them 75 and of those which are still under construction the Negroes have 49 buildings while the whites have 42.

Since the school year 1941 to 1942, the average salary of white classroom teachers has increased from $735.39 for a school year to $3,362.61 in 1958–59. The average salary for Negro classroom teachers has increased from $232.93 in 1941–42 to $2,677.50 in 1958–59. The discrepance between the present average salary of Negro and white teachers is not to be found in the base pay. It arises from the fact that certain achievements in teacher preparation such as a master's degree and summer work in normals and universities permits a teacher to obtain a higher base pay than those with just the primary certificate. In the primary, elementary and secondary system of schools in Mississippi there are a total of 10,277 white teachers and 7,217 Negro teachers.

For the school year 1958–59, the expenditures for public education in Mississippi amounted to $88,920,254. Of this total the State contributed $48,176,795; textbooks—State—$1,120,328, local communities contributed $37,861,150, Federal Government $1,761,980.

State expenditures for the support of primary and secondary public education have increased from $5,950,000 for 1941–42 to the more than $48 million for the 1958–59 year.

Most of that, Mr. President, has gone for Negro education.

We have peaceful harmonious conditions.

We have a system that both races are satisfied with.

Mr. ERVIN. Mr. President, I move that the Senate adjourn until 12 o'clock noon on Monday.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 94]

Aiken	Dworshak	Long, Hawaii
Allott	Eastland	McNamara
Anderson	Ellender	Magnuson
Bartlett	Engle	Mansfield
Beall	Ervin	Martin
Bible	Frear	Morton
Brunsdale	Gore	Moss
Bush	Gruening	Mundt
Byrd, Va.	Hart	Muskie
Byrd, W. Va.	Hickenlooper	Pastore
Cannon	Hruska	Prouty
Carlson	Javits	Proxmire
Case, N.J.	Johnson, Tex.	Randolph
Church	Johnston, S.C.	Scott
Clark	Keating	Smith
Curtis	Kefauver	Young, Ohio
Dirksen	Kuchel	
Douglas	Lausche	

The PRESIDING OFFICER. A quorum is present.

Mr. ERVIN. Mr. President, I withdraw the motion to adjourn.

The PRESIDING OFFICER. The motion is withdrawn.

The question is on agreeing to the amendment of the Senator from North Carolina [Mr. ERVIN] to the so-called Dirksen substitute.

Mr. BYRD of Virginia. Mr. President, the pending so-called civil rights amendment to H.R. 8315 in one act of Congress would undermine four American fundamentals—free private enterprise, free elections with secret ballot, local self-government, and States rights.

There are seven parts in the amendment. Three would extend Federal control over local public schools. Two would subject voters qualifications and election records to Federal decree. Another part would legalize requirements for private business to comply with Federal civil rights policies.

I discussed the school provisions on March 1. I shall discuss the voting provisions at a later date. Now I shall discuss the provision to legalize an approach to the old FEPC proposals that a Federal agency should control hiring and firing employees in private business.

I can think of no Federal agency that we need less. There is reason to suspect that its principal purpose would be to keep the pressure up for FEPC and provide material for political campaign purposes in future elections.

Section 6 of the amendment, running from line 16 on page 17 to line 22 on page 19 would create by statute a Federal commission to push further toward general enforcement of the old FEPC proposal for Federal intervention in employment by private business.

I quote the language of section 6, in full, as follows:

SEC. 6. (a) There is hereby created a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts", hereinafter referred to as the Commission.

(b)(1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive fifty dollars per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

(c)(1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of its duties under this section.

(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local gov-

ernments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

(e) The Commission shall render to the President annual reports for transmission to the Congress.

(f) There are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section.

It may be noted that the agency would be called the Commission on Equal Job Opportunity under Government Contracts. But the Senate and the public should not be misled by this title. The language goes further.

Activities of the Commission actually would not be limited to Federal contract provisions controlling employment practices of contractors doing business with the Federal Government. Read lines 5 through 15 on page 19. They say:

The Commission shall also encourage, by the development and distribution of pertinent information and other appropriate means, the furtherance of programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

The amendment says it is "the policy of the U.S. Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods and services."

But it provides for continuous brainwashing propaganda in the interest of NAACP demands for Federal intervention in the employment by free private enterprise. It is not limited to direct dealing with businessmen accepting Government contracts.

FEPC has been urged by certain circles for nearly 20 years, but Congress to date has rejected every proposal to establish it by statute. But this amendment would establish a statutory Commission to promote it.

The Commission would be composed of 15 members. It is indicated by the language that some members may be officers of the Federal Government—perhaps the Attorney General or his assistant in charge of the Civil Rights Division in the Justice Department.

There is no prohibition against appointment of national political party officers, or representatives of the NAACP to serve on the Commission. Members would be appointed by the President, but it appears that advice and consent of the Senate would not be required.

The Commission would make annual reports to the President detailing its activities in the interest of FEPC with Federal contractors, State and local governments and private organizations. And the President would order all Federal agencies to cooperate.

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask the Senator from Virginia a question, with the understanding that it will not take him off the floor, and will not be counted against him as a second speech.

Mr. BYRD of Virginia. I yield with that understanding.

Mr. JOHNSTON of South Carolina. Is it not true that if the bill is passed, it could create one of the biggest political machines ever created in the United States?

Mr. BYRD of Virginia. I agree with the Senator that it could.

Mr. JOHNSTON of South Carolina. And if the Republican Party were in power at that time, they could make it so powerful that it would be almost impossible to defeat this administration?

Mr. BYRD of Virginia. I believe the Senator is accurate in his prediction.

The Commission would be empowered to employ whomever it desired in the exercise of its broad powers, and the amendment would fix no limit on the amount of money to be appropriated to the agency for staff and operation.

This FEPC idea slipped into Federal affairs in 1941 during the World War II build-up, when it was contemplated that it would be necessary to scrape the bottom of the manpower barrel to man Armed Forces and all-out production at the same time.

The original Fair Employment Practices Committee was established June 25, 1941, by Executive Order No. 8802. In that order the President appointed the Committee and assigned to it the task of eliminating—for war production—"employment discrimination because of race, creed, color, national origin, or ancestry."

A bill to make the FEPC a permanent fixture was passed by the House in the 79th Congress, but it was beaten by a filibuster in the Senate on February 2, 1946. The vote then on a cloture motion was 48 to 36, with 12 not voting.

It was brought up again in the 81st Congress when the late Senator Langer, of North Dakota, offered it. He set the more recent pattern of trying to avoid usual procedures for consideration of all NAACP legislation. FEPC was offered on January 12, 1950, as an amendment to an oleomargarine bill. It was beaten.

Mr. President, in 1951 we had Senate bill 1732. Referring to the FEPC provisions in that bill, the Richmond (Va.) News Leader, one of the outstanding newspapers of this country, in an editorial of December 4, 1951, said, as follows:

FEPC: COP, JUDGE, AND JURY

Senate bill 1732 was introduced on June 25 by Senator HUMPHREY, of Minnesota, and eight of his Fair Deal colleagues. It is the latest, and perhaps the most offensive, of the efforts launched by the Truman administration to enact a Fair Employment Practices Act. Because it now appears likely that this incredible measure will be shoved along in January (witness the President's action yesterday in setting up a new committee to enforce existing FEPC regulations in Government contracts), it is important that Virginians, whose whole economy would be disrupted by this law's provisions, look closely at the bill.

The measure opens with a finding by Congress that "despite the continuing progress of our Nation with respect to protection of the rights of individuals, the rights of some persons within the jurisdiction of the United States to employment without discrimination because of race, color, religion, or national origin are being denied. What the bill undertakes to do is to guarantee this newly declared "right" to be a right of "all persons."

The question needs to be asked at the outset, What authority does Congress have to declare any such "right"? Basic rights, applicable in truth to all persons, are set forth in the Bill of Rights—the first 10 amendments to the Constitution, and in subsequent amendments thereto. The Federal Government in America has no inherent authority of its own; under the Constitution, Congress is limited strictly to legislation in certain defined fields, and all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people. Thus, Virginia validly can declare, as the general assembly did declare in 1947, that a "right to work" exists regardless of membership or nonmembership in a labor organization. But we know of no authority for Congress to declare any new "rights" of its own.

Apparently doubtful on this point themselves, the sponsors of Senate bill 1732 go on to justify their bill on three constitutional grounds. It is said that discrimination in employment foments industrial strife, constitutes an obstruction to the free flow of commerce, and therefore is subject to regulation under the commerce clause in article I, section 8. It is said that this bill is necessary to secure to all persons the rights, privileges and immunities secured under the Constitution, in an obvious reference to article IV, section 2. Finally, the proposition is advanced that this legislation, and companion civil rights legislation, is in accordance with article 55 of the United Nations charter (by which signatories are pledged "to promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race or religion"). Because all treaties, under article VI of the Constitution, become the "supreme law of the land," it is argued that this bill would be a constitutional enactment.

These bases seem to us flimsy indeed, repugnant to long-established constitutional interpretations, and inconsistent with one another. (If this truly is a right of "all persons," for example, it is useless for the sponsors to rely upon the commerce clause, which applies only to persons engaged in interstate commerce.)

In any event, the bill goes on to make it an "unlawful employment practice" for any employer—

"(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin; and

"(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, color, religion, or national origin."

The fine print [quoted in RECORD] needs to be examined carefully. Surely a promotion is a "privilege of employment." Therefore, promotions must be subject to FEPC inspection. Surely "any other source" utilized in hiring individuals would include the public schools and vocational high schools of the South; therefore, the southern employer who sought workers, of either race, through these schools would be guilty of an "unlawful employment practice."

The Humphrey bill, after defining offenses, provides for a new agency to administer the

law—a five-man Fair Employment Practices Commission to be appointed by the President subject to confirmation by the Senate. The Commission would be handed a blank check, to "establish such regional offices as it deems necessary," and to conduct any proceeding which it deems "necessary to its functions" in any part of the United States. The Commission could create as many "local, State, or regional advisory and conciliation councils" (subject to no one's confirmation) as it saw fit.

Once a charge of an "unlawful employment practice" were made to the Commission, the Commission itself would serve first as cop or investigative officer. After preliminary investigation, the Commission would switch and serve as grand jury; it would determine that "probable cause" exists for crediting such written charge. Having obtained its own evidence and solemnly held it worth while, the Commission then would sit as conciliator and attempt to obtain voluntary compliance with its views. But if this failed, the Commission then would assume the role of magistrate and swear out a warrant, and then the role of cop and serve the warrant. Then the Commission would prosecute the Commission's evidence before the Commission under rules that would permit at least one member of the Commission to serve "as a witness," and thereafter the Commission would hand down its verdict. These verdicts would be subject to judicial review for errors in law committed during the trial and disposition of a case.

Miscellaneous provisions of the bill would require employers to post all notices "prepared or approved by the Commission * * * which the Commission deems appropriate," to respond to subpenas from the Commission demanding an appearance anywhere in the Nation, and to testify on oath before any member of the Commission "or any agent designated by the Commission."

To find the punishments which would be provided for violation of the FEPC bill (S. 1732), one must turn to the companion civil rights bill (S. 1737). Here it appears that an employer who ran afoul of the FEPC law by reason of any "law, statute, ordinance, regulation or custom" would be subject to a fine of $1,000 and a year's imprisonment for each offense. It also has been proposed by advocates of this legislation that laws be enacted to permit revocation of business licenses for noncompliance.

This analysis, lengthy as it is, barely scratches the surface. Though the bill professes piously to oppose any sort of discrimination in rules of employment, it would specifically continue discriminations in favor of veterans in Government employment. Though the bill smoothly states that its terms are based on a fundamental right of all persons, the rights thus declared would not be held by employees in small businesses, or in businesses not in interstate commerce, or by employees of "any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than a labor organization."

The chaos a strict enforcement of this bill would create in the economy of this region may not be apparent to Senator HUMPHREY and his colleagues. The violence this bill would do to the Constitution should be apparent to anyone with the mere ability to read its simple terms—and this is only one of the administration's civil rights bills.

But this was not the end of FEPC in the 82d Congress. In the summer of 1952 we began to hear of it under another name. They called it "Equality of Opportunity in Employment." The Senate Committee on Labor and Public Welfare reported S. 3368—82d Congress—under such a caption.

When this bill was reported the Senator from Alabama [Mr. HILL], ranking member of the committee, said what he thought of it in an excellent statement of minority views, dated July 3, 1952.

Mark this language well, because there is remarkable application to the situation confronting us now, and to the proposal in the pending amendment.

I quote the Senator from Alabama [Mr. HILL] directly, in part, as follows:

The bill to establish a national Fair Employment Practice Commission, which was reported by this committee in 1948 (S. 984), and in 1950 (S. 1728), and which, with minor changes is again reported in 1952 (S. 3368) is captioned under the seductive title of a "Federal Equality of Opportunity in Employment Act."

The bill does not in fact provide for "equality of opportunity," but seeks to establish a preference in employment and a special "right to employment," based on "race, religion, color, national origin or ancestry." It seeks to force all employers to give favored consideration and treatment to any person of a racial or religious minority in order to avoid prosecution and punishment on a charge of "discriminating" against such a person.

The proposed bill asserts (sec. 2 (b)):

"The right to employment without discrimination because of race, religion, color, national origin or ancestry is hereby recognized as and declared to be a civil right of all the people of the United States."

That meaningless declaration is simply an attempt to have the Congress usurp an authority which it does not have and cannot possibly exercise. In the first place, Congress could not possibly make a "right to employment" a civil right unless that right could be enforced by making it the duty of someone to provide employment for "all the people." Therefore, unless the Government takes over all industry and trade, by public ownership or by dictatorial control, the Government cannot enforce this declared right. The promise to do so is pure pretense.

If we assume that those sincerely supporting this bill really want to declare that "the right to be considered for employment without discrimination" shall be "a civil right of all the people," the Congress is powerless under the Constitution to do so.

The Declaration of Independence asserts:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

By declaring these rights to be God-given rights, natural and unalienable, the Declaration of Independence asserted that no government of men had bestowed them and no government could enlarge upon them, diminish them, alter them, or take them away.

The first 10 amendments to the Constitution—the Bill of Rights—enumerate certain natural rights which Congress shall not abridge, including in the first amendment freedom of religion, freedom of speech, freedom of press, and freedom of assembly.

The ninth amendment makes clear that other rights than these enumerated do exist and are retained by the people. The 10th amendment expressly limits the powers of the Federal Government to those delegated to it by the Constitution, and reserves all other powers to the States or to the people.

In the face of these clear and explicit provisions of the Constitution, S. 3368 proposes that Congress assume a power it does not possess and, in fact, is expressly denied.

And while S. 3368 purports to establish a new civil right, the bill would recklessly destroy the natural rights guaranteed in the Constitution.

The bill violates the first amendment by abridging freedom of speech, freedom of religion, and freedom of association. It violates the fifth amendment by denying an essential liberty of a free people through arbitrary restraints on freedom of association in business, in schools, and in labor organizations; by denying liberty of contract in attempting to compel employers to hire undesired persons and to deny employment to desired persons; by denying to a minority of those operating private enterprises the same liberty of contract and the same freedom of association which are preserved for the majority, thus violating the constitutional guarantee of "equal protection of the laws" which is implicit in the fifth amendment. It violates the sixth amendment by denying trial by jury. It violates the ninth amendment by proposing that Congress usurp rights retained by the people. It violates the 10th amendment because Congress would assume a power reserved to the States. And it violates the 13th amendment by imposing a form of involuntary servitude upon certain groups of employers.

If such a Federal law can be enacted and held constitutional, there is no constitutional protection against laws which first deprive employers of their rights, as is attempted in this bill, then deprive employees of their rights, as is partially attempted in this bill, and finally deprive all persons of their rights—heretofore regarded as permanently preserved and safeguarded by the guarantees of individual liberty set forth in the Constitution of the United States.

The Supreme Court of the United States, the final arbiter of the constitutionality of laws enacted by Congress, through the years has held the line between the Federal powers delegated to Congress and those powers retained by the States and the people.

The Court has ruled uniformly that any power to create a civil right, unless specifically delegated to the United States by the Constitution, has been reserved to the separate States. The Court has been steadfast in its defense of freedom of religion, freedom of opinion, freedom of association, and that greatest of all rights, the right that the late Justice Brandeis called "the right to be let alone."

It is not necessary to dig into the past to find decisions of the Supreme Court which mark out the limitations upon the power of Congress and hold such laws as S. 3368 to be unconstitutional. Recent decisions of the Supreme Court are consistent with earlier decisions. No change of time or condition or circumstance has altered the Court's fundamental concept of the rights of the individual or of the demarcation between Federal and State powers.

The Court has drawn upon the language of earlier judgments to reaffirm its reasoning. In *Hodges* v. *The United States* (203 U.S. 1), the Court quoted and gave new vigor to the following language from Justice Miller's decision in the famous Slaughterhouse cases of 1873:

"With these decisions, and many others that might be cited, before us, it is vain to contend that the Federal Constitution secures to a citizen of the United States the right to work at a given occupation or particular calling free from injury, oppression, or interference by individual citizens.

"Even though such right be a natural or inalienable right, the duty of protecting the citizen in the enjoyment of such right, free from individual interference, rests alone with the State."

In the case of *United States* v. *Wheeler* (154 U.S. 281), the Court demonstrated the continuity of its judgment and the steadfastness

of its position by turning again to the Slaughterhouse decision and quoting:

"It would be the vainest show of learning to attempt to prove by citations of authority that, up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against ex post facto laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government."

Mr. JOHNSTON of South Carolina. Mr. President, I should like to ask the Senator a question.

Mr. BYRD of Virginia. I yield to the Senator from South Carolina with the understanding I shall not lose my right to the floor.

Mr. JOHNSTON of South Carolina. If someone had suggested a law such as the proposal now before us, which has the FEPC provision in it, at the time of the writing of the Constitution, what does the Senator think Madison, Jefferson, and those great minds in that day and time would have thought about it?

Mr. BYRD of Virginia. They would have rejected the whole idea, because it is entirely foreign and contrary to the fundamental principles these great men established.

Mr. JOHNSTON of South Carolina. It is not true, if those men had ever conceived the idea that someone might in the future bring up something like the bills now pending—not one of them but all of them which are before the Senate at the present time—they would have opposed it; and, if they could find out what is happening now, they would turn over in their graves?

Mr. BYRD of Virginia. I certainly think they would, and they would do so with respect to many other things which are being done today, which are also contrary to these fundamental principles.

Mr. President, I continue to read from the minority views of the distinguished Senator from Alabama [Mr. HILL]:

And in the recent case of *West Virginia Board of Education* v. *Barnette* (319 U.S. 638), the Court declared:

"The very purpose of a bill of rights was to withdraw certain subjects from the vicissitudes of public controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights, may not be submitted to vote; they depend on the outcome of no elections."

In *Douglass* v. *City of Jeanette* (319 U.S. 157), the Court speaking through Justice Jackson declared:

"In my view the first amendment assures the broadest tolerable exercise of free speech, free press, and free assembly, not merely for religious purposes, but for political, economic, scientific, news, or informational ends as well."

In another recent opinion the Supreme Court has declared:

"But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us."

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. JOHNSTON of South Carolina. Is it not true today that the manner in which we have been stretching our Constitution reminds us somewhat of the little boy who takes a balloon and blows it up, keeps putting air in it and it gets bigger and bigger? They have stretched our Constitution so that there is danger that our whole Government is going to burst if we keep it up.

Mr. BYRD of Virginia. The Senator from South Carolina has certainly given a very good illustration of what is probably going to happen unless something is done to stop the invasion of those rights which have made this country in a short space of time the greatest nation in all the world.

There are many opinions of the Supreme Court which might be cited, clearly demonstrating that the proposed act flings itself into the very teeth of the Constitution. A comprehensive and able analysis of S. 984, the fair employment practice bill introduced in the 80th Congress, submitted by Mr. Donald R. Richberg and available from the committee, reveals the unconstitutionality and legislative defects of the present bill. It is enough to quote here one final beautiful passage from an opinion by one of the great liberals of our time, Justice Brandeis. He declared:

"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government—the right to be let alone, the most comprehensive of rights and the right most valued by civilized men."

It will be argued, of course, that the power of the Federal Government to regulate interstate and foreign commerce provides a constitutional basis for the proposed law. But civil rights are rights "assured to every member of a well-regulated community." And the word "civil" is defined as "pertaining to the whole body of citizens."

In this light, the bill reveals its inadequacies so quickly as to be guilty almost of indecent exposure.

Section 2(b) undertakes to create a civil right for "all the people of the United States." And section 3(b) promptly limits the application of the act to persons "engaged in commerce or in objectives affecting commerce," and to employers employing more than 50 individuals.

Indeed the fact that S. 3368 is made applicable only to employers of over 50 persons, who are engaged in interstate commerce or in operations affecting commerce, and excludes States, municipalities, and religious and other nonprofit organizations proves that there is no intention to create "a civil right of all the people," even if Congress had the power. The majority report itself points out that there are only about 70,700 companies employing 50 or more employees out of a total of 3,516,000 companies in the United States. So, most of the people of the United States are not expected to enjoy this bogus civil right declared for all the people.

Here again it is made evident that the effect of the bill is to destroy the freedom of private management in the major business enterprises of the Nation. When private enterprise in the great essential industries of the Nation is ruined, then all little business and agriculture will become entirely dependent on Government-controlled big business and state socialism will be an accomplished fact.

The attempted validation of the proposed law as a regulation of commerce is based on two fantastic assumptions. The first is that commerce is obstructed by discriminatory practices. For this there is no evidence. It is simply an assertion with no foundation. The second assumption is that there will be more buying power and less waste of manpower when there is no discrimination in hiring employees. But what difference is there in total buying power or manpower when A is employed instead of B? If 10 white applicants are rejected in favor of 10 Negroes there are still only 10 men employed.

It would be absurd to argue that employers refuse to increase their working forces because they are unwilling to employ persons of a particular race or color. The huge growth of Negro employees in Chicago and Detroit in recent years proves that employers do not reduce or suppress employments because of discrimination. If they cannot get the workers they regard as best they will take the next best; and if the best happens to be of one race or color they will employ that race or color. Yet that exercise of trained judgment is denounced as discrimination.

The truth is that antidiscrimination laws are a burden on commerce and are unjust alike to employers and employees in setting up an arbitrary interference with what would otherwise be the informed and normally the just judgment of an employer as to how to build and maintain the most competent, harmonious working force possible. On this judgment depends a manager's success and the good will of the owners and customers of his enterprise. To hamper the free exercise of such judgment is obviously to burden and to obstruct commerce.

The effort to use the commerce power as the authority for legislation to establish a civil right deserves the condemnation and abrupt dismissal expressed in a dissenting opinion of the late Justice Holmes when he said: "I should regard calling such a law a regulation of commerce as a mere pretense."

In the same opinion Justice Holmes made this comment on legislation which attempted "to reconstruct society":

"I am not concerned with the wisdom of such an attempt, but I believe that Congress was not entrusted by the Constitution with the power to make it and I am deeply persuaded that it has not tried."

It is significant that the States themselves, even though they hold the power to set up in their respective jurisdictions fair employment practice commissions such as that proposed in S. 3368, have been wary of exercising their power. Last year 17 States rejected FEPC bills in their legislatures or saw the bills die because legislative committees refused to take action. All of these 17 States lie outside the South and include Illinois, Arizona, Montana, Minnesota, Nebraska,

Utah, Indiana, California, Delaware, Michigan, Pennsylvania, Kansas, Ohio, Wisconsin, Iowa, Missouri, and West Virginia.

Let us consider briefly the ways in which this bill would do violence to our American way of life.

Freedom to choose one's associates is a fundamental right reserved to the individual. And an integral part of that right is freedom from compulsion to associate, for forced association is not free.

Congress has never been delegated any power to interfere with freedom of association except where abuse of this freedom results in a violation of the laws which Congress has the power to enact and enforce. Yet under section 5(a) it is made unlawful for an employer "to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, national origin, or ancestry."

This means that an employer cannot freely express by speech or by advertisement the views that other citizens are free to express as to the desirability of hiring or promoting an individual, if he indicates a preference for persons of a particular race, color, religion, or national origin; or if he indicates a preference against persons of a particular race, color, religion, or national origin. Yet if there is any one subject upon which free men and women have the right to express their opinions, it is upon matters involving race, color, religion, or national origin.

The people of the United States have fought a terrible war with the Japanese, which was begun in treachery and carried on with horrible brutality. It may be that lofty idealism would require that all Americans immediately embrace the Japanese as brothers as soon as they laid down their arms and ceased to torture our friends and relatives. But men and women have feelings and free men and women can express those feelings. To proclaim by Federal law that no employer can express himself anywhere in speech or print in dislike of association with Japanese without making himself liable to the charge that he has refused to employ Japanese is an outrageous invasion of personal right to which other citizens are not subjected.

The survivors of Dachau and Buchenwald are not expected to maintain equanimity and objectivity regarding their Nazi oppressors.

No one regards it as unwarranted for Jews to dislike association with nazified Germans or with other racial or religious groups that have persecuted them.

The people of the United States and of the other freedom-loving nations who fight with us in Korea will not find it easy to forget the hordes of North Koreans and Chinese Communists and their Russian backers who have inflicted such a toll of suffering, death, and destruction.

But, here we have a law proposed which would attempt to deny to millions of employers and employees any freedom to speak or act on the basis of their religious convictions or deep-rooted preferences for associating or not associating with certain classifications of people. No one will contend that a dislike to associate with people who are unclean or dishonest or mean or cruel is a wrong which should be prohibited by law. But, where was the Congress ever given the power to declare it to be a wrong for a person of one religion to dislike to associate with persons of a different religion? Where was the Congress ever given the power to declare it to be a wrong for an American to dislike to associate with persons of nations or races which have recently made war on America and treacherously killed or cruelly tortured the sons or fathers of living Americans?

It may be a high type of morality to forgive immediately a vicious enemy and to clasp in friendship a hand stained with the blood of one's kith and kin; but where was the Congress ever given the power to establish such a moral duty as a legal obligation?

It may be immoral for a man to have a prejudice against persons of a particular race, color, or religion just because he has found it particularly difficult to associate without discordant mutual misunderstandings with many persons of that particular race, color, or religion; but what is left of individual liberty if a man or woman cannot choose associates in work or play on the basis of either reason or prejudice, which are often indistinguishable? Where was the Congress ever given the power to establish a State morality to be enforced in the private selection of private associates for work or play?

* * * * *

Under our Constitution it has never been seriously questioned that a man has the right to set himself up in business, to select his own employees on the basis of such qualifications as he might within his own free and uncontrolled discretion consider advantageous to the undertaking, and to do all this without hindrance or interference. This personal freedom of contract is basic to the free-enterprise system and to the whole American concept of individual freedom.

Yet S. 3368 violates the liberty of contract guaranteed in the Constitution by compelling the making of contracts.

The far-reaching character of this provision of S. 3368 is given its true perspective when we consider that laws have been enacted governing the form or substance of contracts voluntarily entered into; that laws make illegal certain types of contracts; that the labor laws require collective bargaining as a method of arriving at contracts and affect the scope of contracts. But the right of contract is left free to be exercised between voluntary parties.

Our history of encouragement to the men and women who give employment has been one of the compelling reasons for our unparalleled industrial success which again and again has served our Nation so well in time of need.

It is most unfair for proponents of this bill to argue that it does not "force the hiring of certain minority group members." The whole purpose, design, and effect of the bill is just that—to "force the hiring" of persons whom an employer would not voluntarily hire.

If an employer, in a department store, for example, advertised for and hired only white sales people he would certainly be found guilty of violating this law on complaint by a Negro applicant whom he did not hire. He would then be compelled by an order enforceable by a court, to hire this rejected applicant, with, probably, the additional expense of paying "back pay" for the period during which he "unlawfully" employed and paid wages to an employee of his own choice (sec. 7(j), sec. 8).

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield for a question?

Mr. BYRD of Virginia. I yield to the distinguished Senator from North Carolina with the understanding that I do not lose my right to the floor.

Mr. JOHNSTON of South Carolina. As the Senator knows, we have one of the greatest industrial systems in the world, which has grown up because of the procedures we have at the present time. Our system has increased our wealth, and we have grown as a Nation. If we should have a law such as the proposed FEPC provision in the bill before us at the present time, and an employer were forced to hire people who he felt were not competent to do the job for which his services were desired, and he even had someone in view whom he believed to be more competent and who would fit into his organization, would he not be forced to hire the man whom he thought was not competent under the system of FEPC which we have in this bill?

Mr. BYRD of Virginia. That situation, I think, would certainly apply with respect to Government contracts.

Mr. JOHNSTON of South Carolina. Would that not cost the Government more eventually in its contracts and also the people who are contracting with the Government? They would make less profit and, therefore, would pay less taxes to the Government, and everybody would be penalized all the way through. Is that not true?

Mr. BYRD of Virginia. The distinguished Senator from South Carolina has correctly stated the situation.

I continue to read the minority views of the distinguished Senator from Alabama [Mr. HILL]:

Any claim that such a law would not "force the hiring" of unwanted employees is simply without foundation.

It must also be pointed out that the bill not only authorizes Federal officials to dictate to an employer whom he shall or shall not hire, but it also authorizes a continuing supervision over his detailed management of his working force. All "compensation, terms, conditions, or privileges of employment" must be free from any "discrimination." Every promotion, every assignment of duties, every privilege granted an employee, although decided on the basis of merit according to the employer's judgment, may be subject to review by the Federal Commission on complaint that there was unlawful discrimination against some other employee. It is difficult to imagine a law more certain to insure the eventual destruction of private enterprise, by removing from private management all effective control of a working force.

The employer is subject to a Commission having wide powers of rulemaking, investigation, and the issuance of cease-and-desist orders. But the right of trial by jury is denied and judicial review is provided with a clearly recognized inferential power to punish with contempt-of-court orders.

The inquiries and investigations directed by the act would vex and harass business to the point where orderly plant management and efficient production would be impossible. The small businessman, already overburdened, would encounter new regulations, investigations, hearings, and litigation far beyond his time, his energy, or his finances.

Labor organizations would be subject to interference and supervision of their internal affairs. And the law which tells the employer who his workers shall be today, can be reversed and the worker told who his employer shall be tomorrow—and where and at what wages.

Justice Brandeis has warned:

"Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. * * * The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

If S. 3368 becomes law, employment and promotion based on merit would be superseded by governmental decree and the worker would be moved to look with distrust and suspicion on his fellow workers. The worker could not feel secure in his job.

Suppose a plant employs 50 men. Ten of them can be identified with a minority group. If the employer has to lay off 8 men

would he be likely to discharge any of the 10 men who could claim discrimination—whether it existed or not—who could take the case to the Commission and into the courts, causing the employer expense and possible punishment? We know that the natural thing for the employer to do would be to avoid trouble and lay off eight of the average Americans who could not claim discrimination, even if they were better workmen than the employees who belonged to a minority group. We can picture the resulting damage to the efficiency of management and to the morale and productivity of the workers in that plant.

If a law prohibited employers from discriminating against men and women with red hair the inevitable effect would be to give red-haired persons a preferred status and to assure them of an unequally good opportunity to be employed and promoted, because, by favoring them, their employer would avoid any charge of discriminating against them. In like manner this antidiscrimination bill actually would compel discrimination against majority groups in favor of minority groups. A white employer would be safe from prosecution because he employed a Negro instead of a white applicant. (That would show he had no "racial prejudice"!) But, if he employed a white instead of a Negro he might expose himself to an expensive litigation and find himself compelled in the end to hire a hostile employee.

We can be positive that as soon as a fair employment commission begins to push its way into the domain of private judgment and authority in hiring, promoting, and developing the efficiency of employees, it will in a short time disintegrate the power of private management to fulfill its responsibilities to investors and to customers.

This fundamental evil in this proposed legislation lifts criticism of its details out of mere faultfinding into a demonstration of why it profoundly violates both the letter and spirit of the Constitution which was adopted for the purpose of preventing zealous legislators from experimenting too recklessly with measures of moralistic reform. The Constitution, as we have seen, not only limits the lawmaking powers of the Congress to those expressly granted but also explicitly provides in the 10th amendment that "the powers not delegated to the United States * * * are reserved to the States respectively, or to the people." Furthermore, in the Bill of Rights, the Congress is absolutely forbidden to make any law denying to individuals their fundamental liberties of speech, of religion and association.

* * * * *

Section 13 of the proposed act provides for rulemaking. We know that the issuance of rules and regulations by a commission is lawmaking by the executive branch under the authority delegated by Congress. But where Congress so obviously has no power to take the actions proposed in S. 3368, Congress has no power which it can delegate to a rulemaking commission.

And what kind of rules could we expect this commission to prescribe?

If we look at the history of the New York statute we can judge what such a commission would do. Following the precedent in New York it would rule that you cannot mention color or religion in advertising for employees, that you cannot ask for the photograph of an applicant, you cannot ask his birthplace, you cannot ask his original name and you cannot ask what holidays he celebrates. We would see a host of restrictions upon the rights of free speech and free opinion, all under the guise of rule and regulation.

Another aspect of the proposed legislation which has received far too little attention is the fact that, if enacted, S. 3368 would be a constant invitation to sabotage. The bill applies to the Federal Government and its instrumentalities as well as to private business. The bill would make it unlawful to discriminate in Federal employment against any job applicant because of his national origin or ancestry. The Atomic Energy Commission, for example, would be precluded by law from asking an applicant any question as to where he was born, whether he is a naturalized or native-born citizen, what his race is or even what his original name was. It would be unlawful under S. 3368 to request an applicant to produce his naturalization or first papers. Inquiry could not be made as to the racial or religious organizations to which he belongs.

The same situation would prevail in the case of private industry engaged in production for national defense. A company manufacturing the most secret equipment for the armed services would be precluded from securing the very information most likely to throw light upon a job applicant's probable loyalties.

It has long been considered that involuntary servitude is something that can be suffered only by an employee. But involuntary servitude may be of many varieties. A man who accepts obligations to another man is putting himself in the servitude of that man. The law which says that one man can be compelled, on penalty of paying back pay, on penalty of contempt of court, to hire another man whom he does not wish to hire, means that the first man is compelled by law to make a contract to pay the second man wages, to furnish him with tools, to accept obligations under law that the employer accepts voluntarily toward other employees. The employer is forced into servitude to the employee from a minority group.

* * * * *

S. 3368 carries within it so many seeds of dissension that it is foredoomed to failure. Its enactment would impair and undermine the very foundation of our economic strength—that strength upon which rests our security and our happiness. Its enactment would inevitably undermine established social patterns based on law and custom. Its enactment would disrupt the progress being made by the States in the area of human relations and would do immeasurable harm to the cause of improved race relations. The attempted administration of the proposed bill would be an incalculable mischief.

In the end the bill would be nullified by concerted violation, repealed by an indignant Congress, or stricken down as unconstitutional by the Supreme Court.

Mr. President, I have read the minority opinion of one of the most distinguished Members of the U.S. Senate, the Senator from Alabama [Mr. HILL], in whom I believe every other Member of the Senate has great confidence and respect. It is true that this opinion refers to a bill that was introduced in 1952. But it discusses the whole philosophy of any kind of FEPC, and I think that what is said by the Senator from Alabama will apply to any legislation that might ultimately result, under authority given in this bill with respect to the establishment of an FEPC. For that reason I read in full this very splendid and eloquent analysis and discussion from the fundamental standpoint of the evils that would come from any kind of an FEPC.

Mr. President, I now continue with the history of FEPC legislation.

Once more FEPC failed to receive statutory recognition in Congress. The reason is easy to understand. On December 5, 1946, the President had issued Executive Order 9808, establishing "The (first) President's Committee on Civil Rights." And a year later that Committee reported. Details of the FEPC effort were becoming clear.

The 1946 Executive order read as follows:

EXECUTIVE ORDER NO. 9808 ESTABLISHING THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

Whereas the preservation of civil rights guaranteed by the Constitution is essential to domestic tranquillity, national security, the general welfare, and the continued existence of our free institutions; and

Whereas the action of individuals who take the law into their own hands and inflict summary punishment and wreak personal vengeance is subversive of our democratic system of law enforcement and public criminal justice, and gravely threatens our form of government; and

Whereas it is essential that all possible steps be taken to safeguard our civil rights:

Now, therefore, by virtue of the authority vested in me as President of the United States by the Constitution and the statutes of the United States, it is hereby ordered as follows:

1. There is hereby created a committee to be known as the President's Committee on Civil Rights, which shall be composed of the following-named members, who shall serve without compensation:

Mr. C. E. Wilson, chairman; Mrs. Sadie T. Alexander, Mr. James B. Carey, Mr. John S. Dickey, Mr. Morris L. Ernst, Rabbi Roland B. Gittelsohn, Dr. Frank P. Graham, the Most Reverend Francis J. Haas, Mr. Charles Luckman, Mr. Francis P. Matthews, Mr. Franklin D. Roosevelt, Jr., the Right Reverend Henry Knox Sherrill, Mr. Boris Shishkin, Mrs. M. E. Tilly, Mr. Channing H. Tobias.

2. The Committee is authorized on behalf of the President to inquire into and to determine whether and in what respect current law-enforcement measures and the authority and means possessed by Federal, State, and local governments may be strengthened and improved to safeguard the civil rights of the people.

3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Committee in its work, and to furnish the Committee such information or the services of such persons as the Committee may require in the performance of its duties.

4. When requested by the Committee to do so, persons employed in any of the executive departments and agencies of the Federal Government shall testify before the Committee and shall make available for the use of the Committee such documents and other information as the Committee may require.

5. The Committee shall make a report of its studies to the President in writing, and shall in particular make recommendations with respect to the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of the civil rights of the people of the United States.

6. Upon rendition of its report to the President, the Committee shall cease to exist, unless otherwise determined by further Executive order.

HARRY S. TRUMAN.

THE WHITE HOUSE, *December 5, 1946.*

Now listen to what that Presidential Committee recommended in 1947 under the title "To Secure These Rights." I

quote in part directly from the Committee's recommendations:

THE COMMITTEE'S RECOMMENDATIONS

To strengthen the machinery for the protection of civil rights, the President's Committee recommends:

1. The reorganization of the Civil Rights Section of the Department of Justice to provide for—

The establishment of regional offices.

A substantial increase in its appropriation and staff to enable it to engage in more extensive research and to act more effectively to prevent civil rights violations.

An increase in investigative action in the absence of complaints.

The greater use of civil sanctions.

Its elevation to the status of a full division in the Department of Justice.

The creation of regional offices would enable the Civil Rights Section to provide more complete protection of civil rights in all sections of the country. It would lessen its present complete dependence upon U.S. attorneys and local FBI agents for its work in the field. Such regional offices should be established in eight or nine key cities throughout the country, and be staffed with skilled personnel drawn from the local areas. These offices should serve as receiving points for complaints arising in the areas, and as local centers of research, investigation, and preventive action. Close cooperation should be maintained between these offices, local FBI agents, and the U.S. attorneys.

The Department of Justice has suggested that heads of these regional offices should have the status of assistant U.S. attorneys, thereby preserving the centralization of Federal criminal law enforcement. The President's Committee is fearful that under this plan the goal of effective, courageous, and nonpolitical civil rights protection in the field will not be reached unless satisfactory measures are taken to prevent these assistants from becoming mere political subordinates within the offices of the U.S. attorneys.

Additional funds and personnel for research and preventive work would free the Civil Rights Section from its present narrow status as a prosecutive agency. Through the use of properly developed techniques and by the maintenance of continuous checks on racial and other group tensions, much could be done by the section to reduce the number of lynchings, race riots, election irregularities, and other civil rights violations. Troublesome areas, and the activities of organizations and individuals who foment race tensions could be kept under constant scrutiny.

A larger staff and field-office facilities would also make it possible for the section to undertake investigations of suspected civil rights violations, without waiting for the receipt of complaints. There are many problems, such as the possible infringement of civil rights resulting from practices used in committing persons to mental institutions, which might be so studied. These investigations in the absence of complaints could also be combined with educational and mediation efforts to check chronic incidents of police brutality or persistent interferences with the right to vote.

The difficulty of winning convictions in many types of criminal civil rights cases is often great. The Committee believes that the Civil Rights Section should be granted increased authority, by Congress if necessary, to make appropriate use of civil sanctions, such as suits for damages or injunctive relief, suits under the Declaratory Judgment Act, and the right of intervention by means of briefs amicus curiae in private litigation where important issues of civil rights law are being determined.

Finally, the Committee urges congressional action raising the Civil Rights Section to full divisional status in the Department of Justice under the supervision of an Assistant Attorney General. We believe this step would give the Federal civil rights enforcement program prestige, power, and efficiency that it now lacks. Moreover, acceptance of the above recommendations looking toward increased activity by the Civil Rights Section and the passage by Congress of additional civil rights legislation would give this change added meaning and necessity.

2. The establishment within the FBI of a special unit of investigators trained in civil rights work.

The creation of such a unit of skilled investigators would enable the FBI to render more effective service in the civil rights field than is now possible. At the present time, its investigators are concerned with enforcement of all Federal criminal statutes. In some instances, its agents have seemingly lacked the special skills and knowledge necessary to effective handling of civil rights cases, or have not been readily available for work in this area.

These special agents should work in close harmony with the Civil Rights Section and its regional offices.

3. The establishment by the State governments of law enforcement agencies comparable to the Federal Civil Rights Section.

There are large areas where, because of constitutional restrictions, the jurisdiction of the Federal Government as a protector of civil rights is either limited or denied. There are civil rights problems, unique to certain regions and localities, that can best be treated and solved by the individual States. Furthermore, our review of the work of the Civil Rights Section has persuaded us of the cardinal importance of developing specialized units for the enforcement of civil rights laws. We believe that this is true at the State level too. States which have, or will have, civil rights laws of their own, should buttress them with specially designed enforcement units. These would have the further effect of bringing the whole program closer to the people. They would also facilitate systematic local cooperation with the Federal Civil Rights Section, and they would be able to act in the areas where it has no authority.

Here and elsewhere the Committee is making recommendations calling for remedial action by the States. The President's Executive Order invited us to consider civil rights problems falling within State as well as Federal jurisdiction. We respectfully request the President to call these recommendations to the attention of the States and to invite their favorable consideration.

4. The establishment of a permanent Commission on Civil Rights in the Executive Office of the President, preferably by act of Congress; and the simultaneous creation of a Joint Standing Committee on Civil Rights in Congress.

In a democratic society, the systematic, critical review of social needs and public policy is a fundamental necessity. This is especially true of a field like civil rights, where the problems are enduring, and range widely. From our own effort, we have learned that a temporary, sporadic approach can never finally solve these problems.

Nowhere in the Federal Government is there an agency charged with the continuous appraisal of the status of civil rights, and the efficiency of the machinery with which we hope to improve that status. There are huge gaps in the available information about the field. A permanent Commission could perform an invaluable function by collecting data. It could also carry on technical research to improve the fact-gathering methods now in use. Ultimately, this would make possible a periodic audit of the extent to which our civil rights are secure. If it did this and served as a clearinghouse and focus of coordination for the many private, State, and local agencies working in the civil rights field, it would be invaluable to them and to the Federal Government.

A permanent Commission on Civil Rights should point all of its work toward regular reports which would include recommendations for action in the ensuing periods. It should lay plans for dealing with broad civil rights problems, such as those arising from the technological displacement and probable migration of southern Negroes to cities throughout the land. It should also investigate and make recommendations with respect to special civil rights problems, such as the status of Indians and their relationship to the Federal Government.

The Commission should have effective authority to call upon any agency of the executive branch for assistance. Its members should be appointed by the President with the approval of the Senate. They should hold a specified number of regular meetings. A full-time director should be provided with an adequate appropriation and staff.

Congress, too, can be aided in its difficult task of providing the legislative groundwork for fuller civil rights. A standing committee, established jointly by the House and the Senate, would provide a central place for the consideration of proposed legislation. It would enable Congress to maintain continuous liaison with the permanent Commission. A group of men in each Chamber would be able to give prolonged study to this complex area and would become expert in its legislative needs.

5. The establishment by the States of permanent commissions on civil rights to parallel the work of the Federal Commission at the State level.

The States should create permanent civil rights commissions to make continuing studies of prejudice, group tensions, and other local civil rights problems; to publish educational material of a civil rights nature; to evaluate existing legislation; and to recommend new laws. Such commissions, with their fingers on their communities' pulses, would complement at the State level the activities of a permanent Federal Commission on Civil Rights.

6. The increased professionalization of State and local police forces.

The Committee believes that there is a great need at the State and local level for the improvement of civil rights protection by more aggressive and efficient enforcement techniques. Police training programs, patterned after the FBI agents' school and the Chicago Park District program, should be instituted. They should be oriented so as to indoctrinate officers with an awareness of civil rights problems. Proper treatment by the police of those who are arrested and incarcerated in local jails should be stressed. Supplemented by salaries that will attract and hold competent personnel, this sort of training should do much to make police forces genuinely professional.

And this is not all. When we come to part 5 of the Committee's 1947 recommendations, headed "To Strengthen the Right to Equality of Opportunity," they proposed:

For employment: The enactment of a Federal Fair Employment Practice Act prohibiting all forms of discrimination in private employment, based on race, color, creed, or national origin.

A Federal Fair Employment Practice Act prohibiting discrimination in private employment should provide both educational machinery and legal sanctions for enforcement purposes. The administration of the act should be placed in the hands of a commission with power to receive complaints, hold hearings, issue cease-and-desist orders and seek court aid in enforcing these

orders. The act should contain definite fines for the violation of its procedural provisions. In order to allow time for voluntary adjustment of employment practices to the new law, and to permit the establishment of effective enforcement machinery, it is recommended that the sanction provisions of the law not become operative until 1 year after the enactment of the law.

The Federal act should apply to labor unions and trade and professional associations, as well as to employers, insofar as the policies and practices of these organizations affect the employment status of workers.

The enactment by the States of similar laws.

A Federal fair employment practice statute will not reach activities which do not affect interstate commerce. To make fair employment a uniform national policy, State action will be needed. The successful experiences of some States warrant similar action by all of the others.

The issuance by the President of a mandate against discrimination in Government employment and the creation of adequate machinery to enforce this mandate.

The Civil Service Commission and the personnel offices of all Federal agencies should establish on-the-job training programs and other necessary machinery to enforce the nondiscrimination policy in Government employment. It may well be desirable to establish a Government fair employment practice commission, either as a part of the Civil Service Commission, or on an independent basis with authority to implement and enforce the Presidential mandate.

For education: Enactment by the State legislatures of fair education practice laws for public and private educational institutions, prohibiting discrimination in the admission and treatment of students based on race, color, creed, or national origin.

These laws should be enforced by independent administrative commissions. These commissions should consider complaints and hold hearings to review them. Where they are found to be valid, direct negotiations with the offending institution should be undertaken to secure compliance with the law. Wide publicity for the commission's findings would influence many schools and colleges sensitive to public opinion to abandon discrimination. The final sanction for such a body would be the cease-and-desist order enforceable by court action. The Committee believes that educational institutions supported by churches and definitely identified as denominational should be exempted.

There is a substantial division within the Committee on this recommendation. A majority favors it.

So, at last the President's Committee revealed the real objectives of the FEPC proponents. They would—

First. Create a costly, powerful, inquisitorial Federal bureau to extend the strong arm of Central Government into the daily transactions of virtually every man's private business—

(a) To tell employers who to hire, who to fire, and who to promote;

(b) To enter every employer's place of business to examine his books and papers without processes of any court;

(c) To search for evidence on which to base charges against him.

Second. Deprive people of their constitutional rights by forcing them to give evidence against themselves.

Third. Provide for federally appointed examiners to hear the evidence, and the record could be sent to Washington, where a decision could be rendered against an employer in his absence.

Fourth. Fine and imprison any person who hinders the operation of this Federal Commission.

Reaction of the public in general to this report was summed up best, perhaps, by Donald R. Richberg, whose place in the Roosevelt administration is well known. Mr. Richberg expressed his views in an article appearing in the Washington, D.C., Star of January 4, 1948.

The article was headed "Constitution Is Ignored in Civil Rights Hysteria—More to Legal Inequalities Resulting From Differing Abilities Cited as Threat To End Competitive Freedom." I quote directly from Mr. Richberg's statement as follows:

People are pleased to be told they have a right to do what they want to do. They applaud the politician who assures them that they have a right to enjoy the things they desire.

It is much more comforting to be assured that you have a right to obtain a good job from someone, than to be informed that you have a duty to do a good job for someone. But, let's not forget, that no right can be enforced for one person without compelling another to fulfill a duty. In the language of the courts: "When a right is invaded a duty is violated. There is no right where there is no remedy."

I am still quoting from Mr. Richberg:

Even the basic right of my individual liberty cannot be enforced except by imposing restraints on your individual liberty. The claim of a right is worthless unless it can be enforced; and, as more rights are enforced against more and more people, there will be less and less liberty, more and more domestic conflicts, less and less internal peace.

Long ago a great philosopher pointed out that "the right of all to all things" means "the war of all against all." The surest way to destroy the fundamental freedoms of American life would be to build up a vast legal structure of social, economic, and political rights, all of them creating corresponding duties, and all of them enforced by governmental restraints upon individual freedom.

Communists and their dupes complain that a hysteria of anticommunism is causing the suppression of civil rights in the United States. So now they are diligently fomenting a counterhysteria for expanding civil rights until the basic rights of life, liberty, and property will be completely lost in a maze of petty rights and duties and regulations which only a communistic dictatorship could possibly enforce.

The horrible and outstanding example of this civil rights hysteria is the recent report of the President's Committee on Civil Rights, which is probably the most mischievous document that has been published since Marx and Engels produced the Communist Manifesto 100 years ago.

In the name of liberty this report proposes to compel American men, women, and children to live and work in a social and economic system created and regulated by government, a system in which their most profound emotions and ambitions are to be suppressed at the will of political monitors.

Here are the two most fundamental recommendations of the Committee, in its own language:

"The elimination of segregation, based on race, color, creed, or national origin, from American life.

"The enactment of a Federal Fair Employment Practice Act, prohibiting all forms of discrimination in private employment based on race, color, creed, or national origin."

Please note that segregation is to be eliminated not only from Government operations but everywhere from American life. That was precisely the aim of the Committee, which said:

We can tolerate no restrictions upon the individual which depend upon irrelevant factors such as his race, his color, his religion, or the social position to which he was born.

Continuing, Mr. Richberg said:

Hundreds of millions of Protestants, Catholics, Jews, Mohammedans, Buddhists, and Hindus have believed and taught for centuries the one way of living, or the one road to salvation, was divinely ordained and revealed in the articles of their particular faith. Anyone's religion is necessarily a restriction on him and, if he is to be free in the exercise of his religion (a freedom expressly guaranteed in our Constitution), then he must be free to restrict his associations with others in accordance with his feelings and his convictions as to what is necessary and desirable. Yet the Committee would have a man forced by law into associations which may be repulsive to him—not because of any narrow prejudice but because of his profound religious convictions.

Race and color may seem irrelevant to the Committee. Yet differences of race and color have divided mankind for centuries. They may fade in the coming centuries. But they cannot be wiped out by a State or Federal law; and every such foolish effort only intensifies prejudice and intolerance, creates disrespect for law, and is itself an intolerant violation of individual liberty.

Curiously enough the committee observed that an essential part of our freedom is that we are free to be different. Evidently the Committee is willing to have us differ in our taste for cigarettes, but not in our taste for companions. But, in another breath, the Committee says: "In a democracy, each individual must have freedom to choose his friends and to control the pattern of his personal and family life." Nevertheless, in order to eliminate segregation and to prevent discrimination, the Committee insists that this free American shall be compelled to spend his working life with undesirable associates, and to send his children to schools, to eat in restaurants, to live in hotels, and enjoy all public amusements in the company of those whose company he would not voluntarily choose.

The logic of the report is very difficult to follow. But, as the king said in "Alice in Wonderland," "If there's no meaning in it that saves a world of trouble, you know, as we needn't try to find any."

Let us assume, however, that every like or dislike based on race, color, or religion is unreasonable and unfair and that such prejudices ought to be eliminated from human thinking. Nevertheless, is it proper or even possible for the Government of a free people to attempt to prevent men and women in business or social life from acting in accord with their prejudices? Now this is an entirely different question from asking whether the Government itself should deny equality of opportunity to some of its citizens.

Political equality, in the right to vote, in the administration of justice, and in the rendering of public services, is due to all citizens. But unless Government is to destroy an economic system of competitive freedom and a social system of free association, it cannot undertake to level down the inequalities that result from differing abilities and opportunities, or to interfere with the voluntary selection of one's associates in work or play.

No one would dare to propose that an employer be given the right by law to compel a man to work for him. That would

be involuntary servitude—slavery. Yet it is solemnly proposed that an employer shall be forbidden to refuse to employ a qualified man because of his race, color, or religion. This means, in practical effect, that if a Government regulator says that a man is qualified and rules that he has been denied employment because of race, color, or religion, then he must be employed.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Tennessee, with the understanding that I shall not lose my right to the floor.

Mr. GORE. I was pleased to hear the Senator speak, as many Virginians have spoken in the past, about political equality for all citizens. I take it that he would add also that many great Virginians have contributed to equality before the law.

Mr. BYRD of Virginia. The Senator from Virginia was quoting from a statement made by Mr. Donald R. Richberg with respect to FEPC recommendations made by a commission under the Truman administration.

Mr. GORE. I misunderstood. I understood it was a statement of the able Senator. Those statements would be typical of him if they were his.

Mr. BYRD of Virginia. No; I am reading a statement by Mr. Richberg. He was discussing a report made by the Commission appointed in the Truman administration to study so-called civil rights.

Mr. GORE. But the Senator does hold as his faith and ideal political equality and equality before the law?

Mr. BYRD of Virginia. I say to the Senator that Virginia imposes no voting restrictions or regulations against Negroes that do not apply to the whites. This is a State responsibility, especially in the local and State elections; and, in Virginia, the only requirement for anyone to register is to sign his name to an application. There are registered in Virginia today, qualified to vote, something like 140,000 Negroes. There has never been a single complaint to my knowledge in the 47 years I have been in public life with respect to the denial of the right of the Negro to vote under the same conditions as the whites.

Mr. GORE. Then the question the able Senator raises with respect to the protection of the right to vote embodied in the pending amendment is the propriety of Federal action. I understood correctly, the Senator pointed out that this role could effectively be extended and should be extended by the States.

Mr. BYRD of Virginia. It has been extended in Virginia. I am sure the Senator knows that any person who is qualified to vote for the House of Delegates, in a State, for example, in Virginia, under the Federal Constitution is qualified to vote in the national elections. So I think the question that has arisen here is as to whether the Federal Government should intervene in local and State elections, as well as Federal elections. As I understand, the amendment now pending provides for that. So that is the area with respect to which there is some question, but I do not think unreasonable restrictions should be imposed that are not necessary with respect to registration of particular races.

Mr. GORE. And other individuals who are otherwise qualified to exercise their franchise?

Mr. BYRD of Virginia. That is correct, but that is for the States to determine, as I see it, and in Virginia, as I have said, there has been no complaint to my knowledge.

Mr. GORE. I applaud the action of the State of Virginia in making available to all qualified citizens the right of the franchise and the protection afforded that right that it affords. I only regret that such action has not been taken by other States. The fact that the right of the franchise has been denied to some in other States led the junior Senator from Tennessee to support the right-to-vote bill in 1957. I respect the opinion and the position of the very distinguished senior Senator from Virginia that in his opinion the right, the duty, and the responsibility are those of the States. However the right of the franchise is spelled out in the Constitution of the United States, and the sooner all the States comply with the spirit and intent of the U.S. Constitution the sooner this problem will vanish.

Mr. BYRD of Virginia. I thank the Senator from Tennessee. Of course, the pending amendment has some very objectionable features whereby so-called referees would be appointed to come into communities and to determine, as I understand, who is qualified to vote. I oppose this.

Mr. GORE. I had not intended by my remarks to endorse the Dirksen substitute either in the respect to which the Senator has just referred or in the other provisions that are in the bill. I had referred to the 1957 act. I supported that.

Mr. BYRD of Virginia. I think the Senator knows that I have great confidence in his judgment. He and I served together on the Finance Committee, and I have frequent opportunity to observe that he picks out flaws very quickly when complicated finance bills are considered, and he sticks to his convictions all down the line.

Mr. GORE. I thank the Senator.

Mr. BYRD of Virginia. Before the inquiry by the Senator from Tennessee, I was quoting Mr. Donald R. Richberg with respect to the Civil Rights Commission, appointed in the administration of Mr. Truman, which recommended establishment of the FEPC.

Mr. GORE. That was the compulsory enactment which was recommended at the time and which the Congress never adopted?

Mr. BYRD of Virginia. It was never adopted; that is correct. Congress has never adopted proposals for establishment of the FEPC.

This is Mr. Donald R. Richberg speaking:

We know from experience under the Wagner Act that the employer would be presumed to be wrong. "Sentence first, verdict afterward" is the conventional procedure. It seems to be forgotten that an employer works for his employees just as they do for him. He is obliged by law to do a great many things for his employees. So the proposed law would force an employer into involuntary servitude to men who are under no obligation to work for him.

Superficially, it may seem to be a noble project for government to insure all citizens an equality of opportunity to earn a livelihood and to enjoy the benefits of society. But, no government can insure equality of opportunity to human beings who differ so widely in natural capacity and who, because of parental variances in ability and fortune, are so differently nurtured. It should also be pointed out that the benefits of a democratic, free society are not gathered by an omnipotent government into one treasure house for distribution to a dependable population. On the contrary, individuals in a host of big and little enterprises, work and produce things and seek to gain out of their cooperation with others the benefits and satisfaction which they desire and for which they are willing to work and sacrifice.

The concept of a society in which all are working for the common good and obtain only their proportionate share of the total product is the idealism of communism. Now that the world has had a good look at communism in actual operation, it has become quite clear that only a ruthless despotism can compel human beings to live and work in such a regimented society. Furthermore, it has been demonstrated up to date that the productivity of free men and women, working primarily for their own gain and reaping individual rewards, is far, far greater than the productivity of a people working ostensibly for equalitarian progress. Indeed, the reward of individual merit has been reluctantly adopted in Russia as a drastic compromise of communistic theory which was necessary to prevent economic disaster.

It is most significant that the shrill slogan of all those fomenting the civil rights hysteria is equality, although the great declared purpose of the Constitution was not to achieve an impossible equality among unequal human beings but to secure the blessings of liberty so that men could be free to be different and to realize their differing ambitions with their differing abilities. Every law which seeks to give a man a right to something which as a freeman he cannot gain for himself, must impose burdens and restraints on the freedom of other men.

We may, reasonably, tax the fortunate. We may, reasonably, prevent the abuse of freedom by those who heedlessly or ruthlessly injure others in the pursuit of selfish gain. We may, reasonably, enact laws to protect the right of every citizen to an equal participation in government and to equal treatment in all government operations. But, let us be watchful against every effort to create by law a right in one man to compel others to associate with him or to accept obligations to him in the domain of private enterprise or private life. Let us realize, not only that it is a part of our heritage that a "man's house is his castle," but also that freedom of association in work or play is the most precious of all our liberties.

Mr. President, that is the end of the quotation from what I regard as an extremely able statement by Mr. Donald R. Richberg in opposition to a compulsory FEPC.

Public reaction against FEPC finally soaked through the minds of its proponents, and after the defeat in 1952, they changed course. They relaxed their efforts for general law to be enacted by Congress, and returned to the old device of Executive order.

Apparently the object was more education, more propaganda, more boring from within, further to brainwash the public, preparatory to trying for general law again at some later date.

Another Executive order was issued from the White House on August 13, 1953. It purported to confine its application to businessmen accepting contracts from the Federal Government.

Keep in mind that an Executive order is not statutory law, but note the language of Executive Order 10479. I quote it in full as follows:

EXECUTIVE ORDER NO. 10479; ESTABLISHING THE GOVERNMENT CONTRACT COMMITTEE

Whereas it is in the interest of the Nation's economy and security to promote the fullest utilization of all available manpower; and

Whereas it is the policy of the United States Government to promote equal employment opportunity for all qualified persons employed or seeking employment on Government contracts because such persons are entitled to fair and equitable treatment in all aspects of employment on work paid for from public funds; and

Whereas it is the obligation of the contracting agencies of the United States Government and Government contractors to insure compliance with, and successful execution of, the equal employment opportunity program of the United States Government; and

Whereas existing Executive orders require the Government contracting agencies to include in their contracts a provision obligating the Government contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and obligating the Government contractor to include a similar provision in all subcontracts; and

Whereas a review and analysis of existing practices and procedures of Government contracting agencies show that the practices and procedures relating to compliance with the nondiscrimination provisions must be revised and strengthened to eliminate discrimination in all aspects of employment: Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and pursuant to the authority conferred by and subject to the provisions of section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691).

It is ordered as follows:

SECTION 1. The head of each contracting agency of the Government of the United States shall be primarily responsible for obtaining compliance by any contractor or subcontractor with the said nondiscrimination provisions of any contract entered into, amended, or modified by his agency and of any subcontract thereunder, and shall take appropriate measures to bring about the said compliance.

SEC. 2. The head of each contracting agency shall take appropriate measures, including but not limited to the establishment of compliance procedures, to carry out the responsibility set forth in section 1 hereof.

SEC. 3. There is hereby established the Government Contract Committee, hereinafter referred to as the Committee. The Committee shall be composed of fourteen members as follows:

(a) One representative of the following-named agencies to be designated by the respective heads of such agencies: the Atomic Energy Commission, the Department of Commerce, the Department of Defense, the Department of Justice, the Department of Labor, and the General Services Administration.

(b) Eight other members to be appointed by the President. The Chairman and Vice Chairman shall be designated by the President.

SEC. 4. The Committee shall make recommendations to the contracting agencies for improving and making more effective the nondiscrimination provisions of Government contracts. All contracting agencies of the Government are directed and authorized to cooperate with the Committee and, to the extent permitted by law, to furnish the Committee such information and assistance as it may require in the performance of its functions under this order. The Committee shall establish such rules as may be necessary for the performance of its functions under this order, and shall make annual or semiannual reports on its progress to the President.

SEC. 5. The Committee may receive complaints of alleged violations of the nondiscrimination provisions of Government contracts. Complaints received shall be transmitted by the Committee to the appropriate contracting agencies to be processed in accordance with the agencies' procedure for handling such complaints. Each contracting agency shall report to the Committee the action taken with respect to all complaints received by the agency, including those transmitted by the Committee. The Committee shall review and analyze the reports submitted to it by the contracting agencies.

SEC. 6. The Committee shall encourage the furtherance of an educational program by employer, labor, civic, educational, religious, and other voluntary nongovernmental groups in order to eliminate or reduce the basic causes and costs of discrimination in employment.

SEC. 7. The Committee is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this order.

SEC. 8. The Government agencies (except the Department of Justice) designated in section 3(a) of this order shall defray such necessary expenses of the Committee as may be authorized by law, including section 214 of the Act of May 3, 1945, 59 Stat., 134 (31 U.S.C. 691) *Provided*, That no agency shall supply more than 50 percent of the funds necessary to carry out the purposes of this order. The Department of Labor shall provide necessary space and facilities for the Committee. In the case of the Department of Justice the contribution shall be limited to the rendering of legal services.

SEC. 9. Executive Order No. 10308 of December 5, 1951 (16 F.R. 12303), is hereby revoked and the Committee on Government Contract Compliance established thereby is abolished. All records and property of the said Committee are transferred to the Government Contract Committee. The latter Committee shall wind up any outstanding affairs of the abolished Committee.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 13, 1953.*

It is noted that an old Committee on Government Contract Compliance, which had been largely inactive, was abolished. By the Committee's second year, its membership list included:

Hon. Richard Nixon, chairman, Vice President of the United States.

Hon. James P. Mitchell, vice chairman, Secretary of Labor.

Mr. Fred Lazarus, Jr., president, Federated Department Stores, Inc., Cincinnati, Ohio.

Mr. George B. McKibbin, consultant to the administrator, General Services Administration.

Mr. George Meany, president, AFL–CIO, Washington, D.C. Mr. Boris Shishkin and Mr. Bert Seidman could serve as alternates.

Mr. William Mitchell, general counsel, Atomic Energy Commission.

Hon. George T. Moore, Assistant Secretary of Commerce.

Mr. James M. Nabrit, Jr., secretary, Howard University, Washington, D.C.

Hon. Thomas P. Pike, Assistant Secretary of Defense.

Mrs. Helen Rogers Reid, New York Herald Tribune, New York, N.Y.

Mr. Walter P. Reuther, president Automobile, Aircraft and Agricultural Implement Workers of America, AFL–CIO, Detroit, Mich.—Mr. Victor Reuther and Mr. George L-P. Weaver could serve as alternates.

Hon. William P. Rogers, Deputy Attorney General.

Mr. John A. Roosevelt, president, Lee Ltd., New York, N.Y.

Mr. Ivan L. Willis, vice president, International Harvester Co., Chicago, Ill.

Mr. John Minor Wisdom, attorney, New Orleans, La.

Hon. Maxwell M. Rabb, Secretary to the Cabinet.

By 1954 the President's Committee succeeded in revising the so-called "nondiscrimination clause" in Government contracts, and the Committee's second annual report made quite a point of this achievement. The report published the text of Executive Order No. 10557, of September 3, 1954, entitled "Approving the Revised Provision in Government Contracts Relating to Nondiscrimination in Employment."

The text of this Executive order follows:

EXECUTIVE ORDER NO. 10557: APPROVING THE REVISED PROVISION IN GOVERNMENT CONTRACTS RELATING TO NONDISCRIMINATION IN EMPLOYMENT

Whereas the contracting agencies of the United States Government are required by existing Executive orders to include in all contracts executed by them, a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin, and obligating the contractor to include a similar clause in all subcontracts; and

Whereas the Committee on Government Contracts is authorized by Executive Order 10479, as amended, to make recommendations to the contracting agencies for improving and making more effective the nondiscrimination provision of Government contracts; and

Whereas the Committee on Government contracts, in consultation with the principal contracting agencies of the Government, has recommended that in the future the contracting agencies of the Government include in place of, and as a means of better explaining, the present nondiscrimination provision of Government contracts, the following provision:

"In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

"The contractor further agrees to insert the foregoing provision in all subcontracts hereunder, except subcontractors for standard commercial supplies or raw materials."

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and in order to clarify and strengthen

the provisions of the existing orders, it is ordered as follows:

SECTION 1. The contract provision relating to nondiscrimination in employment, recommended by the Committee on Government Contracts, is hereby approved.

SEC. 2. The contracting agencies of the Government shall hereafter include the approved nondiscrimination provision in all contracts executed by them on and after a date ninety days subsequent to the date of this order, except:

(a) contracts and subcontracts to be performed outside the United States where no recruitment of workers within the limits of the United States is involved; and

(b) contracts and subcontracts to meet other special requirements or emergencies, if recommended by the Committee on Government Contracts.

SEC. 3. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this order.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *September 3, 1954.*

By 1957 FEPC proponents were beginning to become impatient again for statutory recognition, and the reports of the President's Committee on Government Contracts were beginning to put more and more emphasis on the phrase "equal job opportunity." The Committee's propaganda machine had been put in high gear the year before. I quote from the 1955–56 Committee report:

EQUAL JOB OPPORTUNITY THROUGH EDUCATIONAL ACTIVITIES

The Committee's educational programs during the past year have promoted equal job opportunity among all social, economic and geographic segments of the Nation through various media.

The Committee's motion picture "Commencement" has figured prominently in its educational programs since the film was released early in 1956. The 21-minute sound picture demonstrates that unless all company officers and supervisors and the agencies that make up its recruitment sources clearly understand that employment and promotion are to be based on qualification, without regard to race, religion or national origin, discrimination is likely to result.

"COMMENCEMENT" FEATURED IN 20 STATES

The film was the central feature of Equal Job Opportunity Week observances held in major industrial communities in 20 States during April, when leading executives of many types of business were directly involved as speakers, members of panels or active sponsors of the programs. The Board of Commissioners of the District of Columbia, the Governors of five States and the mayors of eight cities issued Equal Job Opportunity Week proclamations.

The film was broadcast throughout most of the country on 140 television stations as a part of a 30-minute program "Equality at Work," with Chairman NIXON providing a short introduction and subsequent commentary on the national equal job opportunity policy.

The film also has been used extensively in small meetings of senior management executives, industrial relations and personnel officers and their staffs, foremen and supervisors, and labor union leaders.

The Government contracting agencies have used the film extensively to train personnel concerned with enforcement of the nondiscrimination clause.

More than 25,000 copies of "The Story of the President's Committee on Government Contracts," a 12-page pamphlet which relates the Committee's origin, its purpose, and methods of operations, were distributed directly and also through the contracting agencies and State and local governmental and nongovernmental agencies.

A leaflet, "Mr. Executive—Seven Questions," was prepared as a self-evaluation guide by which business executives may check their own companies for evidence of discrimination, and by which they can determine corrective action. Approximately 110,000 copies have been distributed to business and industrial leaders through the contracting agencies, with invitations-to-bid, with correspondence relating to contracts, and with notices of contract award.

The Committee has distributed 5,500 copies of the manual for compliance officers to Federal agencies, and an additional 1,500 copies in response to other requests.

NONDISCRIMINATION DIRECTIVES PUBLISHED

The Committee also published the first complete set of official Federal nondiscrimination directives of the principal contracting agencies: the Department of Defense and its constituent military services, the Department of the Interior, the Post Office Department, the Departments of Agriculture and Commerce, the Atomic Energy Commission, Canal Zone Government, General Services Administration, Housing and Home Finance Agency, Tennessee Valley Authority, and the Veterans' Administration.

The Committee's second carcard, featuring and supporting the "Equal Economic Opportunity" poster, was distributed to transit systems in 23 States.

A three-panel self-supporting display piece directing attention to the "Equal Economic Opportunity" poster, was distributed for display in public or semipublic areas where contractors gather, or where groups of applicants for employment will have an opportunity to see it.

MAIL TRUCKS TO CARRY POSTERS

Arrangements have been made for a poster promoting equal job opportunity on the sides of the U.S. mail trucks from December 16, 1956, until January 1, 1957.

Prints of 20-second and 1-minute television spot announcements, narrated by Robert Montgomery and explaining the nondiscrimination clause, were sent to all U.S. television stations.

Circulation of the Committee's newsletter increased from 4,000 to 6,000 copies in the year, and requests were filled for 30,000 copies of literature published the previous year.

The General Services Administration supplied contracting agencies with 253,000 copies of the Committee's "Equal Economic Opportunity" poster for display by contractors as required by Executive Order No. 10557.

Members of the Committee and of the staff participated in 54 conferences during the year. These have included meetings of the Midwest Industrial Relations Association in Chicago; the National Community Relations Advisory Council in New York; Federated Employers of San Francisco; the 45th annual convention of the National Urban League; the Army Judge Advocate General's School at Charlottesville, Va.; the Comptroller's Institute in Chicago, as well as local and regional civic meetings.

Coming down to the Committee's latest report, we find its membership list as of September 30, 1959, to be as follows:

Hon. Richard M. Nixon, Chairman, Vice President of the United States.

Hon. James P. Mitchell, Vice Chairman, Secretary of Labor.

Mr. Irving Ferman, Executive Vice Chairman.

PUBLIC MEMBERS

Robert L. Chambers, president, Pacific Foundry & Metallurgy Co., San Francisco, Calif.

Mr. Fred Lazarus, Jr., chairman, Federated Department Stores, Cincinnati, Ohio.

Mr. George Meany, president, American Federation of Labor-Congress of Industrial Organizations (Mr. Boris Shishkin could serve as alternate).

Mr. James M. Nabrit, Jr., dean, School of Law, Howard University, Washington, D.C.

Mrs. Helen Rogers Reid, New York, N.Y.

Walter P. Reuther, president, United Automobile, Aircraft and Agricultural Implement Workers of America, AFL–CIO, Detroit, Mich. (Mr. George L–P Weaver and Mr. Victor Reuther could serve as alternates).

Mr. John A. Roosevelt, Bache & Co., New York, N.Y.

GOVERNMENT REPRESENTATIVES

Perkins McGuire, Assistant Secretary of Defense.

George B. McKibbin, Consultant to the Administrator, General Services Administration.

George T. Moore, Assistant Secretary of Commerce.

Harry S. Traynor, Assistant General Manager, Atomic Energy Commission.

Lawrence E. Walsh, Deputy Attorney General of the United States.

The Committee had subcommittees on common carriers and public utilities, on District of Columbia affairs, on education and information, and on review.

It had agency compliance officers in the Atomic Energy Commission, the Departments of Agriculture, Commerce, Health, Education, and Welfare, Interior, Justice, Defense, State, Treasury, and Labor, and in the Post Office Department, General Services Administration, Government Printing Office, Housing and Home Finance Agency, Veterans' Administration, Office of Civil and Defense Mobilization, Federal Aviation Agency, International Cooperation Administration, Panama Canal Company, and Tennessee Valley Authority.

In addition, arrangements for requiring compliance had been made in Central Intelligence Agency, Federal Trade Commission, General Accounting Office, National Aeronautics and Space Agency, Railroad Retirement Board, and Selective Service System.

The Committee, which gets its funds as transfers from appropriations to other agencies, has worked itself into a budget running into hundreds of thousands of dollars a year.

Its professional staff includes an executive director, information director, education director, compliance director, three compliance officers, survey director, and administration director.

The Committee maintains its headquarters offices in Washington, and operates through regional offices in Chicago and Los Angeles.

The 1958–59 report said:

The Committee's two regional offices, located at Chicago and Los Angeles, have effectively carried out their assigned programs, which are designed to augment as well as strengthen the work of the Committee staff at Washington.

The regional office staffs processed complaints and reviewed compliance surveys in conformity with the same activities of the headquarters staff, but with the advantage of direct contacts with Government agencies and Government contractors in the field.

Besides their complaint and compliance activities, the regional offices have performed valuable work in the area of education. Seminars have been conducted for Government agency compliance officers in the

regions. Educational programs have been developed with employers, representatives of trade unions, and school system officials.

In both regional offices, close cooperation with public and private social agencies in promoting the Government's equal job opportunity program has been effected.

More than twoscore talks have been given by regional office staff members to community and specialized groups, national conferences, and radio and television audiences. Wide circulation has been given in both regions to Committee publications and both Committee films, "Commencement" and "The New Girl" have been shown to many small and large audiences.

The decision to establish a "grassroots" approach to the Committee's problems and objectives through operation of these supplemental offices has been proved thoroughly justified.

The latest report by the Committee discloses that nondiscrimination is not All it wants. It wants an integrated work force. I quote directly from the Committee's 1958–59 report. In part, it said:

A nondiscriminatory employment policy itself does not lead to an integrated work force. The employer must act to break through the "cake of custom" by making initial placements in positions traditionally denied to Negroes. * * * Emphasis is being placed on direct negotiation with major contractors in order to facilitate this highly important first action in implementing a merit policy.

In March of last year the Judiciary Committee in the House of Representatives took testimony indicating that the Committee retained the services of Maj. Gen. C. E. Ryan, U.S. Army, retired, for purposes of this so-called direct negotiation. The testimony indicates that the negotiation is more in the nature of pressure on a contractor, than it is in the nature of negotiation. I refer to the testimony of Mr. Edward K. Mills, Deputy Administrator of General Services Administration.

Mr. Mills was testifying before Subcommittee No. 5, Committee on the Judiciary, U.S. House of Representatives, on Wednesday, March 11, 1959. I shall quote directly from page 266, serial 5, "Hearings on Civil Rights." Mr. Mills said:

We stated on page 1 that through education, mediation, and persuasion the (President's) Committee on Government Contracts has sought to give effect not only to the requirement of nondiscrimination but also to implementing the policy of equal job opportunities generally.

Now the Committee, using us in connection with their investigations and surveys, using us as their agent, employs the information which we give them to operate at a very high level in connection with bringing some of these companies into line.

General Ryan, for instance, who is the Executive Vice Chairman of the (President's) Committee, and a very competent and fine gentleman, will go to the company's president, no matter how big the company may be, and confer with him at the very top level as to company policy on this question.

To me there is no more effective way of education and persuasion than starting at that level to get this story across and to clear up possible misunderstandings.

It has been particularly true in connection with better job opportunities. Negroes may be employed in some of the menial positions, janitorial and custodial jobs, but sometimes it is hard to crack the line in connection with getting them into more skilled, better paying and white collar positions.

It is through contacts by people such as General Ryan and other members of the Committee that the presidents of the companies have pressure brought to bear directly on them.

After this kind of pressure negotiation, the President's Committee on Equal Job Opportunity Through Government Contracts, in its 1958–59 report lists "the complaint process" as next in importance in its implementation of its objectives. I quote from page 6 of the report as follows:

THE COMPLAINT PROCESS

The complaint process is of vital importance for the enforcement of the nondiscrimination employment clause in all Government contracts. Any individual or organization may instigate an investigation of a Government contractor's employment practices by filing a complaint with the Committee.

Such investigations frequently disclose that contractors are violating, sometimes unknowingly, their agreement not to discriminate against qualified persons. When an investigation does reveal discrimination, the contracting agency on its own initiative or at the request of the committee, requires the contractor to initiate corrective measures.

Two hundred and forty-four complaints were filed during the period covered by this report. These include 133 complaints filed by individuals, 111 filed by organizations, including 9 from public agencies. Nearly half of the complaints originating with organizations were from the Pacific Southwest Regional Office of the Anti-Defamation League of B'nai B'rith, Los Angeles. Negroes were involved in about 8 out of every 10 complaints filed by individuals.

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent that the Senator from Virginia may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

Mr. JOHNSTON of South Carolina. Is it not also true that where people are already employed, there may be some difficulty with respect to promotions? I have many, many people coming to me saying that they were discriminated against because someone in their department had been promoted and they had not been promoted. Where the person complaining is colored, do you not think they would say they did not get a raise in pay or promotion because they happened to be a colored person? I have had people come to me and say, "Somebody was promoted instead of me, and I did not receive the promotion because of my race."

Under such circumstances there could be an endless line of people complaining about being promoted and people being employed, and it would set up so much strife in this country that it would be almost unbearable.

Mr. BYRD of Virginia. I think the Senator from South Carolina is correct, and, therefore, much consideration should be given to this.

So we see the Committee through all of the vast machinery of the Federal Government is finding relatively few complaints. After all, there are thousands of contractors and subcontractors with Government orders. The military budget alone runs to more than $40 billion.

Not only are there surprisingly few complaints, especially considering the fact they do not have to be sworn to, or otherwise authenticated; but we find that many of those which are made do not come within the jurisdiction of the Committee. Yet the pending amendment proposes that statutory recognition be given to this whole mish-mash.

This is not all. The President's Committee says implementation of policy is not a mere matter of fiat or orientation. It says frequently there is a "paucity of qualified applicants."

I read directly from page 7 of the Committee's 1958–59 report as follows:

The complete implementation of a nondiscriminatory employment policy is seldom a matter of mere fiat or orientation, even when both labor and management are favorably disposed. There are complicating factors that have little or nothing to do with the problem of prejudice. The advancement of equal job opportunity is often hindered by the paucity of qualified applicants for some jobs, particularly those which require a high degree of skill or technical training. Other significant obstacles are adverse business conditions, seniority situations, low rates of labor turnover, labor-management agreements governing referrals and the introduction of laborsaving devices.

In the teeth of such a confession by the Committee which has been in the business of employment integration for years, we are asked to give it statutory recognition, set it up on a permanent basis, and authorize it by law to promote the old FEPC proposals.

Further light is thrown on this proposal by testimony on the subject taken last March 11 by Subcommittee No. 5 of the House Judiciary Committee, in hearings marked "Serial 5." Those entering in the colloquy were Representative Lester Holtzman, of New York, Leonard T. DeLisio, Director of the Compliance Division in the General Services Administration, and Edward K. Mills, Jr., Deputy Administrator of the General Services Administration.

I quote directly from pages 264 and 265 in the hearings I have just cited:

Mr. HOLTZMAN. Can you tell us generally what success you have had? You talk about education, mediation, persuasion. What success have you had? Can you give us any specific examples?

Mr. DELISIO. Well, we have had a certain amount of success in the—I am trying to think of the case now—in a motor company out in, I do not know whether it is Los Angeles or one of the suburbs of Los Angeles, wherein the home office in its booklet published the nondiscrimination clause, and advised its local branches, whether it be assembly plants or office forces, to further the nondiscrimination program.

There we found that some of the personnel employees and the employing agencies had started a codification or coding of applicants for certain positions, unbeknownst to the top personnel people of the plant. When we discovered this situation and discussed it with the director of personnel, he issued instructions to the employment agencies that in the future such coding was to be abolished.

They requested on future job orders for the employment agency to send them qualified personnel regardless of race, color, or creed.

Mr. HOLTZMAN. Suppose they had not? Is there a list that you put them on, is there some list such as a gray list or something of that kind?

Mr. DELISIO. Yes.

Mr. HOLTZMAN. Suppose they refuse to comply?

Mr. DELISIO. If there is a definite overt act of discrimination in employment they could be debarred.

Mr. HOLTZMAN. How many such instances do you have? Do you have such a list?

Mr. DELISIO. We, in GSA, no, sir; we have not.

Mr. HOLTZMAN. In other words, you do not have a single name on a prohibited list with respect to discrimination in the field of employment, is that right, on Government contracts?

Mr. DELISIO. Yes, sir.

Mr. HOLTZMAN. Would that be a fair statement?

Mr. DELISIO. Yes, sir.

Mr. HOLTZMAN. So that you would say in every instance where there is a Government contract there has been compliance, so far as you know?

Mr. DELISIO. Yes, sir. It is difficult to prove overt act—and areas of noncompliance corrected by education and mediation.

Mr. RODINO. Following up Mr. Holtzman's questions, then how can I reconcile this statement that you, through education, mediation, and persuasion, have been able to give effect and implement the Executive order? You mean that there has always been compliance, and if there has always been compliance then how does this come about that you make the statement that through education, mediation, and persuasion you then go in and do something? I do not follow you.

Mr. DELISIO. Well, sir, in this field, we find some areas of misunderstanding where, as I expressed in the Los Angeles area, some of the employing agencies had coded certain job orders, by education and persuasion and talking to the employing agencies as well as the firm's personnel director, the matter is clarified and corrected.

Mr. RODINO. When you say persuasion, what do you mean by persuasion? What type of persuasion?

Mr. DELISIO. Well, persuasion might not be the term in this instance. It would be more in the nature of conferences and bringing the facts to the attention of the personnel manager in the case.

Mr. HOLTZMAN. Mr. Chairman, may I ask on that point, suppose it is not an agency—this would be the minimum situation.

Suppose it is the employer? Do you have any specific instances where you persuaded or educated or cajoled an employer into behaving himself and complying with this Executive order?

Mr. DELISIO. Well, sir, we have done this: We have, as far as the employer is concerned, Mr. Holtzman, explained to him that if recruitment is in the technical field, that there are technical schools in that area where minority groups are attending, and inquire as to whether or not they have ever solicited any applicants from those schools. We try to point out to them that they have potential recruitment sources in the Urban League or other groups of that nature for applicants in the technical office field or the like.

Mr. HOLTZMAN. And you follow that up?

Mr. DELISIO. Yes, sir.

Mr. HOLTZMAN. To see if they have done that?

Mr. DELISIO. We follow it up to see if they have hired anyone since the last survey, or whether or not they have made contact with the Urban League, or similar organizations.

Mr. HOLTZMAN. Do you feel, on the basis of what you have told us, along with Mr. Mills, that this gives you some basis for a permanent Commission, the thing you have described thus far?

Do you think you can do a more effective job that way?

Mr. MILLS. Yes, sir. We feel that the committee could do a more effective job with congressional endorsement of the nondiscrimination policy and of what they have attempted to do so far in that regard.

Secretary of Labor James P. Mitchell, in testimony before the same subcommittee on pages 321 and 322, confirmed this view—that what is sought is congressional recognition and statutory authority.

I quote from his testimony in part, as follows:

There is specific need for this legislation. The administration has taken several steps in an effort to eliminate discrimination in employment. By Executive orders the President in 1953 established the present Committee on Government Contracts, and in 1954 he required all Government contracting agencies to include in their contracts a standard provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The provisions of these Executive orders has been administered by a nonpartisan committee composed of top officials of the Government, of labor, of management, and of the public.

But, if a Commission of this type is to do its job fully and effectively, its basis in law should be clear and unequivocal. If the task of Government to advance equal job opportunities is worth doing, it is worth doing right, and it is worth doing with the full weight of Congress behind it. An agency of this kind should be strengthened by congressional approval.

Under this legislation the Commission would continue to perform substantially the functions now being performed by the Government Contracts Committee. The function of the Commission would be primarily to coordinate the work of the Government's contracting agencies in implementing the standard nondiscrimination clause.

Under this bill the President would be authorized to appoint a 15-member commission. This proposal would direct the Commission to make recommendations to the President and the Federal contracting agencies for improving and making more effective the nondiscriminatory provisions of Government contracts. Also, the bill would direct the Commission to continue the work of the Committee in encouraging the furtherance of educational programs and in cooperating with State and local governments and other groups in achieving the purpose of the act. The bill would authorize the Commission to make investigations, studies and surveys, and to conduct hearings as may be appropriate to discharge its duties under the act.

Although Government agencies, employers, and unions have widely accepted the programs of the President's Committee, and significant progress has been made, enactment of the proposed legislation would materially advance the promotion of equal job opportunity. It would give congressional approval to the policy now implemented through Executive order and should produce additional progress toward the highly important goal of providing equal job opportunities for the people of this country.

In the course of his testimony, Mr. Mitchell let the NAACP cat out of the bag, if it was not out before. On page 324, he was answering an inquiry as to the history of the President's Committee and how it functions. And in the course of his reply, he said:

Well, the history of this kind of an activity goes back, Mr. Chairman to the early forties under President Roosevelt and President Truman, and again under President Eisenhower.

The Committee, under President Eisenhower, functions through the contracting agencies.

Essentially, as you know, the President has directed that each contracting agency include in all of its contracts a clause which says, in effect, that the contractor agrees to employ persons without regard to race, color, creed, or national origin, and to upgrade and train without regard to race, color, creed, or national origin.

The Committee exacts from each contracting agency a responsibility to see that that clause is enforced.

The Committee functions in several ways:

One, it is the receiver of individual complaints which are then transferred to the contracting agency, and reports furnished to the Committee as to the resolution of these complaints.

In addition, the Committee has caused to be made compliance surveys in given regions or in given industries to see how well the contract clause is being observed.

Furthermore, the Committee has called together interested groups in the country who are interested in this problem, to promote a better understanding of it, and to use all the resources of the local community in getting compliance.

In addition, the Committee has established a relationship on a periodic basis of the various State and city agencies which are in this field.

It works very closely with the private agency, such as the NAACP, the Urban League, and the Friends, and other agencies that have an interest in this field.

Essentially, Mr. Chairman, this is the general overall way in which the Committee works.

There were more revelations in that House testimony. With Secretary Mitchell, and Representatives William M. McCulloch, of Ohio, Lester Holtzman, of New York, and William E. Miller, of New York, participating in the colloquy, I quote from pages 330 and 331 of the hearings as follows:

Mr. MCCULLOCH. Mr. Chairman, I would like to ask one question that supplements the questions of our colleague, Mr. Toll.

Could we properly conclude that the Secretary believes that we will make more progress in the long run by education and persuasion rather than by coercion?

Secretary MITCHELL. Oh, yes, sir.

Mr. MCCULLOCH. Or by proscription?

Secretary MITCHELL. Yes, sir.

Mr. RODINO. I am sure no one intends coercion. We just want to help the situation along by having provisions written into the law which will cause people to recognize that they should abide by the nondiscriminatory provision.

Mr. MCCULLOCH. Mr. Chairman, I would like to say this: Maybe there was an improper reflection in my word "coercion." I was speaking concerning possible legislation which carries penalties which, in my opinion, may in some instances result in coercion when conditions are not quite ripe, education and persuasion not having been used long enough or effectively enough.

Then we learn how active the old FEPC proposal really is. I continue reading from the testimony:

Mr. HOLTZMAN. Mr. Chairman, may I ask a question.

Mr. Secretary, would you oppose an extension to cover this field in interstate commerce?

Secretary MITCHELL. Well, sir; as I said before, I think you can accomplish the most here in the area of education and persuasion, and if you are talking about a Federal FEPC—is that what you are talking about?

Mr. HOLTZMAN. I am asking you a question.

Secretary MITCHELL. I do not understand what you mean.

Mr. HOLTZMAN. I simply asked whether you would oppose expanding the scope of this committee to include contracts involving interstate commerce, where the Federal Government has a right to legislate. There is no question of infringing upon any State's rights here. Now the question is: Would you oppose expanding this Commission you are supporting here today before the committee?

Secretary MITCHELL. Well, may I ask you to clarify your question, Mr. HOLTZMAN. How would you, how would the Federal Government exercise authority in this field? It does it now by virtue of the clause in the contract entered into by an employer with a Government agency. How would you suggest that it do it with relation to the employment, let us say, of the clerks in Macy's New York, which is an operation in interstate commerce?

Mr. HOLTZMAN. Well, you tell me, because you are here supporting the Commission. I am asking you, Mr. Secretary, whether the Government would oppose or whether you would oppose the Government legislating and expanding its scope in connection with interstate commerce. We are not talking about the administration of it now. We are talking about it philosophically. We will worry about the administration of it later on.

Secretary MITCHELL. Yes. Mr. HOLTZMAN, I am here supporting this proposal to provide statutory authority under Government contracts.

Before I can answer your question, (1) I would like to know what you mean, and (2) I would like to know how you would propose to administer it, because being for or against it depends in a large measure on its reality.

Mr. HOLTZMAN. Suppose you used the same formula you are presently using now in your committee. I again pose the question: Would you then oppose expanding the scope of the Commission?

Secretary MITCHELL. Well, you see, this is unrealistic, Mr. HOLTZMAN. Under the committee, we have a contractual relationship with the employer. The employer enters into a contract with the Federal Government agency in which he agrees that he will not discriminate.

Will you tell me what relationship there is between the Federal Government and a contractor who makes these ashtrays if the Federal Government does not buy them?

Mr. HOLTZMAN. When you tell me that you have a contractual relationship, you are simply saying that the Federal Government has jurisdiction over this problem, is that not so?

Secretary MITCHELL. That is right.

Mr. HOLTZMAN. And I say to you that the Federal Government has jurisdiction over interstate commerce, too, and I am sure you will agree with me on that.

Secretary MITCHELL. We have laws to that effect; yes, sir.

Mr. HOLTZMAN. All right, sir.

Then the question still remains whether or not you would oppose expanding the scope of this Commission so that it would cover discrimination in interstate commerce.

Secretary MITCHELL. I would want to see how you would propose to write such a law before I can express myself.

Mr. HOLTZMAN. I yield to Mr. TOLL.

Mr. TOLL. One question there.

Suppose we merely amended the section in title V in the McCulloch bill by merely applying it also, simple language, to contracts in interstate commerce. Nothing else.

Mr. MILLER. At that point, may I make an observation, Mr. Chairman. Do you yield?

Mr. TOLL. I will yield.

Mr. MILLER. I think what the Secretary is trying to say, if I am correct, is that, how in heaven's name could he ever answer a question as that this morning? In the case of the Government contracts, the Government is a party to a specific contract.

Now, in your case you are covering maybe 90 percent of all of the contracts made in this country. If you want this Commission to police and to inspect and to enforce these provisions in regard to 90 percent of all of the business done in America, how many people would it take and how many billions would it cost? And that is one thing I presume you would like to know.

Mr. HOLTZMAN. I would like to answer the gentleman, if I may.

The argument has been offered here that mere congressional approval will tend to change the climate of opinion with respect to compliance with laws which deal against discrimination.

How much more wonderful would it be if that same congressional approval was given to something that is so substantially more important than just the handling of Government contracts, and also so many more hundreds of thousands of employees.

With this kind of thinking so closely linked with this proposal, let no one be fooled as to the real purpose behind this effort to take the next step—this next step would be congressional recognition, by statute, of an agency to promote extension of FEPC from its present area of Government contracts, down to the corner grocery, if it sells articles which have been in interstate commerce.

Let there be no misunderstanding as to where such a proposal is headed. The interrogation of Secretary Mitchell brought up the question of enforcement of FEPC-type Federal policy through the State-Federal unemployment compensation and employment service programs administered with special taxes on employers.

Interrogation of the General Services Administration representatives raised the question as to whether enforcement of FEPC-type Federal policy could be accomplished through contracts involving Government purchases for Federal stockpiles.

The old Truman report suggested application of FEPC-type Federal policy through programs in which the Federal Government makes payments to States, localities, and individuals. There have been more recent allusions to this possibility by the Attorney General.

Let me list the programs for Federal grants-in-aid to States and local units in force during fiscal year 1959:

DEPARTMENT OF AGRICULTURE

1. Agricultural experiment stations.
2. Cooperative agricultural extension work.
3. School lunch program.
4. National forests fund.[1]
5. Submarginal land program.[1]
6. Cooperative projects in marketing.
7. State and private forestry cooperation.
8. Watershed protection and food prevention.
9. Value of commodities (perishable food) donated through CCC.
10. Special school milk program.
11. Removal of surplus agricultural commodities.

DEPARTMENT OF COMMERCE

12. Federal-aid highways (trust fund).
13. Other highways (forest and public lands highways, etc.).
14. State marine schools.

DEPARTMENT OF THE ARMY

15. Lease of flood control lands.[1]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

16. Federal contributions.
17. Research and development.
18. Disaster relief.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

19. American Printing House for the Blind.

Office of Education

20. Colleges for agriculture and mechanic arts.
21. Cooperative vocational education.
22. School construction and survey.
23. Maintenance and operation of schools.
24. Library services.
25. Defense educational activities, grants.

Public Health Service

26. Venereal disease control.
27. Tuberculosis control.
28. General health assistance.
29. Mental health activities.
30. Cancer control.
31. Heart disease control.
32. Sanitary engineering activities.
33. Construction, hospital and medical facilities.
34. Construction, waste treatment works.
35. Construction, health research facilities.
36. Polio vaccination assistance program (net after refunds).

Public Assistance and Welfare Grants

37. Maternal and child health services.
38. Services for crippled children.
39. Child welfare services.
40. Children with congenital heart disease.
41. Grants for old age assistance.
42. Aid to dependent children.
43. Aid to permanently and totally disabled.
44. Aid to the blind.
45. Office of Vocational Rehabilitation.

DEPARTMENT OF INTERIOR

46. Federal aid in wildlife restoration, etc.
47. Migratory bird and Alaska game laws.[1]
48. Payments under Mineral Leasing Act.[1]
49. Payments under certain special funds.[1]
50. Bureau of Indian Affairs (education, welfare, etc.).

DEPARTMENT OF LABOR

51. Unemployment compensation and employment service administration.

FEDERAL POWER COMMISSION

52. Payments under Federal Power Act.[1]

HOUSING AND HOME FINANCE AGENCY

53. Defense community facilities and services.
54. Urban renewal program.
55. Urban planning assistance.
56. Annual contributions, public housing.

FEDERAL AVIATION AGENCY

57. Federal airport program.

TENNESSEE VALLEY AUTHORITY

58. Payments.[1]

VETERANS' ADMINISTRATION

59. State and territorial homes for disabled soldiers and sailors.

[1] Shared revenue program: State or locality received a portion of revenues derived from Federal activities within the State or locality, usually involving management and use of public lands.

60. State supervision of schools and training establishments.
Miscellaneous grants.[2]

In addition to the 60 grants-in-aid programs for States and local units, the Treasury Department lists 30 programs through which direct Federal payments are made to individuals within States.

These direct Federal payment programs for individuals do not include most of the larger subsidy programs, such as Commodity Credit payments to farmers; and they exclude all of the contributory programs such as the social security and other retirement systems.

In total, the Treasury Department lists 90 programs for payments to States, local units, and individuals through which Federal expenditures of more than $9.5 billion were made in fiscal year 1959. Federal payments through all of these programs over the past 25 years have totaled nearly $105 billion.

Even this does not cover all the areas reached by Federal contract influence. There are billions of dollars in Federal housing subsidies. This was given a great amount of attention by the recent report of the U.S. Commission on Civil Rights, established by the 1957 so-called Civil Rights Act. The findings of that Commission, under the heading of "Equal Opportunity To Secure Decent Homes," are to be found beginning on page 534 of its report of September 9, 1959:

CHAPTER VI—HOUSING: FINDINGS AND RECOMMENDATIONS

EQUAL OPPORTUNITY TO SECURE DECENT HOMES

Background

It is the public policy of the United States, declared by the Congress and the President, and in accord with the declared purposes of the Constitution, that every American family shall have equal opportunity to secure a decent home in a good neighborhood. Since the home is the heart of a good society it is essential that this aspect of the promise of equal protection of the laws be fulfilled forthwith.

From the Commission's study of housing, two basic facts were found to constitute the central problem.

First, a considerable number of Americans, by reason of their color or race, are being denied equal opportunity in housing. A large proportion of colored Americans are living in overcrowded slums or blighted areas in restricted sections of our cities, with little or no access to new housing or to suburban areas. Most of these Americans, regardless of their educational, economic, or professional accomplishments, have no alternative but to live in used dwellings originally occupied by white Americans who have a free choice of housing, new or old. Housing thus seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay. It would be an affront to human dignity for any one group of Americans to be restricted to wearing only hand-me-down clothing or to eating the leftovers of others' food. Like food and clothing, housing is an essential of life, yet many nonwhite families have no choice but secondhand homes. The results can be seen in high rates of disease, fire, juvenile delinquency, crime and social demoralization among those forced to live in such conditions. A nation dedicated to respect for the human dignity of every individual should not permit such conditions to continue.

Second, the housing disabilities of colored Americans are part of a national housing crisis involving a general shortage of low-cost housing. Americans of lower income, both colored and white, have few opportunities for decent homes in good neighborhoods. Since most suburban housing is beyond their means, they remain crowded in the central city, creating new slums. Since colored people comprise a rising proportion of the city dwellers with lowest income, these slums are becoming increasingly colored. The population of metropolitan areas, already comprising over 60 percent of the American people, is growing rapidly not merely by births but by migration. These migrants, many of them colored, most of them unadapted to urban life, form the cutting edge of the housing crisis.

From these facts it is evident that for decent homes in good neighborhoods to be available for all Americans, two things must happen: the housing shortage for all lower income Americans must be relieved, and equality of opportunity to good housing must be secured for colored Americans. If racial discrimination is ended but adequate low-cost housing is not available, most colored Americans will remain confined in spreading slums. If low-cost housing is constructed in outlying areas and little or none of it is available for colored Americans, the present inequality of opportunity and the resulting resentments and frustrations will be accentuated.

The need is not for a pattern of integrated housing. It is for equal opportunity to secure decent housing. The difficulties in achieving this are considerable. Most of the available city land is already occupied and the cost of clearing slum property for new low-rent housing is practically prohibitive without Government assistance. The pressure for expansion of overcrowded Negro areas is so great that when an opening occurs, the pent-up Negro demand pours into the new area and the white residents usually flee in panic. The Negro's need for an alternative to "blockbusting" as a way of securing housing must be met just as the legitimate interests of white neighborhoods on the edge of Negro expansion areas must be protected. To achieve both these results and relieve the pressure of the present Negro concentration, new housing opportunities available to Negroes on all levels of income must be opened in the metropolitan area generally, and slum clearance and the construction of new housing must take place in the central city.

The development of adequate and sound programs to achieve such equal opportunity to decent housing is urgent. The Commission found that a number of existing city, State, Federal, and private programs are contributing to this. It offers the following specific findings and recommendations as a further contribution to the necessary public understanding and action.

CITY AND STATE LAWS, POLICIES, AND PROGRAMS

Findings

In New York City, as in Pittsburgh and in four States—Colorado, Connecticut, Massachusetts, and Oregon—there are far-reaching laws against discrimination in the sale or rental of multiunit private housing, and all publicly assisted housing. In New York State, as in 10 other States, there are laws against discrimination in publicly assisted or urban renewal housing. Officials and community leaders in New York testified that these laws are having a valuable educational effect and that their enforcement, principally through mediation by the city Commission on Intergroup Relations and the State Commission Against Discrimination, is helping to promote equal opportunity in housing.

In Atlanta, the work of the mayor's west side mutual development committee, representing equally the Negro and white people in the area of the city undergoing the greatest racial transition, has served to replace blockbusting and reduce racial tension and violence by means of expanding Negro residential areas through negotiation and consent. This has enabled Negroes in Atlanta, unlike those in most American cities, to gain access to good outlying land and to build new suburban neighborhoods.

In Chicago, which has neither New York's laws against discrimination nor Atlanta's policy of negotiating agreements for Negro expansion, the Commission found that the Negroes' primary method of securing better housing was through the mutually unsatisfactory system of blockbusting, with the consequent uprooting of adjacent white neighborhoods and with inevitable racial tension and occasional violence.

On the basis of its hearings in these three cities the Commission finds that, whatever the particular approach adopted, some official city and State program and agency concerned with promoting equal opportunity to decent housing is needed. Such programs and agencies can bring about better public understanding of the problems and better communication between citizens. Whether or not cities or States are prepared to adopt antidiscrimination laws, and even in areas where racial separation is the prevailing public policy, it is possible that through interracial negotiation practical agreements for progress in housing can be reached. Where public opinion makes possible the adoption of a law against discrimination in housing, this might contribute significantly to the work of the agency promoting equal opportunity in housing. Then the agency would have legal support in its efforts at mediation and conciliation.

Recommendation No. 1

Therefore, it is recommended that an appropriate biracial committee or commission on housing be established in every city and State with a substantial nonwhite population. Such agencies should be empowered to study racial problems in housing, receive and investigate complaints alleging discrimination, attempt to solve problems through mediation and conciliation, and consider whether these agencies should be strengthened by the enactment of legislation for equal opportunity in areas of housing deemed advisable.[1]

OVERALL FEDERAL LAWS, POLICIES, AND PROGRAMS

Findings

The Federal Government now plays a major role in housing. Its participation in slum clearance, urban redevelopment, public housing and mortgage loan insurance amounts to billions of dollars. The Constitution prohibits any governmental discrimination by reason of race, color, religion, or national origin. The operation of Fed-

[2] Includes such programs as refunds of Internal Revenue collections for Puerto Rico and Virgin Islands, Federal payment to District of Columbia, payments to certain territories, etc.

[1] Additional proposal by Commissioners Hesburgh and Johnson: "Beyond the above recommendation, we wish to add that it would be helpful if all real estate boards admitted qualified Negroes to membership. In view of the important role real estate boards play in determining housing policies and patterns throughout a community, we believe these boards are not merely private associations but are clothed with the public interest and that the constitutional principle of nondiscrimination, applicable to all parts of our public life, should be followed. With white and Negro realtors meeting and working together, misunderstandings could be cleared up and there would be greater possibility of solving racial housing problems through negotiation, understanding, and good will."

eral housing agencies and programs is subject to this principle. In addition there is in effect an act of Congress adopted in 1866 and reenacted in 1870 that recognizes the equal right of all citizens, regardless of color, to purchase, rent, sell, or use real property.

While the fundamental legal principle is clear, Federal housing policies need to be better directed toward fulfilling the constitutional and congressional objective of real opportunity. Mr. Norman Mason, the Administrator of the House and Home Finance Agency, who is responsible for coordinating the various housing programs of the constituents of HHFA, testified before this Commission that he intends to develop policies that will further promote the principle of equal opportunity in all these housing programs. The Commission finds that there was much that the Administrator of the HHFA can do, through careful and determined administration, to assure that the principle of equal opportunity in Federal housing programs is applied not only in the top policies but at the operating levels in each constituent agency.

Because of the paramount national importance of this problem the Commission finds that direct action by the President in the form of an Executive order on equality of opportunity in housing is needed. The order should apply to all federally assisted housing, including housing constructed with the assistance of Federal mortgage insurance or loan guaranty as well as federally aided public housing and urban renewal projects.

There have been such Executive orders calling for the application of the principles of equal opportunity and equal treatment in the fields of Government contracts and Government employment, and in the armed services. Instead of establishing a new Presidential committee, as was done in these other Executive orders, the President could request the Commission on Civil Rights, if its life is extended, to conduct the necessary continuing studies and investigations and make further recommendations.

Recommendations Nos. 2 and 3

Therefore, it is recommended:

That the President issue an Executive order stating the constitutional objective of equal opportunity in housing, directing all Federal agencies to shape their policies and practices to make the maximum contribution to the achievement of this goal, and requesting the Commission on Civil Rights, if extended, to continue to study and appraise the policies of Federal housing agencies, to prepare and propose plans to bring about the end of discrimination in all federally assisted housing, and to make appropriate recommendations.

That the Administrator of the Housing and Home Finance Agency give high priority to the problem of gearing the policies and the operations of his constituent housing agencies to the attainment of equal opportunity in housing.

FHA AND VA

Findings

The present policy of the Federal Housing Administration and the Veterans' Administration is not to do further business with a builder who is in violation of a State or city law against discrimination. However, waiting upon the appropriate State or city agency to make a finding of violation of State or city law may result in Federal assistance to a builder who is openly or manifestly evading such law. By the time any State or city action against such a builder has been completed the projects may well have been built and sold or rented on a discriminatory basis.

Recommendation No. 4

Therefore, it is recommended that in support of State and city laws the Federal Housing Administration and the Veterans' Administration should strengthen their present agreements with States and cities having laws against discrimination in housing by requiring that builders subject to these laws who desire the benefits of Federal mortgage insurance and loan guarantee programs agree in writing that they will abide by such laws. FHA and VA should establish their own fact-finding machinery to determine whether such builders are violating State and city laws and, if it is found that they are, immediate steps should be taken to withdraw Federal benefits from them, pending final action by the appropriate State agency or court.

PUBLIC HOUSING

Findings

The location of sites for public housing projects and the kind of housing provided play an important part in determining whether public housing becomes almost entirely nonwhite housing, whether it accentuates or decreases the present patterns of racial concentrations, and whether it contributes to a rise in housing standards generally. A policy of "scatteration" of smaller projects throughout the whole metropolitan area may remedy some of the present defects of public housing.

Public housing projects can serve as schools for better housing and homekeeping. A large number of the tenants are recent migrants from rural areas, unprepared for urban life. Placing them in decent housing units and requiring that decent standards be maintained will help them make a successful adjustment to city life. Locating these projects in better neighborhoods and making them less institutional in appearance will add to this educational process.

As a result of the large number of nonwhites in need of low-cost housing and the tendency of whites to avoid living in the midst of a nonwhite majority, many projects are all or predominately nonwhite. This may result in a proportion of nonwhite occupancy higher than that actually warranted under the Public Housing Administration's "racial equity" formula based on the estimated needs of the two racial groups. In one city the Commission found that the location of public housing sites within areas of Negro concentration resulted in de facto discrimination against low-income white citizens.

Recommendation No. 5

Therefore, it is recommended that the Public Housing Administration take affirmative action to encourage the selection of sites on open land in good areas outside the present centers of racial concentrations. PHA should put the local housing authorities on notice that their proposals will be evaluated in this light. PHA should further encourage the construction of smaller projects that fit better into residential neighborhoods, rather than large developments of tall "high-rise" apartments that set a special group apart in a community of its own.

URBAN RENEWAL

Findings

City and private programs of slum clearance, conservation, and redevelopment, assisted by Federal aid from the Urban Renewal Administration, are changing the face of the Nation. Since nonwhite residents comprise a large proportion of the persons displaced by these programs and since nonwhites do not have equal opportunity to housing, it is important that special needs and problems of the nonwhite minority receive adequate and fair consideration in all such programs.

Recommendation No. 6

Therefore, it is recommended that the Urban Renewal Administration take positive steps to assure that in the preparation of overall community "workable programs" for urban renewal, spokesmen for minority groups are in fact included among the citizens whose participation is required.

The Commission on Civil Rights did not get directly into the FEPC act, but Dr. John A. Hannah, Chairman, testifying last March before the House Judiciary Subcommittee, said there just was not enough time, and he indicated that since the President's Contract Committee was already working in the field, it could be covered later if the life of the Commission were continued. And Gordon M. Tiffany, staff director for the Hannah Commission recommended that the life of the Commission be extended.

Agitation for FEPC activities has been almost constant since 1941. There has seldom been a moment when some kind of a Federal agency has not been working at its promotion. To date, Congress has never given it statutory recognition. The proposal in section 6 of the pending amendment is a foot-in-the-door approach.

It would give statutory recognition to a permanent Federal agency to be established for promoting full-fledged, all-embracing FEPC. Make no mistake about it.

In addition, if it is adopted—like the so-called U.S. Commission on Civil Rights—it would work in off-election seasons to produce issues and materials for use in future political campaigns.

Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SCOTT. Mr. President, will the Senator withhold his point of order so that I may make a brief statement?

Mr. BYRD of Virginia. I yield to the Senator.

The PRESIDING OFFICER. The suggestion of the absence of a quorum is withheld.

The Senator from Pennsylvania is recognized.

NEED FOR SPECIFIC DEFENSE PLAN

Mr. SCOTT. Mr. President, in today's Washington Post and Times Herald and other newspapers appears a column by Mr. Roscoe Drummond entitled "What Next, KENNEDY? Specific Defense Plan Asked."

Mr. President, I have made the point in connection with speeches on defense by the Senator from Missouri [Mr. SYMINGTON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Arkansas [Mr. FULBRIGHT] whose speech was made last night. The various Senators who seem to feel that there is some shortness in the defense posture of the United States ought to band together, and if they feel that any legislative action is necessary they should present their views jointly or severally to the appropriate committees of the Senate, they should ask for hearings, that by so doing they might make possible a great debate on whether or not the President of the United States knows more about the subject of America's defense needs than authorized senatorial experts.

Mr. Drummond makes the same point in this article, in connection with which

he points out the speech by the distinguished Senator from Massachusetts [Mr. KENNEDY] over what he deems an inadequate budget. Mr. Drummond asks this:

Is this going to be just some more campaign oratory? Are we going to just listen to more words about the "missile gap"? Or is Senator KENNEDY prepared to fit action to his words in a way which will make defense spending a commanding issue in the election so that the next President of the United States can know what the Nation has decided?

He goes on to say:

We will need something more than an exchange of arguments between Senator KENNEDY and the White House or a running debate between Senator STUART SYMINGTON and Vice President NIXON.

He says further:

The issue of our security and cold-war budget ought to be more than a speech topic. The extent of the differences between the two parties ought to be clearly exposed before the election and this can be done only by bringing the issue to a vote at this session of Congress.

Mr. Drummond says that he believes some of these people, including the Senator from Massachusetts—

do believe what they are saying and should be prepared to put the defense issue before the country in terms of legislative action.

The specific proposal which I pointed out I have made several times myself heretofore—

Here, it seems to me, is what is needed: Since Senator KENNEDY and his three cocontenders for the Democratic presidential nomination—Senators SYMINGTON, HUBERT HUMPHREY and LYNDON JOHNSON—have all been critical of the administration's defense budget, it would help to draw the issue vividly if they would join in submitting to the Senate a specific proposal to enlarge the appropriation wherever they consider it inadequate.

They could properly obtain from the Defense Department a careful estimate of the additional funds needed for what they consider lacking.

Mr. Drummond enumerates some of them.

If these additional sums come anywhere near to unbalancing the budget, they should introduce the necessary new taxes to provide the money. They should bring both issues, the expanded defense budget and any needed taxation, to a vote of this session of Congress.

He then continues with the alinement of those who believe that the President and the Chief of Staff know what they are doing—and I am paraphrasing now and not quoting—and those who believe that we need more of one kind of missile or another—

would add a new element of decision to the election itself.

Mr. President, I submit that in this year of 1960 there will be much talk in the Senate and in the other body about what is wrong. I earnestly hope that we will have more than talk, more than oratory, more than political speeches, but that we shall have a serious, sincere, determined, and bipartisan effort both in the Senate and in the other body to learn whether or not the country is defended. The issue will be debated in connection with specific measures, appropriation bills, and proposals involving the question of whether or not to increase taxes.

The PRESIDING OFFICER. Does the Senator from Pennsylvania [Mr. SCOTT] wish to have the article printed in the RECORD?

Mr. SCOTT. Mr. President, I ask unanimous consent that the entire article may be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT NEXT, KENNEDY? SPECIFIC DEFENSE PLAN ASKED

(By Roscoe Drummond)

Now that Senator JOHN F. KENNEDY has well and sharply drawn the issue with the Eisenhower administration over what he deems its inadequate defense budget, what next?

Is this going to be just some more campaign oratory? Are we going to just listen to more words about the "missile gap"? Or is Senator KENNEDY prepared to fit action to his words in a way which will make defense spending a commanding issue in the election so that the next President of the United States can know what the Nation has decided?

If this is to be the case—as it ought to be—then we will need something more than an exchange of arguments between Senator KENNEDY and the White House or a running debate between Senator STUART SYMINGTON and Vice President NIXON.

The issue of our security and cold-war budget ought to be more than a speech topic. The extent of the differences between the two parties ought to be clearly exposed before the election and this can be done only by bringing the issue to a vote at this session of Congress.

I think they do believe what they are saying and that is why Senator KENNEDY should be prepared to put the defense issue before the country in terms of legislative action.

Here, it seems to me, is what is needed:

Since Senator KENNEDY and his three cocontenders for the Democratic presidential nomination—Senators SYMINGTON, HUBERT HUMPHREY and LYNDON JOHNSON—have all been critical of the administration's defense budget, it would help to draw the issue vividly if they would join in submitting to the Senate a specific proposal to enlarge the appropriation wherever they consider it inadequate.

They could properly obtain from the Defense Department a careful estimate of the additional funds needed for what they consider lacking—more missiles, equipping SAC to go on a partial 24-hour airborne alert, and expanding and modernizing the Army.

If these additional sums come anywhere near to unbalancing the budget, they should introduce the necessary new taxes to provide the money.

They should bring both issues, the expanded defense budget and any needed taxation, to a vote at this session of Congress.

Senator KENNEDY says frankly that the additional defense efforts he is proposing "do not involve a small sum." There is no doubt about that. He thinks that the sum would not exceed the $4.2 billion surplus which Mr. Eisenhower anticipates for the next fiscal year. But we ought not to leave this to any more guesswork than we can help. This is why the Defense Department should be asked to estimate the cost of the three projects Senator KENNEDY and his colleagues want undertaken.

The value of translating the defense-spending issue into concrete legislation to be considered at this session of Congress is:

That it would greatly clarify the debate by making it specific and would thereby bring about a decision on the part of the American public.

That it would very probably aline most Democrats in Congress on one side and most Republicans on the other, which would give the voters a real choice of major policy between the parties this fall; and

That it would add a new element of decision to the election itself.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ELLENDER. Mr. President, last Wednesday when the pending legislation was under discussion my speech was interrupted by the arrival of the noon hour and the Chaplain's prayer. At that time I was discussing the voting statutes of my State, and because of the interruption previously mentioned, I did not receive the time to complete my speech.

Mr. President, during the course of the educational debate on last Wednesday I pointed out that in Louisiana we employ literacy tests to determine voters qualifications, but our laws also provide that any illiterate can qualify to cast a ballot in an election. The only requirement the illiterate voter must have is good character.

That the illiterate has the right to vote and to prove this is no sham, I would like to point out that more than 45,000 of the registered voters in Louisiana fall in the illiterate category, and of this amount twice as many colored people registered under that method than there are whites. More than 17,000 are of the colored races.

Since I was taken to task for stating on Wednesday that percentagewise there are more illiterates of the colored races voting in Louisiana than members of the Caucasian race, I thought by repeating these facts this morning it would make for a better understanding by those who may have been confused. I also desire to reiterate, here and now, that I know of not a single illiterate person who has been denied the right to vote in Louisiana merely and solely on account of the fact that person was illiterate.

Now, Mr. President, I will continue with my speech which was interrupted last Wednesday.

It should be noted that the two sections of the law, heretofore referred to—

Louisiana Revised Statutes Annotated, title 18, sections 133 and 245—are statutes whereby individuals are allowed to call to the attention of a registrar facts about a registration which he may not know of his own knowledge. The operation of these two statutes bring us to the point of no return insofar as this problem is presented to the Court, and the Louisiana Supreme Court. It is necessary to point out the procedure used when a challenge is issued under section 245 of title 18, Louisiana Revised Statutes Annotated:

First, two bona fide registered voters make out a written affidavit in duplicate, signed before the registrar or his deputy; in this affidavit they advise the authority that certain individuals are illegally registered or have lost their right to remain on the rolls.

Second, the registrar "shall immediately" or in any event, within 48 hours, advise the people so found, of the facts indicated by the challengers.

Third, the affidavit alleging the defects in the registration together with a citation, is mailed to the individual at his registered address.

Fourth, the party in question is cited to appear before the registrar or his deputy, within 10 days from the date of mailing and then "prove their right to remain on the registration rolls by written affidavit of three bona fide registered voters"—see *Smith* v. *Flournoy* (115 So. (2d) 809).

Fifth, the registrar must publish a notice of the individuals by names, indicating their ward and precinct, not more than 5 days after mailing the notice or notification affidavit in question.

Sixth, failure of the individual, whose registration has been illegal, to answer the affidavit and prove that he should remain on the roll, causes his name to be removed from the registration rolls.

Seventh, under the permanent registration system his name is then placed into a file designated as "closed and disqualified file"—Louisiana Revised Statutes Annotated, title 18, section 235(3). This file consists of the registration record of all registrants which have been disqualified for any reason. When a party has been disqualified, the registrar moves the registrant's record from the master file and certificates of registration from the precinct register and places these records and certificates in a separate file, to be designated as "closed and disqualified files." These cards are filed alphabetically and before canceling the said card, the registrar marks in red ink "canceled," the date and the reason for cancellation, and then affixes his signature—L.R.S.A., 18: 246. That is the operation of the statute in question, and this is the procedure contested: First, that the individual petitioners were at one time classified as "duly qualified, registered voters" by a registrar of voters of the State of Louisiana; second, under a specific date petitioners were challenged in their position as to remaining duly qualified registered voters by the filing of an affidavit by the mailing of a citation, indicating specific reasons why their right to remain a registered voter on the rolls of Washington Parish had been questioned; and, third, the reasons set out in the affidavits are clearly distinguishable in the application blank itself.

The individuals challenged have recourse by answering the citation and proving to the registrar upon the affidavit required that they are in truth and in fact, still a duly qualified voter. Thus, if the affidavit indicates that a registrant is no longer a legally registered person, because he misspelled a particular word, or figured his age wrong, et cetera, the challenged party may come in and disprove the affidavit. If they disprove same he is reinstated—Louisiana Revised Statutes Annotated, title 18, section 240(3). Assuming, for the sake of argument, that a challenged individual appears either in person under the challenged requirements and attempts to disprove the affidavit and register and is refused the opportunity of becoming a registered voter, the person can file a mandamus suit against the registrar, which suit is directed to a district court of the State, is given preference over all other cases, before a jury of 12, and without cost—Louisiana Constitution of 1921, article 8, section 5; Louisiana Revised Statutes Annotated, title 18, section 138, and *Ballard* v. *Pulesston* (113 La. 235, 36 So. 951 (1904)). Therefore, a party denied registration can apply to the local courts for relief. Assuming, for the sake of argument, that in complying with the law in question, and assuming that the individual has lost his case under the constitutional provision, the individual can still become a member of the qualified voters of Louisiana by applying personally to the registrar of voters of the parish, applying for registration as if he were a new applicant registering for the first time.

An individual who is denied what he believes is a right belonging to him of registration can adequately receive remedy through the vehicle of the State courts.

The U.S. Government takes the position that the parties in question and other individuals have been challenged and sought to be removed from the registration rolls of Washington Parish, because of the one fact that the people involved were of a particular race. It is the contention of the Government that because of that fact alone they were removed from the rolls of registered voters under the challenges.

Inasmuch as the Government has alleged discrimination it behooves the Government to prove by a preponderance of the evidence that the sole and only reason the petitioners were removed was because of the fact that they were members of a particular race, and that there were no other reasons used to remove these individuals from the qualified voters roll of Washington Parish.

The fallacy of the argument of the U.S. Government is in its admission in their allegation No. 10—transcript, page 3—that in truth and in fact the people who were challenged did have errors in their application for registration. However, the Government takes the position that these errors were minor errors and deficiencies, therefore, should be ignored; that the only reasons these people were not maintained on the rolls was because of the one fact that they were members of the Negro race.

If the Government's position is correct they have said in effect that the character and literacy test required under the Louisiana State Constitution is of no effect. Nothing could be further from the law. Interestingly, the Government has not attacked the application for registration form, nor any of the questions asked on the application for registration form. However, their conclusion that the mistakes made were minor, implies that the literacy test set up by the constitution of this State for every individual is of no avail. This argument by the Government is of no moment under the present jurisprudence—Guinn against United States, supra.

The Louisiana Supreme Court has, on a number of occasions, along with Federal court, held that the constitutional test (literacy) "was not intended as an idle form, it was the result of the most serious and protracted deliberation" *Bishop* v. *Sherburne* (122 La. 430, 47 So. 759 (1908)). In this case an applicant had filed a mandamus proceeding seeking to become a registered voter; having failed to complete his application for registration the court had this to say at page 760:

> Upon the case presented, it appears that the registration of relator was properly refused. The constitutional test was not intended as an idle form, it was the result of the most serious and protracted deliberation, in the Convention by which the Constitution was framed, and was intended by that body to be literally complied with, which is evidenced from the language and particularly the requirement of the article in which it was incorporated. The applicant shall demonstrate his ability to read and write, not by reading or writing anything that he may choose but by reading, and filling in the blanks, in the prescribed form, "ippissimis verbis" by the Constitution itself, the doing of which requires, not only the ability to read and write, but likewise intelligence sufficient to enable the applicant to compute, at least the number of years, months, and days of his life. In the instant case, the applicant came into the office to register as one who could comply with these conditions, he made his application on another basis.

The same position is taken by the court in *Smith* v. *Dardenne* (129 La. 837, 56 So. 905 (1911)); also *Trudeau* v. *Barnes* (65 F. (2d) 563 (C.A.A. 5th) (1933)); *Lorio* v. *Sherburne* (122 La. 434, 47 So. 760 (S. Ct.) (1908)); *Guinn* v. *United States, supra; Williams, et al.*, v. *James H. McCulley* (128 F. Supp. 987 (U.S.D.C., W.D. La.) (Jan. 1955)).

The Supreme Court has, on a number of occasions, upheld the literacy tests in other States—*Lassiter* v. *Northhampton Election Board* (360 U.S. 45 (June 1959)); *Lassiter* v. *Taylor* (152 F. Supp. 295).

Now, Mr. President, let us take the voting situation in my State beyond mere registration.

Let us assume that the applicant has been duly registered and has been issued

a certificate by the appropriate State official. Pursuant to that registration, on election day he is desirous of casting his vote. What are his rights and remedies on election day?

First of all, let us assume that upon presenting himself at the polls this duly registered individual is not issued a ballot. For some reason, the precinct officials in charge of the registration book at the precinct refuse to tender a ballot upon request to this individual, even upon the presentation by him of a duly executed certificate of registration. What can he do?

The voter can then return to the registrar's office and ascertain whether or not any clerical errors had been made in the posting of his name on the precinct registration books. In this connection, the Louisiana law requires the office of the registrar of voters to be open on election day, both primary and general, from the time the polls open until the polls close.

Upon determination by the registrar of voters that no clerical errors are present, that the elector has presented himself to the proper precinct, and so forth, then the voter returns to the precinct and once again requests the right to vote and to be issued a ballot. If he is again denied this right, he is at liberty to call upon the district attorney's office and file a complaint therewith against the individual who denied him a ballot. The district attorney's office must then institute criminal proceedings against the commissioner under the authority of Louisiana Revised Statutes, title 18, section 369, from which I quote:

ELECTION OFFENSES; PENALTIES

No person shall:

(1) Refuse or neglect to discharge any duty imposed upon him by any provision of this part.

(2) Aid or assist any person in the primary of any other party or organization opposed to a candidate nominated in the primary in which the voter participates.

(3) Being a commissioner at a primary, knowingly permit fraudulent votes to be cast, or knowingly count votes not entitled to be cast.

(4) Have in his possession an official ballot in violation of any provision of this part.

(5) Knowingly fold together more than one ballot and deposit it in a ballot box.

(6) Buy a vote, or receive money or the promise of money for his vote.

(7) Forge or otherwise alter any returns of a primary.

(8) Intimidate any voter.

(9) Make a false answer under oath or otherwise to anyone with authority to require an answer.

(10) Vote more than once at a primary.

Whoever violates this section shall be fined not less than $50 nor more than $500, and imprisoned for not less than 6 months nor more than 2 years.

Of course, the exposition of this remedy will doubtless promptly be met with the answer that it offers an after-the-fact remedy, that the prospect of a criminal action by the filing of a complaint leading to such an action does not permit the voter to cast his ballot.

Let me answer this contention now, and point out that the Louisiana law closes this gap too. Under Louisiana law, and I checked this point by telephone with the office of our attorney general on February 16, 1960, if the outcome of the election is such that the ballot of the denied voter would have had an effect thereon, the entire election is declared null and void. In other words, if 15 persons had been denied a ballot, and the outcome of the election was in favor of candidate X by 14 votes, and all of the denied voters had signified their intentions to vote for candidate Y, then the entire election would be declared a nullity.

I might point out to Senators that since commissioners are selected from names submitted by the respective candidates, it would be a stupid commissioner, indeed, who would prejudice the rights of his candidate by arbitrarily denying an individual the right to vote.

In this connection, there are further steps to be covered, to wit:

Since Louisiana law permits commissioners to challenge voters on the basis of qualifications, upon presenting themselves at the polling place, even though they may hold a certificate of registration, it will doubtless be argued that this, too, offers the possibility for abuse. By the same token, however, remedies are provided in this case as well. First, there is the criminal sanction and procedure to which I have already alluded, namely, that upon being disqualified for inappropriate actions by commissioners, criminal action may be instituted upon the filing of a complaint with the district attorney.

In addition, the mere fact that a voters' qualifications are challenged by a commissioner at a polling place does not prevent him from voting in the election. The elector casts his ballot and it is denominated as a contested ballot. Upon certification of the voter's complete qualifications for voting, then it is included in the grand total voting. This, of course, means that even when a voter is challenged by a commissioner, he is, nevertheless, permitted to cast his ballot with a determination as to the eligibility of that elector to vote, determined at a later date, prior to official promulgation of the final returns.

If Senators are anxious to further enlighten themselves on the provisions of the Louisiana law, I would refer them, in addition, to the specific sections of the Louisiana Revised Statutes which I have cited, to Louisiana Revised Statutes, title 18, section 281, and the following, dealing with primary elections, and, more specifically, to section 381, which reads as follows:

INJUNCTION OR OTHER REMEDIAL WRITS; APPEAL TO COURTS

Unless otherwise provided in this part, the courts of this State may issue writs of injunction or mandamus or any other remedial writ to enforce any provisions of this part. Any candidate may appeal to the courts for the enforcement of any provisions of this part. All proceedings to enforce the provisions of this part shall be summary and shall be tried by preference and before any other proceedings.

With this background in mind, Mr. President, it is obvious that the State law authorizes an abundance of remedies to individuals desirous of participating in the electoral processes in Louisiana, and who are, further, desirous of availing themselves of such remedies.

It is unfortunate, I might add, that the hurrah which has been raised concerning the electoral processes in Louisiana is emanating from individuals who have not availed themselves of the remedies our State law provides, as demonstrated by the telegram from the Louisiana attorney general, which I read earlier.

In the light of this background, Mr. President, it becomes abundantly clear that the clamor for additional legislation to protect the right to vote proceeds almost solely from persons who have not availed themselves of remedies provided, who evidently do not desire to avail themselves of State remedies, but, on the contrary, feel it would be to their advantage—either politically or otherwise—for the Federal Government to supplant State officials with Federal officials. I might point out that none of the legislation introduced thus far, whether it called for referees or registrars, required that such individuals be elected. On the contrary, all of them would be appointed, with no popular check on their appointment, and would be totally beyond touch or control of the people of the localities involved.

Perhaps this might be regarded as desirable by the proponents of such legislation, but I cannot help but recall that, during the early days of our Republic, the dispatch among the people of foreign agents—in most cases British—prompted the greatest hue and cry from the people of the Colonies.

As a matter of fact, one of the most damning indictments against the King of England involved, and I quote from the Declaration of Independence:

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

The list of complaints against the King of England, drawn by the representatives of the Thirteen Colonies back in June 1776, included some others which are appropriate to recall today.

I quote:

The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States.

Substitute Republican administration for King of Great Britain and this complaint becomes timely indeed.

Some of the other complaints at that time:

He has refused his assent to laws, the most wholesome and necessary for the public good.

Does this sound familiar to Senators, or must I spell out for them the long months of the last Congress when we suffered Government by veto.

He has made judges dependent on his will alone, for the tenure of their offices, * * *.

This, too, has a familiar ring, Mr. President.

For depriving us in many cases, of the benefits of trial by jury.

Senators need only read the 1957 Civil Rights Act; Senators need only read legislation which has recently been intro-

duced, at the instigation, and with the blessing and approval of the present administration, to realize the validity of this complaint, even today.

He has excited domestic insurrections amongst us, * * *.

I remind Senators that, for all practical purposes, the many years of accord in which the two races have lived together, prospered, and molded a community designed to further enhance the progress of our Republic, came to an abrupt end almost simultaneously with the Supreme Court's decree in Brown against Board of Education.

Thank God we have had no insurrections; but I would remind Senators that only at the cost of martial law in the city of Little Rock has a popular revolt against the judicial tyranny of some Federal courts been prevented.

This brings us, Mr. President, to the legislation which has been offered this year, involving additional remedies purporting to protect the right to vote.

I direct my remarks, particularly, to the so-called administration "package," which the distinguished senior Senator from Illinois [Mr. DIRKSEN] introduced and which bears the designation S. 3001.

I shall also direct my remarks to certain other phases of legislation which several Senators, including the Senator from New York [Mr. JAVITS] have indicated they will introduce either as separate legislation or as amendments—the so-called antilynch bills, and so forth.

The fact is, Mr. President, that none of these bills or amendments in the second category to which I have referred will apparently be the subject of hearings or any sufficient serious, unbiased study.

Efforts have already begun to compel the immediate consideration of these bills and/or amendments, with no consideration other than that which may take place in the Senate as a result of debate.

Now, I can assure Senators that I am prepared to debate these proposals, in general, as long as it is the Senate's wish to do so. I am not without data to support the contentions which I propose to advance, at least insofar as the general aspect of these schemes may be involved. However, Mr. President, I do believe that the Senate and, indeed, the people of the United States are entitled to know a little bit more about the mechanics of these bills; about the manner and method in which the machinery is supposed to operate, and to be given some enlightenment as to the constitutional basis for such legislation.

Earlier in my remarks I referred to the fact that I had learned by hearsay—second hand sources—I might add, that a committee in the House had interrogated certain administration witnesses concerning the "referee" suggestion. I have the record of this proceeding, but I hesitate to make it public since it was printed as a confidential committee print.

Thus, Mr. President, if the proponents of these conclusions are really serious about bringing this matter to the floor of the Senate immediately, it is obvious that the Congress of the United States or, at least the Senate, will be compelled to forego the sufficient study and serious consideration, to say nothing of detailed examination which such matters require. I do not think this is fair, necessary or advisable. We are dealing with extremely complex constitutional questions.

The press has quoted the Attorney General of the United States as declaring that the recommendation of the Civil Rights Commission involving the appointment of Federal registrars is of doubtful constitutionality. He has also indicated that his own scheme, which, as I understand it, would authorize the appointment of Federal referees, as agents of Federal courts, would not only be constitutional, but would also permit these referees to compel registration of individuals, and to permit them to vote in local as well as Federal elections.

Before I proceed to indicate that, Mr. President, I should like to read parts of a report dealing with the repeal of certain laws that were placed on the statute books during Reconstruction days, and compare the proposals now being made by the Attorney General with the proposals incorporated in the statutes during Reconstruction days. When the question of repeal came before the Congress, a very serious charge was lodged by the committee which had held hearings to determine under what laws or articles of the Constitution the so-called registrars were operating. I read from Report No. 18, dated September 20, 1893, 53d Congress, 1st session, "Repeal of Federal Election Laws":

The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.

This subject has been discussed before in Report No. 1882, part second, page 5, 1st session of the 81st Congress, as follows:

"The power is sought in the fourth section of article I of the Constitution, which is as follows:

" 'The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.' "

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

We notice, first, that "the times, places, and manner of holding elections, etc., is primarily confined to" the legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annuled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might some day waver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives

in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia, on the 26th of June 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788 North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal Convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of the Federalist Mr. Hamilton discusses this subject and says:

"They [the Convention] have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his "Commentaries on the Constitution," volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise. (Secs. 820, 823, 824, et seq. See also 1 Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480.)

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Convention."

Mr. HOLLAND. Mr. President, will the Senator yield? I hope the distinguished Senator will request unanimous consent to do so, and I think it will require only about 10 seconds.

Mr. ELLENDER. I make such request, provided I do not lose the floor.

The PRESIDING OFFICER. Without objection, the request is granted.

Mr. HOLLAND. Because of the important nature of the inter-American meeting which I am scheduled to attend and address at Miami tonight, I ask unanimous consent that I may be excused from further attendance on the Senate during its session for today, Saturday, only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I read further:

Again, Mr. Madison says:

"This was meant to give the national legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether." (Madison Papers, vol. 3, 1282.)

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what "extraordinary circumstances," what "extreme necessity," what "urgent exigency" exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

Mr. President, that same attempt is being made here today. That section of the Constitution has never been amended. How can that part of the Constitution be used to sustain the proposal of the Attorney General, which is embodied in the so-called Dirksen substitute?

I read further:

But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section 8 of the same article which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the powers to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be "necessary and proper" for carrying into execution the foregoing power. In *Hepburn* v. *Griswold*, 8 Wall., 614, Chief Justice Chase, in defining these words, says the words "Necessary and proper were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end'."

But again, the States for a hundred years and more have provided election laws, ap-

pointed officers for their proper execution, and provided the machinery of election.

Mr. President, every southern Member who has spoken on the pending legislation has indicated to the Congress that sufficient protection of the right to vote is available not only in their statutes, but also in the U.S. Constitution. And I might add that the States have not failed to legislate to comply with the Constitution.

I read further:

They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities.

This language pertains to Federal elections. However, the Attorney General's proposal would have an effect on every election head in a State, not only for Senators and Representatives, but even the election of a justice of the peace. The long arm of the Federal Government could reach in and supervise purely local elections, a thing that never was intended under our Federal Constitution.

I read further:

With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States.

The so-called new proposal of the Attorney General seeks to accomplish the same thing that was done back in the Reconstruction era—namely, supervise, scrutinize, and watch elections.

I read further from the committee's report:

This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect.

Mr. President, I ask, Why do not we learn from history? Why do not we learn from past experience? This report, written back in 1893, presents ample evidence why we should not have Federal control of elections.

I read further:

The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized.

The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of Article I of the Constitution declares: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Mr. President, this is not my language, but it is language taken from a Special Investigating Congressional Committee report, written in 1893 when the question of repeal of the Reconstruction statutes which provides for the appointment of Federal election supervisors was being considered by the Congress.

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they cannot be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot.

The Lord knows, Mr. President, as I have previously indicated that the sovereign State of Louisiana has provided all of its people with equal voting rights. They have the right to vote but it is only they who can exercise that right. If they exercised that right they would not have to appeal to the Federal Government.

I read further from the Committee's report:

These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to Report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

Mr. President, it strikes me that we ought to learn from history. If this Congress were to adopt the so-called referee plan contained in the Dirksen substitute we will find ourselves doing the very same thing that was so severely criticized by a previous Congress.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Will the Senator yield?

Mr. ELLENDER. I yield for a question.

The PRESIDING OFFICER. Speaking in my capacity as Senator from Ohio, did the law that was repealed in 1893 contain provisions allowing the supervisors to check voting in State elections?

Mr. ELLENDER. No, for Federal elections only. I pointed out previously that the Reconstruction statutes applied only to Federal elections. However, the bill we are now considering provides for much broader coverage, in that it covers all local elections held within a State including the election of a justice of the peace. If we were to adopt the pending legislation the long arm of the Federal Government could reach in and supervise purely local elections.

I have read from this report, Mr. President, merely to show that the Attorney General is not justified in proposing the so-called "referee plan" under the articles of the Constitution cited therein. If he has found a basis for his proposal then I would assume that he used the 14th and 15th amendments. I would assume, I repeat, that Mr. Rogers' "referee" scheme is based almost wholly upon the 14th and 15th amendments to the Constitution, and certainly not upon the articles of the Constitution discussed in the Special Congressional Investigating Committee which I have just read into the RECORD.

The 14th amendment, as Senators well know, reads in part as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside,

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

And in the last section:

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Insofar as voting rights are concerned, the 15th amendment is more specific and reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude * * *

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Taken together, yet read against the jurisprudence which has interpreted them, these two amendments are designed to preclude certain kinds of discrimination based upon race, color, or previous condition of servitude. Assuming that the Attorney General believes that this barrier applies to local as well as Federal elections, as contrasted with the powers accorded to the Federal Government—at least by broad inference—in article I, which powers are generally held to apply only to Federal elections, it would seem that the Attorney General is seeking the broadest possible foundation for his legislation. I shall assume this as a fact although, as I have already indicated, I have nothing but hearsay upon which to predicate this assumption. It is obvious from a reading of the 14th and 15th amendments that they apply only to State action. Of course this has been broadened by court decision to include action by individuals acting under color of State.

At this point, bearing in mind that the 14th and 15th amendments are barriers only against State action, or action by individuals under color of State law, let us turn back into the Constitution to the 11th amendment which reads as follows:

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

I wish to say that the courts have held that this amendment bars, also, a suit by citizens of a State against that State.

Now, Mr. President, by reading these three amendments together, that is, the 14th, 15th, and 11th amendments, we find that, under the 14th and 15th amendments only State action is prohibited, and that further, under the 11th amendment no State can be sued without its consent by its own citizens, by citizens of another State, or by citizens or subjects of any foreign state, at least in Federal courts.

Meeting the issue that litigation under the proposed legislation would be action in the name of the United States under the authority of Federal statute, it is apparent that insofar as the Attorney General is involved, insofar as the role he would play under this legislation, he would be acting in a representative capacity for individual citizens as opposed to acting in his capacity as spokesman, or counsel for the Government of the United States.

It should be noted that under the Civil Rights Act of 1957 a suit is not brought on behalf of the United States, but, to the contrary, is, in fact, brought on behalf of individuals by the Attorney General in the name of the United States.

In essence, Mr. President, we have here involved a representative, or derivative action, not a Federal action, against a State. How then does this tie in with the 11th amendment? It is interesting to note that almost universally the courts have agreed that a State official, while acting within his authority accorded by the State, is immune from suit.

Originally in the early days of our Republic, this prohibition prevented suits being filed against States without their consent, and, during subsequent years, made it rather difficult for individual litigants seeking to enforce the rights accorded them under the Civil Rights Act and other statutes, to obtain relief.

However, under a relatively old case, involving some complicated legal juggling on the part of the Supreme Court, it was held that when a State employee acts under an unconstitutional statute, he is acting outside of his authority, since a State has no authority to enforce an unconstitutional statute, and that since the official is not clothed with State immunity, he becomes liable to suit as an individual.

This becomes of pressing importance when it is understood that the 15th amendment applies only to State action.

In other words, Mr. President, once a State official acts in a manner prohibited by the Constitution, then under long-standing jurisprudence he is no longer an organ of the State, and if he is not an organ of the State, how does the Attorney General propose to rest his suggested legislation on the 15th amendment which applies only to State action?

It is interesting to note, Mr. President, that when the 15th amendment was under consideration in the Congress, prior to its being submitted to the States for ratification, ample evidence was supplied to show that it was not the intent that the amendment should apply to anything but State action. I wish to also emphasize that many, many court decisions, and quite a few of these are recent decisions, support that theory.

At this point, I wish to quote again from the brief I referred to earlier, supplied to the Supreme Court in the case of U.S. against Thomas, the so-called Washington Parish vote case. By the way, I might add that the Supreme Court recently rendered a decision in this case which affirmed the lower court. I quote from the brief submitted by the attorney general of Louisiana in that case:

As was indicated by the Honorable W. N. Hamilton of Maryland, in the U.S. Senate on May 18 and 19, 1870 (Congressional Globe, pt. 7, 2d sess., 41st Cong., p. 353), while commenting upon this amendment, stated:

"A fair construction of its terms, with a contemporaneous exposition of its meaning and effect, the following propositions may be logically deducted:

"1. That it does not confer upon Congress any power to establish qualifications of electors in the States.

"2. That it prohibits the United States from denying or abridging the rights of citizens of the United States to vote on account or race, color, or previous condition of servitude in places where the United States have the power of establishing the qualifications of electors and of regulating elections and the elective franchise, as in the District of Columbia and the territories of the United States.

"3. That it prohibits the United States from denying or abridging the right of citizens of the United States to vote on account of race, color, or previous condition of servitude within their jurisdictions respectively.

"4. That in all of the respects the several States have within themselves, and the United States in such places as it has jurisdiction, as I have before stated, in this district and in the territories, the full and perfect power to fix this qualifications of electors.

"5. That it does not deny or in the least abridge or affect the full and perfect power always possessed, enjoyed, and exercised by the States to regulate their elections and to prescribe the mode and manner in holding them, subject, and subject only to the limitations of the Constitution of the United States, which grants to Congress the power to make or alter any regulations made by a State prescribing the time, place, and manner of holding elections for Senators and Representatives in Congress."

In all other respects whatsoever the rights of the States to regulate their elections remain to them unimpaired and complete. In fact, the intent and effect of this amendment were to avoid exclusion from voting by reason of color or race. It means nothing more; it does nothing more (Congressional Globe, part 7, p. 354). The amendment by its very plain wording, is purely negative and prohibitory in its terms; it denies and prohibits the exercise of certain powers.

As was further mentioned by the Honorable W. N. Hamilton: "The denial by the Constitution of the United States to the States of the right to exercise certain enumerated powers does not thereby grant to Congress the right to exercise them. The denial to a State is not a grant to Congress. Unless in the Constitution a grant is made to Congress this denial to the State leaves both Congress and the State without the right to exercise such powers" (Cruikshank, 92 U.S. 555, p. 557).

The Honorable Senator Hamilton further advances the idea that: "This amendment speaks to the States; not to the people, but to the State as a body politic"; This was recognized by this Court when it stated:

"The right to vote in the States comes from the States; but the right of exemption from the prohibitive discrimination comes from the United States. The first has not been granted or secured by this amendment but the last has been" (*U.S.* v. *Cruikshank*, 92, U.S. 555).

And further that:

"This amendment does not confer the right of suffrage upon anyone, nor does it secure or guarantee any right of suffrage to any class of citizens. It has no other force or effect than to forbid discrimination by the United States and by the State on account of race, color, or previous condition of servitude" (*Lacky* v. *U.S.*, 107 F. 114, p. 118).

The State of Louisiana suggested to the Court in its brief that the Civil Rights Act might be unconstitutional for reason that it grows out of a negative constitutional power but, in effect

and application seeks to grant affirmative and substantive rights which are not contemplated by the 15th amendment. I quote from the brief:

The facts of the instant case conclusively prove that this is true. Herein we have a group of persons who admittedly are deficient in their qualifications for registration, yet, by use of the Civil Rights Act, the United States and the Court below by its decree, would place these unqualified people back on the rolls and grant to them a right to vote which is not authorized under the 15th amendment."

I might add that earlier this week, the Supreme Court, in a per curiam, affirmed that action.

I quote from the State's brief, touching on this report:

It is further submitted that the said judgment of the lower court, based on the Civil Rights Act of 1957, granted to these particular persons a substantive right because of their color, in the area of qualification where only the State has the right to pass upon this question.

It is further urged that the Civil Rights Act of 1957 is unconstitutional by the scope of subsection A thereof. This section is found in brief of counsel for the United States on pages 2 and 3. However, reference is made to the pertinent part thereof:

"All citizens of the United States who are otherwise qualified by law to vote shall be entitled to vote at all such elections, without distinctions of race, color or previous conditions of servitude; any Constitution law, custom, usage or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding."

This section paraphrased in its simplest terms means only that every citizen otherwise qualified to vote in State elections shall be entitled and allowed to vote in such elections without distinction as to their race, color, or previous condition of servitude, even though there might be a State constitution, law, custom, usage, or regulation to the contrary, or which might prohibit them to vote because of their race, color, or previous condition of servitude, or even though such act of discrimination may have been done by or under the authority of any State or Territory. There is nothing in this section which lends itself to the interpretation that the prohibition to discrimination is levied only at the States. Further comments were stated in the reply brief for James Griggs Raines, which was submitted to this Court in matter No. 64 and on page 2 thereof:

"The scope of the section is broad enough to cover individual action as well as acts which may be paramount to abridgment or deprivations by a State. This becomes even more clear when section (a) is read in connection with the first words of section (c).

"Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by section (a). * * *"

The phrase "any person" is broad enough to include any individual even though he be not a State officer whose acts may be considered denials or abridgements by the State.

The verbiage and context of the 15th amendment are perfectly clear in asserting that the right of citizens to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude; certainly if it had been the intent of Congress to limit the protection sought by the Civil Rights Acts only to those acts of a State, it could have done so in the same explicit language. The phrase "any person" in section (c) thereof certainly does not lend itself to a conclusion that it was the intention of Congress to so limit the protection of the act. And:

"Thus, it will be seen that, if section 1971 (c) is constitutional, it is because of the power given Congress by the 15th amendment. As stated, that amendment relates solely to action by the United States or by any State and does not contemplate wrongful individual acts" (*U.S.* v. *Raines,* 172 F. Supp, 552, p. 557).

* * * * *

In the instant matter, as seen by brief of counsel for the United States herein, pages 22 and 23, the action herein was triggered by the issuance of challenges by various private citizens. The brief refers to these persons as "private attorneys general." While it will be admitted that these persons were private individuals, by no stretch of the imagination can it be concluded that they are attorneys general. The brief further states that the fact that because these persons searched State records, in a State office, and used a State provided mimeographed form and under a State statute, all dealing with the qualifications of voters, that this constitutes these persons "private attorneys general" of the State of Louisiana, and as such, extending the verbiage of the 15th amendment, "by any State" through the "color of law theory" to include those people who merely walk into a public building or peruse a public record. Certainly such a conclusion would do severe violation to the opinion of Mr. Justice Frankfurter while concurring in *Snowden* v. *Hughes* (321 U.S. 13–17), when at page 16 the Justice said:

"But to constitute such unjust discrimination the action must be that of the State. Since the State, for present purposes, can only act through functionaries, the question naturally arises what functionaries, acting under what circumstances, are to be deemed the State for purpose of bringing suit in the Federal courts on the bases of legal State action. The problem is beset with inherent difficulties and naturally has had a fluctuating history in the decisions of the Court. Compare *Mordy* v. *City of New York* (193 U.S. 430), with *Raymond* v. *Chicago Traction Company* (207 U.S. 20), *Memphis* v. *Cumberland Telephone Company* (218 U.S. 624), with *Home Tel. & Tel. Company* v. *Los Angeles* (227 U.S. 278). It is not to be resolved by abstract considerations such as the fact that every official who purports to wield power conferred by a State is pro tanto the State. Otherwise every illegal discrimination by a policeman on the beat would be State action for purpose of suit in a Federal court."

It is further urged and called to the attention of this Court that:

"Section (c) creates a remedy against purely private, as distinguished from State, deprivation of voting rights on account of race or color" (*U.S.* v. *Raines,* p. 561).

And consequently is unconstitutional legislation and inappropriate under the 15th amendment.

Therefore, when the question of constitutionality vel non of a statute is presented, wherein that statute has one part which is unconstitutional, this Court has held that:

"For this purpose, we must take these sections of the statute as they are. We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is unconstitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not now there" (*U.S.* v. *Reese,* supra 221).

Therefore, part IV of the Civil Rights Act of 1957 (Public Law 85–315, 71 Stat. 634; 42 U.S.C. 1971) under which this action is brought is unconstitutional in its entirety.

This was only one of the points raised by Louisiana on appeal, but apparently it was the only one considered by the Supreme Court, although I am not sure because the Court did not write an opinion. It merely affirmed the district court per curiam.

I pray that the Senate of the United States will not succumb to the demands of those who evidently believe that the Constitution is to be twisted and distorted, pulled and platsicized, as a matter of convenience in order to accommodate the Attorney General of the United States.

This is only one of the many questions which the proposed legislation reasons in my mind. Other interesting details immediately come to life, however.

For example, the referees which the bill provides, are not required to be citizens of the States wherein the cause of action may arise, nor, for that matter, are they even required to be citizens of the United States.

I am also concerned about the lack of any requirement in the administration bill according notice of any pending procedures in the way of the submission of recommendations or findings on behalf of the referees to the Federal court. As I read the bill, it would be entirely possible for a referee to obtain, on an ex parte basis, without notice to anyone or anybody, certain data which he might use as the basis for his findings. These findings of course would have to be submitted to the Federal judge but where is any requirement in the bill for notice of the submission of these findings to interested parties, that is, the State, parish, or others? There is none, Mr. President. The bill would require only that the referee submit his findings to the court. It can very well be that these findings would be submitted by the referee to the court in the dead of night. Perhaps the referee could submit them to the judge at 2 o'clock in the morning, after awakening the judge from his sleep. If this is so, and there is obviously nothing in the bill to prevent it, are we not substituting the "bed chamber" for the "star chamber"? And, what about the poor judge who, awakened from a sound sleep, would be automatically compelled, as it seems he would under the terms of the bill, to accepting the findings of the referee unless they are "purely erroneous," to use the terminology of the bill. I wonder, Mr. President, what basis the judge would use for evaluating these findings?

There is nothing in the bill to compel the referee to submit reasons for his findings along with the findings, themselves. Under the terms of the proposed statute, the referee could merely certify that applicant X is, in his opinion, qualified to vote, and submit nothing more. To what would the poor judge look for substantiation in order to evaluate the referee's findings?

At least, Mr. President, the referee should be required, by statute, to outline the basis for his findings, and to attest to them. For that reason, statutory sanction should be given to some form of notice to be requested to be served

upon State or other appropriate officials at a time sufficiently far in advance of any hearing which might be held on the referee's findings, to insure adequate preparation therefor.

But, for that matter, Mr. President, no hearing is required in connection with, or prior to, the endorsement by the judge of the referee's findings.

As I indicated earlier, all of this could take place in the dead of night, in the judge's bedroom behind locked doors, with no notice to anybody.

Mr. President, the more I have to do with the Republican administration of the Department of Justice, the more respect I have for the ingenuity of the lawyers who work for it. When there is written into legislation such standards as those to be found in the administration bill, namely, that the referee's findings must be accepted by the court unless "clearly erroneous," I, as a lawyer, cannot help but admire the ingenuity which prompts the intentional and premeditated decision to apply such standards.

What has happened, Mr. President, to the substantial error doctrine? I can imagine. It evidently was not quite firm enough. It evidently gave the judge a little too much discretion. It evidently permitted a little more thorough examination of the referee's findings than the eager-beaver draftsmen in the Department of Justice wanted. Oh, they are clever, Mr. President, they are devious, and, I wish to assert, they are dangerous. They do not even trust Federal judges. Of course, under the terms of this bill, the judge would be compelled to bow to the referee's recommendations, no matter what they may be, no matter how unsubstantiated they might be, no matter how farfetched and ridiculous they might be, unless they were "clearly erroneous." But the referee's functions would not end under this bill with the submission of his findings to a Federal district court.

Oh, no, Mr. President, the referee's job would not end before dawn. He would have other little tasks to perform—two tasks, in fact, Mr. President—overseeing elections and helping count ballots.

The bill provides that the court could authorize the referee or, for that matter—and here I use the terminology of the bill—"any other person or persons"—to physically police elections; that is to say, to report to the court whether any such person has been denied the right to vote and to attend at any time a place for counting the votes.

In other words, Mr. President, under the terms of this legislative monstrosity, it would be entirely possible for the referee to go out and solicit individuals who might or might not have previously been denied the right to register to vote, and, in an ad hoc manner, determine that such persons are qualified registrants and submit their names to the district court which must approve them unless "clearly erroneous."

Registrants would be empowered to register persons in droves, take them by the hand and lead them to the polling place, follow them into the voting booth, peer over their shoulders while they mark the ballots, see that the ballots are duly deposited in the ballot boxes, and then remain poised, in the nature of a Federal vulture, over the ballot box, charged by law, to participate in the counting of the votes.

Imagine, Mr. President, what kind of windfall this might provide in the way of political power to an unscrupulous political party. It would be most helpful, Mr. President, because it would permit an unscrupulous referee to physically control the results of an election.

A few moments ago I had a few words to say about similar and almost completely parallel legislation which was enacted back in 1870, and which was used by the Republican Party under Grant and others to control elections on a wholesale basis.

I might point out at this time that the 1870 Election Act provided for supervisors for elections—and whether they be called supervisors or referees, the effect is the same—charged with "overseeing elections, and in addition to qualifying individuals to vote, to prevent unqualified individuals from voting."

Now the Republican Party of today—I almost said the "modern Republicans"—will doubtless proclaim that this is different. This legislation, they will no doubt proclaim, only permits the referee to qualify voters, not to disqualify voters.

Mr. President, there are many ways by which elections can be controlled. One way, of course, was that employed from 1870 to 1894, when private persons were not permitted to vote unless they agreed to vote as a supervisor of election decreed.

But I would also say that elections can be stolen by stuffing ballot boxes, as well as by reducing the contents thereof. Elections can be controlled by putting votes in, as well as by pulling votes out; and I tell the Senate today that the legislation which the Republican administration has fostered, the legislation which Mr. Rogers advocates, authorizes ballot-box stuffing on a wholesale basis.

In this connection, Mr. President, recently I received a letter from Mr. John A. Manry, of Plain Dealing, La., to which was attached a clipping—from the February 23 edition of the Shreveport (La.) Journal—entitled "During Early History—Vote Violations Plagued Bossier." Bossier, I may point out, is a parish in the northern area of my State, and adjoins Caddo Parish. Caddo Parish was to be the site of a hearing by the Civil Rights Commission, but the hearing was restrained at the order of a Federal judge because, under the Commission procedures, the basic rights of persons required to appear at such hearing would have been violated.

This article is most interesting, because it reflects just how the old "enforcement act" voting statute operated at the grassroots level, so to speak.

I now read the article:

[From the Shreveport (La.) Journal, Feb. 23, 1960]

DURING EARLY HISTORY—VOTE VIOLATIONS PLAGUED BOSSIER

(By Ardis Manry)

If Senator ALLEN ELLENDER, of Louisiana, or any other southern Democrat, runs out of material in a filibuster against civil rights legislation he has only to use the history of Bossier Parish following the Civil War, as recorded in the 100-year-old Bossier Banner newspaper files.

One item is the editor's own account of how civil liberties were violated by a former Yankee soldier who stayed on in Louisiana after the fall of the Confederacy.

Formerly a Shreveport printer, Editor W. H. Scanland had founded the Banner at Bellevue, then the parish seat of Bossier, before the war. During that war he had served with the Bossier Boys in the Confederate Army in defense of Vicksburg, Miss. He returned and took up the pen again, and in 1870, at the instigation of friends, decided to enter politics. He qualified for State representative.

COUNTRY NEWSPAPERMAN

But the country newspaperman failed to take into account the political maneuvering then going on in New Orleans to wrest the control from the Democrats in Louisiana, and with the use of the Negro vote, to obtain it for the carpetbaggers and the scalawags. The system to be inaugurated was the use of a returning board, in which the voters were to be counted by a registrar sent into every parish, with a Federal commissioner in case of national elections.

D. Cady Stanton, son of a prominent New York family, had fought with the troops from his State in the Department of the Gulf, then stationed in Federal-occupied south Louisiana. After the war he moved to New Orleans and with connections had obtained a job as a registrar of voters of the newly installed returning board, to come to Bossier Parish in time for the 1870 State election when Negro voters were 3 to 1 in majority.

Let Editor Scanland tell his own story:

TELLS STORY

"We will endeavor to give the history of this man in his connection with the registration of voters, in the manner of his conducting the election in this parish, and let the public judge him.

"He came among us 2 months ago as supervisor of registration—kept open office in Bellevue some 10 days, advertised to register the voters at Cane's (now Bossier City) and Benton, and then removed to Cane's—where he kept his office to the close of the registration, with the exception of a day and a half spent in Benton, and 2 or 3 days spent at Atkins (near present Elm Grove). Our people were continually expecting that he would take a tour of the parish as other registrars had done.

"Those exceedingly anxious to register would have even visited him at Cane's, had they been certain he would have been found there. But the majority unregistering resided from 30 to 50 miles distance, could not spare the time, expense, and labor necessary to enable them to reach the office. (Bossier Parish at that time included about half of present Webster Parish.) Now what was the object of persistently keeping office at that point? The reader will see clearly in the sequel.

COLORED VOTERS

"The colored voters mainly reside on Red River. Cane's, Benton, and Atkins are on that river, and are central points convenient for them to register. That portion north of Benton and Bellevue, the uplands, generally are about equally populated by whites and colored. Why were not these voters given an opportunity to register? They were Democrats, and the reader will presently more clearly perceive that this fact was the sole reason.

"The supervisor, in his wisdom, establishes four polling places, Bellevue, Benton, Cane's, and Atkins, and consequently it was just as convenient to vote as it was to register. Just a day or so before election day, November 7, we learned that Stanton ordered the

commissioners of election to keep no list of voters, although the law positively required it. They consequently kept none at Bellevue and Benton.

"By this means the public could not know how many votes had been polled, and the commissioners, or any one of them, or the supervisor, might stuff the boxes at his pleasure.

RADICAL CANDIDATES

"The radical candidates were given out to be I. M. Callaway for Senate, and C. S. Abell and Percy Baker for the House, when lo, on election day, and not until then, we find Wiggin, the supervisor's clerk on the ticket for Senator, and the supervisor himself in the place of Baker. Now can't we easily account for the hole in the coconut and also for the milk therein?

"Mr. Supervisor Stanton comes from the city of New Orleans with the patriotic intention of representing us. He takes the oath faithfully to perform his duties as supervisor, and doubtless keeps it—in his own estimation. He is beaten before the people after all his finesse, but nevertheless another hard oath or two will put him in the House. Oh, what a mistake we have made when we voted ourselves out of military rule. Better far that we had no rights at all, than to have had them and not be able to profit by them.

"This man is the son of Mrs. E. Cady Stanton, a lady at the head of the Woman Rights Movement. However, the majority may oppose her politics, yet no whisper has been breathed against her high moral character. How will her face burn when she learns that her son has so dishonored himself. She would enfranchise all men and women; he virtually disfranchises freemen in order to enjoy an office that can only be made profitable by accepting bribes."

Mr. President, there are many other such articles. My attention was recently directed to four articles that appeared in a Maryland newspaper which was printed in 1875. I shall not read these into the RECORD at this time, but I hope to do so in the future.

Now, Mr. President, with further regard to the technical details of the pending legislation, I am delighted to have on hand a copy of the testimony offered by Mr. Charles J. Bloch, of the State of Georgia, before the House Judiciary Committee, which testimony concerns itself with the referee schemes.

Mr. Bloch is an acknowledged expert in the field of constitutional law. He is a fine lawyer and, furthermore, has been abundantly endowed with common sense, something which quite a few lawyers nowadays apparently do not possess.

In any event, I was delighted to note, in perusing Mr. Bloch's testimony, that he and I have arrived at the same conclusions, although this common result was reached by independent study. I believe some of Mr. Bloch's comments would be of interest to Senators, and would cast much light on the mechanics of the Rogers scheme, as well as illuminate its doubtful constitutional aspects. I quote from Mr. Bloch's testimony:

Under title 42, United States Code, section 1971(c), if it should be held valid, whenever any person (whether or not his acts constitute abridgments or denials by a State) has engaged in or is about to engage in acts or practices which would deprive any other person of any right or privilege secured by title 42, United States Code, section 1971 (b) or (a), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief.

Section 1971(d) confers jurisdiction on the district courts of the United States of such proceedings.

The Attorney General's bill proposes to add to title 42, United States Code, section 1971 a subsection (e) (in lieu of present (e) which would become (f)), authorizing the court in which a proceeding under subsection (c) might have been instituted in certain events to appoint one or more persons as voting referees.

It is interesting to see that the court may not appoint such persons as referees in just any proceeding which may have been instituted pursuant to subsection (c). The first condition precedent to such appointment is that the court must find that under color of law or by State action a person or persons have been deprived on account of race or color of a right or privilege secured by (a) or (b).

Tacitly, the Attorney General and the authors of these bills here seem to concede the validity of the constitutional attack which has been made, and successfully maintained in a district court, on 1971(c) coupled with 1971(a). The present proposed limitation to the proposed further action of the court demonstrates that under (c) as it now stands the Attorney General may institute a suit whether or not the acts or practices complained of constituted abridgments or denials by the State. Tacitly, therefore, there is an admission that the opinion of Judge T. Hoyt Davis, based as it was on *United States* v. *Reese et al.* (92 U.S. 214), is correct.

Furthermore, the court may not appoint those persons as voting referees unless the court further finds that the alleged deprivation "under color of law or by State action" was or is pursuant to a "pattern or practice." Whose "pattern or practice"? If the "pattern or practice" is that of individuals, there is no abridgement or denial by the State and the legislation is not appropriate under the 15th amendment.

What persons may the court appoint as voting referees?

The bill doesn't even provide that the person must be disinterested. It contains no provision for any qualifications either as to ability, training, or residence. An employee of the United States may be appointed. A person absolutely untrained in the law may be appointed. A resident of New York, Illinois, or the District of Columbia may be appointed in a case pending in Michigan or Georgia. The chairman of this committee on February 9, 1960, called that fact to the attention of Judge Walsh. He replied that it is not made essential, but that the assumption was that any district judge is going to appoint somebody from his district. We in the South have not so soon forgotten that sometimes judges from North Dakota are sent into the South to try these cases. We do not overlook the fact that under this bill, the Attorney General would choose the forum and the judge.

As will be presently seen, it is the object of this proposed legislation that these voting referees supplant registrars appointed under State law. In Georgia registrars under the State law are required to be "upright and intelligent citizens of the county" (code 34–301). They must be bipartisan (34–302). They must take an oath, faithfully to perform their duties (34–303).

Federal voting referees are not even required to take an oath, and, for all the bill requires, they may be just as ignorant as those whom they might permit to register.

Let us assume that a proceeding under subsection (c) were filed in the District Court of the United States for the Middle District of Georgia, Americus Division, against registrars of Terrell County, and that the court makes the findings required by the proposed bill, and appoints Tom, Dick, and Harry as voting referees.

What are those voting referees authorized by the proposed bill to do?

Their first authorization is "to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election."

First, I ask, applications for what?

Under that language, if a decree were had as to Terrell County registrars, would the phrase "any person" (from whom applications might be received) include a resident of Randolph County, or even Bibb or Fulton or Chatham? Is this language to be used as the basis of creation of a board of voting referees having statewide powers though appointed on the basis of alleged wrongdoings by someone in only one county? Don't think these fears are farfetched imaginings. I have observed it solemnly argued by the Department of Justice in a Federal court the word "person" in the statute as it now reads was intended by the Congress to include a sovereign State (*U.S.* v. *State of Alabama* (171 F. Supp. 720, 267 F. 2d 808)).

I have no reason to believe that the phrase "any person" would be limited so as to mean "any person resident of the county involved in the action," particularly in the light of the fact that the quoted language uses the phrase "any election." "Any election" means what it says. I do not anticipate any voluntary narrowing of its meaning if this legislation should be passed.

These persons so appointed as voting referees would "take evidence." Where? Upon what notice to interested parties? Under oath? Would the witnesses giving evidence be subject to cross-examination? Would anyone have the right to oppose those applications? Or would the proceedings be "ex parte"; "star chamber"?

These "voting referees" would report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election or (b) found by State election officials not qualified to register to vote or to vote at any election.

By the application of what standards will the "voting referees" determine whether the applicants are qualified to vote? Must the applicants have the qualifications requisite for electors of the most numerous branch of the State legislature? What age must they have attained?

This report will be reviewed by the court, and the court shall accept the findings unless clearly erroneous. Does anyone have the right to except to it? The court shall then enter a supplementary decree which shall specify which persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law.

Bear in mind, this scheme doesn't apply only to Negroes. It applies to white people as well.

What has any Federal court to do with whether a person is qualified to vote at any election unless he has been deprived of the right on account of his race, color, or previous condition of servitude? The phrase "any election" embraces municipal and State elections as well as congressional elections. The Federal power as to congressional elections is quite different from the Federal power as to elections of State officers. At page 37 of the hearing of February 9, Judge Walsh is quoted as saying "there has been no holding that Federal electors are Federal officers. I think there is a high likelihood that that would be the ultimate determination." I call attention to *Ray* v. *Blair* (343 U.S. 214, 224–5) in which the Supreme Court said: "The Presidential electors exercise a Federal function in balloting for President and Vice President but they are not Federal officers or agents any more than the State

elector who votes for Congressmen. See, also, *In re Green* (134 U.S. 377), *Walker* v. *United States* (93 F. 2d 383(3)), and *McPherson* v. *Blacker* (146 U.S. 1).

What Congress may have the power to regulate and what it definitely has not are so intermingled in this bill as to render it totally unconstitutional.

Even if it should be held that subsection (c) of section 1971 of title 42, United States Code, is valid, and that in a proceeding instituted pursuant to it there may be a decree granting to the United States of America the preventive relief or injunction sought by it, it would not follow that Congress had the power to grant authority to the court to appoint voting referees to receive applications from any person claiming deprivation of his right to vote, and to empower the court, or judge thereof, then to sit as chairman of a superboard of registrars, issue voting certificates, and punish violations of them.

Even if it be assumed that the proceeding now authorized by subsection (c), if it is valid, constitutes a case or controversy within the meaning of article 3, section 2, clause 1, of the Constitution, Congress has no constitutional power to confer on a Federal district court the hermaphroditic powers it would seek to confer by this bill.

The judicial power extends to the cases described in the said clause, and to controversies to which the United States is a party.

The so-called proceeding which would follow the decree or finding of the court would not be a case or controversy within the meaning of the Constitution. In the first place, it would not even be confined to alleged deprivations committed by the defendants in the case. It would not be confined to adjudicating the rights of those for whose benefit the United States had brought the suit. It would convert the case or controversy into a universal registration proceeding in which there were no named plaintiffs and no named defendants.

A case is defined as a suit instituted according to the regular course of judicial procedure (*Muskrat* v. *United States* (219 U.S. 346)).

In an ancient volume (2 Dallas 409–10) the rule was announced in 1792:

"Neither the legislative nor the executive branches can constitutionally assign to the judicial any duties, but such as are properly judicial, and to be performed in a judicial manner."

Registration officers are not judicial officers, and the registration of a prospective voter is not a judicial act (*Murphy* v. *Ramsey* (114 U.S. 15, 37)).

The term, "controversies," if distinguishable at all from "cases," is so that it is less comprehensive in its nature than the latter, and includes only suits of a civil nature (*Aetna Life Ins. Co.* v. *Haworth* (300 U.S. 227, 108 ALR 1000)).

In *United States* v. *State of Alabama* (171 F. Supp. 720, affirmed 267 F. 2d 808), it was held that the State of Alabama was not a "person" within the meaning of section 1971(c) of title 42, and consequently was not a proper party to an action under that section brought by the United States. The case was brought to the Supreme Court of the United States upon petition for certiorari filed by the United States, and granted by the court. The case is No. 398, October term, 1959. I am advised that it will be heard in March.

This bill seeks an advance and favorable decision of the case by seeking to add at the end of subsection (c):

"When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as a party defendant."

Congress has no constitutional power to enact that.

In the first place, the determination of what acts or practices constitute a deprivation of rights or privileges under the 15th amendment is a judicial and not a legislative function.

In the second place, Congress, in a case such as comprehended by section 1971(c) cannot authorize a suit by the United States against a State of the Union. The 11th amendment forbids it. I realize that the 11th amendment does not prevent the United States from suing a State in a proper case in a proper court. I realize that Congress in some cases has the power to confer on district courts jurisdiction with respect to actions brought by the United States against a State (*Farnsworth* v. *Sanford* (115 F. 2d 375, 379), *Ames* v. *Kansas* (111 U.S. 449), *United States* v. *Louisiana* (123 U.S. 32)).

But, this power does not exist when the action is a derivative one, one in which, while the name of the United States is used by authority of Congress, the persons allegedly aggrieved are individuals.

To hold otherwise would destroy the 11th amendment.

I have had the opportunity of reading the testimony of Deputy Attorney General Judge Lawrence E. Walsh before this committee on February 9, 1960.

With the deepest respect for my distinguished friend, for whom I have the utmost respect, I suggest that in the fervor of his advocacy he has overlooked what he would not, as a judge, have overlooked.

For this bill to be valid, it must be appropriate legislation under the 15th amendment. No other provision of the Constitution could possibly warrant it. To be appropriate legislation under the 15th amendment, congressional legislation must be limited to the prevention of denials or abridgements by a State of the right of a person to vote by reason of his race or color.

In this adroit bill, the scheme is to empower a Federal court to decree that State officials are generally guilty of acts depriving a person of his 15th amendment rights, and then by reason of that decree to compel the State to permit other persons, not parties to the suit, to vote at its elections.

The fundamental vice is the confusion of prevention of discrimination with mandatory provisions compelling the State to permit voting at its elections.

It overlooks the fundamental proposition of law that the privilege of voting is not derived from the United States but is conferred by the State (*Breedlove* v. *Suttles* (302 U.S. 277, 283)).

See, also, *Lassiter* v. *Northampton Board of Elections* (360 U.S. 45, 79 S. Ct. 985).

If a person proves to the satisfaction of a proper court that he has been deprived of voting rights contrary to the provisions of the 15th amendment, a court, in a proper case, may have the right to redress that deprivation by compelling the State to permit that particular person to vote. But, that is a far cry from the attempt of this bill. Here, if A is prevented from voting on account of a studied practice contrary to the 15th amendment, the court may confer the privilege of voting in State elections on B, C, D, E, F, G, and X, Y, and Z.

Under its power to enact legislation to prevent denial or abridgment by a State of a citizen's right to vote, Congress may not convert Federal courts into registration boards supplanting State officials.

The questions propounded by the chairman of this committee to Judge Walsh (record, pp. 44 et seq.) show that he, as a trained lawyer, recognized the gravity of this very question.

In response to the chairman's searching questions, Judge Walsh said:

"Well, if you found a pattern and practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble" (R. 45).

The CHAIRMAN. "You mean that Congress can justify that presumption?"

Mr. Walsh answered: "Yes, sir. I think it is a reasonable presumption. I think if you have a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil. So I think there is a reasonable basis for such a presumption. Not only is it reasonable, but it is necessary, because for an individual to prove each case that he had been a victim of predjudice (sic) is very difficult. Therefore, I think he needs Congress' help in that regard."

Here we have a striking example of what Justice Hugo Black was warning against when he recently said:

"The concept that the Bill of Rights and other constitutional protections against arbitrary government are inoperative when they become inconvenient or when expediency dictates otherwise is a very dangerous doctrine and if allowed to flourish would destroy the benefit of a written Constitution and undermine the basis of our Government" (*Reid* v. *Covert* (354 U.S. 1, 14, June 10, 1957)).

Here we have the Deputy Attorney General of the United States seeking to justify a presumption not on the basis of its constitutional validity but because forsooth it is in his opinion reasonable and necessary.

This is what Congress is being asked to do:

In the opinion of the Attorney General, a person has engaged or there are reasonable grounds that a person is about to engage in acts or practices which would deprive some other person of his right to be entitled and allowed to vote at an election. He institutes a civil action in the name of the United States for preventive relief (U.S.C., title 42, 1971(c)). The court finds that under color of law or by State action persons have been deprived of those rights on account of race or color. It finds that such deprivation was or is pursuant to a "pattern or practice." (The statute is silent as to how this question of "pattern or practice" vel non, is to be put in issue.) Whose "pattern or practice," we do not know. The language is not limited to a "pattern or practice" established or sanctioned by the State. It may be just anyone's pattern or practice. All that the court is required to find is that "such deprivation was or is pursuant to a pattern or practice." Then it is authorized to appoint voting referees to receive applications from any person claiming that he has been deprived of his right to register and qualify to vote. It is presumed that such other person is also the victim of such pattern or practice.

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield.

The PRESIDING OFFICER. Will the Senator from Louisiana please read the statement he had read before the Senator from Texas asked for the floor; that is, the one stating that a presumption is raised? What type of presumption does the Senator from Louisiana state is raised when the court finds that there is a pattern or a practice in existence barring people from voting on the basis of color?

Mr. ELLENDER. I again quote from Deputy Attorney General Walsh's testimony:

"Well, if you found a pattern and practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble" (R. 45).

The Chairman: "You mean that Congress can justify that presumption?"

Mr. Walsh answered: "Yes, sir. I think it is a reasonable presumption. I think if you have a pattern found, the likelihood of any other reason for refusing to let him register even though he was qualified is nil. So I think there is a reasonable basis for such a presumption. Not only is it reasonable, but it is necessary, because for an individual to prove each case that he had been a victim of predjudice (sic) is very difficult. Therefore, I think he needs Congress' help in that regard."

In other words, Mr. President, the procedure that is requested here is in essence the same as that applied by the district court in the so-called Washington Parish case, which I discussed some time ago.

The district judge there took the position that, because there were 1,300 Negroes challenged, and only a relatively few white people challenged, a presumption was thereby created that the Negroes were challenged on the basis of race. No effort was made in that case to ascertain whether or not the challenged individuals were actually qualified. In other words, some of the challenging affidavits stated that some of the registrants had moved out of the parish, had moved from the precinct, and, under the Louisiana law, that information, if correct, would have rendered the registrants ineligible to vote.

Now, under the bill, as in the Washington Parish case, instead of trying each individual case on the basis of facts therein, a shotgun method would be made available. If one colored man had been deprived of his right to register or vote, it would then be conclusively presumed that all other Negroes were in the same category. That was Judge Walsh's statement; and he is the one who may have charge of the administration of such a law, if it is enacted.

I continue to read from Mr. Bloch's statement before the House Judiciary Committee:

The Department of Justice would have the Congress legislate on this basis: In the State of A, there is a pattern of practice of denying or abridging the right of Negroes to vote. X is a Negro and has been refused registration. Therefore, X has been unconstitutionally deprived, and the State must let him vote.

In seeking to justify the Attorney General's proposal, Judge Walsh says first that it is "a bare facilitation of an ancillary procedure by that court to make its decree effective" (R. 40). It is far more than that. It is the grant of the writ of mandamus to persons who were not parties to the original suit and which original suit could grant only preventive relief.

Just after the language just quoted, it is said: "The Civil Rights Act does not say the only thing a court can do is enjoin the registrar. It says it can make such other orders as are desirable."

The action which the Civil Rights Act permits the Attorney General to institute for or in the name of the United States is "a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order."

That is the exact language of 42 U.S.C. 1971(c).

The Attorney General is limited to seeking "preventive relief" which may be granted by the court by means of a "permanent or temporary injunction," a "restraining order, or other order."

And says the Department of Justice, "and all Congress would be doing in the Attorney General's proposal, really, would be making a statutory presumption to avoid one element of proof, that causal link which is so difficult to prove. So it could be justified constitutionally that way."

This overlooks the fact that the Constitution of the United States does not permit such facile leaping of hurdles.

"It is not within the province of a legislature to declare an individual guilty or presumptively guilty of a crime" (*McFarland* v. *American Sugar Co.* (241 U.S. 79, 86, 36 S. Ct. 498, 501 (60 L. ed. 899))).

Cited in *Manley* v. *State of Georgia* (279 U.S. 1, 6), holding that a statute creating a presumption that is arbitrary or that operates to deny a fair opportunity to repel it violates the due process clause of the 14th amendment.

See also: *Bailey* v. *Alabama* (219 U.S. 219, 233 et seq., 31 S. Ct. 145, 55 L. ed. 191).

"A statute creating a presumption that is arbitrary, or that operates to deny a fair opportunity to repel it, violates the due process clause of constitutional amendment 14, since legislative fiat may not take place of fact in judicial determination of issues involving life, liberty or property" (*Western & A. R. Co.* v. *Henderson* (279 U.S. 639, 49 S. Ct. 445(3))).

Legislation providing that proof of fact shall constitute prima facie evidence of the main fact in issue satisfies requirements of due process of law when the relation between the fact found and presumption is clear and direct and is not conclusive (*Adler* v. *Board of Education* (72 S. Ct. 380(16); 342 U.S. 485)).

The presumption there involved was upheld because it was "not conclusive but arises only in a hearing where the person against whom it may arise has full opportunity to rebut it" (342 U.S. at p. 495).

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Will the Senator from Louisiana yield further?

Mr. ELLENDER. Certainly.

The PRESIDING OFFICER. Is it the position of the Senator from Louisiana that Judge Walsh stated that after the trial judge heard the original evidence and concluded that a pattern or practice of barring Negroes from voting had been established, there would then arise a conclusive presumption that all other Negroes had been barred on the same basis?

Mr. ELLENDER. I am compelled to take that position since that is exactly what Judge Walsh has said.

The PRESIDING OFFICER. Then, if a conclusive presumption had been established, what would be the legitimate functions of the referee who would be appointed, according to this section, other than to accept applications and make certain determinations?

Mr. ELLENDER. If such a presumption had been established by the court, then all the referee would have to do would be to take the names of applicants, and herd them together, and present that list to the judge, to be confirmed by and approved in, a "supplemental decree." That is all the referee would have to do. When that was done, the judge would proceed to issue the order.

The PRESIDING OFFICER. What is the Senator's understanding of the legal situation which would prevail in the event the trial judge found there was a pattern or practice and, in pursuance of that finding, appointed a referee, and the referee then proceeded to take applications, and an effort was made to show that, under State law, the applicant was not qualified to vote, regardless of his color?

Mr. ELLENDER. The proceeding before the referee would not be adversary. Under the provisions of the Dirksen bill, there would be no opportunity for confrontation, or to cross-examine witnesses or anything of the sort. The hearing would, as a matter of fact, be ex parte. A more recent draft of this section the Keating draft, of which Mr. DIRKSEN is a cosponsor, specifies the proceeding is to be ex parte.

The PRESIDING OFFICER. Then is it the belief of the Senator that under Judge Walsh's statement there would arise a conclusive presumption that the voter had been barred on the basis of his color, and that then there would be nothing for the referee to do except determine that the applicant was colored; and if the referee found that the applicant was colored, the applicant would fall within the pattern?

Mr. ELLENDER. Yes, that is exactly the conclusion I have reached.

Again, I invite the Senator to read the testimony of Judge Walsh. It is very illuminating, and shows the extent to which efforts are being made to use this so-called shotgun method of registering people to vote. In other words, Mr. President, I contend that the situation which would develop under this referee proposal would be worse than that which prevailed during Reconstruction, for the simple reason that, as I have tried to show, the power which is sought to be given to the referees and to the Federal courts would apply not only to elections of Senators and Representatives, but to all elections held in a State.

The PRESIDING OFFICER. Will the Senator from Louisiana yield further?

Mr. ELLENDER. Certainly.

The PRESIDING OFFICER. Was there any discussion between Mr. Bloch and Judge Walsh as to whether the presumption raised would be conclusive or prima facie? Or was the sole position taken that it would be conclusive?

Mr. ELLENDER. No, because Mr. Bloch did not have an opportunity to question Judge Walsh. However, Judge Walsh so stated on several occasions.

The PRESIDING OFFICER. That is to say, if it were a conclusive presumption, it could not be rebutted.

Mr. ELLENDER. That is correct.

The PRESIDING OFFICER. Whereas, if it were prima facie—that is to say, at first sight—evidence to rebut it could be offered, could it not?

Mr. ELLENDER. Yes.

Mr. President, I now hold in my hand a prepared statement by Judge Walsh, the Deputy Attorney General of the United States. It was prepared by him in advance; it does not constitute answers to questions. Instead, he prepared it as a statement, and all of it was premeditated; it was written before the chairman asked questions. In that statement, we find the following set forth by Judge Walsh:

The key feature of the Attorney General's bill is that where a pattern of discrimination against Negroes has been found, a qualified Negro who has been deprived of the right to vote is conclusively presumed to have been so deprived, because of the existence of that pattern.

I quoted this very language earlier in the course of my own remarks.

I continue to read from Mr. Bloch's statement before the House Committee on the Judiciary:

It is suggested that "maybe * * * a State is entitled to less protection because it is not a person under the 14th amendment" and perhaps the due process clause of the 14th amendment does not apply to a State.

This suggestion overlooks the fact that a person or persons are the defendants in an action under 1971(c). It is those persons to whom the Attorney General will transmit the supplementary decree proposed to be issued under the amendatory act, it is those persons, election officials, who are subject to prosecution for contempt.

During the questioning of Judge Walsh by Representative WILLIS, he was asked: "Then this voting referee, however, would have a right to protect, according to the pattern of the bill, not only persons named in the original action, but anybody in the area who feels that he is the victim of the pattern?"

The answer was: "Yes, sir; anybody who is a member of the same race" (R. 48).

The bill (H.R. 10035) does not confine the reception by the voting referees of applications to those of the same race as those for whom the original suit was brought.

Page 2, lines 5 and 6, empowers these voting referees "to receive applications from any person claiming such deprivation as to the right to register."

Applications for what? For what do the applicants apply? Was the fact that what these applicants will be seeking is a registration certificate designatedly omitted?

Perhaps, the drafters of the bill gagged at the idea of so potently converting a Federal court into a registration board.

At page 50 of the hearings, Mr. WILLIS asked Judge Walsh if he was familiar with the jurisprudence that under clause (b) of rule 53, the adverse party could insist upon a showing that an exceptional situation existed before a master could be appointed. Judge Walsh replied: "Yes, sir; and that was because he would have to pay one-half of the cost of the master, whereas here no one is going to pay the cost of the master except the Government."

I respectfully suggest that that is not the real reason for the extreme reluctance which exists on the part of Federal judges to appoint masters.

The real reason is that by its nature and consequence the procedure of reference to a master "nullifies the right to an effective trial before a constitutional court."

See "In re Tom R. Watkins, praying for a Writ of Mandamus," decided by the United States Court of Appeals, fifth circuit, November 24, 1959, 271 F. 2d 771.

The quoted language is at page 775, and reference is there made to the case of *Beacon Theaters, Inc.* v. *Westover* ((1959) 359 U.S. 560, 79 S. Ct. 948, 3 L. Ed. 2d 988).

In that case, at pages 508–509, Justice Black, speaking for a majority of the Court says:

"Our decision is consistent with the plan of the Federal Rules and the Declaratory Judgment Act to effect substantial procedure reform while retaining a distinction between jury and nonjury issues and leaving substantive rights unchanged."

Then follows language which is summarized in 79 S. Ct. 948, headnote 18, as follows:

"In Federal courts, equity has always acted only when legal remedies were inadequate."

As Justice Black points out, that rule is derived from a long line of cases one of the earliest of which is *Hipp* v. *Babin* (60 U.S. 271, 19 How. 271, 15 L. Ed. 633). (NOTE.—See Equity, Supreme Court Digest, Key No. 46.)

Despite these ancient rules of law, despite the limitations upon the judicial power of the United States as set out in the Constitution, despite the 10th amendment, the Attorney General would have a Federal court become a registration board, and permit the claims of thousands of "applicants" who have never submitted those claims to proper State tribunals, to be adjudicated in a proceeding said to be "ancillary" to a pending proceeding, an ex parte proceeding, and to be adjudicated by a so-called supplementary decree (prepared statement of Judge Walsh before the committee, p. 6).

The applications which would be filed by those who were not parties to the original action would in no sense be such a complaint as is required by Federal Rules of Civil Procedure No. 3 for the commencement of a civil action in a Federal court.

A civil action in a Federal court is commenced by the filing of a complaint with the court (rule 3).

Other rules provide for the issuance of process, the service of process, the filing of defensive pleadings (rules 4, 5, 8, and 12 for example).

Unless those rules are complied with there is no suit in the Federal court. There being no suit at all, there is no ancillary suit.

But even if we can denominate this strange new application as a complaint, a suit it is not in any sense heretofore adjudicated by the Federal courts ancillary to the civil action which, filed by the United States of America, had preceded.

That action created by the Civil Rights Act of 1957 permits the United States of America to institute a civil action for preventive relief against persons who may be depriving other persons of certain rights.

Now, it is proposed after there shall have been a decree granting such preventive relief (and declaring a pattern or practice to exist) to permit "applicants not parties to the original suit to be granted mandatory relief, to be by a Federal court registered as voters at all elections, State or Federal."

Up to now, it has been the law that even a real case or controversy (as distinguished from an application) cannot be regarded as "ancillary" so that jurisdiction can be made to depend upon the jurisdiction in the original suit unless it has direct relation to property or assets actually or constructively drawn into the court's possession or control by the principal suit (*Oils, Inc.* v. *Blankenship* (145 F. 2d 354, 356)).

Even if these so-called applications could be dignified with the title of "Supplemental Bills," they would be unauthorized under presently existing and adjudicated principles of law and equity and equity practice in the Federal courts (*Walmac Company* v. *Isaacs* (220 F. 2d 108, 113–4), *Dugas* v. *American Surety Co.* (300 U.S. 414, 428, 57 S. Ct. 515, 521, L. Ed. 720)).

The bill provides for the issuance of a "supplementary decree" by the court after these proceedings before the voting referees which proceedings Judge Walsh characterizes as "ex parte" (his statement, p. 6).

The phrase "supplementary decree" is not recognized or defined in the Federal Rules of Civil Procedure nor in title 28 of the United States Code.

Heretofore an action in equity has ended with the final decree adjudicating the rights of the complainants and defendants in the cause.

A court of chancery has had jurisdiction of course to effectuate its decree by appropriate process (19 Am. Jur. Equity, sec. 420).

Mr. President, it is obvious that many of the proponents of this vicious hate legislation are intent upon obtaining quick consideration, that they have already made up their minds to abandon orderly procedure, and to legislate in the dark in an effort to make "political hay," looking toward the November elections.

Has our democracy degenerated so far, Mr. President, that the Congress will be stampeded into voting upon a bill, or upon a variety of bills, without any real knowledge as to what they contain, how they would operate, or the constitutional foundations upon which they rest?

Have the fires of political reward burned so far into the hearts and minds of Senators that they will deny to those who oppose their schemes, and oppose them in good faith, an opportunity to question, in open session, the drafters of this legislation as to just how they propose to operate under it?

Have we progressed so far down the road labeled "The End Justifies the Means" that we are willing to adopt the tactics of Hitler's Reichstag, and, upon the submission of a bill which the administration desires, immediately prepare to shout it to passage, and the devil take the hindmost?

Has the desire for "political gain" so overcome the basic good sense of some who advocate these schemes that they are willing to take a chance on destroying the great constitutional fabric of our country?

I pray that none of these assumptions are true, but I wonder, Mr. President. I wonder if they are not, indeed, rapidly coming to pass, for the conversations in the corridors, the diatribes on the Senate floor, the willingness of some Senators to accept the ex parte findings of the Civil Rights Commission, along with the biased and prejudiced statements of some of their colleagues, sound the warning that haste is the watchword, and expediency is the driving force in this Chamber today.

I represent a sovereign State, Mr. President. I have been elected by my people to serve their wishes, to expound their views, in the Senate of the United States, and I serve notice to all who wish to hear that I intend to fulfill my function, so long as God gives me strength to do so. It will be only after my voice has been stilled, either through the imposition of cloture or the imposition of some other form of "gag rule," that the fight, my fight, the battle on the part of our Republic, will end.

I have, in my previous remarks, covered only a few facets of one of the many bills which have been introduced to strip the States of their proper pow-

ers over elections, and to vest complete control over such functions in the judicial arm of the Federal Government.

Senators note well that the administration bill accords to the judicial branch the appointment of, and control over, referees. The sole, exclusive, and only check on the power of such referees is the Federal judge by whom they would be appointed.

In a situation of this kind, is it not appropriate that the Senate examine the wisdom of traveling such a route? Should we not look behind the appointees and take notice of those who do the appointing?

As to the referees, the appointing power rests, as I have stated, in a Federal judge.

But how does the judge take office?

Under the Constitution, he is appointed by the President, and confirmed by the Senate. He is appointed for life, subject, of course, to the standard of good behavior.

The fact is, Mr. President, that the administration bill vests the power it carries to control elections in an appointed official, responsible to no one, in the conduct of his duties, save an appellate court, or the Congress through the impeachment procedure. I am compelled to the conclusion that the only restraint on judicial abuse of this power lies in the impeachment process.

Senators, we are being asked to place absolute control over our elections, both Federal and local, in the hands of an official who is answerable only under impeachment, which requires a two-thirds vote of both the Houses of Congress. Under a situation of this kind, what practical check is there on a judge's power? What method is open to the people of a State whose rights may well be trampled into the ground, should a federally-appointed judge decide to do so? Can Senators imagine the electorate of a small community in North Dakota, for example, having sufficient influence in the Congress of the United States to obtain a two-thirds vote of both Houses in order to obtain the impeachment of a judge who may have grievously wronged them?

How far, Mr. President, will those who want to win elections at the cost of individual rights proceed before they are overtaken by common sense? How long will the people of this country submit themselves to the possibility of judicial tyranny in order to permit a select few to savor the sweet taste of political reward?

Let us pause, today, and resolve that none of these various schemes shall be approved until they have first been subjected to the scrutiny of the appropriate committees of the Congress. Do not delight, Senators, in forcing this cup of hemlock to the lips of the South; do not compel us to drink of it, until you have at least given us a chance to see in what concentration the poison is present.

And remember this, that even while you rest secure in your feeling that your State, your people, will not be touched by this or its related schemes, there is no assurance that such will be the case. I warn that these bills, this precipitous action, will rise to haunt those of you who now demand them.

I call upon Senators to fulfill your oaths, and to approach the discharge of your duties in a spirit of order, and not vindictiveness. Time, that is what is needed. Time to study these bills, time to learn how they will work, time to test them against the authority of the Constitution.

Time is what I ask, and I hope that Senators will be sensible enough to heed that request.

Mr. President, so far I have tried to discuss only a few proposals now before us for consideration. There are quite a few other points in this legislative package which I would like to call attention to, insofar as the voting rights provisions are concerned, not the least of which is that provision, to which I referred earlier, empowering Federal judges to find "that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice."

Now, this "pattern or practice" to which reference is made would seem to be a relatively innocuous provision; yet, Mr. President, it is, in my judgment, the very heart of this legislation. I understand that since submitting the original bill, the Attorney General has offered to make certain revisions therein, particularly in the area of procedural safeguards, and to otherwise "sweeten" the legislation; but, according to my information, he has rejected any and all suggestions that the "pattern or practice" section be removed.

In this regard I want to lay all of this information before the Senate, and to demonstrate to Senators, beyond any reasonable doubt, that I am not seeing phantoms, that I am not dredging up "bogeymen," but, rather, that the impact of the proposed legislation is so far-reaching as to render it not only patently obnoxious, but probably unconstitutional.

At this point, I want to again quote from the prepared statement submitted by Deputy Attorney General Lawrence E. Walsh, and printed in the record of hearings conducted some days ago by the House Committee on the Judiciary, entitled "Discussion of Proposals for Voting Rights":

> A key feature of the Attorney General's bill is that where a pattern of discrimination against Negroes has been found, a qualified Negro who has been deprived of the right to vote is conclusively presumed to have been so deprived because of the existence of that pattern.

This brief excerpt lets the cat out of the bag. What is apparently a small, innocuous section of this bill is actually the entire raison d'etre of the legislation—its complete reason for being. That reason for being is to permit a Federal court to create a conclusive presumption that, as to a large class of individuals, the right to vote is being denied solely on the basis of race or color.

How justifiable, under the Constitution, and under the rules of plain, common sense, is the creation of this presumption?

I read from the 15th amendment to the Constitution:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

This is the amendment, Mr. President, which, as I indicated earlier, is the basis upon which Mr. Rogers and Mr. Walsh desire to rest their referee scheme. It applies to State action only, not to the action of individuals, and, in addition, it vests authority in the Federal Government to intervene in, or take action concerning, individual cases if, and only if, it can be shown that denial of the right to vote is predicated upon State action flowing from racial discrimination, or, as the result of previous condition of servitude.

In other words, Mr. President, the only factor that the Constitution permits the Federal Government to employ in individual vote cases, the only route by which Uncle Sam can travel in order to affect voting processes of the States, would, under the Rogers bill, be automatically supplied by court finding. This bill would relieve the Attorney General from the requirement that he prove, on a case by case basis, discrimination based upon race, and would, as a substitute, permit a court to make that finding on a shotgun basis, and, as Mr. Walsh has said, make such a finding a conclusive presumption.

I hope my colleagues who are attorneys are listening carefully to this discussion, because it is of vital importance. It is the "meat in the coconut," so to speak; it involves the heart of this bill as I have previously indicated. It is, I submit, directed at the real, the compelling, the only reason the administration is desirous of obtaining enactment of this legislation. The referees sought to be authorized are, while a serious factor, really only window dressing, a screen behind which the real motive for this legislation, the conclusive presumption aspect, is sought to be concealed.

Let me state again what this conclusive presumption means.

Under the 15th amendment, State determinations as to voting qualifications can be overcome only by proof, supplied on an individual basis, that the right to vote has been denied on the basis of race or color.

Yet, the requirement of this proof would be removed by virtue of this bill, since a Federal court could establish a conclusive presumption as to an indeterminate class, on a shotgun basis, and without inquiry into individual cases.

The only duty imposed upon the Attorney General would be removed; the only element of proof which the Government could submit in order to intervene into electoral processes would no longer be required. That element would be supplied, under the term of this bill, in the form of a conclusive presumption.

As I indicated earlier, in connection with my discussion of existing remedies available to both individuals, and

through the Attorney General, the administration does not want to try each case on an individual basis; it does not want to be required to prove racial discrimination, if such exists, on a case-by-case approach. It does not want to fulfill the duty which it must carry out under the 15th amendment, in order to intervene in voting cases. Oh no, Mr. President. The Attorney General wants to have the court supply this proof, it wants a conclusive presumption established as to an entire class, and, from that point forward, the administration wants to take the registration process into its own hands.

The proponents of this legislation, the advocates of big-government control over both State and Federal elections, have managed to cloak their true intentions very well, to hide them very carefully amongst a torrent of verbiage, and to bury them in a mountain of pious sentiments. But now their true purpose is laid bare, now we know the real reason why this legislation is being demanded—namely, and to wit, in order to have available that conclusive presumption.

I understand that there may be some feeling that the Deputy Attorney General's reference to this conclusive presumption was merely a slip of the tongue, that he did not really mean what he was saying. Let me remind the Senate that the excerpt I read from the Deputy Attorney General's testimony was not taken from his extemporaneous comments to the committee, but came from his prepared statement. There was no slip of the tongue on his part; he did not merely refer to this factor inadvertently. He referred to the creation of a conclusive presumption in a previously prepared statement, with full and complete understanding of what the administration wants, and the real reason this bill has been submitted to the Congress.

At the risk of belaboring the point, I wish to again impress upon Senators the gravity of the situation confronting us. As I have already indicated, there is no authority in the Constitution for the Federal Government to impose its control over the electoral processes on a wholesale basis. I am prepared to concede, not out of willingness, but on the basis of past court decisions, that the 15th amendment does seek to make it impossible for the States to utilize race as a factor in determining voting qualifications. But it is important to realize that not only is the 15th amendment self-executing, as the courts have stated, but that the 15th amendment must be applied on a case-by-case basis.

In other words, Mr. President, while the amendment may have the indirect effect of striking from State law any requirement that voting registration procedures take into consideration the factor of race, the 15th amendment does not authorize Federal intervention unless it is possible to prove that State law, despite its lack of reference to race, is being administered in such a manner that race is actually being applied as a factor in voting registration.

Only upon the showing of such proof can Federal action be taken, and I most respectfully submit, Mr. President, that neither the terms nor the spirit of the 15th amendment envision this proof being supplied in the form of a conclusive presumption.

What this bill envisions is the substitution of Federal control for State control over elections. This should occur, if at all, only upon the specific showing, on a case-by-case basis, that, indeed, the electoral processes of a State are so deeply infected with racial discrimination that some far-reaching action is required. Yet, this measure would permit, indeed, require, the Federal Government to intercede in, and to actually administer, State voting laws, as to large numbers of people, without any element of proof required at all. As I have already stated, the proof would be ready made in the form of a conclusive presumption.

In this same connection, Mr. President, I want the press and others to take note of the fact that the battle being waged today by Senators from Southern States is receiving considerable support and acclaim from persons in other areas of the country. I have received quite a bit of mail since this debate has begun, most of it from people in the South, commending me and my fellow Senators for the stand we have taken, and wishing us well. However, in addition, I have received quite a few similar letters from persons in the North, and I would like to read just a few of these to the Senate.

Here is an excerpt from a letter from Ralph L. Hassinger, who lives in Chicago, Ill.:

> We here, in the North applaud your stand. * * * Speaking for my friends, I offer our sincere congratulations to your accomplishments and the good wishes that you can all hold out against opposition until a more realistic solution can be found to determine the status of the Negro of the future.
>
> * * * * * *
>
> I thank you for your kind attention and with my fellow northern friends, wish you and your southern colleagues all the success in meeting this peril and realizing a more realistic conclusion.

I quote from a letter of T. L. McKean, of Henryville, Ind.:

> There are a lot more people for you than the crumbling opponent would have us believe.

This is quoted from a letter of James Hand, of New Brunswick, N.J.:

> The civil rights bill is no more to the liking of the northern people that have been forced to move from their cities due to the Negroes present among them. However, the northern whites have no organization as do the Negroes in the NAACP.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. LONG of Louisiana. Has not the Senator found that wherever he goes in this country, be it North, South, East, or West, or even abroad, the same general tendency of human beings to feel that they are more comfortable and more satisfied among those of their own race seems to prevail?

Mr. ELLENDER. There is no question about that. In our State of Louisiana, for example, there is no doubt that the Negroes live better than those in the North. They are better treated; they enjoy great freedom. Many are among our finest citizens. In recent years—when I say "recent," I mean within the last 25 years—our economy in Louisiana has so developed that it has been possible to provide better schools, better homes, better hospitals, better jobs for everyone, both black and white. When I was in the Legislature of Louisiana, back in 1924, the money which was spent then for the education of Negroes and whites totaled approximately the amount which we now spend for Negro education alone. I think great progress has been made.

The tragedy of it all is that the Negro people, for whom some of the proponents of these measures claim to be fighting, are the ones who I fear may suffer the most, as a result of ignorant agitators. The Senator is well acquainted with what has happened all over the country since the recent Supreme Court decisions. There has been friction of all sorts between Negroes and whites. We never had that situation before.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. Has the Senator gained the impression that most of the race trouble which has occurred in Louisiana—and it has not been much—has been mainly because persons outside the State have stirred it up?

Mr. ELLENDER. Northern agitators come into our State and try to stir up trouble. They want to raise money, and make a big name for themselves. That is a pattern which can be found all over the South. We read about it every day in any newspaper—the New York Times, the Washington Post and Times Herald, the Washington Star—in fact, all newspapers. I have not read today's papers, but I am willing to bet that they will contain articles relating to racial friction somewhere in the United States.

Much of this has been engendered, in my humble judgment, because of the presence of these bills before the Senate. An attempt is being made to get some of the folks who are "on the fence" to fall into line and support these bills. That is what the agitators are trying to do.

I think it is shameful for such things to occur. Yet, as I have said, those who will suffer most as a result of this friction are those whom the agitators make believe they are trying to help—the Negro people. I hate to see that happen. After all, what we want to do is to assist our colored citizens in achieving a better way of life, not to impose social mingling of the races, but to help the members of each race realize their full potentialities.

But the scalawags from the North—we called them carpetbaggers after the War Between the States—are coming into the South and creating all sorts of trouble. I am satisfied that they want to cause friction between the races.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a further question?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. Does the Senator recall that the rapid increase in the Negro registrations in our State occurred before the New Yorkers, Illinoisians, and Oregonians began to introduce voting rights bills in Congress? The increase in registration occurred in the South—particularly in Louisiana—because we understood our situation very well before any voting rights bills were introduced to create Federal registrars or Federal voting referees. It occurred because the white people of Louisiana were satisfied that the colored people could qualify and should be permitted to vote.

Mr. ELLENDER. When I served in the Louisiana Legislature, I was partly responsible for the enactment of the law which repealed the poll tax. Soon afterward, more and more Negroes, as well as more and more white people, began to vote. There are many poor people in our State. Registration for voting climbed quite a bit after the repeal of the poll tax, and it has continued to climb. As I pointed out only recently, Louisiana today has more than 150,000 colored persons who vote. They participated in the last election. No one, to my knowledge, tried to stop them from voting. They participated in voting the same as any other citizen. But to read the report of the Civil Rights Commission, one would be led to think that no Negro in Louisiana can vote.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. Is it not true that there are State statutes which provide that any colored person who has been discriminated against can be placed on the rolls, and that the Attorney General must be his lawyer, at no cost to the person who seeks to vote?

Mr. ELLENDER. That is correct. Furthermore, if an individual has registered, should his name be challenged by virtue of two affidavits made by two citizens, he is notified of that fact. All he is required to do is secure three persons to say that he is qualified to vote, and he must be reinstated without any other formality. That is what should have been done in the Washington Parish case.

As I have stated on the floor on many occasions, only one colored person availed himself of this remedy and he succeeded.

I am satisfied that many of the persons placed on the rolls by the district and supreme courts cannot vote because they are dead. Also, many of them have moved out of the Parish of Washington or have moved from one precinct to another. However, the court said, in effect, "You dead folks can vote if you can rise again." In effect, that is what the ruling means, because the names have been reinstated, whether the persons themselves are dead or alive. In other words, the court has simply taken over the functions of the registrar through a shotgun method, as I have described on the floor of the Senate two or three times.

Mr. LONG of Louisiana. Mr. President, will the Senator further yield?

Mr. ELLENDER. I yield for a question.

Mr. LONG of Louisiana. Without approving the decision which was handed down by the court in the New Orleans district, would it not follow that if the court can do what it did in that case, there is no conceivable power under the sun which the Federal courts and the Attorney General do not have, so as to put on the rolls anyone who claims he has been discriminated against?

Mr. ELLENDER. If the same pattern is followed, and a court is willing to do it, no new laws are needed. As a matter of fact, I believe it has been shown, not once, but many times, by Senators who have argued the question, that there are now sufficient statutes to protect voters, if attempts should be made to exclude them.

Mr. LONG of Louisiana. Judging from the case which came out of the New Orleans district, and which was affirmed by the Supreme Court, would it not appear that any Federal registrar or Federal referee would be a mere deadhead, since the judge has placed on the rolls everyone, whether he is qualified or not?

Mr. ELLENDER. The Senator is correct.

Mr. LONG of Louisiana. Was it not true in that case that the judge actually took a sampling and said that about 137 or 145 registrations he looked at had technical defects?

Mr. ELLENDER. One hundred and fifty-five, to be exact.

Mr. LONG of Louisiana. And that he also looked at a number of cross-sections of white registrations, said there were some defects among them, but without ever determining whether the greater number of the 1,477 were qualified, he simply said, "Put them all on the rolls"?

Mr. ELLENDER. The reasoning used by the judge was that since more Negroes were challenged than whites, there must have been discrimination. That is, in essence, what the judge held, and the Supreme Court sanctified that holding.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield for a question.

Mr. LONG of Louisiana. The effect of the ruling in the New Orleans district was that, if there appears to have been discrimination in the challenging of voters at all, the voters must be put back on the rolls, even if they are not qualified. Is that not correct?

Mr. ELLENDER. That is correct—even if they are dead, or moved away.

I continue, Mr. President, with the letters which I have received from persons all over the country.

The following is part of a letter from Janet E. Dooley, of Buffalo, N.Y.:

> Senator, there are lots of northerners that agree with you, but most of them won't admit it. If only there was some way to truly convince the North before it's too late. In my opinion, the Senators from the North have long since thrown away their birthright, and I resent that fact, because my birthright is thrown right in with theirs.
>
> God bless you for all that you have done, are doing, and will do for this Nation of ours. Thanks.

I quote from a post card from Winfred Steinmetz of New York City:

> DEAR SENATOR: I am in the hospital so please excuse postal. Am with you in this so-called civil rights legislation. Do everything in your power to block this encroachment upon States rights. Hold the filibuster tight or Americans will be lost in the scramble.

I quote the following excerpts from a letter postmarked Elgin, Ill.:

> This northern town of more than 40,000 people was built by white people.
>
> If the Supreme Court desires integrated schools, there could be two kinds of schools—integrated and white. Whatever whites, such as the brethren followers, the Council of Churches, and others who might choose to send their children to integrated schools, could do so. Other white citizens could have the freedom of choice to send their children to white schools.
>
> Please do all you can to give the white race the freedom of choice; the freedom to work, to be taught, to eat, and to reside among people of our own race, and white racial heritages. It would be useless, perhaps, to write the Illinois Senators.

The following was contained in a letter from Alice Andrews, of Chicago, Ill.:

> The enclosed clippings speak for themselves. A big play where even he who runs may see it, is given the sitdown strike. But tucked away, inside the paper, is the attack upon a defenseless woman in my home town. They yelp about Russian brainwashing. The press and the airways here in the North put the Communists to shame. But, if it will give you any encouragement, despite their propaganda, the bulk of the white people in the North are behind you.

The following is an excerpt from a letter signed F. T. Johnson and postmarked Harpersville, N.Y.:

> I hope you have checked on our voting machines here in our State, and why they were forced upon us by our State without a vote of the people.
>
> It is disgusting to see our two Senators, KEATING and JAVITS (especially JAVITS), trying to tell the South how to vote and who to let vote, shouting discrimination, while their own State has more discrimination than the whole Southern States combined.

Mr. President, in this connection, I wish again to call to the attention of the Senate that the Commission report shows that there is much discrimination in the State of New York. The Senator from Georgia [Mr. TALMADGE] has shown that most of the Puerto Ricans there cannot vote.

Mr. President, I predict again that the proposed legislation, although directed to the South, will rise to haunt many Senators who are now advocating its passage.

The Reconstruction bills were directed at the South. They were passed for no other purpose than to enslave the South, and to assist carpetbaggers in foisting upon us corrupt government. But when corruption was found, the worst instance was discovered in New York, where it was shown that many white persons engaged in politics and made thousands of dollars in their quest for votes for particular candidates.

There was so much fraud in the administration of the law that, as I showed in the early part of my remarks, Congress held hearings on many of the charges made by persons who were deprived of

their rights. Because there was so much fraud and corruption, the Congress finally repealed these infamous statutes.

Mr. President, I read another letter I received just a few days ago; from Miss L. E. Lockhart, of Pasadena, Calif. She says:

I am writing in regard to your remarks of last Wednesday concerning the civil rights legislations. I have heard a great deal lately, and have read in past civil rights hearings of people who claim that in the Southern States there has been a wholesale denial of the right to vote. I cannot, in all truth, believe this claim. I am sure that the people who advance this fallacy do so with the very best of intentions, and honestly believe that the views they hold are the only proper ones. However, I disagree thoroughly with their contentions. I disagree because to me it is highly illogical that any State should follow such a course of action. The people in the South who believe in States rights would be much more likely to work this problem out by themselves and attempt to capture the Negro vote than to take such an obviously unworkable line of action.

I seriously believe that people who speak in such a manner of our Southern States are libeling one of the fairest sections of the world.

Secondly, I cannot agree with their reference to the right to vote. Voting is a responsibility, a duty, a moral obligation to oneself and one's country, but it is not a right. Even if we were to accept the assertion that it is a right, we would certainly have to admit that it has been erroneously misused by a large number of our population.

I sincerely hope that this legislation will not pass. In this case it is clearly the right and duty of the States to act, and, given time, I have faith that they will.

COLD WAR VETERANS GI EDUCATIONAL BILL

During the delivery of Mr. ELLENDER's speech,

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana may yield to me without losing his right to the floor, and that the interruption will not be counted as a separate speech.

Mr. ELLENDER. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. Is there objection? There being no objection, the request is granted.

Mr. YARBOROUGH. I thank the distinguished Senator from Louisiana for his courtesy. I ask unanimous consent that my remarks may be printed at the conclusion of his remarks, in orderly sequence in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, remembering that education is a hallmark of democracy, as well as a prerequisite of a higher standard of living, increased productive capacity, and a richer life experience for each individual, I cannot emphasize too strongly the need for final congressional action on the cold war veterans GI educational bill.

As this bill is being considered by the House Veterans Affairs Committee, many individuals, organizations, and publications in all sections of the Nation are urging its passage. For example, two publications in my State—one of them, the outstanding student daily newspaper published at the University of Texas—it is one of the outstanding student daily newspapers published in any university in this country—have recently editorialized in support of the cold war veterans GI bill.

The editorial in the Daily Texan of February 25, 1960 points out:

At last Congress is considering a measure which may alleviate part of the cold war's ill effects on the Nation's college-age people. * * * Since 45 percent of our young men now serve their time in the military, this law will help equalize their educational opportunities in comparison to those others who do not enter the armed services.

Mr. President, it is obvious that the students and professors at our universities and colleges are in a position to understand best the problem which this bill attempts to correct. It is therefore especially gratifying to have their support of the cold war veterans GI bill.

Mr. President, I might point out that in the testimony before the Senate committee last year, before the Senate passed the bill by a vote of 57 to 31, the deans of admissions of the colleges pointed out that veterans had the highest average of any large bodies of students in the colleges, and that they caused fewer disciplinary problems. The disciplinary rate among veterans attending college was less than 10 percent the disciplinary rate among nonveterans in college.

Another daily newspaper in Texas, the Austin American, has also made a valid point in urging early passage of the cold war veterans GI bill. Pointing out that a great flood of young college students, "the baby crop" which followed in the wake of World War II, will reach college by the mid-sixties, the editorial declares that the GI bill's early passage would "help cushion the rush." The cold war GI bill would open educational opportunities to about 4 million veterans, some 200,000 in my State, and would result almost immediately in increased college enrollments. These increases over the next few years would allow educational institutions steadily to enlarge and improve their instructional staffs and facilities. They would thus be better prepared for the gigantic increases in enrollment foreseen by 1965.

The children of the veterans of World War II will reach college age at approximately that period, as pointed out in the editorial of that daily newspaper, so the colleges can be training the veterans now and thus build big enough staffs to be ready for the increased enrollment which will come after the mid-1960's.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD, the following editorials: from the Daily Texan of February 25, 1960, entitled "Cold War Benefits; and from the Austin American of February 25, 1960, entitled "GI Bill May Cushion Rush on Colleges."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Daily Texan, Feb. 25, 1960]

COLD WAR BENEFITS

At last Congress is considering a measure which may alleviate part of the cold war's ill effects on the Nation's college-age young people.

The House is considering a bill which will extend educational benefits to veterans who have served (or will serve) in the Armed Forces between January 31, 1955, and July 1, 1963. Senate approval was given the measure last summer.

If passed, this bill will open college educational and on-the-job training assistance to some 4 million young persons who honorably serve their country during the cold war period.

Since some 45 percent of our young men now serve their time in the military, this law will help equalize their educational opportunities in comparison to those others who do not enter the armed services.

The pending bill reasonably differentiates between wartime (World War II and the Korean war) and cold war service. Minimum service period for obtaining benefits will be upped from 3 to 6 months, and the $110 per month actually is less than the earlier $78—due to inflation in recent years.

Furthermore, the bill stipulates that benefits to any veteran who cannot maintain a scholastic standard which puts him in the top one-half of his class shall be made on a loan basis only.

When put into effect, the program will have these favorable effects:

Military service enlistments will tend to increase and thereby reduce the need for use of the draft. This will reduce harmful effects of compulsory service to a minimum.

It will encourage the education and completion of education of many young men—preparing them to be more valuable citizens and to enter such professions as teaching, research, medicine, science, and engineering.

It should be noted that 2,262,000 veterans went to college under the World War II GI bill, and over 1 million Korean veterans used veterans' benefits to attend college. From those two GI bills, the Nation obtained an additional badly needed 180,000 doctors and nurses, 113,000 physical and research scientists, 450,000 engineers, and 230,000 schoolteachers.

Bureau of Census figures show that the training received under those bills is paying the Government more than $1 billion annually more in taxes than we would collect without that training, and that those bills will pay themselves out by 1967.

We urge a resolution of support for this measure from the student assembly, in addition to other group and individual support by university students. Texas' Senator RALPH YARBOROUGH introduced the bill, and Texas' Representative OLIN E. TEAGUE is chairman of the House Veterans' Affairs Committee, which will hold hearings on the bill this spring.

[From the Austin American, Feb. 25, 1960]

GI BILL MAY CUSHION RUSH ON COLLEGES

One thing may be said for sure about Senator RALPH YARBOROUGH's bill to extend Federal education benefits to veterans who have served since World War II and the Korean conflict, and that is, if Congress is going to pass the bill, it should do it as quickly as possible.

There are clear warnings that the gigantic "baby crop" that marked the explosive upsweep in population after World War II will send a great throng of young people to the colleges and universities within the early future.

One estimate is that the number of youths reaching college age will increase more than 25 percent in a single year about the middle of this decade.

The GI education provision was a great boon to most universities and colleges in the postwar days. It brought in thousands of additional students, and the Government paid the bills. Colleges were able to expand faculties, improve their work, provide more

buildings and facilities. As the GI benefits tapered out, many institutions saw their enrollment go into a decline; and until now, the rate of rising enrollment had not kept up with predictions. But it is known, from enrollment in the elementary and high schools, and from population figures as well, that a tremendous potential enrollment is on its way to the institutions of higher learning.

If many thousands of older persons are to be encouraged to go to college, and have their costs paid in part by the Federal Government, it should be done at the earliest possible time, both to minimize the crush that is coming, and to provide the money with which the institutions can build up their facilities and faculties to get ready for the stampede. And, of course, the veterans need the opportunity for college education, and they need it in their youngest years. Strong support has been shown in Congress—Senate passage of the bill and a solid backing for it in the House—to indicate that the GI education extension measure will pass sooner or later. If so, it should be now.

Mr. YARBOROUGH. Mr. President, I thank the distinguished senior Senator from Louisiana for his courtesy in permitting these remarks to be made at this time, with the understanding that they will be printed at the proper point in the RECORD and not interrupt the continuity of the Senator's address.

Mr. ELLENDER. I am glad to have that done.

PRAYER BY THE CHAPLAIN

The PRESIDING OFFICER. Under the resolution previously agreed to, the Chaplain will now offer prayer.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Dear Lord and Father of mankind, we come in the multitude of Thy tender mercies praying that we may become more worthy of our inheritance. In our heritage is an opulence and a plenty of which we are but Thy stewards. Give us the humility to know that this bounty for which yearning millions crave did not come to us because we, above the rest of men, are deserving. Show us how hollow and full of mockery is our thanksgiving unless our prayers are haunted by the needy multitudes of the earth.

Cleanse our hearts of any resentful or ungenerous thoughts of others. When they differ from our judgments, may we strive to understand the facts that support their convictions.

With malice toward none and charity for all may we face the vital questions which affect the Nation's life conscious of the deep unity which only free men can know beneath all divergences. In all the give and take of minds in this historic Chamber, may the causes here served and the decisions here made be fruitful for the common good.

We ask it in the dear Redeemer's name. Amen.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be the usual morning hour, subject to a 3-minute limitation on statements.

The VICE PRESIDENT. Without objection, it is so ordered.

PETITION

The VICE PRESIDENT laid before the Senate the petition of William E. Bufalino, of Wilkes Barre, Pa., praying for a redress of grievances, which was referred to the Committee on the Judiciary.

THE NATION'S WATER RESOURCES—RESOLUTION OF KANSAS ENGINEERING SOCIETY

Mr. CARLSON. Mr. President, the Kansas Engineering Society at its 52d annual meeting in Wichita, Kans., recently stressed certain governmental duties and responsibilities of both the Federal and State Governments in a resolution dealing with the Nation's water resources.

The future growth and development of Kansas will be determined largely by the amount of water we can conserve and use for beneficial purposes. Therefore, I ask unanimous consent that this resolution be printed in the RECORD, and referred to the appropriate committee.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Whereas the Federal Government is expending large sums of public money in the development of the Nation's water resources; and

Whereas it is recognized that both Federal Government and the States have certain governmental duties and responsibilities and that there is need for legislation to define them in order that each may effectively carry out their respective duties and responsibilities; and

Whereas there is a need for acceleration of research, basic data and development programs; and

Whereas the population and the economy of the State of Kansas and of the Nation is expanding and requiring ever increasing quantities of water to meet the complex needs of this modern civilization, there is need for more emphasis on water supply development for domestic, municipal, industrial, agricultural, and recreational facilities: Now, therefore, be it

Resolved, That the Kansas Engineering Society urge enactment of Federal legislation to effectuate the following principles and policies:

1. The establishment of uniform standards, criteria and procedures for further economic and financial evaluation of water resources development projects to be used by all Federal agencies;

2. Coordination of Federal activities with the proper State water agencies as well as with local interests from the inception of Federal activity allowing full cooperation to be carried forward through all stages to completion;

3. An acceleration of basic data collection in cooperation with State agencies so that an adequate body of knowledge concerning the hydrological characteristics of water resources of the Nation and an inventory of consumptive and nonconsumptive uses, present and future, will be available when needed;

4. Maximum development of reservoir sites to include conservation storage for domestic, municipal, industrial, and irrigation, as well as flood control space, recreation, and other benefits; be it further

Resolved, That a copy of this resolution be sent to the U.S. Senate Select Committee on National Water Resources and to the Kansas congressional representatives.

JAMES R. DURFEE—EXECUTIVE REPORT OF A COMMITTEE (EX. REPT. NO. 3)

Mr. WILEY. Mr. President, as in executive session, on behalf of the Senator from Mississippi [Mr. EASTLAND], the chairman of the Committee on the Judiciary, from that committee, I submit a report relating to the nomination of James R. Durfee to be associate judge of the U.S. Court of Claims, and I ask that the report be printed.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Wisconsin.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBERTSON (for himself and Mr. CAPEHART):

S. 3138. A bill to extend the Export Control Act of 1949 for 2 additional years; to the Committee on Banking and Currency.

(See the remarks of Mr. ROBERTSON when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT:

S. 3139. A bill to amend the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. ALLOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT (for himself, Mr. MANSFIELD, and Mr. CASE of South Dakota):

S. 3140. A bill to provide for the establishment of a Commission on Problems of Small Towns and Rural Counties; to the Committee on Government Operations.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

EXTENSION OF EXPORT CONTROL ACT OF 1949 FOR 2 YEARS

Mr. ROBERTSON. Mr. President, the Export Control Act of 1949 will expire June 30, 1960. In the interest of the national security it is essential that this act be extended for 2 additional years.

The Export Control Act authorizes the President to prohibit and curtail the exportation from the United States, its territories, and possessions of any articles, materials, or supplies including technical data. The act provides that this authority may be used on the basis of three standards: The national security, the foreign policy, and domestic scarcities. It is under this act that shipments of all commodities from the United States to Communist China are embargoed and shipments of strategic commodities to the rest of the Soviet bloc are carefully controlled.

The President has delegated the authority in this act to the Secretary of Commerce, who has the benefit of advice from the various agencies interested in exports, such as the Departments of State and Defense.

Congress has been receiving regular quarterly reports from the Secretary of Commerce, as required by the act, which contain complete information about operations under the act.

National security and foreign policy considerations during the next 2 years make it evident that the extension of this act will be necessary.

The Secretary of Commerce, in his letter of February 17, 1960, addressed to the President of the Senate, requested the extension of this act. I ask unanimous consent that his letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., February 17, 1960.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.
Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

DEAR MR. SPEAKER and MR. PRESIDENT: The Export Control Act of 1949, as amended (50 U.S.C. App. secs. 2021–2032), expires by its terms on June 30, 1960. I recommend that this law be extended by the Congress for another 2 years. A proposed draft bill to accomplish that purpose is attached.

The Congress has by this act authorized the President, to the extent necessary to safeguard our national security and domestic economy and to further our foreign policy, to regulate all exports except certain limited kinds, such as munitions and atomic materials, which are controlled under other legislation. The Department of Commerce administers the act by a delegation of authority from the President. Current administration of the act involves restriction or denial of exports of specified commodities and technical data to certain destinations for protection of the national security and in furtherance of our foreign policy. Accordingly, specific export licenses, issued on the basis of applications submitted by exporters, are required for exports of strategic commodities to all destinations except Canada in order to prevent the Sino-Soviet bloc from obtaining them by direct or indirect means. Practically all exports are prohibited to Communist China, North Korea, and north Vietnam, in accordance with our foreign policy. Exports to friendly nations are kept free of restrictive export controls except to the extent necessary to prevent diversion, transshipment, or reexportation to unauthorized Sino-Soviet bloc destinations.

In accordance with provisions of the act calling for interdepartmental consultation regarding its administration, the Secretary of Commerce has established an Advisory Committee on Export Policy on which are represented, among others, the Departments of State and Defense. It is their judgment and ours that, while there today appear to be some hopeful signs of possible future amelioration of world political tensions, it would be very harmful to our security and foreign policy interests to allow strategic exports to be made without restriction to the Sino-Soviet bloc, a result that would occur if export controls were permitted to expire next June. In addition, the United States, under the provisions of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C., secs. 1611, et seq.), establishes certain lists of strategic materials which friendly nations receiving aid from the United States may not export to the Soviet bloc. The United States must be in a position to prohibit exports from the United States of such items either directly or indirectly to the Soviet bloc.

I am therefore asking the Congress to extend the act another 2 years by amending section 12 to change the termination date from June 30, 1960, to June 30, 1962. Similar extensions were authorized by Congress in 1956 and 1958. This provides for the minimum extension required from the viewpoint of efficient administration and enforcement, while providing opportunity for the next Congress to review the program and authorize its further extension if still necessary. The act itself provides ample flexibility to permit any necessary changes to be made in the scope and direction of export controls, if and when conditions change, so that no other substantive amendments of the law are required. If at any time the controls should cease to be needed, they can be readily terminated, since section 12 of the act allows this to be done at any time either by concurrent resolution of the Congress or by Presidential order.

I respectfully urge consideration of this recommendation by the Congress as early in this session as possible. Prompt passage of the extension of the act is needed for budgetary, planning, and personnel reasons and to remove any doubt that this important facet of the economic defense program will be continued. We have been advised by the Bureau of the Budget that enactment of such amendatory legislation would be in accord with the program of the President.

Sincerely yours,

PHILIP A. RAY,
Under Secretary of Commerce.

Enclosure:

A bill to provide for continuation of authority for regulation of exports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 of the Export Control Act of 1949 (63 Stat. 7), as amended by Public Law 33, Eighty-second Congress (65 Stat. 43), Public Law 62, Eighty-third Congress (67 Stat. 62), Public Law 631, Eighty-fourth Congress (70 Stat. 407), and Public Law 85–466, Eighty-fifth Congress (72 Stat. 220), is hereby amended by striking out "1960" and inserting in lieu thereof "1962."

Mr. ROBERTSON. Mr. President, on behalf of myself and the Senator from Indiana [Mr. CAPEHART], I introduce for appropriate reference a bill to extend the act for 2 years.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3138) to extend the Export Control Act of 1949 for 2 additional years, introduced by Mr. ROBERTSON (for himself and Mr. CAPEHART), was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

Mr. ALLOTT. Mr. President, I introduce, for appropriate reference, a bill to amend the Civil Service Retirement Act. This amendment is designed to mitigate some harsh results that have developed under existing law.

The bill would: first, protect the survivors' annuity rights for a widow or a dependent widower of a retired public servant who dies within 18 months after separation from the civil service; and second, give protection to the widows, dependent widowers, and eligible children of a public servant who dies within 18 months after separation from the service, but before actually being eligible and filing claim for his annuity.

I have studied this field rather thoroughly on the basis of some very difficult problems which have developed. The conclusion is inescapable that a clear case can be made for some additional protection for widows, dependent widowers, and children for a limited period in the case of those Federal employees who die before establishing a valid claim for an annuity and for those who die shortly after retiring. Private bills have, in recent years, been enacted to take care of some of these difficult problems. A much more equitable way to resolve these problems, and many others which do not come to our attention, is to eliminate the cause.

PRESENT LAW

Presently, the widow or widower of an annuitant, separated and retired after October 1, 1956, receives survivor annuity only if married to the annuitant and named at the time of retirement for the benefit under a reduced annuity election. A married Federal employee, retiring under any provision of the law may designate all or any portion of his annuity as the base for the widow or widower's annuity. The wife or husband named receives half this base as widow's or widower's annuity, starting immediately after the retiree's death and ending at death or remarriage. In return, the retiree accepts, for life, his earned annuity reduced by an equivalent percentage.

Where such a retiree makes his election and dies very soon after his retirement, his choice may serve to produce some very harsh results in the form of sharply reduced annuities—annuities to which he has contributed for many years. Even more difficult situations have arisen where the Federal employee dies before establishing his annuity.

OTHER LEGISLATION

Bills have been introduced in this Congress to provide free annuity protection after retirement to the spouse of a retiree. This would relieve a married employee of any obligation to accept a reduced annuity upon retirement in order to provide for his spouse's future. Aside from some real questions of policy on the extent to which the Government and the retired employee, respectively, should bear the responsibility for survivor annuities, the cost of these proposals would be extensive, even if limited to those people retiring after 1956, as provided in these bills. Adoption of such a provision would open the way for demands by retirees generally, for the same treatment at immense cost. The total cost of such a proposal is estimated in the hundreds of millions per year, running into the billions of dollars of total cost to be borne in large part by employees now in the civil service.

DESCRIPTION OF PROPOSED LEGISLATION

My proposal would protect the survivor annuity rights of the widow or dependent widower of an annuitant who dies within 18 months after date of separation. This means that such survivor protection will automatically attach in the case of the annuitant who elected life annuity but fails to live beyond the specified period. Also benefited will be the widow or dependent widower of a retired employee who selected less than his full annuity as survivor base. In each affected case, adjustment will be made in the annuity already paid the retired employee to reflect the necessary reduction therein.

My bill would also accord protection to the widow, dependent widower, and eligible children of an employee separated with immediate or deferred annuity title who dies within 18 months after separation but before actually being eligible and filing claim for annuity. This follows a similar provision already in the Social Security Act for workers participating in the social security system.

I have requested of the Civil Service Commission Chairman, Roger Jones, a study of the number of cases that would be benefited by enactment of this legislation and of the cost involved. I am advised that this survey will be included in the Commission's report on the bill, and have reason to believe that the cost will not be substantial.

A clear case exists for enactment of this legislation in the interest of fairness to our retired public servants. It is my hope that our Senate committee will proceed as expeditiously as possible with its consideration of the bill.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3139) to amend the Civil Service Retirement Act, introduced by Mr. ALLOTT, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (h) and (i) of section 1 of the Civil Service Retirement Act (5 U.S.C. 2251 (h) and (i)) are amended by striking the words "section 10" wherever they appear and substituting therefor the words "sections 9(g) and 10."

SEC. 2. Section 9(g) of the Civil Service Retirement Act (5 U.S.C. 2259(g)) is amended by adding at the end thereof the following sentence:

"An employee or Member so retired who hereafter dies within eighteen months after date of separation survived by a widow or dependent widower shall be presumed to have made the election provided herein in favor of such widow or dependent widower and designated for this purpose his entire annuity."

SEC. 3. Section 10 of the Civil Service Retirement Act (5 U.S.C. 2260) is amended by adding at the end thereof a new subsection as follows:

"(g) In case an employee separated from service with title to immediate or deferred annuity under this Act shall hereafter die, within eighteen months after the date of his separation, before having established a valid claim for annuity, the provisions of subsections (c) and (d) of this section shall apply af if he had died in service. Any lump-sum credit paid upon such separation shall be deposited before his survivors may be entitled to annuity."

COMMISSION ON PROBLEMS OF SMALL TOWNS AND RURAL COUNTIES

Mr. MUNDT. Mr. President, I introduce, for reference to the appropriate committee, a bill to provide for the establishment of a Commission on the Problems of Small Towns and Rural Counties.

Members of the Senate will recall that during the last session of Congress I introduced S. 2621, a bill providing for the establishment of a Commission on Problems of Small Towns. The bill which I present today is a redraft of S. 2621, broadening the Commission's investigative authority to include studies of the problems of the rural county areas, in which the vast majority of America's small towns are located. It is the opinion of many, with whom I have conferred in South Dakota and elsewhere, that the value of this Commission's study will be greatly enhanced by this increased scope of investigative authority.

All of us, who have lived and worked in the Middle West, the rural heartland of the United States, know that the problems of our small towns have a close interrelation with the problems affecting the rural county areas in which the small towns are located. This interrelation of problems, interests and objectives between small towns and the county areas around them is becoming increasingly stronger with improved highway systems and communications facilities.

Today, it is virtually impossible to separate the interests of town and county. The prosperity of the small town is in large measure dependent on the affluency of the farmers and ranchers living in the immediate county area, for these folks are the customers of the small town's businesses. Conversely, rural county residents are vitally interested in the progress and development of the small towns in their area, for they look to these towns to provide them with the infinite variety of goods and services, which are required in 20th century living. It is obvious that each group is dependent on the other, and that the problems of one immediately become the problems of the other.

Therefore, Mr. President, I am expanding the objectives of my Small Town Commission bill to include an analysis of and an investigation into the interrelated problems of the rural county areas of the United States. I am convinced that this Commission study of small town and rural county problems can be of untold benefit to every agricultural and semirural area in the United States. I earnestly hope this authorizing legislation will receive early and favorable action by this session of the 86th Congress.

The PRESIDING OFFICER. (Mr. FREAR in the chair). Without objection, the bill will be received——

Mr. STENNIS. Mr. President, reserving the right to object, may I ask what it was the Senator requested?

Mr. MUNDT. I introduced a bill concerning the problems of small towns. It has nothing to do with the pending business.

Mr. STENNIS. I have no objection.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

The bill (S. 3140) to provide for the establishment of a Commission on Problems of Small Towns and Rural Counties, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Government Operations.

Mr. MUNDT subsequently said: Mr. President, I ask unanimous consent that the names of the Senator from Montana [Mr. MANSFIELD], and my colleague, the junior Senator from South Dakota [Mr. CASE] may be added as additional cosponsors of the bill—S. 3140—to provide for the establishment of a Commission on Problems of Small Towns and Rural Counties, introduced by me earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR RESCUE SERVICE IN U.S. AIR FORCE—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of February 29, 1960, the names of Mr. LONG of Hawaii and Mr. SYMINGTON were added as additional cosponsors of the bill (S. 3122) to amend title 10 of the United States Code in order to establish an Air Rescue Service in the U.S. Air Force, introduced by Mr. BARTLETT (for himself and Senators GRUENING, YARBOROUGH, FONG, CAPEHART, COOPER, YOUNG of North Dakota, CHURCH, MOSS, HARTKE, RANDOLPH, KENNEDY, HUMPHREY, BYRD, of West Virginia, and PASTORE) on February 29, 1960.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. KEATING:

Address on Abraham Lincoln, delivered by Senator DIRKSEN at the Cooper Union, in New York City, on February 27, 1960.

By Mr. MONRONEY:

Article entitled "A Goal for Nuclear Test Conference," published in the Christian Science Monitor of March 2, 1960.

THE SUGAR QUOTAS

Mr. CURTIS. Mr. President, I hold in my hand a United Press International dispatch from Smithfield, Utah. It quotes our colleague and very dear friend, the Senator from Utah [Mr. BENNETT], in reference to sugar legislation, and particularly as regards Cuba. I read the dispatch, which quotes him as saying:

> Nothing would please Fidel Castro and his Communist companions more than for the Congress, in hasty reprisal, to deprive Cuba of a major portion of her privileges in the American sugar market at this time.

Mr. President, perhaps I am unfair when I quote from a news release, because we do not now have the benefit of Senator BENNETT's full statement. I certainly would agree with him that hasty and ill-conceived action on any subject would be a mistake.

I do not take issue with Senator BENNETT. I do take issue with certain forces in Washington, in connection with the matter of extending the Sugar Act. It is said that there are in Government

those who are advocating extension of the existing Sugar Act.

Mr. President, extension of the existing Sugar Act, without any change, would give an increased quota to Cuba. It may be debatable whether it would be wise to decrease the quota of any country. But if the Sugar Act as it now stands were extended, it would increase Cuba's quota by 50,000 tons annually; and if it were extended for 4 years, that would amount to 200,000 tons. Mr. President, it would require 25,000 acres of sugar beets to produce 50,000 tons of sugar.

Our agricultural program is costing us billions of dollars. Hundreds and hundreds of our farmers want to raise sugar beets, but do not have an allocation of a single acre for that purpose.

Mr. President, since last November America has imported more food than she has exported—including that exported under Public Law 480 and all the giveaways.

Mr. President, I am not opposed to foreign countries; but if some other country were suffering from the plague of a surplus which depressed its economy, certainly it would be wrong for America to force her exports upon that country. We cannot maintain our self-respect if we do not demand the same for ourselves.

Mr. President, a strong argument can be made for not decreasing the sugar quota that any country now has. But no valid argument can be made for increasing the sugar quota of any foreign country at a time when American agriculture is in so dire a situation.

Furthermore, if deficits occur under the quota of any country which is supplying sugar to American consumers, the deficits should be supplied by our domestic producers.

Mr. President, every business in America except agriculture has been expanding and has new opportunities and new markets. We have an expanding population; in fact, it has been referred to as an exploding population. It will increase tremendously in the years to come. Certainly the sugar which will be needed because of the increased consumption by our rapidly expanding population should be produced in the United States. That would not result in decreasing the quota of any foreign country.

Mr. President, I have a high regard for those in the State Department; but no one has ever accused them of being experts on agriculture or on our domestic economy.

IS FOREIGN AID JEOPARDIZING AMERICAN JOBS?

Mr. TALMADGE. Mr. President, one of the most thoughtful analyses of the economic dangers inherent in this country's current foreign aid programs and policies is that which appears in the February 27, 1960, issue of the Saturday Evening Post. Written by Demaree Bess and entitled "Is Foreign Aid Jeopardizing American Jobs?" it is particularly significant in the light of President Eisenhower's request for new foreign aid appropriations equaling the United States' annual trade deficit. I commend it for the careful attention of all Members of this Senate, Mr. President, and I ask unanimous consent that the text be printed herewith in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS FOREIGN AID JEOPARDIZING AMERICAN JOBS?—AS A RESULT OF OUR MASSIVE POST-WAR AID PROGRAMS TO EUROPE WE NOW FACE FORMIDABLE TRADE COMPETITION FROM ABROAD—CAN WE MEET THE CHALLENGE?

(By Demaree Bess)

Ten years ago my wife and I built a home in the western North Carolina mountains at Asheville. This move from Europe puzzled our friends, who knew that I intended to keep on writing about America's international relations, as I have done since 1924. I explained that I would still spend a good part of my time traveling, but after living abroad for more than 30 years we felt that we needed to know more about our fellow Americans who live outside the world's political centers.

One reason we chose western North Carolina was that the South was almost as "foreign" to us Midwesterners as the numerous overseas countries where we have resided. We looked forward to another novel experience. During these 10 years we have learned a lot about the South and about the United States. And we have become aware of the intimate connection between America's international relations and the everyday problems of the American people.

The trips which I take abroad and to Washington give me what Ernie Pyle, the great war reporter, used to call "the big picture." But that picture often stays badly blurred until I have come home to think about what I have learned and to discuss it with my neighbors. Recently I have done that with one phase of our foreign relations now undergoing searching reappraisal. This is our foreign economic policy, which has produced some of the most grandiose and imaginative projects in our history, including the Marshall plan and other varieties of foreign aid. But this policy also has created potential dangers to two things affecting the lives of most Americans—dollars and jobs.

Unfortunately our foreign economic policy is so complicated, so controversial, that most of us get bored reading about it. I often feel that way, although I have been struggling to understand and report the development of this policy ever since it began to assume its present shape during World War II. I have watched it evolve step by step until it produced this year a dilemma which was aptly pointed out by Edwin Dale, Jr., economics specialist for the New York Times. Mr. Dale reported that President Eisenhower and his advisers are now torn between two powerful emotions. On the one hand, they feel that we should maintain foreign aid at present levels, or even increase it. Today most foreign aid goes to underdeveloped countries and has become as much a weapon in the cold war as missiles. When underdeveloped countries cannot get help from our side they turn to the Soviet bloc, which frankly uses foreign aid to encourage the spread of communism. But on the other hand, the President has become increasingly concerned about the stability of the dollar and the millions of American jobs which may be affected one way or another by foreign economic policies.

It has often been noted that Mr. Eisenhower keeps in tune with popular feeling, and my home-town neighbors confirm this impression. Our medium-sized southern community is undergoing the same emotional conflict about foreign economic policy which reportedly is bothering the President. Asheville people have generally approved foreign-aid projects under both Democratic and Republican administrations. This community lies in what is sometimes called the "Bible belt" and has supported missionaries all over the world for generations. The concept of sharing our abundance with countries wrecked by the war appealed to the missionary spirit, as did the later policies of helping underdeveloped countries. With surprisingly little complaint my neighbors have accepted the heavy taxes necessitated by our worldwide mutual-security program. To an extent, they have also personally profited from Washington's huge expenditures in foreign countries for defense and economic aid. These countries often bought American products with this money. However, foreign aid has always been presented as a temporary measure, designed to meet one emergency after another. For example, the Marshall plan itself was originally depicted as a 4-year project restricted to Europe, with the total cost accurately calculated in advance.

Today, more than 12 years later, my neighbors are uneasily aware of the fact that there seems to be no end to foreign aid. Washington policymakers have made foreign aid a permanent item in the budget, almost as firmly rooted as the appropriations for our military forces. At the same time, our costly overseas garrisons, also originally presented as temporary, have become equally permanent. The concept of foreign aid likewise has been extended to include manipulation of tariffs and quotas to assist distressed foreign countries. These developments probably were inevitable. But they have created a wholly different set of problems than those foreseen during and immediately after the war. Our foreign and domestic affairs have become so inextricably intermingled that the fate of the dollar and of American jobs depends to a much larger extent than ever before upon our foreign transactions.

As far as my North Carolina neighbors are concerned, the threat to American jobs is more serious than the threat to the dollar. One recent example will explain why this is so. Last autumn Asheville people noted with pride that our district has been removed from Washington's chronic unemployment list for the first time in many years. Western North Carolina has comparatively few industries to provide jobs, but its mountain people are so devoted to their ancestral homes that they stay put as long as they possibly can. These reliable workers, living in a region with abundant water and a good climate, have enabled energetic local businessmen to cooperate with North Carolina's businessman Governor, Luther Hodges, in attracting industries to eliminate chronic unemployment. But shortly after this was done, I read a brief item in a New York newspaper reporting that the Treasury Department had ruled in favor of several European companies accused of dumping rayon staple fiber on the American market, which means selling below the home market price. These companies are in France, West Germany, Austria, Italy and Belgium, and represent industries restored with Marshall plan aid.

This news item attracted my attention because the largest industrial enterprise in western North Carolina is American Enka, which makes rayon staple fiber among other things. I asked friends in this company whether the ruling affected them, and my question revealed what I consider a startling situation. For several years American Enka, like all rayon producers, has had many problems adjusting itself to revolutionary innovations in synthetic fibers by competitors. But by the end of 1957 the company had solved most of these problems, partly by building a large nylon plant. Moreover, rayon made a striking comeback, so much so

that American Enka found it worth while to build a $25-million rayon staple-fiber plant, only recently completed. But the profitable operation of this plant was made possible only by an act of Congress in 1958, plugging a loophole in the anti-dumping law which had enabled European producers to sell rayon staple fiber on the American market at prices American producers could not meet.

Then the foreign companies straightway appealed to the Treasury and they were cleared of dumping charges because of allowances which the Treasury had made after the law was passed. This meant that they could continue to undersell American producers on the American market. To an extent they were able to do this because European Governments have subsidized exports in order to get gold and dollars. In short, the Treasury ruling has meant that foreign competition has made American Enka's costly new plant unprofitable. As a result, as this is written, several hundred Enka jobs are thus jeopardized. Of course, other American fiber producers are equally affected.

This dilemma in my home town personalized the big picture of our foreign economic relations which I had been studying for several weeks in Washington and Europe. And at an Asheville meeting last October a flood of similar complaints from every southern State was reported to the Southern Governors' Conference. Georgia claimed that vastly unequal standards of living make it absolutely impossible for the American textile industry to compete with foreign producers on equal terms. Texas lamented that uncontrolled imports of foreign oil and oil products threaten to destroy completely the domestic oil industry in Texas and the Nation. Oklahoma listed oil, glass, zinc and lead among its industries in difficulties, almost wholly due to heavy imports of these products. Similar complaints are coming from every part of the United States, and whether they are justified or not, they make it clear that our foreign economic policy will be a major campaign issue in the 1960 elections. Exhaustive studies are therefore being made all over the place in Washington—in congressional committees, in the Departments of State, Treasury, Labor, and Commerce, and by several unofficial research groups. These studies have been mainly concerned with the way our foreign economic policy affects the dollar's stability and American jobs.

Since early last summer the health of the dollar has preoccupied President Eisenhower and his Secretary of the Treasury, Robert B. Anderson. What has troubled them most is the fact that we are sending many more billions of dollars abroad than we are getting back. During 1958 the deficit in international transactions was $3,400 million, and during 1959 it topped $4 billion for the first time. As a result our gold reserves have dropped to the lowest point since the war, less than $19 billion, while foreign claims against our gold have risen to more than $15 billion. It may be only a coincidence that the 1958–59 deficits happen to be almost identical with foreign aid. But most economists agree that deficits cannot continue at this rate indefinitely without endangering the dollar's stability. And in this election year foreign aid is the most obvious target for political attention.

However, respected authorities disagree about what should be done to protect the dollar, and their controversies are confusing to those of us who do not pretend to be experts on such matters as gold reserves and international transactions. Many members of Congress confess that they also are not experts, but they cannot just sit back and watch. Congress shares with the President and his advisers responsibility for foreign economic policy. So our legislators have been laboring valiantly to get information which will enable them to choose between contradictory expert opinions.

In particular, the Joint Economic Committee of Congress has taken testimony from a long procession of specialists during several months of 1959. Over and over again, in one form or another, they have asked this question: How can we assure a stable dollar and protect American jobs while also fulfilling our worldwide commitments? The Senators and Representatives on this committee have discovered that there is no simple answer. But the expert testimony has revealed one disconcerting fact—the American dollar and American jobs are now in jeopardy partly because of the gratifying success of American efforts to revive and nourish a free world. While Americans were accomplishing this important and valuable achievement, we were also creating new problems for ourselves.

There is, I believe, no historical precedent for America's foreign-aid programs. The best known of these programs, the Marshall plan, underwrote the economic revival and modernization of Europe's most advanced industrial countries and later was extended to Asia's only fully industrialized power, Japan. Aided by American billions, these countries have become more effective producers than they were before the war, and therefore stronger competitors against us. Americans made it possible for them to replace in record time their war-damaged industrial plant, much of which was obsolete, with facilities matching and in many cases surpassing our own. The war did not wreck any of our plants, so that many of them are out-of-date. So we have, in effect, recreated trade competition at least as formidable as that which we faced before the war. This was a necessary thing to do in order to meet the menace from Moscow. We need have no regrets about this achievement, but the time has come to reconsider how to meet the competition.

I have reported America's foreign-aid projects from their outset. Some of my most vivid memories are of the mingled incredulity and suspicion with which non-Communist Europeans greeted Secretary of State George C. Marshall's 1947 offer to underwrite their recovery. This offer was made almost without conditions. Europeans looked for a catch somewhere, but there was no catch. In 1947 many Americans were convinced that Europe was on the verge of going Communist and that an economically strong non-Communist Europe was essential to American security and well-being. At the start the Marshall plan was not concerned with rearmament—in fact, Congress specifically forbade the use of these subsidies for rearmament. The costly business of rearming the entire non-Communist world came later.

After touring all Marshall plan countries I discussed the program with a Swiss banker who proved to be a poor prophet. This international financier told me, "I doubt that American taxpayers will put up the billions to complete this program when they see what it really means. The countries you are subsidizing were your toughest trade competitors before the war, and they can become equally tough again." Possibly the Swiss banker's doubts would have been confirmed if the Korean war had not broken out in 1950. But the Korean war had about the same effect upon Americans as Pearl Harbor. This Communist use of naked force swept away almost all the remaining resistance to the Marshall plan concept. Subsidies snowballed to cover continents other than Europe and to include global rearmament and a network of American bases and garrisons abroad.

I found that some of our former enemies were the most surprised beneficiaries of American subsidies. One day West Germany's cities were piles of rubble, and Americans were still dismantling the surviving remnants of Germany's industrial plants and shipping them to Russia in accordance with wartime reparations agreements. Then suddenly the German industrialists, some of whom we had labeled war criminals, found themselves back in favor, with Americans underwriting restoration of their industries. American bankers and businessmen flocked to Germany to contribute the latest technological advice as well as dollars. The Germans did not conceal their astonishment. One of them exclaimed to me, "Imagine this, only 3 years after Hitler and our unconditional surrender." A considerable number of those Germans have since become millionaires again. In 1952, when I revisited Japan for the first time since the war, I found Japanese leaders even more bemused by the turn of events. During the American occupation immediately after World War II, almost all the principal Japanese industrialists and bankers were either imprisoned or hidden behind a kind of purdah of inactivity, as loathsome collaborators. Now Washington was urging these same Japanese to rebuild their bombed-out and dismantled plants with the latest American equipment to supply our soldiers fighting the Korean war.

One of the first Japanese I sought out was an acquaintance, dating back to the 1920's—career diplomat Mamoru Shigemitsu. He had just finished a 7-year prison term as a war criminal, but was soon to become Prime Minister with the American Government's enthusiastic approval. In prison Mr. Shigemitsu had been out of touch with world affairs and he asked me wonderingly, "Did you foresee anything like this situation?" What astonished him was that Americans had underwritten Japanese industrial rehabilitation in 1950, less than a decade after Pearl Harbor.

I assured Shigemitsu that I had not foreseen these developments, and neither had anybody else I knew—least of all Washington wartime policymakers. They planned for a very different kind of economic world order. They assumed that victorious Soviet Russia would cooperate with her wartime associates in creating a prosperous global economy. On this assumption Russia was included in all international economic and financial institutions set up for postwar rehabilitation. When Russia did not perform as expected, Washington hastily revised its economic policies from 1946 onward.

Now the American Government visualized a world neatly divided into two blocs—Communists and non-Communists. The catchy title free world was universally adopted by governments, press, and public to cover all non-Communist regimes, ranging from parliamentary democracies to one-man dictatorships. The same Americans who had hoped for a one-world economy with Russians now settled for the more limited free-world economy, including everybody except Communists. Essential to this new concept was a federated non-Communist Europe, vigorously pushed by Democrats like Averell Harriman and Republicans like Paul Hoffman and General Eisenhower, while he was chief of NATO.

Europeans did not accept this revolutionary plan as quickly as its American sponsors had hoped. But during the past 18 months European economic federation has become an accomplished fact. It has developed so rapidly and so quietly that many Americans probably are still unaware of it. The American labor leaders and industrialists who heartily supported in principle what amounts to a European economic revolution apparently did not anticipate some of its effects upon American workers and industry. For Western Europe's economic revolution has strengthened immeasurably the ability of Europeans to compete with Americans in world trade.

In 1959 two powerful European combinations began to operate. One is the European Economic Community, also known as

the European Common Market; the other is the Outer Seven. The Common Market got going on New Year's Day 1959. It brought together six highly industrialized nations with a combined population of 165 millions: West Germany, France, Italy, Belgium, the Netherlands and Luxembourg. The community's immediate purpose is to form a Common Market roughly equivalent to that of the United States by gradually eliminating trade barriers among its member nations. The first internal tariff reduction already has been made, and others are scheduled at regular intervals until the Common Market becomes as unrestricted as those of the United States and Russia.

This community could become even more formidable if Great Britain joined it. But the United Kingdom could not join without surrendering its system of preferential trade with British Commonwealth nations. Only after the Common Market began to operate did London decide to protect its interests by setting up another European economic federation. Last July, 79 delegates from 7 countries, organized by Britain, met in Stockholm and formed a customs union known as the Outer Seven, consisting of Britain, the 3 Scandinavian countries, Austria, Switzerland, and Portugal. The Outer Seven agreed to reduce tariffs among themselves by 20 percent before July 1, 1960, matching reductions scheduled by that date within the Common Market. Sponsors of both combinations are still hoping to arrange a merger. This situation presented so many potential challenges to American trade with Europe that Under Secretary of State C. Douglas Dillon, an investment banker in private life, spent some weeks in Europe recently in negotiations with his European counterparts.

Mr. Dillon sought an agreement between the United States and the two new European combinations that they would not discriminate against each other's trade and would join forces to aid underdeveloped countries. But so far the agreement is only in principle.

When President Eisenhower flew to Europe last August, the American public was so fascinated by the prospect of Nikita Khrushchev's visit here that one of the major purposes of the President's mission was generally overlooked. Only a few specialists noted that in his talks with European statesmen last autumn Mr. Eisenhower showed almost as much concern about our economic relations with our allies as about our relations with Russia. In a television report to the people last September, the President first revealed that he was contemplating what might be called an Eisenhower plan, designed to replace the Marshall plan concept which has dominated American economic policy for more than 12 years. Mr. Eisenhower's September speech and subsequent administration statements have explained how the Eisenhower plan differs from the Marshall plan. The United States was the sole contributor to the Marshall plan, and Europe's industrial powers were its principal beneficiaries. The Eisenhower plan proposes to make underdeveloped countries its sole beneficiaries, with Europe's industrial powers and Japan acting as joint contributors with the United States.

The Eisenhower plan recognizes that foreign aid today is a very different proposition from what it was in 1947, because of basic changes in the world's economy. During the past 12 years the United States has voluntarily abdicated its unchallenged economic supremacy in the free world by sharing its economic power with its allies. Western Europe and Japan possessed the know-how and we have given them the money and means to apply it. This has enabled them to win an increasing share of the American market as well as the world market.

Their gains are not entirely due to wage differentials. These experienced industrial powers have come up with innovations which narrow the technological gap between them and us. Two conspicuous examples of this are typewriters and automobiles. West German and Italian typewriter manufacturers have made substantial inroads upon what was a virtual American monopoly because of the quality of their products, as much as prices. The Italian Olivetti Co. recently bought controlling interest in the company making the Underwood typewriter, a machine which helped me earn my living for many years. Appealing foreign automobiles have invaded the American market with considerable success. Similarly the Japanese, who formerly competed only with cheap inferior products, now emphasize quality in such items as transistors, optical goods, and textiles marketed throughout the United States.

At the same time America's non-Communist competitors have swiftly acquired formidable bargaining power against us. For example, Europe's Common Market is now in a position to counteract American manipulation of tariffs and quotas with equivalent maneuvers. While this discourages advocates of high American tariffs, it also demands firm and constant bargaining to protect American interests.

Also this makes it certain that during President Eisenhower's last year in office he will focus intensely on economic policy. The most vulnerable item in the 1960 budget will be foreign aid, which is sure to be even more subject to political attack than ever in this presidential election year. During his 2 years as NATO commander and 7 years as President, Mr. Eisenhower has consistently supported all forms of mutual security. He has insisted that the contest with the Soviet bloc demands firm continuance of America's global commitments. However, during 1959 the President and his associates have begun to realize that the menace from Moscow has obscured threats to American jobs and the dollar's stability from non-Soviet competition. Mr. Eisenhower has been particularly impressed by Secretary Anderson's arguments. The Secretary of the Treasury has pointed out that our worldwide security system has been erected upon the foundation of a stable dollar and a solidly prosperous American domestic economy. If that foundation is seriously weakened, or even if its strength becomes doubtful, the entire structure is jeopardized.

This viewpoint has inspired several recent revisions of foreign economic policy. The administration has adopted a number of measures to ensure that more of our foreign-aid grants be spent in the United States. It has concluded agreements to remove discriminations against American goods which were previously tolerated because of so-called dollar shortages.

Finally, the administration is using all the means at its disposal to persuade our prosperous allies to contribute much more toward their own defense and toward aiding underdeveloped countries. American subsidies have not only restored the industries of our allies but have also footed most of their defense bills during postwar rebuilding. Now Washington is proclaiming that one era has ended and another begun. For more than a decade after World War II American workers and industries alike profited from universal shortages, caused by war damage and economic chaos in all major industrial countries outside the United States. Competition in our domestic market was minimal, and foreign countries eagerly bought American products while they were not yet equipped to make their own—they could buy these products because Washington was providing grants estimated at about $40 billion. During this period the American Government often showed more interest in restoring foreign industries than in protecting American industries. American labor leaders and management tolerated this attitude so long as they were profiting by worldwide shortages.

But now that the free world's economy has been brilliantly restored, the United States faces competition probably more fierce than any we have known, and no American politicians can afford to ignore this fact. The Democratic majority in Congress feels the same pressure from voters as the Eisenhower administration does. Therefore, a large number of Democratic as well as Republican Members of Congress privately endorse Secretary Anderson's thesis that the surest way to safeguard the mutual-security system is to give top priority now to measures designed to protect American jobs and the dollar.

CALL OF THE ROLL

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 95]

Aiken	Ellender	Monroney
Allott	Engle	Moss
Anderson	Frear	Mundt
Bartlett	Gore	Murray
Beall	Green	Muskie
Bible	Gruening	Prouty
Brunsdale	Hart	Proxmire
Bush	Hartke	Randolph
Byrd, W. Va.	Hickenlooper	Robertson
Cannon	Hruska	Russell
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N.J.	Johnson, Tex.	Scott
Case, S. Dak.	Keating	Smith
Church	Kerr	Stennis
Clark	Lausche	Talmadge
Cooper	Long, Hawaii	Wiley
Cotton	Long, La.	Williams, Del.
Curtis	Magnuson	Williams, N.J.
Douglas	Mansfield	Young, N. Dak.
Dworshak	Martin	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

FUNERAL ARRANGEMENTS FOR FORMER SENATOR HERBERT R. O'CONOR

Mr. BEALL. Mr. President, I should like to state and have the RECORD show the funeral arrangements for the late Senator Herbert R. O'Conor, of Maryland.

His body will lie at his home until the funeral on next Tuesday morning. There will be funeral services on Tuesday, March 8, at 9:10 a.m., at his home at 101 East Highfield Road, Baltimore, Md.

Then there will be a requiem mass at the Cathedral of Mary Our Queen at 10 a.m., at 5200 North Charles Street, Baltimore.

Burial will be at Cathedral Cemetery.

WE NEED ACTION ON LEGISLATION WHICH WILL PREVENT COMMUNISTS FROM GETTING PASSPORTS

Mr. MUNDT. Mr. President, one of the legislative problems we have had before us for a long time is the matter of giving legislative authority to the Secretary of State to deny passports to certain people who are Communists or

whose travel abroad would be inimicable to the best interests of the United States.

This matter is of such significance that the President has sent a special message to Congress to urge that the internal security of the country be protected. We have heard a great many speeches with respect to the security of the country insofar as its internal security is concerned. I think Congress should recognize that charity begins at home, and that when we have a situation in which the Government lacks power to prevent Communists from getting passports so they can carry secrets to their masters overseas, Congress should work on the problem as soon as it can to eliminate that threat.

Since the Supreme Court ruled that the Secretary of State does not have this authority, a number of important Communist agents and Soviet spies have been able to obtain U.S. passports. The possession of this important document enabled them to travel to Red meetings and conferences all over the world, where they replenished their contacts, sources of information, and instructions on how better to subvert the forces of freedom in America. They took the opportunity while attending these Communist conferences to make denunciatory speeches against their homeland. The Soviet radio networks saw to it that these speeches were beamed all over the world.

The February issue of Reader's Digest tells the story in an article by Charles Stevenson entitled "No Passports for Our Enemies."

I ask unanimous consent to have that article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO PASSPORTS FOR OUR ENEMIES

(By Charles Stevenson)

Within the week that you read this, John Hanes, the U.S. State Department's Administrator of Security in Washington, will open an envelope marked "Confidential, Security Information," and scan a shocking message from the FBI. One of its undercover agents, operating deep within an American Communist ring, will have learned that still another member of the Communist Party will soon be applying for a U.S. passport so he can travel abroad. His assignment: to undermine the cause of America around the world.

Hundreds of such warning messages come to John Hanes' attention. If this one is like the others it will state, typically, that the traveler's secret objective will be to go first to Hungary and turn over to the secret police the names of Hungarian freedom fighters now living in the Pittsburgh, Youngstown, Cleveland, and Detroit areas. Next stop will be Red China, where as "a representative of American labor" he will broadcast to the new African nations that an alliance with the United States will bring them slavery; if they ally with China and Russia they will receive aid and friendship. Returning via Moscow, he will make secret reports on Communist activity in the United States, and he will bring back instructions and perhaps money for future operations in this country.

Hanes will curse under his breath, but he will be powerless. Sure enough, the Communist applies for a passport for a "European pleasure trip." In the Washington passport, office a clerk will make the usual check. From a central file of FBI, CIA, and congressional intelligence will come a fat envelope reciting the applicant's long personal history of disloyalty, subversion, even treason. Even so, he will get his passport, which vouches for his U.S. citizenship and assures him of Government protection in his journeyings.

This procedure is now so routine that our authorities know it by heart. Every month passports are handed over to a hundred such security risks, a half-dozen of them known to be hard-core Communist operators. This has been going on ever since June 16, 1958, when the Supreme Court ruled that the Secretary of State has no authority to deny passports to people because they are Communists.

Indeed, the Security Administrator is helpless even when he knows the passport applicants are operating as Communist secret agents. He cannot even delay an escaping spy unless the FBI is willing to reveal immediately the evidence of a crime already committed; this the FBI usually can't do—because it would require unmasking its own undercover agents before they had worked up their cases against the entire gang.

"Plainly speaking," states a recent report by the Senate Internal Security Subcommittee, "this country has, at the behest of the Supreme Court, authorized a small army of disloyal citizens to go abroad and travel about under the protection of the United States. Naked logic tells us that at least some of this number will be in a position to damage this Nation in a substantial manner."

In an attempt to get congressional action to close this gaping hole in our defense, FBI Director J. Edgar Hoover last year told Congress: "This [Supreme Court] ruling will facilitate the travel of spies, couriers, and subversives. The next time a representative of the party is summoned to the Soviet Union he will not even have to go to the trouble of using an alias."

But Congress so far has not dealt with this problem effectively.

Passports are an essential part of any foreign agent's protective coloring. Top Communist spies and saboteurs have had obscure American party members obtain passports, then assumed their identities. Gerhart Eisler, currently a top propaganda official of Communist East Germany, served for years as the Kremlin's undercover boss of the Communist Party in the United States while using a passport made out to an American Communist but bearing Eisler's photograph. For a long time Eisler directed the Communist infiltration of U.S. labor unions. Then, in 1947, he was convicted of passport fraud. He jumped $20,000 bail and escaped New York on a Polish liner.

Col. Rudolf Ivanovich Abel, the highest Soviet intelligence officer ever apprehended in the United States, was convicted a little over 2 years ago. Members of the cells he organized, some probably still on the job, effectively smuggled defense and atomic secrets to Russia by messengers who returned with instructions and U.S. currency to finance further operations. Abel and the couriers were able to stay in business because they used U.S. passports.

Until 1958 the United States had at least the right to try to protect itself from passport abuse. Ever since 1856, laws had clothed the Secretary of State with authority to issue or deny passports. Traditionally, passports were denied on the ground that an individual's activities abroad would be prejudicial to the foreign relations of the United States. During the 1920's, passports were denied to Communists as a matter of right. The regulations were relaxed during the next 20 years. However, in 1950, after U.S. Communist Party leaders had been convicted of conspiracy to overthrow the Government by force, and after American Reds had openly engaged in trying to throw the Korean war to the enemy, Congress cracked down.

It enacted legislation setting up procedures to identify and label subversive organizations, and made it a crime for any member of such groups to apply for or be issued a passport. By 1952 the State Department had set up elaborate regulations to prevent bureaucratic injustices. Every suspect applicant for a passport was entitled to know the specific reasons for denial. He could explain away the information informally, or appear before an appeals board with counsel and argue his case for the record with his own witnesses.

Fear of the searchlight that such hearings might throw on their activities discouraged most known Communists from even applying for passports. Instead, the party threw a reported $300,000 into legal battles and propaganda to get the courts to knock down the barrier to the Red travel operations.

Three test cases were carried to the Supreme Court, Rockwell Kent, the artist, and Dr. Walter Briehl, a Los Angeles psychiatrist, had demanded passports, but refused to certify they weren't Communists. Dr. Weldon Bruce Dayton, a physicist, said he wanted to go to India. The Government's brief against him showed that he had associated with Communists since 1943. At the University of California he had admittedly headed the Science for Victory Committee, a group described by the State Department as a Communist-organized front for propaganda and espionage activities.[1] Witnesses testified to seeing him several times at the Greenwich Village address used by the Rosenberg spy ring to microfilm U.S. Government atomic documents for transfer to the Soviet Union in 1949 and 1950.[1]

The Secretary of State asserted: "I have reason to believe on the balance of all the evidence that the applicant is going abroad to engage in activities which will advance the Communist movement."

But none of this was enough. In two separate decisions by margins of one vote—5 to 4—the Supreme Court on June 16, 1958, ruled that all three men were entitled to passports. The majority argument: There was no authority under existing law to control travel by Communists, even hard-core revolutionaries.

In the preceding 6 years, out of 3,130,000 applications only 15 passports had been finally denied by the Secretary of State on Communist grounds—proof that most Communists were in no mood to risk exposure of their activities by demanding the right to travel. As soon as the decisions were rendered, however, they rushed to get theirs while the getting was good. Within just 10 months, 1,150 people whose passports would have been held up for inquiry into Communist affiliations before the June 16 decision got them without question.

Who are some of these people? What are they really up to?

With controls out of the window, Dr. W. E. B. DuBois, a Negro writer from Brooklyn with a long Communist-front record, and his wife obtained new passports. Mrs. DuBois hurried to the All-African People's Conference in Ghana to read a speech that her husband wrote attacking the Western Powers and praising Red China and the Soviet Union. Meanwhile, DuBois was received in Moscow by Premier Khrushchev. The Soviet boss indicated his appreciation of DuBois' efforts by awarding him the $35,000 Lenin Peace Prize.

Although our Government forbade American travel to Communist China, DuBois went from Moscow to Peiping—bearing an American passport. There he made hate-American speeches which were beamed to Asian and African peoples. "Because he carried an American passport," says John Sipes

[1] "Decision and Findings in the case of Weldon Bruce Dayton," by Secretary of State Dulles, Oct. 4, 1956.

of the State Department's Bureau of Security and Consular Affairs, "he was regarded as a representative American citizen."

Henry Willcox, a wealthy New York building contractor, and his wife, Anita, were allowed to have passports during the Korean war. They said they wanted to go to France and Turkey for travel and business. But less than 6 weeks later, in direct violation of the conditions under which these passports were granted, they were consorting with our enemies in Peiping as American delegates to an Asian-Pacific peace conference.[2] Over the radio, in China and Poland, the Willcoxes participated in attempts to picture the United States as guilty of germ warfare on a wide scale.

The U.S. Constitution defines treason as "adhering to the enemy, giving them aid and comfort." Thus, when Willcox was called before the House Committee on Un-American Activities and suffered a convenient lapse of memory about his germ-warfare proof, Representative Bernard W. Kearney, of New York, declared: "I am firmly convinced that if there was ever a flagrant case of treason this one is."

Because of all this, the Secretary of State refused to renew the Willcoxes' passports when they applied again in 1954. However, owing to the Supreme Court's decision, they now have brandnew passports, ready to use to carry out their activities.

William Lorenzo Patterson, general manager of The Worker, official mouthpiece of the American Communists, had a passport which he used to go to Hungary and Czechoslovakia during the Korean war. In press interviews and in speeches he accused the United States of being a Government of criminals and cannibals. He, too, repeated the germ warfare lies to create enmity toward the United States.

The State Department seized that passport because of his illegal use of it in entering a then restricted Iron Curtain country. Now, however, he has a new one which, he has said, he may use to go to the U.S.S.R.

Nowhere, however, is there a more flagrant insult to the United States than the case of James E. Jackson, a member of the U.S. Communist Party's executive committee. He obtained one of the easy-to-get new passports to visit France as a tourist. Called before a Senate inquiry soon afterward, he took the fifth amendment when asked if his real purpose was to visit the Soviet Union. Nevertheless, 7 weeks later he was in Moscow attending the 21st Congress of the Communist Party of the Soviet Union. At these sessions he spoke bitterly against the United States in a speech radioed throughout the world. Finally returning home, he again appeared under subpena before the Senate Internal Security Subcommittee, but refused even to identify his photograph. In order to conceal the truth about his trip, he took the fifth amendment 88 times at a single sitting.

Why have these gravediggers of democracy, these servants of a foreign power, been allowed to get away with their activity? The evidence and most of the case histories cited here were available to our legislators throughout their last session. Why has Congress failed to act?

Three weeks after the High Court's ruling, Robert D. Johnson, legal adviser of the State Department's Passport Office, warned: "If an espionage agent walked into the Passport Office today and proved his citizenship, we would have to issue him a passport."

Secretary of State Dulles rushed a draft of remedial legislation to the Capitol. "The international Communist movement seeks * * * on every front to influence foreign governments and peoples against the United States and eventually by every means, including violence, to encircle the United States and subordinate us to its will," he wrote House Speaker SAM RAYBURN. "Surely our Government should be in a position to deny passports to such persons." Still our Congressmen failed to enact remedial legislation.

President Eisenhower sent a special message to them. "It is essential that the Government today have power to deny passports where their possession would seriously impair the conduct of the foreign relations of the United States or would be inimical to the security of the United States. * * * Each day and week that passes without it exposes us to great danger." Month after month now has passed—and still no action by Congress.

Recently the American Bar Association has come forward urging Congress to take effective steps quickly. It says there are ways of permitting the Secretary of State to use information from secret sources without violating individual liberties.

Isn't it about time that we demand that our legislators read the record and awaken to the realization that action is imperative?

[2] "Decision and Findings in the Case of Henry and Anita Willcox," by Secretary of State Dulles, Nov. 11, 1957.

Mr. MUNDT. Mr. President, in addition, I was privileged to have the head of the Security Office in the Department of State, Mr. John Hanes, appear on a television show with me recently. At that time we discussed the need for tightening up the security measures on passports.

I believe what Mr. Hanes has to say on this matter should be of great concern to Congress and of great interest to the country. I ask unanimous consent to have printed in the RECORD at this point the transcript of that television program.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

Mr. MUNDT. Good friends, we have a very special report to you from Washington dealing with a subject of vast significance to everybody listening to this program and to everybody in America and, that deals with a phase of the cold war and the contest against the Communist world, which isn't too generally understood or too widely appreciated. Consequently, I was happy a few days ago to read in the current issue of the Reader's Digest a most fascinating although disturbing article entitled "No Passports for Our Enemies." I guess you and I would agree to that, we shouldn't give passports to our enemies. But, unfortunately, that is exactly what the Government is compelled to do these days. As a result of some recent Supreme Court decisions and as a result of the failure of Congress to plug up the holes which have developed as a consequence of those Supreme Court decisions and because of the vital importance of this problem and this question to all of us, I have brought to the studio, for this program, a very special guest, one of our Assistant Secretaries of State, Mr. John Hanes, who is in charge of the security aspects of our State Department operation. So, first of all let me present to you our guest as I will serve as the reporter in this broadcast and ask this expert in this field of such sensitive importance to all of us, some questions which I hope will enable everybody watching and hearing this program to further understand the importance and the urgency involved. Thank you first of all, John Hanes, for being with me on the program.

Mr. HANES. Senator MUNDT, I am particularly happy to be here with you in view of the interest and the help you have always been to us in the very important field of our national security.

Mr. MUNDT. Yes, well thank you. We have sat across from the committee table of course, hour after hour after hour dealing with legislation on this problem. Interestingly enough, I introduced a bill about 6 months ago, dealing with exactly this problem, S. 2095, and the Assistant Secretary of State, John Hanes, was the primary witness. We held preliminary hearings for many, many days and I am hopeful that as a consequence of those hearings this bill, or some other bill with equally large teeth in its jaws, will be enacted by this Congress before we adjourn to deal with this problem which we are now going to discuss, the passport problem, a problem of providing procedures so that good Americans can get passports as they need them and get them quickly and that Americans who are enemies to this country, going over to try to destroy these freedoms, can be denied the passports essential to their skulduggery. First of all, Mr. Hanes, you might start off by giving us a little history of the Passport Office.

Mr. HANES. Well, Senator, the passport as a document, of course, goes back to the Bible and Nehemiah gives the first mention of a passport. Our own passport dates back to the earliest days of the Republic. The first passport we have any record of being issued was in 1796. The Secretary of State has always been the passport issuing authority. In times of war or national emergency, he has historically refused to issue passports to persons dangerous to our national security. His authority to perform the function of safeguarding the Nation through the passport power was never challenged until the last few years.

Mr. MUNDT. Never challenged. That brings us right down to the crux of the problem that we want to discuss on this broadcast. That is this, what was the gist of the Supreme Court's decisions involving the cases of Kent and Dayton: Rockwell Kent, the artist, and Dayton, an academic individual, both of whom carried to the Supreme Court a denial of the passports with which they had been confronted.

Mr. HANES. These two cases, Senator MUNDT, were the culmination of almost 8 years of litigation, which was very largely financed by the Communist Party of the United States, although the Communists got a lot of other well meaning, good Americans to misunderstand what they were trying to do and go along with their efforts. The final decision said that the Secretary of State has no legislative authority to deny passports, either to Communists or even to a person he has specifically found is going abroad to further objectives of the Communist Party.

Mr. MUNDT. Let's button that one down. What the Supreme Court held was that the State Department had no legislative authority. They did not deny the constitutional authority of Congress or of the Government to establish these safeguards.

Mr. HANES. They certainly did not, sir. They said that the Congress had not specifically legislated and therefore the Secretary in the absence of such legislation could not act in this field.

Mr. MUNDT. Yes, of course that is kind of significant because we did enact legislative authority which specifically gave the State Department not only the right but the obligation to deny Communists passports.

Mr. HANES. Nine years ago, sir. The Communists have kept that law in the courts until the present time and that act has never yet become operative because they have litigated it and carried it through one appeal after another.

Mr. MUNDT. That is right. I know that so well because that is contained in the provisions of the Mundt-Nixon bill which was passed in the first place over a Presidential veto and then after it gets in there to the Subversive Activities Control Board they challenge it there. Then when they make a decision they challenge it in the courts so

the long processes of adjudication have still kept the Mundt-Nixon bill from becoming operative after 9 years. Although I do hope that we are nearing the end of the judicial process and am perfectly convinced and certainly hopeful that when the Supreme Court finally does rule on the constitutional right to enact legislation, we can then do something about it. But in the meantime this is serious because we have wide open exit gates to the Communists and dangerous enemies of the Republic to go overseas as this article in the Reader's Digest pointed out. Mr. Hanes, you can't even stop a known spy from walking out with a passport unless you bring in the evidence which is sometimes impossible to do at the time without disclosing all of your underground sources of information. Is that correct?

Mr. HANES. Yes, sir. That is absolutely correct.

Mr. MUNDT. Why it is important to the Communists themselves to get these passports to travel abroad? Why are they so eager to get them that they would spend over 9 years in the courts, and over $300,000 trying to stultify the Mundt-Nixon bill which would otherwise stop them from going overseas.

Mr. HANES. Think of everyday life. In carrying out a business, I suppose you theoretically could carry it out purely by mail or telephone. You don't. You have to deal with people face to face. Now if that is true in ordinary business, it's much more true in carrying on a subversive, undercover business. I don't know how you would recruit an agent by mail and I don't think the Communists do either. They have to do that kind of thing face to face. That is why the American Communists want to travel, to get their orders from Moscow, or wherever; to see face to face the kind of people that they are dealing with. This is absolutely essential to the operation of a subversive conspiracy.

Mr. MUNDT. As Assistant Secretary of State, in charge of our security activities and our protective screens, can you give us either a hypothetical case or a case from the records showing just how the Communists use these passports to try to destroy the freedoms which all of us as Americans feel we have a right to enjoy, to protect?

Mr. HANES. Well, Senator, we have an awful lot of cases that aren't so hypothetical but basically we have instances of people who have gone abroad, we know, to attend schools of subversion, to the famous Lenin school that used to exist in Moscow—probably under another name today, it still exists. They go abroad to get their orders. Sometimes they also, incidentally engage in something else that is pretty hard for us to stomach, such as James Jackson did last year in making a speech to the 21st Congress of the Communist Party of the Soviet Union in Moscow which was beamed all over the world.

Mr. MUNDT. Are you talking about the James Jackson who is a member of the executive board of the American Communist Party?

Mr. HANES. Yes, sir; I certainly am.

Mr. MUNDT. That certainly dramatizes the need for some authority on your part because here's a fellow that everybody knows certainly is a Communist, an open member of the executive board, getting a passport to go overseas. Now tell us how he used it.

Mr. HANES. Well, I'll tell you one way we know how he used it is because we have records of the speech that he made that was broadcast by Radio Moscow vilifying the United States and rebroadcast throughout the nations of the world allegedly by an American as to the kind of government he felt we had and ought to have. Now, we are pretty certain that this top American Communist was doing more in Moscow than making speeches, but we can't show that.

Mr. MUNDT. Is this void in our passport protective screen of considerable concern to our security experts both in this country and around the world? I know you were in close to them. Do they recognize this as a pretty great and serious leak in our whole security program?

Mr. HANES. Indeed they do, sir. Mr. J. Edgar Hoover has, on a number of occasions, pointed this out as one of the serious gaps in our defensive screen. He was speaking just the other day about the new head of the American Communist Party, Gus Hall, and pointing out that one of the reasons that Gus Hall was such a successful leader of the American Communist Party today was the opportunity he had some years ago to travel and to attend this Lenin School in Moscow.

Mr. MUNDT. As a matter of fact, the President himself thinks it is important enough to put in some kind of a plug while the courts are wrestling around about the Internal Security Act and the Mundt-Nixon bill. He sent down a special message preliminary to my introduction of S. 2095 asking us to at least give the State Department some specific legislative authority to stop the most flagrant cases. One of these specific things in the bill is to stop the known Communists—at least the most violent and dangerous cases. I would have hoped the Congress would have passed that last year, and if not last year, early this year, because every passing day it would seem to me, with those conditions, tends to jeopardize our security. Is that hyperbole an exaggeration, John, or would you think that is correct?

Mr. HANES. That is absolutely correct, sir. It is certainly not an exaggeration, and the President himself and the former Secretary Dulles and present Secretary of State Herter have all said precisely what you are saying; that is, that this situation represents a very real and substantial danger to our national security.

Mr. MUNDT. Right; and they have been buttressed by J. Edgar Hoover of the FBI and Allen Dulles of the CIA so that you have all of the authority that we have to protect us, saying the same thing.

Mr. HANES. I know no one of responsibility in this field who is not deeply concerned by this, Senator MUNDT.

Mr. MUNDT. Now we have about a minute and a half left, John. Let's turn to a subject which is kind of misunderstood, generally, back home among the people. What is the basis of the State Department's policy toward China and travel in China?

Mr. HANES. The basis of it, Senator, is we are not at peace with Red China. Red China is still a branded aggressor against both the United Nations and against our own forces. They are still engaged in aggressive actions against one of our allies, the Republic of China, in the Far East. They continue to hold Americans prisoners in their prisons despite an undertaking made 3 or 4 years ago now, promptly to release all Americans they hold. It's the entire complex of our foreign relations. We just will not deal with a regime of that sort, under those kind of conditions, until that regime has shown some basic rudiments of observing the normal rules of international conduct.

Mr. MUNDT. They are pretty slow to move in that direction of respecting the so-called international rules of good behavior.

Mr. HANES. They are very slow. We want the American people to know about Red China. We have been trying for over 2 years now to get some of our journalists into Red China to report. The reason that they haven't gone in is that the Chinese Communists themselves will not grant them visas. We've given valid passports to 30 or 40 reporters who are able and willing to go in and report on it. The Red Chinese don't want these kind of facts to be known.

Mr. MUNDT. Well, I'm glad you brought this up. That hasn't been thoroughly understood either. Thank you very much, Mr. John Hanes, Assistant Secretary of State for this very informative and interesting program.

PASSPORT SERVICE

Mr. MUNDT. One of the bills on the subject which would, in addition to strengthening the hand of the Secretary of State in the withholding of passports, reorganize the Passport Office, and elevate its status to that of the Passport Service, is S. 2095, which has been introduced by me. Hearings have been held. Enactment of this bill will help some in the solution of this problem. Indeed, Mr. President, I think the passage of this bill will solve the problem completely.

RESOURCES DEVELOPMENT AND CONSERVATION IN HAWAII

Mr. LONG of Hawaii. Mr. President, almost half a century spent in Hawaii has impressed me with the close dependence of the Islands' economy on natural resources. There, our prosperity and welfare are very clearly related to the prudent management of land and water resources, vegetation, wildlife, and, certainly, of our recreation resources. Full development of natural resources is essential for economic prosperity, and equally full resource conservation is essential to the permanence of our life there.

The same lessons about the urgent need for full resource development and conservation throughout the entire United States have been impressively recounted in hearings before the Committee on Interior and Insular Affairs. Authorities in technical resource and conservation fields and in public affairs have stated facts that lead them to urge enactment of the proposed Resources and Conservation Act, S. 2549. Hugh Bennett, the noted pioneer on soil conservation, Governors Steve McNichols of Colorado, Brown of California, Nelson of Wisconsin, and others of like stature have strongly supported the bill.

Most impressive to me was the summary statement made by the author of the bill, the senior Senator from Montana [Mr. MURRAY]. That statement includes a wealth of facts of great significance to all of us in the United States.

In order that Senator MURRAY's valuable summary statement may be readily available to Senators, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE JAMES E. MURRAY, SENATOR FROM MONTANA, AT OPENING OF HEARING ON S. 2549, THE RESOURCES AND CONSERVATION ACT OF 1960

Since the introduction, on August 17, 1959, of the proposed Resources and Conservation Act of 1960 (S. 2549), there has been extensive comment on it. A principal purpose of the hearings is to assure that there is a record of the expressions relative to the bill, and to assure that note will be taken of suggestions for amendments that might improve its effectiveness.

Because the bill that is before us (S. 2549) seeks a comprehensive treatment of the

many aspects of development and conservation of natural resources, I shall open the hearing with a summary statement of the need for the legislation and the principal considerations on which it is based. I will briefly review how the proposed legislation seeks to provide for orderly progress in resource activities, and for coordinated and cooperative teamwork of Government and non-Government activities.

The basic purpose of the proposed legislation is to bring about full development and conservation of natural resources. The basic principle of the legislation is that the informed judgment of the Congress, the President, and the public at large will provide the means by which Federal and State Governments and non-Government interests concerned, jointly, will attain resource goals commensurate with the Nation's needs.

NEGLECTED RESOURCES

There is need for vigorous action on natural resources because all resource activities in this country lag behind the needs for them. The record of these shortcomings is written across the face of our country as unhealed gullies, denuded forest lands, uncontrolled floods, and polluted waters.

Equally serious is lack of preparation for the future. We are on the threshold of unprecedented expansion of population and economic production. Within the next two decades, we will be a Nation of 250 million people, our economy will operate at a rate approaching $800 billion per year, industrial production will have grown to twice its present size.

People and industries consume natural resources. Growth of the population and of the economy means increased resource use. In fact, resource use grows at a rate faster than the population, because the rising rate of per capita consumption compounds the rate of population increase.

In the years ahead, people and industries will need more forest products, more minerals, more energy and fuels, more food and fiber, and more pure water. Resources for human and industrial consumption must be available when needed and at reasonable costs, because the alternative would be a dwindling economy and an impoverished people.

It is deplorably evident that present resource development and conservation activities fall far short of the needs of the growing population and the expanding economy. This is true for virtually every one of our natural resources.

FOREST RESOURCES

Forest resources are an example. In this country, the annual growth of saw timber trees now replaces only about one-half of the annual timber cut. We are cutting heavily from prime softwood forests, but much of the new growth is poor quality hardwood, unfit for use. The reason for this deficiency is not hard to understand. The country is not taking proper care of its forests.

For example, although some privately owned forest lands are well managed, nevertheless, almost one-half of the commercial stands do not have proper fire protection or cutting practices. Furthermore, over 50 million acres of forest lands need planting, which is about 10 times the total area that has been planted up to the present time. Some of the privately owned lands are being planted rapidly and well, but many of them receive little attention. The Federal Government sets a poor example, because the 5½ million acres of denuded and understocked Federal forest lands are being planted so slowly that it will take over 150 years to get seedlings in the ground to start replacing the lost timber.

The fact is, the Nation is mining its standing timber. Unless vigorous action is taken soon, these reserves will be depleted, and we will be short of good sawtimber. It will be very hard then to balance supplies and requirements for forest products.

Instead of dissipating our forest wealth, we could be enlarging it. Well qualified technical men have advised us what should be done. They recommend increased cooperative Federal-State forest fire protection and forest pest control, increased research especially in woodland management and utilization, increased assistance in tree planting, a forest credit system comparable with the Farm Credit Administration, strengthened State silvicultural administration, accelerated improvement of federally owned forest lands, and similar well tested methods.

Such a forest resource program, requires substantial expenditures—possibly doubling present private, State, and Federal expenditures for forest resource management. But we know from experience that those expenditures are good investments that yield large dividends. There is the direct income from increased timber sales and, in addition, good forest management will maintain prosperous forest industries that provide employment, that aids the entire economy and that increase tax revenues. There are additional dividends to the Nation in improved water runoff and recreation.

Investments in forest resource improvements, however, are long-term investments. Often they are not financially feasible for the three-fourths of the Nation's timberlands that are in private ownership. Without any question, this situation urgently needs constructive proposals of how government can cooperate with private forest lands in private ownership and operation. The Council of Resources and Conservation Advisers and the joint committee could well take leadership in charting the course by which the many diverse interests could work out such a program.

WATER RESOURCES

The water resources picture is, in general, similar to that of forest resources. It too shows alarming inadequacy, a deficiency of private, State, and Federal development and conservation activities.

Use of water will increase about 50 percent during the next two decades, but virtually all readily available water is already in use. This means that there will have to be much more efficient use of present supplies, and also additional water supplies must be developed by storing the unregulated streamflows that now are not usable.

In order to supply enough water to meet requirements, a large number of dams will have to be built during the next 20 years. About twice as much reservoir capacity will be needed as is now in use, and the cost of constructing that much reservoir storage, very probably, may average several billion dollars per year for a good many years. We cannot avoid expenditures for water resources many times greater than our present expenditures. It is, of course, unthinkable that the Nation would choose not to spend the money for reservoir construction, because that would be destructive to the health and welfare of the people and to commerce and industrial production.

Because of the urgency and the vast proportions of water resource requirements, the Senate, at my suggestion, established a special committee to define the problems of national concern, and to recommend appropriate action. Under the distinguished and very able chairmanship of the senior Senator from Oklahoma, Mr. KERR, 17 outstanding Senators are making a 2-year study. The Select Committee on National Water Resources has enlisted the assistance of leading water experts, and it has the cooperation of the officials of State and local governments, private industry, and citizen groups. The report of Senator KERR's committee will unquestionably be an important step forward in dealing with one of the country's major resource problems.

Regrettably, this very able Senate committee is, by its nature, a temporary one. It ceases to exist when it presents its report at the end of January 1961.

But we know very well from abundant experience, that the most important work will have only been started when the Water Resources Committee report is presented. The report is truly meaningful only as it becomes translated into effective action. This means the actions of a host of Federal agencies, and actions of State governments and of nongovernmental water interests. This means also that a considerable number of years of continuing attention will be required to secure effective coordination of all the numerous and diverse participants in the required broad-wage water resources programs.

Our shelves are lined, and our bookcases are filled with large and impressive reports on water and other natural resources. These reports have provided valuable information, but they have produced sadly little action. Temporary commissions and temporary committees do not last long enough to provide the help and guidance, and the continuing appraisals that are needed by those who are responsible for carrying out the recommendations. Excellent as I am sure will be the report of the Select Committee on National Water Resources, I cannot avoid the conclusion that its effectiveness is severely limited by its transitory character.

There is an excellent opportunity for continuity to be furnished by the Council of Resources Advisers and the joint committee as provided in the bill that is before us today. Building on the foundation that is being so well laid by the coordination and the continuing appraisal of progress and, as will surely be needed from time to time, they could prepare recommendations for changes in emphasis to meet changing conditions.

RECREATION

Recreation is a new frontier of resource use that expands with a restless thrust akin to earlier expansions of the land frontier. New conditions of leisure time and mobility transform recreation into a massive demand requiring the accommodation of great numbers of people. In present-day United States with 175 million people, the populous regions of the Eastern and Lake States are badly crowded for recreation space. Where will their people find recreation by 1980 as the population approaches 250 million?

These and other questions about recreation development will be continuing problems. They require continuing attention and a high order of leadership in devising means for marshaling private, State, local, and Federal efforts.

Currently, the National Outdoor Recreation Resources Commission is making an inventory of our resources in that field and a study of our prospective recreation requirements. This can be a tremendously useful study, and it can provide a benchmark against which to measure our progress, or lack of progress, toward meeting requirements.

The Commission conducting the study will terminate in 1961. Consequently, in this instance and the others studied by various commissions, there is need for a continuing agency which will update inventories and give us progress reports each year. Sporadic resource studies, such as we have had in the past, can have greatly increased value if such a continuing agency as the proposed Council of Resources Advisors and the Joint Committee keep their data and studies abreast of developments from year to year.

For each of the natural resources the same appraisal must be made. In the field

of soil conservation, we find that only about 3 percent of our 6,000 small watersheds are receiving needed treatment work. None of us really knows whether the soil conservation programs will catch up with the lag in soil conservation work needed to be done in 10 years, 25 years, 100 years, or ever.

In the field of pollution control, there is a lag of several billion dollars of needed sewage treatment works, and present efforts do not even keep current with increased new pollution loads.

Domestic mineral production is in a ruinous condition, and its sad state is matched by the bankruptcy of efforts to restore its prosperity and vigor.

ENERGY RESOURCES

Energy fuels and the energy of falling water are natural resources of critical importance. Our entire economy and our standard of living are dependent on the availability of abundant low-cost energy supplies.

During the first half of the 20th century, the United States use of energy, from all sources, increased 450 percent to about 34 trillion British thermal units per year. In the next quarter century, energy consumption is expected to continue increasing to more than 75 trillion British thermal units per year. Use of energy consumed as electricity shares in this upward trend, and it too is expected to increase by somewhat more than 200 percent by 1975.

The new patterns of energy use in this country give special significance to hydroelectric power in meeting peak load requirements. Elsewhere, in the nations of the free world, and even more strikingly, in the nations of the Communist bloc, hydroelectric developments are progressing vigorously. In the United States, however, the total private and public development amounts to only one-fourth of the Nation's hydroelectric potential.

This deficiency has far-reaching effects because undeveloped water power deprives the Nation, not only of an efficient energy source, but it also retards flood control, water supply, navigation, and recreation developments. Hydroelectric power can give substantial financial support to multiple-purpose reservoir construction. All water resource conservation is seriously hurt because full development of hydroelectric power is retarded by the private versus public power controversy.

We certainly need to give high priority consideration to the development and conservation of all energy fuels, and especially to the significance of water power in relation to multiple-purpose resource management. This, too, is resources area that needs enlightened leadership that could be generated through the Council of Resources and Conservation Advisors and the joint committee.

HOW MUCH SHOULD BE DONE—BY WHOM?

The list of what needs to be done is a long one, and these needs must be met because the Nation's people and the national economy depend on resources. A comprehensive sustained effort must extend over a considerable number of years, and it must engage a wide range of Government and private participation. In spite of the urgency, not all the needed work can proceed immediately or on a crash basis. This is so, for one reason, because the costs total too many billion dollars.

It is equally obvious that present efforts in natural resources are totally inadequate. On every resource front we are losing ground, and greatly increased pressures on resources come from a future that is only a few years away.

One estimate of the total resource development and conservation efforts of Government and non-Government interests places it substantially below 1 percent of the gross national product. Variations of this estimate depend on what items are included, but whatever the figure is, it obviously is inadequate. This is evidenced by the great gaps in resource accomplishment—the long lists of needed things that are not being done.

All citizens, all private enterprises, and all levels of government share in the benefits of and the responsibilities for resources. The Federal Government, in particular, has very important responsibilities for them. A major responsibility is to provide the leadership, the stimulus, and the example for State and local governments, for private industry, and for individual citizens. This Federal responsibility has been recognized and acknowledged since Theodore Roosevelt convened the Governors Conference on Conservation in 1908.

President Eisenhower's Advisory Committee on Water Resources Policy said: "Because these [water resources] problems are nationwide, it is appropriate that the Federal Government take cognizance of them and provide leadership for solving them by establishing sound nationwide policies, as well as provide standards for its own participation in the development of economically sound water projects."

Leadership, initiative, and stimulus for resource development and conservation have been sadly lacking in recent years. There have been no plans, proposals, or charts of action to meet resource needs.

The example in natural resource activities that the Federal Government gives to the States and private citizens is equally deficient. All Federal expenditures for natural resources add up to only about 2½ percent of the budget—and this is to cover all water developments, flood control, navigation, forests, parks, wildlife, minerals and fuels. With that example of how little natural resources share in the Federal budget, it is small wonder that State and local governments and private interests likewise do so much less than is needed of them.

From time to time, proposals are advanced to legislate a formula for the amount that properly pace the resource activities of the Federal Government. Some of the proposals relate this to the amount of the total budget, and other formulas relate it to the amount of the gross national product, while still other formulas are based on the amount of the uncompleted authorized work. None of the formula approaches are practical, because there are too many important factors that cannot be measured in mathematical terms. The formula approach is not taken in the bill that is before us.

HOW THE PROPOSED ACT WOULD WORK

The proposed Resources and Conservation Act relies on the informed judgment of the Congress, the President, and the people at large. Our experience in this country is that this combined judgment is sound and right when it is fully informed of the facts.

The proposed Resources and Conservation Act provides improved means for securing the facts about natural resource condition and needs, and improved means for making those facts available to the Congress, the President, and the public.

The provisions of the bill, S. 2549, are closely paralleled in the recommendation of the President's Materials Policy Commission, a distinguished group of men of eminent standing in industry, commerce, finance, and public affairs. Their recommendation, while dealing primarily with those resources that are used in industrial and defense production, is necessarily applicable to the entire field of natural resources. The report stated:

"A single agency designated to keep all aspects of the materials problem under its eye should not, the Commission believes, be an operating agency. Its energies should be directed to broad, long-range analysis and not diverted into immediate problems of operation.

"With access to all facts and analyses developed in various areas of the materials field, it could correlate this information and point out its deficiencies and gaps.

"It could assess policies and programs in the light of assembled information and call attention to needs for new projects or for changes. It could keep abreast of significant activities among private agencies, including industry groups, universities, and the foundations, so that duplication by Government could be avoided, or conversely, so that any urgent and uncared for task could be signalled to attention. It could survey the total pattern of activities in the materials and energy field.

"It should issue periodic reports to inform industry, the general public and the legislative, as well as the executive branches of Government, concerning leading developments in all the related materials fields.

"To perform an assignment of such dimensions, the proposed reviewing agency would have to be high in the structure of the Federal Government, preferably part of the Executive Office of the President."

The Commission summarized its recommendation as follows:

"That the National Security Resources Board be directed, and provided with adequate funds, to collect in one place the facts, analyses, and program plans of other agencies on materials and energy problems and related technological and special security problems; to evaluate materials programs and policies in all these fields; to recommend appropriate action for the guidance of the President, the Congress, and the Executive agencies; and to report annually to the President on the long-term outlook for materials with emphasis on significant new problems that emerge, major changes in outlook, and modifications of policy or program that appear necessary. To the fullest extent consistent with national security, such reports should be made public."

This recommendation of the President's Materials Policy Commission, in substance, is for establishment of the Council of Resources and Conservation Advisors, as proposed in S. 2549. The proposed Resources and Conservation Act comprehends resources such as, for example, recreation resources, in addition to those utilized for industrial and defense production and gives more explicit recognition to the responsibilities of State and local governments, and to the many citizen interests consequent to its enlarged focus.

An essential element of the resources and conservation bill, as is so well stated by the Materials Policy Commission, is the continuity of current appraisal and evaluation of the resources situation, and the timely recommendations for needed changes in emphasis.

Methods such as these are essential for keeping fully informed the Congress, the President, and the public at large.

The means for doing this are ones with which we already have successful experience.

The bill, S. 2549, would establish a council of Advisers in the Office of the President with responsibility to appraise resource and conservation conditions and to recommend needed measures. These reports would be transmitted to the Congress by the President with a statement of his views. The Joint Committee in the Congress would evaluate the reports and recommendations, and advise the Congress relative to legislation or other needed action bearing on resources and conservation.

It is important to emphasize that the Council and the joint committee are solely advisory. They have no administrative or legislative functions or authority. The executive agencies and departments would continue their administrative responsibilities,

and in the Congress, legislative functions of the established committee would be unchanged.

This method has been highly successful in economic matters. The Employment Act of 1946 provides for the Council of Economic Advisers in the Office of the President, and the Joint Economic Committee in the Congress. Their functions are closely paralleled for resources and conservation in the bill that is before us (S. 2549).

Experience has demonstrated the effectiveness of the methods proposed in the Resources and Conservation bill, but it may be that some modifications could increase the effectiveness of the measure. Such modifications certainly are welcomed. Or possibly the bill might be improved and given wider acceptability by clarifying or expanding some of its language. Certainly such amendments would be acceptable also, and proposals along these lines are invited. In fact, it is my hope that witnesses at the hearings will make suggestions along these lines, and also that the executive branch, the Bureau of the Budget and the departments also will have suggestions for improving the bill.

Because this bill deals with natural resources, it involves everyone in the country. All of us are concerned with natural resources, and all share in the responsibility for them. We are continuously dependent on natural resources in every aspect of daily life, in commerce, industry, and agriculture, for employment and for enjoyment of leisure time. Natural resources are all the people's business.

For this reason, the proposed legislation makes provision for the participation of State and local governments. It also provides for cooperation and assistance of industry, agriculture, labor, conservationists, and other private interests, organizations, and individuals. The wide import of natural resources to all sectors of the Nation makes imperative that there be corresponding participation in setting the goals and the methods of attaining them. In these provisions of the bill, there also may be opportunity for improvement and for increased effectiveness. Suggestions to that end are welcomed.

The cardinal principle of the proposed legislation is to strengthen the informed judgment of the Congress, the President, and the public at large in matters affecting resource development and conservation.

COORDINATION NEEDED

Another important aspect of this proposed legislation is its provision for coordination of resource activities. At present, resource development and conservation, not only are inadequate, but also they are uncoordinated. This results in confusion, conflict, overlapping, duplication of effort, and significant unheeded gaps.

Within the Federal executive establishment there certainly is an abundance of harmful competition, conflict, and working at cross-purposes. Much of this reflects shortcomings of department administration that could be cured by more thorough and knowledgeable Executive direction. More than 4 years ago, a Presidential Advisory Committee on Water Resources Policy, consisting of the Secretaries of the Departments of Agriculture, Defense, and Interior informed the President that "the greatest single weakness in the Federal Government's activities in the field of water resources development is lack of cooperation and coordination of the Federal agencies with each other and with the States and local interests."

This lack of coordination and cooperation among the Federal resource agencies has been emphasized by five Presidential Resource Commissions within recent years.

Regrettably, the three department heads who advised the President of the serious breakdown of cooperation and coordination have made scant progress in improving this condition.

An indication of the lack of cooperation and coordination among the Federal resource agencies is the fact that even today there are still 25 Federal agencies with major responsibilities for water resources alone. Comparable conditions exist with respect to other natural resources.

Without any question, the situation in the Federal establishment would be improved, and administration of the executive branch would be strengthened as a result of the periodic evaluation of resource activities to be provided by the Council of Resources and Conservation Advisers. The annual resources and conservation report of the President should certainly reveal the areas of confusion and conflict, and thus it would highlight the administrative correction needed.

MULTIPLE PURPOSES

Failure of coordination within the executive branch is demonstrated in the land-use situation. A recent Department of Agriculture report shows that, as the population grows during the next 20 years, over 70 million acres of forest land will be converted into cropland, and that this will destroy about one-fourth of the Nation's timber-producing capacity. The inroads on our timber supplies would hit just when expanding industry will require greater quantities of forest products, and when increased population will need more lumber for homes. The destruction of timber resources will also destroy recreation resources when the requirement for them will be greatly increased.

Although the Department of Agriculture alerts us to this impending destruction of forest resources as a result of meeting food and fiber needs, the Bureau of the Budget still discourages irrigation developments that could supply future increased needs for agricultural products and could thus spare some of the valuable timberlands from the plow.

Wise management of natural resources involves important interrelationships. Conservation management of forests and farmlands is needed to assure sustained yields of timber and food products, and it is needed also to protect the watersheds that are the source of all of the water that is used by everyone. In the matter of pollution control, there must be recognition of the common interests of municipal and industrial water supplies and recreation uses. Polluted rivers and lakes are unfit for human water supply, often they are unsuitable for industrial use, and generally they are virtually useless for recreation. Chemicals, mine wastes, and detergents discharged into a river can ruin the channel for many miles downstream, they make unusable the beaches and parks on the adjacent lands, and they may destroy fish and waterfowl populations that would otherwise range over half a continent.

Development and conservation of every one of the natural resources must give consideration to both the economic consumptive uses, and also the nonconsumptive recreational uses. Forests provide hunting and camping as well as timber, and rivers provide fishing and boating as well as water supplies. Construction of a reservoir affects water-using groups such as municipalities and industries and irrigators, it affects residents and property owners subject to flood hazards, it affects navigation and wildlife and recreation interests, and many others upstream and downstream from the site.

THE "BUILT-IN" NEEDS

All of the uses and all of the interests in each of the natural resources must be considered, and each should receive proper and equitable recognition in dealing with the Nation's resources.

These wide ramifications of affected interests are a principal reason for the chaos and confusion of Federal resource activities. The competition and conflicts among the executive agencies, in part, reflect the diversity of the competing citizen groups that are affected by Federal resource activities.

For this reason, another kind of coordination is needed in addition to the correction of administrative shortcomings. The great importance of natural resources to all aspects of national life creates a "built-in" need for coordination. This is because natural resources affect so many people and so many interests in so many different ways.

A recent study by the Legislative Reference Service, which I include in the appendix to this hearing, points out that "a rapidly expanding population means continually increasing pressures both to exploit and to conserve our renewable and nonrenewable resources."

The Legislative Reference Service estimates that there are now over a hundred national organizations working toward the conservation of one or more aspects of just the renewable natural resources and there are also about a third as many more regional organizations, and over 200 State organizations. In fact, there is no way of learning even the number of all the State agencies and nongovernmental organizations with significant activities related to natural resources.

It is small wonder then that Federal resource activities mirror the chaos of public interest in their management. This is the "built-in" need for coordination.

Under the Constitution, Congress has the responsibility for Federal resource programs, and ever since its first session in 1789, Congress has met this responsibility through established legislative processes. An important element in these processes is the opportunity for all persons to present their views on matters affecting them.

There have been many notable successes attained through the legislative processes of Congress. This accommodation of diverse interests in resource matters is evidenced by multiple use of Federally owned lands, by the O'Mahoney-Millikan proviso for beneficial uses of navigable waters in the Western States, and the several authorizations of multiple-purpose river basin programs, to name only a few.

The legislative processes that have evolved through 180 years of congressional experience are greatly valued in this country and they would be preserved under the Resources and Conservation Act.

The legislative work of the Congress, and also the executive functions of the President, would be strengthened by the appraisals and recommendations that would be regularly provided under the proposed Resources and Conservation Act.

This is well demonstrated in the parallel example of how the legislative and executive functions are strengthened by operation of the Employment Act of 1946, which has to do with economic, financial, and fiscal matters. The activities of the Federal Government in these fields have important effects on all the people, and they may affect many interests throughout the country. Moreover, matters such as the interest rate on Government bonds are complicated and intricate. Under the distinguished chairmanship of the senior Senator from Illinois, Mr. DOUGLAS, who is also a cosponsor of the Resources and Conservation bill, the Joint Economic Committee is doing notable service in clarifying these complexities so as to provide a sound and informed basis for legislative consideration of the questions. The work of both the Congress and the executive branch is strengthened as a result of the examination and appraisal of economic, financial, and fiscal matters pursuant to the Employment

Act of 1946. Comparable benefit can be expected in the resources fields as a consequence of the proposed Resources and Conservation Act.

FEDERAL-STATE-PRIVATE COORDINATION

In the field of natural resources, it is especially true that the States have very important responsibilities. These important State functions are recognized in the proposed Resources and Conservation Act. The bill provides for participation of State and local governments in the appraisals and the recommendations of the Council of Resources and Conservation Advisors, and State and local governments would also be expected to present their views and recommendations to the Joint Committee on Resources and Conservation.

By this means, there would be explicit recognition of State and local governments and provision for their participation in guiding the resource activities of the Nation. This is essential for a sound program.

The act would also recognize the important stake that labor, industry, and agriculture have in natural resources, and it would provide for their participation in like manner. So also there would be recognition of citizen groups on behalf of wildlife, recreation, scientific and scenic, and kindred values.

The junior Senator from Michigan, Mr. HART, has expressed a judgment that I share:

"The coordinating feature of this bill may well turn out to be its greatest contribution. It would enable the executive branch and the Congress to examine our resource and conservation needs, nationwide, as a whole; and it would enable us to plan to meet those needs in a coordinated fashion."

Certainly, the Nation is long overdue in having an adequate, comprehensive, coordinated natural resources program that reflects the views of qualified advisers, the States, and the affected citizen groups. Subject to improvements that may be proposed in the hearings, and amendments that may be developed in its consideration by the Congress, S. 2549, the proposed Resources and Conservation Act of 1960, will enable the Nation to have such a continuing program.

THE EAST-WEST CULTURAL CENTER IN HAWAII AND ITS VALUE TO U.S. FOREIGN RELATIONS

Mr. GRUENING. Mr. President, the administration's lack of initiative, its lack of vision, its lack of appreciation of the receding position of the United States in the world from its unquestioned preeminence 7 short years ago should be a matter of the deepest concern to all Americans. It is becoming increasingly a matter of their concern.

Evidence which is in point appears every day and is tragically visible on every hand. At an early hour this morning, after midnight, and because of intervening colloquies extending beyond 3 o'clock in the morning, the Senators present listened to a most penetrating and pertinent address by the distinguished junior Senator from Arkansas, Senator JAMES W. FULBRIGHT. He entitled it "Where Do We Stand?" and illustrated by chapter and verse the constant failures of the administration to meet the crucial needs of the hour and the lack of leadership responsible therefor. I hope that those of my colleagues who were not present in those early hours brought about as a result of the current filibuster on civil rights, although Senator FULBRIGHT's able address was not related to that subject, will read what he said in the next issue of the CONGRESSIONAL RECORD.

Now in point and wholly related to the administration's lack of action, in relation, not merely to the Nation's needs, but in contrast with what Russia is doing, I refer to an editorial which appeared in the issue of Friday, March 4, of the Washington Post entitled "Students From Asia." This editorial referred to a project devised by the majority leader, the distinguished senior Senator from Texas, LYNDON JOHNSON, in collaboration with John A. Burns, Hawaii's able Delegate to Congress in the last years of Hawaiian territorialism. It was a farsighted project to establish an international study center in Hawaii to serve to strengthen the relations between East and West and perhaps, since those terms have become rather confused recently, to serve specifically as a place for cultural exchange between the students and scholars of the Western Hemisphere, particularly of the United States with those of the Orient. Hawaii, because of its splendid example of ethnic democracy so well illustrated in the composition not merely of its population but of its representation in Congress, is the logical place for such a center. The visits to the Orient on good-will missions in recent months of two Members of its congressional delegation, our able colleague in the Senate, HIRAM FONG, and that outstanding hero of the Second World War who represents Hawaii in the House, DAN INOUYE, graphically illustrate the great potentials of Hawaii to the United States in bringing about better understanding with and closer relations with the peoples of Asia.

The editorial in the Washington Post states the depressing facts that the plan proposed by our able colleague, Senator LYNDON JOHNSON, was in the first instance drastically scaled down by the administration. The original proposal for such a center at the University of Hawaii which would take care of a thousand students from east and west was chopped down by the State Department to 10 percent of that number, to a mere hundred students. But even this modest, reduced, and limited version of a great concept was found to be too ambitious by the Bureau of the Budget, that dominating and ruling agency of the Eisenhower-Nixon administration, which operates with its snickersnee on all projects for the benefit of the American people, although curiously enough, never on those destined for foreign aid. It is clear that the Bureau of the Budget in failing to provide any funds for this worthwhile project did not appreciate its great value to our foreign policy program. No funds whatever were included for it in the budget. Now while, as the Washington Post points out, the administration has been slowly strangling the whole idea, the Russians have completed plans for a similar center. The Soviet program, moreover, is geared to take care of between 3,000 and 4,000 students from Asia and all costs will be paid by the Soviet Government. As the Post says in concluding its editorial and I quote from it:

With remarkable restraint, Senator JOHNSON noted the contrast the other day, saying, "I am hopeful that in the days ahead the executive branch of the Government may see fit to help us more than it has in the past." The majority leader would do well not to hold his breath waiting. As Senator LONG of Hawaii observed, it is up to Congress to provide the money—and also, it seems, the leadership.

I ask unanimous consent that this editorial be printed in full at the conclusion of my remarks.

Mr. President, it is my earnest hope that this Congress will supply the necessary authorization and appropriations for this worthwhile center as conceived by our majority leader and Delegate Jack Burns and warmly supported by our able colleague, Senator OREN LONG, and that it be incorporated in our so-called mutual security program now pending for which the administration is requesting over $4 billion. If it is necessary, I would suggest that the funds for the east-west center be taken pro rata from the funds which the administration without specific detail is requesting for Taiwan, Laos, Vietnam, Cambodia, Thailand, Burma, Indochina, Pakistan, India, and other Asiatic countries without specifically informing the Congress, as has been this administration's custom, just how these funds are to be spent.

Mr. President, here is a striking illustration of one of the consistent and numerous discriminations which this administration has been guilty of in its relation to our domestic needs and its concern for foreign aid. As I have pointed out on several occasions on the floor of the Senate, the administration has exhibited most flagrantly a double standard by which it tells us, and through repeated vetoes acts upon us, to the effect that it deems expenditures for a variety of important national needs to be unnecessary, extravagant, inflationary, and unbalancing of the budget, while precisely the same kinds of projects in foreign countries are labeled as essential, sacrosanct, and inviolable and must not—we are told—be reduced by a single red cent.

We have again and again seen this contradictory and disgraceful dualism in which the foreign interest has been, and is repeatedly, favored over the domestic interest in the fields of housing, education, highways, pollution control, and resource development in all its many aspects. It is because of this, to me, shocking paradox, plus the fact that the administration has emphatically resisted all efforts to submit its foreign aid proposals to the same budgetary procedures which are required of appropriations for the folks at home, that I have been unable to support the foreign aid program. When these two changes in policy are made, when the needs of the American people are considered at least on an equal basis with those of people in foreign lands, and when the Congress is granted firm budgetary estimates on

proposed items to be expended abroad so that it can know in advance how our taxpayers' dollars are to be spent overseas and can participate in the decisions as to these expenditures as I am convinced it is the Congress constitutional prerogative and duty to do, I shall feel differently about the foreign aid program. I intended to reintroduce at this session of the Congress an amendment along the same lines as the one I sponsored in the first session to bring about the same budgetary procedures for foreign aid appropriations as have been always used and are being used for projects in the United States.

Meanwhile, I am hopeful that the East-West center in Hawaii—a truly inspiring prospect—will be created by action of Congress in this session. While the White House did nothing the Kremlin acted. I have mentioned the matter to the majority leader and my colleagues from Hawaii and hope to discuss it fully with the able chairman of our Foreign Relations Committee, Senator FULBRIGHT. For here is a project which is clear, sound, practical, feasible, and the expenditures for which can be controlled and made effective as most of our foreign aid projects have not been. So I am prepared to cooperate in whatever way the Senate leadership, the chairman of the Foreign Relations Committees and our colleagues from Hawaii deem best.

Our relations with the Orient are of the greatest importance. In Alaska we are seeing the beginnings of a two-way trade with Japan. Japanese and American capital have together established a pulp mill in Sitka. Japanese ships are now taking that pulp, as well as lumber from the Tongass National Forest in Alaska and ore from Alaska to Japan. It is our hope that Japanese manufactured products will find their way to Alaska by these newly established direct shipping routes and that a two-way tourist traffic may develop with its potential for better understanding and greater friendship. I merely mention this to point out that apart from the overriding general considerations which are of value to our entire Nation and to the peace of the world, Alaska has a specific interest in strengthening our ties with the Orient and in seeing this East-West center, so brilliantly conceived by our majority leader and our former Delegate from Hawaii, brought to prompt realization.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1960]

STUDENTS FROM ASIA

Majority Leader JOHNSON is going to have to do the legwork as well as the brainwork if his concept for an international study center in Hawaii is to become reality. Last year Senator JOHNSON led congressional efforts to have the State Department plan such a center, where students from Asia and from this country could meet and study and exchange cultural experiences and values.

As directed, Secretary Herter last month presented a plan. It was considerably scaled down from the ambitious program urged by the University of Hawaii. The Department's plan provided for an initial enrollment of about 100 students, building up to 300—instead of the 1,000 or more students for whom Hawaiian authorities urged that facilities be created.

But Mr. Herter apparently found even his modest proposal too much for the Budget Bureau. Contrary to hopes of the center's sponsors, the Herter report proposed no specific Federal financial support whatever, merely noting that some $8.3 million would have to be found somewhere to get the program off the ground. No funds were included in the budget.

While the administration has been slowly strangling the whole idea, the Russians have completed plans for a somewhat similar center. Unlike the Hawaiian plan, under which Asian and American students would study together, foreign students in the Soviet center would be relatively isolated from Russian students. But the Soviet scheme is nonetheless sweeping; as many as 3,000 or 4,000 foreign students from Asia and elsewhere are to be accommodated, with all costs paid by the Soviet Government.

With remarkable restraint, Senator JOHNSON noted the contrast the other day, saying, "I am hopeful that in the days ahead the executive branch of the Government may see fit to help us more than it has in the past." The majority leader would do well not to hold his breath waiting. As Senator LONG of Hawaii observed, it is up to Congress to provide the money—and also, it seems, the leadership.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. GRUENING. I yield.

Mr. JOHNSON of Texas. I express my thanks and appreciation for the genuine interest which has been demonstrated in this proposal by the able and beloved Senator from Alaska. I deeply appreciate the attention he has given to it and the endorsement of it which he has expressed. I look forward to working with him in the days ahead to make this project a reality.

Mr. GRUENING. It is a brilliantly conceived project and is typical of the leadership, imagination, and vision which our majority leader has demonstrated.

Mr. JOHNSON of Texas. I thank the Senator from Alaska.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I understand that at the conclusion of the morning hour, the Senator from Tennessee [Mr. GORE] will seek to obtain the floor, to address the Senate with reference to the forthcoming disarmament conference.

The PRESIDING OFFICER (Mr. FREAR in the chair). If there is no further morning business, the morning hour is over. It seems as though the morning hour has been concluded.

Mr. STENNIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 96]

Aiken	Byrd, W. Va.	Cotton
Allott	Cannon	Curtis
Anderson	Capehart	Dirksen
Bartlett	Carlson	Douglas
Beall	Carroll	Dworshak
Bible	Case, N.J.	Engle
Brunsdale	Church	Frear
Bush	Clark	Gore
Byrd, Va.	Cooper	Green
Gruening	McCarthy	Russell
Hart	McNamara	Saltonstall
Hartke	Magnuson	Schoeppel
Hayden	Mansfield	Scott
Hickenlooper	Martin	Smith
Hruska	Monroney	Stennis
Jackson	Moss	Talmadge
Johnson, Tex.	Mundt	Williams, Del.
Keating	Murray	Williams, N.J.
Kerr	Muskie	Young, N. Dak.
Kuchel	Prouty	Young, Ohio
Lausche	Proxmire	
Long, Hawaii	Randolph	

The PRESIDING OFFICER. A quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from North Carolina [Mr. ERVIN] to the Dirksen substitute.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I am informed that the Senator from Tennessee [Mr. GORE] seeks recognition, and will speak for approximately an hour; and that, following his speech, it is likely that the absence of a quorum will be suggested.

Perhaps thereafter the Senator from Georgia [Mr. TALMADGE] will seek recognition, inasmuch as I understand that he plans to speak for approximately 2 hours.

I am informed that, thereafter, certain Senators on the minority side will address the Senate.

I wish all Members to be on notice that at the conclusion of the address by the Senator from Tennessee [Mr. GORE], it is likely that the absence of a quorum will be suggested. The absence of a quorum may also be suggested following the address by the Senator from Georgia [Mr. TALMADGE]. However, that will be determined a little later. But at least I want all Senators to be on notice, and I want the aids of the Senate to be on notice, that we expect there will be a quorum call following the remarks of the Senator from Tennessee.

Mr. GORE obtained the floor.

Mr. MONRONEY. Mr. President, will the Senator from Tennessee yield briefly to me, with the understanding that his right to the floor will not be jeopardized by yielding?

Mr. GORE. I yield.

The PRESIDING OFFICER. The Chair so understands, and hopes the Senate does, also.

TRIBUTE TO THE COLUMBIA BROADCASTING SYSTEM FOR ITS TELEVISED PROGRAMS OF THE WINTER OLYMPIC GAMES

Mr. MONRONEY. Mr. President, as many of the Members of the Senate may recall, for several years I have been a

critic of the quality of television network programing. I have tried in various ways to encourage improvement of the monotonous television diet, which has been too heavily laden with westerns, who-done-it's, and quiz programs.

I feel that I would become the same kind of stuck-whistle that I complained the television networks were becoming if I did not acknowledge changes for the better in some of their programing.

It is for this reason that I wish to comment on the wonderful job done by the Columbia Broadcasting System in its telecasts of the winter Olympic games, at Squaw Valley. It did a spectacular job of detailed coverage.

Not only was the task of putting those thrilling events on the air a difficult and expensive one from a technical standpoint, but the excellent photography and reporting of the contests were perfect examples of what television can do to bring into American homes new and exciting experiences.

The programs required that a great amount of prime time be devoted to sports which in most of the American homes were virtually unknown. Doubtless if the exalted rating services had been asked to poll their pet viewing samples, the show would have been ruled out as unproductive and of no interest to the average viewer.

Yet everywhere I have heard comments praising the programs and remarking on the beauty, the action, and the drama of this outstanding winter sports event.

My compliments to the Columbia Broadcasting System and to the participating local sponsors who had the courage to break new trails for quality programing in the television field. The Columbia Broadcasting System devoted a total of 15 hours of prime time to coverage of the winter Olympics.

DISARMAMENT, PREPAREDNESS, AND PEACE

Mr. GORE. Mr. President, upon President Eisenhower's return from his useful, and in many respects successful, trip to South America, he will find the urgent necessity of formulating and bringing into balance U.S. policies on military preparedness and disarmament. He will find equally urgent and pressing the necessity for achieving unity of purpose and policy with our allies, since the International Disarmament Conference is to convene in Geneva just 10 days from now.

From across the conference table in Geneva, the Western Powers will face delegations from the Soviet Union, Poland, Czechoslovakia, Rumania, and Bularia. These delegations will speak with one voice, the voice of godless international communism. Their strategy will be carefully devised; and their goals, both short range and long range, will be definitely fixed. Their propaganda potential, already cleverly pitched by Mr. Khrushchev on total disarmament quickly, will be formidable.

Unity of the Western Powers, then, is positively imperative.

But the formulation of a clearly defined U.S. policy would, it seems to me, be a necessary prerequisite of unity of allied policy. In the formulation of U.S. policy, the President must balance and merge three convictions which may, in some respects, appear antithetical, but which in reality are complementary in prudent national policy. The following feelings are deep in the consciousness of our own people and, in varying degrees, in the sentiments and convictions of all free peoples:

First. Strong military preparedness is a deterrent to war. This has been nowhere better expressed than in the first annual address to Congress by President Washington in 1790. He said: "To be prepared for war is one of the most effective means of preserving peace."

Second. The danger of war is inherent in an armaments race, especially in view of the awful destructiveness of modern weapons and the impending threat of additional nuclear powers.

Third. A vastly more fruitful life would be assured the people of the world if nations would but "beat their swords into plowshares and their spears into pruning hooks."

The goal of those who seek disarmament is the same as those who urge adequate military strength. That goal is peace. All men of good will regard all-out war as unthinkable for all nations, but particularly so for the United States, since we have abjured the first blow.

This will be the first general conference on disarmament since the London talks were broken off in 1957. In the meantime, related conferences, such as the surprise attack conference and the Geneva Conference on the cessation of nuclear weapons tests, have dragged desultorily across the calendar.

The coming conference has been endorsed by the United Nations; and the speech by the Russian premier and other disarmament proposals before the United Nations have been referred to this conference. So the conference is under auspices which are important and favorable.

This game of going to Geneva begins to appear to be a routine, and, in some respects, a somewhat ridiculous routine. Worse yet, it will become progressively more dangerous if we do not soon reverse the trend of these tawdry spectacles. Neither our leadership of the Western bloc nor our moral position in the world at large can long survive these half-hearted participations inevitably resulting in repeated failures.

There is only one way to reverse the trend of recent years and achieve positive results in international conferences. We must know why we are going to Geneva, exactly what we expect to accomplish in conference there, and how we are prepared to go about achieving our set goals.

From all I can learn as a member of the disarmament subcommittee, it appears we do not know exactly why we are going to Geneva, to a disarmament conference, 10 days from now, except that we rather vaguely feel that world opinion is forcing us to go. We have no goals, of which I have been advised, more definite than the exploration of the general field of disarmament. Disagreements persist among the various departments of the executive branch of our own Government on just what we are willing to offer and how we will conduct our bargaining. Just 10 days before the conference there is no firm, unified allied policy.

This is dangerous, unbelievably but fearfully true.

According to press reports, President Eisenhower appointed a Committee last summer to review our disarmament problems and come up with a report. Again, according to press reports, this Committee, the Coolidge Committee, made its report the first of this year. Its report apparently raised more questions than it answered.

Evidently, State Department experts are in no better position than the Coolidge Committee. Last month, when representatives of our allies came to Washington to confer and coordinate policy prior to the conference, the United States, to the surprise and consternation of our guests, had no program ready for consideration.

This is inexcusable. We have lost the initiative even in dealing with our allies. How, then, can we maintain the initiative in dealing with our potential enemies?

Now, this is not to say, Mr. President, that the British or the French are unable to come up with plans which are just as efficacious as our own. What I do say is that power and responsibility cannot be divorced. The United States possesses most of the power potential in the alliance of the West. Our responsibility for leadership, therefore, must not and cannot be shirked.

Many people feel there is no hope of meaningful disarmament, and that it is unfruitful, even positively dangerous, to enter into negotiations. The potential danger is undoubtedly present but we can enter into disarmament negotiations with hope of success and minimize the danger to ourselves by proceeding carefully and cautiously but with utmost good faith.

At this point in this discussion, Mr. President, I would like to stress a point which I believe we must bear in mind at all times. Total disarmament, in its broad and general terms, can only be achieved after the settlement of political differences.

Having laid down this dictum, does it necessarily follow that any activity in the disarmament field is vain? Not at all. Negotiation in the disarmament field can proceed in a number of important areas and on many specific questions relating to disarmament or arms limitation.

Negotiation in the disarmament field can proceed on a number of specific questions relating to disarmament or arms limitation. These specific questions extend over the whole range of weapons types, numbers, areas of location, and methods of use.

This would necessarily limit our fields of consideration, but, at the same time, give us promise of some success in these fields.

To the pessimist, I would state that limited arms control agreements have been achieved in the past.

The United States has had success with disarmament under certain circumstances. I am reminded of one of our early and most successful treaties. In 1818, the Rush-Bagot Agreement was signed between the United States and Great Britain. This treaty provided for the neutralization of the Great Lakes and for an unfortified boundary between the United States and Canada. Disarmament was thus accomplished in a limited area, but along one of the longest international boundaries in the world. This renunciation of the use of armed force between the United States and Canada has stood the test of time. It has stood the test of time because it followed the settlement of serious political differences.

Our relations with Mexico, which in our early years were very troubled, are such that we no longer feel the need for armed forces along our southern border. We have effectively disarmed in that area, as has our neighbor.

Other instances could be cited of successful disarmament measures by the United States as well as by other countries around the world. Unhappily, more instances could be cited to illustrate the failure of attempts at both partial and general disarmament.

There has been little success with general disarmament, none with total disarmament. Limitations have been applied, however, with varying degrees of success. Weapons have been limited as to type, as to quantity, as to location or as to manner of use.

If there is any hope of even partial success, a conscientious effort should surely be made. The horror of modern war compels us to action.

But even aside from the horrors of war, economic reasons alone are sufficiently compelling to move us to attempts to prevent war and pursue peace through disarmament or otherwise.

Armaments literally eat up the productive efforts of the people. Today the United States is spending well in excess of $45 billion per year on national defense measures. Think of the schools, hospitals, and highways the productive effort represented by this amount of money could build throughout the country for the betterment of all our people. Medical research, decent living standards for all the aged and infirm, assistance for our less fortunate neighbors around the world, to which President Eisenhower referred in one of his speeches in South America, could be advanced a hundredfold within a few years.

Let us not conclude, however, that to acknowledge the undesirability of war requires a quick endorsement of the notion that total disarmament is either the quickest or the surest way to assure peace.

Although weapons of mass destruction have made more urgent the development of some system for settling international differences other than that final arbiter, war, these weapons have not altered two very clear facts which we must at all times keep uppermost in our minds during any discussion of disarmament.

First, we must remember that, in the international arena of our nationalistic world, the first and primary objective of the foreign policy of a nation-state is its own self-preservation. If we lost sight of this objective, all other objectives will, of necessity, be lost.

Second, despite the terror which may be invoked by our new weapons, the principle of negotiation from strength is just as valid today as it was in the 18th and 19th centuries. We would hope to achieve our national objectives, including disarmament or arms limitation, through negotiation. The existence of new weapons has not altered the basic methods by which we must go about disarmament negotiations.

If we learned anything, Mr. President, from events leading up to the Second World War—and I would shout this from the top of the Capitol—if the American people learned anything whatsoever from events leading up to the Second World War, it was that disarming one's own nation and one's own friend does not insure peace.

The primary objective of all our foreign policy today, as always in a nationalistic world, is national survival. National survival precludes relative military weakness.

In this connection, I would call to the attention of my colleagues a short book by Mr. Walter Lippmann, one of our most eminent, erudite writers and observers of the current scene, entitled "U.S. Foreign Policy: Shield of the Republic." Mr. Lippmann very interestingly and logically brings out the fact that a successful foreign policy consists essentially of bringing into balance a nation's commitments and the nation's power. Since we have vast worldwide commitments, it then must follow that we must have vast power, at least in relation to the forces opposing us.

Thus far, Mr. President, I believe I have arrived logically and inescapably at these conclusions: First, total or general disarmament, under present circumstances and at the present time, is not feasible. Second, limitations of armaments are possible and if achieved may render other and further disarmament measures both possible and probable. Third, the dangers of an unlimited arms race compel us to urgent, earnest pursuit of all possible progress and success in disarmament.

We must set our goals realistically. As I have said, the absence of political settlements precludes total disarmament at this time. Indeed, the constant threat of subversion and overthrow by mob violence necessitates the maintenance of some type of force, thus logically negating full disarmament.

Looking forward to March 15, our negotiators must have a plan. In matters of this sort, the Constitution, I believe, contemplated the advising together of the Senate and the Chief Executive. So far as I know, the President of the United States has not sought the counsel and advice of the Senate. So far as I know, he has not asked the Foreign Relations Committee of the Senate for Advice on the conduct of forthcoming negotiations in Geneva. Of course, any Senator is free to speak his views on the floor of the Senate.

First of all, Mr. President, the goals sought in the conference beginning March 15 in Geneva must be limited goals which we regard as reasonably achievable. Sincerity and good faith should characterize our every proposal. The issue is too serious, the danger too great, the goals too precious to permit a propaganda poker game. Perhaps, at least for now, they should be limited to an agreement on nuclear weapons tests and on the maximum limits of the armed forces, conventional as well as nuclear, of the West and the Communist bloc. These limits will of necessity have to be fixed by country. This, of course, means that at some point in later negotiations, Red China must be brought into the negotiations. Inspection and control systems must, of course, be a part of an agreement.

Second, our approach to the conference must be thought out and our maneuvers calculated in advance. The leadership of the United States must be asserted from the beginning and the initiative taken. This does not contemplate an overbearing attitude toward our allies or our potential enemies. It does contemplate the acceptance of responsibility—responsibility which goes inextricably with power. It does contemplate a firmness and determination on our part—determination to pursue our goals toward peace with frankness and faith and a firmness to the point of breaking off the conference early if we are met with intransigence and a blatant exercise in propaganda. Our sincerity and seriousness should be made unmistakably clear.

Third, we must do some very serious thinking about our bargaining position and decide just what we can afford to bargain with. Here, I am afraid, is our "Achilles heel." Here we are vulnerable. It is difficult to swap pawn for pawn with an opponent who has as many pawns as you have and who has, in addition, king and castle, and come out ahead. It may appear to be paradoxical to say that we should increase our armaments in order to disarm; yet such is our position at the present time that we have little with which to bargain. We cannot bargain with the souls and the freedom of either our allies or the neutrals.

It may be felt, Mr. President, that the goals I have just outlined are too modest. I submit that their attainment would be an historic step forward.

It may be felt by some, Mr. President, that the sentiments I have expressed are overly cautious about the whole subject of disarmament or arms limitation. I submit that past events give us no hope of reaching agreement on larger issues at this time. On the other hand, history has shown, time and time again, that agreements can be reached on specific points.

It is entirely possible that we will not be able to achieve even the first steps I have outlined. After all, we can no more strike a bargain with the Communist bloc, in the face of their unwillingness to bargain, than we can afford to capitulate on something vital to our own freedom and that of the free world. But I would prefer to try and fail, rather than turn

my back on an honest attempt. I would prefer to attempt the possibly attainable limited objective rather than tilt with the windmill of the unattainable ideal.

Should we achieve limited success at Geneva, we would then be in a position to take the next step or steps which, logically, should, and I hope will, begin the rollback toward general and total disarmament which men of good will desire. Real reductions could then be made. The control mechanism at this stage would undoubtedly need strengthening, and this, too, might become possible.

Finally, assuming that we will someday reach that point, negotiations would be in order looking to an international organization designed, and able, to keep the peace. Some day such an organization may be possible. The sooner the better. I ardently desire and hope for it.

In the nationalistic world of today there is no rule of law. The eventual choice is, of course, law on the one hand, or power and force on the other. Today there is really no choice. But if there is to be hope for a rule of law among nations in the future, steps in that direction must be and should be taken now. I can think of no better steps than those in the direction of arms limitation, reduction, and control.

Americans have traditionally looked upon the maintenance of large armed forces as inimical to the democratic tradition and way of life. This is true today, despite the present necessity to augment strength in certain categories in order to protect ourselves and our allies in a world threatening with growing Communist might.

It would seem, then, that the United States should once more be in the forefront of the battle for disarmament. It is surprising to some to hear the Russians calling for total disarmament while the United States is made, by this propaganda method, to appear to be hanging back. This attitude is not understood by many around the world, and perhaps by some here at home.

It might be well to see just how arms and armaments are being used today. In times past, arms and armaments have been used aggressively by various nations and governments to add territories and population and to increase economic power. Penetrations and acts of armed aggression have, of course, been countered by the armed forces of the nations on the defensive. It has been argued that military disarmament in such a situation would guarantee the maintenance of the status quo and, therefore, of peace. There is some validity in such a view.

The world has grown more complex, however, and today the military and nonmilitary aspects of both aggression and defense must be considered because they are closely interrelated. In the cold war, the Communist arsenal for aggression consists of far more than military armaments. The battle today is not so much for territories, but for the minds of men. It is not a physical battle so much as a political, economic, and ideological battle.

I submit, then, that one cannot intelligently discuss military disarmament, nor can a country safely undertake to disarm militarily, without giving some thought to the nonmilitary aspects of armaments and disarmament in the face of the avowed intention of the Communist bloc to destroy the non-Communist world by any means at hand.

The Communist-bloc countries have shown a high degree of flexibility in their use of military and nonmilitary forms of aggression. A strong preference has been shown for nonmilitary forms such as subversion, economic penetration, and overthrow by mob violence. But always there is the threat, and in the case of Hungary and Tibet, the actual use, of military forces as well. It is this military backup which is responsible for much of the success of nonmilitary forms of aggression.

As long as the threat of military aggression by the Communist bloc does exist, I do not see how the United States can afford to be without a military deterrent to counter this threat. True, we must wage the contest against communism on the ideological plane, and the economic plane, but it is most difficult to separate the military from the nonmilitary forces on either side of the Iron Curtain.

So far as I am concerned, the greatest single contribution to disarmament would come from a genuine renunciation of the use or threat of use of armed forces by the other side and the renunciation of their policy of subversion and overthrow. When we can see such a renunciation, then we may safely begin to disarm militarily, wage the cold war, and accept the challenge on the economic front.

Pending the realization of conditions which will make general military disarmament safe, we should, as I have said, seek partial or limited disarmament, seek goals which we regard as reasonably attainable, goals which, if achieved, would represent significant progress in the pursuit of peace.

The latest Russian proposal is to disarm completely, totally, over a period of 4 years. I believe that no disarmament proposal can be considered as practical unless there is a regulatory system to make sure that the agreement is observed. Premier Khrushchev, on the other hand, says, "We have been against the organs of control becoming in effect organs for the collection of intelligence information where there would be in effect no actual disarmament." Again Mr. Khrushchev has stated that he favored controlling a disarmament agreement when it is reached. In other words, the Russians say, "Let us agree to disarm completely and talk later about ways to insure that the agreement is not violated."

I doubt the sincerity of the Russians as long as they continue to speak grandly, and generally, of total disarmament. To me such statements are pure propaganda, and this should be made clear to the world.

I recall that back in 1955 there was a great deal of talk about the "spirit of Geneva." A general feeling was then spread throughout our land and throughout the world to the effect that tensions were being eased and armaments could be safely reduced, with a concomitant reduction of the taxload.

Actually, the spirit of Geneva soon vanished. The principle of inspection and control was never accepted.

President Eisenhower stated in Geneva at that time:

> No sound and reliable agreement can be made unless it is completely covered by an inspection and reporting system adequate to support every portion of the agreement. The lessons of history teach us that disarmament agreements without adequate reciprocal inspection increase the dangers of war and do not brighten the prospect of peace.

This was also understood by the Soviets. Marshal Bulganin, in reporting to the Supreme Soviet on August 4, 1955, stated:

> The President of the United States justly remarked that each disarmament plan boils down to the question of control and inspection.

Recently the Russians have invoked, and made frequent reference to, the "spirit of Camp David." I hope we will not get overly optimistic as we did in 1955. I hope that we will continue to insist on Russian actions, and refuse to accept mere words as sufficient.

In both 1958 and 1959, I went to Geneva as a member of the U.S. delegation to the conference on the discontinuance of nuclear weapons tests. There I observed the attitudes, heard the statements, saw the actions, and witnessed the propaganda techniques of the Soviets. There was a steadfast refusal on their part to enter into any agreement which would incorporate a realistic system of inspection to guarantee against the violation of an agreement. Their determination to resist effective inspection procedures was matched only by their adroitness in turning every possible event to their propaganda advantage.

That is still the situation in Geneva today at the nuclear weapons test discontinuance conference. The Russians are still proposing total, complete stoppage of all nuclear tests immediately, after which they say they will undertake negotiations to reach an agreement on inspection and control to guarantee the observance of the treaty.

As I said to the Senate a few days ago, the achievement of success, even limited success, on nuclear weapons tests would be a powerful encouragement for the coming disarmament conference.

We have long since learned that a Russian treaty obligation or agreement cannot be relied upon. I feel today, as I felt in Geneva last year, and the year before, that any meaningful agreement which might be entered into between ourselves and the Russians must have positive guarantees. Insofar as disarmament is concerned, this means a system of inspection to insure that the agreement is adhered to.

Another form of partial disarmament which might prove feasible is the establishment of control and inspection systems to prevent surprise attacks. I was in Geneva when this conference to prevent surprise attacks met. There, too, we met with Russian intransigence which prevented an agreement. Inspection and control systems could be of

value, per se, and might also lead to more comprehensive systems of arms regulation and disarmament.

Genuine and general disarmanent will become possible when the Communist nations turn their backs on subversion, mob violence, economic and political penetration, and other forms of nonmilitary aggression, as well as military aggression.

After a settlement of political differences and the removal of threats and fears from the hearts of our people and the people of the world, disarmament, with all its attendant reliefs and benefits, would be at hand. Then, and only then, will a world grown weary and fearful of war and of ever greater destructive power be able confidently to turn its talents and resources to peace and human betterment.

Mr. RANDOLPH. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield to my able, distinguished, and warm friend from West Virginia, with whom it is an honor to serve in this body, as it was a pleasure and an honor to serve with him in the other body.

Mr. RANDOLPH. I am gratified, of course, for this note of nostalgia and for this reference to the present. I am grateful, as my well-informed friend from Tennessee knows, for our comradeship in public affairs.

During the past week, three young women from West Virginia, who were attending a student conference in Washington—I need not state its exact name—visited my office. They were interested in the overriding subject, How shall we achieve disarmament?

These youthful citizens had visited the Russian Embassy. There a Soviet spokesman had briefed them on the efforts of the Russian leadership to bring about disarmament speedily in the world. Over and over again, according to the report to me, a Soviet spokesman said, in effect, "We are constantly being thwarted in our efforts to bring about disarmament because the people of the United States, through their leaders, talk about the desirability of world peace. But whenever we propose a program for immediate disarmament, we receive no positive response."

Is this perhaps a thread being woven cleverly in the propaganda of the Russians to make America look insincere in its quest for peace?

Mr. GORE. I think it follows the same pattern which was followed in the instance of the discontinuance of nuclear weapons tests, to which I have referred. On the very opening day of the conference, the chief Russian delegate proposed that all nuclear weapons tests be stopped immediately. He said, "We have a treaty already written. Are you ready to sign? We are."

When our delegate said he believed that a vital and necessary part of such an agreement would be provisions for inspection and detection, so that our people could, with confidence, believe that the Russians would adhere to the agreement, the Russians indicated that they would talk about that later. "But let us sign immediately," they said. That is still their position.

Now observe the pattern followed by Mr. Khrushchev. He proposes disarmament; but the details of how to achieve it and the means of inspection to guarantee a faithful compliance with an agreement are indeed nebulous.

So I should say that the conversation, the line of thought given to the students from the Senator's State by the officials of the Russian Embassy, was a part of the same propaganda pattern.

That is one reason why I have taken great pains to say that our goals must be those which we sincerely believe are reasonably achievable; that sincerity and good faith must characterize our every proposal. Unless America can stand before the world in sincerity and with utmost good faith, then we should not go to a conference.

The Russian system is more adaptable to propaganda tactics, and the Rusisans are wont to engage in such tactics. I do not believe the United States should enter an international poker game on an issue so precious as peace, on a question so dangerous as an armaments race.

Mr. MONRONEY. Will the Senator yield?

Mr. GORE. I yield.

Mr. MONRONEY. I wish to compliment my distinguished colleague, the able Senator from Tennessee, on his forthright, studious, and very farsighted analysis of the problem, its magnitude, and the critical condition that we will face in 2 weeks at the Geneva Disarmament Conference.

The distinguished Senator from Tennessee has long been one of the voices crying in the wilderness, pointing out the very acute and demanding need for America to take the initiative in proposing that which the world wishes, namely, some lessening of the terror of an unlimited thermonuclear and atomic weapons race.

The Senator from Tennessee has studied this problem perhaps more than has any other man in the Senate. He has been very vocal on it. He has taken to television, the radio, the stump across the country, to alert the world, and particularly this Nation, to this great portent that lies ahead. Yet I am terribly distressed at this date, on the eve of the Geneva Conferences, to find that we have not yet even come to an agreement among our allies. Do I understand correctly that that is the purport of his thesis—that we have not taken a position of leadership to which all of our allies could adhere, so as to present a united front, at least, on some proposal worthy of the name at Geneva?

Mr. GORE. First let me thank my distinguished friend, the illustrious junior Senator from Oklahoma. It is my understanding that there is not now a unified allied position on the question of disarmament to be presented to the conference which is due to begin only 10 days from now.

Mr. MONRONEY. There will be a unified Communist position, of course, which will be firmed up after long study and made as tasty as the frosting on a wedding cake. The master propagandists, along with their skilled men in this field, will prepare and put on paper a statement of the position the Communists will present, with all of the fanfare of the millions of agents whom they have spread around the world, to proclaim again, in a sort of black-equals-white or perpendicular-equals-horizontal manner, that Russia is the nation seeking peace and seeking control of the atomic weaponry, but we are the ones who are preventing what they seek. Is that a correct statement?

Mr. GORE. It is, indeed, and what the Senator has stated is a very disturbing fact.

Mr. MONRONEY. Is it not strange that a nation which can sell deodorants and toothpaste and hair dye, which can convince the women of America of the greater need for expenditures for good in the nature of cosmetics, than of funds necessary to run our schools, has not come up, under this administration, with any capability to debunk, to expose, to pinpoint the phony position the Russians offer, which is disarmament without inspection—a boobytrap to the peace of the world; while the more intelligent public relations people of the world have not found a way to present our honest opinion of disarmament with inspection, that is, not alone disarmament of those things that can be detected, but to insist on inspection of those things that cannot be detected by instrumentation, and at least try to get our story across to the peoples of the world?

Mr. GORE. It is a sad plight which the Senator has described. It is my view that it is not an irreparable plight. If we take sincere positions on the goals which we earnestly and honestly believe are reasonably achievable, and stand forthrightly in the utmost good faith before the world, we can sell our position. We have the resources, and our means of communication are improving, whereby we can effectively present our position to the world. When we do so, we will expose the perfidy and the propagandistic quality of the Soviet position.

Mr. MONRONEY. I thank my distinguished colleague. I only wish that all of the Members of the Senate could have heard the excellent address he has made. I do believe that most of them will read it in the RECORD. I certainly compliment the distinguished Senator for the clarity of his explanation.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. GORE. I yield again to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the comment made by the Senator from Oklahoma in his colloquy with the Senator from Tennessee about the ability of the American people to excel in certain fields causes me to observe that this administration is at fault, at least in degree, in not helping the American people to raise their sights on these necessary goals, both in this country and throughout the world. But the administration apparently has had little trouble in thinking about the raising of interest rates. I think there is a corollary clearly defined. On this we should focus our attention. More of us are at fault than just the administration, but all cit-

izens should raise their sights—not in one degree—but in the more important degree of national and international responsibility. Oh, Mr. President, I plead for leadership in this time of world tension—and personal hope.

I conclude by congratulating the Senator from Tennessee on the factual, helpful, and meaningful address he has delivered in the Senate. Such a speech reflects a most positive approach, and certainly is further convincing evidence of the outstanding capacity of my colleague for fruitful thinking and forceful oration.

Mr. GORE. I am, indeed, grateful to my distinguished friend.

Mr. CLARK. Mr. President, will the Senator from Tennessee yield?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. GORE. I yield.

Mr. CLARK. First, Mr. President, let me associate myself with the laudatory and most deserved comments made by the distinguished Senator from Oklahoma about the very important, provocative, and useful speech which our good friend, the Senator from Tennessee has made just now.

As the Senator from Oklahoma said, the Senator from Tennessee has thought long and hard about these matters; and the points he has made in his speech are most important, and should be called to the attention of the entire country.

I am particularly interested in the Senator's comment which is shown on page 8 of the prepared copy of his speech, as follows:

> In the nationalistic world of today there is no rule of law. The eventual choice is, of course, law, on the one hand, or power and force, on the other.

I commend the Senator for that statement. Will he not agree that the way to promote a meaningful and enforceable rule of law is through strengthening the authority of the United Nations, with respect to its present membership and voting powers and with respect to the powers of its tribunals, and probably in the not-too-distant future by the creation of an international police force—because if there is no power of enforcement, a rule of law is meaningless? I wonder whether the Senator from Tennessee agrees.

Mr. GORE. I agree in substantial part. The United Nations is the greatest international forum which the family of nations has created. It has served, and is serving, a useful purpose. Sometimes I regret that we do not attempt to use it more; and when I say "attempt to use it more," I mean I am disappointed that we do not give its purposes, its policies, and its functions stronger support and seek further to achieve our own national goals through its facilities.

Although I support the United Nations most strongly, I believe I must recognize that the world is more and more being drawn into focus between two great, colossal powers. The bilateral negotiations between those two powers need not be conducted to the exclusion of the United Nations, but can very well be a part—and perhaps a necessary part or prerequisite—of cooperation with and through the United Nations.

Coming to the third point, I fully agree with the Senator that an international military force would be necessary before total disarmament would be feasible. That would be necessary on the country level and also on the world level.

In conclusion, I wish to thank my able friend for his very generous references.

Mr. CLARK. Will the Senator not agree that when he speaks of a rule of law, he must of necessity mean—and certainly it is important in both the short run and the long run—an enforceable rule of international law?

Mr. GORE. Yes, indeed; and I think the settlement of nationalistic political differences would be a tremendously important stride toward the establishment of international law; in fact, it might be necessary before that accomplishment would be possible.

Mr. CLARK. I should like to turn to that point in a moment, if the Senator will permit.

I also wish to commend the Senator from Tennessee for the statement in his speech that the United States should once more be in the forefront of the battle for disarmament. Does the Senator not agree that today, far from being in the forefront, the United States—which should be the leader in the fight for disarmament—is presently the laggard?

Mr. GORE. Unfortunately, we are being placed in that light. I believe it was upon the suggestion of the U.S. Secretary of State at the Geneva Conference of Foreign Ministers in the summer of 1959 that this conference of disarmament came into being. The United States has cooperated, through its representative at the United Nations, in bringing about the United Nations endorsement of the disarmament conference and the reference to the conference of the various disarmament proposals which had been submitted to the United Nations; all of which adds to the prestige of the conference, becaues, in effect, it gives it United Nations auspices.

The things that disappoint me are twofold: First, what I regard as a laggardness in the preparation of policy, positions and goals within our own Government, and the achievement of unified policy by the allied powers; and, second, what I regard as a propaganda stance taken by Mr. Khrushchev. It is a combination of these two things which makes the United States appear to be laggard in this field; and, to some extent, I must concede that the United States is laggard in preparing a realistic approach to this conference.

Mr. CLARK. Does my friend not agree that, so far as we can tell, the Coolidge Committee accomplished practically nothing of any use; that Mr. Eaton, who is very able, will probably be going to Geneva without an approved U.S. plan for total, controlled disarmament; and that our best chance appears to be that we will have to accept the far-reaching British arms control plan as the best available alternative?

Mr. GORE. I have not had an opportunity to see the report of the Coolidge Committee.

Mr. CLARK. It is highly classified and has not been released.

Mr. GORE. I have seen numerous references to it in articles and news items. At least "by their fruits ye shall know them."

When our allies came here for negotiation and consultation about an allied policy, we did not have a policy of our own ready. And, so far as I am advised, there is not yet an allied policy. So far as I know, there are, as yet, no firm instructions to Mr. Eaton—who is a very fine and able man, with whom it has been my pleasure to confer.

I hope and trust that before he goes to Geneva there will be—yea; I think there must be—firm, fixed, U.S. policy and unified allied policy.

Mr. CLARK. I congratulate the Senator on the strong statement he has just made, with which I find myself in complete accord. I also compliment him on the realistic statement in his speech, "As long as the threat of military aggression by the Communist bloc does exist, I do not see how we can afford to be without a military deterrent to counter this threat." In other words, I take it my friend agrees with Winston Churchill, "We arm to parley." Is that correct?

Mr. GORE. Well, I know that Mr. Churchill said, "We arm to parley." I think our first goal in arming is the adequate defense of our own freedom and that of the free world, but in the very nature of power balances and potentials it is unfortunately necessary that we have power if we are in fact to negotiate from a position of power. Perhaps that is saying it in a different way.

Mr. CLARK. I am certainly in complete accord with what the Senator from Tennessee has just said. Would he not also agree that the debates on the floor of the Senate, in the press, and through other media of public opinion in this country, have conclusively established that as of today the United States of America is not making the defense effort which must be made if we are to survive in freedom?

Mr. GORE. I agree fully.

Mr. CLARK. I thank the Senator. Now, having indicated the field of agreement, may I with all deference and in the most friendly vein indicate to my friend a few statements in his speech with which I find myself reluctantly in disagreement?

Mr. GORE. Well, I not only would be willing for the able Senator to express his disagreement, but I would invite it, because this is a subject that involves the security of freedom throughout the world and the possibility of attaining peace. It is a topic on which I lay no claim to particular wisdom. I have submitted my views in the hope of promoting effective and helpful conversation which perhaps would be of some benefit to the Executive in the performance of his function.

Mr. CLARK. I thank the Senator for his generous response, and in order not

to detain him too long, I crave his permission to refer to five statements in his speech which outline the position with which I find myself in disagreement, and then ask him to comment with respect to his views. The first is where the distinguished Senator expresses the view that total disarmament, in its broad and general terms, can only be achieved after the settlement of political differences.

The second is where my distinguished colleague states:

> Let us not conclude, however, that to acknowledge the undesirability of war requires a quick endorsement of the notion that total disarmament is either the quickest or the surest way to assure peace.

The third is my friend's statement that—

> Total or general disarmament, under present circumstances and at the present time, is not feasible.

The next to last is the statement that the goals sought in the conference beginning March 15 in Geneva must be limited goals which we regard as reasonably achievable.

The final one is my colleague's statement "the goals he has just outlined are too modest."

Mr. President, I realize that my good friend from Tennessee is stating not only his own view, but the view of many other profound and careful students of the disarmament problem. In essence, it is that political settlements must come first and then we must proceed from small agreement to small agreement until at the end, over a longer period of time, we will achieve the ultimate objective of total disarmament which both the Senator from Tennessee and the Senator from Pennsylvania seek.

My own view is that this is the wrong way to go about it, that we should start at the top and work down, instead of starting at the bottom and working up; that an international agreement is the basis from which all subsequent negotiation should proceed, an agreement which will assert for all the world to see that the ultimate goal of the United States, of Great Britain, of Soviet Russia, and of France, the only four nuclear powers at present, is total and permanent disarmament under adequate inspection and control, with a revision of the United Nations Charter to create a world rule of enforceable international law. It is unlikely that major political differences can ever be settled before such approach to the problem will have to be made, and before we are able to reverse the existing nuclear arms race and to end the rule of terror under which we presently live.

I know that my point of view is probably at the moment a minority view in this country. It is a majority view in Great Britain, as the U.S. speech of Selwyn Lloyd last September indicated. It is the stated view of the Soviet Union, with respect to whose intentions I share the same skepticism as my friend from Tennessee.

In my judgment, we should go to Geneva with the statement straight from the shoulder that we, too, believe in total and permanent disarmament under a rule of world law enforced by an international police force, and then let us sit down and see whether, under stages proposed by Mr. Selwyn Lloyd, of Mr. Khrushchev or by ourselves, we can achieve that inspection and control which is essential before we could enter into any such agreement.

I state my position with some diffidence because of the long period of time and the great wisdom which my friend from Tennessee has brought to the subject. I feel it very profoundly, however, and it is only for that reason that I undertake to enter into this colloquy.

Mr. GORE. I thank the Senator for the eloquent contribution he makes, which comes, I know, from the good will that characterizes his every effort.

The point of difference, or differences, which the able Senator has raised is basic to disarmament policy. The Senator has said that he thinks agreement on nuclear weapons test discontinuance should be the—did he say the take-off point? How did the Senator describe it?

Mr. CLARK. My point was that there should first be an agreement between the major parties owning and able to manufacture and use nuclear weapons; that their mutual goal was total and permanent disarmament, under adequate inspection and control, phased over a period of years; that this agreement should be accompanied by a revision of the Charter of the United Nations, in order to provide a workable body of enforceable law, enforced by an international police force, which would come into being step by step as the nations disarmed, in accordance with the agreement entered into, and under strict conditions of inspection and control.

Mr. GORE. With that further elucidation of the views of the distinguished Senator, the differences between us seem to me to have been lessened, because if we start off with nuclear weapons tests——

Mr. CLARK. The discontinuance of them.

Mr. GORE. If we start off with a specific, albeit an all-important specific——

Mr. CLARK. Discontinuance of nuclear weapons tests.

Mr. GORE. We spent a whole week in Geneva arguing with the Russians whether it would be "cessation" or "suspension," and after a week we agreed on the word "discontinuance."

Mr. CLARK. It does not really make much difference.

Mr. GORE. If we start with nuclear weapons tests discontinuance, let me repeat, we start with a specific, which illustrates that in the mental processes of the distinguished Senator, erudite as he is, we must start with something, somewhere, sometime.

Mr. CLARK. My only suggestion is that we should start with a declaration, joined in by all four nuclear powers, as to our mutual goal of total disarmament, and move from there to the first step, which I agree with my friend would have to do with suspension of nuclear tests. It does not make much difference which comes first, the chicken or the egg, at this stage of our discussion, although I think it does make a difference later.

Mr. GORE. Well, later; yes.

The able Senator then said his goal would be to achieve an international force under the guidance and direction of the United Nations. Is that correct?

Mr. CLARK. The Senator is correct.

Mr. GORE. That, too, would involve, if not the settlement of outstanding political differences, at least the achievement of a political agreement; and the achievement of a political agreement of necessity involves the settlement of political differences. So perhaps we are not so far apart.

Mr. CLARK. I hope we are not. My only point is that we ought to make an earnest effort to persuade our Communist opponents to disarm under rigorous inspection and control, and to leave the settlement of outstanding political differences to the rule of law, rather than to the rule of force.

Mr. GORE. I would be perfectly willing to endorse the hope, and to acclaim as desirable the goal, of total and permanent disarmament.

Mr. CLARK. That makes me very happy, indeed.

Mr. GORE. But I would not want to delude the world. I would not want my country to be a party to the delusion of the world that because the nations met in Geneva with this announced goal, that goal was going to be achieved quickly, or that the United States and the nations of the free world, threatened as they are with an international conspiracy to overthrow and dominate them, and all nations, completely, could safely disarm unless these steps, which I have undertaken in my limited way to outline, are first achieved.

Mr. CLARK. The Senator said nothing with which I find myself in disagreement until he came to his final sentence. It is a question of how we would go about it.

Mr. GORE. Then, would the Senator be willing to enlighten me further as to how we would achieve total disarmament? Surely, we are not going to go to Geneva and suddenly sign on the dotted line, as the Russians invited us to do with repect to nuclear weapons tests suspension? Would the Senator be willing to enlighten me further?

Mr. CLARK. Yes; I will try. My thought would be that at Geneva a declaration should be entered into by all of the 10 nations—4 of them, to be sure, are controlled by the Russians—meeting there, that all 10 nations agree that total and permanent disarmament in our lifetime is their mutual aim; and that thereupon they determine that they will sit down in negotiations, which, in all likelihood, would take several years, to attempt to work out, in stages, the extent to which inspection and control procedures can be established; the United Nations peace force begun to be formed; the Charter of the United Nations drastically revised and strengthened in the limited field of war prevention; a first step taken in terms of cessation of nuclear testing, only after adequate inspection and control; a second step taken—and on this I am not committed one way or the other—toward reduction of conventional arms or nuclear weapons, or perhaps, pari passu, that in the end, per-

haps after some years, we might be able to achieve the ultimate goal of total and permanent disarmament.

My further point is that if we found the Russians are willing to go along with us on such a proposal, we would certainly have struck a great step toward peace. If we found that the Soviets were unwilling to undertake the controls essential for disarmament, at least we would have achieved a significant propaganda victory which would make unmistakably clear to all the world the peacefulness of our intentions.

Mr. GORE. I believe, from this further enlightenment, it is clear the reservations which the distinguished Senator entertains with respect to the statement I have made center around procedure. If I understand him correctly, he wishes to announce the goal, the ultimate goal, in concert with our fellow conferees, and then set about to achieve that goal by the necessary steps—the more important those steps are, the better.

Mr. CLARK. The Senator is correct.

Mr. GORE. I doubt if the Russians, however, would be content, with their enormous appetite for propaganda, to settle for the statement of an ultimate goal. They have different techniques in mind. I think the Senator and I have the same ultimate goal in mind, and I am willing here and now to proclaim to the world an ardent desire to achieve that goal. I think there are very important steps that must be taken first, one at a time, and then perhaps several at a time, in broad and important categories, before that goal can be safely achieved.

Mr. CLARK. I thank my friend for his splendid response to this colloquy. I suspect we have carried it as far as practical for the present. I am sure he and I will find a method of working side by side in the future for that peace which we all seek.

Mr. GORE. I thank my friend, and I shall labor at his side with pleasure.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MANSFIELD. I commend the distinguished Senator from Tennessee for the statesmanlike address he has delivered in the Senate this afternoon. This is not unusual for him. Unfortunately, the type of address which he gives us on occasion occurs all too rarely.

I want the Senator to know that I share the skepticism which I think shows his practicality and also his hope which shows his desire for an objective in which all mankind is interested.

I was also interested in what the distinguished Senator from Oklahoma had to say relative to the public relations aspect of some of this Government's policies. I am afraid he is correct, that there is sometimes too much in the way of public relations and oftentimes not enough in the way of sound, public policy.

So I wish to say that I join my colleagues in commending the distinguished Senator for the able, statesmanlike and sound contribution he has made this afternoon, and to express the hope that what he has said on the floor of the Senate will be read at the other end of Pennsylvania Avenue before the conference gets under way in Geneva on March 15.

Mr. GORE. I am exceedingly grateful for the very generous remarks of my able and distinguished friend, an authority in the field of international relations, the assistant Democratic leader of the U.S. Senate, with whom I have served with pleasure and honor in both bodies of Congress.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. GORE. I yield with pleasure to my friendly neighbor, the junior Senator from Mississippi.

Mr. STENNIS. I certainly wish to commend the Senator from Tennessee for a very fine address. I heard much of its substance, the first third and the last third, approximately, of his speech.

I desire to comment first on the timeliness of it. I also wish to submit that the Senator from Tennessee is indeed a competent authority in the field he has discussed, to which he has given so much of his thought and intelligent attention.

As international problems come again to a head, there is a feeling, as expressed by the Senator from Tennessee, that we are not fully prepared. I am certainly pleased that he is one who is thinking about these problems and presenting some thoughts about them to the Nation and to the Congress. I commend him highly for his very fine address, which I am sure will be of interest to the people of the Nation, and which will also be of interest, and be a subject of study, to the other Members of the Senate who did not get to hear his fine contribution.

I join, too, with the assistant majority leader in saying that such contributions are characteristic of the Senator from Tennessee.

Mr. GORE. Mr. President, I am most grateful to my friend, the distinguished and able Senator from Mississippi, who serves on the Armed Services Committee, and who is an authority in the field of means and measures for adequate national defense.

Mr. JAVITS. Mr. President——

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Will the Senator withhold the suggestion?

Mr. STENNIS. Mr. President, I withdraw the suggestion of the absence of a quorum.

Mr. JAVITS. Mr. President, I shall take but a few minutes. My colleague from New York [Mr. KEATING] will follow me. I shall do my utmost to leave a maximum amount of time for him.

Mr. President, I wish to leave a message today before we adjourn for the weekend, with respect to the current civil rights debate.

First, there are a number of points to be cleared up in the record. Second, Mr. President, we enter the time now when cloture becomes a real possibility, since the pending civil rights measures have been under debate for what is equivalent to 30 days, 2 weeks plus 1 week of round-the-clock sessions which is equivalent to 2 weeks of our normal session.

It becomes essential to be absolutely clear what cloture means and why it may be invoked. First, it means the capability of the Senate to transact the business of the Nation without falling over its own feet. Second, it means a fair balancing of the right of every Senator to have full and unimpeded opportunity to debate the civil rights issue and the right of every citizen to have full and unimpeded ability to enjoy his civil rights. And third, it is a demonstration to our Nation and the world that the deliberative processes of a democracy can work effectively to do substantial justice to all its citizens. It must be made clear that cloture if invoked involves no commitments on the substantive civil rights legislation by those who support it. Under the parliamentary situation every Senator will have the clear opportunity to vote up or down every separate one of the seven propositions in the Dirksen substitute and every separate proposition in the amendments which may be submitted to it.

In Senator DIRKSEN's bill, section I preventing obstruction of court orders in school desegregation cases, section II outlawing bombings of schools and houses of worship, section IV rendering Federal assistance to States and localities seeking to desegregate schools, and section V insuring educational facilities for children of servicemen stationed in areas faced with a public-school shutdown to avoid desegregation, are all priority provisions deserving enactment. They should have our attention before we deal with the question of the Government contracts committee, the Federal voting referees, and the preservation of voting records.

Those are the sections, Mr. President, and they give, together with the amendments to them which have been presented—assuming they are ruled germane—a full opportunity to do what needs to be done by everybody, regardless of his shade of opinion with respect to what should be the legislation.

Mr. President, I, together with the distinguished Senator from Georgia [Mr. TALMADGE], had the opportunity to serve on a subcommittee on rule XXII, when I was a member of the Rules Committee in 1957 and 1958. In that connection I had a good deal to do with the debate which took place in January 1959 about the change in rule XXII.

I should like to quote, as we get to this question of considering the invoking of cloture, something the majority leader said, advocating a modification of the rule, which some people, like myself, thought was inadequate. I quote from his statement:

> These are changes (in rule XXII). They are substantial changes. Yet they are not punitive changes on the one hand, or meaningless changes on the other.
>
> We close the circle of the Senate's ability to proceed responsibly.
>
> We assure that if the Senate is able to transact business I shall be able to consider the cloture issue on any decision before it.
>
> These are gains. With the gains come responsibility.
>
> After this resolution is adopted, none can hide behind the Senate as an excuse against the necessary and demanding work of finding resolutions for the problems of our people. All sides will be able to proceed to the real work—and that work has been neglected by some who have belabored the Senate instead.

Mr. President, these are memorable words. I think next week we are going to have an opportunity to really find out what they mean in terms of enabling the Senate to operate effectively.

Mr. President, the issue is the Senate's capability to govern now; that is the issue, not civil rights.

The question raised by the filing of a cloture motion is, Can the Senate function effectively to do the business of the Nation under conditions of full and fair debate, or is it a body which can be immobilized indefinitely by a minority in opposition, in this critical day through the utilization of its own rules?

I should like to restate that question, because it is really not much more than I have to say on this subject. The question raised by the filing of a cloture motion is: Can the Senate function effectively to do the business of the Nation under conditions of full and fair debate, or is it a body which can be immobilized indefinitely by a minority in opposition, in this critical day, through the utilization of its own rules?

I emphasize this has nothing to do with any substantive element of the legislation. Every Member would still have the right by joining a majority to vote up or down any such substantive question.

Mr. President, people like myself feel that this civil-rights measure must concentrate upon the civil right of attending a desegregated public school as well as upon the civil right of voting.

Mr. President, I point out in that regard that 5 of our Southern States have done nothing whatever to countenance the Supreme Court's decree on integration, and in another 6 of those States, making a total of 11, there has been only token action.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. JAVITS. Yes; I am glad to.

Mr. LONG of Louisiana. The newly elected Governor of Louisiana declared during his campaign that if an attempt were undertaken to integrate the schools of Louisiana, he would close them down. Does the Senator have something in his resolution which provides for the Federal Government to operate those schools?

Mr. JAVITS. The Senator from New York deeply believes that a State which closes its schools rather than to abide by the Federal law, which is a dictate of the Constitution, is not doing what it ought to do in terms, not of itself, assuming it has a right to do what it wishes to do, but in terms of its citizens. That is what the Supreme Court decided.

If a State uses public funds for public education, then the children are entitled to enjoy that public education in a desegregated way. If a State decides to end public education, and perhaps even in defiance of its own constitution, that is something which the people of that State must deal with.

But I cannot see how we can countenance an alternative to violating the Constitution of the United States as the price the people of a State must pay to maintain its public school system. If they can do that, then they can do it in every other field, whether in the field of public schools, commerce, or any other area of internal regulation.

Mr. LONG of Louisiana. I suppose the Senator from New York would take my word that the newly elected Governor of Louisiana was elected on a firm pledge that he would simply close all the public schools in such an event, and that the people voted for him on that basis, rather than to accept the judicial outrage which the Senator seeks to make the law of the land. That is how our people regard it.

Mr. JAVITS. The Senator from Louisiana is telling me that the Governor of his State was elected on such a platform.

As I recall, the Governor of another State ran on a similar platform, namely, that the people of his State would not have to pay the Federal income tax. But that would not stop the Federal Government from collecting the income tax. We saw that happen in another day, when the people would not pay a whisky tax. A war was fought to keep us a nation, not an aggregate of States.

Mr. LONG of Louisiana. I do not know that the Senator from New York fought in that war; neither did I.

Mr. JAVITS. If I may finish, the Senator from Louisiana knows very well what I am talking about. The point is that the laws of the United States cannot be nullified by State action. That is what we are talking about here. That is all I maintain. The laws of the United States cannot be nullified by State action.

Mr. LONG of Louisiana. Certainly the Senator from New York knows that he is begging the question. The Federal income tax is a Federal enactment which the Federal Government has the power to enforce. But education happens to be a State function. The Constitution does not require the States to provide any education. It is for a State to decide whether it will provide public educational facilities. If a State believes that it is an outrage for the Federal Government to dictate how the State shall conduct its schools, does the Senator not know that the State has a right to close down its schools?

Mr. JAVITS. The people of Virginia tried that. What a horrible shambles it made of their community. I believe the people of any other State will come to the same conclusion.

Mr. LONG of Louisiana. The Senator may think that, but——

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield further to the Senator from Louisiana?

Mr. JAVITS. The Senator from New York would simply like to tell the Senator from Louisiana that he will be glad to yield; but by arrangement among a number of Senators, is trying very hard to complete his statement in a limited time.

This is a subject which the Senator from Louisiana and I debated on the television before all the people of the United States.

Of course, I yield to the Senator from Louisiana; but I suggest to the Senator that I am speaking on limited time. I yield.

Mr. LONG of Louisiana. The Senator from New York may say that the people of Virginia might yield on this issue. I am not so certain that they are going to yield indefinitely in Virginia. But does the Senator not realize that if the people want to close their schools rather than to be dictated to about how to operate them, they have that privilege?

Mr. JAVITS. The Senator from New York maintains that the people of the United States, through the Constitution, are not trying to dictate to the people of Louisiana how to run their schools; only that if they operate public schools, they must give equal protection under the laws to all the citizens and to all the children of all the citizens.

Mr. President, there is another point raised in this debate besides cultures, and that is that diversionary tactics have been employed frequently during the debate in an effort to imply that racial problems in the North, particularly in my home State of New York, exist on the same scale as they do in the South. On that point, I believe the record has to be made clear, because some statements have been made which simply do not stand up in the face of the record.

Baseless accusations, inaccuracies, distortions, and even abuse and other verbal weapons have been used often in the attempt to frustrate the passage of any civil rights bill at all. From time to time it will become necessary to set the record straight.

For example, it has been charged many times that the crime rate in New York is disproportionately higher than the crime rate in other States—for example, as to the crimes of murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny of over $50, and auto theft. The latest FBI statistics, which are for 1958, reveal that nothing could be further from the truth, particularly when New York is compared with several Southern States. The crime rate based on offenses per 100,000 population for standard metropolitan areas reveals that Louisiana's crime rate—it merely happens that Louisiana was mentioned in that connection—is virtually one-third higher—some 32 percent more—than that in New York State. The metropolitan crime rate in South Carolina is 24 percent higher than New York's; in Arkansas, 31 percent; in Georgia, 15 percent; Alabama, 6 percent; and North Carolina's metropolitan crime rate is 3 percent higher than New York's.

New York City, with a nonwhite population of over 2 million, has been a special target for the foes of any civil rights bill. The other day the Senator from Louisiana [Mr. LONG] made quite a point of all the murders that go on in my home city. But if a determination has to be made as to whether New York City or New Orleans, La., has the most law-abiding citizenry, I believe Senator LONG should be in possession of one very important fact. According to the FBI, in 1958 there was 1 murder for every 22,000 people in New York City—while there was 1 murder for every 11,000

people in New Orleans. Conclusion: New Orleans has a murder rate which proportionately is twice as high as that in New York City, according to the FBI.

Mr. President, I make no point of this at all. I would not want to comment with respect to any other State, because all States have similar problems. But I thought the record ought to be made clear, for the impression has been left, or sought to be left, that New York is a city unlike other cities of our country—a city particularly rife with crime.

A statement was made, also by the distinguished Senator from Louisiana [Mr. LONG], about murders committed in New York City. Quite a point was made about all the murders that take place in my home city of New York.

Mr. President, I ask unanimous consent that there may be printed at this point in my remarks table I, entitled "Uniform Crime Reports for the United States, Issued September 2, 1959, by the Federal Bureau of Investigation."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CRIME INDEX—TABLE I, UNIFORM CRIME REPORTS FOR THE UNITED STATES, ISSUED SEPTEMBER 2, 1959, BY THE FEDERAL BUREAU OF INVESTIGATION

Offenses [1] per 100,000 population in standard metropolitan areas: [2]

Asheville, N.C.	1,006.5
Atlanta, Ga.	[3] 1,336.1
Augusta, Ga.	812.0
Baton Rouge, La.	1,006.3
Birmingham, Ala.	[3] 1,212.2
Charleston, S.C.	[3] 1,382.8
Charlotte, N.C.	[3] 1,462.2
Columbia, S.C.	[3] 1,365.2
Columbus, Ga.	816.5
Durham, N.C.	669.2
Fort Smith, Ark.	794.1
Gadsden, Ala.	762.4
Greensboro-Highpoint, N.C.	762.4
Greenville, S.C.	[3] 1,419.9
Hampton-Newport News-Warwick, Va.	[3] 1,540.8
Jackson, Miss.	593.4
Jacksonville, Fla.	[3] 2,004.4
Little Rock, North Little Rock, Ark.	[3] 1,570.3
Macon, Ga.	1,049.5
Miami, Fla.	[3] 2,303.3
Mobile, Ala.	[3] 1,162.9
Montgomery, Ala.	1,078.6
New Orleans, La.	[3] 1,720.7
New York-northeast New Jersey	1,145.3
Orlando, Fla.	[3] 1,544.6
Pensacola, Fla.	[3] 1,784.7
Raleigh, N.C.	[3] 1,400.8
Richmond, Va.	[3] 1,325.9
Roanoke, Va.	984.4
Savannah, Ga.	[3] 1,675.4
Shreveport, La.	760.0
Tampa-St. Petersburg, Fla.	[3] 1,320.3
Washington, D.C.	981.5
West Palm Beach, Fla.	1,080.0
Winston-Salem, N.C.	802.6
All U.S. metropolitan areas	[3] 1,155.2

[1] FBI definition of an offense for the purposes of this table: Murder, nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny over $50, and auto theft.

[2] Lists all listed metropolitan areas in the States of Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Virginia.

[3] Rates in excess of New York-northeastern New Jersey metropolitan area.

Mr. JAVITS. Mr. President, again, I deprecate the situation in New Orleans as much as I do that in New York. But I believe the record must be made very clear concerning these imputations, because New York has a large nonwhite population, a population which we are doing our best to have live on terms of equality with the white people of New York. The imputation is made that New York has some special kind of crime problem. We have our crime troubles, but they are less than in other States which are using this point as a basis for their argument.

Mr. President, another special target of the civil rights opponents here in the Senate are our citizens of Puerto Rican extraction living in New York City. Again the Senator from Louisiana [Mr. LONG] stated:

In New York City there are about 618,000 Puerto Ricans. More than 190,000 of them lived there long enough to satisfy all residence requirements, but those people are not permitted to vote because by the law of New York State a person must be able to read or write English in order to be qualified to vote.

To ascertain the facts, I have been in contact with the migration division, New York City office of the Puerto Rican Department of Labor, the New York State secretary of State—in charge of State election machinery—and the New York City Board of Elections. Here are the facts: In the last presidential year, 1956, an estimated 175,000 Puerto Ricans satisfied State age and residency requirements for voting. Nearly half of them—85,000—registered to vote, as compared with a registration of about 32 percent of the nonwhite population in 1956 in the home State of the Senator from Louisiana [Mr. LONG], which I believe has no literacy requirements for voting.

New York is doing better than that.

New York State election officials estimate that in the forthcoming presidential election in November, more than 60 percent of the Puerto Ricans eligible by residence and age will vote. This is almost equal to the voting turnout 4 years ago in the Nation as a whole. This is based on the 1956 result, and the expectation is that in the presidential year of 1960 as in 1956 a special drive will be made to get out the vote of those of Puerto Rican extraction.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JAVITS. I wish to finish stating the facts. I ask the Senator from Louisiana to remember that I am attempting to meet an obligation to my colleagues.

I have stated the history of New York's experience. Our State under the name of the melting pot, has always worked very hard to integrate the people who have come to us. We are doing the same with our Puerto Rican citizens.

Under the law of New York, a public school diploma eliminates the necessity of a literacy test.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks a number of samples of the New York State regents literacy test, to show how easy they are, in order to deal with those who do not have a public school diploma.

I point out also that 75 percent is a passing mark for this test. Never has there been the remotest charge of discrimination. On the contrary, every effort is made to get people in my State to vote. What we are concerned about, and what we are working on, is the denial of the right to vote to those who are qualified in a number of our States, as disclosed by the report of the Federal Civil Rights Commission.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

There being no objection, the samples of the literacy test were ordered to be printed in the RECORD, as follows:

[1958–59—Test 1]

NEW YORK STATE REGENTS LITERACY TEST

(To be filled in by the candidate in ink)

Write your name here:
First name_____
Middle initial_____
Last name_____
Write your address here_____
_____
Write the date here:
Month_____ Day____ Year_____

Read the paragraph below and then write the answers to the questions. Read it as many times as you need to.

"SCHUYLER MANSION

"In 1761 Philip Schuyler bought a large tract of land near Albany. He called this tract of land The Pastures. He lived in a mansion which he built on the land. The mansion was 63 feet long and 48 feet wide. In 1780 Elizabeth Schuyler was married there to Alexander Hamilton. The wedding took place in what has since been called the Hamilton Room. Schuyler Mansion was well known as a friendly home to visit. Many important people visited there. The list of guests includes Washington, Lafayette, Franklin, and Aaron Burr. In 1911 Schuyler Mansion was bought by the State of New York. In 1916 it was restored to make it look as it did in 1780. The mansion is now used as a museum."

The answers to the following questions are to be taken from the above paragraph:

(Sample: In what year did Philip Schuyler buy a large tract of land? 1761)

1. Near what city did Philip Schuyler buy land?_____
2. What did Schuyler call his tract of land?_____
3. How many feet long was Schuyler Mansion?_____
4. In what year was Elizabeth Schuyler married?_____
5. What is the name now given to the room where the wedding took place?_____
_____
6. Name three men who used to visit Schuyler Mansion._____
7. Who bought Schuyler Mansion in 1911?
_____
8. What is Schuyler Mansion now used as?
_____

(To be filled in by the examiner)

Number of answers correct_____
(Candidate's rating, P (passed), F (failed).)
Place where examination was held (city, village, or town)_____(County)_____
Certificate of literacy was (mailed or delivered in person) to successful candidate.
Examiner's signature_____
Title _____

Examiner will return all material previously delivered by local superintendent to the superintendent or his representative within 2 days after the last day on which examination has been conducted.

This examination should not be used after September 30, 1959.

[1958-59—Test 2]

NEW YORK STATE REGENTS LITERACY TEST

(To be filled in by the candidate in ink)

Write your name here:
First name_____
Middle initial_____
Last name_____
Write your address here_____

Write the date here:
Month_____ Day____ Year_____

Read the paragraph below and then write the answers to the questions. Read it as many times as you need to.

"LINCOLN—OUR 16TH PRESIDENT

"'I was born February 12, 1809, in Hardin County, Ky. My parents were born in Virginia. My mother, who died in my 10th year, was of a family of the name of Hanks. My grandfather moved from Rockingham County, Va., to Kentucky about 1781. My father, at the death of his father, was but 6 years of age, and he grew up without education. He moved from Kentucky to Indiana in my 10th year. It was a wild region, with many bears and other wild animals still in the woods. There I grew up. If any personal description is thought desirable, it may be said I am, in height, 6 feet 4 inches; lean in flesh, weighing 180 pounds; dark complexion, with coarse black hair and grey eyes'—From a letter written by Abraham Lincoln."

The answers to the following questions are to be taken from the above paragraph:

(Sample: What is the name of the man who wrote this letter? Abraham Lincoln.)

1. In what county in Kentucky was Abraham Lincoln born?_____
2. How old was he when his mother died?_____
3. Who moved from Rockingham County, Va., to Kentucky about 1781?_____
4. How tall was Abraham Lincoln?_____
5. About how many pounds did he weigh?_____
6. What color hair did he have?_____
7. What color were his eyes?_____
8. Name a wild animal seen in Indiana at the time Lincoln was 10 years old_____

(To be filled in by the examiner)

Number of answers correct_____
(Candidate's rating, P (passed), F (failed).)
Place where examination was held (city, village, or town)_____(County)_____
Certificate of literacy was (mailed or delivered in person) to successful candidate.
Examiner's signature_____
Title _____

Examiner will return all material previously delivered by local superintendent to the superintendent or his representative within 2 days after the last day on which examination has been conducted.

This examination should not be used after September 30, 1959.

[1958-59—Test 3]

NEW YORK STATE REGENTS LITERACY TEST

(To be filled in by the candidate in ink)

Write your name here:
First name_____
Middle initial_____
Last name_____
Write your address here_____

Write the date here:
Month_____ Day____ Year_____

Read the paragraph below and then write the answers to the questions. Read it as many times as you need to.

"INDIAN RELATIONS

"In the 16th century about 1 million Indians lived in what is now the United States. These Indians lived in tribes. Most of the tribes were peaceful, but a few, like the Sioux, were not. Indians got most of their food by hunting and fishing. The men hunted and fished and the women did the farming. As more white men came to live in the United States, they pushed the Indians farther and farther westward. For nearly 300 years the white men took land away from the Indians and pushed them toward the West. Finally only about 200,000 Indians were left. These Indians were forced to move into lands set aside by the Government for their use. These lands were called reservations. Many Indians still live on such reservations. In 1924 a law made all Indians American citizens."

The answers to the following questions are to be taken from the above paragraph:

(Sample: In the 16th century, how many Indians were there in what is now the United States? About 1 million.)

1. Name a tribe that was not peaceful____
2. Name the two ways by which the Indians got most of their food_____
3. Among the Indians, who did the farming?_____
4. Who did the hunting and fishing?____
5. What did the white men take away from the Indians?_____
6. For how many years were the Indians pushed toward the West?_____
7. How many Indians were left when the Government set aside reservations for them?
8. In what year did the Indians become American citizens?_____

(To be filled in by the examiner)

Number of answers correct_____
(Candidate's rating, P (passed), F (failed).)
Place where examination was held (city, village, or town)_____(County)_____
Certificate of literacy was (mailed or delivered in person) to successful candidate.
Examiner's signature_____
Title _____

Examiner will return all material previously delivered by local superintendent to the superintendent or his representative within 2 days after the last day on which examination has been conducted.

This examination should not be used after September 30, 1959.

[1958-59—Test 4]

NEW YORK STATE REGENTS LITERACY TEST

(To be filled in by the candidate in ink)

Write your name here:
First name_____
Middle initial_____
Last name_____
Write your address here_____

Write the date here:
Month_____ Day____ Year_____

Read the paragraph below and then write the answers to the questions. Read it as many times as you need to.

"CHRISTOPHER COLUMBUS DISCOVERS THE NEW WORLD

"Christopher Columbus sailed from Spain on August 3, 1492. He was looking for a new sea route to the continent of Asia. Queen Isabella and King Ferdinand of Spain gave him money for the voyage. Columbus left Spain with 3 ships and a crew of 90 men. The ships were named the *Santa Maria*, the *Pinta*, and the *Nina*. In October of 1492, a sailor on the *Pinta* named Rodrigo de Triana saw land. Columbus thought this land was Asia. He claimed this land for Spain. Later the *Santa Maria* was wrecked off the coast of Hispaniola and was left behind. When Columbus died, he still did not know that he had found a new world."

The answers to the following questions are to be taken from the above paragraph:

(Sample: In what year did Columbus sail from Spain? 1492.)

1. Who was the King of Spain when Columbus sailed from Spain?_____
2. Columbus was looking for a new sea route to what continent?_____
3. How many ships did Columbus have when he left Spain?_____
4. Name two of the ships Columbus had_____
5. What is the name of the sailor who first saw land?_____
6. What ship was he on at the time?____
7. For what country did Columbus claim the land?_____
8. What is the name of the ship wrecked off the coast of Hispaniola?_____

(To be filled in by the examiner)

Number of answers correct_____
(Candidate's rating, P (passed), F (failed).)
Place where examination was held (city, village, or town)_____(County)_____
Certificate of literacy was (mailed or delivered in person) to successful candidate.
Examiner's signature_____
Title _____

Examiner will return all material previously delivered by local superintendent to the superintendent or his representative within 2 days after the last day on which examination has been conducted.

This examination should not be used after September 30, 1959.

[1958-59—Test 5]

NEW YORK STATE REGENTS LITERACY TEST

(To be filled in by the candidate in ink)

Write your name here:
First name_____
Middle initial_____
Last name_____
Write your address here_____

Write the date here:
Month_____ Day____ Year_____

Read the paragraph below and then write the answers to the questions. Read it as many times as you need to.

"JAMESTOWN

"In 1607 a group of 104 men landed near Cape Fear, Va. Here they found a river which they named the James River. A few miles up the river they began a settlement called Jamestown. The leader of the settlement was Capt. John Smith. In the beginning, this first English settlement in America was not very successful. Later, conditions improved when the settlers grew corn. In 1619 a shipload of women came to Virginia. Homes were established and regular family living began. On July 30, 1619, a group of 22 men met in the church at Jamestown. The purpose of their meeting was to make their own laws. Colonial self-government had its beginning at this meeting in Virginia."

The answers to the following questions are to be taken from the above paragraph:

(Sample: In what year did a group of men land in Virginia? 1607.)

1. How many men were in the group that landed in Virginia?_____
2. Near what cape in Virginia did they land?_____
3. What did the men name the river they found there?_____
4. Who was the leader of the Jamestown settlement?_____
5. What crop did the settlers grow?_____
6. How many men were in the group that met for the purpose of making their own laws?_____
7. In what year did these men meet?____
8. In what kind of building did they meet?_____

(To be filled in by the examiner)

Number of answers correct_____
(Candidate's rating, P (passed), F (failed).)
Place where examination was held (election district)_____ (County)_____

Certificate of literacy was (mailed or delivered in person) to successful candidate.

Signature of elections inspector_____

Elections inspector will return all material to the county board of elections within 2 days after election day.

This examination should not be used after 1959.

[1958–59—Test 6]

NEW YORK STATE REGENTS LITERACY TEST

(To be filled in by the candidate in ink)

Write your name here:

First name_____

Middle initial_____

Last name_____

Write your address here_____

_____

Write the date here:

Month_____ Day____ Year_____

Read the paragraph below and then write the answers to the questions. Read it as many times as you need to.

"U.S.S 'CONSTITUTION'

"The U.S.S. *Constitution* was one of the most famous ships to sail the seas. It was built by Edmund Hart in Boston. During the War of 1812, the ship was under the command of Isaac Hull. It had a crew of 456 men. In August of 1812, the U.S.S. *Constitution* defeated the famous ship the *Guerriere*. The U.S.S. *Constitution* was called unseaworthy in 1830 and was about to be dismantled. At that time, a 21-year-old Harvard student wrote a poem called "Old Ironsides." It was about the U.S.S. *Constitution*. As a result, it was decided to save the ship, and in 1833, the U.S.S. *Constitution* was rebuilt. The student, whose name was Oliver Wendell Holmes, later became a famous literary figure."

The answers to the following questions are to be taken from the above paragraph:

(Sample: In what city was the U.S.S. *Constitution* built? Boston.)

1. What is the name of the man who built the ship?_____
2. Who commanded the U.S.S. *Constitution* in the War of 1812?_____
3. How many men were in the crew?____
4. What is the name of the famous ship which the U.S.S. *Constitution* defeated in 1812?_____
5. In what year was the U.S.S. *Constitution* called unseaworthy?_____
6. What is the name of the poem written by the 21-year-old Harvard student?_____
7. What was the student's name?_____
8. In what year was the U.S.S. *Constitution* rebuilt?_____

(To be filled in by the examiner)

Number of answers correct_____

(Candidate's rating, P (passed), F (failed).

Place where examination was held (election district) _____ (County) _____

Certificate of literacy was (mailed or delivered in person) to successful candidate.

Signature of elections inspector _____

Elections inspector will return all material to the county board of elections within 2 days after election day.

This examination should not be used after 1959.

[THE UNIVERSITY OF THE STATE OF NEW YORK, THE STATE EDUCATION DEPARTMENT, ALBANY]

NEW YORK STATE REGENTS LITERACY TEST—1958–59

SCORING KEY

Detailed directions for scoring papers are on pages 16 and 17 of the bulletin "Literacy Testing and the Issuance of Certificates of Literacy."

N.B.—The required number of correct answers for passing credit on each test is 6.

The words required in the correct answer are in black brackets.

No deduction should be made for abbreviation or misspelling if the meaning is clear.

Numbers are also acceptable if written out.

Test 1

1. [Albany].
2. The [Pastures].
3. [63] feet long.
4. [1780].
5. The [Hamilton] Room.
6. [Washington, Lafayette, Franklin, Burr, Hamilton] (any three).
7. The State of [New York] or the [State].
8. As a [musuem].

Test 2

1. [Hardin] County.
2. [Ten] years old.
3. Lincoln's [grandfather].
4. [Six] feet tall.
5. [One hundred] and [eighty] pounds.
6. [Black].
7. [Grey].
8. The [bear].

Test 3

1. The [Sioux] tribe.
2. By [hunting] and [fishing].
3. The [women].
4. The [men].
5. [Land].
6. For nearly [300] years.
7. [200,000].
8. [1924].

Test 4

1. King [Ferdinand].
2. [Asia].
3. [Three].
4. The [*Santa Maria*], the [*Nina*], the [*Pinta*] (any two).
5. [Rodrigo] de [Triana] (either one or both).
6. The [*Pinta*].
7. [Spain].
8. The [*Santa Maria*].

Test 5

1. [104] men.
2. Cape [Fear].
3. The [James] River.
4. Captain John [Smith].
5. [Corn].
6. [Twenty-two] men.
7. [1619].
8. A [church].

Test 6

1. Edmund [Hart].
2. Isaac [Hull].
3. [456].
4. The [Guerriere].
5. [1830].
6. "Old [Ironsides]."
7. Oliver Wendell [Holmes].
8. [1833].

Mr. JAVITS. Mr. President, there is one point to be made very clear to all my colleagues. In New York City every effort is made by the State and local officials to encourage and to assist each and every citizen to register and vote. In 1956, the city helped establish five literacy test centers primarily to help our large Spanish-speaking population get acquainted with and be able to meet the literacy test requirement. One of our leading community organizations, the Council of Puerto Rican and Spanish American Organizations composed of 50 member groups distributed more than 200,000 folders in Spanish to acquaint citizens with the regulations and encouraging them to qualify to vote.

This role is certainly not a new one for the city of New York. For decades, people have come into our city from all over the world, some seeking opportunity, others fleeing persecution, to receive a warm welcome and oftentimes a first introduction to the ways, the workings, and the wonder of a democracy. Many have gone on further North or into the South, Midwest or Far West, but many others have stayed in New York to become citizens and proudly join what is one of the largest, most highly educated, richly trained and more active and most independent electorates in the entire United States. We vote our convictions in New York, where it is our conviction, fully supported by the people and the whole machinery of government, that every citizen should have the opportunity equally with every other to exercise his constitutional right to vote. How refreshing if that were the climate in the Southern States, whose scandalous history of the denial of the right to vote we seek by the proposed legislation to correct.

Mr. President, I shall be happy now to yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. Did the Civil Rights Commission itself not say that it was an outrage in the Senator's State to have a law which requires that a person has to be able to read and write English and does that not effectually disfranchise the great majority of Puerto Rican ancestry?

Mr. JAVITS. The Federal Civil Rights Commission said nothing about an outrage whatever, Mr. President, and I ask unanimous consent to include, as part of my remarks, the actual statement of the Federal Civil Rights Commission.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"The 1958 session of the general assembly passed a bill frankly designed to discourage Negro registrants. It poses 30 questions to the illiterate voter, 20 of which must be answered correctly. Considerable discretion remains with the registrar in deciding who shall have to answer questions and whether the answers are correct.

"Laws requiring purging the names of voters who have failed to vote in the past 2 years are being applied throughout the State now. Those who fail to vote must seek reinstatement or must go through the entire registration procedure afresh. Here again there is room for the practice of local discrimination."[1]

The Georgia committee gave an example of a registrar's discretion. In Terrell County the chairman of the county board of registrars gave as grounds for denying registration to four Negro school teachers that in their reading test they pronounced equity as "eequity," and all had trouble with the word "original." The chairman of the registrars said that he interpreted Georgia law to mean that applicants must "read so I can understand."[2]

The Georgia Advisory Committee concluded that, "While continued chipping away at discrimination may be expected in urban areas, subtle and sometimes not-so-subtle campaigns to reduce or discourage Negro voting in those counties with heavy colored populations may be expected."[3]

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[1] Ibid.

[2] Ibid.

[3] Commission's Georgia State Advisory Committee Report.

NEW YORK

Today, it is estimated some 618,000 American citizens who have migrated from the island Commonwealth of Puerto Rico live in New York City.[4] About 190,000 of these people have lived there long enough to satisfy the State's residence requirements for voting.[5] But many of them are not permitted to vote because they cannot pass the New York State literacy test which provides that "* * * no person shall become entitled to vote * * * unless such person is also able, except for physical disability, to read and write English."[6]

Approximately 59 percent of the Puerto Rican residents of New York read and write only Spanish; they are served by three Spanish-language newspapers having a combined daily circulation of 82,000.[7] One such person, Jose Camacho, a resident of Bronx County, N.Y., filed a suit against the election officials in his home county seeking registration to vote; he also filed a formal complaint with the Commission on Civil Rights. Camacho's petition was denied by the Supreme Court of Bronx County, and at this writing was pending before the New York Court of Appeals.[8]

Camacho's contention is that denial of the right to vote because he and others similarly situated are not literate in the English language constitutes a denial of the equal protection of the laws guaranteed by the 14th amendment. Fundamentally, his case rests upon provisions of the Treaty of Paris, by which war with Spain was concluded and Puerto Rico ceded to the United States. This treaty provided that the civil rights of the native inhabitants should be fixed by the Congress, but left to the inhabitants the choice of adopting English or retaining Spanish as their official language.[9] The Congress gave all inhabitants of Puerto Rico full American citizenship in 1917. The people chose Spanish as their language. But the U.S. Supreme Court has ruled that, "The protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue."[10]

Unlike the other voting complaints, that of Mr. Camacho raises legal rather than factual issues, and Mr. Camacho has filed a counterpart case in the courts. This Commission regards the courts as the proper tribunals for determination of legal issues. However, this Commission has found that Puerto Rican-American citizens are being denied the right to vote, and that these denials exist in substantial numbers in the State of New York.

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[4] Commission's regional housing hearings, pp. 147–148, 152.

[5] One year in the State, 4 months in the county, city, or village, and 30 days in the election district preceding the election are required.

[6] Constitution of the State of New York, art. II, sec. 1. This provision was inserted by a constitutional amendment effective Jan. 1, 1922.

[7] From a recent survey, which also disclosed that 14 percent are literate in both Spanish and English, 14 percent in English alone, and the rest claim no reading habits even though the majority of them assert their literacy in Spanish.

[8] Only one similar case in New York appears in the law reports; it was decided before the 1922 constitutional amendments and before the Congress granted American citizenship to inhabitants of Puerto Rico. In that case, too, a native of Puerto Rico sought to vote in New York. He had served with the U.S. Army of Occupation on the island, and had moved to New York in 1899; he claimed never to have declared allegiance to Spain, but to have "adopted" the nationality of the United States. The opinion in this case refers to both art. VI, sec. 3, and the 14th amendment of the Constitution of the United States. In denying the claim, reliance is put upon *Elk* v. *Wilkins* (112 U.S. 94), which delineated the individual and collective methods of naturalization of citizens. Collective naturalization is "as by the force of a treaty by which foreign territory is acquired." The Court quotes from the Treaty of Paris, Dec. 10, 1898, by which Puerto Rico was ceded to the United States (sec. 9): "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress." The Court concluded: "As the Congress had not then acted to provide collective naturalization and as there was no claim of citizenship by reason of birth or individual naturalization, the petitioner was denied registration as a voter." *People ex rel. Juarbe* v. *Board of Inspectors* (67 N.Y.S. 236 (Sup. Ct. 1900)).

[9] It is interesting to note the bilingual character of many of the documents pertaining to the establishment of the Commonwealth of Puerto Rico—e.g., Resolutions 22 and 23, Constitutional Convention of Puerto Rico, Laws of Puerto Rico, Ann., pp. 129–131—and their approval in Public Law 447, 82d Cong., ibid., pp. 132–134.

[10] *Meyer* v. *State of Nebraska* (262 U.S. 390, 401, (1923)); compare *Farrington* v. *T. Tokushige* (273 U.S. 284 (1927)), where it is said, "The Japanese parent has the right to direct the education of his own child without unreasonable restrictions; the Constitution protects him as well as those who speak another tongue."

Mr. LONG of Louisiana. Mr. President the point I have in mind is that under the law in my State, and under the law, I think, in most Southern States, a person does not have to write and read English; he can register in his mother tongue: Why does the Senator's State insist upon requiring that a person must have an eighth grade education and be able to read and write English before he can register? Does that not effectually discriminate against persons who cannot speak English, persons of Puerto Rican ancestry, or others who come to that State from foreign lands?

Mr. JAVITS. The Senator from Louisiana has constantly contended for the right of a State to fix qualifications. New York State fixes qualifications. It enacts laws to give the right to vote to all who are qualified. What we are complaining about is of States where those who are qualified are denied the right to vote. Mr. President, I think that we can, very safely, and in the national interest, rest our case on that issue.

Mr. LONG of Louisiana. Mr. President, I am in favor of government by law, and we have all the laws we need for anybody who is qualified to vote in our State. We have 50,000 illiterates, and a third of those are colored. In fact, 10 percent of the colored race are illiterate, and of the whites only 3 percent are illiterate; whereas in the Senator's State, they knock all the Puerto Ricans, or the great majority of the Puerto Ricans, off the registration rolls by the requirement of the law. That is not the case with some little State like Louisiana; we do not strike down the rights of such people by the hundreds of thousands. The Senator from New York was the attorney general in that State. Why did he not and why does not his State try to get a law to help these poor Puerto Ricians to register, as they could register if they were in Louisiana?

Mr. JAVITS. Mr. President, if the Negroes in Louisiana who are qualified could register and vote, we would not be here arguing about it. As far as the Negro is concerned, no Puerto Rican has been knocked off the rolls at all.

Mr. LONG of Louisiana. If he is unable to read and write English, they do not knock him off in New York, but they never let him register.

Mr. JAVITS. Mr. President, I just stated, and the Senator heard it, that 85,000 of the 195,000 Puerto Ricans actually voted in 1956. If the Senator has not heard what I just said, I cannot continue that kind of discussion.

Mr. LONG of Louisiana. Eighty-five thousand out of 618,000.

Mr. JAVITS. And in four parishes of Louisiana, where the Negroes preponderate in the population, not one has registered—not one.

Mr. LONG of Louisiana. Under State and Federal laws in Louisiana any person who is qualified could take any competent attorney on earth and compel them to put him on the rolls. In those parishes, the 20,000 colored persons have their rights protected now. In the Senator's State Puerto Ricans have no recourse. They have no rights. There is nothing they can do, because here is a law of New York which says they cannot register unless they can read and write the English language. There is nothing here in this law to help them. Why does the Senator not have an amendment to help those Puerto Ricans?

Mr. JAVITS. I do not believe that the Senator is confusing anybody by drawing this red herring across the trail, in the face of the fact that it takes a decision of the Supreme Court of the United States to get Negroes, who are frustrated in the right to register in Louisiana, the right to register, because registrars resign; registrars move. This is the record.

Mr. LONG of Louisiana. The Senator from New York is misinformed when he says that the Louisiana registrars resigned.

Mr. JAVITS. The registrar resigned in the case which has been just decided. The Supreme Court decided in favor of Negro voters.

Mr. LONG of Louisiana. Which case was that in which the Supreme Court said the Louisiana registrar resigned? Which one?

Mr. JAVITS. The Senator did not say that it was the registrar of Louisiana who resigned.

Mr. LONG of Louisiana. The Senator admits that he was wrong.

Mr. JAVITS. But they resigned in Alabama; but they resigned in Mississippi; but they resigned in other States.

Mr. LONG of Louisiana. I do not know about that. I do not know whether the Senator is right or not about other

States. I know he was in error about Louisiana.

Mr. JAVITS. The Senator knows a great deal about New York, but not about a sister Southern State.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "The Right to Vote," published in the New York Times of recent date; and a table entitled "Senate Votes on Invoking Cloture Rule."

There being no objection, the editorial and table were ordered to be printed in the RECORD, as follows:

[From the New York Times]

THE RIGHT TO VOTE

If the popular image of a filibuster has Senators reading everything from "Little Red Riding Hood" to the telephone directory and speaking on every topic but the one under consideration, the image had better be changed. In the current filibuster, one of the best-organized on record, a surprising amount of the talk has actually been more or less relevant to the civil rights legislation that is now before the Senate. In the exuberance of their one-sided "debate," however, some of the southern contingent are clearly losing themselves and occasionally trying to prove too much.

Senator RUSSELL made a great point the other day of the statement that only 26 percent of the Negroes of voting age are registered in Cleveland, Ohio, where there is no pressure against Negro registration. Senator FULBRIGHT, too, noted that only 53 percent of the Negroes in the North had voted in the four national elections prior to 1956, compared with a white average of 61 percent. Presumably the effort of these Senators and others of their colleagues who took up the same theme was to show that Negroes wouldn't register or vote in large numbers even if they had the right to—so why all the fuss?

Mr. FULBRIGHT even quoted from the 1959 report of the Civil Rights Commission which said that in Atlanta, where Negroes can register freely, only 29 percent have done so, compared to 44 percent of the whites. In New Orleans, the comparative figures are 28 and 60 percent. "Apathy," said the Commission, "is part of the answer" (though in the next paragraph, which Mr. FULBRIGHT did not quote, the Commission added that "something more than apathy" is involved).

In any event, this argument and the figures themselves ought to reassure the very southerners who are striving so desperately to block further voting-rights legislation. If what they are afraid of is Negro domination at the polls, and yet the statistics prove that Negroes are in no rush to exercise the franchise once they have it, why indeed all the fuss? The southern Senators, already bereft of any moral basis on which to stand in their resistance against the Negro vote, now deprive themselves through this argument of even any practical reason.

It is perfectly true, of course, that too few Negroes exercise the franchise where they have it, just as too few whites do. That failure is one of the serious defects in our democracy; but it does not alter in any way the moral imperative that all American citizens have the right to vote freely, whether they choose to exercise that right or not. The minimal accomplishment of this Congress must be basic legislation to insure them this right.

Senate votes on invoking cloture rule [1]

Congress, session, and date	Subject	Senator offering motion	Yeas	Nays	CONGRESSIONAL RECORD, volume, page	Cloture
66th, 1st, Nov. 15, 1919	Treaty of Versailles	Lodge	78	16	58, 8555–8556	Yes.
66th, 3d, Feb. 2, 1921	Emergency tariff	Penrose	36	35	60, 2432	No.
67th, 2d, July 7, 1922	Fordney-McCumber tariff	McCumber	45	35	62, 10040	No.
69th, 1st:						
Jan. 25, 1926	World Court	Lenroot	68	26	67, 2678–2679	Yes.
June 1, 1926	Migratory-bird refuges	Norbeck	46	33	67, 10392	No.
69th, 2d:						
Feb. 15, 1927	Branch banking	Pepper	65	18	68, 3824	Yes.
Feb. 26, 1927	Retirement of disabled emergency officers of the World War	Tyson	51	36	68, 4901	No.
Do	Colorado River development	Johnson	32	59	68, 4900	No.
Feb. 28, 1927	Public buildings in the District of Columbia	Lenroot	52	31	68, 4985	No.
Do	Creation of Bureau of Customs and Bureau of Prohibition	Jones (Washington)	55	27	68, 4986	Yes.
72d, 2d, Jan. 19, 1933	Banking Act	Robinson	58	30	76, 2077	No.
75th, 3d:						
Jan. 27, 1938	Antilynching	Neely	37	51	83, 1166	No.
Feb. 16, 1938	do	Wagner	42	46	83, 2007	No.
77th, 2d, Nov. 23, 1942	Antipoll tax	Barkley	37	41	88, 9065	No.
78th, 2d, May 15, 1944	do	do	36	44	90, 2550–2551	No.
79th, 2d:						
Feb. 9, 1946	Fair Employment Practices Commission	do	48	36	92, 1219	No.
May 7, 1946	British loan	Ball	41	41	92, 4539	No.
May 25, 1946	Labor disputes	Knowland	3	77	92, 5714	No.
July 31, 1946	Antipoll tax	Barkley	39	33	92, 10512	No.
81st, 2d:						
May 19, 1950	Fair Employment Practices Commission	Lucas	52	32	96, 7300	No.
July 12, 1950	do	do	55	33	96, 9982	No.
83d, 2d, July 26, 1954	Atomic Energy Act	Knowland	44	42	100, 11942	No.

[1] Many cloture petitions have also been withdrawn or held out of order since 1917.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 97]

Aiken	Dworshak	Moss
Allott	Engle	Mundt
Anderson	Gore	Murray
Bartlett	Green	Prouty
Beall	Gruening	Proxmire
Bible	Hart	Randolph
Brunsdale	Hartke	Robertson
Bush	Hennings	Saltonstall
Byrd, W. Va.	Hruska	Schoeppel
Cannon	Jackson	Scott
Capehart	Javits	Smith
Carlson	Johnson, Tex.	Stennis
Carroll	Keating	Talmadge
Case, N.J.	Lausche	Wiley
Case, S. Dak.	Long, Hawaii	Williams, Del.
Church	Long, La.	Williams, N.J.
Cooper	McClellan	Yarborough
Cotton	McNamara	Young, N. Dak.
Curtis	Mansfield	Young, Ohio
Dirksen	Martin	
Douglas	Monroney	

The PRESIDING OFFICER (Mr. Moss in the chair). A quorum is present.

ORDER FOR RECESS UNTIL MONDAY, AT NOON

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 12 o'clock noon on Monday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. KEATING obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. Yes, with the understanding that I do not lose the floor.

Mr. JOHNSON of Texas. Mr. President, several Members have been making plans for the afternoon and the weekend. I have talked to the leadership on both sides of the aisle about the probability of further proceedings this evening.

I wonder whether it will be possible to obtain unanimous consent that there be a quorum call at the conclusion of the remarks of the Senator from New York [Mr. KEATING], with the understanding that the call will be withdrawn when the clerk reaches the W's in the list.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. STENNIS. Mr. President, reserving the right to object, as I had stated to the majority leader earlier today, the expectation was that the junior Senator from Georgia [Mr. TALMADGE], would address the Senate today; and I desire to have a complete quorum call had before he speaks. It was estimated that he would commence to speak not later

than 2 p.m. However, under an arrangement with the Senator from New York, that time was yielded. Thus far today the junior Senator from Georgia has not spoken; and it is likely that it will be 35 minutes or longer before he will speak. Certainly, I believe he should have the courtesy of having a quorum present when he does address the Senate.

However, time has slipped by; and certainly we shall comply with what we have agreed to; and, even though the Senator from Georgia [Mr. TALMADGE], is not now in the Chamber, I am sure he would agree. I know nothing about any understanding in regard to voting or anything of that sort. But as regards the question of insisting on a complete quorum call, we shall not insist on another one today—with the understanding that the recess will occur at 5 p.m. today or before.

The PRESIDING OFFICER. Without objection, the proposed unanimous-consent agreement is entered.

Mr. KEATING. Mr. President, it is almost 3 weeks since this debate on civil rights began. We have been in continuous session for almost a week. Fully 4 weeks of normal debate have been consumed. We have filled over 800 closely printed pages of the CONGRESSIONAL RECORD.

I have promised the Senate that I would give them a daily running figure with regard to that, and I will do so at this time.

Of this total, approximately 644½ pages were filled by Democratic opponents of civil rights; around 53½ pages were filled by Democrats in favor of civil rights; and approximately 114 pages were filled by Republicans in favor of civil rights. In addition, approximately 21½ pages were filled by Senator JOHNSON of Texas.

Allowing an average of 12 minutes' time per page, this means that the Democratic opponents of civil rights have spoken for approximately 129 hours; Democrats in favor of civil rights have spoken approximately 10½ hours; Republicans in favor of civil rights have spoken around 22½ hours; and the distinguished majority leader of the Senate has spoken a total of about 4½ hours. A new mark is being set every minute this filibuster drones on.

It is already apparent that even around-the-clock sessions will not provide enough time for the opponents of civil rights to say all they want to on this subject—because they want to talk these proposals to death. And it is becoming increasingly apparent that any confidence that these continuous sessions would discourage or soften the opposition was misplaced—because the opposition is stubborn and well organized.

The success of the opposition in preventing any progress has led to much speculation about compromising these issues. The impression appears to be growing that the opposition's tactics will force a retreat by those dedicated to the cause of civil rights.

Rumors about new packages are everywhere. We cannot step out the door without somebody saying, "What is the latest package on civil rights?" It is more and more widely assumed that it just is a matter of time until the proponents of effective legislation crumble under a barrage of words and all night quorum calls.

This is a false assumption, based on a grossly erroneous miscalculation of the strength and determination of those of us fighting for an effective bill.

As a matter of fact, Mr. President, speaking personally, I was rather tired on Tuesday and more tired on Wednesday, but I never felt better in my life than I do this minute. Apparently many of us have been laboring under the idea that it was necessary to go to bed and sleep 7 or 8 hours or more in order to keep in good condition. We may have made a new discovery for medical science, that the real way to keep in condition is to sleep an hour or two and then get up and put on our clothes in a couple of minutes and take a little trip to the Senate Chamber, then return to bed again. This routine is apparently keeping us all in fine condition. I have never been in better condition than I am now.

Of course, it may be necessary next week to institute what could be called an antifilibuster filibuster weapon, whereby someone who favors civil rights legislation gets the floor at 12 midnight and talks until 8 o'clock in the morning in order that his brethren who share his views may have more time for sweet slumber. I am not sure whether it will be necessary.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. KEATING. I shall be happy to yield for a question, although I do not want to yield for too long.

Mr. LONG of Louisiana. Does not the Senator realize that his group does not have the necessity of speaking all night in order that his cohorts may sleep? All they have to do is move to recess. The southern Senators will be willing to help them recess the Senate.

Mr. KEATING. I understand the generous contribution and suggestion from the distinguished Senator from Louisiana. The only difficulty is—and this is something which the general public does not entirely understand—those who share the views of the distinguished Senator from Louisiana have only to keep 2 or 3 Senators on the floor, including the 1 or 2 who are speaking, whereas the rest of us, in order to keep this debate going, have to appear here in order to have 51 Senators present to constitute a quorum. I know that my friend from Louisiana does not need any education in that regard, but it is something which is a little difficult for the public generally to understand.

Mr. LONG of Louisiana. If the Senator will yield——

Mr. KEATING. I shall yield only for a question.

Mr. LONG of Louisiana. If the Senator will yield for a question, does he know of a single southern Senator's vote that has been cast against a recess overnight up to this point?

Mr. KEATING. I do not believe I do. [Laughter.] And I expect that there probably will not be such a vote during the entire course of this debate.

Let me say now that those of us who favor civil rights have not weakened; we have not the slightest intention of compromising our objectives, and we will never be intimidated by any talkfest. Why? Why do I say that? Because we are fighting here to preserve and extend the American tradition of justice, liberty, and equality under the law. We are fighting here to make certain that all qualified citizens can exercise the right to vote; to make certain that every schoolchild can attend classes without interference or molestation; to make certain that everyone's civil rights are protected. These are righteous goals. The measures proposed for their achievement are moderate in relation to the job to be done. Our duty is clear, our strength is indefatigable, our convictions are firm. We intend to stay on the job until our task is done.

Our mission is too sacred to be defeated by the inconvenience, irritation, or exasperation caused by the opposition's tactics. Indeed, these tactics, if anything, have made us more resolute. Our spirit is undiminished. Our conviction that we are right is confirmed by the inherent poverty and weakness in substance of the torrent of words presented against us.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point for a question?

Mr. KEATING. I yield, but I may say I am endeavoring to give the distinguished Senator from Georgia an opportunity to speak following me. I do not want to engage in any long colloquy, but I shall be happy to yield for a question.

Mr. LONG of Louisiana. Does the Senator honestly believe that more than 400,000 honest, hard-working Puerto Rican citizens should be disqualified to vote merely because they cannot speak the English language when they reside in New York State?

Mr. KEATING. I shall be very glad to set at rest all this talk about Puerto Ricans not voting in New York. I do not propose to get into a long colloquy, because my friend from Louisiana knows the facts just as well as I do.

The State of New York has elected to have, as a qualification or test for voting, the requirement that a person must be able to read and write the English language. It is very simple. It is applied with complete equality to everyone. Some of the other States in the Union have a similar requirement. The State of Louisiana has not elected to have such a requirement. It is entitled to have whatever qualifications it elects to have. New York State is entitled to have whatever qualifications it thinks are desirable. There are citizens living in the State of New York who are not able to read or write the English language. They cannot qualify, under the laws of New York to vote. That is the only reason they cannot vote. They are not discriminated against in any way and the requirements are applied to all prospective voters on the same basis.

We are here concerned with those situations where the law is not applied with complete equality, but is applied in a discriminatory fashion. There is a broad difference between those cases with

which this legislation is concerned and those in the State of New York.

Mr. LONG of Louisiana. Is it not true that, so far as Louisiana is concerned, the citizens for whom the Senator is pleading have all the laws they need to get themselves registered, and all the remedies they need, but in his own State there are great numbers of persons who have no remedies or no laws to protect them? In Louisiana a Federal official can put all the colored people in the four parishes of Louisiana to whom reference has been made on the rolls, with a single lawsuit; but in the Senator's State he cannot do anything to help the 400,000 Puerto Ricans, because the law of New York provides they must be able to read and write in order to vote in New York. That is not necessary in Louisiana. Will the Senator not agree with me that those from New York should take care of their own affairs before they tell the people of Louisiana how to take care of theirs?

Mr. KEATING. The Senator from New York is not endeavoring to tell Louisiana or any other State of the Union what to do in any different sense than he is telling his own State what to do. We are dealing here with a proposed Federal law. It is directed to all of the 50 States. It has no applicability to Louisiana unless Louisiana is conducting its affairs in a way violative of the Constitution. Then the State must correct those conditions. If New York conducted its affairs in a way that was violative of the Constitution, it would also have to correct its situation. That New York is not now doing, I am happy to say.

Mr. President, I am confident that before too long the Senate will be given an opportunity to vote on the pending amendments. I believe that an overwhelming majority of the Senate at that time will support any of these amendments which they are convinced are necessary to protect the civil rights of our fellow Americans.

A great deal of support already has been expressed for a 7-point program introduced by the distinguished minority leader and cosponsored by 23 of his colleagues. I want to say now only that I believe each of these seven points is essential to an effective civil rights bill, and I hope that they will have the support of Members on both sides of the aisle interested in furthering civil rights. There can be no doubt that enactment of this program would be a very significant step forward. It would go a long way toward relieving the discrimination under which millions of our citizens now suffer. It would give the advocates of equal justice basis for considerable satisfaction in the outcome of this debate. I have joined as a cosponsor of this program because I regard it as meaningful, and I shall support it fully.

I have had the privilege of serving on both Senate committees which have studied civil rights legislation, the Committees on the Judiciary and on Rules and Administration. I have sat through hours of hearings and read thousands of pages of testimony on these issues. I am convinced, on the basis of the long and detailed study I have given this subject, that there are no grounds for eliminating any of the provisions of this seven-point program. I would go so far as to say that anything less would be indefensible in the light of the evidence presented. There can be no compromise on any of these vitally needed provisions if we are to enact adequate legislation in this Congress.

I have proposed several amendments which would add even greater force to our efforts to protect civil rights. They have been presented and read in conformity with the provisions of rule XXII of the Rules of the Senate, and I intend to move their adoption at the appropriate time in this debate.

It has been said here that they are so numerous and so extensive and comprehensive as to be unintelligible to Members of this body, but I must say I have greater confidence in the Members of the Senate and their ability to comprehend amendments. My amendments happen to be five in number, which is not an inordinate number of amendments for one Senator to offer. I may offer others. Certainly, other Members of the Senate have offered many more than five amendments to a single measure.

One of these amendments, designated "3–2–60—A," simply would spell out in detail the steps to be followed under the Attorney General's voting referee plan. It was prepared in collaboration with the Department of Justice in order to remove any doubt as to the mechanics of the voting referee plan, and it has the approval of the distinguished minority leader. It has been offered on his behalf, and on behalf of the distinguished minority whip [Mr. KUCHEL] and my distinguished senior colleague from New York [Mr. JAVITS].

I believe that this provision will immeasurably strengthen the effectiveness of the present provisions of the 1957 Civil Rights Act authorizing suits by the Attorney General in voting denial cases. It provides express authority for implementing decrees in such cases in a manner which will extend their benefits to a maximum number of citizens in areas in which it is judicially determined that there is a pattern or practice of discrimination.

It may turn out to be advisable to have this provision supplemented by some alternate administrative remedy in order to extend similar benefits to Negro citizens in areas in which there has not been a court adjudication. I prepare a draft of a bill along these lines and submitted it for inclusion in the record of the Committee on Rules and Administration. Since then a number of other similar amendments have been proposed. All of these have the same objective—to protect the exercise of the franchise by all qualified Americans.

There is no doubt in my mind after studying the report of the Civil Rights Commission that such protection is urgently needed. While I shall certainly support the voting referee plan, which, standing alone, is by all odds the most effective single proposal advanced, we must fashion the remedy which will make it possible to obtain maximum support from all those interested in this problem.

Another amendment I have proposed and read, in accordance with the rule, designated "3–1–60—J," would authorize the Attorney General to bring civil injunctive suits in all cases involving denials of equal protection of the law, and not just in voting cases as under the 1957 Civil Rights Act. The language of the amendment follows the language of part III of the bill passed by the other body in 1957 at a time when I was the ranking member of the Committee on the Judiciary in the other body. I collaborated with the distinguished chairman of the committee in the other body in the debate which led to the passage of this bill in the House. However, it was stricken out in the Senate. Experience since that time, it seems to me, has confirmed the need for such authority.

The amendment contains two operative sections. The first authorizes the Attorney General upon a sworn complaint of any person who is threatened with the loss of his right to equal protection of the laws, to institute a civil suit in the name of the United States for the citizen's protection. Under the specific terms of the bill, the Attorney General can only act when the complainant is unable because of financial inability or other reason to effectively prosecute a Federal action in his own behalf.

The second section of the amendment authorizes a similar proceeding by the Attorney General upon the written request of any State or local authorities. Another section of the amendment gives jurisdiction over cases thereunder to the Federal district courts, without requiring the injured party to exhaust any other purported remedies.

In simple terms, this amendment would authorize the Attorney General to institute civil actions to prevent the deprivation of a citizen's constitutional rights where the citizen is too poor to protect his own rights. Under our Constitution, counsel must be appointed to look after the rights even of criminals. I have never understood the logic of people who accept the right of alleged thieves and murderers to have counsel appointed by the Government, but violently rebel at the thought of giving an innocent American whose rights are in jeopardy, the aid of a Government lawyer.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from New York yield for that purpose?

Mr. KEATING. I yield.

Mr. ERVIN. Does that proposal, as compared to the rights preserved in the Constitution, give superior rights to thieves, murderers, dope peddlers, and smugglers, in that it allows them the right of trial by jury, wherein that proposal is an attempt, by circumvention, to take the right of trial by jury from those to whom it applies?

Mr. KEATING. The answer to that is that the same right of trial by jury is given under this bill as was given under the 1957 civil rights law in voting cases.

Mr. ERVIN. Will the Senator yield for another question?

Mr. KEATING. I yield.

Mr. ERVIN. Under the Civil Rights Act of 1957, the valuation placed on a constitutional right of trial by jury is $300; is it not?

Mr. KEATING. The amount is $300, or 45 days imprisonment.

Mr. ERVIN. In other words, if a man wants his constitutional rights he has to be charged with a fine of at least $300 to get it?

Mr. KEATING. The statement of my distinguished, able, agile, engaging friend from North Carolina is highly inaccurate.

Mr. ERVIN. Mr. President, will the Senator yield for another question?

Mr. KEATING. I will be happy to yield for a question.

Mr. ERVIN. Does not the Civil Rights Act of 1957 say that no man can have a right of trial by jury, a right for which we rebelled against England and a right which we enshrined in our Constitution, unless he is sentenced to imprisonment for as much as 45 days or to a fine of more than $300?

Mr. KEATING. Mr. President, I shall be happy to debate the entire question of a jury trial with my friend from North Carolina, whose views on civil rights differ from mine, at some other time.

I think in fairness to the Senator from Georgia, it should not be debated at this time. The simple answer is that traditionally, and over the years, contempt of court cases involving the United States has not entitled anyone to a jury trial. We did incorporate into the Civil Rights Act of 1957 a right to a new trial with a jury if a judge sentenced the person charged with contempt of court to more than 45 days in prison or a fine of $300. That was something almost entirely unprecedented in the law. It is something which was opposed by many of us, but which was accepted as a compromise in order to get the 1957 bill to vote and through both bodies. But it is an anachronism in the law, something almost entirely new. Under normal practice, a contempt of court charge does not entitle one to a jury trial.

Mr. ERVIN. If the Senator from New York will permit me to ask him one more question, I shall not trespass further upon his time.

Does not the Senator know that instead of a person being denied the right to trial by jury in criminal contempts, the general law of the United States, as contained in the statutes passed by Congress, is that a person has a right to trial by jury in every case of criminal contempt which involves a violation of either State or Federal criminal law?

Mr. KEATING. The Senator from New York does not know that, and asserts that that is not an accurate statement.

Mr. ERVIN. The Senator from North Carolina asserts that it is an accurate statement.

Mr. KEATING. Mr. President, I do not yield for a statement.

Mr. ERVIN. Mr. President, I thank the Senator from New York for yielding.

Mr. KEATING. I am very happy always to yield for a question, at appropriate times, to the enjoyable, distinguished and able Senator from North Carolina.

There has developed as illustrated by the colloquy on the floor of the Senate, such widespread misunderstanding of the scope of this amendment that it would be well to point out that it does not in any way enlarge the substantive rights of our citizens. It would serve a vital purpose, but that purpose simply would be to supplement the present criminal provisions applicable to civil rights cases by more appropriate and expeditious civil remedies.

I believed when I first introduced this legislation as a Member of the other body in 1956 that it was moderate, that it would be effective, and that it was essential to the proper discharge of the Federal Government's responsibility to protect the rights vouchsafed to the people by the Constitution. My opinion has not changed.

The objections which will be made to this measure may be surmised from the debate on the Civil Rights Act of 1957. It will be argued that the bill would allow the Attorney General to interfere with private rights without the consent of the person injured. Of course this is not true. The amendment specifically limits action by the Attorney General to cases in which a private party requests assistance and is unable because of financial inability or other reasons effectively to prosecute such a proceeding in his own behalf. And where the Attorney General acts in such circumstances, he will be acting for the purpose of vindicating not private rights but the public interest in enforcement of the Constitution.

It will be argued that the amendment would deprive defendants of procedural rights guaranteed to them in other cases. This claim is equally without foundation. In suits by the Government under this amendment defendants would have every procedural right historically accorded to them in such suits. Every defendant has now and would have under this bill the due process rights to a full and fair hearing and to an appeal from a decision granting an injunction. If he violates the injunction and is prosecuted for contempt he would have the basic procedural safeguards accorded defendants in criminal prosecutions—he will be presumed to be innocent, the Government will be required to prove guilt beyond a reasonable doubt, he will have the privilege against self-incrimination, and he will have the right to appeal an adverse decision. Moreover, as a result of the provisions of the Civil Rights Act of 1957, as I have already pointed out, he will enjoy an almost unprecedented right of trial by jury in the case of any contempt resulting in a fine in excess of $300 or imprisonment in excess of 45 days. I reject any suggestion that this legislation will enlarge the rights of one group of our citizens at the expense of any other group.

The enactment of this part III amendment would have the greatest impact on litigation affecting school desegregation. I recognize that much progress has been made in this field as a result of the work of dedicated private organizations and the enlightened attitude of many elements of our citizenry in all sections of our country. But the proportions of the present school situations are still alarming. In 1958, more than 3,400 schoolchildren were entirely deprived of all schooling for a period of several months. In addition, many other thousands were forced to resort to entirely inadequate makeshift facilities. In all, over 1 million pupil-days of schooling were wasted after the 1958 fall term. This is a shameful situation for a country which prides itself on its educational system.

The Federal Government must not shirk its responsibility in this area. If we have learned anything in the almost 6 years since the decision in the Brown case, it is that the rights of our school-age children are best protected by recourse to specific legal action against those who would deny them. The Federal Government must play its part in this process, and the enactment of a part III amendment would make this possible.

Frankly, I have never been able to comprehend the deep hostility with which this provision is viewed in some quarters. Under a host of Federal statutes the whole weight of the Federal Government, including the legal resources of the Department of Justice are made available to enforce Federal laws which certainly are no more significant to our national welfare than the provisions of the Constitution involved in equal-protection cases.

The Federal Communications Commission, for example, will argue a case all the way up to the Supreme Court to defend the granting of a license to a broadcaster or a rate increase to the telephone company. The National Labor Relations Board will exhaust every available remedy for the benefit of an employee who it finds has been subjected to antiunion discrimination by his employer or coercion by his union. The Interstate Commerce Commission will defend shippers from unfair rate charges without any investigation of the ability of the shipper to prosecute his own claim. In all these cases, there is a public interest in the enforcement of the law which we have agreed, without too much controversy, makes it appropriate for the Federal Government to intervene. Is there any less public interest in enforcement of the law most important to our country, the Constitution?

The Supreme Court just last week put to rest whatever legal doubts may have existed in anyone's mind regarding the constitutionality of this amendment. In the case of United States against Raines, the Court sustained the power of Congress to authorize the United States to bring civil actions in support of private constitutional rights. In the language of the Court:

> There is the highest public interest in the due observance of all the constitutional guarantees, including those that bear directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

The Court has sustained the power. It is now up to Congress to exercise it to the full extent necessitated by present conditions.

Other amendments, Mr. President, which I have presented and had read, are designated to enable more effective action against the hate bombers, vicious racists who would destroy a place of education, a sanctuary, even a home to intimidate our citizens deserve severe treatment. Their deeds have disgraced the whole Nation.

I do not doubt that the decent people of all sections of the country are as much outraged by the rash of bombings which have occurred as they would be by any other kind of lawless violence. Nor do I doubt that most law enforcement agencies in the communities affected are trying to apprehend and punish the perpetrators of these dastardly deeds. The difficulties confronting local law enforcement efforts, however, are virtually insurmountable. In my opinion, only a combined effort at the Federal, State, and local level will ever be completely effective.

Many law enforcement officials with whom Senator JAVITS and I discussed this problem during our trip to Jacksonville, Atlanta, and Birmingham expressed complete agreement with this view. They emphasized that they were doing all within their means to bring the hate bombers to justice, but they pointed to the limitations both as to jurisdiction and resources under which they must operate. On the basis of what we learned on this trip, I am convinced that an effective Federal antibombing law would be welcomed by a majority of citizens in these communities where outrages have occurred.

This would make possible a law enforcement effort which could combat the bombing conspiracy in the entire area of its operations. We cannot operate effectively against an interstate network on a locality-by-locality basis. In many respects, the law enforcement problem here is similar to that which has handicapped drives against various other forms of organized crime. While few people, and least of all Mr. J. Edgar Hoover, the dedicated head of our FBI, want to convert the FBI into a national police force, the plain truth is that only the FBI has the necessary jurisdiction, skills, and manpower to do a thorough job on any interstate conspiracy.

There is a widespread misconception that all that is needed to authorize an FBI investigation in any case is proof that interstate facilities have been utilized in carrying out an offense. As the Members of this body well know, this is not the case. The use of interstate commerce in connection with a crime merely creates a constitutional basis for enactment of a Federal law on the subject, but until such a specific law is adopted dealing with the activity involved there is no Federal crime.

We have enacted some Federal crime statutes under the commerce power dealing with lotteries, the transportation of intoxicating liquor, the use of the mails to defraud, and the transportation of women for immoral purposes; but we have no general interstate crime act and nothing at all dealing with the use of interstate facilities for the bombing of schools, churches, and homes. It is because of the absence of such a Federal law that the Department of Justice has generally refused to intervene in these cases, and even in the case of Atlanta, had to turn the defendants over to the State authorities for prosecution. A Federal antibombing law would remove this cloud on the authority of the FBI to act, and give it concurrent jurisdiction in all such cases.

The situation described to us in discussions with Birmingham civic leaders points up the jurisdictional problem. In this city there have been bombing attempts involving a Jewish temple, a Negro Church, and several Negro homes. The local authorities have evidence that the dynamite used in at least one of these incidents did not come from Alabama and was of a type commonly employed in mining operations in a neighboring State. Moreover, the police commissioner who investigated the bombings stated that the crime appeared to be part of an interstate conspiracy.

The Birmingham authorities, upon discovering these facts, invited the FBI to come into the case. They believed that with such assistance, future bombings would not take place. However, because of the absence of a Federal law covering the subject, the FBI declined to intervene and none of these culprits was ever caught.

The difficulty confronting Birmingham is exactly the difficulty that a Federal antidynamiting law would eliminate. All that has to be done now to make detection virtually impossible is for outside marauders to commit the offense and then make a quick getaway. The local police cannot follow them outside their jurisdiction, and while there has been cooperation among the different localities, this is not enough to assure a unified, broadly based effort. This is especially important in view of the fact that almost everyone with whom I have discussed the subject believes these incidents are the work of a well organized interstate conspiracy.

It is shocking to realize that in the past 2 years there have been almost 70 such bombing incidents. Almost half of these have involved private homes. This fact means that any legislation to deal comprehensively with the situation should be applicable to the dynamiting of homes. Indeed, I am apprenhensive that the exclusion of such structures would actually serve to make them perhaps the special target of attack.

It is primarily for that reason that I have proposed two alternative amendments to section 2 of the Dirksen amendment to H.R. 8315. The first, designated "3–1–60—H," would substitute a different provision for the fugitive felon provisions of the present section. My provision would make it a Federal crime to import, transport in commerce, or possess any explosive with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives. The second, designated "3–1–60—G," would simply add language to the present provisions of section 2 of the Dirksen amendment, to make it applicable to the bombing of private homes as well as churches and schools. I shall offer the second amendment, of course, only if the first fails.

This is one point in the package on which I would have expected almost unanimous agreement. I hope that with these amendments my expectations will not be disappointed.

Another amendment which I have presented, and had read—it is designated "3–1–60—I"—would increase the penalties under the present Federal criminal civil rights statutes, when death or injury to the victim occurs from a violation.

The penalties now provided are patently inadequate for such cases. The maximum penalty under the present law, if the offender is an individual, is a fine of $5,000 and no more than 1 year in jail; and if the offenders acted in conspiracy, a fine of $5,000 and no more than 10 years in jail. These are woefully insufficient in such cases as lynchings and other mob violence.

This amendment was prepared after it was brought to my attention that the lynchers of Mack Charles Parker would have been subject to these relatively light sentences, even if they had been indicted and convicted. This has merely served to compound the distress felt by all law-abiding Americans at the failure to punish those responsible for that dastardly deed. No matter what technical basis has to be invoked for Federal prosecution of those responsible for such crimes, it is clear that that was just a form of premeditated murder. The penalties provided should be suited to the crime; and that is the whole purpose of my amendment.

I am advised that this amendment has the approval of the Attorney General, who recently recommended that the applicable statutes be amended to permit "the imposition of more appropriate penal sanctions in cases involving crimes of such gravity." I have no doubt as to the legality of adjusting the penalty to the injury of the victim, since there is a direct precedent for such provision in other sections of the Federal Criminal Code, such as that dealing with train wrecking (18 U.S.C. 1992). In fact, a prior version of section 241, the civil rights statute, provided that when a violation of the section was also a violation of State law, the Federal court could impose whatever penalty was permitted for the commission of the State offense; and that provision was held to be constitutional in a murder case in *Motes* v. *United States* (178 U.S. 458 (1900)).

This amendment does not alter the basic provisions of the present civil rights laws, and admittedly, therefore, it will not make it easier to indict any violators. However, increasing the penalties should serve as a powerful deterrent to repetition of such an offense; and I know of no reason not to adopt this change.

However, I want to state that this proposal is not strictly an antilynching measure, in the sense of some of the other bills which have been introduced. Personally, I would support a Federal antilynching bill. But this measure is not one. This amendment is simply an

enlargement of the penalties under present criminal provisions which relate to the denial of civil rights, in order to make the punishment more nearly fit the crime.

Mr. President, today, in these remarks, I have endeavored to give the Senate some idea of the scope of a program which would be fully justified by the needs of the situation. I believe that every one of the amendments I have discussed today is sound, and should have the support of a majority of the Senate. It is for that reason that I find talk of compromising on a weak measure dressed up to look like a civil rights bill so disheartening and unbelievable. I cannot comprehend a majority of the Senate supporting a mere shadow of what is needed to do the job. I cannot comprehend a majority of the Senate giving any dignity to a mere sham bill.

America, indeed the whole world, is listening to this debate. Let us prove to everyone before this debate is over that the spirit of democracy in our great land is stronger than ever.

Mr. LONG of Louisiana. Mr. President, will the Senator from New York yield for a question?

Mr. KEATING. I yield.

Mr. LONG of Louisiana. Can the Senator from New York tell us the date of the Parker lynching?

Mr. KEATING. I do not know the exact date. It occurred some time last year.

Mr. LONG of Louisiana. Can the Senator from New York tell us how long before that the previous lynching anywhere in the United States occurred?

Mr. KEATING. I understand what the Senator from Louisiana has in mind.

Mr. LONG of Louisiana. But first I wish to know the date.

Mr. KEATING. I do not know the exact date.

But I do know that, happily, in recent years, lynching in this country has become much less frequent. I am happy to acknowledge that that is true. And that is an argument which has been made against proposals for the enactment of Federal antilynching bills.

I have tried to point out that this amendment of mine is not a Federal antilynching bill; and I must say in all candor that, as things turned out, in the case of Mack Charles Parker, this amendment would not have been helpful, because in that case it was impossible to obtain an indictment, although the Attorney General did endeavor to obtain an indictment, under the Federal law, for a deprivation of civil rights.

However, the shocking thing, to me, is that if a Federal indictment had been obtained, the penalty which would have been visited on the perpetrators of that dastardly act would have been entirely inadequate.

Mr. LONG of Louisiana. Does the Senator from New York know that the Governor of Mississippi invited the FBI into the State the moment that crime came to his knowledge?

Mr. KEATING. I do not know whether that is so.

Mr. LONG of Louisiana. And did the Senator know that when the Attorney General of the United States gave the FBI record in that case to the Governor of Mississippi, the Attorney General stated at that time that there was no evidence there of a violation of Federal law?

Mr. KEATING. I do not know the circumstances under which the evidence was turned over. I know that after the State failed to act, the Attorney General felt that he had enough evidence to present to a Federal grand jury; and he did so, but the grand jury failed to indict.

Mr. LONG of Louisiana. But why should the Attorney General endeavor to get the grand jury to return an indictment for the committing of a Federal offense, if prior thereto the Attorney General had told the Governor of the State that there was no evidence to show that a Federal offense had been committed?

Mr. KEATING. I was not aware that such a statement had been made by the Attorney General.

Mr. LONG of Louisiana. Can the Senator from New York tell me how long prior to the Parker case there had been a lynching anywhere in the United States?

Mr. KEATING. I cannot inform the Senator of the date.

Mr. LONG of Louisiana. Would the Senator from New York be surprised to know that it was almost 3 years prior thereto?

Mr. KEATING. I would hope it would have been 30 years prior thereto.

Mr. LONG of Louisiana. The point I have in mind is that in the United States there are annually 6,000 murders or nonnegligent killings. If attempts are to be made to have the Federal Government prosecute in cases of the commission of such crimes, would it not be better to protect an American citizen from a crime that is 6,000 times more likely to happen to him, rather than to try to have enacted a Federal law which would be placed on the statute books in an effort to protect American citizens from a crime that is not likely to happen to anyone in the United States?

Mr. KEATING. Well, obviously there would be no Federal Government jurisdiction unless a Federal matter were involved.

Under the suggestion I have been making, action to deprive someone of his civil rights would have had to occur.

Personally, I feel—although this matter does not deal with the subject of civil rights, but it is a subject to which I have given a great deal of study—that eventually we shall have to enact a Federal statute which will deal with gang murders and similar things, and will make it a Federal offense to use facilities of interstate commerce to commit offenses under State law. That is a very much broader subject, and one which we probably do not wish to go into this afternoon. The Senator from Louisiana might be in agreement with me as to that; I do not know.

Mr. LONG of Louisiana. Mr. President, it seems to me that it would be a violation of my civil rights if someone killed me. The Senator from New York might not think that would be discrimination. However, if a murderer picked me as his victim, instead of someone else, it would seem to me that I would be discriminated against.

Mr. KEATING. I say to the Senator from Louisiana that I would prosecute to the hilt anyone who sought to injure him or to kill him. [Laughter.]

Mr. LONG of Louisiana. But when we are dealing with Federal law, why should we single out one criminal act which even the people in the locality affected did their best to prevent and, following the commission of the crime, did their best to have punishment inflicted, yet at the same time we do not try to put the Federal Government into the business of prosecuting for the 6,000 murders which occur annually in the United States.

Mr. KEATING. Well, I am very happy to point out again the difference to my friend from Louisiana. I am talking about that statute with which the Senator is familiar, making it a criminal offense to deprive an individual of his civil rights. The penalty for that is fixed, no doubt, upon the expectation that that is not going to result in the death of someone. I think if it does result in the death or serious injury of the victim, the penalty for it should more closely fit the crime. That is entirely apart from the ordinary crime of murder or other local crimes.

It is argued that because we have had a decreasing number of such incidents of what we generally call lynching, that Congress need not act. This makes me think a little bit of the wise man who said that "there is no such thing as a little garlic." I do not think that we should be dissuaded from putting on the statute books a proper punishment for those incidents, which I hope will never again occur, where a Federal crime is being committed and as a result of which serious injury or death results.

Mr. LONG of Louisiana. Well, does it not seem like very small appreciation to the State and the local governments, when they have succeeded in almost completely wiping out this crime, where it has occurred only one time in the entire Nation in the last 3 years, to seek to give the Federal Government jurisdiction and point the finger of scorn at the communities of the South, when here is a crime that is apparently the most rare of all in the United States? It seems as though they ought to pass a resolution commending them that they have gotten rid of lynching.

Mr. KEATING. I am very happy to commend, and I did in my remarks, the fine works which has been done by many private organizations and many communities throughout our Nation, including, I have no doubt, the Senator's State, where there has been a reduction in these lynchings.

Mr. LONG of Louisiana. It has not been while I have been in the Senate, I know that. That has been 12 years.

Mr. KEATING. You almost never hear of a vicious train wreck either. We have a statute relating to train wrecks, and I cannot remember when we have had a case of a train wreck, but that statute says that it is a crime, and if a crate of eggs is cracked up, you have committed a crime, but if a person's life is taken in that train wrecking, and it

is done willfully, you are subject to the supreme penalty.

Now, that is the way I feel about this. I want to make clear to the Senator, if he is really seeking information, which I am assuming he is, that this is not an antilynching measure in the ordinary sense. We have before us bills which would create the Federal crime of lynching. They are, strictly speaking, antilynching statutes. This is not that situation. It is an enlargement, only of the penalties. It just adds a few words. It increases the penalties under an existing Federal criminal statute, and it can be argued that we do not need to do it because it so infrequently arises, but I think that would be a difficult argument to make to the family of Mack Charles Parker, and I know the Senator in his own heart and soul would agree with me.

Mr. LONG of Louisiana. The Senator knows this, though, does he not, that there was a time when the crime of lynching had some respectability in the South? It was under the Reconstruction Act, when the white men of the South were disfranchised. That was before the days of female suffrage. Negroes who could not even read or write, newly freed slaves, were put on the voting rolls. Thieves and carpetbaggers came down from the North to steal everything that Sherman had not burned down, and the only way the respectable white element could get any justice at that time was to take the law in its own hands.

Mr. KEATING. I know, Mr. President, that many regrettable incidents took place in those days both before and after the Civil War. I would hope that we would never see a repetition of that period.

In the heat of grabbing their spears and rushing forth to do battle, some of my distinguished friends—not my friend from Louisiana, but some from other States—have forgotten at times to put on the trousers of accepted Senatorial procedure in referring to the motives or desires of some of us who favor civil rights legislation. I would regret it deeply if the Senator from Louisiana or anyone else felt that I personally or any of those associated with me on that side of the controversy had in mind any desire to return to those regrettable days which we have read about in our history books.

Mr. LONG of Louisiana. The point I had in mind is that when someone points to some injustice that has been done, a single injustice, it is well to point out that the South itself has been subjected to some very, very serious injustices—in fact, some of the worst that have occurred in this hemisphere—in the name of reconstruction, good government, efficient government, Federal supervision of elections, or what have you. While I do not think the Senator from New York or the Senator from Louisiana would care to do an injustice to anyone, these excesses and these radical movements that have done great injury to large numbers of people have occurred as much against the South as against anyone else.

Mr. KEATING. Well, let me say that I hope we will never return in this country to what we witnessed either before or immediately after the War Between the States.

Mr. LONG of Louisiana. Well, the Senator knows, does he not, that the South was punished for at least 25 years after that war? Some folks think that the destruction was over after the war was over, but the Reconstruction proved to be harsher in the South and lasted a lot longer than the war itself did.

Mr. KEATING. In my judgment, there were very regrettable incidents for many years after the war and many regrettable incidents before the war.

I yield the floor.

The PRESIDING OFFICER. Does any other Senator desire to be recognized?

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the quorum call is rescinded.

Mr. TALMADGE. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ERVIN. Mr. President, will the able and distinguished Senator from Georgia yield to me with the understanding that he will not lose the floor or that his action in so doing will not result in his subsequent remarks being counted as a second speech on the pending amendment?

Mr. TALMADGE. I am delighted to yield under those conditions.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I want to ask the Senator from Georgia if he heard the colloquy between the able and distinguished Senator from New York and myself a few moments ago with reference to the question of whether the right of trial by jury exists in cases of criminal contempt under the acts of Congress.

Mr. TALMADGE. I did.

Mr. ERVIN. I will ask the Senator from Georgia if he is not familiar with the statute embodied in title 18, section 3691, of the United States Code, which bears the caption "Jury Trial of Criminal Contempts," and reads as follows:

> Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by jury, which shall conform as near as may be to the practice in other criminal cases.

I will ask the Senator from Georgia if that statute does not apply to all criminal contempts where the alleged contemptuous act also constitutes a crime under Federal or State law, except contempts committed in the immediate presence of the court, and contemptuous acts committed by members of the Caucasian race who fall within the purview of the Civil Rights Act of 1957.

Mr. TALMADGE. In my opinion the distinguished Senator from North Carolina has certainly correctly stated the law, and I am happy that the distinguished junior Senator from New York [Mr. KEATING] was on the floor so he was able to hear it read.

Mr. ERVIN. I will ask the distinguished Senator from Georgia if he was not present and did not participate in the debate concerning the bill which became the Civil Rights Act of 1957.

Mr. TALMADGE. I was, and did.

Mr. ERVIN. I will ask the Senator from Georgia if during the course of that debate the advocates of the civil rights bill said they were passing the civil rights bill, among other things, for the purpose of denying southerners that right of trial by jury in criminal contempt cases under this very statute.

Mr. TALMADGE. They did, and they plainly admitted that fact in the debate. Their argument for so doing was that southern juries would not convict; and they denied the people of our great country the right of trial by jury, notwithstanding the fact that jury trials are guaranteed in the Constitution of the United States in four separate places.

Mr. ERVIN. I will ask the Senator from Georgia if this is another illustration of the fact that the advocates of civil rights legislation apparently do not think that members of the Caucasian race residing below the Mason-Dixon line have any rights that ought to be respected by anybody.

Mr. TALMADGE. The Senator is correct. When it comes to white southerners, they do not mind at all passing legislation which is wholly discriminatory and in conflict with the Constitution of the United States. It seems that every right in America is protected at the present time except the rights of white southerners.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from New York.

Mr. KEATING. Is the distinguished Senator from Georgia aware of the fact that the constitutionality of the Civil Rights Act of 1957 has just been sustained by the Supreme Court?

Mr. TALMADGE. I am aware of the fact that it has been upheld in part, but, as the Senator knows, the part dealing with criminal contempt has not yet gone to the U.S. Supreme Court.

Mr. KEATING. Does the Senator know of any instance where, in a suit brought by the United States on behalf of someone, in which a person is charged with contempt, he is entitled to a jury trial?

Mr. TALMADGE. The Senator knows the rights being litigated by the United States in civil rights cases are the rights of individual citizens, and not the rights

of the United States. It was attempted for the first time in the Civil Rights Act of 1957 to merge a private right of a citizen with a right of the United States, and thus to give to certain citizens in the United States the right to be represented by the Attorney General as their lawyer, free of charge, in the name of the United States of America.

Mr. KEATING. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. KEATING. Will the Senator from Georgia inform the Senator from New York of any single instance in the law where the right to a trial by jury is given in a suit brought by the United States on behalf of an individual—of which the number is legion, for example, in the ICC, the FCC, and all the Commissions and other agencies—wherein the defendant who is charged with contempt is given the right to a jury trial under any statute; and if so, what is that law?

Mr. TALMADGE. I would say to the Senator that the reason Congress passed the Civil Rights Act of 1957, authorizing suits respecting rights of individual citizens to be brought in the name of the United States, was the very reason stated by the Senator from North Carolina as he read the act. The desire was to get around jury trials for southern white citizens. The Congress effectively did it by giving the Attorney General power to bring suits in the name of the United States of America.

Mr. KEATING. Is the Senator from Georgia aware of the distinction carried through our jurisprudence from time immemorial between a case brought by an individual against another, where there is a right to trial by jury, and a case brought by the United States on behalf of an individual, where there is not a right to trial by jury under any of the statutes in the Federal Government, except one other, plus the one in the Civil Rights Act of 1957 where there is a partial right to a jury trial in certain instances?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina to make his reply after I complete mine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. As the Senator knows, what he is talking about is laws passed by Congress which relate to regulatory agencies. They do not affect ordinary crimes, which have been crimes historically since the origin of our country, in cases in which the people have traditionally had the right of trial by jury.

I yield now to the distinguished Senator from North Carolina.

Mr. ERVIN. Before the Civil Rights Act of 1957 was passed, the only suits brought for preventive relief in the name of the United States were suits to enforce rights belonging to the United States in its capacity as a sovereign nation. Those who sought to reconstruct the South realized, when they introduced the bill which became the Civil Rights Act of 1957, that every willful denial of a constitutional right by a State official constituted a crime, both under Federal law and under State law. And by reason thereof, under title 18, section 3691 of the United States Code, State officials charged with doing such acts would be entitled to the same rights which all other Americans have, namely, the right of trial by jury, where the act, or the omission, constituted a crime under either Federal or State law.

Thereupon, for the first time since the Constitution was written in 1787, the advocates of civil rights pushed through a bill providing that thereafter the Attorney General of the United States should bring suits in the name of the United States, not to enforce rights belonging to the United States in its capacity as a sovereign nation, but to enforce the rights of certain selected groups of individuals. The only reason why that act was phrased in that fashion was to rob State officials of the right of trial by jury, which the Congress was perfectly willing to be retained by all other Americans under the same circumstances.

As one who participated in the controversies in respect to that bill, both in the Judiciary Committee and on the floor of this Senate, I know that is a fact because I heard it admitted time and time again by advocates of civil rights bills. They yielded to the temptation, in some instances, to indict all of the people of the South and to say that they were justified in robbing southerners of the right of trial by jury belonging, under this statute, to all other Americans in like circumstances, because they said southerners would not keep their oath to try cases according to the evidence when they were on juries.

Mr. KEATING. Will the Senator yield for a very short statement?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from New York for a brief statement, with the understanding that I not lose my right to the floor, and that I not be charged with having made a second speech.

The PRESIDING OFFICER. Is there objection?

The Chair hears none. The Senator from New York.

Mr. KEATING. It is not my desire, Mr. President, at this late hour to prolong the discussion. I made the statement that with one exception there is no precedent in the law for granting a jury trial in a suit brought by the United States on behalf of a private person, except the Civil Rights Act of 1957. That statement remains unchallenged by all the conversation that has been presented.

Mr. TALMADGE. As the distinguished Senator knows, the United States may bring suits for injunctions, to enforce regulatory law administered by agencies of the Federal Government. But as the distinguished Senator from North Carolina so ably said, the enactment of the Civil Rights Act of 1957 marked the first time in the history of the Nation, from 1789 to date, that the United States, through its tax-paid Attorney General, was authorized to go into court and represent a citizen in the name of the United States and thus effectively deny the defendant the right to a jury trial.

It is a tragic development in the history of our country, Mr. President, when these people come into Congress and seek to destroy one of the most fundamental rights of mankind—the right of trial by jury.

Mr. President, one of the principal reasons our country engaged in war with Great Britain to win our independence was to guarantee for all time the right of trial by jury. One of the provocations of the Revolutionary War was that in the Admiralty Courts American colonists were being denied the right of trial by jury. Yet almost 200 years later we find the Senate giving serious consideration to proposals to deny that same right for which our forefathers fought to win our independence as a free Republic.

Mr. President, the advocates of these infamous civil-rights bills are not content with having severely circumscribed the right of trial by jury in criminal cases for the first time in the history of our Nation, but now they have come back to try to finish the job of destroying it. Why? Because 1960 is an election year in the United States of America, the year when we elect the President of the United States, the year when we elect one-third of the Members of the Senate, the year when we elect all Members of the House of Representatives, and a number of Governors and statehouse officials.

It has become popular in many large urban areas of the Nation to maintain that the issue of civil rights is the sole thing in which a large minority element of the country is interested. Earlier this week I cited for the RECORD, many instances of crime in a number of the principal cities of America. I told of disturbances and unrest. I told how many citizens in those areas have been regimented and organized and how they seek preferential rights which no other citizens in the United States enjoy. They are led by people who are in a position to deliver that bloc vote controlled by the National Association for the Advancement of Colored People to candidates of their choice.

That is the reason Senators from the largest urban centers in the United States have offered great stacks of civil rights bills in this presidential election year. They have offered them in such numbers as would make Thaddeus Stevens turn over in his grave in envy that he himself had not thought of such heinous force bills with which to punish the South following the War Between the States almost 100 years ago.

It is lamentable that some people, in their zeal and desire to get votes, will go to such lengths to destroy the constitutional system of our Republic, and to set up as a whipping boy and a target almost 50 million Americans who have the honor and the privilege of residing south of the Potomac River and as far as the great State of Texas—States which were formerly known as the Confederacy and which are considered by many to be the backbone of our land.

Yet almost 100 years after the War Between the States, Senators and Representatives are proposing legislation which contains more hatred and venom than ever was exercised by the United States against any conquered nation.

As an aftermath of World War II, the United States supplied aid to many countries to finance their reconstruction. As an aftermath of World War I, we did the same thing. The former enemies of America have, in many respects, fared better than our former allies, when it has come to the ladling out of money.

But when it comes to dealing with the southern region of the Nation, it not only did not receive such aid after the War Between the States, but, almost a hundred years after that conflict, vengeance and venom are still displayed on the floor of the Senate by Senators whose only interest is in continuing to whip the South, in order to attract the radical groups of bloc voters in the great urban areas of the North.

I had intended this afternoon to talk about the constitutional aspects of legislation in the field of voting. I had intended to quote at length from the "Federalist Papers" and from the debates which preceded the drafting and the ratification of both the Constitution itself and the 14th and 15th amendments to it. I had intended to recite a long list of Supreme Court decisions interpreting all three. But due to the lateness of the hour, and the statement by the distinguished majority leader that he intended to recess the Senate some time after 5 o'clock, I shall not go into the details of my prepared speech this afternoon. However, at a later time, I hope to have the opportunity to present the facts about those historic papers to the Senate for its consideration, and to try to delineate for the Senate once again the historic areas of difference between dividing lines between Federal and State responsibility in the field of voting. I intend to do so in the hope that the modern-day Thaddeus Stevenses will not once again charge into the election arena to reenact the old Davenport Act which was passed in 1871 and repealed by Congress in 1894, when reason once more asserted itself.

The modern-day Thaddeus Stevenses are even more venal than the Thaddeus Stevenses of old, because those of Thaddeus Stevens' day were content to appoint election supervisors for Federal elections only. Not only do the modern day Thaddeus Stevenses want to appoint voting referees to regulate Federal elections, but they also want to go into every political area and control State and local elections as well.

Section 7 of the so-called election bill proposed by the distinguished minority leader [Mr. DIRKSEN] as the administration's bill is so broad that it would authorize an alleged referee to go into the smallest village in the land—one which had only a dozen qualified voters—and not only determine who there was qualified to vote in an election for city councilmen in that municipality, but also count the votes.

Has Congress become so bereft of reason that it is willing to go to such lengths to destroy our republican form of government in order to appeal to the overwhelming self-interest of radical minority groups in our country and to satisfy politicians who pander and cater to their prejudices? I hope and pray to God that we have not, because if that is how Congress intends to discharge its responsibilities, then I say that the days of liberty in our country are numbered. If that is to be the case, I say it will be but a short time before those who drafted these blueprints for dictatorship in America will take over.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is the Senator from Georgia familiar with the provision of the 1957 civil rights law that if any person is discriminated against, the Attorney General of the United States shall cause to have a lawsuit filed for him at the expense of the Federal Government in order to put that person on the registration rolls; and that if a white person or any other citizen or any registrar declines to obey that Federal order, the registrar or citizen who interferes with the person's voting rights can be imprisoned by a Federal judge for 45 days, without a jury trial?

Mr. TALMADGE. I am indeed. A few minutes ago, when the distinguished Senator from Louisiana was not on the floor, the senior Senator from North Carolina [Mr. ERVIN], the junior Senator from New York [Mr. KEATING], and I engaged in a colloquy on that very subject. The Senator from North Carolina read from the statutes to the effect that individuals who are charged with criminal contempt can demand a jury trial, except under the Civil Rights Act of 1957, in which Congress deliberately authorized suit to be brought in the name of the United States, so as to deny to citizens their right to a jury trial, which is guaranteed in four separate places in the Constitution.

Mr. LONG of Louisiana. Is the Senator from Georgia familiar with the New Orleans case, which has been affirmed by the Supreme Court of the United States, and which held that 1,377 colored citizens of Washington Parish, Louisiana, must be placed on the rolls and permitted to vote, even if they are not qualified?

Mr. TALMADGE. I regret to say that I have not read that decision; however, I have seen references to it in the newspapers.

Mr. LONG of Louisiana. Can the Senator think of any more rights for which anyone could ask than that he be placed on the rolls and be permitted to vote, even though he may not be qualified to vote under the law?

Mr. TALMADGE. The distinguished Senator from Louisiana knows that what is being sought is to create more rights under the guise of protecting voting rights.

There already are three affirmative rights, as the able Senator from Louisiana knows. First, there is the historic right contained in an act passed by Congress back in the 1870's, as I recall, shortly after the 14th amendment was adopted, which authorizes any qualified citizen illegally denied the right to vote to file suit against the registrar and obtain an injunction and damages. That is right No. 1.

Congress also provided for criminal penalties, providing that anyone depriving another of the right to vote, can be indicted by a Federal grand jury and, if convicted, sentenced to the Federal penitentiary and fined—either or both. That is right No. 2.

Then there is the third right about which the Senator speaks—that provided in the Civil Rights Act of 1957, which authorizes this group, to the exclusion of all other citizens in the United States of America, to have the Attorney General as their private, taxpaid lawyer. They do not even have to hire him or pay him. Not only that, the suit does not have to be brought in their name. It can be brought in the name of the United States of America. By doing that, they can deny the defendants the right of trial by jury.

Any honest citizen would admit that those constitute remedies enough for any cause. Those are Federal remedies. They do not include State remedies. Every State also has similar remedies. I do not recall anyone having shown that any individual who has sought to have his rights protected under that act and who has not thus been sustained in the exercise of them.

I challenged the distinguished senior Senator from New York on the floor the other day to name one qualified citizen—North, South, East, or West, anywhere in the United States of America—who had attempted to have his right as a voter enforced in the courts of our land, and had been denied it. The Senator could cite only two cases. One of them was the Tuskegee case, where he said the board of registrars had resigned. Well, if they resigned, the Negroes are not being discriminated against, because the white people could not qualify either. No one could qualify to register if there were no board of registrars.

The other case he cited was that which arose in Terrell County, Ga. The lower court held that the applicable provision of the 1957 act was unconstitutional, but when the case got to the U.S. Supreme Court, where they have psychologists and psychiatrists to advise them what the law is—something that Federal judges down in Georgia do not have—the learned Justices called in their psychiatrists and their psychologists, they checked Gunnar Myrdal's interpretation of the Constitution, they looked through their crystal ball, and they said, "Yes, this is a case involving the National Association for the Advancement of Colored People," and everyone knows that organization cannot lose in the U.S. Supreme Court.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the 1957 law provides that all these Federal remedies are available, even though the person has not exhausted the remedies provided to him by State laws? He has all his Federal remedies, although he does not choose to use all the remedies provided for him under the State laws,

under which his voting rights are protected?

Mr. TALMADGE. The Senator is entirely correct.

Mr. LONG of Louisiana. Mr. President, I want to ask the Senator this question: In the Senator's judgment, does he believe, as a lawyer, that he would have any difficulty whatever, as a U.S. attorney or as a lawyer for the National Colored People's Association, in having any person who is qualified, who has reasonable intelligence, placed on the registration rolls in any of these Southern States?

Mr. TALMADGE. None whatever.

In fact, in my own State—those who propose these bills like to talk about the South, but I will talk about my own State—we have Negroes who have been elected to public office in Georgia. We have approximately 175,000 of them who vote now. In many instances, they are the balance of power in electing local officials. We have three counties in Georgia where we have more Negroes registered and voting than we have white people.

All of this is just a smokescreen to appeal to the followers of Elijah Muhamid, Father Divine, and people of that type in our country.

Mr. LONG of Louisiana. Mr. President, can the Senator tell me of any law in the State of Georgia which discriminates against any group on the basis of race, color, creed, religion or any other basis—national origin included—and prevents them effectively from voting?

Mr. TALMADGE. I know of no law anywhere which discriminates against anyone in this country in connection with the exercise of his right to vote. The only discriminatory law about which I know anything in America today is the Civil Rights Act of 1957. It discriminates against Southern white people, because it denies them the right of jury trial in criminal contempt cases.

Mr. LONG of Louisiana. Mr. President, does the Senator know that there are a lot of old people in the State of Louisiana who, by virtue of their French ancestry, do not speak English, and that the law of Louisiana quite correctly makes it possible for all those people to vote, by providing that, if a person cannot read and write English, he can register in his mother tongue—the tongue that was taught to him in his home; and that that same law is applicable to persons who come over of Italian ancestry, Spanish ancestry, Puerto Rican ancestry or any other land? Can the Senator think of any State that should more appropriately permit the people who cannot speak and write English to register than New York State?

Mr. TALMADGE. While I am not familiar with the voting laws of all 50 States, I will say to the Senator that the only State about which I know which denies people who cannot speak English or write it the right to vote is the State of New York. I will also say to the distinguished Senator from Louisiana that the Civil Rights Commission singled out the State of New York for severe criticism, because it effectively denied, as I recall, several hundred thousand Puerto Ricans, who cannot speak English but do speak Spanish fluently, the right to vote. The distinguished Senator from New York has admitted on the floor that the constitution of New York requires voters to be able to read and write the English language, and that, because they cannot read and write the English language, they are denied the right to vote.

I will say, however, that I think that the power to establish qualifications for voting is one which should be vested in each individual State. They know what their situation is. They are better qualified to regulate it and control it, and I have no quarrel with New York for making it a prerequisite to voting that one must read and write English. But, certainly, the people in New York live in a glasshouse, and they are in no position to throw stones about any other State's qualifications for voting, when their own State constitution denies several hundred thousand people there that right.

Mr. LONG of Louisiana. The Senator from New York made the point—I think both of them made the point—that there are four parishes in Louisiana, I believe the smallest in the entire State, casting about 5 percent of the votes in the State, where colored citizens do not at this moment vote. The point I have in mind is that the law there protects the rights of every one of those colored citizens, and anybody there who has normal intelligence can be registered at no expense to himself, and the Federal Government has the duty of seeing to it that his rights are protected. But in New York State, we have 100,000 qualified Puerto Ricans, and these Puerto Ricans, who would be qualified under our law, are not permitted to vote—100,000—five times as many as the State toward which the finger of scorn is being pointed. Has the Senator heard of the Sermon on the Mount?

Mr. TALMADGE. Indeed I have, and I know that the able Senator from Louisiana could repeat it again with great eloquence, and I would like to hear him recite it.

Mr. LONG of Louisiana. Does the Senator recall that Jesus said:

> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

A mote is a tiny speck of dust. Jesus was speaking of those people who find a small tiny speck, almost too small for the eye to detect, in somebody else's eye, and yet they have a big splinter in their own eye, and he says, "Thou hypocrite."

I am not calling any Senator from New York a hypocrite. I know they would not intend to be. [Laughter.]

> Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

Here is the great Senator from New York, former Congressman from the New York metropolitan area, former attorney general, charged with enforcing the laws, administering the laws, and recommending new laws to the State legislature. So far as I know, he never discovered the fact or never saw fit to do anything about the 100,000 Puerto Ricans, or more, who are being denied the right to vote. He has not moved in any way to do anything for his own people. But he comes down to our State and points the finger of scorn at us. He points to the four parishes of Louisiana in which 20,000 people cannot vote. He should have known that our 20,000 people have laws on the books to protect them, while in his State there are 100,000 and more who do not have adequate laws to protect them.

Mr. TALMADGE. I hope that all the distinguished Senators will remember that admonition of our Lord.

Mr. President, Congress has no more power under the Constitution to legislate in the field of voter qualifications, outside the authority to implement existing amendments and to submit proposed new amendments for ratification or rejection by the States, than it does to change the boiling point of water from 212 to 150 degrees Fahrenheit.

No historical fact is more clearly documented than that the original States of this Union definitely understood that each State would have the guaranteed authority, under the Constitution, to fix the qualifications of the electors of the most numerous branch of its legislature, and that those electors would be the same electors who name the Members of Congress. While it is true that Congress under the Constitution has final authority over the times, places, and manner of holding Federal elections, no exercise in semantics can get around the fact that the determination of voter qualifications is inherent in the registration process; and registration, consequently, is an exclusive State function.

It is obvious that Congress is limited under the 15th amendment to the negative action of enforcing by "appropriate legislation" the prohibition against denial or abridgment of the right to vote on account of race, color, or previous condition of servitude. That amendment most assuredly does not embrace authority for Federal officials to determine who is and who is not qualified under State law to vote.

The 15th amendment protects the right to vote of individual citizens—not classes of citizens. Therefore, if for no other reason, Mr. Rogers' proposal would fall, because it is outside the scope of the 15th amendment in attempting to initiate class action in the voting field on the basis of a finding by a judge that a "pattern or practice" of denial of the right to vote exists.

The only way Congress can obtain the authority to do what is proposed in the pending bill is through the submission of proposed constitutional amendments granting such authority, and through ratification of them by three-fourths of the States. It is hardly likely—as the advocates of these unconstitutional proposals well know—that the citizens of the United States are going to give up their right under the Constitution of the United States to conduct their own elections on the State and local levels in accordance with the wishes and attitudes of the residents concerned.

Mr. President, Thomas Jefferson said that the best governed people are the least governed people. It is axiomatic that any people are best governed when the government is retained closest to the people at the local level. That is true because government on the local level is under the watchful eyes and the care of the people on that level. When the people elect mayors, registrars, and county officials, they know who those officials are. They live with them every day, they see them every day, they witness their performance of their duties, and they know whether that performance has been good or bad. So, Mr. President, when government is close to the people, government will be just as good or just as bad government as the people want. The people themselves determine whether that government will be good or bad; and they—and they alone—can take steps to correct it.

What is the situation when government is moved from the municipality, from the county, or from the State, to Washington, D.C.? What happens then? Mr. President, every Member of the Senate knows that every week each of us receives many hundreds of letters from constituents who appeal to us to find out what happened in such-and-such a Federal Government department about so-and-so. As a result, Members of the House and Members of the Senate spend a large proportion of their time in attempting to find out what the Federal Government did in such matters. That is what happens when government is centralized and is moved far from the people. Even we who are Senators, and have adequate staffs, and are presumed to know something about the operation of the Federal Government, often have great difficulty finding out what the great Government of the United States did about some situations which affect some constituents in some remote areas of our States.

Mr. President, imagine what happens when such a poor constituent himself is dealing with the Federal Government. He does not know where to turn. So in frustration and in anxiety, he turns to us, in the hope of being able to get his affairs straightened out.

Yet there are people who want to make big government bigger. There are people who want to destroy the right of the people at the local level even to run their own elections to choose their own public officials.

Mr. President, how would section 7 of this bill affect the State of Georgia, if that section were enacted into law? To begin with, our registrars, who determine what people in Georgia may vote, are appointed by the judges of the Superior Courts on the recommendation of the grand juries. The registrars must be upright men in their communities. But what would the pending proposal do? It would transfer those powers and those duties to a Federal referee.

What else would happen? Mr. President, in our State we hold Democratic primaries. The Republicans there have not seen fit to hold primaries; they hold conventions. Our Democratic executive committeemen, who are elected by the people at the local level, hold the Democratic primaries; and they appoint officials from all groups to help them hold the primaries. Every candidate also has friends who watch and help at the polls. But the legislation now proposed would not permit the executive committeemen or the friends of the candidate to help with Democratic primaries.

What else would happen under the legislation now proposed by some of our colleagues? In Georgia, the ordinaries, who are the highest judges in each county, and are men of high caliber and great integrity, are responsible for the holding of general elections. Usually the justices of the peace, who are local judges, hold the general elections. But the law now proposed by some Members of the Senate would deny them the right to perform their duties in connection with the general election.

So, Mr. President, in Georgia we have three sets of local officials, each one of which is charged by the citizenry with the faithful performance of the responsibilities I have outlined.

But the pending bill would authorize a Federal judge, appointed for life, to name so-called referees, to move in and say to the local officials, "Get out of here. I am running this thing; the judge appointed me."

What about the referee, Mr. President? Not one line of the bill would require that he meet any qualifications or have any character. Under the bill, a Federal referee from Honolulu, Hawaii, could be appointed to hold an election in Louisiana. Under the bill, a citizen of Saudi Arabia could be appointed to hold an election in Brooklyn, N.Y. Is that the sort of democracy we want in America? Is that the sort of government we want in our country? Have our minds become so weak and has our patriotism become so impure that we want such thinking and such proposals to control these elections in our country?

Mr. LONG of Louisiana. Mr. President, will the Senator from Georgia yield for a question?

Mr. TALMADGE. I am delighted to yield to my friend, the Senator from Louisiana.

Mr. LONG of Louisiana. Can the Senator from Georgia tell me from what State hails the Attorney General who first made this voting-referee proposal?

Mr. TALMADGE. I believe he comes from the State where there are a large number of Puerto Ricans who complain that they are not permitted to vote. [Laughter.]

Mr. LONG of Louisiana. Can the Senator from Georgia tell me from what State hail the Senators who have been making most of these voting-referee and Federal-registrar proposals?

Mr. TALMADGE. I have noticed that two things are usually true about Senators who advocate large numbers of civil rights bills: First and foremost, they have in their States large numbers of members of the National Association for the Advancement of Colored People; second, in their States there is always a great deal of unrest, and the crime ratio is extremely severe. When there is a State in which those situations exist, we usually find representing that State strong proponents of these alleged civil rights bills.

Mr. LONG of Louisiana. Can the Senator tell me what familiarity those distinguished New Yorkers have with the electoral processes of Georgia, Louisiana, South Carolina, or Mississippi?

Mr. TALMADGE. I doubt that they have any familiarity with our electoral processes, but they ought to be familiar with their own. When this Reconstruction statute was passed the first time in 1871, its purpose was to use it to win all the elections by enfranchising all the freed slaves and by disfranchising all of the southern white Democrats. In that way it was intended that Republicans would stay in power forever. They did use it to stay in power about 20 years, but you will recall that the situation became so obnoxious that a select committee of the Congress of the United States went to New York and investigated the Federal supervisor of elections up there for 21 consecutive days.

He was a fellow by the name of Davenport. The committee of Congress then investigated him and found out that he had drawn more than $285,000 in fees and that his subordinates had drawn in excess of $2 million in compensation. They said that his principal duty was to keep Democratic ballots out of the box and see that Republican ballots got into the box. The term "Davenportism" in that day was the greatest term of derogation and scorn that could be used in American politics.

The Congress of the United States, on the recommendation of its select committee, repealed that old Reconstruction statute in 1894. The New York Times said in an editorial that it was good riddance and God forbid that the Government of the United States ever try to get into the field of running elections again. That is what happened a little over 60 years ago.

Mr. LONG of Louisiana. Did not Mr. Davenport of New York, who was responsible for this same type of procedure, go back to New York and have about 1,000 assistants? Was it not true that on election day his 1,000 assistants would usually arrange to have 5,000 honest people in jail by sundown that day to keep them from voting against Republicans?

Mr. TALMADGE. Oh, indeed, they did. Just recently I filled the RECORD with statements made by distinguished Members of the Senate and the House of Representatives in 1894 when that law was repealed. They had over a thousand deputy supervisors and marshals to steal three congressional elections out in the State of Missouri. Senator Vest made an eloquent speech on the floor of the Senate about it. They also had great trouble with it in Chicago. Congress repealed this old election stealing statute in 1894, and I hope this Congress will leave these election-stealing processes interred in history where they belong. The Federal Government has no business being in the election-stealing business.

Mr. LONG of Louisiana. Will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield.

Mr. LONG of Louisiana. Was it not also true that the same law was also used to achieve its original purpose and that was to steal all the elections in the South?

Mr. TALMADGE. The Senator is entirely correct. Of course, they went down there, as you recall, and disfranchised all of the people who fought in the Confederate Army and all the Confederate sympathizers. They established carpetbag government throughout the South, the most corrupt and notorious government in the history of the United States of America, and they kept the South under the iron heel of that kind of government for a period of about 11 years, and it was backed up by military bayonet. I may say they are trying to do the same thing again by reactivating the same old laws. The only difference is that the laws being proposed this time would be worse than they were in Davenport's day because they would include State, county, municipal, and local elections. Davenport did not go that far.

Mr. LONG of Louisiana. Was it not also true, though, in line with the Senator's statement, that not only did this act they passed corrupt the elections in the South, but corrupted the elections in the big Northern States as well?

Mr. TALMADGE. Well, it backfired on them. They thought they were setting it up just for the South, but the principal stealing went on in New York City. Of course, it went on in other cities also, but it became so infamous in New York that a congressional investigation ensued which resulted in the repeal of the law. It stayed on the statute books only 23 years, but now some 66 years later the modern-day Thaddeus Stevenses want to put it back on the statute books.

Mr. LONG of Louisiana. Can it not be pointed out that the greatest achievement of the first Democratic-controlled Congress was that this measure was repealed when the Democrats finally got back in power?

Mr. TALMADGE. Indeed, that is correct.

I thank my distinguished friend from Louisiana for his penetrating questions and observations.

Mr. President, in view of the lateness of the hour on Saturday afternoon, and the fact that the Senate has been in session now since noon Monday——

Mr. LONG of Louisiana. Mr. President——

Mr. TALMADGE. I yield to my distinguished friend.

Mr. LONG of Louisiana. Before the Senator makes a motion to recess, might I ask the Senator, has he heard those statistics put in the RECORD by the Senator from New York about the time spent in debate on the Senate floor?

Mr. TALMADGE. Yes, I read those statistics in the RECORD this morning.

Mr. LONG of Louisiana. Did the Senator notice that the Senator from New York made reference to the fact that Southern Senators had spent more time talking than those from outside the South?

Mr. TALMADGE. Yes, I also read that in the RECORD this morning.

Mr. LONG of Louisiana. Can the Senator tell me whether those Senators from New York have been heard to be making their speeches during the hours when it is not desirable to be speaking, let us say from 10 o'clock at night until 8 o'clock the next morning, after the wire services are all closed down and there is nobody available to report their speeches to the press?

Mr. TALMADGE. I think the Senator from Louisiana has put his finger on the tender spot. I think both distinguished Senators from New York have a happy faculty for timing the delivery of their speeches to coincide with the deadlines of the New York newspapers.

Mr. LONG of Louisiana. Well, can the Senator tell me who was holding the floor during the time when the Sunday editions of the New York Times and New York Herald Tribune would be going to press for this week?

Mr. TALMADGE. I will say that the distinguished Senators from New York spoke this afternoon on the floor of the Senate.

Mr. LONG of Louisiana. Both of them?

Mr. TALMADGE. Both of them.

Mr. LONG of Louisiana. And can the Senator tell me from his memory whether those two Senators have been heard to dominate a great portion of the most desirable time to speak on the Senate floor?

Mr. TALMADGE. Oh, there are no two more eloquent Senators on the floor on the question of civil rights than the two Senators from New York. [Laughter.]

Mr. LONG of Louisiana. Can the Senator tell me who was required to hold the floor during those midnight to daybreak hours when the wire services were all closed down and the newsmen had all gone to bed for the night and very little interest was indicated until the next day?

Mr. TALMADGE. That is when they put us poor southerners through their torture rituals.

Mr. LONG of Louisiana. I thank the Senator.

One further question: The point has been made that certain Senators outside the South have not been getting much sleep of late. Can the Senator tell me whether there has been a single southern vote up to this point against a motion to adjourn or motion to recess?

Mr. TALMADGE. None whatever. Of course, if we are going to have these sessions, I think those who forced this torture upon us ought to be on the floor of the Senate to listen to the observations that we make in attempting to tell them why this is bad legislation.

Mr. LONG of Louisiana. Will the Senator yield for a further question?

Mr. TALMADGE. I am delighted to yield.

Mr. LONG of Louisiana. Would it not seem fair, if someone wants to force us to speak from midnight to 6:30 in the morning, he should at least do them the courtesy of hearing their speeches? [Laughter.]

Mr. TALMADGE. Of course, he should hear the speeches.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the Senator from Kentucky.

Mr. COOPER. I have had the pleasure of listening to the Senator from Georgia, and I may say that whatever subject he discusses, he shows evidence of having given that subject much thought and study.

Mr. TALMADGE. I yield to the Senator.

Mr. COOPER. I noticed that my colleague made comments about my two friends from New York. For the moment, they are not present in the Chamber. I know they need no defense on my part, but I think I can say the two Senators from New York hold no bias or prejudice against the great States of the South or the people of the South.

Mr. TALMADGE. I certainly would not make any derogatory statement about either Senator from New York.

Mr. COOPER. Secondly, I believe, and I hope the Senator will agree with me, that in their positions on this legislation the Senators from New York are motivated by high purposes. Whether the Senator from Georgia agrees that they are right or not, I think he must believe they have an honest purpose in their work and they are sincerely interested in assuring that citizens of this country will enjoy full voting rights.

Mr. TALMADGE. The Senator from Georgia knows nothing of their motives and he would be the last to cast any reflection on them.

Mr. COOPER. There is another point of which I know the Senator is fully aware. The bills that Senators espouse, and which they have debated and argued, would be applicable, of course, to all States in the Union—to New York, as well as my State of Kentucky, and all the Southern States.

Mr. TALMADGE. I agree with the Senator that any Federal law operates in all 50 States, but, unfortunately, those who draft these measures seem to think they will operate in only one area of the country. That was the attitude in 1871, but as has been pointed out the operation of the old Davenport law in New York brought about its downfall.

Mr. COOPER. There is one point which I do not think has been brought out clearly enough. I am not now debating the merits of section 7 of the so-called Dirksen amendment, but assuming it was enacted into law, the referees who would be appointed, if any were required to be appointed, would be named by the district court judge or judges of the various States. It is usual—in fact, it is not only usual, but it is required—that the Federal district court judge who is a resident of the district to be served——

Mr. TALMADGE. I may point out to the distinguished Senator that a Federal district judge appointed Davenport.

Mr. COOPER. Will the Senator not agree with me that the Federal district judges in the States, and I would say it is particularly true in the Southern States, are men of high character, and

are usually men of high legal traditions and qualifications?

I make the point that since the enactment of the 1957 Civil Rights Act, and even since the Brown decision relating to the question of discrimination in schools, judges in Southern States, men whose background is southern, men who probably in their inner sentiments might not agree with the decisions of the courts, because of their legal traditions and their high quality, character, and integrity, and because of the oath they took when they swore to uphold the law, have upheld those laws and decisions, with which, perhaps—and I do not know this—they do not agree personally.

I think there has been no record that has demonstrated more clearly the merit and the wonderful tradition of the Federal judiciary than the record made by the southern judges.

If this bill were to become law, I think we could believe that referees would not be appointed unless there were some necessity for it; and that if any referees were appointed, considering the qualities of these fine judges in Southern States, we could believe they would be men of quality and integrity. Further, they would always be under control of the court.

Mr. TALMADGE. I will say to the Senator that I am a great believer in the principles of Thomas Jefferson. I do not believe in entrusting any man with the power of government, but in tying it down with the chains of the Constitution.

I cast no reflection on Federal judges. They are appointed for life. They can be removed only by the U.S. Senate by impeachment for high crimes and misdemeanors in office. I certainly cannot agree with the distinguished Senator from Kentucky that a Federal judge, who is appointed for life, and who can select a referee from Hawaii, Abyssinia, or anywhere else, is more capable of handling the business of elections—a process inherent in local self-government—than the people themselves are.

I will say further to the distinguished Senator from Kentucky that it was a Federal judge who appointed Davenport as supervisor in New York. A select committee of the Congress of the United States said that he used his power of office in a venal way to keep Democratic ballots out of the box and to put Republican ballots in it.

The only thing I know about it is that it is history. It is the same law we are prepared to vote on now except the pending proposal would go much further than the old law. The Davenport law related only to Federal elections, whereas this proposal relates to municipal, county, local, and State elections as well.

Mr. COOPER. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. COOPER. So far as I am concerned, if this section should come before the Senate for adoption, I would be very happy if it were amended——

Mr. TALMADGE. I congratulate the Senator.

Mr. COOPER. To provide that those persons should be residents of the area or jurisdiction involved.

However, the point I was trying to make was that I believe the district court judges in the Southern States have demonstrated their great ability and qualifications. I certainly believe they would act, not only according to law, but also, as they have the right to do, would take into account the sentiments of the people, because the sentiments of the people and the opinion of the people have a great deal to do with the enforcement of law.

Mr. TALMADGE. I will say to the Senator that the only guide we have for the future is the history of the past. We have the history of the past on Federal supervisors of elections. I think that history ought to be a warning against reincarnating the bones of Reconstruction.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is the Senator not familiar with the fact that under the existing law, based on the precedent of the case that was just confirmed by the Supreme Court, the judge is in position to take charge of a registrar's office the way it is now? The judge said to the registrar, "Put on all of these people, all 1,377, and report to me every 10 days. Tell me who has been taken off and who has been put on. Consult with me. I will instruct you further when I see you next." What more power does the judge need?

Mr. TALMADGE. There are certainly ample remedies under existing Federal and State law, for any qualified voter who is denied the privilege of registering.

Mr. LONG of Louisiana. Does not the proposal suggested, of having a Federal referee to put people on the rolls, or a Federal registrar, open up the rolls to all sorts of improper practices of putting people on the rolls and corrupting elections in ways that the honest election laws of the States would otherwise prevent.

Mr. TALMADGE. Of course it does. In addition to that, it denies the people themselves the right to run their own elections, and grants it to a federally appointed referee. It is a preposterous thing.

Mr. President, in view of the fact that this Senate has been in session since 12 noon Monday of this week—the longest period of continuous session in the history of our country—and the fact that the distinguished majority leader stated he is going to let us rest over the weekend, I now yield the floor.

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The senior Senator from Texas.

RECESS

Mr. JOHNSON of Texas. Pursuant to an order previously entered, I now move the Senate stand in recess until Monday at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 31 minutes p.m.) under the order previously entered, the Senate recessed until Monday, March 7, 1960, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

A Goal for Nuclear Test Conference

EXTENSION OF REMARKS
OF
HON. A. S. MIKE MONRONEY
OF OKLAHOMA
IN THE SENATE OF THE UNITED STATES
Saturday, March 5, 1960

Mr. MONRONEY. Mr. President, I would like to call the attention of the Senate to an interview with Senator ALBERT GORE, of Tennessee, regarding the Geneva Conference on the Discontinuance of Atomic Weapons Tests.

This is indeed a complicated and difficult problem. Senator GORE long has offered logical and farsighted advice in this field. As early as 1958 he suggested a limited ban on atmospheric testing pending an agreement on a foolproof inspection system for all other testing.

Because of the clarity of his position and the forthright position he is taking today, as well as his leadership in this field in the past, I commend it to all Senators for their information. We can all be grateful for his understanding of this subject and his determination for U.S. leadership in countering the Communist peace propaganda.

I ask unanimous consent that the article entitled "A Goal for Nuclear Test Conference," published in the Christian Science Monitor of March 2, 1960, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A GOAL FOR NUCLEAR TEST CONFERENCE—A CAPITAL INTERVIEW WITH SENATOR GORE

(By Courtney Sheldon)

WASHINGTON.—Senator ALBERT GORE, Democrat, of Tennessee, selected as a Senate adviser, and thus a member of the U.S. delegation to the Geneva Conference on discontinuance of nuclear weapons tests, and one of the darkhorse possibilities for the Democratic presidential nomination in event of a convention deadlock:

Believes that "unless there is some success achieved in the Geneva Conference on nuclear weapons, then there can be no real optimism for success of the general disarmament conference."

Says "France, of course, must be brought into" a nuclear weapons test-ban control system and Red China, too, "else underground tests could proceed undetected in Red China."

Question. "Do you feel, Senator GORE, that there is a fair chance the Russians will come around to a limited ban on nuclear weapons testing?"

Answer. "I am apprehensive that they will now flatly turn anything down. They think they are winning the propaganda battle and I am not sure that they are not."

Question. "Did we wait too long before we officially made the proposal for a limited ban (cessation of atmospheric tests pending an agreement on an inspection system for other testing)? I believe you first suggested it 2 weeks after the Geneva talks began in 1958."

Answer. "World opinion has changed, but Russian intransigence has changed but little. The so-called concessions that the Soviets have made amount to very little. Actually, if you boil them down, they have conceded more in form than in substance."

Question. "Where does this leave us? What if we resume testing? Would world opinion censure us?"

Answer. "Well, much would depend on the manner of resumption. I cannot give a certain answer. From the standpoint of disarmament, there is little difference in the perfection of an intercontinental ballistic missile and in the perfection of the nuclear warhead. They are both part of the same missile. Yet a psychological and political element has attached itself to nuclear tests, even though that testing is done in a manner that does not contaminate the world's atmosphere.

"Let me turn to one unusual occurrence. Though we have been at the conference table with the Russians for 16 months, we have not yet asked them whether they have conducted underground tests. I suggested to the Secretary of State that we do so. I had a letter recently saying that the delegation in Geneva had been asked to ascertain the answer to that question.

Question. "In your judgment is there a necessity for the United States to conduct further nuclear weapons tests for reasons of security?"

Answer. "I am a layman and there are many persons more qualified to speak on this subject. I have not reached a conclusion myself whether, if empowered with the decision, I would resume underground testing. But until we are sure that the Russians are not doing so, then at the very least we should keep ourselves free to make the decision as to whether we do.

"To begin with, I think the President made a serious strategic error in August 1958, by his unilateral stoppage of all tests. This has operated now for 18 months to give to the Soviets that which they desired—the complete stoppage of nuclear weapons development by testing in this country without any system of inspection in the Soviet Union to give us assurance that the Russians are not proceeding with weapons development through underground tests, without any real progress being made to bring the Russians into the family of nations under a system of obedience to law and order.

"I think the President recouped his position somewhat by declining on December 29, 1959, to extend this ban on all tests."

Question. "What could further testing do for the U.S. military program?"

Answer. "Maybe I could boil it down to a basic problem. The area in which the Russians appear to be furthest ahead of us is in rocket thrust, the ability to hoist into intercontinental space a heavier payload. Our missiles are much smaller. The smaller the missile, the greater the need for increasing the explosive power of the warhead."

Question. "Are there any types of inspection systems that you feel have possibilities that perhaps we should now begin to push or explore? I am thinking mainly of the idea that recently came into the open that unmanned, underground detection systems could overcome some of the Soviet objections to an inspection system."

Answer. "Of course, improvements will be made in scientific instruments. The basic problem, however, is the freedom of a scientific team to inspect not according to a political quota but any time and place where scientific requirements would dictate. Now the Soviets have steadfastly given political direction to their scientists. Our scientists have gone to Geneva in two conferences free from political dictation."

Question. "What about the problem of bringing other nations into the control system?"

Answer. "France, of course, must now be brought into it. Red China must be brought into the agreement, else underground tests could proceed undetected in Red China. Whether they should be brought into the negotiations at this particular stage, I am not prepared to say for the moment."

Question. "How does the nuclear test ban negotiation relate to the broader question of disarmament, in your opinion?"

Answer. "Unless there is some success achieved in the Geneva Conference on Nuclear Weapons, then there can be no real optimism for success of the general disarmament conference in which the problems are far more complicated and difficult—a nuclear explosion, for instance, being so much easier to detect than a stored or concealed weapon.

"This is one reason why I had suggested early that the United States stake for itself an achievable goal in a field where we could detect a Russian violation if they did not follow our example. Because of this probability of detection, we could likely force the Soviet Union into either actual or tacit agreement with us. Their respect for international agreement could be demonstrated or their perfidy detected.

"The achievement of this kind of arrangement, it seems to me, is the real goal of the nuclear test conference. It is very important that success, even very limited, be achieved."

Abraham Lincoln

EXTENSION OF REMARKS
OF
HON. KENNETH B. KEATING
OF NEW YORK
IN THE SENATE OF THE UNITED STATES
Saturday, March 5, 1960

Mr. KEATING. Mr. President, the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], recently delivered a splendid address at the 100th anniversary of the Cooper Union, in New York City. It is appropriate that Senator DIRKSEN should choose as his topic "The Man From Illinois," for he probably knows more about Abraham Lincoln than does any other Member of Congress.

The Senator's topic was doubly appropriate because in so many ways he exemplifies the virtues and abilities of The Great Emancipator. I hazard the guess that every Member of this body holds the distinguished Senator from Illinois in the highest regard, and that he is well liked by every Member of the U.S. Senate. There is also great respect for his activities as a leader of his political party and as a spokesman for American ideals.

Mr. President, in order that a wider audience can benefit from the eloquence of the minority leader, I ask unanimous consent that his address at the Cooper Union be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE MAN FROM ILLINOIS

(Address by Senator EVERETT MCKINLEY DIRKSEN at the Cooper Union, New York, N.Y.)

One hundred years ago today the man from Illinois came here to speak. He sought to make clear that the men who brought forth this new Nation were familiar with the problem of the extension of slavery. He came to prove that in all their later actions and conduct they did not directly or otherwise take the position that the Federal Government had the power to deal with this institution and its control in the territories. He came to accent the moral issue involved by pointing out that the fact that the South thought slavery right and the North thought it wrong was the precise fact at the bottom of the controversy. To all of his countrymen he addressed the appeal that we not lightly set aside what the Founding Fathers had wrought and that he and his associates were not unreasonable or sectional in their position. To those of his own political faith he urged that nothing be done in passion or ill temper. And, finally, he uttered his own supreme conviction that right makes might, and to that end he asked all that they do their duty.

How cruel and mistaken contemporary judgments can be. When he left Springfield, Ill., to come to New York for this address, the Springfield Register made this cryptic comment: "Subject not known, consideration $200 and expenses; object, presidential capital; effect, disappointment." Thus are men blinded to the inexorable sweeps of destiny. Ninety days after he spoke here he was nominated for the Presidency on the Republican ticket. Eight months after his appearance here, he was catapulted into the Presidency even as the fevers of the Nation quickened, and the ominous rumble of the irresistible conflict grew louder and louder. The man from Illinois was to become the grand captain in a vast and bloody conflict.

We must go back beyond the address delivered here 100 years ago tonight to note the emergence of the man from Illinois as the incomparable crusader in a moral cause, the magnificent missionary whose real armor in a day of fiery ordeal was his incandescent conviction, his unflinching zeal, his invincible logic, and his unfailing sense of right and wrong. We must indeed go back to the very prairies of Illinois, which he hallowed and where his brooding spirit still lives.

It was in May of 1856 that one might have noted the emergence of the inner spirit which was to be his shield and buckler.

Two years before that date, the repeal of the Missouri Compromise and also the new and hateful doctrine of popular sovereignty was beginning to breed a strong revulsion in the land.

Before that, the issue of slavery was regarded in many quarters as a matter of policy rather than a transcendent moral issue. Among many of that day, it seemed to be little more than an intellectual exercise.

At the meeting in Bloomington, Ill., on May 29, 1856, the man from Illinois was summoned to speak at the party convention. This was the occasion when he uttered the celebrated "Lost Speech." The form and text may have in large measure been lost, but the spirit and effect were imperishable.

His law partner, Mr. Herndon, was present on that occasion. He referred to that speech as the greatest in the life of the man from Illinois. Until then, according to Herndon, the slavery issue had, in fact, been argued and discussed on grounds of policy and not from the eternal standpoint of what was right and wrong. But on that day, the man from Illinois was baptized in a new and unshakable cause. "From that day," wrote Herndon, "to the day of his death, he stood firm in the right."

The smothered flame had broken forth. A new and almost savage sense of justice fired his energies. The soul of the crusader was now seasoned. A new sense of mission was lighting the way. The man from Illinois had found his cross. There on the rolling prairies of Illinois where he had been a storekeeper and postmaster, lawyer and surveyor, State legislator and Congressman, the magnificent missionary had suddenly emerged to become mankind's greatest crusader in a human cause.

In that day and time there were many other events which aided destiny in making the man from Illinois ready for the role he was to play. In the year 1856, James Buchanan was elected President. In the Territory of Kansas the recurring clashes over the slavery issue were being referred to as war. The unrestrained spirit of John Brown burst forth in murderous action like that of some horseman out of the Apocalypse, crying for death and vengeance. In that time also came the decision of the U.S. Supreme Court under the leadership of Chief Justice Taney in the Dred Scott case, a decision which was to make history and to shake history as well.

Came also in that day a most extraordinary document, then known as the Lecompton Constitution, under which one group believed and expected that the Territory of Kansas might come into the Union.

There came in the year 1858, a campaign for the U.S. Senate between the man from Illinois and a distinguished and able opponent, a campaign marked by sharp allusions and pointed personalities, as each sought victory. And in the late summer of that year, as a part of the campaign, came that celebrated series of debates which have so greatly enriched the political literature of that day and left a revealing insight for those who were to come after.

In this great continuing discussion beginning at Ottawa, Ill., and ending in Alton, few things were left undiscussed.

The debate embraced the Missouri Compromise of 1850, which sought to limit the extension of slavery. It included the effort to repeal that compromise through the Kansas-Nebraska bill, which was piloted through a committee of the U.S. Senate by Senator Stephen A. Douglas, who was the opponent of the man from Illinois.

It involved the Dred Scott decision. It covered the personal life of the candidates.

But the moral issue became the overriding light and it came in the very first discussion in the first debate at Ottawa.

"I hold," said the man from Illinois, "there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence. The right to life, liberty, and the pursuit of happiness, * * * and the right to eat the bread without the leave of anybody else which his own hand earns. He is my equal and the equal of Judge Douglas and the equal of every living man."

Here was the beginning of the moral thunder which was to roll down through conflict, through emancipation, and through victory.

On they went—these two gladiators—from Ottawa to Freeport, from Freeport to Jonesboro, from Jonesboro to Charleston, from Charleston to Galesburg, from Galesburg to Quincy, and from Quincy to Alton.

By that time it was mid-October in the year 1858. It was at Alton where the final discussion took place. Slavery is wrong. It is wrong. It is wrong. The very word "wrong" came tumbling from the lips of the man from Illinois over and over again.

And in that final discussion, the man from Illinois said, "That is the real issue. That is the issue which will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world."

In that day, even as in this day, editors and politicians, scholars and historians could interpret the debates as they saw and felt them against the backdrop of their own generation.

It may be difficult to evaluate this great event by orienting oneself into that period and then looking backward into the past and forward into the present.

Two years before the debates the great moral missionary had emerged. Character and conviction had emerged. A notion of the ultimate course which the country was to take and the moral concepts which must be asserted had emerged. The missioner had found himself, and so on and on he went. The issue of principle was drawn. It was the age-old struggle of right and wrong.

At first it had to be tempered to reality, and the man from Illinois was indeed a realist. He knew that he was dealing with an entrenched institution. He knew that he was dealing with a Supreme Court, with a Congress, and with a Constitution. He knew that he was dealing with a divided land and with people who were sharply divided. He was dealing with friends and party associates who were deeply interested in a political victory. He was dealing with his own senatorial candidacy. All these were realities and he kept constantly in mind the necessities of the occasion.

Moreover, he knew that the people must be conditioned for this whole dose of basic moral principle and the struggle between right and wrong.

This was not a case for a thimbleful of gospel, and as the very conditioning process went on, so the conditioning of the spirit of the man from Illinois went on. With it all there was the slow but inevitable contagion which developed. The thousands upon thousands of people who attended the debates or who read the accounts were caught up in the fervor of the occasion. They were given a sustained chance to think and to meditate on the moral issue and to gradually separate the superficial from the genuine. They had a chance to get a sharpened sense of the real issue and to reflect week after week upon the basic principle of human equality.

And so at long last as the great issue of that day began to incubate, the man from Illinois was invited to address a meeting here in Cooper Union. He arrived on February 25, 1860.

He had accepted the invitation extended to him, together with the promised fee of $200, partly because he wanted to come and see his son, Robert, who was then at Phillips Academy in New Hampshire and was expected to enter Harvard but had done very poorly in his entrance examination.

The weather as contemporary reports indicate was unseasonable and a heavy snow blanketed the city. This might have discouraged attendance at the meeting, and yet it is said that 1,500 people came to the huge basement hall to hear him. In that audience were great men of that period who helped to fashion public opinion. It included Horace Greeley and George Palmer Putnam, William Cullen Bryant and David Dudley Field; and it was William Cullen Bryant who introduced the man from Illinois to that audience 100 years ago tonight.

Here in Cooper Union the man from Illinois, in his ill-fitting wrinkled clothes, answered the South; here he answered those who charged his party with resorting to sectionalism; here he answered those who charged his party with inciting John Brown's insurrection; here he established beyond all doubt that the Founding Fathers not only understood the slavery issue but that a majority of those framers of our basic law pursued a constant and consistent course in not limiting the Federal power to deal with this institution in the territories; and here it was that he set his foot on the first rung of the political ladder which took him to the Presidency, for it was but a few days more than a year after his appearance at Cooper Union that he took the oath as President of the United States of America.

How often in the century which has elapsed have his fellow countrymen expressed the prayerful wish and hope that he might be alive in days when we were confronted by a crisis. This human frailty is not strange. It is in the nature of mankind to wish their heroes back from their pedestals when the way seems dark and the future uncertain. Once in an hour of crisis and despair in England's history a celebrated Englishman was moved to say, "John Milton, thou shouldst be living at this hour."

But the man from Illinois lives on because he speaks constantly to all the generations who have come after him. The Apostle Paul, in his letter to the Hebrews, comments on the sacrifices made by Abel to gain righteousness, and then said, "Being dead, yet speaketh." The man from Illinois, being dead, yet speaketh to his countrymen time after time. And what does he say?

He speaks of liberty not merely in its relation to the slave issue of his own day, but because of its promise to all and its importance to the unfoldment of the Republic. In a fragment which he set down on paper in 1861 in the very turmoil of conflict, he paid testimony to the Constitution and to the Union and their impact upon our national well-being, and then he added, "but even these are not the primary cause of our great prosperity. There is something else, and that something is the principle of liberty to all—the principle that clears the path to all—gives hope to all—and by consequence, enterprise, and industry to all." That sentiment might well have been uttered in every home, at every fireside, at every workbench, in every citadel of commerce this very night 100 years after the man from Illinois stood here.

He spoke of unshakable purpose in the pursuit of fundamental principles. To a friend, Henry Asbury, he wrote in 1858 that the "cause of civil liberty must not be surrendered at the end of 1 or even 100 defeats." To Secretary Seward he wrote in 1862, "I expect to maintain this contest until successful, or until I die, or am conquered, or my term expires, or the Congress, or the country forsakes me." In this hour, a century later, what a nourishing sentiment this is, as the Congress, having before it a vivid recollection of the incidents at Clinton, Tenn., and Little Rock, Ark., wrestles with the great issue of civil rights, civil liberty, and the equal protection of the laws guaranteed by the Constitution.

The man from Illinois spoke of the steady course as the true course in preserving a great cause. Then as now there were those who would move faster. Then as now there were those who urged a course of action that might well have jeopardized the very cause for which so much blood had been shed. Heavy as were his burdens, he could still say to Senator Chandler in 1863, "I hope to stand firm enough not to go backward and yet not go forward fast enough to wreck the country's cause." What a lesson for

those who in this tumultuous period would recreate America over night and spurn all the lessons of the past.

The man from Illinois even now speaks of courage and devotion to a great issue and a great cause regardless of the political consequences. Even as a young man while addressing a church group in the city of Springfield, Ill., he could say, "Let not the probability of defeat deter us from asserting a cause which is just." In this day and time the lure of political victory is great. The lure of public office is even greater. The desire to appease sectional and economic groups is difficult to restrain. The impulse to yield to pressure is not unknown. Well might we listen to the man from Illinois, as he placed causes and principles above all other considerations.

Above all else, he speaks to us of the future. How preoccupied each generation becomes with its own affairs and concerns, and how often the future is forgotten.

The man from Illinois was thinking not merely of his own time but of the future of the Republic, knowing that unnumbered generations would live in this fair land. What then was to be their legacy?

In his message to Congress in 1861, he said, "The struggle of today is not altogether for today—it is for a vast future also."

But it was at Gettysburg that the grand sweep of the past, the present, and the future was in his mind and in his heart. First came the deathless question whether a nation conceived in liberty and dedicated to equality could long endure. It is a deathless question for it continues to roll down the corridors of time as an ever recurring challenge.

Then came the haunting present, as he noted the sacrifices which had already been made on the altar of that cause. And then came the future expressed in terms of the unfinished work, the great task that remained, and finally the flaming hope "that this Nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people shall not perish from the earth."

The man from Illinois still speaks to his countrymen. So long as Providence endows his countrymen with the capacity to remember, he shall continue to speak to them, even as he spoke to them here 100 years ago this night. The man from Illinois—his name was Abraham Lincoln.

SENATE

MONDAY, MARCH 7, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Thou knowest our mortal frame, Thou rememberest that we are dust. Thy patience outlasts all the dullness of our apprehension, and all our foolish choices.

At another week's beginning, we bow at this hallowed wayside altar where the flaming purity of Thy holiness rebukes the baseness of all our actions motivated by expediency rather than honor.

In our appraisals of men and measures, save us from mistaking shadows for substance.

From the tyranny of drab duties, which take captive most of our waking hours, we would lift our inner eyes to the shining splendor of the heavenly vision to which we dare not be disobedient.

From the fret and fever of problems that baffle, from all thought of the praise or blame of men, from noisy and confusing conceptions which beat upon jaded senses, at noontide we would follow the path to the quietness of Thy presence, where there is breathed upon our anxious hearts a sense of the eternal.

In the Redeemer's name. Amen.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be the usual morning hour for the transaction of routine business, subject to a 3-minute limitation on statements.

The VICE PRESIDENT. Without objection, it is so ordered.

THE JOURNAL

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the reading of the Journal be dispensed with.

The VICE PRESIDENT. Without objection——

Mr. RUSSELL. Mr. President, I object.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Robert C. McFadden, of Indiana, to be U.S. marshal for the southern district of Indiana; and

Santon Buxo, Jr., of Puerto Rico, to be U.S. marshal for the district of Puerto Rico.

By Mr. HART, from the Committee on the Judiciary:

Clifford O'Sullivan, of Michigan, to be U.S. circuit judge for the sixth circuit.

By Mr. HRUSKA, from the Committee on the Judiciary:

William C. Spire, of Nebraska, to be U.S. attorney for the district of Nebraska.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Has the Senate disposed of the nomination of Gilbert B. Scheller, of Illinois?

The VICE PRESIDENT. The nomination has been confirmed.

Mr. JOHNSON of Texas. I thank the Chair.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPERTY ACQUISITIONS, OFFICE OF CIVIL AND DEFENSE MOBILIZATION

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, reporting, pursuant to law, on property acquisitions by the Office of Civil and Defense Mobilization, for the quarter ended December 31, 1959; to the Committee on Armed Services.

SUMMARY REPORT ON MUTUAL SECURITY PROGRAM

A letter from the Acting Secretary of State, transmitting, pursuant to his letter of February 29, 1960, forwarding a full report on the mutual security program, a general summary report of plans on grant economic assistance relating to defense support and special assistance programs, dated March 4, 1960 (with an accompanying report); to the Committee on Foreign Relations.

RESOLUTIONS OF MEXICAN SENATE AND CHAMBER OF DEPUTIES, RELATING TO ESTABLISHMENT OF A MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

A letter from the Assistant Secretary of State, transmitting, for the information of the Senate, resolutions adopted by the Mexican Senate and Chamber of Deputies, relative to the establishment of a Mexico-United States interparliamentary group (with accompanying papers); to the Committee on Foreign Relations.

GRANT OF CERTAIN LANDS TO GOVERNMENT OF GUAM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to grant to the government of Guam certain filled lands, submerged land, and tidelands (with an accompanying paper); to the Committee on Interior and Insular Affairs.

TERMINATION OF FEDERAL SUPERVISION OVER LOWER ELWHA BAND OF CLALLAM TRIBE OF INDIANS AND INDIVIDUAL MEMBERS THEREOF, WESTERN WASHINGTON

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the termination of Federal supervision over the property of the Lower Elwha Band of the Clallam Tribe of Indians of western Washington, and the individual members thereof, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

TERMINATION OF FEDERAL SUPERVISION OVER THE GEORGETOWN OR THE SHOALWATER BAY INDIAN RESERVATION, WASH.

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the termination of Federal supervision over the Georgetown or the Shoalwater Bay Indian Reservation in the State of Washington, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON RUEDI DAM AND RESERVOIR, COLO.

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a report of the Secretary of the Interior on Ruedi Dam and Reservoir, Colo., dated

September 1959 (with accompanying papers); to the Committee on Interior and Insular Affairs.

SESSION LAWS OF HAWAII

A letter from the Revisor of Statutes, Honolulu, Hawaii, transmitting, pursuant to law, copies of the Sessions Laws of Hawaii, for the regular session of 1959 (with an accompanying document); to the Committee on Interior and Insular Affairs.

REPORT ON TORT CLAIM PAID BY HOUSING AND HOME FINANCE AGENCY

A letter from the Administrator, Housing and Home Finance Agency, Washington, D.C., reporting, pursuant to law, on the payment of a tort claim by that Agency, during the calendar year 1959; to the Committee on the Judiciary.

EFFECTUATION OF PROVISION OF CONVENTION OF PARIS FOR PROTECTION OF INDUSTRIAL PROPERTY

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958 (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

EXTENSION OF SCOPE OF POSTAL FRAUD STATUTES TO COVER ENTERPRISES OPERATING UNDER FALSE PRETENSES

A letter from the Postmaster General, transmitting a draft of proposed legislation to broaden the scope of the postal fraud statutes to cover enterprises operating under false pretenses, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the House of Delegates of the State of Maryland; to the Committee on Armed Services:

"HOUSE RESOLUTION 12

"Resolution urging that the U.S. Naval Weapons Plant continue operation as an engineering and manufacturing control center for the Bureau of Naval Weapons at a personnel operation level based on its January 1, 1960, complement and that the same be modernized and expanded and its name changed to reflect the aforementioned mission

"Whereas the trend in development, engineering and manufacture of naval weapons and weapons systems has attained a high degree of technological complexity; and

"Whereas the United States, in order to obviate a purported declining defense posture, must increase its rate of technological progress exponentially; and

"Whereas the Federal executive and legislative bodies must take necessary measures to negate the existence of a technological deficiency by realizing its inherent ability to reduce reaction time during this period of international competition; and

"Whereas the aforementioned technological deficiency is the existence of a disastrous void between scientific or theoretical concept and resultant end product, namely: reliable serviceable, safe and almost maintenance-free hardware in the nature of missiles, missile systems, antimissile systems, and other advanced weapons; and

"Whereas the Naval Weapons Plant is an essential and indispensable function of the naval defense establishment exhibiting such diversified capabilities in engineering, scientific and industrial skills as to bridge the gap between weapons concepts and prototype manufactured hardware; and

"Whereas there is no comparable Bureau of Naval Weapons facility or defense contractor having the road technical competence and versatility exemplified by experience in conception, design, engineering development, production engineering, prototype manufacture and technical administration of weapons and weapons systems equivalent to the U.S. Naval Weapons Plant; and

"Whereas the Naval Weapons Plant is the only naval weapons establishment having the comprehensive technical competence and industrial ability in the field of structural fabrications, an area of vital importance in the development and manufacture of advanced weapons and weapons systems; and

"Whereas the Naval Weapons Plant has a complete complement of technical skills in the basic fields of the physical sciences and engineering (physics, chemistry, metallurgy, materials, electrical, electronics, mechanical, structural) and superior technical abilities in optics, fire control, hydraulics, engineering management and contract administration supplemented by designers, draftsmen, technicians, engineering aides, technical writers and editors; and

"Whereas the Naval Weapons Plant has a complete complement of industrial skills in metals processing, machining, fabrication, metals finishing, electroplating, heat treating, molding, casting, forging, electronics and plastics to provide for requisite manufacture on a prototype or production basis; and

"Whereas the Naval Weapons Plant has provided consulting services to nationally recognized corporations in the fields of design, materials and fabrication techniques taking the form of analyses critiques and advice in order to support programs in which these contractors are involved, thus facilitating the Navy Department's progress and control of varied projects; and

"Whereas the overall operational costs for the Naval Weapons Plant are not in excess of those found in comparable industry functioning under similar fiscal and workload procedures; and

"Whereas the Naval Weapons Plant has displayed outstanding proficiency in contributing to the progress and development of new scientific, engineering, industrial and related techniques necessary for the flexibility in conforming to the everchanging weapons and weapons system concept and control of the naval defense complex; and

"Whereas the primary constitutional power and obligation to support the defense complex, which includes manpower and weapons, lies with the Federal legislative bodies of the United States; and

"Whereas the Federal legislative bodies have a legal right to delegate its defense powers to the Federal executive for necessary and proper administration; and

"Whereas the contracting out of defense requirements to private industry in such manner as bestows an almost irrevocable financial and technical jurisdiction over vast defense programs without retaining in-house capabilities such as the Naval Weapons Plant for sufficient governmental control is tantamount to an unlawful delegation of power on the part of the Federal legislative body or a usurpation of the legislative power of the Federal executive body; and

"Whereas the citizens of Prince Georges County, and in fact the people of the entire State of Maryland, are vitally interested and affected in the premises aforementioned: Now, therefore, be it

"*Resolved by the House of Delegates of Maryland*, That a change of name be effected for the Naval Weapons Plant that more realistically reflects the required functions and responsibilities necessary for support of the naval defense complex such as Naval Weapons Engineering and Manufacturing Center; and be it further

"*Resolved*, That the Navy Department provide the Naval Weapons Plant with a definite mission based on vital engineering and prototype manufacturing functions in lieu of the outmoded weapons and product concepts in order to continue the Naval Weapons Plant as an essential link in the chain of national defense; and be it further

"*Resolved*, That the Naval Weapons Plant continue to operate as an engineering and manufacturing center for the Bureau of Naval Weapons to maintain surveillance and provide adequate contract administration and field engineering services to contractors engaged in the fabrication of defense weapons and weapons systems, in order to prevent the Navy Department from relinquishing control over defense projects; and be it further

"*Resolved*, That the Navy Department, Bureau of Naval Weapons, provide adequate support for the Naval Weapons Plant and its sister establishments relating to continued modernization of physical plant, installation of necessary equipment, retention of in-house capabilities by sustaining a manpower level based on the January 1, 1960, complement at the Naval Weapons Plant, in order to promote the highest standard of efficiency in Government installations, keep them prepared for emergencies, provide industrial support, and assure control over the defense complex in accordance with the intent of the Federal legislative body; and be it further

"*Resolved*, That the Navy Department Bureau of Naval Weapons take cognizance of the potential capabilities, capacities, and importance of the Naval Weapons Plant and its sister establishments to the defense of the Nation and provide an adequate and judiciously balanced in-house workload that will insure compliance with the Federal Constitution in lieu of an apparent contravention by an unwarranted delegation of legislative and executive power over defense to private individuals; and be it further

"*Resolved*, That the chief clerk of the house of delegates be instructed to send copies of this resolution to the President of the United States, the Vice President of the United States, Secretary of Defense, Secretary of the Navy, Under Secretary of the Navy, Assistant Secretary of the Navy for Materials, Rear Adm. P. D. Stroop, Chief, Bureau of Naval Weapons, Rear Admiral Hirsch, Assistant Chief of the Bureau of Naval Weapons for Fleet Readiness, Capt. Charles E. Briner, Superintendent, U.S. Naval Weapons Plant, all Members of the Congress and Senate of the United States.

"Read and adopted by the house of delegates, February 17, 1960.

"JAMES P. MAUSE,
"Chief Clerk of the House of Delegates.
"PERRY O. WILKINSON,
"Speaker of the House of Delegates."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Banking and Currency:

"SENATE JOINT RESOLUTION 2

"Resolution memorializing the Congress and the President of the United States to cause to be issued silver dollars commemorating the centennial of the admission of the State of Nevada into the Union

"Whereas by act of Congress Nevada was admitted to the Union October 31, 1864; and

"Whereas during the year 1964, the people of the State of Nevada expect to celebrate, with creditable pageantry and commemoration, the 100th anniversary of the admission of the State of Nevada into the Union; and

"Whereas Nevada was one of the richest and most famous silver producing areas of all time; and

"Whereas the revenues resulting from such silver production aided materially in maintaining the integrity of the Union and in the great industrial expansion of the entire country; and

"Whereas Nevada is known as the Silver State; and

"Whereas, Congress has many times previously authorized the issuance by the United States Treasury of commemorative coins for other States: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada (jointly), That the Legislature of the State of Nevada respectfully memorializes the Congress of the United States to enact such legislation, and the President of the United States to take such action as may be necessary to issue commemorative silver coins of the denomination of $1, commemorating the 100th anniversary of the admission of the State of Nevada to the Union; and be it further

"Resolved, That such coins be delivered to the Nevada centennial commission upon payment therefor, and that such commission be, and it hereby is, authorized to sell and distribute such coins; and be it further

"Resolved, That certified copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President and Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives and each Senator and the Representative from the State of Nevada in the Congress of the United States.

"Adopted by the senate January 25, 1960.

"REX BELL,
"President of the Senate.
"LEOLA H. WOHLFEIL,
"Secretary of the Senate.

"Adopted by the assembly February 1, 1960.

"BREAK PARK,
"Speaker of the Assembly.
"NATHAN T. HURST,
"Chief Clerk of the Assembly".

The petition of William W. Anderson, Jr., of Newport News, Va., relating to civil rights, and so forth; to the Committee on the Judiciary.

Petitions signed by pupils of the Jose de Chondens Junior High School of Arroyo, P.R., praying for the enactment of the School Support Act of 1959; to the Committee on Labor and Public Welfare.

RESOLUTIONS OF GENERAL ASSEMBLY OF RHODE ISLAND

Mr. PASTORE. Mr. President, on behalf of my colleague, the senior Senator from Rhode Island [Mr. GREEN] and myself, I present, for appropriate reference, copies of various resolutions adopted by the Rhode Island General Assembly at its January session, A.D. 1960.

A resolution memorializing Congress and praying for the passage of H.R. 4700, introduced into Congress by Representative AIME J. FORAND, Congressman from Rhode Island, the purport of which is to help the American people find a low-cost method of paying for the high cost of hospital and surgical care in their old age.

A resolution opposing efforts to diminish services to veterans at the Veterans' Administration hospital at Davis Park, in Providence, R.I.

A resolution memorializing the President of the United States, and Senators and Representatives in Washington, D.C., from Rhode Island, the Secretary of the Interior in Washington, D.C., and the Governor of the State of Rhode Island, to make every effort to have built on Federal unused land, on the island of Aquidneck in Newport County, a saline water conversion plant.

A resolution memorializing the Congress of the United States to enact legislation to provide for a national cemetery in the State of Rhode Island.

The VICE President. The resolutions will be received and appropriately referred.

The resolutions were received and appropriately referred; and, under the rule, ordered to be printed in the RECORD, as follows:

To the Committee on Finance:

"H. 1227

"Resolution of the Rhode Island General Assembly memorializing Congress and praying for the passage of H.R. 4700, introduced into Congress by Representative AIME J. FORAND, Congressman from Rhode Island, the purport of which is to help the American people find a low cost method of paying for the high cost of hospital and surgical care in their old age

"Whereas a bill has been introduced into the Congress of the United States by Representative AIME J. FORAND, Congressman from Rhode Island, upon which the House Ways and Means Committee has concluded preliminary hearings; and

"Whereas the bill is intended to help the American people find a low cost method of paying for the high cost of hospital and surgical care in their old age; and

"Whereas Americans over 65 need more medical care at a time when they have little money to pay for it, spending twice as many days a year in hospitals as younger persons while adequate hospitalization and surgical insurance for persons over 65 is virtually nonexistent at any price; and

"Whereas Congressman FORAND'S proposal in H.R. 4700, provides that we use our social security system to organize an adequate system of insuring us against the cost of hospital care and surgery in our old age; and

"Whereas Congressman FORAND estimates that 15 million persons would be eligible for hospital and surgical benefits under his bill while the cost of these benefits would amount to approximately $1 billion a year, and to meet this cost the Forand bill would raise the social security tax by one-fourth of 1 percent for each employee and 1 for each employer, and three-eighths of 1 percent for the self-employed: Now, therefore, be it

"Resolved, That the members of the Rhode Island General Assembly now go on record as approving said Forand bill, requesting the Senators and Representatives from Rhode Island in the Congress of the United States to work for the passage of the measure; directing the secretary of state to transmit to them duly certified copies of this resolution.

"AUGUST P. LAFRANCE,
"Secretary of State."

To the Committee on Interior and Insular Affairs:

"H. 1084

"Resolution memorializing the President of the United States, the Senators and Representatives in Washington, D.C., from Rhode Island, the Secretary of the Interior in Washington, D.C., and the Governor of the State of Rhode Island, to make every effort to have built on Federal unused land, on the island of Aquidneck in Newport County, a saline water conversion plant

"Whereas the Department of Interior of our Federal Government is having built five saline water conversion plants somewhere in the United States; and

"Whereas one might ask why fresh water from salt is necessary, that answer lies in the future. Fresh water sources are diminishing. This is true in Rhode Island where the State has been probing means of developing new sources to provide more fresh water for coming generations; and

"Whereas consideration of Rhode Island promised by the Department of Interior as a possible site for a saline water conversion plant calls attention to the years of experiments the Government has been undertaking to create a means to produce fresh water from salt water; and

"Whereas new concepts for refining salt water have been developed in recent years through atomic and other research; and

"Whereas it has been stated that unused Federal land would be used as a site for construction of such a plant; and

"Whereas citizens of the island of Aquidneck have many present inactive Federal Government installations; and

"Whereas the fact that this is an island and depends on watershed water that requires much treatment with chlorine, etc.; and

"Whereas the taste of this water (due to the treatment it must have) leaves much to be desired, and many people buy distilled bottled water for drinking and cooking purposes: Now, therefore, be it

"Resolved, That the General Assembly of the State of Rhode Island does now respectfully request the President of the United States, the Senators and Representatives from Rhode Island in the Congress of the United States, the Secretary of the Department of the Interior, and the Governor of Rhode Island, to make every effort to have located and built on one of the inactive Federal Government-owned sites on the island of Aquidneck in the State of Rhode Island and not necessary to the public defense, a saline water conversion plant; and be it further

"Resolved, That the secretary of state of Rhode Island be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the President of the United States, to the Senators and Representatives from Rhode Island in the Congress of the United States, to the Secretary of the Interior and to the Governor of the State of Rhode Island.

"AUGUST P. LAFRANCE,
"Secretary of State."

"H. 1006

"Resolution memorializing the Congress of the United States to enact legislation to provide for a national cemetery in the State of Rhode Island

"Whereas many of the fallen heroes who have lost their lives in the defense of human rights and liberties have not been interred in national cemeteries because of the great distance to be traveled by their loved ones in visiting their resting places; and

"Whereas it is fitting that those who have made the supreme sacrifice be properly interred and recognized; and

"Whereas the need for establishing national cemeteries on a regional basis has now become apparent; and

"Whereas it is proper that such a cemetery be established in the State of Rhode Island, the early exponent of freedom in the New World; and

"Whereas a suitable site for such purpose is available in the town of Glocester, which site is owned by the Federal Government: Now, therefore, be it

"Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States are earnestly requested to use their best efforts in behalf of the passage of H.R. 4018 now pending in Congress, a bill introduced by Congressman FORAND of Rhode Island to provide for a

national cemetery in the State of Rhode Island, thus assuring the establishment of such a national cemetery in the State of Rhode Island for the interment of any veteran of any of the wars in which the United States has been or in the future may be engaged; and be it further

"Resolved, That duly certified copies of this resolution be transmitted forthwith by the secretary of state to each of the Senators and Representatives from Rhode Island in the Congress of the United States.

"AUGUST P. LAFRANCE,
"Secretary of State."

To the Committee on Labor and Public Welfare:

"H. 1179

"Resolution opposing efforts to diminish services to veterans at the Veterans' Administration hospital at Davis Park, in Providence, R.I.

"Whereas a report of the committee on veterans' affairs of the Rhode Island Medical Society has been approved by the house of delegates of the Rhode Island Medical Society, recommending immediate tightening of regulations governing admission to the Veterans' Administration hospital in order to place more emphasis on financial need; and

"Whereas the further pronouncement that the local veterans hospital 'could then be operated under State supervision, or as a private hospital for general medical and surgical care, or for specialized care, such as for chronic disease patients,' is most unfair to the many veterans whose sacrifices in the service of their country should never be forgotten; and

"Whereas a further pronouncement of this group to the effect that only 46 of 331 patients admitted to the Veterans' Administration hospital here last September had service-connected illnesses is a further manifestation of the lack of sympathy the Rhode Island Medical Society has always demonstrated toward the veterans of this State; and

"Whereas the Rhode Island Medical Society seems to forget that the VA hospital is supported exclusively by the Federal Government and that there are presently 28,288 veterans with service-connected disabilities registered with the local regional Veterans' Administration office in the city of Providence, while there are approximately 180,000 veterans in Rhode Island and 60,000 in southeastern Massachusetts for whom the facilities of the VA hospital have been made available by the Federal Government when needed to which they are justly and patriotically entitled: Now, therefore, be it

"Resolved, That the General Assembly of the State of Rhode Island respectfully gives assurances to all veterans that it will resist all efforts by the Rhode Island Medical Society to effect a closing of the VA hospital and/or diminishing its services to veterans as advocated by the Rhode Island Society; and be it further

"Resolved, That duly certified copies of this resolution, expressing the wishes of the general assembly, be sent to the secretary of the Rhode Island Medical Society, the Director of the Veterans' Administration hospital at Davis Park, Providence, and the Senators and Representatives from Rhode Island in the Congress of the United States, said duly certified copies to be transmitted by the secretary of state immediately upon the passage of this resolution.

"AUGUST P. LAFRANCE,
"Secretary of State."

REPORT OF A COMMITTEE

The following report of a committee was submitted.

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S. 2850. A bill to provide for the appointment of one circuit judge for the seventh judicial circuit (Rept. No. 1157).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSTON of South Carolina (for himself and Mr. CARLSON):

S. 3141. A bill to make permanent certain temporary increases in rates of basic salary for postal field service employees; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. JOHNSTON of South Carolina when he introduced the above bill, which appear under a separate heading.)

By Mr. CHAVEZ:

S. 3142. A bill for the relief of Maria Luisa Martinez; and

S. 3143. A bill for the relief of Angel Ardaiz Martinez; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3144. A bill relating to the rate of duty on primary aluminum pig; and

S. 3145. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. CLARK:

S. 3146. A bill to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economics courses; to the Committee on Agriculture and Forestry.

S. 3147. A bill relating to interest rates payable on obligations of the United States purchased by the Civil Service Retirement and Disability Fund; to the Committee on Post Office and Civil Service.

By Mr. KEFAUVER:

S. 3148. A bill to amend title I of the Housing Act of 1949 to provide for the disposition for historical site purposes of certain real property acquired in urban renewal areas; to the Committee on Banking and Currency.

(See the remarks of Mr. KEFAUVER when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of Virginia (for himself and Mr. ROBERTSON):

S. 3149. A bill to provide free mailing privileges for the Woodrow Wilson Birthplace Foundation, Inc.; to the Committee on Post Office and Civil Service.

RESOLUTION

PROPOSED WHITE HOUSE CONFERENCE ON NARCOTICS

Mr. ENGLE submitted a resolution (S. Res. 284) expressing the sense of the U.S. Senate that the President should call a White House Conference on Narcotics, which was referred to the Committee on the Judiciary.

(See the remarks of Mr. ENGLE when he submitted the above resolution, which appear under a separate heading.)

PERMANENCY OF CERTAIN TEMPORARY INCREASES IN RATES OF BASIC SALARY FOR POSTAL FIELD SERVICE EMPLOYEES

Mr. JOHNSTON of South Carolina. Mr. President, I send to the desk a bill I discussed on March 2, 1960, but at that time I was not permitted to introduce. So on behalf of myself, and the Senator from Kansas [Mr. CARLSON], I now send to the desk a bill to make permanent certain temporary increases in the rates of the basic salaries for postal field service employees. As I stated at the time I made my statement on March 2, we shall have hearings to determine certain inequities in the pay scale at the present time, and probably propose certain amendments, and report the bill to the Senate after conclusion of the hearings.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3141) to make permanent certain temporary increases in rates of basic salary for postal field service employees, introduced by Mr. JOHNSTON of South Carolina (for himself and Mr. CARLSON), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DEDUCTIONS FROM GROSS INCOME OF CERTAIN EXPENDITURES FOR LEGISLATIVE PURPOSES

Mr. HARTKE. Mr. President, I introduce for appropriate reference a bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income.

The Internal Revenue Code has just recently been so interpreted as to prevent labor unions, chambers of commerce, trade associations, professional groups, and every other organization from legitimately trying to support or oppose legislation in Congress, State legislatures, or legislative bodies of local governments.

These organizations, Mr. President, have always provided legislators with the arguments both for and against legislative proposals. In fact, we in Congress benefit from the various points of view on legislation which we receive in public hearings from such organizations.

I earnestly hope that Congress will act soon on this matter. Similar legislation has already been introduced in the House of Representatives.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3145) to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

DISPOSITION OF CERTAIN REAL PROPERTY FOR HISTORICAL SITE PURPOSES

Mr. KEFAUVER. Mr. President, it is my privilege to introduce a bill to amend title I of the Housing Act of 1949 to provide for the disposition for historical site purposes of certain real property acquired in urban renewal areas.

The need for such an amendment was brought to my attention by many citizens in Knoxville, Tenn., including Mayor John Duncan, city councilmen; County Judge Howard Bozeman; Mrs. Earle Coulter, president of the James White's Fort Association; and Luke Wright, general manager of the East Tennessee Automobile Club.

A companion bill has been introduced in the House of Representatives by Representative HOWARD BAKER.

It is the desire of citizens to restore the historic General James White home and fort. General White, it may be recalled, founded the city of Knoxville. His home was constructed in 1786. Later he built three other cabins and a stockade, as defense against possible Indian attacks.

The Knoxville City Association of Women's Clubs has announced its plan to restore the home and fort at the original location adjacent to the present White Memorial Auditorium, on surplus land resulting from the redevelopment of First Creek by the Knoxville Housing Authority.

This bill would permit the Housing and Home Finance Agency to donate to any public or private nonprofit organization any real property, not exceeding one acre, acquired in an urban renewal area, if the Administrator finds that the property has historical significance of general interest and if such property is to be preserved on a nonprofit basis as an historical site or monument.

It is the responsibility of the Congress to encourage the preservation of our historic sites. This bill will enable civic groups throughout the United States to undertake such laudable restoration projects.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3148) to amend title I of the Housing Act of 1949 to provide for the disposition for historical site purposes of certain real property acquired in urban renewal areas, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on Banking and Currency.

PROPOSED WHITE HOUSE CONFERENCE ON NARCOTICS

Mr. ENGLE. Mr. President, I submit, for appropriate reference, a resolution urging the President to call a White House Conference on Narcotics, patterned after previous White House conferences, such as those on education and children and youth. The inability to achieve a tighter control over the importation and illicit use of narcotics is arousing increased national concern. The alarm over the situation is accentuated by the growing contribution of narcotics to juvenile delinquency.

Mr. President several of the California Members of the House of Representatives have already submitted this resolution in the House of Representatives, and they had the unanimous backing of the 30-member California delegation.

It is hoped that the Narcotics Conference will make recommendations to the President and the Congress on the following:

First. Ways and means of securing more uniformity in State and Federal enforcement of narcotics statutes.

Second. The substance of a directive clearly defining procedures between existing governmental agencies in this field.

Third. Machinery for a continuing consultation between the United States and other nations, particularly Mexico and Canada.

Fourth. A proposal for a Federal-State hospitalization program for the purpose of protecting the narcotics addict and society from the inevitable results of his addiction.

Fifth. Such other matters as will contribute to the solution of the national problem of narcotics.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 284) was referred to the Committee on the Judiciary, as follows:

S. RES. 284

Whereas the smuggling of narcotics and the illicit use of narcotics are serious national problems; and

Whereas the inability to achieve both a tighter control over the unauthorized importation of narcotics into this country and over the illicit use of narcotics by addicts and others in this country is causing increased nationwide concern; and

Whereas the traffic in, and addition to, narcotics are serious problems affecting the Federal Government and the several States; and

Whereas narcotics contribute to juvenile delinquency and greatly add to the expenses of law enforcement and the cost of running the courts and judicial system of our country; and

Whereas the departmental councils of the executive branch previously appointed have not successfully solved the problems of narcotics control: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should call a White House Conference on Narcotics, patterned after previous White House conferences, such as those on education and children and youth. Such conference should be broadly representative of persons dealing with such problems at the State and local levels, and should also include, but not be limited to—

(1) an appropriate number of the Members of the House of Representatives and the Senate; and

(2) representatives of the departments and agencies of the Federal Government concerned with such problems, including, but not limited to, the Immigration and Naturalization Service, Department of Justice; the Bureau of Narcotics and the Bureau of Customs, Department of the Treasury; the Public Health Service, Department of Health, Education, and Welfare; and the Department of State; and be it further

Resolved, That it is the sense of the House that this narcotics conference should undertake to recommend—

(1) ways and means of securing more uniformity in State and Federal enforcement of narcotic statutes and their penalties, and to delineate more clearly Federal, State, and local authority;

(2) the substance of a directive clearly defining procedures and jurisdictions between existing governmental agencies in this field;

(3) machinery for a continuing consultation between the United States and other nations, particularly the governments of our neighbors, Mexico and Canada, in order to obtain the maximum international cooperation, working through existing United Nations facilities, as well as engaging in unilateral contact and consultation when the facts or situation so require;

(4) a proposal for a Federal-State hospitalization program for the purpose of protecting the narcotics addict from the inevitable results of his addiction, and to protect society from the danger and expenses of the uncontrolled actions of the addict; and

(5) such other matters as will contribute to the solution of the national problem of narcotics; and be it further

Resolved, That it is the sense of the House that the White House Conference on Narcotics should submit a report to the President and the Congress setting forth its recommendations with respect to the problems relating to the traffic in, and addiction to, narcotics, and any other results of its deliberations.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Article prepared by him entitled "What's Right With West Virginia," to be published in the Charleston Gazette.

By Mr. YARBOROUGH:

Editorial entitled "Why I Am a Democrat," based on a recent speech of Senator JENNINGS RANDOLPH, of West Virginia, and published in the Tulia (Tex.) Herald of January 21, 1960.

By Mr. LAUSCHE:

Statement by him to the Masaryk Champion of Liberty Commemorative Committee and to the Czechoslovak National Council of America.

IMPORTANCE OF CLOSING THE ECONOMIC GAP BETWEEN THE UNITED STATES AND THE UNDERDEVELOPED COUNTRIES

Mr. ENGLE. Mr. President, the economic gap between the United States and the underdeveloped countries must be closed if the United States is to improve its foreign trade position. Such a development is necessary if we are to redress the present unfavorable balance of trade. The trade gap is as dangerous to the health of our national economy as the ICBM gap is to the defense of our national security. These underdeveloped countries can serve as an important market for American products.

Past measures to narrow the economic gap have been little more than sustaining operations. If there is going to be any accelerated economic development in Asia, Africa, and Latin America, the developed countries will have to adopt a drastic new concept of what constitutes aid. The developing countries must realize that present aid is being nullified by their hesitance in taking some logical and reasonable steps basic to economic development.

Mr. President, there are some actions which should be taken by the developing countries. If these countries seriously want development, then they should rec-

ognize that 19th century colonialism is dead. They should invite foreign private investment in participation with their own nationals.

They should enact investment laws providing reasonable incentives to foreign investors. They should make reasonable guarantees against expropriation and for the repatriation of capital and profits. They should provide tax incentives. They should eliminate the present formidable redtape by establishing central offices to deal with foreign investors. Above all, they should get away from the idea that only the state can engage in economic activity and they should remove the chains which now shackle the dormant private initiative among their own nationals.

Among the remedial actions urgently recommended for the United States, I would emphasize the need for more extensive governmental activity in the promotion of foreign trade and investment in the underdeveloped areas.

First, there is a need for a double-barreled approach to foreign investment. The State Department has the clear responsibility for negotiating investment treaties and agreements. While much more could be done at the diplomatic level, the more conspicuous need is for an expansion of our dwindling corps of commercial attachés. In the Far East and south Asia there are only 19 commercial officers, as compared to 1,242 noncontract personnel in the International Cooperation Administration. The expanded corps of commercial attachés could ferret out export and investment opportunities and could give real assistance to American businessmen if they were not tied down with other minor duties in the embassies. Investment promotion along with trade promotion in the less developed areas should be a fixed responsibility of an expanded professional corps of commercial attachés.

Second, the United States should take the lead in negotiating a multilateral investment agreement, preferably under the auspices and supervision of the United Nations. Such a treaty would provide uniform guarantees as an incentive for private investment. It would also provide guarantees to dispel fears of colonial domination. Such a treaty could make for expanded private investment in much the same manner as the General Agreement on Tariffs and Trade maintains world trade at maximum levels.

Third, in the past we have recognized the importance to the national interest of grant aid and credits to the developing nations. We somehow have forgotten the importance of export credits and export guarantees to cover American exports. As a result, the American exporter has been placed at a disadvantage, in competition with Japan and those countries of Western Europe which have such liberal credits and guarantees. Most American businessmen in Asia will confirm that in this competition, export credits of the Export-Import Bank are inadequate and time consuming. Our export credits and guarantees should match those of our competitors.

Fourth, in our concern for aiding the so-called social overhead programs, we and most of the countries of Asia have neglected the need for providing long-term, low-interest capital to nationals of the developing countries, for the expansion of small industries. The new Industrial Development Bank in India is a new departure in indirect aid. Not only does it provide a stimulus to pent-up private initiative, but the initial capitalization serves as a continuing revolving fund which permits a chain reaction of private initiative.

As a final measure, I point to the need for international agreements to maintain the exports of the underdeveloped countries at a maximum level. They cannot buy from the developed countries unless the developed countries buy from them. Economic history has pretty well confirmed the mutual advantage of an expanding market. The alternative is interminable grant aid and the political implications that would accompany economic stagnation.

In conclusion, Mr. President, let me state that the brevity of my remarks on this vital subject is due to the nature of the current civil rights debate. I intend to discuss the matter at greater length after the issue of civil rights legislation has been attended to by the Senate.

IMPORTANCE OF THE RURAL ELECTRIFICATION ADMINISTRATION AND THE RURAL COOPERATIVES

Mr. JOHNSTON of South Carolina. Mr. President, I hold in my hand a copy of an editorial entitled "Lest We Forget: Potent Reminder of Benefits From a 'Revolution'." The editorial was published in the March 4, 1960, issue of the Anderson (S.C.) Independent, and was written by the honorable Wilton E. Hall, formerly a Member of the U.S. Senate.

Senator Hall points up the revolution in rural living which was fostered by the Rural Electrification Administration. I, as a former Governor of South Carolina, also recall vividly our early efforts, as well as the subsequent success. Today, close to 100 percent of the homes in rural South Carolina have electricity.

I ask unanimous consent that the editorial be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Independent, Anderson (S.C.) Mar. 4, 1960]

LEST WE FORGET: POTENT REMINDER OF BENEFITS FROM A "REVOLUTION"

"Gone are the slavelike tasks of the mother who cooked on a wood stove in a small kitchen on a summer day with the thermometer registering around 100°

"Gone are the black washpots, the wooden scrubboards, the heavy smoothing irons, the hot wood fire used to heat the iron on a July day, and the smoking kerosene lamps and lanterns.

"Compare, if you will, the era of the 1920's and the early 1930's when rural people had little of the necessities, to say nothing of the conveniences, such as electric current.

"To compare a rural community of today with one in earlier years, our community is a 'dream land.'"

This reminder is from the pen of F. W. Brown, manager of the Little River Electric Cooperative, which has nearly 4,000 customers along 1,438 miles of energized lines in Abbeville, McCormick, and Anderson Counties.

Writing in the South Carolina Electric Co-Op News, Mr. Brown, not only reminds of past accomplishments, often made against odds but warns of present dangers. To quote further:

"Many of us can remember the early years when efforts were being made by our leaders to get electric service built into their communities, but there was no company, agency or organization that could or would furnish this service.

"There were those dedicated men and women then who sought out and with the help of loan funds from the Rural Electrification Administration did just the thing needed, which was to organize our cooperatives to furnish themselves with electric service.

"The job was done and done well and the story of the cooperatives has been a success story.

"However, there is propaganda in the present day which would, if carried out, destroy our cooperatives and many of our people who are receiving electric service in our sparsely settled rural areas would be deprived of this service if the aim of this propaganda is accomplished.

"An uninvited challenge has been thrust upon us by those who oppose our program and call it socialistic and a big government giveaway.

"The rural electrification program today is no more socialistic and a big giveaway than it was in the 1930's when it was proclaimed as to the best thing that ever happened to America by everyone and the opposition was none or, at least, silent, because the public acceptance was in such a vast majority no group could oppose such a program that was to serve a vital segment of the American people with a necessity that had not been their good fortune to have.

"The territory served by the rural cooperatives was of poor economic value and it was thought the cooperatives would never pay for themselves and in a few years they would be liquidated and absorbed by other groups who are today attacking us with the hope to destroy us by adverse propaganda and political influence."

Mr. Brown goes on to point out that "the opposition of today stems from the very fact that rural electric programs have been a success and efforts are being made to curb our operations and rights as a cooperative serving its members on a no-profit, competitive cost basis."

The propaganda of which Mr. Brown speaks is to be found on all sides—in advertisements, in speeches before civic groups, on radio, TV, and elsewhere. Real professionals have been hired for this fight to discredit any power-producing facility or distribution system not owned by close-held private corporations.

The political influence to which he refers is to be found in the insistent drive in Washington to raise the interest rates charged on loans to REA co-ops. The cry, as he says, is "giveaway."

Senator OLIN D. JOHNSTON voiced the answer to that cry recently in an address before the national electric co-op meeting in St. Louis when he declared that not 1 cent of the national debt can be blamed upon the rural electric co-ops.

Loans to co-ops have been repaid with interest faithfully and regularly. And he said he wished, as we do, that the same could be said for the billions of dollars that have been poured out to foreign nations during the past 30 years.

Closer home, the rural co-ops are faced with the threat of their systems being nibbled away in areas where franchise and service disputes have arisen as a result of rapidly expanding suburban populations.

Mr. Brown's advice to those who are vitally interested in retaining their systems at reasonable cost is to do more than talk about it. He advises taking pen in hand and letting State and national legislators know how the customers feel.

The coming of REA and the rural co-ops constituted a real revolution in rural living—the greatest revolutions in American rural living in the history of the Nation.

Since successful revolutions always breed reactionaries, Mr. Brown's reminder is both timely and necessary, for it is human nature to forget conditions that prevailed before arrival of what, too often, is now taken for granted.

ONE HUNDRED AND TENTH ANNIVERSARY OF BIRTH OF THOMAS G. MASARYK

Mr. HRUSKA. Mr. President, today, March 7, marks the 110th anniversary of the birth of Thomas G. Masaryk, founder and President-liberator of the first Czechoslovak Republic.

There was dedicated to his memory a new commemorative postage stamp by the U.S. Post Office Department, which is the sixth in the "champion of liberty" series issued in tribute to leaders in the cause of freedom everywhere.

The celebration on the commemorative stamp and its first day of issue today began Saturday, and continued yesterday and today, under auspices of a group of patriotic organizations whose membership is composed chiefly of American citizens of Czechoslovak ancestry. There are 14 such organizations. Last evening a banquet was held which was attended by some 400 persons. Today, before a capacity audience in the Interdepartmental Auditorium at 12th and Constitution Avenue in Washington, there were official ceremonies of commemoration.

Mr. President, at that meeting there was handed to Postmaster General Arthur Summerfield a check for $250,000, representing advance purchases of this commemorative stamp. It was handed to him by the cochairmen of the Thomas G. Masaryk Stamp Committee, namely, Mr. Karel Prchal, of Chicago, and Dr. James J. Matejka, Jr., of Chicago.

Tabulation of advance sales is not yet completed. It is expected that the sum will be increased by about $100,000.

On the occasion earlier today, remarks were made by the Honorable Arthur E. Summerfield, Postmaster General of the United States, by the Honorable Livingston T. Merchant, Under Secretary of the Department of State, and by myself.

I ask unanimous consent that these three speeches be inserted in the CONGRESSIONAL RECORD at this point in my remarks, together with a manuscript covering a broadcast for Voice of America, in which the Senator from Nebraska participated last week, and a description of the commemorative stamp which appears on the official souvenir program issued for that occasion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR ROMAN L. HRUSKA AT THOMAS G. MASARYK STAMP CEREMONY, WASHINGTON, D.C., MARCH 7, 1960

Today, on the 110th anniversary of his birth, we honor and pay tribute to Thomas G. Masaryk as a personality, as a symbol, and a leader of a brave people—a true champion of liberty.

Although he was of lowly origin and had many obstacles to overcome, by the time Masaryk was 60 years of age, he had gained worldwide standing and recognition as an educator, author, philosopher, statesman, and humanitarian. It was about that time—when he was 60—that he was honor guest at a testimonial dinner, given with the idea that he had reached the apex of his career.

Four years later, with the outbreak of World War I, he flung all of his strength, energy, and vitality into the battle for his country's independence. There followed 4 years of amazing and widespread activity and travels that took him back and forth across Europe and around the world. He was without government treasure and without the prestige of a country to back him up.

Yet by sheer force of personality, untiring effort, and unbounded faith, he achieved wonders.

A noted journalist and author (John Gunther, "Inside Europe") wrote: "Masaryk—what grandeur the name connotes: The son of a serf who created a nation; the blacksmith boy who grew to have the finest intellect of the century, the pacifist who organized an army that performed a feat unparalleled in military annals—the Czechoslovak legions who marched across Siberia to the Pacific; the philosopher who became a statesman in spite of himself; the living father of a state who is also its simplest citizen; an unchallengeably firm democrat who is the debacle of the modern world still believes in the rule by tolerance; the man who more than any other smashed the old Austro-Hungarian empire so that Czechoslovakia, a free republic rose from its ruins—the stablest, strongest, and most prosperous of the succession states."

But today, Czechoslovakia is a captive nation. For 12 years it has been enslaved and oppressed by a relentless power which seeks to fasten a similar fate upon all nations and peoples the world over.

Yet there abide in that country the patriotism and the fierce love of liberty which serve as a foundation for eventual deliverance from bondage.

That yearning for liberty is not vocal today. It may appear to be at low ebb. But we need only to recall the 300 years of repression preceding 1918 to realize that the hope and goal of freedom can live under oppressive conditions for a long, long time.

Also we can well recall the feat unparalleled in military annals when the Czechoslovak legions marched across Siberia to the Pacific. It was conceived and sustained to completion by the magnetism of Masaryk's leadership. About 40,000 troops from among Czechoslovak Nationals, many defecting from the Austrian Army, assembled in Southern Russia, with the idea of joining Allied forces of the Western front. But the fall of the Czar and unsettled conditions in Russia made it impossible to do so successfully except by going around the world. That is exactly what they did, displaying a daring and fortitude which captured the imagination and admiration of the entire world.

This epic may well foretell a time when feats of similar nature and daring will be repeated, not only in Czechoslovakia but in other nations as well.

The Kremlin strives hard to have the free world accept the false notion of monolithic power inherent in the Soviet Republic. Constantly they speak of a Soviet nation, or the Soviet people, or the integrated Soviet military might, in an effort to win acceptance for the illusion of a united unified Soviet Republic.

The plain fact is, however, that the U.S.S.R. is a basic empire of captive nations and suppressed peoples. Non-Russian divisions compose a substantial part of the apparent Soviet strength both militarily and economically. Talk to the contrary denies the truth.

The pressure for freedom of those millions in captive nations is a realistic deterrent and a heavy limitation on further Soviet aggression.

As long as the spirit of resistance in captive nations remains alive, the Soviet Union must reckon, not only with forces of their external enemy, but also with the unreliability of its satellite armies and the insecurity of the Soviet westward lines of communication and supply. They will be required to allow in their planning for a substantial part of their armed forces for security duty in captive countries.

But that spirit of resistance and its deterrent effect should not be taken for granted. It must be bolstered by continuing acts of the free world.

It should be made clear to those unfortunate people that moral responsibility toward the captive millions is basic in American foreign policy, one of the foremost goals of which is the peaceful but unremitting support for the restoration of freedom to those who have been deprived of it by communism.

They should be reminded that we are not and cannot be reconciled to the captivity of millions by Communist masters, nor do we regard it as a permanent condition; that our policy in relation to Communist satellites is emancipation—achieved, not by use of force from without, but primarily by the appeal of freedom to the minds of men everywhere. For the achievement of emancipation, our weapons are not military, but ideological, psychological, political, economic, and diplomatic.

We fully realize that for these nonmilitary forces to be fully effective our military power must be sufficient to neutralize the threat of Communist arms. The fact is that our power is confidently sufficient for that purpose today, and we have a determined, assured purpose and capability to keep it increasingly so for the future.

Notwithstanding all this, our ultimate weapon for satellite emancipation is the inherent desire in all men for freedom.

With these thoughts in mind, it is clear that in honoring Thomas Masaryk as a champion of liberty, we are doing more than merely recalling his greatness.

In reality, the event has the greater purpose and effect of helping the people of Czechoslovakia to reaffirm and keep alive their faith in the universal principles of justice and right; to keep alive the hope that self-determination will once again be effective; and that freedom and independence of captive nations are a political objective of the free world, which it is determined to continue to pursue by all peaceful, nonmilitary means, and with unremitting vigor.

Seven years ago, when President Eisenhower took office, he declared: "We shall never acquiesce in the enslavement of any people in order to purchase fancied gain for ourselves."

In more recent time, he stated, "There can be no true peace which involved acceptance of a status quo in which we find injustice to many nations, repression of human beings, on a gigantic scale."

People of America have fully and consistently supported these declarations and all their implications.

Those assembled here this morning are among the many millions who have given of their support to the President in his incessant search for peace. Many here today are representing organizations which have had a prominent role in the building of a loyal and strong citizenry in our Nation. They are all to be highly commended for their achievements, and for their presence here.

Their enthusiastic presence here is in keeping with the preachments of the great Thomas Masaryk to American citizens of foreign birth or origin when he taught and urged that their first and primary obligation was a loyalty of fullest devotion to America; and only when that was achieved could they consider themselves privileged to extend to the land of their forbears any assistance not in conflict with American objectives.

Fortunately, all Americans regardless of their national origins may join and rejoice in today's Thomas Masaryk stamp ceremony, because to do so not only subserves so well the cause of a true peace, but also is in keeping with and advancement of the moral principles of the free world to which our country is thoroughly dedicated.

It is in that spirit we pay tribute and honor to the President-Liberator Thomas G. Masaryk, champion of liberty, on the occasion of his 110th anniversary of his birth.

May the time come soon when the natural yearning for freedom, still felt so thoroughly by his oppressed fellow countrymen, will be richly fulfilled.

Let the time come soon when the words "Byli jsme, a budem" will become a reality and be proven true once again.

I conclude my remarks here in words and fashion as my father and grandfather would have done, by saying, "Na zdar."

ADDRESS BY THE HONORABLE ARTHUR E. SUMMERFIELD, POSTMASTER GENERAL OF THE UNITED STATES, AT THE THOMAS G. MASARYK STAMP CEREMONY, WASHINGTON, D.C., MARCH 7, 1960

It is our privilege, here, to honor the memory of another great champion of liberty—Thomas G. Masaryk, the father of the first Republic of Czechoslovakia.

To all our distinguished guests, may I extend a cordial welcome.

The occasion is most appropriate, for today is the 110th anniverstry of Masaryk's birth.

The United States Post Office Department salutes this brilliant scholar, author, statesman, and patriot by dedicating to his memory a new commemorative postage stamp. It is the sixth in the "Champion of Liberty" series, issued in tribute to leaders in the cause of freedom throughout the world.

Thomas Masaryk was such a leader. His long and valiant fight for the independence of Czechoslovakia won the admiration and active support of freedom-loving peoples everywhere, including the people of the United States.

Masaryk was truly a soldier for freedom—a soldier who fought with the powerful weapons of ideas, logic, and eloquence.

He declared, as we declare today, that love of freedom knows no national boundaries. It is universal; it has flamed in the hearts and minds of people of all races and creeds through the ages.

In this spirit, the American people felt, and still feel, a strong kinship with him. But there were other reasons as well.

He was married to an American girl and took her family name, Garrigue, as his middle name.

The democratic ideals he advocated and the institutions he helped to establish were influenced significantly by American concepts.

And, as many of our leaders have done in this country, Masaryk rose from humble origin to the Presidency of his country and to a place of honor among his people.

He was born in Moravia in 1850. His father, a native of Slovakia, was a coachman employed on one of the Austrian imperial estates. His mother was a Czech. As a boy he attended a Czech school.

Later while studying to become a teacher, in accordance with his parents' wishes, young Masaryk supported himself, as did many poor students, by tutoring. At that time, of course, the Czech and Slovak lands were part of the Austro-Hungarian Empire.

Masaryk turned to politics a few years after he had become a professor of philosophy at Charles University in Prague. He did so with the conviction that cultural nationalism in the fields of history, folklore, literature, art, and music would not reach fulfillment unless his people also enjoyed political independence.

His views won for him the ardent support of the crusading Young Czech Party, which in 1891 elected him to Parliament.

In succeeding years, both in and out of the Parliament, he carried forward an eloquent campaign for independence. And, as often happens, his courage brought him not only devoted followers but powerful enemies.

When World War I broke out, Masaryk escaped from certain arrest and imprisonment, and, during the next 4 years, conducted an intensive political campaign from other countries on behalf of Czech liberation from Hapsburg rule.

In this campaign, he was aided by Eduard Benes, a Czech; Milan Stafanik, a Slovak, and other dedicated leaders in the fight for freedom.

The untiring efforts of these men succeeded in uniting Czechs and Slovaks abroad, in mustering military units of their countrymen to fight for the Allies, and in arousing worldwide public opinion in behalf of Czechoslovakia's liberty.

Masaryk came to the United States in May 1918. He quickly won from our Government a formal declaration of sympathy with the cause of Czechoslovak independence. The Allied governments supported that declaration and, with the United States, recognized Masaryk's National Council as the de facto government of the future Czechoslovak State.

The crowning success came in October 1918, with a formal declaration of Czechoslovak independence. Masaryk was unanimously chosen by the National Council as the first President.

He served as President continuously from 1918 until 1935, at which time he resigned because of his advanced age. He was then in his 86th year. He was succeeded as President by his longtime colleague, Eduard Benes.

Masaryk's death 2 years later, on September 14, 1937, united his people in deep and heartfelt mourning for the great founder and first President of the Republic.

During his long and fruitful life, Masaryk was ranked highly as both a statesman and a philosopher, and the two fields were closely related in his career and his political views.

As a philosopher, he stood for a unified conception of life. In this unity he believed that spiritual values should have equal places with the intellectual and political aspects of life.

These values and the ideals for which Masaryk stood, without doubt, are cherished as deeply as ever by his liberty-loving people.

These stamps commemorating this champion of liberty go on sale in Washington today. Beginning tomorrow, they will be sold in all of our Nation's 36,000 post offices.

As in the past, some 120 million stamps are being issued in the 4-cent denomination for use on first-class mail in the United States and 40 million of the 8-cent denomination for use on international surface mail.

The 4-cent stamps are printed in blue, while the 8-cent denomination is in yellow, blue, and red. President Masaryk's likeness is shown in the center of these stamps, with the dates "1918–1935" and with the words "President—Czechoslovakia—Patriot" around the milled edge.

The pictorial cancellation used on first-day covers sent from Washington, D.C., today features a view of Hradcany Castle in Prague, with the historic words "Truth Prevails."

We now dedicate these Masaryk stamps with the hope—indeed, the conviction—that they will carry a clear message, not only to the American people, but to peoples throughout the world.

It is the message of friendship, of shared aspirations, and of the living inspiration a champion of liberty leaves behind as a priceless heritage to be preserved by us all.

ADDRESS BY THE HONORABLE LIVINGSTON T. MERCHANT ON OCCASION OF CEREMONY DEDICATING THOMAS MASARYK CHAMPION OF LIBERTY POSTAGE STAMP, MARCH 7, 1960

I am pleased to be here today to share in paying homage to Thomas Masaryk. In honoring him as a champion of liberty, we also mark our dedication to the principles by which he lived and which he translated into action in his own country—principles of freedom and human dignity which are fundamental in American society and which motivate us in our international relations.

In paying tribute to President Masaryk we honor both the father of Czechoslovakia and the social philosopher, who looked at life and society from a deeply moral point of view. His strong convictions as to the democratic and moral basis of the state helped to shape the free Czechoslovakia that played so influential a role in European affairs. He expressed these convictions when he said that "no state, no society, can be managed without general recognition of the ethical bases of the state and of politics; and no state can long stand if it infringes the broad rules of human morality."

Interested in American history and institutions, Masaryk was impressed by the Jeffersonian philosophy of democratic federalism—represented in the voluntary association of free people. Concerned with the freedom of Czechoslovakia and her neighbors, Masaryk was outspoken in his advocacy of freedom and self-determination for these peoples.

It is fitting that we today refer to these principles, to which the United States has given—and continues to give—its full support. In championing the aspirations of these European nations for independence almost half a century ago, the United States respected their right to establish by their own free choice the government and institutions which best satisfied their needs as they saw them. Today we continue to support the right of these peoples to institutions of their own free determination. It is an article of American faith that in the spirit of Thomas Masaryk, free men remain dedicated to the search for freedom and human dignity for all mankind until these high goals are realized.

THOMAS GARRIGUE MASARYK "CHAMPION OF LIBERTY" STAMP CEREMONY, MARCH 7, 1960

The Thomas Garrigue Masaryk set of "champion of liberty" stamps go on first-day sale at Washington, D.C., today, March 7, 1960, the 110th anniversary of Masaryk's birth. Tomorrow the stamps will be available in more than 36,000 post offices of the United States.

The Masaryk stamps, 0.85 by 0.98 inches in size and arranged vertically, are in two denominations. The 4-cent denomination is blue, and 120 million have been printed on the Cottrell press for use on domestic first-class letters. Forty million of the red, blue, and ocher 8-cent denomination, printed on the Giori press, are for use on international surface letters.

In both instances the medallion likeness of Masaryk is based on a photograph of a

bust furnished to the Post Office Department by the library of the U.S. Information Agency. The wording "T. G. Masaryk—1st President—Czechoslovakia—Patriot 1918–35" encircles the head on the medallion, which is suspended from a ribbon.

Directly above the medallion is the Torch of Liberty and two sprays of leaves. The words "champion of liberty" from the top of the stamp and "U.S. Postage" the bottom, both drawn in modified Gothic. The denomination numerals are shown in the lower right corner.

The visual plan for these stamps was developed by Arnold J. Copeland, a member of of Post Office Department's Citizens' Stamp Advisory Committee. Two other committee members, William H. Buckley and Ervine Metzl, collaborated on its design.

The models and engravings for the two denominations were made by William K. Schrage, Richard M. Bower, and George A. Payne, of the Bureau of Engraving and Printing.

INTERVIEW OF THE CZECHOSLOVAK SERVICE OF THE VOICE OF AMERICA WITH THE HONORABLE ROMAN L. HRUSKA, U.S. SENATOR FROM THE STATE OF NEBRASKA

Question: "As chairman of the Masaryk 'Champion of Liberty' Commemorative Committee of the Czechoslovak National Organizations of the United States of America, Senator HRUSKA, you are certainly very well informed as to how Americans of Czech and Slovak descent responded to the announcement last October of the Postmaster General concerning the issuance of special stamps with the picture of Thomas Masaryk on his 110th birthday?"

Mr. HRUSKA: "The announcement that a special American stamp would honor Thomas Masaryk was received with considerable joy by Americans of Czech and Slovak origin all over the United States. As Senator from the State of Nebraska, I am naturally especially informed about public opinion in the American Middlewest, and I know that in cities like Omaha, Cedar Rapids, Chicago, and in several other cities great celebrations of this year's Masaryk anniversary have been prepared. The focus of all these festivities, of course, will be on Washington where Americans of Czech and Slovak origin from all parts of the United States will gather on March 7."

Question: "Will the United States Congress in any way make note of the issuance of the Masaryk stamp?"

Mr. HRUSKA: "Yes, the American Congress will also commemorate the birth of the first President of the Czechoslovak Republic during the week beginning on March 7, and there will be several special addresses in the Senate as well as in the House of Representatives to mark this occasion. I have been one of those chosen to have the honor of speaking on this occasion in the Senate. By these remarks, both Chambers of the American Congress will honor the memory of President Masaryk and draw attention to the issuance of the special stamps on his birthday. It will be recorded for history in the CONGRESSIONAL RECORD and in the Archives of the Congress how America has valued Thomas Masaryk's life work and respected his name."

Question: "How do you feel personally about this celebration which has received such an enthusiastic response all over the United States?"

Mr. HRUSKA: "For me as Member of the American Senate and as an American citizen whose parents both were of Czech origin, the issuance of a special stamp honoring the first President of the Czechoslovak Republic, is a doubly joyous occasion. That the country whose citizen I am celebrates the 110th birthday of Thomas Masaryk makes me proud, while at the same time I feel sad that his native land, under Communist rule, suppresses and even abuses this very memory. For Thomas Masaryk is a man of the universal world, esteemed as one of the apostles of democracy in much the same way that we esteem Washington and Lincoln. His philosophy of humanism is a sublime, beautiful, and infinitely higher concept than Communist materialism that has replaced it, with its dedication to class struggle, the cruelty of which has horrified us and filled us with disgust. Think of Masaryk's motto, 'Truth Prevails,' and is it not far superior to the Communist principle that the ends always justify the means.

"As long as Czechoslovakia adhered, and was able to adhere to these great ideals of Masaryk's, it was an island of peace and a prospering state. Democratic Czechoslovakia was also the closest friend and a faithful partner of the United States of America, which contributed so much to her freedom, during the First as well as during the Second World War.

"I trust that I will live to see the day when the United States of America will again be able to consider Czechoslovakia among its closest partners and friends, when no citizen of Czechoslovakia will be intimidated to speak openly Thomas Masaryk's name, and when in his native land as well as in the rest of the world he will again be held as the 'President-Liberator'—the Father of his Country."

Mr. DOUGLAS. Mr. President, today, March 7, is the 110th anniversary of the birth of Thomas Garrigue Masaryk, the President-Liberator of Czechoslovakia. He is being honored as a "champion of liberty" by the U.S. Government at an impressive ceremony in the Interdepartmental Auditorium in Washington. Today, a 4-cent and 8-cent stamp of the great teacher and statesman is being put into circulation. Speeches of commemoration in Congress and other gatherings will pay tribute to this great democratic leader.

Masaryk of Czechoslovakia is called the "father of his country" for his leading role in World War I in restoring his country's independence. He does not belong to Czechoslovakia alone, however, but to freedom-loving men everywhere.

Like Lincoln, Masaryk was of very humble origin, the son of a coachman in the little village of Hodonin, Moravia. Like Lincoln, his example is a constant source of inspiration to men of all nations.

Masaryk began his career as a Privatdozent, or teacher, in Vienna in the days of the Austro-Hungarian empire. Three years later he was appointed to the chair of philosophy at the Czech University of Prague, a post he retained for almost 30 years. As a teacher he exerted a deep influence over the intellectual class which extended far beyond his country as more and more Slav students, especially Croats and Serbs, fell under his spell at the University.

Soon he was drawn irresistibly into political life. In the prewar years he was a deputy for a Czech party in the Austrian Parliament where he rallied together the liberal, modern forces. Although Masaryk was a peace-loving man, he was always the center of a heated controversy. In parliament, he was against the dishonorable conduct of statesmen and won the lasting gratitude of the Yugoslavs for exposing the judicial scandal of the notorious Zagreb Treason Trial.

Masaryk, a true champion of the underprivileged and downtrodden, fought the deeply rooted social prejudices of his day. The best known example is the Hilsner case. At the turn of the century, there was a great anti-Semitic outburst in Austria. Hilsner, a Jew, was charged with the ritual murder of a Christian girl. Masaryk staked his future on the lonely fight against the myth of ritual murder "not for Jews alone but to free all people from stupefying hate." It took an incredible amount of courage to take up the unpopular cause. Masaryk faced angry mobs and was hooted at the university; he even had to discontinue his lectures for a time, but in the end he won out. Eventually, Masaryk was repaid in an unexpected way many years later, in World War I, when he came to the United States to plead his cause for an independent Czechoslovakia. Not only Jews, but many other Americans remembered his gallant fiight and supported his new drive for freedom.

In peace and war, Masaryk always applied realistic methods to his philosophy. Masaryk first reasoned things out carefully to reassure himself that the issue was a moral one. And thus it came about that a man who hated war became a great war leader.

When World War I broke out, Masaryk carefully analyzed the situation and when he convinced himself that the Hapsburg monarchy would never mend its ways, he broke with the Hapsburgs for moral reasons and went into exile to head the movement for the independence of his country. Masaryk was 64 years of age at the time. His fighting spirit defied the most desperate situations. As a war leader he planned further ahead than his contemporaries. The earlier war years he spent in London. In 1917, he went to Russia after the first revolution, in time to organize the Czechoslovak legions, where he fired the men with the dream of their country's independence. Later on, these legions were the first to fight the Bolsheviks in their famous trek across Siberia.

From Russia, Masaryk came to the United States. In the last months of the war he met with President Wilson. It was a momentous meeting of two philosopher-statesmen, men with a great vision for mankind. In October, 1918, Masaryk drew up the Declaration of Independence of Czechoslovakia with the American model in mind. It was signed on October 26 in the historic Declaration Chamber in Independence Hall, Philadelphia. In December, 1918, the President-elect of a free Czechoslovak Republic returned home.

For 17 years Masaryk presided over the destinies of his people. Under his guidance, Czechoslovakia became a democracy, despite great postwar internal problems and the growing outside pressures of rising Hitlerism and communism.

As President, Masaryk put humanity above party or nation or state—"patriotism is not enough in itself." Moral ideas and principles of a wider humanity, he urged, must be in the foreground of practical action. His humanism demanded that evil be fought everywhere, even when it does not endanger us immediately.

It is not enough that I feel a beggar's misery when he stands before me, disturbing my comfort. Today love means much more—no peace of mind while physical and moral misery exist. Today love means to work tirelessly" ("The Social Problem," TGM).

This is how Masaryk understood democracy:

Democracy * * * rests on the humanitarian principle that no man shall use another man as an instrument for his own ends; that no nation shall use another nation as an instrument for its own aims. This is the moral purport of the political principle of equality, or equal rights.

No wonder that the Communist regime in Czechoslovakia has banned Masaryk's books and that it has distorted history in an effort to wipe out Masaryk's influence on his people. It will be interesting to note the behavior of the Communists when thousands of letters with Masaryk stamps begin to arrive behind the Iron Curtain.

Masaryk fought any form of dictatorship and firmly believed that "democracy must become the faith of all, a world view." He built upon a basis of belief in God's justice and confidence in the principle of "consent of the governed." The ultimate goal, as Masaryk saw it, was to be first a European and finally a world federation, federated by free consent and not through force—"Federation without freedom is impossible"—"The New Europe," TGM.

Although his country is now enslaved by brutal force, Masaryk, were he alive today, would never lose faith in the ultimate triumph of right. And his principles were deeply implanted in the hearts and minds of his fellow countrymen who have not surrendered the hope of liberty despite the present reign of tyranny installed and maintained by the Soviet Union.

Masaryk knew America and loved America. He was here as a student and later came back for prolonged visits. His wife was an American woman. His foremost political work, called World Revolution, speaks of America at great length and always with affection, as a democracy built on religious foundations. Masaryk wrote that the American Constitution was a code of pioneer thinking, and he had great respect for the American system.

In his writing Masaryk talks with admiration about American literature. The literature of every nation, he said, is a mirror of its soul and the best means of getting to know its people. It was Masaryk who, in the twenties, saw to the establishment of the Anglo-American Library which published the first Czech translations of modern American literature. He loved the realism in American writings, the strong element of progressive thinking, struggle for freedom, and respect for the pioneer woman, and he admired the large number of American women writers.

There was a close friendship between Masaryk and President Woodrow Wilson; both were university professors, with similar methods of dealing with political problems. Masaryk saw in Wilson a sincere and a conscientious interpreter of Lincoln's democracy, of American cultural and political ideals.

The people in Czechoslovakia did not give up their love for Masaryk. The Communists did not succeed in stomping out Masaryk's memory from the hearts of his people. And that also means, I am reliably informed, that the present regime in Czechoslovakia has not managed to destroy in the people Masaryk's positive feeling toward America.

The United States, I believe, remains for Czechs and Slovaks the symbol of freedom, progress, and democracy—as Masaryk saw it and loved it. So, let us prove to his people that we have not forgotten their most beloved President-Liberator, Thomas G. Masaryk.

America needs a free Czechoslovakia, as it was under Masaryk's leadership, to hold an important post for democratic culture and government in Central Europe—today even more than in Wilson's day. In the changing relations of nations Masaryk and his life's work remain for that area the cornerstone on which, let us hope, we shall build again.

The world today needs a Masaryk badly, a spirit fired with enthusiasm and vital faith in man's future, a spirit strong and unbowed, a spirit coupled with a capacity for effective action. To Masaryk moral principles were scored and compromise or coexistence with evil were unthinkable. The honor bestowed upon him by the U.S. Government today comes at a crucial time in our history when his guiding principles come to haunt us for our failures, to warn us of the terrible consequences of immoral compromise with evil, and to inspire us all to more resolute action in the cause of human freedom.

We pay homage today to the strong, wise, and noble man whose strength and love of man have made him a shining light in a period of darkness for his own people and in a period of doubt and fear for many others.

Mr. SYMINGTON. Mr. President, March 7 marks the 110th anniversary of the birth of Thomas G. Masaryk, first President of Czechoslovakia and President-Liberator of his people.

Time has not changed the meaning of Masaryk's teaching. His words are as alive as when they were written many years ago.

Masaryk believed that theory and practice were necessary to each other. He wanted politicians to be philosophers and wanted philosophers in politics, in touch with the people.

Thus when we call Masaryk a democrat, we mean he was a theoretician of democracy and a practicing democrat as well. Whatever he wrote or preached he carried out to the utmost.

During the First World War, Masaryk wrote a treatise called New Europe. In it he set out a plan for federalization that the nations of Europe are now—40 years later—thinking of seriously.

Masaryk knew better than Hitler that Europe could not be united by force, because her free people abhorred force.

The Europe of today, divided along the Elbe River, is just the opposite of what Masaryk understood as unification. It is contrary to his ideal because that unification was accomplished by the Soviet Union by force and suppression of freedom.

Still, Masaryk's effort was not in vain. Those who know the history realize that progress marches at a slow and heavy pace and that each step demands new sacrifices and new strife.

Some day—when a free Europe will be firmly established in a free world—Masaryk's name shall be one of the main milestones along the road to a better political future.

Masaryk was a great philosopher on a small post of Europe. The world did not rise in protest when this post collapsed after he died. Yet his post was in the heart of Europe, and Europe cannot be united without its heart. Neither Munich nor the usurpation of Prague by Communists after the Second World War, was a solution for Europe.

We believe, as Masaryk, that the people of Eastern Europe will never be content until they take their place in freedom with the nations of the world.

Mr. PROXMIRE. Mr. President, today being the birthday anniversary of one of the world's greatest democratic philosophers and statesmen—the late Thomas Masaryk, liberator, and President of Czechoslovakia—it is appropriate for this body to pause to pay tribute to him and to the valiant and liberty-loving people of Czechoslovakia.

The U.S. Government recognizes the greatness of Thomas Masaryk today by issuing a commemorative postage stamp honoring him in the "Champions of Liberty" series. This stamp will be issued in ceremonies in Washington by the Post Office Department.

By this stamp, and by our tributes to Thomas Masaryk here today, we in America reaffirm our recognition of and opposition to the danger of international Communist imperialism, and we reaffirm our sympathy and compassion for the freedom-loving people of Czechoslovakia and the other captive nations.

Mr. President, I ask unanimous consent that a letter to me from leaders of the Council of Free Czechoslovakia be printed at this point in the RECORD. This letter points out that Thomas Masaryk lived by the ideals of our great American statesmen Jefferson and Lincoln. He was married to an American, and considered America his "second homeland." But in his leadership and devotion in the cause of world peace and freedom he has assuredly contributed, in greater measure than he has received, to the spirit of American democracy and liberty.

There being no objection, the letter was ordered printed in the RECORD, as follows:

COUNCIL OF FREE CZECHOSLOVAKIA,
Washington, D.C., February 22, 1960.

DEAR SENATOR PROXMIRE: The silenced Czechoslovak people in the homeland are not permitted by their Communist oppressors to celebrate publicly the 110th anniversary of the birth of their beloved President-Liberator Thomas Garrigue Masaryk (March 7, 1850).

The Council of Free Czechoslovakia speaking on behalf of the captive people take the liberty to ask you to remind the American public of Masaryk's greatness.

The more the free world must resist the onrush of totalitarian forces, the more Thomas Garrigue Masaryk, first President of the Czechoslovak Republic, begins to stand up as one of the greatest thinkers and statesmen of this century. For Masaryk considered democracy the only form of government worthy of the dignity of the modern free man. His whole life was spent in fighting for the idea of democracy. He took issue with the teachings of Marx, he denounced Bolshevism; and the volunteer army of the Czechoslovak Legionnaires, whose commander in chief he was, was the first army that stood up with arms to the Bolshevik expansion already in 1918. In his "Making of a State" Thomas G. Masaryk clearly analyzed all periods of democracy and outlined the way for mankind to prevent its downfall. Throughout his three terms as President of the Czechoslovak Republic, the founding of which was largely attributed to his efforts, he continued as democracy's strongest champion. T. G. Masaryk was the first statesman to propagate the unification of Czechs and Slovaks in a common state. After he went abroad to organize the Czechoslovak liberation movement—in cooperation with Milan Rastislav Stefánik and Edward Beneš—he succeeded to convince the Allied governments to endorse the setting up of Czechoslovakia, a Republic of Czechs, Slovaks and Carpatho-Russians. (These last joined the united movement of making a new state voluntarily later.) As a result Czechoslovakia became a flourishing island of peace in a world tossed about by disorders and revolutions.

Exactly 40 years have elapsed since Czechoslovakia, headed by President Masaryk, inaugurated its new democratic constitution. It was altogether a modern constitution which encompassed and guaranteed all basic freedoms. Its preamble purposely paraphrased the preamble of the Constitution of the United States to demonstrate the ideological proximity of the two nations.

Thomas G. Masaryk lived by the ideals so dear to every American since he was inspired both in the struggle for his nation's independence and in his function as President by the ideas of Jefferson and Lincoln. In his radio message to the American people, the 87-year-old Masaryk said: "Czechoslovakia proudly accepts the ideals of Washington, Lincoln, and Wilson. Let others find a solution to their own problems, but let us not allow them to touch our most important treasures: freedom of soul, freedom of word, and freedom of race." This was 6 months before his death and a year and a half before Czechoslovakia ceased to be a free Republic losing its hard-acquired liberty.

Thomas G. Masaryk, then, lived by the ideals which are so close to all Americans and which have made the United States big and powerful. His wife, Charlotte, a great support to him in times of hardship, was an American. Small wonder then that Masaryk once upon a time called America his second homeland. In issuing of the Thomas G. Masaryk "Champion of Liberty" postage stamps commemorating the 110th anniversary of his birth, the United States is reminded that it is paying tribute not only to a great philosopher, statesman, and human being, but also to one of its closest and most devoted friends.

The Council of Free Czechoslovakia thanks you sincerely for anything you will deem appropriate to commemorate the great Czechoslovak educator and scientist, the intrepid fighter for liberty and truth, the great statesman and architect of democracy, the founder of the Czechoslovak Republic and propagator of the federating of Europe and the free world.

Very sincerely yours,

Dr. PETR ZENKL,
Chairman, Executive Committee.

Mr. HARTKE. Mr. President, for years Czechoslovakia was a beacon of freedom in the world.

Through these years the name "Masaryk" was synonymous with this freedom.

Today the light of freedom has been temporarily extinguished in Czechoslovakia. But the people who lived for many years in the warmth of this light have not forgotten the blessings of liberty.

This is why today on the 110th birthday of Thomas G. Masaryk the United States is honoring this great world statesman and fighter for freedom with a postage stamp in the series "Champions of Liberty."

It is my hope that the stamp will help keep alive the precious love of freedom and liberty which beats in the hearts of loyal Czechoslovakians who are today under the yoke of tyranny and that, in this way, the light of freedom soon will go on again in this land which for so long was a symbol of our type of life.

Mr. KUCHEL. Mr. President, in an appropriate action to demonstrate America's warm admiration of a truly brave and devoted apostle of democracy and freedom, the United States today, March 7, commemorates a historic birth, that 110 years ago of Thomas G. Masaryk, the liberator of Czechoslovakia and one of the modern world's fervent champions of liberty.

I feel it will be inspiring to resistance leaders in countries under the heel of the Russian boot and reassuring to exponents of self-determination and independence everywhere to receive pieces of mail from the United States bearing one of the commemorative postage stamps which our Government is issuing in honor of T. G. Masaryk's birth in 1850.

During his life, this great figure had close contacts with America. His wife was an American woman, whose family name, Garrigue, he chose to add to his own Slovak name. The new state of Czechoslovakia was created with American cooperation, on the American pattern of democracy, largely through his associations with President Woodrow Wilson, who enthusiastically applauded the Czechoslovakian declaration of independence, which Masaryk authored.

From early manhood, Masaryk was outstanding as a defender of truth and liberty, even when truth was not popular. Everywhere he saw or experienced injustice, this unselfish patriot sought to expose it to the force of public and world opinion. As an ardent crusader, he fought against persecution of Slovaks by feudal Hungarian lords and as professor at the University of Prague he influenced students in the movement for unification of Czechs and Slovaks. His uncompromising battle against Marxism and communism was typified by bold, defiant action as when after the Bolshevik revolution he decided to withdraw Czechoslovak legions from Russia in protest against brutalities and destruction.

This first President of Czechoslovakia, like our peace-loving Wilson, pursued an ideal which conceivably might have averted World War II. One of his highest ambitions was to bring about creation of a federated Europe. Under his wise leadership he developed into a model democratic state the nation he was greatly instrumental in founding. Its destinies he helped direct for nearly 20 years until his death, at the age of 87, in 1937.

It is altogether proper for the United States to include in the Champions of Liberty series of postage stamps the issue being placed in use on the anniversary of the birth of this monumental personage, this farsighted thinker, this gifted and crusading statesman for man's freedom, Thomas Garrigue Masaryk.

Mr. KEATING. Mr. President, on this date, March 7, 1960, the United States and the entire free world is proud to join with the freedom-loving people of Czechoslovakia in celebration of the 110th anniversary of the birth of the great architect of Czechoslovakian liberty, Thomas Masaryk. A commemorative stamp will be issued by our Post Office on this occasion, and it is a source of profound gratification to me to have been one of the sponsors of this gesture of acclaim to such a distinguished champion of liberty.

Mr. President, on the occasion of the 110th anniversary of the birth of Thomas Masaryk, I wish to make a statement for the RECORD.

Great causes often produce great men who would speak for them, champion them, fight for them, and try to defend them against all assailants. The cause of the Czechoslovak people was such a cause, and, in the person of the late Thomas Masaryk, it found a leader who proved to be the preeminent Czechoslovak statesman of modern times.

This gifted son of a humble coachman, born 110 years ago today, seems to have been destined for greatness in a wide field of human endeavor. He became a great teacher, a distinguished philosopher and man of letters, a stanch and conscientious parliamentarian, a matchless and beloved leader of his people, and an uncompromising champion of freedom and independence. He was great in many ways, but he was resolved to devote all his time and efforts, in the course of his arduous and fruitful life, to fight for the liberation of his people. It was their good fortune that he guided their destiny for almost two decades as the founding President of the Czechoslovak Republic. Today we honor his memory as the great liberator and creator of the Czechoslovak Republic, as an outstanding statesman, and as a stout champion of freedom.

It is all the more fitting that we, in the free world, honor this outstanding man in public tribute since the silenced Czechoslovak people in his homeland are not permitted by their Communist overlords to manifest their underlying admiration and affection for Thomas Garrigue Masaryk.

In issuing of the Thomas G. Masaryk "Champion of Liberty" postage stamps commemorating the 110th anniversary of his birth, the United States gives token of its tribute not only to a great philoso-

pher and statesman, but also to one of its most loyal and dedicated friends.

At the age of 87, in a radio address to the American people, Masaryk said:

> Czechoslovakia proudly accepts the ideals of Washington, Lincoln, and Wilson. Let others find a solution to their own problems, but let us not allow them to touch our most important treasures: freedom of soul, freedom of word, and freedom of race.

In honoring Thomas G. Masaryk on this anniversary of his birth, we honor as well the grandeur of spirit and the enduring love of freedom that distinguishes the people of Czechoslovakia. The curtain of tyranny has been raised up between them and the free world, but it can never dim or extinguish the light of freedom in their eyes and in their hearts. Let us pledge anew to them our unfailing devotion to their cause, and our fervent hopes for their return to the free world that Thomas G. Masaryk did so much to create for his fellow countrymen of Czechoslovakia.

In celebration of the 110th anniversary of the birth of the great architect of Czechoslovakian liberty, Thomas G. Masaryk, a commemorative stamp is being issued by our Post Office Department on this occasion, and it is a source of proud gratification to me to have been one of the sponsors of this gesture of acclaim to such a distinguished champion of liberty, Mr. President, on the occasion of the 110th anniversary of the birth of Thomas G. Masaryk.

Mr. BUSH. Mr. President, today marks the 110th anniversary of the birth of Thomas G. Masaryk, the founder and first President of Czechoslovakia. In its "champion of liberty" series, the Post Office Department today will issue a stamp in honor of T. G. Masaryk who, according to many historians, was the most illustrious statesman of the century in central Europe.

When this great and gifted son of Czechoslovakia was born, his country was ruled by autocratic monarchs and his people were suffering under oppressive regimes. At the time of his death in 1937, his country was liberated and united, his countrymen were freed from alien oppression, and were living happily in the recreated democratic Czechoslovak Republic.

The credit for this supremely successful performance of a thoroughly patriotic and humanitarian task goes to the gifted, wise, and modest servant of freedom and liberty, Thomas G. Masaryk.

Liberty was not long enjoyed by the Czechs, however, as they with many of their neighbors came under the domination of the Soviet Union. We trust that the people of Czechoslovakia will one day be free of Communist control and that they will once again enjoy the blessings of liberty.

In honoring the memory of Thomas G. Masaryk, Americans join with the freedom loving peoples of Czechoslovakia in paying tribute to one of history's tireless champions of freedom. May his memory inspire others to the same cause.

Mr. JOHNSON of Texas. Mr. President, I join my colleagues in paying tribute to the founder of modern Czechoslovakia and its first President, Thomas Masaryk.

Today marks the 110th anniversary of Masaryk's birth. Thomas Masaryk's life began in an era when the Czech people endured under a great empire based in Vienna. Today they endure under another great empire, based in Moscow.

That Czechoslovakia enjoyed any moment in the sun as a free nation was in a large measure due to the genius and determination of Thomas Masaryk. His devotion to Czech independence, and his tireless efforts to see it established, bore fruit in May 1918, when the United States expressed its sympathy with his great ideal. The other Allied Powers soon joined in that resolution, and on November 14, 1918, Thomas Masaryk was elected first President of Czechoslovakia.

Masaryk was, in a real sense, more than a nationalist; he was a friend of human rights and an apostle of human dignity. In a time when these rights are everywhere denied, and that dignity assailed, it is appropriate that we pay tribute to one of their great protectors in the past.

Mr. PASTORE. Mr. President, presently the mail of America will be graced by stamps commemorative of world champions of liberty. Today, the first of these stamps will honor Thomas G. Masaryk, founder and first President of Czechoslovakia. It is the occasion of his 110th birthday.

Individuals to be honored are champions not of their own personal freedom but of national causes—of nations tested in the harsh fires of world conflict and testifying to an unconquerable will to be free.

Through centuries of hope, at last, on October 28, 1918, Czechoslovakia achieved its independence. It came through leaders of superlative character and skill. Thomas Masaryk, the first President, was a Slovak, the son of a coachman. The first Premier and the last free President was Eduard Benes, a Czech, the son of a peasant.

For 20 years, Czechoslovakia possessed freedom and proved itself a nation of deep, practical, and successful democracy. The bright memories of that score of years still stimulate the hearts that now chafe under the Communist sway.

Czechoslovakia has cause to be suspicious, resentful, and bitter. The betrayal of Munich—the German butchery of Lidice—the deceit of Moscow are deep wounds in the hopes of a determined people.

Czechoslovakians everywhere—openly or in their secret hearts—will be honoring Thomas Masaryk on March 7 for their freedom that was and again will be.

American lovers of freedom and admirers of courage will honor Thomas Masaryk and his nation—all champions of liberty. On that day and every day Americans will remind themselves that eternal vigilance and the ultimate in preparedness are the only guarantees against the doctrines of deceit and enslavement.

Mr. MARTIN. Mr. President, I am delighted to join in the eulogies to Thomas G. Masaryk, the founder and first President of Czechoslovakia, on the occasion of his 110th birthday anniversary today.

Whenever one calls to mind the name of Thomas Masaryk, it is quite natural to think also of America, for Thomas Masaryk was a warm friend and devoted admirer of the American Republic.

In America, Thomas Masaryk saw much to be emulated in the field of industry and technology. But the profound scholar and philosopher saw far deeper into the workings of American civilization than just the superficial advances of industry. "In America," he said, "We can and should learn love of freedom and individual independence."

It was here, too, that during World War I he pressed his case for American support for his vision of the Czechoslovak Republic. And it was here that the first Czech constitution was prepared. He visited this country many times, lecturing, teaching, learning.

To his contemporaries here as well as in Czechoslovakia, he symbolized man's eternal dream of freedom from tyranny, of safety from arbitrary rule, of the right of men to choose their own rulers. In saluting Thomas G. Masaryk, we rededicate ourselves to these traditional American values that he also shared. And in honoring him today, we honor, too, the fundamental notion that an individual man, dedicated, honorable and profound in his thought, may achieve great things for his own people and for the wider world of which his country is a part.

Mr. YARBOROUGH. Mr. President, today, March 7, it is fitting that we honor Thomas G. Masaryk, for this is the 110th anniversary of the birth of this great leader who was founder of the free Republic of Czechoslovakia, and its first President, from 1918 to 1935.

This day is celebrated by all those who love freedom and especially by Americans descended from ancestors with a Czechoslovakian background. All of us are determined that the towering torch of liberty, which Thomas G. Masaryk lit for his people, will continue to burn brightly in the hearts of men.

Although the ruthless hordes of communism have dropped an Iron Curtain over freedom of this brave nation, we know from history that where liberty has existed it will live again.

The teachings and leadership that Thomas G. Masaryk, a scholar and writer, gave his people are well remembered. They are remembered in this Nation as well as in his own. He stood for good government by consent of the governed in his time. In paying tribute to him, I would be remiss if I failed to point out that the Slavonic Benevolent Order of the State of Texas has been a force for honest government in my own State.

It has been an active, progressive, militant force. On several recent occasions that I know of personally it has taken a courageous stand against an entrenched political machine and has firmly defended the right of reform candidates to be heard.

Mr. President, scores of thousands of Czechs migrated to Texas beginning

shortly after the Civil War, in the period of 1880, 1890, 1900, and up to World War I. They came by tens of thousands, settling mainly on the great black land farming belt that runs north and south across Texas, averaging about 50 miles in width, just to the east of Dallas. It is some of the richest farming land in our State. Their sons and daughters attended the universities. Now they are leaders in the professional and business life of the State. They have taken an active part in the public life of the State.

Unlike some ethnic groups which have come to the United States, they did not stand aside from the mainstream of American life. On the contrary, from the very first they entered into the democratic procedures of this country, taking an active part in the political affairs of our State. As I have stated, they have been a militant force for progress and honest government in the State.

In reverence, all freedom-loving citizens should pause today in memory of Thomas Masaryk and, remembering the ideals of human liberty which his people loved but lost, we should look forward to the day when Czechoslovakia will again be free.

Mr. President, in my own State, the Czech language is taught at the University of Texas, by collaborators of Masaryk and his successor. We have people there who helped them from the Republic of Czechoslovakia, who are teaching the youth of this country what it means to people to win their liberty and freedom, set up a free country, and then in the same generation see it torn away from them by two dictatorial powers, one Communist and the other Nazi. There are no more dedicated people to the cause of liberty in this land than those of Czech descent.

Mr. SPARKMAN. Mr. President, as an amateur stamp collector I am especially interested in the "Champions of Liberty" series now being issued by the Post Office Department. I think it is most fitting that Thomas G. Masaryk has been selected as one of these champions.

There are several reasons why Thomas G. Masaryk, President-liberator of Czechoslovakia, was included in the postal series, "Champions of Liberty." Even before the liberation of his nation Masaryk was a prominent spokesman of the ideals of liberty and democracy, rooted firmly in the democratic traditions of the Western Civilization. During World War I he put his ideals into practice and on the side of Western Allies he fought for and eventually brought his people freedom.

In the years of his presidency he laid the foundations of a truly democratic and freedom-loving State. It was none other than the British author George Bernard Shaw who proclaimed Masaryk in the late twenties the only possible president of the future United States of Europe.

A profound awareness of the traditions of the Western Civilization was combined in the person of Masaryk with an intimate knowledge of Eastern Europe and of the Russian mind. Therefore it is not surprising that his authoritative work on "Russia and Europe" was reprinted a few years ago in English and that it finds numerous readers more than four decades after its original appearance. And the words in which Masaryk condemned Bolshevism and the Soviet system when they were still in their beginnings hold true even today, after so many eventful years.

"I can solemnly declare that the Soviet system is not suitable for our country," he declared in Prague in 1921. And these words are as true today as they were 40 years ago.

Otakar Machotka, writing of Masaryk in 1950 said:

> He was one of the prime factors in destroying one of the mightiest and oldest political powers in Europe, and after the First World War led his country and Europe through 17 troubled years. During these years of moral and political leadership he probably came closer to being a wise philosopher ruler than any leader who lived since Plato first set up his high ideal.

It is indeed tragic that today, on the 110th anniversary of his birth, his own homeland is not allowed to pay him tribute. Nevertheless, the spirit of Masaryk still lives wherever men hunger for freedom and wherever men are on the alert to keep their freedom. For this reason the issue of his commemorative stamp is not only a tribute to this great Czechoslovak patriot, but also to the ideals of freedom for which he fought through his long and blessed life.

Mr. CLARK. Mr. President, March 7 is the 110th anniversary of the birth of Thoams G. Masaryk, first President of Czechoslovakia. The Post Office Department is to be commended for honoring this great champion of democracy and freedom with a special stamp on this anniversary.

Masaryk was both a philosopher and a statesman of the first rank—the Thomas Jefferson of his nation. His philosophical treatises were distinguished for their realism, and his political activity for its idealism and courage. The United States can be proud of having given him asylum during World War I and of the fact that the Lansing Declaration, which he authored, was the basis for the future Czechoslovak State.

Under Masaryk's leadership and tutelage, Czechoslovakia became a model democracy, bringing to life his belief that "democracy is based on the political realization of love of one's neighbor."

If, indeed, as Masaryk has said, "the strongest argument for democracy is faith in man, in his spirit and immortal soul," we must have faith that ultimately Czechoslovakia will find its way out of oppression and back to democracy. Let us hope that in Czechoslovakia today, people are taking heart from these words.

These are good words for us to remember, here in the U.S. Senate, as we debate how we may more broadly secure "the political realization of love of one's neighbor."

Mr. LAUSCHE. Mr. President, last evening, in Washington and throughout the country, many assemblies were held in honor of Thomas Masaryk, a great Czech statesman. He was a philosopher, a student of government, and a great patriot.

At the end of World War II, in Pittsburgh, Pa., Masaryk and others wrote the documents which later became the basis of the Czech Constitution.

The Czechs throughout the centuries have been battlers for liberty. They live on the plains and are surrounded by mountains. Their great pride is that the spirit of the Czechs, who live in the mountain passes and on the slopes, speaks of liberty.

In the Chamber today are a number of Czechs who have come from Cleveland, and who attended the celebration last night. Although I have already made a statement for the RECORD, about Masaryk, I am certain that the people of the United States give recognition to this great statesman and value his contributions to good government and to liberty throughout the world.

Mr. MANSFIELD. Mr. President, I wish to associate myself with the statement just made by the distinguished Senator from Ohio relative to the anniversary of the birth of a great man, who was not only a great Czech, but also a great international figure.

We know that Mr. Masaryk was largely responsible for the Czechoslovakian Republic. We know of the great work he did in the formulation of the Treaty of Pittsburgh. We know of the tremendous efforts he made to achieve a degree of stability for his country in the trying days which followed.

I believe it is extremely fortunate and significant on this occasion that the distinguished Senator from Ohio [Mr. LAUSCHE], who has always been in the forefront, so far as Czech freedom and the freedom, for that matter, of all the people behind the Iron Curtain is concerned, has taken the floor to emphasize his great interest in this particular subject.

I am very happy to observe that on this occasion the Government of the United States has seen fit to issue a postage stamp honoring the great President Masaryk, and in that way to indicate to the peoples of all the world, including Czechosolvakia, if letters bearing that stamp reach that country, that the United States has not forgotten, but is fully aware of, the many fine contributions to democracy in its best form which this man has made.

Again, I especially wish to commend the distinguished Senator from Ohio for the leadership and the inspiration he has always shown in this field.

Mr. LAUSCHE. I thank the Senator from Montana.

Mr. CASE of South Dakota. Mr. President, I, too, wish to join in what has been said in appreciation of the spirit of leadership which was shown in the contribution made by Thomas Masaryk to the cause of human freedom.

It was my privilege to be in Prague in the fall of 1947, at a time when tremendous issues were at stake. I had been sent there by the House of Representatives. I was impressed by the spirit of the people whom we met, who were struggling to preserve freedom at that time. It was a tragedy, we felt, that certain events happened shortly afterward.

I simply desire to make this expression on behalf of other Senators on my side of the aisle, some of whom have already spoken on this subject this afternoon,

and to express appreciation to the Senator from Ohio by adding my words to what is now being said.

South Dakota numbers among its population a great many Czechs, notably in the towns of Tabor, Gregory, and Mission. They are always interested in anything which builds for freedom. They have great appreciation of the ideals of America. At this time I know the rank and file of those people would want me to join their expression of commendation to those of others concerning the spirit of Thomas Masaryk.

Mr. WILLIAMS of New Jersey. Mr. President, the U.S. Post Office today issued a special postage stamp to honor Thomas G. Masaryk, the founder and first President of Czechoslovakia. The stamp is one in the "Champion of Liberty" series; it was released today, March 7, to mark his birth 110 years ago.

All Americans, I believe, have a fond and sharp memory of T. G. Masaryk and his contributions to the institutions in which free men believe. In a comparatively few years he left his mark on his new nation and on the world. He inspired others to seek freedom and to make freedom work.

In these dark years for the people of Masaryk's homeland, all of us can nevertheless continue to remember that great leader and to join those who honor him.

Mr. JAVITS. I just want to say a word on the 110th anniversary of the birth of Thomas Masaryk, the great hero of Czechoslovakia, about whom I am sure other Members have spoken on the floor, and to emphasize particularly the tremendous impact upon the hope for freedom of Czechoslovak people that we take note of here in the Senate, the fact that this great man lived his whole life and gave his life for the cause of Czechoslovak freedom. This is so important to the people of an enslaved nation at this time.

PART III OF THE 1957 CIVIL RIGHTS BILL

Mr. STENNIS. Mr. President, those who contend the loudest that the pending bill is only a voting rights bill have now come out in the open and are offering as an amendment the old part III, sponsored in 1957 by the then Attorney General Brownell, taken out of the bill by the Senate after the hardest kind of fight. It has been resurrected, rearranged, and reintroduced.

This part III again bestows virtually unlimited power on the U.S. Attorney General to sue, in the name of and in the cost of the U.S. Government, for thousands and thousands of complaining people seeking to gain admission to schools, parks, restaurants, theaters, and all public and semipublic places.

This is no voting amendment. It has nothing to do with voting. The sole purpose of this amendment is to inject the Federal Government into the school and other integration cases at taxpayers' expense.

It also would operate to silence and intimidate local citizens who object to enforced integration.

They know when they object to U.S. meddling in local school cases they run the risk of winding up in jail without the benefit of any trial by jury—as happened in Clinton, Tenn.

They know that the fact that they may be following State law will be used as an excuse to haul them into court under this revived part III.

Under the terms of the bill, the Attorney General is granted amazing power which could be used to control elections and to become a political boss in the States. Under the terms of this part III, which is now proposed, he could also become the director general of integration on a nationwide front.

No such power as this sought now to be conferred on the Attorney General has been entrusted to any Federal officer, even under Reconstruction laws. On the contrary, every action on the subject taken by Congress during the Reconstruction period authorized segregated schools. Even in this worst period of Federal oppression in our country's history, there was no movement to control such purely local institutions. I repeat, the Reconstruction Congresses served the cause of free public education.

I do not think the sponsors of this amendment are serving the cause of free public education.

I think their action, if it has any effect, will be to arrest the course of progress toward better education of children of all races. I know civil rights agitation is hurting the relationship between the races in the South, and it will be a long time before the true leaders of the white and colored people can restore true communication.

Mr. DOUGLAS. Mr. President, I should like to read a telegram which I have received, and which I think many other Members of the Senate have received, from Roy Wilkins, chairman, and Arnold Aronson, secretary, of the Leadership Conference on Civil Rights, which reads as follows:

> On behalf of millions of citizens who have worked for years to establish civil rights for all Americans regardless of race, religion, color, national origin or ancestry, we urge you to oppose such preconditions to the invoking of cloture as (1) abandonment or prior disposal of part III; (2) abandonment of proposals for effective Federal aid to school districts seeking to comply with constitutional desegregation requirement, and (3) acquiescence in voting rights provisions weaker than either the Rogers referee proposal or the Hennings-Javits-Douglas registrar-enrollment officer proposal.
>
> We believe that the majority and minority leaders as the principal sponsors of the present rule 22, should disavow all such attempts to make the two-thirds majority necessary to invoke cloture the test for amendments to the pending civil rights bill and for final passage of the bill itself. When the present rule 22 was being debated, we were assured that the Senate could legislate by simple majority vote, once cloture has been voted.
>
> We urge you to stand firm in support of (1) amendment to include part III, now more needed than ever to protect all civil rights; (2) Federal voting rights proposals that will provide for registration of Negro voters without requiring each individual to have applied and been rejected on the grounds of color, and (3) Federal aid to local school districts wherever needed in achieving the Supreme Court's goal of school desegregation with all deliberate speed, as ordered 6 long years ago.
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> LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
> ROY WILKINS, *Chairman.*
> ARNOLD ARONSON, *Secretary.*

Mr. DOUGLAS. Mr. President, I want to take up a task which is somewhat distasteful to me, and which I had not intended to raise, but which, because of the remarks some of our various southern friends have addressed about the so-called crime rate and murder rate in the cities of the North, and particularly my own city, I believe I should take up. The actual facts on this matter should be brought to the attention of the Senate and the public.

As we all know, the Federal Bureau of Investigation publishes each year the "Uniform Crime Reports for the United States." I hold a copy of this in my hand. I want to introduce two comparative tables. The first is the index of serious crimes for 1958 in standard metropolitan areas, and the figures for total offenses, expressed as a rate per 100,000 inhabitants. I will start off by saying that the Chicago rate is 943.5, but I would like the Senate to listen to these other rates in certain southern cities and metropolitan areas.

Miami, 2,303.3; Jacksonville, 2,004.4; Pensacola, 1,784.7; New Orleans, 1,720.7; Savannah, 1,675.4; Nashville, 1,669.2; Norfolk-Portsmouth, 1,609.1; Little Rock-North Little Rock, 1,570.3; Orlando, 1,544.6; Charlotte, N.C., 1,462.2; Greenville, S.C., 1,419.9; Raleigh, 1,400.8; Charleston, 1,382.8; Columbia, S.C., 1,365.2; Atlanta, 1,336.1; Richmond, 1,325.9; Tampa-St. Petersburg, 1,320.3; Birmingham, 1,212.2; Mobile, 1,162.9; West Palm Beach, 1,080; Montgomery, 1,078.6; Macon, Ga., 1,049.5; Asheville, 1,006.5; Baton Rouge, 1,006.3; Roanoke, 984.4; Detroit, 1,343.0; New York, 1,145.3; Chicago, 943.5; Philadelphia, 916.8; Boston, 851.7; Pittsburgh, 834; Cleveland, 638.2.

While there are some cities in both the North and the South with higher or lower rates than these I have listed, I think it will be seen that the big northern cities come off very well in this comparison.

If we wish to go into the question of murder, the following rates per 1,000 may be interesting. The Chicago rate is 5.9; Detroit, 3.8; Philadelphia, 3.6; Boston, 1.6; New York, 3.3; Pittsburgh, 2.8; and Cleveland, 4.4.

Listen to these rates, however:

Asheville, N.C., 13.0; Atlanta, Ga., 12.5; Augusta, Ga., 11.9. Now I want to congratulate the city of Baton Rouge, La., 2.9.

Birmingham, Ala., 13.8; Charleston, S.C., 6.8; Charlotte, N.C., 11.0; Columbia, S.C., 10.3; Columbus, Ga., 11.0; Durham, N.C., 8.4; Fort Smith, Ark., 4.1; Gadsden, Ala., 19.3; Greensboro-High Point, N.C., 8.2; Greenville, S.C., 8.1; Hampton-Newport News-Warwick, Va., 10.5; Jackson, Miss., 9.5; Jacksonville, Fla., 12.7; Little Rock, Ark., 7.5; Macon, Ga., 5.9; Memphis, Tenn., 7.8; Miami, Fla., 10.2; Mobile, Ala., 12.9; Montgomery, Ala., 8.4; New Orleans, 7.0; Norfolk-Portsmouth, Va., 10.2; Orlando, Fla.,

11.0; Pensacola, Fla., 9.5; Raleigh, N.C., 7.6; Richmond, Va., 9.2; Roanoke, Va., 8.2; Savannah, Ga., 10.6; Shreveport, La., 13.6; West Palm Beach, Fla., 14.6; and Winston-Salem, N.C., 12.6.

May I further indicate that every southern city listed by the FBI report with the exception of Baton Rouge and Fort Smith, Ark., has a higher rate for murder than Chicago, and with the exception of Macon, Ga., which has an identical rate of 5.9.

I think these figures should restore a greater sense of proportion, and I hope that our friends will be more guarded in their references in the future. I may say that we in Chicago are perfectly aware of the fact that we have many faults. We are seeking to correct those faults, but I do say that the realities of the situation are by no means as bad as many of our southern friends would like to have the Nation believe.

I ask unanimous consent that these tables may be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

INDEX OF CRIME, 1958, STANDARD METROPOLITAN AREAS

Total offenses, rate per 100,000 inhabitants

Miami	2,303.3
Jacksonville	2,004.4
Pensacola	1,784.7
New Orleans	1,720.7
Savannah	1,675.4
Nashville	1,669.2
Norfolk-Portsmouth	1,609.1
Little Rock-North Little Rock	1,570.3
Orlando	1,544.6
Charlotte, N.C.	1,462.2
Greenville, S.C.	1,419.9
Raleigh	1,400.8
Charleston	1,382.8
Columbia, S.C.	1,365.2
Atlanta	1,336.1
Richmond	1,325.9
Tampa-St. Petersburg	1,320.3
Birmingham	1,212.2
Mobile	1,162.9
West Palm Beach	1,080.0
Montgomery	1,078.6
Macon, Ga.	1,049.5
Asheville	1,006.5
Baton Rouge	1,006.3
Roanoke	984.4
Detroit	1,343.0
New York	1,145.3
Chicago	943.5
Philadelphia	916.8
Boston	851.7
Pittsburgh	834.0
Cleveland	638.2

Source: "Uniform Crime Reports for the United States, FBI."

Rates per 100,000 population in 1958 for murder and nonnegligent manslaughter

Asheville, N.C.	13.0
Atlanta, Ga.	12.5
Augusta, Ga.	11.9
Baton Rouge, La.	2.9
Birmingham, Ala.	13.8
Charleston, S.C.	6.8
Charlotte, N.C.	11.0
Columbia, S.C.	10.3
Columbus, Ga.	11.0
Durham, N.C.	8.4
Fort Smith, Ark.	4.1
Gadsden, Ala.	19.3
Greensboro-High Point, N.C.	8.2
Greenville, S.C.	8.1
Hampton-Newport News-Warwick, Va.	10.5
Jackson, Miss.	9.5
Jacksonville, Fla.	12.7
Little Rock-North Little Rock, Ark.	7.5

Rates per 100,000 population in 1958 for murder and nonnegligent manslaughter—Continued

Macon, Ga.	5.9
Memphis, Tenn.	7.8
Miami, Fla.	10.2
Mobile, Ala.	12.9
Montgomery, Ala.	8.4
New Orleans, La.	7.0
Norfolk-Portsmouth, Va.	10.2
Orlando, Fla.	11.0
Pensacola, Fla.	9.5
Raleigh, N.C.	7.6
Richmond, Va.	9.2
Roanoke, Va.	8.2
Savannah, Ga.	10.6
Shreveport, La.	13.6
West Palm Beach, Fla.	14.6
Winston Salem, N.C.	12.6
Chicago	5.9
Detroit	3.8
Philadelphia	3.6
Boston	1.6
New York	3.3
Pittsburgh	2.8
Cleveland	4.4

Source: "Uniform Crime Reports for the United States, FBI."

THE PANCHO VILLA RAID—VERSES BY LARRY McGINNIS

Mr. CHAVEZ. Mr. President, the Albuquerque Morning Journal on June 15, 1959, had a story about how a new song ribs the legislature on Villa Park.

In 1916 Pancho Villa at the head of a Mexican army of outlaws attacked the New Mexico border town of Columbus. Houses were burnt, robbed, and several citizens were killed and many wounded. The United States was so aggrieved that they sent General Pershing after Villa in Old Mexico. The whole Nation was outraged and New Mexico in particular.

Notwithstanding this outrage, our last State legislature passed a law creating a State park and had the audacity to name the same Pancho Villa Park.

Larry McGinnis of my home city makes verse and he has written some verses on the occasion. I ask unanimous consent that the Albuquerque Journal article and the verses written by Mr. McGinnis be printed in the body of the RECORD.

There being no objection, the news article and verses were ordered to be printed in the RECORD, as follows:

[From the Albuquerque (N. Mex.) Journal, June 15, 1959]

NEW SONG RIBS LEGISLATURE ON VILLA PARK

An Albuquerque tunesmith, Larry McGinnis, has spoofed the New Mexico State Legislature in his latest number, Pancho Villa Park.

McGinnis, who heads the Larry Macs, a novelty entertainment act, introduced the number Saturday night at the annual policemen's ball in the Civic Auditorium.

Actually the tune—which recounts Pancho Villa's raid of Columbus and the 1959 legislature's action in naming a State park for Villa—was written by McGinnis and his father, C. Earl, originator of "This Is New Mexico," a State political cartoon which appears every Thursday in the Journal.

The song, which is sung by the younger McGinnis, Sheila Keller, Marilyn Temple, and Beverly Williams, tells of Pancho Villa and his "ragged, rebel band. An army of destruction, with rifles in their hands. They rode on toward Columbus. The moon was hanging low, when Villa crossed the border, into New Mexico."

The song winds up with a comment about the legislature.

"It met up there in Santa Fe, and lost all its State pride. It talked with complacency of Pancho Villa's ride. It sat up there in Santa Fe, and really made its mark, when it honored Pancho Villa, with Pancho Villa Park."

PANCHO VILLA PARK

In 1916 Pancho Villa, at the head of a rebel army of outlaws, attacked the New Mexico border town of Columbus. In 1959 the New Mexico State Legislature named a State park after this notorious Mexican bandit. This is the story:

CHORUS

This is the story of Pancho Villa
And that Mexican bandit's ride.
This is the tale of a legislature
In Santa Fe that lost its pride.

VERSES

Columbus was a border town
'Twas known both far and near
As a peaceful place to live
Without a trace of fear.
The stars were shinin' down that night
'Twas many years ago,
When Villa came aridin'
From out of Mexico.

A thousand men rode at his side,
A ragged, rebel band,
An army of destruction,
With rifles in their hands.
They rode on toward Columbus town
The moon was hangin' low
When Villa crossed the border
Into New Mexico.

The bandits fell upon the town,
They took it by surprise,
They burned and robbed and murdered
With the devil in their eyes.
And when the burning border town
Had set the skies aglow,
Pancho Villa and his men
Rode back to Mexico.

For many years this wild attack
Upon American soil
Angered New Mexicans
And caused their blood to boil.
And then a legislature,
To everybody's shame,
Insulted New Mexico
With Pancho Villa's name.

It sat up there in Santa Fe
And lost all of its pride.
It talked with complacency
Of Pancho Villa's ride.
It sat up there in Santa Fe
And really made its mark
When it honored Pancho Villa
With Pancho Villa Park.

RICH GETTING RICHER SINCE 1949 BUT SINCE 1929 MUCH LESS CONCENTRATION OF WEALTH

Mr. PROXMIRE. Mr. President, there are few facts harder to come by in an authoritative and objective fashion, or more pertinent to tax, monetary, labor, farm and other economic policy, than the distribution of wealth in this country.

Probably no matter has been more wildly exaggerated by the self-serving on both sides of economic issues than the concentration or lack of concentration of wealth. Some have charged that a few dozen hugely rich men in Wall Street own the Nation and can live in Babylonian splender. Others contend with equal vehemence that since the balmy days of the New Deal, millionaires suffer the direst persecution from tax laws, labor policies, antitrust

policies that confiscate or at best decimate their moneys, and compel them to work almost all of their waking hours for Washington bureaucrats.

A survey by the National Bureau of Economic Research just released sheds some urgently needed light on this situation. The National Bureau of Economic Research, can hardly be said to be composed of impractical, wild-eyed visionaries. It includes among its directors—Gabriel Hauge, who is chairman of the finance committee of the great Manufacturers Trust Co. of New York City and Theodore O. Yntema, vice president in charge of finance for the Ford Motor Co.

This survey shows that less than 2 percent—1.6 percent to be exact—of the adults in the country now own virtually all of the State and local government bonds—which incidentally are exempt from Federal income taxes—nearly 90 percent of corporate bonds, 80 percent of corporate stock held in the personal sector of the economy and between 10 and 35 percent of every other type of property held in the personal sector.

The survey also shows that between 1949 and 1956—there are no figures for later years—the concentration of total wealth held by the top 1 percent of wealth holders increased from 20.8 percent to 26 percent. At the same time it shows that this is still far below the concentration of wealth in 1929 when the richest one out of one hundred held 36.3 percent of the wealth. Concentration in America is also far below that in England where, as recently as 1946–47, 1 percent of the adults held 50 percent of the total capital.

Mr. President, because this issue arises again and again in debate, and because the study is so objective and authoritative, I ask unanimous consent that a news article from the New York Times summarizing the study be printed in the RECORD at this point, and that it be followed by the study itself.

There being no objection, the news article and study were ordered to be printed in the RECORD, as follows:

RICH ARE RICHER, STUDY DISCLOSES—TREND TOWARD CONCENTRATED WEALTH NOTED—STATE TOPS PERSONAL INCOME

The rich are getting richer in this country and New Yorkers lead the Nation in total personal incomes, economic studies disclosed today.

A survey by the National Bureau of Economic Research showed that since 1949 there has been a trend toward more wealth in the hands of fewer people. The bureau is a private research organization sponsored by business, labor, and universities.

It noted, however, that the concentration of wealth was still far below the precrash period of 1929.

Personal income in New York topped the Nation with a record of $41,954 million in 1958, according to a State commerce department analysis. Per capita income for New Yorkers that year was $2,609, slightly more than $500 above the Nation's average.

The nationwide survey disclosed that during the 20 years that began with the stock-market crash and ended in 1949 there had been a period of more equal distribution of personal holdings. The reversal of this trend was clearly evident in 1953, the study reported, when 1.6 percent of the country's population held 30 percent of the Nation's personal wealth.

ESTATE TAX RETURNS CITED

The study reported that the same year this minority top income "owned at least 80 percent of the corporate stock held in the personal sector, virtually all of the State and local government bonds and between 10 and 35 percent of each other type of property." Estimates were based on an analysis of estate tax returns, the only explained.

An official of the research bureau explained that stock market increases during recent years accelerated the renewed trend toward concentration of national wealth because the majority of holdings were held in top-income bracket levels.

The personal income of New Yorkers during 1958 represented an increase of 2.1 percent over the previous year, according to the Commerce Department, and lagged slightly behind the national average increase of 2.4 percent. Only three States exceeded New York—California, with a 4-percent gain; Texas, with 3.5 percent; and Massachusetts, with 2.8 percent.

Of the remaining 8 of the Nation's 12 leading industrial States, New Jersey, Wisconsin, Illinois, Connecticut, Pennsylvania, and Indiana showed a drop of 1.2 percent in personal income during 1958 compared with the previous year; Ohio dropped 2 percent, and Michigan dropped 2.3 percent.

New York ranked fourth in per capita personal income, trailing Connecticut, Delaware, and the District of Columbia.

The 2.1-percent increase in personal incomes of New Yorkers resulted mainly from the 3.2-percent increase in the metropolitan area. Upstate there was a decline of .4 percent despite increases in 31 of the 53 counties.

In the metropolitan area, Suffolk County led with a 6.7-percent rise, followed by New York City, which recorded a 3.3-percent advance.

In the actual dollar gains, New York City accounted for $710 million during 1958 compared with 1957.

This was 81 percent of the State's total increase. Suffolk County was second with $84,300,000, followed by Westchester County with $72,900,000 and Nassau with $57,500,000.

CHANGES IN THE SHARE OF WEALTH HELD BY TOP WEALTHHOLDERS, 1922–56 [1]

(By Robert J. Lampman)

NATIONAL BUREAU OF ECONOMIC RESEARCH, 1959

Officers: George B. Roberts, chairman; Arthur F. Burns, president; Theodore W. Schultz, vice president; Murray Shields, treasurer; Solomon Fabricant, director of research; Geoffrey H. Moore, associate director of research; and William J. Carson, executive director.

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RELATION OF THE DIRECTORS TO THE WORK AND PUBLICATIONS OF THE NATIONAL BUREAU OF ECONOMIC RESEARCH

1. The object of the National Bureau of Economic Research is to ascertain and to present to the public important economic facts and their interpretation in a scientific and impartial manner. The Board of Directors is charged with the responsibility of insuring that the work of the National Bureau is carried on in strict conformity with this object.

2. To this end the Board of Directors shall appoint one or more Directors of Research.

3. The Director or Directors of Research shall submit to the members of the Board, or to its Executive Committee, for their formal adoption, all specific proposals concerning researches to be instituted.

4. No report shall be published until the Director or Directors of Research shall have submitted to the Board a summary drawing attention to the character of the data and their utilization in the report, the nature and treatment of the problems involved, the main conclusions, and such other information as in their opinion would serve to determine the suitability of the report for publication in accordance with the principles of the National Bureau.

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[1] This is part of a larger study which was carried out while the author was research associate at the National Bureau of Economic Research. The author has been aided by a great many persons. In particular, the study owes much to Raymond W. Goldsmith, who was instrumental to its initiation and who frequently gave counsel and encouragement to the author. The charts were drawn by H. Irving Forman. Research assistance was provided by Elaine Saleman, Irving Brown, and Robert Ross. An earlier draft of this paper was read at the December 1958 meetings of the Econometric Society where it profited from the discussant comments of Selma F. Goldsmith and Victor Perlo. The author is also indebted to Geoffrey H. Moore for constructive criticism. The author is solely responsible for any errors which may remain.

This paper has been approved for publication as a report of the National Bureau of Economic Research by the Director of Research and the Board of Directors of the National Bureau, in acordance with the resolution of the board governing National Bureau reports (see the annual report of the National Bureau of Economic Research). It is reprinted as No. 71 in the National Bureau's series of Occasional Papers.

5. A copy of any manuscript proposed for publication shall also be submitted to each member of the Board. For each manuscript to be so submitted a special committee shall be appointed by the President, or at his designation by the Executive Director, consisting of three Directors selected as nearly as may be one from each general division of the Board. The names of the special manuscript committee shall be stated to each Director when the summary and report described in paragraph (4) are sent to him. It shall be the duty of each member of the committee to read the manuscript. If each member of the special committee signifies his approval within 30 days, the manuscript may be published. If each member of the special committee has not signified his approval within 30 days of the transmittal of the report and manuscript, the Director of Research shall then notify each member of the Board, requesting approval or disapproval of publication, and 30 additional days shall be granted for this purpose. The manuscript shall then not be published unless at least a majority of the entire Board and a two-thirds majority of those members of the Board who shall have voted on the proposal within the time fixed for the receipt of votes on the publication proposed shall have approved.

6. No manuscript may be published, though approved by each member of the special committee, until 45 days have elapsed from the transmittal of the summary and report. The interval is allowed for the receipt of any memorandum of dissent or reservation, together with a brief statement of his reasons, that any member may wish to express; and such memorandum of dissent or reservation shall be published with the manuscript if he so desires. Publication does not, however, imply that each member of the Board has read the manuscript, or that either members of the Board in general, or of the special committee, have passed upon its validity in every detail.

7. A copy of this resolution shall, unless otherwise determined by the Board, be printed in each copy of every National Bureau book.

(Resolution adopted October 25, 1926 and revised February 6, 1933 and February 24, 1941.)

This paper presents estimates derived from Federal estate tax data of the numbers of top wealth holders[2] and of the aggregate amounts of wealth held by them for selected years between 1922 and 1956. Changes in the concentration of wealth during that period are delineated by relating the numbers of top wealth holders to the population and the amount of wealth held by the top group to independent estimates of the amount of wealth held by all persons.

The discussion is organized under the following headings: (1) "History of Wealth Distribution Study"; (2) "Sources of Data and Methods of Estimation"; (3) "The Share of Top Wealthholders in 1953"; (4) "A Comparison With Survey of Consumer Finances for 1953" (5) "Historical Changes in Inequality"; (6) "Comparison With Wealth Distribution in England and Wales"; and (7) "Summary."

HISTORY OF WEALTH DISTRIBUTION STUDY

Studies of wealth distribution in the United States are quite rare. Up to the close of World War II only 10 scholars are known to have attempted nationwide size distributions of personally held wealth.

Several important steps in the history of wealth distribution study taken after 1945 were prerequisite to any advance in understanding which may be contributed by the present study. One was the first demonstration in this country of the use of the estate multiplier method. This pioneering work was done by Horst Mendershausen. While earlier investigations had used estate tax data, none of them had used this method to estimate the distribution of wealth among living persons. Mendershausen's study, "The Pattern of Estate Tax Wealth,"[3] is the platform from which this inquiry departs. A second step was the completion of a set of national balance sheet accounts for a limited number of benchmark years. These accounts as published by Goldsmith[4] show considerable detail by sectors of the economy and by type of property and make possible the calculation of the shares of several types of wealth held by the top wealth-holding groups. The balance sheet data for 1945, 1949, and 1953 were prepared for use in this study by Morris Mendelson of the National Bureau of Economic Research.

A third and highly significant postwar contribution to the study of wealth distribution was made by the Survey Research Center of the University of Michigan in the carrying out of the first nationwide sample studies of assets and net worth held by spending units. These studies were part of the survey of consumer finances for the years 1950 and 1953. They yield a broad picture of the distribution of the national total of most kinds of property and it is to be hoped that they will continue to be made and published at frequent intervals as the basic source of information on wealth distribution.

From the point of view of this study, the survey of consumer finances has a special usefulness. It provides an independently arrived at set of estimates for 1953 against which our findings for 1953 can be checked for accuracy, and thus furnish us with a kind of anchor for the historical series.

SOURCES OF DATA AND METHODS OF ESTIMATION

The principal source of data upon which this study is based is tabulations of Federal estate tax returns. The Federal estate tax has been in existence since 1916 and some information on returns filed has been published for most years. The minimum filing requirement, which is currently $60,000, has varied from $40,000 to $100,000 over the period. However, the necessary information concerning age and sex of decedents, cross-classified by type of property, is presented in such a way as to enable the derivation of a detailed representation of the distribution of wealth among living persons for relatively few years. For 1953 the Internal Revenue Service made available to the National Bureau of Economic Research the most complete tabulation of estate tax returns which has ever been prepared. In this tabulation the variables of gross estate size, age, sex, and residence (by community-property State or noncommunity-property State) of decedents were cross-classified by type of property. For the year 1944 a similar breakdown, but without sex or residence information, had been prepared by the Internal Revenue Service and was the basis for the intensive study by Horst Mendershausen referred to above. For 1948, 1949, and 1950 there is information by age and gross estate size which makes possible an estimate of aggregate gross estate without a breakdown by type of property. Similar but unpublished data for 1941 and 1946 were made available to Mendershausen. Data on economic estate by net estate size and age are available for 1922, 1924, 1941, 1944, and 1946. Finally, data on the sex of decedents by age and size of estate are available only for the years 1922, 1923, 1948, 1949, 1950, and 1953.

The method which was followed in dealing with estate tax returns is known as the estate multiplier method. This method calls for multiplying both the number of, and the property of, decedents in each age-sex group by the inverse of the mortality rate experienced by that age-sex group. This process yields an estimate of the number of living persons and the amount of estate in each age-sex group and in each estate size class. A simple hypothetical example will illustrate what is involved. Suppose that out of a population of 1,000 men aged 40 to 50, 2 men died in the year with estates of between $100,000 and $200,000. Suppose further that it is known that 5 percent of all the 1,000 men aged 40 to 50 died in the year. Then it may be assumed that the 2 men who died with $100,000–$200,000 estates were 5 percent of all the living men in the group with estates of this size. Hence, to estimate the number of living men in this estate size class we should multiply 2 by 20 (the inverse of 5 percent) to get the answer of 40 living men having $100,000–$200,000 estates.

The leading disadvantage of thus deriving wealth estimates from estate tax returns arises from the fact that the sampling is done by death rather than by a random draw of living persons. This means that a connection can be established between decedent wealth-holders and living wealth-holders only by use of a set of mortality rates which are assumed to reflect the mortality experience of the upper wealth-holding groups. The selection of mortality rates presents an opportunity for considerable error in the estimation of the number of living persons in each estate size, and, similarly, in the aggregate of wealth held by such persons. Other problems arise to the extent that decedents' reported estates may differ from the "actual" estates of nondecedents in the same age-sex groups.

Space here does not allow a full exploration of these two difficulties. However, we have attempted to find the most appropriate set of multipliers for this purpose, and have examined in detail the peculiarities of the method of sampling by estate tax returns. We have estimated quantitative corrections in those instances in which by law or practice individual wealth items are included, excluded, or differently valued than an ideal definition of personal wealth would require. In the course of the inquiry two ideal definitions were improvised. "Prime wealth" is used to connote the wealth to which a person has full title and over which he has power of disposal. "Total wealth" is a broader concept; it includes prime wealth and also wealth in which a person may have an income interest but over which he may not have any present power of disposal. Examples of the latter are rights to personal trust funds or to equities in pension and retirement funds. Our rough estimates indicate that basic variant aggregate estimates (which are the blown-up estate tax data with only one correction, namely, that for reduction of insurance face value to equity amounts) are not substantially different from an ideally arrived at estimate of prime wealth, but are considerably lower than the aggregate of total wealth.

SHARE OF TOP WEALTHHOLDERS IN 1953

In 1953 there were 36,699 decedents for whom estate tax returns were filed. The aggregate gross estate reported on those returns was $7.4 billion. By use of the estate multiplier method it is estimated that the number of living persons in that year with $60,000 or more of gross estate was 1,658,795 and that their gross estates aggregated $309.2 billion. This number of persons comprised 1.04 percent of the total population and 1.6 percent of the adult population. They held

[2] The term "top wealth holder" is here defined to mean a living person having wealth in an amount above the estate tax exemption.

[3] Raymond T. Goldsmith, "A Study of Saving in the United States," Princeton University Press, 1956, vol. III, pt. III, 277–381.

[4] Ibid., vol. III, pt. I, tables W–9 through W–16, 41–57.

about 30 percent of the total of personal wealth on the basis of either the prime wealth or total wealth variant of personal wealth. See chart I (chart I not printed in RECORD) and table 1. Table 1 [5] needs some explanation. The data in columns 1–7 are derived from the national balance sheet accounts referred to above. These accounts record estimates of aggregate assets, liabilities, and equities for sectors of the economy. Several of these sectors have been combined and adjusted to form a personal sector which is conceptually adapted for comparison with the holdings of individual wealthholders. As shown in table 1 the personal sector is defined to include the following subsectors: "household," "farm business," "nonfarm, noncorporate," and "personal trust funds." (We have excluded nonprofit organizations entirely.)

Since the household subsector consolidates balance sheets of all households, the debts owed by one household to another are canceled out. In other words, intrahousehold debt is excluded both as an asset and as a liability. Another difficulty arises in the treatment of households' equity in unincorporated business. Because the national balance sheets do not consolidate the household, farm business, and nonfarm business subsectors while the estate tax wealth data in effect do consolidate them [6] the balance sheet totals for most types of property are relatively overstated. This means that we do not have strict comparability on a line-by-line basis, but it is believed that this is not a serious difficulty for most types of property. Double counting of the equity in unincorporated business is avoided by showing it in the household sector but not adding it into the personal sector totals. Hence, this does not lead to any errors in the total gross and economic estate figures. Following the concepts discussed above, we refer to prime wealth and total wealth variants of personal wealth. Prime wealth differs from total wealth in that prime wealth excludes personal trust funds, annuities, and pensions and retirement funds.

The top wealthholders, i.e., those with estates of $60,000 or more, in 1953, held 30.2 percent of the prime wealth in the personal sector, and 32.0 percent of the total wealth. (See table 1, columns 12 and 13.) These columns also show estimates of the share of each of several types of property held by top wealthholders. These range from over 100 percent for State and local bonds down to 9 percent for life insurance reserves. Particular interest attaches to the corporate stock figure. Our estimate for 1953 is that the top wealth group held 82 percent of all the stock in the personal sector. This matter is discussed in more detail below in the section on type of property.

[5] Similar tables have been drawn up for 1949, 1945, 1939, 1929, and 1922 but are not reproduced here.

[6] That is, estate tax wealth is not uniformly classified to show all assets held by unincorporated enterprises as "equity in unincorporated business." In some cases they are separately listed as real estate, cash, etc. The equity item is listed under the heading of miscellaneous in table 1.

TABLE 1.—*Role of top wealthholders in national balance sheet accounts, 1953* [1]

[Dollar figures in billions]

	All sectors	Personal sector						Top wealthholders			Share of wealth held by top wealthholders		
	Total wealth variant [2]	Household	Personal trust funds	Farm business	Nonfarm, noncorporate business	Total, total wealth variant	Total, prime wealth variant	Basic variant	Prime wealth variant	Total wealth variant [3]	Basic variant (col. 8÷col. 7)	Prime wealth variant (col. 9÷col. 7)	Total wealth variant (col. 10÷col. 6)
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
											Percent	*Percent*	*Percent*
Real estate	$765.1	$317.9	$2.0	$78.8	$45.9	$444.6	$442.6	$70.1		$71.7	15.8		16.1
Structures:													
Residential	294.9	270.6			14.5								
Nonresidential	260.3			14.7	17.3								
Land	209.9	49.3		64.1	14.1								
U.S. bonds	260.6	47.3	7.3		5.8	60.4	53.1	17.4		23.2	32.8		38.2
State and local bonds	33.9	7.8	8.2			16.0	7.8	10.8		17.3	(4)		(4)
Other bonds								2.8		5.4	100.0		88.5
Corporate bonds	56.0	2.8	3.3			6.1	2.8						
Stock [5]	$245.5	$127.2	$28.5			$155.7	$127.2	$105.7		$128.3	83.2		82.4
Cash [6]	306.5	138.8	2.6	$6.6	$13.0	160.0	158.4	44.6		46.7	28.2		29.1
Monetary metals	27.4			.2	.2								
Currency and deposits	258.1			6.4	12.8								
Deposits in other financial institutions	20.9												
Mortgages and notes	234.0	19.5	1.2		10.5	31.2	30.0	10.5		11.3	35.0		36.2
Receivables from business	106.7	.6			6.3								
Receivables from households	31.1				4.2								
Loans on securities	4.9	1.1											
Mortgages, nonfarm	84.1	14.6											
Mortgages, farm	7.2	3.0											
Life insurance reserves	69.8	78.2				78.2	78.2	7.1		10.4	9.0		13.3
Pension and retirement funds	56.7	63.5				63.5				3.8			5.9
Private	8.8	11.0											
Government	47.9	52.5											
Miscellaneous	611.0	332.5	.9	39.2	35.6	220.8	219.9	39.6		40.3	18.0		18.2
Durable producer goods	134.7			17.2	19.5								
Durable consumer goods	122.7	128.8											
Inventories	106.8			18.9	16.1								
Equities:													
Farm and nonfarm	187.4	(187.4)						(20.0)					(10.9)
Mutual financial organizations	16.1	16.1											
Other intangibles	43.3	.2	.9	3.1									
Gross estate	2,639.3	1,135.5	54.1	124.6	110.8	1,237.6	1,120.0	309.2	$327.6	381.2	27.6	29.2	30.8
Total tangible		447.9	2.0	115.1	81.7								
Total intangible		687.4	52.1	9.5	29.1								
Debts and mortgages	299.8	85.0		13.7	34.1	132.8	132.8	27.7	28.8	28.8	21.3		22.1
Payables to banks	44.9	9.6		2.8	6.9								
Other payables to business	79.9	13.2		2.7	9.1								
Payables to households													
Borrowing on securities	3.2	3.2											
Mortgages	91.2	58.8		7.8	15.1								
Other liabilities	80.6			.4	3.0								
Economic estate	2,339.3	1,050.5	54.1	110.8	76.6	1,104.8	987.0	281.5	298.8	352.4	28.5	30.2	32.0

[1] Source for cols. 2–8. Preliminary national balance sheet estimates for 1953 by National Bureau of Economic Research.

[2] Col. 1 shows preliminary estimates for 1952. All-sector totals are not yet prepared for 1953.

[3] 80 percent of each type of asset in personal trust fund wealth is allocated to the top wealthholder group. This allocation was adopted after inspection of tabulations of fiduciary income tax returns, which suggest that 80 percent of fiduciary income distributable to beneficiaries went to persons with estates worth $60,000 or more since it was from parcels of wealth of at least $60,000 in value. However, available data do not enable an identification of the share of each type of property (e.g., real estate and stock) in the personal trust fund aggregate allocable to the top wealthholders. Lacking any better data, we have applied the 80 percent ratio to each type of property. For pensions and retirement funds, 10 percent of private and 5 percent of Government funds are so allocated, and 20 percent of annuities are estimated to belong to the top wealthholders. This column does not add to gross estate as shown. The gross estate figure of $381.2 billion is our best estimate.

[4] In excess of 100 percent.

[5] The original estate tax data for stock include shares in savings and loan associations. However, we have adjusted the top wealthholder account in cols. 8 and 10 to exclude those shares from "stock" and to include them in "cash." The assumption used for 1953 was that the top wealthholders held 70 percent of the $22.5 billion worth of shares in savings and loan associations held by "individuals." This assumption is based on the belief that such shares are less concentrated than corporate stock and corporate bonds.

[6] Including shares in savings and loan associations. See footnote 5.

[7] Excluded from cols. 6 and 7 but included in "gross estate" and "economic estate" in col. 2.

TABLE 2.—*Proportion of net worth and components held within net worth groups, early 1953* [1]

Net worth	Spending units	1952 money income before taxes	Consumer capital goods [2]	Business and investment assets [3]	Fixed value assets [4]	Total assets	Debt [5]	Net worth
	Percent							
Negative	31	19	1	(6)	(6)	(6)	6	(7)
0 to $999			1	(6)	2	1	4	1
$1,000 to $4,999	23	20	13	1	9	7	18	5
$5,000 to $24,999	35	37	55	19	37	36	51	34
$25,000 and over	11	24	30	80	52	56	21	60
All cases	100	100	100	100	100	100	100	100
	Billions of dollars							
Aggregation valuation	----------	219	288	328	109	725	84	641

[1] Source: 1953 Survey of Consumer Finances, reprinted from Federal Reserve Bulletin, 1953, supplementary table 5, p. 11.
[2] Includes automobiles and owner-occupied nonfarm houses.
[3] Includes owner-occupied farms, farm machinery, livestock, crops, interest in unincorporated business, and privately held corporations, real estate other than home or farm on which owner is living, and corporate stock.
[4] Includes liquid assets and loans made by spending units.
[5] Includes mortgages and other real estate debt, installment and other short-term debt.
[6] Less than one-half of 1 percent.
[7] Negative or less than one-half of 1 percent.

COMPARISON WITH S.C.F. FINDINGS, 1953

The broadest view obtainable of the wealth holdings picture in 1953 is that furnished by the Survey of Consumer Finances for that year. According to the Survey the median net worth of the Nation's 54 million spending units was $4,100. Four percent of the Nation's spending units had net worth of $50,000 or more. Eleven percent had net worth of $25,000 or more. This upper 11 percent held 56 percent of total assets and 60 percent of total net worth. While this group held only 30 percent of consumer capital goods, they held 80 percent of business and investment assets. (See table 2.)

Inspection of 1953 survey results suggests that the spending units having $60,000 or more of net worth were 3 percent of all spending units in 1953. These spending units held 30 percent of total assets and 32 percent of total net worth.[7] These particular figures about the top 3 percent are ones we would like to compare with the estimates of the holdings of top wealth-holding individuals as made via the estate multiplier method.

First, however, it should be noted that there are some limitations to the 1953 Survey data as a representation of wealth-holdings. Not all types of property were included in the count. Insurance, consumer durables other than automobiles, currency, personal trust funds, annuities, pension reserves, bonds of corporations and of State, local and foreign governments were all omitted. Further, there appears to be some understatement of those assets which were included, with perhaps the largest understatement for liquid assets.[8] These exclusions and the difficulty of getting full representation of top wealthholders and complete reporting of their holdings would lead one to suspect that the Survey has probably understated the degree of inequality of wealth distribution on a prime wealth basis and more certainly on a total wealth basis.

[7] It is of interest that the Survey conclusions about this top group are based upon interviews with 124 spending units.

[8] Approximately 80 to 85 percent of the full value of the included items is accounted for by the Survey. Among the excluded items, personal trust funds, annuities, and pension reserves, which together totaled about $100 billion, fall outside our definition of prime wealth. For a comparison of Survey and national balance sheet aggregates, see Goldsmith's "A Study of Saving," vol. III, 107, table W-44. Further difficulties with Survey data are discussed in the Federal Reserve Bulletin, September 1958, 1,047.

Since all our estate tax data are for individuals, it is awkward to check them against the spending unit estimates of the survey. This study shows that while the top wealthholder group in 1953 made up 1.6 percent of all adults, they represented a minimum of 2.3 percent of the families. More precisely, in 2.3 percent of the families there was one or more person with $60,000 or more of gross estate. In some unknown number of other families the combined holdings of two or more persons will equal $60,000 or more. In the light of this the survey's estimate that 3 percent of the spending units have $60,000 or more of net worth seems altogether reasonable. Similarly, their estimate that this group had 30 percent of total assets and 32 percent of total net worth seems compatible with our findings that the top 1.6 percent of adults held 30.2 percent of total economic estate. To add another 0.7 percent of all families would mean to add another 400,000 persons to the top wealthholder group. If we impute $60,000 to each one of them this would add $24 billion or an extra 2 percentage points to the top group's share of total economic estate. Thirty point two plus two equals thirty-two point two which is close to the survey's finding of 32 percent of net worth. In spite of the fact that the survey figures tend to minimize the degree of inequality by exclusions of certain kinds of property, we find only slightly more inequality than is found by the survey. However, the principal conclusion is that the survey gives some confirmation to our estimates at one end of the historical series.

HISTORICAL CHANGES IN INEQUALITY [9]

Table I and unpublished companion tables enable a comparison of top wealthholders and the personal sector for the years 1953, 1949, 1945, 1939, 1929, and 1922. In looking for trends over the decades the reader should remember that varying numbers of wealthholders are involved in each year. These changes are due to changing exemption limits, changing prices and incomes, and changing population numbers. Chart 2 (not printed in RECORD) records the changing number of top wealthholders and the changing population between 1922 and 1953.

Comparison over the years, at least as regards aggregate economic estate, is facilitated by table 3. Here we have shown as much information as could be assembled for the years 1922–56. In some cases the results are the product of interpolation. The estimates shown for 1929, 1933, 1939, and 1954, and 1956 are particularly contrived, since the estate tax data for those years are not presented with age and estate size breakdowns and it has been necessary to use judgment in selecting devolution rates [10] for those years. The 1945 results are adjusted on the basis of 1944 findings, for which considerable basic data were available.

In columns 14–18 the proportion that estate-tax wealth holders are of the total population is shown with their share of total wealth. Thus, in 1922 0.47 percent of the population held 29.2 percent of the total equity of the personal sector. In 1949 0.80 percent of the population held 22.7 percent of the total equity. In 1953 1.04 percent of the population held 28.5 percent of the total equity. The whole set of figures suggests a downward drift in the degree of concentration of wealth, particularly from 1929 to 1945. 1929 stands out as the peak year for inequality in this series with 0.27 percent of the population holding 29.0 percent of the wealth. There is considerable variability in these relationships over short periods. The variability may be due to sampling errors or other errors in the estate tax wealth estimates or to difficulties in the national balance sheet estimates or to a combination of such errors. On the other hand, it is not altogether implausible that the degree of inequality would have increased during the 1920's, returned to below the pre-1929 level in the 1930's, fallen still more during the war and then increased from 1949 to 1956.

[9] So far as is known, this is the first attempt to relate estate tax data to national balance sheet aggregates. Several other students of wealth distribution have examined changes in concentration within the group of decedent estate tax wealthholders. W. L. Crum studied the returns for the period 1916–33 and concluded that "with respect to curvature, as with respect to the coefficients of average inequality, a rough lagging correlation with the economic cycle is evident. Prosperity is followed by a much greater stretching into high total valuations of the few largest estates than is depression." ("The Distribution of Wealth", Boston, Harvard University Graduate School of Business, 1935, 10.)

Working from a distribution of estate tax returns by net estate classes, Mendershausen was able to make some comparisons of inequality among living top wealthholders for the 1920's and the 1940's. He concludes as follows:

"* * * we find less inequality in the 1944 and 1946 distributions than in those for 1922 and 1924. This pertains of course to all returns for each of the several years, which, as has been noted before, extended over a changing range of wealth classes owing to changes in exemptions" (p. 344). These exemptions were $50,000 in 1922 and 1924, and $60,000 in the 1940's.

The introduction of the marital deduction in 1948 makes the net estate data after that year noncomparable with that for earlier years. Hence, we cannot compare the inequality among top wealthholders in the 1920's and 1940's with the 1950's. It is possible to compare the distribution of gross estate among the top wealthholders in 1944 and 1953. We find virtually no difference in inequality in the 2 years. It should be emphasized that there is great difficulty in the way of presenting a meaningful comparison of the degree of inequality among estate tax wealthholders over the years. Because of the dollar exemption (which itself changes) and the changing level of asset prices and the general growth in the economy, the top wealthholders constitute a varying proportion of the total population. To compare the inequality within a group whose limits are so arbitrary and whose relative importance is so variable is apt to raise more questions than it answers.

[10] A devolution rate is an average estate multiplier for number of persons or amount of estate.

TABLE 3.—*Selected data relating top wealthholders to population and estate tax wealth to national balance sheet aggregates, for selected years 1922–53*

Year	Total assets, all sectors total wealth variant (1)	Total assets, personal sector total wealth variant (2)	Total equity, personal sector total wealth variant (3)	Total equity, personal sector prime wealth variant (4)	Total population (5)	Population aged 20 years and over (6)	Number of estate-tax wealthholders (basic variant)	
							White mortality (7)	Adjusted mortality (8)
	(*Billions*)	(*Billions*)	(*Billions*)	(*Billions*)	(*Millions*)	(*Millions*)	(*Thousands*)	(*Thousands*)
1922	$653.0	$347.8	$296.6	$278.3	110.1	65.1	[1] 454	[1] 517
1924					114.1	68.0	[1] 495	
1929	981.7	521.5	441.8	409.8	121.8	74.4	[2] 290	[2] 330
1933	733.1	387.9	329.1	300.7	125.7	78.8	[2] 402	[2] 461
1939	877.4	426.6	368.7	326.5	131.0	85.5	[2] 641	[2] 758
1941					133.4	87.8	[1] 529	
1944					138.4	91.7	[1] 660	[1] 782
1945	1,626.2	722.5	671.8	598.4	139.9	92.9	[1 3] 759	[1 3] 914
1946					141.4	93.9	[1] 859	[1] 1,045
1947					144.1	95.5	[1] 967	[1] 1,014
1948					146.6	97.0	938	1,107
1949	2,063.5	942.7	855.0	760.6	149.2	98.0	1,003	1,187
1950					151.7	99.2	1,079	1,269
1952	2,639.3				157.0	101.4		
1953		1,237.6	1,104.8	987.2	159.6	103.4	1,417	1,659
1954		1,340.9	1,190.7	1,060.2	161.2	105.4		1,661
1955		1,465.4	1,292.0	1,142.4	164.3	107.8		
1956			[4] 1,400.0	[4] 1,230.0	167.2	110.0		2,109

Year	Top wealthholders' aggregate economic estate				Top wealthholders' aggregate gross estate	Top wealthholders as percent of		Wealth of top wealthholders as percent of wealth in personal sector		
	Basic variant		Prime wealth variant	Total wealth variant		Total population Col. 8	Adult population Col. 8	Basic variant	Prime wealth variant	Total wealth variant
	White mortality	Adjusted mortality	Adjusted mortality [5]	Adjusted mortality [6]	Basic variant adjusted mortality	Col. 5	Col. 6	Col. 10 / Col. 4	Col. 11 / Col. 4	Col. 12 / Col. 3
	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
	Billions	*Billions*	*Billions*	*Billions*	*Billions*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1922	[7 1] $70.0	[7 1] $81.3	[8] $86.2	$98.1	[7] $92.2	0.47	0.79	29.2	30.7	32.7
1924	[7 1] 75.9	[7 1] 86.6								
1929	[2] 104.2	[2 7] 119.1	[8] 126.1	146.2	[7 2] 138.4	.27	.44	29.0	30.7	33.2
1933	[2] 60.6	[2] 70.1	[8] 72.1	89.9		.37	.44	23.3	24.0	27.3
1939	[2] 81.0	[2 7] 95.1	100.8	126.3	[7 2] 109.3	.58	.89	29.1	30.6	34.1
1941	[9 1] 65.1									
1944	[1] 105.0	[1] 124.7				.56	.86			
1945	[1 3] 117.8	[1 3] 139.6	[8] 148.0	183.6	153.6	.65	.98	23.2	24.7	27.4
1946	[1] 130.5	[7 1] 152.2				.74	1.11			
1947						.70	1.06			
1948	[7] 133.9	[7] 159.4			[7] 177	.75	1.14			
1949	[7] 144.0	[7] 171.4	[8] 181.7	223.9	[7] 190.2	.80	1.26	22.7	24.6	26.0
1950	[7] 162.9	[7] 193.9			[9] 216.2	.81	1.23			
1952										
1953	235.2	281.5	298.8	352.4	309.2	1.04	1.60	28.5	30.2	32.0
1954		[3 7] 297.0	[8] 314.8	375.8	315.0	1.04	1.57	28.0	29.7	31.5
1955										
1956		[2 7] 406.6	[8] 431.0	510.0	432.6	1.26	1.90	33.0	35.0	36.3

[1] Multiplier process carried out for both sexes combined, hence these estimates are slightly high relative to those of 1948–53.

[2] Estimates of wealthholders and aggregate economic estate made by multiplying number of returns and economic estate on returns by selected devolution rates. The rates were selected by inspection of devolution rates in surrounding years and with reference to changing exemption limits.

[3] Estimated from 1944 and 1946 findings.

[4] Estimated from 1953, 1954, and 1956 balance sheets.

[5] Relationship between basic variant and prime wealth variant estimated on basis of 1953 findings.

[6] Personal trust funds allocated to estate tax wealthholders on this basis, 1953, 85 percent of the total; 1949, 80 percent; 1939, 75 percent; 1933 and 1929 and 1922, 66 percent.

[7] Includes a reduction of life insurance to equity value. For 1950 this correction was estimated to be $20,000,000,000; for 1949, $19,000,000,000; for 1948, $19,000,000,000; for 1946, $15,000,000,000; for 1939 and 1929, $7,000,000,000; for 1924 and 1922, $5,000,000,000.

[8] Basic variant adjusted to prime wealth variant on basis of 1953 relationship of basic to prime wealth.

[9] Apparently there was an abnormally old group of decedent wealthholders in 1941.

Table 4 summarizes, perhaps in a clearer way, what changes in inequality are estimated.[11] It shows the same top percent of population in 1953 as the total group of estate tax wealthholders were in some earlier years. Thus, in 1922 the estate tax wealthholders comprised 0.47 percent of the total population and held 29.2 percent of the wealth. In 1953 the top 0.47 percent held 22.0 percent of the wealth.

This is shown graphically in chart 3 (not printed in RECORD), which shows the upper right-hand section of a Lorenz curve.[12] The easiest way to see what changes are involved is to hold the percent of population constant, which can be done with minimum guessing only for the top one-half percent of the population for the series of years. (See bottom row in table 4.) This shows quite clearly that there were three periods with inequality declining in jumps from the 1920's to the 1930's, and then to the war and postwar periods.

The change in inequality over time is modified somewhat by considering the percent that estate tax wealthholders are of adults rather than of the total population. In 1920 persons over 20 years were 57.9 percent of the total population; in 1930, 61.1; in 1940, 65.9; in 1950, 65.7 percent; and in 1955, 63.8. In view of this striking change, and also because adulthood is relevant to wealthholding status, we have shown the percentage that estate tax wealthholders were of the adult population in column 15 of table 3. While the share of wealth held by the top 0.5 percent of all persons fell from 32.4 in 1929 to 22.7 percent in 1953 (table 4), the share held by the top 0.44 percent of adults had a slightly larger percentage fall from 29.0 to 19.7 percent (table 5). The fact that there were more children, most of whom held zero wealth, per 100 of population in the 1920's than in 1953 means that the top 1 percent of adults were a larger part of the total population in 1953 than in 1922. Further, it means that to include the top 1 percent of adults in 1953 one has to count down to smaller estate sizes than in 1922. Presumably it is because of this that we find a greater loss of share on an adult than on an all-person basis. The share of the top 1 percent of adults

[11] This section has been much improved by the suggestions of Thor Hultgren.

[12] This chart should be read downward and to the left from the upper right-hand corner. The line of equality shows the relationship that would obtain if the top 1 percent of the population held 1 percent of the wealth. It will be noted that the further a line is from the line of equality the more the inequality being represented. According to this chart the share of wealth held by the top one-half percent moved from 1929 to 1953 about one-third of the distance toward absolute equality.

shows a greater fall over the years than does the share of wealth of the top one-half percent of all persons.[13] The top 1 percent of adults held 31.6 percent of wealth in 1922 and 23.6 percent in 1953. (See table 5, bottom row, chart 4, not printed in RECORD.)

TABLE 4.—*Share of top groups of wealthholders shown as percent of total population in personal sector total equity (basic variant) selected years, 1922–53*

Percent of population	Percent of wealth								
	1922	1929	1933	1939	1945	1949	1953	1954	1956
Top 0.27	----	29.0	----	----	16.9	----	18.0	----	----
Top 0.37	----	----	23.3	----	18.6	----	20.2	----	----
Top 0.47	29.2	----	----	----	20.2	----	22.0	----	----
Top 0.58	----	----	----	29.1	21.8	----	23.8	----	----
Top 0.65	----	----	----	----	23.2	----	24.8	----	----
Top 0.80	----	----	----	----	----	22.7	26.6	----	----
Top 1.04	----	----	----	----	----	----	28.5	28.0	----
Top 1.26	----	----	----	----	----	----	----	----	33.0
Top 0.50	29.8	32.4	25.2	28.0	20.9	19.3	22.7	22.5	25.0

Source: Table 3, columns 14 and 16. Percentages for top 0.5 percent of population, shown in last row above are derived from chart 3 by extension of lines from known points. The extensions were made by drawing lines parallel to that for 1953, except for 1945, for which detail is available for the top 0.65 percent.

TABLE 5.—*Share of top groups of wealthholders (shown as percent of total adult population) in personal sector total equity (basic variant) selected years, 1922–56*

Percent of population aged 20 years and over	1922	1929	1933	1939	1945	1949	1953	1954	1956
Top 0.44	----	29.0	23.3	----	----	----	18.3	----	----
Top 0.79	29.2	----	----	----	----	----	22.3	----	----
Top 0.89	----	----	----	29.1	----	----	23.3	----	----
Top 0.98	----	----	----	----	23.2	----	24.1	----	----
Top 1.26	----	----	----	----	----	22.7	26.4	----	----
Top 1.57	----	----	----	----	----	----	28.4	28.0	----
Top 1.60	----	----	----	----	----	----	28.5	----	----
Top 1.90	----	----	----	----	----	----	----	----	33.0
Top 1	31.6	36.3	28.3	30.6	23.3	20.8	24.2	24.0	26.0

Source: Table 3, cols. 15 and 16. Percentages for top 1 percent of adults, shown in last row above, are derived from chart 4 by extension of lines from known points except for 1953.

Evaluation of the finding that inequality among all persons and among all adults has fallen over the period 1922 to 1953 is aided by moving to the family as the wealthholding unit. The nearest that estate tax data enable us to come to a family wealth distribution is a rough count of the number of families having at least one member with at least $60,000. This was established by subtracting the number of married women from the total of top wealthholders. Thus, for 1953 the total of 1.6 million top wealthholders less the .3 million married women yields the minimum estimate of 1.3 million families. The identical caculation for 1922 is 517,000 top wealthholders less 45,000 married women, which yields the minimum estimate of 472,000 families.[14]

Setting these numbers of families among top wealthholders against the numbers of total adults less married women in the total population yields the finding that families among the top wealthholder group were 1.4 percent of all families in 1922 [15] and 2 percent of all families in 1953. Since the top wealthholder groups in the 2 years held almost the same share of total equity (29.2 percent and 28.5 percent, respectively), it follows that the reduction in inequality is shown by the increase in the percentage of families.[16] By plotting these points on a Lorenz curve and projecting the line a short distance we estimate that the top 2 percent of families in the 2 years had 33 percent of all wealth in 1922 and 29 percent in 1953. It is apparent that a considerably greater amount of splitting of estates between spouses was being practiced in 1953 than in 1922 since the percentage of adults who were top wealthholders doubled while the percentage of families with a top wealthholder increased only 40 percent. (See table 6. Chart 5 not printed in RECORD.)

TABLE 6.—*Selected data on top wealthholders, 1922 and 1953*

Year	Top wealthholders' share of total personal equity	Top wealthholders as percent of—		
		All persons	All adults	All families
1922	29.2	0.47	0.79	1.4
1953	28.5	1.04	1.68	2.0

It is concluded, then, that the decline in inequality shown on the basis of individuals tends to be an overstatement of the decline which would be found on a family basis.

Another way to test whether we have really found a decline in inequality or not is to enter a question about how much error there would have to be in the balance sheet estimates upon which all the percentage estimates of wealthholdings are based in order to invalidate our finding of a decline. Suppose the balance sheet estimates of personal sector total equity are 10 percent too high in 1953 and 10 percent too low in 1922. Correction for this assumed error (in the direction unfavorable to the hypothesis that there was a decline in inequality) yields the result that instead of the top wealthholders having 29.2 percent of total equity in 1922 and 28.5 percent in 1953, they would have 26 percent in 1922 and 32 percent in 1953. Plotting these points on chart 4 (not printed in RECORD) will indicate that both points could very well lie on the same Lorenz curve and hence that no decline in inequality actually took place. In this writer's judgment there is little likelihood of an error of this size.

Interestingly, the conclusions about changes over the years are not affected by selection of one or another variant of wealth. The gap between prime wealth and total wealth as here defined changed very little in the 30-year period. (See table 3, cols. 16, 17, and 18.) A more significant difference may be involved in the choice of mortality rates. The findings shown in table 6 are based on our adjusted mortality rates, calculated as constant percentages of white rates for the respective years. However, it is generally believed that social and economic differentials in mortality have narrowed over time and to the extent that such narrowing has taken place, we have understated the decline in inequality between 1922 and 1953. This means the multipliers used for 1922 are too low because the mortality rates are too high. The maximum possible error here is suggested by a comparison of the results for 1922 using the adjusted mortality rates with the results for 1953 using white mortality rates. Estimates of numbers of top wealthholders using white mortality rates are shown in table 3, column 7. The 1922 result of the top 0.47 percent of the population holding 29.2 percent of the wealth then compares with the top 0.88 percent of the population in 1953 (1.4 million top wealthholders) holding 24.6 percent of the wealth. This means that the top 0.47 percent in 1953 held 19.0 percent of the wealth, according to white mortality rate estimates. It is possible then that the fall in the share of the top 0.47 percent of the population was on the order of 29.2 percent in 1922 to 19.0 percent in 1953.[17] See table 7.

TABLE 7.—*Share of personal sector total equity held by top 0.47 percent of persons*

Year	Adjusted mortality rates	White mortality rates
1922	29.2	----
1953	22.5	19.0

CHANGES BY TYPE OF PROPERTY

Between 1922 and 1953 the top 1 percent of the adult population experienced a decline in share of personal sector total equity and a decline in the share of most types of property. (See table 8.) Notable exceptions

[13] A comment by P. F. Brundage to the author makes it clear that one may make a further step here to say that a statistical determinant of the degree of inequality of wealth holding is the age composition of the population. Increasing the percentage that adults are of the total population tends to decrease the degree of inequality, or to offset a rise in inequality. Similarly, increasing the percentage that older-aged adults are of the total population would tend toward a showing of decreasing inequality. The reasoning runs like this: There is, in general, a positive association between age and size of estate. Hence, up to a point, as a larger part of the population moves into older-age groups, the percent of the total population with no wealth or with small estates will fall and hence the degree of inequality will fall.

[14] Married women were 9.7 percent of decedent estate tax wealthholders in 1953, but only 5.5 percent in 1922. (5.3 and 6.0 percent in 1923 and 1924.) In the estimate of living top wealthholders married women are 18 percent in 1953 and 8.5 percent in 1922.

[15] W. I. King estimated that in 1921 the top 2 percent of property owners held 40.19 percent of all wealth. The top 1.54 percent held 37.25 percent of wealth; the top 0.63 percent held 28.14 percent of wealth. This may be compared with our finding that in 1922 roughly the top 1.4 percent of families held 29.2 percent of wealth. Since some families include two or more property owners, it is probable that there would be more concentration among families than among property owners. Hence, it appears that King, by his entirely different methods, found a higher degree of inequality in wealthholding than we do for the same period. ("Wealth Distribution in the Continental United States," Journal of the American Statistical Association, January 1927, 152.)

It is also of interest that both G. K. Holmes and C. B. Spahr concluded that the top 1 percent of families in 1890 owned 51 percent of wealth. (For Holmes' work see "The Concentration of Wealth," Political Science Quarterly, VIII, 1893, 589–600. Spahr's estimates are reported in his book, "The Present Distribution of Wealth in the United States," Crowell, 1896.) It is difficult to believe that wealth was actually that highly concentrated in 1890 in view of the 1921 and 1922 measures.

[16] Using the Census definition of "households" yields the even smaller change of from 1.9 percent in 1922 to 2.3 percent in 1953. However, this overlooks an important change in household size over the years. In the 1920's households included many more subfamilies than was the case in any period since. (In 1910, 23 percent of persons were heads of households; in 1950, 29 percent were heads of households. Paul Glick, "American Families," Wiley, 1957, II.) To get around this difficulty it seemed best to adopt the "adults less married females" concept referred to above as the family measure.

[17] The relative fall of 10 percentage points is meant to be indicated here. The percentage for 1953 is believed to be substantially too low.

are "stock" and "other bonds," which appear to have changed little in degree of concentration. All studies of stock ownership indicate that this asset is highly concentrated.[18]

TABLE 8.—*Share of personal sector assets and liabilities, total wealth variant, held by top 1 percent of adults, by type of property, 1922, 1929, 1939, 1945, 1949, 1953* [1]

[Percent]

Type of property	1922	1929	1939	1945	1949	1953
Real estate	18.0	17.3	13.7	11.1	10.5	12.5
U.S. Government bonds	45.0	100.0	91.0	32.5	35.8	31.8
State and local bonds	88.0	(2)	(2)	(2)	77.0	(2)
Other bonds	69.2	82.0	75.5	78.5	78.0	77.5
Corporate stock	61.5	65.6	69.0	61.7	64.9	76.0
Cash	----	----	----	17.0	18.9	24.5
Mortgages and notes	----	----	----	34.7	32.0	30.5
Cash, mortgages, and notes	31.0	34.0	31.5	19.3	20.5	25.8
Pension and retirement funds	8.0	8.0	6.0	5.9	5.5	5.0
Insurance	35.3	27.0	17.4	17.3	15.0	11.5
Miscellaneous	23.2	29.0	19.0	21.4	15.0	15.5
Gross estate	32.3	37.7	32.7	25.8	22.4	25.3
Liabilities	23.8	29.0	26.5	27.0	19.0	20.0
Economic estate	33.9	38.8	33.8	25.7	22.8	27.4

[1] Source: Table 1 and companion unpublished tables, col. 13. National balance sheet data used for 1922, 1929, and 1939 are from Goldsmith, "A Study of Savings", vol. III; for 1945, 1949, and 1953, from preliminary unpublished tables by the National Bureau of Economic Research.

[2] In excess of 100 percent. See text.

However, the unreasonable variation of some of these series, plus the greater than 100 percent figures for State and local bonds, yield a less than convincing picture. It would seem appropriate to review the possible sources of error in the whole process of estimating wealth distribution. The irregularities referred to above could have arisen out of random errors in the sampling process.[19] For example, the stock figure in one year could be too high because of an unrepresentative age distribution of decedents with large stockholdings. Another possible cause is the selection of mortality rates; we could have the wrong measure of the differential mortality enjoyed by the rich, or, it could be that there are errors in the way property is valued or classified on the estate tax returns. On the other hand, it could be we are confronted with difficulties in the national balance sheet aggregates for the several types of property.[20] It also is possible that we have double counted some of the assets in personal trust funds in making adjustments to move from the basic variant to the prime wealth to the total wealth variant of wealth held by top wealthholders.

All of these considerations urge that the whole of table 8 be used in evaluating any single figure in it, and that each individual item be treated with caution.

COMPARISON WITH ENGLAND AND WALES

In appraising a given degree of inequality in wealth distribution it is useful to have not only an historical perspective, but a comparison with other national economies. The only other nation for which similar studies have been made is Great Britain. British study of wealth distribution by use of the estate multiplier method goes back to the work of Bernard Mallet in 1908 and includes the later work of G. H. Daniels, H. Campion, and T. Barna. More recently Allan M. Cartter, an American, and Kathleen M. Langley have used this method with British tax data. The British estate tax has had a low filing requirement of £100 and hence the estate multiplier method can give a much more nearly complete picture of wealth distribution for Britain than for this country.

Comparison of inequality in the United States and in England and Wales is made possible by our findings as set forth above and those of Langley, who related her own study of postwar distribution to studies by others of earlier periods. Except for the exclusion of life insurance the British data seem to be quite comparable to our own for the United States. Property in trust is treated in the same way in the two countries. Such a comparison yields the finding of much greater inequality in England and Wales.

A similar finding of greater inequality in England appears in a comparison of the 1953 parallel surveys of net worth conducted in the two countries.[21]

It would appear that the historical picture of decline in the degree of inequality of wealth distribution is similar in the two countries, at least for the period 1922 to 1946. (See chart 6—not printed in RECORD.) However, throughout the whole period the inequality has been considerably greater in England and Wales than in the United States. Mrs. Langley explains the British decline as follows:

The distribution of capital had gradually become more equal during these years. One percent of the persons aged 25 and over in England and Wales owned 50 percent of the total capital in 1946–47; in 1936–38 the percentage was 55; in 1924–30 1 percent of the persons owned 60 percent of the total capital; while in 1911–13, 1 percent of the persons owned 70 percent of the total capital. The scale of wealth had changed from that of 1911–13; there were more people in each of the groups over £100. Inequality had lessened by 1946–47 but capital was still unequally distributed. Ten percent of the total number of persons aged 25 and over owned 80 percent of the total capital in this period while 61 percent of the adult population owned 5 percent of the total capital in 1946–47.[22]

SUMMARY

Thirty percent of the assets and equities of the personal sector of the economy in 1953 is assignable to the top wealthholders, i.e., persons with $60,000 or more of estate tax wealth, who were 1.6 percent of the total adult population that year. The top group owned at least 80 percent of the corporate stock held in the personal sector, virtually all of the State and local government bonds, nearly 90 percent of corporate bonds, and between 10 and 35 percent of each other type of property held in the personal sector in that year. These relationships are quite close to those found by the Survey of Consumer Finances for the same year.

The top wealthholder group, defined according to estate-tax requirements, has varied in number and percent of the total population over the years. Also, their share of total wealth has varied. It appears, however, that the degree of inequality in wealthholding increased from 1922 to 1929, fell to below the pre-1929 level in the 1930's, fell still more during the war and to 1949 and increased from 1949 to 1956. However, the degree of inequality was considerably lower in 1956 than in either 1929 or 1922.

To make a comparison of degrees of wealth concentration it is convenient to consider a constant percentage of the total adult population. The top 1 percent of adults held 32 percent of personal sector equity in 1922, 36 percent in 1929, 31 percent in 1939, and 24 percent in 1953. It is probable that the decline in inequality among individual wealthholders is greater than would be found if families were considered as the wealthholding units, since it is apparent from the data that married women are an increasing part of the top wealthholder group. Converting to a measure of adults less married women suggests that half the percentage decline found for individuals between 1922 and 1953 would disappear on a family basis (table 9).

In these figures two types of error in estimation are likely to offset each other in some degree. On the one hand, the selection of mortality rates tends to understate the decline in inequality. On the other hand, the differences over time in completeness of reporting personal sector wealth and of estate tax wealth may tend to overstatement of the decline. It is difficult to imagine any combination of errors which would yield a result of increasing concentration over time. Interestingly, the conclusions about changes in concentration of wealth over the years are not affected by selection of one or another variant of wealth.

TABLE 9.—*Share of personal sector wealth (equity) held by top wealthholders in 1922 and 1953*

Year	Top 1 percent of adults	Top ½ percent of all persons	Top 2 percent of families [1]
1922	31.6	29.8	33.0
1953	24.2	22.7	29.0

[1] Families here defined as all adults less married females.

[18] Butters, Thompson, and Bollinger give as their best estimate for 1949 (based on SRC data, tax return data, and their own field surveys) the following: The upper 3 percent of spending units as ranked by income owned 75 percent of marketable stock; the top 1 percent, 65 percent; the top one-half of 1 percent slightly over one-half; and the top one-tenth of 1 percent, about 35 percent of all the marketable stock owned by private investors. They indicate these percentages would be higher if the stock held by personal trust funds were allocated to individuals. ("Effects of Taxation: Investments by Individuals," 25, and also chs. XVI and XVII.) As regards a ranking by size of stockholdings, the 1 percent of all spending units that owned $10,000 or more of stock accounted for at least two-thirds of the total value of stock reported to the Survey of Consumer Finances (1952 Survey, Federal Reserve Bulletin, September 1952, 985). For one measure of concentration of stock ownership by use of a total wealth ranking, see Goldsmith, A Study of Saving, volume III, table W–53. He estimated that in 1950 those spending units with $60,000 or more of net worth held 76 percent of corporate stock. The reader is cautioned that rankings by income and wealth are not interchangeable.

[19] The top wealthholder group held substantially more market value in stocks in 1953 than in 1949. The aggregate gross estate of decedent top wealthholders was 36.5 percent in stock in 1949, but 40.5 percent in stock in 1953.

[20] It seems probable, for example, that balance sheet difficulties are responsible for the high State and local bonds percentage in 1929 and 1939.

[21] K. H. Straw, in discussing the two surveys ("Consumers' Net Worth, the 1953 Savings Survey," Bulletin of Oxford University Institute of Statistics, February 1956, table II, 4) supplies us with some clues as to why the difference in inequality may prevail. In Great Britain 16 percent of the population is over 60 years of age, while the comparable figure for the United States is 12 percent. In the United States, 9 percent of the spending units are headed by farm operators while only 1 percent of the British income units are so headed. In the United States half the spending units own their own homes, while in Britain only 27 percent of the primary income units own their homes. Also see Harold Lydall and J. B. Lansing, "A Comparison of Distribution of Personal Income and Wealth in the United States and Great Britain," American Economic Review, XLIX (March 1959), 43–67.

[22] Langley, "The Distribution of Capital in Private Hands," op. cit., 47.

A leading exception to the general picture of declining concentration is corporate stock. This particular type of asset appears to have become no less concentrated in ownership over time.

Inequality of wealth distribution is considerably greater in Great Britain than in the United States, but a pattern of similar historical decline in inequality is observable in the two countries.

It helps to place these findings in perspective to compare them with Simon Kuznets' findings in "Shares of Upper Income Groups in Income and Savings" (National Bureau of Economic Research, 1953). He traced changes in the shares of the upper one and five percent of persons in a per capita distribution from 1913 to 1948 and found that the top 5 percent's share of basic variant income had a rather narrow range of movement during the period 1919–38, with no perceptible and sustained change. However, he found that "From 1939 to 1944 it dropped from 23.7 to 16.8 percent—almost 7 percentage points in 5 years; and in 1947 and 1948 its level was only slightly higher—17.6 and 17.8 percent respectively. During the last decade, then, the share of the top 5 percent declined about a quarter."[23] The fall for the top 1 percent was from 12 percent in 1939 and 1940 to about 8½ percent in 1947 and 1948. In the disposable income variant the top five percent's share fell by well over three-tenths, from 27.1 to 17.9 percent.

Our finding that the share of wealth held by the top two percent of families fell from about 33 percent to 29 percent from 1922 to 1953, or by about one-eighth, would seem to be not incompatible with Kuznets' findings[24] and with the general belief that there has been some lessening of economic inequality in the United States in recent decades. Wealth distribution appears to have changed less than income distribution during this period.

[23] Ibid., xxxvii.

[24] Kuznets' per capita distribution of income should not be confused with a per earner distribution. In the former family income is divided by number of family members to obtain in array of families (or individuals) by per capita income. Since our wealthholder data are not calculated on a per capita basis we cannot make a direct comparison with Kuznets' findings on income. Our estimates of the distribution of wealth by families seem to be conceptually closest to Kuznets' per capita procedure.

SHARING NUCLEAR WEAPONS WOULD INCREASE DANGER OF WAR

Mr. YOUNG of Ohio. Mr. President, the recent press conference suggestion of the President of the United States about distributing nuclear weapons among our allies is shocking and appalling.

Whatever the reason for such an ill-advised step, it multiplies, rather than diminishes, the chances of war.

Weapons of such a terrible, devastating nature—weapons which indeed could wipe out the world if enough of them were loosed—cannot be broadly distributed without vastly increasing the risk of a conflict dreadful beyond imagination.

My view is that atomic war is less likely to be thrust upon us by a hostile dictatorship than through a grimly strange accident touched off by a drunk, a fool, or an irresponsible madman. An all-out nuclear war involving this Nation is far more likely to be touched off by human error than by human intention.

Too many all too human error-prone fingers on triggers cause disquiet. With the nationals of more countries handling such lethal weapons, the possibilities of accidental destruction of life, by some trigger-happy subordinates, are enhanced.

Mr. President, if we arm some allies with nuclear weapons, where would the practice stop? If we share them with England and France, it is a certainty that the pressures from other allied nations will become so great that they, too, will soon have atomic weapons made in the United States.

I would unalterably oppose placing such weapons in the hands of Germany, a nation which already has plunged the world into two terrible wars in a period of less than 30 years.

Nor would I want Syngman Rhee, of South Korea or, more particularly, Chiang Kai-shek, to have control of nuclear armaments.

Moreover, there is no guarantee that an allied nation presently governed by a ruler considered completely trustworthy will always continue to be so governed.

Mr. President, let us look at the other side of the coin. By multiplying the number of our allies who possess atomic weapons, undoubtedly the number of nations in the Soviet sphere which would receive these weapons also would be increased.

When France recently exploded her first atomic bomb in the Sahara, the shock was felt in every capital in the world. The Soviet Union has strongly hinted that it may give nuclear weapons to Red China to counterbalance the addition of a new nuclear power in the West.

At a time when the major nuclear powers have called a cessation to nuclear testing in the hope that a disarmament agreement may be reached, the French action was cause for serious criticism from practically the entire community of nations.

If France may test her bomb, then what is to prevent any nation receiving like weapons from us or the Soviet Union from testing their bombs when they receive them? The chain of events—of explosives, I should say—could be disastrous. Thus, such weapons would soon be shared by the Russians with Red China and East Germany.

The consequences of a move so drastic as that proposed by President Eisenhower could be tragic. It could open a huge Pandora's box of added worries to besiege the world.

For instance, would such a step include missiles? If not initially, is it not reasonable to believe that it would eventually include missiles with nuclear warheads, all primed to go?

There again, the probability of war would be increased.

I am certain that many Senators have read the hilarious Max Shulman book, "Rally Round the Flag." This book dealt with the establishment of a missile base in a small, quiet Connecticut suburb. Worried townspeople were constantly assured by pompous, smug generals that the missiles simply could not go off by accident. Too many buttons had to be pushed, and they had to be pushed in just the right sequence. It could not happen unless it was meant to happen, the generals said. But it happened. Although the event was treated with humor in the book, there was in the humor a grain of warning, a hint that, though this was all in good fun, what happened in the book could happen in life.

Most Senators have lived too long and have experienced too much to believe any general if he were to say "it just could not happen by accident."

Mr. President, there are other aspects of this suggestion which have not received enough attention.

Such a step would deal a body blow to any disarmament negotiations with the Soviet Union and would further jeopardize negotiations to secure an agreement to permanently end nuclear weapons testing.

The psychological effect of the proposed transfer of weapons upon world opinion, and especially upon the peoples of the uncommitted nations, would be disastrous. It would confirm the belief among some of the peoples of the world that the Soviet Union is more sincerely interested than the United States in halting the arms race.

All else aside, this is a poor time even to discuss such a giveaway in view of the approaching summit conference.

It would be a jolt to all the people of the world who yearn for a genuine peace free of fear, not an uneasy peace maintained by a balance of terror.

The exchange of scientific information for peaceable purposes is highly desirable, and in this sense the existing secrecy restrictions should be relaxed. Such relaxation should not, however, carry over into the field of weaponry. In this field our aim should be to limit rather than to widen the circle of nuclear powers.

Mr. President, any legislative proposal to share atomic weapons with our allies must be considered first by the Joint Committee on Atomic Energy, then by both House of Congress.

Should it get that far, I earnestly hope Senators will bear in mind that to spread atomic weapons around will probably not act as an added deterrent to war. On the contrary, it could begin a chain reaction which would lead, step by step, to the most horrifying war in history.

TRIBUTE TO THE LATE FORMER SENATOR HERBERT R. O'CONOR

Mr. KEFAUVER. Mr. President, I rise to pay a brief tribute to the life, character, and public service of Herbert R. O'Conor, who passed away, most untimely, a few days ago.

He was a fine public servant, a statesman in the finest sense of the word.

I had the privilege of serving with Herbert O'Conor on the Judiciary Committee, where he was always diligent, thoughtful, and thorough in his consideration of legislation. He was always courteous and thoughtful of his colleagues in the U.S. Senate.

I was chairman of the Senate Crime Investigating Committee for about 2 years, during which time he served as a member. We held many hearings, and he made a great contribution to the work of the committee. Later he served as chairman of the committee, and made several important legislative recommendations, some of which were accepted.

After he retired from the U.S. Senate in 1953, he continued to visit us frequently, to give us counsel and advice, which was always appreciated as being thoughtful and well considered.

Herbert O'Conor leaves a wonderful family, a wife and children. To them we all send our sympathy and express our regrets at his passing away so untimely.

Mr. President, there is a very good editorial on the life and work of former Senator O'Conor in the Evening Star today, which I ask unanimous consent to have printed in the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HERBERT R. O'CONOR

Public service and the profession of law have lost a distinguished practitioner with the death of Herbert R. O'Conor, 63, of Baltimore.

A man of attractive personality, Mr. O'Conor turned from newspapering at an early age to the not unusual combination of law and politics. In those related fields, he progressed steadily from local prominence in Baltimore to statewide success and popularity in Maryland—as Attorney General, Governor, and, from 1947 to 1953, as U.S. Senator. During his term in the Senate, Mr. O'Conor served for a time as chairman of the Senate Crime Investigating Committee and as chairman of the Senate Internal Security Subcommittee—two areas in which he was particularly well acquainted by experience and by personal interest.

After deciding not to seek reelection to the Senate in 1952, Mr. O'Conor continued his dedicated fight against communism and was a spokesman of the American Bar Association in its condemnation of lawyers who resort to fifth amendment protection against questions of possible Communist affiliation. A lifelong Democrat, he was also a devoted participant in lay activities of the Roman Catholic Church. In all of these outlets for his interests and his talents, Mr. O'Conor earned widespread respect.

Mr. WILEY. Mr. President, today I rise to pay tribute to a former Governor of the great State of Maryland, a fine U.S. Senator, a dedicated citizen of this great country, and a good friend, the former Herbert R. O'Conor.

Just last week, I spoke to him in the corner of the Chamber on the opposite side of the aisle. Now he has gone on the journey we must all take.

As we all appreciate, the passing of such men leaves a wake of regret and sorrow.

At the same time, however, we can be grateful that they have lived, worked, and made their contribution to our way of life.

To his loved ones go our deepest expression of sympathy.

Recently, the Evening Star printed a brief review of the life and services of a good friend, patriot, and loyal and dedicated citizen, Herbert R. O'Conor.

I might say he served with me when I was chairman of the Judiciary Committee. He was a hard worker. There developed between us a friendship that was more than superficial.

Mr. President, I request unanimous consent to have the article printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, Mar. 5, 1960]

HERBERT O'CONOR DIES; EX-GOVERNOR, SENATOR

Funeral rites for Herbert R. O'Conor, 63, the only Marylander to serve his State as attorney general, Governor, and U.S. Senator, will be held at 9:10 a.m. Tuesday, at his home in Baltimore.

A requiem high mass will be said at the Cathedral of Mary Our Queen at 10 a.m. Burial will be in the New Cathedral Cemetery, Baltimore.

Mr. O'Conor died of a cerebral hemorrhage yesterday in Baltimore's Mercy Hospital, where he had gone for treatment of a heart condition.

Born in a typical Baltimore row house, Mr. O'Conor became a police and court reporter for the Baltimore Sun after his graduation from the University of Maryland Law School. He began his career of public service when, at the age of 25, he was appointed an assistant State's attorney.

WON WIDESPREAD ATTENTION

The case which first brought him to widespread public attention involved Walter Socolow, a 19-year-old boy wanted in Baltimore as the trigger man in a murder case. The youth had escaped to New York, and Mr. O'Conor was sent to get him after his arrest there.

As the boy's lawyers sought a writ of habeas corpus in a New York courtroom Mr. O'Conor shoved his Baltimore detectives forward and ordered, "Take him, boys."

The youth was taken out of the courtroom without resistance, placed in a police car, and rushed to Baltimore.

ELECTED GOVERNOR

From that point on, Mr. O'Conor held the succession of public offices. He was elected State's attorney for Baltimore, Maryland attorney general and, at the age of 45, became Governor of Maryland.

Serving as Maryland attorney general from 1935–39, he was first elected Governor in 1938. He gambled in seeking the governorship. After a tough primary battle against Baltimore Mayor Howard W. Jackson, Mr. O'Conor won by a plurality of more than 65,000 votes. He was then 42.

Mr. O'Conor began to gain national attention when he won reelection in 1942. He was elected chairman of the Governors' conference that year and became president of the Council of State Governments in 1943. He also served as Chairman of the Interstate Commission on the Potomac River Basin during his second term.

During the World War II he many times expressed concern that wartime emergency measures were denuding States of their individual rights. However, he was a strong supporter of President Franklin D. Roosevelt.

Elected to the Senate in 1946, Mr. O'Conor succeeded Senator KEFAUVER, Democrat, of Tennessee, as chairman of the Senate Crime Investigating Committee.

DIFFERED WITH TRUMAN

He and President Truman often differed, particularly on the subject of Communist influence. Friends said one of the reasons he decided to retire to private life in 1952 was so he could be free to criticize the Truman administration.

Even after his retirement to private law practice in Baltimore, Mr. O'Conor carried on his anticommunism campaign.

He was chosen by the American Bar Association to go to Tallahassee, Fla., to represent the organization in its stand against lawyers who resort to the fifth amendment regarding questions of Communist affiliation.

Mr. O'Conor leaves his wife, Mrs. Eugenia Byrnes O'Conor; four sons, Herbert R. O'Conor, Jr., who has filed for the Democratic nomination to Congress from Maryland's seventh district in the May 17 primary; Eugene F. O'Conor, James P. O'Conor, and Robert O'Conor, and a daughter, Mary Patricia O'Conor.

NEW YORK TIMES WARNS AGAINST CIVIL RIGHTS COMPROMISE

Mr. KEATING. Mr. President, an editorial in today's New York Times warns against acceptance of a "weak, dishwatery compromise" bill on civil rights.

I believe that any such compromise would be indefensible. The proposals which have been advanced by the administration certainly are no stronger than would be justified to correct all of the injustices the evidence has disclosed. The administration's bill, despite all the haranguing against it by the opponents of civil rights, is very moderate and actually could be strengthened in several particulars.

Under the circumstances, suggestions of an agreement to a bill offering less than the proposals in the Dirksen amendments should be rejected by all who advocate effective legislation in this area. I believe the Members in this body who would be willing to go beyond the seven-point bill now pending far outnumber the opponents of any legislation on this subject. This is what makes talk of a weak compromise so incomprehensible.

If any compromise is forced through, it will be an admission that under the rules of the Senate a majority can be overrun by a small minority. Any such situation would be intolerable and would make imperative a change in the Senate's rules to restore democratic control over the Senate's decisions. Last year when the majority leader's amendment to rule XXII was approved, he said this amendment would "close the circle of the Senate's ability to proceed responsibly."

In my book, "responsible" proceedings in a democratic body require decisions on the merits by a majority after a reasonable opportunity for debate. We will not be proceeding responsibly if we finally yield to minority control in shaping this legislation. I hope this was the majority leader's understanding when he made his statement last January, and I hope that the outcome of this debate will prove he was right.

Mr. President, it behooves all of us to consider the sage and timely comments of the New York Times on this issue, and I, therefore, ask unanimous consent that the Times editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 6, 1960]

QUORUM CALL

Eighteen southern Senators who know what they don't want, were expected to turn

up bright, rested, and well scrubbed at noon today to continue their efforts to keep the Senate majority from getting what it does want.

The Senate majority wants some kind of civil rights legislation. The civil rights Senators are not in agreement as to how far this legislation ought to go. Some would settle for a better guarantee of the Negro's voting privileges. Some want to put in a word for school integration and for an endorsement of the Supreme Court's integration decision of 1954 as "the supreme law of the land." This proposal seems to make the southern blood, in certain States, run cold.

Behind the scenes the leaders of both parties and of the factions inside the parties have spent a short weekend talking things over, while some of their colleagues slept, ate, and, as LYNDON JOHNSON suggested, bathed. The indications are that if the warm, lukewarm, and cool friends of civil rights can agree on a bill they will be able to roll up the two-thirds majority, present and voting, that is necessary to stop the prospective continuation of last week's night-and-day yammering and invoke cloture.

We trust the bill finally voted on will not be a weak, dishwatery compromise. Such a compromise would not even be politically wise. If, nevertheless, it happens, an appeal for change of venue may be taken, from the 51 Member quorum that enables the Senate to do business at 4:30 in the morning to that larger quorum that believes in the whole of the Bill of Rights, in the liberating amendments, in the American dream.

Hesitant Senators should bear in mind that there will be no filibustering on the Tuesday after the first Monday of next November.

ANNIVERSARY OF THE COMMUNIST DOMINATION OF RUMANIA

Mr. KEATING. Mr. President, the date of March 6, 1960, marks the 15th anniversary of the Communist assumption of control over the brave nation of Rumania. The modern history of the Rumanian people has had its sorrows and tragedies, but no part of it is so tragic as that period between early 1945 and today.

The helpless and unhappy Rumanians were caught in the vortex of the last war. Even if they had the choice and wanted to stay out of that world struggle, they could not have remained aloof, because their fate was, throughout the war, in the hands of the Nazis and Communists. So they were inextricably involved in it, fought as best they could, hoping that in the end justice would be done to their cause. But that was not the order of those days, and, in the rapid deterioration of East-West relations, even before the end of the war, Rumania was robbed of its chance for freedom by the treachery of Moscow.

In March of 1945, when Soviet leaders forced a leftwing, Communist-dominated government upon non-Communist and freedom-loving Rumanians, freedom fled from that once happy land. All this was done on March 6, 15 years ago. On that day Rumania's ties with the free world were snapped, and since then some 18 million Rumanians have remained prisoners in their homeland, far behind the Iron Curtain.

On the anniversary of this fateful date, let us reaffirm to these imprisoned peoples our profound sympathy in their plight, and our dedication to the ultimate cause of their liberation from the chains of the oppressor.

ANNIVERSARY OF THE ALAMO

Mr. JOHNSON of Texas. Mr. President, the people of my State celebrated, yesterday, one of the epic moments in American history. On March 6, 1836, a small band of Americans—men from Tennessee, New York, Georgia, Pennsylvania, the Carolinas, Ohio, Kentucky, and 10 other States—fell before a great Mexican army at the Alamo.

They had come to Texas for every reason under the sun. And perhaps it was for a number of reasons, Mr. President, that they stayed in that beleaguered mission in San Antonio when it was under attack by a force more than 30 times the size of their own. For 13 days of siege, they fought off repeated attacks by the army of Santa Anna.

I suppose every schoolchild in Texas knows the letter of the Alamo's commander, Col. William Barrett Travis. It was addressed to "the people of Texas and all Americans in the world"; and in it Travis said:

> The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken—I have answered the demand with a cannon shot, and our flag still waves proudly from the walls—I shall never surrender or retreat.

Travis and his men did not surrender or retreat. On March 6, they died in the defense of the Alamo and of Texas independence. Their bravery and tenacity have few parallels in the military history of the world.

It is not enough, Mr. President, to salute them on this day. What is required of us is a profound dedication to their example. Their courage and devotion to liberty are not matters of dry historical fact, to be filed away and forgotten. Only as we keep the same virtues alive in our hearts today, will we survive as a nation in the fateful decades ahead.

MAIL ORDER PRESCRIPTION SCHEMES ARE DANGEROUS TO PUBLIC HEALTH

Mr. DIRKSEN. Mr. President, the Senate Antitrust and Monopoly Subcommittee has been conducting hearings on the pricing policies in the drug industry. In connection with the subcommittee's hearings, which have temporarily been suspended, I have inserted in the RECORD quite a number of items; and I have followed the hearings, and have attended them insofar as time permitted.

One of the issues presented to the subcommittee was the ability to purchase drugs through mail-order prescriptions, rather than from local pharmacies. For the information of the Members of Congress, I ask unanimous consent that an article entitled "Special Conference Reports—Mail-Order Prescription Schemes Are Dangerous to Public Health," which was published in the Journal of the American Pharmaceutical Association for February 1960, be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPECIAL CONFERENCE REPORTS—MAIL-ORDER PRESCRIPTION SCHEMES ARE DANGEROUS TO PUBLIC HEALTH

Any mail-order prescription service which prevents personal pharmacist contact with patient and prescriber is dangerous to patient safety and public health.

Such was the consensus of a special conference of State pharmaceutical association secretaries and secretaries of State boards of pharmacy which met in Washington, D.C., at the Statler-Hilton Hotel on January 6. The conference, attended by 64 pharmacy leaders from every part of the United States, was called by the American Pharmaceutical Association in cooperation with the National Association of Boards of Pharmacy and the National Conference of State Pharmaceutical Association Secretaries.

In opening the conference, Apha President Howard C. Newton noted:

"We have an extremely important problem facing us. It is a problem that is growing in the climate that is being created by the current Kefauver investigation. This problem deals with mail-order prescription schemes—schemes that are intended to circumvent the ordinary channels in which medicines are distributed. Our council, recognizing the danger involved, requested our secretary, Dr. Apple, to be on the alert, to study the problem, and to give information to those who should have it. The implications of this problem are tremendous and it is because they are so tremendous that our association decided that this conference should be called."

Dr. Patrick H. Costello, secretary of the National Association of Boards of Pharmacy, then told why the NABP was concerned with the problem:

"I have been the recipient of many communications from boards of pharmacy and several have representatives here today. All expressed the view that the [mail-order] scheme would result in law violations for which proof could not be established. Some boards expressed the view that they did not have statutory authority to deal with the matter as they believed it should be dealt with. Some expressed the view that they did have statutory authority and would exercise it if need be. One board has already done so. The solicitation by mail of new prescriptions and copies of filled prescriptions to be refilled and delivered by mail presents many things for us to consider. This is particularly applicable to the boards."

Following remarks by Samuel Silverman, president of the National Conference of State Pharmaceutical Association Secretaries and executive secretary of the Massachusetts Pharmaceutical Association, Dr. William S. Apple, Apha Secretary, outlined the problem at hand:

"This is a professional matter which is of great concern to us because it threatens to destroy a community pharmaceutical service. The mail-order mechanism is dangerous because it eliminates the personal professional relationship with patient and/or prescriber. The mail-order mechanism breeds inferior pharmaceutical service. The community, as well as the profession, must be made aware of the consequences."

Dr. Apple emphasized that "unless our profession reacts quickly and in a positive manner, the public and other health professions may be misled into believing that pharmacy considers the impersonal centralized mail-order method as an acceptable substitute for community pharmaceutical service."

Apha council chairman, George F. Archambault, noted that public health hazards of mail-order operations include:

The delays encountered in obtaining prescriptions by mail.

The encouragement of self-medication practices during the lapse of time prescriptions are en route.

The opportunities for deviators to obtain drugs for illicit traffic.

The tendency to use nonprofessional personnel in filling prescriptions by mail-order pharmacies.

The lack of accessibility of prescription files for use during emergencies resulting from idosyncrasies or the accidental ingestion of drugs by persons other than those for whom the medication was prescribed.

The destruction of the physician-patient-pharmacist relationship, making it nearly impossible for the mail-order pharmacists to authenticate the prescription or check with the physician on such matters as identity of the drug, strength or refill authorization.

Wisconsin board secretary, Paul Pumpian, and Apha legal division director, Raymond Dauphinais, reviewed the legal approach to the problem. Pumpian read a letter to Senator ALEXANDER WILEY asking if the residents of his State are to be stripped of their right to have qualified personnel fill their prescriptions, or if they are to have the physician-pharmacist contact destroyed by such mail-order schemes. Dauphinais noted in particular:

"The individual States have exclusive jurisdiction over matters of professional practice and privilege. Neither the Federal Government nor any other laws can, nor do, confer professional privileges upon a person within a State. The State's law relating to professional practice and privilege is administered by specialized boards or agencies. In matters of professional practice and privilege, these agencies engage in the following activities: They examine qualified candidates, they issue licenses to candidates possessing the requisites and skills and learning and they continually supervise practitioners. All of these activities are done to protect the people of a particular State against the effects of ignorance and incompetency. Practitioners not privileged with professional license by a given State are not privileged to practice in that State. Similarly, a practitioner with professional license in one State has no extraterritorial practice privileges by virtue of his license. This means, as I see it, if you are a pharmacist in a particular State, you practice pharmacy only within that State. If you are a practitioner authorized to create prescriptions, you can only create them in that State in which your practice permits."

Apha director of communications, George Griffenhagen, pointed out that the mail order prescription operations are not limited to elderly folks. While the American Association of Retired Persons and the National Retired Teachers Association drug-buying service is intended for those who claim to be older than 55, other schemes have developed for other groups. The Getz Prescription Co., of Kansas City, Mo., recently launched a nationwide newspaper advertising campaign offering prescription drugs on a mail order basis to the general public and Organization Drug Service, Inc., of Washington, D.C., has been established to fill mail order prescriptions for some 80,000 members of the Bakery & Confectionery Workers Union throughout the United States.

Since the January 6 meeting, the Wharhaftig Prescription Pharmacy, of Seagoville, Tex., has announced a prescription mail order plan to club members who pay a $2 annual membership registration fee. The form letter announcing the operation promises "a special discount of 25 percent off the usual cost of prescriptions" and that "prescriptions will be filled and mailed the same day they are received when possible." Pharmacists Arthur Warhaftig and Richard Carder announce that customers "may mail or telephone prescriptions in."

Conferees' recommendations for eliminating mail-order prescription schemes ranged from strengthening State and Federal laws through legislation or administrative rulings to incorporating a specific statement in the Apha Code of Ethics making it unethical for pharmacists to participate in such schemes which are dangerous to the public health.

It was noted that education must be a primary consideration. The public and the medical profession must be educated in particular concerning the inherent dangers that lie in these programs so that when their patients raise questions concerning the practice they can answer them in a fashion that would discourage the use of such facilities. The pharmacist first of all must recognize the situation and take every opportunity to point out the dangers to physicians and patients.

Individual comments and suggestions included the following:

Cecil A. Stewart, secretary, California Pharmaceutical Association: "We have a section in our California law which prohibits a pharmacy from accepting a prescription written by a prescriber not licensed in California. Section 651 of our Business Profession Code prohibits the member of any profession in California from offering or giving a consideration to any person that they would not give to other people and on this basis the board of pharmacy in California was able to stop the Altadena, Calif. pharmacist from establishing a mail-order service for American Association of Retired Persons."

Robert P. Fischelis, former Apha secretary and now president of the Drug Trade Conference: "The pharmacist is commanded under his State law to handle prescriptions in certain ways. Some of the laws are even specific about the receiving and the delivery of the prescription. Has the pharmacist the right to delegate any of his authority to anybody, including the U.S. mail?"

J. Ruffin Bailey, attorney, North Carolina Board of Pharmacy: "Getting down to the legal approach, I think there are 51 different solutions to this particular problem. Each State has it own method. We have a statute which makes it a misdemeanor for anybody not licensed to fill a prescription or sell, dispense, or compound drugs or pharmaceutical preparations. We can extradite people from outside our State who violate our criminal laws. I discussed this with our leading assistant attorney general, who is most familiar with this type work, and he has assured us that they will get the full cooperation of our attorney general's office. Getting down to the meat of it, it is a question of interstate practice of pharmacy which I think is illegal in its entirety. I don't think that any State board can stand by and tolerate the interstate practice of pharmacy, of medicine, or any other profession or privileges we have referred to here. We have a provision in our Constitution which permits us to enact certain legislation necessary for the protection of the public health, safety, and welfare. That's the general police power of all governments. Our legislators have delegated to each respective board of pharmacy that authority. Now, how far can you delegate that authority? We can't delegate it to anyone else's board or any other person outside our State. We have to enforce that law ourselves. We have the original and exclusive jurisdiction."

Hugo H. Schaefer, treasurer of the American Pharmaceutical Association: "In the original draft of the Durham-Humphrey legislation, there was a provision that prescriptions cannot be filled by mail except in the immediate shopping area of a pharmacy. The Federal Food and Drug Administration wanted that provision because of several organizations that fill prescriptions by mail for epileptics and the Food and Drug Administration couldn't tackle this problem very well unless they had a provision prohibiting mail-order prescriptions. The professional pharmacist opposed the restriction at that time because of the fact that his patient often went to vacation places and maybe saw a doctor there. We were successful in having the provision taken out of the law before it was passed, but now, I think we should honestly go to the Federal Government and say, 'Look, we originally opposed the restriction on mail-order prescriptions because there wasn't any serious danger at that time to public health but now we can see it is becoming a health problem of real magnitude.' I think we can get the Food and Drug Administration to back us in the enactment of an amendment. I believe this is the way to do it most quickly and most advantageously."

In summary at the conclusion of the conference, APA secretary William S. Apple noted: "This new mechanism is enveloping and imposing a threat to pharmaceutical service as our profession believes it should be rendered. We must not overlook that it stems from acts committed by members of our own profession. We have tried to show you that this new mechanism is developing at a rather opportune time for those who advocate and want to perpetrate it. We've had several possible solutions proposed. If we consider this a problem vital to the present and future interest of our profession, the next step is to explore diligently these solutions."

ORAL DECISION BY JUDGE SAVAGE IN CASE OF UNITED STATES AGAINST ARKANSAS FUEL OIL CORP. AND OTHERS

Mr. DIRKSEN. Mr. President, in January 1957, the Senate Antitrust and Monopoly Subcommittee conducted hearings relating to the Middle East oil crisis due to the closing of the Suez Canal. Many problems were discussed during the course of the hearings. I believe I attended every one of them. Some very distinguished witnesses were heard, and they included witnesses from the Interior Department and from other Government agencies.

While the Senate subcommittee hearings were in progress, the Department of Justice called into session a grand jury, to have it look into the Middle East oil problem. In 1957, the grand jury returned an indictment against numerous oil companies.

Mr. President, those oil companies were brought to trial on the pending indictments, and the cases were tried in Tulsa, Okla. For the information of Congress, I ask unanimous consent that the oral decision of Judge Savage in United States of America against Arkansas Fuel Oil Corp, and Others be inserted in full in the body of the RECORD.

Mr. President, I point out parenthetically that the decision of Judge Savage paralleled my individual views which I filed in the Senate Antitrust and Monopoly Subcommittee report on the Middle East oil crisis.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

ORAL DECISION OF JUDGE SAVAGE IN UNITED STATES OF AMERICA *v.* ARKANSAS FUEL OIL CORPORATION ET AL.

The COURT. I am going to decide the case. I perhaps should spend some time and write something, but I have concluded that I will decide the case orally and decide it this afternoon.

Insofar as the conspiracy alleged in the indictment is concerned, it seems to me that the Government's position is based upon the first premise that the economic conditions existing in December 1956 and January 1957 were not exerting any pressure for a general increase in crude oil prices. It is the Government's contention that crude stocks and gasoline stocks were not in short supply; that the export demand brought about by the closure of the Suez Canal could not then have been expected to result in any substantial reduction in crude stocks, and that as a necessary consequence there could not have been a general crude price increase, absent an agreement upon the part of the defendant companies to act in concert to bring about the increase.

I don't agree with that first premise. And then, in addition, I think there are other considerations that must be taken into account. Of course, supply and demand is a tremendously important factor in influencing price movement. But, as disclosed by the survey made by Mr. McLean on behalf of Continental Oil Co., there are other factors which must be taken into account, and the evidence discloses that there had been an increase in cost in connection with the exploration for, and the production of, oil and Mr. McLean apparently thought that alone was an important factor suggesting justification for an increase in crude prices at a time when there were perhaps excessive stocks on hand.

But after the closure of the Suez Canal, the industry was confronted with an entirely different situation. I feel confident that many of the defendant companies had given consideration to possible price increases before that emergency arose. These defendants were interested, I am sure, in increasing the price of oil as there might be economic justification for it. They were interested in increased profits—I don't know of any business corporations that are not—and understandably so. So I am satisfied from this evidence that they were alert to the existence of a situation which would constitute economic justification for an increase in prices. It seems to me that the important thing to consider in connection with this price increase is the effect that it had primarily on Humble's position. Humble took the lead in announcing this price increase. And I don't believe we get a true picture of the situation by looking to the status of the crude stocks collectively. Humble had an export demand in January of 5½ million barrels. They were in position to supply 1,200,000 barrels, I believe, and 600,000 of that was oil carried over from the preceding month, which they had not been able to deliver because of tanker shortage. So certainly there was terrific economic pressure on Humble to increase the price of crude oil, and Humble was the first to make a move.

Now there isn't any evidence here in my judgment which would warrant a conclusion that Humble discussed this price increase with any person except the conversation that Mr. Baker had with Mr. Rathbone.

It is true that Continental followed on the same day with its announcement, but the evidence discloses that Continental had been making a study of the economic situation for almost a year, or perhaps even longer. It was a continuous thing, but Continental was looking for the opportune moment to increase the price of crude, and that does not suggest to me any unlawful action or any concert of action.

The McLean document embodies in it a recommendation to Continental's management that it run the risk of taking the lead in announcing an increase in the price of crude. Of course, there was a recognition that if there were not factors present in the market that would induce others to follow, that any price announced would not hold, and there was even an estimate of the probable cost to Continental if it should announce the price increase—I believe that was back in April or May 1956—which did not hold. As I recall that estimate was based upon the assumption that if others did not follow suit, it would be necessary to cut back within about 30 days or such a matter.

Others followed after Continental made its announcement, and in each instance it seems to me that the evidence certainly warrants a conclusion that there was economic justification for the move made by each of the defendants.

And I have wondered, as I have considered this question, what alternative was available to Tidewater as they were the last, I believe, according to Mr. Heffernan, to announce the price increase. Other crude purchasers who are defendants in this case had announced their increases, and perhaps some who are not defendants in the case, and Tidewater had just shortly prior to that time completed construction of a refinery and was in a position of having to have gulf-coast crude, and a certain kind of crude at that, and was about a million barrels short, as I recall, and was rather hard put to find sufficient crude to take care of its requirements. I just wonder what would have happened to Tidewater if they had interpreted the economic situation as justifying Tidewater in refusing to increase its posted price of crude at that stage.

It is my judgment that the evidence in the case does not rise above the level of suspicion. I believe that is a statement that my friend Judge Forman made in a case that he tried recently in which he sustained a motion for judgment of acquittal.

I think I should go further and say that after giving consideration to all of this evidence I have an absolute conviction personally that the defendants are not guilty of the charge made in this case.

I do not have to go that far to decide these motions. I could dispose of them upon the theory that the burden is on the Government to establish guilt beyond reasonable doubt, and that if the evidence is as consistent with the hypothesis of innocence as that of guilt, then the motions should be sustained. But I really do not hesitate to go further and say that I have a firm conviction, upon the basis of this record, that there was not an unlawful agreement entered into by these defendants to increase the price of crude or products prices.

I have barely referred to the increase in products prices, and I don't think it necessary to devote much discussion to the increase of these prices, because it seems to me that it must be expected when a general increase in the price of crude is made, there will be a comparable increase in the products prices. Crude constitutes the major cost in the refining of gasoline, and when you have a susbtantial increase in cost which the refiner and the marketer must bear then we would expect certainly some increase, or a comparable increase, in the products prices.

Of course, I have not overlooked the fact that the defendants, had there not been an increase in the products prices, might well have been confronted with the charge that there was a deliberate and concerted effort being made to squeze the independent refiners and put them out of business.

The question posed with respect to the alleged illegality of price agreements among members of the same corporate family is a rather difficult one.

I recognize that there are broad statements made in decisions called to my attention by the Government which constitute some justification for the opposition they have taken in this case. But I am not prepared to subscribe to that theory and I don't think there is a controlling decision. In the circumstances of this case, I think I should go no further than to say that it is my view that the mere approval by a parent corporation of the price schedules and price policies inaugurated and fixed by the subsidiary corporation does not constitute a per se violation of the Sherman Act. And I think that is all we have in this case. Although as to Socony Mobil and Magnolia I am not so sure we have even that much.

So the several motions for judgment of acquittal will be sustained.

I must before I quit talking say to all of you gentlemen that I greatly appreciate the wonderful cooperation that I have had from each of you in the preparation of this case, in the work that has been done in organizing the case, and it is that fine cooperative effort upon the part of counsel which made it possible to try a potentially long case within a reasonably short time; and I am grateful to you for that splendid cooperation.

Court will be in recess.

The PRESIDING OFFICER Mr. HARTKE in the chair). Is there further morning business? If not, morning business is closed.

CALL OF THE ROLL

Mr. MAGNUSON obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield, to permit me to suggest the absence of a quorum, if it is understood that in yielding for that purpose he will not lose the floor?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 98]

Aiken	Ellender	Mansfield
Allott	Engle	Martin
Anderson	Goldwater	Monroney
Bartlett	Gore	Moss
Beall	Green	Mundt
Bible	Gruening	Murray
Brunsdale	Hart	Pastore
Bush	Hartke	Prouty
Byrd, Va.	Hayden	Proxmire
Byrd, W. Va.	Hennings	Randolph
Cannon	Hickenlooper	Russell
Capehart	Hill	Saltonstall
Carlson	Holland	Schoeppel
Carroll	Jackson	Scott
Case, N.J.	Johnson, Tex.	Smith
Case, S. Dak.	Keating	Sparkman
Chavez	Kefauver	Stennis
Church	Kerr	Symington
Cooper	Kuchel	Talmadge
Cotton	Lausche	Wiley
Dirksen	Long, Hawaii	Williams, Del.
Douglas	McCarthy	Yarborough
Dworshak	McNamara	Young, N. Dak.
Eastland	Magnuson	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Delaware [Mr. FREAR], the Senator from Minne-

sota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wyoming [Mr. MCGEE], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

The Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES], and the Senator from Hawaii [Mr. FONG] are absent on official business.

The Senator from Nebraska [Mr. CURTIS] is absent by leave of the Senate.

The Senator from Nebraska [Mr. HRUSKA], and the Senator from New York [Mr. JAVITS] are detained on official business.

The PRESIDING OFFICER. A quorum is present.

CHARLES LEE WATKINS, PARLIAMENTARIAN OF THE SENATE

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the New York Times of today on the service of Senate Parliamentarian Charles Lee Watkins.

Mr. Watkins has served in the Senate since 1904—56 years. I have served 27 years. Shortly after I commenced my service, Mr. Watkins was appointed Parliamentarian.

Mr. Watkins has had the confidence, respect, and affectionate friendship of all Senators of all political parties.

His rulings, as recommended to the Presiding Officer, are rarely, if ever, questioned. I have never heard an adverse comment about him. He has profound knowledge of the complexities of the Senate rules. He has always been eminently fair.

Mr. President, I pay my tribute to this great public servant for his long and very distinguished career in public service.

I respect him as a man, I admire him for his great ability, and I love him as a friend.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PARLIAMENTARY RULER—CHARLES LEE WATKINS

WASHINGTON, March 6.—With the Senate caught in continuous debate, its 80-year-old Parliamentarian is working a 12-hour day and feeling a bit guilty because he has the easier half of the clock. Charles Lee Watkins, the presiding man's thinker, reports for duty at 9 a.m. and stays till 9 p.m. Then the assistant Parliamentarian, Dr. Floyd M. Riddick, who is 52, relieves him for the night. "If this keeps up I'll have to change and let him have the daylight to be fair," Mr. Watkins said in his serious, gentle way.

Only 6 years ago, with no assistant, he worked a filibuster for 2 days and nights without sleep.

All Mr. Watkins has to do is know the Senate rules and precedents thoroughly, stay alert and above the battle, anticipate traffic snarls, look unobstrusive, and have a ready, accurate, tactful answer for every parliamentary question.

Presiding Officers change by the hour and few would risk an answer to a Senator's question without the Parliamentarian's advice.

SCARCELY NOTICEABLE

A visitor in the gallery would scarcely notice Mr. Watkins at work. A little taller than average, slight of build, and soft of voice, he sits on the first step-up of the dais, just below and in front of the rostrum.

When a problem arises on the floor he gives his chair a quarter turn, tilts it back and maybe throws one leg across the other in a loafing position.

This might look indecorous to anyone not aware that Mr. Watkins at that moment is quietly prompting the Presiding Officer. Often the answer is in before the question is completed.

Mr. Watkins was born on August 10, 1879, in Mount Ida, Ark., where, he said, one never saw a U.S. Senator because the country was too difficult to penetrate.

Mr. Watkins' career shows that one cannot spring fully fledged into the post of Senate Parliamentarian. And there was no post with this title until Mr. Watkins and his predecessors had been doing the job without the money.

After being graduated from the University of Arkansas Law Department, Mr. Watkins worked in Arkansas for the attorney general and in the Governor's office before coming to Washington in 1904, a stenographer for Senator James P. Clarke, Democrat, of Arkansas.

Despite doing a stenographer's duties, Mr. Watkins recalls that he was carried on the payroll as a laborer and drew $75 a month. Two years later he became the Senator's secretary at $150 a month, "a real good salary then."

FIRST SENATE JOB IN 1914

In 1914, Mr. Watkins took a job in the office of the Secretary of the Senate, keeping track of the history of bills and resolutions. Later he became journal clerk, working on the Senate floor.

Through these jobs he acquired the knowledge of Senate procedure and rules that prepared him to advise the Chair on procedural issues.

He began having to give such advice occasionally as early as 1919. He recalls advising Thomas R. Marshall, Vice President under Woodrow Wilson.

In 1923, while still serving as journal clerk he permanently acquired the unofficial job of advising the Presiding Officer about interpreting the Senate's rules. But it was not until 1935 that the Senate created the title of Parliamentarian.

Mr. Watkins, a Methodist, received a plaque 2 weeks ago honoring him for 35 years' continuous service as secretary of the Sunday school. Mrs. Watkins, a Roman Catholic, said the correct number of years was 38, and if you wanted to count the time he helped out before that it would be 40.

He and Mrs. Watkins used to play golf. A touch of arthritis ruined his grip, but not enough to keep him from driving the car to work every day, most weekends, and every vacation.

His first wife died in 1923. He married his present wife, Barbara, in 1944. He has a son, Charles Owen Watkins, and five grandchildren in Detroit.

The PRESIDING OFFICER (Mr. HARTKE in the chair). The Chair, in his individual capacity, would like to add his word of tribute to what the Senator from Virginia has said about our Parliamentarian.

Mr. MAGNUSON. Mr. President, I desire to be associated with what my good friend from Virginia has said about our mutual friend, Charlie Watkins.

Mr. SPARKMAN. Mr. President, I ask the privilege of being associated with the remarks so well made by the distinguished senior Senator from Virginia. If I had time, I would make a real speech regarding our Parliamentarian, Charlie Watkins. He is one whom all of us appreciate fully, we know so much about the real worth and value of his service to the Senate; and that appreciation exists among Members on both sides of the aisle. His rulings are rarely questioned, and when one is questioned, he takes whatever is done in the best of grace. He is a capable Parliamentarian, and a wonderful friend. I appreciate his services, and I am sure that sentiment is shared by every Member of the Senate.

Mr. YARBOROUGH. Mr. President, I desire to associate myself with the remarks of the senior Senator from Virginia with reference to our able and esteemed Parliamentarian, Mr. Charles L. Watkins. In addition to my gratitude for the public services which he has rendered for a long, long time, I desire to thank him personally. I know many other Senators feel the same way for the private advice that he gives when we seek him out at any time for his counsel.

I thank Mr. Watkins and his assistant, Floyd M. Riddick, for the years of labor that went into the production of the volume on Senate procedure, 674 pages of procedural wisdom on the rules, written by gentlemen with a knowledge of the precedents not possessed by any other living man. It is helpful to have both their oral and written counsel here in the Senate. Their judgments are written daily in the proceedings of the Senate.

Mr. GRUENING. Mr. President, I am delighted to join with the able and distinguished senior Senator from Virginia [Mr. BYRD] in paying a well deserved tribute to the Senate's capable, genial and most knowledgeable Parliamentarian, Mr. Watkins.

The article from the New York Times which has now been inserted in the CONGRESSIONAL RECORD details Mr. Watkins' amazing and satisfying career. He is an ever-present source of assistance to all of us as we thread our way through the parliamentary mazes of the rules of the Senate. It is my fond hope that he will be with us for many, many years to continue to be of vital assistance to the Members of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its

reading clerks, announced that the House had passed without amendment, the following bills of the Senate:

S. 2033. An act to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims;

S. 2061. An act to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States;

S. 2268. An act to declare that the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona;

S. 2431. An act to provide for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas; and

S. 2454. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the pony express.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the Ervin amendment to the Dirksen substitute.

FISHING RIGHTS ON THE HIGH SEAS

Mr. MAGNUSON obtained the floor.

Mr. McCLELLAN. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. McCLELLAN. Would the Senator like a quorum present?

Mr. MAGNUSON. No.

Mr. McCLELLAN. Does the Senator waive it?

Mr. MAGNUSON. Yes. I wish to thank the Senator from Arkansas for yielding to me. He was the next Senator scheduled to have the floor.

Mr. President, I would not take up the time of the Senate while the important civil rights legislation is pending were it not for the fact that what I have to discuss will assume a great deal of importance in the next 2 weeks, or in the next 30 days.

There will be a meeting in Geneva, starting on March 17, in which all of the nations of the world and all members of the United Nations will meet to again discuss certain matters pertaining to what we like to refer to in broad terms as the law of the sea.

In Geneva last year all the nations met and passed certain resolutions. They agreed on certain rules as to historic fishing rights in some cases. They agreed on certain territorial rights as to mineral deposits and other things on the floor of the ocean, of which we know very little, and about which we should know a great deal more.

In fact, we know more about the back side of the moon than we do about the bottom of the ocean. But the representatives of the nations at Geneva passed on certain so-called fringe problems relating to the law of the sea. They could not come to an agreement on two of the most vital subjects they considered. Agreement could not be reached because the Geneva Convention was set up under a rule that to agree upon any protocol, or to agree upon any treaty, or to agree upon a United Nations contract, would require a vote of two-thirds of the nations represented. In some cases there was majority agreement on the two important matters pending, but as of last year there was never a two-thirds agreement. So the delegates are meeting again beginning on March 17 to deal with two far-reaching problems, problems which may have a great deal to do with our future.

One, of course, pertains to the right of high sea fisheries, as to what rules of the game shall prevail, what conservation methods, what absentia should prevail in cases where conservation is dictated; and second, the most important, probably, the most pressing of the time, what shall be the territorial limits, oceanwise, of a nation.

Mr. SALTONSTALL. Mr. President, will the Senator from Washington yield, without losing his right to the floor?

Mr. MAGNUSON. I yield.

Mr. SALTONSTALL. I wish I could stay to listen to all that the Senator from Washington is about to say. He and I have discussed this matter in general, and I know what he intends to say. Territorial rights and also a knowledge of what is at the bottom of the sea are of extreme importance to us at this time, especially in the New England areas, where the territorial waters mean so much to the fishing industry, particularly around Nova Scotia, and Iceland, and the other territorial waters.

The Senator from Washington has ably cooperated in making studies in new ways of fishing and of new methods, to ascertain what is in the very great depths of the sea.

The fishing industry is still very important to us in New England. I am very happy to know that the Senator from Washington is making his speech. As chairman of the Committee on Interstate and Foreign Commerce, he is well qualified to give us his ideas on this subject, about which he knows so much.

Mr. MAGNUSON. I thank the Senator from Massachusetts. He has had a deep interest in this matter because of the plight of the New England fisheries which I am sure will simply disappear unless something is done to solve the whole fisheries problem, both dometic and international.

Mr. SALTONSTALL. The Senator has just proposed something in a conference to protect the fishing industry, not only in New England, but all over the country.

Mr. MAGNUSON. I cannot resist placing this statement in the RECORD, because it may have been forgotten. But in negotiating bilateral agreements with other countries on fisheries, for many years the United States would send to those conferences a member of the Fish and Wildlife Service of the Department of the Interior. He would sit at the table in order to determine what was equitable so far as the United States was concerned. He would sit across from representatives of other countries. Those representatives, in most cases, would be persons holding the equivalent of Cabinet rank, such as a Minister of Fisheries, who could make decisions at the conference table. The U.S. representatives were severely handicapped because of their lack of authority to make binding decisions.

The Senator from Massachusetts and I have talked about this many times and have consulted with the State Department about it often. Finally, we succeeded in having the representative of the United States raised to the status of one who would be on a policymaking level, equivalent to that of those from other countries who deal with these matters.

The Senator from Massachusetts also knows that he and I have long been concerned about the possibility, not only in these agreements, whether they be total agreements, such as the one about to be considered, or bilateral agreements, or agreements with other countries which are also concerned about the position of fisheries, in our trade conferences in the GATT. We have found that the fisheries are considered somewhat as an orphan child. They are not put on the agenda prior to the time the various countries begin to discuss exports, imports, and quotas. The fishing industry would be down at the bottom of the list.

Mr. SALTONSTALL. Does the Senator recall that we met with Under Secretary of State Lovett at the request of General Marshall, when he was Secretary of State? I well recall the occasion, because it was held on the day when, unfortunately, Mr. Ghandi passed away. It was that long ago that we were trying to raise the level of the fishing industry, so far as the State Department was concerned.

Mr. MAGNUSON. Sometimes, at the conclusion of the international meetings, when the countries have agreed upon everything else—heavy machinery, automobiles, grain, and agricultural products—and are ready to sign the agreements, a fish is thrown out into the middle of the floor to be passed upon.

Mr. SALTONSTALL. We can only hope that it was a live fish which has been caught in U.S. territorial waters.

Mr. MAGNUSON. The result of our past policy is that the fishing industry throughout the country has deteriorated. The Senator from California [Mr. ENGLE] knows well the situation with respect to the tuna fishing industry.

Mr. SALTONSTALL. The situation with respect to fishing in the Gulf of Mexico has also deteriorated.

Mr. MAGNUSON. In the past 10 years the consumption of fish by the American public has doubled; but our fisheries are now in their worst shape.

I appreciate the long and deep interest which the Senator from Massachu-

setts has shown in this matter. Some progress has been made in this field, but not as much as should have been made.

Mr. SALTONSTALL. That is correct; and I am glad the Senator from Washington is making this effort to improve conditions in the domestic fishing industry.

Mr. MAGNUSON. Now we are confronted with another serious matter. Starting on March 17, 10 days from now, the first item on the agenda before all the nations in Geneva will be to see if they cannot agree upon the law of the ocean with respect to territorial waters. Historically and legally, the interpretation of the international law with respect to territorial waters has been somewhat of a jumble. Some countries have claimed a territorial limit beyond 3 miles. Other countries have claimed certain straits and certain territories, which has made the boundary line uneven. The United States has fairly well established an interpretation of territorial limits of the seas as 3 miles. That was changed a little during prohibition days, when the Department of the Treasury assumed a territorial limit of 12 miles, much to the chagrin of some citizens, but to the applause of others. But, generally speaking, the limit has been 3 miles.

Some States have different laws. Texas, Louisiana, and California have extended their limits to 12 miles. That question was argued not many years ago, but only with respect to mineral deposits.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield.

Mr. YARBOROUGH. Is there not a difference in international law with respect to territorial limits in the bed of the sea and as to the right to control waters for navigation?

Mr. MAGNUSON. Yes, there is a great deal of difference.

Mr. YARBOROUGH. With respect to the bed of the sea, and the minerals contained therein, the limits are not coextensive with the control of the sea for fishing navigation.

Mr. MAGNUSON. That is correct. The Committee on Foreign Relations now has before it a protocol which, as arrived at, pretty much clears up the question so far as mineral rights, mineral deposits, and other things which we may not know of in the bottom of the ocean, are concerned. But this is a different matter, one which relates to what is called the open sea and the use of the open sea. While some States have adopted a different version of the meaning of territorial limits, the United States itself has always adhered to the 3-mile limit version.

I know that in my State of Washington there is some legal doctrine—obiter dictum—to the effect that the territorial constitution provided that the limit should be as far as a man could row a boat. The territorial constitution did not specify whether it was to be a big boat or a small boat; what the weather was to be; whether it was a big man or a small man, a weak man or a strong man. But the theory was that the distance was to be as far as he could be seen on the horizon. Generally speaking, the States have adhered to the 3-mile limit.

I shall place in the RECORD a statement covering some of the facts concerning this subject, but last year, at Geneva, as I understand, the conference was confronted with the most important problem. Russia and her satellite countries said they wanted a 12-mile limit. They said that every country should own the territory 12 miles beyond its borders. At first blush, that sounds pretty good.

One asks, "Why should not a country own the territory 12 miles out?" But then someone discovered that to give Russia and her satellite countries a 12-mile territorial limit would add 3,000,000 square miles to the Russian and satellite territories, because of the tremendous coast lines. Russia held out for 12 miles. We never could get two-thirds. Every country was represented, even San Marcos, the smallest of the countries. It was hoped that she would vote with the free nations.

Now it is proposed to consider the problem again. Whether a two-third majority can be obtained, I do not know. But I do know that it would be disastrous to the United States in this day and age, to have a 12-mile limit prevail.

What would be the result of having a 12-mile limit? I have here a map prepared by the Navy Department. The Navy has also prepared big charts, which I wish I had here today. Some of them are semi-classified. Anyway, I wish I had one of the larger ones. All of our movements over the water, both commercial and naval, operate over the shortest routes to the strategic points in the world and connect the free nations and other points. Wherever possible, attempt is made to operate on a straight line between given points, at least as straight as possible, if it becomes necessary to operate through straits.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. Is it not true that the adoption of the 12-mile limit for territorial waters for all countries has given a great advantage to the maritime nations which depend largely on submarines, so far as maritime operations are concerned?

Mr. MAGNUSON. The Senator is absolutely correct. I shall point out in a few minutes what that might mean to the United States. If Russia and the United States became involved in a war, with Russia having its tremendous submarine strength, Russia would have a tremendous advantage.

We might as well bring out the point. I am sure the Soviets would be smart enough, if I may use those words—to keep some satellite as technically neutral as it was possible to keep it, and that satellite would have a 12-mile limit off its coast line.

Let us consider the coast of Norway. Russia could operate submarines up and down the Atlantic and across the Pacific with its whole submarine fleet, and we could never touch it. But with a 3-mile limit, difficulties would be presented to Russia. I believe the Senator and I discussed this subject once before.

Then there is the English Channel. The English Channel would be considered territorial waters under the 12-mile limit. Of course, it is true that it would be owned half by Great Britain and half by France. But I do not know what might happen to France, in some instances. If the English Channel were considered to be territorial water in its entirety, and France were technically neutral, there is no reason why the whole Russian submarine fleet could not move back and forth in the English Channel.

Fixing a 6-mile limit would even result in closing the Straits of Gibraltar to international navigation.

Then there are areas where foreign fishermen take large quantities of immature fish which within a few weeks would double in weight to provide greater health and economic benefits for man.

Some of the proposals which will be presented at Geneva by other nations indubitably would aggravate these practices I have described.

In my opinion it would be well, instead, to devise international rules to define these wasteful and destructive practices and, insofar as possible, to eliminate them.

It may be argued at Geneva that such rules would be encroaching upon the ancient customs of fishermen in some parts of the world, that the rules would be difficult or impossible to enforce under present conditions, or that in some places and at some times they would work a hardship upon impoverished fishermen dependent on catches of spawning fish for their livelihood. These arguments may be pressed despite the fact that generally where these practices persist there is poverty and want, caused in part by the very practices which have depleted the natural resources of the adjacent seas. And in these areas we are spending millions of dollars annually in economic aid.

Discussing this problem several of my constituents have come up with a novel suggestion which I feel worthy of consideration. The suggestion is this:

That the United Nations or the FAO Fisheries Section set up a world fish bank to compensate the fishermen referred to above for abstaining from harvesting migrating stocks at the times and places where they are ripe with spawn.

The small costs that this would impose upon the member nations would more than be compensated by the rich rewards in future food supply and economic value from multiplying stocks.

Mr. President, as I commented earlier in my remarks the coming Conference at Geneva on the Law of the Sea has aroused great interest and considerable apprehension in the Pacific Northwest.

The Governor of Washington, the Honorable Albert D. Rosellini, has addressed a letter to Mr. William C. Herrington, Special Assistant for Fisheries

and Wildlife, the Department of State, under date of February 8, 1960, expressing this concern, and has forwarded a copy of this letter to me.

I ask unanimous consent that this letter by Gov. Albert D. Rosselini of the State of Washington, under date of February 8, 1960, be printed in the RECORD at this point in my remarks.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 1960.

Mr. WILLIAM C. HERRINGTON,
Special Assistant for Fisheries and Wildlife to the Under Secretary, Department of State, Washington, D.C.

DEAR MR. HERRINGTON: I appreciate receiving your letter of January 21 in which you explained matters relating to fisheries problems discussed by the International North Pacific Fisheries Commission.

In analyzing the text of the resolution adopted by the Commission at its fifth and sixth annual meetings, I can see little hope for agreement that will be effective in conserving salmon covered by the Convention.

The resolution as follows appears to have no purposeful meaning in relation to the harvest and conservation of North Pacific salmon on the high seas:

"In view of the results of scientific investigations to date as contained in the reports of the Committee on Biology and Research and in accordance with the objective of conservation of fishery resources of the North Pacific Ocean, as expressed in the International Convention for the High Seas Fisheries of the North Pacific Ocean, the Ad Hoc Committee on the Protocol recommends that the International North Pacific Fisheries Commission respectfully recommend to the governments of the contracting parties that full consideration be given to the conservation needs of these fisheries resources in the area of common concern when preparing fishing regulations for future operations."

It would seem that after 5 years of almost continuous negotiation and millions of dollars spent by our country for research, in addition to the restrictions placed upon our own fishermen in banning all high seas net fishing for salmon, we have gained little or nothing by the Commission's action.

One must conclude that if such restrictive regulations are right and proper for our people and those of Canada to manage the salmon resource in the interest of conservation, the same should apply to all others where similar operations are carried out.

Washington fishing interests have continually expressed the need for a more positive approach to the problems relating to North Pacific salmon. The resolution apparently expresses the views of the Commissioners of all three participating countries.

In addition to North Pacific salmon problems, we now find a more serious situation facing our Washington coastal fisheries under proposals before the International Law Commission convening at Geneva, March 17, 1960, to extend territorial seas.

Our concern stems from the apparent stand of Canada to press for 12 nautical miles jurisdiction over fisheries contiguous to their shores and the apparent inclination of our State Department to go along if necessary with such proposals to obtain some form of international understanding.

The results of years of continuous research carried out by both Canada and the State of Washington reveal that under such proposals we would lose control of our entire chinook and silver salmon fisheries, stocks of which mainly originate in streams of the State of Washington and the Columbia River. In addition, our historic bottom fisheries would be greatly reduced while Canadian fishermen are afforded the opportunity of flooding our markets with fish.

I urge you to withhold all consideration to join other nations in extending territorial boundaries until the following understanding with Canada is obtained.

1. Agreement to maintain historic rights for U.S. fishermen up to the present 3-mile limit.

2. Agreement with Canada to acknowledge common fisheries.

3. Agreement with Canada to maintain cooperative management with the State of Washington and Pacific Coast States.

Our Washington Director of Fisheries, Milo Moore, will forward to you in a few days information relating to national and international fisheries of interest to this State. I sincerely request your fullest consideration of his report.

Sincerely,

GOVERNOR.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a letter under date of February 5, 1960, addressed to me by Clarence R. Nordahl, secretary-treasurer of the Deep Sea Fishermen's Union of the Pacific, and dealing also with the forthcoming conference at Geneva, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEEP SEA FISHERMEN'S
UNION OF THE PACIFIC,
Seattle, Wash., February 5, 1960.

Re forthcoming conference in Geneva on the law of the sea.

Senator WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: The Deep Sea Fishermen's Union request that you use your good office to put a checkrein on the U.S. State Department so they will not trade our fisheries away for nothing.

As I see it, an international law extending territorial waters out from the present 3 miles for fisheries on a worldwide basis will not solve any problem. At least, not as far as the Pacific Northwest is concerned. Where two countries such as Canada and the United States fish on a common stock of fish, a treaty between the countries based on conservation and management of common fisheries seems to me as a logical goal.

As of now, Canada holds all the cards, unless the United States would use it's economic strength such as import quotas or tariffs on fish imported from Canada. The Canadians seem to want all of the fishing grounds and also at the same time want free access to the U.S. market. If the Geneva conference should extend territorial limits for fisheries without historic rights or abstention, you can rest assured that the U.S. Congress will be bombarded with requests for economic sanctions against Canada on fishery imports. I believe, even at this late date, that our bargaining position with Canada could be strengthened by threat of economic sanctions, and could at a later date be of great help when fishery treaties will no doubt be negotiated.

To trade fishing grounds for a defense position does not seem to be a valid argument. In a time of all-out war, our fishing fleet and the food they produce could be of vital importance to our national security.

Thank you for any effort on our behalf.

Yours very truly,

CLARENCE R. NORDAHL,
Secretary-Treasurer.

Mr. MAGNUSON. Mr. President, I have also received a significant letter from Mr. R. O. Pierce, president of Puget Sound Salmon Canners, Inc., bearing not only on the Geneva conference but upon the meeting, previously referred to in my remarks, held by the State Department in Seattle, to discuss the question. Mr. Pierce's letter is under date of February 3, 1960.

I ask unanimous consent that this letter, expressing the position of Puget Sound Salmon Canners, Inc., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PUGET SOUND,
SALMON CANNERS, INC.,
Seattle, Wash., February 3, 1960.

Hon. WARREN MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I was at the meeting Mr. Herrington called in Seattle to bring various segments of the fishing industry up-to-date on the progress and the thinking of the State Department with reference to the Geneva Conference on the law of the sea. Many of us were seriously disturbed over the apparent willingness of the State Department and the Department of Defense to negotiate a giveaway of our fishing resources and industry.

I believe that all of us at the meeting appreciated the feelings of the Defense Department as expressed by a Captain Hardy, but we can't help wondering why they differentiate between defense and fisheries. In case of war, especially an atomic war, fisheries could easily become a most important source of food supplies for the nations involved. It is extremely hard for us in Washington to understand the preconceived ideas of our State Department before negotiations have even begun.

Along these same lines, we want to draw your attention to the immediate problems of fisheries of the State of Washington, the State of Alaska, and the Province of British Columbia. We feel that our State Department should assist us in any way possible to negotiate with Canada on the conservation and utilization of stocks of fish harvested by the nationals of both countries.

It is possible, Senator, that we could find ourselves in the position of asking the Senate and our State Department to play power politics. We are not defenseless, it is simply distasteful to the industry to threaten and require of our Congress certain steps that might disrupt the friendly feelings that have existed for so many years.

But I must draw your attention to the apparent policies of our good neighbors to the north who have used, and continue to use, certain geographical conditions to negotiate us right off the seas.

At Mr. Herrington's meeting I told him he had two good aces up his sleeve—the American markets and the very dangerous fact that either or both Canada or America can wreck the Fraser River fisheries.

It is hard to judge the temper of the American fishermen if they are pushed into a position where they have nothing to lose, so please continue your good work with the State Department and get these fellows to realize that they don't have to give away too many of our rights just for the sake of signing a convention.

Sincerely,

R. O. PIERCE.
President.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to also have printed in the RECORD a letter addressed to me under date of February 5, 1960, by Mr. John H. Wedin, manager of the Fishermen's Marketing Association of Washington, Inc., and Northwest Trawlers Association, Inc.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

FISHERMEN'S MARKETING ASSOCIATION OF WASHINGTON, INC., AND NORTHWEST TRAWLERS ASSOCIATION, INC.,
Seattle, Wash., February 5, 1960.

WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR MAGGIE: At a recent meeting attended by most of the Pacific Northwest industry personnel concerned with the forthcoming law of the sea meetings, our position of no deviation from the 3-mile concept was unanimously supported. I know of your feelings and interest in this matter from the visits we have already had on this vital decision. Certainly, the sacrifice of space prior to the conference can do little but weaken our eventual position at Geneva.

Our primary concern here, of course, is Canada. Any weakening of position at this time could relieve us of all argument should we fail at the conference. Our argument for tariff or protection against Canadian imports would be sorely weak if the United States had willingly taken a position greater than 3 miles prior to the conference.

Sincerely,

JOHN H. WEDIN,
Manager.

Mr. MAGNUSON. One of the truths we must consider is that regardless of what the Geneva Conference determines to be the law of the sea in measured miles with respect to fisheries, the fish themselves observe laws of their own, laws as old as nature.

Salmon, for example, come in from the open ocean past the 3- or 6- or 12-mile limit, whatever may be the territorial bounds, swim into our fresh-water river and on up into their tributaries where they narrow to streams in the cool hills and mountains, there to spawn and perpetuate their race.

Other species have their own laws of propagation and preservation, laws which ignore manmade marine boundaries but which, unfortunately, cannot ignore manmade barriers such as dams on spawning streams or fishtraps at river mouths.

In the Pacific Northwest, our conservation-minded officials endeavor to provide that sufficient salmon are conveyed over or around these barriers, or escape artificial obstacles, to replenish the species in the ancestral spawning grounds where instinct drives them if they are to spawn at all.

Similar conservation measures are followed in some countries, but in many parts of the world they are quite ignored. The waste of this most valuable food resource, it has been reported to me, is in many parts of the world almost unbelievable.

In certain areas only spawning fish are taken, and are taken in such numbers as to seriously reduce the economic values that might otherwise be obtained by the people of these areas.

In some areas good wholesome food fish are taken from the sea and used, not for food, but for industrial purposes, as oil, or meal, or as fertilizer.

Mr. HOLLAND. Will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HOLLAND. In the example which the Senator has just used; namely, of the English Channel, is it not true that the depth is so great there that submarines could operate under the water within a neutral zone on either side, if either Great Britain or France were neutral?

Mr. MAGNUSON. It would be very hard to detect them, if they go down very deeply.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator yield?

Mr. MAGNUSON. Yes, I yield.

Mr. YARBOROUGH. Mr. President, the distinguished Senator from Washington mentioned the fact that some satellite of the chief Soviet power might remain neutral, and then Soviet submarines could operate in the 12-mile zone. Later he mentioned the fact that they might even slip up and down the coast of Norway. I am certain that the distinguished Senator from Washington did not intend to have the RECORD show that Norway might have been referred to as a satellite of Russia, because we know that it is a bulwark of our allies. I just desire to clarify that point on the RECORD.

Mr. MAGNUSON. No, no; the Senator is correct.

Mr. YARBOROUGH. I also wish to ask if the distinguished Senator from Washington did not really mean that the Norwegians would not know that submarines were slipping under the water 12 miles off the shore, while our surface vessels could be seen and would have to stay out of those waters.

Mr. MAGNUSON. I did not intend to create the impression that Norway is a satellite of Russia. No one knows better the spirit of the Norwegians than does the Senator from Washington. My forebears were from Sweden. Sweden was neutral in World War II, for good and justifiable reasons. But let us suppose that Norway remained neutral and did not get into the argument, then those waters might be used, not with the consent of Norway, but Norway would have no way of knowing of it. But we, who have detection devices, could not move in close enough to know what was moving up and down the coast. That is the problem. I am glad the Senator corrected me on that. I did not mean to create the impression that so-called neutrals, such as Norway, Sweden, or the free nations, would allow this.

But when vessels are kept out 12 miles, they cannot detect these submarines, and we do not have devices which work at that distance. As a matter of fact, I think that some day we ought to take a little of the money we are spending trying to find out about the defense of the moon, and spend some of it on some sonar devices which would permit us to discover the movements of submarines. Also it is a fact that all the emphasis in Russia and all those countries associated with her is on underwater warfare, and we cannot even talk to each other's fleets underwater.

Mr. BARTLETT. Will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. Can the distinguished Senator inform the Senate of the attitude of the U.S. Navy in respect to its territorial waters?

Mr. MAGNUSON. The U.S. Navy, of course, is more concerned about this than with any other problem on which they have been agitated for a long time. They want the 3-mile limit for the reasons I have given, as the Senator from Alaska knows: I was going to point out the number of straits on this map, strategic straits, which would be closed down even under the 6-mile limit.

Under the 12-mile limit, there would be 64 straits closed, and under the 6-mile limit, 52, a total of 116, and these include, as I said before, Gibraltar; the English Channel; I point out here on the map the Sound between Denmark, Norway and Sweden; here are all of these straits up around the Shetlands; here are all of the Orkneys; then moving over to the strategic Straits of the Dardanelles, and the Strait of Hodelda Mocha.

I do not know that the Presiding Officer knows where the Hodelda Mocha is, but Hodelda Mocha is the other end of the Red Sea.

When one goes through the Suez Canal, in either direction, one either ends up with or starts going through Hodelda Mocha. That would be closed completely, and that would be owned by the two countries that built it. I think one is the Trustee of Aden or the Protectorate of Aden, and the other is Oman. They would control that end of the Suez Canal going into the Persian Gulf.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. I assume that the Senator is talking about the proposed Law of the Sea Treaty that is to be negotiated.

Mr. MAGNUSON. Yes.

Mr. MANSFIELD. Can the Senator tell us how that would affect the relationship between Big Diomede and Little Diomede Islands in the Bering Straits, which I understand are 1½ miles apart, one owned by the Soviet Union, and the other owned by the United States of America? I see the senior Senator from Alaska here. He probably could enlighten us on this too.

Mr. MAGNUSON. Under the 12-mile limit, that would be closed to ships.

Mr. BARTLETT. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. I notice that the map the Senator has in front of him contains further markings in respect to the Pacific area.

Mr. MAGNUSON. Yes, that is correct.

Mr. BARTLETT. I wonder whether the Senator would be good enough to explain what they mean.

Mr. MAGNUSON. For the benefit of the Senator from Alaska, let me say that extension of the limit to 6 miles or 12 miles would have most vital consequences, especially in respect to the straits through which maritime traffic passes from the North Pacific Ocean to the Bering Sea, or the other way around. Unimak Pass can serve as an important example.

Mr. BARTLETT. Aside from the fishing, which is very substantial, may

I ask the Senator to tell us whether it is not a fact that some grave dangers lie in this proposal in respect to national defense along that section of our national coast?

Mr. MAGNUSON. There is no question about it. Here is another example of what would happen if the 12-mile limit were agreed to. Consider a ship going from Hawaii around to India. Everyone knows how important that is to the defense strategically and to the Navy. If the 12-mile limit were put into effect, the ship would have to go all the way around Australia to reach its destination. Under the 6-mile limit the distance between certain straits would be left open. However, I am informed by the Navy Department that it would be virtually impossible to go by way of the Philippine Islands even with a 6-mile limit.

Mr. MANSFIELD. There is the sea beyond Guam.

Mr. MAGNUSON. Beyond Guam are open waters. Of course, we assume the Philippines would allow us to go through there, but they would still be territorial waters, and not the open sea.

Mr. BARTLETT. May I ask the Senator from Washington if a Navy officer, at a briefing session on this subject some weeks ago—a session arranged by the senior Senator from Washington—did not tell those in attendance that in some cases the Navy would have to go a thousand miles out of the way, if the 12-mile arrangement were put into effect?

Mr. MAGNUSON. Yes; if the territorial waters were blocked, in many cases. I say there are 116 strategic straits, known sea routes, that would become territorial waters rather than open sea.

Mr. BARTLETT. Will the Senator yield further?

Mr. MAGNUSON. Yes.

Mr. BARTLETT. I was fortunate enough to be in the Chamber when the senior Senator from Washington started this most interesting and important discussion, but I should like to ask if he knows what the attitude of the Department of State is on this matter.

Mr. MAGNUSON. I shall come to the State Department in a few minutes. The Senator knows that we have had several discussions with that Department. Only last week I was invited to go to the home State of the Senator from California. I think today the interested parties are meeting for a briefing on this subject.

Mr. BARTLETT. Yes; I was invited to that meeting also.

Mr. MAGNUSON. We were all invited. I sent a letter to the State Department, which I shall read. I shall come to the Senator's question later.

I sent a letter in reference to the invitation, which I wish to read to the Senate. This is to Mr. Macomber, who sent me the invitation. It reads as follows:

FEBRUARY 29, 1960.

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Your letter of February 24 advising of the March 7 meeting in San Francisco with officials of the Department and representatives of our fishing industry participating, is received.

I do not need to travel 3,000 miles to find out that our State Department is apparently going to Geneva for the Law of the Seas Conference with proposals not in the best interest of our fisheries.

Sincerely,

WARREN G. MAGNUSON,
U.S. Senator.

My reason for my statement was that we had had many hearings. We had a meeting in the Capitol with the representatives of the Navy, and the State Department, and everybody concerned. The State Department representative said he was going to Geneva with a compromise before he ever got there.

I think we should stick to the 3-mile limit. We may have to compromise on 6 miles, if worst comes to worst. But our representative was beginning by assuming such a compromise would be made; he was assuming that before the meeting even began.

Last year the meeting broke up because an agreement could not be reached.

But now, instead of sticking to his guns, as regards our position, our representative wanted, in advance, to assume that such a compromise would be reached.

Mr. BARTLETT. What does Russia propose in this field?

Mr. MAGNUSON. Twelve miles.

Mr. BARTLETT. So our representtives are coming closer and closer to the Russian position, are they not?

Mr. MAGNUSON. Yes. An agreement on 12 miles would mean that millions of square miles would be added to the area or the territory under Russian control, and it would mean handicapping the U.S. Navy in these straits, and it would mean jockeying with other countries in regard to what restrictions they would put on their territorial waters. I do not know what it would mean to the merchant marines of the countries of the free world, because all sorts of irritants and regulations could be imposed with respect to the territorial waters.

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Washington yield to the Senator from Montana?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. At the Geneva Conference, will any consideration be given to the air above the seas?

Mr. MAGNUSON. I do not know that any will be given to that subject. The question of the air above the seas would coincide with the question of what we call the space above the seas.

Mr. MANSFIELD. Yes.

That brings me to another point. We know that a few weeks ago the Soviet Union fired, from an ICBM base on the Aral Sea, a missile which came in the direction of Hawaii, and landed in the area 800 miles southwest of Hawaii. We also know that within a short time thereafter, 3 Soviet picket ships which were in that location were able to recover the nose cone of that missile, which had traveled a distance of approximately 8,000 miles. If what the Soviet Union did was legal—and I believe it was—does the Senator think it is about time that we begin to reconsider the so-called laws of the seas and the so-called freedoms of the seas, and add to that a doctrine of responsibility?

I bring up this point because, as I understand, if the Soviets wish to fire an ICBM missile of any kind at the present time, they can fire it within 3 miles of the coastline of our country.

Mr. MAGNUSON. That is correct.

Mr. MANSFIELD. By the same token, the United States could fire such a missile within 3 miles of the coastline of Soviet Russia—for instance, let us say 3 miles from Vladivostok. Does not the Senator think that unless some order, regulation, and responsibility are derived from this situation, there might arise—accidentally or otherwise—a situation which could cause difficulty for the nations of the world?

Mr. MAGNUSON. There is no question about that. Technically, the air above the open seas should be open to all nations.

Mr. MANSFIELD. Yes, to all nations, and on a basis of responsibility.

Mr. MAGNUSON. Yes, on a basis of responsibility. But, in effect, the Russians have said, "This is our part of the sea, and you cannot go into it."

Mr. MANSFIELD. Yes—and on the basis of 8 days' warning.

Mr. MAGNUSON. Yes.

Mr. MANSFIELD. And prior to that time the Russians had sent two long-range missiles into the sea between Alaska and Hawaii. I am not at all certain as to how active our forces were in tracking them down; but I think that situation creates a problem which we should consider seriously, because it could possibly affect, and tie in with, our own defense structure.

The fact that our forces have been launching missiles from Vandenberg Field, in California, into the Pacific, and from Canaveral into the South Atlantic, does not mean that because we can do that sort of thing, the Russians cannot do it. But some responsibility must be established in this field, not only because of the situation as it applies to Russia and to the United States, but also because of the importance to all the nations of having such an understanding with respect to the 3-mile limit and other limits.

Mr. MAGNUSON. Certainly; there is no question about that. Otherwise, there would be very serious disputes—perhaps similar to those which occurred in the past with regard to international boundaries.

Mr. MANSFIELD. If the Russians now wanted to fire a missile within 3 miles of San Francisco, they could do so, could they not?

Mr. MAGNUSON. Absolutely.

Mr. ENGLE. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. ENGLE. It is very obvious that Russia and all her satellites will seek an agreement based on 12 miles. Our representatives are going to be negotiating at Geneva. It seems to me it would be better to have an agreement on 6

miles, rather than have no agreement at all. Will the Senator from Washington comment on that point?

Of course, our representatives could block the reaching of any agreement; and probably they could prevent the Soviet Union from obtaining an agreement in favor of two-thirds of the proposed 12-mile limit. Our representatives there also probably could prevent a two-thirds vote in favor of a 6-mile limit, if they wished to be "hardboiled" about the matter. They could simply insist on the 3-mile limit, and probably could get all our friends to do likewise. But eventually the point would be reached where the question would be whether it would be better to have agreement on a 6-mile limit, rather than to have an impasse and no agreement at all.

So I should like to have the Senator from Washington, who has given this matter much study, state what he believes our representatives should do if a situation of that sort were reached.

Mr. MAGNUSON. Of course, I was going to discuss that point. Certainly that problem is posed.

Suppose there were no agreement at all. All these countries have been proceeding willy-nilly—without any international guideposts—to extend their territorial limits. In some cases that has been done because of the fishing industry. Peru said her fishing rights extended a great distance into the sea.

Mr. ENGLE. Yes, for 200 miles.

Mr. MAGNUSON. That is correct, 200 miles.

And Russia claims certain islands in the Arctic, only a short distance from the Alaska shore.

If we do not sign some kind of treaty in respect to this matter, the present situation will continue; and perhaps 15 or 20 years from now there would be all kinds of disagreements in this field.

I suppose our position would be that the Continental Shelf in the Bering Sea would be within our territorial control, insofar as matters other than fishing were concerned.

But my point is that if the State Department representatives go to Geneva and advocate an agreement based on a 6-mile limit, and if the Russians argue for a 12-mile limit, the result might be that the final agreement would call for 10 miles or 9 miles.

I think our representatives should present at Geneva our logical case in favor of a 3-mile limit. But if worst came to worst, then, as I have already suggested, perhaps, for the benefit of all the nations concerned, we might have to agree—in order to settle this matter—on a limit somewhere between 4 and 6 miles.

However, Mr. President, the Senator from California [Mr. ENGLE], who is a good lawyer, knows that in court one never gets all that he sues for, and one hopes to be able to settle for an equitable compromise.

I do not mean that our representatives should take a position contrary to the facts or simply for the sake of arguing. But the State Department never did seek to obtain an agreement on the 3-mile limit.

Mr. ENGLE. I agree with the Senator from Washington; I think he is correct. I believe our representatives should make a strong case in favor of the 3-mile limit, and should stand on it as long as they can.

But let me ask this question: The matter of the distance to which the territorial waters extend is also being considered at the same time that the fishing rights are being considered; is that not correct?

Mr. MAGNUSON. Yes.

Mr. ENGLE. I understand there is some discussion about trying to obtain agreement as to a 6-mile limit, with the right to fish out to 12 miles. Is there any disposition to "swap horses," so to speak, with reference to fishing rights and territorial limits? In other words, do some of our friends—those not so much concerned about the territorial limits in the seas—want fishing rights, and therefore may they be willing to make concessions with reference to the width or extent of the territorial waters, in order to improve their position with reference to fishing rights?

Mr. MAGNUSON. I think there has been some negotiation along those lines. The Senator from Alaska [Mr. BARTLETT] and I have discussed one problem involved in that situation. Hecate Strait is between Puget Sound and southwestern Alaska. Considerable fishing is done in that area. If the agreement were for 12 miles, those waters would be Canadian territorial waters, and U.S. vessels could not go there, to fish. If the agreement were for 6 miles, the line would come somewhere in the midst of that area, and it would be highly impracticable for U.S. fishing vessels to go there to fish. The result would be practically to kill the bottomfish industry around the Puget Sound area, insofar as the U.S. fishing boats were concerned.

It has been suggested that Canada might take our side in regard to this matter, because Canada would like to make an agreement about Hecate Strait, and so would we. But the State Department has proposed that we make a separate settlement in that respect with Canada—one similar to the one made in regard to the halibut fishery and the sockeye salmon fishery.

But it is true that Canada might be willing to make some further concessions with respect to the territorial waters, in order to obtain some further fishing concessions.

In any event, there is a basic, solid argument in favor of negotiating with the other nations of the world and reaching with them an agreement in line with the position we take regarding the 3-mile limit. Certainly our representatives should not, in advance, plan to abandon that position and reach a compromise which would disregard it—for we have already compromised on it.

Mr. HOLLAND. Mr. President, I want to say first that I am very happy that the Senator is discussing this matter and I hope that all Senators will agree with the position already taken by the Senator from Washington; namely, that in the new negotiations which are about to commence as to territorial waters and their limits, the question of the security of our country should come first; and closely after that should come the matter of our maritime commerce and the matter of our fisheries.

However, I just want to be very sure that other questions, somewhat related, are not thought by the casual reader to be involved in the able speech the distinguished Senator is making.

Do I correctly understand that at the last conference on this general subject matter, the nations of the world agreed on one thing—namely that as to the rights to the bottom of the sea, the rights to produce minerals, oil, or whatever else may be found there, the special right of the nation whose land adjoins the bottoms of the seas, out to the Continental Shelf, shall be recognized as exclusive of the rights of any other nation?

Mr. MAGNUSON. Yes.

The Foreign Relations Committee now has before it a proposal which clarifies that. I do not think everyone is in complete agreement on it; but it deals with that subject, and I am sure that we can come to some kind of agreement on it, because it involves a different matter. As Senators have pointed out, all countries are anxious to move in that direction as far as they can.

Mr. HOLLAND. Yes. It is certainly reasonable that the country which owns the shoreline from which various ships, structures, pipelines, and the like have to be moved, will have exclusive control; and it is my understanding that at the last convention that subject matter was agreed upon, and is now before us as a proposed protocol. Is that correct?

Mr. MAGNUSON. It was generally agreed upon. The proposals of the four countries will be subject to some amendments and some reservations, but let us say they are generally in agreement on that; let us put it that way.

Mr. HOLLAND. And that agreement, so far as we are concerned, would give force and effect to the Executive order of former President Truman in claiming exclusive rights for the United States out to the Continental Shelf in the Gulf of Mexico. Is that correct?

Mr. MAGNUSON. Yes, I understand that was generally agreed to, because even Russia and her satellites find that to their advantage; and we do not undertake to move in the Continental Shelf of Russia or any other nation—and vice versa.

Mr. HOLLAND. And the Senator will remember that Congress passed an act giving the Federal Government exclusive control of the area from the Continental Shelf inward to the territorial limits of the several States. That is correct, is it not?

Mr. MAGNUSON. That is right.

Mr. HOLLAND. The Senator will also remember that Congress also passed an act, known as the Tidelands Act, giving to the States control and ownership of all property values out to 3 miles in all cases, with a chance to have the same rule operative out to 3 leagues in the Gulf of Mexico, only. That is correct, is it not?

Mr. MAGNUSON. That is correct.

Mr. HOLLAND. And is it not also correct that the Supreme Court of the United States has upheld, on behalf of all 21 maritime States, their claims out to the 3-mile limit, so that that matter is now settled under our own law?

Mr. MAGNUSON. That is correct.

Mr. HOLLAND. And is it not also a fact that when the case—presently pending in the U.S. Supreme Court—which relates solely to the belt from the 3-mile limit to the 3-league limit, solely in the Gulf of Mexico, is decided by the Court, that should terminate the controversy, so far as the United States and Acts of Congress are concerned, as regards to ownership of assets, as distinguished from the subject to which the Senator from Washington is addressing himself—namely, freedom of the seas beyond territorial limits.

Mr. MAGNUSON. That is correct. There is also the fisheries problem, which of course involves freedom of the seas. The latter problem involves, not the bottom land, not the resources in the bottom, but the moving, living resources in the seas.

Mr. HOLLAND. And the Court of International Justice in deciding the case between Norway and Great Britain made it quite clear that that was still another matter by allowing Norway exclusive right and control of fisheries out 4 miles beyond the islands that lay off of Norway.

Mr. MAGNUSON. I am not familiar with that case, but if the Senator says that is the situation I am sure he is correct.

Mr. HOLLAND. Indicating so clearly that there are at least three different subject matters here and the Senator has already adverted to another, that is the question of the exercise of jurisdiction by the Treasury and by the Customs part of the Treasury, which is still another matter.

Mr. MAGNUSON. That is another matter, and, of course, in the case of the commercial merchant marine, that becomes a very important one because you have to get into territorial waters. There are all kinds of things that are required of a ship in territorial waters that would not be required if it was cruising in the open ocean. That is the difficulty there and you are right; that is the fourth problem.

Mr. HOLLAND. Mr. President, I want to again congratulate the distinguished Senator. I think that the most critical of these problems is that relating to defense and security. Following that, of course, maritime commerce of the fisheries come with great importance, and I am so glad that he is bringing this matter up in the Senate where ultimately any treaty that is negotiated will have to come back for ratification or the opposite. I hope that the words he is uttering will prove to be of great value in the thinking of the State Department, who heretofore, as I see it, have not been very sound by their determination in the position which they have taken.

Mr. MAGNUSON. I think the Senator is right and we are stuck with this two-thirds rule, but I think they have to be firmer in this matter. I appreciate there is a problem which confronts the State Department. Sometimes I may be right or wrong, but it seems to me that there are always—you go down there and they give you all the reasons why we cannot do anything about it rather than thinking about reasons why they can. Sometimes I have often felt that they were advocates of the other side of the question. I know there are two sides to every problem in all international problems but I always feel they never got the feel of this thing. Now, here is an example of it. They are having a meeting today in San Francisco with the fisheries people.

They are not there to ask the fishery people what they think, because they know what they have been thinking for a long, long time; but they are there to tell them they are going to benefit with a compromise.

I do not know, Mr. President. My friend, the Senator from Florida, and I sit on the Appropriations Committee. I am not so sure, some days, that we should not appropriate about $1 million and hire about 50 Greyhound buses and take the State Department on a Cook's tour of the United States. [Laughter.] It might be money well spent. By the very nature of their duties, they cannot do all these things or they cannot be as close to the people as the representatives of the people in Congress are. Nevertheless they always seem to say, "Well, this cannot be done. We have to make this compromise." Do we? I have watched other countries. Brother, they stick to their guns. Surely, out of the conferences may come some compromises.

I think the State Department has some problems in this area. I think what is bothering the State Department more than anything else is that there may be no agreement at all, and that fact might in the future cause even more confusion. But we have a great deal at stake in this question. The Navy is very disturbed about this matter, and I do not blame it. I think all the free nations of the world should be disturbed about it, because, in the event of hostilities, we know who is going to have to use these straits—not "they," but those with the biggest navies and those who ply the seas, which means a handful of maritime nations.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes, I yield.

Mr. HOLLAND. I am so glad the Senator is so determined. If the determination, and even stubbornness, of the Senator comes from the one-half Swedish ancestry he spoke of a while ago, I am glad of that fact. I want to say that in this matter the Senator from Washington has been aggressive and unyielding in advocating an increase of the information which we have about the seas. I remember only the other day, in the consideration of an appropriation bill, when he was insistent that the Coast and Geodetic Survey be supplied some money, without which it could not map the bottom of the seas for a certain distance off the Pacific Coast. Provision for that money was placed in the bill.

Mr. MAGNUSON. It is in the bill.

Mr. HOLLAND. I for one am glad the maritime activities and interests of this Nation have the aggressive and continuing interest of the senior Senator from Washington.

Mr. MAGNUSON. And I have had great support from the Senator from Florida, because I can see, and I know he can see, this is going to be a tremendous problem. This question involves not only what is going to happen on the open seas, but what is going to happen in undersea warfare.

In all the argument about lags and other questions of defense, at least one point stands out. It is that both Russia and the United States have, in the past few months, or perhaps the last 2 or 3 years, shifted all the emphasis they can toward undersea warfare, sometimes at the expense of items of conventional warfare. I do not mean to include all our resources, but the emphasis has been fixed in that direction.

This question is going to mean a lot in the future, because there are going to be submarines that will go down at least 10,000 or 12,000 feet. They are going to move under the seas just as one moves in the forest at night. They will move slowly and silently. The submarines can stay underwater for weeks and months. It is necessary for them to know where they are going. They must have undersea maps, just as those traveling on land need roadmaps. I do not know whether such submarines can be detected or not, but unless we have free and open seas, we shall not have an opportunity to utilize the seas by knowing what is on the bottom of them. We shall not have an equal chance to utilize the space underwater with those who may be our enemies, which we hope they will not become, but it may happen.

Every time oceanographers go out to sea they find new mountains under the seas. They found, about 200 miles off the coast of Washington, a mountain which was 10,000 feet high, and only about 300 feet from the surface.

All these matters pertain to a firm stand which we must take on the principle of freedom of the open seas, for the benefit of all the people, and for the use of free men.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. The senior Senator from Florida has very properly pointed out that emphasis——

Mr. MAGNUSON. If I may interrupt, and just add this to what I have said, the Senator from Florida knows how far behind we have been on such information. He has always done everything he could to obtain appropriations. Our Coast and Geodetic Survey was limited in getting information by not being able to go beyond the Continental Shelf off our coasts to make surveys. It could not go to the open seas. The other nations use the open seas. The Russians do not send out a fishing boat without six or seven scientists on it who have nothing to do with fishing. Not a submarine leaves without six or seven scientists on it. We had to extend the area in which information could be obtained beyond the present limit.

The Senator from Alaska probably knows about this. I will give the Senate an example. We were so far behind, at the beginning of World War II, in having information, that I received a mission one time to scour the fishing docks of Seattle, Puget Sound, and Alaska, and I was given authority to give commissions forthwith and to find fishermen that knew the Aleutian chain waters. We put uniforms on those men, and they literally stood at the bows of warships and guided them through the fog when the Japs were at Kiska. We did not know anything about those waters.

Mr. BARTLETT. But the Japanese did.

Mr. MAGNUSON. They knew all about them. They sneaked into Kiska without our even knowing it.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. BARTLETT. As the Senator from Florida pointed out, national defense is, and ought to be, the main consideration of Congress; but, aside from that, fishing is very important to many people in the States of Washington, California, Oregon, and Alaska. I will ask the Senator if it is not true that a 12-mile limit would be hurtful to many American fishermen.

Mr. MAGNUSON. I know it would, and I can point out, specifically, many, many places where it would be. I can point out that, with respect to the movement of vessels fishing in the South Pacific, it would be very disastrous. It would be disastrous with respect to the waters between the State of Alaska and the State of Washington.

Mr. BARTLETT. Does the Senator know of any situation whereby American fishermen would be benefited if a 12-mile limit were effectuated?

Mr. MAGNUSON. I cannot think of any, because even in the Senator's own State of Alaska, if the 12-mile limit were extended, say, into the Bering Sea or Bristol Bay, or those areas, it would not make any difference whether the limit were 3 or 12 miles, because we can handle it. We would have just as much right to those waters, as part of the open seas, as otherwise. The Russians and Japanese who are fishing in those waters will not come along with any such understanding, because they can get all they want outside.

Mr. BARTLETT. Does the Senator believe that if the limit is extended any distance from 3 miles out, a principle so important as that of abstention will be hampered?

Mr. MAGNUSON. Of course, the principle of abstention would be hindered.

Mr. President, I wanted, for the RECORD, to make note of the fact that the Senator from Alaska is talking about another problem involved here, in which we have gotten nowhere, a problem which has almost forced the Representatives in Congress from Alaska, and all up and down the State of Washington, and all up and down the coast, to introduce bills to establish quotas—which we do not like to do—on certain importations from Japan. Abstention means we do not fish for salmon offshore, under the justification of the requirements of conservation.

So we cannot possibly take anybody else's salmon. We have no way to do it. The Japanese fish salmon on the high seas.

I may mention another thing about oceanography, and how far behind we are. We have never before known, and we know now just a little bit, about where the salmon went in the Pacific when they left all the streams from both sides, from Asia and the North American Continent.

The Japanese fish out in the Pacific. We never knew whether the Asian and the North American salmon intermingled. We never knew where they stayed for the 3 or 3½ to 5-year period they were at sea. So making the best guess we could, we agreed on a treaty with Japan to draw a dividing line on the 175th meridian. They agreed they would not fish on the east side of the line. Of course, it did not mean anything to us because we do not go away from shore, anyway, except in our own narrow waters.

Mr. BARTLETT. I will ask the Senator if fishermen are permitted to fish beyond the 3-mile limit.

Mr. MAGNUSON. No, they are not.

Now we have what I think is clear-cut evidence that the Japanese are taking and canning North American salmon which, of course, never can get back to their spawning grounds, and in some cases mutilating the whole concept of conservation.

We have made a suggestion, and we hope the Japanese will agree with us, but again we made a proposal which required unanimous consent. The negotiations were a little bit like the U.S. Senate in some respects. Canada, Japan, and the United States had to agree on any proposition before it could be put into effect. We merely said to Japan, in effect, "Well, until we can clear this up, and know exactly how they intermingle, and so that we can preserve our Bristol Bay run, can we not abstain in a certain area where we now know generally the fishermen might congregate? Then we can work out the agreement later." Canada voted with Japan not to do that, and there we are.

Mr. BARTLETT. Will the Senator yield?

Mr. MAGNUSON. I yield for a question.

Mr. BARTLETT. It is true, I am sure the Senator and I would agree, that the Japanese have faithfully abided by the provisions of the 1952 treaty. Yet that treaty was made, as the Senator has suggested, on the basis of insufficient scientific evidence so far as we are concerned.

Mr. MAGNUSON. Yes.

Mr. BARTLETT. The Japanese use nets 7 and up to 10 miles long. These nets catch a large number of immature fish. These fish were hatched in the rivers of Bristol Bay and, thus, are denied to the American fishermen because they are taken on the high seas.

Mr. MAGNUSON. Yes, and the catch is contrary to our program of conservation, of keeping the salmon runs alive.

Another bad feature, Mr. President, is that some of these long nets break off. Then they are left drifting around in the currents, perpetually catching fish. They are not part of a trawler, as they have broken off. These nets are sometimes 6 or 7 miles long, and sometimes the end just disappears. So it keeps going around and around the Pacific Ocean, catching fish 24 hours a day, until it gets so loaded with salmon, which are immature, that it goes to the bottom, or at least partially sinks. Then the fish finally rot, and the net gets light enough to come back up to the top and start all over again, and to keep on moving.

These nets pick up salmon we are trying to preserve on both sides, to get them back to their streams where they ordinarily spawn.

Mr. BARTLETT. We need them.

Mr. MAGNUSON. We need them, yes. I recommend to Russia, if they are not paying attention to their north Siberian runs, that they would better get interested in what is now proposed.

Mr. BARTLETT. Mr. President, will the Senator yield for one more comment?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. I wonder if the Senator from Washington would be good enough to tell the Senate about the situation which now exists in the Bering Sea, where the United States thought it had some historic fishing rights, and where a modern, large Russian fishing fleet has been operating for a year or more and is asserting for the Soviet Government fishing rights in respect to ground fish at our expense. Is it correct that we do not have a single U.S. fishing vessel out there? Is it also correct that we ought to get some fishing craft in that area soon or we are going to lose those valuable rights which we assumed for so long we held?

Mr. MAGNUSON. Of course, the Senator could go on and on citing situations which are causing trouble in this whole negotiation.

There is another matter I might mention, which I did not note in the outline of what I was going to say today. It is only in the past 4 years that the Russians have started to fish; or let us say 5 years, from the best information at my command. There is an operation which they refer to as "Fish Moscow." That is the headquarters. To my best information they have already built over 60 vessels. These are the big vessels, and they plan to have 90 more. They have instructed these ships, just as with an army, "You go to certain sections," and the ships have a quota of fish they must bring back—or else.

These ships are the most modern. I wish I could show the Senate a motion picture I have of a Russian ship fishing off the Grand Banks. It looks like the *Queen Mary*. The craft are open-end vessels. Last year one Russian ship, just one of them up there, took in one haul more than the whole Grand Banks fleet catches in a week. Of course, they can and do freeze them aboard. There are to be 140 ships which are going to be all over the world. We know where they are going.

The Russians had a fishing fleet in the Bering Sea last year, but it is bigger this year. They are, as far as we know now,

taking only bottom fish. That is the best information we have. They are trolling the bottom, as the Japanese do. They do not care for conservation, but will just bring up anything and everything.

One of our favorite fishes is about to go out of existence, the giant Alaskan crab. The fishermen bring up the female crab, and by the time they get them up they are injured and then are thrown overbroad. They bring up anything that is on the bottom; they scrape the whole bottom.

Mr. BARTLETT. And it is a subsidized operation.

Mr. MAGNUSON. Yes, it is subsidized.

We have not a single ship out there now because we cannot compete. They are on the Grand Banks and they are off the West Coast of Africa. They proceed as in a military movement: "You have a quota of fish to bring back. You bring them back—or else."

They have the most modern machinery. Also aboard are 15 or 20 scientists who do nothing but oceanography work.

Mr. BARTLETT. With a little mapping as they go along, perhaps.

Mr. MAGNUSON. Yes, they engage in mapping. I am not sure, but I would make an even wager that if there was what was thought to be a submarine in the Argentine, it was not a whale or a porpoise; it was a submarine mapping the coast. They have mapped the west coast of the United States underwater.

These fishing boats do the same thing. They are a combination of scientific and fishing fleet.

The Japanese and the Russians took more fish out of the Bering Straits last year, and comparable fishing is going on now, than all of the bottom fish brought into the United States by our own American fleet.

Mr. BARTLETT. I have heard that the Soviet Union now has the second largest, but most modern, fishing fleet in the world, and is already fishing the seven seas.

Mr. MAGNUSON. That is correct.

Mr. BARTLETT. I also heard that Russia had stated openly that in a decade they intend to be first with respect to catch as well as size. I will ask the Senator if he has heard that.

Mr. MAGNUSON. I have not only heard it, but I believe it will be realized, unless we do something. As I have said, the Senator should see the movie that I have seen. I have a movie film up in the committee, which I received in a sort of "cloak and dagger" way. Some poor fellow up in Gloucester thought he could compete on the Grand Banks, but felt that he needed a modern ship and at least some freezing machinery, with other machinery. The best machinery that was made was produced in East Germany, which is part of Russia, in the Danzig area, in the shipbuilding area.

So he got permission to go there and negotiate to see if he might get some of that machinery. The people who were selling the machinery for the fishing operation were most enthusiastic and wanted to sell it. They even said they would show him just how it worked. It was excellent.

They had a long motion picture film, describing one of those beautiful ships, and how it goes to sea and operates. That was how we learned what tremendous catches were taken aboard that ship. The Senator is absolutely correct. As the Senator knows, there is a bill in conference which might allow some kind of ship construction aid to those who build their fishing fleets in American shipyards, as opposed to construction in foreign shipyards. But that would be just a drop in the bucket.

The Russians will just about have the seas tied up in 10 years, so far as fishing is concerned, unless we do something about the situation now. The Russians have sent scientific fleets all over the world to "case the place," as the saying is, before they begin to fish. Quotas are assigned to each fishing fleet, and the ships must bring those quotas home.

Also, the Russians are saying to some of the other countries, "We will deliver to you, at very cheap prices, some of the fish we catch." Many of the countries need the fish, because they are the main part of the protein diet on which they live.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BARTLETT. Is my understanding correct that historically the United States has had, has endorsed, and has insisted upon a 3-mile limit for territorial waters; and that now a compromise is aiming in the direction of an extension of the 3-mile limit, to make it a total of 6 miles, plus 6 miles for fishing rights?

Mr. MAGNUSON. That is not quite what is proposed. The State Department apparently has abandoned any fight which might have been left in it for the 3-mile limit. The proposal now is for a 6-mile limit. But as events are now developing, the conference is expected to decide upon a limit between 6 and 12 miles, instead of the 3-mile limit. But the matter of historical fishing rights in territorial waters has not been agreed upon.

Mr. BARTLETT. Does the Senator mean that right is lost already?

Mr. MAGNUSON. No, it is not lost; but what is being submitted to the other nations with respect to historical right to the open sea is a little fuzzy.

Mr. BARTLETT. Mr. President, I wish to congratulate the senior Senator from Washington for bringing to the attention of the Senate and of the country this very important matter. It deserves the earnest consideration of us all. The Senator is to be congratulated upon this speech today.

Mr. MAGNUSON. Mr. President, I thank the Senator from Alaska. I think the question is most important. The sea represents the greatest food potential left in the world. It can be a source of perpetual food supply. I suppose the day will come when the sea will supply the answer to some of the food problems in certain parts of the world. The sea comprises three-quarters of the surface of the globe. Its resources are unbounded. In fact, the sea is an open range—the last open range on earth. Some rules of the game will have to be agreed upon by all of the nations; otherwise, some unrealistic and inequitable tactics might take place on that range.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement of some pertinent facts concerning the so-called compromise, with respect to the Conference on the Law of the Sea, which will open in Geneva, Switzerland, on March 17, particularly with respect to the utilization of fisheries.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MAGNUSON

A second United Nations Conference on the Law of the Sea will open in Geneva, Switzerland, March 17. This conference is prompted by the fact that at the first conference, held in 1958, the participating nations failed to agree on two important questions. They are:

1. The breadth of the territorial sea, whether it shall be 3, 6, or 12 miles from a nation's shore—and several nations would like the limit even greater than 12 miles.

2. Fisheries limits, or, if you prefer, the width of the fisheries zone over which a nation would have uncontested jurisdiction.

These questions, as may be seen, involve two major national interest considerations—security and resources.

In this scientific age the oceans represent our last natural defense.

The oceans also represent the world's last "open range" for protein food supplies of the future. The U.S. fishermen and fishing industry wish to maintain this open range in the interest of the Nation's economy, welfare, and employment of half a million citizens.

Some nations would, in effect, fence this open range which has been open to fisheries of all nations since the dawn of history. They would fence it through provisions of the law of the sea to be laid down at Geneva. Their object would not be to fence in the fish—that would be impossible—but to fence out the fishermen of nations other than their own. If this were done our fishermen would be hurt and so would those of many other friendly nations.

Negotiations at the Geneva conference, so important to our security and to our domestic economy, will be conducted by the Department of State.

The Senate Committee on Interstate and Foreign Commerce, concerned for the welfare of our fishing industry, our commerce, and the national interest, and alert to the possible effect that an adverse determination on territorial limits might have, has approved sending representatives to Geneva as observers. A technical consultant will accompany the committee representatives who, at the conclusion of the conference, will report back to the committee and through it to the Congress.

This is, of course, the extent of the committee's direct involvement with the conference itself, but the conclusions reached at Geneva certainly will have long-range implications.

Determinations of this conference can have far-reaching effects upon the preservation of world peace and the security of nations, the future of the United States and of the Western Hemisphere.

They can conserve the important resources of the sea or they can set up arbitrary rules of the sea which will only result in wasting these resources.

They can preserve the free passageways for communications, travel, and commerce or

they can create theoretical and artificial gates across these passageways.

The Committee on Interstate and Foreign Commerce, and members of the House Committee on Merchant Marine and Fisheries also, have been well briefed by the Navy Department on their security requirements. We are, I think, in agreement with them that the national interest will be best served by the narrowest territorial limits which it is possible to attain at the Geneva conference—the 3-mile territorial limit that we now recognize.

The committee has not been so well informed on the position of the executive branch with reference to our historical fishing rights.

Over a period of years, the U.S. fishermen have utilized specific fishing grounds. In colonial times New England fishermen fought two wars to protect their fishing rights in waters to the east and north.

Restrictions imposed by Russia in Alaskan waters were a factor in our purchase of Alaska from Russia.

Fishermen are not disposed to sacrifice these rights for a political expedient.

In preparation for the coming Geneva Conference on the Law of the Sea, the State Department has held several meetings in coastal centers, including Seattle.

Fisheries interests and other civic interests in the area have been disturbed by the tenor of these meetings. At Seattle, they advise me, representatives of the State Department publicly offered compromises which would destroy the bargaining position of the United States in relation to its common fisheries with Canada.

These compromises, they represent, if accepted by the United States, would put the Pacific Northwest out of business insofar as its bottom trawl and salmon troll fisheries are concerned.

It is their position, and it is my position—and I have so informed the Secretary of State—that we should not surrender before negotiations are even under way.

The United States and Canada have many close ties—many mutual interests. They have cooperated in research which has been of mutual benefit to both nations. The trade between the two countries is vital to the economies of both. So are the resources of both countries including the resources of the adjacent seas.

Vigorous representations by our Department of State to the Canadians, in my opinion, could achieve a mutual recognition of these facts, and should be made before, not after, the delegates to the Geneva conference assembled.

The agreements to be reached at Geneva do not alone affect the relations of our fishermen with those of Canada.

The pattern to be established at Geneva will have a bearing on the increasing competition for the marine resources of the Gulf of Mexico, and on the very real competitive threat now posed in the Bering Sea, which the Soviet fishing industry would transform into a Russian lake. The action at Geneva will affect the fisheries and the food supply of nations and peoples around the world.

Mr. President, at the conclusion of my remarks I shall ask unanimous consent to have printed in the RECORD communications I have received from constituents in the Pacific Northwest, including officials of several organizations and the Governor of the State of Washington, the Honorable Albert D. Rosellini. All of them are very much concerned about what happens at Geneva.

More than geographic or jurisdictional limits are involved in what happens there. In a broad sense the issue is what happens to conservation of our diminishing ocean resources, what happens to our efforts to replenish this diminishing supply by artificial propagation and other means, and what happens to utilization of these resources for the benefit of mankind.

Much more needs to be done than for the delegates of the various nations to meet at Geneva and discuss territorial and fishing limits in terms of miles.

Mr. MAGNUSON. Mr. President, the United Nations or its Food and Agricultural Organization, independently of Geneva, should do these things:

First. Analyze the circumstances and natural conditions that make possible the living wealth of the sea, appraise that wealth in the many zones and regions, and set up guides to participants in this rich ocean harvest so that the wealth and the resource may be preserved.

Second. Where conservation and assistance by artificial means is required to improve and maintain stocks of fish, general rules should be proposed for certain abstentions to stabilize the resource.

Third. On the basis of knowledge obtained by studies of the living resources of the oceans and of the demands upon these resources, specific areas where stocks of fish and marine products require protection to survive should be defined.

Fourth. Analysis should be made to determine what protective measures would be most fruitful in the areas where they are required.

Fifth. Define wasteful practices that are known to destroy marine resources and establish international laws to eliminate these destructive practices.

Sixth. Provide recourse to an international court of appeals where differences arising from these laws may be resolved.

Mr. President, such a course was followed in several other instances, with very little trouble. The whaling treaty is one instance in which such an agreement is working well as well as the halibut treaty between the United States and Canada, and the sockeye treaty and other fishing treaties, which relate to more specific areas. There ought to be laws or rules governing the operation of other kinds of fishing. The United Nations should provide recourse to an international court of appeals, where differences arising from these laws may be resolved.

Mr. President, it is generally recognized that important fish populations have diminished and that the catch of fishermen in many sections of the world has been grossly reduced by over fishing or wasteful fishing practices.

No conceivable general rule defining boundaries of territorial seas for fisheries can be applied so as to fit conditions in all areas of the world in which conservation is required if stocks are to be maintained.

A worldwide cooperative program is essential if there is to be any satisfactory solution. It is essential to determine the natural conditions affecting fisheries and fish populations, the migratory and feeding habits of the various species, the historical background of the world's great fisheries, and the failures and achievements in exploiting these fisheries so as to preserve them as a permanent asset to mankind.

Mr. President, this is not only a matter which involves the fishing areas of the United States and the matter of security, which I think is of paramount importance. It is not confined to certain areas that might be economically affected. I think the problem and what we think should be done about it is confined to many people, who can see the far-reaching implications of what we do at Geneva—implications that could reach to the Summit Conference, if anything is to be decided there.

Even this morning the Washington Post in a very fine editorial, pointed up very clearly what the problem was, and made some very good suggestions regarding not only the vital effect upon our fishermen, but upon the defense and security of the United States and why we should be strong at Geneva, why we should stand up for what is justifiable, and try to get an agreement that is in the best interests of the United States and the free world, rather than to go there with some kind of a compromise in advance, which will play right into the hands of Russians, who will propose, on behalf of themselves and their satellites, that this territorial law of the sea be made 12 miles, thereby adding 3 million square miles to their territory and make it possible to close 116 straits from being open waters as they are now—matters valuable to our defense and to the security of the free world and the United States. It would also allow them, with their great submarine know-how, to plan underseas warfare, and to plan their strategy with the knowledge that they can do just about what they want to do with the free world, because of that very dangerous and formidable weapon.

I ask unanimous consent to have the editorial which appeared in the Washington Post, Sunday, March 6, 1960, printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAW OF THE SEA

A new effort will be made at Geneva beginning March 17 to clarify the confusion of national claims respecting maritime rights. The second Law of the Sea Conference is to be a followup to the conference in 1958 which produced four international conventions on the law of the sea, plus an optional protocol. Those conventions are now before the Senate for advice and consent to their ratification. They clarify and extend international law on many points concerning the territorial seas; navigation, aviation, and cable rights on the high seas; fishing and conservation on the high seas; and the right of exploiting the Continental Shelf under the sea. On two vital points, however, the delegates were unable to agree in 1958. The forthcoming conference offers a new approach to these controversies.

The first of these problems is to fix the width of the territorial sea. The United States and most other countries have traditionally held that their sovereignty ends 3 miles beyond the low-water mark. But Soviet Russia and some other countries insist on extending their sovereignty 12 miles (or even more) beyond the shoreline. It is feared that if no agreement can be reached at Geneva the push to a 12-mile limit will be accentuated, for no country wishes to be at a disadvantage in this respect.

The trouble with the 12-mile limit is that it would gravely narrow freedom of the seas. Acceptance of a 12-mile territorial sea would close 116 important international straits;

their waters would become subject to national sovereignties. That would be a handicap upon world shipping and upon the security of the United States and other major naval powers. At the same time it would give a great advantage to the Soviet Union's formidable submarine navy.

Two years ago the United States offered to accept a 6-mile limit, with a further extension of fishing rights, as a compromise. That proposal won more than a majority vote but not the required two-thirds. Since all hope of securing agreement on a 3-mile limit appears to have gone, the best that can now be expected is acceptance of the 6-mile limit. In our opinion, that would be decidedly preferable to continued disagreement.

The other troublesome problem with which the delegates at Geneva will have to wrestle is the extent to which fishing rights shall be protected by general international agreement. There is widespread demand for recognition of exclusive rights for each country beyond the limits of its sovereignty. Two years ago the United States proposed that exclusive fishing rights extend out to 12 miles, with a proviso that the nationals of other countries who had fished in such areas for more than 5 years could continue to do so. This latter provision was chiefly an attempt to protect British fishing in the vicinity of Iceland.

Strong arguments have been made against including such special arrangements in a general international convention. Canada has proposed, for example, a 6-mile territorial sea plus a further 6-mile exclusive fishing zone, without any special exceptions. Subsequent exceptions could be arranged through bilateral negotiations on the part of the countries immediately concerned. This seems to us a reasonable compromise, and if the required two-thirds majority vote can be obtained for this simple solution it would have many advantages over the existing conflict of views.

Mr. MAGNUSON. Mr. President, in relation to the colloquy the distinguished Senator from Alaska and I had regarding the fisheries in their area and the Japanese problem, I ask unanimous consent to place in the RECORD, before the conclusion of my remarks, a letter from the Department of Interior, Fish and Wildlife Conservation, in response to some queries from Mr. John R. Gibson, of Missoula, Mont., in which is stated the position of the Department on the Japanese-Bering Sea, Japanese-Canadian and American problem and the Bering Sea problem, in regard to salmon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 4, 1960.

Hon. WARREN G. MAGNUSON,
U.S. Senate, Washington, D.C.

DEAR MR. MAGNUSON: This is in response to your letter of February 18, in which was enclosed a letter from Mr. John R. Gibson of Missoula, Mont., requesting information on problems of the commercial fisheries of Alaska.

Following is information concerning the five items for which Mr. Gibson has requested information. These are treated in the same order as given in Mr. Gibson's letter of February 15. In regard to the information requested on the Japanese salmon fisheries, we have assumed that Mr. Gibson is primarily interested in their high seas fishery as it might affect the fisheries of other nations.

1. Japanese salmon fishing methods as used on the high seas are described in the enclosed leaflets, Separate Nos. 338 and 385. The Japanese salmon catch for the period 1952 to 1958 will be found in an enclosed table. Information regarding treaty boundaries as they pertain to the Japanese fishery will be found in the enclosed Separate No. 507.

2. The United States and Canadian salmon pack for the period of 1952 to 1958 will be found in an enclosed table.

3. Reference to restrictions placed on the Japanese salmon fishery by the U.S.S.R. will be found in Separate No. 507. In addition to these restrictions, the U.S.S.R. in 1959 prohibited all Japanese fishing in the Okhotsk Sea. These restrictions tend to intensify the Japanese fishery in more easterly waters in areas frequented by salmon of North American origin.

4. This Department has been very much concerned as to the effect of the Japanese high seas fishery on the red salmon stocks of Bristol Bay. Through the International North Pacific Fisheries Commission we have made vigorous attempts to bring about relocation of the so-called "abstention line" to more fully protect stocks of salmon of North American origin. This Commission was set up by an international treaty between the United States, Canada, and Japan. Actions of the Commission are based on unanimous action of the representatives of the three participating nations.

This country has been only indirectly involved with the activities of the U.S.S.R. As indicated above, restrictions placed on the Japanese by the U.S.S.R. tend to intensify the fishing pressure on American stocks of salmon.

5. The economy of Bristol Bay and other areas of Alaska has been seriously affected in recent years by declining runs of salmon. For Bristol Bay specifically, the number of canneries operated has been as follows: 1952—23; 1953—17; 1954—12; 1955—9; 1956—8; 1957—12; 1958—8. Detailed statistics for Alaska for the years 1952 to 1958 will be found in the enclosed annual summaries for each of these years.

We hope that this will fill the needs of Mr. Gibson.

Sincerely yours,

ROSS LEFFLER,
Assistant Secretary.

Mr. KEFAUVER rose.

Mr. MAGNUSON. Mr. President, the Senator from Tennessee would like me to yield, and I do so.

Mr. KEFAUVER. Mr. President, I would, first, like to compliment the distinguished Senator from Washington upon his very able presentation. There is no Member of the Senate who understands and knows better the problem of fisheries on all of our coasts and all parts of our Nation than he. His discussion today will be of great benefit to fishing interests not only on the west coast, in the country, but on the east coast as well.

TRIBUTE TO JACK W. GATES

Mr. KEFAUVER. Mr. President, I know that Members of the Senate who knew him are sad at the news of the passing of Jack W. Gates, of Memphis, Tenn., who served as Postmaster of the Senate for quite a number of years.

Mr. Gates was a personable, Christian gentleman who was very active in civic affairs both in Washington and his home city of Memphis.

He was the president of the Tennessee State Society for a number of years in the city of Washington. He was a very close friend of the late Senator McKellar, of Tennessee.

He was interested in the affairs of many civic organizations, especially those dealing with betterment of the opportunities of our young people.

I ask unanimous consent to have printed in the RECORD, in connection with these remarks, a thoughtful editorial on the life and service of Jack W. Gates. The editorial was published in the Memphis Scimitar of February 27, 1960.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JACK GATES' WORK LIVES ON

Memphis truly lost a "gentleman of the old school" in Jack W. Gates. He was for many years postmaster of the U.S. Senate, and as such was nationally known. But the Christian work he has quietly done these long years in Memphis will live on after other fame has gone.

Not only was he active in his church, Union Avenue Baptist, but he was active in the affairs of youth. He took especial enjoyment in getting donations to the "Man For Boy" fund to send needy boys to camp each summer. Many a boy never knew that a tall, lanky, silver-haired man well past his eighties had walked from business to business downtown to see his friends for gifts that that boy might have summer fun.

Jack Gates served the greater church, in that he served mankind. His work will live on in the lives of those he helped, although they never knew.

CALL OF THE ROLL

Mr. RUSSELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 99]

Aiken	Hart	Mundt
Anderson	Hartke	Muskie
Bartlett	Hayden	Pastore
Beall	Hennings	Prouty
Bible	Hickenlooper	Proxmire
Brunsdale	Holland	Randolph
Byrd, W. Va.	Jackson	Robertson
Cannon	Johnson, Tex.	Russell
Capehart	Keating	Saltonstall
Case, S. Dak.	Kefauver	Schoeppel
Church	Lausche	Scott
Clark	Long, Hawaii	Smathers
Cotton	McCarthy	Smith
Dirksen	McClellan	Sparkman
Douglas	McNamara	Wiley
Dworshak	Magnuson	Williams, Del.
Engle	Mansfield	Williams, N.J.
Goldwater	Martin	Yarborough
Gore	Monroney	Young, N. Dak.
Green	Morse	Young, Ohio
Gruening	Moss	

The PRESIDING OFFICER. A quorum is present.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. McCLELLAN. Mr. President, I think I shall speak comparatively briefly today. I notice that it is now past 3 o'clock. I should like, however, to begin my remarks today at the point where I

left off in my principal speech, Mr. President, when I was compelled to conclude last Friday in order to make room for the morning hour.

Mr. President, to get the connecting link in the RECORD, I had just made reference in my remarks last Friday to a statement made by our distinguished colleague, the senior Senator from Oregon [Mr. MORSE], on the floor with reference to this bill. The statement he made was on February 16, 1960.

I said "with respect to this bill." I think I should correct that statement and be more accurate, and say that the remarks the Senator made were directed, rather, to the subject matter or the broad field of civil rights legislation.

So that we can get the continuity of what I was talking about then, as I resume my speech, the Senator from Oregon said at that time:

> This is not the only time that civil rights will be before the Senate. This issue will continue to be before us for some time to come.

I made brief comment about that statement, and stated that I am resigned to the fact that this is a sad truth; and I pointed out that it would make no great difference what legislation should be enacted as a result of this—I started to say series of Senate sessions, but it has almost ceased to be a series of Senate sessions; I should say this continuous session of the Senate to enact civil rights legislation.

Whatever the outcome may be insofar as the kind of legislation that is enacted, it will not satisfy, it will not be adequate to satisfy, the proponents of this legislation—that is, all of them, at least. It will not be adequate to satisfy the organizations on the outside that are agitating the race conflict and race controversy. It will not appease them. A settlement or compromise with them on any basis cannot be made which will terminate what is becoming a constant, if not eternal, controversy, wherein the issue of so-called civil rights is involved.

Mr. President, since that is the situation, and since it seems that there are those who want this debate to continue for quite some time, and since there is abundant evidence that those who think they want this legislation are not agreed, because they continue to introduce new bills and submit new amendments and present new arguments, which have to receive the attention of those of us who oppose this character of legislation, it is not a matter of willful purpose or dilatory action on the part of those of us who oppose this legislation; but, in order to make the record and keep the country and people advised of what is going on here, it becomes necessary for us sometimes to speak at considerable length, sometimes to speak on repeated occasions, in order to make the proper analysis of the proposals and in order to refute some of the claims made as to the benefits the proposed legislation or measures would provide—that is, those claims which are made of the need for the legislation and also the benefits that would result from its enactment.

Mr. President, if there is anyone in this body who is so naive as to believe that all of the proposals, counterproposals, amendments, revisions, and amendments to amendments are going to pass and be enacted into law, I think they have another thought coming. It would take, for them to be properly debated, for the required deliberation needed to understand them and to intelligently vote on them, possibly some two or three Congresses, and not merely a session of Congress, in order to adequately discuss and evaluate and appreciate what the consequences of the legislation would be. It would take years and years to act upon all of the unsound, ill-advised, and, in some instances, crackpot proposals that have been introduced.

And if the sponsors of these bills and those on the outside, the organized groups that are agitating for the enactment of these laws, expect to get all of this legislation enacted, I think we can safely assume, Mr. President—in fact, I think we can predict—that it is going to take quite a long time to do it.

Were it not for the fact that this matter is serious, and so serious that many people would suffer as a result of the enactment of these proposals, I should like to just sit back and watch this comedy of errors. Again, if it were not so serious, Mr. President, I think we would get some satisfaction out of just sitting back and waiting until the bills have passed, have become laws, and the impact of them felt throughout the country, and then point a finger and say, "We told you that would happen, but you did not listen." Yes, it would give, maybe, some measure of satisfaction to do that, except, Mr. President, that the consequences are going to be visited upon many who are innocent, many who opposed such legislation, and upon many others, Mr. President, who were ill advised, who were misled, and who were not cognizant of the evil that was being thrust upon them.

It is also pertinent to note at this point that, as usual in election years, there is a plethora of legislation introduced, and exposition after exposition made upon the merits of the various proposals so that the interested sponsor may go back to his political hustings and proclaim what a great benefactor of the human race he is.

Mr. President, there are many under the illusion that in advocating, sponsoring, in laboring for and voting for the enactment of this legislation, they are great humanitarians, and that they are helping to provide benefits of lasting duration for people who, in their view, are being discriminated against, and who ought, by law, to be elevated to a level of culture and intelligence far in advance of what the processes of evolution can do, are able to do, have done, or would be able to do for them.

That cannot happen. You can pass the law, but, Mr. President, you might as well pass a law directing the Potomac to reverse itself and empty into the Great Lakes. It would be just about as practical.

It takes the processes of evolution for civilization to advance and to develop the culture and social standards that may be desired, that are better, and that would be an improvement over what we have at present.

Yes, someone may go home, Mr. President, and beat his breast and convince some voters of the magnificent job he is doing in the Senate of the United States. I will say this, however: that never, in my experience—and I am in my 18th year in the Senate, and I served 4 years in the House of Representatives—have I seen more bills, amendments to bills, and amendments to amendments, on one subject matter, than it now appears we are to see and that are now being offered in the 86th Congress on the subject of civil rights.

Mr. President, I hope before I conclude that I shall have for the record a statement of the number of bills and amendments that are now pending, technically, at least. They may not all be on the desk, but they have been introduced during this Congress. They are, therefore, measures before the Congress. Many of them, Mr. President, have already been offered as amendments to the little school bill that is before us. I can well anticipate, Mr. President, that before the pending business, or what may become the pending business under the category of civil rights, is disposed of, there will be many, many other amendments to be considered. In fact, I have eight on my desk here. Seven of them I know are germane to the pending business. I propose to submit them during the course of my remarks and ask that they be read, that they lie on the table after being printed, and be subject to call even though cloture might be invoked.

These amendments are amendments of necessity. Mr. President, they are not amendments to foster something, not to impose anything upon anyone, but amendments to eliminate, to remove from the pending substitute bill each of the objectionable sections. If an amendment were on the question of whether the substitute should be adopted, we would have to vote on the seven different sections of the bill. We would have to vote on it en bloc.

One might favor one section and oppose another. Therefore, I propose, Mr. President, that before the substitute amendment is voted on, we will each have an opportunity to vote on it section by section, because my amendments will move to strike out each section, to strike them out one at a time. Those who favor the most drastic provisions of the substitute, of course, can vote accordingly, and those who may favor one section or another section of it, of course, may vote accordingly.

I may propound now, Mr. President, a parliamentary inquiry. Would such amendments be in order?

Mr. CASE of South Dakota. Will the Senator yield, Mr. President?

The PRESIDING OFFICER. Amendments to strike out any parts of the pending substitute would be in order.

Mr. McCLELLAN. I thank the Chair. That is what the amendments would propose to do, Mr. President.

I should like to put my colleagues on notice. They will have an opportunity, I think, by reason of these amendments, to vote for the good as they think and

eliminate the bad, if they so regard different sections of the bill.

I shall, of course, vote against all of it. I regard all of it as bad. But so that we can separate that which we believe to be good from that which we conceive to be evil, we would like, of course, to have such an opportunity. I think this is the way to get these questions before the Senate.

I am very happy to yield to the distinguished Senator from South Dakota, if I may do so, Mr. President, without losing my right to the floor. I shall yield to him for a question.

Mr. CASE of South Dakota. I have a parliamentary inquiry.

The PRESIDING OFFICER. Is there objection. The Chair hears none.

Mr. CASE of South Dakota. Mr. President, is it not correct——

Mr. McCLELLAN. Mr. President, is the Senator propounding a parliamentary inquiry?

Mr. CASE of South Dakota. Yes.

Mr. McCLELLAN. I yield for that purpose.

Mr. CASE of South Dakota. Is it not correct that the Senator from Georgia [Mr. RUSSELL] has already asked that the Dirksen substitute be divided under the rule which provides for the dividing of a question, and that at present the only portion of the Dirksen substitute which is pending is section 1?

The PRESIDING OFFICER. The Senator from Georgia has asked for a division of the Dirksen substitute so as to get a separate vote on section 1.

Mr. McCLELLAN. Mr. President, I am sorry that I am unable to hear the Chair.

The PRESIDING OFFICER. The Senator from Georgia has asked for a division of the Dirksen substitute so as to get a separate vote on section 1.

Mr. CASE of South Dakota. Has it not been ruled that the Dirksen substitute is divisible, and that the request of the Senator from Georgia, therefore, will insure a separate vote on each one of the sections?

The PRESIDING OFFICER. The Senator from South Dakota is correct, provided the Senator from Georgia makes such a request as to each of the remaining sections.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. McCLELLAN. Such a request could be withdrawn by unanimous consent; could it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Therefore, the offering of the amendment of which I have spoken does not transgress any rule of the Senate, does it?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Do I not have the privilege of offering amendments as I have indicated?

The PRESIDING OFFICER. The Senator from Arkansas may offer amendments to strike out word by word, so long as he does not get into the position of being dilatory.

Mr. McCLELLAN. Does the Chair rule that it would be dilatory for me to offer amendments to strike out section by section?

The PRESIDING OFFICER. The Chair has not so ruled.

Mr. McCLELLAN. And the Chair would not so rule; I assume?

The PRESIDING OFFICER. The Chair prefers to wait until the situation arises.

Mr. McCLELLAN. I will ask for guidance now if the Chair expects to rule in that way. I might want to offer an amendment to two sections at a time or to half a section at a time.

The PRESIDING OFFICER. The Chair would not rule that a motion to strike out a section or parts of the amendment would be dilatory.

Mr. McCLELLAN. Of course not. I thank the Chair.

Mr. CASE of South Dakota. Mr. President, will the Senator further yield?

Mr. McCLELLAN. I am very glad to yield provided I do not lose the floor.

Mr. CASE of South Dakota. The Senator from South Dakota was not attempting to insinuate in any way that the Senator from Arkansas would be dilatory, or anything of that sort. I merely thought that, for clarification of the parliamentary situation, it should be borne in mind that an order was registered for a division of the question, which would, I felt, insure a separate vote; and that is the present parliamentary status.

Mr. COTTON. Mr. President, will the Senator from Arkansas yield for a parliamentary inquiry, with the understanding that he will not lose the floor?

Mr. McCLELLAN. With that understanding, I am most happy to yield to the distinguished Senator from New Hampshire.

Mr. COTTON. In view of the fact that the Senator from Georgia has already asked that the so-called Dirksen substitute be divided and that a separate vote be had on each of the sections; and should the Senator from Arkansas present his motions that each section shall be voted upon, can every Member of the Senate be assured, in view of those actions, that in case a vote is reached on the Dirksen substitute, either in the natural course of events or by reason of a cloture vote, the Senate will have the opportunity to vote separately on each one of the seven sections of the Dirksen substitute?

The PRESIDING OFFICER. If the Senator from Georgia asks for a vote on each section, a vote would be taken on each section.

Mr. COTTON. Without any further action or request by any other Member of the Senate?

The PRESIDING OFFICER. The Senator is eminently correct.

Mr. COTTON. I thank the Senator.

Mr. CASE of South Dakota. Mr. President, will the Senator from Arkansas yield for a further parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator from Arkansas yield for that purpose?

Mr. McCLELLAN. I shall be glad to yield for any purpose, Mr. President, so long as I do not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Arkansas yields to the Senator from South Dakota.

Mr. CASE of South Dakota. The separate vote on each section would come regardless of whether a petition for cloture were filed and adopted, would it not?

The PRESIDING OFFICER. The Senator from South Dakota is preeminently correct.

Mr. McCLELLAN. I thank the Chair. I assume I will do no violence to my rights and prerogatives as a Senator if I should make doubly sure and offer the amendments.

I will answer the question myself. I am certain I will do no violence to my rights as a Senator, or even to the rights of any other Senator, if I offer amendments, and have them read, so that they will be eligible to be called up in the event a cloture vote is to be taken.

The PRESIDING OFFICER. The Senator from Arkansas is correct.

Mr. McCLELLAN. I thank the Chair very kindly.

All of these remarks have been touched upon by previous speakers in addressing the Senate but there is one cogent excerpt I should like to quote and that is the remarks of the senior Senator from Georgia [Mr. RUSSELL] on February 15, 1960, when, in answer to a question by the senior Senator from Alabama [Mr. HILL], the Senator from Georgia said:

> Yes. Of course, this particular legislation seems to occupy the unusual and privileged position of not being subject to the application of any rule. All a Member has to do is get a big sign reading "Civil Rights," and tie it onto a bill—regardless of whatever may be the contents of the bill—and introduce it in the Senate; and immediately many of the Members of the Senate will say, "Amen, amen; it is civil rights."
>
> They do not even desire to read the bill, inasmuch as it has the magic touchstone of civil rights, and thus is said to assure the victory for which the two major political parties are bidding.

Mr. President, I close that part of the quotation, and I say again, with a little more emphasis, possibly, than I said a few days ago, that if we took the politics out of this civil rights issue, it would not cause any of us any problems; the Senate would have no problems; we would not have this issue before us, and if somebody brought it up, it would not last until the next quorum call. But we have politics in it.

Here are these two major parties bidding for this vote. I think I know which one is going to win. I think I know which one is going to offer the most. I think I know which one is going to lose, and I think I know who is going to be the most disappointed. In any event, Mr. President, it is one thing that we can sit back and watch as it happens. It will not be too serious either way, whichever one loses or whichever one wins on this issue, but we can watch it with some interest.

I now quote further from the distinguished Senator from Georgia.

> Once such a label is attached to a bill, Members seem to say, "Why should we be disturbed about what is in the bill, or about what the Attorney General may have said

about the bill, or about what Mr. Battle, a former Governor of Virginia, and a member—now former member—of the Civil Rights Commission, may have said about the bill?" Just get out the old sign "civil rights," and repaint it. It does not seem to matter what the bill contains. In any case, the stampede to support the bill will commence.

We watched it here, Mr. President. Again, that accounts for all these amendments. We have more bills here now, more amendments here, more different provisions, more different approaches, more angles, more confusion than ever before in the history of the country on the civil rights issue, and it will get worse. This is going to be with us a long, long time—I do not care what bill you pass. It is going to get worse. I quote again:

And if some Member later offers a bill which goes a little further than that one, other Members will hasten to draft still another bill, and then will importune their colleagues to support it. That is what is being done today.

Mr. President, the record of this legislation, the day-by-day record of what is happening, not only confirms and sustains what the distinguished Senator from Georgia said, but it fortifies this record with the facts which substantiate such statements, and which are irrefutable.

Mr. President, I have prepared a short résumé of the various proposals. This was some few days ago. It is not up to date.

I had been hoping to get my views here in the RECORD, but no matter how quickly I am able to get the floor and to talk about it, there are more amendments introduced; and, Mr. President, instead of counting the amendments and taking my time here, I have adopted the method of just weighing the proposals and weighing the material I have on this side, which I set here, and those on the other side, and they seem to be keeping in balance.

I do not know how long this is to go on, but, Mr. President, as a new bill and a new amendment are introduced over on that side of the scales, there will be more material over on this side that will need refining. I do not know how long it is going to take actually to get this record made, and to have each bill and each amendment discussed in the light of what it will do and what it will not do, so the country may know just what we are confronted with here.

But this I know: If the great mass of American citizens could just see this conglomeration of proposed legislation, which could not possibly be analyzed even by the combined wisdom of the Senate, so as to forecast what the consequences of this legislation will be—I say that advisedly, because no one knows what the Supreme Court will say Congress meant when we are through—if the country could be informed of these facts, Mr. President, there would be a sound of applause throughout the land—so loud that it would shake this old Capitol dome—in approval of the position and the efforts of some of us to stay the hand that would destroy the liberties of the American people.

In these measures are forces which, if let loose and not restrained would result in damage, whose consequences would be untold.

If my colleagues are weary, Mr. President, of my redundancy in reviewing these measures and amendment, it is only because the measures which have been introduced and reintroduced in this Congress are superabundant. Mr. President, that is a very mild term indeed. So I shall start on one of these proposals, Mr. President; and I still do not know the exact number there are. As I say, day by day, they keep increasing, because nothing is taken away, and this side is still growing.

The first that I refer to is S. 73, a bill to prohibit acts involving the importation, transportation, possession, or use of explosives.

Mr. President, I believe we have in this pending substitute amendment some provisions along that line. I do not know that they are in the exact terms of this bill; I do not think they are. But this is what we are confronted with: Though it takes time, it is necessary that we discuss these different proposals and analyze them for the record, because, Mr. President, in this character of procedure, where we are legislating in the fashion we are doing here, it is to be expected—in fact we would be unwise not to anticipate—that any one of the bills now pending before the Congress would not be offered at some stage of these proceedings as an amendment to whatever the pending business is.

Therefore, Mr. President, the safe course is just to take them up one by one and let the record be made. This is the first one, Mr. President.

Again I do not know how many there are, but I think we will have the count later before I conclude, and maybe I can make the record a little more accurate by then.

S. 73 was introduced on January 9, 1959, by the junior Senator from New York, Mr. Keating, for himself and for his senior Senator, Mr. Javits, and for Senators Scott, Allott, Beall, Bennett, Bridges, Bush, Case of New Jersey, Cooper, Kuchel, Langer, Martin, Prouty, and Mrs. Smith, and the bill was referred to the Judiciary. Mr. President, this bill would amend chapter 39 of title 18 of the United States Code by adding at the end thereof a new section.

S. 73, TO PROHIBIT CERTAIN ACTS INVOLVING THE IMPORTATION, TRANSPORTATION, POSSESSION, OR USE OF EXPLOSIVES

S. 73 was introduced on January 9, 1959, by Senator Keating, for himself, Senator Javits, Senator Scott, Senator Allott, Senator Beall, Senator Bennett, Senator Bridges, Senator Bush, Senator Case of New Jersey, Senator Cooper, Senator Kuchel, Senator Langer, Senator Martin, Senator Prouty, and Mrs. Smith, and referred to the Committee on the Judiciary.

This bill would amend chapter 39 of title 18 of the United States Code by adding at the end thereof a new section, section 837. After defining the words "commerce" and "explosive," the bill provides that whoever imports into the United States or introduces, delivers or receives for introduction, attempts to transport, transports, or causes to be transported by financing such transportation or otherwise, in commerce, any explosives, or possesses any explosives which has been imported into the United States, or introduced, delivered for introduction, or transported in commerce, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than 1 year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than 10 years; and if death results shall be subject to the death penalty or imprisonment for life.

Of course, Mr. President, those penalties are rather harsh. But I wish to point out that this amendment would go farther than the Dirksen substitute amendment would go.

Certainly I subscribe to, and support, the provision I have read just now, as contrasted to the corresponding provision of the Dirksen substitute amendment. The amendment I have just finished reading applies to explosives which are bought, used, transported, or possessed for the purpose of interfering with the use of such buildings or personal property for educational, religious, charitable, residential, business, or other civic objectives or for the purpose of intimidating any person from pursuing such objectives.

Mr. President, if we are to pass such a law, if one is needed in one area, certainly it is needed in all areas; and certainly such a law should apply to all business houses and to all residences and to all property and to anyone at all who commits such an act; and such a law should apply to any organization or to any type of dispute, including disputes between labor and management, or to anything that motivates or provokes such an act. There should not be any exclusion or exemption.

Mr. President, insofar as this particular provision is concerned, in view of the way it is written, and as I now read it, it would come nearer to meeting the test which would gain favor with me than does the Dirksen substitute amendment, which is now before the Senate.

Mr. COTTON rose.

Mr. McCLELLAN. Mr. President, if I may yield to the distinguished Senator from New Hampshire without losing my right to the floor, I shall be glad to yield to him for a question.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from Arkansas yield to the Senator from New Hampshire for a question?

Mr. COTTON. Mr. President, I have in mind, not necessarily a question, but perhaps a brief statement. I ask unanimous consent that the Senator from Arkansas may be permitted to yield to me at this time, so that I may make a brief statement—for my remarks may not be in the form of a question—without causing him to lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. COTTON. Mr. President, I merely wish to commend the Senator from Arkansas for the statement he has made; and I should like to associate myself with his statement to the effect that this provision against violence, against bombing, and against the destruction of property should not be confined to any one class of property. Instead, if the amendment is to be adopted, it should apply equally to all classes of property and to all persons.

Mr. McCLELLAN. Mr. President, I am happy to have the Senator from New Hampshire agree with me on that point. I do not believe it makes any difference whether the matter involves a personal quarrel between two persons, with the result that one dynamites the automobile or the residence or the place of business of the other; or whether there is involved a dispute between a labor organization and an employer; I do not care whether the matter involved is a "hate" bombing of a church or other building used by any religious denomination because of the fact that some person does not like the organization to which that piece of property belongs; I do not care whether the subject of the difficulty is a cottage which belongs to a Negro or a church or a school; I do not care whether the difficulty arises because of personal hatred or a personal quarrel or a labor dispute. Regardless of the motivation and regardless of the property affected, the result of such damage to property would be the same. If we are to pass a law to forbid discrimination, let us not pass a law which in itself will discriminate. Those who profess to be fighting for the enactment of laws to prohibit discrimination in some areas of politics, business, or whatever area may be proposed as the subject of such legislation, should not, in connection with their condemnations of discrimination, ask the Congress to pass a law which would contain a provision which would definitely discriminate and would let some persons commit crimes of that sort and remain free, simply because the crimes would be committed against certain persons or certain elements of society, and not against others. In any case, Mr. President, the law should apply uniformly. If it is wrong to bomb a school building or an automobile which belongs to a schoolteacher, then, Mr. President, it is wrong to bomb the automobile or the residence of any private citizen who has no connection with a school. Otherwise, the result might be to set up two standards and two classes.

I maintain that if we are in good faith endeavoring to enact legislation which, we say, will eliminate or remove discrimination, certainly in our attempt to do so we should not make a mockery of our profession by sponsoring, endorsing, and voting for a provision of law which would openly and flagrantly discriminate against certain citizens of the United States. However, that is what this measure would do, unless there were added to it language so couched as to cover all such areas, instead of having the law apply to only one class or one area.

Mr. President, I wish now to comment upon other portions of the amendment.

Subsection (c) declares that the possession of an explosive in such a manner as to evince an intent to use—and, Mr. President, we are getting on rather shaky ground when we attempt to provide that it will be necessary to prove that one evinces such an intent. It may be that that could be proved in some circumstances; but what is meant by "evince an intent to use" or the use of, such explosive, to damage or destroy any of the buildings or other real or personal property heretofore mentioned or to intimidate any person, creates rebuttable presumptions that the explosive (1) was imported into the United States, or transported in commerce and (2) was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it.

Mr. President, one might evince an intent if he made a threat, but I think the better word would be threat, if he threatens to use force, instead of evincing an intent. I do not know. I do not know just how we are going to prove that unless we prove it by threat, and the better language would be, in my opinion, "a threat." The bill provides, however, that no person may be convicted unless there is evidence independent of the presumptions that this section has been violated. I think that is a very good provision, and if these other matters were corrected here, made clearer, I think this subsection (c) could be revised and be improved upon. But the general objective of it, Mr. President, is sound, I think. And if it were properly carried out and the language were properly drafted so that the purpose of it was to make it apply to all alike who committed such a crime of whatever category or in whatever area of our society or business, our economy, our religious, social, charitable strata, I think all could support it.

But what we run into every time we turn around, Mr. President, are provisions so designed that they apply only to a limited area, designed primarily—and I say this without any hesitancy and without any reservations—to single out one section of our country and make it appear that that is the culprit we are after, and we are after him, we are going to get him. I am speaking of the South, Mr. President. Everyone who heard what I said knew what I was talking about, but I am saying this so that the person who reads it and did not hear it will know it is stated emphatically.

Then there is another subsection, subsection (d) which provides that whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made to perform any act prohibited by this section, or travels in commerce with intent to use any explosive in violation of this section, shall be subject to imprisonment for not more than 1 year or a fine of not more than $1,000, or both.

Mr. President, I think that might have some virtue in it. I do think that when we go to dealing with threats which are intended to intimidate, coerce, and frighten people we have many areas where we might very well make this section apply, make it proper. These things are fresh in my mind, of course, because of the special investigative work the committee of which I have been chairman has been doing in the past 3 years as an arm of this body and investigating certain practices, improper activities of labor-management relations, and, I may say, Mr. President, that the record of the investigations we made is replete over and over and over again of threats, of intimidations, of violence, of injury, of vandalism, as actions and efforts to intimidate, to coerce, to frighten, to instill fear into people in the hope of causing them to do something, to take an action against their will and not of their own free choice, in many instances, Mr. President, to keep them from going to work and earning a livelihood, to compel them to bow to the will and the dictates in some instances, in many instances, in fact, of ruthless racketeers, and in some cases we can go beyond that, of confirmed criminals and gangsters.

Mr. President, if we are to pass laws against telephone threats, mail threats to intimidate, to frighten, to instill fear, to cause people to refrain from doing that which is legitimate for them to do and which they have a right to do as American citizens, to make a free choice in doing, if we are going to pass legislation like that, let us make it apply in all these areas. Why not?

Again, Mr. President, if we are going to pass laws to eliminate and prohibit discrimination, let us cover all the areas where it is going on, where we know it is going on. There is no question about it. Why should it not be a violation of law to pick up your telephone and call some man's home and say to his wife, "If your husband returns to work, he may never come home again, lady." Or the telephone rings and the little wife picks up the phone and hears this, "Do you love your children? They go to school, do they not? You want them to come home safely, do you not?"

Oh, Mr. President, if we are going to move into this field of intimidation, of coercion and threats, let us protect the American citizen in his home.

Subsection (e) declares that it shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States.

Mr. President, that is a fine provision. You remember how I fought on the floor of the Senate and we lost it by only one vote in the last session of the 85th Congress, I believe, merely to provide that no Federal law preempted the jurisdiction of the States which had similar laws unless the Congress specifically said it meant by the enactment of the law in that area and in that field to

preempt the jurisdiction and the authority of the States and take it away from them.

Mr. President, I see in this bill one of those provisions that ought to be in every bill enacted by the Congress. If we do not put that in the bill, where we are dealing in these areas where there is concurrent jurisdiction between the Federal Government and the State, if we do not include in it these bills, the Supreme Court will say that, based upon its previous decision, the Congress intended that the Federal Government take over whether this is so or not.

My idea is, Mr. President, and I have urged it and I shall continue to urge it, that the Congress ought to say in each bill, in each law, whether it means by enactment of the law to take jurisdiction away from the States, or whether it is willing that concurrent jurisdiction may continue.

Mr. President, to repeat, it reads as follows:

Subsection (e) declares that it shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.

May I say this to those who authored this amendment? With a little improvement in it, it would constitute an approach to our problem. If it were broadened to include all, it would approach the solution of a problem which I think almost all Senators could agree to support.

But we have got to get away from this one thing, Mr. President, and we should keep this in mind all the time, because it is a fact, and it is present, and this is what we have got to get away from: That we are here to legislate to prohibit discrimination in one area, and impose it in another. We should get away from the idea, when we walk into the Senate with a bill that has a civil rights tag, that it applies to only one section of the country that some might have a desire to humiliate or embarrass and hold up to ridicule as a culprit, and ignore what we know is going on in other areas of our society and economy. Yet we want to wink at it or pretend not to see it.

Thus, we narrow provisions in a civil rights bill so as to direct those provisions at a certain area, much as a radio beam or a TV channel is directed toward a certain place—unfortunately and unhappily, Mr. President, too often directed at a section of the country in which I am happy to live and of which I am proud to be a native.

The next bill I should like to call attention to is a comparatively short bill. It is one of the civil rights bills pending, and it may be offered as an amendment at any time. I do not know that it will be, but I think we ought to know something about it. I am glad, as we analyze these bills, that occasionally we can find some good in some of them—that is, good if the provisions are made applicable to the whole, but evil if the provisions are used with the idea that only one is going to be punished, while ignoring the sins of another.

This bill, S. 120, to make unlawful the transmission in interstate commerce of certain communications with intent to interfere with the execution of Federal or State statutes or court decrees, was introduced on January 9, 1959, by the distinguished senior Senator from New York, Mr. Javits, for himself and for his distinguished junior colleague, Mr. Keating, and also for Senators Allott, Beall, Bennett, Cooper, Kuchel, Langer, and Martin.

This bill proposes to create a new Federal crime and amend title 18, United States Code Annotated, section 875, by adding at the end thereof the contents of the bill as new subsection (e). It also proposes to punish—and this is the new crime—whoever, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment, or mandate of any Federal or State court, transmits in interstate commerce any communication containing any threat to kidnap any person, any threat to injure the personal property of another, or any threat to injure public property.

The punishment consists of a fine up to $5,000, or imprisonment up to 5 years, or both.

The content of this bill cannot be condensed without detracting from the provisions thereof, and a copy of the language is as follows:

(e) Whoever, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment, or mandate of any Federal or State court, transmits in interstate commerce any communication containing any threat to kidnap any person, any threat to injure the person or property of another, or any threat to injure public property, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

Mr. President, if the proponents of that bill will set aside the pending bill, and bring up this bill, and leave it open for amendments which might be found advisable after further study of it, I think the bill will pass, and I think it will be a very good law. I see no objection to it. I say it needs some study, with respect to the language, as to what it would do. There are areas where I think we could get together and enact some laws that may be needed in a field like this, without doing violence to the liberties and freedoms of our people, and preserving their rights as citizens, and protecting all of them—not just a few, not just a class, but protecting all citizens alike.

When we propose to legislate in that fashion, I think it will be found a great majority of the Members of the Senate will be in accord and that such legislation can be enacted. It is when we take a class, Mr. President, and single it out, and want to legislate against it, in the name of eliminating discrimination, that we run into this problem.

The next bill is S. 121. I think we will find it was introduced on the same day as the one I have just analyzed and discussed.

S. 121, to make unlawful the mailing of threatening communications with intent to interfere with the execution of Federal or State statutes or court decisions, was introduced on January 9, 1959, by the senior Senator from New York, Mr. Javits, for himself and for his junior colleague Mr. Keating, and for Senators Allott, Beall, Bennett, Cooper, Kuchel, Langer, and Martin.

From my analysis, Mr. President, the only difference between this bill and S. 120 is that S. 121 covers both interstate and intrastate commerce.

Mr. President, right in the beginning we all take an oath to uphold the Constitution of the United States.

I think it is agreed, Mr. President, that the Federal Government has no jurisdiction over intrastate commerce. The commerce provision of the Constitution refers to interstate commerce. I am unwilling, Mr. President, to have the States' jurisdiction and police powers usurped by an intrusion and trespass upon the constitutional prerogatives of a State.

This might be improved, Mr. President, to where it could be acceptable. I think, however, the preceding amendment that I have discussed covers everything that is in here that would come under the constitutional jurisdiction and powers of this body to legislate, and that is in interstate commerce.

This bill proposes to create a new Federal crime and to amend title 18, United States Code Annotated, section 876 by adding at the end thereof the contents of the bill. It will punish whoever with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment, or mandate of any Federal or State court, transmits any communication containing any threat to kidnap any person, any threat to injure the personal property of another, or any threat to injure public property.

I do not think this went as far as the other, although I have not made exact comparisons.

Anyway, insofar as it would affect interstate commerce, Mr. President, it has merit in it. I think there could be very little objection to it if the present laws on our statute books are inadequate to cover that particular act or those acts that this would make a crime.

The punishment consists of a fine of $5,000 or imprisonment up to 5 years, or both. The contents of this bill, again, cannot be considered condensed without detracting from the provisions thereof. The copy is as follows. I will read it, so that this bill may be compared with S. 120.

The punishment consists of a fine up to $5,000, or imprisonment up to 5 years, or both.

The contents of this bill cannot be condensed without detracting from the provisions thereof, and a copy thereof is as follows:

Whoever, with intent to interfere with the execution of any Federal or State statute, or with the decree, order, judgment or mandate of any Federal or State court, knowingly so deposits or causes to be delivered,

as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person or public authority, and containing any threat to kidnap any person, any threat to injure the person or property of another, or any threat to injure public property, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

I spoke earlier, Mr. President, of a rash of bills. I am now, Mr. President, in the process of discussing what I meant by a rash of bills and discussing them in order.

Here is another one, Mr. President, which seems to me to be from the same people on the same day. They just bundle them up by the numbers and call them civil rights. There they go to get into the hopper. This is S. 122, just one right after the other.

Mr. HILL. Will the Senator yield for a question?

Mr. McCLELLAN. I am glad to yield for a question if I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. HILL. Does the Senator recall that the last estimate we had was that these bills would weigh about 8 pounds?

Mr. McCLELLAN. Yes, I recall that.

As I said earlier in my remarks, Mr. President, I may advise the distinguished Senator from Alabama, as they keep introducing these bills and the weight of the burden that is being imposed upon the Senate continues to rise, the material necessary, I may say, to demonstrate or to analyze those bills in order to get into the RECORD what they contain and what the consequences will be if they are enacted, also increases.

Unless they stop introducing these amendments and new bills, I hardly know where this is going to end. The people are entitled to know, as they introduce new bills, what they are driving at, what they are going to do. And it takes material like this, it takes an analysis, and it takes deliberation and comment upon them, in order to get the record clear as to just exactly what is proposed and what is about to happen.

Mr. HILL. Will the Senator yield for another question?

Mr. McCLELLAN. I am glad to yield for a question.

Mr. HILL. Is it not true that under the ordinary, regular procedures of the Senate, since the very beginning of this Government, when a bill is introduced a committee is directed to study that bill, to take testimony, to have witnesses, to analyze the bill, to dissect the bill, to go into the provisions of the bill? Is that not correct?

Mr. McCLELLAN. That is correct. Some of these bills have been referred to committee, those that were introduced January 9. This one I am referring to now is S. 122.

S. 120, S. 121, S. 122 were all introduced on January 9. Here is another one, S. 123, introduced January 9; S. 124 introduced January 9. Then there was a little skip there of 3 or 4 days. The next one was introduced on January 12. But that is a different bill. I think we will find some more introduced January 9.

Mr. HILL. Will the Senator yield for another question?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. Is it not also true, I will ask the Senator, that under the regular procedure of the Senate, not only does a committee have hearings and hear testimony, receive evidence from witnesses, to analyze and to consider these bills, but the committee also makes written reports to the Senate, together with any minority or dissenting views from members of the committee? Is that correct?

Mr. McCLELLAN. That is true. I may say to the Senator that for some of these bills, I serve on a committee to which they are referred, the Judiciary Committee of the Senate. But I point out that you must analyze these principal bills, the ones they insist upon passing. They are not interested in the little bills I am referring to. You do not see them pressing for those right now. But it is the more drastic, those which discriminate within themselves in their attempt, as they say, to eliminate discrimination, on which they press for action.

It reaches the point in committee where there is no way to get out a bill that will remove any discrimination without imposing even greater discrimination upon those they profess to be serving by eliminating what is claimed as existing discrimination.

Mr. HILL. Will the Senator yield for another question?

Mr. McCLELLAN. I will be very glad to yield for a question

Mr. HILL. Is it not true that the Senate finds itself in a situation where it does not have the benefit of a report from any committee on any of these bills? Does it have the benefit of the judgment, the views, or the wisdom of the committee on any of these bills?

Mr. McCLELLAN. That is true. The RECORD will reflect that from one session of Congress to another, and from one Congress to another, the proposals are changed so drastically that one would hardly recognize them as being what they were the last time. The proponents cannot seem to agree. The fact is that they are confused now. Some of them want to go to the extent of—well, I declare; just like you would take a sheep-killing dog and beat the whey out of him. That is their attitude.

Others certainly weigh these questions with care and realize what some of the consequences would be. They realize that the consequences may not be desirable. Therefore, they want to find a way actually to eliminate any real discrimination which exists, but they want to do it within the framework of the Constitution and the laws. There are persons like that. They seek to reach a solution of this problem, or any other problem which should be treated by legislation, but they cannot seem to agree. First they propose a registrar bill, then a referee bill. I do not know what kind of bill we will have before us tomorrow.

At the opening, I premised my remarks by saying that it makes no difference what kind of bill is enacted, there will still be a clamor and demand for more and more punitive legislation. If the proponents succeed in punishing to one extent, that will not satisfy them. They will want to go further. There is no way to solve or resolve the question so long as there is back of the movement a feeling of enmity, ill will, and the desire to impose derision and ridicule—yes, even insult—upon a whole section of the country.

Mr. HILL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield for a question.

Mr. HILL. Is it not true that in addition to what the Senator from Arkansas speaks of as ill will and enmity, a lot of politics is behind the whole subject?

Mr. McCLELLAN. I said a while ago that if politics were taken out of this question, we could get down to business, serve the country, and pass some legislation. We could pass the appropriation bills, and Senators could go to the convention in time. I do not know whether it has dawned on Senators or not, but this debate could be in progress at convention time, if they do not quit introducing more bills and demanding more and more, and getting more confused each day about what they want and what they do not want. I do not know what they will want until their minds clear up. Certainly it is not incumbent upon us to tell them where to go, where not to go, what to do, and what not to do, except to tell them to forget about this foolishness. Let us work together and legislate for the good of the country. Some serious problems are awaiting our attention.

Crying out at this hour for solution are problems which are affecting the lives, destinies, and economic status of thousands upon thousands, yes, millions, of citizens.

Consider the farm problem today. If Congress in its collective wisdom would apply one-tenth of its energies—I think I could safely say one one-hundredth of the energies it has been applying to the so-called civil rights issue—to the farm problem, it would render a far greater service to the Nation. What is taking place here is a disservice. It is an agitation. It is an evil which has been thrust upon us at this hour.

Does the Senator think the sitdown program in the South, the assault of 2,000 on one side and 10,000 on the other, out in front of the Capitol of a sovereign State of the Nation, is a movement toward peace, harmony, and tranquillity between the races? No. What is happening, and what has been happening, is that the Senate has become a constant source of agitation and inspiration to bring about such conditions as we are reading about. What will be the final outcome? Nobody will be any happier. No one will be any better off. No one will be served. The interests of our country will not be protected and enhanced.

It cannot be said too often that we cannot do by human law what the Creator said must be done, and can only be done, by the process of evolution. That is a truth which needs to be instilled and inculcated in the minds and hearts of the people. If we try to do otherwise, we shall fail. We shall only stir up discord, enmity, and strife.

We should be promoting peace and harmony, so that people will be able to live in tranquillity. Let us go back to the concept of our Government—a Union of sovereign States, not a centralized power to dominate, to dictate, to say how people shall live their lives. Are we ready to go back to the principles and the philosophy of government which let the people and the States alone to enjoy their rights, rights which are reserved to them by the 10th amendment to the Constitution? Whenever we shall go back to those principles and live by them, and operate the Government by them, and whenever the courts again respect them, much of the friction, much of the unhappiness, much of the strife between the races will pass away. I can say without any fear of contradiction that is worthy of consideration that until the Supreme Court decision of May 17, 1954, the relationship between the races in my State of Arkansas was better than it was ever known to have been.

Yet it seems to be necessary to have meddlers and crusaders who, while they have beams in their own eyes, see little motes in the eyes of the people of another section of the country, simply because the culture, custom, and tradition of other people have been a little different, in theory, at least, but hardly any difference in practice. We know that is true. Let some of the strongest of the advocates of civil rights consult some of those people. They do not like some of these actions any better than we do. They do not like them, but it is good politics, it seems at the moment, to stir up this trouble.

The two major parties are competing for bloc votes. Again I say I think I know who is going to win. I think I know. Sometime when we have more Republicans on the floor, I will give the answer, but I notice we have only one now and only two Democrats. This is a great opportunity, Mr. President, to expound the truth, to convince people; but this is the way we have to do it, and, as I said the other day, we have to make several speeches to get the message across. But it is going to sink in sometime.

The PRESIDING OFFICER. The Chair would like to comment on the statement of the Senator from Arkansas and say there are more than two Democrats on the floor.

Mr. McCLELLAN. I notice three, and, of course, the occupant of the chair is a fine Democrat, and I am proud that he is present. I hope, Mr. President, we can keep that chair occupied by great and noble Democrats from now on, at least, so long as I am privileged to serve in the U.S. Senate. It does seem to me that a Democrat somehow graces that position, and I do hope, Mr. President, that as a result of the approaching election, in which, as I say, the two major parties are engaging in this little play here and competing for the votes of a bloc majority, the permanent occupant of the chair, after next November or next January 20, will be an able and distinguished Democrat, one whom I can admire as much as I do the present occupant of the chair.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Chair thanks the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I mentioned here a number of bills.

Mr. CASE of South Dakota. Will the Senator yield for a question?

Mr. McCLELLAN. I am very happy indeed, on condition that I do not lose the floor.

Mr. CASE of South Dakota. May I respectfully ask the Chair if that is a declaration of candidacy?

The PRESIDING OFFICER. The Chair——

Mr. McCLELLAN. Mr. President, did the Chair yield for a question from the floor? I think I should ask that, as a parliamentary inquiry first.

The PRESIDING OFFICER. The Chair was going to ask the Senator from Arkansas if he would yield to permit the Chair to answer that question.

Mr. McCLELLAN. The Senator from South Dakota asked me to yield for a question. But I am very glad to yield to the Chair so that he may answer the question of the Senator from South Dakota, provided the Chair will protect me in my rights to the floor.

Mr. CASE of South Dakota. The inquiry by the Senator from South Dakota was prompted by the fact that the Senator from Arkansas had paid a very high compliment to the present occupant of the chair; and then the Chair took occasion to thank the Senator from Arkansas for that compliment. I was just wondering if that was a declaration of candidacy. I am not disagreeing with the statement of the Senator from Arkansas that the present occupant of the chair graces the chair.

Mr. McCLELLAN. I hope not.

Mr. CASE of South Dakota. I was just interested in——

Mr. McCLELLAN. I hope the Senator will not make that an issue at this moment. Some other time we might talk about that, out on the political hustings. But let us keep politics out of this, as much as we can, on the floor.

The PRESIDING OFFICER. If the Senator from Arkansas would permit the Chair to answer that question, the Chair would be glad to say, in answer to the question by the distinguished Senator from South Dakota, in the words of the Bible: "Sufficient unto the day is the evil thereof."

Mr. McCLELLAN. Now that that question has been raised here, I want to say to my distinguished friend in the chair, I realize he is possibly a junior, as one might say, in national politics, but he is also a junior in age, and opportunities will come, I trust with abundance at some time in the future, which, he will not only seize, but I hope the great Democratic Party will reward him with the position he now occupies, or some higher position—and there is only one.

Now that we have that settled, may I go on to something else? [Laughter.]

Mr. SMATHERS. Will the Senator yield for a question?

Mr. McCLELLAN. I shall be very happy to yield to the distinguished Senator from Florida, if I may do so without losing the floor.

Mr. SMATHERS. Is it not a fact that, under our present electoral college system, whichever party happens to win the election in a State, say, like New York, whether they win it by one vote or by 1,000 or by 1 million votes, the party winning gets all of the electoral college votes for the Presidency? Is that not a fact?

Mr. McCLELLAN. I think that is correct.

Mr. SMATHERS. Does the Senator not agree that that is the reason why this minor bloc vote in these big cities becomes so important to those who would rather win the election than do anything else in the world? Is that not the reason why it is so important to them, because a few hundred thousand votes which are cast en bloc might be the key vote, to swing, we will say, a State like New York or Illinois or California, with all of their electoral votes?

Mr. McCLELLAN. I think that is correct. The fact is that the bloc, as we refer to it, may be of such size that in an otherwise close election it may become the balance of power, the controlling factor, which will have the voting power to name a nominee, to elect the nominee, or to choose electors for the presidential election. I think that is correct. I think it is a great temptation. But when it gets down to a situation of that kind, I think the political parties have a duty—they do not always discharge it—to rise above those temptations as a matter of statesmanship and principle. I do not think it serves the welfare or interest of the country to yield to temptation at the cost or at the sacrifice of what is safe and necessary to preserve our country and our liberties and our way of life.

Mr. SMATHERS. Will the Senator yield for one further question?

Mr. McCLELLAN. I shall be very glad to yield for a question under the same conditions.

Mr. SMATHERS. Is the Senator aware of any legislation which has been introduced by either of the Senators from New York, other than this civil rights legislation, which could be construed as legislation designed, for example, to helping the Negro race?

Mr. McCLELLAN. I cannot answer that, except in the way the Senator asked it. He asks whether I am familiar with it. I am not familiar with it, but I do not mean to imply, nor do I wish any implication to flow from that statement, that they have not introduced legislation that might benefit the Negro race in some respects. If the Senator means whether it could benefit the Negro race to the disadvantage of and in discrimination toward another race, the white race or some other race, I would have to answer that question by saying that I do not know what they had in mind.

Mr. SMATHERS. My question was simply aimed at the point whether or not this same solicitude for the Negro race had been evidenced on the part of the sponsors of this legislation in any

other fashion, aside from this so-called civil rights bill.

Mr. McCLELLAN. I can answer by saying I certainly have not noticed it, and I also notice that every time there are references made to another race of citizens, like the Puerto Ricans in their State, who are disfranchised, they still have not presented any legislation or proposal that might enfranchise these people. I do say this, and in saying this I am not speaking politically—we are all friends and good fellows here—that we do have honest differences of opinion as to what legislation is good for the country. Also I do say that I believe they should give a little more attention to and have a little deeper concern about the potential votes of several hundred thousand American citizens residing in their State who are today disfranchised. I think if they introduced other legislation, under their sponsorship, which they would advocate, it would come with a little better grace if they would put also into this legislation proposals that would remedy conditions which we know exist and which they concede exist in their own State. In fact, it seems to me they would want that legislation in the vanguard of all of this so-called civil rights legislation.

Mr. SMATHERS. Will the Senator yield, Mr. President, for a further question?

Mr. McCLELLAN. I am very glad to yield for a further question.

Mr. SMATHERS. Is it not a fact that most of the education and graduate work, for example, in the study of law, as well as in medical schooling, have been provided for the Negro race by the schools in the South?

Mr. McCLELLAN. We have gone a long way, I may say, Mr. President, toward providing them with educational opportunities. I may say that we have not been able, possibly, to do as much as we would like to. That is true with respect to our own race in the South, Mr. President. The South, you remember, was overpowered during the Civil War. Our economy was destroyed. We suffered from that situation, and we did not have an Uncle Sam who loved us. Instead we got legislation comparable to that which is proposed here—force legislation, to impose burdens upon us, to try to keep us from coming back economically. For years we suffered. For years, in the part of the South west of the Mississippi River, the people suffered from discriminatory freight rates.

Mr. President, our States have had a most difficult struggle. It has been extremely hard. Even today, notwithstanding the fact that my State and other Southern States spend for educational purposes a larger percentage of their per capita income than the average for all the States of the Nation, we still are unable to provide schools and to pay teachers' salaries comparable to the national average. Why? Because we have been economically handicapped. We did not have appropriations of billions of dollars—in fact, not even millions of dollars—to help us in our reconstruction. We have had to struggle against tremendous odds.

When the Supreme Court announced the doctrine of separate but equal facilities in the schools, the South immediately—in accordance with its ability—accepted that doctrine as the law of the land.

Today, we hear a great deal about "the law of the land." We accepted the separate but equal doctrine as the law of the land, and we began to do our best to comply with it. In many cities the homes were bonded, in order to be able to build better educational facilities for the Negro children—in many cases, even better than the educational facilities for the white children. That was done because our people and our States, believing in the law of the land, adhering to the law of the land, as announced by the Supreme Court of the United States, never dreaming that the law of the land as it emanates from a Supreme Court decision is not to be obeyed by all the citizens of the country, but is to be disregarded and overruled by a succeeding Supreme Court—but that is what happened; and now we are told to embrace a new law of the land——

Mr. HILL. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I shall be glad to yield. But, first let me say that what I have stated is a fact; it is exactly what has happened.

I do not know whether the present Supreme Court decision will be the law of the land tomorrow or not; and no one else knows, either. Yet, we are now faced with this punitive decision of the Supreme Court, directly contrary to what has been the law of the land since 1896, the year when I was born, because now the Supreme Court has attempted to change what previously was declared by the Supreme Court to be the law of the land. The present Supreme Court has attempted to overrule its predecessor.

And now some Members of Congress ask the Congress to appropriate millions of dollars to make our States submit to what the present Supreme Court—which has attempted to reverse the decisions of its predecessors—has declared now to be the law of the land.

Now I am glad to yield to the Senator from Alabama.

Mr. HILL. Did not the very Congress which submitted the 14th amendment to the States for ratification, recognize the correctness of the doctrine of the Supreme Court of the United States in its decision in the case of Plessy against Ferguson, and proceed to provide for separate schools for the two races in the District of Columbia?

Mr. McCLELLAN. That is correct. But certain members of the present Congress are attempting to have the Congress overrule what all during that period of time was generally accepted as being the law of the land; and the present Supreme Court of the United States has disregarded that decision by its predecessor, and has attempted to overrule it.

Mr. HILL. Mr. President, will the Senator from Arkansas yield further?

Mr. McCLELLAN. I yield.

Mr. HILL. Is it not true that all the States which ratified the 14th amendment and which had any racial differences or problems at all, followed that law, and provided for separate but equal educational facilities; and the legislatures of those very States, by means of the action they took in that connection, also ratified that doctrine and that decision as the law of the land; and so did the Congress, by means of its action in regard to establishing separate but equal schools in the District of Columbia? Is that not true?

Mr. McCLELLAN. Yes. They obeyed and complied in good faith, and everyone seemed to agree. And they had a right to rely on that decision and that doctrine. Certainly if a decision of the Supreme Court of the United States is the law of the land, my community and all other communities in the Nation have a right to make their plans for the future and their investments for the future on the basis of that law of the land. Then, Mr. President, who has a right to change it? The Congress can legislate to change the law of the land. But the Congress did not so legislate. Or the people themselves can, by means of a constitutional amendment, change the law of the land.

But it never at any time occurred to me that the Supreme Court was vested with the power to change the law of the land. Where in the Constitution is there to be found authority for the Supreme Court of the United States, by caprice or whim or otherwise, to change the law of the land? If I, as a citizen, am bound by what the Supreme Court of the United States says is the law of the land, why is not the Supreme Court of tomorrow, the one which will succeed the present Supreme Court, equally bound by the same law?

Mr. President, we have reached dangerous ground in our country. Is the Constitution of the United States only what the changing Supreme Courts say it is? Is the Constitution of the United States so fragile that it can be broken and then spliced together at the will and the whim of a Supreme Court? Mr. President, the Constitution of the United States ought to be more stable; it ought to be more reliable. The people have a right to believe that the law of the land will remain the law of the land until the Congress changes it by legislative enactment or until the people themselves change it by the processes which are provided in the Constitution for amending and changing the Constitution. But, Mr. President, as I have said, Senate bill 122, introduced on January 9, 1959——

Mr. HILL. Mr. President, will the Senator from Arkansas yield for another question?

Mr. McCLELLAN. I am happy to yield for a question.

Mr. HILL. Does not article VI of the Constitution provide that—

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Is that provision not just as clear as it can be?

Mr. McCLELLAN. Yes; and there is no question in my mind but that the Supreme Court of the United States is also bound by the law of the land. But the present Supreme Court of the United States thinks it is not so bound; and now we have before us proposed legislation which has been introduced in an attempt to make law-abiding citizens of the United States change the course of their lives and their economy and their social structure and their culture, simply because a Supreme Court has attempted to change the law of the land.

Mr. President, let me say that some persons may think it is now all right—simply because they have the strength to overpower some of the rest of us—to do some of these things. But I warn that if that happens, the day will come when the old chicken will come home to them and will begin to cackle on their roost, and then they will be faced with a dreadful precedent which they will have made; and let them not think they did not do it. Let them remember that they made it in the face of warning after warning that it was dangerous.

Mr. President, I wish all my colleagues were present at this time, so I could plead with them not to do that which some now contemplate.

Mr. HILL. Mr. President, will the Senator from Arkansas yield further to me?

Mr. McCLELLAN. I am very happy to yield.

Mr. HILL. Does not the question as to the supreme law of the land go basically and fundamentally to the entire basis of our democracy and to our entire principle of government of the people, by the people, and for the people? Is it not true that by providing in the Constitution that the laws shall be those which shall be enacted by the Congress, the Founding Fathers reserved that power to the people, inasmuch as the Congress is elected by the people?

Is it not true that they have to be elected every 2 years and Members of the Senate have to be elected every 6 years, so by having laws made by these representatives elected by the people, accountable to the people, the people themselves are retaining their control of the laws of the land. Is that not correct?

Mr. McCLELLAN. That is correct.

What is the reason for this? Is it title 2, section 2 or 3 of this bill? I believe it is section 4 of the bill. Yes, it is section 4 that is asking the Congress to say that it endorses and upholds the Supreme Court decision. Well, we know what that signifies, and the dubious value of it. They have to get it fortified, reinforced in some way. They are trying to get the Congress now to go along with what I think is an improper act, one that was not constitutional. What they held to be constitutional in my opinion is not. Now, they want to get the Congress to go along with it. Well, I am not about to go along with them. If they did wrong, they can correct it.

I am not going to put any veneer over it for them. Leave it as it is. They did it. I am not going to be a part to giving it my approval or my approbation. I think it is wrong, Mr. President, and I am going to vote accordingly, and I think the very idea of having a proposal here, something I have never seen or known before—I do not recall one. Is this a practice? Is this a custom? Has it ever happened before that this Congress came in to try to bolster up a Supreme Court decision such as this one?

I will state what we have done. We have introduced legislation and have passed legislation at times in an effort to correct the conditions the Supreme Court said existed, and trying to meet the legal requirements the Supreme Court said were necessary to deal with the problems. But I have never known of a proposal like this, when it is patent and obvious to me and to many others that the Court made a mistake, to come here with a proposal to bolster the decision and try to vindicate it.

As long as I think it is wrong, Mr. President, I am not going to do anything to vindicate it. Sometime during the course of this debate I am going to take up section 1 of this bill, which I have in its present form, Mr. President. In my judgment, I have indicated could be interpreted by the Supreme Court as making it a crime for me to say that I disagreed with the Court, because if I did they would say I was attempting to prevent the enforcement of its order and its decree. I have a right as a citizen, I have a duty as a Member of Congress, Mr. President, to say the Supreme Court is wrong when I believe it to be wrong. If in the course of a debate such as this, where the issues are before us, if I honestly believed a Supreme Court decision was wrong, I would not be true to my responsibilities if I did not say what I am saying now.

Mr. President, I do not think I am about to run out of material, but in order to expedite, I ask unanimous consent to insert at this point in the RECORD, the analysis I have here of S. 122. I ask that unanimous consent, Mr. President, not because I am about to run out of material, but just to show that I am perfectly willing occasionally to let the RECORD show that I was not simply taking up all of the time, but that I am sincere in my argument.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

S. 122 TO MAKE UNLAWFUL MAILING OF MATTER TENDING TO INCITE CRIMES OF VIOLENCE

On January 9, 1959, Senator Javits, for himself, Senator Keating, Senator Allott, Senator Beall, Senator Bennett, Senator Cooper, Senator Kuchel, Senator Langer, and Senator Martin, introduced S. 122.

This bill proposes to create a new Federal crime and to amend title 18, United States Code Annotated, chapter 83, by inserting at the end thereof as a new section 1733, the contents of the bill.

The bill prohibits mailing, and makes nonmailable—not to be carried or delivered—every writing, paper, publication, or other thing, including a picture, reasonably tending to incite murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, willful destruction of any building or structure, extortion accompanied by threats of violence, and any above prohibited thing. publication, picture or card giving information directly or indirectly—where, how, or from whom, or by what means, any of the above prohibited material or things may be obtained.

It provides that whoever knowingly mails anything prohibited by act, or so removes same from mail, either for the purpose of circulating or disposing thereof, or aiding so to do is guilty of crime.

The punishment for the first offense is a fine up to $5,000, or imprisonment up to 5 years, or both, and for the second offense, a fine up to $10,000, or imprisonment up to 10 years, or both.

Mr. McCLELLAN. Now Mr. President, I go to the next bill, S. 123, again introduced on the 9th of January 1959, by the distinguished senior Senator from New York [Mr. Javits], and for his distinguished junior colleague [Mr. Keating], and Senators Allott, Beall, Bennett, Cooper, Kuchel, Langer, and Martin.

This bill proposes to create a new Federal crime and to amend title 18, United States Code Annotated, chapter 73, by adding at the end thereof the contents of the bill as a new section—section 1509.

It will punish whoever by force, intimidation or threat, prevents or tries to prevent any person from being or holding any Federal office, trust, or place of confidence, or who, likewise, tries to induce any such officer to abandon his place of duty, or whoever injures, or attempts to injure, or threatens to injure any such person, or his property, on account of the lawful discharge of the duties of his office, or while such person is engaged in the lawful discharge thereof, or whoever injures, or attempts to injure, or threatens to injure such person's property so as to molest, interrupt, hinder, or impede such person in the discharge of his official duties.

The punishment is a fine up to $5,000, imprisonment up to 5 years, or both.

Mr. President, I think we ought to take a position of contesting the ruling of the Court in any such case. I think we ought to take a position of trying to get the Supreme Court of the United States to see the fallacy of its reasoning and the error of its decision and get it to take remedial action to reverse such a decision.

Am I committing a crime in America when I do that? Does this proposal not seek to make it a crime? My interpretation is that it does. Are we ready to go to this kind of extreme in legislating in this field? I say we should not. I am not sure what the Supreme Court would hold, Mr. President. I am persuaded it might hold it is a crime to do it, and this bill would make it a crime if any person "tries to prevent any other person from being or holding any Federal office, trust, or place of confidence, or who, likewise, tries to induce any such officer to abandon his place of duty."

If my son, my father, a friend of mine, or anybody else of whom I thought well, occupied such a position, and I wanted to go to him and say to him, "Son, I believe this is so wrong that, if I were you, I would resign; I would not serve if that is what they demanded of me," according to this bill, I would be guilty of a

crime and would be subject to punishment, and I could go to the penitentiary for 5 years.

Is that the kind of legislation this Congress is expected to enact, in order to appease the whim of the NAACP or any other organization? Mr. President, I shall never vote for such measures. That is what we are asked to vote for, blindly.

Mr. President, I wanted to get through with some other of these bills, particularly those introduced on the 9th of January 1959.

Here is another one that was introduced on the 9th of January 1959, S. 124, to make unlawful interstate travel to avoid prosecution for willful destruction, or damaging of any building.

This proposed legislation was introduced on January 9, 1959, by the Senator from New York [Mr. JAVITS] for himself, and Senators KEATING, ALLOTT, BEALL, BENNETT, COOPER, KUCHEL, LANGER, and MARTIN. It proposes to make unlawful interstate travel to avoid prosecution for willful destruction or damaging of any building.

This bill proposes to create a new Federal crime, and it is intended as an amendment to section 1073 of title 18 of the United States Code. It would include in said section the language "willful destruction or damaging of any building or structure."

I wonder why it should not apply to damaging a person? It covers only buildings or structures. Suppose a man were shot, or his eyes were put out, or he was otherwise crippled or maimed or injured for life, and whoever did it fled across a State line. This bill does not reach that kind of crime, but only the destruction of a building. Why?

If we are going to legislate in these fields, why not cover any crime that can be committed, and not single out only one and ignore the others? To be fair about it, it seems to me taking a man's life, or injuring his body or a limb, would be a more serious crime than that of destroying a henhouse, or something like that. I do not understand the reasoning that goes into some of these bills.

The title of the section to be amended, 1073, title 18, United States Code Annotated, is "Flight To Avoid Prosecution or Giving Testimony."

If we are going to make it a crime for a person to cross a State line in order to avoid prosecution or to keep from giving testimony—if there is virtue in such a bill, if it is right—and I am not arguing the merits of the question for the moment—why limit the bill to the destruction of a building? Why do we not say it is a crime if someone murders somebody? Why do we not say if a person shoots somebody, or cripples him for life, it will also be a crime under this bill? Why do we limit it only to destruction of property? I do not know. I do not understand the logic behind this sort of legislating. We are talking here about trying to eliminate discrimination, and yet amendment after amendment and bill after bill we are asked to consider emphasizes, more than I can emphasize, by any language I may command, the practice of discrimination—the very evil that it is proposed to correct.

Mr. President, earlier in my remarks I made some mention of the great number of bills, the rash of bills and amendments, that have been introduced, and I said I hoped to have some estimate or statement of the number and nature of them before I concluded my remarks.

Mr. President, it may be interesting to the Senate to know of a compilation I made—I say which I have had made, Mr. President—showing bills which have been sponsored and introduced on the matter of civil rights by Senators.

I have here a fairly accurate compilation, I believe, which extends over the period January 29, 1959, to and including February 24, 1960. Since February 24, however, there have been introduced as amendments to the pending legislation, that is, Mr. President, the Stella School District bill, 22 amendments dealing with the subject of civil rights.

Mr. President, I should like at this point to have printed in the RECORD, and I ask unanimous consent that there be printed in the RECORD, the summary of the compilation of the bills to which I have referred.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

Civil rights bills (Jan. 9, 1959–Feb. 24, 1960)

[Senate: 66 bills, amendments, resolutions]
[House: 109 bills, amendments]

	Individual tally (Senate)	
	Sponsored	Introduced
REPUBLICANS		
JAVITS (New York)	42	24
ALLOTT (Colorado)	19	0
KEATING (New York)	18	3
COOPER (Kentucky)	16	0
CASE (New Jersey)	15	0
BEALL (Maryland)	15	0
SCOTT (Pennsylvania)	12	0
BUSH (Connecticut)	10	0
Dirksen (Illinois)	10	9
MARTIN (Iowa)	9	------
BENNETT (Utah)	8	------
KUCHEL (California)	8	------
SALTONSTALL (Massachusetts)	8	------
CARLSON (Kansas)	8	------
PROUTY (Vermont)	4	------
BRIDGES (New Hampshire)	2	------
SMITH (Maine)	2	------
YOUNG (North Dakota)	2	------
CAPEHART (Indiana)	2	------
CURTIS (Nebraska)	2	------
WILEY (Wisconsin)	2	------
MORTON (Kentucky)	2	------
HRUSKA (Nebraska)	2	------
FONG (Hawaii)	1	------
GOLDWATER (Arizona)	1	1
BRUNSDALE (North Dakota)	1	------
CASE (South Dakota)	1	------
AIKEN (Vermont)	1	------
SCHOEPPEL (Kansas)	1	------
DWORSHAK (Idaho)	1	------
30 out of 35 Republicans (86 percent).		
DEMOCRATS		
MORSE (Oregon)	17	5
HUMPHREY (Minnesota)	16	11
MCNAMARA (Michigan)	14	2
DOUGLAS (Illinois)	13	1
HART (Michigan)	13	2
MCCARTHY (Minnesota)	13	0
PASTORE (Rhode Island)	12	0
CLARK (Pennsylvania)	12	0
NEUBERGER (Oregon)	11	0
MAGNUSON (Washington)	10	0
MURRAY (Montana)	9	0
HENNINGS (Missouri)	8	4
RANDOLPH (West Virginia)	3	0
ENGLE (California)	3	------
GRUENING (Alaska)	3	------
DODD (Connecticut)	3	------
ANDERSON (New Mexico)	2	------
BIBLE (Nevada)	2	------
BYRD (West Virginia)	2	------

Civil rights bills (Jan. 9, 1959–Feb. 24, 1960)—Continued

	Individual tally (Senate)	
	Sponsored	Introduced
CANNON (Nevada)	2	------
CARROLL (Colorado)	2	------
CHAVEZ (New Mexico)	2	------
CHURCH (Idaho)	2	------
GREEN (Rhode Island)	2	------
MANSFIELD (Montana)	2	------
YARBOROUGH (Texas)	2	------
JOHNSON (Texas)	2	1
LAUSCHE (Ohio)	2	------
PROXMIRE (Wisconsin)	2	------
O'MAHONEY (Wyoming)	2	------
WILLIAMS (New Jersey)	2	------
KENNEDY (Massachusetts)	1	1
HOLLAND (Florida)	1	1
ERVIN (North Carolina)	1	------
Moss (Utah)	1	------
SYMINGTON (Missouri)	1	------
YOUNG (Ohio)	1	------
KERR (Oklahoma)	1	------
BARTLETT (Alaska)	1	------
ELLENDER (Louisiana)	1	------
FREAR (Delaware)	1	------
HARTKE (Indiana)	1	------
HAYDEN (Arizona)	1	------
LONG (Louisiana)	1	------
MCCLELLAN (Arkansas)	1	------
MCGEE (Wyoming)	1	------
MONRONEY (Oklahoma)	1	------
SMATHERS (Florida)	1	------
KEFAUVER (Tennessee)	1	------
JACKSON (Washington)	1	------
50 out of 65 Democrats (77 percent.)		

NOTE.—Langer is not listed, but his bill is included.
New York leading pack with 43 bills.
JAVITS is "champeen" with 42.
17 out of 20 bills in 2d session New York sponsored, 15 introduced by JAVITS; 1 by KEATING.
Others this session:
DIRKSEN, 3.
HUMPHREY, 1.
In 2d session bills all introduced by Republicans except for 1 by Senator HUMPHREY.
Presidential report:
HUMPHREY, both sessions, sponsored 16, introduced 11.
KENNEDY, 1st session, mild antibombing bill, 33 cosponsors.
JOHNSON, 1st session, introduced mild bill and sponsored poll-tax bill.
SYMINGTON, 1st session, cosponsored Kennedy bill.
Morse(?), both sessions, sponsored 17, introduced 5.
Big pushers: New York, Illinois, and Michigan.
Kentucky and Texas supporting.
New States Alaska and Hawaii procivil rights.
NOTE.—For purposes of the tally, the northern definition of civil rights has been used; no bills by Deep South Senators therefore are included except Senator HOLLAND anti-poll-tax constitutional amendment.
In the House:
Representative ADAM CLAYTON POWELL "champeen" with 17 bills (covering about the waterfront, explosives, housing, education, public transportation, employment, poll tax, permanent civil rights commission).
Representative CELLER is next with 8 bills; Representative DINGELL 7; Representative ROOSEVELT, 5.
Combined New York total of POWELL and CELLER: 25.
41 House Members have offered at least 1 bill.

Mr. McCLELLAN. I hold in my hand a package which contains, so far as I have been able to determine, all of the bills, resolutions, amendments, and amendments to amendments introduced in this Congress in relation to the great cause of civil rights.

Parenthetically, I might state that if all of these should be enacted into law, it would, beyond any doubt in my mind—and I see this that I am reading says "in all probability," but I will go further than that, Mr. President, as I think that does not adequately express how I feel about it—would no doubt result in the greatest masterpiece of confounded confusion ever devised and achieved by a legislative body in the United States of America.

So, Mr. President, separating these into different categories, those that I

now hold in my hand comprise the first packet of this package. This is a compilation of all the bills and resolutions introduced in the first session of the 86th Congress, starting on January 9, and ending on July 15, 1959. The total number of these bills and resolutions is 55.

Mr. President, package No. 2, which I hold up, is the second packet. It has to do with S. 2391, a bill introduced by Mr. HENNINGS on July 15, 1959. To that bill there have been introduced 11 amendments.

The third packet, Mr. President, of civil rights legislation, which I now have in my hand, relates to my bill, S. 1617, about which I have previously spoken. To that bill there have been added amendments to the number of 13. That is a bill, Mr. President, that ought to be on the desk at this moment as the pending business.

Mr. President, I have it there as an amendment to this bill, but it ought to be the bill that should have been called up to serve as the vehicle for civil rights legislation. I do propose, Mr. President, to have it called up if I can do so under the rules of the Senate, and made the pending business at some point, at some proper time, in the course of this proceeding. At that time, Mr. President, if I do not do so before, I intend to make a full explanation of the bill to point up again, Mr. President, that unless that amendment passes, unless it is adopted, or if another civil rights bill is passed without that amendment, without that provision, we will leave disenfranchised in this country literally thousands of people living on Government reservations that are now, today, ineligible to vote, and who ought to be made free to be voting citizens of the State in which the Federal Government reservation on which they live is located.

Mr. President, if you want some good voting legislation, this would be the place to start.

Mr. President, the No. 4 group I hold up is a packet of amendments to H.R. 4938, is the so-called peanut bill, and to that have been added civil rights amendments in the number of two. Well, we take a peanut bill for a vehicle to try to get civil rights into it. I know there are fine oils and other substances in peanuts that are good for the human race, but I never knew that the peanut was going to become a vehicle for civil rights. But we will take any old thing if we can smear the South a little, I suppose.

The last packet I hold up, which completes this entire package to which I have referred, are amendments to the pending business, H.R. 8315, the Stella School District, which I presume by now have been forgotten in the maze of this civil rights foray of legislation. To that bill has been added 39 amendments, according to the latest count. I believe the 2 just sent up by my distinguished colleague, the distinguished Senator from North Carolina, if it was 2, and I believe it was, would make it 41.

Now, Mr. President, what I am sending up are in the nature of amendments, they have to be. They are not amendments adding to, Mr. President, but amendments taking from, if they are adopted. They would take section by section out of this substitute, proposed substitute, this bill, and let us come back, Mr. President, to the little school bill and either pass it, withdraw it, or table it. I believe it was the distinguished minority leader who stated on the floor of the Senate that it had become a moot question, that they settled the school district and do not even need the bill. It is as dead as a "dodo"—is that what they call it? I have heard that expression, Mr. President. So far as it having any validity or serving any purpose other than to be a feeble reed upon which this so-called civil rights legislation is now trying to lean, I think it may as well be forgotten. It may as well be taken off the calendar, tabled, whatever else it takes to wipe the slate clean of it, for this session of Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I will be very happy to yield for a question, Mr. President, if I do not lose my right to the floor.

Mr. HOLLAND. Referring to the 5 or 6 pounds of printed bills and amendments which the Senator has had in his hand and has mentioned——

Mr. McCLELLAN. It is all of that.

Mr. HOLLAND. I wonder if the Senator has had any mathematical computation prepared as to how many contradictions there are between various bills and others, and various amendments and others. That would be interesting statistical information, I think, if the Senator has it compiled.

Mr. McCLELLAN. We have not been in session long enough for us to compile those. I doubt if we will be. We could not do that by the time the Democratic Convention meets. The fact is that is a human impossibility. I do not believe any human mind could resolve, point out and identify all of the contradictions and confusions in these bills, if you took all of them.

Mr. HOLLAND. Will the Senator yield further for a question?

Mr. McCLELLAN. I will be happy to yield for a question.

Mr. HOLLAND. Will the Senator advise the Senate, if he knows, which of these contradicting measures the Senate will be called finally to pass upon?

Mr. McCLELLAN. I spoke to that earlier. I said we are compelled to take these amendments, these bills, and analyze them, this great array, this great number. We are compelled to do it to make this record, because we have no way of knowing when one of them will be jerked up and slapped at us with maybe just a few minutes to debate it, with nobody knowing what it is all about. You would have to guess at it. Of course, I am going to vote against all of them, unless there are some that make some sense. Very few of them do. I can be pretty safe. I will just vote against them unless they get rid of all this—it is hard to find words, sometimes, to describe some of this—all of this superabundance of punitive legislation. If they come up here with something constructive that applies across the board to correct some discriminations that may exist, I would be glad to vote for it.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I am glad to yield.

Mr. HOLLAND. Can the learned Senator from Arkansas refer the Senator from Florida to any person in the membership of the Senate or in its leadership who knows which ones of the contradictory amendments and bills will be insisted upon by the advocates of the proposed legislation?

Mr. McCLELLAN. Of course I cannot. I have said that over and over again. I do not know of anyone who does know. I do not believe anyone claims to know. I have not found anyone who does know. One can ask from the leadership on down, and he will get the reply, "We do not know yet." That is the situation. That is where we stand.

Mr. President, we are making no progress with this kind of procedure. We are making no progress toward anything which is constructive. We can continue in this way, but what we ought to do is to lay the little school bill aside, together with all the emoluments which have been attached to it, or which are proposed to be attached to it, and call up some important bills which might serve to strengthen the country, might serve to enhance the prosperity of the people, might contribute to our defensive position and make us stronger in the contest which we are waging for an honorable and permanent peace. But I suppose that will not be done. I suppose we will continue, as we have been continuing, for quite some time to come.

Even when this particular round has been settled, as I pointed out in the preface to my remarks, the whole question will not be settled. Regardless of the disposition of this proposal, the question will not be settled. The proponents will be right back seeking more and more and more. They propose not to stop until they have been given every advantage by law, and until this question has been worn threadbare and worn out so far as concerns any political expediency it might offer.

Mr. President, I now submit a series of amendments which I ask to have read by the clerk, to have printed, and to lie on the table, subject to their being called up for consideration and action at any time either before or after cloture may have been invoked.

I send the first amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

Amendments intended to be proposed by Mr. McCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 1, beginning with line 2, strike out all through page 2.

On page 3, line 1, strike out "SEC. 2" and insert in lieu thereof "SECTION 1".

On page 4, line 1, strike out "SEC. 3" and insert in lieu thereof "SEC. 2".

On page 6, line 9, strike out "SEC. 4" and insert in lieu thereof "SEC. 3".

On page 13, line 19, strike out "SEC. 5" and insert in lieu thereof "SEC. 4".

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 66".

Mr. McCLELLAN. I was very happy to yield to my distinguished colleagues, and I am very grateful to note that no Senator objected to my yielding for that purpose. I think it is quite proper and right, notwithstanding the parliamentary situation, Mr. President, that we take into account the merits and values of these various incidents that occur, and anniversaries to be noted. I think Senators are to be commended for yielding and not objecting to the yielding for such purposes.

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

Strike out all of page 3.

On page 4, line 1, strike out "SEC. 3" and insert in lieu thereof "SEC. 2".

On page 6, line 9, strike out "SEC. 4" and insert in lieu thereof "SEC. 3".

On page 13, line 19, strike out "SEC. 5" and insert in lieu thereof "SEC. 4".

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRK-SEN (designated "2-240-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 4, beginning with line 1, strike out all through line 8 on page 6.

On page 6, line 9, strike out "SEC. 4" and insert in lieu thereof "SEC. 3".

On page 13, line 19, strike out "SEC. 5" and insert in lieu thereof "SEC. 4".

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 6, beginning with line 9, strike out all through line 18 on page 13.

On page 13, line 19, strike out "SEC. 5" and insert in lieu thereof "SEC. 4".

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 13, beginning with line 19, strike out all through line 15 on page 17.

On page 17, line 16, strike out "SEC. 6" and insert in lieu thereof "SEC. 5".

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendments intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 17, beginning with line 16, strike out all through line 22 on page 19.

On page 19, line 23, strike out "SEC. 7" and insert in lieu thereof "SEC. 6".

Amendment intended to be proposed by Mr. MCCLELLAN to the amendment in the nature of a substitute proposed by Mr. DIRKSEN (designated "2-24-60—I") to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz:

On page 19, beginning with line 23, strike out all through page 22.

Mr. McCLELLAN. Mr. President, I have another amendment which I shall not offer this afternoon. I have probably trespassed upon the time of my colleague here who wishes to speak, and for that reason I shall not further engage the attention of Senators who are present, but I shall present this amendment at some proper time, within the course of this proceeding, at which time, Mr. President, I will have some remarks to make about it when I ask that it be printed. This is one amendment which I shall very much desire, Mr. President, to have considered and acted upon in the course of the consideration of this so-called civil rights legislation.

Mr. President, I made a little progress today, but I did not get very far. Again I point out that as long as Senators continue presenting amendments, which necessitate their being examined and analyzed and discussed, and as long as those amendments are being compared in weight, and if they reach 6 pounds, 8 pounds or 10 pounds, Mr. President, we will have to have material here answering them, for their being discussed and their being analyzed and explained and their consequences pointed out—I am persuaded that the weight of the material which will be here for that purpose will rise proportionately.

During the delivery of Mr. MCCLELLAN's address on civil rights legislation,

Mr. ERVIN. Mr. President, I ask unanimous consent that the able and distinguished senior Senator from Arkansas [Mr. MCCLELLAN] may yield the floor to me for the purpose of enabling me to send to the desk and ask to have read two amendments, without his losing the privilege of the floor and without having his act in so doing be counted as two speeches on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CASE of South Dakota. Mr. President, reserving the right to object, the Senator does not himself expect to make a speech, does he?

Mr. ERVIN. No. I merely wanted to get my amendments read and printed.

Mr. CASE of South Dakota. I have no objection.

Mr. McCLELLAN. Mr. President, I am very glad to yield, provided I do not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I send to the desk two amendments, and ask that they be read and printed in the RECORD following the remarks of the Senator from Arkansas, and that they lie on the table until called up by me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. I thank the Senator from Arkansas for yielding, and the Senator from South Dakota for not objecting.

The PRESIDING OFFICER. The amendments submitted by the Senator from North Carolina will be read.

The legislative clerk read as follows:

Amendment intended to be proposed by Mr. ERVIN to the Dirksen amendment to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz: On page 2 after line 24, add a new subsection reading as follows:

"(c) That section 151 of the Civil Rights Act of 1957 (71 Stat. 638) is amended by striking out lines 6 to 19, both inclusive, of the first paragraph and by inserting in place thereof the following: '*Provided further*, That no person shall be punished for any criminal contempt allegedly committed outside the immediate presence of the court in connection with any civic action prosecuted in any court of the United States under the provisions of this Act unless the facts constituting such criminal contempt are established by the verdict of a jury in a proceeding in the district court of the United States, which jury shall be chosen and empaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the district court of the United States.'."

Amendment intended to be proposed by Mr. ERVIN to the Dirksen amendment to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R-I, Missouri, viz: On page 2, after line 24, add a new subsection reading as follows:

"(c) That section 151 of the Civil Rights Act of 1957 (71 Stat. 638) is amended by striking out lines 6 to 14, both inclusive, of the first paragraph, and by inserting in place thereof the following: '*Provided further*, That whenever a criminal contempt charge shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.'."

The PRESIDING OFFICER. The amendments submitted by the Senator from North Carolina will be received, printed, and lie on the table.

Mr. McCLELLAN. Mr. President, I do think that my colleagues who wish to speak should have the advantage of a few more Senators than are now present. I do not think it would inconvenience them too greatly, Mr. President, and I certainly would not want to work any hardship on them, but, out of respect for this body and the decorum of the Senate,

occasionally they ought to be called to the Chamber. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 100]

Aiken	Green	Martin
Allott	Gruening	Monroney
Anderson	Hart	Moss
Bartlett	Hartke	Mundt
Beall	Hennings	Muskie
Bible	Hickenlooper	Prouty
Brunsdale	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Saltonstall
Capehart	Jackson	Schoeppel
Carlson	Javits	Scott
Carroll	Johnson, Tex.	Smathers
Case, N.J.	Keating	Smith
Case, S. Dak.	Kefauver	Sparkman
Church	Kuchel	Symington
Clark	Lausche	Williams, Del.
Cooper	Long, Hawaii	Williams, N.J.
Dirksen	McCarthy	Yarborough
Douglas	McClellan	Young, N. Dak.
Dworshak	McGee	Young, Ohio
Engle	McNamara	
Gore	Mansfield	

The PRESIDING OFFICER. A quorum is present. The Senator from Pennsylvania.

DISARMAMENT—ADDRESS BY SENATOR KENNEDY

Mr. CLARK. Mr. President, today in Durham, N. H., the distinguished junior Senator from Massachusetts [Mr. KENNEDY] made a brilliant and able speech on the subject of disarmament. Tomorrow a number of Senators on this side of the aisle hope that the Senate will devote an hour or two to discussing this vital subject, as we spent an hour or two discussing defense several days ago. In order that my colleagues may be informed of the views of my good friend, the Senator from Massachusetts [Mr. KENNEDY], who I hope will participate in this discussion, I ask unanimous consent that a copy of his remarks may be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. KEATING. Mr. President, reserving the right to object, and I shall not object, may I ask again, inasmuch as I was not too attentive, who made this address?

Mr. CLARK. The Junior Senator from Massachusetts [Mr. KENNEDY].

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN F. KENNEDY AT UNIVERSITY OF NEW HAMPSHIRE, DURHAM, N.H., ON MARCH 7, 1960

The most gaping hole in American foreign policy today is our lack of a concrete plan for disarmament.

I spoke last Monday night of our defensive weaknesses—of our need to increase this year's defense budget if we are to avoid the risk of a catastrophic missile gap in the near future. I called it an investment in peace. For the purpose of our arms is to deter an attack, to show the Russians that they will never gain an advantage through force of arms, and to enable us to bargain for peace from a position of strength.

I. PEACE TAKES MORE THAN TALK

No nation talks more of its dedication to peace. No subject recurs more frequently in the President's addresses at home and abroad. No hope is more basic to our aspirations as a Nation than our hope for the day when our bombs can be converted into reactors—our rockets can be devoted to exploring space—and the funds now in our defense budget can be used to build a better, happier, healthier Nation and world.

However, as each year passes, the possibilities of disarmament—or, to use a more realistic term, arms control—become more difficult. It is harder to limit growing nuclear stockpiles than the shipment of raw materials—harder to inspect for missile sites than airbases—and harder to prevent surprise attacks once they can be launched from underground, underwater, or outer space. The engines of death are multiplying in number and destructiveness on every side—the institutions of peace are not.

Pushbutton weapon systems based upon instant response—but capable of both mechanical and human error—could plunge the world into a nuclear holocaust through an act of inadvertence or irrationality. The galloping course of our weapons technology is rapidly taking the whole world to the brink. The same science that industrialized the West, then gave us our atomic monopoly, then transformed a Russian peasant society into a producer of sputniks, missiles, and H-bombs, is now awakening the sleeping giants of China, Africa, and all the world—moving by a logic of its own, out of the control of any one man or nation.

I am not simply talking about another war. A single nuclear weapon today can release more destructive energy than all the explosives used in all wars throughout history. The world's nuclear stockpile today contains, it is estimated, the equivalent of 30 billion tons of TNT—about 10 tons of TNT for every human being on the globe. Our scientists tell us that the radioactive fallout from a single bomb can wipe out all higher forms of life in an area of 10,000 square miles. One H-bomb has the destructive force of a train stretched the entire width of the United States loaded with over 4 million World War II blockbusters. No wonder it has been bitterly said that life may be extinct on other planets because their scientists were more advanced than ours.

No sane man should accept these facts with equanimity. No leader of any nation should rest content with this precarious equilibrium of terror. No nation should delude itself into thinking it has a strategy for the 1960's if that strategy is nothing more than the arms race, nothing more than the cold war, nothing more than the policies of the last two decades.

As one of our leading writers on war, Walter Millis, has said:

"A policy which can see no further than a missile-megaton arms race amounts * * * to a disregard of those fundamental concepts of the inherent value of the individual, of the dignity and fraternity of all men, of justice not only for one's self but for all * * * the indispensable foundation of any free society."

No issue, in short, is of more vital concern to this Nation than disarmament; no issue could demand more priority of top-level attention than disarmament; and yet this Nation has no consistent, convincing disarmament policy.

We have had Presidential speeches, Presidential advisers, and Presidential Commissions on Disarmament, but no policy. We are meeting next week in Geneva with nine other nations in an East-West Disarmament Conference; but (except to the extent we will accept the broad British proposals) we have prepared no plan for our conferees. We are meeting the Russians at the summit this spring to discuss among other things presumably, disarmament, but we have no idea what our stand will be. We have participated in previous conferences—on disarmament, on nuclear testing, and on surprise attack—but our conferees in every instance have been ill prepared and inadequately instructed. We invited our Western allies to Washington in January to make joint preparations for the Geneva Conference—but we had no positive proposals of our own to offer them.

I am certain that the President is sincere when he says we want disarmament, but I am also afraid that the rest of the world is justified in wondering whether we really do.

II. THE POSSIBILITIES FOR DISARMAMENT

There are, of course, many powerful voices in the Government—both in and out of the Pentagon—who do not want disarmament, or, professing to want it, do not really believe in it.

Disarmament to them is still merely a fuzzy ideal for fuzzy idealists. There can be no disarmament, they say, until world tensions have ceased, or until we know for certain that the Russians will live up to their agreement, or until a foolproof inspection system can be worked out, or until the Russians give up communism and its dreams of world domination. There can be no disarmament, in short, according to these Pentagon and other policymakers, until—to use Mr. Khrushchev's terms—"the shrimp whistles."

But who, I ask you, are the true realists—those interested in serious efforts at arms control—or those who talk of war and weapons as though this were the good old days, in the pre-World War II, or nuclear monopoly, or premissile eras? The world of 1960, the utter folly of the present arms race, requires a new and different look at where we are headed.

I do not say that our dangers have receded or that our enemy has become benevolent. But I do believe that today's international climate, more than ever before, holds out the possibility for an effective start on arms control.

For the Russians know, as well as we know, that the spread of nuclear weapons—to France, later to Red China, possibly next to Sweden, and so on—may well upset the present balance of power, increase the very real dangers of accidental war, and contaminate the air on both sides of the Iron Curtain. They know, as well as we know, that a war of mutual destruction would benefit no nation or ideology; and that funds devoted to weapons of destruction are not available for improving the living standards of their own people, or for helping the economies of the underdeveloped nations of the world.

The Soviets will not, in the sixties, or as far as we can foresee, give up their ambitions for world communism. But the historian Toynbee reminds us that the cold and hot wars waged by a fanatic Islam and crusading Christendom gradually transformed themselves into centuries of perpetual truce, although both parties retained their universal goals.

Mr. Khrushchev will still want to "bury" us economically, politically, culturally, and in every other sphere of influence—but under what appears to be a more fluid and rational atmosphere since the death of Stalin, he may recognize that the path of Russian self-interest permits, and perhaps compels, him to agree to some steps toward comprehensive arms control.

The opportunities for such steps are many—agreements on nuclear tests, or on the prevention of surprise attacks, or on the exploration of outer space and its research, or on the peaceful uses of atomic energy, or on additional safeguards for the Antarctica, perhaps even on demilitarization in the Middle East, or an expansion of the U.N. emergency force.

But such a beginning can lead the way, once the Russians learn that international control and inspection are not necessarily to be feared, once Americans learn that accommodations are not necessarily appeasement, and once both sides learn that agreements can be made, and kept.

I do not say that we should rely simply on trust in any agreement. Certainly we need an inspection system which is as reliable and thorough as modern science and technology can devise. However, even with such a system, there will be risks. Peace programs involve risks as do arms programs, but the risks of arms are even more dangerous. Those who talk about the risks and dangers of any arms control proposal ought to weigh—in the scales of national security—the risks and dangers inherent in our present course. The only alternative to pursuit of an effective disarmament agreement is reckless pursuit of our present course—the arms race, the gap, the new weapons, the development of ever higher orders of mutual terror, all of which not only reflect tensions but obviously aggravate them.

I do not look upon arms control negotiations as a substitute for negotiating disputes. Certainly I would never permit an effort for disarmament to excuse any lag in our defense effort now. For it is an unfortunate fact that, while peace is our goal, we need greater military security to prevent war—an effective deterrent to encourage talks—and to bargain at those talks, as I have said, from a position of strength. In fact, as George Kennan has pointed out, we would facilitate the acceptability of nuclear arms control if we were to increase the strength of our conventional forces, as a means of weaning ourselves away from total dependence on nuclear weapons. But we must also remember that there is no greater defense against total nuclear destruction than total nuclear disarmament.

Finally, I would never say that disarmament is a goal easily achieved. It will take more than hard thinking and hard bargaining—it will require, first of all, hard work.

III. THE INADEQUACY OF EXISTING AGENCIES

A tremendous amount of policymaking, scientific research, data collecting, device development, and high level guidance is necessary before we can back up our good words and intentions on disarmament with specific facts and plans. But the harsh facts of the matter are that we are not prepared to undertake that kind of effort today, 1 week before the Geneva conference opens. Our money, science, and manpower are devoted almost entirely to weapons of destruction.

The entire Government staff currently engaged in arms control and disarmament research consists of fewer than 100 full-time men, scattered through four or five agencies, with little or no coordination, and almost no basic research. We have an Ambassador, with a limited staff, who does the actual negotiation on test suspension. We have a State Department officer, known as the Special Assistant for Arms Limitation, who is assisted by approximately 20 people. We have a section of the Department of Defense, with a small staff of professional people, assisted by part-time experts drawn from the three military services. We have ad hoc research conducted by the Atomic Energy Commission, the National Space Agency, and some private organizations. Last summer a new committee was formed for the purpose of assisting in the development of disarmament policy, but its findings, never made public, are reported to be too narrow and too negative to be of any value whatsoever—as a result, no policy has been developed.

Indeed, what little research has been done has too often been negative: designing ways of evading proposed detection or inspection systems instead of perfecting them, demonstrating what won't work instead of what will. The President's Special Assistant for Science and Technology, Dr. George Kistiakowsky, has complained in a recent speech of the fact that our arms control conferees have consistently been forced to turn to ad hoc groups that found a dearth of experimental data.

Here is a gap equally as serious as the missile gap—the gap between America's incredible inventiveness for destruction and our inadequate inventiveness for peace. We prepare for the battlefield, but not for the bargaining table. We pour our talent and funds into a feverish race for arms supremacy, bypassing almost entirely the quest for arms control.

IV. THE FAILURE OF PAST CONFERENCES

This gap has been apparent, to our enemy and to the world, at every arms control or related conference since the close of the Korean war. Our conferees have lacked both the technical backing and the high-level policy support and guidance necessary to make their mission a success. As a result, largely for propaganda purposes, they have sometimes offered proposals which they knew—or should have known—could not possible be accepted; and they have been wholly unprepared to either seize the disarmament initiative or promptly respond when the Russians (who have more cleverly concealed their own divisions and uncertainty) did seize the initiative.

We are not prepared to respond to the Soviet disarmament proposals of 1955, or Mr. Khrushchev's proposals at the U.N. last fall. Mr. Stassen's efforts as a special disarmament negotiator were consistently undercut and opposed in the Pentagon, AEC, and State Department, ignored in the White House.

Our delegates to the 1958 Conference on Surprise Attack were ill staffed, ill prepared and ill advised. They offered measures which were hastily put together, some of which, even if accepted, were of doubtful value; and others which in reality we were not prepared to accept—or even explain—ourselves.

When, at the Conference on Nuclear Testing, the Russians finally agreed to veto-free, on-site inspection on a quota basis—a major concession—we were not ready to state what a realistic quota would be. The technical data we presented on frequency response and grid spacing—the distance between monitoring stations—turned out to be wrong. Our own new data on underground testing baffled our negotiators. Even today, as that conference continues under our threat to resume testing, it is difficult to say what represents a single, clear-cut, well-defined realistic American inspection proposal.

V. DISARMAMENT RESEARCH

Plans for disarmament—specific, workable, acceptable plans—must be formulated with care, with precision and, above all, with thorough research. For peace, like war, has become tremendously complicated and technological. It is to the proper and effective solution of these complex technical problems of disarmament which I wish to direct my attention today. First, let me make it plain that I do not believe all the problems of peace can be solved by increased research—science and technology cannot fill our present gaps in vision, in leadership, and in sound, creative planning. But research can give us the vitally important knowledge which we must have if we are to lay the groundwork for effective control of today's vast and complex weapons systems. Development of a workable plan to halt weapons testing requires detailed studies in seismology, atmospherics, acoustics and geophysics. Detection and monitoring systems are even more complex than the expensive weapons they are designed to replace. New techniques of aerial reconnaissance, radar surveillance, and atmospheric sampling, new uses for our communications systems, computers, and cameras, new ways to denature plutonium, inspect power reactors, and measure air and water pollution—these are among the research projects that we need to complete before an effective arms control agreement can go into operation. The dread weapons of chemical and bacteriological warfare require still different inspection systems that will challenge the resources of Western science.

Peace, moreover, like war, raises tremendous economic and social problems. Economic research on manpower controls, budget controls, chemical processing plant quotas, and the availability of fissionable material is a necessary part of arms control research. Fear of disarmament can affect the stock market like the fear of war. Millions of jobs, billions of dollars of national income, are tied up in defense industries. The 1957–58 recession was accelerated by an unforeseen cutback in defense orders, in contrast to the prosperity which followed the tremendous decline in defense spending after World War II, when reconversion was more carefully planned. No plan for disarmament can thus be complete without planning for the reconversion of our economy—for diverting our resources to the constructive channels of peace.

VI. THE ARMS CONTROL RESEARCH INSTITUTE

It is to the elimination of these gaps in our knowledge and information—to the assurance that future American arms control conferees will be better prepared—that I am directing my attention and a specific legislative proposal. I am introducing for appropriate reference a bill to establish an Arms Control Research Institute. Based on a considerably modified version of the bill for a National Peace Agency, earlier introduced by Congressman BENNETT in the House and developed by the Democratic Advisory Council's Science and Technology Committee, this bill is designed to alleviate these glaring omissions in our preparation for peace and disarmament.

A U.S. Arms Control Research Institute, under the immediate direction of the President, could undertake, coordinate, and follow through on the research, development and policy planning needed for a workable disarmament program. The studies in physical, natural, and social sciences already mentioned could be undertaken in its own laboratories, or farmed out to other agencies or to universities under ACRI's direction. The scattered disarmament technicians and appropriate scientists could at last work as a unit. Industry and labor could receive help in preparation for any defense cutbacks new arms control plans might achieve.

This agency's work need not be confined to this country. Joint undertakings with other Western powers—and perhaps, eventually, in the U.N. and even with the Russians—could facilitate research and planning. Positive programs for peace, including international cooperation in education and medicine, can be planned.

The Institute would not infringe upon the prerogatives of any existing agency. The State Department would continue to be our instrument for international negotiation, but it would be fully supported by a wealth of scientific information. The Department of Defense—at least until real disarmament is achieved—would continue to develop its instruments of warfare and counterwarfare, but the Institute would be available to develop monitoring devices. The Atomic Energy Commission would continue to promote industrial military and nonmilitary uses of atomic energy, but the Institute would test and develop devices to detect improper uses. The national space agency would continue to promote space programs,

but the Institute might well be charged with central accountability for charting all satellites.

The Institute could also act as a clearinghouse for peace proposals. It would examine suggestions for disarmament, for inspection systems, for monitoring devices, and determine their technical validity and the steps necessary to put them into actual operation. For example, it has been proposed that the Latin American nations should agree to halt their costly arms race. The Institute could make studies designed to lay the technical groundwork for such an inter-American arms control agreement.

Here, in one responsible organization—guided and directed from the White House—would be centered our hopes for peace. It would be tangible evidence of our dedication to this ideal.

But mere governmental reorganization is not enough. A new agency is not enough. Its recommendations must be integrated into our diplomacy and defense at the highest levels. Its work must be both supported and implemented by the State Department, the Defense Department, the AEC, and, above all, by the President himself, for only he can overcome the resistance likely to arise in those agencies. It will need strong leadership, imaginative thinking, and a national priority of attention and funds.

I do not say that the Arms Control Research Institute will halt overnight the potentially disastrous arms race in which the world is now engaged. Perhaps, in view of our enemy's strength and intransigence, nothing can. But we owe it to ourselves—to all mankind—to try to give peace more than our words and our hopes. "Give me a fulcrum," Archimedes is reported to have said, "and I can move the world." Perhaps this new agency could provide our Government with such a fulcrum. And perhaps then we, too, could move the world on the road to world peace.

The PRESIDING OFFICER. Does the Senator from Florida wish to be recognized?

Mr. SMATHERS. Mr. President, a parliamentary inquiry. Is a quorum call now in order?

The PRESIDING OFFICER. The Chair has been advised that business has been transacted and that a quorum call is in order.

Mr. JAVITS. Mr. President, without losing his right to the floor, will the Senator yield to me for a brief statement?

Mr. SMATHERS. I yield.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. SMATHERS. I shall be happy to yield.

Mr. DWORSHAK. Will a quorum call then be in order?

Mr. JAVITS. Mr. President, my colleague from Idaho [Mr. DWORSHAK] inquires whether this will be made the occasion for another quorum call, which is a perfectly proper inquiry. May I ask my colleague that question before he actually yields to me?

Mr. SMATHERS. Will the Senator speak a little louder? I am having difficulty hearing him.

Mr. JAVITS. I wish to ask the Senator from Florida a question.

My colleague, the Senator from Idaho [Mr. DWORSHAK] wants to be sure that the fact that the Senator has yielded to me will not be made the occasion for another quorum call at this moment.

Mr. SMATHERS. I might say to the Senator's able colleague that a quorum call at this point is perfectly in order. Business has been transacted and anyone can suggest a quorum call at the moment, but it is not my intention to suggest the absence of a quorum.

Mr. President, I shall be happy to yield to any other Senator who at this moment may desire recognition to make insertions in the RECORD, provided I do not lose my right to the floor.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. SMATHERS. Mr. President, as the debate on so-called civil rights proposals proceeds in this the greatest of all deliberative bodies, it becomes increasingly apparent that the real purpose of the legislation is not the protection of the civil rights of any group of individuals, but, rather, that it is one of overriding political considerations. The real issue is, which party will win the White House in 1960?

One often feels that an appeal to reason to the proponents of this legislation, under circumstances which prevail in a presidential election year, has the effect of what might be compared to a snowflake falling on a hot stove.

This appeal to reason, based on the premise that present laws are adequate, and that what is now needed is greater tolerance and understanding, will amply demonstrate that the pending proposals, shorn of their sheep's clothing, disclose the vicious wolf of political opportunism, and not that of furthering the protection of the rights of the individual.

Yet undaunted, those of us who feel that our cause is just will continue in our effort to expose the various proposals for what they are, namely, politically inspired moves, camouflaged with the magic that seems to be inherent in the words "civil rights."

Just what are these proposals that are alleged to be needed to further insure the protection of the individual?

The first section of the Dirksen amendment would make it a Federal offense to interfere with the enforcement of a Federal court order on school desegregation determining who will, or who will not be admitted to any school.

The proposal contains a penal provision providing a fine of not more than $10,000, or imprisonment for not more than 2 years, or both. It provides an exception that it "shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

Let me read the pending Dirksen proposal relating to the obstruction of court orders on school desegregation.

It reads as follows:

SEC. 1509. Obstruction of certain court orders.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

Under its provisions, constructive criticism of a decision of a court could be effectively eliminated, thus curtailing the right of freedom of speech.

It is difficult to comprehend why there is necessity for this action when the courts, under our Federal system, now have the power of enforcing their orders through civil and criminal contempt proceedings. No evidence of any significance has been presented here by the proponents to satisfy any reasonable and prudent man, that the present Federal courts' contempt powers are inadequate.

The change from the "separate but equal doctrine" to the desegregation doctrine brought about by the Brown decision has been recognized by the Supreme Court and the inferior courts of our Federal system to be a change of such magnitude, involving social customs long adhered to, that its directives must by necessity proceed with wisdom and sound judgment consistent with the circumstances in the local communities. Prudence, time, and patience must be exercised under these circumstances. It is apparent that the Court has recognized these factors, and the Court leaves no inference that its contempt powers are not adequate to cope with any and all problems that might arise.

I might point out also that there is already in existence a Federal obstruction of justice statute. It is section 1503 of title 18, United States Code, which reads as follows:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States or before any United States Commissioner or other committing magistrate, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States Commissioner or other committing magistrate, in the discharge of his duty, or injures any party or witness in his person or property on account of his attending or having attended such court or examination before such officer, Commissioner, or other committing magistrate, or on account of his testifying or having testified to any matter pending therein, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any

such officer, Commissioner, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats of force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

It is obvious that the pending proposal is patterned after this statute and attempts to further extend its purpose into an area where the inherent power of the courts themselves are able to cope with any problem that might arise.

It is abundantly clear, and should be clear to the proponents of this proposal, that there is absolutely no necessity for its adoption.

Section 2 of the pending Dirksen proposal would make it a criminal offense punishable by a fine of not more than $5,000 or imprisonment for not more than 5 years or both for anyone who "moves or travels in interstate commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense.

Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.

As one can readily see this proposal would make it a criminal offense for anyone who flees in interstate commerce intending to avoid prosecution, or custody, or confinement after conviction under local law, for willfully damaging or destroying by fire or explosive any building, structure, facility or vehicle used primarily for religious purposes, or for that of public or private educational purposes, or one who flees to avoid testifying as a witness in any prosecution connected with such an act. The place of prosecution under the pending proposal could be any one of four places:

First. Where the act was committed.

Second. Where the individual is in custody.

Third. Where the individual is held after conviction.

Fourth. In any Federal judicial district in which the individual is apprehended.

Now all of us I am sure would not condone any of the wrongful acts set forth in this proposal. They are indeed wrongful acts, and anyone perpetrating or assisting in the perpetrating of such acts should be brought to the bar of justice. These acts are repugnant to any decent law-abiding citizen, and I am sure that every decent law-abiding citizen wants to see the perpetrators, or those who assist in perpetrating these acts adequately dealt with in a speedy manner in accordance with law.

It is highly questionable, however, whether it is the proper approach for us to take to bring these acts within the purview of those crimes within the Federal system solely by virtue of the fact that the individual or individuals cross State lines. If we are to make every act, by virtue of the fact that the individual goes across State boundaries, a Federal crime, then it appears to me that we are usurping the jurisdiction of local law enforcement which heretofore has been left to the States. It not only appears to me that we would be doing it, but we would do it.

It is my personal view that matters of this kind can better be dealt with by local authorities and ought to be dealt with by local authorities. Stretching out the arm of the Federal Government is an extension of power when there is no need for it, for there are already adequate State powers to cope with situations of this kind. If we pursue this course it will ultimately result in local and State law enforcement being taken over by the Federal Government.

Mr. President, on that point I would say further that I am certain that there is no one who has any respect for the law whatever, and I am sure that most people do respect the law, who would, under any circumstances, excuse or condone the desecration or the destruction of any public building or, for that matter, any private building, and certainly any religious building.

People who are of such motivations are certainly to be frowned upon. I do not know of any State in the Union where the local law enforcement officials, whether those States be in the North, the South, the East, or the West, who do not do everything within their power to bring to justice and proper punishment those hooligans who indulge in this type of destruction of private property and desecration of religious and educational institutions.

Despite the fact that from time to time we have seen certain unfortunate outbreaks of this, I am happy to report that it is not any more prevalent in the South than it is in the North, the East, or the West. As a matter of fact, the most recent evidences of this type of hooliganism we have seen, unfortunately, have been in the State of New York, in the State of Pennsylvania, and some little in the State of Illinois.

There has been no outbreak of this type of law violation to any great extent in the South, or, for that matter, with the exception of those three States that I mentioned, anywhere else. There has been no evidence whatever presented that the local law enforcement agencies could not take care of this, just as they would take care of the ordinary violation of law when a person trespasses without permission upon the property of someone else. These are matters of a local nature. I think they are being handled adequately by local law enforcement groups. There has been no widespread outbreak of this type of law violation which justifies the U.S. Congress talking about the necessity of having to empower some Federal agency to take over this responsibility, which is properly the responsibility of the States.

There has not been one scintilla of evidence as to the need for this proposal offered, Mr. President, up to this point, by any of the proponents of this legislation. Certainly the able Senator from Illinois, who is now the minority leader, who is the principal sponsor of this legislation, I do not think has come in here and said that his own State law enforcement officials are unable to cope with the situation in his State. I do not think he has gone so far as to say that the people from the chief of police on down in the police force of Chicago are unable to deal with the situation properly in Chicago.

I do not know of anybody, Mr. President, who believes that this particular type of legislation is desirable, although all of us agree that the acts of this type which this legislation seeks to punish when they are committed are heinous, they are awful—nobody condones them. But the important fact is that the local law enforcement agencies have been able to properly apprehend the criminals and properly bring them to justice. They have been able to do it in the State of Maryland. They have been able to do it in the State of South Dakota. I know they are well able to do it in the State of New Jersey, and even in the State of West Virginia, from which the distinguished Presiding Officer comes.

There has been no complaint from the State of New Jersey that New Jersey ought to have help from the outside in order to stop these types of crimes. I am sure the able Senator from New Jersey [Mr. WILLIAMS] could search through his mail and even recall conversations, and would readily agree that no one has said that the local police could not handle such problems. No one has suggested bringing in the FBI or some other Federal agency under a Federal statute to replace local law enforcement agencies.

I am also equally convinced that the able junior Senator from Maryland [Mr. BEALL], who sits in such an adorning fashion in the back row, is well familiar with the processes which exist within his State. I feel certain that he would say, upon searching through his mail and in searching his recollection, that the chiefs of police of the cities in his State have not asked for outside help for these types of crimes. Of course, they have not.

The vicious thing about this part of the bill is that it would constitute an unwarranted invasion of local police authority. The chiefs of police and the chiefs of highway patrols do not want it because they are able to adequately cope with crimes of this nature. No one wants it except a few persons who represent, regrettably, minority groups, and who somehow believe that the passage of such legislation might help endear them to their particular groups.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the distinguished Senator from Maryland for a question; or, if he wants me to yield the floor to him for the time being, I will yield on that score.

Mr. BEALL. Mr. President, I have great personal respect for the Senator from Florida. I particularly like his reference to the police authorities in my State of Maryland.

As I look back to the days of the early 1920's, I recall with pride how Maryland operated on the basis of States rights. I was then a member of the Maryland State Senate when the late Albert C. Ritchie was Governor of Maryland. We did not want, we did not ask for, and we tried to keep out interference by those from outside the State.

Maryland never ratified the 18th amendment. I have held elective office for more than 39 years. I was elected to the Maryland State Senate as one who was in opposition to the 18th amendment. That was because Maryland had its own patrol officers. We did not like what was taking place then. We believed we could control ourselves within our State just as well then as we can now. I certainly agree with the distinguished Senator from Florida.

Mr. SMATHERS. I thank the able Senator from Maryland. I know that he would want to have the records clarified with respect to his not having voted for the 18th amendment. I am certain he would want to have it clearly understood that it was not because of any personal taste or conviction of the Senator from Maryland, but rather because of a general principle which he stood for, that he opposed the ratification of the 18th amendment.

Mr. BEALL. I thank the Senator for making the record clear.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Maryland?

Mr. SMATHERS. Yes; I am delighted to yield to the Senator from Maryland.

Mr. BEALL. The Maryland Legislature did not desire to ratify the 18th amendment. As to my personal views, I acted as I voted, and I voted as I acted. Does that answer the Senator's question?

Mr. SMATHERS. It most certainly does. Does the Senator know of any request made on the part of local law enforcement officers for this type of legislation? Have the local law enforcement officers said that they desire help from the Federal Government in order to prosecute persons who might desecrate buildings? Has he heard of any request from the law enforcement officers of his State to obtain such outside help?

Mr. BEALL. No, we have not had anything like that to occur in Maryland. We in Maryland go along pretty much as we always have. We are independent. We have had little trouble with integration.

Mr. SMATHERS. So things would go along very well in Maryland whether the bill were passed or not?

The PRESIDING OFFICER. The Chair wishes to protect the rights of the Senator from Florida. Does he wish to yield to the Senator from Maryland for a question only?

Mr. SMATHERS. I shall be glad and happy at this time, and under these circumstances, to yield to the able Senator from Maryland to make any kind of statement he wishes to make.

The PRESIDING OFFICER. Is there objection?

Mr. BEALL. The Senator from Florida was very kind to refer to the good Free State of Maryland. I simply could not help commenting on the fact that Maryland is a Free State.

We do, however, try to distinguish between States rights and civil rights—feeling that the former is the authority given to the Governor and the legislature to govern according to the law of the State and the land while the latter, civil rights, involves moral rights in which all citizens must be recognized as equals under the law of God and man.

Mr. SMATHERS. I think it is rather significant that the Senator from Maryland—and I am certain this is true of Senators from almost every other State in the Union—cannot recall, in searching his mind, his files, or his recollection of personal conversations, statements by any responsible officials—certainly none from the police officers of the cities or officials of the State police—that they want this particular type of legislation.

What is the conclusion? The conclusion is that nobody really wants it. If it is adopted, it will have the effect of destroying local government. It brings into conflict the unwarranted intrusion of the Federal Government to exercise its authority over situations which rightfully fall within the jurisdiction of the States. The truth of the matter is that no one wants this particular type of legislation.

I observe that the able and distinguished Senator from Pennsylvania [Mr. CLARK] has entered the Chamber. I should like to ask him this question. Does he recall, from his records, his correspondence, or his personal conversations, that any police chief, whether in Philadelphia, Pittsburgh, or any other of the fine cities of his State, or the officials of the State highway patrol, have asked him to vote for the adoption of this section of the bill, which would give to the Federal Government the right to move Federal law-enforcement agencies into the Senator's State when crimes involving the desecration of a church or a school building occur? Or do the people of the Senator's State prefer to handle these problems themselves?

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I am happy to yield for a statement to the able Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida that he might yield to the Senator from Pennsylvania for a statement without losing his right to the floor?

Mr. CASE of South Dakota. Mr. President, under the circumstances, I believe the Senator should yield only for a question.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield for a question.

Mr. CLARK. Would the Senator from Florida be willing to advise the Senator from Pennsylvania what the Senator was talking about when I unexpectedly entered the Chamber and was unexpectedly presented with the problem of this colloquy?

Mr. SMATHERS. I apologize to the Senator from Pennsylvania, because he walked into the Chamber only a moment ago and had no knowledge of what I was talking about. I was speaking about the provisions of section 2 of the Dirksen substitute entitled "Flight To Avoid Prosecution for Destruction of Educational or Religious Structures."

Mr. CLARK. Mr. President, will the Senator yield for another question?

Mr. SMATHERS. I am happy to yield for a question.

Mr. CLARK. Does the Senator believe that there have been in the Commonwealth of Pennsylvania a great many incidents where the situation intended to be dealt with by this section have occurred?

Mr. SMATHERS. No. I am of the opinion that there have been some, but certainly a very small number.

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. I am happy to yield for another question.

Mr. CLARK. Would the Senator charge my recollection as being wrong, if I said that, so far as I know, there has been no such situation in Pennsylvania in recent years?

Mr. SMATHERS. I have no specific recollection, although I do remember that somewhere outside of Pittsburgh a cross was burned on somebody's lawn—which would not exactly fit this situation. In any event, I do not, in fact, remember any specific instance of its having occurred. That leads up to my question: Why do we have to give to the Federal Government the right to move into the State and prosecute this type of crime, when all the Senators here present agree that there has not been any great rise in crimes of that description and local law enforcement is adequate? Why, then, do we not leave it to the local police to handle? We all agree it is a terrible thing when it happens. We all agree that no decent citizen can condone it. But why do we have to go to the extent of the proposal in giving jurisdiction over crime of this nature to the Federal Government when State and local law enforcement is capable of handling situations of this kind?

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. I yield for another question?

Mr. CLARK. In view of the factual background in the Commonwealth of Pennsylvania, on which we appear to be in accord, would the Senator be surprised if I were to answer his initial inquiry in the negative?

Mr. SMATHERS. Yes. As I remember my initial question, it was——

Mr. CLARK. Had I received any letters from citizens.

Mr. SMATHERS. Had the Senator received any letters, and the answer to that is——

Mr. CLARK. Urging me to support this particular section of the Dirksen bill?

Mr. SMATHERS. That is correct; no, I would not be surprised. That is exactly what I thought the senior Senator from Pennsylvania would say.

Mr. CLARK. Would the Senator yield for another question?

Mr. SMATHERS. I would be happy to yield for another question.

Mr. CLARK. Am I not correct in stating that the section to which the Senator has reference, which is section 2 of the Dirksen amendment, deals primarily with those who flee across State lines, and are stated, somewhat inartistically, to be in interstate or foreign commerce?

Mr. SMATHERS. The Senator is correct.

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. Yes; I will be delighted to yield for another question.

Mr. CLARK. Is there not a similar Federal statute with respect to kidnaping, known as the Lindbergh law?

Mr. SMATHERS. The Senator is correct. There is also a Federal statute with respect to stealing an automobile.

Mr. CLARK. Does the Senator think, then, that this suggested procedure is such an unusual and startling extension of Federal jurisdiction, that is, to extend this provision to conditions of bombing or of church or school destruction?

Mr. SMATHERS. I think that it is, on the very simple ground that it has been demonstrated in the areas where these things occur, much the same as in a murder case, that we do not authorize the Federal Government to get itself involved in the prosecution of a murder case, even though the murder may have been committed in Pennsylvania, and the murderer flees to the mountains of West Virginia. We leave to the States and to the counties and the local law enforcement agencies and prosecutive agencies certain matters which we think are within their proper jurisdiction. This is one area which we think could be well handled locally.

This does not mean, of course, that, if you did not pass this law, a man could throw a bomb against a religious institution, and flee from Pennsylvania to West Virginia, or even as far down as Florida, and thereby avoid prosecution. We have procedures already set up, under which, when citations are issued for the man in the State where the crime is committed, the local police in the State where the man is apprehended then move him back, on the request of the governor, for trial. That is the way we do it today. It is commonly referred to as extradition and the request of a governor of one State is generally recognized by the governor of another.

In view of the fact that the evidence is, as best as I can find out, that there is no great rash of these incidents, why do we have to do further violence to what one might say is a local law enforcement business, and say to them, "You people are not going to be able to prosecute these crimes locally, because we are now going to take them into the Federal court."

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. I will be happy to yield for another question.

Mr. CLARK. Would the Senator be surprised if he found that the Senator from Pennsylvania does not consider this particular provision of the Dirksen bill nearly as important as the provision which is not in the Dirksen bill at all, which would be entitled Part 3, nor as important as the segregation provision, nor as important as the voting provision? In fact, would the Senator be surprised if the Senator from Pennsylvania would say, in the words of the Senator from Georgia, that this is one of the least objectionable or perhaps least important provisions of the bill, which the Senator from Pennsylvania would hope would not occupy an undue amount of the time of the Senate?

Mr. SMATHERS. The answer to your question is that it would not surprise me. I thought, however, that instead of saying "least objectionable," the Senator was going to say "least desirable." Obviously, this particular section of the Dirksen proposal does not answer any need whatsoever.

Mr. CLARK. Will the Senator yield for another question?

Mr. SMATHERS. I will be very happy to yield for another question.

Mr. CLARK. I see the distinguished Senator from Alabama (Mr. HILL) on the floor, who is wont on occasion to regale us with various Latin maxims of the law, and while I would not go quite this far in connection with the provisions of law that the Senator is discussing, and while I would probably vote for it when it comes to a vote, yet I do think that, to some extent, it might be said of it: "de minimis non curat lex."

Will the Senator yield for a final question?

Mr. SMATHERS. Yes, I yield to the Senator for a final question.

Mr. CLARK. Does the Senator not think that it is extraordinary how Senators can conduct a colloquy in this body through the medium of questions when objections are raised to the making of observations?

Mr. SMATHERS. I completely agree with the able Senator. That is why, at the outset, I thought that it would save a little time if we went ahead and let the Senator say what he had to say, because he has said it very well in the form of a question.

Mr. CLARK. I thank my distinguished friend.

Mr. SMATHERS. To translate the Latin expression used by the able Senator from Pennsylvania, I think it means that what he is saying, in effect, is that this is the least of the problems which needs the security of law.

Mr. CLARK. One of the least.

Mr. SMATHERS. One of the least.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Will the Senator from Florida yield?

Mr. SMATHERS. I will be happy to yield for a question. I will also yield for a statement, unless the Senator from Pennsylvania wishes to object, which I am sure he would not do.

Mr. CASE of South Dakota. Does the Senator from Florida not think that the Senator from South Dakota was a little lenient in his attitude toward questions and statements, as the Senator from Pennsylvania proceeded?

Mr. SMATHERS. I would say I always look upon my colleagues as being endowed with a great deal of charity and leniency on all issues; and, as a result, I will have to give to the Senator from South Dakota those characteristics.

Mr. President, whether this be the least of the points in the bill, this is one point in this bill about which there is a great deal of hue and cry. I think it is rather indicative of some of the other features of the bill, and that a great deal is made out of nothing.

There has been no major complaint about the breakdown of local law enforcement with respect to this particular provision. So I ask: Why put it in there? It is put in there, actually, only to appeal to certain particular groups, in the hope that they might look kindly upon those people who sponsor and vote for it, so that thereby there will become benefit to those people who sponsor it and talk about it at the time of an election.

Mr. President, we go on further to say that, as a matter of fact, this whole bill is politically inspired. There is no doubt in my mind that the electoral college system is antiquated and ancient, and ought to be done away with—it should have been done away with many, many years ago; we have democratic proceedings in everything except the electoral college system. Many people do not understand it. But the way it works, very simply, as the Senator from South Dakota knows, is that if there is an election in the State of South Dakota between the Democrats and the Republicans, and, let us say, the Republicans win that election by just 1 vote, or even 10 votes, or 500 votes, or whichever party wins, that party will get the entire electoral vote of the State of South Dakota. Because South Dakota is a State that is not so highly populated, people are not too concerned about what happens out there when it gets down to one of these presidential races, but they are greatly concerned about what happens in New York, in Illinois, and in California, where there are large blocs of electoral votes. If the candidates are able to get a tightly organized "swing group," minority group, to support them, in almost every instance the election will go their way. In a State in which, let us say, 8 million votes are cast, if 3,800,000 are cast for one side and if 4,200,000 are cast for the other side, then the one who receives the larger vote will win all the electoral votes of that State. Therefore, as a matter of fact, the votes of 200,000 people decide how the election will go in that State and how all its electoral votes will go. The electoral votes are not divided on a proportional basis. Regardless of whether the State under consideration is New York, with its extremely heavy voting population, or one of the smaller States, in which a much smaller number of votes will be cast, the candidate who receives the majority of

the votes—even a bare majority—wins the entire electoral vote of that State; and that is the way Presidents are elected.

So what happens? If a swing group of 200,000 is tightly organized, it can become very important, for the votes of the members of that group can determine the result of the election in that particular State. As a result, every candidate for President of the United States must be greatly concerned with the vote of that group, because if he can obtain it, he can carry that State and all of its electoral votes. So what does the candidate do? He ignores the wishes of the majority of the people, or else he makes very ordinary speeches to them, because he realizes that they will vote accordingly, in any event. This is true with respect to both major political parties, Democrat and Republican.

The candidate says to himself, "I will speak to that swing group who want something specific and have an ax to grind and I will tell them what they want to hear. I will promise to do what they want me to do." And if he promises them enough, and if they think he means it enough, he will receive the 200,000 so-called swing votes of that group. This will win the electoral vote of that State, and he may win the electoral votes of other States in the same manner. The candidate could then become President.

Some may ask, "Why do Senators spend so much time worrying about the interests of certain minority groups?" Well, Mr. President, I have stated the explanation. It is because the minority—which may vote either way—controls and determines the outcome of the elections. So, year after year—and particularly in presidential election years—we are subjected to the attempts of one candidate to outdo the other. Each candidate tries to outpromise the other, as regards the wishes of certain minority groups. Why do Senators and candidates not spend half as much time worrying about the views of the majority of the people of the United States? No, because they say to themselves "we have to worry about this particular group, because it will determine the outcome of the election."

However, Mr. President, once the election is over, we shall not be troubled with the proposed bill right away again. But every time an election year comes along, this type of a bill or a similar one will be brought up again.

Mr. RUSSELL. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I must say that I am tremendously impressed by the able argument the Senator from Florida is making. His contentions are completely unanswerable.

Any person who has any knowledge whatever of the facts of life today in this country knows that our Government is being juggled into a government by pressure groups which represent a very small minority of the total population of the country.

The majority of the people of the Nation may feel a certain way about some proposed legislation. They may be opposed to it. However, they are not organized, and that proposed legislation is not the only concern they have. They have not been propagandized into believing that the Congress can change their status in life by the magic of passing a law—as some groups seem to believe.

But that minority will put on the pressure. The Senator from Florida has referred to instances in which that minority pressure is applied in presidential campaigns. But we see the effects of it almost every day in the campaigns for election to the Senate and to the House of Representatives.

These minority groups will say, "Senator Doe, you were elected to the Senate by 3 percent of the votes cast in your State in the last election. We are representing a minority of 8 percent in this State, and we will vote against you to the man if you don't support this legislation."

It takes a man who has something other than cotton twine for a backbone to stand up against political pressure of that kind.

We know that there are a number of congressional districts in which a candidate will win if he has a 1 percent or 2 percent of the votes; and, as the Senator from Florida has stated, there is often such a narrow division between the votes for the candidates of the two political parties. A Democratic voter may say, "Well, I don't like certain parts of the Democratic Party's platform, but I am a Democrat," and perhaps his daddy was a Democrat—"so I will vote the Democratic ticket." After all, Mr. President, many of us inherit our politics, just as we inherit our religion.

But the members of that minority group will say, "You won by 2 percent, last time; and we've got 7 percent of the voters in this area, and every one of them will vote as one bloc, as one vote." So the threats and the arguments of that group virtually frighten the life out of the candidates.

As a result, we have seen the development of a situation in which the minority blocs are highly organized, and their leaders will obtain commitments from the candidates—in fact, as I have said, commitments, almost signed in blood by a majority of the Members of the Congress, that they will vote for certain proposed legislation.

All of us have seen some of our friends here wrestling with their consciences and with their commitments—with the commitments pushing them one way and with their consciences shoving them the other way; and here they are, confronted with that situation.

The Senator from Florida knows that this pressure-group business is threatening the orderly processes of Government in the United States and the proper balance of Government in our country. It is running through the whole fabric of our political mechanism.

Every political party has got to have a number of special employees to represent the minority groups. We have to have these big name people to represent the Negro groups or some other groups. We have finally reached the point—and I must say that a President who belonged to my party began it—where it is believed necessary to have a special assistant in the White House to represent this special minority. Of course, a great many photographs are taken of the special assistant—who may be a very striking looking Negro; and the photographs will show him dictating the replies to his mail to white stenographers; and those pictures will be published in Ebony and in all similar magazines, in an endeavor to show that the candidates of that party live up to the promises they make—all in order to get that 5 percent or 6 percent of the total vote.

Mr. President, this situation is a tragic thing.

Last year we saw the people of the country finally rise up and compel a very reluctant Congress to pass legislation in the area of labor regulation. That, in itself, was a minor miracle; but there had been so many abuses—largely unearthed and brought to light by the distinguished Senator from Arkansas [Mr. MCCLELLAN], who now is returning to the Chamber to listen to the address of the able Senator from Florida. When the impact of those revelations came upon the people of the country, the majority of the people, who all along had been opposed to such abuses, but had not been active and had not been organized, started writing letters to Washington.

If this matter proceeds in the way it is going now and if these minority groups succeed in intimidating the Members of this body and the Members of the other body into voting for this proposed legislation, there will finally be a revulsion of feeling on the part of people of the country. If there is not, the Constitution will be gone and the Government will be gone.

So I thoroughly agree with the sentiments the Senator from Florida has expressed in the very able speech he is making. Certainly one of the greatest dangers facing our system of Government and certainly the greatest menace to our two-party system is the pressure of these minority groups who work both sides of the street.

For instance, when one political party holds its nominating convention, these groups will threaten that party and will attempt to dictate what is to go into that party's platform.

Then, later on, when the other political party holds its nominating convention, the same group will repeat its threats, and will attempt to get what it likes into the platform of that party.

The job that has been done in that way has been a tremendously effective one of political pressure—up to now. But one of these days it will be carried too far, and I hope the danger of the situation will be brought home to the American people short of the destruction of our constitutional system and before the States of this Union are obliterated as governmental organizations, because without our dual system of indestructible States we will not have an indestructible Union.

Mr. SMATHERS. Mr. President, I appreciate very much indeed the remarks

of the very able Senator from Georgia, who without a doubt is one of the finest thinkers and one of the most knowledgeable constitutional lawyers and historians in the Senate.

Mr. RUSSELL. I thank the Senator from Florida.

Mr. SMATHERS. I share with him that concern. I do not, and I am sure he does not, condemn the minorities. The people who worry me most are those who get elected, and who get elected presumably on the program of representing the majority view, but who recognize that they are probably going to get a good deal of voting from, shall we say, the masses of the people, so they kowtow and they knuckle down and carry the messages of certain types of minority groups solely for the purpose of winning the election. I think it is all right to win an election, but I think that we must remember that, after all, the majority of the people are the ones who are supposed to be represented. I know as well as I know that I am standing here on the floor of the U.S. Senate tonight that if we did not have the electoral college system, if it were not possible for 200,000 or some 500,000 in New York to swing the electoral vote either to the Democrats or Republicans, or if it were not possible for 250,000 to swing to either the Democrats or Republicans in Illinois or California, we would not have this proposed legislation before us.

We would not have this legislation here because most of these people thoroughly understand, as we in the South understand, that we have our problems in the South; but that we are doing a very good job in trying to meet those problems. I think they thoroughly understand that it is not going to be solved by passing more laws. We can pass laws until we build them up higher than this building—we have already 8 pounds of proposals over here on the floor today. If any of them are passed, unless they are accepted by the people, the problem of enforcement will only create further resentment than that which already exists. Most people in the South believe that every citizen should be permitted to vote and be encouraged to vote regardless of his race or his color or his creed—we are doing a good job with it—new laws will retard progress. As a matter of fact, they will set us back. They will lessen the regard of one side for the other. They will destroy the line of communications between the colored people and the white people. It will set us back, and most of the proponents of this legislation, deep down in their hearts, understand that, but they are putting on a great show because they want to get this minority vote on their side in the upcoming election in the hope that they can win the Presidency and all the rest. I have not yet seen any great evidence of solicitude on the part of these people for the so-called minority groups in any other field. Mr. President, it worries me.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield.

Mr. ALLOTT. When the Senator talks about the people who are concerned about votes, is he talking about his own party's presidential candidates, the Senator from Massachusetts, the Senator from Missouri, and the Senator from Minnesota?

Mr. SMATHERS. I am talking about all of them. I am talking about the Senator's and mine.

Mr. ALLOTT. The Senator pointed to the Republican side of the Senate when he made the remark. I should like to know to whom he is referring. Is he talking about his own party's Members who have not been present although they have talked about civil rights, who have not been present during the 7 days of this debate?

Mr. SMATHERS. I am talking about the Senator's candidates and our candidates. I am talking about the Senator's side and some on this side.

Mr. ALLOTT. The Senator includes, then, the Members on his own side of the aisle who have not been here except once, I believe, in 7 days of this debate?

Mr. SMATHERS. I would say to the Senator that I have not kept track of who was here. I have been here on 2 mornings from 4 in the morning——

Mr. ALLOTT. The Senator from Florida does not have to justify himself. He was here.

Mr. SMATHERS. I have been here but I have not counted any more Republicans in attendance at this debate than Democrats, and I have been at the graveyard shift on two occasions, and this is the first sort of a decent hour that I have had, and even as I look here at the moment I see two Republicans and I see five Democrats, and if the Senator is asking what I have seen I want to say that I have not seen anything that impressed me that the Republicans are more attentive in their duties than the Democrats.

Mr. ALLOTT. Let me tell the Senator that if he will check the quorum calls in the middle of the night he will find by that computation that the Republicans are doing better than the Democrats are.

Mr. SMATHERS. I forgot to count myself. It is six to two.

Mr. ALLOTT. It is because of such an attractive hour.

Mr. SMATHERS. In any event, Mr. President, I regret that all the Senators are not here. I think one of the sad things about this debate is that we do not have all the Senators here listening to the arguments and discussing the question, because it is far reaching, and what is before the Senate is the kind of legislation every Senator ought to be completely acquainted with and have knowledge of, and not vote for it merely because some of his leaders may be for it. I commend those who do come and who do listen, and I commend the Members who are on the southern side. In this particular instance we find that there are almost three sides, which I regret, but this question has been a point of division in the Democratic Party for many years. We all understand it. The southerners have directed their arguments all during the course of this extended debate at meeting the issues which have been raised, and I think many of us could have learned a great deal if we had been here and listened to all of it.

I am delighted that the Senator from Colorado is here tonight, and I trust that he is not here on an assignment. I trust that he is here because he wanted to come here and hear the debate.

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. SMATHERS. I am happy to yield.

The PRESIDING OFFICER. Is the Senator from Florida yielding for a statement from the Senator from Colorado, or is he yielding for a question?

Mr. ALLOTT. He is yielding only for a statement. He will not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Colorado.

Mr. ALLOTT. The senior Senator from Colorado is here tonight on an assignment from his party to occupy the minority leader's seat during this evening of debate, but I would also advise the Senator from Florida to examine the record of the Senator from Colorado on all of the questions, on all of the quorum calls, and on all of the rollcalls that have occurred since the debate started. In that respect I do not think I have any reason to apologize to anyone.

Mr. President, I may say this that I would like to agree with everything the Senator from Florida is stating.

Mr. SMATHERS. I assure the Senator he would learn about the bills if he would come and be present during the course of the debate, rather than be here for quorum calls, because I have not yet heard an argument presented at a quorum call. It seems to me all that is done is to call the names of Senators.

Mr. ALLOTT. Let me say that I have been on the floor at least as much as, or more time than, the Senator from Florida. So let us not leave the record encumbered in that fashion.

Mr. SMATHERS. I do not know how much time the Senator from Colorado has been on the floor. He told it.

Mr. ALLOTT. And I say to the Senator he could have known if he had been here.

Mr. SMATHERS. The Senator from Colorado said that he had been here during all quorum calls. All I am saying is it is not really as important to get on the floor and be here for quorum, calls as it is to be here during the course of debate.

I had hoped the Senator was here tonight not by assignment, but from his desire to get a real understanding of this particular problem and to try to know what it is all about. When the Senator first rose and began to talk about how many people on his side were visible, I thought, "Here is a man with the motivation to learn about the bill, and learn what it is all about, and get a real understanding of it." I must say I am shocked to find he is here by assignment. But I must say he has a wonderful record with respect to quorum calls.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. Yes.

Mr. ALLOTT. Of course I am here by assignment. Everybody knows that each Senator is assigned to the floor for certain hours. I am not concerned about my own record on this subject. I did not have to learn about it in the last week by listening to the debates. I have

had my own principles and feelings about civil rights for many, many years; and I regret very greatly that those who speak on the other side, although I number among them some of my dearest friends, seek to becloud the issue by all sorts of talk about social rights and all sorts of other matters.

I heard a Senator speak the other night for 2 hours about how the people in the South feel because they might have to associate with people of darker color. I do not feel that way. I feel the sooner we recognize the idea that we have a country in which there are about 175 million or 180 million, and that we have to utilize every resource of the country, human or otherwise, to win the great cold war, the better off we shall be.

I do not apologize to anybody, because I have been on the floor as much as has any man in the U.S. Senate—let us make the record clear—while the debate was going on, while the quorum calls were going on, while the voting was going on. I have been here, and so I do not apologize to anybody, regardless of the innuendoes the Senator has cast. I was here. Was the Senator?

Mr. SMATHERS. Nobody has asked the Senator for all this explanation. I have not. I hope he is not feeling somebody has criticized him for either his attendance or lack of attendance. I am delighted to yield to him to make the explanation. It was for what purpose?

Mr. ALLOTT. It was made because the Senator from Florida raised the question.

Mr. SMATHERS. I think the Senator from Colorado raised the question as to how many quorum calls he attended.

I should like to ask this question of the Senator, with his great liberality of views. How many colored people are there in Colorado? I would assume that the population is increasing.

Mr. ALLOTT. The population of Colorado is growing about as quickly as the population of Florida is, and we know that is growing very fast. Actually, the count is not possible at this time, but I would say the population is anywhere between 60,000 and 70,000.

Mr. SMATHERS. The Senator refers to the Negro population of Colorado?

Mr. ALLOTT. Yes.

Mr. SMATHERS. What is the total population?

Mr. ALLOTT. The total population is about 1,600,000.

Mr. SMATHERS. I venture to say that about 20 years ago the disparity between the white and Negro population was even greater. Would the Senator not agree with that statement?

Mr. ALLOTT. No, I would not agree to that.

Mr. SMATHERS. We must have a great mathematician in this great and august body who can give us the ratio. I am told it is 160 to 6, which makes a proportion of about 30 to 1.

Would the Senator agree that in the States where the population is almost equal, as between Negroes and whites, the problem is a little different?

Mr. ALLOTT. I certainly would.

Mr. SMATHERS. That is all we say.

Mr. ALLOTT. I certainly would. I would also say this, and this is where my friends from the South make their mistake——

Mr. SMATHERS. We may as well get advice from the Senator from Colorado, because we have gotten it from everybody else. So let us have it. [Laughter.] I would say it may not be as good as the advice we have received from others.

Mr. ALLOTT. Many of us realize that where the population as between the whites and Negroes is approximately even, there is a different situation entirely than exists elsewhere. However, in our State there is a very high Spanish-American population. I do not hold my State up as an example, because anybody who wears his virtue like a mantle around his shoulders can expect to get kicked in the pants. But I will say the people of my State have an opportunity to vote, and they do vote, and there is no discrimination practiced against them for that reason.

Mr. SMATHERS. I thank the able Senator for two reasons: First, he says he recognizes we have a problem which is considerably different from the problem which he has. That being the case, what I would like to say, and what I would like to think our colleagues realize, is that we have a problem which is a little different than that which the Senator has. Why does not the Senator let the people who have the problem settle that problem, so long as there is absolute evidence that they are making progress with that problem? Do not try to sit away off and say, "This is the way it ought to be done," when you who sit away off do not have this problem. We have a very serious problem. We are making great progress with it. What the Senator from Colorado has said of his State, I can say for my State. I do not know of any time while I have been in public office that anybody has ever tried to keep a Negro from voting. But, on the contrary——

Mr. ALLOTT. In Florida?

Mr. SMATHERS. In Florida. Everybody who runs for public office in my State—and in most of the States of the South—has on his committees Puerto Ricans and Cubans—some pro-Castro and some anti-Castro—it changes very fast—and some Negro representatives.

We have 844,000 Negroes in my State. There is one city in Florida where more Negroes vote than the total number of Negroes voting in the State of Colorado.

More and more of them are voting. We are encouraging them to vote.

You say, "Well, how does it happen that you have so many that do not vote in some of these States?"

It is very simple. The ones that are educated, the ones that have had an opportunity to go to high school and then to junior college, and somewhere else, all participate. We have literacy tests just as they have in every State. But the large percentage of them who are older Negroes, who have never had the benefit of an education, who have been all their lives field hands, laborers, not with an opportunity of getting an education—they are 50 or 60 years old, and it is the great bulk of them—those are the ones that cannot pass the literacy test, and those are the ones that do not even want to vote.

There have been, according to the Civil Rights Commission, certain instances where, in other States—not mine—they have not been permitted to vote, intelligent ones, qualified ones. I decry that just as much as everybody else. We are encouraging them in my State. We are encouraging them in most all of the States of the South.

I heard the able Senator from Georgia last night on Meet the Press, and he pointed out where they had a higher percentage of the Negro population in the State of Georgia voting than they did in the city of Cleveland, Ohio. We are making progress. What we ask is that you do not try to keep making us the whipping boy in this thing, and try to put on, for example, the Federal registrar operation, which is exactly the same program that they had in 1871; in 1894 the Congress had to take it back because it was not working.

All we say is, this thing will only be solved by how we think and how we feel, the tolerance and the understanding that have one for the other. You know how it is when somebody from the outside tries to tell you what to do and passes judgment on you when they do not even have the problem. Instead of going forward into the solution, you get your back up, you forget about the problem and you begin to fight the guys from outside.

That is what is happening to us. The people who are genuinely sincere about it would encourage us, help us, and come down there and campaign a little bit; talk to Negro groups as I do and urge them to go out and register, vote, participate, and be good citizens. I am happy to say that the young ones are rapidly doing that.

Mr. ALLOTT. Will the Senator yield?

Mr. SMATHERS. I will be happy to yield to the Senator from Colorado.

Mr. ALLOTT. I would say this to the Senator from Florida: I admit very frankly that his State shows a better record than most of the Southern States. But if those of us who believe implicitly in the Constitution, the Declaration of Independence and the Bill of Rights felt the southern group was really attempting to do what he implies, there would be no need for legislation here today. It was in 1860 when the emancipator was elected. It is 1960 now. It is about time, I think, that we started giving these people some equality of rights. For my own part, I believe that if we gave them equality of voting, not just simply the legal equivalent of the right to go in and register to vote, but if we gave them the right to vote equally, we would solve many of our problems. But it has been 100 years. One hundred years is a long time when you think that in the rest of the world, 70 percent of whom have pigmentation in their skin, they are pointing to us and saying, "It is about time that the United States offered people equality."

Mr. SMATHERS. Does the Senator know how long there has been slavery

in the world, how many thousands and thousands of years?

Mr. ALLOTT. How many years?

Mr. SMATHERS. How many thousands of years? We are happy to say that except for some tribes in Ecuador and probably some places in Africa—I do not know, but I guess——

Mr. ALLOTT. And the Middle East——

Mr. SMATHERS. They are beginning to get rid of it. But it has been with the world for thousands of years.

Mr. ALLOTT. And it exists in the Middle East, Russia, and China.

Mr. SMATHERS. What I want to say is that with respect to voting we have done splendidly and we are doing splendidly. But unless we give these people an opportunity to get an education, they cannot pass any literacy test to get on the register and vote. They cannot read the Constitution. They cannot interpret it. That is the thing we have endeavored to do. In our State, in Arkansas, in most of the States of the South, in the last 20 years there has been more money going into the building of Negro schools than there has been going into white schools.

Mr. ALLOTT. If my friend will yield, the reason the money has been going into the Negro schools is that for many years they were not on an equal basis at all. In an attempt to meet the first standard the Supreme Court laid down, which was that it was equal opportunity if there were separate but equal schools, the States have been building them to satisfy this criterion. This is what they have done.

I would like to say to my friend, going back to his previous argument, however, that as I read the life of Thomas Jefferson, and I am a great admirer of his——

Mr. SMATHERS. A Democrat.

Mr. ALLOTT. Yes, he was a Democrat, but he was not associated with the present Democratic Party.

Mr. SMATHERS. That is because he has been dead for a number of years. But I am satisfied that were he here today, he would be sitting on this side of the aisle.

Mr. ALLOTT. Yes, but he would not say that we cannot let people vote because they have not had the opportunity to get educated up to the level of the rest of us.

Mr. SMATHERS. Is the Senator advocating that we eliminate all literacy laws in his State?

He does not think they should have them in his State?

Mr. ALLOTT. All a citizen needs in our State is to be able to read and write.

Mr. SMATHERS. Does the Senator want people who have been convicted of a crime to vote? Does he want——

Mr. ALLOTT. Wait a moment. Let us take these one by one. A person who has been convicted of a crime is deprived of his citizenship. Therefore, he is not competent to vote.

Mr. SMATHERS. How about these people who have been let out of an insane institution, or maybe have just gotten out of it? Can they vote?

Mr. ALLOTT. You remind me of the story of a man I used to know in my own hometown.

The PRESIDING OFFICER. Does the Senator from Florida yield further?

Mr. SMATHERS. He says he is for eliminating all qualifications for voting whatsoever.

Do I understand the Senator to say that if anybody gets to be 21 years old and has met the residence qualifications, he is eligible to vote?

Mr. ALLOTT. I say that the great patron saint of your party put no qualifications on voting.

Mr. SMATHERS. Is the Senator for that?

Mr. ALLOTT. No. I believe that a man should be able to read and write.

But I would like to reply to the Senator. He asked me a question about an insane man, and I am reminded about the man in my own hometown who used to walk around with a certificate in his hand. It was well known that he had been in the asylum. He used to walk around with the certificate in his hand saying that he was the only man in town who could prove that he was sane because he had been discharged from the insane asylum. This is about the situation.

Insane people, people who have been convicted of crimes, have lost their citizenship. We all know that. So this is a different situation from what we are talking about.

Mr. SMATHERS. The Senator does not suggest by that story that the only way that one is accepted as being sane in Colorado is that he has a certificate saying that he has been let out of the insane asylum, does he?

Mr. ALLOTT. I am just suggesting that this is what the Senator has suggested.

Mr. SMATHERS. I misunderstood the Senator.

Mr. ALLOTT. He says that anybody who has been in the insane asylum is disqualified. That is not so. But it reminds me of the old fellow who did walk around the streets and say that he was the only man who could qualify.

Mr. SMATHERS. I thank the able Senator. I think he has made a contribution. Certainly, his admission that we have a problem somewhat different from that which they have in Colorado is the admission——

Mr. ALLOTT. May I say one more thing before I quit interrupting the Senator?

Mr. SMATHERS. I shall appreciate it. I have to stay here until 9:30 or 10 o'clock.

Mr. ALLOTT. Oh, the Senator is assigned, too?

Mr. SMATHERS. Yes. There is no question about it. I have been assigned. Does the Senator think I would have taken from 4 o'clock in the morning until 8 if I had not been assigned? It is not a matter of choice when a fellow gets up and takes the graveyard shift; no. But I have not come here and bragged about the fact that I was here all the time. I have been here only when I have been assigned.

Mr. ALLOTT. I have been here more than that, my friend.

Mr. SMATHERS. I am glad the Senator is here now on assignment.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Colorado?

Mr. ALLOTT. I am sure he will for this remark.

Mr. SMATHERS. I yield to him gladly.

Mr. ALLOTT. I would say to the Senator from Florida. I admire him very greatly, but I do not mind admitting, because I would be dishonest with myself if I did otherwise, that the problem of the Southern States is a different problem from those of most of the Northern States. Yet some of our Northern States have a problem to meet in this respect which may be just as vital and just as hard to meet as those of the Southern States.

Mr. SMATHERS. That is correct.

Mr. ALLOTT. But because I am here as a United States Senator—and we discussed this at some length recently—I owe not simply an obligation to my own great State, but I owe an obligation to the people of the United States. I admit, and I do so gladly, that the problem is different. Therefore, my obligation is far greater than it is to any group, any State, any individual, or anyone else. My obligation is to the sum total of this entity which is called the United States. That is why I am here. There is this great difference.

I talked about the problem with the Senator from Florida. I hope that somehow we can solve it. I have pointed out some ways in which I disagree with the Senator, but the problem is here to be solved. Only we are going to solve it. The British, the French, the Germans, the Chinese, the Russians, or anybody else, will not solve it. The problem will be solved by us, and it will be solved here. That is my hope.

Mr. SMATHERS. I thank the Senator from Colorado. He has made a very splendid statement, in which I concur 100 percent. That is one of the reasons why I admire and respect the Senator from Colorado.

I simply say to him, as sincerely as he made his remark to me, that this problem will not be solved by the addition of more laws. It will be solved by Senators having sincerity of purpose, such as the Senator from Colorado, the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wyoming [Mr. MCGEE], and myself, as best we can, recognizing the difficulties of the problem. We must try to eliminate intolerance wherever it exists. We must try to eliminate prejudice wherever it exists. We must try to remember that for 200 years a custom of living a certain way has existed in the South, and that we are trying to get the people to change that custom. We must remember that, after all, under the Constitution, those people have certain rights. In my State, I am delighted to say, we are making certain that those people receive their rights. But this is a problem of the heart and the mind, not of the law.

To give the Senator a good illustration concerning nonsegregation laws, New York City has a law forbidding segregation in housing. If one picks up

the civil rights report, he sees that there is more segregation in New York City and in Chicago than in any of the southern cities, so far as housing is concerned. So it is not a matter of law. The State Legislature of New York can meet until it is blue in the face, as can the State Legislature of Illinois. But until this problem is solved through the schools, churches, and councils, and an attempt is made to settle the problems of human beings, we shall not succeed.

I do not know of anyone who is smart enough to say, "I wanted to be born white; therefore, I am white"; or "I wanted to be born black; therefore, I am black." We are all creatures of God. The fact that I am white and another person is black should not give me a superior feeling, because I was not able to control that circumstance. So I say to my friends that these are problems which will have to be settled in our hearts and minds. They will not be settled by laws. New York and Illinois can pass all the laws they wish, but those laws will not settle this problem.

What do we see right here in Washington? We see segregation in fact, even though we do not see it in law.

What we are saying is that perhaps we have a very bad disease and are going to be put a little mercurochrome on top of it in order to pacify somebody. That is not the way to solve the problem. The placing of another law on the books will not answer the problem.

What I fear is that if we pass another law, we will simply get people excited and get their backs up. There has been less communication between the white and the colored people of the South since this debate began than there was before it started, because everyone has become resentful. We have begun to create tensions and emotions which are likely to lead to an explosion. When that occurs, then, instead of doing good, we have done bad for our country, and we have certainly not solved the problem; we have aggravated it.

We know we have a problem. In some places, we are not particularly proud of the way it has been met. But we would like to have a chance to solve the problem in our own way, because we believe we can accomplish the solution in our own way.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. SMATHERS. I am glad to yield.

Mr. McCLELLAN. Were we not in the process of accomplishing this purpose, and were we not moving rather expeditiously in that direction prior to the agitation which has befallen us in the last 4 or 5 years?

Mr. SMATHERS. The Senator from Arkansas is absolutely correct.

Mr. McCLELLAN. That demonstrates beyond any doubt that the desired harmony and tranquillity between the races will come about by a process of evolution; as the Senator from Florida has pointed out, it will come about because people are tolerant and understanding. In the course of time, that will come to pass. Whereas an attempt to force compliance by law will simply retard any progress or obstruct any progress and make the problem more difficult.

Mr. SMATHERS. I completely agree with the statement of the able Senator from Arkansas.

Mr. President, I return to the text of my statement for a moment. Centralized law enforcement of this magnitude can serve no useful purpose other than to create friction between local and State law enforcement officials and those of the Federal Government.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Has not the Senator gained the impression that the tendency of people to want to be among their own kind is more or less a law of nature?

Mr. SMATHERS. Yes. I have observed that. Certainly it is true in my own case, and I presume it is true in the case of almost everybody else.

Mr. LONG of Louisiana. Is the Senator familiar with what has been happening in the public schools of the District of Columbia, since what has taken place here has been pointed to as a great and noble experiment in integration?

Mr. SMATHERS. The Senator is absolutely correct. That is just the point I was making a moment ago. We can pass all the laws it is possible to pass, and provide that there shall be no segregation in the schools, in housing, or anywhere else. But the Civil Rights Commission itself admits that the most segregated city in the entire United States is Chicago, and the second most segregated city is New York. I presume it is pretty much that way despite the laws against segregation which are on the books.

Mr. LONG of Louisiana. Since the Senator from Florida has raised the point, here is a racial map which the Civil Rights Commission itself has included in its report on New York City. The map shows that New York is a segregated city; in fact, it is more segregated than southern cities. The people are jammed right together in Harlem, and they pay more there for housing than white folks pay elsewhere. Why do the people of New York permit segregation in their city and point the finger of scorn at us?

It is the law of nature that people will settle among others of their own kind.

Mr. SMATHERS. As I remember the Civil Rights Commission report, it said there is a strangle hold of the white communities around the colored communities, with the result that when the colored try to break out, it is then that cross burnings and other incidents of that kind happen. It is regrettable that they ever happen at all, but many more such incidents take place in the North than in the South.

Mr. LONG of Louisiana. The Senator from Florida can see on the map that about half of New York is marked in white. That means, does it not, that in those areas there is a colored population of less than 1 percent?

Mr. SMATHERS. The Senator is correct.

Mr. LONG of Louisiana. Here is Chicago. I will ask the Senator if he notices that this map of Chicago, the same chart which the Civil Rights Commission put out in its report, shows that the colored folks are all right together?

Mr. SMATHERS. That is correct; the point being, as the able Senator from Louisiana started to say, that we can pass all kinds of laws. There are laws against segregation in Chicago. I do not know how many laws there are in New York, but I know there must be plenty, and if the junior and senior Senator from New York report just half as much at home as they are doing down here, they have all kinds of laws there. But it is not working, and it is not going to work.

Mr. LONG of Louisiana. Does the Senator know that New York State has been trying to integrate neighborhoods for 36 years, and, after 36 years as a State policy, they are more segregated now than the South is?

Mr SMATHERS. There is no question about that. The Senator is absolutely right, and the Civil Rights Commission confirmed it. The Civil Rights Commission is certainly no pro-Southern group; does the Senator agree with that?

Mr. LONG of Louisiana. Yes, Mr. President.

Does the Senator know as well that the Washington district, the home of the great integration movement, is rapidly becoming a segregated school system?

Mr. SMATHERS. According to my information, in the public schools in the District of Columbia some 80 percent of the total number of students are Negro students.

Mr. LONG of Louisiana. Does the Senator know that in school after school, where, by integration, they first had about 30 percent colored, they have now reached 98 and 99 percent colored?

Mr. SMATHERS. If the Senator says so, I am willing to accept his word. I know that it is rapidly moving in that direction.

Mr. LONG of Louisiana. Does the Senator feel that a school can be called an integrated school because a single child of the opposite race happens to be there? For example, can a school really be called an integrated school when, among the colored, a single white child happens to be in that school?

Mr. SMATHERS. I do not believe so. But I tell the Senator this: when there is one such child, it gives some people the feeling of superiority to say: "I go to an integrated school because we have got one."

They told me out in the West there are some places where the white children would not go to school with some of the Indians.

I remember when I was going to high school, more years ago than I like to think of, I played football beside a fellow who was a Seminole Indian, named Osceola. He was the only one on the line, but he was a splendid football player. I remember going to visit Yellowstone Park, and coming into the area where

all the Indians were in one school. I was curious to find out why it was that they did not go to the white school, and everybody said, "Oh, no; we have Indian schools for them." I said, "My friend, what is this prejudice? Why all this? do you not realize that down in my State we have Indians and Puerto Ricans in our schools.

It is easy to be superior when one does not have the problem. That is what I tried to say to my friend a moment ago, and I say to his credit that he recognized that we have a different problem.

It is very easy for people to pass a judgment when they do not have the problem and do not know what it is all about. I do not know how many colored people we have in the great State of Montana, but we do not have very many, and therefore there is no problem in this respect.

We have many of them in the South, and we think that we can work out the problem better, realizing it is a problem and wanting to work it out better, recognizing that we ought to do it as a moral right and as a constitutional right.

We ask to be let alone to work it out, plus the fact, we say, if another law is put on the books, it is not going to amount to anything anyway, any more than the law here in the District of Columbia or New York or Chicago which says "You cannot have segregated communities." But they are segregating them just the same.

The solution must come from within the heart. The great Senate, with all the power we have, with all the great writers and all the wonderful speechmakers, with all these superior intellects, is not going to work it out, unless we work it out from within. That is what we are asking: To be left alone to do it, to work it out from within.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I am happy to yield for a question.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the Negro registration in Louisiana increased much more rapidly, before all the pressure was brought to bear by radicals and extremists, than it has increased since that happened?

Mr. SMATHERS. The Senator is absolutely right. That is another point I want to make. I have already talked with the Senator from Kansas, and then I had a colloquy with the Senator from Colorado. I say to the Senator from Montana, as one uncommitted, unrestricted Member, that if he is trying to put on more laws, as he is saying, that is not going to answer the problem. What it does is to aggravate the problem. He has the figures with respect to Louisiana. They are pretty much the same in my State. There were in the neighborhood of 50,000 to 60,000 additional Negroes registering and participating in the voting in his State every year until the Brown case was decided in 1954. Then after all that, what happened? Instead of 60,000 or 70,000 registering every year, the number registering has dropped down to 6,000, and last year it was just a trickle.

Why? Because the people began to become afraid of each other.

The use of force from the Federal Government does not answer the problem but rather tends to create friction and resentment.

I say to my friend, "If we want to help answer this problem, as I know we do, we do not want to try to enact this kind of legislation, because it is not going to answer the problem."

There may be some other contest which inspires this one, far removed from those people who have the problem and want the answer. It has to do with politics. They say "Who is going to get that vote?" This other political contest may be, and I am afraid it is, influencing some of my colleagues in the Senate as to how they will act on this very legislation. But those who really have a sincere desire to answer the problem, to meet the problem, know in their hearts that it cannot be done by passing a law. It can only be done through tolerance, through education.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield.

Mr. ALLOTT. Is the Senator advocating in the U.S. Senate that we abrogate our laws under the Constitution, and that we permit ourselves to drift on in an endless sea of tranquillity and let these injustices continue?

Mr. SMATHERS. Certainly not. I would say the Senator is completely wrong.

Mr. ALLOTT. Then what laws would the Senator advocate?

Mr. SMATHERS. No laws. I cite the figures in the State of Louisiana where, in 1946, they had only 4,000 or 6,000 Negroes registered to vote, and over the course of the next 10 or 12 years the number jumped up to 140,000. Let me give the Florida figures, which are exact. In 1947 we had 49,000 registered to vote. In 1950 it jumped up to about 100,000. In 1956 it went to 140,000, and last year it was 155,000. Is that not a remarkable increase in the participation of the colored people in our elections? That is why we say: Why stop that, when the flower is growing as it has been growing? Why put a lid on top of it?

Mr. ALLOTT. Is the Senator asking me a question?

Mr. SMATHERS. I am raising a rhetorical question.

Mr. ALLOTT. Which means I do not get to answer it.

Mr. SMATHERS. No; that means that the Senator can answer it any way he likes.

Mr. ALLOTT. I think this is a remarkable record of growth.

Mr. SMATHERS. It is.

Mr. ALLOTT. But I do not think that the record of the Southern States will match it generally. I will say, further, that if the record of the Southern States were based upon their voting rights, as compared to their total population, the number of representatives present in the Congress—and this was borne out by a very deep study that was made 3 years ago, 1957—would be cut almost in half.

Mr. SMATHERS. May I say this to the Senator: I venture to say that the percentage of Negroes who are voting in Florida——

Mr. ALLOTT. I am not talking about Florida.

Mr. SMATHERS. Or Georgia, as compared to those who are actually voting in Colorado would show that we have a higher percentage than the State of Colorado. I will go even further and say that, according to the NAACP, the percentage of Negroes voting in Georgia, Louisiana, and Florida and all the other Southern States was higher than the percentage of those registered and voting in Cleveland Ohio. I presume that that is true with respect to all of Ohio. That may be an erroneous presumption, but I will throw it in, so somebody can correct me.

Mr. ALLOTT. Let us face the situation which I presented, which is, that if the Southern States, as a whole, were represented in Congress by the number of people who are permitted to vote, they would have half the congressional representation that they now have in the House of Representatives.

Mr. SMATHERS. I do not believe that approaches anywhere near what could be accurate.

Mr. ALLOTT. I will be glad to furnish some figures which can be substantiated.

Mr. SMATHERS. I wait with bated breath and anxiety to see that particular figure.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Only recently, the results of a study made in Cleveland, Ohio, were placed in the RECORD. I assume that the situation there is typical of the situation in other northern States. That study showed that in the last congressional election in Cleveland, only 26 percent of the colored people living there registered, and only 25 percent of those who registered actually voted—in other words, approximately 4 percent.

By contrast, in New Orleans, La., there are about 30,000 colored voters and about 120,000 white voters. But the colored voters vote in a larger percentage than do the white voters. In the last election there, the colored voters achieved a voting record of approximately 90 to 95 percent, contrasted with only approximately 80 percent for the whites. If we compare those figures, we find that in New Orleans the percentage of the colored people who were eligible to vote and who did vote was about four times as great as the percentage for the colored voters in Cleveland, Ohio.

So, based on the colored vote alone, it would appear that the representation for Ohio should be reduced, rather than the representation for Louisiana.

Let me ask the Senator if it is not true that in the rural communities in the South, about which so many complaints have been made, it is generally the case that the southern white people provide the jobs and the capital, and in a great many of those communities the colored people do not feel like registering unless the white people are willing to cooperate with them in registering.

Mr. SMATHERS. The Senator is correct.

A moment ago, when I referred to the percentage of colored people who vote, I should have pointed out that, today, in the age group below 50 a much higher percentage of the colored people vote. I think it is important that that point be made and realized. A very high percentage of the colored people in that age group vote, because they have sufficient education to pass the literacy test—actually, on the average they have much more than that—and they are able to qualify because they are highly intelligent; and are actually participating in the elections.

The bulk of the colored people who are not voting are those in the older groups. As I have said, most of them have not had the advantage of much education, if any at all, because they were working on the farms and unable to acquire an education, with the result that in most instances they were embarrassed because they cannot read and write. They are the ones who do not register to vote; they do not do so because they cannot pass the required test.

But of those who do pass the test and do register—with some very few exceptions; and certainly there are some very regrettable exceptions—an enormously high percentage do participate in voting.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield further to me?

Mr. SMATHERS. I am very glad to yield.

Mr. LONG of Louisiana. Does the Senator from Florida recall that the 1957 Civil Rights Act provided that the Attorney General of the United States and all his assistants were to be the taxpaid attorneys of any person who felt that he was being discriminated against, insofar as his voting rights were concerned?

Mr. SMATHERS. I recall that—much to my regret.

Mr. LONG of Louisiana. However, there were already on the statute books many voting-rights laws. But that one provides that the Attorney General of the United States is by law required to file such a case if a person feels that he is being discriminated against, in regard to voting, does it not?

Mr. SMATHERS. That is correct.

Mr. LONG of Louisiana. For example, in Washington Parish, La., 1,377 Negroes were not qualified to vote. The U.S. attorney filed his case; and the judge had to put those 1,377 Negroes back on the rolls even though they were not qualified to vote. But the judge did that on the basis that he felt there were on the rolls some whites whom he felt were not qualified, and therefore he compelled to be put on the rolls, too, the 1,377 colored people who were not qualified.

Mr. SMATHERS. I am aware of that.

Certainly we do not need any more laws in this field, for under the 1957 act the Attorney General of the United States is entitled to go into court and, at the expense of the overall taxpayers, and at no cost to the particular complainants, represent them in court, in order to be certain that those particular complainants will have their right to vote protected and will be allowed to vote.

In the case which was decided just the other day by the Supreme Court, the Court went even further, and ordered restored to the rolls in Louisiana 1,357 Negroes, not on the basis that they were qualified to vote, not on the basis that they could pass the literacy test, but apparently on the basis that they fell in the same group with some white person, and therefore should be given the same consideration.

The other evening the Senator from Louisiana had a chart, although I do not know whether the Senator from Colorado saw it, which showed that a certain number of illiterate people—citizens who can neither read nor write; they are otherwise intelligent—are on the voting rolls in Louisiana, and that the percentage of illiterate Negroes on that particular voting roll is much greater than in the case of the white people.

Mr. LONG of Louisiana. In Louisiana, 10 percent of the Negro voters are illiterates, and can neither read nor write; and 3 percent of the white voters are illiterates, and can neither read nor write. Do those figures indicate discrimination against the Negroes? Quite the contrary.

Furthermore, the point I was making to the Senator is that any person who feels that he is being discriminated against, even if he is not qualified to vote, can be placed on the rolls—under the recent decision by the Supreme Court—if there is on the rolls, for example, a white citizen who, as compared to the qualifications of that colored citizen, also is unqualified.

Based on such decisions, let me ask a question: If the Senator from Florida were a U.S. attorney, would he have any difficulty in winning a lawsuit for a Negro citizen who was not qualified to vote?

Mr. SMATHERS. Absolutely none. As a matter of fact, I was once a U.S. attorney—although long before the 1957 law was enacted. In the area in which I served, everyone who wanted to vote did vote.

Let me make this observation now to my very dear friend, the Senator from Colorado: A moment ago he was more or less taking the Democratic Senators to task on the basis that he thought not many of them were on the floor. But I said that at that time I did not see many Republican Senators on the floor.

At this time I should like to point out, for the RECORD, that the Senator from Colorado now is holding the fort valiantly, bravely—but alone. [Laughter.]

On the other hand, on our side we have eight Senators—which is not a very representative number of the whole Senate.

Mr. ALLOTT. Does the Senator mean that those on his side who are here at this time are not very representative?

Mr. SMATHERS. I was attempting to say that the total number of Senators now present is not representative of the entire 100 Senators who constitute this body; certainly more Senators should be present. But the Senators who are here are very distinguished and able, and are very representative of the intelligence of the Senate.

But I wish to say that the Senators who are in the Chamber at this time, tonight, are not assigned—except one of them.

Mr. ALLOTT. Mr. President, if the Senator from Florida will yield, I wish to say that along about 3 or 4 o'clock in the morning, I hope I will see the Senator from Arkansas, the junior Senator from Louisiana, the Senator from Georgia, and the senior Senator from Louisiana in the Chamber.

Mr. SMATHERS. I assure the Senator that he will see one of them——

Mr. ALLOTT. I hope I shall see them on the floor of the Senate at that time, because I have not seen them in the Chamber at such an hour for a week.

Mr. LONG of Louisiana. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield.

Mr. LONG of Louisiana. Is it not true that at this moment the majority of the Senators on the floor are southerners; and if we could just be assured that the northern Democrats and the Republicans would not send for reinforcements, we would be ready to vote on the bill right now.

Mr. ANDERSON. Mr. President, does the Senator wish to have the roll called right now?

Mr. ALLOTT. Well, Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield? If so, to whom?

Mr. SMATHERS. Mr. President, I do not yield for the moment.

Mr. ALLOTT. I should just like to say——

The PRESIDING OFFICER. The Senator from Florida has the floor, and he has not yielded.

The Senator from Florida may proceed.

Mr. LONG of Louisiana. Mr. President——

Mr. SMATHERS. Mr. President, I do wish to yield for a question to my distinguished friend, the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator from Florida recall that the point I made was that if we could be sure that our Northern Democrat friends and our Republican friends would not send for reinforcements, we might be willing to do some voting on the bill immediately?

Mr. SMATHERS. Yes. In fact, this is the only majority we have had since 1928. [Laughter.]

Mr. ANDERSON. All the Senator need do is ask that the roll be called and the vote on the bill be taken.

Mr. SMATHERS. But I am afraid that some of the Northern Democrats and some of the Republicans would show up in time to participate in the vote; I refer to some who are now at a beefeaters meeting. [Laughter.]

Mr. President, inasmuch as the able Senator from New Mexico [Mr. ANDERSON] is on the floor, I should like to ask him some questions, because parts of this bill have not been before a committee.

Section 2 of the bill would provide that the Federal Government move into

the field of hunting up criminals or other persons who throw bombs against educational buildings or religious buildings. We agree that any throwing of bombs is entirely bad. But this part of the bill provides that the Federal Government must move in and take over the hunting of such criminals and the prosecution of them.

I should like to know whether the Senator from New Mexico has received from his State any letters to the effect that the highway patrol or the police chiefs of any of the cities in his State or anyone else in his State says that the local law-enforcement agencies are not able to keep up with this problem. Has the Senator from New Mexico received any mail of that sort—any letters stating that there is a breakdown of local law enforcement?

Mr. ANDERSON. Well Mr. President, I regret that the parliamentary situation is such that the Senator from Florida cannot yield to me, except for a question. [Laughter.]

Mr. SMATHERS. All right.

The fact of the matter is, Mr. President, that there has been no evidence whatever that that particular section is justified. There has not been one here tonight, starting with the Senator from Montana and I am sure the Senator from Tennessee, Wyoming, New Mexico, Louisiana, right on around, or Georgia, who can tell you that there has been any request by any local law-enforcement agency saying "Give us help, we cannot meet this problem of apprehending individuals involved in throwing bombs against educational and religious institutions, as heinous as they are." What do they say? They say "These are terrible incidents, but we can handle it. Leave us alone. We do not want any Federal help. There is no breakdown of local law enforcement." There is a separation between the Federal law enforcement and State law enforcement and I would like to hear some Senator stand up and say that "My people cannot do it. We want the Federal Government to do it." If they do not stand up and say that why do we not drop that section out of the bill, forget about it?

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. TALMADGE. I will ask the distinguished Senator from Florida if it is not true under the provisions now existing in the bill, if someone assassinated the President of the United States and fled from one State to another, would he not be exempt under the provisions of this act?

Mr. SMATHERS. He would be under the provisions of this act, that is right.

Mr. TALMADGE. I will ask the Senator from Florida if a person happened to detonate some kind of a bomb that could destroy all of the Members of the Senate and the Members of the House of Representatives simultaneously, would he not also be exempt under the provisions of this act?

Mr. SMATHERS. Yes, he would be exempt, but the unfortunate thing is he might also be applauded, and I would hate to have that happen.

Mr. TALMADGE. I will ask the Senator from Florida further if a person happened to destroy all of the members of the Supreme Court simultaneously by bombing, would he not also be exempt under the terms of this act?

Mr. SMATHERS. I would say that under the nature of this act the Senator is absolutely correct.

Mr. TALMADGE. I will ask the Senator from Florida further if some school child set off a 5-inch firecracker in a school building in Jacksonville, Fla., and fled across the line into Georgia, would he not be subject to prosecution under this act?

Mr. SMATHERS. He absolutely would and another horrible thing about it is that the local law enforcement officials are presumed not to be able to handle the situation.

Mr. TALMADGE. I will ask the Senator from Florida further if someone destroys a factory in Chicago, Ill., kills 500 people, and flees into the State of Michigan, would he not be exempt from the provisions of this act?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. Can the Senator see any justification in making the crime of bombing which affects church and school buildings alone subject to the provisions of this act?

Mr. SMATHERS. I can see no reason obviously for limiting it to that. All of us agree, as I have heard the able Senator from Georgia, the junior Senator, say on many occasions, that those types of crimes are heinous and obnoxious and we want to stop them, there is no excuse for them, but to draw a law so it is only applicable to bombing and the desecration of schools or religious institutions and turning a particular enforcement part of it over to the Federal Government and leaving murders and all the rest of it to State governments does not make a great deal of sense. As a matter of fact, this section does not make a great deal of sense, and I am satisfied that if the people of Colorado, and the people of Wyoming and Tennessee and Montana, knew what was in this section, I am satisfied the average citizen would not vote for this bill.

Mr. TALMADGE. Does the Senator from Florida think that it is more heinous to explode a firecracker in a school building than to assassinate the President of the United States?

Mr. SMATHERS. Well, speaking very objectively, I would say to the Senator obviously the assassination of the President of the United States would be much more heinous. Of course I am sure the Senator speaks only of the section of the bill and is acquainted with the fact that it is now a Federal offense to kill a Federal officer or damage Federal property.

Mr. TALMADGE. Is this so-called bill to eliminate discrimination not discriminatory within itself?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Now, if the Senator will yield further, I would like to ask him a question or two about the first section of the bill, that is the one referring to obstruction of certain court orders.

Is it not true that the obstruction of any court order, whether it be State or Federal, is itself subject to a contempt citation by the court which issued the order?

Mr. SMATHERS. The Senator is correct. He well understands that there is now on the statute books section 1503 of title 18 of the United States Code, a section which makes it a crime to obstruct the administration of justice. That is already on the books. The Senator is correct.

Mr. TALMADGE. Cannot the court impose a penalty for contempt against anyone who obstructs the order of the court?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Can the Senator see any justification whatsoever for Congress passing legislation that creates a new crime for anyone who attempts to obstruct a court order relating solely to desegregation and desegregation alone?

Mr. SMATHERS. I cannot see any justification for it.

Mr. TALMADGE. Does the Senator consider the obstruction of a court order relating solely to desegregation any more heinous than a dozen and one other court orders that could be issued?

Mr. SMATHERS. I should think that a court order, irrespective of what particular subject it is directed to, should have equal weight. A decision or order of the Federal court system should be obeyed, in my judgment, and should have equal applicability. There is no basis for making the interference of one differ in treatment than that of another. The contempt powers of the courts have not been shown to be inadequate.

Mr. TALMADGE. Are the provisions, then, of section 1 not discriminatory within themselves?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. Thus, we find two discriminations within the antidiscrimination bill; is that not so?

Mr. SMATHERS. The Senator is absolutely correct. As a matter of fact, of course, the whole bill is discriminatory in that it is directed against a certain geographic section of the country in fact, and it is an attempt to put on the people of that area a certain punishment and make of them a whipping boy for what I think almost everybody will agree are political considerations and political reasons.

Were it not for the fact that there is a big minority vote in New York, were it not for the fact that there is a big minority vote in Illinois, were it not for the fact that there is a big minority vote in California, were it not for the fact that the way the minority vote goes is the way the electoral vote goes, and were it not for the fact that in those States where the vote is evenly divided, a tight minority vote, by going one way or another, can decide the outcome of an election, and can result in winning the election for a presidential candidate

or political party, this bill would not be before the Senate.

This is obviously no bill to benefit the people of the country. It is obviously no bill to help the majority of the citizens of the United States. Bluntly stated it is a political subterfuge. The measure is specifically tailored against a certain section. It is discriminatory in all respects.

Last night, on the "Meet the Press" program, I think the very able junior Senator from Georgia made a splendid presentation of the views of the South. During the course of that program one correspondent finally asked the question, "Is it not a fact that the South does not have very much influence any more?" I thought the able Senator from Georgia made a very excellent answer to that question, which was "Yes; of course. If we had a lot of political influence today, do you think we would have had this bill in front of us? Absolutely not."

This bill is motivated solely by the desire to get certain minority groups to vote a certain way. Although the proponents talk about wanting them to vote, they know in their hearts the way to get them to vote is by following the course we are now following, as a result of which, in Tennessee, in Florida, and in Georgia, the percentage of Negroes registering and voting is increasing 100-fold in the space of every 5 years. The enactment of this legislation will retard this progress.

No. What they want is a political advantage.

It is a discriminatory bill in its concept because it is desired to make the South, which does not, regrettably, have a lot of political influence any longer, the whipping boy, as the South was back in 1870. The very provisions which are contained in this bill come from the force bills of 1870. The Federal registrars idea was first dreamed up, not in the mind of the Senator from Illinois; no, this came out of the prejudiced mind of Thaddeus Stevens. He was the man who thought up the Federal registrars idea, and that law stayed on the books from 1871 to 1894 when it was repealed by the Congress.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. I am happy to yield.

Mr. TALMADGE. Is it not true that section 7, the voting referee section, is even more vicious than the old Thaddeus Stevens bill, in that the latter, the one enacted in 1871, which was repealed by the Congress, when it regained its reason, in 1894, was limited only to Federal elections, whereas the bill presently before the Senate would include not only Federal elections, but State, county, municipal, and local elections as well?

Mr. SMATHERS. The Senator is absolutely correct.

Mr. TALMADGE. Then Thaddeus Stevens would have been considered a moderate by this group. Would he not?

Mr. SMATHERS. He certainly would not have been considered as extreme as the proponents of this bill.

Mr. TALMADGE. He was far less punitive. Was he not?

Mr. SMATHERS. The Senator is correct.

Mr. TALMADGE. I thank the Senator. I agree with him 100 percent.

Mr. SMATHERS. Mr. President, my problem on the floor tonight is that I cannot find anybody who does not agree with me. I was successful in engaging in a colloquy with my friend from Colorado [Mr. ALLOTT]. He does not agree with me. He made that fact clear on the record. But he did agree with one thing, namely, that the problem which we have in the South is different from the problem which they have in Colorado. I think if somebody will make that concession, he ought to realize that what he should do is give us who have the problems an opportunity of solving the problem the best way we know how, when we are making headway, and we are making headway.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to my able friend. I was afraid he was not going to get up. [Laughter.]

Mr. ALLOTT. Does the very distinguished and able Senator not feel that nearly 100 years is really long enough to make substantial progress?

Mr. SMATHERS. I think in the last 20 years we have made more progress than we had made in the preceding 80 years in this particular regard, and there is a very real reason why. It was because from the end of the Civil War the South was oppressed. We had Federal troops down there.

Mr. ALLOTT. Were there Federal troops in the South in 1935?

Mr. SMATHERS. I said 80 years ago we had Federal troops down there. We have been discriminated against from practically every source imaginable, including the imposition of freight rates, of which the Senator from Colorado has some understanding, because the State of Colorado is somewhat discriminated against in that regard. We have been discriminated against; but, when the South began to wake up in the 1920's and the early 1930's and began to progress, we made great strides, not only economically but politically, in seeing that Negroes in the South voted.

I do not know of any man who holds public office in the South today who is not proud of the fact that the Negro is voting. I do not know of a man who offers himself for public service who does not speak to the Negroes and urge them to register and to vote, which, of course, means that they are doing so more and more.

We in the South think that we have made great progress in the last 20 years. This progress will not be spoiled or retarded provided people from the outside, who admit that they do not know what our problem is, stop trying to increase the power of the Attorney General to bring on the use of force where force is not the answer to the problem. If the South is threatened with the use of force, then the clock is most likely to be turned back and the progress thus far made seriously retarded.

It may be. And I say this with due consideration, without any attempt to be inflammatory about it. It is going to be very sad if that happens. We can look over the newspapers all over the country today and see what has been happening since we have been debating this bill.

We are having all kinds of sitdown strikes and things of that character. I regretted seeing in the paper this morning that in Tennessee some real ill feeling was being engendered. There were some attempts at actual fights between the white people and the Negro people. Mr. President, that is a sad state of affairs. It will get worse if we continue to agitate this problem.

As I have said repeatedly, the only way this problem is going to be answered is by allowing people of goodwill to get together to work it out. We recognize we have a problem. Let us continue to make the progress we have been making over the past 20 years. If we are permitted to do that, this problem will solve itself. The young Negro of the South today is voting and participating just as much as the young white boy or girl. We are encouraging that. But if we put this law on, Mr. President, if we try to put Federal registrars, the Attorney General, some politicians from outside the area into the area, to try to tell us how we ought to live, I shudder to think what will happen. It may be that somebody will have votes in his pockets, but he might be responsible for having a little blood on his hands. Certainly we would regret that.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Alabama.

Mr. HILL. The Senator referred earlier to section 1074, flight to avoid prosecution for the destruction of educational or religious structures, and showed the gross discrimination in that section as written, in that it would apply only to schools or churches, whereas, as the distinguished Senator from Georgia pointed out, somebody might try to blow up the White House and assassinate the President of the United States, or try to destroy the Capital buildings. There are many facilities that he might try to blow up.

But as the Senator knows, the second paragraph provides that "violation of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed, or the one in which the person was held in custody or confined, or the Federal judicial district in which the person is apprehended."

This bill was written, we are informed, are we not, by the Attorney General of the United States?

Mr. SMATHERS. We were so informed.

Mr. HILL. He is supposed to be a good lawyer?

Mr. SMATHERS. He is supposed to be.

Mr. HILL. He took an oath of office to uphold and defend the Constitution of the United States, did he not?

Mr. SMATHERS. He did.

Mr. HILL. Yet does that very provision not fly directly into the teeth of the

sixth amendment of the Constitution of the United States?

Mr. SMATHERS. I would appreciate having the Senator read the sixth amendment.

Mr. HILL. Does the sixth amendment to the Constitution of the United States not read as follows:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

This section of the bill provides that he may be tried not merely in the district, as the Constitution of the United States provides he shall be tried, but also he may be tried in any district wherein he may be held in custody or confinement, or in any Federal judicial district in which he may be apprehended.

In other words, if he should commit the crime in the State of Florida, under the sixth amendment of the Constitution of the United States he must be tried in the State and in the district in Florida, if that district had previously been fixed by law before he committed the crime; is that correct?

Mr. SMATHERS. That is correct.

Mr. HILL. Yet under this provision, he might be tried in Hawaii, Puerto Rico, or somewhere else, even up in the State of Maine?

Mr. SMATHERS. That is absolutely correct.

Mr. HILL. Can the Senator think of any other provision that would be more clearly unconstitutional, more clearly in defiance of the Constitution of the United States, than this provision, written by the Attorney General of the United States?

Mr. SMATHERS. I cannot.

I see one of the great proponents of this legislation on the floor, the able Senator from New York [Mr. KEATING]. I read a story in this morning's paper to the effect that he had not missed a quorum. I am delighted to see him here now while some of the debate is going on.

I want to ask him a couple of questions, if I may, because I know of his great interest in this civil rights legislation.

The question which I would like to ask him is: Does he have in his files any letter from the chief of police of New York, the attorney general of New York, or the State Highway Patrol of New York where they say that they cannot handle the crime of having a bomb thrown against a school building or a religious house, and that they have to have the help of the Federal Government in order to apprehend the criminal and prosecute the crime?

Is the Senator from New York aware of any breakdown in local law enforcement to such an extent that this has to become a province of the Federal Government?

Mr. KEATING. Mr. President, will the distinguished Senator yield?

Mr. SMATHERS. I want to yield to the distinguished Senator to make a statement or ask a question.

Mr. ANDERSON. Only for a question.

Mr. SMATHERS. I want to give him free rein without losing the floor.

The PRESIDING OFFICER. Will the Senator from Florida repeat his request?

Mr. SMATHERS. Mr. President, I would like to yield to the Senator from New York to make a statement or ask a question, but particularly to answer my question, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ANDERSON. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Florida.

Mr. SMATHERS. I did not realize there was such an affinity between the able Senator from New York and the Senator from New Mexico. There must be something in the word "new" which makes them brothers.

Mr. ANDERSON. Will the Senator yield for a question?

Mr. SMATHERS. Yes.

Mr. ANDERSON. Does the Senator not realize that we have rules in the Senate, including the cloture rule, and we should not violate them?

Mr. SMATHERS. I realize that, and I realize also that we should not destroy all local police operations, that we should not violate the general understanding of Federal-State separation of laws and separation of police operations, unless there is some real reason to do so. I have been asking all the Senators tonight as they came in if they knew of any instance where there had been a breakdown locally so they had to go to the Federal Government and ask for help which would justify this particular section of the bill. Thus far no Senator has offered any information that this was justified.

Mr. KEATING. Mr. President, will the distinguished Senator yield for a question?

Mr. SMATHERS. I am happy to yield for a question.

Mr. KEATING. Is the distinguished Senator from Florida aware that the mayor of Jacksonville, Fla., among many other mayors, feels that it is desirable under certain circumstances to bring the Federal Government and the FBI in, as in the case of certain bombings, and that bills to that effect have been offered by the distinguished Senator from North Carolina and one of the distinguished Members of the House of Representatives from Tennessee?

Mr. SMATHERS. I say to the able Senator from New York that I would doubt very seriously if the mayor of Jacksonville, who is now a candidate for Governor of the State of Florida, says that this particular type of crime cannot be well prosecuted and well handled by the local officials, by our State authorities, and by the Duval County authorities, which is the county organization in which resides the city of Jacksonville. I would have high doubt in my mind that he would say that he was for this type of legislation. As a matter of fact, I think I could go so far as to say that if queried by telephone or by telegram, he would not be in support of this particular program.

Mr. KEATING. Will the distinguished Senator yield for another question?

Mr. SMATHERS. I am happy to yield.

Mr. KEATING. As a parenthesis preliminary to the question, aside from the views of the present mayor of Jacksonville, now candidate for Governor, is the distinguished Senator from Florida aware of the fact that at least in November or December of 1958 he felt that the aid of the Federal Government was most desirable in these bombing incidents and that he offered at that time to testify in favor of a bill along those lines?

Mr. SMATHERS. I would say that not only am I not aware of it, but I respectfully suggest to the Senator from New York that I doubt if he would testify for any such bill as this. There is no question that in a situation in which there is a murder, or any type of crime violation, a crime which is a violation of local law, frequently the assistance of the Federal Bureau of Investigation is asked. But that does not make it a Federal offense. I doubt very seriously if the mayor of Jacksonville ever said this should be a Federal offense, although at the time of the unfortunate incident, as I remember, of a cross being burned, there was a bombing of a synagogue, which is reprehensible in the extreme.

I believe that the local authorities are in an excellent position to apprehend the criminal, although they may not have done it in that particular case, and to prosecute him. I do not believe there is any justification for trying to make of this a Federal offense.

I doubt seriously that the mayor, in the light of the way this matter has developed, would favor this kind of proposal now.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. JAVITS. I happened to be on the same trip to which the junior Senator from New York [Mr. KEATING] has just referred. When I heard this colloquy, it brought back to me the events of that trip. As the Senator knows, the junior Senator from New York [Mr. KEATING] said during his campaign that he would go into the South and look into these matters, and he invited me to go with him. When the time came we went together.

Whatever may be the situation now—and I noted carefully the words which the Senator used—"in the light of subsequent developments"—would the Senator feel that there was any reason for us to pay less attention to the conclusion of the local authorities in Jacksonville now than we would to the conclusion which they had reached at the time, as we lawyers say, of the res gestae, when the very happening of this event was still upon them?

I had exactly the same impression which my colleague from New York had, namely that the authorities in Jacksonville told us that this was a place in

which they needed the help of Federal authorities to prevent this kind of crime.

Mr. SMATHERS. If the mayor of Jacksonville said he needed it then, I am satisfied he is not of that opinion today. Furthermore, he is the only official of the State of Florida who is of that opinion.

I should like to ask the able Senators from New York, "Are they of the opinion"——

Mr. ANDERSON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from New Mexico will state it.

Mr. ANDERSON. Mr. President, I again call attention to the fact that under the rules of the Senate:

A Senator who has the floor has no right to interrogate or propound an inquiry of another Senator.

This is not an actual rule of the Senate; it is a statement contained in Senate Procedure, at page 266.

Yet the Senator from Florida must know that this type of action is regarded as one of the things it is improper for a Senator to do. I believe the Senator should be asked to observe the rules.

Mr. SMATHERS. Mr. President, I do not believe there has been much testimony upon this particular section of the bill. I was simply seeking an answer from the Senator from New Mexico, first, whether he had had any correspondence from anyone in his State to the effect that this particular section of the bill was needed, thereby admitting that New Mexico's local law enforcement authorities were incapable of handling the situation of the desecration of a school or a religious institution. I did not get a response from the Senator from New Mexico then; obviously, I am not going to get an answer from him now.

I then sought information from the Senators from New York as to whether or not they felt that New York's local police officers could not adequately handle these crimes.

Let us not destroy the relationship between the Federal authorities and the State police officials. As J. Edgar Hoover, from whose letter I shall read later, said, let us not move into the Federal field, having the Federal Government prosecute every one of these crimes, particularly crimes which are local in nature. So I was seeking information from the Senators from New York, information which obviously I cannot get now because of the rules. However, I shall ask the Senators from New York later, outside the Chamber, where the rules do not apply. They are very genteel gentlemen; I am certain they will supply the information. Perhaps if I can ask the Senator from New Mexico, also, at a later time, off the floor, concerning the situation in New Mexico, he will tell me whether the people of his State are jumping up and down in favor of this bill and whether they particularly want to have this provision in it. I doubt that they do, but the Senator from New Mexico will have an opportunity to tell us in his own right. I would like to have him make a public record, if he wishes to do so, about how the people of New Mexico feel concerning this particular proposal.

Mr. ANDERSON. Mr. President, will the Senator yield for a question?

Mr. SMATHERS. I yield for a question.

Mr. ANDERSON. Does the Senator not realize that it is within the province of Senators to insist that the rules of the Senate be followed, as they are interpreted by Senate Procedure, as follows:

A Senator who has the floor has no right to interrogate or propound an inquiry of another Senator, except by unanimous consent.

Those of us who believe in rights, civil and others, have to live up to the rules of the Senate. Does the Senator from Florida not believe that?

Mr. SMATHERS. Actually, I am delighted that the Senator from New Mexico has called this rule to my attention, because certainly I would not want to be one of those who in the slightest degree had violated the rules of the Senate. Now that the Senator has called my attention to it, I am almost ashamed of myself for having acted as I did. I express my deep appreciation and heartfelt gratitude to the Senator for his consideration of and high regard for the rules of the Senate.

Centralized law enforcement of this magnitude can serve no useful purpose, other than to create friction between local and State law enforcement officials, and those of the Federal Government, and would strengthen the Federal police at expense of the State police. In long run the result would be adverse to the public interest.

The real answer to acts of this character is not another Federal statute. The real answer lies in the efforts of the citizens of the local communities and the citizens of the States to work toward bringing about improved and effective local law enforcement activity, through the improvement of personnel, crime detection training, and schooling.

Unwarranted Federal intervention would have the adverse effect of taking away from the local community of responsibility and would create and foster feelings of resentment among the local citizenry.

Euphemistically, the proposed legislation sounds desirable. This section dealing with desecrating buildings appears on surface to be desirable. Certainly no good citizen is sympathetic with the maniac who strikes against helpless people, or destroys religious and educational institutions.

I can speak for the people of Florida who are well aware of the threat that these crimes present to our society and freedom. They demand that every effort be made to apprehend an individual who perpetrates such an act, and to punish him swiftly and severely in accordance with the laws of our State. The mayors of our cities, the Florida Sheriffs Association, and the prosecuting attorneys of our State, all work closely together to insure that swift justice is administered in circumstances such as those which are contemplated by the pending proposal. I feel that other Southern States are moving in the same direction. It is evident, therefore, that there is no breakdown of local law enforcement. In the absence of a sufficient showing that the States themselves are shirking their duty to enforce their own laws, there is no justification for making these offenses the subject of Federal responsibility. If we chose this course of action, why not then include other types of heinous crimes within the Federal orbit, such as murder, rape or organized gambling?

The pending proposal, as I have heretofore said, is purely an attempt to extend Federal power in an area that should be left, and has always been left, to the States themselves.

It appears to me—and I am sure the same is true with respect to many others—that the pending proposal constitutes nothing but a reflection on the integrity of State government. Law enforcement relating to crimes of a local nature has always been the responsibility of a State. It was never contemplated that the Federal Government extend its arm into every community and relieve local government of authority and duty to protect its own citizens against crimes which do not directly involve the Federal Government.

I think at this point, Mr. President, it would do well for many of us to heed the advice of Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, who expressed thoughts along the same line that I am stating today with respect to the dangers inherent in any effort to bring about a consolidation of police power.

In a letter dated January 1, 1953, to all law-enforcement officials, Mr. Hoover stated:

In the December 1952 issue of the FBI Law Enforcement Bulletin I discussed some of the reasons why any move to centralize police powers in either a State or a Federal agency is unnecessary. It is also my belief that proposals of this kind are ineffective, unrealistic, and, ultimately, dangerous substitutes for the democratic methods of police work now in use.

Mr. President, those are not my words. Those are the words of probably the greatest law-enforcement officer that we have in the United States—Matt Dillon notwithstanding. [Laughter.]

Mr. Hoover has earned the respect and the affection of every citizen in the United States except criminals; and when he says that he believes that we should not adopt proposals to centralize police power in either a State or a Federal agency, I should think that would be the kind of word that would carry a great deal of weight with all of us.

I continue reading:

When any plan leading to consolidation of police power is advanced we will do well to examine it carefully, no matter from what source it originates. Close examination may lead to the discovery of certain basic defects which the proponents of such proposals habitually overlook in their zeal to install an overall law enforcement agency.

One of the results most evident is that the authority of every peace officer in every community would be reduced, if not eventually broken, in favor of a dominating figure

or group on the distant State or National level. That official or group might be given the power by law to influence or dictate the selection of officers, the circumstances of their employment and the decisions they make in arresting and prosecuting those who violate the law.

The excuse often advanced to justify this request for supervisory authority is that it is necessary to correct deficiencies in local law enforcement. Inasmuch as the officer in the community may fail in the proper performance of his duty by falling victim to certain pressures and temptations, the higher arm of government must have the power to take over the job and do it right. This is a novel argument. It assumes that those who hold the reins of higher authority spring from a different breed not subject to the subtle influence of money and corrupt policies. While this may be true in any given case, experience gives us little basis for expecting a constant succession of such conscientious public servants. Should the overriding power of law enforcement be held by a corrupt official, he and his superiors could just as easily reduce, rather than increase the effectiveness of the local peace officer by subjecting his work to corruption from above in addition to that exerted below.

A subordinate status for the community peace officer is the exact opposite of what we now require for better law enforcement. Our paramount need at this time is to give the local officers an opportunity to fairly and honestly exercise the authority which they now have by stripping off the apathetic public attitude and corrupt political control with which some of them are shackled. If these fetters are removed, the overwhelming majority of our officers will lack neither the ability nor the desire to enforce the law properly in the areas which they serve. The way to loose the bonds is by citizen action in the polling places and other public opinion forums available to every community, not by subordinating the sheriff or policeman to some higher authority whose decisions are just as likely to be a reflection of public morals, good or bad, as those of the local officer.

Proposals to centralize law enforcement authority can be quite unrealistic; they tend to assume that either the State or Federal Government can and should do for each community what the people of that city or county will not do for themselves. This is a somewhat naive view of the problems involved in enforcing the law, a view based on the fallacious assumption that in the Government there exists some magic method by which all good things can be accomplished, regardless of the will and the responsibility of the people. This is not the case. If the majority of the communities in a State are unable to enforce a law, either directly as a result of widespread disobedience or indirectly from public apathy, we have no reason to believe that some higher authority will be more successful. Federal experience during the prohibition era is strong evidence bearing on this point. The basic power of law enforcement still resides in the citizens of this Nation; without their cooperation no agency of government, whether local, State or Federal, can do the job well.

It may be argued in defense of these proposals that no such power in the State or Federal Government was either assumed or intended—that the authority proposed is to be used only in a limited and occasional situation where local law enforcement has broken down. This argument is not reassuring; it is little more than a promise that the power requested will not be abused. We had better catch the malefactors with the statutes now available to us rather than fasten another control over every community in order to fashion a new trap for improper law enforcement in a few of them.

The most compelling argument against any move toward a centralization of police power is the danger which it represents to democratic self-government. We should not be misled by urbane representations that the power is limited and will be sparingly used. While this may well be the honest intention of those who first advance the proposal, we have good reason to fear a different result. Experience teaches that power once granted to a sovereign authority is seldom relinquished, more often used to the hilt and extended in scope. It may a tool of great value when used only for the public good but it can become a vicious weapon in the hands of one who is corrupt. The judgment of history is on the side of those who take the skeptical view.

Mr. RANDOLPH. Mr. President, will my stalwart colleague yield?

Mr. SMATHERS. I am delighted to yield to my good friend from West Virginia.

Mr. RANDOLPH. The Senator from Florida speaks of the power within political subdivisions of government. I wonder, I ask my colleague, if it would not be appropriate for me to quote the words of John Locke in his "Treatises on Government"?

The noted English philosopher wrote:

> The great question which, in all ages, has disturbed mankind and brought on them the greatest part of those mischiefs which have ruined cities, depopulated countries, and disorganized the peace of the world, has been not whether there be power in the world, nor whence it came, but who should have it.

Mr. SMATHERS. I agree completely with the able Senator from West Virginia, and knowing of the State from which he comes, and his splendid democratic background, I feel confident that he would agree that, wherever it is possible, we should allow local law-enforcement agencies to do the job, when there is no evidence that they cannot do the job.

I cannot help but feel that the able Senator from West Virginia would agree that there is no evidence in West Virginia, certainly, that the local law-enforcement agencies and the State troopers of West Virginia, or whatever the State police agency is called, are so inept, and so inefficient that they cannot take care of apprehending those criminals who would desecrate a school or a religious institution.

I cannot help but feel that the able Senator from West Virginia, having recited that particular statement from Mr. Locke, with which I agree 100 percent—and I know that he does, too—would agree that we should not, as Mr. J. Edgar Hoover has also stated, put into the hands of Federal police authorities additional power, when it has not been demonstrated that it is needed. Certainly, I am sure, that in West Virginia, as in my State, and in all the other States we have been talking about here tonight, there has been no evidence offered that the local enforcement agencies have broken down, and need help from the Federal Government in the prosecution of this particular type of crimes.

I thank the able Senator from West Virginia, and I would have even presumed to ask him a question about this matter, had it not been for the fact that the Senator from New Mexico a moment ago read the rules to me, and stated that a Senator who has the floor does not have the right to ask of any of his colleagues on the floor a question.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I am happy to yield to my able colleague, the Senator from Arkansas.

Mr. McCLELLAN. I ask the Senator from Florida to yield for a question: Does he observe—as all the rest of us do—that the rules of the Senate frequently are relaxed, in order to enable the Senate to obtain information on questions which become involved in the debate; and that the rules often are relaxed to the extent that Senators do not insist on a rigid enforcement of the rule which requires that a Senator who has the floor may yield only for a question, but, instead, a Senator who has the floor is permitted to yield for observations, and also—in his quest for information—to yield in order to make inquiries of his colleagues as to information which they may have which would be helpful and would be pertinent to the subject under discussion, that that frequently happens, and that in that way every Senator has been accommodated from time to time, up until this moment?

Mr. SMATHERS. I agree with the Senator from Arkansas that when a Senator makes an appeal for information—without asking a question—and appeals to other Senators to call upon their reservoir of knowledge with respect to their own States, it would seem that it would not be in violation of the rule to permit such Senators forthrightly to answer that appeal by their colleague for information.

And I believe that the Senator from West Virginia [Mr. RANDOLPH] is about to do that at this very moment, is he not?

Mr. ANDERSON. I hope he is not.

Mr. SMATHERS. Mr. President, I shall be glad to yield to the Senator from West Virginia for a question.

Mr. RANDOLPH. Of course, Mr. President, I wish to accommodate the Senator from Florida and the Senator from Arkansas, and the Senator from New Mexico; I wish to accommodate all Senators.

So I hope I may make this observation: The West Virginia State Police——

The PRESIDING OFFICER. Is there objection to having the Senator from West Virginia make an observation?

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Mexico will state it.

Mr. ANDERSON. Did the Senator from Florida interrogate the Senator from West Virginia?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Mexico for a parliamentary inquiry?

Mr. SMATHERS. No, Mr. President.

Mr. ANDERSON. Then, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard; and the Senator from Florida may yield only for a question.

Mr. SMATHERS. I should like to yield to my friend, the Senator from West Virginia, for a question.

Mr. RANDOLPH. Mr. President, I should like to ask my colleague from Florida whether he thinks there is any efficacy in the story I shall now tell:

A father who lived in a remote area was talking to his son, and there seemed to be a very slight reaction on the part of the boy.

Finally, the dad exclaimed, "Son, are you a-listenin'?" The son replied, "Yes, Pappy, but I ain't a-payin' no attention." [Laughter.]

Mr. President, I want Senators to know that I have been listening and I have also been paying attention to what the Senator from Florida has so well said tonight; and I hope we all will give to our colleagues who, in this debate, speak from varying viewpoints, the attention their words deserve.

The Senator from Florida is speaking in a manner which I can understand; I realize that much preparation has gone into his remarks, and I can also appreciate some of the physical weariness which comes to him as he speaks at longer length than perhaps he had anticipated.

I would ask this further question: Would the Senator from Florida say that in a State, such as West Virginia, which had its State police created under an able Governor, such as that created during World War I under our illustrious Gov. John J. Cornwell, and which, in most of its history, has remained free from political pressures, such a State police force can, by and large, do a good job?

Mr. SMATHERS. I shall answer the question by saying that I am sure it can do a good job; and, as the able Senator from West Virginia has pointed out, such a force—being free from any political considerations or control whatever—can, I am satisfied, do a good job; and I feel sure it is doing one.

I would further state, with respect to this bill, that the West Virginia State Police do not need any help from a new Federal agency, in order to apprehend and in order to prosecute criminals who might throw bombs against schools or might desecrate religious institutions.

So, because I know that the West Virginia State Police force is good and an outstanding one—and, frankly, we are fortunate that today most States also have excellent ones—I am sure that they do not need and do not want legislation of this kind, which, in fact, is a sort of slap at them; it infers that they are not doing their jobs. I believe that every Senator who comes from a State where there is a good police force that is efficient and able and is doing a good job, should certainly vote against that particular provision of the bill, which would take away from the local authorities the right to do the job which they can well do for themselves.

Mr. McCLELLAN. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I am happy to yield.

Mr. McCLELLAN. Is it not also a Senate rule that there shall be order during the Senate proceedings?

Mr. SMATHERS. Yes, sir; there certainly is. I am satisfied that the recent little disorder was caused only because the able Senator from New Mexico was gathering his friends about him, to read the rules to them. [Laughter.]

Mr. President, as I was about to say, quite a few minutes ago, I feel that Mr. Hoover's logic and fundamental concern in fixing responsibility for good government at the local level should be recognized and adhered to. It is in line with the democratic concepts which have made this country what it is today.

Therefore, I regard the pending proposal as an unwarranted, unjustifiable, and unnecessary encroachment upon effective local law enforcement. It is contrary in all respects to our theory of Federal-State relationships.

Section 3 of the Dirksen proposal would require that all State election records of every kind and nature made or used in connection with the election of any Federal official be preserved for 3 years under penalty of a fine of not more than $1,000, or imprisonment of not more than 1 year, or both.

Another part of the proposal would provide that any person, whether an election official or not, who willfully steals, destroys, conceals, mutilates, or alters any such record would be guilty of a Federal offense punishable by a fine of $5,000, or imprisonment for not more than 5 years, or both.

Mr. President, here let me observe that I cannot help but say to my good friend, the Senator from Colorado, who is sitting in the seat of the minority leader, that earlier tonight the Senator from Colorado observed that he did not think there were very many Democratic Senators, on the floor, and he felt that the Republican Senators were paying more attention to this particular presentation than were the Democratic Senators. About an hour later, I was glad to point out to him that there were then six Democratic Senators present, and that the Senator from Colorado was all by himself on his side of the aisle.

At this time let me point out that there are eight Democratic Senators on the floor; but I wish to congratulate the Senator from Colorado and to make him feel better by pointing out to him that he now has support from the sterling junior Senator from Kansas [Mr. CARLSON]—in short, that at this time there are on the floor two Republican Senators and eight Democratic Senators.

Mr. CARLSON. Mr. President, will the Senator from Florida yield for an observation?

Mr. SMATHERS. I am happy to yield to the able Senator from Kansas for a question. I would yield to him for more than that, but the able Senator from New Mexico will not permit me to do so. [Laughter.]

Mr. CARLSON. Then my question is as follows: I trust that the Senator from Florida will not stop his splendid discussion of the proposed legislation. He is now getting down to the fourth section, and there are three more. I should like to ask him whether at a later date he will give us the benefit of his views on some of the other sections.

Mr. SMATHERS. In reply let me say to the able Senator from Kansas that frankly I hope I do not have the opportunity, but I am afraid that I will. I shall be able to supply the able Senator from Kansas with such written information as he would like with respect to the details of this bill. I am satisfied, knowing of his background, that he is not the kind of man who would want to transfer all the authority out of the State of Kansas and put it in Washington, nor would he want to be for legislation that apparently had for its major purpose, the way it is now drawn, punishing and discriminating against one section of the country.

Mr. ALLOTT. Mr. President, will the Senator from Florida yield for a question?

Mr. SMATHERS. I yield for a question.

Mr. ALLOTT. I wonder if the Senator from Florida would yield to the overwhelming demands of his colleagues that he continue to explore and discuss in his dulcet tones the other three ends of the Dirksen amendment. It is now only 9:15. I notice that he watches the clock very carefully, but we would love to hear him continue in this vein for another couple of hours if it is necessary.

Mr. SMATHERS. I am grateful to the Senator for asking me to do so. If I thought he would stay here and listen to it all I would be tempted to try to do it tonight, but I can tell him that I will be back at this same time—this is like a television program—I will be back at this same time Thursday night—[laughter]—and if the Senator is interested at that time in hearing my dulcet tones and my absolutely uncontradictable logic, I shall be delighted to supply him at that time with the information which I know will cause him to stand up and vote against this bill.

Mr. ALLOTT. Did the Senator understand me? I did not say uncontradictable logic. I said dulcet tones, and I would love to have him continue this discussion.

Mr. SMATHERS. After the kind things which the Senator said about me, I did not think he would mind if I added "logic." In any event, I should like to tell the Senator that I come back again on Thursday night at 12 o'clock. I ask the Senator to make a little note of it and we will both be here. I am to be followed in a few minutes by some probably more dulcet tones and even some more persuasive logic than that which he has thus far heard; it will come from the senior Senator from Alabama [Mr. HILL]. Then if Senators want to hear how really bad this bill is—and it is bad—and if they want to be convinced that they should not vote for it, they should stick around for the late show. Thereafter, we will have a late, late show. [Laughter.]

Mr. HILL. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield.

Mr. HILL. Is it not a fact that we would be delighted to have these Senators stay around until 12 o'clock noon; if they do that they will hear dulcet tones from now until at least 12 o'clock?

Mr. SMATHERS. There is no question that they would hear dulcet tones and logic, and I think they would enjoy it. A Senator who only answers quorum calls and hears only the responses of the rollcall and then a motion to adjourn, gets no education from that kind of experience; but if he is sitting here late at night, until 3 o'clock in the morning, there will be very few Senators around. As a matter of fact, a Senator can speak with a low voice, and his voice will reverberate back and forth across this Chamber, because there are few Senators present, but logic can hold sway and he can discuss this issue dispassionately and quietly, and if there are any questions, they can all be answered. I believe more good can be done in the late hours of the night and the early hours of the morning than can be done at this particular time, so I extend to each Senator an invitation.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. HILL. Is it not a fact that we not only extend the invitation, but we strongly urge Senators to accept the invitation that they stay here until at least noon tomorrow.

Mr. SMATHERS. Absolutely.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. CARLSON. Is it not a fact that the distinguished Senator from Florida was speaking from 5 a.m. until about 8 or 9 a.m. the other morning? I was present, and I thought that he made a very excellent discourse on this subject at that time. I only hope he continues to speak in such manner.

Mr. SMATHERS. Mr. President, I want the Senate to know that I was so persuasive after 5 a.m. that I was successful in getting two Senators to nominate me for President, namely the able Senator from Kansas and the Senator from Kentucky, so it must be that at that hour of the morning there is much logic prevailing.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield.

Mr. ALLOTT. Is it not true that at that time the senior Senator from Colorado was on the floor? The only reason he did not get an opportunity to second the nomination of the Senator from Florida for the Presidency was because he could not obtain recognition.

Mr. SMATHERS. I very much appreciate what the able Senator from Colorado said about seconding the nomination, I thought possibly he had not had an opportunity to second my nomination because I had already declined at the end of the first second. However, if the Senator sought recognition on a matter of that great importance, we shall have to ask the Presiding Officers to be more alert in the future.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. SMATHERS. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I was here the other night until 4 or 5 o'clock in the morning. Is it not correct that I did not nominate the Senator for President but I did say it was a great honor to hear him and to hear a candidate for President speaking at 5 o'clock in the morning?

Mr. SMATHERS. That is what disappoints me. I hope the Senator is not withdrawing his support. In any event, Mr. President, the RECORD will have to speak for itself. After all, the Senator from Kentucky, being a Republican, it probably would not be very healthy for him to nominate me, and certainly it would not be very healthy for me to accept the nomination from him. But, in any event, he was very courteous and very kind, as were all Senators at that early hour of the morning, so I highly recommend to those who desire to learn something about this bill that they read the RECORD. I recommend to the Senator from New Mexico [Mr. ANDERSON], who is an expert on the rules of the Senate that he lay down the rule book of the Senate for a little while and pick up this bill on civil rights. I am sure that he will be able to find many of the flaws in the bill, because I am certain that he knows, from dealing with his independent problem out in New Mexico, that we do not solve a problem by having the Federal Congress pass a law, more laws. The way to form a better understanding between the people of New Mexico and the Indians of New Mexico is not by passing laws but by the understanding of each group for the other one's problems and an attempt to cooperate in the improvement of each one's economic conditions and each one's educational opportunities. I am sure the able Senator from New Mexico, who has a different problem in his State, recognizes that that is the way it is going to be answered. It is not going to be answered by having some bureaucracy set up here in Washington to try to tell everyone what to do.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. SMATHERS. I yield.

Mr. ANDERSON. Will the Senator not recognize that the rule bock can be used sometimes out of kindness, as well as to be critical? The Senator from Florida is one who believes strongly in the rules of the Senate, and he and his associates in this protracted debate are protected by the rules of the Senate. Will the Senator not agree with me that it might be appropriate for a Senator who is speaking on the floor to stay within the rules of the Senate? If he does believe in the rules of the Senate, would it not be also well to throw away rule XXII, which protects the group of which he is a member?

Mr. SMATHERS. I want to hurriedly agree with the Senator from New Mexico. As of this moment, my heart is literally bursting with gratitude to him for having called my attention to the Senate rules, in not letting me ask questions of my colleagues here on the floor, but making us all aware of the rules, in which, as he has said, some of us find protection. As a matter of fact, we from the South, at the moment, as he so ably pointed out, are enjoying the protection of those rules, and thereby have the opportunity to explain this proposed legislation to the Nation, we hope; and we are grateful for what has been written of our comments about it.

I would also like my colleague from New Mexico to comment—I shall not ask him a question, because I know it is against the rules—on the solution of the Indian problem which they have in New Mexico, and whether or not he would think further progress could be made in the relationships of the whites and the Indians in New Mexico by the adoption of more legislation in Congress, or whether or not he would agree with me that the best way we could bring about progress in that field with respect to the Indians, as well as with respect to the Negro citizens, would be for each of us to look within ourselves and do what we can to recognize that we all have constitutional rights, irrespective of our race, color, or creed.

As I said earlier tonight, there is not one of us who has been able to choose what color he wanted to be. Therefore, not any one of us has a right to feel superior over any other person. But the way we are going to solve the problem we are confronted with in the South, and the way we are going to solve the problem we are confronted with in New Mexico, is not by bringing bills before Congress, making a sort of political issue out of the problem. The way the problem is going to be solved is by our getting out the Good Book, meeting with each other, trying to have a better understanding of each other's problems, practicing a little tolerance, and seeing if we cannot all actually live and be complete U.S. citizens, as we are entitled to be under the Constitution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 101]

Aiken	Gore	Magnuson
Allott	Gruening	Mansfield
Anderson	Hart	Martin
Bartlett	Hartke	Moss
Beall	Hennings	Mundt
Bible	Hickenlooper	Muskie
Brunsdale	Hill	Pastore
Byrd, W. Va.	Hruska	Proxmire
Cannon	Jackson	Randolph
Carlson	Javits	Schoeppel
Carroll	Johnson, Tex.	Smathers
Case, N.J.	Keating	Smith
Case, S. Dak.	Kefauver	Symington
Church	Kuchel	Talmadge
Clark	Lausche	Williams, Del.
Cooper	Long, Hawaii	Williams, N.J.
Cotton	McCarthy	Yarborough
Dirksen	McClellan	Young, N. Dak.
Douglas	McGee	Young, Ohio
Engle	McNamara	

The PRESIDING OFFICER. A quorum is present.

(At this point, at 12 o'clock midnight on Monday, March 7, 1960, with the Senate still in session, the printing of its proceedings in the RECORD was suspended, and will be continued in tomorrow's RECORD.)

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 7, 1960

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. MCCORMACK.

Rev. Joseph F. Sefl, pastor, Jan Hus Presbyterian Church, New York, offered the following prayer:

Our divine Redeemer, our fathers' God, to Thee, author of liberty, we make our earnest prayer.

Grant unto us, Thy children, the awareness of Thy glorious presence and of Thy infinite love and compassion for us individually, for our beloved country, and our world.

Enable us to think, live, and work as Thy ambassadors, as Thy champions of liberty, who learned to give and count not the cost, to fight and heed not the wounds, to labor and ask not for reward save the reward of Thy favor.

We thank Thee this day for one of such noblemen, Thy servant, Thomas Garrigue Masaryk, lovingly titled by his people as "President-Liberator" of Czechoslovakia.

While we honor him by the issuance of a commemorative stamp, we glorify Thee whose holy spirit inspired and led him.

Grant that his land and all lands where Thy children are held in bondage may ere long "be bright with freedom's holy light" and that we may be the heralds of that liberty unto the world. In the name of Christ's kingdom on earth we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 3, 1960, was read and approved.

THOMAS G. MASARYK

Mr. MCCULLOCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MCCULLOCH. Mr. Speaker, freedom-loving people everywhere rejoice in celebrating the birth of Thomas G. Masaryk, Czech scholar, patriot, and crusader for and defender of liberty. His great contribution in man's unending struggle for liberty is an inspiration to people who long, and fight, for freedom everywhere. May his kind increase in number and in strength until all mankind are free.

THOMAS G. MASARYK

Mr. BENTLEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BENTLEY. Mr. Speaker, I understand that today, March 7, 1960, marks the 110th anniversary of the birth of Thomas Garrigue Masaryk, the first President of the Republic of Czechoslovakia. I further understand that the administration and the Post Office Department plan to honor the memory of Dr. Masaryk by the issuance of another postage stamp in the "Champions of Liberty" series.

In calling attention to the memory of Dr. Masaryk on this anniversary of his birth, it is certainly not my intention to participate in any way regarding internal political differences that formerly existed within the Republic of Czechoslovakia or even between the Czech and the Slovak people themselves. Rather, it is to pay tribute to a man who is generally regarded as one of the outstanding democratic statesmen of the 20th century, a firm and consistent opponent of international communism, and one whose own concepts of democracy are in accord with the principles of freedom and justice which are those of our own country.

I have had many occasions in the past to send words of encouragement to the captive peoples, including the peoples of Czechoslovakia. It is my pleasure to once again remind them that their present captivity is not forgotten by the free world and that we continue to hope and pray for their early liberation. It is also a pleasure at this time to send words of encouragement to those Americans of Czechoslovakian descent who are trying hard to keep the spirit of Masaryk and his concept of democracy alive. As one who has always taken a strong and unrelenting stand against communism, and as one who hopes that the fate of the captive peoples will be raised at the forthcoming summit meeting between the leaders of the free world and Mr. Khrushchev, I am indeed happy to cooperate at this time with all of those who desire to honor the memory of Dr. Masaryk.

THOMAS G. MASARYK

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ADAIR. Mr. Speaker, it is a pleasure for me to join the Post Office Department in honoring Thomas G. Masaryk, the founder and first President of Czechoslovakia. The Department is issuing a special postage stamp in the series "Champions of Liberty" on his 110th birthday, March 7.

Mr. Masaryk richly deserves this honor for his great contribution to the fight for freedom and his efforts to maintain freedom and liberty in his nation. His inspiring life continues to be a light for democracy throughout the world.

BIRTHDAY ANNIVERSARY OF THOMAS G. MASARYK

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WALLHAUSER. Mr. Speaker, today is the anniversary of the birth of the great first President and founder of the Czechoslovak Republic, Thomas Garrigue Masaryk.

He has often been called the champion of liberty, because he established a Republic which would pay strict attention to the preservation of the rights of individuals, consideration and fair treatment for the people of the minorities, and above all, always sought to rule with justice.

The people of Czechoslovakia resemble very closely those of the United States in their progressiveness and good citizenship, and it is extremely unfortunate that the outstanding Republic that was founded by this great man has fallen under the spell of those who do not agree with the precepts or principles laid down by Thomas Garrigue Masaryk.

One fitting tribute that is being paid to his memory is the issuance of the 4-cent and 8-cent "Champions of Liberty" postage stamps, on this date, by the Post Office Department.

Our citizens should always bear in mind the sterling qualities and desire for freedom that inspired this great man, so that it will be as a beacon light when the final history is written on the people of Czechoslovakia.

FOREIGN INVESTMENT INCENTIVE TAX ACT OF 1959

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to inquire of the distinguished gentleman from Oklahoma [Mr. ALBERT] if there has been any change in the program.

Mr. ALBERT. Mr. Speaker, the only change is that, as previously announced, H.R. 5, the Foreign Investment Incentive Tax Act of 1959, will be programed since a rule was reported. The bill will be programed for Tuesday, but if not completed by Wednesday, further action on it will be suspended.

Mr. ARENDS. I thank the gentleman.

BIRTHDAY ANNIVERSARY OF THOMAS G. MASARYK

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I deem it most appropriate that today we join in commemorating the 110th birthday anniversary of Thomas Garrigue Masaryk, founder and first President of Czechoslovakia.

We who are students of history remember him as one of the greatest statesmen of the 20th century. He spent most of his natural life in fighting for the ideals of democracy because he considered it as the only form of government worthy of the dignity of the modern freeman. He not only opposed the teachings of Karl Marx but also openly denounced bolshevism. He led his countrymen in taking up arms against the Bolshevik expansion. He was the prime mover in the movement for the unification of Czechs and Slovaks and succeeded in establishing a democratic and constitutional form of government in Czechoslovakia. Today the silenced Czechoslovak people are not permitted by their Communist oppressors to celebrate publicly this anniversary.

Thomas Garrigue Masaryk is truly the father of his country.

It is my fondest hope that the ideals for which he lived and died shall always ring in their hearts and serve as an inspiration and continuing hope to all Czechs still behind the Iron Curtain.

THE PRICE OF EGGS AND JIMMY HOFFA

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, today's Chicago Tribune carries an editorial advising the people who own the hens which produce the eggs in New Jersey area are not getting the price that they think they should have. They are down to 50 cents a dozen. They say that is so low that they cannot afford to buy the feed to make the hens shell out the eggs. So they are asking Jimmy Hoffa—to come from Michigan to New Jersey with his Teamsters and take over. Jimmy, in substance, will say that if the owners of the hens will join the union, the Teamsters will not haul the eggs until we all agree to pay more for eggs. Thought you would like to know about it and so get ready for the increase in the price of eggs to the poultrymen. It is assumed that the Teamsters will haul the eggs at a reasonable price, that their dues will be reasonable, that Jimmy's "take" will be fair and reasonable.

CONTROLS ON NUMBER OF RATE INCREASES PENDING BY GAS COMPANIES AT ONE TIME BEFORE FPC

Mr. WOLF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, I am today introducing a bill to prohibit any consecutive natural gas rate increases being effective until any previously filed application, or applications, for such rate increases has been decided by the Federal Power Commission.

One hundred and seventy-nine communities and more than 200,000 families in Iowa have been affected by 8 gas rate increases imposed on the consumers by Northern Natural Gas Co. since 1951. Northern Natural is collecting from the consumers the last three rate increases while the applications for these increases are still pending before the Federal Power Commission.

Among the cities of Iowa affected by these successive rate increases are Des Moines, Sioux City, Dubuque, Waterloo, Council Bluffs, and many others. An additional fact is that 40 communities in my district alone are in the process of trying to secure initial natural gas service from Northern Natural Gas Co.

The last rate increase was brought to my attention by the mayor of Algona, Iowa, and president of the League of Iowa Municipalities, Dr. Cameron C. Shierk, and the mayor of Bayard, Iowa, and immediate past president of the League of Iowa Municipalities, Mr. Kenneth Robinson.

The Federal Power Commission has stated that an existing backlog of rate increase applications were responsible for the delay in deciding the merits of the previous applications that were on file with the Commission.

My bill would amend the Natural Gas Act to stop successive rate increases without the consent of the Federal Power Commission.

REMOVAL OF 10-PERCENT EXCISE TAX ON TELEPHONE

Mr. WOLF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WOLF. Mr. Speaker, prior to World War II, Federal excise taxes had on two occasions been imposed on communications as emergency measures. In each case they were repealed after the emergency had passed away. The tax which was imposed on this segment of our economy during World War I was repealed a few years after the war ended. Federal excise taxes on communications was revived as an emergency measure during the depression of the early 1930's.

Today, however, 15 years since the cessation of hostilities, we are continuing the tax on communications which was imposed during World War II. This tax was levied to raise funds for the war effort and to discourage the use of public communication facilities for other than necessary purposes.

All goods and services are today in ample supply, and our economy is expanding. Under these conditions, I believe this tax discourages business incentive.

The telephone today is a necessity in the American home as it is in the business world. I feel that we have been remiss in continuing year after year this tax which was imposed as a wartime measure, and my constituents have expressed the same opinion.

Therefore, I am today introducing a bill to repeal the excise tax on communications.

SPACE EXPLORATION

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. WOLF] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WOLF. Mr. Speaker, the Select Committee on Astronautics and Space Exploration drafted what is now Public Law 85–568 and it declared as a basic policy that space exploration should be conducted for peaceful purposes and that the benefits of this endeavor be available to all mankind. Now, with the presentation of NASA's budgetary requests we see a dynamic progressive program of research and development leading toward the objectives so definitively outlined by the select committee.

The United States stands as the leader of the free nations of the world and has demonstrated this capability most dramatically in many ways since World War II. We now stand at the threshold of space, expending our national resources and applying all our native talents to bring into reality what was not so long ago the province of science fiction. It is certain that such national aspirations will demand much of our people, but the rewards are great.

It has been said by many authoritative people that the United States has benefited tremendously from the research and development conducted in other countries or pursued by scientists of other nationalities. I need only point to people such as Enrico Fermi, of Italy, who first found the way to release the energy of the atom, Mr. Fred Whipple, of England, who first made practical the jet engine and Albert Einstein, whose mathematical theories form the basis of many investigations associated with space exploration. America has benefited greatly from the contributions of such men and did much to support and further the work of these men by means of our great national resources.

The programs now under way or being planned by the National Aeronautics and Space Administration are now worldwide in scope. Our tracking facilities stretch to the four corners of the earth. It would seem natural, therefore, that the nations of the free world have more than a casual interest of what this country is doing in space. We have testimony before our committee that the scientific communities abroad regard the work of NASA in space exploration and its accomplishments to date are of much greater value than those of the Soviet Union. The United States continues by means of its satellites still circling the globe to make invaluable additions to the sum of human scientific knowledge.

Thus, there are many nations which lack the great resources of this country

to make their own bold step into space, but whose scientists nevertheless are capable and willing to add their talents to ours in probing the mysteries of science that lie outside our atmosphere. It seems natural, therefore, that this country should take the first step to invite these scientists representing many nations to join with us in this great adventure. And, these nations are not without capabilities to provide modest resources that they would be willing to invest with us to achieve the great goals toward which we are all progressing.

Therefore, Mr. Speaker, I strongly urge the favorable consideration by the House and by the Congress of this resolution. There is no time to be lost in these critical days. All free men are faced with the challenge of the Soviet Union to their way of life. We should all band together to insure that the benefits of freedom will not be lost to our children.

The resolution follows:

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE PARTICIPATION BY OTHER NATIONS IN THE SPACE EXPLORATION PROGRAM OF THE UNITED STATES

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, in order to further the established policy of the United States that space research and exploration activities should be conducted for peaceful purposes and for the benefit of all mankind, the scientific communities of all the nations of the world should be invited to join and participate with the United States (by contributing personnel and instrumentation and in other appropriate ways) in its space research and satellite launching programs; and the President is requested to take all appropriate steps to invite and bring about such participation.

THOMAS G. MASARYK

Mr. GEORGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GEORGE. Mr. Speaker, today we honor Thomas G. Masaryk, the founder and first President of Czecholsovakia, in a significant and appropriate manner. The U.S. Post Office honored this great patriot with special postage stamps in a "Champions of Liberty" series during the occasion of his 110th birthday, celebrated March 7.

And it is fitting that the United States honor Thomas Masaryk. He lived by ideals which are close to all Americans and which have made the United States a great nation. For Masaryk considered democracy the only form of government worth the dignity of the modern free man. His whole life was spent in fighting for the idea of democracy. He took issue with the teachings of Marx and denounced bolshevism. Further, Masaryk was the first statesman to propagate the unification of Czechs and Slovaks.

It has been exactly 40 years since Czechoslovakia, headed by President Masaryk, inaugurated its democratic constitution. It is a modern constitution, encompassing and guaranteeing all basic freedoms. Masaryk influenced his Republic to paraphrase the preamble of the Constitution of the United States to demonstrate the ideological sameness between the two nations. Truly, he was a great friend of the United States.

Today his beloved Czechoslovakia is in Communist bondage. Therefore, it is more important than ever to commemorate this important anniversary, which can be an inspiration not only to the enslaved people of Czechoslovakia, but also to the whole Western World. All Americans and friends of democracy are reminded that today we are paying tribute not only to a great philosopher, statesman, and human being, but also to one of its closest and most devoted friends.

THOMAS G. MASARYK

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LIBONATI. Mr. Speaker, the special postage stamp in the series, "Champions of Liberty," honoring the memory of Thomas G. Masaryk, on the occasion of his 110th birthday, on March 7, 1960, is a great source of encouragement to the people of Czechoslovakia, in their remembrance of this great leader who was their first President and the national founder of their Republic, that by this memorial tribute they may receive moral impetus to keep the spirit of Masaryk and his conception of democracy alive in the hearts of the people whom he led, served, and loved so well.

This great leader of freedom-loving people was born on March 7, 1850, in Moravia. He attended and lectured at the University of Vienna, receiving his doctor of philosophy in 1876. He served as a professor at the University of Prague from 1882–1911. Upon his election to the Austrian Parliament in 1891, he began his fight for independence for Czechoslovakia.

After the beginning of World War I he went to Paris, avoiding arrest, and with his friend, Eduard Benes, formed the Czechoslovakian National Council, which acted as the de facto government of Czechoslovakia. He visited many nations during the war, lecturing and spreading the gospel of the Czechoslovak cause. Upon the collapse of the Austro-Hungarian monarchy he was chosen, on November 14, 1918, as President of the newly formed Czechoslovakian Government. He was reelected in 1920, 1927, and 1934, and resigned in 1935. Masaryk died in 1937.

In March 1939 Hitler wiped out the Czechoslovakian Republic, setting up protectorates of Bohemia and Moravia, and supported the autonomy of Slovakia, with a proclamation of independence, which proclamation the allies refused to recognize because it involved obligations to Hitler.

The people suffered many repraisals, especially at Lidice, where, upon the assassination of the German Governor, Heydrich, in May 1942, Hitler leveled the village, shot the men, and interned the women and children in Germany.

Russian and United States troops liberated Czechoslovakia in April and May 1944, and Benes returned as President on May 8, 1945. In May 1946 the Communists made great gains and a Communist was accepted as Prime Minister, one Kelment Gottwald. Gottwald organized a Communist government, which in May engineered a one-slate vote, putting Communists in full control. Benes resigned in 1948 and died in September of that year. The executive power was vested in 1953 in a Presidium. There is a Czech Assembly of 300 and a Slovak Assembly of 100, named for 3 years. The President of the Presidium is Antonin Novotny, who was elected on November 19, 1957. The Premier is William Siroky. Seventy-five percent of the population is Roman Catholic. Since February 1948 Czechoslovakia has been a Communist Republic with a Soviet-type constitution, nationalized industries, and one-party elections.

May the spirit of the patriot, Thomas G. Masaryk, keep the fires burning to spread the inspirational feeling of independence, not only to the enslaved peoples of Czechoslovakia, but also to the people of the whole Western World.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on the subject of Thomas G. Masaryk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCORMACK. Mr. Speaker, There is a large body of literature in many languages on the founding father and the first president of the Czechoslovak Republic dealing with every phase of this unusual man's boundless interests and diverse activities. Masaryk succeeded in attaining great fame in a number of fields and vocations; he was a great teacher, a good parliamentarian, a distinguished man of letters and a philosopher, a devoted public servant, and an illustrious statesman. He was also and throughout his long and fruitful life an uncompromising champion of freedom in all its forms. In all these fields he enriched our learnings, and helped us in our effort to understand each other. But his services as a statesman, as a great European leader of liberalism and a courageous fighter for freedom outshine his accomplishments in all other fields.

Thomas Garrigue Masaryk was born on March 7, 1850. Very early in his youth he showed exceptional aptitude for learning. He proceeded from one institution of learning to another, and when he completed his graduate studies at the University of Vienna with honors, he was made a lecturer in philosophy in 1879. But a man of his varied interests could not be confined to the classrooms and lecture halls, particularly when there was crying need for public

leadership among his people. He relinquished his teaching, returned to Prague and assumed a professorship in the university there. But here again he was restless, for he was anxious to get into politics. This he did in the 1880's. He also took up, rather belatedly one might say, journalism, and in 1889 became the editor of a fortnightly paper, Time, transforming it later into a political weekly. Two years later he was popular enough to be elected to parliament, but in 1893 he resigned his seat to devote his full time to a crusade of "moral education among the Czechoslovak people." From then on he became the real rallying point of the younger generation not only of the Czechoslovaks but of all other Slavs who flocked to Prague. In 1900 the Progressive Party was formed and he became its leader. He was again elected to parliament. There as a bitter critic of the administration of the government he incurred the displeasure of the officials and court circles in Vienna. At the same time he made a great reputation abroad.

During the First World War he became the leading Czechoslovak spokesman in the Allied countries—France, Great Britain, Russia, and of course the United States. He was able, through his persuasive powers, to enlist the support of statesmen in these countries for the Czechoslovak cause. After the proclamation of Czechoslovak independence in 1918, he became the unchallenged and acclaimed leader of the newly founded Czechoslovak Republic. In November 1918, he was elected its first president, and reelected four times in succession, but in 1935, at the ripe old age of 85, he resigned and withdrew from politics. In quiet retirement he viewed with justifiable pride his life's work, the noblest and grandest of his achievement, the Czechoslovak Republic. Two years later when he died on September 14, that Republic was still standing as a bulwark of liberty and freedom in the heart of central Europe.

The story of that Republic is most intimately related with the life of its great architect, and it is almost impossible to separate the one from the other, for it is impossible to think of the Czechoslovak Republic without thinking of Masaryk, just as it is inconceivable to have in mind our Founding Fathers without thinking of our immortal Washington. And Masaryk was Washington, Jefferson, and Franklin of the Czechoslovak people, all three wrapped up in one.

After the creation of the Czechoslovak Republic, and after the signature of the Versailles Peace Treaty in 1919, the unity and security of that Republic seemed assured. And under the guidance of its experienced, public-spirited leaders, headed by its illustrious president and assisted by an exceptionally able team led by the late Eduard Benes, the Czechoslovak Republic was destined to become not only a progressive and prosperous country, but also a force for peace and stability, for freedom and liberty, for two decades.

In all walks of life Czechoslovaks registered amazing advances. They were justly proud not only in making their government a model for central Europe, but also for the tremendous prosperity they had created in their war-ravaged country in the brief course of two decades. Fourteen million industrious inhabitants of the country, Czechs, Slovaks, Germans, and Hungarians, enjoyed more freedom and prosperity than ever enjoyed by their forefathers. With its democratic institutions, with its progressive educational system, with its countrywide health and welfare program, with its well-planned and constructed network of public roads, railways and water transport system, with its highly industrialized towns and great commercial centers, and with its very efficiently utilized mineral and other natural resources, the Republic became a power to be reckoned with both in peace and in war. In international affairs the Czechoslovak Republic had a truly effective force for stability, for the maintenance of peace. In the League of Nations its statesmen proudly held their own and championed not only the cause of Czechoslovaks but also of those desiring peace and peaceful solution of international problems.

However progressive, prosperous, and powerful the Czechoslovak Republic, however enlightened and public-spirited its leaders, however judicious and wise in the administration of its public and international affairs, and however firmly determined its stout-hearted citizens to defend it against imminent and impending dangers, the tiny Republic was not expected and could not have fought against the far more powerful and aggressive forces of destruction and death. And it is one of the saddest commentaries in recent international history, that in her hour of need, when the Czechoslovak Republic was in mortal danger, its democratic allies in the west were not in a position to come to her aid. As we all know, well before the outbreak of the last war, the Czechoslovak Republic was put out of existence by Hitler's destructive forces. That sad event in itself proved to be the forerunner of the war that was to follow. The Czechoslovak Republic, with all its glory and grand accomplishments and attainments, the true brain-child of Thomas Masaryk and the pride of freedom-loving peoples of central Europe, was sacrificed, or fell victim to nazism. Today the recreated Czechoslovakia is also a victim of Communist totalitarianism, but the spirit of Masaryk, the spirit of freedom and independence, still lives there in the hearts of all liberty-loving and brave Czechoslovaks.

Mr. VANIK. Mr. Speaker, today the free world commemorates the 110th anniversary of the birth of free Czechoslovakia's first President, Thomas Garrigue Masaryk. As the founding father of the new Czechoslovak Republic, born out of the 1918 armistice, he was the guiding hand that created and molded his country in the image of freedom. As author, statesman, and educator, he provided the intellectual framework around which he built a sound government dedicated to the democratic principles of individual liberty and dignity. Inspired by the American experience, he wrote his republic's constitution, modeled after our own, and he went on to serve his nation for three terms as President.

Under his leadership, Czechs and Slovaks were unified into a common state which flourished as the bastion of stable democracy and as the island of peace and prosperity amidst the otherwise troubled nations of Europe beset with internal economic disorders and political disruption. In an era which saw the rise of radical ideology and ruthless leadership such as developed in Russia, Germany, and Italy, Thomas G. Masaryk stood out as a steadfast champion of liberty. While others despaired, his truth prevailed until his death, when once again the world was plunged into chaos and war.

Since that war there has been an uneasy peace. Our world teeters on the precipice of total disaster while we search for fresh leadership to inspire us anew with those basic principles of freedom propagated by men like Masaryk and like our own Washington, Jefferson, and Lincoln. It is the revolutionary concepts of these men which have spread like wildfire through the modern world to give hope where it never before existed and to give meaning to man's existence in every remote corner of the globe.

The Post Office Department has embarked on a program of recognition to history's great leaders of all nations through the issuance of special postage stamps known as the "Champions of Liberty" commemorative series.

This morning, in connection with the observance of Masaryk's 110th birthday anniversary, the Postmaster General officially placed in circulation a new 4-cent and 8-cent stamp honoring the President-Liberator of Czechoslovakia, Thomas G. Masaryk, as a further mark of tribute to this outstanding champion of liberty and spiritual leader of the 20th century.

It was my honor to attend this ceremony honoring President Masaryk with the issuance of the new postage stamps. I was pleased to see so many of my friends and neighbors from Cleveland in attendance. I know that they will cherish forever the memory of this historic occasion.

Mr. HOLLAND. Mr. Speaker, great and gifted men somehow manage and usually succeed in attaining their goals. Even against imponderable and insuperable odds, often they find a way of moving ahead and performing the task they have set before them. The case of Thomas Masaryk, the illustrious founding father of the Czechoslovak Republic and its first president is a striking example.

This gifted and industrious son of Czechoslovakia, born under the autocratic and oppressive regime of Austria-Hungary, succeeded in becoming a university professor, an accomplished man of letters, an able editor, a great parliamentarian, an admired and unerring leader of his people both in peace and in war, a wise statesman, and a very successful president of the Czechoslovak

Republic. At the time of his death he was regarded as one of the most eminent leaders of central Europe, beloved by his people and admired by all free men. Today in honor of the memory of this great man on his 110th birthday, we pay tribute to a dauntless and fearless fighter for freedom and liberty.

Mr. WOLF. Mr. Speaker, on March 7, 110 years ago, the spirit of democracy was born in Czechoslovakia with the birth of Thomas G. Masaryk. He was a man of great ideals and a symbol of human freedom. His political actions were guided by his democratic thought and spiritual freedom. Mr. Thomas Masaryk worked for the people and the country, and founded a Republic of Czechoslovakia. He was the first President of the Republic, which was patterned so heavily after our Republic. He once said: "Czechoslovakia proudly accepts the ideals of Washington, Lincoln, and Wilson." He promoted the true ideals of democracy and political honesty. Masaryk considered democracy the only form of government worthy of the dignity of the modern free man. Although the life of that Republic was short lived, nevertheless, the name of the man who worked so hard for its creation will be long remembered by all the people of the free world. I take this opportunity to join with the Americans who claim kinship with Thomas G. Masaryk in reverence to his memory.

I visited Czechoslovakia in the summer of 1957 and again in November of 1959. It pained me to see the work of Thomas Masaryk set aside by the Communist state. During my stay I keenly observed these great and wonderful people who are living under subjugation. I could clearly see the flame of freedom burning in their hearts. The spirit of freedom has not died, but it is suppressed. This was evident in people in every walk of life. I am confident that God will help them in winning back their freedom. Let us join with those Americans who came from Czechoslovakia in the hope and prayer that the light of liberty lit by Thomas Masaryk will shine once again. The greatness of Thomas Masaryk can be evidenced from the fact that the spirit which he implanted in the hearts of people still burns so brightly so long after his death and under the most trying conditions.

I am happy to see that the proposal for the issuance of a stamp in the memory of Thomas Masaryk, which I worked so hard for, won the support of many Congressmen and was accepted by the Postmaster General. The "Champion of Liberty" stamp to commemorate the anniversary of this great leader is on sale now.

The Czechoslovak people and all lovers of liberty can take pride in this fitting tribute to a great leader who lived for his ideals.

Mr. McDONOUGH. Mr. Speaker, a great patriot who dedicates his life to the cause of freedom in his own country and to the liberation of his people from tyranny and the establishment of personal liberty belongs not only to his own native land but to all the people of the world who cherish the spirit of liberty.

Such a man was Thomas G. Masaryk, the first President of Czechoslovakia and the founder of the Czechoslovak Republic, and it is a proper recognition of this great patriot's contribution to the cause of liberty in the world that today, on March 7, 1960, the 110th anniversary of the birth of Masaryk, the United States, by the issuance of a special commemorative stamp by the Post Office Department in its "Champions of Liberty" series, honors Thomas G. Masaryk as one of the world's great leaders in the fight for freedom from tyranny and oppression.

Thomas G. Masaryk was an educator, a philosopher, a statesman, and a great leader. During World War I, he organized the Czechslovak movement for independence, and he visited the United States in its behalf. At the close of World War I, under his leadership the Czechoslovak Republic was established, and in 1918, Thomas G. Masaryk was elected the first President of Czechoslovakia.

Today the enslaved people of Czechoslovakia are not allowed to celebrate the birth date of their great patriot and leader, Thomas G. Masaryk, but in their hearts his memory remains an inspiration to all those who carry on the fight for independence of Czechoslovakia and the end of oppression in their land.

The people of the United States join with those of Czechoslovak descent and with the people Czechoslovakia in honoring Thomas G. Masaryk, one of the great men in the history of the world—leader, liberator, and patriot.

Mr. KOWALSKI. Mr. Speaker, we in America and all who believe in human freedom owe a tremendous debt of gratitude to the great Czechoslovak leader and patriot, Thomas G. Masaryk, the 110th anniversary of whose birth is being observed today.

The memory of Thomas Masaryk will always serve as an inspiration to those who believe in each man's right to live his life in peace and freedom.

When the Czechoslovak Republic was established 40 years ago, it meant the realization of a dream for Thomas Masaryk. It is significant that the constitution in its preamble paraphrased the preamble of our own U.S. Constitution. And it is worth remembering, too, that this great statesman who loved freedom so fiercely often called America his second home.

Thomas Masaryk is gone, but the ideals by which he lived and for which he fought will never die. In saluting his memory, let us also salute all those oppressed peoples who still keep in their hearts the spirit of freedom and the love of liberty.

Mr. BECKER. Mr. Speaker, today as we pay tribute to Thomas G. Masaryk and because of him to the good people of Czechoslovakia, we should be reminded of the important fact that he was a scholar and educator of great ability. His life was one devoted to scholarly pursuits. Yet he was more than just a thinker; he was a man who could translate his thoughts and ideas into practical political action. A statesman convinced of the necessity for a sound educational system in a democracy, Thomas Masaryk infused into the newly erected Czechoslovak Republic his own spirit of democracy and humanism. As a cure for political evils, Masaryk wrote: "Democracy demands the political education of citizens and electors."

But what is more important to remember of this great statesman is his fight for liberty and freedom. Although Czechoslovakia does not enjoy this tremendous privilege today, we along with the free countries of the West hope and pray that the spirit of Masaryk, which surely reigns in the hearts of Czechoslovakians everywhere, may soon, in fact, be a reality enjoyed by all her people.

Mr. ROOSEVELT. Mr. Speaker, today, March 7, is the 110th anniversary of the birth of Thomas Masaryk, the founder and first President of Czechoslovakia. He is regarded throughout the world as a symbol of freedom from foreign oppression.

During the First World War Masaryk worked long and hard to present the case for Czechoslovak independence. In 1918 he came to the United States and gained the support of President Woodrow Wilson for his cause, thus beginning the long period of close American-Czechoslovakian friendship. The Czechoslovak declaration of independence was formally proclaimed in Washington on October 18, 1918, and the following week Masaryk read the declaration before assembled crowds at our own Independence Hall in Philadelphia. Masaryk felt close to America, both because his wife was an American and because of our democratic heritage and form of government. In 1918 he said:

> For myself, I feel nearest to and accept the principles of American democracy. At this time I can declare that those principles always were, are now, and ever shall be, the guiding principles of the political aspect of my life, because they are near to our nation, and because our people accept them for their own, and will ever be united by them with America, united in this spirit of freedom and democracy.

Adolf Hitler brought the brief period of Czechoslovakian independence to an end in 1939 because the democratic nations of Europe refused to stand united in opposition to Nazi aggression. The forces of Soviet Russia have continued the foreign domination of Czechoslovakia to this day.

As Masaryk is the symbol of freedom to a world where today only some may live in freedom, so also he is the symbol of the way in which freedom must be defended. Today it is important for the free world to celebrate the birthday of Thomas Garrigue Masaryk because his life has a vital lesson to teach us. It is the truth that the free nations must be economically and militarily strong and united in opposition to the aggressive expansion of totalitarianism. Otherwise our democracies too may fall by foreign conquest. Today Masaryk is a hope and inspiration to the subjugated people of Czechoslovakia. But the memory of his great life should also increase our attention to the task of building a close alliance with other members of the free world in order that democracy may

not fall piecemeal before the onslaught of foreign dictators.

Mr. OSMERS. Mr. Speaker, today, the 7th of March, marks the 110th anniversary of the birth of the great statesman of Czechoslovakia, Thomas Garrigue Masaryk. Masaryk was born the son of a coachman in the small town of Hodonin, then under the Austro-Hungarian Empire. He soon displayed a distinction of mind and went on to a career of great promise as a teacher, a professor, and a philosopher. In the 1880's he was teaching in Vienna and might have settled into a comfortable and rewarding life, without dangers and leading to a distinguished position. But Masaryk, like other great men of history was consumed by a sense of duty and responsibility to his people and by a desire to see them free from an alien yoke. He left the comfortable, secure life of a philosopher-scholar to enter the realm of politics and seek independence and freedom for Czechoslovakia. He attained this goal of his life at the end of the First World War.

The road to independence was not an easy one. After Masaryk resigned his seat at the university in 1393 and returned to Czechoslovakia, the younger generation of Czechs flocked to his standard. In 1900, Masaryk founded the Progressive Party, later called the Realist Party, and became its acknowledged leader. He was elected to Parliament. But there his criticism of the empire and steadfast insistence upon the right of Czechoslovakia to independence incurred the severe displeasure of the court and officials. Much was done to impede his course.

Marsaryk's persistence in the cause of independence, and his brilliance as a spokesman for these ideas, gave the movement strength among Czechs and other Slavs and brought their cause to the attention of the world. During the First World War, Masaryk was the leading Czechoslovak spokesman in the Allied countries and there enlisted support for Czechoslovak independence. In 1918, with the end of the war, Masaryk had won the victorious Allies to his cause. Czechoslovakia became independent. Masaryk was elected the first President of the new Republic and reelected four times in succession. Such was the esteem with which he was held by his fellow countrymen. In 1935, at the age of 85, Masaryk retired and devoted the last 2 years of his life to the philosophy and scholarship which had been his beginning on the road to Czechoslovak independence.

On the anniversary of Masaryk's birth, the free world pays tribute to this man and to the ideals of liberty, democracy, and national independence for which he so eminently stood. But it is impossible to separate the memory of Masaryk from Czechoslovakia's present plight under Communist rule. Our memorial to Masaryk must be mixed with sorrow for the present.

Mr. MEYER. Mr. Speaker, today marks the 110th anniversary of the birth of Thomas G. Masaryk, first President of the Czechoslovak Republic and one of the revered patriots of the Western World. I have been pleased to lend my support and full endorsement to the proposal that there be a stamp honoring Masaryk, and am gratified that today that stamp, the sixth in the "Champions of Liberty" series, is being issued. It is indeed a fitting recognition by the United States as well as a reminder of our continuing concern for freedom.

People of all nationalities have the right in this world to self-determination and to freedom; these are principles which cannot be forgotten. On this occasion it is highly proper that we rededicate ourselves to such principles.

Mr. MULTER. Mr. Speaker, few peoples are fortunate in having proper leadership in their hour of need, for great leaders do not readily spring out of nowhere.

As we know, Washingtons, Jeffersons, and Lincolns are rare, and even leaders of lesser caliber are often difficult to find. In this respect Czechoslovaks were most fortunate in the person of the late Thomas Masaryk, and they were extremely wise in placing their fate and destiny in his firm hands.

Thomas Masaryk is perhaps the greatest Czechoslovak statesman in modern times, and one of the greatest in Europe. He was not only great among his people, but was also respected by all Europeans for his moderate views and for his courage to champion worthy causes. Besides being a philosopher-statesman, Masaryk was a great teacher, a great editor, a distinguished parliamentarian, and an eminent man of letters. He was great in a number of ways, but especially in these days we would like to think of the liberator of the Czechoslovak people, the creator of the Czechoslovak Republic, the first President of that Republic, and the father of his country as the dauntless champion of freedom in all its forms.

On March 7 the U.S. Post Office will quite properly honor Thomas G. Masaryk with special postage stamps in the series "Champions of Liberty" during the occasion of his 110th birthday on March 7.

We are happy to join in honoring the memory of this tireless fighter for freedom.

Mr. COLLIER. Mr. Speaker, many statesmen of the First World War attained popularity and fame during that world struggle, but the Czechoslovak patriot, publicist, parliamentarian, professor, and philosopher, was already famous before that war as the unrivaled spokesman of his countrymen. He had distinguished himself as their leader, as a resourceful and tactful stateman.

During the war, when he saw the chance of liberating his countrymen and reuniting his beloved homeland, he carried on the struggle with more force and vigor. Mostly through his personal efforts the Allied statesmen, and the people in the democratic countries, were firmly convinced of the righteousness of the Czech cause. And his labors bore fruit toward the end of the war. Late in 1918 when Czechoslovaks proclaimed their independence and set up their Republic, it was at once recognized by all the sovereign states of the world. The Czechoslovak Republic was in being, and its founding father was its acclaimed President.

Today we pay tribute to the memory of this great leader of democracy on his 110th birthday. Even though the edifice he created and erected, the Czechoslovak Republic, is no more, his ideals for freedom and independence live in the hearts and minds of his countrymen in Czechoslovakia and in the free West.

Mr. MILLER of New York. Mr. Speaker, on this, the 110th anniversary of the birth of Thomas G. Masaryk, the founder and first President of the Republic of Czechoslovakia, it is indeed a pleasure for me to join the thousands of Americans of Czech and Slovak descent to honor and pay tribute to the memory of this truly great champion of liberty. Thomas Masaryk is well remembered as a symbol of courage and freedom, and it is most fitting that we in the United States take special note of this anniversary, for Thomas Masaryk was not only one of the great statesmen and democratic leaders of the century, but he had many close ties with this country. The Constitution of the Czechoslovak Republic was based largely on the Constitution of the United States and was published informally in Washington on October 18, 1918. Thomas Masaryk truly represents the spirit and bond of friendship which has long existed between our two countries.

Today, when Czechoslovakia has lost her precious freedom, Thomas Masaryk remains an inspiration to the people of that country. He is also an inspiration to all of us in the free world who hope the day will soon come when Czechoslovakia may resume life according to his principles.

Mr. SHORT. Mr. Speaker, today, March 7, marks the 110th birthday of Thomas G. Masaryk, the founder and first President of Czechoslovakia. It is gratifying to note that, in recognition of the services of this great man to the cause of democracy and freedom, the Post Office Department has seen fit to issue special postage stamps, honoring Mr. Masaryk in its "Champions of Liberty" series.

Masaryk was born March 7, 1850, in the Moravian border town of Hodonin. His father was a coachman employed on one of the Austrian imperial estates, a native of Slovakia—which was then a part of Hungary. Masaryk's dream was to consolidate the people of the area into a Czechoslovakian Republic based upon democratic principles. This dream was realized after World War I. The constitution of the Republic which he helped write, assured liberty and justice, and a concern for the welfare of all the people, as does our own Constitution.

Masaryk was elected the first President of the Czechoslovak Republic on November 14, 1918, and subsequently reelected several times. He was last reelected President in May 1934, but in December 1935, he resigned. He died in 1937.

It is one of the tragedies of history that the Czechoslovak Republic was destined to come first under Nazi domination, and subsequently, under communism. Today Czechoslovakia may be considered another of the captive na-

tions behind the Iron Curtain. But we can be quite sure that the democratic ideals for which Thomas G. Masaryk lived and fought, remain in the hearts of many of the citizens of his unhappy homeland.

Mr. CURTIN. Mr. Speaker, today marks the anniversary of the birth of Thomas G. Masaryk. It was 110 years ago today that this great advocate of democracy and friend of the United States was born.

This great man was the father and founder of the Czechoslovakian Republic, and its first President. Today, Czechoslovakia writhes in the chains of Communist domination, so that the people that Thomas Mazaryk inspired just over four decades ago are banned from joining with us in paying tribute to this distinguished man.

This eminent humanitarian was a noted scholar whose contributions to the cause of democracy will live forever. He was also a man of action, and he led the way to the liberation of his people. For 19 fruitful years, he served as President of the newly formed Republic. His tenure in office was characterized by wisdom, tolerance, patience, and significant progress for his beloved land.

It is indeed fitting that all America should join with the friends of this Czechoslovakian patriot in commemorating this historic occasion.

Mr. ROONEY. Mr. Speaker, today, March 7, honors are due Thomas G. Masaryk, the founder of the Czechoslovakian Republic, and its first President. This great democrat and friend of the United States was born 110 years ago on March 7. Today, the U.S. Post Office will honor his memory with a special postage stamp in the series entitled "Champions of Liberty."

Thomas G. Masaryk certainly made many contributions in the ceaseless struggle for democracy and freedom. He considered democracy the only form of government worthy of the dignity of free men and throughout his life persevered in seeking to establish the ideals of democracy.

Today, Masaryk's beloved Czechoslovakia is in Communist bondage. I had the occasion to visit there about 3 months ago. It was very depressing, as her lands and institutions have been seized by the Red tyrants who rule Soviet Russia, and the people of this once gallant nation are enduring constant indignities, persecution, and hardship.

I feel that it is most appropriate that we commemorate this anniversary. It may be inspiring to the enslaved people of Czechoslovakia and also to the people of the free world. We should rededicate ourselves to those lofty democratic ideals which are exemplified by the spirit of Thomas G. Masaryk.

Mr. MARTIN. Mr. Speaker, it is most appropriate that the Post Office Department is today issuing a commemorative stamp to honor the memory of Thomas G. Masaryk, the founder and first President of the Republic of Czechoslovakia. The stamp is one of a series commemorating the lives and activities of "Champions of Liberty." Mr. Masaryk surely belongs in this category. The stamp is being issued on the 110th anniversary of this statesman's birth.

Today, when his beloved nation that he served so well languishes in Communist bondage, it is important that our country and the free world recall Mr. Masaryk's great contributions to the struggle for democracy, independence, self-determination for small nations and liberty.

Surely his life should be a continuing inspiration to the oppressed of his own country and the other peoples behind the Iron Curtain. By paying tribute to his memory, we may rekindle the aspirations of those presently enslaved by Communist terrorism for eventual liberation and freedom.

Mr. SAUND. Mr. Speaker, Thomas G. Masaryk, the founder and first President of Czechoslovakia, is known throughout the world as one of the great champions of liberty. Today we pause to celebrate the 110th anniversary of his birth.

Now Czechoslovakia has lost her freedom and lives under the oppressive yoke of Soviet totalitarianism. However, the people of Czechoslovakia have not forgotten Masaryk any more than we would forget George Washington. He remains an inspiration to them despite the efforts of the Soviet masters to picture their first President as a reactionary and one who opposed the will of the people. The Czechoslovak people believe deeply that the life and teachings of Masaryk have a meaning for today, however much the Communists may claim that his influence is a closed chapter in history. When we join in celebrating Masaryk's life we give the men and women of Czechoslovakia new strength to maintain their faith and their hopes for the future in spite of the privations to which they are subjected by their Soviet Russian overlords.

Each year the American people mark the birth of Thomas Masaryk but on this 110th anniversary our celebration will have a special highlight in the form of two new U.S. postage stamps honoring President Masaryk as a champion of liberty. Today the Post Office Department is releasing both a 4-cent stamp and an 8-cent stamp bearing a profile of Thomas Masaryk on a round shield and the key words, "First President, Czechoslovakia, Patriot." The 4-cent stamp appearing on domestic mail will remind the American people that Thomas Masaryk is a champion of liberty. The 8-cent stamps will travel on American letters mailed to other parts of the world and will serve as further testimonials of the continued American interest in securing and extending the freedom of peoples everywhere.

Let us remember again today that the drive for freedom and national independence is not limited to the colonial areas of Africa and Asia. The people of Czechoslovakia and of the other states held captive by the Soviet Union also want their freedom. In fact, their passion for self-determination may be even stronger than that of the colonial peoples because there is much less freedom in Czechoslovakia today than there is in most African colonies. Soviet Russia poses as the friend of nationalism and the foe of imperialism, but her continued subjugation of Czechoslovakia is a living refutation to these Soviet claims. Let Premier Khrushchev give the Czechoslovakian people their long-denied freedom before he again sings the praises of Soviet anti-imperialism. It is well that we remember this today when we in America pause to celebrate the anniversary of the birth of Thomas Masaryk, first President of the martyred Czechoslovakia.

Mr. McDOWELL. Mr. Speaker, today we in America honor a man who was indeed "the father of his country," Thomas Masaryk. There is a close tie between the first democracy of the Western World, the United States, and this man Thomas Masaryk and the once true democracy, Czechoslovakia, for which he was so largely responsible.

Thomas Masaryk in his own life was the epitome of the democratic spirit. And it was he who was the inspiration, the prime mover, and the ultimate founder of the country which during his presidency represented a really democratic land where before autocracy had reigned. The life of Czechoslovakia as a free and independent country was not only of his making; it endured so long as he endured; and its independence ended all too soon after his demise.

As long as history shall record the feats of true democracy, as long as the mind of man shall revere the love of liberty and the achievement of one individual whose life was devoted to the pursuit of freedom—not for himself but for a whole people—so long shall the named of Thomas Masaryk be remembered and revered.

Mr. AUCHINCLOSS. Mr. Speaker, it is easier for a leader of a great power, of a large country with a large population, to attain international fame and high prestige than it is for a leader of a small, divided, and often oppressed country. For the latter to attain international standing on a world scale, he has to be exceptionally able, superior to most of his contemporaries, and he must be liked and admired by peoples beyond the boundaries of his own country.

Thomas Masaryk was the humble son of a small-town coachman in Czechoslovakia who possessed all the marks, and filled all the requirements, for greatness, and that is why he ranks among the greats of his day. He was a university professor, an able editor, a gifted parliamentarian, a courageous spokesman of the oppressed and the downtrodden, an uncompromising foe of autocracy and tyranny, and a wise statesman. No wonder he was recognized as one of the great statesmen of Europe, and indeed of the whole democratic world. In paying tribute to the memory of this admirable statesman and the beloved leader of the Czechoslovak people on this anniversary of his 110th birthday, we are honoring one of the boldest and most outspoken champions of freedom and liberty of our times.

Mr. HALPERN. Mr. Speaker, this anniversary of the birth of Thomas G. Masaryk, founder and first President of the Czechoslovak Republic, should serve

to recall to our minds important values which he came to represent.

Thomas Masaryk was the embodiment of those same concepts that have made our Nation great. He saw the vision of a land ruled by representatives democratically elected. He presided over the growth of Czechoslovakia, a country of small farmers and skilled workmen, into a land of highly productive industry. Under his tutelage, Czechoslovakia made great strides in absorbing a diversity of peoples into one Czechoslovak Republic.

Thomas Masaryk was not only a figure revered by his countrymen, but his inspiration moved leaders and peoples in many other countries of Europe. And in the United States, too, he symbolized the rights of individuals to choose their leaders and to live in peace, secure from arbitrary rule.

On this anniversary of the great Czech statesman, let us, therefore, rededicate ourselves to these public ideals of democracy as exemplified by the great Czech.

Mr. CUNNINGHAM. Mr. Speaker, a few days ago, we paused in Congress to pay tribute to the first President of this country. Today we pay tribute to the George Washington of Czechoslovakia, that country's first President, T. G. Masaryk, on the occasion of his 110th birthday.

The Post Office Department today honors Masaryk with a special commemorative stamp as part of the "Champions of Liberty" series. The people of Czechoslovakia have contributed many hardy and loyal sons and daughters to this country. They are good citizens and they love freedom dearly.

We in Congress pause today to salute our citizens of Czechoslovakian descent and to send our greetings and prayers to the people of that nation who have now lost their freedom to the greed of the Soviet Communist leaders.

Mr. PUCINSKI. Mr. Speaker, I should like to add my own remarks today in tribute to the 110th anniversary of the birth of Thomas Garrigue Masaryk, who has made a truly significant contribution toward the fundamentals of freedom.

It is most fitting that we observe this 110th anniversary at the same time that the U.S. Post Office has decided to issue new 4-cent and 8-cent stamps honoring the liberator of Czechoslovakia.

The Czechoslovak people have made a great contribution toward the spiritual, cultural, and industrial development of the United States. Their deep dedication to the principles of decency and democracy is reflected in virtually every community of our great country. In paying tribute to the late Thomas Masaryk, the founding father and the first President of the Czechoslovak Republic, we are indeed honoring also those fine Czechoslovak immigrants who helped develop this Nation and their children, who are today listed among our finest citizens.

Thomas Masaryk, the son of a humble coachman, born on March 7, 110 years ago, was, throughout his long, arduous, and fruitful life, a man of many facets: he was a distinguished teacher, an outstanding man of letters, an illustrious philosopher, and a born and inspiring leader of his oppressed countrymen.

Great forces and great issues often make a man great, but in the case of Masaryk, certain forces within the man himself marked him for greatness. His force of character, his exemplary fortitude, his devotion to truth, his firm conviction of the righteousness of the Czechoslovak cause, and his ability to convince the statesmen of democracies during the First World War that the cause of his people was also the cause of freedom and democracy—these fine and rare qualities assured Masaryk a place among the great men of the century.

Today, on his 110th birthday, we honor the memory of this good and great man, this devoted servant of freedom and democracy. He was an illustrious leader of the Czechoslovak people, an untiring worker for their freedom, and the resourceful architect and founder of the Czechoslovak Republic. In paying our respects to this first and successively elected President for 17 years, we pay our tribute to a bold champion of democracy.

Mr. DENT. Mr. Speaker, it is my pleasure to pay tribute today to Thomas Garrigue Masaryk, the founder and first President of Czechoslovakia. Today when his beloved Czechoslovakia is under the iron fist of communism, it is important more than ever that we pay a tribute to him, especially so since a great deal of his work in behalf of Czechoslovakia was done while he lived in my State of Pennsylvania.

Today, March 7, marks the 110th anniversary of the birth of Thomas Garrigue Masaryk, the founder and first President of Czechoslovakia. It is an anniversary by which we commemorate a great man. But, more important, we commemorate the ideas of liberty, independence, and national self-determination which moved Masaryk's life.

Masaryk began his career as a scholar and philosopher in Vienna, the capital of the Austro-Hungarian Empire of which Czechoslovakia was a part. In 1893, however, he resigned his comfortable and rewarding position at the university to work for the independence of Czechs from alien rule. After World War I these efforts came to fruition as Czechoslovakia gained its independence.

The United States played a large role under President Woodrow Wilson in supporting Czechoslovak independence, a role of which we can be justly proud. During 1918, Masaryk came to this country and both he and the aspirations of his people for independence were warmly received by Americans. During his stay, Masaryk came to my home State of Pennsylvania and to Pittsburgh. There he met with representatives of the American - Slovak community. The Pittsburgh convention signed there laid the basis for cooperation between Czechs and Slovaks within America in supporting the independence of Czechoslovakia under Masaryk. This convention in later years was the source of much debate and some confusion, but Americans can be proud that their soil offered a ground upon which the representatives of both groups which were to come together into the Czechoslovak nation could meet and seek a solution to their problems.

Czechoslovakia has since fallen upon bad days. It lies under the tyranny of Communism. Any celebration of Czechoslovak independence must be mixed with sorrow for its present plight.

Mrs. CHURCH. Mr. Speaker, today we honor the memory of a great philosopher-statesman, a fighter for liberty and truth, the founder of the Czechoslovak Republic and its first President, Thomas Garrigue Masaryk.

It was 110 years ago that this ardent champion of liberty and great friend of the United States was born. His qualities of statesmanship, his stand for human liberty and the protection of minority rights certainly place him among the men of the ages. The unique recognition paid Thomas G. Masaryk by the United States today through the issuance of special postage stamps in his honor in the series "Champions of Liberty" is richly merited.

He was indeed a man of stature, whose life exemplified his ideals of spiritual freedom and democracy. Masaryk, as a philosopher, stood for a unified conception of life, in which the spiritual and religious took their places with the intellectual and the political as aspects of an integral whole. When professor of philosophy at the newly organized Czech University, he achieved an outstanding reputation in his field. His written works in the sociological, philosophical and political fields are widely recognized. He was the spokesman for Young Czechs, a liberal political faction, and devoted much time to the political education of the Czech people.

The idea of an independent nation for his people had formed early in his mind. When in the United States in 1918, he pleaded the cause of Czechoslovakia and won for his National Council, formed in Paris, the recognition of the allied governments and the United States as the de facto government of the future Czechoslovak State.

He was elected the first President of the Republic on November 14, 1918. He was reelected three times before he resigned in 1935. Under his Presidency, Czechoslovakia became an example to the world of what a small nation under freedom can do and be. During his tenure of office, he put into practice those principles to which he had devoted his life. He carried through extensive land reforms, encouraged notable industries, mitigated the extremes of feeling among national minorities, and tried to reconcile the conflict between church and state. He was a supporter of the League of Nations and participated in the Locarno Pact.

The death of Thomas Masaryk in 1937 united the entire Czechoslovak nation in a demonstration for the great humanitarian democrat.

We can be grateful that this patriot was spared the knowledge of the tragic fate that befell his beloved country. Although today the voices of the Czechoslovakian people are silenced by their oppressors, we know that their beloved President-liberator continues to live in

their hearts and that the memory of his strength fortifies their resolve to regain their freedom.

Today we likewise take strength from the memory of his championship of the liberty that is the heritage and goal of all peoples.

Today we likewise, with the Czechoslovakian people and their countless friends throughout the world, rededicate ourselves to the great cause of freedom.

Mr. RAY. Mr. Speaker, I am glad to have this opportunity to join my colleagues in paying tribute to Thomas Garrigue Masaryk—1850–1937.

Thomas Masaryk was first destined to be great in the field of literature and philosophy, in the study of politics and sociology. It is a fact, though little known, that at first he was thoroughly immersed in his scholarly pursuits and had plans for writing great books in a number of subjects. And he did write some such books, particularly on the Slav peoples. But the active and restless mind of a sensitive soul could not be indifferent to the woes of his compatriots, and Masaryk simply could not resist the call for his leadership from his people in their hour of need. Thus from the 1880's of the last century Masaryk threw himself into politics and public service, and remained in the service of the cause of his people, not only until they were liberated in 1918, but served them as their leader and guide until his death in 1937.

The Czechoslovak Republic, which became the real ornament, the exhibit A, of the democracies in central Europe during the interwar years, was the handiwork of this man of genius, this great patroit and the best known statesman of modern Czechoslovakia. Blessed be the memory of this gifted and great servant of democracy.

Mr. FARBSTEIN. Mr. Speaker, the greatest Czechoslovak statesman of modern times was the son of a humble coachman in a little known town in Czechoslovakia. Though he had outstanding gifts and possessed rare abilities to make a good name and fame in a number of professions and vocations, he devoted his long and fruitful life to a cause closest to his heart and thereby became the beloved founding father of the Czechoslovak Republic. As a man of letters he will be remembered; he will have his place among great parliamentarians and public servants; he already has a distinct p'ace among philosopher-statesmen, and undeniably he will occupy a very high place among those gallant and noble champions of worthy causes, for freedom and human dignity, and for democracy.

This gifted, hard working, and rugged defender of truth and honesty was one of the most persevering and persistent workers for the righteous cause of his people, for the freedom of Czechoslovakia from alien oppressors. For nearly 50 years he worked for its attainment, and at the end of the First World War he succeeded in salvaging, in creating, the Czechoslovak Republic, out of the remains of the old, decrepit Austria-Hungarian monarchy. In that new Republic he was president for 17 years, and for 17 years he guided the destinies of his loyal and admiring people, wisely and safely. And it was his good fortune not to witness the rape of his beloved Republic, first by the Nazis, and then by the Communists. Today we pay tribute to the memory of this great man on his 110th birthday.

Mr. DULSKI. Mr. Speaker, today we honor Thomas G. Masaryk, the founder of the Czechoslavak Republic and its first President. It was 110 years ago today that this great statesman was born. It is very fitting that the U.S. Post Office should this day issue one of the "Champions of Liberty" stamps in his honor.

Thomas Masaryk is indeed a champion of liberty, democracy, truth, religious freedom, peace, and international cooperation. The Czechoslovak nation will remain forever faithful to his principles, and may these valiant people realize the goals of their years of struggle for freedom.

Mr. BURKE of Massachusetts. Mr. Speaker, Thomas Masaryk was the greatest Czech statesman in modern times and one of the greatest among all leaders of the Slav race. He was great in many ways, but perhaps his greater talents were his moderate temper, his ability to grasp the significance of important public issues, and his wisdom in trying to solve them. This gifted son of a humble and modest coachman possessed exceptional aptitude for learning. He finished the University of Vienna with honors and became a lecturer there in 1879. But when he realized that he could serve the cause of his countrymen better at home, he relinquished his position in Vienna and returned to Prague. There he threw himself into the whirlpool of politics. He was elected to Parliament, and in Parliament was the outspoken champion of peoples oppressed by the regime in Vienna. At the outbreak of the first World War he fled to France and then went to England, there to lay the foundation of the future Czechoslovak Republic.

The immense and successful work that Masaryk did during that war in presenting the Czechoslovak cause to the Allied statesmen was a difficult but a rewarding one. Through his tact and persuasive powers Masaryk, almost alone, was capable in convincing these statesmen—our President Wilson among them—that the cause of Czechoslovakia was the cause of humanity. Triumphant in his efforts, and rightly overjoyed, he was elected first president of the recreated Czechoslovak Republic in 1918, and guided the destiny of his country until 1935, when he resigned because of old age. When he died in 1937, he had already secured for himself a place among the immortal fighters for freedom in all Europe. Blessed be the memory of this great friend and servant of freedom and democracy.

Mr. ZABLOCKI. Mr. Speaker, this coming Monday, March 7, will mark the 110th anniversary of the birth of Thomas G. Masaryk, the distinguished leader and the first President of the Czechoslovak Republic. I believe that it is fitting for us to join with the Czechs and the Slovaks in paying tribute to the memory of that great man.

Thomas Masaryk was a scholar and a philosopher, in addition to being a statesman and the liberator of his country. The Republic which Masaryk and his people established in 1918 reflected some of his outstanding qualities and principles. It soon became distinguished for its internal democracy and its school system.

Thomas Masaryk believed that sound education and Christian principles are a prerequisite of a well-functioning, healthy democracy. His convictions in this respect left a mark upon the sociopolitical fabric of the Czechoslovak Republic.

The people of the United States came to admire the achievements of the Czechoslovak Republic during the period of its sovereign, independent existence. Our friendship for the Czech and the Slovak people has not been altered by the fact that their homeland has come under the yoke of alien domination. The United States has consistently refused to sanction the political status quo in Czechoslovakia and in the other captive nations. Our Nation has stood firmly on the principle of self-determination, insisting on the inalienable right of the people of the captive nations to live under governments of their own choice. These remain our firm convictions.

Although the Czechs and the Slovaks are presently under the political and economic domination of the Communists, we know that this is not the last chapter in the history of a people who have repeatedly thrown over tyranny, and who will do so again when the moment comes to assert their right and will to freedom. As we commemorate the birth and achievements of Thomas Masaryk, let us express our hope that that moment may not be too distant in the future.

Mr. FLOOD. Mr. Speaker, Thomas Masaryk's birthday is of almost as much significance for the free men in today's free world as it is to his unfortunate countrymen suffering under Communist totalitarianism. He was as much the spokesman of his people as he was the courageous champion of freedom for all. There is the measure of this great and patriotic statesman of the Czechoslovak Republic. He believed in universal truths, in the dignity and inherent goodness of man, and he strongly felt that dignity and goodness will grow only in freedom and under democratic institutions. He was an apostle of democracy.

It was the good fortune of this humble man, born 110 years ago in a little-known town in Czechoslovakia, not only to accomplish his self-imposed mission of liberating his people, but also to be counted among the great statesmen of his day. More than any one person, he was the real architect of modern Czechoslovakia, though fortunately he had nothing to do with its present fate. He was the maker and master of the Czechoslovak Republic, and for 17 years its beloved President. Today, in honoring the memory of this good man on his 110th birthday, we pay tribute to one of the noblest souls of our century, the great founding father of the Czechoslovak Republic.

Mr. ANFUSO. Mr. Speaker, we pause today to pay tribute to the memory of the late Thomas G. Masaryk, the founder and first President of Czechoslovakia, on the occasion of the 110th anniversary of his birth. History recognizes him as one of the great statesmen and liberators of his time and he is often described as the "George Washington of Czechoslovakia."

Today the silenced people of Masaryk's homeland are not permitted by their Communist oppressors to observe his birthday in public, because he advocated true democracy and the dignity of free men. He not only lived and fought for the realization of these ideals, but he held dear the men who advocated them such as Thomas Jefferson, Abraham Lincoln, and Woodrow Wilson.

Masaryk was the architect of a free and democratic Czechoslovakia which he was trying to build in the image of America. Under him, Czechoslovakia exemplified the highest ideals of democracy and independence which were the envy of many of its neighbors. God spared him the agony and the deep wounds he would have surely suffered had he lived to see the destruction of the Republic of Czechoslovakia and the enslavement of its people by a ruthless tyranny. He died about a year and a half before Czechoslovakia ceased to be a free nation.

Despite their suffering and adversities in recent years, the Czechoslovak people have not forgotten Masaryk or his indomitable spirit and his aspirations. To them he will always remain a source of strength and encouragement in their dark days. In their minds and hearts he will always live as their great liberator and leader.

The anniversary we observe today should serve to remind all of us of the tragic plight of the Czechoslovak people and their valient struggle for survival in the face of tremendous odds. Like all other subjugated nations, they deserve our moral support, our prayers, and our wishes for a better tomorrow. On this occasion, I send my greetings and best wishes for the early liberation of Czechoslovakia and its people.

Mr. BUCKLEY. Mr. Speaker, it is a privilege to rise today to say these few brief words commemorating the fact that this date is the 110th birthday of a man who was one of the outstanding leaders of the free world, Thomas G. Masaryk, the founder and first president of Czechoslovakia. It is only fitting and proper that in his honor the U.S. Post Office Department is today issuing special postage stamps in its series "Champions of Liberty" to commemorate this fact.

In my opinion, few men more richly deserve this honor than this man, Thomas G. Masaryk. The principles that he stood for and the ideals that inspired him in his actions are just as living and vital today as they were when he was in the forefront of the fight for free men. He was a believer in democracy in the truest sense and when he helped mold the State of Czechoslovakia he incorporated these ideals and principles within that nation. It was indeed appropriate that he became the first President of that country and it is interesting to note that through his three terms as President he worked for a government that he believed would be worthy of the dignity of the modern free man.

He died before his country was overrun first by the Nazi hordes and then later by the insidious grasp of international communism.

The nation that he founded today lies enslaved and the people of Czechoslovakia cannot righly celebrate the birthday of their first President. I am certain, however, that some day the honest, hard-fighting and worthwhile people of Czechoslovakia will again stand erect as free men and add their contribution to those of the other nations of the world. Even though they do lie behind the Iron Curtain, I am sure that the spirit of this great and good man, Thomas G. Masaryk, is entrenched as firmly as ever within the hearts and souls of the Czechoslovakian people and I am proud to salute not only the people of Czechoslovakia but also the man who was indeed the George Washington of his country, that distinguished patriot, Thomas G. Masaryk.

Mr. KEOGH. Mr. Speaker, the Government of this country, in issuing a set of commemorating stamps on the 110th anniversary of the birth of Thomas Masaryk, is certainly responding to the wishes of the people of this country in a most fitting and appropriate manner. For this great man, the founding father of the Czechoslovak Republic and its illustrious President for 17 years, was not only one of the greatest Czechoslovak statesman of all times, not only a great European, but a great and honored citizen of the world, of our free world.

Masaryk was gifted in many ways, and accomplished much in so many fields. He was a man of letters in his own right, a very learned historian and a distinguished philosopher. He was a great public orator with immense learning and boundless energy. He was an unerring leader, and a wise statesman. All of these traits and marks helped him to be great, but he was unsurpassed and unrivaled as the leader of his people in their hour of need, and in his ability to meet the challenge: to work for their freedom even under most adverse conditions and often against forbidding odds.

It was his good fortune to succeed gloriously in his self-imposed, difficult and delicate task, and then set up the Czechoslovak Republic at the end of the first World War. Then as President of that Republic he continued to serve and guide his countrymen during most of the interwar years. And in 1937, when he died, he had already become the father of his country and the idol of his countrymen. Today, we join the Czechoslovak people in honoring this truly great philosopher-statesman.

Mr. JOHNSON of Colorado. Mr. Speaker, in honor of the 110th anniversary of the birth of Thomas Garrigue Masaryk, I asked a distinguished neighbor and close personal friend of mine, Dr. Josef Korbel, now director of the Social Science Foundation of the University of Denver, to send me a few words I might include among the commemorative tributes from the House floor today.

Dr. Korbel was closely associated with Dr. Jan Masaryk from 1937–39 in London, and from 1941–45 headed the broadcasting activities of the Czechs-in-exile in London. In 1945 he returned to Prague as press secretary to Dr. Masaryk, and later became the Czech Ambassador to Yugoslavia. He was a member of the Czech delegation to the Peace Conference in Paris in 1946; Czech representative at the United Nations Security Council in 1948. He was recalled to Czechoslovakia in February 1949, but for reasons which are obvious, elected to remain in the free world, fighting for the freedom of his country with the weapons of scholar and statesman. He writes me as follows:

On All-Saints Day an unknown person placed on the grave of Thomas Garrigue Masaryk a simple poem which in substance said: "They (the Communists) can lie, but they cannot tell the heart not to love. The more they defile your memory, the more shall we love you."

This tender tribute signifies more than a grief-stricken cry from a broken but still devoted heart. It symbolizes the tragedy of the small Czechoslovak nation, and in a larger sense the magnitude and nature of the threat to which the free world is exposed. There is an unostentatious grave in the village cemetery at Lany, near Prague. Three people rest in it: Thomas Garrigue Masaryk, whose 110th birthday we commemorate, his wife Charlotte, American-born and a noble woman, and their son Jan, a victim of Communist brutality. Their union is symbolic, too—it ties in a perfect entity the depth of truth, the breadth of dedication, and the heighth of love.

Commemorating Thomas Masaryk, the first President and founder of democratic Czechoslovakia, we ask ourselves the inevitable question: how would he view the present-day world and how would he face it? The question is not difficult to answer in the light of Masaryk's personal philosophy and devotion to the public good.

As philosopher he would see the world crisis as a profound conflict between two irreconcilable ways of life—freedom and subjection to force. He would be gravely concerned about some moral aspects of the Western society and plead for a revival of Christian teaching. He would continue to point to the human being, his dignity, as the center of every and all considerations, but he would at the same time call for continuing reevaluation of methods by which can be practically implemented the inalienable rights of man in the light of the powerful social forces which influence relationships among individuals and nations. His constant search for truth would help uncover the ills of our society and would brand mercilessly the travesty of the Communist truth. Above all, he would look upon the world from the perspective of eternity.

As a statesman, Masaryk would call for political integrity, for closest cooperation of democratic nations, for a farsighted and bold program of economic reform and assistance on a free worldwide scale. He would insist on physical, military strength to give effective support to moral strength; for right without might would be to him weakness.

As a Czechosolvak patriot he would view the cruel plight of his nation as a part of European and world problems, and he would tie its future to the future of the free world. He would stress spiritual values, the tradition of freedom, moral resistance to the Communist rule, with the profound conviction that these triumph over violence imposed by a few on the many. He would

seek encouragement in the American leadership of the free world. As an admirer of the American belief in the principle of democracy, of the American humanitarian philosophy which extends beyond the boundaries of this country, he would be convinced that the American people cannot be indifferent to the present plight of his nation without betraying themselves.

Mr. SIKES. Mr. Speaker, I wish to make a short statement in honor of T. G. Masaryk, the founder and first President of Czechoslovakia, whom the U.S. Post Office is honoring with special postage stamp in the series "Champions of Liberty" during the occasion of his 110th birthday on March 7.

There are infinite numbers of ways to pay tribute to the memory of a great man, and to express our gratitude for what he tried to do, and did, for the good of mankind. But I am happy to say that the Government of the United States has deemed it most proper to honor the greatest Czechoslovak in modern history by issuing a special Thomas Masaryk stamp on his 110th birthday. And I think this is perhaps the most appropriate way in which we in this country can show our admiration and appreciation of a man of integrity, man of honor, man of courage, a man of wise and sustained leadership.

Yes, Thomas Masaryk is destined to live among the greats in his nation's history, but he is also considered among the world leaders who always championed, unflinchingly and ceaselessly, the cause of the oppressed and the downtrodden, fighting for their freedom with all the means at his disposal. He was one of the stanchest defender of democracy and the democratic way of life, and an uncompromising foe of autocratic despotism and totalitarian tyranny. Long live the name and fame of this patriotic Czechoslovak, a great European statesman, and an honored citizen of the free world.

Mr. STRATTON. Mr. Speaker, I rise to join in paying tribute to the great liberator and former President of the Republic of Czechoslovakia, Thomas G. Masaryk, the 110th anniversary of whose birth we celebrate today.

In the years that have slipped past since the end of World War II the people of Czechoslovakia have been so severely ground under the heel of the Soviet boot, and their traditional and deep-seated love of freedom has been so brutally oppressed by the Soviet military machine, that we are sometimes apt, I think, to forget that the people of Czechoslovakia are by no means a part of the Communist apparatus and that Czechoslovakia has indeed one of the finest and proudest histories of democratic republicanism to point to in all of Europe.

In the years following World War I, after the creation of Czechoslovakia had at long last brought into realization the dreams of the Czechoslovakian patriots, this new European nation made tremendous and rapid progress not only in the development of their own resources and in the establishment of their own governmental procedures, but also in the building of a strong posture of defense within the structure of the League of Nations. Those were productive and brilliant years, which came to a tragic end all too soon.

In no small measure the accomplishments of Czechoslovakia during this period, and the brilliant record of the freedom which was initiated just 40 years ago, were the work of one man, Thomas G. Masaryk, born March 7, 1850. Professor Masaryk was more than a scholar who dreamed of ideals of democracy. He also was a great national leader who had the courage to fight for his ideals, the enthusiasm to inspire his people, and the persuasiveness to convince the allied leaders of his day of the basic wisdom and justice of bringing those ideals finally into being.

Mr. Speaker, the philosopher Plato once said that the ultimate achievements in the field of government would never come about until "philosophers are kings, or the kings and princes of this world are imbued with the spirit of philosophy." President Masaryk was a living exemplification of this great platonic ideal, combining in his person a deep understanding of the philosophy of human relations with those rare qualities of leadership and power that go with political responsibility derived from the confidence and support of a free and enlightened people.

And so we pause today to salute his memory and to pay tribute once again to his great accomplishments. It is also fitting that we should remember that the kind of spirit that brought forth in Czechoslovakia a great man like Thomas G. Masaryk is a spirit which cannot be kept down even by the brutal and ruthless actions of Soviet Russia. The Czechoslovakian people have amply proved in the past that they can endure oppression and tyranny without losing their basic desire for freedom.

Czechoslovakia will live again in freedom, I am confident. And in paying tribute to Thomas G. Masaryk, its founder, we can assure ourselves that his brave spirit lives on today in the hearts of the Czechoslovakian people. The day cannot be too far away, Mr. Speaker, when that same spirit will again take over the leadership of the great Czechoslovakian people and restore to them the independence and freedom which is their rightful and God-given heritage and which bloomed so brilliantly if so briefly under President Masaryk.

Mr. ROBISON. Mr. Speaker, I am very pleased that the Post Office Department is issuing two special commemorative stamps today, honoring Thomas G. Masaryk. This is a fitting tribute to a genuine champion of liberty.

Today, on the 110th anniversary of his birth, the free world pays tribute to this great torchbearer of liberalism and democracy in east-central Europe, this great teacher and liberator of the Czechoslovak people, this architect of the Czechoslovak Republic and father of his country. It is impossible to separate events connected with the life of Masaryk from the fate of the Czechoslovak Republic, and on this anniversary of his birth we in the West ruefully mourn the destruction and death of the great Republic created and led by Thomas Masaryk.

Mr. CRAMER. Mr. Speaker, I wish to call to the attention of the House the 110th anniversary of the birth of Thomas G. Masaryk. I have always been a devoted admirer of Thomas Masaryk, and, as a matter of fact, Masaryktown is in my congressional district, and I have a great many friends who are members of this Czechoslovak community.

There is a large body of literature on the founding father and first President of the Czechoslovak Republic as patriot, as statesman, and as man of letters. Because of his preeminence as a European statesman, he is rightly and quite widely known in all democracies. Masaryk was also considered a great idealist, an uncompromising and untiring exponent of democratic ideals, a dauntless and stout-hearted propagandist for the cause of democracy. This aspect of his life, and his attainments in this sphere, have sometimes been overshadowed by his statesmanship.

In his student days Masaryk's interests were channeled to the study and understanding of the social sciences. He was particularly interested in sociology and philosophy, and toward the end of his student days at the university in the mid-1870's, he was thoroughly wrapped up with the teaching of the Greek philosopher Plato; above all he liked Plato's particular blend of political idealism and practice. And when he became a teacher of philosophy, first in the University of Vienna and later at the Czechoslovak University in Prague, his principal interests lay in the sociological aspect of philosophy, which to him meant applied idealism in the realm of governance. Decades later when he became the head of a state, he attempted, and in a measure succeeded, in carrying out some of his idealist philosophy in practice.

This philosophy had its roots in his firm belief in democratic ideals and democratic processes. After witnessing the sufferings of peoples under powerful monarchs and unbridled autocrats, and after enduring the oppressive rule of Austrian monarchy personally, where even as a Member of Parliament in Vienna he felt he did not enjoy full freedom, his belief in a popularly elected government and his unwavering faith in the soundness of people's judgment became his creed. For Masaryk, this was not a simple creed, one to be professed and practiced without difficulty. Faith in democracy, as he understood it, implied faith in the goodness of human nature, faith in the possibility of improving human nature in order to have it serve humanity in a better and more humane manner. Masaryk had a profound conviction that education in all its forms, at all levels of society, was the engine propelling man forward toward a fuller, better life.

During war years—1914–18—many of Masaryk's politician friends often thought of him as too much the idealist. At times they regarded him as one dreaming in a world of Plato's ideal republic in which the philosopher, the

wise man, was king, and under the rule of this philosopher-king every one was content.

Incidentally, the politician-statesmen of those days had no time for theorizing, and, with one notable exception, they had no use for pure theories. The exception was the then President Wilson. It was only natural that these two former professors, holding similar political views and cherishing almost identical democratic ideals, would feel quite at home in each other's presence. The two philosopher-statesmen of the West in those days had many things in common, and outstanding among these was their faith in the infinite improvement of human institutions working under freedom, guided by wise leaders elected and supported by the people. President Wilson, then, as the head of the largest and most powerful democracy and as its chosen leader, seemed to have attained certain success. With his plan for the future League of Nations, he held up hopes of seeing his idealism practiced on a worldwide scale. Masaryk himself was still in a theorizing mood, was still dreaming of his future independent Czechoslovakia, to be modeled after his own fondly cherished image.

At the end of that war, it was difficult to foresee the shape of things to come, but to Masaryk and to the band of his loyal and faithful coworkers, there seemed nothing uncertain and in doubt. They were firmly determined to create a democratic republic with all the democratic institutions deemed necessary for its support and growth. All this was to be accomplished with the unwavering backing of the people. The state thus created, was in large measure the creation of Masaryk, the idealist-philosopher-statesman. As its wise, judicious, humane, and popularly chosen head for 15 years, he became in many ways a living model of Plato's dream republic ruled by the philosopher-king.

Both in the attainment of his cherished goal, and in the successful practice of his ideals, Masaryk always clung firmly to the dictum, that moral law had its place in politics; that politics, practiced with an unwavering eye on truth and justice, is practical ethics; and that to the ideal public servant, in the conscientious performance of duty, there is a merger of politics and ethics. That is what made Masaryk an idealist-philosopher and a great practical idealist, one of the greatest this century has yet seen.

Mr. SANTANGELO. Mr. Speaker, March 7, 1960, marks the 110th anniversary of the birthday of a great statesman, philosopher, and leader in the never-ending fight for freedom, Thomas G. Masaryk. It is fitting that this occasion is being marked by the issuance of a special postage stamp in the "Champions of Liberty" series, for as a champion of liberty, Masaryk ranks among the foremost of the world. He led the struggle for Czechoslovakian independence with the same dedication that guided George Washington, Benjamin Franklin, and other heroes of the American Revolution.

Moreover, the stamp will renew the bonds among the people of America and the Czechoslovakian people who are now held in servitude by a Communist satellite regime. The strongest thread in the link between the two peoples can never be severed, for it is created by the thousands of Czechoslovakians who have made their home in this country and have become industrious citizens. To these ties of blood, Masaryk added ties of political beliefs. He admired the American way of life profoundly and saw much in our system of government to help the new Republic of which he was the first President. He once said:

> In America we can and should learn * * * love of freedom and individual independence.

Unfortunately, not long after Masaryk passed away in 1937, the Republic which he had helped create became one of the first victims of Hitler's aggression. No sooner had the Second World War brought an end to Nazi despotism than the Communists seized power in a treacherous coup and imposed totalitarianism on the Czechoslovaks once again.

Although the Czechoslovakian people are still suffering under Communist dictatorship, we can be sure that their love of freedom has not changed. As the picture of Thomas Masaryk is carried far and wide on the new stamp being issued, let us hope it reaches the people of Czechoslovakia with the message that they have not been forgotten; that liberty cannot be suffocated; and that the ideals of Thomas G. Masaryk are still alive outside the Iron Curtain.

Mr. FRIEDEL. Mr. Speaker, it is altogether fitting and proper that we should pause from our legislative duties today in order to mark the occasion of the birthday of a truly great champion of liberty, Thomas G. Masaryk, the founder and first President of Czechoslovakia.

We Americans who believe in democracy, freedom, and liberty feel a kinship of spirit and ideals with President Masaryk. Because of this and because he was one of the greatest statesmen and democratic leaders of this century, he merits the recognition which is given to his revered memory by the United States in issuing a special postage stamp on the 110th anniversary of his birth.

It is an acknowledged fact that Thomas G. Masaryk was not only a noted scholar and brilliant writer, whose contributions on the subject of democracy will continue to inspire the world, but he was a man of decisive action. It was he who led the liberation of his stouthearted people and became their beloved leader and President. Like Lincoln, he was of humble birth and struggled to secure an education, and like the Great Emancipator, he fought for freedom and became the head of his country. The same high ideals that motivated Thomas Jefferson prompted Thomas Masaryk to action on behalf of his great people.

Unfortunately, the Republic of Czechoslovakia, which he helped establish, was short lived and its brave people are now under the heel of Communist tyrants separated from the free world by the Iron Curtain. I know that freedom still burns in the hearts of the Czech people.

As evidence that the indomitable spirit of Masaryk still lives on, is the fact that we here in the Congress pay his memory a deserved tribute and that our Government commemorates his birthday with a special postage stamp issued today. I know that as long as man treasures his God-given rights, the name of Thomas G. Masaryk will be remembered as one to be honored and respected.

We all pray that the day is not too distant when the long-suffering people of Czechoslovakia will see their land raise phoenixlike and again become a member of the world of free and democratic nations. As for me, I pledge to do whatever lies in my power as an American and a Member of the Congress, to further the legitimate aspirations of the Czech people.

Mr. DANIELS. Mr. Speaker, today, March 7, 1960, Czechoslovakia's first President, Hon. Thomas G. Masaryk, on the occasion of his 110th birthday, is being honored through the issuance of a U.S. postal commemorative stamp in the "Champions of Liberty" series.

I join with my colleagues in the U.S. Congress, and on behalf of my constituency residing in the 14th Congressional District of the State of New Jersey, who are Czechoslovakian by birth or inheritance, in paying our respect and tribute to Mr. Masaryk. The entire Western World takes this opportunity today to encourage the unfortunate enslaved people of Czechoslovakia under the yoke of communism to keep the spirit of Masaryk and his concepts of democracy alive.

Mr. Masaryk is, indeed, a champion of liberty and justly deserves this commemoration for his contributions to the struggle for democracy and freedom, and we trust it will serve to inspire and exemplify those concepts to which he was so devoted.

Mr. CHENOWETH. Mr. Speaker, I am happy to join my colleagues in honoring the memory of Thomas G. Masaryk, the founder and first President of Czechoslovakia. It gives me great pleasure to join in the celebration of the 110th anniversary of the date of his birth.

Mr. Masaryk richly deserves the honor which we are bestowing upon him today. He made a great contribution to the struggle for freedom, and it is fitting that we should commemorate this anniversary.

I have many Americans of Czechoslovakian descent in my district. They are fine people and loyal citizens of this country. I am indeed happy to represent them in Congress. I know that they are very proud of their great leader, Mr. Masaryk, and that his life will be forever an inspiration to them.

Mr. GALLAGHER. Mr. Speaker, man's fame and prestige is always subject to fluctuations. Some are upgraded by the passage of time, while others fare badly and are downgraded. But in the case of the man whose 110th birthday is being observed there has been, fortunately, no downgrading. The passage of time seems to enlarge him in our esteem and thus place him in proper perspective. A man of Thomas Masaryk's

stature, with his purity of purpose, his wide and profound learning, his wisdom and political sagacity, and his gift for leadership, certainly deserves to loom large on the horizon in today's free world.

This gifted son of Czechoslovakia became the greatest statesman in modern Czechoslovak history because he tried to do, and did, something more significant for the Czechoslovak people than any of his predecessors. He liberated them from the oppressive yoke of foreign rulers, and created the Czechoslovak Republic in 1918. It is, of course, true that many other patriotic Czechoslovaks had a hand in the making of that Republic, but Masaryk's was the guiding hand, and his genius for leadership made success certain. In recognition of his sacrifices and services for their cause, his people elected him as their first President, and made him the father of their country. Today we pay our tribute to the memory of this great patriot and the leader of the Czechoslovak people on his 110th birthday.

Mr. RABAUT. Mr. Speaker, Thomas G. Masaryk, the great Czechoslovak leader, symbolized the unity of his people and the aspiration of all men to be free and to lead ordered lives free from tyranny. Born of a Czech mother and a Slovak father, Masaryk strove throughout his life to find ways of drawing his people together into one democratic country.

For him, democracy was not merely a form of a state or a type of administration. It was a philosophy of life and an outlook upon the world. In his remarkably varied career as philosopher, teacher, statesman, and founding father of that unique democracy set in the heart of central Europe, he demonstrated what one man with a generous heart and sensitive, humanistic conception of the purpose and mode of government could create as he inspired others to carry out the essence of his thought.

We salute Thomas Masaryk and in so doing we rededicate ourselves to the values for which he stood.

Mr. DADDARIO. Mr. Speaker, March 7 marks the 110th anniversary of the birth of a man Americans know as the George Washington of Czechoslovakia, Thomas G. Masaryk. Whereas this day was once a national holiday in Czechoslovakia, it must now be celebrated surreptitiously for the Communists fearfully suppress any commemoration of freedoms that are lost. But the Czech people in other parts of the world are loud and strong in overtly praising their giant of democracy and calling for a restoration of the Republic which Masaryk founded.

Thomas G. Masaryk was a noted scholar and writer whose works on democracy are still studied. But more than just a scholar, he was also a man of action and led his people to freedom. For 17 years he served as the President of the Republic he founded.

Perhaps his death in 1937 was a merciful reward for he never lived to see his country ravaged by the Nazis and then shackled by the Communists.

Today in Czechoslovakia the name of Masaryk is synonymous with freedom and liberty. As the Czech people commemorate Masaryk's birthday, they are praying that another Masaryk will come to liberate them from their present oppressors, the Communists. When that liberation comes, the Czechs will once again be able to join us in celebrating the birthday of their greatest leader.

Mr. CELLER. Mr. Speaker, today, March 7, 1960, the U.S. Post Office is honoring Thomas G. Masaryk, the founder and first President of Czechoslovakia, with special postage stamps in the "Champion of Liberty" series, on the occasion of the anniversary of his 110th birthday.

We, too, in the House of Representatives, cognizant of the vast implications of the Masaryk ideal, pay tribute to the memory of this man, who, by his life, built a monument to faith, courage, and vision. It was Thomas Masaryk, patriot, who, through his steadfast belief in liberty and his love of humanity, inspired the people of Czechoslovakia to follow his leadership and helped them to attain the ultimate goal of a free and independent Republic. But let no man doubt for an instant that the spirit of Masaryk is alive, though that independence has been temporarily taken from the people of Czechoslovakia. The memory of Thomas Masaryk remains. His countrymen will not forget. All freedom-loving peoples throughout the world pay tribute to this man, his life and his work.

Mr. O'HARA of Illinois. Mr. Speaker, I know that my constituents in the Second District of Illinois, where in his lifetime Thomas Masaryk was admired and loved and was a source of inspiration, would wish me to join with my distinguished colleagues from Illinois [Mr. LIBONATI] in observance of this 110th natal anniversary.

It has been 57 years since Thomas Masaryk came to the University of Chicago, in 1903, to deliver a course of lectures on Slavonic subjects. He completely won the hearts and the minds of our people. His stature as scholar, philosopher, and champion of representative government had immediate and universal recognition. Charles R. Crane, a Chicago industrialist, traveled to Prague to induce Masaryk to share with Chicago his rich store of knowledge.

Today his influence and inspiration still are vital parts of our lives. A statue dedicated to his memory stands on the midway, close to the University of Chicago, in the district I have the honor to represent. It does more than symbolize our recognition of the contribution which he and his people have made to the culture and the greatness of our city. It gives to the today of our second district, to the young men and women pursuing their studies at the University of Chicago, to all our people the inspirational touch of the yesterday of Thomas Masaryk, one of the really great scholars, philosophers, statesmen, and patriots of the centuries.

Thomas Garrigue Masaryk, the great Czechoslovak statesman, the founding father of the Czechoslovak Republic and its first President, was born on March 7, 110 years ago. At that time some 10 million of his countrymen were suffering under the autocratic and oppressive alien regimes in their homeland. Seventy years later, after the end of the First World War, through the unremitting and rewarding labors of Thomas Masaryk, they were liberated. Their once-divided country was united, and the Czechoslovak Republic was established as one of the best byproducts of that destructive war.

The Czechoslovak people were indeed fortunate in having in Masaryk a highly gifted and talented public servant, a matchless leader of almost unerring judgment, and a tireless worker for their cause. To Masaryk it was gratifying to see his liberated countrymen make his handiwork, the Czechoslovak Republic, a model democracy in central Europe. In his old age he could look upon his life's work with justifiable pride, though of course he could not foresee the dangers that were in the making, and were unfortunately to overtake his beloved country. Today we honor the memory of this great philosopher-statesmen on his 110th birthday.

I am happy and heartened that today the United States of America is giving official recognition to the memory of this great man by the issue of a special postage stamp bearing his likeness and styled "Champion of Liberty."

Mr. Speaker, in our tribute to the memory of Thomas Masaryk let us not forget the homeland of this outstanding Czech patriot. The Communists destroyed the Republic of Thomas Masaryk, but they never can even dent the ideals for which he dedicated his life, the ideals which inspire those of his blood in Chicago, the first city in all the world next to Prague in Czech population. The Czech has made a mighty contribution to our Chicago.

As I said in this body in 1955 on similiar anniversary occasion, and shall continue to repeat as long as Czechoslovakia is held in bondage: "It is our prayer, as it once was Thomas Masaryk's, that Czechoslovakia will once again be free and independent."

Mr. OLIVER. Mr. Speaker, I am proud to pay tribute to Thomas G. Masaryk, founder and first President of Czechoslovakia, on the 110th anniversary of his birth. It is fitting that our Government should recognize this courageous leader through the issuance of a postage stamp in the "Champions of Liberty" series.

Masaryk, a college professor, not only thoroughly understood the evils of Marxism, but in his writings fully exposed Communist techniques. His dedicated efforts were instrumental in the emergence of a free Czechoslovakian Republic from the holocaust that prevailed after World War I. Elected President four times, Masaryk resigned in 1935 and was succeeded by his respected countryman, Dr. Eduard Beneš.

Today, Czechoslovakia only exists, enchained by the Communist enslavement which Masaryk strenuously opposed throughout his entire lifetime. But the free spirit which Masaryk kindled in the

hearts of his countrymen still lives. Once a people have enjoyed the full dignity of man which freedom, alone, makes possible, oppressive political domination can never fully stamp it out. The foundation of freedom in spirit laid by Masaryk will never be destroyed. His contribution of martyrdom for the cause of freedom continues as a living, vital force in his homeland.

Therefore, the struggle for freedom in Czechoslovakia is far from over. Communist oppression, it is true, is now on top, but the ideals of freedom instilled in the Czech people by Thomas Masaryk persist. Another inspired leader with the courage of a Masaryk will emerge. Once again there will be a free Czechoslovakia. Faith in God's will for the dignity of man secures us in this conviction.

Mr. DORN of South Carolina. Mr. Speaker, I join with my distinguished colleagues in paying homage today to the memory of Masaryk. He was one of the greatest patriots of all time. He was largely responsible for the Czechoslovak National Council, formed in Paris during World War I, which was the forerunner of the Free Independent Republic of Czechoslovakia.

As the first president, Masaryk was truly the George Washington of the Czechoslovak Republic.

Mr. Speaker, again the great people of Czechoslovakia are held in bondage by despotic tyrants. This time, the bloody Communists, operating under orders from the Kremlin gangsters, have subjected the freedom-loving Czech people to slavery. May the spirit of Masaryk inspire all of us to stand firm until our Czechoslovak friends are liberated from the yoke of tyranny.

Mr. JUDD. Mr. Speaker, on this 110th anniversary of the birth of Thomas Masaryk, the father of modern Czechoslovakia, I wish to include with these remarks a comprehensive and eloquent review of his life and his views, written by Prof. Otakar Machotka of Harpur College:

T. G. MASARYK

(By Otakar Machotka, Harpur College)

Czechs, Slovaks and democratic men wherever they are will stop for a moment this March 7, 1960, to remember one of the world's leading democratic thinkers and leaders, and the greatest man in modern Czechoslovak history. Thomas Garrigue Masaryk. That day will be the 110th anniversary of the birth of the man who was to be the first president of the Czechoslovak Republic, and whose name was to become the synonym for democratic statesmanship throughout the world. On March 7, 1850, Thomas Masaryk was born in Hodonin, a Moravian town, to a poor coachman and his wife, a former serving maid. On March 7, 1960, the people in his homeland remember him as a symbol of their lost liberty and independence, and they and the whole democratic world are drawing on his heritage in the struggle against totalitarianism.

Thomas Garrigue Masaryk was a great man, a great thinker and a great leader. Professor of philosophy and sociology at Charles University for more than a generation, he became the liberator and creator of the only real democracy in central and Eastern Europe, and assumed its presidency at the age of 69. He was one of the prime factors in destroying one of the mightiest and oldest political powers in Europe, and after the First World War led his country and Europe through 17 troubled years. During these years of moral and political leadership he probably came closer to being a wise philosopher-ruler than any leader who lived since Plato first set up his high ideal.

THE MAN AND HIS LIFE

Masaryk's growth to greatness began at the bottom. As a youth, the poor youngster was first apprenticed to a blacksmith, but his great intellectual drive impelled him to leave the trade and undergo great hardships to study at an Austrian gymnasium (junior college). He succeeded brilliantly and came out first in the class. At the Brno gymnasium he had repeated conflicts with professors, keeping firmly his personal convictions even against the authoritarian headmaster. Finally he had to leave and graduated at the gymnasium in Vienna. Then he studied at the philosophical division of the University of Vienna, where he received his Ph. D. in philosophy in 1876, and was given the rank of "docent" in 1879. When in 1882 the old Charles University in Prague established a Czech and German branch, he was appointed to the new chair of philosophy and sociology at the Czech branch. He held this position for 32 years, and at one time or another taught most of the leading Czech philosophers, social scientists and teachers who were to become leaders in the new republic.

In 1877 he met a young American woman, Miss Charlotte Garrigue, in Leipzig, where she was at the time studying art. They fell in love and married shortly afterward in New York (1878).

His wife soon found a place with the world's greatest thinkers. She was a great source of inspiration to the young professor, and probably the most influential person in his life. She not only helped with his great amount of work, and bore and raised the four Masaryk children (one of whom, Jan, was killed shortly after the Communist coup d'etat of February 1948), but also directly influenced his political and moral aims. Partly under her influence Masaryk became a Protestant, renouncing the catholicism which had brought him much emotional unrest during his youth. He developed a deep personal religiosity which deviated strongly both from the formalistic concepts of the contemporary Czech Catholics and the fashionable free-thinking of the intellectuals. His creed combined the passion for truth of Jan Hus, the 15th century Czech religious leader who was burned at the stake as a heretic, the humanitarianism of the Czech Brethren and the practical religiosity of American Protestantism. His wife was also probably partly responsible for shaping the practical and active character of his philosophy, and for strengthening his strong democratic convictions.

The personal influence of his wife was augmented by Masaryk's frequent contact with the democracy of the Anglo-Saxon countries. He visited England and the United States several times. In 1878, he came to the United States to visit his sick fiancee; in 1902, he taught at the University of Chicago.

The outstanding characteristic of Masaryk's personality is, in my judgment, his unique attitude toward truth. He was a passionate seeker, revealer and defender of truth. In this respect it is difficult to find an analogy with him among the philosophers and politicians of modern times. Masaryk adhered so strictly to the truth that, for instance, after 4 years of conflict against Austria-Hungary he was able to say that during all this difficult campaign not one word of untruth had been used. A specific example of adherence to the truth is contained in his behavior when he visited a strife-torn Moscow during the Bolshevik revolution. Arriving at the door of the Hotel Metropol he found the walls spattered by machine-gun bullets and the porter with strict orders to admit only guests of the hotel. When the porter brusquely demanded whether he was staying in the hotel, he did not lie but simply told the man, "Don't be a fool, and let me in," and surprisingly enough was admitted without further difficulty.

Perhaps even more unusual than Masaryk's own adherence to truth was the eagerness with which he sought out instances where the cause of truth was endangered, no matter whether this occurred within his field of interests or not. Although many men seek truths in specialized fields, men like Masaryk who seek it everywhere for its own sake are rare indeed. Truth was a constant challenge to Masaryk wherever it was concealed, suppressed and unknown. In 1899, for instance, a tremendous furor was stirred up in Prague by the court trial of one Hilsner, who was accused of murdering two young girls for the purpose of using their blood in the Jewish religious rites. This fiction appealed to the feelings of a good part of the population, but Masaryk examined the entire question and proved the ritual myth to be the nonsense that it was. Masaryk helped Hilsner despite the strong public resentment which was raised against him, and despite the fact that the case was far removed from his personal and professional interests. This impulse to defend truth for its own sake was again made evident when in 1909 he once more appeared in court to defend 53 Croat intellectuals and peasants who were accused of high treason on the basis of forged documents, and he personally brought the case before the Austrian parliament. Soon after he again entered the public arena to expose as forgeries documents published by Dr. Friedjung, the official Austrian historian, which purported to prove high treason against a group of Serbs.

Masaryk's continual search for truth and exposure of falsehoods led him to many conflicts in his own country too. These included literary conflicts, difficulties with the university authorities (reproof from the academic senate), conflict with Catholic priests (and a resulting action of 360 priests at the court), criticisms of student life which brought on student demonstrations against him, and other conflicts. Perhaps outstanding is his personal crusade against the Dvur Králové and Zelená Hora manuscripts, clever forgeries, which appealed to popular nationalism by purporting to prove the existence of a well-organized Czech state and high literary culture at the beginnning of the Middle Ages. His attacks on their validity aroused nationwide protests, and he was many times called a "national traitor." Masaryk, however, remained ture, must not be based on a lie," and eventrue to his position that "our pride, our cultually his judgment was vindicated by a change in expert and public opinion.

Although his wife was a strong moral support in these conflicts, the impulse to seek truth everywhere was essentially his own character trait. How can we understand such a personality? How to explain the impulses to engage in so many fights, when his profession would have allowed him to lead a very peaceful and retired life? Masaryk did not derive any pleasure from the fight itself. He himself said that he "was afraid conflicts might arise," and that he "would rather have avoided them "It is not true that I am a fighter by nature," he says in his own story, written by Karel Capek. I am sure that he was not mistaken about himself. There weren't either any motives resulting from an inferiority complex or from an overextension of his ego. Masaryk's physical appearance was that of a tall, slim, healthy and good-looking man who loved gymnastics and went horseback rid-

ing even past his 80th birthday. His physical features combined with his intellectual and psychological characteristics to form a rare and harmoniously balanced individual. His scientific demand for truth and moral responsibility impelled him to use his intellectual and physical strength to stand against mistakes, fakes, and all perpetrators of human injustices.

Masaryk was also characterized by a rather emotional nature. Consequently, as a moralist he wasn't a man who preached moral norms but love for man; as a religious thinker he was the opposite of a theologian in his warm and personal religious feeling. The practical nature of Masaryk's character drove the sociologist, logician, and epistomologist to become interested in the daily and political life of his people.

Masaryk was a hard worker. It was hard work that developed his inherently gifted personality into the spiritual and political leader of his country and one of Europe's outstanding spokesmen. His widespread interests and manifold activities obliged him to be efficient. Being pressed for time, Masaryk answered many communications through previously printed though personal postcards. The cards mentioned that he had little time and excused him for replying so curtly, and then went on to say approximately that he had received the letter from ——, and that his answer was ——. He spoke German and English as well as he did his mother tongue, possessed an excellent command of Russian, spoke good Polish and Serb, and I once heard him speak a slow but meticulous French with a French minister.

SHAPING THE NATION

The harmony of Masaryk's personality was reflected in the extraordinary harmony of his long life. His everyday life had its difficulties since he was often short of money, having exhausted his limited resources for some unexpected journey or public campaign, and his academic and scientific interests often competed for time with his political ones. But what a steady development and harmony in the man and his work from the time of his appointment to the Charles University in 1882 to his election to the presidency in 1918, and then to his death in 1937.

When he began his academic career as associate professor of philosophy and sociology, Czech scientific life was just beginning to free itself from German domination and Masaryk was its leading personality from the outset. He brought a new orientation and new stimuli to Czech thought, by lecturing on Hume, Comte, Spencer, J. S. Mill, Buckle and other English and French thinkers who had previously been neglected in the narrow German philosophical curriculum. He strongly influenced the historians by developing a Czech philosophy of history which emphasized humanitarianism and democracy. "Positively * * * our past had prepared us for democracy. The foundations of the modern humane and democratic ideal had been laid by our Hussite Reformation in which * * * the Bohemian Brotherhood Church was especially significant, inasmuch as it surpassed in moral worth all the other churches." Masaryk stressed further Chelcicky's humanitarian doctrine, the ideal of universal peace proclaimed by the 15th century Czech king George Podebrod, the conception of humanity built upon education of the Czech Brethren bishop Comenius as well as the humanitarian spirit of the revivers of Czech nationalism in the 18th and 19th century.

Masaryk also deeply influenced Czech literature and literary history. He instigated the edition of a new Czech encyclopedia. His standards of scientific criticism, truthfulness and sincerity in all phases of public and private life influenced whole generations of young Czech leaders. His ideas were developed not only in the classroom, but also through such scientific and literary journals as the "Atheneum" (since 1883) and the "New Era" (since 1893), which he founded to spread new ideas among the intellectuals. The daily newspaper "Time," organ of his political party, the realists, influenced both intellectuals and the masses. Through all these means, Masaryk and his followers fought excessive national pride, prejudice and provincialism, and patriotic sentimentality, to replace them with emphasis on enlightened and reasonable love of the land and the people, and practical work to improve the conditions of the country.

Masaryk's party, the Realists, remained the smallest among Czech parties until the outbreak of the war. It was characterized by concern with the higher intellectual and moral values, and therefore developed something of an elite character which prevented it from easily drawing mass support. The role of the party in the national life was more that of a critical, rational, politically enlightening body than of a powerful political organization.

But Masaryk's influence on public life in Bohemia and Moravia transcended purely political questions. His emphasis on rational and scientific thinking, by nature opposed to dogmatisms of all kinds, had a primary influence on social developments in the country. His opposition to Catholic domination in the shaping of gymnasium curricula was the result of his deeply religious conviction that freedom of conscience and personal judgment should not be impaired by any group, least of all in the public schools. At the same time he opposed the shallow religious feelings of Catholic intellectuals, demanding a sincere religious life instead of formalistic rituals.

At the other end of the scale, Masaryk was also extremely critical of the growing Marxist dogma. His book on the subject, which was published in 1898, thoroughly refuted Marxian dialectical and historical materialism. He also strongly criticized Marx's amoralism and lack of humanitarian values. Recognizing the impetus behind the workers' movement and the justice of their demands for better conditions, he thought the amoral Marxist doctrine could never be the answer to their wants. His criticism has been vividly illustrated by the development of the Soviet police state.

Being theoretically and practically strongly interested in democracy and having created his own theory of it, Masaryk taught the nation to accept democracy as the only modern and satisfactory way of public and private life, and also as the necessary continuation of the democratic and humanitarian tendencies of its history. Masaryk demanded strictly sincere, enlightened and honest politics. He castigated the small improbities and tricks of Czech political life. He asked with Hallicek, the most prominent Czech journalist of the 19th century, a "rational and honesty policy."

Masaryk's principles proved invaluable both during the fight for independence and during the sovereign existence of the Czechoslovak Republic. Thirty-two years of Masaryk's public activity found the nation in 1914 fully prepared to fight for its independence and politically mature to enjoy it. His vital influence on education, which had always been highly developed and respected among the Czechs, had the result of developing a new generation of leaders and intellectuals who were more critical, more independent and more rational than their forefathers and many of their European contemporaries. They were well acquainted with the world's intellectual movements, morally responsible, self-confident, humanitarian and enlightened in outlook.

Masaryk's philosophical and moral analysis of Austria-Hungary, as well as his own strong personality, gave the nation fighting for her freedom an extraordinary power and endurance. After the war, Masaryk guided the development of the nation both theoretically and practically by becoming its spiritual and political leader during almost two decades when outside influence often threatened the principles of the new republic.

The supreme harmony of this process has been well characterized by Masaryk himself in Karel Capek's "Masaryk Tells His Story": "My personal satisfaction, if I may call it so, lies deeper: for as the head of the state I relinquished nothing that I believed in and loved as a penniless student, a carping critic, a reforming politician; occupying a position of power, I do not seek for myself any other moral law or relationship to my fellow men, to the nation, and the world than those which guided me before. I may say that office confirms and completes everything that I have believed, so that I have not needed to change one item of my faith in humanity and in democracy, in the search for truth, nor in the supreme moral and religious command to love men. I can still affirm with experience which I am continuously acquiring, that the same moral and ethical rule applies to the state, and those who administer it, as to the individual."

MASARYK'S PHILOSOPHY

Masaryk's philosophical thought was rich and deep. He analyzed the finest and most complicated problems of classic and modern philosophy, drawing from this analysis original and logical conclusions. But he never shaped his ideas into a well-organized system. His logical mind probably felt that this could be done only at the price of violating his logically straightforward thoughts.

Masaryk's philosophical starting point was Hume's critical thought. He accepted Hume but due to the Kantian influence he stressed more the creative abilities of the human mind. As against strict empiricism, Masaryk emphasized the autonomy of human reason and its ability to create general and abstract concepts from man's sensations, creating new knowledge by comparison, analysis and synthesis. Masaryk's positivistic tendencies were strengthened by the study of Comte's positivistic sociology. In general we can label Masaryk as a moderate rationalist.

Masaryk did not see it possible to make a final decision between the two opposite philosophical doctrines of idealism and realism. The existence of the outer world seemed to him more real than idealism would admit. But the real picture of the outer world is only approximately as it is given by our senses. Masaryk himself labels his standpoint as "critical realism."

Masaryk accepted the classification of sciences of Auguste Comte as the basis of his own system. He added psychology, replaced astronomy by mechanics, and developed the whole system to include the more specific scientific branches.

Masaryk avoided metaphysics. But being a deeply religious man, he was obliged to deal with certain metaphysical problems. His religion is based on a well-founded belief in God. He didn't accept any particular theological grounds for his belief, but kept it in full harmony with scientific knowledge. Masaryk's theism is a sort of scientific hypothesis, supported by reason (for instance, as being an answer to the organization of the nature); it seemed to him the simplest possible hypothesis and therefore the logically best one.

Ethics was for Masaryk perhaps the most attractive field of philosophy. Masaryk was a moralist. He accepted morality as the basis of religion. Man must see his fellow man in the perspective of eternity. The basic ethical command is love of man and humanity. Therefore he speaks of humanitism. Masaryk based his ethics on the Christian command "Love thy neighbor as thyself,"

but he went beyond the Christian conception of love. Searching for humanitarian ideals among modern thinkers, even Schopenhauer and Nietzsche, he formulated his humanitism as a nonsentimental love, an energetic, systematical, active, efficacious and hard-working love directed especially toward fellow men in everyday life. He recognized different degrees of love and neighborliness: first we love our family, then our friends, our nation, and then humanity as a whole. He recognized this idea as necessary and practical, and conceived patriotism as a noble and worthy political force, to be distinguished from immoral chauvinistic nationalism.

Masaryk stressed truthfulness under all conditions, honesty and bravery in carrying out humanitarian ideals. Justice was to him the "arithmetic of love." There is no distinction between private and public morals. "The ethical basis of all politics is humanity." "Morality is the groundwork of politics." "No state, no society can be managed without general recognition of the ethical basis of the state and of politics; and no state can long stand if it infringes the broad rules of human morality." "The notion that diplomacy is necessarily compounded of cunning is obsolete. Men are beginning to understand that between nations as between individuals falsehood is stupid, and that it complicates and retards matters needlessly. Even in politics the method of truth is the most practical."

The relation between individual and society, which was so passionately discussed in Masaryk's times, cannot be understood solely in terms of the concepts of collectivism and individualism. He conceived that the individual and the people are mutually dependent. Outstanding individuals play a more important role in the life of society than the average man. He thought the problem to be how to secure the most desirable influence of the outstanding individual, whether he was a specialist or a genius, on the opinion of the masses, the masses being by no means the decisive historical force, and outstanding individuals being equally necessary. He, therefore, rejects communism as a form of collectivism, but accepts socialism as being compatible with individualism. He understands individualism as a striving for the development of the personality in society. Marx and Engels incorrectly suppressed the role of individual in favor of a radical socialism.

Communism's requirement of economic equality is, according to Masaryk, not an adequate solution to the problem of inequality. He refutes the idea of total economic equality and asks only economic and social justice. He is equally opposed to state socialism and to the economic centralism. He understands socialism as advocating a more just and righteous division of economic goods and seeking improvement of social organization. He is against income without work, as well as against exploitation of the work of others. His standpoint may be labeled an individualistic or humanitarian socialism with a socialization that is gradual, well prepared, and evolutionary.

He did not think that the struggle of proletarians and of capitalists and bourgeois had the great historical importance which Marx assigned to it. He saw more than two social classes—a large middle class between the workers and property owners, with much cooperation between both, based on many common interests.

He thought that the individual and the people must cooperate. This is a social form of Masaryk's "synergism". In epistemology synergism means to Masaryk the cooperation of the experience and of the reason leading to new knowledge. In reality Masaryk's thought displayed both a metaphysical and practical synergism. Masaryk's philosophy, as a whole, has therefore been called a philosophy of synergism.

Masaryk was deeply interested in socialism. He wrote a book to evaluate the philosophical, moral, political, and economical principles of Marxism. He recognized the demands of more economic justice as being morally well founded. He is certain that the "social question" will be solved, but thought that Marx and Engels built their ideology on erroneous principles. Masaryk rejected the dialectic method of Hegel and Marx. He opposed the idea of historical evolution being negation of negation, and argued that there is not only evolution by opposition, but also by gradual changes. He thought that Marx's philosophical materialism was equally lacking. Ideas are not only reflections of the material world; Marx's philosophical work itself proves that this is not true. On the contrary, ideas play an important role in history.

Economic conditions are not the only cause of historical changes. Economic materialism is so methodologically and philosophically primitive that it is unable to account for the great number and complex character of the social causes. Marx's philosophy is an eclectic system, using many ideas of previous thinkers. Though some of those ideas were "ripe" in Marx's time, he failed to be sufficiently critical to create out of them an organic synthesis. Marx's teaching that the concentration of the capital goes ahead until the proletariat takes it over from the hands of a small group of capitalists is a phantasy, constructed according to the law of opposition.

Masaryk also strongly objected to the amoral character of Marxist philosophy, especially as expressed in Marx's exclusive emphasis on economic values and his theory of revolution. Marx and Engels exceeded themselves when they emphasized the complete relativity of moral norms, claiming that they were dependent on the particular position of each class and nation. Masaryk believed that men agree on basic moral norms, and that the organization of society is as much dependent on its moral, as on its technical and economic organization. He believed that morality is a social reality, and points out that Marx himself in speaking of exploitation and equality refers to natural law, which has a clear moral meaning.

Masaryk also criticized as inadequate Marx's view that all economic value is derived solely from the amount of work put into an object. He criticized this proposition as well as Marx's theory of surplus value, by pointing out contributions of other factors besides labor to the production process. He thought that Marx's great value lay in the consistent emphasis with which he concerned himself with the work of small, average men whose contribution and importance to history had never before been pointed up as strongly as they should have been. It was Marx who showed the world the part played in society by the many small men doing small, inconspicuous, and unexciting work in the factories and elsewhere.

But Masaryk criticized Marx for failing to reconcile the theory of revolution with his own conception of the meaning of work. Although he himself pointed out the decadence of the old romantic conceptions of great deeds done by great men, he himself refused dignity and importance to human work by leading men astray by dangling the giant mythus of the revolution in front of their eyes. Masaryk criticized Marx for forgetting that revolution is only a means and not an end in itself. Masaryk recognized that revolution is a gamble, "all or nothing," a last means to be used only when no others are possible. He understood that revolution is rarely creative, and at best realizes what has been prepared in previous years. The idea of revolution, of the minority against the majority, is an essentially aristocratic concept, and an admission of weakness and imperfection both on the part of society and the individual. The revolutionist is often a savage who is frightened by the increasing complexity of modern life, and the revolution itself is a primitive political form. Masaryk calls for steady and consistent work, for reformation as opposed to revolution. Without a "reformation of the heart and of the mind," without reform of thought and morality, it is impossible to remove evils by revolution. These were the thoughts that Masaryk expressed in 1898 toward the idea that the "social question" could be solved by the revolution of the proletariat. Masaryk realized that the aims and means of a revolution must themselves be morally evaluated, and this position was to lead to the development of his own revolutionary struggle against the Austrian empire.

Masaryk's most profound work was his study of Russia, published a year before the First World War. The first two volumes have never been followed by an analysis of Dostoievski which was supposed to be the most important part of the Russian study. The leader of the revolution, and later president of the Republic, never found time for it.

The "Spirit of Russia" is a thoroughgoing study of philosophical and literary currents in Russia. From their characteristics Masaryk drew general conclusions valid for the whole Russian society. The original title of the work (Russia and Europe) shows the basic position of Masaryk: Russia is an area different from the rest of Europe. The basic cause is that Europe overcame medieval theocracy through reformation, and in France and most other Catholic countries through revolution. Russia never had a reformation nor fully successful revolution, and maintains basic cultural characteristics of the Byzantine Middle Ages. But "medieval Russia was dragged without transition into the European evolutionary process of the 18th and subsequent centuries." The Russian understands modern European thinking, but accepts it in the spirit of the Middle Ages. Bakunin, for instance, desired to replace the false absolute of the Orthodox Church by the true and definite absolute. His belief in democracy was now a religion. In reality he and the Russian revolutionists never aspired to democracy. Russian anarchism was strong because of this same lack of cultural development. The Russians kept the Middle Ages characteristics passivity and lack of emphasis on assiduous and systematic work. Their leaders maintained the old aristocratic ideals, and were not influenced by Hume's and Kant's critical spirit. Masaryk didn't believe "that it is possible for Russia to skip certain stages of historical development, to pass without transition from a low state to a much higher one." The German protestants, who went through the lengthy transition from theology to science, were not as caught up by the crude materialism of Fogt and Feurbach as were the Russians whose transition to modern scientific thought was too rapid and lacking in depth.

Masaryk's analysis of Russian thinking explains to a large extent the Bolshevik almost religious faith in Marx's materialism, and their failure to understand democracy.

THEORY OF DEMOCRACY

Democracy is not yet a reality even in most democratic states. Masaryk saw it as an ideal, a new life to be striven toward. "Democracy is not alone a form of state and of administration. It is philosophy of life and an outlook upon the world." It is not only a matter of a majority; it is a question of morality, science and culture, and this cannot be achieved by a democratic political system alone. The lives of all citizens, their mentality and culture are all part of a well-functioning democratic state.

Prof. W. P. Warren says that Masaryk is "to be credited * * * with a comprehension of the functional nature of a democratic

system which stands out among the political philosophies of history. Assuredly neither Rousseau nor Kant had so clear an understanding of the modus operandi of democracy, whereas modern states like America and France had thought of it too simply."

There are two roads which led Masaryk to his conception of democracy. The first is Jesus' supreme law of love for man. Democracy is the only way to achieve political, economic and social justice and to realize man's love for man. "Democracy is the political form of the humane ideal" are the concluding words of his "The Making of a State." Secondly democracy is the necessary correlate of the modern scientific, moral and cultural development of mankind. In all those fields there is a continuous evolution toward the democratic forms of life. It is an evolution from theocracy and aristocracy to democracy, from theology and scholasticism to science and philosophy, from independent striving of the creative artist to modern socially functional artistic work. Not only political life, but also the science has become more democratic by an intensive popularization of its goals through general education. Religion has also become more democratic by doing away with the function of the priest, by dropping the ecclesiastical hierarchy as a necessary part to religiosity, and by replacing the revealed truths by personal religious experiences. Art has also become more democratic by creating and using subjects out of the everyday life of small men.

Democracy appears as the penetration of scientific and philosophical method into the political life. In democracy discussion takes the place of order and authority. Hence, Masaryk's definition: "Democracy is a discussion, a discussion basically similar to the scientific discussion." Democracy works by scientific methods and its tactics are therefore inductive, realistic, and empirical; theocratic aristocracy is deductive, unrealistic, fanciful and scholastic." True and full science is the very genius of democracy. It is nonarbitrary in all its methods in contrast to the arbitrariness of dictatorship and of absolute authority. Science, as well as scientific policy, depends on experience and induction. It can claim no infallibility. Democracy means use of the laborious and honest methods as they are used in science. Its aim is the knowledge of facts and of men and the finding of their best suited relationships and functions. The philosophic criticism is the archservant of democracy. From the moral point of view, democracy is the embodiment of ethical principles. Ethics is the basic reason for democracy. The function of democratic politics is "to realize ethical principles on behalf of and in the social whole."

The well-known principles of the French Revolution express for Masaryk the principles of modern democracy: equality, freedom, brotherhood. They are also just in Lincoln's "government of the people, by the people, and for the people." But both slogans raise a number of problems which have not been yet fully solved by democratic thinkers. Democratic evolution has to solve them gradually.

One problem is the amount of control over the government of a state to be given to the people. The people cannot directly govern a modern state, but they must have a voice in all matters of larger public interest. The question, therefore is reduced to how the people can be heard and how influential their voice should be in a democratic state's politics. The enlightening of the masses and the developing of good leaders is of the highest importance in this respect. Both must be given a thoroughgoing fundamental education on their own levels. The people must be given enough education so that they are capable of judging the decisions of their leaders. Democracy at the same time requires the very highest degree of leadership. It cannot be sustained without educational, moral and political leaders who guide their people in seeking culture and truth. They must be true aristocrats of character, depth and wisdom, while they remain servants of the nation. Thus, democracy's main task, as conceived by Masaryk, is education.

Masaryk saw "equality" as another unsolved democratic problem. He took a broad position in this respect by asking "not merely political equality, but also economic, social, moral, religious, and spiritual, and intellectual equality generally." Since absolute equality is not possible, Masaryk thought we must achieve at least the most tolerable degree of inequality. Equality cannot mean equalization of individuals; the gifted individual must have the opportunity to develop and to assert himself. Democracy is based on individualism, but this should not lead to an overestimation of the individual. The "titanism," the worshiping of the outstanding or strong individual and giving him more moral rights is to be refused.

The requirement of maximum freedom for each individual raised the problem of coordination of multiple individual interests and of the harmonization of individual freedom and of the group determination. This contributes by making democracy the most difficult of all political systems. But the elevation of man to a higher level of thinking and action will help make it work. It is "a mutual concession of liberty and its constitutional observance." The freedom of enlightened consciences is the only basic freedom men can have. Freedom requires the obligation of toleration. This democratic virtue is more suited to the relativity of scientific knowledge and method than was the absolutism of theological revelation. Democracy means the self-determination through enlightened and responsible leaders representing freemen in a cultured milieu of equality and mutual respect. The individual's freedom means the right to initiative and freedom, and initiative leads to personal responsibility. The individual and nobody else is fully responsible. The modern Democrat does not conceal himself behind the church, State, Nation, political party or even humanity as people have so often done. Freedom of public opinion and of the press is the basis of political freedom. This means freedom of criticism of the State administration as well as of individuals. Criticism is a scientific method as well as the foundation of democratic politics.

Democracy means freedom from autocracy, arbitrariness and violence. But logically enough it also means freedom from the violence of the lie. Machiavellianism and Jesuitism are yet other forms of violence. Machiavelli recommends violence of all kinds, amongst others also the lie. Loyola using immoral means for the benefit of the church also made use of lies—a dry kind of violence. Dostojevski falsely expected that Russia would come to truth through lies. Democracy must be truthful, democracy means to give up the habit of lying and mendacity.

"Democracy is a regime of work. * * * Democracy demands that all shall work." The democrat triumphs through physical and mental work over "the aristocratic ideal of indolence and violence." Democracy demands constant and positive detailed work. But "democracy aims, not merely at work, but at the spirit of industry." Work doesn't suppress the individuality of man but gives him the opportunity to express himself through it. The exploitation of individuals cannot be surmounted by the abolition of industrialism, but can be ameliorated by social morality and by a really democratic culture. Democracy is a principle of labor.

"Genuine democracy will be economic and social as well as political." Emphasis on group interests, of workers, as well as of any other natural group, is implicit in the very structure of democracy; in democracy there is a sense of social solidarity. "I am not opposed to the socialization of a number of undertakings—socialization, not only nationalization or state control—of railways, canals, coal mines, and means of communication. I can imagine a gradual, evolutionary socialization for which the ground would be prepared by the education of workmen and of leaders in trade and in industry."

Evolution is the real democratic method. Masaryk opposes revolution unless it is morally well founded. Only if there are no other means of defense against violence or if our spiritual or physical life is threatened is revolution morally acceptable. Revolution as a necessary means of development towards democracy is equally well grounded. The real revolution is a reform revolution. But a "purely political revolution * * * in a democratic republic, is madness, a real crime against the interests of the working people."

Democratic culture is not only a matter of religion and morality, but also a question of technique. Masaryk devoted his attention also to this side of democracy. He discussed, for instance, the problems of bureaucracy, parliamentarism, and leadership. Even "the highest official is himself a free citizen, one of the people working for the people." Parliamentarism may give way to demagogy, which is to be avoided by increasing the individual's responsibility and education, as well as by the gradual improvement of the democratic institutions. "Education and morality on the part of its [parliament's] members are essential postulates." Democracy "has a constant problem of leadership—that is, it has to train and educate leaders."

"Outwardly, in foreign policy, the work of democracy is to organize and strengthen, by methods of friendship, relations between states and nations." "Democratic foreign policy all round means peace and freedom all round." The representatives of nations should be accredited to peoples, not merely to heads of states and * * * "a diplomatic envoy should uphold the interests and the policy of his country in the foreign parliaments. Relations between states and nations might thus, in course of time, be usefully supplemented by interparliamentary intercourse."

INTERNATIONAL POLITICS

Masaryk's first real entrance into the field of international politics occurred shortly before the First World War when he openly challenged the Austrian Foreign Minister Aerenthal and the anti-Serbian documents forged by his ministry. Soon afterward, in 1912, he attempted a reconciliation between Serbia and Austria-Hungary, and the next year he tried to effect a Serbo-Bulgarian accord. But before his proposals could be carried out, conditions in the Balkans and Europe became so incendiary as to frustrate any efforts he might have made, and he was forced to focus his attention on the whole play of world forces in an effort to understand how these might effect possible changes in the European political patterns.

The Zagreb trial of the accused Serbians was closely connected with Masaryk's decision to fight against Austria-Hungary. The fact that the Austrian foreign ministry stooped to the forging of documents to implement its imperialistic plans, and would ruthlessly deal death sentences to dozens of innocent people, convinced him of the basic immorality and rottenness of the empire. He lost all hope that it would develop into a federalistic state which would give justice and true representations to the many nations who were then oppressed by the Hapsburg dynasty and the Austrian Germans and Magyars.

Masaryk was nevertheless very deliberate in preparing the struggle against the empire. He considered the question of the right of self-determination of the Czechs, Slovaks and other non-Germanic nations in the empire. He probed the problem of whether the Czechs were politically sufficiently mature to have an independent state, weighing the glorious past of a nation which had its own state until 1620 (theoretically till the present time) and the prophecy of the great Czech religious figure, Comenius who in his testament written in exile in Holland in 1670 said, "I, too, believe before God that when the storms of wrath have passed, to thee shall return the rule over thine own things, O Czech people." Masaryk gave serious consideration to the moral right of revolution, and the moral duty to defend the political ideas for which so many Czechs were executed during the early months of the war. As a scientist he studied the economic and military capacities of the great powers, reading numerous works on modern strategy and war and making several trips to Holland, Switzerland, Italy and Germany.

When his moral and critical demands were satisfied, Masaryk, the individual, the fighter for truth, without money or appreciable influence, began the fight against the gigantic empire. Before leaving Bohemia he consulted leaders of the other Czech parties to get their silent approval, but the hardships and deprivations of the struggle were left entirely to him.

He opened his campaign with a philosophical public address on Jan Hus, the great Czech national and religious leader, which was given July 6, 1915, in the Hall of Reformation in Geneva. Thus the celebration of the fifth centenary of Hus' martyrdom marks the starting point of the birth of the new Czech state. Starting there, Masaryk initiated an intensive international propaganda campaign to arouse worldwide interest in the Czech and Slovak cause, a project in which he was soon joined by Edouard Benes and Milan Stefanik. They gave information to newspapers, interviewers, public lectures, reports on happenings inside the empire and on the doings of the Czech resistance which were published throughout the Allied countries. Masaryk made personal visits to France, Britain, and later the United States. He gave valuable information to leading political figures; and he organized an efficient system which relayed information from inside Austria and Germany to the Allies. He also organized a successful campaign among Czechs in America, whose material and morale contributions were invaluable to the fight for the liberation of their fatherland.

His first marked public success was his reception by the French Prime Minister, Aristide Briand, on February 3, 1916. He attempted to persuade him of the necessity of carrying through the dismemberment of Austria-Hungary. He reports in his memoirs that "Briand grasped the heart of the matter at once," and promised to carry out Masaryk's policy. The visit was reported in an official communique. President Wilson's declaration of November 6, 1916, with its emphasis on the rights of small nations to self-determination, was still another step toward his goal of achieving Czech independence. The decisive victory came when the Allies, in reply (Jan. 16, 1917) to Wilson's demand to state their war aims, included the liberation of Italians, Slavs, Rumanians, and Czechoslovaks from foreign rules as one of their prime points.

All this took place while Masaryk was visiting the organized Czech groups in the Allied capitals, coordinating their anti-Austrian activities and stimulating the enrollment of young men into the Allied armies. This enrollment occurred spontaneously in many countries, and was strongest in Russia, where there were many thousands of Czechs in the war prison camps. When the Czechs living in foreign lands were coordinated in the National Council of Czech Countries, Masaryk was elected its president (November 1, 1916). These Czech Army units grew in size steadily and by the end of the war had more than 128,000 troops under arms, many of whom proved their mettle under fire. On June 29, 1918, the French Government recognized the national council as the basis of the future Czech Government, and the British extended similar recognition soon afterward. And the United States, through the Senate Foreign Relations Committee, also recognized the National Council as the de facto Czechoslovak Government (Aug. 23, 1918).

Through his wide-flung activities and contacts Masaryk became the leading figure among the spokesmen for all the minority groups who were hoping for independence from Austria. He formulated a joint political program with them, especially with the Yugoslavs, and together with them sought to fix the proper political and moral focus of their fight for independence. Wilson's famous 14 points strongly supported the cause of these nations, but the declaration did not go as far as Masaryk would have liked it to go. It asked only for the "autonomous development" of the people of Austria-Hungary and said nothing about political independence. As a result Masaryk visited the United States to consult with Wilson and after several talks persuaded him to accept his more radical point of view. The Czechoslovak declaration of independence, released by Masaryk on October 18, 1918, had the wholehearted support of Wilson, whose final answer to the Austrian plea for peace terms was the incentive for the Czech revolution of October 28. With this revolution and the subsequent treaties at Versailles a new state entered into European political life, and the professor who at the beginning had planned on his own and fought for its realization was, after 4 years of struggle, unanimously elected its first president on November 14, 1918. He chose the old Hussite motto "Truth Prevails" as the official maxim of the new state.

Masaryk was probably the only European statesman whose war aims were clear and well defined from the very beginning of the war. The leaders of the allied countries fought because their countries were attacked or threatened, and only slowly developed some basic ideas on the reorganization of Europe. From the primary principle of breaking down the power of German and Austrian imperialism developed the need for the democratization of Europe, including recognition of the claims of the various minority peoples and groups in the old Hapsburg empire. Masaryk had from the very beginning fought for the dismemberment of that empire, which was finally effectuated with the creation of the independent states of Czechoslovakia and Poland, while various other minority territories were united with their national states.

It was largely Masaryk who persuaded Briand and the other European leaders to accept the large and revolutionary scope of this program. It was he who, in persuading Wilson to modify his 14 points declaration, put the question of the Austrian minorities into world perspective. And it was Masaryk who issued what was in effect the statement of final Allied war aims in Europe, publishing a 34-point well-founded program entitled "The New Europe." This clear and unambiguous statement of war aims, drafted more than a year before the end of the war, was in its systematic development of moral and political claims probably the most deeply meaningful of many such annunciations.

Masaryk wrote in "The New Europe" that the end of the war would see the beginning of a new epoch in the history of European development, with the remnants of the old German, Austrian, and Turkish feudal theocracies to be replaced by modern democratic regimes. He hoped that the war settlements would give the final deathblow to the remnants of the medieval cesaro-papism, the big autocratic dynasties who had been weaned by the church and were oppressing so many nations in the boundaries of their states. He conceived pan-Germanism as representing in Prussian terms the medieval conception of the state combined with the principles of modern imperialism and militarism, and warned that safeguards were needed to protect small eastern neighbors of the German nation from Germany's Drang Nach Ostent. Germany was not to be allowed to dominate them and both her and Austria's boundaries were to be fixed by their national borders, although he did not rule out a possible union between the two German-speaking countries.

The basis of his proposals called for the removal of existing discrepancies between state and ethnographic boundaries in Europe. States are to be created according to their national boundaries. Where the existing ethnographic boundaries are not clear, the national minorities are to be as small as possible.

The application of this principle meant that in addition to the above effects, the Poles would get Posen, Danzig, and Prussian Silesia; the Luzatians (should they so wish) are to be joined to Czechoslovakia; Alsace-Lorraine was to be united with France, and Schleswig-Holstein with Denmark. In addition, Italy would receive the Italian territories in Austria, and Trieste would become a free port. Russia would give up the Polish territories and would organize itself into a federated state, the Ukraine being an autonomous part therein.

Masaryk felt that the peace treaty should guarantee the rights of those national minorities who would be left behind, and to establish permanent principles for eugenic supervision. He also thought that the League of Nations should foster the cultural development of the new nations and encourage international reciprocity toward the end of a closer union among the various states. It was in voluntary federation that Masaryk put his hopes for the small countries achieving a political unity which had formerly been falsely maintained in the corrupt and unnatural empire.

He further felt that the old diplomatic rule, that states must not interfere in the internal affairs of other states, should not be followed in the coming peace negotiations. Masaryk thought that political boundaries should not be allowed to be a shield for arbitrary actions, that secret agreements were to be avoided, that standing armies were to be replaced by militia, and that navigation and commerce were to be free, except that commerce and industry were to be protected against unfair competition by international agreement. Most of Masaryk's points were finally written into the peace treaty, including many not mentioned here. Some of those not accepted seem very much needed today, especially the concept of not allowing political boundaries to protect arbitrary actions, which Masaryk aimed at Austria-Hungary, but which is even more applicable today to the case of Russia and her satellites.

At any rate the outcome and results of the war proved a full and almost incredible fulfillment of Masaryk's original political aims, which he had proclaimed from the very beginning of the conflict. Professor Charles Sarolea characterized excellently the wide scope of his success in a following appraisal: "That an old teacher of philosophy, without money, without political influence, without any official following, should have imposed upon himself the duty and mission of challenging the might and majesty of the Hapsburg empire at the very moment when the

armies of the Central Powers were carrying everything before them and seemed to be victorious on every front, that this old man should have conceived the plan of restoring the Bohemian state which had been wiped out of the map of Europe since the battle of the White Mountain in 1620 and of further uniting that resurrected Bohemian state with Slovakian territories which, for a thousand years, had lived under Hungarian dominance, must have appeared to every sober-minded English politician as a manifest proof of lunacy. And that this same old scholar, undeterred by the cynical skepticism of the wise and the indifference of the ignorant, should have proceeded to carry out his wild schemes, that he should have succeeded in converting to those schemes the very statesmen and diplomats who have been most persistently hostile and that, in the fullness of time he should have made his fantastic dream into a living reality, will always appear to future generations as the most astounding miracle of modern political history." Prof. W. P. Warren rightly accepts this newspaper appraisal as his own standpoint in his book, "Masaryk's Democracy."

A more careful examination of this "astounding miracle" shows clearly that it was due to natural causes. The basic condition was the outbreak of the European war and the victory of Allied armies, but the rest can be traced to the unusual character of Thomas Garrigue Masaryk. His long, scientific, educational, and moral training of the nation, his unique political responsibility and knowledge, his scientific approach to political problems and their analysis, and finally, his intellectual and moral consistency were prime factors in Czechoslovakia's struggle for independence. If the degree to which Masaryk combined these characteristics can be considered miraculous, then Masaryk's success can be considered a miracle. If we consider his personal characteristics as human and humanly achievable, then we will speak only of perfect human achievement. That is the way I understand Masaryk. If viewed in this light, the achievements of his long presidency and his creation of a model democracy on the ruins of a semifeudal empire appear only as great human accomplishments.

Under Masaryk's leadership Czechoslovakia became a model democratic state, and finally was the only democracy in central Europe. When all the neighbor republics succumbed to Fascist rule, Czechoslovakia remained a democracy until it was destroyed by Hitler. Masaryk's spirit was so strong that the democratic regime rose again after the defeat of Germany, until it was again forcefully annihilated by Russian bolshevism, with the help of the Czech Communists.

But Masaryk's spirit still lives in Czechoslovakia. It is as strong as it was during his lifetime and it is strengthening continuously after the horrible experiences with the Communist regime. Many who temporarily saw in communism a new creed, come back to appreciate Masaryk's democracy. What Masaryk wrote in his "Spirit of Russia," "Making of a State," in his articles about bolshevism, and what he said in his public speeches as President proved to be more true than anybody could surmise 30 or more years ago. "In Russia there is neither communism nor socialism, simply because the Russian people are not educated for socialism." In our country "we need ways, methods of work, and of social reforms suiting our conditions and needs. The Russian method doesn't suit us." (1920.) "The Bolsheviks lack scientific probity, referring always to the early period of Marx' writings." "Marx didn't think of a dictatorship as realized by Bolsheviks." "They realize a dictatorship being a kind of terrorism." "In reality it is a dictatorship over the proletarians." "The trial failed and cannot succeed because briefly the Bolsheviks are not on the level of human civilization." (1922.)

If we think of Masaryk's personality and achievements today we feel unconsciously how inspiring a model he is for us. We are inspired by his knowledge and by his approach to the problems of the time. His analysis of Russia and communism is as true today as it was in his time. His method of evaluating the situation by scientific methods and from moral standpoints, and of fighting unhesitatingly as soon as he recognized the truth, is sorely needed in the world today. He succeeded in what seemed at first a hopelessly one-sided struggle, because he approached the problem in this straightforward manner, with the result that the moral forces of the world organized and helped him win. We are certain that the moral forces which are strong in the world today will gather to the aid of truth, and arriving at a clear understanding of their position, will make the truth prevail.

Mr. BROWN of Ohio. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following tribute to Thomas G. Masaryk, founder and first President of Czechoslovakia on the occasion of his 110th birthday, March 7, 1960:

It is a privilege for me to join with the large number of my colleagues who are today, March 7, paying tribute to the life of service and to the memory of Thomas G. Masaryk, the founder and first President of Czechoslovakia on the 110th anniversary of his birth.

No man in modern European history has made a greater contribution to the cause of freedom than did President Masaryk. His sacrifice and his work in behalf of democracy and human liberty should not only be an inspiration to his enslaved fellow countrymen in Czechoslovakia, but to all of us in the Western World, as well.

It is my hope that his spirit shall continue to live in the hearts and in the minds of all Czechoslovakians, as well as all other freedom-loving people everywhere in the world.

Mr. WIDNALL. Mr. Speaker, today marks the 110th anniversary of the birth of Thomas Garrigue Masaryk, founder and first President of the Czechoslovak Republic, and it is most fitting that the Post Office Department of the United States has issued a commemorative stamp honoring him in the "Champions of Liberty" series.

Thomas G. Masaryk was born March 7, 1850, in Moravia. He was the son of a Slovakian coachman. He studied and lectured at the University of Vienna—doctor of philosophy, 1876. From 1882 to 1911 he was a professor at the University of Prague.

Elected to the Austrian Parliament in 1891, he fought for independence for Czechoslovakia. After the outbreak of World War I, he fled to Paris to avoid arrest, and with the aid of Eduard Benes formed the Czechoslovakian National Council, which was recognized during the war as the de facto Government of Czechoslovakia.

Masaryk traveled extensively during the war to gain support for the Czechoslovak cause. When the Austro-Hungarian monarchy collapsed he was chosen—November 14, 1918—as President of the newly formed Czechoslovak Government. He was reelected in 1920, 1927, and 1934, and resigned in 1935 because of his advanced age. He died in 1937.

No one has been more patriotic, more persevering, or more devoted to the Czechoslovak cause than this great leader. It is easy to understand why the celebration of his birth had become a national event in the Czechoslovak Republic before the advent of the Communist regime.

It is tragic that today, because of the treachery of the Communists, this Republic is far from enjoying the freedom and abundance of good things for which Masaryk devoted his life. We in the free world pay tribute to his memory on this day, and devoutly hope that soon the yoke will be removed from the people of Czechoslovakia and that they will regain the liberties they enjoyed under Masaryk's leadership.

Mr. BOGGS. Mr. Speaker, national heroes are men who at one and the same time embody the national character of a country and are individuals who contribute in a concrete way to the life of their country.

George Washington is an example of the national hero in our Nation.

Thomas G. Masaryk embodies all that is Czechoslovakia. He was the "Father of his Country." He served as its first President. He was a man who felt deeply for democracy and the dignity of his people. He made his nation one of the world's true democracies.

Today, his memory lives still as the embodiment of the free spirit that still lives in Czechoslovakia. This is the 110th anniversary of his birth. The United States is issuing a postage stamp honoring him as the first in a series of "Champions of Liberty."

This is entirely fitting, that our great country, a stronghold of liberty and democracy, should honor a man who dedicated his life to these ideals. By doing so, we are showing again that we honor and believe in these ideals and the national heroes who have sought to make them come true for their people throughout the world.

It is especially significant and salutary that we honor Thomas G. Masaryk because we will be paying tribute to the free spirit of democracy which still exists in Czechoslovakia. The homage we pay to Masaryk will surely hearten the people of that country as they live under the tyranny of a Communist dictatorship, and give encouragement to the Americans of Czechoslovakian descent who are trying to keep the flame of Masaryk's spirit alive.

Mr. ADDONIZIO. Mr. Speaker, it is fitting that the 110th anniversary of the birth of Thomas G. Masaryk be commemorated by the issuance of a new postage stamp in the "Champion of Liberty" series issued in tribute to leaders in the cause of freedom everywhere.

The name of Thomas Masaryk will ever stir the emotions of those who love liberty, democracy, and learning. The emotions of inspiration, joy and sadness are mixed when the name of this statesman and philosopher bring to mind the

struggle and the triumph which were inextricably his own and those of his beloved Czechoslovakia, but which for his country were to succumb to tragedy so soon after his death.

For the name of Thomas Masaryk and Czechoslovakia are in a sense synonymous. Not only was the Czechoslovakia which rose from the ruins of World War I almost wholly the result of his efforts. His writings had been the inspiration for the incipient movement for independence. His persistence at home and abroad brought about its very creation. Not only was his presidency simultaneous with the beginning, the rise, and the peak of achievement of this new and truly democratic country. But the domocracy which he had almost literally himself created, and which flourished under his leadership—the democratic era of the young republic Czechoslovakia—was to come to an untimely and tragic end just a year and a half after his death.

Was there ever before in all history a country so completely forged at the anvil of one man, so closely identified with his life, his thoughts, and his ideals? It was he, Thomas Masaryk, whose ideas gave birth to the movement which became the independent country Czechoslovakia. It was he whose efforts at home and abroad were responsible for the genesis of the new freedom-loving country which was to become a model of democracy during its all too short span of independence.

This one human being who in the span of a single life accomplished so stupendous a feat, in his own origins and his life typified the rise of the democratic spirit at its finest. The son of a coachman, he rose through his own love of independence, his own diligence and learning to the presidency of his country. From a paucity of background he became renowned not only as a statesman, but as a sociologist and a political philosopher. It was the originality of his ideas, the independence in his written word, and his defiance of domination that were actually responsible for the origin and growth of the democracy he was chosen to lead until his resignation at the ripe old age of 85.

As he is remembered and revered today, so is cherished and honored that memory of what Czechoslovakia was, what it potentially is, and what it may be again. Not only Czechs the world over, but all who love freedom and true democracy find in the memory of Masaryk an inspiration and a hope for the future of his beloved country.

Mr. RODINO. Mr. Speaker, we have this week celebrated the birth of a great Czech patriot, Thomas Masaryk.

Much of the work for Czechoslovak independence was accomplished by Thomas Masaryk, the "father" of the Czechoslovak Republic. Much of his work, indeed, was accomplished in the United States, where, as an exile from tyranny and oppression, he not only persuaded the Allies of the righteousness of his cause, but he also learned the patterns and workings of democracy and determined to put them to work in his own republic.

The greatness of Masaryk's contribution is that he did succeed in establishing his nation as one of the foremost democracies in Europe.

One hundred and ten years have passed since Masaryk's birth, and 42 years have passed since his republic was established. Today, Czechoslovakia is no longer free. Soviet oppression has replaced the democracy which Masaryk struggled so valiantly to insure. But the memory of Thomas Masaryk lives on in the hearts of the people; they remember his teachings, and they remember the day when they lived in freedom. The people of Czechoslovakia are subjugated and oppressed, but they remain faithful to the heritage which Masaryk left them.

Mr. RIVERS of South Carolina. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I include therewith a tribute to an outstanding exponent of liberty, Dr. Thomas Garrigue Masaryk.

March 7 was the 110th anniversary of Dr. Masaryk's birth in Moravia. He was the first President and founder of the Republic of Czechoslovakia, one of the greatest statesmen of this century, a great leader and patriot. Dr. Masaryk's death in 1937, 2 years prior to the liquidation of the Republic of Czechoslovakia by Hitler, prevented his witnessing that tragic event and the present Communist control of his freedom-loving countrymen.

Mr. Speaker, I deem it most fitting that I add my tribute to that of my colleagues in the Congress in honoring Thomas Masaryk's memory on the occasion of his birth, which privilege is denied his own unfortunate people living presently under the oppression of Communist bondage.

Mr. BOWLES. Mr. Speaker, we commemorate this week the 110th anniversary of the birth of one of Europe's greatest statesmen of our modern era.

Thomas Garrigue Masaryk, the George Washington of Czechoslovakia, was a man of vision, of action, and of profound humanity. As one scholar has written, "Masaryk's life and work remain an inspiration for all free peoples, and his name stands out in the company of the immortal creators of our civilization."

When the infant Czech Republic emerged from the chaos of World War I, Thomas Masaryk became that Nation's first President. For 17 years he guided the destinies of a remarkable experiment in applied democracy. Under his leadership, Czechoslovakia became a model of political liberty and economic progress for all of Europe.

In no area was Masaryk's achievement more brilliant than in the area of land reform. Land tenure was one of the greatest problems facing his Nation. A state largely agricultural, Czechoslovakia had to break with its feudal legacy if it was to survive as a stable, well-ordered democracy.

To a great extent, Czechoslovakia had been a land of the dispossessed. The peasant toiled on land that was not his own and accrued little from the fruits of his labor that went to the landlord.

Under Masaryk's guidance a remarkably just 1919 Land Reform Act was put into operation. By the end of 1937, over 4½ million acres of land had been distributed to about 650,000 applicants. The total distribution would have increased to 5 million acres and 700,000 applicants by 1940 had not the Nazi invasion of Czechoslovakia intervened.

The significance of this extensive land reform program cannot be overestimated. Here was an agrarian revolution on a grand scale, a demonstration of a democratic revolution in depth carried on peacefully, efficiently, and with justice. The old social and economic order had been transformed, and a genuine democratic system was erected on a new base.

Masaryk's land reform assured the success of the Czechoslovak democratic Republic because it consolidated the support of the people, Czech and Slovak alike, for the Republic. Vital to this success was the President's intense faith in his own people.

But Masaryk's Czech patriotism was grounded in a wider vision as well: a vision of the interdependence of all nations. He became a tireless and eloquent spokesman for the idea of self-determination within federation—the federation of the nations of Eastern Europe from the Baltic to the Aegean, and ultimately the federation of all free nations everywhere.

Fortunately, Thomas Masaryk did not live to see the betrayal of his nation at Munich and the later tragedies which wrote a temporary end to Czech democracy. Nor did he live to see the postwar world fall sadly short of the aspirations he cherished for all mankind.

In the winter of 1948, I had dinner in Prague with his son, Jan Masaryk, then serving as Czechoslovakia's Foreign Minister. It was the eve of the Communist coup d'etat and Jan Masaryk was caught in the struggle against Soviet encroachment which had already engulfed most of Eastern Europe.

In the noble tradition of his father, Jan Masaryk told me of his fervent hope somehow to build a bridge between the Soviet world and the Western Democracies.

Yet the construction of such a bridge was clearly no longer possible. When Czechoslovakia attempted to join the Marshall plan some months later, the Soviet Union forced the Government to reverse its decision. The Czechs fell under the dark shadow of Communist tyranny, and with their fall the subjugation of Eastern Europe was complete.

This week we can recall both the life and the vision of the elder Masaryk with a purpose. For, more than any other man, he embodied the ideals and aspirations of all the nationalities of Eastern Europe. And until the battle which he waged so long is at last won—until the peoples of Eastern Europe can practice the self-determination he preached—we can never accept as final the political arrangements of Eastern Europe that have been imposed by armed might.

Mr. IRWIN. Mr. Speaker, it is truly fitting that the first postage stamp in the "Champions of Liberty" series honors the founder and first President of Czechoslovakia, Thomas G. Masaryk.

In commemorating the 100th anniversary of his birth, we pay tribute to a national hero of seldom paralleled stature and an individual whose work constituted an enormous contribution to mankind's struggle for liberty.

The death of Masaryk and subsequent imprisonment of Czechoslovakia by totalitarian communism have not obscured the principles of freedom which flourished so abundantly during the tragically short term of democracy in that nation.

While we have expressed through resolution our deep sorrow at the plight of all peoples of the captive nations, it is important that we renew our expression and emphasize it with reference to individual nations to help their peoples bear their terrible burden of dictatorial bondage.

Issuance of "Champions of Liberty" stamps will help achieve this end.

Mr. MURPHY. Mr. Speaker, among the great men of this century Thomas Masaryk is assured a distinct and honored place. He was not only the greatest Czechoslovak statesman of modern times, but also great in his own right in a number of other fields: a distinguished man of letters, an illustrious philosopher, a great teacher, an eminent parliamentarian, an inspiring leader, a devoted public servant, a humanitarian, and an outspoken defender of freedom. These attainments made Masaryk widely known beyond the boundaries of his native land, and thus he became a man of international fame. His greatest and lasting accomplishments, however, were in the field of statesmanship, and there he ranked as equal among the very great men of his day. He is rightly credited with the creation of the Czechoslovak Republic in 1918. And, besides becoming the founding father of that Republic and its first President, he was the beloved father of his country and the admired leader of his grateful countrymen during his long and fruitful life. On the 110th anniversary of the birth of this great man we pay tribute to his blessed memory.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

WILDLIFE CONSERVATION IN MILITARY RESERVATIONS

The Clerk called the bill (H.R. 2565) to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GREAT LAKES PILOTAGE

The Clerk called the bill (H.R. 57) to require pilots on certain vessels navigating U.S. waters of the Great Lakes, and for other purposes.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

INCLUDING FLOATING DRYDOCKS UNDER TERM "VESSEL"

The Clerk called the bill (S. 107) to amend title XI of the Merchant Marine Act, 1936, relating to Federal ship mortgage insurance, in order to include floating drydocks under the definition of the term "vessel" in such title.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AGRICULTURAL ATTACHÉ ROTATION

The Clerk called the bill (H.R. 8074) to amend section 602 of the Agricultural Act of 1954.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROMOTING PEACE THROUGH THE REDUCTION OF ARMAMENTS

The Clerk called the concurrent resolution (H. Con. Res. 393) to promote peace through the reduction of armaments.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ESTABLISHMENT OF THE HUBBELL TRADING POST NATIONAL HISTORIC SITE, ARIZ.

The Clerk called the bill (H.R. 7279) to authorize the establishment of the Hubbell Trading Post National Historic Site, in the State of Arizona, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MEDALS COMMEMORATING THE 100TH ANNIVERSARY OF STATEHOOD OF THE STATE OF KANSAS

The Clerk called the bill (S. 2431) to provide for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LINDSAY. Mr. Speaker, reserving the right to object, I should like to ask the proponent of this measure, if he is on the floor, some questions relative to the bill.

Mr. AVERY. Mr. Speaker, although I am not the author of this bill, I will be glad to answer any questions that the gentleman may have, if I am able to do so.

Mr. LINDSAY. I have had a great deal of correspondence on this subject. The question is raised as to whether or not in these bills there is any direction to the Department of the Treasury to have these medals struck by the mint or whether it is permissible to contract out the striking of the medals on a competitive bidding basis. I have examined some of these bills and it is not clear what the intent of the committee is in this respect. It is my understanding that the Secretary of the Treasury believes he is required to turn over the striking of such medals to the U.S. mint. How he arrives at this conclusion I do not know as most bills of this kind contain no such direction. These particular bills certainly do not. I do not believe that the Government should be competing with private enterprise for this kind of business. This administration is committed to a program of getting the Government out of private business. Why is this area excepted? At least outsiders should be allowed to compete. Can the gentleman enlighten me on this point?

Mr. AVERY. It is my understanding, and I must concede that I have not researched that particular question in any great detail, but my understanding is that these medals may be struck by the mint. The gentleman will notice further down on the first page of the committee report that the Department of the Treasury interposes no objection to the passage of the bill.

Mr. LINDSAY. Does that mean also that the Treasury Department by the legislation is forbidden to contract this work out on a competitive basis? If that is the case I will object.

Mr. AVERY. It does not so state in the bill, and I do not recall reading anything in the report on that point. It is left to the discretion of the Secretary of the Treasury. Let me point out to the distinguished Member from New York there is nothing in the bill nor the report directing the Secretary to have these medals struck at the U.S. mint. In keeping with the philosophy of this administration of removing the Government from competition with private industry, it is my hope these medals may be contracted, providing it can be done at a cost

no greater than it would cost to strike these medals at a U.S. mint.

Mr. LINDSAY. Based on that assurance, Mr. Speaker, that the choice is up to the Secretary that he is free to contract out on a competitive basis, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundredth anniversary of statehood of Kansas, the Secretary of the Treasury is authorized and directed to strike and furnish to the Kansas Centennial Commission not more than twenty thousand medals of either silver or bronze or both, of a suitable size and with suitable emblems, devices, and inscriptions to be determined solely by the Secretary of the Treasury. The medals shall be made and delivered at such times as may be requested by the commission in quantities of not less than twenty-five hundred, but no medals shall be made after December 31, 1961. The medal shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

SEC. 2. (a) The Secretary of the Treasury shall cause such medals to be struck and furnished at no less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

(b) Upon authorization from the Kansas Centennial Commission, the Secretary of the Treasury shall cause duplicates in silver or bronze or both of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEDALS COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE PONY EXPRESS

The Clerk called the bill (S. 2454) to provide for the striking of medals in commemoration of the 100th anniversary of the Pony Express.

The Clerk read the title of the bill.

Mr. LINDSAY. Mr. Speaker, reserving the right to object, I should like to ask the same question as to this bill, namely, whether I can assume that there is no direction, intent, or purpose in this legislation which would require the Secretary of the Treasury to have the medals struck by the mint.

Mr. AVERY. Is the gentleman from New York addressing that question to the gentleman from Kansas?

Mr. LINDSAY. The gentleman is.

Mr. AVERY. I would say the gentleman is correct in making that assumption, although I have nothing further to add to what I said in response to the gentleman's question with reference to the bill preceding this one.

Mr. LINDSAY. I thank the gentleman.

Mr. AVERY. Mr. Speaker, as you know, this year marks the 100th anniversary of the Pony Express. I am proud to state that the portion of the Pony Express which goes through the State of Kansas is located entirely within my congressional district.

This year's centennial celebrations of the famous Pony Express will be largely a tribute to American youth.

Most of the daring riders of the famous mail-carrying service which began April 3, 1860, between St. Joseph, Mo., and Sacramento, Calif., were very young men—many of them in their teens.

An advertisement of the times in San Francisco, seeking Pony Express riders, stated: "Wanted—Young, skinny, wiry fellows not over 18. Must be expert riders, willing to risk death daily. Orphans preferred. Wages $25 a week."

Young men entering Pony Express service, operated by the famous transportation firm of Russell, Majors & Waddell, were given a Bible. These are very rare today.

Riders were required also to take this oath upon entering service:

I hereby swear, before the great and living God, that, during my engagement, and while I am an employee of Russell, Majors & Waddell, I will, under no circumstances, use profane language; that I will drink no intoxicating liquors; that I will not quarrel or fight with any other employee of the firm, and that in every respect I will conduct myself honestly, be faithful to my duties, and so direct all my acts as to win the confidence of my employers. So help me God.

The youthful Pony Express riders consistently outran Indian pursuers while carrying the mails through the wilderness, often through blinding snows and howling storms, and in extremes of heat and cold. Only one Pony Express rider was lost to the Indians.

Johnnie Fry—or "Frey" according to some writers—is credited by some accounts with being the first Pony Express rider to leave St. Joseph on April 3, 1860. He was little more than a boy when he entered the Express service. He was a native Missourian, weighing less than 125 pounds. An early account states:

Though small in stature, he was every inch a man. His run was from St. Joseph to Seneca, Kans., about 80 miles, which he covered in an average of 12½ miles an hour, including all stops.

He later entered the Union Army, and was killed in 1863 in a hand-to-hand fight in which he was credited with killing five assailants before he was killed himself.

William "Bill" James, a native Virginian, was credited at 18 with being one of the best of the Pony Express riders over a route in Nevada through some of the most savage Indian country.

According to Alexander Majors of the Russell, Majors & Waddell firm, in a book published in 1893—"Seventy Years on the Frontier"—William F. "Bill" Cody was a Pony Express rider, in his early teens, when he entered the famous mail service. Cody is credited with many notable feats, including a ride aggregating 384 miles without any real rest period, which is referred to by some authorities as probably the longest continuous performance of its kind not only in the annals of the Pony Express but in any other courier service in history.

None of the Pony Express young men had an opportunity to grow old in the service. In October 1861 the cross-country telegraph was completed and the Pony Express was terminated. Despite its short life, it was credited with many important contributions, including the fact that it helped to keep East and West joined during the early crucial days of the Civil War.

Although the Pony Express was short lived, it will be very much alive this year.

Many pageants, celebrations, and other activities memorializing the Pony Express are planned for this 1960 centennial year.

As a part of centennial year celebrations, the Post Office Department will issue a new Pony Express commemorative postage stamp next July 19 at Sacramento, together with a new commemorative stamped envelope to be issued at St. Joseph.

On the same date, as one of the major memorial events scheduled during the vacation season this year, the National Pony Express Centennial Association plans to reenact the Pony Express runs, starting out—just as the Pony Express did approximately 100 years ago—from both St. Joseph and Sacramento.

The reenactments are expected to require about 9 days each for both the eastward and westward runs. The original Pony Express runs, across the 1,966-mile original route, required an average of about 10 days, although it frequently took less time. Lincoln's inaugural address in 1861, for example, was carried by the Pony Express in less than 8 days.

The eight States through which the Pony Express ran are Missouri, Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, and California.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the commemoration of the one hundredth anniversary of the founding of the Pony Express, which was founded and operated by the Russell, Majors, and Waddell Company between Saint Joseph, Missouri, and Sacramento, California, in the years 1860–1861, the Secretary of the Treasury is authorized and directed to strike and furnish to the National Pony Express Centennial Association not more than five hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the National Pony Express Centennial Association subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the Association in quantities of not less than two thousand, but no medals shall be made after December 31, 1961. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Di-

rector of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such Association.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING AND CLARIFYING THE REEMPLOYMENT PROVISIONS OF THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

The Clerk called the bill (H.R. 5040) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 459) is amended as follows:

(1) By adding the following words at the end of paragraph (A) of subsection (b): "unless his restoration under subparagraph (i) or (ii) of this paragraph would require the separation of an employee with a higher standing for reduction in force purposes;".

(2) By adding the following new paragraph at the end of subsection (e):

"(4) Any person who is restored to a position in accordance with the provisions of paragraph (A) of subsection (b) may be included in a reduction in force at any time in accordance with rules applicable to all other employees."

(3) By inserting in paragraph (2) of subsection (g) the words "and other than for training" after the words "physical fitness" in the parenthetical phrase thereof.

(4) By amending paragraph (3) of subsection (g) to read as follows:

"(3) Any member of a reserve component of the Armed Forces of the United States who is ordered to an initial period of active duty for training of not less than three consecutive months shall, upon application for reemployment within sixty days after (A) his release from that active duty for training after satisfactory service, or (B) his discharge from hospitalization incident to that active duty for training, or one year after his scheduled release from that training, whichever is earlier, be entitled to all reemployment rights and benefits provided by this section for persons inducted under the provisions of this title, except that (A) any person restored to a position in accordance with the provisions of this paragraph shall not be discharged from such position without cause within six months after that restoration, and (B) no reemployment rights granted by this paragraph shall entitle any person to retention, preference, or displacement rights over any veteran with a superior claim under the Veterans' Preference Act of 1944, as amended (5 U.S.C. 851 and the following)."

(5) By adding the following new paragraphs at the end of subsection (g):

"(4) Any employee not covered by paragraph (3) of this subsection who holds a position described in paragraph (A) or (B) of subsection (b) of this section shall be permitted by his employer to report for the purpose of being inducted into, entering, determining his physical fitness to enter, or performing active duty for training or inactive duty training in the Armed Forces of the United States. Upon his release from a period of such active duty for training or inactive duty training, or upon his rejection, or upon his discharge from hospitalization incident to that training or rejection, such employee shall be reinstated in his position with such seniority, status, pay, and vacation as he would have had if he had not been absent for such purposes, if he applies for reinstatement at the beginning of his next regularly scheduled working period after expiration of the time necessary to travel from the place of rejection or training to the place of employment following his rejection or release, or within a reasonable time thereafter. If that employee is hospitalized incident to active duty for training, inactive duty training, or rejection, he shall be required to apply for reinstatement within a reasonable time after the expiration of the time necessary to travel from the place of discharge from hospitalization to the place of employment, or within one year after his rejection or release from active duty for training or inactive duty training, whichever is earlier. If an employee covered by this paragraph is not qualified to perform the duties of his position by reason of disability sustained during active duty for training or inactive duty training but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances in his case.

"(5) For the purposes of paragraphs (3) and (4), full-time training or other full-time duty performed by a member of the National Guard under section 316, 503, 504, or 505 of title 32, United States Code, is considered active duty for training; and for the purpose of paragraph (4), inactive duty training performed by that member under section 502 of title 32, or section 301 of title 37, United States Code, is considered inactive duty training."

(6) By redesignating subsections (i) and (j) as "(j)" and "(k)", respectively, and by inserting a new subsection "(i)", as follows:

"(i) No rights or remedies which would otherwise be available under this section shall be denied solely because a person has left or leaves a position in employment on probation."

SEC. 2. Section 262(f) of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013(f)), is repealed.

SEC. 3. This Act shall take effect upon the expiration of sixty days from the date of its enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE MINING LAWS OF THE UNITED STATES TO PROVIDE FOR THE INCLUSION OF CERTAIN NONMINERAL LANDS IN PATENTS TO PLACER CLAIMS

The Clerk called the bill (S. 2033) to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2337 of the Revised Statutes of the United States (30 U.S.C. 42) is amended (1) by adding "(a)" after "SEC. 2337.", and (2) by adding at the end thereof a new subsection as follows:

"(b) Where nonmineral land is needed by the proprietor of a placer claim for mining, milling, processing, beneficiation, or other operations in connection with such claim, and is used or occupied by the proprietor for such purposes, such land may be included in an application for a patent for such claim, and may be patented therewith subject to the same requirements as to survey and notice as are applicable to placers. No location made of such nonmineral land shall exceed five acres, and payment for the same shall be made at the rate applicable to placer claims which do not include a vein or lode."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE ISSUANCE OF PROSPECTING PERMITS FOR PHOSPHATE IN LANDS BELONGING TO THE UNITED STATES

The Clerk called the bill (H.R. 7937) to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Colorado, the chairman of the House Committee on Interior and Insular Affairs, whether in the bill before us all of the objections of the Department of the Interior have been met.

Mr. ASPINALL. Mr. Speaker, if the gentleman will yield, my understanding is that this bill, as amended by the committee, takes care of the objections that the departments downtown had and if there is no objection to the present consideration of the bill, I shall ask that the Senate bill be considered in lieu of the House bill.

Mr. FORD. Does the Senate bill more clearly meet the objections of the Department? It is my understanding that that is so, but I would like the gentleman's comment.

Mr. ASPINALL. That is my understanding. That is the reason why we amended the bill. The author of the bill is on the floor. For a more direct answer, I might refer the gentleman from Michigan to him.

Mr. KING of Utah. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Utah.

Mr. KING of Utah. The answer to your question is yes; the Senate bill completely meets the changes by the Department. The bill as reported by the House committee is now amended to meet those changes.

Mr. FORD. Mr. Speaker, with those assurances, I withdraw my present objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that Senate bill 2061, to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States, an identical bill to the House bill, be substituted and considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 9 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437, 440), as amended (30 U.S.C. 211), is further amended by the insertion of an "(a)" at the beginning of the section and by the addition of the two following subsections:

"(b) Where prospecting or exploratory work is necessary to determine the existence or workability of phosphate deposits in any unclaimed, undeveloped area, the Secretary of the Interior is authorized to issue, to any applicant qualified under this Act, a prospecting permit which shall give the exclusive right to prospect for phosphate deposits, including associated minerals, for a period of two years, for not more than two thousand five hundred and sixty acres; and if prior to the expiration of the permit the permittee shows to the Secretary that valuable deposits of phosphate have been discovered within the area covered by his permit, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit.

"(c) Any phosphate permit issued under this section may be extended by the Secretary for such an additional period, not in excess of four years, as he deems advisable, if he finds that the permittee has been unable, with reasonable diligence, to determine the existence or workability of phosphate deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons warranting such an extension in the opinion of the Secretary."

(b) Section 12 of the Mineral Leasing Act (41 Stat. 437, 441), as amended (30 U.S.C., sec. 214), is further amended by the insertion of the words "or permit" immediately after the word "lease" wherever it appears.

(c) The ninth sentence of section 27 of the Mineral Leasing Act (41 Stat. 437, 448), as amended (30 U.S.C., sec. 184), is further amended by the insertion of the words "or permits" immediately after the words "phosphate leases".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 7987, was laid on the table.

SETTING ASIDE PERMANENTLY CERTAIN LAND IN McKINLEY COUNTY, N. MEX., FOR USE OF THE NAVAJO TRIBE OF INDIANS

The Clerk called the bill (H.R. 6329) to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order that the Navajo Indian Tribe might enjoy the continued use of lands described in section 2 hereof upon which they have expended considerable funds in improvements and in order that they might construct further extensive community improvements and facilities, the lands described in section 2 hereof are hereby declared to be held in trust by the United States for the Navajo Indian Tribe.

SEC. 2. The lands are described as follows: A plot of land containing 81.33 acres, more or less, lying in the west half of section 30, township 17 north, range 12 west, New Mexico principal meridian, being more particularly described as follows: Beginning at the quarter corner on the west side of section 30; thence south 00 degrees 10 minutes 11 seconds east along the section line 1,186.8 feet; thence east 1,939.6 feet; thence north 1,210.2 feet; thence north 15 degrees 44 minutes east 476.2 feet; thence west 202.1 feet; thence north 145.1 feet; thence west 1,873.6 feet to a point on the section line between said section 30 and section 25; thence south 00 degrees 10 minutes 11 seconds east 624.6 feet to the place of beginning, containing 81.33 acres, more or less. All points are marked by an iron stake surrounded by a mound of rocks.

With the following committee amendments:

Page 1, line 7, after the word "facilities," insert "all of the right, title and interest of the United States in."

Page 1, lines 8 and 9, strike out "declared to be held in trust by the United States for the Navajo Indian Tribe." and insert in lieu thereof "conveyed to the Navajo Indian Tribe, and such land shall not, because of Indian ownership, be subject to any exemption from taxation or to any restriction on use, management, or disposition."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DECLARING THAT THE UNITED STATES HOLDS TITLE TO CERTAIN LAND IN TRUST FOR THE WHITE MOUNTAIN APACHE TRIBE, ARIZONA

The Clerk called the bill (H.R. 8796) to declare that the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I note in the material given to me on this bill that the Department of the Interior did have objection or several objections. One of those objections, as I understand it, was not approved by the committee version that we now have before us. If that is so, may I have an explanation of the committee action?

Mr. ASPINALL. Will the gentleman state what it is that the Department recommended, that part of the report to which he refers?

Mr. FORD. As I understand it, in the committee report, on page 4, the latter part of the letter from the Assistant Secretary of the Interior, Mr. Ernst, pointed out objection to the kind of conveyance of title. As I understand it, this objection by the Department was rejected by the committee.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Arizona.

Mr. UDALL. This particular land is the old Fort Apache Indian Reservation. It was taken by the Government to serve as headquarters of an Infantry post. The Department simply said they took no position as to whether the land shall be returned in a trust status or in fee. It has been the practice where land is being returned to a tribe, to return it in a trust status, and that is what is provided in this legislation. I do not think it is contrary to the position which the Department took. They simply said it was not a matter of concern to them.

Mr. FORD. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the bill S. 2268 be considered in lieu of the bill H.R. 8796.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the lands, together with the improvements thereon, included in the former Fort Apache Military Reservation, created by Executive order of February 1, 1877, and subsequently set aside by the Act of January 24, 1923 (42 Stat. 1187), as a site for the Theodore Roosevelt School, located within the boundaries of the Fort Apache Indian Reservation, Arizona, are hereby declared to be held by the United States in trust for the White Mountain Apache Tribe, subject to the right of the Secretary of the Interior to use any part of the land and improvements for administrative or school purposes for as long as they are needed for that purpose.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 8796, was laid on the table.

INCREASING THE EFFICIENCY OF THE COAST GUARD

The Clerk called the bill (H.R. 9449) to amend certain sections of title 14, U.S. Code, relating to personnel matters in the U.S. Coast Guard, and for other purposes.

There being no objection the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) Section 41 is amended by inserting the words "an admiral," before the words "a vice admiral" in the first sentence thereof.

(2) Section 42 is amended by striking out in the first sentence the words "three

thousand" and inserting the words "three thousand five hundred" in place thereof.

(3) Section 44 is amended—

(A) By striking out in the second sentence the word "line", and by striking out the word "commander" and inserting the word "captain" in place thereof.

(B) By striking out the word "vice" in the third sentence thereof.

(4) Section 45 is repealed.

(5) Section 46 is amended to read as follows:

"§ 46. Retirement of Commandant

"(a) Any Commandant who is not reappointed shall, at the expiration of his term, be retired with the grade and retired pay of admiral.

"(b) A Commandant who is retired for physical disability shall be placed on the retired list with the grade and retired pay of admiral.

"(c) Upon completion of two and one-half years or more of service as Commandant, any officer who is so serving may, at any time thereafter without regard to total length of service, upon his own application, in the discretion of the President, be retired with the grade and retired pay of admiral.

"(d) A Commandant who retires within two and one-half years of the date of his original appointment as Commandant shall retire in his permanent grade and with the retired pay of that grade."

(6) Section 47 is amended to read as follows:

"§ 47. Assistant Commandant; assignment; retirement

"(a) The President may appoint, by and with the advice and consent of the Senate, one Assistant Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Assistant Commandant shall be selected from the active list of officers who hold a permanent commission as captain or above. The Commandant shall make recommendation for such appointment. The Assistant Commandant shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment of an Assistant Commandant shall be effective on the date the officer assumes such duty, and shall terminate on the date he is detached from such duty.

"(b) An Assistant Commandant, while so serving, who is retired for physical disability shall be placed on the retired list with the grade and retired pay of vice admiral.

"(c) Upon completion of two and one-half years or more of service as Assistant Commandant, any officer who is so serving may, at any time thereafter without regard to total length of service, upon his own application, in the discretion of the President, be retired with the grade and retired pay of vice admiral unless entitled to a higher retired grade under other provisions of law.

"(d) An Assistant Commandant who retires within two and one-half years of the date of his original assignment as Assistant Commandant shall retire in his permanent grade and with the retired pay of that grade unless entitled to a higher retired grade under other provisions of law. However, section 243 of this title shall not apply to an officer retiring within two and one-half years of the date of his original assignment as Assistant Commandant."

(7) Sections 48 and 49 are repealed.

(8) The analysis of chapter 3 is amended by striking out the following items:

"45. Permanent grade of Commandant on expiration of term

"47. Assistant Commandant and Engineer in Chief; appointment

"48. Permanent grade of Assistant Commandant and Engineer in Chief on expiration of term

"49. Retirement of Assistant Commandant and Engineer in Chief"

and inserting the following item in place thereof:

"47. Assistant Commandant; assignment; retirement."

(9) Section 186 is amended to read as follows:

"§ 186. Civilian teaching staff

"The Secretary may appoint in the Coast Guard such number of civilian members of the teaching staff at the Academy as the needs of the Service may require, whose compensation shall be fixed in accordance with the Classification Act of 1949, as amended. They shall have such titles and perform duties as prescribed by the Secretary. Leaves of absence and hours of work for such personnel shall be governed by regulations issued by the Secretary of the Treasury, without regard to section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121–1125, and chapter 23, of title 5."

(10) Section 187 is amended to read as follows:

"§ 187. Permanent commissioned teaching staff; composition

"The permanent commissioned teaching staff at the Academy shall consist of professors, associate professors, assistant professors and instructors, in such numbers as the needs of the Service require. They shall perform duties as prescribed by the Commandant, and exercise command only in the academic department of the Academy."

(11) Section 188 is amended—

(A) By striking out in the first sentence the word "commissioned" which precedes the word "instructors"; and

(B) By striking out in the second sentence the word "instructor" and inserting the words "member of the teaching staff" in place thereof.

(12) Section 189 is amended—

(A) By striking out in the first sentence the word "commissioned" which precedes the word "instructors".

(B) By striking out in the last sentence the word "or" which precedes the word "assistant", and inserting a comma and the words "or instructor" after the words "assistant professor".

(13) Section 190 is amended—

(A) By striking out in the first sentence the word "commissioned" which precedes the words "instructors in the Coast Guard".

(B) By striking out in the first sentence the words "instructor or civilian librarian" which precede the words "at the Academy" and inserting the words "member of the teaching staff" in place thereof.

(C) By striking out the word "commissioned" which precedes the word "instructor" wherever it appears in this section.

(14) Section 191 is amended—

(A) By striking out in the title of this section the words "civilian instructor" and inserting the words "member of civilian teaching staff" in place thereof.

(B) By striking out the words "civilian instructor or civilian librarian" and inserting the words "member of the civilian teaching staff" in place thereof.

(C) By striking out the word "commissioned" wherever it appears.

(15) The analysis of chapter 9 is amended by striking out the following items:

"191. Credit for service as civilian instructor"

and inserting the following items in place thereof:

"191. Credit for service as member of civilian teaching staff"

(16) Section 222 is amended by striking out the words, "except that the Assistant Commandant shall, while holding such office, be next in precedence to the Commandant."

(17) Subsection (c) of section 247 is amended by striking out all language following the words "as Commandant" and inserting a period in lieu of the comma following the word "Commandant".

(18) Section 365 is amended—

(A) By inserting in the first sentence after the word "extended" the words "and re-extended"; and by striking out in the same sentence the word "four" and inserting the word "six" in place thereof.

(B) By adding at the end of the first sentence the following new sentence: "However, the total of all such extensions of an enlistment may not exceed six years."

(19) Section 462 is amended by striking out the words "whose pay and allowances are specifically provided by this or any other law to be the pay and allowances of the upper half," and inserting the words "rear admirals who may be serving as Commandant and Assistant Commandant,".

SEC. 2. The increased grade of admiral for the Commandant and vice admiral for the Assistant Commandant, including the pay and allowances applicable to such grades, shall be effective on the first day of the month following enactment of this Act.

SEC. 3. Except as provided by section 2, the amendments by section 1 shall not operate to change or deprive the present incumbents serving as Commandant, Assistant Commandant, and Engineer in Chief of any rights, benefits and privileges appertaining to such offices on the day preceding the date of enactment of this Act, nor to divest them of their offices for the terms appointed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BETTER ENFORCEMENT OF CUSTOMS AND IMMIGRATION LAWS

The Clerk called the bill (H.R. 10045) to amend the Act entitled "An Act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amounts authorized to be expended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 26, 1930, as amended (U.S.C., title 19, sec. 68, 1952 edition, Supp. V), is amended by striking from the proviso "$30,000" and "$60,000" and substituting in lieu thereof "$40,000" and "$80,000", respectively.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOUGLAS McKAY DAM, OREG., AND JOHN A. BLATNIK LOCK, MICHIGAN

The Clerk called the bill (S. 2440) to designate the Green Peter Dam and Reservoir on Middle Santiam River, Oreg., as the Douglas McKay Dam and Reservoir.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

Green Peter Dam and Reservoir to be constructed on the Middle Santiam River near Albany, Oregon, authorized by the Flood Control Acts of June 28, 1938 (Public Law 761, 75th Congress), and September 3, 1954 (Public Law 780, 83d Congress), shall be known and designated hereafter as the Douglas McKay Dam and Reservoir. Any law, regulation, map, document, record, or other paper of the United States in which such dam and reservoir are referred to as the Green Peter Dam and Reservoir shall be held to refer to such dam and reservoir as the Douglas McKay Dam and Reservoir.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That the Detroit Dam and Reservoir on the North Santiam River, Oregon, authorized by the Flood Control Act of June 28, 1938 (Public Law 761, 75th Congress), shall be known and designated hereafter as the Douglas McKay Dam and Reservoir. Any law, regulation, map, document, record, or other paper of the United States in which such dam and reservoir are referred to as the Detroit Dam and Reservoir shall be held to refer to such dam and reservoir as the Douglas McKay Dam and Reservoir.

SEC. 2. In recognition of the fine leadership of Representative John A. Blatnik, and in tribute to his dauntless championship of the Saint Lawrence Seaway over a long period of years and his persistent and successful efforts for harbor improvements and connecting channels on the Great Lakes, the new lock to replace the existing Poe Lock on the Saint Marys River at Sault Sainte Marie, Mich., shall be designated as the John A. Blatnik Lock as a fitting tribute to this congressional leader for his contribution in making the Great Lakes-Saint Lawrence Waterway system a reality.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended to read:

A bill to designate the Detroit Dam and Reservoir, Oregon, as the Douglas McKay Dam and Reservoir, and to designate the new lock on the Saint Marys River at Sault Sainte Marie, Mich., as the John A. Blatnik Lock.

A motion to reconsider was laid on the table.

PROTECTION OF FOREST COVER FOR RESERVOIR AREAS

The Clerk called the bill (H.R. 9377) to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army and the Chief of Engineers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the United States to provide that reservoir areas of projects for flood control, navigation, hydroelectric power development, and other related purposes under the jurisdiction of the Secretary of the Army and the Chief of Engineers shall be developed and maintained so as to encourage, promote, and assure fully adequate and dependable future resources of readily available timber, through sustained yield programs, reforestation, and accepted conservation practices, and to increase the value of such areas for conservation, recreation, and other beneficial uses.

SEC. 2. In order to carry out the national policy declared in the first section of this Act, the Chief of Engineers, under the supervision of the Secretary of the Army, shall provide for the protection and development of forest reservoir areas under his jurisdiction, so as to yield the maximum benefit and otherwise improve such areas. Programs and policies developed pursuant to the preceding sentence shall be coordinated with the Secretary of Agriculture, and with appropriate State conservation agencies.

With the following committee amendments:

Page 1, line 6, after the word "purposes", insert the following: "owned in fee and."

Page 2, line 3, strike the period and insert a semicolon in lieu thereof and the following: "*Provided,* That such development and management shall be accomplished to the extent practicable and compatible with other uses of the project."

Page 2, line 7, after the word "forest" insert the following: "or other vegetative."

Page 2, line 8, strike the word "of" and insert in lieu thereof "and the establishment and maintenance of other conservation measures on."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING BENEFITS FOR CERTAIN GUAMANIANS

The Clerk called the bill (H.R. 6392) to amend section 5 of the War Claims Act of 1948 to provide detention and other benefits thereunder to certain Guamanians killed or captured by the Japanese at Wake Island.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the War Claims Act of 1948 is amended by adding at the end thereof the following new subsection:

"(h) In the case of any Guamanian killed or captured by the Imperial Japanese Government on or after December 7, 1941, at Wake Island, benefits shall be granted under subsections (a) through (f) of this section in the same manner and to the same extent as apply in the case of civilian American citizens so killed or captured. Claims for benefits under subsections (a) through (e) of this section must be filed within six months after the date of enactment of this subsection, and the time limitation applicable to any individual by subsection (f) shall not begin to run until the date of enactment of this subsection, with respect to any individual who is entitled to such benefits solely by reason of this subsection. The preceding sentence shall not be construed to affect the right of any individual to receive such benefits with respect to any period prior to the date of enactment of this subsection."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND FOR PAN AMERICAN HEALTH ORGANIZATION HEADQUARTERS

The Clerk called the bill (H.R. 7579) to authorize the acquisition of land for donation to the Pan American Health Organization as a headquarters site.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDING ACTS OF SEPTEMBER 2, 1958, AND SEPTEMBER 11, 1957

The Clerk called the bill (H.R. 10419) to amend the act of September 2, 1958.

Mr. FORD. Mr. Speaker, reserving the right to object, and I do not intend to, I wish to commend and congratulate the gentleman from Pennsylvania [Mr. WALTER], and the subcommittee and the full committee for recommending this legislation to the House.

I think it contains a number of excellent provisions.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of September 2, 1958 (72 Stat. 1712), is hereby amended by substituting the words "two thousand" for the words "fifteen hundred" and by substituting the words "total of the annual quota for two years" for the words "annual quota."

SEC. 2. Section 7 of the Act of September 2, 1958 (72 Stat. 1713), is hereby amended by substituting "June 30, 1962" for "June 30, 1960."

With the following committee amendment:

At the end of the bill add a new section 3 to read as follows:

"SEC. 3. Section 4(a) of the Act of September 11, 1957, (71 Stat. 639–640) as amended by Section 2 of the Act of September 9, 1959, (73 Stat. 490) is hereby amended by substituting 'June 30, 1961' for 'June 30, 1960'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read "A bill to amend the Act of September 2, 1958, and the Act of September 11, 1957, as amended."

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS TO NASA

Mr. BROOKS of Louisiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10809) to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction and equipment, and for other purposes, with amendments.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated to the National Aeronautics and Space Administration for the fiscal year 1961 the sum of $915,000,000 as follows:

(a) For "Salaries and expenses," $170,760,000.

(b) For "Research and development," $621,453,000.

(c) For "Construction and equipment," $122,787,000, as follows:

(1) Langley Research Center, Hampton, Virginia: Hypersonic aerothermal dynamics facility and dynamics research laboratory, $11,957,000.

(2) Ames Research Center, Moffett Field, California: Centrifuge equipment, $980,000.

(3) Lewis Research Center, Cleveland, Ohio: Energy conversion laboratory and basic materials research laboratory, $9,100,000.

(4) Goddard Space Center, Greenbelt, Maryland: Payload testing facility; satellite systems laboratory; and utility installations, $9,500,000.

(5) Pilotless Aircraft Station, Wallops Island, Virginia: Precision trajectory determination system; operations computing center; and equipment modernization, $4,000,000.

(6) Jet Propulsion Laboratory, Pasadena, California: Land acquisition; modernization of laboratory facilities; solid propellant facility; liquid propellant test cell; and antenna range, $5,000,000.

(7) NASA Huntsville Facility, Huntsville, Alabama: Saturn static test facility; central laboratory and office facility; dynamic test facility; pressure test cell; and additions to existing facilities for structures engineering, guidance and control, fabrication, checkout, and assembly, $26,750,000.

(8) Atlantic Missile Range, Cape Canaveral, Florida: Completion of the Saturn launching complex, escape mechanism, hydrogen system, new Saturn launching complex, staging buildings, and addition to the engineering and laboratory building, $27,750,000.

(9) Various locations: Tracking facilities, $27,750,000.

(d) Appropriations for "Research and development" may be used for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts: *Provided,* That none of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee notifies the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act any amount appropriated for "Research and development" and for "Construction and equipment" may remain available without fiscal year limitation.

(f) Appropriations other than "Construction and equipment" may be used, but not to exceed $20,000, for scientific consultations and any emergency or extraordinary expense upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in subparagraph (1), (2), (3), (4), (5), (6), (7), (8), or (9) of subsection 1(c) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such subparagraph shall not exceed a total of $122,787,000.

SEC. 3. Any amount, not to exceed $5,000,000, of the funds appropriated for "Construction and equipment" pursuant to this Act, may be used to construct, expand, or modify laboratories and other installations, if found by the Administrator to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments and if the Administrator determines that deferral until the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment: *Provided,* That upon reaching a final decision to implement, the Administrator or his designee shall notify the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the cost of such construction, expansion, or modification including those real estate actions pertaining thereto: *Provided further,* That no such funds shall be used for construction, expansion, or modification if authorization for such construction, expansion, or modification has been previously denied by the Congress; and additional appropriations are hereby authorized for purposes of this section in the amount of $5,000,000.

SEC. 4. That paragraph 203(b)(2) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)(2)), is amended by striking out "ten" and inserting in lieu thereof "thirteen," and by striking out "two hundred and sixty" and inserting in lieu thereof "two hundred and ninety."

The SPEAKER pro tempore. Is a second demanded?

Mr. FULTON. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, I am opposed to this bill and I demand a second.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania opposed to the bill?

Mr. FULTON. No; I am for the bill.

The SPEAKER pro tempore. The gentleman from Iowa demands a second and says he is opposed to the bill.

Under the rules, the gentleman from Iowa is entitled to recognition.

CALL OF THE HOUSE

Mr. WILLIAMS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 9]

Addonizio	Bosch	Curtis, Mo.
Alford	Bowles	Daniels
Anderson, Mont.	Broomfield	Davis, Ga.
	Buckley	Davis, Tenn.
Barden	Burleson	Delaney
Baring	Cahill	Derounian
Barrett	Canfield	Derwinski
Bass, N.H.	Carnahan	Diggs
Bates	Celler	Donohue
Baumhart	Clark	Dooley
Blitch	Coffin	Dorn, N.Y.
Boggs	Cooley	Downing
Bonner	Cramer	Duiski
Edmondson	Hoffman, Ill.	Quigley
Fallon	Holtzman	Randall
Farbstein	Ikard	Reece, Tenn.
Fino	Irwin	Rees, Kans.
Flynn	Jackson	Reuss
Fogarty	Jarman	Robison
Forand	Jennings	Rodino
Fountain	Kasem	Roosevelt
Frelinghuysen	Keogh	Rostenkowski
Friedel	Kluczynski	St. George
Gallagher	Lafore	Santangelo
Garmatz	Lesinski	Sheppard
Giaimo	McDowell	Shipley
Glenn	May	Spence
Grant	Merrow	Staggers
Gray	Metcalf	Taylor
Green, Pa.	Mitchell	Teague, Tex.
Griffiths	Montoya	Teller
Halleck	Multer	Thomson, Wyo.
Halpern	Mumma	Toll
Hays	Nix	Tollefson
Healey	O'Neill	Tuck
Hébert	Philbin	Utt
Hemphill	Powell	Wilson
Henderson	Preston	Yates
Hess	Prokop	Zelenko

The SPEAKER pro tempore (Mr. MCCORMACK). On this rollcall, 313 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO RULES COMMITTEE TO FILE REPORTS

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AUTHORIZING APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair desires to make a statement for the benefit of the Members of the House. Pursuant to the order of the House of Thursday, March 3, 1960, the gentleman from Louisiana [Mr. BROOKS] will be recognized for 40 minutes and the gentleman from Iowa [Mr. GROSS] will be recognized for 40 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Speaker, a parliamentary inquiry. I wonder if the gentleman from Iowa [Mr. GROSS] would be willing to release or to yield to me the time that he does not consume on his side.

The SPEAKER pro tempore. The gentleman from Louisiana is not stating a parliamentary inquiry. That would be a matter of discussion and arrangement between himself and the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, it is my understanding under the procedure on suspension of the rules, time cannot be yielded to a third party; is that correct? Mr. Speaker, I ask that question as a parliamentary inquiry.

The SPEAKER pro tempore. If the gentleman from Iowa desires to yield to

the gentleman from Louisiana that can be done with the consent of the House.

Mr. GROSS. Then the gentleman from Louisiana in turn could yield time to someone else—yes—with the consent of the House, but, Mr. Speaker, without the consent of the House that would be in violation of the rules of the House; would it not?

The SPEAKER pro tempore. If the gentleman from Iowa were to consume, let us say, 20 minutes and yield the remaining 20 minutes to the gentleman from Louisiana, and if the gentleman from Louisiana were to yield time to others, if the gentleman from Iowa had no objection, the Chair certainly would feel that that would be proper. Of course, a unanimous-consent request could be made for the remainder of the time of the gentleman from Iowa to be transferred to the gentleman from Louisiana.

Mr. GROSS. I thank the Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I would have preferred that this bill come up under a rule with a longer period of time for debate. The bill was considered for a long period of time by the Committee on Science and Astronautics. When the final vote came, it was approved by every member of the committee save one member. That one member signed a minority statement, but that member simply said that he was for the bill; he hopes that the bill passes by a heavy vote; that he is not opposing the bill itself but merely following a constitutional privilege that he feels he has of pushing Federal Aid to Education. In that sense, it comes out of the committee with the unanimous report on both sides. It is a bill that has the entire recommendation of the Bureau of the Budget on every single item in the bill.

Mr. Speaker, for the second time it becomes my responsibility to bring before the House legislation authorizing the appropriation of funds for the advancement of the Nation's space program.

This is a costly endeavor on which we are embarked, but it is a burden that must be borne if the security and welfare of this country are not to be imperiled.

The bill now before the House would authorize the appropriation of $915 million for the 1961 fiscal year beginning July 1 for the National Aeronautics and Space Administration. This compares with $530,300,000 requested by the administration last year, of which Congress appropriated $500,575,000. The President has requested an additional 23 million dollars for the current fiscal year, a request which has already been favorably acted upon by the House.

Here is a breakdown of the $915 million requested for next year:

Salaries and expenses, $170,760,000.

Research and development, $621,453,000.

Construction and equipment, $122,787,000.

Although there is an increase in funds for NASA for fiscal year 1961, much of this increase is due to the President's decision to expedite the Saturn project. This is the big booster program which the President recently turned over to NASA. Another reason for an increase in NASA's requests for funds for fiscal year 1961 is the increase in the cost of personnel which is due to the transfer to NASA of the Army personnel who were working on Saturn. Although this is reflected in NASA's budget, it must be remembered that this is a bookkeeping transfer, and the Army budget will be relieved of the greater part of this expense.

For research and development programs, funds increased during the 2-year period from approximately $204 million to an estimated $621 million, while funds for construction and equipment rose during this same period from $48 million to $122 million.

Space projects are costly, but we must bear in mind that they are costly also to another nation which is striving desperately—and so far successfully—to keep ahead of us in this vital field.

Project Mercury is a good example of the vast amount of funds that are required to finance a major space project. This is the program to place a man in orbit around the earth.

The achievement of the first manned orbital mission will be a tremendous step forward in the history of flight. In the Mercury capsule man will fly 10 times faster and 5 times higher than he has ever flown before in totally alien environment.

NASA estimates that the program will cost approximately $345 million. You may well ask, "How will this money be spent? Where will it go?" Well, almost $109 million will be spent for space capsules, $82 million for boosters, $3 million for the recovery of the capsules, $57 million for range operations, $16 million for systems research and development, and $47 million for range construction and equipment.

A total of $182 million has already been provided for the Mercury program and this bill would authorize another $137 million. The first orbital flight of an astronaut is scheduled for 1961.

I have already spoken of Project Saturn, but I should mention it again because it is one of NASA's major projects. It provides for the clustering of eight ICBM-type engines to provide a thrust of 1½ million pounds, compared to the 380,000 pound maximum thrust that we now have, and the estimated 800,000 pound thrust that Russia has.

This rocket engine will provide sufficient thrust to send large payloads to the Moon, Venus, and Mars; to place several tons of payload in a 24-hour equatorial orbit, thus enabling us to establish a reliable worldwide system of communications, including television; and to place a manned spacecraft—such as Dynasoar—in an earth orbit.

Project Saturn will cost an estimated $750 million. A total of $104 million has already been provided and another $230 million is included in this bill.

The $750 million provides for the development of the clustered rocket, including the production and firing of 10 vehicles. However, it does not include the cost of the payload that will be carried into space and since the Saturn will be able to hoist a vehicle the size of a railroad box car this cost could be considerable.

The F–1 engine is the third of NASA's major projects. This engine, now under development, would provide 1½ million pounds of thrust. Unlike Saturn, it will be a single engine which, when clustered, could provide 6 million to 10 million pounds of thrust. The clustered concept is known as Nova and would provide sufficient thrust to permit a manned expedition to land on the moon and return.

NASA estimates that the F–1 engine will cost $144 million, which will provide an engine design ready for production for flight. So far, $37 million has been provided and another $41 million is included for this project in the bill.

What the cost of the Nova will be is conjectural, since it is only a concept and not even in the planning stage as yet.

There are other projects, of course, which also call for the expenditure of cosiderable funds, but these three are NASA's major projects and give you a pretty good idea of why it requires considerable funds to finance a national space program.

Now, I will not deny that a national space program is costly, but I am convinced that the Congress and the American people are willing to foot the bill if it is necessary to maintain the welfare and security of the United States. It is my considered judgment—and it is borne out by a majority of our military leaders—that unless we continue with our space program at an expedited rate, the welfare of our country may be in grave jeopardy.

I shudder to think of what could happen to the United States and to the free world if another nation obtained control of outer space. It is something that cannot be contemplated with assurance. It is a danger which actually threatens us in the not too distant future, unless we take strong, vigorous steps to prevent it. No cost, no sacrifice, would be too great to protect our land and our culture from alien control.

I have touched only on the highlights of the authorization bill. The chairmen of the various subcommittees which held extensive hearings on the bill and who will follow me will explain the measure in more detail.

Mr. FULTON. Mr. Speaker, as a member of the House Committee on Science and Astronautics, I want to urge the favorable passage by the House of H.R. 10809, a bill which authorizes for the National Aeronautics and Space Administration its fiscal year 1961 budget appropriation.

NASA is asking for $915 million to fund its operation. This sum is broken down as follows:

Salaries and expenses, $170,760,000.

Research and development, $621,453,000.

Construction and equipment, $122,787,000.

The transfer of the Army Ballistic Missile Agency to NASA has directly influenced the funds allocated to this category. For example, this transfer will increase NASA's personnel by 4,300 scientists and 1,200 supporting personnel. However, the costs to the Government of this transfer will not be increased since the increase in the NASA budget will appear as a deduction in the Army budget.

H.R. 10809 also calls for an increase of 30 additional accepted positions for NASA's Huntsville activities; 27 of the additional positions will have a wage limit of $19,000 a year; 3 additional positions will be paid up to $21,000 a year. These increases have been requested to raise the pay scale of the Huntsville facility to the level of NASA as a whole and will reflect no increase in NASA's appropriations for fiscal year 1961. This request has been approved by the Bureau of the Budget.

The following table sets forth anticipated salaries and expenses at each NASA installation:

Salaries and expenses, fiscal year 1961

Installation	Salaries	Expenses	Total
NASA headquarters	$6,200,000	$3,690,000	$9,890,000
Langley Center	22,609,000	6,686,000	29,295,000
Ames Center	10,650,000	4,594,000	15,244,000
Lewis Center	20,101,000	5,623,000	25,724,000
Flight center	3,120,000	559,000	3,679,000
Goddard Center	15,834,000	9,250,000	25,084,000
Wallops station	1,915,000	763,000	2,678,000
NASA Huntsville	47,540,000	10,773,000	58,313,000
Western office	393,000	122,500	515,500
AMRO office	226,000	52,000	278,000
PMRO office	37,000	22,500	59,500
Total	128,625,000	42,135,000	170,760,000

The research and development programs planned by NASA for the coming fiscal year total will cost $621,453,000.

No one seriously doubts the fact that the success of NASA in continuing and furthering our Nation's interests in astronautics will be dependent upon the quantity and the rate of progress achieved by research and development activities presently on the way or envisioned. Such projects as sounding rockets, scientific satellites, lunar and planetary exploration, manned space flight, and vehicle development will be the basis upon which our national future in space exploration will be founded.

In the minds of peoples of the world, whether we admit it or not, the United States is in a technological competition with the Soviet Union. And our success will be dependent upon the manner in which our research and development programs being conducted by NASA are supported and funded by Congress.

For construction and equipment $122,787,000 is being requested. Our research and development programs, as they progress, require many tools and facilities. The number of budget items in this category reflects the breadth of NASA's operations. And the work undertaken at the many NASA facilities provides a view of the impressive areas of scientific research that are NASA's responsibilities.

I think that the National Aeronautics and Space Administration has presented Congress with a budget request that is honest, carefully worked out, and very realistic. I would like to inform the House that despite persistent questioning by the Committee on Science and Astronautics as to what increase of funds might be desired by NASA or what effect increased funds would have on NASA research and development programs, nevertheless each NASA witness stood firmly upon the budget estimates presented to the Congress. Each member of the committee, both Democrat and Republican, earnestly desires that our national space program proceed at the fastest practical rate and that we maintain the world prestige in the fields of science and technology that is now being seriously threatened by the Soviet Union.

Mr. FULTON. Mr. Speaker, we on the Republican side of the committee voted unanimously to report this bill, H.R. 10809, to authorize appropriations to the National Aeronautics and Space Administration, for salaries and expenses, research and development, construction and equipment, for the fiscal year 1961 beginning next July 1, 1960, carrying a total authorization for this agency—NASA—of $915 million.

This bill is an authorization bill for $915 million for the space program of the United States, for our security, scientific research, development, and exploration, for the coming fiscal year, 1961. It is a program recommended by the President and, as a matter of fact, unanimously reported by the Science and Astronautics Committee of the House after long hearings with one exception, and that person had specific reasons, I think, other than an overall objection. He is on the Democratic side. But I must emphasize that this was a limited objection.

The Science and Astronautics Committee had hearings with many technical witnesses over months as we went through last year and this year on these various programs of NASA, which are technical and involved.

On the Republican side we on the Science and Astronautics Committee unanimously favor this bill. Therefore, when the question was put, by the acting Speaker today, "Is a second demanded?", I demanded a second. A Member on the Republican side of the House not a member of our committee, who is opposed to the bill, also demanded a second and obtained the second as a matter of House rules priority—as I stated, I favored the legislation—and so that member has one-half of the time. We on the Republican side wish to thank our Chairman on the Democratic side for the time which he has yielded us, because we are on the same side favoring passage of this legislation. This legislation support crosses party lines and really represents a bipartisan policy in favor of an efficient space program for this country. We know that the legislation has to be put through quickly. We know that it must be done immediately for our future security and scientific development. We also know that in this type of program most of the information is secret and classified. There is no possibility of debating it here, considering the number of programs we have. There is no possibility of showing in public to this House all that is supported by this legislation. Unless the Members come to us individually and ask us the weight and the priority of the various programs, we cannot here give their complete significance.

I should like to point out that this $915 million authorization for the fiscal year 1961 is divided into the various categories of "Salaries and expenses," $170 million; "Research and development," $621 million; "Construction and equipment," $122 million.

As I was on the Subcommittee on Personnel of the House Science and Astronautics Committee, I want to put in the RECORD especially a statement showing the distribution of employees among the executive agencies and the percentage of headquarters employees in each.

(The matter referred to is as follows:)

Federal employment data for selected independent agencies—data as of December 31, 1959

Name of agency	Headquarters employment	Agency employment	Percent headquarters to total
National Aeronautics and Space Administration	[1] 533 [3] 683	[2] 9,804 [3] 16,000	5.4 4.3
Atomic Energy Commission	1,677	6,620	25.3
Veterans' Administration	3,652	172,954	2.1
General Services Administration	2,555	27,326	9.3
Civil Service Commission	1,718	3,594	47.9
U.S. Information Agency	2,556	10,812	23.6
Federal Aviation Agency	3,000	34,500	8.7
Small Business Administration	503	2,122	23.6

[1] Authorized.
[2] Does not include Huntsville.
[3] Planned staffing for July 1, 1960, includes Huntsville.
All figures except NASA are close approximates and do not take into account temporary or part-time employment. All figures for other agencies are as of Dec. 31, 1959.

Mr. FULTON. I also insert in the RECORD a statement on voluntary withdrawals from NASA by research and development professionals.

(The matter referred to follows:)

STATEMENT ON VOLUNTARY WITHDRAWALS FROM NASA BY RESEARCH AND DEVELOPMENT PROFESSIONALS

During calendar year 1959 out of an average number of 2,355 research and development professional personnel, NASA had 171 leave the organization voluntarily. This is a turnover rate of 7.2 percent.

It is our belief that the large majority of research and development personnel left because of pay. Our studies in the past have shown that in only a few cases did the individual leave for less or the same salary and those who went to industry usually received substantially higher pay.

Mr. FULTON. Likewise, because of the limitation of time, I should like to put in a statement showing for the National Aeronautics and Space Administration a list of positions established by the Administrator of NASA pursuant to subsection (2), section 203(b) of the National Aeronautics and Space Act of 1958—Public Law 85-568, as of February 15, 1960.

(The matter referred to follows:)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

List of positions established by the Administrator, NASA (pursuant to subsec. (2), sec. 203(b) of the National Aeronautics and Space Act of 1958, Public Law 85-568) as of Feb. 15, 1960

[From NASA unless coded: *From other Government agencies; †from industry or universities]

Position title	Incumbent	Location
	At $21,000:	
Associate Administrator	*Richard E. Horner, June 1, 1959	Headquarters.
Director of Advanced Research Programs	Ira H. Abbott, July 1, 1959	Do.
Director of Space Flight Programs	Abe Silverstein, Oct. 1, 1958	Do.
Director of Program Planning and Evaluation	†Homer J. Stewart, Nov. 10, 1958	Do.
	At $20,000:	
General Counsel, NASA	*John A. Johnson, Oct. 20, 1958	Do.
Director, NASA Langley Research Center	Henry J. E. Reid, Oct. 1, 1958	Langley.[1]
Director, NASA Ames Research Center	Smith J. DeFrance, Oct. 1, 1958	Ames.[1]
Director, NASA Lewis Research Center	Edward R. Sharp, Oct. 1, 1958	Lewis.[1]
Director, NASA Goddard Space Flight Center	Harry J. Goett, Sept. 1, 1959	Goddard.[1]
	At $19,000:	
Director, NASA Office for the U.N. Conference	*John P. Hagen, Feb. 21, 1960	Headquarters.
Assistant Administrator for Congressional Relations	*James P. Gleason, Dec. 16, 1958	Do.
Assistant to the Administrator	John F. Victory, Oct. 1, 1958	Do.
Scientist for Propulsion	Addison M. Rothrock, Dec. 8, 1958	Do.
Deputy Associate Administrator	†Nicholas E. Golovin, Jan. 11, 1960	Do.
Director of Business Administration	*Albert F. Siepert, Oct. 13, 1958	Do.
Assistant Director of Research (Powerplants)	†Emerson W. Conlon, July 6, 1959	Do.
Deputy Director of Advanced Research Programs	Milton B. Ames, Jr., Jan. 10, 1960	Do.
Assistant Director of Research (Aircraft Operating Problems, Structures, and Materials)	Richard V. Rhode, Oct. 1, 1958	Do.
Scientist for Space Medicine Research	*Clark T. Randt, Apr. 1, 1959	Do.
Deputy Director of Space Flight Programs	*Homer E. Newell, Jr., Feb. 7, 1960	Do.
Assistant Director for Applications and Manned Flight Programs	Newell D. Sanders, Oct. 1, 1958	Do.
Assistant Director for Space Flight Operations	Edmund C. Buckley, Mar. 23, 1958	Do.
Assistant Director for Lunar and Planetary Programs	Edgar M. Cortright, Feb. 7, 1960	Do.
Assistant Director for Satellite and Sounding Rocket Programs	Morton J. Stoller, Feb. 7, 1960	Do.
Assistant Director for Program Planning and Coordination	DeMarquis D. Wyatt, Feb. 7, 1960	Do.
Deputy Director of Launch Vehicle Programs	*Abraham Hyatt, Feb. 7, 1960	Do.
Assistant Director for Vehicles	*Milton W. Rosen, Feb. 7, 1960	Do.
Assistant Director for Propulsion	*Elliott Mitchell, Feb. 7, 1960	Do.
Associate Director, Langley Research Center	Floyd L. Thompson, Oct. 1, 1958	Langley.
Associate Director, Ames Research Center	John F. Parsons, Oct. 1, 1958	Ames.
Associate Director, Lewis Research Center	Eugene J. Manganiello, Oct. 27, 1958	Lewis.
Assistant Director, Langley Research Center	John Stack, Oct. 1, 1958	Langley.
Assistant Director (Manned Satellites), Goddard	Robert R. Gilruth, Sept. 15, 1959	Goddard.[1]
	At $18,500:	
Assistant Director, Langley Research Center	Hartley A. Soulé, Oct. 1, 1958	Langley.
Assistant Director, Ames Research Center	Russell G. Robinson, Oct. 1, 1958	Ames.
Do	H. Julian Allen, Nov. 15, 1959	Do.
Assistant Director, Lewis Research Center	John C. Evvard, Oct. 27, 1958	Lewis.
Do	Bruce T. Lundin, Oct. 27, 1958	Do.
Associate Director, Project Mercury	Charles J. Donlan, Sept. 15, 1959	Goddard.
Do	Walter C. Williams, Sept. 15, 1959	Do.[2]
	At $18,000:	
Assistant Director, Langley Research Center	Eugene C. Draley, Feb. 8, 1959	Langley.
Chief, Aero-Physics Division	John V. Becker, Oct. 27, 1958	Do.
Chief, Propulsion Chemistry Division	Walter T. Olson, Oct. 27, 1958	Lewis.
Chief, Fluid Systems Division	I. Irving Pinkel, Oct. 27, 1958	Do.
Director, NASA Flight Research Center	*Paul F. Bikle, Sept. 22, 1959	FRC.
Deputy Director for Administration [3]	*Delmar M. Morris ( )	Huntsville.
	At $17,500:	
Director of Public Information	Walter T. Bonney, Oct. 13, 1958	Headquarters.
Scientist for Guidance and Control	†John R. Scull, Apr. 1, 1959	Do.
Aeronautical Research Scientist, Aerodynamics	Adolf Busemann, Oct. 1, 1958	Langley.
Chief, Dynamic Loads Division	Isadore Garrick, Oct. 27, 1958	Do.
Aeronautical Research Scientist, Aerodynamics	Dean R. Chapman, Oct. 27, 1958	Ames.
Chief, Aero-Thermodynamics Division	Robert M. Crane, Nov. 15, 1959	Do.
Chief, Vehicle-Environment Division	Alfred J. Eggers, Nov. 15, 1959	Do.
Aeronautical Research Scientist, Aerodynamics Theory	Robert T. Jones, Oct. 1, 1958	Do.
Assistant Director (Tracking and Data Systems)	*John T. Mengel, Apr. 20, 1959	Goddard.
Assistant Director (Space Science and Satellite Applications)	*John W. Townsend, Jr., Apr. 20, 1959	Do.
Director, NASA Atlantic Missile Range Operations Office	Melvin N. Gough, Jan. 25, 1959	AMROO.
Director, NASA Western Operations Office	*Robert W. Kamm, Aug. 31, 1959	WOO.
	At $17,000:	
Chief, University Contracting Program	*Lloyd A. Wood, Oct. 27, 1958	Headquarters.
Technical Assistant to the Director of Space Flight Programs [4]	(William A. Fleming) ( )	Do.
Chief, Saturn Class Vehicles Program [5]	†Richard B. Canright ( )	Do.
Chief, Theoretical Mechanics Division	Clinton E. Brown, Apr. 20, 1959	Langley.
Chief, Structures Research Division	Richard R. Heldenfels, Apr. 20, 1959	Do.
Chief, Nuclear Reactor Division	Leroy V. Humble, Oct. 27, 1958	Lewis.
Chief, Materials and Structures Division	Samuel S. Manson, Oct. 27, 1958	Do.
Assistant Director, Flight Research Center	De Elroy Beeler, Nov. 1, 1959	FRC.
	At $16,500:	
Acting Secretary of the National Aeronautics and Space Council	Franklyn W. Phillips, Mar. 2, 1959	Headquarters.
Director, Office of International Programs	†Arnold W. Frutkin, Sept. 14, 1959	Do.
Director of Procurement and Supply	*Ernest W. Brackett, Jan. 19, 1959	Do.
Director of Financial Management	*Aaron Rosenthal, Feb. 1, 1960	Do.
Chief, Structures and Materials Research Programs	Harry Press, Oct. 27, 1958	Do.
Assistant Chief, University Contracting Program	Thomas L. K. Smull, Oct. 27, 1958	Do.
Chief, Powerplants Research Programs	William H. Woodward, Oct. 27, 1958	Do.
Chief, Aerodynamic and Flight Mechanics Research Programs	Ernest O. Pearson, July 26, 1959	Do.
Chief, Lunar and Planetary Program Coordination	*J. Allen Crocker, Feb. 21, 1960	Do.
Chief, Tracking Programs	Francis B. Smith, Jan. 25, 1959	Do.
Chief, Geophysics Programs	*John F. Clark, Feb. 21, 1960	Do.
Staff Scientist, Lunar Flight Systems [6]	†Oran W. Nicks ( )	Do.
Technical Assistant to the Director of Space Flight Programs [6]	John L. Sloop ( )	Do.
Technical Assistant to the Associate Director	Lawrence K. Loftin, Jr., Apr. 20, 1950	Langley.
(Chief, Instrument Research Division)	(Francis B. Smith, to be (July 1, 1960))	(Langley).
Chief, Propulsion Systems Division	David S., Oct. 27, 1958	Lewis.
Chief, Advanced Propulsion Division	Wolfgang E. Moeckel, Oct. 27, 1958	Do.
Chief, Propulsion Aerodynamics Division	Carl F. Schueller, Oct. 27, 1958	Do.
Chief, Theoretical Division	*Robert Jastrow, Nov. 30, 1958	Goddard.
Chief, Satellite Applications Systems Division	*Daniel G. Mazur, Apr. 20, 1959	Do.
Chief, Data Systems Division	*Charles V. L. Smith, July 13, 1959	Do.
Aeronautical Research Pilot	Joseph A. Walker, Oct. 27, 1958	FRC.
	At $16,000:	
Assistant General Counsel	Paul G. Dembling, Oct. 27, 1958	Headquarters.
Director of Personnel	Robert J. Lacklen, Oct. 27, 1958	Do.
Budget Officer	Ralph E. Ulmer, Oct. 27, 1958	Do.
Director of Audits	*Raymond Einhorn, Feb. 1, 1960	Do.
Chief, Manned Space Flight Program	George M. Low, Jan. 25, 1959	Do.
Chief, Lunar and Planetary Sciences Program	†Gerhard F. Schilling, Feb. 21, 1960	Do.

See footnotes at end of table.

List of positions established by the Administrator, NASA (pursuant to subsec. (2), sec. 203(b) of the National Aeronautics and Space Act of 1958, Public Law 85-568) as of Feb. 15, 1960—Continued

Position title	Incumbent	Location
	At $16,000—Continued	
Staff Scientist, Communications Operations [6]	†Paul A. Price ( )	Headquarters.
Aeronautical and Space Scientist, Manned Satellites	*Douglas L. Worf, Nov. 10, 1958	Do.
Chief of Technical Services	Percy J. Crain, Jr., Oct. 27, 1958	Langley.
Chief, Applied Materials and Physics Division	Joseph A. Shortal, Oct. 27, 1958	Do.
Chief, Unitary Plan Wind Tunnel Division	Herbert A. Wilson, Jr., Oct. 27, 1958	Do.
Chief, Aero-Space Mechanics Division	Philip Donley, Sept. 16, 1959	Do.
Chief, Full-Scale Research Division	Mark R. Nichols, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Aerodynamics IX	Carlton Bioletti, Oct. 27, 1958	Ames.
Chief, Unitary Wind Tunnel Division	Ralph F. Huntsberger, Oct. 27, 1958	Do.
Chief, Full Scale and Systems Research Division	Charles W. Harper, Nov. 15, 1959	Do.
Chief, Instrument and Computing Research Division	Jesse H. Hall, Oct. 27, 1958	Lewis.
Chief of Technical Services	Oscar W. Schey, Apr. 20, 1959	Do.
Chief, Engineering Division	†James H. Chamberlin, Oct. 18, 1959	Goddard [2]
Chief, Flight Systems Division	Maxime A. Faget, Apr. 20, 1959	Do.[2]
Chief, Operations Division	Charles W. Mathews, Apr. 20, 1959	Do.[2]
Special Assistant to the Director, Project Mercury	Paul E. Purser, Apr. 20, 1959	Do.[2]
Associate Chief, Satellite Application Systems Division	William K. Ritter, Dec. 13, 1959	Do.
Staff Scientist, Planetary Sciences Analysis	†Gordon F. MacDonald, Feb. 11, 1960	Do.
(Assistant Deputy Director for Administration) [7]	(Harry H. Gorman) ( )	Huntsville.
	At $15,500:	
Assistant to the Chairman, and Secretary to the Civilian-Military Liaison Committee	William J. Underwood, Apr. 6, 1959	Headquarters.
Deputy Director of Business Administration	*Wesley L. Hjornevik, Dec. 13, 1959	Do.
Assistant Chief, Structures and Materials Research Programs	Harvey H. Brown, Oct. 27, 1958	Do.
Technical Assistant to the Director for Research Management	Boyd C. Myers II, Apr. 20, 1959	Do.
Chief, Advanced Technology Program	†William C. Cooley, Feb. 7, 1960	Do.
Staff Scientist, Telemetry and Instrumentation	†Wallace L. Ikard, June 8, 1959	Do.
Chief, Large Engine Rocket Program	A. O. Tischler, Oct. 27, 1958	Do.
Chief, Nuclear Engine Programs	Harold B. Finger, Apr. 20, 1959	Do.
Chief, Analysis and Requirements (Propulsion Programs)	Eldon W. Hall, Apr. 20, 1959	Do.
Research Assistant for Cooperative Projects	Thomas A. Harris, Sept. 16, 1959	Langley.
Assistant Chief, Dynamic Loads Division	John C. Houbolt, Oct. 27, 1958	Do.
Assistant Chief, Applied Materials and Physics Division	Samuel Katzoff, Sept. 16, 1959	Do.
Do	Paul R. Hill, Apr. 25, 1959	Do.
Aeronautical Research Scientist, Stability and Control	William H. Phillips, Oct. 27, 1958	Do.
Aeronautical Research Pilot	John P. Reeder, Oct. 27, 1958	Do.
Aeronautical Research Scientist, Aerodynamics	William J. O'Sullivan, Apr. 20, 1959	Do.
Associate Chief, Aero-Space Mechanics Division	Charles H. Zimmerman, Sept. 16, 1959	Do.
Assistant Chief, Aero-Physics Division	Eugene S. Love, Apr. 20, 1959	Do.
Assistant Chief, Full Scale Research Division	Axel T. Mattson, Apr. 20, 1959	Do.
Assistant Chief, Structures Research Division	Paul Kuhn, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Aerodynamics	John B. Parkinson, Dec. 27, 1959	Do.
Aeronautical Research Scientist, Instruments S-IX	George B. Graves, Feb. 7, 1960	Do.
Chief, Instrumentation Division	James A. White, Nov. 15, 1959	Ames.
Technical Assistant to the Associate Director	Donald H. Wood, Feb. 22, 1959	Do.
Aeronautical Research Scientist, Aerodynamics	Alvin Seiff, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Aerodynamics Theory	Max A. Heaslet, Apr. 20, 1959	Do.
Assistant Chief, Aero-Thermodynamics Division	Victor I. Stevens, Jr., Apr. 20, 1959	Do.
Assistant Chief, Full Scale and Systems Research Division	Lawrence A. Clousing, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Aerodynamics	Glen Goodwin, Apr. 20, 1959	Do.
Do	Steven E. Belsley, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Propulsion Systems Materials	C. Mervin Ault, Oct. 27, 1958	Lewis.
Assistant to the Director	Henry C. Barnett, Oct. 27, 1958	Do.
Assistant Chief, Fluid Systems Division	Edmund E. Bisson, Oct. 27, 1958	Do.
Assistant Chief, Propulsion Aerodynamics Division	(Fleming) [8]	Do.
Assistant Chief, Fluid Systems Division	Irving A. Johnson, Oct. 27, 1958	Do.
Aeronautical Research Scientist, Propulsion Control Theory	John C. Sanders, Oct. 27, 1958	Do.
Associate Chief of Technical Services	Charles A. Herrmann, Feb. 22, 1959	Do.
Chief, Payload Systems Division	*N. Whitney Matthews, Apr. 20, 1959	Goddard.
Chief, Research Division	Thomas A. Toll, Feb. 14, 1960	FRC.
Technical Assistant to the Director, NASA Atlantic Missile Range Operations Office	Frederick J. Bailey, Jr., Apr. 20, 1959	AMROO.
Director of Technical Services	David H. Newby, Feb. 21, 1960	Huntsville.
	At $15,000:	
Technical Assistant to the Deputy Administrator	Clotaire Wood, Oct. 27, 1958	Headquarters.
Assistant General Counsel	*Robert G. Nunn, Jr., Oct. 27,1958	Do.
Do	*Walter D. Sohier, Nov. 10, 1958	Do.
Assistant General Counsel for Patent Matters	*Gerald D. O'Brien, Dec. 15, 1958	Do.
Special Assistant to the Associate Administrator	*Robert L. King, Aug. 17, 1959	Do.
Chief, Congressional Liaison Officer	†David H. Keyser, Dec. 3, 1959	Do.
Director of Security	Robert L. Bell, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Stability and Control	Bernard Magein, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Aerodynamics	Ralph W. May, Jr., Apr. 20, 1959	Do.
Staff Scientist, Manned Satellites	Warren J. North, Feb. 21, 1960	Do.
Chief, Communications Satellite Program	Leonard Jaffe, Jan. 25, 1959	Do.
Staff Scientist, Spacecraft Technology	Albert E. von Doenhoff, Feb. 21, 1960	Do.
Staff Scientist, Computers and Celestial Mechanics	*J. Kenneth Sterrett, May 4, 1959	Do.
Staff Scientist, Advanced Manned Systems	John H. Disher, Feb. 21, 1960	Do.
Chief, Astronomy and Astrophysics Programs	*Nancy G. Roman, Feb. 7, 1960	Do.
Chief, Meteorological Satellite Programs	Morris Tepper, Feb. 7, 1960	Do.
Staff Scientist, Planetary and Interplanetary Flight Systems [6]	Fred D. Kochendorfer ( )	Do.
Space and Aeronautical Scientist, Nuclear Propulsion	†James E. O'Neill, Feb. 24, 1959	Do.
Chief, Scout Class Vehicle Programs	*Samuel Snyder, Feb. 7, 1960	Do.
Chief, Space Propulsion Programs [6]	*Harry Harrison ( )	Do.
Assistant Chief, Instrument Research Division	Howard B. Edwards, Apr. 20, 1959	Langley.
Aeronautical Research Scientist, Instruments	Clifford H. Nelson, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Structures	Roger A. Anderson, Apr. 20, 1959	Do.
Assistant Chief, Dynamic Loads Division	Arthur A. Regier, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Stability and Control	David G. Stone, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Aerodynamics	Macon C. Ellis, Jr., Apr. 20, 1959	Do.
Do	Joseph C. Thibodaux, Jr., Apr. 20, 1959	Do.
Assistant Chief, Instrumentation Research Division	John Dimeff, Nov. 15, 1959	Ames.
Chief, Engineering Services Division	André G. Buck, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Combustion	J. Howard Childs, Oct. 27, 1958	Lewis.
Aeronautical Research Scientist, Compressors and Turbines	Ambrose Ginsberg, Oct. 27, 1958	Do.
Assistant Chief, Propulsion Aerodynamics Division	Robert R. Godman, Oct. 27, 1958	Do.
Aeronautical Research Scientist, Aerodynamics Theory	Simon Ostrach, Oct. 27, 1958	Do.
Aeronautical Research Scientist, Rocket Propulsion	(Sloop), [9] Oct. 27, 1958	Do.
Aeronautical Research Scientist, Instruments	Isadore Warshawsky, Oct. 27, 1958	Do.
Aeronautical Research Scientist, Propulsion Control Theory	Aaron S. Boksenbom, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Aerodynamics Theory	Stephen H. Maslen, Apr. 20, 1959	Do.
Chief, Facilities Engineering Division	Beverly G. Gulick, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Rocket Propulsion	Edmund R. Jonash, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Flight Systems Analysis	Hugh M. Henneberry, Feb. 7, 1960	Do.
Chief, Space Sciences Division	*Leslie H. Meredith, Apr. 20, 1959	Goddard.
Chief, Tracking Systems Division	*C. A. Schroeder, Apr. 20, 1959	Do.
Chief, Construction Engineering Division	N. Philip Miller, Apr. 20, 1959	Do.
Business Manager	Michael J. Vaccaro, June 29, 1959	Do.
Space and Aeronautical Scientist, Physics of Atmosphere X [6]	†Nelson W. Spencer ( )	Do.

See footnotes at end of table.

List of positions established by the Administrator, NASA (pursuant to subsec. (2), sec. 203(b) of the National Aeronautics and Space Act of 1958, Public Law 85-568) as of Feb. 15, 1960—Continued

Position title	Incumbent	Location
	At $15,000—Continued	
Chief, NASA Wallops Station	Robert L. Krieger, Apr. 20, 1959	Wallops.
Assistant Chief, Research Division	Hubert M. Drake, Oct. 27, 1958	FRC.
Chief, Instrumentation Division	Gerald M. Truszynski, Oct. 27, 1958	Do.
Aeronautical Research Pilot	Stanley P. Butchart, Apr. 20, 1959	Do.
Aeronautical Research Scientist, Stability and Control	Joseph Weil, Apr. 20, 1959	Do.
	At $14,500:	
Chief, Technical Program Analysis	*Leland B. Mebine, Feb. 15, 1960	Headquarters.
Director of Management Analysis	*Alfred S. Hodgson, Dec. 2, 1958	Do.
Chief, Chemical Aeronomy Program	†Robert F. Fellows, Jan. 26, 1959	Do.
Assistant Chief, Theoretical Division	*John A. O'Keefe, Jan. 25, 1959	Goddard.
Associate Chief, Space Science Division	*John C. Lindsay, Apr. 20, 1959	Do.
Associate Chief, Payload Systems Division	*Leopold Winkler, Apr. 20, 1959	Do.
Space and Aeronautical Scientist, Meteorology	*William G. Stroud, Apr. 27, 1959	Do.
	At $14,000:	
Space and Aeronautical Scientist, Astronomy	*James E. Kupperian, Jr., Jan. 25, 1959	Do.
Space and Aeronautical Scientist, Physics of Atmosphere	*Herman E. La Gow, Jan. 25, 1959	Do.
Space and Aeronautical Scientist, Space Research Instrumentation	*Karl R. Medrow, Jan. 25, 1959	Do.
Space and Aeronautical Scientist, Ionosphere	*J. Carl Seddon, Jan. 25, 1959	Do.
Staff Scientist, Data Systems Planning	*J. W. Siry, Apr. 20, 1959	Do.
Space and Aeronautical Scientist, Instrumentation	*Robert J. Mackey, Apr. 20, 1959	Do.
Space and Aeronautical Scientist, Radio Frequency Systems	*Robert J. Coates, Aug. 9, 1959	Do.
Machine Programing Mathematician	†Robert G. Kelly, Oct. 5, 1959	Do.
Space and Aeronautical Scientist, Systems Integration 8-IX	Merland L. Moseson, Dec. 27, 1959	Do.

[1] Note on locations:
Langley: NASA Langley Research Center, Langley Field, Va.
Ames: NASA Ames Research Center, Moffett Field, Calif.
Lewis: NASA Lewis Research Center, Cleveland, Ohio.
Goddard: NASA Goddard Space Flight Center, Greenbelt, Md.
FRC: NASA Flight Research Center, Edwards, Calif.
AMROO: NASA Atlantic Missile Range Operations Office, Patrick Air Force Base, Fla.
Wallops: NASA Wallops Station, Chincoteaque, Va.
WOO: NASA Western Operations Office, Santa Monica, Calif.

[2] Position part of Goddard Space Flight Center program, but currently located at Langley.

[3] Position established Jan. 25, 1960. Expected to report Mar. 7, 1960.

[4] Position established Feb. 5, 1960. To be effective on date he transfers from Lewis.

[5] Position established, approved Feb. 16, 1960, to be effective on date he reports (c. Mar. 1, 1960).

[6] Position established Feb. 5, 1960.

[7] Position established Feb. 18, 1960. To be effective on date of entrance on duty at Huntsville (c. Apr. 1, 1960).

[8] Transferring to headquarters. (See action at $17,000.)

[9] Transferring to headquarters. (See action at $16,500.)

Mr. FULTON. I should also like to put in the RECORD a short description of comparisons, showing how we are taking over the extra employees this year from the Army Ballistic Missile Agency. For example, the total number of permanent positions is expected to increase from 10,086 to 16,373.

Most of the proposed increase reflects the transfer to NASA of the Huntsville facility—now the Development Operations Division of the Army Ballistic Missile Agency. This transfer will include 1,200 supporting personnel as well as the 4,300 scientific and technical positions which will be transferred to NASA intact. Salaries and expenses for "NASA Huntsville" would increase from $227,000 in fiscal year 1960 to $58,313,000 in fiscal year 1961. The latter figure includes all salaries and expenses resulting from the acceleration of the Saturn project.

The transfer of the Huntsville facility from the Army to NASA will not raise Government costs as a whole, since the resulting increase will appear not only as an addition to the NASA budget but as a deduction from the Army budget.

In order to raise the pay scale of the Huntsville facility to the level of NASA as a whole, it will be necessary to establish 27 additional excepted positions for which the Administrator may fix the compensation up to a limit of $19,000 a year. Three additional positions paid up to $21,000 a year are also requested; at least one of these will be allocated to the Huntsville facility. No increase in NASA appropriations for fiscal year 1961 will be involved. This request has been approved by the Bureau of the Budget.

Under section 203(b)(2) of the National Aeronautics and Space Act of 1958, NASA was given 10 positions paid up to $21,000 a year and 250 positions paid up to $19,000 a year. It has already established or committed 218 of the excepted positions authorized by the act. Of these, 82 are used at headquarters; except for 9 managerial positions, all are filled with personnel who head professional and technical programs. An additional 136 excepted positions are allocated to the NASA research centers in the field.

At the principal NASA research centers, the average proportion of excepted positions to the total number of research scientists and engineers is approximately 3.8 percent. After planned increases have been made, the percentage at the NASA research centers will rise to 3.9. The proportion at the Huntsville facility, however, is only 1.8 percent, based on 18 supergrade and excepted positions which will be transferred to NASA. The committee is informed that, if the 30 additional requested positions are authorized, 36 new excepted positions will be established at NASA Huntsville. This addition will raise the proportion there to 4 percent.

Dr. Wernher von Braun, the Director of the Huntsville facility, has expressed his approval of the NASA proposal, as follows:

A total of 54 positions will help considerably to remedy a situation where we now have only 18 and we understand that this number (54) is sufficient to bring the proportion of such jobs at Huntsville at least on a par with the other NASA centers.

One of the three additional requested positions in the pay range of $19,000 to $21,000 will be filled with the Director of NASA Huntsville—Dr. Wernher von Braun. Another will be held for the Director of the Office of Launch Vehicle Programs. This position is now occupied by an Air Force major general on reimbursable detail. The third $21,000 position will be held in reserve for future assignment.

The following tables show the present geographical distribution of excepted NASA positions and their ratio to the total numbers of scientists and engineers:

ATTACHMENT A

NASA excepted positions, Feb. 23, 1960—Distribution, by location

Rate	Langley	Ames	Lewis	Goddard	Flight Research	Huntsville	Western Office	AMROO	Wallops	Total field	Total headquarters	Total NASA
$21,000										0	4	4
$20,000	1	1	1	1						4	1	5
$19,000	2	1	1	1						5	19	24
$18,500	1	2	2	2						7	0	7
$18,000	2		2		1	1				6	0	6
$17,500	2	4		2			1	1		10	2	12
$17,000	2		2		1					5	3	8
$16,500	2		3	3	1					9	13	22
$16,000	5	3	2	6	1	1				17	8	25
$15,500	13	8	6	1	1	1		1		31	9	40
$15,000	7	2	10	4	4				1	29	20	49
$14,500				4						4	3	7
$14,000				9						9	0	9
Total	37	21	29	33	9	3	1	2	1	136	82	218

ATTACHMENT B

Ratio of NASA excepted positions to total professional strength (engineers and scientists)

Based on the total number of research professionals in the principal field centers, the ratios of excepted positions are as follows:

	Total research professionals	Excepted	Percent	Proposed field distribution of 30 additional positions		
				Excepted additional	Total	Percent
Langley	1,155	37	3.2	1	38	3.3
Ames	447	21	4.7		21	4.7
Lewis	937	29	3.1	2	31	3.3
Goddard [1]	616	34	5.5	1	35	
Subtotal, other centers	3,155	121	3.8	4	125	
Huntsville:						
Supergrades [2]	1,350	18	1.3			
Excepted [3]		20	1.5			
Total		38	2.8	16	54	4.0

[1] Although the ratio for Goddard shows as higher than the others, Goddard has been staffed "at the top" with key leadership during the past year. The research staff is expected to increase to around 890 in fiscal year 1961. On this 890 figure, Goddard's ratio will be 4.3 percent.

[2] The 18 current positions at Huntsville are 12 Public Law 313's, 565 GS-17, and 165 GS-18 supergrades allocated for the Department of Defense. These will be transferred under the President's plan to NASA and become a permanent addition to the NASA staffing ceilings.

[3] 3 positions are now allocated. NASA is in the process of allocating 17 additional positions, or a total of 20 within the existing authority of NASA for 260 excepted positions.

Because of increased workload, additional personnel are also requested for the Wallops Island station and the Goddard Space Flight Center. Anticipated requirements would add 75 employees at Wallops and 786 at Goddard. During the next fiscal year, the Wallops Island station will be called upon to launch, track, telemeter, and recover a substantially greater number of satellites and probes. The Goddard Center is a new laboratory at Beltsville, Md., which will begin to carry out its assigned programs of earth satellites, sounding rockets and manned space flight during this fiscal year.

The level of operations at other activities operated by NASA will be substantially the same in fiscal year 1961 as in the previous fiscal year.

Mr. Speaker, I ask unanimous consent that any Members on the Republican side of the Science and Astronautics Committee may have permission to insert their remarks at this point in the RECORD.

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

Mr. FULTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Mrs. WEIS] may extend her remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mrs. WEIS. Mr. Speaker, so much has been written and said about this Nation's defense posture that it is becoming increasingly difficult for the average citizen to perceive the real situation. The February 29 issue of U.S. News & World Report, one of this country's finest news chronicles, contains an article entitled "The Truth About Missiles" which I believe merits the attention of everyone seriously concerned with this matter. I am, therefore, including this article at this point in the RECORD:

THE TRUTH ABOUT MISSILES

Is the United States today faced by the threat of a gigantic Pearl Harbor? Will Soviet Russia in the foreseeable future hold the means to destroy this Nation without risking destruction herself?

In brief: What is the truth about missiles?

The public is bewildered by claims and counterclaims of what Russia can and cannot do to the United States—and of what the United States, in turn, can or cannot do to Russia. President Eisenhower, at his news conference on February 17, felt it necessary to reassure people about America's defenses. On February 21, he scheduled a radio-TV address to the Nation on the same subject.

The truth is that facts are available from official testimony upon which to base a comparison of Soviet ability to destroy the United States with U.S. ability to destroy Russia, over the next 3 years.

HOW STRENGTH COMPARES

What these facts show, as given to Congress, is this—

In 1960: At present, United States is in a position to destroy Russia by a variety of means. Russia, however, is not in a position to destroy the United States, either by missiles or bombers. U.S. strength is centered in its vastly powerful Strategic Air Command. The United States also possesses carrier-based bombers and missile bases overseas. Russia has significant bomber strength, but it is not comparable with U.S. strength. Neither side has missiles enough to knock out the other.

In 1961: Russia's strength in intercontinental ballistic missiles will become dangerous in this period. U.S. strength in long-range missiles will not match that of Russia. But America will possess at least 80 submarine-based missiles of 1,200-mile range—each capable of knocking out a Soviet city. The United States also will possess significant numbers of medium-range missiles based in Europe. Jet-bomber forces will continue to be the main deterrent to attack by Russia.

In 1962: This is the year of greatest danger. Russia then will possess an estimated 300 or more long-range missiles, to launch at U.S. cities. She will have even more medium-range missiles aimed at European cities and military bases. Surprise attack, if carried out successfully, might take out much U.S. strength to retaliate. The United States will have fewer long-range missiles than Russia—perhaps a third to a half as many.

Yet America, in addition to her ICBM's, will possess about 130 submarine-based Polaris missiles, plus 100 Thors and Jupiters on station with their 1,800-mile range. And U.S. bomber strength will remain high, augmented by Hound Dog missiles that can be launched from bombers and that have a 500-mile range.

In 1963 and later: Both sides, by this time, will possess vast strength in long-range missiles. Russia can have several hundreds of its long-range, liquid-fueled T-3 missiles. The United States will have 270 of its liquid-fueled Atlas and Titan missiles, and will be getting delivery of its Minuteman supermissiles—with 6,000-mile-plus range, powered by solid fuel and fired without a count-down. This missile can be based upon mobile railroad cars or trucks, as well as on fixed bases.

The United States also will possess large numbers of Polaris missiles, with their range increased substantially, and based upon submarines, cruisers, even ocean freighters. Missiles to be launched from jet bombers will be important in calculating national strength, too.

Those are the basic facts revealed in testimony before Congress or in published announcements. There are other recent revelations that help to round out the missile picture.

AHEAD: FASTER WARNING

On February 16 the Navy announced that the range of its key Polaris missile will be raised in a few years from 1,200 miles to 1,800 and possibly to 2,500—more than double the range of its first model.

Then, on February 17, the significant details of a new Ballistic Missile Early Warning Systems—BMEWS—were made public. This network of super-radar installations is designed to give 15 minutes' warning time if Russia should launch a surprise ICBM attack. The central station, at Thule, Greenland, is to be finished by the end of this year. Another, in Alaska, is due next year. And a third now is contracted for in Britain. Each will have a range of 3,000 miles, to cover the U.S.S.R.

Two reports during the week add to the picture about the forthcoming Minuteman. In secret testimony before Congress, heavily censored and then made public, Air Force officers reported that Minuteman is likely to become operational in 1962, with quantity production well under way in 1963. In addition, there was reference to thousands of Minuteman missiles on order.

THE DANGER PERIOD

What does all this mean? Simply, officials say, that the years 1961 and 1962 will be the years of greatest danger, with the danger lessening in 1963. Those coming 2 years will be the period in which Russia will hold dominance in long-range missiles and, if planning to attack United States by surprise, would enjoy the best opportunity.

If those are the facts, what has all of the argument in Washington been about?

Argument has concerned what to do for special protection in the principal years of danger, 1961 and 1962. The Strategic Air Command of the U.S. Air Force has favored setting up a constant "airborne alert." Under this alert, about 200 bombers, armed and ready to go, would be kept in the air at all times, invulnerable to surprise attack. The

White House and top-level defense planners, however, have opposed this type of alert.

Why the opposition? The answer is cost. An alert of this kind would cost an estimated $600 million for the first year and $1 billion the second year, owing largely to wear and tear on bombers. Instead of a full alert, the administration has favored spending about $90 million to lay a base in standby equipment for a possible future alert in case of emergency.

Within the Air Force itself, the official view is given by the Chief of Staff, Gen. Thomas D. White, in secret testimony just released by Congress, in which he says:

"We are continuing to work on our dispersal of the SAC units, and we expect to have, as of next September, the first of the ballistic-missile early-warning sites [part of testimony deleted].

"[Deleted.] Those are the two major elements we have, plus the fact that there are * * * a great many B–47's and B–52's right now on a 15-minute ground alert; so, at the worst, we would assume that, with this segment of BMEWS warning, some of the B–47's and B–52's, or a large segment of them, are going to survive."

Other reasons why the United States is not considered to be a sitting duck during the 2-year danger period ahead are cited by other top-ranking defense planners. The charts on these pages give you an idea of what is involved.

A SURPRISE ATTACK?

The central point, in a nutshell, is this:

Russia, with no oversea bases, can strike the United States only with long-range missiles, manned bombers or missile-carrying submarines. As a practical matter, the United States has fairly effective defenses against bombers, and Russia still has no Polaris-type missile with which to cover much of the United States from submarines—so that a Soviet surprise attack must rely mainly on a limited number of ICBM's.

The United States, on the other hand, has many ways to strike back at Russia in addition to its ICBM's now few in number but to be increasing in months ahead.

There are more than a hundred bomber and missile bases abroad, ringing Russia. There are carrier task forces which can reach Soviet territory with jet fighter-bombers from the Mediterranean and the western Pacific. There are squadrons of Matador and Mace pilotless bombers stationed in West Germany. There is a squadron of 6,000-mile, jet-propelled Snark missiles now operational in Maine. And there are Allied forces, such as the 250 British H-bombers, able to strike retaliatory blows.

In addition, there is the prospect of special, nuclear-powered submarines, each armed with 16 Polaris missiles, traveling undetected beneath the surface in waters near Russia, able to launch nuclear attacks while still submerged and invulnerable to Russia's arsenal of big and little missiles.

It is these Polaris submarines which are counted upon to provide sure-fire retaliation, regardless of how successful a Soviet surprise attack might be. At this time, four of the special subs have been launched—the U.S.S. *George Washington*, the U.S.S. *Patrick Henry*, the U.S.S. *Theodore Roosevelt*, and the U.S.S. *Robert E. Lee*.

Two of the submarines are to be ready for wartime use, with their missiles aboard, by the end of this year. After that, others are to be commissioned at the rate of one each 3 or 4 months under present plans; more frequently, if the Navy gets its way. Polaris missiles themselves are relatively cheap, at $1.5 million each, while the submarines to carry them cost about $100 million each.

THE TIME ELEMENT

The other factor that U.S. defense planners are counting on strongly is the virtual impossibility of a real surprise attack by the Soviet Union, using today's long-range missiles.

To be effective in preventing retaliation from SAC and America's ICBM's, such an attack would have to strike all U.S. air and missile bases simultaneously and without warning. The new BMEWS system may provide the needed 15-minute warning. But, whether it does or not, there is this to note:

Today's long-range missiles, using liquid fuel, cannot be launched on an exact schedule with any assurance of success. Because of the need for some sort of countdown and the prospects for a delay in the process, even one missile cannot ordinarily be relied upon to fire within 10 minutes to half an hour of its planned takeoff time. To fire more than 100 missiles on an exact schedule, so that they will arrive on target at the same time, thus, is considered to be impossible. As a result, some missiles would arrive long before others, providing a warning of attack and time for bombers and missiles to take to the air in retaliation.

Evidence is strong that the Russians still use liquid-fueled missiles, too, and that they are behind the United States in development of solid-fueled types that can be launched quickly and on schedule. Even their submarine-based missile, now in its test stage, is reported to be a liquid-fueled model, despite the hazards of using liquid fuel at sea.

THE U.S. ARSENAL

Just how does the United States stand in long-range missiles? The facts, now coming to light, show this:

Right now, the United States has one squadron of 6,300-mile Atlas missiles available in the hands of troops at Vandenberg Air Force Base, near Los Angeles. This squadron has 10 missiles, half of which are being used for training, with 4 or 5 kept ready for emergency use if war comes. Atlas just completed its 19th successful test in a row, is considered highly reliable. Another squadron is due for activation in April at Warren Air Force Base, near Cheyenne, Wyo.

Titan, the planned successor to Atlas, has been plagued by a long series of test failures, has fallen behind schedule despite intensive effort put into its development. One official described the present efforts to push Titan to completion as being "like trying to have a baby in 6 months." There have been official hints that, unless Titan shows spectacular success in the near future, it may be abandoned and Atlas production stepped up instead. The plan, as of now, is to produce 130 Atlas and 140 Titan missiles by 1963.

Minuteman, due in quantity by 1963, is reported to be on or ahead of schedule, with its solid-fuel design and extra-long range.

BALANCE OF DESTRUCTION

How do the Nation's top military men view the big argument over missiles now? Their conclusions, in thousands of words of testimony, boil down to this:

Russia, in the years just ahead, will be able with ICBM's to destroy much of the United States, but will not be able to prevent effective retaliation by the United States..

America, with missiles based overseas, aboard submarines, on bombers, and at home, will be able to destroy much of the U.S.S.R. at any time, but will not be able to prevent massive Soviet attacks.

The time seems to be approaching, with different kinds of missile arsenals built up on both sides, when neither side will have an absolute advantage—and big war may be prevented by an effective balance of destructive power.

Mr. FULTON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BARRY] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BARRY. Mr. Speaker, today, March 7, 1960, I have had the honor to take part in the ceremony inaugurating the special stamp issue by which the United States is paying tribute to that champion of liberty, the founder of once-free Czechoslovakia, Thomas Masaryk.

I would like to take this opportunity to add my expression of esteem for this truly noble man.

Born 110 years ago today in a feudal empire ruled by an absolute autocrat, Masaryk fully understood the precious aspect of our most valuable possession—freedom. He devoted his life to freeing his people and for him, once his country was established, democracy must be the only form of government. He never ceased in his battle, first to create and then to sustain this ideal. He realized how difficult it is to maintain real democracy. In his work, "The Making of a State," Masaryk outlined the perils always working to destroy it. However, he won his battle and as founder and President of the Czechoslovak Republic after World War I he established a state based upon democracy and freedom. Czechoslovakia became a flourishing island of peace in a world tossed about by disorders and resolutions.

In many ways Thomas Masaryk has close ties with our country. His beloved wife, Charlotte, was an American. It was here he came to formulate the famous Lansing declaration which proclaimed the freedom of Czechoslovakia. The preamble of the Czech Constitution purposely paraphrased that of the Constitution of the United States to show the ideological closeness of the two nation. He not only advocated, but also lived by the ideals which are close to all Americans of liberty and justice under law, equality and opportunity for all, peace and human rights. Small wonder that Thomas Masaryk once called America his second homeland. Just before he died, he said:

> Czechoslovakia proudly accepts the ideals of Washington, Lincoln, and Wilson. Let others find a solution to their own problems. But let us not allow them to touch our most important treasures: freedom of soul, freedom of work, freedom of race.

Within 2 years Masaryk was dead and freedom in Czechoslovakia was extinguished by Hitler. It has never been restored.

But for the people of Czechoslovakia there must remain hope. Thomas Masaryk is the symbol of that hope. Because it is forbidden to celebrate this man in his homeland, we in America must keep alive the spirit and the memory of the champion of Czech liberty, so that it may inspire Czechs everywhere, in their homeland and here in America, through the years to come. With this inspiration kept before them, one day the dream of the great man we now honor, a free Czechoslovakia may be reborn.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. KING].

Mr. KING of Utah. Mr. Speaker, first may I thank the gentleman from Iowa for yielding me this time.

Mr. Speaker, the House is asked, today, to approve an appropriation of $915 million for the National Aeronautics and Space Administration, for fiscal 1961. This sum represents roughly one-fifth of 1 percent of our annual gross national product. Measured in that light, the sum is by no means excessive. Measured by the amount of effort which taxpayers must put forth to raise this sum, however, it is large. It is so large, in fact, that the taxpayers are entitled to know why it needs to be spent.

It is argued by some that the world's nations have already inherited more than enough problems right here in their own respective backyards to frustrate the efforts of their most resourceful minds. Why, then, this frantic effort to comb through the cosmic clutter of outer space, to ferret out new problems to compound our misery?

If the answer to this question were to lie in nothing more than the anticipated benefits, in dollars and cents, from the space program, it would be adequate. The full answer, however, is much broader than the balance sheet. It goes to the issue of strength, growth, and survival.

A historical parallel will illustrate this point. During the late 15th century, Venice was the greatest maritime power in Europe. One-half of the latter's shipping passed through her ports, and her wealth and splendor were the envy of the world. One day a stranger from Genoa presented himself to the ruling Doges of Venice, and talked to them about new sealanes and fabulous treasures to be obtained by sailing west, beyond the circumscribed limits of familiar sealanes. Christopher Columbus needed ships and money, but the Doges were not interested. They no doubt felt that they had an abundance of problems right at home. Their fortune was made, and the hazardous horizons of the new world seemed to hold out for them nothing but risks. The decadence of comfortable abundance had set in. They were more interested in conserving than in discovering. Columbus' proposition seemed to them an offer of "everything to lose, and nothing to gain," and they turned him down.

On that historic day, Venice thereby turned down all claim which it might otherwise have had upon the glories of the new world which were soon to burst upon them. They ignored the eternal laws of growth, and in so doing, lost not only what they might have gained, but also what they had. From that day on, Venice's star began to set.

The lesson is clear: the future is always on the side of those who, at personal sacrifice to themselves, are prepared to accept the future's inexorable demands for exploration and conquest of the unknown.

America, then, must move into outer space, for to fail to do so would be to cease to be America. American resourcefulness, American mechanical ingenuity, American daring and pioneering spirit, the willingness of America to push back the horizons of the unknown—these are the traits which make us what we are. We cannot be otherwise and remain Americans.

The case for exploration of outer space might be summarized by the following propositions:

First. To compete with the Russians, or anyone else, in the race for space, and to do everything in our power to win that race, demands that we give an unparalleled thrust to our scientific and technological progress. The impact which our space program has already had upon our thirst for and pursuit of knowledge, our educational system, our training of teachers, and our general emphasis on both basic and applied research is absolutely beyond calculation. It has been estimated by some that whereas in 1900 America was doubling its scientific knowledge once every 50 years, today we are doubling our scientific knowledge once in every 10 years. This phenomenal rate of progress is due, certainly in large measure, to the exhilaration we sense in being engaged in the most fantastic race for knowledge in all history.

Second. The support of space activity means the opening up of incalculable new worlds of scientific knowledge, and of greater control of the universe around us. It could well be the most important scientific breakthrough since the discoveries of fire and of the wheel. To fail to be one of the leading protagonists in this historic unfolding of events would be unthinkable.

Third. The exploitation of space brings with it some very practical and immediate commercial benefits. It is said, for example, that the meteorological achievements alone, that is, the achievements in the science of accurate worldwide weather forecasting, will more than pay, in dollars and cents, for the cost of the entire program. Then there are the commercial profits to be derived from space transmission and receiving of radio and TV broadcasts; from a wonderfully modern worldwide postal system; from navigation for sea vessels and aircraft; from reconnaissance and reconnoitering; and an almost unlimited number of further applications. Who could have foreseen all of the commercial uses to which electricity was to be put when this mighty force was first comprehended and harnessed by man? The uses to which we can put space are literally without limit.

Fourth. The vigorous advancement of our space program will greatly help to revive our somewhat drooping international prestige. The world expects America to be first in this type of activity. It always has been in the past. The fact that it has fallen into second place in the space race has caused us to suffer a serious, but not irredeemable, setback. Whether we like to admit it or not, outer space is a showcase, in which America is called upon to display its trophies, alongside some very impressive trophies already won by the Russians. Maybe this is not logical, and maybe it is not right, but it is a fact, and one we must accept. Although I do not wish to be accused of oversimplifying this complex problem, I believe I am correct in stating that no one thing would restore our prestige in the eyes of the uncommitted nations of the world more than for this country to forge ahead in this mighty struggle to conquer outer space. Let me make it clear, moreover, that I use the word "conquer" only in the scientific sense, and not in the military sense. Although space rockets and missiles do have profound military significance, and may even hold the key to our entire defense posture, I do not refer to the military applications of space in this address, for the reason that we are considering at this time the civilian space program. We are dedicated to the peaceful exploration of outer space, and I desire all that is said here to be in complete harmony with that objective.

Fifth. The advancement of our space program will do much to hasten disarmament and world peace. It is well known that the chief stumbling block to the implementation of any program for multilateral disarmament is the failure to agree on a mutually acceptable inspection program. Each nation wants to keep its own military secrets inviolate. Once a complete system of worldwide reconnoitering has been established through the use of earth satellites, the greatest barrier to disarmament will have been surmounted.

And so, Mr. Speaker, the list of arguments could go on and on.

I have no doubt that this appropriation bill will be approved, and overwhelmingly. It is not a partisan issue. The need is recognized on both sides of the aisle, and all are anxious to act.

My hope is that not only will we approve this appropriation, but that we will do it willingly and understandingly. America has never had a more exciting opportunity to demonstrate its greatness. I urge an entire nation to take rank behind our great scientists, industrialists, and laborers whose joint efforts are producing before our very eyes some of the greatest miracles of modern times.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. HECHLER].

Mr. HECHLER. Mr. Speaker, I shall vote against this bill for the reasons I set forth in minority views in the report of the Committee on Science and Astronautics.

I have long felt that the strengthening of America's general education system deserves an even higher priority than the money authorized or appropriated for either our national defense or space programs.

It does little good to purchase military hardware today or put a man in space tomorrow if we do not at the same time train the brains to improve our hardware and technology in the future. Therefore, I believe that education constitutes the very foundation of our progress in the space effort and national defense.

My opposition to this authorization, and all similar authorizations and appropriations, does not stem from opposition to the value of the projects contained, and I do not wish my vote to be so interpreted. I have no fear that this authorization, and the appropriation to support it will be defeated. I will be

happy when it is approved overwhelmingly. But in this troubled world, I am concerned with the perspective with which we view and approach issues and priorities. I happen to feel that the need for education is so fundamental, and so serious, that it deserves the top priority in the Nation.

This feeling has been deepened and strengthened by my service on this committee. Time and again witnesses have testified that for our Nation to progress in the space and defense efforts we must build up additional basic research, and that our supply of basic research is rapidly becoming exhausted as we draw on it. These same witnesses testify that the most important foundation for basic research is certainly education.

If we are to move forward in the space effort, of course we are going to need people trained in the natural sciences. In other fields, we are also going to need social scientists who can point the way for mankind to reduce human poverty and suffering, to secure disarmament and better international understanding—and ultimately to maintain a lasting peace. And as automation produces more and more leisure time, we shall need more people trained in the humanities as well. Perhaps more training in the humanities would help raise the moral tone of society also, because it could certainly stand some improvement.

What does all this have to do with an important authorization for the National Aeronautics and Space Administration? Simply that I hope through my negative vote to dramatize the fact that aid to our educational system is more important today, and will prove to be more important in the 1970's and the years to come, than what we vote today for space or defense. Of course, we need both education and the urgent current expenditures, and my vote is simply intended to emphasize the relative importance of education.

Therefore, until an adequate Federal aid to education bill is passed I will vote in committee and on the floor against space and defense authorizations and appropriations.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Speaker, the Honorable OVERTON BROOKS, chairman of the Science and Astronautics Committee, has presented a general picture of the NASA program for the forthcoming fiscal year. I had the honor to be chairman of the subcommittee responsible for a detailed investigation of the "Construction and equipment" portion of the NASA budget request. As previously stated, the "Construction and equipment" request totals $122,787,000. These funds will be used for the construction of aeronautical and space research facilities at the NASA Langley, Ames, and Lewis Research Centers; for facilities for space flight development and operations at Goddard Space Flight Center, Wallops Station, the Jet Propulsion Laboratory, the NASA facility at Huntsville, Ala., the Atlantic and Pacific Missile Ranges, and for equipment and instrumentation at numerous tracking stations throughout the world.

As this Nation becomes involved in space exploration, we must recognize the need for a ground environment in support of this research in outer space. The development of large thrust engines, research on guidance and attitude controls, fabrication of launch vehicles and payloads and the installations required to launch these vehicles require a tremendous outlay of construction funds to accomplish the overall program. The decision to proceed on a course of exploration in space was made several years ago when the United states proposed a satellite program to coincide with the International Geophysical Year. Further decisions prompted the Congress to pass the National Aeronautics and Space Act of 1958. We are now reaching a point where our ground facilities must be expanded to meet the needs of the long-range plans for space flight research.

Each item in the proposed program was considered in detail by the subcommittee. Some of the highlights of this construction and equipment program are as follows:

Project Saturn: This 1½ million pound thrust booster, using a cluster of the largest liquid rocket engines available, is under development at Huntsville, Ala. The development effort of this booster was recently accelerated so that it will meet an earlier operational date. To accelerate, additional facilities must be constructed at both Huntsville and the launch site at the Atlantic Missile Range at Cape Canaveral. NASA asked for $26,750,000 in the construction and equipment section of the budget for Huntsville. As the Huntsville facility is in the process of being transferred from the Department of the Army to the NASA, the subcommittee thoroughly investigated the Army's military construction program at Huntsville, as compared to the NASA construction program. The Army witness pointed out that the Army plan proposed for an accelerated Saturn program, along with other programs being accomplished by the Army for NASA, would require $25,889,000 in new construction at Huntsville. The small increase in the NASA request was for additional office space in the new central laboratory and office facility.

The Atlantic Missile Range at Cape Canaveral, Fla.: The major part of the $27,750,000, scheduled for the Atlantic Missile Range, is for the completion of the first launch site for the Saturn project and for the construction of a second launching facility for this large space booster. As the Saturn program progresses, a launch rate of about four a year is anticipated. The checkout time on the launch stand is several months; thus, two stands are required. Also, blast studies have established that the booster fuel load of 750,000 pounds could be considered equivalent to 10 percent of this weight in TNT, and that damage to the pad and associated facilities from an explosion of this magnitude would require approximately 1 year to repair. This finding obviously indicates the need for a second pad to insure maintaining schedules with a higher firing rate than one per year.

Project Mercury tracking net: The NASA is planning to spend $15 million of the $27,750,000, requested for tracking facilities, on the installation of various tracking radars, acquisition equipment, telemetry equipment, communications equipment and many associated items for Project Mercury. The Mercury net will consist of 18 stations on a great circle course around the world. These stations will be used to insure means for safe injection into orbit, midcourse tracking and communication, and precision determination of the reentry and impact point. Great emphasis must be placed on assuring recovery of the vehicle and its astronaut passenger.

Mr. Speaker, in addition to the selected facilities just mentioned, the request from NASA includes other items urgently needed to pursue the high priority program in aeronautical and space research at the several research centers located throughout the United States. My subcommittee has gone over that portion of the budget authorization assigned to us with great care. I am convinced that there are no excesses in the program. Every member of my subcommittee believes that we should favorably approve the request made by NASA for this coming fiscal year. In establishing the United States as first in space research and development we must expand our ground facilities to meet the challenge.

Mr. Speaker, I should like to thank the gentleman from Iowa [Mr. GROSS], for yielding time to me.

Mr. OSMERS. Mr. Speaker, will the gentleman yield?

Mr. GEORGE P. MILLER. I yield to the gentleman, a member of the subcommittee.

Mr. OSMERS. Mr. Speaker, as a member of Subcommittee No. 1, I should like to commend the gentleman for his clear explanatory statement.

Subcommittee No. 1 was given the responsibility for studying in detail the construction and equipment portion of H.R. 10189. As chairman of that subcommittee, the gentleman from California [Mr. GEORGE P. MILLER] caused an objective, impartial, and nonpartisan survey to be made of the needs of NASA for construction and equipment at its various existing and proposed installations.

It will interest the Members to know that few responsibilities during my experience in the House have been as interesting, although occasionally exasperating, as work on this subcommittee.

Frankly, Mr. Speaker, due to the nature of the subject matter, the subcommittee was not only confronted with the difficulty, but the impossibility, of really knowing whether the program as here presented is either adequate to do the job as well, or as quickly, as it must be done.

The Congress should take every necessary step to advance space science, development, and exploration without a moment's delay, particularly in view of the remarkable Russian advances in the sputnik and lunar probe fields.

It is a matter of real concern to me that programs such as Mercury, Saturn and Centaur cannot advance on much

shorter time tables than provided for in this bill. In fact, I am not yet fully convinced that these programs cannot be greatly expedited by more funds to make possible a greater effort that would produce scientific breakthroughs earlier.

In examining this program we must bear in mind that NASA is our newest major Government agency. Its work thus far under Dr. Keith Glennan has been outstanding. We can expect great results as the broadened program called for under this bill proceeds in the fiscal year ahead. Significant acceleration should take place from all indications.

The questions we must ask ourselves, bearing in mind the remarkable Russian outer space accomplishments, are these: Is this NASA space program too small, too large, or about right?

Certainly it is not too large. Those who live with it from day to day say it is about right. For the time being, we must accept that judgment. There is every reason to believe that it must be dramatically enlarged in the future if we are to pull even and then overtake the U.S.S.R. As legislators, we must of necessity rely on the administrators of the programs to seek immediate approval from the President and the Congress for any authorizations and funds that are needed when scientific opportunities to leap ahead occur.

Despite the peaceful purposes of this program, its national urgency cannot be overstated. The possible future defense application of everything being developed under it is obvious. For that reason, Mr. Speaker, I am asking the chairman of the full committee, the gentleman from Louisiana, to establish the closest possible liaison between NASA and the House Science and Astronautics Committee and its staff throughout the all-important year ahead. We must not sleep on this program. Every single opportunity to advance the space research and development resources of the Nation must be exploited instantly to the fullest. Let us hope that Congress will not repeat its tragic mistake of 1959 when this program was so unwisely and seriously curtailed by a failure to appropriate sufficient funds.

Mr. GROSS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I am opposed to this bill for two reasons. I am opposed to it because it adds more high-priced employees to the payroll of the Federal Government coming as it does on top of the additions and upgrading in the second supplemental appropriation bill, passed only a few days ago.

I am opposed to it, too, for the reason that this $915 million bill comes to the House, at this early stage in this session of the Congress under suspension of the rules, precluding any amendments. I am opposed to it because the report accompanying this bill was available only last Saturday morning, and as of this minute no one can obtain the hearings, because they have not been printed. Here is an authorization bill for $915 million before the House of Representatives with no printed hearings and with a report that was available only Saturday morning.

This is a very poor way to legislate. There is no reason for it. I should like to have the hearings to find out whether any serious attempt was made by the Space Committee to justify the increase in the number of employees at the salaries they are being paid, but the hearings are not available to me. I notice that no one who has spoken thus far on the bill has addressed himself to this employee proposition and the salaries that are to be paid. I hope that before the proponents of this bill exhaust all of their time somebody will go into this situation.

Mr. ANFUSO. If the gentleman will yield, I intend to go into that when the gentleman's time has been consumed.

Mr. JOHANSEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I wonder if the gentleman from New York is able to give us any information or if any member of the committee speaking subsequently will give us any information as to the breakdown of the three new positions at $21,000 per annum and the 30 new positions with pay up to $19,000 per annum, particularly with reference to the number of increases in strictly administrative as against scientific and engineering positions.

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BROOKS of Louisiana. May I say to the gentleman I would be very happy to go into that matter, but the gentleman from New York [Mr. ANFUSO] is chairman of the subcommittee that spent a number of days and special time on that matter. The present speaker has kindly consented to yield us 5 minutes, or I believe he will, and the gentleman from New York will discuss that in detail during that time.

Mr. GROSS. Cannot the gentleman give us at least some information at this time?

Mr. ANFUSO. Yes; I will be glad to give it to you now.

Mr. GROSS. Please let us have it now.

Mr. ANFUSO. One of the new $21,000 positions which have been talked about will go to Dr. von Braun.

Mr. GROSS. Yes; that is in the report. We know that.

Mr. ANFUSO. Another will be allowed for the Director of the Office of Launch Vehicle Programs, a position now occupied by an Air Force major general, General Ostrander on reimbursable detail. The third will be held in reserve for future assignment, perhaps to the newly created Office of Launch Sciences.

Mr. JOHANSEN. I wonder if the gentleman would be able to supply corresponding information covering the 30 new positions which pay up to $19,000 per year.

Mr. ANFUSO. As to those new 30 positions, there has been an agreement already made between NASA and Dr. von Braun as to the distribution. Dr. von Braun will get 16 of those new 30 positions, and that is agreeable to him. It is more than he really expected.

Mr. GROSS. Who gets the rest of them?

Mr. ANFUSO. The rest will go for positions in high categories of science and research.

Mr. JOHANSEN. I wonder if the gentleman can give us any number as to strictly administrative positions as distinguished from scientific and engineering positions.

Mr. ANFUSO. There will be no new administrative positions. We understand from the testimony that all of these positions, at least 90 percent, will go for science and research. NASA did reserve the right to come in and put in an administrative position where the Administrator has some technical knowledge, which is sorely needed in correlating the activities of the agency.

Mr. JOHANSEN. I wonder if the gentleman can tell whether any of these additional positions will be in the area of congressional relations or public relations or public information?

Mr. ANFUSO. None whatsoever.

Mr. JOHANSEN. Will the gentleman yield for one very brief comment?

Mr. GROSS. Yes.

Mr. JOHANSEN. The gentleman is aware, of course, that I am a member, as is he, of the House Subcommittee on Manpower Utilization. The reason for these questions is that this subcommittee has the mandate of this House to pursue the matter of manpower utilization, to pursue the problem of attempting to hold down if not reduce by attrition the number of personnel in the Federal service. Some of us would like to be in on a birth-control basis instead of on a post-mortem basis in dealing with that problem.

Mr. GROSS. Following up on that point, may I say our committee last year authorized 251 supergrade and scientific and professional grades in the Government? It also increased certain salaries in the executive branch of the Government. As I recall the situation, in the supplemental appropriation bill the Space Administration got 175 new employees; is that correct or is it not?

Mr. BROOKS of Louisiana. No; that is not the number.

Mr. GROSS. How many did they get then on the second supplemental appropriation?

Mr. BROOKS of Louisiana. There were no additional employees in the second supplemental appropriation bill.

Mr. GROSS. Oh, yes, there were additional employees in that bill.

Mr. BROOKS of Louisiana. No; that was already authorized.

Mr. GROSS. Let me read from the report accompanying the second supplemental appropriation bill:

> The committee has also approved an increase of 175 positions. This will provide 75 of the 150 requested for the headquarters office, and 100 as requested for advance recruitment of certain staff at the Huntsville, Ala., facility which is being transferred to NASA from the Department of the Army. Funds appropriated in the regular 1960 Salaries and Expenses appropriation are adequate to finance such added employment.

You got the employees; did you not?

Mr. BROOKS of Louisiana. We got the employees.

Mr. GROSS. Of course, you did.

Mr. BROOKS of Louisiana. But, if the gentleman will yield, what we have today before us is, of course, the authorization. That provided for the money. The ratio of excepted employees in Huntsville will figure roughly at 4 percent, which is very close to the average, for the entire NASA. Sixteen of these 30 new positions will go directly to Huntsville. Already 20 have been allocated to Huntsville, and that will be returned to NASA, which will make the 34.

Mr. GROSS. Then the Appropriations Subcommittee said this:

The committee cautions that the headquarters staff of NASA is getting top heavy. There are already far too many legal experts and information specialists, and the committee does not approve any new positions in these categories. Headquarters is also loaded down with too many scientists who are doing administrative work rather than productive research. The record further indicates that 109 of the authorized 260 excepted or supergrade positions have been allocated by NASA to the headquarters office, and a large number are for administrative jobs. This ratio of excepted or supergrade positions in headquarters is grossly excessive, and the committee expects any such unfilled positions to be reserved for the scientific and engineering staffs at Huntsville and other research laboratories.

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BROOKS of Louisiana. May I say that I was familiar with that and read it just before I went to the hearings and had it with me during the hearings. I want to say I am not critical of the statements that are made there. I investigated very carefully. Most of these positions out of the 30 new ones will go to Huntsville and that is entirely in the field. We had a breakdown of the field positions, and most of these new positions will go to the field operation. They will not be used to build up the staff in the main headquarters of NASA.

Mr. GROSS. Why do you not ease up on the business of loading this space outfit with high salaried employees? Ease up and give us a chance to look over this operation. Let me ask the gentleman why there are no hearings available on this bill.

Mr. BROOKS of Louisiana. The hearings were completed on Wednesday and have gone to the Public Printer to be printed. The hearings are very exhaustive.

Mr. GROSS. Yes; but it does not do us a bit of good. It does not do the Members who are trying to find out the justifications for this bill a bit of good to know that hearings were held.

Mr. BROOKS of Louisiana. We have a tight schedule coming up and it would be a matter of either this or waiting several weeks.

Mr. GROSS. Making the hearings available after this bill is passed, and after the debate is held this afternoon, will be of no help to Members of the House. At this point, I should like to say that I am introducing a resolution today to provide the following:

No general bill shall be considered in the House until printed committee hearings and a committee report thereon have been available for the Members of the House for at least three calendar days.

Such a provision now applies to all general appropriation bills, and such a provision ought to apply to every bill of any import that comes before the House of Representatives. No bill should be considered until the report and hearings have been available for at least 3 calendar days. You are asking us to do the impossible here today by voting for this bill without printed hearings and without a proper discussion.

Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ANFUSO].

Mr. ANFUSO. May I say to the distinguished gentleman from Iowa who has just addressed the House that the committee was trying to be extremely fair to all Members of Congress. We worked almost 7 days a week in bringing out a bill on which we were unanimous. As a matter of fact, most of us would have preferred a longer time to debate the bill but we do know that in this session of Congress, particularly commencing this week, we are going to be confronted with very, very important legislation. We thought that perhaps this would be the way the Members would like to have this bill, which was unanimously reported, brought up.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANFUSO. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman state how many new employees you got under the second supplemental appropriation bill?

Mr. ANFUSO. There are no new excepted positions involved at all. The figure that you mentioned before was a part of the old setup. Under this new bill that we are presenting here, 30 additional excepted positions are called for.

Mr. GROSS. You have 30 new employees under this bill.

Mr. ANFUSO. Twenty-seven, plus the other three positions in the $21,000 category, one of which was Dr. von Braun's.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ANFUSO. I will be glad to yield after I make my statement, if I may.

Mr. Speaker, I rise in support of the bill H.R. 10809.

It is time for all Americans to recognize what the rest of the world already knows, that we are running a space race with the Soviet Union. It is a race that we must win. At present, we are still losing.

In recent weeks, these facts have struck more and more people, both in and out of Government, who have studied the achievements made by the two countries in outer space. I will confine myself to quoting one representative of private industry, who recently emphasized:

We must get it through our thick heads that a race is going on, and that this race will determine the future of mankind. (Hilliard W. Paige, general manager of the missile and space vehicle department of the General Electric Co.)

Making every reasonable allowance for exaggeration and special interest, the situation described in that statement calls for action. The least the Congress can do is support the relatively modest space program proposed in the President's budget.

There is little danger of providing more than the Space Agency can properly use. The bill calls for exactly the amount of money requested by the President. Most of the increase over last year's budget is due to the transfer of the Huntsville facility, directed by Dr. Wernher von Braun, from the Army to the Space Agency.

During the next fiscal year, the number of permanent positions in the Agency is expected to increase from 10,086 to 16,373. Of the 6,287 new positions, 5,500 will be at Huntsville. The $170,760,000 allocated to "Salaries and expenses" includes $128,625,000 for the wages and salaries of this enlarged staff. Comparable figures of the current fiscal year are $91,400,000 and $72,280,800. Expenses for necessary supporting services such as travel, rents, and utilities are expected to rise from $19,119,200 to $42,135,000. Again, the increases result chiefly from the Huntsville transfer.

It is important to note that the transfer of the Huntsville facility from the Army to the Space Agency will not raise Government costs as a whole. The resulting increase in NASA costs will be offset by a corresponding deduction from the Army budget.

In order to raise the pay scale of the Huntsville facility to the level of NASA as a whole, Congress has been asked to establish 30 additional excepted positions. Twenty-seven of these new positions can be paid as much as $19,000 a year. The three others are in the pay range of $19,000 to $21,000.

There are now at the Huntsville facility 18 supergrade and excepted positions which will be transferred to the Space Agency. The committee is informed that, if the 30 additional excepted positions are authorized, 36 new excepted positions will be established at Huntsville. After this addition, the proportion of excepted positions to the total number of research scientists and engineers at Huntsville will be about 4 percent. This will bring it on a par with other NASA research centers; and, I might add that our committee insisted, before approving these excepted positions that there be complete agreement between Dr. von Braun and NASA officials as to the distribution of them.

Certainly Dr. von Braun and his outstanding staff should not be penalized by their transfer to the Space Agency. Their contributions are too well known to require description here. All I need

to do is to remind the House, that they put the first U.S. satellite into orbit, and are now responsible for Project Saturn, which is the best present hope of this country for overtaking the Soviet Union in the space race. On the other hand, it hardly seems fair for the Space Agency to bear the heavy burden of a transfer that was not foreseen when the National Aeronautics and Space Act of 1958 was passed. The committee was satisfied that the request for new excepted positions would avoid both of these unfair results.

One of the new $21,000 positions will go to Dr. von Braun himself as the Director of NASA, Huntsville. The establishment of 30 additional excepted positions in the Space Agency is an administrative proposal approved by the Bureau of the Budget.

Mr. Speaker, the majority of the Congress and of the American people would no doubt prefer a greater effort in space exploration than the President has proposed, and which this bill reflects. Time is running out, and the need is increasingly evident. The least that we can do is to support the level of effort represented by this bill.

Mr. BROOKS of Louisiana. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Speaker, I wish to express my full support for the pending measure and in doing so desire also to indicate my complete support of the committee and of the National Aeronautics and Space Administration in this program.

However, although I fully support H.R. 10809, I have certain reservations with regard to the attitude and the manner in which NASA is implementing its space program.

Like the chairman of our committee, I am well aware of the large sum of money involved, but it is my considered judgment that space exploration and space technology are of such paramount importance to the welfare and security of this country that the costs—and they will increase as time goes on—must be borne. To do otherwise would endanger the United States and the free world.

Furthermore, just as a boy should not be sent to do a man's job, so it follows that sufficient funds should be provided to do a task which by its nature is colossal in its scope. A new world cannot be conquered with pennies.

I am disturbed over whether the National Aeronautics and Space Administration is approaching the tremendous task with which it must cope with a sufficient sense of urgency. I question whether the Space Administration is pushing ahead as rapidly as it could in various important fields, such as, first, the development of the F–1 rocket engine to produce 1½ million pounds of thrust; second, the use of nuclear propulsion for space flight; and third, the sending of a manned expedition to the moon.

Specifically, I am not satisfied with the rate of progress on the development of the F–1 engine. This is the engine which will form the basis for a clustered Nova configuration of possibly 9 million pounds thrust, sufficient to send a manned expedition to the moon.

Associate Administrator Richard Horner, of NASA, disclosed that the F–1 development program has been delayed 12 to 18 months. Although the committee did not agree with Mr. Horner, the Associate Administrator placed the responsibility for the delay on Congress. He stated that its failure to appropriate $18.5 million of the $353 million authorized for appropriation for research and development compelled NASA to cut the F–1 engine program by $6 million. Horner said this $6-million cut has resulted in a loss of 12 to 18 months in completion of the program. The first flight test of the F–1 engine is not scheduled now until 1968 and no date has been set for the completion of the Nova. NASA's goal for a manned expedition to the moon is sometime in the 1970's.

It is my feeling that if NASA regarded the F–1 engine project with the same sense of urgency that it merits, it would not have reduced the funds for this highly important program. Instead, it would have found somewhere else the $500,000 a month to keep the F–1 project going at its scheduled pace. I feel that the F–1 project should not have been cut back.

Congress did not specify what programs, if any, should be cut. It left that entirely to the discretion of the space agency. It felt that NASA was the best judge of that. No action taken by the Congress compelled NASA to cut the F–1 engine program. It should be noted that although Horner said the F–1 project was very high on NASA's space program, the F–1 project nevertheless suffered the greatest cut. I am concerned over NASA's attitude in the matter and my subcommittee made it clear that it expects the space agency to push the program as much as possible in the future.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from California.

Mr. McDONOUGH. I appreciate the speech the gentleman is making as a member of Subcommittee No. 4 as well as a member of the full committee. Subcommittee No. 4 indulged in a study of this question, and we believe every possible effort should be made and the funds provided for the speedy operational facility of the F–1 engine.

As the gentleman has just said, due to the Congress not appropriating funds last session, the project lagged behind from 12 to 18 months. The F–1 engine is the basic power unit for the ICBM and all satellite and scientific investigations of outer space. Without it, you may as well fold up the program, if you do not get the F–1 engine off the ground.

Mr. SISK. I thank the gentleman. His statement indicates the very great concern of our subcommittee about this matter.

The subcommittee seriously considered increasing the $41 million requested for the F–1 engine for fiscal year 1961 after Horner told us that the funds will not permit a maximum level of development for the engine. However, Horner contended that additional funds would unbalance the overall space program.

The Associate Administrator of NASA was asked by the subcommittee:

> You are not asking this committee at this time to vote additional funds other than those already requested for the F–1 engine?

Horner replied:

> No, sir.

Deputy Administrator Hugh L. Dryden also told the subcommittee that—

> We are doing, I think, all that we can at the moment.

The subcommittee also heard apparently conflicting testimony from AEC and NASA witnesses over whether the nuclear space propulsion program was being pushed fast enough. The impression given the subcommittee by the AEC witnesses was that the program could be speeded up, although NASA representatives assured the subcommittee that the program was being expedited to the fullest extent.

Brig. Gen. Irving L. Branch, USAF, Chief of the Aircraft Nuclear Propulsion Office of the Atomic Energy Commission, testified that the AEC could develop a nuclear propulsion powerplant in sufficient time to permit the preparation of a space vehicle that could land a manned expedition on the moon this decade. However, NASA has no plans for a manned expedition to the moon during the 1960's.

Another AEC witness, Col. Jack L. Armstrong, Deputy Chief of the Aircraft Nuclear Propulsion Office, said:

> I think the nuclear systems offer us an opportunity to take a jump over the Russians. I only hope that they are not working at it as hard as we are.

Armstrong added that the first peaceful use of nuclear energy in space will bring to the nation which achieves it "as much international fame as the first satellites in space." He commented:

> I would like to see this one have the Stars and Stripes on it for a change.

Armstrong warned that the United States faced the danger that if another nation achieved this nuclear breakthrough first, this country will fall still further behind in the race for space supremacy.

The subcommittee is aware of the fact that NASA has large commitments in the area of liquid chemical propulsion, that it is an important area, and should be pushed. But I hope that in doing so the Space Administration will not overlook the challenging possibilities for progress that lie in the field of nuclear propulsion.

The subcommittee also urged the Space Administration to inform the Congress, and especially those committees having jurisdiction over its authorizations and appropriations, whenever it feels sufficient funds are not available to push ahead with the utmost speed in vital areas of space technology and space exploration. It is also incumbent upon the Space Administration to keep the Congress fully and currently informed of the progress being made in space.

I will be the first to admit that on technological questions, we must bow to the experts. This is all the more reasons why NASA should keep the Congress advised of all matters that will aid its committees in doing their work.

It is regrettable that in the past year the Space Administration has refused to give this committee various documents it sought in connection with contracts awarded by NASA. Contracts totaling possibly several hundred million dollars will be awarded soon by the Space Administration for the development of the upper stages of the Saturn rocket. It is my hope that NASA will keep us fully informed of the progress being made on this important project and will not deny to our committee the information that it must have if the committee is to evaluate adequately the large contracts that are pending. Congress owes a duty to the American taxpayer, if it votes such huge sums, to protect his interests.

I hope that the Department of Defense will continue with research on Project Orion. This project pertains to a method of future space propulsion which is based on a system in which a series of small nuclear explosions creates propulsion for huge space platforms. Currently, there is a ban on nuclear testing, but the sponsors of Project Orion believe that its feasibility can be established through the use of conventional high explosives. Project Orion is now under study by the Advanced Research Project Agency. A total of $2.4 million has been allocated for a feasibility study. However, this work will terminate next August unless another one for $2 million is provided to carry on the work for another year. Although neither the Defense Department nor NASA has any plans for continuing the study beyond August, it is my hope that this worthwhile project will not be dropped.

I also believe that a positive, aggressive program should be undertaken to enlist the support and cooperation of the free nations in achieving space objectives. The United States has placed installations in other countries, including Australia and South Africa, to be used in our space tracking operations.

In addition, there are many other countries which do not have the necessary resources to conduct programs such as ours, but which can contribute financially and with technical know-how in areas of scientific interest of immediate benefit to them. These countries should be invited to join the United States in this monumental effort where possible.

Such activity would have a direct payoff for this Nation. It is no secret that this country has much greater capability in applied research generally, than in basic research. It is also well known that European countries such as West Germany, England, and France have longstanding and well-recognized capabilities in such research. If these nations and others of the free-world community became partners of the United States in advancing science into the outer regions of space, all participants would be able to reap invaluable benefits from such association.

I would hope, therefore, that NASA and the executive departments involved will determine feasible means by which international cooperation can be achieved and vigorously implemented.

Mr. RIEHLMAN. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from New York.

Mr. RIEHLMAN. I serve as a member of the gentleman's subcommittee and I commend him for the statement he is making at this time.

Mr. Speaker, the portion of this authorization bill, H.R. 10809, to which our subcommittee gave thorough consideration, deals with 11 specific projects. I believe that each and every one of them is essential to accomplishment of our space goals. Our subcommittee, under the chairmanship of the gentleman from California [Mr. SISK], made every effort to be as well informed as possible as to the merits of each proposal. Therefore, lengthy hearings were held on these 11 projects, and an intensive effort was made to understand as clearly as possible the importance of each to our overall space effort, and the progress expected on each in the coming fiscal year.

Out of the 11 projects 4 were cut below the 1960 requests. This was due to either the phasing out or completion to a greater degree of the programs. The other seven projects, namely, vehicle systems technology, liquid-fuel rockets, nuclear systems technology, space power technology, Centaur, Saturn, and tracking and data acquisition, were markedly increased.

Based on the information given the full committee by experts in these fields, and also on careful consideration of testimony given before the subcommittee by those in NASA and the armed services who are charged with the responsibility for these programs, the subcommittee unanimously approved the entire amount requested by the Department.

Mr. Speaker, neither NASA as an organization nor our committee possesses any great store of experience in many of these fields of endeavor. Thus it is sometimes difficult for one to refer to the past or to point to some predictable future event in order to justify the need for these large expenditures. But as I have said before the full committee, there is an urgent need in our Nation for increased action in the field of space exploration. Therefore, in order for us to be more competent we will have to accept the responsibility for forging ahead with these decisions until we have had greater experience and are better able to make constructive and sound judgments.

Now I would like to speak of the need as I see it for the full support of several of these programs if we expect to accomplish the 10-year program for the exploration of space—the culmination of which will be manned flight to the moon. This program was presented to the committee some weeks ago by NASA. In order to accomplish this venture, one of the major needs is the development of a liquid-fuel, rocket engine known as the F–1, which would have 1,500,000 pounds of thrust. The clustering of four or six of these engines in a first-stage booster would give us the capability of manned landings on the surface of the moon and planets with return to the earth. Considerable discussion was held in respect to the importance of this type of engine. It is a fact that it has a high priority in respect to other programs, and the administration feels that although there has been an extension in time of development, that it will be available for use in sufficient time to accomplish its mission. The amount requested was $63 million.

Another program which most of us are familiar with is the Centaur which is a second-stage vehicle whose first stage is a modified Atlas–D missile. The significant feature of the Centaur is the use of liquid hydrogen as a fuel, thus providing a launching vehicle of greater capability than previously available. The main missions of the Centaur would be to place a communication satellite in stationary, a 24-hour orbit, and lunar and planetary probes. The development, construction, and carrying out of this project are of tremendous interest to the armed services. This is readily understandable because of the communications capabilities of such a satellite. The total authorization for this project for fiscal year 1961 is $39,500,000. It is understood that final design of the Centaur powerplant and second stage will be completed and flight test programs started during fiscal year 1961.

A third program which is now and has been since its inception carried on by the Army ballistic missile team at Huntsville, Ala., under the direction of Dr. Wernher von Braun, is the one known as Saturn. This program carries an authorization for fiscal year 1961 of $134,308,000. The project has a DX priority, and we are progressing to the point where, within a matter of months—a captive firing of an 8-engine cluster will be made. It is our hope that within a period of 12 to 18 months we will be in a position to use the Saturn for the purpose of putting a payload of up to 30,000 pounds into a 300-mile orbit. This will be the vehicle for placing a manned Mercury capsule into space. We have every confidence that if given the funds the Von Braun team will produce the desired end result.

Another project which is vital to all of our space flights is that of tracking and data acquisition. The request presented to us for this program for fiscal 1961 is $32,550,000. It is my understanding that these funds are sufficient to complete the major portion of this entire program. However, we can look forward to the problem of maintenance and modification costs as new developments are brought into being. This program is vital to our Mercury project, and to all other programs where we need to follow the progress of our satellites and be able to properly record the information transmitted back to earth from outer space.

The subcommittee, recognizing the full importance of this program, did not hesitate to give complete approval to the request. These projects which I have

mentioned comprise the greater portion of the funds for authorization under our jurisdiction.

Recognizing full well that many of these projects may have to be adjusted in the months ahead, I cannot help but feel that our subcommittee and the full committee have used good judgment in recommending to the House the adoption and approval of this authorization.

Mr. BROOKS of Louisiana. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I stated before the committee, and I would like to state here, I was opposed to bringing the bill up under suspension of the rules. I congratulate my colleague, the gentleman from Utah [Mr. KING], for his forthright statement regarding the background of why an Iowa Congressman can support this legislation. I wish I had time to further develop this matter.

Mr. Speaker, it is unfortunate that we do not have more time to debate the merits of this bill for almost $1 billion. In the brief time allotted me I should like to summarize eight of the major research and development phases of NASA's 1961 budget. These account for $290,095,000, or about half of the total research and development sum requested. They are the research phases on which our subcommittee spent considerable time and to which we gave careful attention.

Members will find a detailed explanation of this research in the report—House Report 1333—running from page 5 through page 17.

Let me itemize this material and specify what it is for.

First. For operational support of NASA's plant—its headquarters, research laboratories, and missile range offices—$51,345,000. This money, in essence, is to operate, equip, and maintain the 11 NASA offices and laboratories throughout the country and in tracking areas. All except the western office—Los Angeles—require some increase in 1961, but the big item is a new $18,752,000 sum for running the Huntsville establishment which is being transferred to NASA from the Army.

Second. For research grants and contracts, $10 million. This money goes to non-Government contractors and institutions including colleges and university groups which are assigned projects in basic aeronautical and space research.

Third. For sounding rockets, $8 million. This money is to permit continued investigation of upper atmosphere conditions and magnetic and radiation phenomena. Much of the work done by these rockets is prerequisite to the bigger, more complicated satellite and space probe efforts.

Fourth. For scientific satellites, $41,700,000. This money is to continue our investigation of space and the forces therein by means of orbiting satellites. The major new expenditures involved here are for the purchase of new type launchers and a doubling of the effort to refine and procure satellite payloads for a continuation of the program which has already yielded valuable scientific results on the Van Allen radiation belt, the magnetic field of the earth, cosmic rays, and solar terrestrial phenomena. I may refer you to page 10 of the report starting with the second paragraph.

Fifth. For lunar and planetary exploration, $45 million. This money is for implementing scheduled lunar and deep space probes, plus the very considerable research which must precede them. It involves, among other things, instrumented probes into the Venus orbit, satellites designed to orbit the moon, and the launching of vehicles designed to hit the moon and make soft landings thereon. Some of the greatest basic scientific discoveries of our age may be expected to come out of this kind of investigation.

Sixth. For meteorology, $20,700,000. This money is for the development of a meteorological satellite system capable of worldwide coverage for weather purposes. The program for 1961 requires the development of new payloads and purchase of boosters.

Seventh. For communications, $5,600,000. This money is for the continued development of communications satellites—passive and active—and the techniques of operating them. The 1961 program here again requires new payload development and procurement. Together with the meteorological program, the communications program promises to be among the first to bring real economic returns to the American people.

Eighth. For manned space flight, $107,750,000. This money is for the development and implementation of Project Mercury and its supporting programs. It reflects the acceleration of the program which, in size, is second only to Saturn among NASA's R. & D. projects. New funding is required here for tracking network operations and for recovery operations.

I am sure my colleagues will understand that in this—America's only current man-in-space effort—special care must be taken to insure the safety of our astronauts. A large part of the expense of this program is devoted to that very factor.

Mr. Speaker, we on the committee are satisfied that all the money requested here is essential to an effective aeronautical and space program. It cannot be reduced without hurting both our Nation's security and its standing in the scientific and world community, and hurting them badly. Some of us—and I am one—feel that more money might well be going into this program. For example, we might wish that NASA's basic research contract program and its lunar and planetary exploration programs be stepped up to a faster pace. In view of the need for real breakthroughs in basic space research and in light of the great benefits to national reputation inherent in successful explorations within the planetary system, such a speedup would seem warranted. I know that some members of the committee have similar feelings about certain other parts of the overall program.

In any event, Mr. Speaker, this is an integrated program and the money asked here represents a tight budget.

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. TEAGUE] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the urge to explore is innate in man. The Spanish conquistadors sailed in miserable little ships to America to ransack the corners of the strange new world they found there. Wealth was in their minds, but adventure and exploration stirred them into action. In Biblical days the Israelites worked their way from Egypt to the Promised Land. A thousand years ago South Sea Islanders traversed the Pacific in outrigger canoes. In modern times explorers have penetrated the remotest parts of the earth. In the last half century, the wonders of modern travel have caught up with the last frontiers on the surface of the earth. The mysteries of the out-of-way corners of darkest Africa, remote Tibet, and frigid Antarctica have been exposed to public view. Our globe seems to have shrunk and shriveled.

But, with remarkable suddenness in the last decade a new frontier has been opened. A new domain—outer space—awaits conquest by man. A world awaits expectantly that first flight when man will free himself from the earth, and open the way to the moon and planets. Nothing can hold back this drive into space except the collapse of our civilization.

Space is an infinitely vast region, and its conquest will place severe demands on human capabilities and resources. To lift even light equipment a few hundred miles above the surface of the earth is expensive. The cost of sending man to the moon will be far greater. But mankind in its history has never let the cost of exploration deter him from the task at hand. Whole tribes have picked up their belongings, left their tribal lands, and migrated to distant regions. Alexander marched his army from Greece to Hindustan. Portugal staked royal revenues on explorations of the coast of Africa, and a Spanish queen pawned her royal jewels to finance the search for a new route to India. The burden of the costs of such ventures was often very great, in many cases perhaps relatively greater than the burden that will be imposed on countries like the United States by the exploration of space. If we do not choose to assume this burden, other countries assuredly will.

Why should we, the United States of America, want to explore space? Why should we not leave it to someone else to do? There are many answers. We seek knowledge. We seek the benefits of knowledge. We seek the practical applications of the new technology that will develop. We yield to the urge to explore that is an American heritage. We seek to extend the domain over which man may move. Our national pride will not permit us to sidestep the challenge of space that lies before us. Our practical sense assures us that if we do not meet the challenge, we face a future as a second-rate nation on this earth.

What is this knowledge that we seek and how can we get it? We wish to

learn all we can about the earth and its atmosphere, and about the sun and its influence upon the earth. Probing even further into the very nature of existence, we seek to learn the nature and origins of the universe, including the origin of our own solar system. And most exciting of all, we seek the origin of life and its possible presence beyond the terrestrial sphere. These problems we can attack by means of sounding rockets, satellites, and space probes. These new tools of space flight provide us with the means of sending equipment into the high atmosphere of the earth and beyond to make measurements and observations that can never be made from the surface of the earth. Eventually they will carry man himself as scientific observer and explorer.

One cannot overestimate the importance of the sun to us. The ancients worshiped the sun, intuitively recognizing this importance. The sun grows the food we eat, and furnishes most of the energy that we use in our daily living, in commerce, and in industry. Were the output of energy from the sun to change even a fraction of a percent, the effect upon the earth and its inhabitants would be tremendous. The changes in weather could be disastrous to mankind. Fortunately, no such change in the total solar energy output has occurred throughout the history of man nor is any to be expected for eons and eons of time into the future. Nevertheless, such is the influence of the sun upon our weather, the seasons, climate, radio communications, our sources of energy and food, that knowledge of sun-earth relationships is of interest and importance not only to the scientists but also to the practical man.

The fundamental nature and origins of the universe are the basis of our engineering achievements. An indispensable first step in advancing our engineering and technological capabilities is to search out these fundamental laws and the properties of matter in the universe, so that the engineer can make his inventions and creations. We are all familiar with the tremendous practical power our knowledge and familiarity with electricity and magnetism have given us. Everywhere about us in modern day civilization are seen the applications of this knowledge. Who is to say what similar practical advantages may arise if we are able to achieve a comparable understanding of the nature of gravity, for example? Thus, even though we may not be able to predict or foresee the specific applications that will grow out of our new knowledge about the nature and origins of the universe, nevertheless the possibilities are so tremendous that we cannot afford from a practical point of view to omit the research that is needed to open up the opportunities.

In this connection, our nearest cosmic neighbor, the moon, offers tremendous opportunities to the scientist. Having no atmosphere, the moon retains on its surface the evidences of its origin and history back to its early beginnings billions of years ago. Unlike the Earth, Mars, and Venus, which have atmospheres that erode away the surface features in relatively short times geologically speaking, the moon has preserved a scientific record that the research man may use to explore into the origin of the solar system. But, to read this record in nature's handwriting on the lunar surface, the scientist must send his equipment, or go himself, to the moon.

Most exciting of all will be the search for the origins of physical life, and the search for its presence elsewhere in the solar system. Were we to discover forms of life on one of the planets, this would undoubtedly have tremendous philosophical impact upon the thinking of all mankind. It is quite likely that the forms of life that might be discovered on the planets will be different in some respects from those existing on the earth, because the atmospheres within which those life forms developed, and the ambient conditions on the parent planet will have been different from those on earth. Yet this in itself may be more important and rewarding than if life forms identical to those on earth are discovered. For through a study of the differences along with the similarities, we may be able to take tremendous steps forward in our search for an understanding of the phenomenon of physical life. In the long run these studies may well have the greatest practical import of all to mankind. For an understanding of the origin and basis of life cannot help but contribute to human longevity and well-being.

Manned space flight is inevitable. It will be an even greater step forward than was the launching of the original artificial earth satellite. With its achievement, the domain of man will have been extended by a tremendous factor. Man will in time reach the moon, there to explore and probe the mysteries of the origin of the solar system. He will traverse the vastnesses of space to the planets and there personally conduct the search for extraterrestrial life.

But what will be the practical returns on our investment in space research and exploration? What counterpart to the riches of the Indies will we find? Many of these returns we cannot even begin to visualize. Science reflects in a very real fashion the injunction: "Seek and ye shall find." Whenever man has probed into strange and unknown fields of science, the discoveries have always exceeded the expectations of our ignorant state of mind when we began the search. The scientist who watched the twitching frog legs never visualized our modern day electric lights. Roentgen, experimenting with electron streams in evacuated tubes, did not foresee the discovery of X-rays. Columbus never foresaw New York City. But in every case great rewards accrued to the effort put forth.

Even though we must accept on faith that the many returns from space research and exploration will indeed repay over and over again the value of our investment, still we can foresee some practical applications. One of these lies in the field of meteorology. We are all too well aware of the variableness of weather, and the difficulty of predicting what it will be tomorrow, or the next day, or the next week. We may, however, be sure that the rocket and satellite explorations of our atmosphere and the sun will produce additional knowledge about the weather that we may put to practical use. Already the observations from the satellites launched into the radiation belt have revealed to us that there may be a very important connection between particles from the sun, the earth's radiation belt, and weather disturbances. The full story is not yet known, but the practical importance of obtaining the full story is clear.

With the knowledge we gain about the weather, we move forward in our ability to predict and cope with weather. It may well be too much to hope that we shall ever control the weather, but we can hope to modify portions of it. The satellite will some day provide the platform for observing the weather over large portions of the earth on an almost continuous basis. No range of ground based weather stations adequate to accomplish this would be practical.

We have read or heard of a second practical development that can be foreseen—the use of an artificial earth satellite for communications. Large reflecting spheres in orbit can be used to transmit by reflection telecommunications over large spans of the earth. Reflection of radio and radar waves by the moon and by an inflated sphere has already been demonstrated. Work and time can be expected to give the world a system of artificial satellites that will permit communication between any two points on the earth. This satellite system will in its time be an achievement comparable historically with the laying of the Atlantic cable.

The ships that ply the seas are still efficient workhorses to move the cargoes of commerce. They will continue to be so, even while men are flying their spaceships to the moon and planets. And the ships of the ocean will still find themselves with navigational difficulties when the celestial bodies are hidden by clouds or fog. Artificial satellites offer a solution to this problem. Carrying radio beacons, they cannot be obscured by fog or cloud. Crossing the sky repeatedly, they will give to ships almost hourly opportunities for taking bearings. One can visualize a group of satellites that would leave no ship to wander blindly on its course.

Space flight is part of America's future destiny. It poses a challenge we cannot ignore. It appeals to our pioneering spirit. It challenges our leadership in science and exploration. It promises a wealth of return in knowledge and understanding. It promises practical applications that will far exceed in value the required investment. It will extend the scope of our thought and action far beyond the confines of our past history. It requires the faith and support of the country.

GENERAL LEAVE TO EXTEND REMARKS

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all members of the subcommittee may have permission to revise and extend their remarks in the RECORD following mine.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I have had the honor to serve as chairman of a subcommittee of the Committee on Science and Astronautics in connection with the 1961 authorization bill for the National Aeronautics and Space Administration. The portion of the bill our subcommittee was responsible for totaled $290,095,000 for space research and development.

Because we on the subcommittee believe space exploration and utilization to be so vital to the security and welfare of the United States and because the nature of this endeavor is so complex and technical—and so little understood by so many—we have requested the space agency to provide Congress with simplified summaries of this part of its research and development programs, together with a statement of their objectives set out in lay terms.

Mr. Speaker, this information, which follows, should prove enlightening to any layman who has a curiosity about the American space program and the reasons for it:

LUNAR AND PLANETARY PROGRAM

Perhaps no area of man's conquest of space captures the imagination so much as does the exploration of our near neighbors in the solar system. The enthusiastic reception by the world at large of the successful Soviet lunar flights emphasizes this fact. These same people wait and watch to see if the United States has the scientific curiosity, the technical excellence, and the national vigor to match these efforts.

The NASA has established a sound program for the exploration of the Moon, Mars, and Venus which is designed to provide leadership in acquiring scientific knowledge about these bodies. The program is far from an extravagant one. Rather, it is soberly conceived to exploit an orderly evolution of launching vehicles, spacecraft, and scientific payloads to the achievement of several selected goals. Within the next half decade these goals may be simply illustrated by their related missions, which are: 1960, interplanetary probes; 1960, lunar orbiters; 1961–62, lunar impacts—reconnaissance; 1962, planetary probes to Mars and Venus; 1963–64, lunar soft landings; 1965, planetary orbiters to Mars and Venus; 1965, lunar soft landing with mobile vehicle.

The scientific objectives of these missions are no less exciting than the spectacular flights themselves. As our nearest major body in the solar system, unchanged by winds and rain in the several billion years of its, and the earth's existence, the moon offers unique opportunities for a better understanding of the solar system. On Mars and Venus we can look forward to the possibility of some form of life, the discovery of which could prove far more than a scientific curiosity. What scientific finds actually await us we can only speculate. If we knew the answer to this question the program would lose its meaning.

Just as the planned missions constitute an orderly sequence of technological and scientific development, so do they lay the groundwork for the more difficult missions to follow. The program is now in its formative stages. The fiscal year 1961 budget request is minimal in that it provides for a minimum of backup flights and contains no funds for contingencies. Failure to support it at this point must be recognized as jeopardizing the entire national posture in this most important area.

The actual programed flight schedule, which presumes acceptance of the fiscal year 1961 budget and which must be considered tentative beyond 1962, is shown below:

Mission	1960	1961	1962	1963	1964	1965
Lunar orbiter	A A					
Lunar impact		Ag Ag Ag	Ag Ag			
Lunar landing				C C C	C C C	C S
Interplanetary probe	T T					
Planetary probe			C C		C	
Planetary orbiter						S S

T—Thor-Able or Delta.
A—Atlas-Able.
Ag—Atlas-Agena B.
C—Centaur.
S—Saturn.

This mission schedule has been developed in accord with the following principles.

First. Select the most important goals and pursue them with determination.

Second. Establish an evolutionary sequence of missions where each step paves the way for the more difficult phase to follow and which makes full use of increased technological capability as it becomes available.

LUNAR MISSIONS

Consider first the lunar missions. These missions are clearly oriented toward the achievement of controlled lunar landings. It is the feeling of the NASA that this approach will yield the maximum scientific results and will pave the way for more ambitious manned lunar missions at some later date. The series begins with two attempts to place an instrumented payload in orbit about the moon using the Atlas-Able booster. These missions represent our best current capability and are, in fact, the third and fourth attempts at this mission following two failures in 1959.

These missions utilize a spin-stabilized payload with rudimentary but effective midcourse guidance, without which the mission could not be accomplished at this time. The payload contains a variety of radiation detection experiments to make measurements in the lunar environment. As an anchored space station away from the earth's influence, the payload assumes additional importance when its long-term measurements are compared with related measurements in the vicinity of the earth.

In 1961 the NASA will begin the second phase of the lunar program. The Atlas-Agena B will be used to launch a new spacecraft to achieve a controlled lunar impact with survivable equipment.

It now becomes necessary to understand what is meant by the term "spacecraft." A spacecraft is a vehicle designed to fly through space carrying a useful payload and maneuvering as required to maintain the desired course and orientation. In earlier days the scientific payload and telemetry equipment were packaged into a structure which was little more than a can and which either tumbled freely or was spin stabilized. In contrast, the soft landing lunar spacecraft of the future may be likened to a fighter aircraft in complexity and cost. This is readily understandable when one considers that this remote descent to the lunar surface is without benefit of an atmosphere and that the total deceleration and landing is dependent on rocket braking and appropriate electronic sensing equipment to guide and control this braking.

Returning to the sequence of Agena B launchings, the first two, in April and July of 1961, will actually not be directed toward the moon, but rather into orbit about the sun to test vital spacecraft components and at the same time conduct selected scientific experiments. By October or November of 1961 the first of three attempts at the complete lunar mission will be ready. The spacecraft for this mission is being developed by the Jet Propulsion Laboratory and will consist of two sections. The main section will contain guidance and control, telemetry, and propulsion equipment which will make it possible to impact the moon within a predetermined area and with attitude control during the entire flight. In addition to carrying scientific instruments for measurements in cislunar space, this section of the payload will carry a television camera capable of transmitting during the final moments of flight pictures of the impact area having optical resolutions of less than 10 feet. The spacecraft is also being designed to carry a capsule which will be slowed by a retrorocket from about 8,000 feet per second so that its impact velocity will be less than 500 feet per second. Survivable equipment within the capsule may include instrumentation to study the lunar surface consistency, structure, and temperature.

In 1963 the availability of the powerful Centaur should make possible the first true lunar soft landing of a spacecraft carrying television, a sesimograph, a spectrometer, and radiation detection devices among other relatively fragile scientific instruments to observe and analyze the lunar surface and subsurface properties. Telemetry and an electric power supply must also be included in the same 600 pounds of structure and equipment which can be deposited relatively gently on the lunar landscape. The television reconnaissance of the terrain obtained in the preceding Agena series should facilitate the design of the Centaur spacecraft landing structure, for example, must we contend with boulders and crevasses. A long lifespan is predicted for this spacecraft since we will want to conduct spot investigations of relatively many lunar areas over a period of years.

The Saturn soft landing spacecraft will be required for those areas of the moon which we want to explore intensively, either for purely scientific reasons or to lay the groundwork for

manned landings. This spacecraft will weigh at least several times that of the Centaur. This vehicle, planned for 1965 with a 3- to 4-year leadtime for development, is planned to be self-powered for mobility over the lunar surface. By this technique the actual area which may be explored and sampled will increase manyfold. Here again television will play a key role in this remote exploration.

PLANETARY AND INTERPLANETARY MISSIONS

Turning now to the planetary and interplanetary missions, a Thor Able and a Thor Delta will be launched this year to obtain scientific measurements of magnetic fields and of particle and electromagnetic radiation fields deep into interplanetary space. Our first capability of launching probes into the vicinity of Mars and Venus will come in 1962, when it is planned to use the Centaur launch vehicle and a variation of the JPL spacecraft designed for use on the Atlas-Agena lunar missions. These planetary probes are designed to pass close enough to the planets to permit critical scientific measurements to be made and transmitted back to earth. Television and/or spectrographic observations are among the most exciting possibilities, although difficult to achieve, due to guidance problems and uncertainties in the position of the planets.

In 1964 another favorable opportunity to fire at Venus will occur. This flight will probably be used to test stellar navigation equipment planned for operational use aboard the Mars and Venus orbiting spacecraft scheduled for launch with the Saturn in 1965. These latter spacecraft will weigh several thousand pounds and are conceived as ejecting instrumented capsules to penetrate the atmosphere of the two planets. The possible returns from such sophisticated techniques are fascinating to contemplate.

BUDGET CONSIDERATIONS

It is not necessary to project beyond 1965 in consideration of the fiscal year 1961 budget. Lead times are such that only relatively small amounts of the requested funds will be applied to the most distant missions discussed. The $45 million requested by the NASA for lunar and planetary exploration is planned for obligation as follows:

Advanced techincal development	$9,000,000

These funds will be partially expended for research and development of scientific experiments for potential use on the advanced flight missions described above. The balance will be used to acquire instruments for the five Atlas-Agena lunar missions and the first two Centaur planetary missions. The approximate breakdown is as follows:

1. Scientific research and development (some 20 separate projects)	2,000,000
2. Development and procurement of flight experiments	7,000,000
Flight research program	36,000,000

These funds will be used for the following areas: (a) Incremental payment on Atlas-Agena vehicle; (b) completion of lunar orbiter projects; (c) develop and construct spacecraft for the lunar impact and planetary probe missions including spares for test purposes. Some funds from fiscal year 1962 will be required to complete this work; (d) develop, procure, and operate special ground equipment in support of these spacecraft; (e) research and development on spacecraft technology applicable to advanced missions scheduled beyond 1962. (In this regard, approximately $17 million of the navigation, guidance and control funds listed under "Vehicle systems technology" will be applied in fiscal year 1961 to systems development for the lunar soft landing vehicle for the Centaur and, to a lesser extent, the Saturn.)

The approximate breakdown by technological category is as follows:

Atlas-Agena incremental payment	$9,500,000
Completion of lunar orbiter projects	3,500,000
Trajectory calculations and mission studies	1,500,000
Technical documentation	600,000
Communications equipment	5,200,000
Ground support equipment	1,500,000
Guidance and control equipment	3,000,000
Payload integration and environmental test	4,000,000
Solar power supplies	1,500,000
Flight structures	1,700,000
Survivable capsule development and procurement	2,500,000
Saturn spacecraft studies	1,500,000

COMMUNICATIONS SATELLITE PROGRAM

One of the major objectives of the NASA is to establish the use of satellites for providing global communications. Such communications satellites can provide almost unlimited capacity for the instantaneous transmission of teletype, telephone, and television throughout the world. The capacity of present communications facilities will soon be exceeded and there does not now exist any wide-bandwidth communications system capable of transoceanic television transmission. Communications satellites can provide this required capability and will also be able to satisfy the growing needs of scientific data transmission to appease the appetitites of high-speed electronics computers which have revolutionized the rate of scientific progress. Not only can commmunications satellites satisfy these urgent needs but currently appear to provide an economically sound solution to the problem when compared with undersea cables, tropospheric scatter systems, or microwave links—none of which show the inherent promise of satellite systems.

Satellites which can be used to provide communications over large areas of the earth can be placed into two broad categories—the active repeater satellites and the passive satellites. The active repeater satellites contain electronics and an appropriate power source which permit a radio signal, sent from one point on the earth, to be received onboard the satellite, amplified, and then retransmitted to a distant receiver. The other category, the passive satellite, is comprised of satellites which merely reflect back toward the earth radio signals originating on the earth.

Because of some rather immediate tactical needs, the DOD has embarked on a program to develop certain forms of the active repeater communications satellite. NASA is interested in establishing the technology necessary to the design of the more general communications satellites for civilian and commercial use. In the area of active repeater communications satellites, NASA is watching with interest and relying on the DOD programs to provide the early stages of development. NASA has established an active research and development program in the area of passive communications satellites. Our initial effort calls for the development of large inflatable spherical satellites and the investigation of this form of satellite as a communications medium.

FLIGHT RESEARCH PROGRAM—SINGLE-SPHERE LAUNCHINGS

To explore thoroughly the use of large inflatable sphere satellites for use as a communications medium, NASA has established the following flight research program. Three orbital launchings of a 100-foot diameter sphere will be conducted: one in the second quarter of calendar year 1960, one in the second quarter of calendar year 1961, and one in the first quarter of calendar year 1962. This series of experiments has been named Project Echo and is designed to develop the technology necessary to the establishment of durable structures in space and the evaluation of their use as communications satellites. The Project Echo No. 1 satellite will be a 100-foot diameter inflatable sphere, developed by the NASA Langley Research Center. It is constructed of mylar, a plastic, one-half thousandth of an inch thick, with a vapor-deposited coating of aluminum to provide reflectivity. The sphere weighs approximately 136 pounds and has 31,416 square feet of surface area. The satellite is folded into a container 26 inches in diameter and the container is evacuated to a low pressure. A subliming material—one that passes directly from a solid to a gaseous state—is placed into the sphere before packaging to provide for inflation of the sphere in the vacuum of space after it has been released from its container. When established in orbit, the sphere will be used to demonstrate the feasibility of using such spherical satellites for communications, and to perform the communications experiments described below.

SINGLE-SPHERE BALLISTIC LAUNCHINGS

To support the development of the 100-foot sphere, several ballistic launchings from Wallops Island have been scheduled. Two such tests have been performed at this time: the first was on October 28, 1959, and the second on January 16, 1960. A third launch is scheduled near the end of February 1960.

The first test revealed that the sphere ruptured and broke into several pieces. The second test suffered from a vehicle fault but the sphere was ejected. In-

formation obtained from this second test indicates that the faults in the first test may have been corrected. In addition, inflation of the sphere in a large vacuum chamber indicates a satisfactory initial inflation process.

FLIGHT RESEARCH PROGRAM—ADVANCED DESIGN

Project Echo satellites No. 2 and No. 3 will be similar to No. 1 but utilizing more advanced design resulting from previous flights. These improvements may include rigidization and launching into polar orbits. Additional ballistic launch tests are planned for the development of Echo payloads No. 2 and No. 3.

COSTS—SINGLE-SPHERE LAUNCHINGS

The costs for the Echo No. 1 payload development are a little less than $1,100,000. It is estimated that payload development and procurement costs for Echo Nos. 2 and 3 will be nearly the same as for No. 1—$734,000 in fiscal year 1960 and an additional $300,000 in fiscal year 1961 for No. 2 and $1,100,000 in fiscal year 1961 for No. 3. It should be pointed out here that these costs are for the most part hardware costs. Since most of the development, engineering design, and testing is done within NASA, these costs do not reflect personnel and overhead expenses.

FLIGHT RESEARCH PROGRAM—MULTIPLE SPHERE LAUNCH AND COSTS

To establish and maintain continuous communications, a number of satellites in orbit will be necessary in order that at least one is always in sight of the two stations desiring to communicate. Studies indicate if no effort is made to control the relative position of satellites, on the order of 26 spheres in a 3,000- to 4,000-mile orbit would be required to provide 99 percent availability. A launching of a multiple rigidized sphere payload, utilizing the booster capabilities of the Atlas Agena–B is planned for late in 1962. In order to meet such a schedule, funding must be made available by fiscal year 1961 to begin this development. The cost of the Agena–B payloads have been estimated to be $2,600,000 of which $1,450,000 will be required in fiscal year 1961.

COMMUNICATIONS EXPERIMENT

In order to evaluate the communications capabilities of satellites established during the flight program, NASA has instituted a program and is providing facilities to be used in communications research. Two primary facilities are under development: the JPL Goldstone facility on the west coast and the Bell Telephone Laboratories facility—development costs borne by Bell Laboratories—at Holmdel, N.J., on the east coast. Special transmitters, receivers, antennas, and antenna-pointing equipment have been developed for these communications terminals. These stations will demonstrate the feasibility of satellite communications and in addition investigate radiofrequency transmission characteristics, modulation techniques, and tracking techniques as well as determine the shape of the satellite in orbit.

These facilities as well as the Lincoln Laboratory Millstone radar, which will be used for tracking the satellite, will be used throughout the research and development phases of the NASA communications satellite program. Additional developments for these sites will be required to keep pace with the satellite developments.

COSTS—GROUND SUPPORT

Ground support requirements for the communications experiments will be approximately the same; namely, $1,296,000 in fiscal year 1960 and $1,300,000 in fiscal year 1961. Although facilities improvement costs will drop slightly, increased utilization of facilities will more than counteract this reduction.

ADVANCED TECHNOLOGICAL DEVELOPMENT PROGRAMS

To support the extensive communications satellite flight program described, a considerable number of research, development, and study programs have been initiated. These programs include computer techniques for data reduction, the influence of ultimate communications requirements on satellite systems, large spheres and other forms of passive satellites, rigidization techniques for space structures, propagation studies to determine radiofrequency characteristics of various structures, electrically steerable antenna arrays, scientific data transmission requirements, and stabilization systems for passive satellites. Equipment development in this area includes communications transmitter, digital antenna-pointing equipment, and radio beacons for inflatable space structures. Continued and expanding efforts to support the advaced flight program are required in over half of these areas. Such expansion is indicated in the increase of from $740,000 in fiscal year 1960 to $1,100,000 in fiscal year 1961 in the area of advanced technical development.

DEEP SPACE COMMUNICATIONS

In addition to the flight and supporting programs described previously, the NASA has begun research and development in deep space communications. Studies have been initiated to determine communications requirements for lunar and planetary programs. In addition, investigation of components, techniques, and systems are being undertaken. The area of deep space communications is extremely broad, covering many forms of data transmission, and it is in the early stages of growth. Considerable research will be required in order to better understand the problems which might be encountered in establishing reliable communications in these hitherto unexplored regions. The program reflected in the fiscal year 1960 and fiscal year 1961 budgets is pointed toward establishing research and developments that will lead the way to uncovering problems and afford solutions in deep space communications.

METEOROLOGICAL SATELLITE PROGRAM

The overall objective of the NASA meterological satellite program is to establish a meteorological satellite capability for world-wide coverage and for providing observations of atmospheric elements required by the meteorologist in order to understand atmospheric processes and predict the weather. These elements include cloud cover, storm location, precipitation, temperature, wind direction, heat balance, water vapor and other constituents. To achieve this objective will require: (a) the development of stabilized satellites for polar orbits of 500- to 1,000-mile altitude and "stationary" satellites for equatorial orbits of 22,000-mile altitudes; (b) the development of suitable onboard detection equipment, including television, infrared detectors, radar and spectroscope; and (c) the development of adequate data storage, handling and communications equipment and techniques.

The long-range objective is to develop the principles of a system of instrumented orbiting satellites and communications network by means of which worldwide meteorological information may be transmitted to the National Meteorological Center of the Weather Bureau for its operational use.

NASA METEOROLOGICAL SATELLITE FLIGHT SCHEDULE

The Tiros series of meteorological satellite launches will take place during this year—one during the first quarter and one during the third quarter. The satellites in this series will be spin-stabilized and so will have a fixed orientation in space. They will be launched in an inclined orbit, thus further limiting their coverage to the area between two latitudes—50° north and 50° south. The basic instrumentation will be a vidicon television system by means of which cloud cover information will be viewed and transmited back to a readout station. In Tiros II, infrared radiation sensors will also be included.

Following the termination of the Tiros series in the summer of 1960, there will begin a 5-year program in the Nimbus series of meteorological satellites. This will be a family of satellites with many common components—data storage, controls, orientation, stabilization, data transmission, structure, and so forth—and a flexible capability for improving old and introducing new sensory systems, as required. Additional details of the Nimbus satellites are discussed below.

Launchings will be twice a year in a 600-mile polar orbit using Thor Agena B vehicles. Nimbus I is planned to be launched during the third quarter of calendar year 1961 with each succeeding satellite following 6 months later.

PROGRAM OBJECTIVES IN FISCAL YEAR 1961

Early in fiscal year 1961, the second of the first generation meteorological satellites (Tiros II) will be launched. The cloud cover and radiation data from the Tiros series will be analyzed and correlated with the more standard meteorological observations. These studies will then provide the most complete description of global atmospheric events available to date. In addition, techniques of data interpretation will be developed for use in subsequent satellite experiments. Implications relative to improved weather forecasting will be pursued.

Experience with the development of the Tiros series of satellites has suggested the course of the next generation of meteorological satellites—the Nimbus series. The Nimbus series will have advanced sensor equipment for the viewing

of cloud cover and the measuring of infrared radiation. In addition, Nimbus will have two features badly lacking in the Tiros series. Nimbus will always face the earth—earth stabilized—and will thus eliminate the undesirable feature of Tiros frequently looking out into space—space stabilized. The availability of the Pacific missile range during 1961 for the Nimbus launch will make a polar orbit possible. Thus, Nimbus will be able to view the atmosphere over the entire globe and will provide a much greater coverage of the globe than Tiros whose view was limited essentially to the area between 50° north and 50° south latitude.

Together with the meteorological analysis of the Tiros satellite data, the prime objective in fiscal year 1961 of the meteorological satellite program is to develop the necessary satellite and vehicle in preparation for a launch of Nimbus I in the summer of 1961.

Improvements in future satellites of the Nimbus series will be sought through the continuance of an aggressive program in the development of advanced instrumentation. As the improvements are perfected they will be made part of the flight program.

NIMBUS I—LAUNCH VEHICLE

The launch vehicle for the Nimbus series will be the Thor Agena B. It is a two-stage vehicle in which the first stage consists of a production Thor with the nose cone and guidance unit removed. The first-stage propellants are liquid oxygen and RP–1—kerosenelike—fuel. The second stage consists of an Agena B vehicle. The Agena B is an improved version of what was previously designated as the Hustler stage. It is powered by a 15,500-pound-thrust engine which uses storable rocket propellants—IRFNA and UDMH.

In the Nimbus I launch, the Thor Agena B will lift a 650-pound payload to an altitude of 600 miles. The orbit will be circular and inclined approximately 80°, slightly retrograde, so that the plane of the orbit always includes the earth-sun line. By proper choice of launch time, the satellite will always pass over chosen areas at local noon.

In fiscal year 1961 $5,700,000 are indicated for the acquisition and launch of booster vehicles. This money will partially fund two basic Thors and two basic Agena B's. However, only one launch needs to be funded during this fiscal year.

The Tiros I vehicle—Thor Able—was funded by the DOD during the period of inception of the program in that agency. The Tiros II vehicle—Thor Delta—was funded under the Delta vehicle development program. Consequently, no booster vehicle costs are indicated in the meteorological satellite program in fiscal year 1959 and fiscal year 1960.

NIMBUS I—THE SATELLITE

The Nimbus satellite will be separated from the Agena stage upon injection into orbit. Its weight will be 650 pounds, and its life expectancy from 3 to 6 months. It will consist of three subsystems—power, stabilization, sensory.

The power subsystem will consist of two paddle-like structures covered with solar cells and arranged to face the sun directly, whenever the satellite is in the sunlight. Nickel-cadmium storage batteries will be used for power storage. The average power input of the power subsystem will be 200 watts per orbit.

The stabilization subsystem will keep the satellite pointing directly at the earth with an accuracy of 1° in all three axes—roll, pitch, and yaw. The perturbation rate will not exceed 0.1° per second in any of the axes. Pneumatic jets will provide the coarse control and inertia wheels, the fine control.

The sensory subsystem will consist of: one, an improved TV vidicon subsystem to provide almost complete coverage of the globe; two, an electrostatic tape subsystem to permit higher resolution studies of specific meteorological events, such as hurricanes; three, a comprehensive infrared radiation subsystem containing (a) high resolution—5-mile—sensors for coarse nighttime cloud cover representation, (b) medium resolution—30-mile—sensors for atmospheric and terrestrial radiation measurements, and (c) low resolution—300-mile—sensors for gross measurements of the earth-atmosphere heat balance, and, four, auxiliary measurements of importance to meteorology: measurements of the solar constant, solar ultraviolet radiation and solar microwave radiation.

To complete the Tiros II payload program and develop the Nimbus payload will require an estimated $9,200,000 in fiscal year 1961. This, on the surface, seems to be a very large increase over the Tiros effort as indicated in the fiscal year 1959 and fiscal year 1960 figures. However, not shown is $7,977,000 provided by ARPA in fiscal year 1959 for the Tiros payload development either directly to the contractor or through NASA following the transfer of the program from the DOD to NASA.

DEVELOPMENT OF ADVANCED INSTRUMENTATION

NASA is maintaining an active instrument development program to improve the performance and reliability of existing flight instruments and for developing new instrumentation to provide additional meteorological data not yet available. Existing electronic components and systems will be improved and development will continue on infrared radiation scanning detectors and direct radiation sensors.

Among the new kinds of instrumentation, development will proceed with satellite radar for measuring precipitation, image orthicon TV systems for day and night cloud cover picturetaking, and a satellite spectrometer for the fine resolution measurements of certain radiation intervals. The evaluation and testing of new horizon detectors, gyro controls, torque controls and reaction jets to afford stabilization and control for the new generation of satellites will be pursued aggressively.

For fiscal year 1961, $4,400,000 are requested for the development of advanced instrumentation. This is an increase of about one-third over the expenditures in fiscal year 1960 in this area. The major increase in activity in fiscal year 1961 over fiscal year 1960 in advanced instrumentation is essentially in the development of the proper kind of attitude stabilization which is indispensable to the satisfactory performance of the Nimbus satellite.

BASIC RESEARCH

Concurrent with the flight development program and the acquisition of meteorological information, NASA will support research in the more fundamental aspects of the overall problem of utilizing satellites for meteorological purposes. This includes, first, the study of satellite simulated data from other sources, for example, rocket probes, aircraft reconnaissance, and standard meteorological observation sources; second, studies of basic atmospheric physics related to possible satellite instrumentation; third, basic radiation studies including the interpretation of balloon-flown radiation sensors; fourth, investigation of systems for simplifying the presentation of data; fifth, studies for reducing the amount of information transmitted by the satellite by providing on-board analysis.

The funding required to conduct this research program in fiscal year 1961 is $1,400,000 which is essentially at the same level of effort as in fiscal year 1960.

SUMMARY COMMENT

NASA considers its meteorological satellite research and development program a serious and practical effort to produce the basis for a meteorological system that will have significant influence on the Nation's agriculture, commerce, transportation, communications, and military activities.

The funds requested have been limited by a consideration of the best use of the present manpower, technological development, and government and industrial resources in this area of national endeavor. A reduction in the requested funding level would seriously hamper the logical development of this carefully integrated program by reducing the university, industry, and government research basis and by slowing the development of flight hardware and vehicles. This will produce a stretchout of the flight program that can only result in the delay of the applications of these initial efforts to the creation of an operational meteorological system of wide national benefit.

SOUNDING ROCKET PROGRAM

A sounding rocket is a rocket that rises to a maximum altitude of no more than 4,000 miles—one earth's radius—and then falls back to the earth. The primary use of sounding rockets is for the scientific exploration of the upper atmosphere, especially on the region extending from the maximum altitude attainable by balloons of about 20 miles to the minimum useful altitude of satellites of about 125 miles. Rockets are used to determine the nature, structure, and behavior of the atmosphere and its interactions with incident radiations and particles, particularly those from the sun; and to measure radiation arriving from other celestial bodies, from above the obscuring and distorting lower atmosphere, which handicaps all earth-bound astronomers. In addition, sounding rockets are used for the extremely

valuable purpose of testing equipment before use in the far more costly satellites and space probes, and they also furnish a relatively inexpensive method of performing certain specialized scientific experiments such as the recovery of film which records the passage of high energy particles at altitudes of several thousand miles. The relative simplicity of the launching facilities required by sounding rockets is a distinct advantage, and launchings from the Arctic—Fort Churchill, Canada—and Australia, as well as from the NASA Wallops Island, Virginia, site, are planned to achieve better world-wide coverage.

The $8 million requested in the fiscal year 1961 budget for the sounding rocket program will provide for its continuation at about the level established during the International Geophysical Year and maintained in the NASA schedule for calendar year 1960. This level of 90 to 100 rockets per year will provide for the continuation of the planned research program in the scientific areas of atmospheric physics and astronomy, which each consume roughly one-third of the rockets; and in the areas of ionospheric physics, high energy particles, and magnetic fields, which each consume about one-tenth of the rockets. This NASA space research program using sounding rockets is coordinated closely with the NASA scientific satellite and space probe research programs, and with the upper atmospheric research programs of other U.S. agencies, to form a unified national program of scientific space exploration.

The sounding rocket program costs are divided into advanced technical development and flight research program. Under the former category is included $500,000 in fiscal year 1961 for scientific and technical studies, which is 30 percent less than the amount appropriated for this purpose in fiscal year 1960. Such studies include long-range theoretical and laboratory investigations of the probable nature of the upper atmosphere, are based on past measurements, and lead to future sounding rocket experiments. The actual development of advanced instrumentation for the conduct of such experiments will require $1,300,000 in fiscal year 1961, which is nearly 40 percent less than the fiscal year 1960 appropriation. It has been possible to reduce these two items because the initial development of experiments has been completed and the sounding rocket program has leveled off at a rate which should not require a major increase in the number of launchings per year for the next several years. It is likely, however, that increased expenditures in the advanced technical development category will be required in future years to exploit the new information resulting from the flight research results which may be expected.

Under the flight research program category, the fiscal year 1961 amounts of $3,200,000 for sounding rockets and $3 million for payloads are each within 4 percent of their fiscal year 1960 appropriations, and reflect the leveling off of the effort in this research program. The average cost per sounding rocket is $27,000, which will allow 120 rockets to be purchased with the requested funds. This number provides one backup rocket for every five launching attempts, to achieve 100 successful launchings. The cost per individual sounding rocket ranges from a low of $6,000 for the Arcon, which carries 30 pounds to 65 miles, to a high of $50,000 for the Javelin, which carries 90 pounds to 700 miles. It has long been the experience in sounding rocket programs that, on the average, payload costs are very nearly equal to rocket costs, and these two items reflect this experience.

In summary, the requested amount of $8 million to conduct the sounding rocket program during fiscal year 1961 represents a decrease of nearly 10 percent below the fiscal year 1960 appropriation. It is the minimum amount required to investigate this importnat region of space around the earth which is inaccessible to any other vehicle, but through which every one of our satellites and space probes, manned and unmanned, must pass.

SCIENTIFIC SATELLITE PROGRAM
FLIGHT SCHEDULE

The funds requested in the fiscal year 1961 budget for scientific satellites will provide for the continuation of long lead time work already under way for satellites to be launched through December 1961, and for the initiation of work necessary for satellites to be launched in 1962 and 1963. Also included in this budget request are provisions for the acquisition, reduction, analysis, and interpretation of data from satellites launched already or to be in orbit during fiscal year 1961, and provisions for the continuance of scientific and technical studies and the development of advanced instrumentation necessary for future satellite experiments.

The following flight schedule lists the satellites under this program including the ones to be initiated under this budget. This schedule also shows the phasing of the various launch vehicles over this time period. The Juno II vehicles and payloads started in 1959 will be launched by mid-fiscal year 1961 and then the Delta vehicles will be used to launch somewhat larger satellites through mid-fiscal year 1962. These in turn will be followed by the more powerful Thor-Agena B and Atlas-Agena B vehicles in fiscal year 1963. The Scout vehicle, a four-stage solid propellent rocket, becomes operational in fiscal year 1961 and will be the principal vehicle used from then on for launching payloads up to 200 pounds into orbits up to 300 miles in altitude. The appearance of these new vehicles for satellite launchings, in place of modified military missiles, masks the beginning of the availability of vehicles designed specifically for the launching of scientific satellite payloads of significant weight. Henceforth it will be possible to launch satellites of greater weight and to achieve more difficult orbits. This increased capability matches the need of keeping the scientific program proceeding at a level which is adequate to follow up on the discoveries,made so far, and to perform further exploratory investigations to learn more about the mysteries of space.

	Fiscal year (quarters)								Total
	1960		1961				1962	1963	
	3d	4th	1st	2d	3d	4th			
Juno II	1		1	2					4
Scouts		1	1	1	2		5	2	12
Delta				1	1		3		5
Thor-Agena B							1	1	2
Atlas-Agena B								2	2
Grand total									25

The scientific experiments under this budget are more complex in nature and larger in number than was possible previously. The most important reasons for this are that the space experiments to date have laid a foundation for the planning of more accurate and detailed experiments, and the greater payload capacity and performance of the Atlas-Agena and Thor-Agena booster vehicles permit the inclusion of more and heavier instruments in the payload.

The large volume of space to be studied, and the considerable variations of properties with altitude, latitude, and time that occur in this region, require many satellites launched into different orbits over a considerable period of time to carry out an effective research program. Scientifically, the ability to obtain a large number of measurements simultaneously is extremely important. Early space experiments have provided strong indications of many important relationships and mutual interactions existing in phenomena associated with the earth, interplanetary space, and the sun. For instance, further studies of the energetic particles of the radiation belts will be much more valuable if accompanied simultaneously by determinations of the variations occurring in the earth's magnetic field and observation of solar events such as storms, flares, and sunspots.

Eight new satellites are planned under this budget for launching in 1962 and 1963. Four of these are quite large and require Atlas or Thor Agena B boosters for launching. The remaining four, although considerably lighter in weight, are still heavier than any scientific satellite which NASA has yet launched. These four will be placed in orbit by Scout vehicles.

Superficially, the total of 25 scientific satellites from the last half of fiscal year 1960 through fiscal year 1963 seems to be quite large. However, an examination of the number of scientific areas

to be explored, while remembering that the Juno payloads average less than 50 pounds, indicates that this is a very small program in view of the immensity and complexity of the task. Actually, no more than one major effort is made each year in any principal field of investigation. For instance, in one of the most important of these problems, the radiation belts around the earth, only three satellites can be scheduled in these 3½ years with the major objective of investigating these recently discovered phenomena. Further, this schedule will be stretched out in time by any failures, which would require the assignment of later booster vehicles and payloads to a repetition of the same task.

The individual satellites to be initiated under this program will now be described, followed by a résumé of the satellites already under way.

BUDGET EXPLANATION

The heading "Advanced Technical Development" contains two items. The first of these, "Scientific and Technical Studies," includes theoretical work and laboratory work supporting the flight program. The theoretical work includes the theoretical studies and evaluations necessary for the planning of an experiment, the drawing of conclusions from the results of experiments, and the preparations of explanations or theories accounting for the observations of space phenomena. The laboratory work is designed to search for new approaches and objectives in space research, to assist in evaluating the results of space research, and to verify and extend the results and theories of space science. This budget requests an increase of $500,000 to a total of $2 million under this item. This is a very modest increase considering the magnitude of the problems in space science, and will permit the continuation of research and theoretical work already under way. It will also provide support for the interpretation of the increasing volume of space results and the attendant questions raised by each new discovery. Here, attention should be drawn to the fact that in the first half of this fiscal year, NASA has launched 3 satellites and that 11 more will have been launched by the end of fiscal year 1961.

This budget requests $6 million compared to an appropriation of $3,061,000 in fiscal year 1960 for the "Development of Advanced Instrumentation." These funds will support the development of the instrumentation necessary for meeting the scientific objectives of the experiments. Some common examples of instrumentation used in space research include optical and mass spectrometers, pressure gages, Geiger counters, electric field meters, ion probles, and magnetometers. In all cases, specialized equipment suited for satellite use must be developed from laboratory models or must be designed as completely new instruments. The approximate doubling of the funds supporting these activities to a total of $6 million is a very small increase when compared to the increase in total payload weight from several hundred pounds in fiscal year 1960 to over 4 tons for the payloads to be initiated under this budget.

Under the heading "Flight Research Program" five different vehicles are listed. Here it is apparent that the programed funding of the five Juno II's and one Thor-Able—explorer VI satellite—has been completed. The Delta vehicles are not listed on this budget because they have been procured under a vehicle development program. Three million dollars is requested for partial funding of the two Atlas-Agena B vehicles, and another $3 million for two Thor-Agena B vehicles, to permit the starting of the long lead time vehicle work necessary for launchings in 1962 and 1963. In addition to this $6 million for the partial funding of these four major vehicles, the sum of $3,500,000 is requested for the procurement of seven Scout vehicles. Three of these will be used in the NASA international program, and four will be used in the national space science program.

The final item "Satellite Payloads" indicates an increase from $13,425,000 in fiscal year 1960 to $24,200,000 in this budget. This item has increased due to the necessity of providing support for the start of payload work for the considerably heavier and more complex payloads to be launched in 1962 and 1963 as well as providing for the continuation of payload work for the Delta and other satellites to be launched through fiscal year 1961. Here it must be emphasized that the complexity of a payload frequently increases faster than its weight, as larger payloads are used. Longer lead times, sometimes in excess of 2 years, are required. The work budgeted under this item includes: One, instrument construction and procurement; two, payload design and assembly; three, environmental testing of instruments and prototype payloads; four, construction of power supplies and telemetry equipment; five, data reception, recording, and reduction. When compared to the increase of 700 to 800 percent in the payload weights of this budget compared to the earlier ones, the increase of only 80 percent in payload funds can only indicate that this amount of $24,200,000 is already a minimum.

Thus, the total budget request for scientific satellites in this budget has increased to $41,700,000 from $23,813,000 in fiscal year 1960. This is indeed a small increase considering the large increase in payload weights and the expanding scientific research problems under attack. This budget must provide the necessary follow-up work on satellites already launched or to be launched during fiscal year 1960 as well as providing for the national space science program in fiscal year 1961 and later. It should be quite apparent that this budget represents a carefully calculated minimum request to furnish the United States a proper space research program, and that any reduction in these funds can be reflected only by a reduction in the U.S. program of space exploration.

DESCRIPTION OF SCIENTIFIC SATELLITES

The orbiting astronomical observatory satellite to be programed under this budget is a very important first-of-its-kind scientific experiment. It is intended to make astronomical observations from above the obscuring and blanketing effect of the earth's atmosphere. The weight of instruments and stabilizing equipment for this satellite will be more than 2 tons. The Atlas-Agena B will be used as the launching vehicle.

Another Atlas-Agena B will be used to launch a payload of approximately 600 pounds into a highly elliptical orbit for detailed studies of the radiation belts, the earth's magnetic field, and atmospheric and ionospheric phenomena from pole to pole. The region to be studied will encompass the earth from a distance of a few hundred miles to at least 60,000 miles.

Another satellite will contain pointing controls to direct spectroscopes and other satellite instrumentation in detailed studies of the sun. Additional instruments will also be included to help determine the nature of the role the sun plays in determining natural events upon the earth. This satellite will be instrumented to follow up and to extend the results obtained from the exploratory solar spectroscopy satellite to be launched near the end of 1960. The weight of this payload will be at least 500 pounds.

Another satellite will be launched into a low altitude orbit extending over the North and South Poles for investigations of the upper atmosphere, the ionosphere, the earth's magnetic field, the aurora, and radiation phenomena. These investigations will follow up on discoveries already made and will search for the relations existing among these various natural phenomena, with particular emphasis on the unique properties of the Arctic and Antarctic upper atmosphere.

It is planned to launch these four major satellites over an interval of time chosen to permit overlap of the useful life of the satellites. In this way, maximum benefit will be realized from the variety of investigations to be made and the different orbits to be used. This simultaneity of reporting should be extremely helpful in unraveling the many different interactions existing among geophysical phenomena, and in understanding better the influence exerted by the sun in controlling or influencing conditions on earth.

In addition to these four major satellites, seven of the much less expensive Scout vehicles are included in this request. Three of these are intended for use in the NASA international program and the payloads will be built as a cooperative effort with the participating nations. The remaining four Scouts will be used to launch satellites averaging 150 pounds into specific orbits chosen for the scientific investigation of selected regions of the earth's atmosphere and ionosphere. These NASA payloads will be designed to search for new discoveries with a major emphasis applied to the

polar regions—areas so far not investigated by the scientific satellites of any nation.

Four remaining Juno II satellites are on the schedule for launching through the first half of fiscal year 1961.

One of these, with a payload weight of about 20 pounds, will continue our studies of the radiation belts. Even with this light payload, the orbit cannot be extended to high enough altitudes to insure that the entire depth of the belts can be reached. Two more of these satellites will be devoted to studies of the earth's ionosphere. This interesting region controls the propagation of radio waves over the earth's surface and, hence, is of great importance to radio communications. These two satellites are a start in a major program of investigation and study of this region.

The final Juno II satellite will contain instrumentation for the measurement of gamma rays from above the absorbing effects of the earth's atmosphere. Scientists hope that the results from this experiment will contribute to a better understanding of one of the mysteries of modern science, the nature and origin of cosmic rays.

Five Delta-launched satellites follow the Juno ones. Each Delta satellite is instrumented to study a different facet of space science.

The first of these satellites will enable astronomers to make the first studies of the sun without the interferences caused by the earth's lower atmosphere. This satellite will contain pointing controls to automatically keep the scientific instruments pointed at the sun. The results obtained by this exploratory experiment will provide the background for the design of the much heavier payload Thor-Agena B satellite requested in this budget for the investigation of sun-earth relations.

The second Delta satellite will be directed at further investigations of the radiation belts around the earth. The instrumentation for this satellite will be selected to continue the investigations and to pursue in detail important results obtained by the earlier Juno satellite.

Another Delta satellite will be the first satellite in the space science program directed to the study of the structure and related phenomena of the upper atmosphere. This experiment should provide valuable new data about this upper region of the atmosphere and the results will be used in designing the payload for the Scout satellite requested under this budget for investigations of the atmosphere with a strong emphasis upon the comparatively unknown Arctic and Antarctic regions.

The fourth Delta satellite will be used to obtain more exact information about the earth itself rather than for studies of space. This satellite will be equipped with an automatic flashing light of high intensity. Very precise photographic tracking of this satellite will furnish data leading to a more exact knowledge of both the location of selected points upon the earth's surface and the configuration of the earth.

The fifth Delta satellite will be equipped with complex electronic instrumentation designed to study the upper portions of the ionosphere. This satellite will be an important "first" in the investigation of the ionosphere because it will obtain measurements not heretofore possible. Radio soundings of the lower portion of the ionosphere have been made from the ground for many years and much useful information has been obtained. The nature of the ionosphere and its effect upon radio waves prevents the use of this technique in obtaining information about the upper half of the ionosphere. This "Topside Sounder Satellite" will be designed to make these sounding measurements from above the main portion of the ionosphere. The information thus obtained, plus the results from the earlier ionospheric satellites and the sounding rocket program, should contribute materially to our understanding of the nature and phenomena of the ionosphere.

In addition to the seven Scout vehicles requested under this budget, five other Scout launchings are on the schedule through fiscal year 1961. Briefly, the payloads for these launches include one for micrometeorite studies, two for ionospheric studies, one for cosmic ray and energetic particles studies using photographic emulsions, and one payload as a possible backup of the Juno program. The ionospheric studies and the photographic emulsion experiment will be launched as very high altitude probes—over 5,000 miles—rather than as satellites. Also, the emulsion experiment will require recovery of the payload for processing and interpretation.

It is worth while to compare the eight new satellite payloads to be started under this budget with previous space science satellites. The average payload weight for the four Agena B satellites will be roughly 1,500 pounds. Thus, the average Agena B satellite will be about three times the total weight of all scientific satellite payloads launched by NASA during calendar year 1959. The average Scout payload will be about the same as the 142-pound Explorer VI, the heaviest scientific satellite launched by NASA to date.

Thus, while the same number of scientific satellite launchings are scheduled for fiscal year 1961 and fiscal year 1962, the total weight and number of scientific instruments to be flown has increased tremendously from fiscal year 1959, due primarily to increased vehicle capabilities. This increased activity in scientific measurements is reflected in the greater amount requested for scientific payloads in this budget. This increased budget will support and continue work on satellites already under way for launching in 1960 and 1961 as well as providing for the initiation of work for satellites to be launched in 1962 and 1963.

MANNED SPACE FLIGHT

Project Mercury represents this Nation's effort to launch and recover a manned satellite. The program's primary objective is to study man's capabilities in a space environment.

A manned satellite will be launched from Cape Canaveral, using an Atlas launching vehicle. After the satellite has circumnavigated the globe three times, at an altitude of 120 miles, it will be made to return to earth. Recovery will be made in the Atlantic Ocean.

Because the ultimate achievement of manned orbital flight will mark a tremendous step beyond the present limits of manned flight, the Mercury program must be based on a logical and methodical buildup of capabilities. This buildup includes a broad research and development program of wind tunnel and flight tests. Capsule design criteria were evolved in a rocket flight test program, using nonproduction capsule models that could be fabricated at low cost and at an early date.

The buildup in capability will be continued with McDonnell-produced capsules, as soon as they become available. A series of unmanned and manned ballistic flights will be made, using the Redstone booster. In these flights the capsule will be flight tested, and astronauts will be trained for the longer satellite missions.

Qualification flights at higher speeds will be made on Atlas-launched ballistic flights. The capsule will be subjected to all the forces and motions of satellite flight and reentry, without actually entering an earth orbit.

Following these flights, the Mercury capsule will be ready for its first orbital flight. Satellite flights will first be made with instrumented capsules; then a chimpanzee will be flown, and recovered; and when we are convinced that all systems are sufficiently reliable, the first manned orbital flight will be made.

Project Mercury is being carried out with the greatest possible speed and urgency; the flight program is tightly scheduled in order to meet all objectives at the earliest practicable date. The project has been awarded a DX priority rating, and thus carries a priority equal to that of our ballistic missile programs. In order to meet the Mercury flight schedule, a copy of which is attached to this document, additional funding in the amount of $107,750,000 will be required in fiscal year 1961.

The compressed time phasing of the project, between inception and scheduled flight, has required that research, development, engineering manufacturing, test and training, be undertaken simultaneously. Inevitably, under these conditions, costs are incurred that are not expected at the time of the budget submission. Thus, for example, the funds required for Project Mercury were underestimated at the inception of the program, and supplemental funds in the amount of $20,750,000 were requested in fiscal year 1959. The fiscal year 1960 budget estimates were prepared at a time when the project had just gotten started. Once again, the funds appropriated in 1960 were insufficient, and a supplemental budgetary request in the amount of $12,200,000 was submitted in

order to avoid serious delays in the program.

We are now requesting $107,750,000 to carry the manned space flight program through fiscal year 1961. Project Mercury is nearly 1½ years old. Much of the research and development program has been completed, and firm budgetary estimates can now be made.

The funds requested for 1961 represent the minimum level of funding required to carry the program through this period. These requirements are based on a detailed cost analysis, not only by NASA, but also by the suppliers of the Mercury boosters and capsules.

We are firmly convinced that funding at a lower level than the requested $107,750,000 will result in a serious delay of the ultimate objective of Project Mercury—manned orbital flight.

PROJECT MERCURY

Our long-range plans for the exploration of space are based on the premise that man will actively participate in many of our space missions. These plans, therefore, strongly depend on the assumption that manned space flight is feasible, and that man will indeed be able to perform useful functions in space. Much of our future effort depends on the validity of this assumption, and it is therefore imperative that man's capabilities in space be determined as soon as possible.

Project Mercury was conceived, and is being carried out, in a manner that will attempt to achieve manned orbital flight at the earliest practicable date. Its primary objective is to determine man's capabilities in a space environment.

In the Mercury mission, a satellite capsule will be launched into a 120-mile orbit, using an Atlas booster. The capsule will be fitted with an escape system, designed to separate it from the Atlas in case of a booster malfunction. In a normal mission, the satellite will circle the globe three times; at the end of three orbits, the capsule's retrorockets will be fired to initiate its descent toward the atmosphere. During its flight within the atmosphere, it will be slowed down, by the drag of air through which it flies, to a speed where the landing parachutes can safely be deployed. After a parachute landing in the Atlantic Ocean, the capsule will be picked up by recovery ships that are standing by.

The accomplishment of Project Mercury will mark a tremendous step forward; putting a man into space will immeasurably extend the frontiers of manned flight. The speed of flight will be increased by a factor of eight over present achievements, and the altitude by a factor of five; the environment encountered in space flight will be one that heretofore has not even been approached. The event will be of such importance that it cannot fail to earn worldwide acclaim for the technical skill of the nation accomplishing this difficult task.

RESEARCH AND DEVELOPMENT PROGRAM

Because the ultimate achievement of manned orbital flight will constitute a stretching of the existing state of the art, its accomplishment requires a logical and methodical buildup of capability. This buildup included broad scientific and engineering investigations, using a wide variety of technical equipment, to determine a suitable shape for the manned satellite capsule.

Following these investigations, a flight program was initiated to develop and qualify the various components of the capsule. A Mercury flight schedule is attached at the end of this document. The flight program included airplane drop tests, in which full-scale capsule models were dropped from large cargo aircraft at high altitudes. The tests were used to develop a highly reliable parachute system, and to determine procedures to be used in the recovery operations. In other tests, capsule models were released from fighter aircraft at supersonic speeds, to develop and qualify the capsule's drogue parachute. The escape system was perfected by launching full-scale capsules with the escape rocket as the only means of propulsion.

Rocket-boosted flight tests were required to check the capsule and its components over a range of speeds and altitudes. A solid-propellent rocket booster, nicknamed "Little Joe," was designed and fabricated especially for Project Mercury. This booster, which develops 2¼ million pounds of thrust at takeoff, was used on a number of occasions to further aid in the qualification of the all-important emergency escape system.

The validity of the Mercury design concept was demonstrated in the fall of 1959 during an Atlas-boosted capsule test, called Big Joe. In that test, a capsule was made to reenter the earth's atmosphere, after being accelerated to nearly orbital speed. The Big Joe capsule, which survived the scorching heat of reentry, was later recovered many hundreds of miles from Cape Canaveral.

To date, more than 100 wind tunnel tests of the Mercury capsule have been performed; and 122 capsule models have been dropped from airplanes in the parachute development program. The escape system has been tested three times in simulated off-the-pad abort maneuvers, and four more escape system tests were performed in connection with four successful Little Joe flights. A small monkey was carried along on two of the Little Joe flights, in an attempt to gain further physiological data on the effects of space flight. And, as mentioned earlier, a single Atlas-launched capsule flight has been made.

All flight tests to date were made with so-called boilerplate capsules. These capsules simulate the shape and weight of the Mercury capsules, but do not contain many of the systems and subsystems that will be required for manned operation. Boilerplate capsules are of simple construction, utilizing heavy, welded sheet metal.

MERCURY CAPSULES

In January 1959 McDonnell Aircraft Corp. was selected as the prime contractor to design and construct the Mercury production capsules. The selection was based on an industrywide competition; 12 firms submitted proposals based on NASA specifications for the capsule. After a thorough evaluation of these proposals, a contract was awarded to McDonnell.

The Mercury capsule is by no means a simple device. It has been a major engineering task to design a satellite that can withstand the heat and forces of reentry, and yet is light enough to be boosted into orbit. All of the components of the satellite—the environmental system, the attitude control system, the communications system—constitute major developments of currently available equipment. The complexity of the device is perhaps best illustrated by the fact that 7 miles of electrical wiring are interwoven into the capsule, in order to control the many valves, rockets, explosive bolts, and electronic systems.

The compressed time phasing of the project, between inception and scheduled flight, has required that research, development design and fabrication be undertaken simultaneously. Inevitably, under these conditions, experience has required that modifications to design, arrangement, and structure be made during the conduct of the program. To date, a large number of capsule changes have been made, as a result of potential trouble areas that have been uncovered in the research and development program; further changes were incorporated to insure the safety of the pilot.

A total of 24 capsules will be required for the various phases of the flight program. During February 1960 a number of capsules were nearing completion, and delivery of the first capsule was scheduled for March 1960.

QUALIFICATION FLIGHT TESTS

Immediately after delivery of the first capsules, a qualification flight test program will be initiated. In this program, the production capsules will be flown on successively more difficult missions, culminating with the design mission of orbital flight.

In the first tests, to be carried out in the first half of calendar year 1960, the escape sequence will be tested in a simulated off-the-pad abort flight, and in another Little Joe flight.

REDSTONE BALLISTIC FLIGHTS

Starting in about the middle of this year, an important series of ballistic flights will be started, using the Redstone booster.

The Redstone will carry the capsule to an altitude of 125 miles, and to a distance of 200 miles from Cape Canaveral. The flight will last 16½ minutes. During that time, the capsule will be accelerated to a speed of 4,000 miles per hour and will withstand g. forces as high as 6½ during exit, and 11 during reentry. A weightless time of 5½ minutes will be sustained.

Initially, the Redstone-boosted capsules will contain only instruments. Later on, a capsule containing a chimpanzee will be flown along the same trajectory, and, when all systems are sufficiently reliable, manned ballistic flights will be made. In these flights, man will be subjected to more than five times the period of weightlessness than had heretofore been possible. The experience gained by the astronaut in the

operation of the capsule in these relatively short flights, will be exceedingly valuable as part of the training program for the later manned orbital flights.

ATLAS BALLISTIC FLIGHTS

Capsule qualification at speeds higher than those possible with the Redstone, will be carried out with the Atlas. The Atlas will launch the capsule along a series of ballistic trajectories before it is employed in the orbital mission. In these flights, the capsule will be subjected to the speeds, forces, and heating that will be encountered in orbital flight. All of the Atlas ballistic flights will be unmanned. The Atlas flight test program will start in the middle of this year.

ORBITAL FLIGHTS

After completion of the ballistic flight tests, the capsule and its launch vehicle will be ready for the first orbital flight. The altitude of the orbit will be 120 miles, and the speed 17,500 miles per hour. Each orbit will last 90 minutes. It is planned to keep the capsule aloft for three orbits, or 4½ hours.

The first time the capsule is sent into orbit, it will contain only instruments so that the functioning of all the equipment can be checked. Later on, a capsule containing an animal will be flown to check the life-support system, the biological instrumentation on board, and to determine the physiological effects of long-term exposure to weightless flight.

Only after successful instrumented and animal flights have been completed will the first manned flight take place.

ADVANCED REENTRY CONFIGURATIONS

Project Mercury is only the first step in our long-range program for the manned exploration of space. Long-range goals in our program include manned landings on the moon, and still later, on the planets. Manned flight around the moon will be a prerequisite for a lunar landing.

The Mercury capsule is not suitable as a return vehicle for a lunar mission. Instead, a capsule capable of reentering the atmosphere at higher speeds will be required. Our studies also indicate that a lunar-return vehicle must be capable of generating some aerodynamic lift, in order to minimize the midcourse guidance requirements. Aerodynamic lift may also be applied to control the landing point upon return from a satellite or space mission.

During fiscal year 1961, it is planned to expend less than 1 percent of the funds requested for manned space flight in the area of Advanced Reentry Configurations. In this connection, two major areas will be considered: the use of lift to facilitate reentry from space, and guidance and control methods for piloted space flight. Extensive analyses will be made, and scale models of various configurations will be evaluated in wind tunnels. Flight simulators will be used to evaluate the pilot's capability to fly such vehicles.

PROGRAM COSTS

In fiscal year 1961, $107,750,000 will be required to carry out the manned space flight program.

These funds can be divided into the following categories:

1. Biological and human engineering studies $2,090,000

This item includes: (a) Personnel equipment such as astronaut's pressure suits, and transfer equipment to remove the astronaut from the capsule in case of an emergency on the pad; (b) training and training aids, such as special purpose equipment in support of the centrifuge programs, and worldwide tracking network simulation equipment; and (c) tolerance studies, such as equipment required to train and handle the animals used in Project Mercury tests.

2. Mercury development program 4,050,000

Included in this category are: (a) Models for wind tunnel and small-scale flight tests, and for impact, vibration, and hydrodynamic tests; (b) support equipment for airdrop parachute tests; (c) testing of escape rockets and other pyrotechnic devices; (d) testing of the capsule structure and of impact attenuation devices; (e) tests of the reaction jet system; and (f) development and qualification of the communications system.

3. Advanced reentry configuration 800,000

4. Manual and automatic guidance and control systems for advanced reentry configuration 200,000

1,000,000

These two items represent the funds required for studies lead toward the follow-on program to Project Mercury. Included are wind tunnel and structural tests, subsystems development, and inertial guidance systems development.

5. Major boosters 25,650,000

This category includes (a) the completion of the funding for eight Redstone boosters used in Mercury qualification and training flights; and (b) partial funding for 15 Atlases used in the development, qualification, and orbital missions.

6. Mercury capsules, support equipment, and support services 35,290,000

Included here are: (a) the procurement of 24 Mercury capsules including changes and revisions as dictated by the research and development program and by pilot safety considerations; (b) spare parts for the capsules; (c) ground support equipment to check out and monitor capsules at ABMA and Cape Canaveral; (d) capsule flight test support services; (e) training simulators used by astronauts and ground crews to develop operational procedures and experience; and (f) equipment and services to support the research and development program.

7. Tracking network operations and equipment 24,670,000

This item includes: (a) research and development costs required for the implementation of the network, such as reactivation costs of the network ships, funds for the installation and modification of certain equipment, and consulting services; (b) network operation expenses, such as computing equipment services, maintenance and operations personnel training and services; transportation services and supplies and materials; and (c) special operations support by the Atlantic Missile Range, including special cabling, communications, and circuitry services.

8. Recovery operations $15,000,000

Included in this category are all costs that will recur for each flight mission, such as: (a) Preflight trajectory calculations; (b) air- and ship-borne data acquisitions; (c) data reduction and analysis services; (d) operation of the mid-Atlantic and Indian Ocean tracking ships; (e) and the actual ship and aircraft operating expenses incurred in direct support of Mercury recovery operations following both Redstone and Atlas flights.

Mr. BROOKS of Louisiana. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I take this time to compliment the chairmen of the four subcommittees and the members of the subcommittee that handled this bill in the committee before it came to the full committee. These committees did a most thorough job. They heard witness after witness. They sat in session long hours, and then following that they gave in each instance, as I recall, a unanimous report to the full committee with one sole exception. Then the full committee considered the bill and reported it out, as I said, practically unanimously to the floor of the House of Representatives.

Mr. Speaker, I now yield 3 minutes to my colleague, the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I ask unanimous consent to have my statement appear immediately following the statement of the chairman of the committee.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. BROOKS of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. DADDARIO].

Mr. DADDARIO. Mr. Speaker, Mr. Khrushchev has already boasted that the mark of the Soviet Union has been stamped on the moon. It is well within the technical and industrial capacity of the Russians to land a man on the moon one day in the near future. The future of the free world may well depend on whether or not a U.S. mission is already on the moon when that event occurs.

We are now in the middle of an awesome missile debate. How much more serious will the situation be when we shall be dealing with manned space vehicles. What we do here, how we help to put this effort together will determine how we will stand in relation to our rivals when the issue is joined in this

more advanced arena, and world security depends on a balance of power there. What we do today has a direct bearing on whether we shall keep pace and outstrip our rivals in the development of such space vehicles. This is only the second budget in which we have had cause to review our space program as a separate item, and it shares the continuing critical importance of the first.

Now is the time to gather our best scientists and technical people for a major assault on the questions that face us. Now is the time to begin a massive and ultimate effort. The military requirements for space are great, but the greater harvest would be in the area of peaceful uses of outer space. Accomplishments in communications and weather satellites alone would more than redeem the cost of our whole space effort. While recognizing the great danger of the military challenge in space, we must affirm the great opportunity that lies ahead.

We have never been deterred from our goals because of fear and we never shall. Congress must, today and in the years ahead, provide an adequate space program so that we shall be the pace setters in space—not the followers.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, we have 80 minutes, as I understand, to discuss this authorization bill, which, in effect, is an appropriation bill, because that is the course that is usually followed. There are no hearings printed. We are depending entirely upon the deliberations of the committee.

The bill calls for $915 million to enable us to point out the mistakes the Lord is alleged to have made when He created the universe, and which some are so wise they appear to think they can correct. It is another attempt to build that tower, remember, to heaven, when the Lord found occasion to bring about a confusion of tongues.

To me, it seems obvious that we should first try to take care of our people who are now here rather than worry quite so much about those of future generations. There is not a mail that goes by that we do not receive requests from home folks who under present system resent their inability to provide for their own needs. Letters come from postal employees, and many of them send in a budget showing they cannot make both ends meet. Many of these letters come from folks that many of us, at least, in the outlying districts, know, and that have, through no fault of their own, been unable to furnish sufficient food, shelter, and clothing for themselves. They have tried to find work and they practice thrift, but they find now they cannot obtain some of the necessities of life. Yet here we authorize $915 million to try to learn what they are doing on the moon and on other planets.

A committee was in the other day, and one of them, a young lady 18 or 19 years old, said, "Mr. HOFFMAN, I cannot see why you are against permitting me or aiding me to get a home of my own. I expect to get married and we will have children, and we will have to go to some other planet to live." I said, "Young lady, I will help all I can to aid people in owning their own homes, but I do not think you will have to go to either the moon or another planet to find a home," it will not come that fast, but we have frightened some folks so that they do not know whether they will be able to get to bed alive or to live through the night and get up alive in the morning. They are in such a state of mind that unless we discover what is on the other side of the moon right away, tomorrow, they think we are through living. Now, do you think that is fair? Do you think it is fair to take $915 million away from our own folks who have committed no crime and who have been good citizens and who have lived honestly and decently and who have worked and saved, but cannot provide for their own future? Do you think it is proper to take all that $915 million away that our own folks need in an effort to explore other heavenly bodies? That is the picture. We all know it. Why are we so unconcerned about future generations? We do not think of their needs or what is going to happen to them in the years to come when we are on appropriation bills. We keep appropriating millions and running up the debt. You remember, Ike said just before he went on that trip to the East that the interest on the national debt was more than $9 billion a year, yet day in and day out we add to the total of the national debt. Are we not ashamed of ourselves when we think about it? Day in and day out we add to the national debt. We do not pay it—we do not intend to pay it, or to pay any part of it. We just pass it along to these children and grandchildren who are now in existence and, for some of us, to our great grandchildren that we profess to love so dearly—so dearly that we seem to want to be sure that they will work to pay for the things and pay for the obligations that we here create for today and tomorrow. Should we not be ashamed of ourselves? There is an old saying that "the Devil provides work for idle hands to do." We may be assured that our present conduct indicates that for generations to come our successors will be busy paying the debts we impose upon them. My plea is that we pay some attention to the wants and the needs of today's folks.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes and ask unanimous consent to revise and to extend my remarks at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, not only are we here authorizing the appropriation of almost a billion dollars, in other words, $915 million, but we are increasing the number of $19,000-a-year employees in this glamorous outfit known as the Space Administration. I notice the gentleman is on the floor at this time, and if you want to read something interesting get a copy of the hearings held by the appropriations subcommittee chairmaned by the gentleman from Texas [Mr. THOMAS] on the second supplemental appropriation bill, which was passed only a few days ago. Those hearings will give some insight into where these space employees are presently located and where others will probably go if this bill is passed and these employees are authorized. I well remember a speech made a few days ago by the gentleman from Ohio [Mr. KIRWAN] and I note that he is on the floor at this time. Speaking in connection with one of the appropriation bills he said in effect: "Do not pass these authorization bills and send them to the Committee on Appropriations and expect us to do anything but appropriate the money." In other words, the Members should assume the responsibilities that go with these bills authorizing the spending. I say to you that section 4 of this bill should be stricken. But, under this procedure of considering a bill under suspension of the rules, there is no way by which an amendment can be offered to take out section 4 or to revise it.

Mr. BROOKS of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BROOKS of Louisiana. I have asked the gentleman from Iowa [Mr. GROSS] to yield so that I may thank the gentleman for giving our side 10 minutes of his time in the course of this debate. You know that when this matter came up on the question of suspension of the rules, I asked at that time that the time for debate be increased. I would rather have a 3-hour debate on the matter, but we have a crowded schedule. The bill to follow the consideration of the pending measure will also come up under suspension of the rules and involves even more money than the bill we are presently considering. Then, following that, of course, is the civil rights bill that comes up this week. That is going to take plenty of time, and I am sure the gentleman knows it. But I do appreciate the attitude of the gentleman from Iowa in giving us the 10 minutes of time. I want to say furthermore in reference to the 30 jobs that those 30 jobs are needed almost, I would not say entirely, but largely because of the situation at Huntsville with 5,500 new employees coming into the NASA.

Mr. GROSS. I would like to know how many $19,000-a-year employees you have and how many $21,000 employees there are in the space setup?

Mr. BROOKS of Louisiana. We have an authorization for ten $21,000 employees.

Mr. GROSS. You are going pretty fast.

Mr. BROOKS of Louisiana. The balance come under the $19,000.

Mr. GROSS. How do you expect the Civil Service Committee to keep a lid on this business of employment and salaries if agencies of this kind get out of hand?

Mr. BROOKS of Louisiana. Most of that was done in preceding legislation setting up these positions.

The SPEAKER pro tempore. The time of the gentleman from Iowa [Mr. GROSS] has again expired.

Mr. BROOKS of Louisiana. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this simply sets up 20 additional positions and they are needed I have not heard anyone quibble about paying Dr. von Braun the top salary. I think Dr. von Braun could go out into industry today and double or treble or quadruple the salary that the United States is paying him. Less than an hour ago our committee had before it a man who had been paid $50,000 a year in industry. He would be getting $14,000 a year from the United States. We are faced with that type of competition, which is robbing this particular program of some fine men and most valuable people. If we are going to keep them we have to in some way meet the salary requirements which have been set up. That is the situation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to the gentleman from Iowa.

Mr. GROSS. Of course those outfits that are handed 14 percent cost-plus contracts can pay $40,000 and $50,000 a year salaries. The Congress should cure that situation, but that is no reason why we should use bills of this nature to push Federal employee salary scales out of line.

Mr. BROOKS of Louisiana. Until the Congress does cure that situation, we have competition from industry which is difficult for us to meet in filling scientific and technical positions.

The SPEAKER pro tempore. The time of the gentleman from Louisiana has expired.

Mr. BROOKS of Louisiana. Mr. Speaker, some of the Members have alluded to money being spent by NASA in order to look at the other side of the moon and to provide development of vehicles which could send payloads and possibly a man to the other planets. I am afraid the impression has been left with the Members that this is NASA's foremost mission. Quite on the contrary, NASA has many missions which have not been mentioned here today, and they are of the greatest importance. I would like to speak about some of the practical accomplishments which NASA has made, and will continue to make, if we provide the funds requested in this bill.

At the outset, let me say that NASA's work is not all glamour, such as planning flights to the moon and probing the planets. The money requested for research and development in this bill is required for practical scientific reasons. For example, funds are required to determine and understand the composition, structure, dynamical behavior and equilibria of the earth's atmosphere. It is necessary to carry out exploratory geophysical and astrophysical investigations. We must complete our knowledge of the lower atmosphere and include detailed measurements and studies of geographical and temporal variations in atmospheric properties with particular interest in the relations of the higher atmosphere to surface meteorology.

These and other scientific studies are essential to our accumulation of knowledge before we can satisfactorily launch various types of satellites with the expectation of their doing the job we expect of them.

Unfortunately, there has been insufficient discussion of the practical applications of space for the benefit of mankind. For example, think of the benefits to be derived from a meteorological satellite, one that would photograph cloud cover, relay temperature readings and variations in the upper atmosphere to earth, whereby weather could be predicted far in advance. In addition, many of our scientists are convinced that the time is not too far distant when the weather and its effects on earth can even be controlled.

Another practical application of space is its use in launching communications satellites. This would be a boon to our need for greater and improved communications and these satellites would be used to relay thousands of messages in a matter of minutes, and worldwide television would become an accomplished fact.

Still another satellite system is in a state of development. This is the navigation satellite, whereby accurate fixes could be obtained by aircraft and ships at sea so that their positions would be known with an accuracy hitherto impossible to obtain.

There are other satellite systems such as reconnaissance satellites, satellites which would be used for mapping the earth and early-warning satellites. None of these come within the so-called glamour category such as transporting man into outer space. But when these systems have been developed and launched, the benefits which all of our people will derive are incalculable.

Now, I hope that all the Members will heed my words on this subject. There is much in the exploration of space and the development of vehicles to launch satellites into space which is nothing else but plain, practical, good business. We are about this work because we can get something out of it, because it will bring great benefits to our people and because the development of investigations and scientific systems of this nature cannot stand still. To take the position that we should not authorize funds for these satellite systems and scientific investigations in space would make as much sense as to say that because we have the telephone there is no need for further research and development in communications.

I am the first to agree that none of these developments come cheap. But, when they have been finally developed—and many of these satellite systems are just beyond the horizon—the funds which Congress is being asked to authorize here today will seem inconsequential by comparison with the benefits which will come back to all of us.

Mr. CHENOWETH. Mr. Speaker, I rise in support of H.R. 10809, a bill authorizing appropriations for the National Aeronautics and Space Administration. I want to commend the chairman of the committee, the gentleman from Louisiana [Mr. BROOKS], on bringing this bill to the floor today. I feel that the committee did a splendid job in preparing this bill, and I am happy to give the same my full support.

The passage of this bill should be an answer to those who contend we are not doing enough in our space effort. This bill authorizes the expenditure of $915 million for NASA operations during the fiscal year beginning July 1. I personally feel that this amount is adequate to take care of our requirements for the next fiscal year.

I am happy to be a member of the Subcommittee on Installations, of which the distinguished gentleman from California [Mr. GEORGE P. MILLER] is chairman. Our subcommittee went into the authorizations for construction and equipment very carefully. I want to commend the chairman of the subcommittee for his diligence in seeking full information on each individual item before approving the same. I feel that the amount which is being authorized for the construction of new facilities is necessary in order to properly carry on our space program.

I wish to call attention to the fact that over $621 million, or two-thirds of the entire amount authorized in this bill, is for research and development.

There is a great deal of speculation these days as to who is ahead in the space and missile effort. There are those who contend that the United States is a long way behind Russia, and that there is a wide gap between us on missile achievements. As a member of the committee, I have heard our military leaders explain our defense program. I am convinced from what I have heard that we are ready, as a nation, to meet any military emergency. I think there is no question of the fact that we have this striking power to destroy any country which attacks us. It is obvious that other countries know of this striking power, and respect the same. I have great confidence in our military leaders, and in my opinion we are the strongest nation on earth today so far as military power is concerned.

We are now engaged in a race with Russia to see who will first put a man in orbit. I am optimistic that the United States, through the Project Mercury, will be the victor in this contest. This project is making good progress, and the necessary funds to continue the same are authorized in this bill. I think it is very important for psychological reasons that we make every effort to put a man in orbit at the earliest possible date.

I do not believe that by the mere spending of money we are going to outdistance Russia in the space field. Money is of no value unless it is spent wisely. We must have the trained scientists and engineers who know what to do with these funds if we are to be successful in achieving supremacy in outer space. I have heard nothing in the testimony before our committee which would lead me to believe that the Russian scientists and engineers are any better equipped to do this job than we are in the United States. I have full confidence in our American scientific skill and

knowledge, and I believe that time will prove that our American scientists will do the job which we have assigned to them. I think the Von Braun team is the finest group of scientists in the missile field to be found anywhere in the world today.

Mr. Speaker, I hope that the House will pass this bill today. The passage of this measure is necessary in order that we may go ahead in our plans to conquer outer space, and to develop the missiles which are essential to our military strength.

Mr. BROOKS of Louisiana. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. ALBERT). The question is, Will the House suspend the rules and pass the bill H.R. 10809, as amended.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Under previous order of the House, further proceedings on this bill will be put over until Wednesday.

PUBLIC HEALTH SERVICE COMMISSIONED CORPS PERSONNEL ACT OF 1960

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2220) to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Health Service Commissioned Corps Personnel Act of 1960".

LIMITATION ON APPOINTMENT AND CALL TO ACTIVE DUTY OF OLDER COMMISSIONED OFFICERS

SEC. 2. Section 207(a) of the Public Health Service Act (42 U.S.C. 209(a)) is amended by adding at the end thereof the following new paragraph:

"(3) No individual who has attained the age of forty-four shall be appointed to the Regular Corps, or called to active duty in the Reserve Corps for a period in excess of one year, unless (A) he has had a number of years of active service (as defined in section 211(d)) equal to the number of years by which his age exceeds forty-four, or (B) the Surgeon General determines that he possesses exceptional qualifications, not readily available elsewhere in the Commissioned Corps of the Public Health Service, for the performance of special duties with the Service, or (C) in the case of an officer of the Reserve Corps, the Commissioned Corps of the Service has been declared by the President to be a military service."

ADDITIONAL ORIGINAL APPOINTMENTS ABOVE SENIOR ASSISTANT

SEC. 3. Section 207(b) of the Public Health Service Act (42 U.S.C. 209(b)) is amended by inserting "(1)" after "(b)" and by striking out the last sentence and inserting in lieu thereof the following new paragraphs:

"(2) In addition to the number of original appointments to the Regular Corps authorized by paragraph (1) to be made to grades above that of senior assistant, original appointments authorized to be made to the Regular Corps in any year may be made to grades above that of senior assistant, but not above that of director, in the case of any individual who—

"(A) (i) was on active duty in the Reserve Corps on July 1, 1960, (ii) was on such active duty continuously for not less than one year immediately prior to such date, and (iii) applies for appointment to the Regular Corps prior to July 1, 1962; or

"(B) does not come within clause (A) (i) and (ii) but was on active duty in the Reserve Corps continuously for not less than one year immediately prior to his appointment to the Regular Corps and has not served on active duty continuously for a period, occurring after June 30, 1960, of more than three and one-half years prior to applying for such appointment.

"(3) No person shall be appointed pursuant to this subsection unless he meets standards established in accordance with regulations of the President."

RETIREMENT OF COMMISSIONED OFFICERS OF THE REGULAR AND RESERVE CORPS

SEC. 4. Section 211 of the Public Health Service Act (42 U.S.C. 212) is amended to read as follows:

"SEC. 211. (a) (1) A commissioned officer of the Service shall be retired on the first day of the month following the month in which he attains the age of sixty-four years.

"(2) A commissioned officer of the Service may be retired by the Secretary, and shall be retired if he applies for retirement, on the first day of any month after completion of thirty years of active service.

"(3) Any commissioned officer of the Service who has had less than thirty years of active service may be retired by the Secretary, with or without application by the officer, on the first day of any month after completion of twenty or more years of active service of which not less than ten are years of active commissioned service in any of the uniformed services.

"(4) A commissioned officer retired pursuant to paragraph (1), (2), or (3) who was (in the case of an officer in the Reserve Corps) on active duty with the Service on the day preceding such retirement shall be entitled to receive retired pay at the rate of 2½ per centum of the basic pay of the highest grade held by him as such officer and in which, in the case of a temporary promotion to such grade, he has performed active duty for not less than six months, (A) for each year of active service, or (B) if it results in higher retired pay, for each of the following years:

"(i) his years of active service determined without regard to subsection (d)) as a member of a uniformed service; plus

"(ii) in the case of a medical or dental officer, four years and, in the case of a medical officer, who has completed one year of medical internship or the equivalent thereof, one additional year, the four years and the one year to be reduced by the period of active service performed during such officer's attendance at medical school or dental school or during his medical internship;

except that (C) in the case of any officer whose retired pay, so computed, is less than 50 per centum of such basic pay, who retires pursuant to paragraph (1) of this subsection, who has not less than twelve whole years of active service (computed without the application of subsection (e)), and who does not use, for purposes of a retirement annuity under the Civil Service Retirement Act, any service which is also creditable in computing his retired pay from the Service, it shall, instead, be 50 per centum of such pay, and (D) the retired pay of an officer shall in no case be more than 75 per centum of such basic pay.

"(5) With the approval of the President, a commissioned officer whose service as Surgeon General, Deputy Surgeon General, or Assistant Surgeon General has totaled four years or more and who has had not less than twenty-five years of active service in the Service may retire voluntarily at any time; and his retired pay shall be at the rate of 75 per centum of the basic pay of the highest grade held by him as such officer.

"(b) For purposes of subsection (a), the basic pay of the highest grade to which a commissioned officer has received a temporary promotion means the basic pay to which he would be entitled if serving on active duty in such grade on the date of his retirement.

"(c) A commissioned officer, retired for reasons other than for failure of promotion to the senior grade, may (1) if an officer of the Regular Corps or an officer of the Reserve Corps entitled to retired pay under subsection (a), be involuntarily recalled to active duty during such times as the Commissioned Corps constitutes a branch of the land or naval forces of the United States, and (2) if an officer of either the Regular or Reserve Corps, be recalled to active duty at any time with his consent.

"(d) The term 'active service', as used in subsection (a), includes:

"(1) all active service in any of the uniformed services;

"(2) active service with the Public Health Service, other than as a commissioned officer, which the Surgeon General determines is comparable to service performed by commissioned officers of the Service, except that, if there are more than five years of such service only the last five years thereof may be included; and

"(3) all active service (other than service included under the preceding provisions of this subsection) which is creditable for retirement purposes under laws governing the retirement of members of any of the uniformed services.

"(e) For the purpose of determining the number of years by which a percentage of the basic pay of an officer is to be multiplied in computing the amount of his retired pay pursuant to section 210(g)(3) or paragraph (4) of subsection (a) of this section, a part of a year of active service of six months or more shall be counted as a whole year and a part of a year of active service which is less than six months shall be disregarded.

"(f) For purposes of retirement or separation for physical disability under chapter 61 of title 10, United States Code, a commissioned officer of the Service shall be credited, in addition to the service described in section 1208(a)(2) of that title, with active service with the Public Health Service, other than a commissioned officer, which the Surgeon General determines is comparable to service performed by commissioned officers of the Service, except that, if there are more than five years of such service, only the last five years thereof may be so credited. For such purposes, such section 1208(a)(2) shall be applicable to officers of the Regular or Reserve Corps of the Service."

MISCELLANEOUS AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 5. (a) Section 2 of the Public Health Service Act (42 U.S.C. 201) is amended by striking out "and" at the end of subsection (n), striking out the period at the end of subsection (o) and inserting in lieu thereof "; and", and adding after such subsection (o) the following new subsection:

"(p) The term 'uniformed service' means the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, or Coast and Geodetic Survey."

(b) Section 208(b) of such Act (42 U.S.C. 210(b)) is amended to read as follows:

"(b) In accordance with regulations of the President, commissioned officers on active duty may make allotments from their pay. Such officers, and retired officers entitled to retired pay pursuant to section 210(g)(3), section 211, or section 221(a), shall be per-

mitted to purchase supplies from the Army, Navy, Air Force, and Marine Corps at the same price as is charged officers thereof."

(c) Section 210(g)(3) of such Act (42 U.S.C. 211(g)(3)) is amended by striking out "of his active duty pay at the time of retirement for each complete year" and inserting in lieu thereof "of the basic pay of the permanent grade held by him at the time of retirement for each year".

(d) Section 326(a) of such Act (42 U.S.C. 253(a)) is amended by striking out ", including those on shore duty and those on detached duty, whether on active duty or retired" in subparagraphs (1) and (2) and inserting in lieu thereof "on active duty, including those on shore duty and those on detached duty", by striking out "or when retired for disability" in subparagraph (1), and by striking out subparagraph (3) and inserting in lieu thereof:

"(3) commissioned officers of the Regular or Reserve Corps of the Public Health Service on active duty;".

COVERAGE UNDER CIVIL SERVICE RETIREMENT ACT

SEC. 6. (a) Except as provided in subsection (b), service as a commissioned officer in the Regular Corps of the Public Health Service prior to July 1, 1960, shall be considered, for purposes of credit under the Civil Service Retirement Act, other than section 3(f) thereof, as civilian service performed by an employee (as defined in such Act), and commissioned officers of the Reserve Corps of the Public Health Service, subject to the Civil Service Retirement Act on June 30, 1960, shall be considered as voluntarily separated on that date, with respect to service as such officers, from civilian positions subject to such Act.

(b) If a commissioned officer of the Regular or Reserve Corps of the Public Health Service is retired after June 30, 1960, and becomes entitled to retired pay from the Public Health Service, all service in the Regular or Reserve Corps of the Public Health Service prior to July 1, 1960, together with any other service which is performed at any time with the Public Health Service, other than as a commissioned officer, and which is credited to the officer for purposes of such retirement, shall be considered as military service for purposes of section 3(b) of the Civil Service Retirement Act; except that, in the case of any such officer who is retired pursuant to subsection (a) of section 211 of the Public Health Service Act, any such service which was performed prior to July 1, 1960, which was subject to the Civil Service Retirement Act, and with respect to which he has not, prior to his retirement, received a refund of deductions under the Civil Service Retirement Act, shall not be considered as military service for purposes of such section 3(b), but only if he waives his right to have such service included for purposes of computing the amount of his retired pay from the Service.

(c) Section 1(r) of the Civil Service Retirement Act is amended by inserting after "Coast Guard of the United States," the phrase "or, after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service,".

ELECTION OF BENEFITS UNDER THE SOCIAL SECURITY ACT AND THE CIVIL SERVICE RETIREMENT ACT

SEC. 7. Section 215 of the Social Security Act (42 U.S.C. 415) is amended by adding at the end thereof the following new subsection:

"(h)(1) Notwithstanding the provisions of the Civil Service Retirement Act, remuneration paid for service to which the provisions of section 210(m)(1) of this Act are applicable and which is performed by an individual as a commissioned officer of the Reserve Corps of the Public Health Service prior to July 1, 1960, shall not be included in computing entitlement to or the amount of any monthly benefit under this title, on the basis of his wages and self-employment income, for any month after June 1960 and prior to the first month with respect to which the Civil Service Commission certifies to the Secretary that, by reason of a waiver filed as provided in paragraph (2), no further annuity will be paid to him, his wife, and his children, or, if he has died, to his widow and children, under the Civil Service Retirement Act on the basis of such service.

"(2) In the case of a monthly benefit for a month prior to that in which the individual, on whose wages and self-employment income such benefit is based, dies, the waiver must be filed by such individual; and such waiver shall be irrevocable and shall constitute a waiver on behalf of himself, his wife, and his children. If such individual did not file such a waiver before he died, then in the case of a benefit for the month in which he died or any month thereafter, such waiver must be filed by his widow, if any, and by or on behalf of all his children, if any; and such waivers shall be irrevocable. Such a waiver by a child shall be filed by his legal guardian or guardians, or, in the absence thereof, by the person (or persons) who has the child in his care."

EFFECTIVE DATES

SEC. 8. (a) The amendments made by sections 2 and 5(b) shall become effective July 1, 1960.

(b) The amendment made by section 4 shall become effective on the date of enactof this Act in the case of commissioned officers of the Regular Corps of the Public Health Service, and on July 1, 1960, in the case of commissioned officers of the Reserve Corps of the Public Health Service.

(c) An officer in the Regular Corps on active duty on the date of enactment of this Act may be retired and have his retired pay computed under section 211 of the Public Health Service Act, as amended by this Act, or, if he so elects, under such section as in effect prior to the date of enactment of this Act.

(d) The limitation under subsection (f) of section 211 of the Public Health Service Act, as amended by this Act, on the amount of active service with the Public Health Service, other than as a commissioned officer, which may be counted for purposes of retirement or separation for physical disability, shall not apply in the case of any officer of the Reserve Corps of the Public Health Service on active duty on June 30, 1960.

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHENCK. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second is considered ordered.

The gentleman from Arkansas [Mr. HARRIS] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. SCHENCK] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, the bill S. 2220 is a bill which passed the other body and came to our committee in the last session of Congress, on which the committee held hearings and reported the bill for consideration.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield for a question?

Mr. HARRIS. I yield.

Mr. HOFFMAN of Michigan. Are hearings available?

Mr. HARRIS. Hearings are available, and we will be glad to make a copy available to the gentleman if he desires.

Mr. HOFFMAN of Michigan. Where can we get them?

Mr. HARRIS. We will have one brought around to you.

Mr. HOFFMAN of Michigan. Are they over at the desk?

Mr. HARRIS. There is one right there.

Mr. HOFFMAN of Michigan. Yes; but somebody else might want one. My colleague the gentleman from Iowa [Mr. GROSS] wants one.

Mr. HARRIS. They will be at the usual place.

Mr. HOFFMAN of Michigan. The usual place is over at the door.

Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. HOFFFMAN of Michigan. By request I withdraw my point of no quorum.

The SPEAKER pro tempore. The point of order is withdrawn.

Mr. HARRIS. Mr. Speaker, I yield myself 2 minutes.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized.

Mr. HARRIS. Mr. Speaker, the bill we bring to you today has two provisions which I would like to explain: First, it would provide for improved retirement benefits for members of the Regular Corps and the Active Reserve Corps of the Public Health Service; and secondly, it would increase the number of annual appointments to the higher grades in the Regular Corps.

The improved benefits are substantially identical with retirement benefits provided by earlier legislation for commissioned personnel of the Armed Forces.

The legislation is recommended by the Department of Health, Education, and Welfare, and has the approval of the Bureau of the Budget, and therefore, is an administration bill.

Under the chairmanship of our colleague the gentleman from Alabama [Mr. ROBERTS] the Subcommittee on Health and Safety held hearings. No one appeared before the subcommittee in opposition to the legislation.

I am going to yield in a moment to the chairman of the subcommittee who will give you a further and more detailed explanation of the bill. But, first, I would like to say a word about the commissioned corps of the Public Health Service.

Except in time of war or national emergency, the Public Health Service is a civilian agency. Most of the medical and scientific personnel of the Service are holding appointments in the commissioned corps, which is one of the uniformed services of the United States.

The commissioned corps is similar in obligations of its membership and in structure to the Nation's military services.

Public Health Service commissioned officers, like their military counterparts, are required to serve wherever they are

assigned to meet the needs of this Service. Now that is throughout the world. These assignments often take them to remote stations, as, for example, Indian reservations, to hardship posts in less developed parts of the world, and to stations where hazardous duty is involved.

So the purpose of this legislation is to strengthen this personnel system so that it can do a better job in attracting and holding physicians, dentists, sanitary engineers, and other scientists.

Qualified personnel in scientific fields is in short supply. This is particularly true in the medical and related sciences. In competing for its share of these specialists, the Public Health Service has done remarkably well. But the difficulties encountered in holding these people have become greater than ever. So, in providing for improved retirement benefits and increasing career opportunities within the corps as provided in the bill, we hope the Public Health Service will be strengthened to meet the ever-increasing demands which are being made on the Service in the interest of the Nation's health.

Mr. BENNETT of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Michigan.

Mr. BENNETT of Michigan. Mr. Speaker, this legislation, in my opinion, is very meritorious and I wish to associate myself with the remarks just made by our distinguished chairman.

The esteemed chairman of our full committee the gentleman from Arkansas [Mr. HARRIS], and the chairman of the Subcommittee on Health and Safety, the gentleman from Alabama [Mr. ROBERTS], have explained the purpose and the provision of the bill in considerable detail.

There is one feature of this bill—a very important feature—which I would like to discuss at this point. This is the 20-year retirement provision.

The bill would authorize commissioned officers on active duty in the Public Health Service to retire with the approval of the Secretary of Health, Education, and Welfare after 20 years of service. This provision is similar to provisions found in the other uniformed services.

If the authority to permit retirement after 20 years is used wisely, this provision could strengthen the commissioned corps by inducing officers, who now resign after having served long enough to be extremely valuable to the Service, to remain in the Service for at least 20 years. After completion of 20 years of service, the substantially higher annuity retirement after additional years of service should be a considerable incentive in holding these officers in the Service beyond the 20-year period.

However, it is obvious that indiscriminate use of this authority could result in heavy losses to the Public Health Service among its leadership and key scientific personnel.

The committee report states in this regard that—

> The committee expects that retirements under this provision will be authorized by the Secretary only when he has determined that the retirement would not be detrimental to the best interests of the Service.

I have discussed with Surgeon General Burney the way in which this provision would be administered.

I am confident that the Surgeon General, who would advise the Secretary with respect to approval of retirement requests, will act only in the best interests of the Government and the public. His primary concern is the effectiveness of the Service he heads in carrying out its important and far-reaching missions. He has assured me that the granting of 20-year retirements at reduced annuities never would be made on a scale that would weaken the Service or impair its efficiency.

Twenty-year retirements would be authorized in hardship cases, in instances where the capabilities of the Service would not be affected adversely, and in cases in which it appears that the officers concerned would make greater contributions to the Nation's health if they were to serve in other affiliations. All approvals of these requests would be selective after individual consideration.

I support this bill on the strength of the Department's representations, concurred in by the Bureau of the Budget, that all of its features, including the 20-year retirement, are needed to strengthen the Public Health Service and to enable it to fulfill its growing obligations to protect the health of the Nation.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for his comment in support of the legislation. It does, of course, show to this House that the committee is in unanimous agreement in support of the legislation.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. HARRIS. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama, the distinguished chairman of the Subcommittee on Health and Safety [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the chairman of the committee for his compliment. I am very happy to speak to you today about this bill which is known as the Public Health Service commissioned corps personnel bill of 1960.

Mr. Speaker, essentially the major purposes of this bill are to provide improved retirement benefits for Reserve commissioned personnel and to modify the 10-percent statutory limit on a number of career appointments to the higher grades.

There are two personnel systems within the Public Health Service, one for civil service employees and one for commissioned officers. Most of the scientific and professional specialists of the Service are officers in its commissioned corps, and it is to this personnel system that the bill applies.

Mr. Speaker, this bill essentially is a good Reserve bill. There will be about 3,400 people affected by the operation of this act. I believe around 1,600 or 1,700 are regularly commissioned corps officers. The rest are Reserve officers. Most of them are doctors, dentists, sanitary engineers, nurses, and other technical people.

The Reserves have been paying under their retirement system at the rate of 6.5 percent of their basic salary. This will put them under the same noncontributory system as is now enjoyed by the Regulars.

Now, here is essentially what is happening in the Public Health Service as far as these people are concerned. As of August last year there were about, I believe, 359 vacancies, and they were unable to fill these vacancies. About 170 of those places called for doctors. We have a good many people who go out there and receive this fine training for a few years, and because of the 30-year retirement system they drop out, even though they have cost the Government quite a bit of money. This will, we think, keep the younger doctors and dentists and engineers and scientists and nurses and so forth in the Service as a career. I believe that there is no opposition to the bill. Hearings were held in both bodies. I think it will be a very fine bill as far as the health of the Nation is concerned, and it is my earnest hope that the membership of this House will support this bill.

Mr. Speaker, the Public Health Service commissioned corps personnel bill of 1960 is a measure which will bring about important improvements within that Service, and I appreciate this opportunity to speak in behalf of its passage.

Essentially, the major purposes of this bill are to provide improved retirement benefits for commissioned personnel and to modify a statutory limit on the annual number of career appointments to the higher grades.

There are two personnel systems within the Public Health Service—one for civil service employees and one for commissioned officers. Most of the scientific and professional specialists of the Service are officers in its commissioned corps, and it is to this personnel system that the bill applies.

Members of the commissioned corps assume obligations and responsibilities similar to those of officers of the military services. They are subject to assignment and transfer in accordance with the needs of the Service, and their duties may take them to remote stations in the continental United States including Alaska, or to foreign countries. When the President declares the commissioned corps to be a military service by virtue of war or national emergency, its officers serve in a military capacity and are subject to military law.

Officers of the commissioned corps are qualified in health and medical skills which are in short supply and in great demand. In fact, the needs for professional personnel for the Nation's health agencies and facilities cannot be met fully because of this shortage. If the Public Health Service is to attract and hold its share of personnel in these scarce categories, it is imperative that its personnel system offer adequate tenure, opportunity for advancement, and retirement benefits. This bill will assure critically needed improvements in all three of these vital respects.

A major feature of the bill is provision for retirement at a reduced an-

nuity after 20 years of service, subject to approval by the Secretary of Health, Education, and Welfare. Although the bill would make it possible for certain officers to retire 10 years earlier than the present law authorizes, this provision actually would enable the Service to retain many capable officers who otherwise would resign after much shorter tenure. Here are the considerations which support this reasoning.

Virtually all of the resignations among career officers now occur within their first 15 years of service. In fact, the overwhelming majority leaving the Public Health Service resign after 10 years or less. This means that many officers receive invaluable training while on duty, and leave before the Service can reap the full benefit from its investment in their training. These officers resign because there is not now sufficient incentive for them to remain in the Service.

To the officer with only a few years of service, retirement benefits that are based on 30 years' service seem so remote that loss of these benefits is not an effective deterrent to resignation. The possibility of retirement after 20 years, however, would hold in the Service many officers who have been on duty for substantial periods but who are far short of the 30 years. Experience in the military services, where 20-year retirements are authorized, show that relatively few highly trained officers retire voluntarily short of full retirement. By the time an officer has served for 20 years, he is in the prime of his career in an assignment that is professionally rewarding and personally challenging. The fact that retirement at 20 years carries a reduced annuity also would be a factor in holding a capable officer in the Service long enough for him to qualify for full retirement.

All too often, it is the officers of proven ability and ambition who leave the Service after only a few years. These resignations are serious not only because of the investment in training which is lost to the Government, but also because this is the group upon which the Service depends for its future leadership. The 20-year retirement permitted under the proposed legislation would provide strong incentive for these officers to remain on duty.

Under present law, the Surgeon General may retire voluntarily and with the President's consent after completing 4 or more years as Surgeon General and 25 years of active commissioned service in the Public Health Service. The bill under consideration would extend this provision to all general grade officers.

In contrast to the military services, no permanent general officer grades are authorized within the commissioned corps of the Public Health Service. Consequently, when an officer is transferred out of one of the few general grade positions, he must revert to a lower rank and pay grade. This situation creates personal hardship and administrative difficulties which hamper the Surgeon General in the best utilization of his staff.

By making full retirement after 25 years optional for an officer who has held a general grade for 4 years, this measure would encourage greater flexibility in personnel assignments and would provide additional recognition and reward for officers who have qualified for high positions of heavy responsibility. By tending to encourage slightly earlier vacating of some of the general officer grades, this provision would open up greater opportunities for the advancement of capable career officers.

A serious deficiency in the present law is the requirement which makes commissioned officers of the Reserve Corps of the Public Health Service subject to the Civil Service Retirement Act. These officers are the only officers in any of the uniformed services who are required to pay toward their retirement. All others are covered by a noncontributory retirement program, and their pay is fixed at a level appropriate to such a noncontributory system.

Reserve officers of the Public Health Service—receiving the same pay as Regular officers—are subject to a retirement deduction of 6½ percent of their basic pay. This difference between Reserve and Regular is all the more inequitable because the Reserve officer draws less retired pay than the Regular officer of the same rank and length of service. The proposed law would correct this inequity by placing Reserve officers of the Public Health Service under the same retirement system as Regular officers. In so doing, it would preserve the rights previously earned by Reserve officers under the Civil Service Retirement Act.

Under present law, the methods of computing retired pay for certain officers of the Public Health Service are more liberal than those applicable to military officers. The bill being supported substitutes for these particular provisions the same methods which are applicable in computing retired pay for officers of the Armed Forces.

Basically, retired pay would be equal to 2½ percent per year of active service, multiplied by the basic pay. In computing retired pay for physicians and dentists, these officers would be credited with 4 or 5 years' additional active service to compensate them for their professional schooling and internship which already are credited in computing basic pay. Regular Corps officers now on duty would not be affected by these new provisions if they are less favorable than those now applicable to these officers.

Under present law, previous service in the Armed Forces is not in all cases creditable toward Public Health Service retirement. This circumstance adversely affects a number of officers of the Public Health Service who have served creditably in the military services. The proposed measure would credit military service for purposes of all retirement. It also would authorize officers to retire at the highest temporary or permanent grade held, and would permit a major fraction of a year to be counted as a full year in computing retirement pay. These changes would bring the Service's retirement system closer to parity with those of the Armed Forces.

The importance of reasonable opportunities for advancement in a career service is universally recognized. One feature of the present law which tends to restrict opportunity by impeding advancement is a rigid limitation in appointments to the Regular Corps in the grade of O–4—equivalent to the Army rank of major—and above. In the Public Health Service, this rank is known as full grade. Such appointments now are limited to 10 percent of the vacancies in the overall Regular Corps strength. Under this restriction, only 26 such appointments could be made this year.

To meet the need for sufficient professional and scientific personnel required by new and expanding responsibilities of the Service, it has been necessary to appoint many officers to the higher grades in the Reserve Corps, where the restriction does not apply. Approximately 400 Reserve officers are on active duty in the higher grades. So long as this restriction is in effect, very few of these officers can be appointed to the Regular Corps in the grades for which they already have qualified.

Since the Reserve Corps does not offer the security of a Regular commission, the Service frequently loses highly qualified Reserve officers who find attractive career opportunities elsewhere. There is no question that most of the Reserve officers on active duty, who are highly qualified for career service, would welcome appointment to the Regular corps. Increased career appointments would cut losses of valuable specialists and would provide a better balanced staff for the permanent operating programs of the Public Health Service.

The proposed measure would relax the rigid restrictions on appointments to the Regular Corps in the higher grades. This would be accomplished simply by making the 10-percent limitation inapplicable to members of the Reserve Corps appointed to the Regular Corps after 1 year of active Reserve service.

Each provision of the Public Health Service commissioned corps personnel bill of 1960 has received long and careful study. Each one is based upon a definite need, confirmed by long experience. And in similar or parallel form, all of its basic provisions are in effect for members of our other uniformed services.

This bill will result in some increase in actual governmental costs. On the basis of recent calculations, the additional cost to the Government for the first year after enactment will be between $164,000 and $238,000. These costs will rise slowly—and somewhat unevenly—over the next 10 years, with the ultimate additional cost being approximately $250,000 to $375,000 per year depending on the number of officers allowed to retire.

Despite the fact that enactment of the bill will result in some increased costs to the Government, there will be no immediate increase in appropriations requirements—either for the Public Health Service or for any other agency. The reason is that one of the

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provisions of the bill would transfer the Reserve Corps, for retirement pay purposes, from the civil service retirement system to the staff retirement system, now applicable to the Regular Corps. Under the civil service system, the employing agency—as well as the employee—is required to make periodic contributions to the civil service retirement fund on behalf of all active duty personnel covered under the system. The amount currently required for Public Health Service payments to the fund on behalf of its Reserve Officers is $560,000, and funds for this purpose are now included in appropriations available to the Service for the current fiscal year. Upon enactment of S. 2220, however, Public Health Service Reserve officers will no longer be under the civil service retirement system, and Public Health Service payments into the fund on their behalf will be discontinued. Since the amount of these payments is considerably larger than the total first-year costs resulting from enactment of S. 2220, no additional appropriations will need to be requested.

In the interests of strengthening the Nation's public health resources, I urge the enactment of this bill into law.

Types of retirement available to Reserve officers of the uniformed services

	Army, Air Force	Navy, Marine Corps	Coast Guard	Public Health Service	
				Present	Under S. 2220
A. Retirement for age:					
1. Mandatory	None	None	Age 62	Age 64	Age 64.
2. Voluntary	Age 60 [1]	Age 60 [1]	Age 60 [1]	None	None.
B. Voluntary retirement for length of service:					
1. 20 years or more	Subject to approval by Secretary. Requires a minimum of 10 years of service as a commissioned officer.	Subject to approval by Secretary. Requires a minimum of 10 years of service as a commissioned officer.	Subject to approval by Secretary. Requires a minimum of 10 years of service as a commissioned officer.	None	Subject to approval by Secretary. Requires a minimum of 10 years of service as a commissioned officer.
2. 30 years or more	Same as for 20 years	Same as for 20 years	Same as for 20 years. No requirement of 10 years of service as a commissioned officer.	If age 60 or over. No approval required.	No approval required.
3. 40 years or more	No approval required	do	Same as for 30 years	Same as for 30 years	Same as for 30 years.
C. Disability retirement	30 percent disabled and unfit for duty.	30 percent disabled and unfit for duty.	30 percent disabled and unfit for duty.	30 percent disabled and unfit for duty.	30 percent disabled and unfit for duty.

[1] Reserve officer may retire at age 60 having completed 20 years of "satisfactory" service.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from California.

Mr. YOUNGER. Does the gentleman have a record showing a comparison of the types of retirement both of the Army, the Navy, and the Public Health Service?

Mr. ROBERTS. I do have that comparative statement, and I plan to include it in my extension of remarks.

Mr. YOUNGER. I thank the gentleman.

Mr. ROBERTS. Mr. Speaker, I believe that there is very little else that should be said about the bill. It is simply a bill that puts the able devoted people in the Public Health Service on a parity as far as the retirement benefits of the other services.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a table showing types of retirement available to Reserve officers of the uniformed services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SCHENCK. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, first I would like to commend the chairman of our subcommittee, with whom I have had the pleasure of working ever since this subcommittee was organized, for his diligence and his effort in behalf of public health and safety. Our subcommittee held extensive hearings on this and other matters, and I feel that this is very meritorious legislation. The members on our side of the committee are unanimously in favor of this bill.

Mr. Speaker, in considering the Publice Health Service Commissioned Corps personnel bill of 1960, it seems appropriate to turn our attention to the corps itself. The corps was set up in 1873 by administrative order of the Secretary of the Treasury, who then had supervision over the Public Health Service. By 1889, the continuing requirement for such a corps was widely recognized, and in that year its legal basis was established by an act of Congress.

The establishment of a career Commissioned Corps for the Public Health Service was brought about by the necessity of having available well qualified physicians for duty anywhere in the United States and the world. These medical officers were needed in Government hospitals to maintain effective quarantine, to combat epidemics, and to respond quickly to emergency situations requiring personnel possessing specialized or broad experience in medicine and public health.

The new personnel system brought about the mobility that characterizes personnel of the military services.

Dr. John M. Woodworth, the Supervising Surgeon appointed in 1871 and father of the Commissioned Corps, was himself a veteran of the U.S. Army. Impressed by the effectiveness of a mobile corps of physicians who were required to maintain their physical and professional fitness and who were subject to a definite form of discipline, he recruited a small group of officers who had served in the Union or Confederate Armies.

Calls for help in fighting disease outbreaks were frequent from State and local governments. Officers were dispatched on short notice to contribute their medical skills in combating epidemics, floods, and other disasters. The wisdom underlying the creation of a corps of commissioned officers was proven by the accomplishments of its members from the very beginning.

As the mission of the Public Health Service expanded and science of public health developed, members of other related professions took their places beside physicians in the commissioned corps. Thirty years ago, dentists, sanitary engineers, and pharmacists were admitted. Further developments in the field of public health led to expansion of the corps to include scientists, nurses, dietitians, physicial therapists, veterinarians, and sanitarians. The Public Health Service has taken a leading part in fostering the team approach to health and medical problems.

Since 1902, the President has had the authority of Congress to make broad use of the Public Health Service in time of war. In two World Wars and during the Korean war the services of its commissioned officers were used extensively by the Armed Forces. Congress provided in 1944 that in time of war the President could declare the commissioned corps to be a military service constituting part of the land and naval forces of the United States. This provision was invoked by Executive order during World War II, in recognition of the fact that Public Health Service officers were serving with the Armed Forces or providing supporting services for them in virtually every part of the world.

During World War II, officers of the Public Health Service made up the malaria control mission that supported construction of the Burma Road. Some of the officers of this mission made the historic march from Burma to India with Gen. Joseph Stilwell.

Public Health Service officers served with the American Typhus Commission, which marshaled effective control measures against this disease which in the past exacted frightful tolls among the world's armies. Some served in the tropics, along the route of the Inter-American Highway; others were on duty in the Arctic in support of the construction of the Alcan Highway.

Officers of this Service were on duty with Army service commands and civil

defense agencies, with the strategic bombing surveys in Germany and Japan, and with military government both in the European and Pacific theaters. More than 1,000 were assigned to sea duty and Coast Guard shore stations, providing medical services on vessels and in dispensaries when this arm was serving as a part of the Navy.

Former Surgeon General Leonard A. Scheele served in military government on General Eisenhower's staff, and the present Surgeon General, Dr. Leroy E. Burney, was detailed to the Navy in 1944 and directed control measures for reducing communicable disease problems in various Mediterranean ports.

No less important than their services afloat and in oversea theaters were the significant contributions made by Public Health Service officers to health advances in the United States. One of the great campaigns waged by the Service against disease was that initiated during World War II for the control of malaria. With spectacular success, this effort resulted in the virtual eradication of malaria in this country. Up to the time of this campaign, great areas of our country had been in the grip of this disease. In a parallel effort in this country, tremendous strides were made in the stamping out of venereal diseases, which posed serious threats during wartime population movements. By developing a vaccine against typhus, the Public Health Service won a victory of tremendous importance. As a result, not a single American soldier died of typhus during World War II.

These wartime accomplishments must not be allowed to overshadow the important functions carried out by Service personnel in times of peace as well. To appreciate their responsibilities for the Nation's health, it is necessary to consider generally the missions of the Public Health Service itself, first in operating numerous hospitals and dispensaries; second in assisting States and local communities, and third in promoting an extensive health research program.

I mentioned earlier that the Public Health Service once was known as the Bureau of Marine Hospitals. It was establishment of these marine hospitals during the early years of the country's history which marked the beginning of the Public Health Service. From simple beginnings in these hospitals along our coasts and waterways the medical services of today evolved.

These services now are provided in modern hospitals at major shipping points, in hundreds of clinics and dispensaries, in the hospital and health facilities operated for American Indians from the Arctic to the Mexican border, in sick bays and dispensaries of the Coast Guard, in Federal prisons, and in quarantine stations that guard us against diseases introduced from other parts of the world. An element of these services which vitally affects every part of the country is the assistance provided to community hospital and medical facilities construction under the Hill-Burton program.

A second basic function is support and technical assistance provided by the Service for State and local health departments, touching upon virtually every phase of public health operations. Effective health services must be organized in depth, from the local community or county to the State, and finally to the Federal Government for highly specialized and technical assistance which the Public Health Service is staffed and equipped to provide.

In practice, the Service works in partnership with State and local health departments. Its epidemiological intelligence service officers are in constant readiness to assist health departments in identifying and combating unusual disease problems. For this purpose, these highly trained epidemiologists are prepared to move quickly into any area where their help is needed. Similarly, its national clearinghouse for poison control centers frequently speeds information that is vital to poison control centers in States or local communities for planning treatment in accidental poisoning cases.

The partnership of the Service with State and local health departments extends into many areas of increasing importance, such as reducing pollution in our water resources, work on radiation hazards and air pollution, control of the chronic diseases, and prevention of accidents.

In addition to assisting health departments in our own country, the Public Health Service provides commissioned officers to participate in the work of technical aid missions to foreign nations. Through this means the Service contributes in a positive way to the support of American foreign policy and to conserving the human resources of the free world. This work often is carried out in the less developed countries, where living conditions are primitive and long absences from family and home are common.

Research in health and medical fields is carried out in all three of the major operating bureaus of the Service. The National Institutes of Health, which is one of the Service's bureaus, is its principal research center. Here, scientific research is the basic mission. Hundreds of medical officers and other scientists at the Institutes are engaged full time in clinical and laboratory research.

Other research agencies of the Service include the Communicable Disease Center in Atlanta, the Sanitary Engineering Center in Cincinnati, the Arctic Health Research Center in Anchorage, the Rocky Mountain Spotted Fever Laboratory in Montana, and the Laboratory of Tropical Diseases in Panama. In addition, extensive research is done at the Service's neuropsychiatric hospital in Lexington, Ky., which is staffed and equipped to treat and investigate narcotics addiction, and at its hospital for leprosy patients in Carville, La. Incidentally, I am told that more knowledge about this disease has been acquired since establishment of that hospital than had been accumulated in the preceding 2,000 years.

This brief description of Public Health Service operations and responsibilities should convey a better appreciation of the necessity for maintaining a personnel system which can best meet these varied and challenging needs. It is clear that the system must provide professionally qualified men and women who can be ordered to posts where their skills are needed. It must provide for professional development and training in specialties which are relatively rare outside the health community. It must provide for career opportunities to advance, and rotation to ensure that hazardous, less desirable, and hardship assignments will be kept filled.

The commissioned corps is designed to meet these needs. Because of the commissioned corps, medical care is available in the Pribiloff Islands of the Bering Sea. A medical officer is on duty in the northernmost hospital in the world—at Point Barrow. Isolated Indian hospitals on reservations in the West are staffed by physicians and dentists. Scientists capable of far greater earnings outside the Service are making their specialized knowledge and skill available in the Service's research laboratories.

The commissioned corps cannot compete on the basis of financial benefits with the opportunities available to medical and scientific personnel on the open market. But the commissioned corps offers intangible advantages which enable it to compete in other ways.

There is the intangible pride in the traditions and achievements of the Public Health Service. There are the associations with individuals who have long and distinguished Service careers. There is the challenge of infinite variety of service, offering an unexcelled range of professional experience to the commissioned officer.

Not the least of the advantages inherent in this type of career personnel system is the opportunity for advancement within the corps. No commissioned officer is frozen in an assignment indefinitely. When the officer has made a contribution in his assignment, and when he develops professionally beyond the level of that assignment, he advances. Not only physicians but also commissioned officers of other professions, can advance to the senior ranks and general grades in the commissioned corps.

This specialized personnel system is the dominant factor in the ability of the Public Health Service to attract and retain professional personnel of a variety of disciplines needed to staff its programs, provide assistance to other agencies, detail personnel to State and local health departments, and collaborate with nonprofit organizations concerned with health and with medical education.

The Public Health Service can only be as good as the men and women who fill its ranks. It is vitally important to the entire Nation that the Service be placed in a position where it can attract the best health personnel that our country produces. Improvement of the corps is the purpose of the bill under consideration, and therefore the bill has my unqualified support.

Mr. HARRIS. Mr. Speaker, I yield myself 5 minutes and ask unanimous consent to proceed out of order.

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I take this time to call to the attention of the House what I think is a most important problem that certainly affects the transportation industry in this country and particularly our commercial airlines.

Some time ago I joined with other Members of this House and others in the Congress and out, in which we were rather critical of the State Department for its action in permitting the extension of certain authority to the Dutch airline in this country. Recently the State Department, along with the recommendation of the Civil Aeronautics Board and others, has considered again a request for new and extended service of this airline from our friendly nation, and they denied the request, following which the unusual action was taken by the Dutch Parliament sharply criticizing the resolution and the action of our own people in this regard. I think it is a rather unusual situation, because if there was ever anyone that has shown its friendship to foreign airlines operating in another country, it has been the United States.

Too many times, in my opinion, we have leaned over backwards. Here is an instance where the State Department, at the recommendation of other agencies of our Government, took positive action which in my judgment it should have taken to protect our own airlines; and yet we get this kind of treatment. This it seems to me is a paradox that should not be overlooked by this Congress.

Mr. Speaker, I received just a few days ago a letter from Mr. A. L. Propps, Jr., chairman, master route committee pilots, Pan American Airways, in connection with aviation matters which I ask unanimous consent to include in the RECORD as part of my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HARRIS. Mr. Speaker, I think this problem warrants the concern, and I believe, indignation of the Members of this body. I refer to the attitude of the Dutch Government in connection with the recent negotiations between the Dutch and our own State Department over international air rights.

The Committee on Interstate and Foreign Commerce has, in times past, called our State Department to task for their over-generous attitude when negotiating with other countries for the exchange of air transport rights. One such over-generous grant in the past was the highly favorable awards made to the Dutch Government for routes to be operated by the Dutch airline, KLM, into various cities of the United States. The Dutch, however, have not been satisfied with a situation which discriminates against U.S. interests in favor of their own airline. They have recently come back and demanded additional authority far and beyond that which exceeds all semblance of equity.

In this situation when our State Department rightfully rejected their demands, they became very indignant and returned home only long enough to stir up the lower house of the Dutch Parliament to adopt a resolution criticizing our Government for not yielding to their unreasonable demands.

To me, Mr. Speaker, this is a serious situation indeed. The Dutch were not content to negotiate through established diplomatic channels. They have carried on a terrific propaganda and pressure campaign in the United States. That action in itself, to my mind, should be censured. Over and above that, however, I believe we have an example here of a situation which perhaps warrants the complete cancellation of our air agreement with the Dutch and a review of the equities of the situation so that a more nearly fair agreement can be negotiated.

I know that negotiations are being conducted by our Government with other nations as well. It is possible that some countries have a legitimate claim for further authority in this field. It is a matter of concern to me, however, and I know of other Members of Congress too, I am sure, that there has long existed an attitude in the State Department that perhaps friendship and appeasement of our allies is uppermost in the minds of our negotiators when demands are made by foreign governments for additional air privileges in the United States. There is a feeling that foreign negotiators regard our Government as an easy mark in international air negotiations. This is one instance where I believe the State Department has done the right thing and they should be supported in their stand.

I, for one, am seriously concerned that the American air transport industry, both domestic and foreign, is headed in the downhill direction once taken by our merchant marine. Our domestic and international trunk carriers are off of subsidy, and it is my hope and expectation that they will stay off of subsidy, but we cannot continue to make overly generous grants to foreign-flag carriers without realizing that this means, in most cases, traffic taken from our U.S.-flag carriers.

Miami, Fla., February 17, 1960.

Hon. OREN HARRIS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HARRIS: It has been noted that as a result of the State Department's denial of KLM's application for service to Los Angeles, that severe criticism has been directed toward them by the Netherlands Parliament and Dutch business interests. This committee is of the opinion that our State Department has adopted a position in the interpretation of this bilateral which reflects the best interests of our country, and of our citizens, who are directly engaged in international aviation.

The record indicates that at the present time the economic benefits accruing to KLM as a result of the business generated from New York City alone surpasses that of our U.S. carriers competing on the route for that business by ratio of approximately 35–1. The big complaint that the Dutch appear to have is that they are not given further access to the international traffic market which is represented by U.S. traveling public. We feel that the time is long past due that State Department decisions in interpreting these bilateral agreements reflect the concept of exchange of mutual economic benefits. In this particular case, that is the philosophy that has been evidenced by the State Department, and as such, indicates an awareness of the precarious position in which our international aviation representatives have been placed as a result of some of the previous route awards made to foreign carriers. To continue to promiscuously open up other points of our U.S. traffic potential to foreign competition is to weaken our U.S. carriers engaged in international operation and to jeopardize the contribution that these U.S. carriers can make to our defense effort and to the position of prestige of our Government in world affairs.

As this committee has pointed out previously, our U.S. carriers are presently operating into many countries from which no local carriers has yet entered into international operation. However, as the jet aircraft begins to saturate international air routes, it is not unreasonable to anticipate that many of these countries who are not now operating international airlines will find that from a national prestige viewpoint that such an operation is desirable. Due to bilateral commitments and the fact that U.S. international carriers have been operating into those countries, it will be mandatory that reciprocal rights be extended to those countries and their carriers. If we find that foresight has not been evident in the awarding of traffic rights to foreign carriers prior to these countries beginning their international operations, it appears obvious that the mandatory awards can only result in the loss of business and the future weakening of our U.S. carriers who operate exclusively on international routes.

For these reasons, and for others with which you are most certainly personally familiar, it is requested that you give full public support to the State Department in their action in denying KLM's application for Los Angeles service.

Your consideration in this request and your comments on this subject will be appreciated.

Sincerely,

A. L. PROPPS, Jr.,
Chairman, Master Route Committee
Pilots, Pan American Airways.

The SPEAKER pro tempore (Mr. ALBERT). The question is, Will the House suspend the rules and pass the bill S. 2220, as amended?

The question was taken; and the speaker pro tempore announced that in his opinion, two-thirds had voted in favor thereof.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. Under previous order of the House, further proceedings on this bill will be put over until Wednesday next.

AUTHORIZING CONSTRUCTION FOR MILITARY DEPARTMENTS

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 467 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10777) to authorize certain construction at military installations, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on

Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN]; and pending that, yield myself such time as I may consume.

Mr. Speaker, House Resolution 467 makes in order the consideration of H.R. 10777, which would authorize certain construction at military installations, and for other purposes. The resolution provides for an open rule and 2 hours of general debate.

The purpose of the bill is to provide construction and other related authority for the military departments and the Department of Defense within and outside the United States, and authority for construction of facilities for the Reserve components.

In the bill are found items which amend prior public laws so as to increase the authorizations for projects, the initiation of which was authorized in past years. These amendments have traditionally represented deficiencies in authorizations previously granted and generally have been necessary because of the overall rise in construction costs throughout the world. This year the deficiency authorizations are larger than they were last year, totaling $108 million for fiscal year 1961.

The authorization calls for a total of $1,103,823,000, apportioned as follows:

Army	$148,372,000
Navy	133,426,000
Air Force	651,148,000
Department of Defense	20,000,000
Deficiency authorizations	107,764,000
Reserve components	42,916,000
Army National Guard deficiency	197,000

H.R. 10777 is a clean bill. That the great majority of the changes made by the Armed Services Committee in the original bill, H.R. 10220, represented the elimination of items not deemed absolutely essential is evidenced by the fact that the committee reduced the bill by approximately $38 million.

I urge the adoption of the rule.

Mr. ALLEN. Mr. Speaker, I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield.

Mr. GROSS. Mr. Speaker, as I understand, this bill would authorize an expenditure of over $1 billion; is that correct?

Mr. BOLLING. That is correct.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 10]

Alford	Forand	Mitchell
Anderson, Mont.	Fountain	Montoya
Arends	Frelinghuysen	Multer
Baring	Friedel	Mumma
Barrett, Pa.	Gallagher	Nix
Bass, N.H.	Garmatz	O'Neill
Bates	Giaimo	Philbin
Baumhart	Glenn	Powell
Blatnik	Goodell	Preston
Blitch	Grant	Quigley
Boggs	Green, Pa.	Rains
Bonner	Griffiths	Randall
Bosch	Halleck	Rees, Kans.
Bowles	Halpern	Reuss
Broomfield	Healey	Robison
Buckley	Hemphill	Rodino
Burleson	Henderson	Roosevelt
Cahill	Hess	Rostenkowski
Canfield	Hoeven	St. George
Carnahan	Hoffman, Ill.	Santangelo
Celler	Holifield	Saylor
Coffin	Holt	Shipley
Cooley	Holtzman	Smith, Miss.
Curtis, Mo.	Ikard	Smith, Va.
Daniels	Irwin	Spence
Davis, Ga.	Jackson	Steed
Davis, Tenn.	Jarman	Taylor
Delaney	Jennings	Teague, Tex.
Derounian	Jensen	Teller
Derwinski	Judd	Thomas
Diggs	Kearns	Thompson, La.
Donohue	Keogh	Thompson, N.J.
Dooley	Kilburn	Toll
Dorn, N.Y.	Kluczynski	Tollefson
Downing	Lafore	Walter
Dulski	Lesinski	Willis
Edmondson	McDowell	Wilson
Fallon	Machrowicz	Winstead
Farbstein	Mack, Wash.	Withrow
Fino	Merrow	Yates
Flynn, Wis.	Metcalf	Zelenko
	Miller, N.Y.	

The SPEAKER pro tempore. On this rollcall 303 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. (After counting.) One hundred sixty-eight Members are present, not a quorum.

A rollcall is automatic.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS. Mr. Speaker, is it not a fact that under an order of this House by unanimous consent all yea and nay votes have been ordered to be put over?

The SPEAKER pro tempore. Only votes on the passage of bills. This is a procedural matter on a resolution and does not come within the order of the House of Thursday last.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were yeas 312, nays 1, answered "present" 0, not voting 117, as follows:

[Roll No. 11]

YEAS—312

Abbitt	Flood	Miller, Clem
Abernethy	Flynt	Miller, George P.
Adair	Fogarty	Miller, N.Y.
Addonizio	Foley	Milliken
Albert	Ford	Mills
Alexander	Forrester	Minshall
Alger	Frazier	Mitchell
Allen	Fulton	Moeller
Andersen, Minn.	Gary	Monagan
Andrews	Gathings	Moore
Anfuso	Gavin	Moorhead
Ashley	George	Morgan
Ashmore	Granahan	Morris, N. Mex.
Aspinall	Gray	Morris, Okla.
Auchincloss	Green, Oreg.	Morrison
Avery	Griffin	Moulder
Ayres	Gross	Murphy
Bailey	Gubser	Murray
Baker	Hagen	Natcher
Baldwin	Haley	Nelsen
Barden	Hardy	Norblad
Barr	Harmon	Norrell
Barry	Harris	O'Brien, Ill.
Bass, Tenn.	Harrison	O'Brien, N.Y.
Becker	Hays	O'Hara, Ill.
Beckworth	Hébert	O'Hara, Mich.
Belcher	Hechler	O'Konski
Bennett, Fla.	Herlong	Oliver
Bennett, Mich.	Hiestand	Osmers
Bentley	Hoffman, Mich.	Ostertag
Berry	Hogan	Passman
Betts	Holifield	Patman
Boland	Holland	Pelly
Bolling	Horan	Perkins
Bolton	Hosmer	Pfost
Bow	Huddleston	Pilcher
Bowles	Hull	Pillion
Boykin	Inouye	Pirnie
Brademas	Jackson	Poage
Bray	Johansen	Poff
Breeding	Johnson, Calif.	Porter
Brewster	Johnson, Colo.	Price
Brock	Johnson, Md.	Prokop
Brooks, La.	Johnson, Wis.	Pucinski
Brooks, Tex.	Jonas	Quie
Brown, Ga.	Jones, Ala.	Rabaut
Brown, Mo.	Jones, Mo.	Ray
Brown, Ohio	Karsten	Reece, Tenn.
Broyhill	Karth	Rhodes, Ariz.
Budge	Kasem	Rhodes, Pa.
Burdick	Kastenmeier	Riehlman
Burke, Ky.	Keith	Riley
Burke, Mass.	Kelly	Rivers, Alaska
Byrne, Pa.	Keogh	Rivers, S.C.
Byrnes, Wis.	Kilday	Roberts
Cannon	Kilgore	Rogers, Colo.
Casey	King, Calif.	Rogers, Fla.
Cederberg	King, Utah	Rogers, Mass.
Chamberlain	Kitchin	Rogers, Tex.
Chelf	Knox	Rooney
Chenoweth	Kowalski	Roush
Chiperfield	Kyl	Rutherford
Church	Laird	Saund
Clark	Landrum	Schenck
Coad	Lane	Scherer
Cohelan	Langen	Scott
Collier	Lankford	Selden
Colmer	Latta	Shelley
Conte	Lennon	Sheppard
Cook	Levering	Short
Corbett	Libonati	Sikes
Cramer	Lindsay	Siler
Cunningham	Lipscomb	Simpson
Curtin	Loser	Sisk
Curtis, Mass.	McCulloch	Smith, Calif.
Daddario	McDonough	Smith, Iowa
Dague	McFall	Smith, Kans.
Davis, Ga.	McGinley	Smith, Miss.
Dawson	McGovern	Smith, Va.
Dent	McIntire	Spence
Denton	McMillan	Springer
Devine	McSween	Staggers
Dingell	Macdonald	Steed
Dixon	Machrowicz	Stratton
Dorn, S.C.	Mack, Ill.	Stubblefield
Dowdy	Mack, Wash.	Sullivan
Doyle	Madden	Taber
Durham	Magnuson	Teague, Calif.
Dwyer	Mahon	Thompson, Tex.
Elliott	Mailliard	Thomson, Wyo.
Everett	Marshall	Thornberry
Evins	Martin	Trimble
Fascell	Mason	Tuck
Feighan	Matthews	Udall
Fenton	May	Ullman
Fisher	Meader	Utt
	Meyer	

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Van Pelt	Weis	Winstead
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Vinson	Wharton	Wright
Wainwright	Whitener	Young
Wallhauser	Whitten	Younger
Wampler	Widnall	Zablocki
Watts	Wier	

NAYS—1

Michel

NOT VOTING—117

Alford	Forand	Montoya
Anderson, Mont.	Fountain	Moss
Arends	Frelinghuysen	Multer
Baring	Friedel	Mumma
Barrett	Gallagher	Nix
Bass, N.H.	Garmatz	O'Neill
Bates	Giaimo	Philbin
Baumhart	Glenn	Powell
Blatnik	Goodell	Preston
Blitch	Grant	Quigley
Boggs	Green, Pa.	Rains
Bonner	Griffiths	Randall
Bosch	Halleck	Rees, Kans.
Broomfield	Halpern	Reuss
Buckley	Hargis	Robison
Burleson	Healey	Rodino
Cahill	Hemphill	Roosevelt
Canfield	Henderson	Rostenkowski
Carnahan	Hess	Santangelo
Celler	Hoeven	St. George
Coffin	Hoffman, Ill.	Saylor
Cooley	Holt	Schwengel
Curtis, Mo.	Holtzman	Shipley
Daniels	Ikard	Slack
Davis, Tenn.	Irwin	Taylor
Delaney	Jarman	Teague, Tex.
Derounian	Jennings	Teller
Derwinski	Jensen	Thomas
Diggs	Judd	Thompson, La.
Donohue	Kearns	Thompson, N.J.
Dooley	Kee	Toll
Dorn, N.Y.	Kilburn	Tollefson
Downing	Kirwan	Walter
Dulski	Kluczynski	Willis
Edmondson	Lafore	Wilson
Fallon	Lesinski	Withrow
Farbstein	McCormack	Yates
Fino	McDowell	Zelenko
Flynn	Merrow	
	Metcalf	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hemphill with Mr. Halleck.
Mr. Donohue with Mr. Arends.
Mr. Philbin with Mr. Taylor.
Mr. O'Neill with Mr. Hoffman of Illinois.
Mr. Boggs with Mr. Fino.
Mr. Carnahan with Mr. Derounian.
Mr. Kirwan with Mr. Lafore.
Mr. Walter with Mr. Robison.
Mr. Yates with Mrs. St. George.
Mr. Montoya with Mr. Wilson.
Mr. Green of Pennsylvania with Mr. Goodell.
Mr. Giaimo with Mr. Cahill.
Mr. Nix with Mr. Bates.
Mr. Barrett with Mr. Saylor.
Mr. Dulski with Mr. Dooley.
Mr. Fallon with Mr. Glenn.
Mr. Friedel with Mr. Halpern.
Mr. Garmatz with Mr. Holt.
Mr. Holtzman with Mr. Kilburn.
Mr. Multer with Mr. Bass of New Hampshire.
Mr. Daniels with Mr. Mumma.
Mr. Rodino with Mr. Judd.
Mr. Healey with Mr. Frelinghuysen.
Mr. Gallagher with Mr. Canfield.
Mr. Delaney with Mr. Withrow.
Mr. Farbstein with Mr. Jensen.
Mr. Toll with Mr. Baumhart.
Mr. Buckley with Mr. Merrow.
Mr. Teller with Mr. Rees of Kansas.
Mr. Alford with Mr. Kearns.
Mr. Fountain with Mr. Hoeven.
Mr. Zelenko with Mr. Dorn of New York.
Mr. Flynn with Mr. Tollefson.
Mr. Celler with Mr. Hess.
Mr. Roosevelt with Mr. Curtis of Missouri.
Mr. Santangelo with Mr. Schwengel.
Mr. Lesinski with Mr. Henderson.
Mr. Kluczynski with Mr. Derwinski.
Mr. McDowell with Mr. Broomfield.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia [Mr. VINSON].

Mr. VINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10777 to authorize certain construction at military installations, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10777, with Mr. BOLAND in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I desire to announce to the House that when this bill has been finished it is my intention to ask for a yea and nay rollcall vote. Under the existing arrangement the rollcall will not take place until Wednesday

Mr. Chairman, this bill, H.R. 10777, is known as the military construction authorization bill for fiscal year 1961.

This is strictly an authorization bill and in no substantial fashion is any different from the military construction bill of last year or the year before.

The construction authority requested in this bill is, of course, based on the forces which we plan to have over the next several years. In the case of the Army, the program is based on 870,000 men.

In the case of the Navy, the program represents a Shore Establishment necessary for 817 ships in actual commission and 794,000 personnel.

For the Air Force, we will have 91 wings by the end of fiscal year 1961 and 825,000 personnel.

During the next several years in the process of development of the missile units, some decrease in this number of wings will occur. The decrease will be offset somewhat by an increase in missile squadron strength.

This bill contains requests for authority for construction of the physical plants for our military forces. This physical plant together with the men and equipment make up the essential elements of our defense structure.

Now, this program, of course, starts out in the field establishments of each of the military departments and then is reviewed here in Washington by the Secretaries of the military departments and then the Secretary of Defense and then, just before it comes to the Congress, it is finally reviewed by the Bureau of the Budget.

The effect of these reviews is readily apparent when one realizes that the program originally presented by the field offices to the military departments in Washington total in excess of $2.8 billion. The military departments cut this to about $1.5 billion.

The Secretary of Defense's office again cut this amount to $1,001,000 and the review by the Bureau of the Budget cut the bill to $991 million.

All of these figures have reference only to the new construction in titles I, II, III, and IV of the bill. The figures do not at this moment include Reserve construction or deficiency authorizations.

So, we see that the new construction for the Army, Navy, Air Force, and the Office of the Secretary of Defense itself was cut from over $2.8 billion down to $991 million.

The committee in its review played its part in achieving this lower figure by cutting $38 million from the bill. So, we are now talking about a bill authorizing new construction for the military departments in the amount of $953 million.

Let me at this point deal with the grand total of the bill and the fashion in which it is broken down.

The grand total of the bill that the House is considering today is $1,103,823,000.

This is broken down into $148,372,000 for the Army, $133,426,000 for the Navy, $651,148,000 for the Air Force, and $20 million for the Department of Defense.

As I have said, these total $953 million.

To this, however, we must add $108 million for deficiency authorization, and about $43 million for the Reserve components—that is to say, the National Guard and the Reserve forces.

The budget this year is $1,188 million and it is this sum which the Appropriations Committee has before it at this time for consideration. The difference between the amount of authorization and the requested amount of appropriations is explained by the fact that some authorization which still remains from prior years is also being funded this year.

In this connection, I am glad to point out that this year's program for both the Active Forces and the Reserve components is substantially below that of last years. For example, for the Active Forces, it is over $105 million less than last year's authorization.

NEW INSTALLATIONS

There are no new installations in the bill. The authorities requested are merely to expand and improve our existing facilities. Naturally, as missiles have come into the defense picture, the kind of installation is being varied to some extent, but even here I am glad to say that all of our ICBM bases are located near existing installations and derive their support from these existing installations.

REAL ESTATE

The acquisition of real estate has been going down steadily over the past few years. For example, in last year's bill authorization was granted for over 3,000 acres in fee while this bill contains only 1,008 acres. The estimated fee cost of land last year was almost $1.8 million and this year it is only a little over half a million dollars. Of course, last year and again this year, there will be easements acquired which will add to the total.

HOUSING

In similar fashion, the construction of family housing is on the decline. Last year, the Congress authorized almost

24,000 units of family housing. This year, there are less than 10,000—actually, 9,786.

Most of these are Capehart houses of which this year there are only 8,718 as against over 20,000 in last year's bill.

ARMY

As I have previously stated, the Army would get $148,372,000 in this bill for new construction. This is divided into the following major categories:

About $36 million, or 23 percent, for research and test facilities including support of the Nike-Zeus program.

Almost $30 million, or 18 percent, for Nike-Hercules, Hawk, and Missile Master.

About $15 million, or 9.4 percent, for troop housing, that is to say, barracks and bachelor officers quarters.

About $12.5 million, or 8 percent, for utilities at a number of installations.

About $10.5 million, or 6.6 percent, for maintenance and storage facilities at major installations.

There are a number of other smaller categories representing 2, 3, or 4 percent of the program, but the ones I have just described are the major ones.

NAVY

In the case of the Navy, the program is broken down as follows. You will recall that the total new construction for the Navy is $133,426,000:

$21 million, or 15 percent, for facilities to support the fleet and worldwide communications activities.

About $19 million, or 14 percent, for troop housing.

$16 million, or 12 percent, for facilities in support of the aircraft and ships of the carrier striking force.

Almost $14 million, or 10 percent, for facilities for the maintenance and overhaul of Polaris and nuclear submarines.

Again, there are a number of smaller percentages representing the other parts of the program.

AIR FORCE

The Air Force would receive construction authority in the amount of $651,148,000 under the bill.

The Air Force program contains the largest single category of any of the three services. This is represented by almost $298 million, or 44 percent for the construction of facilities in support of ballistic missiles.

$68 million, or 10 percent, is for facilities in support of the Strategic Air Command.

$34 million, or 5 percent, is for the Aircraft Control and Warning System, the Distant Early Warning Line, and a number of other individual radar sites.

No other category within the Air Force program exceeds 5 percent and some of them represent even less than 1 percent.

DEPARTMENT OF DEFENSE

The Department of Defense would itself under this bill receive a new authorization in the amount of $20 million which is required primarily for research activities leading to the development of ballistic missile defense systems beyond that of Nike-Zeus. The committee found this to be a well-thought-out program and had no hesitancy in granting the request for the Department—which is classified.

MAJOR AMENDMENTS

Now, I would like to refer briefly to a few major amendments which the committee made to the bill. The Housing Act of last year authorized a new kind of family housing called section 810 housing. This housing would be built not at or near military installations but rather in surrounding communities. A total of 5,000 units was authorized.

From my own study of this program, I am extremely doubtful that we should proceed with it and the committee, therefore, inserted in the bill a requirement that this kind of housing would require a specific line item in the military construction bill before it can be built. I can tell the committee that this bill contains no units of this kind of housing.

Another major amendment to the bill relates to the submission of real estate projects. You may recall that the President in his budget message stated that he felt that the existing law under which the committee has an opportunity to review proposed real estate actions by the military departments is unconstitutional.

Well, there is a difference of opinion with respect to this but since I felt, and the committee agreed, that the substance is more important than the form, the committee adopted an amendment which will still give us an opportunity to review the real estate actions of the departments and at the same time, do it in a constitutional fashion.

Last, among what I will call the major amendments, the bill contains a section 403 which will repeal the law authorizing the Advance Research Projects Agency, known as ARPA. The Secretary of Defense set up this Agency a few years ago without any statutory authority. The committee felt that the existence of such an Agency might be a good thing, but we disagreed with the Secretary that he could establish an Agency of this kind without specific legal authority. We gave him the authority and ARPA has existed since that time.

Actually, the people who comprise ARPA now work directly under Dr. York, the Director of Research and Engineering, and constitute only a division or a group within his office. The committee felt that it was a sound approach to repeal the basic authorization in order to clean the whole matter up.

RESERVE COMPONENTS

Title VI of the bill covers construction for the Reserve components and totals a little over $42 million. This part of the bill, of course, is for armories, training facilities for the Reserves, and that kind of thing. All of the areas where these facilities are being built are listed in the bill and also appear in the State breakdown at the end of the report.

There are 392 named installations in the bill and 85 installations which are not specifically designated for security reasons. This is a total of 477 major installations in the bill. In addition, of course, there are a large number of radar sites and other smaller facilities which I do not consider as installations.

There are about 3,000 individual items in the bill and as the printed hearings will reveal, these were dealt with by the committee in the closest detail.

I know you realize that it would be impossible for me to go into any great detail with respect to a program of this size within the limitations of time allotted for consideration of this bill. Indeed, it would take as long for me to explain it in that fashion as it took the committee to study it during its hearings.

Therefore, I have dealt with some of the highlights of the program in order to make the general picture clear.

Now, that is the bill.

Mr. KOWALSKI. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Connecticut.

Mr. KOWALSKI. I know my distinguished chairman of the Committee on Armed Services knows better than I how important Groton has been in the development of the Polaris submarine. The Polaris was first built there and equipped there. So I am a little bit concerned because on page 11 there is a sentence which reads:

> This will round out the support facilities for the Polaris submarine at its first home port, Charleston.

Will the gentleman kindly explain that?

Mr. VINSON. Here is what we have in mind. We all recognize the fact that the Polaris submarine was built by the Electric Boat Co., one of the great shipbuilding companies of the country.

When these Polaris submarines are finished it is absolutely necessary that there be available throughout the country enough graving docks and other facilities to take care of them. Now, we feel that there are not a sufficient number of graving docks, so therefore we have provided $15 million to build some graving docks down in Charleston. Of course, a Polaris submarine may be repaired at any Navy yard where they have a graving dock, but most of the graving docks up and down the Atlantic seaboard are so crowded it is just imperative and necessary that we have some additional facilities, and that is all it means.

Mr. KOWALSKI. I thank the gentleman.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. VINSON. With pleasure.

Mr. TEAGUE of California. There are many line items in the bill applicable to various military installations in my district. I do have this question, but I am not asking for any detailed information. Is it a fact that under some of these classified items in the bill there are or may be some rather sizable projects for Vandenberg, Point Mugu, and Point Arguello?

Mr. VINSON. I do not care to go into detail about that.

Mr. TEAGUE of California. No, I am not asking for detail. I understand that.

Mr. VINSON. The way they are allocated and the way they are being classified is a proper way from a military

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standpoint. We have it set up in the report by States as to the amount that is being spent. Let me see if I can find it.

Mr. GROSS. California would be on page 82.

Mr. VINSON. That is right.

Mr. TEAGUE of California. I am not inquiring about that.

Mr. VINSON. I know, but it has a bearing on your inquiry. I cannot tell you whether it is going to be in your district or where it is going to be, but there is about $50 million of this that goes to the State of California from a military standpoint.

Mr. TEAGUE of California. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Iowa.

Mr. GROSS. That breakdown for the States intrigues me very much.

Mr. VINSON. There is no really good debate unless the gentleman is in it.

Mr. GROSS. Thank you. This breakdown of the States and the allocation to the States intrigues me very much. What is there about California and Georgia and Texas and these other States——

Mr. VINSON. Now, I would say a great deal has to do with the fine climate in California.

Mr. GROSS. The climate?

Mr. VINSON. The climate, and being on the Pacific coast, with its ranges over the ocean and that sort of thing.

Mr. GROSS. I notice the State of Iowa gets only $314,000. I believe that is the lowest or second lowest in the bill. We must have a real bad climate out in Iowa.

Mr. VINSON. You have a good deal of fog out there.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to thank the distinguished chairman of the Committee on Armed Services and the members of the committee for their generosity in providing two reserve officer facilities and four armory buildings for the State of West Virginia.

Mr. VINSON. I thank the gentleman. They were warranted strictly from a military standpoint. I have presented these bills here for 25 years, and as far as I know, there has never been any pork barrel aspect to this bill. It is based entirely on the security of the country. That is the only thing we are concerned with.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Mr. Chairman, I want to commend the gentleman for the great saving he made in the bill, but what I want to know, Mr. Chairman, is what assurance do we have or what safeguards do we have or how does your committee operate to try to discourage the various departments in the Department of Defense from being wasteful in the utilization of existing facilities and building other facilities which would presumably be used for the same purpose as the ones that are being abandoned?

Mr. VINSON. If the gentleman will examine this report, he will see that in the case of the ICBM's, where a large part of this money for the Air Force is going to be spent, we are utilizing SAC bases for logistic support in every instance. Whenever it looks necessary, because of the change of weapons systems to close up a base, we are in no great hurry about closing it. We try to hold onto it as long as the facts and circumstances warrant, in the hope that we may be able to use it, instead of building a new base. We have a situation like that out in Wisconsin. We cannot right now use a great base out there. The Governor has written us about it and the legislature has passed resolutions relating to it, but we are not willing to do anything too fast. We want to investigate it further and hold on to it. Maybe it can take the place of a new base. That is going on all the time. We watch that very closely.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield further?

Mr. VINSON. I yield.

Mr. JONES of Missouri. I have talked to the chairman about this. I hesitate to bring up this specific instance, but I do want to say that in the case of the Air Force, they were operating a primary flying school at Malden, Mo. During the last year they spent between one-half and $1 million there, knowing at the time that they were going to close that base on June 30 of this year. I have charged the Air Force with being extravagant in making that expenditure, to mislead the people in that community. On the other hand, I would like to ask the gentleman this question: If the Army is going to increase its facilities for more fliers when the Air Force is cutting down its facilities, would it not be good business for the Army to utilize an installation that the Air Force is abandoning rather than to build a new installation?

Mr. VINSON. I find myself in complete accord with the gentleman's logic.

Mr. JONES of Missouri. I certainly hope that I will have the support of the gentleman and his influence with the Department of the Army.

Mr. VINSON. The gentleman did me the honor to see me about that. We are going to try to help him and try to use the facility and effect savings.

Mr. JONES of Missouri. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman.

Mr. GRAY. Mr. Chairman, I would like to congratulate the distinguished chairman and the members of his committee for the forthright manner in which they have proceeded and the great work they have done in bringing this bill out; particularly the situation the gentleman mentioned of the Bong Air Force Base. That does not affect my district or my State, but I think that was a wise decision on the part of the committee. Also for reauthorizing the Army Reserve Training Center at Marion, Ill. I deeply appreciate the interest of the committee in that.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Iowa.

Mr. GROSS. I am very much interested in the remarks of the gentleman from Missouri [Mr. JONES]. Do I understand that the closing of Malden settled the dispute as between Texas, Georgia, and Missouri? Is that what happened?

Mr. VINSON. No; I just brushed that aside. I know of no such dispute.

Mr. GROSS. But I am still in that fog and I would like to have a little of the fog lifted.

Mr. VINSON. I shall try to put a little sunshine and light on the matter. What is the question the gentleman has in mind?

Mr. GROSS. Did that settle the three-way dispute that was going on over whether Lackland in Texas should be closed or Moody in Georgia should be closed or Malden in Missouri should be closed?

Mr. VINSON. I do not know how far that dispute has gone on, or that one existed.

Mr. GROSS. It was going on, was it not?

Mr. VINSON. No, not that I know of. Disputes and rumors are two different things. The atmosphere is full of rumors all the time, that this or that base is going to be closed. Do not be concerned about those things. They are not going to close any base for which there is a military requirement.

Mr. GROSS. But Malden is to be closed, according to the gentleman from Missouri [Mr. JONES].

Mr. VINSON. The Committee might as well understand this. With the advent of missiles in the field the day is bound to come when we will not have, and will not need, as many manned bombers as there are in the skies today.

If the missiles can do what we think they can do, then within the next decade I would say manned aircraft are going to fade away to a great extent, because the missiles will take their place. Therefore, some bases will have to be closed.

Mr. GROSS. I have no doubt that other bases are going to be closed. I was just interested that this three-way dispute over the closing of one of the three bases was resolved against Malden Air Force Base.

Mr. VINSON. No. That was not the case, and I know of no such dispute.

Mr. Chairman, this is a very important bill. After long hearings it was unanimously reported out. There are some 3,000 items in this bill. There are some 477 different installations in this bill. This committee has read the line items for each one. Look at these hearings, they are magnificent. We ask the full support of the Committee on this bill.

Mr. ARENDS. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, the chairman of the committee has dealt in his usual fine fashion with the broad categories of the

bill and, to the extent possible, with some of the details of the military construction program.

I do not wish to be repetitive and I, therefore, will cover in my brief remarks merely some of the aspects of the bill which I think are of particular importance, and are of particular interest to me as the ranking minority member of the Armed Services Committee.

First, I would like to say that the bill was reported out of the committee unanimously by a vote of 35 to 0. This is actually not very surprising since the matter of defense involves no true partisanship. Perhaps the Armed Services Committee is not unique, but at least it represents a fine example of unity in action where the defense—and perhaps survival—of our country is involved.

In years past it has been common practice within the Department of Defense to maintain in existence a large amount of construction authorizations against which no funds have been appropriated. Several years ago the Committee became concerned about this large bulk of unfunded authorization—concerned because it left on the credit side of the construction books and unwieldly and confused mass of construction items which might never be built.

Also, it provided on a technical basis a latitude in the military departments which was undesirable. By this I mean that the elasticity permitted the departments in increasing construction at a particular installation is set in the law at 5 percent for installations within the United States and 10 percent overseas. It is obvious that the larger the amount of authorization which is outstanding at a particular installation means a larger amount which can be utilized in the process of determining the 5 percent or 10 percent. This removes some of the congressional control over matters of this kind—a control which I feel, and I feel the Members of the House would agree, is essential to good legislation and good oversight of programs which have not for years involved less than a billion dollars.

Because of this concern, several years ago the committee put in a bill a repealing provision which cancels out construction authorizations which are more than 3 years old. This bill also contains such a provision.

To indicate the effectiveness of this provision, the residual, or unfunded authorization has gone from well over $2 billion for a few years ago to an estimated $396 million to be available at the end of fiscal year 1961.

I might say that this whole picture is graphically presented on page 3 of the report, and I think it would be of interest to many of the Members of the House who are disposed in the same fashion as I am in this particular area.

It has been mentioned that the committee cut the bill by about $38 million. I will freely admit that in the past the committee has cut the bills presented to it by substantially larger amounts. One could take either of two views with respect to the lesser cut of this year. First, that we were less assiduous in our cutting this year, or that in past years we cut too much. Actually, in my own mind the picture is this: The programs have become tighter and tighter and better and better planned, and where we found in the past that we could cut larger amounts we simply could not do that this year.

As a matter of fact, about the only items which we found that could be taken from the program without hurting it were some unfunded items—and there were not very many of these—and a few other planned items which were definitely of a low priority. In all, as we say, we cut $38 million, but this was done by very precise shaving of some individual, sometimes small, items, and does not embrace any single large category. The razor instead of the meat ax, as the saying goes.

One area that we made virtually no cut in was the area of construction for our missile research or the operational facilities for our missiles. And, I would like to deal with this particular matter as it is reflected in the bill.

Actually, it is not an easy matter to define precisely what construction is for missiles and what is for something else. This might seem rather paradoxical, but it is nonetheless so.

For example, in the Air Force program there is a substantial sum for SAGE—Semi-Automatic Ground Environment Warning System. Now this system actually is related to missiles in that the Air Force's Bomarc will be controlled almost entirely by this system, but it is not constructed in the real sense for the missiles themselves.

In the Army system there are missile master facilities included in title I. The missile master, in much the same fashion as SAGE, will provide intelligence and operational control over the Nike-Ajax and the Nike-Hercules.

In the case of the Navy one could hardly say that the construction of loading facilities for the Polaris submarines is construction for missiles themselves, but it would be impossible to operate our Polaris submarines without these land-based facilities.

I think it would be a safe estimate to say that in the whole bill of $1,103,823,000 some 59 percent is in one way or another directly related to our progress in the field of missiles, whether they be the Nike-Hercules, the Bomarc, the Polaris, or our ICBM's. I think that this percentage itself is quite indicative of no lack of a sense of urgency on the part of the Department of Defense. It seems to me to clearly indicate that while maintaining a force of conventional weapons in our arsenal we are at the same time taking giant steps in the area of preparing for the kind of defense—and if need be offense—which may be required in the new technology.

So, Mr. Chairman, in conclusion I would like to state that the program presented to the Congress was in itself a solid, well considered, well planned one, and I think I can say that our committee improved it through its cuts, without at the same time in any way hurting the progress that we are all seeking in the area of a strong and well balanced defense.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. VAN ZANDT], such time as he may desire.

Mr. VAN ZANDT. Mr. Chairman, I join my colleagues on the Armed Services Committee in support of H.R. 10777.

Although I endorse without reservation the contents of the entire bill I am particularly interested in title VI. It is that section of the bill which is concerned with the Reserve Forces facilities program.

As a member of the subcommittee which carefully scrutinized each item in title VI, I wish to take this opportunity to publicly commend our chairman, the Honorable MENDELL RIVERS of South Carolina, on the objective and thorough manner in which our subcommittee, under his direction, reviewed the Department's request for new construction authorization for the Reserve forces.

The construction authorization contained in this bill for the Reserve components is completely justifiable. It is neither too fat nor too lean. It is truly tailored to meet the actual present need of our Reserve forces.

Initially, our members expressed some concern over the relatively small amount of new authorization requested by the Department of Defense for the Reserve components. This figure, as was explained to you, is approximately $43 million. However, the committee discovered, upon a review of previous authorization, that the authorization provided in this bill together with previously provided authorization will permit the execution of a planned program of construction for the Reserve components of approximately $50 million during fiscal year 1961.

Thus, the program for construction of Reserve facilities will keep pace with the continual changes in strength and training requirements of our Reserve components.

The committee also spent considerable time on discussing the joint utilization of Reserve training facilities. It was pleased to discover that genuine progress is being made in this direction. For example, 355 Reserve facilities presently built or under construction are programed for joint utilization during fiscal year 1960. Included in this figure are 27 Air National Guard facilities, 2 Air Force Reserve facilities, 22 Army Reserve facilities, 83 Army National Guard facilities, and 221 Naval Reserve facilities.

In every instance in which these facilities are being jointly utilized the country realizes a significant saving, since it precludes the necessity for the duplication in construction of another Reserve facility.

I will not presume any longer on your time, but I wish to emphasize once again that the program provided in this bill is thoroughly adequate for the Reserve components and deserves the wholehearted support of every Member of this House.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. BECKER].

Mr. BECKER. Mr. Chairman, I should like to address my remarks to the distinguished chairman of the committee,

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the gentleman from Georgia [Mr. VINSON], and the ranking minority Member, the gentleman from Illinois [Mr. ARENDS]. I am in full support of and in agreement with the bill. I want to emphasize one point that was very well made by our distinguished chairman, when he said there was no "pork barrel" in this bill. Both of these gentlemen are very careful to observe the best interest of national defense and only projects necessary, be put in the bill. Our chairman, at the beginning of the hearings offers memoranda, of what can be cut and should be cut. I am proud to associate myself with both these gentlemen in full support of this bill.

Mr. ARENDS. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I am very pleased that the Armed Services Committee has amended H.R. 10777 to include an authorization of $337,000 for use in tying in the Benicia Arsenal sewer lines with the new sewer treatment plant of the city of Benicia, Calif. This will make possible the termination of the dumping of raw sewage by Benicia Arsenal into Corquinez Straits and San Francisco Bay. This will be an important step forward in the control of pollution in the waters of San Francisco Bay. I urge that H.R. 10777 be approved.

Mr. ARENDS. I have no more requests for time, Mr. Chairman.

Mr. VINSON. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I rise in support of H.R. 10777, and as chairman of the subcommittee which conducted extensive hearings on the authorization requested in H.R. 10777 for Reserve facility construction wish to take this opportunity to congratulate Mr. Vinson on his very thorough analysis of the bill and also to briefly review that portion of the legislation concerned with Reserve matters.

Title VI contains the authorization required to carry forward during fiscal year 1961 the facilities programs of all of the Reserve components of the Armed Forces.

A total of $42,916,000 of authorization for new projects, including expansions and alterations, is requested by the Armed Services, divided as follows: $12,673,000 for the Army National Guard, $11,977,000 for the Army Reserve, $6,450,000 for the Naval and Marine Corps Reserve, $7,226,000 for the Air National Guard, and $4,590,000 for the Air Force Reserve.

It should be noted that the figure of $43 million is significantly less than the $57 million authority provided last year.

Following the procedure begun two years ago at the request of the Armed Services Committee, the authorization requested by the Department of Defense is in the form of specific projects, or so-called line items.

For purposes of delineating and identifying these authorizations I will review the authorizations proposed for the individual services.

ARMY RESERVE FORCES

For the Army National Guard, authorization proposed for fiscal year 1961 amounts to $12,673,000 which comprises 74 new armories, 8 minor conversions and expansions of existing armories, and 6 nonarmory projects which are summer training and supply administrative facilities. This proposed authorization together with the carryover will provide the Army National Guard with a total effective authorization of $23.7 million which will support an execution program of approximately $20 million during the coming fiscal year. Title VI also contains, for the Army Guard, an item of correction of a deficiency in estimated cost of one armory project authorized in the Reserve Forces Facilities Act of 1958—corrects a deficiency of $197,000 for Dallas, Tex.

For the Army Reserve, the proposed authorization of $11,977,000 consists of 43 new reserve centers, 10 alterations and expansions of existing centers, and 6 minor additions, including the necessary site acquisitions for the new centers. The Committee was advised that the new authorization added to the carryover will provide a total authorization of $14.9 million for the Army Reserve. The Army proposes to obligate $12 million of this amount during fiscal year 1961.

NAVAL AND MARINE CORPS RESERVES

More than half of the $6.4 million of the new project authorization proposed for Naval and Marine Corps Reserve components is for essential additional facilities at 10 established Naval Air Reserve installations which serve both Naval Reserve and Marine Corps Reserve aviation. The remainder consists of 19 projects for the Naval Surface Reserve and 3 projects for the Marine Corps Reserve. It is significant to note that 14 of the 19 Naval Reserve nonaviation projects and 2 of the 3 Marine Corps Reserve projects involve joint utilization or joint construction. The Committee was advised that the Navy had no significant valid carryover authorization and therefore intended to obligate the total of new authorizations requested.

AIR FORCE RESERVE COMPONENTS

For the Air National Guard, the proposed authorization of $7.2 million consists of essential projects for the operation and support of Air National Guard aircraft at 10 locations, 7 of which are at civil airports and one at a jointly used military airfield. The Air Guard advised that its authorization request together with valid carryover will provide a total of $8.4 million in authorization of which slightly less than $7 million will be funded during fiscal year 1961.

The relatively small authorization of $4.6 million proposed for the Air Force Reserve again reflects the substantial fulfillment of urgent requirements for this component, and consists of various operational and support facilities at 9 locations, 3 of which are civil airports and 6 are jointly used military airfields. Since the valid carryover authorization for the Air Force Reserve is only $300,000 the total authorization available during fiscal year 1961 will be $4.9 million of which approximately $4 million will be funded during fiscal year 1961.

GENERAL PROVISIONS

Certain general provisions are included in title VI, which correspond to those contained in the Reserve Forces Facilities Acts of both 1958 and 1959, namely: Section 601(4), a provision for authorization of urgent projects made necessary by changes in assignment of weapons and equipment; section 603, which relates to certain provisions of existing law pertaining to execution of projects; and section 605 which provides for a limited degree of flexibility in costs indicated for the individual line items within the overall dollar totals for the respective Reserve component programs. In addition, there is included in this year's bill—as section 606—a provision which would repeal the authorization for any projects which have not been initiated within 3 years subsequent to their authorization. This provision is similar in effect to a provision which has been included in the construction authorization acts for the active Military Establishment for a number of years. Its primary purpose is to avoid the accumulation of unused authorization for projects which are no longer essential due to changed requirements.

The committee was advised by Mr. Floyd Bryant, Assistant Secretary of Defense for Properties and Installations, that the various service departments are making a maximum effort to keep the unfunded authorization available to them for Reserve forces facilities at a minimum compatible with the obvious requirement for adequate flexibility in administering the program.

In keeping with this effort the unfunded valid authorization scheduled for the end of fiscal year 1961 will be a total of $11.3 million, which is considered a reasonable figure since it is not more than 25 percent of the financial resources programed for fiscal year 1961 for Reserve facilities.

In connection with the general repeal of authorization not funded or obligated within 3 years the committee requested the Secretary of Defense to provide the respective Committees on Armed Services, with a list identifying the various unused authorization which will expire annually as a consequence of this new provision in title VI of the military construction bill. Secretary Bryant agreed to observe this requirement annually with submission of the Department's request for construction authority, and therefore it was considered unnecessary to make this a statutory reporting requirement.

The committee also examined the possibility of reducing the 3-year period after which unused authorizations would be repealed to a shorter period of possibly a year or two. However, witnesses for the Department of Defense convinced the committee that any further reduction in the time period during which construction authorization would remain ef-

fective would greatly complicate programing of Reserve facilities construction and would therefore, hinder rather than improve administration of the program.

SUMMARY

In summary, Mr. Chairman, our committee scrutinized each of the line items authorizations in title VI of H.R. 10777 most carefully to insure that none of these authorizations were in excess of present or future requirements.

In addition, the committee examined the program as to its overall adequacy in respect to total Reserve forces requirements for facilities.

At the conclusion of its review our committee was of the opinion that each of the line items and the general authority requested in sections 601 to 606 are thoroughly justified, and accordingly approved the request of the Department of Defense with practically no changes.

Therefore, Mr. Chairman, I urge the unanimous approval of this House of H.R. 10777.

Mr. VINSON. Mr. Chairman, there are no further requests for time on this side. I ask that the bill now be read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

Inside the United States

Technical Services Facilities

(Ordnance Corps)

Aberdeen Proving Ground, Maryland: Training facilities, medical facilities, and utilities, $5,121,000.

Benicia Arsenal, California: Utilities, $337,000.

Blue Grass Ordnance Depot, Kentucky: Utilities and ground improvements, $353,000.

Picatinny Arsenal, New Jersey: Research, development, and test facilities, $850,000.

Pueblo Ordnance Depot, Colorado: Operational facilities, $369,000.

Redstone Arsenal, Alabama: Community facilities and utilities, $1,000,000.

Umatilla Ordnance Depot, Oregon: Utilities and ground improvements, $319,000.

Watertown Arsenal, Massachusetts: Research, development, and test facilities, $1,849,000.

White Sands Missile Range, New Mexico: Operational facilities and utilities, $1,233,000.

(Quartermaster Corps)

Fort Lee, Virginia: Administrative facilities and utilities, $577,000.

Atlanta General Depot, Georgia: Maintenance facilities, $365,000.

New Cumberland General Depot, Pennsylvania: Operational facilities, $89,000.

Richmond Quartermaster Depot, Virginia: Operational facilities and administrative facilites, $609,000.

Sharpe General Depot, California: Maintenance facilities, $218,000.

(Chemical Corps)

Army Chemical Center, Maryland: Operational facilities and community facilities, $843,000.

Fort Detrick, Maryland: Research, development, and test facilities, $334,000.

Dugway Proving Ground, Utah: Community facilities, $87,000.

(Signal Corps)

Fort Huachuca, Arizona: Research, development, and test facilities, and utilities, $415,000.

Fort Monmouth, New Jersey: Research, development, and test facilities, troop housing, and community facilities, $9,603,000.

(Corps of Engineers)

Fort Belvoir, Virginia: Operational facilities, utilities, and real estate, $1,838,000.

(Transportation Corps)

Brooklyn Army Terminal, New York: Utilities, $607,000.

Fort Eustis, Virginia: Training facilities, administrative facilities, and troop housing, $1,095,000.

(Medical Corps)

Madigan General Hospital, Washington: Medical facilities, $73,000.

Walter Reed General Hospital, District of Columbia: Supply facilities, $788,000.

Field Forces Facilities

(First Army Area)

Fort Devens, Massachusetts: Troop housing and utilities $2,157,000.

(Second Army Area)

Fort Knox, Kentucky: Maintenance facilities, research, development and test facilities, and troop housing, $6,872,000.

Fort Meade, Maryland: Operational facilities and maintenance facilities, $788,000.

(Third Army Area)

Fort Benning, Georgia: Medical facilities, administrative facilities, and community facilities, $1,956,000.

Fort Bragg, North Carolina: Training facilities, supply facilities, and community facilities, $1,092,000.

Fort Campbell, Kentucky: Maintenance facilities, and community facilities, $609,000.

Fort McClellan, Alabama: Training facilities and supply facilities, $463,000.

Fort Rucker, Alabama: Operational and training facilities, maintenance facilities, community facilities, utilities and ground improvements, and real estate, $3,560,000.

(Fourth Army Area)

Fort Bliss, Texas: Maintenance facilities and troop housing, $2,026,000.

Fort Sill, Oklahoma: Maintenance facilities, supply facilities, troop housing, and utilities, $4,955,000.

(Fifth Army Area)

Fort Leavenworth, Kansas: Operational facilities, troop housing, and utilities, $1,370,000.

United States Army Support Center, Missouri: Administrative facilities, $2,188,000.

Fort Leonard Wood, Missouri: Troop housing, community facilities, utilities, and medical facilities, $9,087,000.

(Sixth Army Area)

Fort Lewis, Washington: Operational facilities, maintenance facilities, and utilities, $539,000.

Fort MacArthur, California: Operational facilities, $151,000.

Fort Ord, California: Operational facilities and maintenance facilities, and welfare facilities, $1,829,000.

Presidio of Monterey, California: Troop housing, $1,633,000.

Presidio of San Francisco, California: Utilities and ground improvements, $202,000.

West Coast Relay Transmitter Station, California: Operational facilities, and utilities, $1,231,000.

Yuma Test Station, Arizona: Research, development, and test facilities and community facilities, $137,000.

(Military District of Washington, District of Columbia)

Fort McNair, District of Columbia: Utilities, $263,000.

(United States Military Academy)

United States Military Academy, West Point, New York: Utilities, $350,000.

(Defense Atomic Support Agency)

Clarksville Base, Tennessee: Utilities, $238,000.

National Naval Medical Center, Maryland: Research, development, and test facilities, $1,891,000.

Sandia Base, New Mexico: Hospital facilities and troop housing, $140,000.

(Alaska Command Area)

Fort Greely, Alaska: Family housing and community facilities, $2,649,000.

Outside the United States

(Pacific Command Area)

Camp Buckner, Okinawa: Operational facilities, supply facilities, medical facilities, and utilities, $2,946,000.

Korea: Operational facilities, maintenance facilities, supply facilities, troop housing, community facilities and utilities, $4,892,000.

(Caribbean Command Area)

Salinas Training Area, Puerto Rico: Training facilities, $208,000.

Fort Allen, Puerto Rico: Supply facilities, administrative facilities, utilities, and ground improvements, $295,000.

(European Command Area)

Italy: Utilities, $221,000.

(Army Security Agency)

Various locations: Operational facilities, maintenance facilities, administrative facilities, troop housing, and utilities, $2,964,000.

(Signal Overseas Stations)

Various locations: Operational facilities, maintenance facilities, administrative facilities, troop housing, and utilities, $3,282,000.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $46,216,000.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions, new weapons developments, new and unforseen research and development requirements, or improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1961, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. In accordance with the provisions of title IV of the Housing Amendments of

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1955 (69 Stat. 646), as amended, the Secretary of the Army is authorized to construct family housing for occupancy as public quarters at the following locations:

Inside the United States

Fort Huachuca, Arizona, 100 units.
Fort Eustis, Virginia, 275 units.
Fort Meade, Maryland, 400 units.
Fort Ritchie, Maryland, 60 units.
Fort Campbell, Kentucky, 500 units.
Fort Rucker, Alabama, 498 units.
Fort Sill, Oklahoma, 350 units.
Fort Lewis, Washington, 500 units.
Fort Ord, California, 500 units.

Outside the United States

Fort Buchanan, Puerto Rico, 100 units.

SEC. 105. (a) Public Law 534, Eighty-third Congress, as amended, is amended under the heading "CONTINENTAL UNITED STATES", in section 101, as follows:

(1) Under the subheading "FIELD FORCES FACILITIES (Fifth Army Area)", with respect to Camp Carson, Colorado, strike out "$3,582,000" and insert in place thereof "$3,839,000".

(b) Public Law 534, Eighty-third Congress, as amended, is amended by striking out in clause (1) of section 502 the amounts "$131,906,000" and "$238,870,000" and inserting in place thereof "$132,163,000" and "$239,127,000", respectively.

SEC. 106. (a) Public Law 968, Eighty-fourth Congress, as amended, is amended by striking out in section 102 "$203,331,000" and inserting in place thereof "$207,385,000".

(b) Public Law 968, Eighty-fourth Congress, as amended, is amended by striking out in clause (1) of section 402 the amounts "$203,331,000" and "$339,601,000" and inserting in place thereof "$207,385,000" and "$343,655,000".

SEC. 107. (a) Public Law 85-241, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) Under the subheading "TECHNICAL SERVICES FACILITIES (Transportation Corps)", with respect to Fort Eustis, Virginia, strike out "$562,000" and insert in place thereof "$747,000".

(2) Under the subheading "FIELD FORCES FACILITIES (First Army Area)", with respect to Fort Devens, Massachusetts, strike out "$6,719,000" and insert in place thereof "$7,354,000".

(3) Under the subheading "FIELD FORCES FACILITIES (Fourth Army Area)", with respect to Fort Bliss, Texas, strike out "$7,704,000" and insert in place thereof "$8,113,000".

(b) Public Law 85-241, as amended, is amended by striking out in clause (1) of section 502 the amounts "$118,101,000" and "$295,580,000" and inserting in place thereof "$119,330,000" and "$296,809,000", respectively.

SEC. 108. (a) Public Law 85-685, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows:

(1) Under the subheading "FIELD FORCES FACILITIES (Second Army Area)", with respect to Fort Meade, Maryland, strike out "$498,000" and insert in place thereof "$917,000".

(2) Under the subheading "FIELD FORCES FACILITIES (Third Army Area)", with respect to Fort Bragg, North Carolina, strike out "$762,000" and insert in place thereof "$1,059,000"; and with respect to Fort Campbell, Kentucky, strike out "$847,000" and insert in place thereof "$1,200,000".

(b) Public Law 85-685, as amended, is amended by striking out in clause (1) of section 502 the amounts "$109,556,000" and "$309,466,000" and inserting in place thereof "$110,625,000" and "$310,535,000", respectively.

SEC. 109. (a) Public Law 86-149 is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows:

(1) Under the subheading "FIELD FORCES FACILITIES (Second Army Area)", with respect to Fort Meade, Maryland, strike out "$2,530,000" and insert in place thereof "$3,819,000".

(b) Public Law 86-149 is amended by striking out in clause (1) of section 402 the amounts "$72,363,100" and "$188,403,100" and inserting in place thereof "$73,652,100" and "$189,692,100", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

Inside the United States

Shipyard Facilities

David Taylor Model Basin, Carderock, Maryland: Utilities, $206,000.

Naval Shipyard, Charleston, South Carolina: Maintenance facilities, $17,355,000.

Naval Facility, Fort Miles, Lewes, Delaware: Operational facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, and utilities and ground improvements, $1,293,000.

Naval Submarine Base, New London, Connecticut: Operational facilities, and dental facilities, $738,000.

Navy Underwater Sound Laboratory, New London, Connecticut: Research, development and test facilities, $4,432,000.

Naval Shipyard, Norfolk, Virginia: Utilities, $2,790,000.

Naval Submarine Base, Pearl Harbor, Oahu, Hawaii: Training facilities, $509,000.

Naval Shipyard, Portsmouth, New Hampshire: Operational facilities, maintenance facilities, and utilities, $6,829,000.

Naval Shipyard, San Francisco, California: Utilities, $285,000.

Fleet Base Facilities

Naval Station, Charleston, South Carolina: Utilities, $56,000.

Naval Observatory, District of Columbia: Research, development and test facilities, $250,000.

Naval Observatory, Flagstaff, Arizona: Research, development and test facilities, $1,900,000.

Naval Station, Mayport, Florida: Utilities, $1,895,000.

Naval Station, San Diego, California: Operational facilities, $1,700,000.

Naval Weapons Facilities

(Training stations)

Naval Auxiliary Air Station, Meridian, Mississippi: Operational facilities, maintenance facilities, ammunition supply facilities, community facilities, and utilities and ground improvements, $2,766,000.

(Fleet support stations)

Naval Air Station, Alameda, California: Operational facilities, $384,000.

Naval Air Station, Barber's Point, Oahu, Hawaii: Operational facilities, $222,000.

Naval Air Station, Cecil Field, Florida: Operational facilities, and maintenance facilities, $271,000.

Naval Degaussing Station, Charleston, South Carolina: Operational facilities, and real estate, $235,000.

Naval Air Station, Jacksonville, Florida: Operational facilities, $178,000.

Naval Air Station, Lemoore, California: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, community facilities, utilities and ground improvements, and real estate, $10,818,000.

Naval Air Station, Miramar, California: Maintenance facilities, $2,019,000.

Naval Air Station, North Island, San Diego, California: Maintenance facilities, $244,000.

Naval Air Station, Oceana, Virginia: Operational facilities, and maintenance facilities, $1,213,000.

Naval Air Station, Quonset Point, Rhode Island: Operational facilities, $919,000.

(Marine Corps air stations)

Marine Corps Auxiliary Air Station, Beaufort, South Carolina: Operational facilities, $272,000.

Marine Corps Air Station, Cherry Point, North Carolina: Operational facilities, and utilities, $1,611,000.

Marine Corps Air Station, El Toro, California: Utilities and ground improvements, $558,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Operational facilities, $397,000.

(Special purpose stations)

Naval Air Development Center, Johnsville, Pennsylvania: Research, development and test facilities, $1,334,000.

Naval Air Station, Patuxent River, Maryland: Utilities, $2,116,000.

Naval Missile Center, Point Mugu, California: Operational facilities, and on San Nicolas Island, utilities, $338,000.

Supply Facilities

Bureau of Supplies and Accounts, District of Columbia: Administrative facilities, $85,000.

Naval Supply Center, Norfolk, Virginia: Supply facilities, $151,000.

Naval Supply Center, Oakland, California: Utilities, $358,000.

Naval Supply Depot, San Diego, California: Supply facilities, $509,000.

Marine Corps Facilities

Marine Corps Supply Center, Albany, Georgia: Maintenance facilities, $65,000.

Marine Corps Supply Center, Barstow, California: Supply facilities, $82,000.

Marine Corps Base, Camp Lejeune, North Carolina: Troop housing, $433,000.

Marine Corps Recruit Depot, Parris Island, South Carolina: Troop housing, and community facilities, $1,455,000.

Marine Corps Base, Camp Pendleton, California: Training facilities, administrative facilities, troop housing, and utilities, $1,973,000.

Marine Corps Schools, Quantico, Virginia: Operational and training facilities, $715,000.

Marine Corps Recruit Depot, San Diego, California: Training facilities, $73,000.

Marine Corps Base, Twentynine Palms, California: Utilities, $215,000.

Service School Facilities

Naval Academy, Annapolis, Maryland: Troop housing, $6,000,000.

Navy Supply Corps School, Athens Georgia: Medical facilities, and real estate, $193,000.

Fleet Air Defense Training Center, Dam Neck, Virginia: Troop housing, $669,000.

Naval Training Center, Great Lakes, Illinois: Utilities and ground improvements, $125,000.

Fleet Sonar School, Key West, Florida: Training facilities, $1,002,000.

Communication Facilities

Naval Radio Station, Adak, Alaska: Operational facilities, $670,000.

Naval Radio Station, Annapolis, Maryland: Operational facilities, and utilities, $795,000.

Naval Radio Station, Cheltenham, Maryland: Operational facilities, $396,000.

Naval Radio Station, Dixon, California: Operational facilities, $2,474,000.

Naval Radio Station, Skaggs Island, California: Operational facilities, $1,579,000.

Naval Radio Station, Wahiawa, Oahu, Hawaii: Operational facilities, $357,000.

Naval Security Group Activity, Winter Harbor, Maine: Operational facilities, $2,279,000.

Outside the United States

Shipyard Facilities

Naval Facility, Bermuda: Operational facilities, and utilities and ground improvements, $908,000.

Naval Facility, Ramey Air Force Base, Puerto Rico: Operational facilities, $200,000.

Fleet Base Facilities

Joint United States Military Mission, Golcuk, Turkey: Family housing, $675,000.

Naval Weapons Facilities

Naval Air Station, Agana, Guam, Mariana Islands: Operational facilities, $822,000.

Naval Station, Argentia, Newfoundland, Canada: Operational facilities, $462,000.

Naval Air Station, Atsugi, Japan: Operational facilities, and utilities, $416,000.

Marine Corps Air Facility, Iwakuni, Japan: Operational facilities, $910,000.

Naval Air Facility, Naha, Okinawa, Ryukyu Island: Family housing, and troop housing, $5,943,000.

Naval Station, Roosevelt Roads, Puerto Rico: Operational facilities, $460,000.

Naval Station, Rota, Spain: Operational facilities, and family housing, $2,414,000.

Naval Air Facility, Sigonella, Sicily, Italy: Operational facilities, administrative facilities, and troop housing, $347,000.

Communication Facilities

Naval Radio Station, Barrigada, Guam, Mariana Islands: Operational facilities, $68,000.

Naval Radio Station, Finegayen, Guam, Mariana Islands: Operational facilities, $469,000.

Naval Security Group Activity, Galeta Island, Canal Zone: Operational facilities, $1,750,000.

Naval Security Group Activity, Karamursel, Turkey: Operational facilities, $84,000.

Naval Radio Station, Martin Pena, Puerto Rico: Operational facilities, $72,000.

Naval Radio Facility, San Miguel, Luzon, Republic of the Philippines: Operational facilities and utilities, $383,000.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $18,257,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions, new weapons developments, new and unforeseen research and development requirements, or improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1961, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. In accordance with the provisions of title IV of the Housing Amendments of 1955 (69 Stat. 646), as amended, the Secretary of the Navy is authorized to construct family housing for occupancy as public quarters at the following locations:

Naval Air Station, Alameda, California, nine hundred units.

Marine Corps Base, Camp Pendleton, California, four hundred units.

Naval Station, Charleston, South Carolina, five hundred units.

Naval Training Center, Great Lakes, Illinois, two hundred and fifty units.

Naval Station, Mayport, Florida, 500 units.

Naval Air Station, Memphis, Tennessee, five hundred units.

Naval Post Graduate School, Monterey, California, two hundred and fifty units.

Naval Air Station, Oceana, Virginia, forty units.

Pacific Missile Range, Point Mugu, California, three hundred units.

Marine Corps Base, Twentynine Palms, California, one hundred and fifty units.

SEC. 205. (a) Public Law 161, 84th Congress, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201, as follows:

(1) Under the subheading "AVIATION FACILITIES (Fleet Support Air Station)," with respect to the Naval Air Station, Jacksonville, Florida, strike out "$2,224,000" and insert in place thereof "$2,724,000."

(b) Public Law 161, 84th Congress, as amended, is amended by striking out in clause (2) of section 502 the amounts "$308,634,600" and "$578,801,300" and inserting in place thereof "$309,134,600," and "$579,301,300," respectively.

SEC. 206 (a) Public Law 85–685, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201, as follows:

(1) Under subheading "SERVICE SCHOOL FACILITIES," with respect to the Naval Receiving Station, District of Columbia, strike out the amount "$650,000" and insert in place thereof "$850,000."

(2) Under the subheading "COMMUNICATION FACILITIES," with respect to the Naval Radio Station, Washington County, Maine, strike out the amount "$38,654,000" and insert in place thereof "$45,954,000."

(b) Public Law 85–685, as amended, is amended by striking out in section 202 the amount "$75,301,000" and inserting in place thereof "$93,101,000".

(c) Public Law 85–685, as amended, is amended by striking out in clause (2) of section 502 the amounts "$216,809,000", "$75,301,000", and $325,994,000" and inserting in place thereof "$224,309,000", "$93,101,000", and "$351,294,000", respectively.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

Inside the United States

Air Defense Command

Duluth Municipal Airport, Duluth, Minnesota: Maintenance facilities and community facilities, $307,000.

Geiger Field, Spokane, Washington: Operational facilities, maintenance facilities, and supply facilities, $456,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Operational and training facilities, maintenance facilities, community facilities, and utilities, $3,075,000.

Hamilton Air Force Base, San Rafael, California: Maintenance facilities and troop housing, $419,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, community facilities, and utilities, $3,251,000.

Kingsley Field, Klamath Falls, Oregon: Operational facilities, maintenance facilities, medical facilities, and community facilities, $299,000.

Kincheloe Air Force Base, Sault Sainte Marie, Michigan: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, troop housing, and community facilities, $4,548,000.

McChord Air Force Base, Tacoma, Washington: Operational facilities and maintenance facilities, $854,000.

Minot Air Force Base, Minot, North Dakota: Operational facilities, maintenance facilities, supply facilities, troop housing, community facilities, and utilities, $4,180,000.

Otis Air Force Base, Falmouth, Massachusetts: Operational facilities, maintenance facilities, and supply facilities $451,000.

Oxnard Air Force Base, Camarillo, California: Maintenance facilities, community facilities, and real estate, $732,000.

Paine Air Force Base, Everett, Washington: Operational facilities, maintenance facilities, and community facilities, $1,985,000.

Richards-Gebaur Air Force Base, Kansas City, Missouri: Operational facilities, and maintenance facilities, $240,000.

Selfridge Air Force Base, Mount Clemens, Michigan: Operational facilities, maintenance facilities, and community facilities, $1,383,000.

Suffolk County Air Force Base, Westhampton Beach, New York: Maintenance facilities and community facilities, $411,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities, maintenance facilities, and utilities, $1,598,000.

Air Materiel Command

Brookley Air Force Base, Mobile, Alabama: Operational facilities, supply facilities, and utilities, $400,000.

Gentile Air Force Station, Dayton, Ohio: Operational facilities, $422,000.

Griffiss Air Force Base, Rome, New York: Operational and training facilities, maintenance facilities, and administrative facilities, $1,725,000.

Heath Maintenance Annex, Newark, Ohio: Maintenance facilities, $3,907,000.

Hill Air Force Base, Ogden, Utah: Operational facilities, $1,195,000.

Kelly Air Force Base, San Antonio, Texas: Operational facilities and maintenance facilities, $638,000.

McClellan Air Force Base, Sacramento, California: Operational facilities and maintenance facilities, $1,470,000.

Norton Air Force Base, San Bernardino, California: Ground improvements, $169,000.

Robins Air Force Base, Macon, Georgia: Training facilities, maintenance facilities, supply facilities, and administrative facilities, $1,478,000.

Stockbridge Test Annex, Rome, New York: Research, development, and test facilities, $2,653,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities, $1,032,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Training facilities, maintenance facilities, research, development, and test facilities, and utilities, $1,810,000.

Air Research and Development Command

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, $10,500,000.

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Edwards Air Force Base, Muroc, California: Research, development, and test facilities, and community facilities, $171,000.

Eglin Air Force Base, Valparaiso, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, and community facilities, $2,312,000.

Holloman Air Force Base, Alamogordo, New Mexico: Maintenance facilities, and utilities, $467,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Operational and training facilities, research, development, and test facilities, utilities, and real estate, $3,596,000.

Laurence G. Hanscom Field, Bedford, Massachusetts: Research, development, and test facilities, supply facilities, administrative facilities, and real estate, $2,011,000.

Patrick Air Force Base, Cocoa, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, and utilities, $5,021,000.

Sacramento Peak Upper Air Research Site, Alamogordo, New Mexico: Research, development, and test facilities, $166,000.

Air Training Command

Amarillo Air Force Base, Amarillo, Texas: Operational and training facilities and maintenance facilities, $1,098,000.

Brooks Air Force Base, San Antonio, Texas: Troop housing, $734,000.

James Connally Air Force Base, Waco, Texas: Operational facilities and maintenance facilities, $670,000.

Keesler Air Force Base, Biloxi, Mississippi: Operational and training facilities, $2,499,000.

Lackland Air Force Base, San Antonio, Texas: Training facilities, administrative facilities, and troop housing, $5,427,000.

Lowry Air Force Base, Denver, Colorado: Maintenance facilities and utilities, $1,256,000.

Mather Air Force Base, Sacramento, California: Operational and training facilities and maintenance facilities, $2,709,000.

Perrin Air Force Base, Sherman, Texas: Operational and training facilities, maintenance facilities, utilities, and real estate, $5,040,000.

Randolph Air Force Base, San Antonio, Texas: Utilities, $182,000.

Reese Air Force Base, Lubbock, Texas: Training facilities, $268,000.

Sheppard Air Force Base, Wichita Falls, Texas: Operational and training facilities, maintenance facilities, and medical facilities, $928,000.

Stead Air Force Base, Reno, Nevada: Operational facilities and medical facilities, $457,000.

Vance Air Force Base, Enid, Oklahoma: Training facilities, $292,000.

Webb Air Force Base, Big Spring, Texas: Operational and training facilities and maintenance facilities, $938,000.

Air University

Gunter Air Force Base, Montgomery, Alabama: Training facilities and troop housing, $548,000.

Maxwell Air Force Base, Montgomery, Alabama: Operational facilities, hospital facilities, and troop housing, $5,188,000.

Alaskan Air Command

Eielson Air Force Base, Alaska: Operational and training facilities, maintenance facilities, supply facilities, and community facilities, $5,309,000.

Galena Airport, Alaska: Operational facilities, $1,965,000.

King Salmon Airport, Alaska: Operational facilities, $973,000.

Ladd Air Force Base, Alaska: Community facilities, $729,000.

Various locations, Alaska: Operational facilities, supply facilities, troop housing, and utilities, $5,524,000.

Continental Air Command

Dobbins Air Force Base, Marietta, Georgia: Troop housing, community facilities, and utilities, $1,326,000.

Headquarters Command

Andrews Air Force Base, Camp Springs, Maryland: Operational and training facilities, maintenance facilities, supply facilities, community facilities, and utilities, $3,688,000.

Military Air Transport Service

Aeronautical Chart and Information Center, Saint Louis, Missouri: Administrative facilities, $3,200,000.

Charleston Air Force Base, Charleston, South Carolina: Maintenance facilities, $103,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, $147,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities and real estate, $182,000.

Scott Air Force Base, Belleville, Illinois: Operational facilities and community facilities, $999,000.

Travis Air Force Base, Fairfield, California: Medical facilities, $41,000.

Pacific Air Forces

Hickam Air Force Base, Honolulu, Hawaii: Operational facilities and supply facilities, $703,000.

Strategic Air Command

Altus Air Force Base, Altus, Oklahoma: Maintenance facilities, $109,000.

Barksdale Air Force Base, Shreveport, Louisiana: Operational facilities, $7,265,000.

Beale Air Force Base, Marysville, California: Operational facilities, maintenance facilities, and supply facilities, $1,558,000.

Bergstrom Air Force Base, Austin, Texas: Operational facilities and maintenance facilities, $974,000.

Blytheville Air Force Base, Blytheville, Arkansas: Operational and training facilities, maintenance facilities, supply facilities, troop housing, and community facilities, $1,812,000.

Bunker Hill Air Force Base, Peru, Indiana: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, and utilities, $1,596,000.

Carswell Air Force Base, Fort Worth, Texas: Operational facilities, $210,000.

Castle Air Force Base, Merced, California: Maintenance facilities, supply facilities, hospital facilities, and community facilities, $2,678,000.

Clinton County Air Force Base, Wilmington, Ohio: Operational facilities, maintenance facilities, supply facilities, administrative facilities, troop housing and community facilities, $2,366,000.

Clinton-Sherman Air Force Base, Clinton, Oklahoma: Operational facilities, maintenance facilities, and supply facilities, $1,221,000.

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities, maintenance facilities, supply facilities, troop housing and community facilities, $3,206,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Operational facilities and maintenance facilities, $222,000.

Dow Air Force Base, Bangor, Maine: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities and real estate, $2,575,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Operational facilities, $776,000.

Fairchild Air Force Base, Spokane, Washington: Operational facilities and community facilities, $5,951,000.

Forbes Air Forces Base, Topeka, Kansas: Operational facilities and supply facilities, $635,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Operational facilities, $445,000.

Glasgow Air Force Base, Glasgow, Montana: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, troop housing, and community facilities, $4,419,000.

Homestead Air Force Base, Homestead, Florida: Operational facilities, $463,000.

Hunter Air Force Base, Savannah, Georgia: Maintenance facilities, $734,000.

Larson Air Force Base, Moses Lake, Washington: Operational facilities, maintenance facilities, and troop housing, $1,244,000.

Little Rock Air Force Base, Little Rock, Arkansas: Utilities, $100,000.

Loring Air Force Base, Limestone, Maine: Operational facilities, $540,000.

March Air Force Base, Riverside, California: Operational facilities and maintenance facilities, $7,468,000.

McCoy Air Force Base, Orlando Florida: Operational facilities, $786,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities and administrative facilities, $695,000.

Offutt Air Force Base, Omaha, Nebraska: Administrative facilities, troop housing, community facilities, and utilities, $3,458,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Operational facilities, $80,000.

Turner Air Force Base, Albany, Georgia: Operational and training facilities, maintenance facilities, supply facilities, and troop housing, $2,464,000.

Vandenberg Air Force Base, Lompoc, California: Maintenance facilities, and utilities, $1,284,000.

Walker Air Force Base, Roswell, New Mexico: Operational facilities and maintenance facilities, $847,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Operational facilities, $177,000.

Whiteman Air Force Base, Knobnoster, Missouri: Operational facilities, $561,000.

Wurtsmith Air Force Base, Oscodo, Michigan: Operational and training facilities, maintenance facilities, supply facilities, and community facilities, $2,565,000.

Tactical Air Command

England Air Force Base, Alexandria, Louisiana: Operational facilities, maintenance facilities, and supply facilities, $1,176,000.

George Air Force Base, Victorville, California: Maintenance facilities, $359,000.

Luke Air Force Base, Phoenix, Arizona: Operational facilities, maintenance facilities, and community facilities, $2,090,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina: Operational facilities, $222,000.

Nellis Air Force Base, Las Vegas, Nevada: Troop housing and community facilities, $1,356,000.

Pope Air Force Base, Fort Bragg, North Carolina: Maintenance facilities, $423,000.

Seymour-Johnson Air Force Base, Goldsboro, North Carolina: Training facilities, maintenance facilities, supply facilities, and administrative facilities, $1,911,000.

Aircraft control and warning system

Various locations: Operational facilities, maintenance facilities, supply facilities, medical facilities, family housing, troop housing, community facilities, utilities, and real estate, $31,879,000.

United States Air Force Security Service

Goodfellow Air Force Base, San Angelo, Texas: Community facilities, $432,000.

Special facilities

Various locations: Operational facilities and administrative facilities, $684,000.

Outside the United States

Military Air Transport Service

Various locations: Utilities, $140,000.

Pacific Air Forces

Various locations: Operational facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, family housing, troop housing, community facilities, and utilities, $31,276,000.

Strategic Air Command

Andersen Air Force Base, Guam: Utilities, $850,000.

Ramey Air Force Base, Puerto Rico: Operational facilities, $70,000.

Various locations: Operational facilities, maintenance facilities, troop housing, community facilities, and utilities, $3,797,000.

United States Air Forces in Europe

Various locations: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, family housing, troop housing, community facilities, and utilities, $30,694,000.

United States Air Force Security Service

Various locations: Operational facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, family housing, troop housing, community facilities, and utilities, $7,405,000.

Special facilities

Various locations: Operational facilities, $4,308,000.

Aircraft control and warning system

Various locations: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, $23,637,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities for ballistic and defense missiles by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $318,600,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions, new weapons developments, new and unforeseen research and development requirements, or improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1961, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. In accordance with the provisions of title IV of the Housing Amendments of 1955 (69 Stat. 646), as amended, the Secretary of the Air Force is authorized to construct family housing for occupancy as public quarters at the following locations:

Beale Air Force Base, California, two hundred and thirty units.

Brooks Air Force Base, Texas, one hundred and seventy units.

Griffiss Air Force Base, New York, one hundred and thirty-five units.

Offutt Air Force Base, Nebraska, five hundred units.

Turner Air Force Base, Georgia, four hundred and thirty units.

Westover Air Force Base, Massachusetts, one hundred and eighty units.

SEC. 305. (a) Public Law 85–685, as amended, is amended under the heading "Inside the United States" in section 301, as follows:

(1) Under the subheading "Air Defense Command", with respect to Kingsley Field, Klamath Falls, Oregon, strike out "$229,000" and insert in place thereof "$290,000".

(b) Public Law 85–685, as amended, is amended, by striking out in clause (3) of section 502 the amounts "$544,239,000" and "$954,493,000" and inserting in place thereof "$544,300,000" and "$954,554,000", respectively.

SEC. 306. (a) Public Law 86–149, is amended under the heading "Inside the United States" in section 301, as follows:

(1) Under the subheading "Alaskan Air Command", with respect to Elmendorf Air Force Base, Alaska, strike out "$1,150,000" and insert in place thereof "$1,409,000".

(2) Under the subheading "Tactical Air Command", with respect to England Air Force Base, Alexandria, Louisiana, strike out "$2,468,000" and insert in place thereof "$2,669,000".

(b) Public Law 86–149 is amended by striking out in section 302 the amount "$417,541,000" and inserting in place thereof "$467,541,000".

(c) Public Law 86–149 is amended by striking out in clause (3) of section 402 the amounts of "$296,897,800", "$417,541,000", and "$797,496,800" and inserting in place thereof "$297,357,800", "$467,541,000" and "$847,956,800", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop installations and facilities required for advanced research projects and in connection therewith may acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, in the total amount of $20,000,000.

SEC. 402. (a) Section 401 of the Act of August 20, 1958 (72 Stat. 636, 659), is amended by striking out "$50,000,000" and inserting in place thereof "$73,545,000".

(b) Section 502 of the Act of August 20, 1958 (72 Stat. 636, 660), is amended, by striking out in clause (4) "$50,000,000" and inserting in place thereof "$73,545,000".

SEC. 403. Section 7 of Public Law 85–325, dated February 12, 1958 (72 Stat. 13), as amended, is hereby repealed.

TITLE V

General Provisions

SEC. 501. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to sections 3648 and 3734 of the Revised Statutes, as amended (31 U.S.C. 529, 40 U.S.C. 259, 267), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 502. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, and IV shall not exceed—

(1) for title I: Inside the United States, $77,348,000; outside the United States, $14,808,000; section 102, $46,216,000; section 103, $10,000,000; or a total of $148,372,000.

(2) for title II: Inside the United States, $88,786,000; outside the United States, $16,383,000; section 202, $18,257,000; section 203, $10,000,000; or a total of $133,426,000.

(3) for the title III: Inside the United States, $220,371,000; outside the United States, $102,177,000; section 302, $318,600,000; section 303, $10,000,000; or a total of $651,148,000.

(4) for title IV: $20,000,000.

SEC. 503. Any of the amounts named in titles I, II, and III of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska. However, the total cost of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

SEC. 504. Whenever—

(1) the President determines that compliance with section 2313(b) of title 10, United States Code, for contracts made under this Act for the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of this Act; and

(2) the Secretary of Defense and the Comptroller General have agreed upon alternative methods of adequately auditing those contracts;

the President may exempt those contracts from the requirements of that section.

SEC. 505. Contracts for construction made by the United States for performance within the United States, and its possessions, under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, unless the Secretary of Defense determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 506. As of July 1, 1961, all authorizations for military public works to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in Acts approved before August 21, 1958, and not superseded or otherwise modified by a later authorization are repealed, except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) the authorization for public works projects as to which appropriate funds have been obligated for construction contracts or

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land acquisitions in whole or in part before July 1, 1961, and authorizations for appropriations therefor;

(3) the authorization for the rental guarantee for family housing in the amount of $100,000,000 that is contained in section 302 of the Act of July 14, 1952 (66 Stat. 606, 622);

(4) notwithstanding the provisions of section 406 of the Act of August 10, 1959 (73 Stat. 302, 319), the authorization for—

(a) operational and training facilities in the amount of $1,246,000, maintenance facilities in the amount of $1,335,000, utilities and ground improvements in the amount of $275,000, all at Fort Campbell, Kentucky, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES" and subheading "Third Army Area, of the Act of August 30, 1957 (71 Stat. 531, 533);

(b) administrative facilities in the amount of $350,000 at Fort Bliss, Tex., that is contained in title I, section 101, under the heading "Inside the United States" and subheading "Field Forces Facilities (Fourth Army Area)" of the Act of August 3, 1956 (70 Stat. 991, 992) as amended by title I, section 107(a) of the Act of August 30, 1957 (71 Stat. 531, 536);

(c) maintenance facilities in the amount of $809,000 at Fort Ord, California, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES" and subheading "Field Forces Facilities (Sixth Army Area)" of the Act of August 30, 1957 (71 Stat. 531, 533);

(d) classified facilities in the amount of $3,664,000 that is contained in title I, section 102, of the Act of August 30, 1957 (71 Stat. 531, 534);

(e) clearance easements and land acquisition in the amount of $53,300 at Atlanta General Depot, Georgia, that is contained in title I, section 101, under the heading "INSIDE THE UNITED STATES" and subheading "Technical Services Facilities (Quartermaster Corps)" of the Act of August 30, 1957 (71 Stat. 531);

(f) tactical air navigation facility in the amount of $39,000 at the Naval Auxiliary Air Station, Saufley Field, Florida that is contained in title II, section 201, under the heading "INSIDE THE UNITED STATES" and the subheading "AVIATION FACILITIES (Naval Air Training Stations)" of the Act of August 30, 1957 (71 Stat. 531, 537);

(g) operational facilities in the amount of $8,479,000 at the Naval Air Station, Whidbey Island, Washington under the heading "INSIDE THE UNITED STATES" and the subheading "AVIATION FACILITIES (Fleet Support Air Stations)" that is contained in title II section 201, of the Act of August 30, 1957 (71 Stat. 531, 538);

(h) operational facilities in the amount of $1,500,000 at the Marine Corps Base, Camp Lejeune, North Carolina under the heading "INSIDE THE UNITED STATES" and the subheading "MARINE CORPS FACILITIES" that is contained in title II, section 201 of the Act of August 30, 1957 (71 Stat. 531, 538);

(i) utilities in the amount of $120,000 at the Public Works Center, Norfolk, Virginia, under the heading "INSIDE THE UNITED STATES" and the subheading "YARDS AND DOCK FACILITIES" that is contained in title II, section 201 of the Act of August 30, 1957 (71 Stat. 531, 539);

(j) community facilities in the amount of $759,000 at the Naval Station, Adak, Alaska, under the heading "OUTSIDE THE UNITED STATES", and the subheading "FLEET BASE FACILITIES" that is contained in title II, section 201, of the Act of August 30, 1957 (71 Stat. 531, 539);

(k) operational facilities (guided missile support facilities) in the amount of $428,000 at the Naval Air Station, Agana, Guam, Mariana Islands, under the heading "OUTSIDE THE UNITED STATES" and the subheading "AVIATION FACILITIES" that is contained in title II, section 201 of the Act of August 30, 1957 (71 Stat. 531, 540);

(l) operational facilities in the amount of $5,619,000 at the Naval Air Station, Guantanamo Bay, Cuba, under the heading "OUTSIDE THE UNITED STATES" and the subheading "AVIATION FACILITIES" that is contained in title II, section 201 of the Act of August 30, 1957 (71 Stat. 531, 540), and

(m) medical facilities in the amount of $4,136,000 for Selfridge Air Force Base, Mount Clemens, Michigan, that is contained in title III, section 301 of the Act of July 15, 1955 (69 Stat. 324, 344) as amended.

SEC. 507. (a) Section 803(a) of the National Housing Act, as amended, is amended by striking out in the last proviso the word "twenty" and inserting in place thereof the word "thirty".

(b) Section 406(a) of Public Law 85-241, as amended, is amended by inserting a comma after the word "activities" and adding the following "and no certificates with respect to any family housing units shall be issued by the Secretary of Defense or his designee under section 810 of the National Housing Act, as amended,".

SEC. 508. Section 407 of the Act of August 30, 1957 (71 Stat. 531, 557), as amended, is further amended by adding the following subsection:

"(g) The Secretaries of Defense and Health, Education, and Welfare, in order to insure as far as possible that family housing under their jurisdiction is adequate as public quarters and fully utilized, shall maintain such continual surveillance and conduct such periodic surveys of such quarters as they shall deem necessary for this purpose. Where either Secretary or his designee determines, on the basis of such surveys, that it is not in the best interest of the United States to improve, demolish, or otherwise dispose of any quarters which have been determined inadequate under this section, he may exempt such quarters from the requirements of subsection (e) of this section: *Provided*, That any quarters so exempted must be improved, demolished, or otherwise disposed of not later than December 31, 1961."

SEC. 509. None of the authority contained in titles I, II, and III of this Act shall be deemed to authorize any building construction project within the continental United States (other than Alaska) at a unit cost in excess of—

(1) $32 per square foot for cold-storage warehousing;

(2) $6 per square foot for regular warehousing;

(3) $1,850 per man for permanent barracks;

(4) $8,500 per man for bachelor officer quarters;

unless the Secretary of Defense determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable.

SEC. 510. Title 10, United States Code, is amended as follows:

(1) Section 2662 is amended to read:

"§ 2662. Real property transactions; reports to the Congress

"(a) The Secretary of a military department, or his designee, may not enter into any of the transactions listed in (1) through (5) below by or for the use of that department unless a report of the facts concerning the proposed transaction has been submitted to the President of the Senate and the Speaker of the House of Representatives and unless within the first period of thirty days of continuous session of the Congress occurring after the date of submission of such report (considering continuity of session as broken only by adjournment sine die) a resolution has not been adopted by either House of the Congress stating in substance that that House does not favor the proposed transaction: *Provided*, That where any part of the thirty-day period immediately following the submission of the project occurs while Congress is not in session because of an adjournment sine die the foregoing shall not prevent any of the transactions listed in (1) through (5) below from being entered into if the Secretary of Defense shall have certified to the President of the Senate and the Speaker of the House of Representatives that the transaction contemplated is critical to the national defense and that failure to enter into such transaction prior to the convening of Congress would imperil the national defense. The transactions referred to in the preceding sentence are the following:

"(1) An acquisition of fee title to any real property if the estimated price is more than $50,000.

"(2) A lease of any real property owned by the United States if the estimated annual rental is more than $50,000.

"(3) A lease of real property owned by the United States if the estimated annual rental is more than $50,000.

"(4) A transfer of real property owned by the United States to another Federal agency or another military department, or to a State, if the estimated value is more than $50,000.

"(5) A report of excess real property owned by the United States to a disposal agency, if the estimated value is more than $50,000.

If a transaction covered by clause (1) or (2) is part of a project, the report must include a summarization of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made.

"(b) The Secretary of each military department shall report quarterly to the President of the Senate and the Speaker of the House of Representatives on transactions described in subsection (a) that involve an estimated value of more than $5,000 but not more than $50,000.

"(c) This section applies only to real property in the United States and Puerto Rico. It does not apply to real property for river and harbor projects or flood-control projects, or to leases of Government-owned real property for agricultural or grazing purposes.

"(d) A statement in an instrument of conveyance, including a lease, that the requirements of this section have been met, or that the conveyance is not subject to this section, is conclusive."

(2) Chapter 159 is amended by deleting the following item in the analysis:

"2622. Real property transactions; agreement with Armed Services Committees; reports."

and inserting the following item in lieu thereof:

"2662. Real property transactions: Reports to the Congress."

SEC. 511. Section 43 of the Act of August 10, 1956 (70A Stat. 636, 50 U.S.C. App. 2285), is amended to read:

"§ 43. Real property transactions

"(a) The Director of the Office of Civil and Defense Mobilization, or his designee, may not enter into any of the transactions listed in (1) through (5) below by or for the use of that agency unless a report of the facts concerning the proposed transaction has been submitted to the President of the Senate and the Speaker of the House of Representatives and unless within the first period of thirty days of continuous session of the Congress occurring after the date of submission of such report (considering continuity of session as broken only by adjournment sine die) a resolution has not been adopted by either House of the Congress stating in substance that that House does not favor the proposed transaction: *Provided*, That where any part of the thirty-day period immediately following the submission of the

project occurs while Congress is not in session because of an adjournment sine die the foregoing shall not prevent any of the transactions listed in (1) through (5) below from being entered into if the Director of the Office of Civil and Defense Mobilization shall have certified to the President of the Senate and the Speaker of the House of Representatives that the transaction contemplated is critical to the national defense and that failure to enter into such transaction prior to the convening of Congress would imperil the national defense. The transactions referred to in the preceding sentence are the following:

"(1) An acquisition of fee title to any real property, if the estimated price is more than $50,000.

"(2) A lease of any real property to the United States, if the estimated annual rental is more than $50,000.

"(3) A lease of real property owned by the United States if the estimated annual rental is more than $50,000.

"(4) A transfer of real property owned by the United States to another Federal agency or another military department, or to a State, if the estimated value is more than $50,000.

"(5) A report of excess real property owned by the United States to a disposal agency if the estimated value is more than $50,000.

If a transaction covered by clause (1) or (2) is part of a project, the report must include a summarization of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made.

"(b) The Director of the Office of Civil and Defense Mobilization shall report quarterly to the President of the Senate and the Speaker of the House of Representatives on transactions described in subsection (a) that involve an estimated value of more than $5,000 but not more than $50,000.

"(c) This section applies only to real property in the United States and Puerto Rico. It does not apply to real property for river and harbor projects or flood-control projects, or to leases of Government-owned real property for agricultural or grazing purposes.

"(d) A statement in an instrument of conveyance, including a lease, that the requirements of this section have been met, or that the conveyance is not subject to this section, is conclusive."

SEC. 512. Titles I, II, III, IV, and V of this Act may be cited as the "Military Construction Act of 1950".

TITLE VI

Reserve Forces Facilities

SEC. 601. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop the following facilities for reserve forces:

(1) For Department of the Army:

Army National Guard of the United States
(Armory)

Abbeville, Alabama: Training facilities, $71,000.

Alexandria, Louisiana: Training facilities, $311,000.

Amityville, New York: Training facilities, $300,000.

Anaconda, Montana: Training facilities, $66,000.

Angleton, Texas: Training facilities, $85,000.

Bastrop, Louisiana: Training facilities, $131,000.

Bogalusa, Louisiana: Training facilities, $180,000.

Boston (Jamaica Plain), Massachusetts: Training facilities, $360,000.

Brownsville, Texas: Training facilities, $85,000.

Burlington, Wisconsin: Training facilities, $140,000.

Carmichael, California: Training facilities, $115,000.

Carthage, Mississippi: Training facilities, $63,000.

Carthage, Texas: Training facilities, $85,000.

Casa Grande, Arizona: Training facilities, $108,000.

Claremont, New Hampshire: Training facilities, $139,000.

Clayton, New Mexico: Training facilities, $70,000.

Clear Lake, South Dakota: Training facilities, $63,000.

Cortez, Colorado: Training facilities, $114,000.

Cranston, Rhode Island: Training facilities, $184,000.

Crete, Nebraska: Training facilities, $120,000.

Danville, Arkansas: Training facilities, $45,000.

De Kalb, Mississippi: Training facilities, $63,000.

Dover, New Hampshire: Training facilities, $139,000.

Dover, New Jersey: Training facilities, $190,000.

Driggs, Idaho: Training facilities, $80,000.

Dumas, Arkansas: Training facilities, $45,000.

Elkins, West Virginia: Training facilities, $157,000.

Elko, Nevada: Training facilities, $97,000.

Escondido, California: Training facilities, $105,000.

Eupora, Mississippi: Training facilities, $63,000.

Gurabo, Puerto Rico: Training facilities, $70,000.

Harrisburg, Pennsylvania: Training facilities, $104,000.

Hartwell, Georgia: Training facilities, $90,000.

Hawthorne, Nevada: Training facilities, $97,000.

Heber Springs, Arkansas: Training facilities, $45,000.

Hinton, West Virginia: Training facilities, $157,000.

Honolulu, Hawaii: Training facilities, $102,000.

Howell, Michigan: Training facilities, $250,000.

Jackson, Mississippi: Training facilities, $232,000.

Jacksonville, Florida: Training facilities, $243,000.

Jasper, Indiana: Training facilities, $218,000.

Las Vegas, New Mexico: Training facilities, $70,000.

Lavonia, Georgia: Training facilities, $90,000.

Lawrence, Kansas: Training facilities, $102,000.

Levelland, Texas: Training facilities, $85,000.

Lewistown, Montana: Training facilities, $66,000.

Logan, Ohio: Training facilities, $150,000.

Louisville, Kentucky: Training facilities, $285,000.

Mendenhall, Mississippi: Training facilities, $63,000.

Montgomery, West Virginia: Training facilities, $189,000.

Natchitoches, Louisiana: Training facilities, $161,000.

Newport, Oregon: Training facilities, $120,000.

Northfield, Minnesota: Training facilities, $49,000.

Orofino, Idaho: Training facilities, $75,000.

Oshkosh, Wisconsin: Training facilities, $235,000.

Perryville, Arkansas: Training facilities, $45,000.

Philip, South Dakota: Training facilities, $145,000.

Portland, Oregon: Training facilities, $393,000.

Redding, California: Training facilities, $105,000.

Richlands, Virginia: Training facilities, $161,000.

Riverdale, New Jersey: Training facilities, $171,000.

Rolla, Missouri: Training facilities, $150,000.

Sabana Grande, Puerto Rico: Training facilities, $63,000.

Sacramento, California: Training facilities, $72,000.

Schenectady, New York: Training facilities, $108,000.

Scottsburg, Indiana: Training facilities, $188,000.

Sheridan, Arkansas: Training facilities, $45,000.

Spencer, West Virginia: Training facilities, $157,000.

Springfield, Missouri: Training facilities, $240,000.

Statesboro, Georgia: Training facilities, $120,000.

Stoughton, Massachusetts: Training facilities, $210,000.

Stratford (Bridgeport), Connecticut: Training facilities, $415,000.

Vergennes, Vermont: Training facilities, $135,000.

Worland, Wyoming: Training facilities, $141,000.

Various locations: Training facilities minor conversions, $183,000.

Army National Guard of the United States
(Nonarmory)

Camp Murray, Washington: Supply facilities, $159,000.

Camp Riley, Minnesota: Troop housing and utilities, $910,000.

Camp Shelby, Mississippi: Troop housing, $423,000.

Fort William H. Harrison, Montana: Troop housing, administrative facilities and supply facilities, $123,000.

Fort Stewart, Georgia: Troop housing, $423,000.

Salt Lake City, Utah: Administrative facilities and supply facilities, $266,000.

Army Reserve

Albany, New York: Training facilities addition, $61,000.

Alexandria, Virginia: Training facilities, $520,000.

Artesia, New Mexico: Training facilities, $157,000.

Ashtabula-Geneva, Ohio: Training facilities, $165,000.

Bluefield, West Virginia: Training facilities, $157,000.

Bogalusa, Louisiana: Training facilities, $168,000.

Boulder, Colorado: Training facilities, $289,000.

Clarksburg, West Virginia: Training facilities, $289,000.

Cleveland, Ohio: Training facilities, $662,000.

Columbus, Nebraska: Training facilities, $157,000.

Creston, Iowa: Training facilities, $157,000.

Dallas (Number 3), Texas: Training facilities, $494,000.

Elmira (Horseheads), New York: Training facilities addition, $61,000.

Eureka, California: Training facilities, $165,000.

Fort Thomas, Kentucky: Training facilities, $476,000.

High Point, North Carolina: Training facilities, $142,000.

Houma, Louisiana: Training facilities, $149,000.

Kalispel, Montana: Training facilities, $173,000.

Kingsport, Tennessee: Training facilities, $275,000.

Lafayette, Indiana: Training facilities addition, $58,000.

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Lancaster-Logan, Ohio: Training facilities, $165,000.

Le Suer, Minnesota: Training facilities, $173,000.

Lewiston-Auburn, Maine: Training facilities, acquisition and rehabilitation, $404,000.

Lincoln, Nebraska: Training facilities addition, $55,000.

Los Angeles (Number 2), California: Training facilities addition, $73,000.

Louisville, Kentucky: Training facilities addition, $55,000.

Lubbock, Texas: Training facilities expansion, $111,000.

Madisonville, Kentucky: Training facilities, $157,000.

Marion, Illinois: Training facilities, $165,000.

Miami (North), Florida: Training facilities, $467,000.

Mount Pleasant, Iowa: Training facilities, $157,000.

New Castle, Pennsylvania: Training facilities, $165,000.

Norfolk, Nebraska: Training facilities, $157,000.

Oak Ridge, Tennessee: Training facilities, $149,000.

Palatka, Florida: Training facilities, $142,000.

Pasadena, California: Training facilities addition, $58,000.

Pasadena, Texas: Training facilities, $275,000.

Penn Yan, New York: Training facilities, $173,000.

Petersburg (Fort Lee), Virginia: Training facilities, $452,000.

Pittsburg, California: Training facilities, $303,000.

Rushville, Indiana: Training facilities, $165,000.

Shawnee, Oklahoma: Training facilities, $157,000.

State College, Pennsylvania: Training facilities, $303,000.

Tampa (Drew Field), Florida: Training facilities, $428,000.

Tobyhanna, Pennsylvania: Training facilities, $165,000.

Toledo, Ohio: Training facilities expansion, $68,000.

Troy, Ohio: Training facilities, $165,000.

Tupelo, Mississippi: Training facilities, $167,000.

Ventura, California: Training facilities, $303,000.

Wailuku-Mauri, Hawaii: Training facilities, $204,000.

Willmar, Minnesota: Training facilities, $173,000.

Winston-Salem, North Carolina: Training facilities addition, $49,000.

Yoakum, Texas: Training facilities, $149,000.

Various locations: Training facilities minor additions, $179,000.

Land acquisition: Training facilities, $671,000.

(2) For the Department of the Navy:

Naval Reserve

(Aviation)

Naval Air Station, Dallas, Texas: Operational facilities, $130,000.

Naval Air Station, Glenview, Illinois: Operational facilities, $1,298,000.

Naval Air Station, Grosse Ile, Michigan: Operational facilities, $150,000.

Naval Air Station, Los Alamitos, California: Supply facilities and utilities, $306,000.

Naval Air Station, Minneapolis, Minnesota: Operational facilities, $178,000.

Naval Air Station, New York, New York: Operational facilities, $471,000.

Naval Air Station, Olathe, Kansas: Operational facilities, $121,000.

Naval Air Station, Seattle, Washington: Operational facilities, $181,000.

Naval Air Station, South Weymouth, Massachusetts: Operational facilities, $300,000.

Naval Air Station, Willow Grove, Pennsylvania: Training facilities, $575,000.

Naval Reserve

(Surface)

Naval Reserve Electronics Facility, Appleton, Wisconsin: Training facilities, $47,000.

Naval Reserve Electronics Facility, Auburn, California: Training facilities, $75,000.

Naval Reserve Training Center, Fort McHenry, Baltimore, Maryland: Training facilities, $300,000.

Naval Reserve Electronics Facility, Boulder, Colorado: Training facilities, $56,000.

Naval Reserve Training Center, Brooklyn, New York: Training facilities, $75,000.

Naval Reserve Electronics Facility, Corvallis, Oregon: Training facilities, $56,000.

Naval Reserve Electronics Facility, Eau Clare, Wisconsin: Training facilities, $55,000.

Naval Reserve Electronics Facility, Fayetteville, Arkansas: Training facilities, $87,000.

Naval and Marine Corps Reserve Training Center, Freeport, New York: Training facilities, $35,000.

Naval Reserve Electronics Facility, Helena, Montana: Training facilities, $56,000.

Naval Reserve Electronics Facility, Medford, Oregon: Training facilities, $56,000.

Naval Reserve Electronics Facility, Paris, Texas: Training facilities and land acquisition, $90,000.

Naval and Marine Corps Reserve Training Center, Phoenix, Arizona: Training facilities, $600,000.

Naval Reserve Electronics Facility, Provo, Utah: Training facilities, $56,000.

Naval Reserve Electronics Facility, Red Bluff, California: Training facilities, $80,000.

Naval Reserve Electronics Facility, Redding, California: Training facilities, $80,000.

Naval and Marine Corps Reserve Training Center, Topeka, Kansas: Training facilities, $383,000.

Naval Reserve Electronics Facility, Wenatchee, Washington: Training facilities, $65,000.

Naval Reserve Electronics Facility, Yuba City, California: Training facilities, $75,000.

Marine Corps Reserve

(Ground)

Marine Corps Reserve Training Center, Johnstown, Pennsylvania: Acquisition of land and training facilities, $65,000.

Naval and Marine Corps Reserve Training Center, Phoenix, Arizona: Training facilities, $225,000.

Naval and Marine Corps Reserve Training Center, Topeka, Kansas: Training facilities, $123,000.

(3) For Department of the Air Force:

Air National Guard of the United States

Barnes Municipal Airport, Westfield, Massachusetts: Operational facilities, $675,000.

Congaree Air Base, Columbia, South Carolina: Operational facilities, $432,000.

Fort Smith Municipal Airport, Fort Smith, Arkansas: Operational facilities, $164,000.

Foss Field, Sioux Falls, South Dakota: Operational facilities, $675,000.

Hickam Air Force Base, Honolulu, Hawaii: Operational facilities, $604,000.

Hutchinson Naval Air Station, Hutchinson, Kansas: Operational facilities, $1,389,000.

Jackson Municipal Airport, Jackson, Mississippi: Operational facilities, maintenance facilities, and supply facilities, $2,689,000.

Portland International Airport, Portland, Oregon: Operational facilities, $314,000.

Springfield Municipal Airport, Springfield, Ohio: Operational facilities, $164,000.

Westchester County Municipal Airport, Westchester, New York: Operational facilities, $120,000.

Air Force Reserve

Bakalar Air Force Base, Columbus, Indiana: Operational facilities, $237,000.

Bradley Field, Windsor Locks, Connecticut: Maintenance facilities and troop housing, $150,000.

Dallas Naval Air Station, Dallas, Texas: Maintenance facilities and supply facilities, $1,999,000.

Davis Field, Muskogee, Oklahoma: Supply facilities and utilities, $28,000.

Dobbins Air Force Base, Marietta, Georgia: Maintenance facilities, $1,268,000.

Ellington Air Force Base, Genoa, Texas: Operational facilities, $534,000.

General Mitchell Field, Milwaukee, Wisconsin: Maintenance facilities and supply facilities, $155,000.

New Orleans Naval Air Station, New Orleans, Louisiana: Operational facilities and supply facilities, $58,000.

Selfridge Air Force Base, Mount Clemens, Michigan: Operational facilities, $161,000.

(4) For all reserve components: Facilities made necessary by changes in the assignment of weapons or equipment to reserve forces units, if the Secretary of Defense or his designee determines that deferral of such facilities for inclusion in the next law authorizing appropriations for specific facilities for reserve forces would be inconsistent with the interests of national security and if the Secretary of Defense or his designee notifies the Senate and the House of Representatives immediately upon reaching a final decision to implement, of the nature and estimated cost of any facility to be undertaken under this subsection.

SEC. 602. (a) Public Law 85–685 is amended under the heading "ARMY NATIONAL GUARD OF THE UNITED STATES (ARMORY)" in clause (3) of section 603 with respect to Dallas Number 5, Texas by striking out "$154,000" and inserting in place thereof "$351,000."

(b) Public Law 85–685, as amended, is amended by striking out in clause (3) of section 606 "$27,079,000" and inserting in place thereof "$27,276,000."

SEC. 603. The Secretary of Defense may establish or develop installations and facilities under this title without regard to sections 3648 and 3734 of the Revised Statutes, as amended, and sections 4774(d) and 9774 (d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended, and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 604. Appropriations for facilities projects authorized by section 601 for the respective reserve components of the Armed Forces may not exceed—

(1) for Department of the Army:

(a) Army National Guard of the United States, $12,673,000;

(b) Army Reserve, $11,977,000;

(2) for Department of the Navy: Naval and Marine Corps Reserves, $6,450,000;

(3) for Department of the Air Force:

(a) Air National Guard of the United States, $7,226,000;

(b) Air Force Reserve, $4,590,000.

SEC. 605. Any of the amounts named in section 601 of this Act may, in the discretion of the Secretary of Defense, be increased by 15 per centum, but the total cost for all projects authorized for the Army National Guard of the United States, the Army Reserve, the Naval and Marine Corps Reserves, the Air National Guard of the United States, and the Air Force Reserve, may not exceed the amounts named in clauses (1) (a), (1) (b), (2), (3) (a) and (3) (b) of section 604 respectively.

SEC. 606. As of July 1, 1961, all authorizations for specific facilities for reserve forces to be accomplished by the Secretary of Defense, and all authorizations for appropria-

tions therefor, that are contained in the Reserve Forces Facilities Act of 1958, and not superseded or otherwise modified by a later authorization, are repealed except the authorizations for facilities for the reserve forces as to which appropriated funds have been obligated in whole or in part before July 1, 1961, and authorizations for appropriations therefor.

SEC. 607. This title may be cited as the "Reserve Forces Facilities Act of 1960."

Mr. VINSON (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that it be printed in its entirety in the RECORD at this point and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. VINSON: On page 51, line 12, strike the words "owned by" and insert in lieu thereof the word "to".

Mr. VINSON. Mr. Chairman, this committee amendment, on page 51, line 12, strikes out the words "owned by" merely to correct a typographical error. The property referred to in that subsection is privately owned property which was leased by the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. VINSON].

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike out the last word, and take this time to make application for membership in the mutual admiration society and to compliment the gentleman upon the savings that are claimed for this bill. I would like to know how this bill compares with the military construction bill of last year. I did not see anything in the report on that.

Mr. VINSON. It is a great deal smaller than it was last year.

Mr. GROSS. It is a good deal smaller?

Mr. VINSON. Yes; both in dollars and as to the items—and it should be that way because we are finishing a great many of these installations.

Mr. GROSS. Of course, the saving that is here represented this year is between the asking price by the various departments and the amounts allocated by the committee. I am glad to see the figure as low as it is.

Mr. VINSON. If I may interrupt the gentleman, let me read these figures to show what the situation is:

In 1957, it was $2 billion.
In 1958, it was $1.4 billion.
In 1959, it was $1.3 billion
In 1960, it was $1.22 billion.
In 1961, it was $1.103 billion.

Mr. GROSS. I have one or two questions that I would like to ask. What has happened to the military hospital in France which was never occupied? Is it still there and can the gentleman give us any information as to its current status?

Mr. VINSON. We will give the gentleman the information we have here. The hospital is, of course, still there.

The Evreux Hospital was programed and constructed to meet a requirement for hospital beds in France for the care of Air Force military personnel and their families. Construction was begun in 1955 and up until 1957, by which time all contracts had been awarded and funds were 92 percent obligated, the requirement remained valid. Beginning in 1957 however, projected United States Air Force deployments in France reduced to the point that when the construction of the hospital building was complete to the stage of installing medical equipment in May 1958, there was no requirement for the additional bed capacity and the facility has been maintained in a reserve status.

Mr. GROSS. And it has never been occupied; never been used; is that correct?

Mr. VINSON. That is correct.

Mr. GROSS. And possibly some day it will be given to the French?

Mr. VINSON. We will cross that bridge when we come to it.

Mr. GROSS. May I ask the gentleman from Georgia this question. Is there any money in this bill for the construction of any new ordnance depots?

Mr. VINSON. No; there is no money in this bill for the construction of any new ordnance depots.

Mr. GROSS. How is the work progressing with reference to the abandonment of San Jacinto?

Mr. VINSON. I am unfamiliar with what is going on in the General Services Administration. But, I do have such confidence in the administration of that department, that I am satisfied it is progressing very satisfactorily and that the Government will realize a great sum of money through the sale of that valuable property which was being used where the situation was such that it was very dangerous, and highly subject to explosion.

Mr. GROSS. But is not any ordnance depot subject to explosion?

Mr. VINSON. That may be so, but this situation was a little more dangerous than usual, being located so close to a large population center.

Mr. GROSS. As I understand it, when the hearings were held before the gentleman's committee on the matter of the abandonment of San Jacinto, there was 80,000 tons of ammunition stored there with a value of $120 million. Can the gentleman tell us what disposition has been made of that ammunition?

I believe the hearing records before your committee will show that the ammunition was supposed to be distributed to other depots throughout the country. Is that not right?

Mr. VINSON. That is right. That was the plan.

Mr. GROSS. Can the gentleman tell me what has happened?

Mr. VINSON. Well, I do not know. I cannot keep up with how many loads of ammunition they keep at this depot or that depot, but of course it will be moved out, and there is a time limit in which the General Services Administration can dispose of this piece of property.

Mr. GROSS. Would it interest the gentleman to know that within a few months after the Army Ordnance experts testifield before your committee that there was 80,000 tons of ammunition, that the Defense Department, in sustaining its move to abandon San Jacinto, which the Army called the best depot in the United States—would it interest the gentleman to know that that 80,000 tons had suddenly shrunk to some 60,000 tons?

Mr. VINSON. Well, it is hard to keep some of these figures straight. They do sometimes get the figures mixed up down in the military departments.

Mr. GROSS. I wonder if it would interest the gentleman to know that instead of distributing that ammunition to other depots some 14,000 tons was dumped into the Gulf of Mexico.

Mr. VINSON. Well, if the ammunition had deteriorated, that was the proper place to put it.

Mr. GROSS. I will say to the gentleman that is an easy way to answer the question.

Mr. VINSON. Well, that is the proper way. Do we want our men to fire duds?

Mr. GROSS. There was not one single word of testimony before your committee that any part of that 80,000 tons of ammunition that the Army experts said was stored at San Jacinto was not serviceable ammunition. The record will bear that out.

Mr. VINSON. The record bears this out, that ammunition does deteriorate after a certain time. We would not be warranted in using ammunition that is old and deteriorated, because when we fire a shell we want it to do its job.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. VINSON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. ARENDS. I would like to say that in this instance I agree with the gentleman from Iowa, as far as what happened at San Jacinto. I think it has been a waste of money, and we will find out in the end that that is true.

Mr. GROSS. I think the gentleman from Illinois will bear me out that when the hearings were held before the Armed Services Committee the experts on ordnance and logistics provided not one word of evidence that any part of that ammunition was obsolete or unserviceable. Yet the last report I have is that 14,000 tons had been dumped into the Gulf of Mexico. That is a fast and expensive way of abandoning an ammunition depot. I join with the gentleman from Illinois [Mr. ARENDS] in saying that that was one of the great mistakes that had been made. When our troops ran out of ammunition in Korea, where did they turn? They turned to San Jacinto, because of its splendid outloading facilities. The Army said this is one depot that should be maintained of all depots in the United States. Yet today it is

being abandoned and a part of the ammunition is being dumped into the Gulf of Mexico.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. JONES of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will take only a short time, but I do want to get into this RECORD some facts which I have been attempting to convey to the proper persons in the Department of Defense. I am sure all Members know the difficulty we have in reaching all of those who are concerned with making decisions in the various departments of the Department of Defense, where often the right hand does not know what the left hand is doing.

I do know that a lot of officers and other officials in the Department of Defense are detailed to reading the CONGRESSIONAL RECORD, and it is those persons whom I am attempting to reach at this time.

I want everyone in the Department of Defense—Air Force, Navy, and particularly at this time, the Army—to know of an installation at Malden, Mo.

Mr. Chairman, at Malden, Mo., we have had a contract primary pilot flying school, reactivated in 1951, and, which has been in continuous operation since. It has operated successfully over a long period of 9 years. Within the last few months notice was given that Malden was one of the six primary pilot training schools to be closed down on June 30, despite the fact that it has had the best record for economy in operation; in other words, it was turning out pilots at less cost than any of the other schools. It has had the best record of safety, saving lives, and preventing accidents of any of the schools over the period. It was first in practically each report that was made. It was tops on the average for the criteria that were used in appraising these contract flying schools, and yet it is being closed.

When they sent an officer down there last December to tell us why, he said, "They thought the impact on that community would be less than at some of the other places." I happen to live in Missouri where we may lose one Congressman this next year. That, of course, is no serious impact. Two of these schools are in Florida where they are going to gain three, four, or five Congressman, so I cannot see that that impact is so bad. But the thing I want to get over to the person in the Department of Defense who is responsible for making decisions—I do not know who he is—is that during the past year they have spent more than $500,000 and possibly as much as $1 million making improvements at that field. If they knew it was going to be closed on June 30—and I do say that they did know it was going to be closed, that was money that was wasted unless—now, this is a rumor and, as the chairman here has said, rumors fly a lot around here; but also I want to get this information in the CONGRESSIONAL RECORD where it will be read by the responsible people in the Army.

We understand that the Department of the Army is needing more pilots in the Army Air Corps. If the Army is going to make further installations I think they would do well to examine the facilities at Malden where they have an installation that is running efficiently, economically, with safety, and it is ready to go now. If the Army wants to save money they can utilize that. The Army can salvage some of the expenditures which have been made by the Air Force. I am saying this to get the information in the RECORD. I have talked to an Assistant Secretary of the Army in charge of the air training program, and have talked to different officials in the Department of the Army. The chairman of this committee was very kind. I would like again to thank him for the cooperation he has given me in the past, and I want to assure him that I am not trying to go over his head; I am just trying to get this information distributed widely enough so that somebody a year from now when they start spending money some other place cannot tell me they did not know that these facilities were available at Malden. They are available, and if any branch of the service is interested they can procure one of the best facilities that exists in the United States today.

Mr. Chairman, I am not going to burden either this House or the RECORD with a lot of statistics on Malden Air Force Base—the facts are already in the hands of the Army where I hope they will be put to use. I only hope they will make better use of the facts than the Air Force did, when they made the decision to close down the best one of the six contract flying schools which has been operated on such an efficient basis during the past 9 years. While the Air Force apparently did not feel that it was important, I would like to call to the attention of the Army that the first USAF Flying Safety Award to a contract school was earned by the Malden Air Base in 1957. At Malden Air Force Base are the facilities for carrying on the highest type of primary flight training for 300 students.

Mr. Chairman, I am not suggesting that the Department of Defense retain one single installation which it does not feel is necessary and in the best interest of our Nation in maintaining an adequate defense. The thing I am insisting on, however, is that every dime which is spent be spent wisely. I want some assurance that every dollar be justified. If we have present facilities that can be utilized, I do not want to abandon them and then attempt to justify expenditures for some new installation to be used in carrying on the same type of program that has been abandoned elsewhere. If the Army needs additional pilots; if it intends to augment its facilities, then I can say without reservation that they can save a great amount of money if they will avail themselves of the existing facilities at the Malden Air Base. The records show that a primary flight training program can be carried on there with economy, efficiency, and last but not least, safety.

Mr. Chairman, I yield back the balance of my time.

Mr. AVERY. Mr. President, I move to strike out the last word.

Mr. Chairman, I take this time in order to ask a question or two of the distinguished gentleman from Georgia, chairman of the committee. I notice on page 27 of the committee report that the Department of Defense has employed a new formula—I believe that is the proper description—for reimbursing the Commodity Credit Corporation in the future for funds for surplus commodities that have been disposed of under Public Law 480.

My question, Mr. Chairman, is this: It is my understanding from this report that up to now the Commodity Credit Corporation has been reimbursed——

Mr. VINSON. Yes.

Mr. AVERY. It says here, I believe, from quarters allowances. Has that reimbursement been occurring once in a fiscal year or is the payment made on a monthly basis, or how?

Mr. VINSON. It is going to be a lump sum basis from now on.

Mr. AVERY. From now on it will be on an appropriated basis, I understand; but up until this time it has been done on the basis of quarters allowances.

I have two questions. No. 1: Has the Department of Defense been reimbursing the Commodity Credit Corporation that has come under so much criticism lately for the money it has taken to reimburse its capital account; have they been reimbursed for interest on this money?

Mr. VINSON. Interest? I do not think so. I am not familiar with that particular detail.

Mr. AVERY. In other words, there has been interest charged to the Commodity Credit Corporation and they have been compelled to absorb this loss as a part of their operating cost?

Mr. VINSON. As far as I know, there is no interest charged.

Mr. AVERY. I do not mean to be critical. I think this is one method of utilizing surplus commodities that all Americans would applaud. My second question is to further support the committee on this.

Could the distinguished gentleman from Georgia tell us how much money may have been repaid to the Commodity Credit Corporation under this transfer of funds?

Mr. VINSON. I am sorry, I cannot answer that.

Mr. AVERY. One further question. In the case of countries that have been recipients of surplus commodities under Public Law 480, have those funds been utilized to the fullest extent? In other words, have we utilized all of those funds rather than use any appropriated money for military construction in those countries?

Mr. VINSON. To the best of my knowledge, we have utilized them in the best way we can.

Mr. AVERY. A further question. Am I to understand from this report that the only utilization of 480 funds for military construction has been in the field of housing or have they been utilized in other areas of military construction?

Mr. VINSON. Housing and community facilities.

Mr. AVERY. Could the gentleman define "community facilities?" Would that include PX's?

Mr. VINSON. PX's, clubs, chapels and things of that kind.

Mr. AVERY. No barracks?

Mr. VINSON. No.

Mr. AVERY. That has been taken care of out of appropriated funds?

Mr. VINSON. Yes.

Mr. AVERY. In concluding, Mr. Chairman, let me say I certainly hope this will point the way toward a greater utilization of funds that accrue out of the disposal of surplus commodities. It will do two things. It will reduce our surplus some and, at the same time, it might result in less demand on appropriated funds.

Mr. VINSON. I thank the gentleman.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words to ask the gentleman from Georgia a question or two.

Can the gentleman tell us whether any money in this bill is for use to expand Air Force facilities as a result of the abandonment of bases in Morocco?

Mr. VINSON. No; not one cent.

Mr. GROSS. Have the air bases in Spain, for instance, been expanded?

Mr. VINSON. No.

Mr. GROSS. Are we moving out of Morocco?

Mr. VINSON. I cannot answer that in explicit detail. They are closing up over there, and will have to move.

Mr. GROSS. We are closing up and leaving there. It is not required in this bill nor does the gentleman anticipate the expansion of bases anywhere else?

Mr. VINSON. No.

Mr. GROSS. I think the gentleman.

Mr. POFF. Mr. Chairman, in the preparation of the fiscal 1961 budget, the 2d U.S. Army requested funds for the construction of a one-unit Army Reserve center in Lynchburg, Va. This request was based on an extensive survey which disclosed that the project met the needs test in every particular. I understand that 358 of the 400 projects recommended by the several armies were rejected by the Department of the Army. The Lynchburg project was one of those rejected. However, I am advised that the Lynchburg project will be recommended again for inclusion in the fiscal 1962 budget. In order that the RECORD may clearly reflect the genuine justification for this project, I want to recite some of the deficiencies of the present facility and some of the handicaps under which the Army reservists in Lynchburg are required to work.

The building which houses the Lynchburg unit was constructed for use as a small automobile sales and repair garage. Government vehicles cannot be parked or maintained at the present armory because of the lack of a hardstand surrounded by an approved security fence. No area is available at the armory, or nearby, for a shop. There is no space available for the erection of a grease rack for the lubrication and servicing of vehicles. Facilities are not provided for parking of more than a few civilian automobiles. These are parked mostly on the street. Some reservists must park three blocks from the armory on drill night. No facilities are provided for flammable storage. Army regulations prohibit the storage of such items as paint within the armory building. The vehicles must be spot painted from time to time to prevent rust and deterioration.

Inadequate and insufficient storage facilities exist at the present armory. For example, small arms and critical items of equipment are stored in steel mesh cages. The arms are locked in arms racks inside the cages but are not really secure. The arms could very easily fall into improper hands. The armory is not occupied at nights after drill hours or on weekends. Undesirables could obtain these arms if they so desired.

Training is most difficult to accomplish at the Reserve training center. The area is so small that no outdoor training or drill area is available and there is none nearby. Only one major class can be conducted at one time. This one class operates under the handicap of outside noises. The classroom is only partially enclosed and noises from the movement of supplies and personnel invade the classroom area. Despite the assignment of a duty officer, this distraction cannot be totally eliminated. Reserve units on an active basis are required to complete small arms firing prior to annual active duty for training. The nearest range for this firing is located 110 miles from Lynchburg. It is necessary to travel 50 miles to fire .22 caliber tables. No range facilities are available in Lynchburg. There is no space available to construct a subcaliber range at the present facility.

The Army encourages and requires the training of mess personnel. The units must be largely self-sufficient at annual active duty for training. There are no kitchen facilities available in the present armory nor is there any source of hot water. On multiple training assemblies cooking has been done on the Army gasoline field range outside of the armory. Pots and pans and other items must be taken several miles to a Lynchburg church to be cleaned.

There is insufficient space for normal administration of Reserve units. As a result of crowded conditions, little administration is accomplished during scheduled drills. It is necessary that many additional hours be contributed by unit members in an attempt to keep administration current. The requirement of higher headquarters for various and sundry reports is difficult to meet. One Lynchburg Reserve company has its company headquarters and supply room located in an area that was designed for use as a latrine by the automobile agency.

Facilities for the welfare and morale of personnel are nonexistent. There is no hot water. There are no shower accommodations or locker room. There is no day or recreation room for use by members of the units. Lockers are installed around the perimeter of an inadequate drill hall and in the classroom.

In the face of all these handicaps, it is reasonable to expect that the achievement record of the Lynchburg unit would be deficient. It is a tribute to the loyalty and patriotism of these men that this is not so. In fact, their record is above average. On annual active duty for training tours, they have consistently scored well. Their devotion to duty qualifies them for better treatment at the hands of the Government they serve. I urge the Department of Defense, the Department of the Army at every level and the Bureau of the Budget to approve the Lynchburg project for inclusion in the fiscal 1962 construction program.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. MCCORMACK, having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10777) to authorize certain construction at military installations, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

Mr. VINSON. Mr. Speaker, on final passage I demand the yeas and nays.

The SPEAKER pro tempore. Under the unanimous-consent agreement previously entered into, further consideration of the bill is postponed until Wednesday next.

Mr. MOORE. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. CUNNINGHAM] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, this bill contains the authorization for 500 additional Capehart housing units at Offutt Air Force Base, Nebr. This authorization has caused some concern to many people in the area, as might be expected.

There are already 1,016 Capehart units under construction or authorized at Offutt. As yet, no one of these units has been completed and occupied. As a result, there is a reluctance on the part of private builders to furnish additional housing until the impact of these Capehart units can be judged, and of course it is impossible to judge that effect until the units are substantially completed and occupied.

Last year the Defense Department stated its general policy in regard to

Capehart housing developments in these words:

> Housing currently under construction and authorized should be completed before additional housing is approved.

I believe this is a reasonable policy and one that I would certainly encourage. Along this same line, the Senate Armed Services Committee last year—Senate Report 296, H.R. 5674—stated:

> In the absence of unusual circumstances, additional (Capehart) housing units should not be approved until prior increments are substantially completed in order that the impact on the local community can be appraised. This is particularly true in urban areas.

We all know of and recognize the need for adequate housing for military personnel and their families. Furthermore, we all recognize the need for at least a certain amount of this housing to be within specified driving distance of our Strategic Air Command bases, in view of that command's all-important mission.

Omaha and the other towns and cities in Nebraska have given tremendous support to SAC and Offutt throughout the years since 1949 when SAC headquarters was moved to Offutt. There is an excellent relationship between the people of the communities and the base people.

I think it is one of the finest and most friendly relationships that exists anywhere in the Nation, and we are proud of it. Many times in the past the people have given freely of their time and money to aid the base personnel in their work and to make their quarters more comfortable and pleasant.

We recognize also the need for adequate quarters for single and married Air Force people if we expect the trained personnel the country is depending on to stay in the service.

It is with much regret that I report a fly in the ointment in the form of this additional request for Capehart housing units. Let me make clear that those people who are disturbed about this new request are concerned only that it is "too much, too soon." They share the general conviction that adequate housing is required and that it be within a reasonable distance of the base.

The fear they have—and I share it—is that there will be too much public housing and a resulting dryup of private housing construction, which is also needed in large quantities regardless of how much Capehart housing is provided, since there are limits on the number of Capehart units that can be built.

I have been advised by a spokesman in the Defense Department this morning that the general policy outlined last year does not necessarily apply where the total number of authorized and existing on-base housing units is not approaching 55 percent of the number of married officers and senior grade enlisted men. I was advised the general policy also takes into consideration the price range of other private housing.

So the general policy is quite general.

I was advised that presently-authorized construction would bring the number of units up to 36 percent of the ceiling and that these 500 additional units would bring the on-base housing up to 47½ percent of the ceiling.

It is important to realize, however, that the 55 percent figure is not present strength but is based on anticipated strength at the time the units are completed.

As a result, private builders are faced with an unknown impact of 1,500 units which will be completed many months in the future. It is no wonder that there is a reluctance to build private homes for base personnel within a short distance of the base. We all know that estimated strength figures are subject to change, although I do not think they will in this case. But a builder cannot receive backing when he is faced with 1,500 units, not one of which is yet occupied, and only anticipated strength to show possible investors.

There is a will and a desire to furnish private housing for the personnel at Offutt. But there is a vicious circle under way. Until the impact of the presently authorized units is known, private builders cannot proceed. And until private builders are able to help meet the need, there will be a shortage in the eyes of the Defense Department and so additional authorization requests come before Congress.

It is my wish that the Defense Department would follow its stated policy—call a halt for now—and give private builders a chance to meet the needs at Offutt, as they want to do and are capable of doing.

FARM INCOME

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, farm income continues to be one of the most important problems facing the American Congress and the American people regardless of politics and regardless of geography.

In this morning's issue of the Wall Street Journal we find this summary of information obtained by the staff reporter of that publication from the Department of Agriculture:

> Farmers retained a smaller portion of their total farm income last year than in any previous year on record, the Agriculture Department reported.
>
> For every $100 of gross farm income in 1959, costs took $70.40, leaving $29.60 to spend. The previous low was $30.30 in 1932. In 1958, spendable income was $34.30.
>
> The Department had previously reported total spendable farm income last year was $11 billion—off 16.5 percent from the $13.1 billion in 1958.
>
> No new estimates of farm income for 1960 were given. These are due in April. Department economists now stand on their prediction of last November that the income decline will continue this year with a possible drop of about 7 percent. Agriculture Secretary Benson was slightly more optimistic.
>
> The shrinkage of retained farm income reflected lower gross income in 1959—$37 billion, down from $38.3 billion a year earlier. In addition, production expenses climbed—to $26 billion in 1959 from $25.2 billion a year earlier.
>
> Receipts from livestock and products were $18.3 billion, off 5 percent from the 1958 total of $19.3 billion. Crop receipts of $14.4 billion compared with $14.3 billion a year earlier.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Illinois.

Mr. ARENDS. I just want to say to my good friend from Oklahoma who called this matter to the attention of the Congress that we do have a problem here. He is a very influential member of the Committee on Agriculture, and I know he wants to be nonpartisan about this problem, as I do, and I hope he will exert every influence he has to come up with something that will be beneficial and helpful in this matter.

Mr. ALBERT. I pledge that I will do that, and I hope my distinguished friend will use his great influence with the White House to prevail on the President not to veto the next bill we send to him.

THOMAS MASARYK: SYMBOL OF DEMOCRACY

Mr. WIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WIER. Mr. Speaker, Czechoslovakia will rise again to take its place beside the freedom-loving nations of the world.

Police state methods have replaced justice in Czechoslovakia. The Communist rulers have sought to stifle free thought and to frustrate the hopes of the Czechoslovakian people. But those of us who remember Thomas Masaryk know that his spirit lives on in his people.

On the 110th anniversary of his birth, the great Czech's life is a testament to the impact that one individual can exert in stirring the spirit of freedom and independence in the hearts and minds of his fellow men.

From humble origins Thomas Masaryk grew in intellect and in spiritual stature till he stood as a symbol of democracy, not only to the people of his own nation, but to the world.

Through his leadership the Czechoslovakian nation emerged as a Republic in 1918. It was his own dedication to democratic principles that infused into the new nation a respect for justice and liberty. It was Thomas Masaryk's own sympathy for and understanding of the United States that created the great friendship between our country and the Republic of Czechoslovakia.

The death of this wise and good man in 1937 saved him from seeing his beloved people overrun and the freedom he cherished blotted out. It is doubtful that even his stout heart and masterful leadership could have helped the Czechoslovakian people withstand the treachery that swept away their liberty. First the Nazi conquest and then the Communist

coup d'etat destroyed those independent parliamentary institutions that Thomas Masaryk had helped the Czechoslovakians to build.

It is fitting that on the anniversary of Thomas Masaryk's birth we should restate our conviction that Czechoslovakia will rise again to take its place beside the freedom-loving nations of the world. That is our conviction as we commemorate the memory of Thomas Masaryk today. Captive though they are, the people of Czechoslovakia—in their hearts—are doubtless commemorating his memory as well.

THE MIDWEST GOVERNORS BACK NEW FAMILY FARM INCOME LEGISLATION

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an editorial from the New York Times.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. McGOVERN. Mr. Speaker, those of us who are working for a better national farm program have reason to be gratified by the action of 10 Midwestern Democratic Governors on last Saturday. Meeting in St. Paul, these 10 Governors gave strong endorsement to the family farm income legislation sponsored by 20 Members of the House, led by our distinguished colleague, the gentleman from Texas [Mr. POAGE].

Such unified, vigorous agricultural leadership by the chief executives of 10 great States is a major breakthrough toward the enactment of comprehensive farm legislation by this Congress.

As one of the original sponsors of the desperately needed legislation supported by the Governors, I am pleased that Governor Ralph Herseth of my home State, South Dakota, played an important role in the St. Paul conference.

Other Governors who joined in support of the proposed Family Farm Income Act of 1960 were Gov. Orville L. Freeman, of Minnesota; Gov. Herschel C. Loveless, of Iowa; Gov. Ralph G. Brooks, of Nebraska; Gov. Gaylord Nelson, of Wisconsin; Gov. Steve McNichols, of Colorado; Gov. G. Mennen Williams, of Michigan; Gov. George Docking, of Kansas; Gov. James Blair, of Missouri; and Gov. Joe Hickey, of Wyoming.

I include at this point in the RECORD an article from yesterday's New York Times summarizing the meeting of the 10 Governors on Saturday:

NEW FARM BLOC FORMED IN WEST BY 10 GOVERNORS—DEMOCRATIC GROUP TO PRESS CONGRESS FOR WIDE CHANGE OF AGRICULTURE PROGRAM

(By Austin C. Wehrwein)

ST. PAUL, MINN., March 5.—Democratic Governors of 10 States stretching from Michigan to Wyoming formed a new kind of farm bloc today to cope with the crisis in agriculture.

They joined in a long-term "collective action" program to minimize their differences. The united front they seek may give State governments a new voice in national farm policy.

And in a major strategic shift they pointedly ignored the Secretary of Agriculture, Ezra Taft Benson, who for years has been the whipping boy of politicians from both parties in the breadbasket States.

"We didn't even discuss him," Gov. Orville L. Freeman of Minnesota said as the 2-day meeting ended.

BENSON A LAME DUCK

Others at the closed-door meeting called Mr. Benson a "lame duck" and argued that it was clear that Vice President NIXON, the undoubted GOP candidate, had disassociated himself from Mr. Benson and his policies.

"We are looking ahead 5 years," one conferee said. "Benson won't be around then."

The immediate aim of the group is to lobby before Congress for the omnibus Poage bill. The House Agricultural Committee is holding hearings on the bill now.

The credo adopted today said:

"We call upon Congress to enact without delay a comprehensive agricultural program to give the American family farm equality of economic opportunity."

The credo said that the Poage bill would do this.

PROVIDE SELF-REGULATION

The bill includes a grant of power to farmers to regulate production themselves through federally supervised machinery rather than having output controlled by the Federal Government.

The Governors hope to have a delegation in Washington within the next 2 weeks. Governor Freeman said he had never heard of group action like this. "It is an example of the urgency," he declared. Exactly how many of the Governors will appear in person at the same time is a matter to be worked out next week.

Gov. Herschel C. Loveless of Iowa said at a news conference in the St. Paul Hotel, where the meetings were held, that the group had put aside individual State interests "in a collective manner in the interest of all agriculture."

Governor Loveless, who became coordinator of the effort, said he hoped to bring Southern States into the program. He also hopes it will become bipartisan and closely allied with farm State spokesmen in Congress.

Traditionally, the farm bloc has been bipartisan. In recent years it has lost influence, and has broken up into regional groupings protecting regional commodities, such as wheat and cotton.

Traditionally, too, it functioned as a Congressional alignment rather than one of State Governors.

Governor Loveless said the Poage bill, introduced by Representative W. R. POAGE, a Texas Democrat and vice chairman of the House Agriculture Committee, was an ideal first objective because it was an omnibus measure rather than an individual commodity bill.

Individual Governors, he said, would be free to suggest minor modifications that would not upset the collective action principle.

Governor Freeman, without bothering to rehearse all the usual complaints and epithets against Mr. Benson, did, however, tell reporters that Mr. Benson had played a game of "divide and conquer" with both commodity blocs and representatives from farm areas and urban areas.

Governor Freeman charged that Mr. Benson had thereby created the image in Eastern States of the farmer as a pampered, subsidized individual riding around in a white Cadillac. The Governor said that this was not the case, and that he was appalled by the view in the East.

He said that 63 percent of Minnesota's farmers had incomes of less than $2,000 a year. In this connection the credo said that there was a disastrous and continuing drop in farm income that threatened the entire economy.

The credo was written a day after an Agriculture Department report that the average U.S. farmer had a spendable net income of $2,364 last year, almost 15 percent below the 1958 figure.

"The farmers are going bankrupt," Gov. Ralph G. Brooks, of Nebraska, said.

The Governor's concern goes beyond the usual plea to save the family farm. They said that small towns relying on farm customers were dying and that they could see a fall off in tax collections from rural regions.

Governor Freeman said that on a recent 56-stop swing through his State hundreds of farmers expressed real desperation.

Gov. Steve McNichols, of Colorado, said that the number of farms in his State had dropped from 48,000 to 42,100 in a period of 10 years.

Gov. Gaylord Nelson, of Wisconsin, produced figures yesterday that showed the average Wisconsin dairy farmer had an income one-third that of the average American family.

Gov. G. Mennen Williams, of Michigan, reminded the group yesterday that agriculture was his highly industrialized State's second largest industry. "Our rural and urban communities," he said, "are not encased in economic isolation booths; as long as our farms are poor, our cities can't be rich."

Gov. Ralph Herseth, of South Dakota, also took part in the deliberations.

Gov. George Docking, of Kansas, was represented by Roy Shapiro, State controller; Gov. James Blair, of Missouri, was represented by John S. Williamson, State agricultural commissioner, and Gov. Joe Hickey, of Wyoming, was represented by William T. Kirk, also State agriculture commissioner.

A score of State agricultural experts from the 10 States also participated.

SAN FRANCISCO FISHING CONSULTATIONS FUTILE

Mr. PELLY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, next month at Geneva, Switzerland, under the auspices of the United Nations the second conference on the Law of the Sea will be held. Probably, the most controversial discussion at this international meeting will be the proposal of certain foreign nations to extend the present 3-mile limit.

Sovereignty over fisheries is of vital concern to the Pacific Northwest fishing industry which historically has fished in the zone from 3 to 12 miles off of Canada.

On the eve of the Geneva Conference, the latest and last of a series of meetings is being held today in San Francisco between American fishing industry representatives and our State Department officials concerned with the Geneva negotiations.

Most of the bottom fish of the oceans of the earth are found in the more shallow waters of what is called a continental shelf, off certain coastal shores. Off of my State of Washington we only have a limited shelf so that historically our fishermen have fished outside of the 3-mile limit off of British Columbia. Now

UNIVERSITY OF MICHIGAN

Canada is seeking by an international agreement to obtain full title and sovereignty over this rich fishery.

The State Department knows this but has taken a weak position favoring compromise in order to try and settle all the many disputes and claims over fishing limits throughout the world. It is willing to sacrifice Washington State fishermen's livelihood and rights.

I was invited to participate in the California discussions, but there was no purpose in my going to California. I prefer to make my brief statement here. It is simply this:

To yield and compromise our established fishing rights one inch beyond the 3-mile limit is inexcusable. Any discussions on the breadth of the fishing zone in the Pacific Northwest should be limited to the Canadians and ourselves.

The consultations being held with the fishing industry leaders today in California is a polite gesture, but what is needed are strong minds and stiff backbones—not sympathy and explanations.

THOMAS G. MASARYK

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, today is the 110th anniversary of the birth of one of the truly great men of our time—Thomas Garrigue Masaryk. It is in the hearts of the people of Czechoslovakia that Masaryk is primarily enshrined, but he has a legitimate claim to a special place in the hearts of Americans, as well. Masaryk's long fight for the independence of the Czechoslovakian people, and for the establishment of an independent democratic state in these former provinces of the Austro-Hungarian Empire is one of the stirring stories of man's irresistible and perennial search for liberty. Thomas Masaryk was the father of Czech independence. But, as an American, and as a Democrat, I am particularly proud that another Thomas—our great President, Thomas Woodrow Wilson, was, in a sense, the "father-in-law" of free Czechoslovakia. It was due primarily to Masaryk's heroic struggle, and only second to Wilson's vision of a world in which people could determine their own destiny, that Czechoslovakia was born—a free and democratic nation. Today, as the Post Office Department is issuing two stamps in the "Champions of Liberty" series, in honor of this great man's 110th birthday, it is fitting that the House pause in its deliberations to pay tribute to Thomas Masaryk, and to the memory of Czech freedom and independence—a memory which we all hope may some day again be a reality.

U.S. OLYMPIC HOCKEY TEAM

Mr. MACDONALD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MACDONALD. Mr. Speaker, I want to take this opportunity to commend our U.S. Olympic hockey team, winners of the international competition at Squaw Valley.

By staging a third period comeback for six goals and a 9–4 victory over Czechoslovakia after trailing 4–3 our boys became the first American hockey team to beat the Russians and win an Olympic gold medal.

It was a magnificent victory and our Nation is extremely proud of our never-say-die American hockey team. I am especially proud that four members of the team come from Massachusetts. Jack Rodenheiser comes from my home town of Malden, Jack Kirrane from Brookline, Bob and Bill Cleary, Jr., from Cambridge, famous sons of a famous athlete father. Every citizen in the Commonwealth of Massachusetts salutes these fine spirited young men for their thrilling victory.

I would also like to point out that Jack Riley, coach of the American Cinderella hockey team and assistant athletic director at West Point is a native son of Massachusetts and comes from Medford, which is a part of my 8th Congressional District. I have known Jack Riley for a number of years and he and his family are valued friends of mine. This victory marks Jack Riley, not only as an outstanding coach, but as a great and inspirational leader.

Mr. Speaker, Jack Riley called at my office last week en route home from Squaw Valley to Massachusetts and explained to me in detail our American victory. He first described the 2–1 and 3–2 victories over the favored forces of Canada and Russia. Then he told how the Americans were sitting disconsolately in their dressing room between the second and third periods of the championship game. The United States was trailing 4–3, he said, when in walked Soviet Captain Nikolai (Solly) Sologubov, who suggested the American players take a whiff of oxygen to offset the 6,200 foot altitude. Riley said they followed the Russian's advise and crashed home six goals in the final period to win 9–4. Thus, he said, the American hockey team finished the championship round-robin tournament with a spotless 5–0 record.

I know that every Member of this body will join me in extending congratulations to Jack Riley and the members of the U.S. Olympic hockey team for a job well done.

GENERAL LEAVE TO EXTEND

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill H.R. 10809.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FIDEL CASTRO

Mr. MOORE. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. CUNNINGHAM] may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, a young man from Omaha named Don Chapman was released yesterday after being held incommunicado and questioned by Fidel Castro and his henchmen for many hours. Chapman was the victim of an unbelievable plot by Castro to blame this Nation for an explosion of a French ammunition ship in the Havana Harbor.

Chapman has worked in Omaha as a TV news photographer for several years and I have met him there on occasion. He is about as far from a counterrevolutionary as anyone in the Chamber today. He quit his job in October, sold his car, and went off to see Europe. While there he did some freelance photography, and he was returning to the United States on the ill-fated French ship.

His "crime," if I may use the word, was apparently taking pictures of the explosion in Havana harbor. As a result he was hauled off to Cuban naval headquarters, as I understand it, and subjected to long hours of questioning, reportedly without food or rest. He was accused of all sorts of ridiculous plots and activities.

Finally, after protests by the State Department which I urged, he was released and cleared of any connection.

It is ironical that of all the people on board the ship there was only one American and he was the one arrested and accused of plotting to blow up the ship. So far as I know, no member of the crew or other passenger was so accused.

It is obvious that Castro is slipping. Why else the shipment of ammunition? You do not need shiploads of ammunition to lead a country where you are the popular, revered leader. It is also obvious that Castro is looking frantically for a whipping boy to stir up his henchmen and followers, and as often happens in such cases, the United States is that whipping boy.

Everyone has heard of the tirades Castro is given to on TV, his emotional orations designed to whip up support and keep the revolutionary spirit alive. I for one resent the treatment this country is getting and the treatment accorded this young man.

I have asked the chairman of the Foreign Affairs Committee to consider calling Chapman to Washington for the complete story of the cruel treatment he received at Castro's hands. I think it is time we in Congress took a long, hard look at this bearded orator in Cuba to see just how long we want to give him the special favors he now enjoys from this country.

FIFTEENTH ANNIVERSARY OF THE CAPTURE OF THE REMAGEN BRIDGE

The SPEAKER pro tempore (Mr. McCORMACK). Under previous order of the House, the gentleman from West Virginia [Mr. HECHLER] is recognized for 60 minutes.

Mr. HECHLER. Mr. Speaker, 15 years ago today, March 7, 1945, the American 9th Armored Division captured a bridge over the Rhine River at the town of Remagen, Germany, thereby shortening the war in Europe by many months and saving thousands of lives.

This dramatic feat is a highlight in American history not only because of its strategic significance as the first crossing of the Rhine River during World War II, but also because it illustrates the courage and initiative of the American soldier.

The infantrymen, the tankers, and the combat engineers had orders to stop at the Rhine River when they started out on March 7, 1945. They were not supposed to cross the Rhine. And this was natural because the German forces had been blowing up all the bridges along the Rhine as a defensive measure, and the American Army surely did not expect to find a bridge intact and standing.

But through a miracle of fate, the American forces did find a bridge still standing at the little town of Remagen, midway between Cologne and Koblenz. The German defenders were making preparations to blow up the Remagen Bridge when the first American forces fought their way up to the bridge. In fact, when the Americans set foot on the bridge, the German defenders blew TNT charges which seriously damaged the structure. It seemed to lift up from its foundations, but miraculously it settled back, swaying dangerously, but still standing.

Brig. Gen. William M. Hoge, combat commander of the 9th Armored Division, decided to try to push a small force across. This was a dangerous mission, in violation of the orders he had to stop at the Rhine, but he and his troops seized the opportunity, crossed the Rhine with dry feet, and thereby saved the lives which would have been lost in an assault crossing of the river. Within the next 10 days, several infantry and armored divisions poured across the bridge, while combat engineers built ponton and treadway bridges close by. On March 17, 10 days after its capture, the Remagen Bridge, weakened by the German TNT charges and the plane and artillery attacks against it, collapsed into the river, carrying to their deaths 28 American combat engineers who were feverishly working to strengthen it.

Mr. Speaker, the capture of Remagen Bridge was a tribute to the fighting qualities of the American soldier, and his initiative and courage. Not long ago, I talked with General Bradley about this incident and he pointed out that it probably could not have happened in any other army in the world because our soldiers and commanders on the spot are trained to take advantage of immediate opportunities and exploit them. On the 10th anniversary of this episode, I was privileged to be present at the White House at a ceremony at which President Eisenhower honored the winners of the Distinguished Service Cross at Remagen.

At that time, President Eisenhower stated to the assembled men:

> For me, Remagen always typified one thing: the dash, the ingenuity, the readiness at the first opportunity that characterizes the American soldier.

Many soldiers from all over the country participated in this great event, and on this 15th anniversary I join with my colleagues in paying tribute to them.

Mr. Speaker, there were so many who shared the glory of this great achievement that to name them all would be difficult. I have spent a great deal of time with these men. For example, I went out to the home of Alex Drabik, who lives in modest circumstances on the outskirts of Toledo. Fame has not spoiled him. When he was asked how he happened to be the first across the bridge, Alex Drabik answered, "Sometimes I could be first, and sometimes I could be last. But there were times when somebody had to be first."

Then there was Hugh Mott, the quiet and unassuming young engineer who led a group of three armored engineers onto the bridge to rip out the demolition wires and shoot out the main control box with his carbine. Now city treasurer of Nashville, Lieutenant Mott covered himself with glory at Remagen.

I was proud to be able also to visit in the home of Sgt. Joseph DeLisio, who is now stationed at Fort Ord, Calif. His commanding officer said of DeLisio:

> He was a completely fearless individual, and he was always the first to volunteer for a tough patrol. Sometimes I used to suspect that he wanted to be on these patrols so that he would get first crack at any loot, but I could never prove it.

On the bridge, DeLisio singlehandedly cleaned a number of German machinegunners out of strong points in stone towers on the bridge and really sparked the advance when it seemed to be bogging down.

Then there was Sgt. John A. Reynolds, of Lincolnton, N.C., who won a Distinguished Service Cross for his heroism in helping Lieutenant Mott and Sergeant Dorland clean the demolitions off the bridge. It was a sad day in the 9th Armored Division when Sergeant Reynolds was killed by a sniper a month after his great heroism at Remagen Bridge.

Just the other day I talked by telephone with Anthony Samele, of 2505 Hoffman Avenue, Bronx, N.Y., who is working as a mail handler in the New York post office. As a sergeant on March 7, 1945, Samele was a squad leader in the 1st platoon of Company A, 27th Armored Infantry Battalion, 9th Armored Division, and won his Distinguished Service Cross for being one of the spearhead group to dash over the bridge.

Then there was Sgt. Michael Chinchar of Saddle River Township, N.J., who took over as platoon leader when the officers were either killed or wounded in his company. He was the first infantryman to set foot on the bridge and he spurred his men onto the east side. He is now working at the Interchemical Corp. in Lodi, N.J.

I would be remiss in reporting the facts if I did not call attention to the many West Virginians who played a leading role in this great battle. William E. Richard of Decota, W. Va., as a corporal in the 14th Tank Battalion, was the gunner of the first American tank to cross the shaky bridge in the inky blackness of the night of March 7, 1945. Corporal Richard was awarded a Silver Star for his courageous feat. Silver Stars for outstanding action at Remagen Bridge were also awarded to Norman B. Edwards, of Diamond, W. Va., and to Clemon Knapp, of Rupert, W. Va. There were so many other West Virginians at Remagen that I hesitate to burden my colleagues with mentioning them, but they proved at Remagen as in other battles that the mountaineers make outstanding soldiers.

Yes, Mr. Speaker, the dramatic seizure of the Remagen Bridge was all-American. I recall reading what happened in this very Chamber when the news of Remagen was flashed around the world on March 7, 1945. Various Members tore yellow sheets from the news tickers and rushed in to announce to the Members of the House of the heroism of various combat men from their States. Representative Brooks Hays, of Arkansas, the first Member to call attention to the fact that one of his constituents, Maj. Murray Deevers, of Hagarville, had commanded the armored infantry battalion which led the attack, listened for awhile as other Members added details about men from their States. Then Representative Hays commented, "There is glory enough in Remagen for all."

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I am honored to join in the remarks concerning the 15th anniversary of the capture of the Remagen Bridge, because a fine man from my district, Mr. George P. Soumas, of Perry, Iowa, was one of the heroes of this event. I have known George several years and I understand that the then Capt. George Soumas was company commander of Company A, 14th Tank Battalion, the first tank company to cross the Remagen Bridge and was awarded a Distinguished Service Cross for his part in the taking of this important bridge.

Mr. Speaker, George Soumas is one of the leading citizens of the town of Perry, where he has practiced law for many years. He served two terms as county attorney of Dallas County and I might mention that he is currently serving as county chairman of the Republican Party in Dallas County, Iowa. We are all proud of the part which George P. Soumas and other Iowans played at Remagen Bridge, one of the great turning points of the war and I think it is

well that we recall the sacrifices of the past so that we might better appreciate the present and prepare for the future.

I thank the gentleman from West Virginia for bringing this to the attention of the House.

Mr. AVERY. Mr. Speaker, will the gentleman from West Virginia yield to me?

Mr. HECHLER. I gladly yield to my friend from Kansas.

Mr. AVERY. Mr. Speaker, I would like to commend the gentleman from West Virginia for calling this 15th anniversary of the saving of the Remagen Bridge to the attention of the House today.

I am reminded that 5 years ago today, 14 members of the 9th Armored Division were guests of the President of the United States at the White House to receive an appropriate citation, in keeping with the tremendous contribution that they made toward ending the war. And later that day they were guests of the Secretary of the Army at that time, Mr. Stevens, at the Pentagon, for a comparable ceremony. It was my privilege to attend that ceremony at the Pentagon, honoring these great Americans.

I am glad to observe, too, that many military experts have estimated that the saving of this bridge perhaps shortened the war in Europe by at least 6 months. We do not know how many lives of our American boys overseas deployed in Europe at that time these 14 heroes may have saved. Certainly all America owes a tribute to these heroes. It is most appropriate that we pay them respect here on the floor of the House today.

Mr. Speaker, I am honored to have one of the heroes of Remagen Bridge, Sgt. Eugene Dorland, in my congressional district.

Sergeant Dorland was awarded a Distinguished Service Cross for his heroism on March 7, 1945, as a member of Company B, 9th Armored Engineer Battalion. Dorland along with two other combat engineers made a perilous trip out onto the Remagen Bridge while it was mined with German explosives, and ripped out and cut the wires to the explosives so American tanks and infantry could get onto the bridge. Dorland personally neutralized the master switchbox with a shot from his carbine. Many military experts have observed that the saving of this bridge shortened the war in Europe by at least 6 months.

Dorland now lives in Manhattan, Kans., where he is a stone mason. Kansas and the Nation are proud of Dorland and the other heroes of Remagen Bridge.

On March 7, 1955, the 10th anniversary of the Battle of Remagen bridgehead, President Eisenhower entertained these 14 men at the White House and the then Secretary of the Army, Robert T. Stevens, held a brief ceremony in their honor at the Pentagon. It was my privilege to attend that ceremony and to see the picture story of the Remagen bridgehead displayed by the Army. This was followed by a presentation of a picture of the Remagen Bridge to those 14 men of the 9th Armored Division by Secretary Stevens.

Mr. HECHLER. I thank the gentleman from Kansas.

Mr. RILEY. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to the gentleman from South Carolina.

Mr. RILEY. Mr. Speaker, I join my distinguished colleague from West Virginia in bringing to the attention of the House the deeds and valor of these men at the Remagen Bridge. I am proud of the fact that a number of South Carolinians took part in that engagement. One of them was a constituent of mine, a prominent attorney of Columbia, S.C., a gentleman who has recently been elected as a judge in the highest trial court in the State of South Carolina.

Five years ago I had the privilege of going to the Pentagon and attending the ceremony in the Office of the Secretary of the Army in which this gentleman, John Grimball, who served as a first lieutenant and platoon leader of Company A of the 14th Tank Battalion at Remagen, was given a citation.

It was at the Remagen Bridge that Colonel Engeman sent word to Lieutenant Grimball to take his battalion to the bridge. Word came back over the loudspeaker, "Suh, I am at the bridge." Secretary of Army Stevens and Chief of Staff General Ridgway both said that this remark of the young first lieutenant from South Carolina would go down in history with General MacArthur's famous quotation, "I shall return."

I thank the gentleman from West Virginia for bringing these matters to the attention of the House.

Mr. HECHLER. I thank the gentleman from South Carolina.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Speaker, I am delighted that the gentleman is bringing to the attention of the House the importance of this occasion. I think it was recognized even at the time and immediately thereafter by those who were there that this was an important and significant event. It was a time when we took a great step toward the conclusion of the war.

I was not present at the time the bridge was captured but in the days immediately following, after our forces added pontoon bridges there on either side of the original bridge, it was my experience to cross and recross the river at Remagen on several occasions. Each time I did this I was impressed again with the significance and importance of this capture. The knowledge that American soldiers had taken the bridge spread rapidly through all of the troops in that territory. It had been a cold and dreary winter and a period when the war there had taken some very disheartening turns. This coming as it did certainly gave our spirits a lift.

Apart from the military importance I think it had a great psychological significance and in that way contributed toward bringing the war to a more speedy conclusion.

I repeat, I think the gentleman is doing a service by bringing this to the attention of the House. I am sure any of us who had occasion to use that bridge and those that replaced it afterward will remember all our lives the feelings we had and the appreciation for those who first were successful in capturing the bridge at Remagen.

Mr. HECHLER. I appreciate the gentleman's fine contribution because it not only had military significance, but it had a psychological affect not only in giving a boost to the morale of our own troops, but also striking a blow at the morale of the enemy because once the Rhine River was crossed, we went on and finished the war in Europe within 2 months.

Mr. ROUSH. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to my colleague on the Committee on Science and Astronautics.

Mr. ROUSH. Mr. Speaker, I am glad at this time to join my colleague and friend, the gentleman from West Virginia in paying tribute to those heroic men who took part in the capture of the Remagen Bridge.

Mr. Speaker, there were many Hoosiers who took part in the dramatic capture of the Remagen Bridge. Today, I want to pay a particular tribute to William Joseph Goodson of 311 Jefferson Street, Pendelton, Ind., who won a Distinguished Service Cross for his exploits at Remagen.

As a sergeant and a tank commander in the 14th Tank Battalion, young Goodson commanded the first tank to cross the bridge at Remagen. He is now working at the Delco-Remy plant in Anderson, Ind.

When the armored infantry and combat engineers, supported by tanks, captured the bridge on the afternoon of March 7, 1945, it was at first impossible for tanks to cross the bridge because the Germans had blown an antitank crater at the approach and also had weakened the flooring and structure of the bridge with TNT blasts. The engineers made emergency repairs to the bridge during the afternoon and evening, and strung white tape around the gaping holes on the bridge.

March 7 was a black and moonless night. Nobody could tell whether the shaky bridge would hold a 35-ton General Sherman tank, or whether the vehicle and its occupants would be plunged into the murky waters of the Rhine below. Yet Sergeant Goodson guided the first tank across the bridge, thereby giving the necessary fire support to the infantry east of the Rhine.

Mr. Speaker, we in Indiana are proud of Sergeant Goodson and all the other Indiana men who took part in this great moment in history, the 15th anniversary of which we celebrate today.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HECHLER. I yield to my good friend from Illinois.

Mr. O'HARA of Illinois. Mr. Speaker, I have listened to the remarks of the gentleman from West Virginia with a great interest, and I would say with especially great interest because I have read the gentleman's book. The gen-

tleman from West Virginia is the historian of the event the anniversary of which we are observing today, and it has been a privilege listening to his recital in person of the surpassing heroism and courageous exhibition of military strategy that he immortalized in his book. The history of this event written by my distinguished colleague from West Virginia is a graphic and indispensable part of the historic literature of World War II.

Mr. HECHLER. I thank the gentleman from Illinois for his kind remarks.

Mr. Speaker, I would like to call the attention of the membership today to the participation of other winners of the Distinguished Service Cross. Lt. Windsor Miller, of Silver Spring, Md., commanded the first tank platoon across the Remagen Bridge. Lieutenant Miller commanded the second tank which crossed right behind the tank commanded by Mr. Goodson of Mr. ROUSH'S district. He is now vice president of the Thomas J. Fisher Realty Co. here in Washington.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, in honoring the 15th anniversary of the capture of the Remagen Bridge, I would like to call attention to the fact that Joseph Petrencsik, 12514 Firsby Avenue, Cleveland, was one of the winners of the Distinguished Service Cross on March 7, 1945. Despite a sprained ankle, Sergeant Petrencsik as one of the squad leaders with the leading armored infantry elements of the 9th Armored Division contributed a great deal to the success of the dangerous bridge crossing.

Mr. Speaker, I believe there were more men from Cleveland who were present at the battle for Remagen Bridge than from any other section of the country. Nicholas Brdar, Jr., 1005 East 78th Street was first sergeant of the first infantry company to cross the bridge; others at Remagen were Donald J. Ward, 1762 Page Avenue, East Cleveland; Robert P. Stack, 4396 West 173d Street; John Papushak, 5070 Pershing Avenue SE.; Norman F. Stalker, 14401 Coit Road, NE.; Charles Rotert, 526 East 143d Street; and Norman Farry, 1370 West 83d Street.

Mr. HECHLER. Mr. Speaker, I yield to the gentleman from Nebraska [Mr. BROCK].

Mr. BROCK. Mr. Speaker, the State of Nebraska contributed many of its sons to the successful winning of World War II, and one of its outstanding heroes was Lt. Karl Timmermann of West Point, Nebr., the first officer to cross the bridge at Remagen.

Karl Timmermann was born in Frankfurt, Germany. His father, a native of Snyder, Nebr., was a veteran of World War I and married a German war bride while in the Army of Occupation after World War I. The family returned to Nebraska when Karl was less than 2 years old. Karl enlisted in the Army as soon as he reached his 18th birthday, and he was a wonderful example of a citizen soldier. He got his bars at officer candidate school in Fort Benning, and went overseas with the 9th Armored Division.

Lieutenant Timmermann was named commander of the spearhead infantry company late in the evening of March 6, after the acting company commander had been wounded. Not only did he lead the company to the Rhine, but he exhibited unusual bravery in taking his lead company across the bridge at Remagen.

After World War II, Karl Timmermann reenlisted and fought in the Inchon invasion of Korea. In Korea he contracted cancer and died in 1951.

He was awarded a Distinguished Service Cross for his heroism at Remagen and as President Eisenhower wrote to Karl's mother in 1955, his action at Remagen will always be an inspiration as long as free men fight for their ideals. Nebraska is proud of Karl Timmermann and the other men who fought at Remagen Bridge.

Mr. HECHLER. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. AUCHINCLOSS].

Mr. AUCHINCLOSS. Mr. Speaker, I want to say a word of praise for a constituent of mine, Lt. Emmet J. Burrows, who was one of the heroes of the battle of Remagen Bridge.

Lieutenant Burrows was a platoon leader in Company A of the 27th Armored Infantry Battalion, 9th Armored Division. He was probably the first man to see that the Remagen Bridge was still standing and he deserves a lot of credit for leading his infantry platoon through Remagen to the bridge.

Mr. Burrows is now living at Barbara Terrace, Middletown, N.J.

We in New Jersey are proud of Emmet Burrows and the other brave soldiers who fought at Remagen Bridge, and it is an honor for me to join in the celebration of this 15th anniversary of that great event.

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in the RECORD at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FOLEY. Mr. Speaker, one of the great heroes of the battle to capture the Remagen Bridge, which occurred 15 years ago today, is Windsor Miller, of Silver Spring, Md., in Maryland's Sixth District. Lt. Windsor Miller was a platoon leader in Company A of the 14th Tank Battalion, 9th Armored Division.

Lieutenant Miller was awarded a Distinguished Service Cross for leading the first platoon of tanks across the Remagen Bridge. He personally commanded the second tank which crossed the bridge, and would have commanded the first tank over the bridge had it not been for a direct order from his task force commander, Lt. Col. Leonard Engeman.

In his work, "The Bridge at Remagen," our colleague from West Virginia, the Honorable KEN HECHLER, at page 161, gives the following account of Windsor Miller's heroic work:

Engeman quickly assembled his company commanders. He selected Captain Soumas' A Company as the first tank unit to cross the bridge, and Soumas singled out Lieutenant Miller's platoon of General Shermans to spearhead the move. Knowing that Miller had been in the habit of riding in the lead tank of his platoon, Engeman said, "Miller, you'd better let one of your tanks go out in front of you." Miller decided to ignore this suggestion, since it was not stated very directly; but there must have been a betraying look on his face, for Engeman raised his voice to say: "Miller, that's an order that you'll have one of your tanks go out in front of yours. I'll not have one of my officers lost first crack out of the box. You're going to have to control those tanks and take them over."

Lieutenant Miller said to the tank commander of his No. 2 tank, Sergeant Goodson: "Speedy, I've got the toughest order to give you that I've ever given. You and I are going to have to change places tonight." Goodson nodded, hopped into his tank. There was an able crew in the first tank, including a fighting young corporal from Decota, W. Va., named William E. Richard, who served as gunner; a Kentuckian named Robert A. Jones, and a South Dakotan named Berthold Fried.

The moonless night was black and rainy. Engineers had strung white tapes roughly along the bridge, and tried to rope off the big holes in the planking. Over the intercom radio, Miller asked Goodson as the 35-ton tanks lurched along the bridge: "Can you see the white tape? Have you got any idea how far in front of me you are?"

Goodson laughed easily. "Did you hear that bump?"

"Yah," Miller said nervously.

"That was me you hit, Lieutenant, now take it easy yourself."

The tanks made their way across the rest of the bridge without incident. Four tanks in Miller's platoon (all but the tankdozer) took up positions east of the Rhine, followed by five tanks from another platoon in Soumas' company.

The Germans launched several determined counterattacks during the night, endeavoring to get close enough to the bridge to blow it up. In the confusion, Miller's tank was separated both from the other tanks and from the few infantrymen that were supporting him. In his isolated position he beat off several German sallies only by firing his machineguns blindly at wraithlike targets and in some instances by dropping hand grenades out of his tank turret on desperate enemy counterattackers who had eluded his machinegun fire. Miller finally radioed back to Colonel Engeman for help, stressing the seriousness of the German counterattacks which were being launched against his unsupported position. Engeman's reply burned into his mind: "Hold your place until the last tank is shot out from under you."

Miraculously, the men in the bridgehead held on through the night, and at 5:30 in the morning, when the tank destroyer blocking traffic over the bridge was dislodged, the crisis passed. Reinforcements streamed onto the east bank to join the tankers and the infantrymen who had survived the dark hours. The Remagen Bridge still stood firm, and the territory wrested from the enemy by foot soldiers like Timmermann and tankmen like Miller was no longer in danger of recapture.

Today, Windsor Miller and his family live at 3304 Kayson Street, Silver Spring, Md. He is vice president of Thomas J. Fisher & Co., a realty company in Washington, and I am proud that he is sitting in the gallery this afternoon.

Mr. LOSER. Mr. Speaker, I think it is indeed fitting and proper that the very distinguished gentleman from the great State of West Virginia, Col. KEN HECHLER, has brought to the attention of the House and the celebration of the 15th anniversary of the dramatic capture of

the Remagen Bridge which occurred on March 7, 1945.

Our distinguished and respected colleague from West Virginia is the author of an interesting and intriguing book titled "The Bridge at Remagen." It is the detailed, surprising account of how a brilliant piece of military daring, human courage and almost incredible luck profoundly changed the course of the Second World War. It is also a moving, human story of men who did not count themselves heroes but who performed magnificently under fire. While celebrating this momentous anniversary of the bridge at Remagen we should extend our congratulations to Colonel HECHLER for bringing this story to the people of America in the top war book of the year 1957.

Mr. Speaker, I am exceedingly grateful to our colleague for yielding. It gives me an opportunity to congratulate him as well as to announce that one of the key men who took part in this heroic enterprise was a Nashville Tennessee soldier named Hugh B. Mott.

At the time of the capture of the Remagen Bridge, Hugh Mott was a first lieutenant. He was a platoon leader in Company B of the 9th Armored Engineer Battalion.

Early in the afternoon of March 7, the 9th Armored Division Task Force commander, Lt. Col. Leonard Engeman, sent a message to Lieutenant Mott to meet him about 200 yards from the bridge. Colonel Engeman said, "Mott, General Hoge wants you to get onto that bridge and see if it's mined or loaded with TNT, and whether it'll hold tanks."

Lieutenant Mott got hold of two of the most reliable men in his platoon, Eugene Dorland and John Reynolds, and they crawled out onto the bridge and cut the wires to the German demolitions. For his heroism at Remagen, Lieutenant Mott was awarded a Distinguished Service Cross.

Mr. Speaker, Hugh Mott is a fine example of American courage and bravery. I am proud of him and his family. I might add that he is currently serving as City Treasurer of my home town of Nashville.

Our colleague from West Virginia, Col. KEN HECHLER, was assigned to the European theater of operations as combat historian and earned five battle stars from Normandy to the Elbe. He has a distinguished war record as well as having many outstanding civil attainments in the affairs of the Nation over a period of many years. I want to associate myself with him in his interesting presentation of "The Bridge at Remagen."

PANAMA CANAL SECURITY: CONNALLY RESERVATION MUST NOT BE RESCINDED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. FLOOD] is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, the interest of the people of the United States to the problems of the South has been greatly increased as the result of the recent visits of the President to various countries of Latin America. To many, these problems may seem new, but actually they are old. Anyone who has struggled with the Isthmian question over a period of years, as some of us in the Congress have done, is familiar with the more crucial ones, for a prime aim of the international Communist conspiracy has long been wresting control of the Panama Canal from the United States and turning it over to an international body.

The assaults that have been made on U.S. jurisdiction have been varied. Yet all seem to head toward a common end as if directed by a well-trained general staff.

One of these attacks was an enactment by Panama in December 1958 to extend its coastal waters from its present internationally recognized 3-mile limit to a 12-mile limit. Such action would have the effects of making the Canal Zone another Berlin and of enabling Panama to compel all vessels that transit the Panama Canal to fly the Panama flag in recognition of Panamanian "sovereignty," as well as to pay whatever taxes that Panama might decide to levy on world commerce.

Realizing that any such procedure by Panama would meet resistance on the part of the United States, Panama included in that law a provision that any disputes resulting from it should be adjudicated before an international court.

Fortunately, an immediate crisis was avoided by the refusal of the Department of State to recognize the Panamanian enactment. But how did the present administration otherwise react?

It intensified propaganda for repeal of the Connally reservation of August 2, 1946, by which the United States had ratified the United Nations World Court resolution. This reservation, in line with the provisions of the U.S. Constitution, specified that the United States would not accept compulsory jurisdiction of the International Court of Justice in matters which are essentially within the domestic jurisdiction of the United States as determined by the United States. The last six words are the Connally reservation.

At present, there are two measures before the Congress that would rescind the Connally amendment: Senate Resolution 94, which requires a two-thirds vote in the Senate; and House Joint Resolution 558, which needs only a majority vote of each House of the Congress. The second holds the greater danger.

As the result of the tremendous publicity that the Panama Canal situation has evoked, my correspondence on this matter has been large and 100 percent in opposition to any impairment of the U.S. sovereignty over the Canal Zone or in any other way. Moreover, I believe that I reflect the views of thoughtful Americans when I say that they instinctively sense that our country now has a fourth front to the south and that the Panama Canal is its geographical and prestige citadel, essential for the security of all the Americas. Should the march of events require our people to choose between continued, exclusive jurisdiction over the Panama Canal and loyalty to the United Nations, they will decide in line with highest American tradition and interests—retention of the Panama Canal.

In a statement to the House in the CONGRESSIONAL RECORD on March 2, 1960, I quoted house joint resolution 41 recently passed by the Legislature of the Commonwealth of Virginia, opposing rescission of the Connally reservation. This Virginia resolution will have wide circulation among the Governments of the United States, both State and Federal. In addition to this action by the Virginia Legislature, there have been growing numbers of thoughtful and incisive articles pointing out the hazards of the measures introduced for rescission.

The latest addition to the cumulating literature is a reflective discussion of the Connally reservation by George E. Sokolsky, distinguished scholar and publicist, whose views are derived from a lifetime of study and observation and whose experiences include a close view of the Russian Revolution.

Mr. Sokolsky's article follows:

[From the Washington Post, Mar. 4, 1960]

THE CONNALLY RESERVATION

(By George E. Sokolsky)

The Connally reservation is again before the Senate. It is a sign of the times that the people are not as excited about it in 1960 as they were in 1946 when it was passed. This reservation is a declaration limiting the acceptance by the United States of the compulsory jurisdiction of the World Court. Were it not for the Connally reservation, the World Court could have rendered decisions which might have meant intervention in the internal affairs of the United States.

The passage of the Connally reservation disappointed those who had sought to develop the United Nations into a world government. In this, they failed at the time that the San Francisco Treaty was signed and whatever efforts they have since made have also failed because of the Russian use of the veto, the ganging up of the Asiatic and African nations on the United States, and the emergence of the underdeveloped countries. Practically every significant international conference, in recent years, has taken place outside of the United Nations, just as the planned summit conferences will take place outside of the United Nations.

The World Court is a useful body, but it was clearly understood at the time of the San Francisco Conference that the United Nations and the World Court would not "interfere with the domestic affairs of the states composing the United Nations."

The World Court is composed of 15 judges, of whom Frank E. Holman, an outstanding lawyer who has specialized in this phase of international law, says:

"* * * Only three judges are from common law countries, four are Latin Americans, two are from Moslem countries, two are Communist, one Chinese, and one each from Greece, France, and Norway."

These divergent legal and historical backgrounds undoubtedly condition the thinking of the judges and it is impossible to know under the present rules of the Court which legal system prevails. Frank Holman raises an interesting point concerning this:

"Under the terms of the charter, we pledge ourselves to promote full employment and social and economic progress for all peoples. Who is to say that the World Court would not consider this an international legal dispute and render judgment against us accordingly if some other nation made a showing that we have not lived up to that pledge of the charter by not furnishing such aid to promote full employment and social and

economic progress in a particular nation? Again, the question of when, to whom, and to what extent we furnish foreign aid is a matter of our own business. Except for the Connally reservation, we could not determine that matter for ourselves."

This hits the nail squarely on the head. As a matter of fact, the World Court is not bound by any system of jurisdiction. It is not bound by any enacted international law—such law has never been enacted. The judges may roam the earth to discover a basis for a decision.

The Connally reservation represents an assertion that while the United States is willing to cooperate with all the countries which are members of the United Nations to achieve international peace, the Senate decided:

"* * * the jurisdiction of the World Court 'shall not apply to disputes with regard to matters which are essentially within the jurisdiction of the United States, as determined by the United States.'"

It is this which those who want the Connally reservation repealed, seek to have withdrawn. I have seen no argument in favor of repealing the Connally reservation which has any purpose other than to establish world government over the United States. Will Russia accept Soviet universal state? Will Poland or any other Soviet state accept unconditional world government?

HEMISPHERIC SECURITY DEMANDS CONGRESSIONAL REAFFIRMATION OF MONROE DOCTRINE

Mr. FLOOD. Mr. Speaker, starting with an address to the House on June 30, 1959, I have stressed the significance of the Caribbean Sea as the Mediterranean of the Americas, and have repeatedly enumerated the principal U.S. policies toward Latin America, which are clear and simple and historically based.

These policies are aimed at maintaining the security of the continental United States and the defense of the Western Hemisphere. They include the doctrine of nonintervention and the no-transfer principle. Basic to all our Isthmian canal policies and the key policy of the Monroe Doctrine. The last, by the 1947 Rio pact settling up the inter-American security system was strengthened by providing for participation of all American states in their common protection.

To make clear exactly what the Monroe Doctrine means, I shall quote its central thought as taken from President Monroe's message of December 2, 1823 to the Congress of the United States:

> We owe it therefore to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety.

What were these powers? The principal ones were represented in an alliance organized by the Emperor of Russia. Have my statements reflected an undue apprehension on my part as to the present dangers and the imperative necessity for making definite what our policies are? Far from it.

Any realistic inquiry into events since the Suez crisis of 1956 will show that history, in a large measure, is repeating itself. This time, it is with far greater hazard because conquests through subversion are more insidious than open conflict and more difficult to counter.

The Communist takeover of Cuba seems to be just a start toward our encirclement with what could become a string of hostile bases for military and naval operations. It was with meeting just such a threat that I have repeatedly hammered home the urgency for action by the Congress, as the ultimate authority, for clear-cut policy declarations.

What should these policies comprise? The answer is simple.

First, reaffirmation and extension of the Monroe Doctrine to include penetration and subversion as well as open hostility.

Second, reassertion of our historic Isthmian policy of exclusive sovereign control of the Canal Zone and Panama Canal.

To supply the means for implementing these two main ideas, I introduced three measures in the form of concurrent resolutions, which will be quoted at the end of my remarks.

At this point, Mr. Speaker, I should emphasize that this form of resolution was chosen because it does not require approval by the Executive, but does express the sense and judgment of the Congress which is far more responsive to the views of our people than appointed officials who are safe from popular criticism behind walls of administrative secrecy.

It was with much gratification, therefore, that I read the address on February 24, 1960, by the President of the United States to the Congress of Brazil. Taking advantage of the opportunity to warn the nations of the free world of the mounting dangers of the all-powerful state and its "unenlightened system of tyranny," the President of the United States declared that "we would consider it intervention in the internal affairs of any American state, if any power, whether by invasion, coercion, or subversion, succeeded in denying freedom of choice to the people of any of our sister republics."

That, Mr. Speaker, amounts to a reaffirmation of the Monroe Doctrine. But a Presidential statement to the Congress of another nation is not sufficient, however favorably it may be interpreted. It must be made by the Congress in words so clear that the world will know definitely that our Nation stands clearly with the forces for liberty as opposed to those of despotism. The President deserves such support from the Congress on this crucial question.

Furthermore, Mr. Speaker, I would stress that some of the ablest scholars and historians that this country has produced recognize the necessity for congressional action, and action now.

One of these is Dr. Samuel Flagg Bemis, now Sterling professor of diplomatic history at Yale University and author of authoritative books on U.S. foreign policy. In an illuminating article, which I quoted to the House on January 11 as the basis on which House Concurrent Resolution 445 was framed, will be found a startling analysis of the problem and discussions of the remedy.

Emphasized by the recent visit in Uruguay by the President, when he was greeted by cheers of the fine people of that country but witnessed disorders that had to be suppressed with tear gas, the crisis continues to mount. I echo the telling question of Dr. Bemis, "Why wait for the blows to fall?"

Thus I read with much satisfaction a thoughtful editorial by David Lawrence in the March 7, 1960, issue of U.S. News & World Report dealing with the urgent need for a congressional declaration on the Monroe Doctrine now.

The editorial together with the three indicated resolutions follow:

WARNING RUSSIA

(By David Lawrence)

President Eisenhower has opportunely reaffirmed the Monroe Doctrine. He has warned the Soviet Government and the Communist regimes that they must cease their attempts to subvert Latin America.

This is a desirable policy, as was pointed out on this page in the issue of November 23 last:

"In the early days of the Republic, the United States proclaimed what has been known ever since as the Monroe Doctrine. It declared that any attempt by any European power to interfere in the internal affairs of any country in this hemisphere will be considered by the United States to be an unfriendly act, dangerous to our peace and safety.

"Plainly there is a Communist menace in Central and South America. It threatens every government in this hemisphere. It operates through an apparatus directed and financed by the Soviet Government.

"The U.S. Government and many of the governments to the south of us know the facts. And the facts establish clearly that the Soviet Government is flagrantly violating the Monroe Doctrine."

The President was urged to give warning to the Soviet Government that friendly relations cannot be maintained as long as Soviet agents of intrigue infest Latin-American capitals. It was suggested also that a commission of Central and South American States be organized to expose Communist operations there.

Mr. Eisenhower has wisely taken the first step to mobilize public opinion in Latin America against the Communist menace. In a speech to the Brazilian Congress on February 24, he said:

"But we would consider it intervention in the internal affairs of an American State if any power, whether by invasion, coercion, or subversion, succeeded in denying freedom of choice to the people of any of our sister republics."

These are strong words—a timely warning. They follow the words of the resolution adopted in 1954 at the 10th Inter-American Conference at Caracas, Venezuela, attended by the membership of the Organization of American States. It read in part as follows:

"(The conference) declares: That the domination or control of the political institutions of any American State by the international Communist movement, extending to this hemisphere the political system of an extracontinental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action in accordance with existing treaties."

This was what is known as the "Dulles Resolution," which the President has now repeated. Indeed, he has reaffirmed the historic Monroe Doctrine.

We have recently observed in the Middle East, and now in Cuba, how the Soviets start by infiltrating revolutionary movements and then, under the guise of carrying out "commercial agreements," send in "technicians"

and agents to help bring about the bloodless conquest of an unsuspecting people.

The United States is actually confronted today with a Communist attempt to get a foothold in Cuba, which is only 90 miles away from our shores.

Back in June 1940, when there was a threat of Nazi conquest of the French, British, and Dutch possessions in this hemisphere, President Franklin D. Roosevelt obtained from Congress a joint resolution which implemented a resolution adopted earlier that year by the foreign ministers of the American Republics.

Congress served notice that no such transfer of sovereignty would be recognized and declared that, if such a transfer seemed likely, the United States "in addition to other measures" would consult with all the American Republics "to determine on the steps which should be taken to safeguard their common interests."

The time has come for another resolution to be adopted by Congress, as suggested in an article in our issue of December 28 last by Samuel Flagg Bemis, professor of diplomatic history and inter-American relations at Yale University. He pointed out that there might not be time to assemble a meeting of the Inter-American Organ of Consultation to provide for joint action by the Organization of American States. He proposed that Congress should state formally that "any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance would be justified, in the exercise of individual or collective self-defense under article 51 of the Charter of the United Nations, in taking steps to forestall intervention, domination, control, and colonization by international communism in the New World."

This precautionary step seems worth considering now. If in this way Congress reaffirms the Monroe Doctrine, while at the same time giving support to an inter-American instrument of defense, it would go far toward keeping the Communists from destroying the independence of the peoples to the south of us.

HOUSE CONCURRENT RESOLUTION 445

Whereas the subversive forces known as international communism, operating secretly and openly, directly and indirectly, threaten the sovereignty and political independence of all the Western Hemisphere nations; and

Whereas the American continents, by the free and independent position which they have assumed and maintained, are not subject to colonization or domination by any power; and

Whereas the intervention of international communism, directly or indirectly, or however disguised, in any American state, conflicts with the established policy of the American Republics for the protection of the sovereignty of the peoples of such states and the political independence of their governments; and

Whereas such a situation extended to any portions of the Western Hemisphere is dangerous to the peace and safety of the whole of it, including the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That any such subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security as set forth in the acts and resolutions heretofore adopted by the American Republics; and

(2) That in any such situation any one or more of the high contracting parties to the Inter-American Treaty of Reciprocal Assistance may, in the exercise of individual or collective self-defense, and in accordance with the declarations and principles above stated, take steps to forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere.

HOUSE CONCURRENT RESOLUTION 450

Whereas the United States, under the Hay-Bunau-Varilla Treaty of 1903 with Panama, acquired complete and exclusive sovereignty over the Canal Zone in perpetuity for construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

Whereas all jurisdiction of the Republic of Panama over the Canal Zone ceased on exchange of ratifications of the 1903 treaty on February 26, 1904; and

Whereas since that time the United States has continuously exercised exclusive sovereignty and control over the Canal Zone and Panama Canal; and

Whereas where responsibility is imposed there must be given for its effectuation adequate authority; and with respect to the Panama Canal the treaty of 1903 so provided; and

Whereas the United States has fully and effectively discharged all its treaty obligations with respect to the Panama Canal and the only legitimate interest that Panama can have in the sovereignty of the Canal Zone is one of reversionary character that can never become operative unless the United States should abandon the canal enterprise; and

Whereas the policy of the United States since President Hayes' message to the Congress on March 8, 1880, has been for an interoceanic canal "under American control," that is to say, under the control of the United States; and

Whereas the grant by Panama to the United States of exclusive sovereignty over the Canal Zone for the aforesaid purposes was an absolute, indispensable condition precedent to the great task undertaken by the United States in the construction and perpetual maintenance, operation, sanitation, and protection of the Panama Canal, for the benefit of the entire world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), (1) That the United States, under treaty provisions, constitutionally acquired, and holds, in perpetuity, exclusive sovereignty and control over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

(2) That there can be no just claim by the Republic of Panama for the exercise of any sovereignty of whatever character over the Canal Zone so long as the United States discharges its duties and obligations with respect to the canal; and

(3) That the formal display of any official flag over the Canal Zone other than that of the United States is violative of law, treaty, international usage, and the historic canal policy of the United States as fully upheld by its highest courts and administrative officials; and would lead to confusion and chaos in the administration of the Panama Canal enterprise.

HOUSE CONCURRENT RESOLUTION 33

Whereas there is now being strongly urged in certain quarters of the world the surrender, by the United States, without reimbursement, of the Panama Canal, to the United Nations or to some other international organization for the ownership and operation of the canal; and

Whereas the United States, at the expense of its taxpayers and under, and fully relying on, treaty agreements, constructed the canal, and since its completion, at large expenditure, has maintained and operated it and provided for its protection and defense; and

Whereas the United States, following the construction of the canal, has since maintained, operated, and protected it in strict conformity with treaty requirements and agreements, and has thus made it free, without restriction or qualification, for the shipping of the entire world; and, in consequence of which, with respect to the canal and the Canal Zone, every just and equitable consideration favors the continuance of the United States in the exercise of all the rights and authority by treaty provided, and in the discharge of the duties by treaty imposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) it is the sense and judgment of the Congress that the United States should not, in any wise, surrender to any other government or authority its jurisdiction over, and control of, the Canal Zone, and its ownership, control, management, maintenance, operation, and protection of the Panama Canal, in accordance with existing treaty provisions; and that (2) it is to the best interests—not only of the United States, but, as well, of all nations and peoples—that all the powers, duties, authority, and obligations of the United States in the premises be continued in accordance with existing treaty provisions.

ONE HUNDRED AND TENTH ANNIVERSARY OF BIRTH OF THOMAS G. MASARYK

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, today is celebrated the 100th anniversary of the birth of a great liberator, leader, and founder of his country, the first President of the Czechoslovak Republic, Thomas G. Masaryk.

Wherever, in this world, men believe in the immutable principles of democracy and revere the dignity of man, the name of Thomas Masaryk is remembered as a cardinal example of the philosophical truths in freedom and of a sincere faith, iron will, and intense devotion to undergo sacrifices necessary for its achievement.

It was these outstanding characteristics which motivated Masaryk and his colleagues in the magnificent fight for the foundation of the modern Czechoslovak nation. His remarkable career of struggle to achieve independence for his people remains, to this day, one of the greatest of examples and sources of hope for men anywhere who are enslaved. In the annals of history, Masaryk joins those titans who by their thoughts and examples of the democratic ideals gave all humanity the precious legacy of freedom.

Throughout his career as President, he never ceased to be a living example of the democratic ideal nor its strongest champion.

It is tragic that the great nation of Czechoslovakia, whose foundation was motivated by the loftiest ideals of freedom, should, on this date, find itself against its will to be forced by brutal coercion to reject them.

However, I am absolutely certain that what Thomas Masaryk symbolizes for his enslaved people is the fountain of strength and the fire of undying hope which will restore to them that precious freedom which is their inalienable right

and inherent desire. Once again, I am sure, this proud nation will know the joy of celebrating the birthday of this great man.

THE SECRET OF MASARYK'S GREATNESS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Minnesota [Mr. JUDD] is recognized for 10 minutes.

Mr. JUDD. Mr. Speaker, Thomas Masaryk has been hailed since the end of World War I as a hero not only of his people in Czechoslovakia but of mankind in general. When the idea of a united Europe, Paneuropa, or European Federation was discussed closely after 1918, H. G. Wells was reported to remark:

> If there would be a demand for a man who could head such a Federation, I think that the only man who could do it effectively, is T. G. Masaryk.

It is true that he worked with the great Allies during the First War against the central powers and created Czechoslovakia, of which he was the first president. But, as with all great men, we must go into his writings if we want to know his ideas. Masaryk wrote voluminously. His volumes included discussions on Russia—"The Spirit of Russia"—various social problems, suicide, logic, philosophy of history, Czech problems, John Hus and other Czech thinkers, the First World War, New Europe, and so forth. But the core of all his political tractates is a slim book of about 100 pages: "The Ideals of Humanity," translated and published by Allen and Unwin, in London, England.

Masaryk was, first of all, a politician, although he taught sociology at Charles University in Prague. He was elected to the Austro-Hungarian House of Commons, in Vienna, where he applied sociology in practice. As an member of parliament, he used his immunity to defend the oppressed Yugoslavs and Jews. His actions against Friedjung and in the Hilsner affair won him a world reputation as a fighter for truth. Veritas vincit—the truth wins—was his favored slogan. Politics had to serve the truth. To fulfill this condition, politics must be a science or at least built on it as much as possible.

In this respect, he differed greatly from other contemporary politicians. He spent less time before his electorate than in his study. He asked from a politician and leader that he be educated and know more than an average man. A leader must think, even if thinking was painful; he must study continuously because a politician, being a policymaker, must be thoroughly informed about anything of public interest and must keep abreast of time. It was his purpose to be, not a demagog who knows only how to abuse human emotions, but a leader who tries to foresee and who feels responsibility for looking ahead.

Thus, study and learning filled his life. When, after his successful defense of Hilsner from indictment of ritual murder, he inherited from a stranger a significant sum—equal to about $20,000—he used it to buy only books. Any campaign he undertook was thoroughly prepared for by study of vast material and careful analysis. "Social Problems" is a classical example.

His scientific attitude brought him to the "Ideals of Humanity." It was no one but the first practical Protestant, John Hus, who was his teacher in this respect. From him he learned the need and duty of a leader to raise the highest possible standards for human moral endeavor. From Hus he learned the power of truth and the importance of freedom for man's spiritual growth. In this aspect of Hus' fight against the oppressive Roman hierarchy he found Hus' historical greatness: Liberation of mankind from oppression and freeing man's creative powers for improving the lot of mankind. The history of modern man with his human rights and freedoms of speech, belief, and teaching proved that Hus' cause was right. Thus, Masaryk writes in his "Ideals":

> The idea of humanity implies that all nations have an equal right to strive for their individual rights as a unit of humanity. From this there comes the notion of a world organization embracing all mankind. Practical necessity leads us step by step to this organization. Science, art, economics, capital, and even individual vocations, today are internationally organized.

But he warns:

> Many men are satisfied merely with the words, with humanity in the abstract. But what is required is to be a man oneself and to recognize one's neighbor's equal rights as a man. It is for this reason that men demand political and social rights in the name of humanity, and it is on this account that universal suffrage has finally been claimed on grounds of equality and brotherhood.

In the name of humanity, Masaryk tried to find for the leader the rightly human way through the jungle of political and naturalistic theories. He rejected strictly the way of brutal power deduced by Nietzsche from Darwin's writings. Masaryk said:

> The logical consequence of natural selection is the right of the strong to crush the weak.
>
> Fighting is not human.
>
> In the mental, moral sphere the law of love obtains, while nature is the scene of struggle. We must accept struggle as a law of nature, but we must also believe in love and humanity. Love exists to mitigate and refine the rude character of nature's battle. * * * We are not losing faith in progress. * * * We may say that this faith is justified, however soberly we consider the matter. This faith has something religious in it. If hope in the future is the essence of religion, and if religion strengthens men by inculcating this hope, then evolution has a religious nature. Men accept this doctrine exactly as they have accepted, and are accepting, faith in immortality. This is a valuable element in evolution.

He found in such theories a practical value:

> We should believe in progress. It is essential to believe that the life of the individual and the race can be indefinitely improved.

As a political leader, Masaryk was not satisfied with mere words. He wanted something done practically. One good deed for a needy child weighed more with him than 100 pages of nice words about love:

> Love, humanity, must be positive. People often take the hatred of another nation to be love of one's own. It is far higher to feel no hatred, but to love positively.
>
> Love must be efficacious. We ought to do something, to work for our neighbor. * * * To work means to fight ugliness, wickedness, evil, and to fight them constantly. We should fight them everywhere and strive to nip them in the bud.
>
> True love rests on hope, the hope of eternal life. Such love alone is true, because the eternal cannot be indifferent to the eternal. Eternity does not commence with death. Eternity is here now, at this moment and at every moment. We need not, therefore, put anything off to the remoteness of eternity.

To him, the most sure criterion for weighing our deeds was to look at our decisions from the point of view of eternity. The very highest standards are needed for making our life better and better. This is a tactical task for a good leader. If he faces a question where to lead others, there is only one reply: "Higher and higher."

On this anniversary, we salute the memory of Thomas Masaryk and remind ourselves of the universality of the truths he perceived and proclaimed and practiced.

DEMOCRATIC ADVISORY COUNCIL CHAMPIONS THE TRADITIONAL LOW-INTEREST POLICY OF THE DEMOCRATIC PARTY; CONDEMNS ANY LIFTING OF THE 4¼-PERCENT CEILING ON GOVERNMENT BONDS; PROVIDES AN ANALYSIS OF THE EISENHOWER ADMINISTRATION'S HIGH-INTEREST POLICY WHICH SHOULD BE REQUIRED READING FOR EVERY VOTER IN THE NOVEMBER ELECTIONS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, on February 16, 1960, the Administrative Committee of the Democratic Advisory Council issued a most important and a most informative statement. This statement was in direct response to President Eisenhower's renewed request that Congress enact legislation to lift the 4¼ percent ceiling on Government bonds—a ceiling established during Woodrow Wilson's administration.

This statement gives the most incisive review of this administration's high-interest policy I have ever read. No one who has the public welfare at heart, could it seems to me, consider for a moment any raising of, or any tampering with, the interest rate ceiling after reading the record which the Democratic Advisory Council has pulled together.

As the Members will recall, the national platform of the Democratic Party, adopted at Chicago in 1956, pledges the Democratic Party to make a vigilant review of the Nation's debt management policy for the purpose of reducing interest rates. On this point the Democratic platform reads:

> The Republican debt management policy of higher interest rate serves only to benefit

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a few to the detriment of the general taxpayer, the small borrower, and the small and middle-class investor in Government bonds. We pledge ourselves to a vigilant review of our debt management policy in order to reduce interest rates in the service of our common welfare.

It is good to know that the guardian of the Democratic Party's platform—the Democratic Advisory Council—continues to be vigilant in working for low interest and the common welfare.

The committee's statement draws attention to several points which are beyond debate.

First, if the Congress should be so ill advised as to raise the ceiling on Government bonds in one way or another, the Treasury would receive no benefits to offset the tremendous damage which would be done to the great majority of the American people, and to the great majority of the business firms, by the general increase in interest rates which would follow.

If the Government raises interest rates further, the committee's statement points out, this would only lead investors to expect and demand still further increases in interest rates. Raising interest rates again would only cause market prices of outstanding Government bonds to drop further. And it would cause a further alienation of small investors. Government bonds are already selling in the market at the lowest prices reached anytime in this century. World War II bonds have recently sold at less than 80 percent of their par value.

What should be done to get interest rates down? The committee's report states:

An essential element of a soundly constructed monetary policy is that the Federal Reserve System should help to support and stabilize the Government bond market. The often-heard assertion that the application of this principle to conditions during World War II made the Federal Reserve System "an engine of inflation" ignores the true causes of inflation during wartime, and ignores the excellent results of a coordinated fiscal and monetary policy during that period. * * * The Eisenhower-Nixon theory that the Federal Reserve System should work in cooperation with the banks but not work in cooperation with the Government is highly dangerous.

Zooming interest rates have transformed Government bonds from a security of established stability into a speculative security traded on Wall Street.

Shortly Members of the House will have to vote upon H.R. 10590, the bill reported by the Ways and Means Committee, in response to the President's request for repeal of the interest rate ceiling. It occurs to me that Members of both parties would do well to read and consider the statement I have mentioned. This statement does much more than to set out the Democratic Party's position on the high-interest policy; it gives a factual analysis of this policy and an analysis of what would result from tampering with the interest rate ceiling on Government bonds. It thus provides guidance by which all Members of Congress can further the interests of the general public, as opposed to the special interests of the financial corporations and a relatively few families of great wealth. The administrative committee's statement is as follows:

PROPOSED REMOVAL OF INTEREST CEILING ON GOVERNMENT BONDS

Statement by the Democratic Advisory Council's Administrative Committee.

President Eisenhower has again requested Congress to remove the 4¼-percent ceiling on interest rates on marketable Government bonds. In making the request, he proposes no Treasury or Federal Reserve action in reforming its debt management policy. He simply wants the ceiling removed—after which the sky is the limit.

POLICY OF FAILURE

The renewal of this request is further evidence of the Eisenhower-Nixon administration's persistence in the George Humphrey debt management policy which has proved to be a complete failure ever since its inception in January 1953. It has involved the continuous raising of the interest rate on U.S. Government obligations. The stated purpose was to control inflation in our economy and to lengthen the maturity and widen the ownership of publicly held Federal debt. The policy has been a failure from every aspect.

It has not prevented the almost steady rise in prices.

It has not lengthened the maturity of the debt—instead, as of today, a larger proportion of the publicly held Federal debt is in short-term obligations than ever before.

It has not widened the ownership—instead fewer and fewer investors are purchasing medium and long-term Treasury bonds.

INTEREST RATE DOUBLED

It is hard to realize that in the relatively few years since the Eisenhower-Nixon administration took over the Treasury Department, the interest rate on Treasury obligations has doubled—from 2½ percent to the current 5 percent level.

The annual cost of interest on the Government debt has gone up from $5.3 billion in the last year of President Truman's administration to $9.1 billion, the figure budgeted for the last year of the Eisenhower-Nixon administration. Interest costs now are the second most expensive item in the budget.

If Congress were to grant the President's new request, and if, as he states, such authority were used to convert more of the debt into long-term issues, the results would only compound the mistakes of the past. The annual charge upon the public would be further increased. The present inflated interest rates would be perpetuated for many years by tying them into long-term bond contracts.

OTHER INTEREST RATES

In view of the magnitude of the Government debt, the rate of interest on Treasury issues largely determines the cost of interest to other borrowers. For this reason, homeowners, farmers, consumers and businessmen find that their interest costs increase whenever the Treasury steps up its borrowing rate.

The interest paid by the consumer and the small businessman is always higher than that paid by the Government or by large corporations. It is usual today to find minimum rates of 6 percent and far more on consumer borrowing. Should the 4¼-percent ceiling on long-term Government borrowing, be removed, there is no doubt but that all rates would jump upward and the cost of interest, particularly to the smaller borrower, would increase again. Such costs, just as increased costs from any other source, are a factor in generating higher prices and this is the very process which the Eisenhower-Nixon administration claims to be against.

ROLE OF THE FEDERAL RESERVE

The Republican administration has installed the alleged invisible hand of open market forces as the ultimate determinant of monetary policy, and has hailed rising interest rates for alleged benefits in checking inflation. But in fact the only benefits have been those reaped by the painfully visible hands of those owning and controlling banks and related financial interests.

The Federal Reserve Board's alleged concern with checking such inflation as may be due to excessive bank credit could be implemented straightforwardly by raising minimum reserve requirements of member banks. But the Board's rigid prescription of interest rate increases is an elixir far more to the taste of the member banks. In 1959 the Board and the administration on the one hand raised interest rates allegedly to restrict bank credit, and on the other hand sponsored the vault cash bill which substantially expanded allowable bank credit. They did not hesitate to ride two horses in opposite directions so long as the banks made more money both ways.

The Eisenhower-Nixon administration has virtually delivered a blank check to the banking interests to run the monetary system and get what they can. There has been no participation by the executive branch, and indeed, the President has never even included any material as to monetary policy in his Economic Report. And there has been an outrageous resistance to participation by the legislative branch, a resistance culminating in a propaganda campaign that seeks to make the 1959 Democratic Congress the scapegoat for seven long years of fiscal failure.

An essential element of a soundly constructed monetary policy is that the Federal Reserve System should help to support and stabilize the Government bond market. The often-heard assertion that the application of this principle to conditions during World War II made the Federal Reserve System "an engine of inflation" ignores the true causes of inflation during wartime, and ignores the excellent results of a coordinated fiscal and monetary policy during that period. This distortion of the World War II experience, with respect to the Federal Reserve System, is but another illustration of the lengths to which the proponents of rising interest rates have been willing to go to support their improper objectives. The truth is that coordination rather than conflict between fiscal and monetary policy is an imperative requirement of our modern economy. The Eisenhower-Nixon theory that the Federal Reserve System should work in cooperation with the banks but not work in cooperation with the Government is highly dangerous.

WOULD FURTHER DEMORALIZE MARKET

Zooming interest rates have transformed Government bonds from a security of established stability into a speculative security traded on Wall Street.

Treasury Bonds which were bought by investors at par upon their issuance to help finance World War II have declined to the lowest level at which Government bonds have sold in this century. They have been selling at a level of less than 80 percent of par value. This results in a capital loss of over 20 percent to bond holders. It completely discourages many investors from purchasing new Government issues.

If the interest rate ceiling were now removed, and new bonds were issued under much more advantageous terms to the purchaser, it would be inevitable that outstanding bonds would decline further.

It is future possibilities, more than any other factor, which determine the price of bonds, as of any other security or commodity. If the market expects higher interest rates to prevail on new issues, the

price of old bonds will be marked down. It is axiomatic that removal of the 4¼-percent ceiling would encourage investors to expect still higher rates of interest and thereby depreciate further the price of outstanding bonds.

LESS ATTRACTIVE INVESTMENT

The losers, among others, would be the small investors and those patriotic citizens who bought bonds to help finance the Nation in wartime.

The Eisenhower-Nixon administration already has alienated many savers, particularly the smaller ones, from the purchase of Government bonds. There is a continuous excess of redemptions over sales of savings bonds. The administration has become more and more dependent upon the banking system, not only for its new offerings, but also for the refunding of its long-term bonds as they mature. As the banks have been limiting their purchases to short-term Treasury obligations, the consequence of this has been a constantly increasing volume of short-term offerings. It is a case story of what happens when a nation surrenders control of its own debt management to a small community of individuals.

As a result of this mismanagement, we have pressure by the Republican administration to remove the 4¼ percent maximum rate which has been in effect since the Liberty Bond Act of 1918 and under which Democratic administrations were able to manage the enormous war-born expansion of debt in an efficient and orderly manner and with a cost to the public far below the cost which this administration's faulty policy has produced.

SECOND TIME AT BAT

This is the second time Congress has been faced with this request.

Having failed to take advantage of the opportunities to issue long-term bonds during the recessionary period of slack credit demands in 1957–58, when it could have sold large amounts well below the 4¼-percent ceiling, the Treasury came to Congress last year with a proposal to raise the ceiling.

Following the adjournment of Congress in 1959, President Eisenhower made a public charge that the crisis in the Treasury's debt management had resulted from the refusal of Congress to raise the interest ceiling. The facts directly contradict this charge. The failure of the Treasury's debt management from 1953 to 1959 was the real cause of the crisis. For Congress to have granted such authority at that time would have only compounded the crisis and would have resulted, upon the issuance of new long-term securities, in making high interest a permanent burden on the economy.

Since the convening of this session of Congress, no new evidence has been offered in favor of the President's request. Indeed, the weight of evidence continues to be opposed to it—for example, the uninterrupted excess of redemptions over sales of savings bonds despite the higher interest now paid on them.

ABDICATION OF NATIONAL SOVEREIGNTY

The U.S. Treasury is by far the biggest borrower in the country. With a Government debt of the magnitude of $290 billion, it is foolish to pretend that the Government must be dependent upon a marketplace made up of comparatively few individuals and institutions for the funding and refunding of its indebtedness. Yet this is the embarrassing predicament into which the Eisenhower-Nixon administration's abdication of the national sovereignty has placed the Treasury.

TIME TO REFUND

Although there is general agreement as to the desirability of increasing the proportional amount of outstanding Treasury long-term obligations, the time for doing this is when credit is plentiful. It was plentiful in 1957 and 1958. It will be again. At such time the refunding process can be undertaken, without involving upward pressures on interest rates, and, therefore, without the necessity of removing the statutory 4¼-percent ceiling.

For these reasons, we are strongly opposed to the removal of the 4¼-percent interest ceiling.

THE HIGH ROAD

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, Charles W. Windham is president of the Girardian Insurance Co., of Dallas, Tex. He publishes the Girardian for the field forces of the company. In the February 1960 issue, "Our President's Message," written by Mr. Windham, is so interesting and thought provoking—and in fact—so timely and opportune, I have sought the privilege, which has been granted, to insert this very fine message in the CONGRESSIONAL RECORD. It is as follows:

THE HIGH ROAD

Throughout the world there is turmoil, restlessness, discontent, and strife. Russia fills the airways with a brand of hypocrisy that the free nations cannot combat and the neutral ones are incapable of understanding. It is said that the cold war is a battle for men's minds. But a victory over minds carries, as a bonus, possession of the world.

Can we win this struggle, based on deceit—with guns, nuclear weapons, propaganda, etc.? Evidently not. Russia has all these * * * maybe more than we. At any rate, she is acquiring great portions of the earth's surface without a single battle. General Eaker said we will lose the next war. General Hap Arnold said neither side will win. General MacArthur said that many of our industrial centers would be ghost cities overnight.

Bible students interpret Ezekiel's prophecy concerning the forthcoming final struggle between the forces of good and evil as war between Russia (Gog) and America, in which we will be defeated. Accordingly, it seems, Russia will strike and cripple us and, "while we are nursing our wounds," she will come down through the Caucasus with all her hordes, taking over the oilfields of Iran, thence west to Iraq (Mesopotamia), down into the valley of Megiddo, and on to the plains of Esdraelon.

More than a hundred years ago, DeTocqueville, the Frenchman, in his "Democracy in America," published in 1837, outlines (last 2 pages of vol. 1) the coming battle between the two giants of Good and Evil. "There are, at the present time," he says, "two great nations in the world which seem to tend toward the same end, although they started from different points. I allude to the Russians and the Americans.

"Both of them have grown up unnoticed whilst the attention of mankind was directed elsewhere. They have suddenly assumed a most prominent place amongst the nations, and the world learned of their greatness and existence at almost the same time. The Americans struggle against the natural obstacles which oppose them; they are men who combat the wilderness and savage life, while Russia combats civilization with all its weapons and arts. The conquests of the one are, therefore, gained by the plowshare; those of the other by the sword.

"The Anglo-American relies upon personal interest to accomplish his ends, and gives free scope to the unguided exertions and common sense of the citizens. The Russian centers all authority of society in a single arm. The principal instrument of the American is freedom; and of the Russian, servitude. * * * Their courses are not the same, yet each of them seems to be marked out by the will of heaven to sway the destinies of half the globe."

Lenin said, in 1923: "First we will take Eastern Europe, then the masses of Asia. Then we will encircle the United States, which will be the last bastion of capitalism. We will not have to attack. It will fall like an overripe fruit into our hands. * * * We must secure the good will of teachers and professors in schools and universities; of liberal ministers of religion, and of the pacifists and reformers of the world in order to create a mental barrage in the minds of the capitalist youth. This will forever bar them from participating in a carnal conflict with Communist order."

That is the Russian creed—Lenin, the Communist god, and hypocrisy the Soviet philosophy. Theirs is the low road; ours can, and must, be the high. Our God is our only chance of survival. We must not think of world conditions except as His ally. A sword in the hands of a novice would be no protection. Neither will God's truth win the war for men's minds unless we practice the use of it.

In America, we witness constant struggle between groups belittling each other in quest of political power. We see powerful blocs vying to establish selfish monopolies over the Nation's economic processes. True, in America we do not jeopardize the freedom of other nations, but what are we doing to ourselves? We see evidences of deteriorating ethics. We see a resurgence of racial and religious prejudices. We even face a seemingly endless process of moral disintegration in our quest for easy wealth and effortless living. To save this Nation, we must be more concerned with spiritual qualities than material quantities.

As a nation, our hope of survival depends upon the one thing we shall have more of than Russia—godliness. "If my people," sayeth the Lord, "shall humble themselves and pray and seek my face and turn from their wicked ways; then will I hear from Heaven and will forgive their sin and will heal their land." Ezekiel's prophecy contemplates such a condition when he quotes God, after the defeat of His people, "My fury will come up in My face and I will rain upon him—Gog—and upon his hordes an overwhelming rain of hailstones, fire, and brimstone, and it will take 7 months to bury the dead."

There is but one God, one law, one element, and one far-off divine event toward which the whole creation moves. There are thieves and robbers along the way. Our despondency shall rise and our faith shall be tested, but the journey must be completed upon the high road. The low one leads to the abyss of annihilation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DENT (at the request of Mr. McCORMACK) for Thursday, March 10, on account of official business.

Mr. FOUNTAIN (at the request of Mr. FASCELL) for today, on account of official business.

Mr. THOMPSON of New Jersey (at the request of Mr. FASCELL) for today, on account of official business.

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Mr. SAYLOR (at the request of Mr. ARENDS) for Monday, March 7, on account of official committee business outside of Washington, D.C.

Mr. MUMMA (at the request of Mr. ARENDS) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BROWN of Georgia, for 30 minutes, on Wednesday, March 9, 1960.

Mr. BOSCH (at the request of Mr. BENTLEY), for 1 hour, on March 16.

Mr. FLOOD, for 15 minutes, today.

Mr. CONTE (at the request of Mr. MOORE), for 5 minutes, on March 7.

Mr. JUDD (at the request of Mr. MOORE), for 5 minutes, on March 7.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WITHROW and to include a speech by Mr. SCHWENGEL, notwithstanding the fact it exceeds the limit and is estimated by the Public Printer to cost $303.

Mr. RIVERS of South Carolina and to include an address by the chairman of the Committee on Armed Services on last Friday, on the occasion when he was honored by the Navy League of the District of Columbia.

Mr. GEORGE P. MILLER and to include extraneous matter.

Mr. ROBERTS and to include extraneous matter.

(At the request of Mr. PRICE, and to include extraneous matter, the following:)

Mr. BURKE of Massachusetts.

Mr. DENT.

Mr. LEVERING.

(At the request of Mr. MOORE, and to include extraneous matter, the following:)

Mr. ALGER.

Mrs. DWYER.

Mr. WESTLAND.

ADJOURNMENT

Mr. PRICE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 8, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1917. A letter from the Acting Secretary of the Interior, transmitting a report and findings on Ruedi Dam and Reservoir, Colo., pursuant to the Federal Reclamation laws (H. Doc. No. 353); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1918. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 18, 1959, submitting a report, together with accompanying papers and illustrations, on an interim report on hurricane survey of Tybee Island, Ga., authorized by Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 354); to the Committee on Public Works and ordered to be printed with three illustrations.

1919. A letter from the Acting Secretary of State, transmitting additional material relative to a letter dated February 29, 1960, and recorded as executive communication No. 1889, relating to a report on grant economic assistance in the defense support and special assistance programs, pursuant to section 503(c) of the Mutual Security Act of 1954; to the Committee on Foreign Affairs.

1920. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to provide for the termination of Federal supervision over the Georgetown or the Shoalwater Bay Indian Reservation in the State of Washington, and for other purposes"; to the Committee on Interior and Insular Affairs.

1921. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to provide for the termination of Federal supervision over the property of the Lower Elwha Band of the Clallam Tribe of Indians of western Washington, and the individual members thereof, and for other purposes"; to the Committee on Interior and Insular Affairs.

1922. A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation entitled "A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958"; to the Committee on the Judiciary.

1923. A letter from the Deputy Postmaster General, transmitting a draft of proposed legislation entitled "A bill to broaden the scope of the postal fraud statutes to cover enterprises operating under false pretenses, and for other purposes"; to the Committee on Post Office and Civil Service.

1924. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation entitled "A bill to amend certain provisions of the Tariff Act of 1930, as amended, relating to articles from certain insular possessions"; to the Committee on Ways and Means.

1925. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to grant to the Government of Guam certain filled lands, submerged lands, and tidelands"; to the Committee on Interior and Insular Affairs.

1926. A letter from the Deputy Secretary of Defense, transmitting a report relative to special pay to certain officers for the calendar year 1959, pursuant to section 210(e) of the Career Compensation Act of 1949, as amended; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THORNBERRY: Committee on Rules. House Resolution 468. Resolution for consideration of H.R. 5, a bill to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance; without amendment (Rept. No. 1356). Referred to the House Calendar.

REPORTS OF COMMITTEE ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of California: Committee on the Judiciary. H.R. 1752. A bill for the relief of Wilhelmina Ordonez; without amendment (Rept. No. 1345). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 2007. A bill for the relief of May Hourani; with amendment (Rept. 1346). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2082. A bill for the relief of James Demetrios Chrysanthes, also known as James Demetrios Chrysanthacopoulos; with amendment (Rept. No. 1347). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 2309. A bill for the relief of Rivka Ghesser; without amendment (Rept No. 1348). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2645. A bill for the relief of Jesus Cruz-Figueroa; with amendment (Rept. No. 1349). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 3786. A bill for the relief of Chan Kit Ying and James George Bainter; without amendment (Rept. No. 1350). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 3934. A bill for the relief of Mrs. E. Christine Williams; without amendment (Rept. No. 1351). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 4562. A bill for the relief of Stanislaw Grzelewski; without amendment (Rept. No. 1352). Referred to the Committee of the Whole House.

Mr. SMITH of California: Committee on the Judiciary. H.R. 6843. A bill for the relief of Daniel Wilging; with amendment (Rept. No. 1353). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 7254. A bill for the relief of Simeen Chaghaghi; with amendment (Rept. No. 1354). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 8672. A bill for the relief of Dr. Deh Chang Tao; with amendment (Rept. No. 1355). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 10905. A bill to amend the Packers and Stockyards Act, 1921, to strengthen independent competition by providing for competitive enterprise in the marketing of livestock, livestock products, and other food items; to the Committee on Agriculture.

H.R. 10906. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for the cost to a taxpayer of certain increases in commuting transportation fares; to the Committee on Ways and Means.

By Mr. BUDGE:

H.R. 10907. A bill to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the State of Idaho as a territory; to the Committee on Banking and Currency.

By Mr. COAD:

H.R. 10908. A bill to provide that rural carriers in the postal service shall be appointed without regard to political affiliations and solely on the basis of fitness to perform the duties of the position; to the Committee on Post Office and Civil Service.

H.R. 10909. A bill to amend the Railroad Retirement Act of 1937 and the Social Security Act to eliminate those provisions which restrict the right of a spouse or survivor to receive benefits simultaneously under both acts; to the Committee on Interstate and Foreign Commerce.

H.R. 10910. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. DENTON:

H.R. 10911. A bill to amend section 503 of title 38, United States Code, to provide that social security benefits, other annuities, and up to $10,000 in payments under policies of life insurance shall not be considered as income for purposes of determining eligibility of individuals for pension; to the Committee on Veterans' Affairs.

H.R. 10912. A bill to amend section 503 of title 38, United States Code, to provide that payments up to $10,000 under policies of life insurance shall not be considered as income for purposes of determining eligibility of individuals for pension; to the Committee on Veterans' Affairs.

By Mr. DINGELL:

H.R. 10913. A bill to amend title II of the Social Security Act to provide that a woman who is otherwise qualified may become entitled to wife's insurance benefits or widow's insurance benefits without regard to her age if she is permanently and totally disabled; to the Committee on Ways and Means.

By Mr. GEORGE:

H.R. 10914. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

By Mr. HARMON:

H.R. 10915. A bill to clarify the policy of the Congress with respect to the postal-rate structure and to provide certain adjustments in postage rates for second-class mail matter; to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

H.R. 10916. A bill to authorize the use of air carriers to facilitate the expeditious transportation of first-class mail to and from Hawaii, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOWALSKI:

H.R. 10917. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LANE:

H.R. 10918. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. LENNON:

H.R. 10919. A bill for the relief of the town of Kure Beach, N.C.; to the Committee on the Judiciary.

By Mr. MATTHEWS:

H.R. 10920. A bill to bring employees of agricultural stabilization and conservation county committees within the purview of the Federal Employees' Group Life Insurance Act of 1954; to the Committee on Post Office and Civil Service.

By Mr. MATTHEWS (by request):

H.R. 10921. A bill to amend section 35 of chapter III of the Life Insurance Act for the District of Columbia; to the Committee on the District of Columbia.

By Mr. MONTOYA:

H.R. 10922. A bill to amend the Federal Trade Commission Act to strengthen independent competitive enterprise by providing for fair competitive acts, practices, and methods of competition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE:

H.R. 10923. A bill to authorize the establishment of Washington's Western Lands National Monument in the State of West Virginia; to the Committee on Interior and Insular Affairs.

By Mr. NORBLAD:

H.R. 10924. A bill to amend title II of the Social Security Act to increase from $1,200 to $2,400 the amounts of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. RIVERS of Alaska:

H.R. 10925. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. ROOSEVELT:

H.R. 10926. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. SISK:

H.R. 10927. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. TRIMBLE:

H.R. 10928. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. ULLMAN:

H.R. 10929. A bill to extend the Library Services Act for a period of 5 years, and to amend such act; to the Committee on Education and Labor.

By Mr. VINSON:

H.R. 10930. A bill to provide for the reassignment of officers designated for aeronautical engineering duty, other than aerologists, to the unrestricted line of the Navy; to the Committee on Armed Services.

By Mr. WOLF:

H.R. 10931. A bill to repeal the excise tax on communications; to the Committee on Ways and Means.

H.R. 10932. A bill to amend the Natural Gas Act to prohibit a rate increase from becoming effective, subject to bond, before a pending rate increase proceeding has been finally determined; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDONIZIO:

H.R. 10933. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

H.R. 10934. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. BARING:

H.R. 10935. A bill authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon; to the Committee on Interior and Insular Affairs.

By Mr. BERRY:

H.R. 10936. A bill to provide for the establishment of a Commission on Problems of Small Towns and Rural Counties; to the Committee on Government Operations.

By Mr. MILLS:

H.R. 10937. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. RIVERS of Alaska:

H.R. 10938. A bill to amend the act of October 17, 1940, relating to the disposition of certain public lands in Alaska; to the Committee on Interior and Insular Affairs.

H.R. 10939. A bill to amend the act of August 11, 1939, to provide that a percentage of the funds available under that act shall be apportioned among the States and paid to certain State agencies for projects pertaining to commercial fisheries; to the Committee on Merchant Marine and Fisheries.

By Mr. SISK:

H.R. 10940. A bill to prescribe a Federal policy of fair practice in connection with construction contracts entered into by the United States; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 10941. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. DENT:

H.R. 10942. A bill to authorize Federal loans to colleges and universities for the construction, rehabilitation, alteration, conversion, or improvement of classroom buildings and other academic facilities; to the Committee on Education and Labor.

By Mr. McGINLEY:

H.R. 10943. A bill to provide for the utilization and disposition of certain lands now occupied by the Scotts Bluff County School District No. 11, Nebraska; to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

H.R. 10944. A bill to provide for payment of the World War I bonus to certain individuals discharged from the Armed Forces for alienage; to the Committee on Veterans' Affairs.

By Mr. ALGER:

H.J. Res. 643. Joint resolution proposing an amendment to the Constitution of the United States relating to the legal effect of certain treaties and other international agreements; to the Committee on the Judiciary.

By Mr. HARMON:

H.J. Res. 644. Joint resolution designating the fourth Sunday of September as Senior Citizens Day; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.J. Res. 645. Joint resolution to amend the Mutual Security Act of 1954, as amended, with respect to freedom of international waterways; to the Committee on Foreign Affairs.

By Mr. BRAY:

H. Con. Res. 610. Concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means.

By Mr. LANE:

H. Con. Res. 611. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. LEVERING:

H. Con. Res. 612. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

UNIVERSITY OF MICHIGAN

By Mr. WOLF:

H. Con. Res. 613. Concurrent resolution expressing the sense of the Congress with respect to the participation by other nations in the space exploration program of the United States; to the Committee on Science and Astronautics.

By Mr. CLEM MILLER:

H. Con. Res. 614. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. GROSS:

H. Res. 469. Resolution to amend clause 6 of rule XXI of the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to requesting passage of Senate bill 2909; to the Committee on Interior and Insular Affairs.

Also, memorial of the Legislature of the State of Alaska, memorializing the President and the Congress of the United States relative to requesting immediate stoppage of all salmon fishing by nets on the high seas of the North Pacific Ocean and Bering Sea; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURDICK:

H.R. 10945. A bill for the relief of George Brahos; to the Committee on the Judiciary.

By Mr. KASEM:

H.R. 10946. A bill for the relief of Timothy Gong; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 10947. A bill for the relief of Aladar Szoboszlay; to the Committee on the Judiciary.

By Mr. MADDEN:

H.R. 10948. A bill for the relief of Shulamit Beck; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 10949. A bill for the relief of Marija Matijevic; to the Committee on the Judiciary.

By Mr. RHODES of Arizona:

H.R. 10950. A bill for the relief of Kevork (Azoyan) Sarkissian (also known as Kerair Ananian); to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 10951. A bill for the relief of Lee King Sang; to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H.R. 10952. A bill to authorize the National Society, Daughters of the American Colonists, to use certain real property in the District of Columbia as the national headquarters of that society; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

348. By Mr. HARMON: Resolution of the Rush County Women's Republican Club, passed February 17, 1960, expressing opposition to the bill H.R. 4700, and to any similar legislation; to the Committee on Ways and Means.

349. Also, resolution adopted by the East Central Indiana Association of Life Underwriters, at their February 1960 meeting, expressing opposition to the bill H.R. 4700; to the Committee on Ways and Means.

350. By the SPEAKER: Petition of Angelica Loro and others, teachers of Barcelo School, Jayuya, P.R., requesting approval of the Murray-Metcalf bill, which would give better schools for Puerto Rican children and better salaries for Puerto Rican teachers; to the Committee on Education and Labor.

351. Also, petition of E. G. Jones and others, Memphis, Tenn., requesting that every means be exercised to defeat any attempt to pass the civil rights bill as it stands; to the Committee on the Judiciary.

352. Also, petition of the President, Cameron County Fresh Water Supply District No. 1, Port Isabel, Tex., urging that necessary action be taken to restore the shrimp industry to a more healthful level by holding hearings at which the industry may be heard on H.R. 8769; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Senators Saltonstall and Kennedy and Congressman Burke Write Bethlehem Shipbuilding Management and Union Urging Early Settlement of Strike

EXTENSION OF REMARKS
OF
HON. JAMES A. BURKE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Monday, March 7, 1960

Mr. BURKE of Massachusetts. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following letter:

SENATORS SALTONSTALL AND KENNEDY AND CONGRESSMAN BURKE WRITE BETHLEHEM SHIPBUILDING MANAGEMENT AND UNION URGING EARLY SETTLEMENT OF STRIKE

MARCH 4, 1960.

MR. DANIEL D. STROHMEIER,
Vice President, Shipbuilding Division, Bethlehem Steel Co., New York, N.Y.

MR. JOHN GROGAN,
International President, Industrial Union of Marine and Shipbuilding Workers of America, New York, N.Y.

GENTLEMEN: The Bethlehem Shipbuilding Division strike has now been in progress for more than a month. During this time we have been in frequent contact with officials of the Navy Department, including the Secretary, the Under Secretary and responsible officials in the Quincy area. At our request, our staffs have discussed this most serious problem with local and national representatives of the union and with representatives of Bethlehem Steel Co. Needless to say, we are vitally interested in an early and equitable settlement of the dispute.

Our concern in this matter stems not only from the serious situation in which workers and their families find themselves as a result of the prolonged work stoppage, but also because of the most critical delays in defense production which the strike has entailed. In addition, trades people and service industries in Quincy and the entire South Shore are feeling the indirect effects of the strike.

We and the people of Quincy are apprehensive that this strike may have serious long-term consequences for the economy of the area. The people of Quincy are now concerned over both their immediate and their long-range interests. We have urged the Navy to leave the *Springfield* in Quincy pending an early settlement of the strike. This the Navy informs us it is planning to do, but of course national interest, if the strike is prolonged, may require the Navy to change its plans.

While in the early stages of the dispute it appeared that most of the issues were susceptible to negotiation and we were hopeful that a settlement could be reached quickly, we are now informed by the Federal Mediation and Conciliation Service that negotiations have slowed down considerably. We recognize that there are serious issues involved between labor and management but none of these appear to us to be insurmountable and we believe that with serious good-faith bargaining on the part of both parties to the dispute, a quick agreement can be reached. We are greatly disturbed that since negotiations have become centered in New York progress has been halting and the parties have not been meeting as frequently as the serious situation seems to demand. We are informed that locally both union and management are most anxious to bring these protracted negotiations to a close and arrive at an equitable settlement for all concerned. Consequently, we most strongly urge that the union and management take every practical step to intensify their bargaining efforts so that a settlement may be reached promptly.

Above all, we are concerned that the interests of Massachusetts people, who have for years assisted the Nation and made their living through responsible hard work on the ships being constructed in Quincy, are given full consideration in this controversy. Our sailors fought World War II in ships constructed in Quincy. Though we hope the cold war will never become a hot war, we all hope that America's deterrent capability on the sea will remain strong with the assistance of the people of Quincy. We look forward to a speedy and amicable settlement of the strike.

Sincerely yours,

LEVERETT SALTONSTALL,
U.S. Senate.
JOHN F. KENNEDY,
U.S. Senate.
JAMES A. BURKE,
Member of Congress.

Women's American ORT

EXTENSION OF REMARKS
OF
HON. FLORENCE P. DWYER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Monday, March 7, 1960

Mrs. DWYER. Mr. Speaker, in many communities throughout the country, today, March 2, was celebrated by thousands of our most dedicated fellow citizens as ORT Day.

The ORT, as our colleagues know, is the Organization for Rehabilitation Through Training which is devoted to the humanitarian work of rehabilitating Jewish people who are in need wherever they may be throughout the free world.

ORT Day this year marks the 80th anniversary of the World ORT Union and

the 33d year of service of the Women's American ORT. In this period, several million of their fellow Jews have been helped in a way that merits the understanding and support of all our people.

ORT is based on the principle that people should be helped to develop their God-given talents and innate abilities and aided in becoming useful and productive citizens of the free world. Its program emphasizes vocational training and it has served displaced and underprivileged people whose potential contribution would otherwise have been lost to society and who themselves would otherwise have been denied the fruits and satisfaction of useful lives. Through its 631 vocational training installations in 19 countries, ORT has offered young people and adults the means of learning valuable industrial skills and thereby of participating in a productive way in the economic life of their countries.

It is fitting, Mr. Speaker, that we, the friends of the ORT program, salute the 55,000 members of the Women's American ORT and the 100,000 members of other American ORT Federation affiliates on this happy occasion, and wish them well as they prepare for years of ever greater and more beautiful service to humanity.

"Champions of Liberty"—Thomas G. Masaryk

EXTENSION OF REMARKS
OF
HON. FRANK J. LAUSCHE
OF OHIO
IN THE SENATE OF THE UNITED STATES
Monday, March 7, 1960

Mr. LAUSCHE. Mr. President, today, Monday, March 7 marks the 110th anniversary of the birth of Thomas G. Masaryk, the founder-first President of Czechoslovakia. Our Government, in recognition of Masaryk's fight for Czechoslovak democracy, authorized that the sixth of the "Champions of Liberty" postage stamp series honor this great patriot, and it is very fitting that these stamps be first placed on sale here in Washington today.

Mr. President, I ask unanimous consent that a statement I gave to the Masaryk Champion of Liberty Commemorative Committee and to the Czechoslovak National Council of America be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR LAUSCHE

I am happy to join with all of the members of the Czechoslovak Societies of the United States on the occasion of the 110th anniversary of the birth of Thomas G. Masaryk, the founder—first President of Czechoslovakia.

Today, Czechoslovaks and friends of the Czechoslovak democratic spirit recall the dramatic rise of Thomas G. Masaryk from a humble Czech and Slovak parentage to respected professor of philosophy at Charles University in Prague, and his meteoric career as representative of his people in the Austrian Parliament while the Czech and Slovak lands were part of the Austro-Hungarian Empire.

His leadership during World War I, along with the assistance of Eduard Benes, a Czech, and Milan Stefanik, a Slovak, and other fighters for freedom, led to the uniting of efforts to secure an independent Czechoslovakia.

On October 28, 1918, diplomatic support and world public opinion crowned with success his efforts when the Czechoslovak National Committee in Prague made effective a declaration of Czechoslovak independence. We recall that under his presidency, 1918–35, the Czechoslovak Republic, although beset by many internal and external difficulties, became a notable example of a modern state pursuing social progress through democratic methods and playing an important part as a small nation in international affairs.

Today, we revere his memory as the father of the Czechoslovak Republic, and although the Czech and Slovak peoples do not now enjoy the internal democratic freedoms they once had, I feel certain that his aspirations and his love of liberty are part of the national heritage of all Czechoslovaks and will never be forgotten by those who love freedom.

Philippine Sugar

EXTENSION OF REMARKS
OF
HON. ROBERT W. LEVERING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, March 7, 1960

Mr. LEVERING. Mr. Speaker, the time is ripe for the Philippine case for sharing in the U.S. sugar consumption increases either by an outright additional allocation or by allotting the Philippines a percentage in U.S. consumption increases. As you may have read in the press, Russia and Cuba have just concluded a trade treaty in which Russia is buying 1 million tons of Cuban sugar per annum for 5 years. In view of the great restraint shown to Cuba by the United States in the face of provocation, Cuba's growing intimacy with the Communists must cause many of our colleagues to wonder whether Cuba should continue to be so heavily favored in the U.S. sugar bowl as hitherto.

The Philippines, on the other hand, for all its national sensibilities and pride, is a proved friend and ally of the United States. Unlike Cuba, the Philippines fought in the last war and suffered heavily.

President Eisenhower, when signing the Sugar Act of 1956, which is now due for renewal, wrote down his hope that special consideration—then denied to the Philippine case—would be extended to the Philippines in 1960.

There is much unemployment in the Philippines. The first impact of any increased sugar quota that may be allotted to the Philippines would be to the benefit of Philippine labor. In sugar production, unlike oil refining, cement manufacturing, and some other industries, labor is a high component of production cost. Philippine employment and Philippine contentment would be affected by an increase in the Philippine sugar quota long before any benefits of that extra quota come through to the sugar capitalists, the majority of whom are the Filipinos.

The U.S. domestic producers in the sugar beet and cane States—including Hawaii—should obviously receive the first consideration from the U.S. Government, but we sincerely believe that second only to them, consideration should be given to the Philippines, the only Christian country between Suez and San Francisco and the one in which the American conception of democracy is most indigenous.

Social Security

EXTENSION OF REMARKS
OF
HON. JOHN H. DENT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 7, 1960

Mr. DENT. Mr. Speaker, during these days of uncertainty it is well to pause and consider the importance and the impact of social security on our economy and our way of life.

When social security was born it was heralded as a major prop in our economy against the devastating effects of unemployment, automation, and national business recessions.

Social security was held up as the answer to our need for security in old age, opportunity for youth and as proof positive that a democracy could meet the challenge of socialism and communism.

Recently much has been written but little has been said about the need for drastic changes and an updating of this law passed in 1934 becoming effective in 1935.

From the earliest dawn of history, advancing age has been one of man's greatest problems. Primitive tribes regarded age with superstition and fear. Often, the older men and women were driven from the tribes into the forest in the belief that their infirmities made them unfit to associate with others. Gradually, as family units were established, the elderly gained a better place in society. In the beginnings of most civilizations that remain today, the very old were the responsibility of the younger members of the families. In some societies, the aged were highly revered and the conduct of government rested in their venerable hands. But the family remained the basic foundation of their support.

Not until recent times has society as a whole accepted responsibility for the care of the old. Homes for the aged were established in Holland in the 16th century. Other nations neglected the elderly to a woeful extent until the beginning of this century. But gradually, as industrialization drove families into teeming cities and destroyed the last vestiges of tribal life in the Western World, it became clear that the people as a whole would be forced to protect the old, or let them starve in lonely misery.

This gave birth to national pension systems in some European countries.

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Many had already established generous programs for the elderly long before the United States at last recognized its obligations to its senior citizens.

Not until the great depression did America act. But when it did, its action was aimed more at unemployment than the economic protection of the old. The Social Security Act first went into effect in 1935, when millions were jobless. With its rigid restrictions against earnings by beneficiaries the act was largely designed to drive older workers out of the labor market, that if offered, some retirement benefits was an incidental feature. Thus, we see that social security came too late, with too little.

All efforts to broaden its provisions and enlarge its benefits have lagged far behind the exploding economy of this Nation. On every hand, we see evidence of the greatest prosperity in history. America has more factories, bigger cities, finer highways, and more devastating weapons of destruction than any other nation ever had. Most of our people are the richest, the best-fed, and most adequately-clothed, the best educated in the world.

But millions dwell on the edge of economic slavery in the midst of fantastic wealth. These are the more than 14 million Americans of age 65 or older. Many receive a small social security benefit, pitifully insufficient to meet their monthly needs. Most augment this with State old-age assistance, if they are desperate enough and lucky enough to meet the restrictive requirements of State and local welfare regulations. Others, who do not qualify for social security, must depend entirely on State assistance.

Who pays for State old age assistance? The taxpayers of the State and the Nation. The Federal Government contributes matching grants to the States. The States are encouraged to add their funds. From these two sources, States establish their old age assistance grants, hardly enough to keep the elderly alive. The programs are makeshift in character, cumbersome in administration, and the constant target of attacks by so-called taxpayer groups and other special interests. Their narrow concern is the level of taxes, which they fight to reduce with total disregard of the people's welfare—especially the aged.

So America forges ahead toward a millennium of materialism, while clinging to an old age security system as outmoded as the buggy whip. With a social security program crippled in its infancy, and State old age payments that are only a slight improvement over the poorhouse system of a generation ago, this Nation has virtually abandoned its deserving aged.

PROGRAM RETIREMENT BENEFITS

First. Social security must be brought up to date. It must be reshaped to fit our atomic times, available to all who apply for it in an amount geared to the Federal minimum wage law. This now stands at $1 per hour for a 40-hour week, or $173 per month.

If this Nation accepts the fact that a working man cannot live on less than $173.33 per month, does it not follow that an aged person deserves the same amount?

Under present law, millions of oldsters are denied any social security benefits, or receive minimum payments. The Social Security Act must be amended to include all these aged men and women. They must be rescued from their plight as second-class oldsters and freed of the harassment and persecution they suffer under threadbare State old age assistance programs. Many of these unfortunate oldsters are widows who devoted their lifetimes to their families only to reach their later years with no provision for economic security.

Second. America's oldsters must be protected from the financial ravages of inflation. Too often, retirees have seen their hard-earned savings swallowed up years ahead of their retirement timetable as the value of the dollar drops with dizzy speed. After a realistic payment has been set by Congress, a cost-of-living amendment should be written into the Social Security Act, to increase benefits automatically in inflationary periods.

Third. To protect the sensitive economy of the Nation, social security eligibility ages should be made fluid. Benefits should be available at a lower age in times of widespread unemployment. The eligibility age for those able to work could be raised but not past 65, in periods of great labor demand, such as a war or other national emergency.

Fourth. Under existing law, several million Americans are totally neglected by the Nation they have helped to develop. These are men and women of 60 years and older. Once jobless at this age, these people find it well-nigh impossible to find new employment. There is no State old age assistance available. At age 62 women can obtain partial social security old age benefits but no State old age assistance. Men are not eligible for either form of benefits until they are 65. The Social Security Act must be broadened to include both men and women in the 60-and-over group, if they apply for benefits.

Fifth. The present, unrealistic limitation on earnings by old age beneficiaries under the Federal Social Security Act should be junked. Instead of prohibiting the elderly from making more than $1,200 per year, the law should permit them to earn at least twice that amount, or $2,400. All limits should be removed at age 70, instead of the present age of 72.

Sixth. The Nation's disabled should receive full benefits at whatever age they become physically unable to work.

Seventh. Adequate annuities must be provided for widows with families, enabling them to raise their children in dignity and decency.

Revolutionary changes? They may be, to some. But drastic action is necessary now to establish a real national retirement program. The Social Security Act provides a practical vehicle for this objective. Even Arthur Flemming, Secretary of Health, Education, and Welfare, admits the urgency of this program. He recently stated publicly that social security benefits should be offered to everyone at 72, whether or not they had ever worked in covered employment.

Tremendous savings would be possible under a "social security for all" system. Hundreds of thousands of State, county, and municipal social welfare workers could be dropped from the tax-supported payrolls. With a single check coming every month from the Federal Government, recipients would no longer be subjected to the humiliation of embarrassing investigations, quizzes and surprise visits by snooping welfare workers. The labyrinthine tangle of State and local welfare departments could be cleared and the taxpayers relieved of millions of dollars in annual administrative and other costs.

The present outdated system of requiring the employer and the employee to bear the full expense of social security payments should be abandoned and America should follow the example of many foreign nations. The Federal Government could participate in the program as a third-party contributor. This practice has proved successful in many other countries, some of which receive millions in foreign aid from the United States. Paradoxically, they use part of these funds to establish social security programs far more advanced than our own. Can America risk losing her position of world leadership by permitting less wealthy countries to widen their lead in this important area of social progress?

MEDICAL CARE

The elderly have more frequent and serious health problems than any other population group. They spend more time in hospitals and their chances of recovery diminish with every passing year.

In modern America, they find themselves in a hopeless squeeze, caught between steadily rising medical and hospital costs, and greatly curtailed income. No realistic private health or hospitalization insurance is available to the aged at a cost they can afford.

Congress must provide health protection to the aged to fill the medical vacuum left by private medicine and private insurance companies. Every person receiving social security benefits should receive medical care and hospitalization at no cost to him with the doctors and hospitals paid out of the social security fund. This is the only practical solution to the problem of protecting the health of our elderly. Payments could follow established rates and customs set up under Blue Cross, Blue Shield, and other programs.

A bill by Representative AIME FORAND, Democrat of Rhode Island, now before Congress, provides for this protection to social security recipients.

HOUSING

Social scientists and public agencies throughout the Nation have repeatedly described housing as one of the most urgent needs of our aging population. Severely limited financially, older Americans cannot compete with highly paid workers for rental dwellings. As a result, they concentrate in the slums, en-

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dangering their health and safety and perpetuating areas of civic blight.

Although Congress in 1956 established section 207—Housing for the elderly—as part of the Federal Housing Act, very little has been accomplished in the field. Nonprofit organizations can qualify under section 207 for federally insured loans to build housing-for-the-elderly developments. But the financial hurdles are so high that no truly nonprofit corporations can surmount them. Consequently, housing for the elderly remains almost at a standstill while millions of worthy, elderly citizens stagnate in unhealthful—often dangerous—living quarters.

Congress in 1959 passed new legislation affecting housing for the elderly. Unfortunately, the provisions are so far largely meaningless. Congress did not appropriate the necessary $50 million to activate the new legislation. And although the payback period for federally insured mortgage loans was extended from 40 to 50 years, high interest rates and large FNMA discounts virtually cancel this feature. The advantages of 100 percent mortgage insurance offered in the new law is illusory for the same reason.

Congress must further revise housing-for-the-elderly provisions of the Federal Housing Act. One hundred percent financing must be made available on realistic terms to nonprofit organizations interested in building low-rent, high-quality facilities for the aged. The terms should be similar to those now available for military and other special assistance programs. Interest rates, paid directly to the Federal Government, should be pegged at a level no higher than necessary to process and service the mortgage.

Eight billion dollars of surplus foods lie sealed in warehouses across this great land of ours. The harvest of fertile farms in every section of the country, this precious food is denied to our elderly men and women, even though they desperately need it. Occasionally, large shipments are sent to foreign lands, to be distributed wholesale on a "no questions asked" basis. Meanwhile, private corporations fatten on the huge rentals charged to our Government for the use of the food storehouses.

Congress in 1959 passed an amendment to a foreign aid food bill, to permit distribution of surplus foods to hungry Americans, using a food stamp system. But Agriculture Secretary Benson arrogantly announced he would not put the system into effect, even after President Eisenhower signed it. This is an example of how far some of the President's appointees will go to prevent help from reaching those who need it the most.

The 1960 Congress should adopt a mandatory provision in a new, stronger food stamp bill, including a provision compelling the administration to put it into effect without delay.

These food stamps should be negotiable at any store or market, so that individuals could go to the store of his choice and exchange the food stamps for any kind of food commodity.

In the interest of showing the inadequacy of the present law, I present a summary of the benefits obtainable under the present law.

BENEFIT AMOUNTS

Average monthly wage: In general, an individual's average monthly wage for computing his monthly old-age insurance benefit amount is determined by dividing the total of his creditable earnings after the applicable starting date and up to the applicable closing date, by the number of months involved. Excluded from this computation are all months and all earnings in any year, any part of which was included in a period of disability under the disability "freeze" (except that the months and earnings in the year in which the period of disability begins may be included if the resulting benefit would be higher). Also excluded from the computation are all months in any year prior to the year the individual attained age 22 if less than two quarters of such year were quarters of coverage. Starting dates may be the year of attainment of age 21. The closing date may be either (1) the first day of the year the individual died or became entitled to benefits or (2) the first day of the year in which he was fully insured and attained retirement age, whichever results in a higher benefit.

Applicable starting and closing dates are those which yield the highest benefit amount. The minimum divisor is 18 months.

Individuals can drop out up to 5 years of lowest or no earnings in computing average monthly wage.

The minimum primary insurance amount is $33.

MAXIMUM FAMILY BENEFITS

Family maximum benefits are set by the new table and range from $53 to $254 (subject to rounding of individual benefits to next higher 10 cents). Though not specifically stated in the law, the table provides that the maximum amount payable on a single wage record is the lesser of $254—twice the maximum possible primary insurance amount—or 80 percent of the individual's average monthly wage. The 80-percent limitation, however, cannot reduce family benefits below the larger of $53 or 1½ times the primary amount.

DEPENDENTS' AND SURVIVORS' BENEFITS

First. Wife or husband of insured worker: One-half of primary insurance amount.

Second. Child of insured worker: One-half of primary insurance amount.

Third. Widow, widower, former wife divorced, or parent of deceased insured worker: Three-quarters of primary insurance amount except minimum benefit is $33 if individual is sole beneficiary entitled.

Fourth. Child of deceased insured worker: If only one child is entitled, three-quarters of primary insurance amount, except minimum is $33 if the child is the sole beneficiary entitled.

If more than one child entitled, each child gets one-half of primary insurance amount plus an equal share in an additional one-quarter of primary insurance amount.

Fifth. Lump-sum death payment: Three times the primary insurance amount with a statutory maximum of $255.

Benefit chart

Average monthly earnings	Old-age benefits			Survivors benefits [1]	
	Worker	Worker and wife at age 62	Worker and wife at age 65	Widow, widower, child or parent	Widow and 2 children
$50	$33	$45.40	$49.50	$33.00	$53.10
$100	59	81.20	88.50	44.30	88.60
$110	65	89.40	97.50	48.80	97.60
$120	67	92.20	100.50	50.30	100.70
$130	69	94.90	103.50	51.80	105.60
$140	71	97.70	106.50	53.30	112.90
$150	73	100.40	109.50	54.80	120.00
$160	75	103.20	112.50	56.30	128.00
$170	78	107.30	117.00	58.50	139.20
$180	80	110.00	120.00	60.00	146.50
$190	82	112.80	123.00	61.50	154.50
$200	84	115.50	126.00	63.00	161.60
$210	86	118.30	129.00	64.50	168.90
$220	88	121.00	132.00	66.00	176.00
$230	90	123.80	135.00	67.50	180.10
$240	93	127.90	139.50	69.80	186.20
$250	95	130.70	142.50	71.30	190.10
$260	97	133.40	145.50	72.80	194.20
$270	99	136.20	148.50	74.30	198.10
$280	101	138.90	151.50	75.80	202.20
$290	103	141.70	154.50	77.30	206.10
$300	105	144.40	157.50	78.80	210.20
$310	108	148.50	162.00	81.00	216.00
$320	110	151.30	165.00	82.50	220.10
$330	112	154.00	168.00	84.00	224.00
$340	114	156.80	171.00	85.50	228.10
$350	116	159.50	174.00	87.00	232.00
$360	118	162.30	177.00	88.50	236.10
$370	120	165.00	180.00	90.00	240.00
$380	123	169.20	184.50	92.30	246.10
$390	125	171.90	187.50	93.80	250.20
$400	127	174.70	190.50	95.30	254.10

[1] Survivor benefit amounts for a widow and 1 child or for 2 parents would be the same as for a man and wife.

INSURED STATUS

Fully insured: one quarter of coverage—acquired at any time after 1936—for every two calendar quarters elapsing after 1950—or after quarter in which age 21 was attained, if later—and before quarter of death or attainment of retirement age whichever first occurs.

No person can be fully insured unless he has at least six quarters of coverage.

Currently insured: six quarters of coverage within thirteen quarters ending with quarter of death or entitlement to old-age insurance benefits.

Also includes in the definition of "currently insured individual" an individual who meets the present coverage requirement in the quarter in which he becomes entitled to disability insurance benefits.

Quarter of coverage defined: quarter in which individual received at least $50 in wages (other than for agricultural work) or was credited with at least $100 in self-employment income.

Every quarter in any calendar year in which wages are $4,800 or more, and every quarter in a taxable year in which combined wages and self-employment income equal at least $4,800.

In the case of wages computed on an annual basis for agricultural workers, four quarters of coverage are credited for a minimum of $400; three quarters for income of $300 to $399.99; two quarters for income of $200 to $299.99, and one quarter for $100 to $199.99 for a year.

A review of the law shows that the Congress has failed to keep the Social Security Act abreast of the needs and the times. Approximately 2 million young workers enter the labor market every year while automation increases production per man-day beyond consumption levels creating unemployment at both ends of the age scale.

Every statistic proves that unemployment is becoming greater amongst production workers while production is increasing. This means we are increasing surpluses of both goods and labor.

Consumption of goods produced and creation of non-production jobs is the obvious answer. Charity is not the answer. Social security and retirement pension systems paid for while working and earning income are the answers, at least until something better comes along.

Although the demands of political expediency in a presidential election year may well stall all but minor revisions and amendments this year, the demand for changes will increase and in the not too distant future a major overhaul of the Social Security Act will be the order of the day.

Family Housing Units at the Alameda, Calif., Naval Air Station

EXTENSION OF REMARKS
OF
HON. GEORGE P. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 7, 1960

Mr. GEORGE P. MILLER. Mr. Speaker, the Department of the Navy has requested, and the Bureau of the Budget has approved, authorization to construct 900 family housing units at the Naval Air Station, Alameda, Calif.

Existing military-controlled housing was built during the war emergency as a temporary measure and has been declared substandard under section 407 of Public Law 84-241. It is to be eliminated from housing use by July 1, 1961.

I am personally familiar with existing housing and can attest to the fact that much of it is a health hazard and a fire hazard. It should have been eliminated long ago. It is so inadequate that outside studies show that rehabilitation to bring it up to required public standards would be completely infeasible.

The Navy reports that various investigations and surveys in the bay area have established that private support housing is simply not available. Joint factfinding surveys made by the Federal Housing Administration and postmasters of Alameda, Oakland, San Francisco, Berkeley, and Daly City, disclosed a family housing vacancy rate of only 1.3 percent, whereas a 5-percent vacancy rate is considered normal.

The Naval Air Station in Alameda is one of the largest naval air stations in the country. It is the home port for five aircraft carriers: the *Ranger*, in the *Forrestal* class; *Ticonderoga, Hancock, Bon Homme Richard*, and *Midway*.

Unless action is taken immediately to construct these family housing units a serious military personnel housing shortage will develop with its consequent effect on the morale of our servicemen as well as the economy of the area.

I urge my colleagues to support the authorization for these critically needed family housing units so that construction can begin at the earliest possible date.

VFW Old Guard Post No. 2100 Burning the Mortgage

EXTENSION OF REMARKS
OF
HON. JACK WESTLAND
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, March 7, 1960

Mr. WESTLAND. Mr. Speaker, the Veterans of Foreign Wars from my home town of Everett, Wash., is going to do something March 12 that I wish our Nation could do—burn its mortgage.

The veterans who are members of Old Guard Post No. 2100 should be commended for their accomplishments since the post first organized at Lake Stevens, Wash., in April 1930, due in a great part to Elwin W. Spriestersbach. The post has been a leader in veterans' affairs, youth work, and community projects ever since it received its charter in April 1931.

When the post moved to Everett in June 1932, its members met in the Washington State National Guard Armory. These members wanted and needed a home for the post, so they worked toward and finally purchased a site nearby for construction of a modern concrete-and-brick building.

Construction began December 5, 1945. A year and 10 days later the building was formally opened. Now, a little more than 13 years later, because of an active and steadily increasing membership the Old Guard Post is out of debt.

Mr. Speaker, many of the accomplishments of the post are due to the able leadership of its past commanders. Under leave to extend my remarks in the RECORD, I would like to include the names of these veterans, beginning with the first, Clyde Pottruff, who took office in 1931. They include: Dr. C. L. Lauerman, Otto Beilfus, Mel Knudsen, Ernest Swaney, Ellsworth Johnson, Gordon Steele, Thomas Phillips, Robert Knight, Clayton Wilbur, John Campbell, Harry Hansen, Carl Olsen, Walter Callahan, Almon I. Spence, John Matson, Walfred Johnson, Harry Spence, Joseph M. Torrey, George F. Thompson, Wilbur E. Ryder, Blaine Wise, Earl Ray, Harold Hall, Kurt Kallstrom, Leonard Luce, Morris Stevens, and A. C. "Jerry" Krekow.

Also, Mr. Speaker, I believe recognition is due the present commander, E. "Fuzzy" Forsgren, and the post manager, Warren L. Scheel, whose efforts are contributing to the continued success of Old Guard Post No. 2100.

What's Right With West Virginia; There Are Health and Hope in Its Two Greatest Resources—the People and the Land

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Monday, March 7, 1960

Mr. RANDOLPH. Mr. President, recently the Saturday Evening Post published an article entitled "The Strange Case of West Virginia." Both Senators from West Virginia have heretofore discussed the Post story in this body. Subsequently, I wrote to the executive editor of that periodical and suggested that the Post should consider exposing its vast circulation to another article about West Virginia with a different approach than that employed by the author of the one published in the magazine's February 6, 1960, issue. In response, the executive editor replied that he was "sorry to say that the Post cannot grant space for an article of rebuttal."

When this exchange of correspondence was made available to the newspaper editors of West Virginia by me, the editor of the Charleston Gazette, Harry G. Hoffmann, telegraphed an invitation that I prepare the article for publication in that newspaper.

Mr. President, I ask unanimous consent that the article, "What's Right With West Virginia," be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT'S RIGHT WITH WEST VIRGINIA

(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

Is West Virginia a dying State—is it chronically and critically ill—or are its problems those of localized infection which will respond to specific as well as general courses of treatment?

As with an individual, so with the body politic, there must be a diagnosis of the all-

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ment, consideration for its causes, evaluation of the patient's resources, and then a prescription of treatment to bring renewed health.

There is indeed a sickness in our State.

My responsibilities as a Senator from West Virginia have made necessary a focusing of attention upon many aspects of this fact, a consequence of which has been that I have received rather intemperate criticism from some quarters. But a fact is a condition which must be faced, and it is a fact that there are some extraordinary circumstances in our State which demand attention. It is axiomatic that a problem is not solved by according it nothing more than neglect. A public official must expect to be subject to censure as well as commendation, but to be censured for inaction and inattention to conditions which require vital action and to fail to consider adequately all sides of a question are matters against which alert, patriotic citizens must and will arise and take appropriate action.

HEALTH AND HOPE IN WEST VIRGINIA

When I point out that there are health and hope in West Virginia, as well as sickness, and when I declare that ours is not a dying State, I cannot, with fairness, be accused of having assumed a Pollyanna attitude.

BEAUTIFUL SCENERY OF WEST VIRGINIA

On one of my recent trips from Washington back to West Virginia, I was a passenger on Eastern Airlines Flight 463, with Charleston as the destination. It was a clear day. There were only a few scattered cumulus clouds below as we crossed the Blue Ridge Mountains and approached the Appalachians at an altitude of 8,000 feet. Our pilot, Capt. George H. Miller, announced that we were flying over West Virginia—"a State with magnificent scenery," he commented. The pilot did not refer to our unemployment rate, to abandoned and worked-out coal mines, nor to the habits of some of our mountain people. He spoke of the beauty of West Virginia.

Later, at Kanawha Airport, on the outskirts of Charleston, Captain Miller added to his earlier comments on the scenery of West Virginia and told us of the kindness and hospitality of the men and women whom he encounters on his frequent fishing trips to the South Branch Valley of the Potomac in our State.

This occurrence is related because, in his remarks to the plane's passengers, Captain Miller touched upon the two greatest resources of our State—the people and the land.

This is the substance from which we will fashion our future, and the new frontier of our State will be what you, the people, make it—what you demand will be. This is a belief which I have maintained throughout my adult life since first having expressed it in an article for the West Virginia Review magazine in the mid-1920's at the time my friend, Phil Conley, was its publisher. We need more men and women who constructively chronicle and build West Virginia on the foundation of its finest assets—the people and the land.

SPIRIT OF THE PEOPLE OF WEST VIRGINIA

As West Virginians, we are familiar with the spirit which once moved among our people and is reputed to have inspired George Washington to remark, "Leave me but a banner to plant upon the mountains of West Augusta, and I will gather around me the men who will lift our bleeding country from the dust and set her free."

And who has not heard quoted the vivid description of Thomas Jefferson when he first viewed the confluence of the Potomac and Shenandoah Rivers and said: "In the moment of their junction they rush together against the mountain, rend it asunder, then pass off to the sea. The scene is worth a voyage across the Atlantic."

True, these stories belong to a realm of history. And perhaps they are merely apocryphal. But if so, yet they illuminate a kind of truth which lives even in the fictions of history, for they refer to the timeless spirit of our people and the enduring strength and beauty of our land.

And certainly the resources of our citizens, and the natural, industrial, economic, and scenic resources of our earth are equal to the challenges posed by our present economic difficulties. But first we must have a clear understanding of the nature of our problems.

IMPORTANCE OF COAL MINING

Probably the most widely accepted explanation of our condition is that it is due to the mechanization of the coal mines. While this is certainly a major factor, it is a gross oversimplification to reduce our complex circumstances to such a single set of terms.

Competition with other fuels and technological developments within our national industrial and transportation systems are equally important factors in our coal mining economy. Coal is basic to the economy of our State, but any consideration which treats of coal alone is inadequate.

FARMING AND INDUSTRY

We have, in effect, at least five distinctive patterns of geographic and economic specialization.

In the eastern panhandle, the economy is based largely upon fruit, vegetable, and poultry farming; in the northern panhandle the base is principally the iron and steel industry; in the central area, coal, timber, and livestock raising predominate; in the southern section of the State, coal is the foundation; and in the Kanawha Valley and mid-Ohio Valley, economic life turns predominantly about the immense chemical development. Nor should we fail to acknowledge the significance of the new aluminum industry concentrated in the Ohio Valley, as well as our pottery, glass, and hardwood industries in West Virginia.

Even the briefest summary reveals an amazingly varied and rich economy, and one which is certainly unmatched in its profusion and contribution to our national wealth, except by the larger States of the Union.

Yet, despite the variety and productivity of the State's economy, and despite the development of new industries and the expansion of established ones, we continue to be confronted with the stubborn problem of an unemployment rate almost twice that of the national average. The main reason for this seeming paradox is that the areas of industrial expansion have been those in which there is already a high degree of mechanization and, therefore, a high rate of capital investment per worker. We have not maintained an equivalent rate of expansion in peripheral and subsidiary economic activities and in those areas where the slack in employment must be overcome.

A later article will deal with this problem in more detail, but it might be revealing to note at this point a comparison between the percentage of our labor force in certain employment categories in West Virginia and in the Nation as a whole.

These are some examples which need amplification:

In West Virginia 14.5 percent of our labor force is employed in wholesale and retail trade, but for the United States as a whole the figure is 20 percent.

In the fields of finance, insurance, and real estate, only 2.1 percent of West Virginians find employment in their home State, compared with 4.5 percent for the entire country.

And, in contract construction our employment rate is only slightly more than one-half that of the national average—3.3 percent for West Virginia compared with 6 percent for the United States.

Although these figures indicate certain limitations as we face our present problems, they also signify the range of opportunities for the inventiveness and initiative of our people. And I am confident that the men and women of West Virginia will be equal to the tasks of the present—as they have been in the past.

Let's Not Bury American Textile Industry

EXTENSION OF REMARKS
OF
HON. KENNETH A. ROBERTS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 7, 1960

Mr. ROBERTS. Mr. Speaker, recently I presented a statement to the U.S. Tariff Commission on the problems besetting the American textile industry.

Because there are many here who are interested in this matter, I wish to include in the RECORD this statement.

The statement follows:

STATEMENT OF HON. KENNETH A. ROBERTS, A REPRESENTATIVE IN CONGRESS FROM THE FOURTH DISTRICT OF ALABAMA, TO THE U.S. TARIFF COMMISSION, MARCH 3, 1960.

Mr. Chairman, I appreciate the opportunity of appearing with my colleagues in support of appropriate safeguards to alleviate the unfair and, in some instances, intolerable situation under which many segments of the domestic cotton industry now are laboring.

I will not belabor the points which have been clearly and cogently presented by the National Cotton Council and the other friends of domestic industry in pointing out the seriousness of the problem.

I wish to be associated with the remarks of these gentlemen.

Coming from a State which has some 45,000 textile workers and representing a district where textiles constitute the largest industry, I am personally very much aware of the pressure being exerted by imports of cotton products.

During the past decade, the textile industry has lost some 325,000 jobs. This was not during a time of depression; rather, this occurred during a period of economic development in most industries and a tremendous growth in gross national product. During this period, the United States lost 717 textile mills.

I believe a great part of this is directly traceable to the continuing and increasing inequity in the trade policies of this country with other countries. While the figures for imports of cotton yarn and cloth have steadily climbed during the past decade and are now more than seven times the total imports for 1948, the exports of cotton in the form of yarn and cloth have been in steep decline.

Further inequity has developed by the increase in the subsidy on exported raw cotton from 6 to 8 cents per pound. Now, raw cotton produced in this country is available to the foreign textile mills which are putting our mills out of business at a substantial discount under U.S. domestic mill prices.

Last August, I joined my colleagues in the Alabama delegation in urging the Secretary of Agriculture to approve a petition seeking relief for the domestic industry under section 22 of the Agricultural Adjustment Act, as amended. Of course, I was

delighted when the Secretary recommended action and the President requested the Tariff Commission to make an investigation.

I was, however, disturbed very greatly by the implications of limitation in the President's order to this Commission. I cannot interpret the order any other way but that he wishes to restrict the Commission to no more than an 8-cents-a-pound fee imposition on the cotton content of imported articles.

Now this, in my estimation, is a flagrant misuse of section 22 as enacted by Congress.

The section Congress approved contemplated that the Commission would recommend the relief it deemed necessary when it was determined that imports materially interfered with the domestic cotton program.

Certainly it was not the intent of Congress to limit the considerations involved in one of these cases, or to do anything prejudicial to full and complete relief where it is indicated.

In the past, in every instance section 22 has been interpreted, properly I believe, in the broad and complete sense, and I can see no justification for limiting its application in this instance.

I want to commend the Tariff Commission for the cooperative and conscientious manner in which it has approached these hearings, for receiving all the testimony, and for covering the wide range of this complex problem.

I urge the Commission now to recommend relief appropriate to the problem, unfettered by any administration decrees. Certainly the Commission should not feel bound by any means by such decrees.

My parting remarks will be to implore you not to bury the American textile industry. It needs help desperately.

Thank you.

Address by Congressman Schwengel

EXTENSION OF REMARKS
OF

HON. GARDNER R. WITHROW

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 7, 1960

Mr. WITHROW. Mr. Speaker, under leave to extend my remarks in the RECORD I include an address by Congressman SCHWENGEL, delivered at the 15th annual convention of the National Limestone Institute. Said convention was held January 21, 1960, at the Statler-Hilton Hotel here in Washington, D.C. I recommend this address very highly. It is a wonderful review of the huge Federal road program.

The address follows:

ADDRESS BY CONGRESSMAN SCHWENGEL AT THE 15TH ANNUAL CONVENTION OF THE NATIONAL LIMESTONE INSTITUTE, JANUARY 21, 1960, WASHINGTON, D.C.

To you good people from all over this great land, welcome, first of all, to Washington, the site of the greatest Capitol on this earth, where what happens daily makes some difference somewhere in the world. The dome of the Capitol that you will see or have seen since you have been here represents, first of all, freedom and liberty as no other people in the world know. It represents wonderful things for our own people and it represents a longing hope for billions of people outside this land of ours. Since I have been here, I have made it my business to study some of the things that happen in that Capitol, and I can say to you that I believe that more things of importance have happened to people there than any place else in the world. And, I could spend the whole hour talking about it. I want to call this to your attention because while you're here I want you to appreciate its importance, its grace, and invite you not only to see the Capitol but see the monuments that have been built to great men who represent big ideas and great ideals.

I have recently done a little research on the foreign people who were invited to this land to speak from the House podium, and I have found this to be one of the largest heritages that we have—a subway hidden that we don't even use or know about. Let me quote just one phrase from one of the 74 different speeches made from the podium of the U.S. House of Representatives. This one by a Mr. Mayhew when he was here in 1949, which is among the many fine speeches we have had.

"My good friends, I toured your Capitol and I visited many of your monuments, and it was a thrill to receive something of the spirit that was in the hearts and minds of those wonderful people you call your forefathers."

This is how they influenced him. Last summer we had a well-known world character come into this country. He is a character, and that is the best compliment I can give him. While he was here, our State Department had the idea of taking him on a little tour and they took him to the Lincoln Memorial. That is the place you ought to visit—if you haven't friends. He walked up those 58 steps with Mr. Lodge and Mr. Lodge took him first to the south wall and there talked to him briefly about that great public document, the Gettysburg Address; showed him this monument and explained why Lincoln was sitting and facing the east. He pointed out the east, it was from the east that we got all the ideas and ideals that were put together in this wonderful thing we call America. And, also, facing the east because this way he could be watching that great symbol of liberty and unity that he believed in so much. And, then, took him to the north wall and read to him, "* * * with malice toward none; with charity toward all; with kindness in the right as God gives us to see the right; let us finish the task we are in; bind up our Nation's wounds; to care for him who shall have borne the battle, his widow and his orphan; and to do all to achieve and cherish just and lasting peace among ourselves and with all nations." This was interpreted to Mr. Khrushchev.

He thought a moment; he said, "This is beautiful language; this is a noble thought, I bow to Mr. Lincoln." It occurs to me that this may be the first time that this Communist who represents anything but good in the government had ever bowed to anything that wasn't communism. And, somehow this experience might have proved—and showed him that there was more to America than our power. He might adhere with this experience and others, and come to realize what we ought to realize and that is the greatness of America is not our might and our power and our know-how; but the greatness of America is in the hearts and souls of America; the spirit of man. And then Mr. Lodge said to him, "In these 72 words, 59 of them one syllable words, 12 of them two syllable words, and 1 three syllable word, is found the heart and soul of America and the great objective for our people and for all the people. This is something we ought to think on often." I share this experience with you for whatever it may be worth, in hopes that you will think briefly on something of the meaning of that experience and from the experiences that you can have while you are here.

Now I come to you as a politician and I admit it. Lincoln once said, "You can't be a statesman unless you get elected * * *" and I have found in my brief experience that politically you can't get elected unless you are somewhat of a politician, and it isn't easy sometimes to be the kind of a politician you want to be. Someone has said if you believe it's easy to be a politician try sitting on the fence with your hands on the post, your ear to the ground and then when it comes time, throw your hat in the ring.

I've diverted some from the subject that I wanted to talk about. Let me begin by saying to you, Mr. Seitz, and good friends, that I am glad to have the opportunity to substitute for a colleague of mine on the subcommittee, the ranking member of the Subcommittee on Roads and Highways of the House Committee on Public Works. And I appreciate the reference you've made to the "watch-dog" or study and investigation committee views. This is certainly going to be a part of what I am going to talk to you about. But, before I go too far, I feel that it is necessary to begin with the presentation of certain facts in a brief review of what has transpired in the field of highways and highway construction.

We all know that the Government, with the enactment of the Federal-Aid Highway Act in 1956, created and began the greatest single internal public works project ever attempted by any nation in the history of mankind. Besides substantially enlarging the program for the construction and reconstruction of the primary and secondary highways and their urban extensions—those known as the ABC System—this act finalized a plan for a National System of Interstate and Defense Highways, a plan that was desperately needed and is becoming more important than we realized when the act was passed. The initial concept of the Interstate System began with the studies by the Bureau of Roads and the appropriate committee in the Congress as far back as 1938 and the preliminary plan was presented to Congress in 1939. The records show that these studies finally resulted in making section 7 in the Federal Act of 1944. This officially created a plan called the National System of Interstate and Defense Highways which was limited then to 40,000 miles, or less than 40,000 miles actually. Little was done until extensive congressional hearings were held in 1955 and 1956. I sat through every one of those hearings, and there were 74 different sessions. So I can say to you that this had a pretty thorough going-over at that time. This legislation also established another very worthwhile feature—the highway trust fund as a depository for revenues from those who used the highways. It established a good principle, I think, hence, motor fuel taxes and the other highway user taxes, the receipts of which were to be used to finance this vastly expanded program. The legislation also established authorization of funds to be apportioned to the various States from fiscal 1957 through fiscal 1969—a period of 13 years—for construction of this System. These authorizations then totaled $24,825 billion, which was then the estimated total cost of the Federal Government for completion of this 40,000 miles on a 90-percent Federal, 10-percent State cost-sharing ratio.

Such a program carried a great message of hope and a challenge to the American people—a fond hope that the transportation problem, which was becoming more serious, would be solved and a challenge to those who would accept it. Highway contractors and those who furnish material for building highways especially saw the challenge. You of the National Limestone Institute, who represent a most important cross-section of this group, and the manufacturers of equipment and others of the great and almost matchless road-building team expanded greatly to carry out this program. This was favorably impressed upon the Public Works Committee by your representative, Bob Koch, in his testimony before that committee, of which I am a member. And I want to say

to you that you have, in this gentleman, a very, very capable public servant and a fine representative of your organization in whom everyone who knows him has confidence, and this part is important because this does not prove true of everyone who represents associations in this community.

And now, in less than 4 years, because we were not realistic—and when I say "we," I mean Congress and some people who appeared before our committees, because they made some recommendations that were unrealistic, too—we were unrealistic—too many demands have been placed on the fund for projects that could have waited; and because of some mistakes made by Congress, we see this expanded program for highways with its back to the wall and in very, very real financial trouble—trouble that we must contend with now and, I imagine, for the duration of the program. What caused the trouble? This is a good question that needs some forthright answers and needs to be appreciated and looked at by everyone. Testimony by administration officials during the hearings of the Committee on Ways and Means last July on financing the Federal-aid highway program revealed that the latest estimate to complete this dynamic and necessary program is over $10 billion more than the estimate in 1955. Let me say that again: Over $10 billion more than the estimate in 1955.

Partly explained by that old word we call inflation—and I'd like to make a speech on that tonight, because I think everybody should have some very real concerns about that problem; because if we won't be concerned about it, this great and wonderful thing we call America could be lost just because we have ignored the problems that caused this. Well, $8.9 million of this at least will be paid by your Federal Government. When you break this down, there is a 5-percent increase due to traffic costs—increase due to traffic costs under estimated traffic, $1.2 billion; a 15-percent increase due to local needs costing $3.4 billion; a 3-percent increase due to utilities costing $700 million; and a 12-percent increase in prices for $3.6 billion; and then for the additional 1,452 miles added to the Interstate System it will cost at least $1.5 billion over and above the figures just quoted, making a total $11.5 billion of the original cost. Now this is something for us to think about.

What has brought this about? I've already mentioned inflation. As I began this talk, I mentioned that the 1956 act launched the greatest program for a system of highways which any nation has ever attempted, and that is an irrefutable statement. The Interstate—I'm going to include in this the Interstate and the ABC System—to make the record clear, is necessary for reasons of national defense and safety and for the far more compelling reason of handling the traffic coming with the economic growth of this country. It should be pointed out that the present program is not necessarily aiding this economic growth which it should. It is following it and, in my opinion, should be leading this growth. It should be pointed out and noted, too, that the Interstate and ABC Systems are not in conflict—and we in the committee appreciate this especially. In some areas this is looked at as a conflict of interests—aetually, they compliment each other. Right now we're further behind in the Interstate System, and, therefore, I think we should give further accent to that system.

This legislation gave green light to 50 separate and distinct sovereign governments. Each State expanded its highway department. I am sorry to say, and it is indeed unfortunate, that when a program of this magnitude is inaugurated, men of influence with selfish interests are attracted and tempted to do those things that are not in the public interest even though they may be within the law and this is what forces Congress, oftentimes, into passing laws that might not be in the public's interest. Costs for such things as right-of-way acquisition and engineering go up and all—innumerable ones, go up, and I think it is a shame. I think it should be halted and the answer is, of course, legislation, but the far clearer answer is, and this is something that every American should think about, and especially those people who are directly concerned with this, that we need to call upon statesmanship here as well as in the areas of Congress and the legislative halls of our various States. It is a shame, but how is it halted? Well, the answer to that question is simply that we need statesmanship in this area, too. Now, besides the mushrooming cost due to the increase in right-of-way acquisition, engineering, etc., there is, as many people who have a sincere interest in the highway building program have pointed out, a diversion of monies going on to pay utility companies for such things as relocating any utility line along Federal-aid highways. If the Federal act and the State highway commissions are allowing these companies, as some have said, to raid the Trust Fund of more than $2 billion we may be forced, and here's something to think about, into reconsidering our policy toward filling stations, motels and other businesses who depend upon the highway who have just as much right to ask for relocating costs. If we do this we run into many billions more that we can't afford and I don't think we should be called upon to pay. I point these things out because we a lot of times can't stand the onrush that makes these things possible in legislation.

Now before I leave the subject of increased costs for completion of this system, it is worth noting, I think, for the record, that your industry along with those in the contracting field has, through price competition, brought bargain prices to the highway bid tables, and this is not the first time I've said this. I've said this in committee and Mr. Koch knows this. Your efficiency, giving rise to increased capacity, has made this one of the most competitive industries in business today. And, as I said in the House committee this is one of the finest endorsements of honest private enterprise system that I know. According to a report recently released by the Bureau of Public Roads, competition among highway contractors was so keen during the first half of 1959 that there was an average of 7.4 bidders per contract as compared with 6.8 and 6.5 in 1958 and 1957, respectively. Now listen to this, on the average bids ran 11.3 percent below engineers' estimates. Your industry has certainly assisted in making this saving possible and I want to commend you for this. And, if it had not been for this we would have been in a heck of a lot worse shape than we are now. Now I'm not suggesting here that you sharpen your pencils upward on these propositions at all—I'm suggesting that you continue doing what you are doing in the good old American way and then we'll have these highways sooner and I think in better condition.

And still another savings is one that can never be given a dollars-and-cents figure but one we must, if we're ever going to talk about it, refer to as one of saving lives. Quite a dissertation could be given on that but just let me say to you briefly what has been estimated. Estimates have been made that 4,000 lives will be saved annually upon completion of the Interstate System. Now, you try to transfer that to dollars and you come up with quite a tidy sum. On this system, which is expected to transport 20 percent of all U.S. traffic by 1975, accident costs will be reduced from one cent per vehicle mile to 0.3 cent per vehicle mile—a saving estimated at $750 million each and every year. That's at the present estimate and when this comes into being we all know that we're going to have increased traffic. Is it any wonder we should strive to complete our roads on schedule?

There has been much spoken and written about the world's population explosion. In the United States, for example, a baby is born every 11 seconds. The area from Boston, Mass., to Norfolk, Va., will become one urban area before the end of our lifetime—think of that. Yet some officials say slow down a system which will comprise only a little over 1 percent of the highway mileage of the United States and yet will alleviate traffic congestion by carrying 20 percent of the traffic, partially eliminate a great accident and death hazard, and contribute—yes, contribute handsomely—to the economic growth of our Nation. I also mentioned the benefits our national defense will receive from this system. There are many officials in the Pentagon who rate completion of this system as important as matching Russia in the missile race. Most of you are ex-military men, or a good many of you are, and know the importance of logistics. It cannot, in my opinion, be underrated in our time.

I wish that what I say here today could stir people like Paul Revere's ride did in 1776. I feel there are two calls to action. One is directed straight at the Congress of the United States. We should revalue the entire highway program. The six special points that I made before the Ways and Means Committee and which I will comment further about in a few minutes are a good starting point for completion of the Interstate System, but we may have to find additional ways to finance this program. And may I say, parenthetically, when the report comes out of the national tests, I hope that all of you will take a second look before you start shaking your heads on any phase of that report and find out all the facts before you say too much. I think they are going to be very indicative.

Last June I advanced to the members of the Committee on Public Roads the proposition to create a study or investigation committee, or as many refer to it as the "watch-dog" committee. I thought that the problems that have been brought to light in connection with the Interstate Highway System needed some attention. I proposed to the committee that there was abundant evidence already and that we needed to investigate ways and means to expedite its completion, that maybe we needed to investigate ways and means to cut down some costs, we needed to do those things that will assure reason and understanding of the total problem by all of our people and that we needed to do those things that are necessary now that call for immediate solution of the problems of today as well as the problems of tomorrow.

I proposed that such a committee be established immediately on a non-partisan basis with an equal number of Republicans and Democrats. That is the only way, in my opinion, that we could show those most interested in the building of the highway and the general public that we are not just witch-hunting—that we intend to be objective and constructive and that politics should be taken completely out of the proposed study committee. If a thorough job is done on this question in this area I feel we can save hundreds of millions and perhaps billions of dollars and at the same time hasten the completion date of the system.

At that time I suggested, and I reiterate today, that the committee would perform a fine public service by:

(1) Reevaluation of the program for extensions which have been granted over and above the 40,000 miles originally approved to determine first of all their justification, and second, study the possibilities of setting up some kind of a priority system for the building of extensions to the system.

(2) Explore the possibility and feasibility of building two lanes in certain areas of our

country where four lanes are not now needed and may never be needed.

(3) That they put a priority on the number of interchanges and conduct a study to determine the advisability of modifying designs which may be too elaborate in some places and not necessary in many areas.

(4) Investigate the charge that not enough emphasis is being put on getting links of the Interstate System built between population centers.

(5) Review the possibilities of putting priority on those sections which studies show will carry the greatest amount of traffic when completed.

(6) Study the possibilities of saving money by adopting different but adequate standards for bridge construction under the Federal Bridge Act.

Not until early September did the Chairman and the Committee on Public Works act on my proposal to have a study and investigation committee formed to consider these questions. The committee was then appointed, composed of 12 Democrats and 6 Republicans. I immediately objected to this because the two to one majority of the committee indicated partisan politics, in my opinion, beyond question.

It should be pointed out and understood that from the beginning of our Federal and Interstate Highway Program in 1916 there has always been a bipartisan approach to our biennial highway bills. It has only been in recent years, particularly since the beginning of the current Congress, that partisan politics seems to have been injected into the consideration of this very important highway legislation.

Republicans on the Committee of Public Works, and Republicans I might add who are not above playing politics, but in this case those on the Subcommittee on Roads have been powerless to call a halt to the present program and the very apparent political domination of the study and investigating committee. As a result, there is a very noticeable diminishing confidence in the committee—in the subcommittee particularly, and the objectives that sincere and devoted members of the committee and the public had hoped for. Because of the vastness of this program and the importance of this program to the economy of our country, a unity of effort is more vital here than in any other phase of legislation that the Congress will deal with in this session.

At the present time the Committee on Public Works consists of 22 Democrats and 12 Republicans. The Subcommittee on Roads has 12 Democrats and 6 Republicans, and this Special Study and Investigating Committee on Roads has 12 Democrats and 6 Republicans. Everyone connected directly with and those most interested in the Interstate System assumed that when the time came to select the members of the Special Roads Study and Investigating Committee that the members of the committee would be selected from the members of the Subcommittee on Roads and that the very able, devoted, and dedicated chairman, Representative GEORGE FALLON, of Maryland, would most certainly become its chairman—and I might add that he served in a very nonpolitical and in a most fair way throughout his entire term during the development of this system and yet he is not chairman of the committee and there are four very distinguished members of the Roads Committee that are not even on the investigating committee.

The fact that the committee has retained crime investigators from a crime investigating committee of the other House and the fact that we have been in session since January 6, and the Study and Investigating Committee has not yet met, has caused a lot of people interested in the highway program, the objectives of this committee and the problem that the building of the Interstate System has created, to wonder, become suspicious and lose confidence in what should be the committee's real objectives. They have begun to believe that this has become a witch-hunting committee rather than one designed to investigate the policies and all the other problems that have no real relation to crime and criminal intent. Now if there is anything wrong and criminal going on in the Interstate Highway building program it, of course, should be investigated and brought to the public's attention and I would be one of the first to join hands to do so. But I am not inclined, at this time, to put the 48 highway commissions under the kind of a cloud of suspicion that this implies.

Another point on which I want to dwell and focus attention is the fact that this committee is so much out of balance and inconsistent with the record of the House and Senate in setting up study and investigating committees in the past. Dating back to the 80th Congress, and this is the 86th, I find that in that Congress there were 6 investigating and study committees appointed and in every instance, except 1, there was a majority of only 1 for the majority party and in that exception the majority was 3 when there were 11 Republicans and 8 Democrats on the Select Committee on Foreign Aid, and in this study and investigating committee there is a majority of 6. In the 81st Congress, controlled by the Democrat Party, we find that there were four committees appointed, all of which had a one-vote majority with the exception of one—that one had a three-vote majority. In the 82d Congress, controlled by the Democrats, we find that there were four committees appointed, each with a one-vote majority. In the 83d Congress, seven committees, all with a one-vote majority with one exception. I imagine our investigation, if we went back further, would confirm that this has been a precedent of policy of the Congress.

Here, in my opinion, is conclusive evidence based upon precedent, that the Public Works Committee of the House has entered into this without much thought or consideration and it could be charged as a deliberate attempt to make this a political committee rather than a true and honest investigating and study committee. Now, I call today for reconsideration by this committee of this problem—the problem of making this truly a nonpolitical committee and immediately get organized and adopt policies which are not yet known, but should be known and understood by the committee and the public and to do those things that will reinstate confidence in the original intent and purpose of such a committee. So much for that.

Let me close with the suggestion that highways are more important to the economy of our country than any other public works in which the Government participates directly or indirectly. They are the backbone of this great country. They should have the best unbiased, nonpolitical attention and direction that can be given to them and, of course, should not be subjected to graft of any kind. A concerted drive should be made to cut costs and make greater speed toward its early completion and to make it on schedule. You, the voter, are important in this. You can help. I urge each of you to contact your Congressman and get others who have a direct and indirect interest in this proposition to contact their Congressman. If he is not a member of the Public Works Committee, ask him to contact members of the committee and urge their immediate consideration of some of these problems that are confronting our Nation today in connection with the building of our Interstate System of Highways. Have them stress that our highways will not be built on time to meet the growing need if something is not done now. Let us lay the groundwork now to do this job well, adequately and get it done on time.

The year 1961 will bring before the Congress and the American people two reports of outstanding significance. We should be prepared to receive them by laying the groundwork. I have already referred to one of them and made some suggestions about it. As individuals concerned with our highways you can easily visualize the importance of these studies—one will deal with the System's cost and one with the System's physical makeup and direction. Again, I urge you and ask you to urge your friends when you return home—contact your Congressman on the subject of highways. Do not wait until sometime in the future—when there is another crisis like the one in 1959—but do it now and let's have the crisis averted. Be sure to tell your Congressman to get this problem solved. Some of you know of my interest in Lincoln, this man I consider the greatest public-spirited patriot that ever lived. Once he said, and I quote, "But this Government must be preserved in spite of the acts of any man or set of men. It is worthy of your every effort. Nowhere in the world is presented a Government of so much liberty and equality. To the humblest and poorest amongst us are held out the highest privileges and positions."

I suggest to you again that nowhere, at no time, in the history has there been presented a proposition as great and as important as the Interstate System that has been presented to us. It is worthy of your every honorable effort—and, finally, good luck as together we tackle this great job and more importantly, the job of promoting the welfare of our country wherever we can. Thank you for this kind attention.

Why I Am a Democrat, by Senator Jennings Randolph and the Tulia Herald

EXTENSION OF REMARKS
OF
HON. RALPH W. YARBOROUGH
OF TEXAS
IN THE SENATE OF THE UNITED STATES
Monday, March 7, 1960

Mr. YARBOROUGH. Mr. President, all of us realize the importance of a strong two-party system in order for our form of government to work best. All of us could list many reasons as to why we chose our particular party whether we be Democrats or Republicans.

Recently the Tulia (Tex.) Herald, one of the Nation's finest weekly newspapers, whose editor H. M. Baggerly is a National Editorial Association prizewinner, published an outstanding editorial on the subject, "Why I Am a Democrat." This editorial was based on a very excellent speech by my friend and colleague the distinguished and able Senator from West Virginia, Senator JENNINGS RANDOLPH, one of the best speakers for democracy in America.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the editorial from the January 21, 1960, issue of the Tulia Herald, headed, "Why I Am a Democrat."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY I AM A DEMOCRAT

Despite our widespread learning and media for the dissemination of information, we Americans, in many instances, are grossly

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ignorant. How many of us, for example, understand the difference between Democrats and Republicans?

It isn't enough to say glibly that "They're all just alike" or make some other flippant observation such as "It isn't the party, it's the man." It would be more logical to say that "It isn't the church, it's the personality of the pastor."

When Senator JENNINGS RANDOLPH of West Virginia was invited to speak at the Bethany College convocation, Bethany, W. Va., recently, he chose the subject, "Why I Am a Democrat."

Said Senator RANDOLPH, "First, I am a Democrat because I am young. Even though the years are magnified, I will be young with the Democratic Party."

"The Democratic Party, though the oldest political party in existence, is still the youngest in this country measured by vitality. Ours is the party of youth, for it sees the world in terms of its tomorrows while not relying entirely upon its yesterdays. Ours is the party with eyes in its forehead—not in its hindhead.

"In this respect I have sometimes thought that, rather than the elephant, a more appropriate symbol for the other party would be the vain and strutting peacock with a thousand eyes in its tail—all looking backward. However, the elephant, with much memory but little imagination, will do.

"The valid concepts of the New Deal and the Fair Deal—and most of them were valid—have become an enduring part of our national, political, and economic life, and have prevented the recurrence of the tragedies of the era of the thirties. Just as the great depression tested the assumptions of the philosophy of 'Let nature take its course'—and found those assumptions insufficient, so has the period since World War II tested the basic principles of the New Deal—and found them valid."

Space prevents other comments of Senator RANDOLPH on his first point.

"There is a second reason why I am a Democrat," continued the Senator. "The Democratic Party is not afraid to dare. Our party, since its founding by Thomas Jefferson in 1794, has been willing to experiment in the public interest. And it is no accident of history that throughout our national life the significant surges of growth toward the realization of the American dream have been associated with the Democratic Party. It was Jefferson's Democratic-Republican Party which routed the narrow mercantile philosophy of the Federalists. (I might add, parenthetically, that although Jefferson's party dropped the Republican suffix in 1828, one still finds a Democrat here and there who has not heard of that simplification.)

"Before continuing with a discussion of the present challenge to the creativity of the Democratic Party, there is a third reason why I am Democrat. It is the party which embraces the broadest interests of the American people. And I say, with all respect—and some sympathy for members of the minority party—ours is the only really national party. During the dynamic 19th century industrial expansion, the concept of private property became identified with the ownership of factories, mines, and railroads. Thus, after the Civil War it was the powerful industrial and railroad barons who captured the Republican Party and defeated the hopes of Abraham Lincoln. Finally, during the 20th century, the concept of private property has again shifted under the development of the corporation as the major economic institution. And in this century we have found that the representatives of the major corporations have gained ascendancy in the councils of the Republican Party. The farmer, the small businessman, the worker, the aged and the unemployed may advance their claims only if the budget is balanced to the satisfaction of the dominant business executives.

"The property interests of the corporation are only a segment of the total area of the meaning of property rights. Without a fair price for his commodities, the farmer's property rights become an ironic jest—and a poor one.

"In thus recognizing a broader definition of property rights the Democratic Party has sought to extend the fruits of democracy to an ever-widening number of people. For this reason the Democratic Party continues to attract, in ever-increasing numbers, the farmer, laborer, the small businessman, the intellectual—and all those who look to the future, rather than to the past."

This is one man's reason for being a Democrat.

Washington Report

EXTENSION OF REMARKS
OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 7, 1960

Mr. ALGER. Mr. Speaker, I include the following Newsletter of March 5, 1960:

WASHINGTON REPORT

(By Congressman BRUCE ALGER, Fifth District, Texas)

MARCH 5, 1960.

Civil rights legislation dominates the Washington scene, snow and ice notwithstanding. The round-the-clock Senate filibuster is now an entertainment to see, and many throng the Senate galleries. Southern Senators, working in shifts, show no visible tiring. Most Senators do not want to vote to invoke cloture, the shutting off of debate, because of their high valuation of their unlimited freedom to speak. Most would not want to be shut off on other issues. Curtailing debate on civil rights would set the precedent for curtailing debate on other issues. Unfortunately, the southern effort now results mainly in crystallizing the opposition to the southern viewpoint. True, these speeches for and against are for "home consumption" of the respective Senators. Meanwhile, other legislation is backlogged and delayed. To many of us, this in itself is not an unfortunate development. The truth is, as I see it, we pass too much legislation anyway, and any reduction of our legislative output could be in the national interest.

Just what does the Senate civil rights bill involve? Is it a voting rights matter alone? Absolutely not. Behind the voting rights' masquerade is much more—including forced integration and massive Federal aid to education. Briefly, here is an analysis of the bill: Section 1, $10,000 fine or 2 years imprisonment for interfering with or obstructing school integration. (So your letter or chance remarks could land you in jail.) Section 2, creates a new Federal crime for bombing religious or educational properties and fleeing across State lines. Section 3, local election officials must keep voting records 3 years and turn them over to the Federal Justice Department. Section 4, Federal grants and aid for local schools that desegregate. Section 5, Federal Government provides schools for children in areas where public schools are closed to avoid integration. Section 6, a commission would be set up to seek to eliminate racial discrimination in jobs. (Where now is the right to hire and fire?) Section 7, Federal referees would oversee local election. Here finally the bill is related to voting rights—which now is a State matter.

The truth is, as I've testified before, we are not even defining what civil rights are, besides the right to vote. The solution proposed by this bill could easily create more civil wrongs. What happens to our other civil rights and freedoms—freedom to speak, write, assemble, to hire and fire and not the least, the freedom from Federal persecution, bureaucracy, and increased taxation to pay for it all. Forgotten is the fact that there are 175 million Americans, only 19 million of whom are Negroes. Must rights of the majority be trampled by overzealous efforts to protect a minority? Under all this lies the mistaken judgment of politicians seeking votes by any method. Should increased riots develop in the South, the more serious timberboxes of racial tension in the North could erupt. * * * Philadelphia, New York, Detroit, and others. The politicians pushing civil rights for political gain will then suffer—but so will all the people in their areas. Meanwhile, in the Senate southern supporters of this exaggerated civil rights bill could become heroes by toning down the bill and controversy they enflamed.

"A bill to amend the Trading With the Enemy Act so as to provide for certain payments for the relief of rehabilitation of needy victims of Nazi persecution, and for other purposes" provoked my opposition in floor debate. Whether good or bad, I know the measure was too little understood by Members of the House. Everyone is in favor of assisting victims of persecution, but when it comes to authorizing the expenditure of a half million dollars, I insist that the purposes, and especially the "for other purposes" provision of the bill, be clearly understood. No adequate explanation was given the House as to why the United States should give $500,000 to a private organization to settle claims when those who were persecuted, their property taken (now held by the United States), left no heirs. (This bill treats only with heirless property.) By what curious logic do we transfer the property of people now dead and which we acquired during the war, to present persecutees, wholly unrelated to the original property owners, through the agency of a private organization? Like the iceberg, there could be more here than meets the eye. Regardless of the merit of the bill's ultimate aim, it struck me as a good example of a slipshod way to legislate.

Speech by Carl Vinson Delivered at the District of Columbia Council of the Navy League Testimonial Dinner, March 3, 1960

EXTENSION OF REMARKS
OF

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 7, 1960

Mr. RIVERS of South Carolina. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I submit therewith a speech by CARL VINSON, distinguished chairman of the Armed Services Committee of the House of Representatives.

Mr. Speaker, crowded into his 46 years of intense activity and service in the defense of his country, CARL VINSON has become the symbol in America of national military preparedness. His towering stature has cast its protective shadow over every nook and cranny of the free world. No man before him has given more of his intelligent effort to

making his Nation militarily capable to defend and protect the ideals of this Nation or the aspirations of other freedom-loving peoples. He gave to America the world's most powerful Navy. He has striven to do the same thing for the other branches of our mighty military machine. He believes in preparedness in every sense of the word. He believes in modern tools to defend his Nation. He knows that a strong America is the only bulwark between communism and enslavement.

Mr. Speaker, for a matchless contribution over almost a half a century of effort in the Congress of the United States, on last Thursday, March 3, at the dinner following the conclusion of the Navy-Marine Corps Symposium conducted by the District of Columbia Council of the Navy League, where CARL VINSON was the guest of honor, he received a scroll from the service Secretaries signed by the Secretaries of Defense, Army, Navy, and Air Force.

He made the following address which I commend to every American:

Mr. Toastmaster, Mr. Secretary Gates, distinguished Secretaries of the Department of Defense, distinguished guests, ladies and gentlemen, it is not often, in one man's lifetime, that he is fortunate enough to hear so many laudatory things about himself as I have heard tonight.

I must be the first to deny them; but I can assure you that I will also be the last to forget these kind remarks.

I never dreamed that so many wonderful things could be said about me—as "crusty" as I have been diagnosed.

So with all humility, I cherish your gracious remarks.

Usually, a man in public life receives all earthly praise in his obituary—or perhaps when he retires from Congress.

An obituary is, in this instance, definitely premature; and if anyone is under the impression that I am about to voluntarily retire from Congress, I can only paraphrase the remarks of John Paul Jones and say "I have just begun to serve."

May I say to my distinguished friends who have spoken here tonight how very grateful I am for your generous statements.

Mr. Secretary Gates, I also deeply appreciate your very kind and flattering remarks concerning my endeavors in aid of national defense.

I cannot let this opportunity pass without expressing to you, sir, my high regard and admiration for the manner in which you have fulfilled the exacting duties of your many public offices in which you have served.

You bring great credit upon the Office of the Secretary of Defense.

In you, the Nation has a true and tried public servant at the helm.

I especially wish to commend you for your recent directive with regard to your participation in the deliberations of the Joint Chiefs of Staff.

With this one directive you have left an impressive mark on defense organization.

You have strengthened our great Joint Chiefs of Staff system, and at the same time have dealt a shattering blow to the advocates of a single chief of staff system.

And you have vitalized and reaffirmed the constitutional principle of civilian control.

I consider it a particular honor, Mr. Secretary, that you have presented this beautiful scroll to me upon which appears the names of the distinguished service Secretaries and the members of the Joint Chiefs of Staff, and its great Chairman.

Mr. Secretary, for many years you played an ever-increasing role in the history of our Navy.

I, too, have watched our Navy grow. I have watched it grow from a second-rate power to the greatest naval power in the world, even though its primacy is now seriously challenged by the Soviet Union.

Likewise, Mr. Toastmaster, I've seen the Navy League grow in importance and influence and become a tower of strength in the effort to keep America in a constant state of preparedness.

My recollections of the Navy League carry me back to my early days on the Naval Affairs Committee in August of 1917, and Josephus Daniels. In those days the Secretary of the Navy and the Navy League did not always see eye to eye.

The naval gentlemen who are here tonight probably would have endangered their careers and possibly their personal liberty had they participated in a Navy League banquet during the Daniels days.

Happily, that event was weathered by the Navy League and it emerged stronger and more influential than ever, just as it did when a former President appointed his own committee to inquire into the Navy League.

You weathered those storms—and if you can weather storms of that magnitude, then you are indestructible.

You weathered those days because your organization was founded upon a rock, and neither wind nor the seas could dislodge it.

From the first day of its organization, down to this hour, the Navy League has rendered great service to the Nation.

I congratulate it not only for the strong support it has always given to the Navy and the Marine Corps, but also to the entire defense program.

Such civilian groups as the Navy League, the Air Force Association, the Association of the U.S. Army, and others, play a vital role in America.

It is through patriotic organizations of this kind that the business interests of the country and the people, are made aware of the urgent necessity for continual progress in the technology of warfare.

The greatness of the Navy League and the other military associations is found in the fact that they are always in the forefront of a sound, strong, preparedness program.

This organization, and others of a similar nature, realizes that the expenditures involved in maintaining an adequate military preparedness are vastly less than the cost of total war; and incomparably less than the cost of defeat.

The security of our Nation demands that in our defense structure we attain and maintain a flexibility that will permit us to cope with any type of aggression.

In our defense thinking we must avoid the danger of overcommitment to a single concept.

That is why I say to you that we must have a modern Army; and we can no longer delay the modernization of our Army. Each day of delay affects our security.

In addition, we must have an Air Force equipped with superior weapons.

While we do have superiority in manned aircraft today, nevertheless we are overlooking an opportunity for even greater manned aircraft supremacy for the years ahead.

Let me remind you that we must not be so anxious to discard the proved weapons systems of today for the intriguing and vastly complex systems of tomorrow, even before they have become an integral part of our arsenal.

And during this period of transition from the conventional to the ultramodern family of ballistic weapons, we must not forget that the nuclear weapons of the future, whose very usage implies world extermination, may make our conventional weapons even more important than they are today.

That is why I say to you that we must have a Marine Corps capable of fulfilling its mission of readiness.

This means a Marine Corps of three full combat divisions and three air wings.

We must give the Marine Corps the men and equipment to fulfill the mandate of the Congress.

We have a great Navy today, but I do have grave concern for it in the years ahead.

We are not rebuilding our fleet as rapidly as it is becoming obsolete.

And this failure to promptly modernize our Navy jeopardizes our security.

When I first came to the Congress the battleship was the hearthstone of our Navy.

Today, the battleship is but a memory of past glory.

In its place is the aircraft carrier, possessing, as it does, all of the vital attributes of a singularly powerful weapons system.

It is versatile, for it can be used for practically every type of challenge to our national interests.

It is mobile, and thus difficult to find, and its location is impossible to predetermine.

It is powerful in the weapons that it carries.

But a new and even greater future lies ahead for the aircraft carrier as the result of nuclear energy.

The Congress wisely recognized the tremendous significance of the nuclear carrier. Thirty-five million dollars was appropriated last year for long-range planning for this second nuclear carrier. Unfortunately, these funds are still withheld by the Bureau of the Budget.

The action in withholding these funds adversely affects our security and seapower.

By stupendous effort, with magnificent industry cooperation, brilliant planning, and outstanding leadership—the Navy gave birth to the Polaris submarine.

But, now, that this child prodigy is close to becoming operational, there are rumors that the child is to be taken away from its parents.

Let's not separate the child from its mother.

Let the judgment of Solomon prevail.

Naval seapower, coupled with the versatility of the Navy-Marine Corps team, is a priceless capability which we, and we alone, possess.

We must not let this unique and vital superiority wither on the vine, because seapower is entering a new and even greater age in the struggle for the preservation of the free world.

Mr. Toastmaster, there is not one person among us who does not want to see a strong America.

We perhaps differ only in the method by which we will attain this strength.

And in this respect, I want to say that the Nation is indeed fortunate in having a Secretary of Defense, a Secretary of the Army, a Secretary of the Navy, and a Secretary of the Air Force who are truly dedicated, patriotic Americans.

I have worked with many public servants in my years in the Congress, and I can say, here tonight, that the men who now occupy the important positions as the civilian heads of our military organizations have impressed the Nation with their competence, their integrity, their steadfastness, their service loyalty, and their outstanding leadership.

My committee assignments in the Congress have placed upon me the responsibility of dealing with matters involving the security of our country. This has given me the opportunity of working with outstanding civilian, military, and naval leaders.

As a result, I have known some of the finest men America has to offer.

My life has been enriched by these memories.

But tonight will be the brightest star in all my memory.

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SENATE

TUESDAY, MARCH 8, 1960

(Legislative day of Monday, February 15, 1960)

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. HILL. Mr. President——

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Senator from Alabama.

Mr. HILL. Mr. President, we now behold in the Senate the spectacle that is the culmination of the efforts of those whom I choose to call the "dynasty of desperation." The proponents of the Republican Rogers-Dirksen civil rights amendment constitute a dynasty because they are the present-day descendants of that lineage of Members of Congress who, for years on end, have sought to impose upon the people of the South, and of the country, certain force bills.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. HILL. Mr. President, I yield to the Senator from Colorado for a question.

Mr. ALLOTT. Would the Senator mind telling me, in view of the remarks that were made to me about an hour ago about the absence of other Senators, where the southern Senators are now?

Mr. HILL. One has just spoken to me, the distinguished Senator from Georgia, and there have been others here recently. I know the Senator from Louisiana is close by and there are others close by.

I have not tallied them for the Senator from Colorado, but if he would like to go out and make a tally, come back and make a report, I will be glad to yield to him for that purpose, if I can get unanimous consent to do so without losing my rights to the floor.

The Senator from Colorado must realize that under the rules of the Senate, it is not possible for the Senator from Alabama to go out and make a tally for him. If the Senator from Alabama is to hold the floor, he must stand at his desk and proceed to speak. He is permitted to yield for a question and for a question only.

Mr. ALLOTT. Will the Senator yield for another question?

Mr. HILL. The Senator from Alabama will be delighted to yield to his friend, the distinguished Senator from Colorado, for a question.

Mr. ALLOTT. Will the Senator concede that the Senator from Colorado asked him a question just a moment ago?

Mr. HILL. The Senator from Alabama will concede that the Senator from Colorado asked the Senator from Alabama a question. The Senator from Alabama answered the question by stating to the Senator from Colorado that it was not possible for the Senator from Alabama to go around now and make a tally of Senators. The Senator from Alabama said that to hold the floor, and to exercise his right to speak on the floor, he had to stay at his desk and proceed to speak, and not run all over the floor, trying to make a tally to see who is present.

Mr. President, I may say that this is not a matter of being asked a $64,000 question. The Senator from Alabama, therefore, will proceed with his speech.

When the Senator from Alabama was interrupted by the distinguished Senator from Colorado, the Senator from Colorado having asked if he might ask a question of the Senator from Alabama, the Senator from Alabama had declared that the proponents of the Rogers-Dirksen civil rights amendment constitute a dynasty because they are the present-day descendants of that lineage of Members of Congress who for years on end have sought to impose upon the people of the South and of the country certain force bills purportedly to enforce alleged civil rights of a minority, at the sacrifice of basic constitutional liberties which we have fought to preserve for all of our people since the birth of our Nation.

The Rogers-Dirksen amendment is a product of desperation because the measure now before the Senate is the frantic result of the desperate efforts of men who appear more immediately concerned with the palliation of the demands of political groups than they are in protecting the whole structure of our system designed to preserve and safeguard human liberty for all our people.

Mr. President, does the distinguished Senator from Texas wish to ask the Senator from Alabama a question?

Mr. JOHNSON of Texas. I do.

Mr. HILL. Mr. President, the Senator from Alabama will yield to the Senator from Texas for a question only.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Alabama yield to me to permit me to propose a unanimous-consent agreement concerning the morning hour tomorrow, with the understanding that the Senator from Alabama will not lose the floor.

Mr. HILL. Mr. President, with the understanding that the Senator from Alabama will not lose the floor, the Senator from Alabama will yield to the Senator from Texas, so that the Senator from Texas may propound a unanimous-consent request concerning the morning hour for tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be a morning hour beginning at 12 o'clock noon tomorrow for the transaction of routine business, with the understanding that there be a limitation of 3 minutes on statements.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I thank the Senator from Alabama.

Mr. HILL. Mr. President, is there any other question which the distinguished Senator from Texas would like to ask the Senator from Alabama?

Mr. JOHNSON of Texas. That is the only question.

Mr. HILL. The Senator from Alabama observes that the Senator from Texas apparently is about to leave the floor. If, after the Senator from Texas has left the floor, any question should occur to him, the Senator from Alabama will be very happy to have him return to the floor, and the Senator from Alabama will be very happy to yield to the Senator from Texas so that he may ask his question.

Mr. JOHNSON of Texas. I appreciate the courtesy of the Senator from Alabama. He has given me information I have had since I have known him. He is always courteous. I can leave the Chamber with full assurance that when I return the Senator from Alabama will greet me with the same courtesy which he has always evidenced during his public life.

Mr. HILL. I thank the Senator from Texas.

Mr. President, the measure now before the Senate is the frantic result of the desperate efforts of men who appear more immediately concerned with the palliation of the demands of political groups than they are in protecting the whole structure of our system designed to preserve and safeguard human liberty for all our people.

That the so-called civil rights measure now before the Senate is a product of the "dynasty of desperation" is demonstrated by the fact that the proposals under consideration were for the first time formally presented to Congress by the Attorney General of the United States before the Senate Committee on Rules and Administration on February 5, 1960. That was just about 1 month ago.

The proposals under consideration were for the first time introduced as Senate bill 3001 by the distinguished Senator from Illinois [Mr. DIRKSEN], the minority leader, on February 8. The proposal under consideration was then brought to the Senate floor February 15, just 1 week after its introduction.

The Rogers-Dirksen civil rights amendment is the product of the "dynasty of desperation" because the proponents of the bill have succeeded in bypassing all committee consideration of the bill. They have frantically but scrupulously avoided the testimony of expert witnesses and the views and opinions of many different persons representing many different points of view. They have frantically but scrupulously avoided the inevitable exposé of the many objectionable features of the bill by the many different witnesses who would have appeared before the committee in the normal course of the legislative process.

The proponents of the amendment—that is, the Rogers-Dirksen amendment—have frantically but scrupulously avoided executive sessions of a Senate committee, in which thorough discussions are held, and careful thought, consideration, and analysis are given to all other types of proposed legislation.

In short, the sponsors and supporters of the Rogers-Dirksen amendment, by their tactics and maneuvers, by their

deliberate circumvention of established legislative processes and procedures, by their desire to get passed a measure on which there is branded a certain label, to wit, "civil rights," have indelibly written themselves into that chapter of history, which denominates the leaders therein as a part of the "dynasty of desperation."

Mr. President, this is the fourth occasion I have had to undertake a lengthy address in opposition to the Rogers-Dirksen amendment to the pending Fort Crowder bill.

In my first discussion on the floor of the Senate, I sought to summarize the objections, legal and constitutional, which I sincerely have to each of the seven sections of the Rogers-Dirksen amendment. I particularly undertook to outline my criticism of the seventh section, which would engender a national network of Federal referees to encroach upon the rights of the State in the interpretation and the enforcement of the local voting registration laws—yes, which would have the effect of throwing the election registration laws of the several States into receivership and into the Federal courts.

I emphasized that the seventh section of the amendment would constitute a reincarnation of the old, discredited, and disgraceful Reconstruction Act of 1871, which established a similar network of Federal supervisors arbitrarily to enforce the voting laws.

I do not have to refresh Senators on the history of that act, which Congress repealed in 1894. The distinguished junior Senator from Georgia [Mr. TALMADGE], who is on the floor, first exposed that act. He went back and got the report of the House committee, and brought to the attention of the Senate the speeches made on the floor of the House of Representatives and the speeches made by Senators on this floor, which exposed and showed up the iniquities, the fraud, the corruption, the evil, which were practiced under that act.

One of the ablest speeches ever made on the floor of the Senate since I have been a Member of this bdoy was the speech by the distinguished Senator from Georgia [Mr. TALMADGE], in which he exposed that racketeering, crooked act, which became such a stench in the nostrils of the people of the North, as well as in the nostrils of the people of the South, that they rose up and demanded the repeal of the act; and Congress in 1894 repealed the act.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Alabama yield to the Senator from Georgia for a question?

Mr. HILL. The Senator from Alabama is delighted to yield to the distinguished Senator from Georgia for a question.

Mr. TALMADGE. I thank the distinguished Senator for the generosity of his comments. Is it not true that a select committee of the Congress of the United States spent 21 days in 1893 in the city of New York investigating the operation of the Election Supervisor Act of 1871?

Mr. HILL. The Senator is absolutely correct. This select committee made its investigation, as the Senator from Georgia has said, and, on the basis of the evidence that the committee acquired, the testimony taken by the committee, it made its report to the Congress.

Mr. TALMADGE. Did not that committee ascertain that Davenport, the supervisor of elections in New York City, had employed thousands of deputy supervisors who drew compensation in excess of $2 million?

Mr. HILL. The Senator from Georgia is exactly correct. The sworn testimony before that committee, and the records of the Treasury Department of the United States, showed that that amount of money was drawn by these Federal supervisors.

Mr. TALMADGE. Did not Davenport himself draw in fees hundreds of thousands of dollars as supervisor of elections in the city of New York?

Mr. HILL. As the Senator from Alabama recalls, the very minimum amount that Davenport himself drew was $285,000; it may have been considerably more than that, as we know that he had both hands out. He was acting a good part of the time both as a Federal supervisor and as a U.S. Commissioner. He was getting them coming and he was getting them going, filling his pockets full of money out of the pockets of the taxpayers of the United States.

Mr. TALMADGE. Is it not true that he would throw prospective Democratic voters in jail so that they would not be able to get to the ballot box?

Mr. HILL. That was one of the main purposes of the legislation. As old Thad Stevens said, he wanted to secure the election for the Republican Party, and under the force bill which the Congress passed in 1871, as the Senator from Georgia so well says, this man Davenport in New York, and other such Federal supervisors in other cases throughout the country, would arrest people, put them in jail and lock them up, then keep them there all day, on election day, so that they could not get to the polls to vote.

Mr. TALMADGE. Did not the same thing happen in the State of Illinois, the State of Missouri, and various other States?

Mr. HILL. The same thing happened in Illinois; the same thing happened in Missouri. One of the ablest speeches ever made, which disclosed the corruption and the fraud under this act, was made by that very famous Senator, Senator Vest, of Missouri. As the Senator will recall, there is no finer tribute in all literature to that faithful friend of man, the dog, than the tribute of Senator Vest, and Senator Vest used the same eloquence, the same power of persuasion, and the same logic in exposing these registrars that he did in paying that beautiful and immortal tribute to man's immortal friend, the dog.

Mr. TALMADGE. Did not the select committee of Congress find that Davenport's principal activity was to keep Democratic ballots out of the box and see that the Republican ballots got into the box?

Mr. HILL. The Senator is entirely correct. That was his main activity, and he did his job so well, in keeping these Democratic ballots out of the box and in filling the box with Republican ballots, that, as the Senator will recall, the New York Times came out in an editorial demanding that Congress should repeal this act. When it was repealed, they acclaimed Congress for meeting its responsibility in fairness and decency and honesty and integrity of government.

Mr. CARROLL. Will the Senator yield so that I may ask a question, to follow the continuity of thought?

Mr. HILL. I yield.

Mr. CARROLL. Who appointed this registrar?

Mr. HILL. This registrar?

Mr. CARROLL. Was he appointed by the President or by the court?

Mr. TALMADGE. Appointed by the court.

Mr. HILL. He was appointed by the court. He was appointed by the court just exactly as this pending amendment, known as the Rogers-Dirksen amendment, proposes that the referee shall be appointed by the court. The difference is this: both the registrar then and the registrar now were to have been appointed by the court, but the difference is, under the Federal supervisor bill passed in 1871, the Federal supervisor had jurisdiction only in connection with Federal elections. At that time that law was limited, of course, as the Senator well knows, to elections of the President and Vice President and members of the House of Representatives because at that time a U.S. Senator was elected by the State legislature. But, under the pending Rogers-Dirksen amendment, this referee would have jurisdiction not only with reference to any of what we might call Federal elections, but he also would have jurisdiction with reference to any election, whether it be State, Federal, county, municipal, district, local or any election—all elections.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. CARROLL. I did not mean to infer that I did not agree with this very excellent presentation. There may be portions with which I agree. This is what we call in American history "Davenportism."

Mr. HILL. That is correct.

Mr. CARROLL. The Congress did repeal that act. There was great corruption. Is there not a difference, though, in the legislation which is before us now, as I read the legislation, in that the voting referees appointed by the court do not have nationwide jurisdiction, but they are limited to the area in which the court, finding it, has to do with a pattern or practice of discrimination? For example, if I may put this further question, and I am not sure that this would be true: Should the case arise in Alabama, in any Federal district, if I understand the legislation, a Federal district court in Alabama would appoint a voting referee in the area within the Federal judicial district; and, therefore, whatever equity powers that court might possess, it would not be nationwide. It would be confined to that area. Does

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not the Senator from Alabama agree with me?

Mr. HILL. I do. If the registrar were appointed in New York, his jurisdiction would be in New York. Furthermore, under this pending legislation, if the Senator will examine it, as I am sure he has, he will find that the findings of this referee, whoever he might be—and heaven only knows who he might be; he might be someone from the Fiji Islands, appointed in the State of Alabama or appointed in the State of Georgia; he might be from Hawaii or Saudi Arabia, appointed in Colorado—whoever he might be, this amendment would provide that his findings would be binding on that Federal judge, unless those findings were "clearly erroneous." Then it goes another step, and provides that his findings shall have all the weight and all the authority and all the finality the findings of a master of chancery, which means that, though they are the findings of this referee, unless they are absolutely wrong on the face of them, they shall be binding on the Federal judge.

Mr. CARROLL. Will the Senator yield for a question?

Mr. HILL. I yield to the distinguished Senator from Colorado, but, first, I will say one more thing: Under this ex parte procedure, there is no provision whatever whereby the registrar or any election official would have any right to show that the charge made against him was not right—to present his side of the case.

Mr. TALMADGE. Will the Senator yield?

Mr. HILL. I yield to the Senator from Georgia. Then I will come back to the Senator from Colorado.

Mr. TALMADGE. The Senator refers to an ex parte hearing. Does the Senator mean to say that when a referee is in his office, there being no notice given, no hearing held, some citizen, walking in and claiming he is registered, will not even have to present evidence under oath; there will be no opportunity for cross-examination; no evidence taken at all, except the verbal statement of the applicant? Will the voting referee have to act on that, and his findings be presumed to be the fact, and the court be powerless to reverse itself, unless it is clearly erroneous?

Mr. HILL. The Senator is exactly right.

Mr. TALMADGE. Is that what the Senator from Alabama means?

Mr. HILL. That is exactly what the Senator from Alabama means. That is exactly what the provision in the Rogers-Dirksen amendment provides.

Mr. TALMADGE. Has the Senator ever heard of any kind of jurisprudence like that in his life?

Mr. HILL. Nothing like that; certainly not.

Mr. TALMADGE. Did Adolf Hitler have any more voting powers than that, in Germany?

Mr. HILL. No; I do not think that even Joseph Stalin had any more than that.

Mr. CARROLL. Will the Senator yield for a question?

Mr. HILL. The Senator will yield to the Senator from Colorado.

Mr. CARROLL. I want to say that the able Senator from Alabama is not only a great friend of mine, but I think one of the great Senators——

Mr. HILL. I thank the Senator.

Mr. CARROLL. He has been distinguished over a quarter century for great humanitarian work, beyond the capacity and beyond the record of any other Member of this body. He knows the great esteem I have for him.

Mr. HILL. I thank the Senator. The Senator is most generous and most kind, and I want to express my deep appreciation for his most generous words.

Mr. CARROLL. The junior Senator from Colorado agrees completely with the first presentation of the able Senator from Alabama, that this matter has arisen very quickly. I agree that this proposal was only presented, as I think the able Senator from Alabama said, on February 5 by the Attorney General. Since that time there have been several revisions of this legislation. But I must say, in all frankness, that I cannot agree with the legal interpretation which has been placed upon the interpretation of the distinguished Senator from Georgia or the Senator from Alabama. As a matter of fact—and I put this question to the Senator—is it not true that the Attorney General, when he brings a suit by virtue of the law we passed in 1957—and I am now referring to voting rights—that suit is brought in the name of the United States of America, and when that suit is brought it is brought on behalf of four or five American citizens, as I read the Rogers proposal or other proposals; that before the court can make a finding it must make a finding that a pattern or practice of discrimination exists; and that not only does it affect four or five defendants or petitioners, but there must first be made a finding that a practice or pattern of discrimination exists; is that not correct? In other words, when the court makes that finding, it is only then, as I understand the Rogers proposal or other proposals, that the court of equity may appoint a master or a voting referee; and that the referee never acts independently, because he is an agent and officer of the court, and the referee's finding is never filed by itself but must be approved by the court; is that correct?

Mr. HILL. The law provides that the findings of the master shall be approved and that they shall be binding upon the court, and that the court must accept them, unless they are "clearly erroneous." Then it goes one step further and provides that the referee's powers and authority shall be those of a master in chancery, which means that these findings of the referee, unless they are erroneous on their face, are binding on the court.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. HILL. I yield to the Senator from Colorado for a question.

Mr. CARROLL. I agree with the Senator that the Attorney General's first bill was not too carefully thought out. There was a second bill, which also was not too carefully thought out. There is now a third bill, which has wiped out the words "clearly erroneous." It would be highly desirable, as the able Senator from Alabama and the able Senator from Georgia have said, if there could be hearings held on this bill. This is not a dynasty of desperation. It is a dynasty of necessity, brought about by many of the people who have been dragging their feet in this area.

Mr. HILL. Would the Senator join with the Senator from Alabama and the Senator from Georgia in asking that this whole matter go to committee?

Mr. CARROLL. Sufficient unto the time is the evil thereof.

Mr. HILL. The Senator admits that there has been no consideration, and no opportunity to determine the facts, does he not? Here we are in continuous session from sunrise to sunrise, and we are confronted with these many changes. We have had no opportunity to examine them, no opportunity to analyze them, no opportunity to consider them, and no opportunity to comment on them. The Senator knows that this procedure is not only unusual and extraordinary so far as this particular character and kind of proposed legislation is concerned, but is unusual and extraordinary with reference to any character and kind of bill that is brought before the Senate. This is unprecedented.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. The Senator knows that is why we have our committee system. There is nothing more important to our proceedings in the House and in the Senate than the committee system. It is important that the committee sit down and take up proposed legislation and hear testimony on it, and get from the various witnesses their different viewpoints and get all the information possible, and consider and weigh carefully all the testimony brought before it in connection with a bill.

Mr. CARROLL. Mr. President, will the Senator yield so that I may respond?

Mr. HILL. I yield to the Senator for a question.

Mr. CARROLL. And for a question.

Mr. HILL. For a question, yes.

Mr. CARROLL. The Senator has asked whether I would be willing to agree to a motion to recommit at this time. I was about to say that sufficient unto the time is the evil thereof. I am a member of the Committee on the Judiciary.

I have spent months on this type of legislation. We have been seeking to report this type of legislation—not this particular type, I may say, but other proposed legislation—to the Senate. I have debated this subject on the floor of the Senate. The distinguished Senator from Alabama is not accountable for the failure to report legislation; nor is the able Senator from Georgia. That is why I said it was a dynasty of necessity that brings this bill before us.

Mr. HILL. Mr. President——

Mr. CARROLL. May I conclude this thought? The real question before us is this, as I conceive it to be on this particular issue. We will talk about other issues later. We are now talking about voting rights. As I conceive it, the issue

is this. After having studied this issue for months—and I would be the first to vote against putting a force act into effect in the Deep South on this particular issue—I would say that the courts under the Constitution have for years had the power to protect the constitutional rights of individuals. It was 3 years ago that we gave the Attorney General the power to move in to protect the constitutional rights of people on voting. All we seek under the Rogers bill is to make some small changes in two or three respects, if there is discrimination against white or colored people. It is that simple. This is no great burning issue. It would be different, I may say to the Senator from Alabama and to the Senator from Georgia, if we were to move in, if we were to bring about Davenportism, if we were to send in troops to force our viewpoint upon the people of the South. Then I could understand the opposition. I cannot understand why there should be this opposition. If a pattern of discrimination is shown to exist against white or black people, how can any reasonable man resist this proposal, if it comes within the Constitution? That is the question I ask.

Mr. HILL. Has the Senator concluded? I should like to say first that this particular proposed legislation has not been before the Committee on the Judiciary, of which the distinguished Senator from Colorado is a member.

Mr. CARROLL. I agree with that.

Mr. HILL. It has been before the Committee on Rules and Administration.

Mr. CARROLL. I agree with that.

Mr. HILL. The Senator knows that the chairman of that committee, the distinguished Senator from Missouri [Mr. HENNINGS] is one of the most persistent and consistent advocates of civil rights legislation in the Senate. The Senator also knows that the membership of that committee by a very large majority is composed of Members of this body who favor civil rights legislation, and favor it very strongly.

Mr. CARROLL. Will the Senator yield? Has the committee acted?

Mr. HILL. No, it has not acted. I want to say this for the committee, however. It has not had sufficient time in which to act on the bill. The bill did not get to the committee until the first part of February. Now it is the first part of March. While we are waiting for the committee to act, we took up the debate on the floor less than 10 days after the bill was introduced. The committee has had no opportunity to act.

Mr. CARROLL. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield for a question.

Mr. CARROLL. Is it not true that the other body, the House, is now considering a measure which is similar to the Rogers proposal?

Mr. HILL. We know, according to the press reports, that they soon may be doing that. However, what the other body does in no way relieves us of our responsibility as legislators to act in an orderly and proper way, in accordance with orderly and proper procedure, and with due deliberation and proper thought and proper analysis.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. I yield for a question.

Mr. CARROLL. I agree that the Senator from Alabama is 100 percent right. This matter should have been brought before the Senate a long time ago. It should have been brought up at the time when the Civil Rights Commission had made this report asking for Federal registrars. However, we adjourned.

As we came into the first part of the year, the Attorney General came up with his proposals, and hearings have been held on it, although not in the Committee on the Judiciary. The fact remains we are no longer confronted with a theory, but with a condition. We are now debating this very important constitutional question, which has been ruled upon twice unanimously by the Supreme Court of the United States within the last week. I am speaking now of one question only, the voting rights question or issue. I repeat this to the Senator from Alabama and the Senator from Georgia. If we were trying to put into effect a force act, if we were trying to press down upon our southern brethren some great crown of oppression, there might be real resistance. I say in all sincerity that I believe when we move into the field of discrimination on the voting question, we are dealing and must take into consideration the fact that southern courts will be involved. There will be southern courts and southern judges. It was a Federal judge in Louisiana only recently who under great pressure rendered a decision which was sustained by the Supreme Court. It was a court in Alabama which did not. I think it was in Terrell County, Ala.

Mr. HILL. Terrell County is not in Alabama.

Mr. CARROLL. I would be happy to have the Senator correct me, wherever it was. But it was a southern judge.

This is not the point. The point is that I have great confidence in southern judges. I have great confidence in southern democracy if it is permitted to function within the framework and under the provisions of the Constitution, and especially in this field. I think that we had many fears in 1957. I think we have moved ahead.

I do not want to disturb the Senator from Alabama. I want to agree with his original presentation, but I could not sit silently by and say we were going to press down upon our southern brethren when all we are asking for is justice.

Mr. HILL. I am glad the Senator from Colorado agrees with the Senator from Alabama.

This bill has not been properly or regularly considered by a committee as it should have been. It is the unbroken practice and precedent of the Senate to consider such legislation.

The Senator agrees that it has not had committee consideration. Had the Senator from Colorado been here the other night when the the Senator from Alabama addressed the Senate, the Senator from Colorado would agree that there are all kinds of remedies in the Federal statutes and in State statutes today for anyone who feels aggrieved or feels he has been denied his right to vote. If he feels the board has not registered him, he has the right of an appeal to the circuit court. That is our trial court. If he feels that the circuit court does not grant him the relief that he thinks he is entitled to, he has a right to appeal to the Supreme Court of Alabama. Then, if he feels the Supreme Court of Alabama has not granted him the right he thinks he is entitled to or has not given him the remedy, he has the right to have issued a writ of certiorari and then he can take it to the Supreme Court of the United States.

In addition thereto, there are four or five different statutes on the Federal books. There are Federal laws applying to the matter of voting. One of these statutes makes it a crime for a person to deny to another person the privilege of voting if that person is duly qualified to register and to vote. That is a criminal statute.

Then there is another statute on the Federal books which applies to all 50 States and to every person in the 50 States. A person has the right to ask for injunctive relief. He can go into a Federal court and have an injunction issued if he feels he is not getting redress or if he feels he is being discriminated against in any way.

Then there is another Federal statute whereby a party, if he feels aggrieved, can bring suit for damages.

Then, as the Senator from Colorado well knows, under the 1957 Civil Rights Act, the Attorney General of the United States can be and is made the lawyer for any person who feels he has been denied a privilege or any right which he should have. The Government of the United States stands the cost of that suit, and the Attorney General of the United States is the lawyer for this individual to enforce his right.

As the Senator from Colorado well knows, the Federal courts will take jurisdiction to enforce the laws of the particular State with reference to registration and voting. So there are all kinds of remedies today.

The Senator from Alabama spent most of his last speech that he made on this subject enumerating the many, many Federal and State statutes on this question providing relief to any party who feels he is aggrieved or is being denied the right to register and vote.

Mr. CARROLL. Mr. President, will the Senator from Alabama yield?

Mr. HILL. The Senator from Alabama will yield to the Senator from Colorado for a question.

Mr. CARROLL. I agree with the Senator from Alabama that there are many remedies for those who seek remedies. Every individual American, under the 14th and 15th amendments to the Constitution, has a right to go into Federal court to protect his voting rights. I agree with the Senator from Alabama on that. The Senator is right when he said in 1957 that we, in this very body, the other body concurring, and the President signing the bill, gave the right to the Attorney General for the first time in American history to move in to protect

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the rights and to protect the suit in the name of the United States of America in a court of equity.

We gave that right to a court of equity. A court of equity has always had powers of chancery, has always had power to appoint referees and masters. The point is, it seems to me, relatively simple today. If they have all these powers and the Attorney General asks, as I interpret this bill, for two or three small powers to prevent this discrimination, who is harmed? It seems to me we strengthen American democracy when we prohibit discrimination. This is all I am saying. I am not wedded to the Rogers bill. I would like to see another type of bill.

When a pattern of discrimination is found, whether it is in Colorado, New York, or elsewhere, against any American person or group, when the court finds that pattern, what does he say? He has litigants before him. He asks, "For what reason are you discriminating against Americans?"

If I were the judge, I would say, "Eliminate that pattern of discrimination. If you do not, I will hold you in contempt. You are dealing with American citizens." This is the court's finding. If a judge in a State court can make such a finding—and he can in Alabama and he can in Colorado as a State judge—why cannot a Federal judge? When the Federal judge makes such a finding, can he not appoint a discreet person under law to determine whether the court's order is being carried out? If the election officials refuse collectively to support the court, can he not appoint a voting referee? It can be done in the case of a union or a corporation. It can be done for the Teamsters Union or any other group, or a corporation. Therefore, why can it not be done for American citizens who seek to assert their rights under the 14th and 15th amendments? This issue is so simple to me. I cannot honestly understand why there is objection if we can confine the powers; and I know the fairness of the Senator from Alabama and these other Senators. They are not for discrimination.

What is the great fear that is engendered?

Mr. HILL. With all due respect to my friend from Colorado—and he is and has been my good friend through the years—there is one thing I cannot give any man: I cannot give any man understanding. What I have cited to him has not been one, but many statutes on the Federal books today, Federal laws, granting all kinds of authority, all kinds of power—even having the Attorney General of the United States, paid for by the taxpayers of these United States, act as the lawyer of a complainant to right any wrong that he feels was done him, and to win for him redress. There are many kinds of Federal statutes, and all kinds of State statutes.

Mr. CARROLL. Under present laws, can voting referees be appointed?

Mr. HILL. No, and thank Heaven they cannot, because there is no teacher like experience, and we have had experience with this system. We have had experience with it when we had voting supervisors.

This bill goes much further, as I said before, in that it would have these referees act not only in Federal elections or where Federal officials are being elected, but in State, county, municipal, and local elections—elections of all kinds.

We have had that sad and tragic experience of this kind of procedure before.

Mr. CARROLL. Did not a Federal court recently, in Louisiana, give an order to restore some 1,300 or 1,400 people to the rolls of registration, which decision was recently affirmed by the Supreme Court? That is a function of a Federal Court.

Mr. HILL. The Federal court functioned in appointing registrars or supervisors under the Davenport Act, and we know what that led to. It led to all kinds of corruption. It led to all kinds of stealing. It led to all kinds of the denial of the right to vote.

Mr. CARROLL. I am talking about the Supreme Court.

Mr. HILL. We have had that experience before, and that example. With that experience, certainly we know we should not adopt the same procedure, or even enlarge it to a more extended procedure than was provided by that act.

Mr. CARROLL. Would not the Senator from Alabama agree with me that in the Louisiana case the court functioned as a court of equity, protecting the constitutional rights of persons?

The judge said, "Restore them to the rolls." The Supreme Court sustained the decision. If people violate that rule, is not what is involved an enforcement of a constitutional right under a court order?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator not know that the Louisiana case, so far as can be determined by those of us who tried to study the case, involved some 1,377 colored people, whose right to vote had been challenged? Of those 1,377 not one was qualified from a technical point of view. The judge put them all back on the roll. The judge did not appoint a referee or did not appoint some other person who would restore some and leave some off the rolls. The judge simply put the entire 1,377 on the rolls, even though they were not qualified.

Mr. HILL. What the Senator is saying is that the judge did it by the rule, "Do it." He simply issued a decree putting the mass of them back on the rolls.

Mr. LONG of Louisiana. Yes.

Mr. CARROLL. I am sure my friends from the South do not want to be put in the position of attacking an order of a Federal court which has been sustained by the Supreme Court.

Mr. HILL. Of course, I realize the situation we face. We in the Senate have certain constitutional immunities while we are speaking on this floor. I realize that the Dirksen-Rogers bill has certain provisions in it, to which I shall address myself as soon as I finish my colloquy with the Senator from Colorado, under which if the average citizen should put himself in the position of attacking or criticizing a court decision he might find himself in jail.

Mr. CARROLL. I will say to the Senator from Alabama, if the Senator is sent to jail I will go with him, or I will send him cigarettes. [Laughter.]

Mr. HILL. I will say that under the provisions of the bill any citizen of the United States who criticizes a court decision may well land in jail. I would hate very much to see my friend from Colorado in jail.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. I would not like very much to see him in jail.

Mr. CARROLL. The Senator from Alabama knows I am more difficult to control than he is, and I would probably go to jail before he would.

I will say, if the Senator will permit, and then I shall not interrupt further—and I mean this in all sincerity—of all the Senators from any part of the country I have the greatest of esteem for my friend the senior Senator from Alabama and my friend the junior Senator from Louisiana. We are discussing this matter now as lawyers. We are talking about this as lawyers who have some knowledge of constitutional law. We have a difference of opinion.

I have studied that ex parte order, and I think the Deputy Attorney General in his testimony, when he talked about a conclusive presumption, made an unhappy choice of words, and he was incorrect. There is no conclusive presumption in law. When these people come before a referee, who acts as an agent of the court, they have to present evidence. I will say to the Senator from Alabama, the finding of the referee would not be conclusive. He would have to go back to the court. There would be issues before the court to be decided, prior to an order. There has to be an adversary proceeding, under the due process clause of the Constitution.

It is true that with regard to one or two items, where there is involved a question of law, the court will make a determination. That is not the referee. There has to be an end to all litigation, and there must be some finding as to matters of fact. The registrar can attack the finding.

I have been over this proposal with a fine tooth comb, and I am confident of my position. I believe I am correct in saying there is no conclusive presumption.

The Senator from Alabama or the Senator from Louisiana or the Senator from Colorado could come in to say, "Mr. Referee, you do not have enough evidence."

Any one of us could attack the finding of the court. The court would have to give a hearing before the court made a final order. That is my opinion.

Mr. HILL. The finding of the referee is much more binding on the court than the finding of a jury of 12 people.

Mr. CARROLL. I say this to my friend in all sincerity.

Mr. HILL. It has more sanctity. If this bill as presented to the Senate Committee on Rules and Administration by the Attorney General were passed, the finding of the referee would have much more sanctity than the finding of a jury of 12 persons.

Mr. CARROLL. If the Senator will yield further, I will say that the Attorney General has learned much since his first presentation. He did not know all he was talking about when he presented the bill. The bill has been modified three times. The concept has been changed many times. Even the bill offered by my distinguished friend from Illinois, the minority leader [Mr. DIRKSEN], has been modified. As we move along it will be modified again. We may come out with a good bill, and it may be constitutional. It will not do a great injury, as the able Senator from Alabama thinks it will.

Mr. HILL. The Senator has to judge the bill as it is written and as it is presented and not on the basis of what the Senator from Colorado thinks may happen to the bill during this process, particularly since the bill has not had any consideration and has not had that due deliberation and that analysis which proposed legislation regularly has in this body.

Mr. CARROLL. If the Senator will permit, I have one final word to say. I will say to the Senator from Alabama, that if we interpret only the original Rogers bill, the Senator's interpretation is reasonably accurate. The modifications have been filed, however. A bill has been filed by the distinguished Senator from New York [Mr. KEATING] which is comparable to the McCulloch bill, which will be debated in 2 or 3 days.

There is a great change coming in regard to this proposed legislation.

It is most unfortunate that we have not had adequate hearings. I agree with the Senator from Alabama in that regard, and I thank him for his courtesy and for his patience.

Mr. HILL. I am glad my good friend from Colorado has admitted that time and again the Attorney General of the United States has been wrong with reference to this proposed legislation.

Mr. CARROLL. I do not say "time and again," but he has been some wrong.

Mr. HILL. He has been "some wrong". "Some wrong" means he has been wrong.

Mr. CARROLL. Sometimes.

Mr. HILL. Well, then, he has been wrong sometimes with reference to this proposed legislation.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator agree that in the Louisiana case, recently affirmed by the Supreme Court, there were some 1,377 Negroes who had been challenged for all sorts of reasons? Some of them had been challenged because the registration form had not been filled out correctly. Some of them had been challenged because they did not live where they said they lived. Every reason under the sun that the mind of man could conceive was the basis for all these different challenges. The judge simply looked over the 1,377 challenges, and he found all of them to have some basis. Somebody misspelled a word. Somebody gave a wrong address. Various reasons were cited. The judge simply said, "Well, it looks to me as though the person who did the challenging challenged about 95 percent Negroes and 5 percent whites, so even though these people are not technically qualified, even though there are errors and irregularities with regard to all of them as shown on every sample taken, put them all back on the rolls."

For all the judge knew, half of those people might have been dead, but he said, "Put them back on the rolls. It seems to me they were discriminated against. At least, the man who challenged discriminated against the Negroes, so put them all back on the rolls."

If a Federal judge can do that a Federal judge can just as easily say to the registrar, "Of all the people who applied it looks as though you turned down mostly Negroes and very few whites."

"You turned down about 90 percent of the Negroes and you turned down about 50 percent of the whites, so put all of them on, Negroes and whites alike." He could just as easily do that.

I ask the Senator, if he can do that, what on earth is the need of appointing a Federal go-between, a man who is nothing but a "deadhead"? The way the law stands now, the judge in the Washington Parish case in Louisiana told the registrar, "Put them all on, whether they are qualified or not, and report back to me every 10 days. Bring your books in and show me how you are running your office."

If the judge can do that, can the Senator tell me what possible need there is to appoint a Davenport, some corrupt Federal official to steal the election and put somebody in jail?

The Senator well knows that under the Davenport law Davenport and his crowd put as many as 5,000 people in jail on election day for fear they might not vote for the Republican Party.

Mr. HILL. To make sure they did not vote the Democratic ticket.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. He had an assistant, and they put as many as 5,000 of those people in jail on election day to keep them from voting.

Mr. HILL. The Senator is exactly right.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Arizona.

Mr. GOLDWATER. I am glad to find out why so many Republicans did not vote, and I am also glad to find out they are honest people.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. As to the Davenport Act, I will have to say, frankly, since I know the Senator from Arizona always wants the facts, that under the Davenport Act the Republicans did vote, but the registrars in the city of New York—particularly this registrar, John Davenport—locked up the Democrats and kept them in jail all day so they could not vote.

Mr. GOLDWATER. That is a good idea.

Mr. CARROLL. Mr. President, will the Senator yield?

I am sure my friend from Louisiana does not want to leave the impression that because this judge put all these people back on the roll, some of whom might be dead, that the dead ones are still voted down in Louisiana. We quit that in Colorado 20 years ago.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. LONG of Louisiana. One thing the Senator from Colorado must be careful of in a close election is that too many dead ones are not voted against him.

Mr. HILL. The Senator was simply saying not that they vote dead ones, but that whether a man was dead or alive, qualified or disqualified, whatever his condition, even if he might not meet any of the qualifications, the judge by peremptory action, put them all on the rolls.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Under the Federal registrar plan, may I ask the Senator if it is not true that with Jimmy Hoffa's crowd voting those in power, Hoffa and a bunch of truckdrivers could drive across the countryside and vote 10 times? That is not without precedent.

John Liddell loaded a ferryboat with people and came down the Mississippi.

Mr. HILL. History will confirm absolutely what the Senator said. They came down the river and every place where there was a voting place, they voted. As soon as the vote took place, they got on the boat, went down the river to the next voting place, and voted there.

Mr. LONG of Louisiana. They voted every place they could, going on downstream.

Mr. HILL. They were moving as fast as they could so they could get all the votes possible in the box.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. CARROLL. I understand that it is difficult for the court decisions to reach the situation, and they are not perfect, but I am reminded of the 3-man court held under the Judicial Code wherein was a channel of constitutionality in a Louisiana parish; 40,000 people lived in this parish, 26,000 whites and 14,000 blacks. And that court, a southern court of three judges, made this decision. In 30 years, not a single American Negro was permitted to register.

The court said it did not need any more evidence, that as a matter of simple arithmetic, of simple mathematics, the discrimination is so prevalent, that it has to be stopped.

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This is all this bill says. It deals with a pattern or practice of discrimination. Even in the case of Washington Parish, the case had to go to the court under due process. It went to the Supreme Court of the United States.

Under due process, under the Constitution, every single evidentiary allegation must be sustained. This is all we ask.

I say to my distinguished friend from Alabama that no referee is a dictator. He is bound by the rules of evidence. He is bound by due process, to furnish evidence to the court, who is also bound by the process, and his decisions are reviewable, as is true of the Terrell County case and as is true of the Washington Parish case in Louisiana.

What else can one ask for in a democracy?

Mr. HILL. Mr. President, if the court did what the Senator from Colorado says the court did, then that confirms and ratifies everything I have said about the fact that there are adequate, full, and amply sufficient statutes on the books today to provide redress of any grievances that any person might have. The statement of the Senator from Colorado has confirmed everything the Senator from Alabama had to say to the effect that there is plenty of statutory power under the Federal statutes and the State statutes to do everything that the Senator from Colorado might wish to have done.

Mr. CARROLL. Except that the able Senator from Alabama made this concession a while ago—that nowhere in a decision in a court practice, as we know now in American political history, has the court authorized the appointment of a voting referee in those matters that concern the political democracy of the people. It could do it in the Teamsters Union. It could do it in some corporation. But nowhere have we been confronted with this problem. And the Attorney General asked two things, a voting referee, and a change in rule 53 of the Federal Rules of Procedure, so that referees and masters would get their fees from the litigants. He says now, "Let us draw it from the Treasury."

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HILL. We had all the tragic experience with voting registration. It is just a question of the name. One may call him referee, registrar or commissar. We had all that sad experience with what was then called a registrar.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HILL. With all the remedies now on the statute books, both Federal and State, why should we go back now to follow a system which turned out to be such a rotten, corrupt, and evil one that was on the statute books from 1871 to 1894?

I am proud as a Democrat to say tonight that when the Democratic Party came into power we Democrats repealed the Federal Registrar Act of 1871.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. CARROLL. The Democrats have done a wonderful job up to this point.

Mr. HILL. Then we do not want the Senator from Colorado to undo all the good that we have done.

Mr. CARROLL. Would the Senator from Alabama prefer the registrar proposal to the Civil Rights Commission? Does he want the President to put in carpetbaggers?

Mr. HILL. No. The Senator from Alabama is opposed to the registrar proposal, the referee proposal, and the commissar proposal, all three proposals.

Mr. CARROLL. Would the Senator from Alabama not agree that he has great confidence in the Federal judicial system as now operating in the South?

Mr. HILL. Yes, but the Senator from Alabama believes in a government of law and not a government of men. The Senator from Alabama believes that we have sufficient statutes now on the Federal statute books and on the State statute books. The Senator from Alabama wants these procedures and processes to be carried out not by some person, whoever he may be, with a life tenure, but rather by some official representing the people themselves.

Mr. CARROLL. Not a Federal judge from the South?

Mr. HILL. He does not want it in the hands of a system. It is a question of the system that is adopted. Remember that every bad thing that is ever done was done in the name of some good cause. It had to be done. Oh, it was necessary to be done because it was in the name of some good cause. "Oh, liberty, what crimes are committed in thy name?"

The Senator from Alabama and the Senator from Louisiana are standing here tonight pleading that we hold fast to and maintain our American democracy, which was fought for and won for us and handed down to us through the Constitution of the United States.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. CARROLL. Would the Senator not agree that a southern citizen, an American citizen, most all of whom are Democrats, has a right to go into a Federal court to assert and protect the constitutional rights? If the Federal court should find that there is a practice or pattern of discrimination against them, does the Senator not think that court ought to have the power to say to the State agencies, "You do not know what is going on in this county. Why do you not protect your people?"

Mr. HILL. Any person who feels aggrieved has a right to go into a Federal court now. He may ask for criminal prosecution. He may ask for an injunction. He may ask for civil damages. He can even have the Attorney General of the United States as his lawyer. And I am sure it must have been dismaying to some people to have asserted by the distinguished Senator from Colorado the proposition that the Attorney General of the United States, the lawyer paid for out of the pockets of the people of the United States, who could be a lawyer for anybody who has some grievance that he feels should be redressed, is not the best lawyer. He made his mistakes about this bill.

Mr. CARROLL. Whom would the Federal court enjoin if it had the power?

Mr. LONG of Louisiana. The Federal court would enjoin the local registrars, the people whose duty it is to check on this matter.

Mr. CARROLL. Suppose the local registrar resigned. Whom then would the court enjoin?

Mr. LONG of Louisiana. There would be other registrars appointed. I know what the Senator has in mind. He has in mind one county in Alabama.

Mr. HILL. I had no reference to Alabama.

Mr. LONG of Louisiana. I believe he refers to the county in which there were three registrars, one of whom died, another one was elected to the legislature, one month ahead of time, and another one was made a member of what we call the Board of Equalization, and he could not hold both jobs of registrar and member of the Board of Equalization.

Mr. CARROLL. If the Senator will yield to me further, every time registrars are appointed they resign.

It is like putting one's finger on a piece of something slippery. Now we seek a law by which we are going to fix the responsibility upon the Attorney General, and, if necessary, upon the State Governors to protect the voting rights of the people. What else do we say? We hope we will pass this bill. We are not putting Federal power against State power. We are saying there may be some county in which we do not know what is going on. Give the people a chance to register and vote. There is nothing wrong with that. Nobody stands for discrimination, and if it exists within a State, let us correct it. I do not say this takes place in Alabama, but whatever the State is, if there is discrimination, rub it out. Get rid of it.

Mr. HILL. We have all the remedies, all the statutes, and all the laws necessary on the statute books today to wipe out any existing discrimination. If those who feel aggrieved do not resort to them, they do not use the laws they have now.

Mr. LONG of Louisiana. Mr. President, will the Senator from Alabama yield?

Mr. HILL. The Senator from Alabama yields to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the debate here not show the kind of fantastic misrepresentation which has been going on, on the floor of the Senate? Some of us have been led to believe that the registrars resign willy-nilly when someone says, "Register colored men." I see the distinguished Senator from New York [Mr. JAVITS]. He made the statement the other day that registrars resigned. Never has a registrar resigned in Louisiana. The Senator from New York was misinformed.

I am sure he was sincere, but he had misinformation. By the time we boil it down and see where the registrars resigned, we discover that in a single county there was a board of registrars consisting of three members, one of whom died, one was elected to the legislature, and the other got a job elsewhere. For the moment the offices were vacant. All this talk, all this power of expression

amounts to is that in one county one man died, another man was elected to the State legislature, and the third member got a better job.

Mr. HILL. The Senator from Alabama the other night went into detail and tonight will seek briefly to summarize these redresses. Any person who feels aggrieved, if he feels he has been denied any privilege to which he is entitled under the law, has the right to go into the court. He has the right to go to the Supreme Court of the United States, and no one can cite a single case in which that procedure was followed.

Mr. LONG of Louisiana. Will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. LONG of Louisiana. The Senator well knows, does he not, that nobody thought when the act of 1957 was passed that it would require that a man be registered even if he was not qualified? In fact, the law itself said "any person not otherwise qualified." We had a case in Louisiana in which the judge put the people on the rolls whether they were qualified, dead, had moved out of the parish, or anything else.

I believe the Senator from Alabama [Mr. HILL] was a lawyer before he came to the Senate. I ask him this question: Under the 1957 act, if any persons were reasonably qualified, does he think there would have been any difficulty for the U.S. attorney to have them put on the rolls?

Mr. HILL. Certainly not. The Senator has cited the 1957 act which makes the Attorney General the aggrieved party's lawyer. The Attorney General is paid by all the taxpayers. He is the lawyer for the aggrieved parties under the criminal statutes and the civil statutes as well as the State statutes, and no one has been able to cite a single case in which an aggrieved party has carried his case through the courts, as he had a right to carry it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. HILL. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not true that any of the 20,000 people in Louisiana who wish to be put on the rolls can be put on the rolls at no expense to himself, but solely at the expense of the Federal Government?

Mr. HILL. The Senator is right. The Attorney General is his lawyer. The law provides that the cost of the case will be paid by the taxpayers through the Government of the United States.

Mr. LONG of Louisiana. Is it not true that we have 20,000 colored folks who have the right protected by law, and who, without cost to themselves, can be put on the rolls, recognizing the fact that every case of a colored man that has been lost in the lower court has been reversed by the Supreme Court, and every case that has been won has been upheld, whether they have been qualified or not?

I recognize here tonight one of those who point a finger of scorn at the South. I call attention to the 681,000 Puerto Ricans in the State of New York, poor people who are not qualified because they cannot speak the English language. The law forbids them from voting. It requires an eighth grade education, ability to speak English language, and an intelligence test.

Mr. HILL. The Senator is exactly correct. Some of those who point the finger of scorn at the Southern States come from States like New York, where hundreds of thousands of Puerto Ricans are disqualified from voting.

Mr. LONG of Louisiana. Those people have no remedy, nowhere to turn. If someone wishes to help people to obtain their rights, he ought to try to help his own folks. He ought to submit an amendment to look after the rights of the Puerto Ricans.

Mr. HILL. The people of other States ought to attend to their own backyard before they try to throw trash into our backyard.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. HILL. I shall be happy to yield to the Senator from Colorado [Mr. CARROLL] with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. CARROLL. I thank the distinguished and able Senator from Alabama [Mr. HILL] for his patience and courtesy. I cannot tell him how much I have appreciated the discussion this evening.

Mr. HILL. I thank the distinguished Senator from Colorado for the kind and generous words which he has spoken to the Senator from Alabama. He hopes that the Senator from Colorado, as he studies and thinks through this problem will reach an understanding which will let him know in his mind, in his heart, and in his conscience just how bad this bill is.

Mr. CARROLL. The junior Senator from Colorado is always willing to receive instruction from his master and his senior.

Mr. HILL. I thank the Senator.

Mr. President, as the Senator from Alabama was saying on the second occasion, when he discussed the Rogers-Dirksen bill, he concentrated his attention on the first part of the Rogers-Dirksen amendment, which would make it a Federal crime to criticize any Federal court decree ordering the desegregation of the public schools. I declared then—and I am prepared to defend the statement now—that the first part of the amendment was copied after the alien and sedition law.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HILL. The Senator from Alabama will be happy to yield to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. Does the Senator recall that the junior Senator from Louisiana tried to offer an amendment to this bill to make it clear that a person could express an honest opinion that it was made for good law and order, for a person to marry into his own kind, to have associates of his own kind of people, and that the amendment was tabled between 3:30 and 4:30 one morning?

Mr. HILL. I think it is sad to say, but the situation is such that, with the Senate meeting from sunrise to sunrise without any committee consideration of the bill, without any report from the committee, with the effort to cram this bill down the throats of us who oppose the bill, the Senator's amendment did not receive any real consideration.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for one more question?

Mr. HILL. The Senator yields to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator recall the time the amendment was tabled and the best the Senator from Louisiana could do, since the motion was not debatable, was to get consent to have the amendment read?

Mr. HILL. That is all. All the Senator from Louisiana [Mr. LONG] could do was to have the amendment read from the desk, and with the conditions under which the Senate is now operating, even when the amendment was read, few Senators gave any attention or any thought to the amendment when it was read.

Mr. President, as I had said on the second occasion when I discussed the Rogers-Dirksen amendment, I concentrated my attention on the first part of the amendment, which would make it a Federal crime to resist or to criticize any Federal court decree ordering the desegregation of the public schools. I declared then, and I am prepared to defend now, the statement that the first part of the amendment was copied after the alien and sedition laws, enacted by the Federalist Party during the administration of President John Adams, which in such large measure brought about the destruction of the Federalist Party and which wrote an ignominious chapter in American history which stands second only to the Reconstruction period following the War Between the States as the most shameful our country has ever known.

In my third Senate speech in this debate I sought to outline all the existing Federal and State statutes designed to preserve, protect and defend the privilege of any American citizen to register, to vote and to have his vote counted as cast under existing statutory law. I emphasized that the existing Federal and State statutory remedies are more than adequate to protect the rights of any allegedly aggrieved person who claims to have been deprived of his civil rights under the 15th amendment to the U.S. Constitution or of his rights under any other provision of the U.S. Constitution.

Continuing my series of discussions on the constitutional, the legal, and the practical objections to the amendment I should now like to address myself to the fourth section of the Rogers-Dirksen amendment which, among other things, declares the Supreme Court decision in the school cases to be "the supreme law of the land."

This section is as follows:

The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on

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racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

(2) It is therefore the intent of Congress and the purpose of this section to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

(b)(1) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

(2) Appropriations under this subsection shall be available for grants to help finance—

(A) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools; and

(B) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

(c)(1) The Commissioner of Education (hereinafter called the Commissioner) shall for each fiscal year allot to each State, from the sums appropriated pursuant to subsection (b) for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–54 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–54 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

(2) From a State's allotment under paragraph (1) for a fiscal year, the Commissioner shall, except as otherwise provided in subsection (e), pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in subsection (b)(2)(A) under applications approved by the State agency (designated as provided in subsection (d)(1)(A)) pursuant to the State plan approved under subsection (d), and one-half of the expenditures of such State agency in carrying out the purposes specified in subsection (b)(2)(B) under such plan, including its expenditures in administering the State plan. Payments under this subsection and subsection (e) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

(d)(1) A State plan shall be approved by the Commissioner for purposes of this section if such plan—

(A) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State education.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HILL. The Senator from Alabama is happy to yield for a question.

Mr. LONG of Louisiana. Is the Senator now discussing this proposal to provide technical aid to the South, to help show the South how to integrate schools?

Mr. HILL. Yes. The section which the Senator is now reading to the Senate contains, among others, the provision for providing this technical assistance to the South, to teach and show and tell the South how to desegregate the schools.

Mr. LONG of Louisiana. Is the Senator aware of the fact that the South has not asked for this sort of "foreign aid" proposed by this bill?

Mr. HILL. Yes, the Senator is quite well aware of the fact that the South has not asked for this kind of "foreign aid" and does not want aid in this form.

Mr. LONG of Louisiana. Is the Senator aware of the fact that the preference of the people of the South seems to be in just the opposite direction?

Mr. HILL. I believe the preference of the people of the South is very definitely in the opposite direction, and therefore this proposal—the holding out of this "bribe," as the distinguished Senator from Virginia [Mr. BYRD] so well characterized this provision of these funds—the proposition of trying to hold out this bribe to the Southern States and to the school districts in those States, is an absolutely fruitless effort. The Southern States will not be bought by any such bribe.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. HILL. I yield for a question.

Mr. LONG of Louisiana. Does the distinguished Senator from Alabama not think it might make better sense to take the same money which is proposed to provide help to integrate schools in the South, and use that money to help transport, up to the great land of civil rights, anybody who is not satisfied in the South?

Mr. HILL. The Senator from Alabama would thoroughly agree with the distinguished Senator from Louisiana. That would be a much wiser and much better way to do it. It might get some results. This plan is not going to get results. The other plan might accomplish something.

Mr. LONG of Louisiana. Can the distinguished Senator from Alabama inform me whether there is some area up North where integration is really working as planned? And can a person accept the Federal aid money and go up North to that area and experience the kind of integration which is advocated?

Mr. HILL. I do not know whether the Senator from Alabama can supply the answer to that question. A few minutes ago the Senator from Louisiana called attention to the hundreds and thousands of Puerto Ricans who are denied their voting rights, who are denied their right to register in the State of New York. How these Puerto Ricans are being treated in the matter of desegregation or of integration, the Senator from Alabama cannot say. He does know the RECORD shows they are being denied the right of registration to vote.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the Civil Rights Commission report itself stated that the city of Chicago, Ill., is the most residentially segregated city in America?

Mr. HILL. As the Senator from Alabama recalls, that was a flat, unequivocal declaration on the part of the Civil Rights Commission.

Mr. LONG of Louisiana. Does that not result from the fact that the colored people have no choice in the matter; that they are required to live in one congested, rat-infested section of Chicago, when they go there, and cannot spread out into the subdivisions, because the Chicago folks will not let them move out there, for one reason or another?

Mr. HILL. That would certainly be the logical deduction of the Senator from Alabama.

Mr. LONG of Louisiana. Did not the Civil Rights Commission report that the same situation prevails in New York, although New York has been trying to prevent that being the case for 36 years?

Mr. HILL. In spite of those efforts, as the Senator from Louisiana says, the Commission said those conditions do now exist and have existed for a long period of time in the city of New York.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. HILL. I yield further for a question.

Mr. LONG of Louisiana. Does it not stand to reason that if all the colored people in New York are crammed together in Harlem and in one or two other small sections, including one in Brooklyn, and if all the colored people in Chicago are crammed together in one large neighborhood, then, by virtue of that fact, and because the children go to the schools nearest to their home, they thereby have segregated schools in those cities?

Mr. HILL. Of course, that is true. It follows naturally and logically that a child goes to the school nearest to his home.

Mr. LONG of Louisiana. Will the Senator tell me what difference it makes, so far as segregation is concerned, whether a child goes to a segregated school by virtue of State law or by virtue of it being the way they do things in those cities?

Mr. HILL. The result is exactly the same. The child goes to a segregated school.

Mr. LONG of Louisiana. Does it not work out to be a distinction without a difference?

Mr. HILL. Yes. The result is exactly the same. As the Senator says, it is a distinction without a difference.

Mr. LONG of Louisiana. It all amounts to the same thing, does it not?

Mr. HILL. When we add it all up, we get exactly the same answer, the same result, the same condition.

Mr. LONG of Louisiana. I should like to ask the Senator whether it does not bear out a saying that is used in the Cajun section of our State: "C'est tout la meme chose." In other words, it is all the same thing, whether it be done in one way or achieved in another way. The result is the same. Is that correct?

Mr. HILL. It is exactly the same.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for another question?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Would it not make good sense if all the people up North who feel that things should be the way they advocate they should be would practice what they preach and first see how what they advocate works before they try to force it on the South?

Mr. HILL. There is no question about it whatever. They should go to work and do that which they are now trying to force on the South by legislation. They ought to do it themselves in their home States and in their home communities and in their home districts.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. LONG of Louisiana. I should like to ask the Senator if he would like to join with some of us who would like to help transport the people who want these civil rights to the land of civil rights, if there is a place where there is integration to which we can transport them?

Mr. HILL. The Senator is basing his statement, no doubt, on the Civil Rights Commission report which calls attention to the fact that there is no such place available to which to send these people.

Mr. LONG of Louisiana. The Senator knows that the school system in the great national capital is supposed to be where the great experiment is taking place.

Mr. HILL. The people boasted that this would be the great experimental area; yes.

Mr. LONG of Louisiana. Is the Senator aware of the fact that the schools in the District of Columbia are now for the most part segregated schools?

Mr. HILL. That is true, as a practical matter, for the very reason the Senator has stated. As a practical matter, today the great majority of the schools continue to be segregated schools.

Mr. LONG of Louisiana. Is it not true that as the whites move out of a section only the colored remain, and in that way the colored children go to segregated schools?

Mr. HILL. That is true. The result is exactly the same. The schools are still segregated.

Mr. LONG of Louisiana. Could it be fairly said that a school is not a segregated school because a single colored child goes to an otherwise white school? I refer to the Horace-Mann School, for instance, to which the Vice President's child goes, and to which my child used to go. If a single white child goes to a school, does that actually make, as a fair matter, and by fair definition, an integrated school?

Mr. HILL. I do not think that could be interpreted fairly in that way at all.

Mr. LONG of Louisiana. Recognizing the fact that the school system in Washington, D.C., is rapidly becoming a segregated school system, can the Senator tell me where on earth we can send the people who want to go to the land of integration?

Mr. HILL. The Senator from Alabama must state to the Senator from Louisiana that he does not know where that haven of integration may be. If there is such a place, the Senator from Alabama does not know of it.

Mr. LONG of Louisiana. Is it not like searching for the pot of gold at the end of the rainbow?

Mr. HILL. Yes.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HILL. I yield to the Senator from Colorado.

Mr. ALLOTT. Is the Senator from Alabama aware of the fact that there are other places besides the three places that have been mentioned?

Mr. HILL. Well——

Mr. ALLOTT. Is the Senator aware of the States of Indiana, Iowa, Kansas, North Dakota, Nebraska, Colorado, Wyoming, Utah, New Mexico, and Arizona?

Mr. HILL. Those are all States of the Union. There are 50 States, and those States are among the 50.

Mr. ALLOTT. Is the Senator aware that those States do not practice that type of integration?

Mr. HILL. I am perhaps more familiar with the State of Iowa than with any of the other States. The minority there has been so small, so infinitesimal, that as a practical matter there are very few colored children in the school with white children, so that it does not really amount to integration. It has been that way for many years.

Mr. ALLOTT. If the Senator will inquire further, and if I may be permitted an observation without the Senator losing the floor, I believe he will find that that is not so in Iowa. I will dispute his facts, because that is not so in some parts of Iowa and in some of the bigger cities of the other States.

Mr. HILL. Of course, the Senator from Colorado must go through the State of Iowa in order to get to Colorado, whereas the Senator from Alabama does not have to go through the State of Iowa in order to get to Alabama. Therefore, the Senator from Colorado ought to be more familiar with conditions in Iowa than would be the Senator from Alabama. However, in the city of Des Moines, which is the capital of the State of Iowa, there has been no particular change in the situation.

Mr. ALLOTT. No, but there has not been any segregation here.

Mr. HILL. There has been very little to segregate. It does not amount to anything.

Mr. ALLOTT. I would say to the Senator that I think it is unfair to labor the question and to beg the question in this way. I would say it is not an honest argument to cite the extreme situations which have been used, namely, Chicago, New York, and the District of Columbia, because there are many places in the country which have substantial minorities in their cities and which do not practice segregation.

(Applause in the galleries.)

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Chair reminds the occupants of the galleries that they are the guests of the Senate, and they will abide by the rules of the Senate while they are in the galleries.

Mr. HILL. The Senator from Colorado by his very statement agrees that it is in New York, Chicago, and Washington where we find the extreme cases. Is that not true?

Mr. ALLOTT. We find extreme problems there.

Mr. HILL. Extreme problems and extreme cases.

Mr. ALLOTT. If the Senator had been on the floor earlier this evening—and of course I realize that the Senator cannot be on the floor all the time, because he has been preparing a very able address, and I am sure he will go into these problems as long as I shall stay on the floor of the Senate——

Mr. HILL. Will the Senator inform me how long he will stay on the floor? Will the Senator inform the Senator from Alabama that he will be on the floor for such and such a length of time? The Senator from Alabama would like to know, because he would like to accommodate the Senator from Colorado.

Mr. ALLOTT. I will be happy to stay, as long as the Senator desires to speak.

Mr. HILL. I thank the Senator from Colorado.

Mr. ALLOTT. I recognize that the Senator from Louisiana is a very able lawyer and a very brilliant orator, and I recognize the abilities of the Senator from Alabama, with whom I worked on the Labor Committee when he was chairman of it and I was a freshman Senator, but these arguments are not really arguments because there are many cities in the United States which have acute presentations of this problem and still do not segregate their people. One is able to point out one or two or three instances in which the problem is very, very acute. In fact, I doubt if there is any place where the problem presented is as acute in any of the Southern States as it is in the District of Columbia. It is not fair in argument to point this out because there are many, many cities which have presentations of this problem and which have faced up to it and have not sought segregation to solve it.

Mr. HILL. The distinguished Senator from Colorado [Mr. ALLOTT] spoke about the State of Iowa. The Senator from Alabama is not too familiar with the State of Iowa, but he does have some familiarity with the capital city of Iowa, which is the largest city, Des Moines. There is no real minority problem there because there are so few of the minority there, and perhaps through

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the years there have been some few of a minority who go to school with the majority, but that has been true through the years. Undoubtedly, in those States it would have been a very, very costly thing to have tried to operate separate schools. There would be few members of the minority to go to those schools. So it would have most likely been a costly thing.

Mr. ALLOTT. Mr. President, with the Senator from Alabama yield?

Mr. HILL. I will be happy to yield for a question.

Mr. ALLOTT. How many does the State of Alabama have with respect to its minority?

Mr. HILL. The Senator from Alabama has not consulted statistics on the subject. The Senator from Alabama knows that, relatively speaking, there are very, very few.

Mr. ALLOTT. The Senator from Alabama may be correct with respect to the total population, but this does not mean there are not relatively many in some parts or areas of the city. They have not practiced segregation; and this is true in my own capital city of Denver.

Mr. HILL. If the city of Denver has practiced segregation, it is perfectly right to have whatever type of schools it wishes to have.

Our complaint now is that the proponents of the proposed legislation are seeking to cram down our throats a system we do not want and will not take.

Mr. ALLOTT. Our complaint is that a great many people in this country are being deprived of their fundamental liberties, and this is the issue here. It cannot be surrounded with any fancy folderol. This is the fundamental issue we are debating here.

Mr. HILL. The Senator is right. The question is whether or not we will take from the great majority of our people fundamental, basic, constitutional rights so that we might confer certain privileges upon a very few.

Mr. LONG of Louisiana rose.

Mr. HILL. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Is it not more or less a rule of thumb on the racial problem that the higher the percentage of racial mixture, the more heat is generated? If there is a 1-percent minority among a 99-percent majority there is little problem. If it is raised to 25 or 30 percent, it becomes a very controversial problem, and much heat is generated.

Is it not true that where there is a very small number of the minority element among a majority, there is very little problem and very little heat is generated?

Mr. HILL. The Senator from Louisiana is perfectly right. All history shows that.

Mr. LONG of Louisiana. Would it not be fair to say to anyone who says he has the answer to the problem—and I would vote for any proposal I felt would provide the answer—that he should take the proposed answer to the expert? We who have struggled with the problem over a long period of time believe we will work it out the best way we can.

Mr. HILL. Common sense and wisdom would certainly dictate such course.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HILL. The Senator from Alabama yields to the Senator from Mississippi with the understanding he does not lose his right to the floor. I yield to the Senator from Mississippi [Mr. STENNIS] for a brief observation.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. STENNIS. Without being too personal—and I hope the Senator from Colorado will listen to this—on this question of segregation, the living conditions, and so on, I point out that I live in a small town of 1,200 or 1,500 people who have lived in the same place for 30 years. During all those 30 years my next door neighbor, on the highway to the south, has been a colored family. My next door neighbor on the other side, but not living on the highway, for 20 years has been a colored family. During all those 30 years I have gone to town every morning, first passing those residences of white people, on the other side of the street two white people, and then I came to the residences of colored people on the highway. Those same colored families have lived there all these years and are living there tonight. That is in a county that has as many colored people as white people.

During all those 30 years we have never locked the doors of our residences at night. We never had more than one key, and that was to the front door, and we used it only when when we were away from home. The car stays in the driveway with the key in the switch. There has never been any trouble. There has always been peace and harmony, and we are living that way now.

Here in this great Capital City, sometimes people even lock their front door in the daytime. There is the contrast.

Mr. HILL. There is truth to what the Senator says about his home in Mississippi, and the same applies to many, many communities throughout the South.

Mr. STENNIS. I do not like to be personal, but there is a pattern, time after time after time after time, repeated over and over and over again. There has not been the slightest bit of trouble in those 30 years, or the slightest misunderstanding or anything of any kind. That is in a small town where the the colored people have their school. The building cost $400,000. It is a new, modern building with a cafeteria, auditorium, gymnasium, and every modern facility. They have 32 teachers, all of whom are colored and all of whom are paid on the same salary scale as are the white teachers.

That example could be repeated not once but a hundred times all over my State. I come here and hear much talk about people wanting to do something for the colored people. I read in the local newspaper that the police are training dogs—I thought they used them only in war—to help the police try to enforce the law here and stop the purse-snatching and mugging.

I ask the Senator from Alabama if what I describe is not typical of thousands of communities throughout the Southland. Is that not part of the Senator's observation?

Mr. HILL. The Senator is exactly correct. As the Senator says, thousands of communities throughout the Southland enjoy the same situation and the same condition the Senator from Mississippi has described as existing in his home community.

The Senator spoke about teachers. In the State of Alabama the salary scale for teachers in the colored schools is exactly the same as for teachers in the white schools.

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. HILL. I assure the Senator I was delighted to yield to him.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HILL. Does the Senator from Colorado wish to ask a question of the Senator from Alabama?

Mr. ALLOTT. I should like to ask the Senator to yield to me so that I may make an observation.

Mr. HILL. Mr. President, with the understanding that the Senator from Alabama will not lose his right to the floor, I would be delighted to yield to the Senator from Colorado for an observation. I ask unanimous consent I may do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. ALLOTT. I wish to say to the Senator from Mississippi as well as to the Senator from Alabama that I am not surprised that the Senator from Mississippi has no difficulty in his home relationships, since I know the kind of man he is. I have the same relationships in my home community. We do not lock our doors. We do not lock our cars, either.

I will say to Senators, however, that this not in accord with the argument which has been made on this floor day after day, wherein it has been made to appear that Negroes are somehow beings apart who, because of their color, have a basic immorality. I do not believe that condition exists. No one on this earth will ever convince me that it does exist. I believe every man is a creature of God and that he will be what we give him a chance to be. When we invest him with the same privileges with which we are invested, in Alabama or Mississippi or anywhere else, and give him the same rights—and a segregated school does not give him the same rights—then he will be the same kind of citizen I had a chance to be and the other Members of the Senate had a chance to be.

Mr. HILL. Mr. President, there is a Southern Regional Council, which is a biracial council. There are, on the council, members of both the white race and of the Negro race. This council said, only a few months ago, in one of its reports, that it takes time for people to grow up. They have to grow up intellectually. They have to grow up educationally. They have to grow up politically. They have to grow up in other respects. There is no question about the

fact that, with a people, it takes time for some of them to grow up. Some peoples have not had the advantages other peoples have had. Some have not had the long benefits of civilization, of education, of culture, and all that other peoples have had. It takes time for people to grow up.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Does the Senator not conceive that it is possible for two races to be different from each other without one necessarily being inferior at all?

Mr. HILL. Certainly. That might well be true. I know of no reason why any race should not have racial pride.

Mr. LONG of Louisiana. Does it not seem to be something of a law of nature that each kind seems to seek its own and finds its own more attractive to it than those of another kind?

Mr. HILL. It does, exactly as water seeks its level. What the Senator from Louisiana says is true. It is a natural human thing that kinds attract. There is a kinship or a fellowship which causes an attraction and which causes each kind to attract its kind.

Mr. LONG of Louisiana. Is it not about as simple as saying we do not usually see a redbird making its nest with a robin?

Mr. HILL. I think that is a good illustration. I think the Senator has given us a good illustration. As I said, water seeks its level.

Mr. President, at the time I yielded to the Senator from Louisiana I was addressing myself to the provisions of the Dirksen-Rogers amendment dealing with the matter of the desegregation of schools.

I was proceeding to read subsection (B) of section (d)(1), which is as follows:

(B) sets forth the methods and criteria for approving applications of local educational agencies for funds under this section, and describes the activities to be carried on by the State agency with the aid of funds under this section;

(C) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

(D) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this section solely for the purposes for which made and otherwise to perform his functions under this section.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under paragraph (1), finds that—

(A) the State plan has been so changed that it no longer complies with any of the requirements of paragraph (1), or

(B) in the administration of the plan there is a failure to comply substantially with any such requirement, the Commissioner shall notify such State agency that no further payments will be made to the State under this section (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this section (or shall limit payments to parts of or programs under the State plan not affected by such failure).

Mr. President, I ask unanimous consent that the rest of this section of the Dirksen-Rogers amendment may be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

Mr. ALLOTT. Mr. President, reserving the right to object, I have been trying to follow the Senator. Would the Senator refer me to the part of the amendment to which he is referring?

Mr. HILL. The Senator will find that on page 10. I have read beginning in line 16 on page 10. The Senator will find the words: "the Commissioner shall notify such State agency that no further payments."

Mr. ALLOTT. I found that language, but I did not find the part to which the Senator referred subsequently.

Mr. HILL. If the Senator will continue, on page 11, I asked that the paragraph (e) be printed in the RECORD. That is on page 11, line 1. Does the Senator observe that. It reads: "If the Commissioner determines."

Mr. ALLOTT. The Senator refers to the remainder of section (e)?

Mr. HILL. Paragraph (e) and paragraph (f), and subsections (1) and (2), and (g), and so on.

Mr. ALLOTT. Down to subsection (5)?

Mr. HILL. Down to subsection (5).

Mr. ALLOTT. I have no objection, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

(e) If the Commissioner determines, with respect to any State for which an allotment has been made under subsection (c)(1) for any fiscal year, that such State will not for such year submit and have approved a State plan under subsection (d), and either (1) that such State has consented to the making of applications by local educational agencies pursuant to this subsection, or (2) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of subsection (c)(2), pay to local educational agencies, with applications approved by him under this subsection, one-half of the expenditures of such agencies during such year in carrying out the purposes of subsection (b)(2)(A), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this subsection, which will, in his judgment, best effectuate the purposes of this section.

(f) For purposes of this section—

(1) The term "public school" means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

(2) The term "segregated public school" means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(4) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

(g)(1) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

(2) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

(3) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this section, except the promulgation of regulations.

(4) No appropriations may be made pursuant to subsection (b) for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this section, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

(5) There are hereby authorized to be appropriated such sums as may be necessary to administer the provisions of this section.

Mr. HILL. Mr. President, I strongly believe that this section of the amendment is unconstitutional, as being in direct conflict with the second paragraph of article VI of the Constitution, which reads as follows:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The framers of the Constitution sought to settle forever any question as to who should make law by making the very first sentence of our Constitution, after the Preamble, to say—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

The framers of the Constitution undertook to settle the question as to who should make law by inserting in section

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8 of article I of the Constitution the following provision:

SEC. 8. The Congress shall have power • • •
To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Article II of the Constitution carefully and deliberately spells out the powers that can be exercised by the President of the United States and the executive branch of our Government and, it specifically enumerates all the powers delegated to the executive branch of our Government. The Founding Fathers thus limited such powers so as to exclude the possibility of an exercise of any of the legislative powers of the Government by the Executive.

Article III defines the judicial power of the United States and section 2 thereof declares:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority.

The third article of the Constitution, establishing the judiciary, thus clearly limits the judicial power to cases arising under the Constitution, treaties of the United States, and the statutory laws of the United States. The term "laws of the United States" was obviously intended to mean statutory enactments. Otherwise we would have to conclude that the authors of the Constitution were declaring in the basic document of our Government that the judicial power of Government was extended to "cases arising under cases."

If this had been the intent of the Founding Fathers, then the courts of the land would have had authority to interpret only the Constitution, U.S. treaties and the courts' own case law. If this had been the intent of the Founding Fathers, then the judiciary would have authority to enterpret the Constitution but it would not have had authority to interpret statutes "made in pursuance thereof." If this had been the intent of the Founding Fathers, then the decision in the famous case of Marbury against Madison could never have been justified, because the court would not have had the constitutional authorization to interpret the Judiciary Act of 1789, which was a statutory law as contradistinguished from case law.

Article VI of the Constitution, to which I have referred, reiterates the words of article III in order that the judicial department could never make a valid claim that its decisions in "cases" are "the supreme law of the land." Thus we see that article III limits Federal jurisdiction to cases and a decision in a case becomes the law of the case. The law of the case is, therefore, binding only upon the parties thereto. It is not the "law of the land," binding upon everyone.

Mr. President, this interpretation of the phrase "the supreme law of the land" is certainly not a novel innovation in our jurisprudence, stated here for the first time. The distinction between case law and statutory law has been accepted by the Supreme Court of the United States for more than a hundred years. It has been accepted and recognized and relied upon by lawyers and judges throughout the country and it would, indeed, be a strange innovation for the Congress of the United States to make a legislative determination of a constitutional expression which is contrary to the intent of the authors of the Constitution and contrary to the long-held judicial interpretation of the Constitution.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HILL. Mr. President, I yield to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the Raines case, which was recently decided before the Supreme Court, involved civil rights? It was a case originating in Georgia.

Mr. HILL. The Senator has not read the full text of that case, but the Senator has read excerpts of the text as they have appeared in the press.

Mr. LONG of Louisiana. In that case, did not the lower court hold that the Civil Rights Act was unconstitutional based on an assumed set of facts, which were not at that time before the court?

Mr. HILL. The Senator is correct. It held certainly that that provision in the Civil Rights Act was unconstitutional.

Mr. LONG of Louisiana. Did not the Supreme Court of the United States say that the lower court should not undertake to hold a statute unconstitutional because of a set of facts which existed, with respect to which the law might have an unconstitutional effect, but should instead limit itself to the particular facts before the court at that time?

Mr. HILL. That is the understanding of the Senator from Alabama.

Mr. LONG of Louisiana. Then if the Supreme Court itself is holding in the Raines case that the court must limit itself to the particular fact before the court, then would it not follow that the decision in the Brown case would be nothing more than a decision of the particular fact before the court at this time and could not be a general law?

Mr. HILL. It would be a decision with reference to a particular fact in that case and binding only on the parties in that case.

Mr. LONG of Louisiana. That being the case, would it not be clear that no one else could be bound by a decision of the court in that case unless he had been a party in that case?

Mr. HILL. The Senator is exactly right. He would have had to have been a party to the case. He would have had to have been in the case, so to speak, for the court to have adjudicated him a party in the case and for him to be bound by the decision in that case.

Mr. LONG of Louisiana. Would it not also be true that even if the exact same facts later came before the court, a person who had not been a party to the previous case would have a right to appeal to a supreme court for appeal for judgment and present the case even if he were only urging that the case should be reversed?

Mr. HILL. The Senator is exactly right. If this bill should be passed and a lawyer should be put in the position of criticizing the court's decision, because he came in and said he felt the decision was wrong and the case ought to be reversed, he might find himself in jail.

Mr. LONG of Louisiana. Is the Senator familiar with the doctrine of res adjudicata?

Mr. HILL. The Senator is, indeed.

Mr. LONG of Louisiana. Does that doctrine not, in effect, mean not only that this matter has been decided but, also, that it is invariably limited to the parties and the particular facts that were before the court in the previous case?

Mr. HILL. The Senator is exactly right.

Mr. LONG of Louisiana. And does not affect anybody else?

Mr. HILL. The Senator is exactly right. It does not affect anybody except the parties to the case and only the parties to the case are affected by the decision. Only the parties to the case are in any way bound by the decision.

When the Congress passes a law, as the Senator knows, that law applies to every man, woman, and child in all the United States and the territories of the United States, but that is not true of a decision of the court. A decision of the court applies only to the parties to the particular case in which the decision of the court was handed down.

Mr. LONG of Louisiana. Will the Senator yield further?

Mr. HILL. I yield.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that the Supreme Court itself is bound by an oath that each Justice takes requiring him to uphold the Constitution and laws of the United States?

Mr. HILL. The Senator from Alabama is certainly aware of that requirement of that oath.

Mr. LONG of Louisiana. When at least a great majority of the present Justices went on the Supreme Court, was not the case of Plessy against Ferguson which upheld a separate but equal doctrine the last decision on segregation?

Mr. HILL. It was not only not the last decision, but was one of a long line of decisions that had been handed down by the Supreme Court of the United States, by circuit courts, and by State courts. All of those decisions ratified and affirmed the decision as we have it in Plessy against Ferguson, and that decision, as the Senator from Louisiana well recalls, was handed down by unanimous vote by the Chief Justice of the United States, who was a former President of the United States, Chief Justice William Howard Taft.

Mr. LONG of Louisiana. Then if the decisions of the Supreme Court were the supreme law of the land, as some would have us believe, would not the case of Plessy against Ferguson have been the supreme law of the land when Chief Justice Warren took his oath of office?

Mr. HILL. It would, indeed.

Mr. LONG of Louisiana. Would he not then be in a position of having sworn before God that he would uphold the case of Plessy against Ferguson?

Mr. HILL. If that had been the case, that is certainly true.

Mr. LONG of Louisiana. That being the case, would it not follow that the Justices on the Court would themselves have been guilty of violating their oaths and have been fit subjects for impeachment?

Mr. HILL. The logic of the Senator's position is absolutely right.

Mr. LONG of Louisiana. Then if we follow the same logic, would it not appear that if someone thinks a Supreme Court decision is wrong, that it is not the law, that it is in error, he is privileged to go along on the basis that he thinks it is a mistake?

Mr. HILL. He can have his day in Court. He can say to the Court, "You have made an error. You have made a mistake. We ask you to reverse yourself." As the Senator well knows, it is not entirely out of order for a court to reverse itself.

Mr. LONG of Louisiana. Have we not seen the present Supreme Court overrule decisions of its predecessors?

Mr. HILL. The Senator is exactly right.

Mr. LONG of Louisiana. Have we not seen instances, perhaps more than one, in which the Supreme Court did not even follow its own decisions?

Mr. HILL. The Senator is exactly right. We see many instances today in which the Supreme Court decides cases on what we call a 5-to-4 decision.

Mr. LONG of Louisiana. Do we not find the Supreme Court these days distinguishing or finding some way to cast aside or dispose of one of its previous decisions in order to reach a different conclusion from that which was indicated when it had rendered its earlier decision.

Mr. HILL. The Senator from Alabama knows of a number of instances of such action.

Mr. LONG of Louisiana. Mr. President, that being the case, could we not have reason to believe and to hope that if the Supreme Court reversed itself on earlier occasions its predecessor's decisions, when the Supreme Court makes an unwise and unfortunate decision which is contrary to public interest and contrary to the law, the Supreme Court might see the light and reverse itself?

Mr. HILL. It might well see the light. The Senator is correct.

In the famous case of Swift against Tyson, found in 16 Peters on page 1, the Supreme Court of the United States had before it the question whether a decision of a court is "law" as used in the sixth article of the Constitution. The Supreme Court of the United States then held that a decision of a court is not the law but merely the evidence of what the law is.

Mr. Justice Story, one of the greatest jurists this Nation has ever produced, in deciding on an action which had been commenced in the Supreme Court of New York on a bill of exchange, interpreted the meaning of the word "laws" as follows:

> But, admitting the doctrine to be fully settled in New York, it remains to be considered, whether it is obligatory upon this Court, if it differs from the principles established in the general commercial law. It is observable, that the courts of New York do not found their decisions upon this point, upon any local statute, or positive, fixed, or ancient local usage; but they deduce the doctrine from the general principles of commercial law. It is, however, contended, that the 34th section of the Judiciary Act of 1789, chapter 20, furnishes a rule obligatory upon this court to follow the decisions of the State tribunals in all cases to which they apply. That section provides "that the laws of the several States except where the Constitution, treaties or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision, in trials at common law, in the courts of the United States, in cases where they apply." In order to maintain the arguments, it is essential, therefore, to hold, that the word "laws," in this section, includes within the scope of its meaning, the decisions of the local tribunals. In the ordinary use of language, it will hardly be contended, that the decisions of courts constitute laws. They are, at most, only evidence of what the laws are, and are not, of themselves, laws. They are often reexamined, reversed, and qualified by the courts themselves, whenever they are found to be either defective, or ill founded or otherwise incorrect.
>
> The laws of a State are more usually understood to mean the rules and enactments promulgated by the legislative authority thereof, or long-established local customs having the force of laws. In all the various cases, which have hitherto come before us for decision, this court has uniformly supposed, that the true interpretation of the 34th section limited its application to State laws, strictly local, that is to say, to the positive statutes of the State, and the construction thereof adopted by the local tribunals, and to rights and titles to things having a permanent locality, such as the rights and titles to real estate, and other matters immovable and intraterritorial in their nature and character. It never has been supposed by us, that the section did apply, or was designed to apply, to questions of a more general nature, not at all dependent upon local statutes or local (19) usages of a fixed and permanent operation, as, for example, to the construction of ordinary contracts or other written instruments, and especially to questions of general commercial law, where the State tribunals are called upon to perform the like functions as ourselves, that is, to ascertain, upon general reasoning and legal analogies, what is the true exposition of the contract or instrument, or what is the just rule furnished by the principles of commercial law to govern the case.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HILL. The Senator from Alabama yields to the Senator from Louisiana for a question.

Mr. LONG of Louisiana. With regard to the question raised about the practices in certain other States, such as Iowa and Colorado, discussed earlier tonight, I wonder if the Senator knew that in the State of Iowa, the nonwhite population—and I would assume that includes orientals and others——

Mr. HILL. I imagine it includes even our friends from Mexico, as we know they come into some of our States.

Mr. LONG of Louisiana. It would include Indians, too, whether Mexican Indians or American Indians.

Mr. HILL. Yes, Mexicans and others, as the Senator well knows.

Mr. LONG of Louisiana. Does the Senator know that the nonwhite population of Iowa is less than 1 percent of the population of that State, approximately eight-tenths of 1 percent of the population?

I ask the Senator if he knows that in Colorado the nonwhite population, which I assume includes more than just the Negro race, probably including Indians as well and certainly the Mexican Indians, but the nonwhite population there is less than 2 percent of the population.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HILL. The Senator from Alabama will yield to the Senator from Colorado [Mr. ALLOTT], with the understanding that he does not lose his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. ALLOTT. I am not acquainted with the figures from Iowa. I do not know what source the Senator is quoting. But I shall say flatly and unequivocally that under the definition he has given his statements regarding Colorado are radically wrong.

Mr. LONG of Louisiana. If the Senator will yield, Mr. President, I am quoting from the World Almanac, which shows that the nonwhite population of Colorado as of 1959 is 28,436.

Mr. ALLOTT. As of what year?

Mr. LONG of Louisiana. As of 1959.

Mr. ALLOTT. I do not know where the Almanac gets such figures, but there has been no census since 1950, and I will say if the World Almanac follows the definition given by the Senator from Louisiana [Mr. LONG], the World Almanac is also grossly in error, because the Senator from Louisiana did include in his definition those of our citizens who are of the Spanish-American race.

Mr. LONG of Louisiana. The Senator from Louisiana referred to the breakdown in the almanac giving the nonwhite population. I assumed that included Negroes. I do not know whether that would include the Mexican Indians or not. The population given by the World Almanac for nonwhites is 28,436 in the entire State.

Mr. ALLOTT. I believe the almanac is grossly in error in that respect, because of the great growth of population in the State in the last 10 years, even though these figures may purport to be for 1959. If they include our Spanish-American population, they are even more grossly in error. Of course, we do not consider them nonwhites, although the Senator has classified them as such.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HILL. The Senator yields, Mr. President, with the understanding that the Chair will protect the Senator from Alabama in his rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. I will not take advantage of the Senator, Mr. President.

Mr. LONG of Louisiana. I do not know precisely how the breakdown would occur. The point I had in mind—and I ask the Senator if he does not agree—is that a State having a 2-percent nonwhite factor is really in no position to understand what the problem is, as does a State approaching 50 percent.

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Mr. HILL. I would say that is absolutely correct. The problem is entirely different. There is no similarity at all.

The Senator used the figure for Iowa. What percentage was it?

Mr. LONG of Louisiana. That is less than 1 percent. It is eight-tenths of 1 percent.

Mr. HILL. The Senator from Alabama cannot speak for the Senator from Iowa, but, from what he does know of the State of Iowa, he would say that figure is just about correct, and that the problem there is entirely different from the problem, as the Senator says, where the Negro population may be 33 percent or 40 percent or 50 percent or some such very large proportion of the total population.

Mr. ALLOTT. Would the Senator not admit that if this 1 percent were concentrated in a given area, it would present the same problems which the Senator is attempting to discuss here?

Mr. HILL. Yes. But the Senator would know that nowhere in the whole State of Iowa would that 1 percent be concentrated in any one place.

Mr. ALLOTT. There would be a good majority in certain portions of it.

Mr. HILL. It would be scattered, and not all in one place. I know of no Harlem in the State of Iowa.

Mr. ALLOTT. I know of no Harlem in the State of Alabama.

Mr. HILL. No. But we have a very high percentage of the colored race in the State of Alabama, which is not the case in the State of Iowa. There is no way to compare the situation in Iowa and the situation in Alabama. The situation in those two States is entirely and completely different.

Mr. LONG of Louisiana. Has the Senator not had the experience of having people tell him they feel, from having lived in the South, they have some understanding of the problem and that the problem is different from that experienced in other parts of the country?

Mr. HILL. There is no doubt about that. Many of them who have come from other States, who have not previously been acquainted with or seen at first hand the situation in the South, come to realize the problem in the South is entirely different than that found in most States outside the South.

Mr. LONG of Louisiana. Is it not true that we in the South are not trying to tell people in the West how to handle their Indian problem, and we are not trying to tell people in New York or Chicago how to handle their affairs? But when the finger of scorn is pointed at us, we might have occasion, in return, to point out that they have a civil rights situation of such proportions that they ought to look after their own problems before trying to tell us what to do.

Mr. HILL. The Senator is saying that those who live in glass houses should not throw stones.

Mr. President, as a lawyer, I am constrained to the conclusion that if a decision of the Supreme Court is the law of the land, then the Supreme Court makes law every time it hands down a decision. The Supreme Court amends law every time it modifies a decision. The Supreme Court repeals law every time it reverses a decision.

But as I have pointed out, under the express provisions of the Constitution of the United States all authority to make law, all authority to amend law, and all authority to repeal law is vested in the Congress of the United States. These functions of Government are exclusively legislative by their very nature and they are exclusively legislative functions by virtue of the express provisions of the Constitution.

Mr. President, it is distressing to me that the Members who compose this great legislative body appear at times to lose sight of the legislative function which has been ordained by our Constitution. It is distressing to me that so many of the great lawyers in our midst would appear to have such disregard for the proper interpretation of article VI of the Constitution.

To disregard the supreme law of the land in an earlier era of history constituted a grave offense, answerable at the guillotine. I have every assurance that no member of the Senate who so disregards the supreme law of the land will be so rigorously disciplined as was the monarch of the British Empire, but I should like to call the Senate's attention to the attainder measure that was enacted by the Parliament of Great Britain in 1649. I emphasize this attainder resolution only because I devoutly believe that a people indifferent to its past cannot and will not long retain the capacity to achieve an honored history.

We recall that King Charles I was the monarch of, not only Great Britain, but also of the American Colonies from the time he ascended to the throne in 1625 till the time that he was executed on January 30, 1649.

The Long Parliament resolved to bring Charles I to trial on January 4, 1649, and in doing so, that Parliament made the following indictment:

> That he, the said Charles Stuart, being trusted with a limited power to govern by, and according to the law of the land, and not otherwise; and by his trust, oath, and office, being obliged to use the power committed to him for the good and benefit of the people, and for the preservation of their rights, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will, and to overthrow the rights and liberties of the people, and to take away and void the foundations thereof, and of all redress and remedy of misgovernment, which by the fundamental constitutions of this kingdom were reserved on the people's behalf in the right and power of frequent and successive Parliaments, he * * * levied wars against the present Parliament and the people therein represented. For all which treasons and crimes this court doth adjudge that he, the said Charles Stuart, as a tyrant, traitor, murderer, and public enemy to the good people of this nation, shall be put to death by the severing of his head from his body.

Montesquieu noted that in a republic rulers govern by fixed and established laws, whereas a despot governs according to his own will and caprice without laws or rules. He asserted:

> In despotic governments there are no laws; the judge himself is his own rules.

But in a free society, Montesquieu emphasized, there is a law, precise and understandable, which the judge follows absolutely; and where there is such law—and I am speaking again of statutory law—the judge undertakes to ascertain and discover the spirit of the law, the meaning of the law in the light of the intent of its authors.

Montesquieu, who was one of the greatest political philosophers of all time, clearly understood the fundamental difference between a government whose laws were enacted by the duly elected representatives of the people.

Montesquieu understood, long before Jeremiah Black, that:

> The difference between a master and his slave consists only in this: that the master holds the lash in his hands, and he may use it without legal restraint while the naked back of the slave is found to take whatever is laid on it.

The Founding Fathers did not dare put unlimited power in the hands of any judge to make law, to amend law and to repeal law, because they sought to cloak the individual with the protection of the law. They never sought to cloak the individual with the protection of an individual officeholder. It was through the law that they undertook "to secure the blessings of liberty to themselves and their posterity."

As Jeremiah Black declared in his immortal argument before the Supreme Court in ex parte Milligan:

> Of all the rights already won, they threw not an atom away. They went over Magna Charta, the Petition of Right, the Bill of Rights, and the rules of the common law, and whatever was found there to favor individual liberty they carefully inserted in their own system, improved by clearer expression, strengthened by heavier sanctions, and extended by a more universal application. They put all those provisions into the organic law, so that neither tyranny in the executive, nor party rage in the legislature, could change them without destroying the Government itself.

John Adams himself admitted—and certainly John Adams was not the perfect example of a President:

> If Aristotle, Livy, and Harrington knew what a republic was, the British constitution is much more like a republic than an empire. They define a republic to be "a government of laws and not of men."

Mr. President, my primary objective in this debate has been to elaborate on the indisputable fact of history that the Government of the United States is indeed a government of laws and not of men.

And in order to preserve and protect the constitutional liberties sought to be held forever sacrosanct by our basic document of government, it is vital and necessary that we not abuse the definition of "laws" in this Government of laws as contradistinguished from a government of men.

The fourth section of the Rogers-Dirksen amendment would, in my judgment, so abuse the vital distinction between a government of law and government of men by enabling the temporary occupants of the offices of the Supreme Court of the United States to make, to declare, to modify, and to nullify law at their

whim and caprice. It would accord to decisions of the courts the sanctity, the weight, and the monumental effect which we justly accord only to the Constitution of the United States or to the statutory laws made in pursuance thereof.

We justly accord a monumental effect only to the Constitution of the United States because it is the precious, basic document that enables us to enjoy rights and liberties which are not accorded men everywhere.

Surely able constitutional lawyers throughout the country understand the existing fact that the Legislature legislates, the Executive executes, and the judiciary only interprets and administers the law in any free, democratic, republican government. Surely the Senators understand this proposition.

And if the Senators understand this proposition that the Legislature makes the laws, that the Executive executes the laws, and that the judiciary applies the laws, then they demonstrate that they appreciate and understand the proper functions of the separate coordinate branches of Government, even as did our forebears who so studiously read all of the writings available at the time of the adoption of the Constitution.

These writings were made available through all of the public forums of that day. A typical example of an editorial dissertation on the nature of republican governments is to be found in the Virginia Gazette of September 20, 1783. I emphasize that this editorial appeared in this Virginia paper 4 years before the Constitutional Convention of 1787. It was copied from the Maryland Gazette of an even earlier date and it represents an understanding of the place of the law and of our courts which is perhaps not so well understood today.

A pertinent section of the editorial reads as follows:

> In republican governments, and limited monarchies, many more laws are necessary than in despotic ones: The reason is that in the two former justice is almost mechanical, the judge must apply the letter of the law, from which his judgment must not, nay cannot, dissent. He must have either a law, or an established precedent for all his opinions; but in the latter he must consult his own feelings, and gratify his own inclinations in his decisions. In republican governments, and limited monarchies, we must look to the laws for our happiness and safety; but in despotic ones, they depend upon the knowledge and integrity of the judge. In the first and second, we have the delegated voice of the whole body politic in favor of a legal decision; but in the third, only the opinion and caprice of a single member of the community, to depend upon for justice.
>
> Republican governments will only be supported while they support justice; because being the most expensive, in order to obtain superior advantages, which if not visible the propriety of adopting another form will be manifest.

The point sought to be made herein is that the only distinction between a democratic, republican form of government and a despotism is to be found in the processes by which the rules governing our society are made.

If the laws of the land are to be made by individuals, at their own whim and caprice, then we do not have a democratic form of government.

If, on the other hand, laws are to be made by the will of the people, through their elected representatives, then we do, indeed, have a democratic, republican form of government.

One who reads the great papers of James Madison, Alexander Hamilton, and John Jay in "The Federalist" will understand that the form of government under which they were to be regulated and governed was to be a republican form of government—a democratic form of government. I mean to say that the people in those historic times were so insistent upon a guarantee in the basic document of our Government that we should have a perpetual republican government in the States that it was thought appropriate to have inserted in the Constitution, section 4 of article IV of the Constitution, which declared:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

We, therefore, see that the only effort made by the authors of the Constitution to limit the exercise of political liberty through local and State officials which was contained in the original Constitution is to be found in article IV.

And I wish to emphasize that article IV is really a directive to the people in authority in the individual States to insure those who elected them a government which on the State level shall be controlled by the people through their elective representatives in the State legislature. Any further encroachment upon States rights and individual rights by the Federal Government would have foreclosed the ratification of the Constitution.

I wish to emphasize with all the force that I can bring to bear that it is a fact of history that the Constitution of the United States would never have been ratified, that this Nation as we know it would never have been created, that the people of the United States would never have adopted and ratified certain words as their basic governmental document, to direct, supervise, and control the affairs of their children and their children's children and of all generations yet unborn, had it not been that they were given the assurance that the rights of States and the rights of the people would be protected and safeguarded throughout all time.

The Constitution undertakes to guarantee to every State of the Union and to all the people of the separate States that its form of government shall be republican in its character and the Constitution itself pledges that the sovereignty of the State governments shall never be invaded or infringed upon from without so long as the Union endures.

The same section, that is, section 4 of article IV of the Constitution, undertook to render the Federal Government powerless to use Federal troops for any other purpose within a State unless called upon by the legislature thereof or by the Governor. The Governor of an individual State is even limited to the extent that he is authorized to invoke the Armed Forces of the Federal Government only at such time as the State legislature shall not be in session.

We thus see that the strongest constitutional implementation of the Federal system is to be found in section 4 of article IV, which drastically curtails the authority of the Federal Government to intervene in State affairs.

Mr. President, we cannot regard lightly the fundamental presumption upon which our Government was founded. We cannot regard lightly the fact that the authors of the Constitution presumed that the sovereignty to be exercised by the Federal Government ultimately rested in the hands of the people. We cannot regard lightly the fact that the "Federalist Papers," created the presumption in the minds of their readers that the people were honestly convinced of the truth of the following declaration, which was originally written for the Virginia Declaration of Rights:

> That all power is by God and nature vested in, and consequently derived from, the people; that magistrates, or their trustees and servants, are at all times amenable to them.

This quotation is to be found in the "Life of George Mason," by Rowland, and it exemplifies as well as any words that I have ever read the conviction of the American people that sovereignty, the ultimate power of government, vests in the people and is to be exercised only through the elective representatives of the people.

After all is said, the basic idea upon which our Government was founded was that the people cannot be forced to obey laws except those laws which are made by themselves or by their own representatives duly elected to the legislature. This concept of government is not peculiarly an American idea. It is as ancient as human liberty itself because men have reasoned through the ages that without this human liberty could not and would not long endure.

The colonists in America and in the West Indies insisted that at all times under their charters, which were responsible to the British Crown, under their common law, and under their rights and privileges as native Englishmen, they should not be governed by any laws except those enacted by their own representatives.

"Taxation without representation" was a cry the echoes of which reverberated around the world so that free men everywhere insisted that government without representation was worse than no government at all.

A century before the American Revolution, the chief law enforcement officer of Great Britain declared that the American Colonists would be governed by such laws only as are made there and are established by His Majesty's authority. And as long as the colonists were governed by only those laws which they themselves had enacted they were happy and loyal citizens of the British Empire. But once their rights to govern themselves through a representative form of government were infringed upon, they broke with the British Crown and asserted their own independence.

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This concept of government through elective representatives, Mr. President, is nothing new or indigenous to the American continent. The barons at Runnymede asserted the proposition that sovereignty rests in the people and that therefore, the people are bound by no laws except those to which they have consented by their collective acts or by the acts of their representatives. This principle was fought for in England during the Puritan revolution, at the same dramatic moment during which some of our forbears undertook their historic journey to America.

The belief that kings or judges, be they benevolent and protective or despotic and tyrannical, may enact laws which direct and control the lives and happiness and well-being of the people has been repudiated through the blood and sacrifices of our people for a thousand years to achieve the basic rights of a free people.

Mr. President, to illustrate that the thought embodied in the phrase "the law of the land" is not a peculiarly American concept, I should like to call the Senators' attention to the fact that in 1659 Thomas Brewster outlined the contentions of the Levellers who remained in England to fight in the Puritan revolution. His statement is entitled "The Principles and Maxims Concerning Government Which Are Asserted by Those Who Are Commonly Called Levellers":

I. First, they assert it as fundamental that the Government of England ought to be by laws, and not by men; they say the laws ought to be the protectors and preservers under God of all our persons and estates, and that every man may challenge that protection as his right.

II. The Levellers' second maxim, or principle about government, is that all the laws, levies of moneys, war and peace, ought to be made by the people's deputies in Parliament, to be chosen by them successively at certain period of time; and that no council table, orders, or ordinances, or court proclamations (ought) to bind the people's persons or estates; 'tis the first principle of a people's liberty that they shall not be bound but by their own consent, and this our ancestors left to England as its undoubted right, that no laws to bind our persons or estates could be imposed upon us against our wills.

III. The Levellers assert it as another principle that every man of what quality or condition, place or office whatsoever, ought to be equally subject to the laws. Every man, say they, high and low, rich and poor, must be accountable to the laws, and either obey them or suffer the penalties ordained for the transgressors; there ought to be no more respect of persons in the execution of the laws than is with God Himself if the law be transgressed.

As Senators well know, the term "Levellers" is not in any wise apropos of the opinions and convictions of that group of people who are so denominated. The Levellers embraced the cardinal principle that the representatives of the people are obligated not to "abolish propriety, level men's estates, or make all things common." The term "Levellers" was applied to those who held this democratic faith solely in an effort to discredit and abuse them.

Roger Williams, the founding father of the great State of Rhode Island, was a Leveller. He was also a Separatist. In 1644 this great American, Roger Williams, wrote the "Bloody Tenent of Persecution," in which he declared:

In a free state no magistrate hath power over the bodies, goods, lands, liberties of a free people but by their free consents.

* * * * *

We have formerly viewed the very matter and essence of a civil magistrate, and find it the same in all parts of the world, wherever people live upon the face of the earth—I say the same, essentially civil, both from (1) the rise and fountain whence it springs, to wit, the people's choice and free consent, (and) (2) the object of it, viz, the common weal or safety of such a people in their bodies and goods, as the authors of this model have themselves confessed.

* * * * *

All lawful magistrates are but derivatives and agents, immediately derived and employed as eyes and hands, serving for the good of the whole. Hence they have and can have no more power than fundamentally lies in the bodies or fountains themselves, which power, might, or authority is not religious, Christian, etc., but natural, human, and civil.

George Mason, who wrote the Virginia Bill of Rights and who authored the first draft of the Bill of Rights to the U.S. Constitution, in his "Fairfax Resolves," declared as follows:

1. *Resolved,* That this colony and Dominion of Virginia cannot be considered as a conquered country, and, if it was, that the present inhabitants are not of the conquered, but of the conquerors. That * * * our ancestors, when they left their native land, and settled in America, brought with them, even if the same had not been confirmed by charters, the civil constitution and form of government of the country they came from, and were by the laws of nature and nations entitled to all its privileges, immunities, and advantages, which have descended to us, their posterity, and ought of right to be as fully enjoyed as if we had still continued within the realm of England.

2. *Resolved,* That the most important and valuable part of the British constitution, upon which its very existence depends, is, the fundamental principle of the people's being governed by no laws to which they have not given their consent by representatives freely chosen by themselves, who are affected by the laws they enact equally with their constituents, to whom they are accountable, and whose burthens they share, in which consists the safety and happiness of the community; for if this part of the constitution was taken away, or materially altered, the government must degenerate either into an absolute and despotic monarchy, or a tyrannical aristocracy, and the freedom of the people be annihilated.

If the framers of the Constitution had disregarded the ancient and time-honored concept of "law of the land" in drafting the basic document of our Government, they would have covered themselves all over with shame as with a garment. But they were not so basely recreant to Anglo-Saxon constitutional principles. As I have said, they carefully inserted in the Constitution article VI which makes the Constitution, the statutory laws and treaties the supreme law of the land. If they had intended that a decision or decree of a Federal court would be the law of the land, they would have said so in article VI.

The authors of the Constitution understood that courts exist only to apply law and not to make law. They provided that all judges would have to take an oath "to support this Constitution." They knew that if court decisions were the supreme law of the land, then judges appointed to office would employ their philosophy instead of their learning, unrestrained by God or government, in such manner as would be likely to destroy all the ancient legal landmarks. By giving judges permanent tenure and pay and by forcing them to take an oath to support the Constitution, they did all they could to insure supremacy of law and to avoid supremacy of men.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 102]

Aiken	Goldwater	Martin
Allott	Gruening	Monroney
Anderson	Hart	Morse
Bartlett	Hartke	Morton
Beall	Hennings	Moss
Bible	Hickenlooper	Mundt
Brunsdale	Hill	Muskie
Bush	Jackson	Pastore
Byrd, W. Va.	Javits	Prouty
Cannon	Johnson, Tex.	Proxmire
Carlson	Keating	Randolph
Carroll	Kefauver	Schoeppel
Case, N.J.	Lausche	Scott
Case, S. Dak.	Long, Hawaii	Smith
Church	McCarthy	Talmadge
Cooper	McGee	Williams, N.J.
Douglas	McNamara	Yarborough
Engle	Magnuson	Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from North Carolina.

During the delivery of Mr. TALMADGE'S speech,

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Arizona [Mr. GOLDWATER] for the purpose of enabling him to make an insertion in the RECORD, with the understanding that I will not lose my right to the floor, nor will my resumption of my speech be considered a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Georgia yields to the Senator from Arizona [Mr. GOLDWATER].

Mr. GOLDWATER. Mr. President, I thank my good friend, the junior Senator from Georgia [Mr. TALMADGE] for his customary kindness.

Mr. President, as I have sat in this Chamber hour after hour, day after day for the past 10 days I have been surprised at the number of times that I have felt myself enjoying the experience. I have not enjoyed the experience of going without sleep, nor another filibuster, nor, I might add, the logic and soundness which both sides have shown in their arguments, for in this Chamber one soon learns to expect that, as in all debates, so this is, that it is no new road for us to travel. I must admit that listening to the prolonged arguments spoken in the soft and warm accent of the southerner has created this experience in which I find a source of enjoyment. It has been many a year since my schooldays in the South and I had all but forgotten the

inflections, the drawn and casually dropped words, the uses of which can immediately identify the home of the user.

Mr. President, it is no small wonder that citizens of the North moving to the South carefully and quickly acquire the accent of the southerner. It is no small wonder either that some of my colleagues find it difficult at times to completely understand our southern brethren as they pursue their arguments. So it was with a feeling of good fortune that I discovered today among the papers on my desk a carefully compiled list of southern words and their meanings, a list which I ask to be inserted in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Abode: Wooden plank.
A-boot: Approximately.
Ain't: Sister of one of your parents.
Air: What you hear with, i.e., "friends, Romans, countrymen, lend me your airs."
Beckon: Meat from a pig, often eaten with aigs for brake-fuss.
Bone: Blessed event, i.e., "I was bone a southerner" (a very blessed event, in the minds of all southerners).
Braid: What you make toe-est from, to go along with beckon and a-igs for brake-fuss.
Bum: An instrument of destruction, as the H-Bum.
Caller: Part of a shirt that goes around the neck.
Cane Chew: Aren't you able to, i.e., "Cane chew talk like a good southerner?"
Chalk-Let: A flavor.
Chess: A strong balks (box).
Coal: Ailment that causes sniffles.
Coarse: Certainly.
Coat: Where they got that jedge an' all, i.e., "Stannup for hizzoner, coat's in session."
Cup: A place called home by hens, i.e., "Where's Wooly? Wooly's payntin' the hen cup."
Dollar: Less sharp, i.e., "My knife was dollar than his-own."
Drug: Hauled.
Famine: Tilling the soil, i.e., "I've been famine all my life."
Fan Ella: The flavor of white ice cream.
Feel: An open space.
Flow: What you stand on in a house.
Frustrate: Tops; initial ranking. Rexall reps are frustrate.
Granite: Conceded, or given, i.e., "He was granite a pardon by the guv-ner."
Groan: Increasing in size.
Hair: At this place.
Halo: A greeting similar to "How do you do," i.e., "Halo, Wooly, what are you doing hanging around here?" "Higher, Bubber, I'm just hanging around for the hail of it."
Harmony: Cooked grits.
Hawsers: Hay-eating quadrupeds.
Herring: The auditory function, i.e., "Pappa's hard of herring."
Hominy: What number?
Lack: Enjoy, i.e., "I lack fried chicken."
Lease: The smallest.
Lore: To let down.
Loss: To mislay, i.e., "He loss his match balks."
Lucid: Leggo it.
Luck: To direct one's gaze, i.e., "Luck year, Pappa, what Bubber did to your match balks."
Minuet: You and I have dined.
Mow: An additional quantity.
Pastor: Field where cows graze.
Paunch: Blow struck with the fist.
Poach: A verandah.
Poet: To transfer a liquid, i.e., "Poet from the pitcher to the glass."
Poke: Hog meat.
Police: Term of polite request. A person desiring to maneuver a car to the curb might ask a pool-ease-man, "Cain I police park hair?" To which the pool-lease-man would doubtless respond, "No, you cain't."
Pool-lease-man: See above.
Pre-Shade: Grateful for, i.e., "I pre-shade the compliment."
Rah Chair: Where you are at.
Sane: Speaking, i.e., "I can harly hair what he's sane."
Sex: One less than seven, two less than eh-et, three less than noine, foe less than tin.
Shasta: She inquired of her.
Shot: Not long.
Snow: To breathe loudly and heavily while sleeping.
Tarred: Weary.
Tin Sin Stow: The folve and doyme.
Toll: Past tense of tell.
Ton: To swerve. To ton around.
Tone: Ripped.
Traffic: Something stupendous, like our advertising that is beyond colossal or epic.
True: Hurled, i.e., "He true the ball."
Tuck: Removed, i.e., "He tuck Pappa's nick-toy."
Version: The kind of Queen that Queen Elizabeth I was.
Vertigo: What happened to HIM?
Wretched: The long name for the nick-name of my Brother "Dick" who is still in North Carolina.
Yawl: Mode of address used by N'Yawkers when visiting in the South.
Year: To listen.

Mr. TALMADGE. Mr. President, when the Congress of the United States proceeds to legislate in the field of voting, it must walk a narrow constitutional line.

The Constitution very clearly delineates between the responsibilities of the Federal and State governments in this field, and there is an impressive and unbroken body of legal precedent sustaining that delineation.

Simply stated, the dividing lines between Federal and State responsibility for voting are these:

In all elections except those for President, Vice President, and Members of Congress, the State is sovereign within the limitations of the 15th and 19th amendments both as to voter qualifications and as to the times, places, and manner of holding the elections.

In all elections for Members of Congress, the State is sovereign within the limitations of paragraph 1, section 2, article I, and the 15th and 19th amendments as to qualifications and the Congress of the United States is sovereign as to the times, places, and manner of holding the elections.

In all elections for President and Vice President, the State is sovereign as to the manner of selection and the places of meeting of the electors and the Congress of the United States is sovereign as to the times of their selection and meeting.

The controlling provisions of the Constitution in this regard are these:

Paragraph 1, section 2, article I:

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Paragraph 1, section 4, article I:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

Paragraph 2, section 1, article II:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

Paragraph 3, section 1, article II:

The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

Article XV:

The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Article XIX:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Mr. President, it should be clear beyond all misunderstanding to all who understand the English language that those provisions mean that the States have exclusive power to fix voter qualifications within certain limitations and the Federal Government can police those qualifications only to the extent of those limitations.

And those limitations are that voter qualifications prescribed by a State cannot deny or abridge the right of anyone to vote on account of race, color, previous condition of servitude or sex or differentiate in any way between those who vote for members of the most numerous branch of the State legislature and those who vote for Members of the U.S. House of Representatives.

Outside of those specified limitations, Mr. President, the Federal Government has the last word only with respect to when, where, and how elections for Members of Congress are held and when presidential electors are selected and meet to cast their votes.

To those who would contend otherwise, the unanswerable answer is that the only two instances in which restrictions have been placed upon the discretion of the States to fix voter qualifications have in both cases had to be accomplished through the amendatory process.

Congress has no more power under the Constitution to legislate in the field of voter qualifications outside the authority to implement existing amendments and to submit proposed new amendments for ratification or rejection by the States than it does to change the boiling point of water from 212° to 150° F.

The question of how voter qualifications would be determined was an issue of major contention at the Constitutional Convention of 1787.

James Madison suggested that a definite statement of qualifications be written into the new Constitution and Gouverneur Morris, of Pennsylvania, advocated a uniform rule to limit the

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franchise to landowners. Thomas Jefferson favored an alternative arrangement whereby voters could be qualified either by property ownership or the payment of taxes.

On the other hand, Oliver Ellsworth, of Connecticut, maintained that suffrage was a tender point and tampering with it well might jeopardize approval of the new National Government. James Wilson, of Pennsylvania, emphasized that it would be virtually impossible to establish a uniform rule of voting which would be acceptable to all States and that controversy would be the result of situations in which electors of members of State legislatures and the Congress of the United States were not the same.

George Mason, who later was to be the author of our cherished Bill of Rights, declared:

> The power to alter the qualifications would be a dangerous power in the hands of the legislature.

The outcome was that the committee on detail on August 6, 1787, by a vote of 7 to 1 recommended that "the qualifications of the electors shall be the same, from time to time, as those of the electors of the several States, of the most numerous branch of their own legislatures"—language which was brought forward in paragraph 1, section 2, article I of the Constitution to which I earlier referred.

The authors of the "Federalist Letters," in seeking to explain the provisions of the new Constitution, dealt at length with this facet of the document.

In "Federalist" No. 52, written by either Madison or Hamilton, it was declared:

> The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason; and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the Convention. The provision made by the Convention appears, therefore, to be the best that lay within their opinion. It must be satisfactory to every State, because it is comformable to the standard already established, or which may be established by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments, and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge rights secured to them by the Federal Constitution.

Then in "Federalist" No. 59, Hamilton wrote:

> It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been always applicable to every probable change in the situation of the country; and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the National Legislature, or wholly in the State legislature, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have submitted the regulation of elections for the Federal Government, in the first instances, to the local administrations; which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.
>
> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarranted transportation of power and as a premeditated engine for the destruction of State government? The violation of principle, in this case, would have required no comment; and to an unbiased observed, it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, so far as possible, ought to depend on itself for its own preservation.

Hamilton followed this up in "Federalist" No. 60 with this assertion about the role of the National Government in elections:

> Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.

Those, Mr. President, are the words of Alexander Hamilton, one of the most ardent and articulate advocates of a strong central government in the early history of our country. He claimed no more for the Federal Government than the authority "to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety" and even that interposition he emphasized was "expressly restricted to the regulation of the times, the places, the manner of elections."

To dispel any lingering doubt which might exist as to the clear intention of the framers of our Constitution in this regard, let us look at the words of various delegates to the Convention in explaining this phase of the Constitution before the ratifying conventions of their respective States.

Rufus King declared before the Massachusetts convention:

> The power of control given by this section extends to the manner of elections, not the qualifications of electors.

James Wilson asserted at the Pennsylvania convention:

> In order to know who are qualified to be electors of the House of Representatives, we are to inquire who are qualified to be electors of the legislature of each State. If there be no legislature in the States, there can be no electors of them; if there be no such electors, there is no criterion to know who are qualified to elect Members of the House of Representatives. By this short, plain deduction, the existence of State legislatures is proved to be essential to the existence of the General Government.

Wilson Nicholas told the Virginia convention:

> In this plan there is a fixed rule for determining the qualifications of electors, and that rule, the most judicious that could possibly have been devised, because it refers to a criterion which cannot be changed. A qualification that gives a right to elect representatives for the State legislatures, gives also, by this Constitution, a right to choose Representatives for the General Government.

John Steele maintained before the North Carolina convention:

> Every man who has a right to vote for a representative to our legislature will ever have a right to vote for a representative to the General Government. Does it not expressly provide that the electors in each State shall have the qualifications requisite for the most numerous branch of the State legislature? Can they, without a most manifest violation of the Constitution, alter the qualifications of the electors? The power over the manner of elections does not include that of saying who shall vote. The Constitution expressly says that the qualifications are those which entitle a man to vote for a State representative. It is, then, clearly and indubitably fixed and determined who shall be the electors; and the power over the manner only enables them to determine how these electors shall elect—whether by ballot, or by vote, or by any other way.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my friend from Louisiana for a question.

Mr. LONG of Louisiana. Does the Senator know of any of the State conventions where it was held that the Federal Government would have the power to determine the qualifications of electors in any of these elections?

Mr. TALMADGE. None whatsoever. On the contrary, we have searched the records, the debates of the Constitutional Convention, and the "Federalist" records, and we have found statement after statement after statement that the qualifications would be based purely on the qualifications for the electors of the most numerous branch of the legislature of each respective State.

I will point out further, as my distinguished and able friend well knows, that many of those statements made the specific point, time after time after time, that if the Congress had tried to impose conditions or qualifications on the electors, the Constitution would not have been adopted.

Mr. LONG of Louisiana. So no authority can be found for that position?

Mr. TALMADGE. None, whatever except some assumed, modern-day sociological or psychological authority. As Senators know, that has come to be an interesting subject in recent years. The Supreme Court of the United States, until 1954, in construing the Constitution, always relied on the Constitution itself and the precedents of previous Courts. But in recent years the Court has introduced new elements in construing the Constitution—psychological and sociological and psychiatrical, whatever they may be.

Mr. LONG of Louisiana. So far as the Constitution can be read and interpreted, however, there is no basis anyone can find to dispute, nor can anyone find that there was ever any dispute, historically, as to what the words of the Constitution meant when referring to qualifications of electors.

Mr. TALMADGE. The Senator is eminently correct. It is stated that the qualifications shall be the same as the qualifications within the State for the most numerous branch of the legislature of that respective State. It is so clear that any child who has been through the third or fourth grade of any school in America can understand it.

Mr. LONG of Louisiana. I thank the Senator.

Mr. TALMADGE. I thank the distinguished Senator from Louisiana for raising that very, very pertinent point.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. TALMADGE. I am delighted to yield further to the Senator from Louisiana.

Mr. LONG of Louisiana. Does the Senator recall that some statements have been made on the floor referring to the amount of time Senators have held the floor in debate on this issue?

Mr. TALMADGE. I have, indeed.

Mr. LONG of Louisiana. Can the Senator tell me if it is not a fact that Senators who spoke against the bill have been required to be present between the hours of midnight and daybreak in order to present their views on this subject?

Mr. TALMADGE. I deeply regret we have had to speak at inconvenient hours. I regret, further, that more Senators are not present at the discussion of this all-important subject. I am sorry they are not in attendance. If they compel us to stand on the floor at 12:58 a.m., March 8, 1960, they certainly ought to be here listening to our discussion.

Mr. LONG of Louisiana. Yes. If Senators are going to require the Senate to remain in session, and require Senators who care to discuss the issue to speak all night long, it would seem they could at least be present to hear the speeches they require to be made at these hours.

Mr. TALMADGE. They ought to be informed upon the issues on which they are going to vote. I thank my friend from Louisiana.

Mr. President, I submit that there is no historical fact more clearly documented than that the original States of this Union definitely understood that each State would have the guaranteed authority under the Constitution to fix the qualifications of the electors of the most numerous branch of its legislature and that those electors would be the same electors who name the Members of Congress.

That this also was the understanding of succeeding Congresses throughout the years of our existence as a nation is evidenced by the facts that the 17th amendment providing for the direct election of Senators brought forward the identical language of paragraph 1, section 2, article I and that the two limitations since placed upon this guarantee were accomplished by constitutional amendments—the 15th and the 19th.

Those who would upset this balance of power which has served our Nation so well for these 170 years of its existence attempt to read into other sections of the Constitution meanings which are not there either by content or implication.

There are those who claim authority to work their will through the combined provisions of paragraph 1, section 4 and paragraph 18, section 8 of article I.

The former, which I previously have cited, vests ultimate authority over the "times, places and manner of holding elections" in Congress. The latter empowers Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

They like to cite the dictum contained in the case *United States* v. *Classic* (313 U.S. 299) as sustaining their contention. Let us examine it and see for ourselves whether that is the case.

The Supreme Court in its ruling written by Mr. Justice Stone said:

> While, in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States, see *Minor* v. *Happersett* * * * this statement is true only in the sense that the States are authorized by the Constitution, to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18, of the Constitution "to make all laws which shall be necessary and proper for carrying into execution the foregoing power."

They fail to mention the fact that Mr. Justice Stone also declared in that same decision:

> Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity to the requirements of State law subject to the restrictions prescribed by section 2 and to the authority conferred on Congress by section 4, to regulate the times, places, and manner of holding elections for Representatives.

Nor do they go on to quote his further assertion that—

> Pursuant to the authority given by section 2 of article I of the Constitution, and subject to the legislative power of Congress under section 4 of article I, and other pertinent provisions of the Constitution, the States are given, and in fact exercise, a wide discretion in the formation of a system.

In relating these passages into a whole, the distinguished junior Senator from Mississippi [Mr. STENNIS] in an eloquent address on this subject before the Senate on July 29, 1948, effectively disposed of this contention once and for all thusly:

> In other words, the most favorable light in which this dictum could be considered, Mr. Justice Stone still confines us to such authority and power as is to be found in section 4 and in clause 18 of section 8. Section 4 pertains all the way through to the "times, places, and manner of holding elections." I emphasize "manner." We cannot get away from the fact that historically, and legally, the word "qualifications," at the very time it was used and ever since that time, until this very day, has been considered by the best minds and by the courts as having the same meaning as the word "qualifications" found in section 2 of article I. So, by the most liberal interpretation of this dictum, as I understand, the learned Justice clearly limits the power of Congress to section 4, relating to "times, manner and places" and to clause 18, which refers to the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers" that are to be found within the Constitution.

Perhaps the clearest legal exposition on this subject is found in the Supreme Court's decision in the case of *Newberry* v. *United States* (25¢ U.S. 232). In its majority opinion, the Court said:

> We find no support in reason or authority for the argument that because the offices were created by the Constitution, Congress has some indefinite, undefined power over elections for Senators and Representatives not derived from section 4. The Government, then, of the United States, can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield to my able and distinguished friend from Louisiana.

Mr. LONG of Louisiana. Will the Senator tell us the date of the decision from which he is reading?

Mr. TALMADGE. The case was decided on May 2, 1921, and I do not believe that it has been overruled by even the modern Supreme Court.

Mr. LONG of Louisiana. What he is reading sounds something like the kind of decisions I read when I was a student in law school, some 20-odd years ago. It does not sound like some of the modern-type decisions that we hear about nowadays from the Court.

Mr. TALMADGE. The Senator is entirely correct. The Newberry decision is one which interprets the Constitution literally and correctly.

Mr. President, I challenge anyone to show this Senate where in the Constitution of the United States any general power is given to Congress, either expressly or by necessary implication, to say who shall be qualified to vote in the elections of any State.

Such authority simply does not exist and cannot exist, Mr. President, until an amendment purporting to grant it is submitted by two-thirds of the Members of both Houses of Congress and ratified by three-fourths of the legislatures of the 50 States.

Despite that clear constitutional fact, there are those who claim authority for Congress to legislate in the field of voter qualifications from section 4, article IV of the Constitution which reads:

> The United States shall guarantee to every State in this Union a republican form of government.

Anticipating that some would seek to use this provision as "a pretext for alteration in the State governments, without the concurrence of the States themselves," James Madison wrote in "Federalist" No. 43:

> If the General Government should interpose by virtue of this constitutional

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authorization, it will be, of course, bound to pursue the authority. But the authority extends no further than to a guaranty of a republican form of government, which supposes a preexisting government of the form whicl is to be guaranteed. So long therefore as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the Federal guaranty for the latter. The only restriction imposed on them is that they shall not exchange republican for antirepublican constitutions, a restriction which, it is presumed, will hardly be considered as a grievance.

Madison's thesis that the State governments in existence at the time of the ratification of the Constitution epitomized what was meant by its framers in using the undefined term "republican form of government," was upheld by the Supreme Court in 1875 in the case of *Minor* v. *Happersett* (21 Wallace 162) in which it was stated:

The guaranty is of a republican form of government. No particular government is designated as "republican," neither is the exact form to be guaranteed, in any manner especially designated. Here, as in other parts of the instrument, we are compelled to resort elsewhere to ascertain what was intended. The guaranty necessarily implies a duty on the part of the States themselves to provide such a government. All the States had governments when the Constitution was adopted. In all, the people participated to some extent, through their representatives selected in the manner specifically provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is, therefore, to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form within the meaning of the term as employed by the Constitution.

The Court then proceeded to rule that "it certainly now is too late to contend that a government is not republican, within the meaning of this guarantee in the Constitution, because women are not made voters."

While it is true that the specific point at issue in that case since has been made academic by the ratification of the 19th amendment conferring upon women the right to vote, it should be emphasized that the change was accomplished by constitutional amendment and not by congressional enactment.

No, Mr. President, I think it is clear beyond contradiction that Congress cannot use the constitutional guarantee of "a republican form of government" to each State as a pretext to legislate on voter qualifications. To do so would be to convict the original 13 States—all of which, as was pointed out by the Supreme Court in the decision to which I have just referred, had rigid voter qualification laws—ex post facto of having denied the founding citizens of our country a republican form of government.

Such would be as ludicrous as someone today denouncing his long-dead great-grandfather because his eyes are blue instead of brown.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. LONG of Louisiana. Can the Senator tell me what sort of emergency there is to require Congress to pass any law to undermine and upset the standard pattern by which this Nation was organized and under which it has managed to survive for more than 150 years?

Mr. TALMADGE. As the Senator well knows, no emergency exists, but there is constant and continual political propaganda put out by Roy Wilkins and the National Association for the Advancement of Colored People, the Americans for Democratic Action, and other similar radical organizations which demand and insist upon rights not enjoyed by other American citizens. They have frightened and coerced Members of Congress into believing they can deliver bloc votes to elect Senators, Representatives, Governors, and State house officials, and constitute the balance of power in the electoral college in the large States, such as New York, Pennsylvania, Illinois, and Michigan. That coercive influence coupled with the overwhelming desire of the politicians for victory are the only reasons this legislation is even pending before the Senate at the present time; and the Senators from Louisiana and Georgia are standing here engaged in a colloquy at 1:15 a.m. on March 8 when we ought to be home in bed. It would seem to the junior Senator from Georgia that this Congress ought to be engaged instead in seeking solutions to the important problems which confront our Government at the present time.

Mr. LONG of Louisiana. Can the Senator tell me whether the law is adequate today so that any person who feels his voting rights are being denied can have those rights protected at no expense to himself?

Mr. TALMADGE. Indeed, that is true, and every Member of this Congress knows that is true. Existing remedies are more than adequate to protect those rights.

In addition to the laws of the 50 States which guarantee the right to vote for all legally qualified citizens, we have, as the Senator is aware, at least three separate and distinct remedies in our Federal statutes.

Remedy No. 1: Immediately after the 14th amendment and the 15th amendment were adopted, the Congress passed the statute which authorizes any citizen to go into Federal court to protect his right to vote. He may sue the board of registrars; he may obtain an injunction, and he may obtain damages at the same time.

The second remedy is a Federal criminal penalty. If any board of registrars illegally refuses one the right to vote, those registrars can be indicted by a Federal grand jury, tried in Federal court, sentenced to the Federal penitentiary, and fined, or both.

Remedy No. 3: In 1957 Congress, responding to the overwhelming pressure of the minority groups, passed what is known as the Civil Rights Act of 1957. Under the Civil Rights Act of 1957, for example, one of the Puerto Ricans from New York State who feels he has been illegally deprived of the right to vote, can write to the Attorney General, the chief legal officer of the United States of America under that act, and have him go into Federal court and file a suit in his behalf in the name of the United States of America. In such a case, the defendants, members of the Board of Registrars of New York State, would be deprived of the right of a jury trial.

Thus, there are three remedies. In connection with the latter remedy, some of these groups have superior rights to those enjoyed by every other citizen in America. They have the Attorney General of the United States, the chief legal official of the Federal Government, as their private, tax-paid lawyer to enforce their legal rights.

No other citizen in the United States of America enjoys such a right.

If the Senator from Louisiana wants to enforce his legal rights, he has to hire his own lawyer and pay him out of his own pocket. Except for members of the National Association for the Advancement of Colored People or other minority organizations, every other citizen in the United States of America has to do that also. Those persons have superior rights to the rights of the Senator from Louisiana, because they do not have to hire their lawyer. They have William P. Rogers, the Attorney General of the United States. He has been designated by law to be their lawyer and is paid with tax money at no expense to them. Furthermore, in such cases the defendant also is denied a jury trial. That is not true with regard to any other citizen, but it is true in regard to some of these cases in which the Attorney General brings the suit.

There is a grave danger, as I am sure the distinguished Senator from Louisiana comprehends, in that type of action. It not only grants a right to certain citizens which it denies to all other American citizens, but also it vests the enforcement of that right in an executive officer of the Government who can grant or deny that right as he sees fit. Thus the Attorney General has been vested with the power of a czar of civil rights.

Prior to the enactment of that law the rights of all citizens were set forth in the first nine amendments, or the Bill of Rights, of our Constitution.

Those rights are inalienable with the individual and they are enforcible in the courts of our land. They are not vested in the hands of any czar or any appointed executive officer of the Government.

Mr. LONG of Louisiana. The Senator is familiar with the fact that in the Louisiana case a single lawsuit was filed by a single U.S. attorney in the eastern district of Louisiana on behalf of 1,377 colored people. All of those people were restored to the rolls, even though technically they were not qualified to vote.

Mr. TALMADGE. That is an entirely new theory of law which has been devised under these modern decisions, known as class actions in which one citizen filing a suit purports to represent not only himself but also everybody of his color in the community. This is the essence of the new theory of superior rights for members of minority groups.

Such procedure is ridiculous and absurd on the face of it.

Mr. LONG of Louisiana. In view of the holding of the Court that people can be put on the registration rolls by the thousands, even though some of them may be dead and some of them may have moved away from the State before the proceeding ever reached the judgment stage, and in view of the fact that the people are not even qualified to be placed on the rolls, simply because of a suit by the U.S. attorney, does the Senator have any doubt that if he were the U.S. attorney he could succeed in requiring that any qualified person, be he colored or white, who had been discriminated against, be placed on the rolls?

Mr. TALMADGE. Of course not. There are enough laws on the statute books at the present time for any lawyer in the United States, even if the ink on his diploma is not dry, to enforce the voting rights of any citizen.

Section 7 of the pending measure proposes a new scheme, and I think we are talking about the third or fourth version of it. It provides for the appointment of a voting referee, which is a revival of Davenport's law of the Reconstruction era. It would authorize these so-called voting referees to go into any State and seize control of its election machinery and place it in what would amount to Federal receivership.

Let us consider how that would be done. Of course, it is well known that Federal judges in America are appointed theoretically by the President of the United States. Actually, those persons are recommended to the President by the Attorney General of the United States who, for all practical purposes selects the judges. So the Attorney General comes to the Congress with a souped up version of Davenport's law to authorize the same judges he, in effect, appoints to name voting referees to take control of the election machinery of each State. Under the old Reconstruction statute passed in 1871, these officials were called election supervisors. That law stayed on the statute books from 1871 to 1894 when it was repealed by Congress after reason reasserted itself.

The pending Rogers-Dirksen bill goes much further than the first Reconstruction Act which only authorized the supervisors to control Federal elections in that it would authorize these voting referees to take over all elections—State, county, and municipal as well as Federal. If there were a race for sheriff in one of the parishes in Louisiana and the Attorney General wanted a certain man to be elected, all he would have to do would be to call up the judge whom he, in effect, appointed and tell him he wanted a certain person to be named a referee. The judge would appoint that man to be the referee for that particular parish in Louisiana and that referee not only could determine who could vote, but, under the bill, also would be authorized to count the votes. If that is not a blueprint for dictatorship in the United States of America, I never heard of one, and I am utterly amazed that the Senate of the United States, which is supposed to be the greatest parliamentary body on the face of this earth, could be seriously discussing a bill which would permit such an antidemocratic procedure.

Mr. LONG of Louisiana. Mr. President, will the Senator yield further?

Mr. TALMADGE. I am delighted to yield to my friend.

Mr. LONG of Louisiana. Can the Senator tell us what safeguards there are in the Rogers-Dirksen proposal to assure that a person placed on the rolls by this voting registrar might not already be registered in two or three other counties or parishes?

Mr. TALMADGE. There are none at all. In fact, the bill specifically provides that the referee can register anyone he wants to register and that any hearings on his action shall be ex parte. Ex parte proceedings, as the Senator knows, are informal and are held without notice whenever and wherever the judicial officer authorized to hold them so desires. For example, a registrar could walk into a town and set up for business in an abandoned grocery store. In the subsequent proceedings, no testimony would be required, any witnesses called would not even have to be sworn, no proof would have to be submitted and there would be no opportunity for cross-examination. Neither would there be any opportunity for the State, the parish, or the board of registrars to be represented.

This particular "flunky" called a referee would run things as he saw fit. Some citizen could come to him and say, "My name is Jones, I want to be registered." The referee could say "You are registered." He could register anyone—thieves, gangsters, or convicted dope peddlers. They even could be too young to vote. And the law says that the findings of the referees would be conclusively presumed to be the truth unless clearly erroneous. It would simply mean, in the State of Louisiana, that the people whom the referee said could vote could vote. The situation would be exactly the same as it was during the first Reconstruction days, when Yankee generals were sent to the South to enforce their will with bayonets. They made up the voting lists then and that is what is desired to be done again—all for the same purpose, for political gain.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield to my able friend.

Mr. LONG of Louisiana. If I might ask the Senator about a situation that could easily develop in Louisiana, where, along the Mississippi, you have ocean-going ships paying call on a dozen ports along the river from Baton Rouge on south to the mouth of the passes, how could we be sure that these people might not be registered by these voting referees in each different port?

Mr. TALMADGE. If they wanted to, they could register them. As the Senator knows, under the first Reconstruction statute, when John I. Davenport was election supervisor for the southern district of New York, the select committee of Congress which investigated the situation specifically reported that Davenport not only voted all the riffraff he could find, but also made many of them deputy supervisors. Under the terms of the referee bill, if it was desired, a citizen of India, China, or even Communist Russia could be appointed as a referee to hold an election in Louisiana.

That is how far the thing goes. It is almost beyond the imagination of any fairminded American citizen.

Mr. LONG of Louisiana. Then would the Senator tell us how could the honest election officials, commissioners at the ballot box, know when these people, who are on a Federal registration list, arrived at and commanded the right to vote, whether they were, in fact, voting a second or third time in view of the fact that the votes would be in the possession of the Federal Government and not the State.

Does the Senator recall back during the early Reconstruction days the election officials undertook to see to it that all the newly freed slaves would vote? They would not let the whites vote. The Confederate soldiers were disenfranchised. All the honest, decent white element of the States were disenfranchised because they had either been Confederate soldiers or Confederate sympathizers. There was no female suffrage at the time.

As the Senator will recall, with regard to the colored, they were hurried in to register. When some colored boy came up, about 15 or 16 years old, he would not know what his age was, as he would have no record of it. They would just put him on and say, "You look like you ought to be 21." They would put him on the rolls and vote him for the benefit of the carpetbaggers and scalawags who were running the State at the time.

Mr. TALMADGE. As the Senator has stated, they did that time after time. They not only voted the illegally qualified at one precinct, but they would march them to every precinct in the county and vote them many times a day.

Mr. LONG of Louisiana. Could the Senator guarantee us any assurance that this same result would not obtain under the Rogers-Dirksen proposal?

Mr. TALMADGE. Of course, it could obtain. Whenever the people on the local level are deprived of their paramount right of operating their own elections, dictatorship is created.

This bill even goes so far as to provide that, in the smallest village of Louisiana holding an election for one city councilman, a voting referee could be named to determine who is qualified to vote and to count the votes as well. That referee could be an alien from Korea.

There is no democracy under a procedure like that.

If the State election officials prohibited those qualified by the referees from voting they could be put in jail by the Federal judge for contempt of court. I can think of no more coercive thing which the mind of man might possibly conceive. There is no justice in it and nothing democratic or republican about it. It is a blueprint for dictatorship—a blueprint for stealing elections just as was its predecessor in 1871.

Mr. LONG of Louisiana. Could the Senator recall how the Federal supervisors of elections went about determining whether a newly freed slave was

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old enough to vote back during Reconstruction days?

Mr. TALMADGE. They did as they pleased or as they were told, and they would do the same thing under this modernized version of the first Reconstruction Act. The referee would have the final say, and what he said the facts were would be presumed to be the law, the bill so states.

Mr. LONG of Louisiana. Can the Senator tell me what recourse the local people would have against the Federal referee if the Federal referee corrupted the election by letting people who were too young to vote be on the rolls and by letting people who were not actually residents of the community be on the rolls to vote?

Mr. TALMADGE. They would be completely powerless unless they could get the ear of the same Federal judge who appointed the referee. For all practical purposes the sum total of the remedies would be exactly zero because any remedy would be ex post facto after the election in question was held.

Mr. LONG of Louisiana. Has the Senator heard of some of these city machine tactics that have been used in even more recent times whereby machines, organized politicians, would hold the registration papers of large numbers of persons and would regularly see that someone showed up to claim to be such a person and vote those papers on election day?

Mr. TALMADGE. Yes, indeed. I have heard of them voting practically every person in the telephone book.

Mr. LONG of Louisiana. As a matter of fact, where such practices have existed, has it not been true that a higher percentage of fraudulent votes would be cast than a percentage of the honorable votes?

Mr. TALMADGE. I believe it has been so reported many times. I am very thankful we do not have that sort of government in any of the States of the South. But I greatly fear, if this referee bill should be passed, that it would become a problem which we would have to face in future years.

Mr. LONG of Louisiana. Can the Senator see any way that we could hope to eliminate overlapping and duplication of registration with the result that persons could be voting 4, 5, 6, 8, or 10 times?

Mr. TALMADGE. I know of no way it could be done. There would be State laws providing one thing and a voting referee saying something else. Election officials would be violating either the State or the Federal law and in either case would be subject to imprisonment.

Mr. LONG of Louisiana. The Senator knows, does he not, that the Civil Rights Act of 1957 provides that a person may avail himself of the remedies in that act, even though he has not taken advantage of all the administrative remedies available to him under State law?

Mr. TALMADGE. That is correct. They completely bypass the State and subordinate governments and make it a Federal matter.

Mr. LONG of Louisiana. Does it make any sense in passing a law to place the State government into a receivership and take charge of the State election process before even the Federal remedies had been used; for example, to file a lawsuit and have a person placed on the registration rolls under the 1957 act?

Mr. TALMADGE. Of course not. It is just another effort to force the people of America into one great mass with all power emanating from Washington. Should that be done, State governments might as well be abolished as the people will be completely powerless to perform the functions of government.

Mr. LONG of Louisiana. Before a Federal registrar supersedes State registrars would it not seem that as a very minimum the Federal Government should be required to demonstrate in a contested hearing that reasonable efforts had been made to have any qualified person placed on the rolls under the provisions of the 1957 act?

Mr. TALMADGE. That is correct. The bill would not only replace the present registrars and obstruct them in the performance of their duties in accordance with the law, but it also would prevent the proper officials from holding county and State primaries. It would also prevent those who are charged with the responsibility of holding general elections from discharging their legal duties. In my State it would thwart three separate groups of citizens elected by the people to register voters and hold primaries and elections in carrying out their duties. The first are the registrars who are nominated by grand juries and appointed by judges of the superior courts.

The second are the county Democratic executive committeemen. The third are the county ordinaries. Each would be supplanted by some appointed Federal bureaucrat.

Mr. LONG of Louisiana. I thank the Senator.

Mr. TALMADGE. I thank the able distinguished Senator from Louisiana [Mr. LONG] for his penetrating questions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 103]

Aiken	Douglas	Martin
Allott	Engle	Morse
Anderson	Goldwater	Morton
Bartlett	Gruening	Moss
Bible	Hartke	Mundt
Brunsdale	Hickenlooper	Pastore
Bush	Javits	Prouty
Byrd, W. Va.	Johnson, Tex.	Proxmire
Cannon	Keating	Randolph
Carlson	Kefauver	Scott
Case, N.J.	Lausche	Smith
Case, S. Dak.	Long, Hawaii	Talmadge
Church	Long, La.	Williams, N.J.
Clark	McGee	Young, Ohio
Cooper	McNamara	

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. MORSE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Montana [Mr. MURRAY], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from South Carolina [Mr. THURMOND], are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

If present and voting, the Senator from Colorado [Mr. CARROLL], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

I further announce that if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Arkansas [Mr. MCCLELLAN],

the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from South Carolina [Mr. THURMOND] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Nebraska [Mr. CURTIS] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. DWORSHAK], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The yeas and nays resulted—yeas 53, nays 3, as follows:

[No. 104]

YEAS—53

Aiken	Engle	Magnuson
Allott	Goldwater	Mansfield
Anderson	Green	Martin
Bartlett	Gruening	Morse
Beall	Hart	Morton
Bible	Hartke	Moss
Brunsdale	Hickenlooper	Mundt
Bush	Hruska	Muskie
Byrd, W. Va.	Jackson	Pastore
Cannon	Javits	Prouty
Carlson	Johnson, Tex.	Proxmire
Case, N.J.	Keating	Randolph
Case, S. Dak.	Kefauver	Scott
Church	Kuchel	Smith
Clark	Lausche	Williams, Del.
Cooper	Long, Hawaii	Williams, N.J.
Cotton	McGee	Young, Ohio
Douglas	McNamara	

NAYS—3

Long, La.	Stennis	Talmadge

NOT VOTING—44

Bennett	Frear	Murray
Bridges	Fulbright	Neuberger
Butler	Gore	O'Mahoney
Byrd, Va.	Hayden	Robertson
Capehart	Hennings	Russell
Carroll	Hill	Saltonstall
Chavez	Holland	Schoeppel
Curtis	Humphrey	Smathers
Dirksen	Johnston, S.C.	Sparkman
Dodd	Jordan	Symington
Dworshak	Kennedy	Thurmond
Eastland	Kerr	Wiley
Ellender	McCarthy	Yarborough
Ervin	McClellan	Young, N. Dak.
Fong	Monroney	

The PRESIDING OFFICER. On the motion to direct the Sergeant at Arms to request the presence of absent Senators, 53 Senators have voted in the affirmative and 3 Senators have voted in the negative. A quorum is present.

Business is in order, and the question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN] to the amendment of the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute.

SEVERAL SENATORS. Vote! Vote!

Mr. LONG of Louisiana. Several days ago, Mr. President, I addressed the U.S. Senate with reference to the many so-called civil rights proposals that are presently before this body.

At that time I held aloft more than 5 pounds of bills that had been introduced—mostly by the two Senators from New York—apparently for the purpose of increasing the power of the Federal Government over the internal affairs of the individual States and, obviously, the Southern States.

At this time, Mr. President, I would like to recapitulate and state my reasons why I feel none of this proposed legislation should be passed by this or any Congress of the future.

In my opinion, Mr. President, further civil rights legislation is, first of all, unnecessary.

Second, further civil rights legislation would be injurious to the minority group or groups it is alleged that it would benefit.

Third, further civil rights legislation would be dangerous to the structure and makeup of the United States of America.

At this time I would like to expand on each of these objections to the proposed legislation that has been presented to this body in just about the most hodgepodge method that has ever been introduced into this body.

The bills that I held up for the benefit of the Members of the Senate who may not have been familiar with the great waste of paper that was going on, have now reached a number that approaches the century mark. There is little doubt but that, with the passage of time, this number will grow and grow, for it appears that the chronic proponents of this ill-conceived legislation are daily spawning new schemes and new framework in which to place these schemes.

Last Wednesday, the junior Senator from New York stated that, after a conference with our minority leader, he desired to send to the desk an amendment to section 7 of the Dirksen amendment in the nature of a substitute, relating to voting referees.

This is not at all unusual, Mr. President. The propounders of civil rights legislation seem to be having a difficult time making up their minds. Perhaps it is just as well that we are holding long sessions these days, for it gives these propounders the opportunity to change their minds at regular intervals and put in new legislation and corrections of old legislation, all of which adds to the state of general confusion in which they have placed this body.

In my humble opinion, it would be an assumption on the part of any Senator to say that he knew for a fact what was before the U.S. Senate at this time. In order for such a statement to be profound the Senator making it would first have to issue a call for latest revisions and ask for a quorum call while he studied the latest proposals, which would represent the developments of the last few hours.

Returning to the junior Senator from New York, when he proposed still another amendment, he asked for unanimous consent to print in the RECORD a summary of his latest effusion. This is what that summary said:

VOTING REFEREE AMENDMENT

1. The court makes a finding whether any person has been deprived on account of race or color of a right secured by subsection (a).

2. Upon request of the Attorney General, the court also may make a finding whether such deprivation was pursuant to a "pattern or practice."

3. Upon a finding of such pattern or practice, a person of such race or color resident in the area affected is entitled, upon application, to an order declaring him qualified to vote upon proof that he is qualified under State law to vote, has been denied under color of law the opportunity to vote, or has been found not qualified by any person acting under color of law.

4. The Attorney General is responsible for transmitting certified copies of such orders of certification to the appropriate State election officials.

5. Applications for certification orders are to be heard within 10 days. The execution of any such orders cannot be stayed if the effect of a stay would be to delay effectiveness of the orders beyond any election day.

6. The Federal court may appoint voting referees to receive applications of perrons of the race or color resident in the area.

7. The Federal court may enter supplemental orders, either directly as the result of applications by applicants, or upon the report of the referees declaring one or more of the applicants qualified to vote.

8. In proceedings before the voting referees, the applicants shall be heard ex parte.

9. State authorities will have a period of 10 days (or a shorter period, if so fixed by the Federal court) within which to appear and oppose certification of applicants.

10. In case of opposition, the bill provides for a hearing if there is a genuine issue of material fact.

11. The bill authorizes the court to permit referees to attend elections and to determine whether persons certified as qualified to vote by the Federal court, have been denied an effective vote.

12. The bill also provides that whenever any State official is alleged to have committed any practice constituting a deprivation of any right secured by the statute then this practice shall be deemed that of the State, and the State may be joined as a party defendant. If the State official has resigned or been relieved of his office, and no successor has assumed the office, the proceeding may be instituted against the State.

Mr. President, how do Senators feel the Founding Fathers of our country would feel if they read that statement? Let us take a few minutes to analyze that summary, to see what it actually says, and to compare it to what at least some of us here feel that our Constitution says.

Here is what that summary says:

The Federal court makes a finding whether or not a man has been deprived.

The Federal court, if it wishes, may say this deprivation was a pattern.

If the Federal court sees fit to say that a pattern has been established, then any person who says he is deprived is automatically qualified to vote—whether he is actually qualified or not.

The Attorney General will then tell the State who can and who cannot vote in that State.

The State must act in 10 days, or just as soon as the Attorney General snaps his fingers.

The Federal court may appoint referees to receive applications from anyone who says he is qualified to vote.

The Federal court may reinforce its powers at will to force its will.

The sovereignty of the State to defend itself will be limited to 10 days, or less—perhaps none—if the Federal court so decrees.

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The State will be granted a hearing only if the Federal court decides it is entitled to one.

Federal referees may violate the sanctity of the ballot in any way they see fit to be certain that their will is carried out.

The Federal Government may hold the State responsible for any of the acts of any of its people.

Mr. President, this is apparently the 1960 version of our Bill of Rights. Is it not in direct conflict with the old Bill of Rights, the 10th article of which reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

After the passage of such a law, would there be any powers left to the States? Would not the passage of such a law give the Federal Government complete control over all elections? Would not the passage of such a law tend to perpetuate in office the party that was holding sway at the time of the passage of such a law?

Is that the reason why we are so anxious to pass such a law at this time? It is merely a desperate political maneuver. If it is not that, then what is it? If it is not that, why is a new law necessary?

Since this debate began it has been presented that the so-called Civil Rights Act of 1957 is more than sufficient to do the job that was sought by those who advocated its passage. It is more than sufficient to give the Federal Government the authority to interfere with the manner in which a State conducts its elections—even though the law of our land ordains that the States will conduct their elections in accordance with their own laws.

At some length a few nights ago the junior Senator from Louisiana pointed out that a recent case in the State of Louisiana was tried under the so-called Civil Rights Act of 1957 and the result of this trial was hailed as a great victory for the avowed advocates of civil rights. Based on the decision by the Federal district court in that case, which has been affirmed by the Supreme Court of the United States, it is difficult for anyone to imagine any possible need for any additional Federal legislation to secure the voting rights of colored citizens.

Yet, many reams of paper have been printed to add even greater power to the Federal Government and take it away from the State governments. I urge each Senator to read the RECORD of Wednesday, March 2, 1960. I urge them to read the decision, the brief, and the defense offered in connection with the voting right case affecting the State of Louisiana that is covered by that session. I ask them to consider the tremendous powers now given to the Federal Government—in spite of our Constitution—and I ask them to think twice before they increase that power.

Mr. President, I reiterate that additional legislation to increase Federal control over elections is not necessary. I make the point that the Federal Government has already assumed too much power in this direction and that the developments of the past weeks indicate the frightening extremes to which this power has already gone.

The second point I make in my opposition to the multifarious bills that have been presented to this body as promoting civil rights, is that these bills—all of them or any part of them—would be injurious to the minority group or groups that they are alleged to benefit.

It is my contention, Mr. President, that additional legislation is not wanted by the minority group that it is supposed to benefit.

These bills, if passed, would represent a force law. It is my firm belief that all force laws do is to drive a wedge between the colored and the white man. This is a wedge of fear, hatred and misunderstanding. Out of such laws that try to enforce mixing of the races comes not more rights to men, but in the end the product of such force is a loss of rights that already existed.

Mr. President, I made this point in this debate. Unfortunately during most of it there were very few Senators present and there are very few Senators here at this moment. For example, I notice only four Senators on the floor. Our experience in Louisiana has indicated that actually registration of colored persons proceeded more rapidly before anyone attempted to put the pressure on us to require us by Federal law to register colored voters than has occurred since that time. I suspect that one of the reasons is that the colored man in our State thought that he was welcome as a new voter and the white man encouraged him to qualify himself and to vote, with the result that great numbers of colored persons were added to the rolls.

When the junior Senator from Louisiana came back from the war there were only about 1,000 registered colored voters in Louisiana. When he ran for Senator the number had increased to 10,000. Having been in the Senate for about 8 years he saw the number had increased to 140,000-plus, and subsequently the increase actually tapered off and for a while there was actually a small decline, I believe partly because all of the pressure brought to bear stirred a great resentment. Oddly enough many of those who claim to be the friend of the colored man showed no interest in introducing voting legislation until those of us in the South had made it possible for colored persons to register in tremendous numbers and to increase their numbers from a mere thousand up to almost 160,000 as it stands now in the State of Louisiana.

It should be pointed out also, Mr. President, that the people of the South have had about as much of this force legislation as they are prepared to accept. More of it only drives the whites and the colored into two opposing camps, which is not good for either race. The white people of the South realize this, and I believe the colored do, but when outside pressures are brought to bear, the outside trouble makers paid by the NAACP come down and stir up trouble, and all sorts of publicity is given to the thought that someone is being discriminated against. It tends to make the whites and the colored separate and one vote against the other.

The junior Senator from Louisiana noticed some time ago——

Mr. STENNIS. Mr. President, will the Senator yield while he is on that point?

Mr. LONG of Louisiana. I yield to the distinguished Senator from Mississippi for a question.

Mr. STENNIS. I would like to point out, as a preface to the question, that, of the Senators born and reared there in the State of Louisiana, I do not know anyone who is more qualified to speak on this subject than the distinguished junior Senator from Louisiana. He has been in public life a good many years.

The Senator was referring to voting and to causing the people to be divided into camps through agitation and conflict. Is that not even more true with reference to our schools?

I know the State of the Senator from Louisiana has provided very fine schools.

Mr. LONG of Louisiana. Yes, that certainly is true.

Mr. STENNIS. I should like to have the Senator explain just what his opinion is now as to what the result of this enforced integration would be.

Mr. LONG of Louisiana. So far as this Senator can determine, there are very few, if any, colored people in Louisiana who genuinely favor integration of the schools. Tremendous strides have been made in Louisiana, just as they have been made in Mississippi and in other Southern States, to improve the lot of the colored man. A great number of new school buildings have been built. The colored were the last to get the modern, fireproof brick buildings. As a result, I think it would be a fair statement to say that, as a whole, their buildings are today newer and, in many respects, by virtue of being newer, better than those available to the whites.

Mr. STENNIS. Mr. President, will the Senator yield for another question?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Does the Senator not find that they take immense pride in those buildings and having their own teachers, and that the teachers take great pride and teach the children that very fine principle? Is that the reaction to a better program?

Mr. LONG of Louisiana. They have certainly taken tremendous pride in their improved schools and the improved quality of their teachers. Some might argue that integration would mean that they would have white teachers to teach them, but I do not think the colored children want white teachers to teach them. I think they are proud of their colored schoolteachers.

Those schoolteacher jobs are very good jobs. I know in Louisiana and in most other Southern States the pay is extremely good. I think the teachers are paid more than the prevailing wage that such persons could earn elsewhere.

Of course, as the Senator well knows, some of the very best colored people in the Southern States are schoolteachers.

Mr. STENNIS. That is correct.

Mr. LONG of Louisiana. The whites have been anxious to see to it that the

conditions were rapidly improved for the colored people. But when all this pressure is brought to bear upon them, people naturally get their backs up and they become determined that they are not going to yield to it. That is about the way the people are coming to feel in Louisiana. I suspect they are coming to feel about that way in Mississippi.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. Before the Senator leaves this school topic, would he not find that these Negro schoolteachers exercise the very finest influence and serve as a real agency for law and order, for Christian ideals, for training, for vocational work, and are a very fine influence in the community, and that they are the real leaders of their group? Is that the situation in Louisiana? I know in my State we value them very highly.

Mr. LONG of Louisiana. They certainly are. Of course, one of the problems that exists for colored education can be illustrated by what happens so far as higher education is concerned. There is tremendous pressure being brought to bear on many of the abler and more brilliant colored young men and women to try to go to Louisiana State University or to one of the colleges where the whites predominate. They have difficulty competing with the white students, and it would probably be better for them if they went to college among their own people. For example, in Baton Rouge we have a fine university known as Southern University. Dr. Clark is the very fine president of that university. He is highly regarded and is a very able person. Southern University has a law school. The standards of its law library in all respects are comparable to the standards recommended by the American Association for Law Schools. When the law school was started at Southern University, the professors at Louisiana State University Law School would travel across town. They would teach classes in the morning at Louisiana State University and they would drive across town. In the afternoon they would teach the classes of the colored students of law at Southern University.

The colored people prefer to have their own teachers, and I admire them for wanting to do so. They have pride in their race, and I believe the Senator from Mississippi [Mr. STENNIS] would agree with me that every race should have pride in its own. There is every reason why the colored people should have pride in their race, and have their own law professors. If they had wanted to have the same professors who teach at Louisiana State University, they could have those professors. In fact, for a year or so they used those professors.

At Southern University it is possible for these young men and women to go forward very rapidly and to acquire degrees that they might not have been able to acquire in competition with the white men who were probably better qualified when they started their law course than the colored boys were when they entered law school. There were some colored boys who entered LSU law school, but not a single one has received a degree. I do not believe any of them has alleged he was a victim of discrimination. I think one failed to pass his grades. Another was eliminated on a morals charge. He was convicted of a certain moral deviation. Perhaps another law student there may have had a similar fate as the previous two. The point is, however, that those who went to Southern University proceeded through the school, acquired their degrees, and had the opportunity to practice law.

As the Senator from Mississippi [Mr. STENNIS] knows, colored lawyers are accepted at the bar the same as white lawyers are and they are not discriminated against.

Mr. STENNIS. What the Senator from Louisiana [Mr. LONG] has said is very interesting. In Mississippi we have, I believe, the largest number of colored schoolteachers of any State in the Nation. I thought I had the exact figures, but I believe the number is from 8,000 to almost 9,000. They are one of the strongest influences in our State among colored or white people. They exercise community influence. They support civic enterprises. They support the Red Cross and the blood bank. They take part in church and Sunday school activities. They are always a very fine influence in their race, and they, together with the ministers of their race, I think are among the most valuable assets we have. Everything should be done to encourage them.

Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. STENNIS. I have not heard mentioned in this debate the basic differences between white people and colored people. I refer particularly to their taste for music and their inclinations in expressing themselves in a religious way. Is it not true that each group likes to sing its own songs and to hear its own people preach sermons and to enjoy many of their folkways and their traditions that are so different? They hunger for their own, is that not true?

Mr. LONG of Louisiana. I believe it is true that the members of almost every race like to be among their own. Colored persons, if left alone, if no one stirs them up and makes them feel bad, are a very happy people. They have a very fine sense of music and of rhythm. They are fine athletes. They excel in a great number of ways. But, in spite of their natural, happy tendencies, the colored man, like anyone else, if constantly subjected to the negative approach by persons who say he is being discriminated against, that he is being mistreated, that someone is denying him some right, and after a while he becomes as miserable as any other person on earth. As the Senator knows, if a person dwells on the negatives of life, he could soon be in need of psychiatric care because he gets the feeling the world is down on him. As the Senator knows, people who are rich and seem to have everything and who should be the happiest people are sometimes the least satisfied. It is certainly unfortunate for the colored man that some people seek to try to convince him that he is being imposed upon and discriminated against, when, in fact, the people with whom he associates have the utmost good will toward him and wish to see him improve his condition.

Mr. STENNIS. I thank the Senator for yielding to me. I think his testimony on this subject is valuable.

Mr. RANDOLPH. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield to the Senator from West Virginia for a question.

Mr. RANDOLPH. In view of what my esteemed colleague the Senator from Louisiana has just said in reference to the customs and the cultures of one race being kept intact among the people of that race, does my colleague not feel that those customs and cultures can well be shared with men and women of another race or other races?

Mr. LONG of Louisiana. Yes; and the tendency has been for the colored man to gain more and more acceptance. My feeling, however, is that that type of thing must be voluntary to be genuine. The Senator will recall the old adage that one can lead a horse to water, but cannot make him drink. It seems to me the adage applies in this field just as in any other field. If one is forced to associate with or be in the company of another, he will not be nearly as well received as if the association were permitted to develop naturally and the person was given the feeling of being accepted, wanted, and desired. The colored people of Louisiana and, I think, of most of the South, have definitely come forward to a great degree. I suppose in the past 30 to 50 years the colored race has advanced as rapidly in this country as any race has ever developed in the history of mankind. If we look at the positive side, if we look at the things for which we should be thankful, it seems to me that the colored people of our State and Nation have certainly made tremendous progress, and I expect that they will continue to do so just as the Senator from West Virginia does.

Mr. RANDOLPH. Mr. President, will my colleague yield further?

Mr. LONG of Louisiana. I yield.

Mr. RANDOLPH. The Senator from Louisiana would not advocate, would he, that any particular race with cultures and customs which are worth while should be isolated or set aside unto themselves and, therefore, be straitjacketed into a circumscribed type of living? Would he not rather say that the best within any race should be given the opportunity to flower among the other races and come to full fruition?

Mr. LONG of Louisiana. They should be given the opportunity to flower, to grow, and to improve. I do not think the traditions and customs of the South are wrong or in error. I think people have the right to the view that racial intermarriages should not be encouraged; and the feeling is that if it is not a good idea to have racial intermarriage, it is not a good idea for the young men and women of the two different races to be dating, going together, and that sort of thing. It is not good for them to go to school together. The junior Senator from Louisiana would certainly be one who would not want anyone to feel in any sense inferior to anyone else, but he

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would point out that these people are different, and the fact that they are different in itself leads to the natural conclusion that the law of nature seems to be that persons are more attracted to their own kind and those of their own race, and it is a law of nature that those who have attempted to deviate have found that the feeling still prevails even in areas where the effort has been made to break it down over a long period of time. For example, as the Civil Rights Commission report itself points out, the city of New York has widespread residential race segregation, to a greater extent than exists in the South, although the State policy has set itself contrary to that situation for a great number of years.

Mr. RANDOLPH. Mr. President, will my colleague yield again?

Mr. LONG of Louisiana. I yield for a question.

Mr. RANDOLPH. In the State of West Virginia, prior to the decision by the Supreme Court in the matter of civil rights, white students went to schools unto themselves, and Negro students attended places of learning unto themselves.

There was wide acceptance among our people that, since the Supreme Court had given this decision, we, in the conduct of our public education system, should not oppose the Court's ruling in the matter of white and Negro children being in school together.

Does the Senator from Louisiana feel that the people of West Virginia acted properly in doing what I described?

Mr. LONG of Louisiana. I cannot advise the people of West Virginia.

Mr. RANDOLPH. Of any State?

Mr. LONG of Louisiana. I cannot say how they should conduct their affairs, because I am not nearly as familiar with that as the Senator from West Virginia. He would know best.

I assume, if they have integrated their schools, they did it as a matter of conscious decision that they wanted to do it in that way. I do not know how well it is working out. The Senator from West Virginia would know much more about that.

I do have some information about the integration situation in Washington, D.C., which indicates that it has not proceeded nearly as favorably as people hoped it would proceed. I hope to discuss that District of Columbia situation tonight or at some future time.

Mr. RANDOLPH. I shall ask only one more question, and in doing so I wish to state for the RECORD that I am always conscious of the sincerity with which my fellow Senators approach these problems, viewing them in the light of their individual experiences in the States which they represent, and in consideration of the views of the people who are their constituents, as well as what they construe to be proper national policy.

I might not be in the Chamber at the time the Senator from Louisiana would discuss the so-called difficulty in integration of white and Negro students in the schools within the District of Columbia. I simply want to state that our younger son was a student at Western High School in Washington, D.C., under both systems, and I say very frankly that I personally know of no damage which came to him by being a student there with Negro students also attending that institution.

Mr. LONG of Louisiana. Mr. President, the junior Senator from Louisiana was living in northwest Washington at the time the integration started. There was one colored child admitted to Horace Mann School, where the junior Senator from Louisiana had his two little daughters in school. That small colored girl was the only colored person in the whole school. Some people might regard that as an integrated school. The junior Senator from Louisiana did not feel it would be correct to regard a school as being integrated just because there was a single colored child among several hundred children. The colored child could be in no more than one classroom at a time. It would seem to the junior Senator from Louisiana that there would have to be more than just a so-called token of integration in order for the school to be regarded as an integrated school.

I think in the South those who are very much concerned about this matter feel that the schools will become perhaps 25, 30 percent integrated, where it started out as a small percentage. I would like to point out to the Senator that since integration started in Washington, D.C. the cold statistics show there has been a tremendous reduction in the number of white students within the schools, and a tremendous increase in the number of colored students. It appears the whites are moving out of the District while the colored people are increasing in number. For example, in October 1953, there were 44,842 white pupils, or 43 percent of the 103,778 total enrollment in the District public schools. In the same month there were 58,936 colored pupils, or 56.7 percent. This was the year which preceded the Brown decision in the Supreme Court.

In November of 1954 the first enrollment figure since the integration decree showed 41,398, or 39.3 percent, for the white children, and 64,080, or 60 percent, for the colored children. That was a switch of 4 percentage points down on whites and up on colored.

The figure for October 1956 shows 34,758, or 32 percent, for white students; and 73,723, or 67 percent, for colored students. There is another 7 percent reduction on whites, and an increase for colored.

The latest figures, which are for the present school year, show a total of 27,481 white children, which makes up 23 percent of the entire enrollment. The figure for colored children is 90,403, which is 76.7 percent of the whole number in the District schools.

These figures show that the number of white students in District schools is diminishing since the Supreme Court has ordered public schools to integrate with all deliberate speed.

It is interesting to note that a high percentage of white children who remain in the District schools, perhaps almost half of them are in schools like Horace Mann, where there is only a single colored child in the school. For example, there is 1 colored student in Horace Mann, 1 colored student in Murch, 3 colored students in Orr, 11 colored students in Oyster, 19 colored students out of a thousand in Patterson, 5 colored students in Randle Hylands, no colored students in Shepherd, 2 colored students in Stoddert.

When those calculations are made, it would appear that there are only about 1,500 white students left in the grammar schools of the District, which could properly be classified as integrated schools, that is, they have a degree of integration little more than 5 percent.

On the other hand, in schools that had a high percentage of colored students, the percentage of colored continued to increase until those schools today are, to all intents and purposes, segregated schools.

For example, in Bannaker Junior High, 98 percent colored; Browne, 99.3 percent colored; Douglas, 99.8—only two white students in the school; Eliot, 96.6; Francis, 93; Garnert, 99.9—only one white student in the class; Langley, 97.9; Miller, 100 percent colored—now a legally segregated school; Shaw, 99.8—only two white students there.

The trend is continuing to the extent that it appears a tremendous number of the District schools have now become integrated schools. In spite of the so-called experiment to show how well integration will work, the schools have become segregated by virtue of the whites moving out of the community or else sending their children across town to a private school. I understand in the District there is a rule which permits a parent to ask that his child be assigned to another school.

In the Hardy School there are 178 white children and 1 colored child. I do not believe that 1 or 2 or 3 or 5 or 6 or 8 or 10 colored children upset the white families, but when it becomes 30 percent or 40 percent or 50 percent and above, the white families seem to start moving.

Here is the percentage in four senior high schools. The 4 senior high schools have 10,000 white children and 930 colored. The 5 junior high schools have 4,000 white students and 725 colored. Twenty-five elementary schools have 10,500 whites and 1,108 colored. One vocation school has 412 whites and 102 colored. If we add these figures together, we get a total of 26,130 whites, out of 27,481 whites in the District schools, and 2,869 colored children in those schools. So what in effect we have is 95 percent white children going to District of Columbia schools that are supposed to be integrated, but which actually have only token integration, and in many of them there is only one colored student.

Mr. RANDOLPH. Mr. President, I should like to ask the Senator, aside from the issue that we are debating, whether he does not believe that it would be most appropriate if all Senators were on the floor at this moment, at 4 minutes past the hour of 3 o'clock in the morning, to express tribute to the Senator who has served as the Presiding Officer for the

greatest number of consecutive hours in the history of the Senate. We have, of course, heard about Senators who stand and speak, but seldom have we taken notice of the length of time a Presiding Officer has occupied the chair. The Senate might well note that at 2:55 a.m., my colleague, Hon. ROBERT C. BYRD, had been in the chair for 12 consecutive hours, and that his rulings have been given with fairness and with firmness, and that he has exhibited patience and good humor. For those qualities I congratulate him, and believe that the Senate as a whole would wish to join me in this expression.

Mr. LONG of Louisiana. Mr. President, I join the Senator in congratulating the distinguished Presiding Officer, the Senator from West Virginia, for presiding over the Senate in such a masterful fashion for 12 hours. It had not occurred to the junior Senator from Louisiana that the Senator from West Virginia had been in the chair for such a long time.

I am sure his length of presiding breaks the record of presiding over the Senate. As one who has been around here for a little while and has observed matters even before he came here, I can say that it is easier to stand and talk in the Senate than it is to sit in the Presiding Officer's place and listen for 12 hours. It is human nature that most people would rather talk than listen. A Presiding Officer who can sit and listen for 12 hours has something to recommend him that most of us will never possess.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I am glad to yield with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROUTY. I, too, would like to commend the present occupant of the chair for doing such a masterful job. It certainly proves that West Virginia produces real men.

The PRESIDING OFFICER. (Mr. BYRD of West Virginia in the chair). The Chair would like to interrupt the Senator from Louisiana to express the gratitude of the present occupant of the chair to those Senators who have paid tribute to him at 3:04 in the morning. The Chair wishes also to take this opportunity to call attention to the happy birthday anniversary of his colleague from West Virginia, the senior Senator, Hon. JENNINGS RANDOLPH. The Chair deems it to be appropriate upon this occasion to recall the lines of a little verse which the Chair committed to memory a long time ago and to dedicate those lines to our colleague as we wish him many happy returns for the day:

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That binds them for our wear,
So may the years that come to you
Such wealth and good contain
That every moment, hour, and day
Be like a golden chain.

Mr. LONG of Louisiana. I thank the distinguished Presiding Officer.

I believe the point I have been making, if I may return to the subject of this discussion, is that here is a clear indication that in Washington, D.C., where integration has certainly been encouraged as far as it is possible to encourage it, there has been a tendency in this liberal community, cosmopolitan as it is, for the whites to move to Virginia or to settle out in Maryland, and to settle in neighborhoods of whites, which achieves the effect of segregation by residential effect, rather than have their children go to schools which have more than a token integration.

When we go into the evidence in the District of Columbia, and when we see the same thing operating in New York, and the same situation operating in Illinois and in other areas where there are large numbers of various races, it does seem to spell out that people much prefer to be among those of their own kind than with other races. I do not say that anyone should feel that this implies any suggestion of inferiority or an invidious comparison because persons feel that way. I do not believe that anyone should feel that way, but, rather, as I said earlier, it shows that a robin will make its nest with a robin, and a redbird with a redbird. It does not show that one is superior to the other. The point I make is that here in the District of Columbia, where every effort has been made, with the best information that could be found, and with the best advice, as well, as with the President and the Cabinet and a great number of others pointing out that this was to be the great experiment in Washington, D.C., from 44,842 white students in the public schools the number has now declined to a total of 27,481.

Out of 27,481 white children who are going to school in the District today, 95 percent of them are in schools where there is only token integration; in a great number of cases, there is only a single colored child in the entire school. Mind you, I am talking about Washington, D.C., the Nation's Capital, one of the most cosmopolitan cities in the world, and, yet, there is a great desire for people to be among their own kind. They move to Maryland or Virginia and send their children to private schools rather than accept the genuine integration that would be implicit in the Supreme Court's decision. Certainly it does indicate there is some law of nature, there is something about people that makes them desire to be among their own people and class.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield to the able and distinguished Senator from Vermont.

Mr. PROUTY. It just occurs to me that I did not wish my distinguished friend the senior Senator from West Virginia a happy birthday. I would much prefer to pay my respects after 7 a.m., but, so long as I am here, I am very happy to do so at this time.

Mr. LONG of Louisiana. I am also happy to add my congratulations to those of the senior Senator from Vermont. A few days ago we had Leap Day of Leap Year. The Senator wears a calendar watch that automatically moves a day ahead. With the round-the-clock sessions he forgot to move it up. So his watch says it is the 6th, but it is now the 8th. We are 2 days beyond what the watch says, and I am delighted to congratulate the Senator from West Virginia for having achieved far more than a birthday.

Mr. RANDOLPH of West Virginia rose.

Mr. LONG of Louisiana. I ask unanimous consent to yield to the senior Senator from West Virginia for an observation.

Mr. RANDOLPH. I realize we should not labor this matter, but I want the RECORD to show there was no prearrangement with the Senators from West Virginia and Vermont about the felicitations here this morning.

I will say again, however, that it has been a genuine privilege to share the responsibility of representing the State of West Virginia in this body with the Presiding Officer [Mr. BYRD of West Virginia] who now handles the gavel for this body.

I will state further, since it is 3:14 a.m., it just so happens that I was born at approximately the moment I am now speaking, on March 8, 1902. I devoutly remember my mother and father. No son ever possessed more devoted and helpful parents. But, be that as it may, there are reasons why at times we leave the so-called difficult realities of a problem such as this and remember the kindnesses and the expressions of good will which have been engendered here.

Mr. LONG of Louisiana. I thank the Senator.

I brought over some of the mail I found in my office. With the exception of some form letters some days ago urging civil rights, I have received no mail from Louisiana asking me to vote for anything in this civil rights bill. I have piles of mail asking me to fight it. I have brought with me only a few cards, telegrams and letters to indicate how the people of Louisiana feel about this matter.

I think most people would not understand how, within a State which is two-thirds white and one-third colored, there could be so few to write in and ask that their Senator vote for anything in this bill—in fact, urge him to oppose it bitterly. I have received nothing in favor of the particular measure before us.

Reading at random from the cards—and I will not burden the Senate with it—here is one from Boyce, La.:

BOYCE, LA.

DEAR RUSSELL: Thanks a million for standing up for our God-given rights. May you continue to gain strength daily to keep this fight going. We're proud of you.

Sincerely yours,

J. T. MARTIN.

Here is one from Shreveport:

SHREVEPORT, LA., *March 4, 1960.*

Senator LONG: We are proud of you. Keep up the good fight. We pray that you boys will have the strength to keep going.

Sincerely,

Mrs. AMOS L. ORTEGO.

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Here is one from New Orleans:

NEW ORLEANS, *March 3, 1960.*

God bless Senator LONG.

Mrs. C. C. JORDAN.

Here is another one from Shreveport:

SHREVEPORT, LA., *March 3, 1960.*

DEAR SENATOR LONG: A vote of thanks and our sincere appreciation for your efforts in the current civil rights struggle.

Sincerely yours,

Mr. and Mrs. E. A. REILY.

So it goes. These cards, telegrams, and communications have come from every section of Louisiana, and a great number of them come from the fine Catholic people of Louisiana notwithstanding the fact that the Catholic Church itself has made moves toward integrating the parochial schools, and, yet, the strong feeling of the people there is that they should not be further imposed upon, and they oppose this type of forced legislation. I know there are a great number among the Jewish faith who are represented among these messages, as well as the Protestant clergy, and people from almost every walk of life. As I say, without exception, these have urged their Senators do everything in their power to defeat this legislation.

I say, Mr. President, that that is good evidence that nothing is really to be gained from passing such legislation. It would only tend to embitter and incense people of the South, and it would tend to make one group stand against another. Such legislation as that can achieve no good, and I fear that it will achieve great harm.

For that reason, many of us feel that this legislation should be defeated or set aside at the earliest possible moment in order that the Senate can go forward with legislation on national problems which require some action at this time.

Mr. President, at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 105]

Aiken	Engle	Martin
Allott	Goldwater	Morse
Anderson	Gruening	Morton
Bartlett	Hart	Moss
Beall	Hartke	Mundt
Bible	Hickenlooper	Muskie
Brunsdale	Hruska	Pastore
Bush	Javits	Prouty
Byrd, W. Va.	Johnson, Tex.	Proxmire
Cannon	Keating	Randolph
Carlson	Kefauver	Schoeppel
Case, N.J.	Lausche	Scott
Case, S. Dak.	Long, Hawaii	Smith
Church	Long, La.	Stennis
Clark	McGee	Williams, N.J.
Cooper	McNamara	Young, Ohio
Douglas	Magnuson	

The PRESIDING OFFICER. A quorum is not present.

Mr. JOHNSON of Texas. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Missouri [Mr. SYMINGTON] and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Montana [Mr. MURRAY], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Georgia [Mr. TALMADGE] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

If present and voting, the Senator from Colorado [Mr. CARROLL], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

I further announce that, if present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Florida [Mr. HOLLAND], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from South Carolina [Mr. THURMOND] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Nebraska [Mr. CURTIS] is absent by leave of the Senate.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. DWORSHAK], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The yeas and nays resulted—yeas 53, nays 3, as follows:

[No. 106]

YEAS—53

Aiken	Goldwater	Mansfield
Allott	Green	Martin
Anderson	Gruening	Morse
Bartlett	Hart	Morton
Beall	Hartke	Moss
Bible	Hickenlooper	Mundt
Brunsdale	Hruska	Muskie
Bush	Jackson	Pastore
Byrd, W. Va.	Javits	Prouty
Cannon	Johnson, Tex.	Proxmire
Carlson	Keating	Randolph
Case, N.J.	Kefauver	Schoeppel
Church	Kuchel	Scott
Clark	Lausche	Smith
Cooper	Long, Hawaii	Williams, Del.
Cotton	McGee	Williams, N.J.
Douglas	McNamara	Young, Ohio
Engle	Magnuson	

NAYS—3

Case, S. Dak.	Long, La.	Stennis

NOT VOTING—44

Bennett	Frear	Murray
Bridges	Fulbright	Neuberger
Butler	Gore	O'Mahoney
Byrd, Va.	Hayden	Robertson
Capehart	Hennings	Russell
Carroll	Hill	Saltonstall
Chavez	Holland	Smathers
Curtis	Humphrey	Sparkman
Dirksen	Johnston, S.C.	Symington
Dodd	Jordan	Talmadge
Dworshak	Kennedy	Thurmond
Eastland	Kerr	Wiley
Ellender	McCarthy	Yarborough
Ervin	McClellan	Young, N. Dak.
Fong	Monroney	

So the motion of Mr. JOHNSON of Texas was agreed to.

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 3. The motion is agreed to, and a quorum is present.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. KEATING] is recognized.

Mr. KEATING. Mr. President, I think we should all be informed of section 39 of title 2 of the United States Code reading as follows:

Deductions for absence: The Secretary of the Senate and the Sergeant at Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or the House, respectively, unless such Member or Delegate assigns as the reasons for such absence the sickness of himself or of some member of his family.

This provision should be called to the attention of the Senate at this time.

Mr. ANDERSON. Mr. President, will the Senator from New York yield?

Mr. KEATING. I am happy to yield to the Senator from New Mexico.

Mr. ANDERSON. I wonder if the Senator from New York believes that, since this particular session this evening has been turned into a torture chamber, the people of the United States who are interested in saving money might be interested in finding out how well this rule has been observed? The Senator from New York recognizes that the so-called filibustering group go off and sleep for 2 or 3 days. That means 2 or 3 days without pay, and it is quite obvious that the rule has placed the responsibility for the deduction as just read upon the Secretary of the Senate and the Sergeant at Arms. Would the Senator from New York not feel that if a Member of the Senate did not answer the quorum calls hour by hour as the quorum calls have come tonight, as a special form of torture, the people of the country who are interested in the saving of money and balancing of the budget might want to know how well the Secretary is performing his duty.

I feel that the public generally wants to see the budget balanced; and while we would, of course, accept the statement of any colleague that he is ill or that a member of his family is ill, we would all be interested in the results of the implementation of this section of the code.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the Senator from New Mexico [Mr. ANDERSON].

Mr. ANDERSON. Would the Senator not feel that if certain Senators, like the junior Senator from New Mexico, who has had a well-known series of sicknesses, might be permitted to stay home, but that various other Senators who are able to talk 10 or 12 hours at a time but do not show up regularly could hardly claim sickness as an excuse for nonattendance?

Mr. KEATING. I think that is true. There is a provision which takes care of the situation when a Senator becomes ill, but when a Senator is AWOL, that is a different matter.

Mr. ANDERSON. Mr. President, will the Senator yield further?

Mr. KEATING. I am happy to yield to the Senator from New Mexico.

Mr. ANDERSON. Does he not believe that section 40 is of some pertinence? This section provides that a Senator cannot even draw his transportation costs if he withdraws and does not return. Some of us feel that we are going to get a vote some day even if it takes until the end of fall. Therefore, if none of those individual Senators were to return, would it be possible to deduct their transportation as well?

Mr. KEATING. That section is a little ambiguous to me. I am not exactly sure what it means. It reads, "If he withdraws from his seat."

Mr. ANDERSON. Does the Senator from New York [Mr. KEATING] believe that if he returns to his seat, say, every fourth day and talks for 4 hours that might put him on the payroll and keep him there for that day?

Mr. KEATING. I would wish to consult legal counsel or the Parliamentarian with respect to the effect of that provision. I am not exactly sure to what it refers.

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. ANDERSON. Will the Senator yield?

Mr. KEATING. I yield to the Senator from New Mexico.

Mr. ANDERSON. The Senator from New York would agree, would he not, that there can be no question about the application of section 39. When Senators are sleeping-in around the clock, day after day, they are absent without leave. Therefore the Sergeant at Arms and the Secretary have no alternative.

Does the Senator from New York [Mr. KEATING], who is a capable attorney, find the section permissive only?

Mr. KEATING. No; I should say it is mandatory.

Mr. LONG of Louisiana. Mr. President, will the Senator from New York yield for a question?

Mr. KEATING. I think the Senator from Rhode Island asked me to yield.

Mr. PASTORE. I should like to address a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Are we not in the same legislative day as we were when this filibuster started?

The PRESIDING OFFICER. The legislative day is February 15. It does not appear that we are even in Lent yet.

Mr. PASTORE. Mr. President, a further parliamentary inquiry. If the rule which has been mentioned by the junior Senator from New York [Mr. KEATING] and the junior Senator from New Mexico [Mr. ANDERSON] is invoked, would not the deduction be for one day only?

Mr. ANDERSON. Mr. President, will the Senator yield with respect to that point? This has nothing to do with legislative days.

Mr. KEATING. I yield.

Mr. ANDERSON. Does this section have anything to do with legislative days?

The PRESIDING OFFICER. The Chair will state that the Senator from Rhode Island [Mr. PASTORE] and the Senator from New York [Mr. KEATING] are both reading the law, and that does not constitute a parliamentary inquiry.

The Chair recognizes the Senator from New York.

Mr. KEATING. The section reads "each day." I assume that means each calendar day, but I do not believe it has been construed.

Mr. ANDERSON. Mr. President, will the Senator from New York [Mr. KEATING] further yield?

Mr. KEATING. I yield.

Mr. ANDERSON. Is it not true there was a time in the early history of this country when we were a little more frugal and when this provision was applied and deductions were made on a calendar-day basis?

Mr. KEATING. I believe it was applied in 1888.

Mr. ANDERSON. Surely we are going back to those days now with a torture chamber.

Mr. KEATING. Our forefathers in those days had many good things about them and one of these things certainly was frugality.

Mr. MUNDT. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. MUNDT. Do I correctly understand that there is an exception in the rule which provides that illness is a justifiable reason for being absent?

Mr. KEATING. Yes; there is.

Mr. MUNDT. Would the Senator feel that an undue yearning on the part of our colleagues for the Presidency which is manifesting itself by constant campaigning and absence from the Senate would be a form of illness which might come within the rule?

Mr. KEATING. I could not answer my friend from South Dakota. I suppose if any member stood in his place and said, "I am ill," or "A member of my family is ill," whatever the "itis" is, that should be sufficient.

Mr. MUNDT. There seems to be a critical "itis" on the part of some of our colleagues who have not been here for many days.

Mr. SCOTT. They are sick, sick, sick.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. AIKEN. Does not the Senator from New York believe our absent brothers are affected by a disease rather than an illness?

Mr. KEATING. I do not want to criticize any of our colleagues. The word is "sickness," and I suppose we would have to construe that section rather strictly.

Mr. MUNDT. Mr. President, I was seeking to be helpful. I did not want any Senators to be arrested or penalized if the kind of "itis" they have comes within the purview of the law.

Mr. KEATING. I do not know whether that is a sickness or not.

Mr. LONG of Louisiana. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. LONG of Louisiana. Would the terms of the section read include the Vice President; and, if so, can the Senator tell me how many hours the Vice President has been here during this debate?

Mr. KEATING. This section does not apply to the Vice President.

Mr. COTTON. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. COTTON. Am I to understand from the statement of our colleagues the Senator from New York [Mr. KEATING] and the Senator from New Mexico [Mr. ANDERSON] that they thought this filibuster would go on long enough so that the deductions would balance the budget?

Mr. KEATING. It would trend in that direction.

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Mr. COTTON. Does the Senator believe that the deductions might pay the national debt before we complete action on the bill?

Mr. KEATING. I do not think the Senator from New Mexico or the Senator from New York feels it might last that long, but we are unable to say.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. If it should appear that some Senators, without the cause of illness, have gone "over the hill," is there any provision in the code which provides that the taxpayers must pay their transportation back to the Senate?

Mr. KEATING. There is a provision in section 40 to the effect that when any Member withdraws from his seat such transportation will not be paid. Many of us withdraw from our seats from time to time.

Mr. SCOTT. Most of us have been withdrawn from our beds.

Mr. KEATING. That is true. The section provides if he withdraws from his seat and does not return before the adjournment of Congress his transportation will not be paid. I have no doubt many of our colleagues who are not here now will return before the adjournment of Congress. If they do not, then they forfeit a sum equal to the amount which will be allowed by law in mileage for returning home, but that mileage would never balance the budget. I believe the other section I read is more applicable.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. SCOTT. If I may make the suggestion, we might expedite the return of some Senators if we were also able to find in these rules a forfeiture of the franking privilege.

Mr. KEATING. There is nothing in the rules about that.

Mr. CASE of South Dakota. Mr. President, I ask for the yeas and nays.

Mr. JOHNSON of Texas. Mr. President, will the Senator withhold that request for a moment? I should like to make an announcement.

Mr. CASE of South Dakota. I will withhold it temporarily.

ADJOURNMENT TO 4:05 A.M. TODAY

Mr. JOHNSON of Texas. Mr. President, late yesterday the distinguished minority leader [Mr. DIRKSEN] discussed with me the pending amendment. I was under the impression that he was willing to accept the pending amendment to his substitute; that it merely reduces the penal provision in the Dirksen bill. I hope the acting minority leader will confer with the minority leader before a vote is taken on this question, since it is an amendment to the Dirksen substitute. I believe it is worth exploring, because I am under the impression that the minority leader is willing to accept the amendment of the Senator from North Carolina [Mr. ERVIN]. I believe he feels it is a meritorious amendment, that it is perhaps a stronger provision than that contained in the House bill on a separate subject, and that the penal provision in his bill should be reduced. I am not authorized to speak for the minority leader, and may be incorrect in my impression. But, before we decide on this question, if it is contemplated that we are to decide on it, I should like to have an expression from the minority leader.

In addition, Mr. President, if it would suit the convenience of the Senate, and my friend from South Dakota would not object, I should like to make a motion that we adjourn until 4 o'clock.

Mr. CASE of South Dakota. Mr. President, the Senator from South Dakota thinks that if this amendment is agreeable to the minority leader, there is no reason why we should not have a vote on it.

Mr. JOHNSON of Texas. I would have no objection. I would like to check the situation before we vote.

Mr. CASE of South Dakota. Then may the yeas and nays be ordered?

Mr. JOHNSON of Texas. If that is the Senator's desire, in light of the facts as I have stated them, I have no objection. I should like to have some Senator talk with the author of the substitute, so that Senators may be informed as to his views.

Mr. CASE of South Dakota. Mr. President, the order of the yeas and nays does not necessarily mean an immediate vote.

Mr. JOHNSON of Texas. But it might affect the parliamentary situation to some extent.

Mr. CANNON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Texas [Mr. JOHNSON] has the floor.

Mr. JOHNSON of Texas. I yield to my friend from Nevada.

Mr. CANNON. Mr. President, I believe the yeas and nays were previously ordered on this amendment, and I would like to pose a parliamentary inquiry to the Chair as to whether or not the yeas and nays were previously ordered.

Mr. JOHNSON of Texas. It is true the yeas and nays were requested, but did the Chair make an announcement that they would be ordered?

The PRESIDING OFFICER. The Chair has not made that announcement.

Mr. CANNON. I am not referring to tonight, Mr. President. But several days ago the yeas and nays were requested and the Senator from Nevada was here when the order was entered.

Mr. JOHNSON of Texas. I think that order was vitiated, if my memory serves me correctly.

The PRESIDING OFFICER. The yeas and nays were ordered, but the order was later vitiated.

Mr. CASE of South Dakota. Mr. President, I have no objection.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate adjourn until 5 minutes after 4 o'clock a.m. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Montana [Mr. MURRAY], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

If present and voting, the Senator from Virginia [Mr. BYRD], the Senator from Colorado [Mr. CARROLL], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from North Carolina [Mr. ERVIN], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oklahoma [Mr. KERR], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], the Senator from Oregon [Mr. NEUBERGER], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], the Senator from Georgia [Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. YARBOROUGH], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG] and

the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Nebraska [Mr. CURTIS] is absent by leave of the Senate.

The Senator from Maryland [Mr. BEALL], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Idaho [Mr. DWORSHAK], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The yeas and nays resulted—yeas 53, nays 4, as follows:

[No. 107]

YEAS—53

Aiken	Gruening	Martin
Allott	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hickenlooper	Mundt
Bible	Holland	Muskie
Brunsdale	Hruska	Pastore
Bush	Jackson	Prouty
Byrd, W. Va.	Johnson, Tex.	Proxmire
Cannon	Keating	Randolph
Carlson	Kefauver	Robertson
Case, N.J.	Kuchel	Schoeppel
Case, S. Dak.	Lausche	Scott
Church	Long, Hawaii	Smith
Clark	Long, La.	Stennis
Cooper	McGee	Williams, Del.
Engle	McNamara	Williams, N.J.
Goldwater	Magnuson	Young, Ohio
Green	Mansfield	

NAYS—4

Cotton	Javits	Morse
Douglas		

NOT VOTING—43

Beall	Fong	Murray
Bennett	Frear	Neuberger
Bridges	Fulbright	O'Mahoney
Butler	Gore	Russell
Byrd, Va.	Hayden	Saltonstall
Capehart	Hennings	Smathers
Carroll	Hill	Sparkman
Chavez	Humphrey	Symington
Curtis	Johnston, S.C.	Talmadge
Dirksen	Jordan	Thurmond
Dodd	Kennedy	Wiley
Dworshak	Kerr	Yarborough
Eastland	McCarthy	Young, N. Dak.
Ellender	McClellan	
Ervin	Monroney	

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). On this vote, the yeas are 53 and the nays are 4. The motion is agreed to; and the Senate stands adjourned until 4:05 a.m. today.

AFTER ADJOURNMENT

Tuesday, March 8, 1960

The Senate met at 4 o'clock and 5 minutes a.m., pursuant to adjournment.

PRAYER

The PRESIDING OFFICER (Mr. BYRD of West Virginia) offered the following prayer:

Our Father, we thank Thee for this new day, and for the new opportunities for service which attend its coming. Prepare our hearts, our minds, and our hands for the challenges and the trials that await us. Make us ever mindful of the fact that "except the Lord build the house, they labor in vain that build it." Keep our land free and our Republic safe and secure, a Government of the people, by the people, and for the people. These things we ask in the name that is above all other names, our Savior and our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 8, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. President, I should like to propound a unanimous-consent request that the junior Senator from Maryland [Mr. BEALL], the senior Senator from Maryland [Mr. BUTLER], the Senator from Missouri [Mr. SYMINGTON], the Senator from Tennessee [Mr. KEFAUVER], and I be excused from attendance on the Senate from 8:30 this morning until approximately noon, to be honorary pallbearers at the funeral of the late Senator Herbert R. O'Conor, in Baltimore.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE JOURNAL

Mr. JOHNSON of Texas. Mr. President, I ask that the reading of the Journal be dispensed with.

Mr. LONG of Louisiana. Mr. President, what was that request?

Mr. JOHNSON of Texas. That the reading of the Journal be dispensed with.

Mr. LONG of Louisiana. I object.

The PRESIDING OFFICER. Objection is heard. The Clerk will read the Journal.

The Chief Clerk read the Journal of the proceedings of the legislative day of Monday, February 15, 1960, embraced within the calendar days of Saturday, February 27, Monday, February 29, Tuesday, March 1, Wednesday, March 2, Thursday, March 3, Friday, March 4, Saturday, March 5, Monday, March 7, and Tuesday, March 8, 1960.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there be a morning hour beginning at 12 o'clock noon today, limited to 1 hour.

Mr. ROBERTSON. Reserving the right to object, does that include the prohibition against the introduction of general bills, the same provision we have had?

Mr. JOHNSON of Texas. Yes; we have the morning hour for the presentation of routine business, which includes reports, insertions, and so forth, but does not include the introduction of bills.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

BIRTHDAY ANNIVERSARY OF SENATOR RANDOLPH

Mr. JOHNSON of Texas. Mr. President, I wish to congratulate the distinguished Senator from West Virginia [Mr. RANDOLPH] on his birthday today. All of us in this body are proud of the service of the Senator from West Virginia. Many of us served in the House of Representatives with him. He is an affable man, a diligent man, a man who represents his constituency and serves his State with great distinction. I know that I speak for all his colleagues in the Senate when I say that we are proud of the selection that West Virginia has made in sending him to the Senate, and we wish him many happy returns of the day.

RECORD FOR PRESIDING IN SENATE

Mr. JOHNSON of Texas. Mr. President, I should also like to observe that the Senator from West Virginia [Mr. BYRD] has been presiding over this greatest deliberative body in the world since 3 p.m. March 7, and it now is 5:45 a.m., on March 8, which is a total of almost 15 hours. So far as the attachés of the Senate have been able to determine, it is the longest period of continuous presiding over the Senate on the part of any person in its history.

I had the great privilege and pleasure of visiting in West Virginia prior to the 86th Congress and I met the good people of that State. I know of no State which is better represented in this body than the State of West Virginia. I am proud to say that the occupant of the Chair distinguished himself shortly after he took the oath of office. I think that he has influence on both sides of the aisle. I believe he is one of the most diligent and courageous Senators that I have ever served with. I do not believe that there is any request he can make of a committee or of the Senate that will not receive thorough consideration and sympathetic consideration, and, I believe, command a majority vote.

I know of no higher tribute that I can pay to any young Senator than to say he knows his duty and he does it. I am very proud of the record of the Senator from West Virginia, and I know that all Members of the Senate are grateful to him for the judiciousness that he exhibits, for the warm friendship that he extends, and for the great patriotic service that he renders this country.

Mr. HOLLAND. Mr. President, will the Senator from Texas yield?

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Mr. JOHNSON of Texas. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I want to confirm and reiterate the statements just made by the distinguished majority leader. The longer I know the Senator from West Virginia, the greater affection and appreciation I have for him. I thought his little prayer awhile ago when we entered into a new day is indicative of the fact that he is one Member of the Senate who, in spite of the stresses and strains which are resting upon us just now, has preserved his calmness of perspective and his consideration and affection for other Members of the Senate, and his realization of the fact that we are all trying to serve the country and that these troublous days should pass—and I hope soon.

I am glad that the majority leader has taken note of the fine service rendered by the Senator from West Virginia, of which I am sure all Members of the Senate are now taking note. Incidentally, I wish to call attention to the fact that the distinguished speaker who will take the floor in a moment, the junior Senator from Virginia [Mr. ROBERTSON], is himself a native of West Virginia, and that the mother of the Senator from Florida went from West Virginia to Florida a great many years ago. We both have good cause to be proud of the Senator from West Virginia and his State, and have great affection for both him and his State.

Mr. MANSFIELD. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield to my colleague.

Mr. MANSFIELD. Mr. President, I wish to join with my colleagues in commending the distinguished Senator from West Virginia [Mr. BYRD] not only for the endurance he has shown in occupying the chair for practically 15 hours, but for the fairness and consideration he has always displayed toward his colleagues in the Senate.

In addition to the many duties which he has undertaken in this body, he is also a B-plus student in law at the present time and is making a noteworthy record in that respect as well. No Senator works harder and no one is more willing to undertake arduous tasks in my opinion. The State of West Virginia has reason to be proud of its distinguished Senator and its representative in this body.

Mr. ROBERTSON. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield to my delightful friend from Virginia.

Mr. ROBERTSON. Mr. President, as a rather unusual coincidence, both Senators from Virginia were born in West Virginia. We were both born in the city of Martinsburg on the same street and brought into the world by the same doctor. The junior Senator came into the world 13 days ahead of the senior Senator. It has been my happy privilege now for 14 years to serve with the distinguished Senators from West Virginia, and the junior Senator from Virginia has enjoyed a warm friendship with all of them.

It is a happy situation at the present time to serve with our present presiding officer [Mr. BYRD of West Virginia] on two committees, the Committee on Appropriations and the Committee on Banking and Currency. I want to join with the distinguished majority leader in saying that the services of this freshman Member of the Senate have been outstanding, and I have enjoyed serving with him as chairman of one of those subcommittees. I serve on five of the other subcommittees. I have enjoyed serving with him on all these subcommittees and have become acquainted with him. I can therefore fully endorse what our distinguished majority leader has said concerning the quality of his service in this body.

Mr. JOHNSON of Texas. I appreciate the comments of my colleagues, and I know they all share my view that the occupant of the chair is fearless and is dedicated, is kind and is genuine. As I understand it, the constitutional duties of the Vice President are to preside over the Senate and, in case of a tie, to vote. I know of no man that occupies this chair with more dignity and firmness or does a better job than the present occupant, the Senator from West Virginia [Mr. BYRD]. I want to congratulate him again.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. ROBERTSON. Mr. President, southern Senators have tried in vain to get a hostile press to accept the fact that far more than the right to vote is involved in the current civil rights bills and amendments, now numbering almost 100; that those carrying the flag for this politically inspired program must give an account of their stewardship to reap political benefit from their undertaking and that, therefore, far more than the right to vote will be included unless the flag carriers can demonstrate that the bill when agreed upon by the House and the Senate and sent to the President for approval was as strong and as comprehensive as the civil rights advocates were able to get.

The two Senators from Virginia have made it crystal clear that they consider the right to vote to be a vital constitutional right which should be granted under State law without discrimination on the account of race or color, and they have pointed with pride to the fact that in Virginia, on the basis of population, the percentage of nonwhites registered to vote is nearly as high as the whites and that there has been no complaint alleging registration discrimination or intimidation at the polls on election day. But the Virginia Senators, and all other southern Senators participating in this debate, have pointed out that far more than the constitutional right to vote is involved in the pending civil rights proposals; that there are Federal and State statutes carrying civil, as well as criminal, penalties for interference with the right to vote which have never been adequately tried; that the voting section of the Dirksen, or so-called administration, bill violates the clear provision of the Constitution that the qualification of electors was left to the States provided they were the same in national elections as in State elections for the most numerous body of the State legislature; that if additional Federal law be needed for the protection of the right to vote it can and should be framed in a manner that would not destroy an older and equally cherished constitutional right, namely, the right of every citizen when accused of crime to be tried by a jury of his peers; and last but by no means least, the right to vote shibboleth should not be used to camouflage the fact that the inclusion in a civil rights bill of the discredited title III of the 1957 civil rights bill would mean enforcement thereafter throughout every State in the Union of all civil rights covered by title 42 of the United States Code would be by injunction, with the constitutional right of trial by jury denied to all defendants in criminal contempt proceedings, if the punishment did not exceed a fine of $300 and imprisonment for not more than 45 days.

Mr. President, last Monday I gave the Senate my reasons for considering the administration voting referee proposal unconstitutional, unwise, unworkable, and untimely. Last Thursday I gave the Senate my reasons for thinking the administration proposal for a junior FEPC, designed and framed so as to develop rapidly into a full-scale FEPC, would be unconstitutional, unwise, and unworkable.

I should like today to turn my attention to the broad subject of injunctions, contempt proceedings, and jury trials. I should like, in my discussion of the subject, to have the support and sympathy of the so-called civil rights supporters, for there are no civil rights more vital to our free and democratic way of life than those embodied in the fifth and sixth amendments. The protection of a grand jury, the protection against double jeopardy, the privilege against self-incrimination, and, broadest of all, the prohibition against the government depriving a person of life, liberty, or property without due process of law, are set forth in the fifth amendment. And the sixth amendment provides to a person accused in a criminal prosecution the right to a speedy and public trial, by an impartial jury of his neighbors, the right to a statement of the charges against him, the right to confrontation and cross-examination of the adverse witnesses, and the right to counsel and to have process to bring in his own witnesses.

These were hard-won rights of Englishmen, repeatedly taken away by arbitrary rules and repeatedly won again. They were brought to this country by the earliest colonists, and fought over again and again during colonial days. The Declaration of Independence spelled out the denial of these rights by George

III, and they were written into the Bill of Rights by the First Congress and the States.

These rights were not written into the Constitution in order to promote efficiency and speed in prosecuting defendants. Everyone recognized then, as they should now, that these rights were written into the Constitution in order to protect individual citizens against oppression by the Federal Government. The framers of the Constitution knew their history and their law. They knew that the Star Chamber was a speedy and efficient device to work the will of the Crown. They knew that Judge Jeffreys convicted more defendants more rapidly than any Federal court could do under the fifth and sixth amendments. And we know that the will of Mussolini, Hitler, and the Kremlin could be worked and can be worked more efficiently without the protection of these time-honored rights.

But efficiency is not the sole aim of government, or the principal aim of government. The aims of our Government, as set forth in, and developed under, our Constitution, must be accomplished and achieved without doing violence to those provisions of the Constitution which protect the individual citizen from oppression by the Federal Government.

All constitutional rights are important and all must be considered and weighed together. We must not destroy one set of constitutional rights in order to further another set. Some reason, some balance, must be maintained.

It is necessary to discuss the fifth and sixth amendments, and injunctions, contempt proceedings, and jury trials, in connection with the Dirksen-administration proposals for two reasons—first, because section 7, the administration voting referee proposal, would extend further the unconstitutional and improper denial of a jury trial contained in the 1957 act, in cases where a State election official found he could not comply with the order of one of those voting referees, and second, because I am told that the so-called civil rights enthusiasts may again propose the sweeping injunctive powers which would have been given to the Attorney General under the ill-advised part III of the 1957 bill.

Senators who were in the Senate in 1957 will recall that proposal. It authorized the Attorney General, in the name of the United States, but for the alleged benefit of the real party in interest, to institute a civil action for redress or preventive relief, in all cases where the individual involved might have brought a suit under the existing provisions of the first, second or third paragraphs of 42 United States Code 1985. This could be done, whether or not the individual involved wanted it done, and whether or not he had exhausted any administrative or judicial remedies available to him under State or other Federal law.

The first, second, and third paragraphs of section 1985 of title 42 of the United States Code cover a great deal of ground, and part III would have allowed the Attorney General the widest of scope in occupying this vast territory.

Under the existing statute, a cause of action for damages is given to a person who has been injured or deprived of having or exercising his rights as a citizen by a conspiracy to prevent an officer from carrying out his duties, by a conspiracy to interfere with judicial processes in one way or another, by a conspiracy to go on the highway or on the property of another to deprive another of the equal protection of the laws, or by a conspiracy to prevent a voter from supporting his candidates for Presidential electors or Congressman.

Section 1985 of title 42, United States Code, reads as follows:

CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

(1) Preventing officer from performing duties: If two or more persons in any State or territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror: If two or more persons in any State or territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges: If two or more persons in any State or territory conspire to go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or territory from giving or securing to all persons within such State or territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on acount of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators (R.S. sec. 1980).

DERIVATION

Acts July 31, 1861, ch. 33, 12 Stat. 284; Apr. 20, 1871, ch. 22, sec. 2, 17 Stat. 13.

Part III of the 1957 bill which is again being offered in only slightly different form, would give the Attorney General and his staff free rein to start a proceeding in any case of this sort, and to get an injunction against any one who might at some future time violate any provision of the section. And then the defendant would be subject to contempt proceedings for violating the injunction. This would indeed provide speedy and effective punishment, but at the cost of completely disregarding the constitutional requirements of the fifth and sixth amendments as to the process of law and jury trials.

The same extension of this unfair and unconstitutional denial of due process and the jury trial is to be found in section 7 of the Dirksen-administration proposal for voting referees. Among other things it provides contempt proceedings against the State election official who disobeys the court decree qualifying a voter. If upon conviction the sentence is a fine under $300 or imprisonment less than 45 days, criminal contempt under the 1957 act does not afford a jury trial to the accused.

Yet in a criminal case this right is guaranteed to the defendant by the Constitution. Convinced that passage of this provision 2 years ago was forbidden by that document, I am equally convinced that similar punishment for contempt under the referee plan would be unwise perpetuation of illegal legislation. I note here that the recent Supreme Court decisions, U.S. against Raines and U.S. against Thomas, February 29, upheld two sections of the 1957 act. They did not consider the portion now under discussion.

Passage of the proposed amendment to the bill, H.R. 8315, would extend the earlier error into an unprecedented area where may be found wholesale judicial factfinding, ex parte reversal of State election officials, and voter registration. To illustrate, the Civil Rights Act of 1957 in part allowed the Attorney General to seek an injunction for threatened violation on account of race or color of the right of qualified persons to vote for national officers. The sanctions just mentioned were provided for criminal contempt of court injunctions.

H.R. 8315, however, is more extreme in that it allows these sanctions after a court decree has found under State action a pattern of deprivation of voting rights, has registered by court-appointed referees those so deprived, and has ordered the State election official to permit them to vote. For the invasion of the judiciary into the domain of the legislative and executive branches that is contemplated by this bill, I refer to my speech of February 29.

Mr. President, I should now like to develop the contention just made. My

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conviction is that the Attorney General's plan for voting referees, incorporating the denial of jury trial for criminal contempt of court, is unconstitutional. The philosophy underlying my belief is that whenever the organized power of a government can be a party against a citizen in a criminal matter, the right to trial by jury is guaranteed to the accused by the Constitution. In demonstrating that this has ever been the position of authority, I shall cite the pertinent sections of the Constitution; show that a contempt citation arising from an action brought by the central government against an individual was considered by the Framers of the Constitution to be a "crime;" discuss interpretation of jury trial guarantee by the courts; and demonstrate the value that has historically been placed upon the right.

The contempt provisions of the amendment to H.R. 8315 must now be closely examined. There are several portions of the bill not strictly related to the referee plan. Among these are sections punishing obstruction of court orders requiring admission to schools, punishing interstate flight after destruction of church or school, providing for preservation of voting records, offering Federal assistance to integrated State schools, and creating a Commission for equal job opportunities under Government contract.

Section 7, part of the amendment introduced by Mr. DIRKSEN as a substitute for H.R. 8315, allows the appointment of voting referees.

The literal effect of section 7 is to add a subsection on voting referees, (e), to section 2004 of the Revised Statutes as amended by the Civil Rights Act of 1957, now in the United States Code as title 42, section 1971. The present subsection (e) would become (f). Section 1971 of that act, mentioned above, provides that citizens qualified to vote at any election shall be allowed to vote without distinction of race, color or previous condition of servitude, State law to the contrary. It then states in (b) that no person shall intimidate another to interfere with voting for national officers, and in (c) that the Attorney General may seek an injunction on behalf of the United States against threatened violation of such persons' voting rights.

After granting in (d) U.S. district courts jurisdiction over such suits, the section in (e) then allows any defendant cited for contempt under the Act the right to have counsel and to call witnesses.

Section 151 of the Civil Rights Act—42 U.S.C. 1995—sets forth the penalties for criminal and civil contempt in cases under the act.

It should be noted that section 151 does not apply to contempts committed in the presence of the court, which may traditionally be punished by a judge without a jury (see 18 U.S.C. 401), nor to civil contempt punishable without a jury, presumably until the defendant complies with the order of the court.

Specifically, it provides that in proceedings for criminal contempt at the discretion of the judge the accused may be tried with or without a jury; however, in case the judge sentences him to pay a fine in excess of $300 or to imprisonment beyond 45 days, the accused can demand a trial de novo before a jury. The practical effect of such compromise language is that a judge is able to imprison or fine the accused within these minimum limits without submitting the factual question of violation to a jury.

It is also provided in the same section that "In all cases of criminal contempt arising under the provisions of this act," the accused shall be punished by fine or imprisonment or both, but that the fine shall not exceed $1,000 or imprisonment exceed 6 months—similar to 18 U.S.C. 402.

In my opinion a judge could construe this to mean that an accused—if a natural person—may not be sentenced beyond these maximum limitations for a single offense, yet hold that each person deprived of a voting right constitutes a case. For example, if an individual in the words of the 1957 act coerced a group of persons for the purpose of interfering with their right to vote, it might subject him in case of contempt of the judge's injunction to his sentencing power for each person's deprivation. Thus one can imagine sentences of imprisonment for 45 days, multiplied by the number of persons involved, all imposed without a jury trial. Such is the contempt provision of the 1957 Civil Rights Act, which would be invoked by the Attorney General's bill, should it become law.

Section 7 of the amendment to H.R. 8315 states that when the Attorney General sues under the 1957 act for threatened violation on account of race or color of the described voting rights, the court must find a pattern of such deprivation by State law. It may then appoint voting referees to take evidence as to whether applicants are qualified to vote and denied the opportunity to register, whose decision must be rubberstamped by the court unless clearly erroneous. The judge's supplementary decree in effect registers the applicants, and orders the appropriate State election official to permit them to vote. The official's refusal would invoke the contempt provisions just analyzed.

It should be apparent that a greater number of election officials would not obey the court's decree to permit voting under the bill in question than would disobey it in similar circumstances under the 1957 act.

For under the 1957 act in the proceeding before the judge as to whether the registrar would be enjoined, the official could present evidence himself to show why the would-be voter was unqualified. Under the amendment to H.R. 8315 the denial of registration by the official would be reversed by the voting referee whose decision would be accepted by the court. At neither stage would the State official have an opportunity to contest these findings. Yet when the court subsequently orders him to permit the applicants to vote, is there any doubt that he would feel justified in resisting the order?

I should add that the two cases recently decided by the Supreme Court do not affect in any way the thesis of my argument. Since no one who had defied a court order under the 1957 act was cited for contempt, the contempt section, 42 U.S.C. 1995, was not at issue. The only reference to that provision of the act is in a footnote to the Raines case where it is pointed out that criminal proceedings under the statute must depend on violation of a restraining order embracing the party charged—United States against Raines, page 6, note 4, February 29, 1960.

Let us now note the provisions of the Constitution which refer to jury trials in criminal cases, and then in civil.

THE RIGHT TO TRIAL BY JURY UNDER THE CONSTITUTION OF THE UNITED STATES

ARTICLE III

* * * * *

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

* * * * *

Amendment 5

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury.

Amendment 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

The original Constitution of 1787 contained no guaranty of trial by jury in civil cases; that is, in litigation between individuals.

Amendment 7

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

This leaves a class of cases, those in equity and admiralty, in which trial by jury is neither guaranteed nor denied by the Constitution.

This undefined area, historically encompassing not only the chancery and the admiralty but the star chamber as well, is one in which legal subtleties can be used to provide superficial support for denying the constitutional right to trial by jury in proceedings brought by the United States in its sovereign capacity against the individual.

THE MEANING OF CRIME IN 1787

The foregoing quotations show that the original body of the Constitution insists that the trial of all crimes, except in cases of impeachment, must be by jury—article III, section 2, clause 3. Since under the Civil Rights Act of 1957 and the bill in question an injunction would be sought by the Attorney General on behalf of the United States, and contempt of such order might invoke the punitive sanctions already discussed, there is involved the United States in its sovereign capacity in an action against a citizen.

In other words, the question is whether Congress has the power under the Constitution to authorize the Attorney General to bring proceedings in the Federal courts in the name of the United States, in which proceedings the defendants may be fined and imprisoned, without according to the defendants a right to trial by jury, for acts committed outside the actual or constructive presence of the Federal courts.

It is sometimes said that, while it is true that the Constitution guarantees trial by jury in criminal prosecutions, contempt proceedings are not criminal, so that the constitutional guarantees contained in article III, section 2, clause 3, does not apply. The argument, of course, assumes that contempt proceedings were not considered to be in the nature of criminal proceedings, in the understanding of the men who drafted the Constitution. Actually, there does not seem to be an iota of evidence in the contemporary documents to support the premise.

On the contrary, the evidence is clear that the framers intended to insure trial by jury in proceedings brought by the sovereign against the individual. There is the strong evidence in the actual records of the history of article III, section 2, clause 3, that the purpose of that clause was to insure "that no person shall be deprived of the privilege of trial by a jury, by virtue of any law of the United States."

It is also clear that in 1787 contempts were considered to be crimes. On this point Blackstone's "Commentaries" are authoritative. On more than one occasion Blackstone was cited to the Federal Convention of 1787 and his statements were accepted as conclusive on the status of English law at the time—1 Farrand 472, 2 Farrand 448–449.

All doubt as to whether charges of contempt were considered criminal charges in the 18th century is set at rest by the following passage from Blackstone:

> It cannot have escaped the attention of the reader, that this method of making the defendant answer upon oath to a criminal charge, is not agreeable to the genius of the common law in any other instance; and seems indeed to have been derived to the courts of king's bench and common pleas through the medium of the courts of equity. (4 Blackstone, "Commentaries," 287.)

Perhaps, in the absence of constitutional provision the English system of summary proceedings would have become a part of the Federal practice. Since, however, contempts, at the time the Constitution was framed, were understood to be crimes, article III, section 2, clause 3, applies: the trial of all crimes shall be by jury.

As is well-known, Blackstone is divided into four books, Book IV of which is entitled "Of Public Wrongs." Blackstone divided all public wrongs, or crimes, into divisions, one of which consisted of crimes against the king and his government. These, he said, are of four kinds:

> 1. Treason.
> 2. Felonies injurious to the king's prerogative.
> 3. Praemunire.
> 4. Other misprisions and contempts. (4 Blackstone, "Commentaries," 74.)

Chapter 9 of Blackstone's Book IV bears the title "Of Misprisions and Contempts Affecting the King and Government." Blackstone goes on to say:

> II. Misprisions, which are merely positive, are generally denominated contempts or high misdemeanors; of which—
> 1. The first and principal is the maladministration of such high officers, as are in public trust and employment.
> 2. Contempts against the king's prerogative.
> 3. Contempts and misprisions against the king's person and government.
> 4. Contempts against the king's title, not amounting to treason or praemunire.
> 5. Contempts against the king's palaces or courts of justice have been always looked upon as high misprisions. (4 Blackstone, "Commentaries," 121–24.)

In this last class of contempts or misprisions, Blackstone includes violence or threatening words to the judge's person; injury to those under protection of the court, such as to a party, juror, and so forth; and attempts to dissuade a witness from giving evidence or disclosure of evidence by a grand jury member. (4 Blackstone, "Commentaries," 126.)

Historically, of course, the English courts of equity punished for contempt without according the defendant a trial by jury. But this, as Blackstone makes clear, was only for private wrongs as distinguished from public wrongs. The subject is discussed in book III of Blackstone, which bears the title "Of Private Wrongs." After the plaintiff filed a bill in equity, the defendant had to reply or the processes of contempt were awarded against him, including imprisonment until compliance with the command—III Blackstone, "Commentaries," 443–445.

The cited passage makes clear this was not considered a proper proceeding between the sovereign and the subject, but only between subject and subject, since the defendant is made to pay "the costs which the plaintiff has incurred" by his contemptuous behavior.

Blackstone also pointed out in book IV that there was one kind of contempt or crime under which English law was punishable in summary proceedings, that is, without a trial by jury. He says:

> III. The principal instances, of either sort, that have been usually punishable by attachment, are chiefly of the following kinds: 1. Those committed by inferior judges and magistrates. * * * 2. Those committed by sheriffs, bailiffs, gaolers, and other officers of the court. * * * 3. Those committed by attorneys and solicitors, who are also officers of the respective courts. * * * 4. Those committed by jurymen, in collateral matters relating to the discharge of their office. * * * 5. Those committed by witnesses. * * * 6. Those committed by parties to any suit or proceeding before the court. * * * 7. Those committed by any persons under the degree of a peer: and even by peers themselves, when enormous and accompanied by violence (4 Blackstone, "Commentaries," 283–285).

It will be noted that this list of contempts subject to punishment in England in the 18th century by summary proceedings does not include contempts committed by a defendant in proceedings brought against him by the sovereign. The reason is obvious, of course, since that type of contempt was encompassed within the branch of crimes known as misprisions and contempts affecting the King and Government.

Blackstone described the contempts that might be "committed by parties to a suit or proceeding before a court," category 6 just quoted, in the following words:

> as by disobedience to any rule or order, made in the progress of a cause; by non-payment of costs awarded by the court upon a motion; or by non-observance of awards duly made by arbitrators or umpires, after having entered into a rule for submitting to such determination. (4 Blackstone, "Commentaries," 284.)

That the 18th century viewed the subject of crimes as covering all the proceedings brought by the sovereign against the subject is shown by the very titles of the treatises on Criminal Law: Sir Matthew Hale, "The History of the Pleas of the Crown"—first edition printed in 1678; Sir William Hawkins, "Treatise of the Pleas of the Crown."

We can now comprehend the assumption made about the nature of a contempt in a proceeding brought by the Government by the men who guaranteed in the Constitution a jury trial of all crimes.

Let us now turn to additional contemporary evidence on the nature of a contempt from the pen of an American.

THOMAS JEFFERSON'S DRAFTS OF THE VIRGINIA CONSTITUTION OF 1776

In June 1776 Thomas Jefferson prepared three drafts of a constitution for Virginia. These have been collected and published in volume 1, "The Papers of Thomas Jefferson"—Boyd, editor, 1950. The constitution that Jefferson proposed began with a statement of grievances against the King of England; it declared that the legislative, executive, and judicial powers shall always be separate; and it contained a number of provisions relating to each of these powers. The pertinent provisions of the third draft are as follows:

A BILL FOR NEW-MODELLING THE FORM OF GOVERNMENT AND FOR ESTABLISHING THE FUNDAMENTAL PRINCIPLES THEREOF IN FUTURE

Whereas George Guelf, king of Great Britain and Ireland and Elector of Hanover, heretofore entrusted with the exercise of the kingly office in this government, hath endeavored to pervert the same into a detestable and insupportable tyranny.

* * * * *

for depriving us of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offenses.

* * * * *

III. JUDICIARY

The Judiciary powers shall be exercised—

* * * * *

Juries: All facts in causes, whether of Chancery, Common, Ecclesiastical, or Marine law, shall be tried by a jury upon evidence given viva voce, in open court: but where witnesses are out of the colony or unable to attend through sickness or other invincible necessity, their depositions may be submitted to the credit of the jury.

Fines &c: All Fines and Amercements shall be assessed, & Terms of imprisonment for Contempts & Misdemeanors shall be fixed by the verdict of a jury.

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Here, in these writings of Thomas Jefferson is strong evidence that contempts and misdemeanors were both considered crimes, and that in the enlightened view of the day there should be a right to trial by jury in the prosecution of contempts.

THE FEDERAL CONVENTION OF 1787

Article I, section 2, clause 3, of the Constitution provides:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

It was basic to the thinking of the men who drafted the Federal Constitution that any man who was proceeded against by the Government should have the right to trial by jury. This was absolutely necessary in order that the defenseless citizen should not be oppressed by the powerful men who were in control of the machinery of Government. The petit jury of his peers must always stand between the humble citizen and oppression. This was so well understood by all in 1787 that there could be no serious debate about the proposition. As a result the records of the Convention contain very little on the development of article I, section 2, clause 3. What little there is though is highly significant.

The idea behind the clause was clearly expressed in a document found among the papers of Roger Sherman, of Connecticut. The purpose for which this document was drafted is not entirely certain, but all seem to agree that it contains a series of propositions intended to be proposed as amendments to the Articles of Confederation or as a plan of government presented to the Federal Convention of 1787. Bancroft considered it as a plan of government presented to the Federal Convention "which in importance stands next to that of Virginia." Farrand considers it as "probably presenting the ideas of the Connecticut delegation in forming the New Jersey plan," volume 3, Farrand, "Records of the Federal Convention," revised edition, 1937. The concluding paragraph of the Sherman document is as follows:

That no person shall be liable to be tried for any criminal offence, committed within any of the United States, in any other State than that wherein the offence shall be committed, nor be deprived of the privilege of trial by a jury, by virtue of any law of the United States (id. at 616).

It will be noted that this clause flatly prohibits depriving a person of the privilege of trial by a jury. Wherever trial by jury exists it cannot be taken away by virtue of any law of the United States.

It has already been demonstrated that it was understood at this time that the right to trial by jury existed in a proceeding by the sovereign against a subject for all contempts except that known as summary.

The beginnings of article III, section 2, clause 3, in the actual records of the Convention are first bound in the report of the Committee of Detail. This committee, which consisted of Rutledge, of South Carolina; Randolph, of Virginia; Gorham, of Massachusetts; Ellsworth, of Connecticut; and Wilson, of Pennsylvania, was named on July 24 to "report a Constitution conformable to the resolutions passed by the Convention"—volume 2, Farrand, page 106. See also volume 2, Farrand, page 97.

Document IV of the Committee of Detail is in the handwriting of Edmund Randolph, with emendations by John Rutledge. One of the emendations by Rutledge is as follows:

"That Trials for Criml. Offences be in the State where the Offe was comd—by jury"—4 Farrand 45.

It is significant that this phraseology follows the paragraph in the Sherman document, the jury requirement following and being independent of trial of crimes in the State where committed.

The clause next appears in Document IX of the Committee of Detail, which is in the handwriting of Wilson, with emendations by Rutledge—volume 2, Farrand, page 163.

"Crimes shall be tried in the State, in which they shall be committed; The Trial of them shall be by Jury." The following words were struck out "Crimes shall be tried"; "in which"; "and"; "them"; and new words added by Rutledge, so that the changed version now reads:

& in the State, where they shall be committed; The Trial of all Criml Offences,—except in cases of Impreachment—shall be by Jury." 2 Farrand 173.

The final report of the Committee of Detail contained an article XI dealing with the judicial power of the United States, which contained the following section:

Sect. 4. The trial of all criminal offences (except in cases of impeachments) shall be in the State where they shall be committed; and shall be by Jury." Id. at 187.

On August 28, the Convention considered this part of the report of the Committee of Detail. Its action is recorded by Madison as follows:

Sect. 4—was so amended nem: con: as to read "The trial of all crimes (except in cases of impeachment) shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, then the trial shall be at such place or places as the Legislature may direct". The object of this amendment was to provide for trial by jury of offences committed out of any State. 2 Farrand 438. See also 2 Farrand 434.

For the sake of completeness one other document should be mentioned, although its significance is not known. The document is in the handwriting of an unidentified person, with interlinations by George Mason, and is in the George Mason Papers in the Library of Congress. It appears to have been a plan for the organization of the Federal judiciary. The similarity of the trial by jury provisions to that adopted by the Convention on August 28 suggests that there was some relationship. The provision in this document among the Mason papers is as follows:

The Trial of all Crimes, except in Case of Impeachment shall be in the Superior Court of that State where the offence shall have been committed in such manner as the Congress shall by Law direct, except that the Trial shall be by a Jury—But when the Crime shall not have been committed within any one of the United States the trial shall be at such place and in such Manner as Congress shall by Law direct, except that such Trial shall also be a Jury. 4 Farrand 55–56.

The Committee of Style made minor changes in punctuation and phraseology in the clause volume 2, Farrand, page 601. As so changed the clause was adopted by the Convention and became a part of the Constitution.

TRIAL BY JURY IN CIVIL CASES

It is familiar history that certain members of the Federal Convention of 1787 favored a provision guaranteeing trial by jury in civil cases. I will summarize briefly Madison's report on the debate for September 12. Williamson, of North Carolina; Gerry, of Massachusetts; and Mason, of Virginia, urged that there should be put into the proposed Constitution provision for juries in civil cases to guard against corrupt judges.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. I have noted with pleasure that the Senator, in his very fine speech, has made several references to George Mason, of Virginia. He was the Mason who lived in Alexandria, was he not?

Mr. ROBERTSON. That is correct.

Mr. HOLLAND. It is correct, is it not, that, though he was not accorded the high place in history accorded to Madison, Jay, and Hamilton, nevertheless he made such important contributions to the drafting of the Constitution, and particularly those features which deal with the judiciary, that he should be more often remembered and more often praised and honored for having made completely indispensable contributions in the drafting of that document; is that not so?

Mr. ROBERTSON. The Senator from Florida is correct. He was one of the ablest lawyers of that time. He drafted the bill of rights for the constitution of Virginia, and, as I pointed out, that became the model not only for the Bill of Rights, which was adopted as part of our Constitution, and the first 10 amendments, but the constitution of nearly all other States. Like Patrick Henry, George Mason did not care to have an office under the new Government because he and Patrick Henry bitterly fought the adoption of the Constitution, and he was so out of harmony and touch with the Federalist Party, which had prevailed upon the States to ratify the Constitution, that they did not care to become a part of the administration of Washington or any subsequent administration.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Has not the Senator from Virginia probably stated the reason George Mason has not been recognized more generally and honored more for his indispensable contribution in the drafting of the Constitution?

Mr. ROBERTSON. I believe that is true. Washington wanted Patrick Henry to be his Attorney General, but Patrick Henry flatly refused. I do not remember his specific offer to George Mason to be a member of his Cabinet, but, as I say, he was completely out of sympathy with the Constitution. He said it was going to prove to be an oppressive instrument that did not fully protect the States or the people, and he did not want to hold office in any such government.

Mr. HOLLAND. Is it not true the Bill of Rights met many of the objections of George Mason?

Mr. ROBERTSON. Undoubtedly the work of Patrick Henry and George Mason at the ratifying convention in Virginia in pointing out the weaknesses of the Constitution with respect to the reservation of powers to the States which were not specifically delegated to the Government caused Madison and others who advocated the ratification of the Constitution to promise solemnly that in the first session of Congress the amendments proposed by Mason would be offered and presumably would be adopted. New York and other States took the same position.

Mr. HOLLAND. Mr. President, will the Senator yield for one more question?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. It is true, is it not, that those amendments and 2 others which were not adopted, making 12 in all, were suggested by the First Congress, and that the principal 10 were quickly ratified and became the Bill of Rights and, to all intents and purposes, a part of the original Constitution?

Mr. ROBERTSON. That is true. As the Senator from Virginia has pointed out, those who framed the Constitution provided for a jury trial for all criminal offenses. They firmly believed that a case of criminal contempt, in which the sovereign was a party, was a criminal type of action but it was not so spelled out. Therefore in one of the amendments they determined they would permit a jury trial in a civil case to protect a citizen, as the Senator just said, from corrupt judges. Therefore, one of the amendments stated that a defendant could demand a jury trial in a civil case where the amount involved more than $20.

Mr. HOLLAND. Will the Senator yield for one more question?

Mr. ROBERTSON. I am glad to yield.

Mr. HOLLAND. Does not the Senator think it is appropriate in this argument, which has to do with the great matter of civil rights, that the Senate should pause long enough, as the Senator has in his colloquy, to doff our hats and pay our respects to two great Americans, Patrick Henry and George Mason, who were more responsible for the protection of the rights of the State and the people through the adoption of the first 10 amendments, the Bill of Rights, than any other persons or all other persons together?

Mr. ROBERTSON. The Senator is correct. I believe if the Members of the Senate will be good enough to read this analysis of the origin of the jury trial, which dates back, as the Senator from Virginia will later show, to the Magna Carta, subsequently written into our Constitution and into the constitutions of all States, they will not adopt this title III. That includes all the civil rights embraced in title 42 of the United States Code as proposed in 1957, in title III of that act, and now proposed in modified form in the amendments submitted by the two Senators from New York. They have separate bills, but they are to the same effect. The process is now available to protect the constitutional right to vote. They wish to add another provision such as the last voting rights section of the Rogers-Dirksen bill permitting the Attorney General to proceed by petition for injunction, and to punish a man who does not comply with a judge's orders in such manner, provided the punishment is limited to a fine not to exceed $300, and a jail sentence of not to exceed 45 days. As the Senator from Florida realizes, we are practically alone on the Senate floor at this early hour of Tuesday morning. Our colleagues are not here, and they will be so weary from rollcalls they will not take time to read a speech on constitutional principles which will fill a good many pages of the CONGRESSIONAL RECORD. However, the junior Senator from Virginia wishes to point out to his distinguished colleague that much research has gone into the preparation of this discussion.

This is not a filibuster speech. This is a very serious discussion of one of the most fundamental principles in our Government. It is as fundamental as the right to vote, and in fact, it long antedates the right to vote. Just as in 1957 a majority of the Senate voted not to expand further the new principle of punishment without a trial by jury, the Senator from Virginia hopes that the Senate will not add to the pending bills new provisions for waiving this constitutional right of trial by jury. In this hope the Senator from Virginia knows his distinguished colleague from Florida concurs.

The Senator from Virginia was just quoting the opinion of some members of the Constitutional Convention of 1787 about jury trials and the suggestion that the Constitution should include juries in civil cases.

However, the difficulty of distinguishing by a uniform rule equity cases from those in which jury trials were proper discouraged Mr. Gorham and Mr. Sherman, of Connecticut, from supporting the proposal. These men believed that the State legislatures would be able to provide such jury safeguards as each wished.

This argument apparently won the day, for a motion for a committee to prepare a bill of rights incorporating such a provision did not prevail—volume 2, Farrand, "Records of the Federal Convention," pages 587–588, revised edition, 1937—nor did one later on September 15, volume 2, Farrand, page 628. It seems significant that in these debates no mention was made of whether or not there should be trial by jury in contempt cases. The inference is that everyone understood that this question had been settled when a provision had been written into the Constitution requiring that "the trial of all crimes shall be by jury."

STATE RATIFYING CONVENTIONS

One of the principal objections raised in the State ratifying conventions to the Constitution was that it failed to secure trial by jury in civil cases. This objection was answered by the supporters of the Constitution, as it had been in the Convention, with the assertion that the Constitution did not interfere with trial by jury in civil cases and such mode of trial could be expected to be continued. There seems to have been no statement made in any of these conventions with reference to trial by jury in contempt cases. This was undoubtedly true because in the understanding of that day "contempts" were "crimes," and so trial by jury was insured by article III, section 2, clause 3. There are a number of expressions of governmental theory recorded in the debates in the State ratifying conventions that support this view.

James Wilson pointed out to the Pennsylvania ratifying convention that the theory of "crimes against the state" provided a more fertile field for the perpetration of wrong than any other whatsoever. Using treason as an example, Wilson said:

> I am happy to mention the punishment annexed to one crime. You will find the current running strong in favor of humanity; for this is the first instance in which it has not been left to the Legislature to extend the crime and punishment of treason so far as they thought proper. This punishment, and the description of this crime, are the great sources of danger and persecution, on the part of government, against the citizens. Crimes against the state and against the officers of the state. History informs us that more wrong may be done on this subject than on any other whatsoever. But, under this Constitution, there can be no treason against the United States, except such as is defined in this Constitution. The manner of trial is clearly pointed out; the positive testimony of two witnesses to the same overt act, or a confession in open court, is required to convict any person of treason (vol. 2, "Elliot's Debates on the Federal Constitution," p. 468).

A little later James Wilson told the Pennsylvania ratifying convention in words that are crystal clear:

> Whenever the general government can be a party against a citizen, the trial is guarded and secured in the Constitution itself, and therefore it is not in its power to oppress the citizen. In the case of treason, for example, though the prosecution is on the part of the United States, yet the Congress can neither define nor try the crime. If we have recourse to the history of the different governments that have hitherto subsisted, we shall find that a very great part of their tyranny over the people has arisen from the extension of the definition of treason. Id. at p. 487.

James Wilson explained in detail to the Pennsylvania Convention why a guarantee of trial by jury in civil cases was not included in the Constitution. In the course of this statement, Wilson made a very cogent comment concerning the advantages of trial by jury:

> I think I am not now to learn the advantages of a trial by jury. It has excellences

that entitle it to a superiority over any other mode, in cases to which it is applicable.

Where jurors can be acquainted with the characters of the parties and the witnesses—where the whole cause can be brought within their knowledge and their view—I know no mode of investigation equal to that by a jury: they hear everything that is alleged; they not only hear the words, but they see and mark the features of the countenance; they can judge of weight due to such testimony; and moreover, it is a cheap and expeditious manner of distributing justice. There is another advantage annexed to the trial by jury; the jurors may indeed return a mistaken or ill-founded verdict, but their errors cannot be systematical. Id. at 516.

Whatever may be said against juries, James Wilson says, "Their errors cannot be systematical." Whenever the general government can be a party against a citizen there is the need for the intervention of some agency whose "errors cannot be systematical."

Edmund Randolph spoke on the subject in the following manner to the ratifying convention in Virginia:

The trial by jury in criminal cases is secured—in civil cases it is not so expressly secured, as I could wish it; but it does not follow, that Congress has the power of taking away this privilege which is secured by the constitution of each State, and not given away by this constitution—I have no fear on this subject— Congress must regulate it so as to suit every State. I will risk my property on the certainty, that they will institute the trial by jury in such manner as shall accommodate the conveniences of the inhabitants in every State: the difficulty of ascertaining this accommodation, was the principal cause of its not being provided for. [Volume 3, Farrand, page 309.]

THE FIRST CONGRESS

One of the most authoritative sources of information on the meaning of the Constitution is to be found in the proceedings of the First Congress, which met in 1789, since so many of the Members of this body had also served as delegates to the Constitutional Convention of 1787.

This First Congress proposed to the States the amendments which have come to be known as the Bill of Rights.

On June 8, 1789, Mr. Madison, of Virginia, laid before the House of Representatives his proposals for amendments to the Constitution. Among these was the following:

Seventhly. That in article 3d, section 2, the third clause be struck out, and in its place be inserted the clauses following, to wit:

The trial of all crimes (except in cases of impeachments, and cases arising in the land or naval forces, or the militia when on actual service, in time of war or public danger) shall be by an impartial jury of freeholders of the vicinage, with the requisites of unanimity for conviction, of the right of challenge, and other accustomed requisites; and in all crimes punishable with loss of life or member, presentment, or indictment by a grand jury shall be an essential preliminary, provided that in cases of crimes committed within any county which may be in possession of an enemy, or in which a general insurrection may prevail, the trial may by law be authorized in some other county of the same State, as near as may be to the seat of the offence.

In cases of crimes committed not within any county, the trial may by law be in such county as the laws shall have prescribed. In suits at common law, between man and man, the trial by jury, as one of the best securities to the rights of the people, ought to remain inviolate. 1 Annals 435.

After some debate, the House referred Madison's proposed amendments to a Committee of the Whole. Subsequent action by the House and Senate can be traced in the journals of the two bodies: Volume 1, Annals, pages 660, 665, 672, 755–60, 779, 71, 74, 77, 903, 905, 913, 88.

The final text of the amendment proposed to the States, and which became the 6th amendment, was as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses of his favor, and to have the assistance of counsel for his defense.

The debates on these amendments proposed to the States in 1789 do not contain so much as a word suggesting that contempts not committed in the presence of a Federal court could be prosecuted other than by a jury trial.

COURT DECISIONS

Although the Supreme Court of the United States has often spoken in dicta about the defendant having no right to trial by jury in contempt proceedings, it appears that the Court has never actually sanctioned a denial of trial by jury to a defendant subject to criminal penalty in a proceeding brought by the United States as an interested party, representing the public. A strong minority on the Court would grant the defendant a right to trial by jury in all proceedings for criminal contempt.

The word "contempt" covers a multitude of ideas. Many of the decisions dealing with the subject involve points not presented by H.R. 8315. The question is not whether a violation of an injunction obtained by the Attorney General should be called civil or criminal contempt, direct or indirect or constructive contempt, or by any other particular label. The narrow and explicit question is whether Congress has the power under the Constitution to authorize the Attorney General to bring proceedings in the Federal courts in the name of the United States, in which proceedings the defendants may be fined and imprisoned, without according to the defendants a right to trial by jury, for acts committed outside the actual or constructive presence of the Federal courts.

The question of the inherent power of a court to punish contempt by some type of proceeding, whether by jury trial or summary proceeding, as discussed in *United States* v. *Hudson and Goodwin* (7 Cranch 31 (1812)), and *Anderson* v. *Dunn* (6 Wheat. 204 (1821)), is not involved.

The question of the power of State courts to punish contempt summarily without violating the 14th amendment, as presented in *Fisher* v. *Pace* (336 U.S. 155 (1949)), and *Eilenbecker* v. *District Court of Plymouth County* (134 U.S. 31 (1890)), is not involved.

The question of the power of a Federal court to punish summarily for a contempt committed in open court and in the presence of the judge, as in *Ex parte Terry* (128 U.S. 289 (1888)), is not involved.

The question of the right of appeal in the Federal judiciary from a contempt conviction, as presented in *Bessette* v. *W. B. Conkey Co.* (194 U.S. 324 (1904)), is not involved.

The question of the inherent power of a court established by the Constitution to punish for contempt is not involved. This was the question presented by many of the State court decisions, sometimes cited as supporting legislation of the type embodied in the bill, H.R. 8315. *Watson* v. *Williams* (36 Miss. 331 (1858); *Carter's case*, 96 Va. 791, 32 S.E. 780 (1899); *Bradley* v. *State*, 111 Ga. 168, 36 S.E. 630 (1900); *Ex parte McCown*, 139 N.C. 95, 51 S.E. (1905)).

The Supreme Court in *Ex parte Robinson* (19 Wall. 505 (1873)), recognized the power of Congress to regulate the exercise of contempt powers by the Federal courts, with the possible exception of the Supreme Court, including contempts in causes or hearings before the courts. The Court said:

The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject, they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2, 1831. The act, in terms applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt. But that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress.

Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice; second, where there has been misbehavior of any officers of the courts in his official transactions; and, third, where there has been disobedience or resistance by any officer, party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the courts. As thus seen the power of these courts in the punishment of contempts can only be exercised to insure order and decorum in their presence, to secure faithfulness on the part of their officers in their official transactions, and to enforce obedience to their lawful orders, judgments, and processes.

* * * * *

The law happily prescribes the punishment which the court can impose for contempts. The 17th section of the Judiciary Act of 1787 declares that the court shall

have power to punish contempts of their authority in any cause or hearing before them, by fine or imprisonment, at their discretion. The enactment is a limitation upon the manner in which the power shall be exercised, and must be held to be a negation of all other modes of punishment. The judgment of the court disbarring the petitioner, treated as a punishment for a contempt, was, therefore, unauthorized and void. Id. at 510–12.

The fact that the United States, as a disinterested party, may constitutionally exercise particular powers in order to secure justice in litigation between private parties, does not provide a precedent for granting the United States, as an interested party, precisely the same powers. In fact the idea is repugnant to accepted ideas of the due process of law. The theory of the proceedings provided for by H.R. 8315 is that the United States is itself an interested party. The constitutionality of the proposed legislation must be judged on that basis.

The United States has been held to have authority under the Constitution to punish one party for contempt, without a jury trial, where only the rights of citizens in private litigation is involved. Different considerations apply where the proceedings are between the United States, representing the public and a defendant. In *Gompers* v. *Bucks Stove & Range Co.* (221 U.S. 418 (1911)), the Court said:

Contempts are neither wholly civil nor altogether criminal. And it may not always be easy to classify a particular act as belonging to either one of these two classes. It may partake of the characteristics of both. *Bessette* v. *Conkey* (194 U.S. 329.) But in either event, and whether the proceedings be civil or criminal, there must be an allegation that in contempt of court the defendant has disobeyed the order, and a prayer that he be attached and punished therefor. It is not the fact of punishment but rather its character and purpose that often serve to distinguish between the two classes of cases. If it is for civil contempt the punishment is remedial, and for the benefit of the complainant. But if it is for criminal contempt the sentence is punitive, to vindicate the authority of the court. It is true that punishment by imprisonment may be remedial, as well as punitive, and many civil contempt proceedings have resulted not only in the imposition of a fine, payable to the complainant, but also in committing the defendant to prison. But imprisonment for civil contempt is ordered where the defendant has refused to do an affirmative act required by the provisions of an order which, either in form or substance, was mandatory in its character. Imprisonment in such cases is not inflicted as a punishment, but is intended to be remedial by coercing the defendant to do what he had refused to do. The decree in such cases is that the defendant stand committed unless and until he performs the affirmative act required by the court's order.

For example: If a defendant should refuse to pay alimony, or to surrender property ordered to be turned over to a receiver, or to make a conveyance required by a decree for specific performance, he could be committed until he complied with the order. Unless these were special elements of contumacy, the refusal to pay or to comply with the order is treated as being rather in resistance to the opposite party than in contempt of the court. The order for imprisonment in this class of cases, therefore, is not to vindicate the authority of the law, but is remedial and is intended to coerce the defendant to do the thing required by the order for the benefit of the complainant. If imprisoned, as aptly said in *In re Nevitt* (117 Fed. Rep. 451), "he carries the keys of his prison in his own pocket." He can end the sentence and discharge himself at any moment by doing what he had previously refused to do.

On the other hand, if the defendant does that which he has been commanded not to do, the disobedience is a thing accomplished. Imprisonment cannot undo or remedy what has been done nor afford any compensation for the pecuniary injury caused by the disobedience. If the sentence is limited to imprisonment for a definite period, the defendant is furnished no key, and he cannot shorten the term by promising not to repeat the offense. Such imprisonment operates, not as a remedy coercive in its nature, but solely as punishment for the completed act of disobedience.

It is true that either form of imprisonment has also an incidental effect. For if the case is civil and the punishment is purely remedial, there is also a vindication of the court's authority. On the other hand, if the proceeding is for criminal contempt and the imprisonment is solely punitive, to vindicate the authority of the law, the complainant may also derive some incidental benefit from the fact that such punishment tends to prevent a repetition of the disobedience. But such indirect consequences will not change imprisonment which is merely coercive and remedial, into that which is solely punitive in character, or vice versa.

* * * * *

The distinction between refusing to do an act commanded—remedied by imprisonment until the party performs the required act; and doing an act forbidden—punished by imprisonment for a definite term; is sound in principle, and generally, if not universally, affords a test by which to determine the character of the punishment.

In this case the alleged contempt did not consist in the defendant's refusing to do any affirmative act required, but rather in doing that which had been prohibited. The only possible remedial relief for such disobedience would have been to impose a fine for the use of complainant, measured in some degree by the pecuniary injury caused by the act of disobedience.

* * * * *

But when the court found that the defendants had done what the injunction prohibited, and thereupon sentenced them to jail for fixed terms of 6, 9, and 12 months, no relief whatever was granted to the complainant, and the Bucks Stove & Range Co. took nothing by that decree.

If then, as the court of appeals correctly held, the sentence was wholly punitive, it could have been properly imposed only in a proceeding instituted and tried as for criminal contempt. The question as to the character of such proceedings has generally been raised, in the appellate court, to determine whether the case could be reviewed by writ of error or on appeal. *Bessette* v. *Conkey* (194 U.S. 324). But it may involve much more than mere matters of practice. For, notwithstanding the many elements of similarity in procedure and in punishment, there are some differences between the two classes of proceedings which involve substantial rights and constitutional privilege (pp. 441–444).

Note the following words of Judge Lamar:

Without deciding what may be the rule in civil contempt, it is certain that in proceedings for criminal contempt the defendant is presumed to be innocent, he must be proved to be guilty beyond a reasonable doubt, and cannot be compelled to testify against himself.

* * * * *

There is another important difference. Proceedings for civil contempt are between the original parties and are instituted and tried as a part of the main cause. But on the other hand, proceedings at law for criminal contempt are between the public and the defendant, and are not a part of the original cause (pp. 444–445).

* * * * *

In another most important particular the parties clearly indicated that they regarded this as a civil proceeding. The complainant made each of the defendants a witness for the company, and, as such, each was required to testify against himself—a thing that mostly likely would not have been done, or suffered, if either party had regarded this as a proceeding at law for criminal contempt—because the provision of the Constitution that "no person shall be compelled in any criminal case to be a witness against himself" is applicable, not only to crimes, but also to quasi-criminal and penal proceedings. *Boyd* v. *United States* (116 U.S. 616, pp. 447–448).

More recently, in *U.S.* v. *United Mine Workers of America* (330 U.S. 258 (1947)), the Supreme Court upheld a contempt conviction, without trial by jury, where the United States as an employer in possession of the coal mines was in the position of a private litigant. It should be pointed out, however, that the defendants waived an advisory jury—page 268—and did not argue on appeal that they were constitutionally entitled to a jury trial—dissenting opinion, at page 367, note 34. They argued, instead, that they were entitled to a statutory right to a jury—at page 293.

The limitations of this decision should be carefully observed:

The question with which we are confronted is not whether the workers in mines under Government seizure are "employees" of the Federal Government for every purpose which might be conceived, but whether, for the purposes of this case, the incidents of the relationship existing between the Government and the workers are those of governmental employer and employee (at pp. 285–286).

Again:

Here we are concerned only with the Government's right to injunctive relief in a dispute with its own employees (at p. 278).

Obviously this is a situation very different from that envisaged by the amendment to H.R. 8315. The reason for this difference is that, as has been emphasized throughout, the United States under the bill would not be a private litigant but a sovereign bringing suit against a citizen.

In the opinion of Justices Black and Douglas, concurring and dissenting in part, the following language was quoted with approval:

Where the court reflects a definite term of imprisonment by way of punishment for the violation of its orders, the case does not differ, it would seem, from the case of criminal contempt out of court, and regular process and trial by jury should be required (at p. 332, note 5).

The proceeding envisioned by the proposed legislation of the Attorney General

is a criminal proceeding within the definition laid down by the Supreme Court in *Michaelson* v. *U.S.* (266 U.S. 42 (1942)). This case involved the power of Congress to pass a statute granting the right to trial by jury—in cases involving labor disputes under the Clayton Act, now at title 18, United States Code, section 3692.

But it is contended that the statute materially interferes with the inherent power of the courts and is therefore invalid. That the power to punish for contempts is inherent in all courts, has been many times decided and may be regarded as settled law. It is essential to the administration of justice. The courts of the United States, when called into existence and vested with jurisdiction over any subject, at once become possessed of the power. So far as the inferior Federal courts are concerned, however, it is not beyond the authority of Congress (*Ex parte Robinson* (19 Wall. 505, 510–511); *Bessette* v. *W. B. Conkey Co.* (194 U.S. 324, 326)); but the attributes which inhere in that power and are inseparable from it can neither be abrogated nor rendered practically inoperative. That it may be regulated within limits not precisely defined may not be doubted. The statute now under review is of the latter character. It is of narrow scope, dealing with the single class where the act or thing constituting the contempt is also a crime in the ordinary sense. It does not interfere with the power to deal summarily with contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, and is in express terms carefully limited to the cases of contempt specifically defined. Neither do we think it purports to reach cases of failure or refusal to comply affirmatively with a decree—that is to do something which a decree commands—which may be enforced by coercive means or remedied by purely compensatory relief. If the reach of the statute had extended to the cases which are excluded a different and more serious question would arise. But the simple question presented is, whether Congress may require a trial by jury upon the demand of the accused in an independent proceeding at law for a criminal contempt which is also a crime (at pp. 65–66).

Herein follows the description of certain criminal attributes of contempt proceedings.

In criminal contempts, as in criminal cases, the presumption of innocence obtains. Proof of guilt must be beyond reasonable doubt and the defendant may not be compelled to be a witness against himself (*Gompers* v. *Bucks Stove & Range Co.*, supra, p. 444). The fundamental characteristics of both are the same. Contempts of the kind within the terms of the statute partake of the nature of crimes in all essential particulars. "So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure, 3 Transactions of the Royal Historical Society, N.S. p. 147 (1885), and that at least in England it seems that they still may be and preferably are tried in that way" (*Gompers* v. *United States*, 233 U.S. 604, 610–611). This is also pointed out by counsel in the case of *O'Shea* v. *O'Shea and Parnell* (L.R. 15 Prob. Div. 59, 61); and, in the course of one of the opinions in that case, it is said (p. 64): "The offence of the appellant [criminal contempt] is certainly a criminal offence. I do not say that it is an indictable offence, but, whether indictable or not, it is a criminal offence, and it is an offence, and the only offence that I know of, which is punishable at common law by summary process." The proceeding is not between the parties to the original suit but between the public and the defendant. The only substantial difference between such a proceeding as we have here, and a criminal prosecution by indictment or information is that in the latter the act complained of is the violation of a law and in the former the violation of a decree. In the case of the latter, the accused has a constitutional right of trial by jury; while in the former he has not. The statutory extension of this constitutional right to a class of contempts which are properly described as "criminal offences" does not, in our opinion, invade the powers of the courts as intended by the Constitution or violate that instrument in any other way (at pp. 66–67).

As stated above, since the Michaelson case involved the power of Congress to grant the right to trial by jury where it had not existed before, the court was not considering the power of Congress to deny trial by jury in proceedings between the public and the defendant.

Justice Holmes, in *Gompers* v. *U.S.* (233 U.S. 604), just cited, emphasizes that such contempts are in nature crimes.

It is urged in the first place that contempts cannot be crimes, because, although punishable by imprisonment and therefore, if crimes, infamous, they are not within the protection of the Constitution and the amendments giving a right to trial by jury &c. to persons charged with such crimes. But the provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic living institutions transplanted from English soil. Their significance is vital not formal; it is to be gathered not simply by taking the words and a dictionary, but by considering their origin and the line of their growth. *Robertson* v. *Baldwin* (165 U.S. 275, 281, 282). It does not follow that contempts of the class under consideration are not crimes, or rather, in the language of the statute, offenses, because trial by jury as it has been gradually worked out and fought out has been thought not to extend to them as a matter of constitutional right. These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure, 3 Transactions of the Royal Historical Society, N.S. p. 147 (1885), and that at least in England it seems that they still may be and preferably are tried in that way (at pp. 610–611).

Another description of the protections which apply to criminal contempt are given in the dissenting opinion in the Mine Workers case.

Upon the authorities, the following procedural provisions of the Bill of Rights, at least, would seem to apply to criminal contempt: The provision against double jeopardy, see *In re Bradley* (318 U.S. 50); the provision against self-incrimination, *Gompers* v. *Buck Stove & R. Co.* (221 U.S. 418, 444); the provision for due process insofar as it necessitates "suitable notice and adequate opportunity to appear and to be heard," *Blackmer* v. *United States* (284 U.S. 421, 440); and, although the sixth amendment protections have been said not to apply as such to criminal contempts, *Myers* v. *United States* (264 U.S. 95, 104–105); *Blackmer* v. *United States* (284 U.S. at 440) but see text infra, doubtless at least the provisions for "a speedy and public trial," for "compulsory process" and for the assistance of counsel, see *Cooke* v. *United States* (267 U.S. 517, 537), are implied in the due process provision of the fifth amendment. And it has been said that the protection against cruel and unusual punishments in the eighth amendment applies to criminal contempt, *United States ex rel. Brown* v. *Lederer* (140 F. 2d 136, 139).

There are also protections not expressly included in the Bill of Rights which apply in criminal contempt, e.g., that the defendant is presumed to be innocent and must be proved guilty beyond a reasonable doubt. *Gompers* v. *Buck Stove & R. Co.* (221 U.S. 418, 444). And see *Ex parte Hudgings* (249 U.S. 378, 383): "Existing within the limits of and sanctioned by the Constitution, the power to punish for contempt committed in the presence of the court is not controlled * * * as to modes of accusation and methods of trial generally safeguarding the rights of the citizen. This, however, expresses no purpose to exempt judicial authority from constitutional limitations, since its great and only purpose is to secure judicial authority from obstruction in the performance of its duties to the end that means appropriate for the preservation and enforcement of the Constitution may be secured" (at pp. 364–365, note 30).

The most recent opportunity presented to the U.S. Supreme Court for a thorough exploration of the right to trial by jury in contempt cases was provided by *Green* v. *United States* (356 U.S. 165 (1958)). The defendants in this case had been convicted of violations of the Smith Act and sentenced to 5 years imprisonment and payment of fines of $10,000. They were released on bail during an appeal to the Supreme Court. The convictions were affirmed in *Dennis* v. *United States* (341 U.S. 494). When ordered to surrender to serve their sentences the defendants failed to do so, and instead remained fugitives from justice for 4½ years. Contempt proceedings were brought for willful disobedience of the surrender order. In a trial without a jury the defendants were convicted and sentenced to 3 years imprisonment for contempt. In Green against United States the convictions were affirmed in a 5-to-4 decision.

The defendants appear actually to have conceded away the important American right of trial by jury, for the court says:

Indeed, the petitioners themselves have not contended that they were entitled to a jury trial. Id. at 187.

The petitioners, instead, based their case on the right to indictment by a grand jury provision of the fifth amendment.

The majority of the court seems to concede, as 3 dissenting judges claim, that the denial of trial by jury in criminal contempt proceedings is based on a historical error concerning the early practice in England. The majority, though, felt that in the circumstances of the case an indictment by grand jury was not required by the Constitution. Moreover, although article III, section 2, and the sixth amendment jury provisions were not directly in issue, the court said that it had never deviated from the view that criminal contempts were not embraced within their terms—at pages 186–187. In his concurring opinion, Justice Frankfurter cites the relevant cases—at pages 190–192.

Even if the Green case is taken to stand for the proposition that the defendants did not have a right to trial by jury, the case does not support the constitutionality of H.R. 8315. The Green

situation is the reverse of that envisioned by the proposed bill. In Green the defendants had been accorded a trial by jury for a crime against the United States; they would not have been subjected to conviction for contempt if it had not been for this prior conviction of crime in a trial in which they had the full constitutional guarantees. The Attorney General's bill envisions the opposite—that is, the fine and imprisonment of defendants without ever giving them the right to trial by jury. In this light, the majority opinion in the Green case confirms the unconstitutionality of the amendment to H.R. 8315.

Considered in this light, it is easier to have sympathy for the judges who denied to these defendants a jury trial in the contempt proceeding. For they had enjoyed one in the original trial for advocating overthrow of the Government. In fact, the 3-year sentence upon conviction of contempt might even be considered an extension of the original sentence under the Smith Act. That sentence, set at 5 years, could have reached a maximum of 20—title 18, United States Code, section 2385. Of course, under the dissenting opinion of Mr. Justice Black, concurred in by the Chief Justice and Mr. Justice Douglas, there can be no doubt that the proposed legislation is unconstitutional.

Justice Black underscores the point that I have previously tried to make, that history does not provide support for the summary contempt power of judges:

> The early precedents which laid the groundwork for this line of authorities were decided before the actual history of the procedures used to punish contempt was brought to light, at a time when "[w]holly unfounded assumptions about 'immemorial usage' acquired a factitious authority and were made the basis of legal decisions."[1]

Here the justice cites an article written by the very author of the concurring opinion in this case, Justice Frankfurter, the "Power to Regulate Contempts," 37 Harv. L. Rev. 1010, 1011:

> These cases erroneously assumed that courts had always possessed the power to punish all contempts summarily and that it inhered in their very being without supporting their suppositions by authority or reason. Later cases merely cite the earlier ones in a progressive cumulation while uncritically repeating their assumptions about "immemorial usage" and "inherent necessity."

The historical error concerning contempt power was earlier mentioned in a dissenting opinion in the Mine Workers case. Speaking of the confusion between criminal and civil contempt proceedings, Justice Rutledge said:

> In my opinion, our system does not comprehend a power so unconfined anywhere within its broad borders, and it is time the large confusion about this were swept away. (*U.S.* v. *United Mine Workers of America*, 330 U.S. 258, 366 (1947); see also footnote 32.)

Summarizing the legal authorities, then, I admit that the Supreme Court has often spoken in dicta about the defendant having no right to trial by jury in contempt proceedings. Moreover, as recently as in 1958, this tribunal has said that such proceedings do not fall within the jury guarantees of article III, section 2, or the fifth and sixth amendments. Yet except for Green there was nowhere involved a defendant subject to criminal sanctions in a proceeding brought by the United States as an interested party, representing the public. And in Green the fact of a jury trial on the question of whether the act was violated undoubtedly qualifies the result.

The present minority on the Court insists, as I have tried to show, that the summary contempt power was established in this country through historical error.

Mr. President, I wish to discuss the fact that the policy involved in the Attorney General's plan is unwise.

Thus far my theme has been the wisdom of Roger Sherman's belief, that whenever the organized power of a government can be a party against a citizen in a criminal matter, the right to trial by jury is guaranteed to the accused by the Constitution. I have demonstrated that a proceeding for contempt of court out of its presence was understood to be a "crime" when the Constitution was written and thus within the jury guarantee of that document. The conclusion, therefore, was that the contempt provision of the 1957 Civil Rights Act as it would be incorporated in H.R. 8315 is unconstitutional. Moreover, when the issue is framed before the Supreme Court, as I have stated it above, I am certain that body will agree.

Putting to one side the strict question of Congress' power under the Constitution to dispense with the jury requirement, let us turn to the question of the wisdom of the Attorney General's plan. I earnestly entreat my colleagues to consider in the light of our Anglo-American inheritance the mishaps that have fallen upon governments in their attempts to abolish or restrict the right to jury trial.

The background that I propose to describe reinforces the view that the issue before us is not merely a sectional one. It is said that the purpose of avoiding a jury trial in the so-called civil rights cases is to bypass southern juries which would not convict a registrar or others who disobeyed a judge's order regarding voting rights. But it is a fact that the act of 1957 and the proposed bill would apply to "intereference" with voting in any part of the country. Since the act speaks of deprivation of voting rights on account of race or color, it is easy to imagine that in future times other parts of the country beside the South may see the specter of these words rise upon them when they seek to enforce their own election law. Last Saturday the junior Senator from New York [Mr. KEATING] strongly urged that the same waiver of jury trial apply to the broad scope of civil rights in his substitute for title III of the 1957 act. I urge all representatives of States, then, to heed the following heritage of jury trial.

This brings us to the argument that the injunctive process proposed by H.R. 8315 is superior to criminal laws because it would afford the Federal Government means of preventing the commission of crimes in the civil rights field.

This argument is pressed with vigor by those who would deprive defendants in civil rights cases of such basic rights and benefits as the right of trial by jury and the benefit of limited punishment.

The argument is lacking in intellectual strength. It rests solely upon the fallacy that courts of equity can prevent crimes in some manner other than by fear of the penalties attending the violations of injunctions.

The prohibition of the equity court adds nothing of a deterrent nature to the prohibition of the criminal laws. This is so because criminal laws and courts of equity have no preventive whatever except the fear of punishment. When all is said, criminal laws and injunctions undertake to prevent forbidden acts in exactly the same way, i.e., by threatening to punish their commission by fine or imprisonment. There is no sound reason for believing that laymen, unversed in the niceties of contempt and criminal processes, would fear the sentence of a court of equity more than the sentence of a court of law.

Let me amplify some of the objections to "government by injunction" sought to be perpetuated by H.R. 8315.

The injunctive process is susceptible to abuse. This is particularly true when its use is extended beyond its ancient limits to the field occupied by criminal law. Some of the objections to the use of the injunctive process in this field are well stated by a legal writer in these words:

> The objections to "criminal equity" are that it deprives defendant of his jury trial; that it deprives him of the protection of the higher burden of proof required in criminal prosecutions; that after imprisonment and fine for violation of an equity injunction, defendant may be subjected under the criminal law to punishment for the same acts; that it substitutes for the definite penalties fixed by the legislature whatever punishment for contempt a particular judge may see fit to exact; that it is often no more than an attempt to overcome by circumvention the supposed shortcomings of jurors; and that it may result, or induce the public to believe that it results, in the arbitrary exercise of power or in government by injunction. (43 C.J.S., Injunctions, sec. 150.)

Defendants in civil rights cases would likewise often be deprived of their con-

[1] It also seems significant that the initial decisions by this Court actually upholding the power of the Federal courts to punish contempts by summary process were not made until as late as the final decades of the last century, almost a full century after the adoption of the Constitution. Since that time the power has been vigorously challenged on a number of occasions. See, e.g., *Toledo Newspaper Co.* v. *United States* (247 U.S. 402, 425 (dissenting opinion)); *Sacher* v. *United States* (343 U.S. 1, 14 (dissenting opinion)). Within the past few years there has been a tendency on the part of this Court to restrict the substantive scope of the contempt power to narrower bounds than had been formerly thought to exist. See, e.g., *Nye* v. *United States* (313 U.S. 33); *Bridges* v. *California* (314 U.S. 252); *In re Michael* (326 U.S. 224); *Cammer* v. *United States* (350 U.S. 399). Cf. *In re Oliver* (333 U.S. 257. In substantial part this is attributable to a deeply felt antipathy toward the arbitrary procedures now used to punish contempts.

stitutional right to confront and cross-examine adverse witnesses if H.R. 8315 perpetuates the jury trial provision of the 1957 act. This is an inevitable consequence of the practice which prevails in actions for injunctive relief. Restraining orders and temporary injunctions are ordinarily issued by courts upon the most unsatisfactory evidence known to man, that is to say, ex parte affidavits or pleadings drafted by partisan lawyers and attested by partisan witnesses not subject to confrontation and cross-examination by the adverse party. When a restraining order or temporary injunction is issued upon ex parte affidavits or pleadings and the main object of the action becomes a fact accomplished during the pendency of the action as a result of the coercive influence of the restraining order or temporary injunction, as is frequently the case, the court will thereafter refuse to try the action on its merits on the ground that the matter originally at issue has become moot, thereby rendering it impossible for the defendant to confront and cross-examine the adverse witnesses.

Here follow traditional objections to "government by injunction":

The powers of equity are thus perverted, the first principles of equitable jurisdiction are thus repudiated, and the powers of the State are thus usurped to establish government by injunction in place of government by law in the field of civil rights, and to insure that the government by injunction so established is not to be subject to any limitation whatever except that unknown and unpredictable quality called judicial discretion.

Government by injunction is government according to the personal convictions, inclinations, or notions of individual judges rather than government by certain and uniform laws applying alike to all men in like situations.

This being true, it is no wonder that Lord Camden, one of England's greatest lawyers, declared:

> The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual and depends upon constitution, temper, and passion. In the best it is ofttimes caprice; in the worst it is every crime, folly, and passion to which human nature is liable.

Edmund Burke, the great English statesman, used somewhat milder language in pointing out the dangers inseparable from government by injunction. He said:

> The spirit of any sort of men is not a fit rule for deciding on the bounds of their jurisdiction; first, because it is different in different men and even different in the same at different times, and can never become the proper directing line of law; and next because it is not reason but feeling, and when once it is irritated it is not apt to confine itself within its proper limits.

Government by injunction is abhorrent to those who love our constitutional and legal systems for these reasons:

First. Government by injunction denies to litigants the right to invoke for their protection basic constitutional and legal safeguards created by the Founding Fathers and Congress to protect all Americans from tyranny.

Second. Government by injunction reduces the courts from the status of judicial tribunals to the status of administrative agencies of the executive department of the Government.

Third. Government by injunction inevitably tends to bring the courts into disrepute.

Fourth. Government by injunction may extend beyond prohibitions of lawless acts to make crimes of innocent acts and to coerce community conduct.

And I would commend these words of United States Circuit Judge Henry Clay Caldwell about the fallibility of the judges who will grant the injunctions.

> Honesty and ability do not exempt from error, and when coupled with error they become dangerous gifts. After all, the human skull is but the temple of human errors, and judicial clay, if you analyze it well, will be found to be like all other human clay. The rule is without exception that whenever the exclusive power of making or administering the law is committed for any extended period to a single man or a few men—to a caste—the progressive restriction of the liberty of the people follows (American Federationist for May 1910).

If one is to understand the laws and institutions of today, he must know the events of yesterday which gave them birth. For this reason, I deem it necessary to consider the origins of relevant constitutional and legal safeguards.

The founders of our Government were wise men. They know that tyranny uses the forms of law to crush those who oppose her will. They knew that the right of trial by jury is the best security of the people against governmental oppression. They knew that the surest test of the credibility of a witness is his confrontation and cross-examination by the adverse party.

They knew the history of the long struggle of the English people to secure and preserve such basic legal safeguards as the right of trial by jury and the right to confront and cross-examine adverse witnesses.

They knew the history of the repeated efforts of tyrannical kings and subservient parliaments to deprive the English people of the benefits of such legal safeguards.

They knew the history of the Court of Star Chamber and rightly deduced from it "that the rights and liberties of the people will not long survive in any country where the administration of the law is committed exclusively to a caste endowed with boundless discretion and long term of office, no matter how learned, able, and honest its members may be" (U.S. Circuit Judge Henry C. Caldwell in the American Federationist for May 1910).

They knew the history of Chief Justice Jeffreys and his Bloody Assizes and rightly inferred from it that tyranny on the bench is as objectionable as tyranny on the throne.

MAGNA CARTA AND VIRGINIA'S FIRST CHARTERS AND INSTRUCTIONS

American constitutional law has come to equate trial by jury with the guarantees of Magna Carta dating back to 1215, though that document did not do so expressly. Chapter 29 of this historic document provides:

> No freeman shall be taken, or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed; nor we will not pass upon him nor condemn him, but by lawful judgment of his peers, or by the law of the land. We will sell to no man, we will not deny or defer to any man either justice or right (Magna Carta, 1225, 9 Hen. 3).

Although the right to compel the sworn evidence of reliable men of the neighborhood to answer questions put to them was used by William the Conqueror in the 11th century to collect the laws, to list landholdings, and later as a form of trial, the phrase "judgment of his peers" did not refer to this body of men. It referred instead to the men who presided over trials and who decided the manner in which the trial was to be conducted. This might be trial by battle, ordeal, jury, or other form of proof.

It was in the 16th century that a writer connected trial by jury with the provisions of Magna Carta. As mentioned above, American constitutional law has come to equate trial by jury with the guarantees of that document, and the references of some State constitutions to the judgment of peers are considered to establish that right. The traditional view was stated by Mr. Justice Story as follows:

> It seems hardly necessary in this place to expatiate upon the antiquity or importance of the trial by jury in criminal cases. It was from very early times insisted on by our ancestors in the parent country as the great bulwark of their civil and political liberties, and watched with an unceasing jealousy and solicitude. The right constitutes one of the fundamental articles of Magna Carta in which it is declared, "nullus homo capiatur, nec imprisonetur, aut exulet, aut aliquo modo destruatur, etc.; nisi per legale judicium parium suorum, vel per legem terrae"; no man shall be arrested, nor imprisoned, nor banished, nor deprived of life, etc., but by the judgment of his peers, or by the law of the land. The judgment of his peers here alluded to, and commonly called, in the quaint language of former times, a trial per pais, or trial by the country, is the trial by a jury, who are called the peers of the party accused, being of the like condition and equality in the state. When our more immediate ancestors removed to America, they brought this great privilege with them, as their birthright and inheritance, as a part of that admirable common law, which had fenced round and interposed barriers on every side against the approaches of arbitrary power. [Commentaries on the Constitution of the United States (4th ed.; Boston, 1873), II, 540–41.]

The foregoing analysis of the importance of Magna Carta comes from Perry and Cooper—"Sources of Our Liberties," 1959, pages 7–9.

This heritage was brought to America with the first permanent settlers, those at Jamestown, Va., who made the settlement under the charter of April 10, 1606, which provided in article XV that the inhabitants in America and their children—

> Shall have and enjoy all liberties, franchises, and immunities * * * to all intents and purposes, as if they had been abiding and born, within this our realm of England (1 Hening's Statutes at Large 64).

In the articles, instructions, and orders established by James I on November 20, 1606, for the government of the colony in America, the following was included:

And that the offences of tumults, rebellion, conspiracies, mutiny and seditions in those parts which may be dangerous to the estates there, together with murther, manslaughter, incest, rapes, and adulteries committed in those parts within the precincts of any the degrees above mentioned (and noe other offences) shall be punished by death, and that without the benefit of the clergy, except in case of manslaughter, in which clergie is to be allowed, and that the said several presidents and councells, and the greater number of them, within every of the several limits and precincts, shall have full power and authority, to hear and determine all and every the offences aforesaid, within the precinct of their several colonies, in manner and forme following, that is to say, by twelve honest and indifferent persons sworne upon the Evangelists, to be returned by such ministers and officers as every of the said presidents and councells, or the most part of them respectively shall assigne, and the twelve persons soe returned and sworne shall, according to their evidence to be given unto them upon oath and according to the truth, in their consciences, either convict or acquit every of the said persons soe to be accused and tried by them. (1 Hening 69–70).

GRIEVANCES OF THE COLONISTS LEADING UP TO THE AMERICAN REVOLUTION

Historically we are arrived at a moving example of the value the colonists placed on the right to trial by jury; and also at the action they took when that right was destroyed by their sovereign. For 10 years preceding the American Revolution the English Parliament attempted to remove trials for the nonpayment of excise duties on trade revenue from the common law courts to those of admiralty. The significance of the increased jurisdiction of admiralty courts is that admiralty law does not have a trial by jury. Parliament believed that colonial juries could not be trusted to convict fellow colonists for violation of the unpopular revenue acts.

The first act of this nature, passed by Parliament in 1764, levied a duty on sugars and other commodities imported into the American Colonies—4 Geo. 3, c. 15. Section 41 of this act, provided in part:

That all the forfeitures and penalties inflicted by this or any other act or acts of Parliament relating to the trade and revenues of the said British colonies or plantations in America, which shall be incurred there, shall and may be prosecuted, sued for, and recovered in any court of record, or in any court of admiralty, in the said colonies or plantations where such offence shall be committed, or in any court of vice admiralty which may or shall be appointed over all America (which court or admiralty or vice admiralty are hereby respectively authorized and required to proceed, hear, and determine the same) at the election of the informer or prosecutor.

The Stamp Act adopted in 1765 contained similar provisions—5 Geo. 3, c. 12, § 57. Another act passed in 1767, entitled, "An act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the acts of Parliament relating to the trade or revenues of the British colonies and plantations in America," contained similar provisions—8 Geo. 3, c. 22.

The resolutions of the Stamp Act Congress, adopted October 19, 1765, called attention to the fact that these acts of Parliament were depriving the colonists of their right to trial by jury:

VII. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

VIII. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, etc.," by imposing taxes on the inhabitants of these colonies; and the said act, and several other acts, by extending the jurisdiction of the courts of Admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists. [Documents of American History (Commager Editor, 1934).]

This colonial reaction against the Stamp Act enforcement methods had been preceded by a more reserved resolution passed by the Virginia House of Burgesses on May 30, 1765, but it was followed, on February 27, 1766, by an unequivocable statement of a distinguished group headed by Richard Henry Lee which met at Leedstown, Va.

The Leedstown resolution signers declared "all due allegiance and obedience to our lawful sovereign," and asserted their determination to "preserve the laws, the peace and good order of this colony as far as is consistent with the preservation of our constitutional rights and liberty."

They went on to say, however, that they knew it to be the birthright privilege of every British subject, including the people of Virginia, to be legally tried only by their peers and they declared:

If therefore any person or persons, shall attempt by any action or proceeding to deprive this colony of those fundamental rights we will immediately regard him or them as the most dangerous enemy of the community and we will go to any extremity not only to prevent the success of such attempts but to stigmatize and punish the offender.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. After hearing that very positive statement made by earlier statesmen of the Commonwealth of Virginia, I am wondering if it is not true that Senators now representing Virginia in the U.S. Senate are repeating and reaffirming that stand against those who would seek to deprive citizens of Virginia, or, for that matter, citizens of the United States generally, of the right of trial by jury.

Mr. ROBERTSON. The Senator from Florida is so right. The junior Senator from Virginia is trying to point out that the right of trial by jury antedates the right to vote; that over 10 years before the Declaration of Independence, the House of Burgesses, led by Richard Henry Lee, adopted resolutions protesting acts of Parliament with respect to duties on sugar and other commodities on which there were heavy import duties; with respect to the collection of a stamp tax on tea and other imports; and with respect to shifting cases from the criminal courts to courts of admiralty, where there was no jury trial. The English Parliament, saying colonial juries might not convict, wanted trial by a judge who held office at the pleasure of the Crown. This is what the colonists said they were going to do about it:

We will go to any extremity, not only to prevent the success of such attempts, but to stigmatize and punish the offender.

This was in the days before there had been a definite repudiation of the divine right of kings.

Of course, the Senator from Florida is absolutely correct when he says that the Virginia Senators are going to be no less vigilant in their efforts to protect the right of trial by jury than were their ancestors 11 years before the Declaration of Independence. Thomas Jefferson had spelled out as one of the major reasons why we were going to declare our independence from the mother country, the fact that England had taken from us the constitutional right of jury trial, which was the heritage of every British citizen. Of course, we were British citizens, and that right was spelled out in their charter. That right was given to those who came to Jamestown in 1607. They were guaranteed trial by 12 men in criminal cases. They brought that doctrine over with them. Then the mother country tried to take it away from them, because it was said juries in the colonies would sympathize with those who knew they were being imposed upon by the imposition of heavy duties on sugar and other products of the West Indies, and tea that was brought in from China and other countries in the Orient; and, of course, it was sought to punish them, free from any jury trial, in ex parte proceedings.

The resolutions pointed out that the Stamp Act in many cases worked to deprive the British American subject of his right to trial by jury and said:

We do determine at every hazard and paying no regard to danger or to death, we will exert every faculty to prevent the execution of the said Stamp Act in any instance whatsoever within this Colony.

These grievances were reiterated in the Declaration of October 14, 1774, adopted by the First Continental Congress.

Whereas * * * the British Parliament * * * hath * * * established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of Admiralty * * * for the trial of causes merely arising within the body of a county.

* * * * *

And it has lately been resolved in Parliament, that by force of a statute, made in the thirty-fifth year of the reign of king Henry the eighth, colonists may be transported to England, and tried there upon accusations for treasons, and misprisons, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned.

* * * * *

That the inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following Rights:

* * * * *

Resolved, N. C. D. 5. That the respective colonies are entitled to the common law of

England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

* * * * *

Resolved, N.C.D. That the following acts of Parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary in order to restore harmony between Great Britain and the American Colonies, viz:

The several acts of 4 Geo. 3. ch. 15, and ch. 34. —5 Geo. 3. ch. 25. —6 Geo. 3. ch. 52. —7 Geo. 3. ch. 41 and ch. 46. —8 Geo. 3. ch. 22, which impose duties for the purpose of raising a revenue in America, extend the powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges' certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Also the 12 Geo. 3, ch. 24, entitled "An act for the better securing his Majesty's dockyards, magazines, ships, ammunition, and stores," which declares a new offence in America, and deprives the American subject of a constitutional trial by a jury of the vicinage, by authorizing the trial of any person, charged with the committing any offence described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm. [1 Library of Congress, Journals of the Continental Congress, 63–73 (1904).]

This Continental Congress expressed similar sentiments in an address to the people of Great Britain—Id. at 81–90. The same thoughts were expressed in a memorial to the inhabitants of the British Colonies—Id. at 90–101.

There is no support in the records of this period for a view that the colonists recognized some inherent power in judges to punish contempts, without according the defendant a trial by jury. The colonists linked together their grievances against being deprived of jury trials and being subjected to judges made unduly subservient to the English Crown. In their memorial to the inhabitants of the British Colonies the First Continental Congress declared:

The immediate tendency of these statutes is, to subvert * * * the right of trial by jury, by substituting in their place trials in Admiralty and Vice Admiralty courts, where single judges preside, holding their commissions during pleasure; and unduely to influence the courts of common law, by rendering the judges thereof totally dependant on the Crown for their salaries (Id. at 93).

It would have been strange indeed if the colonists would have acquiesced in being fined and imprisoned for contempt of the orders of judges subservient to the Crown, when they so loudly protested against being fined and imprisoned without having had the benefit of trial by jury.

I digress here to say that in the original draft of the voting right amendment, which was to decree the right to enforce by injunction criminal penalties without trial of jury, the referee could be brought into any State from any other State, and the defendant could be brought anywhere the Government pleased for the holding of his trial. It was just that wide open.

I understand that this provision has since been amended to provide, when it finally reaches us, that the referee will have to come from the State in which he serves. Probably the practice followed by the English will not be followed. The English not only would take those colonists before a court of Admiralty, where there was no jury trial, but they would also take them to England to be tried, away from their peers in their vicinage.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. While the Senator is speaking about the right of trial by jury and its denial, is it not true that in that section of the Dirksen amendment, or the administration bill, which provides that escape across State lines in the bombing of churches or schools shall be a Federal crime, the criminal can be tried for that crime either in his State of residence, or in the State where the crime was committed, or in the State where the defendant may be apprehended and held, in complete disregard of the constitutional provision which requires that a defendant shall be entitled to trial in his own State of residence?

Mr. ROBERTSON. That is undoubtedly true. They will probably seek to amend it before they ask us to vote on it. I do not know whether they will or not. As the Senator from Florida has said, it violates all of our constitutional rights and concepts of justice and due process by authorizing a defendant, charged with that type of crime, to be tried wherever he may be picked up.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Is not the provision which the Senator just cited one of the excellent examples of the complete futility of the long debate through which we are proceeding and which has resulted in complete failure to crystallize a carefully worked out bill before this debate was brought on?

Mr. ROBERTSON. That is true, and the junior Senator from Virginia opened his remarks by saying that the Southern Senators have tried in vain to convince hostile newspapers that far more than the mere right to vote was involved and have not alerted the public that, if written into law, many of these new civil rights and some that exist under title 42 of the United States Code will hereafter be enforced by government, by injunction, not only in the South but throughout the United States, waiving jury trial everywhere that these offenses may be alleged, and it will not be on account of a man's color in some places but it may be on account of his race, religion, or some other cause that creates animosities among people in a given community.

We are fighting, Mr. President, for the preservation of what Daniel Webster called American constitutional liberty, and that is the big issue in this debate. As the Senator from Florida has pointed out, all we know about the sum total of these bills, probably amounting in amendments to perhaps well over 100, is that all of them do violence to the 10th amendment, and some of them do violence to the express provisions of the Constitution, and we are trying to preserve the keystone of the arch of American constitutional liberty, which is the right of the sovereign States that they reserved when they went into this Union. They tried to spell out those reservations in the 9th and 10th amendments, and these bills drive right straight through those amendments as if they did not exist.

Now, Mr. President, I return to what was said in the Declaration of Independence about trial by jury.

THE DECLARATION OF INDEPENDENCE

When Thomas Jefferson drafted the Declaration of Independence, he used the same list of grievances against the King of England that he had prepared as a preamble to the constitution of Virginia. The final declaration contained the following:

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offenses. ("The Declaration of Independence and the Constitution of the United States of America," H. Doc. No. 459, 84th Cong., 2d sess., p. 3 (1956)).

Every student in high school is familiar with the Stamp Act duties just recited and how they were among the direct causes of the American Revolution. They would be interested to know, as I hope my colleagues will be, that not only the imposition of such taxes but the removal of the right to trial for nonpayment of duties from jury courts to nonjury courts were among the cited abuses.

Such removal in the days of the British sovereigns across the seas is almost a perfect parallel with the avowed purpose of the bill before us today. For it has been admitted that the end sought to be gained by allowing the Attorney General to seek an injunction in the name of the United States is to bypass local juries sympathetic with the justification of the State official or others in disobeying the Court decree. Such indeed was the purpose of Parliament when it sought to avoid Colonial juries.

Mr. President, the names and inspiration of many of the Virginians who signed the Leedstown resolutions mentioned earlier are preserved in our State today through their descendants. If the attempt is made by the Federal Government now to constrict farther the right of trial by jury, as George the Third did nearly two centuries ago, you will find thousands of Virginians, and their fellow believers in constitutional liberty in other States, ready again "at every hazard" to "exert every faculty" against usurpation of their fundamental rights.

V. REVISAL OF VIRGINIA LAWS 1776–86

In the fall of 1776 the Virginia General Assembly named a group of leading Virginians to undertake a revisal of the laws of Virginia. The men named were Thomas Jefferson, Edmund Pendleton, George Wythe, George Mason, and Thomas Ludwell Lee. Mason soon resigned and Lee died, so that the work fell to the other three. This committee drafted 126 bills. James Madison, as a

member of the Virginia House of Delegates, in 1785 and 1786 took the lead in procuring adoption of these bills. Over a period of time most of the bills were enacted into laws.

The purpose of this undertaking, as described by Julian Boyd, editor of the "Jefferson Papers",

> . . . was not that of forming a collection of laws then in force but of reforming the entire structure of law so as to strip it of all vestiges of its earlier monarchial aspects and to bring it into conformity with republican principles (2d "Papers of Thomas Jefferson" 305, Boyd editor (1950)).

The bills prepared by this group of leading Americans show a faithful adherence to the principle of trial by jury.

Thomas Jefferson prepared bill No. 57, which adopts the principle of trial by jury as laid down in Magna Carta. Bill No. 57 provided:

> *Be it enacted by the general assembly,* That no freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed, nor shall the commonwealth pass upon him, nor condemn him but by lawful judgment of his peers, or by the laws of the land. Justice or right shall not be sold, denied or deferred to no man (id. at 480).

This bill was introduced into the Virginia General Assembly by Madison on October 31, 1785, and finally adopted December 5, 1785, with the addition of a clause putting it into effect January 1, 1787. The only language change made by the assembly was to substitute "any man" for "no man" at the end of the bill. According to Boyd, Jefferson's use of the double negative shows that he was relying on a very early text of Magna Carta. Obviously, Jefferson thought the principle involved was unchanged from the time of Magna Carta and unchangeable.

The very next bill drafted by Jefferson, bill No. 58, shows that it was thought to be entirely fitting and proper that a jury should pass on the acts of a judicial officer. The bill is entitled "A bill directing what prisoners shall be let to bail," and concludes with the following paragraph:

> If any justice let any go at large, on bail, who is not bailable, or refuse to admit to bail any who have right to be so admitted, after they shall have offered sufficient bail; or require excessive bail, he shall be punished by imprisonment and amercement at the discretion of a jury (id. at 481).

The bill was presented by Madison October 31, 1785, finally adopted December 5, 1785, with the addition of a clause making it effective January 1, 1787. The language as adopted was unchanged, except that the word "amercement" was changed to "he shall be amerced."

Bill No. 101 regulating proceedings in courts of equity required that questions of fact should be tried by a jury, the bill containing this provision:

> Every matter of fact, affirmed by one party, and denied by the other, in a bill, and answer, or plea, shall be stated as a formal issue, and tried before the same court, by a jury, in like manner as such issue ought to be tried in a court of common law, and upon like evidence as is there admissible, and not otherwise (id. at 592, 594).

ANALOGY TO ALIEN AND SEDITION LAWS OF 1798

The historical analogy of the current proposal to give the Attorney General power to seek injunctions against individuals, so as to bar their constitutional right to trial by jury, is to be found in the alien and sedition laws of 1798. The current proposals are like the sedition law in the sweeping control they seek to exercise over individual action and in insulating the Federal courts from public criticism. The current proposals are like the alien law in evading the constitutional requirement of trial by jury.

This is the language of section 2 of the sedition law of 1798:

> That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either of any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding $2,000, and by imprisonment not exceeding 2 years (1 Stat. 596–97).

At least the sedition law did provide in section 3 for trial by jury—1 Stat. 597.

The alien law abolished trial by jury in the following language of section 2:

> That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each State, having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause therefor appearing, shall and may order such alien or aliens to be removed out of the territory of the United States, or to give sureties of their good behavior, or to be otherwise restrained, conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison, or otherwise secure such alien or aliens, until the order which shall and may be made, as aforesaid, shall be performed (1 Stat. 577–78).

At this point, I should like to draw one more parallel. In the earlier days of major conflict between unions and management, the injunction was used by powerful corporations to prevent striking of any kind. There was no distinction drawn between legitimate and illegitimate purposes of striking. It was to correct such abuse that Congress placed in the Clayton and in the Norris-La Guardia Acts specific provisions protecting the right of jury trial in labor-dispute cases—18 U.S.C. 3692.

In advocating the Norris-La Guardia Act in 1932, one Member of the House said:

> I have read injunctions so fantastic, so arbitrary, that they were practically but one step from a threat of jail to a striker if he coughed, spat, or chewed.

That quotation, Mr. President, is from the present chairman of the Judiciary Committee of the other body, which handled the civil rights bill passed by that body in 1957.

It seems to me that the very same arguments which were made to pass these acts, to give to parties involved in labor disputes a jury trial after violation of the court's injunction, should be heeded by those who will not now listen to arguments defending the identical right where it already exists.

These examples I hope may serve to awaken in the minds of all those who are debating this proposal the gravity of changing a constitutional safeguard painfully evolved from the centuries of struggle with despotism.

I should now like to appeal to the fairness of those Senators who have evidenced their concern for the rights of defendants opposed by the United States under other provisions of the Bill of Rights. As is well known, the first 10 amendments to the Constitution are limitations on the Federal Government. Many delegates to the Constitutional Convention thought their provisions should be included in the original document, and its ratification was only obtained in some States by a promise that the new Congress would immediately pass such a bill.

Among the limitations included in the Bill of Rights are freedom of religion and speech, the right to be free from unreasonable search and seizure, prohibition of double jeopardy, self-crimination, deprivation of life or property without due process of law, and the taking of property without just compensation, guarantee to the defendant of confrontation of witnesses, and outlaw of cruel punishment.

To those who insist that defendants and witnesses at every stage of State or Federal proceedings should enjoy the privilege against self-crimination, may I point out that the first clause of the fifth amendment provides that no person should be held to answer for a capital crime except on indictment of a grand jury.

Another example of civil liberties recently championed is the effort to ensure a fair trial to persons seeking employment either in the Government or in certain areas of private industry. Involved herein, of course, is the sixth amendment, which guarantees that in all criminal prosecutions the accused must be confronted with the witnesses

against him. Parenthetically, the first clause of this amendment also provides the accused a speedy and public trial by a jury of the State wherein the crime was committed.

Moreover, as I have earlier developed, the seventh amendment ensures the right to trial by jury in civil proceedings.

A recent case involving a fair trial to persons employed in sensitive areas of private industry is *Greene* v. *McElroy* (360 U.S. 474 (1959)). At issue in the case was the right under the sixth amendment of an engineer to confront witnesses whose testimony had helped associate him with Communists and thus caused the removal of his security clearance.

Chief Justice Warren, speaking of the guarantee of the sixth amendment, then said the following:

> Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on factfindings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the sixth amendment which provides that in all criminal cases the accused shall enjoy the right to be confronted with the witnesses against him.

Mr. President, I pause again to make this specific comment. Certainly, the so-called liberals in this Nation cannot have it both ways. They cannot claim that a labor union must not be punished by contempt proceedings without a jury trial. They cannot claim that one accused of communism and seeking to overthrow the Government cannot be denied his security clearance without a jury trial and an opportunity to confront his accusers and, at the same time, advocate not only the right to vote but, as I have earlier pointed out, a wide variety of rights, if we should put into this bill a revised title III of the 1957 act. They cannot claim that on all of those rights a defendant shall be denied a jury trial, solely as I pointed out, because they think that some of them might not be found guilty by the jury that heard the evidence. That is what we are up against. That is the reason I am quoting these decisions of the Court to show that from 1607 in Virginia down to the present time we have always claimed that the right of trial by jury is one of our most precious, most cherished rights.

It was strongly debated in 1957 and, in the opinion of the junior Senator from Virginia, it was unfortunate that the Congress decided to put through a modified right of trial by jury limited to a very narrow scope of so-called civil rights cases.

But here we are confronted with the proposal that it be extended on a broad front, that it be extended to all of the civil rights enumerated in title 42 of the United States Code.

Mr. President, is it unfair to ask that those who celebrate the protection by the Supreme Court of the above guarantees of the fifth and sixth amendments rally to the support of other clauses of these same amendments when there is in issue the denial of the right to jury trial?

Nowhere has the danger of violating the guarantee of jury trial been made clearer than in these words of the Supreme Court. In *Ex parte Milligan* (4 Wall. 2 (1866)), there was involved a citizen of Indiana who had not been in military service but who was sentenced by a military tribunal in 1864 to be hanged for disloyal conduct during the Civil War.

Just as the pending bill would allow civil rights cases to be taken directly into Federal courts and tried without a jury without first exhausting administrative remedies or the possibilities of action by State courts, so in 1864 the military court took jurisdiction and sentenced a man although the courts of Indiana never were closed during the war.

The Supreme Court set aside the military conviction, saying the defendant should have been tried before a jury in a court of law and in the decision this language was used:

> Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now after the lapse of more than 70 years, sought to be avoided.
>
> Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invested by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism.

BLACK'S DISSENT IN THE GREEN CASE

Mr. President, an excellent summary of all the foregoing points is made by Justice Black's dissent and concurred in by Chief Justice Warren and Justice Douglas in *Green* v. *U.S.* (356 U.S. 165, 193–219 (1958)):

> The power of a judge to inflict punishment for criminal contempt by means of a summary proceeding stands as an anomaly in the law. In my judgment the time has come for a fundamental and searching reconsideration of the validity of this power which has aptly been characterized by a State supreme court as, "perhaps, nearest akin to despotic power of any power existing under our form of government." Even though this extraordinary authority first slipped into the law as a very limited and insignificant thing, it has relentlessly swollen, at the hands of not unwilling judges, until it has become a drastic and pervasive mode of administering criminal justice usurping our regular constitutional methods of trying those charged with offenses against society. Therefore to me this case involves basic questions of the highest importance far transcending its particular facts. But the specific facts do provide a striking example of how the great procedural safeguards erected by the Bill of Rights are now easily evaded by the ever-ready and boundless expedients of a judicial decree and a summary contempt proceeding.
>
> I would reject those precedents which have held that the Federal courts can punish an alleged violation outside the courtroom of their decrees by means of a summary trial, at least as long as they can punish by severe prison sentences or fines as they now can and do. I would hold that the defendants here were entitled to be tried by a jury after indictment by a grand jury and in full accordance with all the procedural safeguards required by the Constitution for "all criminal prosecutions." I am convinced that the previous cases to the contrary are wrong—wholly wrong for reasons, which I shall set out in this opinion.
>
> Ordinarily it is sound policy to adhere to prior decisions but this practice has quite properly never been a blind, inflexible rule. Courts are not omniscient. Like every other human agency, they too can profit from trial and error, from experience and reflection. As others have demonstrated, the principle commonly referred to as stare decisis has never been thought to extend so far as to prevent the courts from correcting their own errors. Accordingly, this Court has time and time again from the very beginning reconsidered the merits of its earlier decisions even though they claimed great longevity and repeated reaffirmation. * * * Indeed, the Court has a special responsibility where questions of constitutional law are involved to review its decisions from time to time and where compelling reasons present themselves to refuse to follow erroneous precedents; otherwise its mistakes in interpreting the Constitution are extremely difficult to alleviate and needlessly so.
>
> If ever a group of cases called for reappraisal it seems to me that those approving summary trial of charges of criminal contempt are the ones. The early precedents which laid the groundwork for this line of authorities were decided before the actual history of the procedures used to punish contempt was brought to light, at a time when wholly unfounded assumptions about immemorial usage acquired a factitious authority and were made the basis of legal decisions. These cases erroneously assumed that courts had always possessed the power to punish all contempts summarily and that it inhered in their very being without supporting their suppositions by authority or reason. Later cases merely cite the earlier ones in a progressive cumulation while uncritically repeating their assumptions about immemorial usage and inherent necessity.

I now ask my colleagues to listen to the reasons for refusing to extend the power of summary contempt as proposed in pending amendments to H.R. 8315.

Here in the words I have just quoted to you is a Justice of the Supreme Court urging that stare decisis should not control in cases of this nature. He said:

> No justified expectations would be destroyed by the course I propose. There has been no heavy investment in reliance on the earlier cases; they do not remotely lay down rules to guide men in their commercial or property affairs. Instead they concern the manner in which persons are to be tried by the Government for their alleged crimes. Certainly in this area there is no excuse for the perpetuation of past errors, particularly errors of great continuing importance with

ominous potentialities. Apparently even the majority recognizes the need for some kind of reform by engrafting the requirement that punishment for contempt must be "reasonable"—that irrepressible, vague and delusive standard which at times threatens to engulf the entire law, including the Constitution itself, in a sea of judicial discretion. But this trifling amelioration does not strike at the heart of the problem and can easily come to nothing, as the majority's very approval of the grossly disproportionate sentences imposed on these defendants portends.

I digress here to call the attention of my colleagues to the fact that I am quoting from a recent dissenting opinion in the Green case written by Justice Black and concurred in by Chief Justice Warren and Mr. Justice Douglas, urging not that we extend the right of criminal prosecution without a jury, but that we wipe out all jurisdiction except for those offenses committed in the presence of the court.

That is the essence of the decision. Yet we shall have seriously pressed upon us in the light of that very strong dissenting opinion concurred in, as I said, by the Chief Justice of the Court, that the theory was adopted when the Court did not know after much research the real history of the English courts on which our procedure was based, and wherever the crown or the government was a party to contempt proceedings of a criminal character, the defendant always was entitled to a jury trial.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. Does the Senator not believe that the decision which he has quoted, written by Mr. Justice Black and concurred in by Mr. Chief Justice Warren and others, should cause some of our friends who are self-styled liberals and who are so strongly urging the adoption of the injunctive procedure followed by enforcement through criminal contempt procedure without a jury trial, to reexamine their title to decide whether they are real liberals or whether they are standing on the side of those who wish to deprive persons charged with misbehavior of the benefit of a procedure which from the beginning of our Anglo-Saxon legal judicial procedure has been regarded as one created to help those in prison, to assure them of trial by jury, and to give them a safeguard against mistreatment by arbitrary courts?

Mr. ROBERTSON. I could not more fully agree with my distinguished colleague. I am quoting the opinion of three judges who are known as liberals. I have previously said that those in the Senate who call them liberals cannot have their status both ways. They cannot advocate jury trial in injunctive proceedings against labor unions and they cannot criticize the Supreme Court in the Green case for not giving a jury trial to a man who had violated the Smith Act, which is a statute to prohibit acts designed to overthrow the Government, and then turn around and try to expand the present limited provision, which we protested at the time of its enactment in 1957, to cover not only new phases of voting but a wide variety of civil rights embraced in title 42 of the United States Code.

I continue to quote from the decision of Mr. Justice Black:

Before going any further, perhaps it should be emphasized that we are not at all concerned with the power of courts to impose conditional imprisonment for the purpose of compelling a person to obey a valid order. Such coercion, where the defendant carries the keys to freedom in his willingness to comply with the court's directive, is essentially a civil remedy designed for the benefit of other parties and has quite properly been exercised for centuries to secure compliance with judicial decrees (see *United States* v. *United Mine Workers of America*, 330 U.S. 258, 330–332 (dissenting and concurring opinion)). Instead, at stake here is the validity of a criminal conviction for disobedience of a court order punished by a long, fixed term of imprisonment. In my judgment the distinction between conditional confinement to compel future performance and unconditional imprisonment designed to punish past transgressions is crucial, analytically as well as historically, in determining the permissible mode of trial under the Constitution.

I digress again to point out that the criminal penalty of $300 and 45 days in jail, under the 1957 act, is not to get somebody to do something that he has been ordered to do and has refused to do. It is a penalty because he has refused to do what the court told him to do.

I have just read the opinion of Mr. Justice Black that when a penalty is involved, by all means the defendant should be granted a jury trial. That is what the language I have read means.

On Saturday the distinguished Senator from New York [Mr. KEATING] argued that the Supreme Court last week handed down a decision in two cases involving the Civil Rights Act of 1957, which endorsed the constitutionality of the waiver of trial by jury. My distinguished colleague has not critically read that decision. It does not hold that at all. That question was never raised. Those two decisions sidestep completely any ruling on the question of whether or not a criminal penalty could be imposed in contempt proceedings without a trial by jury, because there had been no criminal penalty imposed, and the issue was not before the Court. The litigants from Louisiana and from Georgia never raised the question in the case on that phase of it, because, I assume, it had never gotten to the point where the judge had issued an order, somebody had disobeyed the order, and a fine had been imposed.

I wish to emphasize again, Mr. President, that our Court has not yet passed on this question. I am reading from a decision in 1958 by a liberal member of the Court, concurred in by two other liberal members of the Court, one of whom is the Chief Justice, in which they urge their colleagues to recognize that Federal courts had fallen into error in assuming that they had unlimited and unrestricted jurisdiction to impose penalties for contempt not committed in the presence of the court or which did not involve failure to comply with a court order, and which penalties, as I have just said, were "designed to punish past transgressions." Those were the words used by Mr. Justice Black.

Mr. President, I continue to quote:

Summary trial of criminal contempt, as now practiced, allows a single functionary of the State, a judge, to lay down the law, to prosecute those who he believes have violated his command (as interpreted by him), to sit in judgment on his own charges, and then within the broadest kind of bounds to punish as he sees fit. It seems inconsistent with the most rudimentary principles of our system of criminal justice, a system carefully developed and preserved throughout the centuries to prevent oppressive enforcement of oppressive laws, to concentrate this much power in the hands of any officer of the State. No official, regardless of his position or the purity and nobleness of his character, should be granted such autocratic omnipotence. Indeed if any other officer were presumptuous enough to claim such power I cannot believe the courts would tolerate it for an instant under the Constitution. Judges are not essentially different from other Government officials. Fortunately they remain human even after assuming their judicial duties. Like all the rest of mankind they may be affected from time to time by pride and passion, by pettiness and bruised feelings, by improper understanding or by excessive zeal. Frank recognition of these common human characteristics, as well as others which need not be mentioned, undoubtedly led to the determination of those who formed our Constitution to fragment power, especially the power to define and enforce the criminal law, among different departments and institutions of government in the hope that each would tend to operate as a check on the activities of the others and a shield against their excesses thereby securing the people's liberty.

These words of Justice Black are an excellent description of what Senators ERVIN, TALMADGE, and JOHNSTON have called government by injunction. A more complete description of the judge who rules by such power is given in the remainder of the opinion.

I digress again, Mr. President, to call attention to the fact that this dissenting opinion was written after we had passed, in 1957, the civil rights bill of that period. And while this relates to the general power of the court to impose fine and imprisonment, just so it is not capricious and unreasonable and harsh. What is the essential difference between going to jail for a month and a half and going to jail for 3 months or for a year, or to the penitentiary? There is none. No honest man wants the stigma of being put in jail for even 1 hour. That is the reason no just distinction can be drawn between the principle, as I shall continue to outline it, of Mr. Justice Black, in his very strong and able dissenting opinion in the Green case, and what we are being asked to do in the Attorney General's voting referee provisions, and in the proposals of the two Senators from New York [Mr. JAVITS and Mr. KEATING] to add to what we are going to do in the current version of the discredited title III of the 1957 act.

I continue to quote:

When the responsibilities of lawmaker, prosecutor, judge, jury, and disciplinarian are thrust upon a judge he is obviously incapable of holding the scales of justice per-

fectly fair and true and reflecting impartially on the guilt or innocence of the accused. He truly becomes the judge of his own cause. The defendant charged with criminal contempt is thus denied what I had always thought to be an indispensable element of due process of law—an objective, scrupulously impartial tribunal to determine whether he is guilty or innocent of the charges filed against him. In the words of this Court: "A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. * * * Fair trials are too important a part of our free society to let prosecuting judges be trial judges of the charges they prefer."

The vices of a summary trial are only aggravated by the fact that the judge's power to punish criminal contempt is exercised without effective external restraint. First, the substantive scope of the offense of contempt is inordinately sweeping and vague; it has been defined, for example, as "any conduct that tends to bring the authority and administration of the law into disrespect or disregard." It would be no overstatement therefore to say that the offense with the most ill-defined and elastic contours in our law is now punished by the harshest procedures known to that law. Secondly, a defendant's principal assurance that he will be fairly tried and punished is the largely impotent review of a cold record by an appellate court, another body of judges. Once in a great while a particular appellate tribunal basically hostile to summary proceedings will closely police contempt trials but such supervision is only isolated and fleeting. All too often the reviewing courts stand aside readily with the formal declaration that "the trial judge has not abused his discretion." But even at its rare best appellate review cannot begin to take the place of trial in the first instance by an impartial jury subject to review on the spot by an uncommitted trial judge. Finally, as the law now stands there are no limits on the punishment a judge can impose on a defendant whom he finds guilty of contempt except for whatever remote restrictions exist in the eighth amendment's prohibition against cruel and unusual punishments or in the nebulous requirements of "reasonableness" now promulgated by the majority.

In my view the power of courts to punish criminal contempt by summary trial, as now exercised, is precisely the kind of arbitrary and dangerous power which our forefathers both here and abroad fought so long, so bitterly, to stamp out. And the paradox of it all is that the courts were established and are maintained to provide impartial tribunals of strictly disinterested arbiters to resolve charges of wrongdoing between citizen and citizen or citizen and state.

The last sentence of Justice Black will no doubt recall the basic theme that I have developed, that a jury must protect the citizen in any proceeding between him and the central government. He continues to say:

The Constitution and Bill of Rights declare in sweeping unequivocal terms that "The trial of all crimes * * * shall be by jury," that "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury," and that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury." As it may now be punished criminal contempt is manifestly a crime by every relevant test of reason or history. It was always a crime at common law punishable as such in the regular course of the criminal law. It possesses all of the earmarks commonly attributed to a crime. A mandate of the Government has allegedly been violated for which severe punishment, including long prison sentences, may be exacted—punishment aimed at chastising the violator for his disobedience. As Mr. Justice Holmes irrefutably observed for the Court in *Gompers v. United States* (233 U.S. 604, at 610–611): "These contempts are infractions of the law, visited with punishment as such. If such acts are not criminal, we are in error as to the most fundamental characteristic of crimes as that word has been understood in English speech. So truly are they crimes that it seems to be proved that in the early law they were punished only by the usual criminal procedure * * * and that at least in England it seems that they still may be and preferably are tried in that way."

This very case forcefully illustrates the point. After surrendering the defendants were charged with fleeing from justice, convicted, and given lengthy prison sentences designed to punish them for their flight. Identical flight has now been made a statutory crime by the Congress with severe penalties. How can it possibly be any more of a crime to be convicted of disobeying a statute and sent to jail for 3 years than to be found guilty of violating a judicial decree forbidding precisely the same conduct and imprisoned for the same term?

The claim has frequently been advanced that courts have exercised the power to try all criminal contempts summarily since time immemorial and that this mode of trial was so well established and so favorably regarded at the time the Constitution was adopted that it was carried forward intact, by implication, despite the express provisions of the Bill of Rights requiring a completely different and fairer kind of trial for "all crimes." The myth of immemorial usage has been exploded by recent scholarship as a mere fiction. Instead it seems clear that until at least the late 17th or early 18th century the English courts, with the sole exception of the extraordinary and ill-famed Court of Star Chamber whose arbitrary procedures and gross excesses brought forth many of the safeguards included in our Constitution, neither had nor claimed power to punish contempts committed out of court by summary process (Fox, "The History of Contempt of Court"; Frankfurter and Landis, "Power To Regulate Contempts," 37 Harv. L. Rev. 1010, 1042–1052; Beale, "Contempt of Court, Criminal and Civil," 21 Harv. L. Rev. 161). Prior to this period such contempts were tried in the normal and regular course of the criminal law, including trial by injury. After the Star Chamber was abolished in 1641 the summary contempt procedures utilized by that odious instrument of tyranny slowly began to seep into the common-law courts where they were embraced by judges not averse to enhancing their own power. Still for decades the instances where such irregular procedures were actually applied remained few and far between and limited to certain special situations.

Mr. President, I digress to say that my discussion of the history of jury trial was prepared before I read this splendid opinion of Mr. Justice Black. In fact, much research went into it, dating back to 1957, when I spoke three times on the floor of the Senate on the subject of trial by jury.

Naturally, it is very gratifying to me to find that a Justice of the Supreme Court, joined by two other members of the Supreme Court, concurs absolutely with the conclusions which I have independently reached and have previously set forth in the discussion of this matter this morning: that any assumption that there is no limit upon contempt proceedings of a criminal character without a jury trial is absolutely erroneous, and stems from a lack of knowledge, with all due deference to our judges, of the history of our Government and the formation of our Constitution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. HOLLAND. I ask unanimous consent that I may make a comment at this time upon the very able and very scholarly argument of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I wish to thank the Senator from Virginia warmly and cordially for having in such a scholarly manner accumulated and assembled the authorities upon this subject, particularly for his reading into the RECORD the dissenting opinion of Mr. Justice Black, concurred in by two other Justices of the Supreme Court, all recognized as liberals in the truest sense, calling attention in an unmistakable way to the fact that those who seek to deprive of a jury trial persons who are charged with criminal contempt for violations of injunctions of district judges of the United States are on unsound ground and do not know the precedents under our form of law, and are moving in a direction which very clearly violates one of the dearest concepts of our form of government, of our form of law: that defendants in such cases must be protected by jury trial if they are to be objectively tried. After all, they are appearing before the very judges with respect to whose decrees they are charged with having been in contempt.

The Senator has made a great contribution. I hope that he is not disappointed because only a few Members of the Senate are on the floor. He has written into the RECORD, in a form where all can see for all time, imperishable arguments against the arbitrary right of trial judges who hand down injunctions to proceed as they may arbitrarily wish in the imposition of penalties through claimed criminal violations and injunctions.

The Senator has performed a magnificent service, for which I compliment him.

Mr. ROBERTSON. Mr. President, I lack words adequately to express my appreciation of the high praise my colleague has given me, and I concur in the hope he has expressed.

Since a member of our Supreme Court said the Court itself did not know the history of jury trials, I do hope that the Members of the Senate will find an opportunity to read the history of jury trials which I have presented, because much research has gone into this, and I can vouch for the accuracy of all the citations in this dissertation. I can hope, before we come to vote, the Members of the Senate will realize that, should additional Federal law be necessary to protect the right to vote, they must not

be passed at the expense of violating and destroying an older and equally precious right, namely, the right to trial by jury.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. GORE. I concur fully and wholeheartedly with the last sentence of the senior Senator from Florida [Mr. HOLLAND] in praising the scholarly manner in which the distinguished Senator from Virginia has presented his address. It is undoubtedly the work of not only intense, recent study, but many years of study, and loyalty to the American system of government.

Mr. ROBERTSON. I thank my distinguished friend for his comment. As he said, the presentation here of this issue goes back throughout the legislative history of the Senator from Virginia, and especially in the speeches he made on this subject, three of them, in 1957, supplemented in the meantime by all of the material he could find bearing directly on this vital issue: the history of jury trial, what it meant to our ancestors, and what they intended for this day and generation to enjoy.

Now, Mr. President, the Junior Senator from Virginia is going to read rather rapidly the remainder of the opinion by Mr. Justice Black, and he will yield the floor and let some colleague make the point of no quorum before another speaker takes the floor.

Mr. President, in summarizing, Justice Black asserts:

Then in 1765 Justice Wilmot declared in an opinion prepared for delivery in the Court of King's Bench (but never actually handed down) that courts had exercised the power to try all contempts summarily since their creation in the forgotten past. Although this bald assertion has been wholly discredited by the painstaking research of the eminent authorities referred to above, and even though Wilmot's opinion was not published until some years after our Constitution had been adopted, nor cited as authority by any court until 1821, his views have nevertheless exerted a baleful influence on the law of contempt both in this country and in England. By the middle of the last century the English courts had come to accept fully his thesis that they inherently possessed power to punish all contempts summarily, in or out of court. Yet even then contempts were often punished by the regular criminal procedures so that this Court could report as late as 1913 that they were still preferably tried in that manner (*Gompers* v. *United States*, 233 U.S. 604, 611).

The Government, relying solely on certain obscure passages in some early law review articles by Fox, contends that while the common-law courts may not have traditionally possessed power to punish all criminal contempts without a regular trial they had always exercised such authority with respect to disobedience of their decrees. I do not believe that the studies of Fox or of other students of the history of contempt support any such claim. As I understand him, Fox reaches precisely the opposite conclusion. In his authoritative treatise, expressly written to elaborate and further substantiate the opinions formed in his earlier law review comments, he states clearly at the outset:

"The first of this series of earlier articles, entitled 'The King Versus Almon,' was written to show that in former times the offense of contempt committed out of court was tried by a jury in the ordinary course of law and not summarily by the Court as at present (1927). The latter articles also bear upon the history of the procedure in matters of contempt. Further inquiry confirmed the opinion originally formed with regard to the trial of contempt and brought to light a considerable amount of additional evidence which, with the earlier matter, is embodied in the following chapters."

Then, in summarizing, he asserts that strangers to court proceedings were never punished except by the ordinary processes of the criminal law for contempts committed out of the court's presence until some time after the dissolution of the star chamber; he immediately follows with the judgment that parties were governed by the same general rules that applied to strangers. Of course he recognizes the antiquity of the jurisdiction of courts to enforce their orders by conditional confinement, but such coercion, as pointed out before, is obviously something quite different from the infliction of purely punitive penalties for criminal contempt when compliance is no longer possible.

I continue reading:

Professors Frankfurter and Landis in their fine article likewise unequivocally declare:

"The Clayton act (providing for jury trial of certain charges of criminal contempt) does nothing new. It is as old as the best traditions of the common law.

"Down to the early part of the 18th century cases of contempt even in and about the common-law courts when not committed by persons officially connected with the court were dealt with by the ordinary course of law, i.e., tried by jury except when the offender confessed or when the offense was committed 'in the actual view of the court.'

"Until 1720 there is no instance in the common law precedents of punishment otherwise than after trial in the ordinary course and not by summary process."

Professor Beale in his discussion of the matter concludes:

"As early as the time of Richard III it was said that the chancellor of England compels a party against whom an order is issued by imprisonment; and a little later it was said in the chancery that 'a decree does not bind the right, but only binds the person to obedience, so that if the party will not obey, then the chancellor may commit him to prison till he obey, and that is all the chancellor can do.' This imprisonment was by no means a punishment, but was merely to secure obedience to the writ of the king. Down to within a century (Beale was writing in 1908) it was very doubtful if the chancellor could under any circumstances inflict punishment for disobedience of a decree. * * * In any case the contempt of a defendant who had violated a decree in chancery could be purged by doing the act commanded and paying costs.

* * * * *

"Where the court inflicts a definite term of imprisonment by way of punishment for the violation of its orders, the case does not differ, it would seem, from the case of criminal contempt out of court, and regular process and trial by jury should be required."

In brief the available historical material as reported and analyzed by the recognized authorities in this field squarely refutes the Government's insistence that disobedience of a court order has always been an exception punishable by summary process. Insofar as this particular case is concerned, the Government frankly concedes that it cannot point to a single instance in the entire course of Anglo-American legal history prior to this prosecution and two related contemporary cases where a defendant has been punished for criminal contempt by summary trial after fleeing from court-ordered imprisonment.

Those who claim that the delegates who ratified the Constitution and its contemporaneous amendments intended to exempt the crime of contempt from the procedural safeguards expressly established by those great charters for the trial of all crimes carry a heavy burden indeed. There is nothing in the Constitution or any of its amendments which even remotely suggests such an exception. And as the Government points out in its brief, it does not appear that there was a word of discussion in the Constitutional Convention or in any of the State ratifying conventions recognizing or affirming the jurisdiction of courts to punish this crime by summary process, a power which in all particulars is so inherently alien to the method of punishing other public offenses provided by the Constitution.

In the beginning the contempt power with its essentially arbitrary procedures was a petty, insignificant part of our law involving the use of trivial penalties to preserve order in the courtroom and maintain the authority of the courts. But since the adoption of the Constitution it has undergone an incredible transformation and growth, slowly at first and then with increasing acceleration, until it has become a powerful and pervasive device for enforcement of the criminal law. It is no longer the same comparatively innocuous power that it was. Its summary procedures have been pressed into service for such farflung purposes as to prevent "unlawful" labor practices, to enforce the prohibition laws, to secure civil liberties and now, for the first time in our history, to punish a convict for fleeing from imprisonment. In brief, it has become a common device for bypassing the constitutionally prescribed safeguards of the regular criminal law in punishing public wrongs.

But still worse, its subversive potential to that end appears to be virtually unlimited. All the while the sentences imposed on those found guilty of contempt have steadily mounted, until now they are even imprisoned for years.

Justice Black now emphasizes the same doctrine that my historical quotations have developed, that colonial antecedents strenuously oppose any restriction of jury trials, saying:

I cannot help but believe that this arbitrary power to punish by summary process, as now used, is utterly irreconcilable with first principles underlying our Constitution and the system of government it created—principles which were uppermost in the minds of the generation that adopted the Constitution. Above all that generation deeply feared and bitterly abhorred the existence of arbitrary, unchecked power in the hands of any government official, particularly when it came to punishing alleged offenses against the state. A great concern for protecting individual liberty from even the possibility of irresponsible official action was one of the momentous forces which led to the Bill of Rights. And the fifth, sixth, seventh, and eighth amendments were directly and purposefully designed to confine the power of courts and judges, especially with regard to the procedures used for the trial of crimes.

As manifested by the Declaration of Independence, the denial of trial by jury and its subversion by various contrivances was one of the principal complaints against the English crown. Trial by a jury of laymen and no less was regarded as the birthright of freemen. Witness the fierce opposition of the colonials to the courts of admiralty in which judges instead of citizen juries were authorized to try those charged with violat-

ing certain laws. The same zealous determination to protect jury trial dominated the State conventions which ratified the Constitution and eventually led to the solemn reaffirmation of that mode of trial in the Bill of Rights—not only for all criminal prosecutions but for all civil causes involving $20 or more (see 2 Story, "Commentaries on the Constitution" (5th ed. 1891), sections 1763–1768). I find it difficult to understand how it can be maintained that the same people who manifested such great concern for trial by jury as to explicitly embed it in the Constitution for every $20 civil suit could have intended that this cherished method of trial should not be available to those threatened with long imprisonment for the crime of contempt. I am confident that if there had been any inkling that the Federal courts established under the Constitution could impose heavy penalties, as they now do, for violation of their sweeping and far-ranging mandates without giving the accused a fair trial by his fellow citizens it would have provoked a storm of protest, to put it mildly. Would any friend of the Constitution have been foolhardy enough to take the floor of the ratifying convention in Virginia or any of a half dozen other States and even suggest such a possibility? (Although section 17 of the Judiciary Act of 1789, 1 Stat. 73, 83, authorized the Federal courts to punish contempts "in any cause or hearing before the same," it did not, as this Court has pointed out, define what were contempts or prescribe the method of punishing them (*Savin, petitioner,* 131 U.S. 267, 275). Section 17, which contains a number of other provisions, appears to have been a comparatively insignificant provision of the judicial code enacted by the Congress without material discussion in the midst of 34 other sections, many of which were both extremely important and highly controversial.)

As this Court has often observed, "The Constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary as distinguished from technical meaning" (*United States* v. *Sprague,* 282 U.S. 716, 731); "constitutions, although framed by conventions, are yet created by the votes of the entire body of electors in a State, the most of whom are little disposed, even if they were able, to engage in such refinements. The simplest and most obvious interpretation of a constitution, if in itself sensible, is the most likely to be that meant by the people in its adoption" (*Lake County* v. *Rollins,* 130 U.S. 662, 671; Cf. Mr. Justice Holmes in *Eisner* v. *Macomber,* 252 U.S. 189, 219–220 (dissenting opinion)). It is wholly beyond my comprehension how the generality of laymen, or for that matter even thoughtful lawyers, either at the end of the 18th century or today, could possibly see an appreciable difference between the crime of contempt, at least as it has now evolved, and other major crimes, or why they would wish to draw any distinction between the two so far as basic constitutional rights were concerned.

We now return to Blackstone in the opinion of Justice Black for proof of the meaning of "crime" in 1787, incompletely analyzed by the majority opinion:

It is true that Blackstone in his "Commentaries" incorporated Wilmot's erroneous fancy that at common law the courts had immemorially punished all criminal contempts without regular trial. Much ado is made over this by the proponents of summary proceedings. Yet at the very same time Blackstone openly classified and uniformly referred to contempt as a "crime" throughout his treatise, as in fact it had traditionally been regarded and punished at common law.

(See, e.g., 4 Blackstone's "Commentaries," 1–6, 119–126, 280–287. Also pertinent here is Blackstone's oft-quoted laudation of trial by jury "as the glory of the English law. * * * It is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals" (3 id. at 379).)

Similarly, other legal treatises available in this country during the period when the Constitution was established plainly treated contempt as a "crime." (See, e.g., 1 Hawkins, "Pleas of the Crown" (6th ed. 1787), 87.)

It seems to me that if any guide to the meaning of the Constitution can be fashioned from the circulation of the Commentaries and these other legal authorities through the former colonies (primarily among lawyers and judges) it is at least as compatible with the view that the Constitution requires a jury trial for criminal contempts as with the contrary notion.

But far more significant, our Constitution and Bill of Rights were manifestly not designed to perpetuate, to preserve inviolate, every arbitrary and oppressive governmental practice than tolerated, or thought to be, in England (Cf. *Bridges* v. *California,* 314 U.S. 252, 263–268). Those who formed the Constitution struck out anew free of previous shackles in an effort to obtain a better order of government more congenial to human liberty and welfare. It cannot be seriously claimed that they intended to adopt the common law wholesale. They accepted those portions of it which were adapted to this country and conformed to the ideals of its citizens and rejected the remainder. In truth there was widespread hostility to the common law in general and profound opposition to its adoption into our jurisprudence from the commencement of the Revolutionary War until long after the Constitution was ratified. As summarized by one historian:

"The Revolutionary War made everything connected with the law of England distasteful to the people at large. The lawyers knew its value: the community did not. Public sentiment favored an American law for America. It was quickened by the unfriendly feeling toward the mother country which became pronounced toward the close of the eighteenth century and culminated in the War of 1812." (Baldwin, "The American Judiciary," 14.)

Although the bench and bar, particularly those who were adherents to the principles of the Federalist Party, often favored carrying forward the common law to the fullest possible extent popular sentiment was overwhelmingly against them. (In 1804 the Chief Justice and two Associate Justices of the Pennsylvania Supreme Court were actually impeached for sentencing a person to jail for contempt. In part the impeachment rested on the feeling that punishment of contempt by summary process was an arbitrary practice of the common law unsuited to this country. While the Justices were narrowly acquitted this apparently only aggravated popular antagonism toward the contempt power. See 3 McMaster, History of the People of the United States (1938 ed.), 153–162.)

Apologists for summary trial of the crime of contempt also endeavor to justify it as a "necessity" if judicial orders are to be observed and the needful authority of the courts maintained. "Necessity" is often used in this context as convenient or desirable. But since we are dealing with an asserted power which derogates from and is fundamentally inconsistent with our ordinary, constitutionally prescribed methods of proceeding in criminal cases, "necessity," if it can justify at all, must at least refer to a situation where the extraordinary power to punish by summary process is clearly indispensable to the enforcement of court decrees and the orderly administration of justice. Or as this Court has repeatedly phrased it, the courts in punishing contempts should be rigorously restricted to the "least possible power adequate to the end proposed." (See, e.g., *In re Michael,* 326 U.S. 224, 227.)

Stark necessity is an impressive and often compelling thing, but unfortunately it has all too often been claimed loosely and without warrant in the law, as elsewhere, to justify that which in truth is unjustifiable. As one of our great lawyers, Edward Livingston, observed in proposing the complete abolition of summary trial of criminal contempts:

"Not one of the oppressive prerogatives of which the crown has been successively stripped, in England, but was in its day, defended on the plea of necessity. Not one of the attempts to destroy them, but was deemed a hazardous innovation" (1 "Works of Edward Livingston," 264).

When examined in closer detail the argument from "necessity" appears to rest on the assumption that the regular criminal processes, including trial by petit jury and indictment by grand jury, will not result in conviction and punishment of a fair share of those guilty of violating court orders, are unduly slow and cumbersome, and by intervening between the court and punishment for those who disobey its mandate somehow detract from its dignity and prestige. Obviously this argument reflects substantial disrespect for the institution of trial by jury, although this method of trial is—and has been for centuries—an integral and highly esteemed part of our system of criminal justice enshrined in the Constitution itself. Nothing concrete is ever offered to support the innuendo that juries will not convict the same proportion of those guilty of contempt as would judges. Such evidence as is available plus my own experience convinces me that by and large juries are fully as responsible in meting out justice in criminal cases as are the judiciary. At the same time, and immeasurably more important, trial before a jury and in full compliance with all of the other protections of the Bill of Rights is much less likely to result in a miscarriage of justice than summary trial by the same judge who issued the order allegedly violated. (See, e.g., Sunderland, "Trial by Jury," 11 Univ. of Cin. L. Rev. 119, 120; Hartshorne, "Jury Verdicts: A Study of Their Characteristics and Trends," 35 A.B.A.J. 113.)

Let me invite attention once again to the fact that the amendment to the proposed bill, H.R. 8315, hopes to avoid jury trials. The justification is that southern juries cannot be expected to convict their fellow citizens. Here in the eloquent words of Justice Black, it is reasserted that the jury trial is necessarily slow yet enshrined in the Constitution after centuries of arduous evolution.

Justice Black continues:

Although some are prone to overlook it, an accused's right to trial by a jury of his fellow citizens when charged with a serious criminal offense is unquestionably one of his most valuable and well established safeguards in this country. In the words of Chief Justice Cooley: "The law has established this tribunal because it is believed that, from its numbers, the mode of their selection, and the fact that jurors come from all classes of society, they are better calculated to judge of motives, weigh probabilities, and take what may be called a commonsense view of a set of circumstances, involving both act and intent, than any single man, however pure, wise, and eminent he may be. This is the theory of the law; and as applied to criminal accusations, it is eminently wise, and favorable alike to liberty and to justice" (*People* v. *Garbutt,* 17 Mich. 9, 27). Trial by an impartial jury of independent laymen raises another imposing barrier to oppression by Government officers. As one of the more perceptive students of our experiment in freedom keenly observed,

"The institution of the jury * * * places the real direction of society in the hands of the governed, or of a portion of the governed, and not in that of the government" (1 De Tocqueville, "Democracy in America" (Reeve trans., 1948 ed.), 282). The jury injects a democratic element into the law. This element is vital to the effective administration of criminal justice, not only in safeguarding the rights of the accused, but in encouraging popular acceptance of the laws and the necessary general acquiescence in their application. It can hardly be denied that trial by jury removes a great burden from the shoulders of the judiciary. Martyrdom does not come easily to a man who has been found guilty as charged, by 12 of his neighbors and fellow citizens.

It is undoubtedly true that a judge can dispose of charges of criminal contempt faster and cheaper than a jury. But such trifling economies as may result have not generally been thought sufficient reason for abandoning our great constitutional safeguards aimed at protecting freedom and other basic human rights of incalculable value. Cheap, easy convictions were not the primary concern of those who adopted the Constitution and the Bill of Rights. Every procedural safeguard they established purposely made it more difficult for the Government to convict those it accused of crimes. On their scale of values justice occupied at least as high a position as economy. But even setting this dominant consideration to one side, what compelling necessity is there for special dispatch in punishing criminal contempts, especially those occurring beyond the courtroom? When the desired action or inaction can no longer be compelled by coercive measures and all that remains is the punishment of past sins there is adequate time to give defendants the full benefit of the ordinary criminal procedures. As a matter of fact any slight delay involved might well discourage a court from resorting to hasty, unnecessary measures to chastise suspected disobedience. I believe that Mr. Justice Holmes, speaking for himself and Mr. Justice Brandeis, took his stand on invulnerable ground when he declared that where "there is no need for immediate action, contempts are like any other breach of law and should be dealt with as the law deals with other illegal acts" (*Toledo Newspaper Co.* v. *United States*, 247 U.S. 402, 425–426 (dissenting opinion)). Again this case aptly demonstrates the point. Here the defendants surrendered several years after they had been ordered to appear and serve their sentences. There was no reason for urgent action to punish them for their absence, there was ample time to impanel a jury and prosecute them in the regular manner. As a matter of fact almost a month and a half did elapse between their surrender and trial.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield, with pleasure.

Mr. BARTLETT. I desire to invite the attention of the Senate to the fact that the Presiding Officer, the distinguished junior Senator from West Virginia [Mr. BYRD] has now been presiding over this Chamber for 18 hours and 25 minutes. I dare say that is a record which has never been equaled before. I suggest to the Senator from Virginia, it is indicative of the perseverance and endurance of the junior Senator from West Virginia, and also of his dedication.

Those of us who are freshmen, who have been required to be in the Chair for as long as 3 hours at a time, know it is trying even as an honorable assignment. I desire to salute the able junior Senator from West Virginia.

Mr. ROBERTSON. The Senator from Virginia admits all that his colleague from Alaska says, and would add that the present Presiding Officer has listened to the longest discussion of the right of trial by jury that any Presiding Officer, willingly or unwillingly, has ever heard on the floor of the Senate.

Mr. BARTLETT. I thank the Senator from Virginia for yielding.

Mr. ROBERTSON. I thank the Senator from Alaska.

Mr. President, Justice Black now reiterates what has been mentioned several times in the course of these debates, the parallel between the grant of jury trials in all labor dispute cases and the suggestion that it be maintained in civil rights cases:

For almost a half century the Clayton Act has provided for trial by jury in all cases of criminal contempt where the alleged contempt is also a violation of a Federal criminal statute. And since 1931 the Norris-La Guardia Act has granted the same right where a charge of criminal contempt is based on the alleged violation of an injunction issued in a labor dispute. Notwithstanding the forebodings of calamity and destruction of the judicial system which preceded, accompanied and briefly followed these reforms, there is no indication whatever that trial by jury has impaired the effectiveness or authority of the courts in these important areas of the law. Furthermore it appears that in at least five States one accused of the crime of contempt is entitled, at least to some degree, to demand jury trial where the alleged contempt occurred beyond the courtroom (Arizona, Georgia, Kentucky, Oklahoma, and Pennsylvania).

Again, I am unable to find any evidence, or even an assertion, that judicial orders have been stripped of their efficacy or courts deprived of their requisite dignity by the intervention of the jury in those States. So far as can be discerned the wheels of justice have not ground to a halt or even noticeably slowed. After all the English courts apparently got on with their business for six or seven centuries without any general power to try charges of criminal contempt summarily.

I am confident that in the long run due respect for the courts and their mandates would be much more likely if they faithfully observed the procedures laid down by our nationally acclaimed charter of liberty, the Bill of Rights. Respect and obedience in this country are not engendered—and rightly not—by arbitrary and autocratic procedures. In the end such methods only yield real contempt for the courts and the law. The classic example of this is the use and abuse of the injunction and summary contempt power in the labor field. The Federal courts have still not recovered from the scars inflicted by their intervention in that area where Congress finally stepped in and preserved the right of jury trial to all those charged with the crime of contempt.

In the last analysis there is no justification in history, in necessity, or most important in the Constitution for trying those charged with violating a court's decree in a manner wholly different from those accused of disobeying any other mandate of the State. It is significant that neither the Court nor the Government makes any serious effort to justify such differentiation except that it has been sanctioned by prior decisions. Under the Constitution courts are merely one of the coordinate agencies which hold and exercise governmental power. Their decrees are simply another form of sovereign directive aimed at guiding the citizen's activity. I can perceive nothing which places these decrees on any higher or different plane than the laws of Congress or the regulations of the Executive insofar as punishment for their violation is concerned. There is no valid reason why they should be singled out for an extraordinary and essentially arbitrary mode of enforcement. Unfortunately judges and lawyers have told each other the contrary so often that they have come to accept it as the gospel truth. In my judgment trial by the same procedures, constitutional and otherwise, which are extended to criminal defendants in all other instances is also wholly sufficient for the crime of contempt.

Those were the views on the subject of trial by jury in criminal proceedings expressed in 1958 by Mr. Justice Black of the U.S. Supreme Court and concurred in by Justice Douglas and Chief Justice Warren.

CONCLUSION

My conclusion will be short. I have called attention to the many references to jury trial in our Constitution; and, in particular, I have emphasized the guaranty of it in criminal cases. Blackstone, the records of the Constitutional Convention, and other contemporary documents demonstrate that contempts by a citizen committed against the sovereign were considered to be "crimes" at the time of the adoption of the Constitution. Moreover, I have shown that the Supreme Court has never actually sanctioned a denial of trial by jury to a defendant subject to criminal punishment in a proceeding brought by the United States as an interested party, representing the public.

Finally, my wish is that the history of disasters which have occurred to governments whose organized forces have been turned on the individual citizen may caution us. The results of the British denial of jury trials to the Colonies and the results of similar denials of jury trials before the Norris-La Guardia Act are eloquent.

I oppose any extension of the denial of the right to trial by jury which was contained in the 1957 act. I oppose such an extension for the purpose of the administration voting referee proposal; I oppose such an extension for the purpose of any revival of the 1957 part III proposal. I oppose any extension of the denial of the right to trial by jury because I am convinced it would violate the express provisions of the Constitution. I oppose any extension of the denial of the right to trial by jury because it would violate the basic principles of due process and fairplay which have been the basis of all our declarations of rights, from Magna Carta to our Bill of Rights.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 108]

Aiken	Cannon	Clark
Anderson	Carlson	Cooper
Bartlett	Carroll	Cotton
Bible	Case, N.J.	Douglas
Brunsdale	Case, S. Dak.	Dworshak
Bush	Chavez	Engle
Byrd, W. Va.	Church	Gore

Green	Long, Hawaii	Proxmire
Gruening	McCarthy	Randolph
Hart	McGee	Robertson
Hartke	McNamara	Russell
Hayden	Mansfield	Schoeppel
Hickenlooper	Martin	Scott
Holland	Morse	Smith
Hruska	Morton	Williams, Del.
Jackson	Moss	Williams, N.J.
Javits	Mundt	Yarborough
Johnson, Tex.	Murray	Young, Ohio
Keating	Muskie	
Lausche	Pastore	

The PRESIDING OFFICER. A quorum is present. The Chair recognizes the Senator from Florida.

Mr. HOLLAND. Mr. President, before I start, if there are any Senators who wish to make insertions in the RECORD, so far as I am concerned I shall be glad to yield to them.

TRIBUTE TO THOMAS G. MASARYK—CHAMPION OF DEMOCRACY

Mr. JAVITS. Mr. President, I ask the Senator from Florida [Mr. HOLLAND] if he will yield to me for an insertion.

Mr. HOLLAND. May I first ask that if I yield to the Senator from New York I may be allowed to do so without losing my right to the floor?

The PRESIDING OFFICER. Is there objection? The Chair hears none

Mr. HOLLAND. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, throughout the free world yesterday, March 7, the 110th anniversary of the birth of Thomas G. Masaryk was celebrated. The birthday of the first President of the Czechoslovak Republic has a special significance for all men who love liberty as well as for the captive Czechoslovak people, who revere him as their leader even in today's turbulent times.

In any chronicle of the free world's resistance to totalitarianism, the name of Thomas Masaryk will rank among the highest. His whole life was spent in the ranks of the fighters for liberty and democracy, and his sense of dedication coupled with the true humility of a great man inspired his countrymen as well as others far beyond the boundaries of his beloved Czechoslovakia.

Long a foe of communism, he led the volunteer army of Czechoslovak legionnaires as its commander in chief against the aggressive forces of the Bolsheviks in 1918. He organized the Czechoslovak liberation movement during the First World War and subsequently succeeded in convincing the allied governments to set up a republic composed of the Czech, Slovak, and Carpatho-Russian people. He himself served three terms as President of the Czechoslovak Republic and made it a bastion of democracy in a region which heretofore had known only tyranny.

Today, 40 years after the establishment of Czechoslovakia as an independent nation, the Czechoslovak people, many believe, look for the day when they may once more assume their rightful place as an independent nation in the family of the free world. Guiding them in their struggle now as it was 4 decades ago is the spirit of Thomas Masaryk.

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of mine pertaining to Thomas J. Masaryk, founder and first President of Czechoslovakia.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THOMAS G. MASARYK

Yesterday was the 110th birthday of Thomas G. Masaryk, the founder and first President of Czechoslovakia. This anniversary is being observed by freedom-loving peoples in many parts of the world. In the United States we are giving added emphasis to this important commemorative date by the issuance of a special postage stamp in Mr. Masaryk's honor.

We have many reasons for honoring this great Czechoslovak national hero. He was widely known in our own country during his lifetime, having been in Washington while he worked successfully to establish the Czechoslovak Republic.

Many thousands of Americans have come to the United States from Mr. Masaryk's native land and many others are descendants of Czechs who came earlier.

But more than anything else, we honor Thomas G. Masaryk for the things he stood for and the things he accomplished. He was a statesman, philosopher and scholar. He reaffirmed the idea of constitutional government and demonstrated the ability of his beloved people to govern themselves responsibly and well.

Today the Czechoslovak nation is under the heel of a Communist oppressor. The structure of the Czechoslovak Republic does not exist, but the ideals which created it burn as fiercely as ever. We must remind ourselves and all the rest of the world that tyranny must some day give way to freedom and that the principles which motivated the honored Thomas G. Masaryk will again prevail.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. HOLLAND. Mr. President, we are about to complete the first round-the-clock session of the second week of this peculiar and unusual debate based on a procedure which has never been followed before in the Senate so far as the Senator from Florida is advised. When the decision of the two leaders to hold round-the-clock sessions was announced, I was one of those who pointed out the danger to the lives and health of Senators in ordering such procedure. I believe it is appropriate for me at this time to reiterate this warning now that the debate has progressed to this point. I cannot too strongly urge upon the leadership and upon the Senate the fact that following this procedure is bringing us to no point of conclusion, and that, to the contrary, there are methods by which we can be brought in an orderly way to the conclusion of this very disorderly debate—disorderly because when we started there were 54 bills in the lap of the Senate on the subject of civil rights, and there are now so many more than 100 bills and amendments that I have not been able to have them counted again in the last few hours.

Mr. President, there are numerous contradictions between these bills and amendments. There has been no crystallization so far as the Senator from Florida knows, of the planning or the thoughts of those who are interested in the passage of so-called civil rights legislation. So far as the Senator from Florida knows, there has been no crystallization of the plans of the leadership in connection with what will be the form of the legislation upon which we will finally be expected to act.

Mr. President, I cannot too strongly urge that we have had conclusively demonstrated the futility of this continuing approach. The RECORD will show that at 4 o'clock this morning the distinguished majority leader evidently decided that he was getting exactly nowhere in following this course of round-the-clock debate, because at that time he made a motion for adjournment which, I believe, was agreed to with only three or four dissenting votes. And with that adjournment, Mr. President, we entered into a new day, terminating a legislative day which had been operative for so many days you could almost say that post memoria hominem we have been in that legislative day.

Mr. President, that means we have started all over afresh, that we are proceeding now to debate, just one speech having been made upon the pending business by the 18 Senators on the side of the argument where the Senator from Florida takes his stand, 1 speech out of 18 Senators who have the right to make 36 speeches on that particular amendment, Mr. President, and without reckoning that the Dirksen amendment, to which that particular amendment is addressed, itself has 7 different sections, severable, I am not sure whether into 7 different issues, but certainly into several different issues.

So, Mr. President, we are not getting anywhere, and I desire to call to the attention of the distinguished majority leader, who is my warm friend—and he knows that I am his friend and I am sure I am right in considering him mine—that it is time there be some crystallization of the issue. It is time there be some decision as to what it is we are debating with a view to passing, possibly by formulating something which can be subjected to cloture. Everybody knows there are enough Senators here to bring cloture upon the Senate, provided they can get together on what they want. Apparently they are not at all together on what they want. And everybody knows that in the absence of cloture, certain other devices are available which will permit this matter to be brought to a vote.

Mr. President, not only does the Senator from Florida feel that the health and even the lives of Members of the Senate are being jeopardized, but he finds from his mail and from editorial clippings which have reached him from all parts of the nation that that sentiment is being echoed over and over again in the minds of citizens and of editorialists from one end of this nation to the other.

Mr. President, at this point I wish to read into the RECORD an editorial which has reached me from the Register, of

Danville, Va., which I think emphasizes this question and brings attention again to the fact that we are toying, we are playing, with the health and with the lives of individuals of the Senate who can ill afford to be subjected to this kind of strain.

The title of this editorial is "Not a Life-or-Death Matter." The editorial appeared in the edition of the Danville Register of February 26, 1960. I quote:

A calm voice was raised in the U.S. Senate Wednesday when SPESSARD L. HOLLAND, senior Senator from Florida and 16th ranking Member of that body, said he wanted the record to show "one voice was raised to warn the leadership that they will be assuming responsibility for the lives and the health of their colleagues" in ordering round-the-clock sessions.

Mr. President, I am almost sorry they mentioned the name of the Senator from Florida, because that is not the point in this matter at all.

The leadership meant Democratic Majority Leader LYNDON B. JOHNSON and Republican Minority Leader EVERETT M. DIRKSEN, who have joined in calling continuous sessions, starting Monday, until a civil rights bill is passed.

That was Monday of last week, Mr. President.

Senator HOLLAND'S warning is not to be taken lightly. More than half the Members of the Senate have attained their 60th birthday, and many are in their seventies, a few in their eighties, and one, Senator GREEN, Rhode Island is in his nineties.

Both men to whom the warning was directed, JOHNSON and DIRKSEN, have suffered heart attacks. DIRKSEN had to quit Congress for a while because of a dangerous cardiac condition. JOHNSON had to be hospitalized a long while and then retire to his ranch for an even longer period of recuperation.

In calling for continuous sessions, a scheme to wear out the Southern Senators opposing the civil rights legislation, JOHNSON and DIRKSEN have been heedless of their own health and welfare, and of the health and welfare of others.

Mr. President, I digress long enough to say that I think a major risk has been taken by them themselves, and my gravest concern has to do with the risk which they are unnecessarily taking.

With rollcalls throughout the day and night, Senators will get little rest and interruptions will be frequent. This will pose a physical strain upon all Members of the Senate, and it well may be more strain than some of the older Members and those with weak hearts can stand.

Senator BYRD spoke of the disorderliness of the Senate's procedure even before JOHNSON and DIRKSEN agreed upon the cruel and unusual punishment of around-the-clock sessions. This stratagem compounds the disorder and poses a real threat to the lives of Members.

If the Senate just has to pass a civil rights bill, as JOHNSON and DIRKSEN agree it does, then let the debate proceed during regular hours. Better take a little more time than to send one, two, three, or more Senators to their graves or to invalidism the remainder of their days.

Mr. President, I digress again long enough to say that cruel and unusual punishment is inflicted more upon the leaders themselves than upon anyone else. So nobody can claim they are subjecting others to a procedure to which they are not willing to subject themselves.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to my friend, the distinguished majority leader.

Mr. JOHNSON of Texas. First of all the Senator is proceeding under the assumption that the more you repeat a thing, even if you are not always exactly correct, if you repeat it often enough, people will believe it. I want to point out three things:

First, the purpose of round-the-clock sessions is not to wear out anybody. The purpose is in order that the country may know that those who claim they need time to discuss these things have been provided with that time, that they have been provided adequate time, and that before any move to invoke cloture is made, each Senator who desires to speak has an opportunity to speak and to speak at great length. I do not know how many hours have been provided each Senator who is opposed to this bill, but I should say that by this time, at least 10 or 15 or 20 hours have been so provided. All Senators have been given an opportunity to speak, if they wished to do so, on the merits of the proposal.

Second, I should like to point out to the Senator that I do not know who his authority is on the reason the minority leader left the Congress. I understand it was an eye condition, rather than a heart condition—not that it is important, but I think the RECORD ought to show it correctly.

Third, practically every Member of the Senate knows—and I think the press knows and the country knows—that it is not the majority of the Senate that is getting Senators up at all hours of the night; it is not their purpose to inconvenience their colleagues. It is not the majority of the Senate that is demanding a quorum call every hour. It is not the majority of the Senate that is continuing to prolong a vote on minor amendments. We are prepared to vote now. And if the Senator will yield for that purpose, I will ask permission to vote in 30 minutes on the pending amendment, 15 minutes to the side, and then progress to some other amendment. I now make such request.

Mr. HOLLAND. Mr. President, I am going to speak to about 12 o'clock, and then the Senator, as the majority leader, may make any request he wishes to submit. I have already said that the Senator from Texas has been as hard upon himself as he has been upon other Members of the Senate. He has done this as a military leader who would not lead his forces into any hardship that he has not or would not undertake for himself. But I am calling attention to the fact that by this procedure we are getting nowhere, except that we are endangering the health and lives of our colleagues. The Senator himself has admitted we are getting nowhere, by making the motion this morning to adjourn, thus starting a new legislative day and making it as clear as crystal that nothing has been accomplished. I think the Senator from Texas knows perfectly well that the so-called Southern Senators—who are American Senators, for that matter, as well as anybody else—are probably less fatigued by the procedure up to this time than any other Members of the Senate.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from Florida yield to the Senator from Texas?

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. I think they would have us believe that. I do not know that a Senator feels fresh after speaking or participating in the sessions for 24 hours a day. I am not one who believes that a certain group of Senators is more fatigued than another.

But I wish to point out that we are ready to vote. I am ready to vote; I am ready to vote in 30 minutes. But the Senator refuses to permit us to vote.

Mr. HOLLAND. The Senator came into the Chamber at 4 or 5 o'clock this morning and voted for an adjournment—which looked to me as if the Senator from Texas was throwing in the sponge; and the Senator from Florida was perfectly willing to help him do so.

Mr. JOHNSON of Texas. Mr. President, the Senator from Texas does not throw in sponges. If the Senator from Florida is as informed as I believe him to be, he recognizes that no sponge has been thrown in.

If the Senator is willing, we shall vote on the amendment at any time the Senate permits us to do so. Senators have been recorded time and time again on motions to have the Senate take a recess or adjourn, and have indicated their willingness, at their own inconvenience, to permit other Senators to have a reasonable time to debate. There will come a time when they will decide they have had enough time. I do not know when that time will be. I want to be understanding, patient, and generous.

If the Senator will not permit us to vote now, then there will be a time, in my opinion, when a majority of the Senate will permit us to vote.

But I want the RECORD to show that so far as the leadership is concerned, we are ready and willing to vote on each part of the Dirksen amendment and on the bill; and we shall never have another night session, so far as I am concerned, if the Senator from Florida will speak for his group and will permit us to vote. But if they want to talk, then we are willing to permit them to have an opportunity to talk until a sufficient number of Senators is willing to vote to invoke cloture.

Mr. HOLLAND. Mr. President, I thank the Senator for his generosity regarding this matter. But I call attention to the fact that the Senator from Texas has begged the question on the principal issue raised by me; namely, that we do not have a bill to vote on; that the Senator from Texas and the Senator from Illinois have not presented any formulated program; that, to the contrary, they are now asking us to write, on the basis of 100 bills and amendments, a bill here on the floor, without any indication of the direction

in which we are going, except that the majority leader has said he is ready to vote on a rather petty amendment which is pending. But beyond that, if there has been any suggestion by the leadership as to where we are going, I have not heard it.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Florida yield further?

Mr. HOLLAND. I yield to my friend.

Mr. JOHNSON of Texas. The Senator well knows the administration bill is pending, and it has seven parts. The Senator from Georgia has asked for a separate vote on each part.

The Ervin amendment is pending, and we are prepared to vote on it, and then to proceed to vote on the administration bill, part by part, if we are permitted to do so.

But the Senator knows that he would not permit us to vote on any of the parts of it. The Senator from Georgia has objected to that time and time again; and we have no choice in the matter. The reason why we are continuing these sessions is that a few Members of the Senate insist on not permitting this matter to come to a vote; and the Senator is frank enough to recognize that.

Mr. HOLLAND. Well, Mr. President, the Senator from Florida is frank enough to state here to his colleagues, including the majority leader, that the understanding of the Senator from Florida is that no accord has been reached as to what the final form of the bill will be; and that is the reason why no move for cloture has been initiated, because everyone knows that more than two-thirds of the Members of the Senate are ready to vote for some kind of a civil rights bill. But the trouble is that we do not know what the form of the bill will be; and some Senators are unwilling to vote for cloture because they are afraid that the majority leader and the minority leader have in mind some particular form of a bill; and other Senators are unwilling to vote for cloture because they are afraid that some other plan is in the minds of the leadership.

I hope the time will come when the majority leader and the minority leader—and both distinguished Senators are great leaders—will form their ranks and will cease this procedure under which, to borrow a phrase from the old poem, they are leading these 100 "into the valley of death." In this instance the 100 are riding behind the leadership of the Senator from Texas and the Senator from Illinois—notwithstanding the fact that no one knows what is at the end of the rainbow; no one knows what is the thinking of the two distinguished leaders; no one has been able to see any developments, from the leadership or from any large majority of the Senate, as to what kind of a bill we are expected to be called upon to vote on.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. Mr. President, before the Senator from Texas asks me another question—and I shall be most happy to yield to him, and also to the Senator from New York [Mr. JAVITS]—I wish to call attention to the fact that the Senator from Texas was not entirely accurate in his statement that we have had quorum calls every hour. We have had only one quorum call since 4 o'clock this morning. We could have had several. However, I notified a great many of my colleagues—including the Senator from Texas—that there would be no quorum call until after the reading of the Journal was completed, and until after the speech by the Senator from Virginia was made. It was a very magnificent and scholarly speech. I think that showed a reasonable understanding of the fact that Members needed to rest. And I took the same position the last time I spoke here on the floor, which I believe was last Thursday night; I called off a quorum call which had been begun mistakenly; I did not insist that it be a live quorum.

So there has not been any great amount of imposition, at least, accomplished on my associates by me.

Again I insist that the leadership is under the duty and the obligation of showing us where we are going, and of giving us a bill, and of crystallizing the objective toward which they are moving. And I am hoping that very soon there will be something of that kind produced, because it is rather evident to all concerned that this sort of procedure has brought us nowhere; and I admire the frankness of the Senator from Texas in recognizing that fact by making his motion for adjournment this morning, for which I was glad to vote. I was glad to join the Senator from Texas and to hold up his hands in the admission that the procedure which we were following was getting us nowhere.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. I do not make any such admission. I think we are getting somewhere; and I think the people of the country know who is keeping this bill from being voted on and who is delaying the taking of the vote on the pending amendment and on the various parts of the Dirksen proposal.

No one can tell the Senate what form any bill will take until the bill has been debated and until amendments have been offered and voted on.

But an amendment in the nature of a substitute is before the Senate; and if a majority of the Senate approves it, and does not approve other amendments, that measure can be passed and will be passed, if the Senator and his leadership will permit it to be voted on.

The Senator does not mislead the country when he indicates that he is ready and willing to have a bill formulated and then voted on, because the Dirksen amendment is at the desk and has now been at the desk for going on 4 weeks; and a certain group of Senators are addressing themselves to this general subject. But not one of them, including the Senator from Florida, has been willing to have the roll called on the question of agreeing to the Dirksen proposal, so as to let it be voted on on its merits; and the Senator from Florida knows that, and the Senate knows it, and I think the country knows it; and the Senator is not misleading anyone by such remarks about the leadership's keeping the Senate in session.

Mr. HOLLAND. Mr. President, I have the floor——

Mr. JOHNSON of Texas. Oh, if the Senator from Florida has heard enough, I will sit down.

Mr. HOLLAND. Mr. President, the Senator from Florida does not like the word "mislead." The Senator from Florida does not mislead anyone. If there has been any misleading in this procedure, it has been by the leadership, which has taken this valiant band of 100 down the long, weary road, but without having in mind any clear objective.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. Not at the moment, Mr. President.

I do not like the word "mislead," because I have talked here with extreme frankness. I have repeatedly talked to the Senator from Texas and to the Senator from Illinois. The Senator from Texas knows he can bring to an issue the Ervin amendment at any time, simply by making a motion that it be laid on the table. But he has not done so.

The Senator from Illinois knows that, and he has not done so. Mr. President, in the opinion of the Senator from Florida—who is entitled to an opinion, even if he is not a leader—the real reason why that has not been done and the real reason why an adjournment took place this morning and the real reason why we are getting nowhere on this subject is that the minds of the leadership have not jelled on the form of the bill. The Senator from Florida has never heard the Senator from Texas state that he is supporting the administration bill, the Dirksen bill. On the contrary, the Senator from Florida stated in his first address on this matter that he thought it would be strange, if not incomprehensible, if the majority leader and the great group of self-styled "liberals" on this side of the aisle who are supporting civil rights legislation would ever be willing to support the administration measure urged by the minority leader, speaking for the administration, thus allowing the administration and the Senators on his side of the aisle to get the major credit for the passage of this bill.

Perhaps my distinguished friend is for the Dirksen bill, but I have never heard him say so, and I have never heard any intimation that there has been any crystallization of the thinking of those who want civil rights legislation enacted.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HOLLAND. I agreed to yield first to the Senator from New York.

Mr. JOHNSON of Texas. Mr. President, I never want to imply that the Senator misleads anyone.

Mr. HOLLAND. I will yield to the Senator from New York, and then to the Senator from Texas.

Mr. JOHNSON of Texas. Will the Senator from New York permit me to make an observation?

Mr. JAVITS. May I withhold my statement?

Mr. HOLLAND. Certainly.

Then, Mr. President, I yield to the Senator from Texas.

Mr. JOHNSON of Texas. I do not want the RECORD to show, or anyone to understand, that I was charging that the Senator from Florida deliberately misleads anyone.

Mr. HOLLAND. What the Senator said sounded very much like that, however.

Mr. JOHNSON of Texas. I had no such intention.

A while ago, it sounded very much as if the Senator from Florida implied that I had blood on my hands; but I do not believe he meant to imply to the Senate that I was a murderer.

I do not think I have the responsibility for the Senate's being in session around the clock. The only point I want to make is that—as the Senator from Florida knows, and as I have told him several times—I am prepared to vote on this amendment, and I am prepared to vote on other amendments. The Senator and the other members of his group have leadership; and if that leadership is prepared to have the Senate vote on some of these amendments, we can proceed to vote today. I rather have the impression that the Senator from Florida would not object to that, and that some Members are prepared to vote. But some Senators have not yet concluded that they are prepared to vote. When that conclusion is reached, I am sure the Senate will promptly proceed to vote. But until that time comes, I think the Senate itself has the responsibility for the decision for the continuous sessions, because at any time that the majority determines it wants to adjourn to a time certain or take a recess of the Senate, the Senate will do so. But unless and until the majority do that, they share in the responsibility for the continuous sessions; and I think the Senators who do not permit us to come to a vote on any amend also share in that responsibility.

The other evening, after 5 days, we did make a motion to table; but I then heard Senators state that they desired to speak to questions of personal privilege, because we had taken the unusual step on making a motion to table.

I would not hesitate to make a motion to table the present amendment; but I feel that until we can get some assurance that we can reach a vote on one of the parts of the seven-part substitute amendment, nothing would be accomplished by moving to table.

I hope that today it will be possible to reach a decision which will permit us to proceed with this amendment, and then make some other motions. But I do not have such assurance, and I know the Senator from Florida cannot give it to me, although I believe he would if he could.

Mr. HOLLAND. I thank my distinguished friend. Let me say that I was one of those who protested against the method used in bringing up the motion to lay on the table, the other night. I stated that it had been my view and observation, throughout nearly 14 years of membership in the Senate, that a Senator who offered an amendment, to which so drastic a remedy was sought to be applied, was always given an opportunity to be heard on the floor; that notice was always given of the fact that the leadership or whatever Senator intended to make a motion to lay on the table intended to do so—and at a certain hour.

The Senator from Florida has, on two or three occasions, made motions to lay on the table; and he remembers very clearly that he gave notice ahead of time as to the time he was going to make the motions and as to the fact that he was going to make it and discuss with his friends whether they thought the debate had proceeded long enough to make that course reasonable.

I remember one particular occasion when the Senator from Alabama [Mr. HILL] had an amendment which he treasured very much, having to do with the so-called tidelands bill, and the debate had proceeded several days, as all Senators then in the Senate will remember. The Senator from Florida discussed with the Senator from Alabama his view that the debate had gone far enough to bring out the issues, and that he had proposed to make a motion to lay on the table at a certain time, unless that course for some reason seemed unusual and arbitrary and unkind to the Senator from Alabama. The Senator from Alabama thought that the procedure was in line, and the motion was made. I cite that one instance. The Senator from Florida is no model of perfection at all in his handling of matters on the Senate floor, but he thinks he was simply following the course of action which is generally agreed upon as being the courteous, ordinary, and reasonable course of action to be followed in such matters.

So the Senator from Florida did protest against the making of that motion. But the Senator from Florida does not think that applies at all to the present situation, and he knows perfectly well that the Senator from Texas, as majority leader, the Senator from Illinois, as minority leader, or any other Senator who is interested in this matter has it within his power to make a motion to lay on the table addressed to the Ervin amendment, the pending business. He does not believe that after the discussion the other night that will be contemplated by anybody without giving notice, and he believes that notice should be given, but that notice could be given and the motion made within a very few hours, if the leadership wanted to go in that direction.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. JOHNSON of Texas. Has it ever occurred to the Senator that we may favor that amendment and we would not want to table it if we did favor it? I stated I favored the amendment the other evening, and I think the minority leader at this time favors the amendment, and we would like to proceed to move to have that adopted, but you cannot have it adopted when Senators are speaking on the floor. On the motion to table the other evening, it is my understanding we had a quorum call, and it is my understanding the clerks at the desk informed the Senator from Louisiana [Mr. LONG]. The Senator did not answer his telephone, and was apparently en route to the Senate. They talked to the person who answered the telephone and they so informed him. By the time the Senator got here, we were in the quorum call. We concluded the quorum call, and the Senator from Louisiana asked unanimous consent that his amendment be reported, and his amendment was reported and read to the Senate. Now, in this instance I do not favor tabling the amendment.

Mr. HOLLAND. I am glad to hear that.

Mr. JOHNSON of Texas. The only way I know it can be voted upon, if no other person desires to make a motion to table it, is for those who are doing the speaking to let the question be put and ask for the yeas and nays and proceed to a vote on it. That I am willing to do.

Mr. HOLLAND. The Senator from Florida is again willing to do that and he is glad that the Senator from Texas in this one matter is in accord with the position of the Senator from Florida.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I am one of the troops being led through this valley and I think everyone knows that I am an interested member of that select company. I would like to say that the Senator from Florida is always very frank and so extremely courteous to all of us knowing whatever may be our disagreements, they are certainly not personal, and he gives us an opportunity now this morning to formulate what is occurring in the eyes of the country, which could be a little confusing. If the Senator would allow me I would like to give an interpretation of one interesting point. First, I would like to suggest to my colleague that the motion to adjourn early this morning by the Senator from Texas was in my view made in the utmost good faith and, I interpret it, and as I say I am a party as zealous for civil rights as anybody here, with the intent of not whatever interfering with the course of a vigorous effort to get civil rights legislation enacted. There is no question about it. It had no effect whatsoever on our situation except to give us an opportunity to get an extra hour or two of sleep. Although I am now grateful, I did not think so at the particular time, because I was too tired to realize it.

Another point which I should like to make is that, on the Ervin amendment, which is a collateral matter, I have very grave question in my mind as to whether it is not in fact a good amendment. I hope it will not be tabled, but that the Senate will be given an opportunity to vote on it after a little elucidation by the Senator from North Carolina as to what is involved.

So far as Senators like myself are concerned, I am glad to be able to say that. I think it would be most unfortunate if my colleagues took the position

that just because a proposal emanated from a Southern Senator, that made it ipso facto, as we lawyers say, bad. That is not necessarily so. This particular amendment may be appropriate, and perhaps it should be included in the bill. I would like to get a little confirmation from the debate as to what it would do.

I do not think the Senator from Florida need yield to me or to anybody else—he has been in the Senate much longer than I have—in his pride of the Senate as the greatest deliberative body on earth. I am sure in his own way he is trying to sustain that reputation just as zealously as I am.

As I see what is going on, I think an appeal is being made to a higher jury than the Senate, because what in practical effect we have on the table is a bill in seven sections, and amendments must be germane to each section if there is cloture. Therefore, we have seven separate packages. The senior Senator from Georgia [Mr. RUSSELL] has already divided them. There are seven separate propositions, each susceptible of being voted on, together with individual amendments, bringing us to a vote with the same kind of procedure we would engage in on the floor were the Senate acting as a committee of the whole. We would take up proposition A, take up amendments, proceed to a final vote on proposition A, and then pass on to proposition B.

That is quite an orderly procedure, which has been followed in this body, and I know it has in the other body, where I served, in matters reported out of committee, as to which many Members had a lot of differences and amendments to offer.

What is happening here is an appeal to a higher jury than the Senate, because the Southern Senators want approval, not by a majority vote, but by a majority of two-thirds, and we are going to make the test of legislation in the Senate the question whether cloture cannot be obtained until there is before it the kind of bill that must be passed by a two-thirds vote.

I think this is something the country ought to hear perhaps more than it has heard so far. I hope the people will understand it very clearly, because if the Senate of the United States is to be ruled by a two-thirds vote, rather than a majority vote, it may not necessarily be bad, but it certainly was not the idea of the Founding Fathers.

Nevertheless, that is what is going on now. That is the great struggle going on on the floor, and the Senator from Florida knows it, because he has his ear tuned pretty sharply to what is going on.

There are those of us who say that the majority must rule, and we want these amendments voted up or down by majority. There is another group, quite outside the Senator's group, who say, "No. We want the bill just as we say, or we will not vote for cloture."

As is true in any free society, this is a matter that the country will have to decide once it percolates down to the people. If it does not percolate down to them, then the matter is going to be decided adversely with respect to a bill which I think should be passed.

The Senator from Florida is a cultivated and highly patriotic American. I thank him for yielding to me. What I have stated is what is occurring, and the Senator gives us an opportunity to lay it before the country.

Mr. HOLLAND. I thank the Senator from New York for his temperate remarks. I am certainly not going to differ with everything he has said. I do call attention, however, to the fact that on my last appearance on the floor I read very strong statements from students of government in this Nation who are read from one end of the Nation to the other, Mr. Walter Lippmann, Mr. Arthur Krock, and Mr. David Lawrence, all of whom took the position that on matters regarded as of vital importance to great areas of the Nation, it has long been the rule in this Nation that persuasion rather than coercion was the only safe way to proceed, and that, pursuant to that philosophy, the so-called cloture rule had made it possible for that philosophy to apply when matters are of the gravest importance.

While the Senator from New York will not agree with me in the statement I am going to make, I do not think he will question my frankness and my conscientiousness in making it. In my judgment, the legislation which the Senate could pass, embodied in the various bills now before it, would be not only coercive and compulsory and impossible of attainment, but it would vastly worsen a field in which the Senator from Florida has worked all his lifetime, and, if he does say so himself, quite effectively, in trying to bring about a reduction of the tensions between the races in the Southland, and giving of greater opportunity to our minority colored citizens to improve themselves, to educate themselves, to have fairer treatment, to vote, and to do all the other acts which have to do with the exercise of full citizenship.

The Senator from Florida thinks he knows something about this problem in its intimate application to the Southland, where 50 million people live together in relative peace, from Delaware to Texas. The Senator from Florida thinks the adoption of this legislation, in some forms, in many forms that may come from the conglomeration of bills now before us, would vastly worsen the situation, and would greatly set back the clock of friendly improvement of relations, and particularly relations in the status of our colored citizens. It is because he believes that, and he believes, in addition, force would be used, trouble would ensue, and very much blood could be shed, that he will stand here as long as he can stand to expound that point of view; and he does it as one who has always been moderate in this field, and hopes he always will be so regarded.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. JAVITS. I should like to state, as to the merits of the legislation, that I think there is an area of law which is absolutely essential, and that is shown by the element of public desire which creeps into these matters, very unfortunately; but I can understand the Senator, and I could not agree that what is before us, in amendment form, the administrative package, is anything but very moderate, and designed to give the forces of moderation full opportunity.

As I have said, I doubt that we could agree on that statement. I do not believe it sharpens some of the matters that are being sharpened in this colloquy as to what is happening in the Senate in the procedural sense in the eyes of the country.

I gather—and the Senator will contradict me if I am wrong—that implicit in our business is the fact that the Senator feels that the time when the Senate must accommodate itself to the demands of a minority still continues, and perhaps, in the eyes of the Senator from Florida, will always continue.

I think in a free society like our own, if we expect it to work, we cannot impose force on a legislative body any more than we can impose force as to race relations. There comes a time when the Senate has to declare that it is willed by a majority. Otherwise the Constitution has been informally, by the Rules of the Senate, amended, so that it is no longer controlled by a majority vote. The time comes that our action should be dependent on the merit of legislation, and should not be dependent on individual Senators' judgment as to when there has been free and full debate—which anybody could show has been engaged in. In my view, if the Senate goes beyond that point, and I think we are in the shadow of that situation now, then it demonstrates to the country that it has allowed its own rules to change the constitutional organization. This I think is very serious, and I hope the Senate will not fall into the abyss which yawns before it.

Mr. CLARK. Will the Senator yield?

Mr. HOLLAND. Mr. President, let me first make a brief response to the Senator from New York.

It seems to me that the Senator from New York, very frankly but kindly, is begging the issue. As I understand him, he thinks that a majority of one should have the right to impose its will on a minority of one less than half, and upon half of the States of this Union, upon matters of so great and vital importance that the Senators from that great area think that there is involved the peace, the progress, the prosperity and the good will of the citizens of that practically half of the Nation.

The Senator from Florida cannot subscribe to that in any way. That has never been the philosophy of the Senate. It is not now the philosophy of the Senate. The Senator from Florida will simply have to disagree with the conclusions of his distinguished friend from New York.

Mr. JAVITS. Will the Senator allow me just to add one word of perfection of the factual situation? Then I will be through.

We must remember that whatever the Senate does by a majority of one must be tested by the following preliminary

tests: First, a debate long enough, extensive enough, thorough enough, to have convinced two-thirds that there has been enough debate, although they should not in that way control the legislation; second, that the legislation will be workable, otherwise, it will fall of its own weight; third, the Supreme Court could reverse what we do if it is unconstitutional; fourth, we all must face the issue of election sooner or later, every one of us. Those are the only ones that occur to me at the moment; there may be others.

I say that only so that the country will not get the idea that I am talking of a tyranny of the majority. I am talking of the capability of the majority, because that is what we are as a Nation and that is what we are under our Constitution, at some point to come to judgment. I think what we are restive under is the fact that we are not being permitted to even get that far, to come to a judgment.

Mr. HOLLAND. Mr. President, I am glad that the Senator by implication, and almost by admission, does concede that there is such a thing as tyranny of a bare majority. There is not any doubt about the fact that that is the case. This Nation was never set up on any such basis, has never functioned on any such basis, and I do not believe it ever will function on any such basis.

Now I yield to my distinguished friend from Tennessee.

Mr. GORE. The colloquy between the two learned Senators has been particularly provocative and interesting.

Mr. HOLLAND. Mr. President, since this is not a question, and I want to be most generous, may I ask, in yielding to my friends who are on their feet, that I be permitted to yield without losing the floor, regardless of whether they make a comment or ask a question?

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. GORE. I should like to suggest for the consideration of the distinguished senior Senator from New York that he may be minimizing a principle inherent in our system, that in major respects ours is a government of consent of those governed through the processes of democracy and persuasion, that majority rule is tempered in several respects in our constitutional system.

For one thing, the overriding of a veto requires a two-thirds majority, as does the ratification of a treaty. The amendment of the Constitution requires not only a two-thirds majority of the Senate, but a two-thirds majority of both Houses, plus a ratification by three-fourths of the States.

In matters of legislation, in matters of appropriation, the routine matters of fiscal affairs and ordinary legislation, majority rule is clearly the mark. The Senate rules provide, clearly, that in an instance such as that now before the Senate, where a section of the country may feel aggrieved, or in one in which a considerable minority of the membership of this body feels that the temporary will of a majority may be damaging to the national interest, resort to extended debate is clearly available.

At the beginning of last year, the Senate, after very careful consideration, amended rule XXII, liberalized it, to provide that two-thirds of those present and voting could vote cloture. It is in this sense that I wish to call these facts to the attention of the distinguished Senator from New York.

Mr. CLARK. Mr. President——

Mr. HOLLAND. Mr. President, I warmly thank the distinguished Senator from Tennessee for his able and I think completely correct observation.

Mr. JAVITS. Mr. President, before the Senator proceeds, before we finish that point, may I make one point of fact?

Mr. HOLLAND. I had agreed to yield to the Senator from Pennsylvania. If he will yield, I will yield again to the Senator from New York.

Mr. JAVITS. Just to make one point. It is a fact, I will say to my colleague from Tennessee, that where he has enumerated two-thirds, it is in the Constitution as to treaties, vetoes, et cetera. When he has referred to the situation we face here today, it is provided for in the Senate rules, and not in the Constitution of the United States. That is correct.

Mr. CLARK. Will the Senator yield?

Mr. HOLLAND. Does the Senator from Tennessee wish to make a response to the comment of the Senator from New York, which was directed to the response of the Senator from Tennessee?

Mr. GORE. Yes. I agree with the remarks and observation of the distinguished senior Senator from New York, but suggest that the rules of the Senate find as their precedent the provisions of the Constitution itself, which I have cited.

Mr. HOLLAND. Mr. President, before yielding to my good friend the Senator from Pennsylvania, I suggest that the drafters of the Constitution incorporated into it those matters which they could foresee as very vital. There are some other matters, other than those which have been mentioned, such as the expulsion of Members, and so forth. But that does not mean that the Senate did not receive, through its general power to make rules for its own conduct, the right, and indeed the direction, to make such rules as might comply with the relative seriousness of matters before it.

The rule to which the Senators have been addressing themselves is rule XXII.

In those cases where there is an immense and deep conviction on the part of large numbers of Senators, and of millions of people whom they represent, that something is about to be done which is not only fundamentally hurtful to them, but which will affect the peace and quiet of their citizens in an adverse way, they have certain rights.

For many, many years we have had this rule that a two-thirds vote shall be required for cloture.

The Senator from Florida simply calls the attention of his friend from New York to the fact that the real reason why cloture has not been resorted to is not that vastly more than two-thirds do not want civil rights legislation, but it is the mess now confronting us of over 100 bills and amendments. I think the Senator from New York has never shown any willingness to accept any given formula. He has filed more amendments and more separate bills than any other Senator. That fact is the reason for not resorting to cloture up to now.

The Senator from Florida has been pleading since the first day of this debate for us to crystallize and clarify the issue by the production of a bill. The Senator from Florida has not the remotest idea what will be the final form of this bill as it will confront the Senate when it votes.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. GORE. Mr. President, with the consent of the distinguished Senator from Pennsylvania [Mr. CLARK], I shall cite one other instance. The proceedings on impeachment require more than a bare majority. However, I rose in this instance to ask of the distinguished senior Senator from Florida if it is not true that the rule of the Senate which provides for extended and free debate has been used most frequently by Senators of a progressive political bent in the protection of what they have regarded as the public interest in matters affecting national resource development, atomic energy, and other matters, which are considerably different in political portent from the present issue before the Senate.

Mr. HOLLAND. The Senator from Tennessee is, of course, correct. Only four measures in which cloture has been applied have been, all of them, applicable to measures of the general type mentioned by the Senator from Tennessee. There have been other measures in which protracted and unlimited debate has taken place on the floor by dedicated Senators having deep convictions. The Senator from Florida is looking at one of them now, when he looks at the distinguished junior Senator from Tennessee [Mr. GORE], his friend; but in the instance he has alluded to, cloture was never finally resorted to.

Mr. President, I now yield to the distinguished Senator from Pennsylvania.

Mr. CLARK. Mr. President, I should like to continue the colloquy briefly in the same friendly spirit in which it has been conducted so far. I desire to express my strong support for the views voiced by the Senator from New York [Mr. JAVITS]. In my judgment, regardless of the merits of any particular bill or any particular issue, the Senate of the United States should have an opportunity to vote, by rollcall, after a reasonable debate on any proposal which a substantial number of Senators support.

In my judgment, the great trouble with the U.S. Senate is the inadequacy of the cloture rule, which carries in its train, as a practical matter, unlimited debate. So far as I know the U.S. Senate is the only major legislative body in the world which is unable to act when a majority desires action.

The situation is only a little better than that of the Polish Diet in the 17th century, where unanimity was required for action. As a result of that unsound

rule, Poland was partitioned by Austria, Russia, and Prussia.

In my judgment, the Founding Fathers never had the remotest idea that when they provided for the organization of the Senate as they did in the Constitution such a procedure would be worked out as to inhibit action even when a majority wished to act.

It was not until the 1840's, as I understand it, that the so-called filibuster first appeared. I think it was a mistake then; I think it is a mistake now. In my judgment, the Senate had an opportunity to remedy that situation in 1957, but failed to do so because both the majority leader and the minority leader, as well as a substantial number of Senators, were determined that the rules should not be changed in any meaningful way.

In my judgment, the United States Senate has brought itself into disrepute in the eyes of the civilized world during the last few weeks. We have been held up to ridicule, and our country's position abroad has been substantially weakened in areas where we need support, because our senatorial behavior has been such that we have indicated to the world that a freely elected democratic body cannot act when a majority of its members desire to act.

In my judgment, we run a grave danger in the modern world, not only in this matter, but in many others which may come before the Senate, of being so incapable of acting in a time of grave crisis and constant change that the American people may one day decide that unless the Senate of the United States is prepared to modernize its procedure, then perhaps something very drastic will have to be done with the U.S. Senate. We cannot afford the luxury of being a body which lives in that long departed past of which Mr. Arthur Krock and Mr. David Lawrence are such eloquent exponents. We live in an age which will no longer permit us that luxury.

I hope the Senator from Florida, who I know disagrees profoundly with what I have said, will none the less recognize that I say it in the same friendly spirit and from the same profound conviction on my side that he speaks from his. I thank him for yielding to me.

Mr. HOLLAND. Mr. President, no one could doubt either the frankness or the conscientiousness of the Senator from Pennsylvania. I simply doubt the soundness of his position, because I suspect that probably one of the reasons why the Senate of the United States, the institution which both he and I love so much, has continued to stand in the esteem of the nations of the world, as the highest, on the very peak, of the deliberative bodies of the world, is that it cannot be forced into snap judgment, and that there is given here the unlimited right of each State to be heard, and for the Senators of that State to speak.

The distinguished Senator from Pennsylvania need never fear that in a time of great hazard to our Nation, the group of Senators of whom I am a part would ever take this sort of position, even though we believed it greatly affected our own domestic tranquillity.

The best proof of that is that when the peacetime Selective Service Act was passed just a few years ago, after the end of World War II, an act for which the Senator from Florida voted, and for which other Southern Senators, he believes, voted, in spite of the fact that there was placed in the bill a provision which was very much opposed by Southern Senators and very much opposed by their people, calling for all-out integration in the Armed Forces, the Senators from the South, after speaking their unyielding opposition to the bill, because of the fact that the national security was so involved in the question, went ahead and voted for the bill and did not tie it up in long debate.

The Senator from Pennsylvania need never fear that in time of danger to our Nation, any such position will be taken by this group of Senators. There is hardly a member of this group of Senators who has not fought for his country. Many of this group of Senators bear the decorations of their country. Many members of this group of Senators have lived over and over again the distress of seeing their sons do battle, when we thought we had won a war which made democracy safe for all time and had ended war for all time.

No, Mr. President; the real issue is whether in time of peace, and on a matter which we believe fundamentally affects the peace, quiet, and law observance phases of life in our part of the country—a great part of the country having more than 50 million inhabitants—we shall stand up and call this fact to the attention not only of our fellow Senators, but of the country as well.

The mail of the Senator from Florida indicates that a great many people outside the States of the South agree with the philosophy of the Senator from Florida. As a matter of fact, unless he is misinformed, none of the three great columnists whom he mentioned, Messrs. Lippmann, Krock, and Lawrence, are in that respectable minority of southern white people. Perhaps I have been misinformed about them; if I am, we shall be glad to claim them, and be proud of it. But it is my understanding that they are not southerners.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield again.

Mr. CLARK. I do not desire to have the last word, and this brief comment will, accordingly, be my last one. I again thank the Senator from Florida for yielding to me.

I do not, of course, question the patriotism of any Member of this body. The Senator will recall, however, that on the verge of World War I, 12 willful men almost brought the workings of the U.S. Government to a halt.

Mr. HOLLAND. They were not southerners.

Mr. CLARK. Not southerners. This is not a sectional matter. I can only say again—and I suppose reiteration adds nothing to the strength of my comment—that, in my judgment, the rules of the game are wrong and are not in the spirit in which the Founding Fathers organized the Senate as part of the Constitution, nor are they feasible rules in view of the speed with which the modern world must move. I know my friend disagrees. I shall have nothing further to say. I thank him again for his courtesy.

Mr. HOLLAND. Mr. President, I thank the Senator for his comment, even though I disagree with it so fully.

Mr. ROBERTSON. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. Mr. President, with the same understanding, may I yield to the Senator from Virginia, who was on his feet a while ago, and as to whom the Senate has given unanimous consent?

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. HOLLAND. I yield.

Mr. ROBERTSON. Did the Senator read the comment of the columnist, Mr. Roscoe Drummond, in the Washington Post yesterday?

Mr. HOLLAND. I did.

Mr. ROBERTSON. The tenor of his comment was that, if the Southern Senators would simply lie down and play dead, then the Senate would pass a mild bill relating to voting; but if the Senators keep up this fight for the preservation of the rights of the States and of jury trial, and of the wide variety of civil rights, then they are going to have a very tough and strenuous bill. The Senator has been a distinguished Governor of Florida, and has been a Member of the Senate for 14 years, and he has had much opportunity to observe and judge.

Does he agree with that conclusion of this columnist, that all that is needed to limit the bill to voting is that the Southern Senators simply quit making a fight against all the other things that are in the bill, which so many of the papers and columnists refuse to recognize, and then we will have a simple bill relating to voting?

Mr. HOLLAND. Of course, I do not agree with that. I would be more inclined to agree with it if I could see such a simple, moderate bill developed and agreed upon. But the Senator from Pennsylvania, who has just preceded the Senator from Virginia in the colloquy, and the Senator from New York who preceded him immediately—I have skipped over the Senator from Tennessee, because his opinion was different—are both not in accord with any bill, so far as I know, which is before us. They have been trying to put harder provisions, more drastic, more coercive, more compulsive provisions, in the so-called administration bill. They have filed numerous other suggestions, none of which is mild and moderate, according to the words used by Mr. Drummond; and the Senator from Florida is not willing at this stage to jump to the conclusion that that is the kind of bill we would be faced with. To the contrary, one of his principal points from the beginning has been that we do not know what kind of bill we are faced with. We are now confronted with over a hundred bills and amendments. At last weighing, there were 5½ pounds of them, and I suspect they have gone up now to 6 or 7 pounds. There simply is not any such picture made as would

justify Senators who have the convictions the Senator from Virginia holds and the Senator from Florida holds, to simply sit down and assume that a moderate bill affecting only voting rights would come forth if we took that position. I think we would be foolish and unwarranted in taking that position.

Mr. ROBERTSON. Is it not a fact, as the Senator from Virginia alleged earlier in this morning, that, if those who are now carrying the flag for civil rights are to get any real political benefit out of the contest, they must demonstrate that the bill which is to be finally agreed upon is as broad and as comprehensive a bill as could be gotten?

Mr. HOLLAND. Yes. If we needed any further proof of that, it was when the Senator from Illinois, I believe it was, placed in the RECORD yesterday a telegram which all of the so-called and self-styled liberals had received from President Wilkins, of the NAACP, demanding the pound of flesh and several pounds more as a prerequisite to any support in the next election by the voters who comprise the organization of which he is the head and which he represents. So that, without knowing how responsive our friends will be to that kind of a demand, the Senators from our area of the country could not think of simply sitting down or leaving the Chamber and allowing the self-styled liberals to work their will in this matter.

Mr. ROBERTSON. Is it not true that the Wilkins telegram, to which the Senator from Florida has referred, not only indicated that what was before the Senate is far more than provision for mere voting rights, but he insisted on far more provisions being in the bill?

Mr. HOLLAND. Yes. The message placed in the RECORD—and the Senator from Florida saw some other copies of it yesterday, which were identical—was mandatory in the extreme, demanding, insisting, browbeating, and stating that Senators must not pass a bill unless it contained all or nearly all of the very grave provisions which are included in this great mass of proposed legislation, ending with the threat that, if they did not do that, they were not going to get the votes of the minority represented by President Wilkins of the NAACP. I will read that message into the RECORD again, just to illustrate the point that this is the kind of telegram that has been coming from Roy Wilkins, chairman. He is also president of the NAACP, as the Senator from Florida understands, but he is wiring here as chairman of the leadership conference on civil rights, in these words:

> On behalf of millions of citizens who have worked for years to establish civil rights for all Americans regardless of race, religion, color, national origin, or ancestry, we urge you to oppose such preconditions to the invoking of cloture as (1) abandonment or prior disposal of part III—

The Senators will note to what he is referring—that very objectionable provision which was eliminated in 1957, after a great debate, and which would certainly be eliminated by anyone who would come and listen to the fine argument made earlier this morning by the junior Senator from Virginia.

The telegram continues:

> (2) abandonment of proposals for effective Federal aid to school districts seeking to comply with constitutional desegregation requirement, and (3) acquiescence in voting rights provisions weaker than either the Rogers referee proposal or the Hennings-Javits-Douglas registrar-enrollment officer proposal.
>
> We believe that the majority and minority leaders, as the principal sponsors of the present rule XXII, should disavow all such attempts to make the two-thirds majority necessary to invoke cloture the test for amendments to the pending civil rights bill and for final passage of the bill itself. When the present rule XXII was being debated, we were assured that the Senate could legislate by simple majority vote, once cloture has been voted.
>
> We urge you to stand firm in support of (1) amendment to include part III, now more needed than ever to protect all civil rights; (2) Federal voting rights proposals that will provide for registration of Negro voters without requiring each individual to have applied and been rejected on the grounds of color, and (3) Federal aid to local school districts wherever needed in achieving the Supreme Court's goal of school desegregation with all deliberate speed, as ordered 6 long years ago.
>
> LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
> ROY WILKINS, *Chairman.*
> ARNOLD ARONSON, *Secretary.*

Mr. President, the other telegram which the Senator from Florida saw was one from the Negro executive at the White House, and that was the one which demanded that the position of the so-called liberal group be in accordance with the principles already stated—and others were recited—or no vote could be obtained from the Negro minorities, wherever they were.

Mr. President, to conclude my reading of the editorial, which seems to have brought on some discussion—and I am glad it has—let me say that the editorial is from the Danville Register of Friday, February 26. The editorial approves comments made by me at the beginning of this debate; namely, that the leadership was assuming responsibility for the health and lives of numerous Senators, and ought to be reminded of that fact.

The editorial is a fine one, and I shall read the last two paragraphs of it:

> Senator BYRD spoke of the disorderliness of the Senate's procedure even before JOHNSON and DIRKSEN agreed upon the cruel and unusual punishment of around-the-clock sessions. This stratagem compounds the disorder and poses a real threat to the lives of Members.

Mr. President, I shall read that part of the editorial again:

> This stratagem compounds the disorder and poses a real threat to the lives of Members.
>
> If the Senate just has to pass a civil rights bill, as JOHNSON and DIRKSEN agree it does, then let the debate proceed during regular hours. Better take a little more time than to send one, two, three, or more Senators to their graves or to invalidism for the remainder of their days.

Mr. President, earlier in my remarks I said the ones about whom I am most concerned are the majority leader and the minority leader, both of whom the editorial says have had heart incidents. So I want them again seriously to consider whether their policy is sound. Since the majority leader, with the apparent agreement of the minority leader, this morning made a motion to adjourn, which means that we now have a new legislative day and a new opportunity for every Member to speak at least twice on the pending matter, I hope the present policy will be reexamined and will be departed from, at least until the House of Representatives—which, operating under its rules, undoubtedly will pass, within the next few days, some sort of civil rights bill—has had a chance to do so, and until we can see what convictions dominate the other body.

Mr. ROBERTSON. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. Yes, Mr. President, if I may have the same understanding.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, the Senator from Virginia may proceed.

Mr. ROBERTSON. These civil rights bills or amendments have become so numerous and so voluminous that we now weigh them. Does the Senator from Florida know how many civil rights bills and amendments in the nature of bills have already been presented?

Mr. HOLLAND. More than 100, as I stated yesterday; and I was on the floor when some 9 new amendments were offered later on. So the total is now well over 100. But since I reported at 4 o'clock this morning, I have not had time to take a census of the numerous measures now pending, many of which are contradictory of each other.

So I shall simply have to content myself by stating again that no one knows what the leadership wants or what we shall be confronted with when this matter jells into a single bill, as it will if the matter is correctly approached.

Mr. ROBERTSON. Does the Senate have the benefit of a committee report on any 1 of those more than 100 bills?

Mr. HOLLAND. No, it does not.

Mr. ROBERTSON. Does the Senate have the benefit of hearings on any one of those bills?

Mr. HOLLAND. Yes. I understand the 4 volumes of hearings which are on our desks are addressed to 17 different bills, the numbers of which are given on the back of each of the volumes; and those bills were pending before the Judiciary Committee. I also understand that the volume I now hold in my hand, which contains nearly 800 pages, is a volume of hearings before the Senate Committee on Rules and Administration, and that these hearings were based upon 7 of the measures which now are pending before the Senate.

Mr. ROBERTSON. But none of these hearings was on the bill which now is before us—the one known as the administration bill; is that correct?

Mr. HOLLAND. That is correct. I understand that even that amendment, first offered by the Senator from Illinois as the administration bill, has been changed by the substitution of a rewritten bill which is now stated to be the administration bill, and again is sponsored by the distinguished minority leader.

Mr. ROBERTSON. And is it not also a fact that the so-called Attorney General's voting referee bill, which some newspapers would try to make appear as the only real issue before us, was before the Committee on Rules and Administration, and the Attorney General testified in behalf of that bill on the last day of the hearings by that committee; but at that time no bill had been introduced, and no witnesses who had seen the bill testified, because the bill itself was not introduced until nearly a week later; and then the seventh section was introduced.

Mr. HOLLAND. I have been so advised, although I have not had a chance to examine the hearing record, to determine for myself whether that is correct. But I am sure the Senator from Virginia is correct.

Mr. ROBERTSON. Well, I testified there; and I recall quite distinctly that the Attorney General was the last witness; and at the time when he testified, no bill on the subject was introduced.

Mr. HOLLAND. I thank the distinguished Senator from Virginia, who, as usual, has made a real contribution to the debate.

Mr. President, to proceed to my next point, I wish to call attention to the fact that we are now in a short session. As has been announced, we are working toward an adjournment date of July 2, which will give just a few days for Members of the Senate and Members of the House who desire to do so to travel to attend the first of the great party conventions in this presidential election year.

Mr. President, not one appropriation bill has yet been passed by the Senate. I was asked by the leaders to work hard and to work overtime in order to report from the Appropriations Commitee the Commerce Department and related agencies appropriation bill. When I look at the list which shows the status of all appropriation bills, I notice that that bill, H.R. 10234, was reported on February 22, but has languished on the calendar from that time until now. It involves many important agencies and activities of our Government, one of which is in peculiar confusion just now; it is the Federal aid highway system, including the Interstate System.

Mr. President, two other appropriation bills have since appeared on the calendar, after being reported by a diligent subcommittee and a diligent full Committee on Appropriations. On February 26, House bill 10233, the appropriation bill for the District of Columbia, was reported, and it is now awaiting Senate action. It has already been passed by the House.

On the same day—February 26—House Joint Resolution 621, being a supplemental appropriation bill for the Aeronautical and Space Agency, was reported; and it is now on the calendar, and it has been there since February 26. It also awaits the action of the Senate.

Incidentally, Mr. President, important as the other two bills are, I think all of us will have to agree that the supplemental appropriation bill for the Aeronautical and Space Agency—a bill to step up the speed of the Nation's program in the field of aeronautical and space developments—is of great importance, and should be acted on promptly.

So I call attention to the fact that not only are the health and the lives of various Members of the Senate being jeopardized by this procedure, but, in addition, highly important national business is being held up by the refusal of the leadership to take up any of these matters.

Mr. President, in this morning's Washington Post I noticed two articles which contain observations on the present situation. I wish to read them into the RECORD, because I think insufficient attention has been given to the effeet of the pending business, not only upon appropriations, not only upon the peace and welfare and security of large parts of the Nation, but also upon other objectives which will be mentioned as I read portions of these two articles.

The first of the articles, published this morning in the Washington Post, was written by Marquis Childs. The article is entitled, "The Filibuster: A World View."

I shall read part of the article which relates to less than the world view, but, I think, relates to very important considerations:

> Nor does it much matter in the context of the world picture what the political consequences of this spectacle here at home may be. It is damaging to the presidential ambition of Senate Majority Leader LYNDON JOHNSON. For all his astuteness and his knowledge of the Senate, JOHNSON seems to have underestimated the bitterness of the southerners and their determinations to have it out.

Mr. President, the Senators from the South plead guilty to part of that impeachment. We are determined to have out this fight, but anyone who can say that my argument in this matter or any of them have been bitter—the same observation applies to all of my associates who have the same views—would have to stretch the truth a great deal. There is no bitterness in this matter, but there is deep fortitude and determination to see that the Nation and other Senators see what a wrong they propose to do to a great section of the country, a patriotic section of the country, which we do not want to see disturbed and broken apart, particularly at this time when the unity of the Nation, the unity of all people in the Nation, is so necessary to the preservation of our national strength, Mr. President, and the doing of the job worldwide which we should do and must do as the leader of the democratic peoples of the earth.

I am sorry that there are no Members of my party here except my distinguished colleague from the State of Virginia [Mr. ROBERTSON] and my distinguished colleague, the Senator from Tennessee [Mr. GORE].

I continue:

> Coming at this moment in the setting of the revolution of color, the consequences are almost as damaging for the Democratic Party and for whomever the party may ultimately choose as its presidential nominee.

Mr. President, this observation may not pose any great fear upon our colleagues on the other side of the aisle but I think it is a matter which we on this side of the aisle can well give attention to. There are times—listen to this, Mr. President:

> There are times when it begins to look as though this were one of those years when the Democratic Party decides to commit suicide. The southerners can take this with equanimity, since they will continue to keep their rank in the powerful committees.

The columnist is not quite fair to us in the South. We do not hesitate to fight for our party. We do not hesitate to stick to our party. Apparently he thinks that the only thing we are interested in is getting our own individual rank in the Senate which we have, because our people have given it to us, not for any other reason and not for any improper reason. I hope my distinguished colleagues on this side of the aisle who are not present will read this even though they are not here:

> Almost the only beneficiary is RICHARD NIXON. Without saying anything or doing anything, simply maneuvering quietly in the background, he turns this to his advantage. The Republicans could move cloture, undertaking to shut off debate and they could probably get enough northern Democrats for the necessary two-thirds.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. Let me finish my reading of this paragraph and then I will gladly yield.

> But this would forego their advantage and, moreover, it is true that cloture is a two-edged weapon the Senate is extremely reluctant to use.

I have finished reading that paragraph and I shall yield to the junior Senator from South Dakota with the understanding that I do not lose my rights to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator from Florida yields to the Senator from South Dakota.

Mr. CASE of South Dakota. Did the Senator state how many Senators were on the floor?

Mr. HOLLAND. I am sorry. I did not understand.

Mr. CASE of South Dakota. Did the Senator from Florida state how many Senators were on the floor?

Mr. HOLLAND. Yes; the Senator from Florida stated that two Senators other than himself were on the Democratic side, but he did not make any statement about Senators on the opposite side of the aisle because he was speaking for the moment to Senators on this side of the aisle. The Senator from Florida will be happy to state that the Senator from South Dakota has been here and is here and that the distinguished, eminent, and highly esteemed, much beloved senior Senator from Maine (Mrs. SMITH) is on the floor with all her accustomed graciousness and she has been here very patiently listening to the Senator from Florida throughout his remarks.

Mr. GORE. And let me add that she is also most charming.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

Mr. HOLLAND. Provided I may retain my rights to the floor, Mr. President, I shall be glad to yield for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

What is the parliamentary inquiry?

Mr. CASE of South Dakota. The parliamentary inquiry is, Mr. President, when a Senator refers to the number of Senators on the floor and the number is less than a quorum, is that not under the precedents of the Senate suggesting the absence of a quorum?

The PRESIDING OFFICER. Not under the precedents of the Senate. The only way that the absence of a quorum can be developed is by a yea-and-nay vote or by a quorum-call vote.

Mr. HOLLAND. Mr. President, so far as the Senator from Florida is concerned, he will not yield further to his friend from South Dakota if that is the course which the Senator from South Dakota is pursuing.

Mr. CASE of South Dakota. I do not intend to press the point but this has happened two or three times.

Mr. HOLLAND. Does the Senator from Florida have the floor?

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. The Senator from Florida will be glad to suggest the absence of a quorum prior to the noon hour, at which time he understands that we are to have a prayer—and I think we need a prayer—and at which time I understand that by unanimous consent a morning hour has already been ordered to begin, but the Senator from Florida does not propose either to suggest the absence of a quorum or to yield for that purpose until he has concluded his brief remarks, which will end within some 40 minutes.

The PRESIDING OFFICER. The Chair will advise the Senator from Florida that the Senate was led in prayer this morning at 4:06 a.m.

Mr. HOLLAND. The Senator from Florida was here when that occurred and he wants to commend his distinguished friend from West Virginia for that fact but he understands that unanimous consent was requested some days ago and granted that at noon every day the Chaplain was to lead the Senate in prayer. Now, if the Senator from Florida is misinformed on that he will be very glad to be correctly informed at this time. That was his understanding and still is his understanding.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HOLLAND. Subject to the same agreement that I have had heretofore, I will be very happy to yield to my friend from Tennessee.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. GORE. Is not the Senator's understanding of the rules and precedents of the Senate that the making of a point of order with respect to the absence of a quorum is quite distinct from observations made during the course of the debate which do not in fact constitute a point of order to the attention of the Presiding Officer?

Mr. HOLLAND. The Senator from Florida is in complete accord with the comment and the question of the Senator from Tennessee, which he appreciates. Now, I continue with the reading of Mr. Marquis Childs' comment:

> The real sufferers in all this are the moderates in the South who are in a sense victims ground between the upper and the nether millstone.

Mr. President, there are times when I do not agree with this columnist, but he could not have spoken more truthful words than these in referring to the situation which is being developed, by design, by the so-called self-styled liberals, in forcing out of existence the moderates in the South under present conditions; and tha is a tragedy to the country.

I continue to read from the article:

> As in the case of Brooks Hays, of Arkansas, who tried so hard to avert the tragedy of Little Rock, they are either driven out or reduced to silence and seclusion.
>
> Men of good will in the Senate comfort themselves with the conviction that it is just another filibuster, that it will end and that when it ends the Senate will at the very least vote additional safeguards to help insure the right of the Negro to vote in the Deep South. They say that, after all, changes cannot come overnight. Those answers may have been valid for the past. For today they simply will not do.

I emphasize the point made by Mr. Childs that in all this tragedy on the floor of the Senate, brought on by bringing forth confusion worse confounded in the form of hundreds of bills, many of them in contradiction to each other, nobody, not even the leadership, knows in which direction they are driving. That situation is responsible for driving moderates underground and for the confusion which exists in the South, to which I shall address myself a little later, for worsening race relations, and does not solve problems which people of good conviction are trying to solve, but, instead, making them worse for the future.

Mr. President, the other article from which I shall quote briefly is one written by Drew Pearson. I certainly do not quote him very often, but occasionally he raises something which I think is worth while, and he has done so in this brief statement, which I quote from his article in this morning's Washington Post.

> Senate doctors seem most concerned about Republican Leader EVERETT DIRKSEN who almost trots into the Senate every time the bell rings. "He'll have a heart attack if he keeps this up," one commented gravely.

The Senator from Florida has quoted editorials and other comments appearing in the newspaper, in spite of the fact that there does not seem to be much appreciation here of the sorry situation in which the Senate has placed itself, through the leadership, which has brought on deliberately this round-the-clock debate, now about to conclude its seventh day, having gone through the sixth day last week, in an attempt to call attention to the fact that others outside the Senate have seen the danger and are voicing it. The article from which I have read is one of many, many throughout the Nation which make the same point.

Mr. President, the Senator from Florida has borne up well under this unusual procedure, and he hopes the other Senators are also feeling no ill effects.

As to the others who are not on the floor, the Senator from Florida hopes, to paraphrase Bryant, they have taken to their couch and have wrapped the draperies of their couch about them and have lain down to pleasant dreams. I hope that is the situation as to most of those who are not present. I do not make an exact quotation, but I just present the idea. We all hope they are sleeping sweetly, and I am sure they need it.

I should like to express the fervent wish that those whose leadership and votes have made round-the-clock sessions necessary will find it possible to permit this debate to take place under circumstances which will be more conducive to rational debate as well as to the physical well-being of the Members of this body.

Mr. President, legislation after exhaustion, legislation on frayed tempers, legislation based on the thinking of people who have literally been deprived of any opportunity for reasonable rest for days and weeks, is not apt to be very sound legislation. It is not apt to be the kind of legislation which the Senate or the country will be proud of after the condition of stress and strain has drifted into the past.

Before beginning the main body of my remarks today, Mr. President, I should like to bring to the attention of the Senate the adverse effect of the sitdown demonstrations which have recently occurred at lunch counters in a number of States as a menace to good race relations. It has only been because of the exercise of sound, enlightened leadership of officials in the localities concerned that tragic deaths and injuries have been avoided up to the present time. I hope that leadership and resolution will continue, if these sitdowns continue to occur. They have been participated in particularly by college youth, and I firmly believe they are rapidly worsening the situation, rather than improving it.

However, not even the exercise of such enlightened leadership has been able to prevent the loss of racial good will which has resulted.

Mr. President, one cannot listen to the radio or television, to reports of 5,000 or 10,000 white persons, mostly young people, on one side of the street in the great city of Montgomery—a lovely old city—and a large number, although a smaller number, of colored people on the other side, and hear the clamor of voices, without realizing that there is a powder keg there, and that the slightest kind of unforeseen incident might touch off a terrible disaster.

I hope the Senate can realize that if such an event occurs, we shall have contributed to it, and that we are contributing to it by this unnecessary wrangling over a matter which should have been handled in a vastly different way, and is even now being handled on the basis of the thought, "Let us exhaust those 18 men from the South and override them and impose this coercion and compulsion on them, simply because we have 82 Members of the Senate to do it."

Mr. President, that is not a very sound position, and it is certainly far from sound in that great area of the United States where some 50 million people live together, and they live together in good will, and a great part of our population lives in those States which are affected.

If anybody thinks the juggernaut of majority rule can be ridden over the prostrate bodies of 18 Southern Senators, without bringing about a worsening of relations already in rather horrible shape, which the Senator from Florida has tried to picture rather temperately, he is just as wrong as he can be, because there will be an increase of troubles in that area if this kind of coercion should take place here on the floor of the Senate.

Mr. President, there are some calm voices being raised. The Senator hopes, whether what the Senator from Florida says is sensible or not in the opinion of particular persons, they will generally agree his is a calm voice and that it has been temperately raised in defense of questions in which he believes very deeply, without imposing those views on others.

I should like to bring to the attention of the Senate the remarks of another man, a very calm man, the distinguished Governor of our State, the Honorable LeRoy Collins, Governor of Florida, when he spoke in a news release last week on those incidents in this field of sitdown occupancy of restaurants which have occurred in the State of Florida.

His remarks are recorded in a press release appearing in the St. Petersburg Times of Friday, March 4, 1960, which is to the following effect:

COLLINS SAYS SITDOWN DEMONSTRATIONS ILLEGAL

TALLAHASSEE, FLA.—Gov. LeRoy Collins, Thursday, branded lunch counter sitdown demonstrations by Negroes as illegal and dangerous and asked that they be halted.

Mr. President, I think everybody in this Nation knows that Governor Collins is moderate. Some think he is too moderate, with which opinion I have not agreed. But everybody knows he has been moderate, has kept his head, and has advised the legislature to proceed along moderate and temperate routes. He has not hesitated to take a position which sometimes he knew was unpopular. But here it says that he "branded the lunch counter sitdown demonstrations by Negroes as illegal and dangerous and asked that they be halted."

Mr. President, there is no indecision, there is no weakness, there is no undue moderation at all, on the part of our great Governor, who, carrying out his constitutional duty, his foremost duty, to see that the laws are enforced, warns the people of our State, and particularly those that are engaged in this useless and harmful device, that they are playing with fire.

I continue to read:

Collins, a moderate on the race issue, said that private lodging and eating establishments under Florida law can refuse service to anyone.

That is the law of our State, Mr. President.

If the Negroes do not like it, he said, they have the right to withdraw their patronage. The Governor spoke out following demonstrations in protest of segregated lunch counters recently in De Land, Tallahassee, Tampa, Sarasota, and St. Petersburg.

Mr. President, sometimes we think of what we are doing here as being unrelated to what is happening elsewhere. I daresay that the Congress on Racial Equality, which admits that it is sponsoring and helping in these sitdown matters, which has its office in New York, may not realize how far this effort reaches. But here is a showing that in five of our fine communities in sunny Florida, where at this time of the year literally hundreds of thousands of our friends from all parts of the Nation have come because of our sunshine and our temperate climate, in five of our cities these demonstrations had gone on prior to the time of the Governor's statement. More have occurred, as I understand, since that time.

I continue to quote directly the Governor:

"I hate to see demonstrations of this kind," he told his weekly news conference. "They lead to disorder. Disorder leads to danger to the general welfare and I hope we will not have any more of it."

Collins had no direct comment on a threatened Negro boycott of establishments in Daytona Beach with segregated facilities. But he said: "I can understand the feeling of any citizen whose general patronage of a private business is solicited, that he should be allowed the services of all phases of that business. But under our laws, the management of every private business has the legal right to select his patrons and the patron has no legal right to deny that right when it is asserted."

This, Mr. President, is factual. It is in relation to what our law now comprises on this subject.

The 1957 legislature enacted a law which declares public lodging and food service establishments to be "private enterprises," and provides that "the owner or manager of such lodging and food establishments shall have the right to refuse accommodations or service to any person who is objectionable or undesirable to said owner or manager."

Mr. President, some may disagree with the wisdom of that provision of law, but everyone would say that if it is not the law, it should be challenged as such, and if it is the law it certainly leaves, in any patron or anyone who desires to be the patron, the complete freedom to go and buy where he wishes and not to patronize other aspects of the business where the lunch counter is located if he does not feel that he is being fairly treated.

Mr. President, the point I am making is here is something, these demonstrations, which pay no attention to the law, which want to override the law, which, Mr. President, want to use coercion and compulsion, just as some of our conscientious friends here in the Senate—and they are conscientious in their views—want to use coercion and compulsion through Federal law.

Mr. President, coercion or compulsion, whether used through Federal law, State law, or court decisions, or through mass demonstrations, some of them coupled with violence, is doomed to failure before it begins. Our people in the South, just like the people in all other parts of this Nation, have pride in their own institutions, confidence in their own laws, and a perfect willingness to stand by their own customs, traditions, and their laws.

Mr. President, the unwise youths who are following this kind of course are certainly following a course which is worsening good relations every minute. And they have been generally good relations through the years between people who are white and people who are colored in our great State of Florida. Those relations are being worsened every hour when such demonstrations take place.

Mr. President, there are many editorialists in our State who have pointed out Governor Collins' stand, and with approval. I know of none who has disapproved. I am going to give for the RECORD two well-considered editorials because I think Senators will be interested in them, and because I am particularly interested in the sources from which these editorials emanated.

The first editorial, Mr. President, is from the leading daily paper in my own home county, the Lakeland Ledger, the place where there is a great Christian college, the Florida Southern College, of which the Senator from Florida happens to be a trustee, and of which the editorialist of this paper happens to be a trustee. He is not only active in education, but he is an active churchman, a fine family man, and kind, cordial, and moderate in his relations with people of all races. Here is what he says of Governor Collins' statement:

HE SPOKE FOR FLORIDA

Governor Collins saw fit to speak out yesterday in condemnation of the lunch counter sitdown demonstrations by groups of young Negroes. In doing so the Governor spoke for the people of Florida as a whole.

Mr. President, I wish to add my affirmation to that conclusion. The Governor of Florida was speaking not just for the laws and customs of our State, but for the people of our State as a whole. That means for the vast majority of both the white and colored people.

Thus far there have been no serious clashes in Florida. If the lunch counter demonstrations continue, there may be, and one serious clash could start a series of such clashes. Such demonstrations, in the words of the Governor, "lead to disorder. Disorder leads to danger to the general welfare and I hope we will not have any more of it." What the young Negroes do not seem to understand is that by engaging in such demonstrations they are alienating many white friends who had previously been sympathetic toward the Negro effort to make further gains in the field of civil rights.

Here is a man speaking who has been such a friend, Mr. President, just as the Governor of our State has been such a friend, and he is warning that the young Negroes in staging these demonstrations are giving away their friends, those of the white race who are most sympathetic, with their plight as they strive for greater and greater recognition in this field.

Also, the young Negroes do not seem to understand that forcibly attempting to sit with white people at lunch counters, privately owned business establishments, is not an act within the area of civil rights. The

operator of each such establishment has a legal right to serve or not serve as he pleases.

Inasmuch as young Negroes forcing themselves upon white people seated at lunch counters tends to create friction that could quickly lead to serious trouble, the operator of the lunch counter is only exercising sensible precaution when he refuses to serve the Negroes or goes to the point of closing the lunch counter for the time being.

The operator of the lunch counter cannot be required to do what would hurt his business.

Some of the young Negroes or adult spokesmen for them have indicated they might resort to boycott of the establishments that refuse to let them sit at lunch counters with white people. Such a boycott is a privilege the Negroes could exercise, but by so doing they would hurt their cause instead of helping it. For boycotting would be a sullen expression augmenting friction and antagonism.

Let the young Negroes heed well the words of caution spoken yesterday by Governor Collins. Up until now the Governor has been a moderate in regard to the racial matter.

The Nation knows that that is the case.

Now it ought to be clear enough to the young Negro that even he has been antagonized by the lunch-counter demonstrations.

Far better it is that the young Negroes desist now, lest by plunging ahead they be sorry later.

Mr. President, these are measured words from a conservative source which has always been friendly to the Negroes and has helped actively in building better relations between them and the white people.

The last sentence of the editorial reads:

They are moving a lighted match very close to powder that could explode quickly, and with results disastrous to the racial cause.

Mr. President, my good friend, Mr. Harris Sims, who wrote that editorial, was not making threats. He is not built that way. His record shows kindliness, friendliness, and every desire to proceed in a Christian way in this field. I do not see how he could have spoken out more clearly or more strongly when he reminded the young Negroes of our State that they are really playing with fire and are lighting a match perilously close to the powder keg when they act as they are acting.

The second editorial is from the Tallahassee Democrat, a daily newspaper in our State capital. It is published in a county in which, until a few years ago, Negroes were in the majority. Now a bare majority of the population is white. It is the county in which a great Negro school is located. It is the county in which a very bad incident occurred last year, when three white boys, for some reason unexplained, assaulted hideously a young Negro coed at the Negro college. Only through the restraint and sound judgment of the Governor, the local leaders, the president of the Negro school, Dr. Gore, who himself is a man of calm, sound, unimpassioned mind and judgment, was a terrible situation averted there. I believe I need not remind Senators that when the trial took place, all three of those men were convicted and were sentenced to life imprisonment.

Here is the editorial from that source, written by another dear friend of mine, Mr. Malcolm Johnson.

I have found him to be one of the most broadminded, one of the most tolerant, one of the most unselfish persons in the press group of our State. He was the head of the Associated Press staff in Tallahassee when I served as Governor of Florida. He writes always with restraint, a characteristic of his private life and of his editorial writing. He took a position at the time of the incident, which I mentioned a while ago, which backed up the Governor, the sheriff, and the good people of both races who insisted that the law be enforced; and that was done in an orderly way, without having a breakdown in race relations.

I shall read the editorial because I believe that coming from a source like the Tallahassee Democrat, it should be listened to carefully by all Members of the Senate who are desirous of knowing the truth about the situation in our State, and therefore the South, in connection with these sitdown demonstrations.

The editorial, published on Friday, March 4, 1960, is entitled "Desires Confused With Rights."

The Negroes of Tallahassee and other Florida cities would do well to take the advice of Governor Collins and call off further efforts to win acceptance as lunch-counter customers by refusing to leave when service is denied them.

As the Governor pointed out in his press conference yesterday, the law of Florida is plain and specific in declaring restaurants, lodging houses, and similar public service businesses to be private enterprises. The law also recognizes the right of the business operator to deny service to anyone he feels will have an undesirable effect on his business.

Even if there were no specific statute on the lawbooks, this must be the way things are done under our system of government, business and ordinary living.

These Negro students say they are trying to win their "rights," but the law gives them no such rights. The law rather gives the man who risks his money and his business judgment the right to manage his property in a manner that will earn him a living; and the right of ownership and management includes the right to be discriminating in his clientele. It sets no limit nor no criteria to guide his judgment. He can exclude one because of muddy shoes or lack of coat or repulsive appearance or dislike of color of hair or skin.

A would-be customer who refuses to leave a man's private property when requested is interfering with that man's legal rights and the law of Florida says the restaurant operator can protect his rights by calling a policeman and having an obstinate customer removed or jailed.

These are the paramount rights in these lunchroom sitdown cases.

The Negroes have rights, too, which aren't being questioned. They have a right to quit buying other items at a store which refuses to serve them food. They have a right to start their own lunchroom and refuse to serve people who would refuse to serve them.

It is the way of mob rule, which these people profess to abhor, for them to declare for themselves a right which is nothing more than a desire and attempt by organized group action to force it upon others in defiance of rights held by duly-enacted law.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, I yield to the Senator from Georgia, provided I do not lose the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. RUSSELL. Mr. President, I am glad that the distinguished Senator from Florida is dealing with this subject. It is one in which the full power of the propaganda machine which is being leveled at the white people of the Southern States has been most evident. It shows, as nothing could more clearly show, the bias, the prejudice, and the unfairness of the medium of communication which has been manifested in these cases.

If eight white people join together in any white community and protest against the mixing of races in a school, that is called a riot. Such an event will be paraded across the country as having been a riot. Bills will be introduced in the Senate to make such action a felony and to punish such persons by imprisonment for, I believe it is, 2 years, or by a fine of $10,000, for participating in any such protest against an action which has been sanctioned by the Supreme Court of the United States.

But when it comes to sitdowns, and when those engaged in such an activity seize private property, we find that the courts of the land have uniformly, without exception, held that they are completely illegal. That is true of the decisions of the Supreme Court of the United States. Sitdowns can be accompanied by the greatest of law violations, but they are not called riots; they are demonstrations, especially if they are being carried on by Negroes.

I was amazed to read of such a demonstration in Columbia, S.C., where some 35 or 40 colored youths had entered a drive-in restaurant which was operated for white people. They charged through, breaking the windows of automobiles, beating against the automobiles with clubs, and said they were going to take over. They did, in fact, take over until the police were summoned. The headlines in the newspapers called that a "demonstration."

I assert, without any fear of contradiction whatever, that if a fraction of that large amount of violence had been manifested in opposition to the mixing of races in schools, there would have been new speeches made on the floor about the necessity for these harsh laws, and the southern white people would have been assailed again and again for refusing to accept the law of the land in the form of court decisions. But the same courts which they insist should be recognized in the school cases have held again and again, as the distinguished Senator from Florida points out, in cases of persons taking possession of private property for the purpose of forcing a proprietor to serve them, when he does not desire to serve them, that that is illegal. That is the law of the land which comes from the same court. But these unfair, prejudiced, and biased sections of the press which undertake to misrepresent and abuse the people of the South, find nothing wrong with that.

In fact, they laud it in their editorial columns. They say it is highly commendatory to flout the law of the land with force and violence in these sitdown demonstrations. But if it is done by a person protesting the mixing of the races in the schools, that is a riot, and it requires the summoning, immediately and forthwith, of the full power of the Federal Government, the FBI, and the troops, in order to put down this riot, which amounts almost to an insurrection against the United States.

Mr. HOLLAND. Mr. President, I certainly appreciate the thoughtful and completely true comment made by the Senator from Georgia.

I looked at television and listened over the radio when the tremendous confusion existed in Montgomery several days ago, and one of the things which impressed me most was that it was stated that there were some five to ten thousand white people on one side of the street and a rather large number, but not so great a number, of colored people on the other side, with all of the shouting and confusion, but they were kept apart by officers of the law, police officers, road patrol, capitol guards, and the like.

There was one thing that stuck out in my mind, and which I remember most keenly. It was said that while this was going on the Governor of Alabama, Mr. Patterson, was looking out of the window in his office in the capitol and seeing what developed, and, of course, urging on the effort to keep the demonstrators apart.

Mr. President, that remark made me think very, very carefully back to an experience which that fine young Governor had gone through. I do not imagine many of the Senators remember that he is the son of the attorney general of Alabama, who was assassinated in Phenix City by a group of mobsters just a few years ago. I do not suppose they remember that he has reason to know, from his own memory and because of that tragic experience in his own family, that at that time, Mr. President, his father, the attorney general of Alabama, was stated to be the favored candidate for the governorship now occupied by the son.

The Governor of Alabama has full reason to understand what lengths people can go to when their minds are inflamed, and when that inflammation, that excitement, and that hatred rule, instead of calm, dispassionate judgment and desire to obey the law.

Mr. President, one more comment, and then I will yield. But now I want to go back to that phrase or that sentence in the editorial which I have just read from the Tallahassee Democrat, which I think is deserving of a little examination. That sentence says: "The Negroes have rights, too, which are not being questioned."

Mr. President, in the first speech I made in this current debate, I recall mentioning an incident which was real in my own experience in this field. On going home to my little town of Bartow, Fla., following our debate on the FEPC bill, three leading Negro citizens, having asked a conference with me, made it very clear that that part of the then pending civil rights program, the Truman civil rights program, which gave them greatest concern, was the proposed law that anybody in uniform—the military uniform, Mr. President—might have free access, without any interference, to any place of public entertainment, including in the bill hotels, restaurants, dancehalls, billiard halls, bowling halls, and all institutions of that kind. I remember they spoke of the "juke halls," because that is their customary way of speaking of the dancehalls.

Mr. President, they made it very clear that they wanted to preserve wholly inviolate their right to have their people alone when being served at those places of entertainment, because they realized fully how greatly it would inveigh against them and their chance to live in peace and good will if white soldiers, white sailors, white marines, coming from some other part of the country, came in and, having drunk a few beers, trespassed either by laying hands upon a Negro girl who was dancing, or by picking some fight, picking some row, with Negro youths who were there. They realized it was a "tinderbox," and that trouble would result. They made the point clear that they felt that they, the established, settled citizenry of the colored part of our town—fine men, who had been there all my lifetime, their children living around them, in some instances their grandchildren living around them—would find their peace completely destroyed, and their hope of happiness and continued progress frustrated and devastated by the adoption of any such law as that.

Mr. President, I do not want us to forget that, under our law in Florida and under the law in every Southern State and in every State, the Negroes have their rights. Nor do I want us to forget that in this field about which we are talking, these sitdown demonstrations, the great majority of the colored people in our part of the country would be most reluctant to give up those rights, because they know that giving them up would be asking for disturbance, for trouble, and for disappointment; whereas now they are moving forward so rapidly and have made such fine progress in recent decades.

Mr. President, I have considerably more to say. I am sorry that my remarks will have to be necessarily brief, because I understand that at 12 o'clock the Senate has other business already set. I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 2440) to designate the Green Peter Dam and Reservoir on Middle Santiam River, Oreg., as the Douglas McKay Dam and Reservoir, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6329. An act to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians;

H.R. 6392. An act to amend section 5 of the War Claims Act of 1948 to provide detention and other benefits thereunder to certain Guamanians killed or captured by the Japanese at Wake Island;

H.R. 9377. An act to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army and the Chief of Engineers;

H.R. 9449. An act to amend certain sections of title 14, United States Code, relating to personnel matters in the U.S. Coast Guard, and for other purposes;

H.R. 10045. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amounts authorized to be expended; and

H.R. 10419. An act to amend the act of September 2, 1958, and the act of September 11, 1957, as amended.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred, as indicated:

H.R. 6329. An act to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians; to the Committee on Interior and Insular Affairs.

H.R. 6392. An act to amend section 5 of the War Claims Act of 1948 to provide detention and other benefits thereunder to certain Guamanians killed or captured by the Japanese at Wake Island; and

H.R. 10419. An act to amend the act of September 2, 1958, and the act of September 11, 1957, as amended; to the Committee on the Judiciary.

H.R. 9377. An act to provide for the protection of forest cover for reservoir areas under the jurisdiction of the Secretary of the Army and the Chief of Engineers; and

H.R. 10045. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amounts authorized to be expended; to the Committee on Public Works.

H.R. 9449. An act to amend certain sections of title 14, United States Code, relating to personnel matters in the U.S. Coast Guard, and for other purposes; to the Committee on Interstate and Foreign Commerce.

PRAYER BY THE CHAPLAIN

Mr. ROBERTSON. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBERTSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, in view of the resolution, previously agreed to by the Senate, at the suggestion of the distinguished minority leader, that there be a prayer at 12 o'clock each day, I ask unanimous consent that, inasmuch as it is now 12 o'clock noon, the order for the call of the roll be rescinded, and that the Chaplain lead the Senate in prayer, with the

understanding that at the conclusion of the prayer there will be another quorum call.

Mr. RUSSELL. Mr. President, reserving the right to object—although of course I shall not object—let me say that at the time when the resolution was adopted, I stated in all sincerity that I know of no body, anywhere, that is more in need of prayer than is the Senate. I adhere to that view; and, therefore, I shall not object.

Mr. STENNIS. Mr. President, reserving the right to object—although of course I, too, shall not object—let me say that I am glad the Chaplain is here and will lead the Senate in prayer.

However, let me state that it would be impossible for anyone to deliver a better prayer than the one which was delivered at 4:05 a.m. this morning, when the Presiding Officer, the Senator from West Virginia [Mr. BYRD], was called on unexpectedly to deliver a prayer. He rose magnificently to the occasion, and did so in a most inspired way. His prayer was an extremely fine one. It was brief, but was outstanding for its utter sincerity and its very great spiritual value. So I desire to commend the distinguished Senator from West Virginia for that wonderful prayer; and, therefore, I make this statement for the RECORD.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection to the request of the Senator from Texas? The Chair hears none; and the call of the roll will be suspended and the Chaplain will offer prayer.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, who hast made us for Thyself, so that our inner yearnings cannot find their satisfactions apart from Thee, we confess that the unrest of the world invades our own souls, and we become distracted and confused, and that petty frustrations have too often embittered us.

Forgive us if we have yielded to the lure of empty preferments and of small ambitions.

Save us from thinking of ourselves more highly than we ought to think, and thus missing the gateway of humility which opens to the only true riches our lives can ever possess.

Forbid that our gloomy discontents or our sins of cynicism should cast a shadow on the paths of others, making their faith dimmer, their confidence in the coronation of goodness weaker, and stealing away the gladness that alone gives luster to the passing days.

With the pressing duties of our daily lives, illumined and made glorious by the light within, lead us in the paths of righteousness, for Thy name's sake. Amen.

The VICE PRESIDENT. Under the order previously entered, morning business is now in order.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 109]

Aiken	Green	Moss
Anderson	Gruening	Mundt
Bartlett	Hart	Murray
Bible	Hartke	Muskie
Brunsdale	Hennings	Pastore
Byrd, W. Va.	Hickenlooper	Prouty
Cannon	Holland	Proxmire
Capehart	Hruska	Randolph
Carlson	Jackson	Robertson
Carroll	Javits	Russell
Case, N.J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Scott
Chavez	Keating	Smith
Church	Kerr	Sparkman
Clark	Kuchel	Stennis
Cooper	Lausche	Symington
Cotton	McCarthy	Talmadge
Douglas	McGee	Williams, Del.
Dworshak	McNamara	Williams, N.J.
Ellender	Mansfield	Yarborough
Engle	Martin	Young, N. Dak.
Ervin	Monroney	Young, Ohio
Goldwater	Morse	
Gore	Morton	

The VICE PRESIDENT. A quorum is present.

LEAVE OF ABSENCE

Mr. HENNINGS. Mr. President, I ask unanimous consent that I may be excused from attendance on the session of the Senate from 4 o'clock this afternoon until 1 o'clock tomorrow morning, in order that I may keep a longstanding speaking engagement in New York City.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

Memorials signed by Mary D. Liska, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94) relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

RESOLUTION OF BOARD OF COMMISSIONERS, LAKE COUNTY, MINN.

Mr. HUMPHREY. I ask unanimous consent that a resolution adopted by the Lake County Board of Commissioners in the State of Minnesota concerning H.R. 4700, the so-called Forand bill, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas it is and has been the desire of the Lake County Board of Commissioners to further the benefits of the aged and disabled; and

Whereas H.R. 4700, known as the Forand bill, would provide hospitalization, nursing home care and surgical services for those eligible to secure social security benefits through an increase in contributions to the social security trust fund; and

Whereas it is the opinion of this Lake County Board of Commissioners, meeting in extra session this 10th day of February 1960, that H.R. 4700 should cover more aged and disabled persons: Therefore be it

Resolved, That we respectfully request that H.R. 4700, known as the Forand bill, be amended, or a new bill drawn, so that it would cover the retired and disabled persons, pensioned under the Railroad Retirement Act, State Employees Retirement and Public Employees Retirement; and be it further

Resolved, That copies of this resolution be forwarded to Senator HUBERT H. HUMPHREY, Senator EUGENE J. MCCARTHY, and the Congressmen from Minnesota.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive V, 81st Congress, 2d session: An agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific, and cultural character, and also a certified copy of a related protocol of signature, which were open for signature at Lake Success from July 15, 1949, until December 31, 1949 (Ex. Rept. No. 4).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ERVIN (for himself and Mr. JORDAN):

S. 3150. A bill for the relief of the Town of Kure Beach, N.C.; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 3151. A bill for the relief of Paul L. Martinson; to the Committee on Finance.

S. 3152. A bill for the relief of Wanda Vincentz Pedersen; and

S. 3153. A bill for the relief of Marija Papic; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. ENGLE):

S. 3154. A bill to amend section 402 of the Federal Property and Administrative Services Act of 1949, to prescribe procedures to insure that foreign excess property which is disposed of overseas will not be imported into the United States to the injury of the economy of this country; to the Committee on Government Operations.

By Mr. HUMPHREY:

S. 3155. A bill to authorize an Assistant Secretary of State for Disarmament and Atomic Energy; to the Committee on Foreign Relations.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S.J. Res. 173. Joint resolution providing for acceptance by the United States of America of amendments to the Constitution of the World Health Organization adopted by the 12th World Health Assembly; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

INVESTIGATION OF CERTAIN ELECTION CHARGES

Mr. WILLIAMS of Delaware submitted a resolution (S. Res. 285) to authorize an investigation of certain elec-

tion charges, which was ordered to lie over under the rule.

(See the above resolution printed in full when submitted by Mr. WILLIAMS of Delaware, which appears under a separate heading.)

ACCEPTANCE BY THE UNITED STATES OF AMERICA OF AMENDMENTS TO THE CONSTITUTION OF THE WORLD HEALTH ORGANIZATION

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a joint resolution providing for acceptance by the United States of America of amendments to the constitution of the World Health Organization adopted by the 12th World Health Assembly.

The proposed legislation has been requested by the Secretary of State in a letter to the Vice President of February 12, 1960, and I am introducing it in order that there may be a specific joint resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this joint resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Secretary of State to the Vice President with regard to it.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and letter will be printed in the RECORD.

The joint resolution (S.J. Res. 173) providing for acceptance by the United States of America of amendments to the constitution of the World Health Organization adopted by the 12th World Health Assembly, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas the United States of America is a member of the World Health Organization, having accepted the constitution of the Organization pursuant to the authority granted by the joint resolution approved on June 14, 1948 (62 Stat. 411; 22 U.S.C. 290–290d); and

Whereas the Twelfth World Health Assembly, considering the desirability of increasing from eighteen to twenty-four the number of members entitled to designate a person to serve on the Executive Board of the World Health Organization, to take account of increases in the membership of the Organization, adopted for this purpose at Geneva on May 28, 1959, amendments to articles 24 and 25 of the constitution of the World Health Organization; and

Whereas the delegation of the United States of America to the Twelfth World Health Assembly supported the aforesaid amendments, which were adopted by a larger majority than the two-thirds required under articles 60 and 73 of the constitution of the World Health Organization: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept on behalf of the United States of America the amendments to articles 24 and 25 of the constitution of the World Health Organization adopted at Geneva on May 28, 1959 by the Twelfth World Health Assembly.

The letter presented by Mr. FULBRIGHT is as follows:

FEBRUARY 12, 1960.

The Honorable RICHARD M. NIXON,
President of the Senate.

DEAR MR. VICE PRESIDENT: I submit herewith a proposed draft joint resolution providing for acceptance by the United States of America of amendments to articles 24 and 25 of the Constitution of the World Health Organization adopted by the Twelfth World Health Assembly at Geneva on May 28, 1959. The proposed amendments are designed to increase from 18 to 24 the number of member states entitled to designate a person to serve on the executive board of the Organization.

The United States is a member of the World Health Organization, having accepted the constitution of the Organization pursuant to the authority granted by the joint resolution approved on June 14, 1948 (62 Stat. 441; 22 U.S.C. 290–290d). In accordance with article 73 of the constitution of the Organization, amendments shall come into force for all members when adopted by a two-thirds vote of the Health Assembly and accepted by two-thirds of the members in accordance with their respective constitutional processes.

The proposal to amend the constitution of the World Health Organization so as to enlarge the membership of the executive board was initiated by the Government of the United Kingdom in a letter of October 14, 1958 to the director-general of the World Health Organization. In accordance with article 73 of the constitution, the text of the proposed amendments was communicated by the director-general to member states 6 months prior to their consideration by the Health Assembly. The U.S. delegation to the Twelfth World Health Assembly supported the amendments, and they were adopted by vote of the Health Assembly by a larger majority than the two-thirds required under articles 60 and 73 of the constitution.

The text of the proposed amendments to articles 24 and 25 of the constitution is annexed to the resolution of the Twelfth World Health Assembly adopted at its 11th plenary session on May 28, 1959, a true copy of which is enclosed. In accordance with paragraph 3 of the resolution, acceptance of the amendments shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

The purpose of the proposed joint resolution is to authorize the President to accept the amendments on behalf of the United States. The amendments to increase the size of the executive board are deemed desirable to reflect the increased membership of the World Health Organization. Sixty-one countries were signatories to the constitution of the World Health Organization when it was formulated and opened for signature in 1946. Now there are 90 member states (including three inactive members and three associate members). Enlargement of the board from 18 to 24 would make it more broadly representative of the enlarged membership of the Organization and facilitate more equitable geographical representation on the board. The amendments would involve no increase in expenditures or other obligations on the part of the United States.

It is hoped that the Congress will be able to take action on this request during the current session.

A similar communication is being sent to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this proposal to the Congress for its consideration.

Most sincerely,

CHRISTIAN A. HERTER.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Article prepared by him entitled "West Virginians Have Enriched American Life Materially, Intellectually, and Spiritually," published in the Charleston (W. Va.) Gazette.

By Mr. SCOTT:

Article entitled "Some Aggravating Circumstances Should Be Given Consideration," written by Senator KENNETH B. KEATING and published on a recent date.

By Mr. HUMPHREY:

Statement by him entitled "HUMPHREY Favors Four-Point Federal Program," and published in the American College Public Relations Development Section newsletter of February 1960.

APPEARANCE OF SENATOR TALMADGE, OF GEORGIA, ON "MEET THE PRESS" TELEVISION PROGRAM, ON CIVIL RIGHTS MATTERS

Mr. RUSSELL. Mr. President, on Sunday afternoon my distinguished colleague, the junior Senator from Georgia [Mr. TALMADGE], appeared on the "Meet the Press" program which is carried throughout the Nation. I am sure that every person who saw that program was greatly impressed by the sincerity of my colleague's views in support of his position, and was even more impressed by the ability with which he defended those views.

Mr. President, in addition to carrying his full share, and more, of the responsibilities here on the floor that relate to the small group of 18 who are undertaking at all costs to preserve constitutional government in this country, my colleague has found time to debate this issue on television and on the radio.

I am exceedingly proud of the magnificent showing he has made. It was so impressive that the Atlanta Journal carried an editorial on the Senator's TV appearance, which is entitled "Able Defense of the South."

I ask unanimous consent that the editorial may be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Atlanta Journal, Mar. 7, 1960]

ABLE DEFENSE OF THE SOUTH

When Senator HERMAN TALMADGE goes before a national audience, as he did Sunday on TV's "Meet the Press," he speaks with such force and clarity that even the most hard-bitten South-baiter is bound to be impressed.

In a question-and-answer forum he's as nimble as a deer bounding through a woodland. In fact, he's so quick with his rapierlike thrusts that he sometimes leaves his questioners sputtering.

This was certainly true as he met a panel of reporters Sunday on the subject of civil rights legislation and the Senate filibuster.

At least a couple of the reporters seemed to think they had the goods on Georgia and the South, especially as far as voting rights for Negroes go, but they appeared less sure of themselves by the time the program ended.

For example, he presented evidence to show that Negroes in Cleveland, Ohio, don't register and vote as much as those in Georgia, and he kept driving home his argument that there are plenty of laws on the books to deal with violations of voting rights.

He brought out a great many other points that should give pause to those who distrust and criticize the South with a kind of professional zeal. He reminded them that there had been no gerrymandering to keep Negroes from voting, that in some cases Negro registered voters outnumbered whites and that Negroes sometimes held the balance of power in Georgia elections.

The Senator's able presentation of the South's point of view should help, if anything can, to soften the prejudices that are sometimes held elsewhere in the country.

TRIBUTE TO SERVICES OF SENATOR BYRD OF WEST VIRGINIA AS PRESIDING OFFICER

Mr. RUSSELL. Mr. President, I desire to salute the distinguished Senator from West Virginia [Mr. BYRD] for the unusual distinction with which he has presided over the Senate of the United States for the longest period of time that any Senator or Presiding Officer has occupied the chair. He had presided continuously since 3 o'clock yesterday afternoon until the Vice President assumed the chair at 12 o'clock noon today.

Mr. President, this is more than an endurance feat. It is much more than that. It has been the dedicated work of a Presiding Officer who has conducted himself through some most difficult parliamentary situations with dignity, with ability, and with the firmness that is necessary in the Senate in a position of that kind.

I would not be surprised if the distinguished Senator from West Virginia had occupied the chair longer, continuously, than the distinguished constitutional Presiding Officer has throughout the whole session.

I think the Senate owes a debt of gratitude to the Senator from West Virginia for revealing, under these difficult circumstances, such qualities of ability and distinction as have endeared him to his constituents and will make him a great leader in the Senate of the United States.

Mr. RANDOLPH. Mr. President——

Mr. RUSSELL. I am glad to yield to the senior Senator from West Virginia.

Mr. RANDOLPH. Mr. President, at 4 minutes past 3 this morning, after my enduring colleague from West Virginia had occupied the chair consecutively for 12 hours, I called attention to the firmness and the fairness and the patience and good humor with which he had done his work; and I am delighted once again to share in the expression which the Senator from Georgia has set forth in such appropriate language, which I commend.

Mr. KEATING. Mr. President, I wish to join with the distinguished Senator from Georgia and the distinguished Senator from West Virginia in paying tribute to our colleague from West Virginia, who presided over the Senate for, so far as I know, probably the longest period of time in the history of the Senate.

I can only add to what they have said that when, at 2 minutes after 4, the motion was made by the distinguished majority leader to adjourn until 4:05, and after the rollcall, when it was decided to adjourn until 4:05, our colleague from West Virginia was in the chair. The Chaplain was absent, and, under the rule, we are required to open each new session with a prayer. Our colleague from West Virginia, who has had no little experience along this line, delivered a beautiful prayer, and then continued with his work as Presiding Officer. He looked as fresh, I might add, at the end of that period as he did when he started.

NUMBER OF CONGRESSIONAL PAGES ON THE DEBATE ON CIVIL RIGHTS LEGISLATION

Mr. KEATING. Mr. President, in order to bring the Senate up to date, and in accordance with my commitment, I wish to state that between February 15, when the debate on civil rights began, and March 7, inclusive, the debate on civil rights in the Senate has filled approximately 925 pages of the CONGRESSIONAL RECORD.

Of this total, approximately 718 pages were filled by Democratic opponents of civil rights; around 55 pages were filled by Democrats in favor of civil rights; and approximately 129½ pages were filled by Republicans in favor of civil rights. In addition, approximately 21½ pages were filled by Senator JOHNSON of Texas.

Allowing an average of 12 minutes' time per page, this means that the Democratic opponents of civil rights have spoken for approximately 143 hours; Democrats in favor of civil rights have spoken approximately 11 hours; and Republicans in favor of civil rights have spoken around 25½ hours. The distinguished majority leader of the Senate, in addition, has spoken about 4½ hours.

VISIT TO THE DOMINICAN REPUBLIC BY COL. A. K. TIGRETT (RETIRED)

Mr. ELLENDER. Mr. President——

The VICE PRESIDENT. The Senator from Louisiana.

Mr. ELLENDER. Col. A. K. Tigrett, retired, whose address is 111 Army-Navy Drive, Arlington, Va., recently visited the Dominican Republic. This morning he sent me a short account of his visit, entitled "Late News From the Dominican Republic." I wish to read it into the RECORD.

LATE NEWS FROM THE DOMINICAN REPUBLIC

Gen. Rafael Trujillo, longtime moving force in the development and Government of the Dominican Republic, appears to have at least temporarily restored peace and quiet to his country. This is the opinion of some Americans just returned from Ciudad Trujillo.

Nevertheless, one of Mr. Trujillo's secretaries indicate that Fidel Castro's plottings and activities were causing the Dominicans considerable expense and annoyance.

The Dominicans, estimated to number at least one-half million which gathered in Ciudad Trujillo during the last week in February urge the general's return to the office of President is interpreted, as a testimonial of confidence in the integrity and efficiency of his regime.

Thirty years ago Trujillo first came into power. His country was impoverished, burdened with debts, with illiteracy in excess of 75 percent and to add to its woes a terrific hurricane in September 1930 almost completely destroyed the capital city.

By cutting governmental salaries, eliminating waste and corruption, Trujillo in the two decades following, paid off the foreign debt, and greatly reduced the internal debt. The national income in 1930 was $30 million; in 1951 it exceeded $300 million.

In addition a program of roadbuilding and the improvement of water supplies, irrigation, hospital and school construction has been consistently carried out. The rate of illiteracy has decreased from over 75 percent to 30 percent.

Cleanliness throughout the country has been emphasized. The public marketplaces, the streets and highways compare favorably with the best in the United States.

Propaganda stories of harsh and brutal methods employed by Trujillo are heard now and then, but it is difficult to find facts to support these stories. In all our wars, since the Civil War, Americans have been given horrible accounts of the cruelties perpetrated by our enemies but few of these stories were ever substantiated.

These recent visitors give it as the opinion that it is unlikely that the man who has shown such genuine regard for the welfare of his fellow citizens by his progressive and humane policies would demean himself by resorting to barbaric practices.

These visitors also point out that the U.S. foreign aid program has for years been the chief support of several foreign dictators and who are still a burden on the American taxpayer and some of whom have been ruthless in eliminating their opposition. The Dominican Republic, for 30 years under Mr. Trujillo's direction, has been entirely self-supporting and a good customer and friend of the United States during all that time.

Asked about the large number of people jailed because of the plot to murder the generalissimo in January last, these visitors advise that probably 1,500 were thrown into jail. Some of these have since been released. But they add that trying to change a government by murdering the top authority has never been considered favorably in this country since the murder of Abraham Lincoln and the murderous coup d'etat in Iraq increased our distaste for such methods.

Besides, there is never any assurance that a good, capable man will succeed the victim.

BALANCE OF PAYMENTS DEFICIT AND GOLD OUTFLOW

Mr. SALTONSTALL. Mr. President, one of the most complex and important problems which confronts the United States today is our current balance of payments deficit and the so-called gold outflow.

By virtue of the fact that this issue involves extremely sophisticated economic factors and is located in the international rather than the domestic area, few people are informed enough

concerning the impact and implications of the problem.

In my twice-monthly television program, "Report to Massachusetts," I recently discussed this subject briefly with Secretary of the Treasury Robert B. Anderson. In reply to a question I asked concerning the relationship between this problem and inflation, he said:

Well, there is certainly a real connection between what we've been talking about and our balance of payment situation, and the maintenance of confidence in the dollar is certainly of great importance in all of this. The dollar today has the confidence of the world, as it deserves to have. What we must do as a government, and as individuals, is to conduct our affairs so that this confidence is maintained. Specifically, further inflation can only hamper our efforts to reduce the deficit in the balance of payments position of the United States—a deficit which must be improved so that we can contribute, as we should, to the military security and economic strength of the free world. Our attack on this problem will continue to be consistent with our vital goal of promoting multilateral world trade. It will, in short, be directed—not toward protectionism and restriction—but toward liberalization and expansion of world commerce. We shall continue to seek ways of encouraging American exports of goods and services; to press for the removal of discriminatory restrictions on dollar imports abroad; and to encourage other countries to participate more adequately in the provision of capital to underdeveloped countries. It would be an empty achievement if we were apparently successful in these efforts, only to find that internal inflation in this country had further impaired our competitiveness in foreign markets. I am confident that we will act prudently and responsibly so as to maintain the price stability which is so basic to economic growth, high employment, and the attainment of all of our goals.

Mr. President, some time ago I received from the Foreign Policy Clearing House information concerning a conference of some of the country's distinguished economists from the academic, financial, and industrial communities hld at Princeton, N.J., last November This conference was sponsored by the Clearing House, the Princeton University Center of International Studies, the M.I.T. Center for International Studies, the Foreign Policy Research Institute of the University of Pennsylvania, and the Stanford Research Institute. Such distinguished economists as Edward S. Mason and Robert R. Bowie, of Harvard, Max Millikan and W. W. Rostow, of M.I.T., William C. Foster, of the Olin-Mathieson Co., and John Deaver, of the Chase-Manhattan Bank were in attendance.

I believe this conference did an excellent job of identifying the problem in clear and concise terms and set forth challenging conclusions concerning possible policy alternatives. Because a valuable service was thus performed for all of us concerned with this issue of public policy, Mr. President, I ask unanimous consent that a letter from Dr. Cerf of the Foreign Policy Clearing House and an outline of the statement by the 39 economists at the conclusion of the Princeton conference be placed in the body of the RECORD at the close of my remarks.

I believe that questions on foreign trade, balance of payments, and gold outflow can deeply and directly affect every American citizen, Mr. President, in this era of economic interdependency among nations. As we continue to compete in the cold war, economic strength both domestically and internationally—and often the line of separation is nonexistent—grows in its critical importance.

There being no objection, the letter and outline were ordered to be printed in the RECORD, as follows:

NOVEMBER 30, 1959.

Senator LEVERETT SALTONSTALL,
U.S. Senate, Washington, D.C.

DEAR SENATOR SALTONSTALL: The 1959 increase in the U.S. balance of payments deficit is an established fact. It is already clear, moreover, that in the coming session virtually all foreign policy deliberation in Congress will involve various aspects of this complex situation.

It is a responsibility of the Foreign Policy Clearing House to have an advance perception of major foreign policy issues due for congressional action and to assist in clarifying issues of unusual complexity. And when we find a significant degree of consensus among leading specialists on salient issues, it is our mandate to transmit the findings to you. In this vein the Foreign Policy Clearing House set out several weeks ago to survey a sample of the country's foremost international economists on the balance of payments issue. Our aim was to define the nature and dimensions of the problem with special reference to its foreign policy implications.

The response of the economists was such that the clearinghouse undertook immediately to assemble a group of the country's most distinguished economists from the academic, financial, and industrial communities. The result was the "Princeton Conference on the Balance of Payments of the United States" of November 16, which produced a document which has now achieved national prominence.

The consensus reached among the economists at the Princeton Conference was unusual among scholars for its near-unanimity. The clearinghouse believes the document which emerged from the conference comprises the shortest, clearest, and most learned explication available anywhere on the current U.S. balance of payments deficit and its foreign policy implications. We are now able and pleased to transmit to you herewith a copy of the Princeton statement with a final page listing its signers. We also include a one-page summary of the conclusions, though we strongly recommend that you examine the brief document itself.

The clearinghouse trusts that the enclosed reports relating to the Princeton Conference might prove of significant help to you in your coming deliberations. In this—as with other major foreign policy issues—the Foreign Policy Clearing House invites requests for documentation as well as citations of leading specialists capable of briefings-in-depth.

Yours sincerely,

JAY H. CERF,
Director.

P.S.—We are taking this occasion to enclose a copy of our recent, revised brochure stating the objectives, programs, and structure of the clearinghouse.

FOREIGN POLICY CLEARINGHOUSE OUTLINE OF STATEMENT BY 39 ECONOMISTS AT THE PRINCETON CONFERENCE ON THE BALANCE OF PAYMENTS OF THE UNITED STATES

A. INTRODUCTION

The current deficit raises the question of whether the United States should make fundamental adjustments in its economic, financial, and military relations abroad. We believe that corrective measures are in order.

A second section entitled, "Balance of Payments Analysis," discusses four changes in the balance of payments picture which the authors call "temporary" and four which they term "basic." Policies are now needed to generate programs for increasing export of goods and services. Two sets of alternative policies are available—one group "undesirable," the other "desirable."

B. UNDESIRABLE POLICY ALTERNATIVES AIMED AT REMEDYING THE BALANCE OF PAYMENTS DEFICIT

1. Would be politically and economically unjustified to reduce overseas military expenditures on balance of payments grounds instead of for legitimate military, political or diplomatic reasons.

2. Reducing foreign aid on balance of payments grounds jeopardizes long-range growth of dollar income from overseas development while yielding no substantial improvement in the balance of payments.

3. The effect of tied loans on remedying imbalance is insignificant, while they (a) invite other countries to tie their own loans, and (b) prevent efficient use of loan funds which are available.

4. Policies to discourage further expansion of overseas private investment have a retrograde effect on the balance of payments, preventing the growth of capital return to the United States which would result from expanded private investment programs.

5. Dollar devaluation would put dollar in jeopardy as a major international reserve currency while tending to cause other nations to devalue their currencies.

6. Adding import restrictions would also be counterproductive, increasing the balance of payments deficit by inviting retaliatory tariffs, further restricting U.S. export prospects.

C. DESIRABLE POLICY ALTERNATIVES FOR REMEDYING THE BALANCE OF PAYMENTS DEFICIT

1. The administration should redouble its recent, highly commendable efforts to negotiate policies to reduce restrictions against U.S. exports.

2. U.S. Government can and should encourage harder selling abroad by insuring, for example, that credit facilities for U.S. exporters are no less favorable than those for exporters in competing countries.

3. U.S. negotiations should be broadened to obtain wider foreign sharing of economic and military burdens.

4. Wide new initiatives should be undertaken for promoting economic growth and stability, e.g., confronting the need for economic structures and taxes to meet expenditures when they exceed anticipated income, and developing improved instrumentalities for paring down economic waste.

5. Further exploitation of opportunities for transitional measures while long-range measures are taking hold, e.g., engaging in fiscal arrangements such as prepayment of debts due on past assistance.

D. CONCLUSIONS

We are aware that restrictive measures of coping with the payments deficit are more immediately under the control of our Government than are the constructive steps which require cooperation by our friends and allies. But the evidence is that our friends are disposed to provide such cooperation.

The statement closes by listing some fateful economic choices of the past, some of which have been made well—and some badly. It holds that no set of choices has been more crucial than the present one on the matter of how policymakers should address the balance of payments problem.

CHARGES OF POLITICAL CORRUPTION

Mr. WILLIAMS of Delaware. Mr. President, on March 4, March 5, and

again on March 7, there appeared in the Washington Post three articles written by Mr. Drew Pearson. Each of these contains some very serious charges—charges so serious that they cannot be overlooked.

If these charges are true, not only do they represent a flagrant violation of our existing election laws, but also they would represent a new low in politics.

At a time when we spend weeks debating the right of every American to vote, certainly Congress can give some time to insure that this right once given is not abused.

In these articles, there are two very serious charges:

First, there is the charge that the question of whether or not to prosecute an alleged income tax violation was being decided, not upon the merits of the case, but rather upon the willingness of a taxpayer to change his political party affiliation.

Second, there are the charges that responsible men offered, and that this same individual accepted, payments of $50,000 to $100,000 in return for his political support to certain candidates in the 1956 and 1958 elections.

Both the offering and accepting of bribes for political support are violations of our existing laws; it is likewise a violation of our laws for any decision regarding the prosecution of a tax case being made contingent upon political support.

At this point, I ask unanimous consent to have printed in the RECORD as a part of my remarks the three articles to which I refer.

There being no objection, the news articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1960]

POWELL PROSECUTION DELAY STRANGE

(By Drew Pearson)

One of the weird ironies of the civil rights battle is the paradoxical friendship of the civil rights author, Attorney General William Rogers, with the civil rights bitter-ender from Mississippi, Senator JIM EASTLAND. Believe it or not, they are quite cozy.

Furthermore, EASTLAND, who occupies the potent position of chairman of the Senate Judiciary Committee, has protected his friend, the Attorney General, from any Senate investigation of his Justice Department.

One of the strange operations inside the Justice Department which other Senators would like to investigate is the reported protection of New York's most spectacular Congressman, ADAM CLAYTON POWELL, of Harlem, in regard to income tax evasion. POWELL saw two of his secretaries convicted and a third indicted. That was about 5 years ago.

Meanwhile, there have been mysterious delays regarding the Congressman's own income tax case. It has dragged on for months. Finally, almost 3 years after his secretaries got into trouble. Assistant U.S. Attorney Thomas A. Bolan in New York, in charge of the Powell grand jury, let it be known that on March 18, 1957, he had received word from the Justice Department in Washington to abandon the grand jury investigation.

Bolan was further asked to write a letter to Attorney General Rogers—the friend of "Big JIM" EASTLAND—advising him that the case should be turned over to the Tresaury—which meant a compromise with no prosecution. This Bolan refused to do, and a runaway grand jury subsequently indicted POWELL.

THE INSIDE STORY

But what Senators would like to know is what happened inside the White House to delay POWELL's prosecution for what is now approximately 5 years. Since EASTLAND's Senate Judiciary Committee won't investigate, this column can now reveal the story.

During Ike's 1956 reelection campaign, the handsome Harlem Congressman, long a Democrat, wrote Vice President NIXON that he might switch to the Republicans. As a result, Max Rabb, secretary to the Eisenhower Cabinet, went to New York, and arranged to bring POWELL to the White House, where with much flashing of photo bulbs, it was announced that POWELL was now for Ike. He urged all Negro Democrats to switch.

Inside the White House, and before the press conference, the terms of Powell's deal were worked out with Sherman Adams, Rabb and Charley Willis, the former White House assistant and son-in-law of Harvey Firestone.

POWELL produced a list of his outstanding financial obligations including the estimated cost of his own reelection, totaling $50,000, which he said he wanted paid in advance. In addition he wanted other expenses paid, including a room at the Waldorf and an apartment in the Middletowne Hotel on East 48th Street next to the swank Eden Roc Club.

Finally Powell took up with Adams and Rabb his income tax problems. It would look very bad, he said, if he was indicted during the campaign. So Adams agreed to discuss the matter with the Attorney General with a view to having the grand jury proceedings dismissed.

The Congressman tried to drive a further bargain and asked that his secretary, Acy Lennon, be let off. However since Lennon was already indicted, this was considered too risky.

Ike's aides also agreed to retain counsel for POWELL and to pay his counsel fees immediately. They engaged Boris Berkowitz.

SEALED AND DELIVERED

All this was firmly sealed and agreed upon before the mercurial Congressman from Harlem went in to see President Eisenhower and announced his dramatic switch to the Republicans.

Thereafter headquarters for POWELL's switch-Negroes-to-Ike drive were set up in the Hotel Marguery, 270 Park Avenue, in midtown Manhattan. Charley Willis was placed in charge of raising a budget of $100,000, which was guaranteed by the Republican National Committee.

Life for the switch-Negroes-to-Ike drive, however, was not easy. About this time, Hazel Scott, the Negro singer who had married POWELL, was threatening divorce and intimating that she would name various girls as corespondents, some from well-known white families.

Berkowitz was immediately sent into action. He arranged a settlement and Hazel Scott went to live in Paris until the election was over.

POWELL's GOP campaign managers breathed easier and proceeded to stage an open house at committee headquarters. It was a mad opening—typically ADAM POWELL—featuring an interracial set of so-called models to act as hostesses.

That's just part of the story of how the Congressman from Harlem went to bat for the Republicans in return—supposedly—for favorable income tax treatment.

[From the Washington Post, Mar. 5, 1960]

DE SAPIO OUTBIDS GOP WITH POWELL

(By Drew Pearson)

NEW YORK.—When Acy Lennon, assistant to Representative ADAM CLAYTON POWELL of Harlem, went to the Federal penitentiary in Danbury for tax evasion, he weighed 325 pounds. When he came out of Danbury in the fall of 1958 he weighed only 250 pounds. His clothes didn't fit.

So during a visit to Carmine De Sapio, boss of Tammany Hall, Acy was handed $1,000 by De Sapio to buy some new clothes. The two also talked politics, especially the question of whether the handsome Harlem Congressman, who had bolted the Democrats for Eisenhower and Nixon, would return to the fold and support Gov. Averell Harriman in his hot race against Nelson Rockefeller.

The election looked very close and the Negro vote was needed. So, after considerable conversation, Acy reported back to Congressman Powell that Tammany would pay him $100,000—$50,000 down and $100 a week over a 10-year period—if he would support Harriman against Rockefeller.

In addition Acy Lennon was to receive $5,000 from Adam for negotiating the deal, plus a promised $5,000 from Carmine at the rate of $100 a week.

GOP LESS GENEROUS

This offer was more generous than that which the Republicans had worked out with Congressman Powell during Ike's 1956 reelection campaign when Powell stood on the steps of the White House after visiting Ike and urged Negro voters to support Eisenhower and Nixon. At that time he received $50,000 for expenses, plus various fringe benefits, the aid of an attorney, and a promise that the Attorney General would be asked to call off the grand jury probing his income tax case.

However, earlier in the 1958 New York election year, Congressman POWELL had made a commitment to the Republican leader of Harlem, Harold Burton, that he would run for Congress on the Republican ticket. POWELL made this commitment at a time when Tammany was determined to punish and defeat him for switching to Ike in 1956.

So POWELL took out political insurance against possible defeat in the Democratic preliminaries by signing up also as a Republican.

Tom Curran, Republican county leader, didn't like this at all. He warned Burton that he would be doublecrossed.

"But POWELL is a man of God," replied Burton, referring to the Congressman's weekly sermons at the Abyssinian Baptist Church, largest in the world. "He can be depended upon to keep his word."

Later, however, when word leaked back to Republican circles that POWELL might be flirting with Tammany, they began to get jittery. Burton sent for Fred Weaver, a Powell aide, and both of them went to see Charlie Willis, former assistant to Sherman Adams and a top Republican moneyraiser. All were anxious to keep Powell on the GOP side in the red-hot race between Harriman and Rockefeller.

FIFTY THOUSAND DOLLARS OFFERED

So word was sent to the Congressman, then relaxing in Puerto Rico, that $50,000 was available in cash if he, POWELL, would endorse the Republican ticket.

"I don't trust Willis," the Congressman replied. "He told me earlier that he would give me $50,000 to help in my primary and my legal expenses, and when I sent Bill Hampton down to pick it up, Willis said 'Adam has just attacked Eisenhower in the New York Times, so the deal is off. I have nothing for him.'

"You tell Willis," POWELL continued, "that the price is going to be higher this time, and this time I want the money paid in front."

POWELL went on to explain that if he ran as a Republican he would be finished politically and would need more than $50,000 for future financial security. He said he might

have to be made vice president of some public relations firm at a salary of about $50,000 a year for 10 years.

All this took place before Carmine De Sapio came up with his offer of $100,000 through POWELL's convicted assistant, Ace Lennon. Finally POWELL accepted it. But first he exacted some fringe benefits. One of the fringe benefits consisted of a pledge that Governor Harriman would urge Speaker Sam Rayburn to see that Powell became chairman of an important subcommittee in Washington. He also exacted the promise of several jobs for his associates and some Federal housing for one of his secretaries' real estate venture.

It was then agreed that Adam would obtain interviews with Rockefeller, Harriman, and other candidates, weigh their positions on civil rights, and, after careful deliberation, announce for Harriman.

Thus the stage was set for the next big political reversal in the life of ADAM CLAYTON POWELL.

[From the Washington Post, Mar. 7, 1960]

ONE HUNDRED THOUSAND DOLLAR OFFER WON POWELL OVER

(By Drew Pearson)

NEW YORK.—When a runaway grand jury on May 8, 1958, finally indicted Congressman ADAM CLAYTON POWELL, of Harlem, for tax evasion, despite attempts by the powers that be in Washington to protect him, he used the steps of the Federal Building in New York to launch a drive for funds for his legal defense.

Posing for the newsreels, he accepted a $500 check from Dr. McKinley Wiles, a Harlem physician. And speaking from the pulpit of the Zion Baptist Church in Brooklyn, where more money was collected, POWELL said:

"What a mess our Government has got into with ADAM POWELL, and for the tremendous sum of $1,600."

And following the announcement by Tammany's leaders in Harlem that he would not be renominated for Congress as a Democrat, POWELL announced:

"Thank God I got rid of Tammany Hall. I'm going to fight them as a Democrat. I'm going to run candidates in every area where there is a concentration of Negroes and Puerto Ricans in all five boroughs."

A TWINGE OF REMORSE

It was just 6 months later that after promising Harlem Republicans he would run on the Republican ticket, POWELL began exploring ways by which he could justify a switch back to Tammany and the support of Gov. Averell Harriman against Nelson Rockefeller.

Justification took the form of interviews with the leading candidates running in the crucial New York State election as to who would do most for civil rights. He saw Rockefeller, candidate for Governor; Louis Lefkowitz and Peter Grotty, running for attorney general; and Frank Hogan and Representative Kenneth Keating, running for the U.S. Senate. He told each Republican he couldn't support him.

KEATING he really wanted to support because KEATING had led the civil rights battle in the House of Representatives. And Lefkowitz, as attorney general, had made personal tours of the polling places in the previous election to keep the Democrats from stealing POWELL'S votes.

Nevertheless under his agreement with DeSapio, POWELL was obligated to tell these men that in order to preserve his seniority in Congress he must desert them.

When word of this got back to Harold Burton, Republican leader of Harlem who had agreed to put POWELL on the Republican ticket he was furious. And when POWELL refused to see him, Burton staged a giant outdoor rally around the corner from the Congressman's Abyssinian Baptist Church, at which he accused POWELL of a doublecross and called upon the congregation to renounce him as unworthy to be their pastor.

Earlier that day, October 7, the mercurial Congressman from Harlem had proceeded to fulfill his promise to DeSapio that he would call a press conference and issue a statement previously OK'd by both DeSapio and Governor Harriman. Carmine had stipulated that this must be done before he would deliver any of the promised expense money.

So after POWELL issued his statement and after Harriman and DeSapio issued one in return appointing him cochairman, with former Secretary of the Air Force Tom Finletter, of the Harriman-Hogan campaign, Acy Lennon was sent to DeSapio's Hotel Biltmore headquarters to collect $50,000.

A LOT OF $50 BILLS

He brought the money back to POWELL, all in $50 denomination. The remaining $50,000 was to be paid at the rate of $100 a week over 10 years.

POWELL then gave Acy the $5,000 he had promised him for negotiating the deal. Ray Jones, POWELL'S treasurer, was given $7,500 supposedly for reimbursement of money he had advanced in POWELL'S primary. Joseph Overton, a business agent of the Grocery Employees Union, president of the local NAACP, and comanager of POWELL'S campaign, was given $2,500 for money advanced. Reuben Patton, salesman for Burke Motors, who had loaned POWELL a Buick station wagon, got $500, while Fred Weaver, an assistant to POWELL, was given $50 because he happened to be present.

Shortly thereafter, the Congressman told his church congregation how Charlie Willis, former assistant to Eisenhower, had offered him $50,000 of Republican money.

"I told him," POWELL shouted, "that no man can buy ADAM POWELL. I belong to my people."

The congregation stamped their feet, clapped, and waved their handkerchiefs.

What he didn't tell them was that he had taken $50,000 from Willis in 1956 and a $100-000 package from Tammany Democrats in 1958.

And on almost any Friday if you're down at the Biltmore Hotel in the late afternoon you'll see Acy Lennon, convicted secretary to Congressman POWELL, coming down to Carmine DeSapio's headquarters to collect that $100 a week which is part of the $100,000 deal and is still being paid.

Mr. WILLIAMS of Delaware. Mr. President, I emphasize that I am not expressing any opinion as to the accuracy or the inaccuracy of these charges. I am merely pointing out that they have been made, and that in view of their serious nature, they cannot be ignored.

If they are true, the guilt of those responsible should be established and dealt with accordingly.

If not true, then those against whom the charges are made are entitled to a complete retraction, and those who made and those who printed the charges should be held responsible.

Since this Congress reconvened in January, the Senate spent nearly 3 weeks debating and passing S. 2436, the sole purpose of which was to guarantee cleaner elections.

For the past 3 weeks we have been holding long and sometimes continuous sessions debating the merits of a bill one purpose of which is to guarantee to every American citizen the right to vote.

Yet here before us we now have a serious charge that the voting rights of these same people about whom the Justice Department and the Congress are expressing so much concern may have been bought and sold in wholesale lots during the recent elections.

Here is a chance for the Senate to demonstrate its sincerity both in cleaner elections and in the voting rights of American citizens.

I send to the desk a resolution, the purpose of which is to authorize the Senate Rules Committee to conduct a thorough investigation of the charges as outlined in these three articles.

Mr. President, I submit the resolution, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The legislative clerk read as follows:

Resolved, That the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized and directed under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of the charges, with a view to determining the truth or falsity thereof, which have recently appeared in the public press that certain persons have sought, through corruptly offering various favors, privileges, and other inducements (including large sums of money), to induce certain individuals to lend their political support to one political party rather than to another, or to become candidates of one political party rather than of another, and that the offers made by such persons have in fact corruptly induced certain of such individuals to change their political affiliations or to lend their political support to one political party rather than to another.

SEC. 2. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1961.

SEC. 3. For the purpose of this resolution, the committee, from the date on which this resolution is agreed to, to January 31, 1961, inclusive, is authorized (1) to make such expenditures as it deems advisable, and (2) to employ on a temporary basis technical, clerical, and other assistants and consultants.

The VICE PRESIDENT. Is there objection to consideration of the resolution?

Mr. DIRKSEN. Will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, normally, of course, one branch of Congress does not take account of the activities and behavior of a Member of the other branch on the theory that each House, of course, is the judge of the qualifications, behavior and conduct of its own Members. But I think it must be said, in fairness to the resolution proposed by the Senator from Delaware, that it is a fact that these reports which are given wide currency and so freely ventilated in the press in all sections of the country become something of a reflection on the entire Congress as an institution.

Neither body in that sense escapes culpability in the eyes of the public when these charges are not refuted and when they are not rebutted. I believe that somehow, by some action, we should get to the very bottom of this subject.

As the Senator from Delaware so correctly points out, the Senate gave 11 full days, as I recall, to the discussion of the so-called clean elections bill. I was opposed to many portions of it, and finally voted against it, because I thought it did not come to grips with the real problems.

But certainly these reflections should not be permitted to continue without some action, without some answer, somewhere in the whole legislative establishment. Accordingly, recognizing the reluctance of one body to look into the affairs of its own Members, perhaps this is the only remedy which we have in order to sift the truth of these charges.

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the feelings of the Senator from Illinois. I should like to add that I, too, recognize the points which he has raised; but I believe that not only the Congress but the whole governmental system is under fire, and that we have no alternative other than to recognize that these charges have been made, and that in all fairness to the parties who have been mentioned, we must clearly establish their accuracy or inaccuracy. It was for that purpose that I felt the resolution should be offered, and I believe it should be approved.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CASE of South Dakota. Is it not also true that the charges which have been published in the press relate to the election of the President and Vice President, and that some of the alleged support involved support for or against certain candidates for the Presidency and Vice Presidency?

Under our rules, is the Committee on Rules and Administration not charged with the investigation of charges pertaining to the presidential election?

Mr. WILLIAMS of Delaware. That is true. Primarily these charges do not involve the question of the election of a Member of Congress himself as much as they do the general elections. Therefore, I think it is very appropriate that we take the action I propose.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JOHNSTON of South Carolina. Would the Senator's resolution cover a case similar to those with respect to examinations for postmaster? The names of the three highest competitors are submitted, and then in the particular locality the Republican who is in charge of the appointments considers the persons having the three highest ratings, selects one, and says to him, "If you will organize a Republican club within your district we will consider you." Would that come within the purview of the resolution? If it would, I would favor the resolution.

Mr. WILLIAMS of Delaware. No, I do not think so. The resolution is directed more to the charges as contained in newspaper articles to which I referred. If the Senator from South Carolina knows of any abuse in the category he has described, I suggest that it be documented and a resolution presented to that effect, and I would support such a resolution. I have submitted this resolution to take care of the situations I have mentioned earlier.

Mr. JOHNSTON of South Carolina. Does the Senator from Delaware not believe his resolution at the desk should be further amended in order to include situations such as I have described? My committee is receiving a great many complaints of this nature. It will cost a large sum of money to make an investigation of these cases.

Mr. DIRKSEN. Will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. DIRKSEN. I should like to ask one or two questions about the resolution. First, the distinguished Senator from Delaware asked for its immediate consideration. Always, of course, I hope the Senate will not be charged with summary action in matters of this kind. That leads to two possible conclusions. One is to let the resolution go over until the following day. The other is whether the matter ought to be appropriately referred to the Committee on Rules and Administration, so as to let that committee, in turn, report the resolution under which the investigation would be made.

Mr. WILLIAMS of Delaware. I would have no objection to letting the resolution go over until tomorrow and voting on it then. In fact, that is what I expect and desire. I would not agree to having it referred to the Committee on Rules and Administration. That was my reason for asking for its immediate consideration.

However, under the rules of the Senate, only when the immediate consideration of a resolution is asked for and objection is made, does the resolution automatically lie on the table and go over until the next day. That is what I was attempting to accomplish; and I would be delighted to agree to that procedure. This procedure gives the Senate itself a direct vote on the question.

The reason why I do not believe it is necessary to refer the resolution to the Committee on Rules and Administration, whose right to consider such matters I respect, is that this is a moral question which the Senate as a whole should decide. The Senate is well aware of the charges which have been made. If we sit idly by and pay no attention to them, such charges will be believed, and there will be a breaking down of the confidence of the people in our election system. To a certain extent we are on trial. This is a question which the Senate itself should face.

I would have no objection to the resolution going over until tomorrow with the understanding that it will lie on the table and not be referred to the committee but will come before the Senate during the next morning hour for a vote.

Mr. DIRKSEN. Mr. President, will the Senator amend his request of the Chair accordingly?

Mr. WILLIAMS of Delaware. I believe that under the rules of the Senate in order to have the resolution laid before the Senate, it will be necessary for me to insist upon my request for immediate consideration and let some Senator object. It is a roundabout way to achieve results, but I have been advised that had I not asked for the immediate consideration of the resolution, it would automatically have been referred to the Committee on Rules and Administration.

With the clear understanding that the Senator from Illinois will make a friendly objection, however, I am willing to let him make an objection in order to get the resolution into the parliamentary situation under which it may be considered at the next morning hour.

Mr. DIRKSEN. Mr. President, is the processor of the resolution in a position to request a modification of his request for its immediate consideration, so that it may come up on tomorrow rather than today? My interest in the matter, obviously, is a desire to make certain that every Member of the Senate is put on notice and is made well aware of the purport of the resolution and what is contemplated by it.

The VICE PRESIDENT. The Senator can obtain an order to have the resolution considered as a part of the routine morning business tomorrow, if the Senator desires to obtain such an order.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Delaware will state it.

Mr. WILLIAMS of Delaware. As I understand the rule, if I insist on the unanimous-consent request and it is objected to, the resolution will automatically be laid before the Senate tomorrow or at the next morning hour, and in the event the resolution were not acted upon during the morning hour, it would go to the calendar. Is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. WILLIAMS of Delaware. If we could have a unanimous-consent agreement which would accomplish that parliamentary situation, I would be willing to enter into it, but I was under the impression that if I ask unanimous consent and the resolution comes back tomorrow, it will be in the same situation it is in today.

Mr. DIRKSEN. The author of the resolution could ask unanimous consent to have it considered in the morning hour tomorrow.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the resolution be considered in the morning hour tomorrow.

The VICE PRESIDENT. Is there objection to the request of the Senator from Delaware?

Mr. CASE of South Dakota. Mr. President, will that request carry with it the right to have the resolution go to the calendar, should there be objection?

The VICE PRESIDENT. If the resolution is not acted upon during the morning hour, it will automatically go to the calendar.

Mr. WILLIAMS of Delaware. That is my understanding.

The VICE PRESIDENT. Without objection, the request of the Senator from Delaware is agreed to.

Mr. JOHNSON of Texas. Mr. President, reserving the right to object, I should like to see if I understand the

situation. Do I correctly understand that the Senator from Delaware does not contemplate that his resolution shall be referred to committee?

Mr. WILLIAMS of Delaware. The resolution would not go to committee under these circumstances.

Mr. JOHNSON of Texas. Does the Senator from Delaware have objection to the committee considering the merits of his resolution? Would that not be the normal procedure.

Mr. WILLIAMS of Delaware. It would if we were dealing with proposed legislation. In this instance I do not believe there is a Member of the Senate who would not have an opportunity, at least overnight, to familiarize himself with the serious charges which have been made in these news articles. I believe the charges are such that we as Members of Congress cannot sit back without either confirming or repudiating them. I think this is a question which we as a Senate as a whole should decide. That is the reason why I have brought the matter up under this particular parliamentary procedure.

I respect the rights of committees as much as does any other Member of the Senate; but I believe this is a question upon which we as individual Senators should make a decision and not bypass our responsibility by referring the resolution to committee.

Mr. JOHNSON of Texas. Mr. President, as I understand the parliamentary situation, the resolution will go over a day; and tomorrow, if there is a morning hour, it will be laid before the Senate. Then the question will come on whether it can have immediate consideration or will be referred to committee. Is that a correct statement?

The VICE PRESIDENT. No; a motion to refer the resolution to committee would be in order.

Mr. WILLIAMS of Delaware. It could be referred to committee only on motion?

The VICE PRESIDENT. A motion will take precedence over agreeing to the resolution.

Mr. JOHNSON of Texas. So if a majority of the Senate felt that the matter should be referred to committee, a motion for referral could be made; and if the motion were adopted, the resolution would go to the committee?

The VICE PRESIDENT. The Senator is correct; and that motion would take precedence.

Mr. JOHNSON of Texas. Is such a motion debatable?

The VICE PRESIDENT. Such a motion is debatable.

Mr. WILLIAMS of Delaware. As I understand the Senate rules such a motion would also be in order today, so the fact that the resolution is carried over under a unanimous-consent agreement would in no way change the parliamentary situation. Is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. JOHNSON of Texas. I believe the chairman of the Committee on Rules and Administration should have information about the resolution, and I have notified him to that effect.

SMALL BUSINESS AIRLINES COMPLETE 5 YEARS WITHOUT FATALITY

Mr. SPARKMAN. Mr. President, it is with extreme pleasure that I call attention of my colleagues to the fact that the Nation's small business airlines have established a new passenger safety record for the air transportation industry.

I am informed by Mr. Clayton L. Burwell, president of Independent Airlines Association, that the certificated scheduled supplemental airline industry has completed 5 years of operations without a fatality in public passenger service.

Mr. Burwell has furnished me a copy of a letter to Senator A. S. MIKE MONRONEY, chairman of the Senate Aviation Subcommittee, for inclusion in the record of the subcommittee's recent investigation of airline safety. At this point I include two pertinent paragraphs from this letter:

According to Civil Aeronautics Board records, 1959 was the fifth consecutive year in which there were no fatal accidents in public passenger operations of our member air carriers. In military contract operations, there was only one passenger fatality. During this period our member airlines transported over 3½ million passengers almost 6 billion passenger-miles.

There are many reasons, we believe, for this remarkable safety record. In their operations, our member airlines give safety top priority. Wherever possible, they have self-imposed safety standards which exceed the rigid standards set down for all commercial airlines by the Federal Aviation Agency.

Mr. President, air safety is a matter in which we are all vitally interested. Therefore, I know I do not speak for myself alone when I offer congratulations to the Nation's small businesses in air transportation on their remarkable safety record.

Mr. MURRAY. Mr. President, a thoughtful constituent of mine, Joseph T. Alberi, as a thinking citizen and as a farmer, has developed what I regard as a very thought-provoking suggestion as to how we might properly approach the problem of farm surpluses. In order that Members of the Congress may be able to consider Mr. Alberi's proposal, I ask unanimous consent that the pertinent quotation from his letter to me be printed in the RECORD.

There being no objection the quotation was ordered to be printed in the RECORD, as follows:

DEAR SENATOR MURRAY: In your bill of election pledges I am glad to see your awareness of the farm problem among the problems of improving the lot of the citizen. Being a farmer I have given some thought to the problem of surplus crops and it would appear to me that much has been said but little has been done in connection with this problem whereby the most obvious solution to the problem has been ignored. To wit: Distribute the surplus in the possible future service of Mr. Average Citizen.

The information distributed in connection with our living in a cold war with the possibility of it bursting in a hot war has made me more and more aware that very little has been done to bolster the individual in case such an event should occur. In case of an atomic attack on this country the devastation invoked upon transportation, communications, utilities, and public health brings to my view cities without an adequate food supply. Moreover smaller urban communities have been solicited to care for these individuals in case of an emergency. But how shall these people be fed? Disrupted communications, devastation of processing facilities, and hunger will cause chaos. And no matter what is said not all areas will be ministered to because of the devastation such an attack will bring. Time will promote assuagement of the devastation created but how shall the food be gotten to keep an organized populace until help and reorganization are delivered.

To overcome part of this gap here is a possible solution to our wheat surplus. Why not mill the wheat, package it, and distribute it to municipalities to hold in safekeeping and for emergency only. The municipalities wishing such flour would have to provide their own storage without fee.

Such a solution would necessarily cost a little but it should be no more than the constant storage cost of surplus.

This program would do three things:

(a) Provide emergency food.

(b) Eliminate the specter of a large wheat surplus which affects the wheat market.

(c) Eliminate storage fees on wheat.

If this program were carried out, and an adequate bushel-per-acre allotment allocated with the provision that farmers provide their own storage to qualify (the Government could through FHA help farmers finance storage facilities); the wheat problem in a few years would resolve itself.

The problem of making a storable flour from wheat has been overcome by Chicago's Dan H. Brown (Mechanix Illustrated, July 1958, p. 54) and his product has been tested and shown preference by the Armed Forces. So the problem of a good "keeping flour" is no problem at all.

Looking forward to your reelection as Senator from Montana I remain your constituent.

Sincerely,

JOSEPH T. ALBERI.

CLOSING OF THE CUBAN NICKEL-COBALT PLANT IN CUBA

Mr. DWORSHAK. Mr. President, because of chaotic conditions in Cuba, the Freeport Nickel Co. is announcing its intention to close its nickel-cobalt plant in that country. It has invested about $75 million to produce nickel and cobalt, but it is unable to go into production because of the situation which exists in that country.

I ask unanimous consent to include in the body of the RECORD at this point an article which appeared on Tuesday, March 8, 1960, in the Daily Metal Reporter of New York City.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Daily Metal Reporter, Mar. 8, 1960]

FREEPORT SULFUR TO CLOSE CUBAN NICKEL-COBALT PLANT—CITES MINING LAW AND OTHER DEVELOPMENTS IN DECISION TO SHUT $75 MILLION UNIT

Freeport Nickel Co. said yesterday it is closing a $75 million nickel-cobalt mine and concentrating plant at Moa Bay, Cuba.

The company, a subsidiary of Freeport Sulfur Co., said that a new Cuban mining law and other recent Cuban developments had made the suspension necessary and that it therefore had given to the Cuban Government on March 3 the notice of closing required under Cuban law.

Robert C. Hills, Freeport Nickel president, stated:

"The project called for an estimated investment of $119 million of which about $75 million was to be invested in Cuba. Although not yet in full production, it is employing about 1,500 Cubans—900 operating workers and 600 construction workers. At full production it would provide over 1,000 permanent operating jobs and it would be one of Cuba's largest taxpayers."

Mr. Hills' statement continued:

"In November we informed President Dorticos of Cuba that, because of the provisions of the new Cuban mining law, we were no longer able to obtain funds previously arranged for and needed to complete construction and attain commercial production. We explained that unless the necessary money could be obtained the entire project would have to come to a halt. We offered to try to work out mutually satisfactory solutions to the problem confronting us.

"President Dorticos designated certain Cuban Government officials to confer with us. We have had four meetings with them. At the last meeting, on December 10, we said that the funds which we had on hand would run out in the near future, and we presented a memorandum discussing the problems and proposing solutions which would meet the requirements of the Cuban Government as previously outlined to us by the Cuban officials.

"We received no response to our memorandum and despite repeated attempts we were unable to see the Cuban officials from December 10 until after we submitted the notice on March 3, a period of almost 3 months," Mr. Hills stated.

"Freeport Nickel Co. does not now have and cannot obtain from any source the funds to enable us to complete construction and continue operation. The directors of Freeport Sulphur Co. are unwilling to advance further funds for the same reasons as other lenders.

"Moa Bay Mining Co., the Freeport Nickel subsidiary operating in Cuba, has therefore given to the Minister of Labor the notice of closing required under Cuban law 647, and has also advised the Minister of Agriculture, who has jurisdiction over mining.

"We reached this inevitable conclusion," Mr. Hills said, "with the greatest regret, particularly since it has already been demonstrated that the project has all the other elements necessary for commercial success including the production of products of the highest quality.

"Freeport Sulphur Co., parent of Freeport Nickel, has participated for 30 years in the development of the Cuban mining industry, 20 of these years having been devoted to efforts to develop the island's nickel-bearing ores. Over the 30 years we have invested more money in Cuba than we have taken out," Mr. Hills said.

"We have every desire to continue our activities, which we feel are to the interest of the Cuban Government and the Cuban people. We stand ready to discuss any plan which the Cuban Government may develop for the resumption of the project should our cooperation be wanted."

Mr. Hills said that since the notification, one further meeting was held with the Cuban officials but that the officials offered no solutions to the company's problems.

The Moa Bay facilities produce a nickel-cobalt sulfide concentrate, which is then refined to metallic nickel and cobalt in Freeport Nickel's refinery at Port Nickel, La. Designed capacity is 50 million pounds of nickel and 4,400,000 pounds of cobalt annually.

The United States consumes about 255 million pounds of nickel annually, of which it produces only about 21 million pounds. Nearly all cobalt is imported.

DURFEE WINING-DINING BREACH MORE SERIOUS THAN DOERFER

Mr. PROXMIRE. Mr. President, national indignation over the acceptance of hospitality by FCC Chairman John Doerfer from a wealthy owner of a TV chain, should awaken Senators to the issue in the judicial appointment of CAB Chairman James Durfee, whose acceptance of hospitality is demonstrably more serious than Doerfer's.

Durfee's appointment to the U.S. Court of Claims is now before the Senate for confirmation. It is the pending executive session business. This means that the Senate of the United States will act at any time. The Senate Judiciary Committee has favorably reported Mr. Durfee's nomination to the floor over my vigorous opposition. I intend to continue my fight against Durfee on the floor of the Senate and to spell out my opposition to him in very considerable detail when his nomination comes up. I have already written a personal letter to every Senator urging them to oppose Durfee.

CAB Chairman Durfee's action was substantially more serious than FCC Chairman Doerfer for two reasons:

First. Durfee accepted lavish hospitality from Overseas National Airways and the Flying Tiger Line in October 1956, when Durfee was Chairman of the CAB. In doing this, he directly violated a specific "code of ethics" of his own organization. Doerfer's conduct on the other hand while highly questionable did not contradict any FCC code.

Second. CAB Chairman Durfee accepted the aforementioned hospitality from two airlines each of which had several cases pending before his agency at the time Durfee was their guest. It appears that this was not the case for Mr. Doerfer. At the same time, it is perfectly obvious that the FCC Chairman's host had had cases pending before the FCC in the past and certainly would have them again when his stations came up for license renewal.

I am glad to see the nationwide expressions of editorial indignation over the conduct of Mr. Doerfer. It is well justified. On the other hand I am at a loss to know why there has been no such outcry against the promotion of Chairman James Durfee to a lifetime $25,500 per year appointment as a claims court judge in view of his record which seems to be at least as injudicious.

The facts are that Durfee has violated the code of ethics of his own organization at least three times: once when he accepted a trip by chartered Pullman car for 2½ days with what was freely called the golfing, drinking, and inside-straight society at a swank golf club at Pinehurst, N.C., a trip paid for in full by two airlines as previously mentioned. Second, he accepted an all-expenses-paid, 4-day inaugural flight to Mexico City, Mexico, from Eastern Airlines at the same time that Eastern Airlines had many cases pending before Durfee's CAB, including a protest from Pan American against awarding to Eastern the very route over which Durfee flew as a wined-and-dined guest of Eastern. Third, he and his wife traveled on an all-expenses-paid trip to Rome, Italy, on another week-long inaugural flight as a guest of Trans World Airlines at the very time that Durfee as Chairman of the CAB knew that TWA had many cases in litigation before Durfee's own CAB.

It is true that in the case of the two inaugural flights a previous CAB Chairman had stated that in his judgment they did not violate the Agency's code of ethics which explicitly prohibits acceptance of unusual hospitality from any corporation or person which has business with the Board. It appears obvious to me, however, that any such self-serving exception by a previous CAB Chairman is fantastic, if the CAB code of ethics is to have any meaning.

NEED FOR THE FEDERAL RESERVE SYSTEM TO CHANGE ITS POLICY

Mr. GORE. Mr. President, according to the New York Times for this morning, March 8, 1960, there are "rumors reported to be circulating in Wall Street, to the effect that a shift in Federal Reserve policy might be in the offing."

I do not know the source of these rumors, but I would like to state once more, as I have often stated in the past, that the Federal Reserve System certainly should change its policy. The tight money, high-interest-rate policy which has been pursued by the Board of Governors and the Open Market Committee has, once more, brought the economy to a point of nervous uncertainty, if not danger.

Economists tell us that there are certain economic indicators which are classified as leading "indicators," that is, there are certain indicators which, to a certain extent, foretell a change in business conditions.

Among these are industrial stock prices, new orders for durable goods, and construction. I believe it is unnecessary to call to the attention of my colleagues the drop in stock prices during recent weeks. Construction contracts are off as compared with the corresponding month a year ago. New orders for durable goods are disappointing to suppliers.

In the meantime, unemployment remains above 4 million, motor-vehicle production has been cut back, freight-car loadings have fallen off, and the Iron and Steel Institute predicts a cutback in steel production during the second quarter.

In the face of these disturbing signs, Mr. President, the Federal Reserve continues its restrictive monetary policy, which has been, during the past several years, at least partially responsible for almost cyclically recurring periods of economic recession.

The money supply for January of this year was only three-tenths of 1 percent above the money supply for January 1959——

The VICE PRESIDENT. Will the Senator from Tennessee suspend in order that——

Mr. GORE. No, Mr. President; first, I prefer to finish what I was saying.

As I was saying, the money supply for January of this year was only three-

tenths of 1 percent above the money supply for January 1959, despite the increase in population and the increase in business which we should have experienced, and did experience, following the end of the steel strike. During recent weeks, the Federal Reserve System has reduced its holdings of Government securities, thereby reducing the lending capacity of the banks and preventing a growth of money supply that corresponds to the normal growth of our economy and our population.

It is my view that the administration and the Federal Reserve System should take cognizance of the business indicators, the overall economic health of the country, the plight of small business, the homebuilding industry, and local governments. It would appear that, to date, it would be in the interest of the national economy to reverse this policy.

Once again I call upon the administration to reverse the hurtful tight-money policy before the economy is once more thrown into a recession. We have not fully recovered from the last one.

Now I yield, Mr. President.

The VICE PRESIDENT. Has the Senator from Tennessee concluded?

Mr. GORE. I yield.

MESSAGES FROM THE PRESIDENT

The VICE PRESIDENT. The Senate will now receive messages from the President.

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

THE CASTRO GOVERNMENT

Mr. LAUSCHE. Mr. President——

The VICE PRESIDENT. The Senator from Ohio.

Mr. LAUSCHE. Mr. President, I believe that the people of Ohio will subscribe to my present purpose to commend the State Department for the action it took in regard to Castro's activities in Cuba.

Our country's Government has been extremely lenient with Castro. We have witnessed his actions in confiscating American property. We have watched while he has trespassed upon the rights of American citizens. We have stood silently by while he has libeled and slandered our Government, our top echelon officials, and the people of our country.

While Castro was fighting his war of revolution, undoubtedly from our shores—in violation of treaties and laws—ships moved to Cuba and delivered aid to Castro, during the revolution. While that was happening, Castro never uttered one complaint about what our Government was unable to prevent. But when Castro came into power, he proceeded, under the pretense of administration of law, to have mass executions of those who disagreed with his position; and great numbers of them were put to death. We watched while he exterminated even those who had stood by him in the revolutionary fight. We did not in any manner intervene—economically or otherwise—to thwart him in the achievement of his revolutionary objective.

He was finally lodged in power. Then the responsibility of the high office he had attained began to demand service. It soon became obvious that, although he was able to fight a revolution in the mountains of Cuba, he did not possess the power which was required to run an orderly government.

Realizing that weakness in his armor, he sought to protect himself by constantly blaming our people and our Government and our country for his infirmities.

The climax of his activities came within the last few days, when—without any proof—he blamed our Government for the sinking of a French ship which was delivering ammunition to Cuba.

The VICE PRESIDENT. Under the order previously entered, now that the time of 1:05 p.m. has arrived, the morning hour is concluded.

Mr. LAUSCHE. Mr. President, may I ask consent to proceed?

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the morning hour be extended approximately 15 additional minutes.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered; and the Senator from Ohio may continue.

Mr. LAUSCHE. I thank the Senator from Texas.

Mr. President, I think each one of us understands what irresponsibility means. Persons without regard for the reputations of others or for the lives of others can irresponsibly and indifferently make charges; and when such charges are made, they bring harm to the victims of them. That is true of individuals; it is likewise true of nations.

Castro had the bold audacity to impulsively jump to the conclusion that an American citizen who was on the French freighter was an agent of our Government and had taken action in connection with the sinking of the ship.

I think there is grave reason for our country to become apprehensive about what is happening in Cuba. We know that the Communists are running at large in Cuba, and that they are occupying high offices there; and we know that the Government of Cuba has already fully entered the orbit of communism, or is about there.

I recognize that our powerful Nation, standing so close to little Cuba, is in a most delicate position as regards the course it should follow. But that does not mean we should continue abjectly to suffer the humiliation which Castro is heaping upon our people.

It is for that reason that I commend Mr. Herter, our Secretary of State, for the firmness of the position he took; and I believe that Castro should recognize that, through economic aid, we have helped him, and that we expect him to deal with us in the decent manner in which we have dealt with him.

Mr. President, I yield the floor.

THOMAS G. MASARYK

Mr. CASE of New Jersey. Mr. President, March 7 marked the 110th anniversary of the birth of Thomas Garrigue Masaryk, first President of the Czechoslovak Republic.

In honor of the occasion, the U.S. Post Office has issued special stamps in its "Champion of Liberty" series. This is a fitting tribute, for Thomas G. Masaryk was truly a leader in the cause of freedom. He actively resisted bolshevism, and he fought vigorously to establish and defend the Republic of Czechoslovakia. In the darkest days of this struggle, the ideals of freedom traditional in the United States were his greatest inspiration.

In issuing the special Thomas G. Masaryk commemorative stamps the United States is honoring a great patriot, statesman and scholar. The tragic oppression of free Czechoslovakia by the ruthless forces of communism prevents these freedom-loving people from properly observing the birthday of their founder. I hope that some of the words voiced all over America on this anniversary will somehow reach and comfort his captive countrymen.

NEED FOR INQUIRY INTO THE COMMUNICATIONS INDUSTRY

Mr. McGEE. Mr. President, a few minutes ago the junior Senator from Wisconsin had occasion to allude to the case of John Doerfer, of the Federal Communications Commission. The mention of Mr. Doerfer's name calls to my mind a much larger question than the one his recent experience has suggested, namely, the necessity for a major inquiry into the present status of the communications industry in this country.

A searching inquiry into the issues involved was made recently by a newspaper writer, Charles Denton, who has written an article which was published on January 18 in the Los Angeles Examiner.

In the article, Mr. Denton put his finger on the first obstacle to a significant inquiry, when he reminded us that the communications industry would at once charge that someone in the Government was attempting to interfere with the freedom of expression. But the real question he put is this: Whose freedom is at stake? Is the industry in fact free now? Has it not become the prisoner of commercialism and of the purchasers of programs?

In any case, this calls for some soul searching on all levels of the Government and in our public life in general and certainly it is hoped, Mr. Denton concludes, that the communications industry will encourage a completely fair and open inquiry for the interest of all.

I ask unanimous consent, Mr. President, that Mr. Denton's article appear in the RECORD at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN TV GO IT ALONE?

(By Charles Denton)

Any attempt to regulate a mass communication medium by law in this country inevitably brings indignant howls of protest that free expression is being curbed.

Which is all to the good. Indignation won Americans their liberty to begin with, and indignation has protected our freedom against encroachment for almost two centuries.

But freedom cannot be preserved by defending it only against attack from the outside. It also must be safeguarded against internal influences which would eradicate it, either deliberately or thoughtlessly.

Throughout its recent travail, the television industry has argued that it can launder its own soiled integrity without Federal legislation, which might place undemocratic fetters upon its right to express itself freely.

Imbued as we are with the principles of free speech and a free press and with a profound distrust of governmental meddling in these areas, this promise has a great deal of appeal for most of us. We want television to protect its freedom, both from external regulation and from internal debasement.

But the question is whether the industry can accomplish this alone? Or is it merely defending its independence on one front and surrendering it on another?

At a recent Federal Communications Commission hearing, Peter W. Allport, vice president and secretary of National Advertisers, Inc., stated that if TV attempted to deny sponsors a voice in the production of programs for which they pay, advertisers would seek "other channels of communication."

This was an outright threat—a warning that advertisers do not intend to surrender the control of publicly owned airwaves which TV has conferred on them and that if television attempts to drive them out, they will withdraw the financial support without which the industry cannot survive.

The threat was at least partially empty, of course. It is difficult to imagine all advertisers pulling out of television under any circumstances.

Yet even the faint prospect of sponsorial rejection could not help having a deep effect on an industry already haunted by the specter of pay TV.

Some results of advertiser pressure on the high intentions TV set for itself in the wake of the quiz show scandal already are apparent. CBS President Frank Stanton vowed, for example, to eliminate laugh tracks and canned applause from his network.

He has not done so for the obvious reason that the sponsors controlling the shows involved refused to accept his order. So Dr. Stanton was forced to compromise on hasty announcements that the laughter on certain programs is artificially produced.

This, in itself, isn't particularly important. What is important is that it illustrates TV's inability to resist internal forces which tend to suffocate the very freedom of expression it is defending so vociferously against Federal regulation.

In short, it indicates that television needs some sort of help if it is to exercise its liberty.

Representative HENRY S. REUSS, a Wisconsin Democrat, may be offering that help in a bill he has introduced in Congress to place increased emphasis on educational, cultural, and public service programs in television.

Briefly, this measure would require the FCC to set minimum standards of public service programing for stations now in business and establish a system of competitive bidding for new broadcasting and telecasting licenses.

Under the Reuss proposals, new licenses would go to applicants who promise the most public service and the most cash, which would be used to help finance nonprofit stations and organizations.

I fully expect TV to scream restriction when and if this legislation reaches the floor of Congress, but before the lobbyists are given their briefing for the battle, I sincerely hope the industry will give all sides of the argument plenty of soul-searching thought.

Certainly some solid legal backing would strengthen television's position in the struggle it ultimately must make to regain control of its own house.

This may be one of those cases where it is necessary to sacrifice a little freedom to be able to enjoy what remains.

Mr. McGEE. On the question that is concerning many people in our country of uncertainty within our ranks, of uncertainty as to goals, we are focusing more and more of our attention on one of the manifestations of this uncertainty and this distress, namely, in the form of student loyalty oaths in one segment of our Federal legislation, and a particular article on this question appearing in the Lewiston, Idaho, Tribune by Mr. Samuel H. Day has been called to my attention.

Mr. Day makes three points. He says that the reason we have a right to concern ourselves over student loyalty oaths is first that the oath is an attempt to establish the principle of Federal controls of colleges and universities where no such controls have existed before. Another objection here is that this is a singling out of the academic world for restraints upon its freedoms, while other pursuits go unrestrained. Finally, a third objection, and this is the fundamental objection in the whole question of student loyalty oaths, and that is that in demanding oaths we lose sight of the simple truth that the learning process and the quest for truth is an end in itself, and that we ought to keep our perspective and keep our order of priorities clearly in mind.

We have in substance, then, Mr. President, more as a Nation to fear from those who take the oath but do not mean it than we do to fear from those who mean the oath but hesitate to take it. Loyalty, Mr. President, is an article of faith and not a subject of legislation.

CHARGES OF POLITICAL CORRUPTION

Mr. HENNINGS. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HENNINGS. While I was temporarily absent from the floor, the distinguished occupant of the Chair, the senior Senator from Delaware offered a resolution which was handed to me only a few moments ago which relates to investigation under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and undertakes to set forth the matter of jurisdiction as specified by rule XXV of the Standing Rules of the Senate, requiring that the Committee on Rules and Administration investigate certain matters with respect to the election, as I understand the resolution, of a Member of the House of Representatives, a Representative from the State of New York.

At this time I ask unanimous consent that this matter be referred immediately to the Committee on Rules and Administration.

Mr. WILLIAMS of Delaware. I object.

Mr. HENNINGS. I assure the Senator from Delaware, that I request such referral in the interest of orderly procedure, in the interest of established precedent, in the interest of determining the proper course of action to take upon this matter, the committee investigation and jurisdiction of such matters, according to the claim of the Senator himself as set forth in his resolution, that the Senate Rules Committee be given jurisdiction. I assure the Senator that I shall ask for a meeting of the committee during the present week at the earliest possible opportunity which we may obtain for the purpose of considering the matter which the Senator has set forth in the resolution. I think, Mr. President, that a departure from this course would be a negation of the principle of orderly procedure. I think it would be a negation of the responsibility and indeed of the duty of the Committee on Rules and Administration, to have a summary consideration of this resolution without having it first referred to the committee which would have jurisdiction according to the provisions of the Senator's resolution. So far as I understand it, that committee may well have jurisdiction of the subject matter.

But I do believe that the committee should have an opportunity, as the Committee on Rules and Administration of the U.S. Senate, to give careful consideration to and determination of the subject matter of the resolution, the propriety of taking jurisdiction, or other questions presented.

Mr. WILLIAMS of Delaware. Reserving the right to object, I would say to the Senator from Missouri that I think this is a question which the Senate itself should decide. I respect the rights and duties of the committees, and I think the Senator knows that on many occasions I have gone further in protecting the rights of committees than perhaps he has. These charges have been made. They are so serious that we as Members of the Senate cannot shirk our responsibility. The whole Senate should go on record as to whether or not we want them investigated. If it were a question of legislation, I would respect the need for the committee's studying it, but this is not a question of legislation. This is a serious charge of payments and other items of considerations having been given in return for political support.

These charges are very specific, and they cannot be ignored.

As the Senator may well know if he has read these articles, there are specific charges:

No. 1, that in consideration of support of a political party in a national election the question was raised as to whether or not a tax violation would be prosecuted. The way a man votes, or his political

party in no way is to be taken into consideration when you determine the question of prosecution. Now, I certainly would hate to believe that this was done; but the fact is, it has been charged.

Another specific and serious charge is that there were substantial payments made in return for political support. I think this is something we in the Senate, who recently passed a clean election bill, should want to examine. The Senator from Missouri was chairman of the committee that reported this bill, and I supported him. If we are in favor of clean elections, and if we are in favor of the right of every American citizen to vote, let the Senate act.

Mr. HENNINGS. Would the Senator yield for an observation?

Mr. WILLIAMS of Delaware. I yield.

Mr. HENNINGS. As the distinguished Senator from Delaware well knows, I have the highest respect for him. He and I have been friends since I first came to this body. I might say parenthetically that I believe I have seen the subject Representative Member of the House of Representatives from New York only once in my life. I do not recall ever having had a conversation with him. I mention that only to indicate that I have no interest whatsoever in the matter insofar as any ad personam aspect could be.

Mr. MANSFIELD. Will the Senator yield so that I may ask unanimous consent that the morning hour may be extended another 5 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HENNINGS. I thank the distinguished Senator for his consideration. I have read the articles which have appeared—how carefully I hesitate to say—I have scanned them certainly and in a general way am familiar with what they undertake to allege and set forth. They were published by Mr. Drew Pearson in the Washington Post in recent days, if we can count "days" in these times. I would entreat the Senator, if I may, to trust the Committee on Rules and Administration to undertake to make a proper surveillance and have a proper consideration of this matter. We are undertaking, if the Senator's resolution is to be acted upon favorably, to investigate a Member of the House of Representatives——

Mr. WILLIAMS of Delaware. No; if the Senator will yield; I do not think so.

Mr. HENNINGS. Or a presidential election?

Mr. WILLIAMS of Delaware. The matter certainly comes under the jurisdiction of the Senate committee. The fact that one of the individuals involved may have been in the House of Representatives is not material. His own election is not involved. This is not something involving a question as to whether there may have been something improper in his election. The question involved deals with national elections and is clearly something which comes under the jurisdiction of the Committee on Rules and Administration.

I have great confidence in the Committee on Rules and Administration, the chairman of which is the distinguished Senator from Missouri. That is why I was enthusiastic in requesting that the Senate authorize that committee, which has jurisdiction over such questions, to conduct the investigations.

As I understand the law there is no difference in the guilt of a man who pays and in the guilt of a man who receives.

Mr. HENNINGS. The Senator is entirely correct.

Mr. WILLIAMS of Delaware. So this resolution is not aimed at any one individual. It is aimed in the direction of trying to ascertain the facts as they affect the individuals involved. I hope they will all be cleared. But if they are not cleared, if there is any guilt, wherever it may be, let us find out.

Mr. HENNINGS. The Senator serves on at least two very important committees of this body. Would the Senator, for example, if I may undertake to cite a parallel case, feel it proper for this body to direct one of his committees, to do thus and so, without the committee's having an opportunity to decide whether it should do thus and so and assume jurisdiction? Is it not an invasion of the province and the proper sphere of the organization of the committee system of the U.S. Senate to have a resolution directed at a certain committee—any committee—to do thus and so with respect to a given matter, the facts of which none of us at this time knows?

I give the Senator my personal assurance that I will call a meeting of the committee for the consideration and determination of the subject matter involved in the resolution if the resolution is referred today to the committee.

I think the Senator might consider the fact that there are other Members of the Rules and Administration Committee who might have various views to express. I have no way of telling what the committee is going to do. But I believe it is my duty, as chairman of the committee, certainly to try, as zealously, within the bounds of propriety, as I can, to guard the prerogatives of the committee and to guard against the precedent which might be established by directing a committee to do a given thing with respect to a given individual.

For that reason, I again say that, if the Senator will accept my word—and I will give it to him—I will call a meeting tomorrow, indeed, or the next day, as soon as we can get a quorum of the members of the committee together, and get unanimous consent to sit as a committee, and that the subject matter of the Senator's resolution will be brought to the attention of the committee as the sole and only business of the committee at that meeting.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HENNINGS. I am glad to yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning hour be extended for another 5 minutes.

The PRESIDING OFFICER (Mr. COOPER in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. HENNINGS. Of course, if the Senator is adamant, I would then be in the position, as I understand the parliamentary situation to be, of having to object to immediate consideration of the resolution at this time, at which time thereafter, if there should be a morning hour tomorrow, by unanimous consent, the Senator's resolution will come before the Senate, subject to a 2-hour limitation of debate.

Mr. WILLIAMS of Delaware. Mr. President, I stated earlier that I had no objection to the resolution going over until tomorrow for a vote. The only reason I asked immediate consideration of it, was that under the rules of the Senate, in order to get it before the Senate, the sponsor of the resolution must ask for its immediate consideration. Then, if objection is made, it lies on the table until the next day, or the next morning hour, and then it is automatically laid before the Senate for a vote.

That is why I asked for consideration of the resolution today knowing that with this objection it would be carried over until tomorrow. I repeat this is a matter on which the Senate should act. The reason why the Senator from Missouri was not consulted was that he has been in the hospital recently and therefore necessarily absent during recent sessions.

Mr. HENNINGS. I was on the floor this morning during the morning hour.

Mr. WILLIAMS of Delaware. I did not see the Senator. I did not look for him because he had been away for several preceding days.

Mr. HENNINGS. I have been here all week.

Mr. WILLIAMS of Delaware. That is only 1 day, and I did not see him then.

Mr. HENNINGS. I was here. I answered all the calls yesterday.

Mr. WILLIAMS of Delaware. The Senator from Missouri has the balance of today and tonight to look over the charges. I am sure the Senator will agree that they are very serious.

Mr. HENNINGS. I have no question they are serious charges. I have been a district attorney. I understand the gravity of the charges. I have participated in many election investigations involving expenditures of money and allegations with respect to voting, registration, and acts which are violative of the election process.

I know the Senator from Delaware supported the so-called clean elections bill, which emanated from the Committee on Rules and Administration. I think he and I are of one mind on the general proposition relating to the improper use of money in elections.

Again I would say to the Senator I believe it is certainly my duty, and I believe it is certainly within the bounds of propriety, for me, as a member of the Committee on Rules and Administration, to ask that we be given an opportunity to meet as a committee, and not be delivered an edict that we immediately proceed to the consideration of a given matter, without determining whether or not the matter is one for consideration at this time, at some other time, or at any time at all by our committee.

I do not believe in transcending the normal process of committee consideration. Incidentally, the resolution, of course, if ultimately considered, would be before the Subcommittee on Privileges and Elections, of which the distinguished senior Senator from Rhode Island [Mr. GREEN] happens to be chairman.

The Committee on Rules and Administration has a very respectable and vigilant and able representation of the Senator's interests. I can assure the Senator the matter will be considered as judiciously, as impartially, and as objectively—I can promise only for myself—as I can consider any matter. But I had hoped the Senator would give the committee an opportunity to function as a committee should, within the established procedure and precedence of the Senate, in matters of this kind.

Mr. WILLIAMS of Delaware. I only ask the Senator to direct some of his great legal talent toward studying this matter overnight. I am sure that tomorrow he will be one of the most enthusiastic supporters of the resolution.

Mr. HENNINGS. The Senator, then, objects to my unanimous-consent request that the matter be brought before a meeting of the Committee on Rules and Administration, to be called tomorrow or the next day, or at the earliest possible time at which a quorum may be present?

Mr. WILLIAMS of Delaware. The Senator knows that there have been no committee meetings for the past 10 days and that the chance of calling any committee meeting tomorrow or the next day is very remote.

Mr. HENNINGS. No. If I thought so, I would be less than sincere.

Mr. WILLIAMS of Delaware. Would the Senator try to get unanimous consent to have a meeting tomorrow?

Mr. MANSFIELD. I ask unanimous consent that the morning hour be extended 1 more minute.

The PRESIDING OFFICER. Without objection, it is extended 1 more minute.

Mr. HENNINGS. If I thought the chance was remote, I would be less than candid, and I would be properly charged with insincerity. I am certain we have the assurance of the majority leader and the minority leader that so far as they are concerned there would be no objection to the Committee on Rules and Administration sitting to consider this matter. If that assurance is forthcoming, then the committee can meet tomorrow and determine whether this is a matter of which the committee desires to take jurisdiction and to proceed with. But I do think that the committee is entitled to decide that for itself.

Mr. WILLIAMS of Delaware. Mr. President, in line with the previous unanimous consent agreement, I insist on the resolution being called up tomorrow.

The VICE PRESIDENT. The resolution will lie over under the rule.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I had some more morning-hour business and I was seeking recognition. I ask for 5 minutes' additional time for morning-hour business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may offer an amendment to the pending substitute, have it read and printed, and that it may lie on the table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read the amendment.

The legislative clerk read as follows:

Amendment intended to be proposed by Mr. CHURCH to the amendments proposed by Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri, viz:

On Page 19, beginning with line 23, strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

(b) (1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971 (c)), pursuant to subsection (c) of this section, or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote.

(2) Any such order shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order shall be without effect as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote.

(3) Notwithstanding any inconsistent provisions of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

(4) An application for an order pursuant to this subsection shall be heard within ten days. Except as provided in paragraph 2, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

(5) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections any such applicant is qualified under State law to vote.

(6) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

(7) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if support by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

(8) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

(9) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action

or failure to act which would make such vote ineffective.

(10) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

(11) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed a a limitation upon the exiting powers of the court.

(c) In any action, suit or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of such facts and law.

(d) Section 2004(c) of the Revised Statutes as amended, is amended by adding at the end thereof the following new sentence: "Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

(e) For the purposes of this section—

(1) The term "election" means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

(2) The term "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

(3) The term "qualified under State law" means qualified according to the laws, customs, or usages of the State and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of the race or color against which the pattern or practice of discrimination was found to exist.

(f) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

(g) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

(h) If any provision of this section or the application of such provision to any person or circumstance is held invalid the remainder of this section or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. JOHNSTON of South Carolina. Mr. President, I raise the point that there is not a quorum present.

Mr. JOHNSON of Texas. Mr. President, will the Senator withhold his suggestion of the absence of a quorum? There are two brief statements to be made by Senators.

Mr. JOHNSTON of South Carolina. I withhold my suggestion of the absence of a quorum.

INTERRUPTION OF SENATOR WHO HAS THE FLOOR IS NOT ALLOWED EXCEPT BY HIS CONSENT

Mr. GORE. Mr. President, earlier today the junior Senator from Tennessee was making a 3-minute statement to the Senate. During that brief speech, the President of the Senate rapped the gavel in the middle of a sentence by the junior Senator from Tennessee and asked if he would yield so that the Senate might receive a message from the President. I respectfully declined to do so.

Mr. President, perhaps it would be well to read into the RECORD the rule. In raising this point, it is not the purpose of the junior Senator from Tennessee to indicate that he would not yield during the course of a speech for the reception of a message from the House or from the President. But the practice has grown in the Senate of rapping the gavel in the middle of a thought, a paragraph, or a sentence, merely at the appearance at the Senate door of a messenger from the White House or from the House of Representatives.

A Senator should be permitted, at least, to complete a sentence or a 3-minute statement before such an interruption. Surely the time of a messenger is not so important that a Senator having the floor must be interrupted in the middle of a sentence.

I should like to read from page 267 of Senate Procedure, under the heading "Interruption of Senator Who Has the Floor Is Not Allowed—Except by His Consent."

A Senator in possession of the floor, or who has been recognized, does not have to yield or may not be interrupted against his will in the middle of a speech or without his consent, unless he is called to order under rule XIX; no other Senator has a right to question him or to make remarks against his will during the course of his speech; and it is the duty of the Chair to enforce the rule on his own initiative.

I read further:

A Senator who has the floor may not be interrupted or taken off the floor without his consent for the purpose of—

Then 17 different points, including the reception of a veto message, are listed.

Mr. President, I ask unanimous consent that those 17 points be printed at this point in the RECORD.

There being no objection, the 17 points were ordered to be printed in the RECORD, as follows:

A Senator who has the floor may not be interrupted or taken off the floor without his consent for the purpose of (1) taking an appeal from a ruling by the Chair; [1] (2) suggesting the absence of a quorum; [2] (3) introducing a bill; [3] (4) presenting a conference report; [4] (5) transacting business; [5] (6) submitting a committee report; [6] (7) making a motion for an executive session; [7] (8) acting on a message from the President or the House of Representatives; [8] (9) introducing a matter of morning business; [9] (10) making a parliamentary inquiry; [10] (11) raising a question of personal privilege; [11] (12) presenting a

[1] Feb. 22, 1923, 67th Cong., 4th sess., RECORD, p. 4254.

[2] See "Yield for Suggestion of Absence of Quorum," pp. 459–460; Jan. 26, 1921, 66th Cong., 3d sess., RECORD, p. 2070; July 24, 1947, 80th Cong., 1st sess., RECORD, pp. 9994, 9996–9997, 10000; Mar. 3, 1931, 71st Cong., 3d sess., RECORD, p. 7133; Aug. 14, 1914, 63d Cong., 2d sess., RECORD, pp. 13727–13728; Mar. 22, 1922, 67th Cong., 2d sess., RECORD, p. 4226; June 5, 1920, 66th Cong., 2d sess., RECORD, p. 8637; June 6, 1913, 63d Cong., 1st sess., RECORD, p. 1907; July 16, 1897, 55th Cong., 1st sess., RECORD, p. 2632.

[3] Aug. 18, 1914, 63d Cong., 2d sess., RECORD, p. 13902.

[4] Mar. 21, 1950, 81st Cong., 2d sess., RECORD, p. 3705.

[5] Feb. 28, 1949, 81st Cong., 1st sess., RECORD, pp. 1585–1586; July 6, 1917, 65th Cong., 1st sess., RECORD, p. 4718.

[6] May 4, 1917, 65th Cong., 1st sess., RECORD, p. 1782; July 6, 1917, 65th Cong., 1st sess., RECORD, p. 4718; Aug. 18, 1914, 63d Cong., 2d sess., RECORD, p. 13902.

[7] July 15, 1921, 67th Cong., 1st sess., Journal, p. 197, RECORD, pp. 3875–3880.

[8] July 13, 1937, 75th Cong., 1st sess., Journal, p. 411, RECORD, pp. 7109–7112.

[9] Dec. 15, 1908, 60th Cong., 2d sess., RECORD, p. 271.

[10] Mar. 29, 1950, 81st Cong., 2d sess., RECORD, p. 4300; Mar. 30, 1950, 81st Cong., 2d sess., RECORD, pp. 4364–4365; Dec. 19, 1910, 61st Cong., 3d sess., RECORD, p. 485; July 27, 1914, 63d Cong., 2d sess., RECORD, p. 12793; Feb. 22, 1923, 67th Cong., 4th sess., RECORD, p. 4254; July 24, 1947, 80th Cong., 1st sess., RECORD, p. 10007, 10128–10129; July 24, 1947, 80th Cong., 1st sess., RECORD, pp. 9994, 9996–9997, 10000; June 18, 1948, 80th Cong., 2d sess., RECORD, p. 8822; June 19, 1948, 80th Cong., 2d sess., RECORD, pp. 8966–8967; Feb. 28, 1949, 81st Cong., 1st sess., RECORD, pp. 1585–1586; Mar. 28, 1949, 81st Cong., 1st sess., RECORD, p. 3274; Apr. 4, 1949, 81st Cong., 1st sess., RECORD, pp. 3781–3782; Oct. 13, 1949, 81st Cong., 1st sess., RECORD, pp. 14403–14404; see also Dec. 16, 1937, 75th Cong., 2d sess., RECORD, p. 1612; Mar. 13, 1945, 79th Cong., 1st sess., RECORD, p. 2107.

[11] Mar. 13, 1933, 73d Cong., 1st sess., RECORD, p. 267; Sept. 21, 1922, 67th Cong., 2d sess., RECORD, p. 13079; Feb. 17, 1915, 63d Cong., 3d sess., RECORD, pp. 3941, 3942; Apr. 16, 1940, 76th Cong., 3d sess., RECORD, pp. 4575, 4577; Mar. 14, 1940, 76th Cong., 3d sess., RECORD, p. 6061; Mar. 27, 1947, 80th Cong., 1st sess., RECORD, p. 2702; June 19, 1948, 80th Cong., 2d sess., RECORD, pp. 8966, 8968; Oct. 13, 1949, 81st Cong., 1st sess., RECORD, pp. 14412–14413; July 5, 1952, 82d Cong., 2d sess., RECORD, p. 9540; June 12, 1952, 82d Cong., 2d sess., RECORD, p. 7090; June 3, 1953, 83d Cong., 1st sess., RECORD, p. 5957.

petition to the Senate;[12] (13) considering a privileged matter;[13] (14) making a point of order;[14] (15) introducing a resolution or other matter;[15] (16) making a motion to lay a pending motion on the table;[16] (17) or laying a veto message before the Senate.[17]

CHARLES LEE WATKINS, PARLIAMENTARIAN OF THE SENATE

Mr. JOHNSON of Texas. Mr. President, when I joined this distinguished body, almost 12 years ago, a friendly colleague volunteered a bit of advice which has never failed me. "If you ever have a problem in connection with the rules," he said, "talk to Charlie Watkins. He knows all the answers."

Time and time again I have had occasion to realize how much Charlie Watkins means to the Senate, because he does know the answers. Only yesterday I needed a quick and clear answer to a technical and complex question. I called Charlie Watkins. He resolved my question in a matter of minutes.

This is the way Charlie Watkins has served the Senate ever since he became Parliamentarian, in 1935. Quietly, efficiently, unselfishly, he has been the Senate's parliamentary mind. He has been friend of all and enemy of none. I have never heard a disparaging comment about him. Never once has he been guilty of what Benjamin Disraeli called "the harebrained chatter of irresponsible frivolity."

Mr. Watkins' wealth of parliamentary knowledge with regard to the Senate is unequaled by anyone I know. It is knowledge born of experience—experience dating back to 1904, when he came from my neighboring State of Arkansas to become stenographer to Senator James P. Clarke. He rose from one position to another, until 25 years ago this body made him its first official Parliamentarian.

In 56 years he has earned the confidence, friendship, and gratitude of Senators from both sides of the aisle. He has been impartial, honest, and fair. He has labored long and diligently—and even now he is working 12 hours a day at a job made more delicate and more crucial by the nature of the present discussions.

Mr. President, I offer to Charlie Watkins my deepest appreciation for a distinguished career of service to his country and my tribute as a man whose abilities and dedication make our responsibilities much easier to bear.

Mr. President, I read with great interest a very factual article about this great American which was published yesterday in the New York Times. I had intended to insert it in the RECORD, but my beloved friend from Virginia [Mr. BYRD] exercised that privilege before I came to the floor.

Mr. YOUNG of North Dakota. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. YOUNG of North Dakota. I should like to join in the fine and well deserved tribute which has been paid to Charlie Watkins by the distinguished majority leader.

I have been a Member of the Senate for about 15 years. I do not recall a single time during that long period when the judgment, sincerity, intelligence, and understanding of Charlie Watkins have ever been questioned. I have marveled that one can sit here all these years and pass upon the many intricate, involved questions on which rulings are sought, and have the complete confidence of every Member of the Senate.

I hope we will have Charlie Watkins with us for many more years.

Mr. JOHNSON of Texas. I thank the Senator from North Dakota.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. JOHNSTON of South Carolina. I should like to add to what has already been said about Charlie Watkins. I, too, have admired him and have always had a high regard for his rulings. At all times, he is fair and just to all Members of the Senate.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JOHNSTON of South Carolina. I yield.

Mr. MORSE. I wish to associate myself with the remarks of the Senator from Texas [Mr. JOHNSON] and the Senator from South Carolina [Mr. JOHNSTON]. When I came to the Senate in 1945, I was advised by a boyhood friend of mine, who was also serving in the Senate at the same time, Robert M. LaFollette, Jr., that if one wished to follow a liberal course of action in the Senate, he needed to keep constantly in mind the fact that he must familiarize himself with the rules.

I take this opportunity to say that Charles Watkins has been a great teacher of mine. I have not been the most adept student at times, as evidenced by the fact that I have sometimes followed parliamentary courses of action which could not be sustained by the Parliamentarian. But I do wish to thank the Parliamentarian for his teachings, and for the great help he has been to me time and time again during my 16 years in the Senate.

Mr. GORE. Mr. President, I concur in the encomiums tendered to the distinguished Parliamentarian of the Senate. His has been a noble and useful career.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSTON of South Carolina. Mr. President, I raise the point that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 110]

Aiken	Gore	Monroney
Allott	Green	Morse
Anderson	Gruening	Morton
Bartlett	Hart	Moss
Bible	Hartke	Mundt
Brunsdale	Hayden	Murray
Bush	Hennings	Muskie
Byrd, Va.	Hickenlooper	Pastore
Cannon	Holland	Prouty
Capehart	Hruska	Proxmire
Carlson	Humphrey	Randolph
Carroll	Jackson	Russell
Case, N.J.	Javits	Saltonstall
Case, S. Dak.	Johnson, Tex.	Schoeppel
Chavez	Johnston, S.C.	Scott
Church	Keating	Smith
Clark	Kerr	Sparkman
Cooper	Kuchel	Symington
Cotton	Lausche	Williams, Del.
Dirksen	McCarthy	Williams, N.J.
Douglas	McGee	Yarborough
Dworshak	McNamara	Young, N. Dak.
Ellender	Mansfield	Young, Ohio
Engle	Martin	

Mr. MANSFIELD. I announce that the Senator from West Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alabama [Mr. HILL], the Senator from North Carolina [Mr. JORDAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Hawaii [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], the Senator from Mississippi [Mr. STENNIS], the Senator from Georgia [Mr. TALMADGE], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

The Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Washington [Mr. MAGNUSON] are absent on official business attending the funeral

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[12] July 13, 1921, 67th Cong., 1st sess., RECORD, p. 3654; Aug. 24, 1921, 67th Cong., 1st sess., RECORD, p. 5603; Aug. 6, 1937, 75th Cong., 1st sess., RECORD, p. 8358.

[13] Dec. 8, 1942, 77th Cong., 2d sess., RECORD, pp. 9387–9388.

[14] June 5, 1934, 73d Cong., 2d sess., RECORD, p. 10479; Apr. 27, 1935, 74th Cong., 1st sess., RECORD, p. 6500; Feb. 22, 1913, 62d Cong., 3d sess., RECORD, p. 3662; May 19, 1914, 63d Cong., 2d sess., RECORD, p. 8828; Apr. 2, 1926, 69th Cong., 1st sess., Journal, p. 277; Apr. 2, 1937, 75th Cong., 1st sess., RECORD, p. 3065; Jan. 23, 1946, 79th Cong., 2d sess., RECORD, p. 234; July 24, 1947, 80th Cong., 1st sess., RECORD, pp. 9994, 9996–9997, 10000; July 24, 1947, 80th Cong., 1st sess., RECORD, pp. 10007, 10128–10129; July 26, 1947, 80th Cong., 1st sess., RECORD, pp. 10405–10406; June 19, 1948, 80th Cong., 2d sess., RECORD, pp. 8966–8967; Feb. 28, 1949, 81st Cong., 1st sess., RECORD, pp. 1585–1586; Mar. 12, 1949, 81st Cong., 1st sess., RECORD, pp. 2350–2351; Apr. 4, 1949, 81st Cong., 1st sess., RECORD, p. 3782; Apr. 5, 1949, 81st Cong., 1st sess., RECORD, p. 3875; Apr. 21, 1949, 81st Cong., 1st sess., RECORD, p. 4889; Oct. 13, 1949, 81st Cong., 1st sess., RECORD, pp. 14403–14404; see also Dec. 16, 1937, 75th Cong., 2d sess., RECORD, p. 1612; Mar. 13, 1945, 79th Cong., 1st sess., RECORD, p. 2107; July 27, 1914, 63d Cong., 2d sess., RECORD, p. 12793.

[15] Dec. 27, 1920, 66th Cong., 3d sess., RECORD, p. 742.

[16] Sept. 18, 1914, 63d Cong., 2d sess., RECORD, p. 15258; June 12, 1935, 74th Cong., 1st sess., Journal, p. 435, RECORD, p. 9186.

[17] May 22, 1935, 74th Cong., 1st sess., RECORD, p. 7979.

of the late former Senator Herbert R. O'Conor, of Maryland.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], and the Senator from Maryland [Mr. BUTLER] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Hawaii [Mr. FONG], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Nebraska [Mr. CURTIS] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The Senator from Maryland [Mr. BEALL] is absent by leave of the Senate to attend the funeral of former Senator Herbert R. O'Conor.

The PRESIDING OFFICER (Mr. COOPER in the chair). A quorum is present.

Mr. CASE of South Dakota. Mr. President, this morning, at 4 o'clock, I asked for the yeas and nays on the question of agreeing to the Ervin amendment to the Dirksen substitute. A sufficient number of Senators raised their hands; but the majority leader asked me to withhold my request temporarily, in order that he might make a motion for the Senate to adjourn at 4:05 a.m. So I did withhold my request.

But I now renew my request for the yeas and nays on the question of agreeing to the Ervin amendment to the Dirksen substitute.

The PRESIDING OFFICER. Is there sufficient second?

The yeas and nays were ordered.

Mr. CASE of South Dakota. Mr. President, I now offer an amendment to the Ervin amendment as the pending business.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The legislative clerk read as follows:

Amendment proposed by Mr. CASE of South Dakota to Ervin amendment to the Dirksen amendment to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Missouri, to Stella Reorganized Schools R–I, Missouri, viz: Strike out the word "both" at the end of the amendment and insert the following:

"Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

"A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of paragraph (1) not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

"The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

"The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the 14th amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin."

Mr. HOLLAND. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. HOLLAND. Mr. President, it seems to me that the amendment is in the prohibitive degree, and I make that point of order.

Mr. CASE of South Dakota. Mr. President, may I be heard on that?

The PRESIDING OFFICER. The Chair rules that the Dirksen amendment in the nature of a substitute will be treated as the original text and the amendment offered by the Senator from North Carolina [Mr. ERVIN] as an amendment in the first degree; the amendment offered by the Senator from South Dakota [Mr. CASE] is an amendment in the second degree. Therefore, the point of order is not well taken.

Mr. HUMPHREY obtained the floor.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. Without prejudicing my rights to the floor, Mr. President, I ask unanimous consent for that purpose.

Mr. DOUGLAS. Do I understand correctly that the Chair ruled that the amendment offered by the Senator from South Dakota is in order?

The PRESIDING OFFICER. Yes.

Mr. DOUGLAS. Mr. President, I should like to be heard on this, if I may.

Of course, I shall vote for this amendment, which is the Javits-Douglas-Case-Clark amendment, but I do want to say that I think it is very badly timed. The pro-civil-rights group on this side of the aisle have held a series of conferences over the past few days, and just a few hours ago we decided that from our standpoint, it was much better to seek cloture first, and then, when cloture had been obtained, try to include what has become popularly known as part 3. The reasons why we did this, rather than have part 3 brought up originally, were that even if part 3, which has now been put forward by the Senator from South Dakota, is proposed, there will undoubtedly be a motion to table. If that motion to table shall carry, then Part 3 will be defeated. If the motion to table is defeated, the amendment would still be subject to unlimited debate, and taking cognizance of the attitude of our southern conferees, it would be perfectly certain that this would continue, and that the Senate would be tied up.

In short, the procedure which the Senator from South Dakota has adopted is a sort of process under which, if the motion to table, which will undoubtedly come, is carried, we lose, and if the motion to table is defeated we also lose, and I am very regretful that the Senator from South Dakota has done this.

I must say that we of the Democratic civil rights group sought the full cooperation of the Republicans. I talked immediately with the senior Senator from New York [Mr. JAVITS]. We held out our signatures. Of the necessary 16, only 8 Democrats signed in order to make place for 8 Republicans who would have equal position. As a matter of fact, the Senator from the New York has this motion in his pocket at the present time, and while I will not say that I regard the motion of the Senator from South Dakota as so designed, the effect will be to put the civil rights advocates under a serious handicap. I shall vote for it nevertheless. I shall vote against any motion to table, but I may say that I think it is ill advised. I think it is a breach of camaraderie between the two parties which we were trying to effect, and I deeply regret the action of the Senator from South Dakota and I do not think that a true friend of civil rights would have acted in this manner.

Mr. CASE of South Dakota. Will the Senator from Minnesota yield to me?

Mr. HUMPHREY. Without losing my right to the floor, I ask unanimous consent that I may yield to the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CASE of South Dakota. Mr. President, I merely wish to say that I am one of those who thinks that we have been proceeding as we have been long enough. I think we ought to be getting to a vote. Many people have said that the action upon the so-called title 3 proposals of the bill will give an indication as to whether or not anything can be done in that direction. Whether the pending amendment to the Ervin amendment is voted upon now, directly or voted upon by a motion to table, it will give some indication of the sentiment of the Senate with respect to title 3. If it should be sustained, that

is the will of the Senate; if it should be tabled, that is the will of the Senate, and my thought is that we ought to be getting on with the business of the Senate.

Mr. MORSE. Would the Senator from Minnesota yield for a minute?

Mr. HUMPHREY. I yield to the Senator from Oregon, and ask unanimous consent to do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MORSE. I only wish to say that I associate myself with the remarks of the Senator from Illinois. I think the first step the Senate should take in regard to the civil rights issue is to adopt a cloture motion. My cloture motion offered the other night is at the desk in the unofficial custody of the Parliamentarian. There are now eight names on it; more are welcome if any Senator wishes to sign it. My name is on other cloture motions. I do not care which one is filed. I think it is important, however, that we file a cloture motion today. It is my view that we should take up a cloture motion first and decide whether or not we are going to end the filibuster which has been going on for more than 1 week. Then, Mr. President, we should take up the issue of title 3. We should then proceed to take up the civil rights issue in regard to voting rights. Following that we should proceed to consider all other issues in regard to all the other aspects of civil rights. I think the people of America are saying very clearly to the Senate of the United States, "Put an end to that filibuster by way of cloture and then proceed under the cloture procedure to take a vote on the specific civil rights issues."

Mr. President, a charge is going to be made and we had better face up to it now, that the Case amendment is a bit of parliamentary strategy to weaken the civil rights cause on the floor of the Senate by attempting to defeat title 3 first before adopting cloture. I consider this a parliamentary maneuver to water down and compromise a good civil rights bill. Minority groups in this country are entitled to the adoption of a cloture motion before the Senate considers this attempt to scuttle title 3. Negroes of the country are entitled to have us adopt a civil rights bill including title 3, which will give meaning and effect to their citizenship rights. We owe it to the country to first end the filibuster by adoption of cloture. We should take the filibuster off the floor of the Senate, and then under the rules of the Senate proceed to consider each civil rights issue in due course, including title 3, which is covered by the Case amendment.

I regret that this parliamentary end run is being played on the floor of the Senate by way of the Case amendment. What we need first is cloture, and then we need to legislate on civil rights proposals issue by issue.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I am the introducer of the amendment which has just been offered by my distinguished colleague, the Senator from South Dakota [Mr. CASE]. I have no feeling about it. Every Senator has a right to offer an amendment. This amendment was sponsored not only by me, but by 13 other Senators, including the Senator from Illinois [Mr. DOUGLAS]. I can be just as much for it if it is offered by my colleague as if it were offered by the original sponsor.

I am disturbed, and I would be less than fair to those who are in favor of such a title if I did not say so, by the fact that this particular amendment is singled out from all the others of substance, which I hope will be taken up in regular order, with respect to every part of the Dirksen substitute.

The cloture motion which has been referred to, I am glad to say, is directed to the Dirksen substitute, thus giving a regularity to Senate procedure, which I think is very desirable.

The reason why I am unhappy about it and deprecate bringing up title III at this particular moment is that it goes toward a situation which we in the Senate have to guard against, which is that rule XXII, the cloture rule, will be used as a substitute for the constitutional mandate that a majority shall determine what goes into a Senate bill.

For practical purposes, what we are being told is that cloture cannot be effected unless the bill is bobtailed now. That means it is one-third of the Senate which represents the true minority, rather than the full 50 less 1.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I do not control the floor. May I just finish? I hope the Senator from Minnesota will yield to my colleague from South Dakota as well.

Mr. President, this issue was bound to arise. It was a matter of choice as to when it did come up. I would be less than honest if I did not express the hope that it had come up after the way in which this legislation is going to be considered had been determined, and as an amendment equally with other amendments in the general order of magnitude. But, as I say again, every Senator has the right to determine for himself what shall be done in respect to this matter. As for myself, I hope to meet this issue as I find it.

I should like to inform Senators of this, however. Let us not assume that because this amendment may be voted down on a motion to table, that is the end of the matter. There are amendments quite germane to this bill which can be offered—indeed, they are on the desk and fully qualified—which some persons may consider would have exactly the same effect as the amendment which is now here proposed, and which may be tabled.

Be that as it may, in all fairness, and without in any way leaving the remotest note of criticism, which I do not do, I urge that the Senator who has offered the amendment has not only the right to his views, but I feel very sincerely he is just as anxious to serve our country as is any other Senator.

I would be unfair to my own position if I did not state what I thought about this amendment, in view of the fact that my amendment is at the desk and ready, with the names of 13 other Senators.

Mr. CASE of South Dakota. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota without losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CASE of South Dakota. Mr. President, in view of what the distinguished Senator from New York has said about a bobtailed bill. I merely wish to observe there is some question as to whether or not title III would be germane and could be offered if cloture were adopted. This procedure gives an opportunity to Senators to vote on title III, or what was embraced by title III, without any question of germaneness being involved.

Cloture has not been adopted. The question of germaneness cannot be raised with respect to the amendment now pending. The Senate would have an opportunity to get a vote on it. I hope that those who are in favor of it will vote in support of it, and not to table it, and that those who are against it will vote against it, or to table it, so that the Senate can express its will and we can proceed with the business of the Senate.

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may yield to the Senator from New York without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. As the Senator from Illinois has stated, if there is a motion to table, and we all expect there will be, a majority vote on the motion will advance the business before the Senate not at all. On the other hand, if cloture is in effect and the point of germaneness is made, a majority vote can overrule the point that it is not germane, and then the amendment can go into the bill in its proper order, and action will be taken by majority vote. It is very important that we have that situation before us.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may yield to the Senator from Pennsylvania, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. Mr. President, may I have unanimous consent to address a question to the Senator from South Dakota?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CLARK. I should like to ask the Senator from South Dakota whether he intends to support the amendment.

Mr. CASE of South Dakota. Mr. President, I have no hesitancy in answering. I voted to eliminate title III from the Civil Rights Act of 1957. I shall not vote for the amendment. But I do think it is time that the Senate expressed its will. If the majority wants it in the bill, it can express its will and have it put in the bill. If it is against it, it can express its will and it will not go in the bill.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield under the same condition, that I do not lose the floor.

Mr. CLARK. Mr. President, I should like to associate myself with the comments made by the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], and the Senator from New York [Mr. JAVITS]. I regret very much that this amendment has been offered. We are now, however, stuck with it, even though the sponsor of the amendment intends to vote against his own amendment. I hope no motion will be made to table the amendment without adequate debate. I do hope we can have a meaningful debate on the amendment before it is disposed of.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. HUMPHREY. Mr. President, I yield with the understanding that I do not lose the floor.

Mr. HOLLAND. I assure my good friend the Senator from Pennsylvania that those who are associated with me are certainly in favor of fair and reasonable debate on this amendment and on every other amendment, and that a motion to table will not be made until there has been reasonable discussion.

Mr. CLARK. I thank my friend from Florida.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield, provided I do not lose the floor.

Mr. MORSE. I assure the Senator from Florida that those who are in favor of the amendment will engage only in fair and reasonable debate.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes, without losing the floor.

Mr. HOLLAND. I hope the Senator from Oregon is not suggesting that the Senator from Florida has engaged in anything other than fair and reasonable debate.

Mr. MORSE. I only sought to imply the idea that the Senator from Florida and his able colleagues had been engaged in a filibuster to prevent a vote.

Mr. HOLLAND. The Senator from Florida has not uttered one word that was not germane to this whole debate, and he expects to continue to do so, and he does not expect any 22 hour and 26 minute record. So the Senator from Oregon is safe.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield, without losing my right to the floor.

Mr. MORSE. In that 22 hour and 26 minute debate, every word I said was germane, and every word was a filibuster, but not one that sought to prevent a vote from ever occurring on a bill.

Mr. BUSH. Mr. President——

Mr. HUMPHREY. Mr. President, before I yield to the Senator from Connecticut [Mr. BUSH]—and I shall—I, too, want to associate myself with the remarks of the Senator from Illinois [Mr. DOUGLAS], the Senator from Oregon [Mr. MORSE], the Senator from Pennsylvania [Mr. CLARK], and the Senator from New York [Mr. JAVITS], in reference to the parliamentary maneuver which has just been completed by offering an amendment which, for all practical purposes, is the same proposal as that advanced by certain Senators who are in the so-called pro-civil-rights group in the Senate.

Mr. President, I support the amendment that is offered. I was a cosponsor of the Douglas amendment, along with the other Senators who identified themselves with the amendment. I believe the so-called title 3 goes to the very heart of the civil rights proposals. That title seeks only to protect constitutional rights. It does not seek any extreme treatment of any aspect of civil rights. It seeks to expedite, it seeks to encourage. It is a moderate proposal. All that it seeks to do is to see to it that citizens of the United Staes have the rights which apparently the supreme law of the land guaranteed to them. It is regrettable that this procedure is being followed, but whatever the procedure is, I implore those who believe in title 3 to make their position manifestly clear, not only by word of speech but, more importantly, by vote.

This will be the real test on civil rights. The title 3 section is the test. It will be the one that will determine whether or not the Congress of the United States really believes that constitutional rights, as prescribed by the Constitution, and statutory rights, as prescribed by statutory law, rights that have been interpreted by the Supreme Court of the United States, are to be applied and protected, applied to citizens and protected for them.

So, Mr. President, I regret the action of the Senator from South Dakota. I regret it all the more that he is not going to vote for his own amendment. It seems to me that the action would have been more defensible were there to be vote by the Senator for his own proposal.

Now I yield to the Senator from Connecticut, and ask unanimous consent to do so without losing my right to the floor.

ANALYSIS OF JOINT ECONOMIC COMMITTEE REPORTS

Mr. BUSH. Mr. President, yesterday's New York Times contained an interesting column by the highly respected economic writer Edward H. Collins, analyzing the two most recent majority reports of the Joint Economic Committee.

Mr. Collins' comments are very critical—and quite properly so, in my judgment—of the Joint Economic Committee's recent partisanship.

The column quotes the views of the Republican members of the committee, describing the final report of the $200,000 special study on "Employment, Growth, and Price Levels" in these terms as "partisan, cavalier about simple rules of logic and evidence, and disrespectful of legitimate differences of values, opinions, and judgments."

Mr. Collins then adds this significant observation of his own:

> There can hardly be any doubt that the majority courted just such criticism.

With regard to the more recent report, his evaluation is that the majority views are, if anything, even more slipshod.

Mr. President, it has been distressing to me to observe a congressional committee of such stature and deserved prestige being reduced to election-year politicking of a most objectional variety. I cannot but agree with Mr. Collins' conclusion:

> One finds it difficult in reading it (the majority's comments) to get far away from the conviction that it is essentially an effort to justify the preconceived views of the authors, or the things the authors would like to think were true.

Mr. President, I ask unanimous consent to have this column appear at this point in the RECORD, and I commend it to the attention of my colleagues.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 7, 1960]

CONGRESSIONAL STUDY—AN ANALYSIS OF UNIT'S ECONOMIC REPORT FINDS IT BASED UPON A FALSE PREMISE

(By Edward H. Collins)

For the second time in a little more than a month the Joint Economic Committee of Congress has published a report in which the Democratic majority and the Republican minority are so far apart that they have filed separate reports. The newest of these documents, which was released last Monday, is the regular annual report dealing with the President's Economic Report.

In the preceding report, that on "Employment, Growth, and Price Levels" published on January 26, the distinguishing characteristic was that the cleavage between the majority and minority rested on grounds more serious than mere disagreements on policy.

The most important single issue raised by the minority on that occasion concerned the quality of the majority report, and hence its usefulness. To the minority it was "partisan, cavalier about simple rules of logic and evidence, and disrespectful of legitimate differences of values, opinions, and judgments."

POSTULATE CRITICIZED

There can hardly be any doubt that the majority courted just such criticism, which is perhaps the most serious criticism that can be brought against the authors of what is purportedly an objective study of an issue of major importance.

To be convinced of the justice of this criticism it is not necessary to go beyond the major postulate that there had been a letdown in the rate of economic growth since 1952, when the previous administration went out of office. It was this basic assumption that was supposed to have justified the yearlong $200,000 inquiry of which the January 26 report was the capstone, despite the fact that the assumption rested on a statistical foundation that can only be described as completely spurious.

It is possible to show, of course, by taking the right number and combination of years (such as 1947–52) that over that period the rate of economic growth was not far below 4 percent. But how meaningful is such a figure when subjected to even the most superficial examination? It does not tell one, for example, that Mr. Truman's administration consisted of 4 years of peace and 3 years of war, or rearmament on a wartime scale; that if one takes all 7 postwar years the annual rate of growth drops from 3.9 percent to roughly 1.5 percent, or that when one separates the 4 peacetime years from the 3 nonpeacetime years one is confronted with the startling discovery that not only do the former reveal no net growth but an average annual decline in the rate of growth of 2.2 percent.

This is the historical foundation on which the meretricious 4-percent average was contrived, a figure that has been sedulously employed to convey the notion that there must have been a magic in the economic policies of the Truman administration that we have not been able to recapture over the last 7 years.

Plainly, if the majority members of the Joint Economic Committee regarded it as their appointed task to validate this preposterous thesis it would have been unrealistic to have expected from them a set of findings that aspired to either objectivity or consistency.

REPORT IS SCORED

Nor is it surprising to find that the most recent report, which emerged last week, should have produced even more strident criticism of the kind associated with its immediate predecessor. Indeed, the "Additional Views" inserted in the report by one of the most highly respected members of the minority—Senator PRESCOTT BUSH, Republican of Connecticut—deals exclusively with the quality of the majority findings. The Senator declares:

"At one time reports of this committee were entitled to serious consideration by the legislative committees of Congress, by the Executive, and by professional economists. That time has passed * * *. Their specific recommendations in this report * * * will most likely be ignored by the legislative committees which their own party controls in this Congress—and has controlled since 1954. Instead of a useful guide to public policies they have written a campaign document for the 1960 elections.

"Were it not for the fact that valuable additions to economic knowledge are often made in papers prepared by contributing economists I would recommend that the committee be abolished. It fails to discharge its responsibilities under the Employment Act of 1946."

The majority's findings with respect to the President's Economic Report are, as a matter of fact, little more than a warmed over version of those contained in the report on "Employment, Growth, and Price Levels," and, if anything, even more slipshod.

ADMINISTRATION ASSAILED

Reverting to the latter's thesis of the administration's failure in the area of economic growth, it hazards, for example, the suggestion that the administration has failed to act quickly and promptly in dealing with cyclical downturns in the economy. Perhaps this is carping criticism, but somehow that explanation sounds strangely unrealistic when one recalls that the contraction of 1957–58 is reflected in only two quarterly figures on the gross national product—those of the fourth quarter of 1957 and the first quarter of 1958.

By contrast, for example, the 1948–49 recession started from the fourth, and peak month of 1948, and its performance as late as the fourth quarter of 1949 was one that might be better described as one of flattening out than turning up.

It would be difficult to convey the full flavor of the majority's findings in the limited space available here, but one finds it difficult in reading it to get far away from the conviction that it is essentially an effort to justify the preconceived views of the authors, or the things the authors would like to think were true.

Nowhere is this more clearly apparent than in its observation at one point that "The administration's fight on inflation resumed in November of 1958 after a year of stable prices. The result is [was?] an unemployment rate higher than it need have been or should have been."

Now let us pass over, in the interest of timesaving, the fact that the record would seem to show that the change of direction in money policy had been initiated at least as early as August. And let us ignore, also, the fact that unemployment, as measured by adjusted percentage of those out of work, reached its high point in August, declining steadily from the 7.6 percent shown in that month to a double bottom of 4.9 percent in May and June 1959 (the 2 months, it so happens, that immediately preceded the month of the steel walkout).

The important point here is that having become accustomed to repeating it on every possible occasion, these more or less full-time critics of the Federal Reserve have obviously convinced themselves that that body is actually dedicated to but one task, namely, the task of halting inflation, actual, potential, and even imaginary. Fortunately for all of us, the Federal Reserve has not itself been similarly convinced.

One would suppose that it would have been obvious to even the most hardened enemy of flexible monetary policy that Reserve policy in mid-1958 was not concerned with price inflation, but with the staggering outflow of the Nation's gold, then proceeding at a rate of close to $250 million a month. And we can thank the Reserve for the fact that though some find the present level of gold stocks disturbing, they could have easily been $2,500 million lower had the money policies of early 1958 been retained.

Mr. DOUGLAS. Will the Senator yield for a comment?

Mr. BUSH. If I may, I would be glad to yield.

Mr. HUMPHREY. I ask unanimous consent to yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DOUGLAS. The Senator from Connecticut, as is his right, has put into the record certain comments by the very conservative financial writer for the New York Times, Mr. Edward H. Collins. Mr. Collins is certainly entitled to his point of view. He is a man of good character. He is somewhat old-fashioned in his thinking. While I like him very much, I do not think that his views are necessarily controlling.

One of the difficulties with my good friend from Connecticut, and he has many virtues, is that he believes that if one differs in any detail from the policies of the Republican Party, he is being political; that they advance their policies and that this is statesmanship, but any difference from them is political.

The point is that we are considering public issues. The question as to interest rates, Federal Reserve policy, debt management, and the rest, are public issues. People are entitled to different opinions upon them.

I do not charge the Senator from Connecticut or the Eisenhower administration with being political. I do say that they have highly antiquated and inadequate views to meet the situation, and that we are justified in advancing other views without these derogatory adjectives and nouns being applied to us. I do not expect to change the behavior of my good friend from Connecticut, but I cannot allow him to get away with this without a word of protest from me.

Mr. BUSH. Mr. President, if my good friend from Minnesota would permit me to say so——

Mr. HUMPHREY. I urge anything to encourage good, wholesome, healthy argument and discussion of these vital issues, Mr. President. I ask unanimous consent to yield without losing my right to the floor.

Mr. BUSH. As the chairman of the committee which he feels has been so much abused by the distinguished writer for the New York Times, and perhaps by myself, too, I am glad that the Senator from Illinois was on the floor. In fact, the reason why I offered the article for the RECORD right now was because I saw him on the floor. I am glad to be able to call his attention to the views expressed by Mr. Collins.

Mr. Collins is a very eminent economist in his own right. Naturally, it is some comfort to me, being in the lowly position of the minority, to have such a very distinguished man with such a wide readership and such a respectful one, agree with the views of the minority regarding the political nature of the report which is under discussion.

I must say to the Senator that while I obviously agree to his right to express himself and to write such reports as he wishes, I do think that it is injuring the Joint Economic Committee over which he presides that these reports should become political platforms rather than objective, economic studies.

I thank my good friend from Minnesota for his tolerance.

Mr. HUMPHREY. I thank the Senator.

TENTH ANNIVERSARY OF THE SMALL BUSINESS COMMITTEE

Mr. SPARKMAN. Mr. President——

Mr. HUMPHREY. Mr. President, I ask unanimous consent to yield to the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, recently I had some comments to make on the floor of the Senate regarding the 10th anniversary of the establishment of the Senate Small Business Committee.

Following that, I had a letter from Mr. George J. Burger in which he reminded me of many of the details. I replied to him. I ask unanimous consent that my reply be made a part of my remarks.

The PRESIDING OFFICER. Without objection.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
February 26, 1960.

Mr. GEORGE J. BURGER,
National Federation of Independent Business,
Washington Building,
Washington 5, D.C.

DEAR GEORGE: I appreciate your letter of February 23. I am glad to have the refresher course. As a matter of fact, the part of the remarks dealing with the origination of the legislation was not in my prepared talk. I was simply ad libbing and did not recall all the details. I did recall that the final floor agreement was combining the Wherry resolution with the permanency provision of the Holland resolution. I know there were several people connected with the legislation full narration should include. And, of course, I remember that you were sitting in the gallery watching and enjoying the fruits of your labor. I salute you.

With best wishes and kindest personal regards, I am,

Sincerely,

JOHN SPARKMAN.

ORGANIZATION OF THE DEFENSE DEPARTMENT

Mr. HUMPHREY. Mr. President, I also ask unanimous consent that a series of questions which were asked me by the Army-Navy-Air Force Register and my answers to them be printed in the RECORD.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

Question 1. Do you favor further reorganization in the Defense Department?

Answer. It is always well to have under top-level continual review the operations and machinery of a Federal department which is so vital and handles as many tax dollars as the Defense Department. Certainly, a vigorous effort should be constantly under way to find more efficient methods of joint procurement. Yet, I would be wary of any more sudden and major changes in the Defense Department.

Frankly, the disastrous policy decisions on defense planning since 1953, which have cost us most of our capability of dealing with less than total war and permitted us to slip to second place in long-range missiles and rocketry, were not due to a faulty organization of the Joint Chiefs of Staff. These were decisions made by the President and his Cabinet, decisions in which the Secretary of the Treasury and the Director of the Bureau of the Budget rather than the Secretary of Defense clearly played the major role.

Too often the attempt is made to solve difficult problems by changing the organization charts, when the true solution is possible only with a change in personnel. The fundamental rule in the Department of Defense should be that the structure must not be so rigid that it prevents competing opinions and ideas from rising to the top for consideration.

While some criticism of the Defense Department for "duplication and waste" is justified, it is a mistake to attribute the really serious national security problems today to this slogan. Indeed, had there not been aggressive interservice competition in the field of missiles who can say, for example, whether we would not have concentrated on the fixed-base, liquid-fueled ICBM problem, to the exclusion of the now near-operational Polaris missile system? In matters which deeply affect national survival, there is increasing evidence to suggest that "rivalry" in the development of vital weapons systems is not only healthy, but imperative—up to the point where independent evaluation and decision can be made on the "rival" systems.

Under a Commander in Chief who will devote a significant amount of his time and energy to the task of understanding the basic conflicts in planning and strategy within the Defense Department, who will relate these problems to the larger problems of foreign policy, and who is willing to make the hard decisions which in many cases cannot be made by anyone less than the Commander in Chief, any one of the Defense Department organizations of the past several years, actual and proposed, would function quite well.

Question 2. Should Congress or the executive department determine manpower levels for the Armed Forces?

Answer. It is the duty of the Executive to present to Congress his recommendations with respect to the Department of Defense as well as the other departments of Government. Certainly his recommendation as to the manpower levels for the Armed Forces should carry great weight with the Congress. But the Congress has the right and the duty to provide the Armed Forces which it feels necessary for the defense of the Nation. Congress should annually review the President's recommendations, and while leaving to him discretion to raise them in a national emergency, it should annually determine the manpower levels for the Armed Forces.

Question 3. Do you think the President's defense budget for fiscal year 1961 is adequate?

Answer. There are two matters of great urgency for which funds are not provided in the President's budget: A program to tide us over the so-called missile gap until our newer generations of mobile, long-range missiles are operational and deployed 3 to 5 years from now; and secondly, a strong effort to modernize and strengthen our conventional forces and provide them an integrated airlift to make them usable at any point in the world.

Specifically, the President's defense budget for the coming fiscal year fails to provide sufficient funds to prepare our SAC bomber force to maintain an airborne alert, plus a sufficient acceleration of the ICBM, antimissile, and Polaris programs.

Even were there sufficient funds to begin to close the missile gap, we would be in desperate case for the next several years to deal with anything more than one or two very small "brushfire" situations at a time, given the present size and state of our conventional forces. Unless we take steps to modernize our infantry, tanks, and artillery, to provide them with adequate airlift, and to increase their protection from submarine attack, we may find ourselves being nibbled to death. Yet the President, until severe pressure from Congress in February 1960, had released only $40 to $50 million of the $382 million voted by Congress specifically for modernization last year.

Can we afford to invest additional resources as the price of our national survival? I say yes. The Commissioner of Internal Revenue tells us that there was some $25 billion of unreported taxable income this year. In fiscal year 1953, with a gross national product of $417 billion, a $46.6 billion Department of Defense budget request did not weaken our economy. But in fiscal 1961, with a probable $500 billion GNP, we are told the Nation cannot afford more than $41 billion for the Department of Defense expenditures. We can afford whatever is necessary.

Even under the deliberately restrictive Government economic policies of the past 7 years, the American economy has grown sufficiently to permit expanded defense expenditures. In a vigorously expanding economy freed from the artificial restrictions now holding us down, we certainly could plan to invest in national security whatever is necessary to restore us to the point where we can again negotiate from strength.

Question 4. Which if any of the following do you favor: (a) A larger Army; (b) more Marines; (c) a larger Navy; (d) more Polaris submarines; (e) constant airborne alert as requested by SAC commander?

Answer. We and our NATO allies need additional combat-ready divisions (with emphasis on mobility, airlift, and modernization). The Strategic Reserve Army Corps should be specifically enlarged and strengthened.

We need a Marine Corps at the 200,000-man level—an addition of 25,000 marines—with increased vertical envelopment capability and more modernized weapons.

The Navy should be strengthened by a substantial increase in its ASW ships and aircraft, an increase in its specialized amphibious warfare ships and aircraft, a great acceleration of the Polaris building program and an augmentation of its dual-purpose attack carriers. In addition, there is an urgent need for heavier investment in research toward a breakthrough in long-range antisubmarine detection and identification.

I believe we have no choice but to prepare to mount an airborne alert of the SAC striking force, until we have operationally deployed and placed on station a sufficient number of mobile (hence, relatively invulnerable) missiles to deter a nuclear attack on the United States.

A full exploration should be made, however, of the suggestion that the B–47 force (including tankers) might be dispersed and rotated on a varying schedule to civil airfields throughout the United States.

Question 5. Do you think our missile and space programs are proceeding fast enough?

Answer. I do not feel that anywhere near sufficient funds and energy are going into the development of mobile retaliatory missiles. What acceleration has been given to the Polaris submarine system has been in the main due to Congress. There has been little if any executive encouragement.

Nor is there sufficient attention being given to the possibility of developing a system of even wider dispersal and mobility of the strategic deterrent force, and developing the capability for methodical, deliberate retaliation decisions. Rather than a hair-trigger retaliation mechanism—which through inaccurate information could actually precipitate a major nuclear exchange—we must develop a means to retaliate at our own time and choosing.

The space programs, both directly and indirectly, affect vital questions of national security. They should be more aggressively pushed and financed. I am inclined to believe, however, that until we have a consolidation of the space programs under a single authority which has the will and the capability to push our space effort forward in the manner in which atomic energy was developed, we shall not get back in the running. We are after all not only competing militarily with the Soviet bloc, but we are in a great economic, political, and intellectual struggle with the Communists. The

enormous prestige which the Soviet Union has gained throughout the world by its exploits in the space race demand a far more vigorous space effort on the part of the United States.

Question 6. What, in your opinion, is the principal defense issue and, briefly, what are your views on it?—permit me to state the question another way: What should be our overall, ultimate objective in planning our defense budget?

Answer. The ultimate target in defense planning must constantly be kept in mind: The persuasion of the Soviet bloc that the use of military force or the threat of its use is no longer a possible alternative in its foreign policy, and that safeguarded disarmament is therefore highly desirable.

There are three avenues toward this goal, all of which must be traveled concurrently:

1. The creation of a strategic allied counterstrike force which cannot be destroyed or seriously crippled by any sneak attack—a force which the Soviet leaders are convinced is not designed to be used to destroy the Soviet Union's strategic force in a preventive or "preemptive" war.

2. The creation of mobile conventional U.S. forces which can in conjunction with Allied forces deter, without the use or threat of the use of nuclear weapons, conventional Sino-Soviet forces from attacking on anything but a World War II scale in Europe. This includes the development of air and sea forces capable of moving men and supplies through the massive Soviet submarine barrier. It also includes the capability of the use of nuclear weapons by our conventional forces only as retaliation against nuclear strikes.

3. The most persistent, tenacious, and careful planning within the Department of Defense to backstop and support, rather than to obstruct, the great effort which must continue to be made by our negotiators to work out safeguarded agreements with the Soviet bloc for arms control and arms reduction.

The effort to find such a safeguarded control system should be one of the prime considerations of the Defense Department. I believe that military men in general understand even more clearly than their civilian counterparts that the systematic development of a program for mutual and multilateral disarmament is in the national interest—rather than the unilateral stripping of our military strength which has been taking place through mistaken parsimony.

ADDRESS OF JAMES G. PATTON, PRESIDENT, INTERNATIONAL FEDERATION OF AGRICULTURAL PRODUCERS

Mr. HUMPHREY. Mr. President, at the conference of the International Federation of Agricultural Producers held at New Delhi, India, last December, a formal resolution for an international food and farm policy was adopted. This resolution is a milestone in the efforts to correct the feast-and-famine nature of world agricultural production and use.

Mr. James G. Patton, president of the IFAP and also president of the National Farmers Union of this country, reported on the background and meaning of this resolution in an address delivered to the National Farm Institute in Des Moines, Iowa, on February 19, 1960.

I ask unanimous consent that this address appear in the RECORD for it is a valuable and historical document marking an advance in mankind's age-old struggle with hunger.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY JAMES G. PATTON, PRESIDENT OF THE INTERNATIONAL FEDERATION OF AGRICULTURAL PRODUCERS, TO THE NATIONAL FARM INSTITUTE, DES MOINES, IOWA, FRIDAY, FEBRUARY 19, 1960

I congratulate this year's committee for having chosen the best possible title in choosing "Farm Agencies Must Face a New Direction." Nothing could be more true, and I would enjoy delivering a long speech about some of the reasons why it is true—mentioning the sliding scale, the cheap feed policy, the market-average support idea and some of the other issues I have discussed here in past years.

However, I propose today to help get on with our business—to look ahead, and to talk about newly emerging issues. I am delighted to be participating in this great institution on the foreign agricultural part of the program, for I have just returned from a stimulating tour of world agriculture and welcome this opportunity to report on it.

In many respects it was a grim sort of trip, for one cannot look right at starvation and filth on a mass scale without feeling grim. However, I also looked right at some dynamic people whose economic engines, lubricated by newly gained independence and freedom, are making real progress. They are moving faster than we are, and it is time we realize this fact. I understand that Russia is also moving faster than we are in some respects, but my trip did not include Russia or any of its satellites—it included the vast underdeveloped or developing areas of Asia, Africa, and the Far East, the battleground for men's minds between the forces of democracy and of totalitarianism.

This is where the stakes are highest, both in terms of economics and politics. These are the areas where the word "surplus" has no meaning, unless it applies to hungry people, and—at the same time—where our own so-called surpluses could be working most effectively for our own interests, if we could only see it.

And right in the middle of this challenging experience, I had perhaps the most gratifying experience of all in being part of a worldwide conference of farmers, peasants, and ranchers when they adopted a formal resolution for an international food and farm policy. This had been an effort of more than 10 years for some of us, but the results were worth waiting for.

I am referring to the main resolution adopted by the 11th General Conference of the International Federation of Agricultural Producers, at New Delhi. It was my honor to preside over this historic meeting—the first to be held in Asia, by the way—but I was even more thrilled by the constructive policies adopted there. I think that, after I have summarized the work done there, you will agree that world agriculture can really move forward, if the world powers will follow the constructive outline laid out there.

The IFAP Conference discussions quickly centered on the need for an international food and farm policy to bring sense and hope out of the worsening breach between the haves and the have nots. In the matter of surplus commodities, alone, the already developed nations are having more and more trouble with marketing, while the underdeveloped or developing nations are having more trouble acquiring food and fiber.

The new resolution was premised on the belief that the "long-term aim must be to build up the effective buying power of these people" who do not have enough to eat. The Conference also felt that "such a policy must, however, form a part of a wider program of world economic development, since other sections of national economies make a major contribution to raising the effective purchasing power of the peoples concerned."

The conference then carefully worked out and adopted nine principles upon which a comprehensive international food and farm policy should be based. I commend the wording of these principles to your thoughtful attention, and I have attached them to the text of this address both to save time on your program and for your convenience in studying them thoroughly.

After stating some of the aims I have already mentioned the resolutions move on to price stability. No. 3 states:

"In the interests of both producers and consumers, agricultural products should be produced and distributed internationally at reasonable stable prices which provide a fair remuneration for those engaged in production. The aim must be to eliminate excessive short-term movements in prices without impeding the underlying trends in both supply and demand."

I might add that IFAP recognizes the function of international commodity agreements for achieving this purpose, and urges their extension to many other commodities. We are working with the Food and Agriculture Organization (FAO) of the United Nations along this line.

Principle No. 4 deals with the great untapped market for our abundance, what I call the social market which lies above and beyond the commercial market for goods.

"Orderly methods should be devised," it states, "so as to move supplies unsaleable commercially into the areas of greatest need, the financial responsibility for doing so to be shared by the nations jointly and equitably. Adequate national food reserves must be established and replenished.

Notice that this is no mere plea for the United States to continue sending food and fiber under Public Law 480. On the contrary, it calls for the sharing of financial responsibility among nations. The next principle, No. 5, also contains words of wisdom about the Public Law 480 type of operation as known to date.

"Programs to improve nutritional levels," it says, "must be conceived on a permanent basis and even though surpluses may be used in the initial phase of a development program, provision must be made for continuity of supply. It is not good enough to supply millions of ill-fed people with surpluses on a haphazard basis."

The next three principles deal with the developing nations. No. 7 recognizes that main potential for meeting food needs is in "greatly expanding production in developing countries" and urges creation of "international machinery and financing for distribution of food" in advance of the expansion of farm production. In other words, we should get ready for the success of these proposals, rather than bring on new problems by failure to plan.

The next resolution states that efforts of the developing nations "must be directed toward those crops which are likely on a long-term basis to find markets at reasonably renumerative prices." And the next recognizes the need to assure outlets for the exportable products of the developing countries. It recognizes that all kinds of means—"even perhaps unorthodox" means—may have to be used to promote more trade in primary products.

The ninth and last principle in this historic resolution calls for all nations to work together "to maintain a balance at the highest possible level" between supply and marketing policies, on the one hand, and the requirements of all consumption outlets, or the other.

Unless one is hopelessly wedded to the archaic theory that national prosperity can be achieved only by building a high tariff wall around his country, this makes eminent sense.

To the farmer, it means the end of ruinous fluctuations and the beginning of effective stability, geared to the higher income which can come with price stability.

To the main street businessman, it means exchange of dollars for products at a new and higher volume, with profits earned on a sound and more stable basis.

To people both here and abroad, it means a standard of living higher than ever—not one based on the false bubble of inflation, but one based on an active and expanding economy.

Taking this basic set of IFAP principles as my economic and political charter, I would now like to propose as a private citizen how I believe we could make such aspirations into realities.

First, the United States should take the initiative in calling a conference of the non-Communist nations, both industrial and underdeveloped nations, for the purpose of establishing a World Economic Union.

I believe that this would have been a good idea many years ago, but its importance right now is underscored by the recent formation of the European Common Market as a trading bloc, by the seven-nation group of Scandinavian and British countries who are not a part of the common market, and by the existence of the Communist trade bloc.

Besides getting the world's economics onto a broad track, in place of narrower geographical segments, this World Economic Union should have many responsibilities. It should work out terms of trade, lowering of tariffs, and international plans for maintaining full-employment economies geared to a growth rate of not less than 10 percent per year. It should remove barriers and facilitate growth.

Within this framework of the World Economic Union of democratic countries—and within the United Nations, of course—I propose a number of what I will call "economic engines." These include at least four:

First, there should be a World Development Corporation, capitalized by a subscription of 2½ percent of the gross national product each year from the member countries of the World Economic Union. These investments should be pledged for not less than 40 years, if they are to have a truly reliable basis and furnish the impact which is needed. They could be made in kind or in the currency of the member country.

The World Development Corporation, in turn, would make long-term, low-interest capital loans to member governments, to private corporations, and to individuals engaged in building economic growth in underdeveloped countries.

This would constitute a tremendous investment, and I use the word "investment" advisedly. Putting 2½ percent of our own gross national product into this kind of economic enterprise would mean about $11 billion on the basis of our 1958 level or about $12 billion on our estimated 1959 level per year. And adding to that investment 2½ percent of the gross national products of the other free, industrialized countries for which I was able to get 1958 figures would bring the total up to more than $17.5 billion annually. (This would include the United States, France, Norway, United Kingdom, Germany, Italy, Sweden, Switzerland, Canada, New Zealand, and Australia.)

The total amount—$17.5 billion annually—is important enough to get the great world development job done, but just as important would be the conditions of the investment—multilateral contributions, multilaterally administered.

Second, there should be a World Food and Fiber Bank or other institution for the purpose of rationalizing production, increasing consumption, eliminating undesirable speculation and generally leveling off the peaks and valleys of agriculture. Such an institution would involve international trade agreements, concessional sales, grants, and barter trade.

Third, there should be a substantial enlargement and strengthening of the United Nations action agencies dealing with agriculture, health, education, science, labor, and feeding—FAO, WHO, UNESCO, ILO, UNICEF, and others.

And fourth, there should be a multilateral development of massive economic and social plans for eliminating poverty, sickness, and filth from the face of the earth within 10 years. These horrible things can be wiped out. Doing so is a matter of desire, energy, and mobilization, whether we are talking about a town, a county, a state, a nation, a continent, or the world.

So far, it has been the will to do the job that has been lagging. Conversely, the decision to do it must come before the other factors. They would follow, if the leadership of the world would only decide that these enemies of civilization must be wiped out—and lay out a campaign for doing it.

And in the course of doing this, the world will have to "face up" to the increasing problems of population. Will we have more population explosion, as it has become known recently, or will we stabilize the population at a wise economic level?

Some good groundwork for eliminating one of the world's sores—hunger—has been done by FAO, under the leadership of B. R. Sen, the great Indian leader who is now Director General of that United Nations agency. Under the banner of "Freedom From Hunger," FAO is playing a vital role in dramatizing the need for such a campaign and devising some intelligent ways to conduct it.

Dr. Sen will be in the United States soon, and I hope that you will take any opportunity to become more familiar with his work.

Now, in outlining the basis for worldwide economic stability and growth I have probably reminded some of you of the Employment Act of 1946 and the Council of Economic Advisers which it created. The intent of that legislation was to do for the United States many of the things which I have suggested should be done on an international basis.

Unfortunately, however, that great law is being ignored—and even violated—by the administration, and the Council has been turned into little more than an agency to gather statistics from other agencies.

Under that law, the President is required affirmatively to set forth the level of "maximum employment" and, with it, the level of production and purchasing power needed to achieve that goal. President Eisenhower has not even pretended to do this, leaving us without either goals or program.

This gap is aggravated, in the case of agriculture, by the regrettable fact that this Nation has no officially declared food policy—either good or bad. We have the President's recommendations on several points, we have his Secretary of Agriculture's statements and we have various acts of Congress; but we do not have anywhere even a simple declaration of the overall national food policy. For example, nowhere is there written down the U.S. policy on using our productive abundance for relieving hunger either at home or abroad.

President Eisenhower finally came out with a "food for peace" policy, but only after his administration had repeatedly opposed the same policies as introduced in the form of legislation. Moreover, it remains to be seen that the slogan he put on that program means anything more than its high-sounding words.

But I think that all these things will come about eventually. I believe that the people of our own country will not let the administration in power drift forever, either in overall economic policy or in food policy. And I believe that there are enough responsible leaders in world agriculture, many of whom are here today, that we will soon have a global policy laid out for us.

The millions of families around the world who produce our food and fiber badly need such a policy. Our earnest help and support would be a very great investment in world peace, based on true prosperity and the dignity of mankind.

INTERNATIONAL FOOD AND FARM POLICY

The conference, convinced that the time has come for governments of developed and developing countries to work out together and implement a comprehensive international food and farm policy, recommends that this policy should be based upon the following principles:

(i) The world food policy must be conceived as part of a wider program of world economic development, financed on a multilateral basis, in which there should be a balanced allocation of resources between agricultural and industrial development.

(ii) The potential productive capacity of agriculture should be used for the betterment of the living standards of all peoples.

(iii) In the interests of both producers and consumers, agricultural products should be produced and distributed internationally at reasonable stable prices which provide a fair remuneration for those engaged in production. The aim must be to eliminate excessive short-term movements in prices without impeding the underlying trends in both supply and demand.

(iv) Orderly methods should be devised so as to move supplies unsalable commercially into the areas of greatest need, the financial responsibility for doing so to be shared by the nations jointly and equitably. Adequate national food reserves must be established and replenished.

(v) Programs to improve nutritional levels must be conceived on a permanent basis and even though surpluses may be used in the initial phase of a development program, provision must be made for continuity of supply. It is not good enough to supply millions of ill-fed people with surpluses on a haphazard basis.

(vi) It is by greatly expanding production in developing countries that the main potential exists for meeting food needs. In economically advanced countries, international machinery and financing for distribution of food will need to be provided in advance of the expansion of farm production.

(vii) Though the developing nations will need to improve their own food production, their efforts must be directed toward those crops which are likely on a long-term basis to find markets at reasonably remunerative prices.

(viii) In order to assure developing countries the expanding outlets required for their exportable commodities, all—even perhaps unorthodox—means may have to be used to promote a rapid growth of trade in primary products.

(ix) At all times in the course of development of world food use, nations must work together to maintain a balance at the highest possible level between supply and marketing policies on the one hand, the requirements of all consumption outlets on the other.

A DISARMAMENT POLICY FOR ALL AMERICANS

Mr. HUMPHREY. Mr. President, this afternoon it is my desire and intention to discuss American foreign policy and defense policy as it relates to the subject of arms control, or more commonly called disarmament.

My subject is the disarmament policy for all Americans.

There has been intensive and searching discussion in recent weeks of the threat to our national security through a change in the relative military strengths of the United States and its allies on the one hand, and that of the Communist bloc nations on the other. I believe that these great questions of national defense and national security must be debated and discussed, and that it is the duty of informed Americans to contribute to the discussion.

We on this side of the aisle have not waited until 1960 to point out the great dangers involved in the unilateral cutbacks of our Armed Forces, or the general lack of coordination and purpose that has characterized the administration for 8 years. Furthermore, the constructive criticism of defense policies in Congress of the past several years has been accompanied by similar criticism from military leaders of great stature and integrity, and from each of the several panels which have been convened to study our national security problems.

I would refer at this point, Mr. President, to the comments of the distinguished Gen. Maxwell Taylor, to the comments of a former Secretary of Defense and eminent Republican, Mr. Lovett, and, indeed, to many others who have seriously and thoughtfully examined our defense policies and have demonstrated by their words their deep concern over their inadequacy.

The debate on defense policies has been in the main, educational and informative for our people. Yet it would be a serious mistake to leave the impression that national security can be confined within the narrow confines of the Defense Department or the Pentagon. National security includes military, economic, political and social policies that draw upon all of the Nation's resources. Nor is it sufficient to discuss the missile gap without simultaneously considering the effort to reach arms control agreements.

The effort to achieve workable, enforceable multilateral disarmanent is a part and parcel of the greater effort to develop a world environment in which the people of the United States and of the world may live in security and free from the fear of war. It was with this objective in mind, that I introduced, on February 4, 1960, a bill to create a National Peace Agency. That bill is S. 2989. At the same time, I announced my intention to introduce a bill to upgrade the Office of Disarmament to an Assistant Secretary position in the Department of State.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of my bill, S. 2989, which is relevant to this discussion.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Peace Agency Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to deal with problems related to achieving peace through arms limitation agreements, to developing international control and inspection systems to enforce such agreements, and to applying scientific and technical resources to promote peace by eliminating or reducing the economic causes of war.

CREATION AND FUNCTIONS OF NATIONAL PEACE AGENCY

SEC. 3. There is hereby established the National Peace Agency (hereinafter called the "Agency"). The Agency shall undertake programs to carry out the purpose of this Act, including, among others, programs—

(1) for research and development bearing upon the science and technology of nuclear test monitoring,

(2) for design, engineering and testing of experimental systems for monitoring nuclear tests,

(3) for research and development relating to systems and instruments for detecting and identifying missile and satellite tests.

(4) for design, engineering and testing of experimental systems for monitoring missile and satellite tests,

(5) for development and testing of satellites for monitoring nuclear tests in cosmic space,

(6) for research and development in the techniques of aerial reconnaissance inspection,

(7) for research and development relating to overall problems of disarmament, arms limitations, and inspection and control systems,

(8) for development and application of communications and advanced computer techniques for analyzing the problems involved in inspection of national budgets and economic indicators as they bear upon disarmament inspection systems,

(9) for development of new analytic organizations to—

(A) apply the techniques of operations research to peace problems in the same way that "war gaming" is conducted for the military problems,

(B) generate new ideas and concepts applicable to systems and techniques for arms limitation,

(C) conduct general disarmament studies,

(10) for support of studies and research on projects such as—

(A) techniques for limiting the use of space for military purposes,

(B) techniques associated with communications systems for inspection purposes,

(C) techniques relating to conventional armament inspection and detection systems,

(D) inspection techniques involved in limited warfare situations,

(E) surprise attack detection systems,

(F) monitoring techniques appropriate to the submarine problem,

(G) legal aspects of national sovereignty extended to the space domain and freedom of the seas, insofar as they contribute to the possibility of war,

(H) analyses of the effects of disarmament agreements upon national economies, and

(I) scientific and technical problems which contribute to the possibility of war.

(11) to investigate on a continuing basis the broad aspects of the effects of radiation upon man,

(12) for research on educational techniques aimed at rendering underdeveloped nations less technologically dependent,

(13) for research and development on problems of underdeveloped nations, insofar as they contribute to international instability and tensions, in such areas as food production, conservation of mineral and water resources (including desalination of sea and brackish water), practical power-generating systems, and medicine and health.

LABORATORY FOR PEACE

SEC. 4. The Director of the Agency shall establish in the Agency a Laboratory for Peace through which the Agency shall develop and administer its research and study programs. In carrying on such programs the Agency shall enter into contracts with educational and research institutions within the United States and abroad with a view to obtaining the benefits of scientific and intellectual resources, wherever located in the world.

RELATIONSHIP WITH OTHER AGENCIES

SEC. 5. The President shall establish procedure designed to insure that the Agency will carry out its functions in close collaboration with the other agencies of the Government, but without duplicating the efforts of any such agency. Such procedures shall also provide that information available to other agencies will be made available to the National Peace Agency, and shall prescribe other means by which other agencies of the Government may support the efforts of the National Peace Agency.

DIRECTOR AND DEPUTY DIRECTOR OF THE AGENCY

SEC. 6. (a) The Agency shall be headed by a Director, who shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of $22,500 per annum. Under the supervision and direction of the President, the Director shall be responsible for the exercise of all powers and the discharge of all duties of the Agency, and shall have authority and control over all personnel and activities thereof.

(b) There shall be in the Agency, a Deputy Director, who shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate of $21,500 per annum, and shall perform such duties and exercise such powers as the Director may prescribe. The Deputy Director shall act for, and exercise the powers of, the Director during his absence or disability.

ADMINISTRATION

SEC. 7. (a) In the performance of its functions the Agency is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law;

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with the Classification Act of 1949;

(3) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed tangible or intangible;

(4) without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or with any political subdivisions thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this Act, such contracts, leases, agreements, and other transactions shall be allocated by the Director in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Agency;

(5) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the

Agency in making its services, equipment, personnel, and facilities available to the Agency, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Agency, without reimbursement, supplies and equipment other than administrative supplies or equipment;

(6) to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Agency in the performance of its functions;

(7) to establish within the Agency such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this Act with related activities being carried on by other public and private agencies and organizations;

(8) when determined by the Director to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens;

(9) to employ retired commissioned officers of the Armed Forces of the United States and compensate them at the rate established for the positions occupied by them within the Administration, subject only to the limitations in pay set forth in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a); and

(10) with the approval of the President, to enter into cooperative agreements under which members of Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this Act to the same extent as that to which they might be lawfully assigned in the Department of Defense.

INFORMATION AND SECURITY

SEC. 8. In order to promote the free flow and exchange of new ideas and concepts in the new technology of peace research and development, the Agency shall, so far as possible, have all research efforts of the Agency performed in subject matter not requiring classification for security purposes. Nothing in this Act shall be deemed to change or modify security procedures or to exempt personnel of the Agency from being required to obtain security clearance before obtaining classified information.

Mr. HUMPHREY. Mr. President, I note also in the CONGRESSIONAL RECORD that on February 4 I addressed the Senate on the subject of a National Peace Agency, and described in some detail the bill which I have just asked to have printed as a part of my remarks. I cited the purposes of the National Peace Agency, particularly as it relates to the technical and scientific aspects of the disarmament studies.

Today I seek to discuss some of the fundamentals of one of the most important considerations of national security—namely, arms control. Disarmament, to use another and more familiar phrase, has been one of my special responsibilities. As chairman of the Senate Foreign Relations Subcommittee on Disarmament, I have followed developments in disarmament closely for the past 5 years. My approach has been to applaud the executive branch or to commend it when I felt a wise and constructive policy was being pursued. When I believed the policy to be ill-advised, negative, or jeopardizing our security I have frankly expressed my criticism and opposition. I have been especially critical during those long periods, such as the present, when the administration has had no definable or clear policy. Finally, I have endeavored to suggest courses of action to be taken in the interest of making progress and of demonstrating to the world the sincere dedication of the American people to peace.

Disarmament must be everybody's business. It is especially important that a subject that touches the fundamental aspects of the United States and world security should be of concern to all Members of the Senate who share and have an influence in formulating the foreign policy of the United States. In the past few years several of us in the Senate have recognized that real progress on disarmament might be possible. Indeed, we have recognized that real progress in disarmament is essential if there is to be any hope of genuine world peace.

There is much that needs to be said, and said often, about the problem of arms control today. At this time I intend to address myself to several points which could constitute a disarmament policy for all Americans. I plan to elaborate somewhat on each of these points and trust that some of my colleagues will have comments to make of their own.

Mr. President, I digress to note that within recent days Secretary of State Herter has addressed himself to the subject of disarmament in a major speech which he delivered before the National Press Club in Washington, D.C. The Secretary made a sincere and conscientious effort to set forth at least some broad guidelines in this field. I commend him for whatever action he has taken, and commend him for his remarks.

I only regret, as I shall point out later, that as we proceed to disarmament conferences, our policy is not more clear, more definite, and more understandable.

First. The control and reduction of national armaments to the levels needed for internal security is our ultimate goal. Today our security rests on our ability and will to keep peace in an armaments race of immense proportions. To the extent that we allow our defense to lag, under present conditions, our security is jeopardized. But even if we keep up or creep ahead in this race to arm ourselves with the greatest variety and most deadly weapons of war, this is not sufficient.

An arms race makes for instability. An arms race creates tensions of its own. So an arms race always carries with it the danger of war.

To keep ahead and to make the necessary effort to develop new instruments of destruction require constant reminder of the evil and the treacherous ways of an opponent. In such an atmosphere it is difficult to build confidence in prospects for the negotiation of differences.

Under conditions of an arms race, accidents can happen which could easily involve us in another world war—a war waged with long-range missiles instead of manned bombers, and with megaton nuclear warheads instead of a few tons of TNT.

Furthermore, the rigid, hair trigger nature of certain new weapon systems tend to make a hollow mockery of civilian control of military policy. To a peaceful nation like the United States, it means that a de facto default of constitutional power and duty placed upon the Congress, and particularly the President, is in fact turned over to the military. This is as unfair to the military as it is to the Nation generally. I happen to believe that it is a serious matter in terms of possible accidental war.

This is to say, Mr. President, that as we increase, magnify, and intensify the arms race, and place our emphasis upon these fantastic new weapons, it makes it all the more difficult for civilian control, because the use of these weapons, needless to say, is constantly in the hands of the military, and because of the split-second timing which is required, there ceases to be effective civilian control over the military power of the Nation.

Furthermore, the possibility of some unstable force or individual pulling the trigger, and literally letting loose a nuclear holocaust, is intensified and magnified each and every time the modern weapons systems are expanded and made broader in terms of their use and of their possession.

It is for this reason that, some time ago, I expressed opposition to the handing out or the giving out to our allies of nuclear weapons for their sole possession. I happen to believe that it is dangerous enough right now for the four nations which have nuclear weapons to possess them. For the United States or the Soviet Union or anyone else to be responsible for a proliferation or for the expansion of these weapons into other hands, it seems to me, would be jeopardizing the peace.

Mr. President, under the conditions of an arms race continuing to exist, accidents can happen which could easily involve us in another war.

As long as our security demands it, the United States must continue to maintain a modern and balanced defense structure, even as we seek a better alternative for security and peace.

It is costly when a country spends over $100 billion a year for weapons which everyone hopes it will never have to use, and for the weapons which, if they are used, mean literally total destruction, and for weapons which could be used in a war that no one could win. It seems to me that this is a clear mark of a kind of mental sickness throughout the world that necessitates some very careful treatment; and the treatment that I propose is to slow down the arms race, and to make tremendous efforts to slow it down, as I shall undertake to do.

I happen to believe that we must pursue the possibility—and I repeat the word "possibility"—remote as it may be, of convincing the Soviet Union that this arms race is senseless and useless. It is to our mutual advantage.

Point No. 2: Disarmament is only one ingredient in a program for peace. The United States must not view disarmament as the only road to peace. Such a course would only end in failure. It is an important—yes, vital step, but not all that is required. We have witnessed

this course, that is, the disarmament course, being tried by the United States during the period between World Wars I and II. We tried to disarm both unilaterally and by agreement with other nations. But we did not do the other things necessary to build a peaceful world. We refused to participate in the League of Nations. We refused to join the World Court.

We did not, in fact, adopt disarmament policies which included within them effective inspection and control measures. In other words, we should have learned a great deal from our rather unfortunate experiences in both unilateral disarmament and some possibilities of disarmament through agreement. We adopted policies of economic, political, and social isolation.

It must include this plus an arms control program. It must include an intensified effort to disarm the international atmosphere of the fear and the hysteria which grip it. It must include economic and social and political cooperation, as well as an effective program of multilateral disarmament and genuinely effective inspections and controls under an international system of control. We must try to solve these problems under conditions of freedom and of respect for human dignity.

We adopted policies of economic, political, and social isolation. We closed our eyes, until too late, to the forces of aggression in Europe and in Asia. We pretended that poverty throughout the world was not our concern. As the world's most powerful nation, we followed a course of neutrality that, on reflection and hindsight, made little sense. We had the power but refused to exercise it.

No wonder disarmament efforts failed. No wonder that the United States had to fight the forces of aggression after they were allowed to trample on the freedom of millions of people.

Point No. 3: Disarmament and defense are both essential to national security. Some people may think these are contradictory, but, in fact, they are complementary.

Today we are devoting 9 percent of our gross national product to defense. This compares to 20 percent for the Soviet Union. Regardless of how much we must spend for our security we must make a greater effort than we are making today. In fact, we are spending a smaller percentage of our gross national product today than we did 8 years ago—than we did 9 or 7 years ago. In other words, the people of the United States are not spending more on our national security in terms of what is available to be spent; we are spending less. There is no genuine peace in the arms race. There is no genuine peace in building up the arsenal of the weapons of war.

Defense efforts should be regarded as stopgap measures until an effective disarmament system is developed in conjunction with an effective world security system. The Soviet Union or any other country that has relied on force may be expected to take advantage of military weakness. Free peoples, to stay free, must show they are prepared and have the will to resist aggression.

We have joined with 81 other nations in the United Nations to help preserve peace, to resist aggression, and to work toward the peaceful settlement of disputes. Until, however, the United Nations is equipped to preserve peace by its own efforts, national armed forces and regional defense alliances need to be maintained as deterrents to war.

I should add, however, that this does not excuse us in any way from making serious efforts, in fact, dedicated and conscientious efforts, to strengthen the United Nations in terms of its agencies and in terms of a police force. This is our responsibility as a nation dedicated to the peace.

I do not want to see the argument for our unilateral defense, even a defense with limited alliances, become an excuse for the failure to take leadership to strengthen the rule of law in the world, and in the United Nations and in the World Court.

One of the problems facing this country is our bureaucracy which has been unable to coordinate its defense and foreign policies that affect arms control. Let me cite some examples. The State Department's negotiators in the past bargained with the Soviets for a reduction of armed forces while at home the Defense Department announced that it planned to cut unilaterally our force levels by so many hundreds of thousands.

For years our policymakers at the political level, even including those in the Atomic Energy Commission, claimed that the most important step in disarmament was the cutoff of production of fissionable material for weapons purposes. Now the Defense Department apparently thinks this is the worst possible step to take. Now, Mr. President, as the negotiators from the State Department are attempting to get a modest reduction of armed forces at the conference table with the Soviet Union, the Defense Department or the Bureau of the Budget announces that we are already cutting our forces. This relieves any necessity on the part of the Soviet Union to agree to anything, because they are getting their objective fulfilled; namely, the reduction of military strength on the part of the United States, which is unilateral disarmament, while we have no evidence, at least, until recent date, that the Soviet Union was cutting its strength at all, this despite the fact, Mr. President, that the cutoff of fissionable materials for weapons purposes has been an announced policy on the part of the State Department and our negotiators ever since 1957. Yet today the Defense Department says that this is the worst step which could possibly be taken.

Another example: The State Department people cringed every time it was suggested that the United States be prepared to bargain over the disposition of its overseas air bases. In the meantime the Defense Department went about abandoning some of the same bases, as no longer essential to free world defense.

Another example: The State Department, along with the Foreign Offices of its NATO allies, stresses the reunification of Germany in freedom. Yet the Pentagon cannot conceive of a situation in which some or all of its troops would be withdrawn from Germany and relocated in other parts of the eastern side of the Atlantic. But the withdrawal of American troops from German soil may be one of the conditions required for German reunification and the withdrawal of Soviet troops from East Germany.

For the past several months, including the entire last session of the United Nations General Assembly, and up to the present, the United States has had no policy on disarmament. Opportunities to show our interest in ending the arms race and in making progress toward arms control were lost. The world looked to the United States for leadership on this question, but we came with empty hands.

Mr. President, I have before me a clipping from today's New York Times. The headline reads as follows: "West Seeks End of Rift on Arms—Five Nations, Meeting in Paris, Strive for Agreed Plan to Offer Soviet Next Week."

The article was written by A. M. Rosenthal, a very competent writer for the New York Times.

I now read from the article:

PARIS, March 7.—Western disarmament delegates arrived in Paris today under an 8-day deadline to try to work out a common plan to present to the Russians.

Important French objections to the disarmament strategy of the other Western Powers still exist and were spread out in headlines for the delegates of the United States, Britain, Canada, and Italy to read today. In brief, the French want to give priority to nuclear disarmament while the other Western Powers want to approach it in slow stages.

Frederick M. Eaton, the New York lawyer who leads the U.S. delegation, talked with high French officials today to see what chances there were of removing the objections before the five nations representing the West begin meeting with five Communist countries in Geneva March 15.

In the diplomatic jargon, the French-United States meetings were described as friendly and constructive.

Now I skip several paragraphs, and then resume reading from the article, as follows:

The United States, convinced that its nuclear power is the only deterrent at the moment to Soviet aggression, wants to make sure that that power is not whittled away until a carefully organized, studied, and inspected system of disarmament has been put into operation. Nuclear disarmament comes at the end of the U.S. plan, to be preceded by cuts in armed forces.

But the trouble is that some of our allies put nuclear power cuts at the head of their arms plans.

What I am saying is, first, that we do not have a clear-cut policy of our own; and, second, within 1 week our representatives will be sitting down with the Soviet representatives at Geneva, but there will be no agreement among our allies who are to negotiate as part of the five nations of the West with the five Soviet-bloc nations for the East. That is hardly a proper way to conduct constructive negotiations.

Mr. SPARKMAN. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. McGEE in the chair). Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. HUMPHREY. Yes, Mr. President, if I may do so without losing my right to the floor. I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Alabama may proceed.

Mr. SPARKMAN. I thank the Senator from Minnesota for yielding.

First, Mr. President, I wish to commend the distinguished Senator from Minnesota for making this speech. I know of no one better prepared than he, because for the last number of years he has been chairman of the Subcommittee on Disarmament—first a special subcommittee composed of members of the Armed Services Committee and other Senators at large—and the distinguished Senator from Missouri [Mr. SYMINGTON] was a member of that subcommittee—and later it has been a subcommittee of the Foreign Relations Committee.

I say that the speech of the Senator from Minnesota is timely, because—as he has pointed out—only a week from today our representatives and representatives of other nations of the world are supposed to get down to business on this subject at Geneva. So the speech of the Senator from Minnesota comes at a time when time may be running out. Therefore, I wish to compliment the Senator from Minnesota for making his speech at this particular time.

Let me say that by reading an advance copy of the Senator's speech, prior to the time when he took the floor, I have been able to anticipate some of the things he would say. I regret that I shall not be able to remain in the Chamber throughout all of his speech; but I desire to take this opportunity to offer my congratulations and my commendations to him.

If I may do so, I should now like to ask several questions:

I wonder whether the Senator from Minnesota has had the same experience that I have had when I have talked to various people about disarmament—namely, when I have found considerable misunderstanding of the whole subject. For instance, some persons propose that the United States begin to cut down on its armaments, without having similar action taken by the other countries of the world—in other words, as some persons seem to understand the matter, simply by having the United States do without armaments.

Does the Senator from Minnesota believe there is need for clarification of that matter throughout the country?

Mr. HUMPHREY. Indeed so; and let me say—and I know that other Senators have indicated their desire to speak on this matter—that I believe we need to make this matter very clear. In other words, unilateral disarmament could lead, not to peace, but to tragedy and disaster. In fact, I am deploring the fact that for budgetary reasons, or perhaps for policy reasons, the administration has at times cut back on U.S. armaments without giving consideration to the power relationship between ourselves and the Soviets.

Mr. SPARKMAN. The Senator has brought out that point very well in the remarks he has already made; he has clearly stated that he does not intend that there be unilateral disarmament on our part.

Is it not true that such a crippling of our own armaments would actually hinder the progress of disarmament?

Mr. HUMPHREY. Yes, that is my view—namely, that if we put ourselves in that position, it would be a position of weakness; and if we then were to go to the bargaining table with the Soviets, we would not receive a pleasant reception or gain their respect or make progress on disarmament. In fact, the Soviets use the process of attrition and of persevering stubbornness, in the hope that, somehow, that would result in just one-half of the necessary disarmament—in other words, our half—without any reduction at all of the Soviet armaments.

Mr. SPARKMAN. In other words, the position of the Senator from Minnesota is that the United States must be prepared to bargain from a position of strength; is that correct?

Mr. HUMPHREY. Yes. As the Senator from Missouri [Mr. SYMINGTON] and the Senator from Washington [Mr. JACKSON] have mentioned, we should at least maintain a position of parity, or what I call the kind of bargaining power which will enable us to receive respect at the bargaining table and will enable us to proceed article by article and weapons system by weapons system, so that we do not find ourselves seriously weakened.

Mr. SPARKMAN. And at the same time, simply because we possess strength at any particular time, that should not deter us from being willing to bargain, so long as there is any chance in the world of bringing about a reduction of this armaments race, which the human race cannot bear forever. Does the Senator from Minnesota agree?

Mr. HUMPHREY. I do; I believe that genuine multilateral disarmament should be at the heart and core of our national defense policy and our security policy.

In other words, we should not build up our armaments in the hope that, somehow or other, they will give us security. As a matter of fact, they cause insecurity. In short, we should recognize that the arms race is a poor and an inadequate stopgap, as we seek a way and a means to apply reason and a constructive approach, through disarmament.

Mr. SPARKMAN. Is not the accumulation of arms by our country actually a challenge to the other powers to match and, in fact, to outstrip us in the armaments race?

Mr. HUMPHREY. Indeed it is.

Mr. SPARKMAN. So the race goes on and on and on, until—as the Senator from Minnesota has pointed out—it reaches the point—and in my opinion it has now reached that point—where it creates a very dangerous situation in the world.

Mr. HUMPHREY. Yes; and let me say it lends itself to less than effective diplomacy. In other words, the intelligence, the talent, and the know-how of the people of the United States and of the people of other countries are today being concentrated on the arms race, rather than being concentrated on ways and means of alleviating misery, suffering, poverty, and sickness in the world and finding means to obtain an enforceable disarmament agreement. The fact is that today disarmament is a complicated, technical subject; and, in order to be effective or even in order to be a possibility, it will require the same degree of attention that would be required for an arms buildup itself.

Mr. SPARKMAN. Not only that, but it also will require the greatest patience and endurance; does the Senator from Minnesota not agree?

Mr. HUMPHREY. Yes, indeed.

Mr. SPARKMAN. Do we not fool ourselves and seemingly hide our heads in the sand if we have the idea that disarmament will come quickly?

Mr. HUMPHREY. Yes. Nevertheless, it is a hope that must be relentlessly pursued.

Mr. SPARKMAN. It must be relentlessly pursued even at times when it seems that we are not gaining much headway.

Mr. HUMPHREY. It is a hope that must be relentlessly pursued even when it seems hopeless.

Mr. SPARKMAN. I certainly agree.

Mr. HUMPHREY. Because this is the only real hope that mankind has.

Mr. SPARKMAN. I agree with the Senator and I want to compliment him for his fine speech.

Mr. HUMPHREY. I thank the Senator from Alabama for his contributions.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Tennessee.

Mr. GORE. I have listened with interest to the fine address of the Senator from Minnesota. I was particularly impressed with the point he makes with respect to our bargaining position. Paradoxically and antithetically as it might appear to some, does the Senator not think that it is necessary to strengthen certain deficiencies in our preparedness program in order that the United States may bargain their position of strength?

Mr. HUMPHREY. I have felt that we are, Senator, and I must say I read with considerable interest the Senator's address, I believe Saturday, and I want to take this opportunity to compliment and to commend the Senator from Tennessee not only upon this particular effort, the one of last week, but on his consistent thoughtful efforts in this matter. I do not believe any of us feel we have the answers, but that we are seeking answers, and we offer our suggestions as a way and a means of encouraging those whose prime responsibility it is to do this type of negotiating.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. GORE. I am very grateful to the Senator. I feel complimented that he should have read my efforts of last Saturday. I certainly appreciate his generous remarks. It has been a pleasure and an instructive privilege to serve on this disarmament subcommittee of which the able Senator is the distinguished and effective chairman.

Mr. HUMPHREY. I thank the Senator.

Mr. GORE. As the Senator has said, none can claim an answer to this problem, no solution is foreseeable, but on the other hand, all men of good will must strive to make their contribution, particularly those of us in the Senate charged with this particular responsibility. In addition to the effort to contribute to the discussion in the Senate, perhaps by our exchanges, by the views we express, we can contribute to the easing of the burden of the responsibility shared so heavily by the Chief Executive.

Mr. HUMPHREY. I thank the Senator, and at this time I want to note in the RECORD that the address of the Senator from Tennessee [Mr. GORE] on March 5 is to be found on page 4629 through 4635. This particular address is so clear and so succinct, and his point by point description and discussion of the disarmament policy that what I say here today is supplementary. I think it is complementary in the sense that it seeks to add to some of the points developed by the Senator from Tennessee and some that have been developed by the Senator from Idaho [Mr. CHURCH] in his efforts, and the Senator from Pennsylvania [Mr. CLARK], and others, because we have attempted here from time to time to get a more mature understanding of the problems of both defense and disarmament. I see my good friend, the Senator from Missouri [Mr. SYMINGTON] here, and I know that in the course of this discussion he will have something to say on this matter.

But in all his security discussions on national security he has reminded us of the ultimate objective of our national security policy, the objective of peace, an objective that is sought not merely by the buildup of weaponry but rather to have the means and a way that we can find a way out of the arms race without jeopardizing our security. I believe that it is so important that this what seems to be almost a contradictory policy of strength on the one hand and the ultimate objectives of world order and disorder on the other to be clearly and unmistakenly laid out and discussed point by point. Otherwise, there will be those who on the one hand will accuse some of us of only being for the weapons and some of the rest of us of only being for disarmament regardless of what may happen to our position of security. There is no contradiction. In fact, thoughtful men and anyone entrusted with any sense of responsibility in these matters knows that all of this is part of a coordinated policy and my main complaint today is that there has been too little coordination, too little of the understanding and coordination between the respective departments of government as to what the other department was doing. I offered some examples a moment ago.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SYMINGTON. Mr. President, I would also like to commend my able colleague from Minnesota for the address that he is making today. I had the good fortune to see a copy of it before he started and I have been very much impressed. I also would like to congratulate the Senator from Tennessee for the magnificent address he made on the floor Saturday afternoon, especially with regard to this subject. Mr. President, as I understand what the Senator from Minnesota is saying, in his opinion—and his opinion is one of the most authoritative if not the most authoritative opinion in the Senate on this subject—the way to obtain a just and lasting peace is through some form of mutually agreed upon violation-proof disarmament plan, is that correct?

Mr. HUMPHREY. The Senator is absolutely correct.

Mr. SYMINGTON. I thank the Senator.

Mr. HUMPHREY. Now, Mr. President, I shall conclude my message and I hope then we will have greater discussion in this matter because the give and take of the colloquial discussion of the Senate on this subject has always been beneficial to me and I believe to my other colleagues. I am addressing myself to those who have the responsibility in the executive branch of government or this vital field in American policy.

The world looked to the United States for leadership on this question, but we came with empty hands. Why was this? The State Department, the Defense Department, and the Atomic Energy Commission were feuding and arguing among themselves and could not agree. State wanted one policy, Defense another and AEC was somewhere in between. But there was no one to resolve the differences and come out with one policy.

Of course, that was the responsibility of the Chief Executive but that responsibility was not fulfilled.

There was no understanding apparently that defense and disarmament must be merged into a single unified national effort.

In this situation our Information Agency, our Embassies abroad, and our public relations specialists were silenced.

The tenor in the administration has been when these problems, these difficult problems, came up where there is disagreement just to let the agencies sort of fight it out and in that way they would sort of wear each other down and by finally wearing each other down they would give up that policy. That was at best only in name. That had lost its vitality. That was taking on the aspects of kind of benign neutrality rather than having a forceful purpose as its objective. The only way you can have a good policy is once the Department of Defense and those responsible for defense have stated their case, is for the President to act to resolve those differences, to make a decision to lay down the policy and to insist that those who have had their chance to discuss and to debate follow and implement the policy as designed by the Chief Executive.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Pennsylvania.

Mr. CLARK. In view of the profound comments the Senator from Minnesota has just made, will the Senator not agree with me that this is part of the criticism of the activities of the National Security Council which was made by Mr. Robert Lovett, in his testimony before the subcommittee headed by the distinguished junior Senator from Washington [Mr. JACKSON], only a few days ago?

Mr. HUMPHREY. I do. Since the Senator from Pennsylvania has mentioned the Subcommittee on National Policy Machinery, of which the chairman is the Senator from Washington, and of which I am privileged to be a member, I want to commend the Senator from Washington [Mr. JACKSON] for an outstanding job, not only as subcommittee chairman, but as a student and a scholar in the field of exploring the machinery of our Government for the formulation of national security policy. It has been a great contribution. I think it will go down in the record of the Congress as one of the important contributions that have been made to the improvement of the policy formulation machinery and apparatus.

I notice, too, the chairman of the Senate Foreign Relations Committee [Mr. FULBRIGHT] commented extensively and with brilliance and persuasiveness on the whole matter of the conduct of our foreign policy, and particularly our defense policy as it related to foreign policy and, again, the failure to coordinate, the failure of a sense of direction and purpose of any kind of unified policy, which was demonstrated in example after example in the address of the Senator from Arkansas.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. I am happy indeed that the Senator from Minnesota has made reference to what I consider to be one of the greatest speeches made in recent years on the floor of this body, namely, the address made by the distinguished chariman of the Foreign Relations Committee.

Would my friend not agree with me that at the very heart of the deplorable conditions so brilliantly outlined by the Senator from Arkansas is the failure or lack of leadership which is being given to the country today by the President of the United States in this field?

Mr. HUMPHREY. I thoroughly agree, and I believe the Senator from Arkansas very graciously, very properly, very respectfully, and very patriotically pointed out the necessity of some sense of direction and coordination of our policy.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. SYMINGTON. I should like to join my friend, the able Senator from Pennsylvania, in commending the dis-

tinguished junior Senator from Arkansas for the speech which he made. In all the years I have been in the Senate there has never been a finer address than that which was made by the Senator from Arkansas last Friday evening. I hope every American will have an opportunity to read that address. In my opinion, it was wise and constructive. It shows the way our country should go in the future in a manner that has not been shown to the Senate since I have been a Member of this body. I think it is particularly fortunate for the country, as well as for the Senate, that the author of the address is chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. FULBRIGHT. Mr. President, these kind words of approval overwhelm me and catch me unexpectedly and unprepared to make proper response. I appreciate them very much. In view of the compliments that have been made, I am inspired to make another speech some day, and I may have something else to say before too long.

I wish to say, with regard to the statement of the Senator from Minnesota, that I desire to compliment him on it. It is a very good one. If I understand his statement, his criticism of the effort in the field of arms control, or disarmament—whichever term one prefers—is very similar to the basic criticism that the Senator from Missouri and others have made with regard to defense policies—that is, the lack of coordination and effort, or the widespread waste of effort, or, to put it in common parlance, the spinning of the wheels, in the achievement of the agreed-upon objectives. All of us agree on our objectives, but the administration seems to be unable to coordinate and concentrate the efforts and the power of the country in the direction it should go.

Is my understanding correct of the Senator's attitude toward the question of arms control?

Mr. HUMPHREY. It is my attitude. It is my belief that in this area, as in other areas, there has just been no sense of direction, and there has been a lack of coordination and a failure to come up with a policy that can really be described as a policy.

Mr. FULBRIGHT. Is it not true that there is a strange objectivity on the part of the administration, and I am using that word in its standard meaning, as if the administration had no personal interest in the problem? In some of the press conferences, the President has been reported as saying, "Well, this is a free country, and whatever the people want, they may have," as if he had no responsibility or interest in counseling what the country should do. Has that not been typical of the Executive's attitude?

Mr. HUMPHREY. It has been all too typical. It is the avoidance of responsibility and the failure to give truly effective leadership of an informative, persuasive, and educational character which is necessary if we are ever to get a policy which is based on the broad consensus of the needs of the American people.

Mr. FULBRIGHT. Under our system of government, our constituents and our individual citizens may think the Senator from Minnesota or the Senator from Missouri or the Senator from Arkansas is a great leader. We always cherish the idea that we are rendering fine public service. But is it not true that, from a national point of view, there is only one office which can do the directing and the job which needs to be done in a fine country like this, and that is the Presidency, and when that office does not function, no matter how brilliant, energetic, or intelligent individual Senators or Representatives in Congress may be, they cannot possibly take over and exercise the functions of the President?

Mr. HUMPHREY. The Senator is eminently correct. It is impossible to exercise the functions of the President of the United States either in the legislative or judicial branches of the Government. We have clearly defined responsibilities for the different areas of governmental activity, the judiciary, the legislative, and the executive. The executive area of responsibility is, without question of doubt, in the field of foreign policy—and not only the execution of foreign policy, but, for all practical purposes, its design.

Mr. FULBRIGHT. If I may make my point a little clearer, not only is the statement true with respect to the responsibilities and functions as allocated by the Constitution, but as a matter of attracting and holding the attention of the American people, none of the other offices can compare to the Presidency. It is the only office, the only voice, whoever it may be, regardless of the personality in the office, which attracts and holds the attention and persuades the opinion of the American public, and if this particular role is not exercised, no one else can exercise it.

The rejoinder our friends on the other side of the aisle are so prone to make is, "Well, if he has not done it, why don't you?" That is no response to the question. It has no relevancy to the question, because there is no office comparable to that of the President of the United States.

Mr. HUMPHREY. The Senator is right. No matter what certain Members of the Congress may say, whether an individual Member happens to be a chairman of a committee or chairman of a subcommittee, and no matter how outstanding a Member he is, although he may for the moment be able to command a modicum of attention because of some remark or statement he may make, the real place in America, insofar as concerns the foreign policies of the country, is in the Presidency, in the Executive. Everybody knows that when there is a failure to use that power, there is a vacuum which cannot be utilized from any other source.

Mr. FULBRIGHT. I think the Senator has already summed up this point, but, really, what many of us are pleading with the administration to do, in this contest with the Russians, is to bring to bear upon it these questions, in this instance the question of arms control or disarmament, or, as in the case mentioned by the Senator from Missouri, the question of defense. What we are pleading that the Executive do is bring to bear on the questions the full prestige and authority of the President of the United States. Is that not what we are really pleading for?

Mr. HUMPHREY. The Senator states it well and stated it in his splendid address in a manner which is very understandable.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Tennessee?

Mr. HUMPHREY. I do yield to the Senator from Tennessee.

Mr. GORE. The will for decision on the part of President Eisenhower is now our greatest national need.

Mr. HUMPHREY. I think you have stated in a very few words what we have been trying to say here, the requirement of the effective Executive and the urgent need of the moment.

Mr. GORE. Will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. GORE. Lacking a will for decision on the part of the President, has not indecision, the rigor of indecision, seized the whole executive branch of the Government?

Mr. HUMPHREY. It is fair to say that policy can be made either by an affirmative action or by a negative inaction. Too often policies have finally been brought about—I do not say designed because frequently they have just happened—by inaction. The failure to make a decision is a decision in itself, and that decision of failing to make a decision can lead to very serious complications and very weak policies.

Mr. CLARK. Would the Senator yield?

Mr. HUMPHREY. Yes.

Mr. CLARK. The Senator, as we all well know, was once the great chief executive of a large American city. I had the same privilege myself. The distinguished Senator from Missouri has been a chief executive in the business world as well as an administrator of that enormous organization, the U.S. Air Force. The three of us, I am sure, will recall the motto of a former President of the United States of America, which I used to use on my desk, too, that read "The Buck Stops Here."

Do not my colleagues agree that it is a little bit of that spirit of leadership and ability to make decisions, rather than the apparent effort to make the farm policy the fault of Mr. Benson, the defense policy the fault of Mr. Gates, the Treasury policy the fault of Mr. Anderson, which afflicts the country today?

Mr. HUMPHREY. I could not agree more. I once said there were three D's that characterized democracy: the right to debate, and I hope thoughtfully and constructively, the right of a person to dissent, even if it means standing alone, and ultimately the obligation to decide, decision. This is what has been lacking more than anything else.

Mr. SYMINGTON. Will the Senator yield, Mr. President?

Mr. HUMPHREY. I yield to the Senator from Missouri.

Mr. SYMINGTON. What the able Senator from Minnesota, the Senator

from Arkansas, the Senator from Tennessee, and the Senator from Pennsylvania are, in effect, saying is that we should start establishing policies which create events instead of letting events continue to establish our policy. Is that as he understands it?

Mr. HUMPHREY. Exactly. In other words, instead of letting ourselves be the victims of events, make events be our design and be our asset rather than our liability. The Senator stated it very succinctly.

Mr. SYMINGTON. As I remember, the Berlin Airlift was started in 1948 and ended in 1949. Does the Senator remember anything that was done about the problem of West Berlin between that time and November 1958, from the standpoint of a positive policy on our part? Was anything done prior to the request of Mr. Khrushchev, or the announcement of Mr. Khrushchev, in November 1958, that we were to get out of Berlin by May 1959?

Mr. HUMPHREY. I recall nothing. May I add, with greater sadness, that very little or nothing has been done since November 1958 except to postpone. Mr. Khrushchev becomes ever more arrogant, ever more belligerent in terms of West Berlin, as we proceed to the Summit Conference, in the hope, I am sure, on his part, that by intimidation, by threat, we will vacillate, that we will have indecision, and that because of indecision on our part and amongst our allies that this fortress of freedom will slowly but surely be eroded away.

That is a policy, too, you see. The policy of indecision makes for a policy to decide to do nothing. This is possibly more disastrous than deciding to do something even if you decide the wrong thing.

Mr. SYMINGTON. Will the Senator yield for one final question?

Mr. HUMPHREY. I yield.

Mr. SYMINGTON. Would the Senator agree that apparently our policy is not to move unless we are shoved?

Mr. HUMPHREY. The Senator is eminently correct. I compliment him for this penetrating, concise analysis of the national paralysis.

Mr. SYMINGTON. Let me say that is a great compliment from the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I was indicating that there is no understanding, apparently, that the defense and disarmament might be merged into a single, unified national effort. In this situation, however, our Information Agency, the Voice of America, our embassies abroad, and our other public relations institutions and specialists were silenced.

There was nothing they could say. But the propaganda machines of the Communists were not silent. They kept up a rapid barrage of "sweet music" to the effect that the Soviets were for disarmament, be it total, partial, or maybe even illusory. The words and the slogans poured out at a rate which would have exhausted our annual information budget for one week.

Point No. 4. A disarmament policy must encompass both the goal of universal disarmament as its end objective, and the specific steps and proposals which should be pursued in the immediate future.

The people of this and all countries want peace. They want to be relieved of the burden of an armaments race which is costing them over one hundred billions of dollars a year. They want even more to be freed from the threat of a nuclear war from which some, most, or perhaps all would be killed or permanently scarred with radioactive poison. The only way to rid the world of these burdens and these fears is to strive for the complete elimination of national armaments except those necessary for maintaining internal order. Only by keeping the ultimate goal in mind can we retain the perspective we need.

But we are realists. We are practical and we do not wish to abandon our efforts toward progress in controlling and reducing armaments because we cannot reach our ultimate goal in one giant stride.

We need only to look back on the past 15 years to see that progress in arms control does not come quickly. One must look hard to find any progress at all.

There is progress toward arms control today, however. It is being achieved through the negotiations for an agreement to stop tests of nuclear weapons. These negotiations among the Soviet Union, the United Kingdom, and the United States have been going on for over 15 months. Many areas of disagreement remain. But each month the sides move closer. Compared to October 1958, when the negotiations began, the Soviet Union has come a long way toward accepting control and inspection measures to monitor an agreement. I think we must keep at these negotiations. We must work to resolve our remaining differences.

I want to compliment Ambassador Wadsworth, our chief negotiator, and his team, who goes through the trial of week after week of slow, tedious negotiations. It is enough to test the courage and the patience of anyone. But Ambassador Wadsworth has stuck to his assignment. He has refused to become a pessimist. He has maintained a sense of constructive optimism which I think is commendable and which ought not to go unnoticed.

I am hopeful an agreement can be reached. An agreement to end tests of nuclear weapons would show that concrete and specific progress can be made toward arms control. Once such an achievement is demonstrated, the major powers would be under a heavy obligation to the rest of the world to take further steps. Future negotiations would be conducted in a spirit of accomplishment, instead of in a spirit of dejection and defeat.

I remind my colleagues that if we can ever gain that first step with an effective inspection and control system, we will have prepared the way for broader disarmament discussions, which will necessitate, of course, even a more elaborate inspection and control program.

I have often said, and I repeat, that maybe it is as important to penetrate with an inspection and control system the tightly controlled, secretive, monolithic society of the Soviet Union than it is to penetrate outer space. I say this in the interest of world peace, because until there is some freedom of movement, until there is an inspection control system that can include some on-site inspections, there is very little hope for disarmament.

But once we have made that breakthrough, where the scientific and technical aspects of inspection and control have been agreed upon, and where there has been at least a modest beginning in terms of onsite investigation and inspection in the respective countries, and particularly behind the Iron Curtain, I believe that we will have made a tremendous stride in the pursuit of a just peace.

I urge the conclusion of an agreement because I want to see the control system put into operation. We need to experiment—to learn by doing. We now have no agreement and no tests. This is a situation which cannot go on indefinitely. So long as there are no controls no one can be sure that secret tests are not being conducted. Such a condition promotes suspicion, and weakens constructive efforts for a more reliable system. Furthermore, with no agreement other powers can enter and are entering the nuclear club.

The nuclear powers must make a persistent effort to reach agreement on the quality and extent of inspection and controls that should be included in a test ban treaty. It will take 2 or 3 years to install the control system. We are losing valuable time in not getting started. We need also to begin a joint research program in order to improve our ability to detect and identify underground nuclear tests. If an agreement can be reached soon and a joint research program instituted then the United States and the other nuclear powers must be prepared to forego a resumption of weapons tests. This is not too much to ask or too great a risk to run. The collapse of the negotiations, or their dragging on for month after month with no agreement and no controls, and the enlargement of the nuclear club all entail risks and dangers of far greater proportions than that of reaching an agreement and initiating controls.

There are other specific steps that also should be negotiated seeking to control armaments. In less than 2 weeks general disarmament negotiations will commence. Ten nations will participate, five from the West and five from the Soviet bloc.

In the recent past I have offered a number of proposals which could serve as the basis for at least a beginning of negotiations. I shall not take the time to reiterate them here. I placed them in the RECORD before, and they are there for anyone to review.

The disarmament negotiators will have only a few weeks in which to discuss what next steps in disarmament should be pursued before the summit conference.

Point No. 5. Substantial disarmament cannot be achieved and maintained without the nations of the world being willing to solve their disputes under the rule of law and without resort to force.

The weakest spot in the disarmament proposals of Premier Khrushchev is the lack of emphasis on the peaceful settlement of differences. There are and will always be disputes among peoples and among nations. There will always be political leaders who will seek to grasp power and to dominate other peoples. How then, without resort to force, can justice in the world be sought and upheld?

The world community can neither afford to be without a police force nor to ignore the vital need for a system of world courts.

A force for peace, harnessing the most advanced communications, weapons developments, and military organization—and under rigid international control—is imperative. The design and construction of such a force should be one of the prime objectives of every nation—indeed, the United States.

Yet the Communists evade both the idea of international justice and law, and the construction of such a security force. They resist impartial investigation by the United Nations in efforts to judge the conflicting claims in a dispute between nations.

The Communists view all disputes from a political perspective. According to their world view, objectivity and legality, as we use these terms, have no meaning. We cannot expect them to change quickly on this point. But change must eventually come if the world is to govern itself by common standards and live in peace under principles of justice.

It is not only the Communists, however, who dislike leaving the determination of justice to an impartial jury. Other countries find this concept difficult to accept. Even in the United States, there is a powerful and vocal minority which resists any attempt to promote the acceptance of the rule of law in the world. At this time there is before the Senate Committee on Foreign Relations a resolution which would demonstrate convincingly and concretely that we in the United States are prepared to work for the establishment of the rule of law. This is the resolution to remove from our declaration of adherence to the World Court the reservation that we alone shall decide if and when a dispute is purely domestic and, therefore, beyond the jurisdiction of the World Court. If we cannot take this one small but concrete step to give positive leadership to the cause of world law, then how can we point the finger of scorn at the Communists for their unwillingness to move in this direction?

The removal of this self-judging clause is a small, but important step. No great changes will come immediately as a result. But, I submit, it will show our willingness to advance the rule of law. And without progress in advancing the rule of law in the world we cannot expect to free our people and the people of other nations from the cruel burden of massive armaments.

Mr. President, it disturbs me that some of the people who proclaim themselves to be the most vigorous and the most vocal anti-Communists, and who express grave fear of communism, are the very ones who oppose the proposal of a rule of law. In other words, the professional anti-Communist in the United States finds himself in the political bed with Communists in opposing the World Court and in opposing the rule of law. It is one of those strange ironies of history or one of those peculiar paradoxes that those who make it their business, almost a profession, to put up the warning flag about communism every hour on the hour find themselves arguing against the World Court and against the removal of the reservation which the United States attached to its adherence to the Court, in the same terms as are used by the Communists themselves.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Idaho, a Senator who has already been brought in for discussion most favorably for his splendid contributions in the field of national security and foreign policy.

Mr. CHURCH. I thank the Senator from Minnesota. I associate myself with the remarks he has just made with respect to the repeal of the Connally reservation as a step which the United States should take toward strengthening the World Court. It seems to me that the shrunken globe on which we live is fast becoming one big time bomb with a lighted fuse. The only way to pull the fuse is to replace the rule of force among nations with the rule of law.

Now the distinguished Senator from Minnesota has observed that the repeal of the Connally reservation, as President Eisenhower recommends, would not in itself establish the rule of law among nations; but certainly it would be a significant step in that direction.

I ask the distinguished Senator from Minnesota if it is not true that after fighting two World Wars, the United States joined the World Court because we recognized the need for a judicial forum before which the countries of the world could seek the peaceful and objective settlement of disputes between them?

Mr. HUMPHREY. The Senator from Idaho is correct. As the Senator knows, America's refusal, after World War I, to adhere either to the League of Nations or the World Court was a source of considerable concern and dismay on the part of vast numbers of people in this country. It may very well have contributed to the roots or the causes of World War II.

Mr. CHURCH. Is it not true that although the United States recognized the need for the establishment of this forum when it joined the World Court, we nevertheless reserved to ourselves, through the Connally amendment, the right to judge, in any given case before the Court, to which we were a party, whether or not the Court had jurisdiction in the matter?

Mr. HUMPHREY. The Senator is correct. What we did was to set a precedent for others to follow. We merely said that we would join the Court; that we would take out membership; but that we would decide at all times which of the obligations we wished to fulfill.

Mr. CHURCH. Since we can dismiss on our own motion any case which is brought against us in the World Court, does it not also follow, due to the rule of reciprocity, that any other country is also entitled to dismiss any case which we might bring against it?

Mr. HUMPHREY. Exactly.

Mr. CHURCH. Suppose in one's local community, the court could be summarily dismissed by any defendant brought before it. Would not the Senator agree that there would be precious little law and order in that community?

Mr. HUMPHREY. For all practical purposes, it would be the rule of the jungle; the rule of the strong over the weak; the rule of injustice over justice.

Mr. CHURCH. Yet this is the very rule that obtains in the World Court; and would not the Senator further agree with me that the fact that this rule does obtain in the World Court is, perhaps, the chief reason why the World Court has adjudicated only 17 cases in all the years since World War II?

Mr. HUMPHREY. I believe that the evidence reveals that to be true. After all, the United States is a world leader, a world power. We do set standards. Others watch what we do. It is interesting to note that the Soviet Union has refused to accept the compulsory jurisdiction of the World Court. We say that we are a member of the Court, but we will determine at all times what case, if any, the Court will handle affecting us. This is really, for all practical purposes, being a nonmember. We are a dues-paying member, but refuse to be held responsible for any of the duties or obligations of membership.

Mr. CHURCH. As the Senator well knows, opposition to the repeal of the Connally reservation is based upon certain arguments. I wonder if the Senator would indulge me if I were to point out the major arguments that are raised against the repeal, in order that the Senate might have the benefit of the distinguished Senator's own views with respect to them.

Mr. HUMPHREY. I would be more than happy to hear from the Senator. He has listened to the testimony of a variety of witnesses before the Senate Committee on Foreign Relations on this particular resolution. I believe that the Senator can give us an objective analysis of what the so-called objections are, and what his views are, relating to those objections, and I should be more than happy to offer what opinion I have.

Mr. CHURCH. There were those who came before the committee, opposing the repeal of the Connally reservation, who pointed with alarm to the fact that there are two judges from Communist lands who sit on the World Court, and their feeling was that the repeal of the self-judging clause would thus subject the United States to the jurisdiction of a court upon which Communist judges sit, and that somehow this would subject us to decisions by Communists, who are not truly judicial in their appraisal of the cases before them, but who are answerable politically to the Communist governments which sent them, and therefore untrustworthy of rendering judgments. I have nothing to say in defense

of the judicial temperament of Communists who sit on tribunals. I think that it is a questionable matter. But it seems to me that, since the World Court consists of 15 judges, and 13 out of the 15 come from the free world, we are hardly faced, by any reasonable analysis, with a situation in which the Court could possibly be "stacked" against us; would the Senator not agree with that conclusion?

Mr. HUMPHREY. I shall always be willing to settle for a 13-to-2 ratio on what I believe is my side.

Mr. CHURCH. Inasmuch as this is a World Court embracing all countries, we could hardly ask for a more favorable ratio than 13 to 2; is that not correct?

Mr. HUMPHREY. Exceedingly favorable.

Mr. CHURCH. So I would suggest that those who see great danger lurking behind the fact that there are two judges from Communist lands on the Court are very much like the persons who, looking at a doughnut, see not the doughnut but the hole. With a ratio of 13 to 2 in favor of the free world, we are hardly subjecting ourselves to any meaningful risk through the repeal of the Connally reservation.

Mr. HUMPHREY. Plus this, may I add: That this Court has a very limited jurisdiction insofar as any political matters are concerned. It is a court of limited jurisdiction, and it certainly is not one of what may be called universal jurisdiction.

Mr. CHURCH. I think this is a very important point, because, as the Senator well knows, the statute which establishes the World Court, referred to in the United Nations Charter, expressly limits the jurisdiction of the Court to international disputes, so that the Court is without power to intervene in domestic matters.

Mr. HUMPHREY. Absolutely. That is explicit in the articles of adherence.

Mr. CHURCH. There is nothing in the repeal of the Connally reservation whatosever which would extend the power of the World Court beyond that given it by its statute and by the United Nations Charter?

Mr. HUMPHREY. The Senator is right.

Mr. CHURCH. Despite this, there were those who felt that, if we were to repeal the self-judging clause and permit the World Court to do the very thing that other courts always are permitted to do, namely, pass upon its own jurisdiction, the Court might trespass beyond the jurisdiction granted by its statute, and might, in fact—though it has never before shown any disposition to do so—attempt to transgress beyond international disputes that come rightly within its jurisdiction to domestic matters that do not. Therefore, they maintained that we were subjecting ourselves to some kind of risk if we permitted the repeal of the Connally reservation, since the Court might attempt to extend itself beyond its proper jurisdiction, and thus to meddle or intervene in our internal affairs. Taking this proposition as an argument—and I suggest that we must accept it as an argument, for even though the past history of the Court demonstrates that it has no propensity to do so, still it is within the realm of possibility that the Court at some future time might attempt to intervene in a domestic matter beyond its jurisdiction. Would not the Senator agree with me that, should the Court in the future ever develop a tendency of this kind, and attempt to reach beyond its jurisdiction, to intervene in matters which are domestic in character or internal in character, that not only the United States would be alarmed but that every member nation of the World Court would be alarmed, for, certainly, we have no monopoly upon our concern for sovereignty? Sovereign prerogatives are equally the concern of all countries, and there are some countries in the world that are even more zealous about their sovereignty than are we. So does it not follow that if the Court would ever develop a tendency to overreach its jurisdiction, other member countries, as well as the United States would at once protest?

Mr. HUMPHREY. Of course.

Mr. CHURCH. Is it not also true that, since all these countries are sovereign countries, we and they retain the right to withdraw from the Court, a right expressly reserved in the statute?

Mr. HUMPHREY. On their own motion, and on the basis of their own decision, by the very adherence to the statute that was accepted at the time of membership.

Mr. CHURCH. So if, in the unlikely event that the Court ever attempts to overreach its authority, then we have assumed no undue risk through the repeal of the Connally reservation. All that we then have to do is to exercise our sovereign right to withdraw from the Court, a right which is retained by the United States and all of the member countries in the World Court.

Mr. HUMPHREY. The Senator is correct, and I recall the Senator making this point very effectively in some of the discussions in the committee.

Mr. CHURCH. The third argument which has been advanced—and it seems to me that the first two arguments have been shown to be baseless, by the discussion we have had heretofore—the third, and perhaps the most serious, argument raised against repeal of the Connally reservation, is that it might be possible, in a given case, for the World Court, having asserted its own jurisdiction, to render a decision which would be so adverse to the vital interests of the United States that it would be unacceptable to this country.

Here again, unlikely though it might be, the argument must be considered as within the realm of possibility. Therefore, it is urged upon us that we should not abrogate the self-judging clause, because some day there might come before the Court a matter that would be vital to the United States, and the Court might decide the case in a way that would be absolutely unacceptable to this country.

If that were to happen, is it not true that a decision of the World Court, if resisted by one of the countries involved, would be referred for its enforcement to the Security Council of the United Nations?

Mr. HUMPHREY. Yes, the Security Council is the enforcement machinery, and the only enforcement machinery.

Mr. CHURCH. And is it not also true that the United States maintains a permanent seat on the Security Council of the United Nations, and has the right to veto, so that in such circumstances it never would be possible for the Security Council to enforce a decision against the United States, adverse to our vital interests, because of our right of veto as a permanent member of the Security Council?

Mr. HUMPHREY. That is correct. It often is forgotten that the enforcement agency for the United Nations is the Security Council, and the United States is a permanent member of the Security Council, and, in that respect, the United States can exercise its own judgment as to whether it wishes to comply with a judgment of the World Court or whether it wishes to exercise its veto power because its vital interests had been affected.

Mr. CHURCH. So the objections raised to repeal of the Connally reservation are baseless; and the reasons which have been painted so luridly are meaningless. They are ghosts without substance.

It seems to me that the real risk lies, not in a repeal of the Connally reservation, but in a failure of the United States, as the leader of the free world, to take a significant step toward advancement of the rule of law, because unless we begin to replace the rule of force among nations with the rule of law, we are headed toward, and indeed we invite, ultimate disaster.

So I desire to commend the able Senator from Minnesota for coming to the floor of the Senate today and advancing a program for peace. The people of the world thirst for peace. Until we begin to focus the necessary energy and attention upon the formulation of an affirmative program for peace, there is little hope that we can make progress. I think one of the greatest failures of this administration has been the timidity it has shown in advancing positive and concrete proposals directed toward disarmament and toward peace.

I think the Senator from Minnesota has rendered a great service today on the floor of the Senate, and I wish to thank him for the very helpful arguments he has presented in support of the effort, which I hope we shall soon be making, to repeal the Connally reservation, and thus strengthen the World Court.

Mr. HUMPHREY. Mr. President, I thank the Senator from Idaho for his comments and for his very thoughtful presentation. The information he has given to us in regard to the World Court and the necessity for the United States to advance the cause of the rule of law constitute, in my opinion, a most valuable contribution to this discussion.

Mr. LONG of Louisiana. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I shall yield, Mr. President. But, after yielding to the Senator from Louisiana, I then wish to be permitted to complete my statement.

Then, after I complete it, I shall be glad to yield further.

At this time I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator from Minnesota does not entertain any illusion, does he, that the two Communist judges on the World Court—the one from the Soviet Union and the one from Poland—would vote for the United States on any matter, does he?

Mr. HUMPHREY. Well, it is possible, but I would not want to proceed under the assumption that they would. There have been times when the U.S. representatives and the Soviet Union representatives have agreed in the Security Council and in the General Assembly and in many of the other international organizations.

Mr. LONG of Louisiana. If the matter under consideration by the Court involved the security of the United States, or any substantial interest of the United States, does the Senator from Minnesota think those two judges would be likely to vote in favor of the U.S. position? Can the Senator from Minnesota think of an instance in which the vote of the Soviet judge or the vote of the Polish judge would be likely to be cast in favor of the position of the United States?

Mr. HUMPHREY. I think the Senator from Louisiana is correct in assuming that we can assume that they would not.

Mr. LONG of Louisiana. In fact, would the Polish judge not constantly be afraid that if he were to vote in favor of the position taken by the United States, he would never again be able to return to his home and see his wife and his children—in short, that he would be able to return to his home and to his wife and his children only if he continually and consistently voted in support of the Soviet Union position and against the United States position?

Mr. HUMPHREY. No, I do not think so. The Poles are very brave. I served as a delegate to the United Nations, and the Poles who served there did not always agree with the Soviets. Certainly the Poles are not lacking in courage.

Mr. LONG of Louisiana. Can the Senator from Minnesota recall when one of the Polish representatives voted contrary to the position of the Soviet Union in connection with a matter that involved the security interests of the Soviet Union and the United States?

Mr. HUMPHREY. The Soviet Union has a peculiar way of taking the position that its security is involved in almost anything—anything from cultural matters to matters relating to armed forces. So I do not think I am able to state what the Soviets would regard as a matter which would affect the security of the Soviet Union.

But I do not disagree with the Senator from Louisiana that it is proper to assume that the two Communist judges would most likely vote in line with the special interests of their respective regimes. I believe that is virtually a fact.

However, unanimity of voting is not required on the World Court; and I doubt that the two Communist judges, if they flagrantly ignored the rules of international law and justice, would be sufficiently effective and sufficiently persuasive to convince a majority of the other 13 members.

Mr. LONG of Louisiana. At the present time is a representative of Panama serving on that Court?

Mr. HUMPHREY. I do not know; I cannot say.

Mr. LONG of Louisiana. It is my impression that there is now one, or was one recently.

Can the Senator from Minnesota tell me whether he thinks the United States would be likely to be supported by the vote of Panamanian judge on the Court if the matter under consideration had anything to do with the Panama Canal or with United States treaty rights in that vicinity?

Mr. HUMPHREY. Well, I would not wish to assume that a judge from Panama would not be objective. I think it is fair to say that a judge from Panama who might be of Panamanian national citizenship might very well be objective.

However, let me point out that, of course, the Panama Canal does not come under the jurisdiction of the World Court, I may say to the Senator from Louisiana.

Mr. LONG of Louisiana. Has the Senator from Minnesota noticed that since the controversy and all the agitation have been stirred up about the Panama Canal, not a single Panamanian of any stature whatever has raised his voice even to explain or express the United States side of that issue?

Mr. HUMPHREY. Well, if the Senator from Louisiana is worried that the World Court would deny the United States its rights in connection with the Panama Canal, I may repeat what the Senator from Idaho said previously today—namely, even if we assume that such a decision went against us, and even if we assume that the decision adversely affected a vital interest of the United States, in any event the enforcement machinery for the decisions of the World Court is the Security Council; and the United States is a permanent member of the Security Council and possesses the right of veto on the Security Council; and a United States veto there would end the whole thing.

So what are all the hobgoblins about?

Mr. LONG of Louisiana. Well, first let me refer to Egypt, before we consider the question about all the hobgoblins. Does the Senator from Louisiana think the United States could expect a World Court judge who came from Egypt to vote to uphold the rights of the United States with regard to the Panama Canal?

Mr. HUMPHREY. Well, first let me say that the Panama Canal does not come under the jurisdiction of the World Court, because the Panama Canal is covered by a treaty—that is point No. 1. The Panama Canal does not come under the jurisdiction of the World Court any more than the Statue of Liberty comes under the jurisdiction of the World Court.

Mr. LONG of Louisiana. Is the Senator from Minnesota of the impression that the World Court cannot pass on matters relating to treaties?

Mr. HUMPHREY. Insofar as the interpretation of treaties is concerned, the Senator is correct. But the Panama Canal comes under the proprietary and the sovereign rights of the United States of America.

In committee, we have gone all over this matter, and there is not a scintilla of evidence that can possibly be advanced, other than sheer emotion—and I do not consider table pounding and emotion to be evidence—there is no evidence at all that our rights to the Panama Canal are subject to the jurisdiction of the World Court, because that would come about only under the technical terms of our adherence to the World Court.

Mr. LONG of Louisiana. Mr. President, does the Senator from Minnesota not know that if the Connally reservation were repealed, the Court could say it had jurisdiction, and then it would have jurisdiction?

Mr. HUMPHREY. The Senator is correct when he says that would be the case if the Court were to do that. But if the Court were to do that, the Court would then formally have violated the charter of adherence; and I hold that if the Court were to do that, first, it would arouse the suspicion of every nation in the world, because other nations have national interests and a spirit of nationalism; the United States is not the only one that has national interests and a spirit of nationalism. In fact, the nationalism of the United States is not half as vital to it, sometimes, as the nationalism of a small, new country is vital to it.

So if the Court were to rule adversely, contrary to what we consider to be our national interest, we could, first, withdraw from the Court—we could do that on our own motion; second, the enforcement of the Court's decision would rest, of course, with the United States, because the United States has a seat on the Security Council, and is a permanent member of the Security Council, and, as a result, is able to exercise the veto power.

If the Senator wishes to engage in an exercise of semantics or gymnastics, he can proceed to do so; but that would be far from any matter of reality.

Mr. LONG of Louisiana. Mr. President, no semantics or gymnastics are involved in this matter, so far as I am concerned. However, does the Senator not know that some are interested in the repeal of the Connally reservation? I am not referring to Members of the Senate, but certainly in the United Nations there are some who are advocating repeal of the Connally amendment and now are advocating that Red China be admitted to the United Nations, and are in favor of its admission.

Mr. HUMPHREY. No, I do not agree at all as to that; I do not agree at all that one would logically follow the other. For instance, recently an agency of the Catholic Church advocated repeal of the Connally amendment, but it does not advocate the admission of Red China to the United Nations.

Mr. LONG of Louisiana. But the Senator from Minnesota knows that recently a luncheon was held for a group,

here on Capitol Hill; and among that group were certain eminent Americans who have played major or active parts in the discussions regarding what should be the policy of the United States, and have been advocating what the future developments should be. Included among them was a distinguished Harvard professor who had much to do with the setting up of the World Court; and many of them advocated the repeal of the Connally reservation, and also advocated that Red China be admitted to the United Nations. Does the Senator from Minnesota not know that is the case?

Mr. HUMPHREY. Oh, Mr. President, it might be said that some persons advocate a vegetarian diet, and that somewhere there is a person who finds relief by walking in hot sand, and believes that all persons should do likewise.

However, the President of the United States favors repeal of the Connally reservation, and so does the Secretary of State, and so does the Vice President, and so do a host of competent, trusted Americans of unquestionable loyalty. But the Senator from Louisiana is opposed to it. Certainly I respect his views; I simply happen to think that he is mistaken.

Mr. LONG of Louisiana. But do we not have to anticipate that sooner or later a majority of the members of the United Nations will vote to admit Red China to that organization?

Mr. HUMPHREY. But that has nothing to do with repeal of the Connally reservation.

Mr. LONG of Louisiana. Yes; it does have something to do with repeal of the Connally reservation. Perhaps the Senator from Minnesota can better understand why I say that when I explain that if, as, and when a majority of the members of the United Nations vote to admit Red China to the United Nations, that will give Red China a permanent seat on the Security Council.

Mr. HUMPHREY. How could that be?

Mr. LONG of Louisiana. Because of that majority vote, and because the United Nations Charter provides that China is to have a permanent seat on the Security Council.

Mr. HUMPHREY. China does have a permanent seat on the Security Council; and if I had my way, I would expand the Security Council, in order to make room there for a seat for a representative of Japan and for a seat for a representative of India and for other countries, so there would be effective representation from Asia on the Council.

Mr. LONG of Louisiana. But all that would be subject to our veto power.

Mr. HUMPHREY. Yes.

Mr. LONG of Louisiana. The United States has that veto power, and so does Russia.

Mr. HUMPHREY. Yes.

Mr. LONG of Louisiana. But the veto power of the United States could not prevent Red China from becoming a member.

Mr. HUMPHREY. Why not?

Mr. LONG of Louisiana. Because once Red China were recognized and once Red China became a member of the United Nations, she would automatically become a member of the Security Council.

Mr. HUMPHREY. Oh, no; the Senator from Louisiana knows the United Nations Charter better than that, and I want to give him an opportunity to restate or correct what he just now said, because admission as a permanent member of the Security Council, with the power to exercise the veto, can come only through the full and unanimous agreement of the members of the Security Council itself. So the Senator from Louisiana well knows that the United States could keep a new member from being admitted to the Security Council, unless the United States were willing to have that new member go on the Council.

Mr. LONG of Louisiana. But if the United States were to vote to admit Red China—the power which holds the mainland of China—to the United Nations, would that action in effect not compel the admission of Red China to the Security Council?

Mr. HUMPHREY. No, not to the Security Council.

Mr. LONG of Louisiana. Does the Charter of the United Nations not provide that China is a permanent member of the Security Council?

Mr. HUMPHREY. But that matter would have to be determined, insofar as Red China was concerned, by the Security Council itself, because the Council is the judge of its own permanent membership.

Mr. LONG of Louisiana. Does the Senator from Minnesota believe that in the long run the United States could keep Red China off the Security Council—inasmuch as the nation of China is entitled to a seat on the Security Council—once the United Nations voted to admit Red China?

Mr. HUMPHREY. I do not know. But let us assume that Red China were on the Security Council. What effect would that have on the United States?

Mr. LONG of Louisiana. In that event, would Red China not have a seat on the World Court?

Mr. HUMPHREY. But what effect would that have on the United States?

Mr. LONG of Louisiana. Then there would be one more judge on the Court who would be opposed to the United States and the interests of the United States.

Mr. HUMPHREY. Then the division would be 12 to 3.

Mr. LONG of Louisiana. But then in short order the time would come when it would be almost necessary for the United States to receive the favorable vote of almost every jurist on the Court, if the United States were to win.

The Russian member of the Court would not be only a judge who was opposed to the interests of the United States, he would be a lawyer against the position of the United States, and so would the member from Poland, and so would the member from China, if China is admitted there; and if the matter at issue had anything to do with the Panama Canal, so would the member from Panama, and so would the member from Egypt.

If there is talk about passion, would not those members of the Security Council be almost certain to oppose, on the basis of passion and emotion, what might be a very reasonable position for the United States to take on a matter of vital importance to it?

Mr. HUMPHREY. I respond to the Senator from Louisiana in his unhappy fears by saying, first, that if all of these terrible things should come to pass where the World Court judiciary, the judges of the Court, were all our confirmed enemies, it might instigate a little self-analysis and introspection because that is not exactly the position this country ought to be in. But let us assume this was the position. The Court's orders are enforceable only through the Security Council, and as a member of the United Nations and as one of the Security Council permanent members we exercise the veto, and it would be just as Andy Jackson once said of the Supreme Court and Justice Marshall, "You have made your decision. Now enforce it"—and otherwise there would be no enforcement. Furthermore, since the Senator is concerned about this, we could withdraw from the jurisdiction of the Court any time.

And I might add to the Senator, Soviet bloc representatives say that the Court is all composed of capitalists, and therefore that they ought not to belong.

In other words, Communists think they do not want to belong to the Court because they think the judges are capitalists. The Senator from Louisiana says we had better not belong to the Court because they may be all anti-American. It is strange that the people who are opposed to this very limited jurisdiction of the World Court and its effect upon the Nation come with the same arguments, the very same arguments, the Communists use.

Mr. LONG of Louisiana. I would ask the Senator if he has not observed that the tendency in these conferences on the law of the sea in making this international law is for each one of these nations to go into the conference, not thinking so much about what the other is thinking or what the law should be, but what is in it for us? That is what happened last year, and what is happening may occur again. How can the Senator assure me that the same thing is not happening in the World Court with these people asking, "What is in it for us?"

As a matter of fact, of the judges on the World Court, there is not one who has any particular concept of the law.

Mr. HUMPHREY. There is not one scintilla of evidence or any record that in the decisions of the World Court, from the time of the League of Nations, the members of that body have voted their own predilections or prejudices.

Mr. LONG of Louisiana. The Senator knows that does not mean anything, because the Court does not decide more than one case a year.

Mr. HUMPHREY. The Senator has given evidence of 25 cases. The Senator from Louisiana gives evidence of his own prejudice, because he has no case.

Mr. LONG of Louisiana. I have seen some of them use prejudice against us.

It is going to happen again and again. Consider the fact that Mr. Holman, who helped set up the World Court, has come before us and said, "Beware of this thing. It is a dangerous proposal. Do not get in a trap." This is the man who helped set up the World Court.

Mr. HUMPHREY. May I suggest that some very eminent lawyers and members of bar associations recommend the repeal of the Connally amendment. The international law section of the American Bar Association supports its repeal. Some of the finest patriotic organizations support the repeal.

Mr. LONG of Louisiana. The American Legion is not in favor of repealing it.

Mr. HUMPHREY. That may be true, but the American Legion——

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. HUMPHREY. And the Senator from Minnesota is using it, Mr. President. [Laughter.]

With all the respect I have for the American Legion, it is not necessarily made up of members with legal minds. Eminent legal minds who have studied international law and the International Law Section of the American Bar Association recommend wholeheartedly the repeal of the Connally amendment.

Mr. LONG of Louisiana. Does the Senator recognize that a great number of those eminent and qualified lawyers of this country who are a part of the international law section have an ax to grind in that they would be the lawyers who would try those cases, if they could get enough cases before the World Court?

The bar associations in general do not favor repeal of the Connally amendment. If we get away from the international law section, located in New York City, and if we were to take a poll of lawyers across the country, those of my own State and those of Minnesota, we could not get a majority in favor of repeal of the Connally amendment, outside of New York.

Mr. HUMPHREY. Just because lawyers may be located in New York does not make them any better or any worse than other lawyers.

Mr. LONG of Louisiana. They sit up there in New York as senior partners, and they pay big dues to be in the American Bar Association and in the international law section of it, and they realize the prospect of representing the United States in some cases before the World Court. Incidentally, these members of the international law section are sent over here to make international law, on the one hand, and plead it, on the other. I submit there are grave dangers involved in such procedure.

Mr. HUMPHREY. Is the Senator saying that if we are going to enter into a discussion of aviation, we should not get anybody who knows something about airplanes, but that we should only take the advice of a truck driver or someone who operates a livery stable? The Senator is saying that those who have anything to say about international law should not be international lawyers. Apparently, that is the argument of the Senator from Louisiana. I may say that many lawyers and bar associations, lawyers who handle normal civil cases back in the States, also have voted for repeal of the Connally amendment. They are not dangerous internationalists. They are not going to turn this country over to communism. They are reasonable, intelligent, devoted, patriotic men. The House of Delegates of the American Bar Association is not known as being radical. I do not believe it is known as being adventuresome. I do not believe it is known as being made up of internationalists. Nevertheless, it believes that this Nation should have the benefit of the findings of the World Court, as a creditor nation, as one involved in international obligations, and that it is all to our advantage to have access to a rule of law in a World Court.

Mr. LONG of Louisiana. May I submit to the Senator that he is going to find that the little old country lawyer back in his home town is just as good as these high-sounding lawyers on Wall Street.

Mr. HUMPHREY. I have great respect for the home town country lawyers, because they are the only ones I have been able to hire, and I have always found those courthouse lawyers to be good ones. [Laughter.]

Mr. President, having discussed both the international lawyers and the courthouse lawyers, I should like to discuss now the rule of law and what I believe is its application to the field of disarmament.

First of all, I was pointing out that the removal of this self-judging clause would be an advance in the rule of law, and I was seeking to encourage our Nation to take this step, because one of the great differences between the Soviet and Communist cause in the world and that of the United States and its allies is the rule of force on the one hand, that of the Communist bloc, and the rule of law recognized by the United States and other free nations.

Point No. 6: So long as distrust among nations exists and so long as competing and conflicting ideologies and interests remain, arms reduction must be accompanied by workable and reasonable control and inspection measures to provide the assurance that arms reduction agreements are being carried out.

All of us are aware of the axiom that what people believe is true often is more important than the actual truth itself. Without inspection and control measures, nations will not have assurance that arms reduction agreements are being faithfully observed. What may be as important as cheating itself is the suspicion that cheating is going on and the fear that agreements are being violated. With no inspection and control measures, nations may be tempted to cheat and suspicions will grow. In such an atmosphere, the arms control agreements could become worthless scraps of paper, and peace itself could be threatened.

Control and inspection measures are a substitute for trust where trust does not exist. They can help create a climate of confidence within which the nations can work more effectively for peace and can devise measures for solving their differences without resort to force.

Some arms control measures will require less inspection and control than others. We must try to win acceptance of those control measures that are essential and at the same time be careful not to ask or seek more control than necessary. Here again our society and that of the Soviet Union have important differences. We are an open society and have little to hide. We encourage foreigners to visit and inspect our institutions and to participate in our way of life. It has not been so in the Soviet Union. Secrecy has been both a national characteristic and a military asset to the Russians, not only now, but throughout her history. They do not view lightly proposals to open their society and territory to inspection. I have some hope that the Russians are becoming less rigid on this point. The number of foreign visitors to the Soviet Union has increased rapidly since the death of Stalin in 1953. And in disarmament negotiations, particularly those for the cessation of nuclear weapons tests, the Russians, as I said earlier, have been moving toward the acceptance of effective inspection and control.

Point No. 7: The devising of workable control measures for disarmament requires an effort far greater than anything the Government has undertaken thus far. It is this point I wish to emphasize.

The United States cannot convincingly accuse the Soviet Union of refusing to accept adequate control in disarmament unless we present to the Soviets specific proposals for control. Have we presented such proposals to the Soviet Union? Except for the test ban negotiations, the answer to this question is, "Not since 1952."

We have made much of the necessity for control, and rightly so. But we have done little to devise effective control measures. No single agency of the Government has been given the responsibility or the means or funds to do an adequate job of studying the control problem. Today at least six Government agencies are involved in and concerned with the technical problems connected with the controlled cessation of nuclear weapons tests. There is no one agency or person to coordinate this research or to see that decisions are made. This situation is indefensible.

There must be American leadership, American drive, American ingenuity to make a breakthrough that would end the arms race and secure the safety of our Nation at the same time. There must be a way out.

The truth is that we have never seriously, massively, intensively tried to put our scientific and technological capability to work to create the technical basis for a world security system, or a force for peace.

We have never undertaken a Manhattan project for peace.

More than a decade ago, the leaders of science were able to come to the political leadership of this Nation and say that it appeared possible to create

a nuclear weapon—given sufficient funds and leadership.

More recently, science was able to present to the political leadership of the world the possibility of space exploration—again given sufficient funds and leadership.

Today, if we are willing to invest the necessary funds, time, research, and talent, to harness the greatest minds in science throughout the world, we surely can devise a system of inspection and enforcement techniques and procedures and organizations that would provide every possible guarantee against double-dealing and secret preparations for any great war.

I submit, Mr. President, we have not even tried.

We have in this Government very, very few people who are giving their attention, their time and talent to devising ways and means to make a disarmament program really effective.

If we are willing to invest the necessary funds and energy, science can help to fashion the international police forces, inspection systems, necessary to deal with any local aggression.

Since World War II, there have been many American proposals in foreign policy which have caught the imagination of the world.

In my opinion one of these which won its way in the court of world opinion was the original atomic control plan worked out under the leadership of David Lilienthal and J. Robert Oppenheimer and presented to the United Nations by Bernard Baruch. In recent years we have also had the "open skies" proposal and the "atoms for peace" proposal presented by President Eisenhower to the United Nations in a personal declaration.

These proposals, Mr. President, gained world attention.

Physical science tells us what we can and cannot do with the physical resources of the world and the universe, but political imagination must illuminate and political integrity must solve these dilemmas.

With continuous study we may reasonably hope to find better and more politically feasible proposals, based not merely upon ideals, but upon what can and must be done to survive in the hazardous hydrogen age. We cannot continue to stumble along seeking to create solutions based on the technical facts of yesterday. Politics and science must work in harmony. Science and technology represent a new dimension and force in foreign policy.

I am not proposing that we confine this effort to American scientists, nor even to those of the allied world. The most eminent scientists from every nation, large and small, Communist and non-Communist, should be welcomed to task forces assigned to specific research projects.

It is, however, the duty and privilege of American leadership—we who have the most to lose, we who have the most enormous advantages of wealth—to take the initiative in this majestic effort.

The National Peace Agency which would be established through passage of S. 2989, a bill which I introduced on February 4, has as its central purpose the fixing of central responsibility within our Nation to work out constructive and effective arms control measures. It provides the framework within which a genuine Manhattan-type project for peace could be initiated. And then the accomplishments of our Manhattan project must be merged with those of other nations to devise a scientifically workable and politically acceptable world security system.

I am hopeful that this proposal will merit the serious study and consideration by all Members of Congress, by the press, by our dedicated private national organizations and foundations, and by people throughout the country. The bill to which I refer, the National Peace Agency bill, is not a perfect bill. It does however, represent a constructive endeavor. With study and scrutiny I am sure it can be improved. But we must not waste further time in getting started, in seeking solutions to the perplexing problems of arms control and of applying science and technology to the other avenues through which peace must be sought.

A National Peace Agency is not the only concrete step that the Congress can take. We can also examine the policy-making machinery in the matter of arms control. In the Subcommittee on National Policy Machinery, chaired by the distinguished junior Senator from Washington, Senator JACKSON, undoubtedly we shall give this question serious consideration.

We can also elevate the disarmament office within the Department of State.

Mr. President, I send to the desk, for appropriate reference, a bill to authorize an Assistant Secretary of State for Disarmament and Atomic Energy.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3155) to authorize an Assistant Secretary of State for Disarmament and Atomic Energy, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HUMPHREY. The Assistant Secretary would be responsible for coordinating studies, research, investigations, and other programs for the development of U.S. policy on disarmament, arms control, and atomic energy and for such other duties as may be assigned to him by the Secretary of State or prescribed by law. The new Assistant Secretary would be in addition to the 11 present Assistant Secretaries in the Department of State and would be appointed by the President, by and with the advice and consent of the Senate.

This bill, along with the National Peace Agency bill, would place the whole subject of disarmament high on the agenda of American objectives. It provides for the upgrading of the present office of the Special Assistant to the Secretary of State for Disarmament and Atomic Energy which was created by an administrative order issued by the late Secretary John Foster Dulles.

This bill does not call for the creation of governmental machinery which does not now exist. Its purpose is to place this existing machinery on at least equal level with the other areas of our foreign policy—on a level which is commensurate with the importance of arms control as a fundamental and basic goal of our foreign policy.

The machinery of our Government has not been adjusted to meet the demands of the disarmament challenge in the nuclear age. For example, we have only a handful of people within the executive branch of the Government who work full time on disarmament. The head of this office is not even accorded the status of Assistant Secretary of State.

Other major areas of foreign policy are represented in the Department of State by Assistant Secretaries and their staffs. These areas include administration, public affairs, European affairs, Far Eastern affairs, Near Eastern affairs, international organization affairs, economic affairs, and African affairs. And I ask, what about disarmament affairs?

The American people are more than willing to pay the billions requested by the President for arms; indeed we are willing to invest far more than that, and for the present we shall be forced to do so. There is as yet no escape from the arms race.

How much more eagerly our people would support an investment in the creation of an alternative to the arms race.

Our people are eager to get on with the creative, humanitarian projects that we have so long dreamed of, eager to plow into the works of peace the dollars we are now pouring into the works of war.

We are not going to find security in the arms race.

We are not going to surrender to totalitarianism.

There is just one way to save ourselves, and in so doing to save the world's people and the generations yet unborn from unimaginable suffering. We must take steps, and giant steps, bold steps, to break through toward genuine world security. No responsibility will rest more fatefully on the next administration than the task of leadership in this great undertaking.

Mr. President, I commend to my colleagues a thoughtful consideration of the Peace Agency proposal which I advanced on February 4 and to which I have lent further description today.

Mr. CLARK. Will the Senator yield, Mr. President?

The PRESIDING OFFICER. Will the Senator yield?

Mr. HUMPHREY. I yield to the Senator.

Mr. CLARK. May I congratulate my friend from Minnesota on a brilliant and provocative address, and on his usual great ability for handling questions from the floor. I had intended to speak at some length on this subject as part of this debate, but in view of the time which has gone by, and the fact that I know that some of our colleagues desire to file a petition for cloture in connection with the civil rights bill, I shall desist and speak at a later time.

Might I, however, have my colleague's permission to have this statement,

which will be very brief, appended to his remarks here:

First, that in my judgment, a comprehensive revision of the charter of the United Nations in order to provide world law to make world peace possible is an essential part of any meaningful plan. I shall speak on that at some length later.

Mr. HUMPHREY. Will the Senator at this time note the number of his resolution?

Mr. CLARK. Senate Concurrent Resolution 83, which I ask by unanimous consent may appear at this point in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

Whereas the basic purpose of the foreign policy of the United States is to achieve a just and lasting peace; and

Whereas there can be no such peace without the development of the rule of law in the limited field of war prevention; and

Whereas peace does not rest on law today but on the delicate balance of terror of armed force; and

Whereas the United Nations General Assembly at its fourteenth session unanimously adopted "the goal of general and complete disarmament under effective international control" and called upon governments "to make every effort to achieve a constructive solution of this problem"; and

Whereas a just and lasting peace would not be assured even if nations lay down their arms unless international institutions for preventing war were strengthened; and

Whereas the United Nations constitutes an important influence for peace but needs to be strengthened to achieve the rule of law in the world community; and

Whereas the United Nations General Assembly at its tenth session resolved that "a general conference to review the charter shall be held at an appropriate time"; and appointed a "Committee consisting of all the members of the United Nations to consider, in consultation with the Secretary-General, the question of fixing a time and place for the conference, and its organization and procedures"; and

Whereas the United Nations General Assembly at its fourteenth session resolved "to keep in being the Committee on Arrangements for a Conference for the Purpose of Reviewing the Charter, and to request the Committee to report, with recommendations, to the General Assembly not later than at its sixteenth session": Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States position at the next meeting of the Committee on Arrangements for a Conference for the Purpose of Reviewing the Charter should be that the Committee recommends to the United Nations General Assembly that a charter review conference be held not later than December 31, 1962, and that member governments be requested to prepare recommendations and to exchange views with respect to United Nations Charter review and revision in order to facilitate the organization of the said conference and to further the chances of its success.

SEC. 2. The President is hereby requested to initiate high-level studies in the executive branch of the Government to determine what changes should be made in the Charter of the United Nations to promote a just and lasting peace through the development of the rule of law in the limited field of war prevention. The President is further requested to report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, within twelve months after the date of approval of this resolution, the results of such studies.

SEC. 3. It is further the sense of the Congress that the United States should present specific proposals, to strengthen the authority of the United Nations to prevent war, at future international conferences concerning general disarmament and to the United Nations Disarmament Commission.

Mr. CLARK. Mr. President, secondly, I agree with my friend from Minnesota that the Soviets may well be ready to negotiate a meaningful disarmament agreement at this time, and that their position in this regard has been widely misrepresented in the U.S. press.

In this connection, I ask unanimous consent that correspondence between me and certain of the editors and high-level reporters of the New York Times may appear in the RECORD; also, a letter which I wrote to the Secretary of State Herter on September 28, 1959, and his reply on October 13, 1959, in which he states his agreement that there is a high degree of possibility that the Russians may be prepared to enter into a meaningful disarmament agreement.

I ask unanimous consent that those items may appear at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

JANUARY 7, 1960.

Mr. JAMES RESTON,
New York Times, Washington Bureau, Washington, D.C.

DEAR SCOTTY: Having written one critical letter to the Times recently, I hesistate to do so again at this time, lest I become persona non grata. I believe, though, your editorial staff has been laboring under a rather serious misapprehension of fact about the Khrushchev disarmament proposal, and I hope that you may be willing to undertake to reeducate those who have been responsible.

The News of the Week in Review column last Sunday stated that the general disarmament plan put forward by Khrushchev at the U.N. in October included "a control system to be established only after (disarmament) is completed." Tom Hamilton wrote in similar terms about the absence of controls in the Soviet plan in his news report which appeared the day after Khrushchev's U.N. speech on September 19 and on several occasions since then. I noticed that Hanson Baldwin also referred to the total absence of controls in the early stages of the Russian plan in one of his articles in mid-December.

God knows the Soviet proposal contains ambiguities and omissions, but in its reference to controls it is not as deficient as the Times has led its readers to believe. Khrushchev stated: "There should be initiated a system of control over all disarmament measures which should be created and should function in conformity with the three stages by which disarmament should be effected." I suggest that the use of the plural in the reference to "stages" in this key sentence can only be interpreted to mean that the Russians intend some form of controls to be set up and maintained during the first stages of disarmament. Khrushchev confirmed this conclusion when he replied to a question on control at the press conference in Washington on September 27 by stating:

"We believe that in the process of disarmament, in accordance with each stage of disarmament there should be an appropriate stage of control, i.e. the presence of representatives of other States and control over the regions subject to control in accordance with agreement. And this will be throughout the whole process of disarament up to its full completion." This answer was not a casual one because it was repeated by Kuznetsov at the U.N. on October 7, 1959.

I wouldn't unburden this protest on you if I didn't feel that the achievement of a workable general disarmament agreement were so vitally important and that inaccurate references to the Russian plan in the Times might make it more difficult to reach that agreement.

Best regards for the New Year.

Sincerely,

JOSEPH S. CLARK.

THE NEW YORK TIMES,
January 12, 1960.

Senator JOSEPH S. CLARK,
U.S. Senate, Washington, D.C.

DEAR SENATOR CLARK: Mr. Reston has sent on to me your letter of January 7. I think the point you make is an important one and we shall keep it carefully in mind for the future.

Yours, sincerely,

LESTER MARKEL,
Sunday Editor.

JANUARY 22, 1960.

Mr. LESTER MARKEL,
Sunday Editor, the New York Times, New York, N.Y.

DEAR MR. MARKEL: Many thanks for your note of January 12 in response to my letter to Scotty Reston.

I am gratified by your reaction.

Sincerely yours,

JOSEPH S. CLARK.

FEBRUARY 8, 1960.

Mr. LESTER MARKEL,
Sunday Editor, the New York Times, New York, N.Y.

DEAR MR. MARKEL: I noticed that the New York Times' lead editorial on February 6 entitled, "Khrushchev's Summit Program" contained the following sentence:

"The program presumes to give top priority to Premier Khrushchev's proposal for total and universal disarmament under an effective system of international control which, however, would become really effective only on completion of such disarmament."

This statement was disappointing to me, because, as you may recall, I wrote to Scotty Reston on January 7 urging that the Times editorial writers were not accurate in asserting that the Khrushchev disarmament proposal contained no provision for controls during the first two stages of the proposed 3-stage general disarmament plan.

You were kind enough to acknowledge and indicate agreement with my letter to Scotty, a copy of which is enclosed, so I am taking the liberty of addressing this second plea to you.

Sincerely,

JOSEPH S. CLARK.

THE NEW YORK TIMES,
February 17, 1960.

DEAR SENATOR CLARK: I begin with a confession.

I wrote you on January 12 too hastily; I was about to leave the office for a 3-week trip when your letter arrived and I intended merely an acknowledgment with the thought of examining fully into the issue when I returned.

Having made that examination, I feel that your point is open to challenge.

It is true that Mr. Khrushchev stated that "there should be an appropriate stage of control, i.e., the presence of representatives of other states and control over regions subject to control in accordance with agreement." However, the agreement is put first—that is, first disarmament and then control. The same sequence apparently is proposed throughout the process of trying to arrange an agreement.

Furthermore, Mr. Khrushchev's "concessions" on control are stated in terms of generalities. When it comes to hard negotiation, as at Geneva, is it not true that the Russians are unwilling to agree to firm control procedures? I suggest that the President's proposal of last week, for a limited nuclear agreement pending development of new techniques to control small underground blasts, gives Mr. Khrushchev a good opportunity to proceed by stages in this particular area. If he should agree to this, then your point will be much more valid.

I agree that it is our responsibility to present all the news. But I also think we have to make a realistic appraisal of that news.

In any case, thank you for your courtesy.

Yours sincerely,

LESTER MARKEL.

MARCH 2, 1960.

Mr. LESTER MARKEL,
Sunday Editor,
The New York Times,
New York, N.Y.

DEAR MR. MARKEL: Thank you for your letter of February 17.

I fail to see how you can assert that under the Khrushchev plan "agreement is put first—that is, first disarmament and then control." Of course, agreement comes before either disarmament or control—under the Soviet, or the United Kingdom, or indeed under any sensible arms control plan. But part of any agreement would necessarily be the provisions spelling out the controls which shall be initiated during the entire disarmament process. Neither the chicken nor the egg come first; they are conceived and born together.

Your letter omitted mention of the significant phrase in the Khrushchev statement which preceded the part you quoted:

"We believe that in the process of disarmament in accordance with each stage of disarmament, there should be an appropriate stage of control."

In my opinion, it is impossible with factual accuracy to interpret this to mean "first disarmament and then control."

I would point out that the Khrushchev address to the Indian Parliament on February 11 lends weight to the view I have urged. He is reported as stating on that occasion:

"We are prepared for such (general and complete) disarmament under strict control."

The Times does indeed have an obligation to make a realistic appraisal of the news, but realism does not permit an interpretation of words in a way precluded by the common meaning of those words.

Sincerely,

JOSEPH S. CLARK.

[From the New York Times, Feb. 6, 1960]

KHRUSHCHEV'S SUMMIT PROGRAM

As a counterpart to the recent Western summit meeting of independent allied nations, the Soviets have staged a 1-day Eastern meeting with their European satellites. At this gathering the assembled Communist Party chiefs and government premiers of the latter promptly signed, in that order, a complete endorsement of Premier Khrushchev's program for the East-West summit meeting in May. Embodied in a formal state document of the Warsaw alliance, this program must be regarded as the basis on which the Soviets propose to seek a settlement with the West.

The program presumes to give top priority to Premier Khrushchev's proposal for total and universal disarmament under an effective system of international control which however, would become really effective only on completion of such disarmament. But the real Soviet concern is clearly Germany, regarding which the Soviets revive their ultimatum, with an indefinite but not too prolonged time limit, demanding that the West agree to a peace treaty with a divided, demilitarized, and neutralized Germany and get out of a "free city" of West Berlin.

As a reward for such compliance, the West is offered all sorts of nonaggression pacts of the kind the Soviets have never honored. But if the West refuses, the Soviet now formalize their threat to conclude a separate peace treaty with their East German puppets which would not only confirm their annexations but also solve the Berlin problem. What this means is that they would put Berlin's lifelines under control of these puppets and thereby confront the West with the choice of recognizing them and trusting to their mercies, or facing a new Berlin blockade.

This is, of course, the old Soviet program for breaking up the North Atlantic Alliance, for Western abandonment of the subjugated nations, for a European settlement, not on the status quo, but on a status quo minus involving a piecemeal Western surrender.

As against this, the West has again agreed at its summit meeting to stand fast on its comprehensive peace program calling for the gradual reunification of Germany by means of free elections within the framework of European security, and, failing that, for an interim arrangement for Berlin based on mutual concessions applicable to both East and West Berlin, in order to avert new trouble, but without any surrender of Western rights in Berlin until Germany is reunited. The details of this program are being reviewed again by allied working groups, but certainly there can be no surrender on fundamentals.

SEPTEMBER 28, 1959.

Hon. CHRISTIAN A. HERTER,
Secretary of State,
Washington, D.C.

DEAR CHRIS: I have noted with admiration your statements at the United Nations on September 18 that "the United States will go as far on the path toward controlled disarmament as any other country," and that "the disarmament proposal made by Chairman Khrushchev is one which will require very careful examination." On the assumption that such examination is now being conducted at the Department, I am taking the liberty of unburdening to you my thoughts on the Soviet plan and the position I believe the United States should express in reply.

In my opinion, the impact of the Soviet proposal for total disarmament has been vastly underestimated in the press of this country. The proposal is bound to have great appeal to the large majority of the people of the world, who fear that an accidental or intentional nuclear war may result from a continuation of the arms race and growing atomic stockpiles and who are tired of carrying the related economic burdens. Proposals for partial disarmament, which by definition would not eliminate the threat of armed force in areas not covered by the proposals clearly have lesser appeal.

Obviously the Soviet plan contains ambiguities and omissions. In the vital area of the controls envisaged, Chairman Khrushchev's reference to the creation and operation of a system of international controls which "* * * should be created and should function in conformity with the stages by which disarmament should be effected," leaves many unanswered questions. I suggest, however, that his words should not be interpreted, as several news reporters and analysts have done, to mean controls only after the final stage of disarmament has been achieved, and that the use of the plural in the reference to "stages" in this key sentence indicates that the Soviet intends some form of control to be set up and maintained even in the first stages of disarmament. I hope that the Department will press the Soviets for elucidation on this point.

Perhaps a more serious shortcoming of the Soviet plan is its failure to provide for reinforced international machinery capable of resolving peacefully the disputes between nations which will continue to exist after disarmament has been achieved.

And yet none of these criticisms denigrate in any way from the appeal and essential validity of total and permanent disarmament under adequate international controls as a long-range foreign policy goal.

I hope that the U.S. response to the Soviet plan will (1) espouse the objective of total and permanent disarmament and spell out the controls deemed to be necessary to obtain this objective, and (2) advocate the strengthening of the United Nations by means of charter review and revision to enable it to maintain peace and resolve international disputes after national disarmament had been achieved. Such a plan should have as part of its stated aims a reconstituted World Court, capable of issuing judgments against the use of force or the threat of force, and a standby U.N. force to make sure that such judgments are carried out to preserve peace under the rule of law.

In my opinion no lesser plan will merit and attract greater support than the Russian proposal in the marketplace of world opinion.

Sincerely,

JOSEPH S. CLARK.

OCTOBER 13, 1959.

The Honorable JOSEPH S. CLARK,
U.S. Senate.

DEAR JOE: I have read with interest your thoughtful letter of September 28, 1959, concerning the Soviet Union's disarmament proposal and the manner in which the United States might respond to it.

I was initially disposed to agree with your general view that the proposal would have a profound impact on a large majority of the people of the world. While I do not wish to minimize its propaganda value, I have found in reports we have received from key geographical areas throughout the world that thus far the proposal has been received with a great deal of skepticism. I think the reason may be that, while the world is certainly ready to welcome total disarmament, past efforts in this field have left an indelible impression in the public mind that disarming in the near future to the level of internal security forces would be a task bordering on the impossible. I might add that undoubtedly the Soviet Union's actions in Hungary and elsewhere have been contributing factors to this attitude.

There are certainly reasons to suppose that the Soviet Union could be sincere in its desire to accomplish complete and general disarmament since in certain respects a plan such as the Soviet Union has proposed would work to its advantage. For example, it would permit the Soviet Union to develop more rapidly many internal programs in industry, agriculture, and other areas which now suffer from the heavy concentration on military requirements.

In view of considerations of this nature I feel there exists a reasonable degree of sincerity on the Soviet part to warrant serious consideration of Mr. Khrushchev's proposal. For all its ambiguities and omissions it might well offer prospects for real progress in the disarmament field which, of course, has obvious advantages for us.

While we will look forward to further clarification of the Soviet proposal and in turn a more detailed examination of it, I believe at this juncture I can assure you that any response by the United States to the proposal will make clear that the goal we seek is far-reaching measures of disarmament carried out and maintained under a system

of effective control. At the same time, we shall make clear our belief that action must be taken to establish some type of international police force machinery, both during the disarming phases and to insure the maintenance of international peace and security once farreaching measures of disarmament have been achieved.

I very much welcome the views expressed in your letter and hope that if you have any further thoughts on the matter at some later date, you will communicate them to me. I might add that I have taken the liberty of forwarding a copy of your letter to Mr. Charles A. Coolidge in the belief that it would be of interest to him in his general study and review of the U.S. disarmament policy.

With warmest personal regards.

Most sincerely,

CHRISTIAN A. HERTER.

Mr. CLARK. Mr. President, I also ask unanimous consent that an editorial appearing in the Philadelphia Inquirer of February 17, 1960, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DISARMAMENT NEEDS U.S. LEADERSHIP

A great paradox of cold war diplomacy is that the American people, who rate second to none in their earnest desire for peace, have forfeited the initiative in disarmament negotiations to Soviet leaders who are the most dangerous threat to world peace.

Vigorous, imaginative, bold U.S. leadership is essential if real progress is to be made toward ending the arms race.

Five Power talks in Washington this week—attended by the United States, Britain, France, Canada, and Italy—are laying the groundwork for a crucial East-West conference on disarmament to begin in Geneva, March 15. One important decision made by the Western leaders, as reported in the Inquirer yesterday, is to adopt in principle the Soviet idea of total disarmament.

Premier Khrushchev gained maximum propaganda mileage from the total disarmament suggestion by announcing it in his address to the United Nations General Assembly in New York last September. This left the West in an embarrassing "when did you stop beating your wife" kind of situation. There was no alternative but to follow the Soviet lead. The free world could not very well go on record against disarmament.

The idealistic goal of total disarmament will remain a pious Soviet platitude, and nothing more, unless the West takes firm steps toward that objective. The United States, as acknowledged leader of the free world in the quest for peace, must show the way.

Western acceptance of the total disarmament idea, in principle, is a belated but solid step forward. The logical follow-up, it seems to us, would be presentation of new ideas for achieving arms reduction under safeguards of international inspection.

U.S. representatives to the forthcoming talks at Geneva should be well prepared to take up where Premier Khrushchev left off in his address to the United Nations last September. We should regain the initiative by laying practical disarmament proposals of our own on the line—clear, concise, specific plans which will challenge the Soviets to make meaningful moves toward reduction of arms or admit that Mr. Khrushchev's advocacy of total disarmament was an empty gesture.

Mr. CLARK. Finally, may I ask my good friend from Minnesota to give some thought in the days that go by to upgrading his so-called Assistant Secretary of State for Disarmament to an Under Secretary of State for Disarmament, United Nations Affairs, and Atomic Energy Considerations dealing with world affairs and world peace.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a memorandum prepared jointly by the Senator from Minnesota [Mr. HUMPHREY] and myself, entitled "A Disarmament Policy for Democrats."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

A DISARMAMENT POLICY FOR DEMOCRATS

It has been suggested that Democratic Senators join in a floor discussion of what should constitute a disarmament policy for the United States. The following are some points that might be included in such a policy.

WHY A STATEMENT AT THIS TIME?

1. In terms of running the Government the Democratic Party is the opposition party and in an election year it is important that the public know what policies Democrats would follow if they were returned to executive responsibility.

2. From some quarters the Democrats are said to be more concerned with military defense and preparations for war than with positive programs for peace and disarmament. To disabuse any and all of this impression a policy statement and discussion by Democrats on arms control is essential.

3. The Republican administration has made some serious errors in the area of disarmament and it is important that these errors be discussed and, if possible, rectified.

4. The Republican administration has allowed the Soviet Union to parade in the cloak of peace and to recite the charge that the United States is not interested in peace and disarmament. Here the tables must be turned or at least removed.

POINTS OF A DISARMAMENT POLICY

1. The reduction of national armaments to the levels needed for internal policing under necessary international controls is a goal for which to strive. We cannot be content that an armaments race will be kept sufficiently in balance to give assurance to the country and the world that war will not come by design or accident.

2. Disarmament is a necessary, but not the only, ingredient of peace. Disarmament should not be pursued only by itself as the key element to peace. Many other positive policies and programs must constitute a program for peace. Such policies and programs must include programs of promoting the growth of freedom of the individual and free institutions. They must also encompass programs to help increase standards of living—better health, education, and economic progress among the peoples of the world.

3. Disarmament and defense are not incompatible. They are, in fact, inseparable. A defense effort without the goal of armament control kept in sight and in mind would be an effort in futility. A disarmament effort which excluded the maintenance of adequate defense until arms control was achieved would threaten the security of all free peoples. The attainment of a workable disarmament agreement can only be achieved if it is negotiated from a position of strength.

4. A disarmament policy must encompass both the goal of universal disarmament and the specific steps and machinery which should be pursued in the immediate future.

5. Extensive disarmament can only exist in a world committed to the solving of disputes under the rule of law and without resort to force. To the extent the nations of the world are not yet committed to such a principle the United States must work unceasingly to bring about the acceptance of this principle and to help develop the necessary institutions, including an effective world court system and an international peace force.

6. In a world where distrust of national goals and intentions exist and where competing and conflicting ideologies remain, disarmament must be accompanied by workable and reasonable control and inspection measures to provide the assurance that disarmament agreements are being carried out.

7. The devising of workable control measures for disarmament requires an effort far superior to anything that the Government has done to date. Included in this effort must be a drastic revision of the disarmament policymaking machinery, the amount of funds allocated to disarmament studies and research, and the priority accorded to disarmament within the executive branch.

Mr. CLARK. I thank the Senator for his courtesy in yielding.

Mr. HUMPHREY. Mr. President, I am sorry the Senator from Pennsylvania will not address himself more fully to this subject today, but he will do so at a later time. The Senator from Pennsylvania has consulted with me and has given me the benefit of his advice and counsel many times on the subject of world peace through world law and disarmament. I know that he will have a very important message to give us. He is to be singled out for special commendation in urging this kind of discussion. I believe these discussions are important, if for no other reason than that the public has an opportunity to see and to read what some of the Members of the Senate believe about the great matters of national security, foreign policy, disarmament policy, and, indeed, the manner and means in which those policies are arrived at.

I thank the Senator from Pennsylvania and wish to make it quite clear that the memorandum which he has just placed in the RECORD is one to which he devoted much consideration and a major part of the work.

Mr. CLARK. I thank the Senator from Minnesota. I think he would join with me in wanting to have this subject clarified for the Senate. Therefore, I hope he will read the very able and provocative address on the subject of disarmament, made by the junior Senator from Massachusetts [Mr. KENNEDY], which I placed in the RECORD of March 7, at page 4707. I know the Senator from Massachusetts had intended to be here to participate in this debate. I regret that he was unable to do so because of another engagement.

Mr. HUMPHREY. The Senator from Massachusetts delivered an outstanding address in the Senate on the subject matter of our defense policy. It was one in a series of addresses to be presented by the Senator from Missouri [Mr. SYMINGTON], the Senator from Washington [Mr. JACKSON], the Senator from Texas [Mr. JOHNSON], the Senator from Arkansas [Mr. FULBRIGHT], and other Senators.

Mr. SYMINGTON. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. SYMINGTON. Mr. President, I, too, commend the able senior Senator

from Minnesota for his outstanding address this afternoon on the subject of disarmament. I had intended to deliver a short address on this subject, but because of the lateness of the hour and because of the interest of some of my colleagues in another matter, I shall defer the giving of my talk. I should like however, to ask this question of the Senator from Minnesota, who, in my opinion, is the authority in the Senate on the subject of disarmament.

We hear much about nuclear-test cessation agreements. The sooner we get such an agreement on a basis which is satisfactory to the United States, the better. Will not the Senator from Minnesota agree with me that what we are looking for, far more than disarmament in any particular field, especially in the field where, if war strikes, "this is it," is some form of general disarmament, where we can interpret throughout the world, by means of the United Nations or some other body, the rule of law which we know must ultimately come to the world, if we are going to stay a free people and not destroy ourselves.

Mr. HUMPHREY. The true objective of our Government and our policy must be related to general disarmament. In fact, the subject matter of nuclear testing is only a very limited beginning. As the Senator has properly pointed out, we must enter upon it with great care and caution, because it is an area in which we have, at least in some phases, some superiority. Therefore, the subject matter of general disarmament is a far more relevant and important subject of American foreign policy.

Mr. SYMINGTON. The Senator from Minnesota agrees, does he not, that this is but a first step, not the overall step, in general disarmament as the best road to permanent peace?

Mr. HUMPHREY. I do. I trust that the Senator will at a later time give his address on this subject, because I think it is very important that these particular presentations be made.

Mr. SYMINGTON. I thank the Senator from Minnesota. It was my privilege to work with him on the Disarmament Subcommittee at the time that subcommittee was composed of members of several committees acting as a special committee.

I should like to ask one final question. As the Senator knows, I am becoming increasingly worried about the number of boards, commissions, and committees which are now cluttering up the Government. I fully agree that it would be an excellent idea to upgrade a member of the Department of State who would be responsible for this all-important subject.

But does not the Senator believe that there might be a chance that some present organization in the Government would be able to handle this matter, instead of creating a new agency? I would be very respectful of his opinion and would defer to it, but it seems to me that somewhere in this tremendous bureaucracy an agency, board, commission, or committee might be found which could carry on this work without the necessity for the creation of a new agency.

Mr. HUMPHREY. An assistant secretaryship would not require the creation of a new agency; it would merely give status to an existing position.

Mr. SYMINGTON. I am talking about the National Peace Agency.

Mr. HUMPHREY. I hope that any such agency as the National Peace Agency might fall within the jurisdiction of the proposed assistant secretaryship. I do not think such an agency ought to be sitting on the sidelines, because it surely would be a basic part of our foreign policy; therefore, its work should be coordinated by the Secretary of State through the President.

Mr. SYMINGTON. Perhaps as a part of the State Department.

Mr. HUMPHREY. Of the State Department itself.

Mr. DOUGLAS. Mr. President, would the Senator from Missouri be willing to yield to me for 2 or 3 minutes?

Mr. HUMPHREY. Mr. President, I believe I have the floor. I shall first yield to the Senator from Oregon; then I shall yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota has not yielded the floor.

Mr. MORSE. Mr. President, I highly commend the Senator from Minnesota for what I consider to be a great speech which he has made this afternoon on peace and disarmament. As the Senator knows, I have been associated with him in the Committee on Foreign Relations and have stood shoulder to shoulder with him over the years in all endeavors in that committee to advance the cause of disarmament.

It would be a good thing to have bound together for required reading in any foreign affairs course in any university in the country the comments made on the floor of the Senate today of the Senator from Minnesota [Mr. HUMPHREY], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Missouri [Mr. SYMINGTON].

I believe an issue has been raised here this afternoon which pales all other issues into insignificance, so far as the future destiny of the country is concerned. I think the time has come when the United States must have leadership in a peace offensive against Russia, through the jurisdiction and the procedures of the United Nations, as was so well presented by the Senator from Idaho [Mr. CHURCH] and the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. I thank the Senator from Oregon.

Mr. President, I yield the floor.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. SYMINGTON obtained the floor.

Mr. DOUGLAS. Mr. President, will the Senator from Missouri yield?

Mr. SYMINGTON. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, on behalf of the senior Senator from New York [Mr. JAVITS] and 29 other Senators, I submit, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a motion for cloture to bring to a close the debate on the amendment in the nature of a substitute proposed by the Senator from Illinois [Mr. DIRKSEN] to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

I shall read the names of the signers of the cloture motion.

The PRESIDING OFFICER (Mr. Moss in the chair). The Chair informs the Senator from Illinois that the Chair is required to read the motion, including the names of the signers thereof, even though the Senator from Illinois may read them. It may be repetitious——

Mr. RUSSELL. Mr. President, in order that the Senator from Illinois may not be denied the delectable pleasure of reading the names, I ask unanimous consent that the Senator from Illinois instead of the Chair, be permitted to read the motion.

The PRESIDING OFFICER. Is there objection to the Senator from Illinois reading the names of the signers of the cloture motion? The Chair hears none, and it is so ordered.

Mr. DOUGLAS. I thank the Senator from Georgia for his characteristic courtesy, which is unfailing at all times.

The names of the signers of the cloture motion are as follows: Senator DOUGLAS, of Illinois; Senator JAVITS, of New York; Senator CARROLL, of Colorado; Senator SCOTT, of Pennsylvania; Senator KEATING, of New York; Senator MORSE, of Oregon; Senator BUSH, of Connecticut; Senator MCNAMARA, of Michigan; Senator HART, of Michigan; Senator KUCHEL, of California; Senator RANDOLPH, of West Virginia; Senator WILLIAMS, of New Jersey; Senator CLARK, of Pennsylvania; Senator COOPER, of Kentucky; Senator ALLOTT, of Colorado; Senator CASE of New Jersey; Senator CHAVEZ——

Mr. JAVITS. Mr. President, will the Senator yield at that point? I wish to make it clear——

Mr. RUSSELL. Mr. President, I do not believe the Senator from New York should interrupt the Chair, since the Senator from Illinois is serving the Chair by reading the names.

The PRESIDING OFFICER. This reading is being done for information. The Chair will have to read the motion anyway, when it is offered.

Does the Senator from Illinois yield to the Senator from New York?

Mr. DOUGLAS. Certainly.

Mr. JAVITS. What the Senator from New York is about to say is in the form of a question. Sixteen names have been read. They are exactly evenly divided between the parties. Are they not, I ask the Senator, the original 16 names needed to qualify for the filing of the cloture motion?

Mr. DOUGLAS. That is correct.

Mr. JAVITS. I thank my colleague.

Mr. DOUGLAS. The remaining Senators are: Senator ENGLE, of California; Senator HUMPHREY, of Minnesota; Senator Moss, of Utah; Senator SYMINGTON, of Missouri; Senator MUSKIE, of Maine; Senator MCCARTHY, of Minnesota; Senator MCGEE, of Wyoming; Senator GRUENING, of Alaska; Senator CHURCH, of Idaho; Senator KENNEDY, of Massachusetts; Senator PASTORE, of Rhode Island; Senator ANDERSON, of New Mexico; Senator YOUNG, of Ohio; Senator BARTLETT, of Alaska.

Mr. President, I would like——

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MORSE. I simply wish to make a brief comment. I wish to extend my very sincerest congratulations to the Senator from Illinois and the Senator from New York for the leadership which they have given to those of us, who have felt for some days now that a cloture motion should be filed in the Senate. Many of us felt that it should be a bipartisan motion. As the Senator from Illinois can be my witness I wish to announce that there has been prepared, Mr. President, with the adequate number of signatures, another cloture petition by me. Also the Senator from California [Mr. ENGLE] has been in the process of preparing a third one.

The one that I have prepared, Mr. President, contains 15 Democratic signatures and 1 Republican signature.

Mr. President, this afternoon in a conference with Senators I took the position, as did the distinguished Senator from California [Mr. ENGLE], that we should not press our motions for cloture if we could get a bipartisan motion of cloture which the Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. JAVITS] are now offering. I think it is a high moment in the history of the Senate, because I think this motion is an overdue response to a demand by millions and millions of persons in this country that this filibuster be brought to an end, and we proceed to vote on the merits of the civil rights issues involved in this debate.

Mr. DOUGLAS. I thank the Senator from Oregon. I want to thank both him and the Senator from California [Mr. ENGLE] for the very cooperative attitude which they took in this whole matter, which is really beyond praise. Of course it is recognized, Mr. President, that for this cloture motion to carry, it will have to have a two-thirds vote of those present and voting, and if the cloture vote carries, each Senator thereafter will be entitled to 1 hour of time to debate the main question and all germane amendments thereto. This means, therefore, that there is no cutting off of debate, and that a maximum of 100 hours of debate, even after cloture is voted, will be granted. So that no one need fear that the right of full debate is being interfered with in the slightest. May I again express my appreciation to the Senator from New York [Mr. JAVITS] and our colleagues on the Republican side and on the Democratic side alike.

Mr. ERVIN. Will the Senator yield for a question?

Mr. DOUGLAS. Certainly.

Mr. ERVIN. I will ask the Senator from Illinois if these voting hours would not be divided so that those who represent the area which is to be reconstructed under these bills would have 16 hours as against the 84 for the others?

Mr. DOUGLAS. I think the Senator's side have had quite a good deal of time in the last 4 weeks.

Mr. ERVIN. That is true, but the Senator from Illinois has not been here listening to us for quite a long time.

Mr. DOUGLAS. I read it very carefully. I ask, Mr. President, that the motion be sent to the desk, and that it be received and filed.

The PRESIDING OFFICER (Mr. Moss in the chair). The motion will be received. The clerk will read it.

Mr. ERVIN. I ask unanimous consent to amend the RECORD at this point to show 18 against 82, instead of the figures I gave.

The PRESIDING OFFICER. The clerk will read the motion and the signatures.

The legislative clerk read as follows:

PETITION FOR CLOTURE

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the amendment (in the nature of a substitute) proposed by Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

PAUL H. DOUGLAS.
JACOB K. JAVITS.
JOHN A. CARROLL.
HUGH SCOTT.
KENNETH B. KEATING.
WAYNE MORSE.
PRESCOTT BUSH.
PAT MCNAMARA.
PHILLIP A. HART.
THOMAS H. KUCHEL.
JENNINGS RANDOLPH.
HARRISON A. WILLIAMS, JR.
JOSEPH S. CLARK.
JOHN SHERMAN COOPER.
GORDON ALLOTT.
CLIFFORD P. CASE.
DENNIS CHAVEZ.
CLAIR ENGLE.
HUBERT H. HUMPHREY.
FRANK E. MOSS.
STUART SYMINGTON.
EDMUND S. MUSKIE.
EUGENE J. MCCARTHY.
GALE W. MCGEE.
ERNEST GRUENING.
FRANK CHURCH.
JOHN F. KENNEDY.
JOHN O. PASTORE.
CLINTON P. ANDERSON.
STEPHEN M. YOUNG.
E. L. BARTLETT.

Mr. ERVIN. Mr. President——

Mr. JOHNSON of Texas. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. JOHNSON of Texas. Will the Senator yield for an observation?

Mr. DOUGLAS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. JOHNSON of Texas. Mr. President, I was not asked to sign the petition, and I would not have signed it had I been requested to do so. I do not expect to vote to close debate at this time. I hope the Members of the Senate who desire legislation passed at this session of the Congress dealing with the subject of human rights will not support a motion to close debate, because I do not think that will be in the interest of passing any legislation. It will be only in the interest of perpetuating an issue.

In view of the fact that the petition has been filed, and a number of my colleagues have seen fit to attempt to close debate at this stage of the proceedings, when some 35 amendments are pending, many of them of a very far-reaching nature, with a very limited time to explain and discuss them, I hope that the minority leadership and the Members on both sides of the aisle will support me in my position of letting the vote determine the result rather than continue with the round-the-clock sessions.

Therefore, I propose that we run until a reasonable hour this evening, say 10 o'clock; that we come in at 10 o'clock tomorrow; that we recess at a reasonable hour tomorrow evening, and that we vote some time early Thursday.

I think all Members who are out of town should be placed on notice that, as soon as I am able to do so, I will work out an arrangement with the minority leader and the sponsors of the petition to close debate. And we will try to set the exact time for voting, so that all Members may be present.

I plan to move to recess some time this evening, say at 8 or 9 o'clock, and go over until 10 or 11 o'clock tomorrow morning, after I have conferred with the minority leader.

Mr. MANSFIELD. Does the Senator yield?

Mr. JOHNSON of Texas. Yes; I yield.

Mr. MANSFIELD. Under the rule, is it not mandatory that the vote on the petition for cloture be held at 1 o'clock Thursday?

Mr. JOHNSON of Texas. No; 1 hour after we convene on Thursday, and we do not know when we are going to convene on Thursday. I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, that was a query that I had intended to address to the Chair, as to precisely when we might come to a vote on this petition. Obviously, it is important that everybody be in town, everybody we can have, for one thing, and, secondly, the time of voting, of course, has to be fixed, and I would utter the hope that it does not come at an awkward hour. I wish the Chair would advise us of that hour.

Mr. JOHNSON of Texas. Do you mean the Chair?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. If the Senate recesses tonight and recesses tomorrow night, then the petition would come to a vote 1 hour after the Senate convened on Thursday.

Mr. JOHNSON of Texas. I would say to the minority leader that that is my understanding of the provisions of rule XXII. I would plan to recess tomorrow evening, and come in some time at a

reasonable hour on Thursday morning, and I would expect a vote some time early Thursday morning. The exact time I would try to work out with the proponents and the minority leader, and make an announcement in due time.

I might say that I had understood originally that there were forces at work who desired a vote on part III, and they desired to vote on that before anything else, and I was cooperating to that end.

I was informed last evening that there was some doubt about their desire to vote on the title III amendment first. Therefore I withheld any action. I was informed today that their plans have been changed, and they desire to submit the cloture petition and to seek a vote on closing debate first.

I have assured the proponents of the cloture petition that I would cooperate to the end that we get a vote on closing debate before we act on part III.

Mr. MORSE. Mr. President, at this point will the Senator from Texas yield?

Mr. JOHNSON of Texas. Mr. President, I had no knowledge that the Senator from South Dakota [Mr. CASE] would offer, as an amendment, the part III provision.

Mr. MORSE. Mr. President, at this point will the Senator from Texas yield?

Mr. JOHNSON of Texas. Yes; when I finish making this statement.

As I said, I had no knowledge that the Senator from South Dakota [Mr. CASE] would offer, as an amendment, the part III provision. I would have thought the Senate would first vote on the question of invoking cloture and closing debate, before it voted on the part III amendment. I have been assured by some Senators who favor the inclusion of part III that after the vote on the cloture petition is taken, they will proceed to discuss part III at length.

Now I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I wish to assure the Senator from Texas that I meant no discourtesy when I sought to interrupt him a moment ago. My purpose was to state again that the distinguished majority leader always endeavors to be fair to all Senators, even to those of us who do not always share his point of view on the merits of various issues.

So I desire to express my appreciation of his statement that he desires to be of assistance to us by having the vote taken on the cloture petition before the vote is taken on the part III amendment. I assure him that his courteous position in that respect is bound to be appreciated by all Senators who earlier today decided that they desired to have the vote on cloture taken before the vote on part III was taken.

Mr. JOHNSON of Texas. I thank the Senator from Oregon.

Mr. DIRKSEN rose.

Mr. JOHNSON of Texas. Mr. President, I yield now to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I think it clear that my name does not even appear on the motion to have cloture invoked on the further consideration of the measure which often is referred to as the administration substitute.

When the time comes for the vote on the cloture petition to be taken, I wish to say that I shall not vote for it, even though that might be a source of some embarrassment, because of the inability of some to understand my position in that connection.

I may say that I have not endeavored to discourage any Senator from voting for or from voting against that amendment; and when the time comes for the vote to be taken on the cloture petition, I shall not attempt to discourage any Senator from voting either for it or against it.

Mr. President, I do not think it improper for me to state that over recent days I have endeavored to canvass the feelings of minority Members. Some have favored one amendment; some have favored another. I never like to proceed with a divided force; but I always entertain respect for every view that is expressed.

I still entertain the feeling that this matter might have waited until a later time. I have thought that we might proceed under better circumstances if we were to wait until the House acts on the measure which is before that body, and if we were then to proceed to consider what we would do and where we would go.

I have considered all the possibilities in this field, even to the extent of considering the possibility of withdrawing the amendment in the nature of a substitute—which I could do by unanimous consent—and even to the extent of considering the proposition—unpalatable to some—of offering separately all the amendments which now are included in the so-called package, assuming that all of them were germane. Of course, if they had to be offered as separate amendments, obviously they would not all be germane, and therefore I would be in difficulty, insofar as the so-called package is concerned.

So I thought that at this time I would merely state that I could not sign the cloture petition at the present time, and I do emphasize the timing factor with respect to the cloture petition.

I apprehend that in due course, and not too far distant from now, the Senate will reach a point where another cloture petition will be offered, and that the leadership on both sides will join in it at that time, and that it will be possible to obtain the necessary two-thirds vote, when that time comes, and then for the Senate to move on to the enactment of a moderate and reasonable bill. Of course, I hope that measure will embrace every item now in the substitute package.

Mr. JOHNSON of Texas. Mr. President, I hope that as soon as we dispose of the question of closing debate, we shall be able to proceed immediately to the amendment which is title III of the old 1957 act, and to obtain a vote on that amendment at as early a date as possible, either on its merits or on a motion to lay on the table.

Then I believe we might be able to dispose of some of the amendments; and perhaps in due time we might be able to find an area of agreement—not a compromise, not a watered-down bill, not a "beefed-up" bill, not a "label" bill, but a good, workable measure which will represent the views of 67 Members of the Senate. I believe that can come to pass if the Members of the Senate will be tolerant of each other, and will not become impatient, but if all will work to the end of trying to hammer out on the anvil a piece of legislation which will meet the viewpoint of 67 Members of this body.

Mr. RUSSELL and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Texas yield; and if so, to whom?

Mr. JOHNSON of Texas. I yield first to the Senator from Georgia; and thereafter I shall yield to the Senator from New York.

Mr. JAVITS. I thank the Senator from Texas.

Mr. RUSSELL. Mr. President, we have already heard mention of the fact that the 18 Senators who, in a measure, are held up to scorn as southern Senators, but who wear that designation as a badge of honor with honor, have spent considerable time in the debate, up until now.

Mr. President, we have not consumed all of the time. A great deal of it was devoted to matters which were not germane to the issue and had no relationship to the question of civil rights, either real or spurious.

Mr. President, I wish to say that we have spoken as diligently as we could, and as often as we were recognized, and as thoroughly—in discussion of this subject—as our abilities permitted us to do. For that, we have no apology.

Freedom of debate in the Senate of the United States was not designed to be the plaything of a Member who would sit in the Chamber, holding 82 votes, and ready to move in and vote for some side of the issue. The right of debate in the Senate of the United States was supposed to have been designed for the sole and exclusive purpose, after reasonable explanation, of permitting those in the minority to bring to the attention of the Senate, and, through the media of communications in this country, if it were possible to do so, to bring to the attention of the country, the issues involved in pending legislation which such minority Members might resist.

A Member who is sitting in the Chamber with 82 votes at his disposal is a little intolerant of any talk of free speech in the Senate and of the right of unlimited debate in the Senate, even though he may on occasion, in his own right, have caused the Senate to lose many hours of sleep, by speaking at length at night and by making repeated quorum calls to bring Senators into the Chamber to hear discussion which was just as distasteful to some of those Senators as some of our discussion has proved to be to some of the majority

Members who have decided now that they want to gag this minority.

Mr. President, I wish to point out that, diligent as we have been in undertaking at least to make a record on these various amendments, no 18 Members with no greater capacity than we have could possibly have kept up with the constant, incessant drumfire of new amendments and new propositions which have been injected into this procedure. We have worked like dogs, we have worked hard, to bring to the attention of the country an analysis of the pending measures and proposals. But as soon as we finished describing one of the pending amendments, we would be confronted with two or three new ones. Our situation in that respect was similar to that of the knight who, in olden days, would find that after he cut off a dragon's head, three or four more heads would spring up—as the scholar from Illinois knows.

So, before we could lay one of those ghosts, they would bring in two or three more, and would confront us with them, here; and they are getting longer and meaner with every amendment.

So I say in all candor, Mr. President, that we have not had a fair opportunity to resist these measures and to state our position on them for the RECORD.

I know well that many of our colleagues are not going to listen to what we have to say, or are not going to read in the RECORD what we have to say, and do not care what is involved in certain of these amendments. Many have made their commitments and their promises, to certain organizations, to support certain propositions; and sometimes it is a little distasteful to them even to hear the truth about measures which they have been pledging themselves to support.

Mr. President, I hope the majority at least will permit us to be heard on these amendments; and I hope that Members who have been most zealous in trying to gag the small minority here will at least desist from bringing in two or three new amendments each day, until we have an opportunity to study, analyze, and discuss the amendments which were offered the day before.

We number only 18. We have done the best we can, but we are running several amendments behind. I do not believe the sense of decency and fairplay of the Senate will permit any gag rule to be applied under these circumstances. It matters not the political implications of the question, it matters not the promises that have been made, I do not believe two-thirds of the Senate are prepared in these circumstances to gag us before we have had an opportunity at least to present our objections to far-reaching measures that we think can destroy the very way of life of the people whom we seek to represent here.

Mr. President, it may be the expedient thing, politically, for the moment; but I will leave it with the verdict of history as to whether it is a statesmanlike thing to do.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I think those of us on our side, too, are willing to leave it with the verdict of history as to whether the issues before us have been fully explored or not. I have listened here for many, many hours. I am not unsympathetic to the position I have heard. My ears have been open.

I may say that the amendment now pending, which has been offered by the Senator from North Carolina [Mr. ERVIN], is an amendment which I shall probably support because I think it is desirable to have it in the bill.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JAVITS. Yes.

Mr. JOHNSON of Texas. Mr. President, I should like to inquire of the Chair if the yeas and nays have been ordered on the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. JOHNSON of Texas. Is the Senator from North Carolina prepared to have a vote on that amendment shortly?

Mr. ERVIN. Yes; after I make a parliamentary inquiry.

Mr. JAVITS. Mr. President, I emphasize this because I do not believe it would be creditable to a body of which I am a far newer Member than is the Senator from Georgia, or many of his colleagues, to assume that none of us is listening or that we are not trying to do our duty just as responsibly and with as much conscientiousness as any other Member of the Senate who may command respect because of seniority—and I think seniority is entitled to very high respect, and I hope he will always receive it from me.

To put our own ideas into focus, let us understand that there had to come a time when the situation was such that the Senate would be allowed to do its constitutional duty.

It is always a question of degree as to when there has been an adequacy of debate and when it is time to vote. There is a disposition on the part of some Senators to let the debate run and run and run, with apparently no desire to act. Newspapers call it a filibuster, and that word means an effort to have a lack of opportunity to vote by constancy of debate. We know that this session must end sometime, and probably very early in July.

What we desire I think can best be put into focus by understanding that this is at least the beginning of an effort on the part of a group of Senators to have some point reached, whether it is on this cloture motion or thereafter, which will bring the Senate into the position of doing its constitutional duty, which is to vote. The other question involved is this, and I state it frankly: Is rule XXII a rule of the Senate which makes it necessary to act by two-thirds, or is rule XXII a rule designed to tell Senators when to end debate, but not how to write legislation?

The majority leader himself said we have got to wait until the point is reached where two-thirds of the Senate have decided what they want in this bill.

I submit that the people of New York sent me here on the constitutional principle that it took a majority, and not two-thirds, of the Senate to act. That is the second principle involved.

With the greatest humility, and understanding fully the great role and traditions of this body, I respectfully state that I submit these questions to the Senate in the interest of the country and in the interest of seeing that it does its constitutional duty.

Mr. JOHNSON of Texas. Mr. President, I do not know what the understanding of the people of New York was concerning the rules of the Senate when they sent the Senator here, but I make the prediction here for the RECORD, and for the information of the people of New York, I do not think this Senate will be any nearer a solution of this question after we vote on the motion next Thursday than we are this evening. I do not think it will expedite action on the measure. It will probably be a vehicle for discussion and publicity, but I do not think it will command the support even of a majority of this body.

I yield to the Senator from North Carolina.

Mr. ERVIN. I noticed, Mr. President, it was virtually impossible for the clerk to read the names of Senators on the cloture motion. That fact prompts me to make this very serious parliamentary inquiry. Does a Senator have to be able to pass the literacy test in order to be able to sign a cloture motion? [Laughter.]

The PRESIDING OFFICER. It is the view of the Chair that that is not a parliamentary inquiry.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator.

Mr. DIRKSEN. Mr. President, this probably is as good an opportunity as any to sketch a little background and indicate to the Senate what has taken place in the last week or 10 days.

We have had a great many conferences on this whole matter of the package amendment, on cloture, and on every other related question. Many of those conferences have taken place in my office. I have sought always to find a way in which we could expedite action on the pending business, go on to some other matters, and at the same time be mindful, of course, of freedom of debate and the opportunity of full expression on every matter that is presented at the desk.

Mr. President, I came to the Congress as a minority Member in 1933. I think with the exception of 4 years I have been in the minority for 25 years. So I know what it is, I may say to my distinguished friend from Georgia, to be a minority Member, having been in the minority for that long.

Mr. RUSSELL. The Senator has been well aware of what it is to be in the minority.

Mr. DIRKSEN. Oh, yes.

Mr. RUSSELL. The only person who has been in a greater minority more consistently than the Senator from Illinois has been the Senator from Georgia.

Mr. DIRKSEN. I am sensitive of that position. I have always been reluctant to summarily terminate debate and to fly in the face of a great senatorial tradition; and yet, at the same time, I have been desirous to find some working operation, some modus vivendi, which might bring us to the end of the trail, so that we might get a vote.

I do not know how many times I conferred with my distinguished colleague from New York, and he is a distinguished Senator, and with the other distinguished Senator from New York [Mr. KEATING]. We discussed this cloture matter many times. Always, in my book, it was a question of timing, it was a question as to at what time the leadership should intervene, and I suppose the timing is still one of the major problems that faces us.

I have discussed it with the majority leader. I have discussed it with other Senators on this side. I have tried to look down the road, for this reason: I recall the day when the Senator from North Carolina [Mr. ERVIN] said we ought to wait for a House bill. I did not share that view. I thought we ought to continue to plow the long furrow. That is the basis of our proceeding. I asked no quarter in that respect, and I gave no quarter.

I have seen some solicitude expressed about my health, and the fear that something might happen, as appeared in one of the columns this morning. There was some fear expressed that I might be assailed with a coronary attack, and that my wife was constantly in attendance, and had an afghan with which to cover my cold limbs at night, when I had the opportunity to lie down on a couch in my office. [Laughter.]

Mr. President, I have no quarrel about the round-the-clock proceedings. I have tried, insofar as possible, and I think I have, to be here as long as any other Member of the Senate.

As I pointed out to my distinguished colleague from Florida the other day, in point of time I was older than all except 26 Members of the Senate. I did not quarrel about the burdens I was putting on myself. I am still ready to plow that furrow, and I am still wondering, if a bill comes to the Senate from the House next week, whether we shall have something of the same problem, and if we ought to wait a little, and ought not to look down the road a little, and not be too premature or too hasty in any cloture action that might shut off debate in the Senate.

I think the problem is about that simple. I am content to rest the case right there for the moment.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, I would not want this colloquy to terminate with the impression going out across the country that the Senator from New York [Mr. JAVITS] stands alone in the expressions he made a few moments ago. I am confident that his views are supported by a substantial number of Senators on this side of the aisle.

I say in all friendliness and in all candor to the distinguished majority leader and the distinguished minority leader that we appreciate the very great difficulty in winning a vote over the combined opposition of those two very able Senators who so justly command such respect in this body.

But I say, Mr. President, that I could not clear my conscience if I did not say in my humble opinion, since it is the purpose of a democratic legislative body to bat out the anvil of truth, the different views in this body, I feel most profoundly and deeply that my distinguished colleagues who lead the majority and minority are wrong, and that the distinguished Senator from New York is right when he says that the issue before the Senate is: Can this body act when a majority is ready for action, or must we wait until two-thirds of the Senate is willing to pass a bill?

I say that is the issue on the pending cloture motion. Does the Senate under rule XXII give up its right to act when a majority is ready for action? Must it wait until two-thirds are ready before it can act?

If that is the fact, Mr. President, and I think it is the fact—we will soon know—then I say again, as I said in 1957, in supporting the distinguished Senator from Illinois, it is time to change rule XXII and to put ourselves in the same line of legislative procedure as is every other important, deliberative, legislative body in the world; where, in the modern world, action is called for to a far greater extent than it was a century ago. Our Senate, which we love so much, should be ready to act, not when two-thirds say so, but when a majority says so, so that we can face up not only to the problem of civil rights, but to all the other great problems which confront this Nation and the world by being ready for action and being able to act when a majority so desires.

I thank my friend for yielding.

Mr. GORE. Will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. GORE. Mr. President, I have listened with interest to my distinguished friend, the Senator from Pennsylvania, and to the senior Senator from New York.

I respectfully suggest that the rules of the Senate find precedent in the Constitution of the United States. Our system is, in important respects, based upon the consent of the governed. This rule XXII, the closure of debate, is not the only instance in which more than a bare majority is required. A two-thirds majority is required for the overriding of a veto. A two-thirds majority is required in impeachment proceedings. A two-thirds majority is required of both Houses in the case of constitutional amendments, plus the ratification of three-fourths of the States.

In ordinary matters, it is not necessary to file a cloture motion. A majority of the Senate can act without the necessity for such intervention. But in instances in which a substantial minority of the membership of this body feels that the public interest is being ill served by what it regards as a temporary majority or an ill-advised majority, then the Senate has, since its inception, provided protection of that majority through the processes of free debate.

Mr. President, our system works at its best, indeed if it works at all, through the processes of democracy and persuasion. It is my sincere belief that a bare majority of 1 should not be permitted to seal the lips and silence the voice of 49 Members of the U.S. Senate. Therefore, I cannot concur in the sentiment that the Senate, in all circumstances, should operate my a bare majority. The Constitution makes provision to the contrary.

Mr. MORSE. Will the Senator yield?

Mr. JOHNSON of Texas. I promised to yield to the Senator from New York.

First, let me say that I heartily concur in the statement just made by the Senator from Tennessee. I would remind those who may have any doubt about the rules of the Senate that there are only 28 Members who supported the position of the Senator from Pennsylvania when that rule was last acted upon, and I should hardly think that they would want 28 Members to tell the other 72 how to handle matters.

I think you are indulging in quite a presumption when you assume that a majority now favors a position taken by those who signed the cloture petition, because there is no evidence before the Senate that a majority favors that cloture.

I yield to the Senator from New York.

Mr. JAVITS. I am very grateful to the majority leader for yielding. I asked the Senator to yield principally so that I might pay a tribute to my own leader, who has been most considerate, most understanding, and who, after all efforts at accommodation had been finished, left Republican Members free to do whatever their consciences dictated, which is so typical of him.

I think it would be unfair for the record to show anything else.

I am yet confident that a way will be found out of this problem. I also say with some humility and hopefulness that it will be found, I believe, that what we have initiated may be at least the beginnings of the fashioning of the key to opening the door.

I would like to tell my colleagues, too, that I have no illusions about this whole matter. I served with the Senator from Georgia on a two-man subcommittee to consider every angle of rule XXII. I know better than, perhaps, many others that the last time cloture was effected successfully was in 1927, a small matter of 33 years ago. Since 1919, a matter of 41 years, we have only had three successful cloture motions. Never have we been successful in a cloture motion on civil rights.

I want my colleagues to understand that, because we are not living in a dream world, but we are trying to effect a result. We thought, in all humility, that

it was high time that the feet of the Senate be placed upon that road by which that result might be effected. We appreciate perfectly why the majority and minority leader may not feel that this is the time for them to act, but somebody had to start something sometime, and we felt this was the time for us to do it.

Mr. MORSE. Will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Oregon.

Mr. MORSE. I simply want the RECORD to show my position with regard to this particular point, Mr. President; namely, that there is not a word in the Constitution of the United States that gives support to the argument that rule XXII with its two-thirds vote requirement has a constitutional basis. When our constitutional fathers thought an exception should be made to a majority vote principle, they set it out in the Constitution. Except for those exceptions, specifically stated in the Constitution of the United States, Mr. President, it must be taken for granted that our constitutional fathers expected that the basic rule of democratic action, namely, majority rule, shall prevail in the legislative processes of the Congress.

Do not forget, Mr. President, there is not anything in the Constitution of the United States that says that civil-rights legislation cannot be passed unless two-thirds of the Members of the Senate are willing to vote for it.

Mr. President, rule XXII is a Senate-made rule. It can be changed by the Senate, and should be changed by the Senate. I want to point out in defense of those of us who support the platform of the Democratic Party as adopted in 1956, which specifically pledged to the American people that the Democratic Party would stand for a majority vote rule for ending debate in the Senate, we have taken the position, as the Senator from Illinois brought out in his proposal in 1959, that we would protect the rights of the minority for full and adequate debate in the Senate of the United States.

There has been no desire on the part of any of us to gag the minority by advocating any rule that would deny to the minority adequate time to present its case on the merits. The Douglas proposal of 1959 proposed that the majority vote principle would come into effect only after 15 days of debate following cloture. Every antifilibuster resolution, Mr. President, that I have proposed in this body, and I started proposing them in 1947, has guaranteed to the minority in this body full and adequate time for debate on the merits of any debate. But let us recognize that full and adequate debate does not mean the use of the filibuster to prevent a vote from ever taking place on a bill.

Mr. President, it is not true as alleged here this afternoon, that those of us who stand for the passage now of human rights legislation in the Senate of the United States, after this long debate has been going on for more than 2 weeks in the Senate, have been seeking to gag the minority in the Senate. But we do stand for a procedure, Mr. President, that assures to the minority an adequate time for debate, so that they can have an opportunity to try to change themselves into a majority.

I agree with the remarks of the Senator from Pennsylvania [Mr. CLARK] and the Senator from New York [Mr. JAVITS] that what we have sought to do in the position that we have taken in the Senate is to make democracy work in the United States. We have reached that point in the history of our country, Mr. President when we can no longer, in my judgment, tolerate rule XXII on the rule books of the Senate as it is now phrased.

Mr. President, the world is moving ahead of us too fast and the world as well as the people of the United States has its eyes fixed on the Senate this afternoon. We are being tested in a hot crucible to determine whether or not democracy will work in the Senate. When the roll is called in the Senate on this cloture petition, there will be millions of people who will be looking to the Senate to see whether or not we are ready to make democracy work. I shall always be proud to let the RECORD show that I stood on the floor of the Senate today ready and willing to sign a cloture petition. It will be with great pride I shall vote for it when the roll is called.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Illinois.

Mr. DOUGLAS. I wish to raise a point with the Senator from Oregon. When the Senator from Oregon [Mr. MORSE] said the proposal advanced in 1959 provided for 15 days of debate, he was referring to 15 days after the filing of the petition, was he not?

Mr. MORSE. Fifteen days after the filing of the cloture petition.

Mr. DOUGLAS. The petition, of course, would not be filed until debate had already proceeded for a long period of time, and we have had already over 3 weeks of debate. So in effect the proposal for majority limitation of debate was one which would have operated only after 5 or 6 weeks of debate in the Senate; is that not correct?

Mr. MORSE. The Senator is correct.

Mr. DOUGLAS. Therefore each Senator would have 1 hour, or a total of 100 hours?

Mr. MORSE. The Senator is correct.

ORDER FOR RECESS TO 10:30 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when we conclude our deliberations, we stand in recess until 10:30 tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from South Dakota [Mr. CASE] to the amendment of the Senator from North Carolina [Mr. ERVIN].

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER. The Senate will be in order. The Senator from Louisiana may proceed.

Mr. ELLENDER. Mr. President, in the past, quite a mass of evidence has been offered which demonstrates that section 7 of the Dirksen substitute, despite its 1960 costume, is really merely a "dressed up" version of the old 1870 election laws, put on the statute books when the radical wing of the Republican Party was in control of the Congress. As is well known, these statutes were enacted solely and simply as a means of retaining the Southern States as "conquered provinces," and to perpetuate radical Republican control over the law-making procedures of the entire country.

Actually, Mr. President, the 1870 acts were the culmination of a series of events which, although they occurred nearly a century ago, still are imprinted deeply upon the minds and hearts of people of the South. In order to fully appreciate the evil intent and effect of these schemes, it is necessary to briefly review the Reconstruction years prior to 1870, when the "enforcement acts" were written into law. I read from chapter 32 of a volume entitled "The Civil War and Reconstruction," by James G. Randall, professor of history at the University of Illinois, originally published in 1937:

> In viewing the evolution of the congressional plan of reconstruction it will be of advantage first to examine those measures designed to put Congress in control of governmental functions and to insure within Congress the ascendancy of the radical group, in other words to perfect the radical machine. After elaborate debate the two Houses resolved that no Member from any of the insurrectionary States should be admitted into either Senate or House until Congress should have declared such State entitled to representation. This made Congress the dominating agency in the process of restoration and opened the way for any conditions that the radicals might wish to impose upon States seeking readmission. Control of the electoral college was taken in two laws: An act of February 8, 1865, which enumerated the 11 seceded States and excluded their electoral votes; and, for the election 4 years later, the Edmunds resolution of July 20, 1868, which excluded from the electoral college all States which should not have been recognized according to the congressional formula. Congressional control of the Army was attempted by the Army Appropriation Act of March 2, 1867, which prescribed that all military orders enanating from the President or the Secretary of War should be issued through the General of the Army, whose headquarters were to be at Washington and who was not to be removed nor assigned to duty outside Washington without the approval of the Senate. Contrary orders were declared void, and officers issuing or heeding them were made heavily punishable as guilty of misdemeanors. The act also declared the militia of the seceded States disbanded and forbade their organization or use except as authorized by Congress.
>
> In declaring certain military orders of the President void, this law, in the opinion of competent authorities, infringed upon his constitutional power as Commander in Chief of the Army, while it also involved a destruction of State militia functions. The significance of the law will be better appreciated when one recalls how far reconstruction was formulated along the lines of a military program. Grant as general of the Army was counted upon to cooperate with the radicals; and all the circumstances of the time show that the purpose of the act was to tie the President's hands by preventing him from removing the general or controlling the Army through him.
>
> By another law Congress seized control of its sessions. The first regular session of the

40th Congress, elected in 1866, would normally have begun in December 1867. By act of January 22, 1867, however, an additional session of that and succeeding Congresses was provided, to begin on March 4 following the election. Though the legality of this session was not successfully challenged, it was the opinion of Attorney General Stanbery that this 1st session of the 40th Congress was unconstitutional, since according to his view Congress had no authority to create an additional term, and the function of calling Congress into extra session belonged to the President. In addition to its other extraordinary measures Congress undertook control of the process of amending the Constitution. The method by which the 14th amendment was put through was not the untrammeled procedure indicated in the Constitution, but a special procedure in which the National Legislature did more than merely "propose" an amendment as the Constitution contemplated.

Congress also brought the Cabinet within its control by the tenure-of-office act, to be discussed later, and proceeded far in the control of the Supreme Court by so limiting its appellate jurisdiction as to avert a decision which might overrule the Reconstruction acts.

Imagine that, Mr. President. The radical Republicans even went so far as to curtail the jurisdiction of the Supreme Court in order to prevent that body from having an opportunity to pass upon the validity of the various force bills enacted by the Reconstruction Congresses.

Yet a similar situation confronts the Senate today. The Supreme Court, of course, is not the source of fear on the part of modern Reconstructionists. They have the Court on their side. The Court is lighting the way on the matter of school desegregation, and racial integration of everything under the sun. The Court is in the vanguard of those who want to place NAACP and other such groups above the law, and to accord to them extraordinary rights far in excess of those possessed by rank-and-file citizens.

Thus, today, the Court is not the source of fear. Instead, it is the people the 1960 Liberals are afraid of. They do not want the people to have an opportunity to work their will on the various laws which may be enacted by Congress, the various decrees the Courts may pass down. Thus, and for this reason, we find section 1 in the Dirksen substitute.

Here is how that situation developed:

On February 5, 1867, the Congres enacted a law amending the Judiciary Act of 1789, and providing for appeals to the Supreme Court of the United States in so-called civil rights cases, among others. The pertinent portion of that statute read as follows:

That a final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of * * * a statute, or an authority exercised under, the United States, and the decision is against their validity, or where is drawn in question the validity of a statute of or on authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity, or where any title, right, privilege or immunity is claimed under the Constitution, or any treaty, statute of or commission held or authority exercised under the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed by either party under such Constitution, treaty, statute, commission, or authority, may be reexamined and reversed or affirmed in the Supreme Court of the United States.

This right to appeal to the Supreme Court was doubtless proving of some concern to the Radicals, who were more intent upon reducing the Southern States to conquered provinces, than in according to all Americans the right of judicial review, and, in March of 1868, the Congress undertook to remove this right of appeal. It passed an act, the pertinent portion of which act read as follows:

SEC. 2. *And be it further enacted,* That so much of the Act approved February five, eighteen hundred and sixty-seven * * * as authorizes an appeal from the judgment of the circuit court to the Supreme Court of the United States, or the exercise of any such jurisdiction by said Supreme Court on appeals which have been or may hereafter be taken, be, and the same is, hereby repealed.

This act was promptly vetoed by the President, then President Johnson, but, on March 26, the President's veto was overturned when two-thirds of both the House and Senate voted to override same.

In his veto message President Andrew Johnson said in part 4, and I quote:

The legislation proposed in the second section, it seems to me, is not in harmony with the spirit and intention of the Constitution. It cannot fail to affect most injuriously the just equipoise of our system of government; for it establishes a precedent which, if followed, may eventually sweep away every check on arbitrary and unconstitutional legislation. Thus far, during the existence of the Government, the Supreme Court of the United States has been viewed by the people as the true expounder of their Constitution, and in the most violent party conflicts its judgments and decrees have always been sought and deferred to with confidence and respect. In public estimation, it combines judicial wisdom and impartiality in a greater degree than any other authority known to the Constitution; and any act which may be construed into or mistaken for an attempt to prevent or evade its decision, on a question which affects the liberty of the citizens and agitates the country, cannot fail to be attended with unpropitious consequences.

It will be justly held by a large portion of the people as an admission of the unconstitutionality of the act on which its judgment may be forbidden or forestalled, and may interfere with that willing acquiescence in its provisions which is necessary for the harmonious and efficient execution of any law.

For these reasons, thus briefly and imperfectly stated, and for others, of which want of time forbids the enumeration, I deem it my duty to withhold my assent from this bill, and to return it for the reconsideration of Congress.

In this connection, Mr. President, I refer to page 1264 of volume 2 of a three-volume treatise entitled "Willoughby on the Constitution of the United States." I quote:

That the appellate jurisdiction of the Supreme Court is within the control of Congress was strikingly manifested in the case of *Ex parte McCardle.* In this case, the Supreme Court had assumed jurisdiction by appeal from a circuit court, the case argued, and taken under advisement, but, while still undecided, Congress by an act deprived the court of appellate jurisdiction over the class of cases to which the one at issue belonged. Thereupon the Supreme Court dismissed the appeal for want of jurisdiction. This congressional action, it was known, had been taken to prevent the court from passing upon the constitutionality of certain reconstruction measures. The Court, however, said: "We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words."

With further reference to the same subject, Mr. President, I quote from page 614, of "Constitution of the United States of America" revised and annotated, 1952 edition, prepared by the Legislative Reference Service, Library of Congress, Edward S. Corwin, editor:

The power of Congress to make exceptions to the Court's appellate jurisdiction has thus become, in effect, a plenary power to bestow, withhold, and withdraw appellate jurisdiction, even to the point of its abolition. And this power extends to the withdrawal of appellate jurisdiction even in pending cases. In the notable case of *Ex parte McCardle,* a Mississippi newspaper editor who was being held in custody by the military authorities acting under the authority of the Reconstruction acts filed a petition for a writ of habeas corpus in the circuit court for southern Mississippi. He alleged unlawful restraint and challenged the validity to the Reconstruction statutes. The writ was issued, but after a hearing the prisoner was remanded to the custody of the military authorities. McCardle then appealed to the Supreme Court which denied a motion to dismiss the appeal, heard arguments on the merits of the case, and took it under advisement. Before a conference could be held, Congress, fearful of a test of the Reconstruction acts, enacted a statute withdrawing appellate jurisdiction from the Court in certain habeas corpus proceedings. The Court then proceeded to dismiss the appeal for want of jurisdiction. Chief Justice Chase, speaking for the Court said: "Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is the power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause."

Section 1 of the Dirksen substitute would throttle criticism of court desegregation decrees. Although advanced as a means of curbing threats or violence designed to interfere with court decrees, section 1 is couched in language so broad that, as a practical matter, it would throttle the right of citizens to disagree.

Yes, Mr. President, the radicals in 1868 curbed the power of the Supreme Court in order to prevent the Court from passing on the validity of the Reconstruction acts.

Our 20th century liberals, those of 1960 vintage, are not so much afraid of the Court as they are afraid of the people, and they propose to protect their laws and their court decrees from challege by utilizing section 1 of the Dirksen substitute, which section reads as follows:

SEC. 1509. Obstruction of certain court orders

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes,

or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

In other words, that section means that anybody who either interferes, talks about interfering, or advocates interfering with court integration decrees, would be subject to penalties.

Mr. President, I am going to have more to say about this section 1 on a future occasion. I propose to point out in detail to Senators how it would throttle the right of free speech, how it would abolish the right to disagree, how it would apply to almost any kind of act imaginable, not to merely acts of violence or threatened acts of violence. I will also demonstrate to Senators that this section is unnecessary, and I propose to give Senators the benefit of a little research which, after such time, I believe Senators who are willing to think for themselves will see the real purpose of section 1. At this time, I continue to read from chapter 32 of "The Civil War and Reconstruction," by James G. Randall:

Finally, by the political use of the impeachment process the men on Capitol Hill narrowly missed seizing the Presidency itself. As the successive features of the congressional program unfolded, there loomed the specter of congressional dictatorship; and moderates feared some kind of revolution, with civil commotions more serious than those of the war through which the country had just passed.

Viewed from another angle, this matter of congressional control involved not merely laws but various types of political manipulation. If the radicals were to carry out their program, it was essential that they have a two-thirds radical majority (not merely a Republican majority) in both Houses; and the story of the methods by which this majority was obtained would require considerable excursions into the field of partisan strategy. Radical managers took advantage of every opening to reshape the membership of the Legislative Chambers. Democratic Congressmen elected in Kentucky were denied seats in 1867 on the ground that loyal voters had been overawed, that the elections were carried by * * * returned rebels, and that several of the Representatives-elect from that State were alleged to be disloyal. After refusal to permit these men to be sworn in, an investigation revealed that the charges were unsustained. By this method certain Members were excluded while important reconstruction measures were passed, though they were later found to be entitled to their seats. According to Thaddeus Stevens it was with the same motive that Daniel Voorhees, a Democrat, from Indiana, was unseated in the House of Representatives. The Senate unseated John P. Stockton, of New Jersey, ostensibly on the ground that the State legislature had chosen him by a plurality instead of a majority vote of the two houses; but the motive seems to have been the elimination of a Member who did not support the radical program. Where legislators could not be unseated or silenced in their opposition, they were marked for later vengeance. For supporting Johnson's policy Senator Cowan, of Pennsylvania, was punished by the Senate's refusal to confirm him when appointed Minister to Austria. The New York Tribune referred to the rejection as a "hint to Mr. Johnson that the Senate does not intend to reward the men who abandoned their party in order to serve the President."

When these measures and party devices had been completed, the radicals were ready to impose their will upon the South and upon the country. The functioning of the legislative machine having been made effective, and preliminary measures having been passed in 1866, Congress at last proceeded to pass the main body of reconstruction legislation in 1867 and 1868.

The original Reconstruction Act was largely the work of John Sherman; for it was his substitute, not the earlier bill presented by Thaddeus Stevens, that was passed. Nonetheless the hand of Stevens was evident in the whole process. The law proceeded on the premise that no lawful governments existed in the seceded States and that they might be governed under the authority of Congress until restored by congressional decree. Temporary military rule under northern radical control, and drastic reorganization of State governments on the basis of Negro suffrage, were the main features of the bill. The 10 States still deemed to be unreconstructed were divided into 5 military districts and placed under Federal commanders who were clothed with functions superior to the State governments, being empowered to make arrests, conduct trials by military commissions, and direct the agencies and processes of civil government as well as of constitution making. Elections for State constitutional conventions were to be held in which persons of color were authorized to vote, while those disqualified under the proposed 14th amendment for supporting the Confederacy were excluded from voting. It was further prescribed that Negro suffrage and disqualification of ex-Confederate leaders must be permanently written into the newly formed State constitutions, which were to be ratified by a majority of qualified voters. When these steps had been taken in any State, when in addition its legislature had ratified the 14th amendment, and when that amendment had become a part of the Federal Constitution, the State might (if the radicals so willed) be entitled to representation in Congress. Meanwhile existing civil governments in the Southern States were declared provisional only, being subject in all respects to the paramount authority of the United States. Disqualified ex-Confederates were not even to be permitted to hold office under these provisional, temporary governments.

In vetoing the bill President Johnson referred to the measure as one "without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty * * * for which our ancestors * * * have shed so much blood. * * *" The bill was promptly passed over his veto, the rollcall showing a vote of 135 to 48 in the House, and 38 to 10 in the Senate.

The men of the South had waited in anxious suspense while Congress dallied and debated; now at last when a Reconstruction law had been passed after a delay of 2 years, its main effect was to plunge the southern mind into a maze of uncertainty. Who in particular were disfranchised? Why was this disfranchisement extended to thousands who had been Unionists following the close of the war? Were State governments in the South immediately to be annulled? How was a constitutional convention to be called? Would Congress later provide further details concerning these conventions? Did the Sherman bill embrace county officers (sheriffs, clerks, judges, etc.) in its disqualifying provisions, or only executive, legislative, and judicial officers of the State? Were existing justiceships of supreme courts in the Southern States vacated, in view of the fact that nearly all the benches were occupied by men appointed under the Confederacy; and were these State courts now to be regarded as incompetent tribunals? How could competent men be obtained in the South for the new governments, with safe southern men disfranchised and extremely few southerners available who could take the prescribed oath? Must southern governments be put into the hands of so-called Union men who were in fact disloyal and who had become blatant Union men from motives of gain and duplicity? Were Negroes eligible for office under the new bill? Would not those proscribed be finally pardoned? These were a few of the questions which the Reconstruction Act provoked.

Southerners had drunk the cup of surrender and had disbanded their armies. They had repudiated the southern debt, had solemnly renounced secession, had accepted the antislavery amendment. This they thought would be the end. New governments, loyal to the United States, had been set up. The President had recognized them and their representatives had made their appearance in Washington, to be denied recognition to Congress. The next phase was a long delay, with wrangling and voluminous debating. Then came the 14th amendment. Here the southerners balked. Their legislatures refused ratification. But even its ratification had been given, what assurance did the South have that this would be a finality? The people regarded such men as Stevens and Wade as leaders at Washington; and these men had hinted of further conditions to be imposed. Now in March of 1867, when a supposedly comprehensive reconstruction bill was passed, southern citizens were not only mystified as to its meaning, but were left in doubt as to whether, after all these new conditions had been fulfilled, they would then actually be readmitted to the Union.

In addition to uncertainty as to ambiguities in the law, there was also evident in the South an attitude of indignation and defiance which was in part a carryover from wartime ardor, in part a distrust of northern notions as to Negro rule, and in part a stout resentment against the proscription of southern leaders. Thus with the passage of the reconstruction bill the southern people did not know where they stood. There seemed a strong possibility that the Supreme Court would declare the law unconstitutional; but even without this added uncertainty the terms of the law itself seemed impossible to interpret in any manner conformable to southern ideas of law and order. "After 2 years, wrote a Virginia editor, * * * we are just launched on the path of * * * reconstruction. Perhaps the bill means that the present government of Virginia is not even provisional, but void. Perhaps we shall not even have a provisional government until there is an election under the * * * bill. If so, all the * * * legislation of the past 6 years are [sic] void; and we are * * * in perfect chaos."

Of itself the Reconstruction Act accomplished nothing except to create puzzlement, confusion, and resentment in the South. Though declaring terms upon which new southern governments were to be formed, the act was deficient in providing the initial

impetus for launching such governments. The process of calling conventions according to the congressional model was left to the people. If, however, the people took no steps toward reorganization, they would remain under their existing State governments (formed on the Johnson model) subject to military rule. It soon became evident that the people of the Southern States elected to remain in this condition, where their State officials were in sympathy with dominant southern aims, rather than wreck their existing governments, entrust governmental functions to the Negro, and proscribe those whom they regarded as typical southerners and competent leaders. To quote a declaration by conservative whites in Arkansas, reconstruction by the congressional plan was an impossibility. Any reconstruction such as contemplated by the radicals would result in the certain degradation, prostration, and complete ruin of the State.

To deal with this situation the radicals in Congress resolved to set the wheels moving by their own outside impulse. For this purpose there was passed the supplemental Reconstruction Act of March 23, 1867. Under this law the Federal military commanders in the South were directed to take the initiative and to launch the necessary proceedings as to registration of voters, election of delegates, assembling of conventions, and adoption of State constitutions. President Johnson, of course, vetoed the bill, pointing out that governments existed in the South which had been made in the accustomed way and were conformable to the acknowledged standards of loyalty and republicanism. He denounced the Federal imposition of universal Negro suffrage, which was a matter that belonged to the States; and he could not approve this legislative machinery of martial law, military coercion, and political disfranchisement.

The South, thus reduced to conquered provinces, was organized into five military districts, each under the command of a major general. The assigning of generals to these commands belonged to the President; but Johnson's performance of this painful duty was hardly more than a matter of accepting the advice of the general-in-chief of the Army. Schofield was appointed for the district comprising Virginia; Sickles for North and South Carolina; Pope for Georgia, Alabama, and Florida; Ord for Mississippi and Arkansas; Sheridan for Louisiana and Texas. There were numerous changes in these appointments: Stoneman, A. S. Webb, and Canby were the successors of Schofield; Meade followed Pope; and a series of generals succeeded to other commands. Among the less objectionable to southerners were Hancock and Meade; the more objectionable included Sheridan, Sickles, and Pope.

Perhaps the greatest disturbance appeared under Sheridan in Louisiana where the suppression of civil government by military rule presented analogies to the wartime situation under Butler. Sheridan arbitrarily removed sundry officials including a city judge, a city treasurer, the mayor of New Orleans, the attorney general of the State, and a board of levee commissioners who controlled the disbursement of $4 million. He also removed J. Madison Wells, Governor of Louisiana, and appointed B. F. Flanders in his place. Further trouble arose in the matter of the registration of Negro voters and the denial of registration to whites. Finally such was the disorder and agitation under Sheridan that Johnson transferred him to another area and assigned the command over Louisiana and Texas to W. S. Hancock, whose administration proved less provocative.

Confronted with practical problems in the enforcement of the Reconstruction Acts, President Johnson sought advice from his Attorney General, Henry Stanbery, who gave an opinion (June 20, 1867), that the military commanders were not authorized to promulgate codes in defiance of civil governments in the States, but were to cooperate with the existing governments, which, it will be remembered, had been set up under Johnson's plan. Stanbery's opinion was intended to offer guidance to the President in his difficult position; and the President through the Adjutant General issued a series of instructions to the commanders in the South indicating the manner in which recent acts of Congress should be applied. At this point, however, the radicals of Congress, seeing in the President's instructions an attempt to undo their work, arranged for a reassembling of Congress in July, at which time they passed a third Reconstruction Act, calculated to interpret and make effective their preceding legislation.

The third Reconstruction Act resolved itself largely into a statement of the true intent and meaning of the preceding measures, thus piling up an accumulated mass of supplemental, explanatory, and interpretative legislation that only a Philadelphia lawyer could grasp. Congress now declared that existing State governments in the South were not legal and were fully subject to the military commanders and the paramount authority of Congress.

The general of the Army and the commanders of the military districts were directed to remove any State official who should hinder, delay, prevent or obstruct the due and proper administration of the reconstruction acts. Registration boards prescribed by the act of March 23 were empowered to deny registration on suspicion that oath-taking was not in good faith; and the provisions concerning the oath were given a stricter interpretation, so that participation in the rebellion could be established by parol evidence, without the requirement of record evidence. Registration officers were directed to revise registration lists in keeping with the new interpretation, and the removal of such officers was authorized whenever needful. To further emphasize the supremacy of the military power through Congress, it was provided that no military commander, nor any officer acting under him, should be bound by the opinion of any civil officer of the United States. Finally there was added a curious clause which enacted that the reconstruction laws should be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out. This last clause was less a matter of legislation than a mandate as to the interpretation of legislation. Congress was introducing a distinction between the law and the intent of the law, and was appealing to executory officers to follow only a specified course in construing legislation whose purpose and meaning were continually undergoing restatement by Congress itself.

Three Reconstruction acts had now been passed, two of them supplemental to the first. Some months elapsed; and it then became evident that the legislative machinery was not even yet accomplishing the purpose of the radicals. As the law then stood (act of March 23, 1867, supplemental to the act of March 2, 1867), the adoption of a new constitution in a Southern State required a majority of all registered voters, not merely a majority of the votes cast. Seeing in this situation a chance to defeat the newly proposed radical constitution in Alabama, framed by delegates said to represent merely the blacks and nonresidents, a conference of conservative men, assembled at Montgomery, issued an appeal to the people of the State advising those opposed to the constitution to refrain from voting. Conservatives knew that the law was so framed against them that they could not defeat the constitution at the election; and by refraining from voting they hoped to accomplish more than by going to the radical-controlled polls and trying to cast negative votes, because their known attitude would cause the whole vote to be lighter, and the radicals, being under the necessity of changing their own laws so as to permit the constitution to be adopted by a mere majority of the votes cast, would thus exhibit * * * the fact that the constitution they impose is not the constitution of the people of Alabama, but * * * of a minority * * * and that, a Negro minority. When the constitution was voted on (February 4, 1868), it was defeated by reason of the fact that the affirmative vote of about 70,000 amounted to less than half the number of registered voters, which was about 167,000.

Because of this situation Congress now passed the fourth Reconstruction Act, by which a majority of the votes actually cast was made sufficient to put a new Constitution into force, no matter how small the minority taking part in the election. This meant that the cards were stacked in favor of the radicals, whose intention to force their type of government upon the South was emphasized by another provision of law, which gave the franchise to any voter who had resided in the election district for 10 days preceding the election, upon presentation of his certificate of registration, his affidavit, or other satisfactory evidence, under regulations made by the district commander. The purpose of the act and of the existing fabric of Reconstruction legislation in general was, according to Senator Doolittle, to put the Negro in power over the white race in all the States of the South and keep him there. This fourth Reconstruction Act became law on March 11, 1868, without the President's signature, by the operation of the 10-day rule.

Thus by March of 1968 the radical party had, 3 years after the close of the war, built up its structure of legislation and supplemental legislation. The Reconstruction acts were now launched; minorities, though made up of outsiders and Negroes, were sufficient to establish new governments; district military commanders, with power to set up military commissions in the place of the civil courts, were in possession with sufficient military force * * * to * * * enforce * * * authority; opposition to the directory at Washington was ineffective; and the readiness to pile statute upon statute indicated a determination of the radicals to permit no defeat of their purposes even by the provisions of their own laws.

Now, these were the circumstances which led up to the unhappy events I will relate in a few moments. Suffice it to say that, in its basic respects, the seventh section of the Dirksen amendment is a resurrected version of the 1870 election laws, the old "enforcement acts" about which I will have more to say in just a moment.

At this point, Mr. President, I again ask: will the Senate never learn? Is it not willing to pause, and to reflect upon the facts of history, or, on the other hand, are the fires of political reward still burning so brightly that they blind Senators to what is really sought to be done?

Listen, Senators, while I recount just one historian's view of Reconstruction in the South—reconstruction made possible by laws similar, in both text and purpose, to section 7 of the Dirksen substitute; laws whose effect would be precisely the same as the so-called title III, which the Senate defeated in 1957, but which is being called from its legislative grave again, as a sort of "political Lazarus."

I read from chapter 37 of "The Civil War and Reconstruction" by James G. Randall:

CHAPTER XXXVII—RECONSTRUCTION DEBACLE: COLLAPSE OF THE RADICAL REGIME

I

For the seceded States the Grant period constituted the darkest days of reconstruction. Coming south after the war to make money and seize political power, the northern carpetbagger became the dominant figure in southern politics for a decade. In collusion with the carpetbaggers were the scalawags, native whites in the South who took advantage of the chance for aggrandizement which the postwar regime offered. Southern as they were, familiar with Negro characteristics and unembarrassed by the extravagance and gaucherie of the carpetbaggers, they obtained control of numerous offices and became a power in local politics. Aided by a system which gave the vote to the Negro while it disfranchised the more substantial element among the whites, these political adventurers improved upon the system and added extralegal touches of their own.

Elections in the South became a byword and a travesty. Ignorant blacks by the thousands cast ballots without knowing even the names of men for whom they were voting. Southern communities in their political, social, and economic interests were subjected to the misguided action of these irresponsible creatures directed by white bosses. Election laws were deliberately framed to open the way for manipulation and fraud. Ballots were inspected before going into the box, and Negroes seeking to cast Democratic ballots were held up by objections and by an effort to change their votes. Registration lists showed Negroes in proportion to population at a much higher ratio than the actual fact. Vote-buying became so common that Negroes came to expect it; much of the bacon and ham mentioned as "relief" was distributed with an eye to election-day results. To colored voters in Florida, acting under instructions from radical leaders, the motto seemed to be "Vote early and often." Starting in early morning they moved along in groups, voting at every precinct on a long line of march, each time under assumed names. In advance of the voting hour ballots would be fraudulently deposited in the box. Party conventions were manipulated by radical leaders, and nominations were forced by the bosses (sometimes military officers) in control. Reporting on the election of 1872 in Louisiana a committee of Congress stated that in their determination to have a legislature of their own party, the Republican returning board juggled election returns, accepted false affidavits, and in some cases merely estimated what the vote ought to have been. The whole proceeding was characterized as a comedy of blunders and frauds.

By 1867 the Union League had become strongly intrenched in the South, and it proved an effective instrument in the organization of the radical Republican Party among the blacks. It was stated in October 1867, that the league had 88 chapters in South Carolina, and that almost every Negro in the State was enrolled in the order. According to a statement of a leaguer, every member was oathbound to vote for those nominated by the order. The league, he said, existed "for no other purpose than to carry the elections * * *." Ritual, ceremony, high-flown phrases about freedom and equal rights, sententious references to the Constitution and the Declaration of Independence, accompanied by song, prayer, and oratory, had a compelling effect upon Negro emotions, while the black man's instinctive dependence upon whites made conquest easy; so that the sanctimonious league functioned with remarkable success in capturing and delivering the Negro vote. The league "voted the Negroes like herds of senseless cattle" is the statement of competent observers, borne out by numerous instances similar to that of a South Carolina black who explained his vote by saying that the league was the "place where we learn the law." Another typical case was that of a Negro who was asked why he voted Republican and replied, "I can't read, and I can't write. * * * We go by instructions. We don't know nothing much."

As the processes of carpetbag rule unfolded, honest men in the South felt increasing disgust. Conservative editors referred to the fancy State conventions as black and tan gatherings, ring streaked and speckled conventions, or as assemblies of baboons, ragamuffins, or jailbirds. "The maddest, most * * * infamous revolution in history," was the comment of the Fairfield (S.C.) Herald. In the carpetbag constitutional convention of South Carolina (1868) 76 of the 124 delegates were colored, two-thirds of the Negroes being illiterates just emerging from slavery. These black members comforted themselves in bashful silence while the whites attended to matters. Of the whites one was put in jail for stealing his fellow members' belongings; others were accused of graver crimes; and in general it was remarked by the New York Times that hardly a white among the lot had a character that would keep him out of the penitentiary.

II

Supported by the Grant administration and fortified by military power, the radical Republican State machines plunged the southern Commonwealths into an abyss of misgovernment. A congressional committee reported that one of the leading carpetbag governors made over $100,000 during his first year though his salary was $8,000, while one of his appointees received fees exceeding $60,000 a year. Another carpetbag governor was charged with stealing and selling the food of the freemen's bureau intended for the relief of helpless and ragged ex-slaves. One of his associates was accused of falsely arresting Democratic members of the Florida State Legislature in order to produce a carpetbag majority. F. J. Moses, scalawag, stated that he received $15,000 while governor of South Carolina for approving a large printing bill, $25,000 when speaker, and various other sums.

Southern legislatures were composed largely, sometimes predominantly, of Negroes. J. S. Pike, in a passage that has become classic, described the dense Negro crowd which, amid clamor and disorder, did the debating, squabbling, and lawmaking in South Carolina. Speaker, clerk, doorkeepers, pages, and chaplain were black. No one talked more than 5 minutes, said Pike, without interruption. Their bellowings and physical contortions baffled description. It seemed to him barbarism overwhelming civilization with physical force; yet there was a curious earnestness about it all. In the confusion and uproar, with guffaws greeting the speaker as he rapped for order, the uncouth lawmakers were taking themselves seriously. "Seven years ago these men were raising corn and cotton under the whip of the overseer. Today they are raising points of order and questions of privilege. * * * It is easier and better paid. * * * It is their day of jubilee."

Some of the justices put into office by the radicals could not write. According to a report of conditions in Mississippi, where the Ames Republicans controlled the Negro vote and used it as a solid mass, the legislature contained Negroes who could neither read nor write, members of grand juries were totally illiterate, and the Republicans nominated as mayor of Vicksburg a man who was under indictment for 23 offenses. Taking a leaf out of the carpetbaggers' book, Negro members of the Florida Legislature were said to have found a caucus with a smelling committee to ferret out all * * * money schemes. The arrangement broke down when it was found that the colored caucus chairman appropriated to himself the moneys intended to be distributed among members for the fixing of legislative votes. A Negro leader in South Carolina, admitting the receipt of $5,000 in connection with legislative matters, stated that he voted for the legislative measures because he thought they were right, and that by taking the money he was keeping it in the State. Refreshments supplied at public expense to South Carolina legislators included the finest wines, ales, whiskies, and cigars; indeed the porter thought it impossible for men to drink so much whisky and attend to any business. State house supplies paid for out of public funds included many varieties of liquors, costly table delicacies, luxurious furniture in lavish amounts, horses, and carriages. For the one item of printing in South Carolina the cost per month under Republican rule was more than a hundred times that of the subsequent Hampton administration. In 15 months under the Republican administration $835,000 was spent for printing as compared to $609,000 for 78 years under the old regime. In the matter of State aid to railroad building in Alabama the notorious Stantons (John C. and Daniel N. of Boston) found their opportunity. Bringing no money into the State, they organized and promoted the Alabama and Chattanooga Railroad Co., obtained millions of State money from a bribed radical legislature, built a hotel and opera house with some of the money, obtained fraudulent bond endorsements from the scalawag Governor (William H. Smith), and left the State a wretched heritage of defaulted obligations.

Huge debts were saddled upon the Southern States with the meagerest improvements to show for them. Millions in bonds in South Carolina were issued contrary to law, taxation being greatly increased, while the total assessed value of property in the State declined from $489 million in 1860 to $90 million in 1866. Delicate women were reported selling provisions needed for their hungry children, in order to pay taxes; while for failure to pay taxes southern whites were losing lands which were bought up by Negroes or northern speculators. South Carolina newspapers were full of reports of sheriff's sales, 74,000 acres being put under tax sales in a brief period in Darlington County, 86,000 acres in Williamsburg County, and more than 2,000 pieces of real estate in Charleston. Tax rates in Mississippi were 14 times as great in 1874 as in 1869, the public debt being piled up annually at the rate of $664,000. Grants under the scalawag Holden regime to railroad companies in North Carolina exceeded $27 million.

One of the flagrant evils of misgovernment was seen in the militia of carpetbag times. White desperadoes from Missouri, enlisted as Arkansas militiamen, tore up and down the state smashing property, destroying crops, and committing murder. Groups of Negro militia in the same State became murderous mobs, with defiance born of the belief that crimes committed * * * as a mob * * * would not subject them to * * * punishment. A Negro militia detachment of more than a hundred men dashed into an Arkansas town and galloped about, curing, threatening, raiding a grocery store, and breaking into the jail. Because of the terrorism practiced by the militia in North Carolina, Governor Holden was impeached and removed from office. In South Carolina militia troubles developed into a war of races as outraged whites organized to protect their

property and lives against armed Negro militiamen. In this commonwealth the militia was almost entirely colored, and it was reported that at least two-thirds of the militia expenditures were a huge fraud, the amount being in reality used for political services.

To use a modern phrase, government under radical Republican rule in the South had become a kind of racket. A parasitic organization had been grafted on to the government itself, so that the agencies of rule and authority were manipulated for private and partisan ends. Often in the reconstructed States government bore a bogus quality: that which called itself government was an artificial fabrication. Where the chance of plunder was so alluring it was no wonder that rival factions would clash for control of the spoils, nor that outraged citizens, seeking to recover the government for the people, should resort to irregular and abnormal methods. At times this clash of factions created the demoralizing spectacle of dual or rival governments. In Louisiana the Warmoth-McEnery faction battled furiously with the Kellogg-Casey faction. In South Carolina was seen the * * * spectacle of two speakers and two houses conducting deliberations in the same hall. Motions * * * etc., were heard by the respective speakers; neither speaker, however, recognized members of the other house. In Arkansas similar conditions produced the cheap melodrama of the Brooks-Baxter war, with rival armies facing each other in support of their governments, resulting in some actual bloodshed, various arrests for treason, sundry impeachments, not a little opera bouffe comedy, and general confusion.

Such, in brief, was the nature of carpetbag rule in the South. The concept which the radicals sought to disseminate was that the problems of restoration had all been neatly solved, the country saved, and the South reconstructed by 1868. That dignified publication known as the "American Annual Cyclopedia" began its preface for the year 1868 with the following amazing statement: "This volume of the 'Annual Cyclopedia,' for the year 1868, presents the complete restoration, as members of the Union, of all the Southern States except three (Virginia, Mississippi, Texas), and the final disappearance of all difficulties between the citizens of those States and the Federal Government." The fact of the matter was that this complete restoration was merely the beginning of the corrupt and abusive era of carpetbag rule by the forcible imposition of radical governments upon an unwilling and protesting people. Before this imposition took place the Southern States already had satisfactory governments. It is a serious misconception to suppose that Johnson's efforts in the South had been altogether a failure.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield.

Mr. ERVIN. As a matter of fact, those bills were proposed and passed 2 years after the last Confederate soldier had laid down his arms and had returned to peaceful pursuits, were they not?

Mr. ELLENDER. That is what the record shows.

Mr. ERVIN. Was it not done merely for the purpose of perpetuating one political party in power?

Mr. ELLENDER. Exactly and that is what I propose to show is sought under the pending measures. There is no question about this being the reason for the enactment of these laws in the Reconstruction Days as I shall show in the course of my argument.

I continue to read from "The Civil War and Reconstruction," by Prof. James G. Randall:

On the contrary, in the years from 1865 to 1868, when Congress had not "reconstructed" a State except Tennessee, and when State governments in the South were imperatively needed for domestic purposes, such governments were set up by Johnson. It must not be forgotten that these were native white governments genuinely supported and put into power by the southern people, and that they functioned in the preservation of order and internal government in those important years that intervened between the surrenders and the establishment of carpetbag misrule by Congress. If one would seek to measure the importance of this, let him contemplate what would have been the result if these commonwealths had made no such adjustment and had waited several years for Congress to supply the pattern for State governments. Instead of saying that Reconstruction had been solved by Congress in 1868, the truer generalization would be that the transition to normal polity in the South had been pretty well worked out by Johnson, that it was violently interrupted by the radicals, and that only after the overthrow of the radical regime (about 1877) did genuine political reconstruction get under way with any fair prospect for the future.

Another unfair conclusion is to attribute the excesses of the carpetbag period to the Negro. Though the radicals used Negro voting and officeholding for their own ends, Republican governments in the South were not Negro governments. Even where Negroes served, the governments were under white control. It is the contention of Carter G. Woodson that "most of the local offices were held by the white men, and that those Negroes who did attain some of the higher offices were about as competent as the average whites thereto elected." He also argues that illiteracy among Negro officeholders has been exaggerated. That the first phase of the Negroe's experience of freedom after centuries of slavery should occur under the degrading conditions of these carpetbag years was not the fault of the Negro himself, but of the whites who exploited him.

III

It is not surprising that Republican abuse should have produced violent reaction among the southern people. The most sensational, though not the most important, aspect of that reaction was found in the fantastic and sinister operations of the Ku Klux Klan. From small beginnings as a frolicking secret lodge the institution spread rapidly, though in somewhat haphazard fashion, throughout the South, attaining considerable dimensions within the years 1868 to 1871. Primarily the Klan was an answer to the Union League, a foil to the carpetbagger, and a means of suppressing Negro militia units. Its weird terminology included provinces, dominions, and realms, culminating in an empire. With a grand wizard and 10 genii at the top, the order was governed by such officers as grand dragons and hydras, titans, furies, and nighthawks. In the local chapter (den) members were ghouls, the master a cyclops.

The activities of the order took less the form of a general conspiracy than of local efforts to destroy radical political organizations by intimidation and terrorization. Night rides of white-robed and hooded men on sheeted and masked horses bore partly the aspect of frolicking pranks and partly that of ghostly intimidation of superstitious Negroes. Not infrequently, however, the victims, seeing through the disguise, were terrorized rather by real danger of violence than by the ghoulish affectation of supernatural power. Klansmen occupied themselves in destroying Union League councils, breaking up bands of roving Negroes, whipping Negro militiamen, forcing victims to pledge nonsupport of the radical politicians, scaring black men away from the polls, and coercing individual carpetbaggers and scalawags.

A friendly view of the order might represent it as an agency of social control in the South. Yet it never attained the dignity of the vigilance committees of the Western States nor of the committees of safety of Revolutionary times. The fact that the better element among the whites hated the radicals by no means signified that they approved of the Klan. It has been pointed out for South Carolina that the Klan flourished chiefly in the hill counties, that it was largely composed of low-type men, and that, according to a Spartanburg citizen, the members were "a set of drunken and lawless vagabonds." Whatever credit the Klan may have had as a champion of the southern white was marred by the irresponsible and unscrupulous methods which it used. It was reported that in 10 months in the Spartanburg area "118 had been abused by the Klan * * * of whom 4 were shot, 67 whipped, and 6 had their ears cropped."

The criminal aspects of the Klan were too glaring to be ignored. At times the organization seemed more actuated by the motive of venting private grudges than of protecting white men and women. To contemporary observers it seemed that its "primary motive * * * was the desire of the lower class whites to remove the Negro as a competitor in labor, and * * * in the renting of land." In the case of an organization whose methods were in fact criminal it was a serious thing to have its deeds masked by a false front of patriotism, with its members claiming popular applause as protectors of society. "Some of your comrades [said a Federal judge, addressing Klansmen whose criminality was self-confessed] recite the circumstances of a brutal * * * murder * * * with as little apparent horror as they would * * * the incidents of a picnic."

The doings of the Klan and related matters received elaborate attention in Congress, and a drastic law was passed in April 1871 to deal with the situation. Nor was this an isolated piece of legislation. It was the third of a series of "enforcement acts" by which the Federal Congress attempted to put teeth into its Reconstruction program and impose Federal penalties in cases where southerners tried obstruction. The first of these measures, commonly known as the "force bill," was that of May 31, 1870. Designed to enforce the 15th amendment, it provided heavy penalties of fine and imprisonment where anyone by force, bribery, or intimidation should hinder or prevent citizens from voting. Cases of such hindrance were put under the jurisdiction of Federal courts, and for the better enforcement of court decisions the President was authorized to use the land or naval forces. By the same law congressional elections were taken under the wing of Federal regulation and abuses in connection therewith made punishable as crimes. These processes of Federal control were made more drastic by the second "force bill," passed on February 28, 1871. This was similar to the act of the previous May; it merely went further in the same direction.

With the Klan particularly in mind, Congress passed the third "force bill" on April 20, 1871. The exhaustive investigation which preceded the legislation, as well as the debates, the wording of the act, and the Government's activities under the measure, show that the whole proceeding had a strong party motive; yet the menace and criminality of the Klan caused even southern conservatives to see the need for some such measures. In intolerably long sentences the statute listed activities such as those of the Klan (the forming of conspiracies, resisting officers, threatening or injuring witnesses, going

abroad in disguise for purposes of intimidation, et cetera), declared such acts to be high crimes, and fixed penalties. For the suppression of "armed combinations" the President was authorized to suspend the habeas corpus privilege, and the acts of the conspirators were declared tantamount to rebellion. In putting the act into execution President Grant designated nine counties in South Carolina as regions in which lawlessness and terror prevailed, and suspended the habeas corpus process in those counties. This was followed by hundreds of arrests and court trials under charges of conspiracy to obstruct the exercise of rights under the 14th and 15th amendments. Meanwhile Federal troops were rushed to those areas where outlaw activity was most serious. In three sessions of the Federal circuit court in South Carolina (1871–72) hundreds of indictments were registered and sentences of fine and imprisonment were imposed upon 82 persons, most of whom pleaded guilty. By such methods the Klan was effectively dispersed. Its existence virtually come to an end in 1871.

The Klan did, of course, narrow the area of radical control, keep the Negro constabulary out of whole counties, and at times enforce standards of social conduct as in the punishment of adultery and the forcing of Negroes to work for whites. The ultimate triumph of home rule in the South, however, was not so much the achievement of the Klan as of responsible southerners working through substantial leaders, of whom Benjamin H. Hill in Georgia, A. H. H. Stuart in Virginia, and Wade Hampton in South Carolina were typical examples.

IV

Gradually in most of the States the failure and progressive collapse of Republican reconstruction in the South proceeded to the point where, in spite of the Grant administration, self-rule was recovered by conservative whites through the Democratic Party obtaining control of State governments. This movement for the recovery of white supremacy has been characterized as the triumph of "respectable people," the "escape from usurpatory rule," and the "reestablishment of intelligence and property." The earlier States to escape from carpetbag rule were Tennessee, Virginia, North Carolina, and Georgia. Somewhat later Mississippi was regained for the Mississippians; and a similar recovery was accomplished in Alabama, Texas, and Arkansas. Thus it came about that at the time of the election of 1876 only the States of South Carolina, Florida, and Louisiana remained under radical Republican rule. It now becomes necessary to note the controlling importance of these last remaining radical strongholds in the election contest of 1876–77.

In the notable election of that year the vindictive program reached at once its summit and its collapse. The climax or ultimate product of partisan reconstruction was seen in the use of arbitrary Republican machines in the South to swing a presidential election; this result having been achieved, there immediately followed a collapse of these machines and an abandonment of one of the most extraordinary systems in the wide range of American experience. The Republicans in 1876 held their national nominating convention in Cincinnati. Instead of choosing one of their strong regulars such as Hamilton Fish, or an independent of the reformer type such as Charles Francis Adams or B. H. Bristow, or a politician such as Blaine, Morton, or Conkling, the party delegates selected the less known Rutherford B. Hayes, of Ohio, a Cincinnati lawyer who had risen in the Civil War to the brevet rank of major general and had served as Congressman and later as Governor of his State. He was a regular Republican with a difference. He had supported reconstruction measures and had been outspoken for hard money and the resumption of specie payments. That he was no spoilsman, however, was shown by his support of Bristow for the Republican nomination, while his unwillingness to take the vice-presidential candidacy on a ticket headed by Blaine was another sign of independence. It required seven ballots to get a majority for Hayes. Second place on the ticket was assigned to William A. Wheeler, a regular Republican from New York who had served in Congress.

As the opponent of Hayes the Democrats in convention at St. Louis chose Samuel J. Tilden, of New York, a man of long experience whose chief reputation had been won in the successful fight against the Tweed ring. It was largely by his efforts that Tweed judges were impeached and corruptionists prosecuted, and it was as a foe of dishonesty and an enemy of "Grantism" that Tilden won the governorship of New York in 1874. His election to this office was one of the incidents of the anti-Grant movement which swept the country at that time. While Governor he had done much to suppress rascality, particularly in connection with an affair known as the "canal ring" whose promoters had shamefully turned Government contracts to private gain. In their elaborate platform, which read like an indictment, the Democrats made their chief appeal on the issue of Republican abuse and the necessity of reform. One of the ablest of the northern Democrats, T. A. Hendricks, of Indiana, a man who had steadily opposed postwar excess, was given the vice presidential nomination.

Even the Republicans sensed that Grantism was dying; and Governor Hayes took occasion in his letter of acceptance to advocate civil service reform and southern autonomy in a manner that implied repudiation of Grant's policies. He also pledged that he would not be a candidate to succeed himself in 1880. The position of the Democrats, however, was much more clear-cut in demanding a house cleaning. With a reform candidate and an able national chairman (Abram S. Hewitt, of New York) the supporters of Tilden faced the campaign of 1876 with high confidence. In an elaborate campaign textbook they popularized the conclusions touching Government abuse which had been piled up in voluminous investigations. The Republicans, none too confident of success, countered by repeating Civil War phrases, waving the bloody shirt, appealing to ex-soldiers, urging men to "vote as they shot," and declaring that if Tilden were chosen the South would return to power and the victory of the war would be lost. Meanwhile Grant, though at first cool toward Hayes, gave warm support to the campaign, dismissing Bristow men to the dismay of reformers, and "dispos[ing] of the offices at the requests of the party managers."

V

Election day (November 7) came, and in reporting the result next morning the New York Tribune came out with the headline "Tilden Elected." The Times, however, then intensely Republican, suggested doubt in its first edition and gave a distinct note of Republican hope in the second.

A remarkable situation now developed. As the returns came in it was obvious that Tilden was the choice of the people, having in the popular vote a majority over all of more than 150,000 with a margin over Hayes of about 250,000. Tilden had 184 undisputed electoral votes; 185 were necessary to a choice. Hayes had 165 undisputed electors. After the Republicans had developed their claims there was a serious dispute concerning 19 electoral votes in the South. These included seven from South Carolina, four from Florida, and eight from Louisiana, both parties claiming to have "carried" those States. In addition, there was a minor dispute as to one Democratic electoral vote for Oregon (not included in the above-mentioned 184 for Tilden), where a Republican elector was chosen by the people, was constitutionally disqualified because of being a Federal office-holder (postmaster), and was superseded by a Democratic elector (the next highest in the popular voting) appointed by a Democratic Governor.

The nub of the matter was the controversy as to the 19 electors in the three disputed Southern States. If all 19 should be assigned to Hayes, and the Oregon vote kept for him, he would have 185, a bare majority of one, and would thus be President. On the other hand, if only one of the votes in dispute were assigned to Tilden, he would have the needed majority. Confident of enough strength to obtain at least one of the controverted Southern States, the Democrats laid only minor stress on their questionable claim as to Oregon.

As politicians proceeded with their calculations the Republicans began to see possibilities in the situation. Zachariah Chandler on November 8 issued his celebrated declaration: "Hayes has 185 electoral votes and is elected." He continued to "intone" this sentence until it became a kind of chant, "though there was no basis for such faith (writes Hayes biographer) except Zach Chandler's boundless assurance." Republican newspapers generally were soon claiming the election for Hayes; and their "visiting statesmen" appeared in the South where they encouraged Republican managers to hold their States, supervised the preparation of "returns" and saw to it that no oversight should occur by which a Hayes trick might be lost. Democratic statesmen also made their way South; but their efforts to have public proceedings before nonpartisan committees of these visitors were unsuccessful. Both groups of visitors were in truth superfluous lobbyists.

The intimate connection between the disputed election and the radical reconstruction system must not be forgotten. The very conditions of the dispute arose from the conflict between southern Republican State machines and the southern people; indeed, the dispute of 1876 may not incorrectly be conceived as the last gasp of carpetbag rule in the South. Southerners had sufficiently recovered political power to choose their own State governments and to come through this furious election with these governments intact. In the matter of presidential electors, however, the Radicals under the sponsorship of the Grant administration, with the support of Federal troops, were able to get recognition, in three southern commonwealths, for questionable and shaky governments which collapsed once Federal troops were withdrawn but which continued their doubtful control long enough to cause the certification of Hayes electors; while at the same time Democratic State officials, claiming election by popular vote (a claim which was made effective), proceeded to certify Tilden electors. The principal legal device in the South which the Republicans used was also peculiarly a carpetbag product, namely the "returning" (or "canvassing") boards in the disputed States, which were set up by Republican governments. It was their function to review the election returns and reject those polls in which unfair methods, in their judgment, had been used. Though thoroughly partisan in motive and character, these returning boards were clothed with judicial power and Radicals kept reiterating that their decision under State law was final in determining what the revised count should be.

Mr. President, in the past I have brought to the attention of the Senate the outrageous frauds that were perpetrated in the State of New York under the election laws of 1870—the so-called

Reconstruction laws, which today are proposed to be reinflicted upon the States of the South, all under the guise of so-called civil rights legislation.

In recent days I have made a serious study of what happened in my own State of Louisiana under these laws—laws that brought pillage, embezzlement, and corruption to a fine science.

When I read over the happenings in my own State during the 1870's, it makes my heart weep for the people of that day. It also makes me very proud that the people of my State have been able to accomplish so much in the years since that took place.

Back in the 1870's, the state of affairs in Louisiana politics was a national disgrace. Indeed, it was generally referred to as "the Louisiana question." One of the Baltimore newspapers carried a series of articles on the Louisiana question, which explained at great length what was happening in my home State, and I shall read from some of these articles in a few moments.

At this point, however, let me give the Senate just a "thumbnail" sketch of circumstances in Louisiana under the enforcement acts, and the 1870 force bills. Let us look at the general picture, as viewed through the eyes of historian James G. Randall; and, subsequently, I shall go into greater detail with regard to circumstances in Louisiana.

I read now from page 868 of "The Civil War and Reconstruction," by James G. Randall, and with specific reference to Louisiana:

> The most famous dispute, however, was in Louisiana. In that State the Warmoth (anti-Grant) faction of the Republicans, joining with the Democrats, had in 1872 supported John McEnery for Governor; while the radical Republicans, in league with the Grant administration, had supported a typical carpetbagger, William P. Kellogg. After an election which was reasonably peaceable both sides claimed victory; each side determined to grasp the government; and the row was on. The State returning board certified the election of the McEnery ticket in both the legislative and executive branches; but the Kellogg faction, having failed to capture the board, made up their own board which, "without having a single return from any poll in the State, proceeded to fabricate what they claimed to be the result of the State election." Using pseudo-returns this board gave its declaration in favor of Kellogg and a majority of the Republican legislators. They also certified the choice of Grant and Wilson electors. The Kellogg organization, including its returning board was denounced as a bogus affair; but Congress did nothing to clear up the deadlock, and under these circumstances, Grant chose the doubtful alternative of supporting the Kellogg faction, at the same time refusing a hearing to the McEnery element.
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> From that point the confused succession of events presented a sorry mixture of farce and tragedy. While the Democrats and liberal Republicans still claimed that McEnery and legislators of his party were the rightful and actual government of Louisiana, the Kellogg government was inaugurated and kept in power by the use of Federal troops. Rhodes, quoting a senatorial report, states that "the McEnery majority of 10,000 was the fairly expressed will of the people of Louisiana," and concludes that Grant would have done "substantial justice by withdrawing his support from Kellogg; then a bloodless revolution would have put the McEnery government in power." If this had been done, the very conditions in Louisiana which produced the wretched dispute of 1876 would have been removed in 1872.
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> Defiance of the Kellogg government became so intense that actual civil war resulted in several localities. At Colfax in April 1873, about 50 Negroes and 2 whites were killed in a battle between a Kellogg sheriff and a band of pro-McEnery whites. At Coushatta in August 1874, and at New Orleans in September of the same year similar outbreaks, with some loss of life, occurred. Each side, of course, put responsibility for the prevailing chaos upon the other.
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> On the face of the returns in 1876, despite the efforts of the so-called bogus government, all the Democratic presidential electors in Louisiana had ample majorities, the lowest over 6,000, the highest nearly 9,000. Notwithstanding this the Republicans claimed the State and came forward with reams of arguments to support the claim. Emphasizing the activities of the White League, their investigators charged that criminal conspiracies, "by force and intimidation, halting at no enormity of crime [had substituted] the rule of violence [for] the will of [the] majority." Registration figures, so the argument ran, showed an excess of colored men; hence the Democrats could not rightly claim the State. As to the Kellogg government, Federal intervention was pictured by the Republicans as a virtue on the ground that "there had not been an hour since the inauguration of Governor Kellogg when the secret order of these men [elsewhere referred to as 'wolves organized against the sheep'] would not have overthrown his authority unless he were sustained by the power of the U.S. troops." The whole authority for determining the vote in Louisiana, it was said, rested with the State returning board; that board "used their power in accordance with the intent of the act that created them"; thus the report of the election of November 7, 1876, in Louisiana was promulgated by the proper authorities of [the] State and in conformity with the Constitution of the United States."
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> Democratic congressional investigators emphatically refuted these Republican claims. On the matter of intimidation they showed that it was a prearranged plan in certain districts for Republicans to stay away from the polls and then, claiming intimidation, to urge the rejection of these districts in the final count. Even with election machinery in Republican control, they stated, the actual returns gave a majority of several thousand to the Tilden electors. The Republican returning board then went to work. Calling in witnesses whose fees were paid by the U.S. Government, using ex parte affidavits prepared (sometimes with fictitious names) by U.S. soldiers and Government employees, rejecting evidence offered by Democrats and excluding their counsel, and conducting a purely arbitrary series of hearings, the board piled up a mass of so-called testimony and on this basis made out a Republican majority. As to Republican fraud in the election itself, it was pointed out that local registration officials were informed by Republican managers that the census showed a certain Republican (i.e., colored) vote, that they must get out the full vote and the required majority without fail, and that if they did so their reward would be ample and generous.
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> There were four members of the important Louisiana returning board, and they were all Republicans. The law called for five members; but, though there was a vacancy, the board refused to fill it by the appointment of even one Democrat to their number. Not only the members, but all the clerks and employees of this allegedly judicial tribunal, were of one party. What is even more to the point is to note that the board's personnel comprised a dishonest politician, a corrupt local officeseeker, a man indicted for larceny, and a colored ignoramus. This was the group of men who, under orders to hold the State, and under terrific pressure, remolded the election returns of Louisiana nearer to their hearts' desire. An example of their work may be seen in Ouachita Parish where, of the votes rejected by the board, less than 50 were Republican and over 1,500 Democratic, or in East Baton Rouge Parish where they threw out 160 Republican and 1,442 Democratic votes.
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> By the process of rejecting whole polls, sometimes whole parishes, the board reversed the result as reported by local election officials. P. L. Haworth, whose treatment is not unsympathetic to the Republican Party, writes that the board did "some heroic work" to accomplish its purpose, took "an absurd view" to justify its party membership, and used "illegal" protests as a basis for its action. It "worked zealously," he said, "to evolve a Republican majority," and attained that result "by a series of grossly partisan and illegal acts." This result in brief was the conversion of a Democratic majority of approximately 6,000 to 9,000 into a Republican majority of over 4,000. In doing this the board got rid of over 13,000 Democratic votes.

Mr. President, I hold in my hand a photostat copy of a series of newspaper articles printed by a Baltimore newspaper in the 1870's entitled "The Louisiana Question." I frankly do not know from what particular newspaper these articles were taken, because the pamphlet which I obtained from the Library of Congress shelves is not further identified. However, the articles, themselves, are most illuminating, and I ask Senators to listen carefully as I read them, bearing in mind that the conditions which occurred in Louisiana, in New York, in South Carolina—in fact, throughout quite a few of our States—would be made possible again under the terms of the Dirksen substitute. As I read from this pamphlet, I particularly ask that Senators take notice of the part played in these developments by the then Attorney General of the United States. I remind Senators that the vast power accorded to the Attorney General under the Reconstruction Acts is sought again to be vested in the Attorney General in this the year of our Lord 1960. Remember, Senators, the Attorney General is not an elected official; he is appointed by the President, and is subject to no popular control save through the impeachment procedure.

To those who declaim that we should trust the Attorney General, that we should have faith that no Attorney General will so abuse his power, as was the case in the 1870's, I remind them that during committee consideration of the 1957 civil rights bill, the man who was then Attorney General of the United States, Herbert Brownell, became highly indignant at the questioning of the senior Senator from North Carolina [Mr. ERVIN] dealing with the power proposed under that act, and others, authorizing the President to use troops to enforce school desegregation decrees. Mr. Brownell spluttered and fumed, and declared that any intimation that the President would impose bayonet rule on our people was without foundation. The committee had no reason not to believe Mr. Brownell, but, just to be safe, the Congress repealed that section of law au-

thorizing the President to enforce court decrees in civil rights cases by the use of troops.

And what happened?

Less than a year later, Mr. Brownell personally drafted a memorandum which was used as the basis to send a Federal airborne division to Little Rock, Ark.

This was done in spite of Mr. Brownell's strong implication before the Judiciary Committee that troops would not be so used, despite the specific repeal by Congress of the law authorizing the use of such troops, and, further, despite the fact that the troops were so used to impose bayonet rule on the people of Little Rock.

For that reason, Mr. President, I refuse to accede to the proposition that the Congress should again accord extraordinary power to the Attorney General, and, then, to merely take it on faith that the Attorney General will not abuse it.

We have two grave examples of abuse of power by the Attorney General in civil rights cases. The most recent occurred, as I have stated, in Little Rock, Ark. But an earlier abuse occured in my own State of Louisiana in 1872 and 1873. I read from the pamphlet entitled "The Louisiana Question."

Mr. President, this was the first of the series of articles I spoke of on "The Louisiana Question." I would like more Senators to hear this, because it parallels, and is on all fours, with what is happening here today, in my humble judgment.

It seems that when people consider this problem, when they watch how the wind blows, in order to meet a decision as to how they should vote in most cases, when some are pressurized by certain groups in voting the way groups desire, people dealing with the problem seem to lose their sense of proportion and their sense of reason. That is why we from the South are urging that before any of these bills are enacted, Senators read history and see what happened on similar legislation not too many years ago.

As I pointed out before the Senate only a few days ago, things got so bad in the North, particularly in New York, that the Congress saw fit, in 1893, to repeal all of these laws, because of their abuse, because of the fraud that flowed therefrom.

My fear is that unless we take note, and look, and listen now, tomorrow will be too late.

Mr. President, as has been shown on many occasions by every southern Senator who has spoken on the question, every State in the South has laws on its statute books to guarantee voting rights to all who are qualified.

There may be some cases where refusals were made, but those are exceptions. In my own State, during the last election for Governor, over 150,000 Negroes voted, and no effort was made to stop them. The names of some, it is true, were purged, and some were scratched off the lists; but they had their right to proceed under the law and be reinstated. They did not choose to do it the legal way. They permitted the Attorney General to take the "shotgun" method and put them back on the rolls, without trying to find out whether or not they were correctly scratched from the rolls.

Mr. President, I received a letter yesterday from the registrar of voters in the city of New Orleans. Before this last election there were 14,000-plus white people whose names were scratched from the rolls, and the names of 1,300-and-some-odd Negroes were scratched from the rolls. But we did not find the Attorney General trying to reinstate those persons. They tried, and many of them succeeded, in using the laws that were then on the statute books. I can assure Senators that we have ample and valid laws in our State to protect voters, and we do not have to have the big arm of the Federal Government reach out and try to control elections in my State and other States in the South.

I read from the first article of this pamphlet, Mr. President:

THE LOUISIANA QUESTION

FIRST ARTICLE

The disorder, discontent, internal commotions, anarchy and what the President calls insurrection in Louisiana, have their origin in this telegram of Mr. Attorney General Williams:

DEPARTMENT OF JUSTICE,
December 3, 1872.

S. B. PACKARD,
U.S. Marshal, New Orleans:

You are to enforce the decrees and mandates of the U.S. Courts, no matter by whom resisted, and General Emory will furnish you with the necessary troops for that purpose.

GEORGE H. WILLIAMS,
Attorney General.

No mandate or decree of the courts of the United States has been resisted in Louisiana. Nor has the authority delegated in this telegram been employed to enforce any decree or mandate previously existing. The records of courts of the United States contain no report of resistance, nor disorder, nor revolution of the Court that the standing Army was needed to enforce the decrees of the Court. Contrary to all official propriety, Mr. Attorney General passes by the courts, and confers a very extraordinary and delicate power upon a ministerial and subordinate officer for use in the future. It was soon disclosed what the significance of Mr. Attorney General's telegram was, and the malign purpose for which it had been made. On the night of the 5th of December, Judge Durell, the only judge of the United States on duty in Louisiana, convened at his private room two attorneys (Billings and Beckwith) and Marshal Packard. The judge dictated an order to the marshal, which the attorney wrote down. The direction to the marshal was to take possession of the building used by the State, as a State house, and to occupy it till the further orders of the Court. The marshal was directed to prevent what is called an unlawful assemblage of persons who pretended to be returned as members of the legislature. The telegram of Mr. Attorney General was known to the judge, for he directed that the marshal apply for troops to General Emory. The two attorneys testify that this was the first notice to them of a design to make the order. There was no petition or motion for it. It is not prayed for in any cause. There was no affidavit of facts to warrant it. The order is directed by the judge to the marshal, and was delivered to him, and was executed with troops furnished by General Emory, the same night. No process issued upon it.

All men agree that this order was, in substance and in form, entirely illegal and without any valid claim for execution. We have here a contemporaneous exposition by Durell and Packard of the meaning and purpose of Attorney General Williams. On the morning of the 6th of December 1872, the statehouse, in which the executive office was, and where the legislature of the State held its sessions, was occupied by the Army of the United States to sustain the custody and control of the marshal, Packard.

What was to be done with it? is the question which we are now able to answer with unerring certainty. During the 6th and 7th of December, Billings and Beckwith were diligently employed in writing an original bill in chancery for Antoine. Antoine is a Negro, who at the time was in the customhouse of the United States, and had been a candidate for Lieutenant Governor on the ticket with Kellogg, the candidate for Governor. The term of office for the Governor and Lieutenant Governor did not commence till January. Antoine averred in his bill that he had been certainly elected in November; that he apprehended that in January he might have some embarrassment in going into the office. To make assurance sure he filed that bill. There are about 135 defendants—the Governor of the State, secretary of state, the members of 2 hostile boards for canvassing the returns of the State elections, 19 claimants for seats in the State senate, and above 100 claimants of seats in the house of representatives, and the clerks of the 2 houses. Upon an ex parte application to Judge Durell on Saturday, December 7, 1872, Judge Durell granted a restraining order to affect each one of these official persons under the State government. This order commanded each and all of these persons neither by return, certificate, registry, call of names, act, word, sign or mark, in any manner to recognize, cooperate with, aid, assist or entertain any of these persons or others as members of the State legislature, unless he had a token or sign, or wore the wedding garment which Antoine described as proper for them to have, so that in January, Antoine might be declared to be Lieutenant Governor.

This order was to be in force till the 11th when the court would hear a motion for an injunction on notice to defendants. To understand the full wickedness of this unprecedented order, it must be remembered the legislature was to be convened on Monday, the 9th. The conspirators had Monday and Tuesday to consummate their malignant purposes. Marshal Packard held the State capital, having at command an army with banners and artillery. He held the 135 writs, to be served on the claimants to seats in the legislature. He had from the Attorney General orders to enforce the mandates and decrees of the U.S. courts, no matter by whom resisted.

He and his deputies were at the doors of the State house on the 9th. It was thus on Monday and Tuesday, the 9th and 10th of December, that a legislature was impaneled which for 2 years had been the gazing stock of all visitors at New Orleans as the embodiment of all corruption, dishonesty, bribery, and folly ever known to the people. The execution of the midnight order of the 5th was the preparatory measure for the empanelment of this legislature on the 9th and 10th. They are parts of the same conspiracy. But there was another stage in this downward road of tyranny, oppression, and overbearing insolence and usurpation. A Governor must be placed in power to cooperate with this legislature. Kellogg and Antoine had no pretext for claiming office till January. A licentious fellow named Pinchback was selected as a proper usurper. He had been a senator in the preceding legislature, and after the death of Lieutenant Governor Dunn, had been elected president of that senate, and acted as lieutenant governor. His term had expired. His successor was one of Antoine's defendants. He had no title to a place in

the senate. Nevertheless, attended by Mr. Billings, attorney, he took possession of the chair of the president of the senate. With the agencies to support him, there was no room for opposition. With a prepared plan he organized the senate to conform to Antaine's writs. The house of representatives was organized under the chairmanship of Lowell, of the Post Office Department of the United States—subsequently dismissed for embezzlement. The statute laws of the State prescribe formal and careful proceedings for the impeachment of an officer of the State. There are to be definite articles, notice to the officer, inquiry, argument. In a few minutes articles were presented and passed against the Governor. These were presented to the senate, and Pinchback, as its president, took possession of the executive office, in the Capitol Building, with force, and proclaimed that he was the Acting Governor. The Governor did not yield, nor did the legislature legally elected, yield to the impious and ignominious proceedings. Thus the case had arise which Mr. Attorney General Williams had foreseen from the beginning, and in which he delegated to Marshal Packard the power to call upon General Emory for necessary troops to make his decision. Which of these governments is the one for our support and recognition? This was the question for which Mr. Attorney General had been preparing.

On the morning of December 11, 1872, the telegraph whispered softly and with insinuation the following gentle message from William Pitt Kellogg:

"If President in some way indicates recognition, Governor Pinchback and legislature would settle everything. Our friends here acting discreetly."

Collector Casey plied his brother-in-law (Grant) with vehement expostulations to the same import. Marshal Packard was earnest and urgent in telegram to Mr. Attorney General.

The consummation of this conspiracy for accumulated wrong to the people of Louisiana was completed by Mr. Attorney General Williams in the following telegram:

DEPARTMENT OF JUSTICE,
December 12, 1872.

ACTING GOVERNOR PINCHBACK,
New Orleans, La.:

Let it be understood that you are recognized as the lawful executive of Louisiana, and that the body assembled at Mechanics' Institute is the lawful legislature of the State; and it is suggested that you make proclamation to that effect, and also that all necessary assistance will be given to you and the legislature herein recognized to protect the State from disorder and violence.

GEORGE H. WILLIAMS,
Attorney General.

This revolution was commenced by hypocritical and perfidious pretenses that there was resistance to decrees and mandates, under cover of which pretenses illegal and violent decrees and mandates were executed with the Standing Army without resistance. It closes by another hypocritical and perfidious offer to prevent disorder. Thus far, then, we have given, step by step, the progress of this monstruous act of usurpation up to the time when Kellogg took his seat. We propose to trace its subsequent history in another article.

SECOND ARTICLE

We brought to the knowledge of our readers yesterday the scenes in the first act of what the committee of the Senate of the United States, composed of Republicans, termed the "comedy of blunders and frauds of Federal interference" with the government of Louisiana. This designation is not to our taste. In the vocabulary of politicians we know that blunders are regarded as worse than crimes. We prefer, in this instance, the word "crimes" as a more exact and descriptive designation. As frauds and fraudulent pretenses are various, and have many forms, we prefer to characterize those in this case as misdemeanors, as the more comprehensive and expressive term; and as they have disturbed the peace, and violated the dignity, honor, and rights of a sister State of this Union, they may be regarded as crimes and misdemeanors of no ordinary magnitude. We repeat, then, that in a previous article we have brought to the notice of our readers a history of the high crimes and misdemeanors of Mr. Attorney General Williams in the subversion of legal government in Louisiana. We discard the word "comedy"; for unfortunately it has not been a dramatic representation, but a real, actual commission of flagrant offenses against the constitutional right of an entire people.

There is no State in this Union which has a better claim to inquire of the misconduct of an Attorney General of the United States than this State of Maryland. Within the memory of living men, Maryland has contributed to form the standard of official rectitude, capacity, character and conduct in that high office, William Pinkney, Roger B. Taney, John Nelson and Reverdy Johnson. Maryland has a large claim in William Wirt, a native of the State, and who died a member of the Maryland bar. Is there a person in Maryland with imagination so disordered as to conceive the possibility that either of these Maryland jurists could have been a party to any such acts as those of Attorney General Williams, or could have lived under the communicated guilt that these acts and orders imbue their author with? All men know that every one of them would have refused to deal with a subordinate ministerial officer of the court as to the manner in which the decrees and mandates of a court of the United States were to be enforced. They would have required copies of the orders and decrees, ascertained the character of the resistance, and its cause, and have made a thoughtful, impartial and thorough investigation of them before assenting to the use of the standing Army of the Union in enforcing a decree or mandate affecting the person or property of the humblest citizen of the land. But for them to give to the marshal of the court power to call for as many troops as he needed to enforce decrees and mandates not in existence, is simply inconceivable. What shall we say of the enforcement of an order to seize and hold for 7 weeks the capital of a State in a civil suit, among its citizens, in which no interests, right, or use of the property of the State was concerned; the seizure and occupation to be made so that the marshal of the court might stand at its portals, examine the credentials of the members of the legislature, upon their ingress to the legislative hall, the catalogs of its clerks, the conduct of its members; in fine, the direction of the empanelment of the legislature? What shall we say of the order to establish a truculent usuper in the Governor's office, and of the swift order of recognition on the application of Kellogg, Casey, and Packard? We shall not claim for the Maryland attorneys general a transcendental preeminence. Pennsylvania gave Bradford, Rush, Gilpin and Black to that office. From other States, Berrien, Grundy, Legare, Toucey, Mason, Crittenden, Bates, Stanberry, Evarts, have come to illustrate its dignity and importance. We are unable to believe that any one of them would have sanctioned the perpetration of such violence and wrong. Grattan, in an eloquent and merited tribute to Chatham, said: "The Secretary stands alone, modern degeneracy has not reached him." Of Attorney General Williams it may be said, he, too, stands alone, the incarnation and illustration of modern degeneracy in these orders and acts of his administration.

After the perilous consummation had taken place the people of Louisiana, aroused under such feelings of indignation and resentment that have not often been seen in any part of this Union. They met as by a common sentiment by tens of thousands. They selected a committee of 200 of their fellow sufferers to go to the President. Mr. Attorney General, with the rapidity of lightning, ordered them not to come; that the President was immovable. They would have gone if it had rained Williamses night and day during their whole progress. Their reception at the White House by the President, with Mr. Attorney General at his side was as cold as an Arctic winter. They made an appeal to the people of the United States, and their appeal for a time stirred the hearts of that people. But what could the people do but condemn? The committee appealed to Congress. Congress examined and discovered that the acts and orders were unconstitutional; that the Federal court had no jurisdiction; that the seizure of the capitol and empanelment of the legislature violated constitutional rights; that the judge who made the orders deserved impeachment. We are now told in a letter from Mr. Billings to Kellogg that Mr. Attorney General made heroic efforts—efforts exceeding those of all other men—to suppress inquiry and to prevent redress. An appeal was made to the legislatures of all of the States of the Union. The Governors of some of these States expressed in manly terms their judgment of condemnation of the high crimes and misdemeanors that the case exhibited; and the legislatures of some of the States expressed their sympathy and sorrow over this murder of a State.

What has been the condition of the State of Louisiana during all this period? The legislature empaneled is the most humiliating spectacle ever displayed to the eye of a friend of republican forms of government. Its sittings are in anarchy, confusion, disorder, tumult, noise of obscene or coarse vulgarity. It is divided into committees or rings, who are bound, it is said, by oath, to levy a contribution or toll on the bills presented to them, the tolls being for division among the members. Such committee examine the bills and establish the rates. The legislation is passed according to the toll paid. Some of the acts passed are samples of villainy and corruption of a kind which cannot be found in the wilds of Africa.

The population of Louisiana are agreed in their contempt for the Governor. His reputation for veracity is below the level of the lowest rank of professional oathmakers. The only determinate purposes in the Governor, Senate, and House of Representatives—the lawmaking department—are to get money for themselves, and to perpetuate their power to spoliate on the State and people. The only power they respect is that of President Grant and his prefect, Mr. Attorney General. No Mohammedan bows with more reverential and submissive obedience to the firman of caliph or sultan than do this Governor and this legislature to the behests or suggestions of the authors and upholders of this ignominious government. They acknowledge their paternal jurisdiction and power to bless them into prosperity, or to curse them out of being. This condition of things is an omen perilous to the Constitution of this country, and to the stability of republican institutions in the United States.

This later aspect of the case we shall consider, as well as that presented by governmental interference within the last month, in another article.

THIRD ARTICLE

The election of 1872 discloses an impending danger to the stability of American institutions, from the ambition of a dominant and unscrupulous party, determined to hold their power, against which too many pre-

cautions cannot be provided. The danger arises from the introduction of the judicial authority into immediate contact with State and Federal elections, and the facility with which the standing Army of the United States may be employed as a civic force. The character of the office of Attorney General has been radically changed, and that functionary hereafter will regard as his most important and interesting duties those that assimilate him to a prefect or minister of police under the French administration. His principal charge will be to see that elections are favorable to the dominant party. We are quite at a loss to assign the large telegraphic correspondence of Marshal Packard with Attorney General Williams—reported by the committee of the Senate—to any category of official duties which properly belong to either office. They are intelligible if they had been signed by Packard as chairman of the State central committee of the Republican Party in Louisiana, and were designed for the chief of that committee or its secretary in Washington City. We are not aware of any act of Congress which makes the Attorney General ex officio the chief or the secretary of that committee.

In 1872 the dominant party at one time was alarmed by the secession of the most capable, experienced, upright, and honorable members of that party. The remnant resembled a rump of the party. At this time it was resolved in party counsels that the votes of the Southern States should be cast for their candidates for President and Vice President. They claimed these votes as the booty of the war. They belonged to them as a conquest. To secure them the control, the election returns were placed in the reach of judicial power, and the power was granted to the President to employ the Army and Navy to enforce judicial orders and mandates. If Mr. Greeley had received such majorities in the North and West as to require the aid of the votes in the Southern States to overcome them, then the controversies which have since arisen in Louisiana, Alabama, Arkansas, Florida, and were attempted in the State election of Texas, would have had a national operation and import. The papers in the interests thus involved might have generated a civil war. A survey of the angry passions, rapacity, ambition for rule, and for the profits arising from rule, on the one side, and the indignant demand for reform and change in the administration on the other, sufficiently shows in what such controversies will terminate. The necessities of the dominant party did not require such controversies in 1872; but the underlings of the party in the States we have enumerated made use of the plan of operations to secure themselves in the control of the offices of these States, and have been the cause of internal commotion in all of them.

Command of the government of Louisiana in 1872 was specially desired; in the first place, to swell the majorities for Grant and Wilson so that no party thereafter could be rallied to make opposition to them. There may have been dreams of a third and fourth term even then. It was also needed to place James F. Casey in the senate, in the place Kellogg had vacated, and to fill a complete term thereafter. Kellogg deserved recompense for his surrender of the senate, and the African voters were to be maintained in supremacy and under the sway of their party managers and overseers, for future employment. On the 3d of December 1872, the date of the imperial "bull" from the Department of Justice placing at the disposition of Marshal Packard the Army of the United States in the Department of the Gulf, all these things seemed to be practicable. The hearty and cordial cooperation of Judge Durell was essential to its accomplishment. But Judge Durell is not at all times, and for all purposes, and for all persons, tractable. Sometimes he has fits of stubbornness. The requirement from him of orders to direct the seizure of the capitol, and to install the legislature, and to prepare for the elevation of Pinchback, we do not believe he received with any satisfaction. We acquit him entirely of being the original and first inventor of those acts or orders. Who conducted the negotiations with him has not been told. But, contemporaneously with these orders, the fact appears that Mr. Norton, his close, intimate, and familiar friend, and an officer of his court by his appointment, became the Republican candidate for the senate, and Casey was withdrawn. Pinchback was to fill the vacancy of Kellogg, and Norton to be his successor for the full term. Pinchback became the Governor in the manner we have described, under cover of the judicial orders of the 5th and 7th of December, and the wing of the Army. He received from Norton $20,000 for aid to his election. The exaltation of Pinchback had an extraordinary effect upon his African imagination. For a time he was Agamemnon, king of gods and men.

Did not Mr. Attorney General telegraph him: "All hail, Governor of Louisiana. Make proclamation of your excellence, dominion and power. The Army of the United States is at your call to make of your enemies a footstool." Pinchback naturally then sought a broader field for self-exposition. He bilked Norton of the $20,000, and was elected to the Senate of the United States by an overwhelming vote in the legislature which Marshal Packard had impaneled. He made a donation to Kellogg of his usurpation and its somber honors. For a year he was called Senator Pinchback, the observed of all observers. He had dreams of a second or third term—of the Vice Presidency first; then the Presidency for first, second and third terms, with a son of his succeeding.

A terrible Nemesis has followed all of these persons. A frightful awakening has dissipated these midwinter night dreams. Let us pause to consider them:

1. The vote of Louisiana was not counted for Grant and Wilson.

2. Mr. Casey was not chosen to the Senate, and hardly obtained confirmation in the office of collector.

3. Attorney General Williams was rejected with contumely by the Senate when nominated to an office above his character and capacity, but not his ambition.

4. Judge Durell has slept on a bed of thorns so penetrating that his harshest judges commiserate him.

5. Mr. Norton has lost the Senate, and probably $20,000.

6. Pinchback has been sent to the cypress groves of Louisiana, that his imagination may find coolness in the shade.

7. Marshal Packard has been subjected to the scourge of Senator Carl Schurz.

The milk pails of all have fallen, and with them their imaginary happiness.

One of those sage interpreters of human motives and acts, and the ways of God to man—a poet—has said:

"That Providence which makes the good take heed
To safety and success, contrariwise
Make villains mostly reckless. Look on life,
And you shall see the crimes of blackest dye
So clumsily committed by such sorts,
So lost to thought, so scant of circumspection.
As shall constrain you to pronounce that guilt
Bedarkens and confounds the mind of man."

We shall consider other parts of the Louisiana case.

FOURTH ARTICLE

The condemnation by the people of the United States, the Congress of the United States, and especially by the members of the legal profession of the United States, affects so sensibly the character and conduct of the Department of Justice in reference to Louisiana that, to impair its force, convulsive efforts have been made in Louisiana to obtain some sanction to Kellogg and his usurpation. If the elections could be carried, it is supposed a pardon will be granted for the manifold blunders and frauds which, to the humorsome report of the Senate, made a comedy worthy of that name. At any honest election this is impossible. During the last session of Packard's impanelment, a bill was so slyly, steathily passed through, and it was so carefully hidden from the public eye, that very few knew of it. This bill was for the regulation of elections, and approved after Congress had adjourned. The bill when reduced to its simple terms, may be translated into these words: "Let it be understood," adopting the Attorney General's formulary, "that William Pitt Kellogg and S. B. Packard are empowered to return as members of the next legislature all those who support this bill, and for every other office whomsoever they may choose." The swift and summary measure of 1872 fills the members of the existing legislature with admiration as well as delight. The bill to every other person proposed a game of open and shut. Kellogg's bald and unjointed chat expresses malice to villainous saltpeter and vile guns in the hands of white men. They are only proper for blacks. So he proposed to take all the arms from the whites, and to furnish arms to those who, under his directions would use them judicially. Seizures of arms took place, and others were suggested by his creatures. These searches and seizures were without legal authority or warrant. The protective wing of the army of Emory produces arrogance and superciliousness. The agents in these acts had a confident reliance on a pardon from Kellogg for acts of violence and breach of peace. The time had obviously come to New Orleans when:

"He who would live exempt from injuries
Of armed men, must be himself in arms."

The people rose, and Kellogg, with the members of his usurpation, incontinently fled to the territory of the United States—the Custom House—in which they have jurisdiction. He was as safe from molestation as if he had gone to the bracing atmosphere of the Department of Justice in Washington City. The usurpers had abdicated the positions into which they had been forced by General Emory's command, under Marshal Packard's lead in 1872–3. The lawful government took possession of the places to which they had been elected, and which were vacant. We do not follow in the way of thinking which discovers any unrighteousness in this act. When Charles I went into the House of Commons of England and demanded the surrender to him of five of its members, to answer his articles of treason against them, he violated the rights so sacred, which ultimately terminated in his dethronement and decapitation. Clarendon tells us, that John Hampden henceforth became implacable. Attorney General Williams delegated to a subordinate of a court, the power to call all the troops he needed. Under an overbearing pressure, Judge Durell, as if conscious of wrong, in the privacy of his bed chamber at night, gave the fatal order to use the troops, and to establish a State government.

All men agree that these acts and orders were entirely beyond the constitutional jurisdiction or warrant of any department of the Government of the United States. Here then, was plain, palpable and manifest wrong, accompanied with malice and mischief. John Hampden would have found here a case for resistance. When James II endeavored to compel the conviction of seven Bishops of England, and failing in this

suspended the execution of some laws and violated others, the people of England invited a deliverer. The flight of James II, not more ignominious than that of Kellogg, was treated as an abdication, and that the throne might be supplied by the choice of the deliverer. Maynard, Somers and Halifax, held this opinion, and the people of England concurred. Mr. Attorney General probably holds to the doctrine of passive obedience and nonresistance, at least to acts and orders of his instigation or manufacture. When the Boston port bill, which deprived that city of civil and political rights without a trial or conviction, reached them, messengers were sent to the different colonies. A Congress of the colonies came together and laid the foundations of an American Union. There were George Washington, Patrick Henry, Richard Henry Lee, Samuel Adams, John Adams, John Jay, John Rutledge. Two of these were to be Presidents of the completed Union, and two Chief Justices of its Supreme Court. The opinion of Baltimore at this crisis was that they could not "see the least grounds for expecting relief from a petition and remonstrance," and were "convinced that something more sensible than supplication would best serve their purpose." The ways of thinking and the language of Baltimore are not foreign in New Orleans.

In the Declaration of Independence the establishment of arbitrary laws in a single colony, the dissolution of legislative bodies; the suspension of their sessions; the delays in their sessions, are recited as acts constituting a tyranny and justifying a people to renounce their allegiance to the tyrant. But what are the Boston port bill, or the dissolution of the assemblies in Massachusetts, Virginia, and North Carolina, to the acts done by Attorney General Williams to Louisiana? With as much propriety, and with far more discrimination, he might just as well have installed the hippodrome of Mr. Barnum as a legislature for Louisiana. The roars and brays, and barks and screams of Barnum's collection of elephants, monkeys, dogs, and other animals are as intelligent and as intelligible as the language of the legislature that Mr. Packard impaneled for Louisiana. The violation of constitutions, laws, customs, and civil rights, and the offense to the honor, pride, dignity, and self-respect of a people, in the several cases put and supposed, are about the same. We should prefer the warhorse of General Grant as Governor to the present occupant of the place. Shall we come to this as the next blunder or fraud to be represented in Louisiana?

When Charles X of France promulgated ordinances contrary to the charter, invading the freedom of the press and of persons, Lafayette, Guizot, and Perier concluded the King should have a successor and France a constitutional monarch. The history of the American States must be buried in oblivion, and of the struggles of heroes and patriots in all lands disregarded, before the action of the Attorney General can obtain confirmation. We have been told that unconstitutional as are the acts and orders under which these things have been done, still they must stand. The "sic volo sic jubeo" of the President is immutable, even to himself; there can be no review nor revision. It is like the laws of the Medes and Persians, which altereth not. The argument assumes that the code of these nations belongs to the American system. Mr. Attorney General seems to have some such notion as this. In an ancient and an interesting volume, which probably is not in the library of Attorney General, two cases under this article of the code of the Medes and Persians are reported. In one of the cases some counselor, possibly an Attorney General, obtained a decree devoting an entire race of people to spoliation and destruction. Before the execution of this decree the King became satisfied that he had received bad counsel from an evil-minded counselor.

The King could not alter the decree. But he granted to the proposed victims the right of self-defense, and accordingly, on the day when the execution came, they drove away the marshals, governors, adjutant generals, and officers of police with a strong hand. The King made a decree to hang his counselor on a gallows 50 cubits high, which had been erected for one of the proposed victims. This case is very much in point, and we commend the precedent to Mr. President. The other case is one of a very righteous man who had excited the hate of a class of bad advisers who infest courts, and was thrown into a den of lions under a decree which altereth not. The King became dissatisfied with the decree, but could only leave the victim to his own devices for escape. They were quite sufficient and worthy of all esteem.

The King indemnified himself by delivering his advisers to the same fate, with a good result. We think if the President had confined his action a few days ago by settling his accounts with his advisers, the country would have been content. American constitutions impose no such inflexibility on Presidential resolves. The radical difference between administrative and judicial action lies here. No department should transcend its powers, nor make orders or do acts beyond its legitimate authority. A President may sometimes palliate the error of his trangressions by the necessity of the moment, by the empire of circumstances, by a desire of profiting from unexpected occurrence, by the impetuosity of him who puts in operation powerful forces in a department constantly active. But no amnesty is due to the President who, having committed an error pertinaciously and obstinately adheres to it, only because he had decided. The judicial powers is concerned to apply existing laws. It has no right to employ extraordinary or extravagant means. It is beyond the reach of circumstances and events, and has neither power, and ought to have no motive to exceed the bounds of authority. It should decide according to law, and has no concern with public policy, and above all, none with party domination.

FIFTH ARTICLE

We have sufficiently established that the discontent, disorder, internal commotions, anarchy, and what the President has termed insurrection in Louisiana have their real foundation in violent breaches made in the Constitution and laws of the United States, commencing with the delegation to a subordinate officer of a court, without any subsisting cause or motive, of the entire executive power of the United States to enforce decrees or mandates of their courts by a call for the standing army at his disposal. Within 2 days after—in the darkness of night, and the privacy of conscious evil-doing, a judge of the district court, the most inferior in the grade of judges of the U.S. judiciary organization, was superinduced by some external influence to make orders entirely beyond the competency of the judge, or of any court, or of any department of the Government of the United States, or of Congress assembled—the State capitol was occupied by a portion of the Army of the United States. Under other acts and orders, a legislature, without semblance or claim, was impaneled; a lawful Governor was deposed, an upstart selected from the body of citizens to fill the place, and the ways were paved for Kellogg and Antoine to take possession of the executive department of the State government. The Attorney General was just as ready to sanction this as he had been to instigate and promote the action ab initio. The embarrassment of the people of Louisiana has been to engage a steady and conscientious examination of their case, with a purpose to apply a remedy. When examined, we have shown that these acts are of the same character as those which have aroused virtuous and brave people, in other lands and in our own, to take arms in their own defense. They are acts of tyranny, oppression, and injustice, productive of permanent and enduring mischief.

The aims of the tyrant and the oppressor are habitually manifested in sordid and ignoble acts, and their immediate objects are habitually groveling and ignominious. The count of additional votes for Grant and Wilson; the transfer of Casey to the Senate; the appropriation to Kellogg, Packard, and others, of rewards they claimed; the revenge upon Warmoth, were in this case obvious motives. Beyond this was the holding the State of Louisiana to the Radical Party. Within the United States there are about 900,000 of voters of the African race, of whom about 800,000 are to be found south of the Potomac, including Tennessee, Kentucky and Arkansas. These voters readily multiply themselves. A few days after Kellogg had opened his registration in New Orleans the number of this class registered exceeded by 10 percent the population of that class in the city of New Orleans. One person was found who had twenty-seven certificates of registration in different places. For the most part these persons are ignorant of the object of voting; of the effect of voting; of the duties imposed on officers; of the merits of the candidates. The attraction of a vote to them is the importance it for the time imparts to the voter and the compensation it invites. This mass had been subjected for 6 years to organization, discipline, the habit of explicit obedience, and is taught that all is fair in elections. The making of election laws by radical legislatures in the Southern States had been a favorite employment. The fundamental principle in all of these acts has been to place the ballot box with all that precedes and follows an election, absolutely under control of the managers of the party. Generally, the Governor obtains laws to give him this power. No irony is more bitter upon the condition of the Southern States than the stock passages of orators upon the merits of purity of the ballot box. No engine of despotism is more efficient to control government, or more destructive to liberty, than the habitual power over, and abuse of, the ballot box. None so readily undermines popular institutions.

With it they may be made corrupt and in time must be overthrown.

The crafty leaders of the Radical Party understand this. They understand it is far more easy to govern in this form than with the experience, learning, comprehensive intelligence, and eloquency of Sumner, Trumbull, Schurz, Greeley, Fenton, Alcorn. Virtue, patriotism, personal honor, manly action have lost their authority, and no one seems to regard these as necessary in government. This army of voters in the Southern States composes the Radical Party. What is not colored on the skin, is in general black at the heart. A fair exhibition of a State is to be found in the character of the men elected to the office of Governor. This army may be understood from the characters of Holden, Moses, Bullock, Smith, Lewis, Ames, Warmoth, Kellogg, Reynolds. Another criterion is in the selection of Members of Congress. In former days the Southern States were represented by able, energetic, vigorous men. The cases were few and far between in which any were suspected of taking money, presents, or professional fees for legislative services. The southern representation of this army now is a body of dummies. No man expects from them virtue, patriotism, personal honor, manly sentiment. Subservient tools, they are always supporting those measures which most excite popular indignation. In the conventions for the nomination of

President and Vice President, this army had a large, and in case of any division a controlling influence. Of the majority to make a choice their voice contributes two-thirds. The power of this army is in its silence. It has no discussions, opinions, judgments, or even thoughts of any matter of general policy. It is ignorant of finance, foreign relations, domestic policy, or qualifications of men for office. All that it knows, all that it does to manifest knowledge is contained in the small piece of paper, called a ballot.

This small paper expresses that the man who deposits it has neither eyes to see, ears to hear, mouth to utter, nor will to do, except as he has been commanded. For this army is divided into commanderies, and is bound by secret oaths to obedience. Unquestionably, the most interesting question to the people of this country at this time is the purpose to reelect the incumbent of the Presidential office for another term. In the convention which determines that question, this army of 900,000 black voters, will exert a potential not to say portentous influence. This commander in chief, the worshipful grand master of this numerous, disciplined and obedient army, is Attorney General Williams. The organization of his department, its connections with the marshals of the districts, its vast expenditures, its superintendence of prosecutions under Ku Klux and other pretenses; its employment of the regular army of the United States, in the municipal affairs of the States, gives this prominence to him in the Southern States. The magnitude of this power may be illustrated by a single fact. Some 3 years ago, Marshal Packard collected Gatling guns to prevent Warmoth from joining a convention which was to choose the chairmanship of the radical State central committee. Not a long time after, the same person, under authority from Attorney General Williams, employed the Army to seize the capitol of the State, and to place first, a legislature and then a Governor of the State, in office. Senator Schurz had lately said that the Republican Party cannot afford to maintain Marshal Packard in the employments he holds and the acts he performs.

This does not sufficiently expose the actual danger. The people of the United States, if they value their Constitution and their liberties, cannot afford to allow the Department of Justice to interfere in State and municipal affairs, to employ the Army of the United States, either to set up or pull down State governments.

Mr. President, these articles were written many, many years ago; but I say they are applicable today.

I read further:

The result in time will be that the existing Government of these United States will be pulled down by the same agencies and instrumentalities, and a dynastic government will take its place.

Already we are told that the principles, precedents, practices of Washington, Jefferson, Madison, Monroe, Jackson, ought not to be followed; there were men when the Constitution was made who favored a President for life. A third term, say they, violates no provision of the Constitution. To gratify one man's covetousness, or party expediency, let us away with the obsolete ideas of those men of another time. The integrity of the ballot box has perished. The security and safety of State governments depend on a telegram from the Department of Justice. A third term will be granted to satisfy personal ambition. What next? An act of Congress to indefinitely postpone presidential elections in the States, or prohibit them. Another gag law, another salary grab law, a law to enlarge the Army and to fill its ranks and its commands with the marshals and managers of the ballot box then out of employment, and the work of revolution is complete by forms of law. Courts can be packed to support the laws. In one of the cemeteries of New Orleans there is buried the remains of one who in his day was known to this entire country as a profound jurist, an enlightened statesman, an accomplished scholar, and a polished gentleman. A fragment of some 50 lines places Richard H. Wilde high on the list of American poets. In that "fragment" we find the expression of what discontent, disorder, internal commotions, anarchy, arising from Federal interference with their political and civil rights, have engendered in the hearts of the people of Louisiana:

"This was our country—it is now our grave;
Would we had never lived, or died the land to save."

SIXTH ARTICLE

We assume as irrefragable truth, notwithstanding some melancholy experience to the contrary, within a few years, that the governments in the several States composing the American Union have no dependence on the recognition or fiat of the President of the United States, or other department of the Federal Government; but that each State is independent and that the existence, organization and administration of the State governments have their origin with the people of the State, and their power is without limitation, except from the Constitution of the United States.

Mr. President, that is what we are talking about here today.

I read further:

The Constitution carefully preserves that independence, by its reservation of powers not delegated in the Constitution, to the State and the people.

The two governments are brought into immediate contact in two provisions of the Constitution. The one pledges the power of the Union to maintain a republican form of government. This pledge is to the people of the State, and the guarantee is a collateral security to the people. The other case is a pledge to protect the State from "domestic violence." This protection must be claimed by the legislature, or in case the legislature cannot be convened the Governor may claim its fulfillment. When the President proclaims an insurrection in Louisiana, he uses political and not constitutional language.

The insurrections the United States may suppress are insurrections against their own authority and power. When the President is called upon by a legislature or a Governor in the alternative, he must decide that there is a case of "domestic violence" within the meaning of the Constitution and acts of Congress which justifies the requisition. Neither the Constitution nor the laws contemplated that there was granted any police power in the State, nor that an army of occupation should hold the State and superintend or aid State administrations. The Constitution and laws measure and define the obligations and duty. It is limited to protection from "domestic violence" which the State cannot overcome and desires aid, and the duty being performed the power of the United States determines instantly.

But there is another duty imposed upon the President. He is not to be a volunteer. There must be a demand from a lawful and constituted authority, which is designated in the Constitution, to justify his interference at all; and upon the title of that authority to make the requisition he must decide. The decision requires deliberation, counsel, integrity. This decision has but a single quality or consequence. The decision is made for but a single object. It is whether a distinct, separate, independent Government shall intermix with the domestic affairs of the State which the Constitution has carefully provided shall only take place in a case of "domestic violence," and that it shall not extend further than to protect the State from the "violence." The power granted to the United States is that of a conservator of the peace in a case of urgent necessity and lawful and legitimate claim. For every act of determination, and of execution or interference, the President must show a continuing authority. The legislature of the State may withdraw at any moment its requisition. The President has no power to take upon himself the guardianship of the State and perform acts of administration for its government. A statement of the Constitution, and of the proper interpretation, furnishes a conclusive answer to the question whether the President could withdraw what is termed his "recognition" of the Pinchback government or of the Kellogg government. At every stage of his intervention and interference with the internal discussion in a State, he is walking on what is termed in the South "a trembling prairie." At every moment he must mark his footsteps, and at all times move with caution and circumspection, or he may fall without the limits the Constitution has imposed upon the Government he administers. He must examine, day by day, whether the conditions for intervention are still existing, and all of these conditions are at all times open to investigate them, and if he does not, he does not perform his duty.

What Attorney General Williams meant in his extraordinary telegram of the 12th of December 1872, directed to Acting Governor Pinchback, in which he said; "Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and that the body assembled at Mechanic's Institute is the lawful legislature of the State," he probably cannot explain to the satisfaction of any one. The day before, Kellogg had told him: "If the President in some way indicate recognition, Governor Pinchback and legislature would settle everything." So Casey told the President on the day of the telegram that "if a decided recognition were made, in his judgment it would settle the whole matter." So recognition was made, not that the United States might protect the people of the State from "domestic violence," but that Pinchback might be established in an usurped authority by the promise of troops to sustain him; the end, as stated in all of the telegrams, being to sustain "our friends."

The community of fraternity and friendliness is put forth in gushing language in all of them. So, we are now told that this is an irreversible, irrevocable act, pledging the power of the Union to maintain for all time this miserable concern of authority. But we have learned that the President at one time decided to advise Congress to dispossess this concern, for that there did not exist a republican government in Louisiana. A well-substantiated and accredited solution of his abandonment of that purpose is that a Senator who had taken a leading part in these discussions, advised that the right or the wrong of the case was indifferent; the material inquiries were to maintain the party ascendency, and to secure eight hundred thousand colored votes for the party. There is testimony to this that can hardly be impeached or discredited, even by the senatorial repudiation. But what does a Presidential recognition legally imply? It establishes no right—it proves no title—it impairs no other title. For any other purpose than that of determining upon a demand to protect the State from "domestic violence." It was, in legal contemplation, nugatory.

The Constitution gives no power upon the President to have an official opinion until he is called to perform a constitutional duty in regard to the Governor or legislature.

The people of the State have supreme jurisdiction on the subject in all other cases. The recognition of foreign governments as States by the President is conclusive upon this people, because the Constitution and laws of the United States confer this authority. But in that case there is no immutability. The Government recognized Louis Philip as King of France; the Republic under Lamartine; the Constitution of 1848; the empire of Louis Napoleon, and the Republic since. It is of the nature of policy and of the use of political power to vary with circumstances and events, and it is not stationary or immutable. It would be difficult to find in the history of this country an example like the present—one of more of usurpation, wrong, and injustice; of more of daring, unscrupulous, and wicked action on the part of Federal authorities in relation to a State of the Union. It commenced in November with judicial action in dealing with Kellogg's chancery suit to perpetuate testimony to assist him as a defeated candidate in a contest for the office of Governor after January 1873, which he proposed to make. The returns were not then made. Then came the telegram authorizing Marshal Packard to call for troops to enforce orders not made, and which were not called for by the case in any aspect. Then followed the seizing order of the capitol; then a new chancery bill to organize a legislature, and writs to impanel it; the disposition of the Governor; the setting up of a Governor; then the recognition—the Army all along accompanied these acts. But the pretenses change. It is no longer to enforce decrees and mandates of the U.S. courts, but the Army is called in to protect this usurpation in authority, under the pretense that the State is in danger of "domestic violence." Cases of a similar kind have appeared in other countries. The Persian King for a long period intervened in the affairs of the Grecian States, to overthrow popular governments and to establish oligarchies. It was a favorite proceeding of Philip of Macedon. Caesar Borgia, the Visconti, the Venetian Senate, did so in Italy. On the Continent it was the practice of the suzerain to raise contentions between the barons and their vassals, and to profit by them. The kings and queens of England constantly intrigued in the affairs of Scotland and lent aid to the factions, and it was a favorite policy of the House of Hapsburg, of Austria. The features of the transactions in this case are similar to those which appear in those histories. It is by underhand intrigues to foment disturbances and internal commotions, to create a colorable pretext for armed interventions for purposes of spoliation, oppression, and the exercise of usurped dominion. The Attorney General must take the responsibility for introducing practices so malign to the tranquillity, peace, and justice of the American Union.

Mr. President, I have attempted to bring to the attention of the Senate exactly what happened in the individual States following passage of these nefarious Reconstruction laws of 1870.

As I have shown, this ill-conceived legislation, more concerned with punitive action against the South and at the same time perpetuation in power of one extreme wing of a political party than with anything else, was nothing more or less than a wholesale invitation to mass fraud.

I submit that section 7 of the Dirksen amendment, which is now before the Senate, would have exactly the same effect.

We have already seen the fraud, the complete and utter conquest of the Southern States by an all-powerful Federal Government. The history books, the records of the U.S. Senate themselves, bear ample, sufficient proof of these charges.

And yet, what are we faced with again today? The same old Reconstruction statutes, all dressed up in new gowns of pious platitudes, with so-called liberals demanding that they be once again inflicted upon the States of the South.

It is unfortunate that the proponents of these measures cannot learn by experience—that they are unwilling to take the word of their predecessors in this very Chamber. They want to see for themselves.

But, I submit, if they want to see how these reincarnated Reconstruction acts will work, let them try it on their own States and not make the South their whipping boy, their private preserve for plunder, once again.

Mr. President, today we are preparing to observe the centennial of the War Between the States. Would you not think that in 100 years the bitterness, the anger of one section of the country to another section of the country would have been dissipated?

Apparently it has not. As bad as were the Reconstruction statutes, there was perhaps one justification for them, namely, that the South was a conquered province, and that the radical wing of the Republican Party was free to wreak its revenge.

Yet, today the South is not recovering from the ruins of the battle, except perhaps our losing battle with the Supreme Court.

In my judgment, the measures pending before the Senate now will do nothing but roll back the years to 1870—and to reengender the hate, the bitterness and the distrust that tore this Nation asunder.

As one who has spent almost a quarter of a century as a U.S. Senator, in the service, not only of the people of Louisiana, but our great Nation, as well, I never want to see that happen—and I hope I never will.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2033. An act to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims;

S. 2061. An act to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States;

S. 2268. An act to declare the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona;

S. 2431. An act for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas; and

S. 2454. An act for the striking of medals in commemoration of the 100th anniversary of the founding of the Pony Express.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. ELLENDER. Mr. President, in accordance with the order previously entered, I move that the Senate now stand in recess until tomorrow, at 10:30 a.m.

The motion was agreed to; and (at 8 o'clock and 10 minutes p.m.) the Senate took a recess, under the previous order, until tomorrow, Wednesday, March 9, 1960, at 10:30 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 1960:

In the Army

The following-named officers for appointment in the Regular Army of the United States to the grades indicated, under the provisions of title 10, United States Code, sections 3284, 3306, and 3307:

To be major generals

Maj. Gen. John Southworth Upham, Jr., O17178, Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Verdi Beethoven Barnes, O17198, Army of the United States (brigadier general, U.S. Army).

To be brigadier generals

Brig. Gen. Richard Collins, O29375, Army of the United States (colonel, U.S. Army).

Maj. Gen. Francis Frederick Uhrhane, O18071, Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert Watson 2d, O18105, Army of the United States (colonel, U.S. Army).

Maj. Gen. William Henry Sterling Wright, 018129, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Henry Harris, O18155, Army of the United States (colonel, U.S. Army).

Col. Fred Joseph Delmore, O29440, U.S. Army.

Maj. Gen., John Phillips, Daley, O18358, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Hackett, O18380, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Charles Hall, O18391, Army of the United States (colonel, U.S. Army).

Brig. Gen. Mervyn MacKay Magee, O18478, Army of the United States (colonel, U.S. Army).

Brig. Gen. Gunnar Carl Carlson, O18515, Army of the United States (colonel, U.S. Army).

Maj. Gen. Ernest Fred Easterbrook, O18537, Army of the United States (colonel, U.S. Army).

Brig. Gen. Curtis James Herrick, O18538, Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew Joseph Adams, O18579, Army of the United States (colonel, U.S. Army).

Maj. Gen. John Frank Ruggles, O18596, Army of the United States (colonel, U.S. Army).

Brig. Gen. Chester William Clark, O41908, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ellsworth Ingalls Davis, O18658, Army of the United States (colonel, U.S. Army).

Maj. Gen. Sam Carroll Russell, O18678, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Robinson Mather, O18696, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Hamilton Britton, O18703, Army of the United States (colonel, U.S. Army).

Maj. Gen. James Karrick Woolnough, O18709, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Augur Hewitt, O18713, Army of the United States (colonel, U. S. Army).

Maj. Gen. Earle Gilmore Wheeler, O18715, Army of the United States (colonel, U.S. Army).

Brig. Gen. Dwight Benjamin Johnson, O18722, Army of the United States (colonel, U.S. Army).

Maj. Gen. Dwight Edward Beach, O18747, Army of the United States (colonel, U.S. Army).

Maj. Gen. Louis Watson Truman, O18755, Army of the United States (colonel, U.S. Army).

Maj. Gen. Harvey Herman Fischer, O18832, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Thigpen Duncan, O18878, Army of the United States (colonel, U.S. Army).

Maj. Gen. John William Bowen, O18904, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ray Joseph Laux, O42102, Army of the United States (colonel, U.S. Army).

Maj. Gen. Teddy Hollis Sanford, O29893, Army of the United States (colonel, U.S. Army).

Brig. Gen. Alfred Dodd Starbird, O18961, Army of the United States (colonel, U.S. Army).

Maj. Gen. Richard Davis Meyer, O18963, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Jonas Ely, O18974, Army of the United States (colonel, U.S. Army).

To be brigadier generals, Medical Corps

Brig. Gen. Clinton Stone Lyter, O18291, Medical Corps (colonel, Medical Corps, U.S. Army).

The officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 3384:

To be major generals

Brig. Gen. Robert Daniel Charlton, O235009, Army National Guard of the United States.

Brig. Gen. Alfred Edward Hintz, O364120, Army National Guard of the United States.

Brig. Gen. Cecil Joseph Kennedy, O243189, Army National Guard of the United States.

Brig Gen. Henry Cabot Lodge, O188725, U.S. Army Reserve.

Brig. Gen. Charles Coudert Nast, O298840, Army National Guard of the United States.

Brig. Gen. Dillman Atkinson Rash, O274004, U.S. Army Reserve.

Brig. Gen. James Strom Thurmond, O192221, U.S. Army Reserve.

Brig. Gen. Morgan Montrose Wallace, O275387, U.S. Army Reserve.

To be brigadier generals

Col. John Caswell Baker, O368365, Adjutant General's Corps, Army National Guard of the United States.

Col. John Clinton Brogan, O343058, Artillery, U.S. Army Reserve.

Col. William Reuther Douglas, O373402, Armor, Army National Guard of the United States.

Col. Edmund Jeffords McMullen, O277456, Infantry, Army National Guard of the United States.

Col. William Russell Porter, O399388, Artillery, Army National Guard of the United States.

Col. Herman Frederick Schuster, O366569, Artillery, Army National Guard of the United States.

Col. John Hootsell Stowers, O176135, Adjutant General's Corps, Army National Guard of the United States.

Col. Robert Harrie Travis, O406588, Infantry, U.S. Army Reserve.

The officers named herein for appointment as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a):

To be major generals

Col. Ronald Dana McDonald, O322470, Adjutant General's Corps, Army National Guard of the United States.

Col. Lyle Andy Welch, O416234, Adjutant General's Corps, Army National Guard of the United States.

Maj. John Pershing Jolly, O431736, Adjutant General's Corps, Army National Guard of the United States.

IN THE MARINE CORPS

Andrew C. J. Hartnett for permanent appointment to the grade of lieutenant colonel in the Marine Corps, subject to qualification therefor as provided by law.

Herman B. West, Jr., for temporary appointment to the grade of first lieutenant in the Marine Corps, subject to qualification therefor as provided by law.

IN THE NAVY

The following-named officers of the Navy for temporary promotion to the grade of lieutenant commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Baxter, Donald L.
Bickerstaff, James W., Jr.
Boyce, Charles R.
Brill, Edward J.
Britton, Joseph F.
Brodine, Charles E.
Brown, Jacob V.
Burns, John F., Jr.
Capps, Clyde L., Jr.
Carson, William E.
Cole, Buell C.
Coulter, James A.
Cowan, Leon K.
Davis, Richard G.
Dean, Harold N.
Donahue, Richard E.
Dungar, Charles F.
Dunn, Thomas S., Jr.
Easterday, Robert H.
Fitchett, Vernon H.
Fobes, Clark D.
Foster, Donald J.
Gass, Michael A., Jr.
Gebhardt, Hellmut C.
Getzen, Lindsay C.
Glover, Ronald W.
Golden, Patrick E.
Good, Daniel C.
Gorsuch, George E.
Grant, Willis J., III
Gresham, Richard B.
Grimmett, Richard H.
Gunning, Jean-Jacques
Hadlund, Ralph L.
Hartney, Thomas C.
Henderson, Milton E.
Henry, William J.
Herrmann, Louis A.
Houk, Vernon N.
Jackson, Frederick E.
Jacobson, Yorke G.
James, Arthur D.
Johnson, Charles R.
Karrer, Max C.
Kimmel, George E.
Knox, Paul R.
Latham, Wilbur D.
Lawrie, James H.
LeBlanc, Gilbert A.
Lewis, Norman G.
Lukas, John R.
Lund, Ronald R.
Mabie, Paul D.
McAlpine, Frederick S.
McClard, Gerald J.
McDaniel, James W.
McFadden, James A., Jr.
McMahon, Edmund B.
McRae, Henry G., Jr.
Miller, Richard J.
Murawsky, William V.
Murray, William E.
Parke, James C., Jr.
Patterson, Frederick M.
Pearson, Howard A.
Pischnotte, William O.
Rankin, Charles A., Jr.
Readerman, Irwin H.
Reichardt, Kenneth H.
Roberts, Franklin M.
Roberts, Robert R.
Robins, John C.
Rosborough, James F., Jr.
Rotner, Melvin
Rucci, Eustine P.
Salisbury, Edward M.
Sanchez-Munoz, Pascual
Scala, Raymond D.
Schefstad, Wilbur J.
Schehl, Charles A., Jr.
Schrader, William A., Jr.
Schumacher, Lewis R.
Schutt, Donald A.
Scott, Daniel J., Jr.
Scott, Lewis P., III
Shugoll, Gerald I.
Siemmons, Barton K.
Sowell, Richard C.
Spence, William F.
Spierling, Paul R., Jr.
Steckler, Paul P.
Stenzel, David M.
Stevenson, Andrew W., Jr.
Taylor, Robert W.
Thomas, Don F.
Thomas, Wendell C.
Trettel, Raymond J.
Valaske, Martin J.
Vanhouten, Robert J.
Vasquez, Mario A.
Viele, Billy D.
Vincent, John T.
Voss, Marlyn W.
Wagner, William J.
Wilson, Almon C.
Wilson, George L.
Wilson, James E., Jr.
Wire, George E., Jr.
Yenney, Matthew F., Jr.

SUPPLY CORPS

Anderson, William W.
Armstrong, George K.
Barber, Ray C.
Bauer, Robert F.
Baunsgard, Perry E.
Beatty, Carl N.
Bennett, Donald E.
Blackwell, Richard B.
Bozewicz, John E.
Brock, Leonard E.
Brown, Everett G.
Brown, Robert M.
Carpenter, Dan M.
Chandler, Hugh H.
Cloutier, Norman L.
Conrad, Stanley J.
Crabtree, Willard R.
Crain, Cassell O.
Crook, Clifford L., Jr.
Curley, Wilfred B.
Davis, Harold R.
Davis, James B.
Devilbiss, Robert J.
Donley, Harold C., Jr.
Dughi, Carl M.
Dunham, Donald J., Jr.
Ely, William B., Jr.
Foster, Paul L.
Fraley, Hugh K.
Francis, Evans J.
Fults, Homer
Fussell, Theodore J.
Goldfield, Herbert S.
Gove, Jack E.
Graham, Robert B.
Greenberg, Edwin G.
Halperin, George B.
Hansen, Neil K.
Henderson, John M.
Hudson, Richard S.
Janezic, Louis A.
Johnson, Ernie F.
Jones, Burton H.
Katz, Samuel
Killebrew, Thomas E.
Kreissl, Leary B.
Leonard, William N., Jr.
Lewis, Charles L.
Lynn, James W.
Mason, Philip J.
May, Thomas J.
Maynard, Frank T.
McClintock, Harry C.
Morris, Edwards M.
Morrison, Walton M.
Morrow, David F.
Mulligan, Thomas J., Jr.
Norris, Lowry W.
O'Neil, Harold P.
Paul, Charles B., III
Peterman, Edward E.
Piazza, Thomas J.
Pollen, James D.
Puleo, Joseph A.
Ringhausen, Robert L.
Rippert, Donald J.
Roberts, Gerald E.
Rolen, Loveman F.
Rudzinski, Anthony W.
Rutter, Frank H., Jr.
Sappanos, Louis M.
Schmidt, Ben R.
Simcich, Alfred F.
Smith, Ralph A.
Smith, Charles W.
Sterner, Francis J.
Stringfellow, Hart R., Jr.
Stubbs, Raymond C.
Thomas, Lyle E.
Tripp, Charles J.
Tucker, Oscar G., II
Tveita, Reynold C.
Verdow, Richard L.
Vroman, William G.
Webb, Davis L.
Welge, Harry K.
Wild, Emmett J.
Willis, Robert G.

CHAPLAIN CORPS

Boyd, George T.
Canfield, Robert A.
Carnes, John H.
Casey, Vincent D.
Cohill, John W.
Croston, Calvin J.
Doermann, Martin J.
Doverspike, Dale E.
Eaton, Hal H.
Frank, Joseph A.
Gould, John D.
Hammond, Edward P.
Hill, Rodger F.
Hitchens, Walter C.
Ivers, Victor J.
Kenny, Thomas A.
Kingsley, Donald F., Jr.
LeMaster, Donald C.
Leonard, Guy M., Jr.
Moore, Withers M.
Nelson, Everett B.
O'Connor, John J.
Otto, Albert J.
Reid, James D.
Richardson, Edward L.
Romantum, Peter P.
Solomon, Charles W.
Stroman, Henry W.
Waters, Howard E.
Zeller, Kenneth P.

CIVIL ENGINEER CORPS

Anderson, Richard E.
Berger, Arthur W.
Bourne, William A.
Carroll, William C.
Clark, John W.
Foley, Richard L.
Forehand, Paul W.
Gulick, Charles W., Jr.
Hendricks, Reinhold M.
Huffman, James I.
Jones, Robert L.
Kimmick, Verne M.
Loomis, Raymond W.
Phelps, Pharo A.
Sherman, George E.
Stetson, John B.
Wagner, Walter R.
Whipple, Caryll R.
Williams, Herbert C.

DENTAL CORPS

Abbott, Paul L.
Ainley, James E., Jr.
Anderson, John "T"
Armstrong, William P.
Bohacek, Joseph R.
Bowers, Gerald M.
Brokaw, Rodman
Capozzoli, Albert A.
Carson, Earl M.
Clarke, Homer
Cowen, Charles E., Jr.
Deaton, Herbert C.
Dvorovy, Eugene S.
Elliott, James R.
Fields, Robert E.
Flagg, Roger H.
Foster, Richard D.
Freeburn, Harold E., Jr.
French, Gordon K.
Garman, Thomas A.
Gorman, Walter J.
Grandich, Russell A.
Granger, Ronald G.

Hays, James W.
Hiatt, William R.
Hodson, Harold W.
Hoffius, Edwin L.
Holmes, John B.
Hylton, Roscoe P., Jr.
Janus, John T.
Johnson, Dean L.
Kelley, John P.
Klecinic, Edward P.
McKean, Thomas W.
Moore, Frank B.
Nolf, Robert S.
Pebley, Harry C.
Perand, Steven W.
Phillips, James W.
Pinkley, Virgil A.
Pistocco, Louis R.
Prange, William H.
Pruden, Ralph W.
Ruliffson, Franklin R.
Shreve, William B., Jr.
Smith, Albert R.
Stanley, James H.
Sydow, Paul J.
Tenca, Joseph I.
Terry, Bill C.
Thomas, George K.
Thompson, Robert G.
VanDyke, James A.
Westcott, Maurice E.
Williams, Samuel T., Jr.
Wooden, Robert A.
Woody, Wilton G.

MEDICAL SERVICE CORPS

Adams, Dwight J.
Barkley, Lucien E.
Beam, Walter E., Jr.
Bergquist, Melvin D., Jr.
Biggs, Leland M.
Bobek, Francis R.
Boggs, Clifford W.
Boone, George A.
Bowe, Warren G.
Bower, Harold R.
Brouillette, Joseph H., Jr.
Bryant, Harvey F.
Carr, Charles A., Jr.
Charles, John P.
Conrad, Ray W.
Courtney, John C.
Daigle, Joseph E. N.
Dempewolf, Eugene H.
Denningham, John S.
Devins, Thomas A.
Dewitt, Richard G.
Dinwiddie, Carl F.
Douglas, George P.
Duffey, William S.
Elsasser, Edward J.
Freeman, Noel L.
Gasper, Andrew J.
Gay, Laverne W.
Gehring, Jack H.
Gellman, Martin
Gibbons, Harry C., Jr.
Goodrich, Neil E., Jr.
Green, Barney O.
Hanavan, Robert J.
Harvey, Dallas C.
Huber, Godfrey S.
Jones, William H.
Kaufman, Louis R.
Keating, Katherine
Kelly, Daniel L.
Koepke, Milton E.
Kramer, Ernest S.
Lacy, Dexter J.
Laedtke, Ralph H.
Leach, Thomas G.
Lee, Raymond W.
Levich, Calman
Lind, Vincent E.
Marsh, William G., Jr.
McCarthy, Daniel F.
McDonough, William A.
McGuire, Francis E.
McIlraith, James D.
McMahon, Talmadge G.
McMichael, Allen E.
Merrell, Walter C.
Miller, Edwin B.
Morgan, William J., Jr.
Newton, Richard R.
Nicholson, Earl M.
Nygren, Raymond A.
Pfau, Bernard J.
Pruitt, John D.
Puckett, Lucian E.
Quinn, John P.
Rever, Rodney R.
Ridge, Bradley B.
Sandeen, Garnet G.
Sanders, James M.
Scale, Thomas N., Jr.
Schwab, Albert J.
Segars, Clyde B.
Sharp, Robert
Stallbories, Donald G.
Stiles, Thomas R.
Still, Donald E.
Swindal, James R.
Sykes, Stanley E.
Testa, Michele J.
Thompson, Robert E.
Tober, Theodore W.
Warner, Albert D.
Weger, Raymond A.
Wells, William H.
Wheeler, Thomas E.
Zaller, Frank A.

NURSE CORPS

Black, Helen J.
Bull, Lola C.
Carey, Geraldine M.
Chadwick, Katherine
Craig, Florence V.
Dalmaso, Amelia M.
Dial, Thelma P.
Easter, Mary R.
Eberhardt, Marie
Eldridge, Ruth E.
Fisk, Grace O.
Fitz, Barbara O.
Fuller, Doris T.
Greer, Goldie D.
Hanley, Eleanor T.
Hedrick, Betty S.
Henkel, Dolores A.
Herbert, Deliabelle
Hill, Gretchen S.
Hogan, Hazel L.
Kailan, Addie E.
Kirsch, Rose A.
Kuenzi, Pauline J.
Laughlin, Kathleen M.
Madsen, Gladys
Merten, Jeanne T.
Muhlenfeld, Loretta T.
Nicora, Adeline
Olund, Anna C.
Pojeky, Ruth M.
Pommier, Angelina T.
Ragland, Wilda R.
Reese, Mary D.
Reeves, Edna A.
Reid, Johanna
Rowe, Constance H.
Schlachter, Wilma R.
Serak, Helen
Sganga, Anna
Shelton, Waunie L.
Sheridan, Anne M.
Smith, Mildred M.
Smith, Vivian E.
Stewart, Mary G.
Stilwell, Adelaide
Struble, Mary R.
Warren, Marion E.
Williams, Alice K.

The following-named officers of the Navy for temporary promotion to the grade of lieutenant in the staff corps, as indicated, subject to qualification therefor as provided by law:

SUPPLY CORPS

Allen, Robert A., Jr.
Ault, William U.
Baricev, Victor J.
Barnett, Andrew F., Jr.
Bedenbaugh, Jack R.
Bilicke, Eric W. H.
Binns, Jack R.
Blackwell, Harry, Jr.
Boike, Robert J.
Booth, Stanley L.
Boyd, John S.
Brandenburg, Wallace M.
Brookes, Jack E.
Brown, Troy L.
Buck, Walter E. Jr.
Buckley, John E.
Bulluck, Edgar G.
Butts, Whitmore S., Jr.
Carson, Francis W.
Chancier, Robert T.
Connolly, George S., Jr.
Coombs, Douglas F.
Cooney, George J.
Cornett, Fred O.
Corrigan, John J., Jr.
Coyne, Donald E.
Crutchfield, Franklin D.
Daddona, John M.
Dickey, James A.
Dohmeyer, Russell S.
Dolenga, Harold E.
Dunning, William J.
Eaton, Thomas E., Jr.
Erickson, Douglas L.
Erskine, James F.
Estes, Arthur, Jr.
Fidd, Joseph A.
Fries, Paul A., Jr.
Gaddis, Carl K.
Gagner, Francis X.
Gerstenberger, Wayne W.
Gervais, Jules J., Jr.
Gorenflo, Louis W.
Goulette, James D.
Gregorio, Daniel S.
Griffin, Edward J.
Hanna, Wallace J.
Harmon, Robert G.
Hart, James J., Jr.
Hassel, Robert B.
Hatcher, Harold S.
Hawkey, William C.
Higgins, Ernest C. M.
Hinds, Duane E.
Hobson, Edward N.
Hopkins, Richard B.
Hudgens, Ronald C.
Hughes, Horald M.
Hunt, William S. Jr.
Jantz, Jack L.
Jensen, Howard L.
Jones, Billy N.
Jones, Channing E.
Kennedy, Don E.
Krietemeyer, Diedrick K.
Krueger, Lloyd W.
Krulthof, Raymond A.
Kruse, William E.
Kunkle, John H.
Langer, Gerald D.
Larsen, Henry O.
LeGendre, John R.
Lemay, Jerome S.
Locke, Olive C.
Loveday, William C. Jr.
Lubben, Vernon L.
Luther, James R., Jr.
Martin, William J.
Mason, Kinner C.
Maxwell, Kenneth H.
McCool, Patrick R.
McCullers, Lawrence E.
McFarland, Wayne B.
McCarvey, John J.
McMullen, Franklin D.
Mitts, Joseph P.
Monaghan, William T.
Moran, Lloyd D.
Morgan, Richard E.
Moss, Stephen A.
Munkres, Glenn R.
Murphy, Jamie R.
Murphy, John E.
Murphy, Joseph J.
Oaks, Jacob G., Jr.
Oliver, Denny R.
Olson, Gene P.
O'Malley, Robert H.
Osgood, Douglas C.
Parr, Harold S.
Peck, Joe D.
Perrone, Louis A.
Peters, William A.
Pfeiffer, Louis J.
Pistolessi, Vincent J.
Prokop, Jan S.
Raffels, John F.
Randall, Harold N. Jr.
Ranieri, Richard A. J.
Raymond, James A.
Reed, Dale H.
Rice, Henry L., Jr.
Riser, Joseph R.
Scanlon, Robert J.
Schaaf, Alvin D., Jr.
Shuler, Jettie C.
Smith, Franklin D.
Smith, John A., Jr.
Stanton, James M.
Starrett, William I., Jr.
Stone, Donald R.
Sullivan, Raymond V.
Tannone, Rocco J.
Thompson, James
Tobin, Isidore L., III
Todd, Blaxton V.
Trawick, George L.
Tudor, Clyde E.
VanHouten, Richard E.
Vannaman, Thomas L.
Vedra, Charles A.
Walker, Richard C.
Walsh, Richard S.
Walters, Robert A.
Warren, Raymond
Webster, John C.
Westmoreland, Perry L.
White, James A.
Whitman, Earl K.
Williams. Robert L.
Wilson, Roger C.
Wolfe, Frank J.
Woodard, James C.
Wright, Harold C.
Wrobel, Eugene A.
Young, Benjamin L.
Young, Ronald A.
Youngblood, Norbert V.
Zabrycki, Edward A.
Zepczyk, Joseph M.

CIVIL ENGINEER CORPS

Anderson, Walter I.
Angelico, Salvatore J.
Ayers, Charles D.
Baggs, Charles C.
Bauereis, Ellis G.
Bishop, Eugene H.
Bradtmiller, Paul H.
Brockwell, Sterling M., Jr.
Collins, Allan W.
Creger, William E.
Flack, Frederick P.
Ford, James E.
Gillam, Harold R.
Glover, William F.
Goodman, Robert F.
Groff, James B.
Jones, Darrell E.
Kartalis, Andrew
Kenny, Robert E.
Keppel, Henry E., Jr.
Kimmons, Victor H.
Lonegan, Thomas L.
MacDonald, Malcolm J.
McCorkle, William J.
McHugh, Robert J., Jr.
McPartland, Eugene J.
Morris, Robert B., Jr.
Mosher, Thomas F.
Newcomb, Frank M.
Newcomb, Kenneth R.
Petersen, Norman W.
Popowich, Clyde V. W.
Quinn, Robert E., Jr.
Schade, Robert A., Jr.
Schumann, James F.
Shanley, John J., Jr.
Shirley, Ronald G.
Uber, Charles B.
Whelan, James E.
Wilson, Robert B.
Young, Joseph F.

MEDICAL SERVICE CORPS

Barboo, Samuel H., Jr.
Boone, Harry M.
Boudreau, Harold J.
Breidenstein, Frederick W.
Clark, James L.
Cooper, Thomas G.
Davis, William P.
Devane, James J.
Fletcher, William E.
Fowler, Ephraim E., Jr.
Fultyn, Robert V.
Gallagher, Thomas J.
Gillenwaters, John D.
Hawkins, Kenneth L.
Hunt, James A.
Jones, George D.
Karr, Joseph T.
Mobbs, Philip H.
Moody, John R., Jr.
Myers, James I.
Nichols, Lloyd B.
Palmer, Jack J.
Roberts, Billy D.
Ryan, William A.
Shuler, Donald E.
Sickels, Forman J.
Smith, Glen R.
Sollman, John R.
Tuttle, Richard G.
VanHooser, Russel P.
Wilcox, James G.
Ziegler, Harry F., Jr.
Zseltvay, Andrew J., Jr.

NURSE CORPS

Doud, Mary K.
Elliott, Ruth L.
Fitzgerald, Helen M.
Gillin, Mary E.
James, Lorene J.
Long, Rose M.
Marble, Ella E.
McIntyre, Lora J.
Melcer, Marjorie I.
Petersen, Wanda M.
Pollard, Joann L.
Reinschmiedt, Anne M.
Shaw, Joan S.
Snyder, Betty L.
Steinocher, Anne M.
VonFreuden, Marilyn H.

Lt. Grace J. Page, Supply Corps, U.S. Navy, for permanent promotion to the grade of lieutenant commander, subject to qualification therefor as provided by law.

Lt.'s (jg.) Janice R. McMorrow and Marjil D. Purcell, Supply Corps, U.S. Navy, for permanent promotion to the grade of lieutenant, subject to qualification therefor as provided by law.

Lt.'s (jg.) Raymond P. Loftus and John A. Stoeffler, Supply Corps, U.S. Navy, for permanent promotion to the grade of lieutenant (junior grade), subject to qualification therefor as provided by law.

Lawrence E. Marsh (Naval Reserve Officers' Training Corps), to be an ensign in the line of the Navy, subject to the qualifications therefor as provided by law.

Carl R. Smith (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law.

The following-named Naval Reserve officers to be permanent lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Clarence K. Glover, Jr.
John A. Kremski
Robert T. Sargent

The following-named Naval Reserve officers to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Richard W. Akin
Armand L. Dollinger
William J. Dunnigan
Robert P. Gannon
George W. Kaplan
Douglas G. McCree
John E. McMahon, Jr.
William G. Plavcan
Donald E. Schaffer
Fredric A. Schulaner
Bertrand N. Shaffer
Paul E. Tyler
Albert Weinshelbaum

The following-named Naval Reserve officers to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Lawrence M. King, Jr.
Carl N. Simpkins

Vincent E. Gallagher, USN officer, to be a lieutenant in the Navy, limited duty only, for temporary service in the classification aviation operations in lieu of lieutenant (junior grade), as previously nominated and confirmed, to correct grade.

Glenn R. Canfield, warrant officer, to be a chief warrant officer, W–2, in the Navy, for temporary service, subject to the qualifications therefor as provided by law.

Harold W. Walters, warrant officer, to be a chief warrant officer, W–3, in the Navy, for temporary service, subject to the qualifications therefor as provided by law.

The following-named officers to be lieutenants (junior grade) in the Medical Corps of the Navy, and to be promoted to the grade of lieutenant when their line-running mates are so promoted, subject to qualifications therefor as provided by law:

Robert Albanese
Edgar J. Anderson
Richard A. Anderson
Royal G. Aubrey
Albert G. Bailey
Thomas L. Balding
George R. Baringer
Harold L. Bassham
Peter B. Baute
Richard P. Benoit
Lester L. Bergeron
Stephen J. Bernocco
Albert W. Bertuch
Robert F. Biehl
David E. Billings
Herbert W. Bistrong
James W. Bland, Jr.
George S. Blodgett
Harry M. Blount
Joseph H. Bowlds
Donald E. Boye
William M. Bradford
Thomas P. Briant
Joseph T. Brierre, Jr.
Melvin C. Britton, Jr.
George J. Brodmerkel, Jr.
James J. Brophy
George F. Brumback
Richard W. D. Bryan
Frank W. Budd, Jr.
John C. Bull, Jr.
Patrick R. Burkett
Waldon E. Campbell, Jr.
Robert W. Cantrell
Thomas E. Carson
Jerry L. Case
Joseph S. Cassells
Donald O. Castell
Nicholas T. Catanuto
Robert W. Chambers
Harvey E. Christensen
Vilnis A. Ciemins
Robert C. Cochran
Robert N. Conrad
Donald W. Cowherd
Adelbert D. Cramer
Glenn D. Crawford
Dennis G. Crockett
William H. Cromack
Douglas R. Currin
James B. D'Albora
Clayton C. Dean
Joseph A. De Matteo
Evans Diamond
Lary S. Dobbs
Robert J. Dockhorn
Barry E. Dunphy
Richard T. Eliason
Francis X. Essex
Richard G. Farmer
William F. Farr
John B. Fenning
Eldon E. Fitch
Robert J. Fitzgerald
Harold L. Floyd
Patrick W. Flynn
Robert Fomalont
Robert J. Forcier
Douglas H. Forsyth
George V. Frankhouser Jr.
Fitzhugh L. Fussell, Jr.
Philip J. Gelber
James S. Godwin
Reginald E. Greene
Thomas A. Grossi
William V. Griffin III
John W. Gruber
Thomas J. Guttuso
Herbert C. Hagele, Jr.
Doyle D. Hagg
William C. Head
Warren Heller
John F. Hiehle
William R. Hix
Bartholomew T. Hogan
Paul A. Holdener
Eric H. Jensen
David W. Johnson
William F. Johnson
Daniel "M" Jones
Dwaine L. Jones
Sydney R. Julian, Jr.
Robert F. Karnei, Jr.
Lacy A. Koonce
Donald M. Kurtz
John A. Lanning
Darwin C. Lehfeldt
Laurus W. Lehwalder
Fred C. Leisse
Irwin E. Librot
Domingo A. Lopez
Rodney S. Lowe
James G. Luehrs
Floyd L. Lummus
John I. Lynch, Jr.
Patrick J. Madden
Daniel A. Manring
Charles E. Marshall
Robert L. Martin
George F. May, Jr.
Garvin H. McClain
Richard P. McClintock, Jr.
Byron H. McCormick
Robert L. McDonald
James D. McGath
Glen D. McKnight
Walter L. McLean
John J. Messina
Harry L. Metcalf
John L. Milton
Victor F. Mockus
Richard H. Moiel
Charles J. Moloney
William C. Monell
Kenneth C. Morley, Jr.
James J. Muehlberger
Walter J. Muller III
Kenneth A. Murdock, Jr.
Eugene L. Murphy
Lawrence B. Mutty
Lafe H. Myers
John B. Nevara
Samuel R. Newsom III
Maurice Nottingham, Jr.
John W. Norton
Carl M. Pedersen
Joseph A. Pellecchia
Myron A. Pickens, Jr.
William E. Pierson
David E. Pirrung
Richard F. Plant
Van Nest Polglase, Jr.
Carter A. Printup, Jr.
John H. Ramlo
Jerome M. Reed
Vade "G" Rhodes
Leslie D. Rivers
George A. Robitaille
Charles C. Rogers
Neil J. Rohan
Gerald T. Roling
Donald E. Roy
Fred A. Rundlett
Eugene D. Ruthland, Jr.
Jerome R. Ryan
Paul J. Schneider
John V. Scholan
Ronald A. Schwartz
Frederick W. Schwertley
Robert B. Seal
Leslie I. Sechler
Raymond J. Sever
Sidney R. Sewell
James L. Shumaker
Jennings B. Smalley, Jr.
Donald D. Smith
Franklin A. Smith
Laurie N. Smith
William W. Smith
William H. Spaur
Frederick W. Spong
Herbert A. Steimel
George T. Strickland, Jr.
William M. Tarnowski
Stanley D. Teeter
James B. Tenney
John J. Tobin, Jr.
David J. Torpey, Jr.
Connell J. Trimber
Lonidas M. Turner, Jr.
Andrew N. Urbano
William P. Urschel
George A. Van De Wyngaerde
Albert T. Ventzek
Charles B. Volcjak
Norman R. Wall
Phil V. Walters
James W. Wengert
Headley S. White, Jr.
Paul C. White, Jr.
Peter R. Whitis
Henry A. Wilkinson III
John M. Williams III
Calvin J. Willis
Homer L. Winslow
Wayne H. Wolfe
Philip K. Wood
Nathan L. Wright
Robert P. Yanko

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 8, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalms 51: 17: *A broken spirit and a contrite heart, O God, Thou wilt not despise.*

Most merciful and gracious God, as we examine our lives during this Lenten season, we find sins and transgressions which only Thy mercy can pardon and potentialities and possibilities for good which only Thy grace can fulfill.

Create within us a better ordered inner life with nobler instincts and higher impulses and may our minds and hearts always abstain and recoil from everything that might mar the sacredness and solemnity of this glorious season.

We humbly confess that we are guilty of many faults and mistakes which we repeat again and again but may we never grow careless and weary of trying to conquer them.

Inspire us each day with power to rise above all those wayward desires that defile and weaken our inmost being for Thou hast not created us for failure but for victory.

Hear us in the name of our Lord and Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE CONGRESSIONAL RECORD OF HON. SAM RAYBURN, SPEAKER OF THE HOUSE

Mr. VINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON. Mr. Speaker, on March 4, 1913, 47 years ago Friday last, a young man just past his 31st birthday took his oath of office as a Member of the 63d Congress.

There is no Member of the House of Representatives today who was a Member of the House on that occasion. And probably that young Member, elected to represent the fourth district of the great State of Texas, had not the slightest idea that he would on that date, March 4, 1960, celebrate his 47th consecutive year as a Member of the House of Representatives.

This record is unequaled in the history of the House, and I am confident that it is a record of legislative continuity that has been seldom matched in the history of all legislative bodies throughout the world.

This man, SAM RAYBURN, born in the State of Tennessee, but claimed by the State of Texas since the year 1887, has become, to the Nation and the free world, a magnificent symbol of democracy at its best.

Elected Speaker of the House of Representatives September 16, 1940, in the 76th Congress, he served as Speaker in the 77th, 78th, 79th, 81st, 82d, 84th, 85th, and the present 86th Congress.

If all of this were simply a question of longevity, it would be an outstanding event in itself; but it is more than longevity, for it is continuity of service in every sense of the word—service to his constituents, service to the State of Texas, service to the House of Representatives, service to the Congress, and, above all, service to all of the people of America and the free world.

No Speaker of the House of Representatives—in the past or in the future—will ever equal this exceptional record—a record not only in longevity, but also a record of outstanding legislative attainments, a record of greatness, a record of fairness, a record of integrity, and a record of humbleness.

In fact, America will wait for many generations before SAM RAYBURN'S record will ever be equaled; and America will wait a millennium before his record of accomplishment will ever be surpassed.

HEALTH BENEFITS FOR RETIRED GOVERNMENT EMPLOYEES

Mr. PORTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, retired Government employees have reason to worry about their being included in the

health benefits plan which Congress enacted for active Government employees and which becomes effective July 1, 1960. Seventy-three Members of the House, including myself, have filed bills to include retired Government employees under a health benefits plan.

This morning Mr. Roger Jones, the able Chairman of the Civil Service Commission, told me that necessary arrangements could be made to cover the retired employees if the legislation was promptly enacted, but the Commission's executive director, Mr. Warren Irons, almost immediately expressed his hope that the effective date of such legislation be delayed well beyond July 1, 1960.

No report on this legislation has been made by or requested from the Civil Service Commission, I learned this morning, but the distinguished chairman of the Post Office and Civil Service Committee, the gentleman from Tennessee [Mr. MURRAY], has promised me that he would see about this.

Those Members who believe that this legislation is necessary and fair should take notice that it needs their strong support now if it is to be enacted so as to be effective July 1, 1960. It seems to me that Uncle Sam's reputation as a good employer requires the earliest enactment possible.

OUR RETIRED CIVIL SERVANTS DESERVE A BREAK

Mr. EDMONTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, I appreciate the remarks of the gentleman from Oregon in support of the retired civil service personnel of our country.

Their right to participate in the new medical benefits program for our civil servants should be speedily recognized by the Congress.

I earnestly hope the committee will soon act on this much deserved legislation.

COMMITTEE ON EDUCATION AND LABOR

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have permission to sit this afternoon during general debate in the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE LATE HERBERT R. O'CONOR

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, today the people of Maryland mourn the untimely death of an outstanding American and a great Maryland public servant, the Honorable Herbert R. O'Conor. He has served his country and the people of Maryland well—as a former U.S. Senator, a former Governor of Maryland, former attorney general, and former State's attorney.

Senator O'Conor was representative of all that is best in our American tradition. The son of a family of modest circumstances, he was truly a "self-made man." He managed to go to Loyola College in Baltimore and—eventually worked his way through the law school of the University of Maryland by serving as a reporter on the Baltimore Evening Sun.

His career as a lawyer was an exemplary one, for Senator O'Conor was a lawyer's lawyer who earned the respect and admiration of all who knew him. Some of the opinions he rendered while serving as attorney general of the State of Maryland are masterly exposition of the law.

When Herb O'Conor was chosen by the people to be Governor of Maryland, he became the first Catholic ever elected to this high office, thereby typifying the true spirit of the Free State. His terms as Governor were marked by innovations that improved immeasurably the administrative and fiscal operations of our State government.

In 1947 this distinguished Marylander was elected to represent his State in the highest legislative body in the land, the U.S. Senate. Senator O'Conor's tenure in Washington was marked by his steady and unrelenting war on the subversive elements that would destroy our freedom. He was always in the forefront in the war against communism and the records are replete with evidence of his efforts to rid our country of this menace.

Senator O'Conor was an able administrator and legislator who devoted his considerable talents to the defense of democracy and the betterment of his State and the Nation. He will long be remembered for his untiring efforts to uphold the principles embodied in our Constitution and for his unique ability to bring about the necessary reforms within our State.

By his intelligent devotion to duty, his great integrity, and the honest and courageous manner in which he discharged all the vital functions of the high offices he held, he distinguished himself in the service of his country and endeared himself to the people of Maryland.

Mr. O'Conor was truly one of Maryland's most illustrious sons and both the State and the Nation suffer a great loss with his passing. We are all grieved by Senator O'Conor's untimely death and I want to offer my deepest condolences to Mrs. O'Conor and the other members of his family in this hour of bereavement.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, the death of the Honorable Herbert R. O'Conor, former attorney general and former Governor of Maryland, and former U.S. Senator from Maryland, takes from our country one of its most eminent and illustrious citizens and public officials.

The deep respect and affection that the people of Maryland had for Herbert O'Conor is clearly evidenced by their action in electing him for every public office for which he aspired. His retirement to private life in 1952 was voluntary on his part.

Herbert O'Conor was a man of deep faith which animated his thoughts and actions throughout his lifetime. He was not only a dedicated public official and legislator and a great American, but he was honorable and trustworthy in every respect. Herbert O'Conor not only possessed the affection of the people of Maryland, but also the deep respect of the people of the United States.

He was a gentleman in every sense of the word. Possessed of an understanding mind, whenever he disagreed with anyone, he could disagree without being disagreeable.

The deep faith and understanding mind of Herbert O'Conor, which I have referred to, justified an introduction he received while making a public address some few years ago, as one of God's noblemen.

Herbert O'Conor was truly one of God's noblemen.

He has left his favorable impression upon the pages of the history of Maryland, and upon the legislative pages of the history of our country.

His loved ones can derive great consolation in the knowledge that he led not only a constructive life, but a noble life.

To Mrs. O'Conor and her sons and daughter, I extend my profound sympathy in their great loss and sorrow.

In my remarks I include an editorial entitled "Herbert R. O'Conor" that appeared in the Washington Star of March 7, 1960:

HERBERT R. O'CONOR

Public service and the profession of law have lost a distinguished practitioner with the death of Herbert R. O'Conor, 63, of Baltimore.

A man of attractive personality, Mr. O'Conor turned from newspapering at an early age to the not unusual combination of law and politics. In those related fields, he progressed steadily from local prominence in Baltimore to statewide success and popularity in Maryland—as attorney general, Governor and, from 1947 to 1953, as U.S. Senator. During his term in the Senate, Mr. O'Conor served for a time as chairman of the Senate Crime Investigating Committee and as chairman of the Senate Internal Security Subcommittee—two areas in which he was particularly well acquainted by experience and by personal interest.

After deciding not to seek reelection to the Senate in 1952, Mr. O'Conor continued his dedicated fight against communism and was a spokesman of the American Bar Association in its condemnation of lawyers who resort to fifth amendment protection against questions of possible Communist affiliation. A lifelong Democrat, he was also a devoted participant in lay activities of the Roman Catholic Church. In all of these outlets for his interests and his talents, Mr. O'Conor earned widespread respect.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Mr. Speaker, with the passage of Herbert O'Conor, a great American has left the scene. Senator O'Conor's public service did not end when he left the U.S. Senate. I like to, and I am sure my feelings are shared by many people, feel that it just began. In his contributions to the work of the American Bar Association Herbert O'Conor's hand will be seen for many years. The Nation has lost a truly great citizen.

Mr. LANKFORD. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Maryland.

Mr. LANKFORD. Mr. Speaker, with the death of our beloved former Governor of Maryland, and former U.S. Senator, Herbert R. O'Conor, the State of Maryland and the country has lost a devoted servant. But, more than that, Herbert R. O'Conor was a friend to everyone whom he met. It was with a deep sense of sorrow that I learned of his passing. I want to take this opportunity to extend to Mrs. O'Conor and the members of his family my deepest sympathies in their hour of bereavement.

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life and character of Herbert R. O'Conor.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RAYBURN. Mr. Speaker, in the passing of Herbert O'Conor, not only the State of Maryland but the whole country has lost an outstanding statesman, a great citizen, a fine husband and father. He was a friend of mine and a friend of mankind. His fine wife and his children have my deepest sympathy.

Mr. FALLON. Mr. Speaker, Maryland sorrows at the passing of Herbert R. O'Conor. We all knew he had not been feeling well since an unfortunate train accident. Still, his sudden death at the age of 63 brought shock, deep sorrow, and a sense of great personal loss to the people throughout the State who have long made plain their affection for him. Our love and sympathy go out to Mrs. O'Conor and the members of his family in the loss of a devoted husband and father.

Herbert O'Conor was a man of outstanding legal ability and a dedicated public servant. I conceived an admiration for him early in political life. I felt the utmost confidence in his honesty, his leadership and outlook. I had a personal regard and affection for him which cannot be expressed adequately in words here today. As a former colleague, I have often been associated with him fighting for causes dear to his heart and to mine. The grief I felt at the news of his death summoned to my mind that I had not only lost a close friend but one with whom I shared the same philosophy of government.

Personal liberty and private enterprise were two of the prime factors which Herbert O'Conor believed we must protect if our country is not to follow a socialistic pattern. He believed this with all his heart and these factors motivated his actions in behalf of the people of his State and the Nation. In his long years of active and influential public service he pursued a single-minded policy—to guard and maintain our free way of life. He fought effectively for those freedoms which he felt have been our protection under the Constitution and which have made America the leading Nation of the world. He will long be remembered for these principles and for his leadership in the fight against subversive elements. Even after retiring from the Senate, he continued this fight and endeared himself in the hearts of the people of Maryland.

Herbert O'Conor was a devout Catholic and lived his faith. He has been referred to—and rightly so—as Maryland's best-known Catholic layman. He was a most able past chairman of the lay committees directing the Catholic charities appeal.

As Attorney General, Governor, and U.S. Senator, he rendered the citizens of his State and the Nation an invaluable service. Particularly, he distinguished himself locally and nationally as chairman of the Senate Crime Investigating Committee and as chairman of the Senate Internal Security Subcommittee.

An inspired leader, eloquent speaker, and an articulate writer, Herbert O'Conor had personal integrity, professional competence, and sound judgment that commanded the highest respect in the U.S. Senate. He was the natural choice of that body to direct the activities being carried on by the Senate Crime Investigating Committee and the Senate Internal Security Subcommittee. History will honor him for the brilliant and outstanding work he accomplished as chairman of these two highly important committees in their fight against the enemies of democracy. His devoted work in this field and his unrelenting fight against communism made him an invaluable contributor to the preservation of our American way of life.

Mr. BREWSTER. Mr. Speaker, it is with deepest regret that I rise to join my colleagues in the Maryland delegation to pay final tribute to former Senator Herbert R. O'Conor, Sr.

His recent death has deprived the State of Maryland of one of its most illustrious sons and distinguished citizens. I feel a deep sense of personal loss, and I join with my colleagues in expressing our most sincere sympathy to his wife and family.

Senator O'Conor leaves behind him a wonderful legacy of service to his country, his State, and the city of Baltimore. He also leaves behind the warming image of a man who throughout his busy eventful life set an example that all of us might well follow. This in some measure alleviates the sorrow that his family and his host of friends feel because of his untimely death.

Senator O'Conor throughout his life enjoyed the respect, the affection, and the esteem of the people of Maryland as few men have in the political history of our State. This respect and affection was demonstrated time and again throughout his meteoric rise through the various stages of his political career.

In 1921, he was appointed assistant State's attorney in Baltimore. This began a career in public life which is without parallel in Maryland. From 1923 to 1924, he served as peoples counsel before the Public Service Commission. In 1924, at age 27, he became Baltimore's youngest State's attorney. He served in that capacity for 10 years during which time his vigor and skill as a prosecutor brought him great praise and national recognition. In 1934, he was elected attorney general of Maryland. In 1937, he was honored by being elected president of the National Association of Attorneys General.

In 1939, Herbert O'Conor was elected Governor of the State of Maryland, and in 1942, at the annual meeting of the Council of State Governors, he was elected president of that body. He was reelected Governor in 1942. He will be remembered as one of Maryland's truly great Governors. During his terms as Governor, many long overdue fiscal and judicial reforms were effected. In 1946, he was elected to the U.S. Senate, where he served once again with distinction. He was always vigorous in his devotion to Maryland's interests.

It was my privilege to know Senator O'Conor well. As a young man in political life, I called upon him for advice and counsel. He was always willing to give freely of his time.

The State of Maryland has lost one of its most distinguished citizens. His wife and family have lost a devoted husband and father. I have lost a true friend.

HAVE WE LOST WORLD WAR III?

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr Speaker, in last night's press there was a statement, as there was this morning, that we have lost world war III. That has been the trend of many a newspaper article for some time now. I have been wondering whether those who make those remarks are suggesting in an indirect way that we are so weak that we cannot defend ourselves and whether the Russians will take notice of that situation and, if they do, whether our friend to the south here in Cuba, Castro,

will conclude from what we say that this is a proper time to visit us with other than friendly intent.

What good does it do to say that we are so weak, so helpless, that we cannot defend ourselves? I wish somebody would write an editorial on that. Of course, those who so often assert that at the moment we cannot successfully resist aggression are not intentionally asking for an attack.

FOREIGN INVESTMENT INCENTIVE TAX ACT OF 1960

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Ways and Means now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. No other amendment to the bill or committee substitute shall be in order except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but such amendments shall not be subject to amendment. At the conclusion of such consideration, the Committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from Idaho, Mr. BUDGE; pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 468 makes in order the consideration of H.R. 5, which would amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance. The resolution provides for a closed rule and 3 hours of debate.

H.R. 5 provides for the deferral of the U.S. corporate income tax on the income of a new class of domestic corporation to be known as the foreign business corporation. The foreign business corporation would be the arm of a domestic corporation which is engaged in the earning of foreign income.

Section 2 of the bill provides for this new type of domestic corporation—the foreign business corporation. This section prescribes the tests which have to be met in order for a corporation to qualify as a foreign business corporation. It also defines the type of income that the foreign business corporation can earn and on which it can enjoy the deferral of the U.S. corporate income tax. This section defines the conditions under which this tax-deferred income becomes subject to U.S. tax. Ordinarily, the tax-deferred income is subject to U.S. tax when the foreign business corporation pays out dividends to its corporate stockholders, although this section also provides that a number of other uses to which the tax-deferred income would be put would also result in the payment of the corporate income tax on that income.

Section 3 of the bill provides that certain exchanges and transfers can take place between a foreign business corporation and its foreign subsidiaries without the requirement of prior clearance from the Commissioner of Internal Revenue as is required today under the provisions of section 367 of the Internal Revenue Code.

It can thus be seen that H.R. 5 is concerned with providing the means for enjoying tax deferral through a domestic corporation. U.S. corporations earning foreign income can enjoy tax deferral today with respect to that income by employing foreign subsidiary corporations as the vehicle through which they conduct their foreign business. A number of U.S. corporations are either not able to use foreign subsidiary corporations or are not willing to do so. By providing a domestic corporation vehicle through which tax deferral can be enjoyed, H.R. 5 would make it possible for such corporations to avail themselves of tax deferral treatment.

On the whole, tax deferral through a foreign business corporation as provided for by H.R. 5 is subject to stricter requirements and limitations than tax deferral through a foreign subsidiary corporation. A number of corporations that would otherwise be willing to enjoy tax deferral would not be able to do so under H.R. 5 because of the limitations and restrictions referred to.

It has been estimated that the revenue effect of the enactment of H.R. 5 would be $85 million a year. That is to say, foreign income on which the Treasury Department now collects $85 million in revenue would be channeled through foreign business corporations, and that amount of taxes which are currently paid would be deferred by reason of H.R. 5. The effect of H.R. 5, therefore, would be to make $85 million of foreign income available for reinvestment abroad.

I urge the adoption of the rule so that the House may consider H.R. 5 on its merits.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THORNBERRY. I yield.

Mr. GROSS. Will the gentleman state why this bill comes to the House under a closed rule?

Mr. THORNBERRY. I should be glad to tell the gentleman what was the judgment of the Committee on Rules. After listening to the presentation by members of the House Committee on Ways and Means, who made a unanimous request representing both sides of the committee, for a closed rule, because this bill amends not only a number of sections of the Internal Revenue Code but also a number of other sections of the code, it was the feeling that it would be well to follow the course we have in the past and, therefore, the committee recommended the closed rule.

Mr. GROSS. But this is primarily a tax-exemption or tax-deferral bill, call it what you will. It provides for tax exemption and tax deferral by people who invest money in foreign countries; is not that correct?

Mr. THORNBERRY. It is a tax-deferral bill. According to the testimony before the Committee on Rules, it provides for tax deferral to domestic corporations which are formed by U.S. companies to carry on operations in foreign countries, to bring about greater equality with foreign subsidiary companies of American corporations who already enjoy entire advantages of tax deferral and who are permitted to bring 100 percent of their products back into this country in competition with American producers. This bill would deny tax-deferral privileges to firms which qualify under this bill and which obtain more than 10 percent of their income from foreign imports into the United States.

Mr. GROSS. But by no stretch of the imagination is this bill to be compared with the ordinary tax bill that comes before the House of Representatives.

Mr. THORNBERRY. It is to be compared, if I may say so to the gentleman from Iowa, in the sense that it does amend several sections of the revenue code.

Mr. GROSS. Sure, but it is not a tax bill as that is generally understood.

Mr. THORNBERRY. The gentleman asked me why we recommended a closed rule and I have tried to explain our reasoning to the gentleman.

Mr. BUDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have some rather grave reservations as to the consideration of this bill at this time. As are most of the bills coming from the Committee on Ways and Means, this is a very involved and complicated piece of legislation.

I think there are statements in the Republican views set forth in the committee report accompanying the bill which are most interesting. The report states that the bill may cause more problems than it will solve, and a reading of the report indicates that may be an understatement. It is time the United States took a very good, hard look at the conditions under which we are forcing our own economy to operate. I quote from page 81 of the committee report:

> The difficulty in finding a satisfactory solution to the problem of encouraging the full participation by U.S. private enterprise in world markets is made more complex by the fact that our Nation is a high-wage, low-tariff country.

I am sure that would be news to a great many people in this country although it should not be if they had fol-

lowed the action of the Congress in recent years; action with which I have not agreed.

The report continues.

> This fact tends to make it more difficult for our producers to export from the United States than it is to manufacture abroad.

If that statement is true, and I think it is, then the people of America should start to find out why that condition should continue to exist.

Again reading from the report:

> As a consequence H.R. 5, to the extent it is used, might serve to increase the pressures to transfer production endeavors from the United States to other countries and thus result in the export of U.S. jobs. We realize that the problem created by tariff policy cannot be corrected in tax legislation, but in view of the fact that the economic effects of these two areas are interrelated, it is appropriate that the economic fact of the one be taken into account in determining policy with respect to the other.
>
> If H.R. 5 should have the consequence of transferring production endeavors from the United States, it may be reasonably assumed that the technological and research efforts may follow such endeavors. We may be creating a situation that will make it even more important that we direct our attention to the already urgent need for improvement in the domestic investment climate.

I think that portion of the committee report should draw attention all over the United States and all over the free world, because it very briefly calls attention to the situation in which American industry has found itself.

Mr. Speaker, it would be my hope that the Committee on Ways and Means would consider this legislation in line with other legislation which is soon to be considered by the Committee on Ways and Means and which is interlocking and intertwining legislation. I think this proposal comes to the House prematurely. While I feel that the rule should be adopted, I certainly hope that the matter will be fully debated. It is my present intention to vote against this legislation on final passage in order that it may receive considerably more attention than has thus far been devoted to it and in order that it may be considered with the related proposals soon to be considered by the Ways and Means Committee.

Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. THOMSON].

Mr. THOMSON of Wyoming. Mr. Speaker, when the previous question is moved on this legislation, I intend to ask for a vote on ordering the previous question. If that vote is successful, I intend to offer a substitute resolution which will be exactly identical to the one reported out by the Committee on Rules except for one most important provision. It would provide, and I quote from it:

> It shall further be in order to consider without the intervention of any point of order an amendment to either the bill or the substitute amendment to add the provisions of H.R. 4918 as title II of the bill.

H.R. 4918 is simply the Davis bill of which many of us are cosponsors. It would set up a realistic trade policy for this country in lieu of this free or freer trade policy that is mentioned in the committee report. It would be one which would be in the best interest of the working men and women and businessmen and taxpayers of America. It would truly be in the best interest of the undeveloped countries. As I have repeatedly pointed out, it does not do anyone in these underdeveloped countries any good to send American capital over there through our foreign aid program or through another giveaway of $85 million by favored tax treatment as provided by this bill. This merely results in spending American money there to build factories and to take advantage of the low wage scales in those countries, and to use the tax money that is saved to produce goods to send to this country to force our taxpayers out of business and threaten to destroy our standard of living. The effect of that is to bring us down to the level of the underdeveloped countries rather than to bring the level of the underdeveloped countries up to our level, which is what we should be seeking to do. This bill, unless it is accompanied by such a proposal as I am making, is a case where half a bill is worse than no bill at all, because it will further open the door to everything that I have mentioned. The place where the American big money interests have invested their money in a proportionately large way, I think everyone in this body will agree with me, is in Cuba. How good a return has the American public had from that investment? I think the proponents of this bill bear the burden of showing us how that has been so good for this country. I see by the morning papers that the United States protests Castro's charges and the papers go on to point out and summarize the seriousness of the results of our business policies in Cuba. I would simply say to you to stop and think about what has happened. The American-Cuban sugar interests go over there. They own most of the plant. They produce most of the sugar, refine it and ship it to this country in unfair competition with our American producers. That unfair competition comes about because those American investors are taking advantage of their low wage levels. They send the sugar to this country and are making a bigger profit; but that profit, I would point out, is only short lived as far as our national interest and as has been predicted all along. Wage scales are less than 50 cents per hour. This merely leaves a hotbed for communism or any other kind of ism to come in and appeal to the people because they do not have shirts on their backs or shoes on their feet and they do not have the good things of life for themselves and for their children.

Now, then, if we would limit the imports of goods produced abroad, then we would be providing these necessities for the countries and the areas in which these imports are produced. This would raise their standard of living. These people do not want to see American plants over there. They want to have more of the better things of life for themselves and their children. You do not get that result by making automobiles in other countries and sending them to this country. You do not get that result by building a cotton textile mill, as was proposed to be done by the use of foreign aid funds in Vietnam, and then sending the shirts manufactured in that foreign mill to this country. The people of Vietnam need the shirts there. The same is true of woolen goods from Japan. Particularly is it true of increasing imports of meat when this food is seriously needed in the diets of people in the area. They need those products in the undeveloped countries of the world. If the previous question is voted down and my proposal adopted, it would simply make an intolerable bill a pretty good bill because it would limit the amount of goods and resources of those countries which could be sent to this country which deprives those people of the use of such goods and resources in order to raise their own standard of living.

This committee bill that has been brought out recognizes some of these problems. They have amendments in here until you cannot recognize the original bill. Then they have left enough loopholes to accomplish what the original bill set out to do.

I have been a lawyer, but in the 2 hours I have looked over this matter, frankly, I must say I do not understand it completely. I do see though that it is a lawyer's dream. It is full of loopholes. It is not going to do the underdeveloped countries of the world any good unless we do get reasonable restrictions where those goods and services are going to be consumed. Without such it will do irreparable harm to the workers and businessmen of this country. Every time you pick up a magazine, for instance here is the World News, we have further called to our attention that which Secretary Anderson so ably pointed out, that our balance of trade is unfavorable. We are faced with a 4-billion-dollar-a-year unfavorable balance. I think we have to look realistically to what is good for this country. Incidentally, what is good for this country is good for the undeveloped countries of this world, and what is good for them is good for us.

Now is the time to correct this situation when we have high employment, and when we are not faced with a sudden expiration of the Reciprocal Trade Act. If we wait too long then this pendulum will swing too far the other way. We are going to swing completely over to isolationism, which I would dislike to see happen. If that were to happen, we are going to swing over to the embargoing of all goods. But the legislation proposed by Mr. DAVIS of Georgia and consponsored by several of us, adopts a reasonable approach. He simply says that we will continue to allow foreign-made goods to come into this country until we reach the point where it is injuring American jobs and American business, and then the Tariff Commission calls a halt to it. We let them keep their share of the market up to this point. We do not take anything away from them.

If we let this committee bill go through without making some reasonable restrictions upon unfair competition on the

businessmen and working men of this country, then we have added more trouble as far as your industries are concerned. I have never been able to understand why up in New England if a business moves to the South, that is piracy; but if we take the money of New England taxpayers to build one overseas, that is a laudable thing to do.

Today you cannot even buy American-made barbed wire in Wyoming. All we want to do is trade with some of your depressed areas. May I suggest to people from those areas, that they support my proposal.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. THOMSON of Wyoming. I yield to the gentleman from Iowa.

Mr. GROSS. I am glad to join the gentleman in opposing this closed rule. Is it not the fact that this rule will have to be voted down in order to secure the end which the gentleman seeks?

Mr. THOMSON of Wyoming. We would have to vote down the previous question, at which time I would offer as a substitute for the rule the resolution which I have discussed, which provides for 3 hours of general debate. It would allow as amendments the committee substitute bill plus the Davis bill to be offered as title II of the bill. Then I think I could support the bill, but without it I will have to oppose it with everything I have. After all, we do have an agricultural problem. Everyone talks about it. Let us do something sound about it. We find imports of lamb and beef coming in here in ever-increasing numbers, while we vote more subsidies out of the taxpayers' money in the form of soil bank payments. The gentleman from South Dakota [Mr. BERRY] pointed out, and it has never been disputed, that there is not a single year in which the acres which would have been required to have produced the agricultural products which we imported would not exceed the number of acres producing surplus crops. I ask the gentleman if that is not right?

Mr. BERRY. The gentleman is right; not only are you right, but anyone who wants to spend a little time can ascertain that we do not have enough acres in the United States today to feed and clothe the people of this Nation if we would stop these agricultural imports.

What we are doing in the field of agriculture is importing the food that goes onto our tables and clothing that goes onto our backs and the production of acres thus supplanted must then be purchased by the Federal Goverment and in turn given away or the sale subsidized in order to dispose of it. Do we now propose to establish this same program for all manufactured goods, and minerals as well as agriculture?

Mr. Speaker, I want to join the gentleman from Wyoming. I think he is doing a very fine job and I hope everyone will support him today. To me this is the most dangerous bill that has been offered in this House of Representatives since I have been in Congress.

Mr. THOMSON of Wyoming. The gentleman from South Dakota and I come from wool-producing States. We had the experience of our wool market being cut in half right after World War II. The ability of Australia and New Zealand to produce was not destroyed. Now it is happening to cotton and almost every other product. We had better all get together.

Mr. THORNBERRY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Speaker, I want to take this opportunity to express my vigorous opposition to the enactment of H.R. 5, commonly termed as the "Foreign Investment Incentive Tax Act of 1960."

The purpose of this legislation is to defer taxation by the United States on the profits of American investments abroad until such time as these profits are returned to this country.

The argument is made that this legislation will serve as a substitute for reductions in foreign aid and that the great burden for assisting the underdeveloped areas of the world will fall upon American corporations and American citizens rather than the Federal Treasury.

In my judgment this legislation will have exactly the opposite effect. It will instead create demands for more and more foreign drain upon American resources.

It will provide tax-free profits for enterprises put in motion in accordance with this law. This legislation provides the American tax structure with its potentially most dangerous assault since the tidelands oil bill. It will permit tax-free American investment abroad and provide it with the protection of the American flag and the American military forces to insure the same treatment of such investment as is enjoyed in this country.

This legislation will permit American corporations to write off against profits on operations in America the losses which may be incurred during the years of developing enterprise abroad and then will serve to protect the profits of such enterprise in foreign lands from American taxation when they become profitable. Written into the legislation are safeguards which permit holding companies and cartels to profitably develop without any hindrances from any kind of antitrust legislation.

Businessmen generally favor this legislation, because it thrusts into orbit all around the world the principle that profits of business enterprise should not be taxed. If we release the profits of American enterprise abroad from paying taxes when they are now due, the door is open for further attacks on the tax program. As a matter of fact, the granting of this privilege to American enterprise in foreign countries may defer the day when such tax relief may be provided to American business operating in this country.

This legislation should be deferred until a new Congress, until a new administration, obligated to long-term responsibility, can truthfully forecast its impact. It should be deferred until a new Congress with ample time to review its provisions can carefully study its impact upon the United States, the fiscal integrity of the country, and its effect abroad. I urge the defeat of this rule.

Mr. THORNBERRY. Has the gentleman from Idaho any further requests for time?

Mr. BUDGE. No; I have no further requests for time.

Mr. THORNBERRY. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. BOGGS] to close the debate on the rule.

Mr. BOGGS. Mr. Speaker, I shall take only a few minutes at this time as I would hope we might discuss the merits and demerits of this bill when when the House resolves itself into the Committee of the Whole.

Nevertheless, before we vote on the rule, I think some effort should be made to answer the assertions that have been made about the necessity for a closed rule and the arguments advanced by the gentleman from Wyoming [Mr. THOMSON] and the gentleman from Ohio [Mr. VANIK].

First and foremost, Mr. Speaker, this bill qualifies in every sense for a closed rule. Over the years, and I think with ample justification, we have debated tax measures, revenue measures, tariff measures, and social security legislation under closed rules for very obvious reasons. These are highly technical matters.

This bill amends the Internal Revenue Code in a number of places and adds, to my knowledge, seven new sections to the code.

The gentleman from Wyoming said he has spent 2 hours looking at this legislation and he does not understand it. Without being a bit critical of the gentleman, I may say to him that this is a matter that we on the subcommittee and full committee and elsewhere in executive sessions and in public sessions have spent, not 2 hours but several years studying. Our principal objective has been that of the gentleman from Wyoming and the gentleman from Ohio to protect the American economy, to protect the American worker, to protect the American businessman.

This bill is not a tariff bill, it does not seek to resolve all of the problems that may confront a particular industry as a result of imports. It does not seek to solve the problems of the wool industry, the cotton industry, the lead and zinc industry, or any number of other industries that may come here and complain about imports. But it does this, and I think it is important and very significant insofar as the statement made by the gentleman from Wyoming is concerned. This bill for the first time writes a limitation on the amount of imports that may come into the United States as a result of American capital invested abroad.

What does that mean? It means that anyone who seeks to qualify under the provisions of this bill cannot go abroad and manufacture automobiles, manufacture bicycles, manufacture pottery, or engage in any type of operation, manufacturing or otherwise, and reship those commodities back to the United States and qualify under this proposal. So, if

you are concerned about reshipment back to the United States you will support this rule and ultimately support the bill.

With all due respect to the gentleman from Ohio, I must say he is confused, considerably confused. He talks about the carrying over and carrying forward of losses. He would substitute foreign losses and domestic losses and mix them all up. The gentleman obviously has not read this bill, the gentleman obviously does not realize all this bill does is to create what we call a foreign business corporation. It is not created for the purpose of avoiding taxes. It must be remembered that in each one of these countries the American taxpayer is paying the going rate of tax in that particular country. In most of the developed countries of the earth the tax rate is about the same as it is in the United States. You cannot go to England, for instance, and avoid tax payments. You pay the English tax rate. You cannot go to Germany and avoid taxes. You pay the German tax rate. You cannot go anywhere in the world and avoid paying the domestic tax rate, whatever it may be, whether you operate under this bill or you operate under the present going situation of a foreign subsidiary.

Actually, Mr. Speaker, this bill is the result of long, patient and painstaking study. It comes really as a mandate from the Congress. When we adopted the Mutual Security Act of 1958, we wrote into that act a provision that we utilize as much as we could, as best we could, the resources of private enterprise in this worldwide economic-military competition that we face with the Soviet bloc. That is all this seeks to do. We seek to say to the American people that we will utilize the resources of private enterprise. We hope those resources will ultimately supplant and take over where foreign aid has been used since the adoption of the Marshall plan back in 1948.

Mr. BUDGE. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. Certainly.

Mr. BUDGE. As I have said I do not know that I am opposed to this rule but I am becoming more convinced that the House is not ready to act on the bill. Is it not a fact that the Committee on Ways and Means, of which the gentleman is a distinguished member, will shortly start the consideration of legislation that should properly be considered along with this legislation? That is the so-called grossing-up legislation.

Mr. BOGGS. Let me say this to the gentleman. That proposal is, to say the least, a highly controversial proposal. Now, whether or not the Committee on Ways and Means will act on that proposal is something that I am not prepared to say. I do not know. I would say this to the gentleman, that the meritorious proposal which has been considered by the committee, in public hearings and in long drawn out executive sessions, should not be delayed or postponed or killed because sometime in the future we will have a hearing on some other aspects of the whole problem of taxation. That would be my answer to the gentleman.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Ohio.

Mr. VANIK. I have a question that still remains unanswered, Mr. Speaker. What protection is provided in this bill to insure against the diversion of profits of an American corporation into foreign facilities until such time as these facilities are developed, and then the conversion of those facilities into a so-called foreign business corporation under which the profits of those facilities escape American taxation or are deferred until some indefinite future time?

Mr. BOGGS. I do not quite understand the question.

Mr. VANIK. A case in point. With that American corporation which is undergoing——

Mr. BOGGS. Let us get this American corporation in perspective. This is a going American corporation?

Mr. VANIK. A going American corporation.

Mr. BOGGS. Paying 52 percent corporate tax?

Mr. VANIK. Yes.

Mr. BOGGS. Right.

Mr. VANIK. Developing facilities abroad for production.

Mr. BOGGS. And paying 52 percent?

Mr. VANIK. Paying 52 percent.

Mr. BOGGS. Right.

Mr. VANIK. The development of these facilities abroad is subject to certain depreciation allowances and so forth; certain benefits under American law.

Mr. BOGGS. They are not any different than they are in the United States.

Mr. VANIK. They are not any different than in other countries.

Mr. BOGGS. As far as the company operating abroad is concerned.

Mr. VANIK. And developing facilities.

Mr. BOGGS. Or operating as a branch.

Mr. VANIK. Whatever way you want to set it up, a subsidiary or a branch corporation.

Mr. BOGGS. Does the gentleman not understand? This is the important thing about this bill. How does this corporation you are talking about go about investing abroad?

Mr. VANIK. The corporation is an American corporation with facilities abroad in which it is plowing some of its American capital.

Mr. BOGGS. Is this facility operating, say, in Brazil?

Mr. VANIK. As a foreign facility.

Mr. BOGGS. As a foreign facility of an American corporation?

Mr. VANIK. Yes. Then it becomes American business doing business abroad with authority to qualify as a foreign business corporation. Until the facilities are developed, until the facilities are ready to produce profits, until such time as they produce profits they operate as an American subsidiary. It becomes a foreign business corporation only after such time as it is ready to produce profits, and then at that point, when it is ready to produce profits, it becomes a foreign business corporation, and its profits thereby defer and perhaps escape American taxation, although the resources that have gone into these facilities were treated as ordinary activities of the corporation.

Mr. BOGGS. Let me see if I can help the gentleman, because I think the gentleman is definitely asking for information. First, I will take the first part of your question first.

Mr. VANIK. Perhaps we can agree on one.

Mr. BOGGS. I cannot agree with the first part of the gentleman's question, but let us take the last part. Here is a going establishment which is attempting to avoid—that is the expression the gentleman used, I believe—American taxation.

Mr. VANIK. That is right.

Mr. BOGGS. This bill does not do that at all. This bill simply says that as long as this income is employed outside of the United States and as long as none of this income returned to the United States—if they are used in Pakistan, or in India, or in Viet-Nam, or in Cambodia—then they do not incur U.S. tax liability. That is the law today.

Mr. VANIK. That is correct.

Mr. BOGGS. The law today applies if you operate as a foreign subsidiary; so that we say to you in effect that if you go to Cambodia under the flag of Panama or under the flag of Liberia or under the flag of Liechtenstein, or some other tax-haven country, then you have one tax situation. But if you are patriotic enough, if you think enough of your own country to take your own flag with you, then you have another tax situation.

This company the gentleman is talking about—getting back to the first part of the gentleman's question, and this is the significant part of the question—this company cannot just automatically accumulate a pile of money over here on which it has not paid taxes. This company earning money in the United States pays the going rate of 52 percent. So that the initial part of the gentleman's argument that it could take these funds and then just mysteriously go abroad is not so.

Here is what we are really dealing with, if I can reduce it to its simplest terms. No. 1, in the economic competition that we face, we find three forms of competition. One form of competition comes from your American miner or woolgrower or cotton textile man through imports from abroad. This bill has no effect on that. If anything, it helps that situation.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. BAKER. Mr. Speaker, I favor the adoption of this rule and I would call attention of the House to the most important provision which the gentleman from Louisiana [Mr. Boggs] is now discussing, which does protect American industry and American labor; that is,

that the foreign business corporation cannot remain qualified under the act if it exports into the United States as much as 10 percent of its manufactured articles. And 10 percent is a mighty small percentage. By amendment in the committee we made it 10 percent. It seems that it is protection to American industry and will stimulate production at a place where production is needed. I think it is good legislation.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentlewoman from New York.

Mrs. KELLY. The gentleman mentioned assets returned to the United States. What about the products that are made by this FBC and returned to the United States; can they then be sold cheaper here than the product which is produced by this identical company in the United States?

Mr. BOGGS. No; the gentleman from Tennessee [Mr. BAKER] just answered the gentlewoman from New York.

Mrs. KELLY. I want to know how you control that.

Mr. BOGGS. You control it by the qualification of the corporation. The Foreign Business Corporation must qualify with the Treasury Department. The Foreign Business Corporation cannot qualify unless almost all of its income is earned outside of the United States and not more than 10 percent can be derived from imports back to the United States. It is a very easy thing to control.

Mrs. KELLY. In other words, 10 percent of the products can be returned to the United States; is that correct?

Mr. BOGGS. Not more than 10 percent of the gross income of the Foreign Business Corporation, not of the parent corporation, whatever that may be.

Mrs. KELLY. Can they sell these products cheaper than those which are produced in the United States?

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 12]

Alford	Davis, Tenn.	Kluczynski
Allen	Dawson	Lafore
Anderson, Mont.	Delaney	Lesinski
Ayres	Donohue	Merrow
Bailey	Dooley	Mills
Barden	Dulski	Mumma
Bass, N.H.	Fallon	Nix
Bates	Feighan	O'Brien, Ill.
Baumhart	Gallagher	Philbin
Blatnik	Garmatz	Powell
Bonner	Grant	Preston
Boykin	Green, Pa.	Randall
Buckley	Griffiths	Rees, Kans.
Burleson	Halpern	Reuss
Cahill	Hess	Rogers, Mass.
Canfield	Hoffman, Ill.	Rostenkowski
Carnahan	Jennings	Santangelo
Colmer	Kasem	Shelley
Daniels	Kastenmeier	Shipley
	Keogh	Smith, Kans.
Spence	Teller	Tollefson
Taylor	Thompson, La.	Withrow
Teague Tex.	Thompson, N.J.	Zelenko

The SPEAKER. On this rollcall 361 members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FOREIGN INVESTMENT INCENTIVE TAX ACT OF 1960

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. THOMSON of Wyoming) there were—ayes 75, noes 42.

Mr. THOMSON of Wyoming. Mr. Speaker, I object to the vote on the ground a quorum is not present and make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 236, nays 127, answered "present" 0, not voting 67, as follows:

[Roll No. 13]

YEAS—236

Abbitt	Denton	Judd
Adair	Derounian	Karsten
Addonizio	Derwinski	Karth
Albert	Diggs	Kasem
Algers	Dingell	Kearns
Arends	Dorn, N.Y.	Kee
Ashley	Downing	Kilburn
Aspinall	Durham	Kilday
Avery	Dwyer	Kilgore
Ayres	Elliott	King, Calif.
Baker	Everett	King, Utah
Baldwin	Evins	Kirwan
Barr	Fascell	Laird
Barrett	Fenton	Lankford
Bass, Tenn.	Fino	Levering
Beckworth	Fisher	Libonati
Belcher	Flynn	Lindsay
Bennett, Fla.	Fogarty	Lipscomb
Bentley	Foley	McCormack
Betts	Forand	McDonough
Boggs	Ford	McDowell
Boland	Forrester	McGinley
Bolling	Fountain	McMillan
Bolton	Frazier	McSween
Bowles	Frelinghuysen	Machrowicz
Boykin	Friedel	Mack, Ill.
Brademas	Gary	Mack, Wash.
Breeding	Gathings	Madden
Brewster	George	Magnuson
Brooks, La.	Giaimo	Mahon
Brooks, Tex.	Granahan	Mailliard
Brown, Ga.	Gubser	Matthews
Broyhill	Hagen	May
Budge	Halleck	Michel
Burdick	Hardy	Miller, Clem
Burke, Ky.	Harmon	Miller, George P.
Burke, Mass.	Harris	Miller, N.Y.
Byrne, Pa.	Harrison	Milliken
Byrnes, Wis.	Hébert	Minshall
Cannon	Hechler	Moeller
Casey	Herlong	Monagan
Cederberg	Hiestand	Montoya
Celler	Hogan	Moorhead
Chamberlain	Holifield	Morris, N. Mex.
Cheif	Holt	Morrison
Chenoweth	Holtzman	Moss
Church	Horan	Moulder
Clark	Hosmer	Multer
Coad	Huddleston	Murphy
Coffin	Hull	Murray
Cohelan	Ikard	Natcher
Conte	Inouye	Nelson
Cook	Irwin	O'Brien, N.Y.
Cooley	Jarman	O'Hara, Ill.
Cramer	Johnson, Colo.	O'Neill
Curtin	Johnson, Md.	Osmer
Daddario	Jones, Ala.	Ostertag
Dague	Jones, Mo.	Patman
		Pelly
		Perkins
		Pfost
		Poage
		Price
		Pucinski
		Quie
		Rabaut
		Rains
		Reece, Tenn.
		Rhodes, Ariz.
		Rhodes, Pa.
		Riehlman
		Rivers, Alaska
		Rivers, S.C.
		Roberts
		Robison
		Rodino
		Rogers, Fla.
		Rogers, Tex.
		Rooney
		Roush
		Rutherford
		St. George
		Saund
		Schenck
		Schwengel
		Selden
		Sikes
		Siler
		Simpson
		Sisk
		Slack
		Smith, Miss.
		Smith, Va.
		Springer
		Steed
		Stubblefield
		Sullivan
		Teague, Calif.
		Thompson, Tex.
		Thornberry
		Toll
		Trimble
		Tuck
		Udall
		Utt
		Van Pelt
		Vinson
		Wainwright
		Wallhauser
		Wampler
		Watts
		Weis
		Widnall
		Willis
		Wilson
		Wright
		Yates
		Young
		Younger
		Zablocki

NAYS—127

Abernethy	Green, Oreg.	Norblad
Alexander	Griffin	Norrell
Andersen, Minn.	Gross	O'Hara, Mich.
Andrews	Haley	O'Konski
Ashmore	Hargis	Oliver
Auchincloss	Hays	Passman
Baring	Hemphill	Pilcher
Barry	Henderson	Pillion
Becker	Hoeven	Pirnie
Bennett, Mich.	Hoffman, Mich.	Poff
Berry	Holland	Porter
Blitch	Jackson	Prokop
Bosch	Jensen	Quigley
Bow	Johansen	Ray
Bray	Johnson, Calif.	Riley
Brock	Johnson, Wis.	Rogers, Colo.
Broomfield	Jonas	Roosevelt
Brown, Mo.	Keith	Saylor
Brown, Ohio	Kelly	Scherer
Chiperfield	Kitchin	Scott
Collier	Knox	Shelley
Colmer	Kowalski	Sheppard
Corbett	Kyl	Short
Cunningham	Landrum	Smith, Calif.
Curtis, Mass.	Lane	Smith, Iowa
Curtis, Mo.	Langen	Staggers
Davis, Ga.	Latta	Stratton
Dent	Lennon	Taber
Devine	Lesinski	Thomas
Dixon	Loser	Thomson, Wyo.
Dorn, S. C.	McCulloch	Ullman
Dowdy	McFall	Vanik
Doyle	McGovern	Van Zandt
Edmondson	McIntire	Walter
Farbstein	Marshall	Weaver
Flood	Martin	Wharton
Flynt	Mason	Whitener
Fulton	Meader	Whitten
Gavin	Metcalf	Wier
Glenn	Meyer	Williams
Goodell	Moore	Winstead
Gray	Morgan	Wolf
	Morris, Okla.	

NOT VOTING—67

Alford	Dulski	O'Brien, Ill.
Allen	Fallon	Philbin
Anderson, Mont.	Feighan	Powell
Anfuso	Gallagher	Preston
Bailey	Garmatz	Randall
Barden	Grant	Rees, Kans.
Bass, N.H.	Green, Pa.	Reuss
Bates	Griffiths	Rogers, Mass.
Baumhart	Halpern	Rostenkowski
Blatnik	Healey	Santangelo
Bonner	Hess	Shipley
Buckley	Hoffman, Ill.	Smith, Kans.
Burleson	Jennings	Spence
Cahill	Kastenmeier	Taylor
Canfield	Keogh	Teague, Tex.
Carnahan	Kluczynski	Teller
Daniels	Lafore	Thompson, La.
Davis, Tenn.	Macdonald	Thompson, N.J.
Dawson	Merrow	Tollefson
Delaney	Mills	Westland
Donohue	Mitchell	Withrow
Dooley	Mumma	Zelenko
	Nix	

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Bailey with Mr. Allen.

Mr. Jennings with Mr. Canfield.

Mr. Daniels with Mr. Taylor.

Mr. Macdonald with Mr. Lafore.

Mr. O'Brien of Illinois with Mr. Hoffman of Illinois.

Mr. Green of Pennsylvania with Mr. Baumhart.

Mr. Garmatz with Mr. Hess.

Mr. Fallon with Mr. Dooley.
Mr. Feighan with Mr. Bates.
Mr. Carnahan with Mr. Bass of New Hampshire.
Mr. Thompson of New Jersey with Mr. Cahill.
Mr. Anfuso with Mr. Smith of Kansas.
Mr. Santangelo with Mr. Westland.
Mr. Zelenko with Mr. Merrow.
Mr. Healey with Mr. Halpern.
Mr. Buckley with Mr. Rees of Kansas.
Mr. Delaney with Mr. Mumma.
Mr. Teller with Mr. Withrow.
Mr. Donohue with Mr. Tollefson.
Mr. Keogh with Mrs. Rogers of Massachusetts.

Mrs. KEE changed her vote from "nay" to "yea."

Mrs. GRANAHAN changed her vote from "nay" to "yea."

Mr. HOSMER changed his vote from "nay" to "yea."

Mr. HIESTAND changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

Mr. GROSS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

The question was taken and the resolution was agreed to.

Mr. BOGGS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5 with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana [Mr. BOGGS] will be recognized for 1½ hours.

The gentleman from Illinois [Mr. MASON] will be recognized for 1½ hours.

The gentleman from Louisiana [Mr. BOGGS] is recognized at this time.

Mr. BOGGS. Mr. Chairman, I rise in support of H.R. 5. It is a bill that I introduced on the first day of this Congress, January 7, 1960, after hearings and study by the Subcommittee on Foreign Trade Policy, of which I serve as chairman. The Committee on Ways and Means held extensive hearings on the bill and considered it carefully in executive session. During the public hearings on the bill there was virtually no opposition recorded to it. With minor differences, the bill has the approval of the executive branch agencies and, except for one amendment, which the committee carefully considered and twice rejected, its enactment has been recommended by the President in his budget message this year.

The bill is the outgrowth of much study not only by the Committee on Ways and Means but also by many business organizations, by tax scholars, and by various advisory groups appointed by the administration. Although not all of us would agree with every provision in it, the bill represents the result of careful work and I commend it to this committee.

I want to first explain what this bill does and why it is needed. To begin with, what does H.R. 5 provide? Its basic provision is very simple. It sets up a new type of U.S. corporation to be known as a Foreign Business Corporation. These corporations would earn their income from oversea operations and would be able to defer—to postpone—the U.S. corporate income tax on their income until such time as they bring that income back to the United States in the form of dividends or use it for other purposes in the United States.

This tax postponement that I have just talked about can be enjoyed today by American corporations doing business abroad if they use foreign subsidiaries. A lot of American corporations, particularly small businesses, either are not able to or do not want to set up foreign subsidiary corporations. Such corporations are at a disadvantage. They are at a disadvantage not only with respect to their foreign competitors but also with respect to other American corporations with whom they compete and which have set up foreign subsidiaries. H.R. 5 would bring some equity into this situation; it would make tax deferral available to all American businesses operating abroad.

The United States is a great economic power—the greatest economic power in the world. Our American private business is doing business throughout the world and these operations must be expanded. Yet our tax system does not adequately reflect these facts of economic life. Where the Canadians and the British and 20 other countries give recognition to this fact in their tax laws, we have not yet done so. Today, we are in effect saying that if an American corporation wants to do business abroad it has to go abroad as a foreign corporation.

Why should American business not be able to work abroad as American corporations?

Why deny them the right to fly the American flag abroad?

Why should such corporations not be able to enjoy the protection of American tax treaties and other treaties?

Why do they have to ship their personnel abroad in order to conduct foreign operations?

I see no good reason why any of these situations should exist. All H.R. 5 would do would be to make it possible for American business firms to conduct their foreign operations as American corporations and still enjoy tax deferral on their foreign income.

Not only are there good arguments on the grounds of equity among American corporations doing business abroad, but H.R. 5 should commend itself on the basis that it improves the ability of American business to compete abroad. To compete not only with our foreign competitors from the free world but also, and this is very important, to compete with the new and stepped-up efforts of the Soviet bloc.

This is essentially a very modest bill. Nevertheless it is an important step in facilitating the expansion of American private enterprise abroad. It seems to me we have to face up as a nation to the basic fact that the contest we are waging with the Soviet bloc is fundamentally an economic contest. It is a war between two systems; between a system that believes in private enterprise—our system—and the monolithic state socialism of the Communists. We have spent billions on our foreign aid but if we are to win the war in the name of political and economic freedom, we are only going to do it if we use private enterprise and demonstrate its effectiveness in the world. Private enterprise, private investments, and private trade, these are our real secret weapons—weapons that we have and that the Russians do not have.

I do not say that if H.R. 5 were enacted we would automatically win the cold war with the Soviet bloc. But I do say that H.R. 5 is little enough that we can do to help promote the expansion of private enterprise abroad and to help private enterprise do the job it can do.

These are not just my conclusions; they are conclusions of literally hundreds of observers and students of this subject. In fact, they are the conclusions of this Congress itself. In 1958, in enacting the mutual security legislation, the Congress added an amendment, known as section 413(c) which called on the President of the United States and the Departments of State and Commerce to cooperate with private enterprise in studying "the ways and means in which the role of the private sector of the national economy can be more effectively utilized and protected in carrying out the purpose of this act. Such study shall include specific recommendations with respect to such legislation and administrative action as may be necessary to expand the role of private enterprise in advancing the foreign policy objectives of the United States."

To give effect to this congressional mandate, the President constituted the Committee on World Economic Practices, a group of business leaders associated with the Business Advisory Council of the Department of Commerce under the chairmanship of Mr. Harold Boeschenstein, the president of Owen-Corning Fiberglas Co. This Committee submitted a report to the President on January 22, 1959.

The Under Secretary of State commissioned another study which was prepared by Mr. Ralph I. Straus on this same subject. This study was published in April 1959 and submitted to the Congress pursuant to the provisions of section 413(c) and the Mutual Security Act. Both of these studies recommended strongly in favor of the policy and provisions represented by H.R. 5. They approved of tax deferral as an effective means of stimulating increased participation by American business in oversea operations. They fully supported the

idea of a domestic corporation especially set up for this purpose as is provided for in H.R. 5.

These are just two studies that were commissioned by the administration and which reported to the administration within the last year and a half. There are many others and the wide support which H.R. 5 enjoys throughout the business community indicates the importance in which it is held.

We have heard, and we will hear today, some criticisms that this bill will do damage. Let me say that these criticisms cannot be supported by anyone who understands this bill and how it would operate.

For example, we are told that our balance of payments is in bad shape and that passage of this bill will have an adverse effect on our balance of payments. This is not true. What has to be understood is that private investment transactions, along with export-import trade, are the two big plus factors in our balance of payments. We have had a surplus of merchandise exports over imports and, despite the decline in this surplus last year and the year before, the export surplus is picking up. The New York Times last week reported that "U.S. trade opens with gains. Payments posture improves as the exports climb and imports show decline." The story went on to point out that imports in January were 24 percent below the December level. Exports in January were 15 percent above the level of a year ago with the surplus of exports over imports in January alone amounting to $354 million. H.R. 5 will help boost exports.

Private investment is also a big plus factor in the balance of payments. When one looks at private direct investment transactions—which is what H.R. 5 is concerned with—one sees that in every year since World War II the inflow of income has exceeded the outflow of investment funds. This may come as a surprise to you as it did to me when I first found this out. Year in and year out we have been taking in more in income from our foreign investments than we have been paying out in the outflow of new investment capital. In the last 4 years this excess of income over outflow has added up to over $2 billion—a tremendous plus factor in our balance of payments. It is no wonder that the special study of the Joint Economic Committee concluded that these facts give "private and foreign investments to date a pretty clean bill of health."

We have also heard, and will, I am sure, hear again, that this bill will permit the export of American jobs to the detriment of our economy. This assertion is ridiculous on the face of it. The National Association of Manufacturers, the U.S. Chamber of Commerce, the American Farm Bureau Federation, and numerous other organizations would not support legislation that would be detrimental to the American economy. This legislation will help American jobs. American private investment helps to finance American exports. Not only that, it is a clear lesson of history that the countries in which we have the greatest investment are also our best customers. Investment expands living standards and brings higher levels of trade.

The simple fact is that American capital has gone abroad to protect markets or to develop markets that would otherwise have gone to their competitors. As I said a moment ago, one of our toughest competitors is the Communist bloc. Certainly in some cases American investment has gone abroad in order to produce goods for reimportation into the United States. Some of these imports may compete with domestic industry and may, in fact, injure domestic industry. That is a tariff issue and as the minority members of the Ways and Means Committee point out in their report, a tax measure is not a place to solve tariff problems. Nevertheless, the Committee on Ways and Means adopted a provision in this bill saying that no American corporation could use the provisions of this bill if more than 10 percent of the gross income of the foreign business corporation is derived from the sale of goods in the United States that have been produced abroad. Certainly that ought to lay to rest, without any question, any reservations that anyone could have about this measure.

Mr. Chairman, I do not want to overstate the case for H.R. 5. It is not going to solve our world political or economic problems. It is not going to do away with foreign aid. It is not going to raise standards of living abroad by 100 percent in the next 2 years.

As I have said, it is essentially a modest piece of legislation. It will facilitate expansion of American private business overseas. It will bring greater equity in our existing system of taxation. It will contribute to the objectives that we have in fighting the cold economic war with our archenemies. H.R. 5 will help. It will not hurt.

The passage of this bill by this House will be a mark of the growing maturity of this country. It will reflect the need to bring our tax laws into conformity with our position in the world economy. It will be a positive step in the direction of accomplishing important national objectives.

It is a vote of confidence that the American businessman operating competitively under the American flag can meet the Soviet economic challenge.

Mr. Chairman, I am not surprised that so many Members of the House are asking questions about this proposed legislation. It is very easy to understand why they should ask questions. This is a difficult piece of legislation. This is a difficult piece of legislation to explain because it deals with a subject which most people seldom come in contact with, but it covers an area which is very vital to all of us. I, for one, would hope that some of you who do not understand the bill would listen, if you will, and let me, if I can, explain: First, the reason for this bill; second, what it seeks to do; and, third, why it seeks to do it.

May I say this to you also? This is not a partisan bill; this bill has wide support throughout the United States. As a matter of fact, the first indication of its need came when we passed the Mutual Security Act in 1958, wherein we said that we should seek to encourage more of the private sector of our economy in the whole field of foreign aid and foreign investment. Why is this necessary?

Each year we hear we will be able to reduce foreign aid. We started the foreign program back in the time when General Marshall was Secretary of State. Many of you were here then. I say to you there has not been a year when the foreign aid program has not been presented to us with recommendations for greater and greater expenditures. If there is to be any answer to foreign aid—and I do not maintain that this is the only answer by any stretch of the imagination—but if there is to be any answer at all, the answer must come from the private sector of our economy. I know a lot of people believe this is just a scheme to make some already rich people richer, that this is a scheme for some people to avoid paying taxes. I can assure you that nothing could be further from the truth.

If this bill has any objective at all, the objective is to make it possible for the American entrepreneur, small, middle-sized, big, and biggest, if you will, to be able to take up where the American taxpayer's dollar leaves off. That is the only purpose of this bill. If it were not for that I would not be standing here talking to you about it.

Is it possible for this to happen? I do not know; nobody else knows. But I will tell you this, that if you removed from the world market the American investment that has been made in the world, you would have a severe and terrific depression in this country, because all we get from those investments are profits, not losses. Secondly, you would have a balance of payments situation, to which the gentleman from Wyoming referred a little while ago, which would make our present deficit look like a Sunday afternoon picnic; third, there would not be any way on earth to raise the amount of taxpayers' dollars that would be required to pick up where private enterprise left off in all these countries. This is just a matter of fact. These are not my words; these are the words of people who have studied this thing for months and years. I would refer you to the studies made by the Committee for Economic Development, the Rockefeller Brothers reports, the Hoffman study recently made, the Straus Committee report, the Boeschenstein Committee report, and many others.

Most of these studies have been made by private groups, by private individuals. Some of them have been made by Government groups appointed by this administration, by President Eisenhower, one of them the Straus Committee report, the other the Boeschenstein report, one of them reporting to the State Department, the other reporting to the Department of Commerce; but in each instance these reports said there must be more private participation in these problems that confront us around the world.

I fully appreciate the fact that there are some people—and I do not take exception to their point of view, I do not

think any person can serve in this great body without coming to respect the point of view of those who disagree with one regardless of how different that point of view may be from your own—who think and feel that somehow or other we can just sort of evaporate out of this world in which we find ourselves and somehow or other we can get along completely without any foreign aid and without any American investments abroad.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman has stated, as I remember it, that if this bill becomes law any companies taking advantage of it are confined to importing into the United States market not more than 10 percent of their gross profit and that this is a protection to American business and American workers. May I suggest to the gentleman that he elaborate upon that?

Mr. BOGGS. I shall come to that, if the gentleman will permit me. I shall elaborate upon it at considerable length. I simply want to establish a predicate and I think it is a fair predicate that in the world in which we live, if there is any significant fact facing us, I am sure those of you—this includes everybody in this body—who have traveled about realize that the peoples of this earth are determined in one way or another to achieve what they consider to be a better life. The great competition is whether or not that will come about by the American method or by the Communist method. That is really the critical issue on the face of the earth today. If any of you think that is not going on in the world, if any of you think the Soviet economic offensive is not a real thing, then I just say to you you are not aware of the world in which you live. That is in this context that the bill is before you today.

What does the bill do? First, does it export American jobs? Second, does the bill mean that American industry will be moved from let us say Michigan, Indiana, Illinois, to India, Pakistan, Brazil, Argentina, and that automobiles now being manufactured in Detroit will hereafter be manufactured in Brazil or in India and reshipped back to the United States?

Does it do these things? Quite the contrary.

In the first place, taking the last part of the question first, namely, is it possible to reship to the United States? The answer is decidely, "No." Under existing law it is. If you do pass the bill and if an American corporation uses this method, it cannot do that.

Today any American corporation can legally and legitimately use what we call tax havens to set up a foreign subsidiary or a foreign base corporation. From that point on that corporation can establish subsidiary operations on a worldwide basis and until that corporation repatriates funds back to the United States it does not incur one penny of the U.S. tax liability. Now, that is the law.

Let me give you another situation. If I went to Brazil and used the American flag, if I had a branch operation, and I went to any other country on earth as an American firm, an American corporation—

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. BOGGS. Certainly.

Mr. ROGERS of Colorado. If the statement made by the gentleman is correct, then, why the necessity for this law?

Mr. BOGGS. I will come to that. It is very necessary. But, if I went as a branch operation, if I took the American flag with me, I would pay 52 percent corporate tax on every penny earned in any one of these countries abroad less the tax that I paid in the foreign country.

Now, the question propounded by the gentleman from Colorado is most appropriate, because what we are saying in the present law is that if you use the tax haven, if you operate under a foreign flag, if you do not go as an American corporation, we give you what amounts to a tax preference, but if you do go as an American corporation, we take it away from you.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. Yes.

Mr. VANIK. Does not the gentleman's statement overlook the foreign tax credit?

Mr. BOGGS. Not at all; not in the slightest.

Mr. VANIK. You imply that he is subject to both the foreign tax and the American domestic tax of 52 percent. Does not he credit the foreign tax against the American tax due?

Mr. BOGGS. Yes; in either situation.

Mr. VANIK. In either situation?

Mr. BOGGS. Yes.

Mr. VANIK. It is an offset.

Mrs KELLY. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. Gladly.

Mrs. KELLY. I would like to have the gentleman address himself to this issue. If an American firm invests abroad and establishes a subsidiary or affiliate, can it sell all its products to that subsidiary and then that subsidiary ship back to the United States 100 percent of its products? Does the 10 percent cover that?

Mr. BOGGS. If the subsidiary be a foreign corporation, the answer is "No." If it is a subsidiary of a foreign business corporation, which is a domestic corporation, the answer is "Yes," it is covered.

The point is this, and now you come to the second point of Mr. McCORMACK's inquiry. This foreign subsidiary under existing law not only can already enjoy tax deferral treatment, but under the proposal in H.R. 5 it would continue to enjoy what import tariff preferential treatment is accorded to any foreign producer, but the American corporation, the American foreign business corporation, contemplated in H.R. 5 would be subject to this 10-percent limitation. So, I say to those of you who are concerned about import problems which have been mentioned here, that if your concern is that, then you will support this bill.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BOGGS. Mr. Chairman, I yield myself 10 additional minutes.

Now, as a matter of fact, the agencies downtown, the Department of State and the Department of Commerce, object to this bill for that very reason. They say that we have used this bill to write into the law a protective device, a protective restriction, which they would not approve of and which they would not recommend.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I certainly do.

Mr. EDMONDSON. I would like to say that I wholeheartedly approve of the safeguard, the 10-percent limitation which the gentleman just mentioned, and agree with him that this would provide a protection against automobiles now being manufactured in Detroit and thereafter, after the passage of this bill, being manufactured in India and shipped back to the United States. I think that is undoubtedly a benefit which is built in that safeguard. But, will not the gentleman agree with me that the bill does provide an incentive for the company which is manufacturing cars in Detroit and shipping them now to India to go over to India and manufacture the cars there for distribution and sale in India? Does it not provide an incentive not now in our income tax law for the company to do that in the future?

Mr. BOGGS. No, it does not.

Mr. EDMONDSON. I would appreciate the gentleman's explaining how it does not.

Mr. MACHROWICZ. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. MACHROWICZ. Since automobiles were mentioned and since automobiles are manufactured in my district, may I say to the gentleman from Oklahoma [Mr. EDMONDSON] who just inquired, that under the present law an American manufacturer can go to Brazil, Argentina or any country in the world and under a foreign subsidiary manufacture as many cars as he wishes and do the very thing he says could be done under this bill.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. EDMONDSON. Commenting on that point, I certainly agree that he can do that and does do that; and there has been quite an incentive in some of our programs for him to do that. But are we not now providing with an additional tax benefit to the American company an additional incentive for him to go into a foreign country and do that, for sale in that country and in adjoining territories, not so much in the United States for shipment back to the United States, but in these overseas territories, thereby displacing the employment provided in the United States in American manufacturing concerns who are now shipping to those foreign markets?

Mr. BOGGS. Replying to the gentleman, as I tried to say here earlier today, the American manufacturer today faces

a variety of types of competition. Domestically the competitive situation is pretty even. By that I mean, if costs of production are the same and the product is good, the tax structure is uniform. You have no tax differential to contend with.

Our discussion today has been limited almost entirely to the situation of someone establishing a manufacturing enterprise abroad and coming back and competing for the American market.

We also have competition in our export markets. I would say that we made some progress in Tokyo last October and November at the meeting of GATT where our people insisted—and I thought they did a pretty good job and I congratulated the Secretary of State and the Secretary of Commerce, both of them—insisted that these nations who had maintained artificial barriers against our products must remove those barriers. In Tokyo, Japan, Italy, the United Kingdom, to mention three, removed a lot of those import restrictions against U.S. goods.

We have been talking about internal competition. You see, there is another type of competition no one has here mentioned and it is equally vital and important to the American manufacturer. If you take a look at the average American enterprise, particularly today in the world in which we live, you find he does business at home, he does business abroad, he does an export business and he may do a combination of all of them. Why does the automobile manufacturer go to Brazil? He does not go to Brazil to send back an automobile to the United States. Let me give you an example of that. Our subcommittee went up to Canada not very long ago and had a meeting with all of the Canadians; with the labor people, with the business people, and others. And finally, one night at a meeting in Toronto with the business people of Canada one of the manufacturers said to me: "Look. You have got this tariff against us. You have got this import restriction against us, and so on. Why do you not remove them?"

I said to this gentleman, "We are two great nations. You have a highly industrialized society such as we have. Why do we not try what they are trying in Western Europe? Why do we not go to a common market between the United States and Canada?"

This gentleman held up his hands and said, "God forbid." I said, "Why? You pay lower wages in the automobile industry in Canada than they pay in Detroit."

He said, "We cannot compete. The automobile industry in Detroit is more advanced than we are. They have a better market than we have. They have better productivity. If we took down these tariff barriers, despite the fact we pay less wages, we could not compete with the automobile industry in Detroit."

Why does the automobile industry go to Brazil? Many of you have been to Brazil. A Chevrolet automobile—and I am not trying to advertise General Motors—in Brazil costs something like $18,000. I am not talking about cruzeiros, I am talking about dollars. Why does it cost $18,000? Because Brazil has all these import restrictions against us, and because Brazil also is a one-crop economy. It is dependent upon coffee, so that when the coffee market collapses in Brazil the supply of dollars to buy American automobiles collapses also. This means that they must tighten up on the foreign exchange, on the convertibility of currency. So that if General Motors wants to sell an automobile in Brazil it has to go there where it can take cruzeiros in payment for the automobile.

This does not mean that this is a market they have lost. It is like, as some fellow said, plowing the back forty. This is developing a market they would not otherwise have had.

What is their competition in Brazil? The competition comes from Great Britain, from Germany, from France, from Japan, and from Russia. This bill says that as long as they are using funds in Brazil, and as long as they are not competing and not importing back to the United States, and as long as those funds stay outside the United States, then they will not be subject to American taxation. But the minute they bring those funds back and compete in any form with American business, they will pay the going rate of taxes. That is all the bill says.

Let me show you why it is necessary from the point of view of the type of competition you get abroad. What is the tax structure of our competitors? We are talking about competition now.

As to Belgium, the tax on these profits in Belgium is reduced by 80 percent as an inducement for their people to go abroad. Canada: No tax on dividends paid by foreign subsidiaries 25 percent or more owned by the Canadian corporation. No tax. United Kingdom: Deferred on a basis similar to that proposed in H.R. 5. Holland: Each case decided on its own merits. Switzerland, no Federal tax. And then, of course, I have mentioned the so-called tax-haven countries where there is no tax at all.

So you see, this is the type of competition that has been neglected in the discussion. This is the type of competition that this bill seeks to get at, the situation where the American businessman has taken his know-how, has taken his talents, and tried to compete in the market abroad. Do you think this is an easy proposition? Some of you think that this is something Americans are just falling head over heels to do. Not so. Take a look at Cuba today. Do you think you could get American business to go to Cuba and invest anything? Why, as a matter of fact, it was announced only on yesterday that Freeport Sulphur Co. which has made an investment of several million dollars, I think something slightly less than $100 million, has been forced, because of the policies of that government down there, to withdraw completely. The point is that similar situations exist elsewhere in the world, and the notion that the American businessman, doing business in Cuba or Vietnam or in Haiti or in Brazil or Argentine, has all of the same advantages that he has when he does business in the District of Columbia or in Pittsburgh or in Cleveland or in Chicago just is not so. Yet, it is pretty important that he do business because, if he does not—if he does not, there is only one substitute we have, if we are to participate at all, and that is foreign aid. That foreign aid is something you have to stand up here and vote on, and when you vote for it, you are voting it out of the pockets of the taxpayers of the United States. When you permit free enterprise to operate, you are not only not doing that, but you are actually contributing to the taxpayers of the United States because, mind you, despite any degree of propaganda that may come to your attention, this is not a tax forgiveness bill. This is a tax deferral bill, pure and simple. The minute these funds come back to the United States, they pay the full and going rate of taxation.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield.

Mr. EDMONDSON. I would like to take my good friend back down to that Brazilian market again for just a minute and concede to him the fact that this bill does operate to put the American company that has built a plant in Brazil on a better competitive footing as against foreign competitors. But, does it not also operate to put him on a better competitive footing by reason of a tax advantage, as compared to the American business that is producing here in the United States, and which is paying the full income tax rate here in the United States, and shipping goods down there? Does it not improve his competitive advantage over the U.S. producer who is not only selling under the flag but is producing under the American flag?

Mr. BOGGS. If everything else were even—if all other conditions were equal, the obvious answer to the gentleman would be—yes—obviously, it would be "yes"—if you had a fully automated plant in, let us say, Brazil and if you had labor as competent as the labor you find in the United States, and if you had a technology that was every bit as good and if you did not have the problems of inflation, instability, riots, and the unbelievable tariff restrictions and customs' difficulties—then, the answer would be "yes". But you see what the gentleman conveniently eliminates from his mind is that this man doing business in Brazil has all of these additional factors to contend with. Let me say this. Let me show you an interesting economic fact that the gentleman, I know, would be interested in. Do you know that the countries where we have invested the most are also the countries that buy the most from us?

Mr. EDMONDSON. Yes, I know that.

Mr. BOGGS. They are the ones that buy the most from American industry.

Mr. EDMONDSON. I heard the gentleman's eloquent presentation on that in the Committee on Rules. It is a highly persuasive argument, I will admit that.

Mr. BOGGS. Let me give you a breakdown right here. I do not know whether you can see this printed page or the hearings that I am holding up

here, but here are a number of countries—what they buy from us and what their incomes are. Do you know what country is first? Canada is first. Do you know what the income of Canada is per capita? The income of Canada per capita is $1,436. That per capita income is only second to the per capita income of the United States. Do you know how much they buy from the United States per capita? They buy $234 worth every year per person. Do you know what the income is in Pakistan? It is $52 per capita. Do you know how much they buy? They buy $1.02 per capita from the United States per annum.

The investment in Great Britain is less than a thousand dollars; $958 per capita. They buy $28 from us per capita per annum.

Mr. EDMONDSON. On these factors entering into the problems of production the gentleman would have to agree that the American producer, producing under our flag has higher tax rates to pay and higher labor costs to pay. Now you are increasing the disproportion under which he must operate on his tax load that he must bear in this country. I think you are creating an unfair competitive situation for the American producer.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. It seems to me you gave an explanation with regard to a 10-percent clause that was in the bill when you were before the Rules Committee.

Mr. BOGGS. Yes.

Mr. O'NEILL. I was not here when you spoke earlier in the day. I have here an example of the rubber footwear imports. This is the same case I gave you before the Rules Committee. Will you explain how the 10 percent affects us? The rubber imports in 1953 were 0.93 percent of the imports of the total sale of rubber goods. In 1959 rubber footwear imports were 34.18 percent of the total. A great majority of those came from Japan. As a matter of fact, 43,808 pairs of rubber footwear were imported into this country last year out of a total of 91,945 pairs sold in the entire Nation. It is interesting to note that in the United States our average wage is $2.51 per hour in the domestic rubber footwear industry, whereas, in Japan, all rubber products are 20 cents per hour.

As I understand this bill—about 50 percent of those imports that came from Japan are from American-owned companies. As I understand this bill, it would give to those American-owned companies in Japan a tax reduction that would allow them to compete with other companies in Japan, and further allow them a more competitive position. Does not the gentleman agree that they are already throttling the industry?

Mr. BOGGS. No. I am glad to answer the gentleman's question. It would do just exactly the opposite. What you are talking about is going on now, is it not?

Mr. O'NEILL. Yes. The thing that bothers me now, are we going to give them more latitude?

Mr. BOGGS. No. What this bill does is that it says you cannot do that if you adopt this method.

Mr. O'NEILL. I appreciate your remarks. That is exactly what you said before the Rules Committee, but in the discussion around the table with Members of the House, they think that is not true; that that statement of yours is true only in part. Will you expound on the statement you are making?

Mr. BOGGS. Of course, it is completely true insofar as the type of business establishment recommended in this legislation is concerned. Of course, it is not true in any foreign subsidiary.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. BOGGS. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, this legislation is quite the contrary. In addition to that, if you qualify under this legislation under the grossing up principle that was referred to, you would pay the full 52 percent. Under the present law you do not pay that. So this is much more restrictive.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Ohio.

Mr. VANIK. On the first page of the report you state:

> This is expected to result in a revenue loss of about $85 million a year beginning in 1961.

My question is, What about subsequent years? What tax losses can be anticipated for the future years? Will the extent of the tax losses be increased or decreased, or will the tax losses to the Treasury remain on a steady rate?

Mr. BOGGS. If the thing is successful it will be a tax gain rather than a tax loss.

Mr. VANIK. The gentleman talks about the tax situation under this bill.

Mr. BOGGS. I understand what you are talking about. This bill is not a tax forgiveness, it is a tax deferral. I understand what the gentleman has in mind.

Mr. VANIK. I quote from the report:

> This is expected to result in a revenue loss of about $85 million a year beginning with 1961.

If you read the report, that is the clear language of the report.

Mr. BOGGS. What the Treasury Department means is that beginning with that year there will be a deferral of revenues in that amount. My answer there is, No. 1, it is not tax forgiveness; and, No. 2, if this succeeds—mind you, I am having difficulty convincing the gentleman, this is not tax forgiveness, this is tax deferral—you must pay the tax when you bring the money back.

Mr. VANIK. On that very point, how much has been returned to the U.S. Treasury on the deferral of taxable income that resulted under the quick tax writeoff program following the Korean crisis?

Mr. BOGGS. You are asking me about something entirely different.

Mr. VANIK. We still have not collected that money.

Mr. BOGGS. This has absolutely nothing to do with that. There is no analogy at all. A better question would be for the gentleman to ask, and I am surprised that he did not put his finger right on it, what happens under existing law under the present situation with foreign subsidiaries? The gentleman does not touch that. He does not seem to realize what the present law is. I will be glad to yield to the gentleman from Tennessee.

Mr. BAKER. The gentlewoman from New York raised a most pertinent inquiry when she asked the gentleman from Louisiana if this foreign business corporation could in turn form a subsidiary in a foreign nation and sell its manufactured products to that subsidiary, and then the subsidiary ship that material to the United States. That question has not been fully answered. May I develop it by quoting the language of the statute itself which is the best answer, subsection 3 of section 951. This is a definition of what it takes to qualify a foreign business corporation:

> It derives not more than 10 percent of its gross income from the sale of articles which are sold by it for ultimate use, consumption, or disposition in the United States.

The word "ultimate" unquestionably precludes the possibility raised by a most pertinent inquiry propounded by the gentlewoman from New York. The answer, of course, is held in the word "ultimate."

Mr. BOGGS. I thank the gentleman for his statement; it is very helpful.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from New York.

Mr. MULTER. I have understood and followed your argument on tax deferral. Is it not a fact, however, that under this bill when they bring this money back, instead of paying the 52-percent income tax, they will be paying only the 25-percent capital gains tax?

Mr. BOGGS. No, no, no. My understanding is definitely that they will be paying the 52-percent income tax.

Mr. MULTER. I think your report indicates to the contrary.

Mr. BOGGS. If it does, the report is wrong; and it does not indicate to the contrary.

Mr. MULTER. There is one other thing that I would like to ask the gentleman if he will permit me to. I was in favor of the principle of this bill when the gentleman originally introduced it, and I have heard many discussions here today that this was to be a tax incentive for trade, manufacturing, and the like.

I find in the bill, however, as now before us, provisions of this bill which will apply to foreign branches of domestic banks. The only thing I can find in the hearings in support of that is the statement on behalf of the First National City Bank of New York. Why should banking be included?

Mr. BOGGS. The whole branch situation is one of the very difficult fields in this legislative area. If it were not for branches we would have less of a problem here.

Now the banks were confronted with this branch operation situation. Because they had to operate as branches they were at a competitive disadvantage with the banking operations of other countries. I am not here to defend the banks one way or the other, but I know there are some pretty smart bankers in the world. The New York banks have pretty good competition, mainly from the Swiss and mainly from the British. Does the gentleman from New York want the New York banks to be in a worse competitive situation than the banks of Switzerland and the banks of Great Britain?

Mr. MULTER. That is not the point. I am against this provision because in a tight money market I want to see no incentive that is going to be advantageous to an American bank to send its capital abroad. Let us put that capital to work here. If we have any surplus let us send it abroad. This is an incentive to American banks to send more money abroad. Let us put that money to work here first if we are in a tight money market. The gentleman supported the bill to remove the interest ceiling.

Mr. BOGGS. The gentleman is going up another road. The gentleman from Louisiana did not support that.

Mr. MULTER. I am glad to hear that.

Mr. BOGGS. If the gentleman wants to make a speech on money, I will yield the floor to him.

Mr. MULTER. The only speech I want to make on money is this.

Mr. BOGGS. The gentleman frequently makes speeches on money and I do not understand them.

Mr. MULTER. The provision with reference to banks should be taken out of the bill.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Ohio.

Mr. VANIK. The gentleman is a great source of information on this bill, and I appreciate his patience. I have a question here: What is there in this bill to prohibit the subsidiary of an American corporation from continuing operations as a subsidiary as long as it serves its tax purposes, then qualifying as a foreign business corporation for those years when it may present the maximum tax advantage, then return to its former status for tax purposes as a subsidiary?

Mr. BOGGS. Well, the presumption of the question is that the only purpose in using this device would be to evade taxes. I think I have made it clear—at least, I have tried to make it clear—that this is not a tax evasion bill. I am not here presenting a tax evasion bill. The gentleman from Ohio must know that under existing law, as I pointed out, by using these tax havens, corporations can get this treatment now. What the gentleman does is to bring up a hypothetical situation where someone is jumping back and forth from one legal concept to another in order to get some tax consideration. I may say to the gentleman that as much as we legislate, as many laws as we pass and as carefully as we hope to be, we invariably run into some people who will do almost anything to avoid a tax situation. If this situation exists in the bill—I do not think it does, but if it does—we will correct it. Let me say to the gentleman if his approach to this bill is that this is tax evasion, therefore has no advantages or benefits insofar as the promotion of American business, American jobs, American industry and commerce, he can find a million reasons to be against it.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. MASON. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, we have listened to 45 minutes of a very eloquent presentation of the contents of this bill from a very genial, capable, convincing member of our committee, who is the author of the bill. When the bill was presented to our committee a year or so ago, it had a lot, a great deal of flesh upon it, practically all of which has been removed by the committee before it got out of the committee. Now you have before you H.R. 5 in skeleton form. That is exactly what you have before you. If passed by this House skeleton form, it is my opinion that some of the flesh that was taken off of this bill in committee will go back upon it. If that is what you want, pass the skeleton.

Mr. Chairman, the bill before the House makes an inadequate gesture toward dealing with the problems arising in the area of the present tax treatment of income derived from foreign operations by U.S. corporations. I am personally convinced that the legislation raises more new problems than it answers of the old problems.

I do not believe it is wise for the House of Representatives to be considering this legislation at this time. Instead, I had hoped that the Committee on Ways and Means would devote further consideration of this legislation in executive session so that we could do a more adequate job of finding solutions to the many problems that exist with respect to the taxation of income from abroad.

An example of the unfinished business that relates to H.R. 5 is the question of the gross-up proposal which is embodied in H.R. 5 but which does not apply to income derived by a U.S. corporation from a foreign subsidiary or a foreign base corporation. Under existing law the gross-up of the foreign tax credit is not required so that U.S. corporations pay less than a 52-percent rate on their combined United States and foreign tax liabilities. The present combined rate paid by such corporations owning foreign subsidiaries is less than 52 percent and could be a combined rate of 48 percent, 45 percent, 40 percent, or some other rate depending upon the countries in which the taxpayer is operating. Under H.R. 5 with the gross-up provision we are assuring that taxpayers will pay a combined 52-percent rate.

The gross-up requirement may be a proper requirement in connection with the computation of the foreign tax credit, but I submit to the membership that the Committee on Ways and Means does not as yet have sufficient information on which to base that conclusion. In recognition of this fact the committee has scheduled public hearings on the question of the gross-up to begin March 28, and it is my conviction that further action on H.R. 5 by the House of Representatives should be deferred until the committee is prepared to submit its recommendations to the House in regard to the gross-up following our public hearings on that subject.

Mr. Chairman, I anticipate this afternoon that during the debate on this measure we will find frequent reference made to the fact that H.R. 5 will encourage the export of jobs from the United States. It is undeniable that there is some validity to that argument just as there is also validity to the argument that our domestic economy stands to gain jobs by increasing our export trade. It is likely this afternoon that we will find tax considerations intermingled with tariff considerations. Because the United States has become a low tariff, high wage country, the problem of stimulating economic activity by U.S. companies in world commerce is acutely complex. High domestic wages and low tariffs make it increasingly attractive for our producers to go abroad to manufacture. They manufacture merchandise abroad not only for sale in world markets but for sale in U.S. markets. This occurs under existing law and will also tend to occur under H.R. 5 even though one of the source rules limitations contained in the bill provides that not more than 10 percent of the income of the foreign business corporation can be derived from the sale of any articles for ultimate use, consumption, or disposition in the United States. I would point out to the membership that this limitation applies only in the case of the foreign business corporation that is authorized to be established under H.R. 5 and does not apply to foreign subsidiaries or foreign base corporations established under existing law; nor does it apply in any way to foreign producers that are not affiliated with a domestic U.S. corporation. That is why I remarked earlier that H.R. 5 would create more problems than it answers.

Mr. DINGELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 14]

Alford	Celler	Grant
Allen	Coffin	Green, Pa.
Anderson, Mont.	Cohelan	Griffiths
Ashley	Daniels	Healey
Bailey	Davis, Tenn.	Hébert
Barden	Dawson	Hess
Barrett	Delaney	Hoffman, Ill.
Bass, N.H.	Donohue	Holifield
Bates	Dooley	Jackson
Baumhart	Dulski	Jennings
Buckley	Durham	Kastenmeier
Burleson	Fallon	Keogh
Cahill	Feighan	Kilburn
Canfield	Forand	Kluczynski
Carnahan	Gallagher	Lafore
	Garmatz	Lesinski

Merrow	Reuss	Teller
Mills	Rogers, Mass.	Thompson, La.
Mumma	Rostenkowski	Thompson, N.J.
Nix	Santangelo	Tollefson
O'Brien, Ill.	Shipley	Whitten
Philbin	Smith, Kans.	Williams
Powell	Spence	Withrow
Preston	Springer	Zelenko
Randall	Taylor	
Rees, Kans.	Teague, Tex.	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5, and finding itself without a quorum, he had directed the roll to be called, when 350 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be placed upon the Journal.

The Committee resumed its sitting.

Mr. MASON. Mr. Chairman, I will not take additional time of the membership to talk further on this bill. The separate views pertaining to H.R. 5 of the Republican members of the Committee on Ways and Means can be found beginning on page 80 of the committee report. These views, I believe, are briefly stated but to the point and I recommend their reading to you.

The CHAIRMAN. The gentleman from Illinois has consumed 9 minutes.

Mr. MASON. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. KNOX].

Mr. KNOX. Mr. Chairman, I feel constrained today to address the Members of the House because of some of the provisions of the legislation now before us and what they may accomplish in contradistinction to what we hoped at one time the legislation would produce. I concur in the remarks of the gentleman from Illinois [Mr. MASON]. I shall not be repetitious; however, I have been greatly concerned since the time this legislation was brought before our committee for consideration.

I raised this question in the committee and I am going to raise it again here on the floor of the House. I think if this legislation is enacted into law and a U.S. corporation should desire to go into foreign countries under the provisions of this bill, the export benefits from the United States would be great possibly for the first year or so because of the fact it would be necessary to tool the new industries abroad and, to some extent, the initial tools would come from this country. But I think we should bear in mind once these foreign producing enterprises get underway and start to produce the necessary articles in goods, then, of course, they would supply the export markets that we have today.

Now, we must go back and take a brief look at one of the things that has been happening which is greatly disturbing to me. I refer to the deficit balance of payments position of the United States. That deficit reached a figure of $4.5 billion in this past year. I must concede and report to you, according to the accounts that I have read, that the deficit has now been somewhat alleviated in the current year. I believe we have picked up about a billion dollars in the past 2 months. Consequently we are a little stronger in that position now than we were at the close of the past calendar year, which showed about a $4.5 billion shortage.

This deficit is also disturbing to me because of the fact that through information that has come to me and to other Members of this Congress I find that we have $17 billion now in the hands of foreign countries, either in dollars or in equivalent securities. We have approximately $19 billion worth of gold at Fort Knox. Of course, with respect to foreign countries that have our securities and our currency, if they should choose to convert their holding into gold they would receive the equivalent in gold and not in dollars.

Such an event would leave some $2 billion left in Fort Knox to support our own currency. The information which I have is that today with the currency which we have in circulation, we must have considerably more than $2 billion worth of gold in order to back that currency. Now, that is disturbing to me. If this bill is passed and our industries have the incentive to move abroad, our balance of payments will become greatly aggravated by that fact and we are going to lose some more of our export markets.

Mr. Chairman, our Nation was founded on the fact that we were a great producer and had a great domestic market. We achieved further greatness as we developed export markets. It is my hope that we can retain that domestic market and that export market, because we certainly have a great obligation today to the youth of America.

In this regard I have in mind our responsibility to the youth of our Nation. We have something over a million boys and girls that are graduating annually from high school and college and coming directly into the field of employment. It is necessary that we, the fathers and mothers of these children, assist them in every way in meeting the goals in their lives to see to it that they will have a job when they graduate. Of course, if we are going to allow the incentive of H.R. 5 to take industry from the United States and place it in foreign countries and thereby lose that export trade, then I do not believe that we have fulfilled our obligation to provide job opportunities within our own country.

Furthermore under the circumstances of lessened exports, it will not be possible for our domestic market to consume the necessary goods that would cause new jobs to be available. We are not a people that are standing still. Of course, we are going more and more into the field of automation, and automation, of course, is increasing worker productivity; therefore we have to have a greater expansion of our export markets for goods from the United States.

Certainly I am one who does not believe that we should continue to pour dollars into these foreign countries as far as foreign aid is concerned. I think my record will show that I have not approved of foreign aid. However, I do believe, and I honestly believe, and it is my conscience dictating to me, that this legislation at this particular time is not in the best interests of the economy of the United States. We should have further hearings to determine just what this committee is going to recommend to the Congress as far as the gross-up provisions are concerned in this legislation, and I believe this bill could very well wait until we have the hearings and the committee can combine its tax recommendations in this area in one package.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. KNOX. I yield to the gentleman.

Mr. BOGGS. I simply wanted to point out to the gentleman that the figures just now released show that our exports are up considerably.

Mr. KNOX. About $1.1 billion.

Mr. BOGGS. I have here, if the gentleman will bear with me a moment, the financial section of the New York Times for Thursday, March 3, which reads:

U.S. trade opens year with 15 percent gain. Payment posture improves as exports climb. Imports show decline. Shipments up by 15 percent. Outflow of gold appears to ebb—

And so forth. This is a long statement and I shall not go into it in any great detail. I would simply say this to the gentleman that I, too, am concerned, as is the gentleman, about our balance of payments. But the gentleman knows, I am sure. that the pluses in the balance of payments are in these fields that we are discussing here today. For instance, on investments abroad we have had a net gain of $2 billion rather than a loss on these investments, in the last 4 years. In addition to that, every dollar of export income is a gain. The losses, of course, occur from imports, from foreign aid, from military establishments, from tourism, et cetera. I believe the gentleman will agree that it is not within our sole determination as Americans to decide how much foreign competition we have.

The interesting thing about all this discussion is that we are the ones who are making all the decisions. What this bill tries to do is to give the American economy a competitive situation equal to our rivals', the rest of the free world's and the Russians'. This bill seeks to help us in this situation and not hurt us. That is the point I am trying to make.

Mr. KNOX. The gentleman from Louisiana, I believe, also realizes that this legislation does not give any real benefit to corporations that is not available to them today.

Mr. BOGGS. Here is the point that I am making with the gentleman. To be specific, let us take two situations. No. 1, the question of the import competition. That import competition comes from the countries of Western Europe and from Japan. What we do here today is not going to stop that import competition except for this class of corporation which we are creating. The only way you can stop that is by some tariff legislation or some quota limitation that you may consider in separate legislation.

Mr. KNOX. If I may answer the gentleman on that particular question, I have not said anything about the imports in any of the words which I have uttered in this well.

Mr. BOGGS. No, the gentleman has not.

Mr. KNOX. But I have specifically pointed to our export market that we possibly would lose.

Mr. BOGGS. Exactly.

Mr. KNOX. That is the thing that concerns me.

Mr. BOGGS. I know the gentleman is in complete good faith. The gentleman was very helpful in the consideration of this bill. I am not being a bit critical of the gentleman. But the second point is the one the gentleman just made, about our export market. I think we presume a great deal when we think that if we do not get into this market, if we do not compete, this market is going to come to us. The market will go to someone else. Take Brazil, for instance. This does not mean that we are going to continue to export to that market. Germany may get the market; Switzerland may get the market; France may get the market.

Mr. KNOX. In answer to the gentleman, if we had some incentives for our American-based corporations, corporations here in the United States, perhaps they would be in a better competitive position than they are today in world markets. If this legislation is justified at this particular moment, then I think it would also be justifiable to have the same privileges granted to U.S. corporations to go into some of our areas here in the United States which are distressed labor areas and so classified by the Department of Labor. The purpose would be to create jobs in these distressed areas. I realize such an amendment would not be germane to this legislation but it is a matter that should be considered in establishing priorities for the consideration of amendments to our Federal tax structure.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KNOX. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Louisiana says the export situation is bright because shipments abroad have increased. I wonder if the gentleman from Louisiana could inform the House how much of that was in terms of grants-in-aid, giveaway stuff that went overseas. That ought not to be included in any such total.

Mr. KNOX. I yield to the gentleman from Louisiana for an answer.

Mr. BOGGS. The gentleman directed the question to me. I do not know, but I could get the information and would be very happy to incorporate it into the RECORD. But this bill, if it has any objective at all, is to stop giveaways and grants-in-aid.

Mr. GROSS. I do not think I have ever read a more sugar-coated title to a bill than this: "Promote American Industry"—they do not say abroad—"Promote American Industry and Reduce Government Expenditures for Foreign Economic Assistance."

I wonder how much the gentleman from Louisiana will say to us today this bill will reduce the annual handout program.

Mr. BOGGS. I could only say to the gentleman, and I do not mean to take the time of the gentleman from Michigan, but the gentleman has directed the question to me, that in those areas of the world where we have the most American investment we have no giveaway program. There is no giveaway program for Canada, as far as I know, and those programs are nonexistent now in Western Europe.

Mr. KNOX. May I say further that in my opinion this legislation in one important respect has gone a great degree further than the recommendations that came to the Congress The recommendations suggested that the Congress take action in the field to assist less developed countries. The bill in its present form is wide open on this point. Naturally, if I were an industrialist and wanted to invest in a foreign country, I would go into the market of a country already developed, not into a less developed country.

In principle I think the legislation sounds good, but there are so many ramifications involved in it that I believe honestly it would be detrimental to the U.S. economy if it should be enacted. Then if it should be implemented to the point where we would have a great outflow of U.S. industry and American dollars, which would be necessary in order to establish the industries in the respective countries, it would greatly aggravate our position as far as the balance of payments was concerned.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. KNOX. I yield.

Mr. THOMSON of Wyoming. The sponsor of this bill in his argument seems always to assume the building of new plants or production facilities. Is it not a fact that the provisions of this bill would be equally applicable to a conventional case where an American manufacturer goes over there and buys plants with existing production and an existing market? I think of the Chrysler situation as a case in point. They bought a foreign-car producer. They could market the regular run of cars over there and then step up their production 10 percent and sell that excess over here.

Mr. KNOX. Yes. I think we can go a step further in our assumption because of the fact that the earnings from this corporation do not necessarily have to be invested in that corporation itself for expansion, but they could be taken from that country to another country to establish another corporation.

Mr. Chairman, I would like to address the balance of my remarks to the fact that this bill is not limited to the less developed countries.

The bill, in its present form, seeks to stimulate private foreign investment without regard to the economic need of the host country. It was contended by spokesmen of the Departments of Commerce, State, and Treasury that the tax incentives embraced by this legislation could more realistically be restricted to investment in the underdeveloped countries.

It may be doubtful that further incentives are presently warranted to encourage U.S. venture capital to seek out the industrialized nations of the world. Whereas direct foreign investment during the 1950's more than doubled—and indeed, may well have nearly trebled—it is significant that the most recent distribution figures available reveal a concentration of almost half of this capital in Canada and Western Europe, 35 percent in Latin America, and less than 9 percent in the critical areas of the Middle East, Asia, and Africa.

Furthermore, since the advent of the European Common Market the share of direct investment of U.S. private capital in the Common Market area has been increasing faster than the share held by the rest of Western Europe or by all foreign areas combined. Thus, the existing pattern of foreign investment is mute testimony that any stimulus to encourage the investment abroad of private venture capital should be oriented toward the underdeveloped areas of the free world, where stimulus is needed.

There are, of course, many reasons for the present unsatisfactory level of our private investments in the underdeveloped countries. Certain obstacles to an expanded foreign investment flow to these areas are political, legal, or institutional problems affecting the investment climate, which in large measure are susceptible to correction only by the country concerned. Others, such as the lack of natural resources or the limitations imposed by a relatively small market present problems of a more permanent nature which go to the very essence of the business decision, irrespective of the investment climate per se.

Perhaps the most important single impediment arises out of the fact that there are certain hazards and risks facing potential investments in the underdeveloped countries which either do not exist or exist to a lesser degree in the more sophisticated and stabilized capital climate of the industrialized countries. Unless there is some offsetting factor which will compensate an entrepreneur for the higher element of risk involved in channeling his capital to the underdeveloped areas it is manifest that economic prudence will dictate a reluctance to commit venture capital there.

Herein lies the greatest potential benefit of H.R. 5—and the greatest failing as the bill is presently written. A tax advantage available only with respect to investments in underdeveloped countries would act as an offsetting factor to the economic risks involved in such undertakings, thereby encouraging businessmen to commit their capital in such areas. However, if the incentive is available regardless of where the investment is made, as would be true if the present version of H.R. 5 were to be enacted into law, the stimulus to commit capital in the underdeveloped areas would tend to be canceled out.

My concern with the encouragement of private foreign investment—together with the concomitant managerial skills and technological techniques—in the underdeveloped countries is more far-reaching than an academic interest in

balancing out the distribution of U.S. investment capital throughout the free world. It is predicated upon an acute awareness of the consequences which may well devolve upon the free world if direct and immediate steps are not taken to encourage and speed the process of economic growth in these countries. Perhaps the most lucid analysis of this problem was advanced by Under Secretary Dillon in his testimony before this committee during the hearings on H.R. 5 held last July—see committee hearings on H.R. 5, July 7, 1959, pages 78–79:

The manifest needs of the less developed countries for economic progress, and the impatient demands of their peoples, provide the Communist bloc with a dangerously exploitable opportunity to advance communism's long-term drive for world domination. The Communists have made clear that the less developed countries of Asia, the Middle East, Africa, and Latin America are major targets in communism's drive to undermine the West. These countries cherish their freedoms and intend to preserve them, but the demands for economic growth are strong and urgent. Whether these demands are met in freedom or whether these countries are forced to turn to the path of communism will depend in no small measure on what we and the other industrialized countries of the West do to help. The main burden of economic progress lies, of course, on the less developed countries themselves, but it is in our interest as well as theirs that we help them to speed the process of economic development.

Through such means as our governmental loan and technical assistance programs, our multilateral trade policies, our commercial treaty, tax treaty, and investment guarantee programs, and our economic and investment information activities, the U.S. Government is making a major effort to assist the less developed countries in attaining a satisfactory rate of economic growth. Nevertheless, although progress has been made during recent years by the underdeveloped areas, the rate of progress generally has been less than that of the industrialized countries while the rate of population increase has been higher. This has led to a widening of the gap between our standards of living and those in the less developed areas. This situation is a serious one and calls for urgent attention. We must provide additional impetus for the economic development process. Governmental resources and capabilities are of necessity limited, so new actions to stimulate the flow of private capital, with its accompanying skills and techniques, have become an urgent necessity.

During recent years new U.S. direct investment in the less developed countries of Asia, the Middle East, and Africa has been relatively small—roughly $100 million annually—and much of this has gone into petroleum investment in a few countries. In regard to Latin America the situation is substantially better but here, too, the flow of private investment has been very uneven with substantial investments going to a few countries and relatively little going to the rest of the area.

Thus, to the extent H.R. 5 fails, as certainly it must in its present form, to stimulate and focus the investment of private U.S. capital in the underdeveloped areas of the free world, it knowingly defaults in a key move in the free world's struggle against Communist expansion and domination.

Another crucial factor of which we must not lose sight is the awkward, if not embarrassing, position in which the United States presently finds itself with respect to its international balance of payments as I have previously pointed out. We have sustained a net annual deficit of approximately $4 billion in each of the past 2 years, and our gold reserves are now depleted to the level of approximately $19 billion. By and large, the concomitant increase in gold and dollar holdings abroad has been concentrated in the industrialized countries—particularly Western Europe and Japan.

The short-run balance of payments effect of international investment depends upon the extent to which the movement of capital is accompanied by an export of goods and services from the United States. This fundamental economic reality represents another reason for my concern with H.R. 5 in its present form, since an indiscriminate territorial application of its incentives would inevitably lead to compounding our already acute balance of payments position. This is so because as noted before the bill would serve to accelerate investment in the industrialized nations rather than in the underdeveloped areas, and in the industrialized nations the vast majority of requisite goods and services would almost certainly be readily available locally. The converse would be true by and large in underdeveloped countries.

A further reservation which I am compelled to express with respect to the indiscriminate territorial application of H.R. 5 also relates to the fact, referred to above, that, all things being equal, private investment capital will flow to the industrialized nations rather than to the underdeveloped areas of the free world. This consequence should not be taken lightly, for in addition to the frustration of private economic development in underdeveloped areas, there is the perpetuation of the staggering capital outlay which this country makes annually for its mutual security program.

Private foreign investment may be regarded as the only practical alternative to continued burdensome governmental participation in economic development abroad. Thus, substitution of private capital for public outlays recommends itself as a means of lightening the public burden; moreover, private investments might be more soundly conceived and therefore economically more beneficial to the countries in which they are made than public assistance. Needless to say, our governmental expenditures for the economic aspects of our mutual security program in the industrialized nations are now negligible when compared with the extensive capital outlays for such purposes in underdeveloped nations. Accordingly, the encouragement which H.R. 5 as presently drawn would give to private investment in the already industrialized nations to the detriment of investment in the underdeveloped nations would work a direct and unnecessary hardship upon the American taxpayer by perpetuating pro tanto our monumental annual outlay to these countries.

It has been argued that the enactment of legislation providing tax benefits to encourage foreign investment in the more industrialized areas of the world will eventually result in more private investment in the less developed countries. However, even if this should occur to some extent, it would seem to be an inefficient means of stimulating economic growth in the less developed countries where a relatively small amount of capital is required to put a laborer to useful work, as compared with the situation in the highly industrialized countries.

Because this legislation is not limited to the less developed countries and for the other reasons I have stated, I am obligated to oppose H.R. 5 in its present form.

Mr. BOGGS. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. HERLONG].

Mr. HERLONG. Mr. Chairman, this bill, of course, has been rather thoroughly explained. Yet, a great deal of the explanation has not answered the questions in the minds of a number of Members. There are a number of questions in people's minds about it yet.

Mr. Chairman, I rise in support of H.R. 5.

In my judgment this bill would stimulate foreign investment by U.S. business concerns by permitting an eligible domestic company to temporarily defer U.S. tax on income it earns abroad, provided such income is invested abroad.

What are the advantages to the United States as a whole in having a U.S. corporation enlarge its activities overseas?

In the first place, when a U.S. corporation does business in a foreign country, particularly in one of the underdeveloped countries, this action will not only bring more capital, but also more managerial and technical skills, to those countries. This will certainly help to train the people of the underdeveloped countries in modern industries. The purpose of the bill is to encourage our business people to go into these foreign operations.

When our domestic companies go abroad and engage in such operations, they demonstrate to the people of other countries the vitality and responsibility of modern private enterprise. This gives the people in the so-called underdeveloped countries a firsthand knowledge of the private enterprise system as a method of existence, as opposed to communism.

Next, it certainly follows that as American business abroad is increased, the standard of living in the countries where it operates will be raised. They will therefore be a better market for our exports, and of course it follows that as our exports are increased, business is stimulated here at home.

It is also not inconsequential that in the past, American firms through their foreign developments have added significantly to the supply of raw materials needed by American industry.

On another point, a lot of people in the United States are disturbed about the money that is being spent overseas in the so-called foreign aid program. Particularly do we hear complaints about economic assistance, and I am in accord with those who would like to see this amount reduced as much as possible. I

think it can be definitely stated that with an increase in the standard of living in these other countries, the necessity for economic assistance will be greatly reduced, if not entirely eliminated. This of course will be a welcome relief to the Federal Treasury and to our already overburdened taxpayers.

Just how does this bill propose to accomplish these desirable results?

The bill would permit the establishment of a special class of domestic corporations known as foreign business corporations to conduct the foreign operations of American firms. The incentive for this activity would lie in the fact that such a foreign business corporation would enjoy the privilege of deferring the U.S. taxes on the income it earns in these foreign countries until this income is returned to the United States. This means that a foreign business corporation will be able to use the money that it makes from its foreign operations to expand those operations out of its earnings, as Uncle Sam will not be draining them all off in taxes. Of course, at the time the foreign business corporation distributes any of its earnings it will be taxed at the then present corporate tax rate on such income.

I think it is important for us to recognize that under the existing law, the income of a foreign subsidiary of a U.S. corporation has the privilege today of deferring taxes until the income is distributed to its U.S. parent. In this bill we are saying explicitly that this same privilege is accorded to branches of U.S. corporations operating abroad who can become foreign business corporations as provided in the bill.

This bill, however, does provide an additional limitation on these American corporations doing business abroad. In our bill, only 10 percent of the goods manufactured by such a foreign business corporation can enter the American market, so there is no threat of undue competition with existing domestic enterprise. This 10-percent limitation however, does not apply to the American subsidiaries doing business in foreign countries today, and which are enjoying the privilege of tax deferral.

The question may arise in your mind as to why an American corporation would want to operate as a branch, rather than to organize a foreign subsidiary when, by taking advantage of this proposed bill, they would be restricting themselves as to what would probably be a prime market; namely, the United States.

In this connection it may be that some companies may want to continue to operate as foreign-based subsidiaries, but such a big-company method of operation as is proposed under this bill would dispel a great deal of the uncertainty that presently exists in small business and would be a great deal more convenient and less expensive operation for such a U.S. corporation. In many situations there is a great risk in placing substantial worldwide assets in foreign corporations, and therefore under the control of a foreign country which may be subject to political and economic upheavals. There is risk also in the fact that such a country may possibly be overrun by hostile powers, and a foreign-based subsidiary, even though its parent be a U.S. corporation, would not be entitled to the same protection from the United States as would be a branch of a domestic corporation. Certainly diplomatic assistance is more readily available to a branch of a U.S. company than to a foreign company, even though it is a foreign subsidiary of a U.S. company.

Finally, the creation of a foreign business corporation, by causing the expansion of American business abroad, will have as a direct result not only an ultimate increase in revenue to the U.S. Treasury, but also a substantial decrease in the amount of money which the United States will have to spend as grants to foreign countries. In this regard it is my firm conviction that the foreign business corporation, in addition to removing the serious inequities existing presently in our laws, would encourage wider foreign private investment and in so doing would support and implement the goals for which our Government is now spending billions of dollars annually on mutual security programs with friendly nations.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I yield.

Mr. ROOSEVELT. Is there anything in this bill which would lead anybody to believe that these funds would be directed toward these underdeveloped countries?

Mr. HERLONG. We are encouraging business to go into these underdeveloped countries.

Mr. ROOSEVELT. But, is there anything in this bill that would do that?

Mr. HERLONG. Certainly, there is. That is the whole principle of the bill.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I yield.

Mr. BOGGS. I might answer the gentleman from California this way. In our American economy, we tax our individuals and our business establishments on a nationwide basis so that if one makes a profit in the great State of California, for instance, one is able to come to an underdeveloped area, in this country, and make an investment which sometimes will result in a loss. I know what the gentleman is getting at, namely, that we should have limited this legislation to the so-called underdeveloped areas. I will say to the gentleman there are two very grave problems involved there. No. 1 is the question of definition. Italy, for instance, can be defined as a developed and an underdeveloped country—all in one country. No. 2, the so-called developed countries have tax rates, generally speaking, comparable to our own tax rates. So that there is no tax advantage in limiting this legislation to the underdeveloped countries.

Finally, it was our theory, and I think a sound one, that as long as these funds are maintained outside of the United States, we have a chance of channeling the funds, let us say, into Pakistan or into some other country. That is, if there is some freedom of movement. But, if you try to create artificial, geographical limitations, then I do not think that would happen.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I yield.

Mr. ROOSEVELT. May I ask the gentleman from Louisiana if his argument is correct that normally capital would flow to those countries because they have a lower tax base, then all of the record should show that American capital today is going to those countries and, yet, we know that it is not. And we know that it is not going to those countries because conditions in those countries are not such that a profit results from an investment in such countries because you get less capable labor and you have other conditions that make it impossible to make a profit. So, if you are making the argument on the ground that this bill is going to help the underdeveloped countries, it seems to me you are making a completely specious argument.

Mr. BOGGS. No; we say, and I think with some justification although not with complete and total justification, of course, that this bill will be helpful. If I have said at any time in this debate today that this bill standing alone is the answer to the problems of the underdeveloped countries, then I retract that statement.

I do say, and I defy anyone to contradict me, that this bill will be very helpful to the people who have studied this problem as the gentleman from California has and have come to that conclusion.

Mr. ROOSEVELT. I do not want the gentleman to say that I have come to that conclusion, because I have not.

Mr. BOGGS. What I meant to say was that the gentleman has studied the problem and is a conscientious Congressman. I am sure the gentleman agrees with that.

Mr. ROOSEVELT. I thank the gentleman.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I yield to the gentleman from Pennsylvania.

Mr. DENT. Is it not true that an American corporation investing in America has to pay its normal 52-percent income tax on net profits before it can use those profits for expansion in America?

Mr. HERLONG. That is true.

Mr. DENT. And is it not true that you are giving to an American corporation that invests in a foreign country the right to use those profits from its operation without paying the tax?

Mr. HERLONG. Not without paying the tax, but they can use that money and defer the payment of taxes until they bring it to the United States.

Mr. DENT. But the money that is used is not laid up against the company's net strength as long as it keeps on expanding in a foreign country. The only money that is taxed is that which is brought back into the United States.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I yield to the gentleman from Louisiana.

Mr. BOGGS. This tax may be higher or lower than the U.S. tax rate, but it is not failing to pay taxes.

Mr. DENT. You know and I know that Spain, Japan, Italy, and 60 or 70 percent of the countries in which we are going to expand these corporations have eased their taxes on foreign capital to the extent where there is no tax on foreign capital being used to build competitive industries in those foreign countries.

Mr. BOGGS. No. I do not know that.

Mr. DENT. I am telling you, sir. And it is proven in the record.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I yield.

Mr. PUCINSKI. As I understand, under this legislation American corporations can create American subsidiaries in foreign countries.

Mr. HERLONG. I think the gentleman means branches.

Mr. PUCINSKI. Branches. Does the gentleman have any information whether under existing law American corporations can invest in foreign corporations in many areas of the world?

Mr. HERLONG. They are doing it.

Mr. PUCINSKI. Does the gentleman have any idea as to how many companies, corporations, factories, or industries have been created under existing law by American corporations in the underdeveloped countries of the world where most of our foreign aid is now going?

Mr. HERLONG. I do not know how many; I know there are some going in there, but most of it has been going to developed countries. We want to help channel it to the underdeveloped countries.

Mr. PUCINSKI. But in the last few years there is no history to indicate that it is going to these underdeveloped countries, is there?

Mr. HERLONG. As I said, I do not know how many have gone into these underdeveloped countries. I will say there have been some, and I will say also that this will encourage more to go into those areas.

Mr. PUCINSKI. But there is not historic basis for making that statement, no such history within the last 5 or 10 years.

Mr. HERLONG. We have not had this in operation 5 or 10 years.

Mr. PUCINSKI. But you have American companies investing in foreign countries and in these underdeveloped areas.

Mr. HERLONG. Certainly we have.

Mr. PUCINSKI. Would not the incentive provided by this bill be sufficient for these companies to invest still further in the highly industrialized areas of the world today?

Mr. HERLONG. The incentive was ably pointed out by the gentleman from Louisiana a while ago in that they put a high tax rate against American businesses or foreign businesses including their own in those areas; they have to pay high income taxes in those areas today, so that tax deferral is not an important incentive for such countries. I am sure the gentleman also recognizes that this bill would permit American businesses operating as branches abroad to have the benefit of any tax treaties this country has entered into. This would not be possible for foreign subsidiaries.

Mr. PUCINSKI. I thank the gentleman.

Mr. MASON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, this bill is called the Foreign Investment Incentive Tax Act of 1960. That is the purpose of this legislation. It would encourage foreign investments, taking capital out of the country that might be spent here to create new jobs. But beyond that we have to realize that these foreign investments in many cases result in cheap-labor production of goods now produced in the United States, and that the jobs we create abroad in the end take jobs away from our own workers when these goods are shipped here. It would give American concerns who desire to enter the manufacturing business abroad a special tax advantage. The legislation as originally introduced would have allowed American concerns manufacturing abroad a 14-percent tax advantage. An industry operating in America would pay 52 percent corporation tax, but those who would do the same manufacturing abroad would only pay 38 percent corporation tax.

I spoke against this bill on the floor of the House last August while it was still in the Ways and Means Committee. This bill was reported out by the Ways and Means Committee last week and had been materially changed by the committee from the condition in which it was originally introduced. However, the purpose of this legislation is still the same, and that is that it is the Foreign Investment Incentive Tax Act of 1960. It still gives American concerns a tax advantage under certain conditions if they manufacture their products abroad.

The bill is difficult to understand as many members of the committee have stated. On page 1 of the report the principal purpose of this bill is stated as follows:

> The principal effect of this bill is to defer the imposition of U.S. tax on certain domestic corporations called foreign business corporations until their foreign income is distributed to shareholders or withdrawn from the foreign business for employment in domestic operations or for investments.

The facts show that we do not need additional incentives to cause American industries to expand their manufacturing abroad. This legislation would undoubtedly accelerate an already dangerous trend that is injuring business, labor, farmers, and all of America. In plain English, this legislation tells the American manufacturer that under certain conditions he is given a tax advantage if he operates a manufacturing concern on foreign soil. He will not have to pay the corporation tax until they bring the money back to America. Such a concern can manufacture goods abroad, using cheap labor, reinvest money in expansion that it would have to pay taxes on if doing business in America, and repeat this over and over, building an enormous empire abroad on the taxes it would have had to pay if manufacturing in the United States. A certain amount of the products produced abroad would be returned to the United States in competition with American produced goods.

American industry is being threatened by foreign competition in such fields as: textiles, clothing, coal by the importation of residual oil, glass, wood products including veneers, rubber products including clothing, storage batteries, automobiles including equipment and parts, electronic products including all types of electrical equipment, fabrication of steel, structural tile, clay pipe, canned meats slaughtered and processed abroad, and countless other items.

I am well aware of the problems American business has in operating without some protection against foreign imports. I am very much in favor of giving American industry and labor that protection, and I think that soon enough Members of Congress will be aware of this situation to approve of such legislation. However, I insist that legislation such as H.R. 5 is not the solution to our problem. This piece of legislation would, in my opinion, damage all America.

AMERICAN INDUSTRIES MOVE TO FOREIGN LOCATIONS

A brief summary will demonstrate that our objective should be to encourage business to manufacture its goods in America instead of encouraging manufacturing abroad, with cheap labor and reduced taxes, and shipment of these products to America to the detriment of the American economy.

In 1958 and 1959 our imports exceeded our exports by $7.5 billion. Imports from Japan jumped 50 percent in 1959 and from Europe jumped 40 percent for the same period. There are 3,000 major American firms with investments abroad, including $30 billion in plant facilities. These plants employ some 2 million workers directly and another 3 or 4 million indirectly.

General Motors is making cars in Germany and England and shipping them back to the United States. Ford Motor Co. is making cars in England and France and shipping them back to the United States. Chrysler Corp. is doing the same in France. The importation of these cars increased more than 100 percent last year. The Hamilton Watch Co. is now operating in Japan, Elgin National Watch Co. in Switzerland. The Singer Sewing Machine Co. is manufacturing sewing machines in Scotland. The H. J. Heinz Co., famous for its canned goods, is building factories in England and Holland. Borden Co. operates in Holland and Denmark. I could go on and on and point out thousands of such operations and all of them ship at least a portion of their products to America for resale. Yet, Congress is asked to pass legislation to encourage this trend.

IMPORTS THREATEN OUR ECONOMY

No part of the American economy can be injured without hurting our overall economy. America cannot maintain its high standard of living unless we keep

our economy strong. This legislation is a further expansion of our trade policies which are gaged principally to assist foreign countries and those who are especially interested in importing goods to America. Every time one of us points out the adverse effect that imports are having on America, we are accused of being against foreign trade. We were accused of that 2 years ago when we unsuccessfully attempted to get certain amendments to protect American interests under the extension of reciprocal trade legislation. The purpose of trade is to buy those products that other countries are well adapted to produce and sell those products which we are well adapted to produce. Other countries do not import those products they have in surplus. We would not expect Brazil to import tea, but that is the policy what we are following in America.

Incidentally this legislation would do little to help underdeveloped countries, for the major part of our foreign investment is in those countries with booming economics.

OUR TRADE POLICIES INJURE FARMERS

The United States has a surplus of meat, yet we are importing more than 800 million pounds edible meat into the United States. We are importing a great amount of grain into America, even though we are paying support prices on similar grains.

This trade problem is not a political matter. The last reciprocal trade extension, which I have mentioned, was generally backed by both parties. It is time, however, that we started seriously thinking of our problems in America. A few years ago perhaps we needed to give special benefits to Europe, but today Europe is booming. We have many localities in my district that would be very grateful for one of these many plants that our industries are locating abroad. Unless we look after American interests, soon all segments of our economy will be suffering: the clay workers in Brazil, Bloomfield, and Martinsville; the rubber workers in Washington; the glassworkers in Vincennes; the electrical workers in Bloomington, Princeton, Linton, Franklin, and Greenwood; the garment workers in Sullivan and Bicknell. The same is true of the miners in Sullivan and Princeton; the gypsum workers in Shoals, and the veneer workers in Edinburg. I could continue to name industries which are adversely affected indefinitely. The worker who loses his job cannot pay taxes nor can he pay his doctor, his grocer or carpenter, nor can he buy ham or eggs.

I am not an alarmist and I realize that generally conditions are not critical, but it is our job to see that they do not become critical. It is time we should encourage business in America, not encourage it to go abroad as the last Reciprocal Trade Act did and as this bill will certainly do.

Mr. MASON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BOSCH].

Mr. BOSCH. Mr. Chairman, it will not be my purpose to talk at length on this legislation. H.R. 5 deals with a very important problem confronting our American economy, namely, the income taxation of income derived from abroad by U.S. corporations. H.R. 5 deals with this problem inadequately and in one important respect, I think, dangerously. I refer to the provision of the bill that requires the gross-up of the foreign tax credit. The gross-up requirement has already been alluded to by speakers who have preceded me this afternoon. I would simply summarize the effect of the provision by pointing out that where the gross-up is applied, the U.S. corporation will be required to pay a combined U.S. and foreign tax of 52 percent whereas under existing law without the gross-up requirement, the computation of the foreign tax credit results in a combined tax of less than 52 percent. Thus, H.R. 5 will have the effect of imposing a greater tax liability on U.S. business operating through the foreign business corporation authorized under H.R. 5 than will be imposed on other types of business operations.

The danger inherent in the gross-up provisions contained in H.R. 5 is that it will inevitably serve is a precedent for extension of the gross-up requirement across the board so that it will be applicable to foreign subsidiaries and foreign base corporations that can be formed under existing law. If this occurs, no other conclusion is possible than that we will be impairing the economic opportunities of U.S. entrepreneurs in world commerce instead of improving those opportunities.

The gross-up was never a subject of public hearings by the Committee on Ways and Means despite the fact that it has the far-reaching ramifications and implications to which I have referred. Public hearings are scheduled by the committee on this subject to occur later in March, and no action should be taken by the House of Representatives on H.R. 5 until we have reached an informed conclusion on what to do about the foreign tax credit—should we gross-up or to coin a phrase, "gross-down"? If the House of Representatives works its will in favor of grossing-up, how can we consistently 3 weeks from now do anything but apply the gross-up in those areas where grossing-up is not presently required under existing law?

The present consideration of H.R. 5 can only be justified on the grounds that the important thing for the House to do is to pass legislation so that it may be perfected in the other body. I do not subscribe to this view. I believe we have a responsibility under the Constitution which gives to the House of Representatives primary jurisdiction over revenue legislation to perfect this legislation before we send it on.

I am afraid, Mr. Chairman, that if the legislation before us today is passed by the House of Representatives we may be hurting instead of helping our U.S. producers in their endeavors to compete in world markets. No one is more mindful than I am of the need to improve the competitive position of U.S. corporations in world markets and the need to stimulate America's export trade. I would wholeheartedly and unequivocally support legislation accomplishing these objectives. H.R. 5 does not accomplish these objectives, but instead threatens to defeat their attainment.

Example of gross-up

(A) BRANCH OPERATIONS OF DOMESTIC CORPORATION

Taxable income from country X	$100.00
Country X tax paid	20.00
U.S. tax (assuming a 52 percent rate)	52.00
Foreign tax credit	20.00
U.S. tax after credit	32.00
Total tax paid on $100 to United States and country X	52.00

(B) FOREIGN SUBSIDIARY OF DOMESTIC CORPORATION

Total profits from country X	100.00
Country X tax paid	20.00
Profits after tax distributed to domestic corporation as dividend	80.00
U.S. tax (assuming a 52-percent rate)	41.60
Foreign tax credit allowable under section 902 $\left\{\frac{80\times 20}{100}\right\}$	16.00
U.S. tax after credit	25.60
Total tax paid on $100 to United States and country X	45.60

(C) FOREIGN BUSINESS CORPORATION UNDER H.R. 5

Total income from country X	100.00
Country X tax paid (foreign tax is not deductible in determining income from which distributions are made)	20.00
U.S. tax (none until income is distributed.)	
Cash distribution	48.00
Taxable income attributable to distribution (i.e., amount of income before corporate tax at 52 percent, leaving $48 available for distribution after tax)	100.00
U.S. tax	52.00
Foreign tax credit (entire tax is allowed as credit since entire income is included)	20.00
U.S. tax after credit	32.00
Total tax paid on $100 to United States and country X	52.00

Mr. Chairman, as one who has consistently voted against foreign aid, I would grasp at any piece of legislation that would bring about the deletion of foreign aid, but I say very earnestly, Mr. Chairman, this legislation is not in that direction, and it is for all the reasons heretofore stated that I am opposed to the bill in its present form.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BOSCH. I yield to the gentleman from Louisiana.

Mr. BOGGS. I just want to understand in my own mind and I want some of the Members to understand, the gentleman is opposed to this bill, as I unstand, because it does not go far enough; is that right?

Mr. BOSCH. No. I say that this bill does not mean anything, if I may be so bold as to say so to the gentleman from Louisiana, because at the present time no domestic corporation would take advantage of this legislation because the grossing-up provision in this legislation means they would be discriminated against in that they have to pay more taxes than they would pay now under existing law.

Mr. BOGGS. So, to put it just as the gentleman has put it, this bill, if enacted as drafted, would mean that a corpora-

tion would pay more taxes and not less taxes; is that right?

Mr. BOSCH. That is right. A domestic corporation which would now take advantage of the provisions of this bill.

Mr. GROSS. Mr. Chairman, will the gentleman from New York yield so I may ask a question of the gentleman from Louisiana?

Mr. BOSCH. I yield.

Mr. GROSS. Since there will be no debate under the 5-minute rule, under the gag rule that has been imposed by elimination of the 5-minute rule, I should like to ask this question of the gentleman from Louisiana. Would this bill provide for the establishment of an industry in such an underdeveloped country as Ghana?

Mr. BOGGS. Yes; certainly. As a matter of fact, several have been established there. Kaiser Aluminum is putting up a big plant in Ghana.

Mr. GROSS. Where the present dictator of Ghana is a proclaimed Marxist-Socialist?

Mr. BOGGS. I do not know what his political affiliations are. But it just shows the difficulties that these people have in doing business abroad. Look at the problems they have in Cuba, for instance. It is not easy for American business to go abroad; it is very difficult.

Mr. GROSS. And in Liberia and in all of Africa; this bill opens wide the building of plants over there with special tax treatment for those building the plants; and the gentleman supports all that?

Mr. BOGGS. It does not open it wide. It tries to keep it open. It hopes to provide some of the facilities in the underdeveloped areas of the world such as we have in our own country. Does the gentleman object to that? Does the gentleman think the people in Ghana should not have aluminum and if so, why?

Mr. GROSS. Yes; under the dictatorship of a self-proclaimed Marxist-Socialist. I imagine that American capitalists will be running to the ICA for a lot of insurance on this stuff that they are going to build over there and that the day will come when you will rue this business of insuring American factories all over the world, especially where they are operating in the climate of a Marxist-Socialist.

Mr. BOGGS. Mr. Chairman, will the gentleman yield to me?

Mr. BOSCH. I yield to the gentleman from Louisiana.

Mr. BOGGS. I think the gentleman from Iowa has made the point better than I can make it; that is, the difficulties that American business has abroad are tremendous. They have to put up with Marxist-Socialists, Communists, revolutionaries, riots, and all sorts of things. That is why it is more difficult to do business abroad than it is at home.

Mr. BOSCH. May I say to the gentleman from Louisiana that he has painted a pretty dark picture all day today. I should like to say that I think we have the wrong type of bill here because there is no incentive under this bill, as I tried to point out. The grossing-up is an inadequate and inequitable provision.

Mr. DENT. Mr. Chairman, if the gentleman will yield, is it not true that he is talking about grossing-up between a parent American corporation and a foreign-based subsidiary?

Mr. BOSCH. That is right.

Mr. DENT. Whereas, under this act, you create brandnew corporations to be placed in competition in foreign countries, which is not the case under the present law.

Mr. BOSCH. But under American law.

Mr. DENT. But the gentleman is talking of two different types of production facilities, one a completely different entity. You are creating under this act brandnew corporations, whereas under present law you are talking about subsidiaries of presently existing American corporations.

Mr. BOSCH. And you are penalizing the new corporations which come under this bill for doing it.

Mr. MASON. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Chairman, I want to point up, if I may, the minority views of the committee, the 10 minority members, as shown on page 80 of the committee report. First, to point up one factor that we in the minority are in agreement on, that we certainly want to try to provide opportunity for entrepreneurs to operate effectively and competitively under the U.S. flag doing business abroad and so close, if we can, this incentive that exists to go into these tax havens and operate under a foreign flag.

I would add that I, myself, am strongly in favor of the administration's idea that we should be encouraging investment in underdeveloped areas. I appreciate that the proponents of this bill claim that that is being done, but I have been impressed by my studies and by some of the remarks in the debate here as to why it does not do that.

There is a third area in which I was particularly interested that this bill does not cover. There presently is a grave inequity under the Western Hemisphere Corporation Trading Act against small businesses. I have had amendments in for several years trying to correct that, and that has not been corrected in this particular bill. Fortunately, there is one thing that is in this bill that is done to some degree: That is the problem of switching an investment from one foreign country to another without undergoing the taxpayments that would exist, but noticeably this bill instead of making that a broad provision so that any way it is done, whatever kind of business operation one is operating under, there would be that desirable provision. It is limited to the foreign business corporation created under this act.

Another thing I want to point out is the fact that this bill when originally introduced had many features that would have gone a long way to provide foreign investment incentive. To those who are worried from a protectionist standpoint, I would say this bill does very little to encourage foreign investment incentive. The 14 percent differential which was in the original Boggs bill is definitely out. Rather than on a country basis, it is on an overall limitation basis. The gross-up tax feature has already been pointed out, how that has been added in this bill. The fact that there are limitations on the source of revenue and the further fact that there is this 10-percent limitation on shipping back into this country.

On page 81 the minority point out some of the advantages that presently exist for American companies to do business under the U.S. flag. I think we list seven points.

I see the author of the bill, or whatever is left of his bill, is not here at the moment. I did want to ask him a question as to whether he believes that this bill, gutted as it is, is going to provide any incentive for American business to do business under this new form of foreign business corporation with these detriments that are put in there.

The important thing as far as the House is concerned is this, though, that this committee held no hearings on this particular bill that is before us. We got no advice from any businessmen or others who are doing business abroad who might expand their operations abroad as to whether or not the bill, cut down as it has been, would mean anything to them. Whether putting in these deferrals along with the deterrents is actually, as far as they are concerned, going to encourage them to do more investment abroad is an unanswered question.

I see the gentleman from Louisiana is now here. I ask him this question: Having cut out the basic incentives that were originally in the Boggs bill and adding these deterrents, what makes the gentleman believe that our American business actually would utilize this form instead of continuing to operate, as the gentleman has very well pointed out, in answer to the critics of this bill on one side, as they are already operating abroad, under a foreign flag. Why do you think anyone will avail themselves of this under these restrictions?

Mr. BOGGS. The gentleman has well pointed out one of the dilemmas that those of us who favor this bill find ourselves in. Here on the one side I find some of my good friends opposing this bill, saying that it goes too far.

Mr. CURTIS of Missouri. That is right.

Mr. BOGGS. Now my good friend, the gentleman from Missouri and my good friend, the gentleman from New York, say that it does not go far enough. My answer would be the old adage, "A half a loaf is better than none." I would prefer, as the gentleman might know, to have many of these restrictive sections removed. But, I think it is so important that we recognize the role American business should play in the world in which we live, and it is so important we get the concept of the foreign business corporation in our laws that I am perfectly happy to support this bill. I understand the gentleman said we have not had any hearings.

Mr. CURTIS of Missouri. I was referring to hearings on the bill that is

before us right now, and was asking what the reaction of the businessmen and the people who might invest abroad would be on this cut-down bill. Certainly, there were hearings on the original Boggs bill that had various features in it, and one in particular, the 14 percent tax differential feature, and substituted for the per country limitation for the overall limitation on an elective basis. But, these other features of the tax gross-up, the source limitations and the 10 percent provision were not in the bill. So all I am saying, we have not had hearings on the very question as to what this bill would do. In my judgment, this is not going to do anything unless, and I must mention this in fairness—unless it is the intention to just pass this bill through the House of Representatives and then grapple with these problems in the other body. I personally would have preferred to have this gone into in the House and in our own committee just as our minority views say. Let us get hold of these problems and see what can be done. I was disappointed and I have so expressed my disappointment that we did nothing about this problem that small businesses presently experience in the Western Hemisphere trading in competition with the larger corporations.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 15]

Albert	Delaney	Mitchell
Alford	Diggs	Mumma
Allen	Donohue	Nix
Anderson, Mont.	Dooley	O'Brien, Ill.
Auchincloss	Dulski	Philbin
Bailey	Fallon	Powell
Barden	Forand	Preston
Baring	Gallagher	Randall
Barrett	Garmatz	Rees, Kans.
Barry	Grant	Reuss
Bass, N.H.	Green, Pa.	Rogers, Mass.
Bates	Griffiths	Rostenkowski
Baumhart	Hargis	Santangelo
Bennett, Mich.	Healey	Shipley
Bolling	Hebert	Short
Bonner	Hess	Smith, Kans.
Buckley	Holifield	Smith, Miss.
Burleson	Jennings	Spence
Cahill	Kastenmeier	Steed
Canfield	Keogh	Taylor
Carnahan	Kluczynski	Teller
Celler	Lafore	Thomas
Curtin	Lesinski	Thompson, La.
Daniels	Merrow	Tollefson
Davis, Tenn.	Miller, George P.	Withrow
Dawson	Mills	Zelenko

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5, and finding itself without a quorum, he had directed the roll to be called, when 351 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Missouri [Mr. CURTIS] has the floor.

Mr. CURTIS of Missouri. Mr. Chairman, I was about to conclude my remarks when we had this quorum call.

I was trying to point up the separate views of the Republican Members on H.R. 5, which views appear on page 80 of the committee report. In essence the position we are trying to put across is this. One, we are strongly in favor of the idea of trying to get our American companies back under the U.S. flag. We are certainly in agreement with the majority, the sponsors of this bill, in the objective of trying to encourage our American companies to operate under the U.S. flag. However, it is our opinion that this bill will not do that and we are further of the opinion that we did not have hearings on that aspect, as to whether H.R. 5 as it came out of committee would do this.

The second and equally important matter is this. The administration is strongly in favor of trying to encourage our investing in underdeveloped countries. This bill does not do that. We certainly do not need additional investment in Western Europe. I am satisfied the way this bill is, if anything happened—and I do not believe very much would happen—if anything happened, it would mean further investment in Western Europe and practically none in the underdeveloped countries. What I think should happen to this bill is to have it go back to our committee and let us hold hearings on this aspect plus the grossing-up principle, plus two or three other things that we have not fully considered.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield.

Mr. THOMSON of Wyoming. The gentleman just mentioned the administration position with regard to aid to the underdeveloped countries.

Mr. CURTIS of Missouri. Yes.

Mr. THOMSON of Wyoming. Can the gentleman verify for us—I did not find it in the committee report—whether or not the administration favors this bill in its present form?

Mr. CURTIS of Missouri. I do not believe I can answer that myself. My judgment would be this, that they probably would be opposed to it, because of this feature. I do not think that the administration has actually taken a categorical position. They certainly were in favor of the objective of the original Boggs bill if it were limited to the underdeveloped countries.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield.

Mr. MASON. The administration was in favor of the bill as applied to underdeveloped countries but not wide open.

Mr. CURTIS of Missouri. That is my understanding.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CURTIS of Missouri. I yield.

Mr. HOFFMAN of Michigan. Can we not find out now? Some of us would like to follow the administration on occasion. Why can we not know where they are now? The gentleman is in contact with the leaders; will he tell me now?

Mr. CURTIS of Missouri. I wish I knew, I might say to the gentleman. Frequently we just go along doing our own work. My judgment is that the administration would oppose the bill.

Mr. HOFFMAN of Michigan. Would oppose the bill?

Mr. CURTIS of Missouri. Would oppose the bill.

Mr. HOFFMAN of Michigan. The gentleman has the floor. The Republican leader just came in. Will the gentleman ask him for me?

Mr. CURTIS of Missouri. I would be glad to yield to the gentleman from Indiana if he would be kind enough to respond.

Mr. HALLECK. Of course I am always happy to learn that the gentleman from Michigan wants to go along with the administration.

Mr. HOFFMAN of Michigan. It is so seldom I do.

Mr. HALLECK. My present information is that the Treasury Department is opposed to the bill in its present form. I have been making some inquiry about it, and I hope to have a little more definite information later on.

Mr. HOFFMAN of Michigan. It will be helpful if the gentleman will tell us what percentage of the administration the Treasury Department is.

Mr. MASON. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. ALGER].

Mr. ALGER. Mr. Chairman, I should like to associate myself with the remarks of the gentleman from Missouri. He covered much of the ground I would have touched on. I should like to mention several other things.

It is important to remember that the bill we have before us, and I think this is much of our concern today, is not the bill on which we held the hearings. We have taken so much out of it that I am left with a very uneasy feeling that the bill we now have before us does not apply in intent and effect in the manner as originally intended. I think that troubles many of you because you have heard from your constituents, as have I, who were originally for the bill. Even now I get some letters asking what the bill means. Maybe you are asking the same thing.

I suspect the title of the bill and the cover of the report do not match the bill. That is my opinion. I mention it to you for what it is worth. The title says that it is a bill to promote American industry and reduce Government expenditures for foreign economic assistance. I do not see how this bill will reduce the need for foreign aid in a quid pro quo way whatsoever.

We have not yet today had an analysis of this bill section by section, as is the custom on the floor of this House. While much of it is technical, I as one member of the committee feel that you are deserving of that analysis, particularly because of the closed rule. There are a number of definitions that are rather tricky, things that are technical, but of which you ought to be apprised. Much of it is covered in the report.

You should also know that from the original bill we have stricken the equivalent of two other bills. The gentleman

from Michigan [Mr. MACHROWICZ] has sponsored a bill that came from the original, and there is another bill before our committee, so there are two other bills now under consideration by the Committee on Ways and Means which were originally part of this bill on which the hearings were held prior to our bringing this bill to the floor today.

In concluding, I want to quote from page 80 of the report, and I think this says it better than anything I can say:

> Further work should be done in committee to find answers to the many problems that either are unanswered in the bill or are created in the bill.

Therefore, it is my recommendation the bill be recommitted to the committee for further study.

Mr. BOGGS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. IKARD].

Mr. IKARD. Mr. Chairman, during the discussion on this bill, I think at times we have gone a little far afield in our understanding of exactly what it does. In the first place, there has been concern expressed here over the fact that the foreign based operations produce goods that ultimately find their way into American markets, and it has been suggested here that this bill would, in effect, open the door wider with respect to that problem. Very briefly here, I would like to point out, I think what most of the gentlemen are concerned about, who raise that point, is not the bill we are now considering, but the present law because in almost every instance where goods that are produced overseas come into our American markets, if they are produced by an American company, it is by a wholly owned foreign subsidiary. I think it is interesting, if we would consider that this bill is in many respects much tighter than the present law, the law about which there has been so much complaint made today. In the first place, 90 percent of the business of an American corporation doing business under this act, must be done outside of the United States. Under the present law, under the condition that some people have said is not good, a wholly owned subsidiary, that wholly owned subsidiary can do 100 percent of its business inside of the United States. There is a 10-percent import restriction in this bill—that not over 10 percent of the income of a foreign based corporation can come from goods shipped back into this country. If you do read the language, you will see that it is very broad and its refers, I believe, to those goods that are destined to find their way back into our market. That is a restriction that is imposed here which does not now exist with respect to the foreign subsidiaries of American corporations today.

Mr. THOMSON of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. IKARD. I yield.

Mr. THOMSON of Wyoming. I know that we both are genuinely interested in increasing the volume of imports of lamb and beef. Beef jumped from less than a quarter of a billion pounds up to over 1 billion pounds. That represents in terms of acreage production of beef about 50 million acres. Lamb has gone up to the extent of a 5-million-acre production. Does the problem not arise here by reason of importing carcasses of beef and lamb in bags making a very nice looking product to sell? I think the gentleman would agree with me on that. My concern is this. The person who wants to do that just has to build this refrigeration shipping. Could he not take advantage of this law and put a shipping corporation together and build his ships and go to Australia and get the lamb and bring it here, and that shipping would not be carrying anything that we are selling here, but would just be importing and they could do this without paying any taxes?

Mr. IKARD. I do not think I could agree that that could be done. It seems to me, as I have indicated, that the problem which the gentleman points up, and it is a very real problem, is a situation that has grown up under the present law and not one that would be in any way extended or encouraged, as I see it, in this bill.

Mr. THOMSON of Wyoming. Let me make it clear, if I may, that the gentleman from Texas has evidenced just as much concern about these problems as I have, and is just as much concerned about wanting to do something about these problems. I am not trying to indicate in any way whatsoever that he is trying to do anything different.

Mr. IKARD. I understand. All I can do is give the gentleman my opinion on these matters.

Mr. YOUNGER. Mr. Chairman, will the gentleman yield?

Mr. IKARD. I yield.

Mr. YOUNGER. The thing that confuses me with reference to this is you say this bill will encourage our people to go into foreign markets. Is it true that under the present law one of our domestic corporations can organize a foreign corporation and can manufacture products and send them back into this country to the extent of 100 percent of their products under the law today?

Mr. IKARD. That is correct.

Mr. YOUNGER. This bill does not change that; is that correct?

Mr. IKARD. It does not change it so far as they are concerned.

Mr. YOUNGER. But if they go with a subsidiary they are limited to 10 percent of their product. Is that right, under this bill?

Mr. IKARD. If they use this bill's provisions they are so limited.

The CHAIRMAN. The time of the gentleman from Texas [Mr. IKARD] has expired.

Mr. BOGGS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. YOUNGER. I would like an answer to that question.

Mr. IKARD. I am going to try to answer that.

The purpose of this bill is a simple matter of equity, as I see it, to provide for an American domestic corporation the same benefits that are now provided to a sophisticated corporation that is large and has the ability to hire and employ the proper sort of legal staff and go into other countries and negotiate in the country to set up a foreign subsidiary. A large corporation might be able to do that. But many of the small- and medium-sized companies simply do not have the power. The foreign markets are closed to them because they do not have the facilities to go in with a foreign subsidiary. This is simply a matter of equity that would provide that our American corporations in that class could have an opportunity to share this market.

Now, it has been said that this would encourage the movement of capital into undeveloped countries. Certainly nobody can guarantee that that will happen. But we have got to think a little about the tax credit. This is something that is not in this bill, but that is on the books and it has been. The equity in it is to prevent double and excessive taxation. If we look at the tax rates and the effect of foreign tax rates on foreign corporations, we find that the rate in Spain is 51 percent. In Japan it is 52 percent. In Belgium it is 45 percent. In the United Kingdom it is 45.5 percent. And in Iran it is 16 percent.

The reason it is said that this is going to encourage movement into the undeveloped countries is simply where the tax rate is the same as it appeared to be in the highly industrialized countries of the world, like Japan and Spain, there is no incentive in tax deferral, because their rate is equivalent to ours. The incentive through tax credit comes from the movement of capital into the undeveloped countries. Nobody here can guarantee that that is where it is going, but common sense tells us that it will go there, because there is some reason for its movement, and some advantage in its going there.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. IKARD. I yield to the gentleman from Ohio.

Mr. VANIK. Is there anything in this bill that would stimulate the movement of capital in this country into the less developed countries?

Mr. IKARD. I think you always get into trouble when you start drawing geographical lines.

Mr. VANIK. But it could be done.

Mr. IKARD. The point is that if the gentleman will look at page 257 of the hearings on the bill, he will see the comparable tax rates. This is a general statement. There are some exceptions to it. In the undeveloped countries the rates are lower. In the highly industrialized countries they are higher. So the simple fact is there is no incentive through tax deferment. Always they are going to be paying the local rate. So there is no incentive to go into the highly industrialized countries. The incentive is to go into the underdeveloped areas.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. MASON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, when legislation is clear I can understand it, and I do not need to ask the administration what to do or how

I should vote. I ask my constituents at home what to do. There is so much confusion about this bill that it is difficult for a Member who is not on the committee to understand it, and that is why I asked the gentleman from Missouri [Mr. CURTIS] to inquire of our Republican leader, the gentleman from Indiana [Mr. HALLECK], where the administration stood.

I find in some report somewhere a statement that back in 1954 the administration recommended legislation of this type. I am advised by the gentleman from Missouri [Mr. CURTIS]—and I rely on his statement—that it was a different type of legislation that was proposed at that time. That the present bill is not at all similar to what was then wanted.

We should not be here at all and would not had it not been that some of the industrial organizations or, rather, trade organizations, the unions, insisted upon higher prices for production all along the line, and eventually our people who make the things had to find a way to protect themselves, and a lot were forced out of customers here and that being so they engaged in industrial competition abroad. This is about what it boils down to. We find some 72 foreign governments favor their competitors by giving a preference in taxation. I think that is about right. In 26 of these countries competitors get preferred treatment and in 13 they do not have any tax revenue at all. Is that right? I ask the chairman of the committee, the gentleman from Louisiana.

Mr. BOGGS. Yes; I think that is correct.

Mr. HOFFMAN of Michigan. The gentleman made a speech up in my district promising industrialists that when this type of legislation was worked out they were going to get some fair treatment out of this.

Mr. BOGGS. I hope so.

Mr. HOFFMAN of Michigan. I hope they will be enabled to compete with your industries down South then on an equal basis and on an equality with foreign competitors.

Mr. BOGGS. I hope so, too. I think the law is going to be useful and I hope the gentleman from Michigan agrees with me.

Mr. HOFFMAN of Michigan. It is my purpose to support the bill, because while it is not what it should be, it will tend to give a fairer basis of competition. As I understand the situation, these large companies here in order to compete because of wages and because of production costs going up so high and because so many goods are coming in from abroad in competition, lose their customers and our companies are being put out of the market. One thing that will help them here is to put them on a parity with these foreign corporations because of their tax payments. Is that right?

Mr. BOGGS. I think you have stated some of the facts, not all of them.

Mr. HOFFMAN of Michigan. Not all of the facts?

Mr. BOGGS. No.

Mr. HOFFMAN of Michigan. That is the way it was put to me. We understand now that they will get a break, a reduction of costs, and be able to compete on a nearly equal basis with these foreign companies if this bill goes through. Is that not what the gentleman told them?

Mr. BOGGS. If I remember I told them it would put a number of our large domestic corporations on the same footing as foreign subsidiaries.

Mr. HOFFMAN of Michigan. And as far as I am concerned that is the only reason I will vote for the bill. That and the fact that as private funds are invested abroad there will be less need for foreign aid and appropriations. There are a number of large companies in my district, some 14 of them, who want to be put on a fair competitive basis in connection with foreign trade.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. Yes; I will yield to the other half of my party. I am sorry to find you disagree with me. I can tell by the look on your face that you are going to find fault with me.

Mr. GROSS. I am completely amazed that the gentleman is going to support it.

Mr. HOFFMAN of Michigan. I would rather have half a loaf than none at all. If we cannot, because of the cost of production, keep our plants going we should do the best we can and give our own companies a fair deal. It may be that when we protect our industries from unfair competition abroad, we will get back for our own workers a chance for a job here at home.

Mr. GROSS. Does the gentleman realize that this is the first split in our party?

Mr. HOFFMAN of Michigan. Yes; but I am satisfied that after a little reflection the gentleman will be back with me tomorrow morning.

Mr. GROSS. Does the gentleman not realize that he is joining forces with this free-trade group?

Mr. HOFFMAN of Michigan. No; I am not going along with them. This is just a temporary matter. If and when we get over our foolishness, as we will be forced to do, we will first protect our own people. Try to remember that every country in the world, except our own, thinks and acts first in the interests of its own people, its own national welfare and security. However, I am satisfied that when the third member of our party, ELMER HOFFMAN, of Illinois, gets an opportunity to talk and reason with you, you will be with us tomorrow morning. This bill does very little but it seems to be the best we can get today.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MASON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. DENT].

Mr. DENT. Mr. Chairman, this is a most serious piece of legislation before us this day. If this Congress passes this bill, remember well this date in our legislative history. It will come back to haunt those who support this destructive un-American bill.

I say un-American with emphasis on the meaning of Americanism. To me Americanism stands for love of country and faith and loyalty to all of its institutions. By this I mean all of its institutions, its peoples, its hopes, its fears, and its future.

How we can possibly say that we are acting for the good of our country by paying premiums to those amongst us who lack faith in our future and whose whole course of action is dictated by the desire and the demand for greater personal and corporate profits.

Imagine two American investors with a million dollars each, free for investment, and then see what happens under H.R. 5.

If the American invests in our country, he pays a 52 percent corporate tax, all local governments sales, excise, school, and personal taxes on any income derived from his investment.

If the American invests in a foreign country he is forgiven any tax on any profits if he leaves his money overseas or spends it overseas and when he does bring the money into the United States he does not pay the corporate tax on profits and the profits are only taxed to the individuals who receive the dividends.

Where do you think this investment will be made—here or elsewhere?

To me the very thought of paying an individual to invest money abroad that he takes out of our economy is both unsound as a business practice and pure stupidity as political diplomacy.

To say that this is a measure to relieve and aid our foreign friends is another example of our national tendency to legislate "high sounding phrases and slogans."

We have given aid until it hurts, and when you visit the American marketplace and see the shelves of foreign-made, American-financed competitive goods, it hurts.

Why do we not apply the same rules we demand in our country when we grant relief and succor to the unemployed and destitute citizens.

If a family wants relief in this country they must first expend all of their own resources. They even have to sign repayment bonds as well as automatic foreclosure bonds against their homes after death. They cannot will these properties even if their children are in need.

Why then in simple justice should even these destitute citizens have to pay taxes hidden and otherwise to help nations who do not make their own citizens meet the obligations of all citizens, if a country is to raise its standards.

Everything we do seems to be based upon the erroneous proposition that these nations' citizens are all destitute. This is not so, because every country has its rich and luxury class.

Investigation will show that counting all the billions we have put into foreign aid—nonmilitary—there is privately held wealth in every country that can match and pass it.

It is my opinion that if the wealthy people and institutions would, they could build their own plants, utilities, and their economy with a minimum of assistance from outside.

The history of this country of ours proves this beyond a doubt. The trouble with these foreign countries is that too much emphasis is put on profit and not enough on people.

I refuse to put more taxes on Americans who are up to their necks in local, State, and Federal taxes and debts, unless rich and powerful influences in these foreign countries open their vaults and do something for their less fortunate peoples.

Many of these nations have been helped by us in the past and some are still getting aid, yet we owe these countries $19 billion out of our $19½ billion gold reserve.

These same aid receiving nations owe $12 billion worth of our short-term Government bonds and paper at rates that cost the American taxpayers $2 billion more a year.

We admit that some nations need help and we have proven our willingness to help, but let us make sure they help themselves.

One thing is surely a must. No American investor in a foreign country ought to be allowed to export to the United States any products produced here in sufficient supply for our market.

If any American thinks this wrong, just look at the new European trade blocs—created with our money and help—the Inner Six and the Outer Seven nations and you find them building tariff walls against outsiders that make the Smoot-Hawley U.S. tariff look like a picket fence.

If anyone can explain how building payrolls to produce goods we already produce in surplus in this country and sending these products to our country for sale will help our economy, he had better do it quickly.

The oft-repeated argument that this policy will make friends and promote peace is just so much hot air.

Everyone knows that the end result of American ownership in foreign countries breeds exploitation, and demagogs who will sow seeds of revolution and rebellion.

No better example exists than Castro's success in Cuba. Mexico did the same with American oil companies. People will not work forever for foreign ownership and foreign profits.

Today's stories from Latin America ought to be at least an inkling of what can be done with the issue of Yankee imperialism and production ownership.

The day may come when all people will have calls for an awakening of both labor and industry to the dangers of the Boggs bill, H.R. 5, now before the House.

This bill will further expand American enterprise in foreign countries with grave dangers to both our economic as well as our physical well-being.

When we give tax concessions to American enterprise abroad we automatically curtail expansion of American industry at home. There are only two reasons that mean anything to the investors in foreign countries, first, profits; the second, cheap labor and lower work standards.

The results, already a major concern to labor, small business, communities, and main street business will be nothing short of disastrous to our domestic economy.

All of us may want, sincerely and honestly, to help our friends and allies to better their economy and especially underdeveloped areas. There are some limits, however, to even the most altruistic dreams and plans.

In every country on earth there are rich and poor. This is true even of our own country whether the State Department realizes it or not. There are rich families, estates, organizations, and individuals in these countries who should be made to use up their wealth and substance before we are called upon to help.

The time may come when all peoples everywhere will have all they want and when that day comes there will be no borders, no nationalities, and no envy. In the meantime, look around you. Even in our own democratic, prosperous Nation we have bigotry, intolerance, envy, greed, and barriers on account of race, color, creed, and nationality.

In too many cases, in the countries we have and are still helping, the rich live it up while the people in general are still working for less than it costs to live. How many workers in Europe, Asia, Japan, and Germany can buy American-made cars, refrigerators, clothes, or anything else?

Do you know why they cannot buy these things? Simply because they are not paid enough, in fact, they cannot buy even the products they make themselves. You cannot pay high wages and still make exorbitant profits.

Any American steelworker making $20 or more a day that thinks he is getting a bargain by buying a cheap-labor foreign car is only kidding himself. Every car he buys from Europe cuts down the steel used in making American cars and cuts the earnings of the autoworker who in turn cannot buy a refrigerator which in turn cuts the use of steel and on and on and on and soon the $20-a-day steelworker has no job, or his work brings him wages that will meet the so-called foreign competition.

When the foreign competition comes from American money and American-owned foreign production the pill gets pretty hard to swallow. When the steelworker loses out what happens to the main street merchant who has lost a customer? Some of them feel they can make it up by selling more for less by promoting foreign-made goods. It will work for a while, but common sense and simple deductions show that without payrolls nobody has any business.

There is enough private capital and private credit in every country on earth to buy the machines of production, and in case there is not, that is where our credit and help can come in. Beyond that, the country must rely for its own salvation by employing people at rates of pay that will create the demands that create more production and more economic wealth.

That is exactly what this country did.

Now let us get back to Boggs—H.R. 5—bill which puts a foreign investment in a preferred class.

If you had money to invest, where would you invest it, in this country with high taxes, high wages, Government regulations on every phase of your production, income, work rules, free labor unions, no protection against imports, and no help other than your own ability to succeed, or would you invest in a foreign country, low taxes or no taxes at all, as in the case of concession-granting countries, low wages, controlled unions, U.S. Government backing, low-interest loans, U.S. Government protection against losses under certain conditions, an open market in the United States using American trade names, lower income taxes, no taxes on profits if used in foreign expansion, and even the freedom of expense accounts, traveling luxury, living without the United States, without U.S. income-tax agents snooping into your foreign-kept books?

Frankly, you would be a sucker to invest here. A great number of the American people do not know that the U.S. Government will pay up to 90 percent of your investment if a foreign country expropriates your property, regardless of how much profit you have taken out beforehand.

If this Congress—and it probably will—passes the Boggs bill, this will be the sorriest nation in a few years, because it forgot its own welfare.

One of the things I cannot understand is why our people all over the world will not or cannot tell the American people the obvious.

We cannot continue what we are doing and remain solvent, prosperous, or free.

Recently a member of the British Parliament said something in a speech that shows what other people have to say about the policy of forgetting your responsibilities to your own country. He said he was for "building competitive industry abroad so long as it does not compete with the industry in my election district."

In closing, I promise to fight with my limited resources and ability for the welfare of my country and my people, first, last, and always.

A question has been asked as to where the American worker stands. Here then is his answer:

MEMORANDUM ON PROPOSED FOREIGN INVESTMENT INCENTIVE TAX ACT OF 1960 (H.R. 5)

(Prepared by department of research for AFL–CIO department of legislation)

The proposed Foreign Investment Incentive Tax Act of 1960 (H.R. 5) would authorize special tax privileges for certain types of investment by American firms abroad. These advantages would be enjoyed primarily by large U.S. corporations investing in manufacturing and other industries in already highly developed areas and to corporations in the extractive field, principally petroleum, investing overseas.

This tax bonanza for these kinds of investments is neither necessary, desirable, nor fair. Instead, we should be encouraging investment where thus far there has been very little private U.S. investment: in the newly industrializing, less developed countries. Therefore, the AFL–CIO urges the Congress to defeat H.R. 5.

H.R. 5 is a complicated technical bill, but its main effect would be to exempt certain U.S. business corporations with oversea operations, designated in the bill as "foreign business corporations," from payment of U.S. income taxes on the earnings of their oversea operations until and unless the

income earned abroad is repatriated to the United States. This privilege would be available unless the firm exported back to the United States more than 10 percent of its foreign output.

In reporting out the bill, the House Ways and Means Committee stated: "Your committee believes that this tax deferral provision also will provide increased incentives for, and will facilitate the expansion of, American investment abroad. It believes that the bill will be particularly useful in stimulating investments in the less developed countries."

The first part of the committee's statement is true. The bill will encourage expansion of American investment abroad. But in the main, it will not stimulate the most critically needed types of investment in the less developed countries which do have urgent requirements for the right kind of investment to assist their industrializing efforts.

The tax deferral privilege which H.R. 5 provides is already available to U.S. corporations operating overseas provided they are willing to establish foreign subsidiaries. The two main types of companies which have not chosen to avail themselves of this privilege by setting up foreign subsidiaries are:

1. Firms for which other tax advantages available to them outweigh the tax deferral. These are mainly large companies operating in the extractive industries (of which the most important is petroleum) which have not wanted to lose the extremely desirable depletion allowance on their earnings available under our domestic income tax law. Under H.R. 5, such firms would be able to take advantage of both the depletion allowance and the tax deferral on their earnings abroad.

2. Other firms which for various reasons have not wished to establish foreign subsidiaries because other financial advantages have been greater than the benefits they would derive from tax deferral.

We can see no reason whatsoever for special incentives for investment of this character. The giant oil companies do not need additional windfall profits to persuade them to invest. Already 40 percent of U.S. private foreign investment is in petroleum and other extractive industries. This kind of additional incentive is obviously not needed.

Neither do we need special incentives for U.S. investment in Western Europe, Canada, or other highly industrialized areas. Such investment is already taking place at a fast pace and it is obvious that no additional encouragement is needed.

The only kind of investment that does deserve special encouragement is investment in underdeveloped countries. They have urgent needs for capital in a wide range of economic activities in order to permit them to develop diversified economies on a sustaining basis. Special incentives for private investment that will contribute toward sound industrialization and higher living standards in less developed countries ought to be developed.

Unfortunately, H.R. 5, if enacted, would do nothing whatsoever to channel investment in the direction of the less developed countries. On the contrary, it would only provide new tax advantages for investment in the extractive industries and in the industrialized countries which needs no encouragement whatsoever. It would not mitigate in the slightest the critical problem which the capital-starved less developed countries face.

Because H.R. 5 provides new tax privileges which cannot be justified and because it will not assist the industrializing efforts of the less developed countries, it should be rejected. The AFL–CIO therefore urges the Members of Congress to vote against H.R. 5 when it comes before them for consideration.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentlemen from Ohio.

Mr. HAYS. I was interested in what the gentleman said about money expended outside the country under this provision. If these people start a corporation outside the country and then visit it as officers of it, any amount of money that they may expend as expenses will not be charged as taxable and will not be subject to any inquiry by our tax authorities, will it?

Mr. DENT. No; it will not.

Mr. HAYS. In other words, it will be a beautiful expense account racket on top of anything else.

Mr. DENT. It will, and, may I say to the gentleman from Ohio, he put his finger on a point that I was going to make, and that is this, that at no time are the profits of these foreign investment corporations taxed in these United States until they are brought back.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MASON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, I would like to point out, after listening carefully to all of this debate today and all of the theoretical claims, that I do not think there is anyone in this House so naive as to believe that passage of this bill will at any time reduce the amount of money that is being requested year after year for foreign aid. Neither do I believe that anyone is so naive as to believe that the passage of this bill will in any way help underdeveloped countries, because any businessman with half intelligence is not going to reinvest money from a highly industrialized country in a nation where there is not a market for what he produces.

I think those Members who have painted the image of championing the cause of labor, those who have sincerely championed the cause of labor, had better take a good close look at what actually lurks in this bill from the standpoint of the average workingman in the country today.

Some $30 billion has been spent by American corporations in investments as oversea capital. Much of this money, whether we want to face the facts or not, would otherwise go into the pay envelopes of the American workingman.

Mr. Chairman, let me say simply in conclusion that we had better take a good close look at this legislation today, because it is going to come back to haunt us some time in the future in the loss of jobs for American workingmen.

Mr. HOFFMAN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN of Michigan. Are we going to finish this bill today?

The CHAIRMAN. The Chair is not in a position to answer the gentleman's inquiry.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman from Louisiana [Mr. BOGGS] yield to me?

Mr. BOGGS. I would be happy to yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. May I ask whether it is intended that we vote on this bill today?

Mr. BOGGS. Under the agreement reached here last week, it was understood there would be no rollcall votes until tomorrow, so that the answer to the gentleman's inquiry with regard to voting on the bill is that we do not intend to vote on it today.

Mr. HOFFMAN of Michigan. I thank the gentleman.

Mr. BOGGS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MACHROWICZ].

Mr. MACHROWICZ. Mr. Chairman, I think it has been mentioned several times that there is very much confusion about this bill. I think that is probably true to some extent, but I should amend that statement to say that it appears that the confusion seems to exist among those who are opposed to the bill.

For the first half hour or so we heard from opponents of this legislation the complaint that the legislation went too far, that it gave too much benefit to American capital investing abroad. For the last half hour I have heard from opponents of this legislation that they are opposed to it because it does not go far enough.

My experience in this House has been that usually, although not always, when you find a group that says legislation does not go far enough and another that says it goes too far, that legislation represents a very happy medium, which is what probably would be the best for Congress to adopt.

I was rather surprised to hear from the last speaker, the gentleman from Pennsylvania, with whom, incidentally, I usually agree on legislative matters, that this legislation is un-American. Let me read to you just a few of the organizations that endorse this un-American legislation.

The U.S. Chamber of Commerce.
The National Association of Manufacturers.
U.S. Council of the International Chamber of Commerce.
National Foreign Trade Council.
The New York Board of Trade.
The Detroit Board of Trade.
The Chicago Association of Commerce & Industry.
The Philadelphia Chamber of Commerce.
American Farm Bureau Federation.
Machinery & Allied Products Institute.
Manufacturing Chemists Association.
U.S. Inter-American Council.
Illinois Manufacturers Association.
Pharmaceutical Manufacturers Association.
New York Export Managers Club.
New England Export Club.
The Free Enterprise Association.
Milwaukee Association of Commerce.
Milwaukee World Trade Club.
And many, many other organizations.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. MACHROWICZ. When I finish my statement.

Mr. CURTIS of Missouri. Mr. Chairman, will the gentleman yield?

Mr. MACHROWICZ. Yes, I will yield to the gentleman from Missouri, a member of the committee.

Mr. CURTIS of Missouri. May I ask if that was an endorsement of the bill H.R. 5 as it was originally introduced, but not an endorsement of what is before us?

Mr. MACHROWICZ. The gentleman is correct. It is an endorsement of H.R. 5 as originally introduced. But I have heard from none of these associations to the effect that they did not continue to endorse the bill as it is today, though I agree with the gentleman they would prefer it in the original form.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. MACHROWICZ. I yield to the gentleman from Louisiana.

Mr. BOGGS. Is it not a fact that the President himself in his message to Congress at the beginning of this session endorsed the principle of greater private enterprise activity abroad?

Mr. MACHROWICZ. He most certainly did, and made a very effective point.

Mr. BOGGS. Also the principle of tax deferral as enunciated in this bill?

Mr. MACHROWICZ. That was in the President's message.

Mr. BOGGS. Is it not a fact that the very heart of the bill as originally introduced, and H.R. 5 was introduced on January 7, 1959, a year ago, was the foreign business corporation concept which is carried in the bill as we have it here today?

Mr. MACHROWICZ. That was the meat of the bill.

Mr. BOGGS. I thank the gentleman.

Mr. MACHROWICZ. Mr. Chairman, I come from a district which is industrial in character, in the very heart of the automobile manufacturing industry. My constituents are 100 percent either automobile workers or members of their families. I have been on the subcommittee which has been studying and working on this bill for over a year, and let me tell you I would never support this bill if for one moment I thought this bill was detrimental to American industry here or detrimental to American labor. I have studied this bill thoroughly. I have attended all the hearings, and in those hearings not one witness directly testified against the bill. Only one witness had some question about it, but all the other witnesses testified in favor of the bill.

Mr. DENT. Mr. Chairman, will the gentleman yield? I have a question I would like to have answered.

Mr. MACHROWICZ. I will yield when I finish my statement.

FOREIGN INVESTMENT AND DOMESTIC EMPLOYMENT

The able gentleman from Louisiana [Mr. BOGGS], has provided this House with a thorough analysis of the bill H.R. 5 and an impressive listing of the reasons for its passage. Basically H.R. 5 involves a technical tax matter. It simply provides that U.S. companies organized under strictly specified conditions will be treated in the same manner taxwise as a foreign subsidiary of a U.S. corporation. More fundamentally, the concept of this bill is that a foreign business corporation operating in Brazil, for example, will be subject to the same taxes as other companies operating in Brazil so long as profits are left abroad. The higher U.S. tax would be applied only to profits withdrawn from the business and brought back to the United States. Hence the U.S. tax will not put the U.S. company at a competitive disadvantage with other companies operating in the foreign market.

All of this appears to me to be convincing reason for the passage of H.R. 5. Many Members of this House have, however, asked whether or not this type of amendment in our tax law, even though justified by precedents in existing law, is not a type of development that will undermine the level of employment in the United States. Does a policy of being reasonable with respect to foreign investment constitute to any extent an export of U.S. jobs?

I want to assure the Members of the House that we who are urging H.R. 5 have thought seriously about this problem and we are convinced that this bill is in the interest of U.S. jobs. It will not prove a source of domestic unemployment.

In the first place, this is part of living together in the free world, which is basically not much different than living together in any community. My own living standard is good because steel workers are productive, because farmers are productive, because retail merchandising is efficient. A little reflection will convince anyone that in a community or a State or a country, in this matter of economic well-being we either move ahead together or we stagnate together. There is nothing very different about the bigger aggregate that we are accustomed to call the family of free nations.

To be more specific about this community of interests, I want to call to the attention of the House just a little bit of the overwhelming evidence that U.S. investment in foreign countries serves on the whole to create markets for U.S. goods. In recent years when we have noticed a considerable decline in exports, the strong categories have by and large been manufactured products, machinery, chemicals. It is in these categories that foreign investment has been building a base for steadily increasing levels of business. The striking declines in exports have for the most part been in primary products such as cotton, coal, and petroleum. In these areas the declines are explainable by market developments completely unrelated to foreign investment.

Another indication is the point stressed in the economic report of the President for this year that our machinery exports to various foreign countries grew in close relationship to the rate of growth of the countries themselves. In Western Germany and Japan where there was the greatest growth in output and domestic investment, there was also the greatest rate of growth of machinery imports from the United States.

U.S. investment abroad provides jobs for Americans. It does not eliminate these jobs.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 16]

Alford	Flood	Mitchell
Anderson, Mont.	Forand	Mumma
Auchincloss	Gallagher	Nix
Bailey	Garmatz	O'Brien, Ill.
Baker	Glenn	Philbin
Barden	Goodell	Powell
Baring	Grant	Preston
Barrett	Green, Pa.	Rains
Barry	Griffiths	Randall
Bass, N.H.	Gubser	Rees, Kans.
Bates	Hargis	Reuss
Baumhart	Healey	Richlman
Bennett, Mich.	Hébert	Rivers, S.C.
Bonner	Hess	Rogers, Mass.
Bowles	Hoffman, Ill.	Rogers, Tex.
Boykin	Holt	Rostenkowski
Buckley	Horan	Santangelo
Burleson	Inouye	Sheppard
Cahill	Jackson	Shipley
Canfield	Jennings	Siler
Carnahan	Kastenmeier	Smith, Kans.
Celler	Kearns	Smith, Miss.
Curtin	Keogh	Spence
Daniels	Kilburn	Taylor
Davis, Tenn.	King, Utah	Teller
Dawson	Kirwan	Thompson, La.
Delaney	Lafore	Thompson, Tex.
Diggs	Lesinski	Tollefson
Donohue	McDonough	Tuck
Dooley	McMillan	Vinson
Dulski	Mack, Ill.	Walter
Durham	Mack, Wash.	Whitten
Evins	Mahon	Willis
Fallon	Merrow	Withrow
	Mills	Zelenko

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 5, and finding itself without a quorum, he had directed the roll to be called, when 325 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. MACHROWICZ. Mr. Chairman, before the request for the quorum call was made I stated that I supported this bill because I honestly believe that this bill is not detrimental but is beneficial to American industry and to American labor. Were it not true, I would not be in the well today supporting this bill.

It has been represented by some here that this is an issue of the competitive situation between the American firms doing business abroad and the American firms doing business in the United States. That is not the problem. Anyone who has traveled around the world, anyone who has studied the world situation, knows that these countries in which these investments will be made are doing all they can to become developed, and they will be developed either through the help of American capital or through the help of some other capital, British, German, or maybe Soviet Russian.

Is it in the interest of the United States to do something that will make possible a situation whereby American capital will not be placed in the same competitive situation as foreign capital in the development of these countries? I

do not think so. Basically H.R. 5 involves a technical tax matter. It simply provides that U.S. companies, organized under strictly specified conditions, will be treated in the same manner taxwise as a foreign subsidiary of a U.S. corporation.

More fundamentally, the concept of this bill is that a foreign business corporation operating in Brazil, for example, will be subject to the same taxes as other companies operating in Brazil so long as profits are left abroad. The higher U.S. tax would be applied only to profits withdrawn from the business and brought back to the United States. Hence the U.S. tax will not put the U.S. company at a competitive disadvantage with other companies operating in the foreign market.

All of this appears to me to be convincing reason for the passage of H.R. 5. Many Members of this House, however, have asked me whether or not this type of amendment in our tax law, even though justified by precedents in existing law, is not a type of development that will undermine the level of employment in the United States. Does a policy of being reasonable with respect to foreign investment constitute to any extent an export of U.S. jobs?

I want to assure the Members of the House that we who are urging H.R. 5 have thought seriously about this problem, and I have thought seriously about it, and we are convinced that this bill is in the interest of U.S. jobs. It will not prove a source of domestic unemployment.

In the first place, this is part of living together in a free world, which is basically not much different than living together in any community. My own living standard is good because steelworkers are productive, because farmers are productive, because retail merchandising is efficient. A little reflection will convince anyone that in a community or a State or a country, in this matter of economic well-being, we either move ahead together or we stagnate together.

There is nothing very difficult about the bigger aggregate we are accustomed to call the family of free nations. To be more specific about this community of interest, I want to call the attention of this committee just a little bit to the overwhelming evidence that U.S. investment in foreign countries serves on the whole to create markets for the U.S. goods. In recent years, when we have noticed a considerable decline in exports, the strong categories by and large have been manufactured products, machinery and chemicals. It is in these categories that foreign investment has been building a base for steadily increasing levels of business. The striking decline in exports, for the most part, has been in primary products such as cotton, coal, and petroleum. In these areas, the decline is explained by market developments completely unrelated to foreign investments. Another indication is the point stressed in the Economic Report of the President of the United States for this year that our machinery exports to various foreign countries grew in close relationship to the rate of growth of the countries themselves. In Western Germany and Japan, where there was the greatest growth in output and domestic investments, there was also the greatest rate of growth of machinery imports from the United States. U.S. investments abroad, in my opinion, provide jobs for Americans. It does not eliminate these jobs.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. MACHROWICZ. I yield.

Mr. PORTER. I have just this question. I appreciate the gentleman's statement. But, I understand in the first year about $85 million will be deferred in terms of taxable income to the United States; that is correct, is it not?

Mr. MACHROWICZ. That is correct. I believe that estimate is rather high.

Mr. PORTER. And it will probably be more in subsequent years, if this plan were to catch on and there was more investment under the provisions of this bill.

Mr. MACHROWICZ. On the contrary, in subsequent years it would be less because this money would be coming back to the United States.

Mr. PORTER. Let us say it is $85 million. My question is this. This $85 million would not be coming back to the taxpayer. In other words, the $85 million that it would cost in that first year would not be coming back to the taxpayer because it would cost the American taxpayer, let us say, 3 or 4 percent since otherwise it would go to reduce the debt to that extent. It would help corporations to the extent of say $8½ million because they would have to pay this 10 percent. But what I want to ask the gentleman is this: What can we get for that cost? Is there anything in the record, one case here, which will show this expenditure of the taxpayers' money will actually encourage investment abroad?

Mr. MACHROWICZ. Why, yes, there has been much testimony to that effect.

Mr. PORTER. Could the gentleman show me the page or an instance where there is that testimony?

Mr. MACHROWICZ. I do not have the record here with me, but witness after witness testified to that effect, and I think it is quite natural that if we give these advantages to the American corporations, investments abroad will grow.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOGGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance, had come to no resolution thereon.

COMMUNIST SUBVERSION IN THE CARIBBEAN AREA

Mr. WALTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, much has been published about Communist subversion in the Caribbean now focusing on the Panama Canal as its primary target. The sources, however, are scattered, making it extremely difficult to obtain a well-rounded story of how U.S. authority in the isthmian area has been reduced.

Among the most comprehensive summaries of this subject is a series of two articles in the well-known weekly publication, Dan Smoot Report, in its December 21 and 28, 1959, issues.

Extensively documented with reliable sources, these two issues present an alarming story of the conduct of the vital Isthmian Canal portion of our foreign policy. They should be required reading in all our colleges and universities and Government agencies, both legislative and executive, that are concerned with canal questions.

In order that these excellent statements may be readily accessible to our libraries and editorial desks, as well as for Members of the Congress, I quote their texts:

[From the Dan Smoot Report, Dec. 21, 1959]

PANAMA CANAL—PART 1

In a press conference on December 10, 1959, Secretary of State Christian A. Herter discussed some issues which have caused criticism of the United States in Panama, Mr. Herter said:

"The first has to do with the question of equal wages for equal work, in which the Panamanians felt that through various devices we had reserved for the American employees (of the Panama Canal) the majority of the higher paid jobs and had not given the Panamanians sufficient opportunity to share in those higher paid jobs. • • •

"We are making certain adjustments. • • • In addition to removing some of the security provisions which assured to American citizens a great many of the jobs, we have talked of apprentice training courses there for Panamanians, which would allow the Panamanians to increase their skills and qualify for many of the higher paid jobs."

The security provisions which we have removed in an effort to appease Panamanian politicians, were designed to protect the Panama Canal against Communist infiltration, agitation, espionage, and sabotage.

Many years ago, the Soviets began a systematic program of sending trained agents—agitators, saboteurs, spies—into Panama, because the Soviets know that when they can cause trouble for us in Panama, they have a grasp on our jugular vein. Communist activity throughout Latin America has one major focal point: the Panama Canal. The Soviets know that if they can ultimately force us to abandon our priceless possession—the canal—they will cripple the commerce and military defenses of the whole Western Hemisphere.

Communist attacks on the United States, through Latin America, have been intensified and broadened alarmingly since World War II, and action taken by the American State Department seems to have helped, rather than hurt, the Communist cause.

CASTRO AND CUBA

In 1948, Fidel Castro, a student at the University of Havana, went to Bogotá, Colombia, to participate in Communist riots aimed to discredit the United States and disrupt the Ninth International Conference of American States, being held in Bogotá under U.S. leadership. When the bloody Communist riots erupted, Colombian police acted quickly to break them up. They arrested the leaders, among them Fidel Castro. Castro demanded, and got, release by claiming to be the bodyguard of George C. Marshall, U.S. delegate to the Bogotá Conference.

Thus claiming the personal protection of the American Secretary of State, Fidel Castro was freed to return to Cuba. Five years later (August 1953) he led the first of a series of revolts against the Batista government. The 1953 revolt failed; but in 1956, Castro tried again. By January 1959 Castro had driven Batista out and had taken over the whole of Cuba. During that 3-year Communist rebellion, the U.S. Government imposed a strict embargo on shipment of arms to the Government of Cuba, but Castro sympathizers in the United States kept a steady flow of arms and supplies going to the revolutionists. Castro was idolized and lionized by the American press and by American officialdom.

The record is rather well summed up by Christian Herter himself in the press conference on December 10, 1959. Asked to comment on criticism of the State Department's policies in Latin America, the Secretary of State said:

"In the case of Cuba, I think that when the revolution took place we were all very hopeful that it would bring to Cuba a new and badly needed regime inspired naturally by the very best interests of Cuba. I think we have been unhappy in our relationships with Cuba in that they have deteriorated.

"We have tried to discuss with the Cuban Government a number of problems that have caused that deterioration and have found that the present Cuban Government is not anxious to talk with us."

Mr. Herter was asked whether our Ambassador in Cuba has made any progress toward getting compensation for American property which Castro has seized in his agrarian reform program. Mr. Herter said:

"I think he has made very little progress. I think that the standard answer that he receives is that they do not have money and hence must make compensation in terms of long-term bonds."

A reporter asked: "Mr. Secretary * * * would the State Department recommend that the Congress, in the reconsideration of the sugar quotas, perhaps take punitive action against the Castro government to bring them into line?"

The Secretary of State replied: "Well, I would not discuss 'punitive action' at the present time. The whole question of the drawing of the new sugar agreement, which lapses this year, is going to pose a great many problems. There are a great many claimants for a larger share in the quota."

The sugar deal referred to here is a device by which the American Government has forced American taxpayers to subsidize the Cuban economy for many years. Our State Department's "sugar quota agreements" with Cuba are simply official promises to buy a fixed amount of Cuban sugar (always at prices above the world market), despite the fact that the American sugar industry already produces more sugar than it can sell. Thus, the "punitive action" which the Secretary of State won't discuss would be nothing more than taking Castro's hands out of the American taxpayers' pockets.

The obvious harm that Castro and his Communists have done and will continue to do to American political, economic, and strategic interests has been much discussed of late; but the one primary objective of the Communists in Cuba is rarely mentioned in the American press—never even whispered in official circles: namely, to force our surrender of the great Guantanamo Bay Naval Base, which is indispensable to American military security because it protects the vital Caribbean approaches to the Panama Canal.

In the end, we see—as asserted above—that all our troubles in Latin America center on this priceless waterway.

PANAMA AND COMMUNISTS

At the time of the Suez crisis in 1956, Marshal Rokossovsky, Soviet commander of the Polish armed forces, told Polish Communist leaders:

"The Panama Canal has considerable advantages for the Soviet Union—which have been studied in detail by numerous Soviet vessels which took this route from the Baltic Sea to Vladivostok. Moreover, the Panama Canal has an outstanding position in communications with South American States and is one of the hubs of the imperialistic policy of the United States in the Pacific and the Far East."

Marshal Rokossovsky signaled a change of policy by the Communist International. Prior to the Suez crisis of 1956, much of the Communist penetration of Latin America had been handled, rather clumsily, by the Chinese Communists. When Nasser seized and nationalized the Suez Canal, the American State Department joined the Soviets in insisting that Suez be internationalized. This was the big moment for the Soviets: they had been agitating for years that the Panama Canal be internationalized—this being the easiest way to take it away from the United States. Now they could join hands with the American Government, using American arguments for internationalizing Suez as a means of accomplishing Communist objectives in Panama.

Headquarters for the direction of Communist activity in Latin America were moved from Peiping to Prague, Czechoslovakia, where international communism has a special school for training agitators, saboteurs, and spies—the State College for Political and Economical Science. In 1956, this Communist college in Prague started training large numbers of skilled agents to work in Latin America—to use the Suez problem as a convenient means of creating hatred of "Yankee imperialism" in Panama.

This Communist program was in full operation by the end of 1956. Before spring 1957, America's leading liberals were pushing the Communist line in the United States: such people as Norman Cousins, editor of the Saturday Review of Literature; Mrs. Eleanor Roosevelt; son, JAMES ROOSEVELT; U.S. Senator MIKE MANSFIELD—were telling the world that the United States should turn the Panama Canal over to the United Nations as a means of showing good faith in our arguments for turning Suez over to the U.N.

Not to be left out, Harry Truman called in the press and boasted that he was the first to recommend internationalizing the Panama Canal. Truman said he proposed—at the Potsdam Conference in 1945—that we give the Panama Canal to the United Nations.

In February 1959 the Communist International, at the 21st congress of the Communist Party in Moscow, reemphasized the importance of Latin American agitation to take the Panama Canal away from the United States. Communists with assignments for infiltration and subversion in Central and South America were instructed to stress two themes: (1) Nationalism for the people of Latin America—which would whip up hatred for the United States and encourage Panamanian radicals who demand "nationalization" of the Panama Canal; (2) internationalizing the Panama Canal, to break the "Yankee stranglehold" on Latin America.

These tactical Communist objectives are obviously contradictory, as is so frequently the case. If the Panama Canal is to be nationalized by Panama, it cannot be internationalized. Obviously, the real Communist objective is—by any and all means available—to take the Panama Canal away from the United States.

On December 4, 1959, Allen Dulles, Director of the Central Intelligence Agency, publicly reviewing some of these known Communist schemes, said recent events in Panama prove that Communist subversion in Latin America is bearing fruit.

Six days later—December 10—our Secretary of State casually reveals that, in response to political demands that we give Panama natives more of the good jobs in our Canal Zone, we are removing the security provisions designed to hamper Communist activity there.

PANAMA AND IGNORANCE

At his December 10 press conference, the Secretary of State also said:

"We are considering with considerable sympathy the question of whether or how to raise the (Panamanian) flag in the Canal Zone."

That remark did not make many headlines, because President Eisenhower was already on record as saying he thought Panama should be permitted to fly her flag in our Canal Zone, as a means of showing Panama's "titular sovereignty."

It would be just as logical and sensible for the President of the United States to say that Russia should be permitted to fly the hammer and sickle in Alaska—to show "titular sovereignty"—because Russia once owned Alaska; or that Mexico should be permitted to show "titular sovereignty" in Texas; or that Spain could fly her flag in Florida; or France, in Louisiana.

In endorsing the absurd fiction that the Republic of Panama has—or should have—any kind of sovereignty in the American Panama Canal Zone, President Eisenhower and Secretary of State Herter are giving maximum support to the Communists' propaganda agitation for nationalization of our Panama Canal.

High American officials reflect the appalling ignorance of Panama-United States history—prevalent in both countries—which has enabled political demagogues and Communist agitators to create confusion and grave dangers for us in Latin America.

At the turn of the century, when Theodore Roosevelt obtained the Panama Canal Zone, Earl Harding (now a vice president of the National Economic Council, Inc., Empire State Building, New York 1, N.Y.) was a reporter for the old New York World and was assigned to investigate the events leading to the creation of the Republic of Panama and our acquisition of the Canal Zone. In 1959, Mr. Harding (using original notes and documents which had never before been made public) wrote a book, "The Untold Story of Panama" (distributed by the Bookmailer, Box 101, Murray Hill Station, New York 16, N.Y.: price, $6).

In the preface to this immensely important book, Mr. Harding says:

"U.S. citizens have on their hands a continuing struggle to keep control of the lifeline of their national defense and the backbone of their ocean commerce—the United States-built and United States-owned Panama Canal. * * *

"Anti-American attitudes in Panama can be traced directly to the fact that Panamanians of the present generation have never been told the whole truth—how, and why, and by whom their little Republic was created. A great many North Americans are also as uninformed.

"A realistic reappraisal of the history of the United States relations with the Republic of Panama is essential to a better understanding. • • •

"The Panama Canal is a tremendous service to the free world, and especially to our Latin-American neighbors. Its continued efficient operation is indispensable to their well-being. The mounting crises since 1956 demand that the whole story of Panama be told."

HISTORY OF PANAMA

Opening of the Panama Canal in 1914 was the fruition of four centuries of search for a waterway to link the Atlantic and Pacific Oceans. The long narrow strip of land connecting the North and South American Continents is, today, divided into seven different nations. The narrowest part of the strip is the Isthmus of Panama, stretching north from Colombia (on the northern tip of South America) to Costa Rica.

More than a century ago, much New York-to-San Francisco traffic passed through the Isthmus of Panama, via rivers, stagecoaches and wagons. Panama at that time was a province of New Granada (the nation then known as New Granada was later, and is now, called Colombia).

Even in those days, Panama was a land of perpetual civil disturbances, violence, graft, and organized lawlessness. North American travel through Panama was harassed by bandits and local politicians who either robbed outright or demanded extortionate transit dues. In 1846, the United States negotiated a treaty with Colombia, getting a guarantee of decent and orderly treatment of American shipping through the Province of Panama. The United States promised to remain neutral in the endless revolutions troubling that area, and guaranteed Colombia's "rights of sovereignty and property" in its Province of Panama.

In the 1870's, during the administration of President Grant, the U.S. Government started investigations and negotiations for building a canal, not through Panama, but through Nicaragua, which is 400 miles farther north, closer to the United States. At about the same time, the French Government began negotiations with Colombia for building a canal through Panama.

In 1878, the French got a concession from Colombia for a canal through Panama. In 1889, the U.S. Congress chartered a company to build a canal through Nicaragua.

Both these schemes—the French and the American—failed. The French actually started work on their Panama Canal in 1881; but the operation bogged down in insolvency resulting from disease, graft, and mismanagement. The depression of 1893 dried up funds for the United States Nicaraguan venture and threw it into receivership.

Our agreement with the Nicaraguan Government was still valid, however; and our war with Spain (1898)—when, in order to get from the Pacific to the Atlantic, the battleship *Oregon* had to go all the way around the southern tip of South America—revised interest in our proposed Nicaraguan canal. Congress actually passed a bill authorizing construction of a canal through Nicaragua—which competent engineers (then as now) regarded as a more suitable place than Panama.

But powerful forces were at work. French interests wanted to unload their bankrupt Panama operations on the American Government. They hired William Nelson Cromwell (head of the New York law firm in which such people as John Foster Dulles were later partners). Cromwell's lobbying convinced key Members of Congress and of Theodore Roosevelt's administration that our Nicaraguan plans should be abandoned; that we should buy the French interests in Panama for $40 million, and build our canal through Panama. We did not have a treaty with Colombia, permitting us to build a canal through her Province of Panama. Cromwell handled the necessary lobbying with the Colombian Government. Colombia was willing to sell us canal rights through Panama, if the price was right.

On January 22, 1903, Dr. Thomas Herran (Colombian minister to Washington) and John Hay (U.S. Secretary of State) signed the Hay-Herran Treaty, by which the Colombian Government would permit the United States to build a canal through Panama. The treaty was written, apparently, by Lawyer Cromwell who (working for a fee from the French who wanted to sell their Panama properties to America) had managed to persuade both the American and the Colombian Governments to make the deal.

The Colombian Government did not like the proposed Hay-Herran Treaty, which would have given the United States full sovereignty in the canal zone. The Colombian Government wanted to retain sovereignty. The Hay-Herran Treaty provided for a transfer of the old French canal concession to America. Colombia wanted the French to negotiate directly with Colombia for permission to transfer the concession to the United States. The reason: Colombia wanted $10 million of the $40 million which the United States would pay the French for their property and concession.

The valid and vital issue was that of sovereignty. The U.S. Government, correctly and sensibly, wanted sovereignty over its own canal zone. The Colombian Government was prohibited by its own constitution from surrendering sovereignty.

This important issue was not, however, the one which shaped subsequent events. What shaped history was Colombia's insistence on a $10 million kickback from the French.

Lawyer Cromwell—not wanting his French clients to be charged this $10 million fee—pulled strings in Washington to push the Hay-Herran Treaty through the U.S. Senate in a hurry. The U.S. Senate ratified the Hay-Herran Treaty on March 17, 1903. The Colombian Congress was scheduled to meet on June 20, 1903, to consider the treaty; but the Colombian Government was no longer responding to Cromwell's manipulations: the Colombians were determined to change the treaty in order to guarantee that they would get that $10 million fee from the French.

Cromwell induced Theodore Roosevelt to send Colombia an ultimatum: telling the Colombians that if they didn't ratify the Hay-Herran treaty soon, and without changes, "action might be taken which every friend of Colombia would regret."

This ultimatum to Colombia was cabled from the State Department on June 9, 1903. Lawyer Cromwell—knowing that Colombia would reject the ultimatum—had already been conniving with a handful of opportunists in Panama to create a revolution which would detach Panama as a province of Colombia and set it up as an independent Republic.

On June 14, 1903, a Cromwell-inspired-and-planted story appeared in the New York World—giving details on the forthcoming revolution in Panama, even predicting the exact date on which the revolution would occur: November 3, 1903.

As Cromwell had anticipated, the U.S. ultimatum aroused indignation in Colombia; and the Colombian Government rejected the Hay-Herran Treaty on August 12, 1903. Propaganda, inspired and planted by Cromwell's agents in the American press, whipped the American public to anger against Colombia. By October 1903 spokesmen for the Theodore Roosevelt administration were saying publicly: "We might make another treaty—not with Colombia, but with Panama."

There was no public sentiment in Panama for revolution and secession from Colombia. The Panama revolution was fabricated by a New York lawyer and five ambitious men in Panama.

Cromwell, attorney and lobbyist for the French interests trying to sell out to America, was general counsel for the Panama Railroad Company, which was then the dominant economic influence in the Province of Panama. Cromwell selected five employees of the railroad to make the revolution in Panama: three of them North Americans; two of them Colombians who lived in the Province of Panama.

James R. Shaler, superintendent of Panama Railroad Company; Herbert G. Prescott, assistant superintendent; Capt. James R. Beers, freight agent; Jose Augustin Arango, land agent and local attorney for the railroad, who was also a Colombian Senator from the Province of Panama; Dr. Manuel Amador, the railroad's medical officer.

Before the revolution actually occurred, Ricardo Arias, a wealthy rancher in Panama, and five other local businessmen were taken into the conspiracy.

Phillippe Bunau-Varilla, engineer and stockholder of the French Panama Canal Co., was active in France and the United States, as lobbyist, propagandist, and money-raiser in behalf of the Panama revolution.

In order to give the revolution a native flavor, the two Colombians acted as leaders: Senator Arango and Dr. Amador.

On August 26, 1903, Dr. Amador (under pretext of traveling on family business) left Panama for the United States. His mission: to make certain of American financial, diplomatic, and military support. On October 27, 1903, Dr. Amador returned to Panama with his mission accomplished. U.S. Army officers disguised as civilians, were already in Panama mapping possible offensive and defensive positions; and U.S. warships were steaming toward the isthmus under orders to prevent any fighting.

The Colombian Government, learning that trouble was brewing, dispatched a gunboat and 500 troops which arrived at Colon, Panama, ahead of the U.S. warships; but the Colombian forces were easily bribed either to go away or to join the revolution.

On November 3, 1903, the little group of conspirators proclaimed Panama's secession from Colombia.

On November 4, 1903, the revolutionists announced their new provisional government. Arango (the former Colombian Senator) was head of the government, and Dr. Amador was Secretary of Treasury.

On November 6, 1903, the provisional government announced that Phillippe Bunau-Varilla (the engineer and stockholder of the French Canal Co.) had been appointed "Envoy Extraordinary" to the United States, with full powers to conduct diplomatic negotiations. Bunau-Varilla was already in the United States. This job was given him because he had been primarily responsible for getting guarantees of money (both in France and the United States) to finance the revolution. Most of the cost was payment of bribes to Colombian forces.

On the same day—November 6, 1903—the Colombian colonel who had been sent to Panama to put down the revolution received his bribe and departed with his troops. This ended Panama's bloodless "war of independence."

On the morning of November 7, 1903, formal celebration of the end of the war and the establishment of the new nation occurred in the city of Colon. Maj. William Murray Black, U.S. Army, hoisted the new flag of the Republic of Panama (which had been pieced together in New York, 3 months before, by Mme. Bunau-Varilla, wife of the French engineer, now Envoy Extraordinary). The crowd cheered: "Viva la Republica. Viva los Americanos."

Early in the afternoon of that same day—November 7, 1903—the U.S. Vice Consul Gen-

eral in Panama received cabled instructions from the State Department to enter into diplomatic relations with the de facto Government of Panama. The de facto Government's Envoy Extraordinary in Washington sent the U.S. Secretary of State a telegram expressing gratitude, saying:

"In spreading her protecting wings over the territory of our Republic, the American Eagle has sanctified it."

This was the beginning of the Republic of Panama, where crowds now cry, "Gringos, go home," as radicals make speeches about Panama's revered founding fathers, about the nation's noble sufferings in her arduous struggle for independence and freedom, about Panama's glorious history and great traditions—and about the aggressive imperialism of the Yankee colossus who "took the Canal Zone away from the little Republic in the days of her infancy."

[From the Dan Smoot Report, Dec. 28, 1959]

PANAMA CANAL—PART II

The primary cause of anti-United States feeling in Latin America is Communist propaganda (amplified by local politicians, because of its mob appeal) about Yankee imperialism in Panama. The truth is that the Republic of Panama was created by, and has survived because of, our Panama Canal enterprise. The Republic of Panama was not a partner in the enterprise; she was merely the principal beneficiary.

OUR TREATMENT OF PANAMA

The birth certificate of the Republic of Panama was the Hay-Bunau-Varilla Treaty between the United States and Panama—signed on November 18, 1903; ratified by Panama on December 2, 1903; ratified by the U.S. Senate on February 23, 1904.

Article I of the Hay-Bunau-Varilla Treaty reads:

"The United States guarantees and will maintain the independence of the Republic of Panama."

The Panamanian constitution gave the United States the right to "reestablish public peace and constitutional order in the event of their being disturbed, provided the United States shall, by public treaty, assume or have assumed the obligation of guaranteeing the independence and sovereignty of this Republic."

Article II of the Hay-Bunau-Varilla Treaty of 1903 says:

"The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the centerline of the route of the canal to be constructed * * * with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities * * * shall not be included within this grant."

Article II also granted the United States "in perpetuity, the use, occupation, and control" of "any other lands and waters outside of the zone which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise."

Article III of the Hay-Bunau-Varilla Treaty of 1903 says:

"The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article II of this agreement, and within the limits of all auxiliary lands and waters mentioned and described in said article II, which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority."

In our 1903 agreement with Panama, we did not lease the Panama Canal Zone. We gave Panama $10 million and promised $250,000 a year. This annuity was not a rental fee; it was a guarantee of revenue to keep the Panamanian Government alive. We acquired full ownership and sovereignty, by grant in perpetuity, making the Canal Zone U.S. territory forever.

In return, we promised to build, maintain, and protect the Panama Canal and to operate it fairly for the shipping of all nations; we guaranteed the independence of the Republic of Panama; we assumed the obligation, and accepted the right, to maintain order in Panama whenever the Republic's own Government did not, and to acquire any property anywhere in Panama which might be needed for operation, sanitation, or defense of the canal.

We did not get too much for what we gave: we got too little—as many authorities maintained at the time. Instead of a 10-mile strip, we should have got a zone 60 miles wide, the entire watershed of the canal. We should have included the terminal cities of Panama and Colon in the grant to us to obviate friction resulting from dual sovereignty.

In 1903, Panama, a land of chronic political instability, was the pesthole of the world. Every virulent tropical disease conceivable had to be conquered before we could wrench worthless land from the voracious jaws of a steaming jungle and convert it into a mighty waterway which lifts ships over the bedrock of the Continental Divide. The miracle of sanitation which dedicated American individuals and American capital wrought in Panama—not just in the Canal Zone, but throughout the Republic—changed a swamp of infection into the most healthful tropical region on earth. Millions of American dollars and many lives of dedicated Americans went into that great task.

Neither Panama nor any other nation or combination of nations could have built the Panama Canal without the United States; and none gave us any help.

From the day the Republic of Panama was born, her economy has revolved around benefits provided by the United States. Her political independence and military security and the health of her people depend on us; and our treatment of Panama has been magnanimous.

Our efforts to pacify Panamanian politicians, by trying to comply with their outrageous demands, encourage them to keep their nation in turmoil: we make it profitable for them to play politics with Communist "Yankee imperialism" propaganda. This has been our only disservice to the Republic of Panama.

OUR TREATMENT OF COLOMBIA

In the treaty of 1846 between Colombia (then called New Granada) and the United States, we guaranteed Colombia's rights of sovereignty and property in her province of Panama. In 1903, we tried to get rights to build a canal through Panama. Colombia was willing, but we could not agree on terms.

A few wealthy Spanish families who owned most of Panama wanted us to build the canal, for economic reasons. United States and French financial interests wanted it for the same reasons. Theodore Roosevelt wanted it as a monument to his Presidency. These interests combined to produce the November 1903 revolution, in which Panama seceded from Colombia, declared itself independent, and obtained diplomatic recognition from the United States—all in 4 days.

Thus, there was a brief period when Americans could justify a twinge of conscience about our treatment of Colombia; but we made ample amends; and our treatment of Colombia since 1903 reflects a good-neighborliness unmatched in the history of any other great nation.

The Thomson-Urritia Treaty between Colombia and the United States was a long time in negotiation. It was not signed until April 6, 1914; and was not proclaimed, as legally accepted by both governments, until March 30, 1922; but it eliminated any smirch on our record. The treaty aimed: (1) to remove "all the misunderstandings growing out of the political events in Panama in November 1903"; (2) to restore "cordial friendship" between Colombia and the United States; and (3) to define "their rights and interests" with respect to the Panama Canal.

In article I, Colombia recognized that title to the Panama Canal and to the Panama Railroad is "now vested entirely and absolutely in the United States of America, without any encumbrances or indemnities whatever."

The United States promised: (1) free transit through the canal for Colombian military personnel, equipment, and supplies; (2) equal status for Colombian and U.S. products and mails passing through the canal; (3) equal status for Colombian and U.S. citizens crossing the Canal Zone; (4) use of the Panama Railroad for transit of Colombian mails and military and civilian shipments—in the event of interruption of canal traffic—on a basis equal to that of comparable mails and shipments of the United States; (5) equal status for Colombian and U.S. governmental personnel in the use of the Panama railroad; (6) transport by the Panama railroad of Colombian coal, petroleum, and sea salt—in event of interruption of canal traffic—free of charge except actual cost of handling, not to exceed one-half the charges levied on similar products of the United States.

In article II, the United States promised $25 million to compensate Colombia for loss of territory and revenue resulting from the secession of Panama.

In article III, Colombia recognized Panama as an independent nation.

F. D. R.: GOOD NEIGHBOR

As soon as the Thompson-Urritia Treaty was proclaimed in 1922, Panamanian leaders started agitation to change Panama's 1903 treaty with the United States. Now that the United States had paid Colombia for the loss of Panama, and Colombia had recognized Panama's independence, Panama no longer feared Colombia. Her politicians could afford to be proud: it hurt their pride that Panama was officially, by treaty agreement and by provisions of her own constitution, a protectorate of the United States. They demanded elimination of the 1903 treaty provision by which the United States guaranteed Panama's independence.

When Roosevelt extended diplomatic recognition to the Soviet Union in 1933, he gave a boost to Communist activity in Latin America, as well as in the United States. Some of our Latin American neighbors (but not all) followed Roosevelt's lead in recognizing the lawless Kremlin gangsters as a lawful government. Communist agitators who had been operating illegally, came out in the open with their Yankee imperialism propaganda; and many became successful politicians.

The groundswell of anti-U.S. propaganda which developed south of the border after our recognition of the Soviet Union was a main reason for F. D. R.'s good-neighbor policy toward Latin America. With his great genius for making personal and political capital out of his own mistakes, F. D. R. presented his good-neighbor policy in such a way as to imply that the United States had been a bad neighbor prior to Franklin D. Roosevelt. This encouraged more anti-U.S. activity until everyone, north and south, was ready for Uncle Sam to make amends for past behavior, by giving some concessions.

The most important consequence was the renegotiation of our treaty agreements with

Panama. The Hull-Alfaro Treaty—signed on March 2, 1936, but not ratified by the U.S. Senate until July 25, 1939—was the beginning of America's endless worldwide giveaway program.

In the Hull-Alfaro Treaty of 1936–39, the United States raised annuity payments to Panama from $250,000 to $430,000, to compensate for the 40 percent loss in purchasing power of the dollar which resulted from Roosevelt's taking us off the gold standard in 1934. This concession was reasonable.

In the 1936–39 treaty we renounced the 1903 treaty provision which made Panama a protectorate of the United States; and we renounced our right to maintain public order in Panama, outside of the Canal Zone. These concessions were absurd, because we must guarantee the political independence of Panama as long as we maintain and defend the canal. Now we have the responsibility without clear treaty authority.

The most disastrous concessions which Roosevelt made in the Hull-Alfaro Treaty of 1936–39 were: (1) renunciation of our right of eminent domain for the acquisition of property, in Colon and Panama City, needed for canal purposes; and (2) renunciation of our right to build defense bases in Panama outside the 10-mile Canal Zone. A vulnerable, critically important 10-mile-wide strip of land such as the Canal Zone cannot be defended adequately by bases confined within the strip itself. Roosevelt's Hull-Alfaro Treaty of 1936-39 left us with the responsibility of defending the Canal Zone—not only for ourselves, but also for Panama and every other maritime nation on earth—but with no room to stand and fight.

In less than 2 months after the Hull-Alfaro Treaty was ratified by the U.S. Senate in 1939, World War II erupted in Europe; and we were begging Panama for defense sites to protect the canal. We had to plead, and pay heavily, for basesites which had been ours under the original treaty provisions.

Most of the land we needed for defense bases in the Republic of Panama was worthless jungle, except in our hands; but Panamanian politicians demanded extravagant prices—as much as $1,600 an acre for some of the swamps. They did not get all they asked; but they got plenty; and they caused dangerous delay, stalling negotiations for many months.

We paid Panama more than a million dollars for permission to build roads and landing fields, to plant guns, and to erect some 400 buildings—needed for the protection (with our personnel and entirely at our expense) of Panama and the Canal Zone during World War II. We made all installations with the understanding that they would become the property of Panama—and that the United States would evacuate them—1 year after ratification of a treaty of peace following World War II.

CRESCENDO OF HATE

After Pearl Harbor, when the United States became officially involved in World War II, Roosevelt persuaded some Latin American nations, which had not yet given diplomatic recognition to the Soviet Union, to do so, "to show solidarity of the allied cause in the war effort." This caused an increase in Communists' anti-U.S. activity in Latin America, just as diplomatic recognition of the Soviets had done in 1933.

With Yankee dollars pouring into their national treasury and into their private pockets in unprecedented quantities, and with Yankee military power standing guard over them and their nation, Panamanian politicians kept propaganda about "Yankee aggression" in crescendo during World War II. In late July 1945, just before the war ended, Harry Truman helped bring this Yankee-aggression-in-Panama theme to full intensity—by proposing, at the Potsdam Conference, that the United States give the Panama Canal to the United Nations.

ABJECT SURRENDER

Before the guns of World War II were silent, Panama was demanding evacuation of American bases there. We resisted just long and loudly enough to make it look like abject surrender when we gave in. On September 2, 1946, the Pentagon suddenly announced that we were evacuating and handing back to Panama 65 of our defense sites.

Seeing that he had big but timid Uncle Sam on the run, the President of Panama pressed his advantage: he demanded changes in the Hull-Alfaro Treaty of 1936–39 which would "revise the United States whole attitude toward Panama" and provide more benefits.

In November 1946, the Soviet Union's delegate in the United Nations made a vicious speech about America's foreign bases, in Panama and elsewhere, being imperialistic aggression against weaker nations. As if it had been planned (as many authorities think it was), Alger Hiss, acting for the American State Department, sent the United Nations a report in which the American Panama Canal Zone was characterized as "occupied territory." Alger Hiss was later convicted of perjury for denying that he was a Soviet espionage agent during those years when he was a powerful official in the State Department.

Immediately after the Hiss report, Panama began demanding that the United States recognize Panama's "sovereignty" in the American Canal Zone. Now, we were in real trouble. Having abandoned most of our key defense bases in Panama, we were in negotiations to extend the leases on a few that we still had and that the Pentagon claimed were necessary for defense of the Canal Zone. With Panama (enjoying, at least technically, the support of our own State Department) claiming sovereignty within our own zone in the isthmus, what chance did we have to retain bases outside our zone. None.

Our futile negotiations dragged on for more than a year. On December 23, 1947, the question of the leases came before the Panama Assembly. Anti-American mobs surrounded the building, threatening to lynch any Assembly member who voted to extend. The Panama Legislature voted unanimously against extending leases on U.S. defense bases outside the Canal Zone. In January 1948, we abandoned all the bases and retreated within the limits of our own zone.

EISENHOWER'S TEAM

Victory over mighty America whetted Panama's appetite for more. On November 17, 1952, the Panama National Assembly voted unanimously to demand a general revision of Panama-United States treaty relations. Eisenhower had just been elected President. In 1953, the "Eisenhower team" started secret negotiations which lasted many months and resulted in the Eisenhower-Remon Treaty between the United States and Panama—signed January 25, 1955; sent to the U.S. Senate May 9, 1955; ratified July 29, 1955; proclaimed on August 26, 1955.

In the 1955 treaty, the United States: (1) increased annuity payments to Panama from $430,000 to $1,930,000; (2) gave Panama more than $25 million worth of real estate—including the Panama Railroad Company's yards and terminal stations in the cities of Colon and Panama; (3) promised to build a $27 million bridge across the canal.

The gift of key Panama Railroad properties to Panama was part of an Eisenhower administration plan to abandon the whole railroad. Later—in considering legislation to implement the Eisenhower-Remon Treaty—Congress, recognizing that we have treaty obligations (with Colombia) to operate the Panama Railroad, disapproved the scheme to abandon the railroad, but did sanction giving away its yards and terminal stations.

The only thing Panama gave us in the Eisenhower-Remon Treaty of 1955 was the "right to use, for a period of 15 years without cost," the Rio Hato Air Base—which we had built for World War II and had given to Panama in 1948.

As soon as the Eisenhower-Remon Treaty of 1955 was proclaimed, Panama renewed agitation (begun in 1946 following the Alger Hiss action), for recognition of Panama sovereignty in the American Canal Zone—and initiated a new demand: for 50 percent of the gross revenue from the Panama Canal. (Gross revenue from the canal in the fiscal year ending June 30, 1958, was $42,834,006. Net revenue—i.e., profit—was $2,656,382.)

THE COMMUNIST OBJECTIVE

The two current demands (for recognition of Panama sovereignty in the American Canal Zone and for 50 percent of gross revenue from canal operations) are admittedly steps toward Panama's ultimate objective, nationalization—which means our pulling out and giving Panama the American Zone and everything in it: canal, railroad, highways, bridges, ferries, military installations, buildings, everything.

Panama is a nation of 1 million people, ruled by an oligarchy of about 40 families of Spanish descent, who own most of the country. There is no middle class, except a few intellectuals, most of whom are under Communist influence. The bulk of the population consists of native Indians and descendants of West Indian Negroes imported 56 years ago to work as laborers on the canal. There is little industry, and practically none of the technical skills necessary in a modern economy. The income and health of the people and the revenue of the Government depend on U.S. giving and spending.

The strength of Panama—her ability to defend herself and the great canal—was revealed in April 1959, when 89 Communists and agitators from Cuba invaded Panama, intending to overthrow the Government. They successfully got ashore and held out for several days—against the military power of the Panamanian nation. U.S. Senator GEORGE SMATHERS, Democrat, of Florida, says that if the invading party had been 250 strong it could have overthrown the Panamanian Government.

Forcing U.S. abandonment of the Panama Canal is among the oldest of international communism's tactical objectives—older, even, than Communist control of Russia—almost as old as the canal itself.

John Reed (notorious American Communist who went to Russia to observe the "November revolution" of 1917, and who now lies buried in a place of honor in Red Square by the Kremlin wall) reveals (p. 235, "Ten Days That Shook the World") that "internationalization of the Panama Canal" was one of the slogans and battle cries of the Red Guards in Moscow during those gruesome 10 days when the murdering and pillaging Bolsheviks seized power in Russia.

In Panama, Communists urge nationalism of the canal, but, generally, they stress internationalization, because they get worldwide support for this theme. They get their best support in the United States where the Government and both major political parties and powerful foundations and great universities and church organizations and most of the major media of mass communications are controlled by people steeped in sickly internationalism.

The Communists just want to take the canal away from us; they don't really care how.

AIDING AND ABETTING THE ENEMY

People in the ruling class of Panama are opposed to internationalization of the canal;

and, since they know conditions in their own country, it is probable that they do not really want nationalization. They use this as a bugaboo to frighten us into giving them everything else. So far, they have been remarkably successful. In addition to benefits connected with our canal operations, they get a multitude of other benefits (roads, hospitals, bridges, housing, public buildings, powerplants) through our various foreign aid and foreign loan programs.

But, in playing along with Communists because the Communists' hate-America activities help them get what they want from us, Panamanian leaders are playing with dynamite. A brief sampling of recent events shows that U.S. political leaders are encouraging them in that dangerous game.

On May 2, 1958, a mob raided the American Canal Zone and planted 70 Panamanian flags. So, in July 1958, our State Department sent the President's brother, Milton Eisenhower, south on a good-will trip. The team with Milton Eisenhower consisted of officials from our major foreign-aid and foreign-loan agencies.

Panama made thorough preparations for Milton Eisenhower's visit. Labor unions, governmental officials, wefare agencies, and miscellaneous other groups entertained the President's brother—each group presenting its own long list of demands for benefits from the U.S. Treasury. When Milton Eisenhower's "good-will" team left Panama, Panama was jubilant. Fernando Eleta (Panama Minister of Finance) said:

"Panama expects priority to be given its needs and requests on account of the Eisenhower visit, and expects the United States will make feasible financing of Panama projects, presented. Dr. Eisenhower is one of President Eisenhower's most trusted advisers. His recommendations will carry great weight."

That was in July.

In December 1958 a Panama law extended the Republic's coastal waters to a 12-mile limit—enabling Panama to close the seaward ends of the U.S. Canal Zone, compel all ships using the canal to fly the Panama flag in recognition of Panama's sovereignty, and force the ships to pay whatever taxes Panama might levy. Anticipating resistance from the United States, the Panama law provided that any disputes developing as a result of the law should be adjudicated in an international court.

The Eisenhower administration reacted by intensifying propaganda for repeal of the Connally reservation (to our 1946 declaration of acceptance of World Court jurisdiction)—which would permit the International Court of Justice to adjudicate the question of Panama's offshore limits, just as Panama wants.

On November 3, 1959, a mob in Panama (led by Dr. Quilino Boyd, former Foreign Minister, currently a candidate for President) invaded the American Canal Zone to plant the Panamanian flag. Four hours of violence ensued. Mobs pulled down the American flag at the U.S. Embassy, tore it up, and hoisted the Panamanian flag. During the day, 82 persons were injured—an undisclosed number of them, American soldiers who had been pelted with rocks.

The U.S. Government protested the desecration of our flag. The Panamanian Government filed a counterprotest that there had been "similar acts against a Panamanian flag in the Canal Zone"—presumably the refusal by Canal Zone police to let mobs plant the Panama flag on American territory.

Before the rioting that day, officials in the U.S. Embassy had heard a broadcast on the Panama police radio frequency, ordering the police to stay away from the U.S. Embassy; and no Panama police appeared during the turmoil.

The U.S. Government tried fruitlessly for more than 2 weeks to get an explanation: Was the Panama Government a silent partner in the anti-American riots? Panama replied with demands that we send a high-ranking State Department official to Panama to "solve the misunderstandings"—that is, to give some more "benefits." Our State Department complied.

On November 17, 1959, the State Department announced that Under Secretary of State Livingston T. Merchant would go to Panama.

Next day—November 18—Fernando Eleta (Panama's Minister of Finance) revealed what the principal demand would be when Under Secretary Merchant arrived, and also the real reason for the November 3 riots: recognition of Panamanian sovereignty in the American Canal Zone. In a speech to the Panama National Assembly, on November 18, Senor Eleta (who is a personal friend of Milton Eisenhower) said Dr. Eisenhower in a private conversation with Eleta on September 13, 1958, had promised that the United States would recognize Panama's sovereignty over the Canal Zone—and that the announcement would be made on Panama Independence Day, November 3, 1959.

On November 20, the State Department denied that Dr. Eisenhower had made "any statement which could be construed to commit the U.S. Government to any course of action."

U.S. Congressman DANIEL J. FLOOD retorted: "The cleverly worded assertion by the State Department is not a forthright denial. (It) only declares that the United States is not bound. Naturally, the U.S. Government cannot be bound by a statement of a private citizen even though he is the brother of the President. Neither can any official of our Government annul our treaties with other nations. Yet in the instant situation, it appears that such attempts are being made."

On November 28, 1959, mobs again tried to invade the American Canal Zone, to plant the Panama flag.

On December 2, President Eisenhower said he believed Panama should be permitted to fly her flag in our Canal Zone, to show Panama's "titular sovereignty."

On December 8, a State Department press release revealed that Under Secretary of State Merchant's recent trip to Panama had "cleared the atmosphere" for "economic and political concessions"—that is, we are starting a big new program of economic aid to Panama, and we will concede her "titular sovereignty" in our zone. The State Department claimed that we had been planning these concessions "for some time," but had postponed them when the November riots occurred, because the State Department did not want to "convey the impression," that we were "yielding to threats and demonstrations."

MEMORIES OF GREATNESS

On May 26, 1959, Gen. Robert E. Wood (who served as Army Quartermaster in Panama during the building of the canal) made a recommendation and a poignant remark. General Wood said:

"Our State Department should inform the Panamanian Government in no uncertain terms that we have a treaty; that we will observe it; and that we shall not amend the treaty further. We should also request them to clean house of Communist agitators.

"I sometimes feel pessimistic when I contrast robust Americanism of the young people of 1905 with some of the pallid and pink internationalism of the young people of 1959."

WHO IS DAN SMOOT?

Dan Smoot was born in Missouri. Reared in Texas, he attended SMU in Dallas, taking B.A. and M.A. degrees from that university in 1938 and 1940.

In 1941, he joined the faculty at Harvard as a teaching fellow in English, doing graduate work for the degree of doctor of philosophy in the field of American civilization.

In 1942, he took leave of absence from Harvard in order to join the FBI. At the close of the war, he stayed in the FBI, rather than return to Harvard.

He served as an FBI agent in all parts of the Nation, handling all kinds of assignments. But for 3½ years, he worked exclusively on Communist investigations in the industrial Midwest. For 2 years following that, he was on FBI headquarters staff in Washington, as an administrative assistant to J. Edgar Hoover.

After 9½ years in the FBI, Smoot resigned to help start the Facts Forum movement in Dallas. As the radio and television commentator for Facts Forum, Smoot, for almost 4 years, spoke to a national audience giving both sides of great controversial issues.

In July 1955 he resigned and started his own independent program, in order to give only one side—the side that uses fundamental American principles as a yardstick for measuring all important issues.

SUPPORTS EXTENSION OF LAW ALLOWING ADDITIONAL NONQUOTA IMMIGRANT VISAS FOR AZORES PORTUGUESE AND INDONESIAN NETHERLANDERS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I want to take this opportunity to commend and congratulate my colleague from Pennsylvania. Congressman WALTER, and members of his Subcommittee on Immigration for recommending to the House H.R. 10419 which passed yestrday.

This bill would amend the act of September 2, 1958, which I supported at the time, by increasing from 1,500 to 2,000 the number of visas to be made available to the nations or citizens of Portugal; it would increase the limit on the number of visas to be made available to the nationals and citizens of the Netherlands who have been displaced in Indonesia, from 1 year's annual quota to the total of the annual quota for 2 years; and it would change the closing date for issuance of visas under the act from June 30, 1960, to June 30, 1962.

Mr. Speaker, these people of Portuguese descent were made homeless when the volcano of Pico Gorda erupted on the Island of Fayal in the Azores a few years ago and caused almost continuous earthquakes and destruction.

Many of these tragedy victims have relatives in New England communities who can assist them and offer them new hope in starting life over again in America. These New Englanders of Portuguese extraction have been good and loyal citizens of the United States and have contributed greatly to American culture. Their Portuguese relatives who have been victims of the Azores disasters will make equal contributions to our great country if we allow more of them to come to our shores.

Mr. Speaker, this legislation also would extend for 1 year the period during which certain alien orphans adopted by a U.S. citizen and spouse may be issued immigrant visas pursuant to section 4 of the act of September 11, 1957 (71 Stat. 639–640), as amended by section 2 of the act of September 9, 1959 (73 Stat. 490).

Mr. Speaker, I am in wholehearted agreement with this legislation and I was pleased to vote for the bill yesterday. I certainly hope that this legislation is enacted soon by the Senate.

FRANK ANTHONY PODOSEK, SPRINGFIELD TECHNICAL HIGH HONOR SENIOR, WINS 19TH ANNUAL TALENT SEARCH WESTINGHOUSE THIRD PLACE SCHOLARSHIP

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I had the great honor and pleasure last night to be with Frank Anthony Podosek, 18-year-old senior from Springfield Technical High School in my home town, when he was selected as third place winner, with a $5,000 science scholarship, during the 19th annual science talent search for the Westinghouse Science Scholarships and Awards.

At noon today this honor student and valedictorian of his class was given a rousing and enthusiastic welcome home by Tech High students led by Principal Donald G. Gifford. He departed from Washington by air this morning after taking ranking honors last night at the awards winners banquet in the Statler-Hilton Hotel in Washington.

Frank is the son of Mr. and Mrs. Stanley S. Podosek, of 28 Pleasant Street, Ludlow, Mass. He studied the thermal expansion of liquids and solutions for his Westinghouse award-winning project. He was one of 40 boys and girls selected from 29,402 high school seniors who were invited to Washington for the 5-day Science Talent Institute, March 3 through March 7. I was Frank's guest at the congressional dinner at the Statler Hilton Friday night.

PODOSEK DEVISED APPARATUS TO MEASURE RATE OF LIQUID EXPANDING

Like the 720 winners who have preceded them, the winners who were selected last night excel in such qualities as creative curiosity, independent reasoning, scholarship, and strong drive to explore untried areas of knowledge.

Mr. Speaker, Frank Podosek devised an apparatus by which he could measure the coefficient or rate at which liquids expand. His main objective was to discover and analyze the relationships existing between coefficients for particular liquids and those of their solutions.

After Frank graduates from Technical High School in June he wants to enter Massachusetts Institute of Technology on the Westinghouse scholarship and study physics. His choice for a future occupation is either research physicist or chemical engineer. He has been president of the school's chapter of the Pro Merito, an honor society. Frank's awards include: first, second, and third prizes given at the school, regional, and State science fairs. He has also received the Mathematical Association of America, and the University of Massachusetts Mathematics Club awards.

BOLAND COMMENDS HIS PARENTS, WESTINGHOUSE, AND TECHNICAL HIGH

Mr. Speaker, the Westinghouse Electric Corp. is to be commended for making these scholarships and awards available to the future scientists of America. Also to be commended is Technical High School, of Springfield; its principal, Mr. Gifford; and members of its faculty who trained Frank.

And foremost to be commended are Frank's parents who gave him the love and encouragement needed by a boy who is ambitious, studious, and desirous of success in a chosen field.

STATEMENT OF TECHNICAL HIGH PRINCIPAL GIFFORD

On hearing of Frank Podosek's selection as third-place winner of a Westinghouse scholarship, Technical High School Principal Gifford issued this statement:

Technical High School was founded in 1898 by the late Charles F. Warner. It is one of the four specialized senior high schools in Springfield, Mass., and while we prescribe to the system of philosophy of the Springfield public school system, being a technical school by its founder's description and by community expectations, we offer in addition to the broad base of a good high school education, technical emphasis to the whole program of studies, of the entire life of the school.

For the past 4 years Technical High School has offered accelerated opportunities for selected youngsters in the fields of English, mathematics, science, foreign languages, and mechanical drawing. Frank Podosek has been a participant in these accelerated opportunities during his entire stay at Tech.

Regarding National Science Foundation summer institute participation on the part of Tech teachers, may I indicate that 13 science teachers have had 21 summer programs in 14 different colleges and universities. Seven math teachers have had 10 summer programs in 7 different colleges and universities and 2 counselors have had 1 summer program each in Boston University.

This is our second year of participation in the physical science study committee program in physics with two specially trained teachers handling the work. In every instance which has been reported to us by these teachers that their summer opportunities were involved and the increased strength in their personal skills and enthusiasm in their subject matter fields have been greatly in evidence.

Last summer three Tech boys were privileged to attend summer programs sponsored by the National Science Foundation. Frank Podosek was at UCLA, another lad at the University of Bridgeport, and the third at Hayden Planetarium. The enthusiasm of these youngsters in reporting on their summer experiences would make us believe that such programs are highly desirable.

PRESIDENT EISENHOWER SENDS GREETINGS TO WINNERS

Mr. Speaker, President Eisenhower greeted Frank Podosek and the other winners at the Westinghouse science talent search awards banquet last night through Dr. George B. Kistiakowsky, the special assistant to the President for science and technology.

I include the text of Dr. Kistiakowsky's speech herewith and the program of the banquet in honor of the winners, including their names:

SCIENCE AND TECHNOLOGY: SEPARATE YET INDIVISIBLE

(Remarks by Dr. George B. Kistiakowsky, special assistant to the President for science and technology, at the Westinghouse science talent search awards banquet for the winners of the 19th annual science talent search, March 7, 1960, Statler Hotel, Washington, D.C.)

Mr. Davis, Mr. Kaltenborn, Dr. Carmichael, science talent search judges, winners, and distinguished guests, first, I should like to convey greetings to each of the winners and congratulations from President Eisenhower. He regrets that it was not possible to meet with you personally, as in previous years, and has asked me to extend to you his very best wishes for your continuing success.

May I thank you most sincerely for inviting me to address this Westinghouse science talent search awards banquet. Congratulations to the Westinghouse Educational Foundation, to Science Service, and to the Science Clubs of America for their contributions to our scientific strength.

The other day I noted a news dispatch from the Florida spring training camps. It included some rather frank appraisals of another facet of American strength and a thought occurred to me. If that ultra-realist—Casey Stengel—were surveying the country's scientific talent, would he hesitate to conclude that we have got to build up our farm system if we want to keep winning pennants? In this sense we owe a special debt to Science Service and the science clubs. They have assumed the missionary task of carrying the message of science and technology to the far corners of America. In the vernacular of Casey, they are beating the bushes for the most talented rookies.

The 40 winners who are here tonight, to receive the justly merited awards, are to be especially congratulated for persevering in the toughest kind of competition. As I wish them well, I am reminded of their continuing obligation to themselves and to their country to apply the same initiative and energy while in college and beyond and to develop their talents to the full. John Gardner—the president of the Carnegie Corp.—has said: "What we must reach for is a conception of perpetual self-discovery, perpetual reshaping to realize one's goals, to realize one's best self, to be the person one could be."

"To be the person one could be." This is full of deep meaning.

The other day a colleague of mine was talking to one of our most respected younger mathematicians. They were discussing the reasons for the current sharp increase in mathematics majors in colleges and universities across the country. The mathematician observed that the rising interest in mathematics could possibly be traced to the glamour of high-speed computers or to the excitement about outer-space science and technology. But, he added, based on his own observations, it was unlikely that many of these new math majors understood why they have made this selection, regardless of what their explanation might be. He cited his own experience, shifting, while an undergraduate, from chemistry to mathematics. He could not explain his underlying motivations then or since. I am sure that similar intellectual migrations have been experienced by others of our foremost scientists and engineers. Thus, of the two Nobel lau-

reates in physics who are members of the President's Science Advisory Committee, one earned his bachelor's degree in electrical engineering and the other in chemistry.

To become a creative scientist one needs good education, but one also needs something far more essential. It is the insatiable desire to learn, throughout one's professional life, a willingness to discard outdated concepts and to absorb new knowledge. Deficiencies in formal education can be overcome. Take my own case. Through the vicissitudes of the Russian revolution and civil war, I missed the last year of high school and had to compress my undergraduate and graduate university education into 4½ years. Leaving the University of Berlin, Germany, with a doctor of philosophy degree, I had a store of knowledge certainly less than that of a science bachelor. In fact, I knew very little outside the field of chemistry. But in those days sharp lines of demarcation existed between traditional disciplines, like chemistry and physics. One could be a researcher knowing little outside one's own little bailiwick. Those days are gone. As we push back the frontiers of the unknown, the lines of demarcation between sciences fade away. The intellectual interests of a scientist have to be keyed to the unity of science, responding to the seamless web of nature that binds the physical and animate worlds. I could not stay in science unless I kept studying and filling out the frightful gaps of knowledge that my formal education, or lack of it, bequeathed me. Modern physics, math, biology, had to be learned almost from scratch. Then came the war. I was assigned to research on high explosives and rocket propellants and had to learn a lot about fluid mechanics. Since the war, electronics had to be studied, because one needs it nowadays to do research. And so, you see, I was in school not 4 but nearly 40 years.

Today, a youngster with my lack of formal education is hopelessly lost. In fact, these days there is increasing need for scientists who feel at home in many fields of science, what might be called the true interdisciplinarians. For example, the oceanographic and atmospheric sciences require for their advance the application of principles and techniques from several scientific disciplines. Perhaps because of this they are undernourished fields, in terms of gifted scientists as well as in resources for their support.

Science and engineering have also grown closer together. The radical shortening of time between scientific discovery and its application has tended to bring scientists into more intimate contact with the engineers. In fact, many creative scientists have moved from their laboratory benches to the ranks of engineers. Fortunately, this has been a two-way flow. The engineers have undertaken to support basic scientific advance through the construction of great scientific instruments such as radio telescopes, high-energy particle accelerators or scientific satellites—marvels of engineering, indispensable for modern science.

To make a point of reference for my remarks on the need for closeness between science and engineering, I should like to go back to the last years of World War II, which I spent at the Los Alamos laboratory. It is fashionable nowadays to dismiss that project lightly with the remark that nuclear weapons are really a very simple thing to make. This is to overlook a host of hurdles which existed then. For instance, the metallurgy of a new and very tricky element, plutonium, had to be worked out and the techniques for precision manufacture of difficult shapes from this metal discovered. The theory of the behavior of materials under superpressures of tens of millions of pounds per square inch was generated and proven by experiment. High explosives, which, up to that time, were known only as an uncontrollable force, had to be converted into a precision instrument, acting as predictably as any piece of refined machinery, but thousands of times faster. And, to do all that, instrumentation for a great variety of diagnostic experiments had to be invented and constructed. With all these problems facing Los Alamos, successful atomic bombs became available less than 2 years after undertaking major group effort.

Now why was that possible? The total manpower engaged in the Los Alamos work, by present standards, was small and the facilities modest. The factor which crowned the project with success was a great concentration of intellectual ability among the one or two hundred young leaders of the various sections of the project. That, and a deep conviction of the Los Alamos leadership that no inquiry should be suppressed just because its direct connection to the end objective was not obvious at the moment. In other words, research, as well as development, was encouraged by all means, until the very last moment.

Unfortunately, as a result of the narrowing of the boundary between science and technology, the work of the scientist has become confused with that of the engineer. They are not the same. The scientist searches for new knowledge, guided by his urge to learn more about the workings of nature. The engineer, on the other hand, is concerned with the achievement of practical goals which advance human welfare or national security. Basic scientific research is indispensable to provide the ever new tools for technology, but this is most often an unpredictable result of such research rather than its objective.

Take the case of the "Hertzian waves," the electromagnetic radiation. If Heinrich Hertz had been asked to devote his energies to producing a device for communicating over long distances without wires, he might very well have turned to semaphore and telescopes, or to light signals, or to some other application of already conventional principles. But he was interested in finding out if the electromagnetic waves predicted by Maxwell really existed, and so contributed something of fundamental importance to our understanding of the universe. It remained for a student of Hertz, named Marconi, to find the first practical application for his professor's discovery—radiotelegraphy.

You might ask, why lay stress on differentiating between science and engineering? Doesn't it run contrary to the intermingling of the disciplines and the erosion of traditional boundaries within and among scientific and technical fields?

The reason is this. The future growth and vitality of sciences in the United States depend upon public understanding of the nature and importance of the function of basic research. It depends on general appreciation that the difference between basic research and engineering is a fundamental difference in the intellectual processes and motivations involved. It requires an awareness that only some 27,000 scientists and engineers in this country are engaged in developing new scientific knowledge, about 9 percent of our total number of scientists. On this little band of scientific explorers rests the burden of catalyzing our industrial and cultural progress.

As a result of the equating of science and technology, many have concluded that the $8 billion estimated to be obligated in fiscal year 1960 for Federal scientific research and development provides ample support for research. Actually, 94 percent of this amount is in support of development and applied research—leaving less than $500 million for basic research. Still, this amount is a sign of major progress in gaining public acceptance of the need to support basic research.

This year marks the 10th anniversary of the creation of the National Science Foundation—a remarkable innovation in the history of the U.S. Government. It was established by the Congress to promote the progress of science; and advance the national health, prosperity and welfare. It alone could initiate and support basic scientific research without relating it to any utilitarian mission. In 10 years its annual budget has risen from $3.5 million to the $192 million proposed for the next fiscal year.

Although there are thus encouraging signs of increasing public support for basic scientific research, this support is sustained really only because of the admitted importance of science to our national security, economy, and health. I doubt that scientific research is recognized and appreciated in its own right as a creative activity of the mind that enhances man's understanding. To some, such recognition may seem to be unnecessary and unimportant. But basic research is a fragile flower that needs the nourishment of encouragement and understanding, as well as material sustenance.

A change in public appreciation of basic research is, of course, difficult to accomplish and will take education and considerable time. Our present public attitude is a product of more than a century and a half of pragmatism born of the immediate necessity of developing and harnessing our national resources. It was a necessity more compelling than the tradition of scholarly pursuits.

We need both of these in our society: The unquenchable, free, probing into the unknown to expand the boundaries of knowledge; also the humanistic articulation of scientific knowledge that links it to the betterment of mankind.

Some of you will be inclined in one direction; some will be headed in the other. We shall need both—moreover, you will need both kinds of activities to insure for yourselves an almost limitless future that can be had if solidly grounded on the broad base of knowledge.

As I speak of the future, I am tempted to paraphrase Charles F. "Boss" Kettering, one of the greatest applied scientists of our age: The future is the main concern to our young people, because they are going to do all their living in it.

Thank you.

PROGRAM

Presiding: Dr. Watson Davis, director, Science Service.

Remarks: Howard S. Kaltenborn, vice president and assistant to the president, Westinghouse Electric Corp.

Address: Dr. George B. Kistiakowsky, special assistant to the President of the United States for science and technology.

Introduction of the judges: Dr. Leonard Carmichael, president, Science Service; Secretary, the Smithsonian Institution.

Report of the judges: Dr. Harold A. Edgerton, Dr. Steuart Henderson Britt, Dr. Rex E. Buxton.

Presentation of the Westinghouse Science Scholarships and Awards.

The "Star-Spangled Banner."

THE SCIENCE TALENT SEARCH

The science talent search is an annual activity of science clubs of America, administered by Science Service of Washington.

This year, among some 29,402 entrants, all seniors in secondary schools in the United States, 4,477 completed competitive examinations, and wrote reports on "My Scientific Project." Four hundred and forty-eight of these entrants won special recognition by being named in the honors group and of these, 40 were chosen to attend the Science Talent Institute in Washington. At the discretion of the judges, Westinghouse Science Scholarships of $7,500, $6,000, $5,000, $4,000, and $3,000 are awarded at the conclusion of

the Science Talent Institute in Washington. The remaining 35 winners receive Westinghouse Awards of $250 each.

Our guests of honor: Richard Aaron Applebaum, Barbara Anne Ash, Dennis Graham Baker, Charles Henry Bennett, David Raoul Brown, William Lovel Raney Cruce, Hazel Rita Cuffey, John Dewood David, Gayle Ann Edlund, Robert Bruce Eyestone, Samuel Robert Friedman, Robert Reaney Friis, Jr., David Russell Hearn, Geoffrey Dane Heyworth, Melvin Hochster, Samuel Pettus Hoyle, Jr., Nancy Ann Klickman, David Bernard Loveman III, John Michael Julius Madey, John Charles Maraldo, James Vernon Mardis, John Norman Mather, Richard Pence Mills, Virginia Violet Perner, William Joshua Platt III, Frank Anthony Podosek, Linda Maria Ramstad, James Warren Rowland, Jr., Harry Jerome Saal, Robert Richard Savio, John Wesley Shaner, Betty Lou Snarr, Irving Joseph Spitzberg, Jr., Jerome George Spitzner, Joseph Paul Straley, JoAnne Marie Swartz, Joyce Ann Thompson, William Edward Underwood, Gordon Seth Wassermann, Arthur Taylor Winfree.

FOREIGN COMMERCIAL COMPETITION

The SPEAKER. Under the previous order of the House, the gentleman from Pennsylvania [Mr. VAN ZANDT] is recognized for 15 minutes.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, on January 21, 1960, Senator KENNETH KEATING, of New York, introduced S. 2882 and on the same date, I introduced H.R. 9841 as a companion measure. This legislation is designed to adjust conditions of competition between certain domestic and foreign industries with respect to the level of wages and working conditions in the production of articles imported into the United States. In plain language, if the legislation is enacted into law it would eliminate the existence of a condition that has long plagued American industry and which has produced much of the unemployment the Nation is faced with today.

The cause of unemployment in various industries of the United States has long been recognized as being due in great measure to the unfair competition American industry has been forced to contend with from cheaply manufactured foreign goods that flood the American marketplace.

It is a matter of simple arithmetic to determine the true picture. When you consider that a manufacturer in a foreign country pays a wage equivalent in dollars to 10, 15, or 25 cents per hour, naturally he enjoys a competitive advantage over an American manufacturer who pays the traditional wage standards of industry in the United States. This is further emphasized when you realize that wages represent a large portion of the cost of production.

Americans are proud of the fact that sweatshop conditions in the United States were outlawed at the turn of the century and that today there is no denial of the fact that American wage earners are worthy of their hire. Every right-thinking American favors the wage earner being given the opportunity to enjoy the high standards of living in the United States. To make certain that such an opportunity is constantly safeguarded we need and must maintain a strong industrial economy. To do otherwise is to encourage unemployment and with it the misery that follows in its wake.

As an example of the serious inroads made against American industry by cheaply manufactured foreign goods, one needs only to cite the chaos and the uncertainty of the future that are the lot of the following industries: china and glassware, textiles, clothing, handtools, kitchen utensils, small appliances, umbrellas, rugs, toys, bicycles, light machinery, footwear, athletic equipment, plumbing fixtures, tile and ceramic fixtures, etc.

According to the February 1960 issue of Steel Facts a steel executive recently stated:

> With imports of steel up and exports of steel declining, American mills and American workers have had a combined loss of 6.6 million tons of steel output in the past 2 years.

He estimated:

> Had this steel been made here at home it would have provided employment for nearly 52,000 people in the steel industry.

Mr. Speaker, what is the answer to such a distressing situation where the jobs of American wage earners are threatened or destroyed through the uncontrolled importation of foreign goods manufactured at slave labor wage rates?

It is now a thoroughly documented fact that the swift, accelerating course of events taking place in American foreign trade and competition has rapidly outdistanced both our legislative and commercial ability to keep apace.

Two years ago when the trade agreements program was extended for 4 years a number of my colleagues in the House rose to caution and protest in the name of prudence that such a lengthy extension was clearly out of key with the telltale signs of rapidly rising imports and diminishing exports so clearly evident even in 1958.

Be that as it may, this House cannot now escape the responsibility for the fact that when we slammed shut the doors of this body to the pleas of import-injured industry and labor for 4 long years we have heard a great many echoes of other closing doors; namely, those leading into our mills and mines and factories. Once open to all who sought gainful and honest employment, many of those passageways are now locked and barred by the deluge of excess imports from foreign factories financed by funds which we so generously provided and continue to provide in large volume.

The distressing situation prompts me to ask this question in all sincerity. Which distinguished Member here will step forward today and meet face to face the chairman of a New England shoe manufacturing concern who recently said, "Sure all this free trade may be great for international relations, but how do I explain that to several hundred of my employees who were waiting for a midyear bonus and got termination notices instead?"

Or perhaps some of our distinguished Members would prefer to meet the group of industrialists, or the labor union which stands with them on this issue, whose industry has been whittled from 184 firms to 56. Referring to imports, they said:

> Sharing a market is one consideration; but to dominate it completely is not justified.

In my opinion, this statement offers one of the most accurate descriptions of the so-called reciprocal trade program that has yet been made.

I now ask: What are you going to tell employers and employees such as these? Will you say,

> Don't worry fellow, the trade agreements program has only 2 years left to run and we will deliberate over it then?

You can easily guess the retort, which would be short and to the point:

> Congressman, you explain that to my wife and kids.

Despite the apathy and the anxieties of our Department of State and the fact that this is an election year, the time for legislative action is now—not 1962. Members in gratifying numbers from both sides of the aisle are voicing their concern almost daily on the issue of crippling competition. They realize there is a time and place for everything, including politics, but now is the time for straight talk on a problem so serious that few political districts remain untouched.

Let us consider two facts: One, that the foreign trade tail is wagging the dog of our domestic economy. Do not misunderstand me. I stand fully in favor of developing our foreign markets to their maximum capacity and if there are untapped foreign markets available, let's go after them. What I am saying, however, is that the real bread and butter market is and will remain the domestic market. Even our big exporting corporations understand this. Our foreign exports represent but 5 percent or so of the domestic giant's trading capacity. For this reason, the home base must not continue to be subjected to competition from low-cost imports, often encouraged by our diplomats who piously plead that they never interfere in domestic matters.

And the second point: Our State Department reflects the wishes of peoples, friendly and otherwise, all over the globe. But we of the House speak for the will of the American people, a known but sometimes overlooked truism. The State Department's interest is international while our first concern is the welfare of our Nation. The State Department alleges no jurisdiction on the domestic front while claiming a high priest's privilege as sole custodian over all our international activities.

However, in practice the Department of State couches one and all of its programs including that of free trade in the name of the national interest. Whether State Department officials realize it or not, the phrase contains convenient words to make more palatable their theories to the Congress.

Mark you, it is Congress through which the pulse of the people beats. It is the

Congressman, not the diplomat, who is reminded of this fact each morning as he sits down to a desk stacked high with letters from home. It is in this daily ritual that we search for the interests of the people, not in the pages of scholarly books on the philosophical foundations of international commerce. It is these letters with a misspelled word here or a grammatical error there that speak to us with a humble but deafening eloquence that reveals the emptiness of State Department slogans designed to promote free trade.

In addition to the direct and intolerable interference in the economic stability of this country brought about by international-minded administrators of our trade agreements, there remains the question of jurisdiction in America's foreign commerce.

We all know that the Constitution under article I, section 8, provides that responsibility over foreign commerce rests squarely with the Congress. We know on the other hand that it is the task of the executive branch to carry out the duties accorded that body in the political, cultural, and similar areas. In 1934, the Congress delegated certain management activities in the theater of foreign commerce to the executive branch of Government. It is necessary to acquaint the Members of the House with the subsequent operations and conduct of our foreign trade policies since that time and especially since World War II.

The Department of State has not only picked up the ball and run with it, it has changed the rules of the game and by so doing has distorted the game beyond all recognition. It has construed our delegation of a simple managerial function to be a complete, final, and outright grant of basic congressional rights. And now woe be to the Representative in Congress who dares to question the so-called prerogatives of the Department of State.

To those who say the executive free trader should not have it both ways, let me reply that they already have it. Because of the distressing situation I am speaking in the name of the people of Pennsylvania who resent the loss of markets and jobs through uncontrolled imports of cheaply manufactured foreign goods.

The reason for insisting on fair trade and not free trade is based on the desire to protect and preserve the jobs of American wage earners. Let us look at the situation as it is, not as we might like it to be. We have high priced products which cannot compete because everything that goes into that product is high priced: the wages, the salaries, the material, the taxes, the overhead, the advertising, and so forth. Would you quarrel with this? Would you be the one to take the first cut?

If you are in utilities, would you be the first one to cut your water or light bill in half to a given steel company so that its bids against foreign companies on ships or structural jobs would not be double that of its competitors abroad? If you are its supplier would you be the first to reduce your prices on ingots a similar amount? And taxes—are you and I prepared to unburden our hypothetical firm in domestic steel or other industries from the crushing load which it carries?

Who among the workers, the businessmen—any of us—stands ready to step forward to take the first reduction on payday? Were such a question truly put to the test, the silence I dare say would be profound. We are priced out of world markets by our high-priced products because we are a high priced Nation so to speak. Is this to be considered a felony? Are we to live with this horrible crime on our collective consciences like some unforgiven sin of the past? Must American industry now be battered and penalized by imports created by the force of circumstances which elevated our Nation's economy and its standard of living to the industrial mountain top, relatively out of reach of the foreign economies in the valleys below? For these achievements, surely we should not be asked to hang our heads.

By some peculiar emotional twist the free traders seemingly look upon our economy as some unclean spirit through whose veins flow the dirty, degrading dollars of life. Our relative economic abundance seems to prey on their minds. They have reached the conclusion that the quicker we can spend ourselves down to the economic level of other countries, the sooner hastens the day of our rebirth as a socially conscious Nation with a new image and a pure industrial soul.

Realizing that the voices of protest grew louder against unfair competition and the State Department's grants and gifts to competitive trading nations abroad, another way had to be devised which would hasten our acceptability into the free-trade academy. Such a way was recently discovered through a market give-away program.

As the foreign manufacturer wedged his competitive offense deeper into the fabric of our markets, not a word, not a murmur was heard from the free traders. It would be somewhat inconsistent, to say the least, were they to take sides when one considers the fact that the International Cooperation Administration, the handmaiden of the State Department, had led hand in hand approximately 25,000 of our foreign friends since 1950 into the very vitals of our industries and to study and learn the essence of our economy. In addition, Americans are now being sent abroad officially to teach the men who run the marketing operations of foreign producers the latest methods of merchandising. In this connection, we have shipped abroad tens of billions of dollars of the most up-to-date machinery and equipment.

American style techniques will soon move their wares into the United States as well as third countries where we are in even more serious competitive difficulties than at home, if that is possible.

The question which immediately faces us is: How are we going to legislate ourselves out of the corner into which the executive branch has painted us? And bear in mind that preparations are now under way here in Washington for the forthcoming Geneva meeting in October of the General Agreement on Tariffs and Trade—GATT. A new list containing many hundreds of domestically made products is being readied for the sacrificial altar of free trade. All, of course, in the national interest you understand. Tariffs already too low are to be cut another 20 percent.

It is my belief that many of my colleagues share the view that this House is ready to act.

A noted author once said in chiding his opposition:

> If you have 10 boys but only 5 hats you solve the problem by simply lopping off 5 heads.

Are we to lop off and dissect the highly industrial, integrated organism of the American economy in order to make it artificially conform to the "hats" of other nations? Or do we select the prudent and reasonable course, by passing the measures, long overdue, which insure our domestic producers a fair share of commerce in the marketplace?

If we are to come to grips with the issue of foreign imports this body must provide our people with equitable conditions of competition. Feasibly, such conditions might take the form of an escalating duty or quota on incoming products, flexibly administrable to all classes or commodities according to their port of entry price irrespective of countries of origin. Thus the wage gap would be automatically reduced.

Regardless of the final form which remedial measures may take, the following principle should be the foundation for our actions: foreign producers should not be enabled to enjoy commercial advantages within the American market not obtainable or available to the American producer in competition with the same or similar product.

If this precept were adhered to, the products of American industry could have a fighting chance to compete with foreign imports which, in comparison, are priced at ridiculously low levels. Conversely, were this principle to be applied by foreign countries to our own exported products affording us no greater nor less an advantage in their markets than their producers enjoy there, we would fare considerably more favorably than at present. Our industry would not then find it necessary to send its capital abroad in order to compete.

For example, an American car which retails for about $3,000 here is now selling for $4,000 to $6,000 and higher in European countries. In other words, our exporting manufacturers not only do not enjoy the commercial conditions of the automakers abroad in the European theater of competition, but are also needlessly tariffed out of contending in a market where low prices provide their own built-in protection. It was because of this that our automobile manufacturers began producing in England, Germany, and France and then sending some of their output overseas back to this country.

Whether foreign producers pay their employees high wages or low wages, charge high prices or low prices, organize common markets or not, pass voluntary-quota resolutions or not, let me say that

it is their right to do so as it is surely our right to do that which serves our interests.

Parenthetically, I might add that it becomes both irksome and tiresome to read and hear the meddlesome musings of the disciples of free trade who having helped create our problem now intend to right things by foisting their socioeconomic theories upon others abroad.

"In due time," say our freetraders in their efforts to make all countries alike in this age of conformity, "foreign wages, productivity, and so forth, will increase everywhere and then all the nations will come to us and buy our machines and goods." On the contrary, the facts show that our customers, for example in Latin America, are turning away in droves from the United States and now do their shopping in Europe, and so forth, where other trading nations are moving to higher levels of industrial productivity. In addition, they want to make for themselves the goods which we formerly sold them. This kind of outcome was not contemplated by Adam Smith.

I feel it my duty to suggest to the exponents of free trade that they explain their theories to the workers of Pennsylvania who like to work and eat even as you and I.

Meanwhile, here in the House we have a job to do. We may have our personal views on various aspects of international affairs but at hand is our professional duty which must concern itself with the problem as it affects us and in those areas where we can effect the honest regulation of excessive imports.

In short, let us stop theorizing about what Europe may or may not do, or what Japan has or has not done, and do here what must be done. If the foreign producer wants to sell his product in his country at his prices, that is his business. But if he sells his products at his prices in my country, then it becomes my business, and I will continue to consider it my business as long as his low-priced goods lay waste the markets and destroy the jobs and industries of the State of Pennsylvania.

Twin jeopardy faces both sales and jobs every time foreign products capture a larger slice of our markets. Our working people face on the wage level what the producer meets on the price level in competition with imports. If employer and employee are to unite on this issue both must clearly understand this. Debates about the low-waged foreign workers who make the low-priced foreign goods that abundantly stock our shelves and warehouses being over- or underpaid become rather academic at this stage of the game. They have legislators and labor unions to provide them recourse.

Similarly whether we have high prices because of high wages or high wages because of high prices does not nullify the demand for immediate action before we arrive at the point where we will lose both by default.

In the market of wage competition we are sadly outpriced, too, as the following approximations indicate. Basic average hourly wage before benefits, in U.S. equivalents:

The Japanese textile worker receives a wage of about 16 cents; the Italian, 27 cents; the French, 51 cents; the German, 46 cents; the English, 68 cents; and the American, $1.58 per hour.

The Japanese wood worker receives about 18 cents; the Italian, 24 cents; the French, 54 cents; the German, 48 cents; the English, 50 cents; and the American, $1.98 per hour.

The Japanese chemical worker receives about 37 cents; the Italian, 37 cents; the French, 49 cents; the German, 57 cents; the English, 68 cents; and the American, $2.44 per hour.

The Japanese leather worker receives about 23 cents; the Italian, 30 cents; the French, 54 cents; the German, 40 cents; the English, 47 cents; and the American, $1.59 per hour.

The Japanese glass worker receives about 26 cents; the Italian, 36 cents; the French, 47 cents; the German, 55 cents; the English, 70 cents; and the American, $2.22 per hour.

The Japanese steel worker receives about 41 cents; the Italian, 46 cents; the French, 53 cents; the German, 59 cents; the English, 83 cents; and the American, $3.10 per hour.

The Japanese machinery worker receives about 28 cents; the Italian, 36 cents; the French, 54 cents; the German, 59 cents; the English, 74 cents; and the American, $2.50 per hour.

The Japanese auto worker receives about 26 cents; the Italian, 46 cents; the French, 54 cents; the German, 64 cents; the English, 94 cents; and the American, $2.69 per hour.

The addition of employer and government benefits to the foreign worker's wage would increase the overall takehome pay from about 20 percent in the case of Germany to as high as 60 or 70 percent in the case of some Italian workers, with other countries falling somewhere within this wage spread. The fringe benefits accruing to the American worker are not as high as those abroad in proportion to the basic wage, although in some categories such as overtime, they may be. Yet 10 percent of $2.69—average U.S. auto wage—would be higher than 50 percent of 36 cents—average Japanese auto wage. In the United States, overtime generally takes effect above the 40-hour point whereas some foreign workers may not receive such benefits until they have worked 44 hours or more.

While it is difficult to obtain accurate statistical data of comparative hourly income in different countries and industries for the same period of time because of the complexity and variation of conditions under which such benefits apply, it can be conservatively stated that one inescapable fact stands forth: Benefits notwithstanding, in his relation to foreign workers the American worker is waged out of the market. Current benefits received by foreign workers could well double, triple or more the amount of his basic wage and foreign products would still outprice American-made products.

While certain Government officials continue to insist that we are not priced out of the market, our competition readily concedes that we are.

"From the cost point of view," said one British steel industry official, "we had an advantage over America in that our wage rate was only about one-third of theirs and even though their productivity was twice ours, this enabled us to sell at lower prices."

Nor must the phenomenal increase in productivity enjoyed by many foreign industries as a result of advanced mechanizations be overlooked.

Recent reports disclose that some ultramodern automobile plants in Europe can now produce 3,000 cars a day in one-half the time required for us to make 1,500 cars.

Continuing on the subject of productivity, Dr. Karl Fetters, vice president of research and development of Youngstown Sheet & Tube Co., who recently returned from Europe where he studied new steelmaking processes had this to say:

> Many European mills were partially or completely destroyed during World War II. These mills have been rebuilt and expanded, partly with our foreign aid money, and we find more of their steel being produced in new and modern mills than in our own country. It was interesting to note that in every new mill the very latest automatic production, material handling, recording and control equipment has been installed to increase productivity per man-hour. Every possible new mechanical, chemical and electronic device is being used to produce high quality products at low cost. We saw one completely new steel plant in Liege, Belgium, that for practices and equipment is the finest we have ever seen.

In order to minimize the effects of the vast disparity in wages and in prices there and here and to provide an opportunity for our people to compete in an honest market, further legislative delay must be avoided.

Needless debate simply perpetuates the disruptive elements which have caused chaos to orderly and sound industrial planning and which are even now affecting our future growth and expansion by curtailing research and siphoning off investments from domestic facilities to ready havens abroad.

As stated previously, it is for this reason and the reasons outlined that I introduced the following bill, H.R. 9841 on January 21, 1960, as a companion measure to S. 2882, introduced on that date by Senator KENNETH KEATING of New York:

H.R. 9841

A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Labor Standards Trade Act of 1960".

SEC. 2. FINDINGS.—Sweatshop labor conditions are prohibited by law in the United States. The rapid expansion of American foreign trade in recent years, in effect, permits foreign industries in which wages and

working conditions are below American standards to compete with domestic industries in which wages are significantly higher and in which minimum wages and working conditions are set by the laws of the United States and the several States. Many American industries, especially those in which labor costs constitute a high proportion of the total production cost, have been injured or are threatened with serious injury as a result of such competition. The following procedures are established to provide relief for such American industries.

SEC. 3. PROCEDURES.—(a) Upon the request of the President, or upon resolution of either House of Congress, or upon application of the representative of any domestic industry or employee organization in a domestic industry, or upon application of any interested party, or upon his own motion, the Secretary of Labor (hereinafter referred to as the "Secretary") or his designee shall make an investigation of any situation in which it is alleged that the differential in costs, due to the existence of wage rates and working conditions significantly below United States standards, gives foreign manufacturers or producers a competitive advantage over United States manufacturers or producers.

(b) In carrying out an investigation and hearings under the foregoing procedure, the Secretary shall to the extent practicable consider (among other factors): wages and all other forms of remuneration for work performed, labor productivity, production costs and the components thereof, levels of automation, working conditions, legislation or regulations pertaining to working conditions, and living standards in the United States and in the country or countries of origin of the imported article or articles under investigation.

(c) The Secretary shall request the views of the Tariff Commission in writing on relevant trade and international factors in all cases in which he deems such information necessary to the investigatory process under this Act. He may in addition request the views of any other interested agency or agencies.

(d) Should the Secretary find that a domestic industry is being or is likely to be injured by imports of goods which are produced in foreign countries under wages and working conditions below United States standards, he shall recommend to the President such new or additional duties, import quotas, or other remedies, as he shall deem necessary or proper in each case, but in no event shall such new or additional duties exceed existing rates of duty by 100 per centum or by the amount of 50 per centum ad valorem, whichever is higher, or shall such new or additional quotas exceed existing quotas by 50 per centum.

(e) Upon receipt of the Secretary's report and recommendations, the President may by order impose such new or additional duties, import quotas, or other remedies (1) as recommended by the Secretary to be necessary to afford relief to the domestic industry, or (2) as are determined by the President to be necessary for such purpose.

(f) The Secretary shall make and publish, with dispatch and in no event more than six months after the request, application, or resolution is made, a report on each request, application, or resolution under this Act.

(g) Any order issued pursuant to this Act may be modified, suspended, or terminated under the procedures herein established.

(h) The new or additional duties or import quotas imposed by the President or other action taken by him under this Act and any modification, suspension, or termination thereof, shall become effective on such date as he shall specify in his order and shall be treated for administrative purposes as a part of the Tariff Act of 1930.

(i) The Secretary shall within ninety days after the enactment of this Act promulgate procedural regulations to give effect to the authority conferred upon him hereunder.

SEC. 4. EFFECTIVE DATE.—This Act shall take effect as soon as practicable, on a date to be specified by the President in a notice to the Secretary of the Treasury, but in any event not later than ninety days after the date of enactment.

HOSPITAL INSURANCE FOR THE ELDERLY

The SPEAKER. Under the previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, last July the Ways and Means Committee held hearings on H.R. 4700, the Forand bill, to provide insurance against the costs of hospitalization, nursing home care, and surgical services for those eligible for old-age and survivors benefits under the social security system. These hearings generated extensive interest throughout the Nation on the question of high medical expenses of the aged and practical means for alleviating them.

As one who is proud to be a sponsor of the bill, I am pleased to witness this growing support for the measure. Such eminent organizations as the AFL–CIO, the American Nurses Association, the American Public Welfare Association, the Group Health Association of America, the Hospital Council of Philadelphia, the National Farmers Union, the National Association of Social Workers, the National Consumers League, the Council of Jewish Federations and Welfare Funds, Inc., and others, have given it their backing. Most recently, the National Council of Churches of Christ has conditionally endorsed its principle. My own mail reflects a continuing interest in its adoption.

We are now almost half way through the second session of the 86th Congress, and while support for the bill is mounting daily, Congress has yet to act upon it. Americans must urge Congress to recognize that this legislation should have top priority at the current session.

Everyone I speak to seems to favor it. Throughout the Nation there appears to be unprecedented agreement on the necessity for this legislation. Yet, the extent of this support has not, I believe, been properly felt in Washington. There is a great deal of talk about the bill coming out this year. But, it takes more than talk to get action.

The weight of public sentiment, thoughtfully and abundantly expressed, could be the deciding factor in a year when Congress is confronted with a multitude of problems clamoring for its attention. This sentiment has been substantial. It can and will continue to grow.

Sober appraisal of it by the Members of Congress must lead inexorably to the realization that the need for this legislation is now—not tomorrow, not the day after tomorrow, but today. Almost 12 million or 72 percent of our aged would be eligible for its benefits if it were passed this year. A great majority of these people whose incomes are minimal and who are susceptible to the terrible scourge of chronic illness would receive no benefit from programs designed to enable them to participate in insurance schemes during their working years in order to secure health protection when they retire. Nor can they afford, after 65, heavy premiums for inadequate insurance policies. In most areas as well, they are excluded from participation in Blue Cross plans; and here again, even if they could be enrolled, their limited incomes would be drained by monthly premium charges.

Private health insurance, in most instances inadequate to the need, only protects some 40 percent of our aged today. It is claimed this percentage will substantially increase. But can we expect such an occurrence in the years ahead? Unfortunately, no private insurance plan, no matter how desirable, could possibly be offered without prohibitive rates or, conversely, minimum coverage, beyond the reach of, or inadequate for the needs of, the majority of our elderly citizens. This is an elementary fact since insurance rates are based on experience and must be actuarially sound.

In 1959, of those on social security with incomes under $1,200 only 20 percent had any form of private health insurance. On the other hand, of those with incomes of $5,000 and over, 65 percent had some such insurance.

When it is understood that the average income of the aged is $2,000 or less a year—the McNamara Subcommittee on Problems of the Aged and Aging reported that, in 1958, 60 percent of the aged received less than $1,000 in income—it is reasonable to ask, where are these new policyholders going to come from? Unless incomes of the aged are markedly increased, they simply will not be able to secure adequate protection in the private insurance market.

A program such as the Forand bill to provide insurance against the heaviest medical costs of the aged, that is, hospital and nursing home expenses, is the only answer to one of the most pressing problems facing the Nation today. There is hardly a family in America today that does not have some kind of health problem affecting its elderly kin. This is one of the pathetic travesties in our modern, realistic world.

Perhaps the tragic plight of the aged was most cogently summed up by a witness before the House Ways and Means Committee in July when he reported a statement made by a retiree from General Motors:

> Being sick—
>
> Said this worker—
>
> is the most dreadful of all the problems of growing old. * * * Do you think there will ever be anything done to relieve the pressure of mounting costs?

Of the almost 12 million aged on social security, about one-fifth have no other income than the monthly benefits they receive, averaging $72 a month. The average monthly social security payment is less than 25 percent of the average workers' take-home pay. This hardly approaches a decent proportion of earnings to meet the needs of old age. In

1957 only 25 percent of retired couples received employer or union pensions; less than one couple in twenty received veterans compensation or pensions; about one in five received income from employment—the majority of these on part-time jobs; about half received income from dividends, interest or annuities amounting to $200 or more a year. These pathetically low figures make readily apparent the gravity of the problem.

The need is obvious. The aged comprise a group with low incomes whose medical expenses average 50 percent again higher than the national norm. Subject to chronic illnesses and with four-fifths of them having to meet medical expenses out of personal means, they must use a substantial proportion of their assets for this basic purpose.

The Forand bill offers a sensible solution to this tragic situation.

Most important, it would enable the cost of a health insurance program for the aged to be spread as broadly as possible over both the working lifetime of people and the working population of America. As more and more Americans become eligible for social security benefits, it could eventually protect some 90 percent of those over 65.

The hearings last summer demonstrated clearly many advantages in this approach toward meeting the problem.

Not only would the costs of the Forand bill be feasibly borne by the working population, but the program would provide, as no other approach could, a minimum universally applicable standard of health protection for the aged.

It would provide a guaranteed insurance system whose protection would not be subject to cancellation or exclusions.

It would benefit private insurers and the Blue Cross system by enabling these carriers to concentrate on younger, lower-cost, policyholders.

It would benefit private and public welfare activities by relieving them of some of their burden, and it would prove advantageous to hospitals by providing payment for much of the care that they now must give to charity cases without charge or at rates far below cost.

It would be superimposed upon an already sound and going social security program and, although administered by the Department of Health, Education, and Welfare, would make wide use of the administrative skills of private, nonprofit organizations such as Blue Cross.

Its costs of a little over $1 billion a year could feasibly be met by a tax of one-half of 1 percent on a total national taxable payroll of upwards of $200 billion a year.

Of equal importance, its costs would not form a part of annual budget formulations.

It offers no danger of government regulation of medicine. In fact, the terms of the bill specifically forbid it. Its operation would not interfere with the practice of medicine, the manner in which medical services are provided, or the internal management of participating institutions. Like the Blue Cross, its sole function would be to provide a means for assuring payment of specific medical costs.

Mr. Speaker, the Forand bill offers a solid answer to an evident need; it provides a proposal superior to suggested alternatives; and, its cost, spread over an insurance program, could be satisfactorily absorbed by the American economy.

The proposal is receiving growing support from all over the Nation. Public opinion is steadily mounting in its favor. It is time that this strong sentiment became decisive. I urge that the Congress, engulfed though it is in a multitude of problems, weigh this demand carefully and enact a bill for the aged commensurate with its great responsibility to provide for the general welfare of the Nation.

BORDER SANITATION PROBLEMS AT TIJUANA, MEXICO

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. WILSON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WILSON. Mr. Speaker, I have today introduced legislation to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for the collection, treatment, and disposal of sewage originating in Tijuana, Mexico. My bill further provides that the agreement must contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as may be deemed appropriate by the Secretary of State.

In order for us to fully appreciate the problems at hand, I will briefly outline some of the background for this legislation. In 1944, a treaty was concluded by the International Boundary and Water Commission of the United States and Mexico which among other things included problems concerning the Tijuana River. Under the treaty, the two governments agreed to give preferential attention to the solution of border sanitation problems.

Through the years an international outfall sewer was constructed to carry sewage originating in Tijuana, Mexico, across the international border into California, thence down the Tijuana River and into the Pacific Ocean near Imperial Beach, California.

Today the rapidly expanding growth of the Tijuana area has completely overtaxed the simple sewage facilities available to that city. Raw sewage is now flowing into the Pacific Ocean and is subsequently swept up on the beaches of adjacent California communities. Emergency measures were taken by the local governments in San Diego County to treat the raw sewage by chlorination. The Mexican Government has participated by paying a portion of the cost of this treatment, but this still does not solve the problem.

The situation became so acute during the summer of 1959 that chlorination was unable to sufficiently reduce the bacterial count. As a result, the county of San Diego health authorities closed the beaches and restricted the use of a major portion of the beaches in what is known as the "Silver Strand" in the Imperial Beach area.

Officials of the city of Imperial Beach, the county of San Diego, the city of San Diego, the State of California, the International Boundary and Water Commission, and the Department of State have worked diligently with me on this problem, giving it much attention during recent years. My legislation means positive and affirmative action on the part of the U.S. Government to meet this threat to the health of thousands of citizens in the southwest corner of our country.

The Mexican Government, from President Lopez Mateos to his representative on the Mexican Section of the International Boundary and Water Commission, have pledged their cooperation with the United States in resolving this situation to the mutual satisfaction of both countries.

The legislation I have introduced will formally allow our Government to propose a plan to the Government of Mexico which we trust will resolve this problem.

Our experts in the field of sanitation engineering have concluded that the only reasonable approach to the resolution of the problem is to have Tijuana, Mexico, area join in a master sewerage project to be constructed by the city of San Diego. Our sanitation engineers advise that through an extension of the planned San Diego system, sewage from Tijuana may be collected, treated, and disposed of by the city of San Diego system.

This legislation obligates the Secretary of State through his representative on the International Boundary and Water Commission to effect an agreement with the Government of Mexico to provide (1) that Tijuana join the San Diego system and (2) that the Government of Mexico pay her fair share of the cost involved in joining the San Diego system.

This plan is concurred in by all the U.S. official bodies that are affected by the Tijuana sewage problem and represents the collective thinking of all the agencies of Government and their representatives.

Mr. Speaker, the need is critical. May I respectfully urge the highest priority be given this legislation.

A TRIBUTE TO THE LATE SENATOR WILLIAM J. BULOW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. MCGOVERN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, on Friday, February 26, the former Senator from South Dakota, William J. Bulow, died at his home here after a lingering illness.

Although Senator Bulow belonged to an earlier generation and it was not my privilege to know him personally, I have admired him since my boyhood days in South Dakota.

As a Democratic Member of the Congress from South Dakota, I have felt a special bond with Senator Bulow. The election of a Democrat to high office is rather rare even in South Dakota history. Senator Bulow broke the ice in South Dakota politics when he was elected as a Democrat to the Governorship in 1926 and reelected in 1928. During these years Governor Bulow commanded widespread respect from Republicans and Democrats alike. His blunt honesty and droll humor combined with a genuine love of his people and his State laid the basis for his election to the U.S. Senate in 1930 and again in 1936.

He lived a long, rich life that spanned half of the entire life of America as a Nation. We should not mourn the passing of one who has lived life so fully and now rests in peace. We share with his splendid family the memory of a dedicated public servant and a lovable human being.

I include at this point in the CONGRESSIONAL RECORD a tribute that was offered to Senator Bulow by the Yankton Press and Dakotan on the occasion of the Senator's 91st birthday shortly before his death, and an article from the Watertown (S. Dak.) Public Opinion by Mr. Harold S. Milner immediately following the Senator's death:

[From the Yankton Press and Dakotan]

GREAT PUBLIC SERVANT

With nothing specially planned for the occasion, one of South Dakota's truly great citizens quietly observed his 91st birthday last week in Washington. The man is William J. Bulow. He served his State both as Governor and as U.S. Senator. He was a small-town lawyer in Beresford when he was first called to public service as his State's chief executive in 1926. Reelected to a second 2-year term in 1928. He served so well that he was elected to the Senate in 1930. A second term was accorded him in the 1936 election, but he met defeat in the primary election of 1942. Senator Bulow's high sense of public duty in his many years of service won him the respect of men regardless of party affiliation. That knowledge must be a source of satisfaction to him in his declining years.

[From the Watertown (S. Dak.) Public Opinion, Feb. 27, 1960]

BULOW: HUMORIST WITHOUT EFFORT

(By Harold S. Milner)

PIERRE.—William John Bulow was a humorist without effort.

The quips he made in campaigns and when talking to statehouse visitors are still quoted around the Capitol.

He was credited with coining one that is now a stock answer. He was asked by a visitor how many persons worked in the statehouse and answered:

"Oh, about half of them."

Launching his campaign for the Senate, he said:

"There aren't any issues. Mac's got a job I want." So, the voters elevated him to the U.S. Senate over incumbent W. H. McMaster.

His scorn for the conventional caught the fancy of the rural voters. His story-telling brought a tribute from the late humorist Will Rogers that "he's funnier than I am."

NO FULL DRESS

When told by newspapermen, after his election to the Senate, that he would have to wear a full dress suit in Washington. Bulow said: "I guess not. At a Democratic banquet in Washington a few years ago Will Rogers and I were the only ones you could distinguish from the waiters."

Bulow was a tobacco chewer. The Republicans said he entered the campaign with great expectations. Bulow countered:

"I may chew tobacco but you can always have a bite off my plug."

He was asked by a reporter to make public his stand on national issues, and said:

"During the campaign I was accused of pussy-footin'. I guess I'll keep right on pussy-footin'."

When Al Capone, Chicago's No. 1 public enemy, was offered haven in the Black Hills, Bulow protested:

TOO MANY REPUBLICANS

"We've got too many Republican candidates for Governor now."

A vote-getting personality and the Bulow luck brought Bulow political rewards unparalleled in South Dakota's Democratic history.

From an obscure Beresford law office, Bulow emerged in 1924 into major politics of the State, having previously served as State senator from Union County in 1890. Humerous and politically unconventional, he soon gained a large following.

After one unsuccessful gubernatorial campaign, the Beresford attorney struck a political stride that carried him to the governorship twice, in years when the rest of the Democratic ticket lost by large majorities. Personal popularity and the political machine built up in two terms of Democratic administration elected him U.S. Senator in 1930 over McMaster.

Defeated for a second term as State senator, Bulow's political activities for the next 20 years were limited to county and municipal fields. He was city attorney of Beresford from 1902 to 1912 and served again from 1913 until taking over the governorship in 1927.

SERVED AS MAYOR

Mayor of his home town for one term, 1912–13, he also served several months on a temporary appointment as Union County judge.

During World War I he had charge of successful county liberty loan drives.

In 1924, an accident put Bulow into major politics. The Democratic nominee for Governor, A. B. Anderson, friend and fellow townsman of Bulow, was killed by a bull after the start of his campaign. Picked to take up the gubernatorial fight against Carl Gunderson, Republican, Bulow was defeated by a large vote.

Two years later, Bulow entered the race again, and in a close campaign, with Republican discontent the deciding factor, beat Gunderson by 7,000 votes.

Although Andrew Lee, elected 30 years before on a fusion ticket of Populists and Democrats, was credited by some as being South Dakota's first Democratic Governor, Bulow claimed the distinction of being the first to attain the office on straight Democratic support.

His veto of the general appropriations bill, for the first time in the history of the State, resulted in calling a special session in June, 1927. This was perhaps Bulow's outstanding action during his first term, when sufficient Democratic strength in the senate to support the executive resulted in a lively session. He also vetoed a capital punishment measure.

RUNS AGAIN

On an economy platform, and with the claim that he had made good, Bulow ran again for the governorship in 1928 against Buell Jones, Republican. In a year when the Republican presidential candidate Herbert Hoover, decisively defeated Democrat Al Smith, Bulow surprised even some of his supporters by reelection with a 15,000 majority.

During the 1929 legislative session, the executive played a comparatively minor part, lacking Democratic strength in the senate. He signed the Slocum primary bill, successor to the long-standing Richards primary law. It provided for nominating those below Governor by convention.

It was in the 1930 campaign that the phrase "Bulow luck," was first used to explain his meteoric rise in politics. And, although Republicans declared he was "crowding his luck," Bulow beat Senator McMaster.

It was a Democrat and not a Republican who found the Achilles' heel to the Bulow luck. Former Gov. Tom Berry, soundly trounced him in the 1942 primary election. Berry lost that fall to former Gov. Harlan J. Bushfield.

THE NEW NIXON CANNOT HIDE AN OLD AGRICULTURAL RECORD

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. MCGOVERN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, recently there have been reports in the press that Vice President NIXON is preparing to sever his ties with Agriculture Secretary Benson and unveil an election year farm plan of his own. The most recent such report, carried on the front page of the New York Times a week ago—February 29, 1960—was based on information supplied by the senior Senator from South Dakota [Mr. MUNDT].

I for one believe that these reports are true. It must now be apparent to Mr. NIXON, as it is to the rest of the country, that Secretary Benson's policies have been utterly disastrous both for farmers and taxpayers. Thus, it is no surprise that so agile a politician as Mr. NIXON would want to shake loose from the Benson farm fiasco before going into the campaign stretch next summer.

But, while the NIXON-Benson divorce might be expected by some, it will doubtless lead Mr. Benson either to resign in dismay or to faint from utter shock. For the truth of the matter is that RICHARD NIXON has been a firm and devoted follower of the Benson farm philosophy since the first day he arrived in Washington as a new Congressman 13 years ago. Mr. Benson has advocated flexibility for farmers since 1953; so has Vice President NIXON. There is not the slightest difference between Benson and NIXON when it comes to sliding farm prices down a flexible scale for the last 7 years. The difference is that Mr. Benson believes politicians should be firm in advocating that farmers be flexible, whereas Mr. NIXON believes that politicians should be a little flexible themselves—particularly in an election year when there are votes to be counted in the Farm Belt.

Could it have been the NIXON flexibility theory of politics that prompted the Republican presidential candidate of 1952 to say that his party would raise the farm price support level from 90 percent of parity to 100 percent? Could it have been this same flexible school of politics that led the victorious Republican team of 1952 to spend the next 7 years dropping the price support level to 77 percent of parity, and demanding that it be lowered still more?

Before answering these questions it will be worth while to take a quick look at the agricultural record of Mr. NIXON as Congressman, as Senator, and as Vice President.

As a Member of the House from 1947 to 1950, Mr. NIXON voted a straight anti-agricultural line. He voted—

Against increasing funds for soil conservation payments.

In favor of eliminating such payments entirely.

Against increasing school lunch program funds.

Against continuation of a loan program to help tenant farmers become farm owners.

Against extending price supports to perishable commodities through production payments.

Against providing required funds for agricultural conservation payments.

Against permanent cotton-peanut acreage allotments.

As a Senator in 1951 and 1952, Mr. NIXON voted—

Five times to cut soil conservation funds.

To reduce funds for publication of farmers' bulletins and to eliminate publication of the "Agriculture Yearbook"—NIXON was the chief sponsor.

Against extension of crop insurance to additional areas.

Twice to cut funds for the Office of Foreign Agricultural Relations which seeks to enlarge foreign markets for U.S. agricultural products.

As Vice President, Mr. NIXON has cast one tie-breaking agricultural vote. That crucial vote came on March 9, 1956, when NIXON killed the 90 percent price support legislation for millable wheat. This all important vote put the skids under wheat prices, discouraged many farmers from participating any longer in the acreage control program and thus contributed to the enormous build-up of wheat surplus.

NIXON's votes on Rural Electrification and the development of low cost hydroelectric power are equally bad from the farmers' point of view.

All of this leaves one with the conclusion that NIXON was a Bensonite before Benson and has remained one until the present moment.

Speaking at Des Moines on April 21, 1954, Vice President NIXON said:

I predict that the verdict of history will be that Secretary of Agriculture Benson has been one of the best Secretaries of Agriculture in our history and that he was the friend of the farmer.

In a speech to the National Mechanical Corn Picking Contest at Wabash, Ind., September 17, 1955, NIXON stoutly advocated the Benson lower price theory saying:

On the production front, a new flexible-parity formula has been adopted so that farmers will not be encouraged to grow crops already in surplus.

Speaking at Columbus, Nebr., October 13, 1956, NIXON contended that the Benson farm policy was working "because it cuts to the heart of the problem."

Little wonder, then, that Secretary Benson has assumed that he and Nixon see eye to eye on agriculture. Thus, at his press conference of December 31, 1959, when Secretary Benson was asked if Vice President NIXON would support the administration's farm program, Benson replied:

He has been a very important part of this administration which has developed the present farm program. I would see no reason why he wouldn't see fit to support a program which he has helped to develop. And whenever he has spoken out on agriculture, he has certainly supported the administration's farm program.

No one has disagreed any more sharply with the Benson farm policies than I have, but the Secretary is 100 percent right when he asserts that the Vice President has been a consistent advocate of the administration's farm policy. Mr. NIXON has from the first joined in every effort to reduce the farm price support level.

After using his voting power as Congressman, Senator, and Vice President to beat down farm prices and undercut related agricultural programs, can it be possible that Mr. NIXON really believes he can suddenly pose as the bright new champion of the American farmer?

To attempt this sudden shift places the Vice President in the same position as the man who beats his wife for years and then announces the day the little lady is about to leave him, that he will henceforth be a model husband. I am certain that farmers will not be very enthusiastic about this proposed midnight reconciliation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. INOUYE (at the request of Mr. MCCORMACK), for Wednesday and Thursday, March 9 and 10, on account of official business in San Francisco.

Mr. MUMMA (at the request of Mr. CURTIN), for an indefinite period, on account of illness.

Mrs. ROGERS of Massachusetts (at the request of Mr. MARTIN), for 2 days, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. ST. GEORGE, for 15 minutes, today.

Mr. WILLIAMS (at the request of Mr. ALBERT), for 1 hour, tomorrow.

Mr. MORRIS of New Mexico (at the request of Mr. ALBERT), for 30 minutes, on Monday next, and to revise and extend his remarks.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BRADEMAS, and to include extraneous matter.

Messrs. ROUSH, THOMPSON of New Jersey, MACHROWICZ, UDALL, DINGELL, KASTENMEIER, DIGGS, and ADAIR (at the request of Mr. BRADEMAS), their remarks to immediately follow those of Mr. BRADEMAS in the CONGRESSIONAL RECORD in the order named.

Mr. BOGGS and to include extraneous matter.

Mr. LIBONATI.

(At the request of Mr. BROOMFIELD and to include extraneous matter, the following:)

Mr. HIESTAND.

Mr. FRELINGHUYSEN in two instances.

Mr. DERWINSKI in four instances.

(At the request of Mr. ALBERT, and to include extraneous matter, the following:)

Mr. FOGARTY in two instances.

Mr. HARRISON.

Mr. RIVERS of Alaska in two instances.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2033. An act to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims;

S. 2061. An act to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States;

S. 2268. An act to declare the United States holds title to certain land in trust for the White Mountain Apache Tribe, Ariz.;

S. 2431. An act for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas; and

S. 2454. An act for the striking of medals in commemoration of the 100th anniversary of the founding of the Pony Express.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 9, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1927. A letter from the Secretary of Commerce, transmitting the report entitled "Fourth Progress Report of the Highway Cost Allocation Study," pursuant to section 210 of the Highway Revenue Act of 1956, approved

June 29, 1956 (Public Law 84-627), as amended by section 1 of the act approved August 28, 1958 (72 Stat. 983) (H. Doc. No. 355); to the Committee on Ways and Means and ordered to be printed.

1928. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits"; to the Committee on the District of Columbia.

1929. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases where the authority was exercised in behalf of such aliens, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MURRAY: Committee on Post Office and Civil Service. Report on the Activities of the Federal Government; personnel and contract costs (Rept. No. 1357). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 10087. A bill to amend the Internal Revenue Code of 1954 to permit taxpayers to elect an overall limitation on the foreign tax credit; without amendment (Rept. No. 1358). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOORE: Committee on the Judiciary. H.R. 1402. A bill for the relief of Leandro Pastor, Jr., and Pedro Pastor; with amendment (Rept. No. 1359). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 1463. A bill for the relief of Johan Karel Christoph Schlicter; with amendment (Rept. No. 1360). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 1486. A bill for the relief of David Tao Chung Wang; with amendment (Rept. No. 1361). Referred to the Committee of the Whole House.

Mr. SMITH of California: Committee on the Judiciary. H.R. 8888. A bill for the relief of David John Maria, Angela Maria, and John Elias Maria; with amendment (Rept. No. 1362). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 8798. A bill for the relief of Romeo Gasparini; with amendment (Rept. No. 1363). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 638. Joint resolution relating to deportation of certain aliens; with amendment (Rept. No. 1364). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 1542. A bill for the relief of Biagio D'Agata; with amendment (Rept. No. 1365). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 1543. A bill for the relief of Angela D'Agata Nicolosi; without amendment (Rept. No. 1366). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 3253. A bill for the relief of Ida Magyar; without amendment (Rept. No. 1367). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 3805. A bill for the relief of Religiosa Luigia Frizzo, Religiosa Vittoria Garzoni, Religiosa Maria Ramus, Religiosa Ines Ferrario, and Religiosa Roberta Ciccone; without amendment (Rept. No. 1368). Referred to the Committee of the Whole House.

Mr. SMITH of California. Committee on the Judiciary. H.R. 3827. A bill for the relief of Jan P. Wilczynski; without amendment (Rept. No. 1369). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 4763. A bill for the relief of Josette A. M. Stanton; without amendment (Rept. No. 1370). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 4834. A bill for the relief of Giuseppe Antonio Turchi; with amendment (Rept. No. 1371). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. ANDERSEN of Minnesota:

H.R. 10953. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. BENNETT of Michigan:

H.R. 10954. A bill to authorize reimbursement of certain Veterans' Administration beneficiaries and their attendants for ferry fares, and bridge, road, and tunnel tolls; to the Committee on Veterans' Affairs.

H.R. 10955. A bill to amend the provisions of title II of the Social Security Act relating to disability freeze and the disability insurance benefits so as to eliminate the age 50 requirement for such benefits, to eliminate the waiting period for such benefits in certain cases, to provide a period of trial work for certain individuals receiving such benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. CURTIN:

H.R. 10956. A bill to provide for the issuance of a special postage stamp honoring the U.S. Junior Chamber of Commerce; to the Committee on Post Office and Civil Service.

H.R. 10957. A bill to amend sections 1461, 1462, 1463, and 1465 of title 18 of the United States Code to provide mandatory prison sentences in certain cases for mailing, importing, or transporting obscene material; to the Committee on the Judiciary.

By Mr. DORN of New York:

H.R. 10958. A bill to extend the Library Services Act for a period of 5 years; to the Committee on Education and Labor.

By Mr. HÉBERT:

H.R. 10959. A bill relating to the employment of retired commissioned officers by contractors of the Department of Defense and the Armed Forces and for other purposes; to the Committee on Armed Services.

By Mr. HERLONG:

H.R. 10960. A bill to amend section 5701 of the Internal Revenue Code of 1954 with respect to the excise tax upon cigars; to the Committee on Ways and Means.

H.R. 10961. A bill to amend the Tariff Act of 1930 to provide for the establishment of country-by-country quotas for the importation of shrimps and shrimp products, and to impose a duty on all shrimp imported in excess of the applicable quota; to the Committee on Ways and Means.

By Mr. JENSEN:

H.R. 10962. A bill authorizing modification of the project for improvement of the Missouri River between Sioux City, Iowa, and the mouth; to the Committee on Public Works.

By Mr. KNOX:

H.R. 10963. A bill to amend section 5701 of the Internal Revenue Code of 1954 with respect to the excise tax upon cigars; to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 10964. A bill to amend the Life Insurance Act of the District of Columbia approved June 19, 1934, as amended; to the Committee on the District of Columbia.

By Mr. MACHROWICZ:

H.R. 10965. A bill to amend section 5701 of the Internal Revenue Code of 1954 with respect to the excise tax upon cigars; to the Committee on Ways and Means.

By Mr. GEORGE P. MILLER:

H.R. 10966. A bill to amend section 7391 of title 10 of the United States Code to establish the rank, pay, and allowances of the hydrographer of the Navy; to the Committee on Armed Services.

By Mr. MORRIS of New Mexico:

H.R. 10967. A bill to amend the Small Business Act to provide that a small business concern which is in fact independently owned and operated shall not be denied the benefits of that act solely because of an agency or other contractual relationship with another concern; to the Committee on Banking and Currency.

By Mrs. SULLIVAN:

H.R. 10968. A bill to amend section 412(b) of title 2 of the Canal Zone Code; to the Committee on Merchant Marine and Fisheries.

By Mr. WILSON:

H.R. 10969. A bill to increase the annual income limitations governing the payment of pension to certain veterans and their dependents; to the Committee on Veterans' Affairs.

H.R. 10970. A bill to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for collection, treatment and disposal of sewage originating in Tijuana, Mexico; provided that the agreement contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as deemed appropriate by the Secretary of State; to the Committee on Foreign Affairs.

By Mr. DEVINE:

H.R. 10971. A bill to provide that until the national debt is retired, not less than 10 percent of the net budget receipts of the United States for each fiscal year shall be utilized solely for reduction of the national debt; to the Committee on Government Operations.

By Mr. DIXON:

H.R. 10972. A bill to stabilize the domestic market prices of lead and zinc; to the Committee on Ways and Means.

H.R. 10973. A bill to authorize loans for the design and construction of sea and brackish water conversion plants, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 10974. A bill to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land grant institutions; to the Committee on Agriculture.

By Mr. O'HARA of Illinois:

H.R. 10975. A bill to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extensions of credit; to the Committee on Banking and Currency.

By Mr. QUIGLEY:

H.R. 10976. A bill to amend the National School Lunch Act to permit agricultural commodities acquired for the school lunch program to be used for training students in home economics; to the Committee on Education and Labor.

By Mr. BOWLES:

H.R. 10977. A bill to establish an Arms Control Research Institute; to the Committee on Foreign Affairs.

By Mr. CELLER:

H.R. 10978. A bill to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes; to the Committee on the Judiciary.

By Mr. MOULDER:

H.R. 10979. A bill to amend title 38, United States Code, to provide a conclusive presumption of service-connection in the case of the death of certain veterans who have suffered from service-connected total disabilities for 10 or more years; to the Committee on Veterans' Affairs.

By Mr. WESTLAND:

H.R. 10930. A bill to provide for a navigation survey of the Point Roberts, Wash., area; to the Committee on Public Works.

H.R. 10981. A bill to amend section 660 of title 18, United States Code, relating to misappropriation of the funds of the common carrier; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.J. Res. 646. Joint resolution to amend the Mutual Security Act of 1954, as amended, with respect to freedom of international waterways; to the Committee on Foreign Affairs.

By Mr. DENT:

H. Con. Res. 615. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

By Mr. LENNON:

H. Res. 470. Resolution providing for sending the bill H.R. 10919, with accompanying papers, to the Court of Claims; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. BARING: Joint Resolution No. 2 of the Senate of the State of Nevada memorializing the Congress and the President of the United States to cause to be issued silver dollars commemorating the centennial of the admission of the State of Nevada into the Union; to the Committee on Banking and Currency.

Also, Joint Resolution No. 3 of the Senate of the State of Nevada memorializing the President of the United States and the Postmaster General to cause to be issued a centennial stamp in commemoration of the 100th anniversary of the admission of the State of Nevada into the Union; to the Committee on Post Office and Civil Service.

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to compensating the Philippine Scouts for their services rendered in World War II; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALGER:

H.R. 10982. A bill for the relief of Roberto Altamoreno Lopez; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10983. A bill for the relief of Leonidos Varvitsiotis; to the Committee on the Judiciary.

By Mr. LANE:

H.R. 10984. A bill for the relief of Amelia Lawrynowicz; to the Committee on the Judiciary.

By Mr. McSWEEN:

H.R. 10985. A bill to provide for the conveyance of certain real property of the United States to John R. Lincecum et al.; to the Committee on Agriculture.

By Mr. PELLY:

H.R. 10986. A bill for the relief of Huanpin Tso; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 10987. A bill for the relief of Giuseppina Bucchianeri; to the Committee on the Judiciary.

H.R. 10988. A bill for the relief of Marcella Bucchianeri; to the Committee on the Judiciary.

By Mr. WILSON:

H.R. 10989. A bill for the relief of Howard Chan; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

353. By Mr. HARMON: Resolution adopted by the Delaware-Blackford County Medical Society, at their monthly meeting on February 16, 1960, expressing opposition to all bills providing Federal medical aid to the aged; to the Committee on Ways and Means.

354. By Mr. STRATTON: Petition of members of local No. 390, National Federation of Post Office Clerks, Albany, N.Y., protesting the use of the distribution guides system installed in the Albany post office January 18, 1960, and urging the enactment of legislation to outlaw any speedup or measuring system in the postal service; to the Committee on Post Office and Civil Service.

355. Also, petition of a group of residents of the 32d Congressional District of New York, urging Congress to act favorably on H.R. 4700, the Forand bill, as a minimum first step toward providing decent medical care (hospitalization, surgical services, and nursing home care) for those persons eligible (retired or not) for social security benefits; to the Committee on Ways and Means.

356. By the SPEAKER: Petition of Miss Ana L. Palmer and others, Santa Isabel, P.R., requesting the approval of the School Support Act of 1959; to the Committee on Education and Labor.

357. Also, petition of the chairman, Hawaii Chapter of World Brotherhood, Honolulu, Hawaii, relative to commending the people of the United States upon granting statehood to Hawaii; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

Jet Progress—Alaska

EXTENSION OF REMARKS
OF
HON. RALPH J. RIVERS
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. RIVERS of Alaska. Mr. Speaker, on the 1st of March, Pan American World Airways, in keeping with its history as a pioneer airline, began jet airplane service between Seattle and Fairbanks, Alaska. The jet flights, which will operate on Mondays, Tuesdays, Fridays, and Saturdays, will require 3 hours 15 minutes of flying time, cutting approximately 2½ hours off current piston-engined flight times. This saving in time will, I hope, enable many of my colleagues who have never been in Alaska to visit the 49th State and thereby better comprehend its problems, great potential, and significance to the Union in regard to national defense and otherwise.

These flights are on a round-trip basis, Mr. Speaker, and will bring to Alaska a service it richly deserves, covering a distance between Seattle and Fairbanks in excess of 1,500 miles.

Those of us who have long lived with the transportation problem in and out of Alaska have a great appreciation for this latest innovation by Pan American. Pan American was the first scheduled carrier to operate between Seattle and Alaska about 20 years before Alaska became a State, so it is not a mere coincidence that Pan American became the first carrier to commence scheduled jet operations between Seattle and Fairbanks. In fact it took considerable initiative, as permission had to be obtained from the Air Force to temporarily land and take off at Ladd Air Force Base, pending extension of the runway at the Fairbanks International Airport, which job will be completed about a year from now.

For this achievement, I salute both Pan American and the Air Force for recognizing the need of this very valuable public service between the State of Alaska and the State of Washington.

Slovak Independence Day

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. DERWINSKI. Mr. Speaker, I shall take but a brief moment to remind the Members of this body that this is the 21st anniversary of Slovak Independence Day. To most people in America, this day has no significance. Furthermore, high-ranking officials in our

Government especially in the pre-World War II period, and during the diplomatic negotiations with the Soviets in the latter days of the war failed to understand the aspirations of the Slovak people for independence.

At the present time, the brave Slovak people share a common misery with other groups behind the Iron Curtain; that common misery is the dread oppression of communism. It is my hope and prayer that the spirit and love of freedom on the part of the Slovak people and all other captive peoples, will continue to grow and someday manifest itself in the reality of national independence. Surely justice will someday free the courageous Slovak people from Communist persecution and provide for the goals that they so fervently desire.

May I further call to your minds the fact that the Slovaks are a Christian nation—a great majority being Roman Catholic—and, therefore, this religious heritage provides them with the inner strength necessary to resist Communist philosophy.

As I have indicated on many previous occasions, history will someday reveal the tragedy that followed the unfortunate wartime Yalta Agreement, when the occupant of the White House at that time delivered, in addition to the Slovaks, millions of people into the hands of Communist tyranny.

In conclusion, Mr. Speaker, may I commend the Slovak League of America for its effective work in maintaining among the 2 million Americans of Slovak origin the faith and confidence in eventual liberation of the Slovak people.

Notre Dame Civil Rights Conference—Part 20

EXTENSION OF REMARKS

OF

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. BRADEMAS. Mr. Speaker, on February 14, 1960, the University of Notre Dame Law School sponsored a conference on civil rights. Discussion at the conference centered on three aspects of civil rights legislation: Voting rights, school desegregation, and equal opportunity in housing.

In the CONGRESSIONAL RECORD of Monday, February 29, 1960, on pages 3875 through 3903, a number of my colleagues joined with me to include the proceedings of this conference on the subject of voting rights.

I am pleased once again to join with several of my colleagues at this time to include in the Record the remaining part of the proceedings of this conference on school desegregation and equal housing opportunity:

II. ASSISTING SCHOOL DESEGREGATION

Dean O'MEARA. I shall call on Professor Ward, of the Notre Dame faculty, for a brief preliminary statement on the problem of assisting school desegregation. Professor Ward.

Professor WARD (Notre Dame Law School). The recommendations of the Civil Rights Commission with respect to desegregation problems were quite mild. The Commission recommended that it be authorized to serve as a clearinghouse of information to communities effecting desegregation, and to establish a conciliation and mediation service to assist local school officials in developing plans designed to meet constitutional requirements and local conditions.

Three of the Commissioners, Hannah, Hesburgh, and Johnson, recommended that Federal agencies entrusted with some $2 billion annually for various educational institutions, be authorized and directed to withhold funds from institutions of higher learning which refused admission of qualified students on racial grounds. Commissioner Johnson was alone in his proposal that Federal funds be withheld from all segregated schools, primary and secondary.

BILLS BEFORE CONGRESS

These recommendations triggered no such legislative explosion as those about voting rights. Most of the bills now pending were put in during the last session before the appearance of the Commission's report. They fall, generally speaking, into three categories. First, a whole slew of bills providing criminal penalties for obstruction of integration orders and destruction of school facilities. Second, bills authorizing the Attorney General to bring suits to compel integration and to prevent intimidation of those exercising rights under or charged with execution of integration plans. Third, bills authorizing the Secretary of Health, Education, and Welfare to extend technical assistance to communities in the form of advice and money, and, when and if these latter prove unavailing, to formulate a plan for integration and proceed to enforce it with the help of the Attorney General if necessary.

In appraising proposed legislation in the school desegregation area I think we must move much more cautiously than in the voting rights area. I agree with Professor Wofford and others that there's an enormous symbolic value in any congressional action in the civil rights field. And I think it's true enough that whatever voting bill Congress passes this year, the public can be counted on to insist that ultimately a workable, practical bill be produced. I'm afraid it's otherwise with school segregation. I'm afraid that a large number of Americans can be persuaded that there are insuperable problems in the way of integrating schools. And a series of aborted bills, all seemingly aimed at the problem of implementing desegregation, would in my judgment be a disaster. Indeed every bill which simply pays lipservice to the school problem is a strategic triumph for the segregationists.

INADEQUACY OF H.R. 8601

Applying this philosophy to the three bills upon which most discussion is centered, I must conclude that two of them—H.R. 8601, the Celler bill, and S. 499, the Johnson bill—should be disavowed. The Celler bill, which is the most famous, for it is the center now of a petition to pull it out of the committee, barely squints at school desegregation. It penalizes obstruction of integration orders and flight to avoid prosecution in property destruction cases, and it provides for education of children in the Armed Forces in areas where schools have been closed by State or local authorities.

This latter provision may contain the germ of a bigger and better idea, but standing as it does, in the context of the Celler bill, it seems to be what Father Kenealy would refer to as a sort of camel's-head bit of legislation. As to the criminal provisions, criminal provisions are rather clearly not the answer to the school problem. Only last week Attorney General Rogers admitted their general ineffectiveness. To my mind they're the best examples of the kind of legislation which ought not to be allowed to pass under the guise of being civil rights legislation.

The general understanding about this is—and I take this simply from my political advisers in the New York Times—that the supporters of H.R. 8601 are just waiting to get the bill to the floor where it can be toughened up by amendments. If so, well and good. In my judgment the bill as it stands would be a positive disservice to the problem of desegregation.

JOHNSON'S CONCILIATION SERVICE PROPOSAL

The contribution of the Johnson bill, which properly speaking is not a school bill, is the establishment of a community relations service as an independent agency of the Federal Goverment. Now there's a revised form of this bill that does allow the Secretary of Health, Education, and Welfare, on call from the States to offer certain advice and provide information, but basically the heart of it is this establishment of a community relations service. The rather obvious but nonexplicit function of the service is to arrange for and perhaps preside over discussions of problems arising out of the necessity of compliance with desegregation order.

I have very great doubt that there's any need for such a service. Conciliation is of value where both sides have an interest in settling the controversy. I doubt whether such an interest exists in some areas of the South. And in those areas where there is a real interest, Federal machinery is unnecessary.

THE DOUGLAS OMNIBUS BILL

The third bill is the Douglas bill. This is an omnibus bill specifically aimed at this problem of implementing desegregation. Its chief contribution is that it gets the Attorney General directly into the business of initiating and following up the litigation made necessary by the decision in the Brown case. Furthermore, it contains an elaborate statement of the role to be assigned to the Secretary of Health, Education, and Welfare. The Secretary is to provide a conciliation service like that recommended by the Commission. And the recommendation of the Commission, by the way, ought not be confused with the recommendation of the Johnson bill. What the Commission recommends is a perfectly sound business, that is, conciliation with a direct view toward integration—talks between school groups in a given community. The Secretary is given this role under the Douglas bill. Furthermore the Secretary is to encourage formulation of a plan. Finally, to go through it quite quickly, if all else fails the Secretary is to come up with a plan and if necessary the Attorney General is to take the plan into court for enforcement.

I think the great virtue of this bill is that it can form the basis of an acceptable compromise bill. It seems to me that any civil rights bill affecting school desegregation ought to contain an authorization to the Attorney General to initiate court action leading to desegregation, and ought to protect local officials and Negro citizens in the execution of court orders. If this much can be gained in the present session, we can afford to wait another day for the provisions involving the Secretary of Health, Education, and Welfare.

I simply do not have time in the 5 minutes assigned, which I've already exceeded, to discuss the rather interesting provisions of the bill proposed by Governor Collins which may be of general interest. I neglect to do so simply because I think of all the bills currently mentioned it probably has the least chance of serious consideration in this Congress.

Dean O'MEARA. Thank you, Professor Ward. Congressman BRADEMAS will open the discussion.

Congressman BRADEMAS. Following Professor Ward's analysis I have a number of questions that seem to me we might use as a basis for our discussion. In the first place we have the suggestion of the Commission that there should be established by Congress a clearinghouse of information on the matter of desegregation of schools across the country. I think it might be fruitful if we had a little more discussion of the difference between this particular proposal and the community relations service suggested by Senator JOHNSON. I for one am not yet clear on the distinction.

A second subject that I think we might talk about has to do with a point made by Father Hesburgh in his speech at lunch, in which he suggested—a suggestion in which he was joined by two of the other Commissioners—that we should have a Federal policy whereby the Government would withhold funds from any institutions of higher learning that failed to promise that they would not discriminate. Being sympathetic with Father's suggestion, I'm also aware of the logic of Commissioner Johnson's suggestion that this policy ought to be applied at the elementary and secondary level as well. And I am a little curious as to how Father Hesburgh can defend the one and not go along with the other.

I hasten to add that I'm among those Members of Congress who voted against Commissioner Johnson's proposal and voted with Congressman Adam Clayton Powell, Congressman Dawson, Congressman NIX, and Congressman Diggs when this proposal was applied to the housing bill last year, because we felt we would have been mousetrapped by the enemy into helping to defeat the bill. So I raise two questions here: one, of the logic of the position, and two, of the politics of the problem.

Now we come to the Celler bill. I'd like to hear more discussion of the specific objections to the two proposals in the Celler bill that concern the field of education. One, the criminal penalties for obstructing court orders in enforcing school integration. And two—what's the matter with Mr. CELLER'S proposal to give assistance to the education of children of members of the armed services in trouble spots?

Then we come to the Douglas bill. I believe Professor Ward endorses Senator DOUGLAS' proposal that the Attorney General should be authorized to help in desegregation cases. I would like to have some clarification as to how he can, on the one hand, object to Mr. CELLER'S proposal for criminal penalties for obstructing court orders in these cases while, on the other hand, he would be sympathetic to an authorization of action by the Attorney General.

Now, if I haven't confused everybody suitably, I'll stop and hope that we can have some discussion about these questions.

Mr. FOLEY. For the enlightenment of those participating here I wish to point out a little legislative history, pertinent to Professor Ward's statement. What is known as the Celler bill today, H.R. 8601, having been reported by the Judiciary Committee and now before the Rules Committee, is not the original Celler bill. The original Celler bill is identical with the Douglas proposal. That bill was considered by the Judiciary Committee, both in subcommittee and then again in full committee. Literally and figuratively it was gutted in subcommittee. They struck out all after the enacting clause, and that position was overwhelmingly supported in the full committee. So from the House standpoint the Douglas proposal I'm afraid is dead, completely.

Now the provision you have today, so far as protecting court orders is concerned, is a recommendation by the President himself, and submitted as an executive communication by the Attorney General. The same thing applies to the relief to the children of members of the Armed Forces. And here I think you should also consider that there was an additional proposal by the President—somewhat of a midway version between the Douglas proposal and nothing at all—namely some kind of technical aid and assistance, and financial assistance as well, through the Commissioner of Education. That particular proposal was rejected by an overwhelming vote in the full Judiciary Committee.

So from the standpoint of House legislation now those proposals have been rejected and little hope is held out that they will even be considered on the floor of the House. There is one strong possibility of implementing the Celler bill insofar as school desegregation is concerned, and that is the restoration by floor amendment of the old title III of the 1957 act, in a rather modernized version let me put it. But that is subject to a serious parliamentary question, namely the question of germaneness to the bill.

Mr. EDELSBERG. I want to begin again by looking at the problem as I see it. I think the great problem in school desegregation today is no longer the matter of resistance along the lines of violence that we found in Little Rock. Resistance to school desegregation takes the form of legal evasion of legal compulsion—takes the form of pupil placement laws—and it also takes the form of the threat of closing down the public schools altogether. Now within the past year only a handful of school districts in this country desegregated. The process of desegregation seems to be grinding to a halt.

And the question is who should bear the burden of bringing the legal suits which today seem to be necessary to speed the process of desegregation in the school systems. Up to now the burden has been borne by the NAACP, and I for one think they've acted with exemplary discretion in picking the areas in which to institute their suits. We cannot be sure that the business of picking the site for another court test will be wisely chosen, and we certainly cannot expect the NAACP to shoulder the financial burden of doing this job. In this area, unlike the area of voting rights, the voluntary civil rights organizations are agreed—they are agreed that the Attorney General should have the power to enforce general civil rights including school desegregation in particular, as he has the power to do in the case of voting violations.

The only issue is: Since suits will be necessary, who should bear the burden of vindicating these basic constitutional rights? In our judgment the answer is clear that the Attorney General should do it.

Now I depart from my colleagues in the voluntary civil rights organizations when I suggest that this so-called part III legislation is not as important today as it was last year, and certainly not as important as it was 2 years ago. If it is true that southern legal evasion will be the response to legal compulsion, we ought to be seeking new approaches toward getting genuine compliance with the spirit of the Supreme Court's decision in Brown against Topeka.

POSSIBILITIES OF CONCILIATION

The administration's proposal to offer technical and financial assistance is one such way to bring better compliance. And another way, I think, may be found somewhere in the confines of the Lyndon Johnson proposal, which has been fairly cavalierly dealt with this afternoon.

I argue like this: Any conciliator sent into a southern school situation is a representative of a national political position, and that national political position cannot afford to permit the South to continue to evade. Just as the Attorney General and the Department of Justice were put on the spot under the Civil Rights Act of 1957, because people said, "How many new Negroes have been added to the voting list," so a conciliation service federally administered would be on the spot if at the end of a year or two of service it couldn't point to genuine desegregation accomplished as a result of its efforts.

I think a conciliation service might move into the softer periphery areas of the South—certainly not in the Deep South tomorrow—and begin to conciliate and offer technical and financial assistance to those communities that are closer to doing the decent thing. For one thing they can persuade southern communities that desegregation is not quite a fate worse than death. I think it would be a useful starting point to have Federal educators and other officials coming into a school superintendent's office, where there is reason to believe he is well disposed, and help him become the leader of a movement with the school board, looking toward the adoption of a school desegregation program that certainly couldn't be any worse than the kind of pupil placement we're getting today, as a response to compulsory legal process.

Professor WARD. I would like to answer a couple of questions, some of them implied I think. First of all, Mr. Foley, I'm well aware of the background of the present House bill. My point is that I think Mr. CELLER is making a real mistake in associating himself with that bill. It seems to me that what has happened is that what started off as a splendid bill has been completely emasculated and it's not even recognizable—it isn't a bill—and yet the southerners have maneuvered advocates of civil rights into the position where now they are with a great deal of clamor getting up a petition to pull that bill out.

This looks to me like what the national football people call the mousetrap play. When that bill finally comes out, if it gets to the floor and if it gets a favorable vote, we're going to be told then, "You got the bill you wanted. You beat us down. Over our resistance you got it. What good has it done you."

Now, Congressman, you asked what's wrong with the first section of that bill making it a crime to interfere with the carrying out of integration orders. I say nothing is wrong with it. It's another criminal statute that goes on the books. I think it's perfectly obvious that those criminal statutes are not likely to get us anywhere. You have to bring those people before southern juries. I have the word of the Attorney General of the United States that this is not a very fruitful procedure.

But the heart of my position simply is: Better no bill, no bill at all, than a bill that isn't going to do the job. Because what I fear is that the moral indignation of the American people, which I think still exists—although apparently it took the bombshell of the Commission to activate it last September—I think that moral indignation will not be still until and unless it becomes clear that what we're trying to do simply isn't doable. And I am afraid that here, unlike in the voting area, there are a number of perfectly well-meaning, decent, peaceful citizens who have serious fears that integration in the schools in the South is simply not possible. I think it would be a disaster if a whole series of ineffective bills cemented that conviction.

Congressman DINGELL. I thoroughly agree with Professor Ward as to the effect of H.R. 8601. I think it's necessary, however, to maintain a certain perspective. I would first like to criticize the bill then I'd like to explain some of the background. I agree that the provision for making it a criminal offense to interfere with the court orders for

enforcement of integration is now within the contempt power of court, and people have been sent to jail for precisely this very act. I agree that flight to avoid prosecution is now a Federal offense. I agree, as a matter of fact, that flight to avoid giving testimony across State lines is now a Federal offense. The Civil Rights Commission, we all know, was extended for an additional 2 years, and furthermore the education of children of military personnel is traditionally a power which the President has had and which he's carried out, at least during my lifetime that I know of and for some time previous.

But you have to understand the nature of the Congress and to look at it in perspective. Now MANNY CELLER, as author of this bill, is not such a fool that he would say that it is a strong bill or that it is a worthwhile bill. However, as chairman of the committee, he was authorized by resolution to introduce a clean bill, I believe, or at least he has a bill which was badly emasculated. Either one of those two things happened in the committee, and I think Mr. FOLEY could explain precisely what happened there.

Now, with regard to the discharge petition, I thoroughly agree that we are fighting very hard to bring out a nothing. But we are fighting very hard to bring out a nothing which can be amended and strengthened very much on the House floor, if we are able to get a sufficient number of votes. One of the problems we have is that within congressional committees very frequently things can be and are done behind closed doors which cannot bear the scrutiny of the daylight on the House floor or the Senate floor—the same thing being true in the case of the Senate. So you have to understand the reason and the motivation for this thing.

I think that having come to an understanding of the need, let's say, for either referees or voting registrars or a Congressional Election Commission, we can understand that there is a distinct possibility that this can be added on the House floor if this matter gets to the House floor. Our real problem is this: As a matter of parliamentary procedure there is virtually no way that we can shake this bill loose and bring it on the floor—because it's been effectively pigeonholed in the Rules Committee for a long time—without the discharge petition.

I would point out this discharge petition now has, or did have on Friday last, 206 signatures. It needs 13 signatures. This discharge petition has in it a very interesting provision, which would be interesting to students of parliamentary law. It waives points of order—any amendment at all will be germane and will not be subject to points of order. Now this is in effect a self-defeating discharge petition, because certainly the chairman of the Rules Committee is not going to permit a piece of legislation of this sort to be brought to the floor under, in effect, a rule waiving points of order. So I think you have to understand this whole parliamentary system and to understand why we do what we do to bring out a piece of legislation of such apparent and obvious and such real worthlessness.

Notre Dame Civil Rights Conference—Part 21

EXTENSION OF REMARKS
OF
HON. J. EDWARD ROUSH
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. ROUSH. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the Civil Rights Conference at the University of Notre Dame on Sunday, February 14, 1960:

Mr. BERNHARD. I'd just like to go back for a moment behind some of the legislation to the factual situation which the Commission has had an obligation to keep current. You may recall that in our report—I was just looking at it—it is stated that voluntary desegregation reached its peak in 1956. Since then a growing proportion of starts have been under court order and the trend seems likely to continue. Well, we've gone back and attempted to see what actually has happened in the last year, and really right within the last few months, and as predicted in the Commission's 1959 report, initial desegregation, voluntarily originated or initiated, has all but stopped.

I think this is a simple fact and I think in turn it relates to the type of legislation which may be needed. The only optimistic point is in the area where there are so-called military personnel. We found that in North Carolina, in Dade County, Fla., and in Pulaski County, Ark., where there has been some token desegregation, this has resulted predominantly in military districts.

We realize that in six States—Delaware, Maryland, West Virginia, Kentucky, Missouri, and Oklahoma—the official State policy is one of compliance. But in the 11 so-called compulsory segregation States nothing is presently being done except through the pupil placement laws. This relates to what Herman Edelsberg stated previously. Take the comparison between North Carolina and Virginia. North Carolina used the so-called pupil placement system, and in total some 53 Negro pupils in 7 schools have been integrated. In Virginia, where they tried massive resistance, since February 1959 there have already been 106 Negro children integrated.

What this points to is that some of the recommendations of the Commission and some of the bills which have been introduced, relate to the demand for information as to voluntary desegregation plans. Now if what we seem to find is true, then I think that conciliation and mediation and the exchange of information are essentially outdated. It could be that court decisions because of class suits will change the situation, but if they do not, I think that the entire approach may have to be shifted somewhat. There may not be the desire to communicate. There may be more falling back on the legal paraphernalia and court orders and pupil placement laws. I think this is true to some extent of Senator JOHNSON's conciliation bill—and I think the same is true of Senator DOUGLAS' technical and financial assistance, because this is based upon the local communities who are planning voluntarily to set up plans for desegregation and to implement desegregation.

Overall I think that there just has to be a shift of emphasis to recognize that the successful thing today, in terms of overcoming the opposition, is the law; that voluntary desegregation seems to be ceasing; and that the one great hope and the one point of optimism for voluntary desegregation—occurring more rapidly is in only one place and that's where military—either on-base or off-base—schooling is involved.

Dr. MORSELL. I had two comments to make, the first of which Congressman DINGELL has more than adequately covered; namely, in answer to Professor Ward as to the minuscule elements in the bill now known as the Celler bill, that the whole strategy is based on getting something on the floor under conditions which will permit it to be amended. And this of course was the vehicle whereby the voting provisions also are expected to be made effective.

I'd like to put a question, once again, to the legally trained. This is in connection with the pupil placement and assignment laws. As at least two speakers have noted, this constitutes the real 100-percent down-to-earth roadblock to desegregation in the predictable future. As you know, the Supreme Court has, by declining to review adverse decisions in lower courts, in effect upheld pupil placement and assignment laws as not unconstitutional on their face. The implication of this language obviously is that if the laws are administered unfairly, in a discriminatory manner, then the court will find against them.

Now the question is, since class actions are not possible against assignment laws, each individual child's case must be handled in and of itself, on its own merits. What is the likelihood that, within the next 3 or 4 years, to use perhaps a minimal time, a pattern of discrimination in application sufficiently clear can be demonstrated, so as to result in decisions which will strike down the assignment laws on constitutional grounds? Is this indeed a probability or only a matter of fancy?

Mr. SILARD. I think, John, that in response to your and to Herman Edelsberg's points, it certainly seems correct that the problem of the moment is not the totally intransigent States, but continued movement in the States where movement has begun, and in that connection something like conciliation might make sense in certain areas. On the other hand, it doesn't in itself solve pupil placement.

Now there's a suggestion which I think could cut through pupil placement, and that's simply to have the courts do what the Supreme Court obviously contemplated they would do and they have never yet done, which is to demand that a plan which at least starts toward desegregation be put into effect or be put up for discussion and one or another kind adopted.

In this connection I think Professor Foster had an idea 9 months ago that should be put out on the table again. Oddly enough, he proposed referees long before anyone mentioned referees in the voting area. He proposed that referees in the school area might very well provide the mechanism by which the courts, not in themselves willing to take the burden of promulgating or demanding the promulgation of a plan of compliance, might nevertheless choose such persons in the community as masters who could, if for no other reason, at least by their community status, move things along toward the possibility of a plan. And I really would like to have Professor Foster outline that idea.

Dean O'MEARA. Professor Foster has made a study of the role of southern district judges in school desegregation. I understand he talked to a lot of judges and that he discussed with them the possibility of something like referees. Would you be willing to tell us about that, Professor Foster?

Professor FOSTER. Well, only by disclaiming just about everything at the outset. I am a great fool if I were to presume that I really know anything much about this. Indeed every time that I have acquired any more information I've found that my uncertainty about next steps only increases rather than diminishes. I hadn't really expected to be called on to speak in any detailed way about this, and my thoughts are not really going to be connected especially. I'd rather like to come back to that master's thing in a few minutes, if I may, John Silard.

In a fair balance I am quite discouraged about the immediate prospects for school desegregation in the South. At the point of the decision in *Brown* v. *The Board of Education* in 1954, there was somewhere in the neighborhood of 3,000 biracial school districts which were segregated. Three-quarters of those today have so far taken no step whatever toward desegregation. In the quarter in which the step toward desegregation has

been taken, that step has more often than not been only the most minimal token step. And the truth of the matter is that even in those places where beginnings have been made, with a few exceptions, there are very few real instances of intermixing of races in the educational process.

By and large, if I could write a ticket for a single piece of congressional legislation at the moment, it would be a very simple piece of legislation. It would simply declare that we, the Congress of the United States, endorse the principle of *Brown* v. *The Board of Education of Topeka.*

Everywhere I went in the South, in talking with judges, newspapermen, educators—everyone—the point insistently was made that the Supreme Court has usurped constitutional power—done something beyond the permissible limits of what the Constitution allows. And the strongest proof of this usurpation came out of the fact that neither the Congress, nor the President, had ever indicated any agreement whatever that the decision was a correct decision. And if, therefore, we could get at least out of the Congress that simple declarative statement, "We agree with *Brown* v. *The Board of Education,*" this alone I think would have incredible side effects in an enormously complicated area.

THREAT TO PUBLIC EDUCATION

For at the moment this whole usurpation argument gives strength to the arm of the segregationist who urges the South to turn down public school bonds, not to worry about increasing salaries of teachers, in short, to disregard what is happening to your public schools—because, as the argument goes, you perfectly well know we're all going over to private schools as soon as the courts come in anyway, so there's no point in increasing any expenditures with respect to our public schools. Thoughtful people I talked to in several States of the Deep South said that they are gravely concerned about the future of their public school systems, simply as a consequence of the fact that the segregationists have made such an attack upon the very existence of public education. And I do feel that if we could get at least the Congress—and perhaps hopefully someday the President—to put full support behind that decision, this will be a great help.

Now another thing with respect to school desegregation. As a question of constitutional inequality I would assume that it is entirely consistent with everything that has been decided in *Brown* v. *The Board of Education,* that a school district violates nothing in the Constitution, if it assigns children to the school nearest each child's home. In short it is relying on residential segregation, something that is a major fact of life in the urban areas of the country. It simply assigns the child to the school closest to his home. You have a completely nonracial criterion, the net effect of which is that Negro children largely will be in Negro schools and white children largely in white schools.

GAP IN ACADEMIC STANDARDS

Now what occasionally shows, as the top of the iceberg, in talking to the southern educators about this problem, is the sinking realization—or it was a sinking realization to me—that the academic standards of the white schools compared with the academic standards of the Negro schools in the same community were so woefully different.

One example will illustrate the general problem. The smartest young Negro fellow in a North Carolina high school—Negro high school—was permitted to transfer to the 11th grade of a white high school in that community as one of the first students to transfer. This was 3 years ago. The principal of the white high school told me that that child who stood at the very top in achievement in his group ready to enter the 11th grade was more than 2 academic years behind the median white 11th grade student in the school to which he was being assigned. Tne boy flunked some courses that first semester. To his credit, he graduated with his class 2 years later.

Every Negro child in that community today knows how tough it is to transfer to the white schools at a high school level. And this, if you had nothing more, I submit, is an enormous deterrent to a Negro community socially inert in a great many aspects so far as this problem is concerned. And indeed one of the real evils, it seems to me, of the pupil placement system is the fact that it shifts to this fearful, hesitant, and inertial Negro the responsibility of having to step forward and go through a perfectly horrid process as an individual—of cross-examination, interrogation of the most embarrassing kind, in order even to apply to a school that is white. And if on top of this we add to it all the fact that he is going to be so deficient academically at the high school level that he can't keep up, then I think we've got a system which is pretty close to what we do have, in these places in the South where these transfers have occurred at the high school level.

THE NASHVILLE PLAN

The Atlanta school board, as you know, has recommended a plan of a grade a year from the top down, and this has been agreed to tentatively by the district judge there. It was at the high school level that this breaking down process began in Little Rock, Ark. To me it makes a great deal more sense to look to what was done at Nashville as a pattern for the future.

It is perfectly clear, statistically at least, that the 6-year-olds who approach the first grade, black and white, both share equally their literacy. But it is equally true statistically that the Negro of the South is far less ready to go to school at 6 than the white is at 6. The teachers ascribed this to the fact that a Negro child perhaps has never held a book, nor has ever been read to. Now this is not to say that there are not whites of whom the same may be said, for obviously there are whites in the same condition. The simple point is that there are far more Negroes in that condition. Such a child has to be taught to want to read before you can even teach him to read. So that the readiness of these children to start at the first grade level is far less.

Nevertheless, the Nashville plan has about it two characteristics it seemed to me were the real consideration here. They are first that the initiative is not on the child to be assigned. The child is assigned to the school by the school board on the basis of the geographic location of his home in relation to the school. In short, the school board makes the initial assignment on a nonracial standard.

Now in the second year of the Nashville plan—they had at this point desegregated the first two grades at Nashville—by this system of geographic assignment about 150 Negro children were assigned to schools previously white, and about 70 white children were assigned to schools previously Negro. Then what happened? Into operation came the second aspect of the Nashville decree. This provided that any child, having been assigned to a school, might thereafter apply for a transfer to any other school, provided that the applicant could show that he was a member of a racial minority in the school to which he had been assigned.

VOLUNTARY TRANSFER SYSTEM

Now let me unwind that and explain what it means. It meant that every one of the 70 white children assigned to the Negro schools was of course a member of a racial minority and was permitted to ask for and did get a transfer out of the Negro school. On the other hand, so far as the Negroes in the white schools were concerned, the white children had to stay put. They couldn't ask for a transfer and run away from the Negro. In other words you did not set up a game of musical chairs of the sort that took place at Miami where all the white children transferred out of the school after the Negro children went in. The whites had to stand pat at Nashville. But the unhappy fact was that of those 150 Negroes assigned in the second year, 122 asked for and got transfers back to the Negro schools. This is in the first and second grade levels, mind you.

Now, so far as pupil assignment is concerned, it seems to me that we are going to be able in the next few years to approach the day that we can demonstrate that plans of the Nashville type—and the entire State of Delaware is under a decree of comparable kind—that those court plans that shift to the school board and away from the Negro the initiative of getting placed in a school in the first instance, that these are in point of fact bringing about desegregation and that those systems such as pupil placement which require the Negro individually to take the initiative and are not producing this kind of result. But at the point that we can then compare the two systems in operation in enough cases, we have the foundation for overturning cases like Shuttlesworth which have refused at the outset to say that the placement laws are invalid.

NEED FOR SUITS BY ATTORNEY GENERAL

To this end it seems to me of urgent importance that we get going as many lawsuits as we can find Negro plaintiffs to bring them, provided we can get skilled counsel to man the operation. To this end I feel very keenly that the old title III provision rejected from the 1957 act is of real need at this point. For if we had vigilant activity in the Civil Rights Division of the Justce Department—if they really moved in, to Birmingham, into Knoxville, into the urban communities of the South—remember there hasn't been a school suit—I haven't checked this within the last 2 weeks—there hasn't been a school suit even started in Memphis, mind you. And Memphis will do—you won't have any trouble in Memphis if this thing is adequately handled. But if the Attorney General were permitted, in the name of the United States, to bring these actions so that we could test in a whole wide variety of circumstances and get this comparative data that we need to demonstrate the inefficacy and unfairness of these pupil placement plans as compared with those systems in which we get the board taking the initiative, as at Nashville, then and there I think we have the foundation for rather quickly peeling back what is at present a very unhappy setup with respect to pupil placement.

But even this doesn't do very much of the trick for reasons of residential segregation and some of the other problems of Negro hesitation. For there will be those Negroes who will withdraw from the white school if they're given a chance to do so. And it seems to me that something more than simply worrying about what someone here called the political—or the legal—chess game is in order. I would give anything, frankly, if we could have a really first-class Federal aid-to-education program—I mean this—that would go into the secondary schools with far greater contribution in the form of salaries, in those States that simply have not come up with adequate salaries for their teachers. For the inequality that faces the Negro, it seems to me, in the southern school systems, is not merely something that comes out of the fact that he's been kept separate, but the fact that in that separation the academic standards have been permitted to lag so far behind the levels in the corresponding white schools of the system.

COURT MASTERS OR REFEREES

Now, finally, where might a master come into the operation? It seems to me that there are going to be, in the course of the kinds of evasive tactics that can be anticipated here, resignations of school boards right at that crucial instant that the court orders the board to come up with a plan, or some other kind of recalcitrance on the part of the board that calls for skillful and imaginative use of inherent equity powers.

There is a magnificent paragraph in the second Brown decision of Justice Warren that suggests that the lower courts make liberal use of their traditional equitable remedies to handle this kind of thing. It is here that I see real hope if we can have joining that heroic handful of people that represent the attorneys working with the legal defense fund of the NAACP on this—if we can have joined with them a cadre of Government lawyers who can give to these Federal judges opportunities imaginatively to use equitable powers in the form of masters, referees, what have you, to meet any kind of contingency as it opens up.

One thing that rather bothers me about the possibility of spelling out, as the Attorney General's proposal now suggests that we do, the use of these equity powers in the voting cases, is that perhaps this might suggest to conservative southern judges that they ought not use the same equitable powers in the school cases. Indeed an amendment that I would very much prefer see going into any legislation this year that might use the Attorney General's suggestion would be an amendment that would make it clear that nothing was to be implied from any Federal legislation now setting up referees and the like that comparable equitable remedies ought not be available in the enforcement in Federal courts of any other kinds of Federal rights.

Notre Dame Civil Rights Conference—Part 22

EXTENSION OF REMARKS
OF

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. THOMPSON of New Jersey. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the Civil Rights Conference at the University of Notre Dame on Sunday, February 14, 1960:

EXPERIMENTATION REQUIRED

But mind you this—I'm no expert on this thing—I have spent an awful lot of time worrying about it. I don't know what the answers are or should be. But nevertheless, I feel that no great harm can come from trying as many combinations—permutations—as we conceivably can try, to get the answers as fast as we can on the things that work and don't work and pragmatically to push forward every time we find a system like Nashville that works—try to get a somewhat better version of Nashville somewhere else—and let's really get about the job as a national responsibility—something I think we can do only if we succeed in getting comparable power given the Attorney General in this area to those that in 1957 were given him in the voting area.

Dean O'MEARA. Thank you, Professor Foster. Mr. Yarmolinsky.

Mr. YARMOLINSKY. Bill Foster has said almost everything that I wanted to bring to your attention as we went along here, but I would like to add just a word or two, bringing in a couple of facts from outside this chess-game area entirely—facts from work that I happen to have been doing in the area of education and educational psychology. The more the psychologists look into the nature of human intelligence, and particularly of the intelligence of children, the more apparent it is that ability is to a tremendous extent a function of motivation, and the capacity of an individual child to improve his IQ—which we used to think was something that was fixed and immutable—is quite extraordinary. Variations have been measured—and over short periods of time as much as one standard deviation in the IQ of a schoolchild, the same child.

At the same time I think we have to take note of the fact that the educational process—the process of secondary education particularly, and education even through the 14th grade, the first 2 years of junior college—is very rapidly becoming not only a right, but indeed an actual possession of all, or of substantially all the Americans who are growing up in our country today.

Now, given these two facts we find ourselves in a situation where education is available to everybody, but unless we take some giant steps to improve the quality of education that is available generally, we are going to have a system of education which is more and more segregated, not by levels of actual ability, but by levels of opportunity, so that we'll not only have a perpetuation, even in the North, of de facto racial segregation, but we will have segregation of every disadvantaged group in our society, and that segregation will grow greater and greater and not less and less as the quality of education and the distribution of education is increased.

NEED FOR FEDERAL AID TO EDUCATION

Therefore, it seems to me that an essential ingredient of any legislative program that we talk about here today is really a massive infusion of Federal funds—because I think only Federal funds can do this job—to make it possible to offer the kind of education that the abilities of all the young people in our country can absorb, and to do this with all the ingenuity and using all the techniques that are now available—that in a small way have been tried out with the limited resources of foundations and private organizations, colleges, and universities.

Just to give you an example, I mention the so-called junior high school 43 plan in New York, where a very substantial increase in facilities is available to boys and girls in a single junior high school which was, I believe, 40-percent Negro and 30-percent Puerto Rican. This resulted in overcoming these 2- and 3-year deficiencies in reading skills, arithmetic skills, and other abilities over a period of months, so that the kids were brought up to a level where they could go on to compete with other not-disadvantaged students in the New York City high schools of fairly high educational standards, and go on as they are now doing to college and professional preparations.

So that I would say that discussion of strategy, tactics such as Bill Foster proposed here, is, of course, essential, but it will be to no avail unless it is coupled with a very substantial—and I use the word "massive" intentionally and advisably—a massive program of financial assistance to American primary and secondary education.

Representative PAUL SIMON (Illinois General Assembly). This is just a very minor point that hasn't been covered that we found important in the State of Illinois. Technically segregation has been illegal for more than three-quarters of a century in Illinois, but two terms ago in our State legislature we passed a bill which possibly could be an amendment to either Father Hesburgh's suggestion of Dean Johnson's. The bill prohibited State aid to any school district which practiced discrimination in the employment of teachers. They had to sign an affidavit to this intent.

Now this has been important, particularly in smaller communities where the teachers frequently are those who can provide—sometimes are the only ones who can provide—the real leadership, but have been very reluctant to do it because of economic reasons. It has been a very helpful thing in the State of Illinois in getting more leadership, in providing a little more employment opportunity, and in helping to solve this paradox of a shortage of teachers and a surplus of teachers at the same time.

Dean O'MEARA. We're approaching the limit of the time that we can devote to this aspect of civil rights, but I do think we ought to hear from Mr. Fleming before we go on to anything else.

Mr. HAROLD FLEMING (Southern Regional Council, Atlanta). Much of what I might have said has been said, and very ably here, in the last few minutes—a mighty fine diagnosis and prescription. I'd like to emphasize very briefly a few of the points inherent in what's been said that I think are tremendously important for any legislative approach to the problem of school desegregation.

First, in amplification of what Herman Edelsberg said, while true that the nature of the problem is shifting a good deal, let's not forget that the basement States are just now being reached, and I think it would be a little premature to hope, or to be sure, that the Little Rock type of resistance is at an end. And I think this should be kept in mind in any legislative planning about sanctions against interference. That's certainly still a part of the package.

The two things it seems to me most important to bring home—and these points, as I say, have been certainly inherent in what's been said—are first that there is a vacuum, there has been a vacuum, not so much in the collection of information on school desegregation—though that hasn't been as much as might be desired—but in the dissemination of information. There's really been nothing of comparable power and financial backing and vocalism generally to match the calculated campaigns of misinformation on the subject, and nowhere could it come with greater authority and with greater resources behind it than from the executive branch of the Government. And for my money this should be a sine qua non of any prescription in this field. This job simply cannot be done alone by voluntary agencies and by the courts.

UNDUE RELIANCE ON JUDICIARY

And on that subject, which goes back to what we were talking about earlier, the disposition in some quarters to rely on the judiciary for the total remedy here I think has reached just about a saturation point. I'm not worrying about the overworked Federal judges. That's more in the line of the lawyers here, but I am worried about public images and the effect on public opinion that this exclusive reliance on the judiciary it seems to me is producing. Someone spoke of the disrepute in which the executive branch of the executive department of the Government may have fallen. Believe me, in my part of the country it's nothing compared with the disrepute in which the judiciary has fallen—labeling the courts the superschool boards, which I can see very rapidly is going to be supplemented by labeling the courts superregistration boards. All of that, it seems to me, has got to the point that it is essential that the other branches of the Government become involved, and I heartily endorse Bill Foster's suggestion about the one-sentence resolution that Congress should pass.

The practical choices? Voluntary segregation? It's true it's just about died out, but I don't think this is an argument against

the conciliation approach if it embodies very strongly the mandate to carry on public education or to disseminate information—not just to specialists but to the public at large, to inform the whole Nation on this important question. Because the practical choices that are afflicting people—as in my home town of Atlanta now on whether to have some desegregation in the schools—are producing a receptivity to information on this subject. I agree that the movement is slow and grudging, but the receptivity among rank-and-file citizens to information and reassurance that desegregation is not synonomous with catastrophe—this receptivity has increased enormously.

TIME FOR NEW EFFORTS

It's at the political level that the lack of movement and the lack of change is most perceptible. Down below that there is tremendous ferment, and I think that this is an ideal time for more of this kind of information, new information of the sort Adam Yarmolinsky suggested as well as what we now know, and new imaginative approaches such as Bill Foster suggests couldn't be better time than now in the South, as I see the situation.

Of course I share fully the idea of taking the burden of litigation, some of the burden anyway, off the plaintiffs in these cases, or off the Negroes generally and the NAACP. Everything that has been said on that subject seems to me to be right on the point.

Finally, I wonder if in this discussion—I know we've reached the end, and I've helped to push it over beyond the end, but I think it would be very helpful, if it were possible, to at least make a beginning toward the kind of concensus that Mr. Silard offered us on the voting legislation. I realize this one is much bigger and looser, but certainly if we could make a beginning toward agreeing on some of the principles that ought to be achieved through legislation and otherwise in this field of school desegregation, this might help to lessen some of the flailing around on this subject, which I think fairly characterizes much of the public debate in and out of Congress.

Dean O'Meara. Thank you, Mr. Fleming. We have reached the seventh inning, and we're entitled to a stretch; but we're so pressed for time that I'm going to suggest that you take the stretch in this room and that you limit it to 5 minutes.

Notre Dame Civil Rights Conference—Part 23

EXTENSION OF REMARKS
OF

HON. THADDEUS M. MACHROWICZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. MACHROWICZ. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the Civil Rights Conference at the University of Notre Dame on Sunday, February 14, 1960:

III. ACHIEVING EQUAL OPPORTUNITY IN HOUSING

Dean O'Meara. We've reached the last of the three specified subjects that we wanted to consider here today—achieving equal opportunity in housing. Professor Broden of the Notre Dame law faculty will introduce this last subject.

Professor Broden. In the housing field no civil rights bills are now being pushed and the Commission recommends none. However the Commission urges the executive branch of the Federal Government to modify its present administrative policies to promote equality of opportunity in all federally supported housing programs. Specifically the Commission calls for an Executive order requiring equality of opportunity in Public Housing, Urban Renewal, FHA and VA housing programs and for a more vigilant policing of all these programs to insure equality of opportunity. Finally the Commission recommends the creation of city and State housing commissions to combat discrimination in housing.

ALTERNATIVES TO COMMISSION APPROACH

These recommendations are more meaningful when we consider alternatives to the approach of the Commission. On the one hand is the approach that the government—Federal, State, or local—has no business in the housing field. Builders, owners, investors, lessors, rental agents, and others should be free to deal with whom they wish on whatever terms they find profitable. If some discriminate on the basis of race, creed, color, or national origin (or as Senator Lyndon Johnson likes to add "section of the country") this is a purely private matter. For the most part the Commission rejects this approach and adopts the position that racial discrimination in housing is a proper governmental concern.

Another approach is that represented by the Powell amendment, named for Representative Adam Clayton Powell of New York. By it Congress would expressly require all recipients of Federal insurance or other aid to give assurance in writing that the property involved would be available for sale, lease, or occupancy without regard to race, creed, or color. Furthermore it would empower Federal officials to withhold, suspend, or terminate insurance or other aid if the recipient, beneficiary, or any successor in title failed to conform to such written assurance. The Commission rejects this approach in recommending no Federal legislation.

This approach raises basic legislative policy issues which warrant some consideration. The advantage of this approach is that it would firmly establish a sound nondiscriminatory Federal policy. The disadvantage is that it might dry up any Federal aid for housing in the places needing it most. This raises the ultimate issue of whether we should sacrifice Federal aid for segregated housing today in the hope of achieving nonsegregated housing tomorrow.

EXISTING LAW

The Commission recommendations do not write upon a clean legal slate. There is a large body of existing law, legislative and judicial, Federal, State, and local, dealing with racial discrimination in housing. The law is generally that a private person acting on his own is free to discriminate as he pleases. On the other hand generally when the Government acts on its own, the Constitution prohibits racial discrimination. Some examples of the latter are as follows: The 14th amendment to the Constitution of the United States has invalidated racially discriminatory zoning laws. *Buchanan* v. *Warley* (245 U.S. 60 (1917)). Likewise it has invalidated the judicial enforcement of racially restrictive covenants whether of the obvious kind, *Shelly* v. *Kraemer* (334 U.S. 1 (1948)) and *Barrows* v. *Jackson* (346 U.S. 249 (1953)) or of the more sophisticated kind. *Harris* v. *Sunset Islands Prop. Owners* (4. Race Rel. L. Rep. 716 (Fla. 1959)). (In the Harris case the Florida Supreme Court invalidated a restrictive covenant limiting land ownership to members of a private corporation where the effect was to exclude Jews and nonwhites.)

Although the pressure of local prejudice maintains racial segregation in many low rent public housing units, such discrimination by local governmental authorities clearly violates the 14th amendment. State governmental action is obviously present. Although some might suggest that the separate but equal doctrine is still alive in the housing field, I'm certain it is not. I'm sure the Supreme Court of the United States, if called upon to decide the question, would reach the same result as that of the Sixth Circuit Court of Appeals in *City of Detroit* v. *Lewis* (226 F. 2d 180 (1955)), that is, that separate but equal public housing accommodations violate the 14th amendment.

COMBINED PRIVATE AND PUBLIC ACTION

The question becomes more complicated when the Government and private persons combine to act and the private person seeks to discriminate. We have this in the urban renewal and FHA and VA loan guarantee programs. In these programs private developers act with Government aid and the question is whether there is sufficient public involvement to constitute governmental action covered by the 5th and 14th amendments of the U.S. Constitution. In the urban renewal programs, after the local governmental authority has cleared the site, private builders take over and develop it according to the plan of the local authority. Judge Rives of the Fifth Circuit Court of Appeals said that under these circumstances the developer is not merely engaged in private action but rather is a vital participant in the governmental plan and that discrimination by him constitutes State action within the 14th amendment. *Barnes* v. *City of Gadsen* (268 F. 2d 593 (1959), cert. denied 28 Law Week 3181 (1959)). The district court had concluded that the private developer was engaged in purely private action.

An even more difficult question is presented in the FHA and VA loan guarantee programs. Courts have disagreed as to whether the loan guarantee programs render the action of the builder or seller sufficiently nonprivate to bring it under the 5th and 14th amendments. Judge Oakley of the Sacramento, Calif. County Superior Court held that "the mortgage insurance guaranty, inspection services and the various other administrative accompaniments incident to establishment of the system" constitute sufficient governmental action to come within the protection of the Constitution. *Ming* v. *Horgan* (3 Race Rel. Law Rep. 693 (1958)). He said "When one dips one's hand into the Federal Treasury, a little democracy necessarily clings to whatever is withdrawn." A contrary result was reached by U.S. District Judge Kirkpatrick in an earlier case involving Levittown in Bucks County, Pa. He rejected the notion that the loan guarantee program with its inevitable governmental regulations sufficiently clothed Levitt's action with a governmental character. *Johnson* v. *Levitt & Sons* (131 F. Supp. 114 (1955)).

HOUSING AND HOME FINANCE AGENCY POLICY

A few observations concerning the legal policies of the Housing and Home Finance Agency are in order. In general that agency has attempted to attune its programs to the racial policies of the local communities. This has resulted in segregated low rent Public Housing projects in some parts of the country and integrated projects in other parts of the country. Similarly in the urban renewal program and the FHA and VA loan programs developers are relatively free to abide local policies. In some of the States and cities having antidiscrimination laws the Housing and Home Finance Agency and the Veterans' Administration have agreed affirmatively to advise the developers that they are expected to obey these laws and to refuse to deal with violators. Administrator Mason has announced that developers convicted of violating State antidiscrimination laws would not be eligible for urban renewal programs. In the mortgage loan guarantee programs the agency has also prohibited the inclusion of racially restrictive covenants in deeds.

STATE AND LOCAL LAWS

The most vigorous antidiscrimination action in housing has been taking place recently on the State and local level. At least 13 States and 34 local communities have enacted provisions against racial discrimination in housing. The reach of these statutes and ordinances varies. For example in Oregon any person engaged in the business of selling or leasing real property is prohibited from engaging in discriminatory practices. The Civil Rights Commission reports that in Colorado discrimination is prohibited in transactions involving all dwellings other than owner-occupied units. The New Jersey, New York, and Washington statutes not only cover public housing but also prohibit discrimination in the sale or rental of private multiple dwelling houses built with Government loan insurance. The New York City ordinance prohibits discrimination in multiple dwellings of three or more units and in housing developments of 10 or more units, as well as in all public housing. Many of these laws are administered by housing commissions which first seek voluntary compliance but have authority to hold hearings, issue cease and desist orders, and seek court sanctions.

SELECTION OF ADMINISTRATIVE REMEDY

There is a parallel in the Commission's recommendations concerning voting and those concerning housing. The Commission does not leave these problems to the courts alone. It recommends administrative remedies as well. And I would suggest there are good reasons for this.

At present the scope of judicial protection in the Urban Renewal, FHA and VA loan guarantee programs is uncertain. As far as housing cases are concerned there are complex legal problems concerning the jurisdiction of Federal courts. And in any judicial remedy, State or Federal, there is the problem of expense and delay which is significant for the usual victims of racial discrimination.

By invoking the administrative remedy, discrimination would be prevented in FHA and VA housing without forcing victims to court litigation in States and cities having antidiscrimination laws. The advantageous flexibility of the administrative process would be employed in the selection of sites for public housing to avoid racial concentration and to assure that spokesmen for minority groups participate in urban renewal planning. Presumably these are some of the reasons the Commission turned to the administrative remedy. The Commission urges that the power of governmental agencies, Federal, State, and local, be affirmatively exercised to combat racial discrimination in housing.

CONCLUSION

I close with two points the Commission stressed. First, the national housing crisis, involving a general shortage of low-cost decent housing, is a potent factor imposing substandard housing on racial minorities. Therefore no real solution to actual discrimination in housing can come until there is a vast increase in the availability of decent low-cost housing. The Commission did not address itself to the general housing problem. However, Father Hesburgh and Dean Johnson recommended legislation for specific assistance to persons displaced by urban renewal and the Federal highway programs and special mortgage and loan programs for low income persons in general. Second, the Commission stressed that discrimination in housing is a national not a regional phenomenon. It is just as ugly and pervasive in the North and West as it is in the South.

Dean O'MEARA. Thank you, Professor Broden. Congressman BRADEMAS will open the discussion.

Congressman BRADEMAS. There seemed to me to have been several questions raised by Professor Broden. The first point that he mentioned had to do with the recommendation of the Civil Rights Commission that there should be established biracial committees or commissions on housing in the cities and States with substantial nonwhite populations. I think it might be interesting to get some observations on the effectiveness of past commissions of this sort.

Another question that he brought up had to do with two other recommendations of the Commission—recommendations for an Executive order by the President stating that equal opportunity in housing was a constitutional objective and directing all Federal agencies to shape their policies and practices to that end. I wonder what objections might be raised to this particular recommendation of the Commission.

But the last questions that I have I think are perhaps better for us to focus our attention on because here are areas which are perhaps more controversial in nature. One of the recommendations of the Commission was that the FHA and the Veterans' Administration should strengthen their present agreements with States and cities that have laws opposing discrimination in housing in a way spelled out by the recommendation—I won't go ahead to read it here. And then Professor Broden said that we had 13 States and 34 local communities which now have such laws. It seemed to me, to give a lay reaction, that we are in effect, if we are to follow this kind of recommendation, requiring a higher standard of performance of these particular areas than we require of those States and communities that do not have such statutes. And I wonder if there's not some sort of problem of fairness involved there.

Then two other questions briefly, which are both related to this last point. One has to do with the Urban Renewal program and one has to do with the VA and FHA loan programs, and I would raise the same questions in both areas. Should the Federal Government enforce a policy of nondiscrimination on the developer of an urban renewal site and, comparably, should the Federal Government enforce a policy of nondiscrimination with respect to VA and FHA loan programs, or to put it more specifically, should there be congressional action that would stipulate the recommendation set forth by the Civil Rights Commission—on the theory that, if such discrimination is found, the people who are dipping into the Treasury and have democracy touching their hands should not be permitted to keep their hands in anymore?

These are some of the questions that occurred to me that we might discuss.

Professor NATHANSON. I was a little more anxious than usual to get in early on the discussion, because I wanted to link it with the previous discussion about education. Since I didn't get a chance to say a word on that, I'm going to fudge a little, you see, and put them both together.

It seems to me that there is a common general problem with respect to the field of education and with respect to housing that we have to get the courage to face up to and make up our minds about—really the fundamental question that Father Hesburgh was putting to us at lunch: whether the Federal grants-in-aid are going to be conditioned by requirements of nondiscrimination.

It seemed to me that it was obvious from the last comments in the education field that most of us anticipate that in the not-too-distant future Federal grants will be playing a tremendous part in the education field—that the great sanction, really, is going to be the withholding of funds, if we're ready to take that step. That same thing is true in the housing field. I wonder whether it isn't important that we should have a general policy which affects the whole country on this—which doesn't seem directed simply at the South. It's so easy to be virtuous at a distance—and I know that there's also on the other hand a tendency to make the problem bigger by asking for a bigger remedy. But sometimes the broadest approach has value. I think that perhaps the northern liberal, so-called, will be in a stronger position and will be more influential if what he's asking for really has a bite at home as well as somewhat further away.

So, I wanted to finally tie this down in the form of a question. I didn't quite see why—I didn't understand why—the Civil Rights Commission, although apparently asking for executive action, did not recommend legislative action, at least in the sense of determining policy. It seems to me it's asking too much of the executive or administrative agency to determine that its funds will not be available except on certain conditions so fundamental as this, conditions which may to some extent hamper the carrying out of the program—I think we have to realize that—hamper some of its objectives. It seems to me that kind of a determination—that weighing of ultimate goals here—has to be made by the Congress and that it has to be faced up to by the Congress.

Mr. EDELSBERG. What could Congress do, Nat?

Professor NATHANSON. Well, I was about to say. For my own part I think I would be prepared to make the decision. I would say that I would sacrifice the immediate gains, perhaps to some extent, both in education and housing by asking for these conditions. I have great confidence in the persuasiveness of money, and that in the long run there will be enough people who want that money and that this will be really the most effective sanction, the carrot in a sense, both in housing and in the field of education.

Mr. VERNON EAGLE (the New World Foundation). I just want to supplement what Professor Nathanson has said on the power of money and the use of sanctions, and throw out a suggestion. I do it with a little bit of fear and trepidation when there are so many lawyers about, but I agree first of all with his suggestion and with the suggestion that Father Hesburgh made, that it's certainly perfectly right for the Federal Government to attach such strings to public funds, both for schools and for housing. But it occurred to me that there's another field, that of philanthropy. People may not realize the sums that are being spent in philanthropy today, but I think last year it was something like $7 billion. Not all of this, I can assure you, has been on a basis of discrimination, but a good deal of it certainly has.

Speaking for my own foundation, and there I can speak officially, we've written right into our rules of operation that no money would be given to institutions which discriminate on the basis of race, creed or color. I think we're the only foundation that I know of that states this specifically in public.

I realize that the Congress has been very hesitant to interpret the sections of the Internal Revenue Act of 1954 that relate to tax exempt institutions, and even though the Internal Revenue Department has tried to put a lot of pressure on them they refuse to do it. But it seems to me that it would be perfectly possible and right for them to do so if it requires an act of Congress. Perhaps it can be done on an administrative basis—I don't know.

But if you can put pressure on the expenditure of $7 billion in a year to see to it that none of these funds are spent on institutions or organizations that discriminate on the basis of race, creed or color,

you've got a fairly hard pinch where it hurts—in the pocketbook. This covers a large area.

Foundations are one part—but you've also got the vast organizations of the churches. And even in this sacred place, I would suggest that the churches are not at all free from criticism in this respect. Also private schools—it seems to me that this possibly may be a way of putting a pinch on the programs that are being suggested and are in existence in the South, where they're going to try to set up private foundations to run the schools. If they had their tax exemption taken away from them it would be a good deal more difficult. I'd love to have some comment from the legal minds here as to how this could be done.

Mr. YARMOLINSKY. I'm not speaking as a legal mind. I'm a little concerned about Vernon Eagle's suggestion and also somewhat about Nat Nathanson's. It seems to me that while obviously money has a good deal of power, the effect of forcing people to act against their principles in order to obtain money—the effect of this, I would be awfully afraid, would be that in the situations where the money was most needed it would be turned down, and the result of turning it down would make the situation that much worse.

Notre Dame Civil Rights Conference—Part 24

EXTENSION OF REMARKS
OF
HON. STEWART L. UDALL
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. UDALL. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the Civil Rights Conference at the University of Notre Dame on Sunday, February 14, 1960:

Again, this is one of these situations where the choice is a terrible one. But I would be distressed if this were done with Federal funds—well, Federal funds for education certainly—I'm less concerned about the housing issue, because that is a matter more of material comfort. But if you deny people the education they need to overcome the prejudices that they have because they have the prejudices, I don't think this makes a great deal of sense.

Also, on the matter of amending the tax laws or the tax regulations—anything that is done—to tighten up the tax situation on ideological grounds, I am scared of that. I would not want to see it done for any reason. I think this is too dangerous, and also very difficult to enforce. And I don't know where Vernon's $7 billion figure comes from—I take it this is all philanthropy, including foundations. Foundations are 3 percent of all philanthropy.

Dr. MORSELL. I don't have any compunction at all about the desirability or the merit of withholding Federal funds from either housing or education if they are to be used by bodies which are in violation of the Constitution. With regard to Mr. Yarmolinsky's fear that we narrow the areas in which education along liberal lines can take place, I can assure him of two things. If he were to look at the plans already drawn up in city after city in the South for new school construction, he would find that this has been done with the express and explicit and very obvious purpose of making it next to impossible to achieve desegregation no matter what happens. So that from that point of view certainly the loss or the lack of the funds to construct those schools I would not regard as a hazard.

At the same time it seems to me our discussion has already indicated that different areas call for different kinds of solutions and different means. We had a great deal of debate on voting as to whether we ought not to add something of an executive character to these sanctions and these enforcements. And we all agreed that it was highly desirable. Here in the case of housing the Commission has recommended principally that kind of action—the tightening up of the administration of Federal housing aids, by administrative action, by Executive order. I think this entirely desirable and likely to be extremely effective.

I have in mind one recent order which was not handed down by the President, but by the Federal Housing Administrator, and which can, over a period of time, have quite far-reaching results. This has to do with the disposal of foreclosed FHA properties, which upon foreclosure revert to Government ownership and are then sold to the general public through brokers and are obtainable with nominal or almost no down-payments and on very liberal terms. Now it has been the universal practice that these sales are made through white brokers, who channel them solely to white prospective purchasers. The recent order reaffirms the no-discrimination policy and then provides that all such property must be very plainly labeled, must be a matter of record, and that if Negro purchasers cannot get these homes through white brokers they may consummate their purchases in the regional offices of the FHA itself. And it provides for suitable dissemination of this information in the communities where it's important. Now in a place like Levittown, Pa., I can assure you that this is a matter of some moment, because the number of houses available from day-to-day on this basis is quite large, and it's simply a matter of removing this artificially-imposed barrier to access by Negroes.

I think that it is much more probable that you will get some effective relief here through Executive orders and administrative means than you will through legislation. I don't believe, for example, that Congress will actually affix either to housing or to education bills genuine safeguards against the use of Federal funds in discriminatory ways.

Dean O'MEARA. There have been three hands up. I'll call on the owners in the order in which they put them up. Mr. Anderson.

Mr. DOUGLAS ANDERSON (assistant to Senator DOUGLAS). I would go for this denial of Federal funds to groups that discriminate, but when we do that we must recognize the truth, as one gentleman said over here, that some of those funds are not going to be used. In Chicago in public housing we have a situation like that. Any public housing in Chicago must be nondiscriminatory. And so the only public housing we get is in the Negro areas.

We had one situation out in an integrated area—Trumbull Park—and the battle resounds still about our attempt to keep that an integrated housing project. The white wards will not accept public housing because they know it will be integrated. And so we have a large number of units of public housing allocated to Chicago that go unused.

There's another situation in connection with restricted covenants. A Federal judge is now pondering a situation which has arisen in Deerfield, where a private housing project is being erected with the idea that it will be integrated. From a legal viewpoint the opposition to this group has said in court the other day that there's discrimination on both sides, because the housing project was based on limiting the number of Negroes who could live there to 10 or 11 out of about 45 or 60. And so they were discriminating, too, and therefore how could the group that was fighting them in Deerfield be accused of a conspiracy to violate the 14th amendment when the other group was violating it also?

QUOTA TO MAINTAIN INTEGRATION?

That's a real problem in the community in which I live—Hyde Park, which is an integrated community. How do you keep it integrated? If you tie FHA's hands and say that FHA money can only go to groups that do not discriminate—any discrimination based on any quota system of course is discrimination. And yet in our area, without some form of a quota system, as disliked as that may be, it's not going to continue integrated.

A Negro friend of mine in our area came to me about a year ago and said, "We're buying a cooperative housing project—six flats—and we'd like to have it integrated." So he said, "We want three white families and three Negro. I'm going to take one of them," he said, "and we've got plenty of Negro applicants, but not enough white. Will you join us?" Well, we were satisfied with our housing so we didn't join him. But eventually it filled up—all Negroes. He was trying to keep it integrated. No FHA was involved, particularly, but here just on a private basis he was trying to keep it like that.

Now there's a group of housing in the near southside, Prairie Shores, Lake Meadows, which is attempting—by a selective process, they call it—to keep it integrated. The one, Prairie Shores, is on the basis of about 60 percent white and 40 percent Negro. The other group didn't start out with any kind of an allotment, but filled up rapidly with Negroes. Now as the Negro families leave they're trying to put whites in there to keep that an integrated project, but they're willing to accept a reverse ratio—60 percent Negro and 40 percent white.

PROBLEMS OF OPEN OCCUPANCY

All of these problems are tied up with the whole question of open occupancy, which all of us are for. Our alderman is for open occupancy in the city council of Chicago, but it hasn't passed. If we get open occupancy, that means first come, first served. The people who need housing most are Negroes. They will flock into our area wherever there are vacancies, and you'll not be able to select with an open-occupancy rule. You'll have to take first come, first served. And so you lose the whole progress of integration.

Now, another thing. If you say open occupancy, that means that Negroes can move anywhere in the city, but where will they go? They will go to the friendliest community—the community that has not fought them—and so they'll come to Hyde Park. They won't move out into areas where they know they're going to be discriminated against in terms of buying and where people next door to them may move out or where they won't have friendly neighbors. They'll come into Hyde Park, because we welcome them. So they'll flood in there, even with an open-occupancy amendment.

These, to me, are some of the real problems that we face in connection with any overall attempt to relate Federal funds only to housing projects that are nondiscriminatory. We get ourselves into some real problems—and this comes from one who isn't a lawyer or the son of a lawyer, but just a practical politician.

Dean O'MEARA. Thank you, Mr. Anderson. We have time to hear only from those who have already raised their hands, and of the three—there are three of them—Professor Dukeminier is first.

Professor DUKEMINIER. It seems to me that we are basically faced with two problems here, and one is the problem of giving adequate housing to all persons, and the other is the problem of discrimination. And, even if you accept Professor Nathanson's idea that Federal money would not be given unless it

was given on a nondiscriminatory basis, I'm not sure that this would help the Negro to the extent that you might think it would, because it's not Federal money that's given. It's private money which the Federal Government insures in the case of FHA and VA guaranteed mortgages. So that you have to get a private banker to make the loan, and then the Federal Government will insure it. Well a subdivider can easily agree that his houses in his subdivision are available to colored and white alike, but the colored person cannot get a private loan from a local banker to buy into the subdivision, and so it remains all white.

So it seems to me that one of the critical problems that the Negro faces is getting mortgage money. And presently the Federal Government does not make any mortgage money directly available to Negroes unless they're veterans and come under the VA direct loan program. And one of the things that it might do—to do more than it's presently doing under the voluntary home mortgage credit program, which is a program that assists Negroes in getting their applications into bankers' hands—is to make direct loans to Negroes who are refused direct loans by private bankers in their community. In this way the property in which they live, which in most cities is in the older areas of the city and badly needs improvement, could be improved, and also they could perhaps get money this way to buy subdivision property.

But I don't think by simply saying that Federal money, or Federal insurance, rather, wouldn't be available to a discriminatory builder, you're going to insure that you're going to get integration of any type, unless you face up to the problem of getting mortgage money into the Negroes' hands.

Mr. EDELSBERG. I think the most perplexing problem of legislative morality in this context is the problem of that which John Morsell felt no compunction. He thought the answer was quite obvious. It's the problem of whether or not to tack on an antidiscrimination provision in Federal aid for social welfare purposes. I've been exposed to this approach since it began with the Bricker amendment. I've seen this device of the antidiscrimination amendment used as the most cynical, amoral parliamentary maneuver of any in the last 10 or 12 years in the American Congress. When Bricker offered his antidiscrimination amendment his purpose was brazen. It was designed to defeat the housing bill to which it was attached, because liberal southerners like HILL and SPARKMAN and some others would not be able to vote for a housing bill to which was appended an antidiscrimination condition.

Thereafter the history of the various attempts to tack on such bills, both in the Senate and the House, is something to behold. In the House I've seen Southern Democrats lined up on a nonrecord vote and pulled off the floor, so that they let the antidiscrimination amendment pass, so that thereafter no southerner who wanted the substantive housing legislation would be able to vote for it. They did it as cynically as that. And only in the last session, this last year, Congressman POWELL voted against the Powell amendment. He voted against it, but it was tacked on to the housing bill he wanted. He voted for it when it was tacked on to the housing bill he didn't care about—the Republican version. So that's the kind of history these antidiscrimination amendments have.

PROBLEM OF ANTIDISCRIMINATION AMENDMENTS

Now, what do you do in such cases? Is there any guide? For myself I'm guided by an ancient saying which is attributed to the rabbis—though some rabbis have told me they can't find it. It sounds more like Adlai Stevenson than anybody else. It says that the obligation to be just cannot be divorced from the obligation to be practical and effective. And I would say, translated to the problem of antidiscrimination amendments, it goes something like this. It begins with a counting of noses on a practical basis. Certainly in any Congress in which you can pass both the substantive legislation and the antidiscrimination rider, you should vote for both. It should become a condition of the legislation.

I'm not so sure what you do when after counting noses you know that if you tack on the antidiscrimination amendment you will kill the principal legislation so that you will have neither nondiscrimination or schools or housing. In such a case I would suggest that if a Congressman feels that by passing the housing or education legislation without the rider—and let's not call it a rider because it isn't really a rider, it's really related to the purposes of the bill itself, and so conventionally and classically it bears the more honorable semantic name of an amendment or a condition. It isn't an irrelevant provision. Where you feel that the substantive legislation enacted can thereafter be subject to antidiscrimination executive action, then you haven't postponed or hurt the possibility of being able to desegregate, to impose nondiscrimination when you have the votes or the executive will to do it.

Then I see no harm, I see no ethical wrong, in voting for the basic substantive legislation. I say this, still believing that this is one of the most difficult problems of legislative ethics to come before a Congressman.

Senator DICKINSON (Indiana State Senate). I think in this matter there are two considerations—well maybe just one: What do we hope to accomplish? And then we have to decide or determine the instruments or the mechanisms most available to us to get a certain job done.

Now I don't have—as a legislator, long ago I stopped having a lot of faith in that which could be accomplished by statutory provisions. I've participated in and followed many laws through. They get on the books in different ways. For example, I can recall when we were working on our FEPC proposition back in 1945. We finally got it through, but it wasn't really the wish of the group that was running the State government. But there were political repercussions and so forth that had to be considered, so they let the law get on the books. But what did the Governor do? He immediately put a person in to administer the law who was absolutely opposed to it all the way along, you see. But he still had a record of getting the law on the books.

Now, actually we should just face it: there's no difference in our difficulties in education and our difficulties in housing. The germ that creates the toxic condition, the poison that causes one to be a problem does the other. I mean if you kill it in one place, you'll find that both of these things will disappear. Certainly laws have a contribution to make, but it seems to me that we can't—we must view other areas in which there has to be honest consideration and effort.

UNWORKABILITY OF ANTIDISCRIMINATION CONDITIONS

On the matter of attaching certain requirements—that is that a subdivision of government, a State or locality, will not be able to participate unless they have clauses prohibiting discrimination—this is very good. I wish it was workable. But I may tell you this could serve, certainly in the beginning, to do nothing much beyond lessening our taxes. And I say that for this reason: right in my own State of Indiana I can recall when the State of Indiana refused a grant of $400,000 that we could have had without matching funds because this was for a program of rehabilitation for handicapped, and it would involve some of our educational processes. Indiana has taken a position against any Federal aid to education. They said therefore we cannot accept the $400,000. This certainly is not as strong as the matter that we're after. So I'm not so certain that, depending upon what you want to accomplish, there is much to be gained by the concept that "Either you will follow this or you won't get funds."

In our own city of South Bend we are now in the process of building a low-rent housing project. This is going to be, or this is open occupancy. In all of the publicity we have stated that race, national origin, etc., will have no bearing upon the application. Now I don't know what is going to happen. Most people think this is going to be a project solely for Negroes.

Also, we have set up the machinery to have another low-rent housing project. We're having great difficulty in getting the site, and I know the reason why: because the best areas, in the places where the project should be, with the South Bend policy of open occupancy it would mean that it's going to take some of the people of my group into areas where we do not now exist. This isn't written, this hasn't been stated, but this I'm pretty certain is one of the causes of our difficulty. There is much pressure for more low-rent housing in South Bend because of our urban renewal program. It's possible—unless the conscience of this community rises up and gives us some support, it's very likely—we're going to have to put our additional units in an area that's considered more or less Negro.

MORE THAN LAWS REQUIRED

Now certainly it is not my intention to throw any cold water on it. I still—and this is my approach always in the legislature—try to observe that which has to be done and how can I best accomplish it. In this kind of a consideration we must determine what is wanted, and how much of it we're going to be reasonably satisfied with accomplishing over a period of time. But certainly we're going to have to go much beyond the power and the forces of the legislative process and, I may even say, the governmental processes, to accomplish this thing that is causing us so much distress, not only on the local, State, and the National level, but is causing us so much distress on the international level. Legislation—governmental processes—are not going to do it.

However, if we want to stand up and support and do or die with the concepts and philosophies that have tended to promote our situation over the world, then of course we can afford to say, "We'll have it right and we'll go up or down with it." If you want to take what is available and what can be had and what may contribute to alleviating the pressure of the situation, then some of these very strenuous measures are going to have to have a lot of consideration, as I see it, before you decide that you are going to institute them.

Dean O'MEARA. At this point, ladies and gentlemen, the agenda calls for a summary or a summation of the conference, and Congressman BRADEMAS has agreed to undertake that.

Notre Dame Civil Rights Conference—Part 25

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. DINGELL. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the

proceedings of the Civil Rights Conference at the University of Notre Dame on Sunday, February 14, 1960:

SUMMARY

Congressman BRADEMAS. At times today, during some of the technical legal discussion, I have been reminded of Carl Sandburg's line, "Why does the hearse horse snicker when they carry a lawyer away?"

But on the whole this has been for me, as a nonlawyer and legislator, a most valuable discussion. I do hope that this law school and other law schools throughout the country will carry on this experiment in collaboration between lawmakers and law teachers.

I have learned a lot and I trust that the record of this conference will also be useful to other Members of Congress who will read it in the CONGRESSIONAL RECORD. I would like to see other conferences like this held on other important legislative problems.

In summarizing today's discussion I'm only going to try to make some of the major points that seem to me to have been made in each of these three areas.

HOUSING

In the area of housing, it seems to me that most of our discussion has been focused around the following issue, and we've not yet come to any resolution of it: Are Federal grants to be conditioned on the existence or nonexistence of discrimination in a particular area?

Mr. Anderson has given us a good example of the type of problem one gets into when he tells about the effort in Chicago to keep public housing both integrated and operating under a policy of open occupancy. His point I think was underscored by what Senator Dickinson has just told us.

If we were to assume, however, to come to another point in the discussion on housing, that Federal grants are to be conditioned on the nonexistence of discrimination, we have the following problem: Should this condition be set forth by action of Congress, or should it be carried out by Executive order?

I think Mr. Edelsberg summed up very well the problem as it confronts any Member of Congress. I might say, Mr. Edelsberg, I remember very vividly last year when we had the housing bill up and the opponents of the housing bill thought they had us in a box because they had one of their side all ready to get up—and I'm trying to be, Dean, as nonpartisan as I can here—Mr. BALDWIN, of California, a Republican Member and a very able one, rose and offered a Powell-type amendment. Then the rabbi's problem confronts you.

I'd already made up my own mind what I was going to do on this and, as a matter of fact, I think it's a decreasing problem, because I think more and more Members of Congress who believe in civil rights and who believe in the substantive legislation are now not going to let themselves be mousetrapped on this issue. And I remember the look on CHARLIE HALLECK's face when the time came for those opposed to the Powell-type amendment to go down the aisle, and who should be leading the troops down but ADAM POWELL and the other three Negro Members of the House. That was the only time in my experience when every single Democrat voted the same way on any issue. There was a shout of laughter and a wave of applause. I think, as I say, it is a decreasing issue.

Finally with respect to housing I think one thing we've all agreed on—though we've not settled these other issues—is that we have to give greater attention to more of it.

SCHOOL DESEGREGATION

Now in the field of education, it seems to me that we made several points and that there was some consensus here. We most of us agree that there is a rather discouraging picture with respect to voluntary desegregation, and that we will have to give greater reliance to the law itself.

The suggestion was made by Professor Foster and supported strongly that Congress should itself pass a resolution of some sort in which explicitly the House and Senate would endorse the principle of the 1954 Supreme Court desegregation decision.

Another point on which I think most of us were agreed was that in the field of education we should lift some of the burden from the plaintiffs, for example the NAACP, and place more of the burden for instituting these desegregation suits on the Federal Government.

We also heard a call for more imaginative and more widespread use of equitable procedures on the part of the courts in resolving this problem.

We were agreed that we needed a great deal more information on the ways in which desegregation of school districts has been carried out in the past, and we agreed that the Federal Government should itself establish an agency for the collection and dissemination of such information.

And, finally, it was suggested and generally agreed that we needed the use of Federal funds for public education generally in far greater measure than is today the case.

THE RIGHT TO VOTE

In the field of voting rights we were agreed, I think, first that there should be established some process of Federal registration for disfranchised Negroes and that this process ought to be no more burdensome for Negroes than for whites who register to vote under State procedures.

Second, we were, I think, with an exception or two, of the mind that the Federal registration process should be used for both State and Federal elections.

Third, we were still not in complete agreement as to whether or not the judicial or the administrative approach was the appropriate remedy here.

Fourth, we were most of us agreed that there should be available Federal-court equitable enforcement to assure that whoever was federally registered had a chance to vote.

And fifth, I think we were agreed—and we spent a good deal of time on this subject—that there should be some assurance that the States, although given an opportunity to challenge the Federal registration procedure, should not be able by delay of any sort to defeat the right of those who were registered to cast their votes in the election.

The suggestion was made—a constructive suggestion that seemed to most of us to advance a solution of many of the problems—and I think agreed upon, that the time for the State to challenge the qualifications of a person thus federally registered should come when the person appears to vote, so that, pending decision on the challenge by the Federal courts, his vote can be cast and his ballot impounded and held for subsequent inclusion in the count.

I'm sure that I've missed some of the major points that were made here today, but I've tried to suggest what seemed to one lay observer to have been the most significant points.

And once again, speaking for myself, I want to express to all of you our great appreciation for your having come to the university to take part in this conference, and to express for all of you our great appreciation to Father Hesburgh, to Dean O'Meara, and to the University of Notre Dame for acting as our host.

Dean O'MEARA. I have only this to add, ladies and gentlemen, the hope that this conference has contributed a little bit toward the realization of that kind of society described by Prime Minister Macmillan as one in which "individual merit alone is the criterion for man's advancement, whether political or economic." Thank you all very much. The conference is adjourned.

EXCERPTS FROM THE REPORT OF THE COMMISSION ON CIVIL RIGHTS

(Page references to Commission's abridged report "With Liberty and Justice for All.")

VOTING

The history of voting in the United States shows, and the experience of this Commission has confirmed, that where there is will and opportunity to discriminate against certain potential voters, ways to discriminate will be found. The burden of litigation involved in acting against each new evasion of the Constitution, county by county, and registrar by registrar, would be immense. Nor is there any presently available effective remedy for a situation where the registrars simply resign.

If any State were to pass a law forthrightly declaring colored citizens ineligible to vote, the Supreme Court would strike it down forthwith as in flagrant violation of the 15th amendment. The trouble, however, comes not from discriminatory laws, but from the discriminatory application and administration of apparently nondiscriminatory laws.

Against the prejudice of registrars and jurors, the U.S. Government appears under present law, to be helpless to make good the guarantees of the U.S. Constitution (p. 88).

FINDINGS AND RECOMMENDATIONS

The problem (unanimous)

"To secure these rights," declared the great charter of American liberty, "governments are instituted among men, deriving their just powers from the consent of the governed." The instrument by which consent is given or withheld is the ballot.

Few Americans would deny, at least in theory, the right of all qualified citizens to vote. A significant number, however, differ as to which citizens are qualified. None in good conscience can state that the goal of universal adult suffrage has been achieved. Many Americans, even today, are denied the franchise because of race. This is accomplished through the creation of legal impediments, administrative obstacles, and positive discouragement engendered by fears of economic reprisal and physical harm. With those Americans who of their own volition are too apathetic either to register or, once registered, too apathetic to vote, this report does not concern itself. But with denials of the right to vote because of race, color, religion, or national origin, this Commission and the Congress of the United States are urgently concerned.

The Commission's studies reveal that many Negroes are eager to exercise their political rights as free Americans and that they have made some progress. Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote. An attempt has been made to gather and assess statistics and facts regarding denial of the right to vote. This task has required careful analysis and understanding of the legal impediments.

The Commission has sought to evaluate the extent to which there is an obligation on the part of the Federal Government to prevent denial of the right to vote because of discrimination by reason of color, race, religion, or national origin. This is what Congress asked. The scope of Federal power to protect the suffrage depends on whether interference comes from State and local officers or from private persons; on whether improper voting procedure along is involved, or whether the interference is based on race or color, and on the nature of the election itself, whether State or National.

Article I, section 2, of the U.S. Constitution has long stood for the proposition that while the qualifications of electors of Members of Congress are governed by State law, the right to vote for such representatives is derived from the U.S. Constitution. Article I, section 4, authorizes Federal protection of voting in Federal elections against interfer-

ence from any source. The 14th amendment affords protection against State interference with the equality of opportunity to vote in any election. The 15th amendment prohibits any action by the United States or a State, in any election, which interferes with the right to vote because of race or color or previous condition of servitude. The 17th amendment provides that a person possessing State qualifications has a right to vote which is derived not merely from the Constitution or the laws of the State from which the Senator is chosen, but has its foundation in the Constitution of the United States.

* * * * *

Without attempting to evaluate specific changes other than those reflected in the body of our report on voting, it has become apparent that legislation presently on the books is inadequate to assure that all our qualified citizens shall enjoy the right to vote. There exists here a striking gap between our principles and our everyday practices. This is a moral gap. It spills over into and vitiates other areas of our society. It runs counter to our traditional concepts of fair play. It is a partial repudiation of our faith in the democratic system. It undermines the moral suasion of our national stand in international affairs. It reduces the productivity of our Nation. In the belief that new legislation is needed, we submit for consideration of the President and the Congress the following recommendations which we believe will help Americans to make good our declarations of national purpose (pp. 89–90).

RECOMMENDATION NO. 2

The Commission recommends that the Congress require that all State and territorial registration and voting records shall be public records and must be preserved for a period of 5 years, during which time they shall be subject to public inspection, provided that all care be taken to preserve the secrecy of the ballot (p. 92).

PLAN FOR TEMPORARY FEDERAL REGISTRARS

The Commission has investigated sworn complaints of denials of the right to vote by reason of color or race in seven States. In two States where it determined to hold formal hearings, Alabama and Louisiana, its efforts to secure all relevant facts were met with open resistance by State officials. Nevertheless, on the basis of the testimony of witnesses and the examination of the registration records that were made available in Alabama, and through field investigation in other States, the Commission found that a substantial number of Negroes are being denied their right to vote. The infringement of this right is usually accomplished through discriminatory application and administration of State registration laws.

But discriminatory registration is not the only problem. The Commission also found instances in which there was no registration board in existence, or none capable of functioning lawfully. In all such cases, the majority of the electorate already registered were white persons.

Notre Dame Civil Rights Conference—Part 26

EXTENSION OF REMARKS

OF

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. KASTENMEIER. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the Civil Rights Conference at the University of Notre Dame on Sunday, February 14, 1960:

For one example, the members of the Macon County, Ala., Board of Registrars resigned after this Commission's Alabama hearing. At the hearing, 25 Macon County Negroes had testified that the board had unlawfully refused to register them. Invited to answer these charges, the Macon County registrars had refused to testify. But an injunction suit against the board to compel registration of 17 of the hearing witnesses and other apparently qualified Negroes, brought by the U.S. Attorney General under the new provisions of the Civil Rights Act of 1957, was dismissed for lack of anyone to sue. Subsequently, new appointees to the Macon County board were named in July 1959. They refused to serve. Their reason, according to a United Press International report, was "the pressure for Negro registration" and "fear of being 'hounded' by the U.S. Civil Rights Commission."

The two other suits brought by the Attorney General under the same act had not at this writing resulted in a single registration. The suit in Georgia had been dismissed and was on appeal; the one in Louisiana was pending.

In short, no one had yet been registered through the civil remedies of the 1957 act.

Class suits on behalf of a number of Negroes to obtain registration have rarely been successful. The courts have inclined to the view that these suits are an individual nature, with the result that a vast number of suits may be necessary.

The delays inherent in litigation, and the real possibility that in the end litigation will prove fruitless because the registrars have resigned, make necessary further remedial action by Congress if many qualified citizens are not to be denied their constitutional right to vote in the 1960 elections.

FINDINGS

The Commission finds that substantial numbers of citizens qualified to vote under State registration and election laws are being denied the right to register, and thus the right to vote, by reason of their race or color. It finds that the existing remedies under the Civil Rights Act of 1957 are insufficient to secure and protect the right to vote of such citizens. It further finds that some direct procedure for temporary Federal registration for Federal elections is required if these citizens are not to be denied their right to register and vote in the forthcoming national elections. Some method must be found by which a Federal officer is empowered to register voters for Federal elections who are qualified under State registration laws but are otherwise unable to register.

Such a temporary Federal registrar should serve only until local officials are prepared to register voters without discrimination. The temporary Federal registrar should be an individual located in the area involved, such as the postmaster, U.S. attorney, or clerk of the Federal district court. The factfinding responsibilities to determine whether reasonable grounds exist to believe that the right to vote is being denied could be discharged by the Commission on Civil Rights, if extended. Because of the importance of the matter, such a temporary Federal registrar should be appointed directly by the President of the United States.

RECOMMENDATION NO. 5

Therefore, the Commission recommends that, upon receipt by the President of the United States of sworn affidavits by nine or more individuals from any district, county, parish, or other political subdivision of a State, alleging that the affiants have unsuccessfully attempted to register with the duly constituted State registration office, and that the affiants believe themselves qualified under State law to be electors, but have been denied the right to register because of race, color, religion, or national origin, the President shall refer such affidavits to the Commission on Civil Rights, if extended.

A. The Commission shall:

1. Investigate the validity of the allegations.

2. Dismiss such affidavits as prove, on investigation, to be unfounded.

3. Certify any and all well-founded affidavits to the President and to such temporary registrar as he may designate.

B. The President upon such certification shall designate an existing Federal officer or employee in the area from which complaints are received, to act as a temporary registrar.

C. Such registrar-designate shall administer the State qualification laws and issue to all individuals found qualified, registration certificates which shall entitle them to vote for any candidate for the Federal offices of President, Vice President, presidential elector, Members of the Senate or Members of the House of Representatives, Delegates or Commissioners for the territories or possessions, in any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

D. The registrar-designate shall certify to the responsible State registration officials the names and fact of registration of all persons registered to him. Such certification shall permit all such registrants to participate in Federal elections previously enumerated.

E. Jurisdiction shall be retained until such time as the President determines that the presence of the appointed registrar is no longer necessary.

DISSENT BY COMMISSIONER BATTLE

I concur in the proposition that all properly qualified American citizens should have the right to vote but I believe the present laws are sufficient to protect that right and I disagree with the proposal for the appointment of a Federal registrar which would place in the hands of the Federal Government a vital part of the election process so jealously guarded and carefully reserved to the States by the Founding Fathers (p. 94–96).

PROPOSAL FOR A CONSTITUTIONAL AMENDMENT TO ESTABLISH UNIVERSAL SUFFRAGE

By Chairman Hannah and Commissioners Hesburgh and Johnson: "The Commission's recommendation for temporary Federal registration should, if enacted by Congress, secure the right to vote in the forthcoming national elections for many qualified citizens who would otherwise, because of their race or color, be denied this most fundamental of American civil rights. But the proposed measure is clearly a stopgap.

"In its investigations, hearings and studies the Commission has seen that complex voter qualification laws, including tests of literacy, education and 'interpretation,' have been used and may readily be used arbitrarily to deny the right to vote to citizens of the United States.

"Most denials of the right to vote are in fact accomplished through the discriminatory application and administration of such State laws. The difficulty of proving discrimination in any particular case is considerable. It appears to be impossible to enforce an impartial administration of the literacy tests now in force in some States, for where there is a will to discriminate, these tests provide the way.

"Therefore, as the best ultimate solution of the problem of securing and protecting the right to vote, we propose a constitutional amendment to establish a free and universal franchise throughout the United States.

"An important aim of this amendment would be to remove the occasion for further direct Federal intervention in the States' administration and conduct of elections, by prohibiting complex voting requirements and providing clear, simple, and easily enforcible standards.

"The proposed constitutional amendment would give the right to vote to every citizen who meets his State's age and residence requirements and who is not legally confined at the time of registration or election.

"Age and residence are objective and simple standards. With only such readily ascertainable standards to be met, the present civil remedies of the Civil Rights Act should prove more effective in any future cases of discriminatory application. A court injunction could require the immediate registration of any person who meets these clear-cut State qualifications.

"The proposed amendment is in harmony with the American tradition and with the trend in the whole democratic world. As noted in the beginning of this section of the Commission's report, the growth of American democracy has been marked by a steady expansion of the franchise; first by the abandonment of property qualifications and then by conferral of suffrage upon the two great disfranchised groups, Negroes and women. Only 19 States now require that voters demonstrate their literacy. Michigan, New Hampshire, Pennsylvania, Tennessee, and Vermont have suffered no apparent harm from absence of the common provisions disqualifying mental incompetents. With minor exceptions, mostly involving election offenses, Colorado, Maine, Massachusetts, Michigan, Pennsylvania, Utah, Vermont, and West Virginia have no provisions barring certain ex-convicts from the vote, and of the States which do have such provisions, all but eight also provide for restoration of the former felon's civil rights. In only five States is the payment of a poll tax still a condition upon the suffrage.

"The number of Americans disqualified under each of these categories is very small compared with the approximately 90 million now normally qualified to vote. It is also small in relation to the numbers of qualified nonwhite citizens presently being disfranchised by the discriminatory application of these complex laws. The march of education has almost eliminated illiteracy. In a nation dedicated to the full development of every citizen's human potential, there is no excuse for whatever illiteracy that may remain. Ratification of the proposed amendment would, we believe, provide an additional incentive for its total elimination. Meanwhile, abundant information about political candidates and issues is available to all by way of television and radio.

"We believe that the time has come for the United States to take the last of its many steps toward free and universal suffrage. The ratification of this amendment would be a reaffirmation of our faith in the principles upon which this Nation was founded. It would reassure lovers of freedom throughout a world in which hundreds of millions of people, most of them colored, are becoming free and are hesitating between alternative paths of national development.

"For all these reasons we propose the following 23d amendment to the Constitution of the United States.

"'ARTICLE XXIII

"'SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State or by any person for any cause except inability to meet State age or length-of-residence requirements uniformly applied to all persons within the State, or legal confinement at the time of registration or election. This right to vote shall include the right to register or otherwise qualify to vote, and to have one's vote counted.

"'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'"

SEPARATE STATEMENTS REGARDING PROPOSED XXIII AMENDMENT

1. By Vice Chairman Storey and Commissioner Carlton: "We strongly believe in the right of every qualified citizen of the United States, irrespective of his color, race, religion, or national origin, to register, vote, and have his vote counted. We regard full protection of these rights of suffrage by both State and Federal Governments necessary and proper. Therefore, we have supported and voted for all recommendations of the Commission (except the proposed XXIII amendment) to strengthen the laws and improve the administration of registration and voting procedures. However, we cannot join our distinguished colleagues in the recommendation of the proposed constitutional amendment. These are our several reasons:

"1. We believe that our Commission recommendations, if enacted into law and properly enforced, will eliminate most if not all of the restrictions on registration and voting by reason of race, color, religion, or national origin.

"A recommendation proposing a constitutional amendment granting additional power to the Federal Government would be in order only if we had found a lack of power under existing constitutional provisions. Such is not the case.

"2. On principle, proposals for constitutional amendments which would alter long-standing Federal-State relationships, such as the constitutional provision that matters pertaining to the qualifications of electors shall be left to the several States, should not be proposed in the absence of clear proof that no other action will correct an existing evil. No such proof is apparent.

"3. The Constitution of the United States of America presently includes sufficient authority to the Federal Government to enable it effectively to deal with denials of the right to vote by reason of race, color, religion, and national origin.

"4. The information and findings cited in support of the proposed 23d amendment disclose that some illiteracy still exists, that authoritative State statistics and studies are wholly lacking to support such an important proposal, and that our staff has not had the opportunity to make a thorough study of such a far-reaching proposal."

2. By Commissioner John Battle:

"I heartily agree with the objections of Commissioners Storey and Carlton to the proposed constitutional amendment" (p. 97–99).

Notre Dame Civil Rights Conference—Part 27

EXTENSION OF REMARKS

OF

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. DIGGS. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the Civil Rights Conference at the University of Notre Dame on Sunday, February 14, 1960:

PUBLIC EDUCATION

The problems (unanimous)

The Commission based its study of legal developments constituting a denial of the equal protection of the laws in the field of public education upon two fundamental premises:

(1) The American system of public education must be preserved without impairment because an educated citizenry is the mainstay of the Republic and full educational opportunity for each and every citizen is America's major defense against the world threat to freedom.

(2) The constitutional right to be free from compulsory segregation in public education can be and must be realized, for this is a government of law, and the Constitution as interpreted by the Supreme Court is the supreme law of the land.

The problem, therefore, is how to comply with the Supreme Court decision while preserving and even improving public education. The ultimate choice of each State is between finding reasonable ways of ending compulsory segregation in its schools or abandoning its system of free public education (p. 131).

INFORMATION, ADVISORY, AND CONCILIATION SERVICES

Background

The Commission's studies, and particularly its conference with school officials from districts in border States and a few in the South that have in some measure desegregated since 1954, demonstrate that when local school officials are permitted to act responsibly in adopting plans that fit local conditions the difficulties of desegregation can be minimized. A variety of plans have proved to be successful, ranging from the merger of the former Negro and white school systems into one integrated system (particularly in communities where the Negro population was small and the cost of maintaining separate systems considerable) to the gradual Nashville plan that began in the first grade and is proceeding at the rate of one grade a year, with voluntary transfer permitted to any child assigned to a school where his race is in the minority.

In *Shuttlesworth* v. *Birmingham Board of Education* (358 U.S. 101 (1958)) the U.S. Supreme Court upheld as valid on its face the Alabama pupil placement law on the assumption that the law would be administered in a constitutional manner. Eight southern States have adopted pupil placement laws as a means of meeting the test of nondiscrimination. This is another possible method by which compliance may be achieved.

In many instances desegregation has been used by the local community as the occasion to raise its educational standards. In many instances remedial programs have been adopted for the handicapped, and advanced programs established for gifted students. Such programs were described to the Commission at its Nashville conference by the superintendents from Wilmington, Del.; Washington, D.C.; and San Angelo, Tex. St. Louis, Mo., has adopted a similar program. It is important that any transition should not result in the lowering of educational standards for either the white or Negro student. If possible, it should result in an improvement of educational standards for both; a number of school officials report that this has already happened in their communities.

In the transition to a nondiscriminatory school system, a carefully developed State or local plan is better than a plan imposed by a court for the immediate admission of certain litigants, or a plan imposed by any outside agency. The Supreme Court and the Federal lower courts have made it clear that they will consider sympathetically any reasonable plan proposed in good faith. This seems to be an area in which the principle of States rights can most effectively express itself through local option in meeting this problem. If State governments do not per-

mit local school officials to develop such plans for good faith compliance, the effectiveness of the school system in the State as a whole will be impaired. By permitting such local option a variety of methods of transition can be developed that take into account the varying circumstances in different areas of the State.

FINDINGS

1. The rate of adjustment of a school system to desegregation is influenced by many factors including the relative size and location of the white and Negro population, the extent to which the Negro children are culturally handicapped, segregation practices in other areas of community life, the presence or absence of democratic participation in the planning of the program used or preparation of the community for its acceptance, and the character of the leadership in the community and State.

2. Many factors must be considered and weighed in determining what constitutes a prompt and reasonable start toward full compliance and the means by which and the rate at which desegregation should be accomplished.

3. Desegregation by court order has been notably more difficult than desegregation by voluntary action wherein the method and timing have been locally determined.

4. Many school districts in attempting to evolve a desegregation plan have had no established and qualified source to which to turn for information and advice. Furthermore, many of these districts have been confused and frustrated by apparent inconsistencies in decisions of lower Federal courts.

RECOMMENDATIONS NO. 1(a) AND 1(b) (UNANIMOUS)

Therefore, the Commission recommends:

1(a) That the President propose and the Congress enact legislation to authorize the Commission on Civil Rights, if extended, to serve as a clearinghouse to collect and make available to States and to local communities information concerning programs and procedures used by school districts to comply with the Supreme Court mandate either voluntarily or by court order, including data as to the known effects of the programs on the quality of education and the cost thereof.

1(b) That the Commission on Civil Rights be authorized to establish an advisory and conciliation service to assist local school officials in developing plans designed to meet constitutional requirements and local conditions; and to mediate and conciliate, upon request, disputes as to proposed plans and their implementation (pp. 131–133).

PROPOSAL TO REQUIRE EQUAL OPPORTUNITY AS A CONDITION OF FEDERAL GRANTS TO HIGHER EDUCATION

By Chairman Hannah and Commissioners Hesburgh and Johnson: "More than $2 billion a year of Federal funds go for educational purposes and to educational institutions. The principal recipients of these funds are the Nation's colleges, universities, and other institutions of higher education. Whether tax-supported or privately financed, they receive Federal grants and loans both for their general support and capital improvements as well as for research projects, special programs, and institutes.

"Discriminatory admission policies and other practices are known to exist in a number of such institutions. None of the Federal agencies administering these educational assistance programs require proof or an attestation of nondiscrimination by the institutions as a condition for the receipt of Federal funds.

"With its duty to 'appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution,' the Commission was compelled to ask whether it is consistent for the Federal Government to aid and support educational programs and activities in institutions of higher education which are not open to all citizens on an equal and nondiscriminatory basis.

"While Congress has not required such conditions for these grants, the operations of the Federal Government are subject to the constitutional principle of equal protection or equal treatment.

"The Supreme Court has held racial discrimination in public education to be a denial of equal protection. In regard to public institutions of higher education the courts have required the immediate admission of qualified students without discrimination. The reasons for the gradual elimination of racial discrimination in elementary and secondary schools do not obtain in the field of higher education. There, immediate equality of opportunity for qualified students of all races is possible and necessary.

"Although the equal protection clause of the 14th amendment applies only to State action, 'it would be unthinkable,' the Supreme Court has held, 'that the same Constitution would impose a lesser duty on the Federal Government.'

"We believe that it is inconsistent with the Constitution and public policy of the United States for the Federal Government to grant financial assistance to institutions of higher education that practice racial discrimination.

"We recommend that Federal agencies act in accordance with the fundamental constitutional principle of equal protection and equal treatment, and that these agencies be authorized and directed to withhold funds in any form to institutions of higher learning, both publicly supported and privately supported, which refuse, on racial grounds, to admit students otherwise qualified for admission."

Additional proposal by Commissioner Johnson: "While joining in the above proposal, I recommend that the policy set forth apply to all educational institutions that receive Federal funds, including public elementary and secondary schools. My reasons are set forth in my closing statement at the end of this report."

SEPARATE STATEMENT ON CONDITIONAL FEDERAL GRANTS FOR HIGHER EDUCATION

By Vice Chairman Storey and Commissioners Battle and Carlton: "We oppose the recommendation that Federal agencies be authorized to withhold all public funds from institutions of higher learning (public and private) which refuse, on racial grounds, to admit students otherwise qualified for admission for the following reasons:

"1. The Commission has agreed that the preservation and improvement of education is a matter of great national interest, and is a fundamental principle within which the problems of equal protection must be evaluated. Therefore, we cannot conscientiously endorse a program which might well undermine that principle.

"2. Present problems of equal protection pertaining to education fall within the sweep of the 14th amendment, an area long since preempted by the courts. We cannot endorse a program of economic coercion as either a substitute for or a supplement to the direct enforcement of the law through the orderly processes of justice, as administered by the courts.

"3. Such a proposal by this Commission—as an agency of the Federal Government—would drastically affect the administration of privately owned institutions of higher education. Such action goes beyond the scope of the Commission's duties.

"4. Our staff studies were directed toward understanding and evaluation of equal protection problems in public and secondary schools, not private schools upon any level, and not institutions of higher education, whether public or private" (pp. 135–137).

HOUSING

Findings and recommendations

The Problem (Unanimous)

It is the public policy of the United States, declared by the Congress and the President and in accord with the declared purposes of the Constitution, that every American family shall have equal opportunity to secure a decent home in a good neighborhood. Since the home is the heart of a good society it is essential that this aspect of the promise of equal protection of the laws be fulfilled forthwith.

From the Commission's study of housing two basic facts were found to constitute the central problem.

First, a considerable number of Americans, by reason of their color or race, are being denied equal opportunity in housing. A large proportion of colored Americans are living in overcrowded slums or blighted areas in restricted sections of our cities, with little or no access to new housing or to suburban areas. Most of these Americans, regardless of their educational, economic, or professional accomplishments, have no alternative but to live in used dwellings originally occupied by white Americans who have a free choice of housing, new or old. Housing thus seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay. It would be an affront to human dignity for any one group of Americans to be restricted to wearing only hand-me-down clothing or to eating the leftovers of others' food. Like food and clothing, housing is an essential of life, yet many nonwhite American families have no choice but secondhand homes. The results can be seen in high rates of disease, fire, juvenile delinquency, crime and social demoralization among those forced to live in such conditions. A nation dedicated to respect for the human dignity of every individual should not permit such conditions to continue.

Second, the housing disabilities of colored Americans are part of a national housing crisis involving a general shortage of low-cost housing. Americans of lower income, both colored and white, have few opportunities for decent homes in good neighborhoods. Since most suburban housing is beyond their means, they remain crowded in the central city, creating new slums. Since colored people comprise a rising proportion of the city dwellers with lowest income, these slums are becoming increasingly colored. The population of metropolitan areas, already comprising over 60 percent of the American people, is growing rapidly not merely by births but by migration. These migrants, many of them colored, most of them unadapted to urban life, form the cutting edge of the housing crisis.

Notre Dame Civil Rights Conference—Part 28

EXTENSION OF REMARKS

OF

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. ADAIR. Mr. Speaker, under unanimous consent, I include in the RECORD the following portion of the proceedings of the Civil Rights Conference

at the University of Notre Dame on Sunday, February 14, 1960:

CITY AND STATE LAWS, POLICIES, AND PROGRAMS

In New York City, as in Pittsburgh and in four States—Colorado, Connecticut, Massachusetts, and Oregon—there are far-reaching laws against discrimination in the sale or rental of multiunit private housing, and all publicly assisted housing. In New York State, as in 10 other States, there are laws against discrimination in publicly-assisted or urban renewal housing. Officials and community leaders in New York testified that these laws are having a valuable educational effect and that their enforcement, principally through mediation by the city Commission on Intergroup Relations and the State Commission Against Discrimination, is helping to promote equal opportunity in housing.

In Atlanta, the work of the Mayor's West Side Mutual Development Committee, representing equally the Negro and white people in the area of the city undergoing the greatest racial transition, has served to replace blockbusting and reduce racial tension and violence by means of expanding Negro residential areas through negotiation and consent. This has enabled Negroes in Atlanta, unlike those in most American cities, to gain access to good outlying land and to build new suburban neighborhoods.

In Chicago, which has neither New York's laws against discrimination nor Atlanta's policy of negotiating agreements for Negro expansion, the Commission found that the Negroes' primary method of securing better housing was through the mutually unsatisfactory system of blockbusting, with the consequent uprooting of adjacent white neighborhoods and with inevitable racial tension and occasional violence.

On the basis of its hearings in these three cities the Commission finds that, whatever the particular approach adopted, some official city and State program and agency concerned with promoting equal opportunity to decent housing is needed. Such programs and agencies can bring about better public understanding of the problems and better communication between citizens. Whether or not cities or States are prepared to adopt antidiscrimination laws, and even in areas where racial separation is the prevailing public policy, it is possible that through interracial negotiation practical agreements for progress in housing can be reached. Where public opinion makes possible the adoption of laws against discrimination in housing, this might contribute significantly to the work of the agency promoting equal opportunity in housing. Then the agency would have legal support in its efforts at mediation and conciliation.

Recommendation No. 1 (unanimous)

The Commission recommends that an appropriate biracial committee or commission on housing be established in every city and State with a substantial nonwhite population. Such agencies should be empowered to study racial problems in housing, receive and investigate complaints alleging discrimination, attempt to solve problems through mediation and conciliation, and consider whether these agencies should be strengthened by the enactment of legislation for equal opportunity in areas of housing deemed advisable.

OVERALL FEDERAL LAWS, POLICIES, AND PROGRAMS

The Federal Government now plays a major role in housing. Its participation in slum clearance, urban redevelopment, public housing and mortgage loan insurance amounts to billions of dollars. The Constitution prohibits any governmental discrimination by reason of race, color, religion, or national origin. The operation of Federal housing agencies and programs is subject to this principle. In addition, there is in effect an act of Congress adopted in 1866 and reenacted in 1870 that recognizes the equal right of all citizens, regardless of color, to purchase, rent, sell, or use real property.

While the fundamental legal principle is clear, Federal housing policies need to be better directed toward fulfilling the constitutional and congressional objective of equal opportunity. Norman Mason, the Administrator of the Housing and Home Finance Agency, who is responsible for coordinating the various housing programs of the constituents of HHFA, testified before this Commission that he intends to develop policies that will further promote the principle of equal opportunity in all these housing programs. The Commission finds that there is much that the Administrator of the HHFA can do, through careful and determined administration, to assure that the principle of equal opportunity in Federal housing programs is applied not only in the top policies but at the operating levels in each constituent agency.

Because of the paramount national importance of this problem the Commission finds that direct action by the President in the form of an Executive order on equality of opportunity in housing is needed. The order should apply to all federally assisted housing, including housing constructed with the assistance of Federal mortgage insurance or loan guarantees as well as federally aided public housing and urban renewal projects.

There have been such Executive orders calling for the application of the principles of equal opportunity and equal treatment in the fields of Government contracts and Government employment, and in the armed services. Instead of establishing a new Presidential committee, as was done in these other Executive orders, the President could request the Commission on Civil Rights, if its life is extended, to conduct the necessary continuing studies and investigations and make further recommendations.

Recommendations Nos. 2 and 3 (unanimous)

Therefore, the Commission recommends

2. That the President issue an Executive order stating the constitutional objective of equal opportunity in housing, directing all Federal agencies to shape their policies and practices to make the maximum contribution to the achievement of this goal, and requesting the Commission on Civil Rights, if extended, to continue to study and appraise plans to bring about the end of discrimination in all federally assisted housing, and to make appropriate recommendations.

3. That the Administrator of the Housing and Home Finance Agency give high priority to the problem of gearing the policies and the operations of his constituent housing agencies to the attainment of equal opportunity in housing.

FHA AND VA

The present policy of the Federal Housing Administration and the Veterans' Administration is not to do further business with a builder who has been found in violation of a State or city law prohibiting discrimination. However, waiting upon the appropriate State or city agency to make a finding of violation of State or city law may result in Federal assistance to a builder who is openly or manifestly evading such law. By the time any State or city action against such a builder has been completed the projects may well have been built and sold or rented on a discriminatory basis.

Recommendation No. 4 (unanimous)

Therefore, the Commission recommends that, in support of State and city laws the Federal Housing Administration and the Veterans' Administration should strengthen their present agreements with States and cities having laws against discrimination in housing by requiring that builders subject to these laws who desire the benefits of Federal mortgage insurance and loan guarantee programs agree in writing that they will abide by such laws. FHA and VA should establish their own factfinding machinery to determine whether such builders are violating State and city laws, and, if it is found that they are, immediate steps should be taken to withdraw Federal benefits from them, pending final action by the appropriate State agency or court.

Public housing

The location of sites for public housing projects and the kind of housing provided play an important part in determining whether public housing becomes almost entirely nonwhite housing, whether it accentuates or decreases the present patterns of racial concentration, and whether it contributes to a rise in housing standards generally. A policy of "scatteration" of smaller projects throughout the whole metropolitan area may remedy some of the present defects of public housing.

Public housing projects can serve as schools for better housing and homekeeping. A large number of the tenants are recent migrants from rural areas, unprepared for urban life. Placing them in decent housing units and requiring that decent standards be maintained will help them make a successful adjustment to city life. Locating these projects in better neighborhoods and making them less institutional in appearance will add to this educational process.

As a result of the large number of nonwhites in need of low-cost housing and the tendency of whites to avoid living in the midst of nonwhite majority, many projects are all or predominantly nonwhite. This may result in a proportion of nonwhite occupancy higher than that actually required under the Public Housing Administration's "racial equity" formula based on the estimated needs of the two racial groups. In one city the Commission found that the location of public housing sites within areas of Negro concentration resulted in de facto discrimination against low-income white citizens.

Recommendation No. 5 (unanimous)

Therefore, the Commission recommends: that the Public Housing Administration take affirmative action to encourage the selection of sites on open land in good areas outside the present centers of racial concentration. PHA should put the local housing authorities on notice that their proposals will be evaluated in this light. PHA should further encourage the construction of smaller projects that fit better into residential neighborhoods, rather than large developments of tall "high rise" apartments that set a special group apart in a community of its own (pp. 180–185).

THE PROBLEM AS A WHOLE

Through its studies of three particular aspects of civil rights—voting, education, and housing—the Commission has come to see the organic nature of the problem as a whole. The problem is one of securing the full rights of citizenship to those Americans who are being denied in any degree the vital recognition of human dignity, the equal protection of the laws.

To a large extent this is now a racial problem. In the past there was widespread denial of equal opportunity and equal justice by reason of religion or national origin. Some discrimination against Jews remains, particularly in housing, and some recent immigrants undoubtedly still have to overcome prejudice. But with a single exception the only denials of the right to vote that have come to the attention of the Commission are by reason of race or color. This is also clearly the issue in public education. In housing, too, it is primarily nonwhites who lack opportunity. Therefore, the Commission has con-

centrated its studies on the status of the 18 million Negro American citizens, who constitute this country's largest racial minority. If a way can be found to secure and protect the civil rights of this minority group, if a way can be opened for them to finish moving up from slavery to the full human dignity of first-class citizenship, then America will be well on its way toward fulfilling the great promises of the Constitution.

In part this is the old problem of the vicious circle. Slavery, discrimination and second-class citizenship have demoralized a considerable portion of those suffering these injustices, and the consequent demoralization is then seen by others as a reason for continuing the very conditions that caused the demoralization.

The fundamental interrelationships among the subjects of voting, education, and housing make it impossible for the problem to be solved by the improvement of any one factor alone. If the right to vote is secured, but there is not equal opportunity in education and housing, the value of that right will be discounted by apathy and ignorance. If compulsory discrimination is ended in public education, but children continue to be brought up in slums and restricted areas of racial concentration, the conditions for good education and good citizenship will still not obtain. If decent housing is made available to nonwhites on equal terms but their education and habits of citizenship are not raised, new neighborhoods will degenerate into slums.

In this complex picture there are, of course, other major factors that the Commission has not studied directly, particularly questions of discrimination in employment, in the administration of justice, and in public accommodations.

Equal opportunity and equal justice under law must be achieved in all sections of American public life with all deliberate speed. It is not a court of law alone that tells us this, but also the needs of the Nation in the light of the clear and present dangers and opportunities facing us, and in the light of our restive national conscience. Time is essential in resolving any great and difficult problem, and more time will be required to solve this one. However, it is not time alone that helps, but the constructive use of time.

The whole problem will not be solved without high vision, serious purpose, and imaginative leadership. Prohibiting discrimination in voting, education, hou[illegible], or other parts of our public life will not [illegible]ice. The demoralization of a part of the nonwhite population resulting from generations of discrimination can ultimately be overcome only by positive measures. The law is not merely a command, and government is not just a policeman. Law must be inventive, creative, and educational.

To eliminate discrimination and demoralization, some dramatic and creative intervention by the leaders of our national life is necessary. In the American system much of the action needed should come from private enterprise and voluntary citizens' groups and from local and State governments. If they fail in their responsibilities the burden falls unduly on the Federal Government.

This Commission would add only one further suggestion. The fundamental cause of prejudice is hidden in the minds and hearts of men. That prejudice will not be cured by concentrating constantly on the discrimination. It may be cured, or reduced, or at least forgotten if sights can be raised to new and challenging targets. Thus a curriculum designed to educate young Americans for this unfolding 20th-century world, with better teachers and better schools, will go a long way to facilitate the transition in public education. Equal opportunity in housing will come easier as part of a great program of urban reconstruction and regeneration. The right to vote will more easily be secured throughout the whole South if there are great issues on which people want to vote.

What is involved is the ancient warning against the division of society into Two Cities. The Constitution of the United States, which was ordained to establish one society with equal justice under law, stands against such a division. America, which already has come closer to equality of opportunity than probably any other country, must succeed where other have failed. It can do this not only by resolving to end discrimination but also by creating through works of faith in freedom a clear and present vision of the City of Man, the one city free and equal man envisioned by the Constitution (pp. 191–194).

The Challenge of Safety in a Changing World

EXTENSION OF REMARKS
OF

HON. PETER FRELINGHUYSEN, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. FRELINGHUYSEN. Mr. Speaker, Labor Secretary Mitchell's address at the President's Conference on Occupational Safety is of real interest. Under leave to extend my remarks in the RECORD, I include the address, as follows:

THE CHALLENGE OF SAFETY IN A CHANGING WORLD

(Address by Secretary of Labor James P. Mitchell before the President's Conference on Occupational Safety, Washington, D.C., March 1, 1960)

Ladies and gentlemen of the President's Conference on Occupational Safety, I would like to welcome each of you to the President's Conference and thank you for giving so generously of your time, your talent and your resources for improving the safety of American working people.

The figures that are before you—an 8 percent rise in the number of disabling work injuries, a 4 percent rise in the number of work deaths—are indeed sobering.

They result, in part, from the evolutionary changes taking place in American industries and occupations, changes that involve the assimilation of untrained workers, and the shifting of trained workers, in an atmosphere of experimentation, exploration and competition.

This Conference, occurring as it does at the beginning of a decade in which the world will see more change than ever before, can be a milestone. Our industrial system, if the job done here by you is done well, may look back to this Conference as the decisive event in shaping change to suit the safety of the individual.

The theme, "The Challenge of Safety in a Changing World," could not be more well chosen.

You will hear, before this Conference ends, from a number of distinguished experts who will discuss with you the facts and the implications of the three challenges set before you.

I would like to take these few minutes this morning to survey these challenges in a broad context.

The first, the changing nature of work, brings us directly to what has been called "the industry of discovery," so radically different in method and technique than the production processes of a few years ago that it constitutes a kind of revolution.

At the heart of it is man's increasing knowledge of the true nature of nature, and the application of that knowledge to practical, productive enterprises. From the quiet research laboratory, from the experimentation of the scientist, come the ideas and discoveries that emerge as new materials, new machines, new methods.

Our investment in basic research has grown from $2.5 billion a year in 1950 to over $10 billion today. Some of its fruits are dramatic—they reach into space and into the depths of the oceans, communication by satellite, chemical products emerging at the rate of one new one a day that wash our dishes, grow our vegetables, kill our germs, electronic systems that remember and solve problems for us, and so on.

Ironically, there is danger in change.

The more rapid and fundamental the change, the greater the danger to those men and women who must control and utilize it. Industrial change has always increased occupational injuries, and while the "industry of discovery" may relieve the labor force of many hazardous manual and physical jobs, it does not remove the danger element from work; it merely moves it to a different plane where it assumes different forms.

For those of us here this morning, I think the lesson is plain: We must better anticipate where the danger will be.

The safety engineer of today and tomorrow must be able to judge every new scientific advance destined for practical use in the light of its potential danger to human life and limb. That means he must acquaint himself with the work of the research labs and be familiar with the concepts and practices it involves.

We can no longer wait until an accident occurs to discover that a new machine, a new practice, a new element may contain a danger element.

Nor can we comfort ourselves that exposure to new hazards may be small. If there are only seven astronauts preparing for their incredible adventure in space, there are hundreds of thousands of engineers, technicians, and skilled craftsmen designing, making, testing, and using the equipment, fuels, construction facilities, and test sites that contribute to such an adventure—and this kind of activity will increase in great measure.

We cannot shift work injuries from one place to another and pride ourselves that they have been eliminated from the first place.

I would like to pose a series of questions regarding the changing nature of work:

Have you taken a hard, objective look at the hazard element in new equipment you have introduced or plan to introduce?

Are the present safety standards keeping pace with the changes made possible by the researchers?

Are your operations as safe and safer than they were 10 years ago, or have you only shifted the danger zone to a different level?

Finally, and perhaps most importantly, have you compared the training of your new workers with the experience of your older ones, and made sure that training gives the same protection that experience teaches?

This last question poses, in part, the second challenge of this conference—the changing nature of the work force.

Recent studies, released by the Department of Labor only a few weeks ago, leave no room for doubt about the manpower challenge that confronts this Nation.

For this Conference, one aspect of that challenge is especially compelling. In the decade ahead there will be a surging increase in the number of young and inexperienced workers, just as we experience a shortage of men in their working prime, the group between 35 and 44 years of age, to which we ordinarily look for the highest experienced

skill, supervision, and leadership. The proportion of older workers and working women will also rise sharply.

Measured against this trend in the labor force toward a volume of younger workers is the occupational trend toward job growth in occupations requiring the highest skills and the greatest amount of education and training.

The evolutionary changes explicit in the first challenge to this Conference illuminate the nature of the second challenge:

New discoveries will increase the demand for scientists to teach and research in fields like electronics, nuclear energy, medical research, and space exploration. Mathematicians, physicists, biologists, and chemists will be in demand. So will technicians, programers for computers, medical personnel, skilled building craftsmen, skilled maintenance men, teachers, tool and die makers, and clerical personnel adept at handling automatic instruments.

The dilemma, then, is how to meet the increasing demands—indicated by the sketch of demand occupations I just gave—for highly skilled personnel from a growing supply of less experienced workers.

Certainly we must improve educational facilities and opportunities. We must increase individual competence across the board. We must make a wise and just use of our manpower without regard to race, sex, age, or physical handicap.

And we must make certain that the waste of accident and work death is eliminated.

The only formal safety instruction that millions of our new young workers will receive before they go on the job is that given to them as a part of their education.

Safety should be a conscious effort in education from the earliest years.

This evening you will hear a report of progress made in this area under the leadership of the U.S. Commissioner of Education—one that we can all applaud.

For our society in general, the changing nature of our work force calls for greatly increased attention to the teaching of safety. The investment by the worker, by his employer, and by the Nation in the acquisition of competence and skill by an individual is far too great to afford to lose it by a preventable work injury.

And because of the configuration of the labor force in the next decade, the heaviest burden will fall to the educational system to prevent that loss and guarantee the full use of a talent for its full period of service.

Our educators should be aware that safety in terms of "working safely on the job" is a concept becoming obsolete rapidly. When split-second decisions are required to protect life and limb, when hazards become so subtle they can be detected only by special skill and instruments, then safety becomes a part of general instruction.

One of the things this Conference might explore is how to integrate safety education at every level of schooling.

The third challenge posed for us by the planners of this Conference is the unchanging nature of man.

I believe that this is a simple challenge for us to understand better the psychological factors that can sometimes be hazardous to a man working at a job.

Mr. Ben Fairless, in an address to the National Safety Council, recently indicated the kind of problem we face in this area. In an industry in which machine operators may increasingly be replaced by machine watchers, maintenance experts standing at the ready, how is one to prevent boredom from becoming dangerous? How is one to assure the constant alertness that is a part of a working habit?

It is possible that one of the products of a crowded, urbanized, industrial society may well be increasing danger at the work place, danger due not so much to exterior factors as to the stability and awareness of the worker himself.

Man goads himself. He makes changes and then finds he must adapt to them in order to survive. Progress and danger often go together—progress more profound and danger more subtle as science develops.

I am sure that Dr. Carmichael of the Smithsonian Institution will have some illuminating remarks on this specific challenge.

These three challenges, skillfully chosen by the planners of the Conference, should elicit positive and creative responses. From what I know of the imagination and ability of the people gathered here, I am certain they will.

We can read the new figures, the sobering figures of increasing accidents and deaths, and see that the changing nature of work and the work force is already resulting in higher rates.

This belief is supported by the analysis of the injury statistics made by the Bureau of Labor Statistics, which relates the upswing in part, and I quote, to "increasing employment, with untrained workers entering employment and the shifting of regular workers to changed procedures and activities."

The challenge of change before us this morning has already been faced in the Nation's work places—and the first reports of that confrontation are not encouraging.

This should certainly add urgency to the work of this Conference, and make all of us fully aware that what we see as titles on a program are, in fact, the very real situations of men and women today.

The President has called upon us to "devise a program of voluntary action to bring about a better safety record in all places where Americans are at work."

I am confident that such a program will emerge from your meetings and discussions, and that the "Challenge of Safety in a Changing World" will be remembered as the theme that awakened our Nation to the problem, so that we might fully fulfill the promise of life in a world of new adventure and new hope.

Forty-second Anniversary of Byelorussian Declaration of Independence

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. DERWINSKI. Mr. Speaker, we make mention today of the 42d anniversary of the declaration of independence of the Byelorussian Democratic Republic, which since then shares the fate of other nations by being subjected to Communist tyranny.

This date, however, demands special significance since the Byelorussian people at present are incorporated within the official boundaries of the Soviet Empire, and are often overlooked because they are not ranked as one of the captive Iron Curtain nations, but are assumed to be part of Russia proper.

The facts, however, bear concrete testimony to the constant struggle of about 6 million brave people against the oppressive policies of Soviet atheistic domination. These brave Byelorussian people find their traditional language and culture subjugated and area controlled in a police state condition, and, in addition, their religious life oppressed—as is the usual pattern—wherever Communists seize control, all faiths share equally in being persecuted—the Greek Orthodox, Roman Catholic, Jewish, and various Protestant denominations suffer the same persecution of their churches.

Mr. Speaker, certainly it is appropriate for me at this time to point out that these noble people are a constant reminder to us of the inherent evil in communism, and should serve as a stern warning to those few misguided Americans who might be tempted to swallow phony Communist propaganda.

Maj. Gen. John S. Mills, USAF

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. FOGARTY. Mr. Speaker, on January 29, 1960, Gen. Samuel E. Anderson, USAF, commander of the Air Materiel Command, presented Maj. Gen. John S. Mills, USAF, with the second award of the Distinguished Service Medal on the occasion of General Mills' retirement after 32 years of active duty.

I have come to know of his outstanding work in the development of special requirements for nuclear air weapons, through my service on the Appropriations Committee. It is indeed a grevious loss to the Air Force, the Department of Defense, and to the Nation that General Mills elected to retire at 54 from active military duty. His knowledgeability, his compassion for individuals, but most importantly, his integrity, will long be remembered in the annals of American defense. The following is a short account of General Mills' biography and achievements.

Maj. Gen. John S. Mills, recipient of two Distinguished Service Medals, was born in Appleton, Wis., July 17, 1906. He was graduated from the Appleton High School and after attending Lawrence College for 1 year, entered the U.S. Military Academy in July of 1924. He was commissioned a second lieutenant, Field Artillery, June 9, 1928.

In the fall of the same year, General Mills entered primary flying school at Brooks Field, Tex., completed this course, and was transferred to the advanced flying school at Kelly Field, Tex., where he was rated pilot in October 1929. The following month he was transferred to the Air Corps with duty assignment at Rockwell Field—now the North Island Naval Air Station—San Diego, Calif., as a pilot of the 11th Bomb Squadron. In September of 1930 he entered the Air Corps Technical School at Chanute Field, Ill., graduating the following April. He then rejoined his organization at Rockwell Field, transferring with the squadron to March Field, Calif., in October of 1931.

In the early months of 1934, General Mills participated in the Air Force project of flying the U.S. airmail subsequent to the cancellation of civil contracts for the operation. During this period he flew from the Salt Lake City, Utah, airport over some of the most rugged terrain of the country. In November, he received orders transferring him to Nichols Field, Philippine Islands, as adjutant of the 28th Bomb Squadron. In January 1937, he returned to the United States with assignment at Langley Field, Va., where he served initially as flight commander in the 29th Bomb Squadron and later as navigation officer of the 2d Bomb Group, the first organization equipped with the B–17 bomber.

In July 1939, General Mills was reassigned to Wright Field, Ohio, as Chief, Instrument and Navigation Unit, Air Materiel Command. He also attended the 3-month course at the Air Corps Tactical School, Maxwell Field, Ala., that year, returning to his permanent station in Ohio after graduation.

In June 1943, General Mills was selected to organize, train, and lead the 450th Bombardment Group in combat. He flew 25 combat missions in the Mediterranean theater in B–24 aircraft including the first high-altitude mission against the heavily defended Ploesti oilfields. He was awarded the Silver Star medal for this action.

In mid-1944, General Mills was appointed Chief of Operations for the Mediterranean Allied Air Forces, leaving this assignment in December to become Chief Technical Assistant in the Materiel Division at Army Air Force Headquarters. He subsequently became Deputy Director of the New Development Division of the War Department General Staff in April 1945.

The general's next assignment, in July 1946, was at Quarry Heights, Panama Canal Zone, with duty as Deputy Chief of Staff of the Caribbean Defense Command. He returned to the United States in mid-1948 and, in August of that year, entered the National War College, graduating in June 1949. He was then assigned as Deputy Assistant for Atomic Energy at U.S. Air Force Headquarters.

In October 1959, General Mills was transferred to Albuquerque, N. Mex., as Commanding General, Special Weapons Command. It was during this tour of duty that he devised methods for dropping the hydrogen bomb from bombardment aircraft, developing the USAF capability for use of this weapon and thus augmenting the deterrent strength of the USAF. His accomplishment in this project was recognized by the award of the Distinguished Service Medal on July 15, 1954. The citation reads:

Maj. Gen. John S. Mills distinguished himself by exceptionally meritorious service to the United States of America in a duty of great responsibility during the period January 1951 to January 1954 as Commander, Air Force Special Weapons Center. His efforts have contributed materially toward the successful development of the nuclear weapons program which has greatly enhanced the Nation's security and is of international significance. General Mills' successful execution of major military operations of this magnitude reflects great credit upon the U.S. Air Force and upon his ability, outstanding leadership and mature judgment.

In mid-1954, General Mills returned to Headquarters, United States Air Force, as Assistant Deputy Chief of Staff, Personnel, a position he held until the summer of 1956 when he became the Assistant Deputy Chief of Staff, Development, USAF. In 1958 he was named as Commander, San Bernardino Air Materiel Area, where he assumed command on November 1958.

The second citation, the Oak Leaf Cluster to the Distinguished Service Medal, reads as follows:

Maj. Gen. John S. Mills distinguished himself by exceptional meritorious service to the United States in a position of great responsibility as Commander of the San Bernardino Air Material Area, Norton Air Force Base, California, from 1 November 1958 to 31 January 1960. In this important and challenging capacity the technical leadership and extensive executive ability of General Mills were instrumental factors in furthering the important role of Air Logistics in the Space Age. The singularly exceptional accomplishment of General Mills culminates a distinguished career of more than 31 years in the service of his country, and his dedicated efforts reflect the highest credit upon himself and the U.S. Air Force.

General Mills has been awarded the Distinguished Service Medal with one Oak Leaf Cluster, Silver Star, Legion of Merit, Distinguished Flying Cross, Air Medal, with two Oak Leaf Clusters, French Croix de Guerre with Palm and the Army Commendation Medal. He is rated Command Pilot, Combat Observer and Aircraft Observer.

General Mills married the former Alice Gilbert of Los Angeles on December 23, 1933, and has two children. He is a member of the Congregational Church.

Aid to Education

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 8, 1960

Mr. HUMPHREY. Mr. President, recently I prepared a statement for the American College Public Relations Association on some of the problems of financing higher education.

I ask unanimous consent that my statement, which appeared in the February 1960 issue of the American College Public Relations Development Section Newsletter, be printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HUMPHREY FAVORS FOUR-POINT FEDERAL PROGRAM

(By Senator HUBERT H. HUMPHREY)

We cannot—and we should not—consider the financial problems of our institutions of higher learning on only one level. To achieve our goal of adequate financial support, we must keep in mind the fruitful diversity of these institutions and we must direct our efforts so as to enlist the rich variety of private and public action.

The pressures of rising enrollments and rising costs already put tremendous burdens on many colleges and universities. Although a few operate at less than full capacity, the rising tide of the college age population in the 1960's threatens to engulf even those institutions which are not already popping at the seams.

How can we deal with these problems? Where will the money come from?

A few points are already familiar to ACPRA members. Individual alumni and alumni groups must be educated to their responsibilities. We must make it clear to them that their education was subsidized by underpaid professors and depreciating classrooms and dormitories. College graduates have greater income earning capacity. They must realize that they have incurred obligations to the institutions which gave them this capacity at less than full cost.

You know also that American private enterprise has a responsibility to support the hard-pressed institutions which supply highly trained scientific and administrative manpower. Fortunately, more and more of our leading business firms recognize their obligations to provide financial support for these institutions. I hope we will see a more rapid trend toward unrestricted gifts for higher education. Gifts with strings attached can result in lopsided, unnatural development. A college may need a dining room or better library facilities far more urgently than it needs an endowed chair of chemistry or business administration. Unrestricted gifts—without emphasis on quick, visible results—allow college administrators to put available money where it is most needed. This makes sense, but it does not happen often enough.

What kind of help should Congress provide?

There are four specific measures which I believe will help provide vitally needed financial assistance for our institutions of higher learning—a college construction loan program, tuition tax credits, grants to institutions enrolling scholarship and fellowship winners, and Federal insurance for loans to students.

Last year, Congress tried to put a long-term, low-interest college loan program into the housing bill. That effort was supported by the American Council on Education, the Association of American Colleges, the American Association of Land Grant Colleges and State Universities, the Association for Higher Education, and other organizations. We were not successful then, but we are trying again. I am supporting a $125 million loan program to colleges and universities for construction, alteration or improvement of classrooms, laboratories, libraries, and related facilities of public and private institutions of higher learning.

Under my tuition tax credit proposal, any student or parent or friend could charge off against his net income tax 30 percent of the cost of tuition and fees for higher education up to $450 a year. At first glance, this may appear to benefit the student's pocketbook more than the institution he attends, but I am convinced that this proposal would encourage our colleges and universities to put their tuition charges at more realistic levels by removing the fear of penalizing the talented young people from low or middle income families.

My third proposal is for grants to colleges which bear added costs as the result of accepting students with scholarships. The National Defense Education Act of 1958 recognizes the problem by authorizing payments of up to $2,500 a year to institutions of higher education for each student studying there under an NDEA fellowship. This is a sound idea—and college administrators

should call it to the attention of private scholarship donors. I have proposed a Federal scholarship program, but I know that colleges and universities cannot expand enrollments without putting terrific strains on existing facilities. My bill would authorize payments up to $500 to the college which accepts a scholarship winner. We must be prepared to consider the indirect costs of any scholarship program and to compensate the institutions which incur expansion costs because they accept scholarship winners.

I believe we must also give very serious attention to legislation providing Federal insurance on loans to students by institutions of higher education. I have joined in sponsoring a bill for this purpose. This proposal could insure up to 100,000 new college students a year for $1,000 loans. The maximum insured loan to any student under this program would be $4,000, and would be repayable within 6 years. I do not want to see this loan program take the place of a Federal scholarship program, but I think the loan program should be a part of the overall attack on the financial problems of higher education.

As we try to solve financial problems, let us not forget our purpose. H. G. Wells put it succinctly: "Human history becomes more and more a race between education and catastrophe." Let us do our part to make sure education wins the race.

Gold

EXTENSION OF REMARKS

OF

HON. RALPH J. RIVERS

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. RIVERS of Alaska. Mr. Speaker, as many of my colleagues realize, there are two principal facets to the predicament in which our country finds itself today in regard to gold. The first is the alarming decrease in the gold bullion stock of the United States caused by adverse trade balances which have been payable either in gold at $35 per fine ounce or in dollars, which under present policy may be invested in this country but later redeemed in gold upon demand. When we note that our gold bullion on hand has gone down from $40 billion at the end of World War II to about $19 billion now, it gives us pause. When we discover, however, that the foreign dollar credits of which I spoke come to about $16 billion for which gold could be demanded at $35 per fine ounce, the only possible reaction is one of shock, for we see that there would be only $3 billion worth of our gold bullion left in our hands if foreign countries were to reduce all of their present dollar credits to gold. Now I do not expect such a run on our bank, so to speak, but what I say highlights the seriousness of the situation.

The other facet is the plight of our gold mining industry which is rapidly going out of business because the price of gold has not risen above $35 per fine ounce since 1934.

Bills introduced in Congress in recent years to raise the price of gold from $35 to $70 per fine ounce or to subsidize its production or to allow its sale on a free world market have gotten absolutely nowhere, in the face of opposition from the U.S. Treasury. The Treasury has insisted that any such move would upset the presently stabilized basis for settling trade balances throughout the free world, cause inflation by increasing the base for credit expansion, and bring about worldwide repercussions. Accordingly gold bills introduced last year by some of my colleagues and myself to help our gold miners are hopelessly bogged down in committee. This situation prompted me a month ago to seek a formula which would relieve the depressed condition of the gold mining industry without changing the Treasury's price. This led to the idea of a bill to stop the Treasury from selling gold for use in the arts and industries, and letting our gold producers sell their gold on a free market basis direct to anyone licensed by the Treasury to purchase gold for artistic or industrial purposes or for resale for such purposes.

In preparing to have this idea drafted in bill form, a study of existing regulations disclosed that placer gold miners may now sell unretorted, or otherwise unprocessed placer gold, directly to manufacturing jewelers, industrial users, or anyone in the United States without restriction. However, there does not seem to be much of a market for placer gold in its natural state, even though the Treasury does not stock such gold in the form of nuggets and gold dust and is therefore not competing with placer gold miners in the sale of such gold. On the other hand, persons offering processed gold for sale may sell only to licensed dealers, refiners, or industrial users at any price which the market will afford or, in the alternative, to the U.S. Treasury at $35 per fine ounce. Of course, in making sales of such processed gold to the dealers and industrial users the producers are competing with the Treasury which sells to such users at one-fourth of 1 percent over $35 per ounce.

At first blush it would appear from the foregoing that barring the Treasury from making further sales of gold bullion to industrial users would enable the producers of processed gold to get a much better price. Another look, however, discloses that the free world price hovers close to $35 per fine ounce—as shown by the London market which fluctuated during the last year between a low of $35.0429 and a high of $35.1407. With licensed private dealers and refiners and industrial users allowed to purchase gold on the free world market, the gold miner would gain little by the discontinuance of sales by the U.S. Treasury. What it all boils down to is the fact that the present gold policy of the United States in fixing the price of gold at $35 per fine ounce, and settling our international trade balances on that basis, and making sales of gold to foreign central banks at that figure has substantially stabilized the price of gold throughout the free world at close to $35 per fine ounce.

After going around the circle, so to speak, I have arrived back where I started, which is, in effect, that the only perceptible way to get the miners a meaningful increase for their gold would be to change the law to raise the price to $70 per fine ounce or thereabouts, or provide a subsidy large enough to accomplish the same result.

My study on the gold problem has brought to light certain significant figures for 1958, not as yet published by the Treasury, showing that industrial uses for gold in the United States now exceed domestic production. This will aggravate the problem of our decreasing stock of gold. The figures for 1958 follow those for 1957 which I use for contrast:

	1957	1958
Value of gold produced in the United States	$63,000,000	$61,565,000
Scrap rebought by Treasury, dealers, and private refiners	27,716,220	26,924,135
Total gold receipts	90,716,220	88,489,135
Sold for arts and industrial uses:		
By Treasury	21,136,850	27,008,450
By private refiners and dealers	57,329,370	64,079,470
Total so sold	78,466,220	91,087,920
Net gain in gold during 1957	12,250,000	
Net shrinkage in gold during 1958		2,598,785

Thus in the year of 1958—the industrial need for gold in this country increased by $14½ million over 1957. The figures for 1959 are not yet available. To conclude this discourse on gold, let me express my opinion—held by many others—that with gold production going down, industrial uses for gold going up, the amount of gold in hand becoming disproportionately small as compared to our ever-increasing volume of outstanding currency and credit, and our gold bullion stock shrinking to where it will have reached the vanishing point in a very few years, something has got to give in the not-too-distant future.

I have no conclusive answer, but suggest that all of us had better start thinking about it and formulating some appropriate action as soon as possible.

Flight Data Recorders

EXTENSION OF REMARKS

OF

HON. EDGAR W. HIESTAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. HIESTAND. Mr. Speaker, the recent crashes of commercial airliners have caused great concern throughout the country due to the inability to determine, in many cases, the reasons for the disasters. Countless thousands of dollars and possibly hundreds of thousands of dollars are expended between government, the airlines, and aircraft manufacturers in the investigation of the causes of each aircraft accident. Despite this, we still do not know, in many instances, why the crashes occur.

Perhaps many lives and much money could be saved if all commercial aircraft were equipped with crash recorders which were recording important types of information. Recently, the Federal Aviation Agency issued an order requiring installation of flight data recorders in additional commercial aircraft operating at certain altitudes. The application of such recorders has been extended from pure jets to turbo prop aircraft.

Mr. Speaker, I suggest additionally that the Government should extend the number of channels of information required of such recorders. Currently required channels are: Time, airspeed, altitude, directional heading, and vertical acceleration. If we could also obtain information on cabin pressure and airplane bank and pitch we could help determine whether an explosion may have occurred in an aircraft accident as well as additional information which could be extremely valuable.

In view of this, I urge that the FAA give serious consideration to the possible extension of channels of information currently required by existing flight data recorders.

West Virginians Have Enriched American Life Materially, Intellectually, and Spiritually

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 8, 1960

Mr. RANDOLPH. Mr. President, today an article I prepared at the invitation of the editor of the Charleston (W. Va.) Gazette on the subject of prominent West Virginians was published in that newspaper.

I ask unanimous consent that the article be printed in the RECORD.

THE RICH HERITAGE OF WEST VIRGINIA
(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

A passenger train of the Baltimore & Ohio snaked its way westward through the rolling countryside of Harrison County, W. Va. It was a leaden day in the dead of winter. The steep hillsides and gently sloping meadows, stripped of vegetation, were covered with snow. I was a passenger, en route from Washington to my native Salem to attend a meeting of the board of directors of Salem College.

On much of the trip I had been engaged in casual conversation with the man who sat next to me. It developed that he was a blase and somewhat cynical New Yorker making his first journey through West Virginia. He was not impressed by the bleak scene.

"This," he said, waving his hand toward a barren hillside, "is the most God-forsaken country I have ever seen. What on earth could this land produce?"

My response was that beneath the hills through which we were passing lay vast stores of bituminous coal, oil, and natural gas, and, furthermore, during the spring and summer the meadows would be dotted with cattle grazing on the finest bluegrass in America, while in the urban centers there would be found much production in the glass, pottery, chemical, and other industries. And speaking of bluegrass, I acquainted the gentleman with the fact that West Virginia has more of its acreage in bluegrass pastureland than does neighboring Kentucky, which is called the Bluegrass State.

"But," I further declared, "the most valuable product of these hills lies in the character and stature of its men and women, and in the contributions they have made in commerce, public affairs, education, and in the arts and the sciences."

The easterner beside me remained unimpressed.

"Don't remember that I ever heard of any famous West Virginians," he said, and then asked: "Who of importance ever came out of these hills?"

It was pleasing to have the opportunity to tell him that the one county (Harrison) through which we were then passing, had given us the greatest military strategist of the Civil War (Stonewall Jackson); three members of Presidential Cabinets (Nathan Goff, Secretary of the Navy—Howard M. Gore, Secretary of Agriculture—and Louis A. Johnson, Secretary of Defense); the Solicitor General under President Woodrow Wilson, and later Ambassador to Great Britain, and Democratic nominee for President of the United States (John W. Davis); the man who discovered more oil than any other individual in history (Michael L. Benedum); two national commanders of the American Legion (Louis A. Johnson and Donald R. Wilson); two presidents of the National Education Association (Dr. Joseph Rosier and Dr. Corma Mowrey); the author who was one of the highest paid fiction writers in the first three decades of this century (Melville Davisson Post); and the president of Swift & Co., one of the Nation's largest meatpacking concerns (Porter Jarvis).

My travel companion was astonished. Practically every name I had mentioned was familiar to him—and he recognized these people as being outstanding Americans. He seemed amazed to learn that they were all from West Virginia, but I gave him little time to regain his composure.

"All those outstanding citizens I have named are products of this one county—Harrison," I continued. "Within the next few minutes this train will roll into Doddridge County, birthplace of U.S. Senator Matthew M. Neely, whose home for many years has been in neighboring Marion County, and who served West Virginia in the U.S. Congress as both Senator and Member of the House of Representatives, and also was one of our State's Governors.

"Then, too, within another hour you will be passing through Wood County, home of Adm. Felix Stump, now retired commander in chief of U.S. forces in the Pacific and of the U.S. Pacific Fleet. And there are M. J. Rathbone, president of the Standard Oil Co. of New Jersey, and Holmes Alexander, nationally syndicated Washington newspaper columnist, both of whom are Wood County natives.

"And," I added, "to mention a few other West Virginians who have distinguished themselves, to the south of us is Braxton County, home of the late Dewey Fleming, another well known journalist who was chief of the Washington bureau of the Baltimore Sun; still further to the south is Lincoln County, the birthplace of Maj. Charles Yeager, the first pilot to break the sound barrier and introduce a new age in the exploration of the air; and the tier of counties from Randolph through Pocahontas, Greenbrier, and Monroe also furnished notables, from Randolph having come two U.S. Senators, Henry Gassaway Davis, who also was a Democratic candidate for Vice President of the United States, and Stephen B. Elkins, who also served as Secretary of War; from Pocahontas came the world-famous novelist—the only woman writer to have won the Nobel Prize for literature—Pearl S. Buck, and that county also was the home of Gen. Mason Patrick, the first head of the Army Air Service during and after World War I; from Greenbrier came Gen. John L. Hines, who succeeded Gen. John J. Pershing as Chief of Staff of the U.S. Army.

"To consider the humane art of medicine," I continued, giving my listener no time to rally his forces, "I can readily think of two contemporary West Virginians who have achieved national eminence, though by divergent routes. Dr. William R. Laird of Fayette County, for his pioneering in the establishment of rural area clinics and other significant contributions, received justified recognition from the American College of Surgeons. And in a very different way, a native of Cabell County, Maj. Gen. Leonard Dudley Heaton, Surgeon General of the U.S. Army, achieved fame. As the commanding general of Walter Reed Army Hospital in Washington, D.C., General Heaton headed the team of surgeons who operated successfully upon President Eisenhower.

"And being a New Yorker, you doubtless know about Eleanor Steber, world renowned Metropolitan Opera star, whose native city is Wheeling, Ohio County. A West Virginian, Dudley L. Simms of Charleston, Kanawha County, is the immediate past-president of the world's largest organization of service clubs, Lions International.

"Then there——"

The train was slowing down for the stop at Clarksburg, from where I was to go by automobile to Salem. Thus, it was necessary that I interrupt my story, but not until my companion had asked a question—a pertinent and challenging one:

"Why haven't you West Virginians told the Nation of these sons and daughters of your State? I am a merchant, but no one would know that I had quality merchandise if I did not put it on display in my store windows and advertise it in the newspapers and through other media of communications. You West Virginians need to do a sales job, not only as relates to your people, but on your other resources as well."

His question still troubles me. Why haven't we told our story? Perhaps it is because we take it for granted that others know as much as we do about our State and its people. It is even possible that many of our own citizens do not know the remarkable story of West Virginia's material and human resources. If so, our first task is to awaken our own people to their rich heritage, for the West Virginians mentioned in the train travel episode are but a few of those who have enriched American life materially, intellectually, and spiritually. And they are but representatives of the capabilities and potentialities which are present among the men and women of our State.

Jane Addams

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. DERWINSKI. Mr. Speaker, this afternoon I introduced a joint resolution to authorize and request the President to issue a proclamation in connection

with the centennial of the birth of Jane Addams, founder and leader of Chicago's Hull House. My purpose in this introduction is to join my outstanding colleague, the Honorable MARGUERITE STITT CHURCH of Illinois, who yesterday introduced the original resolution.

Having the honor and privilege of representing a district in the Chicago metropolitan area, I can testify to the honor and respect that is due Jane Addams, founder and leader of Chicago's Hull House.

Alberto Gualano

EXTENSION OF REMARKS
OF
HON. ROLAND V. LIBONATI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. LIBONATI. Mr. Speaker, a true idealist died the other day. He had spent a lifetime fighting in righteous causes for the welfare and protection of the rights of the immigrant Italian. He was born at San Vincenzo al Volturno, Province of Campobasso, Italy, on the 31st of March 1868. Upon his emigration to the United States—having received a law degree at Naples—he further completed his law study at the Illinois College of Law in Chicago, Ill. He became a famous and influential member of the bar association and served as judge of the Municipal Court of the City of Chicago. The greatest part of his brilliant professional career was spent in the city of Chicago and the State of Illinois. He sparkled with fervor in defense of his countrymen. His popularity was acclaimed by all the citizens of the community. No one had greater success in lifting the enslavement of his people. The second-class citizenship label of the bigoted disappeared.

During his retirement he established residence in the city of San Gabriel in the San Gabriel Valley, Calif., and again the urge to put into play his great literary and oratorical talents sought an outlet in the establishment of a cultural newspaper publication, titled "L'Italo-Americano di Los Angeles." He also was the author of many illustrious articles on various public subjects; some controversial and others informative. He had truly a great mind. His writings in book or pamphlet form were given the highest acclaim in most noted Academy of Scholars in Italy. He was invited to many memberships in these societies and in one he was elected president. His favorite writings—two periodicals—The Story of Rome and Italy and his Numi Tutelari were published exclusively in the great daily, l'Italia—The Italian News of Chicago—edited by the distinguished editor, Aria Lo Franco.

The Congressmen of Illinois, cognizant of his great service to the community for a long period of years, mourn his passing. A telegram, as follows, was sent to his dear widow, Tina, and daughters Ida, Virginia, Amelia, his son, Emil V. Gualano, and his son Alberto, Jr., presently a lieutenant in the U.S. Air Force. Also, his brother Ettore Gualano, master of music.

MARCH 7, 1960.

Mrs. TINA GUALANO AND FAMILY,
San Fernando, Calif.:

It is with a deep feeling of sadness that I learned of Judge Alberto's death. He spent his life fighting for the Italian cause in America and his career was typical of the great leaders before him—a series of political sacrifices. He was energetic in his courageous political activity and, as an honest man, fought against great odds.

He had the confidence of the Italo-Americans and spent his time, energy, and money in the advancement of the Italo-American immigrant. He was a loyal friend and an earnest, outspoken adversary. His success as an editor, and author, and attorney, carried him to brilliant accomplishments throughout his career. As a man of letters in his fiery editorials and persuasive oratory, he merited the distinguished recognition that the Italo-American public gave to him.

He lived and died a great American. Your loss is the community's loss. I know that you, his family, contributed so much to his happiness in life and you must be proud to enjoy such a distinguished heritage.

In the death of this great leader the people of California and Illinois have lost an outstanding citizen and public servant. We mourn his passing with you.

May I offer you my deepest sympathy and sincere condolences.

Congressman ROLAND V. LIBONATI.

In appreciation, the widow's reply, herewith:

MARCH 7, 1960.

Congressman ROLAND V. LIBONATI,
Washington, D.C.

HONORABLE SIR: The eulogy that so many tried to express, came to me this morning in the form of a telegram from Washington, D.C., signed ROLAND V. LIBONATI. Who else, but the one so highly esteemed by him could put into words what the grey-haired idealist really was? I feel so completely relaxed now, that now through you a voice that has been stilled will echo and reecho in the halls of the Congress of these United States. His guiding hand will be with you and I pray that in the years to come, his son, Lt. Alberto N. Gualano, Jr., USAF, will justify the heritage you painted so beautifully in words. This family will always pray for the successful fulfillment of your duty and your freedom from care. God bless you.

Mrs. TINA GUALANO AND FAMILY.

Article on Capital Punishment by Senator Keating

EXTENSION OF REMARKS
OF
HON. HUGH SCOTT
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Tuesday, March 8, 1960

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article written by the junior Senator from New York [Mr. KEATING] on the subject of capital punishment, containing his views thereon, with particular reference to the capital punishment provisions under the laws pertaining to the District of Columbia. It is a very learned article by a very well known lawyer, a Member of the Senate Committee on the Judiciary, which I commend to the attention of Members of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME AGGRAVATING CIRCUMSTANCES SHOULD BE GIVEN CONSIDERATION

(By Kenneth B. Keating)

(Senator KEATING, Republican, New York, is also well known as a lawyer and is a member of the Senate Judiciary Committee.)

Discussions of capital punishment are rarely dispassionate. Those who favor its retention are accused of being sadistic, warped people full of hate and vengeance. Those who plead for its abolition are typed as weakminded sentimentalists, more concerned with saving the criminal than protecting society.

Such highly emotional reactions to the imposition of the death penalty are not hard to understand. Cases which present the possibility of a death sentence are sensational and sordid. They draw a tremendous amount of attention. They almost assume the character of a dramatic production and the same deep feelings of sorrow and hate are stirred as by a play. This is not the setting in which reason flourishes.

Another quite different but increasingly common tendency in discussing this subject is to reduce the argument to a bunch of statistical tables. Some tables I have seen would force a statistical logician to conclude that murder increases in places where the death penalty is present and decreases where the death penalty does not exist.

Corollary: Removal of the death penalty is a deterrent to murder. While this may be logical, I do not believe it will strike too many people as being correct.

This subject cannot be considered adequately in either an electrically charged or a coldly calculated context. Neither passions nor collections of figures will lead us to a solution of the problem appropriate to our conception of justice.

This does not mean that studies by penologists and others are useless in our inquiry; nor does it mean that we can ignore the emotional impact of whatever policy is pursued. It just means that we are likely to fall into error if we rely too heavily on either frame of reference.

In my opinion, we must retain capital punishment for those cases in which the reflective moral judgment of the community would be shocked by any lesser penalty and for those cases in which no other sanction is possible. Such cases, thank goodness, are rare. There are some who say that they are nonexistent, but this, unfortunately, is not so.

On one issue in this discussion, there should be universal agreement, and that is that the supreme penalty should never be exacted as the automatic punishment for any predefined crime. It is incredible at this late date, with all the liberal advances which have been made in this field in the last century, that right here in the District of Columbia it is still the law that "death by electrocution" must be imposed in all first-degree murder convictions.

It is this kind of unremedied anachronism in the law that sometimes leads to gross injustice either because it will induce a jury to acquit a guilty felon entirely rather than send him to his death, or because it will require execution of a defendant regardless of the circumstances which may mitigate his offense. There must be room for the exercise of judgment and discretion in any case before the supreme penalty is imposed.

A number of aggravating as well as mitigating circumstances are appropriate for consideration by the judge and jury in passing sentence. The aggravating circumstances include the fact that the murder was

committed by a convict under sentence of imprisonment (think of the situation in which a convict under life sentence kills a prison guard trying to escape); that the murder was committed for hire, or that the murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity.

Certainly, such cases are to be distinguished from killings by a defendant with no previous record, in which the victim may have been an accomplice in some crime, or in which the defendant may have been impaired mentally or under some form of duress. These aggravating and mitigating circumstances are obviously pertinent, and justice in the District of Columbia will be impaired as long as such factors cannot be considered in passing sentence.

Because I have introduced a bill to abolish mandatory capital punishment in the District of Columbia, many people have assumed that I am opposed to capital punishment as such. What I am opposed to is arbitrary punishment, particularly in cases where the death penalty is invoked.

I have in fact introduced another bill in this session of Congress to allow a discretionary death penalty in lynching cases, but here again it will be up to the judge and jury to weigh the circumstances in each case in assessing punishment.

It seems to me that this approach answers the capital punishment problem better than provisions for automatic death penalties or absolute death bars. Where discretion is allowed, the death penalty must be unanimously recommended by the jury and the recommendation must be accepted by the judge.

I have tremendous respect for our jury system and for the judges who serve us. I believe that they better reflect the community conscience in such situations than do either defense lawyers or prosecutors, both of whom are naturally imbued with a passion for their cause.

Let each side have an opportunity to present its arguments. Surround the defendant with every necessary protection. Admit all the evidence pertinent to the issue. Maintain the requirement that the jury be unanimous and that the judge and jury must concur. Do all these things and you will meet the ends and requirements of justice in these cases.

Greek War of Independence

EXTENSION OF REMARKS
OF
HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. DERWINSKI. Mr. Speaker, it is certainly fitting and proper that we commemorate the 139th anniversary of the Greek war of independence against the rule of the Ottoman Empire. The glory and grandeur that was ancient Greece passed away and was followed by a long period of oblivion and foreign control of the Greek Peninsula. The successful battles that the fiercely independent people of Greece waged were productive; complete independence was achieved and universally recognized in 1832. Today, Greece stands as one of the bulwarks of the Western World against the ever-dangerous menace of communism.

Equally notable was the heroic work of the Greek people in World War II, and the period immediately following. They fought vigorously and effectively against the Fascist invaders and Nazi hordes, and in the postwar period struggled relentlessly to free their country from armed Communist rule.

However, Mr. Speaker, we do have an area in which our continued interest is necessary in relation to our friendly contacts with Greece and its people. Greece, as much as any other country, suffers from the inequities in the immigration and refugee laws, and President Eisenhower should be commended for his earnest plea to produce a practical revision of immigration quotas. When Congress tackles this situation, the Greek quota will be one that fairness dictates should be greatly revised.

I am heartened by the great number of Members who recall this Greek Independence Day, which remembrance symbolizes the appreciation of the American people to a loyal partner in the lineup of free nations.

Vice President Richard M. Nixon Addresses the President's Conference on Occupational Safety

EXTENSION OF REMARKS
OF
HON. PETER FRELINGHUYSEN, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. FRELINGHUYSEN. Mr. Speaker, at the recent conference, held here in Washington on the subject of occupational safety, Vice President NIXON made an address which I am sure will be of interest.

The address follows:

ADDRESS BY THE HONORABLE RICHARD M. NIXON, VICE PRESIDENT OF THE UNITED STATES, BEFORE THE OPENING SESSION OF THE PRESIDENT'S CONFERENCE ON OCCUPATIONAL SAFETY, CONSTITUTIONAL HALL, WASHINGTON, D.C., MARCH 1, 1960

I appreciate the opportunity to be here personally in my capacity as the Vice President representing the President. As you have probably already been told by the Secretary, only the fact that the President is in South America has made it impossible for him to be with you; and I am most honored and delighted to express, on his behalf, his greetings to this group.

We know that you are unusual so far as groups of people who come to Washington on business affecting the Government even indirectly. We realize that this is an unsubsidized conference, that you come either paying your own way, or your various organizations are taking care of this matter. This certainly indicates your interest and the vital concern which the direct organizations which you represent have in this whole problem of industrial safety.

And so, may I express the appreciation of the Government of the American people for the contribution you are making to that tremendously important cause.

Now, in coming before this group, may I say that I did what I usually do before appearing before an important group of this type: I read over your agenda. One thing I decided right at the outset, was that I wasn't going to talk about the technical aspects of the work that you are going to discuss in the next few days. When I notice such people, not only as the Secretary of Labor, but Dr. Kaplan from my own State of California, who not only knows a lot about safety but about outer space and other things connected with the geophysical year, I am not going to get into the position of an amateur talking about matters in which experts behind me are much more proficient.

But it did occur to me that it might be worth while, and perhaps constructive, to relate what you are doing and the contributions which you are making to the whole posture of the U.S. economy and to this problem that we have heard so much about in recent months—particularly since Mr. Khrushchev's visit to the United States—of how we maintain our competitive position in the world economically with the totalitarian countries.

I don't need to tell you that the threat with which we are confronted is a real one. Any of you who saw Mr. Khrushchev on his visit here will remember how confident he seemed to be in the superiority of his own system; how he laid down the challenge to us in every city that he visited. He said that while we were ahead now, they were moving faster than we were economically, and that they were going to catch us and pass us. He even went so far as to say that their system was so far superior that, once they had passed us, we would have to turn their way, in fact, in order to avoid staying in the second position.

Now, I am sure that very few Americans, if any, were convinced by what he said. I am certain, on the other hand, that all of us recognized that he and the people over whom he has domination have one advantage that anyone running behind in a race has; he has the stimulus of trying to catch the front runner. And I can say, from having visited the Soviet Union, that one thing that does impress you is the determination not only of the hierarchy, but in some way it has been infused even among great segments of the working force as well, the competitive spirit which is theirs. And so we must not underestimate that challenge.

But, by the same token, in pointing out the strengths that they have and in examining, to be sure, in a free country, the weaknesses that we have, we must never lose confidence in our own system and our own principles.

Now, what does all of this have to do with industrial safety? Let me put it just exactly this way.

Today, economically, the United States out produces the Soviet Union, taking the gross national product figures as one standard, by over 2 to 1, and we are ahead of them in every major area of production, and we can stay ahead. We can stay ahead, however, provided we avoid what I would describe as any unnecessary inefficiency or negligence in our economy, and this means efficiency on the part of management, of labor, of Government, where Government has any relationship to the economy, and it means all aspects of the economy. And, of course, I don't need to tell you that in this whole area of industrial safety this is an extremely important aspect of the total problem of productivity and efficiency of an economy.

For example, I was tremendously impressed and somewhat surprised by some statistics I read, that last year—perhaps partly because of an increase in the work force, the youngsters in the work force, and the like—the rate, as far as accidents were concerned, was the highest since 1953. I noted that we lost, in effect, through accidents, the work of over half a million men and women workers for the whole year. What they could have contributed, that much we lost through accidents alone. And so everything that we can do to reduce this loss, which has resulted from practices which could perhaps be corrected through

improved safety programs, we realize has an effect which is necessary in keeping the American economy as productive as possible and keeping us on a competitive basis with those who challenge us abroad.

So much for that aspect of the problem. There is also another aspect. I think too often, when we examine these problems like safety on a national basis, we think in terms of half a million workers working for a year, or so many million man-hours, and the like, and oftentimes we overlook the very important individual involved, the human problem.

Let me illustrate. I recall when I visited Poland we went through one of their newest steel plants, which was still under construction. It was a very impressive plant. And the young Communist commissars who managed the plant very proudly escorted me through, showing me the machinery, and the like, not paying attention, however, to the workers themselves; very little, as a matter of fact. After we completed our tour, we were riding back to Warsaw—and in Poland there is a great deal more of freedom to speak, or at least the Poles do exercise more freedom to speak than in the Soviet Union—and a Polish foreign service officer, a career foreign service man, not one who apparently had been thoroughly indoctrinated in the Communist cause, made a very interesting comment. He said: "You know, one thing about these plant managers is that they know everything about factories and nothing about people." And I can think of no single anecdote that better illustrates the difference in approach of a totalitarian society to the problems of progress and of productivity than that statement: Everything about factories, nothing about people.

And so we are not only concerned about the work of 540,000 men and women working for a year, or a million or so of man-hours, we are concerned about the fact that every day, last year, over 300 men and women died or were permanently disabled as a result of accidents in plants throughout the country. We are concerned about the individual problem, the human loss individually, and we do not say that progress is something that we worship without regard to what the cost is. Our totalitarian competitors say, "We offer progress, but the cost will be freedom," and our answer is, "We offer progress, but with freedom and because of freedom." They say, "We offer progress whatever the cost may be in human terms," and we say, "It is possible to have progress but still to have a concern for the individual," and this, of course, is certainly directly related to the dedication of the people in this room, because everyone here is concerned about the individual, the human cost involved, in a modern industrial society. Otherwise, you would, of course, forget the fact that a life here, an injury there, might be one of the costs of greater productivity which a totalitarian society would be willing to pay for. And I might say that when we compare the Soviet Union and the United States there are differences, but there is one area in which we are far, far ahead of them—a gap which I am sure they will never close—that is in this very area of safety. I trust that this is one that we will continue to maintain at a substantial advantage.

And finally, may I just leave this one thought with you. In the world today I think that sometimes we have a tendency, because of the challenge that has been laid down before us, because of the very understandable and constructive American attitude of examining our deficiencies, of advertising them, and doing so because we want to correct them, we perhaps sometimes have a tendency to overlook some of the very good things about America. And certainly, as I greet you at this conference, one of the things all of us in America can be proud of is that we have the most efficient economy in the world, the most productive economy in the world, and yet it is one that is always concerned, above everything else, with the problems of the individual, with human dignity. May it ever be that way, and may we thank you for your dedication to this fundamental principle.

Thank you.

The Wrongs of Civil Rights Legislation

EXTENSION OF REMARKS
OF
HON. BURR P. HARRISON
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 8, 1960

Mr. HARRISON. Mr. Speaker, civil rights is a compact and disarming label for a legislative package of explosive danger to constitutional guarantees.

Although frankly aimed at the South, this bill of the Eisenhower administration, as devised by Attorney General Rogers with the President's approval and the strong endorsement of Vice President NIXON, could suspend free elections in other sections of the Nation as well.

The bill contains additional provisions of sweeping effect, notably that which would make it a felony to oppose the Supreme Court's school integration fiat. Too few citizens are aware of this provision which could have ticketed for prison every member of the Virginia General Assembly who voted recently for a resolution stating the sense of that free elective body that the Court's decree was illegal.

To return to the election controls in the bill, however, Mr. Speaker, it is important that citizens familiarize themselves with the Federal voting referee scheme. In this connection, I take the liberty of directing the attention of this House to a straightforward and perceptive analysis of the provision by our learned colleague from Louisiana, the Honorable EDWIN E. WILLIS, whose reputation for dispassionate and conscientious legal scholarship is known to all here. Under leave to extend my remarks in the CONGRESSIONAL RECORD, I include Mr. WILLIS' comments, as printed in the Richmond (Va.) Times-Dispatch of March 7, 1960:

THE RIGGED CIVIL RIGHTS BILL

(By EDWIN E. WILLIS, Congressman from Louisiana)

(Congressman WILLIS is a member of the House Committee on the Judiciary which handles civil rights legislation. His ability as a constitutional lawyer is said to be highly respected and recognized by both the Democratic and Republican Members of the House of Representatives. Here he discusses the Federal voting referee proposal.)

Very few people have had the opportunity to read and study the voting referee provision of the pending civil rights bill rigged up by the U.S. Attorney General and so-called liberal groups. It is one of a series of punitive political measures designed to penalize the Southern States in order to appeal, in the coming presidential election, to the organized minorities in the large cities of the North and West. This effort to make the Southern States the political whipping boy is participated in with equal vigor by leaders of both the National Democratic and Republican Parties.

Fundamentally, it restores the old force bills of the chaotic Reconstruction days following the Civil War, when the people of the South lived under a government by carpetbaggers. The pending bill was conceived by the same minds and the same U.S. Department of Justice that induced the President to commit the tragic error of sending the Army into Little Rock. The bill was cleverly drafted and hastily introduced, and is sought to be grafted, without hearings, on a comparatively moderate bill reported out of the House Judiciary Committee.

The desperate filibuster now being conducted in the Senate hinges around this new bill, proposed, devised, and written by people outside of the legislative bodies. It takes from the States and vests in Federal authorities the supervision and control of elections, Federal and State, from the justice of the peace to the Governor of the State. It is important for the people to know and understand from the language of the bill itself how cunningly it is devised to deprive the States of their constitutional and inherent right to determine which of its citizens possess the necessary qualifications to vote under State law.

Here is how the bill will work if enacted into law:

Upon complaint, the first step will be, upon request of the Attorney General, for the Federal court to make a finding whether discrimination exists against Negro voters pursuant to a pattern or practice. The bill does not define what constitutes a pattern or practice and the decision on this question is left entirely to the discretion, whims, or prejudices of a Federal judge.

It does not require that the Federal judge shall be a local one. A judge from any other State in the Union may be designated to preside and supervise the local elections. It will be remembered that a Federal judge from North Dakota was designated to preside over the hearings that led to the Little Rock incident.

There is a total lack in the bill of any provision of how this finding shall be made, or the rules, procedures, or evidence under which it is to be done. After the Federal judge, under the guidance of the Attorney General and without any specific provision for a hearing on the part of the State involved, makes a finding that a pattern of discrimination exists, the decree would establish a conclusive presumption that all Negroes, who were not even parties to the initial proceeding, have in fact been discriminated against. It would make it totally unnecessary for them to prove any alleged discrimination on account of race or color. That is the nub, the crux, and the very heart of the bill.

In the next step, the referee appointed by the Federal judge takes the statement of the applicant and the specific language of the bill requires that the applicant shall be ex parte, which means that the other parties, the State and the authorities in the locality, are denied the opportunity to be heard. The first bill introduced on the subject specifically required that these referees be selected from persons outside of the State. This was such an obvious carpetbagger requirement that in the revised bill that provision is omitted. But there is no provision in the present bill that the referee shall be a local person with knowledge of local people and it still permits, although it does not require, the court to appoint carpetbagger referees from out of the State.

The next step in this cunning scheme compels the referee to presume that the applicant has been denied the right to vote on account of race or color and to accept as true his representation or misrepresentation as to his age, residence, etc. The referee really does not referee anything. He hears only one side of the issue. The bill, in violation of all standards of due process, denies local reg-

istrars of voters or State officials, who are presumed to have denied the right of an applicant to vote on account of race or color, the right to be present with counsel at the so-called hearing, and the right to confront and cross-examine their accusers.

In the next step, the referee reports the result of his phony hearing to the court. At this point only, the attorney general of the State is invited to file exceptions to the report, but since the report contains only the self-serving declaration of the applicant, without the right of confrontation and cross-examination, this invitation is practically meaningless.

When all of this unprecedented procedure has been carried out according to plan, the court gives to the Negro a certificate that he is a qualified voter and then authorizes the referee or such other person or persons as he may designate to attend the election at all polling places, look over the shoulders of the State authorities and see that the person is voted, and that the vote is counted. State law requires election officials to keep people a stated distance from polling places and voting booths, so that under the bill, if they admit the Federal agents, they go to State jails, and if they exclude them, they go to Federal jails.

Likewise, in all other respects, if complaint is made by a Negro voter that the judge's orders have not been carried out to the letter, the State election officals may be hauled into court on a contempt citation and sentenced to jail, or fined, or both, and deprived of the right to trial by jury. It is a frightening prospect that in the United States our Federal jails could be filled with political prisoners consisting of State officials.

Such is the devil's brew that is cooked up for consumption for the Southern States alone. It is utterly unconstitutional. It is devastating. It is the sure breeder of racial troubles of untold proportions.

Address of Hon. John E. Fogarty

EXTENSION OF REMARKS
OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks I include an address which I delivered at the Open Forum on the White House Conference on Aging, sponsored by the American Association of Retired Persons and the National Retired Teachers Association, at the Coliseum, St. Petersburg, Fla., on January 18, 1960:

WHAT I EXPECT OF THE WHITE HOUSE CONFERENCE ON AGING

(By Hon. JOHN E. FOGARTY, Congressman from Rhode Island)

Dr. Andrus, Miss Adkins, Mr. Whittier, distinguished guests, and friends, it is a real privilege to have this opportunity to participate in this open forum on the White House Conference on Aging. The National Retired Teachers Association and the American Association of Retired Persons deserve high praise for sponsoring this meeting to provide the occasion for older persons to share their rich experiences and to make suggestions and recommendations that will contribute to the success of the conference scheduled in Washington, D.C., January 9–12, 1961.

As you know, I have a deep personal and official interest in the results of this, the first White House Conference on Aging. I am personally interested to the extent that I introduced H.R. 9822 calling on the President to hold such a conference and my official interest is that of chairman of the Appropriations Committee of the House of Representatives.

For the last 14 of my 20 years in Congress, I have been active on the Health Subcommittee on Appropriations. During this time I have derived a great deal of satisfaction in having a part in establishing broad, forward-looking programs of research in the medical and biological sciences.

Throughout these years it has been a very exciting and humbling experience to witness the progress that has been made in the prevention and control of dreaded disease.

We know for example that:

One cancer patient out of three can now be saved, as compared with one out of four in 1938, which means that there are now 800,000 persons living in the United States who have been saved from cancer.

Advances in research now permit significant reduction in disability and premature death among those who suffer from heart attacks and high blood pressure.

Thousands of individuals born with heart defects, once doomed to invalidism and early death, are leading useful and productive lives because of advances in heart surgery.

Progress in the infectious and communicable diseases has revolutionized medical and public health practices in these fields, as illustrated by recent advances against tuberculosis, poliomyelitis, and rheumatic fever.

Because of new medical and surgical treatment now available, approximately 80 percent of all people with epilepsy are capable of regular productive employment in a wide range of jobs.

Research has led to methods that can reduce tooth decay by 50 percent.

A major cause of blindness among infants has been discovered and eliminated.

With new drugs and methods of treatment and diagnosis, it is possible to prevent crippling in 70 percent of patients suffering from rheumatic disease.

For the first time discharges from mental hospitals have outnumbered admissions, based on new methods of treatment resulting from research.

The progress in medical research has not only performed literal miracles in the health field, but prevented the loss of goods and services to our economy that is measured in billions of dollars.

You must be impressed as I am with the fact that the examples I cited are not diseases of any one age group—but are threats to us all. It is true that some are more prevalent in the young and old but the research into the basic disease affects people of every age.

Sincerely concerned with the depth of the problems which are represented in the programs that come before my committee for supporting funds, I have frequently encouraged the increase in appropriation requests for research, study, and demonstration to meet the challenges of a dynamic economy.

I firmly believe that the health of all our citizens must always rate one of the top priorities in our efforts to improve the State of our Nation. There are, however, other areas that demand the attention of the most experienced and capable minds of our people.

There are many who say that the role of American education must be redefined and strengthened to maintain our position in the family of Nations and achieve the intellectual and social challenges of our time. I do not have to stress the problems confronting us in the field of education to this audience. We are, however, just beginning to be effective in having lifelong education accepted as the pattern for our lives rather than the academic concentration for limited periods.

This new approach to education was one of the many fine results of the White House Conference on Education. We must continue in our efforts to place education in its proper perspective for all age groups, and I believe your associations can be expected to give leadership to such a national program.

Everywhere there is mounting concern for equal employment opportunities for those who are willing, able and desire employment. Perhaps in no other field is "aging" more flexible. We must recognize that employment as a problem associated with aging must not be regarded as a special handicap for those in their later years. True, it becomes more acute, but we must recognize that our definition of age or aging must be related to the situation and the person on an individual basis.

We must come to grips with the prevailing practice of mandatory retirement. There are real problems to be solved on the basis of seniority and insurance costs. It is unfair to compulsorily retire a person by reason of age alone.

Our statistics have proven the worth of older employees, life expectancy has been extended, medical care and research have practically insured a longer, healthier life—and yet almost nothing has been done to eliminate or delay compulsory retirement beyond the age of 65 which was psychologically established by the passage of the 1935 Social Security Act.

The amount of income needed to maintain a decent standard of living has never been fully defined or broadly accepted. The best studies do document that too many retired individuals are living on incomes that are inadequate to provide for minimum health care and the necessities to maintain a self-respecting independent role in the community. The threat of inflation to those on fixed incomes is very real and must be given more understanding consideration in our tax programs, social security benefits, limitation on earnings, and provisions for hospital and medical care.

One cannot review the problems facing the Nation without including the place and importance of housing and its influence on the family and its members of all ages. There have been demonstration projects, but the balance in providing living accommodations for all of the age groups has not been maintained. The needs of the older members of our society have been overlooked, neglected, or ignored until recently—and today plans to meet the backlog of suitable housing at prices they can afford have not been forthcoming.

Perhaps this appears to have been a devious approach to "What I expect from the White House Conference on Aging." Rather, it is an attempt to show the needs that became apparent to me as chairman of the House Appropriations Committee.

I was convinced that in the public interest, legislation was needed immediately to improve and develop programs "to permit the country to take advantage of the experience and skills of older persons; and to create conditions which will better enable them to meet their needs."

It is not necessary for me to develop the statistics of the aging for this audience. Within the age limits that qualify individuals for membership in your associations, there are more than 30 million persons 55 years of age and over in our country representing approximately one-sixth of our total population.

I have been very critical of the lack of breadth and scope in the Federal programs in the field of aging, and have encouraged the expansion of staff and facilities to meet the challenge. It became evident during hearings on appropriations and during the hearings conducted by Congressman Wier on bills relating to the aging, that Congress

would have to take the initiative if it were to be done—before it was too late.

The bipartisan support given my bill in both Houses of the Congress is almost without parallel in the history of major legislation. It is a tribute to their interest and desire to accept their full responsibility as the representatives of the people to act in their best interest and for the good of our Nation.

I would like to add also that the appropriations for the White House Conference on Aging have been made available in the amounts requested. I have even asked if additional funds were needed to make this conference the most effective to date. I have been determined from the beginning that everything that we could do at the congressional level to assist and support this important meeting would be done. It has the potential of being one of the most significant national conferences ever held.

To earn this distinction certain very specific things must take place—before—during—and following the meeting.

Before the meeting, each State must survey its needs, involve its ablest leaders at every level within the State, to determine what are the resources and the potential of its people. This must also include the direct expressions from older persons themselves, as we are seeking here—not others speaking and thinking in their behalf.

Responsible national organizations must identify their role and educate their members to the important contribution they can make as an informed group at the local, State and regional meetings. Those responsible for the overall planning at the Federal level must provide the leadership needed to assist the States and organizations in their task and structure a conference in 1961 that can truly be the crescendo of all the effort and results that will have developed from the "grass roots"; been strengthened at the State conferences and culminating in a meeting that will in every sense be a "Citizens Forum."

During the Conference every effort must be made to take full advantage of informed delegates. The broad representation of interests must result in conclusions that are improved by the strength of cooperative judgment and not decisions of any special interest or partisan group or overzealous individuals.

Positive action programs must be proposed and adopted to keep this conference from the fate of too many others held in the name of aging. I said at the time of introducing my bill that the greatest accomplishment in the field of aging to date had been the production of words. I would not want to have been a contributing factor to furthering this claim. The words that result from this White House Conference must be symbols for action.

Following the conference, I would like every delegate to consider that he has a mandate to interpret the conference to those he represents and to initiate the steps necessary to implement the recommendation within the State or at whichever level the program is directed.

I think it is important to emphasize that the primary responsibility for meeting the challenge of aging is that of the State and communities.

I do admit to a great deal of optimism over the results of the conference, but I must also share some of the thoughts that trouble me in the planning and activities to date.

There are indications that the bipartisan support given in the Congress is not being maintained in some of the appointments and designation of persons responsible for conference leadership.

Some of the developments at the State and local levels seem slightly superficial and have not carried out the grassroots approach that was hoped for in our goals.

It is natural for organizations of divergent points of view to want to be well represented, but I would question the results of any conference that were influenced by delegates committed to a narrow point of view rather than the best interests of the age group for whom the conference was called.

It is also disturbing to hear of planning that appears to be directed toward the Conference as the goal in itself. The Conference will be the beginning of a national, balanced program in which government at all levels, organizations public and private, and individuals will know their important role and prepared to undertake the challenge and opportunity that our increasing number of older persons present to each of us.

In summary—the White House Conference on Aging must not be another "handwriting" demonstration of pity for the problems of the aging. It must be a forum dedicated to positive action that will be carried out wherever older people are working and living and want to remain independent, respected members of the family, community, and Nation.

These are not the demands of a special interest group—but rather the aim for Americans of all ages.

I am convinced that when blueprints have been forged out in the communities and States, they can be brought together and shaped into a comprehensive program for the guidance of the whole Nation and an example to the whole world.

Treasury and Commerce Departments Reports on H.R. 7123

EXTENSION OF REMARKS

OF

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 1960

Mr. BOGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include for the information of the interested public a press release which was issued by our distinguished colleague, the chairman of the Committee on Ways and Means, the Honorable WILBUR D. MILLS, in which he released the departmental comments on pending legislation relating to the deduction of expenditures for legislative purposes and in connection with measures submitted to the electorate.

One of the pending bills which is the subject of the reports is H.R. 7123 which I introduced. In view of the general interest in this subject and for the assistance of members who have inquired about it, I include at this point the press release and accompanying reports of the Treasury Department and the Department of Commerce:

CHAIRMAN WILBUR D. MILLS, DEMOCRAT, OF ARKANSAS, COMMITTEE ON WAYS AND MEANS, RELEASES DEPARTMENTAL COMMENTS ON PENDING LEGISLATION RELATING TO THE DEDUCTION OF EXPENDITURES FOR LEGISLATIVE PURPOSES AND IN CONNECTION WITH MEASURES SUBMITTED TO THE ELECTORATE

Chairman WILBUR D. MILLS, Democrat, of Arkansas, Committee on Ways and Means, U.S. House of Representatives, today released the report of the Treasury Department on H.R. 5193 (Mr. FORAND), H.R. 5251 (Mr. KING of California), H.R. 5579 (Mr. KARSTEN), and H.R. 6376 (Mr. PELLY), identical bills which would amend section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) by providing that certain expenditures incurred in connection with measures submitted to the electorate shall be allowed as business deductions, and the reports of the Commerce and Treasury Departments on H.R. 7123 (Mr. BOGGS), which would amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income. This legislation relates to deductions for so-called lobbying activities expenditures.

Chairman MILLS stated that due to the interest in this legislation, he deemed it advisable to release for the information of the public the comments of the Commerce and Treasury Departments on the legislation. He pointed out that the committee, due to the fact that its presently established agenda will run some time into the future, had not yet determined whether or when consideration will be given to this legislation.

The reports follow:

UNDER SECRETARY OF THE TREASURY,
Washington, February 26, 1960.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means,
House of Representatives,
New House Office Building,
Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in response to a request for the views of this Department on H.R. 5193, H.R. 5251, and H.R. 5579, identical bills, introduced by Mr. FORAND, Mr. KING, and Mr. KARSTEN, respectively, "To amend section 162 of the Internal Revenue Code of 1954 to provide that certain expenditures incurred in connection with measures submitted to the electorate shall be allowed as business deductions."

1. EXPLANATION OF THE BILLS

The bills would amend section 162 of the 1954 Code relating to trade or business expenses to provide that an expenditure which otherwise qualifies as an ordinary and necessary business expense shall not be disallowed as a deduction because incurred in opposing or advocating measures duly submitted to an electorate upon any issue affecting the business of the taxpayer. Although phrased negatively, the bills would have the positive intent to allow such expenses as business deductions. The practical effect of the bills would be to reverse the recent holding of the Supreme Court in the Cammarano and Strauss cases that expenditures by businessmen aimed at defeating proposed initiative or referendum measures are not deductible. The bills contain no specific provision with respect to the effective date.

2. SIMILAR BILLS

H.R. 6376, introduced by Mr. PELLY, is an identical bill. Mr. BOGGS has introduced H.R. 7123, a bill much broader in scope, which would permit the deduction of expenses lawfully incurred in supporting, opposing, or otherwise influencing legislation in a legislative body, or in any submission of proposed legislation to the voters.

3. PRESENT LAW AND ITS BACKGROUND

The established rule under present law is that ordinary and necessary business expenses are deductible unless they "frustrate sharply defined national or State policies." This doctrine was set forth in some detail by the Supreme Court in 1952 in *Lilly* v. *Commissioner* (343 U.S. 90), and has been reaffirmed by the Court several times within the past 2 years.

While there can be no question that the legislative process often directly affects both business and labor, the law is well settled that expenditures to influence legislation are not deductible under section 162 of the Internal Revenue Code as an ordinary and necessary business expense. For more than 40 years Treasury regulations have barred the deduction as a business expense of "sums of money expended for lobbying purposes,

the promotion or defeat of legislation, the exploitation of propaganda, including advertising other than trade advertising * * *". The validity of these regulations has been sustained on many occasions by the Tax Court and the courts of appeals and by two decisions of the Supreme Court.

In 1941 in *Textile Mills Securities Corp.* v. *Commissioner* (314 U.S. 326), the so-called lobbying expense regulation was directly challenged in a case involving publicity activities designed to affect the passage of legislation. In upholding the regulation, the Supreme Court stated in Textile Mills:

"The words 'ordinary and necessary' are not so clear and unambiguous in their meaning and application as to leave no room for an interpretative regulation. * * * Nor has the administrative agency usurped the legislative function by carving out this special group of expenses and making them nondeductible. We fail to find any indication that such a course contravened any congressional policy. Contracts to spread such insidious influences through legislative halls have long been condemned. *Trist* v. *Child* (21 Wall. 441, 22 L. Ed. 623); *Hazelton* v. *Scheckells* (202 U.S. 71, 26 S. Ct. 567, 50 L. Ed. 939, 6 Ann. Cas. 217). Whether the precise arrangement here in question would violate the rule of those cases is not material. The point is that the general policy indicated by those cases need not be disregarded by the rule-making authority in its segregation of nondeductible expenses. There is no reason why, in absence of clear congressional action to the contrary, the rulemaking authority cannot employ that general policy in drawing a line between legitimate business expenses and those arising from that family of contracts to which the law has given no sanction. The exclusion of the latter from 'ordinary and necessary' expenses certainly does no violence to the statutory language. The general policy being clear it is not for us to say that the line was too strictly drawn."

Last year the regulatory provisions relating to the "promotion or defeat of legislation" were again before the Supreme Court in *Cammarano et ux.* v. *United States,* and *F. Strauss & Sons, Inc.* v. *Commissioner* (358 U.S. 498). There the question was whether the regulations rendered nondeductible amounts paid by the taxpayers to organizations which expended them in extensive publicity programs designed to persuade the voters to cast their ballots against State initiative measures where passage of such measures would have seriously affected or destroyed the taxpayers' businesses. In sustaining both the validity of the regulations and their applicability to the taxpayers' expenditures, the Supreme Court, referring to the repeated reenactment by Congress of the provisions of the Internal Revenue Code which underlie the regulations, stated "we think that the regulations have acquired the force of law." The Court went on to say:

"This is not a case where the Government seeks to cloak an interpretative regulation with immunity from judicial examination as to conformity with the statute on which it is based simply because Congress has for some period failed affirmatively to act to change the interpretation which the regulation gives to an otherwise unambiguous statute. Cf. *Jones* v. *Liberty Glass Co.* (332 U.S. 524). Nor is it a case where no reliable inference as to Congress' intent can be drawn from reenactment of a statute because of a conflict between administrative and judicial interpretation of the statute at the time of its reenactment. Cf. *Commissioner* v. *Glenshaw Glass Co.* (348 U.S. 426, 431). Here we have unambiguous regulatory language, adopted by the Commissioner in the early days of Federal income tax legislation, in continuous existence since that time, and consistently construed and applied by the courts on many occasions to deny deduction of sums expended in efforts to persuade the electorate, even when a clear business motive for the expenditure has been demonstrated."

In its concluding remarks, the Supreme Court in the Cammarano case observed that the taxpayers "are simply being required to pay for those activities entirely out of their own pockets, as everyone else engaging in similar activities is required to do under the provisions of the Internal Revenue Code."

It should be noted that the Treasury regulations which have been repeatedly applied by the courts forbid without qualification the deduction of all expenditures to influence legislation. This rule applied whether the expenditures may be characterized as "good" or "bad" and without regard to whether the activities involved relate to direct dealings with legislators or to publicity or grassroots pressure campaigns designed to create a climate of public opinion to influence the legislators. In Cammarano, for example, the Supreme Court said, "We cannot accept petitioner's argument that Textile Mills should be read as limiting [the regulatory] provisions to direct dealings with legislators, insidious or otherwise." Thus, under lobbying regulations expenditures for the following purposes have been disallowed: Legal fees incurred in connection with appearances before the House Ways and Means Committee, *Delaware Steeplechase and Race Association* (9 TCM 893 (1950)); the cost of assembling facts and arguments for presentation to the legislature, *Mary E. Bellengrath* (46 BTA 89); expenditures for publicity designed to influence the opinions of the general public in connection with legislation pending before Congress, Textile Mills, supra; expenses incurred for publicity in combating initiative measures, Cammarano and Strauss, supra.

4. REGULATIONS AND CONGRESSIONAL POLICY

In sustaining the lobbying expense regulations in Textile Mills, the Supreme Court found that the regulations contravened no congressional policy, and that they represented a valid exercise of rulemaking power because of well-established public policy. In reaffirming the validity of the regulations in Cammarano and Strauss the Supreme Court stated that the regulations themselves "constitute an expression of a sharply defined national policy * * *."

This policy, according to the Court, is that those engaging in political pressure activities to influence legislation "are * * * required to pay for those activities entirely out of their own pockets * * *." Such a policy, the Court found, is "further evidenced by the treatment given by Congress to the tax status of organizations otherwise qualified for exemption as organized exclusively for 'religious, charitable, scientific, literary, or educational purposes,' which engage in activities designed to promote or defeat legislation."

The conclusion of the Court as to the existence of an established congressional policy in the lobbying expense area is aptly summed up by the Court in the closing sentence of Justice Harlan's opinion in Cammarano and Strauss as follows: "* * * it [the regulation] appears to us to express a determination by Congress that since purchased publicity can influence the fate of legislation which will affect, directly or indirectly, all of the community, everyone in the community should stand on the same footing as regards its purchase so far as the Treasury of the United States is concerned."

5. NEW REGULATIONS

New lobbying expense regulations were promulgated by the Treasury on December 28, 1959.

The old regulations which were in effect for some 40 years and which have just been superseded, provide as follows:

"Sums of money expended for lobbying purposes, the promotion or defeat of legislation, the exploitation of propaganda, including advertising other than trade advertising, and contributions for campaign expenses, are not deductible from gross income."

The new regulations, which are somewhat more complete and definitive than the old regulations, are reproduced in the appendix to this report.

The new regulations, while in proposed form, were subjected to severe criticism by trade associations, labor unions, Congressmen, and others, with some objecting that the regulations were far too liberal from the standpoint of taxpayers, and others taking the position that they were both punitive and unfair to taxpayers. Essentially, the major objections voiced were:

(a) Lobbying activities, for which deduction is to be denied, should be limited to direct dealings with legislators, i.e., to that type of lobbying covered by the Federal Regulation of Lobbying Act;

(b) Expenses incurred in attempting to promote or defeat initiative and referendum proposals should be deductible;

(c) Expenses connected with the preparation and presentation of testimony before, or communications to, committees of Congress or other legislative bodies should not be treated as lobbying;

(d) Dues paid to trade associations, labor unions, and similar organizations should be deductible unless the primary purpose of the organization is influencing legislation; and

(e) The rules involving institutional advertising should be liberalized to permit the deduction of expenditures in this area without regard to whether the advertising is aimed at influencing legislation. In the alternative, the rules should be tightened to bar the deduction of expenditures for advertising which presents views on economic, financial, social or other subjects of a general nature which are of current public concern.

Each of the above comments, while ostensibly directed to the new regulations, actually relates to the long-established rules in the lobbying expense area which have "acquired the force of law." It is believed that material changes in this area, which may well be appropriate, should be based on congressional action.

6. COMMENTS ON THE BILLS

(a) *Taxpayers affected*

The bills would potentially affect all corporate and unincorporated business income taxpayers. Since initiative and referendum procedures of consequence to at least some business taxpayers occur every year, there would be a considerable but varying number of businesses to which the bills would extend additional income-tax deductions. Since these items have not been allowed in the past, there are no available data from income-tax returns on their frequency or amounts.

(b) *Revenue effects*

The revenue impact of legislation in this area depends on its scope. Legislation limited to initiatives and referendums may have immediately modest impact but could result in more far-reaching effect either by encouraging resort to such methods in light of more favorable tax treatment or as precedent for general legislation. General reversal of policy relating to the deductibility of legislative activities could result in considerable decreases in revenues, but estimates are necessarily tempered by difficult appraisal of the extent of hidden deductions in advertising, promotional, legal, and like expenditures which may incorporate lobbying activities. In the posture of existing law and generally broad accounting practices, the difficulties of isolating so-called lobbying activities from generally accepted business expenditures are formidable, not only from the point of view of generally acceptable principles of morality

but also from the standpoint of efficient and uniform tax administration.

(c) *Policy considerations*

The bills to reverse the Cammarano and Strauss decisions (H.R. 5193, H.R. 5251, and H.R. 5579), as well as the broader measure (H.R. 7123) to permit the deduction of all lobbying expenses which are not illegal and which otherwise qualify as ordinary and necessary business expenses, raise this question: To what extent, if at all, should expenditures to influence legislation be deductible as a business expense?

With the growing impact of Government at all levels upon individuals and upon all segments of our society, businessmen, and organizations representing their interests, farm groups, labor organizations, and the like, have often found it necessary or desirable to make large expenditures for the purpose of influencing legislation. The proper treatment of such expenditures is important to the equity and fairness of the income tax. Their tax treatment in turn is relevant to sound governmental policy in a modern democracy.

With the needs of an informed public and legislature in mind, it is sometimes urged that lobbying of the direct and open variety should be encouraged. Moreover, it is held that if the public and legislatures know what interests are lending financial support to educational or propaganda campaigns, this in itself gives better perspective to users of such information and helps lobbying to serve its legitimate purposes. These considerations suggest that if legitimate lobbying expenditures are given status as tax deductions consideration should be given to making clear identification of the source of the expenditures a condition for their deductibility.

Your committee is aware, I am sure, of other problems of definition if an attempt is to be made to distinguish the good from the bad in the lobbying area. The limitation of the proposed deduction to expenses incurred in connection with initiatives and referendums would not in itself necessarily draw an appropriate line in this difficult area. Indeed, it may be contended that since publicity on initiative and referendum measures would, in large part, be directed to the voting public, it might tend to take the form of a one-sided presentation of the issues and make the presentation more deceptive than informative.

Such an approach would leave unresolved some of the most difficult and pressing questions in the whole area of lobbying expenses. It is not clear that there is greater justification for more liberal tax treatment of lobbying expenditures in the case of initiative and referendum procedures than in the case of other forms of expenses incurred in persuading the public and the legislatures. All accomplish basically the same ends and should presumably be governed by similar rules.

Particular attention has been given to expenses incurred in connection with direct appearances before legislative bodies. It has been argued persuasively that reasonable expenditures for this purpose not only provide invaluable assistance to the Congress and other legislatures but do not differ materially from those involved in presenting legal and economic arguments to courts or administrative agencies which are now ordinarily deductible. The American Bar Association, for example, has specifically recommended that an exception be made to the present lobbying expense rules in the area of appearances before legislative bodies, such as your committee. The proposed bills dealing only with referendum and initiative measures would do nothing about this type of expenditure, which has high priority in any reexamination of the treatment of lobbying expenses.

In modifying the present lobbying expense rule, a basic question is raised whether the allowance of deductions in this area would create an unequal situation as between different types of taxpayers or as between business taxpayers and other members of the public. It is frequently said that the present blanket nondeductibility of lobbying expenses is meritorious because it treats all citizens and pressure groups alike when they attempt to influence legislation. Under the existing rule, all such expenses must be paid out of after-tax income.

On the other hand, many assert that the theory that there now exists a uniform rule denying deductions for all persons and interested groups breaks down in practice because of special tax provisions applicable to certain organizations which in many cases are able to carry on lobbying activities free of possible tax considerations. Fully taxable entities point out that they are at a distinct disadvantage as compared with such organizations.[1]

Liberalizing legislation in the lobbying expense area should not be adopted without careful consideration of the need for proper safeguards. Such safeguards are not automatically provided by merely limiting the deduction to initiative or referendum measures. Safeguards which the Congress might want to consider would include definitions of the type of expenditures which would be deductible, possible limitation on the amount of the deduction based on the taxpayer's income or other appropriate standard, and possible requirements as to disclosure.

(d) *Administrative aspects*

Legislative reappraisal of the present law and the proposed legislation will necessarily take account both of the practical administrative problems which now exist in this area as well as those which might develop under the proposed modification. Present law, particularly as it relates to the dues paid to trade associations, institutional advertising, and the grassroots type of lobbying expenditure, is difficult for the Internal Revenue Service to administer. It is difficult, if not impossible, for the Internal Revenue Service, with its present manpower, to censor or monitor lobbying of the advertising or grassroots variety. Indeed, it has been the general position of the Internal Revenue Service that it is not only impracticable but undesirable to attempt to substitute the judgment of the tax collector for that of the businessman in determining the character of the advertising appropriate for the business as long as it may reasonably be expected to increase the patronage of the business.

It is only realistic to recognize that many of the expenditures in these areas which have passed the permissible borderline under the existing regulations have doubtless escaped detection in the audit of tax returns. Unless the Internal Revenue Service were to devote disproportionate manpower from its basic collection function to policing this difficult and controversial area, it would seem that uniform enforcement would be an unattainable goal. If there were to be a modification or relaxation of the existing rules, therefore, it would appear to be a desirable objective that it should help reduce rather than aggravate the practical administrative problems which are inherent in this area, and at the same time reduce to a minimum whatever inequalities among some taxpayers result from unavoidable imperfections in the administration of the law.

The specific bills, H.R. 5193, H.R. 5251, and H.R. 5579, would, if enacted in their present form, create definite administrative problems. A question immediately arises as to when a measure is "duly submitted to an electorate." Are expenses incurred prior to submission of the measure to the electorate to be considered nondeductible? Does the reference to measures "submitted to the electorate" limit the proposal to initiative or referendum measures submitted directly to the people on State or Federal ballots, or would it embrace still other procedures or campaigns? Until such questions were fully resolved, either by a statutory redefinition or judicial clarification, it would seem that the proposed legislation would result in a new range of administrative problems and controversies.

7. POSITION OF THE TREASURY DEPARTMENT

The proposed legislation and the broader question to which it is addressed merit consideration by your committee. Existing law as developed has frozen concepts relating to expenditures in the area of legislative process which are quite distinct from generally accepted attitudes in regard to expenditures related to fields of administrative and judicial processes. It appears to many anomalous that no expenditures involving legislation, without regard to their character, are deductible, while similar activities before administrative and judicial bodies are clearly deductible if they otherwise constitute ordinary and necessary business expenses.

The present rules have created problems of enforcement since it is difficult to police advertising campaigns and expenditures by unions or trade associations in an effort to identify degrees of attempts to influence legislation and, with respect to taxpayers generally, it is difficult to make certain that expenditures definitely in the lobbying area are not in fact deducted in the guise of legal expenses, advertising, or the like.

Alternative proposals seeking to deal with this problem have been advanced by responsible business and professional organizations. The proposed legislation in H.R. 5193, H.R. 5251, and H.R. 5579 deals with initiatives and referendums. H.R. 7123 would permit the deduction of "expenses lawfully incurred in supporting or opposing or otherwise influencing legislation in the Congress or in a State legislature or in the legislative body of a county or other local governmental agency or in any submission of proposed legislation to the voters."

The American Bar Association recommended in the general revenue revision hearings before the Committee on Ways and Means in February of 1958 that reasonable expenses incurred by a taxpayer in connection with appearances before, or submission of statements to, the committees of Congress or of any legislative body of a State, a territory, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia, shall be deductible from gross income if the expenditures for such purposes otherwise qualify as deductions under either section 162 or section 212.

A reasonable approach which should not lend itself to abuse would be the allowance of deduction of reasonable expenses directly connected with appearances and submissions at public hearing before committees of Congress or of any other comparable legislative body if such expenses otherwise satisfy the requirements of deductibility in the code. Broader legislation may well be indicated but should be examined in light of the policy considerations outlined in this report and in the light of possible need for

[1] Such organizations either enjoy special treatment under the tax law which results in little or no tax liability or are exempt or partially exempt from taxation under sec. 501(c) and other sections of the code, not including sec. 501(c)(3). Sec. 501 (c)(3) deals with charitable, religious, and educational organizations and contains an express requirement for exempt status that no substantial part of the activities is carrying on propaganda, or otherwise attempting to influence legislation. Lobbying activities do not ordinarily affect the status of other exempt organizations but may affect the deductibility of members' dues.

safeguards or limitations. The Treasury recommends early consideration by the Congress of the various proposals designed to modify the bar to deductibility of expenditures in connection with the legislative process.

The Bureau of the Budget has advised the Treasury Department that there is no objection to the presentation of this report.

Sincerely yours,

FRED C. SCRIBNER, Jr.,
Under Secretary of the Treasury.

APPENDIX

(Regulations under sec. 162 of the Internal Revenue Code of 1954, relating to lobbying expenditures)

"(c)(1) Expenditures for lobbying purposes, for the promotion or defeat of legislation, for political campaign purposes (including the support of or opposition to any candidate for public office), or for carrying on propaganda (including advertising) related to any of the foregoing purposes are not deductible from gross income. For example, the cost of advertising to promote or defeat legislation or to influence the public with respect to the desirability or undesirability of proposed legislation is not deductible as a business expense, even though the legislation may directly affect the taxpayer's business. On the other hand, expenditures for institutional or goodwill advertising which keeps the taxpayer's name before the public are generally deductible as ordinary and necessary business expenses provided the expenditures are related to the patronage the taxpayer might reasonably expect in the future. For example, a deduction will ordinarily be allowed for the cost of advertising which keeps the taxpayer's name before the public in connection with encouraging contributions to such organizations as the Red Cross, the purchase of U.S. savings bonds, or participation in similar causes. In like fashion, expenditures for advertising which present views on economic, financial, social, or other subjects of a general nature but which do not involve any of the activities specified in the first sentence of this subparagraph are deductible if they otherwise meet the requirements of the regulations under section 162.

"(2) Dues and other payments to an organization, such as a labor union or a trade association, which otherwise meet the requirements of the regulations under section 162, are deductible in full unless a substantial part of the organization's activities consists of one or more of those specified in the first sentence of subparagraph (1) of this paragraph. If a substantial part of the activities of the organization consists of one or more of those so specified, deduction will be allowed only for such portion of such dues and other payments as the taxpayer can clearly establish is attributable to activities other than those so specified. The determination as to whether such specified activities constitute a substantial part of an organization's activities shall be based on all the facts and circumstances. In no event shall special assessments or similar payments (including an increase in dues) made to any organization for any such specified purposes be deductible.

"(3) Expenditures for the promotion or the defeat of legislation include, but shall not be limited to, expenditures for the purpose of attempting to—

"(i) Influence members of a legislative body directly or indirectly, by urging or encouraging the public to contact such members for the purpose of proposing, supporting, or opposing legislation, or

"(ii) Influence the public to approve or reject a measure in a referendum, initiative, vote on a constitutional amendment, or similar procedure."

THE SECRETARY OF COMMERCE,
Washington, D.C., February 25, 1960.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of February 1, 1960, with respect to H.R. 7123, a bill "to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income."

The Department of Commerce recommends enactment of this legislation or enactment of legislation which would accomplish the same general objectives.

For many years the Treasury Department has disallowed deductions from gross income of expenditures made for the purpose of influencing legislation. This rule was first upheld by the Supreme Court in *Textile Mills* v. *Commissioner* (314 U.S. 326 (1941)). Early last year the Supreme Court again considered the question in *Cammarano* v. *United States* (358 U.S. 489 (1959)), and again upheld the Treasury Department position. In Cammarano the Court relied on the continuous existence of the rule over a 40-year period, its consistent construction and application by the courts to attempts to persuade the electorate, and repeated reenactment by Congress of the statutory section which the regulation interpreted.

The provision of the Internal Revenue Code involved (sec. 162) states that there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business. As illustrations of deductible items the section lists compensation for personal services, traveling expenses and rental payments. The Treasury Department has amplified deductible and nondeductible items in detailed regulations.

On September 19, 1959, the Treasury Department published a notice of proposed rule-making dealing with so-called lobbying expenditures. These proposed rules were considered during public hearings held in November and became effective in the latter part of 1959 (24 F.R. 10901, Dec. 29, 1959). The newly issued regulation (sec. 1.162–15(c)(1)) provides that expenditures for lobbying purposes, for the promotion or defeat of legislation, for political campaign purposes, or for carrying on propaganda related to any of the foregoing are not deductible from gross income. The regulation further provides that dues or other payments to an organization, such as a labor union or a trade association, are deductible unless a substantial part of the organization's activities consist of one or more of those for which deductions from gross income are not allowed. In passing, it might be noted that the term "a substantial part" creates serious problems of interpretation.

Considerable concern has been expressed, both at the November hearings and since promulgation of the new regulation, by businessmen, labor organizations and trade associations over its possible impairment of necessary, useful and legitimate expressions of opinion. It appears to be completely unrealistic, for example, to disallow under the statutory "ordinary and necessary" test expenditures by a business enterprise whose very existence may be threatened by the passage of a proposed bill.

Legislative bodies need openly expressed opinions in order to properly carry out their functions. Frequently these expressions are made by the business community at the request of legislatures.

It is our view that lawful expenditures by business enterprises to support or oppose legislation at all levels of government, when involving the interests of their particular businesses, should be deductible as ordinary and necessary expenses. The impact of government has become so pervasive that businessmen and the organizations which represent their interests often find it necessary to convey to legislative bodies and to the public their views regarding existing or proposed legislation. Freedom of expression is an essential element of a free economy.

It appears that a realistic solution to the problem will be found only in appropriate legislative changes. We feel that the sound policy would be to permit full deduction for all lawful expenditures that are related to the business of the taxpayer. H.R. 7123 is designed to accomplish this objective and we favor its enactment or the enactment of similar remedial legislation.

The Bureau of the Budget has advised that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

F. A. MUELLER,
Secretary of Commerce.

SENATE

WEDNESDAY, MARCH 9, 1960

(Legislative day of Tuesday, March 8, 1960)

The Senate met at 10:30 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Dr. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, quest of the ages, whom by searching we cannot find, we are sure of Thee not because Thou didst speak through the lips of prophets in days of old. We are sure of Thee because for those who have hearts to feel and ears to hear Thy voice resounds today.

We have heard Thee speak wherever truth is uttered. We have seen Thee in life's loveliness. We have touched Thy garment in the sacrament of human love. We have sensed Thy presence in all brave and generous deeds.

As we come to this session, our hearts are made heavy by the sudden news that the voice of a dedicated public servant will not again be heard in this Chamber. Here that voice was raised in passionate defense of the causes his conscience told him were right and just. We remember with gratitude that he was a gallant crusader in the campaign to track down the great scourge which had reached for his own life and which yearly snuffs out the mortal lives of a multitude of our people.

We would bear witness that RICHARD NEUBERGER with singleness of heart sought to know the truth and to ally himself with it. We rejoice that he knew human love which is akin to Thine, that he reveled with the poet's eye in all things lovely in nature's wonderland and in literature, and that selfless valor in great causes wherever found, for him brought Thy presence near.

As we think of the Nation's loss symbolized this day by the fluttering flags at half-mast, we pray especially for Thy consoling grace upon the companion who

shared so completely his life in all its aspects. In the darkness, when the sun has gone down while it was yet day, we ask that at last, whether soon or late by our earth calendars, Thou wilt bring us all to the homeland of Thine eternal love. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. MAURER, one of its reading clerks, announced that the House had passed a bill (H.R. 5040) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 5040) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I am informed that under the rule we would vote on closing debate 1 hour after we convene tomorrow. In view of the distressing news we have heard about our beloved colleague, Senator NEUBERGER, I am going to ask unanimous consent that after we conclude our deliberations today we assemble at 9:30 tomorrow morning, and that we proceed to vote on closing debate at 2 o'clock tomorrow. That would give us time tomorrow to discuss the questions if Senators desire to do so, and would not necessitate our staying in session today. We normally recess after tributes are paid.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. I was apprised earlier this morning of the possibility of such an announcement as has just been made.

I have not had an opportunity to consult my colleagues who joined with me in the cloture motion. Since we of course desire no controversies on the floor today, I should deeply appreciate the courtesy if the majority leader would withhold his request for a few minutes until I can consult with my colleagues who are interested.

Mr. JOHNSON of Texas. I thought I contacted all with whom it seemed necessary to consult, but apparently I have not, Mr. President. We can have the vote at 10 o'clock tomorrow or at a later time. I shall be glad to have the Senator pursue the subject with anyone else he desires to consult. But I do not want any other business transacted today.

It seems to me that would be satisfactory to the minority leader.

I have discussed the situation with the Senator from Oregon and with others. I believe it will be satisfactory if we fix the time for the debate from 9:30 until 2 o'clock, and then have the vote. If Senators found it necessary, they could leave for the funeral after the vote.

Mr. President, I temporarily withhold my request and yield to the Senator from Oregon.

DEATH OF SENATOR RICHARD L. NEUBERGER, OF OREGON

Mr. MORSE. Mr. President, it is with sad and heavy heart that I announce to the Senate this morning that last night my colleague, RICHARD L. NEUBERGER, passed to the Great Beyond. On the basis of such information as we have up to this hour, the immediate cause of his death appeared to be a massive cerebral hemorrhage.

In the words of the great poet, John Freeman, "Last night a sword-light in the sky flashed a swift terror on the dark."

Mr. President, DICK NEUBERGER wrote a great chapter in Oregon's political history. He loved young people, particularly students. His political record will for generations to come inspire young people who study it. Oregon and the Nation have lost a courageous leader, one whose voice and pen will be sorely missed in this time of national and international crisis.

Mrs. Morse and I extend to his wife, who has been his lovely partner throughout his great political career, to his wonderful mother and father, to his sister Jane, and the other fine members of his immediate family, our deepest sympathy.

I would have the RECORD show, Mr. President, some of the salient biographic facts about this fallen leader.

He was born in Multnomah County, Oreg., December 26, 1912; was educated in the public schools of Portland and at the University of Oregon; served in the U.S. Army from July 15, 1942, until August 12, 1945. He was an aide to Gen. James A. O'Connor during the construction of the Alaska Military Highway.

His experiences in his military service in Alaska made him one of the stanchest and most able advocates and defenders of Alaska statehood in this body when that legislative issue was before us.

He was a member of the Oregon House of Representatives in 1941 and 1942; a member of the Oregon State Senate from 1949 to 1954. He was married December 20, 1945, to H. Maurine Brown, who was born at Cloverdale, Tillamook County, Oreg., and who taught in the public schools of Portland, Newberg, and Milton-Freewater.

I think, Mr. President, it is fitting and apropos to say that all of us in the Senate, as we watched that lovely couple work as a close team in serving this Nation, not only in our State legislature, but here in the Senate of the United States, were inspired by the reflection of what a beautiful marriage really means.

Mr. President, DICK NEUBERGER was one of the able authors of our generation. He wrote "Our Promised Land," "The Lewis and Clark Expedition," "Royal Canadian Mounted Police," "Adventures in Politics—We Go to the Legislature," and other books. His magazine and periodical writings, his special feature stories for various newspapers, including the New York Times, always were inspiring and educational, and made him one of the best read of our modern writers, both in the newspaper field and in the field of modern books.

He was a member of the Oregon State Grange, the American Legion, Veterans of Foreign Wars, the Eagles Lodge, the American Veterans Committee, Temple Beth Israel, City Club of Portland, the Izaak Walton League, the Tualatin Country Club, and other organizations.

He contributed to the Saturday Evening Post, the Reader's Digest, Harper's, Collier's, the American Reporter, the Progressive magazine, and many other periodicals.

DICK NEUBERGER traveled extensively over the entire Lewis and Clark Trail and other historic routes in the Pacific Northwest, and his writings on Pacific Northwest history have been a source of great information and inspiration to the students of our schools and colleges in the Pacific Northwest, as well as elsewhere in the Nation.

He was elected to the U.S. Senate on November 2, 1954, for the term ending January 3, 1961.

Mr. President, among the great things for which DICK NEUBERGER stood, I suppose there is none that he would more appreciate having mentioned this morning than his great record in the field of natural resources. DICK NEUBERGER was a conservationist through and through.

DICK NEUBERGER was dedicated to the cause of enlightened conservation. He truly believed that our generation has a solemn responsibility to see to it that we leave to future generations of American boys and girls a heritage of natural resources untrammeled by waste and selfish interest in our time.

I think that probably the most fitting summary which I can give of this Senator's record and the things for which he stood is to cite his own statement on March 1, 1960, when he filed for reelection to the U.S. Senate. I shall ask permission to have the complete statement printed at the close of my remarks, but I wish to quote from it at this time. In offering himself for reelection to the U.S. Senate, DICK NEUBERGER listed these as some of his major legislative achievements in Congress:

Sponsorship of the bill authorizing $90 million to save the vast pine forest and wildlife marshes of the Klamath Basin and Indian Reservation from overnight destruction.

Sponsorship of the bill establishing Oregon's first historic shrine under the National Park Service, at Fort Clatsop, near Astoria.

Sponsorship of the first Federal legislation setting standards for the protection of roadside beauty and scenery along the 42,000-mile Interstate Highway System.

The inclusion, for the first time in a waterways bill, of an authorization for the $19 million Yaquina Bay project on the central Oregon seacoast.

First Senator to sponsor an increase in the Federal gasoline tax so the U.S. highway network could be kept on a pay-as-you-go basis without resort to deficit financing.

Sponsorship of fair across-the-board increases in all classes of postal revenues in order to reduce the staggering fiscal deficit in the Post Office Department and to pay adequate wages to postal workers.

Sponsorship of voluntary health insurance and medical program for public employees, which could become the model for protecting the health of every American citizen.

Leadership in increasing Federal funds for medical research generally and cancer research in particular, including sponsorship of a $1.3 million grant for a great medical research center at the University of Oregon Medical School.

Senator NEUBERGER also listed these two legislative projects of his which he regarded as "hopefully close to success":

The creation of an Oregon seacoast national park in Lane, Douglas, and Coos Counties, thus giving our State its first new national park since Crater Lake Park was established in 1902.

Legislation setting up a Columbia River regional development corporation so that revenues from existing projects can be used to finance urgently needed new undertakings in the field of water power, navigation, irrigation, and flood control.

Mr. President, I ask unanimous consent that the portion I have not covered of the statement Senator NEUBERGER made in Oregon, on March 1, 1960, when he filed for reelection to the Senate, setting forth the legislative record he wished to have the voters consider as they weighed his candidacy for reelection, be printed at the close of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, it is not only these legislative proposals which DICK NEUBERGER listed as the legislative record which he would have the voters of Oregon consider, and which he would leave behind him as a legislative monument, but he assisted the Senate in the passage of many other pieces of legislation. I think his achievements can be well summarized by saying that DICK NEUBERGER had a tendency to ask himself the question, when he had the task of voting in the Senate, "On which side of this issue do I believe human welfare to be found?" DICK NEUBERGER believed that, after all, our great wealth is to be found in our people. He sought, across State lines, to serve the people by promoting at all times the legislation which he believed would best promote their general welfare.

His most recent writing is to be found in a newsletter which he published on March 7, a newsletter in which he discussed two subject matters which I think it appropriate for me to mention as I pay tribute and make this sad announcement of his death this morning. In this letter, he discussed the proposed legislation which is pending before the Senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD that part of Senator NEUBERGER'S newsletter which sets forth his views concerning the proposed civil rights legislation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DISCRIMINATION AS A CONDITION, NOT A THEORY

Accounts of the marathon debate on civil rights are heavily burdened with descriptions of the procedural tactics of opponents and proponents of this legislation. Sometimes the substantive issues slip out of sight. Facts contained in the recent report of the Commission on Civil Rights emphasize what the struggle in the Senate is all about:

Only 25 percent of the approximately 5 million Negroes of voting age living in the South are registered to vote. About 60 percent of voting-age southern whites are registered.

Compliance with the Supreme Court's 1954 decision on segregation in schools has been initiated by 11 Southern States. But 6 States have flatly refused to comply, and only one-fourth of all biracial school districts in the 17 States have started to desegregate.

Nearly 70 percent of nonwhite families live in dwellings which are dilapidated or contain inadequate plumbing. While one-third of all nonfarm dwellings occupied by nonwhites have more than one person per room, only one in eight of all such white-occupied dwellings are this crowded.

This is what discrimination means.

Mr. MORSE. Mr. President, in this newsletter, written as recently as March 7, Senator NEUBERGER quoted from the report of the Civil Rights Commission. He pleaded with his pen once more for legislation which would give to the Negroes of this country the right to vote. He pleaded with his pen once more, as he would, I am certain, if he were with us today, plead with his voice, that the Senate pass a meaningful civil rights bill, a civil rights bill which not only would give to the colored people of the Nation a guarantee of their right to vote, but also would give to them those other guarantees which are necessary if the 14th and 15th amendments are to have meaning to the colored people of America, and if they are to enjoy first-class citizenship. In his brilliant style, cogently he made that argument in his last newsletter. I am proud to incorporate that part of his newsletter as a part of my tribute to his memory.

In the same newsletter, he penned again his plea for the conservation of youth. He spoke about the need for legislation which he said he was pressing in the Senate which would provide for a youth training corps in the Foreign Service as well as at home. He proposed that our youth be sent abroad to assist with our foreign policy, in a program of technical assistance, a program of natural resource development, a program which would enable the youth assigned to it to be of assistance to our Foreign Service.

Mr. President, I ask unanimous consent that that part of Senator NEUBERGER'S newsletter of March 7, 1960, be printed at this point in the RECORD.

There being no objection, the part of the newsletter was ordered to be printed in the RECORD, as follows:

POINT 4 YOUTH CORPS: AN OPPORTUNITY TO SERVE

Why not utilize the enthusiasm and talents of American youth to help sell democracy abroad? Representative HENRY REUSS, of Wisconsin, has introduced legislation to help accomplish this purpose. He proposes a nongovernmental study of the advisability and practicability of establishing a Point 4 Youth Corps through which young men and women might serve around the world in U.S. technical cooperation programs. I have introduced identical legislation in the Senate.

Such a program could well be a powerful force for increased world understanding. It would add manpower to carry out economic programs in underdeveloped nations, personally acquaint citizens in other lands of American ideals and aspirations, and provide American young people with an opportunity to serve their country in a stimulating fashion. One of the questions to be considered in the suggested study is whether service in the corps should be considered as satisfying military service obligations. In the current cold war, we need persons with the ability to set up a rural school in the jungle as well as those with knowledge of how to operate a machinegun. How could we better explain the United States and its desire for world peace than through sending to aid needy nations our most valuable commodity—our youth?

Mr. MORSE. Then, in a recent article in the Reader's Digest, DICK NEUBERGER wrote on the subject: "The Best Advice I Ever Had." I think it would be of interest to the Senate for me to read just a brief quotation from that article, in which he wrote:

Later, at his home in Calgary, I asked the famous man hunter of the mounted how he accounted for such affection, rarely given to a man with the stern task of upholding the law. La Nauze looked at me out of pale blue eyes that had squinted across bleak miles of frozen tundra. "DICK," he replied, "I suppose those people in the north country still think well of me because I followed a rule that I would recommend in all human relationships. No matter how decisive things seemed to be on my side, I always kept in mind one thought: The other fellow may be right."

Then DICK wrote:

Perhaps because of the impressive dignity of the man, his advice has lingered in my memory and guided me. It has given me second thoughts in situations where once I felt all too sure of myself.

Mr. President, it is due to this fallen leader to say that he put into practice, as a mode of conduct, this bit of advice which he attributed to this Canadian mountie, who told him on that day: "Always keep in mind one thought: the other fellow may be right."

All of us in the Senate know, Mr. President, the courage with which DICK NEUBERGER faced death when he knew that he was afflicted with cancer.

It has been a great encouragement, I am sure, to the rest of us, to read Senator NEUBERGER'S account of his meeting up with the knowledge that he might be afflicted with a cancer which would give him but a few years or, possibly, a few months, to live.

For Coronet he wrote recently a stirring article entitled "Let's Build a 'Crash Program' To Beat Cancer."

He had made clear, in speech after speech here in the Senate, that he intended to dedicate a good part of his public service to an effort to try to awaken the American people to the need

of giving support to those medical research programs and those hospitalization programs and those medical programs necessary to reduce, at least, if not conquer, the great scourge of cancer. In this Coronet article he set forth his views in regard to this challenge to face, and this obligation to meet, the cancer threat. I ask unanimous consent that this recent article of DICK NEUBERGER'S be incorporated at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Coronet, January 1960]

LET'S BUILD A "CRASH PROGRAM" TO BEAT CANCER

(By Senator RICHARD L. NEUBERGER, Democrat, of Oregon)

(When cancer suddenly struck this Senator, he realized gratefully that research, for which he'd voted funds, was saving his life and might save the lives of 45 million other Americans.)

What if we knew, without the slightest doubt, that a foreign foe intended to attack us with nuclear missiles or germ warfare? What if we also knew, with equal certainty, that some 30 million of us would perish in agony from this assault, while 15 million more would suffer great pain or be permanently maimed?

A menace of these ghastly proportions does imperil 45 million Americans today, although not in the form of hydrogen warheads or lethal gas. It often gives even less warning than these. The name of the menace is cancer. From the cruel ravages of this disease, two out of every three American families in every avenue and echelon of society are destined to suffer painfully.

The American Government would spare no effort or expense to repel any military attack that threatened 45 million of us. Our Federal Treasury would be emptied, if necessary, to pay for armaments and weapons. Our vast private wealth and resources would be thrown into the fray.

Yet, despite the terrible threat of cancer, we spend far less on research into its causes and possible cures than we do, for instance, to build half a dozen B–58 bombers. Our annual expenditure for doughnuts more than triples what we spend in search of an answer to the curse of cancer. Nor does our total outlay for lifesaving cancer research compare with what we spend on cigarettes or liquor or radio and television repairs or even chewing gum.

What is the reason for such glaring inequities?

I think I can answer that from my personal experience. It's because we all believe, down deep, that it will never be ourselves who will get cancer. It's always the other fellow. I know. I once had such feelings myself. I don't now and for a good reason: I am a cancer victim.

I always had intellectual convictions that cancer was a dangerous enemy, and I've spent a good part of my senatorial career successfully fighting for more funds for Government cancer research. But now my feelings about cancer come from my own bitter, personal experience; and it wasn't all bitter, at that. I'm one of the lucky ones. My cancer was caught early—an accident, you might say—I'd gone to my doctor about something else entirely, and he found the growth I'd never noticed. There was no pain, no warning. My doctor's skill was responsible, of course, but it was just luck that I visited him. And it was luck that my cancer, which began in my testicle and had spread to a minor degree to the edges of my lungs, was one of the kind that responds to the new ways of treatment available.

One of my vivid nightmares is to recall the mixture of incredulity and fear which swept over me when our family doctor told me I had cancer. I just could not accept his terrifying words. This just could not be me.

And then, later, as I came out from under the anesthetic, following surgery, the doctors told me that they confidently expected me to recover. While I stared at them in doubt, they explained that my tumor had been diagnosed as a type sensitive to radiation. Further, the doctors added, cobalt and high-voltage X-ray therapy, developed in recent years, could destroy the tiny but potentially lethal metastases which, even then, lurked on the outer edge of each of my lungs.

I can tell you that the cancer victim is frequently the loneliest person in the world. He feels that nothing can help him. Friends, family, doctors, associates all seem without power to check the malignant growth that perils his life. He wishes, desperately and profoundly, for some miraculous cure which will bring a reprieve.

In the weeks and months of radiation therapy which followed, I lay beneath the X-ray cone for a few minutes every weekday and blessed the long line of men and women whose findings in medical research, over the decades, were helping to save my life. Several well-known doctors wrote me letters saying that funds, for which I had voted in the U.S. Senate, had paid for perfecting the very radiation equipment being used in my own treatment. And when such letters came, I could only think in terror of what the outcome might have been for me if such equipment had not been developed.

I recall one dramatic conversation I had with the radiologist treating me, which demonstrates my personal reliance on the results of medical research.

"The spread to the lung of the type of tumor which you have can be destroyed permanently if an adequate number of roentgens (a measure of X-rays) can be conveyed to the lesions," the doctor had said. Then he added:

"With cobalt or high-voltage X-ray, we know we can deliver to your lungs—safely and tolerably—enough roentgens."

"What if you didn't have these things?" I inquired.

"With the early X-ray equipment we often failed," the doctor said, "because the skin and tissues of the patient were damaged too severely before the necessary dosage could be administered internally."

I wondered what my fate would have been if I had suffered from the same malignancy a few years earlier.

At the recent Senate hearings on appropriations for the National Cancer Institute, our Government-supported research center, Dr. I. S. Ravdin of the University of Pennsylvania School of Medicine told a gripping story which filled us all with hope. In the early 1920's, a noted doctor visited the William Pepper Laboratory of Clinical Medicine in Philadelphia and lunched with Dr. Alfred Stengel.

"How is your son Tom?" Dr. Stengel asked his friend.

"I wish young Tom were dead," his friend said, his voice heavy with sorrow. "He has diabetes. He is 13 and yet he isn't any bigger than a normal boy of 6. He can't possibly live and grow up."

Dr. Stengel replied, "Tom, you ought not to talk this way. Next month, next year or the year after, someone has got to come up with a solution for diabetes."

Within 24 hours of that prophetic conversation between the two physicians, the discovery of insulin that could be injected into human beings was announced. It brought life and hope to sufferers from diabetes all over the world. Young Tom was the second patient ever treated with insulin in the United States. Today he is married, has five children of his own and is himself a distinguished doctor. Yet what would have been his destiny if medical researchers had not been delving for years for an answer to diabetes?

My wife Maurine and I visited the Children's Cancer Research Foundation in Boston, where Dr. Sidney Farber and his associates have some 376 children under treatment for cancer, many of them victims of the dreaded cancer of the blood and bone marrow, leukemia. We saw the agonized stare of parents who cannot believe their beloved child suffers from the incurable disease. Yet, these poor little leukemia victims, who used to survive an average of only 3 or 5 months, now live almost 2 years. One boy was kept alive and vigorous for 8 years through chemical agents.

A major breakthrough has not been achieved in leukemia, but researchers are on the frontier of important advances. Dr. Farber believes that the annual screening of some 40,000 chemicals for the treatment of cancer offers the brightest prospect for a startling, new discovery. A universal blood or urine test for cancer is another goal.

But progress depends entirely upon findings in laboratories. Money is needed to train researchers, to build facilities and furnish grants for their operation. Last year, the American Cancer Society spent over $13 million for cancer research. Much of the remainder of the society's $30 million of voluntary donations went for service to cancer patients, supported the nationwide program of education to acquaint Americans with the danger signals of cancer, and to persuade them to have annual physical checkups.

Out of the $75 million budget of the National Cancer Institute, about $68 million went into some phase of research. About $4 million was spent in cancer research through the Damon Runyon Memorial Fund, the Sloan-Kettering Institute, and various pharmaceutical firms. Impressive gains have been made but the blank wall of cancer still stands. How can we breach that wall?

Most scientists in the vital field of cancer research believe there is a direct relationship between the number of men and women engaged in their work and the time when a cure finally will be found. Listen to Dr. Howard A. Rusk, distinguished medical editor of the New York Times:

"When will the scientific breakthrough come to solve the riddle of cancer? No one knows. What we do know, however, is that the more scientists who are at work on the problem in laboratories all over the world, the greater are the odds for solution and the quicker that solution will come."

And Dr. Lowell T. Coggeshall of the University of Chicago, who retired about a year ago as president of the American Cancer Society, says: "Some people ask in good conscience, 'Isn't there a limit to the funds that could be spent fruitfully on cancer research?' Of course there is a limit, but we have not nearly reached it."

So why not a genuine crash program of cancer research? Why not place half a billion dollars—the cost of 25 B–58 bombers—at the disposal of the National Cancer Institute for grants in a realm where countless lives might be saved? Dr. Leonard Scheele, ex-Surgeon General of the U.S. Public Health Service, once told me that half a billion dollars could be used constructively for cancer research. He suggested that the sum be carried over from year to year until fully expended, thus permitting continuity in vital projects which now have only annual duration. "In addition," said Dr. Scheele, "a considerable portion of the amount should be dedicated to the training of new scientists in the health field—just as a major share of our military budget is for the training of fliers, navigators, and other fighting men."

Half a billion dollars may seem like a lot of money per se, but not when we relate it to the lives of 45 million American victims of cancer. It comes down to only slightly more than $10 per life—per irreplaceable human life.

When I speak of a "crash" program for cancer research, I have in mind the determined Federal action that took place in 1940 after Dr. Albert Einstein had sent his historic letter to President Franklin D. Roosevelt, with its warnings of Nazi experiments in nuclear fission. The all-out crash program to crack the atom followed immediately, with over $2 billion spent through the top-secret Manhattan project. Scientists claimed that 50 years of research were compressed into 4 or 5 years as a result of this unstinted effort.

Why, then, are we capable of such a crash program when the menace is a foreign foe, but not when it is deadly cells running wild through our own bodies?

Yet even the increase in funds for the National Cancer Institute, from nearly $22 million (in 1955) to $110 million (for this year), has not been accomplished without the most persistent sort of congressional activity. The national administration has refused to recommend budget increases for cancer research despite the fact that illustrious supporters such as Senator Robert A. Taft, Senator Arthur H. Vandenburg, and Secretary of State John Foster Dulles all have succumbed to cancer within the last 7 years.

Furthermore, cancer recognizes neither border nor breed nor birth. It can strike down the millionaire on Park Avenue and the tribesman in his Congo hut. Our Government spends more than $3.4 billion a year in foreign aid to strengthen our alliances with other free nations. Yet imagine the worldwide thrill if some scientific breakthrough were to liberate mankind from the terrifying menace of cancer. This is why Senator LISTER HILL has promoted an Institute of International Health, to help place the necessary funds at the disposal of scientists anywhere on earth who can contribute to the control of cancer and other diseases. The sole test would be medical findings rather than national allegiances.

We look back now with pity on the recent era when pneumonia was almost always fatal, when children were struck down from diphtheria and scarlet fever, when infected throats in childhood often meant lethal Bright's disease in later years. What will be the emotions of the next epoch of mankind as it looks back upon our frequent helplessness in the face of cancer? Will it mourn that so many men, women, and children in our era perished needlessly because they lived a little too soon—before the "crash" effort which at last brought cancer to bay?

What ought to be done? I favor a five-point program:

1. The sum of $500 million for the National Cancer Institute, to be distributed in grants for cancer research to any medical school, clinic, hospital, pharmaceutical house or private physician where a promising lead had been developed.

2. Increased support through private giving to such voluntary groups as the American Cancer Society and the Damon Runyon Memorial Fund.

3. Forgiveness of 50 percent of loans under the National Scholarship Act to any medical student or other scientist who will spend at least 5 years in medical research. This should be accompanied by grants to medical schools for the construction of research facilities.

4. The international pooling of medical discoveries through an Institute of International Health, as well as the calling of an International Medical Year in 1960 to parallel the recent International Geophysical Year. Surely the study of a killing disease is as important as the study of rocks, ice and sea water.

5. Take our Red Cross hospital ships out of mothballs and send them overseas, staffed with American doctors and nurses and sanitary technicians, to help undeveloped nations under our foreign aid program to fight cancer and other diseases. In many less fortunate nations, infant mortality is shockingly high and blindness affects a large segment of the adult population, to some degree. These people would rather keep their babies or have reasonable vision than have their streets paved.

I may be unduly conscious of the urgency of such programs because the results of medical research have saved my life. When we were discussing in the Senate late last June the appropriations for the National Institutes of Health, I told my colleagues that I owed my very presence in the marble Chamber to findings sponsored by the National Cancer Institute. The Democratic majority leader, Senator LYNDON B. JOHNSON, who suffered a massive coronary attack in 1955, declared that he could say the identical thing about discoveries made possible through the research grants program of the National Heart Institute. Because cancer and heart disease recognize no aisle between the political parties, our Republican colleague on the other side of the Chamber, Senator KENNETH KEATING, of New York, said to Senator JOHNSON and to me: "If the appropriations for medical research have had any force in bringing about both of those results or either of them, they have surely proved their effectiveness. I shall certainly support this increased amount for medical research."

Will increased expenditures result in finding a cure for cancer? The American Cancer Society points out that earlier diagnosis and advances in treatment have increased the cancer cure rate from one out of every four cancer victims to one in three. To the cancer patient, like myself, such things are more than mere numbers. They are survival—the chance to breathe anew, to walk in the woods, to revel in the affection of family and friends, to see the glories of the sunrise and to drink in the wonders of the starlit night.

I'm happier to be alive than I've ever been. Having cancer has changed all my attitudes, all my values. When you're facing the terrible threat of this foul disease, you suddenly discover what's important. The petty discomforts and irritations that used to bother you disappear; and so do ordinary ambitions and attitudes. I don't think I'll ever cease being grateful to my wife for just being my wife; I know I'll never again consider a piece of legislation primarily on its politically partisan aspects.

As a cancer patient, I want to help others who have suffered or who may suffer this disease. I want to encourage them and their families as I was encouraged and supported by cancer progress. I want more: I want to see us lick this disease the way we've licked the infectious diseases. I sincerely believe the world would be more electrified by a breakthrough in cancer than it was by a rocket landing on the moon. As a U.S. Senator, I'm more convinced than ever that we should economize in any other sphere of Government than funds for the research program of the National Cancer Institute—because economy at the expense of human life is the worst extravagance of all.

Mr. MORSE. Mr. President, I am sure that most of us have read the article he wrote in October 1951 for Think magazine, in regard to the great contest he had with cancer. I am going to read the last paragraph of the article, because I think it very appropriate as we honor his memory today. He wrote:

A SHADOW'S LENGTH

"For we are but of yesterday, and know nothing, because our days upon earth are a shadow." So it is written in Job 8: 9. But we cling to this wraith, shadowy though it may be. It ties us to those we love and to the pleasures of human existence, fleeting and transitory as they are. A tortoise which saw Capt. James Cook, explorer of the South Seas, come ashore from H.M.S. *Resolution* in the 1700's, is under guard in the Tonga Islands. When I look at Mount Hood's eternal snows from our home in Portland, I know I am seeing exactly the same profile of lava rock that came within the telescopes of the first westbound Americans. And so will Mount Hood remain when our descendants have landing platforms in outer space. Man's days may be brief and transient and low-numbered, but he finds them sweet, nevertheless. "Life, if thou knowest how to use it, is long enough," wrote the wise Seneca, and who is there to gainsay him?

As we read this article of Senator DICK NEUBERGER, we are reading the comment of a man who was not afraid to die.

Mr. President, as he faced death, which I am satisfied he knew was not far away, because of the cancer affliction which overtook him, he demonstrated, time and time again, that he was not afraid to die.

In fact—and I speak my own personal view when I say this—I have the feeling, Mr. President, that DICK NEUBERGER knew that the possibilities were great that he would die in the not too distant future. I believe that, when he went back to Portland a few weeks ago, he knew the probabilities were great that he would never return to this body. But I am sure that during those weeks there arose in him again the hope that he might come back—which explains his filing for reelection on March 1.

Yet I am satisfied that this man knew he was facing death, and up to the very last, Mr. President, his pen and his voice wrote and spoke out with words of optimism and encouragement for the living, because he knew there was still much to be done.

Before I close, I wish to say, Mr. President, that DICK NEUBERGER was a partner with his associates in his office in Washington, D.C. He was a partner with his administrative assistant, his legislative assistant, and his research assistant, who are sitting beside me this morning on the floor of the Senate, as we honor the memory of DICK NEUBERGER.

Mr. President, to his office staff, of which he was so proud, I wish to say what I have said to Mr. Lloyd Tupling, his administrative assistant: I and my office staff stand at their service.

In closing this tribute, I know of no words more fitting than those of Edwin Markham when he wrote of Lincoln:

HE HELD HIS PLACE

Held the long purpose like a growing tree—
Held on through blame and faltered not at praise.
And when he fell in whirlwind, he went down
As when a lordly cedar, green with boughs,
Goes down with a great shout upon the hills,
And leaves a lonesome place against the sky.

We will all be lonesome because this fallen leader is no more in mortal flesh, but his record will live on as his monument.

EXHIBIT 1

FROM SENATOR NEUBERGER'S ANNOUNCEMENT FOR REELECTION

NEUBERGER described his own record as one "which stressed both liberalism and fiscal responsibility." He said he had always emphasized the broad humanitarian needs of the American people, but that he had insisted that programs of social welfare be paid for in our own time by current revenues rather than being financed in the form of deficits. "This may not be popular," he added, "but I know it is right."

If he is reelected to another term in the Senate, NEUBERGER said he would continue to concentrate on specific legislative goals rather than indulge in personal political abuse.

NEUBERGER is recuperating at home from a long series of virus infections brought on by overwork and excessive fatigue. He said he intends to continue his convalescence until his vitality and resistance to such infections has been restored, and realized now he had gone at too hard a pace during recent years. "I have reviewed the record of American voters with respect to many leading public officials, such as President Eisenhower, Senator Lyndon Johnson, Senator John Kennedy, Gov. William Egan of Alaska, and others who have had to take extensive rests," said NEUBERGER, "and I believe the people of Oregon will be no less tolerant and understanding in my own case."

Mr. MORSE. Mr. President, I send to the desk a resolution, and ask to have it read.

The VICE PRESIDENT. The clerk will read the resolution.

S. RES. 286

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. RICHARD L. NEUBERGER, late a Senator from the State of Oregon.

Resolved, That a committee of Senators be appointed by the president of the Senate to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now take a recess until 9 a.m. tomorrow.

Mr. JOHNSON of Texas. Mr. President, I ask that action on the resolution be temporarily withheld.

Mr. President, my feelings about the sad news of the passing of DICK NEUBERGER are very personal. He was a warm friend and a very genuine person.

DICK NEUBERGER was a man of many qualities which endeared him to all of us in this body. He had a great heart. He had great courage. He was totally dedicated to his convictions. We always knew where DICK NEUBERGER stood. Hypocrisy was completely foreign to his makeup. DICK NEUBERGER stated his views frankly, and he stuck to them. At the same time, Mr. President, he had a deep understanding of those who differed honorably with him.

The Senate meets today in a mood of sorrow. All of us who have assembled here know that words are inadequate to bring comfort to DICK NEUBERGER'S loved ones.

Mr. President, our Nation has lost a public servant of the highest caliber. Most of us have lost one of the best friends we ever had. I want his wife and family to know that our hearts and our prayers are with them; and we hope that, somehow, time will bring healing solace.

Mr. DIRKSEN. Mr. President, the dissolution of the earthly temple that harbors the spirit is always a sad adventure. It is doubly sad when it occurs to a friend. In this case it is exceptionally sad, for it happens not only to a friend, but to a colleague.

The whole mystery of life, I guess, is resolved in death. But on occasions like this, it has always occurred to me that in all the pages of history I can think of only one whose dissolution, rather than whose beginning, has regularly been observed, and that is the patron saint who is commemorated in this month of March—St. Patrick. Perhaps the reason for observing the date of his passing is that the date of his beginning has been obscured in history. But, Mr. President, on occasions like this, I do not think of the end, but, rather, of the beginning, of the wonderful thing it is that life could issue, and that in due course the talent could enfold and could make its constructive contribution to the benefit of our country and to the well-being of mankind.

On many occasions I have said that I know of no greater endowments that the Almighty has given to humankind than, in fact, two great blessings: One, the capacity to remember; the other, the ability to forget.

We can forget all the foibles, all the weaknesses; we can forget all the little exceptions we might have taken in the course of life. But on the hard granite, and on something even more enduring, the human heart, we can enshrine all the nice things we can remember from the glorious past.

Ours would be an impoverished life if we could not summon up from all the wells of remembrance the recollection of a kind touch on a fevered brow and a gentle smile and a thoughtful word that helped lift us and brighten life for us when the day darkened. As the years pass, those things grow in importance, out of God's gift to mankind of the capacity to remember.

So, Mr. President, when we look back and remember, we remember DICK NEUBERGER'S wonderful character.

When I first read of his campaign on the west coast, and when there came to my attention some of the things he allegedly stood for, I am not at all sure that there did not build up in my mind a kind of reserve; and before I got to know him at all, I regarded him with perhaps a sort of baleful eye. But all such feeling was suddenly dissolved by the great solvent of his human personality; and, Mr. President, today I confess publicly that I developed a deep affection for DICK NEUBERGER when I got to know him.

DICK NEUBERGER took glory, indeed, in the fact that he was a liberal. But one of the great things about him was that he was an independent liberal. He had great convictions, and he cherished those convictions and rode with them through thick and thin.

So the Senate has really lost a great Senator. The State of Oregon has lost a great public servant. All of us have lost a friend and a colleague for whom we had not only admiration but affection.

Thus it is, Mr. President, that on this day we remember, not so much his passing, but the fact that he was here. That is the great and the important thing in the entire scheme of life.

Mr. JOHNSON of Texas. Mr. President, I should like to inform the Senate, so all Members may have notice, that we shall set aside a time and a day certain on which they may pay their tributes to Senator NEUBERGER.

I also wish to inform the Senate that, in view of the fact that there will be nothing other than tributes in the Senate today, we plan to ask consent of the Senate tomorrow, after the vote is taken on the cloture motion, to have a morning hour. I shall request that consent tomorrow.

Mr. MURRAY. Mr. President, I feel a deep sense of personal loss in the death of Senator RICHARD NEUBERGER, and I extend heartfelt sympathy to Mrs. Neuberger and the Senator's family.

Senator NEUBERGER was interested in resources, and in the heritage we leave to future generations, not only in terms of physical resources, but also in terms of institutions which would assure abundance, peace and fruitful human life.

It has been a great privilege to work with him in relation to resources matters, in which he constantly represented the masses of citizens struggling to preserve for them, and for posterity, some of our great public assets unmarred for perpetual public enjoyment.

Mr. MAGNUSON. Mr. President, last Friday I read in the Portland newspapers an announcement to the effect that the doctors of our beloved colleague, DICK NEUBERGER, had given him a clean bill of health, insofar as his ability to run for reelection to the U.S. Senate was concerned. I penned DICK NEUBERGER a note in which I expressed my delight and my gladness that that was so.

Therefore, Mr. President, today, naturally, it was a great shock to me to learn that a relapse had caused his death.

I have known DICK NEUBERGER all my adult life. I had many conferences with him during the time when he was considering running for election to the U.S. Senate. I sat with him on many occasions and urged him to get into the race, because of his deep, devoted feelings regarding the field of conservation and the development of our natural resources, which are so important to our area. He was dedicated to that cause. He had written much about it. He had spoken often about it, and he devoted to that cause much of his career in writing.

DICK NEUBERGER did run for election to the U.S. Senate; and I think that, more than anything else, the people of the State of Oregon felt that in him they had a man devoted to that program.

I wish to put more in the RECORD regarding DICK NEUBERGER, because I feel

that the people should know a great deal more about his life's work and his life's dedication.

Today, I do wish to take the opportunity, of course, to express my feelings to his fine wife, to his family, and to those around him, because I, too, have lost an old friend.

But, second, I wish to point out to the Senate, again, that the times seem now, as they have in the past, to emphasize what DICK NEUBERGER in the last few months of his life had called to our attention and to the attention of the Nation.

About 20 years ago, a distinguished Member of this body, a Senator from the State of Washington, Homer T. Bone, introduced a bill which was the first of its kind in the history of Congress; it was dedicated to making some start in an attack upon the dread killer of mankind—cancer.

I had the privilege, while in the House of Representatives, of joining Senator Bone of Washington in sponsoring that bill. The bill, which was sponsored by the entire Senate, was passed, and out of it came the establishment of what is now known as the National Cancer Institute, in an effort to see what we could do to be helpful with other organizations and medical science and scientists to attack this dread killer. We met some success but since that time I have watched some of our very distinguished colleagues in our own body and other Americans fall one by one to this disease. I was here when the Senator from Connecticut, Brien McMahon, who served with many of us in this body, went the way of DICK NEUBERGER. And then the distinguished Senator from Nebraska, who was then the minority leader, Kenneth Wherry, went the same way. Then the distinguished Senator from Ohio, Robert Taft, the great American, was also felled by this killer, and now it has hit home again with RICHARD NEUBERGER.

I am sure that what he said, and what was said by the distinguished senior Senator from Oregon [Mr. MORSE] who expresses his feeling that he might contribute to the future of mankind in an effort to do something about this second killer of all Americans, cancer, has contributed. Not only did Senator NEUBERGER contribute all his life to the great cause of the development of our natural resources, he contributed something else, in an effort to help create a public alertness, help create in the minds of those who are working so hard on this dread killer a renewed energy, in the hope that some day we may find a solution.

Mr. President, as I said, I have lost an old friend. The Senate has lost a distinguished and able Member. The State of Oregon has lost one of its finest citizens, and the Nation is sad in the death of DICK NEUBERGER.

Mr. JACKSON. Mr. President, DICK NEUBERGER was our good neighbor. He loved his Nation, his Northwest, his State, and his hometown.

With his artistic pen, he led an unrelenting fight over the years to conserve and better utilize, for all, the great resources of our Northwest and our Nation. He was a conservationist not only of our natural resources, but of human values.

He was an effective advocate, pursuing with great skill and vigor the causes which were fortunate enough to have his support. In the end, however, his decisions were tempered by a judicial determination to be fair and just to all.

He was, indeed, a dedicated statesman, an honorable man, a noble soul. I have lost an irreplaceable friend and neighbor of more than 20 years. The Senate has lost a truly great U.S. Senator.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER (Mr. ALLOTT in the chair). The Senator from Montana.

Mr. MANSFIELD. It is with heavy hearts that Mrs. Mansfield and I join in the tributes paid to our late colleague from Oregon, RICHARD L. NEUBERGER. My thoughts go first to those who were closest to him, to his wife and family, and I extend to them the poor comfort which words of sympathy are at such a moment. The loss which they have suffered is deep and personal.

Others will feel this loss. The Senate will grieve. The people of the State of Oregon and elsewhere mourn.

RICHARD NEUBERGER brought a special contribution to the public life of the Nation. He gave us a great personal integrity, tempered with human warmth and understanding and a gentle touch of humor. He gave us, in his life, an example of courage in the face of pain and adversity. He gave us in his work an example of service to the welfare of the people of the Nation, a service which was as dedicated as it was modest and unassuming. He did more than any other man of his time to awaken the Congress and the Nation to the priceless treasure of the rivers and forests—the wilderness around us. He worked to preserve this treasure for all Americans against the ravages of the selfish and the neglect of the unthinking.

For these things and more, RICHARD L. NEUBERGER will be remembered. He will be remembered for these efforts especially by those of us from the Northwestern States from whence he came, from Oregon, Washington, Idaho, Montana, Wyoming, and Alaska. We would regard it as a fitting tribute if a Federal wilderness area in that region were named after this great Senator who did so much to save these areas.

Had he lived longer, RICHARD NEUBERGER would have done more, much more, for Oregon, the Northwest, and the Nation. Yet even in death his presence will be felt. For he was as a quiet star among us, burning for a brief moment, a star whose light remains after it is gone.

Mr. President, when I came to my desk this morning there was a note there to the effect that Senator NEUBERGER had requested me to put in the RECORD an editorial from the Oregon Statesman, of Salem, Oreg., dated March 2, 1960, entitled, "Peggy in the Senate." Let me read the words I had intended to employ this morning before I had heard of the unfortunate passing of our late great colleague, Senator NEUBERGER:

SENATOR NEUBERGER ASKS CONSIDERATION OF APPEAL FOR APPOINTMENT OF GIRL PAGES

Recently the distinguished junior Senator from Oregon, Mr. NEUBERGER, brought to my attention an editorial from the Oregon Statesman, a daily newspaper published in Salem, Oreg., asking the question: "Why does not the U.S. Senate provide girls with the opportunity to become pages?"

The editorial cites the ambition of Peggy Price, of Eugene, Oreg., to serve as a Senate page, but reports that Miss Price has found that the fact she is a girl is regarded as a strike against her. "If the Senators someday feel that we might have a woman President, they certainly should feel that lesser positions should be filled by women first," she declares.

Senator NEUBERGER has contacted the Senate Sergeant at Arms, whose office has jurisdiction over Senate pages, urging that consideration be given to the spirited appeal of Miss Price. So that the Senate may be aware of this question, I ask that the Oregon Statesman editorial be printed at this point in my remarks.

The editorial I was to present for printing I send forward with the request that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Salem (Oreg.) Statesman, Mar. 2, 1960]

PEGGY IN THE SENATE

Fifteen-year-old Peggy Price wants to be a page in the U.S. Senate but she writes that "my sex has hindered my dream some." Well, Peggy, we don't believe your sex should hinder you at all, and we agree with your observation that "if Senators someday feel that we might have a woman President, they certainly should feel that lesser positions should be filled by women first." And, of course, they are. So why not a page?

Peggy is the daughter of Warren Price, tough and able professor at the University of Oregon Journalism School, some of whose former students are serving capably right here on the news staff of the Oregon Statesman.

Peggy, if it will do you any good, we'll see that the Statesman's opinion gets to both of Oregon's Senators. And we hope you'll find help in other quarters, too. True, Senate pages are traditionally boys. But tradition isn't the sole governor of our lives. If you want to be a Senate page, power to you. And Senator, too, for that matter.

Mr. KUCHEL. Mr. President, as I drove to the Capitol earlier this morning and saw the flags flying at half mast I knew their sad portent, that DICK NEUBERGER had passed away. The Senate has lost a great Senator, indeed, we may say a great statesman, and Senators, each of us, have lost a friend here. Mr. NEUBERGER was a man of courage, courage unflinching in the face of a dread affliction, the scourge of humankind, which finally won the battle; but of courage, too, in the business of Government and politics in which we are all engaged, courage which I remember, caused him to rise in his place on the other side of the aisle, when others did not do so, to speak out for the principles which he held dear.

DICK NEUBERGER was loyal to his political party, but he was not subservient to it; and I think his memory might well be

honored by us, his colleagues, in remembering how he conducted himself, steadfast and true to the principles of American Government which he ever followed.

Those on this side of the aisle were proud to call him a friend, as those on his side of the aisle were pleased to do.

Wartime veteran, writer, speaker, legislator, conservationist, in the tradition of Gifford Pinchot, DICK NEUBERGER was a great American, a great Oregonian, a great Senator, and a great friend.

I speak for all of us in giving to his wife and to his family our heartfelt and unbounded condolences in their and our great loss.

Mr. BARTLETT. Mr. President, it was only last night in this Capitol that with an expressed admission of tardiness for not having done so before, I wrote and mailed a note to Maurine and DICK NEUBERGER in Portland, Oreg.

Now, so shortly afterward, it seems almost incredible that we should be rising on the floor of the Senate to note the death of a man whom so many of us admired and with whom some of us had close ties of friendship transcending and being entirely apart from associations formed because of our service of this legislative branch of the Government.

All of us knew that for over a year now Senator NEUBERGER had been walking with uncertain fate as his constant companion. But his convalescence and apparent recovery from his cancer operation led us to hope and to believe that health would be his again after his return to Washington from his home State.

Mr. President, the news last night that Senator NEUBERGER had been stricken by a hemorrhage came with the force of a hammer blow. It was as shattering as it was unexpected.

And now it is all ended. DICK NEUBERGER is gone. Those of us who knew him well shall miss him greatly, and he will be missed greatly even by those with whom his associations were not formed so long ago, or were not so close. Principally, however, Mr. President, the loss is the Nation's. By that I mean that our country was the better for DICK NEUBERGER's having been born here, having lived here, having worked here and having been in a position these last years as a Member of the U.S. Senate to bring vision and accomplishment into focus.

Mr. President, I shall not here attempt to sketch the life of DICK NEUBERGER even in broad outlines. Only this morning I realized that he was a very young man when we first met. That was a quarter of a century or more ago. As so many others were, I was at once attracted by his personality, by his quick and flashing mind, by his very real interest in and knowledge of a wide variety of subjects. There was constant opportunity to compare DICK NEUBERGER the man with DICK NEUBERGER the writer, for even then he was gaining a reputation as one of the most prolific and one of the most readable authors on the American scene. What he wrote was so easy to read, so well put together, that one might gain the false impression that, without any advance preparation on a given subject, DICK NEUBERGER could sit down to a typewriter and dash off an article. This was not so. It is true that he wrote with great ease and speed. But it is also true that much preliminary work went into every article, every book. Many times I have had occasion to note this. At social gatherings, and elsewhere, Senator NEUBERGER would frequently advance ideas for comment and suggestions from others. And the next time one was with him in a different group there might well be repetition in discussing the same subject. Then weeks or months later an article would appear in print with the idea or ideas refined and set forth in fast-moving prose.

Mr. President, it was not my intention to refer especially to DICK NEUBERGER's ties with Alaska, close as they were. But since in delivering his tribute the senior Senator from Oregon mentioned Senator NEUBERGER's advocacy of Alaska statehood. I want to say that cause had no more stanch or consistent advocate. Also, it was his leadership which was primarily responsible for bringing Alaska, while still a Territory, within the framework of the Federal-Aid Highway Act in 1956.

Senator NEUBERGER's interest in government came to him early and remained with him always. It was a natural step for him to come to the U.S. Senate from the Oregon Legislature. He arrived in the Senate steeped in the liberal tradition. He never departed from that liberalism. But he was not a blind follower of anyone or any cause. He did his own thinking and acted accordingly.

The personal friendship which grew between DICK NEUBERGER and me was certified during the time he spent at Whitehorse in the Yukon territory as an officer of the Army of the United States in the Northwest Service Command.

RICHARD L. NEUBERGER was a Member of the U.S. Senate for just over 5 years. Even in the uncertain world of politics, there is ample reason to believe he would have returned to the Senate for his second term next January. Apart from personal considerations—the kind that must weigh most heavily with us now—it is more than tragic for Oregon and for the United States that he is gone. Great as his contribution already was, it would have been far greater in the future. For he was a young man, just reaching toward the summit of his power, growing, maturing, developing as time went by. And now the book of time for DICK NEUBERGER has been written, printed, read, and closed. It is ended. It is no more. I grieve.

If any consolation at all can be found, it is that DICK NEUBERGER died where his real being always was. He died in the West. He died in his home city of Portland, Oreg.

DICK NEUBERGER often wrote of those adventurers of earlier days who blazed the trails to the shores of the Pacific Ocean. He often wrote of those who followed—who settled the West to become part of it. But long ago I came to the conclusion that none of these—no one—could have had a greater and more continuing love for the place of his beginning than Senator NEUBERGER. He loved the West. It was a very real part of him. He was dedicated to the proposition that something of the West's matchless beauty should be preserved for those yet to come in this world that constantly becomes more crowded.

So now DICK NEUBERGER is gone. It is perhaps useless in this time of sorrow—and certainly trite—to observe that, although he did not live a full half century as measured by years, yet he lived very fully, and in his life span did more and enjoyed more than many who are on this earth much longer. Yet that observation about him is certainly true.

DICK NEUBERGER was blessed, too, in his latter years by the fact that he had a great lady, his wife, Maurine, to walk with him in time of trial, of defeat, of victory. To her and to the other relatives, my wife, Vide and I, extend our deepest sympathy.

The stars in the western skies will be dimmer this night. A real man has gone.

Mr. ANDERSON. Mr. President, I think sometimes the measure of a Senator and the measure of a man comes in his devotion to a specific task and a specific responsibility. It was my good fortune to be associated with DICK NEUBERGER on the Committee on Interior and Insular Affairs, as in the case of many other Members of this body. On that committee I watched the way he worked.

Shortly after he came into this assemblage, we had before the committee a bill for the construction of the Hells Canyon Dam. He was an author, a cosponsor of the bill; he was part of the spirit behind the bill.

I watched him during the long hearing, a great deal of which I presided over. He was not an attorney, but he was keen and alert, at all times watching to see what he might do to further the cause of a piece of legislation which he regarded as extremely important to his part of the world.

Then we have had many sessions of the Public Lands Subcommittee, to which Senator NEUBERGER had come to sponsor or support individual pieces of legislation. I watched how carefully he presented and how quickly he was willing to withdraw a point if he found that there was something in connection with the legislation which he had not originally anticipated.

I have watched how quickly he would say, "Perhaps we would better examine this further. I would not want it passed until we had a full opportunity to look at every facet of it."

He was on the Interior and Insular Affairs Committee, and chairman of the Subcommittee on Indian Affairs. I have a very strong interest in what happens to the Indians of this country, and I wondered how his point of view would match in with my own, and with the points of view of many others who were concerned that the fate of the Indians might be resolved in the proper fashion. I must say that I never saw a man preside over a subcommittee with more fairness, with more consideration for those with whom he worked, than did DICK NEUBERGER.

Finally, I know that he had strongly within his system the feeling that we must do something on wilderness mat-

ters. We had many, many propositions before us which required settlement. I have observed uniformly how careful he was to try to find out what he might do to advance the bills in which he was greatly interested, but also to find out what he might do to accommodate the views of other Senators in order that the bill, when finally reported, might succeed.

That is a very important test to put to the individual who is sponsoring legislation. I was proud, indeed, to be associated with him on the same committee, because of the fine way in which he handled matters. Many times, Mr. President, I have walked into the cloakroom and have seen him at work on a typewriter, pounding out an article that might, in the course of a few weeks or months, find its way into print.

I realize that he had industry to a high degree, that he was not satisfied to do a full day's work, or even an amplified day's work, but along with it he wanted to keep his hand in the profession that he loved, the business of writing. I think his life has been an inspiration to all who came to know him, an inspiration to realize that a man may have strong convictions but still may have tolerance for the viewpoint of others.

I have profited by my association with him. I shall greatly miss him, as will all the Members of the Senate, I am sure.

Mr. KEFAUVER. Mr. President, I shall not detain the Senate long, but I do wish to join with my colleagues in the Senate, the people of Oregon, and the people of the Nation, in mourning the passing of one of our truly great friends. I liked DICK NEUBERGER very much as a legislator, but, if possible, I liked him even more as a man. He was a sympathetic and friendly man who cared much more about the fate of others than of himself. He was an idealist, Mr. President, at a time when we need idealism very badly.

DICK NEUBERGER was a man of many kinds of courage. Certainly he was a man of great physical courage. More important, he was a man of great intellectual courage. He fought for what he thought was right, regardless of the odds against him and the obstacles to be overcome. He was not afraid to take an unfriendly position. He was a friend of the people, of all of the people. They shall miss him, as shall his family, but not more than we here in the Senate, to whom he was both a friend and a helper.

DICK NEUBERGER and his wife, Maurine, made up a great team for good here in Washington. I extend to her and to the other members of his family my very deep sympathy.

Mr. CARLSON. Mr. President, it is through one's close association with an individual that he comes to learn the true qualities of a man. I had that opportunity with DICK NEUBERGER. He and I were closely associated in the legislative field, and were personal friends for many years. He was a kindly man. He had a sweet character. He was a man one learned to know, and when we learned to know him, we loved him.

He was also a very courageous man. He never hesitated to stand for his convictions. I want to say today that the Federal workers of this Nation never lost a truer friend and a greater supporter than DICK NEUBERGER.

It was my privilege to serve on the Post Office and Civil Service Committee with him during his entire service in the Senate, one term as chairman of the Post Office and Civil Service Committee, and following terms as a member of it. I served on the subcommittee that dealt with pay increases and fringe benefits for our Federal employees. I know from experience and personal contact that the Federal worker never had a greater friend and a greater supporter than DICK NEUBERGER.

He was chairman of the subcommittee and spent much time and much hard work on the health insurance program that will go into effect in July of this year. The Federal workers of this Nation are indebted to him for his having given much time and energy at a time when I knew he was not physically strong and physically well.

The U.S. Senate has lost a great Member. I am sure Oregon has lost one of its great Senators. The Nation has suffered a great loss, and personally, I have lost a friend. To Mrs. Neuberger and the family I extend my sincere deepest sympathy.

Mr. GRUENING. Mr. President——

The PRESIDING OFFICER. The Senator from Alaska.

Mr. GRUENING. Mr. President, it is with a heavy heart that I join with my colleagues in these very sincere and so well deserved tributes to my longtime friend RICHARD NEUBERGER.

It is difficult to believe that he, who, when he was last here, occupied this seat just one seat removed from me, will no longer be there to raise his voice in behalf of the many causes, the good causes, the deserving causes, the enduring causes, which he supported so bravely, so consistently, so persuasively, and yet with so much toleration and understanding of the views of others. Dorothy, my wife, wept when the tragic news came and I had difficulty in controlling my emotion.

My acquaintance, which ripened into warm friendship, with RICHARD NEUBERGER goes back to before the day he attained the legal voting age. It was in the late summer of 1933 that he dropped into the office of the Nation, a New York weekly magazine, of which I was then one of the editors, to report on what he had seen in his visit to Germany from which he had just returned. Hitler had come to power just a few months before, and there had been little realistic reporting of what had taken place in Germany. In fact, the prevailing comments in the press and magazines of that time indicated that there had perhaps been a welcome change, a new Germany in a better sense.

DICK reported realistically what he had seen after going, with his great intellectual curiosity and his characteristic determination to ascertain the truth, off the beaten path to which tourists had been routed. He realized the horror, the brutality, the ruthlessness of this new totalitarian regime.

I asked him to write of this for the Nation, and he did so. He wrote an article entitled "The New Germany," which was published in the issue of the Nation for October 4, 1933. It was the first realistic firsthand revelation in any American magazine of what was taking place in Nazi Germany. It was an epoch-making article. It was DICK's first literary contribution to any magazine of national circulation. I felt, subsequently, great pride that I was instrumental in introducing him to a career, which, of course, he would have followed anyhow, as a great journalist—perhaps the greatest journalist of our time.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, I think it may be said, without fear of contradiction, that in the long history of the Senate no man who came to it as a journalist was able to write so ably, to get published so widely, and to have his articles appear in the greatest diversity of magazines, those having a large popular circulation, those appealing to a more limited readership, and those which are read by only a very few in fields of high specialization. But in all of his writings he made a vital and real contribution to the understanding of his subject, and thereby widening the extent of public knowledge.

It is quite impossible for one to rise and extemporaneously pay an adequate tribute to DICK NEUBERGER. A full-length biography needs to be written, and no doubt will be written, of his great and productive career. He had established his career as a great journalist and publicist before he came to the Senate 5 years ago, and his fruitful life is recorded by himself in his many writings, as well by his countless addresses before public gatherings and on the floor of the Senate.

My colleagues have accorded deserved treatment to his great contributions in the field of conservation. He was a great conservationist; but he was also a sane conservationist. He realized that the purpose of conservation is not to conserve wildlife species for themselves or forests for themselves or soil and water for themselves, but for the future benefit and enjoyment of human beings. He was a fervent conservationist, but a practical one.

I remember an article of his entitled "How Much Conservation?" which was published in the Saturday Evening Post, I think, in 1943. In that article he took issue with some of the activities of the late Secretary of the Interior Harold L. Ickes, who he felt had not truly interpreted the spirit of conservation as DICK conceived it.

All through DICK NEUBERGER's career we find a combination of qualities which are rarely found in one human being, namely, a great fervor for the causes in which he believed, and moral courage in espousing them, even if they were unpopular. He demonstrated great kindliness and tolerance for the differing views of others. Those qualities of dedication to a cause, unflinching determination in

its pursuit, yet with kindness, humility, and openmindedness, are not always found in one human being. Yet DICK NEUBERGER had them.

It is, as I have said, impossible to do full credit, in these few minutes of extemporaneous expression, to DICK NEUBERGER's great service. I would inevitably include the great friendliness which he showed on every possible occasion to Alaska. He was up there in the early days of the war, along the Alaska Highway, then under construction, as a member of the Armed Forces. His interest in Alaska was not merely because it was a Territory, disadvantaged because of its political status, but because he felt it was a part of the great West, to the development of which and to the conservation of whose resources he was so devoted. He never missed an opportunity to come to Alaska's aid, when that aid was often sorely needed throughout the years. His is a long list of accomplishments in Alaska's behalf.

It gave me some satisfaction today, and great sorrow at the same time I had to record this event, to wire the speaker of the House of Representatives in Alaska, which is now in session, recalling DICK NEUBERGER's great service to Alaska, and suggesting the advisability of naming a mountain in Alaska, so many of which are unnamed, after him. No monument would be more worthily appropriate to one so dedicated to preserving the beauty and primitive majesty of our America.

I hope at a future time to amplify these remarks. I can only say that we have lost a man who had won the friendship of nearly everyone in this body, who was beloved and admired by almost everyone; whose kindliness, whose breadth of view, whose gentleness, whose great human qualities no one could fail to note.

To DICK's beloved wife, Maurine, who shared his public as well as his private life to a degree unmatched in political annals, and to whom he unfailingly paid homage for his own successes, goes our deepest sympathy.

We have all suffered a great loss. The State of Oregon has suffered a great loss. The Nation has suffered a great loss.

We shall miss him sorely. The Senate—in which he so devotedly represented not only his own State, but the causes directly concerned with human welfare, the cause of the aged, the young, the sick, the underprivileged, the victims of discrimination, as well as the preservation of our natural heritage—is the poorer for his departure. But his legacy is enduring and his efforts will bear fruit for the generations to come.

He was independent. He was a man of vision and of great stature. I believe it is truly correct to say of him that he was a statesman; and the Nation and his own State which he served so well and so devotedly are permanently the poorer for his passing. We shall not see his like again.

EXHIBIT 1

THE NEW GERMANY

(By RICHARD NEUBERGER)

"Visit the New Germany," the American tourist reads in the advertising columns of Paris editions of American newspapers. Embellished with photographs of picturesque scenery and stately cathedrals, the advertisements strive to persuade the tourist that Hitler's new Germany is virtually identical with the old Germany of charm and Gemütlichkeit. That the advertising often appears in issues which carry front page accounts of Nazi violence has been harmful but, surprisingly, not fatal to the purpose of the costly displays. Despite a falling off in the tourist trade, foreigners return home frequently with tales of the peace and contentment that prevail under the Nazis. They stay at the hotel in the larger cities and blandly report that "they saw no outrages," and pay tribute to the new spirit engendered by Hitler. Of this type is Mayor James M. Curley of Boston. It is more surprising, however, to find a supposed scholar like Dean Henry Wyman Holmes, of the Harvard Graduate School of Education, who returned on September 10, reported by the Associated Press as saying: "I think the reports of Hitler's oppression of the Jews have been exaggerated. Some action may have been necessary"; "It is something Germany needed"; "Germany has regained self-respect." This noted educator, author inter alia of "The Path of Learning," arrived at these conclusions, he admits, in France and "from talking with people on the voyage home" (aboard the German liner *Berlin*), and without visiting Germany.

For a week in Paris I listened to tourists who described Hitler's Germany in rosy colors. On questioning, however, I found that they had visited only the places featured in the advertisements. Not one had strayed to a town off the beaten track. I determined to make a different sort of trip to the new Germany, and visit the hamlets and villages of the Black Forest and the Rhine country, places where Americans are not expected. The officials at the border were courteous. On the main streets of the large tourist centers I too saw no violence. Then I left the tourist highway and headed for a little village in the hills west of the Neckar River. It was 30 kilometers from the railway. Only a twisting automobile road penetrated the hills and forests surrounding it. The inn, at which I was the only guest, was run by an old Catholic woman. She was easily led into conversation and told me how her little business had been ruined by the Nazis. It was not difficult to make a person of her political misfortunes my ally, and I persuaded her to introduce me to other victims in the little community.

In a ramshackle house near the outskirts of the hamlet I met a distraught old woman. Two nights before, a troop of brown-shirted Hitlerites had taken away her two sons, partly because they were Jews, partly because their political affiliations had been with the Social Democrats. "Say goodby to your mother, you may never see her again," ordered the Nazi leader. For 48 hours she had waited for word of her sons. They were her only kin. She had spent all of a small life insurance policy educating one for law, the other for medicine.

It was not in my power to console this frantic gray-haired widow, but I tried to find some trace of her boys. The search did not last long. The next day the two young men, whose "crimes" had been their race and their belief in a government for the majority of the people, were sent home—in plain board coffins. The Nazis asserted that the boys had died of tuberculosis, though neither had been ill when taken from his home. Their mother was compelled to sign a paper agreeing not to open the coffins; the undertaker and the rabbi had to collaborate in this promise. "Otherwise," admonished the Nazi chief, "we will dispose of the bodies ourselves."

But in that village was a young Jewish doctor, a war veteran, and one of the few undaunted victims of the Hitler persecution whom I met. Despite Hitler's promise to exempt Jewish ex-soldiers from discrimination, the young man's entire practice had been taken from him by the burgomaster, and he had been beaten up at the local "Brown House." But he was unafraid. He said to me: "I'll open those coffins if you will help me to get out of the country." I promised. (Today he is somewhere in France.) That night, by candlelight, he opened the oblong boxes. Every major bone in both bodies was broken. The flesh was terribly lacerated; the boys had suffered horribly before they died.

The next afternoon the young men were buried in the Jewish cemetery. Over their coffins the old rabbi, his beard blowing in the summer breeze, spoke a few words of praise. For the offense of eulogizing the two dead boys, the rabbi was beaten at the local Nazi headquarters, and the local newspaper—a mere bulletin—which printed some of his words was suppressed for 3 months. The mother was sent to a sanitarium by the young physician, her mind clouded by the catastrophe. Thus was I introduced to the "new Germany," the Germany advertised as "less expensive, but otherwise unchanged."

After that I was better prepared for what I saw and heard. I saw new mounds in virtually every Jewish cemetery, marking the resting places of victims of "Nazi tuberculosis." Still hoping they can fool their own citizens and the rest of the world, the Hitlerites camouflage their murders. The victim either "committed suicide," "was shot while trying to escape," or "died from tuberculosis." Announcements are printed in the newspapers accordingly. Always the bereaved families are compelled to promise that they will not open the coffin.

Before I left that little town I met the families of two Jewish girls, both of whom had been smuggled across the border to a hospital in Switzerland. Their parents spoke in whispers of a night when the Nazis had come for the girls. They had been stripped and beaten and made to dance naked before their tormentors. Under the threat of death to themselves and their families, they had been compelled to accept the advances of their captors. The girls were only 18. In the morning their families found them, bleeding and senseless, in a meadow near the Brown House.

I put that town behind me like a bad dream. But it proved to be not exceptional. From there I went to Neckargemünd, a small community near the Neckar River.[1] I arrived on a Saturday afternoon, the Jewish Sabbath. At the home of the rabbi I found a portion of his small congregation. The hands of the men were swathed in bandages; the women were sobbing and crying. The rabbi told their story. During the services the Nazis had broken into the synagogue. They had thrown the Torah and other implements of the church into the street. The women they had ordered to clean the town hall, with the command, "It's about time you dirty Jews were doing some work." While the Jewish mothers and daughters scrubbed the floors on their hands and knees, the storm troopers stood over them and beat them with whips. The men underwent worse torture. At gun point they were lined up before the synagogue. Red flags, supposedly symbols of communism, were placed in their hands and set afire by the Hitler troopers. The flags burned down to their hands, but the men were not permitted to drop them until their fingers and knuckles were seared. One old man whose trembling hands dropped the burning rags was shot through the shoulder.

I stayed 3 days with those forlorn people. At night they sat in total darkness, trem-

[1] In order to protect his informants the author has switched the names of the small towns mentioned in this article.—Editors, the Nation.

bling lest the Nazis come and inflict further punishment. By day they stayed in their homes, afraid to venture on the streets. Slowly they watched their savings dwindle, knowing the day would come when they would no longer have money to buy food.

Next I went to Heidelberg. Surely, I thought, that citadel of German culture, the site of the famous university, could not be the scene of such brutalities as we had witnessed in the Neckar country. The train was crowded with brown-shirted troopers. The streets were dense with men in uniform. Every building flew the swastika flag. Even on the streetcars Nazi banners fluttered. The occasion was the appearance that night of Dr. Alfred Rosenberg. Britain had given him an icy reception, but he was a hero in Heidelberg. A vast throng jammed the amphitheater of the historic castle to hear him. Its howls of approval as he denounced democracy and urged purification of the Aryan race echoed along the cliffs below the ancient walls.

The next day I visited the university. The first thing apparent was that Heidelberg had gone "football" in a big way. All incentives to culture, intelligence, and independent thought had been removed. The laboratories, where experiments had enabled Otto Warburg, expelled for being a Jew, to discover the difference between cancer cells and normal epithelial cells, were deserted. But the dueling ring was not. Before Hitler ascended to the chancellorship dueling had been forbidden for several years at Heidelberg. Now it is the rage. Youths with fresh scars on their faces, courtplaster on their cheeks, and swastikas on their arms have replaced the thinkers and scientists to whom Heidelberg owes its reputation.

I also noted the paradox of the one new building at Heidelberg—the Robert Schurman lecture hall. It was built largely through the generosity of American Jews, but Jewish professors may not mount its rostrum. On the bronze plate which lists the donors are the names of such prominent American Jews as William Fox, Julius Rosenwald, Mortimer Schiff, Adolph Zukor, and Samuel Sachs. Also included is the name of William H. Woodin, Secretary of the Treasury. I wanted a photograph of the plate and opened my kodak. Uniformed attendants wearing swastikas came running. "Kein Bild, kein Bild!" they cried. I was hustled from the building. A young Nazi with a bayonet at his side and a revolver in his belt forbade my reentrance.

In Heidelberg I talked with many brilliant scholars, most of them non-Jews. They deplored the havoc Hitler has wrought in the university and confided the fear that the once great school was ruined forever as a center of culture. One old man, a Socialist and liberal, raised his voice louder than the rest. For 44 years an instructor, he had been dismissed summarily for his political views. "America must help us," he said. "This is not alone a fight of the Jews. It is the battle of everyone who believes in democracy and freedom. You will do a great service if you carry this message to the liberal and fearless men in your Congress." The old man continued to talk freely on the cause of democracy all the time I was in Heidelberg. When I left there I promised to help him obtain a a visa for America. But it was not necessary. Three days later the Nazis invaded the old professor's home at night. In the morning his wife found him at the foot of the stairs, his skull crushed in.

From Heidelberg I turned again to smaller communities. Everywhere I saw evidence of cruelty, violence, and death. At Landau a Catholic merchant and his Jewish secretary, whom he had refused to discharge after 5 years' faithful service, were paraded through the streets. About the girl's neck was hung a sign, "I have been this man's Jewish prostitute for 5 years." In the same town three Jews and two non-Jewish Socialists were dragged from a cafe in the middle of the afternoon and beaten in an adjacent lot with whips of hose and steel cord. I saw their lacerated and torn backs. At Durkheim an old Jewish butcher from whom my friends occasionally purchased cold meat or sausage paid with his life for his refusal to obey a Nazi command to close his shop. One morning we found the store closed. The old man was in a hospital, bleeding from a score of wounds inflicted by clubs. His case was diagnosed on the chart as the result of a "fall downstairs." Three days later he died.

Hitler and his lieutenants must smile behind their hands when they watch tourists leave Germany with stories of the courtesy and fine manners of Nazi officials. In the August issue of the National Geographic magazine Alicia O'Reardon Overbeck describes Freiburg as one of the most gemütlich cities of Germany because of the friendliness of its people. In Baden Baden we met a score of refugees from this haven of peace and tranquillity. One of the refugees was a lawyer who had dared to say in public that the people should run the government. While he was away on a brief trip to plead a case, Nazis entered his home and sold at auction all his possessions—his law library, his files, valuable art treasures, his furniture. He and his son protested; the latter was fatally wounded and the father had to flee to avoid arrest. He was at Baden Baden under an assumed name and with his appearance disguised. The others who had fled from Freiburg, the most gemütlich of cities because of the friendliness of its people, were Jews, several of them schoolboys burned on the legs and feet. Their Nazi schoolmates had forced them to run through a bonfire of burning books.

It is difficult to comprehend how any tourist with the slightest knowledge of German can return from the Third Reich with praise for the Hitler dictatorship. Hitler's "Mein Kampf," approximately 800 pages of the chancellor's egotism and hatred, is on sale at all bookshops, available to visitors and citizens. Listen to this brief excerpt from its pages:

"If the Jew wins * * * his crown of victory is the death wreath of humanity, and this planet will again, as it did ages ago, float through the ether, bereft of man. * * * While I defend myself against the Jews, I fight for the work of the Lord.

"The black-haired Jewish youth lies for hours in ambush, a devilish joy on his face, for the unsuspecting girl whom he pollutes with his blood and steals from her own race. * * * By every means he strives to wreck the racial basis of the nation * * * he deliberately befouls women and girls * * * it was and is the Jew who brought Negroes to the Rhine, brought them with the * * * intent to destroy the white race * * * by continual bastardization, to hurl it from the * * * heights it has reached * * * he deliberately seeks to lower the race level by corruption of the individual."

It is this book which has filled the vacancies left on the library shelves by the destruction of volumes by Heine, Thomas Mann, Remarque, Feuchtwanger, Einstein, Sinclair, and London. The Chancellor's unrelenting fanaticism is reflected in the cruelty of his followers. Not once in the score of small communities we visited did we see a Nazi show mercy or understanding toward the objects of his hate. Even small children are victims of the brutality. We saw one little Jewish girl come from school with a great welt on her forehead. Between sobs she told her mother that the son of a Nazi had hurled an inkwell at her, and the teacher, a man in S.A. uniform, had commended the act.

Horrible as these systematic persecutions are, there is another equally ominous aspect to the new Germany. It is Hitler's obvious intent to lead the country into war sooner or later. He is converting Germany into a fortress bristling with hate and martial fervor. The saber rattles more loudly than under the Hohenzollern. In the parks and public squares one hears military bands and the tread of marching feet. The Nazi troopers are armed with bayonets and revolvers. Tney have official permission to carry firearms, a privilege denied to those they persecute. The children also are active participants in martial revival. In the foothill districts of Bavaria and Württemberg we saw boys—none of them more than 15 years old—parading in review with wooden spears on their shoulders, and children of six practicing the throwing of hand grenades, crawling on their stomachs as to a trench attack.

Despite the contention of Walter Lippmann or any other erudite authority that Hitler's May peace address was sincere and "the authentic voice of a great people," no one who looks behind the barrier of censorship and deceit in Germany can doubt that one of the major premises of the Nazi movement is intense preparation for a war of aggression. I wish those who were deluded by Hitler's peace speech before the Reichstag could have been with me one afternoon on the train between Frankfurt and Munich and overheard a high officer in the Reichswehr talking to a friend:

"Yes, we're fooling the French and Poles all right. We're only supposed to have 100,000 men under arms according to the treaty, but we're training 250,000 new ones every 3 months. At my camp I command a squad of lawyers—the Chancellor now makes all new lawyers enter a training camp. Then we have the S.A. and the S.S. men and the Reichswehr. We'll have 2 million in arms in another year, besides all the children we're teaching to fight for Germany. Then watch us conquer again."

It is the old story of "Deutschland Ueber Alles" but under worse auspices than before. No ingenious means for inflaming and arousing the people has been overlooked. In cabarets I heard the music of the "new Germany." The masterpieces of Strauss and Wagner have been subordinated to the Nazi marching song and filthy ditties denouncing the Jews. I saw the official Nazi propaganda film, "S. A. Mann Brand." Its appeal was based largely on military enthusiasm. Communists were portrayed as brutes who spent their time shooting down little children or lolling in luxurious apartments with scantilly clad women. The villain was a Semitic-looking merchant who discharged his employees for trivial reasons, but was made to atone for his deed when Hiter came into power. But the Nazis—ah, they were pictured as the very flower of German manhood. Sir Launcelot in search of the Holy Grail could have appeared no more noble and courageous than the stalwart Apollos who portrayed Herr Hitler's gentle disciples.

Daily publications fan the fire of hatred and bitterness. In Nürnberg a notorious Jew-baiter named Julius Streicher publishes Der Stürmer, a newspaper devoted entirely to anti-Semitic propaganda. Every Jew who achieves prominence, among them such Americans as Governor Lehman of New York and Samuel Untermyer, is denounced as a murderer and a criminal. Across the bottom of the paper each day is written in black inch-high type: "Die Juden sind unser Unglück" (the Jews are our misfortune). Frequent bulletins from Goebbels' office put more kindling on the funeral pyre of culture and tolerance.

Much else that I saw in the "new Germany" further substantiates the conclusion that those who believe in liberty are finished in Hitler's Reich. Jewish merchants, professional men, and humble workers and

their families are facing slow starvation. Jewish children live in an atmosphere they cannot understand, in which they are persecuted by their schoolmates. Jewish families are afraid to venture on the streets; they have no protection, no rights. Jews are barred in many towns from the public swimming pools. Jewish athletes can belong to no sports clubs, which makes the German efforts to retain the 1936 Olympic games in Berlin on the ground that there will be no discrimination, one more piece of hypocrisy. Socially and economically, as well as politically, the Jews have been ruined. Those who have not suffered physical violence are experiencing mental torture almost as severe.

The fate of those who sponsored the cause of the masses has been equally terrible. Labor union officials, Socialists, and liberals have been murdered and their homes plundered. Under the guise of saving Germany from the Communists Hitler has crushed ruthlessly all "left" tendencies. He poses as the savior of the laboring man, but the stanchest advocates of workers' rights have suffered most at his hands. Thus we see the "new Germany" as a land in which a racial and religious minority has been sacrificed on the altar of political expediency and intolerance, in which democracy and civil rights have been abolished, from which culture and independent thought have been expelled, which is preparing its children to be cannon fodder on the battlefields of a future war.

But ruthless and relentless as Hitler and his lieutenants are, there is one weapon they fear The Nazi mayor of a large German city told me his party dreaded economic pressure. At pistol point the storm troopers have forced their victims to deny all stories of atrocities in an attempt to lessen the indignation abroad. They realize a tight international boycott can kill even the monster they have created. A boycott which shuts out German merchandise, reduces the passenger lists of German liners, and keeps tourists out of Germany can soon write an end to the most gruesome chapter of modern history by dethroning Hitler and Hitlerism.

This is not alone the battle of the Jews—I saw intellectuals, liberals, pacifists, Social Democrats, almost as badly off. It is the fight of everyone who believes in personal liberty and civil rights, a fight for the principles on which America was founded. For that reason it is depressing on returning to the free and wholesome air of America to find such a concern as R. H. Macy & Co., chiefly owned and operated by Jews, purchasing merchandise in Germany—because it is cheaper. One of the store's principal owners is Jesse I. Straus, American Ambassador to France, who ardently voiced his belief in democratic ideals in an Independence Day address in Paris. Actions speak louder than words, however. The Strauses might better follow the example of their Christian competitor, Lord & Taylor, which recalled its buyers from Germany shortly after Hitler inaugurated his reign of terror, and regardless of price established the policy of not buying 1 pfennig's worth of Nazi goods.

Mr. JAVITS. Mr. President, I join with my colleagues in mourning the loss of a great public servant, a loyal friend, a warmhearted human being, one who was the friend of all the people of the United States.

DICK NEUBERGER was a man of the highest character. His work in the Senate typifies his greatness, his creativeness, and his usefulness to his fellow men. What has been said so eloquently by our colleagues this morning bears that out.

DICK NEUBERGER was not simply a conservationist. He was a human being. He was extremely desirous of utilizing his very great talents and his great heart to conserve human values, and ennoble material values only in order that human values might be more certainly preserved. This I think he showed in the Senate by taking positions which were in accord with his fundamental liberal philosophy. His thirst was after justice, and he followed wherever that path led. He was a just man, and this was really the hallmark of his life.

No one could ever speak about DICK NEUBERGER, his work, his life, and his duty, without speaking about Maurine, who was inseparably connected to him. She is a gracious lady. To use the language of an older day, she is not only gracious, but was good to him, as well as dedicated herself to the same purposes to which he was dedicated. Indeed, I believe that to Maurine could be applied, with the greatest of propriety, the Biblical phrase "loving kindness."

I saw her at very close range in London, at the Atlantic Conference, last year, where she represented DICK with such charm, such feeling, and such ability, that she truly bespoke his views and his mind, so as to impress all who were there and to leave them permanently in her debt.

I think it would be fitting particularly for me, because I believe it represents the hallmark of the common faith I shared with DICK NEUBERGER, to read as a part of my remarks, upon the occasion of his very sad passing, at so very young an age, the words from the Old Testament Prophet Micah, in chapter 6:

> Hear ye now what the Lord saith: Arise, contend thou before the mountains, and let the hills hear thy voice.

And in the eighth verse of chapter 6:

> He hath shewed thee, O man, what is good; and what doth the Lord require of thee but to do justly, and to love mercy, and to walk humbly with thy God?

This was RICHARD NEUBERGER.

Mr. CHURCH. Mr. President, it was a crushing blow for me to learn this morning of the death of our beloved colleague, RICHARD L. NEUBERGER.

To his good wife, Maurine, my wife and I extend our deep and abiding sympathy.

We Senators have lost a friend who was ever modest, ever gentle, ever clean, decent, and compassionate.

Oregon has lost a Senator of rare candor, exemplary courage, and genuine conviction.

Our country has lost a leader worthy of her finest days.

The flags are at half-mast in Washington to mourn the passing of a great man.

May God rest his soul.

Mr. COOPER. Mr. President, our hearts are saddened today by the death of RICHARD NEUBERGER, the junior Senator from Oregon.

His brave fight against cancer and his devotion to duty, even when he was stricken with illness, won the admiration of Congress and the people of the Nation.

But I call attention to the qualities which distinguished him, at least to my mind, since the first day he came to the Senate.

As we know, he was a strong fighter for the interests of his State and the great Northwest country which he represented. His fight for the preservation and conservation of the country's natural resources will be long remembered and will continue to influence the Senate and the Nation.

But we remember also today the profound qualities of his character, for he was a man of character.

He was independent, and did not bow to coercion. He was courageous, and he was just. There was no cant about him. But his concern and his heart were for the individual, and his desire for larger opportunities for the unfortunate and the underprivileged was deep and sincere. He was truly a good and great man.

There is nothing we can say here which can give help to his wife, but all of us who knew her devotion to DICK NEUBERGER believe that she can find solace in the knowledge that she helped him and stood always by his side, and that she contributed to his great achievements and to his noble life.

Mr. PASTORE. Mr. President, RICHARD LEWIS NEUBERGER was an articulate American who, fortunately for America, in pen and speech—in voice and vote—was sincerly dedicated to the common good. This dedication he translated into practical advocacy of the underprivileged and into defense of the public interest as against the overprivileged.

His insights into the pretenses of politics and his ideals of public service gave RICHARD NEUBERGER the stature of a statesman. The legislation that he promoted and the literature that he created will live long after him as the heritage of the thinking citizen.

We of Rhode Island knew him as a summer visitor when weekends could be spared from our summer-long sessions. Here, in these Senate halls, he was a tireless worker, with a will that rose above all physical weariness and weakness, and with an intellect that lent clarity and vitality to our debates.

The U.S. Senate will miss his presence—humble, genial, generous.

RICHARD LEWIS NEUBERGER, son and Senator of Oregon, was a great American.

Mr. DOUGLAS. Mr. President, Richard and Maurine Neuberger have been two of the dearest friends my wife and I have ever had.

We loved DICK very much, and we admired him. He loved the striking places of natural beauty in this country, of which his region contained so many: The majestic mountains, some of them snow clad; the forests; the swift-flowing rivers, and even the tawny deserts. He wanted these preserved in their beauty, for the use of the people of the United States and to protect them from being defiled, debased, or exploited.

But he also had a deep feeling for people, and he was anxious to help the poor, the sick, the old, the weak, and yet in doing so he was scrupulously fair to the strong.

DICK had a basic and fundamental feeling for freedom; for freedom of thought, freedom of expression, and freedom of assemblage. He believed in

a diffusion of both economic and political power, so that all men may have enough power to be secure, and yet none have so much as to threaten the liberty of others.

DICK had an extraordinarily able and analytical mind. He also had great literary skill and energy; he was certainly one of the most gifted writers of our time. To all this he added great industry and personal kindness.

As I have said DICK had a scrupulous sense of fairness. He was highly ethical in his private and in his public life. He was in fact everything that a man should be, and, to my mind, everything that a Senator should be.

I should like to take the liberty, if I may, of reading into the RECORD a telegram which my wife and I have sent to his beloved wife, who also is our dear friend:

MARCH 9, 1960.

MRS. RICHARD NEUBERGER,
Portland, Oreg.:

Our love and deepest sympathy are with you. We have lost a beloved friend and the Nation has lost a spokesman for all that is best and needed. In his one term DICK NEUBERGER embodied creative statesmanship in fostering our country's resources, both human and environmental, and was the living embodiment of a sensitive and courageous ethical conscience. His services will endure and you who have been his true helpmate and inspiration will realize some of his projects for him.

PAUL AND EMILY DOUGLAS.

Mr. KEATING. The entire Nation has indeed suffered a grievous and irreparable loss in the death of DICK NEUBERGER. This sense of loss is the more deeply felt by those of us who were privileged to know him, to work with him, to enjoy the warmth of his friendship, in the Senate of the United States. DICK NEUBERGER'S life could not be called wholly his own, because he gave much of it away in his selfless dedication to the causes and the purposes in which he believed. He gave it, too, unstintingly, and despite the heavy cross of illness that he bore, to the people of his beloved State of Oregon, who have suffered this sudden loss of so able and admirable a public servant. We who were favored to live in the happy circle of DICK NEUBERGER'S friendship will forever keep his face and his memory fresh in our hearts. We walked with him in the sunlight of his distinguished career, we sympathized with him in the shadow of an illness that conquered his body but never his spirit. In this hour of supreme tragedy for his bereaved wife and famliy, we bow our heads with them and pray that their burden of sorrow may be lightened by the knowledge that it is shared so deeply, so fully, by every Member of the U.S. Senate.

Mr. CASE of South Dakota. Mr. President, it is difficult to add to what has been said so well and so eloquently here on the floor this morning in tribute to the memory and life of DICK NEUBERGER.

It was my privilege to serve with him for a time in the Senate Committee on Public Works. There he speedily demonstrated that his devotion to the cause of conservation was something more than a nominal one.

In every matter that came up, he endeavored to express a deep conviction that in conserving the natural resources of this country, we were making a contribution to the country forever.

The three words which would describe him to me and to us forever, would be "character, courage, and courtesy."

His idealism was expressed in his character, or perhaps his ideals were the result of his character. His courage frequently was demonstrated when he would speak for causes or for propositions which might not have been entirely popular with the audience to which he expressed his views.

DICK NEUBERGER was unfailingly courteous. He treated others as he would have them treat him.

I feel that DICK NEUBERGER understood that governments are instituted for certain purposes—to achieve and to bring about better life, more liberty, and the pursuit of happiness. DICK NEUBERGER'S life was a living dedication to the furtherance of those principles and those purposes of government.

Mr. LAUSCHE. Mr. President, my contacts with Senator NEUBERGER were very limited; they covered a span of 3 years, and were comprehended by the association I had with him in the Senate.

However, I had numerous opportunities to observe his great qualities, particularly his ability, his honesty, his courage, and his industry. In recognizing those qualities of his, I began to weigh the source of his great attributes.

I heard him argue in the cause of conservation. Finally, I concluded that the preeminent qualities which he possessed came primarily from his love for the mountains, the valleys, the streams, the grasses, the shrubs, and the trees. He saw in them an immutable and eternal truth. He saw in them a mighty power. My belief is that in the power which he beheld there, he recognized that there is a mighty Power which rules all things. It was for that reason, I believe, that he espoused the cause of conservation, and did so probably with greater industry and greater energy than did any other Member of the Senate.

My belief is that he had a great fear that, instead of being a land covered with shrubs, trees, and grasses, our land would be covered by concrete; that instead of beholding forests of trees, future generations might behold forests of smokestacks. Above all things, DICK NEUBERGER aimed to bequeath to posterity a bit of the primitive beauty that is our legacy from those who have preceded us.

His love for nature made him an undeviating disciple of the truth. The ruggedness of nature which he beheld in the rocks, and even in the desert, caused him to vow to be courageous on the Senate floor. He was gifted with an intellect that commanded our admiration, and he also had the possession of a great industry.

Today, his voice is stilled; the seat he occupied is empty. It will be most difficult to replace his voice; and the void now in the Senate will be extremely difficult to fill.

So, Mr. President, I rise, with my colleagues, on this Senate floor to express my sincere condolences to his family and to express my deep regret that our country has on this day suffered the loss of a great man.

Mr. AIKEN. Mr. President, when the news came this morning that DICK NEUBERGER had died, it seemed incredible; it was hard to believe that one so young and one so valuable to his country should be taken from us.

DICK NEUBERGER was my idea of a statesman. His personal honesty, his loyalty to his fellow beings and to his country, his understanding of good government, and his implicit belief in people marked him as one of the real statesmen of all time. I would not say that he was partisan in character; and, in my book, that is always the mark of a statesman—his country always came first.

DICK NEUBERGER believed implicitly in good government, and he lent character to this Senate body.

He will be particularly missed by all those who love the natural resources of this country—the wildlife, the pure water, the good, deep soil, the trees growing tall. In this respect, I do not know how his place can be filled.

I do know that not only the Members of the Senate but the entire country will miss DICK NEUBERGER; and I do know, too, that the sympathy and the heartfelt grief of all of us go out to Maurine Neuberger, who shared his character, who shared his work, and who shared the respect we had for DICK.

It is hard to find fitting words to express our feelings at a time like this, Mr. President. I am sure that Maurine will understand how we feel, even though we are unable to find the proper words to express our deep sense of grief over the loss of this truly great man.

Mr. THURMOND. Mr. President, I was shocked to hear of the death of our colleague and my friend, Senator RICHARD L. NEUBERGER.

Senator NEUBERGER and I came to the Senate the same year. I had the pleasure of serving on one committee—the Committee on Public Works—with him, and had the opportunity to observe his work there. I learned of his great interest in the outdoors and his distinct appreciation of nature. I learned to admire him for his qualities as a man, for he was a man of ability and integrity, and he was kind and industrious.

If there were two qualities about him which possibly were outstanding in his services as a U.S. Senator and as a public servant, perhaps they were his deep interest in the national resources of the Nation and his services to the underprivileged. He was truly a friend of the underdog, so to speak.

DICK NEUBERGER was a human sort of fellow. He was a man that you felt you could become close to, and in whom you could place your trust and your confidence.

I deeply regret his death. I wish to extend my deepest sympathy to his gracious and devoted wife. I am sure that all of us will long miss him very greatly here in this body.

Mr. RANDOLPH. Mr. President, I stand in the shadow of the passing of RICHARD NEUBERGER. He was my seatmate; and today I remember the personal confidences we shared, and I recall the official privilege I had of serving by his side.

He was a man of brilliant mind and of gentle spirit.

Mr. President, sometimes it is appropriate to turn to poetry; and I believe these words could well be said of him:

In "pastures green"? Not always; for sometimes He
Who knoweth best, in kindness leadeth me
In weary ways, where heavy shadows be.
And by "still waters"? No, not always so;
Ofttimes the heavy tempests' round me blow,
And o'er my soul the waves and billows go.
But when the storms beat loudest, and I cry
Aloud for help, the Master standeth by,
And whispers to my soul, "Lo, it is I!"
So, where He leads me, I can safely go;
And in the blest hereafter, I shall know
Why, in His wisdom, He hath led me so.

Mr. President, DICK NEUBERGER worked as if he were to live forever. And—bless his memory—he lived as if he were to die tomorrow.

Mr. BUSH. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BUSH. Mr. President, I wish to join with my colleagues in paying tribute to our late departed friend, RICHARD NEUBERGER. I use the word "friend" advisedly, because in the last 6 years I feel that he has become my friend, and a friend of whom I have been very proud. I had an unusual respect for Senator NEUBERGER. I regarded him as something of an intellectual giant. He had a highly disciplined mind, and mentally addressed himself to our problems in a very orderly way. He expressed himself exceedingly well in connection with the problems of the Senate and the problems of our day politically.

I believe that his writings on current issues, on politics, and about the Senate, have been outstanding contributions to American literature since he has been a Member of the U.S. Senate, but his charm for me was not entirely intellectual by any means. I sensed in him a man of warm spirit; a "gentleman's gentleman," indeed, he was at all times. He was always reasonable. He was always willing to discuss the pros and cons of any issue in a reasonable way and in good spirit. He was never an extremist, so far as I could see, but always patient and considerate of others when we were working on problems together.

I had some experience with him in his first 2 years here when we were both members of the Senate Public Works Committee, and at that time we had before us some very controversial legislation. I always admired Senator NEUBERGER's tolerance and his approach to solutions of our problems.

So I join with my colleagues in assuring Mrs. Neuberger of the warm sympathy of Mrs. Bush and myself, and our full understanding of her feelings at this most difficult time.

Mr. ENGLE. Mr. President, this morning the country lost one of its most dedicated champions of human rights in the untimely passing of our beloved colleague, DICK NEUBERGER. DICK NEUBERGER was not only my personal friend, he was my neighbor. He was well known in California, and especially in northern California, and particularly in the bay area, at the University of California, and other of the educational institutions of northern California, which he often visited, and where he frequently appeared at speaking engagements. I am sure that the profound shock I feel in his sudden passing is shared by thousands and thousands of his close friends and admirers in our State.

The impact of DICK NEUBERGER's death among his colleagues in the Senate will be felt for a long time. We will miss him in every fight we make to improve the health of our people. Particularly in recent months his inspiring recovery from the dread disease which first assaulted him has been a beacon light to thousands of people who faced the same calamity, and his courage and his strength in the face of it, his intelligence and his careful and objective evaluation of what can be done to help cancer victims, will long be an inspiration and a help to those who face the same tragedy and the same problem.

We will miss him in every fight we make to hold the line against discrimination and bigotry. We will miss him in every attempt to keep private business interests from usurping the natural resources of the country. There is no area, as has been stated here today, where his views were more strongly known or more intelligently and eloquently advocated throughout the country than in the field of the conservation of the natural resources of this great Nation.

He was truly a man of the outdoors. He loved the outdoors, and he loved to do those things that would develop and promote the development of the intelligent conservation of the natural resources of this Nation.

In short, we will miss his relentless and selfless dedication to help the aged, the sick, the needy, and the oppressed, as he will be missed by those who knew him to be a great and sincere conservationist.

The loss, of course, will be a more personal one to some of us. We will miss his warmth, his humanity, and his friendly smile.

Mr. President, I wish to extend my deepest sympathy to his devoted wife, Maurine, and to his whole family.

Mr. STENNIS. Mr. President, our late friend and colleague, Senator NEUBERGER, came to the Senate with one strike on him, in a measure, because he succeeded a very popular and a very able and worthy Member of this great body, Senator Cordon, of Oregon. Senator NEUBERGER was a stranger to me at that time.

He also came here as branded by a small segment, at least, in some editorials or press items that listed him as being somewhat irresponsible. They could not possibly have been more mistaken. I found him to possess many elements of greatness. I want to mention first his kindness, and next he was a great fighter. That is a rather rare combination, Mr. President. But he himself had those qualities to a very high degree.

I have said more than once on this floor that I thought various organizations, pressure groups, economic associations, and various other enterprises were gradually changing our form of government, and discounting Senators' judgments here, pressing them into positions they would rather not take. I never saw any evidence that this man was ever so affected. He believed in what he stood for, and he voted for what he believed in.

Mr. President, Senator NEUBERGER brought great character to this body, in my opinion, and he is going to take great character with him to his grave, because public life did not cause him to lose it.

I do not know of any more trying test that a man can go through than service in public life. In that respect, he has come through with a great, high, and creditable score.

I want to remember Senator NEUBERGER as the greater conservationist he was. I remember his very earnest plea here for the Hells Canyon Dam. I remember his talk with me about it, his great love for the outdoors, and his strong belief in the conservation of our natural resources.

I should like to associate myself with another great conservationist in this body, the Senator from Vermont [Mr. AIKEN], in his tribute to this man from the West.

Mr. President, I close as I started, with emphasis on Senator NEUBERGER's kindness and his great fighting qualities. He had true virtues of character, and he utilized them all the way.

Mr. McCARTHY. Mr. President, I wish to join my colleagues in paying tribute to the memory of RICHARD NEUBERGER and to express my condolences to his wife and his family.

DICK NEUBERGER was known as a liberal. He carried that title in the face of some criticism which was irresponsible and undeserved, but he demonstrated in his life the characteristics of a true liberal.

DICK NEUBERGER, in the face of great physical suffering and in the face of criticism and opposition, was found to have a genuine optimism. His brand of optimism was not the kind which accepts necessarily that everything is getting better and better, but was the kind of optimism which is based on an understanding of realities, of history, and which, in the face of those realities, remains somewhat hopeful and confident that mankind can, in common effort, move ahead in the way of justice and move ahead in the way of approaching something in the nature of a sound social, economic, and political order.

RICHARD NEUBERGER was a progressive, but he was not the kind of progressive who accepted change for the sake of change. He was not the kind who held that there was nothing good in the past, but one who, understanding the past, attempted to build upon it, who, knowing the past, attempted to meet the needs of the present and attemped to anticipate

the problems of the future. This is the mark of genuine progressiveness.

Mr. President, RICHARD NEUBERGER bore a third mark which I think is essential to the mark of a true liberal, that of tolerance. Members of this body know that he was not one to say that one man's opinion is as good as that of another, but he understood that there might be differences among men, and in the face of those differences, he remained understanding.

His criticism was always restrained and always within bounds. His was a genuine tolerance which was based on understanding that men and human institutions have failures, but which reflected, at the same time, an acceptance and understanding of the basic dignity of all persons.

Mr. President, this body has been well served by RICHARD NEUBERGER, as has this country, and the Senate does well today to pay tribute to him in the manner in which it has been done.

Mr. McNAMARA. Mr. President, we are all saddened by the great loss of our colleague RICHARD NEUBERGER.

As one who knew him very well, as one whose life was enriched by knowing DICK NEUBERGER, having come to the U.S. Senate at the same time that he did, we sat over in that far corner of the Chamber, DICK in the last seat, I in the next one, and Alben Barkley on my right, when we were freshmen together. Both of these distinguished Americans, Alben Barkley and RICHARD NEUBERGER, have now passed on to their eternal reward.

Much has been said about DICK NEUBERGER and his contribution to public service generally. Almost nothing could be added to the fine tributes which have been paid to his memory here today.

Many Senators have remarked about DICK NEUBERGER's interest in conservation. He certainly had a great interest in conservation and a great love for the outdoors; but his real interest, Mr. President, was in people. He demonstrated over and over again that he was a pro-people public servant. I do not think anything greater can be said about any American than just that.

Mr. President, DICK NEUBERGER's place will not easily be filled in this Chamber. Truly we are saddened, and we express great sympathy to his family and to his devoted wife in this hour of great sorrow.

Mr. BIBLE. Mr. President, it is with a heavy heart that I utter these few words of tribute today to the memory of DICK NEUBERGER, a beloved colleague, whose gallant fight for life ended early today.

It is difficult to realize that the Senate has been deprived of this warm and friendly man. His constant goal in life was almost entirely to enrich the lot of his fellow Americans. He was endowed with a generous heart and an unflagging zeal. He was proud to be described as a fighting liberal.

Mr. President, I too came into the Senate at the same time as DICK NEUBERGER. During these past 5 years I came to know him well, not only as a cooperative colleague from my native West, but as a warm, a true, and a devoted friend.

His courageous fight against the ravages of cancer gave renewed hope to thousands of others similarly afflicted.

On his return to the Senate from his own illness, he immediately alined himself with spearheading a frontal attack on cancer and other diseases which beset our citizens.

Coupling his stature as a U.S. Senator with his facile pen, he was prodigous in the all-out attack against these mankillers. I am certain, Mr. President, that his efforts will bring bountiful returns as the fight against disease continues under men who were inspired by his courage and by his determination.

DICK NEUBERGER bequeathed a legacy of hope for a stronger, a happier, a healthier America to which he dedicated his energies and his life. DICK often said that whatever success he may have achieved would have been impossible and pointless without the true teamwork provided by his wife Maurine, a working partner in a wonderful and exhilarating relationship. Maurine richly deserves the credit her husband gave her. To her in this time of profound sorrow, I wish to express my heartfelt sympathy.

Mr. SPARKMAN. Mr. President, we were all deeply grieved this morning to learn of the death of DICK NEUBERGER. I suppose those of us who heard the late broadcast last night telling of his having had a stroke had been put on notice. There have been many fine expressions here regarding Senator NEUBERGER, his life, his interests, his accomplishments. I could do nothing more than duplicate many of the statements that have been made.

I never knew DICK NEUBERGER until he came to the Senate a little more than 5 years ago, although I had had the pleasure of reading many of his writings. When I learned that he was running for the Senate, I became greatly interested, because I felt an interest in him as a result of having read his writings. I enjoyed service with him here. I endorse all of the fine things that have been said about him. How true they are.

He was a man of patience, tolerance, conviction, and of tenacity.

Mr. President, DICK has gone from among us, yet I like to think of the richness of the life he lived during the relatively short time he was a Member of the Senate. He died a young man.

I recall, and I have often thought of this, that back in my school days, when I was studying Latin, I learned that there was no expression in Latin for "He has died." Instead, the Romans said "He has lived." I like to think of that statement in connection with DICK NEUBERGER, because he did live a full life, a life that embodied all of these various activities that have been detailed here this morning, and which I shall not again recount. I feel better for having known him. My sympathy and that of Mrs. Sparkman goes to Maurine, his beloved wife and, indeed, his full partner in this rich life that he lived. As has been truly said, his place will be hard to fill.

Mr. GORE. Mr. President, Members of the U.S. Senate are notably individualistic. The reason for this is not difficult to find. When men rise by their own efforts and talents from positions of obscurity, through various stages, generally of public service, reaching membership in this, the greatest legislative body upon earth, they both have and develop characteristics peculiar to themselves, characteristics which endear them to their associates and friends.

When Senator NEUBERGER arrived in this Chamber as a freshman Member, he and I became deskmates on the back row. For 4 years we sat together, and I enjoyed the confidence and friendship of this distinguished man. Being a confidant, during the course of sometimes long and weary sessions, we exchanged friendly, frank, low-voiced asides, remarks on issues and tactics, on human frailties and nobility. In this way, I came to know this man in a very personal way. He, too, was individualistic, but in a quite different way. His career had not followed the usual pattern, if there is a usual pattern, and in other respects he was unusual. His outlook on life was one of gentleness. His attitude toward his fellow man, his fellow Senators, was one of tolerance and kindness. This extended equally to the page boys.

His devotion to the public interest was genuine—but more particularly with people, as the senior Senator from Michigan has said. With this kindness, with this gentleness, this personality coupled a brilliant intellect and skill in expression. He was a facile writer, an eloquent spokesman, and, with all, a noble man. He has served well. His has been a life of usefulness in public service.

With his devoted wife, Maurine, to members of his family, and to his legion of friends, I share in the deep sense of loss at his passing and extend sympathy.

Mr. ALLOTT. Mr. President, what has been said here this morning by my colleagues with respect to the gifts and accomplishments of RICHARD NEUBERGER is true.

I want first of all to extend to Maurine, for my wife and myself, our deepest sympathy and condolence in this hour of sorrow.

What I have to say is not about the accomplishments of RICHARD NEUBERGER in the political field, in the economic field, or in the field of writing, but, rather, to the accomplishments of RICHARD NEUBERGER with RICHARD NEUBERGER.

I know of no greater sin, Mr. President, than the failure or refusal of an individual to take advantage of all the gifts with which God endows him. These may be physical gifts. They may consist of combinations of physical gifts and mental gifts, or cultural gifts. But it surely is one of the great sins if any man does not take advantage of these gifts.

I think probably, to my mind, the greatest thing I could say about RICHARD NEUBERGER would be that he did take advantage of the gifts with which his Creator endowed him, and through his own great self-discipline—he utilized them to the maximum to which they could be utilized.

He did discipline himself; and he humbly looked at himself, perhaps thousands and thousands of times in his life,

to determine whether he was fulfilling his own private contract with the Divine Creator to do the best he could with the abilities he had; and we are all agreed that he did.

Mr. President, when it became known that DICK NEUBERGER had cancer, and when he made it known, I wrote him a letter; and in that letter I included a passage from the prophet Isaiah. When he returned to the Senate, DICK told me that the passage had been a source of great consolation to him, a source of solace, and that with his mind dwelling upon the words of the prophet, he had been able to help sustain the faith which he already had, but which probably under those circumstances would always need reinforcement.

So my private bond with DICK NEUBERGER will be a word from the prophet Isaiah, in which the prophet said:

> Thou wilt keep him in perfect peace, whose mind is stayed on Thee; because he trusteth in Thee.

So let it be with DICK NEUBERGER.

Mr. ERVIN. Mr. President, Mrs. Ervin and I sorrow with Mrs. Neuberger in the irreparable loss which has befallen her and the Senate and the country. In the passing of our colleague and friend, DICK NEUBERGER, we encounter again the oft recurring experience which is best described in those words of an ancient poet of Persia:

> For some we loved, the loveliest and the best
> That from his vintage rolling time hath prest,
> Have drunk their cup, a round or two before,
> And one by one crept silently to rest.

Mr. YARBOROUGH. Mr. President, Mrs. Yarborough and I are shocked, with our colleagues and their wives, at the tragic loss of RICHARD L. NEUBERGER. It is difficult to realize, when we consider his record, that DICK NEUBERGER had served in the Senate only 5 years, but that already his name and real achievements are more widely known throughout the country than those of most Senators ever will be. He attained greater stature and achieved greater accomplishments than most Senators are destined to achieve in a period of service far longer. This was due to his articulate expression and facile pen, which were well known to the country.

My friendship with DICK NEUBERGER began on the day I came to the Senate 3 years ago. On the Committee on Post Office and Civil Service, I sat next to him. When I first came to the Senate, hearings were being held on the postal pay increase and postal rate increase bills. I have never known any other Member of this body who knew as much about publications and their different categories, including those for the dissemination of news, than DICK NEUBERGER. I think he was the best versed among us in the magazine field, including magazines for public subscription, for private subscription, and for giveaway. He contributed to the Senate a vast body of knowledge, not merely in the category of publishing, but also in writing, he himself being successful in his profession as a writer. But that was the smallest of his contributions.

The greatest of his contributions was for the benefit of the health and welfare of the employees of the Federal Government and, through them, for the benefit of the people of the country as a whole. Senator NEUBERGER was the leader on the Committee on Labor and Public Welfare in sponsoring measures which would give to the classified employees and the postal workers a living wage scale. We were only partially successful in our endeavor, but Senator NEUBERGER was in the forefront in introducing similar bills having the same objective in mind.

He was a leader and protagonist in the introduction of the health insurance bill, which has since become law and will take effect in July of this year. Under this law, more than a million and a half Federal employees will have the benefit of public health and hospitalization insurance. Eighty-nine million Americans have the benefit of such insurance today, including the employees of State and city governments, but it had not been available to the officers and employees of the great Federal Government under government auspices until DICK NEUBERGER, by his leadership and help, steered such legislation through the committee, the Senate, and Congress.

Mr. President, the accomplishments of DICK NEUBERGER have been dwelt upon and dealt with more ably by those who have known him and served with him longer in the Senate than I. But having sat next to him in the committee, and having had the benefit of seeing that brilliant mind at work, I have a special tribute in my heart for what he felt and what he saw and for his ability of execution. He not only wanted to see these things done; he was able to get them accomplished. His interest encompassed the whole range of human activity of man's environment upon earth.

He worked for the passage of well-known bills. One matter closest to his heart, next to his concern for medical research in cancer, and the other killer diseases and crippling diseases, was the improvement of the physical environment in which man lives. He sponsored legislation to create the Oregon Dunes National Seashore, and, together with the Senator from Minnesota [Mr. HUMPHREY], sponsored the wilderness bill. He was interested in many measures which were designed to help improve the natural habitat of man, so as to make this world a good place for people to live.

RICHARD NEUBERGER was a cosponsor of legislation concerned with the elimination of pollution from the streams. He realized what the virgin wilderness had meant to the men who discovered and first lived on this continent, and to those who followed them.

He worked diligently and gave of himself, and now he has passed away at a youthful age, after spending only 5 years in the Senate. He put much of his brain, energy, soul, spirit, and body into the bills in which he believed. It seems to me that he was trying to understand, perhaps, that destiny had foretold for him a short life, because he tried to encompass in a few years the work of a lifetime, in order to help to develop a better environment for man, and to improve the natural resources, such as rivers and forests.

He was interested in the welfare of youth, through the establishment of a Youth Conservation Corps. He helped in the fight to overcome delinquency problems in the cities, as well as for the development of our national forests and our recreation areas.

Senator NEUBERGER had the broadest grasp of the problems of men, through youth, middle age, and old age, of any Member of this body.

The Senate has suffered a great and irreparable loss in his untimely passing.

Mr. CLARK. Mr. President, RICHARD NEUBERGER was elected to the Senate of the United States in 1954 in a startling political upset. In his campaign that year he showed those qualities of energy, intelligence, and ability to debate which he evidenced to such an extraordinary degree after he came to the Senate.

It was my misfortune not to know DICK NEUBERGER before I came to the Senate, in January of 1957. During the brief intervening years, I came to count on him as a warm and close friend. During that period, my wife and I came to have a feeling of deep friendship for Mrs. Neuberger as well as for DICK. His passing is a real and personal loss to both of us.

I know no finer tribute could be paid to him than to state what seems so clear to me, that here was a man of decisive mind, of keen intelligence, of almost inexhaustible energy, who, nonetheless, loved his neighbor as himself.

I have lost a friend, as have many others in the Senate. The country has lost a great public servant.

Mr. RUSSELL. Mr. President, I had never had the privilege of seeing or knowing Senator RICHARD NEUBERGER until the day when he took his oath as a Senator of the United States. From some of the things I had heard about him, I am frank to say that I was somewhat predisposed against him.

As I served with the Senator here, I was tremendously impressed with the fact that he possessed to a high degree those traits of character which I think are of great importance to anyone in public service and that are all too often lacking in those who occupy high political office.

Mr. President, no honest man could live long with Senator RICHARD NEUBERGER without being completely impressed with his sincerity of purpose and his political courage. We often voted against each other, because there was a great deal of difference in our basic political philosophy. But I came to respect and to admire this man, whose passing we mourn here today.

Mr. President, in the years that I have been privileged to serve as a Member of this body, I have been associated with several hundred men who bore the title of Senator of the United States. I have seen a great many who professed to be liberals; I have seen those who admitted their conservatism, and others who did not care how they were labeled. But I consider, Mr. President, that Senator

RICHARD NEUBERGER was a true liberal. There was nothing synthetic, there was nothing spurious, about his liberalism. He did not feel that it was necessary for him to make a flaming speech on the floor of the Senate every few days to impress himself or to impress any groups that may have contributed to his election. He pursued the even tenor of his ways.

It was refreshing to see a man who was a genuine liberal, and a Senator who was without the slightest trace of demagoguery.

This was a tolerant man, Mr. President. He was a liberal who actually admitted that he might not know everything about the issues before the Senate; and he was a liberal who could confess that there might be some validity to the position that was taken by those who opposed him in legislation.

I came to admire him greatly. He was a gentle and a kindly soul. He was incapable of hate. This man loved all of God's creatures and all of God's creation. But, with it all, Mr. President, he had the courage, in things political, of a lion.

I have seen him here on this floor when he was advocating increasing greatly the compensation of those who work in the Postal Department; but, by the side of that bill, he had one to increase the revenues of the postal service by increasing its rates, in order to take care of that increased pay.

Mr. President, he was one who espoused vast spending on the highway system of the United States. But no man could have fought more stoutly than did he to levy taxes. It is going a great way, in this day and era, for a man who is advocating expenditures to advocate taxes, along with them. He advocated taxes to meet the increased costs.

Mr. President, men of this type are rare.

He did not undertake to deceive himself; and he was incapable of attempting to deceive others.

I shall miss those characteristics here in the Senate of the United States.

I, too, wish to convey to his wife and to all the other members of his family my expressions of profound regret and profound respect for the departed Senator.

Mr. MORTON. Mr. President——

The PRESIDING OFFICER (Mr. HART in the chair). The Senator from Kentucky.

Mr. MORTON. Mr. President, I wish to join my colleagues in paying a well-deserved tribute to Senator RICHARD NEUBERGER, who departed this life a few hours ago.

I wish to associate myself particularly with the remarks of the distinguished senior Senator from Georgia [Mr. RUSSELL].

I served on committee with Senator NEUBERGER. We often differed; but one always understood exactly where he stood, and one could never question the sincerity of his stand.

He never resorted to the expedient.

I wish to join my colleagues in expressing to his wife, who has been his partner in his political endeavors, as well as in all his other endeavors, the deepest sympathy.

I shall miss RICHARD NEUBERGER and his fine qualities here on the floor of the U.S. Senate.

Mrs. SMITH. Mr. President, the death of RICHARD L. NEUBERGER has taken from me one of the best friends I ever had. In the nearly 20 years that I have served in Congress, no other Member of Congress extended more friendship to me than did DICK NEUBERGER. He and his wonderful wife, Maurine, were without question the most constant congressional bestowers of praise upon me.

In fact, they were so generous in their public statements of commendation of me that they told me that once Maine Democratic leaders went to them and complained and asked them to please refrain from any further public statements praising me.

Such nonpartisan courtesy and friendship these days is indeed rare. It is neither easy nor wise politically to express support of a member of the opposite political party. But DICK NEUBERGER, loyal Democrat that he was, did that for me, a Republican, at every chance and opportunity that he had.

That in itself is enough to make me mourn deeply over the untimely passing of DICK NEUBERGER. But there is something far more important that makes me mourn all the more deeply his passing. What I refer to is his gentle and tolerant attitude. It was, indeed, most rare. It was something all of us need so desperately in greater measure than we now possess.

And there was a quality of simple magnificence in the gentle and tolerant attitude of DICK NEUBERGER. He, himself, acknowledged that he did not have that gentle tolerance until after he had won his battle against cancer.

One of the finest articles I ever read was his article in the July 1959 issue of the magazine Think. It was a truly moving and inspiring message, which I would hope every Member of this body has read.

If DICK NEUBERGER were here today, I am sure that nothing would please him more than to have every Member of this body read that article. Because of that, I ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THOUGHTS ON A BRUSH WITH DEATH

(By RICHARD L. NEUBERGER[1])

During the first month of anxiety and tension after surgery, I would awaken with pounding heart and choking breath in the still hours of the night watch. Were the doctors telling me the truth that my cancer really was curable by radiation? Their steadfast assurances, so heartening in the bright hours of daylight, seemed to fade into remote unreality when darkness mantled our bedroom and medical counsel was as distant as the far-off dawn. After all, I would not be the first cancer patient to whom merciful lies had been told.

In those interminable nighttime ordeals, I hesitated to arouse my wife. She had enough to do in stabilizing me between sunrise and going to bed. Yet our cat, Muffet, somehow sensed that something was wrong. From his customary bivouac at the foot of the bed, he would march up the counterpane until his face was next to mine. In the stygian gloom, his white collar gleamed like phosphorous. As his purring rose to a deep rumble, Muffet snuggled next to me and I would find the furry head with trembling fingers. There we would lie for hours—man who feared he was soon to die, and animal which knew, perhaps intuitively, that he was needed.

A small thing to be encouraged and comforted by, you may say—and you would be right. Yet, Muffet's nocturnal companionship helped to preserve my composure and rationality in that trying and difficult period, before the searching cobalt 60 beams began to destroy the metastases which had spread in few but potentially lethal numbers to my lungs.

When a person is terrified over the possible imminence of death, small things can become of vast importance—a doctor's inflections, the slightest twinge of pain anywhere, even the solace of a cat's presence. And when a reprieve has wondrously been given because one's cancer proves to be of a cell-type susceptible to destruction by tolerable doses of radiation, these commonplace events assume a rich, new significance. All at once, experiences formerly taken for granted become a source of quiet and continuing pleasure. And, to cite the obvious, I am more concerned over the relatively small sums which we invest in medical research generally and in cancer research in particular than in a good many of the causes which originally sent me to the United States Senate in the first place. This is especially so when I remember that 50 million of my fellow Americans will have cancer.

I am quite a different individual now than when I was told in August of 1958 that I had cancer. I know I shall never be the same again. Then, death loomed at my elbow, a constant specter. I wondered how long I had left. Would I be remembered? Would my wife marry again? Who would take care of Muffet? Gradually, over many weeks, my forbearing and devoted doctors persuaded me to believe that this particular tumor could be cured by the miracle of high-voltage radiation, aided with one of the new chemotherapeutic agents known as actinomysin-D.

Today I am 23 pounds heavier than at the time of my surgery. I have just undergone an intensive medical checkup, which the doctors regard as corroborating their confidence in my recovery. How does one feel under such dramatic circumstances? I would say that a dominant result has been to make me profoundly appreciative of what was formerly mere routine, and to place in true perspective a whole series of essentially trivial happenings which previously had the power to distress or trouble me.

Driving our 1954 sedan through the wooded park, "raiding" the refrigerator for a peanut butter sandwich and glass of milk, kissing my wife goodby in the mornings, seeing the prismatic display of a summer sunset, reading a book that holds my fascination, a quiet conversation with intimate friends, strolling beside the Potomac or the Willamette—mundane and prosaic events, to be sure, but not to a man who felt certain a year earlier he was going to die. Now each such experience is savored to the full.

[1] RICHARD L. NEUBERGER, 46, is the junior U.S. Senator from Oregon and a native son of that State. In August of 1958 he underwent surgery for cancer. Because of early detection and the cell type of his malignancy, his doctors feel hopeful and optimistic regarding his recovery.

I even revel in the tingle of shaving lotion on my face or in feeling the cool rustle of a clean, white shirt. Life is the sum total of many conventional experiences. But does a person truly appreciate life until he finally realizes, with stark and brutal awareness, that sometime he must die?

Conversely, I crimson now with shame when I recall how idle gossip and intrigue once disturbed me, how I became indignant when press releases from my office failed to reach the headlines, how superficial political criticism could prick my vanity. Could anything be less important than this? Recently, in the Senate dining room, I watched a famous Senator and his wife pout publicly because their regular table was occupied by some visitors from the Interior Department. At length, the harassed maitre d'hotel had to move the newcomers. Restored to their customary habitat, the senatorial pair were properly triumphant. I could only observe them with pity. Yet I wondered incredulously if I ever was like that, before cancer taught me the ephemeral nature of seating arrangements and similar minutiae.

I think often of what might have been my fate if only one of many occurrences had turned out differently—if I had not gone to our family doctor for a sore in my mouth which proved to be innocent, if he had not casually suggested that I get on the examining table, if his diagnostic skill had been less or his vigilance not so great, if the tumor had been a type resistant to radiation rather than sensitive to its mysterious beams, if the radiologist had not detected on the X-ray films several tiny lesions which some had thought to be only "artifacts."

Let any one of these circumstances have developed differently, and my headstone might have been carved long ago. To a man who has been through such an ordeal, whether he speaks first or last at a banquet becomes an amazingly unimportant matter. My pulse never flutters now over things which once greatly annoyed me. Despite the strain of my illness, the staff in my Senate offices mentions frequently how much more relaxed I am since it happened. When some of them ask about it, I have a stock reply: "I guess I have perspective on things, at last."

When I spoke at the annual Lasker Medical Awards luncheon in New York City this past spring, I introduced my wife Maurine as "my psychiatrist." This was not done to elicit an appreciative chuckle from the crowd assembled in the ballroom at the Sheraton East. A patient struggling with the psychological difficulties imposed by a disease like cancer requires much assistance from the individual closest to him, be that person wife or parent or nurse. Maurine always has told me the truth, so when she relayed on what the doctors had said to her, I had implicit faith in what she reported. The result has been a firmer bond between my wife and me then we ever have known before. Long ago I stopped complaining about burned biscuits, bedcovers not tucked in or her minor kitchen and wardrobe extravagances. She, in turn, has not pampered me, and I think this has been all to the good.

With the exception of certain scarring on the periphery of my lungs from the effects of radiation, the doctors insist I am not damaged or handicapped. My wife has accepted this verdict at face value. When she believes I should empty the wastebaskets into the incinerator, she says so—cancer or not. Furthermore, she talks about my disease to our friends just as though it had been influenza or a sprained ankle. She never mutes or muffles the dreaded word "cancer." The doctors have pronounced that I am going to get well. For Maurine, that is that. What more is there to add? And why exempt a man from household chores simply because he has had cancer? What sense does that make? I may be approximately like my old neurotic self, but never a day passes that I do not offer thanks for a wife who is as natural and matter-of-fact as the south wind.

A narrow brush with death gives one an appreciation of people for themselves. Superficial symbols get lost. A time there was when I looked at my Senate colleagues exclusively as Democrats or Republicans, liberals or conservatives. These are external qualities now. I see in my colleagues today people who have the capacity to suffer, to grieve, to be elated, to harbor either zest or lethargy for the personal problems ahead. I make allowances for the Senator with an ailing wife or wayward son. I am acutely and sensitively conscious of the Senator who, 11 years earlier, had a malignancy very similar to mine. He seems in good health, doesn't he? And when I watch a Senate liberal being rude to pageboys or colored washroom attendants, I wonder if truly liberal he may be. My colleagues are human beings, not mere public officials. And, thinking this, the excesses of political oratory become readily apparent in my mind. Can one side really be 100 percent right and the other side 100 percent wrong? Do human frailties ever divide so categorically?

Perhaps the personal equation has become too large, all of a sudden. Yet, instead of inquiring whether a Senator is a Democrat or Republican, I presently speculate regarding his attitudes toward other people. Does he actually like his fellow human beings? Does he respect their fears and hopes and aspirations? Does he cherish mankind as individuals or merely as voters, in the mass? Once these things never came into my mind. I based my verdict on how a colleague viewed the sales tax or public power or monopolies. I ponder how they would be on a picnic or camping trip—or if they had cancer. Behind each senatorial facade lurks a person who, when pricked, can bleed. I am aware of this in my colleagues rather than of their oratorical aspect, which issues high-sounding statements.

I believe it was Plato who wrote that no man ever really grew up until he realized he inevitably was going to die. I cannot evaluate whether or not my experience with cancer has added to my maturity. Others will have to make such an assessment. I do know, however, that it has made me profoundly cognizant of the tenuous nature of our passage through this troubled world. Nobody can rely upon indefinite time in which to advance his carefully nurtured plans. Occasionally I hear an acquaintance talk about the office he is going to run for 6 years hence or the business venture he will undertake in the next decade or so. And, for him, I add under my breath "Deo volente—God willing."

I look forward now to each moment in the outdoors. I have a new interest in the phenomena of birds, insects, flowers, and plant life beyond our doorsill. I believe it was Albert Einstein who told his biographer that the universe would endure for 3 billion years. That is a long time for each of us to be occupying the dark recesses of some sarcophagus. Why not be under the sun and bright heavens and stars during our fleeting hours above ground? Should we immolate ourselves in steel and masonry when we are alive? My mind even played with the idea of suggesting that the Senate meet outside, under the stately trees of the Capitol Plaza, for its debates on fine spring or summer days. But I decided such a proposal would make my associates question my sanity. Yet is it so absurd, after all? Why not discuss man's transitory problems under the Almighty's eternal canopy?

The human soul and mind can tolerate much travail. Who has not wondered what his own thoughts would be if he heard a doctor declare that he had cancer? I suppose the speculation is never too vivid because each of us has held a fatalistic notion that it always would be the other fellow who received the grim verdict. Yet it has happened to me and, with much help, I have endured it. Of course, in all candor, I doubt if I can accurately assess what my thoughts might have been had the malignancy turned out to be resistant to radiation, rather than of a type which cobalt and high-voltage X-rays are able to destroy. But I believe our inner selves can tolerate more than we know. My wife and I have friends who lost their only child, a beautiful little girl, in a tragic automobile accident. How can people bear such anguish? Yet, somehow, they do and they go on with their daily lives.

"We are but of yesterday, and know nothing, because our days upon earth are a shadow." So it is written in Job, viii: 9. But we cling to this wraith, shadowy though it may be. It ties us to those we love and to the pleasures of human existence, fleeting and transitory as they are. A tortoise is under guard in the Tongas Islands which saw Capt. James Cook, discoverer of the South Seas, come ashore from H.M.S. *Resolution* in 1776. When I look at Mount Hood's eternal snows from our home in Portland, I know I am seeing exactly the same profile of lava rock that came within the telescopes of the first westbound Americans. And so will Mount Hood remain when our descendants have landing platforms in outer space. Man's days may be brief and transient and low numbered, but he finds them sweet, nevertheless. "Life, if well used, is long enough," wrote the wise Seneca, and who is there to gainsay him?

Mrs. SMITH. Mr. President, we have been going through a most unusual continuous session of the Senate, when men of good will and honor have differed very sharply on a most important issue, a period when the tempers and the physical stamina of the Members of this body have been put to a very severe test, because advocates on both sides so strongly adhere to their deep convictions that they were willing to endure what they have passed.

Less than a year ago—on June 11, 1959—I placed in the body of the RECORD another article by DICK NEUBERGER. It appeared in the June 1959 issue of the Reader's Digest, and had the title "The Best Advice I Ever Had." The theme was very simple—that it is far easier and happier to go through life willing to grant that the other fellow may be right. If DICK NEUBERGER were here today, I am sure that would be the advice he would give to all of us in the controversy over the matters we are now debating at such great lengths.

I ask unanimous consent that the article entitled "The Best Advice I Ever Had" be again printed in the body of the RECORD at this point in my remarks, and I urge every Member to read it. As I have stated, it was published in the June 1959, issue of the Reader's Digest.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BEST ADVICE I EVER HAD

(By RICHARD L. NEUBERGER, U.S. Senator from Oregon)

I still remember my encounter with a band of silent and forbidding Chipewyan Indians building longboats in a primitive shipyard along the Athabaska River. They stared at me hostilely until I mentioned that I was a friend of Inspector Denny La Nauze, a member of the Royal Canadian Mounted Police in these northern solitudes. With that,

their hospitality knew no bounds. Afterward on the trip, whether at a trapper's lonely bivouac or in a remote mission hospital, the same magical result occurred whenever I mentioned my friendship with La Nauze.

Later, at his home in Calgary, I asked the famous manhunter of the Mounted how he accounted for such affection, rarely given to a man with the stern task of upholding the law. La Nauze looked at me out of pale-blue eyes that had squinted across bleak miles of frozen tundra. "Dick," he replied, "I suppose those people in the North Country still think well of me because I followed a rule that I would recommend in all human relationships. No matter how decisive things seemed to be on my side, I always kept in mind one thought: The other fellow may be right."

Perhaps because of the impressive dignity of the man, his advice has lingered in my memory and guided me. It has given me second thoughts in situations where once I felt all too sure of myself.

Not long after my last visit with La Nauze I spoke to a convocation at Oregon State College. It was during the 1954 senatorial campaign. A member of the faculty asked a question challenging the consistency of a position I had taken on inflation and taxes. Instead of retorting belligerently, as I was tempted to do, I hesitated for a moment, then answered, "I never thought of it that way before. I believe you are right. My stand isn't wholly consistent."

After the election the president of the college, Dr. A. L. Strand, said, "Nothing that happened won you as many votes on our campus as that answer. Too many politicians are certain they are right on every issue. You made your best impression with that simple admission of human fallibility."

This has not invariably been easy advice to put into practice. On one occasion I was debating on the Senate floor with my former colleague, Arthur V. Watkins, of Utah, over a bill proposing a huge storage dam in the Dinosaur National Monument. He had used up his allotment of time; I had about half an hour left. When he asked if I would yield him a little of my time, I obeyed an impulse to press my advantage and replied testily that I thought the Senator had spoken long enough.

From the rustle which went through the Senate Chamber, I knew I had said the wrong thing. I also realized that Watkins might be right in his request. If his argument was so effective that I could not afford to be generous about granting him 10 or 15 minutes more, did I deserve to triumph in the debate?

I wrestled this over in my conscience, and then admitted publicly that I had been wrong and arbitrary in my attitude. Not only did the admission make for me some personal friends out of Senators who had merely been acquaintances before, but it won an invaluable ally in Arthur Watkins. A year later, when the Klamath River watershed in my State needed urgent legislation to protect timber and waterfowl marshes, he gave it strong support.

Denny La Nauze's rule, it seems to me, can benefit almost anyone. How many times in casual conversation are we led into quarrels because we bristle up and stubbornly refuse to admit that the other fellow may have a case? How often a parent confuses a youngster by insisting that father knows best when a textbook has just proved the old man wrong. Whenever I hear some dubious claim arrogantly advanced, I wonder how many humiliations might be avoided and friendships saved if we could always remember the Mountie's simple rule. I, for one, have found it far easier and happier to go through life willing to grant that—the other fellow may be right.

Mrs. SMITH. Mr. President, in closing, I want to extend my most heartfelt sympathy to Maurine Neuberger and hope that the fact that I share her deep sorrow will be of some small solace to her. Dick and Maurine Neuberger were a team. Much of his greatness resided in the full partnership that she gave him. If there ever was an instance of a widow deserving to succeed to and carry on the work of her husband, it is Maurine Neuberger because she is the surviving member of a partnership that inspired the people of Oregon and those of us in Washington who saw that partnership in action.

Mr. CHAVEZ. Mr. President, 350 years ago Shakespeare wrote of the dead king:

> After life's fitful fever he sleeps well.

We who knew DICK NEUBERGER would pray for that now; and we who knew him are confident that he sleeps well. His life was such that he could not sleep otherwise.

Mr. President, I knew the Neuberger family long before Senator NEUBERGER came to the Senate. In the everyday affairs of life in Portland, Oreg., and all over Oregon, he behaved exactly as he behaved in the Senate of the United States—a humble man, a meek man, but not servile; a man dedicated to his fellowmen.

I desire to join my associates in saying, "God bless him." And, Mr. President, I join the Senator from Georgia [Mr. RUSSELL] in everything he said, and I say "Amen" to everything that has been said by our other colleagues about Senator NEUBERGER.

May his good wife—and she is the type who will have the fortitude to bear her cross bravely, as a fine person should—receive the comfort of the Almighty.

Mr. COTTON. Mr. President, much has been said, and well said, on the floor of the Senate in eulogy of our colleague, Senator NEUBERGER; and it seems impossible to add anything new to the statements already made.

However, I could not let this occasion pass without joining my colleagues in paying my respect to his memory.

When Senator NEUBERGER first came to the Senate, it was my privilege to serve with him—as I did for 4 years—on the Committee on Public Works.

Much has been said here today about DICK NEUBERGER'S tolerance and his love for his fellowmen. But it should not be forgotten that he was also intolerant of the things he thought were wrong, and he was a lusty, two-fisted fighter for the things he thought were right.

He was passionately devoted to his own principles, and in the early days of his service here there were many of us who found him a fiery antagonist. So it was in my first acquaintance with him on the committee when we differed on the question of public power.

It was not until later, as our service together continued, that I came to see, to know, and to love the real DICK NEUBERGER, because he was the type of man who grows upon one as time unfolds. He was the kind of man who "wears well." In other words, the longer one knew him, the better he liked him—and that is high praise. It has been my privilege in the latter years of his service here to have his friendship and to be his friend, and I join with every word that has been said on the floor this morning. My deep sympathy goes out to his widow. He was able, he was honest, he was fearless, he was kind, and, above all, he was completely sincere. We shall all miss him and the country is poorer because he is gone.

Mr. MONRONEY. Mr. President I should like to join with my colleagues in expressing my deepest sorrow on the passing of Senator NEUBERGER, and my feeling that the Senate and the Nation have suffered a great loss. Few men have served in the Senate during my service here who so completely won the hearts, friendship and loyalties DICK NEUBERGER won in the brief period he was permitted to so ably serve his great State of Oregon and this Nation. He was the soul of kindness, a man who while he maintained strong and most courageous views on many issues, always met opposition with a feeling of reasonable kindness that contributed always to finding the very greatest and best possible solution.

In his personal life with his lovely wife, in his life both in Oregon and Washington, he was a leader among all men, a man of vision, a man of character, a man of great consideration, always looking at the views of the other man, studying his own and then trying to find, with his deep sense of justice, whether his position was the one that should be maintained. Thus, he always made a very strong decision when he made it, but was dedicated to carrying out to the fullest the will of the majority once it was reached.

I had the privilege of serving with him for several years on the Committee on Post Office and Civil Service. I know the deep compassion he had for our aging public workers. I knew his interest in helping to preserve their health, and to give them a health plan that is not only for the benefit of those still in Government, but those who had already retired. It was due to DICK NEUBERGER'S continuous drive and his strenuous study that led to the passage of what I hope will be called the Neuberger bill, the bill that will guarantee to all public workers the benefits of a health and hospitalization program, which will be a suitable tribute and memorial to a man who always thought of the other man first.

Mr. SALTONSTALL. Mr. President, when a man in the prime of his life leaves us we are always saddened, but when one who is talented, who has imagination, who had ideas, and the courage to express those ideas, passes away, we all feel a personal loss because we lose the opportunity to hear his views and to get his ideas.

I did not have the privilege of serving on any committee with DICK NEUBERGER so I did not know him in that way, but I grew to know him from my associations with him on the floor of the Senate and outside. I grew to like him. I grew to trust him. I felt that he always gave me his views sincerely. I respected those views, even though I might not always

agree with them. He was an honest man. He was a sincere man. He had a fine sense of humor, and we will all feel the loss we have sustained in his sudden and untimely passing. I join with the others in my expression of our loss and expressing my sympathy to his wife.

Mr. HUMPHREY. Mr. President, Mrs. Humphrey and I heard this morning of the death of our good and beloved friend, RICHARD NEUBERGER. We were saddened, as I am sure every one of his many friends were. Our entire family extends to Maurine Neuberger, DICK's wonderful wife, our heartfelt sympathy and condolences.

I should like to say just a few words about Senator RICHARD NEUBERGER, more affectionately known as DICK NEUBERGER, as a man, as a legislator, and as a leader. I did not have the privilege of knowing him individually or personally until just a few years before his coming to the Senate. I have known of him as a public figure, a leading citizen, because of his writings, because of his deep and abiding interest in conservation, because of his wholesome interest and dedication to the great out of doors. Many of us had read of his trips in the wilderness areas, in the forests, lake country, the mountains, and we knew that this man was a man who literally communed with God in the great outdoors.

First, I should like to note that DICK NEUBERGER in a very personal sense was a deeply spiritual and religious man. I say this because he always loved and had respect for the things created by God. As has been indicated here by the testimony of our colleagues, DICK NEUBERGER was a tolerant man, and yet had deep convictions, and he was a man who loved his fellowman. Yet he was never moved primarily by the quest for popularity. He was a man of principle and thus a man of leadership. He not only had respect for his fellow human being, and truly believed in and practiced respect for human dignity, but he loved the other great creations of the Almighty—the land, the forests, the mountains, the timber, the water, the beasts of the field—he loved all of creation, and his whole life was a symphony of respect for, love of and admiration for the works of divine providence.

I knew RICHARD NEUBERGER, our friend DICK, as a man of keen mind, a happy countenance, a rich and wonderful soul, and a noble spirit. I liked him, and I shall always like him and respect him. Mrs. Humphrey and I have been in the home of Dick and Maurine Neuberger many times. We have shared in their friendship, and have had the rewarding experience of their affection and their stimulating creative thought.

As has been said here today, Maurine Neuberger was DICK's partner. These two wonderful people were, and are, inseparable. There is an immortality and an eternity in this relationship, and I know that whatever we say of DICK NEUBERGER in a very real sense applies to his wife. What a wonderful relationship.

Now let me say a word or two about DICK NEUBERGER as a legislator. First of all, to be a good legislator, one has to be a worker, attending to the duties of legislation, the little things, the details. There are many Members of this body who are seldom given public praise, who seldom get a headline, who are great legislators, because they work at it, they understand the processes of legislation, they lend their talents to the details of perfecting a legislative proposal. After all, a Member of the Congress has, as his first duty, legislation—the discussion of it, the preparation of it, and the examination of it.

DICK NEUBERGER was a legislator supreme, with honors. He was here on the floor of the Senate during the consideration of every bill in which he had an interest, and his mind was one that ranged over an area of subject matter that covered the subject from foreign policy all the way to the care of little children.

He was interested in agriculture, in conservation, in resource development, in public power, in recreation, in our national parks. Never was there a greater champion of national parks in the Senate than DICK NEUBERGER, because he saw in national parks the playground of the people. Here was a man who looked ahead half a century, or a century, and he fought for conservation of our great natural resources and the protection of our wilderness areas so the people of the next generation would have really an opportunity to commune with God in the great out of doors, unspoiled and untouched by human hand.

Senator NEUBERGER was an active proponent here in the Senate of measures relating to public health and medical research before his own sickness, and even more so after the scourge of cancer had touched his body. It is something to me that will always be an exemplification of his courage how he literally overcame that malignancy with an indomitable spirit; and he spoke even more movingly and even more frequently of the imperative need to utilize our country's resources to combat the disease called cancer.

I hope every Senator will always be mindful of how many Members of this body have been stricken by the terrible disease, the malignancy that takes so many, called cancer.

Mr. President, I speak now of his interest in other areas of legislation. I speak of social welfare. DICK NEUBERGER was interested in Federal aid to education. He was interested in education, and not only education as a topic, but as a way of enriching the soul and enlightening the mind. He was the protector of the handicapped.

I wonder how many of my colleagues know of the articles DICK NEUBERGER wrote on employment of the aged, better housing for the aged, and the care of our elderly.

As was stated here a few moments ago by the Senator from Oklahoma [Mr. MONRONEY], the particular legislation enacted on behalf of Federal employees, the health and welfare legislation, ought to become a living memorial to DICK NEUBERGER.

Mr. President, DICK NEUBERGER was concerned about life and about the living. He was concerned about the good life, the life abundant, the life meaningful. And a man who has that concern never dies. He just goes on to other work and other rewards.

So I salute DICK NEUBERGER today, as I did while he was living, for his stalwart championship of things important, yes, of the truly great things of life—the children he worked for, fought for, and, in a sense, died for; the elderly who needed the warm heart of a generous and a good man, as well as the fighting spirit to protect them.

I salute DICK NEUBERGER for his everlasting dedication to conservation of human and natural resources. And what is there that is more wonderful to conserve than to conserve and develop and enrich both the human mind and body and the great resources that have been granted and given to us by a generous and beneficent providence?

Mr. President, this man was one of courage, one of conscience, one of concern; and I hope that all of us will, in our own little way, whatever it may be, let his wife know, not only by this printed RECORD, but by a friendly word, privately, or a letter, or a telephone call, our sense of deep loss and our sense of sympathy. I only hope that my life can be as rewarding and as good as that of the one who has passed on.

Mr. CASE of New Jersey. Mr. President, we meet this morning with heavy hearts. In the busy turmoil of our daily activities, especially when we are in the midst of acute and difficult problems like the one with which we have been dealing for the past several weeks, we often forget how much each of us means to each other, how much this quite rare companionship in the Senate signifies to all of us; and it is only when news like that which we heard this morning, of the death of DICK NEUBERGER, comes upon us with a shock that we realize the great blessings that all of us enjoy in each other's company and in each other's companionship in our day-to-day work and in our lives here in Washington. And to that life everyone contributes, but no one has ever contributed more than DICK NEUBERGER and his lovely and devoted wife, Maurine.

Mr. President, DICK NEUBERGER means as much to us in memory as he did in actual service and companionship here in Washington.

It is impossible for me to say anything to equal the tributes that have been made to DICK already. As an individual—and he was an individual, Mr. President—he left his mark upon this body and upon the lives, minds and hearts of all of us; an individual with very distinct and definite views which he never feared or hesitated to express; an individual who consistently followed through on his convictions. And he held his convictions not with arrogance, but with great firmness.

He was a very consistent man. For him to believe something was to put it into action, and in this day, when the appearance of things seems sometimes more important than the actuality, that quality is of special value.

He was a man who was involved, as the Senator from Minnesota has just

said, with all of God's creations, and especially with other human beings. No one whom he knew suffered without DICK suffering, too, or rejoiced without his sharing in that joy.

This very involvement had, I really believe, something to do with the fact that he died at such an early age. There was no check-rein on him. He was constantly pouring out his feelings, his mind, his emotions, with everything that came before him and into everything that came before him.

This morning my beloved former colleague, Alexander Smith, phoned me and asked me expressly to say to my colleagues here today that he was deeply shocked to learn of DICK's death. He wanted me to say, and he joins with me in saying, that he had the highest regard for DICK NEUBERGER as a very fine Senator and as a wonderful person.

This influence of DICK's, this imprint that he made upon people, is deeply shared by Alexander Smith.

Rightly, everyone who has spoken has mentioned his relationship with Maurine, and surely there never was a happier marriage, one more deeply satisfactory or satisfying. My wife and I knew them both well, were fond of them in a very deep and personal way, and she shares with me the sense of loss that we feel this morning. My wife joins with me in our most heartfelt sympathy, good wishes and deep affection for Maurine.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Senator from Hawaii is recognized.

Mr. LONG of Hawaii. Mr. President, I am certain that all of us here this morning realize that our ardent friend and colleague has attained an immortality that is very meaningful to us, and readily understood by all of us. He will live on in the hearts and the affections of his friends and his colleagues, and also in the minds, the affections, of a great multitude of people that never had the privilege of knowing him.

He will also live on in the beneficial influence of the constructive legislation that he sponsored. In a very real way he will live on in the influence of the numerous books that he wrote.

Back in 1954, shortly after I had the privilege of becoming acquainted with him, and discussing some of the problems in which we had a mutual interest, problems and hopes, he sent me an autographed copy of what was then his latest book, "Adventures in Politics," and he called my attention particularly to the second chapter.

The title of it is "Give the Young Folks a Chance."

I think it is fitting at this time that I read the opening paragraph of this 18-page chapter, the closing paragraph, and four intervening paragraphs. They are warm; they are human; they point to an interest that he had, perhaps, that surpassed all others, that of an interest in young people.

My wife and I are in our early forties. Although we still can climb snowcapped mountains and brave the Pacific's chilly surf, we realize that we are getting on in years. After all, each of us has been voting for two full decades. Our college days date back to the great depression, and that is now history. Yet we are younger than at least two-thirds of the other Senators and Representatives who serve with us in the legislature of a typical State of the Union.

In our opinion, youth ought to have a far greater role than this in the drafting of laws that affect such questions as child welfare, public schools, courts, mental hospitals, and the degree of financial responsibility that grown sons and daughters owe to needy parents. These often are youth's problems, but youth has only a faint voice in their solution.

State government seems upside down to us when young legislators are merely a small and isolated minority. My wife and I wish that we qualified, even at our present ages not as comparatively junior members of Oregon's Legislature but as its venerated elders. Yet the political deck frequently is stacked against the presence of young men and women in the State capitols of our 48 States.

My wife and I definitely refuse to string along with the ancient Greek notion of "old men for council, young men for war." Young men—and young women, too—should sit in their country's councils, and a State legislature is the place to begin.

I remember a public hearing at which Maurine presided as chairman of the Education Committee of the House of Representatives. The question at issue was a State-supported university for Portland, the only large city in the West without such an institution.

The hall was full of hundreds of high-school seniors. They listened intently. Their opportunity to be a surgeon or a chemist or a teacher was being decided, right in that hearing chamber. One could feel the tension and anxiety. The speakers addressed the legislative committee with a new intensity and fervor. Why should Portland, alone, be without a State college? A young lawyer, a veteran of the Korean fighting put this question in urgent tones which stirred even the drowsiest committee member.

This was the right of petition, the right of citizens to voice an appeal to their Government. Another young man, Jefferson, had written movingly about this basic right when America as a Nation was very young, indeed.

That night, as we walked to our rented cottage in the State capital city of Salem, my wife said to me: "For the first time I think I really appreciate what a wonderful thing it is to participate in politics and government in the United States. Why, if we pass this bill for a college, we'll be giving countless boys and girls a better chance in life. Think of what that means. That's real and tangible. All of a sudden, my election to the legislature seems more important to me than it ever has before."

I looked behind us for a moment. In the distance Oregon's soaring capitol dome pointed upward to the stars.

I like to think of our departed colleague as one who, through difficulties and every phase of life, kept his eyes on the stars.

Mr. DWORSHAK. Mr. President, I join with my colleagues in mourning my very close friend, the late junior Senator from Oregon. When he first came to the Senate, he was assigned to the Committee on Interior and Insular Affairs, and it was natural that he and I, from an adjoining State, should have many mutual interests. We did not always agree on some controversial issues, but we learned to respect each other.

In paying a tribute to our late colleague, it would be entirely appropriate to point out that when serving as chairman of the Subcommittee on Indian Affairs of the Interior Committee, he rendered outstanding service. I am sure that the members of that committee were well aware of his profound interest in doing everything possible to serve the interests, and safeguard the welfare of the Indians, not only of his own State, but of the entire Nation.

I recall one experience very vividly in November of 1958, shortly after his operation, when he served as chairman of a subcommittee which held a hearing at Bend, Oreg., on the pending wilderness bill. I was the only other Senator in attendance at that time. We heard as many as 100 witnesses. I was very deeply impressed by the fairness and courtesy which he displayed as chairman. I was also aware of the deep affection for him which was shown by the people of his State during those proceedings.

Much has been said today about DICK NEUBERGER'S devotion to his fellowmen, his deep religious convictions, and his untiring efforts to serve his State and his Nation. I am certain that throughout his service he constantly grew in stature. He displayed tolerance, which is so important in serving as a Member of the Senate.

I believe also—and it was generally recognized—that his influence was constantly expanding, and that he had a deep understanding of the problems facing our country today.

Another characteristic of Senator NEUBERGER'S, which I think we should emphasize at this time, is that he displayed a steadfastness in defending his convictions. Frequently, he was in a small minority. But that did not seem to disturb him greatly, because he had an abiding faith in his own judgment. I might mention particularly that although early in his senatorial service we disagreed on some of the fundamental issues which affect the welfare of the Columbia Basin States, we were closely associated, and we became intimate friends. I respected him as an able legislator and a patriot who was dedicated to the preservation of American ideals and traditions.

Oregon has lost a faithful public servant.

Mr. CARROLL. Mr. President, I desire to associate myself with the remarks of my colleagues with respect to the untimely passing of our friend, and my personal friend, RICHARD L. NEUBERGER, the junior Senator from Oregon.

DICK NEUBERGER was well known and respected in my State. It was only a few months ago, in Denver, that he delivered the principal address at the Eleanor Roosevelt Cancer Research Institute, at the American Medical Center.

While in Denver, he was the principal speaker at a regional meeting of the B'nai B'rith of the western area, known as the Mountain States Area.

I know that I bespeak thoughts which could be better expressed by Palmer Hoyt, the present editor and publisher of the Denver Post, and who formerly was associated with the Portland Oregonian, and of Robert Lucas, of the Denver Post, all personal friends of DICK NEUBERGER, when I express sorrow and shock at his untimely passing.

It was only a short time ago—a few days ago—that I received a warm personal note from DICK NEUBERGER. I was shocked this morning to learn of his passing, because many of us had been led to believe that he was on his way to recovery.

So I express on behalf of my family, which is very close to the Neuberger family, our deepest sorrow and sympathy.

I wish to say a word about Senator NEUBERGER along the line expressed by the distinguished senior Senator from Idaho [Mr. DWORSHAK], who also is a member of the Committee on Interior and Insular Affairs. We found Senator NEUBERGER to be a warmhearted, sincere person who, in his first term as a Senator, established a remarkable record as a great humanitarian. His great interest was in the people. He displayed great interest in the conservation of the Nation's natural resources, not because of the material and physical plant structure, but because of what they meant to the people.

As a newspaperman, DICK NEUBERGER was one who had a passion for the truth.

A great contemporary writer, Ernest Hemingway, has defined courage as grace under stress. No other description better fits the courage shown by DICK NEUBERGER during the years he was among us.

Senator NEUBERGER was of great service to his own State and to the West. He worked constantly in his private career, and later in public life, for good conservation practices and for the wise development of America's priceless natural resources for the benefit of all—those of the generations to come as well as those in our own time.

The CARROLL family extends the deepest sympathy to DICK NEUBERGER's lovely wife, Maurine, who worked so closely with him in his public life, and who was so close to him in all the things which he did.

We express our sympathy not only to Maurine but also to DICK NEUBERGER's many friends throughout the Nation. We shall all miss him very much indeed.

Mr. GOLDWATER. Mr. President, I join with my colleagues in their expressions of sorrow upon the occasion of the death of our colleague, Senator RICHARD L. NEUBERGER.

It is always difficult for me to express myself at a time like this, because I have never found words adequate enough to express sorrow over the loss of a friend, or to express the feelings I have for those of the family who are left.

I asked myself this morning, as I often do, "What do we remember about this departed man, this good friend?" Oh, I could recount numerous incidents that I recall, and will always recall with great pleasure—the political debates in which DICK and I engaged in different places in the East and in the West; our differences of political opinion, which while at times they were violent, were always pleasant; the many meetings that he and I attended throughout the years on the subject of the Indians, a subject in which his leadership was preeminent. To him the Indians of this country owe an everlasting debt.

To me, the things I will always remember about DICK NEUBERGER were his personal characteristics. It is sad to realize that today too few people have those characteristics, which were the characteristics of the pioneers and the founders of our country; characteristics which we used to expect to find in people. He was a man having characteristics which today we too seldom see.

His first great characteristic was his sincerity. I think the thing which characterized him far and above the average man was his sincere application to the things in which he believed.

His second great characteristic was his complete honesty—devotion to the honesty of his convictions. I have never known DICK to deviate one inch from a principle in which he believed.

That leads me to the third characteristic, the sincere application of his thinking and the dedication of his life to the principles in which he believed.

Mr. President, I am one who will have bettered himself by having had the opportunity to be associated with DICK NEUBERGER during a portion of my life. To his memory, I pay my deepest respects.

To his wife, Maurine, and to the other members of his family go the heartfelt sympathies of my wife, Peggy, and our family.

Mr. PROUTY. Mr. President, "No man reaches true maturity until he faces death."

These are the words of our late colleague, Senator RICHARD LEWIS NEUBERGER. He said them after he had faced death from cancer and apparently had emerged victorious.

His maturity of mind and heart was indicated by the sincerity of his convictions and the straightforwardness and and clarity of the words he chose to express those convictions.

As writer, author, soldier, statesman, RICHARD NEUBERGER was a warm and upright human being. He wrote a book he called "Our Promised Land." Now he has gone there. As it must over all mortals, death won the final victory.

His presence and his voice will be missed in the Public Works Committee, on which I had the privilege of serving with him, and in the Senate of the United States.

I join in mourning the loss of our distinguished colleague and extend my deepest sympathy to his widow and family.

Mr. SMATHERS. Mr. President, it is with a deep sense of regret that I learned of the untimely passing of my friend, the able and distinguished Senator from Oregon, Mr. NEUBERGER.

During his term in the Senate, it was one of the great pleasures of my life to know DICK NEUBERGER. He was a man of integrity, ability, and honor in the true sense of the words. He was a devoted and dedicated public servant, and a great American who ably represented his great State and the people of this Nation.

DICK NEUBERGER was a man who not only espoused the principles of Christianity, but practiced them in their true and real meaning. He was a God-fearing, courageous man, who labored tirelessly in the vineyard for the good of mankind.

The example of the illustrous endeavors of this noble man will remain indelibly imprinted in the hearts of his countrymen.

DICK NEUBERGER was a great Senator, a great patriot, and a great American.

The Senate of the United States, the people of the State of Oregon, and the Nation as well have suffered a grievous and irreparable loss.

Mr. President, I want to take this occasion to extend my sincere and deepest sympathy to his family in their hour of bereavement.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Senator from Oregon.

Mr. MORSE. I am sure that if Maurine Neuberger and the mother, father, sister, and other members of DICK NEUBERGER's family had been here today to hear these beautiful tributes—which have really turned our session today, Mr. President, I think, into a memorial service for this great colleague of mine—they would want me, as we close, to express their deep appreciation for the things that have been said here today, for the beautiful expressions of faith—which is what these expressions have been—in tribute to the character and the life and the contributions of this man.

So, Mr. President, I exercise the prerogative of speaking in their behalf these words of appreciation and thanks, and also in my capacity as senior Senator from the State of Oregon, I express the appreciation of the people of my State for the tributes that have been paid here this morning.

I would have the RECORD show, Mr. President, that there have been seated with me on the floor of the Senate this morning throughout this meeting of tribute, the very able administrative assistant of Senator NEUBERGER, Mr. Lloyd Tupling, his very able legislative assistant, Mr. Larry Hobart, his friend and associate for many years in the State of Oregon, his research assistant, Mr. Walter Dodd, and a staff consultant who has been of assistance to him on many issues affecting natural resource problems, Mr. Mike Mapes.

I am privileged to say, Mr. President, that they, through me, too, wish to express to the Senate of the United States their gratitude and thanks for these services—because I like to think of this session as a memorial service in honor of the memory of the man who meant so much to them, to whom they are so indebted, and who, in turn, I am sure, if he were here, would say that he would want me to express his gratitude to them.

Mr. President, as the colleague of Senator NEUBERGER, I also wish to express my personal thanks to the Senate for the tributes which have been paid.

I am about to send to the desk a resolution, and ask for immediate consideration. Before I offer the resolution, I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HILL. Mr. President, our hearts are profoundly saddened by the loss

which the Senate, the State of Oregon, and our Nation have suffered in the untimely death of our beloved colleague, Senator RICHARD LEWIS NEUBERGER.

We have lost a dear friend, and this generation and the next and the next will continue to hold precious the example of his good works and the inspiration of his matchless courage.

Throughout his lifetime, as soldier, traveler, sportsman, conservationist, journalist, historian, member of the Oregon House of Representatives, member of the Oregon State Senate, and U.S. Senator, DICK NEUBERGER'S services and his contributions reflected his deep conviction that America's greatness will be protected and preserved in direct proportion to the degree in which we protect and preserve our Nation's God-given resources, not only our great material resources, but the even greater resources inherent in the health and vigor and determination of our people.

Before he came to the Senate of the United States, DICK NEUBERGER was widely recognized for his contributions to the conservation of our Nation's water resources, forests, soil, and wildlife. He wrote prolifically and challengingly on these and other subjects and did so much to dramatize and to advance the cause of conservation of our material resources.

After he came to the Senate, DICK NEUBERGER worked long and effectively in the urgent and vital field of conservation of our people. He was untiring and completely dedicated to his constant work in behalf of better health, better education, and longer, happier lives for all our people.

DICK NEURERGER nowhere better demonstrated the quality of mind and spirit that made him great than when he seized upon his tragic illness, not as a defeat, but as an instrument to help accentuate the increasing need and to challenge our people toward greater effort for legislation, for funds, and for education to mount a major medical research offensive against not only the insidious cancer such as had stricken him, but against all the killing and crippling diseases which have plagued and baffled mankind through the centuries.

Today we give our thanks for DICK NEUBERGER'S leadership, for his statesmanship, and, above all, for the courageous example of humanitarianism which he bequeathed us.

He was in truth a servant to all mankind.

To his devoted wife, who was his wonderful and inspiring helpmate through the years, and to the members of his family, I join in extending my deep sympathy in their great loss.

AGREEMENT FOR VOTE ON CLOTURE MOTION

Mr. JOHNSON of Texas. Mr. President, I should like to make two announcements for the information of the Senate.

I have conferred several times with the Senator from Oregon and with Mr. Tupling, the administrative assistant to the late Senator NEUBERGER, and with Mr. Lloyd.

I am authorized to make this statement.

I am informed that there is no possibility of the funeral of Senator NEUBERGER being set for Thursday. The likelihood is that it will be held on Sunday. I have conferred with the Senator from New York [Mr. JAVITS], the Senator from Oregon [Mr. MORSE], the senior Senator from Illinois [Mr. DOUGLAS], and with the minority leader, the junior Senator from Illinois [Mr. DIRKSEN], and I now renew my previous request, modified:

I ask that it be ordered that the vote on agreeing to the cloture motion on the so-called Dirksen substitute for the bill H.R. 8315, the Stella, Mo., school relief bill, be taken at 2 p.m. tomorrow, and that the time intervening between the hour of meeting—which I propose to ask be 9 o'clock—and 2 p.m. be equally divided between the proponents and opponents, and controlled, respectively, by the majority leader and the minority leader, who will yield time to those Senators whom the proponents of the cloture resolution may recommend.

The PRESIDING OFFICER (Mr. HART in the chair). Is there objection?

Mr. RUSSELL. Mr. President, I have no objection except to this time allocation. I desire to have some clear understanding about that. We are here undertaking to defeat the proposition advanced by the minority leader, and yet it appears from this request that we are to be wholly dependent on his beneficence for any opportunity to speak against this cloture motion.

Mr. JOHNSON of Texas. We normally allocate time between the majority leader and the minority leader; he would allocate it for the opponents, and I would allocate it for the proponents as they qualify. We frequently do that.

Mr. RUSSELL. Mr. President, I have a great deal of confidence in the distinguished majority leader, but in the absence of any assurance that we can get any time at all, I cannot agree to this proposal. If the Vice President is going to preside and we have a gentleman's agreement that the time will be evenly divided, I am willing to accept that, but I want some understanding that some of us will have an opportunity to speak.

Mr. JOHNSON of Texas. I can give the Senator that assurance, that the time allotted will be equally divided between the proponents and the opponents. I know of no more distinguished opponent than the Senator from Georgia, and he and his group, those who oppose the cloture motion, will receive half of the time.

I felt that if we did not divide the time, then some Senator who got recognition could hold the floor for an indefinite period.

Mr. RUSSELL. Yes; I thought about that, too.

Mr. JOHNSON of Texas. I think that the Senator will find that we have had very little complaint as to the way that the two leaders allocate time. We will make a list of those who request time, and then adjust that within the time we have. That is one reason why I moved the time of meeting up to 9 o'clock tomorrow morning, so that we will have 5 hours for discussion of the question tomorrow—2½ hours will go to those who favor the cloture motion, 2½ hours to those who oppose it. I know of no more equitable way to divide the time.

Mr. RUSSELL. The only understanding I would like to have is from the distinguished minority leader. I am willing to accept his statement. There are Senators here who oppose cloture but are in favor of the so-called Dirksen substitute. Some of us are opposed to the Dirksen amendment and opposed to cloture, and that is the group who, I want to be sure, will have some time to discuss this matter.

Mr. DIRKSEN. The distinguished Senator from Georgia has my unqualified assurance on that point.

Mr. RUSSELL. Very well. I am content.

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the vote on agreeing to the cloture motion on the so-called Dirksen substitute for H.R. 8315—the Stella, Mo., school relief bill—be taken at 2 p.m. tomorrow, and that the time intervening between the hour of meeting and 2 p.m. be equally divided between the proponents and opponents and controlled, respectively, by the majority and minority leaders.

The PRESIDING OFFICER. The question is on agreeing to the resolution (S. Res. 286) offered by the senior Senator from Oregon.

The resolution was unanimously agreed to; and (at 1 o'clock and 58 minutes p.m.) the Senate took a recess until tomorrow, Thursday, March 10, 1960, at 9 o'clock a.m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 9, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Isaiah 55: 4: *Behold, I have given Him for a witness to the people, a leader and commander to the people.*

Almighty God, we humbly beseech Thee that in this Lenten season, we may seek to accept and apply more wholeheartedly the teachings of our blessed Lord, to the end that the beauty and strength of His character may be more fully realized and manifested in us.

Make us daily more sensitive and responsive to the high calling of God in Christ Jesus and show us how we may be victorious in the difficult task of being a true follower of the lowly Man of Galilee.

May we never be tempted to feel that this is far beyond our reach to achieve, and that in our day and generation we must needs be satisfied to live below His level and walk a less lofty way.

Inspire us to see life in a new perspective and may it be our most ardent longing to be lifted from the lowlands of doubt and fear to the higher altitudes of faith, hope, and love.

Hear us in our Master's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE OF THE PRESIDENT—HOUSE DOCUMENT NO. 345

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the message of the President, House Document No. 345, which was referred to the Committee on Foreign Affairs on February 18, be rereferred to the Committee on Banking and Currency.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE LATE MALCOLM C. TARVER

Mr. VINSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON. Mr. Speaker, last Saturday, March 5, I lost a good friend and the Nation lost an outstanding citizen.

On that day a former Member of the House of Representatives, Malcolm C. Tarver, of Dalton, Ga., passed away.

Malcolm Tarver was a man of courage, a man of conviction, and a man of integrity.

It was my great privilege and honor to serve with Malcolm Tarver in the Georgia State Legislature from 1909 to 1912. Following this period of service in the Georgia House, he was elected to the Georgia State Senate during the 1913–14 session.

He left the Georgia State Legislature to serve as a judge of the Cherokee superior court circuit, where his outstanding ability as a jurist was recognized and appreciated by all who came before his court.

In 1927 he became a Member of the House of Representatives from the Seventh District of Georgia. Here he served with distinction until 1946.

Those attributes of Malcolm Tarver which made him an outstanding member of the Georgia Legislature and a circuit court judge without peer, became even more evident as a Member of the House of Representatives. He contributed much to the welfare of our Nation, and did as much as any one human being can do in an effort to solve our agrarian problems.

He was a member of the Appropriations Committee and served as the chairman of the House Agriculture Subcommittee. In this capacity, he earned, as he did in every pursuit, the respect, the admiration, and friendship of those who knew him.

Mr. Speaker, Malcolm Tarver was my friend and I shall miss him.

He was also a great American. He was the kind of American that we can ill spare in these trying times.

My heartfelt sympathy goes out to his wife and his family; but they can take great solace in the knowledge that Malcolm Tarver left his indelible mark upon his State and the Nation.

Mr. BROWN of Georgia. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. Mr. Speaker, those of us who were privileged to serve in the House with Hon. Malcolm C. Tarver were saddened to learn of his death at his home in Dalton, Ga., on March 5.

Judge Tarver served his State and the Nation well throughout his long and useful life. He was a graduate of Mercer University Law School and began the practice of law at Dalton in June 1904. He was a member of the Georgia House of Representatives from 1909 to 1912, served in the State senate during the 1913–14 session of the general assembly, was judge of the superior courts of the Cherokee circuit of Georgia from 1917 to 1927, and was a Member of Congress from 1927 to 1947. Upon leaving Congress he resumed the practice of law at Dalton.

Judge Tarver was a man of the highest ideals and one who had the courage to stand by his convictions. He rendered outstanding service in every public office he held. He had a keen intellect. He devoted his full time and ability to each position of trust. He was a successful lawyer, an able and impartial judge, respected by members of the bar, and had the confidence of everyone. He was an outstanding Member of Congress, held in highest esteem by all Members, Democrats as well as Republicans.

I had known Judge Tarver in Georgia, but it was after I was elected to the House of Representatives in 1933 that we became warm personal friends. In his passing I feel a keen personal loss.

To his beloved wife, Miss Jewell, and the other members of the family, I extend my deepest sympathy.

Mr. VINSON. Mr. Speaker, I yield to my distinguished colleague, the gentleman from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Speaker, I join with my colleague from Georgia [Mr. VINSON] and others in paying tribute to the late Malcolm C. Tarver, who for 20 years represented the Seventh District of Georgia in the House of Representatives.

Although our service in the House of Representatives never coincided, I, nevertheless, knew Judge Tarver over a long period of years. My earliest recollection of him was during the period of his service as a judge of the superior courts of the Cherokee Judicial Circuit of Georgia, which, at that time, embraced some six counties of the district he later represented in Congress. He and my father had known each other since early young manhood, during their respective service in the Georgia House of Representatives and in the State Senate of Georgia. Their association in the legislative branch of our State government and in the judiciary of our State was one which spanned a period of more than 40 years.

Later, beginning in 1941, I came to know Judge Tarver more closely. Mrs. Flynt was a resident of Judge Tarver's hometown, Dalton, Ga., and since our marriage, on frequent visits to her mother and father in Dalton, I regularly called upon Judge Tarver there, both during his service in Congress and since he returned to the active practice of law. It was with deep regret that we learned of his death on last Saturday.

Malcolm Connor Tarver was born in Rural Vale, Ga., in Whitfield County, on September 25, 1885. He attended the public schools of his native county and later enrolled at Mercer University, Macon, Ga. He graduated from the law department of Mercer University in 1904, and in the same year was admitted to the bar of Georgia and commenced practice in Dalton, Ga.

In 1908 he was elected to the Georgia House of Representatives from Whitfield County, where he served from 1909 through 1912. In 1912 he was elected to the Georgia State Senate, representing the 43d senatorial district where he served during 1913 and 1914. In 1916 he was elected judge of the superior courts of the Cherokee judicial circuit and was twice reelected superior court judge.

While serving as superior court judge, he was elected as a Democrat to the 70th Congress and was consecutively reelected to the 71st through the 79th Congresses. He served in the House of Representatives continuously from March 4, 1927, through January 3, 1947. At the time of his retirement from Congress he was a high ranking member of the Appropriations Committee and was known and respected for his keen knowledge of budgetary and fiscal affairs. He served as a subcommittee chairman of the Appropriations Committee.

Judge Tarver is survived by his wife and by his son, Malcolm C. Tarver, Jr., both of whom reside in Dalton, Ga. He is also survived by a brother, Fletcher Tarver, Gillette, Wyo., and a sister, Mrs. G. W. Barnes, Milledgeville, Ga.

Mrs. Flynt and our children join me in extending our heartfelt sympathy to Mrs. Tarver, Mr. Malcolm Tarver, Jr., and to the other members of their family.

Mr. VINSON. Mr. Speaker, I yield to my distinguished colleague from Georgia [Mr. MITCHELL].

Mr. MITCHELL. Mr. Speaker, it is with deep feeling that I join my colleagues in expressing my sorrow at the passing of a friend of long standing, Malcolm Connor Tarver. As has been pointed out, he was a superior court judge and prior to that served both in the house and the senate in the General Assembly of Georgia. He served with great distinction in those bodies. My association with Judge Tarver, as he was known, was close, both professionally and personally. We had law offices in the same building since I first engaged in the practice of law. Many times, on many occasions, I talked with Judge Tarver for hours on end about matters we both considered to be of local and national import; and certainly I profited by his advice.

The judge had a tremendously strong personality. He had a determination to fight to the end for what he believed in. I think an exhibition of that fine trait of character is the fact that although he had a serious heart ailment for some 16 years before his death, one which caused him extreme pain, he had a perfect at-

tendance at church for the immediate 10 years preceding his death.

This, in my judgment, is an example of a dedicated American who gave most of his life to the progress and the security of his country. Certainly his name and memory should not be forgotten and will not be forgotten by me.

In his passing the Nation has lost a great patriot, his family has lost a devoted husband and father, and I a warm friend. I extend to the family my deepest sympathy but at the same time commend them for their constant love and moral support which was so vital in Judge Tarver's rise to greatness.

Mr. VINSON. Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, Judge Tarver who served in this body with great ability and distinction for about 20 years was one of the most highly respected Members of this body. He was a dedicated legislator, a serious man, a man who contributed in a marked way to the legislation that came before this body during his years of service. He was a member of the Committee on Appropriations during practically his entire service in this body and, as we all know, that committee is one of the hardest working committees of either branch of the Congress.

During my period of service in this body Judge Tarver and I became very close personal friends. Not only as a legislator did I admire and respect him, but on the personal level I entertained for him a strong feeling of very high regard. He was a man who was honorable and trustworthy in every way, a man of integrity in every respect.

I join with my colleagues from Georgia in expressing my regret at the passing of this grand American and I extend to Mrs. Tarver and her son my deep sympathy in their great loss and sorrow.

Mr. VINSON. Mr. Speaker, I yield to the distinguished gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, it was my privilege to serve with Judge Tarver in a very close relationship in our work here in the Congress. When I first went on the Subcommittee on Agricultural Appropriations, Judge Tarver, as we knew and loved him, was chairman of that committee. In the service that I have had in the Congress I have never known a brighter mind, a more energetic memory, a more tenacious worker for what he believed to be right.

We have had many outstanding Members of Congress in the years that I have been here, but Judge Tarver was one of those outstanding Members who set a fine example for the membership, one whom the Members could emulate, and one from whom practically any Member could learn.

His contributions through his own work and in his service in the Congress were outstanding. The effect he has had on Members who have served since then has been such as to add to the benefits he brought to the American Nation.

We hate to see him go. We extend our deepest sympathy to his loved ones who can take to themselves the comfort that he lived a full life and contributed his share during his days here through works that will redound to the benefit of all of us in the future.

Mr. VINSON. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Speaker, I want to lay a flower on the memory of a great American, Judge Tarver. He was a great American. He was a very fine legislator. He left a deep impress on the work of this Congress and on the legislation of this Republic. I knew Judge Tarver well and saw him often in the Halls of Congress and walking to and from the House Office Building and this Chamber. He was always fair, loyal, and capable. The Nation in his passing has lost a most devout and capable personality.

Mr. VINSON. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. ANDERSEN].

Mr. ANDERSEN of Minnesota. Mr. Speaker, I should like to join the gentlemen from Georgia in their tribute to Judge Malcolm Tarver. Along with the gentleman from Mississippi [Mr. WHITTEN], I served under Mr. Tarver in his capacity as chairman of the Subcommittee on Agricultural Appropriations. In such service you really begin to know a man if you did not before. There never was a more honorable or more dedicated man than Judge Malcolm Tarver. I feel that the country has lost a great man in his passing.

Mr. VINSON. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. DURHAM].

Mr. DURHAM. Mr. Speaker, I also should like to pay tribute to one of my very, very dear friends. For many years I was associated with Judge Tarver here in the House of Representatives and also, in our rare periods of leisure, on the golf course. He was a real sportsman in every sense of the word. In my years of service here I know of no one who could analyze his bills with more thoroughness and clarity than Judge Tarver. As ranking member of the Appropriations Committee he handled much important legislation here over a long period of years.

I regarded him as a very close friend and I will miss him. I extend to his family my heartfelt sympathy in their bereavement.

Mr. VINSON. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks in the RECORD on the life and services of the late Malcolm C. Tarver.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EVERETT. Mr. Speaker, I wish to concur in everything that has been said here today regarding Judge Malcolm Tarver.

My first visit to Washington was during World War II when I was stationed in Fort Oglethorpe, Ga., which was in Judge Tarver's district. After calling on the Tennessee delegation I went over to see Judge Tarver. He really rolled out the welcome mat, called several Members of the Georgia delegation over to his office, and I had a fine visit with all of them.

Later when I came to Washington as administrative assistant to Senator Stewart in July of 1945 we again renewed our friendship. He was most helpful to me and was very understanding of the problems that each of us had.

I certainly regret his passing.

Mr. SIKES. Mr. Speaker, I am very sorry to learn of the death of the Honorable Malcolm C. Tarver, for many years a distinguished Member of this body. I knew him very well, always with appreciation for his patient, careful, and effective work.

Both as a member of the Committee on Appropriations and as a member of the House of Representatives he rendered outstanding service to his State and Nation.

Although it probably is true that few people, other than his colleagues here, knew the full story of the long hours and tireless efforts that he devoted to the work of Congress, the good effects of that work still benefit the Nation.

As a friend and admirer of Judge Tarver for many years, I extend my deep regrets to his family in their bereavement.

AUTHORIZING APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The SPEAKER. The unfinished business is, Will the House suspend the rules and pass the bill (H.R. 10809) to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction and equipment, and for other purposes?

The question was taken, and the Speaker announced that in the opinion of the Chair two-thirds had voted in the affirmative.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 398, nays 11, not voting 21, as follows:

[Roll No. 17]

YEAS—398

Abbitt	Baring	Bowles
Adair	Barr	Boykin
Addonizio	Barrett	Brademas
Albert	Barry	Bray
Alexander	Bass, N.H.	Breeding
Alford	Bass, Tenn.	Brewster
Alger	Bates	Brock
Allen	Becker	Brooks, La.
Andersen, Minn.	Beckworth	Brooks, Tex.
	Belcher	Broomfield
Andrews	Bennett, Fla.	Brown, Ga.
Anfuso	Bennett, Mich.	Brown, Mo.
Arends	Bentley	Brown, Ohio
Ashley	Berry	Broyhill
Ashmore	Betts	Budge
Aspinall	Blatnik	Burdick
Auchincloss	Blitch	Burke, Ky.
Avery	Boggs	Burke, Mass.
Ayres	Boland	Byrne, Pa.
Bailey	Bolling	Byrnes, Wis.
Baker	Bolton	Cahill
Baldwin	Bosch	Canfield
Barden	Bow	Carnahan

Casey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clark
Coad
Coffin
Cohelan
Collier
Colmer
Conte
Cook
Cooley
Corbett
Cramer
Cunningham
Curtin
Curtis, Mass.
Curtis, Mo.
Daddario
Dague
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Diggs
Dingell
Dixon
Donohue
Dooley
Dorn, N.Y.
Dowdy
Downing
Doyle
Dulski
Durham
Dwyer
Edmondson
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Fino
Fisher
Flood
Flynn
Flynt
Fogarty
Foley
Forand
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garmatz
Gary
Gathings
Gavin
George
Giaimo
Glenn
Goodell
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagen
Haley
Halleck
Halpern
Hardy
Harris
Harrison
Hays
Hébert
Hemphill
Henderson
Herlong
Hess
Hiestand
Hoeven
Hoffman, Ill.
Hogan
Holifield
Holland
Holt
Holtzman
Horan
Hosmer
Huddleston
Hull
Ikard
Irwin
Jackson
Jarman
Jennings
Jensen
Johnson, Calif.
Johnson, Colo.
Johnson, Md.
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Judd
Karsten
Karth
Kasem
Kastenmeier
Kearns
Kee
Keith
Kelly
Keogh
Kilburn
Kilday
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kluczynski
Knox
Kowalski
Kyl
Lafore
Laird
Landrum
Lane
Langen
Lankford
Latta
Lennon
Lesinski
Levering
Libonati
Lindsay
Lipscomb
Loser
McCormack
McCulloch
McDonough
McDowell
McFall
McGinley
McGovern
McIntire
McMillan
McSween
Macdonald
Machrowicz
Mack, Ill.
Mack, Wash.
Madden
Magnuson
Mahon
Mailliard
Marshall
Martin
Mason
Matthews
May
Meader
Metcalf
Michel
Miller, Clem
Miller, George P.
Miller, N.Y.
Milliken
Mills
Minshall
Moeller
Monagan
Montoya
Moore
Moorhead
Morgan
Morris, N. Mex.
Morris, Okla.
Morrison
Moss
Moulder
Multer
Murphy
Murray
Natcher
Nelsen
Nix
Norblad
Norrell
O'Brien, Ill.
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neill
Oliver
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Pfost
Philbin
Pilcher
Pillion
Pirnie
Poage
Poff
Preston
Price
Prokop
Pucinski
Quie
Quigley
Rabaut
Rains
Ray
Reece, Tenn.
Rees, Kans.
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Roosevelt
Rostenkowski
Roush
Rutherford
Santangelo
St. George
Saund
Saylor
Schenck
Scherer
Schwengel
Scott
Selden
Shelley
Shipley
Short
Sikes
Simpson
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, Miss.
Smith, Va.
Spence
Springer
Staggers
Steed
Stratton
Stubblefield
Sullivan
Taber
Taylor
Teague, Calif.
Teague, Tex.
Teller
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wyo.
Thornberry
Toll
Tollefson
Trimble
Tuck
Udall
Ullman
Utt
Vanik
Van Pelt
Van Zandt
Vinson
Wainwright
Wallhauser
Wampler
Watts
Weaver
Weis
Westland
Wharton
Whitener
Whitten
Wier
Wilson
Winstead
Withrow
Wolf
Wright
Yates
Young
Younger
Zablocki
Zelenko

NAYS—11

Abernethy
Dorn, S.C.
Gross
Harmon
Hechler
Hoffman, Mich.
Johansen
Meyer
Siler
Smith, Kans.
Williams

NOT VOTING—21

Anderson, Mont.
Baumhart
Bonner
Buckley
Burleson
Cannon
Grant
Hargis
Healey
Inouye
Merrow
Mumma
Porter
Powell
Randall
Reuss
Rogers, Mass.
Sheppard
Walter
Widnall
Willis

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Porter with Mr. Baumhart.
Mr. Walter with Mr. Merrow.
Mr. Sheppard with Mr. Widnall.
Mr. Reuss with Mr. Mumma.
Mr. Hargis with Mrs. Rogers of Massachusetts.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC HEALTH SERVICE COMMISSIONED CORPS PERSONNEL ACT OF 1960

The SPEAKER. The further unfinished business is the question on suspending the rules and passing the bill (S. 2220) to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING CONSTRUCTION FOR MILITARY DEPARTMENTS

The SPEAKER. The further unfinished business is the question on passage of the bill (H.R. 10777) to authorize certain construction at military installations, and for other purposes.

The Clerk read the title of the bill.

Mr. VINSON. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 407, nays 4, not voting 19, as follows:

[Roll No. 18]

YEAS—407

Abbitt
Abernethy
Adair
Addonizio
Albert
Alexander
Alford
Alger
Allen
Andersen, Minn.
Anderson, Mont.
Andrews
Anfuso
Arends
Ashley
Ashmore
Aspinall
Auchincloss
Avery
Ayres
Bailey
Baker
Baldwin
Barden
Baring
Barr
Barrett
Barry
Bass, N.H.
Bass, Tenn.
Bates
Becker
Beckworth
Belcher
Bennett, Fla.
Bennett, Mich.
Bentley
Berry
Betts
Blatnik
Blitch
Boggs
Boland
Boiling
Bolton
Bonner
Bosch
Bow
Bowles
Boykin
Brademas
Bray
Breeding
Brewster
Brock
Brooks, La.
Brooks, Tex.
Broomfield
Brown, Ga.
Brown, Mo.
Brown, Ohio
Broyhill
Budge
Burdick
Burke, Ky.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Cahill
Canfield
Cannon
Carnahan
Casey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Chiperfield
Church
Clark
Coad
Coffin
Cohelan
Colmer
Collier
Conte
Cook
Cooley
Corbett
Cramer
Cunningham
Curtin
Curtis, Mass.
Curtis, Mo.
Daddario
Dague
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Diggs
Dingell
Dixon
Donohue
Dooley
Dorn, N.Y.
Dorn, S. C.
Dowdy
Downing
Doyle
Dulski
Durham
Dwyer
Edmondson
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Fenton
Fino
Fisher
Flood
Flynn
Flynt
Fogarty
Foley
Forand
Ford
Forrester
Fountain
Frazier
Frelinghuysen
Friedel
Fulton
Gallagher
Garmatz
Gary
Gathings
Gavin
George
Giaimo
Glenn
Goodell
Granahan
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gubser
Hagen
Haley
Halleck
Halpern
Hardy
Harris
Harrison
Hays
Hébert
Hemphill
Henderson
Herlong
Hess
Hiestand
Hoeven
Hoffman, Ill.
Hogan
Holifield
Holland
Holt
Holtzman
Horan
Hosmer
Huddleston
Hull
Ikard
Irwin
Jarman
Jennings
Jensen
Johansen
Johnson, Calif.
Johnson, Colo.
Johnson, Md.
Johnson, Wis.
Jonas
Jones, Ala.
Jones, Mo.
Judd
Karsten
Karth
Kasem
Kastenmeier
Kearns
Kee
Keith
Kelly
Keogh
Kilburn
Kilday
Kilgore
King, Calif.
King, Utah
Kirwan
Kitchin
Kluczynski
Knox
Kowalski
Kyl
Lafore
Laird
Landrum
Lane
Langen
Lankford
Latta
Lennon
Lesinski
Levering
Libonati
Lindsay
Lipscomb
Loser
McCormack
McCulloch
McDonough
McDowell
McFall
McGinley
McGovern
McIntire
McMillan
McSween
Macdonald
Machrowicz
Mack, Wash.
Madden
Magnuson
Mahon
Mailliard
Marshall
Martin
Mason
Matthews
May
Meader
Metcalf
Michel
Miller, Clem
Miller, George P.
Miller, N.Y.
Milliken
Mills
Minshall
Mitchell
Moeller
Monagan
Montoya
Moore
Moorhead
Morgan
Morris, N. Mex.
Morris, Okla.
Morrison
Moss
Moulder
Multer
Murphy
Murray
Natcher
Nelsen
Nix
Norblad
Norrell
O'Brien, Ill.
O'Brien, N.Y.
O Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neill
Oliver
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Pfost
Philbin
Pilcher
Pirnie
Pillion
Poage
Poff
Preston
Price
Prokop
Pucinski
Quie
Quigley
Rabaut
Rains
Ray
Reece, Tenn.
Rees, Kans.
Rhodes, Ariz.
Rhodes, Pa.
Riehlman
Riley
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney
Roosevelt
Rostenkowski
Roush
Rutherford
St. George
Santangelo
Saund
Saylor
Schenck
Scherer

Schwengel	Sullivan	Wainwright
Scott	Taber	Wallhauser
Selden	Taylor	Wampler
Shelley	Teague, Calif.	Watts
Sheppard	Teague, Tex.	Weaver
Shipley	Teller	Weis
Short	Thomas	Westland
Sikes	Thompson, La.	Wharton
Siler	Thompson, N.J.	Whitener
Simpson	Thompson, Tex.	Whitten
Sisk	Thomson, Wyo.	Wier
Slack	Thornberry	Williams
Smith, Calif.	Toll	Wilson
Smith, Iowa	Tollefson	Winstead
Smith, Kans.	Trimble	Withrow
Smith, Miss.	Tuck	Wolf
Smith, Va.	Udall	Wright
Spence	Ullman	Yates
Springer	Utt	Young
Staggers	Vanik	Younger
Steed	Van Pelt	Zablocki
Stratton	Van Zandt	Zelenko
Stubblefield	Vinson	

NAYS—4

Gross	Hechler	Meyer
Harmon		

NOT VOTING—19

Baumhart	Jackson	Reuss
Buckley	Mack, Ill.	Rogers, Mass.
Burleson	Merrow	Walter
Grant	Mumma	Widnall
Healey	Porter	Willis
Hoffman, Mich.	Powell	
Inouye	Randall	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Porter with Mr. Mumma.
Mr. Powell with Mr. Merrow.
Mr. Walter with Mr. Jackson.
Mr. Reuss with Mr. Widnall.
Mr. Buckley with Mrs. Rogers of Massachusetts.
Mr. Willis with Mr. Baumhart.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NEW FARM PROGRAM

Mr. BREEDING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include tables and extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BREEDING. Mr. Speaker, after several months of intensive effort on the part of many farm and commodity organizations and individuals, a new marketing program for wheat has been developed.

A bipartisan group of Members of the House have today introduced this new program in legislative form. Those of us who helped draft the new program and introduced it today earnestly urge all Members of the House to study the proposed legislation.

We sincerely believe this legislation offers the best possible solution to the present wheat problem. We believe the new program would be fair to the producers, because it would stabilize their income at reasonable levels, and to the taxpayers because it would greatly reduce the cost of the wheat program.

Reduced to its simplest terms, this is how the new wheat program would operate.

The Secretary would set an annual marketing quota to meet total domestic and export requirements, then subtract 150 million bushels before breaking it down to an individual farm basis.

This provision would force the grain trade to go to the Commodity Credit Corporation for 150 million bushels of wheat each year. Inasmuch as CCC would be barred from selling wheat below parity, this would result in a price to the farmer at or near full parity.

No wheat could be sold for primary uses without a certificate based on individual marketing quotas expressed in bushels rather than acres. To be eligible a producer would have to retire at least 10 percent of his base acreage to noncommercial use and an additional 10 percent if funds are available.

To help Members obtain a complete understanding of the proposal, I urge them to read the following explanation prepared by the group which drafted the program:

This program was developed in conference with the National Grange, National Farmers Union, and National Association of Wheat Growers and, in addition, is supported by the National Farmers Organization, Missouri Farmers Association, National Corn Growers Association, American Soybean Association, and the Grain Sorghums Producers Association.

WHAT IT WILL DO FOR THE WHEAT PRODUCER

1 Stabilize producers' income at reasonable levels.

2. Allow freedom to plant and harvest crops best adapted without Government interference.

3. Permit producers to carry reserve for short crop years.

4. Prevent wheat prices from reaching disastrously low levels.

5. Enable wheat producers to market best quality wheat in domestic food and export market, and lower grades in feed market.

WHAT IT WILL DO FOR THE FEED GRAIN PRODUCER

1. Prevent shifting of diverted wheat acreage to feed grains.

2. Materially reduce feed grain production on wheat farms.

3. Make a substantial contribution to the balancing of feed grain supplies with demand.

4. Aid in an orderly reduction of present surplus feed grain stocks.

WHAT IT WILL DO FOR THE AMERICAN PUBLIC

1. Materially reduce cost of wheat program to the taxpayer.

2. Stop buildup of Government holdings and start orderly reduction.

3. Provide adequate supply of high quality wheat for domestic food and export at reasonable prices.

4 Contribute to orderly marketing of highest quality wheat through regular commercial channels.

5. Insure continued ability of wheat producers to buy the products of industry and labor.

6. Stabilize incomes of small businesses in rural communities.

HOW THE PROGRAM WORKS

1. The Secretary shall determine the total quantity of wheat for the primary use. This shall be the amount of wheat to be used for domestic food consumption and total exports for the next marketing year.

2. Establish a national wheat requirement for primary use in an amount 150 million bushels less than the amount determined in No. 1 above.

3. Allocate the national wheat requirement for primary use among individual wheat producers on the basis of the established wheat base acres and normal production on each farm, except that if a producer has a base of less than 15 acres his base shall be his average annual acreage of wheat planted for harvest during the preceding three-crop year.

4. Before the start of the marketing year, each qualifying wheat producer will be issued marketing certificates for his share of the national wheat requirements for primary use.

5. To qualify for primary-use certificates a wheatgrower must retire annually an amount equal to 10 percent of his wheat base to a land-retirement, soil-conserving use, without rental payment. If, however, funds are available for a land retirement program he shall place a minimum of an amount equal to an additional 10 percent of his wheat base acres in this program.

6. A farmer may plant, harvest and sell or store all the wheat he wishes, but wheat sold for primary use must be accompanied by marketing certificates.

7. Marketing certificates are not required for wheat sold for secondary use such as feed, seed, or commercial use.

8. Certificates are valueless unless accompanied by wheat. They are not transferable and are valid at the producer level only for the marketing year for which they are issued.

9. No person shall be allowed to process for food or to export any wheat not covered by marketing certificates.

10. CCC shall not sell any wheat for this primary use at less than 100 percent of the effective parity price. After the program has operated for 1 year, the demand for this primary use will require at least 150 million bushels of CCC wheat, thus the price to producers at the marketplace should approach parity.

11. The CCC inventory of wheat will be reduced in an orderly manner since a substantial portion of the primary use market will come from CCC stocks.

12. Continuation of export subsidies, paid in cash rather than in kind, will be required through the adjustment period.

13. In order to assist in orderly marketing a 75 percent of parity loan would be offered to qualifying producers only on certificate wheat.

14. When CCC stocks have reached a reasonable level, the share of the national wheat requirement for primary use to qualifying producers shall be increased to meet the market demand for primary use.

Analysis of savings in costs between present wheat program and proposed wheat marketing program—Production relationship effects of programs on wheat base acres

[In thousands]

	Present program	Wheat marketing program
1. Wheat base acres	82,000	82,000
2. Wheat acres retired	2,300	15,600
3. Wheat base available for production crops	79,700	66,400
4. Wheat base acres abandoned yearly	5,000	5,460
5. Wheat acres harvested, seed	2,900	3,000
6. Wheat acres harvested for wheat market	47,100	39,000
7. Total wheat base acres used for feed	24,700	18,940
8. Reduction in total wheat acres devoted to feed		5,760
9. Estimated yield per acre 0.8 ton shows net reduction in feed under wheat marketing program produced on wheat base acres (5,760,000 acres × 0.8 tons per acre) tons		4,608

Annual comparison of present program and wheat-marketing program after 1st year of operation

I. Additional annual cost present program:	
A. Net annual change in inventory, 200 million bushels at $1.81	$362,000,000
B. Annual cost storage on above, 200 million at 17 cents per bushel	34,000,000
C. Annual cost interest on above series at 4½ percent	17,820,000
D. Total additional cost, present program and year	413,820,000
II. Annual savings wheat marketing program:	
A. CCC inventory recovery:	
1. 150,000 bushels per year at $2.36	354,000,000
2. Storage on above at 17 cents	25,500,000
3. Interest on above	17,077,500
Total	396,577,500
B. CCC savings on feed grain price support operation:	
1. Savings to CCC from reduced acquisition of feed grains (4.6 million tons at $40 per ton)	184,000,000
2. Storage on above (4.6 million tons × 42 bushels per ton (estimate) = 193.2 million bushels) at 16 cents per bushel	30,900,000
3. Interest on above	9,670,000
Total	224,570,000
Total savings, A and B	621,147,500
C. Cost export subsidy:	
1. Estimated domestic price (farm level) ..... bushel	2.12
2. Export subsidy	.92
3. Export subsidy under present program	.55
4. Net subsidy increase	.37
II. Annual savings wheat marketing program—Continued	
C. Cost export subsidy—Continued	
5. Estimated export ..... million bushels	440
6. Additional cost export subsidy	$162,800,000
7. Interest on above at 4½ percent	7,326,000
8. Total additional export subsidy costs	170,126,000
D. Cost land retirement program:	
1. Acres of land retired of wheat base ..... million acres	15.6
2. On half without rental ..... do	7.8
3. Cost on half at $15	$117,000,000
4. Less cost present program 2.3 million acres at $15	34,500,000
5. Net cost land retirement program	82,500,000
6. Interest on above at 4½ percent	3,712,500
7. Total cost land retirement	86,212,500
Total additional cost C and D	256,338,500
Total savings new wheat marketing program:	
A and B	621,147,500
Total additional cost now C and D	256,338,500
Savings	364,809,000
III. Annual net monetary results of wheat marketing program:	
Additional annual cost present program	413,820,000
Annual saving wheat marketing program	364,809,000
Total	778,629,000

Analysis of reduction of CCC inventory extended for 5 years

[Million bushels]

	Present program		Wheat marketing program	
	Increase	Total	Decrease	Total
I. CCC wheat inventory projection: On hand July 1—				
1961	.....	1,400	.....	1,400
1961-62	200	1,600	80	1,320
1962-63	200	1,800	150	1,170
1963-64	200	2,000	150	1,020
1964-65	200	2,200	150	870

SPECIAL PROVISION FOR PROTECTION OF INCOME OF SMALL GROWERS (15-ACRE EXEMPTION)

Under the general proposal the national marketing quota is divided up among individual farms in accordance with the distribution of each farm's wheat base multiplied by normal yield. The provision for small farmers is designed to maintain this general allocation formula by establishing a fair definition of wheat base as applied to the small grower whose wheat base acreage is less than 15 acres.

1. Establish marketing allotment for all farms on same basis.

2. Producer whose wheat base acreage is less than 15 acres may request an adjustment in his base.

3. Maximum upward adjustment for any such producer would be:

(a) Consider his actual average annual planting of wheat for harvest of immediately preceding 3 years as his readjusted acreage allotment;

(b) Adjusted base would be such actual plantings plus products of the average national ratio of diverted acres multiplied by such average annual plantings of wheat for harvest.

4. The total of the farm marketing quotas required for these adjustments would be added to the original national marketing quota.

5. To protect the market for small producers, Commodity Credit Corporation would be directed to buy not to exceed the quantity of the added marketing quota if the market price should at any time drop below 90 percent of parity.

PROGRAM FOR THE BALANCE OF THE WEEK

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time to inquire of the acting majority leader as to the program for the balance of the week.

Mr. ALBERT. In response to the distinguished minority leader, there is no further legislative business today. Consideration of H.R. 5 has been put over to some future time and will not be considered this week.

Starting tomorrow it is planned to consider the civil rights bill, and it is expected that the House will remain in session Thursday, Friday, and Saturday, probably late into the evening of each day.

Mr. HALLECK. I thank the gentleman.

FOOD STAMP PROGRAM

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RABAUT. Mr. Speaker, in the closing days of the last session the Congress considered legislation permitting the Secretary of Agriculture to establish a food stamp program at his discretion, and this is now Public Law 86-341 which amended and extended Public Law 480 of the 83d Congress.

The Secretary of Agriculture, at his discretion, decided not to comply with the provisions of the law and has so notified the Congress.

On January 27, 1960, Senator HART, of Michigan, introduced S. 2920, a bill to provide for the establishment of experimental food stamp allotment programs. The bill would authorize and direct the Secretary to undertake not less than three nor more than six food stamp demonstration programs in rural and urban areas where there is a substantial labor surplus; it would authorize the expenditure of $20 million for the project and require the Secretary to complete the demonstration programs and report to the Congress by January 1, 1963. Mr. Speaker, today I am introducing a companion bill.

Since the provisions of Public Law 86-341 permitted the Secretary of Agriculture to establish the stamp system only on the specific request of a State or political subdivision thereof, I wish to cite the following resolution adopted by the Common Council of the City of Detroit and submitted to the Department of Agriculture by Mr. Thomas D. Leadbetter, city clerk:

Resolved, That the city clerk be and he is hereby authorized and directed to advise the Secretary of Agriculture that the city of Detroit wishes to participate in the food stamp system, for the distribution of surplus food commodities, provided for in Public Law 86-341, 86th Congress, H R. 8609, September 21, 1959.

H.R. 5, FOREIGN INVESTMENT INCENTIVE TAX ACT OF 1960

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOYLE. Mr. Speaker, H.R. 5 is not timely legislation. My "no" vote on the rule authorizing debate on H.R. 5, the Foreign Investment Incentive Tax Act of 1960, as recommended to us by the Ways and Means Committee under the distinguished authorship of the gentleman from Louisiana, being a proposal

"To amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance," which is the statement in the title of the bill, was made by me, because the closed rule before us eliminated any opportunity to offer amendments to this important bill.

Mr. Speaker, the last couple of years I have had such experiences in the matter of imports and exports and our tariff program, especially as relates to small steel manufacturers in my congressional district, and textile and pottery factories also in my district, I felt it imperative that this bill be subject to reasonable amendment. Let me now make it clear, that, while I recognize that the bill is a tax payment differment bill, it does not excuse taxes nor obviate necessary payment thereof. But, Mr. Speaker, the payment date only comes when, and if, any net profits made under the terms of the bill by American corporations operating in foreign countries brought those net profits back to the United States. This they might never do, but could reasonably pyramid their net profits in the purse of their foreign corporation and operations in foreign nations. Why not?

Let me read you a telegram dated January 27, 1959, to me from the Southwest Steel Rolling Mills in the great 23d District, Los Angeles County. The contents of this telegram tell something of my fixed concern for congressional constituents on account of their being unable, under present law, and present tariff regulations and present executive directives to compete in the U.S. market with foreign imports of certain items of steel, largely imports from Japan.

LOS ANGELES, CALIF., *January 27, 1959.*

Hon. CLYDE DOYLE,
House of Representatives,
Washington, D.C.:

Reference January 20 addendum to bid CIVENG-04—353-59-19 dated December 9, 1958, called by U.S. Army Engineers District, Los Angeles Corps of Engineers, covering Los Angeles County drainage area, California, Santa Anita wash channel improvement, including supply of reinforcing steel. Said addendum announces Government policy of applying Buy American Act clause permitting procurement from foreign sources whenever differential in prices between lowest American bidder and foreign bidders exceeds 6 percent. We understand this announcement was made pursuant to instructions by Department of Defense, Washington, D.C., which is said to have issued similar instructions to other branches of Armed Forces.

Our company which is leading steel bar mill in southern California employing almost 500 people as well as other steel mills throughout United States are already deeply perturbed by alarming increase in imports of steel from Japan and Europe against which the high labor cost in our industry prevents us from competing. Present foreign steel bar prices approximately $40 per ton or about 35 percent below American prices. If above policy of Defense Department carried into effect it will place almost entire supply of steel to our Government in hands of foreign mills, thus barring American steel mills from doing business with their own Government, which they support as taxpayers. The result would be widespread shutdowns and unemployment in our industry.

This would be most disastrous among smaller manufacturers such as ourselves who are small business enterprise to which our Government proposes to give sympathetic consideration. Disastrous results of the crippling of our industry at times national emergency are obvious. Since Buy American Act permits buying from domestic sources, notwithstanding price differential exceeding 6 percent whenever factors of national security and vital economic considerations warrant, we respectfully request you urge Defense Department not to apply above 6-percent rule. We shall appreciate your immediate help and early reply concerning results.

SOUTHWEST STEEL ROLLING MILLS.

Both before and since the date of that telegram, January 27, 1959, I have been benefited by extensive and thoroughgoing information and experiences in the premises, the composite of which compels me to object to this bill in its present form. For instance, whereas my congressional constituents are already outcompeted by Japanese and other foreign imports made by cheap labor under existing controlling regulations and administration policy, this bill, H.R. 5, expressly proposes to allow up to 10 percent of a U.S. foreign corporation, or subsidiary, to import back into the United States up to 10 percent of its products made in a foreign country and by exactly the same cheap labor and operating cost which presently outcompetes the products of my congressional constituents. Too many items, particularly those produced by small and medium sized steel manufacturers in my congressional district, and elsewhere, particularly naming steel bar products, prices for imported steel bar products range from about $40 a ton, or approximately 35 percent below the prices necessarily quoted by the producers thereof in my congressional district and other corresponding small business manufacturers. I speak for the small business producers because those in my district all employ less than 500 employees.

Furthermore, German steelworkers today earn a weekly wage rate less than one-third of our American counterparts and in Japan, industrial wages are about 15 percent of comparable American wages. These are, of course, general figures. For the first 8 months of 1958 relating to imports of reinforcing steel bars showed an increase of 113 percent over the corresponding first 8 months of 1957 for a like period. And, I am informed, the percentage is sharply increasing.

And, here is a letter dated March 18, 1959, to me from the Department of the Army, Office of the Chief of Engineers, Washington, D.C., with reference to their interpretation of the Buy American Act under which it is the present administration to apply policy in such matters as we are discussing:

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., March 18, 1959.

Hon. CLYDE DOYLE,
House of Representatives.

DEAR MR. DOYLE: This is in reply to your letters of January 28 and February 18 on behalf of the Southwest Steel Rolling Mills, Los Angeles, Calif.

The Buy American Act (47 Stat. 1520; 41 U.S.C. sec. 10a–d) requires generally that only domestic construction materials shall be used in the performance of contracts for construction. However, among other exceptions, the act does not apply where it is determined that the use of a particular construction material would unreasonably increase the cost or be impracticable. Executive Order No. 10582, dated December 17, 1954, and Department of Defense Directive No. 4105.22, dated February 21, 1955, provide that the price of materials of domestic origin shall be deemed to be unreasonable if the price thereof exceeds the price of materials of foreign origin by more than 6 percent.

In further implementation of the above, paragraph 6–204 of the Armed Services Procurement Regulation requires the inclusion in invitation for bids for construction of provisions allowing bidders to propose the use of nondomestic construction materials. The regulation further provides that the use of such materials will be permitted if all of the following conditions are satisfied:

(a) The bid specifically designates the nondomestic construction materials proposed for use;

(b) The cost of any available acceptable domestic construction material, delivered at the construction site, would exceed by more than 6 percent the cost of the designated nondomestic construction material delivered at the construction site (including any applicable duty); and

(c) The lowest acceptable bid using only domestic construction materials exceeds the bid designating nondomestic construction materials by more than 6 percent of the aggregate cost of the designated nondomestic construction materials delivered at the construction site (including any applicable duty).

Invitation for bids No. CIVENG–04–353–59–19 issued by the district engineer, Los Angeles, Calif., for construction of the Santa Anita Wash Channel Improvement, Los Angeles County Drainage Area, California, contained the provisions prescribed by the Armed Services Procurement Regulation. The low bid received pursuant to that invitation proposed the use of domestic construction materials only and award was made to such low bidder. Accordingly, foreign steel will not be used in the performance of the contract.

I am hopeful that the information furnished above will be of assistance to you. The telegrams which were forwarded with your letters are inclosed.

Sincerely yours,

J. L. PERSON,
Brigadier General, U.S. Army, Assistant Chief of Engineers for Civil Works.

You will note therein under subdivision b of said letter that it expressly recognizes that they are obligated to purchase construction material wherein the price for the same commodity made domestically in the United States would exceed by more than 6 percent the cost of the designated nondomestic construction material. This, my friends, is in accordance with what is known as the Tallamy directive, the Federal Highway Administrator in the U.S. Department of Commerce, Bureau of Roads, Washington, D.C., dated April 23, 1959. Let me read this directive:

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., April 23, 1959.

Circular memorandum to: Regional and division engineers.

From: B. D. Tallamy, Federal Highway Administrator.

Subject: Materials of foreign origin in Federal-aid highway work.

Restrictions upon materials of foreign origin in Federal-aid highway work may be imposed by State highway departments provided such restrictions do not limit the use

of such materials to any greater extent than is permitted for Federal construction work under the so-called Buy American Act (41 United States Code 10a–d) and Executive Order No. 10582, dated December 17, 1954. The Buy American Act, in substance, prescribes certain preferences for domestic materials, subject to considerations of reasonableness of price and the public interest. Executive Order No. 10532 is designed to effectuate uniformity in the application of the Buy American Act and provides methods for determining the reasonableness of the price of domestic materials in relation to the bid or offered price of materials of foreign origin.

Public roads will not interpose objection to restrictions upon materials of foreign origin (otherwise meeting approved technical specifications) in Federal-aid highway work that are no more stringent than the restrictions applied by Federal agencies in Federal construction work under such act and Executive order. Such restrictions, however, may be imposed only in conformity with the following requirements:

1. The contract specifications or other contract or bidding documents shall clearly inform bidders of the restrictions and identify the particular materials or articles subject to the restrictions;

2. The restrictions may be imposed only upon a material or article that is set forth in the bid or proposal form as a bid item for the furnishing of such material or article (but not including its incorporation in the project) for which a separate bid price is required;

3. If any bidder intends to provide a material or article of foreign origin under any such bid item, he shall be required to indicate this fact in his bid, and he shall not be permitted to furnish such foreign article or material unless he so indicates;

4. The bid or offered price for any such bid item of any bidder offering a material or article of foreign origin thereunder shall be required to include applicable duty and all costs incurred after arrival in the United States, including costs of delivery of the material or article to the place specified in the contract documents;

5. It shall be provided in the bidding documents that for the purpose of comparing bids the total bid price on the contract submitted by any bidder offering a material or article of foreign origin in conformity with the requirements herein shall be increased by an amount equal to 6 percent of the bid or offered price for such material or article; and

6. The contract amount of any contract awarded as provided in the preceding paragraph shall be based upon the bid as submitted, without regard to such differential.

Restrictions presently imposed by State highway departments should be carefully reviewed and, if necessary, revised to conform with the requirements hereof to avoid jeopardizing Federal participation in the projects involved. Public Roads will not approve plans, specifications or other contract document or contract award which is inconsistent with this memorandum.

This memorandum does not apply to State highway departments that do not impose or contemplate imposing in Federal-aid highway work, restrictions upon materials of foreign origin otherwise meeting technical specifications.

The requirements of this memorandum shall become effective only as to any contracts for Federal-aid highway work for which bids are initially advertised or invited on and after July 1, 1959.

A policy and procedure memorandum on this subject will be issued at a later date.

And whereas the last paragraph in this directive states that "a policy and procedure memorandum on this subject will be issued at a later date," I am pleased to read to you a letter to me from the Small Business Administration, Washington, D.C., dated March 4, 1960, and signed by Mr. Philip McCallum, Administrator thereof, indicating that the application of Federal "Buy American" standards to the Federal aid highway program has been again postponed this time until April 30, 1960:

SMALL BUSINESS ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., March 7, 1960.

The Honorable CLYDE DOYLE,
House of Representatives,
Washington, D.C.

DEAR MR. DOYLE: Further reference is made to my letter of February 4, 1960, concerning the application of the Federal "Buy American" standards to the Federal-aid highway program.

I have been informed that the effective date of the application of these standards has been postponed for 60 days from March 1, 1960. The effect of this postponement is to enable the respective States to continue to apply their own "Buy American" requirements to the Federal-aid highway program until April 30, 1960.

Sincerely yours,

PHILIP MCCALLUM,
Administrator.

I herewith present to you the table of steel imports and exports provided by the American Iron & Steel Institute from the U.S. Department of Commerce reports. Said table being crystal-clear evidence of the fact that under the present policy guided by the said Tallamy directive the small steel bar and other small steel item manufacturers similarly cannot survive and continue in a solvent condition:

American metal market—Steel imports and exports—Foreign trade in steel mill products

[Net tons]

	Imports		Exports	
	1958	1959	1958	1959
January	70,833	220,369	326,845	161,375
February	68,085	240,709	241,879	167,586
March	92,196	287,417	263,817	177,901
3 months	231,114	757,555	832,541	506,862
April	114,024	.....	256,943	.....
May	118,094	.....	244,622	.....
June	126,408	.....	163,309	.....
July	171,179	.....	169,345	.....
August	156,666	.....	171,120	.....
September	179,555	.....	180,685	.....
October	200,569	.....	251,410	.....
November	174,611	.....	238,908	.....
December	230,599	.....	169,708	.....
Total	1,702,819	.....	2,687,415	.....

EARLIER YEARS

	Imports	Exports
1957	1,164,516	5,176,289
1956	1,344,000	4,156,747
1955	975,558	3,870,889
1954	787,596	2,659,017
1953	1,674,468	2,907,078
1952	1,185,746	3,918,097
1951	2,178,481	3,051,211
1950 [1]	1,075,329	2,879,860
1949	297,876	4,682,110
1948	151,254	4,354,996

[1] 1950 and earlier figures on slightly higher basis than later, due to changes in classifications.

Source: Compiled by American Iron & Steel Institute from Department of Commerce reports.

Mr. Speaker, the bill now before us is not in contravention, nor does it change a single comma or letter of the present Tariff Act, nor of the Tallamy directive, the application of which is driving manufacturers of small steel out of business in my congressional district and other congressional districts over the Nation. But, it is especially related to the present existing tariff provisions as to steel bar imports, as you have seen, because it increases by 10 percent the right of American capital to produce these very same competing bars in foreign countries and then ship back in competition with American manufacturers and domestically made steel bars. It is a case of American capital going to a foreign country to make more money, but the result is to lower both the numerical volume and the level of living of American labor and, reasonably, to close out and freeze out of existence, altogether too many small business establishments in our Nation. Rather, the appropriate congressional committee should actively and immediately make investigation of the application of the present tariff regulations in this and other areas and bring in a bill changing same consistent with changed economic conditions in the world. There have been such underlying and huge changes in the cost differential between U.S. producers and their more recent competitors abroad that it is time for a restudy and reconsideration of what our tariff policy in such matters should be. This bill proposes to help bring against the U.S. domestic manufacturers even more untimely and unmatchable competition of products made in foreign lands—but primarily with cheap labor.

This bill would further aid American money to go abroad, and then outcompete American domestic manufacturers because of the competitive advantage of shockingly low wage levels in foreign countries and also resulting from the fact that the workers in these foreign countries have not yet achieved any reasonable bargaining power such as we know as collective bargaining. Who can gainsay, that the manufacturers in western and even southern Europe have rehabilitated themselves sufficiently to compete successfully with American products by way of import and foreign made products to the American market in very many instances. And production with such substantially cheaper labor has far exceeded and expanded beyond the prewar levels, so that they are now not only producing their domestic needs and wants, but in many cases outcompeting U.S. producers for commodities we make and use in the United States. No longer can we logically claim the need of expanding foreign markets in order to ship our surplus goods and also as a means of absorbing our surplus production. That condition does no longer hold true in many cases.

Mr. Speaker, while I concede that I am neither qualified as an expert, nor do I claim to be an expert in this area, I do claim that I am aware of my great congressional district in Los Angeles County already being too materially penalized in several cases, because of the existence of the Tallamy directive and the application of our present tariff

policy in the manner in which it is applied. I again repeat that the proposals in H.R. 5, now before us, are closely enough related to our whole tariff policy and regulations and interpretations thereof as put in practice by this administration, so that the enactment of any such policy as today proposed in this bill should be postponed and taken into consideration in connection with a reassessment and restudy of such policies. I recognize and compliment the diligence and desires of our committee to aid American capital to safely and logically invest abroad. I commend the committee chairman and members for their fine presentation today.

NAVY HYDROGRAPHER

Mr. GEORGE P. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE P. MILLER. Mr. Speaker, yesterday I introduced a bill, H.R. 10966, for appropriate reference. The bill seeks to amend section 7391 of title 10 of the United States Code to establish the rank, pay, and allowances of the hydrographer of the Navy.

The purpose of this bill is to increase the rank of the hydrographer of the Navy from rear admiral, lower half, to rear admiral, upper half, and to upgrade the deputy hydrographer accordingly. The bill is consistent in its terms with other legislation involving increased responsibilities in the military services.

Mr. Speaker, until recently we have been guilty of a blindness that, on reflection, is inexcusable. We have been grossly neglectful of the need to develop, as rapidly and as fully as possible, knowledge of the marine sciences. The need is both strategic and economic.

I suppose the oceans have been so close and so familiar for so long that until very recently we have not thought much about them. But the revolution in seapower created by the atomic submarine, and the sound, well-conceived and searching study made by the National Academy of Sciences in the past few years have served to restore our attention to that huge area of the earth that we use so much but about which we know so little—the oceans.

I have had the honor and the privilege of serving on our Armed Services Committee for an appreciable time; more recently, I am serving as a member of our new Committee on Science and Astronautics; and for slightly more than the past year I have been chairman of the Subcommittee on Oceanography of the Committee on Merchant Marine and Fisheries. I mention these things only to show that I feel qualified to introduce and support the bill I have offered today.

In our new appreciation of an old and familiar environment we tend to forget that hydrography has come a long way since the days of that great Virginian, Lt. Mathew Fontaine Maury, over 100 years ago.

An unsung but greatly important part of our Government, the Hydrographic Office has served not only the needs of our Navy but of our merchant marine and, indeed, the shipping of all the world. There is no nation whose ships are without the most recent charts of the Hydrographic Office for their navigation of the seven seas.

Our Subcommittee on Oceanography has carefully studied the activities of the varied Federal interests concerned with the sciences of the sea. The one overwhelming conclusion is that we must learn much more, rapidly and completely.

The Hydrographic Office of the Navy, performing its dual tasks for defense and merchant shipping, is in the forefront of our efforts to unlock the manifold mysteries of the deeps.

Hydro's job is vast. And I believe that as things are today we would be gravely remiss if we do not upgrade this essential and vital organization to the status it deserves, and to assure its ability to carry its increased responsibilities.

H.R. 5, FOREIGN INVESTMENT INCENTIVE ACT

Mr. VANIK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, it was with considerable surprise I learned today of the decision to suspend general debate and the vote on H.R. 5, commonly referred to as the Foreign Investment Incentive Act.

After yesterday's extensive debate, I remain more and more convinced of the impropriety of this legislation and hope that the decision to defer vote on the bill will constitute its obituary.

During the course of debate on this bill, I inquired of its sponsor whether there was anything in this bill to prohibit the subsidiary of an American corporation from continuing operations as a subsidiary as long as it serves its tax purposes, then qualifying as a foreign business corporation for those years when it may present the maximum tax advantage, and then return to its former status for tax purposes as a subsidiary.

The reply I received inferred a presumption in my question that the only purpose in using this bill would be to avoid taxes. This is a wise legislative presumption when revisions of our tax laws are being considered.

As I further study this legislation, I am convinced that it would have created a gaping hole in our tax structure by permitting American corporations with subsidiaries abroad to transfer these assets abroad without payment of the capital gains tax to the U.S. Treasury.

Along with other undetermined corporations, this bill would have resulted in tremendous tax savings to the Singer Co., RCA-Whirlpool, and the Kaiser industries. They are among the many corporations operating abroad under American charter with extensive income producing assets subject to U.S. income taxes.

However, the most glaring objections to this bill from every standpoint are its provisions to permit the deferral of tax on income from branch operations of American banks in foreign countries. It would have provided a unique tax bonanza for the First National City Bank of New York, the First National Bank of Boston, and the Chase Manhattan National Bank.

The bill would have permitted a wide-scale escape from tax on fabulous banking profits, particularly in South America.

It is my understanding that current rates for business loans in Peru call for an interest rate of 20 percent. In Chili, American investment capital can call for a rate as high as 24 percent, while in inflation-weary Argentina, the sky is the limit with some business loans commanding rates as high as 36 to 40 percent. In Brazil the interest is reported to be as high as 4 percent per month.

If American capital abroad is extorting or participating in the extortion of such exorbitant rates of interest to help in the development of South America and other underdeveloped areas of the world, it would be doing this Nation a grave disservice.

H.R. 5 has all the earmarks of being a private bill—for the benefit of a privileged few. It is my hope that this bill will be permanently tabled.

WE'RE STILL ASLEEP ON CBR

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, the whole structure of our Nation's policies in regard to chemical, biological, and radiological warfare has long been of deep concern to me.

I have spoken out before on the grave moral issues which I believe are raised when our supposedly peace-loving Nation builds up vast stockpiles of chemical and biological substances without a single international agreement barring our preemptive use of them.

I also have expressed deep regret that the President and the Defense Department have chosen to shroud the progress of our Nation and Russia in the cloak of secrecy. As a result, our people are uninformed of United States and Soviet potential in the field of CBR, and cannot discuss the moral aspects of the issue in qualified, informed ways.

But even more serious is the fact that the American public is completely in the dark about Russia's capabilities in this field, and knows little about the dreadful effects the most modern developments in CBR warfare could wreak upon a nation.

In short, we are defenseless. Our people have never been told how to defend themselves against these awesome weapons, a full year after the chief of the Army Chemical Corps conceded that upwards of 30 million citizens of the

Soviet Union have been trained in defenses against chemical and biological warfare. In the United States, very few people would be able to cope intelligently with a chemical or biological attack.

Recently the American Chemical Society released a report which it prepared at the behest of the Office of Civil and Defense Mobilization—this request was actually made by OCDM's predecessor, the Federal Civil Defense Administration. The shocking statements contained in this report merit the attention of every American.

In general, the ACS conclusions are meritorious, for they help to focus the spotlight of public opinion and public awareness on this vital and neglected subject.

However, even though the ACS report indicates the urgent need for making the people aware of the strategic menace of chemical and biological agents, I feel that the society endorses a few optimistic conclusions which are totally unwarranted.

For instance, the ACS has reprinted—along with its summary report—a statement from the trade publication Chemical and Engineering News, in which Editor Walter J. Murphy claims:

> There is now better understanding of the extreme urgency to plan better defense against chemical and biological warfare agents. A positive program is at long last under way by the Office of Civil and Defense Mobilization.

Mr. Speaker, if this is true, the American people have not been so informed. And if they haven't been informed, then the program is self-defeating.

For example, the OCDM—at the very time it is arguing the necessity for providing fallout shelters for our citizens in case of nuclear attack—has failed miserably to inform the people of the danger of chemical and biological agents, and the means for personal or family defense against them.

Mr. Murphy also says:

> We are glad to note a shift in Pentagon and State Department thinking, because the American public should know all the aspects of CBR.

This also does not seem true—unless we consider an apparent shift in Army policies toward establishing a position that would permit the preemptive use of CBR agents. And I can't see how this possibly could "protect" the public. The President is not informing the American people. And neither is the Pentagon.

Nevertheless, Mr. Murphy's article and the summary of the American Chemical Society report make thoughtful and worthwhile reading, and I commend them to the attention of the House; and, under unanimous consent, I include them in the RECORD at this point:

[From Chemical and Engineering News, Oct. 19, 1959]

CIVIL DEFENSE AGAINST CBR—SPECIAL ACS COMMITTEE MAKES STARTLING DISCLOSURES IN LENGTHY REPORT

In this issue is a lengthy report of a special committee under the ACS board of directors appointed to investigate ways the society and its members could assist in civil defense planning.

The request to perform such a service came 2 years ago from the Federal Civil Defense Administration (FCDA). It opened a Pandora's box of questions. As a result, there is now better understanding of the extreme urgency to plan adequate defense against biological and chemical warfare agents. A positive program is at long last under way by the Office of Civil Defense Mobilization (OCDM).

Seldom has any ACS committee labored so persistently, diligently, and under more difficult and, at times, more frustrating conditions. Results warrant unlimited praise and gratitude from the membership.

The committee found, as it started to function, that national defense planning had relegated biological and chemical warfare to such a minor role that only passing attention had been given to the problem. The reason is not difficult to find. For years, the State and Defense Departments thoroughly discouraged any real disclosures or discussions on CBR research as conducted by the Chemical Corps. This, despite certain knowledge that the U.S.S.R. was supporting major research programs in these areas.

Excuse given for this heads in the sand policy was an attempt to keep the Soviets from using such information for internal and international propaganda purposes. We have been severely critical of such a policy, for it did not deter the Red Chinese, and it left the American public uninformed. We are glad to note a shift in Pentagon and State Department thinking, because the American public should know about all the general aspects of CBR, as it does about nuclear weapons and space missiles.

We urge every reader to study the detailed report, but if you cannot spare the time, at least read the summary on page 30.

What can be of more immediate importance than developing preparation to nullify possible sudden use of biological and/or chemical agents by an enemy? Complete unpreparedness resulting from ignorance and indifference only invites the enemy to employ such weapons.

With the introduction of bigger and still more powerful atomic bombs, the American public has drifted into an attitude of "What's the use? There's no defense, no escape, if we are forced to trade hydrogen bombs in an all-out war."

But a smart enemy might very well elect to employ weapons which would not leave this and other countries in shambles. A completely devastated nation with millions dead or maimed and with physical facilities destroyed is no prize for any victor.

The work of the ACS Committee on Civil Defense must continue for obvious reasons. It has had to labor in silence, and has wished to be constructive, not destructive. It has not sought sensational headlines, but rather to convince officials of the need for action. The committee feels the time has arrived for the chemical profession to take active leadership in planning and executing, at the community level, a workable civil defense program against biological and chemical warfare agents.

This includes informing the public and overcoming its lethargy. To postpone action further is to run risk of ignominious defeat. We must not keep ignoring facts as though they were only a bad dream.

The excellent work of the committee will be lost unless an aroused and informed public demands action. Many positive steps at the national and local level are in order and the ACS must not pass up this oportunity to serve.—(Signed) WALTER J. MURPHY.

ACS GIVES WARNING ON CBR DEFENSE—COMMITTEE TAKES WRAPS OFF HUSH-HUSH TOPIC, GIVES NOD TO BALANCED EFFORT ON NONMILITARY DEFENSE

The oft-censured U.S. civil defense program gets backing from a new quarter—the ACS Committee on Civil Defense—in a summary report released this week. The committee found glaring weaknesses in the old civil defense program, especially in the areas of chemical and biological warfare. By now, however, the reorganized civil defense unit has responded quickly to the CW-BW problems highlighted for it by the committee.

The committee urges public endorsement and support of the Office of Civil and Defense Mobilization and its CW-BW programs.

The committee originally found, for instance, that:

National defense planning assumptions had relegated biological and chemical warfare to such a minor role that only passing attention had been given to them.

Many of the civil defense staff had not received updated briefings on the possibilities and effectiveness of chemical and biological agents.

Research on defense against BW and CW was lagging. For example, progress in developing an inexpensive civilian protective mask (against all CW, BW, and RW agents that would be inhaled) was inordinately slow.

Meanwhile, the Soviets were quoted as placing high priority on the BW threat, both offensively and defensively. "Biological weapons," they indicate, "are regarded today as more dangerous, not only than conventional weapons, but also more dangerous than atomic weapons."

The quantities of an aerosol needed to carry infective doses of BW agents to humans are fantastically small. A person breathing air with only 1 aerosol particle per liter will take into his lungs at the normal breathing rate 15 such aerosol particles per minute. Those particles, if carrying a virulent BW agent, mean a massive infective dose.

Some of the committee's early criticisms of the civil defense effort were headed off by merger of the Federal Civil Defense Administration and the Office of Defense Mobilization into one agency—Office of Civil and Defense Mobilization. OCDM's delegation of specific responsibilities to other Federal agencies resulted in greater progress since October 1958 than that made over many previous years.

Some of the committee's recommendations to the ACS board of directors have been implemented, such as its request that the Office of Civil and Defense Mobilization brief its top-level staff on the use and effectiveness of modern BW and CW agents. This was done in December 1958, and the committee sees evidence that it has been effective.

Among other recommendations, the committee urged:

Highest priority to research and development on detection, early warning, and rapid identification of BW and CW agents.

At least minimum production of the civilian protective mask as soon as possible after tests are completed, with possible distribution through commercial retail channels.

Declassification of enough BW and CW information to permit education of and discussion among the citizenry of the real threat of enemy attack by BW and CW.

Bringing in an outside research agency to evaluate BW and CW data and suggest means of defense, as has been done with radiological data.

MARKETING PROGRAM FOR WHEAT

Mr. McGINLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. McGINLEY. Mr. Speaker, today I and other of my colleagues have intro-

duced a bill to provide a marketing program for wheat. I consider it to be an effective bill. It will stop the buildup of wheat surpluses. It will systematically reduce present stores of wheat in storage. It will stabilize the producers' income.

The ever-increasing growth of stocks of surplus wheat have two detrimental results. The first is to tie up large amounts of Federal funds in these inventories. The second is to inflame the public generally because of the costs of the wheat problem.

This discrediting of the farmer in the eyes of our urban citizens is creating the implication that the farmer is living luxuriously on a Federal dole and that the farm program itself is the problem. Neither is true. The net farm income of farmers dropped 15 percent during the past year. We must go back to the years prior to 1940 to find a time when the farmer has been in such an unfavorable position comparing his ability to buy with what he gets for his products.

The farm problem is simply that the farmer can produce more than can be sold profitably under existing marketing conditions.

This legislation will establish for the farmer a situation where he will receive somewhat near a just return for his share of the production for which there is an available market—domestic use of wheat and foreign markets.

Under the existing program he never gets a price anywhere near a level that will offer him a fair return on his investment and labor for any of his products; and in addition the cost to the Federal Government rises.

The millions that are being spent are being eroded. The very aim of a Federal farm program is to aid the essential farm industry at a time when it needs assistance. But we have failed if the cost goes up and the farmer's income goes down.

I am convinced that this legislation will put this phase of the agriculture industry back into a manageable condition.

This program will help the wheat farmer, reduce drastically the cost of the wheat program to the Federal Government, and at the same time will not affect adversely any of the other farm commodities.

This program has the strong support of the Nebraska Wheat Growers Association which is a highly responsible organization. Nebraskans have been very active in the development of this program under the leadership of the National Wheat Growers Association.

It has long been my belief and that of the wheat producers of Nebraska that Congress needs the help of an honest appraisal from a commodity group to bring about the best legislation to cure the ills of that particular commodity.

I think that this legislation is proof of that opinion. This bill is an honest bill that will require further sacrifice on the part of the producers. My people accept this responsibility and their acknowledgment of the need for sacrifice before order can again return to agriculture is further proof of their intelligence and integrity.

Mr. Speaker, this program is simple. There will be ample opportunity for my colleagues to learn about this legislation and I would encourage them to take advantage of the chances that will come their way to study it carefully and I am confident that they will join me in their hearty approval of the bill.

H.R. 5

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, this is a strange procedure when we wind up the regular business of the House at 1:10 in the afternoon with H.R. 5 still the unfinished business. I wonder if this is an admission of defeat, or what is it?

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am happy to yield, if the gentleman can shed any light on this strange procedure.

Mr. HAYS. I think the sponsor of the bill is aware of the old maxim that he who fights and runs away may live to fight another day.

Mr. GROSS. I hope the leadership of the House, having arbitrarily suspended action today, will give the Members ample notice before this bill is called up again.

A NATIONAL LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, last week I furnished the Members of this House with some interesting and vital statistics showing the revenues that Government-run lotteries produce in some of our foreign countries.

Today I want to add to that list. I have compiled additional data from other countries which have long recognized and accepted the indisputable fact that the desire to gamble is deeply ingrained in most human beings.

Mr. Speaker, these illuminating reports come from foreign countries where controlled and regulated gambling has resulted in not only pleasure to their people but financial benefit to their treasuries. These are the countries which discovered a long time ago that Government supervision, control and regulation are the only sensible and profitable approach to this entire question of gambling.

Mr. Speaker, while the wheels of fortune continue to spin in almost every foreign nation producing for their governments greatly needed revenues, we, in the United States, allow ourselves to be blinded by an unfounded fear—fear that there is something evil in capitalizing on the gambling instinct of man. How foolish can we get? If there is any wrong in gambling—and we find no condemnation of it in the law of God—it lies in the fact that we permit and allow it to go on unchecked and uncontrolled.

Mr. Speaker, it is about time that we wiped out hypocrisy and started to treat this entire problem with common sense. It is about time we showed some courage and combined the gambling spirit of our people together with the ever-growing need for more revenue.

Mr. Speaker, I hope the revenue figures I have so far given as well as those listed below will help convince this Congress that a national lottery in the United States would not only satisfy the American appetite to gamble but would channel into our Government coffers $10 billion a year in added income.

Last week's figure showed that the gross receipts from government-run lotteries in 17 foreign countries amounted to over one-half billion dollars. In the 10 additional foreign countries listed below, the gross receipts for 1959 were $100,475,602 with the governments receiving $35,038,354. Not bad at all.

Country	Population	Gross receipts	Government's share
1. Argentina	20,613,900	$19,630,265	$10,464,003
2. Belgium	9,144,000	16,800,000	6,000,000
3. Brazil	65,000,000	17,465,000	6,090,000
4. Chile	7,550,000	18,700,000	5,250,000
5. Denmark	4,500,000	6,042,000	280,000
6. Haiti	3,500,000	1,628,800	100,000
7. Netherlands	11,400,000	9,654,204	2,500,000
8. New Zealand	2,343,000	1,677,519	614,961
9. Paraguay	1,728,000	1,363,934	279,738
10. Turkey	26,000,000	7,513,880	3,459,652

NEGATIVE DISCLAIMER AFFIDAVIT IN NATIONAL DEFENSE EDUCATION ACT

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, the controversy over removal or retention of the negative disclaimer affidavit in the National Defense Education Act continues unabated. Those who seek the removal of this ineffective and discriminatory oath cannot understand why its defenders are so adamant. Those who defend it cannot, in all sincerity, I would judge, see why anyone should object to the affidavit. Some valuable light, utterly bereft of the heat this issue usually arouses, is shed by a recent editorial in the Catholic Sentinel, the weekly newspaper of the Roman Catholic Archdiocese of Portland in Oregon. This editorial points out some of the reasons for the removal of this oath and, I believe, helps further discredit the argument that opposition to the oath is evidence of following the Communist line.

Under unanimous consent, I include this editorial in the CONGRESSIONAL RECORD:

LOYALTY OATHS AND THE COLLEGES

On February 18 the Sentinel printed a story which told of St. Louis University's

opposition to the loyalty oath and nonsubversive affidavit required of students seeking Federal loans under the National Defense Education Act. To a casual reader such opposition must seem perplexing. Why should any patriotic American hesitate to attest to the allegiance he owes to his country?

But the administration of St. Louis University and Providence College did not lightly join their objections to those of institutions like Harvard and Yale. Those superpatriotic American Catholics who accused the Ivy Leaguers of merely following the Communist Party line must be somewhat jolted by the actions of these respected Catholic schools. St. Louis is conducted by the Jesuits and Providence by the Dominicans. When these two orders agree on an action it can hardly be considered heterodox.

Now to return to the heart of the matter—the objection to the loyalty oath. Educators consider it an insult to the academic world. Farmers who apply for Government price supports and businessmen seeking Government contracts are not required to swear to their loyalty under oath. If students must take the oath, so should everyone else, which would be ludicrous in the extreme. Picture the long line before the parcel post window during the holiday season as all stamp purchasers stop to take an oath and sign a nonsubversive affidavit. The avowed purpose of the regulation, to stop Communists from receiving Government help, does not take into account the Communist disdain for the truth.

At the same time the two Catholic schools should be commended for not withdrawing from the program, as Harvard and Yale did. As the spokesman for St. Louis pointed out, such a move would deny students free choice in the matter. The actions of objecting institutions have moved Senator KENNEDY to introduce a bill in Congress calling for the repeal of the loyalty oath. The bill has the support of President Eisenhower.

What of those institutions, Catholic or not, which have not objected to the oath? Well, it's still a free country.

THE LATE SENATOR RICHARD L. NEUBERGER

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, it is my sad duty to announce to the Members of the House the passing of my friend and colleague, the junior Senator from Oregon [Mr. NEUBERGER].

DICK NEUBERGER passed away in his home city of Portland, Oreg., this morning. His departure will be a tremendous loss to the State and to the Nation which he served so well for the past 6 years, and in whose service he gave forth every promise of an even more brilliant career in years to come.

DICK NEUBERGER was a many-sided man. His contributions to the culture of the Nation, through his talented pen, were manifold. His contributions to the art of government were numerous. If any one facet of his many-sided character stood out it was his unparalleled and passionate devotion to humanitarianism. DICK NEUBERGER never faltered, never wavered, in his fight to secure public recognition for the public responsibility in the struggle against disease, against the neglect and waste of human resources.

DICK NEUBERGER, as we all knew, suffered greatly in his last year of life from the ravages of cancer. However, his unremitting fight to secure Federal funds and Federal action in the fight against all disease dates back to a time before he was himself stricken. And his own sufferings, his own pain, did not lessen his efforts or stop his dedicated work until the exhaustion of his personal fight against this disease brought to an end his public fight against it. If any man ever gave his life for his country, if any man ever died in the direct line of duty to his fellowman, that man was DICK NEUBERGER. If you would seek DICK NEUBERGER'S memorial go to our hospitals, to our National Institutes of Health, and look at the hope in the faces of men, women, and children who would have no hope today had this man not freely thrown away the energies of his own life in order to help them and to help us all.

To Mrs. Neuberger and to his parents goes our most heartfelt sympathy.

I further ask unanimous consent that all Members of the House be given 5 days in which to revise and extend their remarks in regard to Senator NEUBERGER.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I join the distinguished gentlewoman from Oregon in this word of tribute to the late great Senator from her State. Senator NEUBERGER was an outstanding American, a man of tremendous talents in many fields, a man who, though he had attained outstanding achievements in his life, was still in the prime of his life when he left us. For several months he struggled against the ravages of diseases that ultimately struck him down, but during that struggle he gave, I think, more to the matter of fighting for better health standards, as the gentlewoman had said, for all mankind, than he did to his own physical well-being. Our country has lost a distinguished statesman. I join the gentlewoman in this expression with respect to his life and his service, and in so doing I know I express the sentiments of all Members of the House.

Mrs. GREEN of Oregon. Mr. Speaker, I yield to the gentleman from Oregon [Mr. ULLMAN].

Mr. ULLMAN. Mr. Speaker, it was with a deep sense of shock and grief that I learned this morning of the death of Senator NEUBERGER. His death is a great and irretrievable loss, a tragic loss, not only to the State of Oregon but to the Nation. He was one of the most able spokesmen, gifted as very few others in expressing the sentiments and the ideals of the country that he loved so much. Senator NEUBERGER'S writings and also his legislative achievements constitute a lasting monument to his memory.

Having been stricken with cancer in 1958, he fought with great courage and was able to overcome this dread malady, returning here to continue with his legislative duties. He came back dedicated to wage a battle against cancer and disease, to fight against needless suffering of unfortunate people now and in the future.

Senator NEUBERGER was an outstanding conservationist. As a fellow member on the National Outdoor Recreation Resources Review Commission, I want to say that his contributions in that body were great. He was the spokesman for millions of Americans who love the great outdoors.

Senator NEUBERGER'S death is a great loss to all of America. To Mrs. Neuberger and to the family, I extend my deepest sympathy in this sad hour of bereavement.

Mrs. GREEN of Oregon. Mr. Speaker, I yield to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, I want to join with the distinguished gentlewoman from Oregon [Mrs. GREEN] in expressing sincere regret over the sudden passing of Senator RICHARD NEUBERGER. It was truly shocking to read in the morning paper of his being stricken and then on a newscast at breakfast time to hear that the attack had been fatal.

DICK NEUBERGER, prior to his being a Member of the U.S. Senate, was known as an author. But actually, although his fame was as a successful writer, I think most people viewed him as a crusader and I think his career as a legislator was the same. He had a burning desire to convert others to the several noble and high causes that filled his heart and mind.

Naturally, my State of Washington and the Senator's State of Oregon have a common interest in many legislative programs. Thus, DICK NEUBERGER and I often had the same interests and matters of concern and while I embrace a different political philosophy and I would not say our views on legislation were the same, nevertheless as I knew him better I increasingly came to respect the Senator's courage, integrity and unselfish motives. His energy and ability were boundless and certainly he deserved to become a national figure, which he was, and an outstanding man of our time.

Mr. Speaker, I come from the Northwest where DICK NEUBERGER was an extremely well-known political figure, a sort of legend. We, of Washington State, recognize that in his passing our sister State of Oregon has sustained a severe loss. The common cause of the Pacific Northwest will suffer in many ways. It has lost a strong advocate.

Civil rights and civil liberties, conservation, better ethics and better government, these were what the Oregon crusader unceasingly sought and the highest tribute I can pay our departed friend is that no word of mine or of anyone will so eloquently memorialize DICK NEUBERGER as will his own words and accomplishments in the records of our time.

In joining the gentlewoman from Oregon [Mrs. GREEN] in expressing sorrow, I would not want to close without extending to Mrs. Neuberger my deepest sympathy.

Mr. METCALF. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield.

Mr. METCALF. Mr. Speaker, I join my colleagues in expressing our sorrow and regret at the passing of Senator NEUBERGER. The late Senator loved the

district in Montana that I represent. Together with the Senator, I have gone over the Lewis and Clark trail about which he wrote so much and about which he knew so much. He would sit on those high mountain peaks dividing the States of Montana and Idaho and tell of how he felt about Montana and the whole great Northwest.

Mr. Speaker, as it has been so eloquently said here before, his loss is not only a loss to the State of Oregon as a Senator representing that great State, but the Nation has lost a historian and a writer and an ardent conservationist, in the tradition of Theodore Roosevelt, Gifford Pinchot, and George Norris.

He was an effective spokesman for the wilderness bill, for public power, for health and welfare programs, including increased funds for the National Institutes of Health and research into the cause and cure of cripplers and killers such as cancer and heart disease. He sponsored legislation which established the medical insurance program for Federal employees. As chairman of the Indian Affairs Subcommittee he was tireless on behalf of the first Americans.

Mr. Speaker, I, too, extend my deepest sympathy to Mrs. Neuberger and want to express the special regret of the State of Montana at the loss of one of our adopted sons.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, today a man young in years, but truly mature in outlook and understanding, has left us. The untimely passing of Senator RICHARD NEUBERGER is a personal loss for many of us.

His State and his Nation have lost one whose devotion to public duty and his overpowering and abiding faith transcended personal pain to the degree that he was able to overcome the scourge of cancer, only to be taken by a stroke.

DICK NEUBERGER's public record will proudly stand for all to see. But more important, I think, is the record of human and inspiring courage he displayed, a courage that has given hope and comfort to others afflicted with pain or disease.

Today we bow our heads with sadness, for we have lost a friend—we have lost a colleague. In expressing deep feelings of sympathy to Maurine Neuberger, I know every Member of Congress and her many friends wish her Godspeed in adjusting to the loss of a dear husband—a courageous man.

Mr. Speaker, DICK NEUBERGER loved life; he loved people. I can think of no better tribute to his memory than the fulfillment of his efforts to lick the problem of cancer so that in the days to come precious life will not be threatened by this vicious disease. Indeed, his death, caused by a cerebral hemorrhage, also reemphasizes the need for greater effort in all phases of medical research.

I am sure that the fulfillment of man's dream of life without disease and pain, a dream which someday will become reality, will serve as a shining tribute to men such as DICK NEUBERGER.

No man could ask for a more lasting tribute. No man would deserve it more.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on the life and service of the late Honorable RICHARD L. NEUBERGER.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MACK of Washington. Mr. Speaker, Senator RICHARD NEUBERGER, of Oregon, who died today at the all too early age of 47 was an earnest, sincere, and diligent lawmaker of great courage in fighting for the principles in which he believed.

The Senator was a lifelong student of governmental and of social problems. His interests were wide and varied. No problem which seemed to him to affect the well-being of citizens was too little or too big for him to tackle. His years of writing experience gave him a clarity of expression that enabled him to win many a battle for programs and policies in which he believed.

Mr. PORTER. Mr. Speaker, the Congress and the Nation lost an exceptionally, truly able, humble, and extremely hard working servant when RICHARD L. NEUBERGER, the junior Senator from Oregon, died of a cerebral hemorrhage this morning in Oregon.

DICK NEUBERGER was that rare combination of keen observer and effective participant. He understood and he believed in our political processes. His knowledge on public issues was incredibly broad.

He was an acknowledged authority in the areas of conservation, public power, public health and research, and many others.

I leave now to attend his funeral in Oregon. His spirit and his intellectual contribution have left us all in his debt.

To his wife, Maurine, and to his parents, go our deepest sympathy. Oregon will long honor the works and memory of DICK NEUBERGER, a public servant whose dedication to his duties led to his death at the age of 47.

Mr. BLATNIK. Mr. Speaker, I was shocked and deeply saddened to learn of the sudden passing of one of the Nation's most able and distinguished leaders, the junior Senator from Oregon, RICHARD NEUBERGER.

DICK NEUBERGER came to the Senate of the United States 5 years ago. His training and experience had prepared him well for the arduous task of representing the people and the area he loved so well. With little regard for his own personal health and well-being he worked at his job and now leaves a proud heritage and an enviable record of public service.

DICK NEUBERGER's life and career was in the great tradition of American liberalism. His was not the doctrinaire, cut-and-dried liberal, but rather an independent, thoughtful human being who felt compassion for his fellow man and a sense of duty for the betterment of his country and the world.

His unfailing support of measures to conserve and protect the Nation's great natural resources places him with the Norrises, La Follettes, and other great Senate fighters and protectors of the public domain. Few men in public life had so sincere and deep a feeling for the outdoors and America's natural beauty and resources. He did not just talk about the subject, he knew it as well as any man living. His treks along the Lewis and Clark trail and other historic routes in the Pacific Northwest that he loved so much are legendary. He will be sorely missed by us all.

I want to take this opportunity to extend heartfelt condolences to Mrs. Neuberger in this hour of sorrow. We share her grief at the loss of a man of whom it can truly be said, "He walked in the midst of his people."

Mr. NORBLAD. Mr. Speaker, I join with my colleagues in expressing my grief over the passing of Senator NEUBERGER.

I had known DICK NEUBERGER since we were students in college in the early 1930's and I have always considered him to be a good personal friend of mine. While we, of course, belonged to different political parties and, accordingly, our political thinking was dissimilar on many issues, nevertheless, we were able to work together very closely on many of the matters that came before the Congress in the last 6 years affecting the State of Oregon. On a number of occasions we conferred on matters involving our State, introduced legislation thereon, and succeeded in having it favorably enacted.

I want to particularly express my sympathy and sorrow to his widow, Maurine, who was a very devoted wife, and even more so in a true sense of the word a realistic helpmate during his campaign for the U.S. Senate and during the years he served here.

Mr. RHODES of Pennsylvania. Mr. Speaker, I join in expressing my deep sorrow over the passing of the distinguished junior Senator from Oregon, Mr. NEUBERGER.

Seldom has any Senator made such a brilliant record of accomplishment during his first term. Senator DICK NEUBERGER was an outstanding writer and one of the foremost students of the history of the Northwest. An ardent conservationist and expert on hydroelectric power projects, he applied all of his many talents to the complex legislative tasks which confront every Senator. In so doing, he became an outstanding legislator and won the respect and admiration of his colleagues in both the Senate and House of Representatives.

Suddenly afflicted with cancer, Senator NEUBERGER endured extended treatment, and by the courage and persistence which characterized his life, fought his way back to health and again took his place on the floor of the Senate. His writings of his experience with the dread disease gave inspiration to others similarly stricken.

Upon his return to the Senate, Senator NEUBERGER renewed his efforts to step up Federal participation in cancer research activities of the National Institutes of

Health to hasten the day when a cure for the disease may be discovered.

He was a man dedicated to the preservation of our priceless resources and was always in the forefront in the fight for sound conservation measures. In every field of legislation in which he participated he was vigilant in his efforts to safeguard the public interest. DICK NEUBERGER will be sorely missed in the crucial days ahead. Mrs. Rhodes joins in extending our deepest sympathy to his devoted wife, Maurine, who so closely shared his political philosophy and his aspirations.

Mr. RIVERS of Alaska. Mr. Speaker, the sad and untimely death of my good friend, Senator RICHARD L. NEUBERGER, leaves me with a deep sense of personal loss. It is tragic indeed that one so young, with a past that was great but a future greater still, should be taken from us and that we should be so deprived of his leadership, his wisdom, and his shining courage. My wife, Martha, and I extend to his widow, Maurine, our heartfelt sympathy with awareness, however, that his qualities of greatness will continue to inspire her.

DICK NEUBERGER'S death does not bring a family sorrow alone—there is an unbridgeable void in our lives—our Nation has lost an outstanding statesman, one of her most dedicated sons; his own State of Oregon, a great Senator; the State of Alaska, a good friend; the people as a whole, a leading exponent of their causes, their hopes, their dreams; the literary world, a voice of conscience and great talent. His voice is silent, his pen is still, but to those of us left behind he bequeathed the inspiration of his high courage and integrity. He was a gentle and kind and tolerant man who believed unerringly in the democratic principles of our Government and unfailingly in the fundamental rights of mankind. He was a true "liberal" in the full sense of the word.

From his early days at the University of Oregon, DICK NEUBERGER could always be found out in front fighting for good causes, regardless of their current unpopularity, or prevailing complacency. He was a man of basic wisdom with the courage of his convictions. He was a champion of the underprivileged, a passionate believer in democracy, a true American.

We in Alaska who have at long last found our place among the society of States will forever be grateful to him for his steadfast support of statehood. He was one of the early advocates of statehood for Alaska and likewise for Hawaii. He would, of course, be such an advocate for he lived by and worked for the ideals he so eloquently expressed. During the construction of the Alaska Highway by the military during World War II, he lived among us, worked with us, wrote about us, understood our endeavors, and left with us an even greater appreciation of our beautiful and bountiful State than we had had before—a richness that stretches before us in a never ending progression. To all of us he brought into sharp focus the problems of the Northwest in such perspective that we cannot but be blind to reality if we do not continue his good fight to preserve for posterity some of that beauty of mountain and stream and forest that was so much a part of RICHARD NEUBERGER, the man; RICHARD NEUBERGER, the American.

While he sleeps peacefully in his beloved Northwest, I should like to think he is doing so beneath stately trees he loved so much, and in the shadow of towering mountains marked with all their splendor and natural beauty. He has left us poor with his passing, but indeed we are rich for having known him, having worked with him, and having been inspired by him. Our loss, but Heaven's gain.

Mr. REUSS. Mr. Speaker, I join with my colleagues across the Nation in expressing my deep sorrow at the death of Senator RICHARD L. NEUBERGER, and my sympathy to Maurine Neuberger. The thoughts of Mrs. Reuss and I are truly with her.

DICK NEUBERGER was a remarkable man—a great Senator and statesman, a prolific writer, a man of deep human insight and compassion, a close friend and legislative partner.

It was my privilege to work often with Senator NEUBERGER. No one was more dedicated to the conservation of all our Nation's resources than he, and I was proud to be associated with him in this great cause. He fought wholeheartedly for the interests of the Klamath Indians of Oregon—and when we had some difficulty guarding the interests of the Menominee Indians of Wisconsin, he helped us out, too. In fighting for adequate health and medical research programs, in enacting billboard regulation, in many other endeavors, it was a pleasure to be allied with DICK NEUBERGER.

Most recently, Senator NEUBERGER joined me in introducing a bill looking toward the establishment of a Point 4 Youth Corps, to enable young Americans to serve our country and help the peoples of other nations in technical assistance missions in far-off lands. DICK NEUBERGER'S sponsorship of this legislation was typical of his deep interest both in young people and in America, showing to the world our sincere dedication to peace and friendship.

We in the Congress have lost an inspiring friend, and the Nation has lost a brilliant son.

Mrs. GREEN of Oregon. Mr. Speaker, in view of the fact that others of our colleagues have previously obtained special orders to address the House today, I shall at the proper time, following the conclusion of such special orders, offer a privileged resolution that the House adjourn out of respect for the late and distinguished Senator from the State of Oregon, Hon. RICHARD L. NEUBERGER.

H.R. 8601 CONSTITUTES A FEDERAL CONTROL ACT OVER STATE RESPONSIBILITIES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Georgia [Mr. BROWN] is recognized for 30 minutes.

Mr. BROWN of Georgia. Mr. Speaker, H.R. 8601, which bill will be brought up tomorrow, if enacted, would constitute a Federal control act and would bring into question the ability, integrity, and official conduct of all State authority relating to education, elections, and law enforcement. This bill goes further in the direction of centralized Federal control of State affairs than any proposal which has been seriously considered by the Congress since reconstruction days.

H.R. 8601 has as its main purpose the promotion of integration through Federal supervision and control of State responsibilities, and contains six titles. Title I would impose fines of up to $1,000 or imprisonment for up to 60 days, or both, for impeding rights or interfering with the performance of duties of courts of the United States in the admission of persons to public schools. Title II would impose fines of not more than $5,000 or imprisonment of not more than 5 years, or both, for travel in interstate or foreign commerce to avoid prosecution for willfully attempting to damage by fire or explosive any public or private building or structure, or to avoid giving testimony in any criminal proceeding relating to any such offense.

Section 301 of title III would require election officers to preserve primary and election records for 2 years where there are votes for President, Vice President, presidential elector, Senator, or Representative. This would include any application, registration, payment of poll tax or other requisite to voting. Officers and custodians could be fined up to $1,000 or imprisoned, not more than 1 year, or both, under this section. Section 302 would impose the same fine and imprisonment upon an officer or custodian who alters, destroys, conceals, or steals any records. Sections 303 and 304 of title III would require that such records be made available to the Attorney General by officers or custodians for inspection or reproduction at their offices or at some distant office of the U.S. district attorney in the district where such records are located. Section 305 would permit the Attorney General to disclose such records to the Congress, congressional committees, governmental agencies and to courts and grand juries. This would apparently authorize the Attorney General to obtain such records from State and local officials for the benefit and use of the misguided Civil Rights Commission. Section 306 would authorize the United States to compel the production of records. Section 307 of the bill makes it clear that the term officer of election in the bill applies to any State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage performed in connection with any application, registration, payment of poll tax or other requisite to voting in any election or primary at which votes are cast for President, Vice President, presidential elector, Senator, or Representative.

Title IV would extend the life of the Civil Rights Commission for a period of 2 additional years and provide for more reports of the type and variety which have previously served to promote preconceived social ideas and to create racial strife rather than to carry out factfind-

ing responsibilities. Title IV would authorize each member of the Civil Rights Commission to administer oaths or take statements of witnesses under affirmation. This title would also grant the Civil Rights Commission the unusual and exceptional authority to appoint personnel without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended, rather than to make such appointments in accordance with civil service and classification laws.

Section 501 of title V would authorize the Federal Commissioner of Education to make arrangements for children of the Armed Forces on active duty, residing on or off of Federal property, where schools that usually provide free public education for them are made unavailable by official action of the State or local governmental authority and no local public educational agency is able to provide them with free public education suitable to the Federal Commissioner of Education—not including the acquisition of land, erection of facilities, interest or debt service. This determination would be left solely to the Federal Commissioner after going through the formality of consulting with the appropriate State educational agency. Section 501 would authorize arrangements for the new category of children with the head of the Federal department or agency having jurisdiction over the parents of some or all of the children.

Section 502 of the bill would authorize the Federal Commissioner of Education to acquire possession of any school building constructed with the aid of Federal funds when the local educational agency which owns the building is no longer using it for free public education and the Commissioner needs the building to provide education for children of military personnel or for other children who reside on Federal property. The Commissioner would decide what rental fee to pay for the non-Federal cost of constructing the building. Section 502 would require local educational agencies, in making application for Federal school construction funds, to assure that the facilities will be made available to the Federal Commissioner of Education in case the schools are not being used to provide free public education.

Section 502(b) would amend Public Law 815 which authorizes the Federal Commissioner of Education to make arrangements for constructing or otherwise providing school facilities for children of the Armed Forces on active duty. Section 502(b) of this bill would authorize the Federal Commissioner of Education to build school buildings or otherwise provide school facilities on a temporary basis, and these school buildings could apparently be constructed on Government installations or off of Government installations for children of members of the Armed Forces residing on Government installations or off of Government installations. The only requirements for embarking upon a vast Federal school construction program with the use of Government funds would be a determination by the Federal Commissioner of Education that free public education is unavailable as a result of official State or local action after going through the formality of consulting with such agency as he considers to be the appropriate State educational agency. The Federal Commissioner of Education and the Secretary of Health, Education, and Welfare could presumably make use of this provision to force integrated schools into communities off of Government installations in furtherance of their preconceived ideas on the creation of a new society.

Section 502(c) of the bill would authorize the Federal Commissioner of Education to take possession of facilities constructed with the aid of Federal funds under Public Law 815 if not being used for public education as minimum facilities for children of Armed Forces personnel on active duty. The payment of rental would be within the judgment of the Commissioner, and could include only the non-Federal share of the cost of construction, adjusted to take into consideration depreciation and such other factors as the Commissioner deems relevant.

The proponents of so-called civil rights legislation repeatedly request new laws without stating their ultimate goals or objectives. Yet, such laws are not needed, are unworkable, and are opposed by the areas most directly concerned. The proposed mislabeled civil rights legislation is being directed at the South in an election year for political gain. Press reports indicate that as there has been accelerated activity relating to these proposals in the Congress, there has been a corresponding increase in racial tension. The Congress is the last remaining branch of the Government offering a possibility of substituting reason for the disorder and confusion which has resulted from the opinions of the Supreme Court and from actions to promote integration within the executive branch of the Government through the utilization of unlimited resources supplied by the taxpayers.

The Supreme Court invaded the legislative field by writing language into the Constitution which did not exist. The executive branch of the Government has engaged in activities which extend beyond their statutory authority and they have sought to enlarge on the language contained in the Supreme Court decisions. The courts have invaded the legislative field and the Congress is being asked to adjudicate.

Our State and local schools are very close to the hearts of our people. This bill would give to the Federal Commissioner of Education authority to constantly interfere in the orderly construction and operation of local schools. Yet, the Federal Commissioner of Education serves under the Secretary of Health, Education, and Welfare. I have previously pointed out that last year the Secretary of Health, Education, and Welfare expressed the belief to the Judiciary Committee that if the Federal Government would make provision for assistance on integration, the States would increasingly turn to the Federal Government and ask for assistance. While acknowledging that his recommendations would raise some constitutional issues, he stated that what he wants to do is to put the executive branch of the Government in a position to give affirmative help and assistance to school districts that have started to move in the direction of integration.

Under this bill the local election officials, who receive little if any compensation, would be placed under the constant threat of fine and imprisonment and subjected to the humility of carting their records to the office of the U.S. district attorney upon orders of the Attorney General. If the Attorney General elected to do so, these records could be turned over to the Department of Health, Education, and Welfare or the misguided Civil Rights Commission to be used in furtherance of their preconceived ideas for a totally integrated social order. The bill would further ignore the past record of the Civil Rights Commission by authorizing the appointment of personnel without regard to the provisions of the civil service laws and the Classification Act of 1949. The granting of such an exception to this Commission to the exclusion of other Government employees cannot be justified. The press has already reported that a staff member of the Civil Rights Commission recently attended a night strategy meeting with private organizations on the strategy to be followed in advancing Negro voting rights. Yet, the Commission was set up as a factfinding body.

There could be no better way of restoring a proper balance between the States and the Federal Government than to abolish the Civil Rights Commission rather than to extend its life under the provisions of the bill. This Commission has advocated radical proposals; failed to function as a factfinding body; operated beyond the scope of its authority; engaged in social experimentation; and based its determinations largely upon opinions, hearsay, professional polls, authors' views, and quoted statements. There can be no doubt that America has more to fear from the operations of the Commission than from the imagined ills the bill proposes to correct. The abolishment of the Civil Rights Commission would serve notice that increased emphasis is being placed on good will rather than the use of force. I know of no person in the 10th District of Georgia who has not been able to vote because of his race or color, and the entire testimony before the Judiciary Committee sets forth no justification for the drastic measures contained in this bill. There are now adequate laws and enforcement procedures to guarantee voting rights of all citizens.

The Federal Commissioner of Education should not be given authority to seize control of local school buildings for the use of any group. If the Federal Government wishes to lease or buy public school buildings or other property from a State or local government, the Federal Government has the opportunity of negotiating for such lease or purchase. This is the manner in which military procurement programs generally operate, and the States and localities should not be placed in a position which is inferior

to that of other parties contracting with the Federal Government.

In addition, the Federal Government should not be given the right to require that the States and localities turn over State or local school buildings to the Federal Government as a condition to obtaining a just and fair share of construction funds. Not only does such procedure constitute an unwarranted interference in local school matters, but this bill would set up the Federal Commissioner of Education as the sole judge and jury. It might be pertinent to inquire whether there are to be any similar restrictions on funds expended for construction under foreign aid. The Federal Government should never be permitted to dictate to local schools because of any use of Federal funds for school purposes, or to build integrated Federal schools in local communities.

All of us are interested in apprehending any individuals who participate in the bombing of churches, homes, business establishments, or other buildings. However, it is my understanding that there are close working arrangements between the FBI and State enforcement agencies. Law enforcement can be carried out to better advantage at the local level with the opportunity of requesting assistance when needed. This matter appears to be unrelated to other portions of the bill, provides the opportunity for unwarranted Federal interference in law enforcement, and there has not been an indication of a need for such provision from within the States.

The Congress should defeat this proposed legislation and thereby serve notice that the Congress will not pass special class legislation; that schools, voting, and law enforcement must operate at the local level without Federal interference; and that under our system of constitutional government there are certain basic rights which are reserved to the States. The defeat of this bill would further recognize that State and local officials are not less honest, are not less sensible, are not less just, and are not less concerned than Federal employees. It is with the deepest sincerity that I urge the defeat of this proposed legislation.

SUBCOMMITTEE ON UTILIZATION OF MANPOWER OF THE COMMITTEE ON THE ARMED SERVICES

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Utilization of Manpower of the Committee on Armed Services be permitted to sit during general debate for the balance of the week.

The SPEAKER pro tempore (Mr. McSWEEN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

H.R. 5—LEGISLATION TO EXPORT EMPLOYMENT—SOMETHING WE CAN EASILY DO WITHOUT

Mr. STRATTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, I am delighted to learn from the gentleman from Oklahoma [Mr. ALBERT] that the leadership of the House has decided to withdraw H.R. 5, the so-called Foreign Investment Incentive Act of 1960, which was debated at some length in this Chamber on yesterday and to which so much substantial opposition has developed.

I believe that this is a most wise decision and one which will find favor with a majority of the Members of the House.

No one, of course, could quarrel with the objective of trying to replace our substantial overseas foreign aid commitments, made at the taxpayers expense, with private trading arrangements based on individual transactions rather than payments from the public treasury. But the fact of the matter is that in recent months men and women across the country who never concerned themselves with foreign trade or foreign investment have become increasingly aware of the one blunt fact that in encouraging American firms to invest abroad we are also quite frankly exporting employment.

Firms which only yesterday were producing goods in this country, not only for the American market but for the foreign market as well, in American factories and shops as a result of the labor of American employees, are today closing down, throwing American workers out onto the unemployment rolls, and moving abroad to produce the same goods with cheaper foreign labor at reduced foreign rates. Whatever such moves may do for the foreign countries involved or for the American companies who undertake them, they are only disastrous blows to the working men and women of America and they contribute substantially to our already staggering unemployment problem, and spell danger and disaster for our economy as a whole.

This is a problem with which the people of my district, Mr. Speaker, have been familiar and about which they have been complaining for many years. One glove factory after another in Fulton County, New York, in my district, has closed down and its operations have been transferred to Puerto Rico or to the Philippine Islands or to Hong Kong, where the same products are manufactured under substandard conditions and with substandard wages while men and women in Gloversville and Johnstown walk the streets out of work and the community is listed as the No. 1 chronic unemployment distressed area in the Empire State of New York. This situation, as I say, has gone on for many years in my district. But more recently other companies in other areas have begun to take similar action, and so the threat of low-wage, low-cost foreign competition has begun to be felt in sizable proportions in almost every corner of our land, as yesterday's debate clearly demonstrated.

How can anyone aware of these serious economic problems in our own borders support legislation whose purpose is to make it easier for American firms to give up their responsibilities at home and shift their production base to low-wage areas abroad? And yet this, frankly and admittedly, is the purpose of this legislation, as its very title implies. Oh, of course, I have heard the distinguished gentleman from Louisiana [Mr. BOGGS] tell us that the bill would not extend its tax privileges to firms exporting more than 10 percent of their produce back to the United States. But this stipulation does not prevent these firms from manufacturing their goods for the foreign market, goods which only a few short weeks before were being manufactured in American factories with American labor and under American wages and working conditions. Nor does it prevent these firms from selling the goods manufactured in their American-owned firms to some foreign subsidiary and then having that foreign subsidiary sell not 10 percent but all of its inventory in the American market. And the provision of the law to which the gentlemen so eloquently referred does not in fact prevent an American firm from continuing to set up as many additional foreign subsidiaries as it may desire to set up to get away from the 10-percent provision even if this legislation were enacted.

Mr. Speaker, it is time for us to face up to the serious problems which confront American communities as a result of differentials in wages and working conditions between our country and countries abroad. Surely legislation that would encourage American manufacturers to leave this country and leave behind them a growing wake of unemployment is not the kind of legislation that is needed in America or should be considered by Congress at this time.

I have joined vigorously in opposing H.R. 5 and I am delighted that the leadership has recognized the validity of our position and has withdrawn the bill.

NORTHERN CONGRESSMEN WANT CIVIL RIGHTS BUT THEIR CONSTITUENTS DO NOT WANT NEGROES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Mississippi [Mr. WILLIAMS] is recognized for 60 minutes.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include extraneous matter and tables.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, the time of the year has come once again when the cause of politics must be served; the annual fiasco of trying to curry favor with minority-bloc voters is scheduled for later this week. Once again, the good people of the Southern States will be subjected to the usual barrage of vituperation, lies, slander, and other malicious outrages. They will be held up to the world as human beasts who bloodthirstily prey upon innocent Negroes because their skin happens to

be dark. The Negro will be praised for everything good ranging from the discovery of America to sending rockets around the sun. Radio commentators, newspapers, and television will resurrect the body of that old murderous fiend and crackpot, John Brown, for purposes of deification, and modern plagiarisms of "Uncle Tom's Cabin" will play to standing room only audiences throughout the Northern States. Southern Negro rapists will suddenly become the heroes of the hour. In all this, of course, the white people of the South will be cast in the role of arch villains serving the cause of evil, sin, and the Devil. We will be called the Bible belt and our religious beliefs will be held up to scorn.

"Civil rights" will be the battle cry, but civil wrongs will be the objective. Not a single so-called civil rights advocate will dare mention the words "civil responsibilities." Practically every politician from Maine to California will be weeping bitter tears over the plight of the "poor" southern Negro. With the help of the White House—through its spurious and trumped up Civil Rights Commission propaganda and the Attorney General's resurrected Reconstruction laws; with the help of a political Supreme Court reverently paying obeisance to its sociological messiah, Gunnar Myrdal; with the help of both major political parties selling their political virtue for Negro bloc votes, the South may expect nothing less than to be drawn, quartered, and cast as bait to the political wolves.

Because this bill, the so-called civil rights bill, is one of the most revolutionary pieces of legislation ever to confront the U.S. Congress, I think it well that Members of this body should acquaint themselves thoroughly with the provisions of this crime against the Constitution. Furthermore, the American people have a right to know what is going to happen to them following its enactment. In this, I am directing my remarks primarily to the people of the States outside the South, for it is they who will feel the real and disastrous effects of passage of this bill.

It is not my purpose here to discuss the provisions of the legislation itself; that will be done later when the bill is before us for debate. Rather, I want to discuss some of the chaos that will follow its enactment, not so much in the South, but in the other States of the Union who apparently believe themselves far removed from the problem.

Mr. Speaker, until 20—even 10—years ago white and Negro citizens lived together in the Southern States in complete harmony and understanding. Never during my lifetime had I heard of anything approaching mass racial friction, except for an occasional report of a race riot in some far-away northern city such as Cicero, Ill., or Detroit, Mich.

During the past 20 years a determined drive has been under way in the State of Mississippi and our sister Southern States, still feeling the economic pinch from reconstruction days, to give full meaning to the doctrine of "separate and equal" by providing Negro citizens with school and other public facilities equal to or better than those enjoyed by our white citizens. The Southern States were steadily and surely accomplishing this objective, even though it meant tremendous sacrifices on the part of the white citizens who were saddled with a disproportionate share of the tax burden for its cost.

During this period of time, southern Negroes were happy and cooperative toward the end that the common interests of both races be served. The Negroes realized that the burden of going forward, of footing the bills, of planning for the future, rested entirely on the shoulders of their white neighbors, and they were secure in the knowledge that they were being given an opportunity to develop their own race. Their dignity as a race was recognized, and they were rapidly developing a pride in the accomplishments of their people.

Suddenly, on May 17, 1954, the sharp dagger of a politically inspired, irresponsible and illegal Supreme Court decision was thrust into the vitals of the South, undoing in the twinkling of an eyelash all the good that had been accomplished in the last 75 years in the field of race relations. Just as suddenly in its wake, out of the North swooped down the buzzards of a 20th century reconstruction, licking their beaks, and hoping to fill their political bellies on the flesh of a prostrate South. There came the Communists, the professional agitators of the NAACP and their cohorts, the political plunderers and opportunists, and every conceivable form of carpetbag racketeer, looking for a share in the spoils. Just as in the days of reconstruction nearly a century ago, they found ready and willing allies in a little handful of scalawag journalists already on the scene and willing to report any kind of poison propaganda against their neighboring southerners that could possibly be dreamed out of the whole cloth, with Pulitzer prizes dangling before them as a reward for their treachery.

The Civil Rights Act of 1957 drove the dagger even deeper into the body of the South. It succeeded in severing the few lines of communication between the races that had been laboriously kept open since that black Monday in 1954.

Using the Court's decisions and the Civil Rights Act of 1957 as their chief arguing point, professional agitators are making an all-out, no-holds-barred campaign against the South. They are trying to convince the southern Negro that the southern white man is his natural enemy and therefore must be conquered. They try to convince the Negroes that their salvation lies in school and social integration and racial intermarriage, and when these are accomplished, they will suddenly become white and the Negro race will be no more.

It is significant that nearly all the actual violence resulting from these developments has occurred in the Northern States, with very little happening in the South. The blood of these incidents of violence is not on our hands; it is on the hands of the nine Justices who knowingly, willingly, and with malice aforethought, lit the fuse of this bomb which has shattered the peace of America. It is on the hands of those who aid them in carrying out their devious aims: the politicians, the agitators, radio, television, and the press, and—oh yes, their scalawag Pulitzer Prize accomplices.

Passage of a new civil rights bill this year will further aggravate the strained relations between the races in the South, as it will in the North.

In the current idiotic wave of "student demonstrations" the evil intent of a large segment of our national news mediums is made manifest. Just last Saturday night, in Columbia, S.C., a group of Negro hoodlums, masquerading as "demonstrators," resorted to violence in wrecking a place of business and damaging several automobiles belonging to innocent and law-abiding citizens. In their usual manner of reporting such incidents, national news mediums referred to this as a "demonstration," while the same thing done by white hoodlums would have been called "mob" action.

The sly and clever hand of the NAACP and CORE behind these so-called student demonstrations—actually mobs—has already been exposed in the other body. Their actions are nothing more nor less than incitements to riot.

However, another influence has recently been admitted by the mob. It is the influence of African revolutionists in the United States under the student exchange program authorized by Congress and administered by the Department of State.

Hear what Lewis W. Jones, a Negro sociologist on the faculty of Tuskegee Institute, has to say on this subject:

> The African students talk about the part they are playing in the independence movements of their continent, and frequently they reproach American Negro students for not being as aggressive as their counterparts in Africa.

Mr. Speaker, in the interest of common sense and in the best interest of our Nation, the Secretary of State should take immediate steps to see that any African student involved in any way in these student mob actions be sent home. We have enough agitators and professional hoodlums without having to import Mau Maus to help stir up more trouble.

Mr. Speaker, passage of a civil rights bill this year will cause further grief to the good Negroes of the South. The white southerner, a member of the greatest minority group in America today, will become hesitant to continue a sympathetic interest and understanding in the problems of his Negro neighbor. White people will be hesitant to continue support of Negro education. They will be concerned over the U.S. Congress conferring superior rights on one group of Americans while restricting the rights of others. The results could mean economic disaster to southern Negroes.

It is no secret that since the Supreme Court's decision of May 17, 1954, there has been a steady exodus of Negroes from the Southern States into other areas of the country. Subsequent decisions of the Court, rubber-stamping the demands of the NAACP and similarly minded pressure groups, and actions by the White House and the Congress to curry

favor with these groups have greatly accelerated this movement of Negroes away from the Southern States. This is evident, for instance, in Chicago, where it is reported that Negro immigration from the South is so high that the population is changing from white to colored at the rate of several city blocks a week.

In Philadelphia recently, Harold Stassen, that great self-anointed liberal and friend of the downtrodden masses, that highly touted enemy of bigotry, intolerance, and other such evil things exclusively southern—according to most of the Nation's press—while running for mayor, suggested as part of his platform that he would, if elected, find a means of discouraging further Negro migration from the South into the beautiful and historic City of Brotherly Love. Negroes and Puerto Ricans continue to flood into New York City in ever-increasing swarms, though Harlem continues to be the largest completely segregated community in America. What has happened to our Nation's Capital never ceases to amaze everyone except those from the South, who predicted long ago that Washington would soon become a city more representative of Liberia than the United States.

This exodus of Negroes from the South, and their influx into the great metropolitan centers of other areas of the Nation, has been accompanied by a wave of crime, interracial and otherwise, unparalleled in the history of modern civilization. It has brought on housing problems of incalculable magnitude, and tremendous employment and other economic crises. Property values have plummeted downward in residential areas, and urban white people have been running over themselves in a wild and frantic escape to racially protected and segregated suburbs. Welfare rolls are swelling daily and illegitimacy rates are zooming upward. Schools are bursting at the seams with these newcomers, and municipalities are hard put to find the necessary revenue with which to carry out their corporate functions.

The chief of police of Los Angeles has stated that Negroes comprise only 12½ percent of the population of that city but committed 48.4 percent of the crime in 1958.

Nationwide, according to FBI reports, Negroes commit 61 percent of all murders, 54 percent of all robberies, 63 percent of aggravated assault, and 49 percent of forcible rapes. Bear in mind that only 10 percent of our population is Negro.

When these figures are computed on a per capita basis, it can be readily seen that Negroes commit serious offenses all out of proportion to their numbers. The following table indicates such to be a fact:

Arrests per 100,000

	White	Negro
Murder and nonnegligent manslaughter	1.8	27.27
Robbery	14.29	153.52
Aggravated assault	19.26	311.1
Burglary	88.6	355.68
Forcible rape	3.87	34.34

These computations were made from statistics developed by the Federal Bureau of Investigation in its 1958 report. The figures are from 1,586 cities over 2,500, total population 52,329,497. The per capita computation was made on the assumption that 10 percent of the total population is Negro; however, it is doubtful that the percentage is that high because so many live in southern rural areas.

The RECORD is replete with evidence that civil rights havens in northern and eastern metropolitan areas are just the opposite. A heavy influx of Negroes into a northern city brings also ordinances outlawing "discrimination in employment, education, housing" and what have you. It also brings unsafe neighborhoods, sanitary problems, high crime rate, deteriorating race relations, policemen in school corridors, heavily patroled playgrounds, and locked doors day and night. What has civil rights accomplished for these areas? Only fear, confusion, hate, and community instability.

In its issue of May 4, 1958, the Philadelphia Bulletin, in a column headlined "City Stirred by Negro Crime Wave," stated:

Much of the trouble goes back to the younger generation of the Negro race. It would be nice to be able to pretend it isn't so and hide one's head in the sand, but statistics and facts can't be shrugged off. It is unpopular to discuss Negro crime and the Negroes have done little to help themselves.

Philadelphia, traditional City of Brotherly Love, opened its heart, its arms, and its purse to the less fortunate from the earliest days. Now the repayment is in crime, terrorism of schools and institutions, and a lessening of standards generally. Many of the less fortunate are unemployable and incapable of being educated.

Negro youth, boys and girls, almost monopolize many of the recreation centers, not only those in their own neighborhoods but in white areas, too. There have been running battles around high schools, in particular, covered up by police, the schools, and other authorities. They have frightened schoolteachers, and some refuse to work at schools in Negro areas.

Every one of the 11 who killed In-Ho Oh had a police record. One, in particular, had been placed on probation four times, including the latest for a long series of assault robberies.

A Philadelphia judge, speaking of Negroes and Puerto Ricans, stated that thousands of boys—and girls—between 16 and 18 now are coming before the juvenile courts, charged with crimes that are "the most reprehensible known to our society. Murder, rape, arson, burglary, robbery are common occurrences by these so-called juveniles."

The New York Journal American, in an editorial last May, stated:

IT MUST BE UNUSUAL

The Alexander Avenue stationhouse in the Bronx didn't bother notifying police headquarters about an unprovoked attack upon an innocent motorist by a teenage street gang because there was nothing unusual about it.

It was almost a week before news of the assault became public.

"This was a felonious assault and we have hundreds of them," was the explanation of the detective in charge of the stationhouse's clerical work. "We don't send anything down to headquarters unless it is an unusual."

What constitutes "an unusual"? Must it be a murder?

Are we to assume that street assaults have become so commonplace and routine that the outlying precincts are no longer required to report them to headquarters by teletype?

And, in passing, how many attacks similar to the one in the Bronx have there been which have not been made public through the press?

Even the Washington Post editorially admitted on June 13, 1959:

The crimes of rape and assault with intent to rape, formerly rare in any well-policed society, are now almost commonplace, though arrests and convictions are relatively few because of the difficulties of positive identification.

The Post was commending the Washington Police Department for quick work in apprehending a Negro who brutally raped and knifed a woman after knocking on her apartment door about 7:30 a.m.

The lesson to be derived from this case? Listen to the yellow journalism of the Post:

The lesson is to make sure that all the doors are carefully locked.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Was that the Washington Post?

Mr. WILLIAMS. That was taken verbatim from the Washington Post of that date.

Mr. HOFFMAN of Michigan. Yes. Were you not surprised?

Mr. WILLIAMS. I was certainly surprised.

The best answer I have seen to this editorial was a letter written by a lady in the Washington area to the Post editor, a copy of which was made available to me recently. Of course, the Post did not print it. It follows:

DEAR EDITOR: Your editorial "Fast Work—and Good" in the June 13 edition of the Washington Post stated that the horrible experience of Mrs. Joralemon should be a lesson to all careless women and girls who fail to lock their doors. The lesson derived from this episode should be to the careless courts and judges who free and pardon men of this sort to go forth once again to physically and mentally maim women and girls for the rest of their lives.

Your commendation of the metropolitan police was certainly richly deserved. However, the force is well recognized for always doing the best job possible, even though their efforts are nearly always undermined by the lenient courts, judges and psychiatrists. You also underestimate the police force when you call their method of solving this case rare as compared to detective fiction. The only rare aspect of this case in a comparison between reality and fiction (be it a novel, movie, television or Broadway play) is that the criminal was a Negro.

Your publication carries on daily about civil rights. I was not aware that civil rights pertained only to the voting rights of Negroes and desegregation. Does not the white American citizen have the right to live without fear of rape and assault stepping through his unlocked door? The home of a man (and even of careless women) is by

American standards his "castle." Perhaps we should revert to the customs of feudal times and have moats surrounding our abodes to discourage the commonplace rapist and assaulter in our society. This, however, would reject any idea of brotherly love; but then, brotherly love—achieved only through trust and respect, never through dictatorship—cannot exist where fear and mistrust prevails.

You state that "the crimes of rape and assault with intent to rape, formerly rare in any well-policed society, are now almost commonplace." In my small, but well-populated hometown in Massachusetts (population 26,000 and more than double in the summer months), they has never been a rape or a murder. Locked doors are not the reason for this, as few doors are locked day or night. Could it not possibly be due to the zero number of Negro inhabitants?

It would seem that Washington's leading newspaper would cry out against this violence and call for measures to prevent men such as this with backgrounds such as his from lurking the streets of this country No—your only advice was directed to the careless women and girls of this great Nation's Capital to lock their doors—the only means, I gather, by which they can be saved from the savage animals lurking the streets of Washington.

P.S. If this should be printed, please use only my initials and Arlington, Va. My doors are rarely locked and I should like to continue this outmoded privilege.

In certain areas of Chicago, police are stationed at certain street intersections and stop all pedestrians and automobiles. If the person or the occupants do not live in the neighborhood, they are turned back. Racial friction and tension is the reason for this unusual infringement of civil rights.

Further legislation will only compound the fear, confusion, and hate. Segregation is the only answer as most Americans—not the politicians—have realized for hundreds of years.

Metropolitan areas of the North and East appear to have absorbed as many Negroes as possible without creating an explosion. It stands to reason, therefore, that the all-white suburban communities which ring these areas must begin to absorb their share of Negro immigrants. Already, an agency of the city of Philadelphia, Pa., has issued a pamphlet called "Your Next Move" urging Negroes to seek new homes in all-white neighborhoods. Under date of March 3, 1960, the following Associated Press item appeared in the Washington Star, reporting this move on the part of the Philadelphia Commission on Human Relations:

PHILADELPHIA UNIT SEEKS NEGRO MOVE TO WHITE AREAS

Negroes were urged by the city's commission on human relations yesterday to seek new homes in all-white neighborhoods.

In a pamphlet called "Your Next Move," the commission advised Negro families to refuse to be steered into what it termed ghetto areas.

"Be willing to buy a home where other Negroes have not lived," the pamphlet states. "To break the stubborn pattern of segregated housing many Negro citizens must have the courage to live in new neighborhoods."

The commission has prepared what it calls a do-it-yourself educational kit which contains a number of pamphlets and reports, most of them describing proper procedures to be followed in buying a new home.

Some other suggestions listed:

"Look. Look. Look. Any neighborhood in Philadelphia may possibly have the house you want. Don't ignore an area because minority families may not live there now.

"Visit new developments and inquire about available houses. Builders say that Negroes do not inspect sample homes. • • • This may be only an alibi for discriminating against you.

"Don't be discouraged by brokers who give you the runaround or turn you down with a flat refusal."

With this in prospect, the municipal governing boards of these all-white suburban communities should prepare their constituencies for the orderly integration of southern Negro families into their social and economic life, which will most certainly become a reality if more and more civil rights bills are forced upon us. If they are not willing to accept their fair and proportionate share of the burden of integration, they are not the real friends of the Negro that they publicly proclaim themselves to be.

Surely the troubles at Levittown, Pa., resulting from a Negro family's forcing itself upon a white community a year or so ago are fresh in our memories. They seem to be having their troubles in another Levittown, too, this time in New Jersey. On February 23, 1960, the gentleman from New Jersey [Mr. ADDONIZIO] placed in the RECORD a long apology for the people of Levittown, N.J., who refused to integrate their "publicly assisted housing" until forced to do so by an order of the New Jersey supreme court. In his praise of participants in the lawsuit on the side of integration, Mr. ADDONIZIO pointed out the following:

Instrumental in this splendid victory was Julius Wildstein, Newark attorney and chairman of the Commission of Law and Social Action of the New Jersey Region, American Jewish Congress, who sacrificed time and energy, without any material compensation to act as chief attorney for the defendants. He, together with attorneys from the American Jewish Congress, as well as lawyers from other agencies, are to be commended.

What Mr. ADDONIZIO did not tell the Congress about Mr. Wildstein was that, several months ago, according to reliable information that has come to me, this same Julius Wildstein sold his home at 356 Seymour Avenue, an integrated neighborhood, to Negroes, and moved over to 19 Lyons Avenue, a protected all-white community in Newark. For Mr. Wildstein, integration appears to be highly desirable; but desirable only to others. Apparently he does not choose to be integrated himself. This is but one example of the hypocrisy which characterizes this entire controversy, Mr. Speaker. We need but to look at the great number of pro-civil-rights Members of this body who choose to live in the segregated suburbs of Maryland and Virginia, rather than subject their families to the integrated hodgepodge of the District of Columbia.

Make no mistake about it: passage of a new civil rights bill will accelerate this movement of Negroes to the northern areas many times the present rate. Any Member from a Northern State who is disposed to vote for this bill because of its "civil rights" label, and the hope of luring a few minority votes into his fold, should be open and frank with his constituency, and let them know, also, that his vote will attract Negroes to his district.

No public issue in history has been so marked by hypocrisy as this. Never in history have so many been so vocal in their exhortations in behalf of what they call a "persecuted and underprivileged" minority, nor so few willing to give more than lipservice to that cause when it affects them personally.

Mr. Speaker, on January 27, 1960, the distinguished gentleman from Pennsylvania [Mr. DENT] in a speech before this body—page 1437—stated:

Mr. DENT. Mr. Speaker, the purpose of my remarks is to offer a guide to living in multiracial America.

It is often said that the strength of America lies in the diversity of its people. And no other nation possesses such a variety of races and backgrounds as we do.

Yet this very multiracial character has caused some of the gravest and most inhuman transgressions in our democracy.

But what we need now is not lamentations or regrets, but solutions to the problems of living together in a multiracial society.

On February 18, 1960, I dispatched a telegram to the mayor of Arnold, Pa., a town of 10,263 people, according to the 1950 census, and in the district represented by Congressman DENT. Incidentally, according to the 1950 census, the population of this particular congressional district is only 2 percent Negro, and by all standards, should be able to absorb a great number of Negro families. The wire sent to the mayor of Arnold is as follows:

DEAR MAYOR: Passage of a new civil rights bill now appears certain.

There is no question but that the passage of this legislation will aggravate racial frictions previously fomented by the Civil Rights Act of 1957 and a series of Supreme Court decisions. This means, of course, that the exodus of Negroes away from Southern States into the already integrated northern cities will be accelerated to a considerable degree.

While we in the South do not question the Negroes' right to migrate to other sections of the Nation, we are very much concerned over their future welfare.

Your help is urgently needed in setting up a citizens committee for the purpose of assisting these Negro citizens in their relocation problems, particularly with respect to finding suitable employment, adequate housing facilities, etc. Please advise by wire collect whether you would be willing to cooperate toward the end that 150 additional Negro families might be comfortably accommodated in your city of Arnold."

Finally, after having sent a followup wire on February 29, I received a reply from the mayor by letter dated March 2, 1960, as follows:

HONORABLE SIR: In reference to your telegram of February 18 and February 29, 1960, I wish to advise that the city of Arnold is entirely built up with only a very few vacant lots remaining and the homes that are built in Arnold are all occupied.

Under the above conditions, it will be utterly impossible to take care of any additional families within our city.

Sincerely yours,

ALFRED COLAIANNI,
Mayor.

Alas, Mr. Speaker, we hear so much talk of helping the Negro, but so little is done by those who talk the loudest. Of course, the mayor is acting, I am sure, in the interests of his constituency and his city, and I certainly have no criticism for him. He is being honest in the position he takes. I do deplore, however, the obvious politics being played throughout the Nation at the expense of the Negro and the Southern States.

On February 18, 1960, I sent similar inquiries to the mayors of 10 other communities located in districts represented by Members of Congress who have given much vocal support to the cause of civil rights for Negroes. Except for Arnold, Pa., and one answer from Deerfield, Ill., merely acknowledging receipt of my wire—and no more—my inquiry was wholly ignored, indicating perhaps, that it was just too hot for them to handle; and indicating, also, that if an affirmative reply could not be sent, they preferred to duck the issue.

A similar inquiry was forwarded to the mayor of Windham, Conn., 1950 population 15,884. Now, Windham, Conn., happens to be in a congressional district which has but 1.2 percent Negroes in its population, and is represented by that great ultraliberal international superstatesman, the Honorable CHESTER BOWLES, whose presidential lightning rod has recently been sent up by several news columnists of liberal hue. I felt sure that here my inquiry would get a warm reception, because the distinguished Honorable Mr. BOWLES had just stated previously on the floor of this body, on January 27—page 1445—as follows:

> Mr. BOWLES. I think the gentleman is right. This is very fundamental to our world position. Two-thirds of the people of the world have darker skins than most of us. This is the issue to many of them as they look at the democratic West constantly asking the question: Do we really mean the things that we say? Does the Declaration of Independence mean what it says, that all men are created equal?
>
> This is a fundamental weakness of our country as we stand here today.

Alas, the mayor of Windham apparently is not interested in moving Negroes into his city; he ignored my wires.

Then, I felt sure I would receive a reply from the mayor of Brentwood, Pa., which is one of the cities in which my good modern Republican friend, the Honorable JAMES G. FULTON, happens to publish a popular and widely read newspaper, the Brentwood News. Surely, I felt, the Brentwood News would already have the people receptive to my proposition and conditioned for the acceptance of Negroes into their community; for, after all, is not their publisher-Congressman one of the great leaders in the fight for improving the status of the Negro? Surely, his newspaper would pick up the ball and see to it that opportunities are provided for accepting their share of the responsibility for integrating Negroes into their community. Alas, here again, my inquiry fell on deaf ears. In fact, the mayor even refused to accept my followup wire of February 29, with the information on the Western Union return that "It was not for him."

If the Brentwood News has not already done so, here is a great opportunity for them to serve the real cause of the Negro, wholly in line with, and consistent with the public pronouncements of its distinguished publisher-Congressman.

Similar wires were sent to mayors of the following cities:

First. Deerfield, Ill., in the district represented by Congresswoman CHURCH, 1950 population 7,607; district population only 3 percent Negro.

Second. Islip, N.Y., in the district represented by Congressman WAINWRIGHT, 1950 population 4,251; district population 4.4 percent Negro.

Third. Wilmington, Ohio, in the district represented by Congressman BROWN, 1950 population 7,387; district population 5.9 percent Negro.

Fourth. Columbia Heights, Minn., in the district represented by Congressman WIER, 1950 population 8,175; district population nine-tenths of 1 percent Negro.

Fifth. Riverside, N.J., in the district represented by Congressman THOMPSON, 1950 population 7,199; district population 8.6 percent Negro.

Sixth. Bozeman, Mont., in the district represented by Congressman METCALF, 1950 population 11,325; district population .2 percent Negro.

Seventh. Camden, Maine, in the district represented by Congressman COFFIN, 1950 population 3,670; district population .1 percent Negro.

Eighth. Newton, Mass., in the district represented by Congressman CURTIS, 1950 population 81,000; district population 4.5 percent Negro.

Mr. Speaker, the Members of Congress representing these and other such districts who continually harp on the subject of "Civil Rights" could render the Negro a real and meaningful service by assisting in their becoming located in their communities. If their people don't want to receive these Negroes into their communities and give them first-class citizenship, then the time has come to stop criticizing the Southern States, who must live with the problem and endure its consequences.

What better way for these self-styled liberals to prove their real friendship for the Negro than to invite him into their society?

Yes, Mr. Speaker, those furthest removed from the problem appear to be the first to find solutions for it; but the solution of integration, now being proposed, is meant to be applied only to the South, and is excellent only so long as it is restricted to the South.

The Congress can pass laws from now until doomsday, but it cannot solve the problems caused by white people and Negroes living in the same society. These problems are incapable of legislative solution; nor do they lend themselves to any kind of solution by force.

The only solution is to permit each State to work out its own destiny. The people of Mississippi are the first to admit that they cannot solve the problems of Arnold, Pa. We are content to let them remain segregated, if they so desire.

By the same token, we hope that the people of Arnold, the people of these other cities to which inquiries were sent, and the millions living in all-white towns in the North, West, and East, will impress upon their Representatives in Congress that we have the right to solve our problems in the South without interference.

In substance, we think it only fair that the philosophy President Eisenhower expressed last night in referring to South America should also be applied to the Southern States. He said:

"We believe in the right of people to choose their own form of government, to build their own institutions, and to abide by their own philosophy."

That is all we ask.

IMPORTATION OF CUBAN SUGAR

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from New York [Mrs. ST. GEORGE] is recognized for 15 minutes.

Mrs. ST. GEORGE. Mr. Speaker, a few weeks ago I introduced the bill (H.R. 9376) to prohibit the importation of Cuban sugar for so long as the price which U.S. importers are required to pay for such sugar is above the world market price.

Mr. Speaker, I said very little about this bill and of course it attracted absolutely no notice, but in view of some of the things that have happened recently and some of the news that I have received directly from Cuba I thought I should like to call the attention of the House to what it purports to do.

First of all let me make it very clear that the United States can import all the sugar from Cuba that it desires under this bill. The only thing that cannot be done is that Cuba cannot be paid a bonus under this legislation.

Within the last week I received this bulletin sent out probably to every Member of the House of Representatives by the Embassy of the Republic of Cuba. Everything in this bulletin is slanted in favor of the U.S.S.R. and very much to the detriment of the United States. One portion of it is headed, "Cuba's Sugar Market," and it reads as follows:

> Cuba has already sold 65 percent of its world market sugar quota of which 1,340,000 tons were sold before February 5. Reports from the Sugar Stabilization Institute show that 75 percent of the quota for sale or release, amounting to 995,143 tons, has also been sold. After the announcements that the U.S.S.R. has bought 575,000 tons, the United Arab Republics 76,000, and Poland and Socialist China 50,000 tons, the Ministry of Commerce, Dr. Cepero Bonilla, stated that "this year the sugar warehouses will be cleaned up."

Therefore, the Republic of Cuba is really in no need to send any more sugar to the United States. As we all know, the United States is well able to get the necessary sugar for its own use without paying any bonus to Cuba or any other country.

Mr. Speaker, we of course are always jealous of the rights of others, particularly if they are revolutionists or if they are more or less affiliated with the Soviet Republic. I should like to call your attention to a fact which is noted in many

newspapers, notably the Wall Street Journal, which on its front page carried this item:

Cubans are enslaved by the 3 million tons of sugar the United States buys annually from the island at prices well above the world market. Ernesto Guevara, Castro's chief economic adviser, made this charge in a television address at Havana. These purchases, he said, had made Cuba dependent on sugar and kept the country in a "semi-colonial" state until Castro's revolution. He made clear, however, the Castro regime is not ready to give up the $150-million-a-year bonus the United States pays for Cuban sugar.

In other words, like so many others he wants to have it both ways. But, I submit to the Congress that I think we do not want to be a party to enslaving the Cubans. No, I think if there is any enslavement to be done in Cuba, we had better leave that to their friends in the U.S.S.R. Therefore, as I said before, I think it would be well if the great Committee on Agriculture, to whom this bill has been referred, would consider it with care and realize that they are in no way curtailing the rights of the Cuban Republic to sell their sugar to us in a world market, but that on the other hand they are simply preventing the enslavement of Cuba through the paying by the United States of this rather obnoxious bonus.

Mr. Speaker, we talk a great deal about rights on the floor of this House, and we are going to talk about them a great deal more. It is well that that should be so. But, sometimes I wonder if we ever consider the rights of the American taxpayer. That seems to be a right that either does not exist—or if it does exist, is much too unimportant to fight for.

Mr. Speaker, in this morning's newspaper, incidentally, the Washington Post, Mr. George Sokolsky has the most interesting facts and figures taken from the McCarthy sugar report. These figures again prove that what we have done is to hand the Cuban Republic this very handsome bonus of $150 million, taken from the pockets of the American taxpayers. For that, we have received nothing but vituperation and we also have been informed that we are trying to enslave a free people, incidentally, people for whom we have done more than has ever been done by any nation in the world for any other people. The U.S.S.R. who now comes in cheerfully and happily and buys all the sugar it needs at the world market price, is praised over and over again. Well, Mr. Speaker, as I have often said—what is sauce for the goose is sauce for the gander. If this method is so successful for the U.S.S.R., maybe it will prove to be equally successful for the United States of America.

Mr. Speaker, the newspaper article follows:

CUBA AND SUGAR

(By George Sokolsky)

Castro is beginning to feel the pinch. Otherwise, he would not have tried to bind our hands prior to a conference on outstanding difficulties.

From the authoritative McCarthy sugar report, I take these figures which ought to make an American think:

"To Russia—1 million metric tons at $3.10 per 100 pounds, $68,342,000.

"To the United States—1 million metric tons at $5.10 per 100 pounds, $112,434,000.

"Thus Russia gets Cuban sugar cheaper than the United States by $44,092,000.

("The top world spot price this week was $3.10 per 100 pounds (f.o b.) (Cuba), and United States spot on a comparable basis f.o.b. Cuba was $5.10.)

"Actually, of the first 1 million tons, Russia bought 575,000 tons at a lower level than the indicated $3.10 price above. She bought last September 230,000 tons at $2.905 and on February 5 of this year 345,000 tons at $2.78 per 100 pounds. These sugars will go into the deal as part of the 1960 one million tons since they were purchased for shipment this year.

"As a matter of record Russia always buys sugar from Cuba at a discount under the spot price. In fact, no other country in the world since Castro became Cuba's dictator has bought sugar for less than Russia. Russia is the fair-haired boy."

Obviously, it makes no sense for the United States to pay more for Cuban sugar than Russia pays, or than any other country pays. Why must we always be suckers?

But it is not only sugar that we buy from Cuba at a subsidy price that comes out of the pockets of the American taxpayer. We also give Cuba a direct military subsidy of $543,000. This money is military assistance to Castro, for the training of jet fliers. We could use those fliers against the United States. Do we have to subsidize our enemies?

When we pay more for sugar than the world price, we are paying a subsidy.

Cuba is not Russia. It is a minor country with small economic strength or potential. Its blackmail prospects are excellent because of its proximity to the United States, but the only way to get rid of a blackmailer is to knock his teeth out so that he cannot put the bite on.

Certain figures in the McCarthy sugar report are worth quoting in this connection:

"On September 1, start of the new crop year, world stock was 12,541,000 metric tons. World production is estimated at 48,900,000 tons and consumption at 50,317,000. Thus world stock on August 31, 1960, will be 11 million. While the stock figure will be less than the 12,541,000 tons of the previous year it will be more than the 10,071,000 on hand September 1, 1958. A drought in Europe cut into estimated production.

"Of the total world production Russia will make an estimated 5,880,000 tons against 6,260,000 in the previous year. This is a postwar step-up in production from 2,500,000 tons in 1937–38 and is more than Cuba will produce * * *."

There is no shortage of sugar and the United States need take none at all from Cuba.

Mr. CONTE. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield to my friend, the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I commend the gentlewoman from New York [Mrs. ST. GEORGE] for her very fine presentation on this very important issue of the day. I would like to associate myself with the gentlewoman's remarks. I would like also to ask her this question. Would it not be a good idea to help some of our friends such as the people of Costa Rica and the Philippines and Mexico who are trying to increase their quota of sugar exports and want to get more sugar into the U.S. market at the world price?

Mrs. ST. GEORGE. I am in hearty agreement with the remarks of the gentleman from Massachusetts, and I thank him for his contribution. The gentleman is absolutely right. Furthermore, Mr. Speaker, we could also help our new State, the 50th State, the great State of Hawaii that would be most anxious to export more sugar to the other 49 States on the mainland.

Mr. BROOMFIELD. Mr. Speaker, will the gentlewoman yield?

Mrs. ST. GEORGE. I yield.

Mr. BROOMFIELD. Mr. Speaker, I, too, would like to associate myself with the remarks made by the gentlewoman and to compliment her highly for having brought this matter to the attention of the Members of the House.

THE RECENT DECLINE IN MARKET YIELDS OF TREASURY SECURITIES BRINGS MANY ISSUES BELOW THE 4¼-PERCENT CEILING

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a table.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the yields on Treasury bonds with 5 or more years to maturity have continued to decline in recent weeks. They are now substantially below the levels which the Ways and Means Committee considered and had available when Report No. 1297 to accompany H.R. 10950 was prepared. Table 2 of that report gave the most recent closing bids for February 26, 1960, and commented that all but one of the bonds was, at that time, selling at yields over the 4¼-percent ceiling. The accompanying table shows the quotations as of yesterday, March 8, 1960:

Yields on Treasury bonds with 5 or more years to maturity, based on closing bid quotations for June 8, 1959, for Jan. 6, 1960 (the recent high), for Feb. 26, 1960, and for Mar. 8, 1960, the latest available date

Coupon rate	Date of maturity	June 8, 1959	Jan. 6, 1960	Feb. 26, 1960	Mar. 8, 1960
2⅝ percent	Feb. 15, 1965	4.50	5.10	[1] 4.72	4.40 (4.37)
3 percent	Aug. 15, 1966	4.32	4.83	4.51	4.26 (4.24)
2½ percent	June 15, 1962–67	4.33	4.98	4.69	4.30 (4.26)
2½ percent	Dec. 15, 1963–68	4.34	4.97	4.68	4.33 (4.29)
2½ percent	June 15, 1964–69	4.39	5.01	4.70	4.33 (4.32)
4 percent	Oct. 1, 1969	4.16	4.74	4.39	4.19 (4.16)
2½ percent	Dec. 15, 1964–69	4.39	4.93	4.66	4.31 (4.27)
2½ percent	Mar. 15, 1965–70	4.38	4.98	4.65	4.32 (4.29)
2½ percent	Mar. 15, 1966–71	4.29	4.84	4.50	4.18 (4.15)
2½ percent	June 15, 1967–72	4.17	4.70	4.32	4.05 (4.01)
2½ percent	Sept. 15, 1967–72	4.22	4.75	4.37	4.08 (4.05)

[1] Just under 5 years to maturity.

Yields on Treasury bonds with 5 or more years to maturity, based on closing bid quotations for June 8, 1959, for Jan. 6, 1960 (the recent high), for Feb. 26, 1960, and for Mar. 8, 1960, the latest available date—Continued

Coupon rate	Date of maturity	June 8, 1959	Jan. 6, 1960	Feb. 26, 1960	Mar. 8, 1960
2½ percent	Dec. 15, 1967-72	4.13	4.66	4.26	3.99 (3.95)
3⅝ percent	Nov. 15, 1974	4.19	4.64	4.40	4.21 (4.19)
4 percent	Feb. 15, 1980	4.19	4.51	4.33	4.17 (4.16)
3¼ percent	June 15, 1978-83	4.09	4.49	4.32	4.14 (4.11)
3¼ percent	May 15, 1985	4.06	4.44	4.33	4.17 (4.14)
3½ percent	Feb. 15, 1990	4.16	4.44	4.35	4.14 (4.14)
3 percent	Feb. 15, 1995	3.86	4.12	3.96	3.81 (3.80)

NOTE.—The figures in parentheses opposite the Mar. 8, 1960, figures, represent the quotations (over the counter) published in the Wall Street Journal, Mar. 9, 1960. There seems to be a substantial difference in the Treasury information and the report on the same securities in the Wall Street Journal and other publications. The Government securities market is unregulated.

The significant thing about this table is that in a few short weeks yields have declined so that it may now be said that 12 out of the 18 issues listed are selling on a basis below the present 4¼ percent ceiling. In a market which has been declining since a high on January 6, 1960, only six issues are now selling at yields a shade above the 4¼ percent ceiling.

These figures, incidentally, are based upon the official calculations of the Treasury Department itself which are in some cases slightly above the yields in the over-the-counter quotations as quoted in the morning papers as indicated in the footnote at the end of the tables. The differences between the official series and the newspaper series are not too material, however. The important thing is that as of today, less than 2 weeks after the report of the Ways and Means Committee there are 12 different maturities selling at rates below the statutory ceiling.

I was advised after the market closed Friday last by an expert who deals in Government securities that the present market indicates that a Treasury issue of 4¼ percent long-term securities would go at a premium at the present market. That is quite different from the situation as it existed when the Ways and Means Committee made its report.

THE FEDERAL GOVERNMENT IS PAYING ITS SECURITIES MORE THAN ONCE IN SOME INSTANCES

Mr. Speaker, I would like to invite your attention to one other matter that is closely related to this. Another move by the Federal Reserve to make money tighter and interest rates higher. The Federal Reserve Open Market Committee had in its portfolio as of January 1, 1960, about $27,500 million in U.S. Government securities.

Decrease in Reserve bank holdings of U.S. Government securities, bought outright and under repurchase agreement

[In millions of dollars]

Week ended:	
1960:	
Jan. 6	177
Jan. 13	237
Jan. 20	773
Jan. 27	172
Feb. 3	3
Feb. 10	58
Feb. 18	34
Feb. 25	102
Mar. 3	41
Total	1,597

Since that time the Open Market Committee has sold $1,597 million of these bonds.

That means—listen to this statement, if you please, this is astounding—here we are, Members of Congress looking after the people's welfare, yet we are permitting the Federal Government to pay its debts more than once. We are paying our bonds not only one time, but sometimes twice, and possibly several times more.

These bonds that the Federal Open Market Committee sold back into the market have already been paid for once.

One important result of the transfer of these securities will be that the interest on them will cease to go into the Treasury as it did when they were held by the Federal Reserve, but will go to the holders of the securities instead. In all probability commercial banks bought them by creating or manufacturing the money on their books to do so. In that case the interest will help the commercial banks instead of the taxpayers.

The purchase of Government securities by the Federal Reserve is like having a mortgage on your home for, we will say for the sake of discussion, an amount of $10,000. It is not due. But you send your agent with your $10,000 to the mortgagee with instructions to take the $10,000 and pay to the mortgagee the $10,000 in payment of the mortgage on your home. The agent takes the money there, delivers it to the mortgagee and then instead of the mortgagee canceling your mortgage and putting it of record, he transfers your mortgage to the agent of yours and that agent of yours every year when the interest becomes due wants you to pay the interest and when the mortgage becomes due he wants you to pay again, the mortgage in full. That is exactly what we are doing through the Federal Reserve. The Federal Reserve takes Uncle Sam's money and pays Uncle Sam's obligations with it. Then instead of canceling the obligations the Federal Reserve keeps these obligations and in this case they are actually transferring them back into the market and Uncle Sam will have to pay them again, just as in the illustration I gave where your agent would take your mortgage and sell it to someone, who calls on you when it is due to pay it again. This just does not make sense.

PRESIDENT'S INHERENT CONSTITUTIONAL POWERS

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. HOLIFIELD] is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, on February 9, 1960, I delivered a speech in the House of Representatives on "the President's proposal to transfer nuclear weapons." The gravity of this proposal was carefully considered in my prepared remarks and I was pleased to note it was given due notice by many of our nationally prominent newspapers and periodicals. I will ask permission to include, at the conclusion of these remarks, two articles from the Washington Post. The first article is a February 11, 1960, editorial and the second is a February 24, 1960, column by the eminent and highly respected newspaper columnist, Mr. Marquis Childs.

In my speech of February 9, I discussed the philosophy of transferring nuclear weapons and the requirements of present constitutional and legislative procedures, such as treaties, international agreements and the Atomic Energy Act of 1954, as amended.

I did not comment on the so-called inherent constitutional powers of the President, acting in his official capacity as the President or Commander in Chief of our Armed Forces.

The inherent constitutional powers of a President are shadowy and undefined. They have never been rigidly fixed and are subject to change, as the Constitution, by amendment, prescribes additional duties or nullifies former duties. The scope of these undefined "powers" is also subject to continuous change by legislation in specific areas—which may or may not have been subjects of prior legislation.

Legislation once enacted into law requires loyal obedience by the President, as well as by an ordinary citizen. Neither has the right to ignore or violate an established statute.

Congress has given the President special powers to use under certain conditions. I refer, in this instance, to powers granted under the War Powers Acts and during formally declared conditions of national emergency. These specific grants of power, under or during these special conditions of national peril, are separate and apart from the peacetime scope of Presidential power.

Therefore, we are not concerned with these specific wartime or emergency powers in this discussion. We are concerned with the exercise of Presidential power in peacetime which goes beyond those powers clearly defined in the Constitution and in the statutes.

The pertinence of this discussion arises as the result of numerous news stories and special articles which, by inference or direct statement, indicate the President might transfer nuclear weapons to one or more allies under a claim of "inherent" constitutional power.

This is an alarming possibility.

The President, in his news conference of February 4, 1960, certainly gave no hint of using such a procedure. His answers to the questions of Mrs. May Craig and Mr. Garner showed a complete awareness of the requirements of the Atomic Energy Act of 1954, as amended.

I trust the President will not be advised that it is unnecessary for him to comply with laws which he signed and approved. Any advice to the President that he should proceed to act under inherent constitutional powers in this field of nuclear weapons transfer would create the greatest debate of our generation. The impact and reverberations of such an act would be calamitous to our international relations. It would be used to sustain and prove the Communist charge of imperialistic warmonger.

It would destroy our prestige as a proponent of peace and disarmament.

It would make a complete farce of our long negotiations for the cessation of nuclear bomb tests at Geneva.

It would cut the ground from under our negotiators in the approaching international conference on disarmament in March.

It would give Khrushchev a propaganda platform of deadly effectiveness in the scheduled summit conference in April.

Because of the great importance of this matter, I have requested the counsel of the Joint Committee on Atomic Energy, Mr. David Toll, to research the legal facets of this problem. I realize, of course, that lawyers are prone to disagree, but in the interest of full discussion and debate on this vital matter, I am including, as part of my remarks, Mr. Toll's legal memorandum on the claim that the President might have inherent constitutional power to transfer nuclear weapons in peacetime, notwithstanding clear statutory provisions which require congressional approval.

LEGAL MEMORANDUM FOR MR. HOLIFIELD

Under the Constitution, the President is Commander in Chief and Chief Executive. On the other hand, the Congress also has constitutional responsibilities in the national defense field: to raise and support armies, to provide and maintain a Navy, to make rules for the Government and regulation of land and naval forces, and to raise revenues and appropriations for the Armed Forces.

Two principal constitutional questions have been presented: First, can the President act under his inherent constitutional powers to follow one course of action when Congress has carefully considered the subject and by legislation has provided an alternative procedure to accomplish the same objective? Second, regardless of any legislative prohibitions or alternatives, can the President proceed under his inherent constitutional powers when a grave emergency develops?

Each of these questions will be discussed briefly below.

First. Can the President act under his inherent constitutional powers to follow one course of action when Congress has carefully considered the subject and by legislation has provided an alternative procedure to accomplish the same objective?

The Supreme Court of the United States considered in great detail all of the constitutional provisions here involved in the case of Youngstown Sheet and Tube Company against Sawyer—343 U.S. 579 (1952). In that case, the President, during the Korean war, seized the steel mills in order to assure continued production for vital military and national defense purposes. He took this action under what he considered his inherent constitutional powers as Commander in Chief rather than under available statutes which were characterized as "much too cumbersome, involved, and time consuming for the crisis which was at hand." The Supreme Court, by a 6 to 3 decision, with 5 concurring opinions by the various Justices, declared the President did not have inherent constitutional powers to the extent claimed, primarily because Congress had carefully considered the questions and provided alternative procedures, which he chose not to follow.

Mr. Justice Black, in the Court's opinion, stated as follows:

> Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative powers herein granted shall be vested in a Congress of the United States" (343 U.S. 579, 587–588).

Mr. Justice Frankfurter, in a concurring opinion, analyzed the legislative history in great detail. He concluded that Congress had granted by statute special powers to the President to deal with this type of emergency, but in every case "it has qualified this grant of power with limitations and safeguards"—343 U.S. 579, 598.

Mr. Frankfurter pointed out that the Congress had made a "conscious choice of policy in a field full of perplexity." He stated that "Congress acted with full consciousness of what it was doing and in the light of much recent history," and that "Congress has expressed its will to withhold this power from the President as though it had said so in so many words"—343 U.S. 579, 602.

Mr. Justice Jackson, a former Attorney General, pointed out that the President's inherent powers vary according to the action of Congress in the field. He stated:

> Presidential powers are not fixed but fluxuate, depending upon their disjunction or conjunction with those of Congress (343 U.S. 579, 635).

When the President proceeds under a statutory authorization, according to Justice Jackson, "his authority is at its maximum." When the President acts in absence of congressional action, he is in a "zone of twilight." But when the President proceeds on his own initiative and on his so-called inherent powers to follow a course of action different from that provided by Congress, his power "is at its lowest ebb." Mr. Justice Jackson put it this way:

> When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive Presidential control in such a case only by disabling the Congress from acting upon the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system (343 U.S. 579, 637–638).

Two other Justices, in separate concurring opinions, also relied heavily upon the fact that Congress had legislated in the field and the President had ignored the legislation and had attempted to follow an alternative course under his so-called inherent powers which the Court held that he did not possess. Mr. Justice Burton spoke as follows:

> The foregoing circumstances distinguish this emergency from one in which Congress takes no action and outlines no governmental policy. In the case before us, Congress authorized a procedure which the President declined to follow. Instead, he followed another procedure which he hoped might eliminate the need for the first. Upon its failure, he issued an Executive order to seize the steel properties in the face of the reserved right of Congress to adopt or reject that course as a matter of legislative policy. Congress has reserved to itself the right to determine where and when to authorize the seizure of property in meeting such an emergency. Under these circumstances, the President's order of April 8 invaded the jurisdiction of Congress. It violated the essence of the principle of the separation of governmental powers. Accordingly, the injunction against its effectiveness should be sustained (343 U.S. 579, 659–660).

Similarly, Mr. Justice Clark emphasized the fact that Congress had laid down specific procedures, speaking as follows:

> I conclude that where Congress has laid down specific procedures to deal with the type of crisis confronting the President, he must follow those procedures in meeting the crisis; but that in the absence of such action by Congress, the President's independent power to act depends upon the gravity of the situation confronting the Nation. I cannot sustain the seizure in question because here, as in *Little* v. *Barreme*, Congress had prescribed methods to be followed by the President in meeting the emergency at hand (343 U.S. 579, 622).

The Youngstown case represents the most recent and thorough discussion by the Supreme Court of the President's constitutional powers as contrasted with those of the Congress. It is true, of course, that the facts in that case were substantially different from those in the present case, since the facts will vary in every case. However, the constitutional provisions were the same and the case is identical in that the President was attempting to justify his actions not on the statutes, but on his inherent powers under the Constitution. The constitutional principles enunciated by the Court in the Youngstown case are believed to be strongly persuasive in the present case.

In cases where the President has pursued a practice long known by the Congress and never questioned, the Court has upheld his action, as in *U.S.* v. *Midwest Oil Company* (236 U.S. 459). This

case was distinguished from the Youngstown case because the Presidential practice had been one "long pursued to the knowledge of the Congress and never before questioned."

Prior to the Civil War, President Lincoln took a number of extraordinary actions which were not challenged by the Congress. Prior to World War I, President Wilson again took a number of executive actions, as did President Roosevelt before the outbreak of World War II. In each case, however, the President was not acting in the face of a statutory prohibition, nor challenged by the Congress.

These Executive actions by past Presidents "short of war" have been ably discussed by Prof. Edwin S. Corwin at pages 194–204 of his authoritative book entitled "The President—Office and Powers 1787–1957," New York University Press, 1957. For present day considerations, Mr. Corwin discussed the U.N. Participation Act approved by the President on December 20, 1945. He emphasizes the participation of Congress and the provisions in the statute concerning the right of Congress to be kept informed. He then continues as follows:

In brief, the controlling theory of the act is that American participation in United Nations shall rest on the principle of departmental collaboration, and not on an exclusive Presidential prerogative in the diplomatic field. Not only is this a sound constitutional principle in that it can claim a great deal of support from the history of the conduct of American foreign relations, especially in the period prior to the war with Mexico: It is the only practicable principle unless we wish to establish outright Presidential dictatorship. The point is that the sort of foreign policy that present-day conditions require can never be kept going by attributing to the President, as in the past, the simple power to order the Navy around without consulting Congress. Far otherwise; Congress must be constantly asked to exercise powers that no President has ever ventured to exercise on any scale—the power to tax, to pledge the credit of the United States, to raise armies, to regulate commerce, and so forth and so forth. If Congress cannot be persuaded to back Presidential policy by bringing these powers to its support, then—the idea of a Presidential coup d'etat being dismissed—the policy fails, and that is all there is to it.

Even more than in the U.N. Act, the Congress has, in the atomic weapon field, insisted on the right to be kept informed and to participate in international sharing decisions. The 1958 amendments represented a "conscious choice of policy in a field full of perplexity."

From the above, it can be concluded that the President's so-called inherent constitutional powers are limited when the Congress has carefully considered an area and provided procedures for the Executive to follow. Although the statutory procedures might be perhaps more cumbersome, expensive, or time consuming, they represent legislative determinations which are binding upon the President until the law is amended or hostilities commence.

Second. Regardless of any statutory prohibitions, can the President proceed under his inherent constitutional powers when a grave emergency develops?

This question was also discussed in the Youngstown case, and the Supreme Court rejected the theory that the President's powers were expandible to fit any emergency. Mr. Justice Jackson, a former Attorney General, spoke as follows:

The appeal, however, that we declare the existence of inherent powers ex necessitate to meet an emergency asks us to do what many think would be wise, although it is something the forefathers omitted. They knew what emergencies were, knew the pressures they engender for authoritative action, knew, too, how they afford a ready pretext for usurpation. We may also suspect that they suspected that emergency powers would tend to kindle emergencies. Aside from suspension of the privilege of the writ of habeas corpus in time of rebellion or invasion, when the public safety may require it, they made no express provision for exercise of extraordinary authority because of a crisis. I do not think we rightfully may so amend their work, and, if we could, I am not convinced it would be wise to do so, although many modern nations have forthrightly recognized that war and economic crises may upset the normal balance between liberty and authority. Their experience with emergency powers may not be irrelevant to the argument here that we should say that the Executive, of his own volition, can invest himself with undefined emergency powers (343 U.S. 579, 650–651).

Later Justice Jackson stated:

In view of the ease, expedition, and safety with which Congress can grant and has granted large emergency powers, certainly ample to embrace this crisis, I am quite unimpressed with the argument that we should affirm possession of them without statute. Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction (343 U.S. 579, 653).

Mr. Justice Douglas, in his concurring opinion, pointed out that speed in an emergency was not the sole consideration and that the separation of powers under the Constitution was more important. He pointed out that the President, with the armed services at his disposal, "can move with force as well as with speed," and that all Executive power "has the outward appearance of efficiency." Legislative power by contrast, he stated, is "slower to exercise." He concluded:

Legislative action may indeed often be cumbersome, time consuming, and apparently inefficient. But as Mr. Justice Brandeis stated in his dissent in *Myers* v. *United States* (272 U.S. 52, 293):

"The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."

We therefore cannot decide this case by determining which branch of Government can deal most expeditiously with the present crisis. The answer must depend on the allocation of powers under the Constitution (343 U.S. 579, 629–630).

From the above, it is clear that the executive branch of our Government, because of the separation of powers in the Constitution, cannot escape the prohibitions of a statute merely by finding that a grave emergency exists. The legislative history of the 1958 amendments to the Atomic Energy Act clearly indicates that the prohibitions of section 92 were intended by the Congress to be in full force and effect until the outbreak of hostilities or war. The executive branch cannot avoid the statutory prohibitions by the finding of a grave emergency, but only upon the outbreak of hostilities or war, unless an amendment to the law is requested by the executive branch and approved by the Congress.

I associate myself with the principles set forth in the preceding legal memorandum.

Matters of far less importance are considered annually under treaties or international agreements which require the cognizance and formal approval of one or both Houses of Congress.

It is unthinkable to me that a matter of such grave consequence as the transfer of mass destruction nuclear weapons to the independent sovereignty of other nations, could ever be accomplished by methods other than those prescribed in our Constitution and existing statutes.

The use of inherent power for this grave purpose, because of political expediency or fear of the people's verdict, after congressional debate and decision would, in my opinion, be so unjustified and unworthy of our faith in the democratic processes as to warrant impeachment proceedings.

The February 11, 1960, editorial from the Washington Post follows:

AMENDING THE ATOM

Repercussions continue at home and abroad from President Eisenhower's muddled comments last week about sharing nuclear weapons with America's allies. Representative CHET HOLIFIELD, a member of the Joint Committee on Atomic Energy, has been particularly sharp in telling the administration that if there is any such intention it must have the explicit approval of Congress.

As we understand the situation, the President confused the tentative and preliminary discussions between administrative and congressional officials about control of nuclear warheads abroad with his own long-held feeling that the allies ought to have access to all weapons that a potential enemy possesses. His egalitarian sentiments do him credit, but the problem is by no means that simple. Korea is an ally, but it would be perilous folly to endow the Rhee government with nuclear weapons. Germany also is an ally and a member of NATO, but is prohibited from having nuclear weapons. To undercut this prohibition would be to cause the gravest apprehensions, not merely in the Soviet Union, but also among Germany's Western neighbors.

The other point, which is only remotely related to the President's views on sharing, is the problem of making nuclear weapons already abroad more effective for air defense and retaliation. Under present arrangements American nuclear weapons stored in Britain under this country's control are physically separated from the missiles that would carry them in an emergency. They thus might not be quickly available for assembly with the carriers in the event of attack. What constitutes custody in such circumstances? Could the warheads be assembled with the missiles and still be kept under American control?

It is possible that the present law could be stretched to make feasible a more immediate response without relinquishing technical American control of nuclear weapons

abroad; but that would be poor procedure. This problem is less serious in scope, to be sure, than the broader sharing that the President seems to envisage. In any event, the confusion has served a useful purpose in emphasizing the vast ramifications of a change in American practices. Mr. HOLIFIELD seems to us right in insisting that amendment of the law be approached openly rather than by subterfuge, and that all of the implications, including the effect on the Soviet Union, be discussed fully and frankly with Congress. This the administration has yet to do.

Following is Mr. Marquis Childs' article of February 24, 1959, from the Washington Post:

PRESIDENT MUDDLES HIS WEAPON PLAN

Nothing more extraordinary for confusion, uncertainty, and a heavy air of mystery has occurred in this administration than the mixup over sharing nuclear weapons with America's NATO allies. It was a fine example of marching up the hill, under a cloak of strictest secrecy, and then retreating in embarrassed disorder.

If President Eisenhower was aware of this sudden foray into a new area of policy and its objectives, he showed no sign of it. In fact, to the discomfiture of high officials in the Pentagon who had initiated it, whether knowingly or unknowingly, he signaled the retreat.

A top secret paper was submitted to the Joint Committee on Atomic Energy with the sanction of high officials in the Defense Department and the Atomic Energy Commission. It proposed that the United States share the custody of nuclear weapons with the British. This was in relation to the intermediate-range ballistic missile bases and also for an airborne alert.

The contention was that only in this way could the greatest speed and efficiency be achieved in the event of the need for a retaliatory strike. Under the law as currently interpreted, a U.S. agent must keep custody of nuclear weapons at oversea bases.

Committee members were startled at the proposal itself, since its implications were so far reaching. But what was more startling was the view that the President had the authority to do this under his inherent powers despite the law.

The whole question of the sharing of nuclear weapons and nuclear information was thoroughly threshed out when the basic atomic energy law was amended in 1958. At the request of the administration, closer cooperation with America's allies was approved. But on the insistence of committee members fearful that the "nuclear club" would be expanded, the provision that weapons must be retained in American custody was kept in the law.

Questioning of administration witnesses following the unveiling of the secret proposal seemed to confirm one of the deepest doubts of committee members. If nuclear weapons could be put in the hands of the British, they could hardly be withheld from other allies. Having furnished Britain with a squadron of Thor intermediate-range missiles, manned by the Royal Air Force, this country is in process of installing similar missile squadrons in Turkey and Italy.

The deepest misgivings were, however, with respect to West Germany. Several committee members feel that to give custody of nuclear weapons to the Germans would be an irrevocable act with such wide repercussions as to doom attempts at disarmament.

Shortly after a hint of what had been proposed to the Joint Committee appeared, President Eisenhower was asked about sharing atomic weapons with allies. To the chagrin of those who had carefully thought out and worked up the inherent powers theory, the President replied:

"As far as giving away bombs, this cannot be done under existing law."

Since then it has been made clear that the administration will not ask for a change in the law, realizing it would precipitate a long controversy. But Joint Committee members are not sure that this really ends the effort to give weapons to the British.

The law requires that custody of atomic weapons be vested in a civilian, and a representative of the Atomic Energy Commission is designated by the President. But since the President also has the power to turn weapons over to the Defense Department, it has been determined that the captain of an American ship or submarine can be the AEC representative by White House order.

Why, it is being asked, could not a Royal Air Force lieutenant be given the same designation? This would make it possible to keep British fighter bombers in the air on a ready alert.

If that should be done under the inherent powers of the Presidency, it would be with the tightest secrecy restrictions. The Joint Committee would not be informed and presumably America's other allies would have no knowledge of this step. They would not be in a position, therefore, to claim the same privilege. But nothing could illustrate more dramatically how decisions taken in total secrecy enlarge the area of nuclear-weapons control. And at the same time, the risk of accidental war is inevitably increased.

APPOINTMENT OF MEMBER OF THE NATIONAL OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

The SPEAKER. Pursuant to the provisions of section 3, Public Law 85–470, the Chair appoints as a member of the National Outdoor Recreation Resources Review Commission the gentleman from Iowa, Mr. KYL, to fill the existing vacancy thereon.

MARKETING PROGRAM FOR WHEAT

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentlewoman from Washington [Mrs. MAY] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mrs. MAY. Mr. Speaker, in associating myself with the bipartisan group of Members of the House who today are introducing a new marketing program for wheat, I wish to commend the many farm organizations and individuals who met together over sustained periods of time during the past several months, and who were able to agree on a basic plan to help solve the many problems involved in the current wheat situation. I believe it is significant that, when I toured my district between sessions of the 86th Congress, I found that farmers in the wheat-producing areas of the State of Washington, were generally favorable toward a marketing approach to the problem of controlling surplus by preventing overproduction.

As you so well know, several of the farm organizations were unable to reach general agreement on the various proposals heard before the House Committee on Agriculture last year. But now, agreement has been reached among them, and therefore, I feel that this proposed legislation should be given careful study and consideration. It provides, I believe, a workable solution, in that it is designed to stabilize, at reasonable levels, the income of producers, and would substantially reduce the unreasonable cost of the wheat program which has brought so much criticism upon the American farmer in recent years.

I feel that this legislation is an expression from the farmers themselves, and therefore deserves careful consideration by all Members of Congress.

BARGAINS IN OLD-AGE INSURANCE: WHO GETS THEM

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I wish to call attention to an article which appeared in the U.S. News & World Report of March 14, 1960. This is an excellent and carefully prepared article. I would add only one basic comment. There has been built into the social security system the seed of the philosophy of the graduated income tax which is contrary to the expressed philosophy of insurance as it is applied to the OASI. Let me illustrate: The tax paid upon the first $1,000 of base wage gives a larger dollar benefit than the same tax paid upon the succeeding $1,000 of base wage up to the $4,800 wage ceiling upon which social security tax is paid.

In other words, beneficiaries do not entirely receive their benefits based upon the amount they and their employers pay in taxes. The benefits are weighted to favor the lower income groups. Each time the wage ceiling is raised we move a little bit further away from the philosophy of insurance to the philosophy of taxing those who can afford to pay for the benefit of those who cannot so well afford to pay.

The article follows:

BARGAINS IN OLD-AGE INSURANCE—WHO GETS THEM?

Workers nearing retirement can count on getting back in old-age pensions far more than the taxes on their pay.

That's based on present law, which Congress is bent on liberalizing. This article shows where the bargains are, and why.

People are going to get still more for their payroll-tax dollars before this year is out. Congress and the White House seem agreed on that.

Disability pensions, now available only to workers over age 50 who are totally and permanently disabled, will be extended to all persons in the system of old-age and survivors insurance, regardless of age. Rules for qualifying for old-age pensions are to be relaxed. There is a good chance, as well, that the size of many pension checks will be raised a little.

Probably not this year, but before long, health insurance is likely to be provided for those who are retired under the social security system.

Since January 1, individual workers have been paying a maximum premium of $144 a year for the protection they get from social security. Employers match that amount, making the total premium—or payroll tax—now 6 percent on income up to $4,800 a year.

This tax, as now projected in the law, will rise gradually to a total of 9 percent—or 4.5 percent each on employer and employee. Actually, the law is almost certain to be changed over the years to impose a still higher rate of tax on a larger amount of income.

People often ask two things about this whole system: First, whether or not they are getting a bargain for their money; second, whether there will be money enough in the system to pay them or their survivors the promised benefits upon retirement, death, or disability.

BARGAINS FOR MANY

The accompanying examples help to provide an answer to the first question. They show that almost everybody now covered by the social security system will draw benefits much larger than tax payments into the Federal trust fund, provided they live an average lifespan after retirement. Or, if the person paying dies first, his dependents very often will draw benefits greater than his payments into the security system.

How is that possible? In part it is due to the interest earned on the OASI trust fund. In part it is due to the fact that many individuals will die before drawing benefits from the fund and will not have survivors entitled to benefits. For the most part, however, the scale of benefits being paid will be made possible by the much higher taxload to be borne for a much longer period by the workers who will enter the labor force in the future.

Older people of today, in other words, are getting a windfall at the expense of younger workers and future workers. In years to come, youngsters and their employers will start out by paying a total of 9 percent on employee earnings up to $4,800 for social security benefits.

SOMETHING TO COUNT ON?

That leaves the question of whether the fund itself will always be solvent.

An answer to that question can only be based on experience to date. Thus far, Congress has insisted upon raising taxes as benefit payments were increased and as the program of benefits was enlarged. In the pension trust fund at present is $21.3 billion. The plan calls for the fund to grow to $199 billion by the year 2000.

Thus, the official picture shows a solvent trust fund, which people can count on to provide the promised benefits.

What the long-term future holds will be related closely to the size and scope of new benefits that Congress provides in the future, and the level of taxes imposed to support those benefits. Under the Railroad Retirement Act, each individual worker today contributes 6¾ percent of his income up to $4,800 to pay for benefits, and that contribution is matched by his employer for a total of 13½ percent.

Actually, great bargains are being enjoyed by older individuals under the social security system.

A PENSION WORTH $30,938

A man and wife, if he retires today at 65 after contributing the maximum amount of tax into the fund for 23 years, are entitled to a pension of $178.50 per month or $2,142 per year. This worker has contributed $1,146, and his employer has matched that amount for a total tax of $2,292. If they have average life spans for people reaching 65, they will draw out $30,938. Average life is about 78 for men and about 80 for women in this age group.

In the meantime, if the retired worker should die, his widow will draw a pension of $89.30 per month, $1,072 per year. At the time of his death she would get a lump sum of $255 to help cover burial expenses. In addition, the couple would have received nearly $160 a month if the man had become disabled since 1957 when disability payments first were made available and assuming the wife was then at least 62.

That shows you why the social-insurance program is popular.

FOR THE SELF-EMPLOYED

Many professional people, businessmen, and farmers who have paid tax only a very few years are in a position today to retire on pensions slightly larger than received by the couple described above. Congress has made special concessions to these groups.

Farmers were first brought into the program in 1955 and 1956. Along with the other self-employed, they now pay 1½ times the tax on the individual, or 4½ percent.

A farmer who was 60 years old in 1956 will be eligible to retire next year. After having paid $806 in taxes, he and his wife will be entitled to $180 per month, $2,160 a year or a total of $31,198, if they have the average number of years in retirement.

A lawyer who was 45 in 1951, when a number of self-employed groups were blanketed into social security, will reach retirement age in 1971. In 20 years of paying tax, he will have contributed $3,983. A pension for him and his wife will provide, in return, $187.50 a month, $2,250 a year or a total of $32,498 in a normal life span.

In weighing these big bargains, there are several factors you should also take into account.

SAME TAX, LESS PENSION

If you are single, or if your wife dies before you retire, then you will get a much smaller pension, though you will have paid the same amount of tax as the married worker next door.

A single man retiring this year after 23 years of tax at the maximum rate is in line for a pension of $119 per month. This is worth $18,207 in the typical case, compared with $30,938 for the married couple.

A second thing to bear in mind is this: Younger workers will be paying tax for as long as 47 years in many instances, compared with 23 years or less for those retiring in 1960. They'll pay at higher rates, and their payments, added to the payments of their employers, will come much closer to covering their pensions.

Finally, there's an indirect cost to be considered, which is of greatest importance to the younger group. This cost is represented by the interest these people could earn if they had all of the tax money to invest for themselves; that is, if the money now being paid in tax were put into their pay envelopes and invested regularly by them. It turns out that younger people could build up a retirement kitty that exceeds the value of the pensions they are to receive from the Government.

HOW YOUNG PEOPLE FARE

A worker who got his first job at the age of 18 in 1956 will be in line for a pension for himself and his wife of $190.50 per month, worth $33,017, starting in the year 2003. But social security taxes from himself and his employer will total $18,498, which, over the working years, could grow to $42,142, if invested at 3½ percent a year. A higher rate of return is available on U.S. savings bonds and on insured savings in many institutions.

The future worker, who starts paying the maximum tax in 1969, will contribute $10,152. With his employer's payment, that will mean a total contribution of $20,304 during his working life. But the same money regularly invested at 3½ percent would grow by his retirement age in 2012 to $49,832.

That worker's prospective pension, if he is married and has the average length of retirement, will total $33,017, as the law now stands.

However, if the future is like the past, Congress will take care of the future worker's problem by voting him increased pensions and other benefits and, in doing so, give him a windfall, just as it has given windfalls to the older generation of today.

In short, there are big bargains in old-age insurance, but they are not the same for all workers. As the law stands, older workers get a much better deal than young workers. Married workers do better than single workers. Workers who live to a ripe old age do better than those who die sooner. Also, low-income workers, who pay much less than the maximum amount of tax, get larger pensions relative to their contributions. Such inequalities reflect the social purposes of the law and the fact that pensions are officially classed as welfare in Federal planning and budgeting.

WHAT YOU GET FOR YOUR SOCIAL SECURITY TAXES

(In each example, worker pays the maximum social security tax. Figures assume average life span after worker reaches 65, and no future changes in social security law. Payroll tax includes employer's contribution.)

Example No. 1

Mr. A, salaried worker, has been covered by social security since 1937. He plans to retire this year. Both he and Mrs. A will be 65.

Monthly pension, Mr. and Mrs. A, $178.50.

Expected total pension, remainder of life, $30,938.

Total cost of pension, 23 years of payroll taxes, $2,292.

Example No. 2

Mr. B, salaried, covered by social security since 1937. Will retire at 65 in 1980. Mrs. B also will be 65.

Monthly pension, Mr. and Mrs. B, $187.50.

Expected total pension, remainder of life, $32,498.

Total cost of pension, 43 years of payroll taxes, $10,068.

Example No. 3

Mr. C, practicing lawyer, unmarried. Covered by social security as self-employed person since 1951. Will retire at 65 in 1971.

Monthly pension: $125.

Expected total pension, remainder of life, $19,125.

Total cost of pension, 20 years of payroll tax (self-employed), $3,983.

Example No. 4

Mr. D, who first came under social security in 1956 at 60. Expects to retire at 65 next year. Mrs. D also will be 65.

Monthly pension, Mr. and Mrs. D, $180.

Expected total pension, remainder of life, $31,198.

Total cost of pension, 5 years of payroll taxes, $1,074.

A PENSION SYSTEM HEADING FOR TROUBLE?

For an example of what can happen to a pension plan when times get tough, look at the railroad retirement program.

This is a special system of "social security" set up for railroad employees in 1937. It is run by the Government, and supported by payroll taxes on railroads and their employees.

As long as rail employment was high and pensioners few, there were no particular problems. But note what has happened since World War II.

Railroad employees have dropped in number by 40 percent, to 815,000.

DOUBLED AND REDOUBLED

People drawing benefits—retired workers, dependents and survivors—have quadrupled in number, reaching 770,000 at latest report.

Today, in other words, there are almost as many people drawing benefits as people paying taxes to support those benefits. Before long, the way things are going, there will be more drawing benefits than working.

So far, the retirement system is safely solvent, with a reserve fund of nearly $4 billion. This fund is increasing, even though benefits have been raised repeatedly.

A look at the payroll tax shows why. Already, this tax has mounted to 13½ percent—6¾ each on the railroad and the worker—applied to the first $4,800 of the worker's annual pay. By comparison, the social security tax is 3 percent each on employer and employee.

By 1969, the railroad tax is to rise to 18 percent, divided half and half by employer and employee. That is already set by law.

Railroad officials now question whether even 18 percent will be enough to keep the program going in the future—if recent trends continue: bigger pensions, more pensioners, fewer rail workers.

These officials assert that railroads, already hard put, simply can't take another boost in the tax as now scheduled by law. Many think Congress some day will be forced to subsidize the program or else turn it over to social security.

TWENTY-ONE-BILLION-DOLLAR RESERVE

This question is raised: Could the same kind of trouble overtake the social security program? The prevailing answer seems to be this: In a major depression, general employment would drop sharply. Payroll tax receipts would diminish. More people would retire. A prolonged depression could raise problems for the system.

Few, however, expect any debacle for social security, even if business troubles do develop. The reserve fund for old-age, survivors' and disability benefits is more than $21 billion and is expected to keep rising for many years.

If it were to become necessary, Congress almost surely would vote money to keep pensions going. Both railroad retirement and social security, though self-supporting, are accepted as official, and both are shown in the Government's "cash" budget as "welfare" programs. Today's workers have received repeated assurances that their pensions are safe.

MARKETING PROGRAM FOR WHEAT

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. HORAN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HORAN. Mr. Speaker, on the opening day of this present session of Congress, I informed the House that while in my congressional district I had the honor of attending the annual convention of the Washington State Association of Wheatgrowers. I pointed out that the results of this convention, the resolutions agreed upon by the wheat producers attending the conference, proved that if anyone is interested in solving the farm problem, it is the farmers themselves. I am confident that most of us agree that one of the main reasons why a wheat program has not been adopted is that the farmers have not been able to agree on such a program. The farmers realize this and they also realize that before the Congress can help them solve their problems, the Congress should be presented with one proposal which meets with the overall approval of the producers.

For the last several months, our farmers, working through the National Grange, the National Association of Wheatgrowers, and the Farmers Union and other agricultural organizations, have agreed on such a program. I am proud to join with my colleagues in presenting this program to the Congress today. I believe this bill is the most constructive and sound approach to come before the Congress in years.

In my speech last January, I suggested that Congress follow the example set by the farmers and cooperate on a nonpartisan basis to enact some constructive and sound farm legislation. I believe this bill submitted today is the best vehicle to carry us to a solution of the farm problem.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WALTER (at the request of Mr. FLOOD), for an indefinite period, answering subpena to appear in a trial in Indiana which involves a contempt of Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. THOMSON of Wyoming, for 30 minutes, today, and for 30 minutes, tomorrow.

Mrs. ST. GEORGE (at the request of Mr. BROOMFIELD), for 15 minutes, today.

Mr. PATMAN, for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

Mr. HOLIFIELD, for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. TOLL.

Mr. BOLAND.

Mr. HECHLER and to include extraneous matter.

Mr. LANE and to include extraneous matter.

Mr. RODINO.

Mr. STRATTON and to include an article.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. CELLER.

Mr. MULTER in three instances.

Mr. IRWIN.

Mr. HERLONG.

Mr. RODINO.

(The following Members (at the request of Mr. BROOMFIELD) and to include extraneous matter:)

Mr. AYRES.

Mr. MINSHALL.

THE LATE HONORABLE RICHARD L. NEUBERGER

Mrs. GREEN of Oregon. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

H. RES. 471

Resolved, That the House has heard with profound sorrow of the death of the Honorable RICHARD L. NEUBERGER, a Senator of the United States from the State of Oregon.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of four Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following members on the part of the House: Mrs. GREEN, Mr. NORBLAD, Mr. PORTER, and Mr. ULLMAN.

The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 2 o'clock and 34 minutes p.m.) the House adjourned until tomorrow, Thursday, March 10, 1960, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10761. A bill to provide for the representation of indigents in judicial proceedings in the District of Columbia; without amendment (Rept. No. 1372). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASEM: Committee on the Judiciary. H.R. 1519 A bill for the relief of the legal guardian of Edward Peter Callas, a minor; with amendment (Rept. No. 1373). Referred to the Committee of the Whole House.

Mr. KASEM: Committee on the Judiciary. H.R. 5150. A bill for the relief of Our Lady of the Lake Church; without amendment (Rept. No. 1374). Referred to the Committee of the Whole House.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 6400. A bill for the relief of Mrs. Clara Young; without amendment (Rept. No. 1375). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 8457. A bill for the relief of Richard

Schoenfelder and Lidwina S. Wagner; without amendment (Rept. No. 1376). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9043. A bill for the relief of Mock Fook Leong; without amendment (Rept. No. 1377). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 9751. A bill for the relief of Mrs. Icile Helen Hinman; with amendment (Rept. No. 1378). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 10564. A bill for the relief of 2d Lt. James F. Richie; without amendment (Rept. No. 1379). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENTLEY:

H.R. 10990. A bill to amend the Internal Revenue Code of 1954 to provide a special deduction from gross income for the depreciation of automobiles owned and used by retired individuals; to the Committee on Ways and Means.

By Mr. BURDICK:

H.R. 10991. A bill to prevent the use of stopwatches or other measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mrs. GRIFFITHS:

H.R. 10992. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 10993. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. INOUYE:

H.R. 10994. A bill to amend the Bankhead-Jones Farm Tenant Act, as amended, and title V of the Housing Act of 1949, as amended, so as to authorize the Secretary of Agriculture to make financial assistance available under such acts to persons holding leasehold interests in lands in the State of Hawaii, and for other purposes; to the Committee on Agriculture.

By Mr. MORRIS of New Mexico:

H.R. 10995. A bill to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURRAY:

H.R. 10996. A bill to authorize the use of certified mail for the transmission or service of matter required by certain Federal laws to be transmitted or served by registered mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. O'BRIEN of New York:

H.R. 10997. A bill to grant to the government of Guam certain filled lands, submerged lands, and tidelands; to the Committee on Interior and Insular Affairs.

By Mr. RABAUT:

H.R. 10998. A bill to provide for the establishment of experimental food stamp allotment programs; to the Committee on Agriculture.

By Mr. RHODES of Pennsylvania:

H.R. 10999. A bill to grant a deduction, for income tax purposes, to handicapped individuals, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer supporting dependents who are so handicapped as to be unable to care for themselves; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 11000. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. SPENCE:

H.R. 11001. A bill to provide for the participation of the United States in the International Development Association; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H.R. 11002. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. UTT:

H.R. 11003. A bill to increase the annual income limitations governing the payment of pension to certain veterans and their dependents; to the Committee on Veterans' Affairs.

H.R. 11004. A bill to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for collection, treatment, and disposal of sewage originating in Tijuana, Mexico, with a proviso that the agreement contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as deemed appropriate by the Secretary of State; to the Committee on Foreign Affairs.

By Mr. BROOKS of Texas:

H.R. 11005. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. HALPERN:

H.R. 11006. A bill to amend the Civil Rights Act of 1957 by providing for court appointment of U.S. voting referees, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.R. 11007. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. PERKINS:

H.R. 11008. A bill to amend chapter 15 of title 38, United States Code, to grant a pension of $100 per month to all honorably discharged veterans of World War I; to the Committee on Veterans' Affairs.

By Mrs. PFOST:

H.R. 11009. A bill to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHARTON:

H.R. 11010. A bill to repeal the manufacturers excise tax on rebuilt automotive parts and accessories; to the Committee on Ways and Means.

By Mr. BREEDING:

H.R. 11011. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. AVERY:

H.R. 11012. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. BROCK:

H.R. 11013. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. GEORGE:

H.R. 11014. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. HORAN:

H.R. 11015. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. JOHNSON of Colorado:

H.R. 11016. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 11017. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. McGINLEY:

H.R. 11018. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mrs. MAY:

H.R. 11019. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mrs. PFOST:

H.R. 11020. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. ROGERS of Texas:

H.R. 11021. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. WEAVER:

H.R. 11022. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. GARY:

H.J. Res. 647. Joint resolution authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson; to the Committee on House Administration.

By Mr. MOELLER:

H.J. Res. 648. Joint resolution to provide for a conference consisting of Federal, State, and local officials, and members of public and private groups or organizations to consider and propose methods of, and to coordinate action for, combating the traffic in obscene matters and materials; to the Committee on the Judiciary.

By Mr. CLARK:

H. Con. Res. 616. Concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means.

By Mr. MOELLER:

H. Con. Res. 617. Concurrent resolution expressing the sense of the Congress with respect to the distribution of nuclear weapons and nuclear weapons secrets to other nations; to the Joint Committee on Atomic Energy.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. ANFUSO:

H.R. 11023. A bill for the relief of Marco Piazzi; to the Committee on the Judiciary.

H.R. 11024. A bill for the relief of Antonia Terrasi; to the Committee on the Judiciary.

By Mr. GROSS:

H.R. 11025. A bill for the relief of Kim Hyoung Geun; to the Committee on the Judiciary.

By Mr. INOUYE:

H.R. 11026. A bill for the relief of Akiko Hayashida; to the Committee on the Judiciary.

By Mr. ZELENKO:

H.R. 11027. A bill for the relief of Miss Clare O'Halloran; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

358. By Mr. BREEDING: Resolution adopted by the American National Cattlemen's Association at its 63d annual convention held January 27–30 in Dallas, Tex., endorsing House Joint Resolution 619, to further reduce the incidence of brucellosis by providing Federal support to complete nationwide certification and proceed toward the eradication of brucellosis; to the Committee on Agriculture.

359. By Mr. STRATTON: Petition of a group of residents of the 32d Congressional District of the State of New York, county of Schenectady, urging passage of the Forand bill, H.R. 4700, as a minimum first step toward providing decent medical care (hospitalization, surgical services, and nursing home care) for those persons eligible (retired or not) for social security benefits; to the Committee on Ways and Means.

360. By Mr. WILLIAMS: Petition of F. S. Higdon, Hazlehurst, Miss.; W. H. Magee, Crystal Springs, Miss., J. M. Griffith, Gallman, Miss.; and others in favor of a pension to be paid veterans of World War I as stipulated in H.R. 9336; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Amerigo Vespucci, the Italian Explorer Yesterday, and Amerigo Vespucci, the Italian Training Ship Today

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. MULTER. Mr. Speaker, an interesting story in the American student's history of colonial America is that of Amerigo Vespucci, Italian navigator, from whom the American Continents received their name. Vespucci left accounts of his voyages the first of which, in June of 1497, seemed to have reached the South American Continent before Columbus or Cabot. A German mapmaker, Martin Waldseemüller, who translated the narratives of Vespucci, suggested in 1507 that because he was the first to make known his explorations in the New World that it might be proper to name the new continent America. At first the name was applied to only the southern continent but gradually it came to include the northern also.

Another story relating to Vespucci is of current interest. This is the account of the naval training ship, the *Amerigo Vespucci*, named in honor of the Italian explorer. This ship is now in use in the Italian Navy to train sailors participating in NATO for the common defense of the West.

Both the stories, although over 4½ centuries apart, are illustrative of the Italian's relationship toward America. The first shows how a skilled and courageous Italian seafarer was one of the first to explore our shores. The second is symbolic of the Italian people's determination to aline their efforts with America and other NATO nations for the defense of the free world.

Americans, also, have always felt a close relationship to the Italian people. For generations they have admired sunny Italy with her priceless monuments of the past. Moreover, they have always been grateful for the Italian immigrants' contributions to the political, economic, social, and cultural growth of America.

At times, however, Americans have been concerned about the fate of Italy. Her predicament under fascism troubled us profoundly. But since the war, this fear has been dissipated because Italy has shown decisively that she is glad to have reacquired her freedom and has shown this by her desire to be alined with the West. This has been the will of the great majority of the Italian people. Italy has once more resumed her place of responsibility and cooperation in the family of free nations.

Ever since the inception of NATO, Italy has given her unstinted support to this Organization. Despite the numerous political, economic, and social problems that faced Italy at home after the war, she still has managed to do her share in this alliance of the nations of the free world. In the joint military exercises by NATO during the past few years, Italy has shown that she is an important and integral part of the Western defense system.

The progress of Italy since the war has been made possible by the generous and laborious character of her people as well as by the assistance granted by her allies, especially the United States. Nevertheless, Italy is the first to be aware that economic and political problems still have to be faced. Consequently, she is ever vigilant in the fight against poverty, fear, and aggression.

It is well that on this March 9, the birthday of Vespucci, we stress the close relationship that exists between the United States and Italy which goes beyond the military pacts and agreements that they have signed. Friendship between these two nations stems from an identity of democratic ideals and ties of affection and blood which existed long before these diplomatic pacts and which have tended to keep the two nations close in spite of the geographic distance that separates them.

The Right Direction

EXTENSION OF REMARKS
OF
HON. DONALD J. IRWIN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. IRWIN. Mr. Speaker, in the years since the end of World War II, American air transportation companies have rapidly been losing their position as leaders in the field of international airline operations. Companies which a dozen years ago transported some 75 percent of all transatlantic air passengers, for example, carry less than 40 percent today. A foreign airline, which calls itself the largest in the world, serves more American cities than one of our own international carriers. Another foreign airline is permitted to transport passengers across the United States while such authority is denied an American international carrier. This trend has resulted from concessions to foreign airlines at the expense of our own carriers.

Fortunately, the Department of State, upon recommendation of the Civil Aeronautics Board, has recently issued a decision reversing the pattern. KLM of the Netherlands, was denied permission for a route to our west coast. I commend the decision and hope it is indicative of the future direction of our decisions in similar cases in the future.

American carriers should certainly share in international air traffic generated by American business and travel abroad. While it may be necessary to make concessions to foreign airlines to maintain our international services by obtaining foreign operating rights, it appears that there have been too many concessions.

Correspondence with airline pilots who live in my district makes it fully clear that the detrimental effect of the current trend in international air travel is borne by American airline employees to an increasing degree. Let us hope that improvement is on the way.

Amerigo Vespucci

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. RODINO. Mr. Speaker, today we celebrate the birth of the man whose name was given to the two great continents of the Western Hemisphere—Amerigo Vespucci.

We owe a great deal to this courageous Italian navigator, as well as to those other early explorers who accepted the challenge of the high seas and who ventured out into the unknown to make their great discovery. Their fearless spirit can well serve as an inspiration

to us as we chart other unknown seas in the turbulent world of the 20th century.

Amerigo Vespucci was born in Florence in 1451. He spent his early years as a clerk; subsequently he outfitted several expeditions to the New World; and, finally, determined to see for himself, he set forth on several voyages of his own.

On his third voyage—in 1501–2—he is reported to have reached the Canaries and Cape Canaveral, Fla.; then he sailed south and reached the coast of Brazil, which he called "The New World." The terms "The New World" and "America" came to signify the two continents along whose coasts Vespucci courageously sailed.

It is particularly timely that we note the strong historical tie which binds together the two Americas. In a very real sense both we and the Southern Hemisphere have common ancestors. And, as the President has stressed on his tour, we have reinforced those bonds by centuries of mutual good will and friendship. It is certainly of vital importance that people of both hemispheres work toward a still firmer relationship of trust and understanding.

Representative Curtis Proud To Be on Hoffa's Purge List

EXTENSION OF REMARKS
OF
HON. WILLIAM H. AYRES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. AYRES. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the Globe-Democrat, March 6, 1960:

REPRESENTATIVE CURTIS PROUD TO BE ON HOFFA'S PURGE LIST—WARNS OF RUGGED FIGHT AHEAD

(The author, a Member of the House of Representatives for 10 years, is one of 56 Congressmen whom Jimmy Hoffa has pledged to defeat. His congressional district is one of the strongholds of the Teamsters Union.)

(By Representative THOMAS B. CURTIS)

WASHINGTON.—Fifty-six Congressmen have been marked for political purge by James Hoffa, president of the International Brotherhood of Teamsters.

I am one of those Congressmen, representing St. Louis County and South St. Louis, home of Harold Gibbons, Teamster executive vice president, and Sidney Zagri, director of Hoffa's purge campaign.

Most of us on the Hoffa purge list will run in the November 8, 1960, elections. Forty of us have banded together in the Committee To Reelect Hoffa-Threatened Congressmen to offer a solid front to the threats of Hoffa and to delineate a choice for our citizens:

Shall Hoffa or the American voters have the final voice in choosing a Congress?

To "qualify" for the Hoffa purge list a Congressman had to have voted for the the Landrum-Griffin bill, did so to curb Act and have won an election victory in 1958 by less than a 5 percent majority.

AYRES ON LIST

Fifty-three Republicans and two Democrats made the list in this way. The fifty-sixth, Representative WILLIAM AYRES, of Akron, Ohio, despite his convincing 36,000-vote victory in 1958, was marked for purge because of his membership on the House-Senate conference committee which drafted the final version of the law.

The purge campaign is based on the fallacy that the act is "union-busting" and that those who supported it are antilabor.

This is patently untrue. The 56 named, plus 173 other House Members who supported the Landrum-Griffin bill, did so to curb abuses in the labor-management field, revealed to the Congress and to the public. As its name plainly states, the law aims at the unscrupulous employer as well as the unscrupulous labor leader.

Since most of the abuses exposed were perpetrated by Hoffa and his close associates, it is clear why they were angry at the Congress for protecting the public interest and the rights of workingmen and women.

Propaganda opposed to the Landrum-Griffin Labor-Management Reform Act characterizes those who voted for it as either blind in their disregard of labor or servile in yielding to the pressures of big business. I object to this attack on the motives and integrity of Congress.

VOTED OTHERWISE

Had I any reason to feel that this law was a vindictive assault on the labor movement, as it has been called by its opponents, I would have voted, worked and spoken against it, just as I have from 1954 to the present against the "right to work" proposals that have been presented in Missouri during that time.

There is nothing in this law requiring the overwhelming majority of properly run unions to do anything which they were not previously doing nor to prevent them from doing anything that they were.

Response to the creation of the Committee To Reelect Hoffa-Threatened Congressman has been spontaneous, widespread and encouraging. Civic leaders, editors and commentators have commended the committee's formation.

Many people throughout the Nation have responded. Letters are flowing into the House Office Building offices of the temporary committee cochairmen, Representatives AYRES and CARROLL KEARNS of Pennsylvania. These letters offer voluntary services and money to offset Hoffa's huge slush fund, his main weapon for waging political war.

The public response has highlighted the Hoffa purge list as an honor roll on which my colleagues and I are all proud to be named.

Surely no one wishes to deny Mr. Hoffa his right to engage in political activity. To flourish, our system of government requires a maximum of political activity and our committee would not strip anyone—an individual, union or corporation—of his legitimate right of political advocacy.

We do not condemn Hoffa for his exercise of this right; rather we commend him. We urge, however, that our citizens also exercise their rights in this field and prevent a special interest from usurping the powers of the public at large.

ONLY WAY

This is the only way to counter the Hoffa purge. The hundreds of thousands of interested, thinking citizens who refuse to let their rights be snatched away by a special interest group must act.

Those who cared enough to demand the Landrum-Griffin Labor-Management Reform Act by an unprecedented deluge of mail, those who resent the threats of a bully can help. To show this interest they must support those Congressmen Hoffa would purge.

We honestly believe we are right. We were right to work for a law curbing a small but dangerous element in labor leadership that has perverted the movement for personal power. We are right in banding together against the purge of a well-heeled special interest. We are opening the way for popular participation in a drive that will show it is not Hoffa, but the voters, the American people, who will name their Members of Congress next November 8.

This is the crux: Do the voters indorse our action or do they not?

If those who agree with us do not register their convictions at the polls, then we are doomed to the purge Hoffa has decreed.

Have no doubts, Hoffa with his huge slush fund for this purge will succeed unless the people rise and prove that they are the true rulers under our form of government.

Last Commanding Officer of the Scotia Naval Supply Depot, Scotia, N.Y.—Capt. Harold E. Cole, Supply Corps, U.S. Navy, a Great Sailor Dies in the Service of His Country

EXTENSION OF REMARKS
OF
HON. SAMUEL S. STRATTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. STRATTON. Mr. Speaker, tomorrow high on a hill in Arlington Cemetery there will be laid to rest the last mortal remains of one of the finest naval officers I have ever had the privilege of knowing and one of my close and warm friends, Capt. Harold E. Cole, Supply Corps, U.S. Navy.

Captain Cole passed away suddenly last Saturday while attending classes at the Albany Teachers College in Albany, N.Y. At the time of his death he was site administrator of the Navy machine tool program being conducted at the General Services Administration Depot in Scotia, N.Y. Until last December 31, Captain Cole was the commanding officer of the U.S. Naval Supply Depot at Scotia, a post in which he had served with great distinction since July of 1956. Prior to coming to Scotia, Captain Cole had graduated from the Naval Academy at Annapolis, the Naval and Finance Supply School at Philadelphia, and the Harvard Graduate School of Business Administration in Cambridge. He served with distinction with the Asiatic Fleet prior to World War II and occupied a number of major staff assignments both at sea and ashore during World War II. Immediately before coming to Scotia he was comptroller for the Military Sea Transportation Service in Washington.

To Captain Cole fell the difficult and unhappy assignment of presiding over the Navy's major installation in the Schenectady area during its disestablishment. During the time of his tenure the Navy gradually reduced its complement at Scotia, and from time to time rumors of even greater reductions circulated prominently throughout the area. During this whole trying period, Captain Cole not only represented the Navy in the Scotia-Schenectady area with great distinction and ability but was tireless in his efforts to see that those in charge of arrangements in Washington were fully apprised of the situation in Schenectady

before making their decisions involving base disestablishment. Like every good commander, he had the welfare of his subordinates close to his heart.

In spite of all his tireless efforts in defense of the interests of our area and of the hundreds of loyal civilian personnel who were privileged to serve under him in Scotia in one of the finest activities which it has been my privilege to see in any Government department, Captain Cole had to watch the Navy go ahead with its decision and in December of 1959 he officially brought the Scotia Navy Depot to a close.

This action was not only a tragedy for the community and a blow to Captain Cole in his professional capacity, it also represented a serious personal blow as well. His ship sunk from under him. Captain Cole was obliged to look forward at the end of the current fiscal year to retirement from active naval service at the age of 49, with two young children left to educate. However, the personal blow which Captain Cole sustained was something he never spoke about, even to his closest friends. Having fought hard and courageously in the highest traditions of the Navy to preserve the jobs of the men and women under him, he went to work quietly without complaint to prepare for the difficult adjustment to civilian life which faced him and his family. In fact, with characteristic vigor and determination, he was at school early on a Saturday working, taking a special course of training in preparation for the inpending return to civilian life when he passed away. He hadn't given up the ship. He had only just begun to fight.

Mr. Speaker, I want to take this opportunity to pay my deep respects to Capt. Harold E. Cole for the outstanding job which he did for the Navy and for our community. I have never known a naval officer who did more for a community or for the men and women under his command than was done by Captain Cole.

Our Navy exists to fight, of course, and this is her first responsibility. But no military force can ever be effective in a democracy unless it has the understanding and sympathetic support of men and women in villages and cities and communities all acros our land. For this reason the individual who embodies the Navy or any of our armed services in a particular community bears a very heavy responsibility. I am frank to say that I believe Captain Cole discharged this responsibility with a distinction and with a spirit of dedication that were far above and beyond the call of duty.

His sudden and untimely passing from our local scene also raises in my mind, Mr. Speaker, another matter. As a member of the Committee on Armed Services I find it increasingly difficult to understand why our military services cannot make the fullest possible use of the abilities of the able officers who have selected the Navy as their career while they are still vigorously capable of serving and still possess their full capabilities. Why should it be that our military services can tell a man who has devoted the best years of his life to his country that his professional career is at an end and require that he should go out and start another one from scratch at an age when his family responsibilities are heaviest, as were Captain Cole's, and when men of his own age group are only just beginning to establish themselves in greater positions of leadership and responsibility in other professional fields instead of taking down their shingles. Surely this is one of the greatest challenges which our military services face today. I for one believe they must meet this challenge promptly if we are to continue to attract to the career military service, men of the ability and devotion of Harold E. Cole.

I know the people of Scotia and Schenectady and the whole 32d district will join with me in expressing to Mrs. Cole and to her two fine sons our deepest sympathy in the loss of a wonderful husband and a devoted father.

Home is the hunter
Home from the hill
And the sailor home from the sea.

Just What's Going on in the Federal Power Commission

EXTENSION OF REMARKS
OF
HON. KEN HECHLER
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. HECHLER. Mr. Speaker, another cavity is becoming visible in the hound's tooth.

The revelation over the weekend that the Federal Power Commission has reversed its position and may give a $15,660,000 plum to a gas transmission firm after personal calls from an attorney who was not even the lawyer of record in the case is shocking indeed.

I believe that the events and disclosures of the past few days are the strongest possible arguments for the passage of my resolution, House Resolution 474, which directs the Interstate and Foreign Commerce Committee to conduct immediate inquiry into the affairs, procedures, and policies of the FPC.

Or, if the Commerce Committee is already too overburdened with investigatory hearings to schedule the needed investigation at once, may I suggest that it be directed to the Government Operations Committee, and that this committee be empowered to conduct a full-dress investigation.

An investigation is needed, and it is needed now.

We cannot help but be disturbed by the facts that the Federal Power Commission has, in effect, set the stage for a whopping 7-percent return for the firm represented by these visits from this lawyer, and that the same attorney's connection with the firm is so nebulous that the FPC itself could not allow his employer to pass his $60,000 fee in another case on to the consumer.

I hardly need point out that utility stockholders are singularly free of the risks which characterize the operations of other, more competitive corporations. In view of this fact, it is really incredible that a 7-percent return could be justified by a Federal regulatory agency.

But this is just what the FPC—after secret visits from a lawyer mysteriously associated with the case—appears to be agreeing to do.

Mr. Speaker, I do not need to tell you who winds up the ultimate loser in this hopeless confusion of overlapping, temporary—and often unjust—rate increases. It is the public.

The public deserves protection from 7-percent earnings by any public utility. The public deserves absolute assurance that regulatory bodies are not being influenced by cloak-and-dagger phone calls and visits.

Most of all the public deserves a Federal Power Commission whose primary purpose is to protect and defend their interests, not the interests of the gas producers and transmission companies.

Byelorussia

EXTENSION OF REMARKS
OF
HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. RODINO. Mr. Speaker, I take this opportunity to pay tribute to the captive peoples of Byelorussia, who commemorate the 42d anniversary of independence on March 25.

On that day, in the year 1918, the Byelorussian people took advantage of the chaotic situation in Russia to proclaim the establishment of the Byelorussian National Republic. Despite years of czarist attempts at assimilation, the Byelorussians refused to forget their status as a distinct ethnic group. At the first opportunity they proclaimed their national independence.

Their freedom was, of course, short-lived, and they were soon overcome by another Russian oppressor.

The new oppressor tried to do what czarist Russia had failed to accomplish for centuries: the forcible Russification of the Byelorussian people. For the past 40 years they have embarked upon a brutal campaign of extermination, dispersion, and exploitation. Byelorussians are today in colonial status; they are ruled by Russian officials; their schools use Russian books; and the major part of their production is exported for Russian consumption. Byelorussian youth are deported to obscure outposts, and are subjected to intense Russian indoctrination. The population as a whole has been subjected to such pressures that it has suffered the heaviest losses in Russian history.

Despite this brutal suppression the Byelorussian people have accepted the rule of the Soviet no more than history shows they accepted the rule of the czar. They continue to cherish the hope for freedom and independence in the face of permanent political terror and tyranny.

Let us join the people of Byelorussia today, and the people of Byelorussian descent everywhere in the free world, in the hope that one day their noble hope may come to fruition.

More About Interest Rates

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. MULTER. Mr. Speaker, I think the following exchange of correspondence will prove of interest to our colleagues. Following is a letter I received from the Northeastern Retail Lumbermen's Association and my answer thereto. If I receive any answers to my letter I will be happy to share the contents thereof with our colleagues.

The letters follow:

NORTHEASTERN RETAIL
LUMBERMEN'S ASSOCIATION,
Rochester, N.Y., February 24, 1960.

Re interest rate on Treasury obligations.

Hon. ABRAHAM J. MULTER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MULTER: On behalf of more than 1,200 retail lumber and building material dealers who are in New York and New England States, we wish to call your attention to action taken by these men on the important subject of interest rates on Treasury obligations.

This action has been taken after careful study and clearly reflects the attitude of these dealers on this matter which is of vital consequence to them and the home-buying public.

We feel that this is of particular interest to you because it reflects the considered judgment of a substantial number of your constituents.

We invite your attention to the enclosed statement of position pertaining to this resolution on interest rates.

We hope that you will give this subject your personal attention and careful consideration and that you will take such action as is warranted by further developments.

We shall be glad to have your reaction to our views on this subject.

Sincerely,

HORACE G. PIERCE,
Managing Director.

A STATEMENT OF POSITION—INTEREST RATES ADOPTED AT THE 66TH ANNUAL CONVENTION OF THE NORTHEASTERN RETAIL LUMBERMEN'S ASSOCIATION IN NEW YORK, JANUARY 26, 1960

Whereas Congress failed in the 1st session of the 86th Congress to remove the 4¼-percent interest rate ceiling which was imposed many years ago and is long outdated because of worldwide financial trends on long-term Federal bonds. If the ceiling had been removed the Treasury's efforts to achieve noninflationary debt management would have been strengthened; and

Whereas short-term Treasury borrowing costs have risen to the highest level in several decades, and the ability of the Treasury to manage the debt in a manner consistent with sound principles of sustaining economic growth has been seriously undermined; and

Whereas the vital interest of all Americans is at stake because excessive reliance on short-term financing probably will have grave consequences by reducing the purchasing power of the dollar; and

Whereas this trend has affected the available mortgage funds for house construction because the consequent withdrawal of funds from traditional savings institutions such as the mutual savings banks and savings and loan associations and channeled into short-term paper which has seriously threatened their liquidity, and thereby their ability to furnish the mortgage funds necessary to build the new homes America needs:

Resolved, That we the members of the Northeastern Retail Lumbermen's Association commend the administration for its position in the management of the public debt; and be it further

Resolved, That we urge Congress to remove the 4¼-percent interest rate ceiling to give the administration more freedom in management of the public debt; and be it further

Resolved, That a copy of this resolution be brought to the attention of the congressional Members in the northeastern area urging their favorable action on President Eisenhower's proposal.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 3, 1960.

Mr. HORACE G. PIERCE,
Managing Director, Northeastern Retail Lumbermen's Association, Rochester, N.Y.

DEAR MR. PIERCE: Receipt is acknowledged with thanks of yours of February 24, 1960, with reference to interest rates on Treasury obligations.

I regret to advise that it is my opinion that you are merely mouthing the statements of the Secretary of the Treasury and the Chairman of the Federal Reserve Board, which statements are fallacious and have not yet been sustained by the facts. On the contrary, every fact of economic and banking life indicates that they are wrong.

It is almost silly for anyone to argue that you will lower the interest rate in the marketplace by increasing the maximum interest that may be paid. Every time that we have increased the interest rate on FHA and VA mortgages, the rate immediately went to the maximum and stayed there. Furthermore, the interest paid on Government bonds fixes the interest rate on everything.

It stands to reason that the interest charged on risk loans, whether they be mortgage loans or otherwise, should be higher and they always are higher than the interest rates paid by the U.S. Government on its riskless securities. Our Government has never defaulted on any of its obligations and never will.

The finest security is U.S. Government obligations, requiring no effort on the part of the saver or investor but to sit back and to either clip coupons or receive the interest checks.

The pretense that short-term securities are inflationary is utter nonsense. They are no more inflationary than the E- and F-bonds that are readily cashable at any bank by the owner thereof. The mutual savings banks and savings and loan associations of the country have upward of 25 percent of their resources invested in U.S. Government obligations, most of them long-term. They are selling now way under par. If we increase the interest rate on new issues of long-term Government securities by as little as one-half percent the value of those outstanding bonds will fall another 5 points, and if we increase the interest rate on the new long-term issues by 1 percent those outstanding long-term bonds will drop 10 points. None of those institutions can stand it.

If you think that mortgage money is now tight, just try to imagine what will happen to it when the Government issues long-term bonds at 5 percent. Commercial banks are paying a maximum of 3 percent on their savings accounts, savings banks are paying 4 and 4¼ percent, and some savings and loan associations are paying as high as 4½ percent.

You can be sure that the run which was experienced a short time ago when our citizens rushed to buy the last high interest rate Government bonds will look like a crawl if we give this administration its way and let them issue long-term bonds at more than 4¼ percent interest.

There is no better way to dry up the mortgage market than to have the Government issue long-term bonds at an interest rate close to that being paid in the mortgage market. Why maintain and pay for the cost of real estate appraisers and employees to service mortgages when you can get better than the equivalent net return on riskless Government securities at the expense of employing a coupon clipper?

Can you think of anything more inflationary than increasing the cost of Government? The interest on Government obligations is the first charge on the cost of Government. The national debt now stands at $290 billion. The President says he is going to reduce that by $4 billion. I doubt whether he can but let us assume he does. That will bring the debt down to $286 billion. An increase in the cost of carrying that debt of only 1 percent a year is $2,860 million each and every year of the term of the debt. And you urge the Congress to let the President do that so he can issue long-term bonds that will run from 25 to 30 years? Multiply the $2,860 million by the number of years he wants the debt to run and you will have the total increased cost of carrying that debt. What could possibly be more inflationary?

Do not overlook the fact that this is not new or additional money that the Federal Government must borrow in order to carry on. This is all refinancing or refunding of existing debt. The only new money that must be generated for this refinancing will be the increased interest, if any.

There isn't an economist or financier in the country worthy of the name who can justify advising a client to refinance with long-term obligations an outstanding debt during a high interest rate market. The only sensible, businesslike thing to do is to finance short-term in the high interest rate market and when the interest rate drops, finance long-term. That has been traditional with our Government as well as with business and no one can give any valid reason to do the contrary.

Incidentally, did you know that in the bill reported by the committee there is a provision permitting the Treasury Department to engage in what is known as "advance refunding." That means that a Government bond that has 12 years to run until maturity, bearing a 2½ percent interest rate, can be exchanged by the Treasury for a new 20-year bond with a 5 percent interest rate. Justify that if you can. I cannot.

I will appreciate your circulating a copy of this letter among your members with the suggestion that they send me their comments with reference thereto.

Sincerely yours,

ABRAHAM J. MULTER.

Amerigo Vespucci (1451–1512)

EXTENSION OF REMARKS
OF
HON. HERMAN TOLL
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. TOLL. Mr. Speaker, Italy has been the home of the arts in all ages,

but in the 15th century she gave birth to two famous sons who became great explorers. One of them discovered the New World while the other, Amerigo Vespucci, baptized it with his name.

Little is known of this adventurous son of a notary public in Florence whose sole ambition seems to have been to sail away from home to places barely known, and explore new lands. In about 1500 we find him entering the services of Don Manuel, of Portugal, and organizing several expeditions. It is now known that in about 1502, or 1503, he arrived at a Florida shore, and then sailed south to the shores of Brazil. Then the two continents of the New World were named after him, Amerigo, America. Glory to the memory of this great explorer.

Statement of Congressman Lane on Cotton Export Program

EXTENSION OF REMARKS
OF
HON. THOMAS J. LANE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include my statement to the U.S. Tariff Commission on March 9, 1960:

STATEMENT OF CONGRESSMAN THOMAS J. LANE, DEMOCRAT, MASSACHUSETTS, TO THE U.S. TARIFF COMMISSION IN RE SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT OF 1933, AS AMENDED, ON THE UNDUE INTERFERENCE WITH THE COTTON EXPORT PROGRAM OF THE U.S. DEPARTMENT OF AGRICULTURE, OF IMPORTED COTTON, TEXTILES, AND TEXTILE PRODUCTS, MARCH 9, 1960

Mr. Chairman, and members of the Tariff Commission, the cotton export subsidy program of the U.S. Government for the benefit of domestic growers, is indirectly hurting the domestic manufacturers who process this raw material into cloth and clothing. This contradiction may be described as a double standard in textile economics.

We are paying out a subsidy rate of 8 cents a pound in cotton and the cotton content of cotton products in order to reduce the surplus of this commodity in the United States. Foreign manufacturers are buying and using this cotton to make textiles that are then exported to the United States where they undersell American-made textiles.

The same Government program which is helping the American cottongrower, is damaging the American cotton manufacturer. Even though we produce more cotton than we can use, American textile manufacturers have to pay $350 million more a year for cotton than they would at the world price.

We want to dispose of our surplus cotton abroad, but we don't want to see it come back to the United States in the form of cotton cloth or clothing that undersells American cotton textiles on the raw material differential.

This is only one competitive disadvantage that our manufacturers must contend with. The wages and other labor costs of foreign manufacturers are one-tenth of one-half of American costs. The surge of Japanese imports through 1955-56 has been held to that level by a voluntary quota arrangement with the Japanese Government.

But imports continue to pour in from other countries, and especially from India, Korea, Formosa, and Pakistan. In 1959, 170 million square yards of cotton goods were imported from Hong Kong; an increase of 170 percent over 1958.

New England textile mills have suffered from the constant erosion of unfair competition and Government indifference to their problems for many, many years.

Now that the problem of the textile industry has become national, affecting all mills irrespective of the States in which they are located, it is expected that the Federal Government will not only recognize the danger, but take effective action to protect our textile industry from the double-barreled attack of foreign competition.

The President has asked the Tariff Commission to determine if the establishment of an import fee equivalent to the export subsidy on raw cotton to foreign mills, is necessary to prevent interference with the Department of Agriculture's cotton export program. This is a roundabout and inadequate way to help American textile manufacturers in their predicament. A countervailing duty to offset "two-price cotton" is a beginning. To be effective, it must be implemented by overall quotas broken down by categories of goods, and comprehensive quotas.

The whole problem will not be solved unless the Government also applies a formula that will protect our manufacturers from the low-wage competitive advantage of foreign producers who are undermining our domestic market.

The Tariff Commission must face up to the fact that the American textile industry needs protection from the destructive effects of mounting imports. As it considers the convincing testimony presented by management and labor working together in their appeal for a solution to the ruinous competition of imports, I am confident that it will make the necessary recommendations to save the American textile economy.

Amerigo Vespucci (1451–1512)

EXTENSION OF REMARKS
OF
HON. EDWARD P. BOLAND
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. BOLAND. Mr. Speaker, Americans owe many things to many peoples, for we are indebted to innumerable countries and peoples for what they have contributed to our civilization. We are especially indebted to Italy for giving birth to two great Italians whose deeds and names are indissolubly connected with America. Christopher Columbus, one of the great explorers in his days, discovered the New World, and his contemporary, Amerigo Vespucci, gave his name to the New World.

This enterprising son of a notary public in Florence was born on March 9, 1451. From his early youth he was an adventurer, anxious to go far and away from home. His parents placed him in the great commercial and banking house of the Medici, and that connection offered him opportunities to travel and sail to all parts of the then known world. In about 1500 he entered the service of Don Manuel, of Portugal, and made several expeditions to the New World. It is believed that some time in 1504 he came here and gave his name America to our continent. Today, on the 509th anniversary of his birthday, let us remember this great explorer, his great son of Florence.

Let's Terminate the "Temporary" Luxury Tax on Telephone Users

EXTENSION OF REMARKS
OF
HON. A. S. HERLONG, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. HERLONG. Mr. Speaker, in this month of March the people of this Nation paused to honor the memory of Alexander Graham Bell who was born March 3, 1847, and who, 29 years later on March 10, 1876, gave to the world that vitally essential and indispensable servant of mankind called the telephone.

Things were different then. To quote a contemporary writer of historical prose:

The old enemy of distance prowled everywhere. And people were separated by the bigness of this land.

That was what started young Alec Bell thinking. He knew well what it meant to be shut off from the sounds of familiar voices. You see, he was a teacher of the deaf.

It wasn't easy—explaining sound to those who knew only silence. He had to take hold of sound and pry loose her secrets. He had to find out what she looks like. What she's made of. And then he learned that sound was willing to learn from him.

So he taught sound to change herself into a new form—electricity that wiggled up and down along a wire and carried with it all the laughter and sadness and anger and love of men's everyday conversation. Wherever they strung Alec's wire, distance just shriveled away. The plain, friendly speech of the western farmer could be heard, clear and distinct, in Boston. A man in New York could find out how things were going in California without even raising his voice. Alexander Graham Bell's telephone was talking their language.

Some inventions change the way people live all over the world. If so many of them have happened in America, it's because in this country there's always a dream of doing things better. And part of that dream is that each of us can make it come true.

And so we have seen how the telephone, in a little more than half a century, has grown from a laboratory curiosity to a necessity numbered by the millions. The manifold uses it has today scarcely need be told. Electronic engineers tell us the time is coming when a person anywhere in the world will be able to dial anyone else on the face of the globe without the intervention of an operator and in a few seconds have his party on the line. A vast, new field is opening up in communications. When the whole world can talk over telephones, the benefits will be multiplied. Perhaps, then, nations will understand each other a little better. Perhaps—and who can tell—the telephone may be one of the avenues which will help establish permanent peace in the bright new world we are still hoping and praying for.

We scarcely need be told that the people of this country and our own Government rely heavily on communications facilities and services not only in pursuance of our peacetime activities but in defense of our Nation. I point up all these things to remind us that the telephone is not a luxury but an everyday necessity. Yet, it is one of the most heavily taxed of any necessary service. Water, gas, electricity, heating fuel and other utilities are not taxed. Why then should we continue to single out and penalize the telephone user with a 10-percent levy every time he calls the corner grocery and every time he calls a sick relative in some far-distant State?

Actually, the Federal excise tax on communications services is unfair and discriminatory. It is a luxury sales tax on an essential service. The same kind of a tax that we assess against jewelry, furs, and liquor. Why should the telephone be put in the luxury class? When a housewife telephones for groceries or when she needs to call the family doctor about her baby's illness, she does not regard the telephone as a luxury. Nor does the businessman when he picks up the transmitter to order more merchandise for his customers. When farmers and others resident in rural areas need to summon a doctor or a veterinarian or to call the fire department, they do not feel that telephone service is a luxury. Yet, Congress has continued to impose this luxury tax upon one of the most essential services we have. I repeat, to continue this tax is unfair and discriminatory.

This tax was imposed as a temporary wartime measure to restrict civilian use of the telephone and to save materials in the interest of defense. Telephone users have been paying this temporary tax for more than 18 long and heavily burdened years.

Last year this Congress voted to drop the excise tax on local telephone service on June 30, 1960. We decided that the tax—the only such tax on a household utility—was an inequitable levy. The discontinuance of this tax would mean a 10 percent cut on local telephone bills for everybody. But now President Eisenhower has asked us to rescind the repeal action of last year and to continue the tax on both local and long distance service. In bringing these facts before the House I want my colleagues to understand I am as fully aware as they are of the problems involved in obtaining tax revenue for the country's needs. We know these needs must be met and that the money must come from somewhere. But telephone companies and their customers already are paying more than their fair share. I wonder how many of you realize that approximately one-third of every dollar spent for telephone usage goes for Federal, State, and local taxes. I am reliably informed that this is the amount of the tax against telephone companies and telephone users in most localities.

The millions of people who depend upon the telephone and the telephone companies themselves are seriously concerned should there be a continuance of this Federal excise tax on telephone service. I share that concern. They fear that the longer this tax on communications service is continued the greater is the danger that it will become a permanent part of the tax structure. Telephone users long have complained, newspapers the country over have demanded repeal of this tax, and the entire communications industry long has urged elimination of the tax. Are we going to continue to ignore their pleas? Telephone users and telephone companies are not alone in seeking repeal of this tax. State and Federal agencies which regulate the rates and charges for telephone service are fully aware of the impact of these excise taxes on the cost of service. These regulatory authorities repeatedly have advocated repeal of taxes on telephone service. The regulatory commissions know that the cost of providing telephone service has been constantly increasing due to the inflationary trends that have raised the cost of nearly every product and service. Commissions have found it necessary to allow a net increase of $2.08 in gross revenues to allow an increase of $1 in the net income of a telephone company. This comes about as a result of the Federal income tax. But, in addition, the customer must pay another 21 cents to cover the 10 percent excise tax on the increased rate. Thus, in order to increase a telephone company's net income by $1, the customer must bear a total increase of $2.29. Regulatory commissions are opposed to this added cost because they regard it as unsound, unjust, and inequitable to the maintenance of a reasonably priced communications service.

In view of these things I ask the Congress when the proper time comes to allow the tax on local telephone service to terminate on June 30, 1960, as scheduled. The wish to keep Federal tax revenues at present high levels should not blind us to the need of eliminating this discriminatory and unfair assessment upon our vital communications services. It would be a practical way of providing a general tax reduction which would stimulate our economy and which would benefit everybody.

In the language of St. Paul, I urge you to think upon these things.

Minshall Opinion Poll

EXTENSION OF REMARKS
OF
HON. WILLIAM E. MINSHALL
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. MINSHALL. Mr. Speaker, each year I send out a questionnaire to the home of every registered voter in Ohio's 23d District. The questions are based on some of the vital issues coming before the Congress. The response has always been excellent, and helps me sound out the sentiment of the voters on these important questions. Under leave to extend my remarks, I ask that the Minshall poll for the 2d session of the 86th Congress be included in the RECORD:

EIGHTY-SIXTH CONGRESS, SECOND SESSION

DEAR FRIENDS: On previous occasions, I have sent out questionnaires seeking expression on pending issues before the Congress. Your response has been excellent. Again I am requesting your opinions on these vital issues. Having the benefit of your views will better enable me to represent you in Congress.

Please place this card inside an envelope marked "Minshall poll" and mail to me at Post Office Box B–221, House Office Building, Washington 25, D.C. Your views will be held in strict confidence.

Sincerely yours,

WILLIAM E. MINSHALL,
Member of Congress.

MINSHALL OPINION POLL

1. Do you consider the proposed $41 billion defense budget adequate? No opinion ☐ No ☐ Yes ☐

2. Do you favor Federal aid for local school construction? No opinion ☐ No ☐ Yes ☐

3. Do you favor Federal aid to raise teachers' salaries? No opinion ☐ No ☐ Yes ☐

4. Do you believe we should continue our foreign aid program? No opinion ☐ No ☐ Yes ☐

5. Do you favor the Eisenhower-Khrushchev exchange of visits? No opinion ☐ No ☐ Yes ☐

6. Do you believe the Federal budget should be kept in balance? No opinion ☐ No ☐ Yes ☐

7. Who is your choice for the next President of the United States? ----------

Granting Atomic Weapons Information to France and Other Allies in Best U.S. Interest

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. CELLER. Mr. Speaker, the time has come for the United States to revise its policy of withholding atomic energy information from its own allies. This was recognized by the President in a recent press conference when he said:

> When the Soviets have the information and the know-how to do things, it's pretty hard for me to understand why we don't do something with our allies.

Under the Atomic Energy Act, however, the President cannot transfer restricted material and data for use in atomic weapons unless a nation "has made substantial progress in the development of atomic weapons." Only Great Britain has achieved eligibility under this standard. Even the recent explosion by France of an atomic device in the Sahara has not qualified it to receive the American know-how and materials which would facilitate its attaining an atomic capability.

I believe that in view of the fact that the Soviet Union already has atomic weapons as powerful as those of the

United States, it serves no useful purpose to continue this prohibition in effect. The law under which nuclear weapons and information are kept from our allies is out of date, especially since General de Gaulle exploded the French bomb in the Sahara.

Furthermore, the effect of withholding data and material on atomic weapons from allies such as France has become self-defeating. First, it requires our allies to spend millions and millions of dollars in duplicating work which we have already done—money better spent for raising their standard of living and for defense purposes.

Second, it makes it necessary for our allies to conduct nuclear tests explosions, either to develop their own weapons independently or to achieve the substantial progress in the development of atomic weapons which is a prerequisite to American atomic weapons aid.

Third, either we pool weapons and expertise or nations will act independently. France will go on testing until it has the hydrogen bomb or we offer nuclear cooperation. We dare not stand pat any longer. Such action can result only in a considerable number of independent capabilities—a situation in which it would be exceedingly difficult, if not impossible, to impose effective weapons control.

To remedy this situation, on February 29, 1960, I introduced a bill, H.R. 10748, eliminating as a condition for obtaining atomic weapons assistance from the United States the current requirement that a nation already have achieved substantial progress in the development of atomic weapons. The President will thus be enabled to make atomic weapons assistance available whenever he determines that this will promote the defense and security of the United States. The proposed agreement for the exchange of information or material will, of course, still be subject to the provision of the Atomic Energy Act which retains in Congress the right to make any such agreement ineffective by a simple concurrent resolution.

I have also provided in my bill that in return for receiving aid from the United States in developing its own atomic weapons, any nation receiving such assistance must guarantee to refrain from conducting nuclear tests explosions to the same extent that the United States refrains from conducting her tests.

The passage of this legislation will not only assist such stanch and proven allies as General de Gaulle in his quest to restore France to her greatness, but it will also prevent the proliferation of nuclear tests by aspiring atomic powers which now appears inevitable.

We must help France in this manner for then France helps us in the defense of Europe. Remember also, France is our time-tested ally. We have since our beginnings been forced into conflict with every major nation in Western Europe, but France has always been with us.

The text of my bill follows:

H.R. 10748

A bill to amend the Atomic Energy Act of 1954, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 91c of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. The President may authorize the Commission or the Department of Defense, with the assistance of the other, to cooperate with another nation and, notwithstanding the provisions of section 57, 62, or 81, to transfer by sale, lease, or loan to that nation, in accordance with terms and conditions of a program approved by the President—

"(1) nonnuclear parts of atomic weapons and nonnuclear parts of atomic weapons systems involving Restricted Data;

"(2) utilization facilities for military applications;

"(3) source, byproduct, or special nuclear material for research on, development of, production of, or use in utilization facilities for military applications; and

"(4) source, byproduct, or special nuclear material for research on, development of, or use in atomic weapons: *Provided, however,* That the transfer of such material to that nation is necessary to improve its atomic weapon design, development, or fabrication capability, whenever the President determines that the proposed cooperation and each proposed transfer arrangement for the nonnuclear parts of atomic weapons and atomic weapon system, utilization facilities or source, byproduct, or special nuclear material will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123: *And provided further,* That if an agreement for cooperation arranged pursuant to this subsection provides for transfer of utilization facilities for military applications the Commission, or the Department of Defense with respect to cooperation it has been authorized to undertake, may authorize any person to transfer such utilization facilities for military applications in accordance with the terms and conditions of this subsection and of the agreement for cooperation."

SEC. 2. Subsection 123a of the Atomic Act of 1954, as amended, is amended by adding at the end thereof the following:

"(5) A guaranty by the cooperating party that it will refrain from nuclear test explosions to the extent that the United States refrains from nuclear test explosions;"

SEC. 3. Subsection 144c of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. In addition to the cooperation authorized in subsections 144a and 144b, the President may authorize the Commission, with the assistance of the Department of Defense, to cooperate with another nation and—

"(1) to exchange with that nation Restricted Data concerning atomic weapons: *Provided,* That communication of such Restricted Data to that nation is necessary to improve its atomic weapon design, development, or fabrication capability; and

"(2) to communicate or exchange with that nation Restricted Data concerning research, development, or design, of military reactors, whenever the President determines that the proposed cooperation and the communication of the proposed Restricted Data will promote and will not constitute an unreasonable risk to the common defense and security, while such other nation is participating with the United States pursuant to an international arrangement by substantial and material contributions to the mutual defense and security: *Provided, however,* That the cooperation is undertaken pursuant to an agreement entered into in accordance with section 123."

Civil Defense Workers, H.R. 856

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 9, 1960

Mr. MULTER. Mr. Speaker, on January 7, 1959, I introduced my bill H.R. 856 to amend the Federal Employees' Compensation Act to extent coverage to persons engaged in civil defense.

On February 24, 1960, it was my privilege to appear before the House Education and Labor Committee in support of the measure.

My testimony was as follows:

STATEMENT OF HON. ABRAHAM J. MULTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. MULTER. Thank you, Mr. Chairman.

Mr. WIER. This is H.R. 856?

Mr. MULTER. Yes, sir.

Mr. WIER. Identify yourself, and the number of the bill.

Mr. MULTER. I am ABRAHAM J. MULTER, a Representative of the 13th District of New York.

I appreciate the opportunity this committee gives me to appear here in support of my bill, H.R. 856.

With your permission, Mr. Chairman, in order to save some time, I offer my prepared statement for the record, if you will take it that way, and I will give you a brief summary.

Mr. WIER. No objection? So ordered. We all have a copy of your report now.

(The information follows:)

"STATEMENT OF REPRESENTATIVE ABRAHAM J. MULTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

"Mr. Chairman and members of the committee, may I first express my thanks to you and to the other members of this subcommittee for giving me this opportunity to appear here today in support of my bill, H.R. 856.

"This legislation is designed to extend the coverage of the Federal Employees' Compensation Act to include certain persons engaged in civil defense. Specifically, in the language of the bill, it would cover 'part-time and full-time, paid and unpaid volunteers, auxiliaries, and civil defense workers subject to the order and control of State government or any political subdivision thereof engaged in, training for, or traveling to or from, activities relating to "civil defense" * * *.'

"I have introduced this bill because I sincerely believe that there are good reasons why the Federal Government should assume some responsibility for the welfare of these people if they are killed or injured while on duty.

"As you probably know, the protection provided to many of the people working either full time or part time in civil defense is in many cases woefully inadequate. This has been the case ever since the Federal Civil Defense Act was approved in 1950, and I think it is high time that we take the necessary steps to rectify this situation.

"In past years legislation has been introduced to authorize the Federal Government to make contributions to assist the States in awarding death or injury compensation in these cases. However, no action beyond hearings has ever been taken by Congress on any of this legislation. Over the years, apparently, the idea has prevailed that any compensation to be paid to people injured in the performance of civil defense duties should be paid solely by the respective States.

"This plan may be satisfactory in theory, but in actual practice it has been demonstrated to have serious shortcomings.

"Although it is true that many States have passed legislation to protect civil defense workers, it is also true that most of them have not done so. Even among the States which have acted, the coverage is not uniform. This in itself is unfortunate.

"Of greater importance, perhaps, than the inequity of uneven coverage among the States that have done something is the fact these workers in far too many States have no protection at all. These States have had 10 years to enact at least minimal legislation, but they have not done so.

"This situation is grossly unjust. Protection must be given to these people, and I think the Federal Government has a clear and compelling responsibility to provide it.

"I know that I do not have to make a case for what might happen to all of the American people if we should become involved in another shooting war. The consequences of such horrors are beyond our capacity to imagine. We must, if we are to be realistic, recognize the possibility of such a conflict.

"In the event of an enemy attack, the civil defense workers would be the most vulnerable group in our civilian population. They would be confronted with what, to say the very least, would be hazardous, demanding, and highly important duties.

"It is unthinkable that so many of them should be expected to serve under these circumstances without the benefits of adequate death or injury compensation. Yet, this is exactly the situation that has existed for 20 years, exists today, and will continue to exist unless and until Congress takes the necessary action to remedy it.

"By the very nature of civil defense work, if the program is to have any value at all, a great many people are required to participate in it. You cannot accept just anybody for these jobs. The work requires people with intelligence, a deep sense of responsibility, and a profound concern for the welfare and safety of the United States.

"The recruitment of persons of this caliber has always been a serious problem. And no wonder. We make heavy demands upon their time and upon their physical and mental energy, but, at the same time, offer them little or nothing in return.

"The inadequacy or complete absence of any death or injury compensation is a most serious barrier to recruitment of civil defense volunteers. As long ago as 1953 the head of the Federal Civil Defense Administration wrote: 'The Federal Civil Defense Administration continues to be seriously concerned over the representations by many State and local civil defense directors that the absence of compensation coverage for volunteer workers seriously hampers the development of a strong U.S. Civil Defense Corps.'

"There is every reason to think today that the assurance of compensation insurance would be of great assistance in this recruitment. The strongest argument for it is that it could correct a palpably unjust condition that can be measured in dollars and cents. But there are other arguments as well. As a moral factor, the knowledge that they were backed up by a program of Federal compensation insurance would demonstrate to the civil defense workers the genuine concern of the National Government in civil defense and in the welfare of all persons associated directly with it.

"The recruitment and training of personnel and other aspects of civil defense is the prime responsibility of the Federal Government. It has been delegated in part to the States and local governments.

"All of these levels of government have failed to deal adequately with this question of injury and death compensation for civil defense workers. I do think, furthermore, that under the circumstances, the Federal Government has a duty and an obligation to do something about this. It was for this reason that I introduced H.R. 856.

"Let me, in conclusion, point out that this bill offers nothing in the way of compensation for unpaid volunteers or in the way of additional compensation for paid workers in the performance of their regular duties.

"The cost of this measure, if enacted into law, is important, of course, but it should by no means be controlling. It is far more important that the few payments that might be made under its terms would be money well and justly made. The very least we can do for anyone who meets some accident or injury in connection with his civil defense work is to guarantee to him that he will receive some compensation as a result of his misfortune.

"It is my sincere hope that the committee will see fit to report favorably a bill. In my opinion it deserves prompt consideration by Congress.

"Again I thank the members of this subcommittee for the courtesy they have shown me in giving me this chance to appear in support of H.R. 856."

Mr. MULTER. Mr. Chairman, and distinguished members of the committee, most of the bills that you have before you, and Mrs. ST. GEORGE'S bill is one exception, are retroactive in effect in that they try to cover situations of persons already injured or families of those who have been killed or died as a result of injuries under various and differing circumstances.

I think the St. George bill, like my bill, is prospective in effect in that it attempts to remedy a defect in the law as to all and sundry who may come within the terms of the law if it should be amended.

I have been offering this bill since 1951, and I am very happy that the committee has seen fit to set it for hearing as it reviews the entire act to determine how it can be brought up to date and made more effective.

Mr. WIER. I may say to you we have two or three other bills on the so-called civil defense noneligibility.

Mr. MULTER. I am glad that other members have also seen the need for this.

Mr. WIER. Congressman FINO has one in here.

Mr. MULTER. Yes. I think Mr. FINO'S bill applies to persons who have heretofore been injured or the next of kin of persons who died as a result of injuries sustained in civil defense activities.

I do not think his is prospective in effect where mine would cover everyone and anyone who may be injured or dies as a result of injuries while working in civil defense.

The primary issue that the committee must determine is whether or not civil defense is a Federal obligation. My view is that it is. The defense of the country is the Nation's obligation.

While that portion of it which is referred to as civil defense has been delegated in part to the States and the municipalities, it is an unconstitutional delegation of power. I say that the U.S. Government cannot delegate its responsibility. While it can ask the municipalities and the States to assist in the program, it cannot pass on to them its responsibility to defend the country in time of peace and in time of war.

While we talk of war in the old sense of the shooting war, the cold war is just as much a war as the hot war or the shooting war. While we prepare for the time that we hope will never come of a shooting war, it is that portion of that responsibility of the Federal Government that we address ourselves to with a bill such as mine.

The training of persons in the Armed Forces is training for defense and national security. The training of volunteers and others in the civil defense of the country is the same kind of preparation. We will not need them unless there is a shooting war or unless the country is attacked. We do not need our Armed Forces except to the extent they are a deterring effect upon an aggressor or potential aggressor. We will need them when the time comes to defend our country and its people and its property.

This bill has been prompted, in part, by my actual experience during the 1940's when I helped set up in the city and State of New York the air raid warden service and the police and firemen's volunteer auxiliary services.

Every time someone was in training in any of those programs and was hurt or the/ learned of somebody being hurt while going to and from a training center or in the training center, or while actually performing those duties, and they found that there was no way of their family being protected in the event of the death of the volunteer, and there was no way of even getting his medical expenses paid, if the volunteer was hurt, we lost hundreds of volunteers. The services almost disintegrated every time there was an injury or death, the reports of which were carried in the newspapers. We have the same thing today.

The New York State Civil Defense Commission as early as 1951 said the question of insurance protection for civil defense volunteers had arisen in every one of our 104 local offices of civil defense. The lack of proper coverage has definitely impeded our efforts to build up a strong civil defense volunteer force. The same thing occurs even today. You cannot get these people interested to do the job when you are not going to give them some protection.

It is true that we pay our members of the Armed Forces. But historically it is the duty, not the privilege; it is the duty of every American citizen, every able-bodied American citizen to serve his country in its defense.

The U.S. Government as the sovereign has the right to call up these men and these boys and require their services without compensating them. We do it because it is the right thing to do, not because it is the legal thing. So with these civil defense volunteers. There is no obligation to pay them but it is our duty to at least compensate them for their injuries and give their families some compensation in the event of a death while performing this very necessary volunteer service.

Mr. FRELINGHUYSEN. Mr. MULTER, I do not mean to interrupt you but you referred to civil defense volunteers. As I understand it, your bill would specifically include a full-time paid civil defense worker and presumably paid by the State government, or perhaps a municipality.

Mr. MULTER. Yes.

Mr. FRELINGHUYSEN. What would be the justification for including in this protection that type of individual?

Mr. MULTER. I include part-time and full-time, and paid and unpaid volunteers.

The justification is this: We should have one system uniform throughout the entire country to cover all of these people.

There is one defect in this bill which you call attention to. There should not be double compensation or double payment to these people. If a paid employee, part-time or full-time employee, gets any compensation as a volunteer or otherwise gets any compensation on the local level, I do not intend that it be supplemented. But he should get it. He should get it to the same extent throughout the country. If he is getting $25 a week payment under a local statute, and this will provide for as much as $500 a month or $100 a week, he should get the difference. But these people who are serving the country should be on the same basis and compensated on the same basis. If some locality thinks they cannot pay as much as the Federal Government does, give them the difference. If they are paying more, he gets nothing from the Federal Government.

To that extent my bill needs amending. I do not want double compensation. I do not want supplemental compensation. I do think they all should be compensated, or their families in the event they are compensated, on the same basis from one end of the country to the other.

That, I think, presents the problem to you gentlemen for your consideration.

I am sure all of these bills that are before you are entitled to your sympathetic consideration and you will give them the deserving attention they need. You have a tremendous task before you to try to fill up the loopholes that exist in the law and correct inequities in the law.

I am sure you will bring out an overall bill that will encompass all of these situations.

I have no pride of authorship. I do not urge you must bring out my bill, or my bill is the only way to do this. I think you can bring out one comprehensive bill and include the provisions of mine to the extent they appeal to your sympathetic consideration and do the real job that has needed doing since 1940.

Mr. WIER. Mr. MULTER, if I could think of anything that could be said about this bill or the need for it or lack of need, I will say that the State administrator in my State is a very, very good friend of mine, and he comes down here quite frequently to the Civil Defense National Committee meeting, that is, the representatives of every State come here for an assembly. Yet the only place that I learned of or have been approached for this is New York.

My administrator in Minnesota has never approached me and I would presume that there must be some accidents out there because the civil defense in the major cities, like Minneapolis, St. Paul, work t the football games where they are called out for traffic duty. When there is a big fire they respond for so-called policing. They have so-called police uniforms. That is limited. They are continually doing these things. They are not just waiting for somebody to shoot and start a war. They are doing State work. On the Fourth of July they are spread around the State as something to warn people that they are watching them.

But my friend has never approached me on this question of compensation for these men that serve in his department.

Mr. MULTER. I think, because your State has been much more forward looking than mine, your State has assumed the monetary obligation involved and enacted a statute that covers these men, so that they get compensation in the event of injury and the families are protected in the event of death.

Mr. FRELINGHUYSEN. Mr. MULTER, the chairman pointed out that to some extent the functions of civil defense work are certainly not national in flavor. Supervising traffic at a football game would not necessarily create a Federal responsibility if the individual were injured I would think this could be used as a disastrous argument against your point of view.

Do you happen to know how many people would be included as possible beneficiaries under your bill?

Mr. MULTER. It is impossible to foretell how many might be injured.

Mr. FRELINGHUYSEN. How many people are engaged in civil defense activities, broadly?

Mr. MULTER. I do not have that number.

Mr. FRELINGHUYSEN. Many millions, I would assume.

Mr. MULTER. The Civil Defense Administration certainly could supply that information to you.

You will find that as of today it is comparatively few because you cannot get the volunteers on the local level to take up this national defense problem.

I have another bill which requires the U.S. Government to take over and do this job. I do not prohibit them from decentralizing. But you are never going to get a good national civil defense organization on the local level. It is a national problem and you cannot stir these people except in time of war.

Mr. FRELINGHUYSEN. If you define it as a national problem and if you say in the discharge of their Federal responsibilities and spell them out, you might have, I think, sounder ground for arguing that they should be compensated by the Federal Government.

If a man were injured directing traffic at a football game and you said the Federal Government is responsible for his total disability payments, you would get into trouble.

Mr. MULTER. You are certainly right.

Mr. FRELINGHUYSEN. So I would think if we were going to extend coverage to potentially hundreds of thousands of people that might be injured, millions perhaps——

Mr. MULTER. Under my bill—you see, I know how these men work and what they are doing—those—who have volunteered. Therefore, my bill says "while engaged in"—this is on page 1, line 10—"engaged in training for or traveling to or from activities relating to civil defense as such term is defined in section 3(b) of the Federal Defense Act of 1950."

That excludes the policing for traffic and the policing at football games. It refers, specifically, and covers them only while engaged in true civil defense as defined by our national statute.

Mr. FRELINGHUYSEN. Unfortunately, I did not have that statute with me. Presumably they are called out for traffic because they are members of the civil defense organization.

Mr. MULTER. On the local level. They have been enlarged to take in strictly local problems.

Mr. WIER. That is the only training they get.

Mr. MULTER. It is not the training called for by the Federal Civil Defense Act.

Mr. WIER. When we have a big parade—the Shriners, and the Legion, let us say—all of them are called out for policing the parade. We do not have enough policemen for that kind of a job.

Mr. FRELINGHUYSEN. Would not a policing function such as that be included within an appropriate definition of training for civil defense work?

Mr. MULTER. I think it is stretching it awfully far.

Mr. FRELINGHUYSEN. We do not have the definition. It is difficult to say.

Mr. MULTER. I never intended to cover that kind of function. It is necessary to keep these volunteers to give them something to do to keep their interest. In many communities they get additional policing duties. It gives him a feeling he is doing something for his community, while at the same time they keep up the defense organization. They must be in a state of readiness in the event the holocaust might come that we all fear but hope will never come.

Truly, it is not a part of civil defense duty to be policing a parade or football game or playing the part of a traffic officer.

Mr. FRELINGHUYSEN. In the case of a disaster, a sweeping disaster that might well be useful background to have had to be able to direct traffic out of the disaster areas.

Mr. MULTER. You now get into that basic problem about which there has been such tremendous difference of opinion. When you train a soldier—take, rather, a man in the Navy—what good is that training of showing him how to march and right face, left face, and about face? Yet it is part of basic training. There is the argument: Should we not stop wasting time training an artilleryman to march? Should we not stop wasting time training a pilot of an airplane to march?

Mr. FRELINGHUYSEN. What would a civil defense worker in peacetime be engaged in officially unless it were something like the duties which the chairman indicated they do as a practical matter?

Mr. MULTER. The only actual training for work he has to do is that which includes first aid, fire protection, police protection—yes, and traffic control would undoubtedly come within that. I suppose you could stretch it far enough to say that this training at the parade and at the football game is training him in traffic control.

Mr. FRELINGHUYSEN. I think you might get into an administrative nightmare to try to say that it was not direct training or reasonably a direct connection between the actual disaster and training.

Mr. MULTER. You put your finger on something that probably requires definition in the statute.

Mr. WIER. Let me point out also in connection with the Federal relationship that last year all of the administrators of civil defense were down here making a sincere effort to get some heavy equipment; and when my friend came up to see me, I said, "What are you going to do with heavy equipment?"

He said, "Roy, we have a job. When we have a forest fire either on State or Federal property, most all of the Western States pull these people out and use that heavy equipment for firebreaks."

So they were having an awful time getting some of the military surplus—that is, big tractors and equipment like that. I was wondering what they were training for. That is what they wanted it for. It was for protection of the forests up in the northern part of the State.

Mr. MULTER. Let me indicate this to you: As early as 1951, when the bill was first introduced, the Secretary of Labor said:

"It is the opinion of this Department that the Federal Government should assume responsibility for the payment of benefits only with respect to civil defense workers killed or injured as a result of enemy action as distinguished from injuries or death incurred in training or duty in advance of enemy attack."

I am sure you gentlemen would not agree with that kind of differentiation between injuries received while training to protect the country in event of attack.

Mr. ZELENKO. Under the present rules of war there would not be anybody left to administer this act if it were during a holocaust.

Mr. FRELINGHUYSEN. Let us change it to instead of rules of war, philosophy of war.

Mr. WIER. When did you get that letter?

Mr. MULTER. This letter is a copy of the letter from the Department of Labor of August 1, 1951, sent to Chairman BARDEN of the Committee on Education and Labor with reference to my bill, H.R. 3468, which was the identical counterpart of the bill now before you.

Mr. WIER. You heard the statement I made a minute ago.

Mr. MULTER. Yes, I did.

Mr. WIER. That we are getting reports on all these bills from the Department.

Mr. MULTER. Yes, I did. The reason I read that, that was the only objection he raised at that time, that we should assume the responsibility and pay them if hurt during attack or hurt during war, that we should not pay them while being trained to prepare to do the right thing.

Mr. FRELINGHUYSEN. Mr. MULTER, I think you agree that the difficulty of determining what constitutes training constitutes a problem as far as we are concerned; because of the necessity of being liberal in that definition, it makes it difficult not to get a tremendous number of beneficiaries even though it may be a very fringe kind of training for an actual disaster.

Mr. MULTER. As I said in my main statement, while the cost of this program is important, it should not be controlling. When we get into talking about numbers who may be covered, I think it is important to consider how many will have to be covered, but whether there are few or many, the principle is the same. If we should give them this compensation, I do not think it should matter whether there is 1 or 1 million that will have to be compensated. This is our obligation. If this is the Federal Government's obligation, we should meet it.

Mr. GOODELL. That is true, but you still have the problem of getting the Federal Government into covering them in all sorts of situations where they are doing nothing at all that is connected with the national purpose so-called.

Mr. MULTER. Yes, I agree.

Mr. GOODELL. This is particularly true because your section 2 would eliminate the present provision.

Mr. ZELENKO. Would the gentleman yield for one moment, please?

Mr. GOODELL. I yield.

Mr. ZELENKO. I have to leave to attend another meeting. I want to interrupt to commend my distinguished colleague from New York for bringing this problem to our attention and continuing to bring it to our attention.

I am most sympathetic with it. Something should be done. I think we almost all agree that the difficulty is how. I know if you continue to press this problem we will come to a solution.

These people are entitled to some kind of help, as I pointed out in the case of Mrs. ST. GEORGE'S bill. I am with you on the general theory. I hope we can work something out.

Mr. MULTER. That is all I ask of you.

Mr. ZELENKO. I commend you again for continuing to properly press this. You have been one of the leaders in pressing this and pointing out to the attention of the country this subject.

Mr. MULTER. Thank you, sir.

Mr. ZELENKO. If you will excuse me.

Mr. GOODELL. Your section 2 provides that the civil defense employees will be considered employees of the Federal Government for purposes of compensation.

This would raise all of these problems we are talking about if we change that classification and make them Federal employees for purposes of Federal compensation. Then what forest fires they are fighting or when there is a snowstorm or whatever it may be presumably the Federal Government would be responsible every time they are called out.

Mr. MULTER. That is so. But the main purpose, of course, of section 2 is to bring them into that so they can use that same machinery. You do not have to set up new machinery. There is no new department called for by my bill. They will file their claims just as though they had been employees. They will go through the same process that any other Federal employee's claim would have to go through. It is an expeditious way of handling it. It is a fair way. It never gives them complete compensation but it does put them on the same basis.

But as you both pointed out, the bill is by no means perfect. It probably needs clarification so as not to bring into it those that should not be covered.

Mr. GOODELL. I have one more question here.

Was there any particular reason that you put in this provision for maximum benefits provided under the act? It is my understanding that would provide for something like $525 a month for these people.

Mr. MULTER. I think that would probably come to about $525 a month and the reason I did that was that my experience in New York City and New York State is that most of these volunteers are businessmen and the higher paid type of employee. You do not get the man who is earning $50 or $75 or $100 a week ordinarily into this program. You get the man who has gotten to the point in life where he has the time and the feeling that he owes a duty to his community. There is an obligation to his community and to the country to do something in times of need and stress and disaster.

Mr. FRELINGHUYSEN. There may be such competition for positions under this provision that you will lose those higher paid types for the lower paid who would like to receive such compensation if they should be injured, I should think.

Mr. MULTER. I would have no objection to this provision reading that you take his base pay on the outside as the measure of his damages, not to exceed the maximum, so that if you got the man who is in the $200-a-week category he is going to be limited to the maximum. I have no objection to it being handled that way.

Mr. FRELINGHUYSEN. Then you will get the $200,000 a year man crowding for the consideration.

Mr. WIER. Let me assure, you, Mr. MULTER, since there are 20 amendments, it would be much easier if we already had a good bill. Some of the things I learn here in these hearings about the present Compensation Act, which it is a very good act for those that are covered, but there are a lot of problems.

Now, Mr. McCauley told us as an example that when somebody asked him about who is covered an example would be this:

If the Government or some agency of Government assigns two or three professional people in University of Minnesota, for example, to do some research work, by Government assignment and under the jurisdiction of the Government, even though they draw their pay out there, their university pay, as long as they have that assignment they are covered by compensation.

There are so many inequities in this bill. I am talking about maximums and minimums.

Some of the military is covered. Some of the military is not covered. Some chose not to be covered and preferred the Veterans' Administration compensation.

So this is not a simple bill.

Mr. MULTER. No. I think the task of your committee and the task of every congressional committee would be made a tremendously lot easier if we had some overall requirement in the law that every agency having jurisdiction under a particular bill or act would have to review at least every 10 years and submit to the Congress or the congressional committee involved in recodification bringing it up to date and indicating to the Congress what difficulties they have run across, what problems they have had in the administration of the act, and bring in a proposed overall bill so as to modernize the law.

If they did that once every 10 years, your problem would be a lot easier. I know ours would be in my standing committee. But they do not do it.

Mr. WIER. It is 11 years now since this bill was amended, so we have these problems that have come to light in those 11 years.

We want to extend our appreciation, Mr. MULTER, to you for pointing out some of the problems. It is a very controversial bill.

You gave us a job here and Mrs. ST. GEORGE gave us a job in trying to define what the civil employee is.

Mr. FRELINGHUYSEN. Mr. Chairman, if I might add, that as might be expected, Mr. MULTER has been both an interesting and provocative witness.

I congratulate him on the handling of this subject.

SENATE

THURSDAY, MARCH 10, 1960

(Legislative day of Tuesday, March 8, 1960)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal Spirit, who art revealed to us in the order of the world in which we live, in the emancipating truths our minds discover, and, above all, in the life of the spirit as we see it exemplified in the noblest sons of men, we beseech Thee that in this hour of destiny for us and for a world in wild commotion, Thy servants in this temple of democracy may be worthy of their sacred commission as the keepers of freedom's holy light.

Give us to know that the deepest revelation of Thyself is hidden in our own hearts and in the hearts of our fellows on this strange earthly pilgrimage. Make room in our sympathy for the vast multitudes of the disinherited who have been stirred by a radiant hope and, as sheep without a shepherd, are turning from despair to promise.

And so may we find our true selves in the need of others, and, thus, beyond ourselves, find Thee.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 9, 1960, was dispensed with.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSON of Texas. Mr. President, I am prepared to yield to any Senator who desires to speak at this time.

Mr. PROXMIRE. Mr. President——

Mr. DOUGLAS. Mr. President——

Mr. PROXMIRE. Mr. President, will the Senator from Texas yield for the transaction of morning business?

Mr. JOHNSON of Texas. Yesterday we announced that due to the limited time, we would have a morning hour immediately after the vote regarding which consent was given. We have divided the time, and it will begin to run at 9:30.

We can have a quorum call, if Senators wish to use that much time to call Mem-

bers to the Chamber. However, I doubt that there would be many more Members in the Chamber at the end of a quorum call than the number present at this time.

If the attachés of the Senate will telephone to the offices of Senators who are not now in the Chamber, that may suffice. On the other hand, perhaps some Senators are willing to speak at this time, to those presently in attendance.

Mr. DOUGLAS. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. DOUGLAS. The debate by the proponents of cloture will be opened by the Senator from Oregon [Mr. MORSE], who will speak for approximately 5 minutes.

Mr. JOHNSON of Texas. Very well; then I yield 5 minutes to the Senator from Oregon.

But first, if he will yield briefly to me, I wish to ask the aids of the majority and the minority to notify Senators not now in the Chamber that we wish to have them come to the Chamber as soon as convenient, and that we are not having a quorum call at this time, in view of the fact that if we were to have one, the time required for it would have to be taken from the time available to each side.

The VICE PRESIDENT. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, I had not contemplated opening the debate this morning. I understood that I was third on the list of the Senators scheduled to address the Senate on the pending amendment. However, I shall be very happy to present my views now in view of the fact that the heavy snowstorm outside apparently has snowbound the Senators who were scheduled to speak first.

Mr. President, I wish to raise several points in connection with the pending cloture motion.

It has been stated in the press that the cloture motion is premature. Our majority leader and other Senators have stated that it is premature. But those who so argue do not relate that argument to any subsequent events which possibly could occur during the debate, so as to justify their argument that the cloture motion is premature.

Mr. President, what is meant by those who say the cloture motion is premature? The Senate has had more than 3 weeks of debate on this matter. The lines in the Senate are drawn. Every Member of this body knows exactly where he stands on every phase of this civil rights issue.

Do those who say the cloture motion is premature mean—as I suspect they do—that it is premature because they have not yet gotten before the Senate the watered-down version of civil-rights legislation which they really want? Is that why the cloture motion is said to be premature? Is it premature because it is the strategy of the opponents of cloture to want to stall this debate until a very weak, ineffective civil rights bill is passed in the House of Representatives and sent to the Senate? I think that is exactly what their parliamentary game is. It should be rejected today both by the Senate and by the people of America.

The Negroes of America are entitled to full not partial protection of their constitutional rights. The Negroes of America have suffered long enough from the injustices that go along with second-class citizenship.

Mr. President, I come to grips with that issue: I say to the American people that what is going on in the Congress in this presidential election year is a movement behind the scenes to once more fail to give to the Negroes of America the full protection they deserve as citizens of the United States. Fair civil rights legislation is being compromised here in the Congress today by parliamentary maneuvering. The strategy is to maneuver the Senate into a position which will result in the passage of a watered down civil rights bill that will contain no effective enforcement teeth in it. Unless the bill passed by the Congress has enforcement teeth in it and goes far beyond a voting rights bill the Negroes of the Nation will be cheated by the Congress again.

Mr. President, it may be that those who claim the cloture motion is premature make that claim because they have not yet gotten out of the way in this debate part III of the 1957 bill, which was stricken from that bill. In my judgment, in order to guarantee to the Negroes of the Nation first-class citizenship, the Senate should come to grips with the politics involved in this matter. I warn the Negroes of America that in both parties there are politicians who do not want to go to the political conventions in July with a record of the passage by the Congress of a meaningful civil rights bill. There are too many politicians in the North who are willing to continue the disgraceful national record of second-class citizenship for the colored people of America. I say to the colored people of the Nation that they should put their eyes on those politicians and should judge them, not by a single promise they will make to the Negroes during the campaign, but by the votes those Members cast in the Senate and in the House of Representatives during this historic debate. One of those votes will be held today in the Senate.

That vote, I say to the Negroes of America, will be a fairly good gage as to what Members of Congress really are fighting for the enactment of meaningful civil rights legislation.

Mr. President, what do I mean by "meaningful civil rights legislation"? I mean the passage of a measure which will contain the enforcement procedures contained in part III, because after the vote to be taken today, the next move will be to try to lay on the table the Case amendment which sets forth the contents of part III. I say to the Negroes of the Nation that in part III they will find protection of their rights under the Constitution. Only in part III, Mr. President, is there to be found the procedure necessary in order to give effect to the historic decisions of the U.S. Supreme Court in connection with desegregation. Only in part III, Mr. President, are there to be found the enforcement powers which really will cause necessary legal steps to be taken in order to put into effect desegregation in the schools of the Nation.

I am no more interested this year than I was in 1957 in a bill on civil rights in form, but without the substance to which the Negroes of the Nation are entitled. That is one of the issues which is being raised by this cloture motion.

All the oratory we may hear during the rest of the day, all the talk to the effect that the cloture motion is premature, all the talk that more time will be required for debate, will amount to only an escape mechanism on the part of Members of the Senate who do not want to face up to the first opportunity they have in the Senate to vote, in 1960, for a meaningful civil rights bill. Mr. President, that draws the issue.

The VICE PRESIDENT. The time yielded to the Senator from Oregon has expired.

Mr. MORSE. Mr. President, my last sentence is one on which I am pleased to close—"that draws the issue."

Mr. DIRKSEN. Mr. President, I yield 12 minutes to the distinguished Senator from Mississippi [Mr. STENNIS].

The VICE PRESIDENT. The Senator from Mississippi is recognized for 12 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Illinois for yielding this time to me.

My remarks will be directed chiefly to a very brief analysis and brief observations in regard to part III, which is proposed to be offered.

By this cloture motion it is actually proposed to cut off debate, except for 1 hour for each Senator, and then there will be submitted to the Senate for passage the so-called part III, which was rejected by the Senate in 1957. After the most exhaustive debate and consideration of that proposal at that time—even though it had the support of the then Attorney General—the Senate, in its deliberate judgment, struck it out by a vote of 52 to 38. In other words, on analysis, that provision received just slightly more than one-third of the votes.

The present Attorney General of the United States has not requested such legislation. Despite that fact, the proposal would make the Attorney General, in effect, a director general of integration. That fact is over and above the fact, Mr. President, that the Attorney General has much to do with the selection and promotion of the Federal judges before whom he would try his part III cases.

I bring up that fact to point out the defects in the practice which has developed over the years of having the Department of Justice, headed by the Attorney General, play such a major role in determining the composition of the Federal judiciary.

I point out that fact now as an additional and compelling reason why we should not launch that Department into a new and uncharted field of unlimited power—the highly emotional and political field of civil rights.

It is wholly inconceivable to me that those holding the responsible positions of

Senators of the United States could reach a judgment which would impose cloture now. I hope this motion does not receive even a majority vote, much less two-thirds; and it should not. It is inconceivable to me that it could be the judgment of the Senate to cut off debate upon such a far-reaching measure when its ramifications have not yet been given even the minimum consideration which its import demands.

There has been no opportunity to argue against the part III proposal or to point out its defects to the Senate. And that fact also must be considered in light of the fact that since that question was last before the Senate, 22 new Senators not familiar with the issue have assumed seats in this body.

I hasten to point out, Mr. President, in all deference to the Members of the Senate who only took their seats this session, that I take a man at full value as an associate in this body and consider him a full-fledged Senator the day he gets here. My personal feeling is that he should take an immediate part in representing his State.

Mr. President, I have no quarrel with any Senator as to how he votes. That is a matter which addresses itself to the conscience and conviction of each Senator. However, I think a Senator who is new should think a long, long time before he joins in an effort to shut off debate by colleagues who have been Members of this body far more years—some for as long as a quarter of a century.

With the greatest deference to all Senators, Mr. President, I doubt that a Senator can best serve the interests of his State by actively seeking the imposition of cloture when the matter goes so far into the vitals of the very nature of this institution. Certainly this institution is different, and one of the major sources of its greatness is that it is the only legislative body on the face of the earth wherein freedom of debate has been preserved.

Mr. President, I want to move on to a very brief analysis of so-called part III, or to which it is now proposed to cut off debate without any real analysis—and there can be no substantive debate which brings out the real facts following the imposition of cloture.

Part III, so called, has several fatal defects, but I want to particularly point out that it contains no guidelines or measures of the vast, far-reaching power, which the Attorney General would have under its terms. That would be particularly true under the third section or "C" of part III, which purports to deal with alleged violations of rights conferred by the 14th amendment.

Mr. President, on analysis, could anything be broader or go further than the powers which this proposal would vest in the Attorney General? By one stroke of the pen, this proposal would vest that official, regardless of what administration might be in office, with power to proceed, at the expense and in the name of the Government, to enforce any so-called civil rights he could possibly read into the 14th amendment. He could so act in suits before judges who owe their jobs to him and do so without granting defendants their right of trial by jury.

Mr. President, I submit it would be the height of irresponsibility to confer such vast, undefined power as that upon anyone. I think if the Senate should do so, it would be a Senate gone mad. For the Senate to sit here and allow a measure of that kind to be presented under conditions of cloture—cutting off discussion and debate and analysis—imposed before it has actually been presented on its merits would be unthinkable.

I wish to make another point. The so-called part III, the provisions which would vest the Attorney General with such vast power, is certainly broad enough to cover every conceivable phase of the vexing problem now on the doorstep of every school district in the Southland.

As I have said, in the unlimited power to proceed granted in this proposal, there would not have to be any judgment of the court. I respect the judgment of the court, or any order of the court. There would not have to be any formalities of that kind, or any adjudication. Every single phase of the school problem, in all of its unsolvable nature, would be swept into the current of this vast power. In addition, theaters, restaurants, lunch parlors, shoe counters, anything and everything could possibly be considered to be covered, without any rhyme of imagination—not by reason, but through anyone's imagination. All that would be carried forward in the title 3.

I invite to the special attention of those who were not here during the debates in 1957 the situation then. If they cannot analyze it themselves, they should get competent legal advice.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. STENNIS. I thank the Presiding Officer. They should get competent legal advice to measure the far-reaching implications. Then I believe they would not be in favor of it.

I thank the Senator.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the distinguished senior Senator from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I think the question which faces us today can be very simply stated. I believe all of the predictions about the prematureness of our position in filing the petition for cloture go out the window when we consider the admitted fact, advanced not only by the proponents of the position I represent but also by the proponents of a much more bobtailed position, that the debate will not be closed until cloture is imposed.

Mr. President, what is not realized either in the country or in this Chamber adequately, apparently, is that we are now in a situation which we did not face in 1957. In 1957 the opponents of civil rights legislation did not filibuster the proposed legislation, though they engaged in extended debate and, indeed, one of their Members made a record for individual debate. I emphasize the word "individual." This time we face a completely different situation. There is a filibuster on to such an extent that the majority leader has recognized it by calling for around-the-clock sessions, the traditional method of endeavoring to break a filibuster.

Mr. President, the choice before the Senate is, when do we vote on cloture? Do we vote on cloture now, or do we vote on cloture later? There is no question about the fact that, whether it is at our request or at the request of the majority leader, sooner or later that will have to be done, unless the opponents change their tactics completely.

I respectfully submit, Mr. President, if we have so weak a position that the opponents change their position completely, then the vote upon this motion will become even more significant than those of us who are advocating it believe it is.

Mr. President, the choice for a Senator, as I see it, is narrowly confined to the question, When do we vote for cloture?

Mr. President, the petition for cloture is based not upon some extreme measure. It is based upon the administration bill. It is the bill of the Eisenhower administration, put before the Senate by the junior Senator from Illinois. This is widely heralded as a modest, middle-of-the-road package. Mr. President, if cloture is imposed upon this package, then every one of its propositions will be germane. Those provisions relating to voting rights, those provisions relating to the equal opportunity for employment under Government contracts, and those provisions relating to some minuscule of assistance to school districts seeking to desegregate, will all be germane, after the cloture takes effect.

But, Mr. President, if we have a more bobtailed bill, those sections will be gone. Those are sections we all know about. The amazing thing about this place, Mr. President, is that everybody knows everything, but very few people say it. Two provisions toward which all attention is directed with respect to which it is hoped the bill will be bobtailed before we vote for cloture, if the present effort is defeated, are contained in section 204 and section 206. Section 204 would give the minuscule recognition to school desegregation. Section 206 deals with the Commission on Equal Job Opportunity Under Government Contracts. Therefore, Mr. President, what is sought to be done by those who vote against cloture today is, for all practical purposes, to vote against section 204 and section 206, and also to shut the door to any real amendments of those sections or any real effort to buttress them, whether by part III or any other provision. This is the net of it, Mr. President. This is the issue before the Senate today. I deeply believe that will be the result which will be read into every vote.

Mr. President, another thing I should like to mention is that my colleagues do not have to be so tender about the fact that they will be shutting off debate, because there will still be 100 hours of debate. There will be not only 100 hours of debate, Mr. President, but there will

also be the application of the rule of germaneness.

Mr. President, let us understand that those who oppose this proposed legislation have not hesitated to grind the machinery of the Senate to a halt. Committee operations and all other operations have been held up. Appropriation bills have been held up awaiting acting upon this filibuster. I think in return we need have no fear about being unfair, after over 250 hours of debate, in bringing about a modest restriction, which is the cloture rule.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. I thank the Presiding Officer.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the Senator from South Carolina [Mr. JOHNSTON].

The VICE PRESIDENT. The Senator from South Carolina is recognized for 5 minutes.

Mr. JOHNSTON of South Carolina. Mr. President, we are now facing the question of whether debate will be cut off; whether cloture will be put into effect.

I now warn some of the Senators on this floor who desire to speak at length on a great many subjects, and who have spoken at length on matters in the past that if cloture is imposed they will set a precedent to put cloture into effect on other matters when many Senators desire to speak further.

We have been debating around the clock, that is true, but why did we go around the clock? Who put that into effect? It was not those who want to speak, to study, to look into the matter, and to do a little educating of some of the people of the United States.

The liberal papers have misled the public in regard to what was before the Senate until very recently. Any knowledge brought to the people was a result of the debate upon this floor.

I cannot see, for the life of me, why the Senate would vote for cloture in face of all the amendments which are now pending before the Senate. Part III of the 1957 civil rights proposal is what we voted down by a vote of 52 to 38 in 1957. Why was part III put before the Senate before the petition for cloture was filed? It was done in order to have it before the Senate, so that if possible it could be rammed down our throats without debate.

What would that provision do? It would give to the Attorney General almost dictatorial powers—dictatorial powers. Yes, it would. It would also take away the right of trial by jury.

I want the Senate to realize that when we debated this subject before, the issue of trial by jury was discussed. The Senators who have come to the Senate since 1957 must read the debate of that day, and study the amendment, to find out how dangerous the amendment which is now pending is.

I am not in favor of giving any Attorney General dictatorial powers, as part III would do.

As I look at the situation as it now exists, and look back at the debates of the 1800's and consider the debates now in progress, I see a development, 100 years later, of the same controversy which nearly broke asunder our Nation.

We must not cut off debate on such a dangerous and highly complicated issue. To do so will seriously harm our Nation.

Mr. SALTONSTALL. Mr. President——

Mr. JOHNSON of Texas. Mr. President I yield 5 minutes to the distinguished Senator from Massachusetts.

The VICE PRESIDENT. The Senator is recognized for 5 minutes.

Mr. SALTONSTALL. Mr. President, would it be possible for me to have 10 minutes?

Mr. JOHNSON of Texas. Mr. President if I may have the attention of the Senator from New York [Mr. JAVITS], I have before me a list which was prepared earlier, showing that the distinguished Senator from Massachusetts would be allowed 10 minutes. A later list shows 5 minutes. The Senator from Massachusetts wishes 10 minutes. What is the situation?

Mr. JAVITS. We do not have the time, but shall we say 7 minutes?

Mr. SALTONSTALL. I thank the Senator.

Mr. JOHNSON of Texas. I hope the Senator understands the situation.

Mr. SALTONSTALL. I thank the Senator.

Mr. President, we are debating the future of our democracy and the very soul of our society. Nothing can be of more importance to our strength and happiness than the nature of our respect for the basic dignity, real freedom, and clear opportunity for all men. This is the most profound meaning that the phrase "civil rights" has for me.

Our consideration of human rights, civil liberties, equality of opportunity—whatever the term—must necessarily be a continuing one. The matter isn't ended by a new law or a court action or by the exhaustion brought on by all-night sessions of the U.S. Senate. It is perpetual. Mankind will always face evolving challenges to his spirit and the nature of his active, living ideals. This is easily illustrated by the problems—physical and moral—brought on by the population growth, urban expansion, modern industrialization, and huge technological and scientific advances we know today.

Presently, we are focused primarily on voting rights.

In approaching such a basic subject as this, we in Government invariably look to the Constitution for reference and guidance.

We want to determine whether and how to legislate so as to assure all Americans the actual opportunity to vote. The Constitution gives this right. Section 1 of the 15th amendment reads:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

What is more, section 2 of the same amendment specifically points out Congress' role in guaranteeing and preserving this right. It reads:

> The Congress shall have power to enforce this article by appropriate legislation.

In considering the 15th amendment, we sometimes forget section 4 of the very first article of the Constitution, which touches on the matter of "State rights," and says in part:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Here is the guidance and the authority provided by our Founding Fathers. Almost 3 years ago, in this Chamber, I said:

> The primary right of the individual in a free government is the right to vote; otherwise, he cannot take any part in his government and thereby is deprived of his freedom. * * *
>
> If every citizen who is qualified to vote has the right to vote and does vote, then certainly we will have a government that represents the people of the community, State, or Nation. We will have a government which in its judgment is responsive to the needs of the majority of its citizens.

It seems that our most cherished right is to have the opportunity to vote as we wish for the policies and people we support—to participate in free elections. This is the core of our democracy or of any democracy. Once it is denied even in the smallest degree, we all feel the loss. The collective right is then in jeopardy.

In a larger sense, our own status in truly guaranteeing all of our citizens the rights which are theirs, by the ideals of the American Revolution and the brilliant foundation of the Constitution, is related closely to the call for leadership in the world's quest for peace. The United States of America is struggling to supply that leadership.

To be effective in this purpose, our Nation must not only keep the confidence and respect of our traditional allies, with which we have much in common economically, historically, and culturally, but also gain the confidence and respect of new nations and peoples across the world. Many of these are underdeveloped, newly emerging national states. Many of these are made up of black, brown, and yellow-skinned people. They have an intense desire to control and direct their own future and the progress of their nations. Their foremost concern is human rights.

The struggle with the Soviet Union for world freedom—the cold war, the fight for men's minds, call it what you will—is a quest for world survival. That struggle is currently concentrated in these so-called uncommitted, non-Western, and poor areas. The United States must convince these nations of its basic integrity, its qualifications to direct the destinies of all peoples for brotherhood and peace. Inner erosion of our basic moral, social, and political principles will disqualify us in the eyes of much of the rest of the world, and make us look hypocritical.

Our struggle with world communism will in the final analysis be determined

by how vitally and uncompromisingly we practice what we preach. The American genius has been its ability to transfer beliefs into reality. But this is a continuing challenge, and our record in the past is not enough if we are to meet new problems. As we encourage others to aspire to the highest ideals of human liberty—in order to defeat the Communist threat to strangle human freedom with tyranny—we must do our best to carry out these ideals ourselves.

The 1954 Supreme Court decision on school desegregation focused on the educational area. It forced a beginning of the recognition and practice of civil rights for Negroes in their schooling, although in many sections the start has been blocked and frustrated and progress has been slow and painful.

Here it should be pointed out that civil rights cannot be considered in separate fragments, each isolated from the other, any more than we can categorize the various experiences of an ordinary day in each of our lives and claim that no part influences another. All segments are interdependent and closely related. And so, participation in elections, the use of public facilities, housing, government employment—all these areas stirred restlessly with new hope to end discriminatory practices as a result of the Court's school decision.

Acting under the belief that many Negroes in some areas of the country were being denied unlawfully their right to vote, Congress in 1957 passed the first real civil rights legislation in more than 80 years. This Civil Rights Act gave the Attorney General the authority to institute civil actions to enjoin any public official from depriving citizens of their voting rights in any election and to enjoin both public officials and private persons from interfering with a citizen's right to vote in a Federal election.

Any complaint which stated a prima facie case submitted to the Justice Department could be investigated by the FBI, and where an obstruction to voting was substantiated the Attorney General could seek an injunction in the appropriate Federal court. If the injunction was granted and ignored, the judge could cite the offender for either civil or criminal contempt of court. The court could convict anyone of criminal contempt with a sentence of as much as 6 months in jail or a fine not to exceed $1,000, or both. If the defendant was convicted of criminal contempt without a jury trial and sent to jail for over 45 days or fined over $300 he would be awarded a new trial before a jury.

The Civil Rights Act of 1957 also removed State qualifications for Federal juries, allowing, in effect, Negroes and women to serve on juries in many Southern States for the first time. It established for 2 years a bipartisan Civil Rights Commission to investigate charges of denial of voting rights, to study and collect data on failure to provide equal protection under the laws, and to appraise such Federal laws. This law represented a strong effort to correct some voting rights inequities.

But it is clear that additional legislation is needed. Last summer a member of the Civil Rights Commission reported that "the right to vote is being denied certain American citizens upon a discriminatory basis in certain counties of a few Southern States." It is important to emphasize here that the Supreme Court has long recognized the broad powers of States to determine the qualifications necessary for the exercise of suffrage. The issue is that these conditions may not be applied discriminatorily. It is important to make this distinction, or else the subject at hand can become enshrouded to a false degree in the States rights issue.

On January 27, 1960, in introducing a new administration proposal to protect voting rights, Attorney General William Rogers said:

> It has been an unpleasant fact for too many years that in a few areas of the country segments of our population have been systematically and deliberately denied the right to vote because of their race or color. Fortunately, in recent times there has been a growing concern with the problem and a strong national determination to end racial discrimination in all its forms. It is particularly important to do so in the field of voting. Discrimination in that field is totally inconsistent with our democratic system. Then, too, the opportunity to use the ballot is a principal means by which other forms of racial discrimination may be combated.

The Civil Rights Commission has shown that about 25 percent of the nearly 5 million southern Negroes of voting age are registered as compared to 60 percent of the white population of voting age in the same area. The Commission's report claimed that the comparatively low number of registered Negroes was due to discriminatory application and administration of State registration laws, and in some cases, the absence of registration boards.

Some of the statistics used by the Commission are unofficial, but it seems eminently clear that this bipartisan body of serious, dedicated, thoughtful men has fairly attempted to carry out the job given them under law and pinpointed a serious problem which has been too greatly overlooked for too long and which requires effective action.

The Commission reported that "substantial numbers of citizens qualified to vote under State registration and election laws are being denied the right to register." It found that "existing remedies are insufficient to secure and protect the right to vote of such citizens." Finally, the Commission set forth recommendations based on its conviction that "some method must be found by which a Federal officer is empowered to register voters for Federal elections who are qualified under State registration laws but are otherwise unable to register."

I am proud to support a bill which will help to protect the basic privilege of taking part in our government "of the people, by the people, and for the people" by the right to cast a ballot. I believe that the administration bill, which I have cosponsored, is necessary, sound, workable, and fair. Its authority is the U.S. Constitution and the basic ideals of a modern, free democracy.

I believe that this proposal is primarily a voting rights bill. It does contain other provisions—in the areas of education, obstruction of equal protection justice by force and violence, and employment under government contracts—because it recognizes that civil rights problems and progress in various realms are continuing and closely interrelated.

The administration bill makes it a Federal crime to use force or threats of force to obstruct court orders in school desegregation cases. It enables the FBI to track down persons fleeing from one State to another to avoid prosecution for bombing schools and churches. A third provision requires the preservation of voting records and gives the Justice Department power to inspect them in enforcing the 1957 act.

Other provisions authorize technical and financial assistance for States attempting school desegregation plans; establish by law a Commission on Equal Job Opportunities Under Government Contracts; and permit schooling of children of servicemen in areas where local schools have been shut down to avoid complying with the Supreme Court.

The administration bill also includes the Attorney General's proposal for court-appointed referees. This is, in my opinion, the basic provision of the comprehensive measure.

It would authorize the Federal courts in voting rights cases brought under the Civil Rights Act of 1957 to appoint officers called voting referees to help qualified persons to register to vote at any election, under the court's decree unless the referee's findings and certifications are "clearly erroneous." The referee would also attend the elections and be sure that the certified persons were indeed allowed to vote. If that right or the right to actually have the vote counted was denied, contempt proceedings could follow.

Several features of this arrangement make it advantageous in my opinion. It would operate within the established judicial framework, rather than half outside and half inside, and it would logically build on the Civil Rights Act of 1957. It would guarantee to qualified Negroes not only registration but also voting. It covers not only National but also State elections, certainly of equal or greater importance to Negroes. It disturbs the existing balance between State and Federal authority as little as possible, leaving the elections procedures in the States where they always have been.

I would not sacrifice the chances of bringing about some substantive civil rights legislation by rigidly insisting that every coverage of the administration bill be included in a final bill. Therefore, if it was clearly necessary for the final passage of some legislation, I would regretfully vote for a more limited version covering voting rights. But I believe in the approach and the substance of the administration bill, with its recognition of the overall, interdependent problem and its followup effort to sustain progress in the various problem areas where we have achieved some improvement in the past.

In conclusion, I would like to emphasize that we cannot legislate brotherhood. We cannot solve the problems which confront this Nation in the question of civil rights for all purely by enacting laws, nor merely by a ruling of the Supreme Court in interpretation of the Constitution. Along with such laws and such judicial decisions—and even more important than them—must come education, tolerance, mutual respect. This is up to every American citizen and every American community. Progress will not come by simply stirring up more animosity and hostility.

To the extent that legislative action is a necessary part of the whole effort, I support proposals designed to accomplish such basic guarantees as the right to vote without discrimination, which, if it became reality throughout our land would help eliminate other civil rights abuses which are unhappily prevalent today, and achieve equal opportunity along with equal rights. As I said 2 years ago, and repeat in conclusion today, "if all individuals can vote, they can solve their problems by electing officials responsive to their demands and to their needs. Many of the other rights that each one of us has as an individual citizen will come in time, with patience and understanding, when the right for all who are entitled to vote is given, and they exercise the sacred privilege of the franchise."

We have now discussed this matter generally on the Senate floor for over 2 weeks, and I feel that it will be in the best interests of the country and in getting a good civil rights bill if we reach specific votes as soon as possible. Therefore I shall vote in favor of cloture.

Mr. THURMOND. Mr. President——

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. I thank the distinguished Senator.

Mr. President, it is my sincere hope that the Senate will decline to apply cloture.

The Senate should be conscious of the fact that the present debate is concerned not with legislation which has reached the floor of the Senate by the normal and usual legislative process. The proposals—and they are many—were not reported to the Senate as a result of the deliberation of one of the standing legislative committees of the Senate. The amendments which lie at the desk have not, as is the usual procedure, been printed for a long period of time and available for the study of the Members of this body. These proposals, on the contrary, have accumulated day by day over the past few weeks of this debate.

There has been reference to the fact that the debate on the proposals has proceeded for several weeks. As a matter of fact, however, Mr. President, some of the amendments to the Dirksen substitute were offered as late as this week. While it may be said that most of them deal generally with subjects which have been under discussion during this debate, it should be pointed out that the amendments are complex and, for the most part, couched in general language and apparently capable of the broadest applicability. Although most Senators who have participated to the greatest extent in this debate have done their utmost to analyze these proposals under the unusual and disturbing circumstances which have prevailed, many of the proposed amendments have hardly been mentioned in the debate thus far.

In some instances, numerous amendments which apparently have the same general purpose have been offered by several different Senators and, in some instances, more than one amendment has been offered by the same Senator dealing with the same subject and with the same apparent purpose, but couched in different language. A study of the record of this debate fails to reveal even an explanation of this shotgun approach. Under these circumstances, could anyone reason that debate should now be shut off and Senators precluded from discussing the multiplicity of amendments which are pending?

On Tuesday of this week, that is, the day before yesterday, two additional amendments were offered. The first, offered by the Senator from South Dakota, appears to be substantially the same as the portion of part 3 of the bill which was passed by the House of Representatives in 1957, and which portion was stricken from the bill before it was enacted. There are several other proposals at the desk of apparently similar purpose, but phrased in different terminology, and therefore of different effect and applicability. Also offered the day before yesterday is an amendment by the Senator from Idaho, which is seven pages long, and which would replace section 7 of the proposed substitute to which the cloture motion is addressed. This amendment is another version of an idea which was advanced by the Attorney General for the first time only a few weeks ago. Quite probably, it is an improvement on section 7 of the Dirksen proposal. Nevertheless, however, there has been no debate either on the Case or the Church amendments. Yet should cloture be imposed on the Senate, both of these proposals, along with the innumerable other amendments, would be included within the limitation of debate.

It is tragic that the circumstances surrounding the debate which has thus far taken place on this subject have been such as to make it extremely difficult and indeed impossible for all Senators to be present for the entirety of the debate. Under these circumstances, an even greater amount of debate is necessary than would have been the case had we been proceeding during regular daylight hours, when Senators could have attended and reaped the benefits and pearls of wisdom which have been emitted with regard to a few of the ever-growing number of amendments at the desk. Apparently, attendance in the Senate, even during the usual hours during which the Senate meets, has suffered from the abnormal procedure to which the Senate committed itself.

I implore the Senate, therefore, to defeat this proposal for ending debate and thereafter, proceeding in an orderly fashion during normal hours, to continue the debate in an effort to consider objectively the wealth of information which remains to be given concerning the mushrooming number of amendments at the desk.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the Senator from California.

Mr. ENGLE. Mr. President, it seems to me that the only real question with respect to whether we should vote for cloture at this time is whether or not we have had adequate debate up to this time. If we have had adequate debate up to this time, we should proceed to vote for cloture. If we have not, of course we should not.

I have before me a compilation which was inserted in the RECORD the other day. It was not disputed, although I cannot vouch for its absolute accuracy. I assume that it is approximately correct. It shows that the opponents of civil rights have spoken for approximately 143 hours. Democrats in favor of civil rights have spoken approximately 11 hours. Republicans in favor of civil rights have spoken around 25½ hours.

These figures add up to a tremendous amount of time—179½ hours—over 11 full 24-hour days.

I call attention also to the fact that in the House the Members of that body will have under consideration proposed civil rights legislation starting today. The limitation on debate in the House on this issue is 15 hours, 7½ hours to each side. There are 437 Members of the House of Representatives. I would not suggest that we should have the same limitation in the Senate with respect to debate that is in effect in the House of Representatives. However, if 15 hours is considered to be anywhere near adequate for debate in the House on this issue—and I am not saying it is—the tremendous time that has elapsed already in the Senate on debate on the pending issue is certainly adequate time for debate. We have already had 15 times as many hours of debate for less than one-fourth as many Members. How can it be said that we have not had adequate time for debate? And after cloture is voted we will still have 100 hours more—another 4 full 24-hour days—1 hour to each Member.

Mr. President, in conclusion, the best test as to whether or not we have had adequate debate is whether Senators are ready to vote and whether or not they are convinced and have made up their minds on the question. The fact is that——

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The time of the Senator has expired.

Mr. ENGLE. I will just finish this thought. The fact is that during the recent debates there have not been a handful of Senators on the floor. If they wanted to listen they would be here. But they do not come on the floor because they have made up their minds. Debate has served its purpose. We are now ready to start to vote on these various proposals—and we should get under way. If the Senate is to hold the respect of the country—indeed the

world—as a legislative body we must take the action that will bring this issue to a vote.

Mr. JOHNSON of Texas. Mr. President, I yield 9½ minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, since February 15 we—all of us in the Senate—have been parties to a complete exposition of the arguments against any and all further legislation affecting civil rights. Indeed, since January 7 the CONGRESSIONAL RECORD has documented the views of our able colleagues who feel called upon to defend the status quo.

The CONGRESSIONAL RECORD of January 7 carries in three pages of fine print the address of the senior Senator from North Carolina [Mr. ERVIN], delivered before the December 11, 1959, meeting of the Georgia Bar Association at Atlanta.

In the words of the junior Senator from Georgia [Mr. TALMADGE], it is "a masterful presentation of incomparable clarity and characteristic eloquence by the erudite and distinguished Senator." In all sincerity, we share his estimate of the scholarship and the powerful advocacy of a cause by Senator ERVIN.

Little could be added to that able speech—and the little has been added by equally able and equally distinguished colleagues through the days and nights of discussion and declamation in which we are still indulging over 2 months later.

On that day of early January the junior Senator from Georgia [Mr. TALMADGE] put his associates on notice of the certainty of demands for civil rights legislation that would be made in this session—if they had needed notice.

For these are able Senators conscious of their constituents. Hence we can be certain that their own minds and their capable staffs have been well researched and well briefed. They have been long familiar with their case—and they travel and travail familiar roads.

Hour after hour in organized phalanx—so many hours of rhetoric, so many hours of repetition, so many hours of rest—the discussion has dragged on until the exposition has reached the point of exhaustion. Everything that can be said, has been said. Senators and staffs cannot conjure up any paragraphs that are new. With them there is no problem of fatigue, mental or physical. They are well rested—speaking 4 hours, more or less, out of every 72 hours—an 80-minute day. It is not fatigue that bothers them. It is facts—new facts—fresh facts. They have simply had full opportunity to state their case, and they have stated it in all its length, depth, and breadth.

Sincerely, nothing that I say is said in derogation of the Senators involved. I am sure that they speak their convictions and the convictions of their neighbors who do possess the opportunity to vote.

The Senators are simply exercising a right they have as Senators. The Senate rules provide for that. They have the right, full and freely to discuss any measure or matter that is properly before this body.

No Senator may interrupt another Senator without his consent once that Senator has been granted the floor. I believe it was in 1932 that a Senator from Arkansas, the then Democratic leader, Joseph T. Robinson, made this observation:

> When a Senator once takes the floor nobody but Almighty God can interrupt him—and the Lord never seems to take any notice of him.

However, there is, of course, a check on this unlimited debate. There is a limitation on tactics when tactics seem designed more for obstruction than education.

That is the Senate cloture rule.

Upon presentation of a motion signed by 16 or more Senators to bring to a close the debate on any measure, motion or other matter pending before the Senate, the question is submitted as follows:

> Is it the sense of the Senate that the debate shall be brought to a close?

Its passage requires a two-thirds vote of the Senators present and voting.

The very rules of the Senate have brought us to an impasse in which the world—looking on—is likely to question the prestige and the effectiveness of the Senate.

Our constitutional functions are at a standstill. We are in default in our committee obligations, essential to the orderly processes of government.

We have given one element of the Senate free rein to expound its arguments and ideas and have them given permanency in the CONGRESSIONAL RECORD where we can read and review them in due time. The individual Senators are free to do this with the least inconvenience to themselves, expending one-sixth of every third day. The reward of the rest of us is to be harried by quorum calls intended to serve no purpose useful to the processes of the Senate itself. A quorum call is not an argument; under these circumstances it is a deliberate invitation to irritation. It does not win friends because it smacks of malice. It might make Senators wonder about the arts and crafts worked upon humbler individuals in respect to the rights of those individuals who do not live in the public glare of the Senate. It becomes a game not worthy of the intelligence of the Senate, and reckless of the Senate's full responsibility.

Once the function of honest education and reasonable argument has been achieved, tactics beyond that are nonsense.

The criterion of this Senate is "sense." That word signifies the test of the Senate's behavior. Is it the sense of the Senate? Is what we are doing in keeping with the dictionary meaning of "sense"? Does it meet with the Senate standards of sound reasoning?

Are we happy about the reputation we are earning for ourselves with our people? With the people of the world? If we are not—and I think we are not—then let us proceed to put "sense" into this Senate.

The rules that stifle us can save us. Do we understand what we want to save? We want to save the fair and decent processes of democracy. We want to see the fair and decent decisions of the majority enacted into law.

We want the right to vote ourselves. And we want to vote with no political overtones, and with no surrender to pressure groups from any direction.

If there are skeptics among us, let me assure them that we will have failed in our legacy as the greatest deliberative body in the world unless the final product reflects the conscience and the heart of America.

We want to vote as our consciences dictate—our consciences sworn to uphold the Constitution of the United States. Our consciences are likewise sworn to preserve the Senate not as a clearinghouse of personal prejudices. This is the open forum where the people of the earth can hear what we define as a democracy of equality, dignity, and decency.

That is how we define it because that is the way the Founders designed it. Let nothing dilatory stand in the way of our destiny.

Let us get down to business—the business of being Americans—in an America which needs the devotion of every one of us.

Mr. DIRKSEN. Mr. President, I yield 20 minutes to the distinguished junior Senator from Georgia.

Mr. TALMADGE. Mr. President, the Senate is the world's greatest deliberative body, for a number of reasons. In my opinion, the principal reason is that the Senate historically has had freedom of debate.

The Father of our Country, George Washington—according to the apocryphal story related by Historian George Haynes—told Thomas Jefferson that the U.S. Senate served the same purpose as a saucer. He supposedly put it this way: "We pour legislation into the senatorial saucer to cool it."

Historically, the Senate has served that purpose. When momentous issues have divided our Nation, the Senate has been the forum where those issues have been cooled—the forum where the unity of the Nation, but for one unfortunate occasion, has been preserved.

We hear much about majority rule, but it is a clear historical fact that our Nation was not founded upon that principle. That is clearly demonstrated in that every State, large and small, has two U.S. Senators. Sparsely populated Nevada has two Senators just as does the great and populous State of New York. It is possible for various combinations of 51 Senators to represent anywhere from 20 to 80 percent of the country's population.

Our Nation was founded upon the principle of a representative republic. That principle has its origin in the Constitution itself, in that a two-thirds majority of Congress is required to submit a constitutional amendment, and, in turn, the affirmative action of three-fourths of the States is required to ratify it.

Two-thirds majorities are required to override vetoes and to ratify treaties.

Mr. President, we are asked today to limit debate—to impose gag rule, if you please—in the U.S. Senate, whereupon no Senator could thereafter speak on the pending measure for more than 60 minutes. Yet the amendments which

are lying on the desk at the present time are so numerous that it has been suggested that they be enumerated by the pound. One Senator is said to have introduced some 60 bills and amendments on this issue. Some Senators, are introducing more amendments faster than the other Senators can possibly keep abreast of them.

Yet, Mr. President, we are called upon to gag the Members of the Senate—to shut them up, sit them down, and not even let them discuss the many grave ramifications of the issue.

I regret that the news media of the Nation have done a very superficial job of informing the country of those ramifications. Instead of analyzing the bills and amendments, they have contented themselves with reporting how long various Senators speak and referring to the pending proposal as a voting rights bill. Very few substantive articles of any kind have been written dealing with the details of the pending business, or the stacks of bills and amendments which have been offered on this subject.

Mr. President, it is with regret that I see lying on the desk bills and amendments which go even further than the Reconstruction measure which was passed by Congress in 1871. The War Between the States ended a long time ago, yet measures are pending before the Senate today which are even more heinous than those enacted during the Reconstruction which followed that conflict. One of them is the so-called referee plan which is patterned after the supervisor plan passed by Congress in 1871 and which remained on the statute books for 23 years before Congress repealed it. The New York Times of that day said, "God forbid that our country should ever get into the business of trying to regulate elections again." Yet 66 years later the same issue has been presented to the Senate—this time purporting to go even further by regulating not only National elections, but also State, county, and municipal elections, as well.

What is sought to be done today is to predetermine the future of a great section of our Nation—one which encompasses almost one-fourth of the land area of the country and which is the home of almost 50 million citizens. This is being done simply because the views about human relations held by the residents of that region do not conform to the thinking of persons who live in other areas of the country.

Senators have the temerity to say on the floor of the Senate that we who have the honor to represent in part the States of the South must knuckle under; that we must not even speak to represent our constituents. We are told we must submit to the imposition of a second Reconstruction and a wholly new philosophy of life.

Do Senators not know that free government, destroying dissenting opinion, thereby destroys itself; and, destroying itself creates a vacuum into which dictatorship steps?

Mr. President, the best statement I have ever read on cloture was made by an able Senator from Missouri, James A. Reed. I wish to read it to the Senate:

> The majority crucified Jesus Christ.
>
> The majority burned the Christians at the stake.
>
> The majority drove the Jews into exile and to ghetto.
>
> The majority established slavery.
>
> The majority chained to stakes and surrounded with circles of flame, martyrs through all the ages of the world's history.
>
> The majority jeered when Columbus said the world was round.
>
> The majority threw him into a dungeon for having discovered a new world.
>
> The majority said that Galileo must recant or that Galileo must go to prison.
>
> The majority cut off the ears of Pym because he dared advocate the liberty of the press.

Mr. President, that statement is as true today as it was when it was uttered by the illustrious Senator from Missouri. The U.S. Senate was not devised to be dominated by brute force and sheer numbers. Rather, it was designed for the specific purpose of representing the States, both large and small, and protecting the minorities of the Nation.

Mr. President, I imagine every Senator here has read the book "The Citadel," and has as great respect for its author, William S. White, as I have. One of the statements to be found in his outstanding book is as follows:

> Those who denounce the filibuster against, say, the compulsory civil rights program, might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. They might recall, too, that the techniques of communication, and with them the drenching power of propaganda, have vastly risen in our time when the gaunt aerials thrust upward all across the land. They might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if leisure uncomfortably prolonged.

Mr. President, that is what I was trying to say a moment ago when I stated that the news media of our country have not done an adequate job of reporting this issue to the country. They have led the people of America to think that we are only talking about a voting bill, whereas, in truth, Mr. President, the bill before us goes far beyond voting.

Mr. President, throughout the history of our great Republic the exercise of freedom of debate in the Senate has killed much bad legislation, but there has never been a time in the history of our country when any good legislation has been thwarted by unlimited debate.

Mr. President, at this time, I should like to quote from a great Democratic President, Franklin D. Roosevelt. I read as follows:

> The moment a mere numerical superiority by either States or voters in this country proceeds to ignore the needs and desires of the minority, and, for their own selfish purposes or advancement, hamper or oppress that minority or debar them in any way from equal privileges and equal rights—that moment will mark the failure of our constitutional system.

Mr. President, the very essence of our scheme of government is the protection of minorities. If we had "majority rule" alone, it would, in the final analysis, constitute mob action. If we had such a system of government, we would have long since become a monolithic, conforming nation like Soviet Russia in which liberty was extinct.

Mr. President, at this time I wish to read a portion of an excellent article entitled "Filibuster Supports Checks, Balances." The article was written by the noted columnist, Arthur Krock, and was published in the Atlanta Constitution on yesterday. I now read from the article:

> Also, in the criticism of the southern filibuster as "undemocratic," it is rarely if ever recalled that the threat of a filibuster by nonsoutherners, in August 1958, when Senators were anxious to go home, killed the House "preemption" bill. This provided that, unless an act of Congress specified its intent to exclude the States from legislation in its field, the Supreme Court could not read in this intent which the Court had been doing extensively. But many of the current critics applauded the Senate delaying tactics which preserved this assertion of Supreme Court jurisdiction from the will of a registered majority of the House.

Mr. President, I have been in this body for only a short time. I have seen one filibuster successfully conducted by Senators who allegedly are opposed to filibusters. I saw a threatened filibuster defeat House bill 3—a fact which Mr. Krock alluded in his article from which I read to the Senate a moment ago. Those Senators were allegedly antifilibuster Senators, too.

Mr. President, unlimited debate in the U.S. Senate has been used time and again by Senators of every political persuasion from all sections of our country. It has served our country well. It has prohibited the enactment of much bad legislation and it has never thwarted the eventual passage of any good legislation.

Mr. President, our country is a great Nation of 50 States which stretch all the way from islands of the Pacific Ocean to points extending into the Atlantic. The habits and customs of the American people vary widely. The laws of the respective States vary widely. When one area of our country reaches the point where it cannot respect the ways, habits, customs, and laws of another area of the country, then our Nation will be most seriously divided at a time when our total unity and power should be directed against our common enemy from without.

Mr. President, freedom of debate in the U.S. Senate has served—with only one lamentable exception—during the long history of our country to prevent the division of our Nation. Freedom of debate in the Senate has preserved the unity of our country, and has preserved it well.

Mr. President, I beseech Senators: In the Senate of the United States let us not forget that this body is the one great forum where bitter issues have been debated and amicably resolved throughout the history of our great Republic.

Therefore, Mr. President, I urge that this cloture motion, which would prohibit us from discussing the pending legislation, be voted down.

Mr. SCOTT. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Pennsylvania 5 minutes.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, freedom is franchise. I recall that during the Korean war, when I was on temporary duty with the carrier *Valley Forge*, I visited a hospital ship in Pusan harbor. Soldiers of the 24th Regiment, then a Negro regiment, were lying on the dockside. Many were badly injured and were waiting for surgery, but they were stoical and were smoking cigarettes. The thought which filled my mind at that time was, "If these men are good enough to fight alongside other Americans and with them, and if these men are good enough to die for us, why, indeed, are they not good enough to vote with us?"

That was my thought at that time, and that is my belief, because I believe that any citizen who is good enough to fight for the security of all the States of the Union is good enough to vote in any of them.

The existence of two classes of citizens is the weakest point in our armor, in the presentation abroad of the image of a free America. The questions which are asked in every country—and I have been in most of them—of any traveling American, and which must be faced by every traveling American, are: "What about your 'Jim Crow'? What about your first-class citizens and your second-class citizens? What about Little Rock?" and all of our best efforts to explain that this is but one small blot upon an otherwise glorious record of a free land consisting of free people tends to fall because of the impact of the facts, vigorously supported, as they are, in all of the countries of the world by unrelenting Soviet propaganda to the general effect that we are not as good as we say we are, and that we are indeed presenting a face which in some degree is a false face in the eyes of the world.

There are those who say—and, believe me, I respect their opinions, and I respect the firmness of their convictions—that we must not disturb a pattern or disrupt a custom. But what is this pattern? It is indeed a pattern of unequality. It is a custom of discrimination. Shall custom prevail against law? Shall a pattern of fragmentation of rights stand superior to the law of the land that all citizens are equal before the law? Shall we longer suffer in a free land the uncomfortable feeling that some men are not yet free?

Mr. President, I support the administration amendments known as the Dirksen amendment; and I wish to speak on obstruction of court orders, one of the principal features of that proposition.

Since the 1955 implementation decree of the Supreme Court in the school segregation cases, desegregation has occurred in 12 of the 17 States which formerly had legally sanctioned segregation in the public schools, and, of course, in the District of Columbia. In four States—Alabama, Georgia, Mississippi, and South Carolina—there has been no desegregation at any level, even though in three of these States—Alabama, Georgia, and South Carolina—legal actions have been filed or renewed since 1955.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may include in the RECORD at this point in my remarks the remainder of my statement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

IN SUPPORT OF THE ADMINISTRATION'S CIVIL RIGHTS BILL

1. Obstruction of court orders: Since the 1955 implementation decree of the Supreme Court in the school segregation cases, desegregation has occurred in 12 of the 17 States which formerly had legally sanctioned segregation in the public schools—and, of course, in the District of Columbia. In four States—Alabama, Georgia, Mississippi, and South Carolina—there has been no desegregation at any level, even though in three of these States—Alabama, Georgia, and South Carolina—legal actions have been filed or renewed since 1955. In Louisiana, only college-level desegregation has occurred. In Florida, North Carolina, and Virginia, further suits for desegregation can be anticipated in the near future, although token desegregation has taken place, either by judicial decree, as in Virginia, or voluntarily, in the other two States. Since 1955, in at least 12 instances, efforts have been made to resist desegregation resulting from local court orders or desegregation under court-approved plans. Notable among them were the incidents at Little Rock and Van Buren, Ark.; Clinton and Nashville, Tenn.; Mansfield, Beaumont, and Texarkana, Tex.; and various localities in Kentucky and West Virginia. At the University of Alabama, despite a court decree, no integration has occurred. Mob resistance successfully deterred the first applicant, and to date no schools at any level have desegregated in Alabama. At Hoxie, Ark., although no court order had issued, resistance to voluntary desegregation resulted in a court decree upholding the power of the school board to perform its constitutional duty and desegregate.

The proposed legislation would make it an offense punishable by imprisonment for not more than 2 years or fine of $10,000, or both, for anyone to interfere corruptly or by threat or force with enjoyment of rights or performance of duties under any court order relating to school admissions. The present obstruction of justice statute, 18 U.S.C. 1503, punishes a number of specified acts: intimidation of witnesses in a U.S. court; intimidation of a grand or petit juror or any Federal judicial officer; injuring (1) a party or witness in a Federal judicial proceeding, (2) any grand or petit juror on account of a verdict or indictment, (3) a judicial officer on account of the performance of his duty; and obstructing or impeding "the due administration of justice."

Case law interpreting the existing statute makes it doubtful whether this statute could effectively deal with mobs or individuals who attempt to prevent court-ordered desegregation. The phrase "due administration of justice" has been narrowly interpreted as limited by the preceding portion of the law (*United States* v. *Scoratow*, 137 F. Supp. 620 (W.D. Pa., 1956); *Haili* v. *United States*, 260 F. 2d 744 (C.A. 9, 1958)). Moreover, it might be difficult to reach obstructive action which occurs when the proceeding is not strictly "pending." We must remove all doubt and the possibility of prolonged and perhaps unsuccessful prosecutive action by spelling out quite clearly the power of the courts to deal with willful attempts to withhold or delay constitutional rights.

While the contempt power of the courts might in some instances be a useful deterrent to mob or individual resistance, its effectiveness is also limited. Ordinarily, a person can be held in contempt only if he was a party to the proceedings or acting in concert with a party (rule 65(d), Federal Rules of Civil Procedure). A mob to be formed in the future could not very well be named in a decree. Obviously, the contempt power must also be augmented by this new legislation.

2. Flight to avoid prosecution for destruction of educational or religious structures: This proposal is essentially an extension of the Fugitive Felon Act (18 U.S.C. 1073), in that it provides Federal action, supplementary to State and local action, to aid the local authorities in the apprehension and prosecution of certain classes of criminals. Under the present statute the Federal authorities in almost all cases turn the arrestees over to the local authorities for prosecution under State law. It is anticipated that under the present bill the same procedure would be followed, for everyone recognizes that punishment of this type of offense is primarily a local responsibility.

However, there are some differences between the bill and present law. First, unlike the Fugitive Felon Act, which covers arson, rape, murder, and other named offenses, the present bill does not use the descriptive terms of State statutes but rather describes the offenses covered in terms of physical acts committed, that is, the willful damage or destruction, by fire or explosive, of an educational or religious "building, structure, facility, or vehicle." Second, the offense need not be a felony under State law in order to reach the culprit or a potential witness who has fled the State. Third, broader venue is provided—either in the judicial district from which the fugitive has fled or where he is apprehended for custody.[1] Fourth, it is intended that the Federal Bureau of Investigation will participate in the initial stages of investigation of the elements of the crime itself, whereas under the Fugitive Felon Act its chief concern is with the mere apprehension of the fugitive.

The need for this legislation is clear. During the last 3 years, some 30 incidents of bombings or attempted bombings of religious or educational institutions have occurred. In the report of the 1959 hearings of Subcommittee No. 5 of the House Judiciary Committee, pages 360-367, and 558, many of these bombings are listed. It cannot be assumed that this wave of incidents has abated. Recent outbreaks of desecration of religious buildings may point the way to more violent action, for which we must be prepared. Although the FBI has been alert and ready to assist the States in cases of bombing, it presently lacks jurisdiction to appear on the scene at once after a school, church, or synagogue has been bombed. Under this bill immediate action would be possible and would provide a powerful weapon toward eliminating such atrocities.

3. Preservation of election records: On February 29, 1960, the Supreme Court unanimously upheld the constitutionality of the

[1] Some objection has been made that this provision is violative of the sixth amendment. We see no such problem. The crime of flight is being committed wherever the fugitive is found at any given time. Such venue provision is not essentially different from that which has been applied to schemes to defraud by mail. In that instance, the offense is deemed committed in the district where the scheming letter is received, although it may have been posted elsewhere (*Hagner* v. *United States*, 285 U.S. 427 (1932)).

Civil Rights Act of 1957 as invoked by the Attorney General to enjoin discriminatory practices of voting registrars in Terrell County, Ga. On the same day it affirmed the action of the District Court for the Eastern District of Louisiana, in a suit brought by the Attorney General under the act, ordering reinstatement of close to 1,400 Negro voters who had been purged from the registration rolls by discriminatory State practices. The legal validity of the 1957 act therefore is no longer open to question. But tightening of the powers provided by the statute is imperative. State registration and voting records are vital sources of information in proving a case of discrimination since in many cases comparison of the records of Negro applicants with those of white applicants is used to determine whether there has been discrimination. The mandate of the 1957 act can effectively be carried out only if such records can be inspected by the Department of Justice in the investigatory phases of lawsuits brought under the act. In many cases such records will not be forthcoming unless specific machinery for production is established. The experience in Alabama about a year ago, where it took 2½ months of requests, rebuffs, and litigation and a contempt citation against a State judge before the Civil Rights Commission obtained access to necessary voting records, amply demonstrates the soundness of that premise. Similar difficulty was encountered in Webster Parish, La., in 1958 and Montgomery, Ala., in 1956–57. Any effective legislation must therefore envisage strong possibility that local officials will use any legal device available to keep from surrendering voting records to the Federal authorities. That is the problem which must be met.

Under the bill, the technique of production is simple. All that is required is that a demand be made in writing to the person having custody, possession, or control of the election records and those records must then be produced for inspection. In the event that the person having custody refuses to produce he can be compelled to do so by the local Federal court.

It is clear, however, that before there can be any effective production and inspection of documents there must be documents in existence to produce and to inspect. Thus the administration proposal requires the retention and preservation of voting and voter registration records relating to Federal elections for a period of 3 years from the date of any general, special, or primary election for Federal candidates to which they pertain. The need for such a provision cannot be overemphasized. Last year, the State of Alabama enacted a law authorizing destruction of registration records 30 days after the time limit for appeal from voting registration board rulings has passed.[2] This admittedly was done because of a pending investigation by the Civil Rights Commission into deprivations of voting rights. Fortunately, the Department of Justice was able to obtain a court order insuring the preservation of the records but this was possible only because an action under the 1957 Civil Rights Act happened to have been instituted prior to the circumventive legislation. There is every reason to believe that destruction of Federal voting records would be authorized and encouraged unless Federal law specifically forbids it. Any production bill which does not contain a preservation requirement could be rendered impotent too easily to serve any useful purpose.

4. Technical assistance: The Supreme Court decision in the school segregation cases have made it inevitable that—despite delaying tactics in many States—courts will continue to order and school officials will undertake desegregation. There are nearly 7,000 school districts in the States which formerly had segregation. Approximately 2,800 of these are now biracial residentially as far as school population is concerned. Only 747 have desegregated, most of them voluntarily. Experience has shown (as witnessed by the report of the Civil Rights Commission) that many different approaches have been used to effect desegregation—sometimes total desegregation, sometimes a gradual plan, sometimes a selective approach under State placement laws. In many instances community planning has paved the way. Careful preparation has led to the most successful results. The technical "know-how" of experts provided by the Commissioner of Education would be a valuable contribution by the Federal Government to communities attempting to perform their constitutional duty. This assistance is afforded in a general way under section 4(g)(1), and specifically under (g)(2) to any community which requests it. In contrast to the Community Relations Service proposed in S. 499, this bill affords really practical assistance in an area where it is needed. The right of a child to attend a nonsegregated school is not a matter for mediation or conciliation. The facilitating of that child's entry into such a school is a proper matter of Federal concern.

This aid is basic, as the school lunch program is basic, to the needs of our children. Grant of Federal funds is not a "sop" to reward compliant communities. It is a moderate and practical statute, leaving to each State the preparation of a plan. If it is approved by the Commissioner, funds are granted, but only so long as there is adherence by the State to the accepted plan. Provision is also made for aid to local agencies when a State refuses to submit to a plan. It does, in short, afford practical aid, both financial and technical, exactly where it is needed.

5. Children of military personnel: A tabulation of military personnel stationed in States which still have segregation (p. 3672 CONGRESSIONAL RECORD, Feb. 27, 1960) indicates that the children of 36.3 percent of such personnel will potentially be affected by refusal of localities to admit Negroes to "white" schools. Such situations have in fact arisen, despite the fact that Federal funds are used under Public Laws 874 and 815, 81st Congress, to provide for education of children of military personnel in local schools. In Pulaski County, Ark., in 1958, the son of a Negro sergeant was refused admission to the "white" school serving the Air Force base there. Redstone Arsenal at Huntsville, Ala., is an outstanding example of local refusal to admit Negroes to the local school built with Federal aid. In Lubbock, Tex., quite recently 17 children of Negro Air Force sergeants living in integrated housing at Reese Air Force Base were denied admission to the white school across the street. They must travel 7 miles to Negro schools in Lubbock. At Stewart Air Base, Smyrna, Tenn., a Federal court order was necessary to obtain admission of Negro students to a nearby white school. They had formerly traveled 14 miles to attend Negro schools. Back in 1955 a similar situation occurred in Bainbridge Naval Training Center, Md. County and State officials withdrew from operation of the school.

The bill would help discharge the obligation of the Federal Government to provide for the education of children of our military forces. As desegregation of the schools proceeds, many servicemen, assigned to a base far from their homes, might well find that their children cannot be educated because of a State's resolve to close its public schools rather than to desegregate them in accordance with the law of the land. It would be incongruous, indeed, if the Federal Government had no means to discharge its—at least moral—obligation to provide functioning schools to the children involved. The bill is designed to fill this vacuum. This is done by permitting the making of arrangements for the education of children of military personnel, whether or not these children actually live on military posts. The bill also provides authority for the acquisition or possession of any school constructed with Federal funds when the local educational agency no longer provides free public education. Such schools would be used for the education of children of military and other personnel who reside on Federal property. An appropriate rental would, of course, be paid to the local authorities.

6. Nondiscrimination in Government contracts: It would indeed be a most significant step on the road toward the ideal of equal opportunity for all of our people if racial discrimination could be removed as a basis for obtaining any type of employment, public or private. At least 16 States—Alaska, California, Colorado, Connecticut, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin—now have mandatory laws forbidding such discrimination by employers, unions, and employment agencies. Laws providing for voluntary compliance exist in Kansas and Indiana. And more than 40 municipalities have antidiscrimination ordinances.

The Federal Government owes at least the minimal protection to workers which is afforded by the proposed Commission on Equal Job Opportunity Under Government Contracts. This will reach those private employers who have contracted to furnish services or supplies to the Government. The Commission will also cooperate with State and local governments to assist in advancing equal job opportunity programs. Since 1953 the President's Committee on Government Contracts has functioned under Executive order, conducting an educational and persuasive program to induce cooperation with the governmental policy of nondiscrimination. Statutory authorization of such activity should extend its usefulness. Although no penal sanction for violation is afforded, the possible loss of a Government contract would be a very persuasive sanction. This proposal affords an opportunity for exemplary action by the United States as the remote employer, as it were, of vast numbers of its citizens. As Secretary Mitchell has so well stated, "* * * since contributions to the Public Treasury are made on a nondiscriminatory basis, employment which is created, in whole or in part, by the expenditure of public funds should be made available to qualified persons on the same basis."

7. Federal voting referees: The now court-tested Civil Rights Act of 1957 needs further teeth to make it completely effective. Even though registration and voting records remain available and are duly produced, even though one case under the 1957 act is successfully pursued by the Attorney General, with resultant injunction against discriminatory practices by registrars, still, reluctant or obstructionist local election officials could force endless litigation before the relief secured in a suit under the act could be made effective. Accordingly, if in such a suit the court has found that a pattern or practice of discrimination exists in a given community, under the bill it may appoint voting referees who will determine the eligibility of applicants and issue certificates of identification to a qualified voter. A review of the referee's findings on notice to State authorities may be had in the court. The voting referees (or others appointed by the court) may attend elections to make certain that the certified party actually is allowed to vote and to have his vote counted. Violations of the orders of the court would be punished as contempt, in accordance with the provisions of the 1957 act.

[2] Similar legislation is pending in Georgia.

Voting referees, like special masters, are court-appointed officers whose duty is ancillary to the functions of the court. Their appointment falls well within the provisions of article III of the Constitution, for they act within the framework of a case or controversy, their function being to facilitate the implementation of the judgment in order that full relief from the discriminatory acts of the defendants may be realized. They will act only after a judicial determination of a violation of law, and their actions will be reviewable by the court. Moreover, these referees will not replace State registrars or similar officers; rather, they will be agents of the court, and they will operate within the confines of the court's judgment.

Section (b) of the proposal permits the joinder of the State as a defendant in any action under the act, and it further permits the institution of a suit against the State where the appropriate registration officials have resigned. Under the 15th amendment, the actions of State officials are, of course, the actions of the State, and it is, therefore, proper that the State be made amenable to suit. This is especially significant where, as in Macon County, Ala., for example, the registration officials periodically resign in order to frustrate Negro registration and court action. There is now pending in the Supreme Court a case testing the applicability of the 1957 act to the States themselves. Subsection (b) of the seventh section of the present bill will make clear that Congress intended States to be accountable under the statute.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Pennsylvania [Mr. CLARK], if he is on the floor.

Mr. CLARK. The Senator from Utah [Mr. Moss] desires to speak.

Mr. JOHNSON of Texas. The Senator told me he desired to speak. It had slipped my mind. I yield 3 minutes to the Senator from Utah [Mr. Moss].

Mr. MOSS. Mr. President, I am one of the 31 Senators who signed the motion for cloture, and I intend to vote for the measure on which cloture was invoked.

Our system of government and what we call the American way of life are built upon the principle of majority rule. Many far-reaching pieces of legislation have been enacted by a bare majority vote, and many Senators and Representatives occupy their seats in Congress by reason of a bare majority vote. This principle is basic in our political institutions and our political philosophy.

It has been suggested that new Senators coming to the Senate should defer to those who have been here longer. I make no apology for being a new Senator in this body. On the other hand, I point out that new Senators coming to this body are those who have most recently come as a result of the vote of the people, and represent the will of the people.

I call attention to the fact that many new Senators are engaged in the effort to invoke cloture at this time because, in our opinion, the discussion has been extensive, the issues have been explored. and it is time now that we moved on to our constitutional duty of voting on the question before us.

Much of the discussion that has gone on in the Senate has been directed to the merits of the civil rights bill rather than the matter before the Senate; namely, whether we should now have a limitation of debate and fix a time when the Senate should come to a vote.

The Senate rules have been designed to permit Senators who are in a minority to speak at length and to fully expound their point of view, but when Senators in this position have exercised their privilege and have fully discussed an issue, debate continuing beyond that point serves only the purpose of delaying and frustrating the will of the majority.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MOSS. How long did I have, Mr. President?

Mr. JOHNSON of Texas. Three minutes. That was the amount of time it was intended the Senator should have.

Mr. MOSS. Mr. President, I ask unanimous consent that the remainder of my statement may go in the RECORD.

Mr. JOHNSON of Texas. The Senator from Illinois [Mr. DIRKSEN] yields 1 additional minute.

Mr. MOSS. I thank the Senator.

I would point out that the Senate has now been debating the matter of civil rights over a period of time equal to 5 weeks or more of normal Senate time, because of the fact that for 1 full week and a day or two, we were in session around the clock, and before that time the matter had been debated for 2 weeks of long sessions.

Since the right of protracted debate has been accorded to the minority, continued discussion now becomes an abuse of the protective rule and serves only the purpose of delay and defeat of the will of the majority in the Senate. I believe that the majority should now have its constitutional right to cast its votes for or against the various amendments or other proposals before us on civil rights. To permit the filibuster to continue longer is a mockery of the democratic process, and brings the Senate and the American form of government into disrepute in the eyes of our citizens and in the eyes of the world.

Mr. President, I have confined my remarks to cloture and Senate procedure because of the limit of time. But let me record my belief in freedom, equality, and justice in America—my belief in true democracy. This must be written in our following the procedure of having legislative votes on the matter which will be before us.

Mr. JOHNSON of Texas. Mr. President, I yield to the Senator from Pennsylvania [Mr. CLARK] 5 minutes.

Mr. CLARK. Mr. President, is there no one in opposition to the cloture motion who wishes to speak?

Mr. DIRKSEN. I am in opposition, but we are trying to equalize the time.

Mr. JOHNSON of Texas. We are trying to equalize the time. If the Senator prefers not to proceed——

Mr. CLARK. No; I am happy to proceed.

Mr. President, the single issue on this motion for cloture is whether, after more than 3 weeks of debate, the Senate at long last will be permitted to vote on a civil rights bill. The majority and minority leaders say "No." The proponents of this motion say "Yes."

The minority leader wants to wait until the House sends us a bill, which will not be for at least another week.

The majority leader wants to wait until we can get a bill which will represent the views of 67 Members of the Senate.

The proponents of this motion believe the Senate should vote now on what kind of a civil rights bill, if any, we should pass.

We believe in the normal workings of democracy in this body. We believe that, like every other great legislative body in the free world, laws should be passed by the vote of the majority; and that, after 3 weeks of debate, one of them around the clock for 24 hours, the time has come to vote.

We do not believe the Senate should be required to drone on in innocuous desuetude until the other body faces up to a challenge we are not prepared to meet. This is a course of action incompatible with the dignity of the Senate of the United States. It makes of us laggards when we should be leaders.

Nor can we agree that, under the Constitution and laws of the United States, two-thirds of this body must agree on a bill before a majority will be permitted to vote on it and pass it. This is nothing more than a modern version of the doctrine of the concurrent majority advocated over 100 years ago by John C. Calhoun, of South Carolina. This is a doctrine which fared badly in the debates preceding the Civil War. It is a doctrine which is not only repugnant to the principles of democracy, but unworkable in the modern world.

What would be the inevitable result if this were to fail?

First, it would mean that the Senate of the United States would have consciously voted to continue to hold itself up to the scorn and ridicule of the entire world, slave as well as free. Let no Senator, basking in the flattery which constitutes so large a factor in our lives, delude himself into thinking that we are not already the laughing stock of the civilized world. Impotence where one should be strong is never an endearing characteristic. Have no doubt that our impotence in this regard will be carried around the world as evidence that the democratic process cannot be made to work in the Congress of that country which prides itself on being a model for free and democratic governments around the world.

Second, it would strengthen the hopes of those who would like to see this session of the Senate become a graveyard of needed progressive legislation and, indeed, of legislation necessary to the security of our country. If this body continues to be paralyzed, will we not find, as adjournment draws near, that there simply will not be time to enact legislation protecting the health of our elder citizens, closing tax loopholes to balance the budget, passing adequate appropriations for defense, or taking legislative action in support of that disarmament on which the future safety of the world depends. Surely, the failure of this motion will give courage to those who believe the United States alone of the great powers must stand still while the world moves on without us.

Let me restate the issues on which the majority and minority leaders are presently unwilling to permit the Senate to vote. They are simple indeed:

First. Shall the Senate pass meaningful legislation to assure to all citizens, regardless of race or color, the equal protection of the laws guaranteed them by the 14th amendment to the Constitution of the United States?

To this question the majority leader, with admirable and courageous consistency, has always answered "No."

The minority leader has changed his mind. He voted "Yes" on part III in 1957. Today he, and the President he so ably represents, say "No."

Second. Shall the Senate of the United States pass legislation to assure to all citizens, regardless of race or color, the right to vote as guaranteed them by the 15th amendment to the Constitution of the United States?

On this question the majority and minority leaders say "Yes; but not yet and not much."

Let me leave two thoughts with my colleagues in conclusion:

First. Prognosis is a risky art. But I would hazard a guess that those who vote today to refuse the Senate the right to vote next week will, like John C. Calhoun, find that history takes a dim view of their action; and

Second. That, come what may, the Senate of the United States will have to change, and change drastically, the rules under which we now operate if our beloved institution is to play its part in building a secure and a free America.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Florida [Mr. HOLLAND].

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. HOLLAND. Mr. President, I thank the distinguished minority leader.

Mr. President, this cloture motion is a move to give a blank check to a majority of one of the Senate to vote anything it wants to vote in the whole field of civil rights, because every conceivable proposition in that field is proposed, not simply in the Dirksen amendment which is before the Senate, but in the mass of amendments thereto which have been read and are on the desk, which are available if cloture is voted.

Mr. President, I have not been able to find out how many such amendments are ready. One authority says there are 35. Another says there are 36. Another says there are 37. We have not been able to count the amendments and get together on the verdict.

I have had the opportunity to read some of the amendments, Mr. President, and I find that in these amendments there is a full-blown FEPC proposal, which would probably be ruled to be germane, because there is a limited FEPC proposal already in the Dirksen amendment, with a provision allowing study and the giving of advice to apply to all employment.

Mr. President, I have found there is an antilynching amendment, in various forms, in the amendments which are now on the desk.

I have found there are various proposals which come within the part III classification which lie on the desk.

I note my distinguished friend from New York the day before yesterday was frank enough to admit that, because when speaking against the immediate consideration of the Case amendment, which he was in favor of, but which he felt should not be voted at once, he said:

> Let us not assume that because this amendment may be voted down on a motion to table, that is the end of the matter. There are quite a few amendments germane to this bill which can be offered—indeed, they are on the desk and fully qualified—which some persons may consider would have exactly the same effect as the amendment which is now here proposed.

Mr. President, there is no doubt about that. I have checked the amendments far enough to find that is the case. What is proposed is to try to get cloture so that a mere majority of one can vote into the bill any of the suggested amendments, some of which are highly offensive to great sections of this country, and to get away from a fundamental rule which has been the rule of this Senate and the rule of this country ever since we have had a country; namely, that when great regions are offended by particular proposed legislation, and when Senators representing their States say that such legislation would bring confusion, disorder, disobedience to law, and violation of law in their areas, persuasion rather than compulsion and coercion should be the rule of legislation in the Congress of the United States.

Mr. President, there is no doubt about the fact that that is what is involved. Senators wonder, and there may be others in the country who wonder, why the distinguished majority leader and minority leader have taken the position they have taken. Mr. President, I know they are going to be on the other side from the present speaker when the final issue comes to a vote, but I glory in the fact that they have stood for the traditions of the Senate and for the traditions of sound legislation which have prevailed in this Nation since its beginning; namely, that coercion and compulsion do not get anywhere and that consent of the governed is still a primary matter to be considered. They have recognized that when we are talking about proposed legislation affecting most directly over 50 million of our people, living in an area of this Nation greater than most nations on earth, it would clearly violate the rule that persuasion must be followed, rather than compulsion and coercion, to give a blank check for a majority of one of Senators present—not even a majority of one of the total membership of the Senate—to vote any of these amendments into the bill and to approve passage of the bill.

Mr. President, the Senator from Florida does not believe that the citizens of this country—whether they live in the South, in the North, in the East, or in the West—want to see abandoned a principle so fundamental that it has been safeguarded from the beginning of this country. It will be as futile as trying to stop the wind if we try to vote something through coercion to compel great areas of this Nation to obey and follow some course in which the people do not believe.

Mr. President, the Senator from Florida has never made any threats, and he does not now. The Senator from Florida has never counseled violence, and he does not now. The Senator from Florida has done more on behalf of civil rights than most of the Members of this Senate, if he does say so. He has done it in a State where it was not easy to do so. There was published in the Washington Post and Times Herald this morning a letter chiding the two Senators from Florida, written by a very fine citizen of our State, which is one of many we have received on this point.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. Mr. President, I hope the Senate will not violate the deep-rooted traditions of this Nation, and will vote down the cloture petition motion.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the able and distinguished Senator from New York [Mr. KEATING].

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. KEATING. Mr. President, during this debate I have informed the Senate on several occasions of some arithmetical computations which have been made about the amount of debate we have had on the pending bill. I should like to bring my brethren up to date on that information.

Between February 15 and March 10, inclusive, the debate on civil rights in the Senate has filled over 1,000 pages of the CONGRESSIONAL RECORD. Of this total, approximately 785½ pages were filled by Democratic opponents of civil rights. Approximately 62 pages were filled by Democrats in favor of civil rights. Approximately 134½ pages were filled by Republicans in favor of civil rights. In addition, approximately 20 pages were filled by the distinguished majority leader [Mr. JOHNSON of Texas]. The majority leader requested that I also indicate the amount of pages filled by the distinguished minority leader, which I am happy to do. It is 12½ pages.

Allowing an average of 12 minutes time per page, it means the Democratic opponents of civil rights have spoken approximately 157 hours. The Democrats in favor of civil rights have spoken approximately 12½ hours. The Republicans in favor of civil rights have spoken around 27 hours.

The distinguished majority leader has raised some question about the figure I gave last, of 4½ hours. I have rechecked, and it is more accurately asserted to be 4 hours. The distinguished minority leader has spoken about 2½ hours.

In other words, we have had a pretty full debate on this subject. For a number of days I have listened to certain of my distinguished colleagues as they established new records for sheer length of debate in the unrolling of the long, long carpet of verbiage. If they are speaking for posterity, we need only

continue a little while longer and posterity will be in the galleries listening to us.

So it seems to me that the time has come for us to invoke a rule which does not by any means mean that debate will be ended. It means that, after cloture is voted, there will still be 99 hours more of debate. By any yardstick, it seems to me that the time has come for us to come to grips with various amendments which are pending, and with the question of the final passage of the bill itself.

It is my feeling that the public generally expects us to bring this debate to a termination, and that there is danger that the Senate may go so far as to lose some of the great respect it should have unless we shortly terminate our work. Therefore, I hope the motion will be approved.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the distinguished Senator from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. President, I did not want the debate to close without expressing my concern over possible hasty action in adopting a cloture motion.

The rules of the Senate and the cloture motion are to protect minorities. I trust the time will never come when the minority will not have full protection in this body.

It is easy to talk about the time consumed. We have consumed time. I have been just as tired and irritated as other Members; but I have also served in the House of Representatives, which operates under limited debate.

I served in the 75th Congress, in which the Republicans had 89 out of 435 Members of the House. The distinguished minority leader [Mr. DIRKSEN] and I were Members of the House in that session.

In the Senate, during the same session, there were 17 Republican Senators. The distinguished Senator from New Hampshire [Mr. BRIDGES] was a Member of that session. I look back on that period, but I look forward to another. I hope the Senate will not take any action today which would establish precedents which would destroy some of the opportunities of the minority to protect themselves.

For that reason I cannot today vote for cloture. I do not expect to do so. I do not say that I will never vote for cloture. The time might arrive when such action would be necessary. As yet that time has not arrived.

We are going to write strong civil-rights legislation in this session. The majority can and will write it and I favor it. I certainly will not vote for cloture today in order to establish precedents which would take away the rights of the minority group, of which I have been a member during most of my service in the Congress.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the distinguished Senator from Michigan [Mr. HART].

Mr. HART. Mr. President, admittedly, as a freshman, I must plead a measure of ignorance with respect to the traditions of the Senate; but, acknowledging this limitation, I am convinced that I speak the attitude of the overwhelming majority of the people of America when I say that we, as a body, have discussed this question long enough, and that we should now be prepared to invoke cloture, understanding that thereafter there will be another 100 hours available in which to complete our education.

I signed the cloture petition, and am delighted that we are to have an opportunity to vote for it.

In my judgment the so-called Dirksen amendment is not sufficient. It is too limited. I feel that the referee proposal is not an adequate device with which to meet the massive disenfranchisement with which the Civil Rights Commission presents us. What those people seek is not a lawsuit. They want the ballot. I suggest that an administrative device would be much more effective.

I hope part III will be put on the books. It would offer an opportunity for all citizens to obtain their constitutional rights, with an assist from the Federal Government.

Lastly, I hope that technical and financial aid to school districts which seek to integrate will not be conditioned upon the grant of approval from State authorities who conspicuously and publicly insist that integration will be achieved over their dead bodies.

I voted against the present rule XXII when it came down the homestretch a year ago. I look back to see what I said. At that time I said:

> If I could believe that the passage of Senate Resolution 5—
>
> The present rule XXII—
>
> and the subsequent change in the rules of the Senate of the 86th Congress would make it really more likely that cloture could be invoked in a debate over civil rights legislation, I would support the resolution.

It was my opinion then that rule XXII now on the books was not effective in the face of resistance. I should be delighted this afternoon to be proved wrong, but I insist that if my prediction of a year ago is correct, January of next year will present us with an opportunity to do something about a rule which is ineffective in the light of conditions in the middle of the 20th century.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the distinguished Senator from Michigan [Mr. MCNAMARA].

Mr. MCNAMARA. Mr. President, the major argument against this cloture motion is that it is premature—that there has not been enough time for debate.

Nothing—of course—could be farther from the truth. This subject has been discussed and debated almost to the point of absurdity.

I believe that there are few Senators in this body who have not already decided what kind of a civil rights bill they want to support.

They know whether they want to truly guarantee voting rights—or whether they want to put a little butter on the half-loaf we enacted in 1957.

They know whether they want to add some strength to the just pronouncements of an embattled Supreme Court—speaking on the rights of Americans to an equal educational opportunity.

They know whether they will vote for or against the so-called part III to permit the Government to institute civil rights cases.

The simple truth about opposition to this cloture motion is that our energy has not yet been sufficiently sapped to pass a so-called workable civil rights bill—"workable" being the latest pseudonym for "compromise."

We have not reached the point where the sometime friends of civil rights can justify a bill that effectively sells out 16 million Americans—leave them short of full first-class citizenship for which there can be no compromise.

If we lose this cloture motion today, it will be for one reason: the deal has not yet been made.

I voted against the token revision of rule 22 which the Senate adopted last year. It should be apparent that that revision is of no help to us in this fight.

We will redouble our efforts to topple King Filibuster from his throne when the next opportunity comes to organize the Senate.

Meanwhile—win or lose on this cloture motion—we will continue our fight for the strongest, most effective civil rights bill that is possible.

We owe this to the millions of people in this Nation who are denied their rights and privileges.

A token change in legislation is only going to compound the cynicism and frustration that is the lot of these citizens.

A favorable cloture vote today will enable us to work our will on the most important matter facing this session of Congress—the enactment of a civil rights bill of substance.

Honor and integrity will be left to us by such a course. Let us make our deals right here on the floor—by voting the bill which a majority of us wish.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. President, I have two points to make.

Mr. DIRKSEN. Mr. President, I yield 15 minutes to the distinguished Senator from North Carolina.

Mr. ERVIN. Now that I have 15 minutes yielded to me, I shall make three points. [Laughter.]

The first point is that the Constitution of the United States was drawn to protect minorities against majorities, and the Senate rules were made for the same purpose.

I wish to call attention to an editorial which appeared in the Greensboro Daily News of January 12, 1959, when the Senate was considering the proposed change in rule XXII. The editorial states.

> Few issues of our time have been more widely publicized and less understood than the so-called fight over the filibuster. In the oversimplified terminology of hurried press, radio, and TV reporting of the day, the good men are alined on the side of simple majority rule

and the bad men are wicked southern demagogs anxious to kill worthy legislation by talking it to death.

This is tommyrot.

The issue is not nearly that simple and those who make it so are as extreme and foolhardy as the Abolitionists of Abraham Lincoln's day.

The Constitution makers never intended the U.S. Senate as a Chamber of simple majority rule any more than they contemplated that basic constitutional principles themselves—many of them in the Bill of Rights—should be so exposed. Under our federated system two-thirds of the States must ratify constitutional changes; the U.S. Senate ratifies treaties by two-thirds vote; and since the Senate itself comprises two representatives from each State, there is much logic in the principle that its rules ought not to be subject to casual change.

Mr. President, the Senate rule for unlimited debate has been the greatest force for the preservation of sane government and of liberty in America. It has done more for those purposes than any other rule or law of the United States.

I am surprised by the arguments of my friends who propose the adoption of the cloture motion. They say that the Senate should vote for cloture because somebody in Europe thinks that Americans occupying Senate seats ought not to have the right to unlimited debate. Hence, they say we must end the right to unlimited debate in the Senate, even though the Senate is the only legislative body on the face of the world where this right still exists.

Perhaps our friends want us to follow the rule of the Kremlin. The men in the Kremlin do not allow minorities to speak their minds. They do not permit any minorities to use the floor in their legislative body. Indeed, they do not allow minorities to exist.

My second point is this: The proponents of cloture would destroy the right of minorities to enjoy an adequate amount of time for debate. They claim that we have had an adequate amount of time for debate. I deny that, Mr. President.

I wish to call the attention of the Senate, in making my second point, to one of the shorter of the 66 bills and amendments which were introduced or cosponsored by the senior Senator from New York [Mr. JAVITS], down to the 20th day of February. I have not had time to read the ones he has introduced or submitted since that date. This is one of the shorter of the bills and amendments introduced by the able and distinguished senior Senator from New York, who apparently thinks that each of us ought to have less than 1 minute to debate each of the bills and amendments he has introduced or cosponsored. We would not have time to read them in that period of time. I refer to the amendment proposed by Mr. JAVITS which bears the notation "3-4-60—D."

The amendment is before the Senate now. It was offered by the able and distinguished Senator from South Dakota [Mr. CASE] as an amendment to my amendment. It has three principal sections.

The first would allow the Attorney General of the United States to bring suits at the expense of the taxpayers without any rule to guide him as to when he is to bring them or when he is to refuse to bring them for certain selected groups of people who are allegedly denied their rights to the equal protection of the laws because of their race or color. The provisions relating to religion and national origin have no application because there is no evidence that any people are being denied the equal-protection-of-the-laws on those grounds.

I hold in my hand volume 16A of Corpus Juris Secundum. It contains a discussion of the equal-protection-of-the-laws clause of the 14th amendment of the Constitution. The discussion starts at page 296 and goes to page 536. In other words, it takes 240 pages in this volume just to state in a mere summary fashion the hundreds, yea, the thousands, of different cases which the Attorney General would be authorized to bring at taxpayer expense under the first provision of this shorter of the 66 bills and amendments introduced or cosponsored by the distinguished senior Senator from New York [Mr. JAVITS].

Does any Member of the Senate know, for instance, that the Attorney General, under this first section, could bring a suit at taxpayer expense in behalf of sexual psychopaths? That is a fact.

Does anyone know that the first section of the amendment would allow the Attorney General of the United States to bring a suit at taxpayer expense in behalf of prostitutes who say they ought not to be prevented or restricted in plying their trade?

These are just two of the hundreds of things which would be authorized by this amendment if it were enacted into law. Furthermore, there is nothing in the first section, as I read it, which states when the Attorney General is to exercise his discretion in bringing a suit or when he is to exercise his discretion in refusing to bring a suit.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I am on limited time. I am sorry that I cannot yield to my friend.

The Supreme Court of the United States, in *Marshall Field and Co.* v. *Clark* (143 U.S. 649), and in *Panama Refining Co.* v. *Ryan* (293 U.S. 388), emphatically declared that the principle that "Congress cannot delegate legislative power to the President" is "universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution."

The courts have held many times that it is a delegation of legislative power to give to an executive officer the right to administer a statute according to his own will and pleasure without prescribed standards of conduct to guide him in the exercise of his discretion.

Those who advocate cloture are apparently unwilling to consider the decisions of the Supreme Court of the United States on this subject. They are apparently unwilling to hear us discuss the law as it has been expounded by the highest tribunal of our country on this point.

The second section of the amendment makes a conspiracy to deprive a person of the equal protection of the laws subject to a civil action by the Attorney General. Similar statutes were enacted during Reconstruction, and were held to be unconstitutional at least three times by the Supreme Court of the United States. Why are those who advocate cloture unwilling to give us adequate time to call the attention of the Senate to the similarity of the provisions of the second section of the amendment to the statutes adjudged unconstitutional by the Supreme Court?

Mr. President, those who advocate cloture and favor this amendment apparently are unwilling to consider the constitutionality of an amendment which was written for the avowed purpose of protecting constitutional rights. They are apparently willing to tear down the constitutional rights of all Americans for the avowed purpose of protecting the constitutional rights of selected groups. And they are unwilling to afford those who oppose their designs a reasonable opportunity to persuade them that their designs are unwise and unconstitutional.

Mr. President, this brings me to the third section of the bill. It would allow the Attorney General of the United States to bring suits at the expense of the taxpayers for such organizations as the National Association for the Advancement of Colored People, for such organizations as the Congress for Racial Equality, and for any one of the multitude of other organizations which make a profession of agitating racial problems and advocating passage of civil rights bills for their solution.

Do Senators want to allow these organizations, by a process of indirection, to reach into the Treasury of the United States and into the pockets of the taxpayers to carry on their litigation?

I believe in the principle of law stated in these words, which appear in 11 American Jurisprudence, Constitutional Law, section 230, at page 944:

> It is manifestly contrary to the first principles of civil liberty and natural justice and to the spirit of our Constitution and laws that any one citizen should enjoy privileges and advantages which are denied to all others under like circumstances or that anyone should be subject to losses, liability for damages, suits, or actions from which all others under like circumstances are exempted.

Or, to state the proposition in another way, I am opposed to any kind of law which prescribes one rule for one citizen and another for his neighbor, if both are in the same situation.

That is precisely what is sought to be done by the civil rights bills. They seek to single out certain groups of people, make them the special favorites of the laws, and grant them special privileges which are denied to all other Americans. That is the very negation of the principle on which our Government was founded, namely, that all laws shall be uniform and impartial and shall apply alike to all people in like circumstances.

My third point is that the Senate Rules and Senate practice, providing for unlimited debate, find complete support in the hearts of men who know that the Senate is the last legislative body on earth in which that right exists, and who recognize that the first thing a dictator

seeks to do when he wishes to crush liberty is to put an end to the right of minorities to debate.

That was the tactic which Hitler followed; that is the tactic which is followed by the Communists in Russia; that is the tactic which is followed by every dictator who desires to enslave the people. The first thing that is done is to prohibit the right of a minority in a legislative body to speak as they believe it is their duty to their country and its citizens to speak.

In times past great men have fought for the right of free speech. It was Voltaire who said:

I disapprove of what you say, but I will defend to the death your right to say it.

I call attention to the statements of two great liberals, one a Republican, the other a Democrat. The Democrat is the greatest living liberal, in my judgment, in the United States today. I refer to the distinguished senior Senator from Wyoming [Mr. O'MAHONEY], who unfortunately for America at this hour is confined to a hospital by illness. Senator O'MAHONEY said, in connection with the attempt at the beginning of the 86th Congress to change rule XXII, that he agreed in substance with the statement of former Senator Charles L. McNary, of Oregon, a former Republican leader in the Senate, that filibusters had killed many bad bills, but only an infinitesimal number of good ones.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. ERVIN. Mr. President, may I have 2 more minutes?

Mr. DIRKSEN. Mr. President, I yield 2 more minutes to the Senator from North Carolina.

Mr. ERVIN. Senator O'MAHONEY said that the last persons in the world who ought to vote for cloture, who ought to vote to end debate, are the liberals, because the liberals are the ones who in times past have most frequently invoked the right of unlimited debate.

The Republican to whom I referred was Senator William E. Borah, who said he would not vote for cloture under any circumstances. He declared that no good bill had ever been killed by a filibuster, but that many bad bills could be killed only by extended discussion.

To Senators who will vote for cloture, I say that I will never vote, under any circumstances, so long as I am privileged to be a Member of the Senate, to silence any Member who believes that his duty to his State or to his Nation demands that he stand on the floor of the Senate and express his views.

If I may employ a paraphrase of the statement of Voltaire, I will say:

I may disapprove of what you say, but I will defend to the death your right to say it.

We pray that the Senate may not be seduced into the acceptance of the dictatorial principle that minorities ought to be silenced. This is what the cloture motion seeks to do.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from Colorado.

Mr. CARROLL. Mr. President, it seems to me that the issue before us is a very simple one. The Senate has now had 4 weeks of the finest education in civil rights it has had in years.

The time to impose cloture is when all the facts are in the RECORD. I submit to any reasonable person that there are now ample facts in the RECORD. The function of unlimited debate is to develop the facts, not to use this great privilege and tradition of the Senate to obstruct or interfere with enactment of vitally necessary laws.

I had the privilege last evening to talk to an old friend, a former Member of this body and a former President of the United States, one who has tremendous respect and esteem for the U.S. Senate—former President Harry Truman. He said to me, in wise words, that when he was a Member of the Senate, he thought that when all the facts were in the RECORD, the time had come to vote for cloture. On every occasion when he was a Member of the Senate, and when the facts had been established in the RECORD on a given issue, he voted for cloture.

President Truman is a great American, one whose record in the Senate speaks for itself. He believes that the U.S. Senate is one of the greatest deliberative bodies in the world, and should have unlimited time for constructive debate.

The CONGRESSIONAL RECORD will show that in the past many great U.S. Senators, including the late Senator Alben Barkley, beloved by all Americans, voted to close off debate once they felt that all the facts were in the RECORD. These men were not radicals performing a radical act. They were distinguished legislators determined to legislate for the public good. The position of former President Truman when he was a Member of this body, and of other great Senators of the past, is the same as our position today. The facts are in. It is time to legislate.

Many Senators today sincerely believe that the time has now come to impose cloture. We have reached that conclusion reluctantly; but we have felt, as we have sat around the clock, day after day, listening to speeches and answering quorum calls, that we have been caught in a vacuum; that what is most needed at this time is action.

We strongly feel that the motion for cloture will start the legislative machinery moving. A part of it will move today; and, as surely as I stand before the Senate, the rest of it will continue to move whether the Senate votes for cloture or not. A similar civil rights bill is now being debated in the other body. If the cloture motion fails and if it is necessary to submit another cloture motion later, that will be done. But time and events will soon determine whether it will be necessary to submit another cloture motion.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. CARROLL. Mr. President, may I have an additional minute?

Mr. MANSFIELD. Mr. President, I yield an additional minute to the Senator from Colorado.

Mr. CARROLL. A time comes when sensible men must act. Mr. President, this is that time.

So, Mr. President, let us get on with our legislating. And the way we can do that, in my opinion, is by supporting the cloture motion.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from Kentucky [Mr. COOPER].

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, I submit three amendments to the Dirksen amendment to H.R. 8315. I ask unanimous consent that the three amendments be printed in the RECORD, that they be deemed to have been read, and that they be ordered to lie on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments submitted by Mr. COOPER are as follows:

On page 2, line 4, strike out "endeavors" and in lieu thereof insert "attempts".

On page 2, lines 2 and 3, strike out "or by any threatening letter or communication,".

On page 6, line 9, beginning with "(a)", strike out all through line 24.

On page 6, line 25, strike out "(2) It is therefore", and insert in lieu thereof "(a) It is".

Mr. COOPER. Mr. President, I was one of those who joined in the cloture motion; and today I will vote in favor of the motion.

I am aware of the importance of the rule and the tradition of free and extended debate in the Senate. And certainly extended debate is most desirable in connection with so important an issue as civil rights, which is a national issue and one which involves the constitutional rights of a great body of our citizens.

I realize that the Senate rule and tradition of extended debate was devised for the protection of the people of the country as a whole, and particularly minorities, against a strong executive or an overwhelming majority, or the passions of a particular moment. But I do not believe that such conditions, against which the free, extended, and even unlimited debate in the Senate is designed to give protection, obtain in this case.

I do not believe that it can be denied that there have been full debate and ample opportunity for the presentation of the views of Members who oppose the pending bill and amendments. The debate has been going on for 3 weeks; and even if the cloture motion is adopted today, there will be opportunity for an additional 100 hours of debate, under the rule, if Senators desire to exercise their right to speak for an hour.

Mr. President, I do not think anyone is caught by surprise by the cloture motion. No new right would be created by the bill and amendments under consideration, nor would any new duty be imposed upon any State or any section of the country.

The right to protection against discrimination in the exercise of the voting right is now provided by the 15th amendment to the Constitution; the right to be protected against discrimination in the

public schools is established by the decision of the Supreme Court of the United States in the Brown case. The duty to obey the law is now a duty of every State and section—and the Congress now has authority to enact legislation to implement the right.

Therefore, Mr. President, I hope the cloture motion will be agreed to. The pending legislation has been debated for nearly 4 weeks—and with cloture another 100 hours of debate is guaranteed. Let us move forward toward voting for and enacting an effective and just civil rights bill.

Mr. MANSFIELD. Mr. President I yield 4 minutes to the Senator from Alaska [Mr. GRUENING].

The PRESIDING OFFICER. The Senator from Alaska is recognized for 4 minutes.

Mr. GRUENING. Mr. President, when I came to the Senate a little over a year ago, the first issue, and one of major importance, was the discussion of the amendment of rule XXII. There existed a strong feeling that the institution of the filibuster, as an instrument designed, not merely for extended debate, but for debate of indefinite length designed to prevent the Senate from voting on given measures, was obsolete and undemocratic. The fact that this view was shared by the overwhelming majority of the Members of the Senate was demonstrated by the fact that the issue arose and was acted upon.

The question which confronted me, as well as the other Members of the Senate—and I may say particularly the freshman Members—was to what extent the existing rule, which provided for cloture by two-thirds of the total body, should be modified. Persuasive arguments were advanced that this power should be given to a straight majority, or to three-fifths of those present and voting, but only after debate had gone on for an extended period of time and after additional time for debate after cloture had been allowed.

I gave this matter the most careful study. I read the debates upon it in preceding sessions of the Senate, when the matter was dealt with most exhaustively. I read the arguments, pro and con, that were prepared by the Legislative Reference Service of the Library of Congress. I listened to the debate that took place. I have great respect for this most vital of Senate traditions—namely, that of extended debate—both for the purpose of allowing every Member to have his fullest say and for the purpose of permitting such debate to mobilize public opinion, which would be mobilized in favor of one course or another if the debate were sufficiently extended and persuasive. I finally concluded to support the most moderate of all the proposals advanced—one requiring the affirmative votes of two-thirds of the Members actually present and voting. That was a much more moderate proposal than the others which were advanced.

The question which now comes to my mind is whether the action which the Senate will take in the next few hours or the next few days will justify the position which a great majority of the Members of the Senate, including myself, took last year. It has seemed to me that this civil rights issue has been discussed sufficiently—with 2 weeks of general debate and then more than another week of around-the-clock sessions—to make it reasonable that a time now be fixed when we shall vote on the various proposals now before us. This view is strengthened by the assertions of the distinguished leader of the anticivil rights bloc that he has no compromise in mind, and that all the legislation proposed to date is totally unacceptable. If we take these declarations at their face value—and I do—they mean that we are confronted by the prospect of an interminable talkathon, with no prospect of a vote.

Mr. President, I think there is nothing more shocking or destructive of the democratic process or more injurious to our professions of belief in government by consent of the governed or more damaging to all the principles of majority rule that are enshrined in our history and tradition, than for the U.S. Senate to be prevented from voting on issues on which a majority of its Members clearly desire to vote. Certainly the around-the-clock sessions, with quorum calls at such short intervals that sleep and adequate rest were impossible—a situation to which the distinguished junior Senator from New Mexico referred to as converting the Senate into a "torture" chamber—cannot bring to the debate the equanimity and the calm and dispassionate judgment which the important issue before us requires.

Meanwhile, all other business of the Senate is paralyzed. But we know that the deadline for this session will come in early July. No committees, except the Appropriations Committee, are permitted to meet at this time. There has been no call of the calendar since last summer. How much longer can this paralysis continue, before the people of the Nation can justly level against the Senate a charge of irresponsibility?

For these reasons, I have joined 30 of my colleagues in the motion for cloture. I did so knowing the seriousness of such action, and taking full account of the views of our distinguished and beloved majority leader. But the decision as to when there has been sufficient debate and when voting should begin is one for each Member of this body to make in accordance with his conscience.

The PRESIDING OFFICER. The time yielded to the Senator from Alaska has expired.

Mr. MANSFIELD. Mr. President, I yield 1 additional minute to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 1 more minute.

Mr. GRUENING. I thank the Senator from Montana.

Mr. President, in joining my colleagues in the cloture motion, I did so in the realization that, in addition to the 4 weeks of debate, actually more than 5 normal Senate weeks—when we consider the around-the-clock week and one-half—have been spent on this discussion; and 100 hours—which I am confident would be equally divided between both sides—would still be available. If my colleagues from the South are worried lest—because they number only 18—they will not have a proper share of this debate, I shall be most happy to give up to them the hour which will be available to me. I am confident that a sufficient number of my colleagues will do likewise, so that the opponents will be able to share equally in the debate following cloture, and will have 50 hours in which to complete their arguments.

Mr. President, I urge adoption of the cloture motion.

Mr. GOLDWATER. Mr. President——

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, I rise to explain why I will vote against the cloture motion this afternoon.

When I came to this body, some 8 years ago, I was determined to do my part to end filibusters. But after I had been here awhile, and had had an opportunity to watch a filibuster work, and had had an opportunity to study the entire subject, and when I remembered that a filibuster conducted by my distinguished senior colleague [Mr. HAYDEN] and by former Senator Ashurst, of Arizona, made it possible for Arizona now to have power and power revenue from Hoover Dam, and when I considered other aspects of the filibuster, as well, I decided that the filibuster, as it is called, or extended debate in the Senate, is one of the most valuable tools of our democratic processes; and I do not believe the Senate should attempt for a moment to destroy the filibuster, because it is the tool by which minorities may be protected.

I may not always be in sympathy with the aims of minorities, but I shall certainly devote my best efforts to the maintenance of this privilege for them.

Mr. President, in voting against the cloture motion this afternoon, I shall not be motivated entirely by the observations I have made just now; I shall also be motivated in part by my desire to express my views against the so-called Dirksen substitute amendment, in the hope that my expression, along with those of other Senators, will enable the Senate to get at the heart of the matter on which it has been working for the past several weeks. I believe that procedure will, in a proper way, lead to protection of the rights provided for by the 15th amendment to the Constitution.

I will vote to protect the right to vote of any group of our citizens, provided they meet the qualifications which the respective States provide, in accordance with the Constitution.

Mr. President, in my consideration of the pending measure, when I turn to section 1, I agree wholeheartedly with the Senator from New Hampshire [Mr. COTTON], who has called attention to the fact that the States have had only 6 years in which to operate under the decision of the Supreme Court. I suggest that 6 years is a short time in which to

undo habits developed over 300 years in our country.

Mr. President, I am opposed to segregation. I have worked wholeheartedly against segregation all my life. I was the first chief of staff of the National Guard in my State to desegregate the Air Guard of Arizona. I believe I was the second largest contributor to the ending of segregation in the schools in Phoenix. My record in this respect is one of which I am proud.

But I do not wish to see us move too quickly in this field and inject the Congress and the Federal Government into an area into which the Constitution does not permit them to go.

Mr. President, I wish section 2, which makes it a Federal crime to bomb churches or schools, applied also to buses, trucks, transportation, warehouses, and so forth. I see no reason why we should be looking with favor upon Jimmy Hoffa, whose organization resorts to this type of violence, along with other unions in this country.

Skipping to section 4, I see no reason in the world for the Federal Government to provide grants to give additional nonteaching professional services required by desegregation cases. Here again the Federal Government is assuming the Federal Government alone can solve the problems of the country and that the States have no strength in these fields.

I have to be against section 5 of the so-called Dirksen substitute because I think authority already exists for military bases of this country to provide education, whatever the need may be.

Section 6 affects a few unions in this country. These are matters of internal union determination, and I think the unions are already working against segregation in these cases.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOLDWATER. I ask for 2 additional minutes.

Mr. KUCHEL. Mr. President, I yield 2 additional minutes to the Senator from New Mexico.

Mr. GOLDWATER. Mr. President, I would suggest we allow the unions involved to work out their desegregation problems. When that is done, the Federal Government can be assured that all our people can work on Federal projects. I am afraid of this provision because it it a foot in the door. I do not want to see the Federal Government establish a commission or bureau that will go into the States and say to businessmen, "You have to make certain that a certain percentage of your work force is composed of Puerto Ricans, or persons of Mexican extraction, or Negroes." That would be the next step.

I conclude by expressing extreme regret that I have to vote against cloture this afternoon, and I shall do so for the reasons I have stated.

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Virginia [Mr. ROBERTSON].

The PRESIDING OFFICER. The Senator from Virginia is recognized for 10 minutes.

Mr. ROBERTSON. Mr. President, before voting against the motion to arbitrarily close debate on certain pending civil rights amendments, I wish to point out that serious constitutional issues are involved, to say nothing of punitive and discriminatory actions on which there have been no committee hearings, no committee report, and no adequate debate. Proponents of these drastic proposals have spent little time in explaining and justifying them, while the opponents have been forced to voice their opposition throughout the midnight hours when no colleagues were present to hear their speeches and to continue their opposition on a 24-hour basis until Members of the Senate were too exhausted even to read, much less to hear, debate and participate in it.

Now I notice for the first time in many, many days that the Senators who were too busy with other matters to come to the floor unless invited are resuming their places here. Many of those who closed their ears to the serious and conscientious arguments made on this subject have reassembled with the avowed purpose of cutting off by cloture, or gag rule, the rational objections they could not meet and deal with on their merits.

But I have the utmost confidence that many others of my distinguished colleagues here have not closed their ears to reason and honest judgment, have not turned their backs on the constitutional principles all of us are sworn to defend, and have not shut their eyes to the dangers this Republic will face if it yields its people to Government by injunction.

Mr. President, I have spoken at some length on matters involved in the civil rights proposals which are now before the Senate. I have not, of course, covered in detail all of the various proposals, but I have tried to explore some of the most basic questions and to set forth my views on them. I should like at this time to summarize what I have said in opposition to all the Dirksen amendments, only two of which I have had the opportunity to discuss fully.

On February 29, I discussed the Attorney General's voting referee proposal, which many people have called the heart of this year's civil rights program. I agree that it is one of the most radical proposals presented this year, and deserving of careful scrutiny, though, of course, it is by no means the only important proposal.

In my discussion of this proposal I discussed at length the unconstitutionality of the proposal for the Federal Government to qualify voters for State and local elections and to supervise those elections. I pointed out that this would be inconsistent with the basic division of powers between the State and Federal Government, not authorized by the original provisions of the Constitution or by the restrictions of the 15th amendment on State and Federal action. I also pointed out that the proposal was not authorized by the 15th amendment because, by the specific provisions of the proposal, a would-be voter could be registered who had not suffered any discrimination under the 15th amendment. I also pointed out that the proposal placed in the judicial branch of the Government a nonjudicial function, registration, which was to be carried out in a fashion completely devoid of due process of law and of any attention to sound judicial procedures.

I also pointed out on February 29 that the voting referee proposal was premature. It was only on that same day, February 29, that the Supreme Court in two cases upheld the validity of the injunction proceeding authorized by the 1957 act. One case which involves the meaning of the 1957 statute is still pending in the Supreme Court. We should, I pointed out, have some experience under the 1957 act, now that it has been declared constitutional, before taking the position that it is inadequate.

On March 3, I discussed the proposal for a junior FEPC. I pointed out that the proposal, although disguised as merely dealing with Government contracts, contained authorization for surveys, studies, and propaganda designed to cover all discrimination in employment, a provision which might create such a propoganda campaign as to make it impossible to stop short of a full scale FEPC, with all the unconstitutional elements inherent in a full scale FEPC.

On March 8, I discussed the question of trial by jury. The civil rights proposals raise this issue both by creating additional injunctions under the voting referee proposal and by the inclusion of the discredited part III of the 1957 bill. I pointed out that it was inconsistent, in the name of civil rights, to deny to persons accused the protection of the jury trial which is one of our major civil rights. I pointed out the constitutional problems involved in this expansion of the denial of jury trials. I also urged that even if we have authority to deny jury trials through Government by injunction, we should not do so.

In all my speeches, I have tried to emphasize the need for sound judicial procedures and sound legislative procedures. I have tried to prevent the Senate from taking hasty and ill-considered action in the absence of proper hearings and in the absence of committee reports.

There has been no adequate discussion of the proposals being urged upon us, including all the civil rights covered by the title 3 amendment to deny the right of trial by jury in criminal cases which is spelled out in the Constitution. Mr. President, the motion to arbitrarily deny to the defenders of States rights and the preservation of constitutional principles a more adequate time in which to discuss them, should be defeated.

I yield the floor.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the Senator from Minnesota [Mr. MCCARTHY].

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. MCCARTHY. Mr. President, the Senator from North Carolina [Mr. ERVIN] has raised the question of freedom of speech. I suggest that the right of freedom of speech under the Constitution does not give a man the right to talk any place he wants to talk for as long as he wishes to talk. If, for example, someone had, this morning, established himself in the middle of Pennsylvania

Avenue and started to make a speech, he would have been taken to the side of the street, at least. There are limits of time and place for free speech—even in the U.S. Senate.

Mr. President, this issue must be resolved. The Senate is required to act. The opponents and proponents of this legislation have had sufficient time, or at least, when they shall have completed the 100 hours provided under the cloture motion, they should have had the opportunity to discuss this issue adequately, at least for the present time.

Mr. President, the charge has been made that those of us who favor this proposed legislation are motivated only by political considerations, and that, somehow or other, those who are opposed to it are nonpolitical and are acting from high moral principles and the purest of motivation.

Mr. President, I do not deny that this is a political issue, but the fact that it is political does not in any way detract from the moral significance of the issue.

I should like to quote a statement made recently by the Anglican archbishop of Canterbury, Geoffrey Francis Fisher, who said:

> Everything which touches the life of the nation is of concern to the Christian. It does not escape God's judgment by becoming in the party sense "political."

I say that an issue does not become immoral or amoral because it is moved into the field of political controversy.

He said further:

> The difficulty is that when the issue has become in that sense "political," people are less ready to hear what the Christian judgment may be since for that, patience and a perceptive mind are required.

The basic controversy before us is a moral one. Any discussion of civil rights ultimately becomes a discussion of basic human rights. When human rights are involved the issue becomes a moral one.

Mr. President, Paul-Henri Spaak, the Secretary General of NATO, at the North Atlantic Community Conference in September 1957, summarized, I think, the problem we face. He said:

> There can be no respect of persons if there is no political democracy and there can be no respect of persons without social justice, and only when we have carried this to its maximum, not only in our own countries but also in all places where we have undertaken political responsibilities, shall we find ourselves in a state of quiet conscience and moral peace which will allow us genuinely to take up the challenge of communism. But this challenge the whole Western World must take up together. This is the prerequisite making possible our success.

I submit that the debate in the Senate is only a small part of this debate. This debate has been going on in this country since the first slaves were brought here in the 17th century. It was debated in the Constitutional Convention. It was the issue in the Civil War—and has been with us ever since. Today this debate has taken on worldwide proportions—and is especially significant in Africa and in Asia.

The question to be answered here is the question of whether or not we are willing to write into the law our decision that political democracy and social justice shall be extended to all of our own people.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the Senator from Colorado [Mr. ALLOTT].

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. ALLOTT. Mr. President, in regard to the question which is now before the Senate, we have had the atmosphere cleared for many hours and many days, mostly with legalistic although also with some moral arguments.

I think it is improper for any of us to ascribe to ourselves any moral qualities which we fancy ourselves to possess and which we fancy other people not to possess. I believe it is improper to ascribe to those of us who have signed the cloture petition improper or political motives, any more than we should ascribe to those who oppose it, or to those who are opposed to any legislation on this subject, improper or political motives.

I should like to state in a very clear and concise way, if I can, why I have taken this action and why I have taken the position I have. I can be accused of being political, if that is what the opponents desire to do, but at least I am being consistent with a position I have taken with respect to human beings as long as I have lived.

Mr. JAVITS. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Colorado may proceed.

Mr. ALLOTT. The position of the southerners—and this is their fundamental position—is that these people in question, the southern Negroes, are not in a position to assume their responsibilities. Despite this, they argue at the same time that they provide the Negroes with segregated schools and with fine Negro teachers.

I wish to point out to my friends that we cannot integrate people into our complete society unless they have complete equality of education and association. So far as social association is concerned, even a U.S. Senator has to earn the right to associate on a social basis with the people around him. This is true of every member of our society, no matter who he may be.

To me the question is not a legal question. It is fundamentally a moral question which we face. For this reason I am aware of what the rest of the world thinks. I am aware of what our students think.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a petition from some students at the University of Colorado, who raised the money among themselves to send a young man to Washington, D.C., to present this petition.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

To the Honorable RICHARD M. NIXON,
President of the U.S. Senate:

We, the undersigned students of the University of Colorado, being vitally interested in the conduct and policies of our Government, do respectfully request that the Senate be prevailed upon to invoke the cloture rule and remove the obstacles blocking the civil rights legislation.

We believe that the privilege of unlimited debate should be revoked when by its continuance it obstructs legislation vital to the welfare of the entire Nation and leaves our highest lawmaking body vulnerable to international derision. In view of this fact, we believe it is the right and duty of those responsible Members of the Senate to bring about the necessary legislative action.

This critical evolutionary step is today the focal point of world opinion due to the sensitivity of emerging new nations vitally embroiled in the struggle for recognition and equality.

Therefore, our own governmental institutions must, above all, set standards that will exemplify the ideals upon which our Nation was founded.

We would also like to go on record as favoring, without reservation, any and all legislation giving full rights of citizenship to all our peoples as conceived of in the United Nations bill of human rights.

Sincerely,

Jane Doubilet, New York City; Judy Pearson, Pennsylvania; Margaret Le Moyne, Colorado; Molly McDougall, Oregon; Carolyn Miller, Colorado; Judy Kuszling, California; Geraldine Feinke, Illinois; Patty Tippet, Oregon; Brunhilde Eberle, Missouri; Carolyn Johnson, Massachusetts; Dixie Denter Duff, Colorado; Leslie McLeran, Colorado; Joe Rego, Colorado; Judy Kraus, Washington.

Mr. ALLOTT. Mr. President, for the reasons I have stated I shall vote to invoke the cloture rule. I feel we have had ample opportunity to debate fully every phase of the question before the Senate.

If this is not the result of committee action, it is not the fault of the Senate nor is it my fault that it is not the result of committee action.

It is my further belief today that rule XXII is not being used at the present time as a basis for debate, but rather is being used as a barrier to the determination of important issues before the Senate. We have lost sight in this matter of the question which the President of the Senate will propound to the Senate at 2 o'clock, when we shall vote, which question is: "Is it the sense of the Senate that the debate shall be brought to a close?"

This is what we are doing. We are not trying to stop anybody. We are simply saying we think this matter has been aired and debated sufficiently and that it is our sense debate should be brought to a close.

Finally, Mr. President, I wish to say that cloture now presents the only method available for the whole Senate to show that it has the control of its own affairs in its own hands. A further continuation of the situation in which we have found ourselves can only bring discredit upon the Senate, and ultimately it will bring discredit upon our political institutions in the United States.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the Senator from New Jersey [Mr. WILLIAMS].

Mr. WILLIAMS of New Jersey. Mr. President, we are being called upon today to invoke a rarely used and rarely

successful motion to bring debate to an end so that there may be a vote on the civil rights legislation now before the Senate.

We recognize this as a most momentous occasion.

We are facing a major test on the ability of a constitutional democracy to work under pressure.

For there can scarcely be anything more destructive of our success as a great nation among the community of free nations than to permit this misuse of the democratic process to persist.

There has been a great deal of talk in these last few weeks by opponents of the closure petition which, ironically, makes the same argument.

It is said that if we end freedom of debate we will be making a mockery of the democratic principle that the rights of a minority should be protected.

I cannot help but say that this is, I believe, a grievous fallacy.

It is quite true that our form of government provides many safeguards against the domination of a simple majority over a minority.

But common sense tells us that these safeguards do not give any minority, no matter how sincere its beliefs, the right to deny constitutional rights of still another minority.

To permit this situation to continue is a travesty on the very principles we all value.

We are dealing with the constitutional rights that a large segment of our population is not permitted to enjoy—foremost among them the right to vote and the right to equal protection under the law.

I submit that no matter how strongly opposed the minority may be to guaranteeing these constitutional rights, we cannot allow their will to endure.

That is why we are driven to the extraordinary motion to close debate so that the Senate of the United States may have a chance to vote on the legislation that will help insure the observance of our Constitution in full, and not just where it is convenient.

Mr. President, at the same time that we are confronted with this grave issue, an outbreak of mass protests has taken place in more than 35 cities in 7 Southern States against segregation at various lunch counters.

A graphic report on the profound implications of these protests appeared in the New York Times, March 6, written by Claude Sitton.

There can be no doubt, as these demonstrations testify, that race relations in the South must soon undergo far-reaching changes. A new generation of young Negroes has arrived, and they are displaying a profound determination to insist upon their rights as American citizens.

In connection with these demonstrations, the Southern Regional Council has said that "segregation cannot be maintained in the South, short of continuous coercion and the intolerable social order which would result."

Mr. Sitton concludes his article by saying:

Once again the white leadership of the South is being put to the test. Whether it will seek to meet the legitimate social, economic, and political aspirations of an aroused Negro community or whether it will allow the situation to drift toward the inevitable racial crisis remains to be seen.

Mr. President, we are not faced with the question of lunch-counter segregation in any of the bills before us. But we are faced with bills that would help remedy the constitutional deprivations that have allowed these demonstrations to occur.

The Members of this body, North and South, can today take a great step toward providing the courageous leadership that might avert the drift to racial crisis.

Mr. President, I ask unanimous consent that this article be printed in the RECORD, and I strongly and earnestly hope every Senator will do his part to see that these legitimate aspirations are met. We can do that by voting to end debate so we may proceed to vindicate our Constitution and the democratic process.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MOOD OF THE SOUTH—NEGRO DISSATISFACTION WITH SLOW PACE OF ACTION ON RIGHTS BRINGS SIT-INS AND WHITE RESISTANCE

(By Claude Sitton)

ATLANTA, March 5.—Much of the white South will remember February as a month of disenchantment. For the racial unrest that rose to the surface then gave the lie to two of its most cherished beliefs.

The first is that the southern white, and he alone, truly understands the Negro. The second depicts most Negroes as advocates of the practice that goes by the name of "separate but equal."

The movement that today is forcing a reassessment of southern race relations had its beginning in a Greensboro, N.C., variety store, February 1. A refusal to serve four Negro college students at a lunch counter touched off a demonstration.

OPPORTUNITY

Within a month, mass protests had spread across seven States to the marble steps of the first capitol of the old Confederacy in Montgomery, Ala. There a thousand students prayed and sang in a classic example of the nonviolent technique of Mohandas K. Gandhi.

Somewhere along the way, the movement became a vehicle for the Negro's opposition to segregation in all its forms. It offered him a platform at a time when Congress was locked in a struggle over civil rights. And many of his leaders of regional stature seized the chance to damn segregation as unbearable.

Clergymen, educators, lawyers, doctors, and businessmen issued statements supporting the students' goal if not, in all cases, their method. Some did so in the face of pressure from white leaders to halt the demonstrations. Others acted while privately expressing reservations because, as one said, "students are always unpredictable."

But there was little evidence of the reticence of old. Rev. Ralph D. Abernathy, a Montgomery Negro leader, recalled for a student rally this week the time when our forefathers had to steal away and tell God that they wanted to be free.

I am proud to be a member of a generation that is willing to stand on the rooftops and tell the world that they want to be free.

THE FUTURE

The conclusion that must be drawn from these developments, according to the Southern Regional Council, is that "segregation cannot be maintained in the South, short of continuous coercion and the intolerable social order which would result."

A lack of effective communication between the two races is clearly indicated by the fact that the swiftly mounting pressure against racial barriers has caught many whites unawares. This is even more evident when one considers that although the factors behind the drive are many and complex they have been apparent for some time.

The emergence of colored peoples from colonial domination as a result of two world wars and the doctrine of self-determination is significantly involved. On the domestic scene population shifts, rising living standards, improved communications, industrialization, and urbanization all have had their effect.

Moreover, the American Negro has built up a "literature of protest." Books such as "From Slavery to Freedom," by John Hope Franklin and "Stride Toward Freedom" by Rev. Martin Luther King, Jr., have given impetus to the attack on discriminatory practices.

The Montgomery bus boycott presented southern Negroes with a dramatic demonstration of their economic power. This was true even though a Federal court desegregation order rather than the bus lines' capitulation brought an end to the movement. The boycott pushed Dr. King into the spotlight as its key leader. The minister, who is a disciple of Gandhi, has gathered other Negro clergymen around him in an organization called the Southern Christian Leadership Conference. The group's chief aim is to improve the Negro's lot.

Generally, the whites have tended to ignore the Negroes' growing demands and to make only those concessions dictated by legal and economic necessity.

Resistance to school desegregation shows no signs of weakening, and appears to be one of the chief motivations for the student demonstrations.

The intransigence of southern whites on this and other phases of the civil rights questions has sorely tried the national patience. American prestige abroad has suffered. The Congress has been forced to divert its attention from such crucial matters as defense to search for a means to guarantee voting rights.

BARRIER OF APATHY

Many persons outside the South have come to believe that the whole controversy can be settled by Federal legislation to open the way for full participation by the Negro in the elective process.

This is doubtful. Even top leaders of the minority race concede that the biggest barrier to increased registration is apathy. This is attributed in large measure to the fact the southern Negro occupies the bottom rung on the social and economic ladder.

There are those areas, principally in the so-called Black Belt, where the removal of this apathy would bring no substantial increase in Negro voting. In many rural counties where Negroes outnumber whites the former are systematically barred from the ballot box by one device or another. The Senate debate on the subject has only served to strengthen the determination of these whites to keep their stranglehold on political affairs.

Some well informed observers question whether the referee plan under consideration would change the situation materially. The initiative for action, in the final analysis, is left to the individual applicant, and rural Negroes might well be reluctant to seek Federal certification at the risk of displeasing white employers.

The development of economic weapons, such as the lunch-counter protests and a few subsequent boycotts, has undoubtedly cost the Negro some white supporters.

The moderates have been particularly affected. Their position has been based on the contention that Negroes would be satisfied for some time to come with token desegregation. This premise now appears to be of doubtful validity. They now argue with considerable supporting evidence that the student demonstrations are strengthening opposition to any desegregation and increasing the danger of violence.

CHURCH SUPPORT

Aside from a few lay groups in the race relations field, the churches have been virtually the only white organizations to endorse the demonstrations. The first such statement of support from a group with a regional following came yesterday from the Episcopal Society for Cultural and Racial Unity. It asked members of that faith to question whether they could participate in segregated church activities. Concerning the demonstrations, it said:

"We commend those citizens who express love in suffering by passive disobedience to laws or mores that separate on account of race or religion in State or commercial enterprises.

The reaction of the large bulk of the white citizenry has varied with local cultural patterns and circumstances. In some areas opposition has been confined to expressions of irritation. In others repressive measures have been taken against the students. These have tended to draw local Negro factions together in support of the demonstrators.

GENTLEMANLY VIEW

The southern press has generally deplored the demonstrations. But some editors have found the Negroes a cut above the whites who turned out to torment them. The Richmond News Leader said Virginians must have "felt a twinge of wry regret" over circumstances surrounding a "sit-in" in that city. The newspaper continued:

"Here were the colored students, in coats, white shirts, ties, and one of them was reading Goethe and one was taking notes from a biology text. And here, on the sidewalk outside, was a gang of white boys come to heckle, a ragtail rabble, slack-jawed, black-jacketed, grinning fit to kill, and some of them, God save the mark, were waving the proud and honored flag of the Southern States in the last war fought by gentlemen. Eheu. It gives one pause."

Many white southerners have shown a realization that race relations must undergo some change. But few of them seem to have any awareness of the far-reaching nature of this change.

In a special report on the situation, the Southern Regional Council contended that the South faced three choices: One is to maintain segregation and thus invite a test of strength that would lead to violence. The second is to elimnate community facilities one by one. The third is to accord Negroes equal treatment.

"If southerners are sensible," the council commented, "even if they have only a lively sense of self-interest, treatment will be equally good; if southerners prefer, it can be equally bad. As profound as anything said in the lunch-counter controversy is the terse sentence of the student leader in Charlotte, N.C.—and only the unthinking would regard it is arrogant: 'We are not only entitled to service, but want it.' "

Once again the white leadership of the South is being put to the test. Whether it will seek to meet the legitimate social, economic, and political aspirations of an aroused Negro community or whether it will allow the situation to drift toward the inevitable racial crisis remains to be seen.

Mr. DIRKSEN. Mr. President, I yield 7 minutes to the distinguished Senator from Alabama [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. President, it is a source of deep concern to me that it is now proposed that we remove the last safeguard against unwise and precipitous action by the Senate of the United States. It is proposed that the precious right of freedom of expression which is guaranteed to every American citizen shall be denied to Members of the Senate. It is proposed that the right of Senators and of the people to be informed and to understand be taken away. It is proposed that the Senate begin voting in the dark on 8 pounds of bills and amendments, every one of which touches and concerns the Constitution of the United States and the constitution and laws of the several States.

Every Member of this body knows that not one of these measures has come before the Senate accompanied by a report of a duly constituted committee of the Senate having jurisdiction over the subject matter of such measure.

The proposals, carrying the general label of civil rights, are so many in number that Senators find it almost impossible to keep count of them. The proposals can only be weighed from day to day.

It is tragic that the newspapers of this country find it impossible to present to the American people, by description of content, these many measures it is proposed Members of the Senate begin voting upon forthwith—voting upon without the benefit of committee hearings, without the benefit of committee consideration, without the opportunity to testify or to examine witnesses, and without the intelligent guidance of committee reports and without adequate discussion here on the floor of the Senate.

Many Americans know these bills only by the favorite tag lines which have been assigned them. All too frequently the press has no other means of referring to them other than by tag lines assigned by their authors or upon a poundage basis. Indeed we have witnessed a substitution of the law of weights and measures for the rules of procedures in the Senate of the United States.

It will be recorded as the shame of the Senate rather than the Senate's finest hour if we play into the hands of a few self-styled champions of minority rights who contend among themselves for plaudits and laurels on the basis of the amount of paper that is contained between the two outside covers of their so-called civil rights bills. Earnest as they may be in their intentions, I am sure they do not realize the damage they would do to the rights of all Americans and to the Nation.

Equally earnest are those of us who entertain doubts and raise serious questions about some of these measures, and who seek enlightenment as to the meaning and effect of far-reaching proposals upon which no hearings have been held, no reports have been filed, and no opportunity afforded for asking questions of those who propose the bills, of those officials who will have the responsibility, if they are enacted, of administering the bills, or of officials and citizens who will be affected by the bills.

As Senators know, the questions which have thus far been raised in the Senate with respect to many proposals before us have related almost entirely to two areas—the area involving franchise and the area involving the obstruction of court orders.

Senators know there are other vital areas involved in these proposals which have not been examined or explored.

The proponents of the measure, it will be observed, have had almost nothing to say in the way of explanation. For the most part, they have either sat silent or have absented themselves from this Chamber. Those Members who oppose measures or entertain serious doubts about them and who seek enlightenment as to their contents and effect for illumination and benefit of all Members of the Senate and the people of the United States have faced a curtain of silence. Those of us who have alleged wrongs, and have pointed to abuses of the Constitution or the rights of the States, have gone practically unchallenged.

Those of us who have been seeking light have been given no light. Instead, we have been given an empty Chamber which has had neither ears to hear nor mouths to answer. We have been placed on the wheel of endless sessions which, like its ancient and barbarous counterpart, has no remedial purpose or effect. Its only purpose has been to try to wear down and to torture. I contend that Members of the Senate of the United States—I contend that the people of this country—are entitled to better and more respectful treatment.

It cannot be said that those who question this method of procedure and who question the constitutional correctness of certain proposals before us have any less concern for human rights than those Members of this body who will neither listen nor try to inform.

With no hearings at all on most of these measures, and with no report on a single one of them, the Senate floor offers the last chance—inadequate though that be—to gain understanding concerning highly complex and intricate proposals which some contend should be passed en masse and in the dark.

The hour calls for a reawakening of the pride of the Senate in its traditions. The conscience of the Senate must be quickened lest we substitute wanton haste for due consideration. A renewed sense of responsibility must move Members of this body to the exercise of wisdom. Every Member of the Senate has a solemn duty to inform himself and contribute to the enlightenment of the American people before votes are cast on measures which may abridge the Constitution, alter the very fabric of our Government, and bring about radical changes in historic relationships between Federal and State Governments.

It is proposed that the Senate engage in a race with the House of Representatives under ground rules which ignore every objective except getting there first with the biggest and thickest bill. It is proposed that every other consideration and every safeguard be thrown out the window. It is proposed that the right to know and to understand be forgotten. It is proposed that the responsibility of the Senate to legislate intelligently be suspended. It is suggested that the only goals be speed and poundage.

If there be Members of this body who are inclined to forget or who have grown weak in their pride in the cherished reputation which the Senate enjoys as the greatest deliberative body in the world, I would remind those colleagues that the framers of the Constitution made a carefully calculated distinction between the House of Representatives and the Senate of the United States.

I would remind those colleagues that the framers of the Constitution fixed the term of office of Senators not at 2 years, as with Members of the House, but at 6 years. By this means, our forebears intended that the Senate be well removed from excessive pressures of well-meaning but possibly mistaken and temporary majorities.

The proposal to silence those who oppose, those who question, and those who seek light where little light yet shines, would question the wisdom of the framers of the Constitution and would tend to weaken the structure of the Senate as a continuing deliberative legislative body.

No amount of rationalizing by those who succumb at this time to poorly informed or misguided popular will, will free them from the certain knowledge in their secret consciences that they have helped to thwart the will of our Founding Fathers, to violate the sense of the Constitution, and that they have considered too lightly the responsibility imposed upon them by the Constitution.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut [Mr. BUSH].

Mr. BUSH. Mr. President, I thank the Senator from Texas.

It seems to this Senator that the issue before the Senate now is not the substance of the civil rights bill itself, but the question of whether the Senate can function as a legislative body, whether we can attend to the business of the Nation which is now awaiting attention in various committees of the Senate and on the Senate calendar itself, including, of course, the very important matter of civil rights legislation, which is the unfinished business.

It seems to me that we have now come to the point where the prestige of the Senate is at stake, both at home and abroad. Indeed, the farther one gets away from Washington, I am afraid, the more confusion exists as to what in the world is going on in the Senate. However, there is plenty of confusion about it right here in the Senate, and there is a great deal of wonder in the minds of millions of our citizens, concerning how the Senate can be conducting itself as it has, especially during the past week or so.

Mr. President, if cloture were voted, there would still be ample opportunity for further discussion of the details of the subject before us, inasmuch as each Senator would still have an hour in which to speak, and almost 100 hours of debate could still be used, if needed. We have already had almost 4 weeks of debate on the pending issue, and I believe that those who oppose any and all civil rights legislation have had full opportunity to express their views on the subject.

The time has now come for the Senate to act on civil rights, and then proceed to the consideration of the other business before it, such as national defense. The whole business of the Senate organization has been paralyzed by this debate, because under our rules no committees have been able to hold hearings, except the Committee on Appropriations and its various subcommittees.

The Armed Services Committee, especially its Subcommittee on Preparedness, is stalled in its efforts to investigate further into our preparedness. The Secretary of Defense is waiting to be called. He would have been called long ago, in my judgment, had it not been for the situation confronting us in the Senate in connection with the pending business.

The military construction bill has been passed by the House. More than a billion dollars is at stake in that bill. That bill is awaiting the attention of our Armed Services Committee.

The Jackson Subcommittee of the Committee on Government Operations started off to do a very fine and objective job in connection with our policy-making procedures in the Government. The work of that subcommittee has already attracted nationwide interest and approval by reason of the caliber of the witnesses who have already been called and the type of testimony that these witnesses have given before that subcommittee. The work of that subcommittee is stalled.

The Foreign Relations Committee cannot meet to discuss such important questions as the situation in Cuba. Had it been able to meet, no doubt it would have called witnesses to testify regarding the deplorable situation in Cuba, and to consider what, if anything, the United States should do about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I am willing to yield 2 additional minutes to the Senator from Connecticut.

Mr. BUSH. May I have an additional 5 minutes? I will be glad to yield back any time I do not use.

Mr. JOHNSON of Texas. I yield 5 additional minutes to the Senator from Connecticut.

Mr. BUSH. The Foreign Relations Committee has before it a resolution which raises the question of whether we should revise the Monroe Doctrine, in connection with the Organization of American States. This whole matter is stalled.

In the Committee on Banking and Currency housing legislation is stalled. Important amendments to the Employment Act of 1946 are pending before that committee to make price stability an objective of national policy.

In the Committee on Finance tax bills are stalled. The consideration of the interest rate question is stalled.

In the Committee on Interstate and Foreign Commerce railroad problems are to be considered. There are many such problems that should be considered. There is the problem, for example, of the commuters. There are problems that relate generally to all railroads and the dire conditions that face them.

There is also the question of radio and television, and what Congress will do about that situation. That subject has been very much in the public eye of late.

Therefore it is my feeling that this is the time for the Senate to act on civil rights and to stop the paralysis of the other public business before Congress.

The vote on the motion for cloture is really a test of rule XXII, which was revised to provide that debate may be limited by a vote of two-thirds of the Senators present and voting. The requirement of a two-thirds vote, it seems to me, should give ample protection for the rights of a minority.

As one who signed the cloture motion, I express the urgent hope that it will be agreed to. I yield back the remainder of my time.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the Senator from Alaska.

Mr. BARTLETT. Mr. President, as a signer of the cloture petition, I rise to speak on behalf of cloture. The eyes of America are on us today. We are proud to be Senators, and we think of the Senate as the greatest deliberative body in the world. The present impasse proves that the Senate is indeed deliberative. Its greatness remains to be demonstrated. There can be no greatness, so I am persuaded, unless there is decision. Surely no Member of this body, and no American, would suggest that agreement to cloture forecloses intelligent discussion of the issues, or that adequate opportunity has not been had already for such discussion.

As my vote last year on rule XXII demonstrated, I am not one to denigrate the importance of adequate deliberation and consideration in the Senate. But debate should always be preluded to decision. Agreement to cloture now will indicate that the existing rules are adequate protection for the majority as well as for the minority. Failure to close debate will subject the Senate to well-based criticism and encourage more drastic consideration of the rules.

I have said, Mr. President, that the eyes of America are upon the Senate. But more than that, the world watches. Our decision today, and during the course of debate, will be noted and discussed throughout the world. Since America emphasizes to the world the importance of method and procedure as well as the importance of ends and accomplishments, we should not be surprised at the fact that the procedure selected by the Senate will be of interest all over the

globe, just as the substance of the civil rights statute we hope and expect to pass will be.

Finally, Mr. President, the Senate has a responsibility to devote the time remaining in this session well and equitably. For myself, I am prepared to spend the remainder of this session—if need be—in the effort to provide more adequate protection for the civil rights of all our citizens. But I would be remiss in my duty to my country if I did not assert that our sense of proportion requires us to expedite the present debate and resume our work to assure a more adequate national defense and an expanding national economy at home.

It is a compliment to our colleagues who have occupied the floor during the major part of the debate in recent days that we believe the time has come for cloture. The debate has been constructive, in my judgment. It has been germane. Cloture today is timely, appropriate, and right, and will reflect credit upon this institution and its membership.

Mr. DIRKSEN. Mr. President, I yield 6 minutes to the distinguished Senator from Louisiana.

Mr. ELLENDER. Mr. President, in only a few short hours the Senate will have an opportunity, by voting on the pending cloture petition, to demonstrate to the world whether it is willing to destroy the rights of minorities under the guise of protecting them.

For those of us who, during the past 20 days, have endeavored to give to the people of the United States and to the Senate, a full and complete understanding of the pending legislation, the prospect we now face is not only of great concern, but is, in our opinion, one of the most important votes by the Senate over the past decade.

It is said that the South has engaged in filibustering, and if filibustering can be equated with full and complete discussion, then I suppose that charge may be said to be true. By the same token, however, I remind Senators that unlimited debate—an opportunity to discuss in full the effect and purpose of any pending legislation—and through such discussion, to fully inform the public, is one of the last remaining bastions to which threatened minorities may retire in the face of overwhelming opposition.

We have heard much about democracy, about majority rule, and these sentiments are appealing. We must not forget, however, that a majority today may be a minority tomorrow, and that a threat by any majority to any minority is actually a threat against itself. As Plato has pointed out, "Tyranny arises out of democracy, and the most aggrieved form of tyranny and slavery out of the most extreme form of liberty." What Plato is saying, in effect, is that liberty becomes license, once a majority is employed to run roughshod over the rights of a minority. In fact, where there is no restraint on majority rule then freedom no longer exists, and is replaced by legislative tyranny.

Let me state now, Mr. President, that unlimited debate has never blocked action on necessary or needed legislation, but unlimited debate, and the threat thereof, has prevented the enactment of legislation which would have destroyed our constitutional democracy.

During my 24 years in the Senate I personally have witnessed three such endeavors. The first came in 1946 when what purported to be an amendment to the Fair Labor Standards Act was offered. This amendment would have permitted Federal bureaucrats to enter upon private premises, inspect books and records, arbitrarily classify workers by jobs, and, pursuant to such classification, fix wages.

The second piece of such legislation was the so-called FEPC. This bill would have forced employers to hire persons not of their own choosing.

The third piece of legislation in this category was the original version of the full employment act of 1946, which specified that in order to assure full employment, the Federal Government was to "take up the slack." This mandate was not limited to the construction of public works, but would have permitted the Federal Government to enter into competition with private business, and, in the process, to destroy private enterprise.

Thank Heaven, Mr. President, these bills did not pass, for if they had, the Federal Government would today be telling employers whom they could hire or whom they must fire, how much they must pay each employee, by classification, and, further, would have put the Federal Government into destructive competition with private enterprise.

To those who believe that unlimited debate is used only in connection with so-called civil rights bill, I would particularly like to emphasize the three prior examples.

I would also ask Senators to remember that those who are today the majority, tomorrow may be a minority. If Senators desire to dig their own graves, the liberal bloc is today handing them the shovel.

I do not desire to speak further, Mr. President, but I wish Senators to understand that we are today voting on more than a cloture motion. We are voting on a basic constitutional issue. Our vote will determine the rights, or lack thereof, of minorities in years to come.

The issues are that clear. I admonish Senators to vote against cloture.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the Senator from Maine.

Mr. MUSKIE. Mr. President, I have been a member of minority groups for most of my life. As a matter of fact, I suspect I am a member of the minority group on the question of cloture. So out of that experience I think I may say that I am a believer in full and free debate. But full and free debate may mean one thing to a taciturn New Englander, and another to our southern friends. But by their standard, I am sure we can agree as reasonable men that a time comes when we must stop talking and begin legislating. I confess that the answer to this question is not an exact one.

It is not possible to add up numerical quantities and to reach an answer upon which everyone can agree. It is a question of judgment. In deciding the question of judgment, it seems to me that we have a tactical problem which appears differently to all of us, depending upon our views on the main question. We also have a substantive problem.

From the point of view of the pro-civil-rights advocates, the tactical question is, At what point can we get cloture in such a way as to exert the maximum pressure for meaningful legislation?

The tactical question from the point of view of the anti-civil-rights Senators is, How long can we delay the bringing of pressure for legislation so as to minimize the effectiveness of such legislation?

Then, of course, there is the third group among us, who would like to define or develop as broad an area of agreement as possible.

On the tactical point, I take the position which prompted me to sign the cloture motion. It seems to me that if we are to get meaningful legislation, and also legislation which will take a broader ground concerning the rights of minorities, now is the time for us to begin hammering out the details.

The substantive question involved in the cloture motion relates to the kind of legislation which we hope to enact. The substantive question is this: Shall we wait before invoking cloture until 67 Senators agree upon the nature of the bill we should have? Or shall we begin to legislate, in effect, as a committee of the whole on the various proposals before the Senate, knocking them up or knocking them down, and coming up with a bill on the floor of the Senate which reflects the consensus of judgment on the floor?

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. JOHNSON of Texas. Mr. President, do any other Senators desire to speak in favor of the motion for cloture?

Mr. DOUGLAS. Mr. President, there are other speakers. It is hard to get the time established for them so as to move with precision.

The Senator from West Virginia [Mr. RANDOLPH] has been traveling all night, battling the snow of his State. He has shown great energy in getting here. I wanted to give him a minute or two to catch his breath. But, good soldier that he is, he is ready to step into the breach.

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, when I became a Member of this body, it was my privilege and my responsibility to vote for a more liberal program of what I believed to be democratic procedure in the Senate than that which then prevailed. I supported the so-called 60-percent-of-the-Senate amendment cosponsored by Senators MORTON, COOPER, ANDERSON, and SCOTT. This, of course, indicated my opinion on cloture was not directed toward any single subject of legislation to be considered in the Senate. I believed very strongly—and I so stated in my campaign of 1958—that we needed a liberalization of the rule of

democratic procedure in this body regardless of the pending proposal under discussion.

I believe in adequate debate. I am an advocate of thorough and exhaustive analysis of legislation, especially that which has such far-reaching importance as the pending measure. But the Senate must not be thwarted on this or on any other action by a single individual or a small group of individuals. And let me emphasize quite clearly that I am not referring here to Members from any particular section. For the issue of cloture is not merely a sectional one; it is not even a matter to be thought of in the traditional terms of "liberal" versus "conservative."

Mr. President, it is in that context that I say the issue now before the Senate is not alone a civil rights measure; the Senate has before it a question which underlies all pending issues, for it relates to the procedure for debate in this body.

I have made known to my West Virginia constituency, and more specifically did so again last evening, that when the cloture motion is voted upon this afternoon, I shall cast my vote in the affirmative.

We must move along more expeditiously than we have in the consideration of the business now pending before the Senate. There are other important subjects which are of interest to the people of West Virginia in addition to the proposition now receiving our attention. What is true of West Virginia is true also of the Nation. There are vital matters which require attention. Decisions need to be made. Determinations must be set forth.

I am not timid in this matter. I believe, frankly, that a Senator does not have to dramatize, but he needs to speak with vigor on a principle of this kind.

Therefore, Mr. President, my vote will be cast in favor of invoking cloture. In so doing, I shall not wish to indicate that I desire to stop debate, because there could be 100 hours of discussion, even should the cloture rule be applied. I indicate only my desire to have orderly procedure in connection with the further consideration by the Senate of the pending issue.

Needless to say, Mr. President, I hold no animosity toward any Member of the Senate who embraces a conviction which varies in any degree from the one I have here announced.

The Senator from West Virginia is under no illusion as to the probable outcome on this motion. Even though we may expect somewhat less than half a hundred votes in the affirmative over the combined opposition of the distinguished majority and minority leadership, I believe this ballot in bringing the cloture motion to fruition will serve as a starter for much prompter action on pending legislation.

The PRESIDING OFFICER (Mr. McCARTHY in the chair). The time yielded to the Senator from West Virginia has expired.

Mr. YOUNG of Ohio. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to my friend, the able and distinguished junior Senator from Ohio [Mr. YOUNG].

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. YOUNG of Ohio. Mr. President, I thank the majority leader.

At the outset let me say that I am a firm believer in the principle of unlimited debate in the U.S. Senate. That principle has a great history and a noble tradition behind it, and at times it has resulted in great good. Ofttimes a minority cause has, in fact, been turned into a majority cause, by reason of unlimited debate.

However, Mr. President, I feel that the Senate has had ample debate at this juncture of this so-called great debate on the question of civil rights. Thus far, the debate has extended over a period of a number of weeks.

There has been a certain degree of harassment by Senators who have been engaged in what we call a filibuster on this issue. That harassment has occurred because of their lengthy speeches during the daylight hours and the quorum calls compelling those of us who favor civil rights and who are opposed to second-class citizenship for any American to come to the Chamber every few hours during the night sessions.

I resent that needless and unnecessary wear and tear on the health of Senators, although I wish to state that my health has not been impaired one whit, and I am ready to continue this procedure for as long as may be necessary.

Mr. President, the country is not confronted with any issue greater than the important one of providing equal rights for all American citizens, regardless of their race. I am glad and proud to be able to state that I am one of the Members who signed the cloture motion.

Mr. President, since February 15 of this year, the Senate has been engaged in a great debate on this vital issue of civil rights.

We, as a nation, have carried the torch of liberty higher and more proudly than has any other nation in history. On the other hand, we have tolerated social and economic segregation of 15 million of our fellow Americans.

These two traditions are mutually exclusive. One must yield. If our democracy is to survive and prosper, discrimination because of race or color must be eliminated. The breathtaking pace of modern life no longer permits us the luxury of a slow adjustment to reality.

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask for an additional minute.

Mr. MANSFIELD. Mr. President, I yield 1 more minute to the Senator from Ohio.

Mr. YOUNG of Ohio. I thank the Senator from Montana.

Mr. President, there is no need at this time for me to restate the powerful and conclusive arguments in favor of an effective civil rights bill.

During the last 3½ weeks, these arguments have been forcefully presented here on the floor of the Senate many, many times. Every Senator has had more than ample opportunity to be heard and to present his views. Each section of the country has had its case ably presented before the Senate and before the Nation as a whole.

Mr. President, I yield to none in my desire to protect against abuse by a majority. Some 2,000 years ago, a majority cried, "Crucify him. Crucify him," and the result was the crucifixion of the greatest One ever to live on this earth.

Certainly, Mr. President, all realize that the Constitution of the United States recognizes that a mere majority is not sufficient when certain important matters are being dealt with. In fact, as I indicated only a moment ago, government by a mere majority has never been recognized as a sound principle of law since the time in the marketplace when the crowd cried, "Crucify him. Crucify him."

However, to continue this endless flow of words would be futile, and would serve no useful purpose. The issue is clear. The lines are drawn. The people of the Nation are now entitled to a decision. I signed the cloture motion; and, as the junior Senator from Ohio, I intend to vote for it.

Mr. President, there cannot be any compromise on civil rights.

Despite the repeated statements of opponents of civil-rights legislation, there is nothing immoderate, arbitrary, or dictatorial in providing a definite civil-rights law. We do not seek to establish new rights. We seek to preserve old rights—rights as old as mankind itself.

We should have no sympathy for those who believe that the best the Congress should do for Negroes is to give them a license to fight for their God-given rights, while Congressmen sit idly by and watch to see whether the Negroes can win them.

The Federal Government must not remain neutral or be a mere onlooker. We, who are Senators of the United States, must exercise our responsibility to the Constitution and to millions of Americans who heretofore have been treated as second-class citizens.

Now is the time to vote, and my vote today will be for cloture.

Mr. President, if cloture is voted down today, and if this debate continues for weeks longer, I will be here and will continually respond by voting in favor of protecting civil rights.

Mr. SYMINGTON. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I yield 3 minutes to the Senator from Missouri [Mr. SYMINGTON].

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mr. SYMINGTON. I thank the majority leader.

Mr. President, today the United States, together with all other free nations, faces grave problems, primarily in the field of international relations. In order to be successful in the vital struggle for the minds of men and women in other countries of the world, where the future of the world will be decided, the United States needs the moral strength and purpose which can only be char-

acteristics of a united nation. Every citizen of this country and every citizen of all other democracies should have the right to vote.

There is developing in the world the impression that the right to vote does not extend to all citizens of the United States. However, our Constitution provides that all our citizens shall have the right to vote. Therefore, to deny any American citizen that right, because of the color of his skin, is to hold us up to continuous and increasing ridicule among the two-thirds of the people of the world who are colored.

Today it takes far less time for people to travel 10,000 miles than only yesterday it took to travel 100 miles. Certainly that fact should be recognized, as all nations move steadily closer, in point of time and in point of significance, to the United States.

Millions of people abroad, as well as many at home, are beginning to believe that we do not really mean our protestations as a nation about the importance of political justice and equality; and, in my opinion, that situation is resulting in grave damage to the future of our children and to the future of their children.

Mr. President, normal extended debate on important subjects is characteristic of democracy. But the debate now going on in the Senate has continued for a long time; and I believe the American people will appreciate the Senate's now putting itself in a position to consider other matters of at least equal importance.

If the purpose of this unprecedented continuous debate is to enable the Members of the Senate to record their views on the issue now before the Senate, certainly ample opportunity to do so at length has already been afforded, and can also continue, as regards each amendment.

Mr. President, I believe it is time for America to start practicing what it has been preaching; namely, equality under the law.

Therefore, I shall vote to terminate this debate within a reasonable period of time.

Mr. President, I have the greatest respect for the opinions and the convictions of all other Members, and I am sure they are not opposed to my expressing my own. I am also sure that all of us want a united, a strong, and a free America.

The PRESIDING OFFICER. The time yielded to the Senator from Missouri has expired.

Mr. DIRKSEN. Mr. President——

Mr. DOUGLAS. Mr. President, I am informed by the Parliamentarian that, whereas the proponents of cloture have only 51 minutes remaining, the opponents have 62 minutes remaining. Therefore, I suggest that in the interest of fair play, which I am sure all of us wish to observe, the opponents now use at least 10 minutes of the time available to them.

Mr. DIRKSEN. Mr. President, I yield 20 minutes to the very distinguished senior Senator from Georgia [Mr. RUSSELL].

The PRESIDING OFFICER. The Senator from Georgia is recognized for 20 minutes.

Mr. RUSSELL. Mr. President, I thank the distinguished minority leader.

In the matter of the imposition of cloture, the silencing of Senators who wish to speak is always a very important matter to those of us who take pride in the Senate of the United States as a great deliberative body.

Today, we have heard considerable discussion about the proper kind of cloture rule for the Senate. But, Mr. President, I do not think that is the issue the Senate should consider at the present time. I know it is not the issue that should be considered by the Senate at this time if the Senate wishes to deal fairly with all the Members of this body and if the Senate wishes to apply to other Senators the rights which the Senators who have signed the cloture motion would seek for themselves if the situation were reversed.

The question here today is not whether we should have a two-thirds vote to gag the Senate, or whether it should be done by 60 percent—as some Senators have indicated—or whether it should be done by a mere majority. My own views on that issue are well known. I believe in free debate of the widest possible latitude.

But that is not the issue to be decided by the vote of the Senate at this hour. The vote on this issue, Mr. President, goes to the integrity of the Senate. It goes to the genius of the Senate, because the vote will determine whether or not the imposition of gag rule to silence Senators is to be used as a substitute for attempts to defend indefensible legislative propositions.

Mr. President, we have had thrown at us calculations as to the number of hours that have been used in this debate. Reproaches have been hurled at us because we have been trying to get proponents of this misnamed and misbegotten legislation to define what they are really seeking and because we have sought to bring them here by quorum calls at all hours of the day and night. We have been reproached as if we had set in force the continuous, round-the-clock sessions of the Senate and as if we were responsible for the extraordinary procedures that have been followed here.

But now they say, "We are ready to vote." Many of those who say they are ready to vote could not to save their lives tell us the full meaning and implications of the so-called part III amendment. But they say they are ready to vote, and they are ready to vote for part III. They could not define it, or show the extent of it, or tell us how it would change our very form of government. Yet they are ready to vote.

Mr. President, in the history of this Congress since it first convened in 1789 I do not believe that any legislative proposal has been seriously proposed—certainly not under a "gag rule"—that was as far reaching, that went to the whole fabric of our form of checks and balances, as does this proposal to revive the so-called part III, which was offered and rejected in the Senate in 1957.

We read in the press that if certain Senators cannot get this so-called part III they will start a counterfilibuster against this bill. Senators are committed to that proposition who do not understand what is involved in part III.

Certainly, Mr. President, Congress has not been called upon in time of peace to abdicate so completely its responsibility and to delegate such broad powers to an appointive political official as is proposed in this so-called part III amendment. Oh, in time of war we have delegated to the President of the United States very vast powers; but not even when the future fate of this Nation was hanging in the balance of war have we ever delegated such powers to the President of the United States without having some standards or guidelines to guide him in the application of the law. This proposed part III would vest this vast power in the Attorney General with no guidelines, with no limitations, with no stops of any kind.

Mr. President, it delegates powers that no good man would seek. Certainly they are powers that no bad man should have. It is to the credit of the present Attorney General of the United States that he has said he did not want these powers.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. Is it not a fact that part III, so-called, was strongly rejected by the Senate in 1957, when the proposal was before it?

Mr. RUSSELL. It was.

Mr. AIKEN. And the Senator from New Mexico and the Senator from Vermont offered an amendment eliminating that section from the bill, and they were supported by the Senate, because we realized how farreaching the proposal went, how it went into labor regulations, how it went into social security matters, how it would eliminate the rights of private schools and colleges to allot their students among different areas of the world, how it might even go into matters of housing, and virtually supersede many national programs which have been built up and which are operating successfully at the present time. And is it not also a fact that since 1957 the Attorney General of the United States and the President of the United States have become fully aware of the implications of this proposal and have expressed their opposition to it?

Mr. RUSSELL. The Senator, of course, is correct. When the full implications of this proposal—how it could be used, not only to preserve rights, but to destroy rights—were brought to the attention of the President of the United States, he repudiated it; and the Attorney General of the United States, in testimony last year—and I say to his eternal credit—stated he did not want these powers. I am sure he is being pressed. A telegram from Mr. Meany makes demands and threats of reprisals, and Mr. Wilkins and Mr. Mitchell have made demands that Senators be cut off from debating this question. I do not blame them. If a man favors such a monstrosity as this, I do not blame him if he does not want to hear it debated.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. AIKEN. Is it not further a fact that Members of the Senate attempted to get opinions from the most capable jurists of the United States as to just how far-reaching this proposal might be, and those individuals did not know how far it might go? We know it would go far enough so that it would probably disrupt present programs in the fields of unemployment compensation in the States, social security on a national basis, and the Labor Relations Act. They did not say, and they did not know, how far it would go.

The question arose, did it not, Why should the Senate vote for a proposal that even the best lawyers in the United States could not interpret as to its extent?

Mr. RUSSELL. They cannot interpret it, because there is absolutely no limit to the powers that would be granted. There has never been such an unbridled grant of power proposed in all the history of the country. Of course, there have been seizures of power. Hitler seized such powers. Mussolini seized such powers. But never has a Congress of free men granted such unlimited powers as are proposed to be delegated in this part III.

Yet we are told, "Gag them. Put the cloture to them." They do not want to hear anything about part III.

Those who are bringing it before us—with one exception—have not risen on this floor and undertaken to defend it. They want the country to "buy" it on the theory that it has something to do with voting, when it is not within 20 miles of voting. They will not defend it and they do not want it discussed by Southern Senators who cannot get their views before the country in the press or over the airwaves.

Why have some of those who favor this monstrous proposal not taken the floor and spoken about it? Their discussion would have been reported by the press, and perhaps then what we said about it would have gotten through to some small degree. But, no, they have not discussed it. But now they say: "Gag them. Put the cloture on them. We will make them swallow this monstrous proposition, but we want to do it in the dark. We will not get up to defend it. We will not discuss it."

I want to salute the distinguished Senator from Vermont [Mr. AIKEN] and the distinguished Senator from New Mexico [Mr. ANDERSON] for what they did in 1957 when the full nature and implications of this proposal became apparent. They offered the amendment which eliminated part III from that bill. Now it is back with us again, and distinguished Senators support it. They demand that those who oppose it be "gagged," yet they have not risen on the floor to explain it or to defend it.

I say, Mr. President, an issue of this kind far transcends the bare numbers which might be necessary to "gag" the Senate of the United States.

Mr. President, this vote will determine whether the Senate is really the forum of the States. It will decide whether Senators from nine States—even the Southern States which are viewed with contempt by many Senators—have a right to cry out against and to inveigh against a monstrosity of this kind until they can get the message across to the people of the United States. It will determine whether we are entitled to have this issue discussed by those who press this cup to our lips and who press it to the lips of all the people of the United States, or whether it is necessary to "gag" the Senate and vote upon such a monstrous proposition as the so-called part III amendment in the dark.

Mr. President, that is not the only amendment of this kind pending before the Senate. It is only one of them. A great many of these amendments have been carefully tailored to apply to only one section of the Nation. This is true of the first section of the Dirksen bill. In every other part of the United States, any violation of a Federal Court injunction could be committed with impunity; but if it happens to involve a school case in the South, it is a crime. Then it is said, "Rush the culprit off to the penitentiary for 2 years or fine him $10,000."

This proposal is carefully drawn. We cannot apply it to a man who flouts an injunction in a labor case or to a man who might defy the powers of the United States in an antitrust case. However, if a man protests the mixing of the races in a school, we draw up a special law for him and make it a crime.

I have attended this debate as regularly as I could and I think, as regularly as any man could, considering how strenuous it has been. I have not heard one Senator rise on this floor to give a reason why this proposed legislation should be tailored to fit only the South. That is what is sought to be done, but no Senator has risen on the floor to defend it. But the Senate is asked: "Put on cloture. Gag them. We know they cannot get their protest across in the dark. Let us do this without the people of the United States being aware of what has been done. We will pass purely sectional legislation."

The same thing applies, Mr. President, to the bombing provision. No Senator has risen on this floor to speak of that. We have not monopolized the floor. We have been willing for the advocates of this bill to speak. We have yielded to them at every opportunity. We have yielded to some of the advocates, thinking perhaps they would discuss the bill, and they have discussed other matters. They have discussed everything from disarmament to perpetual peace to the farm problem. All those subjects have been discussed by some Senators, but not one of them has given a reason why we should narrow down the bombing provision to exclude an act that might be committed by labor organizations. Senators may say, behind their hands, "The labor boys don't want that," but they do not say it on the floor. They are simply going to direct the provision toward one section of the country and against one class of cases; yet we are told that under those conditions the Senate is going to use a "gag" as a substitute for an attempt to defend an indefensible legislative proposition.

Mr. President, the Senate may sometimes go far afield; but I do not believe we have yet reached the stage where this kind of a crime against the Senate, as a legislative and deliberative body, will be permitted to happen.

I could discuss at great length, if it were appropriate at this time, the effect of the so-called part III proposal. Under it, the Congress would abdicate its responsibility completely. There are hundreds of pages of cases that have arisen under attempts of Congress to say what is or what is not a civil right. We would abandon the field under this provision. We would turn it over to the Attorney General of the United States—to let him say what is a civil right. We would let him take tax money to bring suit against one man and not against another as he saw fit.

If we had a really politically minded Attorney General, what could he do with a thing like that? Why, Mr. President, he could perpetuate a political party in power. He could, for example, sue one chain of dime stores in an effort to assert as a civil right—which the courts have said now does not exist—that the store must serve any person who wants to be served without regard to the views of the owner. He could defer from suing another chain of dime stores whose owner might have contributed liberally to the campaign chest. That is one little illustration of how this vast grant of power could be used and abused to perpetuate a party in power.

I say again that I commend the present Attorney General of the United States for saying that he does not want any such power as that and that there is no real necessity for the grant of such power.

I await with interest, after the Senate is "gagged," to hear one of the proponents of this amendment stand up to define the reasons why a grant of such sweeping power is necessary.

Mr. President, I have had the privilege of serving in the Senate with many hundreds of men. Nearly all of them were good men. Very few of them were great men.

Among the great men with whom I served was a Senator named Eugene Millikin, from the State of Colorado. I wish to read a brief statement from a speech former Senator Millikin made.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. DIRKSEN. Mr. President, I yield 5 additional minutes to the distinguished Senator from Georgia.

Mr. RUSSELL. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 5 additional minutes.

Mr. RUSSELL. Mr. President, former Senator Millikin said:

> The majority of any party in power would find the suppression of free speech a convenient method of expediting what it considered useful and urgent legislation.

I ask Senators to heed this, Mr. President:

> It is always annoying to have errors exposed, and it would not be long before a majority of one decided that for political

purposes it should retain the illusion of infallibility by preventing exposure here of its errors. And then it would not be long until corrupt and even more ominous legislation might be shepherded through this Chamber in enforced silence.

That is exactly what is now proposed. Those who say, "We have to have a bill because somebody, somewhere, says so," do not know what is in it, and are not willing to defend it before they undertake to bring "gag rule" to the Senate.

Mr. President, I would like to quote the words of another great man with whom I have served in this body, the distinguished senior Senator from Arizona [Mr. HAYDEN]. He said:

In matters affecting the relationship of one State or one region of the United States with another the principle of equality of States in the Union is one of the highest importance.

I think that is true. I am hoping—indeed, I am praying—that I shall live long enough to see the day when the States and the section from which I come are treated as equals in this body.

I hope I shall live long enough to see the day when we shall be spared specially tailored legislation that applies only to our section, while allowing those who commit the same crime in other sections involving other cases to go unwhipped of justice, as is proposed in the very first section of the legislation before us today. It is carefully defined. It could be applied only in seven or eight States, so as to make the violation of an injunction in school cases a crime, whereas in the rest of the United States injunctions in any other category of cases could be violated with absolute impunity.

I hope we shall legislate here without relying on naked political power and without gagging the Senate—before those who bring the legislation here have even been willing to discuss the issue.

As I have said before, this issue strikes at the very integrity of the Senate. I believe that in the dictates of elementary justice, the proposal to gag the Senate at this stage will be rejected by the Senate. I believe that then, perhaps, those who brought this legislation before us will take the floor and explain it to those Senators who are so eager to vote for it, but who do not know at the present time what it involves. We can then proceed with the regular legislative action on the measure.

Mr. JOHNSON of Texas. Mr. President, I yield 5 minutes to the Senator from Missouri [Mr. HENNINGS].

Mr. HENNINGS. Mr. President, I send to the desk an amendment to the amendment in the nature of a substitute, offered by the distinguished minority leader [Mr. DIRKSEN], and designated "2-24-60—I," to the bill H.R. 8315 to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R-I, Missouri. I ask unanimous consent that the amendment which I am now sending to the desk be considered as read.

The PRESIDING OFFICER. Is there objection?

Mr. RUSSELL. Mr. President, reserving the right to object——

Mr. HENNINGS. I shall be glad to have it read.

Mr. RUSSELL. Does the Senator think it is fair to bring in an amendment presenting us with an entirely new bill, when we are several amendments behind in considering the amendments of the Senators from New York and other Senators? This will confront us with a cloture petition and a new amendment at the same time. I have tried to be generous, but I really think the Senator should defer offering his amendment.

Mr. HENNINGS. Mr. President, in undertaking to reply to the distinguished Senator, I may say that, as chairman of the Constitutional Rights Subcommittee, and as chairman of the Committee on Rules and Administration, I have been listening to testimony on this subject for the past 5 or 6 years, and have participated in the debates.

What I am presenting is not an entirely new proposal. It is a variation, a departure in some respects, and a refinement of an earlier proposal. It is my fourth draft of an amendment to produce workable, feasible, and more generous legislation.

The Senator speaks of the South. Many of my antecedents were Confederates. They came from Virginia and Georgia. The fought in the war. I am not doing anything to lay a heavy hand on the South. My amendment would undertake to make matters easier in many respects for our friends in the southern part of the United States.

Mr. RUSSELL. Mr. President, will the Senator indulge me?

Mr. HENNINGS. I yield.

Mr. RUSSELL. I remind the distinguished Senator that a great educator, Mr. Coolidge, said that it was not so important what we thought about our forebears; the important thing was what they might think of us.

Mr. HENNINGS. I have heard that said many times. I hope I might have their approval.

The Senator has discussed at length the matter of inequities visited upon the South. The Senator does not know what is in my proposed amendment to the Dirksen amendment in the nature of a substitute. I do not know why the learned and distinguished Senator from Georgia should object to my offering the amendment.

Mr. RUSSELL. The difficulty is that if cloture is voted I shall have only 1 hour in which to discuss 25 or 30 amendments that have been read. Some of them are of a most sweeping nature. The Senators from New York have revised part III three times, and it is now at the desk.

Mr. HENNINGS. Is the Senator objecting to my request? I am afraid the time allotted to me is all being consumed.

Mr. RUSSELL. I feel constrained, on the eve of a vote on the cloture petition, to object.

Mr. HENNINGS. In that case, I send to the desk the amendment, and I ask to have it read at this time, so as to meet the requirements of the Senate rules and make it eligible to be voted upon as an amendment if cloture is adopted.

Mr. RUSSELL. Mr. President, I know of no right the Senator has to have his amendment read at this time. It is not in order; and, except by unanimous consent, the amendment cannot be read.

Mr. HENNINGS. Then the Senator would undertake to gag me and prevent me from offering my amendment?

Mr. RUSSELL. The Senator wants me to take his amendment under his gag, without my having an opportunity to know what is in it. I am not the aggressor. I am the defender.

The PRESIDING OFFICER. Once the motion has been filed, reading of the amendment is in order if time is yielded, under the unanimous consent agreement for that purpose.

Mr. RUSSELL. Mr. President, on the advice of a small group associated with me, and against my better judgment, I withdraw my objection.

Mr. HENNINGS. I appreciate that very much.

The PRESIDING OFFICER. Is there objection to having the amendment considered as having been read? It is not in order to object to the reading of the amendment.

Mr. JOHNSON of Texas. Mr. President, how much time was the Senator from Missouri allotted?

Mr. HENNINGS. I wanted to be very brief.

Mr. DIRKSEN rose.

The PRESIDING OFFICER. The Senator from Missouri has the floor. To whom does he yield?

Mr. HENNINGS. I yield to the minority leader.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHNSON of Texas. Mr. President, I should like to ask the Senator from Illinois [Mr. DOUGLAS] how much time he thinks would be required to read the amendment, and whether or not he is prepared to yield such time?

Mr. DOUGLAS. It would require at least 6 or 7 minutes. We are very short of time on our side, so I hope very much the amendment can be considered as having been read; and, if unanimous consent is not given, that the Senator from Missouri may be permitted to be heard on the question of cloture.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DIRKSEN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from Missouri, to make it possible to propound a parliamentary inquiry.

Is this amendment offered as a complete substitute for the so-called administration package?

Mr. HENNINGS. No; it is not.

Mr. DIRKSEN. What would it do?

Mr. HENNINGS. It would be a substitute for section 7 of your set of amendments. I am asking to have it read, so that the Senator may be enlightened. I do not understand why there is objection.

Mr. HOLLAND. Mr. President, reserving the right to object——

Mr. DIRKSEN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Chair would like to know what the request of the Senator from Missouri at this time is. Is it that the amendment be read?

Mr. HENNINGS. The request is that my amendment be considered as read, to which I understood the distinguished Senator from Georgia to object.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—if anything was necessary in this matter to make it wholly clear that the issue has not been perfected in any way, it is the offering of a new substitute by the distinguished Senator from Missouri, who has served as chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary and as chairman of the Committee on Rules conducting both hearings on civil rights.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. Mr. President, will the Senator from Illinois [Mr. DIRKSEN] yield me 2 minutes, in order that I may continue my reservation?

Mr. DIRKSEN. I yield 1 minute to the Senator from Florida.

Mr. HOLLAND. Mr. President, it seems to me that this offer of a new substitute bill makes it quite clear that the issue has not been clarified by any means up to this time, because the distinguished Senator who offers the amendment which is a brand new proposal, while we are debating cloture and nearing a cloture vote has been in a better position than any other Senator to clarify and perfect the issue in a bill for our consideration; yet he waits until cloture is almost upon us before he offers his substitute amendment.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the proposal may be read without the time being charged to either side.

The PRESIDING OFFICER (Mr. MCCARTHY in the chair). Is there objection? The Chair hears none, and it is so ordered. The clerk will read the amendment.

The LEGISLATIVE CLERK. Beginning on page 19, line 23, strike out all through the end of line 25, page 22, and insert in lieu thereof the following:

FINDINGS AND PURPOSE

SEC. 7. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disfranchisement of qualified voters because of their race or color. That Commission has found that, under color of law or by State action, substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the 14th and 15th amendments requires the exercise of the congressional authority provided under these amendments.

DEFINITIONS

(b) For the purpose of this section—

(1) The term "election" means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

(2) The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

JUDICIAL DETERMINATION OF DISFRANCHISEMENT

(c)(1) Whenever, in any action brought under section 2004(c) of the Revised Statutes, as amended by section 131(c) of the Civil Rights Act of 1957 (71 Stat. 637, 42 U.S.C. 1971(c)) a court finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.

(2) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c(a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration of the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.

APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

(d) (1) Upon any notification of a finding pursuant to subsection (c) the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office for such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

(2) The President may if in his judgment such action appears justified and suitable delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.

ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

(e) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to subsection (c). All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to subsection (c) to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this section shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications.

VOTING IN ELECTIONS

(f) Each qualified voter who is enrolled pursuant to subsection (e) shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of subsection (g).

ENFORCEMENT

(g) (1) Nothing contained in this section shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made.

(2) Federal enrollment officers shall ascertain that persons enrolled under this section are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this section be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

(3) The provisions of this section shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under subsection (e) of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this section to cast their votes and have them counted, subject to the provisions of paragraph (1) of this subsection.

(4) In all cases of criminal contempt arising under the provisions of this section, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

This paragraph shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure com-

pliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity including the power of detention.

APPROPRIATIONS

(h) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. MANSFIELD. Mr. President, I yield 4 minutes to the Senator from Missouri.

Mr. HENNINGS. I appreciate the generosity of the acting majority leader and of my distinguished colleague, the Senator from Illinois [Mr. DOUGLAS]. I shall undertake to be as brief as I can.

I have just had what I esteem to be a great compliment paid to my proposed legislation by the distinguished junior Senator from Alabama [Mr. SPARKMAN], who has stated that he would not mind my mentioning his name. He said that this is the first bill which embraces the proposal solely of voting rights. That is just what it does. It does not undertake to wander all over the field. I say that not in criticism of any other proposed legislation. However it is what we lawyers call tight legislation.

I shall have much to say later about the position of the present Attorney General of the United States on the Constitution and his mistaken concept of what he thinks is constitutional, and about his failure to bring more than six lawsuits since the Civil Rights Act of 1957 was passed. Although I believe that additional legislation is required, I shall have much more to say relating to the Attorney General's own proposal during the course of the debate upon the pending measure.

It happens that I am chairman of the Committee on Rules and Administration, which conducted hearings upon the proposed voting and registrar legislation. It has fallen to my lot also to be chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary, which has held extensive hearings over many years on questions cognate and relating to civil rights.

Now that I have formally presented my own legislative suggestion to handle what I believe is a very complex and troublesome problem, and which I have tried to revise as best I could within my limitations, following draft after draft after draft, I desire to address myself to the immediately pending question, namely, whether the Senate should invoke cloture under rule XXII.

Extensive hearings were held in 1957 and 1959 on various proposals concerning the right to vote, and on other measures designed to give to all our people the kind of political equality which I believe they are guaranteed under the Constitution of the United States.

I have presented to my colleagues on the Committee on Rules and Administration a proposal designed to make effective the guarantees of the 14th and 15th amendments against racial discrimination in voting. While it is true that I have just now formally presented, as my learned colleague from Georgia [Mr. RUSSELL] has said, a revised plan for a solution of these problems, nonetheless, I did not initiate the motion for cloture, although I shall vote for it. I did not sign the petition but I shall vote for it.

As we all know, the Senate moves at times in what appear to be very strange ways, indeed.

Although it has fallen to my lot to be very active in trying to develop a voting rights bill over the years, a bill which I believe will be effective, I have not heretofore participated this year in this particular debate on civil rights; I have been working, for most of that time, on the bill which I have today formally introduced.

There has been ample time for all Senators to consider the many proposals which have been advanced, including my own, even though it has not been formally presented to the Senate until today. The entire subject matter was thoroughly debated in 1957 and extensive hearings were held again in 1959. Certainly no Senator is uninformed on these great questions. He cannot help being informed.

If the Senate votes for cloture, each Senator thereafter will have 1 hour in which to discuss the merits of proposals. For these reasons, I propose to vote for cloture.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. HENNINGS. I understand my time has expired. I shall content myself with what I have said.

Mr. MANSFIELD. Does the Senator wish more time?

Mr. HENNINGS. No; I desire no more time now; I shall speak at length at a later time.

Mr. CHAVEZ. Mr. President, I yield 4 minutes to my colleague, the distinguished junior Senator from New Mexico.

Mr. ANDERSON. Mr. President, now that we are about to vote, we can disregard whether the filing of the cloture motion was or was not premature. It is true that Senators might have waited for various agreements which might or might not have been made. One cold fact remains: This may be—and very easily could be—the only rollcall on which a Member of the Senate may have an opportunity to cast a vote in favor of a true civil rights bill.

It is possible—and even probable—that Senators may have a chance at some subsequent time to vote for a modest version of a voting rights only bill which may come from the House of Representatives. From present indications, whatever comes will not be a strong bill. There may be a chance to vote to confirm the weak House bill. Senators will then be urged to vote for it under the claim that if it is not adopted, no civil rights legislation will emerge. Any strong version, so it will be said, will be pigeon-holed by the chairman of the House committee.

That leaves us with a clear issue. Shall we vote now for cloture and thereby start calling the roll on the 8, 10, or 13 pounds of amendments and legislative proposals on civil rights now pending in the Senate? Shall we allow a majority of the Senate to write what a majority wants in civil rights? Or shall we refer our ideas to a backroom conference and let 4 or 5 men decide what will be the verdict of the 100 Members of the Senate?

If we vote down cloture, we, in fact, vote for the backroom conference method of legislation. In that backroom conference, of course, if cloture is defeated now, the South will have the dominant voice, and the 18 Senators who have been running the filibuster will run the backroom conference. Nothing can be reported except what they regard as inoffensive and innocuous.

It is all very well to talk about what 67 Senators might ultimately be able to agree upon, but the cold fact is that if cloture is now voted down and a majority of the Senate thereafter has no chance to write the type of bill it thinks is desirable, no bill can emerge which does not represent unconditional surrender to the demands of the 18 Senators who have thus far denied a vote to the remaining 82. It may take time to get that message to the country, but no voter in any State need be confused. This is the hour to vote for civil rights. This vote on cloture is the important vote. Any vote merely to confirm what the Deep South will permit Congress to approve will be a vote cast in abject surrender.

So I hope that Members of the Senate will take very seriously their responsibilities on the cloture motion. Perhaps it came a day or two earlier than I would have liked, but I question whether it would have been better to wait until 67 Senators had agreed upon a bill. Actually, there is presently no bill before the Senate upon which 67 Senators are ready to agree. But there is a way—cloture is that way—by which the entire subject can be brought before the Congress. There is a way—cloture is that way—to bring before the Senate every amendment which has been properly presented at the desk and read, so that a majority of the Senate may work its will and pass whatever bill it feels should be adopted.

There can be no mistake about the character of our vote on this one motion. Either we will support a reasonable program of civil rights, or we will announce ourselves surrendering in advance to the demands of the 18 Senators that nothing shall pass which fails to meet their approval. That was what the filibuster was about. To remedy that situation, cloture has been instituted.

Our responsibility is to act today on civil rights, to act on all the proposals which have thus far been brought forward and which run into hundreds of thousands of words. Nothing else is before the Senate. Even if cloture shall be denied and the weak House bill finally reaches the Senate, we will then take what the southerners tell us we can have, nothing more, possibly nothing less. Any Senator who wants to vote against cloture on that basis has that privilege, but any Senator who would carry out the political platforms of both parties will try now to get a decent civil rights bill. The only possible way to do that is by voting to establish cloture.

Mr. CHAVEZ. Mr. President, I yield 4 minutes to the distinguished senior Senator from New Jersey.

Mr. CASE of New Jersey. Mr. President, I am one of the Senators who filed the motion for cloture. My reasons for signing it are simple.

Since February 15, the Senate has been engaged in a discussion of the need for legislation to protect the civil rights of all our citizens. During some of that time, we have been in continuous session—around the clock. Most of us would agree, I believe, that the discussion has been both exhaustive and exhausting. Yet, after many days and nights of debate, the setting of new records for continuous sessions, and the like, no time for voting has been fixed. Indeed, it is apparent that if some Senators can force their way, a time for voting will never come.

The press of the country has had a good deal of fun with the proceedings in the Senate, but I submit that it is wrong and is no credit to the Senate to turn the business of legislating into a physical endurance contest, which might be likened to the medieval practice, long since discarded, of trial by ordeal.

The Senate has been often and proudly described as the "greatest deliberative body in the world." But how can this description square with the picture of a Senate bogged down by filibuster, a sorry spectacle of legislative frustration for all the world to see?

The opportunity for full and free debate by those who oppose the cloture motion has already been had. They cannot effectively claim that the adoption of a cloture motion would cut off their right to such debate. Under rule XXII, as we all know, the adoption of cloture will still permit every Senator 1 whole hour to speak to the pending legislation. This would permit a further hundred hours of discussion in addition to the several hundreds of hours which have already been spent on the matter.

But there is an issue of the Senate's right to act, following full and free debate, and we seek to exercise that right on a matter fundamental to our whole system of government—the protection of the rights of all citizens under the Constitution. Sooner or later we must, and we will, come to grips with this matter.

Let us do so forthrightly and now. A decent regard for the opinions of the minority does not require us to stifle ourselves in endless talk and inaction. Rather, a decent regard for the rights of every American impels us to act.

Mr. President, the basic issue involved in the effort to secure reasonable control over debate in the Senate has been greatly confused by the very different meanings which have come to be given to the term "free debate." It is, therefore, of first importance to distinguish between the right to debate fully the merits of a controversial subject—a right sometimes referred to as the right of full or free debate—and the right to filibuster, the right to talk without any limitation other than that imposed by physical strength. The latter assumes the right to speak, not to the issue, in an effort to influence a vote on the merits of the issue, but merely in order to consume time and thus to thwart the desire of a majority of Senators and of the Senate itself—in so far as the Senate has the power to act as a body—to come to a vote and to conclude its action on the pending issue.

Mr. President, the problem now before us is seen with far greater clarity if it is viewed in the light of the basic requirements of an effective and democratic legislative process. They are as follows:

First, on any pending question the minority must have an opportunity to debate fully the merits of the question; and

Second, after the minority has had ample opportunity to debate fully any question, the majority must have the right, if it so desires, to reach a vote on the issue.

Mr. President, there is no question that the time to act has now arrived. The only question which could now be raised is whether the particular proposed legislation which would be made the subject of cloture is correct for the purpose for which it is designed.

The so-called Dirksen substitute amendment does not meet all my desires in the area of civil rights, by any means; but I believe it will accomplish as much as can possibly be accomplished by the Senate within any reasonable time and in accordance with any reasonable expectation at the present session; and I believe that any and all amendments which are germane—and, of course, the rule of germaneness must be followed when cloture is invoked—and which will have any possibility of adoption can be offered under the cloture procedure and will be offered to the pending proposal.

The PRESIDING OFFICER. The time yielded to the Senator from New Jersey has expired.

Mr. CHAVEZ. Mr. President, I yield 1 minute to the Senator from Kentucky [Mr. MORTON].

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. MORTON. Mr. President, I did not sign the motion for cloture now before the Senate because I feel that to press for cloture at this time may be counterproductive, from a tactical standpoint. I do appreciate the courtesy of those managing the motion in giving me the opportunity to be one of the original 16 signers. I know that all the signers sincerely believe that pressing the motion is tactically advantageous. Although I respect their views, I nevertheless disagree.

In my judgment the Senate will pass a meritorious bill in the field of civil rights. That bill will—among other things—deal with the right-to-vote problem. I favor such legislation, and in order to avoid any misunderstanding as to my position I shall vote "yea" on the pending question. However, I have no illusions as to the outcome of the vote.

Mr. President let me make one observation. In this 86th Congress, we are indeed fortunate in our Senate leadership.

The PRESIDING OFFICER. The time yielded to the Senator from Kentucky has expired.

Mr. MORTON. Mr. President, I should like to be yielded 20 seconds more.

Mr. CHAVEZ. Mr. President, I yield 1 additional minute to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 additional minute.

Mr. MORTON. I thank the Senator from New Mexico.

Mr. President, in the senior Senator from Texas [Mr. JOHNSON] and the junior Senator from Illinois [Mr. DIRKSEN] we have men of experience, talent, sincerity, ability, and dedication. Both, I know, want to see the Senate work its will on the matter before us. They may not agree on the substance of the proposed legislation; but, through their combined talents and efforts, the parliamentary complexities will be resolved and the Senate will, indeed, work its will.

Mr. KENNEDY. Mr. President——

Mr. CHAVEZ. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I intend to vote for the cloture motion.

When I signed the pending motion for cloture, I did so in full awareness that the civil rights issue now before the Senate is one of the most important issues which this Congress will be asked to resolve.

I firmly believe that an issue of such moment should be the object of critical examination, full debate, and frank discussion. The Senate has given this attention to civil rights. The Senate has broken all its records for continuous sessions; and many hundreds of pages of the CONGRESSIONAL RECORD have been filled; and every aspect and almost every phase of the pending issue have been thoroughly discussed, examined, and analyzed. Senators of every persuasion have had ample opportunity to present their views and the views of the States they represent. It is appropriate that they should do so; and it is also my view that the debate on the pending issue should continue for as long a time as there may be a possibility of an exchange of views which would result in final disposition by the Senate of the issues now facing it.

But, Mr. President, when the debate goes beyond that point, then I believe it necessary for the Senate to use the procedures provided by the Senate rules in order that a majority of the Members of the Senate may express their will.

I believe the Senate is now prepared to vote on the various issues now before it. I think many Senators want to vote, and I think the Senate should vote. The Senate should now resolve the great and basic and ancient question of equality of rights and equality of opportunity for all Americans, so that the Senate may then proceed to the consideration of other important legislative matters which also relate to the establishment and maintenance of equality of opportunity.

However, Mr. President, in recent weeks it has been impossible for the Senate committees to meet to consider

basic legislative proposals, now before the Congress, in relation to the welfare of the people of the United States and the relationship of our country with the other countries of the world.

Therefore, Mr. President, I urge the Senate now to proceed to deal with the issue of providing equal rights for all our citizens.

Therefore, I shall vote for the cloture motion.

Mr. President, I yield back the remainder of the time yielded to me by the courtesy of the able Senator from New Mexico.

Mr. KUCHEL. Mr. President——

Mr. CHAVEZ. Mr. President, I yield 5 minutes to the Senator from California [Mr. KUCHEL].

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. KUCHEL. Mr. President, for almost a month the Senate has been considering civil rights legislation. The time since February 15 has been devoted in the main, insofar as the 100 Members of the Senate are concerned, to their being present in the Senate Chamber for these sessions.

On the opening day of this debate—February 15—I spoke at some length in the Senate; and I endeavored then to outline and emphasize my views in regard to this general subject, and to the specific civil rights legislation I supported.

Mr. President, 24 of us on this side of the aisle joined in the submission of the so-called Dirksen-administration proposal.

Mr. President, civil rights legislation is nonpartisan; and I have no doubt that the great majority of the Members who sit on the other side of the aisle will accept the Dirksen substitute proposal, modified in the ways in which they believe it should be modified by the amendments which are available to be voted upon. The point I make is that, in my view, a clear bipartisan majority in the Senate supports meaningful civil rights legislation.

Mr. President, the point is that after almost 1 month, we still have not had an opportunity to vote upon substantive questions in connection with this issue. Indeed, one distinguished Member of the Senate who opposes any legislation in this field has said that no civil rights legislation will be passed by the Senate in 1960; and I regret to state that I believe he spoke the truth; I believe a vote can be prevented unless the Senate avails itself of its rights under rule XXII, and proceeds to vote in favor of cloture to terminate the Senate filibuster. An opportunity to vote in favor of cloture is now before the Senate, and I urge all Senators to vote in favor of cloture.

Mr. President, what will cloture bring us? It will bring us an opportunity to work our will in determining whether citizens of the United States ought, indeed, to have equal justice under law.

Senators will then have an opportunity to vindicate those great guarantees that were written into our Constitution in bygone days by people who loved constitutional government and constitutional liberty. We will then be permitted to determine whether every American citizen ought to be guaranteed a right to cast his vote, as the Constitution says he shall.

Senators also will have an opportunity to determine whether they want to approve legislation now at the desk, championed by this administration, to permit the Federal Government to be of assistance to school districts in America which desire to comply with the law of this land.

I recognize, in this connection, that there are some in this Chamber who have a question about approving the wording embodied in the Dirksen proposal which clearly spells out that the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land. If cloture now is voted, Senators can stand up and be counted upon every section and every syllable involved in the substitute proposal at the desk, and on those relevant amendments pending there.

Senators also will have an opportunity to determine whether or not they wish to give congressional approval to a committee headed by the Vice President of the United States, which has made effective and efficient use of the power granted to it by the Chief Executive, and has brought into contracts entered into by the Federal Government with private business at least a measure of equality of job opportunity to all our people.

In a word, I think the question now before the Senate is whether representatives of the people have the capacity and the will to discharge their responsibility of legislating in the interest of all the people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KUCHEL. May I have 1 more minute?

Mr. DIRKSEN. I yield 1 minute to the Senator from California.

Mr. KUCHEL. Mr. President, I decline to accept the theory that we ought to legislate in this Chamber on the basis of physical exhaustion. I have seen Senators come into this Chamber to answer quorum calls at midnight, at 2 o'clock in the morning, at 4 o'clock in the morning, at 6 o'clock in the morning, in an effort to grind down those of us who have been here, trying vainly to vote on this critically important problem.

I hope that today, now that we have the chance to do so, we shall avail ourselves of the opportunity to vote for cloture, so we can begin to stand up and be counted on the important substantive questions which remain at the desk for us to vote on.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the distinguished Senator from South Carolina [Mr. JOHNSTON].

Mr. JOHNSTON of South Carolina. Mr. President, attempts to close off debate are not fair and are undemocratic. The first reason is that, in case some of the Senators do not realize it, there are, roughly, 50 civil rights and voting rights amendments pending in the Senate, many of which were filed within the last couple of days and upon which there has been held no debate.

Mr. President, there are 99 Senators immediately concerned with all these proposals. If each Senator were to be given only 10 minutes to speak on each of these proposals before us, it would take approximately 825 hours of debate. This alone would amount to 35 days of round-the-clock sessions.

Mr. President, if we were to use this speaking time of 10 minutes per civil rights amendment per Senator in a normal 12-hour legislative session, it would take the Senate 70 days in which to hear each Senator.

Mr. President, just let that fact sink in to those who want to close off debate after the short amount of time we have had to debate these measures.

Mr. President, looking beyond the amendments facing the Senate which would be covered by the cloture procedure, we find there are 56 bills dealing with civil rights matters pending in the Judiciary Committee, the Labor and Public Welfare Committee, the Government Operations Committee, the Interstate and Foreign Commerce Committee, and the Rules and Administration Committee of the Senate. In addition, there are now pending in the House of Representatives 110 bills on civil rights in the various committees and subcommittees of the House.

Mr. President, that means we have over 200 civil rights proposals under consideration in the Congress in one form, shape, or another.

To my way of thinking, it would be ridiculous for the Senate to cut off debate and drive madly ahead on the measures now pending, without even waiting to see what happens on the House side. Even if those who support civil rights and voting controls legislation should succeed in passing something on the Senate side, it would be a waste of time if the House of Representatives was not of the same temper and was to pass legislation from the other side which was of a different nature.

Mr. President, on behalf of the sane, thinking people of this country, I resent the entire manner in which the Senate has been stampeded and corralled on civil rights proposals this year.

First of all, we were threatened over the head last session with an early deadline for consideration of civil rights matters. This deadline came and, without any hearings, without any reports, without any testimony, the Senate was forced into giving consideration of civil rights legislation.

It is no wonder that the opponents of civil rights and voting controls have been able to talk in a germane manner for 24 hours a day for the past week. We have not yet begun to place in the RECORD, for the benefit of those considering civil rights matters, the world of information that should be available, but which has necessarily remained in committees because of a lack of time for proper considerations.

After the debate was forced upon us, the next step of stampeding was perfected by the leadership, which forced us into round-the-clock sessions. Now

a group of the Members of this body wish to trample the stampede to death with a cloture procedure.

It is a good sign, to my way of thinking, to see that the leadership is not supporting this move. For the sake of the democratic processes and the preservation of free debate, I hope the Members of this Senate will not cut off debate. Some of the amendments which were offered in the last hours before the cloture motion was filed have hardly been discussed on the Senate floor.

We would be forced by this cloture petition to take up, and consider for voting, measures which have not even been discussed on the Senate floor. This, to me, is a most intolerable position in which to be placed. To apply cloture at this point and cut off debate would set the stage for any minority group in the Senate henceforth to be dictated to and tiraded against by whatever amalgamated majority might conspire a similar plot in the future. The man in the street would have more freedom of speech than those in the Senate whom he has elected to enact legislation that governs and controls his life.

I appeal to other Senators to oppose this cloture motion and prevent entangling the Senate in this snarl which would put a gag in the mouth of Senators and silence the people's only echo in this Chamber.

I warn again that if cloture is voted, Senators can expect to have it voted for on other matters in which they will be vitally concerned.

Mr. DIRKSEN. Mr. President, I yield myself 10 minutes.

I have no reproaches today. I have no complaints. I have no quarrels. The Senate still operates as a great, free, deliberative body, and probably the proof lies in the very history of the cloture operation itself.

From 1917 to 1960 is a period of 43 years. In that time, 22 cloture motions have been filed; only 4 have succeeded. None has succeeded in the field of civil rights. But I think the very fact that the motions have been filed, and some of them have eventuated in action by the Senate, is the best proof that the rule still works, if the Senate, as an institution, wants it to work. Its very survival, its very vitality today, is the living proof that we still can have free and, shall I say, extended, or overextended discussion, sometimes incorrectly referred to as a filibuster.

So I am not so sensitive about some of the discussions which have been taking place on the floor of the Senate today in that respect. I would rather sum up just a little bit of the imperishable wisdom and eloquence and truth of the past on an occasion of this kind, because I think it probably represents my own thinking in this general field.

For a long period during and after the Civil War there was a celebrated, a very distinguished, Senator in this body from the State of Michigan. His name was Zachariah Chandler. The people of Michigan regarded him as a man of such stature and caliber that they advanced his name for the Presidency of the United States. He was in the Senate when the conflict between the States was in progress, and he was quite dissatisfied with the progress and with the efforts of that great man who hallowed the prairies from whence I come, Abraham Lincoln.

On many occasions Senator Chandler used to press upon Abraham Lincoln his views, in the hope that he could expedite action of one kind or another. And so in 1863 it was necessary for Abraham Lincoln to make response to the urgings of Senator Chandler, and this is what he said:

> I hope to stand firm enough not to go backward, and yet not go forward fast enough to wreck the country's cause.

That reply expresses pretty well my feeling in the matter before the Senate. I am anxious for a civil rights bill; I am anxious for a moderate bill; and I think what we have submitted in behalf of the administration is a moderate bill. Parenthetically, I should make plain to the Senate that probably 3 or 4 weeks ago, before the President departed on his Latin American trip, we discussed this whole civil rights issue in a leadership meeting at the White House. When we had nearly concluded our discussion I said—and I think I am free to say it now—"Mr. President, I would want a very specific answer to the question of whether part III shall be in our contemplation." The President of the United States, "No, not now." The Attorney General was sitting at that table that morning. I said, "I should like to have an equally succinct and unequivocal expression from the chief law officer of this country, the Attorney General." I said, "How say you, Mr. Attorney General?" He said, "We do not want part III now."

That was enough. At least, that was enough for the man who feebly and humbly undertakes to carry the flag for his administration. So they did not want part III. I think that is indication enough with respect to how the high officers in this administration feel about part III.

Mr. President, it may seem a little awkward that I should offer these amendments as chief sponsor and yet be here today contending against the adoption of the cloture motion, but I am emphatic, and I hope no one will misunderstand my language when I say I am definitely opposed to the cloture motion.

With me this is a matter of time. Once more I go back to summon up the wisdom from the ancient sages, which was embalmed upon the imperishable parchments of old. In the Great Book is a subdivision book called Ecclesiastes. He was a preacher. In this day and age one can do no better than to go back and examine the philosophy and the wisdom of the ancient preachers. He wrote this:

> To every thing there is a season, and a time to every purpose under the heaven.

I repeat:

> To every thing there is a season, and a time to every purpose under the heaven.

With me this is a matter of time. I make no contention today, Mr. President, that I would be sensitive about imposing cloture if it had to be done. Perhaps it will have to be done in some season not too far removed from this day, but I think it is a little premature at the moment.

Mr. President, I wish to cite now an editorial which was published in the Washington Post and Times Herald this morning, because it states the case, I think, better than any feeble words I might utter could state it. The interesting thing is that I cite it because more often than not the Washington Post and Times Herald disagrees with the minority leader on most things. It is, therefore, like a lawyer summoning a hostile witness, to get his point made.

I now read, for the edification of Senators this editorial, which is not too long but which I think tells the whole story, under the caption of "First Test on Cloture."

> It is unfortunate that the cloture issue was raised prematurely in the Senate. Experienced legislators expect that the Douglas-Javits move to close debate on the civil rights bill will fail when a vote is taken today.

Parenthetically, I inject that I fondly hope it will fail.

> Not because the filibuster forces are in control, but because the question was raised before essential preliminaries were taken care of. The result may be actually to delay a showdown under conditions that will permit cloture to succeed.

That has been close to my heart. I hoped that we could move forward on this matter. I did not want to see any delay. I hope, when we get through, no additional delay will ensue.

The editorial continues:

> The issue of closing debate was forced by 23 Democrats and 8 Republicans who, generally speaking, would like to stiffen the civil rights bill. No doubt many of them felt that it was necessary to take a stand for more than they expect to get.

Certainly no one quarrels with that statement.

> But they are no more in control of the Senate than are the bitter-end southerners who have been carrying on the talkfest. Their gesture may serve no other purpose than to convince themselves of the necessity of working with the more moderate forces to shape a bill that will command majority support as well as a two-thirds vote for cloture to put it through, if that should become necessary.

It may be necessary to have cloture. I do not know how the Senate will impress its will upon the House bill. It may modify, it may dissect, it may amend, it may curtail, it may expand some of the bill's provisions; I do not know what it may do. But I know that when the bill comes before the Senate and we have gotten reasonably close to action, at that point it may be necessary to invoke cloture.

I did not, for myself, want to bind myself by a vote. I had hoped that enough of the Senators would not bind themselves and then feel later that they were under difficulties on a cloture motion, when it became really imperative, in the interest of a civil rights bill.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The time of the Senator from Illinois has expired.

Mr. DIRKSEN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 additional minutes.

Mr. DIRKSEN. I continue to read, Mr. President:

Foremost among the liabilities that tip the scales against cloture at this time is the so-called part III which was eliminated from the 1957 civil rights bill and is once more being pushed by Senators DOUGLAS and JAVITS and other northern liberals.

As a matter of fact, the Senator from South Dakota [Mr. CASE] has been pushing it, too. I think it is his amendment to the Ervin amendment which is presently pending, if I am correctly informed.

This provision would give the Attorney General blanket authority to seek injunctions in civil rights cases. It is not a part of the administration bill before the Senate and there is no indication that it can win a majority vote. Some observers believe that it must be effectively disposed of before there will be any chance of securing the two-thirds vote required to end debate.

The first logical move after today's vote is taken, therefore, will be to lay this highly controversial and politically unobtainable item on the table. Then the big task will be to put in final form a bill that can command enough votes for enactment.

Mr. President, I ask unanimous consent that the rest of the editorial may be printed in the RECORD as a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

No doubt the administration bill can stand some trimming; for example, Senator EAVIN has made an effective case against its excessive penalties. But it certainly ought not to be limited solely to a guarantee of voting rights. Though protection of voting rights is the heart of the bill, its provisions for aiding communities in the desegregation of their schools and for the punishment of violence aimed at upsetting court orders are also important.

If Majority Leader JOHNSON and Minority Leader DIRKSEN can obtain agreement on strong voting rights sections plus most of the supplementary items in the bill now before the Senate, it is conceivable that an adequate measure may be passed without cloture. It seems more likely, however, that cloture will need to be invoked after the extreme issues have been settled in order to avoid spending an entire session on this one controversy. We believe that a reasonable bill will emerge if the Senate is allowed to vote on all the amendments that may be offered.

Mr. DIRKSEN. Mr. President, it is a question of time. It is a question of appraising the circumstances both in the Senate and in the House. It is a question of appraising attitudes in this great and distinguished body.

When I think of all the complaints made and some of the excoriation we have heaped upon our distinguished Southern brethren for compelling us to sleep on the installment plan, and to get to the point where one had bells in his head every 2 hours, all the reproaches fall by the wayside.

We are going to come to grips with this question very shortly; and I utter the fervent hope that the cloture petition will fail.

Then, after we shall have disposed of part III—and I make it as clear as language can make it that I am unalterably opposed to part III—we can proceed to work our will. We can watch the deliberations of the House as it proceeds. It is an indispensable part of the lawmaking machinery. Without too much delay, we can finally develop a bill which is moderate, which I think would please the President of the United States, and which he could sign, a bill which would please most of our Members, and which would indicate to the country that not only the Senate, but the House, had made a very definite and tangible step forward in the whole field of civil rights, without jeopardizing that cause.

Mr. President, I can do no better than go back to the language which Abraham Lincoln uttered to a distinguished Senator, Zachariah Chandler, in 1863, when he said:

I hope to stand firm enough not to go backward, and yet not go forward fast enough to wreck the country's cause.

We are on the threshold of passing a civil rights bill. I do not want to see that great cause jeopardized. I regard the present situation as something of a crisis in our history. For 80 years this matter has been incubating. For 80 years there has been a struggle. I receive letters—even from my own State—pummeling me. The only answer I have is that we are dealing with a constitutional issue, even as has been done in other generations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield myself 1 additional minute.

The Constitution provides—not merely with the approbation of the Senate, or of the House of Representatives, but of the people, who ratified the amendments—that there shall be equal protection of the laws, and that the rights of a citizen—not a citizen of Illinois, New York, Maine, California, or North Dakota, but a citizen of the United States—shall not be abridged. His rights and immunities shall not be abridged. The unfolding and incubating process has required a long time, but it has come in our generation. We would be shirkers to the greatest and finest tradition that is woven into the great and golden pageant of this country if we did not meet the issue, and meet it now.

I think we can enact a bill. I say to my distinguished friends on the other side of the aisle, from that great part of the country known as the South, so rich in its own traditions, that this is a national issue. It is a national cause.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield myself 1 additional minute.

I winced a little when my distinguished friend from Georgia used the expression, "We will put cloture to you." The minority leader will not "put cloture to you" now, because he thinks it would be premature.

Mr. RUSSELL. I wish the Senator would strike the word "now."

Mr. DIRKSEN. Mr. President, I agree with what has been said, to the effect that the sheaf of amendments probably should have further discussion. Humble country lawyer that I am, I confess to my own bewilderment in this field. I earnestly entreat the Senate to defeat the cloture motion today. Then we can agree upon a time to proceed to the consideration of part III, which I hope will be roundly defeated, because it is not a part of the administration program. It has been rejected by the President as of now. It has been rejected by the Attorney General as of now; and, as a modest spokesman for the administration, I shall reject it also, now.

Mr. JOHNSON of Texas. Mr. President, I yield 10 minutes to the distinguished senior Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, in a few minutes we shall vote. We shall not be voting then on the substance of a civil rights bill. We shall instead be voting on the question of whether a majority of the Senate is to have the power to pass upon a civil rights bill and upon the specific features thereof, free from the threat of unlimited and unending debate.

Certainly no one can properly say that this limitation of debate on which we shall vote would be a gag provision. A series of civil rights bills has been before the Judiciary Committee for more than a year, and action upon them has been prevented by dilatory tactics.

We have had 220 hours of debate on the present bill, on the floor of the Senate; and approximately three-quarters of that time has been taken up by the opponents of civil rights. If we were to vote what is termed as cloture, but what is more exactly a limitation of debate, there would still remain 100 hours of further debate; and I can promise our Southern friends that if they feel that 18 or 22 hours—1 hour to each Senator—is not enough, many of us will gladly find a way to cede our individual hour to them.

In other words, there has been full and free debate; and we shall provide for further full and free debate.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. DOUGLAS. I cannot yield on my time.

Mr. JOHNSON of Texas. Mr. President, I yield the Senator 30 seconds, in order that I may make an observation.

I assume the Senator is aware of the provision of the Senate rule which prohibits Senators from yielding their time in connection with debate on a cloture motion.

Mr. DOUGLAS. Furthermore, we have had an attack on the floor of the Senate on the principle of majority rule. We have been told that majority rule is inconsistent with the Constitution, and that it is an improper method for the Senate to use.

Majority rule is not a perfect rule, of course. There are many weaknesses in it. But it is the best rule we have.

The question is whether we want minority rule or majority rule. We elect a President by majority rule. I do not see why the Senate should not ultimately decide by majority rule, as the Constitution in fact provides for transacting

the Senate's business. A veto power in one-third plus one of our Members, which the present cloture rule affords, is contrary to this principle of majority rule. The fact that the exceptions to majority rule are explicitly stated in the Constitution is in itself proof that a majority vote was intended to prevail on all other motions. The framers of the Constitution provided this to eliminate one of the grave weaknesses of the Articles of Confederation whereby with each State voting as a unit, the affirmative vote of 9 of the 13 States was required for passage. This was to be avoided under the Constitution except in those instances which were specifically enumerated.

I should like to point out that already, by the Constitution—and, indeed, by the rules of the Senate—the majority of the American people are grossly underrepresented in this body. By means of the Connecticut compromise with respect to equality of representation in the Senate, 10 States with more than one-half the population of the country have only one-fifth of the total number of Senators, whereas States with a quarter of the population have more than half the membership in the Senate.

We have had the spectacle in recent days of Senators from States with only one-sixth of the population, and far fewer than one-sixth of the voters, tying up the proceedings of the Senate for a long period of time.

On top of all this, we have the two-thirds cloture requirement. I hope we can eliminate this last obstacle, so that the majority may vote.

A great deal has been made of the large number of amendments now pending before this body. I have consulted with the Senator from New York, and I think I can safely promise that those amendments will be consolidated into not more than three main subjects—first, a more effective voting rights bill; second, a more effective system of technical and financial assistance to States or localities which wish to desegregate their public schools; and third, a provision giving to the Attorney General the same power to protect the rights of citizens to the equal protection of the laws, as is now given to him with respect to protection of the voting rights of citizens, a power recently sustained in a unanimous decision of the Supreme Court.

I think we should adopt the pending motion, so that we may then proceed to decide by majority vote, not with the threat of minority rule hanging over our heads.

If the motion for cloture is defeated and it will then be possible for the minority of the Senate to tie up the whole proceedings by interminable talk, then various Senators will be approached and told, "In order to get a vote, you must take a cut-down bill. You must take a bobtailed measure. The preamble to section 104 of the Dirksen bill must go out." The referee provision has already been presented in a weakened form. However, Senators will be told, "The referee provision must be weakened further. And of course, there can be no mention of part III."

Senators will be told, "If you want these measures, if you want an effective bill, they will be filibustered to defeat. Therefore to get a bill, you must cut them down, and cut them out."

In other words, King Filibuster will still be ruling in the Senate. Although not mentioned on the floor of the Senate, it will still be operating in the cloakrooms. The result will be a truncated bill.

If on the other hand we adopt cloture, there will still be 100 hours available for debate. If, as my colleague says they do not want certain amendments, a majority can vote them down. However, I ask for a chance for a majority in this forum to decide what it wants to do, without the veto power of 34 Senators continuing to hang over everything they must decide.

Let us not make King Filibuster the ruler of legislation in the Senate.

Mr. JOHNSON of Texas. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I would not take the time of the Senate again to address it on this issue, but I feel I must do so by reason of what my minority leader has just said. The question before us is, Shall we have cloture now? I speak to the 78 Members of the Senate who either want the Dirksen bill, with perhaps some of the amendments, but still will take it as a minimum, and to those who want a bobtailed bill, a voting rights bill. To them I say this is their hour of decision, because now they have before them a package which can be operated on, which can be cut down. Later the package cannot be built up; we will be faced with the rule of germaneness.

Those who do not like part III, which has been offered as an amendment by the Senator from South Dakota [Mr. CASE], should, one could argue, vote for cloture. For it is my opinion that the amendment offered by the Senator from South Dakota will be ruled nongermane to the Dirksen substitute if the cloture motion carries.

So, Mr. President, I say to Members of the Senate that this is the hour of decision. If we want a civil rights bill, we must vote for cloture. If, on the other hand, Senators want a bill in connection with which they will not have an opportunity to operate on the bill, and in which case Senators will be told what is to be in it, and perhaps even lose some votes—although not mine I hope—then I say they should vote against cloture. In my opinion, the highest interest of the Senate and the enactment of workmanlike legislation requires a vote for cloture.

Mr. HUMPHREY. Mr. President, will the Chair state how much time is left on each side of this question?

The PRESIDING OFFICER. Fifteen minutes remain to proponents, and 15 minutes remain to the opponents.

Mr. HUMPHREY. How much time am I yielded by the majority leader?

Mr. JOHNSON of Texas. I yield 10 minutes to the Senator from Minnesota.

Mr. HUMPHREY. We are about to test rule XXII, as adopted by the Senate at the opening of the 86th Congress. This vote on cloture is a procedural vote. The argument which has just been made by the senior Senator from New York is cogent and proper. In other words, the cloture petition and the vote on the cloture petition will determine whether or not we are going to cast further votes upon the bill before us as amended and on the amendments that are now at the desk. In other words, if there are those Senators who feel that the proposals which have been offered by the minority leader, the Senator from Illinois [Mr. DIRKSEN], and by a number of Senators in the form of amendments, go too far, I can only say that the way to correct them is to vote on them and to vote them down.

If the cloture motion fails now, it will be exceedingly difficult, if not impossible, to improve the measure upon which cloture is ultimately applied.

Mr. President, I have heard a great deal said today about the traditions of the Senate. I have heard that the traditions of the Senate are going to be violated if we in any way effect cloture this afternoon. One of the traditions of the Senate, apparently, that is being heralded, is the tradition of the filibuster. I would suggest that is a skeleton in the closet of democracy, and not one of its most welcome relatives. It seems to me that it is a tradition we could well get along without. I believe in debate for a purpose, even if it is extended and long debate, but ultimately there must be a decision.

The three D's of democracy are debate, dissent, and decision. I believe in the right of a person to dissent and to state his views even as a minority of one, if need be, and to have those views respected. However, ultimately the processes of government require a decision. Our Founding Fathers knew that. Our Founding Fathers stated in the fundamental law of our land that a majority shall constitute a quorum for the purpose of doing business. The Constitution calls upon Congress to do business, not monkey business. The Constitution calls upon Congress to act, not to be guilty of inaction. The Constitution calls upon Congress to be a vital force, not to be afflicted with a kind of legislative paralysis.

To those who say that the traditions of the Senate are being violated, I suggest that the traditions of democracy are before us on the scales of justice. I wish Members of the Senate were as vitally concerned about the traditions of the American people and the fundamentals of democracy as they are about the rules of the Senate, the sacred cows of this body.

I believe in rules. However, rules are made for a purpose. The rules are not designed for themselves. Rules are not designed supposedly to help Senators. They are designed supposedly to help the people, not Senators.

There is a tendency of Senators to become rather like members of a club. This is not an exclusive body. I would suggest that its prime purpose is to serve the interest of the Nation, to provide for the protection of the Constitution, and to protect the rights of every

American citizen, no matter what his situation in life may be, and regardless of his creed or color or national origin.

The question as to part III is a matter which can be discussed, debated, and determined on its own merits. I will only say that some of the arguments used against the so-called part III do not stand the test of objectivity or fair and impartial analysis. For example, all that part III seeks to do is to enforce the 14th amendment. All that part III seeks to do is apply some of the same procedures which have been applied, for example, in acts such as the National Housing Act and the Fair Labor Standards Act. But this proposal we can debate on its own, and we will do so in due time.

Let us take the other argument. I heard this word rolled out. I know a little bit about histrionics myself: "Gag rule. We have forced upon ourselves cloture or gag rule."

Mr. President, there are two ways to gag: one is to choke off talk, and one is to overstuff. I may say that the Senate has been gagged by being overstuffed with a filibuster. The processes of the majority have been gagged. The processes of Government have been gagged.

Choke us off? Debate has been in progress in the Senate since February 15. In that length of time it should have been possible to present any argument which is worth anything. There have been 200 hours of debate. It seems to me that an additional 100 hours of debate ought to be enough to convince anyone of anything, if there is any merit to the proposal.

I do not believe there has been any gag, in terms of choking off debate. There may have been an overinundation of words which has literally compelled the Senate to go down for the third time, crying for help. The purpose of a cloture motion is to at least toss out a sort of lifesaving device, to see whether we can still be around to conduct the business of the Government.

I have also heard that the gag rule is designed to silence the Senate. That is one thing which could never happen to this body. Silence is not one of the attributes of the Senate.

I have also heard it said that the vote on the cloture motion goes to the integrity of the Senate. I will say it does. I accept that challenge. The vote on the issue of cloture does go to the integrity of the Senate.

Is the Senate of the United States an action body? Is it going to fulfill the purposes of the Constitution to conduct business? Or is the Senate of the United States to be a body of inaction, paralyzed by its own procedures and its own will? I suggest that the job is at hand, the task to protect the civil rights of the people is at hand. The least we can do is to have an opportunity to debate the issue honestly.

I conclude on this note: I am certain there are many amendments pending which will arouse great discussion. Most or many of them may well be rejected. Each of us will have 1 hour to argue his case after the cloture vote. While it is true that we cannot pass that 1 hour off to someone else—it cannot be given away—we can engage in colloquy. My friends in the Senate know how to engage in colloquy through the question method, by making long speeches in the form of questions. So there need be no worry about whether there will be adequate time for debate.

Furthermore, the bill before the Senate, in terms of civil rights, has support from many areas of the country. It is entitled to receive a vote. It is entitled to a decision by being voted up or down. What has been taking place has been to deny the American people the right of decision.

I ask Senators to fulfill their constitutional responsibilities under article I, section 5, of the Constitution, which provides that a majority of each House shall constitute a quorum to do business: I suggest that we get down to business. I suggest that we get on with the business of the Government of the United States. I suggest that we protect the rights of the American people. I know of no other way of doing it except to exercise our responsibility in this matter by stopping this interminable debate and getting on with the substance of the issue and voting on one amendment after another.

Mr. McCARTHY. Mr. President, will the distinguished Senator yield?

Mr. HUMPHREY. I yield.

Mr. McCARTHY. This is not a genuine precedent, but rule XXV of the Senate of the Confederate States of America, published in its rule book in 1862, provided:

> No motion for the previous question shall be entertained, but upon the call of any Senator for the question, if seconded by a majority of the Senators present the vote shall immediately be taken on the pending question whatever it may be, without further debate.

Mr. HUMPHREY. Do I correctly understand that the Senator is citing from the rule book of the Confederate Congress?

Mr. McCARTHY. From the rules of the Confederate Senate, published in Richmond in 1862.

Mr. RUSSELL. The Confederates lost the war, too. [Laughter.]

Mr. HUMPHREY. Mr. President, the Senate is always a fine place to register the facts of history. I would not want to predicate my case even upon the evidence of 1862. This is 1960. Vital questions are before the Congress of the United States. None is more vital than the issue of human rights.

I suggest to this body, which voted almost unanimously that every member of a trade union had the right to vote, to this body, which exercised its jurisdiction and its authority to prescribe the rules and regulations for the operation of every trade union in the United States, which interfered in the activities of private and voluntary organizations, to show the same zeal and same dedication for the rights of the American people, whether they are in the unions or not.

It is peculiar that we can legislate for fraternal orders, for unions, and for voluntary associations, to make certain that there is secrecy in their balloting, to see to it that there is no denial of the right to vote; to see to it that the individual person is protected. But when it comes to the constitutional right to cast a vote for a Federal officer in the United States of America, the U.S. Senate debates interminably. I wonder why.

It seems to me that this question can only be answered honestly by permitting the Senate to exercise its powers, namely, to vote on the substance of matters and let the majority vote be decisive.

Mr. DIRKSEN. Mr. President, how stands the time on each side?

The PRESIDING OFFICER. The Senator from Illinois has 13 minutes remaining. All time has been exhausted by the proponents.

Mr. DIRKSEN. Mr. President, I grant 13 minutes to the majority leader. That is the remainder of my time.

PROTECTION OF U.S. INTERESTS IN BASIC RESEARCH RELATING TO CERTAIN PATENT RIGHTS

Mr. JOHNSON of Texas. Mr. President, I yield to my beloved friend the distinguished Senator from Wyoming [Mr. O'MAHONEY] 2 minutes. I understand that he desires to introduce a bill.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. O'MAHONEY rose.

(Applause, Senators rising.)

Mr. O'MAHONEY. Mr. President, as chairman of the Subcommittee on Patents of the Committee on the Judiciary, I desire unanimous consent to introduce a bill which is the outcome of 2 years of study by that subcommittee. In this connection, I should like to say, briefly, that the bill is designed to make certain that a uniform policy is followed by all departments and agencies of the Government with respect to the patents which are the product of the research and development authorized by this Government. Congress has increased the appropriation for years. At the present time, for 1960, the obligations of the Government for research and development amount to more than $8 billion.

The feeling of some of us who have studied the evidence is that there should be a uniform policy for the entire country.

Mr. President, I ask unanimous consent that a statement I have prepared be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR O'MAHONEY, OF WYOMING

BILL WOULD PROTECT POPULAR RIGHTS TO PATENTS THE GOVERNMENT SUBSIDIZES

I introduce, herewith, for appropriate reference a bill to provide for the protection of the interests of the United States in basic research with respect to patent rights arising from research conducted under projects financed by the United States.

The question at issue here is a simple one: namely, whether or not patents which are the product of Government research paid for by the taxpayers of the United States under contracts made by Government agencies should be allowed to become the property of the private contractors who are themselves the beneficiaries of Government subsidy.

This bill would require the National Science Foundation to give attention to the possible adverse impact on basic research of patent and technical information clauses contained in the research contracts let by Government agencies. It provides for a review of such contracts by both the Foundation and the Justice Department and requires a formal expression of their views before a patent and technical information clause vesting exclusive commercial rights in the contractor may be included in important basic research contracts.

NEW POLICY RECOMMENDED BY DEPARTMENT OF OF JUSTICE

This matter has been under study for more than 13 years. As long ago as 1947 Justice Tom C. Clark, former Attorney General, at the conclusion of a comprehensive investigation by the Department of Justice into the practices of Government departments and agencies with respect to the granting of patents under contracts to promote research, concluded his final report with the recommendation that the Government should take title to all inventions produced in the performance of such a contract except in special cases approved by the Government Patents Administrator, an office which he also recommended should be established, and the head of the agencies involved in making the contract.

On November 9, 1956, former Attorney General Herbert Brownell submitted a report to Congress as required by the Defense Production Act of 1950 in which he found that present patent policy "may be one of the major factors tending to concentrate economic power."

The Government funds devoted to research continued to increase through the years until the National Science Foundation in its budget summary for fiscal years 1958, 1959, and 1960 places the total obligations for scientific research and development of all government agencies and departments for 1960 at the estimated sum of $8,148 million. The actual obligations for 1958 amounted to $5,878 million, and for last year they are estimated to have reached $7,875 million. Obviously this is a matter of the utmost importance to the Government and to the taxpayers of the United States.

SUBCOMMITTEE HAS STUDIED PATENT PRACTICES

The Judiciary Subcommittee on Patents, Trademarks, and Copyrights was authorized in the 85th Congress by Senate Resolution 236 to conduct a series of studies on the practices of the various Government agencies. So much divergence among the various Government agencies was discovered that there is every indication that the subcommittee should give immediate attention to establishing a uniform policy among the various agencies. The subcommittee thus far has issued seven preliminary reports on patent practices of different agencies, with one pending at the Government Printing Office and 13 additional studies now in progress. It seems important, however, that legislative action by Congress should be rendered possible by the immediate introduction of a bill; the Government's basic research should be promoted and protected because it is growing clearer every day that the comparable positions of Soviet Russia and this country will depend upon the success and proper conduct of this program and the successful establishment of a uniform and sound Government policy.

In our investigation of the National Science Foundation we found that this agency was surprisingly indifferent to the kind of patent and technical information provisions that are used in its own research contracts and grants as well as in contracts and grants led by other Government agencies. Yet this is the agency that Congress has selected to coordinate basic research throughout the Government. Dr. Alan T. Waterman, Director of the National Science Foundation, in December 1959, testified before the Senate Select Committee on Small Business that "the Foundation has been notified of only about 15 inventions on which applications for a patent have been filed as a result of research conducted under a Foundation grant or fellowship."

GOVERNMENT NOT PROTECTED AT PRESENT

The Judiciary Subcommittee found among other things that the Director of the Foundation was not even aware that there were being widely used in Government research contracts patent and technical information clauses which encourage the contractors to maintain undesirable secrecy with respect to basic research. Research developments which may have a commercial application are frequently not disclosed at their inception because the contractors can secure exclusive commercial rights by filing patent applications in their own names.

It is so obvious that it scarcely needs to be stated that the expenditure throughout the Government by its various agencies of $8 billion in a single year for research and development needs the close attention of Congress and the executive offices of the Government.

Basic research is necessarily aimed at producing rapid and extensive dissemination of scientific and technical knowledge, rather than patentable inventions. It does, however, frequently produce inventions which have wide commercial applications; penicillin is a conspicuous example. If there is to be any patenting at all of the products or byproducts of Government basic research it would seem desirable for the Government, rather than private contractors, to hold title to the patents and for the Government to have freedom of accessibility and the right to disseminate the resulting scientific and technical information.

The contracting agency will then be fully advised, before it agrees to a patent and technical information clause vesting exclusive commercial rights in the contractor, as to any adverse effects upon the public interest which may possibly result. If the Justice Department points out that the clause may contribute to an undesirable increase in the power of the contractor to control a given field of commerce or if the Foundation points out that the clause may hamper basic research, the agency may still enter into the contract. However, a record will have been made which will enable Congress to hold the agency accountable for the occasions on which the advice given is overridden by other considerations which the contracting agency may find to be more compelling.

As matters now stand no effort is being made by the National Science Foundation to see that the national basic research program is not hampered by unduly restrictive patent and technical information clauses. This bill will at least compel that agency to face up to its existing statutory responsibility for the entire Government research program and to discharge that responsibility with action, rather than words.

The bill (S. 3156) to provide for the protection of the interests of the United States in basic research with respect to patent rights arising from research conducted under projects financed by the United States, introduced by Mr. O'MAHONEY, was received, read twice by its title, and referred to the Committee on the Judiciary.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSON of Texas. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Texas has 11 minutes remaining.

Mr. JOHNSON of Texas. Mr. President, I oppose the cloture proposal. I should think that my talented, able, and beloved friend, the distinguished senior Senator from Minnesota [Mr. HUMPHREY], would be the last Member of this body to favor a debate limitation which leaves only 1 hour for debate on 39 amendments, 7 parts of the Dirksen proposal, and anything else which may come before the Senate. [Laughter.]

Mr. President, I think the rolling and expansive eloquence of the senior Senator from Minnesota should never be curbed for any purpose in this body. [Laughter.]

Mr. HUMPHREY. I thank the Senator from Texas. He is right about that. [Laughter.]

Mr. JOHNSON of Texas. Mr. President, before casting my vote, I wish to make my position clearly understood. There is nothing in the stand I take today which forecloses another stand under other circumstances, because there are many who will attempt to read deep meanings into the vote that we shall cast in a few minutes. It will be described by some as a basic clash in philosophy. Efforts will be made, I am sure, to make it appear as a dramatic, far-reaching step.

Mr. President, I do not dispute the right of any Senator to interpret events as he sees fit. All of us must look at the world through our own eyes. But, Mr. President, I cannot agree to the interpretation that there are deep meanings in the issue before us.

I think that all we are going to do this afternoon is decide whether we are going to invoke certain procedures provided by a Senate rule, and bring debate to a close now.

Mr. President, the invoking of a rule is solely and simply—as I see it—a question of judgment as to the procedures which best serve the Senate and the country. The rules exist to protect the rights of individual Senators and, through individual Senators, the States they represent. The rules are not intended to be vehicles for dramatizing issues, for getting publicity, or for merely making a record. If the invoking of a rule does not serve to protect senatorial rights or to expedite the business of the Senate, then I think the wisdom of invoking the rule is open to very serious question.

On the basis of my discussions with all of my colleagues, I am convinced that the move to close debate now will serve no useful purpose, so far as the Senate and the country are concerned. It will not expedite the business of the Senate. In my judgment it will not make any difference in the final outcome; and, as I see it, about all it will do is prolong the debate for an extra day or two.

In my judgment the Senate will not now vote by either two-thirds vote or by

majority vote to close debate. The Senate decided in January 1959, by an overwhelming vote,—with only 28 Senators voting in the minority—that it did not choose ever to close debate by a majority vote. And, Mr. President, we do not as yet have rule by 28 Senators.

I know that some of my colleagues believe there has been ample time for the Senate to debate. Frankly, there is no Member on this floor who is more impatient than the majority leader to bring this issue finally to a resolution.

But, Mr. President, individual impatience is a luxury which neither a majority leader nor a minority leader can afford. Neither is individual impatience a standard for the proper conduct of the affairs of the greatest deliberative body in the world.

Mr. President, I believe the Senate will proceed in its own way to develop and to produce and to vote for meaningful legislation. The process may be slow; it may be annoyingly slow to many Members who sit here and come in and answer the quorum calls through the night.

But, Mr. President, this issue has been with us for decades; and we cannot simply raise our hands and say, "Go away." I believe we must sit here for at least several days more, when genuine progress is in sight.

I am going to cooperate with all my colleagues, in an effort to bring every substantial issue in this debate to a vote.

Mr. President, I have been informed by the proponents of part III that they need at least 3 hours in which to discuss that proposal this afternoon. Since it will be the pending business, I hope they will proceed to discuss it. I am informed by the opponents of that proposed legislation that they are prepared to discuss it. At the conclusion of that discussion, after a reasonable time, I hope it may be possible to make a motion to lay on the table, and then to get another meaningful vote this afternoon, in connection with part III.

Mr. President, I trust the Senate. I believe the Nation can rely on the Senate's collective judgment and on the Senate's conscience. And I believe that the final product that we shall fashion here will always represent the wishes of the majority.

Mr. President, the picture of the Senate which has been presented to the country is not, in my opinion, entirely accurate. It is generally assumed that we have a simple case of a majority that is ready to act and is willing to act, but is frustrated by a small minority. Mr. President, I think the reality is quite different.

The reality is that on one side of the debate there is a group of Senators who believe—conscientiously—that virtually all the legislative proposals which have been submitted in this field should be enacted into law. On the other side of the debate is a group of Senators who—earnestly and conscientiously—believe that no legislation at all on this subject should be enacted.

Mr. President, I do not believe that the majority of the Members of the Senate are in either camp. The majority of the Members of the Senate want to make as much progress as possible in solving an age-old problem. They want to deal justly and fairly with their fellow Americans. They want to take whatever steps can be taken in order to secure human rights. But they are not certain that all the proposals now before us represent progress. They are not satisfied that every bill or amendment proposed deals justly and fairly with the issues before us; and they feel that some of the measures may, in fact, go in the opposite direction, instead of in the direction of securing human rights. These Senators will take a long and a very hard look at all the proposals, before they vote.

Mr. President, this is always a very difficult position to occupy. In a controversy which runs so deep, emotions always run high. Those at either end suspect that those who are not with them 100 percent, all the time, are trafficking with the devil. There is a tendency to insist that every "i" be dotted and that every "t" be crossed, or else there be no bill at all. And, inevitably, to the partisan, every difference of opinion becomes a "sellout" to the other side; it is either "beefing up" or "watering down" or some other Madison Avenue label.

Mr. President, there is not much that we can do about this situation. I do know, right now, however, what my conscience tells me to do. I believe the heart of this issue lies in the field of voting rights.

This does not mean that I am foreclosing my mind to other reasonable and wise proposals. But it does mean that I consider safeguards of the right to vote to be paramount to all other considerations in this debate; and I cannot understand the reasoning which seems to say that the Senate should not pass voting rights legislation unless we tack on to it other types of legislation.

My study of history and my practical experience as a legislator have convinced me that any right granted by government is meaningless unless it is fortified by the right to vote. Whatever the laws may provide, however lofty may be their sentiments, a man without a vote is a man without protection; he is virtually helpless.

But a man with a vote immediately acquires status, as every one of my colleagues is well aware. A man with a vote has his destiny in his own hands, and he can do far more to help himself than we can do to help him. A man with a vote also does something else: He strengthens the unity of America; he has had a voice in shaping the decisions of his Government. And when he has had such a voice, he will accept those decisions willingly, even when they are contrary to his own desires.

We all know, as a practical matter, that there must be voting qualification laws and that they will be set by the States. This is not at issue. What is at stake is that these laws be applied equally to all citizens, regardless of race, creed, or color.

We need not waste our time here pointing the finger at this State or another State. We can shape effective laws which will assure equality at the voting booth to the qualified citizens in every State, in each of the 50 States.

The only basis for fearing the votes of men is to fear those men themselves. To deny the right to vote is to increase those fears.

To me, it would be tragic if the Senate, having gone this far, should fail to resolve the issue. It will be on our conscience if we falter—either because we lacked perservance or because we wished to preserve the issue.

We are not faced here with a choice between a strong bill or a weak bill. Such phrases as "watering down" or "beefing up" have no relevance to our situation.

We are faced with the problem of exercising the necessary patience and perseverance to produce an effective bill—one that will do the job. And we will not achieve that goal by emerging with no bill at all.

There is nothing in the American conscience, the American Constitution, or the American way of life which justifies abridgment of the right t vote on the basis of race, creed, or color.

This is the challenge before the Senate in this hour, and I think the Senate will meet that challenge. I think we will face it squarely. I think the bill that will emerge will express the will of the majority.

The majority may desire to do some things I would not agree to; or may not desire to do some things I would want done. That is the prerogative of the majority, and I do not think it will be thwarted.

To achieve our goal, we do not need to proceed to a premature cloture. When the Senate is ready to act, it will act, and I believe wisely and well. And I think all we would do today, if we voted to close debate, with 39 amendments at the desk that have not been discussed would be to seal the lips of two Senators from each State and say to them, "You must analyze, evaluate, discuss, and debate each of these proposals, all of them put together, within 1 hour." I hope we have not reached that point in the Senate.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

The VICE PRESIDENT. The time of the Senator has expired. All time on the motion has expired.

The time for debate on this question having expired, the Chair lays before the Senate the motion for cloture, and directs the clerk to call the roll for a quorum.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry. Is this a quorum call or a yea-and-nay vote?

The VICE PRESIDENT. This is a quorum call.

The Chief Clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 111]

Aiken	Bush	Case, N.J.
Allott	Butler	Case, S. Dak.
Anderson	Byrd, Va.	Chavez
Bartlett	Byrd, W. Va.	Church
Beall	Cannon	Clark
Bible	Capehart	Cooper
Bridges	Carlson	Cotton
Brunsdale	Carroll	Curtis

Dirksen	Johnson, Tex.	Muskie
Douglas	Johnston, S.C.	O'Mahoney
Dworshak	Jordan	Pastore
Eastland	Keating	Prouty
Ellender	Kefauver	Proxmire
Engle	Kennedy	Randolph
Ervin	Kerr	Robertson
Frear	Kuchel	Russell
Fulbright	Lausche	Saltonstall
Goldwater	Long, Hawaii	Schoeppel
Gore	Long, La.	Scott
Green	McCarthy	Smathers
Gruening	McClellan	Smith
Hart	McGee	Sparkman
Hartke	McNamara	Stennis
Hayden	Magnuson	Symington
Hennings	Mansfield	Talmadge
Hickenlooper	Martin	Thurmond
Hill	Monroney	Williams, Del.
Holland	Morse	Williams, N.J.
Hruska	Morton	Yarborough
Humphrey	Moss	Young, N. Dak.
Jackson	Mundt	Young, Ohio
Javits	Murray	

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The VICE PRESIDENT. A quorum is present.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Dakota [Mr. CASE] may have not to exceed 1 minute to propound a parliamentary inquiry. He was cut off because my time had expired. I ask consent that he be given 1 minute.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator may propound a parliamentary inquiry.

Mr. CASE of South Dakota. Under the rule providing for cloture, if cloture should be voted, would it close the door to calling up nongermane amendments? I ask that question because some fear has been expressed that part III would not be germane to the Dirksen substitute or the bill. I think we ought to have it clearly understood whether or not voting cloture would have that effect.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. In the event that cloture is voted, the requirement of germaneness comes into effect.

Mr. MORSE. Mr. President, a parliamentary inquiry.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Oregon may have 1 minute to propound a parliamentary inquiry.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator may propound a parliamentary inquiry.

Mr. MORSE. Would it not be within the power of the Senate to determine the question of germaneness by an appeal from the ruling of the Chair if the Senate did not share the opinion of the Chair?

The VICE PRESIDENT. The Senate may always overrule the opinion of the Chair.

The question is, is it the sense of the Senate that debate shall be brought to a close? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD] is absent because of illness. If present and voting the Senator from Connecticut would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

If present and voting, the Senator from Utah [Mr. BENNETT] and the Senator from Hawaii [Mr. FONG] would each vote "nay."

The result was announced—yeas 42, nays 53, as follows:

[No. 112]

YEAS—42

Allott	Gruening	McNamara
Anderson	Hart	Magnuson
Bartlett	Hartke	Morse
Beall	Hennings	Morton
Bush	Humphrey	Moss
Carroll	Jackson	Muskie
Case, N.J.	Javits	Pastore
Chavez	Keating	Proxmire
Church	Kennedy	Randolph
Clark	Kuchel	Saltonstall
Cooper	Lausche	Scott
Cotton	Long, Hawaii	Symington
Douglas	McCarthy	Williams, N.J.
Engle	McGee	Young, Ohio

NAYS—53

Aiken	Fulbright	Monroney
Bible	Goldwater	Mundt
Bridges	Gore	Murray
Brunsdale	Green	O'Mahoney
Butler	Hayden	Prouty
Byrd, Va.	Hickenlooper	Robertson
Byrd, W. Va.	Hill	Russell
Cannon	Holland	Schoeppel
Capehart	Hruska	Smathers
Carlson	Johnson, Tex.	Smith
Case, S. Dak.	Johnston, S.C.	Sparkman
Curtis	Jordan	Stennis
Dirksen	Kefauver	Talmadge
Dworshak	Kerr	Thurmond
Eastland	Long, La.	Williams, Del.
Ellender	McClellan	Yarborough
Ervin	Mansfield	Young, N. Dak.
Frear	Martin	

NOT VOTING—4

Bennett	Fong	Wiley
Dodd		

So the cloture motion was rejected.

Mr. DIRKSEN. Mr. President, I move that the vote by which the motion was rejected be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. What is the pending question?

The VICE PRESIDENT. The question recurs on the amendment of the Senator from South Dakota [Mr. CASE] to the Ervin amendment to section 1 of the amendment of the Senator from Illinois [Mr. DIRKSEN] in the nature of a substitute.

Mr. JOHNSON of Texas. I express the hope that the Senate can reach a vote on part III, the Case amendment, before concluding its business today. I am informed that the proponents do not expect to utilize more than 3 hours. In view of the speeches which have been made against part III, I hope the opponents will not utilize that much time. If we can adhere to that schedule, a motion will be made later in the afternoon to lay the Case amendment on the table. I should like to have Senators on notice that we expect such a motion to be made.

Mr. DIRKSEN. Mr. President, I should like to direct an inquiry to the majority leader.

I should like to have the majority leader make it clear whether he expects to proceed to a vote this evening on the Case amendment to the Ervin amendment. I presume, of course, that there will be a yea-and-nay vote either on the amendment itself, or on a potential motion to lay on the table.

Mr. JOHNSON of Texas. I am informed that there will be a motion to lay the Case amendment on the table after the proponents have had an opportunity to discuss the amendment for approximately 3 hours, and after the opponents have had an opportunity to discuss the amendment for whatever time they may desire to use. I do not believe they will consume nearly 3 hours. There will be a yea-and-nay vote on the motion to lay the Case amendment on the table.

Mr. DIRKSEN. For the information of Senators, I should like to ascertain what the program might be for tomorrow, if it can be determined at this point.

Mr. JOHNSON of Texas. To proceed to plow the furrow.

Mr. DIRKSEN. Proceed to plow the long, hard furrow.

Mr. JOHNSON of Texas. Unless the Senate should pass the pending measure this evening.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced that on Wednesday, March 9, 1960, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2033. An act to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims;

S. 2061. An act to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States;

S. 2268. An act to declare the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona;

S. 2431. An act for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas; and

S. 2454. An act for the striking of medals in commemoration of the 100th anniversary of the founding of the pony express.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT OF U.S. CIVIL SERVICE COMMISSION — MESSAGE FROM THE PRESIDENT (H. DOC. NO. 253)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

I transmit herewith the Annual Report of the U.S. Civil Service Commission for the fiscal year ended June 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 10, 1960.*

REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 267)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

In compliance with the provisions of section 10(b)(4) of the Railroad Retirement Act, approved June 24, 1937, and of section 12(1) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I transmit herewith for the information of the Congress, the report of the Railroad Retirement Board for the fiscal year ended June 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 10, 1960.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, notified the Senate that, pursuant to the provisions of section 3, Public Law 85-470, the Speaker had appointed Mr. KYL, of Iowa, as a member of the National Outdoor Recreation Resources Review Commission, to fill the existing vacancy thereon.

The message communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. RICHARD L. NEUBERGER, late a Senator from the State of Oregon.

The message announced that the House had passed the bill (S. 2220) to strengthen the Commissioned Corps of the Public Health Service through revision and extension of some of the provisions relating to retirement, appointment of personnel, and other related personnel matters, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 10777. An act to authorize certain construction at military installations, and for other purposes; and

H.R. 10809. An act to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction and equipment, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 10777. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

H.R. 10809. An act to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction and equipment, and for other purposes; to the Committee on Aeronautical and Space Sciences.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR LEGISLATIVE BRANCH, EXECUTIVE BRANCH, AND DISTRICT OF COLUMBIA (S. DOC. NO. 86)

A communication from the President of the United States, transmitting, for the consideration of the Congress, proposed supplemental appropriations for the fiscal year 1960, in the amount of $670,690 for the legislative branch, $755,000 for the executive branch, and $364,000 for the District of Columbia (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED SUPPLEMENTAL APPROPRIATION, PAYMENT OF CLAIMS, AND JUDGMENT RENDERED AGAINST THE UNITED STATES (S. DOC. NO. 87)

A communication from the President of the United States, transmitting, for the consideration of the Congress, a proposed supplemental appropriation to pay claims and a judgment rendered against the United States, as provided by various laws, in the amount of $4,948,934, together with such amounts as may be necessary to pay indefinite interest and costs (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

REPORT ON SPECIAL PAY TO CERTAIN OFFICERS OF THE ARMED FORCES

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, that no payments were made by the military departments to any officer of the Armed Forces, of special pay, during the calendar year 1959; to the Committee on Armed Services.

REPORT ON RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS, DEPARTMENT OF THE NAVY

A letter from the Assistant Chief of Naval Material (Procurement), transmitting, pursuant to law, a report on research and development procurement actions of $50,000 and over, for the period July 1 through December 31, 1959 (with an accompanying report); to the Committee on Armed Services.

INCREASE OF FEE FOR LEARNERS' PERMITS IN DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Traffic Act, 1925, as amended, to increase the fee charged for learners' permits (with an accompanying paper); to the Committee on the District of Columbia.

FOURTH PROGRESS REPORT OF HIGHWAY COST ALLOCATION STUDY

A letter from the Secretary of Commerce, transmitting, pursuant to law, the fourth progress report of The Highway Cost Allocation Study, dated March 1, 1960 (with an accompanying report); to the Committee on Finance.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered, granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT MEMORIAL 42

"To the Honorable SAM RAYBURN, SPEAKER OF THE HOUSE OF REPRESENTATIVES; THE HONORABLE RICHARD M. NIXON, PRESIDENT OF THE SENATE; THE HONORABLE FRED A. SEATON, SECRETARY OF THE INTERIOR; THE HONORABLE E. L. BARTLETT AND THE HONORABLE ERNEST GRUENING, SENATORS FROM ALASKA; AND THE HONORABLE RALPH J. RIVERS, REPRESENTATIVE FROM ALASKA:

"Your memorialist, the Legislature of the State of Alaska in first legislature, second session assembled, respectfully submits that:

"Whereas the welfare of the people of Alaska and the economic future of the State of Alaska is inextricably joined with the sound, systematic, and secure development of its mining resources without undue delay; and

"Whereas every effort should be made to encourage the development of the State of Alaska's mining resources and to facilitate mining activities and the patenting of mining entries on Federal lands located within the State of Alaska; and

"Whereas on June 7, 1910 (36 Stat. 459), the Congress of the United States enacted a statute relating to the filing of adverse claims and the instituting of adverse suits against mineral entries on Federal lands in the then Territory of Alaska; and

"Whereas this statute was made applicable only to the then Territory, now the State of Alaska, and by the provisions thereof increased by 8 months the period of time within which adverse claimants are permitted to file objections to the issuance of a patent on mineral entries made upon Federal lands in the State of Alaska and also extended the period of time in which adverse suits against such mineral entries could be instituted; and

"Whereas said statute of 1910 has caused great delay in the issuance of patents to mining entries and has had a detrimental effect upon the mining industry in the State of Alaska; and

"Whereas the present conditions of communication and travel in the State of Alaska do not justify exceptional treatment to be made as to mineral entries made on Federal lands in the State of Alaska; and

"Whereas the repeal of said statute will act as an incentive to the mining industry of Alaska by accelerating patent proceedings as to Federal lands; and

"Whereas there is presently pending in the Senate of the United States Senate bill No. 2909 which would repeal the provisions of the aforementioned statute approved June 7, 1910 (36 Stat. 495):

"Now, therefore, your memorialist urges that the Congress and the executive branch

proceed with deliberate speed to pass Senate bill No. 2909 entitled 'A bill to repeal an act entitled "An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the district of Alaska," approved June 7, 1910 (36 Stat. 459).'

"Passed by the House February 16, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Passed by the Senate February 24, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Banking and Currency:

"SENATE JOINT RESOLUTION 2

"Resolution memorializing the Congress and the President of the United States to cause to be issued silver dollars commemorating the centennial of the State of Nevada into the Union

"Whereas by act of Congress Nevada was admitted to the Union October 31, 1864; and

"Whereas during the year 1964, the people of the State of Nevada expect to celebrate, with creditable pageantry and commemoration, the 100th anniversary of the admission of the State of Nevada into the Union; and

"Whereas Nevada was one of the richest and most famous silver producing areas of all time; and

"Whereas the revenues resulting from such silver production aided materially in maintaining the integrity of the Union and in the great industrial expansion of the entire country; and

"Whereas Nevada is known as the Silver State; and

"Whereas Congress has many times previously authorized the issuance by the United States Treasury of commemorative coins for other States: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada (jointly), That the Legislature of the State of Nevada respectfully memorializes the Congress of the United States to enact such legislation, and the President of the United States to take such action as may be necessary to issue commemorative silver coins of the denomination of $1, commemorating the 100th anniversary of the admission of the State of Nevada to the Union; and be it further

"Resolved, That such coins be delivered to the Nevada Centennial Commission upon payment therefor, and that such commission be, and it hereby is, authorized to sell and distribute such coins; and be it further

"Resolved, That certified copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President and Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each Senator and the Representative from the State of Nevada in the Congress of the United States.

"Adopted by the senate, January 25, 1960.

"REX BELL,
"President of the Senate.
"LEOLA H. WOHLFEIL,
"Secretary of the Senate.

"Adopted by the assembly, February 1, 1960.

"Speaker of the Assembly.
"NATHAN T. HURST,
"Chief Clerk of the Assembly."

A resolution of the House of Representatives of the State of California; to the Committee on Armed Services:

"HOUSE RESOLUTION 30

"Resolution relating to compensating the Philippine Scouts for their services rendered in World War II

"Whereas the Philippine Scouts units serving with the U.S. Army rendered heroic and invaluable services in behalf of the United States of America and the free world during World War II, and suffered particular hardship and cruelties in the early days of that conflict when their homeland was overrun by the hostile forces of the common enemy; and

"Whereas the Philippine Scouts served side by side with American troops and conducted themselves with great valor and distinction in the campaigns in the Philippine Islands, and particularly in the battles on the Bataan Peninsula and at the island of Corregidor; and

"Whereas during these campaigns and prior thereto the Philippine Scouts were compensated pursuant to pay scales fixed by the Government of the United States with levels of remuneration substantially lower than those prescribed for other soldiers serving with the U.S. Army, with the result that the compensation received by these brave men was not commensurate with the extraordinary service they rendered; and

"Whereas action taken by the Congress of the United States, through enactment of Public Law 607 of the 77th Congress on June 16, 1942, to raise pay scales applicable to the Philippine Scouts to levels of equality with those of other soldiers serving with the U.S. Army were never fully effectuated in respect to services rendered by those men in the early campaigns in the Philippine Islands; and

"Whereas many important and prominent personages, including the former commander in the Philippine area, Gen. Douglas MacArthur, have commented upon and urged that appropriate actions be undertaken to effect the long overdue adjustments in compensations earned by the men who served in the Philippine Scouts during those critical days; and

"Whereas a special appeal in this regard is presently being undertaken, principally through the efforts of Mr. Fortunato De Gracia, National Vice Commander of the Filipino Guerrilla Veterans' Legion, who is at this time visiting the United States with the view of obtaining these compensations: Now, therefore, be it

"Resolved by the Assembly of the State of California, That the Congress of the United States is respectfully memorialized to undertake appropriate measures to provide for those Philippine Scouts who served in World War II, extra remuneration or other emolument to compensate them for the lesser wage and salary amounts paid them at that time; and be it further

"Resolved, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California."

Memorials signed by Alta Maurice, and sundry other citizens of the State of Wisconsin, remonstrating against the adoption of the resolution (S. Res. 94), relating to the recognition of the jurisdiction of the International Court of Justice in certain disputes hereafter arising; to the Committee on Foreign Relations.

A letter in the nature of a petition signed by D. M. L. Glendenning, of Salt Lake City, Utah, favoring the enactment of the bill (S. 3111) to authorize the Secretary of the Interior to issue patents in fee to certain persons to lands located in the State of Utah; to the Committee on Interior and Insular Affairs.

A memorial signed by E. G. Jones, and sundry other citizens of the State of Tennessee, remonstrating against the enactment of any civil rights legislation; to the Committee on the Judiciary.

The memorial of George Washington Williams, of Baltimore, Md., relating to civil rights; to the Committee on the Judiciary.

The petition of Paul Hopewood, of Rochester, N.Y., relating to civil rights; to the Committee on the Judiciary.

A paper in the nature of a petition signed by Robert A. Greenlee, of Hermanville, Miss., relating to civil rights; to the Committee on the Judiciary.

A resolution adopted by the Hawaii Chapter of World Brotherhood, Honolulu, Hawaii, commending the people of the United States upon granting statehood to Hawaii; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, with an amendment:

S. 1283. A bill to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use (Rept. No. 1158).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'MAHONEY:

S. 3156. A bill to provide for the protection of the interests of the United States in basic research with respect to patent rights arising from research conducted under projects financed by the United States; to the Committee on the Judiciary.

(See the remarks of Mr. O'MAHONEY when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON:

S. 3157. A bill to amend the Small Business Act to provide that a small business concern which is in fact independently owned and operated shall not be denied the benefits of that act solely because of an agency or other contractual relationship with another concern; to the Committee on Banking and Currency.

By Mr. FREAR:

S. 3158. A bill to exempt State controlled banks belonging to the Federal Reserve System from the statutory limits on the number of their directors; to the Committee on Banking and Currency.

(See the remarks of Mr. FREAR when he introduced the above bill, which appear under a separate heading.)

By Mr. CARLSON (for himself, Mr. MAGNUSON, Mr. YOUNG of North Dakota, Mr. HUMPHREY, Mr. CASE of South Dakota, Mr. CURTIS, Mr. MUNDT, and Mr. CHURCH):

S. 3159. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. CARLSON when he introduced the above bill, which appear under a separate heading.)

By Mr. DWORSHAK (for himself and Mr. CHURCH):

S. 3160. A bill to provide for the striking of medals in commemoration of the 100th

anniversary of the founding of the State of Idaho as a Territory; to the Committee on Banking and Currency.

By Mr. CHAVEZ:

S. 3161. A bill to authorize the exchange of certain lands of the United States in Valencia County, N. Mex., for lands within national forests in New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JAVITS:

S. 3162. A bill to establish a U.S. Travel Commission and a U.S. Office of International Travel; to the Committee on Foreign Relations.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. BEALL (for himself and Mr. JAVITS):

S. 3163. A bill to amend the Federal Voting Assistance Act of 1955; to the Committee on Rules and Administration.

By Mr. HUMPHREY:

S. 3164. A bill to prohibit discrimination in employment in the District of Columbia because of race, religion, color, national origin, or ancestry; to the Committee on the District of Columbia.

S. 3165. A bill to create a Commission on Equal Job Opportunity Under Government Contracts; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above bills, which appear under a separate heading.)

By Mr. HUMPHREY (for himself and Mr. MCCARTHY):

S. 3166. A bill to transfer the administration of the direct commodity distribution program, under which agricultural food products are made available to the needy in charitable institutions and family units, from the Department of Agriculture to the Department of Health, Education, and Welfare, and to establish a food stamp plan to be administered in industrial surplus labor areas and low-income rural areas, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. KEFAUVER:

S. 3167. A bill to amend the Commodity Credit Corporation Charter Act, as amended, in order to prohibit export subsidy payments on certain products; to the Committee on Agriculture and Forestry.

(See remarks of Mr. KEFAUVER when he introduced the above bill, which appear under a separate heading.)

By Mr. EASTLAND:

S. 3168. A bill for the relief of Constantinos Georgiou Stavropoulos;

S. 3169. A bill for the relief of Edward C. Tonsmeire, Jr.; and

S. 3170. A bill for the relief of Sam Doolittle; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. MONRONEY, Mr. SMATHERS, Mr. PASTORE, Mr. CHURCH, and Mr. KEFAUVER):

S. 3171. A bill to provide for the use of television broadcasting stations by candidates for the office of President of the United States; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON of South Carolina (by request):

S. 3172. A bill to broaden the scope of the postal fraud statutes to cover enterprises operating under false pretenses, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY:

S. 3173. A bill to establish an Arms Control Research Institute; to the Committee on Foreign Relations.

By Mr. CHURCH (for himself and Mr. DWORSHAK):

S. 3174. A bill to authorize civil actions for the review of administrative determinations as to the use of lands of the United States for grazing purposes to be instituted in judicial districts in which such lands are situated, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

By Mr. CAPEHART (by request):

S. 3175. A bill to amend section 404 of the National Housing Act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. KEFAUVER:

S. 3176. A bill for the relief of James S. Cornett; to the Committee on the Judiciary.

AMENDMENT OF BANKING ACT OF 1953, RELATING TO ELIMINATION OF STATE-CONTROLLED BANKS FROM CERTAIN STATUTORY LIMITATIONS

Mr. FREAR. Mr. President, I introduce, for appropriate reference, a bill which would amend section 31 of the Banking Act of 1933, so as to eliminate State-controlled banks from the statutory limitations on the numbers of directors of a State bank which belongs to the Federal Reserve System.

A majority of the stock of the Farmers Bank of Delaware is owned by the State of Delaware, and the State of Delaware uses this bank for its financial activities. The law of Delaware requires that the Farmers Bank of Delaware have 27 members—9 from each of the 3 counties of the State.

The Banking Act of 1933, as amended, now requires that a State member bank have at least 5 and not more than 25 directors. This provision prevents the Farmers Bank of Delaware from becoming a member bank in the Federal Reserve System.

The reason for putting a ceiling of 25 on the number of directors of a State bank, I understand, is to prevent these boards of directors from becoming so large as to be unwieldy, turning the directors' meetings into conventions and making it necessary to carry almost all business through smaller committees which are not fully representative. I agree with this policy as a general rule, though obviously whether the dividing line is drawn at 24, 25, 26, or 27 is not an easy choice.

I should not recommend any change in this provision of the Banking Act of 1933 if it were not that the Farmers Bank of Delaware is required by State law to have 27 members for a valid reason—to represent the various parts of the State.

At the same time I think the Farmers Bank of Delaware should not be denied the benefits of the Federal Reserve System.

The same change was made by the Senate Banking and Currency Committee in reporting out the Financial Institutions Act of 1957, as section 23(e) of that bill. This paragraph is referred to at page 38 of Senate Report No. 121, 85th Congress, 1st session, this being the report on S. 1451. Comments on this provision appear in the committee print of the House Banking and Currency Committee, dated March 7, 1958, entitled "Substantive Changes in Law Incorporated in Financial Institutions Act." Page 49 of this House committee print sets forth the background of this amendment.

I have a letter from the Chairman of the Board of Governors of the Federal Reserve System which states that the Board would not favor an increase in the number of members of boards of directors generally, but that the Board would have no objection to an exception from these limitations from banks the majority of whose stock is owned by a State.

The PRESIDING OFFICER (Mr. BUSH in the chair). The bill will be received and appropriately referred.

The bill (S. 3158) to exempt State controlled banks belonging to the Federal Reserve System from the statutory limits on the number of their directors, introduced by Mr. FREAR, was received, read twice by its title, and referred to the Committee on Banking and Currency.

U.S. TRAVEL COMMISSION AND OFFICE OF INTERNATIONAL TRAVEL

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a bill to establish a U.S. Travel Commission and a U.S. Office of International Travel. This bill has the support of a substantial segment of the travel industry and should be a revenue producer for the Federal Government as well as for American business firms. Many States as well as many foreign governments maintain tourist and information offices for this specific purpose of stimulating trade and travel. At least 32 foreign governments maintain travel offices in the United States, and they spend many millions of dollars here in advertising, production, and the dissemination of materials as well as other efforts to promote travel.

The Sunday supplements of our major newspapers provide some indication of the way foreign governments seek to attract the American tourist. Those countries which have achieved results in increasing the flow of American visitors have found that the only practical method of intensive promotion is to provide government assistance through their official travel offices with a program designed to attract visitors.

The bill which I am introducing recognizes the efforts currently being made by the travel industry to help international travel. It also recognizes the interest of other American businesses such as hotels, restaurants, and others who are favorably affected by the increase of travel.

U.S. salesmanship has often been regarded as one of this Nation's greatest natural resources but the fact remains, ironically enough, that we have been woefully lax in "selling" the United

States of America to the foreign tourist. Only about one foreign visitor comes to the United States yearly for every three Americans who vacation outside the country. The great scenic beauty and the manmade grandeur of our great cities gives the United States as much if not more potential tourist appeal than any other nation on earth, but the lack of any central organization for our travel effort along with our sometimes unnecessarily burdensome travel regulations have made the United States second or third choice too often on a foreigner's vacation list. We should be attracting at least twice as many foreign visitors as we are getting now.

The time was never better to try to close this "tourist gap" and with Visit U.S.A. Year in 1960 to trigger our drive, the United States could mount a major campaign to mark the United States of America as the most fabulous tourist attraction in the free world. The focal point for such an operation properly should be a full-fledged, official U.S. Travel Commission and International Travel Office, adequately staffed and supported. It could spearhead this campaign with an initial goal of bringing over a million foreign tourists to the United States annually—twice the present number—visitors who might easily spend as much as $1.7 billion by present standards. The additional spending represents nearly one-fourth of the worrisome balance of payments experienced in 1959. Increased foreign tourism is one of the most obvious, most desirable methods of improving our balance of payments picture.

The foreign policy of the United States is greatly strengthened by visits from and to our shores which permit and encourage the interchange of ideas, enrich mutual understanding of each other's cultures, and stimulate foreign trade and the domestic economy.

Since 1958, Australia, the United Kingdom—and at least seven other members of the sterling bloc—the Netherlands and Denmark have virtually done away with limitations on the amount of money their nationals could use for travel abroad, while Sweden, France, Austria, Israel, and Spain have loosened their restrictions. A U.S. Travel Commission could help the U.S. travel industry exploit this marvelous opportunity to attract thousands of visitors from these lands. They already accounted for between one-third and one-half of the 473,000 foreign visitors who came to the United States in 1958. West Germany, Belgium, and Switzerland did not have any currency restrictions, nor do the South American countries.

Today, the United States is the only major power which does not have a government travel office, while foreign nations either directly or through U.S. agencies spend about $10 million annually to exploit their tourist attractions—indeed, $2 million of that amount is spent by the tiny island of Nassau alone. The U.S. Government spends exactly nothing.

Under the bill I am introducing today, a U.S. Travel Commission and Travel Office would promote international travel to the United States of America, develop international travel for purposes of study, culture, sport, and exploration, make recommendations regarding official regulations and procedures affecting the travel flow to and from the United States, and participate in promotional programs in foreign countries. A basis for adequately financing such an operation could be found in allotting annually an amount equal to 1 percent of the total sum which the Secretary of Commerce estimates foreign visitors spend in the United States during the previous fiscal year—that would give the Commission and Travel Office a budget of about $10 million next year, the equivalent of what many foreign governments are spending here to attract U.S. tourists abroad.

Under the legislation, a U.S. Travel Commission would be composed of 19 members, including the Secretaries of State, Commerce, Treasury, Interior, Labor, the Attorney General, and the assistant to the President. In addition, the President would appoint 2 individuals representing the public and 10 persons, each of whom would represent one of the following: Airlines, steamship lines, railroads, buslines, motoring associations, travel agencies, State or muncipal travel organizations, travel publications, car rental services, and hotels.

A U.S. Office of International Travel would be created to act as the Commission's executive arm with principal offices in Washington, D.C., under a Director to be appointed by the President, and included in the staff would be regional directors, one for the Western Hemisphere, one for Europe and Africa, and one for the Mideast, Asia, and the Pacific.

Reciprocal trade for many years has been an established part of U.S. foreign policy. Now the stage is set during Visit U.S.A. Year for reciprocal tourism.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3162) to establish a U.S. Travel Commission and a U.S. Office of International Travel, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Foreign Relations.

PROPOSED LEGISLATION RELATING TO EQUALITY OF OPPORTUNITY IN EMPLOYMENT

Mr. HUMPHREY. Mr. President, I introduce, for reference to the appropriate committees, two bills designed to bring about greater equality of opportunity in employment.

The first of my two bills would prohibit discrimination in employment in the District of Columbia because of race, religion, color, or national origin. The second bill would establish a Commission on Equal Job Opportunity Under Government Contracts to implement the nondiscrimination clause contained in Government contracts.

Throughout my service in public office I have maintained that the government—at the local, State, and Federal levels—has an obligation to see to it that no qualified worker is denied job opportunities because of the color of his skin, or his national origin, or his religion.

I am proud of the fact that as mayor of Minneapolis I was successful in having enacted into law the first fair employment practices ordinance of any major city in the country. And I am pleased to be able to say that the two other major cities in Minnesota, St. Paul and Duluth, have also enacted FEP ordinances. We in Minnesota also take pride in the fact that Gov. Orville Freeman was successful in having enacted in 1955 a State Fair Employment Practices Commission Act.

Similar progress has been taking place in other cities and States. To date some 42 cities and 16 States have enacted FEP laws. But this progress should serve as no excuse for Congress refusing to act. Literally millions of men and women are still denied employment opportunities due to discriminatory practices. Millions of our fellow Americans are still treated as second-class citizens.

Because I have always felt so strongly that discriminatory hiring practices were a blot on our Nation's conscience, I have throughout my Senate career advocated a Federal FEPC law. As a matter of fact, even before my election to the Senate, I appeared before a subcommittee of the Senate Labor and Public Welfare Committee in 1947 to urge enactment of such a law.

In the intervening years my convictions on this subject have become strengthened from my service on the Committee on Foreign Relations. I know only too well how our reputation with other nations—especially those nations made up of colored people—suffers by our denial of equal rights to our fellow Negro Americans.

Ten years ago the Senate was engaged in another extended debate over civil rights. At that time the issue was an FEPC bill. During the course of that debate, I said:

> Two-thirds of the people in the world are colored. So long as men and women and children of color are discriminated against in the United States, so long as they are denied equal opportunities, the colored people of the world have a right to suspect our professed friendship for them and to look upon our international efforts for world understanding and democracy with suspicion.

These words have even greater meaning today than they did 10 years ago. It is later than we think. The colored people of the world are coming to the realization that they are entitled as a matter of right to be treated as equals and to share in the God-given bounty of this world. They will no longer accept an inferior status to that of the white man.

And if we here in America do not by our actions demonstrate that we share their belief in human equality we are simply plotting our own demise.

In every Congress since I have been here I have introduced an FEPC bill. I have done so again in this Congress, S. 1999. I shall continue to offer such bills as long as I am privileged to be a Member of the Senate; until we succeed in gaining passage.

I am aware of the fact that at the present time the chances of passing a

nationwide FEPC bill are not promising. It has been argued by some that this is a matter which should be decided upon at the local and State level. This bill which I am introducing today would do just that as the Congress in prohibiting discriminatory employment practices would be acting in its capacity as the city council of the District of Columbia.

If any city in the United States should stand out as a model of democratic practices it is the District of Columbia, the Nation's Capital, on which are focused the eyes of the entire world. When discrimination is practiced here in Washington, whether it be in housing, employment or in public accommodations, it is a matter of concern to all Americans for this news spreads to the fartherest corners of the globe.

Our ringing declarations about democracy and freedom ring a little hollow to other nations when they hear of discrimination being practiced right in the Nation's Capital itself.

If the Congress is not prepared to accept an FEPC bill which would apply throughout the United States, I urge that it at least take the immediate step of ending discrimination in employment here in Washington in our role as the city council.

My bill would apply to private employers, to labor unions, and to the District of Columbia government itself. It would be enforced by a Commission made up of seven members appointed by the President by and with the advice and consent of the Senate.

The second bill which I am introducing would create a Commission to be known as the Commission on Equal Job Opportunity Under Government Contracts. This bill is in accord with the unanimous recommendations of the President's Committee on Government Contracts, and is similar to the amendment offered by the Senator from Illinois [Mr. DIRKSEN] to H.R. 8315. I ask unanimous consent that the committee's recommendations be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. HUMPHREY. Mr. President, as my colleagues know, in December of 1951, President Truman issued an Executive order to create a Committee on Government Contract Compliance to improve the means of obtaining compliance with the nondiscrimination clauses which are required in Federal contracts. In 1953, President Eisenhower issued an Executive order creating the present Committee on Government Contracts.

The Committee members are of the opinion that implementation of the nondiscrimination policy would be materially advanced if the Committee has the added stature of legislative endorsement.

While it is my judgment, and one that is shared by many people who are interested in advancing equality of employment opportunities, that the Committee on Government Contracts could have done a great deal more than it has over the past 6 years, I am still willing to accept its recommendation for statutory recognition. If the Congress grants recognition to the Committee, it might very well strengthen the Committee's backbone so that it will finally begin to do the job it was set up to do over 6 years ago. It is my understanding that no contract has ever been denied or canceled because a contracting firm failed to adhere to the nondiscrimination contract requirement. This, I submit, is a rather startling situation which deserves the attention of the Congress.

I was encouraged and heartened to read this past Monday that the Justice Department is now prepared to bring suits against certain building contractors which have Government contracts if they do not agree to hire qualified Negroes. The report in yesterday's paper that these contractors will hire Negroes is welcomed news. I am informed that this is the first time that the Government has indicated it will take legal action to actually enforce the nondiscrimination clauses. Although this action of the Government is long overdue, it is nevertheless welcome.

I know that some of my colleagues question the operations of the Committee on Government Contracts because of its nondistinguished record in more than 6 years of existence. The sudden flurry of activity, at least in the field of publicity, on the part of the Committee, coming as it does in a presidential election year, does give the skeptics a talking point.

While I must say that I, too, believe that the committee has not demonstrated a determination to really carry out the nondiscrimination contract requirements, I am pleased that the committee is now showing signs of life—even if it is a presidential election year. I have always tried to avoid judging other persons' motives and I shall not attempt to do so in this case either. What we should judge is the Committee's record. That the Committee is beginning to move ahead is a good sign. Anything we can do to spur it on to greater action is all for the good. That is why I offer this bill today and urge that the Senate, when it gets down to voting on civil rights, include this provision in the final bill.

In conclusion, Mr. President, I send to the desk for presentation to the Senate, and reading under the rules, an amendment to the amendment in the nature of a substitute proposed by the Senator from Illinois [Mr. DIRKSEN] to the bill, H.R. 8315.

The legislative clerk read as follows:

On page 1, line 1, insert the following: "Title I".

At the end of the amendment insert the following:

"TITLE II

"Short title

"SEC. 201. This title may be cited as the 'District of Columbia Equality of Opportunity in Employment Act'.

"Findings and declarations of policy

"SEC. 202 (a) The Congress finds that—

"(1) the practice of discrimination in employment against properly qualified persons because of their race, religion, color, national origin, or ancestry is contrary to the American principles of liberty and equality of opportunity and menaces the institutions and foundations of democracy, and

"(2) such discriminatory practices as take place in the District of Columbia, the seat of the United States Government and subject to the legislative control of the Congress, are a matter of concern to the entire country.

"(b) The Congress declares that the succeeding provisions of this title are necessary for the following purposes:

"(1) To insure that employment opportunities in the District of Columbia will not be denied on the basis of a person's race, religion, color, national origin, or ancestry.

"(2) To assist the District of Columbia in more perfectly reflecting the political and moral ideals upon which our Federal Government was founded.

"(3) To advance toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof to promote 'universal respect for, and observance of, human rights and fundamental freedom for all without distinction as to race, sex, language, or religion.'

"Definitions

"SEC. 203. As used in this title—

"(a) The term 'person' includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons, and any agency or instrumentality of the District of Columbia.

"(b) The term 'employer' means a person having in his employ ten or more individuals; any agency or instrumentality of the District of Columbia; and any person acting in the interest of an employer, directly or indirectly; but shall not include any religious, charitable, fraternal, social, educational, or sectarian corporation or association, if no part of the net earnings inures to the benefit of any private shareholder or individual, other than a labor organization.

"(c) The term 'employment agency' means any person undertaking with or without compensation to procure employees or opportunities to work for an employer; but shall not include any religious, charitable, fraternal, social, educational, or sectarian corporation or association, if no part of the net earnings inures to the benefit of any private shareholder or individual.

"(d) The term 'labor organization' means any organization, having ten or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

"(e) The term 'Commission' means the District of Columbia Equality of Opportunity in Employment Commission, created by section 206 hereof.

"Exemption

"SEC. 204. This title shall not apply to any employer with respect to the employment of individuals outside the District of Columbia.

"Unlawful employment practices defined

"SEC. 205. (a) It shall be an unlawful employment practice in the District of Columbia for an employer—

"(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, religion, color, national origin, or ancestry; or

"(2) to utilize in the hiring or recruitment of individuals for employment any

employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, religion, color, national origin, or ancestry.

"(b) It shall be an unlawful employment practice in the District of Columbia for an employment agency to fail or refuse to properly classify or refer for employment, or otherwise to discriminate against any individual because of his race, color, religion, national origin, or ancestry.

"(c) It shall be an unlawful employment practice in the District of Columbia for a labor organization—

"(1) to exclude or to expel from its membership, or otherwise to discriminate against any individual or any employer because of the race, color, religion, national origin, or ancestry of any individual; or

"(2) to cause or attempt to force an employer to discriminate against an individual in violation of this section.

"(d) It shall be an unlawful employment practice in the District of Columbia for any employer, employment agency, or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this title.

"The District of Columbia equality of opportunity in employment commission

"SEC. 206. (a) There is hereby created as an independent agency of the Government of the District of Columbia a Commission to be known as the District of Columbia Equality of Opportunity in Employment Commission, which shall be composed of seven members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years, but their successors shall be appointed for terms of seven years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office but for no other cause.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noted.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the case it has heard; the decisions it has rendered; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

"(e) Each member of the Commission shall receive a salary of $15,000 a year.

"(f) The Commission shall have power—

"(1) to appoint such officers, agents, and employees, as it deems necessary to assist it in the performance of its functions, and to fix their compensation in accordance with the Classification Act of 1949, as amended; attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court;

"(2) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or any order issued thereunder;

"(3) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or other remedial action; and

"(4) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to interested governmental and nongovernmental agencies.

"Prevention of unlawful employment practices

"SEC. 207. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 205.

"This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise: *Provided,* That an agreement between or among an employer or employers and a labor organization or labor organizations pertaining to discrimination in employment shall be enforcible in accordance with applicable law, but nothing contained therein shall be construed or permitted to foreclose the jurisdiction over any practice or occurrence granted the Commission by this title.

"(b) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the title has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion.

"(c) If the Commission fails to effect the elimination of such unlawful practice and to obtain voluntary compliance with this title, or in advance thereof if circumstances warrant, the Commission shall have power to issue and cause to be served upon any person charged with the Commission of an unlawful employment practice (hereinafter called the 'respondent') a complaint stating the charges in that respect together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such complaint. No complaint shall issue based upon any unlawful employment practice occurring more than one year prior to the filing of the charge with the Commission and the service of a copy thereof upon the respondent, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the period of military service shall not be included in computing the one-year period.

"(d) The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

"(e) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer.

"(f) All testimony shall be taken under oath.

"(g) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof.

"(h) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision and copies thereof shall be served upon the parties. The Commission, or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

"(i) With the approval of the member or designated agency conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

"(j) If, upon the preponderance of the evidence, including all the testimony taken, the Commission shall find that the respondent engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order requiring such person to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the discrimination), as will effectuate the policies of this title: *Provided,* That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which it has complied with the order. If the Commission shall find that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order dismissing the complaint.

"(k) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

"(l) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, 8, and 11 of the Administrative Procedure Act.

"Judicial review

"SEC. 208. (a) The Commission shall have power to petition the United States Court of Appeals for the District of Columbia or, if such court is in vacation, the United States District Court for the District of Columbia, for the enforcement of a final order of the Commission and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

"(b) Upon such filing the court shall cause notice thereof to be served upon such

respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

"(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

"(d) The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

"(e) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

"(f) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

"(g) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the United States Court of Appeals for the District of Columbia if application was made to the United States District Court for the District of Columbia, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

"(h) Any person aggrieved by a final order of the Commission may obtain a review of such order in the United States Court of Appeals for the District of Columbia, by filing such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsections (a), (b), (c), (d), (e), and (f), and shall have the same exclusive jurisdiction to grant to the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

"(i) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

"(j) The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

"(k) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Commission, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C., title 29, sections 101–115).

"(l) Petitions filed under this title shall be heard expeditiously.

"Investigatory powers

"SEC. 209. (a) The Commission, or any member thereof, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

"(b) In case of contumacy or refusal to obey a subpena issued to any person under this title, the United States District Court for the District of Columbia, upon application by the Commission, shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

"(c) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

"(d) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

"(e) Complaints, orders, and other process and papers of the Commission, its member, agent, or agency, may be served either personally or by registered or certified mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered or certified and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(f) All process of any court to which application may be made under this title may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

"(g) The several departments and agencies of the government of the District of Columbia, when directed by the Commissioners of the District of Columbia, shall furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

"Enforcement of orders directed to District of Columbia agencies and contractors

"SEC. 210. (a) The Commissioners of the District of Columbia are authorized to take such action as may be necessary (1) to conform fair employment practices within the Government of the District of Columbia, with the policies of this title, and (2) to provide that any employee of the Government of the District of Columbia aggrieved by any employment practice of his employer must exhaust the administrative remedies prescribed by regulations issued by them governing fair employment practices within the Government of the District of Columbia prior to seeking relief under the provisions of this title. The provision of section 208 shall not apply with respect to an order of the Commission under section 207 directed to any agency or instrumentality of the Government of the District of Columbia, or any officer or employee thereof. The Commission may request the Commissioners to take such action as they deem appropriate to obtain compliance with such orders.

"(b) The Commissioners of the District of Columbia shall have power to provide for the establishment of rules and regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the Government of the District of Columbia which contract requires the employment of at least ten individuals. Such rules and regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

"Notices to be posted

"SEC. 211. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts of this title and such other relevant information which the Commission deems appropriate to effectuate the purposes of the title.

"(b) A willful violation of this section shall be punishable by a fine of not less than $100 or more than $500 for each separate offense.

"Veterans' preference

"SEC. 212. Nothing contained in this title shall be construed to repeal or modify any law of the District of Columbia, or any law of the United States, creating special rights or preference for veterans.

"Rules and regulations

"SEC. 213. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

"(b) If at any time after the issuance of any such regulation or any amendment or recission thereof, there is passed a concurrent resolution of the two Houses of the Congress stating in substance that the Congress disapproves such regulation, amendment, or recission, such disapproved regulation, amendment, or rescission shall not be effective after the date of the passage of such concurrent resolution.

"Separability clause

"SEC. 214. If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

"Effective date

"SEC. 215. This title shall become effective sixty days after enactment, except that subsection 207 (c) to (l), inclusive, and section 208 shall become effective six months after enactment."

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

EXHIBIT A

INFORMATION FROM THE PRESIDENT'S COMMITTEE ON GOVERNMENT CONTRACTS

The President's Committee on Government Contracts today urged the Congress to pass as an essential part of a civil rights program a proposal now before it to advance equal job opportunity for workers on Government contracts.

The Committee, composed of representatives of management, labor, the public and government, is established by Executive order to promote equal job opportunity on Government contract work for all qualified persons regardless of their race, religion, color, or national origin. It has sought to do this through education, mediation, and persuasion.

While the Committee's program has been widely accepted by Government agencies, employers and unions, and significant progress has been made, full implementation of the nondiscrimination policy would be materially advanced, the Committee believes, if it had the added stature of legislative endorsement.

The proposal now before the Congress is contained in a bill "To establish a Commission on Equal Job Opportunity Under Government Contracts." A part of the President's civil rights proposals recommended to the Congress last year, the bill was omitted from the civil rights proposals approved by the House Judiciary Committee. Likewise, no action on it has been taken in the Senate.

The Commission which would be established would be charged with the responsibility of insuring that governmental contracting agencies secure compliance with the nondiscrimination provisions of Government contracts.

The Commission would further educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

The Commission would cooperate with State and local governments to assist in advancing equal job opportunity programs.

In calling for the inclusion of this proposal in any civil rights legislation passed by the Congress, the Committee said: "It is unconscionable to think that the Congress would refuse to guarantee by statute the elimination of discrimination on work paid for by tax money. Unless the Government itself sets an example how can we expect to continue to advance toward our national ideal of equal job opportunity for all Americans."

The Committee was unanimous in its action calling for the immediate passage by the Congress of civil rights legislation, including the establishment of a Commission on Equal Job Opportunity Under Government Contracts. Members of the President's Committee on Government Contracts attending today's meeting were: Vice President Richard M. Nixon, Chairman; Secretary of Labor James P. Mitchell, Vice Chairman; Mr. Robert L. Chambers, president, Pacific Foundry Metallurgy Co., San Francisco; Mr. Irving Ferman, Executive Vice Chairman, President's Committee; Mr. George Meany, president, AFL–CIO; Mr. George B. McKibbin, consultant, General Services Administration, Chicago, Ill.; Hon. George T. Moore, Assistant Secretary of Commerce; Mr. James F. Nabrit, Jr., secretary and dean of the School of Law, Howard University; Mrs. Helen Rogers Reed, New York City; Mr. Walter P. Reuther, vice president, AFL–CIO, president; UAW, AFL–CIO; Mr. John A. Roosevelt, partner, Bache & Co., New York City and Judge Lawrence Walsh, Deputy Attorney General.

Alternate members of the Committee attending were: Mr. Victor Reuther, assistant to the president, UAW, AFL–CIO; Mr. Boris Shiskin, director, Civil Rights Department, AFL–CIO; Mr. Myron Silbert, vice president, Federated Department Stores, Cincinnati; and Mr. George L–P Weaver, assistant to the president, IUE, AFL–CIO.

Also attending was: Hon. Franklin G. Floete, Administrator, General Services Administration.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bills, introduced by Mr. HUMPHREY, were received, read twice by their titles, and referred, as indicated:

To the Committee on the District of Columbia:

S. 3164. A bill to prohibit discrimination in employment in the District of Columbia because of race, religion, color, national origin, or ancestry.

To the Committee on Labor and Public Welfare:

S. 3165. A bill to create a Commission on Equal Job Opportunity Under Government Contracts.

FOOD ACT OF 1960

Mr. HUMPHREY. Mr. President, on behalf of myself and my colleague, the junior Senator from Minnesota [Mr. MCCARTHY] I introduce, for appropriate reference, a bill to transform the present surplus commodity distribution program into a true welfare program and to make additional foods available to the unemployed and needy in economically distressed areas of our country.

This proposal would:

First. Transfer the administration of the surplus commodity distribution program from the Secretary of Agriculture to the Secretary of Health, Education, and Welfare.

Second. Authorize Federal assistance to State and local governments in meeting the costs of surplus food distribution, including local storage. The bill directs that a study of current expenditures of local governments on direct distribution programs be made in order to develop a formula to determine the extent of Federal assistance necessary in varying situations.

Third. Authorize and direct the establishment of food stamp plans to supplement the direct commodity distribution program in (a) designated industrial areas where major labor surpluses exist, and (b) designated low-income rural areas.

Mr. President, last year the Congress approved, and the President signed, legislation to permit the Secretary of Agriculture to establish a food stamp program that would make surplus agricultural commodities more readily available to those less fortunate citizens who must depend on welfare programs for assistance. No one was surprised when Secretary of Agriculture Benson told newsmen that he saw no need for such a program, that the Government has adequate machinery for making foods available to the needy, and that anyway a food stamp program was a depression program and since there was no depression in this country, it followed that a food stamp program was unnecessary.

Happily, there is no depression in this country in terms of the depression of the 1930's. However, this fact is not readily apparent to the 4 million unemployed workers and their families. These people are to a great extent concentrated in areas of chronic unemployment where the constant rate of joblessness is about 9 percent of the labor force. These men and women have been out of work for many months. Many of those fortunate enough to have had unemployment compensation benefits have exhausted those benefits and now have nowhere to turn except to welfare agencies.

The Special Committee on Unemployment Problems, of which Senator MCCARTHY is chairman, has conducted extensive hearings in the areas of chronic unemployment. Members of this committee have visited distressed areas in West Virginia, Kentucky, Pennsylvania, northern Minnesota, northern Michigan, Indiana, Illinois, Wyoming, Louisiana, Oregon, New York, and Massachusetts. They have seen the mark of hunger on the faces of the idled workers, and on the faces of the workers' wives and children. Very soon, I understand, the findings of the Special Committee on Unemployment Problems will be reported to the Senate, together with recommended solutions.

Much of the testimony presented to the committee revealed the extent of hardship and real hunger existing, hardship and real hunger which could be and should be alleviated now.

West Virginia, as our distinguished colleagues from that State, Mr. RANDOLPH and Mr. BYRD, have pointed out on the floor of the Senate in the past, is one of the States with severe unemployment problems. I myself recently visited West Virginia and was shocked to find that in some communities as many as 40 to 50 percent of the work force was jobless. In one county, a survey revealed that of the total number of homes sending children to 11 typical schools, 39 percent had no breadwinner.

Many communities in Pennsylvania are in the same sad case.

In an era of prosperity, at a time when our efficient family farmers are producing an abundance of food and fiber, in a year when many sleepless heads worry only about balancing the budget, such conditions are inexcusable.

A more adequate surplus food distribution program, a food stamp program, an expanded special school milk program, and an expanded hot school lunch program will not solve the desperate problems facing the people in the areas of chronic unemployment. Such programs will, however, ease the pain of hunger, give the children a fighting chance for health, and renew the courage of people who merit the assistance of their Government in finding solutions to their economic problems.

The enactment of the bill introduced today by Senator MCCARTHY and myself would be an evidence of the good faith and firm intentions of the Congress. I

ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3166) to transfer the administration of the direct commodity distribution program, under which agricultural food products are made available to the needy in charitable institutions and family units, from the Department of Agriculture to the Department of Health, Education, and Welfare, and to establish a food stamp plan to be administered in industrial surplus labor areas and low-income rural areas, and for other purposes, introduced by Mr. HUMPHREY (for himself and Mr. MCCARTHY), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Act of 1960".

STATEMENT OF PURPOSES

SEC. 2. It is the purpose of this Act to (1) transfer the domestic program of direct commodity distribution to the needy from the Department of Agriculture to the Department of Health, Education, and Welfare; (2) to provide for the extension and expansion of the direct commodity distribution program by authorizing assistance to State and local governments in administering and handling such programs; and (3) provide for a food stamp plan for the purpose of securing an adequate and proper diet of foods high in nutritional value which are ordinarily consumed in inadequate quantities by the unemployed, the needy, and persons with low income, and others in designated industrial areas of labor surplus and low-income rural areas.

DEFINITION

SEC. 3. As used in this Act—

(a) The term "food commodity" means any food product raised or produced in the United States on farms, including agricultural, horticultural, and dairy products, livestock, poultry, and honey.

(b) The term "direct commodity distribution" means the program for the distribution of food commodities transferred to the Secretary of Health, Education, and Welfare under section 4 of this Act.

(c) The term "food stamp" means a certificate, coupon, or other similar medium of exchange issued to eligible recipients.

(d) The term "State" includes the District of Columbia, Puerto Rico, and the Virgin Islands.

(e) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(f) The term "eligible food store" means an established grocery store, or merchant engaged in the distribution of food at the retail level, located in the community, meeting such requirements of eligibility as may be prescribed by the Secretary.

(g) The term "needy person" means any person so designated by any Federal or State authority approved by the Secretary as a certifying agency: *Provided,* That such term shall include persons so designated who are served by the Bureau of Indian Affairs.

TRANSFER OF DOMESTIC FOOD PROGRAMS TO DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 4. Not later than ninety days after the date of enactment of this Act, the administration of the direct commodity distribution programs under section 416(3) of the Agricultural Act of 1949, as amended, is, except as hereafter provided, hereby transferred to the Secretary of Health, Education, and Welfare, and all functions and activities carried out by the Secretary of Agriculture under such section shall be carried out by the Secretary within the Department of Health, Education, and Welfare. Such transfer shall not apply with respect to the donation of food commodities under such section for use in nonprofit school-lunch programs and in nonprofit summer camps for children.

TRANSFER OF AGRICULTURAL FOOD PRODUCTS

SEC. 5. To facilitate the administration and continuation of such program, upon request by the Secretary of Health, Education, and Welfare, the Secretary of Agriculture and the Commodity Credit Corporation shall make available a maximum quantity of the agricultural food products acquired by the Commodity Credit Corporation. The Secretary shall reimburse the Commodity Credit Corporation for costs incurred by the Corporation in making such commodities available to the Secretary under the provisions of this Act. The Commodity Credit Corporation shall upon request of the Secretary arrange for the processing, packaging, and delivery to designated points of any agricultural food product.

ADMINISTRATIVE ASSISTANCE TO STATES

SEC. 6. The Secretary is authorized to give assistance to State and local governments in meeting the costs of food distribution, including local storage, under the direct commodity distribution program to the needy in charitable institutions and family units. Such assistance shall be made available in accordance with standards developed by the Secretary and used as the basis for securing the appropriation of funds for this purpose. To this end the Secretary shall conduct a study of the current expenditures of local governments on the direct commodity distribution program, the amount necessary to extend and expand the program as directed in this Act, including the addition of other cities and counties in the program, and report to the Congress on a formula for division of the funds requested, such formula to be based on the per capita revenues of the local government from whatever source, and the extent of need as represented by needy persons eligible under such program.

STANDARDS FOR ELIGIBILITY

SEC. 7. (a) The Secretary is authorized and directed to establish minimum and maximum standards of eligibility for participation in the program of food distribution to needy persons. Such minimum and maximum standards shall establish the lower and upper limits in terms of income or other resources which an individual or family may have and be eligible for participation. The failure of a State or local subdivision thereof to adhere to such standards shall constitute a bar to participation in this program: *Provided,* That the right of any State or local subdivision thereof currently participating in this program to continue to do so shall not be denied under any such standards until the appropriate legislative body of such unit of government shall have had reasonable opportunity to adjust standards to those established by the Secretary: *And provided further,* That no State or local government which denies food available under the direct commodity distribution program to needy persons who are ineligible for reasons of lack of legal residence only shall be permitted to participate in such program.

OTHER AID AS RELATED TO STANDARDS

SEC. 8. In establishing minimum standards in the direct commodity distribution program, the Secretary shall deal specifically with recipients of other types of aid under the Social Security and related Acts, as well as the assistance available from State and local governments and shall bear in mind that the receipt of other types of assistance, as such, shall not bar participation. Maximum standards for participation shall, insofar as possible, relate only to income currently available to needy persons on a per capita basis.

FOOD STAMP PLAN TO SUPPLEMENT DIRECT COMMODITY DISTRIBUTION FOR NEEDY FAMILIES IN DESIGNATED AREAS

SEC. 9. The Secretary is further authorized and directed to establish and administer a food stamp plan to supplement the direct commodity distribution program for needy individuals in family units or in charitable institutions in areas—

(1) Designated by the Secretary of Labor as industrial areas in which there has existed substantial and persistent unemployment for an extended period of time. There shall be included among the areas so designated any industrial area in which there has existed unemployment of not less than (A) 12 per centum of the labor force of such area during the twelve-month period immediately preceding the date on which an application for assistance is made under this Act; (B) 9 per centum of such labor force during at least fifteen months of the eighteen-month period immediately preceding such date, or (C) 6 per centum of such labor force during at least eighteen months of the twenty-four-month period immediately preceding such date. Any industrial area in which there has existed unemployment of not less than 15 per centum of the labor force during the six-month period immediately preceding the date on which application for assistance is made under this Act may be designated as an eligible area if the Secretary of Labor determines that the principal causes of such unemployment are not temporary in nature.

(2) Designated by the Secretary of Agriculture as predominantly rural areas where the net income and standard of living of farm families or rural nonfarm families are substantially below the average of other rural counties.

PROGRAM REGULATIONS

SEC. 10. The Secretary shall issue regulations with respect to the operation of the food stamp program authorized by this Act. Such regulations shall include the express requirements of this Act; the responsibilities to be assumed by, and the other conditions to be met by, State agencies; and such other rules as the Secretary deems necessary to accomplish the purposes of this Act.

ELIGIBLE HOUSEHOLDS

SEC. 11. (a) Households eligible to participate in the food stamp program shall be those determined by the Secretary to be in economic need of food assistance.

(b) The Secretary shall include in the regulations issued pursuant to this Act the broad categories of households determined to be in economic need of food assistance and the basic procedures to be followed by State agencies in the certification of eligible households.

ISSUANCE AND USE OF FOOD STAMPS

SEC. 12. (a) The Secretary shall arrange for the issuance of food stamps to State agencies and for the payment for such stamps by such State agencies. The cost of the food stamps issued to any State agency shall be an amount equal to the price charged eligible households for such stamps.

(b) The food stamps issued to any State agency shall be distributed only to households in the designated areas which have been certified by the State agency as eligible to participate in the food stamp program.

(c) The food stamps issued to any eligible household shall be used only to purchase food in mercantile establishments selling food at retail which have been approved by the State agency to accept food stamps under the regulations issued pursuant to this Act.

VALUE AND COST OF FOOD STAMPS TO BE ISSUED

SEC. 13. (a) The face value of food stamps to be issued to any eligible household shall be in such amount as is designed to provide increased food purchases and improved diets in such household. The Secretary shall take such measures as he deems practicable and feasible to encourage the purchase of foods designated by the Secretary of Agriculture as being in abundant supply by households receiving food stamps.

(b) Eligible households shall be charged by the State agency for such part of the face value of the food stamps issued to them as the Secretary determines will provide reasonable assurances that the normal food expenditures of eligible households will be continued under the food stamp program.

AGREEMENTS WITH MERCANTILE ESTABLISHMENTS

SEC. 14. Any mercantile establishment selling food at retail which desires to accept food stamps under the food stamp program shall enter into an agreement with the State agency. The minimum provisions to be included in any such agreement shall be included by the Secretary in the regulations issued pursuant to this Act.

REDEMPTION OF FOOD STAMPS

SEC. 15. (a) The Secretary shall provide a procedure for the face value redemption of food stamps accepted by approved mercantile establishments. Such procedure may include the use of, the advance of funds to, and the payment for services rendered by banking institutions. Payments for such services may be made without regard to the provisions of existing laws governing the expenditure of public funds.

ADMINISTRATION AND ENFORCEMENT

SEC. 16. (a) State agencies may utilize the services of welfare or public assistance agencies of local units of government and each State agency shall submit, for the approval of the Secretary, a plan of operation describing the methods and agencies it will use to carry out the responsibilities and functions assigned to it under the regulations issued pursuant to this Act.

(b) State agencies shall keep, or cause to be kept, such accounts and records as the Secretary deems necessary to determine whether the provisions of this Act, or the regulations issued pursuant thereto, are being complied with. Such accounts and records shall be available at all times for inspection and audit by the Secretary and shall be preserved for such a period of time, not in excess of three years, as the Secretary determines is necessary.

(c) The Secretary shall provide in the regulations issued pursuant to this Act for the suspension from participation in the food stamp program any State or political subdivision thereof, any participating household, or any registered mercantile establishment found to have violated any provision of this Act or the regulations issued pursuant thereto.

(d) The Secretary shall have the power to determine, adjust, compromise, or reduce any claim or claims arising under this Act and such action shall be final and shall not be reviewable by any other officer or agency of the Government.

CRIMINAL PROVISIONS

SEC. 17. (a) Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, any food stamp for the purpose of obtaining or receiving, or of enabling any other person to obtain or receive, directly or indirectly, from the United States or any of its officers or agents, any money or other thing of value, and whoever shall transfer or utter as true, or cause to be transferred or uttered as true, any false, forged, altered, or counterfeited food stamp with intent to defraud the United States, any State agency, or any mercantile establishment or person, shall upon conviction thereof, be fined not more than $5,000 or imprisoned not more than ten years, or both.

(b) Any person not being so authorized by this Act or the regulations issued pursuant thereto, who shall have food stamps in his possession or under his control, or any person who shall use, transfer, or acquire food stamps in any manner not authorized by this Act, or the regulations issued pursuant thereto, or who shall buy, sell, or exchange food stamps without being authorized to do so by this Act or regulations issued pursuant thereto shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

MISCELLANEOUS PROVISIONS

SEC. 18. (a) Nothing in this Act shall be construed as intending or justifying the lowering of standards of public assistance.

(b) The value of food stamps provided to any participating household which are in excess of the price paid for such stamps by any participating household shall not be deemed to be income or resources for the purpose of sections 2(a)(7), 402(a)(7), 1002(a)(8), and 1402(a)(8) of the Social Security Act, as amended.

APPROPRIATIONS AND FUNDS

SEC. 19. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act and any part of such appropriation may be transferred to and made a part of the special fund created in subsection (b) of this section.

(b) The sums collected pursuant to section 5 of this Act for the issuance to State agencies of food stamps shall be deposited into the Treasury of the United States as a special fund without fiscal year limitation to be available for the redemption of such stamps.

EFFECT ON OTHER ASSISTANCE PROGRAMS

SEC. 20. Any benefits received under this Act shall not be deemed to be income or resources for the purposes of any provisions of the Social Security Act, nor shall such benefits be used to justify any decrease of cash or other benefits paid to any individual by any State or local subdivision thereof.

AMENDMENT OF COMMODITY CREDIT CORPORATION CHARTER ACT, AS AMENDED, TO PROHIBIT EXPORT SUBSIDY PAYMENTS ON CERTAIN PRODUCTS

Mr. KEFAUVER. Mr. President, I introduce, for appropriate reference, a bill to amend the Commodity Credit Corporation Charter Act, as amended, in order to prohibit export subsidy payments on certain products.

The Commodity Credit Corporation was created in order to stabilize, support, and protect farm income and prices to producers, assist in the maintenance of balanced and adequate supplies of agricultural commodities, and facilitate the orderly distribution of these commodities. In pursuit of these aims it has been necessary to subsidize American producers of agricultural commodities so that they can successfully compete with low-cost foreign producers. This subsidization has been generally accepted as being in the public interest.

Recently, however, I have learned that strange twists are possible under provisions of the Corporation's charter. Last January, there was a sale of Army surplus at the Schenectady Government Depot in New York State. A manufacturer of canvas products attended this sale, intending to bid on surplus tents and tent liners which his company would rework and then sell on the domestic market. This gentlemen and others were consistently outbid by canvas exporters attending the sale because the exporters are able to recover from the Commodity Credit Corporation a substantial portion of their bids. Why a corporation intended to support prices to agricultural producers should subsidize exporters of Army surplus is a question I find impossible to answer. It is the purpose of my bill to prohibit export subsidy payments on goods that have been declared Government surplus. Such payments are, I am convinced, not at all consonant with the intent of the Commodity Credit Corporation Charter Act and should be prohibited.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3167) to amend the Commodity Credit Corporation Charter Act, as amended, in order to prohibit export subsidy payments on certain products, introduced by Mr. KEFAUVER, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

CIVIL ACTIONS FOR REVIEW OF ADMINISTRATIVE DETERMINATIONS AS TO USE OF CERTAIN LANDS FOR GRAZING PURPOSES

Mr. CHURCH. Mr. President, on behalf of myself and my colleague, the senior Senator from Idaho [Mr. DWORSHAK], I introduce for appropriate reference a bill to authorize civil actions for the review of administrative determinations involving grazing rights to be instituted in judicial districts in which such lands are situated.

This bill, if enacted, would accomplish a reform which is much needed. Under the provisions of the Taylor Grazing Act, livestock operators in the West apply for and are granted permits to use the public lands for grazing. The grazing fees they pay are based upon the number of animals grazed, and the number of months the range is used.

To promote stability, and to do away with the roving operators who made range management so difficult in the early decades of this century, the Taylor Act set up an adjudicative, quasi-judicial procedure. It made eligibility for these permits dependent upon a system of commensurability of base private property, that is, it made the development by the applicant of hay and private forage to carry his cattle operation in the months when the Federal range should not be used a condition prerequisite to eligibility for a grazing permit, and set up a system of priorities.

A system of advisory boards, local, State, and National, was set up, and later the Administrative Procedures Act was made applicable.

As an element of administrative due process, appeals lie to the courts, usually in the form of petitions for the review of a final and adverse determination of the Secretary of Interior.

Venue for such actions lies in the District of Columbia, where that officer maintains his official abode.

This bill would change this requirement, as to determinations involving grazing licenses, privileges, or permits, and make it possible to bring the action, which otherwise could be brought only in the District of Columbia, in the district where the grazing lands involved are situated.

This is eminently sensible. The Secretary makes his determination based upon a record, and is himself almost never a witness. The witnesses are his agents and employees, and in 95 percent of the cases these witnesses are at the site—the district grazier, the State bureau of land management manager, and similar officers.

The appellant is the cattle or sheep operator. To require him to come to Washington to prosecute his appeal in the crowded courts of the District of Columbia is to effectively deny him his right of appeal.

Mr. President, on January 29, the Public Lands Subcommittee of the Senate Interior Committee held a hearing on grazing problems at Twin Falls, Idaho. Witness after witness demanded this reform. The Idaho Cattlemen's Association, the Idaho Woolgrowers, and the national organization of each group have demanded it.

Simple justice requires it.

I hope that this bill may receive prompt and favorable attention.

Mr. President, I ask unanimous consent that this bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3174) to authorize civil actions for the review of administrative determinations as to the use of lands of the United States for grazing purposes to be instituted in judicial districts in which such lands are situated, and for other purposes, introduced by Mr. CHURCH (for himself and Mr. DWORSHAK), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1402 of title 28 of the United States Code is amended by adding to the end thereof the following new subsection:

"(c) Any civil action for the review of a determination made by an officer of the United States with respect to grazing permits, privileges or licenses on any part of the public domain of the United States may be brought in the district court of the United States for the judicial district in which such land is situated, or if such land is situated in more than one such district, in any such district."

SEC. 2. (a) Chapter 113 of title 28 of the United States Code is amended by adding to the end thereof the following new section:

"1696. Action for review of certain administrative determinations.

"In any action instituted in conformity with section 1402 (c) of this title against any officer of the United States in the district court for any judicial district other than the one in which the office of the defendant officer is situated, any process may be served upon that officer by delivering a copy thereof to the United States attorney for the judicial district in which the action is instituted, and such attorney shall promptly notify the defendant officer of the action so taken."

(b) The analysis of that chapter is amended by adding at the end thereof the following new item:

"1696. Action for review of certain administrative determinations."

SEC. 3. The amendments made by this Act—

(a) shall take effect on the first day of the third month beginning after the date of enactment of this Act; but

(b) shall have no application to any action instituted before that day.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS AMENDMENTS

Mr. HUMPHREY submitted an amendment, intended to be proposed by him, to the amendment of Mr. DIRKSEN to the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri, which was ordered to lie on the table and to be printed.

Mr. COOPER submitted amendments, intended to be proposed by him to House bill 8315, supra, which were ordered to lie on the table and be printed.

TREATY OF MUTUAL COOPERATION AND SECURITY WITH JAPAN—REMOVAL OF INJUNCTION OF SECRECY

Mr. JOHNSON of Texas. Mr. President, the President of the United States today transmitted to the Senate Executive E, 86th Congress, 2d session, a Treaty of Mutual Cooperation and Security between the United States of America and Japan, signed at Washington on January 19, 1960. I ask unanimous consent that the injunction of secrecy be removed from the treaty, and that the treaty and message from the President be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington on January 19, 1960.

I transmit also, for the information of the Senate, one copy each of the following documents: agreed minutes and three exchanges of notes relating to the treaty; agreement under article VI of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, regarding facilities and areas and the status of U.S. Armed Forces in Japan; and agreed minutes and an exchange of notes relating to the agreement. All of the above-mentioned documents were signed or, in the case of the minutes, initialed at Washington on January 19, 1960.

The treaty constitutes the foundation for cooperation, a partnership with Japan, based on mutual confidence and sovereign equality, not only in the security field but in the political and economic fields. It reflects the broad area of mutual interest between the United States and Japan. The treaty is entirely defensive in character and intent and represents a threat to no country or people. It is in full conformity with the purposes and principles of the United Nations and reflects the dedication of both parties to strengthen the efforts of the United Nations to maintain international peace and security.

A fuller explanation of the treaty, agreement, and related documents is contained in the report of the Secretary of State, which is transmitted herewith for the information of the Senate.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 10, 1960.*

NOTICE CONCERNING CERTAIN NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

William H. Webster, of Missouri, to be U.S. attorney, eastern district of Missouri, vice Harry Richards, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, March 17, 1960, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 9, 1960, he presented to the President of the United States the following enrolled bills:

S. 2033. An act to amend the mining laws of the United States to provide for the inclusion of certain nonmineral lands in patents to placer claims;

S. 2061. An act to authorize the issuance of prospecting permits for phosphate in lands belonging to the United States;

S. 2268. An act to declare the United States holds title to certain land in trust for the White Mountain Apache Tribe, Arizona;

S. 2431. An act for the striking of medals in commemoration of the 100th anniversary of statehood of the State of Kansas; and

S. 2454. An act for the striking of medals in commemoration of the 100th anniversary of the founding of the pony express.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, and so forth, were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Article by him for Charleston (W. Va.) Gazette, March 9, 1960, entitled "West Virginia—Land of Scenic, Recreational, and Historical Values and Natural Beauty in Close Proximity to Population Centers—Foundation for a Potentially Thriving Tourist Trade."

By Mr. BEALL:

Article entitled "Maryland Speaker Places Third in Capitol Hill Tournament," published in the Diamondback of March 1, 1960; article entitled "New York Senator KEATING Honored at Debate Finals," published in the same newspaper; and address delivered by Senator KEATING on the occasion of the awarding to him of a plaque as Speaker of the Year.

By Mr. HUMPHREY:

Article entitled "The Need for a Department of Science," written by himself and published in the January issue of the Annals of the American Academy of Political and Social Science.

INTERNATIONAL COURT OF JUSTICE—DOMESTIC U.S. JURISDICTION

Mr. HUMPHREY. Mr. President, the Foreign Relations Committee has concluded hearings on Senate Resolution 94 which I introduced last year.

The purpose of this resolution is to revise the words of our accession to the International Court of Justice, so that, while we would continue to stipulate that no matters within our domestic jurisdiction would be submitted to the Court, we would no longer retain the unilateral right to judge for ourselves whether a case involves such matters.

The hearings showed that the President still strongly supports this move. Both the Attorney General and the Secretary of State appeared personally before the committee to argue forcefully for passage of the resolution.

The hearings also showed that the American bar, as represented by the American Bar Association and by leading practitioners and university professors also support the resolution. They took great pains to answer each of the arguments of those who saw danger in the resolution.

I believe the hearings have served to clarify the issues. If any further clarification is needed, I hope the committee will list the points which remain at issue, and will call upon outstanding authorities to discuss them at an early date.

I am hopeful that we will be able to complete our work on this resolution and report it out in time for a vote at this session.

I am told that a letter-writing campaign, inspired by a small but vocal segment of the population in opposition to this resolution has discouraged some Members of the Senate from supporting it.

I sincerely hope that this organized letter-writing campaign does not mislead any of my colleagues into believing that this represents the thinking of the vast majority of the American people.

I am firmly convinced that it does not. The main impetus for this concerted campaign against my resolution is to be found in organizations which still are basically at heart isolationist. They mistrust other countries. They oppose the United Nations. They oppose our foreign policy. It has been demonstrated beyond any shadow of a doubt that such sentiments have the support of only a small segment of the population. Most people realize that to talk of a fortress America, isolated from the rest of mankind, is completely unrealistic, in this modern day world. Yet this is what most of the opponents of this resolution who have led the letterwriting campaign believe in.

When this resolution is examined thoughtfully and dispassionately, I am convinced it will merit the support of the overwhelming majority of the Members of the Senate. I know that my colleagues will consider this proposal in such a manner.

I wish to invite the attention of my colleagues to the favorable response which has been given to my resolution by various newspapers, journals, and organizations. All have expressed concern that the reservation seriously limits the World Court in its effort to promote peace and justice.

Mr. President, I ask unanimous consent that the following editorials and statements be printed in the RECORD: "For the Rule of Law," from the Washington Star, December 2, 1959; "Why Not Use the World Court?" from the New York Times, January 1, 1960; "Are We Really for World Justice?" from the St. Petersburg, Fla., Times, January 30, 1960; "Back to the World Court," from the Washington Post, February 1, 1960; "Leadership and Law," from the Boston, Mass., Evening Globe, February 2, 1960; "World Law Adherent," from the Chicago, Ill., Sun-Times, February 7, 1960; "The World Court," by Walter Lippmann, from the Washington Post, February 11, 1960; "Procrastination on World Court," from the Boston, Mass., Christian Science Monitor, February 12, 1960; "Untying the Court's Hands," from the Wilmington, Del., Journal, February 13, 1960; "The World Court Needs More Freedom," from the Hartford, Conn., Courant, February 13, 1960; "Repeal of Connally Amendment Essential," from the Charleston, W. Va., Gazette, February 16, 1960; "Let's Show Faith in the Rule of Law," from the New York Herald Tribune, February 16, 1960; "World Court Alternative to War," from the Bloomington, Ill., Pantagraph, February 16, 1960; "Self-Judging Amendment," from the Boston, Mass., Herald, February 17, 1960; "On Senate Resolution," from the Hudson Dispatch, February 22, 1960; "Strength for the International Court of Justice," from America; "The World Court and U.S. Jurisdiction," from the American Bar Association Journal, February 1960; "Hensel Urges Senate To Remove Connally Restriction on U.S. Participation in World Court," by the Council for Private International Development, February 11, 1960; Hadassah resolution adopted at midwinter conference, February 1960; Catholic Association for International Peace, "Statement in Support of Repeal of Connally Reservation in the Declaration of Adherence by the United States," February 17, 1960; also two editorials commenting on the house of delegates of the American Bar Association reaffirmation of its support for deletion of the self-judging clause; "Bar Affirms Faith in the World Court," from the New York Herald Tribune, February 25, 1960; and "Buried Isolationists," from the Washington Post, February 27, 1960.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 29, 1960]

WHY NOT USE THE WORLD COURT?

For nearly a decade and a half there has been an International Court of Justice, under United Nations auspices. For many years before World War II began a somewhat similar body, authorized by the League of Nations, and called the Permanent Court of International Justice, also sat in the red brick Peace Palace at The Hague. The trouble with the present court, as with the former, is that no nation has to take a case before it and that the decisions it does render are not enforceable.

The United States complained to the Court in 1952 about a Russian attack on one of our airplanes off the coast of Japan and Russian treatment of a United States air crew forced down in Hungary in 1954. In each case the Russians contended we were at fault and that no court inquiry was necessary. The court then held it had no jurisdiction. A case that kept the court pleasantly occupied last year had to do with 35 acres of land in dispute between the Netherlands and Belgium under agreements of 1839 and 1843.

This country, in line with action taken by some other countries, ratified the Statute of the Court in 1946 with a reservation that we would decide for ourselves whether or not a case was "within the domestic jurisdiction of the United States." Within the last year or two the Eisenhower administration has been concerned with getting this, the so-called Connally amendment, repealed. The President urged repeal a year ago and again this year in his state of the Union message. This week Secretary of State Herter and Attorney General Rogers have appeared before a Senate committee to support Senator Humphrey's repeal resolution. Whatever may be the nervous fears of some of our still surviving isolationists, there really is no great danger that we will have to go to The Hague to explain the segregation situation in Little Rock, defend a tariff on wool or argue the restrictions on immigration.

If we believe in government by law at home, there is no reason why we should not sustain the rule of law throughout the world. We will have plenty of sovereignty left after the 15 elderly gentlemen at The Hague have done all that they possibly could to deal with any complaint that might be brought into Court against our country.

[From the St. Petersburg [Fla.] Times, Jan. 30, 1960]

ARE WE REALLY FOR WORLD JUSTICE?

For a nation which probably pays more lip service to the principle of world peace under law—and whose people genuinely believe in it—the U.S. record of noncooperation in the actuality of international justice is really shameful.

The first World Court was set up under the League of Nations in 1921. Until it was

supplanted by the present International Court of Justice under the U.N. Charter in 1945, we never did join it.

An isolationist Republican minority of the U.S. Senate, headed first by Henry Cabot Lodge (the elder), later by Senator William Borah, always managed to block our participation.

When the new Court was created, we did join. However, a reservation was insisted upon by Senator Tom Connally of Texas, then chairman of the Foreign Relations Committee, which gives us the right to decide whether any dispute is essentially "domestic", and therefore not subject to World Court adjudication.

Even if we exercise this right sparingly, other nations are justified in claiming that we reserve the right to judge our own cause, and the Court is materially weakened as a result.

Last year, Senator HUBERT HUMPHREY introduced a resolution to repeal this reservation—an action which requires a two-thirds vote of the Senate. In his state of the Union message, President Eisenhower urged approval of the resolution.

It wasn't until a few days ago, however, that the administration threw its full weight behind the move.

Senator J. W. FULBRIGHT, of Arkansas, now chairman of Foreign Relations, sent word to the White House that there was some doubt as to whether the administration really favored the move.

As a result, Secretary of State Herter and Attorney General Rogers both appeared before the committee and assured the Senators that the administration indeed did back repeal of the reservation.

That should have been enough to rally strong GOP support. But another doubt has been raised.

Dwindling opposition to the repealer has reduced the ranks to isolationist minorities of such self-styled patriots as the Daughters of the American Revolution. One group, which calls itself the American Coalition of Patriotic Societies, is represented by a New York attorney named George Montgomery, Jr.

And Mr. Montgomery told Senator FULBRIGHT that Vice President NIXON, contrary to reports, is not in favor of the repealer.

"I hope that Mr. NIXON will clarify his position," said Senator FULBRIGHT, "in view of the implication raised by the witness."

In view of the certitude that Mr. NIXON will be the Republican candidate for President this year, the American people will await his clarification with great interest.

[From the Washington Post, Feb. 1, 1960]

BACK TO THE WORLD COURT

The issue laid before the Senate Foreign Relations Committee by Secretary Herter and Attorney General Rogers is whether the United States believes in the International Court of Justice. The Senate pretended to settle this question back in 1946 when it voted adherence to the statute creating the Court. It was only a pretense, however, for at the same time the Senate adopted a reservation which claimed for the United States the right to determine whether any dispute taken to the World Court is within this country's domestic jurisdiction.

The statute creating the World Court provides that "in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by a decision of the Court." Clearly the Senate rejected the principle which is basic to any system of international justice. It said the United States must be its own judge as to whether cases in which it is involved shall go to the Court. With every country exercising this foolish privilege, the Court is completely hamstrung. Judge Guerrero of the World Court has stated the truth very bluntly in an opinion: "* * * It is not possible to establish a system of law if each State reserves to itself the power to decide itself what the law is."

We are glad that Chairman FULBRIGHT of the Foreign Relations Committee prodded the State Department into sending topflight witnesses to testify for repeal of the reservation. The move is wholly nonpartisan, being sponsored by Democratic Senator HUMPHREY and having full support of the administration. In our opinion, it is one of the most important measures before the present Congress. For if any progress is to be made toward the development of a system of international justice, the leadership must come from the United States. The comment of Wallace McClure on the present situation in his book "World Legal Order" is pertinent:

"There can be no doubt * * * that attempts of great nations to eat their cake and have it too are quite as adolescent as such attempts on the part of small boys: both need to grow up."

[From the Boston (Mass.) Evening Globe, Feb. 2, 1960]

LEADERSHIP AND LAW

If there were no courts with authority to decide citizens' disputes, everybody knows what would happen. Violence would explode on such a scale that the police could not hope to maintain order.

No tribunal or other agency now exists with effective power to compel the peaceable settlement of disputes among nations. That is why much is heard nowadays about strengthening the World Court. The President has underlined this country's desire for international justice in his proclamation of May 1 as Law Day.

That it has become illegal—and unrewarding—for a nation to attack another is now reasonably well established. Signatories to the Kellogg Pact gave up their sovereign right to commit aggression and Nazis were hanged at Nuremberg for violating that treaty.

The U.N. Charter forbids "threats or force." The "uniting for peace" resolution of 1950 empowers the General Assembly, regardless of any Security Council veto, to function much like a sheriff of the old American West. By a two-thirds vote it can deputize a posse of willing nations to bring an offending country to book.

The Korean aggression was repelled to its starting point; the invaders withdrew from Suez. Though the Red Army remains in Hungary, its presence there still causes the General Assembly to pass yearly condemnatory resolutions. The end of that issue is not yet. More will be heard of the repression of human rights in Tibet.

Notable progress has been made toward outlawing war, but wholesale disaster cannot be prevented indefinitely unless reliable means are found for settling disputes peaceably. Today the cold war hamstrings diplomacy, the veto by the Security Council. The General Assembly can only recommend. Reservations of members to the World Court's compulsory jurisdiction severely limits its power of decision on legal questions.

Two American reservations make impossible the effective use of that tribunal by the United States because opposing litigants can invoke these against this country. One forbids judicial interpretation of a treaty unless all its signatories are party to the suit. Many important international agreements are multilateral.

The other reservation, the Connally amendment, makes the United States sole judge of whether any case is of domestic concern, and therefore beyond the Court's compulsory jurisdiction.

Democratic Senator HUMPHREY'S resolution to repeal the Connally amendment has the support of the President, the Vice President, an American Bar Association committee promoting world law, and many others. Such repeal would not now empower Communist nations to hail this country into court, for they have not accepted its compulsory jurisdiction.

Another great debate seems due nevertheless, as isolationism lingers in the Senate, where a two-thirds vote is required. But repeal of the Connally amendment should be pressed. Every effort should also be exerted to eliminate the other crippling reservation.

Under American leadership a principle deterring aggression has been established. It has been implemented to a considerable degree with much American courage and sacrifice. This country should now clear its skirts completely and take leadership in another essential enterprise, the long haul to make peaceful procedures effective in the disputes of nations.

[From the Chicago (Ill.) Sun-Times, Feb. 7, 1960]

WORLD LAW ADHERENT

Congratulations to the Sun-Times for your editorial "Surrendering Sovereignty," January 31. You boldly accept the challenge implicit in President Eisenhower's support of the resolution now pending in the Senate for repeal of the Connally amendment limiting U.S. acceptance of jurisdiction of the International Court of Justice. If this should include a controversy affecting the status of the Panama Canal, so be it. We surely demonstrated the concern of this country when the Suez crisis threatened world peace.

You stress that the only safeguard against atomic warfare is a plan of enforceable disarmament, "accompanied by some effective system for nations to settle their inevitable differences without resort to arms."

I concur in your commendation of President Eisenhower in urging repeal of the Connally amendment as "a reasonable step toward such a rule of law, and away from nuclear war." You incorrectly refer to it, however, as "The President's proposal." Senator HUBERT HUMPHREY, Democrat, of Minnesota, is author of the resolution, and surely deserved mention in any objective discussion of this vital subject.

CHARLES W. DAVIS.

[From the Christian Science Monitor, February 12, 1960]

PROCRASTINATION ON WORLD COURT

The familiar sound of dragging feet is beginning again to be heard in the Senate when the subject of rescuing the World Court is brought up.

Apparently some Senators still are fearful of risking a vote on it.

The international tribunal at The Hague has remained in a state approaching suspended animation ever since the Senate attached the so-called Connally amendment to its ratification of court use in 1946. This amendment left the United States free to determine whether or not it would allow its position to be litigated in any given case. Other nations followed suit. There was a general breakdown in use of the court.

For years the American Bar Association has been pouring on the logic supporting participation in this system of international justice by law. Last year the movement to repeal the Connally amendment received high-level bipartisan backing—from Democratic leaders, the President, Vice President, and Republican Party planners.

This year President Eisenhower and his Attorney General both have again backed the movement which centers on Democratic Senator HUBERT HUMPHREY'S repeal bill.

But despite this phalanx of supporters, some Senators reportedly wish to procrastinate. They say privately that to have to vote either way might hurt their election chances.

This kind of thinking is ostrich politics. The Bar Association, the President, and

other leaders have handed these foot-dragging Senators, ready-made, the best kind of practical arguments for turning a "yes" vote on the Humphrey bill into a campaign asset.

The case for an unleashed World Court is clear. It would be no immediate panacea, forcing Moscow to play by ground rules. But in time it would tend to build up such ground rules, and put more force behind treaties signed by Washington. As a Nation dedicated to an orderly world, the United States would be profited more often than hampered.

[From the Wilmington (Del.) Journal, Feb. 13, 1960]

UNTYING THE COURT'S HANDS

The introduction by Senator HUBERT HUMPHREY, Democrat, of Minnesota, of a resolution to repeal the so-called Connally amendment to the declaration of acceptance of the jurisdiction of the International Court of Justice is a hopeful sign that the Court may soon be free to operate as it should.

Senator HUMPHREY'S resolution has the backing of Vice President NIXON and the administration. It seems assured of passage, despite the opposition of a minority who fear the United States will be giving up a measure of its sovereignty by repealing the Connally amendment.

The Connally amendment to the 1946 resolution which accepted the Court's jurisdiction reserved to the United States the right to decide which disputes are "essentially within the domestic jurisdiction of the United States." This made it impossible for the Court itself to decide what cases involving this country fall within its jurisdiction. Other countries followed suit, and the upshot was that while we could not be sued by any other country without our consent, neither could we sue others without their consent. The Court was reduced to a shadow.

Now it has become apparent that we can no longer afford unrestricted sovereignty. This country is making billions of dollars worth of investments abroad, especially in helping underdeveloped countries to get on their feet. The International Court of Justice would be a means of securing these investments. Without it a country can back down on its commitments, declare a matter to be one of domestic jurisdiction, and leave the United States holding the bag.

The jurisdiction of the International Court of Justice includes (1) interpretation of treaties; (2) any question of international law; (3) the existence of any fact which, if established, would constitute a breach of an international obligation, and (4) the nature or extent of reparation to be made for such a breach.

Should the Court ever overstep its bounds and take jurisdiction over a case that is strictly domestic, we would have redress under the law which created the Court.

But until the Connally amendment is repealed, the Court's hands are tied. The repealer is needed—in the best interests of the United States, if for no other reason. It should get swift passage.

[From the Hartford (Conn.) Courant, Feb. 15, 1960]

THE WORLD COURT NEEDS MORE FREEDOM

An excess of caution over accepting the jurisdiction of the International Court of Justice was understandable in 1946, when the Senate voted the reservation known as the Connally amendment. Powerful nations are reluctant to make advance commitments to submit to judicial process because they fear that a court decision might go against them.

When the World Court resolution was before the Senate in 1946, Senator Connally's amendment, which made the Court largely ineffective, was supported by a vote of 51 to 12. By it the United States retained the right to decide what was a purely domestic matter and outside the Court's jurisdiction. Other nations followed suit, with the result that the 15-man Court, with members from 15 nations, has had little business before it.

Now that 14 years have passed, it can be seen that there was little reason for the fear that the Court might take too broad a view of what came within its jurisdiction. It is under the control of the United Nations, to which appeals can be made if a decision is ignored. And its jurisdiction is limited to cases submitted to it on matters provided for in its charter.

The Connally amendment was adopted with bipartisan support. Now its abolition is being backed by the administration. And Senator HUMPHREY, a Democrat, has a resolution before the Senate aimed at its repeal. Other countries have seen the harm it has done. Britain, France, and India have dropped their restrictions. They have realized that to let each nation decide what causes are to come before the Court is equivalent to having a Court with no power. Yet the need for one exists today as strongly as it did back in 1946, when the Court was established.

Because it is in its infancy, international law may have limited usefulness for many years. But in connection with other measures for world peace, it has a potential that should be utilized more fully than in the past.

[From the New York Herald Tribune, Feb. 16, 1960]

LET'S SHOW FAITH IN THE RULE OF LAW

The Senate Foreign Relations Committee resumes public hearings tomorrow on a measure that tests the Nation's faith in the rule of law. This is Senator HUMPHREY'S proposal, endorsed by the administration, to repeal the so-called Connally amendment.

The Connally amendment makes the United States sole judge of whether an international dispute to which this country is a party is "essentially domestic," and therefore outside the jurisdiction of the World Court. It renders meaningless our acceptance of the Court's compulsory jurisdiction. And it cuts two ways; by extension, any other country against which we have a claim can in practice invoke it against us. It has been in large measure responsible for the tragic weakness of the Court.

In his state of the Union message, President Eisenhower urged repeal. In testimony before the committee last month, Secretary of State Herter and Attorney General Rogers called for repeal. Mr. Herter noting that the amendment is "inconsistent with the deeply rooted notion that no one should be a judge of his own cause."

But still the move faces strong, if not entirely coherent, opposition. "Patriotic" groups have opposed repeal as a surrender of sovereignty. A number of southerners have somehow been persuaded that it might open the way for World Court consideration of U.S. race relations (though the Court's charter specifically limits its authority to international legal disputes).

Other extraneous issues, such as immigration and tariff policies, have been thrown up to cloud the question. And, of course, the obstructive voice of plain old-fashioned isolationism is not yet stilled.

But a cardinal principle of American foreign policy has been the extension of the rule of law among nations. And we can hardly push this with force if we hold ourselves beyond the law, if we show so little faith in the wisdom and integrity of the World Court as to deny it the basic right to determine what cases fall within its jurisdiction.

Ours is not an outlaw government; we have nothing to fear, assuming that we aim to stay within the law, from submitting our purely legal disputes to binding judicial determination. And we have everything to gain from strengthening the World Court, and from giving an earnest of our faith that the law should be binding upon nations as well as within them—which means upon ourselves as well as upon others.

[From the Charleston (W. Va.) Gazette, Feb. 16, 1960]

REPEAL OF CONNALLY AMENDMENT ESSENTIAL

Pending before the Senate Foreign Relations Committee is a resolution to repeal the Connally amendment which involves the jurisdictional rights of the International Court of Justice insofar as this Nation is concerned. This Court was created in 1946 to render decisions arising from disputes between nations in four classes of cases. These include interpretation of a treaty; any question of international law; the existence of any fact which, if established, would violate an international obligation; and the nature, extent or amount of the reparation to be made for the breach of an international obligation.

Essentially, what the Connally amendment did was to permit the United States to determine whether any matter affecting its interest could be brought before the International Court. The United States by invoking the provisions of the Connally amendment can exclude the Court's jurisdiction by declaring that a dispute between itself and another nation is domestic—whether it is or not. In other words our acceptance of International Court jurisdiction was and is meaningless, because we have reserved to ourselves the right to halt any proceedings before the Court.

It is to be noted that the restriction of the Connally amendment works at times to our disadvantage, in that no nation with which we might happen to have a dispute need appear before the International Court without its consent. The Connally amendment, being applicable to us, also is applicable to another nation whenever a dispute arises between us. The resolution before the Senate, sponsored by Senator HUBERT HUMPHREY, Democrat, of Minnesota, would rescind the provisions of the Connally amendment and leave the question of jurisdiction to the International Court. The Eisenhower administration, Vice President NIXON and the Democratic leadership strongly support its repeal.

There will, of course, be dissenters. The usual superpatriots, the anti-one-worlders, the drop-the-bomb-now school of opinion, the isolationist press, and other ostriches will argue the amendment should be retained lest our sovereignty be surrendered if the Court take jurisdiction over strictly internal matters. This is a foolish, needless fear. The Court, were it to pursue such a course, would be violating one of its own statutes. Furthermore, such an action would be challenged immediately in the United Nations, and it is difficult to believe that the International Court would wish to be denounced on so verifiable a matter in a world political body established under the same charter as itself.

Vice President NIXON has pointed out why it is necessary to repeal the Connally amendment and why it will be to our advantage to do so. The only way in which our Nation can hope to create legal security for investments we make to underdeveloped nations is through the International Court. Only by action or by decision on the part of the justices of this Court can we hope to secure redress in the event an investment is misused or misappropriated by a receiving nation. Admittedly, we would have the right of satisfaction through the application of force, but as a leading exponent of maintaining world peace this method must be summarily rejected.

Let us, for example, consider the appropriation of American sugar properties in Cuba. Conceivably, we might take Cuba before the International Court to resolve this ticklish problem except for the fact that

Castro undoubtedly would claim a jurisdictional exemption—exactly the same right we could reserve for ourselves in a similar dispute were we so inclined. Repeal of the Connally amendment would make any Castro argument along these lines illegitimate.

In protecting our own rights we must be equally zealous of protecting the rights of others. If we have before the International Court the right to sue, we must acknowledge the right to be sued. As a leading exponent of the United Nations and the International Court when they were founded, it is high time we supported our words with deeds. The Connally amendment must be repealed, and the sooner the better.

[From the Washington Post, Feb. 27, 1960]

BURIED ISOLATIONISTS

The big fight at Chicago to compel the American Bar Association to execute an about-face and march back toward the 19th century came a cropper. It was specifically designed to reverse the bar association's standing call for repeal of the Connally reservation to the U.S. adherence to the World Court. Instead of yielding to the determined push of the isolationists, the association voted 127 to 63 to send the backward-looking resolution for appropriate burial by the special committee on peace through law. Fortunately, this leaves the latter group, headed by Washington's Charles S. Rhyne, a free hand to continue its constructive efforts toward the development of a world legal order. The victory seems the more significant because it came after the isolationists had presented their case and before there was any opportunity for Mr. Rhyne and his supporters to reply. Could not the Senate Foreign Relations Committee muster sufficient courage to give the isolationists a similar answer?

[From the New York Herald Tribune, Feb. 25, 1960]

BAR AFFIRMS FAITH IN THE WORLD COURT

Whatever the maneuverings that surrounded its 100 to 93 vote on the issue, the House of Delegates of the American Bar Association has wisely determined to leave that group on record as favoring repeal of the Connally amendment. This, at least, is the clear effect of its decision to refer to the Committee on World Peace Through World Law, rather than to another committee, a motion to reconsider the association's stand.

Repeal of the Connally amendment, by which in 1946 the United States reserved to itself veto power over the World Court's jurisdiction in any dispute to which this Nation is a party, is being sought as part of the drive to strengthen the Court as an instrument of peace through law. The American Bar Association has been on record since 1947 as favoring repeal, which is being actively urged in Congress this session with administration support.

That the World Court has not fulfilled the hopes of its founders is beyond question. Its time and considerable talents have been frittered away on relatively inconsequential questions, and few enough even of those. But this has been largely the fault of those nations which have refused it the power and authority it needs to be effective.

We, unfortunately, have by virtue of the Connally amendment, been one of those nations—which has not helped our campaign to substitute the force of law for the force of arms in world affairs.

If the World Court should ever try to overstep the authority to which its own charter expressly limits it, then will be time enough to consider reserving a veto over its jurisdiction.

Meanwhile, if we believe in law, let's not start out by assuming the Court is not to be trusted—which is what the Connally amendment does.

[From the Bloomington (Ill.) Pantagraph, Feb. 16, 1960]

WORLD COURT ALTERNATIVE TO WAR

Efforts to apply the rule of law—not mailed fists—to settlement of disputes among nations have not often succeeded. The dream persists. On Wednesday the Senate Foreign Relations Committee holds a public hearing on a resolution to repeal a U.S. veto over jurisdiction of the International Court of Justice, better known as the World Court.

The U.S. Senate in 1946 reserved for the United States—not the Court—the right to make the final decision as to whether a case fell exclusively within the domestic jurisdiction of the United States, and therefore was outside the jurisdiction of the Court.

The reservation proved a near fatal blow to the World Court's prestige; today only 34 of the 82 members of the United Nations—plus Liechtenstein and Switzerland—have accepted compulsory jurisdiction of the Court, and 13 of these 36 have attached reservations to their acceptances.

With many of the nations free, in effect, to judge their own cases, business before the Court has been at near standstill. Ten cases were decided in the Court's first 13 years. No Soviet bloc country has accepted the compulsory jurisdiction of the Court, even with reservations.

The repealer legislation, introduced last year by Senator HUBERT H. HUMPHREY, Democrat of Minnesota, has formidable obstacles ahead. The chairman of the Foreign Relations Committee, J. WILLIAM FULBRIGHT, Democrat of Arkansas, disclosed January 27 that the committee in 1 week had received 700 similarly worded telegrams opposing the legislation.

The Eisenhower administration has been quick to rally to the side of the Humphrey resolution, but the cries are loud from those who view the proposal as a surrender of U.S. sovereignty.

American criticism of Russia has been strong and frequent because the U.S.S.R. exercises a veto over United Nations Security Council decisions. Yet we have in effect been exercising a similar veto over World Court decisions.

Accepting the Court's decisions by this and other major nations would be a long step toward developing an alternative to war in settling legitimate international disputes. The Court can act only if both parties will honor its decisions. Here is one place where we can put the Soviet bloc on the defensive and strike a telling blow for international justice at the same time.

The Humphrey resolution should be approved.

[From the Boston (Mass.) Herald, Feb. 17, 1960]

SELF-JUDGING AMENDMENT

We cannot understand the opposition to the repeal of the Connally amendment.

The Senate Foreign Relations Committee resumes hearings today on a resolution of Senator HUMPHREY which would eliminate the self-judging clause in our 1946 declaration of adherence to the World Court. The offending clause, added at the behest of Senator Connally, makes the United States the final judge of whether any dispute involving the United States is within its domestic jurisdiction and therefore beyond the reach of the Court.

In the 14 years since its adoption the Connally amendment has done us no good. Neither the Court nor any aggrieved party has sought to introduce any issues which fall within the domestic jurisdiction of the United States. If they did, the Court's own statute would prevent it from hearing the case.

But self-appointed guardians of American sovereignty insist that the clause must remain. They predict the direst consequences if the United States should accept a rule of law other than its own.

The real effect of the Connally amendment has been to curtail the usefulness of the Court. A special committee of the American Bar Association recently reported:

"Because of the reciprocal nature of consent to the Court's jurisdiction, the self-judging domestic jurisdiction reservation enables any other party to a suit brought by the United States to determine that the matter is within its domestic jurisdiction and thereby prevent the United States from utilizing the Court.

"Thus the United States, which has a larger stake in investments abroad and in military bases abroad than any other nation has prevented itself from utilizing, in its own behalf, the International Court of Justice."

In addition at least six other nations have followed the lead of the United States and filed similar reservations to their declarations of acceptance. One result has been that the Court has only a token number of clearly international cases brought before it.

President Eisenhower has urged repeal of the Connally amendment in two successive state of the Union messages. He has asked Congress to take a belated lead in promoting the rule of law in world affairs. We hope the lawmakers this time will follow his lead. America is big enough now so that it can afford to surrender a little sovereignty in the interest of world amity and justice.

[From the Union City (N.J.) Hudson Dispatch, Feb. 22, 1960]

ON SENATE RESOLUTION

EDITOR, HUDSON DISPATCH:

There seems to be some misunderstanding regarding the aims of supporters of Senate Resolution 94 on which hearings are now being held.

All the Humphrey measure would do would be to delete certain words from the proviso written in the 1946 declaration by the late Senator Tom Connally, of Texas. It is these words that have helped make ineffective the role of International Court of Justice in striving to uphold the rule of law among nations.

The 1946 resolution says that the United States recognizes the compulsory jurisdiction of the Court in all legal disputes with other countries which likewise have accepted the Court's jurisdiction in the following areas: (1) The interpretation of a treaty; (2) Any question of international law; (3) The existence of any fact which, if established, would constitute a breach of an international obligation; (4) The nature or extent of the reparation to be made for such a violation.

The proviso states explicitly that the foregoing declaration does not apply to two kinds of disputes: (1) Those entrusted to other courts or tribunals by virtue of existing agreements or any similar ones that may be made in the future, and (2) Those regarding matters which are essentially within the domestic jurisdiction of the United States of America, as determined by the United States of America.

The Humphrey resolution would remove the last 8 words of the second section.

The proviso further limits U.S. adherence to a 5-year period, at the end of which time, if desired, we may cease to acknowledge the Court's jurisdiction, after expiration of 6 months' notice.

In view of these limitations, therefore, on what basis can objectors claim that the repeal of Connally reservation would make our country subservient to a group of 15 judges (one of whom is an American), who allegedly are ignorant of, if not actually hostile to, our principles of human freedom?

President Eisenhower, Vice President Nixon, Secretary of State Herter, Attorney-General Rogers, and a host of distinguished

judges, lawyers and newspaper editors certainly have no wish to see this nation enslaved. They would give their lives to prevent it. Yet that is precisely the accusation certain letter writers hurl against them.

Proponents of Connally amendment have every right to oppose its repeal. Let them, however, base their opposition on truth and reason, not on ignorance and hysteria.

ROBERT E. CAMPBELL.

[From America, Feb. 13, 1960]

STRENGTH FOR THE INTERNATIONAL COURT OF JUSTICE

Top bipartisan support has now been assured for the resolution introduced by Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, to repeal the so-called Connally amendment to U.S. adherence to the International Court of Justice at The Hague. This amendment, sponsored by the late Senator Tom Connally, Democrat, of Texas, in 1946 to the American Declaration of Adherence to the Court, consists of the following eight words: "as determined by the United States of America." The qualifying phrase was inserted by the chairman of the Foreign Relations Committee of the Senate at that time in order to tighten up the statement in the declaration that the Court would not have jurisdiction in "matters which are essentially within the domestic jurisdiction of the United States of America." Primarily it was added as a compromise so as to assure passage of the declaration, which the Senate approved by a 51-to-12 vote.

Admittedly the Connally amendment has done much to cripple the International Court. In asserting the unilateral right of the United States to determine the Court's jurisdiction in cases in which this country is a litigant, the amendment has invited other governments to use against us the same veto power which we have reserved for ourselves. This is because under article 36 of the statutes of the International Court other governments are entitled, on a basis of reciprocity, to invoke the self-judging reservation back at us. Notably Soviet Russia has made use of this escape. In the case in 1952 of the American airman shot down by Russian planes in the Japan Sea, the Soviet Government claimed the incident was a domestic matter. The consequence is that the Court, in view of the American and Soviet vetoes, has no jurisdiction in fact in cases involving Washington and Moscow.

Now, both Republican and Democratic leaders have determined that the time has come to fill this gaping hole in the Court's authority and thereby strengthen it as a viable instrument of international dealing. Senator J. W. FULBRIGHT, Democrat, of Arkansas, Senator Connally's successor as chairman of the Foreign Relations Committee, has given vigorous support to Senator HUMPHREY on the Democratic side. For the administration, President Eisenhower, in his state of the Union message, Vice President Nixon, Secretary of State Herter, and Attorney General Rogers have also backed Senator HUMPHREY's resolution.

Happily, then, the move to recall the Connally amendment has been lifted out of the realm of partisan politics. The consensus is that if we Americans are to assert our moral leadership in the cold war, we must do something more than talk about the rule of law as opposed to the rule of brute force. We must act in the field of principle as well as in the rougher areas of armaments and economics. Repeal of the Connally amendment is the action most readily apparent with which to underscore American reverence for law and set it by contrast against Communist materialism and expediency. It is the best way, moreover, to combat that pernicious positivism, all too prevalent on our side of the Iron Curtain, which would deny the status of law to international agreements because there is no tribunal to enforce them and deny jurisdiction to an international tribunal because we will not consent to any diminution of our sovereignty.

America approves Senator HUMPHREY's initiative. A positive move which recognizes the rights and duties of international society—not merely the voluntary concessions of nationalistic states—is to be commended.

[From the Washington Evening Star, Dec. 2, 1959]

FOR THE RULE OF LAW

As President Eisenhower has declared in his letter to Democratic Senator HUMPHREY, the International Court of Justice—more popularly known as the World Court—would be strengthened if our country withdrew its reservation regarding disputes that may be technically construed as involving questions of an essentially domestic nature. In the opinion of numerous outstanding legal experts, the effect of the reservation, which has been enacted by many other nations (in keeping with the example we set in 1946), has been to circumscribe and weaken the Court's potentialities as an organization designed to promote peace through the rule of law.

With this in mind, Mr. Eisenhower has told Mr. HUMPHREY that the Republican administration favors legislation under which our Government would no longer reserve to itself "the right to determine unilaterally" whether a subject of international litigation lies within domestic jurisdiction and may therefore be ignored by us if another nation brings it up before the World Court. Further, he has affirmed his intention to request Congress, "on an appropriate occasion," to do away with the reservation and thus "place the United States in a better position to urge other countries to agree to wider jurisdiction of the International Court of Justice." Mr. HUMPHREY, as chairman of a Senate Disarmament Subcommittee, has already introduced a simple resolution to that end, and it well deserves to be adopted.

Of course, on great issues involving international power plays and far-reaching political maneuvers—issues like the contest over the future of West Berlin—the World Court can do little or nothing. Such issues, in fact, lend themselves much more to negotiation than to a judicial procedure. Nevertheless, in a strictly legal sense, there are many questions that could be settled through such a procedure if countries like our own did not insist upon the unilateral right to say whether or not those questions are basically domestic. If this reservation were eliminated, the International Court's work in behalf of peace could hardly fail to increase in effectiveness.

[From the American Bar Association Journal, February 1960]

THE WORLD COURT U.S. DOMESTIC JURISDICTION

(By Edmond J. Clinton)

The power of the World Court to intervene in matters of domestic concern to the United States was made the subject of an editorial (entitled "World Courts and Local Law") which appeared in the Wall Street Journal on October 14, 1959. Thus, the attention of the business and professional community was focused anew on the so-called Connally reservation, and, I fear, rewarded with a distorted presentation of the situation.

In its declaration of August 14, 1946, the United States accepted the compulsory jurisdiction of the International Court of Justice under the optional clause—article 36(2)—of the Statute of the ICJ in all legal disputes concerning:

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

Our declaration of acceptance contains three reservations. Of these, it is the Connally amendment which most dramatically demonstrates our suspicion of a more effective international law at the working level. The Connally reservation declares that the Court's jurisdiction should not apply to "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America as determined by the United States of America."[1]

The American Bar Association and the American Society of International Law advocate the withdrawal of the Connally reservation.

Now comes the Wall Street Journal, attacking the conclusions of a committee of the American Bar Association suggesting that the Connally reservation be repealed.

The Wall Street Journal echoes some widely held misconceptions centering around the relationships between the World Court, human rights, the United Nations, the United States and domestic jurisdiction.

The editorial asserts that the association's committee "has suggested that the International Court of Justice will not ever become a really effective instrument until the United States permits the World Court more jurisdiction over matters of domestic and not merely international concern."

The Wall Street Journal then tries to support its position in a fashion which is surprising for this usually well-informed, responsible and influential publication. The net of its argument follows:

The committee wants to get rid of a safeguard which provides "that the party to judge what is of domestic concern to the United States is the United States and no one else."

"Hardheaded reactionary isolationists": this is the description the internationalists pin onto the heads of those who oppose the overthrow of the Connally reservation.

The U.S. Senate adopted the Connally reservation "before it would accept the World Court as part of the United Nations package" because the American Constitution guarantees to our people individual rights—such as free speech, peaceful assembly, the right of petition, trial by jury, the right to own property—which in the U.N. Charter, the covenants on human rights, and the laws of many nations "are either not found or are strictly limited."

Treaties are no longer limited to intergovernmental agreements dealing only with international matters. U.S. courts have held that treaties can supersede the U.S. Constitution. Thus, the individual rights of our citizens are already in jeopardy.

So, claims the Wall Street Journal, we have only two choices:

1. Continue to deny to the ICJ the right to interpret the Constitution of the United States "as it sees fit," or

2. Run the risk of permitting the "erosion" of the rights now enjoyed by our citizens.

"It would be much better if the rest of mankind would come up to our standards instead of cutting our rights and freedoms down to theirs.

"And," the editorial concludes, "we have an idea the people of this Republic also prefer matters that way, whatever the missionaries for world government think is best for all of us."

Well now—what are the conclusions of the American Bar Association committee which contribute to the Wall Street Journal's distraught condition?

In a statement issued by the special committee on world peace through law, Charles S. Rhyne, the committee chairman, said:

"The • • • Connally reservation which currently limits the usefulness of the Inter-

[1] I.C.J. Yearbook, 1955-56, p. 199.

national Court of Justice must be repealed before we can go much further with any program for world peace through law. Under the Connally reservation the United States sits as a judge of the World Court's jurisdiction in each case filed against the United States and decides whether the case involves an international or domestic issue. * * * This U.S. Senate distrust has been a major factor in reducing the Court's prestige and usefulness to the point that it has had only 11 cases to decide in 13 years.

"Lawyers from other nations say our talk of a world ruled by law is hollow when we ourselves do not accept that thesis. * * * Only the U.S. Senate can act to encourage, or block through inaction, progress toward the rule of law in the world.

"It is essential to exercise our national sovereignty for survival to offset the claim that we are giving up sovereignty.

"World government is impossible in today's world, but this program of application of the rule of law in courts and building new law in the world community is a practical and attainable forward step toward a peaceful world.[3]

In April 1959 the American Society of International Law, through formal action, took the position that "* * * the United States should withdraw its reservation to the compulsory jurisdiction of the Court." [3]

Herbert W. Briggs, editor in chief of the American Journal of International Law, acknowledges that "it is no secret that the tide of criticism has been rising against the Connally amendment reservation." [4]

The Wall Street Journal, in claiming that the association's committee wants to give the ICJ greater jurisdiction over domestic matters, launches its piece on a false premise. Not only does the U.N. Charter make the Court "the principal judicial organ of the United Nations"; it also provides that the Court "shall function in accordance with the annexed statute * * * which forms an integral part of the present Charter." [5] So the Court and its statute are tied to the fundamental principles of the Charter itself. One of these, article 2(7), deals with domestic jurisdiction:

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter."

Furthermore, in accepting the compulsory jurisdiction of the ICJ a state agrees to "recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court" only with respect to those classes of legal disputes specifically enumerated in article 36(2) of the statute.

Dr. Briggs notes that "Judge Manley O. Hudson has observed with regard to reservations excluding disputes relating to matters of domestic jurisdiction: 'It is difficult to see what is accomplished by this exclusion; if a dispute relates to questions which fall within exclusively national jurisdiction, it does not fall within one of the classes enumerated in paragraph 2 of article 36.' " [6]

Briggs adds: "Since article 36(2) * * * excludes by clear implication disputes relating to matters which by international law fall within the domestic jurisdiction of a State, question arises as to the need for inserting domestic jurisdiction reservations in declarations accepting the Court's compulsory jurisdiction." [7]

The ICJ—not the U.S. Government—should judge whether a dispute involving the United States falls within the proper jurisdiction of the Court. This (in fact) is what the association's committee recommends—not that the Court be given more domestic jurisdiction. Clearly, these are two different things.

But the Wall Street Journal is correct in illuminating the core of the Connally reservation's purpose and effect: "The party to judge what is of domestic concern to the United States is the United States and no one else." It is precisely this barrier that the association's committee, the American Society of International Law, and others wish to remove.

Only States, of course, can come before the Court. The general jurisdiction of the Court comprises only those "cases which the parties refer to it." [8] The parties must consent. They must, in the absence of acceptance of compulsory jurisdiction, "agree to refer the case to the Court in order to establish its jurisdiction for that case," comments Hans Kelsen. Acceptance of compulsory jurisdiction, however, "makes a special agreement * * * unnecessary. Under article 36, paragraph 2, the Court has jurisdiction in a particular case only when both parties to the dispute have made the declaration * * * and by this declaration a State recognizes the jurisdiction of the Court only 'in relation to any other State accepting the same obligation.'

"No State can be forced into Court against its will. * * * The jurisdiction which the court has under article 36, paragraph 2 * * * is not a 'compulsory' jurisdiction in the true sense of the word. In order to establish true compulsory jurisdiction * * * the statute would have to provide that any member of the judicial community, party to any case whatever, is obliged to recognize the jurisdiction of the Court if the other party refers the dispute to the Court." [9]

With regard to the Connally reservation, Professor Kelsen, referring to the phrase "as determined by the United States of America," states: "This interpretation of article 36 of the statute in connection with article 2 paragraph 7, of the charter (restricting U.N. intervention in domestic affairs), implies that a party to a dispute before the Court, in spite of its declaration to recognize as 'compulsory' the jurisdiction of the Court in all legal matters, may withdraw any such dispute from * * * the Court by declaring it as * * * a matter which is essentially within its domestic jurisdiction; which is just the contrary of compulsory jurisdiction." [10]

Although most of the 39 States accepting the Court's compulsory jurisdiction have found it unnecessary to exclude matters of domestic concern, advocates for repeal of the Connally reservation are not too much bothered by its provision excluding U.S. domestic matters from the Court's jurisdiction. Because the Court is limited by the Charter and by the statute, and because the kinds of international legal disputes with which the Court may deal are enumerated, this portion of the reservation is regarded merely as the restatement of a condition of jurisdiction which already exists. The repugnant part of the Connally reservation is our Government's insistence that the United States alone shall determine the question of jurisdiction. Surely, on this point, the question must be asked: Is it ever good law to permit an interested party to judge its own case?

Hans J. Morgenthau, then, spots the real purpose of the Connally reservation:

"Since what is and what is not 'essentially' within the domestic jurisdiction of the United States is thus a matter of political opinion and since according to (the) reservation * * * the opinion of the United States will decide this issue without appeal, the United States will be able, if it so wishes, by virtue of (the) reservation alone to exclude from the jurisdiction of the Court most disputes to which it might be a party. Even if the opinion of the United States in this respect were clearly arbitrary and without factual foundation, the terms of the declaration make the United States the final judge in the matter." [11]

Since the World Court is forestalled from intruding upon the domestic sphere, the Wall Street Journal's assertion that the U.S. Constitution gives our citizens individual rights which in the United Nations Charter, the covenants on human rights, and the laws of many nations "are either not found or are strictly limited," is not directly or significantly related to the repeal of the Connally reservation. The Wall Street Journal confuses two different questions here.

But, we may ask, what about the accuracy and merit of the Wall Street Journal's assertion on this score, taken by itself? What is the relationship between the constitutional rights of American citizens, and the United Nations Charter, the covenant on human rights, and the laws of other nations? To what extent can treaties control domestic personal rights? Just how limited and weak are the documents and laws referred to?

The U.N. Charter (it is so) certainly does not contain—and was not intended to—a definitive set of rights similar to those in the U.S. Bill of Rights. The United Nations is not a superstate, though it does possess a kind of entity and international character. Neither is the United Nations a supranational organization or world government. It is an international organization composed of 82 independent sovereign members, each of whom (for good or ill) is as much concerned with national sovereignty as is the United States. The United Nations is actively concerned with reaffirming "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small," and with promoting "social progress and better standards of life in larger freedom." [12]

The United Nations does not, however, attempt to legislate directly and impose upon its members anything. It works with and through its members. We must look to the members for performance and results. The United Nations will be as successful as its members make it.

The United Nations Human Rights Commission has long been working to secure for "all members of the human family" rights which "derive from the inherent dignity of the human person." It has produced two draft covenants on human rights which deal

[3] 45 A.B.J. 587–588 (June 1959).

[3] 53 A.J.I.L. 663 (July 1959).

[4] See his comprehensive and valuable review of this subject in "The United States and the International Court of Justice: A Reexamination," 53 A.J.I.L., pp. 301–318 (April 1959).

For another timely discussion, see M. S. Rajan, "United States Attitude Toward Domestic Jurisdiction in the United Nations," 13 International Organization, pp. 19–37 (winter 1959).

[5] Art. 92.

[6] Briggs, p. 305. Quoted from Hudson, op. cit., p. 71. Cf. J. H. W. Verzijl, "Affaire relative à Certains Emprunts Novégiens." Nederlands Tijdschrift voor Internationaal Recht, p. 382 (1957).

[7] Pp. 305–306.

[8] Art. 36(1), Statute of ICJ.

[9] Hans Kelsen, "The Law of the United Nations" New York, Frederick A. Praeger, Inc., 1950, pp. 516–523.

[10] Ibid., p. 529.

[11] Hans J. Morgenthau, "Politics Among Nations," New York, Alfred A. Knopf, 1954, p. 265.

[12] Preamble of Charter.

with (1) civil and political rights, and (2) economic, social, and cultural rights.

The draft covenants on human rights have been before the General Assembly since 1954. They are still the subject of controversy, debate, and revision. The covenants are proposed treaties based on the nonlegal, nonbinding universal declaration of human rights which was adopted by the Assembly without a dissenting vote on December 10, 1948. The covenants, though, are more detailed than the universal declaration in spelling out individual human rights.

The 21 rights contained in the Covenant on Civil and Political Rights "are similar in substance * * * to those in the constitutions of the United States and many other countries." [13]

The Covenant on Economic, Social and Cultural Rights contains 11 "rights" articles which "follow the general pattern of the Universal Declaration, but they are far more detailed." [14] The language of these articles "reflects the concept that the State recognizes everyone should have a certain right, but does not declare that everyone has the right in fact. The phrasing * * * takes account of the fact that these rights cannot be made immediately effective by legislative and judicial action." [15]

The Universal Declaration of Human Rights, the earliest of the rights documents, contains 30 articles which cover the whole field of human rights. It serves only as a common standard of achievement for all peoples and all nations." Even so, it has enjoyed a noteworthy influence—including an impact on resolutions of United Nations organs, and on the constitutions, laws and judicial decisions of many countries. "For example, many of the nations to emerge to independence since 1948, such as Nepal, Morocco, Indonesia and Libya, have included provisions of the Declaration in their constitutions." [16] Also, it has influenced "the constitutions of * * * Costa Rica, Syria, El Salvador, Haiti, Jordan, the Federal Republic of Germany, and Puerto Rico; the instruments relating to Eritrea * * * and Somaliland; the peace treaty with Japan; and the legislation of several other states." [17]

Dag Hammarskjold, whose vision is good, sees in the light of the ideas and ideals reflected in the Declaration that "our present time calls for self-searching and self-criticism from all of us, and in all nations. No one, no country, has a monopoly on rightness, liberty and human dignity." [18]

The Wall Street Journal overlooks the fact that the Draft Covenant on Civil and Political Rights does include "the right to freedom of expression," [19] "the right of peaceful assembly," [20] and an extensive list of legal rights and safeguards which could be warmly endorsed as according closely with many of the finest principles and procedures in our own law.

Still the Wall Street Journal sees as "already in jeopardy" the rights of our citizens because treaties can now supersede article VI of the U.S. Constitution, which declares:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."

As to the effect of treaties on national rights, some State court decisions in the United States are in conflict, and the U.S. Supreme Court has yet to speak more definitively about the effect of certain United Nations Charter provisions relating to human rights and fundamental freedoms on the rights of citizens under the Constitution and laws of the United States.

The Charter of the United Nations is, of course, a treaty. The preamble and certain articles (notably 55 and 56) set forth the obligation of member states to "take joint and separate action in cooperation with the organization for the achievement of * * * higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

An important segment of expert opinion is of the view that these sections serve to reflect the purposes and objectives of the organization, involving the moral commitment of its members; but that they are not legally self-executing statements of existing rights cognizable in Federal and State courts in the absence of supporting legislation enacted by Congress.

Charter provisions relating to such items as the privileges and immunities of U.N. officials would appear to be of the self-executing variety.[21]

A fertile time lies ahead in which many unresolved legal-treaty questions will need to be answered—questions which spring from a world in dramatic revolutionary, inevitable change. The answers will come one by one, as actual cases are considered, decided, appealed, reversed, appealed again, and ultimately (though not necessarily permanently) resolved. Thus, a growing, progressing, ever more comprehensible body of law will develop to meet changing conditions. This is the way mankind has always developed law. And we must keep a measure of faith that courts adjudicating issues of constitutional and international law are proper organs to determine the rules.

Returning to the covenants on human rights, the late John Foster Dulles, testifying against the Bricker resolution before a subcommittee of the Senate Judiciary Committee in 1953, announced that the covenants would not be signed by the United States when completed, nor submitted to the Senate for ratification. This amounted to a reversal of the position of the previous administration. "The present administration," he said, "intends to encourage the promotion everywhere of human rights and individual freedoms, but to favor methods of persuasion, education, and example rather than formal undertakings." [22] A few days later, Mrs. Oswald B. Lord, U.S. representative, told the U.N. Human Rights Commission that "it seemed wise to press for the achievement of the standards of the declaration through ways other than the proposed covenants, that there was a grave question whether completion and ratification of the covenants was the most desirable method of advancing human rights." [23] This came as a bombshell, according to the Chairman of the Commission.

The covenants contain two features which might well have ameliorated the grave question concerning their use.

That the covenants are non-self-executing is made abundantly clear in article 2 of each. The Covenant on Civil and Political Rights provides:

"Where not already provided for by existing legislative or other measures, each state undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of this covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in this covenant."

The Covenant on Economic, Social, and Cultural Rights provides:

"Each state party hereto undertakes to take steps, individually and through international cooperation, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in this covenant by legislative as well as by other means."

It is difficult, therefore, to go along with the Wall Street Journal's worry that treaties will supersede the Constitution—at least as far as these treaties are concerned.

A second feature of the covenants seems to answer the Wall Street Journal's fear that they would place in jeopardy the rights of U.S. citizens. Article 5(2) of each insures that there would be no lessening of any existing rights in any state party to the covenants. The provision in the Covenant on Civil and Political Rights is typical:

"There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any contracting state pursuant to law, conventions, regulations, or custom on the pretext that the present covenant does not recognize such rights or that it recognizes them to a lesser extent."

Yet according to the Wall Street Journal, we have only two choices:

1. Continue to deny to the ICJ the right to interpret the Constitution of the United States as it sees fit; or

2. Run the risk of permitting the erosion of the rights of our citizens.

The Wall Street Journal is mistaken. This is not the choice at all. Nor is the basic question of the Connally reservation fairly stated. The Court certainly has not seen fit to transcend its jurisdictional limits with respect to those nations which have not insisted on "sole judge of domestic jurisdiction" reservations. When the United States withdraws its Connally reservation, the Court will not inherit the power to throw some magic switch giving it a green light to impair, diminish, or knock out the rights of American citizens.

"Let the rest of mankind come up to our standards," says the Wall Street Journal; "let's not cut our rights and freedoms down to theirs."

The instruments at hand are hardly suited to cutting our rights. To do this we should need covenants and treaties requiring our country to descend to the level of existence which, unfortunately, handicaps the growth and development of too many millions of human beings the world over.

This, however, fortunately, the United Nations Charter, the covenants on human rights, and the International Court of Justice do not do—and do not propose to do.

We may assume, I hope, that the people of this Republic are concerned not only with the preservation of their own rights, but, in addition, are more anxious than the Wall Street Journal realizes about the rights, freedoms, and opportunities of others.

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[13] James F. Green, "The United Nations and Human Rights," Washington, D.C., the Brookings Institution, 1956, p. 43.

[14] Ibid., p. 45.

[15] Ibid., pp. 44–45.

[16] Bulletin of the American Association for the United Nations, October 1958, p. 4.

[17] Green, p. 36.

[18] United Nations Review, January 1959, p. 16.

[19] Art. 19(2).

[20] Art. 20.

[21] For an excellent survey and discussion of the treaty power, Bricker amendment, and human rights and domestic jurisdiction, see "Review of the United Nations Charter," Senate Committee on Foreign Relations, Subcommittee on the United Nations Charter, 83d Cong., 2d sess., S. Doc. No. 87; and "Review of the United Nations Charter," compilation of staff studies prepared for the use of the Subcommittee on the United Nations Charter of the Committee on Foreign Relations, 83d Cong., 2d sess., S. Doc. No. 164.

[22] Green, p. 63.

[23] Bulletin of the AAUN, October 1958, p. 5.

As to the Connally reservation, the association's committee urges the United States to remove its stifling barrier so that the World Court may better assist in the settlement of those disputes between nations amenable to judicial resolution. Here is an opportunity, as the Rhyne committee suggests, to use our sovereignty to promote the rule of law, thus confirming by the action and example of the United States the words of our public men who often these days in their speeches plead for a "lasting peace with justice" and decry the lack of law and order in world affairs.

It is true that this would be a small, modest first step. But it is a step we could take with safety and confidence. And it is a step.

Now it is time for the Senate of the United States of America to take the step.

(By the Council for Private International Development)

HENSEL URGES SENATE TO REMOVE CONNALLY RESTRICTION ON U.S. PARTICIPATION IN WORLD COURT

WASHINGTON.—H. Struve Hensel, chairman of the Council for Private International Development, today urged the U.S. Senate to remove the Connally reservation, which governs U.S. participation in the International Court of Justice at The Hague, and thus serve notice to the world that we are sincere in our advocacy of the rule of law.

"Adequate protection of private property," said Mr Hensel, former Assistant Secretary of Defense, "is possible only when the rule of law—as distinguished from brute and other kinds of force—is established." He added, "There is no rule of law when either or both parties to a dispute can refuse to submit the question to judicial determination.

"And that is the precise result of the Connally reservation which makes it possible for the United States to refuse to submit matters to the International Court whenever we feel the matter should be handled domestically. How can we expect to lead others when we hang back?"

Mr. Hensel explained that the council was organized as a study, planning, and advocate group to improve the climate, both domestic and foreign, for private international investments of all types. He said that the interest of the council in removal of the Connally six-word restriction stems from the fact that international agreements for the protection of private investments, which are an objective of the council, can have no meaning unless disputes arising under such agreements can be brought before an arbitral tribunal that has power under international law to render decisions.

"I believe it is the consensus in America," Mr. Hensel said, "that peace, security, and progress in the world can only be attained and ensured by fruitful cooperation among all peoples on a basis of international law and mutual confidence.

"Private investment can be induced to move into foreign countries only if there can be created in such countries a favorable protective climate for investment and the rights to profit therefrom. A protective climate can be assured only through observance of the rules of law and the enforcement of those laws by an international tribunal.

"The International Court of Justice at The Hague is such an international tribunal. Unfortunately, the United States has taken the stand that it will be subject to the Court only on its own terms—that it be its own judge of the cases that can be brought against it in the Court.

"As a result of the Connally reservation, nine other countries were persuaded to insist upon somewhat similar reservations. Furthermore, if the United States makes a claim against another nation that nation, by the doctrine of reciprocity, may refuse jurisdiction of the Court just because the United States has reserved such right. Our reservation has hurt our own cause and is a real obstacle to the establishment of a rule of law in which we honestly believe.

"It is interesting to note that Britain, France, and India recently have repealed their self-judging reservation."

COURT OPERATIONS LIMITED

Mr. Hensel explained that, since the International Court, an arm of the United Nations, operates within narrow limitations, the Connally reservation was entirely unnecessary. The Court can consider only the cases which the parties submit to it, and matters especially provided for in the United Nations charter or in treaties. In all cases, disputants have resort to the United Nations Security Council in the event another party fails to abide by the Court's decision. The United States has veto power in the Security Council.

"Therefore, our country has ample protection against improbable actions by the Court which might relate to purely domestic matters," said Mr. Hensel.

"The United States, so heavily involved in international trade and investment, can only gain through international observance of rules of law, but rules of law are effective only when enforceable. Expropriation, confiscation, discriminations, and other perverse acts against private foreign investments can be minimized only when all nations observe the rules of law and participate in the means for their enforcement."

The Council for Private International Development includes among the members of its planning committee former Secretary of Interior Oscar L. Chapman; Judge Homer Ferguson, former U.S. Senator from Michigan; Prof. Arthur Larson, director of the World Rule of Law Center at Duke University, and special consultant to President Eisenhower: Hon. John Slezak, chairman of the Kable Printing Co., Mount Morris, Ill., former Under Secretary of the Army; David D. Ryus, general manager, Time-Life International; and other prominent Americans.

[From the Washington Post and Times Herald. Feb. 11, 1960]

THE WORLD COURT

(By Walter Lippmann)

The Senate Foreign Relations Committtee has been holding hearings on a resolution which, curiously and remarkably enough, was introduced by Senator HUMPHREY and has the ardent support of Vice President NIXON. This, as Mr. K. might say is an instance where a shrimp has whistled.

The Humphrey resolution has the full backing of the administration and it is likely to command the support of the Democratic leadership. There are, to be sure, dissenters who are seriously worried that the acceptance of the resolution will be an abdication of American sovereignty.

But they are a small minority as compared with the huge nonpartisan majority which includes so many of the leading lawyers of the country.

The Humphrey resolution would repeal what is known as the Connally amendment to the original Senate Resolution 196. This resolution, which was adopted in 1946, called for the deposit of a declaration accepting the compulsory jurisdiction of the International Court of Justice. This is the court set up under the Charter of the United Nations. The United States was perhaps its leading advocate.

Before the Connally amendment was adopted the resolution said that "in relation to any other state accepting the same obligation" the United States accepts the compulsory jurisdiction of the International Court of Justice "in all legal disputes" which come under four classes of cases.

The International Court is to have compulsory jurisdiction in a dispute about (1) the interpretation of a treaty, (2) any question of international law, (3) the existence of any fact which, if established, would constitute a breach of an international obligation, and (4) the nature or extent of the reparation to be made for the breach of an international obligation.

The 1946 Senate resolution says expressly where the compulsory jurisdiction of the Court shall not apply. Of these reservations, the important one is that the Court shall not have jurisdiction in a "dispute with regard to matters which are essentially within the domestic jurisdiction of the United States." The question was then raised in the Senate as to how it was to be decided whether a matter is or is not essentially within the domestic jurisdiction of the United States.

The Senate answered this question in 1946 by accepting the Connally amendment which added six words to the original text. Because of this amendment the question of whether a matter is essentially within the domestic jurisdiction of the United States is to be "determined by the United States." This is the amendment that both Senator HUMPHREY and Vice President NIXON want to repeal.

As the law stands today, the U.S. Government has the right to exclude the Court whenever it desires to do so, without having to prove or to argue its position when it declares that the case is domestic. This means that while we have agreed to compulsory jurisdiction in legal disputes, we have in fact reserved the right to stop the Court's proceedings. As a result, no other nation with which we have a dispute can be compelled to come before the Court. What is sauce for the goose is also sauce for the gander. Under the Connally amendment we cannot be sued without our consent. But equally we cannot sue anyone else without his consent.

This reduces the International Court of Justice to a kind of small sideshow. It is no doubt the reason why, despite all the international disputes with which the world is beset, the International Court has so few cases before it.

The question raised in Congress now is whether our Government or the International Court itself shall decide whether a matter is domestic. The dissenters who believe that the Connally amendment must be retained, argue that the Court might take jurisdiction in a dispute which challenged our tariff laws, our immigration laws, or our currency laws, our administration of the Panama Canal. These fears, though understandable, are groundless. If the Court took jurisdiction in domestic matters, it would be violating its own statute which expressly limits its jurisdiction to international legal disputes.

It is conceivable although it is in the highest degree unlikely, that the Court might violate the law which created it. But if it did that, there would be a remedy. We would have an indubitable grievance and we would be entitled, legally and morally, to challenge the Court by political action in the United Nations.

There is, therefore, no risk which would leave us helpless. On the other hand, the advantages of building up the jurisdiction of the Court are very great. Perhaps the most important of these advantages is one that the Vice President pointed out in an address last April. If the richer nations, like the United States, are to export capital to assist the underdeveloped countries, there must be legal security for the investments they make. To create that security the International Court can have a big part to play.

Indeed, in view of what is happening in this hemisphere to affect American property abroad, we have an interest that every property dispute, as with Castro today, should be decided by a court and not be left to propaganda, agitation, coercion, and force.

But if we want to be able to go to court to protect our rights, we must be willing to go to court when someone else has a grievance against us.

INTERNATIONAL COURT OF JUSTICE

Resolution adopted at the midwinter conference of Hadassah, the Women's Zionist Organization of America, Inc., New York City, February 1960

Whereas the International Court of Justice has been accepted by all the members of the United Nations as an instrument for the peaceful adjudication of legal issues; and

Whereas the scope of the International Court of Justice is hampered by the Connally reservation which limits the compulsory jurisdiction of the International Court of Justice by the United States reserving unto itself the right to determine unilaterally whether or not the subject matter of a particular dispute is within the domestic jurisdiction of the United States; and

Whereas as a result of this position on the part of the United States other nations have adopted similar reservations:

We, Hadassah, the Women's Zionist Organization of America, in midwinter conference assembled, commend the call of the President of the United States to the Congress of the United States, asking for the elimination of the Connally reservation; and

We, therefore respectfully urge the speedy passage of the bipartisan resolution, Senate Resolution 94, introduced by Senator HUBERT HUMPHREY and cosponsored by Senator JAVITS, Senator KEFAUVER, and Senator KEATING, which calls for the above-stated elimination of the Connally reservation.

STATEMENT IN SUPPORT OF REPEAL OF THE CONNALLY AMENDMENT RESERVATION IN THE DECLARATION OF ADHERENCE BY THE UNITED STATES TO THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE BY THE JURIDICAL INSTITUTIONS COMMITTEE OF THE CATHOLIC ASSOCIATION FOR INTERNATIONAL PEACE, FEBRUARY 17, 1960

The juridical institutions committee of the Catholic Association for International Peace wishes to endorse Senate Resolution 94 which removes the self-judging reservation from U.S. adherence to the statute of the International Court of Justice. We do not feel that it is necessary to review at length the arguments in favor of repeal, since the Senate Foreign Relations Committee has already had the benefit of expert testimony on the technical details involved. We would, however, like to emphasize several points which we think should be considered seriously by the Congress.

First, it should be noted that the hearings before the Senate Foreign Relations Committee constitute the first real investigation into the subject by the Congress since the Connally amendment was introduced during the floor debate on adhesion to the International Court of Justice in 1945. It may well be that the Connally amendment was justified at that time by understandable anxiety over the possibility that the Senate might reject the International Court of Justice, as it had the Permanent International Court of Justice, unless a reservation of this kind were made. But it is believed that our present Congress should be able to deal with this matter on its merits, without the pressures which existed when the fate of United States participation in the International Court of Justice was hanging in the balance.

Second, we would like to emphasize that although removal of the Connally amendment is a much-needed step in the right direction, it is in itself a relatively modest step. It simply places the United States in the same position as the majority of the other states adhering to the Court. Now it is well known that the Court has not in fact proved to be some kind of an omnipotent supranational tribunal which constantly seeks to interfere in domestic matters. On the contrary, following the spirit and letter of article 2, section 7, of the United Nations Charter and the general concept of domestic jurisdiction in international law, the Court has shown a marked conservatism in matters of jurisdiction. On the record its activities represent only the beginning of a very limited system of international adjudication. The least that the United States can do is to participate fully in this system. Legally, repeal of the Connally amendment, therefore, is not a radical move—a fact unfortunately blurred by excessive claims of its extreme proponents as well as of its opponents. But it is an important move politically and psychologically. The Court is in need of the confidence of the states of the world and most particularly of the confidence of the Government and people of the United States. Without this confidence there is little hope of strengthening its legal prerogatives.

This brings us to a point which the members of our juridical institutions committee consider to be most important. The much discussed movement toward the rule of law in the international community cannot succeed if it is limited to mechanical, technical devices such as removal of the Connally amendment. Even with the Connally amendment, the United States could utilize the International Court of Justice to a greater extent. And even if the Connally amendment is removed, there is no guarantee that the United States will submit more frequently to international adjudication, any more than the other states which have had no such reservations. Repeal of the Connally amendment will help, but what is needed is a different attitude in the Government and among the people of the United States toward the possibilities of international adjudication.

It is respectfully suggested that the Congress, which has added to its many functions the role of educating the public on critical issues, might well consider wide distribution of studies on the subject of international adjudication similar to those which it has had prepared on other questions such as defense, foreign aid, and the like. In any event, the CAIP juridicial institutions committee believes that this question of the Connally amendment is only the beginning. As with domestic institutions and laws, international law and organization cannot provide mechanical, self-operating solutions to the world's problems. Human beings make institutions work, on all levels of society from the local to the international, and until the individual statesmen and citizens in this country know more about and have more confidence in the institutions and principles of our international society, the rule of law throughout the world will remain rather meaningless.

Mr. HUMPHREY. Mr. President, I was most pleased to learn that the house of delegates of the American Bar Association at its recent midyear meeting reaffirmed by a vote of 127 to 68 its long-standing support for deletion of the self-judging clause from our acceptance of the jurisdiction of the International Court of Justice. As my colleagues know, I have introduced a resolution, Senate Resolution 94, to delete this self-judging clause.

In view of the considerable interest in this resolution, I call attention to reports on the action of the American Bar Association which appeared in the Chicago Sun-Times and the Milwaukee Journal on February 24, 1960, and ask that they appear in the RECORD at the conclusion of my remarks.

There being no objection the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Journal, Feb. 24, 1960]

TOP U.S. LEGAL TALENT DEFENDS WORLD COURT—AMERICAN BAR ASSOCIATION DELEGATES ARGUE THAT EARLIER STAND ON ITS JURISDICTION SHOULD CONTINUE

(By Edward S. Kerstein)

CHICAGO, ILL.—Some of the Nation's leading lawyers argued successfully Tuesday afternoon to continue the American Bar Association's campaign to give the World Court at The Hague greater jurisdiction in cases involving the United States.

Hinging on their eloquence was the achievement of this goal through the American Bar Association committee on world peace through law, which for 5 years has been advocating that the United States submit to the World Court without reservation.

The debate was sparked at the bar group's midwinter meeting at the Edgewater Beach Hotel when 11 attorneys presented a resolution urging the American Bar Association to rescind its 13-year opposition to the Connally amendment of 1946.

LIMITS U.S. JURISDICTION

Under the Connally amendment, the United States does not recognize the World Court's authority over matters which are of domestic jurisdiction, "as determined by the United States of America." President Eisenhower told Congress in January that he would recommend its repeal. A bill by Senator HUMPHREY, Democrat of Minnesota, to repeal the amendment is pending in the Senate.

On recommendation of the American Bar Association committee on draft, the bar group's house of delegates voted to refer the resolution to the committee on world peace through law for study and report at the summer convention in Washington, D.C.

Ross L. Malone, Roswell, N. Mex., immediate past American Bar Association president, declared that the house had no advance warning of this proposal and that the board of governors had no opportunity to study it.

CALLS SUPPORT IMPORTANT

"The resolution proposes that a 180 degree change in course should be taken by the American Bar Association," said Malone. "The people of America look to the American Bar Association for guidance. The action taken 13 years ago on the Connally amendment was the most important in the history of the American Bar Association.

"There is nothing this organization could do more precipitously than to act on this resolution. The President and Vice President of the United States have concurred with the American Bar Association action of 1947. In my opinion world peace through world law is the greatest objective undertaken by this organization."

John D. Randall, Cedar Rapids, Iowa, American Bar Association president, said he was given assurance that there was no likelihood that action would be taken this year by Congress on the Humphrey repealer. "There's no need for haste in this important matter," said Randall. "We should take action on the proposed resolution after a further study and at a time when the issue will be considered by Congress."

ASKS RECONSIDERATION

Roy E. Willy, Sioux Falls, S. Dak., who introduced the resolution, argued that the delegates should be entitled to reconsider their 1947 opposition to the Connally amendment in view of international developments since that action had been taken.

A proposal that the resolution be referred to the committee on peace and law through the United Nations, on the grounds that the

committee on world peace through law was "a propaganda outfit," lost 100 to 93. Instead, the delegates voted 127 to 64 to refer the resolution to the committee on world peace through law.

[From the Chicago (Ill.) Sun-Times, Feb. 24, 1960]

AMERICAN BAR ASSOCIATION FIRM ON 1947 WORLD COURT STAND

The American Bar Association decided Tuesday, after lively floor debate, to maintain its 1947 position calling for full U.S. acceptance of the World Court's jurisdiction.

Members of the group's house of delegates voted 127 to 68, at their midyear meeting in the Edgewater Beach Hotel, to refer a resolution, calling on the American Bar Association to reverse its stand on the issue, to committee for further study.

The proposal thus was defeated, in effect. It had been supported largely by delegates of the association's old guard who wanted the American Bar Association to go on record as favoring a U.S. veto power concerning what cases affecting the nation could be decided by the International Court.

AMENDMENT IS ISSUE

The 1-hour floor fight centered on the Connally reservation, an amendment adopted in 1946 by the Senate giving the United States the right to determine whether a dispute with another nation is domestic in character or within the Court's jurisdiction.

One year later the American Bar Association urged repeal of the reservation, which had been sponsored by former Senator Tom Connally, Democrat, of Texas.

The clause recently has come under fire of leaders of both political parties. Senator HUBERT HUMPHREY, Democrat, of Minnesota, introduced a resolution to repeal the reservation and President Eisenhower, in his state of the Union message, last month endorsed the Humphrey proposal.

Earlier Tuesday, delegates voted 100 to 93 against referring the resolution for reversing the American Bar Association's position on the matter to the association's standing committee on peace and law through the United Nations.

Instead, the delegates voted to send the proposal to the special committee on world peace through law, headed by Charles S. Rhyne, of Washington, D.C.

Rhyne, who is in the forefront of efforts to enlarge the World Court's jurisdiction, said he doubts whether his committee will be able to report on the issue at the delegates' next meeting in August. The conference will be held in Washington.

ARGUE ON DOMESTIC ISSUE

Barnabas F. Sears, a Chicago lawyer who spoke in support of the Connally amendment, asserted during the heated floor debate:

"We reserve but one thing—and I pray to God we always will reserve it—and that is the right to determine what constitutes a domestic issue."

Sears was peppered by shouts of "point of order" from dissenting delegates, but he continued:

"I will not permit judges of opposite political faith to determine what constitutes a domestic issue."

Opposing the views of Sears on the issue was Ross L. Malone, of Roswell, N. Mex., a past American Bar Association president.

He argued that action now "would represent a 180-degree change of course for the bar association. People who look particularly to the legal profession for guidance would be disillusioned if the American Bar Association acted precipitously without even a reference to committee."

Most of the Illinois delegation voted to send the resolution to the Rhyne committee. Among those who opposed this referral were Dean John M. Ritchie III of the Northwestern University Law School; Willis D. Nance, president of the Chicago Bar Association, and Benjamin Wham, a Chicago attorney.

ANNIVERSARY OF BIRTH OF THOMAS G. MASARYK

Mr. HUMPHREY. Mr. President, March 7 was the 110th anniversary of the birth of Thomas Masaryk, the founding father of the Czechoslovak Republic, its first president, and the greatest Czechoslovak statesman in modern times. It is fitting that the birthday of this outspoken champion of freedom and uncompromising foe of tyranny is observed in the free world by all lovers of freedom.

The life of this extraordinary man may be summed up in the familiar saying: from log cabin to the White House. His was the story in which the gifted and talented son of a country coachman in Czechoslovakia became, by dint of hard and conscientious work, and by the exceptional use he made of his abilities and capabilities, a university professor, an editor, a parliamentarian, a fighting leader of his people in their struggle for freedom, a wise statesman, the creator of the Czechoslovak Republic, and the beloved father of his grateful countrymen. In marking the anniversary of his birth, we pay tribute to the memory of one of the finest and greatest characters of the century.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JAVITS. Mr. President, any doubt about the amount of public interest involved in the current civil rights debate is being dispelled. It is being recognized more and more that this is a fundamental issue for our country going directly to the vindication of the constitutional guarantees for the individual and for our future as leader of the free world toward peace—a free world itself populated by those whose skins are yellow, brown, and black. It is deeply gratifying to me that young people who—considering the complexity of our problem—will have to resolve them finally, are expressing a vital and vigorous interest in this struggle for our Nation and human dignity.

Yesterday, I received a petition from approximately 1,000 students at one of New York's and the Nation's finest institutions of higher learning—Syracuse University—forwarded to me by the Syracuse Students Committee on Civil Rights Action. I believe that a substantial majority in the country as well as in the Congress share the petitioners' expression of "support of strong civil rights legislation in this session," and urges "the Congress of the United States of America to lose no time in passing civil rights legislation. The gap between ideals of democracy and the workings of democracy must be bridged right now," according to many of these Syracuse University students.

The student committee informs me that this petition was a spontaneous demonstration and that it took only 12 hours to collect approximately 1,000 signatures among a student body which comes from every section of the United States. Out of the ranks of such university student bodies may well come some freshman legislators who may fill seats in this Chamber. They are not indifferent to the civil rights debate now and they will not be apathetic about this issue as voters. I believe that they are in the vanguard of an awakening national interest and I hope that other student bodies will follow the lead taken by these Syracuse students in discerning and making known their stand on civil rights.

THE WHEAT STABILIZATION PROGRAM

Mr. MAGNUSON. Mr. President, the Senator from Kansas [Mr. CARLSON] and I, along with other Senators, have a bill proposing an amendment to the Agricultural Adjustment Act, involving a marketing program for wheat, which we will send to the desk. The Senator from Kansas [Mr. CARLSON] has a brief statement to make. I concur in the statement. The bill is presented jointly on behalf of both of us.

Mr. CARLSON. Mr. President, the senior Senator from Washington [Mr. MAGNUSON] and I have prepared and are today introducing a bill authorizing a wheat stabilization program which will reverse the current buildup in surplus stocks, reduce Government costs, and do it in a manner which is fair both to producers and consumers.

While I do not agree that wheat is the No. 1 farm problem, I certainly agree that we can and should adopt a much better program than we now have. We should not, however, make the mistake of shifting to a program which will cut producers' income sharply and allow surpluses to mount even higher.

This program has been developed in conference with the National Grange, National Farmers Union, and National Association of Wheat Growers and, in addition, is supported by the National Farmers Organization, Missouri Farmers Association, National Corn Growers Association, American Soybean Association, and the Grain Sorghums Producers Association.

The proposed bill would provide the following results for the wheat producer:

First. Stabilize producers' income at reasonable levels.

Second. Allow freedom to plant and harvest crops best adapted without Government interference.

Third. Permit producers to carry reserve for short crop years.

Fourth. Prevent wheat prices from reaching disastrously low levels.

Fifth. Enable wheat producers to market best quality wheat in domestic food and export market, and lower grades in feed market.

The proposed bill would provide the following results for the feed grain producer:

First. Prevent shifting of diverted wheat acreage to feed grains.

Second. Materially reduce feed grain production on wheat farms.

Third. Make a substantial contribution to the balancing of feed grain supplies with demand.

Fourth. Aid in an orderly reduction of present surplus feed grain stocks.

The proposed bill would provide the following results for the American public:

First. Materially reduce cost of wheat program to the taxpayer.

Second. Stop buildup of Government holdings and start orderly reduction.

Third. Provide adequate supply of high quality wheat for domestic food and export at reasonable prices.

Fourth. Contribute to orderly marketing of highest quality wheat through regular commercial channels.

Fifth. Insure continued ability of wheat producers to buy the products of industry and labor.

Sixth. Stabilize income of small businesses in rural communities.

Mr. President, I ask unanimous consent that this bill lay on the desk for 5 days in order that other Members who so desire may cosponsor it, and following this, that it be referred to the Senate Committee on Agriculture and Forestry.

The PRESIDING OFFICER (Mr. BUSH in the chair). Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I merely wish to add to what the Senator from Kansas has had to say by stating that the proposal is the result of long and numerous conferences with all groups well known to Members of this body on the very perplexing wheat problem. A compromise was reached here and there, and the bill is not exactly what everyone wanted. However, as the Senator from Kansas has said, it embodies a practical approach to the wheat problem. The bill will cost the taxpayers a great deal less than dealing with this problem is costing the taxpayers now, and perhaps it will cost nothing at all as it goes into effect. I believe, also, that it will have an almost immediate effect on the reduction of surpluses of wheat. We propose it for the consideration of the Senate. The House is holding hearings on the matter now.

Mr. STENNIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. The Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. Senators will please take their seats. Persons who do not have business on the floor will please leave the floor. The occupants of the galleries will please remain quiet.

Mr. MAGNUSON. The House is holding hearings on the matter, as the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER], knows. Similar bills have been introduced in the House. This is a serious effort to solve the wheat problem, one of the most perplexing political and practical economic problems facing our Nation today. I hope the Committee on Agriculture and Forestry will proceed to consider the bill. They are quite familiar with the general objectives and principles of the bill. My junior colleague the Senator from Washington [Mr. JACKSON] has a deep interest in this subject, and he is also a cosponsor of the bill. As the Senator from Kansas has suggested, the bill will lie at the desk so that other Senators may cosponsor it if they so desire.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. HUMPHREY. I should like to be permitted to join as a cosponsor of the bill. I understand that this is the bill which has been agreed to primarily by the major wheat commodity groups and the major farm organizations. Is that correct?

Mr. CARLSON. That is absolutely correct. I appreciate the cosponsorship of the distinguished Senator from Minnesota, who has always been active in this field.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. ELLENDER. A few weeks ago the Committee on Agriculture and Forestry started to hold hearings on a wheat bill. Because the various farm organizations were unable to get together at the time, the committee decided to postpone further hearings. I am very glad to know that they have come to an agreement. I give assurance that hearings will go forward as soon as we dispose of the pending business.

Mr. MAGNUSON. I thank the Senator. He has been very patient in this whole matter. I would not blame him at all if he were to throw up his hands and say, "I will have nothing further to do with it." He has been more than patient.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YARBOROUGH. I wish to congratulate the distinguished Senator from Washington and the distinguished Senator from Kansas on their leadership in connection with this subject and on the introduction of the bill. Although their States produce more wheat than does the State of Texas, my State is a wheat producer. It is the home of the past president of the National Wheat Growers' Association, and I have been in constant conference with him on this subject. I ask that I may be privileged to join as a cosponsor.

Mr. MAGNUSON. I thank the distinguished Senator. As the Senator from Kansas and I have said many times, we do not know whether this is the panacea or the cure-all. If anyone has a better plan—and that includes the present Secretary of Agriculture—I should like to know about it.

Mr. CARLSON. Mr. President, I have been requested to state that the Senator from North Dakota [Mr. YOUNG], the Senator from South Dakota [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], and the Senator from South Dakota [Mr. MUNDT] would like to have their names added as cosponsors of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3159) to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat, introduced by Mr. CARLSON (for himself, Mr. MAGNUSON, Mr. YOUNG of North Dakota, Mr. HUMPHREY, Mr. CASE of South Dakota, Mr. CURTIS, Mr. MUNDT, and Mr. CHURCH), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

LEAVE OF ABSENCE

Mr. CAPEHART. Mr. President, due to unavoidable responsibilities thrust upon me as the result of two recent tragic deaths in my immediate family and the illness of my wife, I ask unanimous consent to be absent from sessions of the Senate until April 1.

The PRESIDING OFFICER. Without objection, leave is granted.

THE STAND OF THE SOUTHERN SENATORS ON CIVIL RIGHTS LEGISLATION

Mr. JOHNSTON of South Carolina. Mr. President, I wish to bring to the attention of the Senate an editorial appearing in the Anderson Independent, of Anderson, S.C., dated March 9, 1960, entitled "The Sturdy 18 Southern Senators Have Precedent Supporting Them."

Mr. President, this is an excellent editorial analyzing the situation in the Senate and does a meritorious job of pointing out to the public that there are far more dangerous civil rights matters being considered by the Senate than voting laws.

I believe the editorial of the Anderson Independent sums up the situation in the last paragraph clearly when it says:

> What really is at stake is whether Congress shall make the laws or whether the Government is to be turned over to the Warren Court and the NAACP.

I ask unanimous consent that this editorial from the Anderson Independent of March 9 be printed in the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE STURDY 18 SOUTHERN SENATORS HAVE PRECEDENT SUPPORTING THEM

As the southern filibuster against the iniquitous Ike administration civil rights bill grinds to a brief halt, some are recalling a remark made by the late Senator Joseph T. Robinson, of Arkansas. He said:

"When a Senator once takes the floor, nobody but Almighty God can interrupt him—and the Lord never seems to take any notice of him."

That was back in 1932. Before and since there have been successful filibusters.

What the fate of the present effort will be remains to be seen.

Ganged against the 18 southern Senators are just about all other Senators, Vice

President NAACP NIXON, and the floor leaders of both parties—Senator LYNDON JOHNSON, of Texas, and Senator DIRKSEN, of Illinois, Republican.

Actually, the fight during the past few days has been carried on by 17 Senators. Senator THURMOND, of South Carolina, has been in a hospital with a virus.

Question was raised at the Anderson County Democratic Convention as to whether these 18 are all Democrats. Some are, some are nominal, but all bear the label.

They are the Senators from South Carolina, Georgia, North Carolina, Florida, Louisiana, Mississippi, Alabama, Virginia, and Arkansas.

There are other Senators, on both sides of the aisles, who, while wearing the "civil righter" cloak, are nevertheless reluctant to impose the gag rule upon the southerners as Mixin' NIXON found out in his abortive effort to shut off debate.

As for the word "filibuster," it is relatively new as applied to the legislative tactic. It derives from "filibusteros," or buccaneers. The practice of an embattled minority employing the tactics, however, is about as old as parliamentary government.

Two main techniques are used against filibustering.

The first, and regarded as least effective, is that being used by Majority Leader LYNDON JOHNSON against the southerners. It is the use of prolonged sessions in effort to break the strength of opponents.

The second technique is insistence upon strict enforcement of the Senate rules.

In this second category, southerners are fortunate in that their Senators are just about as astute as they come in the fine art of hewing closely to the rules and using the rules to help prolong the discussion. This is especially true of Senator RICHARD B. RUSSELL, recognized as the chief strategist of the southern forces.

Chief weapons of the southerners in this historic last-ditch stand against turning back the clock to Reconstruction days include dilatory motions, rollcall votes, quorum calls, points of order, and prolonged discussion of rulings.

The ultimate weapon of the antisoutherners, of course, will be an effort to impose cloture to limit debate. This is provided in rule XXII of the Senate's Standing Rules.

As revised in January of last year, the rule works like this:

1. Limitation on debate can be imposed by two-thirds of the Senators present and voting 2 days after a cloture petition is presented signed by 16 Senators.

2. If cloture is imposed, thereafter debate is liimted to 1 hour for each Senator, who may speak on the pending business or the amendments that have been offered to it or motions affecting passage.

3. No new amendments may be offered except by unanimous consent. Amendments that are not germane to the pending business or amendments and motions clearly designed to delay action are out of order.

4. The new rule applies both to ordinary business and motions to change Senate rules.

Eight efforts to impose cloture on civil rights debates have been attempted since 1938, and none has succeeded. The latest effort is set for Thursday.

Will southern resistance be successful this year? Slowly but surely, due to political expediency, those dedicated to preserving constitutional rights have been losing strength. Too, Senate membership has been increased by four—all with anti-South views.

Thus the 18 southerners conducting this rear-guard action against this punitive class legislation are battling against terrific odds, with 82 Senators either violently against them or else expected to drop even lukewarm support of the southern cause when the chips are down.

The tragedy is that millions of Americans outside the South have been brainwashed into thinking all at stake is a voting rights bill.

What really is at stake is whether Congress shall make the laws or whether the Government is to be turned over to the Warren Court and the NAACP.

DROP IN BOND MARKET INTEREST YIELDS DIP IN STOCK MARKET, FRB CONCERN SHOULD PERSUADE TREASURY TO THROW IN SPONGE ON 4¼-PERCENT LONG-TERM-CEILING BID

Mr. PROXMIRE. Mr. President, yesterday's news reports dealt a devastating body blow to the administration's demand that this Congress remove the 4¼ percent limit on sale of long-term Government bonds. The cold hard facts of financial life now show that the Federal Government could sell long-term bonds below this 4¼-percent limit.

I ask unanimous consent, Mr. President, to have printed in the RECORD at this point from the Wednesday New York Times a table showing the current yield on 26 Federal bond issues, 24 issues of Treasury notes, and 33 Treasury bill issues.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. Government and agency bonds, Tuesday, Mar. 8, 1960

Maturities	Outstanding (millions of dollars)	Rates	3:30 p.m. Bid	3:30 p.m. Asked	Change in bid	Yield paid	Maturities	Outstanding (millions of dollars)	Rates	3:30 p.m. Bid	3:30 p.m. Asked	Change in bid	Yield paid
1960, November	3,806	2½	98.27	98.29		3.76	1970-65, March	4,700	2½	85.10	85.18	+0.10	4.29
1965-60, December	1,485	[1]2¾	97.12	97.20	+0.4	3.21	1971-66, March	2,948	2½	85.8	85.16	+.10	4.15
1961, September	2,239	2¾	97.22	97.26	+.2	4.26	1966, August	1,484	3	92.30	93.2	+.12	4.24
1961, November	1,177	2½	97.0	97.4	+.4	4.29	1972-67, June	1,840	2½	85.6	85.14	+.10	4.01
1962-59, June	5,267	2¾	95.14	95.18	+.4	4.33	1972-67, September	2,716	2½	84.22	84.30	+.10	4.05
1967-62, June	2,112	2½	88.28	89.4	+.10	4.26	1972-67, December	3,715	2½	85.6	85.14	+.10	3.95
1962-59, December	3,456	2¾	94.14	94.18	+.6	4.36	1969, October	1,276	4	98.16	98.24	+.10	4.16
1963, August	6,755	2½	93.26	93.30	+.6	4.42	1974, November	654	3⅞	96.10	96.18	+.10	4.19
1968-63, December	2,820	2½	86.28	87.4	+.10	4.29	1983-78, June	1,604	3¼	86.28	87.4	+.14	4.11
1964, February	3,854	3	94.26	94.30	+.8	4.43	1980, February	884	4	97.22	97.30	+.10	4.16
1969-64, June	3,745	2½	86.4	86.12	+.12	4.32	1985, May	1,135	3¼	85.30	86.6	+.14	4.14
1969-64, December	3,819	2½	85.24	86.0	+.12	4.27	1990, February	1,727	3½	89.0	89.8	+.22	4.14
1965, February	6,896	2⅝	92.6	92.10	+.12	4.07	1995, February	2,741	3	84.16	84.24	+.16	3.80

[1] Exempt from normal income tax.

TREASURY BILLS

Maturity	Outstanding (millions)	Percent Bid	Percent Asked	Percent Equivalent bond yield	Maturity	Outstanding (millions)	Percent Bid	Percent Asked	Percent Equivalent bond yield
Mar. 10	1,600	3.40	3.00	3.04	June 22	4,018	3.72	3.64	3.73
Mar. 17	1,600	3.40	3.00	3.04	June 23	500	3.72	3.62	3.71
Mar. 22	4,004	3.40	3.00	3.04	June 30	500	3.75	3.60	3.69
Mar. 24	1,601	3.40	3.05	3.10	July 7	400	3.86	3.76	3.88
Mar. 31	1,500	3.40	3.05	3.10	July 14	400	3.86	3.76	3.88
Apr. 7	1,605	3.35	3.20	3.25	July 15	2,000	3.86	3.76	3.88
Apr. 14	1,602	3.35	3.20	3.25	July 21	400	3.86	3.76	3.89
Apr. 15	2,003	3.35	3.20	3.25	July 28	400	3.86	3.76	3.89
Apr. 21	1,400	3.40	3.30	3.36	Aug. 4	400	3.86	3.76	3.89
Apr. 28	1,400	3.40	3.30	3.36	Aug. 11	400	3.86	3.76	3.90
May 5	1,400	3.45	3.35	3.41	Aug. 18	400	3.88	3.80	3.92
May 12	1,600	3.50	3.40	3.47	Aug. 25	400	3.88	3.80	3.92
May 19	1,603	3.58	3.48	3.55	Sept. 1	400	3.88	3.80	3.92
May 26	1,600	3.58	3.48	3.55	Sept. 8	400	3.88	3.82	3.97
June 2	1,500	3.60	3.50	3.58	Oct. 17	2,006	4.04	3.94	4.12
June 9	1,700	3.67	3.63	3.72	Jan. 15, 1961	1,503	4.04	3.98	4.21
June 16	500	3.70	3.62	3.73					

TREASURY NOTES

Maturity	Outstanding (millions)	Rate	Bid	Asked	Yield	Maturity	Outstanding (millions)	Rate	Bid	Asked	Yield
April 1960	57	1½	97.27			October 1962	590	1½	93.12	93.20	4.17
May 1960	2,406	3½	99.31	100.1	3.29	November 1962	1,143	3¾	98.14	98.18	4.33
Do	2,738	3¾	99.30	100.0	3.22	February 1962	3,971	2½	94.30	95.2	4.43
August 1960	9,561	4¼	100.9	100.11	3.94	April 1963	533	1½	92.10	92.18	4.13
October 1960	278	1½	98.24	98.26	3.60	May 1963	1,743	4	98.24	98.28	4.38
April 1961	144	1½	97.24	98.0	3.47	October 1963	506	1½	91.10	91.18	4.69
May 1961	4,078	3⅜	99.6	99.10	4.24	November 1963	2,012	4⅛	102.2	102.6	4.21
August 1961	2,136	4	99.26	99.30	4.04	April 1964	302	1½	89.26	90.2	4.19
October 1961	332	1½	96.2	96.10	3.98	May 1964	4,928	4¼	101.8	101.12	4.38
February 1962	647	3⅝	98.28	99.4	4.18	August 1964	2,307	5	103.10	103.14	4.14
Do	1,434	4	99.18	99.22	4.17	October 1964	225	1½	88.20	88.28	4.21
April 1962	551	1½	94.22	94.30	4.10	November 1964	4,188	4⅝	102.2	102.6	4.35
August 1962	160	4	99.16	100.0	4.00						

Mr. PROXMIRE. Mr. President, as this table indicates, the yield on 15 of the 26 bond issues is now—in the market—below 4¼ percent. Yield is substantially lower than 4¼ percent on all issues that mature later than 1970. Of course this means that if the Government should sell long-term bonds at the present market yield—it could do so at less than 4¼ percent. For instance, Treasury bonds due in 1974 are now yielding 4.19 percent; those due in 1978–83, 4.11 percent; those due in 1980, 4.16 percent; 1985, 4.14 percent; 1990, 4.14 percent; 1995, 3.8 percent.

Under these circumstances, Mr. President, why in the world should the Congress abolish the present limit of 4¼ percent on price the Federal Treasury can pay for long-term money? It would appear to be wholly unnecessary.

Now, Mr. President, I call the Senate's attention to the present market yield on Treasury notes. Twenty-four issues are listed; but only five are now selling above 4¼ percent. This means the Treasury can today sell medium length maturities for a price below the long term 4¼ percent limit.

And finally, I refer to the table on Treasury bills—the most sensitive barometer to the money market. Thirty-three issues are listed here. Not a single one of these 33 today yields as much as 4¼ percent. Obviously short-term maturities can be sold today at less cost to the Federal Treasury than the statutory limit on long terms.

Mr. President, this is only the beginning of yesterday's crushing news for the administration's argument they must have a higher interest coupon on long-term bonds. The administration has been contending that it would be healthy for the economy to have the Treasury drive up long-term interest rates by soaking up long-term money. They argue that this is desirable because it will flatten out the boom, stem inflationary speculation.

Yet yesterday's newspapers reported that the stock market sank to the lowest level in more than a year. The Nation's investors are telling the country that they are far more fearful of a slide or even a bust than they are of a boom. If the stock market is correct, and its crystal ball has been at least as unclouded as the Treasury Department's, we are very unlikely to have a zooming boom.

In fact, the stock market would suggest that present heavy unemployment is likely to become a much more serious problem than inflation before this year is out. Mr. President, I ask unanimous consent to have an article from the New York Times reporting the stock market drop printed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARKET SLUMPS TO 13-MONTH LOW—AVERAGE DROPS 3.78 POINTS FOR SEVENTH STRAIGHT DAY—VOLUME 3,370,000—768 ISSUES OFF, 262 UP—STEELS, NONFERROUS METALS, AND MOTORS WEAKEST—FORD DECLINES 2½

(By Burton Crane)

As measured by the New York Times averages, stock market prices yesterday touched their lowest levels in 13 months. Aggregate market values fell $3 billion and widened the loss for the year to date to 10.72 percent.

Stocks were down for the seventh successive session and for the 31st time of the 46 trading days so far this year.

The New York Times combined touched a low of 355.03, the lowest since February 9, 1959, when the low was 354.60. The close came at 356.78, down 3.78 points for the day and 21.12 points for March to date.

The rail average was at 95.28 for a time, a low since the 95.22 of September 17, 1958. It ended at 95.71 for a net loss of 0.92 point. The low point in the industrial average was 614.78, a bottom since 612.43 on February 18, 1959. The close at 617.86 showed a net loss of 6.63 points.

Volume on the New York Stock Exchange was 3,370,000 shares, against 2,900,000 on Monday. More stocks fell than rose for the seventh successive session. Of the 1,237 issues traded the largest number since the present dip began—768 fell, 262 rose and 207 closed unchanged. There were four 1959–60 highs—all preferred stocks—and 204 lows. The number of lows was the largest since September 21, the day before the bottom of the last year's intermediate recession.

CLOSE AT THE LOWS

Yesterday's market opened down but immediately began to work up and by noon was barely below Monday's closing level. The next 2 hours saw an abrupt drop, the fifth hour a rally, and the final 30 minutes or so a return to liquidation. The close came at about the lows of the day.

Unlike sales on the New York Stock Exchange, those on the American Exchange declined to 930,000 shares from 1,100,000 on Monday.

Steels, nonferrous metals, and motors were the weakest groups on the big board. In other groups, the decline seemed to be under restraint. Two or three of the leading oils lost as much as a point. Continental rose ¼ and Getty and Gulf were unchanged. Firestone and United States Rubber gained ⅛ each and Goodrich was up a point.

Changes among the aircrafts were small and in both directions, but Cessna and Beech were exceptions, losing more than a point each.

American Motors, the most active stock of the day with turnover of 84,400 shares, sold ex-dividend and dropped ⅛ to 22¾. Ford lost 2½ on word that one of its plants was going on part time.

Granite City Steel gained ⅜ but Youngstown Sheet & Tube lost 2¾, Jones & Laughlin 2⅜, and losses of a point or more were common in the group.

Reynolds Metals (ex-dividend) dropped 3⅜, Alcoa 2¼, Kaiser Aluminum 1¾, and Kennecott 1⅝. International Nickel rebounded from its Monday loss to gain 1¼.

Denials by a United Fruit official that his company had either made or considered an offer to buy stock of International Railways of Central America sent International Railways plunging 4¼ points to 14. The preferred slipped 6½ to 62. United Fruit was down ½.

Because of the generally doleful tone of the market, bits of good news were commonly greeted with losses, but Clevite gained three-eighths and Celanese one-fourth on improved earnings and Zenith climbed three-fourths on word that it would seek permission to test paid television in an important U.S. area.

Trans-United Industries traded 18,000 shares, opening at 7¼, hitting bottom at 6 and closing at 6½ for a loss of one-half for the day. More than half the stock was sold at 6.

SHIFT HELD POSSIBLE

Brokers said that their customers obviously were trying to interpret the statement by William McChesney Martin, Chairman of the Federal Reserve Board, that the demand for credit so far this year had been smaller than expected. "This," one analyst said, "means that business activity may be easing, but it also means that money rates may be lower. The first is bad for stocks and the second good for stocks; you may take your choice." He felt, however, that "a turnabout of consequence may be closer than many of us seem to believe."

Another analyst of long experience said that the present market "gave no reason to make us suspect that it was at an important base." There must, he thought, be a full-fledged selling climax—by which he meant a break of 2 percent or so with greatly increased volume and a late tape—before such a base could be formed. He felt that such a climax might not appear until after the market had had its spring rally.

"My feeling about the market?" said a broker. "When a customer wants to buy something, I sell it to him. We're in the commission business. Nowadays I don't volunteer the answers to questions that aren't asked."

On the American Stock Exchange, El-Tronics, Inc., led in activity with 19,100 shares and closed unchanged at 1⅝. Mesabi Iron fell 2⅛ to 56¾ and United States Foil B dropped 1¼ to 35.

Mr. PROXMIRE. Mr. President, the third blow to the administration's case

for congressional surrender of its last vestige of control over Government-paid interest rates was the Federal Reserve's opinion as reported yesterday that even the Fed is beginning to recognize the depressing forces in the current economic picture. For almost all of the last 10 years the Fed has been among the very slowest of the powerful economic factors to recognize a coming slowdown in business activity. Yesterday for the first time, the Fed was reported as admitting that things are not as "boomy" as they appeared at the beginning of the year. Mr. President, if the Fed itself, which has developed such a famous fear approaching terror of excessive business growth and boom, admits that its fears are diminishing, the Treasury Department might as well give up in arguing that high, long-term Treasury interest rates are necessary to slow a boom. In fact, Mr. President, in view of these recent developments, the Treasury Department might seriously consider throwing in the sponge in its request of this Congress that we knock off the 4¼-percent limit on long-term bonds.

I ask unanimous consent that the article from Wednesday's New York Times entitled "Pressure of Wind for Inflation Easing, Federal Reserve Finds," be printed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESSURE OF WIND FOR INFLATION EASING, FEDERAL RESERVE FINDS

WASHINGTON, March 8.—"The wind is still blowing in the same direction, only it obviously isn't blowing so hard." This was the comment of a Federal Reserve official today on recent events in the economy. His implication was that the Federal Reserve might be in the process of relaxing somewhat its tight money pressure, although he did not say so directly.

The Federal Reserve has long pictured its actions as "leaning against the wind" of the economy. The stronger the wind blows in the direction of boom and inflation, the tougher Federal Reserve policy is. The tougher the policy, the more upward pressure there is on interest rates, although private factors play the major role.

The Federal Reserve, as well as other financial and economic agencies of the Government, has been impressed by numerous signs in the economy that things are not as "boomy" as had been expected at the turn of the year. The stock market, with its steep decline, is an important part of the evidence.

There appears to be no belief within the Government that the economy has turned downward, nor is such a turn considered likely.

LOWER RESTRAINTS LIKELY

But the fact that the economy is pressing upward less strongly—together with a near-disappearance of inflationary psychology—is likely to lead the Federal Reserve to ease its policy of restraint somewhat. This has happened before during slowdown phases of an overall upward movement of the business cycle. It could be followed by a renewed tightening later, if the boom should pick up steam again

If such a relaxation occurs, it will presumably show up over the next 3 or 4 weeks in the net borrowed reserves of the banking system. This is a technical measure of the pressure on the banks. It is the total of borrowings from the Federal Reserve by banks short of required reserves, less the excess reserves of banks not so pinched.

This figure has been running at a level of about $400 million for nearly 6 months. It would be no surprise if the figure in the weeks ahead should drift to a lower level.

As long as the figure is negative—borrowings greater than excess reserves—the basic posture of the Federal Reserve is one of restraint, not ease. But a lessening of restraint could lead to reduction of interest rates, particularly at short-term.

Today, in Philadelphia, William McChesney Martin, Jr., Chairman of the Federal Reserve Board, told reporters that he felt the demand for credit so far this year had not been quite as large as anticipated. He added, "That doesn't mean it won't come rolling in a little later."

While refusing to comment on the economic outlook or Federal Reserve policy, Mr. Martin did have this reply to a question on whether he was worried about the stock market decline:

"I'm worried about the stock market, as people might put it out of perspective. It is conceivable they could attach more importance to it economically than it really has, though I have no evidence of that yet."

He attributed the drop in stock prices to a "liquidation of inflation psychology" and a recognition that bond yields had gone far higher than stock yields.

Mr. PROXMIRE. Mr. President, there are many reasons why the Congress should not junk the 4¼-percent limit; but in view of the recent developments recounted above, I would like to suggest a new one.

What obviously has been happening in the stock and bond market is something like this. Until about 3 months ago, the Nation's investors, including the traditional bond investors—the colleges, the trusts, and so forth—were pouring funds into the stock market as a hedge against what appeared to them to be a developing inflation. Then, about mid-December this combination developed: First, there was a realization of the huge rise in stock market prices to levels vastly inflated in relation both to long-term earnings and dividend yields; second, there was a growing recognition of the sharp drop in the bond market, making fixed obligations available at bargain prices; and third, finally, the blush of zooming, booming inflation began to fade with no steel price rise after the steel strike, with continuing unemployment, with American production generally well below factory capacity, and with more than a year of wholesale and consumer price stability.

Under these circumstances, the traditional bond investors began to leave the equity markets. The latest developments, including the pronouncements by those highly revered in the financial community, the Federal Reserve high priests, that the inflation wind is easing, should help continue this healthy readjustment with a downward tendency for interest rates.

This favorable interest rate situation could easily be interrupted however, if the Congress permits the administration to push the inflation panic button again by killing the 4¼-percent long-term ceiling. The sensitivity of bond price reaction to this was evident in the drop in the bond market that followed immediately upon the Ways and Means Committee announcement that they recommended a compromise with the Treasury on the ceiling.

At this point, Mr. President, in view of the facts of financial life, and the absolute determination of a number of us in the Senate to fight the 4¼-percent ceiling to a finish if necessary, I earnestly hope the administration will serve the country and save the time of this body by withdrawing their request on the long-term interest rate.

ANNIVERSARY OF BIRTH OF AMERIGO VESPUCCI

Mr. PROXMIRE. Mr. President, yesterday marked the birthday anniversary of the man whose name has been given to our own Nation and our entire Western Hemisphere.

That man is Amerigo Vespucci, a merchant, astronomer, and geographer from Florence. He is also sometimes known in this country as Americus Vespucius. Our Italian-American friends rightly take special pride in his contribution to the discovery, charting, and settlement of our Nation. It is therefore most appropriate that we in the Senate should recognize this man today, for his own historical importance, and as a notable representative of the many diverse and important roles in our Nation's history which Italian people have fulfilled over six centuries.

Amerigo Vespucci began his career as a clerk in the commercial office of the ruling Medici family, and studied geography as a hobby. He became a skilled map maker and an expert astronomer for his day. About 1490 he was sent to Spain to represent the Medici, and later in Seville became connected with a company that outfitted ships for expeditions across the Atlantic. He probably helped supply the second voyage of Columbus.

Vespucci eventually took part himself in four voyages across the virtually unknown Atlantic. During his third voyage, he referred to the previously undiscovered coast of Brazil as "The New World." This term came to signify both continents of the Western Hemisphere. The name "America" first appeared on a map in 1507.

So, Mr. President, I join with my colleagues in saluting the contributions of Amerigo Vespucci, who left us a heritage of far more than a name, and others of his Italian nationality who subsequently made tremendously significant contributions to our national development.

LONG-TERM INDIAN LEASING ACT

Mr. GOLDWATER. Mr. President, in January 1955 I introduced a bill providing for the leasing by Indian owners of restricted Indian lands in the State of Arizona for certain purposes.

This bill was amended in the full committee to give the same leasing authority for all Indian tribes and was passed in May 1955.

The act permits Indian owners of restricted Indian lands to lease their lands for a period of 25 years for public, religious, educational, recreational,

residential, or business purposes, and 10 years for agricultural purposes. In general, the laws previous to this act preclude leasing for periods of longer than 5 years. The Department of Interior, in its report on the bill, stated that the absence of authority for long-term leases discriminated against Indians who live on restricted lands that are suitable for the location of business establishments, residential subdivisions, summer homes, airports, or other purposes that require a substantial outlay of capital by the prospective lessee.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a report from the Department of the Interior covering the benefits which have accrued to individual Indians and tribes from this long-term leasing authority.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Reservation	Number of long-term leases approved			Total acreage under long-term authority	Annual income prior to long-term leases	Annual income now received for long-term leases from formerly leased lands	Annual income now received from previously idle lands	Total net increase in annual income	Estimated value of improvements accruing to land	Number of long-term leases pending
	Agriculture	Business	Other							
Alaska: Tetlin Reserve										1
Arizona:										
Navajo	2	120	14	2,807.00	$29,367	$179,537	$21,620	$171,790	$7,500,000	0
Maricopa		1		15.15	150	227		77	10,000	0
Salt River		4		680.81			10,372	10,372	385,000	6
Gila River			1	1.00			25	25	10,000	0
Colorado River		2	4	6,121.11	4,644	7,311	6,477	9,144	384,924	0
Papago	1	1		14,848.000			30,932	30,932	1,045,000	2
Fort Apache		178		89.00			12,500	12,500	890,000	500
San Carlos		1		177.00			7,500	7,500	30,000	0
California:										
Fort Yuma		1		11.00	60	220	22	182	25,000	1
Agua Caliente (Palm Springs)		22		413.83	54,292	208,100	50,444	204,252	7,475,000	39
Hoopa Valley		6		103.50	2,760	3,235	400	875	5,000	0
Torrez-Martinez		6		480.00			3,500	3,500	120,000	3
Morongo		1		48.00			6,268	6,268		0
Tule River		1		41.60			1,500	1,500	5,000	1
Cabazon										1
Barona Rancheria										1
Pechango										1
Colorado: Ute Mountain (also in New Mexico and Utah)		3		14.59	650	1,200		550	8,000	0
Florida:										
Big Cypress	1			17,280.00	2,592	7,935		5,343	266,100	0
Dania										1
Brighton										1
Idaho:										
Fort Hall	10	10		8,051.80	2,005	20,993	1,968	20,956	127,398	2
Nez Perce		4		53.53	850	2,660	960	2,770	2,650	0
Kansas: Omaha	1			1,361.00			15,200	15,200	100,000	0
Montana:										
Flathead	7	2		964.30	121	472	880	1,231	5,040	2
Blackfeet	1	3	9	1,071.60	257	1,807	108	1,658	9,617	7
Northern Cheyenne	16			1,638.25	1,344	2,213	2,263	3,132	6,655	2
Fort Peck		3		263.99	480	1,400		920	720	1
Fort Belknap	13		1	16,779.05	2,996	15,582	817	13,403	225,895	6
Nebraska: Winnebago	1	1		9.19	22	200		178		0
New Mexico:										
Jicarilla		3		43.86	14	439		425	5,000	0
Zuni		1	12	58.79	0	0	1,483	1,483	10,000	0
Canoncito Navajo Community			1	5.05	3	25		22		0
North Carolina: Cherokee		16		119.41	6,985	13,617	51,615	58,247	153,000	5
North Dakota:										
Devils Lake Sioux		2		79.40	120	150	25	55		0
Turtle Mountain public domain allotments	9	6		3,329.60	1,220	1,355	135	270		0
Oklahoma:										
Kiowa-Comanche-Apache		3		5.37	603	1,128	800	1,325	34,000	0
Sac and Fox		1		160.00	125	200		75	1,500	0
Oregon:										
Warm Springs			1	1.45			1	1	50,000	0
Umatilla	6	1	2	674.00	1,883	2,918	3,522	4,557	2,305	3
South Dakota:										
Crow Creek Sioux		1		.23			8	8		1
Sisseton-Wahpeton		1		13.00	250	350		100		0
Utah: Uintah and Ouray										2
Washington:										
Yakima	52	30	6	3,921.07	24,240	39,975	12,582	28,317	154,250	0
Colville	46	43	1	5,687.24	5,378	12,818	6,584	14,024	25,000	2
Tulalip		41	3	1,319.85			5,630	5,630	12,500	0
Puyallup		1		.50			250	250		0
Muckleshoot		1		26.00			125	125		0
Makah		10	22	346.86			11,620	11,620		0
Quinault	1		2	80.54			775	775	8,000	0
Port Madison		1	1	186.85			725	725	600	0
Quilente		2	3	19.75			1,771	1,771	25,000	0
Squaxin Island			2	42.00			265	265		0
Swinomish		1		3.00			300	300		0
Western Washington public domain allotments			1	40.00			400	400		0
Wisconsin:										
Lac du Flambeau		23	2	6,364.50	3,098	3,806	1,000	1,708		0
Lac Courte Oreilles		3		7.40			333	333		0
Wyoming: Wind River		4	1	19.40	5	665		660	1,000	2
Total	167	565	89	95,879.42	146,514	530,538	273,705	657,729	19,119,154	593

RECAPITULATION

1. Total number of leases granted under long-term lease authority		821
2. Total acreage of Indian lands now being leased under long-term authority		95,879.42
3. The location of these lands by reservation and purpose for which leased may be obtained from the foregoing tabulation.		
4. The amount of increased income to the Indians arising from longer term leases:		
Net increase in annual rentals	$657,729.00	
Estimated value of improvements accruing to the Indian lands under lease	19,119,154.00	
Total		19,776,883.00
5. The number of lease applications now awaiting approval		593

NOTE.—The value of improvements accruing to lands under agricultural development leases includes the cost of subjugating raw lands for agricultural purposes under the provisions of the leases.

In addition to the reported annual income, many of the tabulated business leases also provide for a percentage income which will become effective after business is in operation. In this report annual income represents either a fixed ground rental or minimum guaranteed rental.

Leases reported as "Other" are principally for either religious or educational purposes, and usually for a nominal rental consideration.

DIPLOMATIC RELATIONS WITH CUBA

Mr. SMATHERS. Mr. President, the Wall Street Journal for today, March 10, has published an article entitled "Latin Diplomats Urge U.S. Economic Steps Against Castro Actions," written by Cal Brumley, a staff reporter of the Wall Street Journal. The article was dispatched from Havana. I shall read the first two paragraphs:

Most foreign diplomats here, including those from other Latin American lands, believe the United States should invoke economic reprisals in response to Cuban Premier Fidel Castro's anti-American tirades and actions.

This may come as a surprise to the U.S. State Department, which has been reluctant to urge any action against Dr. Castro, partly in fear of stirring up anti-U.S. sentiment in other Latin American nations.

Mr. President, it was my great privilege to lead a part of a committee of the Senate on a visit throughout Latin America for some three and a half weeks last month. The conclusion which I and those who traveled with me inescapably reached was that the time had come for the U.S. Government to begin to deal with Fidel Castro with firmness; otherwise we shall begin to lose friends in Latin America. As a matter of fact, our friends in Latin America are confused by our lack of policy with respect to the government of Fidel Castro.

They cannot understand how it is that the United States can continue to treat the government of Castro as it does, when Castro is so obviously unfriendly to us. They wonder how it is that we continue to give the Castro government preferential treatment, when we do not give treatment anywhere nearly so preferential to other governments in Latin America, governments which have long been our friends and who today remain our friends.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the entire article written by Mr. Brumley.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 10, 1960]

LATIN DIPLOMATS URGE U.S. ECONOMIC STEPS AGAINST CASTRO ACTIONS—THEY DISCOUNT FEAR OF LATIN REACTION, SEE CUBA'S ACTS GIVING THEM A BLACK EYE

(By Cal Brumley)

HAVANA.—Most foreign diplomats here, including those from other Latin American lands, believe the United States should invoke economic reprisals in response to Cuban Premier Fidel Castro's anti-American tirades and actions.

This may come as a surprise to the U.S. State Department, which has been reluctant to urge any action against Dr. Castro, partly in fear of stirring up anti-U.S. sentiment in other Latin nations. In fact, just yesterday Secretary of State Herter reasserted at his news conference that the United States will not retaliate against Dr. Castro's actions. Mr. Herter said that during their trip to four South American countries over the past 2 weeks, he and President Eisenhower had found that although many Latin officials are worried about the direction in which the Castro regime seems to be headed, they oppose U.S. intervention in the affairs of any Latin American nation.

But talks with emissaries to Cuba from many countries disclose that most of them favor a cut in the price the United States pays for Cuban sugar; this price is about 2 cents above the world market level. Moreover, most diplomats think the United States could take this action without risking serious criticism from other lands.

"If the United States reduced its sugar premium, only the leftists in other Latin American nations would react unfavorably," one South American Ambassador here asserts. Another diplomat adds: "The United States is under no obligation, moral or otherwise, to hand Cubans extra money for sugar."

CONCERN FOR U.S. INVESTMENTS

An oft-expressed worry among Latin American diplomats is that Dr. Castro's apparently successful seizure of some U.S. property may frighten away U.S. capital from other Latin countries. "Americans may get the idea Dr. Castro will set the pattern for other places in Latin America," one envoy declares.

So far, Secretary Herter's rebuke to Cuba on Monday is the sharpest official protest the United States has lodged against Dr. Castro's anti-American statements. Mr. Herter was replying specifically to charges by Dr. Castro that "U.S. interests" had been responsible for the explosion in Havana harbor of a French ship that had been carrying munitions to Cuba. When Dr. Castro called Mr. Herter's rebuke "insulting," the Secretary spoke out again yesterday, declaring that the Castro regime seems to "go out of its way" to make difficulties. Mr. Herter said the United States hasn't considered breaking diplomatic relations with the Castro government, but he conceded circumstances could arise which would make such a step necessary.

If the United States did eliminate or cut its premium for Cuban sugar—and the current Congress is due to consider such a measure in an overall study of sugar imports—the economy of Dr. Castro's government would be seriously impaired. Last year U.S. purchases of Cuban sugar amounted to nearly $345 million out of total Cuban sugar sales of $500 million. Sugar sales account for about 25 percent of Cuba's total national income and about 80 percent of its export income, which it must have to pay for imports it needs.

SOME CUBANS WANT CUT

There is no doubt a cut in the sugar premium would hurt the Cuban people, at least temporarily, and President Eisenhower says this is one thing the United States hopes to avoid. But there are some anti-Castro Cubans who would welcome the premium cut if it would help get rid of the present Cuban Government.

"You'd be surprised how many Cubans are ready to suffer through something that would help get rid of this dictatorship," says one Cuban businessman. Declares another: "Anything that would help establish a democratic government here would be an act of friendship, not economic aggression toward the Cuban people. What can be worse than being controlled by a radical dictatorship?"

Most foreign diplomats here have been hoping for a change in the Cuban Government's attitude, as has the United States. But recent events have convinced most of the envoys the United States has no choice but to take action that will point up the concern it and other nations feel toward the trend of Cuban policy. These diplomats believe a cut in the sugar premium is the least risky warning the United States can issue. One Ambassador suggests the United States should cut the amount of sugar it buys from Cuba and allot the amount among such friendly sugar-producing nations as Brazil, Mexico, Peru, and others. But most envoys believe this would require tedious negotiations with too many other countries.

SAFETY OF U.S. CITIZENS

Though cutting the sugar premium perhaps would be less dangerous than some other reprisals, there still would be risks involved. Foremost would be the safety of the approximately 5,000 U.S. citizens who live on this tropical island. "Their safety is a real concern and you just can't tell what Castro's people might do if the United States took some definite action," one American official here says.

Another consideration is American property here. U.S. investments in Cuba total about $800 million; the Cuban Government already has seized U.S. property worth about $5 million to $6 million, promising payment in 20-year Government bonds. "If the United States cuts the sugar premium it's a good bet Dr. Castro will take over other American interests," a U.S. official says. But other Americans here believe Dr. Castro eventually will take over all U.S. interests anyway.

Still another point to consider is that Dr. Castro's anti-U.S. tirades almost certainly would become even more virulent if there is any cut in the sugar premium. Dr. Castro and the Cuban Government-directed press probably would scream economic aggression, big stick, and yankee imperialism. Echoes of such cries might be heard, too, from Russia, which recently signed a trade agreement with Cuba, and from leftist elements in other countries. But this possibility is shrugged off, too, by some observers. "The United States gets blamed for everything that goes wrong in Cuba anyway," is the way one foreign diplomat puts it.

LOSING FRIENDS?

Many Ambassadors believe Dr. Castro's outbursts against the United States have lost him friends in other Latin American nations. One diplomat says he believes the Cuban premier has lost the sympathy of 75 percent of South America. This diplomat notes that Peru, Brazil, Argentina, Uruguay, Chile, and Ecuador have declined to attend Cuba's proposed fall conference of underdeveloped nations. "I think this shows what we think of him," this Latin American emissary declares.

Most diplomats appear puzzled by Dr. Castro's anti-Americanism and believe the explanation goes beyond such Castro charges as U.S. support of the deposed Batista government and American exploitation of Cuba. One envoy believes Dr. Castro's attitude stems from the Communist influence. Another believes it is impossible to fathom Dr. Castro's motives because he is not a logical man according to the way we understand the term.

"The bitterness may be self-justification for the seizure of private property, both American and Cuban," another ambassador speculates. At least one diplomat thinks Dr. Castro is deliberately trying to provoke U.S. reprisals for propaganda purposes.

DISAGREEMENT ON TIMING

While most Ambassadors here believe the United States should act to curb Dr. Castro's power, there is considerable disagreement on timing. One diplomat says he "still has hopes the Cuban people will react against this Government and give the United States a chance to help them." Another declares the United States "probably shouldn't change the sugar price for at least a year; the policy of tolerance has been the best so far."

But a Cuban businessman asserts that every day Dr. Castro is in power more private property is being taken over by the Government. "This means that much more that will have to be straightened out eventually," he says.

Many Ambassadors express the belief that the revolutionary Cuban Government is

Communist dominated and poses a serious menace to the rest of North and South America. "I'm fully convinced the top men are 100-percent Communist," says one diplomatic observer. Another emissary believes that "Cuba may become a center of Communist imperialism in Latin America because Castro has a Simon Bolivar complex." This is a reference to the 19th century revolutionist who led uprisings that resulted in the independence from Spain of what is now Venezuela, Colombia, Ecuador, Panama, Peru, and Bolivia.

Almost all diplomats here agree that if the United States cuts the premium for Cuban sugar, it should explain its action fully and should follow it up with policies of friendship and aid to other Latin American lands. One Ambassador suggests: "You don't have to say the premium is being cut because of Cuba; do it because you're revamping farm policies or something." Another says: "Perhaps the best way to explain any action you take would be to bring it before the Organization of American States."

FREE TELEVISION TIME FOR PRESIDENTIAL CANDIDATES

Mr. MAGNUSON. Mr. President, the Senator from Oklahoma [Mr. MONRONEY], the Senator from Florida [Mr. SMATHERS], other members of the Committee on Interstate and Foreign Commerce, and I, as chairman, are introducing today a bill to provide for the use of television broadcasting stations by candidates for the Office of President of the United States.

The bill provides that certain facilities be given to the candidates for President of the major parties without charge during the presidential election campaign, so that the people may be adequately informed. Certain sections of the bill suggest certain practical applications which we may wish to discuss when a hearing is held on the bill.

Generally, the bill provides that 1 hour of time each week shall be given free by each station and network for 8 weeks during the period beginning September 1, preceding the election, in any year in which a presidential election is being held; and that a 1-hour period shall be reserved for the Monday preceding the day of the election. In addition, for each of the 8 weeks a total of 60 minutes shall be divided equally among the eligible candidates.

This matter has been discussed by the national chairmen of the two major political parties, our colleague, the distinguished junior Senator from Kentucky [Mr. MORTON]; Mr. Paul Butler of the Democratic Party; and the Federal Communications Commission. All of them, I know, have given the subject some thought. Representatives of the networks and licensees also have discussed the subject.

This is a matter which is in the public domain. We feel that the public should have an opportunity to receive such enlightenment as they may be able to get from this great medium of expression and medium of information during a presidential election year.

I hope that the criticism of some provisions of the bill will not be too strong, because some practical problems are involved. For instance, the time which may be finally agreed upon may be 45 minutes instead of 1 hour. There may be a question as to a definition of an eligible presidential candidate. The bill provides that his party shall have last received 4 percent of the total votes cast. Perhaps we should make it 10 percent; I do not know. But these are matters as to which the chairmen of the two national political parties and others who are interested in the matter will appear before the committee and arrive at a reasonable figure.

These are matters about which the committee will hear testimony from the chairmen of the two major political parties and from others who are interested, and then the committee will arrive at a reasonable figure.

But because time is short, we wish to get this measure before the committee and have the committee's consideration of the bill begin as soon as possible.

Mr. SMATHERS. Mr. President——

Mr. MAGNUSON. I yield to the able Senator from Florida.

Mr. SMATHERS. Mr. President, I should like to say to the Senator from Washington that if he and the Senator from Oklahoma [Mr. MONRONEY] have no objection, I wish very much to associate myself with them in the authorship of the bill.

I, too, have read the articles which were so ably, clearly, and persuasively written by Adlai Stevenson, and were published in the weekly supplement "This Week."

When the first suggestion which led to development of the bill was made, inasmuch as I had not only had the benefit of the experience in my own campaigns, but also had had the experience of being chairman of the Democratic Senatorial Campaign Committee in two elections, and also had been active in the presidential campaigns, I felt—and I believe that all others with similar experience would agree—that the time had come when we had to make it possible for those who run for election to this major political office in the United States to have an opportunity to go before all the people of the Nation and at one time develop their thinking on all the major issues of the day.

So I commend the Senator from Washington and the Senator from Oklahoma for preparing the bill, and I desire to associate myself with them in its introduction.

Mr. MAGNUSON. We shall be very glad to have the Senator from Florida do so.

Of course the Senator from Florida has engaged in many of these discussions. As he has stated, Adlai Stevenson wrote some very able articles in regard to this matter.

However, this bill is the result of more than those articles. Other bills on this subject have been before the committee; and included among those bills is one prepared by the Senator from Indiana and the Senator from Wyoming, and other bills in this field which have been prepared by other Senators; and many Senators, including the Senator from Oklahoma, have been interested in this subject.

The practical question is how best to approach this issue.

Many of the bills provide that candidates for election to Federal office shall have this right—which, of course, would extend to candidates for election to the Senate and candidates for election to the House of Representatives. But such proposals pose even more practical problems to the licensees, to the networks, and to others. For instance, how far down in the election process should this arrangement extend? Should it extend to campaigns for election to local offices, which are very important in the various communities?

The Senator from Oklahoma and I thought that, this year—with a presidential election coming on, and with time running short—we should make a beginning, at least insofar as the candidates for election to the Presidency are concerned; and thereafter we could proceed with discussions and study in regard to other uses of the public domain of the air, and have legislation as to such fields acted on in the future.

Mr. SMATHERS. Mr. President, will the Senator from Washington yield further to me?

Mr. MAGNUSON. I yield.

Mr. SMATHERS. Of course I agree as to the importance of taking such steps in a presidential election year.

Nevertheless, will the Senator not agree that it might be wise to consider enacting such legislation this year, when all the Members of the House of Representatives have to run again and when one-third of the Members of the Senate also must run again? In short, at this time should not there be placed in the law some legislation or some regulation whereby the media of communication, such as television or radio, over which we have some jurisdiction—and even the newspapers, also—should not be permitted to charge to the candidates who run for office, and who try to get their messages to the people, higher prices than those charged by such media to ordinary advertisers? I believe such an arrangement would be helpful to all who run for election to public office.

Mr. MAGNUSON. Certainly every Member of this body has paid far more than the ordinary commercial advertisement rates. But I must say that the radio stations have long since abandoned that practice, and the television stations have done likewise, because of the amendment to section 315 of the Communications Act adopted in 1952.

The big difference, so far as television is concerned, is as to the choice of the time which is made avaliable. That is the main consideration. The price charged is the same.

Mr. MONRONEY. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. MONRONEY. Mr. President, I have been very happy to cooperate with and to work with the chairman of the Committee on Interstate and Foreign Commerce in the drafting of the bill; and today I am happy to join him in the introduction of the bill.

I do not believe there will ever be a time in the future of our country when the selection of the President of the

United States will mean as much to the preservation of our great Nation as it will this time. Certainly all of us wish to see the choice made in the coming election based on the best possible knowledge and understanding and familiarity with what the candidates bring to the public by means of their campaigns.

I believe that all of us are practical; and we know that in the past the use of television has, more often than not, confused, rather than clarified, the issues in the campaigns—particularly because of the use of a great deal of hoopla, Fred Waring bands, orchestras, singers, stand-ins, stage settings, and all the other theatrical mechanics which have been used in connection with this vital medium. Such things have blunted and dulled the opportunity of a candidate who seeks to talk sense to the American people to cut through the trivia which have come into the broadcasts in the past.

Actually we are trying to reach into the homes of approximately 50 million or 70 million Americans; we are endeavoring to do so in a quiet way, so as to discuss with them, with clarity, and with sanity, and on the basis of factual presentation, the greatest issue which possibly could face a free people—namely, the choice of the one who will carry the tremendous power of the Presidency and the awful and agonizing responsibility which the President of the United States for the next 4 years or the next 8 years will have to face.

Certainly such a serious problem and so important a choice should not be confused with a bunch of singing commercials or with television programs which show local politicians prancing up and down or dancing in the aisle, while carrying gaudy or flamboyant signs and banners with catchy slogans. The 60 million or 70 million people who choose to see the candidates on television do not choose to go to the rallies, in the first place. So why some would choose to pipe into their homes the trivia and the hoopla associated with the rallies is more than I can understand.

While we are going into this matter, I think we must consider very seriously providing that the two major presidential candidates alone shall have the right to use this time. They will not be able to use substitutes or stand-ins; they must themselves use this portion of the time. It seems to me this proposal offers a great opportunity for careful study and consideration.

I grant that the bill is not perfect. It needs much testimony and consideration, not only by political leaders, but also by those in the industry. But I believe the bill constitutes a fine nucleus around which we can make provision for making television time available to the candidates of the two major political parties in the presidential campaign, this year, so as to enable them to present their views.

Mr. PASTORE. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I yield.

Mr. PASTORE. I agree with everything the Senator from Oklahoma has said. From time to time we have discussed in the Senate clean elections and the amount of money required to bring campaign data and political education material to the attention of the people of the country; and we have previously pointed out how it becomes more and more impossible for the candidates to make proper presentations in that connection, and how their legitimate desires in that field are being more and more circumvented, because television time has become so very expensive.

Do I correctly understand that the provisions of this bill will confine the use of such time to the major political parties?

Mr. MONRONEY. Yes; and, under the provisions of the bill, parties which received less than 4 percent of the total popular vote in the last election will be excluded.

Mr. PASTORE. I see.

Mr. MONRONEY. That figure is subject to variation; but the suggested 4-percent provision would seem to provide—as I think any bill must—a chance for a third party to have this opportunity, once a third party has been organized and established, and once it has developed that much strength. Such a third party would be entitled to time on the air, if it had demonstrated that it had received a certain percentage of the total popular vote in the last election.

In other words, we dare not freeze out a third party movement by making it impossible for its candidate to be heard.

Mr. PASTORE. However, such a law must not be made too liberal, for then we would become involved in the dilemma which has plagued the television and the radio broadcasting stations, who have had great difficulty in deciding to what extent to limit these opportunities.

Mr. MONRONEY. The bill as now drafted will make such opportunities available to the candidates of parties which received as much as 4 percent of the total popular vote in the last election. As a matter of fact, based on the last election no third party candidate would be eligible for this opportunity this year.

However, of course, it would not be possible or appropriate for the stations to provide such time to the candidates of vegetarian groups or the candidates of all the other splinter groups who might choose to call themselves political parties and might wish to enter their candidates.

Mr. PASTORE. When it becomes permissible, under the rules and procedure of the Senate, because of the pending legislation, the junior Senator from Rhode Island, who is chairman of the subcommittee, will be ready to act immediately.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield. I am ready to yield the floor.

Mr. STENNIS. As one Senator who has been present, and who has heard this subject discussed before, I want to commend the Senator from Washington, the Senator from Oklahoma, and other Senators who may have worked on this problem, for a very important effort made toward the solution of a difficult problem. I think they are rendering a service to the country when they try to work out a practical formula, and especially to get it ready for the forthcoming presidential election. There are more problems involved than the public realizes. I commend the Senator highly.

Mr. MAGNUSON. I thank the Senator.

Mr. President, I ask unanimous consent that the name of the junior Senator from Rhode Island be placed on the bill.

The PRESIDING OFFICER (Mr. BUSH in the chair). Without objection, the name of the junior Senator from Rhode Island will be placed on the bill.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes.

Mr. CASE of South Dakota. I think this is a problem to which legislative attention should be given promptly. The President of the United States has called the recent interpretation of the rules a ridiculous situation. I think it is ridiculous to have someone who announces himself as a candidate embarrass the networks with respect to granting equal time to those who may not have announced their candidacy.

The PRESIDING OFFICER. Does the Senator from Washington yield the floor?

Mr. MAGNUSON. I yield to the Senator from Idaho [Mr. CHURCH] if he has a question.

Mr. CHURCH. Mr. President, I want to commend the distinguished Senators from Washington, Oklahoma, Florida, and Wyoming for what I think is a most significant service for the strengthening of our national elections by opening a legislative gateway for a great debate between the presidential candidates of the two major parties, thus making it possible for the people to have their attention focused on the important issues in the coming elections; and, secondly, making it possible for the two candidates to reach the people at a lesser cost.

It seems to me that until we come to grips with the problem of cost, we place the parties in jeopardy of captivity to those organized groups within the country that have the necessary sums of money to contribute. So I think this bill works constructively in two directions. First, it makes it possible to have a campaign which focuses attention upon the issues through the best means by which that can be done, namely, by direct debate between the presidential candidates. Second, it permits this debate to take place as a public service, without the enormous expense which is now entailed, and which tends to bind the two parties to the large organized groups that alone have the means to afford the heavy cost.

Elections should be won, not bought. This bill advances democracy in the best sense.

I would be very much indebted to the distinguished Senator from Washington if he would include me as a cosponsor.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the name of the Senator from Idaho [Mr. CHURCH] may be included as a cosponsor.

The PRESIDING OFFICER. Without objection, the name of the Senator from Idaho may be included as a cosponsor.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. MAGNUSON. Mr. President, now I yield to one who probably knows more, as a practical matter, than anyone else in this body what it costs to appear on national television programs. I yield to the Senator from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. I thank the Senator from Washington, but the purchase of a television set is about the only experience I have had in that regard. All I had was an opportunity of getting on quiz programs, and programs of that kind. I have the feeling that the Senator's bill might give people in his position or in my position, or anyone else like us, an opportunity to seek national office.

Mr. President, I should like to join as a cosponsor of the bill.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from Tennessee may be joined as a cosponsor.

The PRESIDING OFFICER. Without objection, the name of the Senator from Tennessee [Mr. KEFAUVER] will be included as a cosponsor.

Mr. MAGNUSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. MCGEE] has been seeking the floor for 45 minutes. The Chair recognizes the Senator from Wyoming.

Mr. MCGEE obtained the floor.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. MCGEE. I am delighted to yield to my colleague from Oklahoma.

Mr. MONRONEY. Mr. President, I ask unanimous consent that the bill which the Senator from Washington [Mr. MAGNUSON] and I have introduced may lay on the table for 2 days for additional sponsors.

The PRESIDING OFFICER. Without objection, the bill will lie on the table as requested.

Mr. MCGEE. Mr. President, there is a mistaken notion that I have a speech to make. I have been desirous of getting in only a word or two, but have been outflanked from time to time by my senior colleagues. I hope they will not consider it an intrusion if I join them in their remarks about the matter which will be before the Interstate and Foreign Commerce Committee. I think they are putting their finger on the approach to a sensible solution of the problem involved. However, what the Senators have also brought to light is the mounting significance and the growing power and the great importance of the television industry as a communication medium of tremendous power. For that reason, I think it is well to consider this problem and many other facets of the problem that are matters of public concern.

Mr. President, from time to time I have been putting in the RECORD analyses of distinguished columnists. I have received a letter from the vice president of the Columbia Broadcasting System, Mr. Bunker, suggesting I have been one-sided in those conclusions. He sends me some articles more favorable to their side.

I ask unanimous consent that an article by David Lawrence and a reply to Walter Lippmann in a letter to the New York Herald Tribune, by Frank Stanton, also be included in the RECORD in connection with the remarks we have been discussing here.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Mar. 4, 1960]

LICENSING HELD NO REASON FOR FEDERAL CONTROL OF TV

(By David Lawrence)

WASHINGTON, March 3.—There are two schools of thought nowadays in public affairs—those who want the Government to take charge of everything, and those who want to see the individual freed from unnecessary restraints and restrictions so he can develop his ideas and enterprises.

The subject is pertinent today because one group advocates that the Government shall take complete charge of radio and television, and the other argues that this would be the worst thing that could happen to freedom of communication.

Which one of the two groups might be classed as "liberal" and which one could be described as "authoritarian"?

FROM THE DICTIONARY

To get an answer, the writer consulted Webster's New World Dictionary and found this:

1. An "authoritarian" is one who believes in or advocates "unquestioning obedience to authority rather than individual freedom of judgment and action."

2. A "liberal" favors "political reforms tending toward democracy and personal freedom for the individual."

Just who, therefore, are the true "liberals" in the controversy going on these days over what should be done about regulating television and radio? Even such an organization as one which calls itself the American Civil Liberties Union seems to have deviated from the "liberal" faith as it declares that the Federal Communications Commission should energetically exercise its power to require the radio-television industry to provide the maximum possible range and balance in subject matter and treatment in its overall programing."

ASK UNRESTRICTED MEDIUM

In a speech the other day, Dr. Frank Stanton, president of the Columbia Broadcasting System, called for a "freely competing, unrestricted television medium." He has been criticized for this statement on the ground that, since television channels are few in number and are allocated by the Government, this is a monopoly. Dr. Stanton answers that there is no more reason why television should be regulated as to its content than newspaper should be. The argument is made in reply that anybody can buy a printing press and start a newspaper but nobody can get a television channel unless it is given up by a company already holding one.

But is this an accurate analogy? Must the Government undertake to balance the disparities in business or the professions? It so happens that in about 95 percent of the cities of the United States there is only one newspaper ownership. Is it the duty of the Government to provide competitors to balance in each community the viewpoint of the existing publication?

Certainly with the rising costs of newsprint and labor and the limited advertising market available in a given community, it wouldn't be possible as a rule to start a competing paper unless the Government were to put up the funds.

Is the continued existence of one-paper cities something that troubles the authoritarian who really may think he favors balancing the situation but who would have to concede that, the moment the Government starts to control what is said, this could be politically one sided?

When the Government tells the broadcasting stations what programs they must put on their channels to justify retention of their licenses, the end result is bound to be authoritarianism. It certainly can't be called liberalism.

The viewpoint which holds that, because the Government allocates radio or television channels, it has the right to say what shall be done over the airwaves by each licensee is not of recent origin. Unfortunately, it was expressed as far back as the Hoover administration by the legalists who felt that the granting of a Government facility gives to the Government the right to determine the use of that facility. This concept has been upheld by a ruling of the Supreme Court of the United States. But this very decision, which was dissented from by highly respected Justices, really ignored the constitutional principle of a free press and free speech.

The writer all through the 1920's argued against the doctrine that the allocation of a radio license gave a governmental commission the right to tell a station what programs it should or should not broadcast. There is, of course, every reason why the Government should deny a license to any station that refuses to abandon misleading advertising or which engages in obscene shows, but these are the same restraints which the Federal Trade Commission or the postal authorities may impose on the press.

WOULD CONTROL PRESS

To say that the Government should pass judgment on the quality of radio or television programs is to say that the Government should issue postal privileges only to the newspapers whose editorials measure up to a standard set by a governmental agency. This is the road to authoritarianism. All true liberals will vigorously oppose any interference with the right of a broadcasting or television company to present whatever it pleases on the air, provided it doesn't offend the laws against libel or obscenity.

It is fundamentally wrong, moreover, for Congress to insist on equal time for political candidates. The public alone should be the judge of whether the television or radio stations or the press are presenting balanced programs or news reports. And it is the public, not the Government, which in the final analysis should decide whether it likes what it hears or what it sees or what it reads. That's true liberalism.

[From the New York Herald Tribune, Mar. 8, 1960]

CBS PRESIDENT ANSWERS WALTER LIPPMANN

To the NEW YORK HERALD-TRIBUNE:

In a recent column, "Television and Press," Mr. Walter Lippmann said that I had advocated for television "an unrestricted right to set its own standards of conduct." If by "conduct," he means television programing, he is quite right.

I have stated on many occasions, as vigorously as I could, my strongly held belief that the substance and content of programing should be kept free of Government dictation. No Government agency should ever be allowed to impose on the public what it thinks is to the "public's benefit"—to force on the public not what the public wants, but what it wants the public to want.

In commenting on "planning social improvements" in "The Good Society," Mr.

Lippmann himself said: "Not only is it impossible for the people to control the plan, but what is more, the planners must control the people. By a kind of tragic irony, the search for security and a rational society, if it seeks salvation through political authority, ends in the most irrational form of government imaginable—in the dictation of casual oligarchs. The reformers who are staking their hopes on good despots, because they are so eager to plan the future, leave unplanned that on which all their hopes depend—the selection of the despots who are to make society so rational and so secure as to be left to the insecurity of irrational chance."

Mr. Lippmann suggests that there can be a double standard of freedom for television and newspapers because the former is "like a printing press. It is a mechanical medium of communication"—a purely passive mechanical entity like a telephone wire, transmitting whatever messages happen to come along.

Of course, a station is no more simply an electronic transmitter than is a newspaper simply a printing press. It is the editorial judgment of what should go into the paper or into the program schedule that makes the newspaper or the station. Indeed, it is on programing for the public benefit that Mr. Lippmann is quite properly insisting.

If Mr. Lippmann means that regulation is justified for television and not for print media because there are so few networks and so many newspapers and magazines, he has overlooked the fact that there are more than 500 television stations and 5,000 radio stations, and that network programing comprises considerably less than half of a television station's schedule. To argue that there should be regulation because there are three television networks is to argue that there should be regulation of national wire news services because there are only two serving the newspapers of this country.

It is precisely because a television station is so much more than a mechanical medium that thoughtful people, including Mr. Lippmann, are concerned with television's best use for the good of the most people and its freedom to develop in response to the general aspirations, tastes, and values of a democratic society.

FRANK STANTON,
President, Columbia Broadcasting System.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3171) to provide for the use of television broadcasting stations by candidates for the Office of President of the United States, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

SENATOR MUSKIE, OF MAINE

Mr. McGEE. Mr. President, I have in my hand a publication of the U.S. Information Agency, and I call it to the attention of my colleagues in the Senate at this moment for two reasons. The first is because of the authors of the article and, second, because of the subject of the article. The authors are Olga Arnold and Laura Winslow. Olga Arnold is a constituent of mine from Laramie, Wyo., currently employed by our Information Agency in that country. Her husband was a distinguished dean of the College of Law at the University of Wyoming. Olga Arnold is an esteemed writer in her own right. She has turned out an effective article in what is one of the most efficient instruments working for the American people, the magazine Ameryka. That is one reason for mentioning the article.

The second reason is the subject of the article. The subject of this article is our distinguished colleague in the Senate, the junior Senator from Maine, EDMUND S. MUSKIE.

This particular article was for circulation in Poland. It appears in the Polish language. I ask unanimous consent that the English translation, which I have in my hand, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEW SENATOR FROM MAINE

(By Olga Arnold and Laura Winslow)

There is something Lincolnesque about EDMUND SIXTUS MUSKIE, who has completed his first year as Senator from Maine. Tall and lanky, with craggy features and a ready wit, MUSKIE has been something of a political wonder. His liberal philosophy, his deep concern for people, and his warm friendliness have helped him capture the popular imagination. Son of a Polish immigrant, 45-year-old MUSKIE has risen fast on the political scene: he was elected Governor of Maine in 1954, then again in 1956, and last year he went to Washington as the first Democrat ever to be elected U.S. Senator in the traditionally Republican State of Maine.

The life of a U.S. Senator is a busy one. The pictures on these pages follow EDMUND MUSKIE through a typical day in Washington: keeping up with what's going on, attending meetings, discussing proposed legislation, meeting constituents from his home State. No matter what a Senator's previous occupation may have been—lawyer or farmer, worker or doctor—after his election he is expected to devote all his time to the business of Congress. His senatorial salary frees him from the need to depend on any other source of income, and he spends most of the year in Washington—on the job. The few months that Congress is not in session, Senators are busy back in their home States, meeting with constituents to explain their record in the Senate and to sound out grassroot opinions and wishes on upcoming legislation.

MUSKIE has found his new job in Washington—as a freshman Senator learning his way through the Capital's complicated customs—quite different from being the Governor of Maine. "It's like playing crack the whip on ice skates," he says. "When you're Governor, you do the cracking. When you're Senator, you're just the tail of the whip." But though he is only one of many Senators, already in his first year he was influential in furthering causes very close to his heart. He cosponsored a bill on Federal aid to education, one on Federal standards for unemployment compensation, one for urban redevelopment. He was also a cosponsor of the bill for Hawaiian statehood, and of another providing for efficient coordination of medical and scientific research conducted by various Government agencies.

The problems MUSKIE now faces are complex and manifold. As a U.S. Senator, he must keep in mind the interests of the whole country, not just those of his State, and the issues before Congress often involve global considerations. Bridging the gaps among nations, MUSKIE feels, is today's pressing problem; and it was his desire to strengthen the position of the United States "in a people-to-people relationship" which was the prime motive of his running for the Senate. "I believe I am in a position to do this," he remarks, "having my roots so recently in the Old World."

As Governor of Maine, his interests were, of course, focused mainly on the development of that State. It is a rugged and beautiful State, sparsely populated, buried deep in pine forests, with 3,800 kilometers of coastline, fringed by more than a thousand islands. The cold waters of the North Atlantic pounding against its shores are the best lobster-fishing grounds in the United States. Maine's 6,000 fishermen furnish three-fourths of the lobsters consumed in the whole country. Potato growing and poultry raising are two other mainstays of Maine's economy.

As its dynamic Governor, MUSKIE sought to improve the State's economy by attracting new industries into abandoned textile mills and getting purchasers easy credit terms with out-of-State realty companies, bringing management and labor together to improve shipping facilities, working for development of the port of Portland, and choosing a hard-driving businessman to revitalize the State's department of industrial development. He consulted with the fishermen and recommended local canning and freezing plants. He hired a full-time State geologist to explore the natural resources of the State. He kindled the legislature and department heads with his own enthusiasm, working amiably with both friends and political opponents to get the necessary work done. The result was 25 new industries by 1956, with a projected payroll of $11 million. The State's budget is heavily taxed by highway-maintenance expenses, since Maine roads tunnel through miles of forest and are subject to the deep frosts of northern winter. Therefore, not enough State funds were available for education, which MUSKIE sees as one of the most important foundations of any human progress, and as Governor he applied for just that kind of Federal aid to education which he now is furthering as a U.S. Senator.

MUSKIE's concern for the people's welfare and for generous educational opportunities is deeply rooted in his experiences as a youngster.

He is the son of a tailor, Stephen Marciszewski, who, finding that his fellow Americans stumbled over his last name, shortened it to MUSKIE. Young EDMUND MUSKIE, one of six children, helped pay for his schooling by waiting on tables in winter and working as a bellhop in a hotel during the summer months. He attended a county primary school and the Rumford High School, where he overcame his inherent shyness so successfully that he became the outstanding member of the debating team and was elected class president his senior year. His great height—193 centimeters—was a boon to the basketball team, and he excelled in track sports. His social and athletic accomplishments did not interfere with his studies—he was valedictorian of his class in 1932.

His excellent high school record won him a scholarship to Bates College in Lewiston, Maine. There he majored in history, and again shone as a debater, producing well thought out arguments and flashing a quick wit in rebuttal. Such a talent led inevitably to law and politics. In college he first showed his amazing tendency to break records, and good naturedly accepted a lot of ridicule for becoming the only Democrat on the campus. He achieved his legal education through a scholarship to Cornell University in the neighboring State of New York, graduating cum laude in 1939. He opened a law office in Waterville, Maine, in 1940, but his practice was soon interrupted by World War II. He promptly volunteered in the Naval Reserve and was assigned to destroyer escort duty.

After his discharge as a lieutenant in 1945, he returned to Waterville, where he added politics to his other interests and

again became conspicuous as one of the few Democrats on the local scene. At a luncheon club which met daily in a downtown restaurant, he was the amiable target of many jibes by the overwhelmingly Republican membership, but he met the assaults with such skillful verbal ripostes that he soon became locally famous. Apparently, people admired this clearheaded young man with strong convictions and a gift for expressing them. MUSKIE was elected to the State legislature in 1946, and was reelected twice, becoming Democratic floor leader of the State house of representatives in 1948. Since there were very few Democrats to lead, he gained a great reputation for being able to work successfully with the Republicans, and was made a member of the Governor's budget advisory committee.

He had met a pretty and vivacious girl, Jane Frances Gray, at a veterans' meeting in Waterville in 1946, and with his usual persistence, courted her until she married him in 1948. They now have four children, Steve, 10; Ellen, 9; Melinda, 3, and baby Martha, who was born after the last election. As a householder, he developed a great zeal for carpentry which led to a temporary disaster. While finishing the second floor of his small home, he leaned against a stair rail to admire his handiwork. The rail collapsed and he fell two floors, breaking his back. There followed 15 months of agonizing convalescence, during which he moved his family to a lakeside camp where he could rest and restore his strength by swimming. His indomitable fight gripped the imagination of Maine's sturdy people.

He had barely recovered and was beginning to pay off his debts, when he was approached to run for Governor. He campaigned on a program of attracting new industries, of improving State highways and port facilities, of raising teachers' salaries, and passing a minimum wage law for intrastate firms, not already regulated by the Federal minimum wage law. In spite of his recent injury he traveled some 32,000 kilometers, visiting the towns and backwoods of Maine.

He kept his campaign promises so satisfactorily that he was reelected in 1956, and in 1958 he became his party's logical candidate for the U.S. Senate. This campaign was really historic in the annals of Maine politics. Neither party had ever bothered to campaign much—the Republicans because they were so confident of success, the Democrats because they had no hope. But MUSKIE went into every logging camp and fisherman's hut; he stopped at every farm and factory, tirelessly shaking hands, trading stories, and listening to grievances.

"He would start in the basement of a factory," an aide recalls, "and work his way up from floor to floor, shaking every single hand. Many of the workers he could call by name, for he is always interested in people and remembers them. Sometimes he would just say 'Hello,' and introduce himself, sometimes he would stop and have a long chat. He never allowed himself to seem hurried or perfunctory. And yet he would sometimes visit six or seven plants a day. He always felt he could do more by seeing people at work and letting them talk to him, than by merely seeing them at the rallies and talking to them. Though he was very effective at the rallies, too."

Muskie himself remembers the campaign with pleasure. "I visited homes," he recalls, "where the voters hadn't ever laid eyes on a living Democrat." He enjoyed seeing the whole State, with its inlets and islands, its great forests. "I'd be elected right now," he told one friend, "if pine trees could vote."

But even without the help of pine trees, he was elected with a plurality of 60 percent of the votes cast. He took the oath of office in Washington on January 3, 1959.

In speaking of the forces that have impelled him toward a career of public service, he gives much credit to his father, the Polish immigrant boy who was born Stephen Marciszewski in a small village near Cracow, landed in the United States in 1903, and lived to see his son twice Governor of Maine.

"My father's father was a farmer," says Senator MUSKIE. "He shared the intense patriotism and love of liberty which has characterized my ancestors as a people through centuries of oppression. He early determined that his youngest son (my father) should have an opportunity to build a * * * better and freer life than appeared possible under the old tyranny. * * * And so it was that, in his early teens, my father was apprenticed to a tailor. At the age of 17, having learned his trade, he left his home, embarking on a new life. At his knee, I have heard him reminisce, for hours on end, out of the fullness of his heart, upon his boyhood life—the close family ties that bound him to loved ones he was never to see again, the warmth of his father's house, the joys and pleasures of his childhood. It could not have been easy to leave them behind." And yet, MUSKIE remarks, "What he had lost had been more than offset by what he had gained. Here a man was completely free to reap the benefits of his own integrity, intellectual, and physical capacity, his own work." If he needed an example to prove it, Senator MUSKIE wouldn't have to look far: he could find it in the solid achievements of his own brilliant career.

TRIBUTE TO THE LATE SENATOR NEUBERGER, OF OREGON

Mr. BRIDGES. Mr. President, I am extremely saddened by the untimely passing of our friend and colleague, the junior Senator from Oregon, Mr. Neuberger. During his 6 years as a Member of this body, he served the people of Oregon and the Nation with distinction.

During that time, Dick Neuberger and I did not always agree. Indeed, more often than not, we found ourselves disagreeing on various issues. However, regardless of whether I stood with him or against him in matters under consideration in this Chamber, I always respected the forthright and courageous manner in which he fought to support his beliefs.

The junior Senator from Oregon was never one to sidestep issues. He was always ready and willing to stand and be counted. As long as I knew him, I admired his vigorous approach to the problems confronting this Nation, and his adamant refusal to be a fence straddler.

Although Senator Neuberger was still in his first term as a Member of this body, the contributions which he made during that time will remain a lasting monument to his ability as a Senator.

I shall personally miss his presence in the Senate, and I join with my colleagues in extending my heartfelt sympathy to the members of his family in their great loss.

Mr. SYMINGTON. Mr. President, the Senate has lost one of its finest men and most distinguished scholars.

Richard Neuberger's death came as a shock to us all.

He was a believer in the future of this country and a student of its great past. He believed that democracy was a vital progressive way of life. He fought for measures to assure the utilization of the great natural wealth of this country for all citizens.

He was a reflective man. And we in the Senate shall miss the stimulation of his ideas on matters affecting the very core of our democratic society.

Students and thoughtful citizens will miss his fine articles and comments on the American political scene.

I was honored to be his friend.

It is with deep sorry that I join in paying tribute to our late colleague, Dick Neuberger, and in expressing the regrets of my wife and myself to his gracious and lovely wife.

Mr. FREAR. Mr. President, the sudden passing of our able colleague from Oregon has come to me as a source of shock and regret just as it has to the other Members of the Senate.

Senator Neuberger's sincerity in the legislative objectives which he sought could never be disputed, and his forthrightness was accompanied by a sense of gentility which was highly appreciated even by those who might not agree with his point of view.

The fact that he has been taken from us in the very prime of life strikes not only his own family but the people of Oregon very severely. I join with all others in extending most heartfelt sympathy to Mrs. Neuberger in this hour of sorrow.

TRIBUTE TO THE LATE MORRIS LLEWELLYN COOKE

Mr. MURRAY. Mr. President, a great and remarkable American citizen, who seldom held high office but continuously served this Nation throughout his lifetime in innumerable ways, passed away recently.

That man was Morris Llewellyn Cooke, best known as the first administrator of the Rural Electrification Administration, but actually a man who has helped this Nation formulate foreign policy, economic policy, social security, health and welfare policy, and especially resource development and conservation programs.

Morris L. Cooke was a management engineer by profession, and an early leader in that field. But he was first and always a humanitarian, working to advance human welfare, and willing to take off his coat, roll up his sleeves and work anonymously, without asking either recognition or compensation, for any cause which would, in his judgment, advance the well-being of mankind. Mr. Cooke was one of a group of intimates of Franklin D. Roosevelt who produced ideas to get the Nation's economy functioning again in the thirties. He worked to see that our "pump priming" expenditures for relief and public works achieved lasting, worthwhile objectives. This group helped to minimize leaf raking and build great projects like Fort Peck Dam in Montana, with the moneys spent to restore economic activity—a project which has served every citizen of the Missouri and lower Mississippi River Basins.

Cooke promoted soil conservation. He stimulated the early small watersheds program. He served as head of the Mississippi Valley study under the old Resources Planning Board. He headed an economic mission to Brazil for our Government during the last war, preparing

a plan for Brazil's development that is still being followed. He negotiated settlement of our differences over the expropriation of oil properties in Mexico. He pamphleteered to encourage our Nation's program of technical aid abroad. He gave of his time and energy to programs to improve health services in the Nation, to provide for the aged and for the unemployed. He assisted in rallying support for the Employment Act of 1946. He headed President Truman's National Water Policy Commission.

Wherever one looks a bit beneath the surface of nearly any of the progressive movements of our times, he finds that this great man had a helpful role, stimulating citizens and officials, developing and promoting new ideas, and fulfilling with distinction every assignment given him.

Mr. President it is not possible to evaluate and pay a proper tribute to the contribution Morris Llewellyn Cooke has made to our Nation in a short eulogy. I have talked with several of Morris Cooke's friends and have asked them to provide me with their appraisal of the significance of his works. Within the next few days, I shall offer for the RECORD these observations of people who knew and worked with this great citizen.

Meantime, I wanted the CONGRESSIONAL RECORD to note my own sense of loss, my great sympathy for his family, and my deep appreciation for Morris L. Cooke's career and service to the Nation.

I ask unanimous consent to place in the RECORD an editorial from the Washington Post paying tribute to Mr. Cooke.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORRIS L. COOKE

The death of Morris Llewellyn Cooke at the age of 87 must have brought not only a sense of personal loss but a keen nostalgia as well to many who knew him in his long and devoted career of public service. He was as much a Washingtonian as a resident of the Philadelphia suburb which was his home and to which he retired in his final years. During the 1930's and 1940's when he was active and influential in the Capital, he was an exemplar of the very best qualities of the New Deal and perhaps its leading philosopher in the area of conservation and resource development.

Morris Cooke was so modest and quiet a man that few realized the extent of his influence in the Roosevelt administration. An outstanding engineer, he became director of public works in Mayor Rudolph Blankenburg's reform municipal administration in Philadelphia in 1911. Later he served as a member of the New York State Power Authority during the Roosevelt governorship and became chairman of the Rural Electrification Administration under President Roosevelt in 1935. He played an important role in the development of the TVA concept.

An ardent exponent of public power, Mr. Cooke had personal integrity, professional competence and sound judgment that commanded the highest respect among private power advocates. He was the natural choice to direct the Water Resources Section of the National Resources Board in the Roosevelt administration and the Water Resources Policy Commission in the Truman administration. His enthusiasm and idealism no less than his extraordinary understanding of resource problems made him an invaluable contributor to the growth of his country.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. CASE of South Dakota. Mr. President, as the Senator who proposed the amendment which I understand is the pending question, I will ask the Presiding Officer, What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from South Dakota [Mr. CASE] to the Ervin amendment to section 1 of the Dirksen substitute.

Mr. CASE of South Dakota. Mr. President, in moving to this as the pending question, I wish to make a few brief observations with respect to why I offered the amendment.

I regretted very much the other day, when I proposed the amendment, to hear some Members of the Senate refer to it as an attempt to put the text of the amendment in a difficult position. I had no such intention. On the contrary, I had the intention of making it possible for the Senate to proceed with its business. I think anyone who examines the rules of the Senate will find that the action put the amendment in a favored position rather than in a difficult position.

As the parliamentary inquiry which I made prior to the vote on cloture brought out, once cloture is adopted, amendments thereafter must be germane. It was impossible for me to understand why those who were seeking to have the so-called part III of the bill which was considered in 1957 made a part of this bill should be the ones advocating cloture at this time. Had cloture been voted at this time, part III would not have been germane in the normal course of procedure. One of those who spoke during the debate this afternoon said he had doubts that part III was germane to the Dirksen substitute. If that be true—and I assume it is true—there is no way under heaven for part III to be offered as an amendment and to be considered, once cloture is adopted; that is, unless the Senate were to say it was germane, when it obviously was not germane, even in the minds of those who advocated it.

In offering this language as an amendment to the Ervin amendment, the Senator from South Dakota endeavored to insure that the Senate would get a chance to vote on the question and to meet the question. It was my opinion—and I think it is an opinion held rather generally throughout the Senate—that it would be impossible to resolve the several questions before us, or to adopt cloture, until the part III question had been resolved; that is, as to whether the bill should be broadened.

The Senator from New York [Mr. JAVITS] earlier this afternoon said that the question of cloture was one of whether we wanted to expand the bill or to start voting upon its parts, upon the pending Dirksen substitute.

If there is such a thing as a "gag" to be imposed in the Senate by the adoption of cloture, it really is not a "gag" upon the speaking of Senators but instead is a "gag" upon the introduction of amendments. Those who talk about a "gag rule" must remember that even if cloture is adopted every Senator will be given an hour to speak, so Senators will not be stopped from speaking. A cloture rule, if adopted, does put a "gag rule" on amendments by saying that thereafter amendments may not be nongermane, may not be dilatory, and may be considered only if they have been read prior to the adoption of the cloture motion.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield to me so that I may interrogate the Senator from South Dakota?

Mr. CHURCH. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. As one Senator who is interested in a good civil rights bill, I would like to ask some questions. Is it not true that at the time the vote on cloture was taken there were approximately 40 amendments at the desk?

Mr. CASE of South Dakota. I understand that is correct.

Mr. MANSFIELD. Is it not true that had cloture been invoked the Members would have been allowed a total of not more than 100 hours, 1 hour for each Senator, to discuss the some 40 amendments?

Mr. CASE of South Dakota. The Senator is correct. It might not have been 100 hours. It is 1 hour per Senator, and under the precedents the time cannot be transferred to another Senator.

Mr. MANSFIELD. As one who is more interested in results than issues, I would like to ask the Senator if cloture had been invoked and if we had begun to operate under the 1-hour rule, with 40 amendments at the desk there really would have been a "gag" so far as the expression of sentiments of the Senate is concerned, in regard to knowledge of the amendment? I would say, without fear of contradiction, that there would not have been one Senator in this body who would have had an adequate knowledge of all the amendments, as to which we would be called upon to vote. After 100 hours of discussion, or the use of some hours of the 100 hours, the Senate would have to vote on the amendments as they came, in order, without any further debate on any single amendment.

Mr. CASE of South Dakota. Mr. President, such a procedure would have meant that if a Senator wanted to speak on each of the 40 amendments he would have to limit himself to 1½ minutes for each amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. CASE of South Dakota. Since some Senators would not speak, conceivably many amendments would be voted upon after only 1½ minutes, discussion each by a few Senators.

Mr. MANSFIELD. Some would probably be voted on with no discussion at all.

Mr. CASE of South Dakota. Some would be voted on with no discussion at all.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

I ask this question in view of the Senator's great and well known parliamentary skill. If cloture had been invoked, if we had voted up or down all these 40 amendments and we came to the question of the Dirksen substitute, which would be the last to be voted on, if that substitute were defeated would it not mean that cloture would automatically end, and another substitute could be offered, so that we could debate this issue until the cows come home?

Mr. CASE of South Dakota. Yes. If the substitute were defeated, and if the cloture petition had been addressed to that substitute, then a new substitute could be offered.

Mr. MANSFIELD. And the same "ring around the rosy" could occur?

Mr. CASE of South Dakota. The same thing could start again.

Mr. MANSFIELD. We could be arguing on that bill until next July.

Mr. CASE of South Dakota. Yes. Had the cloture petition been addressed to the basic bill itself, then perhaps that would not be true, but the cloture petition was addressed to the Dirksen substitute.

Had the cloture petition been addressed to the bill, then the question of germaneness would have applied to every amendment offered, and perhaps even to the Dirksen substitute.

When I say that no amendments could have been offered, I mean that no amendments could have been offered unless they were germane to the original Stella School bill.

Mr. MANSFIELD. I thank the Senator. I wanted the RECORD to be clear, to show what could have happened and what very likely would have happened had cloture been invoked.

Mr. CASE of South Dakota. Mr. President, I desire to say one word further with respect to the amendment. It is not the intent of the Senator from South Dakota to attempt to explain the amendment, to oppose it or to support it. I am not going to speak on the merits of the amendment.

Mr. President, I sought to expedite the business of the Senate by offering the amendment as a substitute to the Ervin amendment, which would make it an amendment in the second degree and close out the chain of amendments which might be offered to the Dirksen substitute; to make it the pending question; and thereby to insure an opportunity for the Senate to express its will or to work its will upon the so-called part III matter.

The language which I proposed in the amendment is the identical language of the amendment offered by the Senator from New York [Mr. Javits] for himself, Mr. Douglas, Mr. Case of New Jersey, Mr. Clark, Mr. Scott, Mr. Hart, Mr. Kuchel, Mr. Neuberger, Mr. Allott, Mr. Humphrey, Mr. Church, Mr. Engle, Mr. Proxmire, Mr. Carroll, and Mr. McNamara.

Mr. JOHNSON of Texas. Mr. President, if the Senate can proceed with the discussion of the merits or demerits of this amendment, I give notice that as soon as the Senator from Idaho [Mr. CHURCH] introduces a bill I shall suggest the absence of a quorum, so that all Members may be on notice that we are now discussing the amendment of the Senator from South Dakota [Mr. CASE], namely, part III.

I should like to have attachés of the Senate on the majority and minority sides inform all Senators that I expect to make a motion to lay the Case amendment on the table sometime between 7 and 8 o'clock this evening, unless Senators change their minds in the meantime and desire to talk at greater length. I have been informed that that is all the time that will be required, so I want all Senators to arrange their dinner schedules so as to be prepared to be present from 7 o'clock on, to vote on the motion to table the Case amendment.

Mr. CASE of South Dakota. Mr. President, I conclude by a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. When the Senator from Texas moves to lay on the table the Case amendment, will that motion be debatable?

The PRESIDING OFFICER. The motion to table will not be debatable.

Mr. CASE of South Dakota. That is what the Senator from South Dakota understands. He merely makes the RECORD clear, that when that motion is disposed of, the Senate will have an opportunity to vote upon substantive matters in the pending measure.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Idaho yield to me for the purpose of moving an executive session?

Mr. CHURCH. I am glad to yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may yield to me for the purpose of moving to proceed to the consideration of executive business, with the understanding that he will not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. If there be no reports of committees; the clerk will state the nominations on the Executive Calendar.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to consider nominations on the calendar, beginning with the new reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the nominations on the Executive Calendar, beginning with new reports.

U.S. CIRCUIT COURT

The legislative clerk read the nomination of Clifford O'Sullivan to be U.S. circuit judge for the sixth circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. ATTORNEY

The legislative clerk read the nomination of William C. Spire to be U.S. attorney for the district of Nebraska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. MARSHAL

The legislative clerk read the nomination of Robert C. McFadden to be U.S. marshal for the southern district of Indiana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Santos Buxo, Jr., to be U.S. marshal for the district of Puerto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask that the President be immediately notified of all nominations confirmed this day.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

Mr. MORSE. Mr. President, does the majority leader know whether or not the nomination of Mr. Durfee has been withdrawn by the President?

Mr. JOHNSON of Texas. No. I understand that his nomination is still on the Executive Calendar. I take it the Senator is referring to the nomination of James R. Durfee, of Wisconsin, to be an associate judge of the U.S. Court of Claims. That nomination is still on the calendar.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSON of Texas. Mr. President, I reiterate my request to the secretary of the majority and the secretary of the minority to please notify Senators that sometime after 7 o'clock this evening I expect to make a motion to table the amendment offered by the Senator from South Dakota [Mr. CASE], so that no Senators will be away from the Capitol at that time.

Mr. CHURCH obtained the floor.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHURCH. Mr. President, almost 3 years ago I cast a vote to strike from the civil rights bill then pending in the Senate the section which would have permitted the Attorney General to institute civil actions for preventive relief in all civil rights cases arising under the 14th and 15th amendments to the Constitution. I did this by supporting the so-called Anderson-Aiken amendments which carried by a vote of 52 to 38. On July 24, 1957, when the Anderson-Aiken amendment was pending before the Senate, I explained my reasons. In part, I said:

For the first time in almost a century, the Congress has an opportunity to implement the guaranty of civil rights for all citizens, regardless of race or color, contained in the 14th and 15th amendments to our Constitution. We now have the chance to take a great step forward toward the day when every American, in actual practice, rather than in mere legal theory, enjoys all the rights and privileges intended by the fundamental charter of our liberties. This is our opportuntiy for action, hard won. We have waited long for it. Our challenge now, it seems to me, is to use it wisely.

Mr. President, since I took office last January, I have worked consistently for those measures that would contribute toward the enactment of a civil rights bill. For this purpose, * * * I voted recently to place the House-passed civil rights bill directly on the Senate calendar, and just a few days ago, again with the same objective, I voted to make that bill the pending business of the Senate, and against its recommittal to committee. Now, finally, a civil rights bill is before us, for our consideration on its merits.

The debate that has thus far occurred has made it clear that this bill, in its present form, will empower the Federal Government to commence and prosecute injunctive actions in any case that may now, or hereafter, come within the scope of the rights conferred by the 14th and 15th amendments to the Constitution. I concur with those who have urged that we ought not to attempt to differentiate among the civil rights conferred by the Constitution, making one type of legal remedy available to enforce the right to vote, but denying that remedy in other civil rights cases. By the same token, I think it necessary and proper that the Federal Government be empowered to use the injunction to better prevent the denial of any civil right to any citizen.

But, Mr. President, the bill before us goes much further than authorizing Government-procured injunctions to prevent the denial of any civil right. The bill before us avoids a jury trial not only in preventive civil contempt cases, but also in punitive criminal contempt cases.

* * * * *

If I must choose between the right to jury trial and the right to vote, as encompassed by title IV of this bill, I shall choose the right to vote, for the right to vote is more fundamental to the processes of a free society. It is the only sure foundation upon which the whole structure of democracy can rest. But I cannot justify the relinquishment of the right to a jury trial in the whole area that either now, or hereafter, may come within the scope of title III. Accordingly, I have determined to vote for the Anderson-Aiken amendment.

If this amendment passes, we shall have occasion, in our deliberations to come, to make an exhaustive inquiry into the various kinds of jury provisions that might prudently be written into the pending bill. If our efforts are rewarded with the adoption of the kind of jury protection which seems to me to be called for, in accordance with the ancient principles of our legal tradition, the way may then be opened, so far as I am concerned, for the restoration of such part of title III as may prove feasible.

Subsequently, I joined with the distinguished Senator from Wyoming [Mr. O'MAHONEY] and the distinguished Senator from Tennessee [Mr. KEFAUVER] in proposing an amendment to provide our traditional safeguard of the right of trial by jury in criminal contempt prosecutions, at the same time leaving the court free to compel compliance with its orders in cases of civil contempt.

This amendment, with a modification which I sponsored to amend the judicial code to insure that Federal juries would not be selected on a discriminatory basis, was adopted by the Senate.

Before that vote, I again adverted to the substance of part III, in these words:

Mr. President, I submit that our work in safeguarding civil rights cannot be accomplished in a single stroke. This law, in whatever form it may take, is but a single step. It is a law confined to voting rights. It may well be, since there is no basis for differentiating among the civil rights conferred to our citizens by the Constitution, that in the future this bill may need to be enlarged to cover other civil rights that local law enforcement is failing to protect. If we provide proper procedures in this bill that accord with the timeless principles of our ancient law, then we will find it possible in the years to come to enlarge the scope of this civil rights bill to meet the needs of the coming times.

After the bill was amended by adding the jury trial provision, part III might have been replaced in the bill, and I was willing that this be done, and agreed to assist. But the opportunity was foreclosed by the Senate's decision to consider the bill without further amendment.

A little more than a year later, I again had an opportunity, in the related matter of amendment of rule XXII, to restate my support of the principles incorporated in the original part III. On January 12, 1959, I told the Senate:

I am for civil rights legislation; and let me give notice here and now that I will support with all my conviction and all the power at my command the inclusion of part III—previously stricken from the civil rights bill of 1957—under the procedural safeguards now contained in that bill. I pledge my support to that effort.

I am, therefore, a supporter of the pending amendment which would implement the guaranty of civil rights contained in the 14th and 15th amendments to our Constitution to all citizens, regardless of race or color.

I have already repeated my own statement that I concur with those who say we ought not to attempt to differentiate among the civil rights conferred by the Constitution. I have said that I think it necessary and proper that the Federal Government be empowered to use the injunction to better prevent the denial of any civil right to any citizen.

What this amendment will do is empower the Attorney General to bring to bear the power of the Federal Government to enforce the civil rights of citizens of the United States, to the full extent of those rights as defined in the 14th and 15th amendments to the Constitution.

Mr. President, I hope the Senate will adopt the amendment. In the event a motion to lay the amendment on the table is offered, I sincerely hope that the Senate will vote that motion down.

Mr. MCNAMARA. Mr. President, as the Senate has debated the civil rights issue during recent weeks, I went back through the speeches given by myself and other Senators during the similar civil rights debate of 1957.

In rereading these speeches, I was immediately conscious of a nagging question, which is:

What more is there to say that was not said time and again in 1957?

I realize that the inability to produce ample words on any subject, at any time, has never been a particular failing of the U.S. Senate.

If there is one legislative body in the world which can chew over an issue—sometimes ad nauseum—it is the Senate.

Yet I could not help being impressed by the fact that what we are doing today is essentially to repeat the arguments that we made 3 years ago.

I do not want to suggest that some of these arguments—at least on one side of the issue—are not worth repeating.

The fact is that they must be repeated, because we still have not done the job we set out to do in 1957.

The Civil Rights Act of 1957 can be justly saluted by those interested in insuring the first-class citizenship of all Americans—as a step in the right direction.

But it was only a step.

Many of us recognized at the time—and so stated—that the adopted measure had been so emasculated that it was mainly a gesture toward the guarantee of civil rights.

However, we were also encouraged by the fact that we were able to have such a law passed by Congress for the first time in almost 90 years.

Because that law did establish the Civil Rights Commission, and did provide some protection of voting rights—which the Supreme Court has just upheld as constitutional—it was far from a total loss.

It had been our hope that, while the 1957 law fell short of the actual need, it nevertheless would serve a purpose.

This purpose, as I saw it, would be a warning to any person, or group, or geographic area of our country that the Federal Government would not tolerate the violation of an individual's civil rights.

Unfortunately, this was a lesson that was not adequately learned.

Had it been learned, we would not today be engaged in this bitter exchange of words for days on end.

Had this lesson been learned, it would not now be necessary to propose that the Federal Government institute sweeping new programs in the civil rights area.

I do not think anyone would like more than I to keep the Government's involvement in the lives of individual Americans at an absolute minimum.

Yet when we are faced with evidence that thousands of Americans have arbitrarily been denied the right to vote, that a decision of the Supreme Court to desegregate public schools has gone largely unimplemented, and that other indignities are heaped upon citizens because of their color, we have no choice but to use the machinery of the Federal Government.

There can and should be honest debate over the kind of machinery, but there can be no logical reason now for postponing the use of the machinery.

The arguments applied against the adoption of new civil rights legislation take many forms.

There is the persecution complex or "somebody up there doesn't like us" approach.

This argument holds that the entire U.S. Supreme Court somehow has conspired against the South, and that the Justices are trying to outdo each other in finding new legal tortures to apply.

Then there are Senators who imply that any deprivation of Negro voting rights must be a myth. They bring forth figures to show that this is not happening in their States, and they know to the last man how many Negroes and how many whites are registered in this or that county.

I would say to these Senators that I could not do the same. I could not tell them how many Negroes are registered in Michigan, or how many whites.

I could not give these figures, because we in Michigan do not keep our official records on a racial basis.

But the air of injured innocence becomes pretty thin in the face of overwhelming evidence that in some areas there is a wholesale deprivation of voting rights.

This is no myth. This is real, and so long as it exists unchecked, our Nation and our democracy will suffer.

There is still another lesson which has remained unlearned or which has been conveniently ignored. This is that Senate rule XXII—the filibuster rule—is as onerous today as it ever was:

No amount of token tampering with rule XXII, such as was engaged in by the Senate last year, can abolish the fact that the filibuster rule is a vicious means of thwarting the will of a majority. Certainly the vote just taken justifies that statement.

It has been said—in jest—that the Senate is the only insane asylum in the world that is run by the inmates.

Within the last few weeks the Senate has done its very best to prove the point.

What has taken place here is not only wasteful and silly, but, more importantly, it is seriously jeopardizing the reputation of the U.S. Senate as a responsible legislative body.

The press of the Nation has had a fine time with this "dramatic" battle going on in the Senate Chamber.

There have been pictures of Senators on army cots in their offices. There are cute stories about Senators appearing in the Chamber in the small hours of the morning, wearing yellow bedroom slippers.

There are stories about a Senator's haggard appearance, or how staff members have been split up into shifts, or how the kitchen works.

There have been rollcall votes at odd hours—votes on nothing and meaning nothing.

The public is supposed to be in awe of this titanic struggle taking place here. But is the public really in awe? Or is it just amused, and a little disgusted?

Mr. CLARK. Mr. President, will the Senator yield?

Mr. McNAMARA. I yield.

Mr. CLARK. Is the Senator from Michigan familiar with the cartoon drawn by a cartoonist named Lichty, which is published in a number of newspapers on a syndicated basis throughout the country, and which is known as "Senator Snort"?

Mr. McNAMARA. I am not familiar with that particular cartoon.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. McNAMARA. Surely.

Mr. CLARK. I regret that that particular cartoon has not come to the Senator's attention. It depicts a large, flatfooted individual, wearing a black string tie, and having a fat face, doing various ridiculous and frequently quite amusing things. The purpose of the cartoon is to make "Senator Snort" appear to be a character of some amusement, and perhaps to hold up to disdain an actual Senator.

Even though the Senator from Michigan is not familiar with that cartoon, does he not think that the antics in this body during the last 3 weeks might well lead the American people to believe that some such character as "Senator Snort" is a typical character in the U.S. Senate?

Mr. McNAMARA. I think what the Senator has said simply sustains the point I have made about the public's reaction.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. McNAMARA. I yield.

Mr. CLARK. Does not the Senator from Michigan believe it important that the young men, and, indeed, the young women of America, as they grow up, and as they read the comics, ought to come to believe that a Senator of the United States is a dignified, able individual, who is attempting to serve his country, and is not a buffoon?

Mr. McNAMARA. I think that is very important.

Mr. CLARK. It occurs to me that if we modernize our procedures and stopped what I think my good friend called a while ago "silly nonsense," the conduct and demeanor of the Senate in action might be helped, rather than hindered, and the result would be decidedly worth while.

I thank the Senator from Michigan for yielding.

Mr. McNAMARA. I thank the Senator from Pennsylvania. He has strengthened the point I have attempted to make concerning the reaction of the public.

Are the people beginning to wonder whether the "greatest deliberative body in the world" is not really a circus sideshow?

One does not have to look far to find the real villain here. It is "King Filibuster," of course, and we have his rule in the Senate rather than majority rule.

No one—least of all the senior Senator from Michigan—wants to prevent any Senator from fighting just as hard as he can for what he believes is right.

Yet what justice can be found in a situation which permits days and weeks of continuous delaying tactics, conducted by such a small group that it is difficult to even dignify it as a minority?

To call what has taken place a debate is to sadly undermine the definition of the word.

We need to have serious debate on legislative proposals. Serious steps are being suggested, steps which I truly wish were not necessary.

What are the main points in argument? Stripped of the technicalities, they would seem to be these:

First, we want to assure the right of every eligible American citizen to vote in both State and Federal elections without fear of disfranchisement because of color.

Is this so outrageous? Does not the 14th amendment to the Constitution spell out that right perfectly clear?

The opposition argues, however, that any Federal steps to enforce this constitutional guarantee would be an unjust invasion of States rights.

Presumably, then, a State has the right to deprive citizens of their constitutional right to vote. And besides, so the argument usually goes, there really is not any effort to restrict registration and voting by Negroes.

Mr. President, if that is true, if no disfranchisement really is taking place, then a State will have nothing to fear under a Federal registrar or referee plan. Such a plan would take effect only when it was proved that there was a pattern or practice of depriving citizens of voting rights.

Frankly, I would never expect that it would become necessary for such a program to be put into effect in my State of Michigan. But if it were found that Michigan citizens were arbitrarily prevented from voting because of color or similar artificial reasons, then I would demand an end to it, and assistance from the Federal Government, if necessary.

During the 1957 civil rights debate, I proposed to the then pending bill an amendment which would truly have implemented the 14th amendment to the Constitution.

Section 2 of the 14th amendment provides that any State which denies or abridges the right of any citizens to vote

shall have its representation in the House of Representatives reduced proportionately.

I suggested that a Joint Committee on Congressional Representation be created, and have the power to study complaints, and, if necessary, actually reduce a State's representation.

My amendment was defeated in 1957; but I subsequently introduced it as a bill, and it is currently pending as S. 1084. It was introduced on February 17, 1959. It might well be considered now.

A second point of argument is whether public schools should be desegregated. I recognize this as both an emotional and a legal argument. Perhaps the emotional argument will never be settled—unfortunately. But the legal argument has been settled. It was settled in 1954, when the Supreme Court ordered the desegregation of public schools be conducted with "all deliberate speed."

Now—6 years later—that "all deliberate speed" phrase is getting a little frayed around the edges. Some areas have complied with the obvious intent of the Supreme Court decision. Too many others, however, have either evaded or have deliberately violated it.

Mr. President, the time has come for Congress and the Courts to take the necessary steps to bring compliance with the laws.

Still other arguments before us concern the need for Federal laws dealing with bombings. I would agree that, in a technical sense, no Federal law actually is needed to cover such a crime. Certainly, bombing must be covered by existing laws in every State. But if these laws are not enforced, and if individual rights are not protected, then the situation becomes a matter of Federal concern.

I find here an interesting parallel to the recent debate on new labor-management legislation. I recall arguing that such crimes as extortion, embezzlement, and violence already were punishable under laws in every State, and all that was necessary was enforcement. However, as my arguments were overruled by those who felt that new Federal laws were necessary; and among that group were many of those who now protest against Federal antibombing laws.

There is still another parallel to the debate on the labor-management act. Many a tear was shed and many a voice throbbed over the need for something called a bill of rights for the workingman. We were told that the poor workingman—so those funereal voices wailed—was having his rights—including the right to vote—violated by the union boss. So it was said that the Federal Government must protect those rights, by writing into law "a bill of rights for the workingman."

But, Mr. President, how many of the same voices are raised today in a stirring defense of the real Bill of Rights in our Constitution and the rights of Negroes to vote? Their silence is significant.

And how about the rights of Senators to vote, Mr. President. This right is seriously weakened by the continued presence of rule XXII in a form which turns over control of the Senate to "King Filibuster." And "King Filibuster" is winning again.

He won in 1957, by threatening to use his power of delay; and the result was a so-called compromise civil rights bill, which was little more than a gesture.

He is winning again this year, by actually using his filibustering power; and it appears that the result again will be a compromise civil rights bill.

This is not good enough, Mr. President. Compromise on civil rights is not good enough for the Senate. But, most of all, it is not good enough for the people of the United States.

Mr. President, the time has come for the summer soldiers and the sunshine patriots in the war for civil rights to stay in ranks long enough to help win some battles. No amount of pious posturing can hide the fact that there are those who are actively trying to work out surrender terms, even before the fight is joined.

Again, Mr. President, this is not good enough for the Senate or for our country.

So, Mr. President, I hope that part III, the amendment which is the pending question, will be adopted today by the Senate by an overwhelming vote, so that some meaningful civil rights legislation will be passed—and not because, as has been stated over and over again, this is only a great political question. The real truth is that this is a great moral question, and the people of the Nation are looking at it as just that.

Certainly politics is involved. Both of the great national political parties adopted in their convention platforms, the last time, planks in which they stated that they were in favor of meaningful legislation in the field of civil rights. So politics is bound to be involved.

But above and beyond all that, much more is involved. A great moral issue and a great human issue are involved. There is only one way in which it should be decided; and the so-called part III amendment is perhaps the most important part of the entire civil rights question.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

Mr. CLARK. Mr. President, will the Senator from Montana withhold that request for a moment?

Mr. MANSFIELD. Yes.

Mr. CLARK. I understand that the Senator from North Carolina [Mr. ERVIN] is ready to speak. So perhaps there is no need to have a quorum call.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from North Carolina seek the floor?

Mr. ERVIN. Yes, Mr. President.

Mr. MANSFIELD. Mr. President, does the Senator from North Carolina wish to have a quorum call had at this time?

Mr. ERVIN. I do not believe that will be necessary, although I appreciate the Senator's courtesy in the matter.

Mr. MANSFIELD. Then, Mr. President, I withdraw my suggestion of the absence of a quorum.

Mr. ERVIN. Mr. President, I have listened attentively to the arguments of my friends who charge that the group which they say is so small that it hardly constitutes a minority is responsible for everything that has happened in the Senate since a week ago Monday.

That argument by them reminds me of the Aesop's fable of the wolf and the lamb. Both wolf and the lamb were drinking out of the same stream. The wolf was drinking from the stream at a point somewhat above the point where the lamb was drinking. Finally the wolf began to growl most menacingly at the poor little lamb, and said to him, "I am going to devour you, because you are muddying the water I am drinking."

The little lamb replied, "Oh, no, Mr. Wolf, that could not possibly be, because you are standing farther up the stream than I am. So I couldn't possibly be muddying the water you are drinking."

But the wolf replied, "That makes no difference. I'm going to devour you, anyway."

We did not want to disturb anybody's sleep. We did not want to disturb our own sleep, because we love to be in the embrace of Morpheus, notwithstanding the fact that we are too small to be a minority, just as the others are almost too great to be a majority.

There was a vote taken in the Senate which authorized and required that the Senate stay in session 24 hours around the clock. The only way we could stay in session 24 hours around the clock was for us to talk, because our colleagues who voted for the Senate to stay in session around the clock went to bed every time they had an opportunity. They really ought not to chide us for interrupting their sleep, because that was the only way we could get 5 minutes' rest.

So some of these justifications they make for the passage of these laws are just about on a par with the justifications they make for placing the blame for the 24-hour sessions on those who voted against those sessions.

I heard a Senator from a State which has no problem in this area—but who is very desirous of reforming us—undertake to describe the South. I was reminded of the fact that an old bachelor or an old maid can tell us more about how to raise children than any parent ever could. The Senator said that the reason for the trouble in the South is that we exclude Negroes from participation in public life. I do not know whether my friend ever saw any part of the South, but I am convinced he never saw North Carolina. North Carolina has as a member of the State board of education a distinguished Negro educator, and I would seriously question whether that is true of any State north of the Mason-Dixon line.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CLARK. May I state, with all due deference to my good friend, I am sure that is where he is wrong. We have a Negro member of the Philadelphia board of education who has been with us for 25 years.

Mr. ERVIN. Is there in the Senator's State a State college, supported with State funds, with a Negro president?

Mr. CLARK. Yes. I am sure there is.

Mr. ERVIN. The Senator is sure. Does he know?

Mr. CLARK. Yes. Lincoln University at Oxford, Pa.

Mr. ERVIN. Does the Senator know of any others?

Mr. CLARK. I cannot think of any at the moment.

Mr. ERVIN. We have five.

Mr. CLARK. Yes; but the Senator believes in the separate-but-equal doctrine, and we do not. We believe in first-class citizenship for all citizens.

Mr. ERVIN. The pending amendment would make southern white people holding public office third-class litigants because under title III they would not have the right to a jury trial.

Mr. CLARK. I interrupted the Senator merely to correct an inaccuracy in his statement.

Mr. ERVIN. The Senator from Pennsylvania has assured me that Lincoln University in Pennsylvania has a Negro educator as president.

Mr. CLARK. I know that Lincoln had a colored president in the recent past. I cannot vouch for the present.

Mr. ERVIN. To what extent is Lincoln University desegregated?

Mr. CLARK. It is in law desegregated. There are a few white students; but not very many.

Mr. ERVIN. That is it. There is desegregation in the North in law, but not in fact.

Mr. CLARK. There are hundreds and hundreds of Negroes in the Universities in Philadelphia and in Pittsburgh, and in college after college elsewhere in the Commonwealth. My friend must understand he is wrong when he makes a contrary statement. There are many Negro students in our institutions of higher education.

Mr. ERVIN. I would venture the assertion that they are a very small minority as compared with the number of whites.

Mr. CLARK. I am sure that is true, but the Commonwealth of Pennsylvania has 11 million people. The number of Negroes is 1 million. So the proportion is 11 to 1. Unhappily the opportunities for colored students may not be as great as they should be, but we do have thousands and thousands at institutions of higher learning, and integration in those institutions works magnificently.

Mr. ERVIN. I am glad to know that the State of Pennsylvania is doing as well as the State of North Carolina so far as the State board of education is concerned, and it gives me great satisfaction to know it.

Mr. President, I should like to say that in North Carolina, in the city of Winston-Salem, in the city of Greensboro, and in the city of Durham, at this very time there are members of the Negro race occupying offices as members of the city councils of those cities, as a result of elections in those cities. I should also like to say that in the past, and it may possibly be so at this time, in the city of Fayetteville and the town of Southern Pines members of the Negro race have been elected as officials of those towns. I know at this very moment, and for many years last past, the school board of the capital city of North Carolina, Raleigh, has had a distinguished Negro lawyer as one of its members.

Mr. President, I want to say that part III is repugnant to the basic principles upon which the American Government is founded. I believe one of the greatest truths ever uttered on this continent was Daniel Webster's assertion that whatever government is not a government of laws is a despotism, let it be called what it may.

I also assert that the enactment of part III would signify the establishment, to the extent of the area the statute would cover, of a despotism in America.

History shows the Founding Fathers knew that no man could be safely trusted with unlimited governmental power, and so the Founding Fathers were determined above all things to establish a government of laws. They based the governmental and legal systems of America upon these two fundamental concepts: First, that our Government should be a government by law, and not a government by men; a government in which laws should have authority over men, not men over laws; second, that our courts should administer equal and exact justice according to certain uniform laws, applying in like manner to all men in like circumstances.

Part III is completely repugnant to both of those concepts, and one of the strange things about title III is that it rests the supposed benefits of its provisions upon the basis of race, which the Supreme Court, in the recent cases which our brethren invoke to justify the enactment of part III, held was not a proper basis for classification. That seems queer to me.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am delighted to yield.

Mr. CLARK. Does not the Senator think that in order to determine whether part III is a proper exercise of legislative action or, as my friend has said, a creation of despotism, one has to discuss the 14th amendment rather than the original Constitution of the United States?

Mr. ERVIN. That is exactly what I was going to discuss, to show what part III attempts to do. I shall read from certain amendments to the Constitution, which I think are very pertinent to what I shall have to say.

First I read from the fifth amendment. The fifth amendment applies to the United States. It says, among other things, in substance, that the United States shall not deprive any person of life, liberty, or property, without due process of law. That is a provision of the Constitution which is binding upon the United States of America.

I assert that that provision of the fifth amendment to the Constitution is ignored by the drafters of part III, because due process of law requires an equality of operation of laws. It is a violation of the due process of law clause of the fifth amendment for Congress to enact legislation which does not apply uniformly to all persons in like circumstances. Under this guarantee not only must a statute embrace all persons in like circumstances, but the classification must be natural and reasonable, not arbitrary and capricious.

It is unreasonable, we are told, to make a classification on the basis of race, and yet this proposed amendment undertakes to provide a classification based on race and to give to those who are supposed to be beneficiaries rights superior to all other people in like circumstances simply on the basis of their race.

I shall come to that point again in a moment in discussing the 14th amendment.

I should like to invite the attention of the Senate to the very basic distinction between the 14th amendment and the 15th amendment. Insofar as it has any relevancy to the present debate, the 14th amendment provides:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Mr. President, we observe in that portion of the 14th amendment that no distinction whatever is made on the basis of race, on the basis of religion, or on the basis of national origin. Those three prohibitions of the 14th amendment apply to all Americans, to all persons within the jurisdiction of a State. It has been held that those provisions of the 14th amendment prohibit a State from denying the equal protection of the laws to any person, and that the word "person," as used in this provision of the amendment, applies to every human being within the jurisdiction of a State, regardless of whether he is a citizen or an alien, and to every private corporation as well. In that respect the 14th amendment is quite different from the 15th amendment.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I am glad to yield to my friend from Pennsylvania.

Mr. CLARK. I wish to congratulate the Senator for making a very able argument from his position. So that the record may be complete, would the Senator be willing to read section 2 of the 14th amendment, which I believe contains the legislative authority from which the other section springs?

Mr. ERVIN. I should like to oblige the Senator, but it is a very long section. There are some 15 lines. I will read it to the Senator, if he wishes. If I can yield to the Senator for that purpose without losing my right to the floor, I shall be glad to yield so that the Senator can state why he wishes to have me read the long section.

Mr. CLARK. I do not think it is necessary to read the whole section, if the Senator will agree with me that the purport of the second section of the amendment is to give to Congress the right to legislate in support of the first section of the amendment.

Mr. ERVIN. No. I think that is the fifth section.

Mr. CLARK. I have no doubt my friend is correct, because he has a copy

of the amendment in his hand. It is true, is it not, that the amendment does give to Congress authority to legislate in support of the first section of the amendment?

Mr. ERVIN. Yes. Section 5 is the one to which my friend refers, I think, for it says:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Mr. CLARK. I thank my friend.

Mr. ERVIN. The Supreme Court has held that the language "The Congress shall have power to enforce, by appropriate legislation," confers a power to enforce a prohibition and is not a grant of affirmative power to the Congress, such as would be implied in all the ramifications of part III, as I understand it.

Mr. CLARK. Will the Senator yield for a further question?

Mr. ERVIN. I yield.

Mr. CLARK. I know it is the position of the Senator that part III is unwise. Is it also the position of the Senator that part III is unconstitutional?

Mr. ERVIN. If we have any Constitution left, it is certainly unconstitutional on two grounds, as I shall later state.

Mr. ROBERTSON. Mr. President, will the Senator from North Carolina yield for two or three questions on that particular point of constitutionality?

Mr. ERVIN. I am glad to yield to the Senator from Virginia for questions on that point at this time.

Mr. ROBERTSON. Mr. President, is it not true that there was in the Magna Carta what came to be known in America as guarantee of jury trial?

Mr. ERVIN. Yes.

Mr. ROBERTSON. Is it not true that Blackstone, in his fourth volume on public crimes——

Mr. ERVIN. I will say on this point that our friends who support part III usually are considered to be liberals, but so far as the right of a jury trial in part III is concerned they are as reactionary as King John was before Runnymeade. This is true because they want to take the right of a trial by jury away from us under part III.

Mr. ROBERTSON. That was the point the junior Senator from Virginia wished to develop. Is it not true that at the present time the so-called part III contemplates provisions similar to those of the civil rights bill passed in 1871, in the Reconstruction period, and embraced in title 42 of the code?

Mr. ERVIN. That is correct.

Mr. ROBERTSON. I believe that a series of offenses were listed, including depriving or injuring citizens by conspiracy, preventing an officer from carrying out his duty, interfering with the judicial process by conspiracy, going on the highway, depriving another of equal protection of the laws by conspiracy, preventing a voter from supporting his candidate for election, and so forth.

Is it not true that under the present law the aggrieved person has the right of action for damages for any of those losses or interferences with his rights?

Mr. ERVIN. He has a right of action for damages. He has a right of action for preventive relief. He has all the other rights any other American citizens would have, in the absence of this proposal. This is designed to make him a special favorite of the law, and give him privileges denied to the Senator and myself, and all other American citizens.

Mr. ROBERTSON. Is it not proposed now to bring in all the new so-called civil rights? Incidentally, did the Commission on Civil Rights point to any case in which any of those rights had ever been violated? Was that subject covered by anything in the Civil Rights Commission's report? I am talking about the new rights under part III.

Mr. ERVIN. There was no statement to that effect.

Mr. ROBERTSON. That is correct. There was nothing about conspiracy on the highway, or on property, or anything we are now dealing with under part III.

To go back to the question of crimes, did not Blackstone hold that under the English common law, wherever the government was a party and there was punishment to be inflicted for contempt that had not been committed in the presence of the court or involving a court decision, but it inflicted as a punishment, that was a punishment for a crime?

Mr. ERVIN. That is correct.

Mr. ROBERTSON. When the framers of the Constitution wrote into the Constitution that everyone accused of crime should have the right to trial by jury, did they not have that situation in mind?

Mr. ERVIN. They certainly did.

Mr. ROBERTSON. Before the Constitution was drafted, did not Thomas Jefferson allege, as one of the serious grievances against the Crown, that all Englishmen had the right to trial by jury, but that the enforcement of the iniquitous Stamp Act and the sugar and other import duties, had been transferred to the Admiralty court, where there was no trial by jury?

Mr. ERVIN. Not only that; not only did Jefferson say that, but on two occasions the representatives of all the Colonies met and declared that the right of trial by jury, of which American citizens were then being deprived by indirection—as they would be deprived of it by indirection under this proposal—belonged inherently to the colonists.

Mr. ROBERTSON. So the part III amendment we are discussing would make a new type of criminal penalties, enforced by injunction, but continue to deny the constitutional right of trial by jury—provided, of course, the judge keeps the fine below $300.

Mr. ERVIN. This provision would not be a part of the Civil Rights Act of 1957, as I construe it, if it were adopted in its present form. Therefore, there would not be the right of trial by jury if the imprisonment was more than 45 days or if the fine were above $300. Part III would deny the right of trial by jury and subject the accused to unlimited punishment, by fine or imprisonment.

Mr. ROBERTSON. The proposal would go beyond that.

Mr. ERVIN. Yes.

Mr. ROBERTSON. Who is to sign the complaint? Can anyone sign it?

Mr. ERVIN. Anyone in the United States.

Mr. ROBERTSON. That puts the Government into action?

Mr. ERVIN. Yes.

Mr. ROBERTSON. The Government furnishes counsel.

Mr. ERVIN. There is no requirement that the complaint have a word of truth in it. It does not have to be sworn to.

Mr. ROBERTSON. While the Government then proceeds against a defendant, he must defend himself at his own expense against injunctive proceedings, and be subject to fine and imprisonment if he violates the decree. Would he not also be subject to civil action for damages in the same case?

Mr. ERVIN. Oh, yes.

Mr. ROBERTSON. Then he gets it going and coming, and the Government comes in, waiving the constitutional right of trial by jury in all criminal cases, a right written into the Constitution in two different places, and which is found in the constitutions of all the States.

Mr. ERVIN. Yes. One of the main ideas of part III is to whip the constitutional guarantees—or the constitutional devils—around the stump. The constitutional guarantees are looked upon as constitutional devils by the proponents of part III.

The constitutional guarantees afford the right of trial by jury. The purpose of part III is to deny to some Americans the right of trial by jury and to subject them to unlimited punishment.

Mr. ROBERTSON. The junior Senator from Virginia inserted in the RECORD on March 8, in his discussion of the history of the constitutional right of trial by jury, the dissenting opinion of Mr. Justice Black, concurred in by Chief Justice Warren and Mr. Justice Douglas, in which they note that the Court had fallen into error in thinking that it could levy unlimited fines against a person for contempt, without a jury trial. That was a prosecution under the Smith act. A man named Green had been indicted and tried by a jury and convicted of violating the Smith Act. He skipped out, and the court proceeded by injunction against him. He did not raise the issue of jury trial, but Mr. Justice Black did. His dissenting opinion was concurred in by Chief Justice Warren and Mr. Justice Douglas. The dissenting opinion was to the effect that the courts had no constitutional right to punishment. The purpose was not to get the defendant to do something, but to punish him for something he had done—to punish him without a trial by jury. This goes in the face of the dissenting opinion, and against all the history of the Constitution, the Declaration of Independence, and all the common law we brought over when the colonists came from England.

Mr. ERVIN. There is no doubt about it.

Mr. ROBERTSON. When the charter was given to the first settlers in Jamestown in 1607, one of the provisions was that they should bring with them the right to trial by jury.

Mr. ERVIN. There is no question about that.

Mr. ROBERTSON. Throughout the history of our Nation that has been one of our most cherished rights. While the distinguished majority leader [Mr. JOHNSON of Texas] particularly stated that voting is a very essential civil right, the fact remains that what came to be known in America as a guarantee of jury trial, dating back to 1215, antedates voting rights. Is that not true?

Mr. ERVIN. There is no question about it.

Mr. ROBERTSON. If we are to proceed, as the majority leader urges us to do, to enact legislation to strengthen the right to vote, we should give consideration also to the right of trial by jury. Incidentally, has the distinguished Senator from North Carolina read the decision in the case of United States against Thomas, handed down recently? It is a Louisiana case.

Mr. ERVIN. The Thomas case is a per curiam decision.

Mr. ROBERTSON. That is correct.

Mr. ERVIN. A court hands down a per curiam decision when no member of the court is willing to take the responsibility of being the putative father of the decision.

Mr. ROBERTSON. The Supreme Court concurred in the opinion of the district court. I want the RECORD to show what it concurred in. The district court said:

> Pursuant to the findings of fact and conclusions of law, entered this date, it is ordered, adjudged, and decreed that, pending further order of this court:
>
> 1. Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer, individually and as members of the Citizens Council of Washington Parish, La., together with their agents and any persons acting in concert with them who have actual notice of this decree, are hereby enjoined from causing or initiating challenges or filing any affidavits of challenge which have as their purpose or effect discrimination based on race or color against registrants of Washington Parish, La., and from further engaging in any other acts and practices which would interfere with the rights of any citizens of the United States to vote at any election without distinction of race or color.

Thomas, the registrar, was enjoined. Then 1,377 colored voters were qualified, who could not, in the opinion of the registrar, qualify under the State law. That has already been done, and it has been upheld by the Supreme Court, under the law we already have.

Mr. ERVIN. Yes; and it seems to me that that is enough law. If it is possible to get that many on the books with one stroke of the pen, there is sufficient law already.

Mr. ROBERTSON. Undoubtedly so. I do not believe the American people are aware how far the Supreme Court has already gone under the law we already have. Certainly they are not aware that if we put part III into the law, we are passing laws which are not aimed at the voting situation.

They would not be aimed at the South. They would apply throughout the Nation, and throughout the Nation there would be cases instituted by the Government, at Government expense, defended, of course, by the individual, in which he would lose his right of trial by jury. Is that so?

Mr. ERVIN. That is correct. The right to vote is not conferred on anyone by the 14th amendment. That was held in a case from Missouri many years ago.

Mr. ROBERTSON. That involves due process.

Mr. ERVIN. It is not conferred by the 14th amendment at all. There was a case in which a lady from Missouri wanted to vote. She said that the constitution of Missouri, which restricted the right to vote to male citizens of Missouri, had been superseded by the 14th amendment, which specifies that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. She said that had changed the constitution of Missouri and by reason thereof she was entitled to vote. The Supreme Court held that this was not so because the right to vote is not incident to citizenship, and that in consequence the 14th amendment does not confer the right to vote.

The right to vote is conferred by State law under article I, section 2, and amendment XVII. The 15th amendment and the amendment granting the right of suffrage—regardless of sex—that is, the 19th amendment, merely impose prohibitions on Federal and State action.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. ROBERTSON. Is it not true that even under the Attorney General's referee bill, he could not only proceed to go into the qualifications of electors, which the Constitution specifically leaves to the States, and supervise local and State elections, but he could also proceed to register the electors when any complaint had been made that they were denied the right to vote under the 15th amendment because of race, color, or previous condition of servitude? Is that not all that the Constitution gives to the Federal Government so far as control is concerned?

Mr. ERVIN. Yes, except as provided in article 1, section 4.

The rights conferred by the first section of the 14th amendment are conferred upon all human beings, within the jurisdiction of any State, regardless of whether they are citizens or aliens. It also confers those rights upon all private corporations within the jurisdiction of any State.

Part III deals with the equal protection of the law clause of the 14th amendment.

The 15th amendment states:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. President, it will be noticed that the 15th amendment simply prohibits the denial or abridgement of the right to vote of a qualified citizen because of his race, color, or previous condition of servitude. The 14th amendment covers all citizens, aliens, and private corporations within the jurisdiction of any State.

I base my challenge of the constitutionality of part III on the ground that it makes an improper classification. It undertakes to pick out certain Americans solely on the basis of their race or color and to confer on them supposed benefits which are denied to all other Americans.

The classification made by part III is not a proper classification, because it does not include within its supposed benefits all persons in like circumstances. Certainly there is no substantial distinction between the situation of a man who is denied the equal protection of the laws because of the color of his skin and a man who is denied the equal protection of the laws because of the color of his necktie.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GRUENING. Does the Senator not think that the amendment would be equally effective if all reference to race, color, and national origin were omitted? In other words would it not be equally effective if the Attorney General would have the right to enforce the equal protection of the laws clause with respect to any person?

Mr. ERVIN. If anyone believes that all men of all races should stand equal before the law, he ought to support an amendment of that kind. This is true because it is inexcusable for Congress to pick out one group of Americans and say it is going to be concerned about them and see that they obtain the equal protection of the laws, but is not concerned whether all other Americans obtain the equal protection of the laws.

Mr. GRUENING. Does the Senator think that the amendment would be weakened if the references to race, creed, and color were stricken, and the protection were extended to all people under its provision?

Mr. ERVIN. In my judgment an amendment like that would make the bill come nearer to conforming to the idea that all Americans should stand equal before the law. The amendment now pending ignores the right of most Americans to stand equal before the law. Indeed, it provides for unequal laws.

Mr. GRUENING. I propose to ask the sponsors of the amendment why the bill would be weakened if my suggested elision were made, and the proposed protection were extended to all people, without any particular classification of them, who had suffered a violation of the 14th amendment.

Mr. ERVIN. The Senator from Alaska has put his finger on one of the objections to the proposed law. An amendment of the character the Senator suggests would make the amendment less obnoxious. However, the bill would still be obnoxious to the Constitution and also to good sense, as I believe I can demonstrate.

Mr. President, I call attention to another point which, in my judgment,

condemns the bill. I read section 3(a), subsection (1):

> Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief—

And so forth. Mr. President, part III contains no requirement making it mandatory for the Attorney General to institute such an action or such a suit. Under part III the Attorney General can institute such an action or suit, or he can refuse to do so. The Attorney General is given absolute and arbitrary power to act or refuse to act according to his uncontrolled and unguided discretion.

This being true, part III would confer upon the Attorney General of the United States the most arbitrary power Congress has ever attempted to confer upon any public official within the life of this Nation.

I say that because the equal-protection-of-the-laws clause of the Constitution is a clause of tremendous breadth. I hold in my hand volume 16(A) of "Corpus Juris Secundum," which is the latest general statement of the law so far as I know. This volume shows that it takes from page 296 through page 536—240 pages—merely to state in a summary fashion the hundreds and hundreds of different types of suits the Attorney General of the United States could bring under the pending amendment if it should be enacted and held constitutional.

For example, the Attorney General could go down to my home town, Morganton, N.C., and bring a suit at the taxpayers' expense to get a taxi license for someone who claimed that he had been discriminated against as compared with someone else who sought a taxi license.

As I pointed out this morning, the Attorney General could sue, at the taxpayers' expense, in behalf of a sexual psychopath. He could sue at the taxpayers' expense in behalf of a prostitute who claimed that any prohibition or limitation upon her right to ply her profession denied her the equal protection of the laws. Those are merely illustrations of how broad the bill is.

The truth is that if part III were passed, the Attorney General would have the power to litigate at the expense of the taxpayers in behalf of any person falling within the prescribed classification who claimed that he had been discriminated against, as compared with any other person, in respect of any State law, or by the application to him by State or local officials of any State law.

Something of the breadth of part III is made plain when we realize that State law includes not only the acts of State legislatures and the decisions of the State courts expounding the common law, but also all the ordinances of all the cities and towns, and all the regulations established under such State laws or such ordinances of cities and towns.

I challenge the constitutionality of title 3 as set forth in the first section, on the ground that it constitutes an unconstitutional delegation of legislative power by Congress to the Attorney General.

In the case of *Marshall Field and Company* v. *Clark* (143 U.S. 649), and *Panama Refining Company* v. *Ryan* (293 U.S. 388), the Supreme Court of the United States emphatically declared that the principle that Congress cannot delegate legislative power to the President or any other executive officer is universally recognized as vital to the integrity and maintenance of the system of government ordained by our Constitution.

That is a strong statement. It is certainly true. The enforcement of the principle that Congress cannot delegate its legislative powers to any executive or judicial officer is essential to the integrity and maintenance of the Government established by our Constitution.

Let us see what constitutes the delegation of legislative power to the Attorney General under part III, as set forth in the section which I have just read.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ERVIN. I am glad to yield.

Mr. LONG of Louisiana. Before the Senator gets too far into that point, while he was discussing the breadth of the delegation given, is he familiar with the fact that in the case of United States against Thomas the court held that as between two sets of unqualified voters, one set cannot be challenged and taken off the rolls, even though not qualified, unless an equal number of the other set, who are also unqualified, are taken off?

Mr. ERVIN. Yes; that is the case to which the junior Senator from Virginia [Mr. ROBERTSON] referred a while ago, in which the opinion was written by "Judge Per Curiam." I had a lawyer friend in North Carolina who said that the two judges whom he abominated were Judge Per Curiam and Judge Expediency. He did not know which was worse, when it came to "mummicking up" justice.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that ADAM CLAYTON POWELL is now contending that the lottery racket operators or the numbers racket operators in New York, who conduct a $100 million a year racket, are being discriminated against because of those who are arrested for operating numbers rackets are Negroes, while he contends that the whites have now managed to get all the better jobs in the lottery racket? Is the Senator from North Carolina familiar with the fact that the Civil Rights Commission is due to consider at its next meeting, whether as between two sets of criminals, the Government can proceed against one set without proceeding against an equal number of the other set of criminals?

Mr. ERVIN. I am not familiar with the precise facts to which the Senator from Louisiana's questions are directed. I read in the newspapers some time ago that an organization representing white liquor salesmen in New York City filed a protest with the New York Anti-Discrimination Commission that they were threatened with discrimination by some of the Negro retail liquor dealers in Harlem because the Negro retail liquor dealers in Harlem were demanding that the companies they represented employ salesmen of the Negro race, instead of employing white persons exclusively That matter, as I understand, is pending before the New York Anti-Discrimination Commission.

Mr. LONG of Louisiana. Can it not well be argued that it is a denial of due process of law to prosecute Negroes who engage in the gambling business, who violate the gambling laws, without also prosecuting the white persons who are also violating gambling laws; and therefore could the Attorney General not undertake to prosecute the policemen, and seek to enjoin them for going after the criminals, because they caught Negroes first?

Mr. ERVIN. That is a very interesting legal question. While I hesitate to express a final opinion upon it, I am inclined to support the views of the Senator from Louisiana.

Mr. LONG of Louisiana. Is the Senator familiar with the fact that this very problem is before the Civil Rights Commission?

Mr. ERVIN. Yes. Our friends who support part III would get around the proposition by passing laws applying to some persons but not to others, even though all of them are in the same circumstances.

Mr. LONG of Louisiana. Could it not be argued that, as between narcotics peddlers, if police had sought to arrest a group of Negroes first, but had not arrested a comparable number of whites engaged in the narcotic trade, they had, therefore, denied equal protection of the law to those who were arrested?

Mr. ERVIN. The only thing that I can think of which would be more inexcusable would be for Congress to pass a law which would apply to some persons and not to others in like circumstances; or, worse, to pass a law which would give any official the power to do that.

Mr. TALMADGE. Mr. President, will the Senator from North Carolina yield at that point?

Mr. ERVIN. I yield to the Senator from Georgia.

Mr. TALMADGE. Is it not true that this amendment interposes the rule of the Attorney General of the United States between all American citizens and their rights?

Mr. ERVIN. This amendment, part III, if enacted, and if sustained as constitutional—and it cannot be sustained as constitutional if we have any Constitution left—would give part III to the Attorney General as his absolute, personal possession.

Mr. TALMADGE. It makes him the guardian of every American citizen.

Mr. ERVIN. Yes; it does not give any rights to anybody except the Attorney

General. It picks 1 man out of 170 million or 180 million Americans, and puts this law in the sole possession of that man to do with as he pleases. Under it, he could bring suits for some people and refuse to bring suits for other people, in exactly the same circumstances. He could bring suits against some State officials and refuse to bring other suits against other State officials who were committing the same wrong. In other words, it makes the law the private possession of the Attorney General, and it does not give any rights to anybody except the Attorney General. It gives him arbitrary and tyrannical power.

Mr. TALMADGE. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. TALMADGE. Assume that a citizen of Arizona were to allege to the Attorney General that the location of a road by the State Highway Department of Arizona in some way deprived him of the equal protection of the laws. Could not the Attorney General intervene and sue for an injunction against the highway department in Arizona with respect to the location of that particular highway?

Mr. ERVIN. Oh, yes. It has been held many times that matters of that kind can be considered under the equal-protection-of-the-laws clause. That is only one of the thousands of situations in which the Attorney General could bring suits.

Mr. TALMADGE. As the Senator well knows, the United States is a party to the Status of Forces Treaty, which permits certain Americans located in Turkey to be tried by the Government of Turkey. Could the Attorney General of the United States not intervene and bring suits in matters of that kind, and hold that one class of American citizens are being tried by the courts of Turkey, whereas another group of American citizens, who might have committed the same crime, are being tried by American courts, and that that, therefore, is discriminatory?

Mr. ERVIN. He could bring that suit against American officials who had a duty to prosecute.

Mr. TALMADGE. In other words, this proposal covers everything from sowing to reaping, and the Attorney General would become the guardian of every American citizen.

Mr. ERVIN. No, not every one. Certain groups would be picked out.

Mr. TALMADGE. Any American?

Mr. ERVIN. Yes, provided he is of the prescribed race or color. Of course, it has not been pointed out by anybody that anyone has been denied any civil rights on account of national origin or religion.

Mr. TALMADGE. I thank the Senator from North Carolina.

Mr. ERVIN. I wish to continue by pointing out one other fact, so far as constitutionality is concerned. I have shown there is nothing in the proposal which tells the Attorney General when he shall exercise his power under part III or when he shall refuse to exercise his power under part III.

Mr. President, I read now from volume 11 of American Jurisprudence. In section 215, under the subject "Constitutional Law," we find the following:

> SEC. 215. Completeness of Statute.—One of the most important tests as to whether particular laws amount to an invalid delegation of legislative power is found in the completeness of the statute as it appears when it leaves the hands of the legislature. The generally recognized principle is that a law must be so complete in all its terms and provisions when it leaves the legislative branch of the government that nothing is left to the judgment of the electors or other appointee or delegate of the legislature. The rights, duties, privileges, or obligations granted or imposed must be definitely fixed or determined, or the rules by which they are to be fixed and determined must be clearly and definitely established, when the act is passed by the legislature and approved by the governor.

Mr. President, there is nothing in this proposal to guide the unbridled and arbitrary discretion of the Attorney General. I wish to invite the attention of the Senate to one particular decision. I have scores of others, including some by the Supreme Court of the United States. But, this one is so clear and so directly applicable that I want to call the attention of the Senate to it. I refer to the Court's decision in the case of *City of Rockford* v. *Hey* (366 Illinois 526, 9 Northeastern (2d) 317):

> A statute * * * which vests in administrative officers a discretion not only as to the administration of the enactment but also the determination * * * to apply it to one and refuse its application to another in like circumstances constitutes an unwarranted delegation of legislative authority * * * The ordinance is invalid because it is incomplete and delegates to the commissioner of health an arbitrary discretion as to what the law shall be and to determine to whom the law shall apply.

That is the constitutional vice of part III; it vests in the Attorney General of the United States the power to determine to whom the proposed law shall apply.

A similar decision was rendered in the case of *Malloy* v. *City of Chicago* (365 Illinois (604, 7 Northeastern (2d) 320), as follows:

> It has frequently been held by this court that, while the method and manner of enforcing an act of the general assembly must, of necessity, be left to the reasonable discretion of administrative officers, yet a statute which vests in such officers a discretion, not only as to the administration of the act, but also to determine what the law is, or to apply it to one and refuse its application to another in like circumstances, is void, as an unwarranted delegation of legislative power.

But, Mr. President, that is exactly what part III, as set forth in this measure, would do. It would give to the Attorney General of the United States the power to determine to whom the law would apply. He could apply it to one, but could refuse to apply it to others in exactly the same circumstances. Therefore, part III, if enacted into law, would constitute an unconstitutional delegation of power to the Attorney General of the United States; and for that reason part III is void, under the Constitution.

But, Mr. President, even apart from constitutional considerations, the proposed part III, if enacted into law, would do more to destroy the American system of government for all practical intents and purposes than anything else which has ever occurred throughout the history of this Nation. I say that for the reason that the finest interpretation ever made of the Constitution of the United States was the one made by Chief Justice Chase in the case of Texas against White, when he said that the Constitution in all of its provisions looks to an indestructible Union composed of indestructible States.

Part III, if enacted into law, would, in effect, destroy the States of the Union, as we have known them. That is true because part III would give the Attorney General of the United States the arbitrary power to supervise the actions of States, the actions of cities, the actions of towns, and the actions of counties throughout the Nation, in every case in which any action on the part of a State or on the part of a city or on the part of a town or on the part of a county touched any citizens who come within the groups specified under this proposal.

That would be an arbitrary power which should not be granted to any officeholder; and especially it should not be granted to the Attorney General of the United States, who occupies a dual function, for not only is he a governmental officer, but he is also, in every case of which I have ever heard, a politician.

Part III cannot be reconciled with a due regard for sound Federal-State relations. Part III is aimed in large measure at State and local officials who render essential governmental services at State and local levels for little or no compensation out of a sense of public duty.

If part III should be enacted by Congress and survive the test of constitutionality, it would vest in the Attorney General, whoever he might be, tremendous power in the civil rights field.

The argument that any occupant of the office of Attorney General could be safely trusted to wield this tremendous power ignores the first fact of governmental life, that is, that power corrupts and tremendous power corrupts tremendously.

Federal officers have been notorious in all periods of our history for encroaching on the governmental domain of the States. Indeed, they have been justly charged on occasion with being thieves of jurisdiction.

If part III should become law, it would furnish the Federal Government with ready means for usurping the functions and power of State and local governments in vital areas of our life.

By resorting to civil actions and proceedings under part III, the Attorney General could virtually convert Federal district courts into administrative branches of the executive department of the Federal Government for the management of elections, schools, and similar activities of a local nature.

Moreover, the notion that the occupant of the office of Attorney General could not exert the tremendous power embodied in part III without first obtaining a decree from a Federal court is utter nonsense.

If the occupant of this office should happen to be a pragmatic politician, or a so-called civil rights zealot, or a person susceptible to coercion by pressure groups, he could employ part III as an intimidating club, and thereby control or demoralize State and local government in such vital areas as elections and public education.

Here is how the Attorney General could operate in the case of a State or local election or school official, who denies registration to an applicant for voting rights on the ground that he does not possess the qualifications prescribed by State law "for electors of the most numerous branch of the State legislature," or who declines a parental request for the assignment of a school child to a particular school on the ground that the requested assignment is not calculated to promote the educational interests of the child:

The Attorney General, acting through a subordinate, could politely threaten the State or local official in this wise: "If you don't register this man or assign this child to that school, I'll put the law to you in an action or proceeding under part III in which all the legal and financial might of the Federal Government will be arrayed against you and in which you will be denied such basic safeguards as the right of trial by jury."

The State or local official could do one of three things. He could submit to the threat, and thus permit a Federal officer to dictate how the functions of a State or local office are to be discharged. He could relinquish his State or local office, and thus escape further harassment and hazard. And, finally, he could stand up and fight for his convictions, even to the point of defending a lawsuit in a Federal district court, which might sit in a place far removed from his home. If he should pursue the last course and win, he could conceivably bankrupt himself in defraying the cost of his successful defense. If he should pursue the last course and lose, he could conceivably wind up with a virtually unlimited fine or a virtually unlimited jail sentence simply because his convictions as to how the duties of his State or local office ought to be performed might differ from those of the Attorney General and a one-man Federal court.

Congress would commit an unspeakable folly if it should enact a bill in which provisions are susceptible to such grave abuses in the field of Federal-State relations.

The effect would be to destroy local government; and an arbitrary Attorney General of the United States would, in effect, be directing and controlling local government in the United States.

Mr. President, do Senators want to destroy State and local government in the United States? Do Senators want to concentrate in one official in Washington—the Attorney General of the United States—the power to dictate what action shall be taken by State and local governments throughout the Nation? If Senators wish that to be done, then let them vote for part III.

But if Senators believe, Mr. President, that State and local governments ought to continue to exercise their functions uncoerced by a nonelective Federal official, they should vote against part III. That is the alternative. I have indicated what part III would do to the America we have known and loved.

I do not like to have power concentrated in Washington. The people who send Senators here have enough sense and enough character to run their own affairs, and I am not in favor of robbing them of their power and concentrating it in a single, nonelective Federal official.

Under existing statutes there are sufficient laws to secure the constitutional rights of every American of every race. There is a statute which makes it a crime for any State official willfully to deny any American, of any race, any right arising under the Constitution or laws of the United States.

Mr. President, existing laws are sufficient. Every aggrieved individual has statutory rights of action under existing acts of Congress to obtain preventive relief or damages. And we also have the Civil Rights Act of 1957, so far as voting rights are concerned. We ought not to extend that law beyond voting rights.

Mr. President, I have talked longer than I intended. There is another subsection—subsection (2)(b) of this amendment to which I wish to refer. Under existing decisions of the Supreme Court, that section is unconstitutional.

There is another part, subsection (2)(c), in which, by indirection, through the Attorney General of the United States, organizations such as the NAACP and the Congress of Racial Equality could reach into the Treasury and finance their litigation. That ought not to be.

I trust the Senate will defeat part III, and thus preserve an indestructible Union composed of indestructible States.

Mr. CLARK. Mr. President, will the Senator yield briefly?

Mr. ERVIN. Yes.

Mr. CLARK. I should like to correct an inaccuracy on my part during my colloquy with the Senator from North Carolina a while ago. I have had the record checked about Lincoln University. I find the only permanent and full-time president of that university was a Negro. At the moment there is a vacancy, and they are looking for another Negro to fill the position, but the acting president at the moment is a white man. The faculty is predominantly Negro, but there are some white members of the faculty.

Since I misstated the facts, not knowing the truth of the matter, I should like to have the RECORD show what the facts are.

Mr. ERVIN. I appreciate the statement of the Senator from Pennsylvania.

Mr. JAVITS. Mr. President, in view of the fact that it has been stated that some Members of this body should know more about part III, and they feel the matter is so serious and dangerous, and has not been adequately discussed, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I know of no subject in the current civil rights debate which has been subjected to so much obscuration rather than elucidation as the subject of the much quoted part III.

Mr. President, I am under no illusions as to the effect of this debate, which is evidenced by the fact that we have a relatively meager attendance in the Chamber, though all who are here are most distinguished and able Senators and I am grateful for their presence, and also evidenced by the fact that there is a relative paucity of speakers on this question.

Mr. President, the Senate should know that whatever may happen to part III tonight is no guarantee as to what will happen to part III either later in this debate or at a later time, for, Mr. President, at a time when moderation is so much preached, this is a truly moderate remedy, and I think a truly effective remedy, which yet seems to be invoking more of the lightning than far more drastic remedies.

I have heard my colleague from North Carolina [Mr. ERVIN], whose attention I should like to have, if I may, argue this question with his customary erudition, and I think fall into the same error into which so many others have fallen, though I think in his case he was very capable of understanding his own error, if he but would.

Mr. President, in regard to all the arguments about the inordinate power which would be given to the Attorney General under part III, I think the first question one must ask is, What power? What can the Attorney General do under part III? Of course, the minute that question is answered, the true dimensions of the remedy become clear.

All the Attorney General can do is to start a suit. In fact, it is not even a criminal suit. He can start only a civil suit.

Mr. President, when we realize that the Attorney General of the United States has that power now, under some 50 other statutes, affecting an enormous range of people—the antitrust laws, the Packers and Stockyards Act, the National Labor Relations Act, the Federal Fair Labor Standards Act—it seems almost unnatural that one would speak of an abominable grant of power to a man who has, and who has had for a very long time, such enormous authority, to which we are seeking to add a relatively small authority.

Mr. President, if the Attorney General really wanted to be vindictive and to be a bad fellow he could seek to indict every one of these people whom he could sue under part III. That is much more serious, in the American lexicon, than simply starting a civil suit against a person. Yet, Mr. President, that is exactly what the Attorney General can do, because the United States Code

makes a crime of everything upon which part III entitles the Attorney General to sue.

I wish to repeat that, Mr. President, because it seems to me this is the fundamental point about the whole debate. Everything upon the basis of which the Attorney General could sue in a civil court under part III, he can now seek to have a person indicted for—cannot indict himself, but he can ask a grand jury to indict—under the criminal statutes of the United States.

Mr. ERVIN. Mr. President, will the Senator yield so that I may ask a question?

Mr. JAVITS. I yield.

Mr. ERVIN. If the Attorney General indicted these people he would have to prove his case before a jury, would he not?

Mr. JAVITS. Yes; certainly he would.

Mr. ERVIN. We do not have a jury-trial provision in these other cases.

Mr. JAVITS. Mr. President, now we narrow the argument. I gather, then, the distinguished Senator from North Carolina admits this is not such an inordinate grant of power, that the only thing it may do—which we will come to in a minute, Mr. President—is to change the character of the trial if a person is guilty of contempt of an order of a court. First, there has to be an order. That can go all the way up to the U.S. Supreme Court. Then, if there is an order and if a person is guilty of contempt, we have narrowed the issue. The only thing that will happen is the trial by the judge instead of the trial by jury.

Mr. ERVIN. I will say one other thing to the Senator from New York and then I shall not bother him more, because I realize he has limited time.

Mr. JAVITS. The Senator from New York likes to be bothered.

Mr. ERVIN. The Senator from New York and I disagree fundamentally on this matter. In the other cases in which the Attorney General can bring suits, under the antitrust laws and other laws such as that, the suits he brings involve causes of action which can be brought by the United States in its capacity as a corporate entity. There are 35 or more types of those cases.

The causes of action under Part III do not belong to the United States. They belong to individuals. There is quite a difference.

Furthermore, I will ask the Senator from New York if he does not agree with me that the Attorney General is the only human being, out of the 170 million or 180 million Americans, who can bring one of these suits under part III.

Mr. JAVITS. The Attorney General or any individual aggrieved can bring such suits. It seems very strange to me that very distinguished Senators who argue against this authority in the Attorney General approve thoroughly the interposition of all the power of each of the Southern States against small individuals who can afford it and can stand it much less than the defendants in these cases, because the defendants in these cases will generally be officials who are acting under State law, with all the machinery and all the authority and all the backing which State law would give them to defend in these very cases. That is bad; but to give such wide authority to the attorney general of a State, with all the State money and all the State machinery, is fine. After the individual litigant, who may be a poor Negro, is insulated from any protection he might otherwise have, the State passes an antibarratry statute providing that the individual litigant may not borrow more than $25 to litigate his case. That is a case of loaded dice. That is great. That is not inordinate power. That is only common justice.

Mr. ERVIN. Mr. President, inasmuch as the Senator has mentioned my name, will he yield to me?

Mr. JAVITS. I yield to the Senator from North Carolina.

Mr. ERVIN. My State has no such law as the one to which the Senator refers. As a matter of fact, I have opposed the enactment of such laws. I have never justified the action of any State official, in North Carolina, or anywhere else, denying any person any legal right. During all the time I was connected with the administration of justice, I insisted that all men stood equal before the law. Therefore, the statement of the Senator from New York with reference to the Senator from North Carolina is not factually supported by the conduct of the Senator from North Carolina.

Mr. JAVITS. Mr. President, I love my friend from North Carolina. He is one of the most provocative and interesting speakers, and one of the finest lawyers in this body.

In all deference, I should like to state my position very clearly. Antibarratry statutes to do exactly what I have described have been passed by the States of Arkansas, Georgia, Mississippi, South Carolina, Tennessee, and Virginia—not by the State of North Carolina. But, Mr. President, it is the tendency of those who maintain the southern position, when they are really in a corner, to say, "My State is all right." But when we are talking about the rest of the United States, we must not speak collectively. We must not speak in terms of the United States, for the rest of us; but so far as they are concerned, if their State is all right, that is supposed to cover everything.

That is what my friend from North Carolina is arguing from time to time. That is what my friend from Louisiana is arguing from time to time. One can pick out area A, B, or C, in which one State shows up better than other Southern States. But this is the United States, and it is our responsibility to legislate for the United States. That is why we are taking the position we take, and that is why we should not be deflected from that position by the particular ray of sunshine which may exist in any one of the States. When the going becomes rough, our friends always say, "I do not know about the rest of the United States, but my State is all right."

We must legislate for all the States, and not merely for one State. One State may be all right in a particular instance. I am glad when it is. I am very happy about it. But I do not see that that is an argument against the need for legislation on the national level.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. JAVITS. I am glad to yield.

Mr. HENNINGS. I did not wish to interrupt my learned friend the Senator from New York, a former attorney general of that State, except to commend him for what I believe is a most scholarly and lawyerlike argument on this point.

In this matter, if we can be lawyers, if we can be confined in terms of our emotions to the law, the precedents, the Constitution, and those things which are really issues, we shall all serve ourselves as Members of the U.S. Senate, and serve the country, better. I think the Senator is to be commended, just as I would commend my learned friend the distinguished Senator from North Carolina [Mr. ERVIN] for his presentation. By and large, I commend Senators from other Southern States. They include my friend the distinguished Senator from Arkansas [Mr. MCCLELLAN] and other Senators. They have confined themselves to the legal issues.

Whether we agree on the law or not, is not so important to me, in many respects, as that we agree upon the character, the tenor, the dignity, and the nature of this debate.

Let me ask the distinguished Senator what the limit is in the several States which he mentioned, in connection with the antibarratry statutes, involving the financing of a cause of action. Is the limit the same in all the States?

Mr. JAVITS. No; it is not.

Mr. HENNINGS. I thought not.

Mr. JAVITS. The theory which animates——

Mr. HENNINGS. I understand the theory very well. As I understand, the limit is approximately $40.

Mr. JAVITS. And other very modest sums.

Mr. HENNINGS. But the amounts are relatively minimal, considered in terms of fees to be paid.

Mr. JAVITS. Exactly.

Mr. HENNINGS. I know the purpose of such statutes. We all understand that very well.

Mr. JAVITS. I shall develop that point very briefly.

Mr. HENNINGS. I did not mean to interrupt the Senator, except to commend him for the spirit of his argument and the learned fashion in which he presents it.

Mr. JAVITS. I am very grateful to my colleague. I shall develop that subject.

I point out, in response to the argument, that the many statutes under which the Attorney General or other Federal Government officials proceed to redress what are essentially private wrongs do not, as the Senator has just been told, involve the redress of grievances where the right vests in the United States. A number of these statutes read exactly as does part III.

I refer specifically, among others, to the statute involving enclosure of public lands, enjoining violations (43 U.S. Code

1062). That particular grant of authority provides as follows:

§ 1062. Suits for violations of law

It shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section 1 of this chapter is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter, and it shall be sufficient to give the court jurisdiction if service or original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

In other words, exactly what we stipulate in part III.

Let us take another statute of the same kind, involving violation of the statute governing, or rules, regulations, or orders of the Securities and Exchange Commission, by investment companies. That is title 15, United States Code, section 80a–41.

The Commission shall permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated.

Authority is granted to the Commission to proceed in such cases.

Another example is the Longshoremen's and Harbor Workers' Compensation Act, involving enforcement of an order by injunction. That is found in title 33, United States Code, section 921(c):

(c) If any employer or his officers or agents fails to comply with a compensation order making an award, that has become final, any beneficiary of such award or the deputy commissioner making the order, may apply for the enforcement of the order to the Federal district court for the judicial district in which the injury occurred (or to the U.S. District Court for the District of Columbia if the injury occurred in the District).

It seems to me that these examples—and there are others—illustrate the point. We are all very familiar with the Fair Labor Standards Act, under which governmental authorities may sue to recover, for the benefit of the individual worker, compensation which has been denied him by his employer.

There are many cases in which the United States says that the right of the individual is so impressed with the public interest, is so much in the interest of the United States itself, that upon his complaint the U.S. Government will undertake his case, if it considers it a representative case and desires to do so.

The first qualification is that this is not inordinate power. The Attorney General is to do civilly that which could be done criminally anyway. The civil remedy is a much lesser remedy.

Second, this is not a new power. It is incorporated in many statutes enacted by Congress.

The third point is that this is not unqualified power. The Attorney General does not have to take every case. It would be ridiculous if he did. He is not required to take every case, any more than he must start an antitrust suit or any other suit under the statutes under which he has authority, merely because someone files a complaint. That is his job. That is why he is the Attorney General. That is why he goes in and out of office with the President. He is a policy officer of the Government. He must decide what case may be representative enough and which may be great enough from the standpoint of the interest of the United States to warrant his participating in the case.

Mr. President, this is no new or novel power that we seek to give the Attorney General. The Attorney General is given notice of every case in the Federal courts in which the constitutionality of a statute is put into issue. That is a fundamental Federal law. He has the right to intervene in such a case. He intervenes in many cases. However, he does not intervene in all of them. If he did, he would be in most of the cases in the Federal courts.

I emphasize that point to show that we propose no unusual or undue or inordinate powers. We are talking about the selective use of a proven instrument in cases which are impressed with a degree of public interest.

Mr. President, not only has Congress done this time and again, because it is an effective way in which redress can be had with respect to individual rights in cases that are impressed with the national interest, but as recently as 2 weeks ago, on February 29, this very idea, this very practice was approved in just so many words by the Supreme Court of the United States. It came in a voting rights case under the Civil Rights Act of 1957, in which we gave the Attorney General exactly this kind of authority. We passed that statute only a few years ago. I refer to the case of United States against Raines, and I should like to read from the decision of the Court in that case, case No. 64, as follows:

It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. Does the Senator conclude from the comments he has made that there is no merit in the contention made by the distinguished Senator from North Carolina [Mr. ERVIN] that part III of the proposed amendment is unconstitutional?

Mr. JAVITS. Oh, I certainly do; and I cannot conceive of how, in the face of this declaration in the Raines case, it could be seriously contended that this proposed grant of authority would be unconstitutional. It seems to me that such contention is completely disproved by the fact that the Civil Rights Act of 1957 is a statute which gives the Attorney General power in a limited class of cases; namely, in a class of cases where people claim they were deprived of their voting rights.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. JAVITS. I shall be glad to yield in a moment. This is a no more narrower distinction than the case of a citizen who by virtue of color, race, or religion is denied the equal protection of the laws. The latter are by far the broader class. Therefore, the Court having spoken as specifically as it has in the Raines case, I cannot conceive of how it can be held that part III is unconstitutional. It is certainly constitutional, and the leading and latest authority absolutely buttons that up beyond any peradventure of doubt.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. Will the Senator also agree with me that there is no legal merit in the argument of our friend from North Carolina, persuasive though he is, that the proposed amendment constitutes an illegal and improper delegation of legislative power?

Mr. JAVITS. Again, I cannot see that at all, by the precedent of the Raines case and by the precedents of 50 other statutes, in which similar power is given to the Attorney General. I have already referred to cases in which the Attorney General acts upon the complaint of an individual, which is exactly the kind of case we are proposing here.

Therefore I cannot understand how it can be successfully maintained that such is the case.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. CLARK. Mr. President, does the Senator agree with me that if the bill is passed, all we would be saying to the executive arm of the Government, through the Attorney General, is "You enforce the law"? Also, is not this normal constitutional procedure?

Mr. JAVITS. I would make only one qualification in the Senator's statement, in agreeing with him, and that is I would

differ with him with respect to enforcement, because the only thing which we force the executive department to do is to start a suit. The enforcement is the prerogative of another branch of the Government, the judiciary.

Mr. CLARK. Is not this the situation? Congress passes a law, and in doing so it tells the executive department to start a proceeding or administrative action to see that the law becomes effective, and it relies on the judiciary to see to it that the executive does properly enforce the law?

Mr. JAVITS. Hallowed by tradition and borne out by 40 other statutes.

Mr. CLARK. And all of it goes back to the early days of the Republic. Is that correct?

Mr. JAVITS. Without question the Senator is correct.

To continue, Mr. President: Therefore we must ask, if the provision is constitutional—and it is—and if it is entirely in the tradition of our way of governance—and it is—and if it is rooted in other statutes—and it is—how useful can it be in this particular type of case, and why should we pass the bill with part III in it as applicable to civil rights?

This is the real nubbin of the argument. This is where issue can properly be joined.

The reason it is absolutely essential to an effective civil rights bill—and I say that a bill will not be as meaningful and effective as the people have a right to expect until there is a part III in it, whether such a bill is passed in 1960 or 1961 or 1962—is this. Unless we give an individual the backing of the majesty of the United States of America in a representative case, in which he is seeking to preserve a universal right to which every citizen is entitled, we will not give the States which have a mind to defy the Constitution of the United States the understanding that the people of the United States mean business. If we pass this provision we would not only say that the people mean business, but that the people have found a technique for doing it without seeking to crowd people—perhaps, to rebellion or secession—but, as the Supreme Court has held in the school desegregation cases, with all deliberate speed.

This will turn out to be a great milestone in the civil rights field. It will be the historic contribution of our time—with all deliberate speed. However, there is no speed at all; indeed, there is no incentive at all when in State after State the power and authority and organization of the State can be mounted against the individual litigant, and if the majesty of the United States is not permitted to be introduced in behalf of an individual litigant except in extreme situations, such as riots or where the dignity of the court itself is involved, or in similar periphery cases.

Mr. President, this is the way, this is the place where the most progress can be made in bringing about an honoring of the obligations of the Constitution in connection with civil rights, and the place where the most steam can be blown off, so that we will not have the simmering cauldron that we have in our Southern States.

Mr. President, we have the habit in the Senate of talking as though we lived in another world, or in a vacuum. It seems to me to be our bounden duty, whether I am right about part III or whether I am wrong about it, to know that there are serious dangers of disorder and, indeed, of local anarchy in a number of areas in the Southern States; that serious charges are made that meetings or assemblages are being suppressed. One does not know whether those charges are justified or are unjustified. Even in certain actions of that kind, the police have a right to take action, and the courts have sustained it. But it is all symptomatic; that we are not legislating abstractly for civil rights to which people believe they are entitled under the Constitution, but we are dealing with a burning, intense human question involving the national interest, and also involving public order in community after community.

Mr. CARROLL. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CARROLL. Is not the Senator saying, if I understand his very able argument, that it was only 3 years ago that we met the same arguments as those presented by the distinguished Senator from North Carolina [Mr. ERVIN]? The principal question then, among others, was, Would Congress for the first time empower the Attorney General to intervene on behalf of an individual in a voting rights case? And Congress did so. That was the first time Congress moved in that field. As a result, this year we have two Supreme Court decisions sustaining the constitutionality of what we did. For the first time, in the name of the United States of America, the Attorney General may protect voting rights.

Is it not true that in many statutes, as we reflect back on the arguments of 1957, the Attorney General is permitted to intervene in private suits, suits involving the private rights of individuals?

Mr. JAVITS. Exactly. I have cited a good many of those cases.

Mr. CARROLL. The reason why I have tried to restate the matter in simple form is so that the layman will not be confused into thinking that in passing part III we would be taking some sort of a new and radical step. Have we not moved forward by the enactment of certain statutes similar to this? I think some 40 statutes have been on the books for years. I have a list here.

Mr. JAVITS. If I may interrupt the Senator from Colorado, the figure is just 50 such statutes.

Mr. CARROLL. Does the Senator from New York intend to place a list of those statutes in the RECORD?

Mr. JAVITS. They are in the RECORD as a part of my speech delivered on February 27, 1960.

Mr. CARROLL. I think it is very important that we know what those statutes are. I have a number of them here, taken from the civil rights debate in the Senate in 1957.

It seems to me that the real question which the able Senator from New York puts is this: Three years ago we moved into the field of voting rights. In view of the critical social situation which confronts the country today, are we not obligated now to protect the constitutional rights of certain people by authorizing—we are not mandating the Attorney General—by authorizing the Attorney General to institute cases to protect individuals whose rights need the protection of and the central strength of the Federal Government? Is that not so?

Mr. JAVITS. That is exactly the principle which the Senator from Colorado very graciously and very ably has led me to, and which, to me, is the clinching point in the whole matter, namely, that what we have learned and what we have seen in actual fact from 1957 until now confirms the need for part III.

In other words, assume that in 1957 we were examining a situation which had not yet been treated by legislation and we passed the legislation. Let us assume Congress in its wisdom overruled persons like the Senator from Colorado and myself, and passed legislation which it thought was adequate to the event. Now I think we have a right to show, and I expect to show in a few minutes, that between 1957 and 1960 what we had forecast in 1957, when we argued for part III, has actually come true. In short, the Senator who voted against part III in 1957 ought to consider what has occurred since then, and ought to say to himself that everything which the proponents of part III talked about then has actually come into being. The case has been proved by the events and the facts. If a Senator voted against part III then, he should vote for it now. That is exactly the point to which the Senator from Colorado so properly leads me.

Mr. CARROLL. Many fine and well intentioned persons were alarmed because this was a new step. It is always difficult to legislate against a feeling of fear. But now we have had 3 years of experience. The Supreme Court has ruled on the 1957 action of the Congress.

I can say, from studying these matters, as a member of the Committee on the Judiciary—I do not claim to have expert knowledge, but I have listened to the testimony—that we know how difficult it is to implement the voting machinery in many areas of the Nation. That is why I believe Congress must take another step forward. Even though in 1957 we gave the Attorney General the right to intervene in voting rights cases we now find that we must change rule 53(c) of the Federal Rules of Civil Procedure. It will be necessary for the Congress to spell out for the first time in American history—I am speaking now of the judicial system—a system of voting referees appointed by the courts, and decide how they will be paid. We are going to set them up, I believe, under legislation. Some Senators who have given this question great thought want

to proceed by the appointment of Federal registrars or enrollment officers.

It is necessary for us to push forward in the field of voting. In the great mass of civil rights, the opponents again set up a broad smokescreen of fear. As I said 3 years ago, it will take 20 years to perfect voting machinery which will enable all Americans to vote. I do not want to be a defeatist or a pessimist, but even if we pass part III as it is now before the Senate, it will take 20 or 25 years before it will come into full fruition. But it is the function and the duty of Congress to consider the social changes which are taking place all over the world, if our Nation is to move forward. This proposal is only a slight step forward.

Does anybody believe that the Attorney General really would plunge into this field and bring all the cases it is charged he would bring? He would not. If I were the Attorney General, I would be very selective in the cases I brought. I would move slowly and cautiously, to build a structure upon which all Americans could stand. I thoroughly agree with the Senator from New York.

If he will permit me to put a further question to him, as I look at the record, the Attorney General, of 3 years ago, Mr. Brownell, in testifying before the Senate hearing on S. 83, which was a bill similar to the proposal now before the Senate, made certain statements, which I shall now place in the RECORD.

The distinguished Senator from North Carolina [Mr. ERVIN] said:

> I will ask you, as a matter of fact, if there is any other statute that has ever been enacted by Congress providing that the Federal Government shall bring suits for the redress of injuries to private individuals.

The Attorney General said, "Oh, yes."

> Senator ERVIN. What case?

The then Attorney General said:

> We can give you quite a long list. In addition to antitrust, there is the Wage and Hour, and the Housing and Rent Act, and the Defense Production Act.

It is normal for Congress to do this, and we will have left a very bad omission in the civil rights areas if we do not provide the same authority.

So I think the great and distinguished lawyer from North Carolina did not fully appreciate the great scope and power of the Attorney General to be able to intervene in the cases involving rights in the legal field as distinguished from equitable remedies.

As the able Senator from New York has pointed out, for the first time in American history, in this particular field, which is the civil rights field, and which is a highly political field, Congress 3 years ago spoke and permitted the Attorney General to intervene in a court of equity to protect constitutional rights; and the act has been twice sustained by the Supreme Court.

Mr. JAVITS. There is an interesting anomaly concerning what the Senator speaks about. Congress passed the Civil Rights Act of 1957 3 years ago. Now we hear our colleagues from the South, especially the Senator from Georgia [Mr. RUSSELL], bitterly complain that the Attorney General of the United States in 3 years has started only four suits. He says this is one reason why more law is not needed. Yet it is now being argued that we should not give him this power because he will start thousands of suits. We must make a start some some time. We must take a position.

The answer is that the Attorney General, in cases of this kind—because they are exhausting cases, and require a great deal of time and many steps—would proceed with the greatest care and circumspection.

Mr. CARROLL. In 1957 I happened to be seated in the chair of the Vice President on the day the famous speech was made to the effect that bayonets would be going into the South. Now we hear statements to the effect that we are about to oppress our southern brethren. That is a way of inducing fears, I think, which sometimes influence the judgment of legislators. I find very intelligent Members of this body who are afraid to give the Attorney General this power. My able colleague from New York is a Republican, and I am a Democrat. I hope that in 1960 a Democratic President will be elected. If so, I believe he will have enough understanding of the Constitution and of the great rights which need protection in the interest of all the people that he will appoint an Attorney General who will exercise properly and industriously this power to protect individual rights.

Mr. President, in this situation we are not interested in a bargain-basement sale in regard to politics. Instead, we are trying to protect the fundamental rights of the people of the country; and that can be done in the way we proposed under the 1957 act.

I say to the Senator from New York that in a certain respect it will matter not whether the new President is a Republican or is a Democrat. The President who is elected, and who will appoint the new Attorney General, will be fully aware that all the political parties in our country are extremely conscious of the rights of the people; and no wholesale effort will be made to harm the people of any State.

Thus, Mr. President, although those of us who advocate the adoption of part III may lose our fight today, certainly we are 100-percent right on principle. As the able Senator from Michigan [Mr. MCNAMARA] said earlier today, we are 100-percent right on the equities and the ethics of this proposed legislation. And, Mr. President, as surely as I stand in this Chamber tonight, if part III is not enacted into law this year, it will be enacted into law within the next few years.

I thank the able Senator from New York for permitting me to have this colloquy with him. Certainly the issue is very plain and very clear—so much so, in fact, that I think all Members of the Senate can without fear vote for part III.

Mr. JAVITS. Mr. President, I come now to the point which has been opened up in the course of the colloquy I have had with the Senator from Colorado, to whom I am grateful for elucidating this point even more than I have been able to do. So I come now to a consideration of what will, in 1960, induce every Senator who voted for part III in 1957 to review his vote and to decide to vote again for part III.

Mr. President, since 1954—and the process really began to gallop beginning in 1957, and continuing to the present time—an enormously large body of law has been enacted, especially in the Southern States, in an effort to defeat and thwart the very things the Supreme Court of the United States and the Congress were trying to effect in regard to civil rights.

When I made a rather long speech on February 27, I submitted for the RECORD a compilation of recent State and local laws, resolutions, ordinances, and administrative policies which demonstrate what an enormous body of law of that sort has been built up in the effort to frustrate the civil rights drive which really began with the Supreme Court decision of 1954 and got its congressional impetus in 1957.

Theretofore we did not face that situation; it is a new one—the situation in which so much of the State and local legal machinery—even though the laws vary from State to State and from place to place—is directed toward defeating and thwarting that Supreme Court decision and the congressional enactment following it. Certainly one would have to be blind not to read in the daily newspapers about the great number of such State and local laws and not to know that this development has been occurring in an extremely thorough and intensive way, with one Southern State legislature vying with all the other Southern State legislatures in the effort to see which one of them could think up the most ways and means of bedeviling this situation and making it more difficult for there to be desegregated schools or desegregated facilities, or, in some cases, to make it more difficult for the fundamental right to vote to be exercised.

Mr. President, while the dynamic march to frustrate goes on, are we to remain silent and not endeavor to meet that move by using the mighty ability of the United States and the machinery it can make available to litigants in such situations?

Let me point out that the great genius of our democratic society is that even the Supreme Court of the United States, which is so anxious to help people obtain and exercise their civil rights—as it has shown in a whole host of decisions, does not hesitate to complicate matters in connection with their ability to attain those rights, when such a course is indicated or is permissible under the Constitution. I refer now to the pupil placement laws. The Supreme Court says those laws are constitutional; yet, Mr. President, practically all the members of the Court who participated in that decision also participated in the 1954 decision. Those judges were not born yesterday, and they have a fairly good idea of how much more complicated

the process of desegregation of the public schools has been made by the pupil placement laws. Yet the Supreme Court says that so long as the pupil placement laws are executed for the purpose advertised, they are perfectly lawful and constitutional. However, we know that the pupil placement laws are going to make desegregation of the public schools very much more difficult. In those circumstances, are we to sit idly by, with our hands folded, and not at least provide machinery which will enable the individual to obtain his rights, at the same time that we complicate and make more difficult that process because we want to protect the rights of the very ones who wish to deprive the individual Negro of his right to attend a desegregated school?

It seems to me that in this matter we must lay on with a completely even hand; and that requires that we adopt part III, so as to give the Attorney General of the United States this authority, which will represent the contribution of the United States to the doing of justice in all the States. We do not want the pupil placement laws to fall. So, even though the pupil placement laws complicate the matter so very greatly, we take no steps against the pupil placement laws. But, on the other hand, we believe we should provide machinery which nonetheless will permit Negro students to obtain their rights.

Mr. CARROLL. Mr. President, will the Senator from New York yield? He made a statement which I believe might be misconstrued. After all, the Attorney General of the United States will have no power to intervene on his own accord; he will have only the power to institute suits in protection of individual parties, will he not?

Mr. JAVITS. That is correct.

Mr. CARROLL. Will the Senator from New York explain briefly how that power would be exercised?

Mr. JAVITS. Yes. Let us assume there were a case in which a pupil placement law was being misused. When we realize the complexity and the difficulty involved in one of those cases, and when we realize the great cost of those cases, we begin to understand something of the difficulties involved. But let us consider a representative case to settle the principle of how these pupil placement laws are to be applied with fairness to both sides of the issue.

If only one or two such cases were taken to the Supreme Court of the United States, the broad and fundamental principle could thus be settled. But to ask the individual litigant to take his case all the way to the Supreme Court, when he would be faced with the enormous machinery of the State, which under the pupil-placement-law process is, in so many cases, placed on the side of retarding, rather than advancing, desegregation in the public schools, would, we realize, impose on him a burden which would be greater than he could reasonably be asked to bear.

Mr. CARROLL. If the Attorney General of the United States entered such a suit, he would intervene in the court in the area in which the suit arose, would he not?

Mr. JAVITS. That is correct.

Mr. CARROLL. And, therefore, the suit would generally be filed, in the State affected, and under the rules of equity, and would be handled under the laws which applied. Of course, that process would make it most expensive and most difficult for individual litigants to bring such suits in the courts.

Mr. JAVITS. Indeed so.

Now let me refer to the cost resulting from the whole thicket of the new laws in this field which make the process so difficult and so expensive for the individual litigant.

As to the court costs, I have obtained the cost figures from the administrative officers of the Federal courts and from the Federal Civil Rights Commission. The estimate is that the cost per case is approximately $19,000; and, in terms of the school desegregation cases, the cost per pupil is approximately $1,000. However, the estimated cost in the celebrated Brown case, in 1954, was somewhere between $100,000 and $200,000. The $19,000 figure is the median cost, the cost for the average case.

Mr. President, when we realize that since May 1954, an estimated 211 school desegregation cases—school desegregation cases alone—have been decided—not brought, but decided—in the State and Federal courts, resulting directly or indirectly from the Brown case and that in some of these cases courts have retained jurisdiction in a continuing way, because it had to be administered in a continuing way, we glean something of the ambit of the problem.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Is it not true that since these costs are far beyond the resources of any pair of Negro parents who are likely to sue on behalf of their child, the money would have to be raised from outside?

Mr. JAVITS. The Senator is exactly correct.

Mr. DOUGLAS. Is it not a fact that at least seven of the Southern States have what are called antibarratry statutes, making it a penal offense for anyone other than those immediately concerned to contribute money or legal services for the prosecution of a case?

Mr. JAVITS. There are six such States. The Senator is absolutely correct. I put the names of the States in the RECORD a while ago.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CARROLL. Again, to try to simplify the issue, what we are saying is that there are people who are entitled to the protection of certain constitutional rights. These rights have already been determined under the law of the land. When persons seek to assert those rights, they are either alone or they are in small groups, and the judicial machinery is so costly it could act as a great barrier against the protection of their rights.

Mr. JAVITS. The Senator is exactly correct. May I point out that this is one of the blights which people like myself hope will be undone as time marches on in our Southern States. I point out the disparity in income for nonwhite families in Southern States as contrasted with that of nonwhite families in other parts of the Nation.

We have assembled the figures for the year 1958. We have calculated them from current population records and consumer income statistics issued January 15, 1960, by the Bureau of the Census. This is what these figures show:

The percentage of families with income between $4,000 and $10,000, nonwhite, in the South, 17 percent.

For the nonwhite income outside of the south, 55 percent.

The percentage of families with income below $2,500, nonwhite, in the South, 61 percent—61 percent of the nonwhite families in the South have incomes below $2,500.

The percentage of nonwhite families outside of the South having that income is 20 percent, or one-third.

The median, or average, income of the nonwhite families in the South is about $2,000. It is $2,016, to be exact, per year.

The average, or median, income of the nonwhite family outside of the South is about twice as much, $4,200 a year.

I emphasize those figures because I think they have a bearing in two respects: One, as to the people who can afford to litigate, they can afford it infinitely less in that area of the country than anywhere else; and, second, I submit—and this is a big sociological question—one of the factors which has held down income in this very important and very lovely part of our country has been the pursuance of what they thought to be the proper kind of social order for them.

I am very hopeful, if their horizons begin to expand in tune with the times and in tune with the desirabilities as we have been discussing this matter, that, without bayonets marching into the South—because I do not think any of us are remotely thinking of such a thing—their income will go up and get to the point where there will be more of an egalitarian situation than what they have been used to.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CARROLL. When 1,400 citizens in Louisiana were removed from the voting rolls, the Attorney General, using the law enacted by Congress 3 years ago, filed a suit in the name of the United States of America in a Federal court. He could not have done that, could he, before 1957?

Mr. JAVITS. The Senator is correct.

Mr. CARROLL. We gave the Attorney General that right by statute.

Mr. JAVITS. That is correct.

Mr. CARROLL. When he filed the suit, it is true he used the money of the taxpayers, because they pay his salary and his deputies' salaries, but what did he do with the suit? He carried it to the Supreme Court. It is true that the taxpayers carried the financial load, but the result was that 1,300 or 1,400 people who otherwise might not have been able

to maintain the suit were able to maintain it. Is that correct?

Mr. JAVITS. That is exactly correct—in other words, he is to see that it works.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BUSH. I understand that, under part III, any individual who feels that his rights have been deprived may ask the Attorney General to try a case for him. How much are such cases likely to multiply? In other words, will the courts be deluged with suits, as the Senator sees it, or is a test suit going to settle a great many cases? How is the situation going to work out as a practical matter?

Mr. JAVITS. The Senator from New York will state flatly that a test case will settle a large number of cases and simplify the problems of the courts—even simplify them as compared with what they are today. But I do not have to depend on my opinion. I call the attention of the Senator from Connecticut to this fact. The Senator from Connecticut heard Senators on the floor complain that under the Civil Rights Act of 1957 the Attorney General started only four suits. They complained about it. They said that fact shows no more laws are needed. Is not that fact at the same time proof that a procedure of this character does not result in a plethora of suits?

Mr. BUSH. Then the Senator would not expect the passage of such a proposal to lead to many lawsuits, but just some test cases in a few parts of the country. Is that correct?

Mr. JAVITS. That is the history, especially when one realizes that the Attorney General and another official has 50 statutes of this character. He has had them for years, and there has not been an inundation of suits as some persons believe there would be under this title.

Mr. BUSH. I thank the Senator for his explanation. That was one of the chief questions which had been troubling me about that part of the bill.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CARROLL. Many years ago, when I was district attorney in Denver, we had a statute which was designed to prevent discrimination. Many times, when we might have brought a suit, the result was accomplished by picking up the telephone and saying, "Joe, you cannot do this. You are violating the law." Today I can look back on 20 years of tremendous progress.

I agree wholeheartedly with the able Senator from New York. This is not a question of rushing in with a great number of lawsuits. The Attorney General decides where to proceed in lawsuits of this character, and he will not institute suits except in an attempt to develop precedents, as is true of any enforcement actions. A suit will be filed which will serve as an example to a great number of people. A precedent will be established, and it will be the established law. The objectives will take years to accomplish. I think the Senator from New York has correctly put his finger on the situation.

Mr. JAVITS. May I emphasize that point by reading the amendment itself, if any further convincing is needed, because the amendment reads that the Attorney General only has authority to act. He will not act in many places unless any "such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families."

It is further limited to a personal threat.

Mr. President, we are not living in a vacuum. We know these are not idle threats. This situation faces us every day in areas where feeling is very high on this subject.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague.

Mr. DOUGLAS. As I understood, the Senator from New York said—and I should like to have corroboration—that the average cost of a suit, followed up through the various echelons of the judicial system, was approximately $19,000.

Mr. JAVITS. That is exactly correct. Again, since we do not want to proceed without authority, I will say I refer to pages 3658–3663 and 3663–3664 in the RECORD of my speech on February 27, 1960, which gives the specifics on this subject, according to a letter from the Federal Commission on Civil Rights. The letter actually uses the figure of $19,000.

Mr. DOUGLAS. Did I further correctly understand the Senator from New York to say that the average income of the Negro family in the South is a little over $2,000 per year?

Mr. JAVITS. Two thousand and sixteen dollars. Again I cite my source, and the juxtaposition of that with the income of the nonwhite family outside the South, which is twice as great.

Mr. DOUGLAS. It would be a penal offense for anyone outside the family to contribute financially to these persons or to offer legal assistance?

Mr. JAVITS. That is specifically true in regard to six States. I introduced those names in the RECORD.

Mr. DOUGLAS. Therefore, a family with a $2,000 per year income, after paying all of the costs for food, clothing, shelter, medical care, furniture, services, and so forth, is expected to have the financial resources to fight a $19,000 lawsuit?

Mr. JAVITS. Not only that, I will say to my colleague, but they are expected to fight for what? It is for the vindication of the right of every American citizen to enjoy the rights guaranteed him under the Constitution.

Mr. DOUGLAS. Did the Senator not make another extremely good point? Most of the Negroes in the South are not self-employed but are either employees or tenants, and they run the risk, do they not, of being discharged or having their tenancy discontinued?

Mr. JAVITS. That is noted in the report of the Federal Civil Rights Commission, composed of three northerners and three southerners. The Commission says the Negroes not only run that risk, but that it happens.

Mr. DOUGLAS. Even if a man were an independent merchant he would be subject to the possibility of a boycott?

Mr. JAVITS. We all know that, and the Commission so says. This is not guesswork. We are dealing with a living, actual, troubled world.

Mr. DOUGLAS. All we are asking for under part III is that the Federal Government should at least meet part of the cost of vindicating the constitutional rights of these people who are unable adequately to protect themselves?

Mr. JAVITS. That is exactly correct.

Mr. DOUGLAS. I am sure the Senator from New York has read the decision which was handed down a week ago Monday, on the 29th of February, by the United States Supreme Court, in the case of the United States versus Raines.

Mr. JAVITS. If I may interrupt my colleague, I will say he was probably not in the Chamber at the time, but I have already read the specific authority from that decision covering exactly the kind of practice which is referred to in part III.

Mr. DOUGLAS. The Court said:

> There is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

Mr. JAVITS. That is exactly correct.

Mr. DOUGLAS. I hope the Senator from New York will excuse me for reemphasizing this.

Mr. JAVITS. It is perfectly all right.

Mr. DOUGLAS. I think Dr. Johnson once said that men need not so much to be informed as to be reminded. I think, on this point, perhaps we can bear repetition.

All we are proposing to do is to extend these powers, already declared to be constitutional in connection with the enforcement of rights under the 15th amendment, to the right to equal protection of the laws under the 14th amendment.

Mr. JAVITS. That is exactly correct.

Mr. DOUGLAS. I congratulate my colleague.

Mr. JAVITS. I thank my colleague.

Mr. CARROLL. Mr. President, will the Senator yield for another short question?

Mr. JAVITS. I yield to my colleague from Colorado.

Mr. CARROLL. The Case amendment, I believe, does not provide for the intervention of the Attorney General in privately instituted suits, is that correct or incorrect?

Mr. JAVITS. The Case amendment provides for original suits by the Attorney General. It does not provide for intervention.

Mr. CARROLL. As I understood the amendment of the able Senator from

New York, it did provide for such intervention. The Case amendment does not?

Mr. JAVITS. I had a version of part III which would have provided for intervention as well as for original suits.

Mr. CARROLL. I think what disturbs many of our colleagues, who are not familiar with law and law procedure, is a question as to how these suits would originate. Very often the suits would originate in the area, brought by the United States district attorney, who is usually appointed with the approval of the Senators. Sometimes there are senatorial appointees involved. These men are chosen by the Attorney General. The Attorney General himself, it is true, may send in other special attorneys general to work on these cases.

The important point is that this would bring the power of the Government of the United States into action to protect constitutional rights.

Mr. JAVITS. That is exactly correct.

Mr. CARROLL. I thank the Senator.

Mr. JAVITS. Mr. President, I wish to proceed with this argument, after the second point which I made as to what we have learned.

The first point is that we have learned there is an enormous body of law which was designed to interpose the power of the State between the individual citizen and the enjoyment of civil rights under the Constitution.

The second point related to the expensive nature of this litigation.

The third point, which has already been made in this colloquy, is the individual hazard which is suffered by the individual who may seek to start such a suit, in the loss of economic standing, the loss of credit, and the loss of a job.

Mr. President, lest we think that the laws which have been passed by quite a few of the Southern States are very light laws, let me point out, for example, that in some States it is made a criminal offense for State officials to pay funds for State aid to education to local communities which seek to desegregate the public schools, in compliance with orders of the Supreme Court in the Brown case.

I point out also, Mr. President, that schools are closed, and no educational opportunities are afforded to many hundreds of children who are involved and who cannot go to a private school or make some other makeshift arrangement, simply because there is a desire to frustrate the application of any idea of desegregating the public schools. A case in point is Prince Edward County in Virginia.

Mr. President, let us also remember that notwithstanding the Supreme Court decision in 1954 there are five States without a single school district desegregated or a single child in a desegregated status, and there are six others with but a minimum of desegregation and compliance with the national policy.

Finally, Mr. President, I wish to invite the attention of the Senate to a Supreme Court case decided a long time ago, in 1923, Massachusetts against Mellon.

Mr. President, I think this case is very illustrative of what we face now in respect to the opposition to the very minimal opportunity which we are seeking to afford the people to realize their civil rights under the Constitution of the United States, and it deserves very real consideration. Indeed, it may surprise a good many of our Members.

This is a case in 1923, some 37 years ago. Mr. President, this case involved litigation calling for the sustaining of the Maternity Act—the Federal program to furnish milk for pregnant mothers. In those days, Mr. President—only 37 years ago—that, too, was considered some dangerous socialistic scheme in which our country should not engage.

At that time, the Supreme Court, in *Massachusetts* v. *Mellon* (262 U.S. 447), in a most enlightened and forward-looking decision, said that our people are citizens of the United States as well as citizens of their own States, and that the States have no power or standing to attempt to interpose their opinions or disagreements with national policy, when directed at citizens who are getting those rights as citizens of the United States.

I think the whole argument against part III can be summed up by the view that it is possible, under our form of government, to interpose what the State thinks should happen to its citizens, between the State and the United States, in respect of a right which is guaranteed to the people of a State by the Constitution of the United States, and hence is a national right.

In the legislation we enacted in 1957, the Civil Rights Act of 1957, and in the legislation which I hope, with the great help of our distinguished colleagues from other States, including the heroic help of my own colleague from New York [Mr. KEATING], who is present in the Chamber we may demonstrate that the United States is an entity, that it guarantees to its citizens certain rights; that those rights move from the United States to those citizens, and that the United States will utilize its machinery and see to it that no State, by the doctrine of interposition, which has no standing in our form of government or under our Constitution, shall interpose its power and try to deny those rights to individual citizens, but, on the contrary, that the Congress of the United States will establish the necessary machinery and give the necessary authority to officials of the United States so that in the most moderate and orderly way, through the kindest procedure we know, civil proceedings in the courts of the United States, the rights of the individual to enjoy what is promised to him under the Constitution will not be denied or frustrated by what is, in effect, a doctrine of interposition.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. One of the strongest arguments being used against us is that Attorney General Rogers has opposed the introduction of so-called part III in the bill before us. But it is also true that in the House hearings on civil rights, on page 225, the Attorney General made the following concession:

> Now, I think that you could make out the strongest case for additional authority on the part of the Federal Government in the areas where, as you suggest, the persons involved are in fear if they bring the action themselves; but I think that is one of the things we should keep an open mind on.

Mr. JAVITS. That is exactly correct. I think the statements which were made, to the effect that the Attorney General does not want part III, must certainly be read in the light of the statement just read by the Senator from Illinois. It is my deep conviction that the opposition of the Attorney General and the administration was solely dictated by what they thought they could accomplish in a legislative way, rather than by their wishes or by what they considered to be the needs in respect of this civil rights issue.

Mr. DOUGLAS. Mr. President, will the Senator further yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Is the action of the Attorney General to be confined only to those cases in which the applicant is in fear (a) that the expense will be too heavy, or (b) that he will suffer economic or (c) physical harm if he prosecutes the suit?

Mr. JAVITS. That is exactly right—not only where the applicant is in fear, but where he is financially unable to bear the expenses of the litigation.

Mr. DOUGLAS. The cases which we permit the Attorney General to enter are precisely those cases with respect to which the Attorney General said that we could make out the strongest case for additional authority on the part of the Federal Government.

Mr. JAVITS. The Senator is exactly correct.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. I think it would be appropriate at this point to make further reference to the Attorney General's testimony. He stated before the Senate Subcommittee on Constitutional Rights that Congress has the authority to authorize the United States to institute actions to protect the constitutional rights of individuals, whether in the field of voting, or in any other field. He stated that he felt it to be essentially a matter of "judgment, balance, and timing" as to whether such legislation is appropriate at the present time.

So far as the record is concerned, it is inaccurate to say that the Attorney General is opposed to part III in substance. It is true that he indicated that the Department was not at that time in favor of the enactment of provisions along the lines of part III, and this was a difference in position from the position taken in 1957. However, his testimony makes it perfectly clear to me that if we decide to enact part III, certainly it would be opposed by the Attorney General.

Mr. DOUGLAS. Mr. President, if the Senator will further yield, I am not here to exonerate the Attorney General, who,

I think, has been really derelict in his duty. But I do say that I think it is clear that in his inner conscience he knows that part III is correct, and that it is political expediency which prevents him from openly espousing it.

Mr. JAVITS. I think perhaps the Attorney General should be permitted to speak for himself.

Mr. DOUGLAS. That is what I was trying to allow him to do.

Mr. JAVITS. I should also like to add to what my distinguished colleague from Illinois has already read from his testimony, the testimony at page 199 of the hearings before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, in March, April, and May, 1959. The Attorney General said, speaking of part III:

I think it would require the Government to become involved in a great deal of litigation which might very well harden the resistance that is already apparent in many areas to the point where it would be impossible to make any progress in the future.

I realize that you can make an argument the other way. I think it is a question of judgment and balance and timing, and it is my belief now that a bill of that kind might curtail progress, rather than advance the progress in this field.

He went on to say:

I think there is no constitutional bar to authorizing the United States to institute suit, because Congress itself has recognized that the United States has the power to bring a suit in the voting case.

It seems to me that that puts in focus the reasons of the Attorney General and that they are not substantial and basic reasons which would entitle anyone to say, "He did not want this authority."

Mr. KEATING. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. KEATING. This quotation from the same testimony is very important:

If Congress feels that there are other situations where there is a similar need for this statute, we obviously would have no objection.

Of course they would have no objection, having once urged the enactment of part III.

Mr. JAVITS. I thank my colleague.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. I should like to make an observation, which I hope will buttress the argument of the Senator from New York.

It is correct to say, I believe that in this whole field of civil rights we have two elements to consider. One is the enforcement of the law. A second element is the objective of acceptance of the law—consent to the law. The question as to whether a particular course of action or a particular law which we may enact will result in effective enforcement, or will lead toward consent, as a matter of judgment. The Attorney General has expressed a sincere and informed judgment. It is a matter of judgment with this body.

Mr. JAVITS. The Senator is exactly correct.

Mr. COOPER. I will say to the distinguished Senator that in 1957 when we were debating part III, in connection with the civil rights bill of 1957 we did not have available to us facts which are now available, to show the necessity for part III or a substantially similar provision of law. Today, we know there is a systematic resistance to the enforcement of voting rights and the Brown case, which now call for additional remedies, such as part III.

Mr. JAVITS. The Senator is exactly correct; and I have endeavored to marshal those facts this evening.

Mr. COOPER. Let me ask the distinguished Senator a question. It can be readily understood that individuals may not accept the law, either as to voting rights on school desegregation. But when States enact laws which are designed to evade the law to oppose the enforcement of the law, it is clear that both from the standpoint of protecting the constitutional rights of individuals—which is essential—but also from the standpoint of upholding the law, of the United States, the Congress has the obligation to take steps to enforce the law.

Mr. JAVITS. The Senator is exactly correct. I should like to point out to my colleague from Kentucky, by way of buttressing his argument, that we have learned now that we need this kind of authority, and that it is the way in which to bring about respect and observance of law through the process of mediation and endeavoring to bring people in conformance with the law, and that this is all facilitated—and our experience shows this to be the fact—when there is some place of final resort and when it is possible to crystallize what is meant by observance of law. When we have that authority in our pocket we can then sit down and negotiate and mediate and conciliate. If we do not have that authority in our pocket, we are talking in thin air and we are faced with the attitude of frustration.

This is probably the most effective single thing we can do to bring about meaningful and effective civil-rights legislation.

I wish to deal with only one other point, and that deals with jury trials. It is said that if there is an order in a case of this kind, which would be brought under part III, if that should become law—and of course such an order can be appealed all the way up to the U.S. Supreme Court—and if that order is violated, there is contempt, and a person so charged should have the benefit of a jury trial.

I would say to all those who insist on this right, notwithstanding the fact that the whole custom and tradition and practice of the United States, in Southern States and in Northern States, for the Federal courts is to try cases of civil contempt without a jury—and we went through all this in 1957—if the price of part III is the jury trial provision in the Civil Rights Act of 1957, I will cheerfully vote for it.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CARROLL. I now refer to the Civil Rights Act of 1957. What is the punishment provided in that act, in substance?

Mr. JAVITS. The provision, in substance, according to section 151 of the act——

Mr. CARROLL. I am referring to contempt, of course.

Mr. JAVITS. Yes. I read from the act:

SEC. 151. In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of 6 months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

Mr. CARROLL. I should like to direct this question to the Senator for the benefit of the Members of the Senate who are not lawyers. Does that not mean that even in a voting rights case the judge may try a case with or without a jury?

Mr. JAVITS. Yes.

Mr. CARROLL. If the court imposes a fine in excess of $300 or a sentence of more than 45 days, a jury trial is had. Is that correct?

Mr. JAVITS. If the accused demands it.

Mr. CARROLL. Yes; if the accused demands it.

Mr. JAVITS. In short, this is a jury trial provision which is unusual in these cases, and which was placed in the 1957 act to quiet the fears that were expressed at that time. As I say, I would cheerfully include the same jury trial provision in the part III amendment now before us.

Mr. CARROLL. We left it in there so that there would be no charge of setting up a Federal judiciary dictatorship. Is that correct?

Mr. JAVITS. Yes.

Mr. CARROLL. I appreciate the generosity and patience of my able friend from New York. Would not the Senator agree with me that the very reason Congress passed the 1957 voting rights act was to bring into balance the rights of an individual against a society, a State, or a political organization which had all the power on its side, and to bring about a balance, or a redress?

Mr. JAVITS. The Senator is exactly right. I should like to point out that after all the fulminations against part III—and of course we can understand why there is not an equally lengthy argument made now against part III, because the opponents believe they have us defeated, so why argue it—and after all the extended debate in 1957, when we went into the greatest detail, and after

all the fulminations and after all the arguments had been made which have been stated today, doubled and quadrupled and quintupled, we passed a bill which utilized exactly what we had in part III, but confined it to voting rights.

Mr. CARROLL. I agree with the Senator. Having reached that point, and as we will perfect, I hope, the 1957 act with reference to voting, there is no reason for the fear that we cannot move ahead in this field cautiously, because there is not going to be any pell-mell rushing in this field. Is that not correct?

Mr. JAVITS. I could not agree more. The reason for doing it now is that I believe it will go a long way toward letting off a good deal of steam which in certain areas in the South is a simmering cauldron that is worrying all of us.

Mr. CARROLL. If we let the Attorney General intervene in these suits we are merely redressing or bringing about a balance for minority groups. Is that correct?

Mr. JAVITS. A balance which has been loaded with a whole enormous group of law and tremendous force and tremendous danger.

Mr. CARROLL. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. We are jealous of the right to trial by jury. Nevertheless in the arguments which have been made by some who oppose the Dirksen amendment, I believe a wrong impression has been created. Those listening to the arguments about the right of trial by jury would get the impression that there is a constitutional right to a trial by jury in every case. I believe the Senator will agree with me that such an argument is not correct.

Mr. JAVITS. Of course. This goes back to English law, long before American law was established.

Mr. COOPER. Before the Constitution was adopted courts had the right to trial in equity cases without a jury. The Constitution itself provides a trial by jury is accorded in criminal and common law cases. Nothing is said about equity cases, yet people sitting in the galleries and listening to the arguments on the floor or those who read the newspaper or RECORD may believe that there is a constitutional right of trial by jury in every case, and that the pending bill would take away from individuals the right of that by jury. That is not correct.

Mr. JAVITS. Exactly.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Colorado.

Mr. ALLOTT. I should like to say that I supported the part III amendment or a similar one when we had the matter before us in 1957, and I shall support the pending amendment. I should like to follow up the question of my friend from Kentucky. Is it not the fact that generally the right to trial by jury is secured where the basic issue is an issue of fact?

Mr. JAVITS. That is exactly right. The 1957 Civil Rights Act sought to go even further. Normally and generally jury trials are had in cases where there is an issue of fact.

Mr. ALLOTT. Would the Senator say this was a general basis of law for everyone who has practiced law, that where a matter is one of simple equity, simply a matter of interpreting the law, the relevant principles of equity, there have never been, generally, in the United States any jury trials?

Mr. JAVITS. The Senator is exactly correct.

Mr. ALLOTT. In the jurisdiction where I practice, a court of general jurisdiction which also exercises equitable jurisdiction has the right to call in a jury in any equity case to determine questions of fact, and to consider the jury's verdict upon an advisory basis. Can the Senator from New York see any reason why we should change principles of law which have existed, not only through the English common law, but also through the development of law in the United States? Is there any reason why we should change this fundamental position?

Mr. JAVITS. The Senator from New York argued this question in 1957 exactly as we are discussing it now, and excepted a special provision for jury trial, which I read a minute ago—section 151 of the Civil Rights Act of 1957—only because there were no hidden purposes, no hidden motives.

While agreeing with the analysis of the Senator from Colorado of the law, I feel—and I have little doubt the majority will feel—that he would support an effort which lets him do the same thing if it will result in satisfying some of the kinds of qualms which are expressed about it.

Mr. ALLOTT. I agree with the Senator completely, except that I was talking about the general principles of law, except as we have made concession and tried to make our southern friends feel that we were not trying to cram some particularly obnoxious or oppressive sections of the law upon them. If we can do this, we shall, in effect, be guaranteeing to the individual who cannot, because of his financial position, sometimes because of his economic position, sometimes because of his social position or his position in the community, protect himself. That is really what we are trying to do by part III, is it not?

Mr. JAVITS. The Senator is exactly correct.

Mr. ALLOTT. This is a very indefinite and vague situation which we are trying to face. I suppose no one who has not lived under this particular situation, under this particular social situation, can understand it. All we are trying to do in this situation is to provide for someone who cannot, for any of these many reasons, protect himself under the law, can find a way in which he can protect himself by virtue of an appeal to the Attorney General. Is not that correct?

Mr. JAVITS. The Senator is exactly correct; or really to find a defender; one who is a defender of the faith, which has been pledged in the Constitution.

Mr. ALLOTT. I think the Senator from New York has put it very well. There is one clause I noticed in the amendment about which I should like to ask the Senator. That occurs in the first and second lines of the amendment:

"Whenever the Attorney General receives a signed complaint."

Does the Senator from New York believe there is any significance in the fact that it is to be a signed complaint, rather than a sworn complaint?

Mr. JAVITS. I do not. Because the Attorney General is a very competent officer and can ask for an affidavit if he wants one, I think it makes it a little easier for the individual who may have a representative case. The Attorney General ought to know about a case of glaring injustice.

If the case were being sent to some functionary who did not have the competence of the Attorney General and the machinery which he has, I should say we should provide for a sworn complaint. But where a case is sent to the Attorney General, if he does not want to sue, or if he does not want to take depositions or affidavits, I think this procedure is adequate.

Mr. ALLOTT. I thank the Senator from New York. What we are all trying to do, in substance, is one thing. I realize we are fighting an uphill battle in this sort of action. We are simply trying to provide that all people of all races, colors, and creeds, may have equality at the voting booths and equality at law in the United States, particularly where we are seeking, in effect, the cooperation of the Attorney General.

For my own part, I cannot see that anything has changed in the last 3 years, or 2 years, perhaps. I am not exactly certain that anything has developed to change my ideas about the necessity for such legislation. If we can achieve this proposal, I feel we will have gone a long way to insure equality for all the people of this country.

Without getting into a long, detailed discussion, I think the principal problem in the United States today is to convince the people of the world that we are really sincere in our efforts to assure to all the people of the United States equality before the law and equality in the voting booth. These achievements, I think, are more important than anything else.

Mr. JAVITS. I am very grateful to the Senator from Colorado for his whole statement, especially the last part of it.

Mr. ALLOTT. Let us never stop reiterating on the floor, in terms of the elementary security of the United States, that of the roughly 1,600,000,000 in the free world, 1 billion have skins which are yellow, black, or brown. Those people are watching us as we act in this Chamber, every minute we are working here. They are watching us like hawks, to see how we intend to discharge our responsibility to our own citizens who are Negroes.

Mr. President, will the Senator further yield?

Mr. JAVITS. I yield.

Mr. ALLOTT. I have never added up the different populations in just that way, but I point out that there are some 90 million in Japan; probably 250 million

in the Malay Peninsula and the East Indies; from 400 million to 500 million in India——

Mr. JAVITS. And Pakistan.

Mr. ALLOTT. And Pakistan and Burma; perhaps 250 million in South Africa; and, in addition, probably another 150 million, at a minimum in South America, who upon a strict interpretation of the law could not be considered to be Caucasian, but most of whom, as a matter of fact, have Indian blood in them, and are, therefore, not strictly members of the Caucasian race.

I cannot avoid, in this discussion, placing the emphasis on what I think is one of the most important points; namely, that the world is looking to us here to assure them that what we say in our Constitution and in our Declaration of Rights is actually true—that all men are created free and equal.

I pointed out earlier today that I think social equality has to be achieved by the individual. The Senator may not choose to associate with me because I am so personally cantankerous that he does not want to associate with me. That may be true of many other persons. So social equality depends upon the individual. But legal rights, voting rights, rights to the things which are endowed to all people, are necessary.

I cannot help remembering that in 1957 I was a delegate to the Interparliamentary Union in London. Three days after the conference had started, the Faubus affair was raised in Arkansas. An East Indian, a man who had been educated at Oxford, a very capable man, a very brilliant man, one who was dressed impeccably, and I may say far better than I have ever been dressed or ever will be dressed, came up to me and asked, "Senator, how can you"—and he pointed to his wrist—"say that because the color of my wrist is different from the color of yours, I am not qualified to go to the same schools or to have the same privileges which you have?" I tried to explain to him about States rights and our system of government. But it was difficult for him to understand this, just as most of our people at home cannot understand the technical procedures and the operations of the Senate.

I tried to explain it to him. But the ultimate fact is that we shall have to sell the rest of the world upon the fact that we do mean what we say. We must implement our laws in such a way that there really are no second-class citizens in the United States, and that everyone, before the law, has the right to vote. I think that by providing everyone with the right to vote we will gain greatly. But I think we must demonstrate that everyone is entitled to protection before the law. Part III provides that protection before the law, protection which everyone in the land must have.

This is the point to which I must continually address myself. There is no place in the cold war where we can lose ground so fast as in this one area.

I thank the Senator from New York for yielding to me.

Mr. JAVITS. I am grateful to the Senator from Colorado. He has made a very valuable contribution to the debate. In reading the press of the countries to which the Senator from Colorado has referred, I find that if we merely try we get tremendous credit, even if we do not always succeed.

That is why it is so important that we provide the machinery encompassed in part III.

Mr. President, in conclusion—for my colleague [Mr. KEATING] is waiting to present his views on this matter—I should like to sum up the argument in favor of the adoption of part III as a part of the pending measure:

First of all, part III is established legal procedure. It is incorporated in many statutes. The Congress of the United States itself incorporated it in the Civil Rights Act of 1957. Furthermore, part III works.

In addition, part III is constitutional; and it was held constitutional as recently as February 29, 1960, by the Supreme Court of the United States, in the Raines case.

Next, Mr. President, everything we have witnessed in the last 3 years in connection with this field, in connection with the tremendously massive State and local efforts to frustrate the efforts of the U.S. Government to assume civil rights for the individual, leads us to understand that we must provide this machinery if we are not to allow the attempt under the doctrine of interposition between the rights of the citizen and the rights guaranteed by the Constitution of the United States to be successful, and if we are not to allow that doctrine to prevail as the supreme law of the land.

Last of all, Mr. President, because of the great expense involved in such suits, in view of the extremely massive machinery which has been marshaled against individual litigants in them, we cannot expect them to "go it alone."

Mr. President, the majesty and the standing of the United States of America in the eyes of the rest of the world will suffer unless we proceed in this way. Regardless of whether this is done this year or next year or the year after that, it must be done, because it is only in accord with the dignity and the prestige of the United States, and it is absolutely essential in the interest of justice, equity, and fairplay for all citizens of the United States.

Mr. THURMOND. Mr. President, the Case amendment has been before this body but for a short time—to be exact, since last Tuesday. Since its submission, the Senate has conducted a considerable amount of business which has been of a demanding nature; and for that reason it is my belief that some in this body may have overlooked the full implication of the Case amendment.

Some of the implications of that amendment are obvious from its language, while others arise through and by virtue of the form in which it is offered. At this time I should like to address myself to certain implications which arise in the latter case, to wit: by virtue of the form in which it was offered.

Section 201 of the Dirksen substitute is an amendment to chapter 73 of title 18 of the United States Code. Section 201 would add to chapter 73, which deals with obstruction of justice, a new section, No. 1509—the last section of this chapter now being section 1508. To section 201 of the Dirksen substitute, the distinguished senior Senator from North Carolina has offered an amendment which would delete and substitute language in the proposed new section 1509. The Case amendment contains, for all practical intents and purposes, part III of the civil rights bill passed by the House of Representatives in 1957, which was deleted by the Senate. These provisions would be added by the Case amendment at the end of the Ervin amendment, and would thereby, if adopted, and if the Ervin amendment were adopted, become a part of the new section 1509 and chapter 73 of title 18 of the code.

In 1957, Mr. President, this Senate, after vigorous argument on the question of depriving persons of the jury trial guaranteed them under the Constitution, adopted section 151 of the Civil Rights Act of 1957, which now appears as a part of title 42 of the code. This section provides for what is commonly referred to as a split-level jury trial provision—or, in other words, a jury trial for a person accused of violating the injunction of the court, when the penalty is in excess of a fine of $300 or imprisonment in excess of 45 days. Section 151, the split-level jury provision, applies only to the Civil Rights Act of 1957, for in its first clause it provides "In all cases of criminal contempts arising under the provision of this act." In other words, Mr. President, the split-level jury provisions apply only to the instances in which a person is accused of contempt of an injunction issued under authority of section 131 of the Civil Rights Act of 1957, which now appears in the code as section 1971 of title 42. The Case amendment, if adopted, would become a part of section 1509 of title 18.

It therefore appears, Mr. President, that since the Case amendment is not offered as an amendment to the Civil Rights Act of 1957, any person accused of violating an injunction issued under the authority of the provisions of the Case amendment would not be guaranteed a jury trial, even in the event that the penalty imposed was in excess of a fine in the amount of $300 or imprisonment in excess of 45 days, unless the violation of the injunction also constituted a criminal offense under Federal or State law.

We should not be confused, Mr. President, by virtue of the fact that if the Case amendment were to be adopted, and therefore were to be incorporated as a part of title 18, it would be subject to the provision of section 3691 of title 18, entitled "Jury Trial of Criminal Contempts." By the very nature of the Case amendment and the suits which its provisions contemplate the Attorney General would initiate, the overwhelming majority of injunctions which would issue under its provisions would not enjoin actions or omissions to act, the violation of which would constitute a criminal offense. On the contrary, the things which the court would be given

the authority to enjoin would, for the most part, be acts or omissions which do not constitute, under the laws of the United States or under the laws of any State, a criminal offense.

The sum and substance of this matter is, Mr. President, that the Case amendment would provide that a jury trial would be denied to persons who committed certain acts or omitted to commit certain acts, for which a criminal penalty could be imposed by the court.

The obvious effect of the adoption of this amendment would be to create a broad, all-inclusive criminal statute, for the violation of which a person would be denied his constitutional right of trial by jury.

If the Case amendment were to be enacted, it would deprive people all over this country of the right of trial by jury, which is guaranteed in the Constitution and in the Bill of Rights.

It would not strengthen the rights of individuals. It would strengthen the bureaucratic power of the Attorney General of the United States. It would grant him license to meddle in the individual affairs of any person in this Nation, if he so chose.

Mr. President, there is no question as to the power of a court to punish a contempt committed in the presence of the court, or so near thereto as to obstruct justice. Such authority must be vested in our courts to maintain respect for the administration of justice. From earliest times, the common-law courts have had the power to punish contempts done in their presence.

Through the years, the contempt procedure was gradually refined. In his review of The King against Almon, Arthur Underhill states that Hale in his pleas of the Crown, cites an instance "of a man attached by bill to answer to the King and and a party for an assault committed on the plaintiff when he came to prosecute a suit in the King's bench and attachment by bill to bring the defendant before the court where the question was tried in the ordinary course of law. It would seem that in early times contemptuous conduct on the service of process was punished after conviction by a jury and not by summary procedure."

Even in cases of contempts done in the face of the court, there is some evidence that the person accused was accorded the right to trial by jury.

Holdsworth, in his "History of the English Law," stated that:

> All through the medieval period and long afterwards, the courts, though they might attach persons who were guilty of contempts of court, could not punish them summarily. Unless they confessed their guilt, they must be regularly indicted and convicted.

John Charles Fox, in an article in the Law Quarterly in 1909 entitled, "The Summary Process To Punish Contempt," expressed the view that the common-law courts followed a custom "perhaps down to the 18th century" of never summarily punishing contempts committed out of the presence of the court.

Contempt procedures established in courts of equity developed somewhat differently because of the impersonal nature of the Chancery in England. There were two main grounds on which a person might find himself in prison for contempt, according to "The English Legal System" by Radcliffe and Cross. They were neglecting a subpena and failure to comply with a court order, such as to do some act, to pay money into the court, or execute some document, and so forth.

Contempt procedures were brought into the processes of the common-law courts, after first having been established in the Chancery. Holdsworth cites two factors which contributed to this development.

He points out that, after the abolition of the Star Chamber and the jurisdiction of the Council in England in 1641, the King's bench assumed this jurisdiction, and with it authority from the preceding bodies to punish contempts. At the same time, there began a gradual enlargement of the power of the court to convict and punish summarily without an indictment or the verdict of a jury.

Yet, Fox, in his article on The King against Almon, asserted that he could not find an instance of a proceeding for contempt other than by indictment, information or action at law earlier than 1720. The King against Almon is considered the landmark case for the concept in England that contempts might be tried without a jury.

However, the judgment in this case was never officially handed down because of a technical error in the names involved. Still more important is the fact that, although the case was heard in 1765—10 years before America broke away from England—the case did not become precedent in England until 1844, more than a half century after the U.S. Constitution had been adopted.

In the light of the historical background cited, it is significant that our Constitution and Bill of Rights spelled out their guarantees of trial by jury.

Blackstone, that great English legal mind of the 18th century, was delivering a series of lectures at Oxford University about the time the American Colonies were breaking away from Great Britain. He had a strong influence on jurisprudence in the United States. His "Commentaries on the Laws of England" were first published in 1765 as an outgrowth of his course at Oxford during the middle 1750's.

Perhaps one of the most forceful statements in history as to the importance of trial by jury is contained in the 23d chapter of the 3d volume of the commentaries.

This is what Blackstone had to say:

> The trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. And if it has been so great an advantage ever others in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases. * * * It is the most transcendent priviledge which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of 12 of his neighbors and equals. A constitution that I may venture to affirm has, under Providence, secured the just liberties of this Nation for a long succession of ages. And, therefore, a celebrated French writer who concludes that because Rome, Sparta, and Carthage have lost their liberties, therefore those of England in time must perish, should have recollected that Rome, Sparta, and Carthage, at the time when their liberties were lost, were strangers to the trial by jury.

At another point, Blackstone further declared his faith in trial by jury, in these words:

> A competent number of sensible and upright jurymen; chosen by lot * * * will be found the best investigators of truth, and the surest guardians of public justice. For the most powerful individual in the state will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression must be examined and decided by 12 indifferent men, not appointed till the hour of trial; and that, when once the fact is ascertained, the law must of course redress it. This, therefore, preserves in the hands of the people that share which they ought to have in the administration of public justice.

Mr. President, the Members of the Senate who are also members of the bar have seen the wisdom of Blackstone's words operating many times in the courts of this Nation. The principle of trial by jury must continue to protect the liberty of every citizen as our forefathers intended it to do when they so provided in the Constitution.

Let me review briefly the provisions of our Constitution and Bill of Rights providing for trial by jury. Section 2 of article III of the Constitution provides:

> The trial of all crimes, except in cases of impeachment, shall be by jury.

There is no equivocation in that statement of an American citizen's right of trial by jury. There should be no misinterpretation and misapplication of it such as is proposed in H.R. 6127.

Mr. President, even as clear and specific as are the words of section 2 of article III of the Constitution guaranteeing trial by jury, the people of this young Nation were not satisfied with that alone. They demanded an enumeration of the rights reserved to the people in the first 10 amendments which comprise the Bill of Rights. The result of their dissatisfaction was the drafting and ratification of the sixth and seventh amendments.

The sixth amendment to the Constitution provides:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and District wherein the crime shall have been committed.

Also, the seventh amendment provides:

> In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Under the present law, if the violation of a court injunction or order is willful, or if the violation is criminal in intent, the violator has the right of trial by jury. No effort to twist one type of court proceeding into another type can change the meaning of the constitutional provisions cited above.

Without a guarantee of trial by jury in the Bill of Rights, that precious freedom might have been taken from us long before now. We have seen the efforts of every branch of the Federal Government to make such seizures of power from the States and from the people. Yes, unfortunately, we have witnessed actual seizures in our own day.

However, there can be no doubting the intent of the Founding Fathers to guarantee the right of trial by jury to every citizen.

They were familiar with the summary proceedings which have taken place under the Star Chamber and in the courts which assumed the jurisdiction of the Star Chamber as its successors. They knew of the cruelties and maltreatment imposed under Star Chamber proceedings. They intended to protect their descendants from such cruelty and maltreatment.

I wish they could have anticipated the devious proposals to be made in the pending amendment so that they might specifically have provided for protection against such an ill-conceived proposal.

Mr. President, the full impact of how an injunction or court order could be imposed upon persons was felt during the 1930's. During that period, an agreement was developed between employer and employees which came to be known as a yellow-dog contract.

Several of the great leaders of that day in the Senate were most forceful in their comments on such contracts. Their concern was even greater with reference to the injunctions and orders issued by the courts to force compliance with the contracts. I should like to quote from statements made at that time in the Senate.

On April 30, 1930, Senator Wagner of New York, author of the Wagner Act and father of the present mayor of New York City spoke against the confirmation of Judge John J. Parker to be a Justice on the U.S. Supreme Court. His opposition was based on a decision rendered by Judge Parker on the Circuit Court of Appeals with reference to one of the so-called yellow-dog contract cases.

In the course of his argument, Senator Wagner quoted the present senior Senator from Illinois, who was then a professor of economics at the University of Chicago. Senator Wagner quoted the professor as declaring:

> To grant the injunction which is sought would permit employers to put a legal ring around their plants to prevent their being unionized. To grant such further protection of the law to the ability of the strong to force terms upon the weak, which the latter would not consent to were he on approximately equal terms with the other party, is to bring the boasted equality of the law into disrepute and is to inflict a heavy and unwarranted blow at the institutions which the comparatively weak have built up to protect themselves.

I cite this statement of the senior Senator from Illinois because I believe it applies most appropriately to the proposal in the Case amendment which would empower the Attorney General to secure injunctions in alleged violations of the civil rights of individuals. To grant such power to the Attorney General now in voting cases would be comparable to employing the injunction as it was used in the 1930's against employees in labor disputes.

I can think of no better phraseology to describe the viciousness of using injunctions in such a manner than that attributed to the senior Senator from Illinois by Senator Wagner:

> To grant such protection of the law to the ability of the strong to force terms upon the weak * * * is to bring the boasted equality of the law into disrepute.

In an address I made in the Senate in opposition to H.R. 6127 on July 11, 1957, I referred to another statement of the senior Senator from Illinois which was contained in his book entitled "The Coming of a New Party," published in 1932. On page 42 of that book he decried the effect of contempt actions without trial by jury in labor dispute cases.

He condemned the use of injunctions to prevent union activities and pointed out that such efforts would result in unions becoming "liable for contempt of court and their officials can accordingly be sentenced to jail, without a jury trial, by the judge who issued the original order."

The senior Senator from Illinois was on the floor at the time I made reference to his previous position on the matter of court injunctions and the right of trial by jury. I expressed the hope that he would apply the same eloquence to a plea on behalf of every citizen.

I regret that the senior Senator from Illinois and some of my other colleagues in the Senate support an amendment which would deny any citizen of a right which they have advocated for citizens who belong to labor unions.

But let me quote Senator Norris, another great Senator of the 1930's, on the question of trial by jury. This is what he had to say when the Senate was debating the Norris-La Guardia bill, noting that the section on jury trial was to have "general application" and was not confined to "labor disputes":

> The ordinary criminal laws provide that any person charged with a crime shall have the right to a jury trial. The person tried for contempt of court is tried for a criminal act. It is true this act has not been made criminal by a statute, but by the order of a judge. The judgment, however, can deprive the defendant of his liberty, can confine him to jail, and the length of the term of confinement is within the discretion of the judge who made the order. The judge becomes the legislature and, as such legislature, he makes something a crime that is not a crime under the general law. He then sits in judgment and tries the person who is charged with violating the law which he has enacted. What difference is it to the defendant, so far as his punishment is concerned, whether the law has been made by the judge or the legislature? His suffering is just as great in one case as in the other. Why should he be deprived of a jury trial when the law is made by one man instead of by the regular legislative authority?

Mr. President, the same dangers are present in the power granted the Attorney General under the Case amendment as Senator Norris objected to and fought against.

Liberty is just as dear to one citizen as to another. If the right of trial by jury was worth protecting in 1932, it is worth protecting today.

The same principle is involved. Time may alter situations but time does not alter principles. Principles stand through all the ages regardless of efforts to twist their application to meet changing situations.

One of the features of American government which has distinguished it from the governments of the rest of the world is the jury system. More than 125 years ago a young French lawyer came to this country to observe our way of life and to report on our system of government.

Alexis de Tocqueville wrote a book about his travels in the United States which he entitled "Democracy in America." A chapter of that book was devoted to the right of trial by jury as practiced in this country.

Certain of his comments in that chapter are most appropriate for us to read at this time. These are his words, written more than a century and a quarter ago:

> The jury system as it is understood in America appears to me to be as direct and as extreme a consequence of the sovereignty of the people as universal suffrage. They are two instruments of equal power, which contribute to the supremacy of the majority. All the sovereigns who have chosen to govern by their own authority, and to direct society instead of obeying its directions, have destroyed or enfeebled the institution of the jury. The Tudor monarchs sent to prison jurors who refused to convict, and Napoleon caused them to be selected by his agents.

Mr. President, there is a warning from the past of how monarchs attempted to control the people of England and France by the control of juries as they were then used in those countries. The words of De Tocqueville are a tribute to the system which had been developed by the United States, then a young nation, to prevent the seizure of power which had been witnessed in older countries where democracy was a word instead of a way of life.

De Tocqueville saw the jury in America as "that portion of the Nation to which the execution of the laws is entrusted, as the legislature is that part of the Nation which makes the laws."

Permit me to quote him further because his comments should make us pause here today and consider what is asked of us when we are asked to consider the Case amendment.

De Tocqueville asserted:

> Laws are always unstable unless they are founded upon the customs of a nation; customs are the only durable and resisting power in a people.
>
> The institution of the jury, if confined to criminal causes, is always in danger; but when once it is introduced into civil proceedings, it defies the aggressions of time and man. If it had been as easy to remove a jury from the customs as from the laws of England, it would have perished under the Tudors; and the civil jury did in reality at that period save the liberties of England. The jury, and more especially the civil jury, serves to communicate the spirit of the judges to the minds of all the citizens; and this spirit, with the habits which attend it, is the soundest preparation for free institutions. It imbues all classes with a respect

for the thing to be judged and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practice equity; every man learns to judge his neighbor as he would himself be judged. The jury teaches every man not to recoil before the responsibility of his own actions and impresses him with that manly confidence without which no political virtue can exist. It invests every citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge toward society and the part which they take in its own government.

Mr. President, we are today facing an attack on our jury system of the same nature which De Tocqueville decried as having taken place under the Tudor monarchs of England, and Napoleon in France.

Just as those rulers sought to pervert the juries to their own ends, this amendment before us would condone a perversion of the jury system by its provisions. What the Attorney General should realize is that he will not make citizens more responsible by trying to deprive them of a dear right. He will make them less responsible.

He cannot successfully twist established court procedures into fictional procedures for the sole purpose of convicting persons before they are found guilty by a jury of some wrongdoing.

One of the present Associate Justices of the U.S. Supreme Court delivered an address in Denver, Colo., on May 9 in which he dealt with the subject of trial by jury. I have previously referred to this speech by Justice Brennan, but I want to cite it again. This is what he had to say on the subject of trial by jury:

American tradition has given the right to trial by jury a special place in public esteem that causes Americans generally to speak out in wrath at any suggestion to deprive them of it * * *. One has only to remember that it is still true in many States that so highly is the jury function prized, that judges are forbidden to comment on the evidence and even to instruct the jury except as the parties request instructions. The jury is a symbol to Americans that they are bosses of their Government. They pay the price, and willingly, of the imperfections, inefficiencies and, if you please, greater expense of jury trials because they put such store upon the jury system as a guarantee of their liberties.

Mr. President, surely the Members of the Senate, who are elected directly by the people, should easily recognize the validity and strength of the theme propounded by Justice Brennan. It is the same theme which was advocated so ably by the Members of this Senate in the 1930's.

I want to refer again to the debate in the Senate over the "yellow dog" contracts. Senator Borah declared on April 28, 1930:

We are not contending here that labor organizations can at any time employ threats, force or violence, or intimidation. They must keep within the law.

But over and above and beyond these interests * * * Is not the public * * * interested in striking down all these overreaching contracts which rob those who work, of the discretion of the liberty of choice, as to how they shall conduct themselves so long as they conduct themselves lawfully?

Mr. President, the great Senator from Idaho was asking only for fair treatment, for men to have the freedom to exercise their rights under the Constitution. He was not condoning force or violence and I am not condoning it here today.

I am asking for the Senate to give the consideration which every citizen is due to receive in the application of our laws.

No citizen of this country should be subject to a "yellow dog" contract type of injunction process. That is what the Case amendment embodies in its grant of extreme power to the Attorney General.

I want to conclude with the words of Senator Norris, spoken in this very Chamber on May 2, 1930:

I wonder if a suffering people, whose forefathers fought for liberty, are going to give up the idea of it in this day and age, in this civilized day, and are going to submit to injunction-made law.

Mr. President, I do not believe the people of this Nation will ever submit to having their freedom deprived by injunction-made law. I hope this Senate will never attempt to do a thing that is so completely out of keeping with the constitutional guarantees which we revere.

Mr. President, there may be those who disagree with my conclusions as to the applicability of the split-level jury trial provision of section 151 of the 1957 act to cases arising under injunctions issued under the provision of the Case amendment, should it be adopted. I believe that my conclusions are correct. I realize, nevertheless, Mr. President, that in this modern day no one can anticipate the rulings of Federal courts, particularly those of the highest Federal tribunal; and for this reason, some may argue that the Court could render a decision which would construe the Case amendment as being subject to the split-level jury provision of the 1957 act. Even were the Court to so construe the Case amendment, in the event of its adoption, the Constitution itself would still, again have been compromised and violated, for the split-level jury trial provision is in itself contradictory to that great document, which is the supreme law of our land.

This 1957 compromise split-level jury-trial provision provides that in cases of criminal contempt, under the provisions of this act, "the accused may be tried with or without a jury" at the discretion of the judge.

It further provides:

That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of $300 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury.

Mr. President, the first of the provisions I have just cited, giving discretion to a judge, whether or not a jury trial is granted in a criminal case, is in direct conflict with the Constitution.

The Constitution does not provide, in a criminal case, for the exercise of any discretion as to whether the person accused shall have a jury trial. The Constitution says "The trial of all crimes except in cases of impeachment shall be by jury."

The sixth amendment says:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury.

The Constitution does not say in "some" crimes. The Constitution says in "all" crimes. The Constitution does not say trial "may" be by jury. The Constitution says trial "shall" be by jury.

How, then, Mr. President, can we be asked to adopt this compromise? How can we be asked to accept a proposal so clearly in conflict with, and in violation of, the Constitution?

The Constitution makes no exception to the trial-by-jury provision in criminal cases, in the event contempt is involved. Let me repeat and let me emphasize: The Constitution says "the trial of all crimes shall be by jury"—not all crimes except those involving contempt, but all crimes.

What power granted to Congress authorizes it to agree to any such proposal, when it is in such complete contradiction of the Constitution? Only the people of this Nation have the power to amend the Constitution. The power of the people cannot be infringed upon by any lesser authority.

As the directly elected representatives of the people, Congress should be the last body to attempt to infringe upon the authority which is vested solely in the people.

We are here dealing with one of the basic legal rights and one of the most vital personal liberties guaranteed under our form of government. But the proposed compromise insists that the treasured right of trial by jury be transformed into a matter of discretion for a judge—for one person—to decide whether it shall be granted or withheld.

This compromise attempts to make trial by a jury a matter of degree, as stated in the second part of the provision which I quoted.

Under this proposal, if a man were to receive a sentence of a fine of $300 or 45 days' imprisonment, he would be deprived of his right of trial by jury, except at the discretion of the judge. On the other hand, if a dollar were added to the amount of money, or even 1 cent, and a day, or even an hour, to the length of imprisonment, that man would be granted a new trial with a jury deciding the facts.

Mr. President, this is not something which can be compromised. The right of trial by jury is too dear a right to be measured in dollars and cents or in terms of days and hours. The right of trial by jury is guaranteed by the Constitution. It is a vital principle upon which our form of government is based. Principle is not a matter of degree.

Mr. HART. Mr. President, at this late hour virtually all has been said that needs to be said, I am sure, with respect to the pending amendment. I do not know whether I speak for anyone save myself when I mention this remaining point. I was one who came to this body just a little more than a

year ago, and immediately preceding that there was a political campaign. In that campaign I made relatively few commitments. One of the commitments I made then, which I welcome the opportunity tonight to acknowledge and honor, was that I would support part III, as it has now come to be known.

Mr. President, in my book there is nothing radical in this proposal, but I would be the first to acknowledge that it has been made to appear to be a radical idea. In this very Congress we have applied this concept in that long debated and constantly discussed Labor Reporting Act. It is now applied and adopted in virtually 50 other situations. But tonight we would have it understood that it is, somehow or another, a sacred cow with respect to the setting in which we now propose it.

I think part III is the key, and perhaps this is responsible for the vigor of the opposition to it. But my point, in advance of the vote, is to state that I committed myself to support part III in a campaign in which the people of Michigan endorsed their candidate. Therefore, I shall vote as I promised.

Mr. KEATING. Mr. President, I would prefer if this amendment were phrased as an amendment of the Civil Rights Act of 1957, and rather regret that it is not; but I believe that the substance of it is in conformity with the part III which was debated and acted upon in 1957, and that it is substantially similar to that provision.

It is said here that we are clearing the air of something if we table this pending amendment. We do not clear anything, because part III, in the form of S. 456 or some other form, will be offered, will be worded in a manner to be germane, and will again be offered after cloture is voted.

There is no proposal before the Senate in this debate that has been more misunderstood and more misrepresented than that with reference to part III. It has been bitterly attacked as an unprecedented extension of Federal power. Its opponents have succeeded, by vituperation rather than by logic, to cast it as an extreme, drastic innovation in the law, full of dangers to our constitutional liberties.

Disraeli said "it is far easier to be critical than to be correct," and never was that statement more true than in the attacks which have been made on part III. No image of what is proposed here could be more distorted than that which has been raised by some of the opponents of this legislation.

I want to state certain things categorically:

First. This amendment follows more than a score of precedents.

Second. This amendment would not in any way extend Federal power.

Third. This amendment in no way diminishes the reserved powers of the States.

Fourth. This amendment does not enlarge the substantive rights of any citizen.

Fifth. This amendment does not interfere with the protection which any prospective defendant is entitled to under the Constitution.

Let me say, further, this is not an FEPC bill. It is not an antilynching bill. It is not an antipoll-tax bill. It is none of the things it has been erroneously designated. It has nothing whatever to do with any of these issues.

Let me say, finally, that this amendment does not, by any stretch of the imagination, seek to impose a second reconstruction on the South, as has also been alleged.

What does this amendment seek to accomplish? Just one thing, Mr. President—the enforcement, by equitable proceedings, of the right guaranteed to every American to equal protection of the law. That is what it is pure and simple—nothing more and nothing less. And how does it seek to accomplish this end? By allowing the Attorney General to bring a suit on behalf of any American who is too poor or is too intimidated to protect himself against a denial of his rights under the 14th amendment.

Could anything be more simple, more reasonable, more moderate, as a means of enforcing the provisions of the Constitution?

Mr. President, this amendment is important. It serves a vital purpose. But that purpose simply is to supplement the present criminal provisions applicable to civil-rights cases by more appropriate and expeditious civil remedies.

Under our Constitution, we give legal counsel to thieves and murderers. I have never understood the logic of people who accept the right of such alleged felons to have counsel appointed to represent them, but violently rebel at the thought of giving an innocent American, whose constitutional rights are in jeopardy, the aid of a Government lawyer.

Can anyone really be so confused as to the merits of this proposal that he seriously regards the appointment of a Government lawyer in such cases as an attempt to undermine our Federal system? Can anyone be so callous of the rights of our fellow Americans that he would deny a citizen too poor to protect his constitutional rights the services of Government counsel?

It seems to me that the Federal Government must not shirk its responsibility to enforce the equal protection clause of the Constitution in this area. If we have learned anything in the almost 6 years since the Brown case, it is that the rights of our school-age children are best protected by recourse to specific legal action against those who would deny them. The Federal Government must play its part in this process, and enactment of a part III amendment would make this possible. Anything less will keep the principles handed down by the Supreme Court in that decision encased in a hard shell.

It must be emphasized that the amendment would merely provide a remedy in a court of equity for acts which, under existing law, already are either the basis for criminal prosecutions or for damage suits. The commission of these acts should in most instances be handled in a civil court in an injunctive proceeding rather than by hauling the offending parties into criminal court, where they would be subjected to criminal proceedings. In many instances these are officials whose acts are not normally considered to be criminal in their communities.

What possible objection can there be to allowing the Government to bring a civil suit to prevent the denial of the equal protection of the laws, rather than hauling these people into a criminal court?

That is why I say the pending amendment would not create any new substantive rights. The rights were created when the Constitution was adopted 171 years ago. They have been implemented by presently existing criminal and statutory enactments. The only objective of the amendment which is now before us is to allow preventive action against their violation. We have done this for voting rights, although we did not go far enough in 1957 even in this limited area, obviously.

We cannot segregate civil rights. There is no reason, under the Constitution, to give unequal protection to different civil rights. The mandate of equal protection is just as strong and just as important as the mandate against voting discrimination. There are no second-class rights under the Constitution, exactly as there are no second-class citizens under the Constitution.

The addition of equitable procedures to the means of enforcing all these rights would mark a great advance in the law. Preventive relief is always more desirable than punishment after the fact, either in the form of criminal penalties or in the form of exaction of damages.

Equity represented, in its origin, both a method of softening the rigors of the law and a means of avoiding irreparable injury before damage was suffered. The tradition of equity is wholly consonant with the application of its principles to the protection of constitutional rights.

Mr. President, the Supreme Court, only 10 days ago, put to rest any possible legal doubts which may have existed in anyone's mind regarding the constitutionality of this amendment. In the Raines case, the Court sustained the power of Congress to authorize the United States to bring civil actions in support of private constitutional rights. In the language of the Court:

> There is the highest public interest in the due observance of all the constitutional guarantees, including those that bear directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

The Court has sustained the power. It is now up to Congress to exercise it to the full extent necessitated by present conditions.

Mr. President, the amendment relating to part III, or the substance of the amendment, failed by only 14 votes in the Senate in 1957. If only seven votes had changed, the amendment would now be a part of the law and we would all be spared the necessity for reconsidering this matter.

Mr. President, since that previous vote 23 new Senators have been elected. The vote today on part III will be the test of whether this new Senate contingent is more or less favorable to protecting the civil rights of all citizens. It will be a

guide to the American people as to what kind of Senate they elected in 1958.

Action on this provision is long overdue, but it is not too late to rectify our mistake. I hope with all my heart that this amendment will commend itself to the Senate and that any effort made to table it will be defeated.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. KEATING. I yield to my colleague.

Mr. JAVITS. Mr. President, we are under some time limitation, self-imposed, tonight. I only wish to express to my colleague regret that he could not tonight give the extended and extremely able legal argument I have heard him make on this very section on another occasion.

I wish to remind all my colleagues that the junior Senator from New York [Mr. KEATING], when he was a Member of the House of Representatives, was the stanchest and most eloquent advocate of part III. Indeed, he succeeded, I think in large measure due to his own ability, in carrying it through the House. I am grateful to my colleague for the statement he has made.

Mr. KEATING. Mr. President, I am very grateful to my senior colleague from New York for those kind remarks.

It was a source of great disappointment to us, after fighting this matter through in the House in 1957, and having it carry by a very comfortable margin, to have it defeated in the Senate.

I repeat to my college from New York, who I am sure will agree with me, whatever they succeed in doing tonight, even if the amendment is tabled, will not be the end of the matter. The amendment will be offered again. It will be made germane after cloture is voted. It will be offered, and I hope it will not be treated in a summary way by any motion to table.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. JOHNSTON] is recognized.

Mr. JOHNSTON of South Carolina. Mr. President, on Wednesday, July 24, 1957, by a vote of 52 to 38, the Senate struck down section III of the then pending civil rights bill. This bill later became the Civil Rights Act of 1957.

Mr. President, the amendment now pending before the Senate is of such nature and of such wording that it has been labeled "the section III" amendment to the pending civil rights legislation.

There are some minor differences between what has been offered up on the political altar here today, and what was offered up on the same altar 3 years ago, but the differences are minor. Those points which are in common between the so-called section III of 1957 and the so-called section III of 1960 are just as dangerous today as they were 3 years ago. Principally, I am thinking of that part which would permit the Attorney General to institute civil actions for preventive relief in civil rights cases, and the arbitrary powers given the Attorney General.

Mr. President, it is relatively easy for me to discuss this issue because I have discussed it several times before on the floor of the Senate, as well as before the Senate Judiciary Committee.

Mr. President, this amendment proposes more "government by injunction." The section which is here proposed to be written into law would put the Attorney General in a position to ask that the order of a Federal judge be substituted for the provisions of the law itself.

The new language which the amendment before us proposes to add to this section gives the Attorney General the right to institute a civil action, either in the name of the United States but for the benefit of some "real party in interest," or for the benefit of the United States, not only for the recovery of damages, but for redress or preventive relief which would include an application for a permanent or temporary injunction, restraining order, or other order.

Now, let us look at this provision a little more closely. Under existing law, a private individual can bring only an action for damages. Furthermore, he can bring this action only when there has been an overt act in furtherance of the alleged conspiracy. Now it is proposed by the legislation here before us to let the Attorney General bring an action not merely for damages, but for redress, or "preventive relief." Presumably, the Attorney General will exercise his opinion and tell the court what his opinion is, and the court will then act on the basis of that opinion.

Certainly there should be at least a requirement that the Attorney General bring no action in the name of any individual without the consent of that individual, and certainly there should be a provision restricting the right of the Attorney General to bring an action in the name of the United States which would tend to displace or prejudice an action already brought by an injured person. However, the provisions in this amendment do not state who the "signed complaint" shall be signed by.

This not only means that the Attorney General would have a perfect right under this proposed legislation to disregard completely any and all State laws which might be involved; it also means that the district courts are instructed to accept any action filed by the Attorney General under this new language, without regard to whatever the real party aggrieved may have done or may be doing for the protection of his rights or the recovery of damages. That is a viciously unfair provision.

This amendment cannot fail to result in a multiplicity of civil actions sounding in tort, with Federal district courts having jurisdiction. Quite aside from the argument on principle, that these are actions of a kind which never should go to a Federal court—in fact, actions of a kind which should not exist at all—and looking just at the prospective effect upon the work of our already overworked courts, it is clear that the new actions which would be thus authorized could not fail to be a heavy additional burden to the judicial processes.

Another reason why I strongly oppose the provisions contained in this amendment is that they would have the effect of providing for litigation in a civil action, in Federal court, of a question which is essentially one of criminal guilt. The basis for the civil action which this new language would authorize the Attorney General to bring is the existence of a situation in which any persons have engaged in acts constituting a crime under presently existing law.

We see before us a situation in which guilt is to be litigated in a civil action; a situation in which an individual is to be called to answer respecting a charge that he has performed an act or acts which constitute a criminal offense, but without any indictment, or even any exercise of discretion by law-enforcement officials. For this is to be done on the judgment of the Attorney General or his assistants, acting not in the capacity of law-enforcement officials but in the capacity of parties seeking redress for injuries, or preventive relief against feared injuries.

The proposed new language which is involved in part III of this amendment might have the effect of robbing State courts of jurisdiction of offenders actually being prosecuted under State law for civil rights violations.

Suppose the State is prosecuting a civil rights violator under its laws, and the Attorney General has previously filed an application in Federal court for an injunction, and the judge has signed an order granting the application. The Attorney General could then ask the court to adjudge the violator in contempt of court under his previous order, and the Federal court would have to take jurisdiction of that case, even though it meant taking the offender out of the hands of the State court and interfering with the State prosecution for violation of State law. It is unthinkable that Congress should create a legal situation in which anything like that could happen; but this amendment will do it, if we enact it.

There are two points about this provision which should be clearly understood. First, the language is extremely broad, and in fact, no one knows exactly what it covers. Second, we have the concept of enforcement by injunction.

I am very much afraid that the language of this amendment would be construed—perhaps might have to be construed—as granting the right to sue for either damages or for equitable or other relief wherever an existing act of Congress could be found providing for the protection of civil rights, and it could be alleged that the individual bringing the action had in fact been injured in some way with respect to one or more of the rights protected by the statute.

These provisions are so broad as to constitute one of the most sweeping invitations to litigation that I have ever seen in a Federal statute or in a proposed Federal statute.

The second point about this proposed new amendment which should be stressed is, as I have pointed out, the fact that it embodies the principle of "enforcement by injunction." In doing this, the proposed new amendment also moves from the realm of actions for redress of actual injuries, into the realm

of actions for the prevention of threatened, prospective, or anticipated injuries, real or fancied.

This is a development which gives me a great deal of concern. It is contrary to the tradition of Anglo-American jurisprudence. It flies in the face of the presumption that a man is innocent until he is proven guilty. Furthermore, implicit in this provision is the conception of substituting an order of a Federal judge for statute law, either State or Federal.

Thus, this language, if written into law, could have the effect of amplifying every existing statute affecting civil rights, so as to give it prospective as well as retrospective effect. The principle of permitting a private individual to seek an injunction against the violation of an existing statute, with a view to punishing any other individual who may break the law through a contempt proceeding rather than by trial on a charge of law violation could have logical extensions which would destroy our whole existing system of law enforcement. If this can be done in the field of civil rights, it can be done, as I have pointed out earlier, in any other field of violation of criminal statutes. A man might just as well have a right to a general injunction against being robbed as to a general injunction against invasion of his statutory civil rights. Or he has just as much right to an injunction against being slandered, or against being murdered.

In the judicial philosophy of the present day, there is already entirely too much of the feeling that "the law is what the judges say it is." Judges and courts should interpret the law; they should not make it. Nor should they reserve to themselves nor attempt to exercise the right to change it, under the guise of "interpretation". The theory that courts and judges can and should make criminal law, by the device of issuing injunctions, goes a step further, and it is a very long step, toward upsetting the balance of power principle which has had a large part in helping keep this Government alive for more than 17 decades, and substituting a government of men for the government of law which has been our pride and boast.

Mr. President, if this amendment is allowed to become law, we will have interference with the constitutional right of trial by jury, complete flouting of State law, and complete ouster of State jurisdiction. In the interest of those whom we represent, we must vote against such a provision, so that it can be seen that this amendment to the pending civil rights legislation is probably the most dangerous amendment yet offered. In considering all the minor language changes, in truth, the viciousness of the amendment has not been disturbed. I hope the Senate will defeat this amendment with just as resounding a vote as it defeated its predecessor in 1957. There is no more reason for part III of 1960 to be put on the statute books than was there reason for part III in 1957.

Every Member can cast a vote of confidence in constitutional government, a vote of confidence for trial by jury, and a vote of confidence in the intelligence of Americans everywhere by voting against this amendment.

Mr. CASE of New Jersey. Mr. President, surely the rights of the 14th amendment to the Constitution of the United States, are no less precious than the 15th amendment voting rights. Our Constitution makes no provision for second-class rights. All of the rights guaranteed by the Constitution are of equal standing—the right to equal protection of the laws in the 14th amendment no less than the voting rights of the 15th amendment.

Much of the debate on the civil rights bill—and particularly that concerned with so-called part III—has proceeded from a kind of Alice-in-Wonderland reasoning which has effectively obscured the real issues at stake.

Here is a situation in which the Government already has available to it rather extreme criminal remedies to punish civil rights violations. This amendment proposes to permit the United States to seek, instead, equitable relief to prevent such violations from occurring. Opponents of the amendment give the impression, however, that the proposed noncriminal remedy is worse than the already existent criminal statutes.

We are told, in effect, that it is far better to allow our citizens to violate the law and be criminally prosecuted than to seek to prevent such violation by giving advance warning of the kind of behavior which the courts deem unlawful.

I recognize, of course, that much of this argument is rooted not in Lewis Carroll but in a kind of pragmatism in reverse. The present criminal procedure appeals to the civil rights opponents simply because it does not work. The fact is experience has demonstrated that the punitive approach guarantees, not enforcement of the law, but its frustration.

And criminal prosecution is, I submit, peculiarly ill fitted to the delicate task of resolving conflicts in this area of passionate controversy. To me it is utterly degrading to our system of justice and to the dignity of those who participate in it—whether as counsel, juror, or defendant—to await the commission of a crime and then try the case in an atmosphere of rancor and fear with the harsh dictates of the criminal law on one side and emotional appeals to racial supremacy on the other.

The pending amendment would make it possible to litigate these issues calmly and reasonably in advance or even after a violation had occurred. If the court found that a given course of action, whether threatened or already consummated, would deprive an individual of his constitutional rights, such action would merely be enjoined in the future.

But, opponents argue, under present law, the individual whose rights have been denied can on his own behalf seek an injunction or bring suit for damages. Both private remedies are, I submit, inadequate. Surely a damage suit is inappropriate as a device for enforcing civil rights. Who can measure in terms of dollars the injustice done to a child who is denied the right to attend a nonsegregated school?

And the individual who has been denied equal protection of the laws, whether by State officials or by a conspiracy of individuals acting under color of State authority, is frequently unable to seek an injunction in his own behalf. Financial inability and/or community pressures, economic or otherwise, frequently prevent him from claiming his constitutional rights.

The defendants in these civil rights cases can normally rely upon the legal resources of the local or State governments to assist in their defense. But the individual plaintiff cannot at the present time look even to his friends and relatives for financial assistance in prosecuting his case. As has been pointed out many times on the Senate floor, barratry statutes in a number of Southern States make it nearly impossible for any individual or organization to furnish financial assistance to help in the prosecution of private law suits. We cannot rely solely upon private litigation to bring about school desegregation.

There are a number of reasons for this. Litigation is expensive. It exacerbates ill feelings between the parties. And it does not afford the flexibility which is possible in a negotiated settlement. It is, nevertheless, an indispensable weapon in reserve. The mere knowledge that really effective court action is available serves generally as an inducement to the parties to seek, wherever possible, to find agreement by negotiation between themselves.

Under these circumstances, it is both necessary and proper that provision be made for the United States to seek injunctive or other civil relief to protect these constitutional rights. I have every confidence that the decent, law-abiding people in the South and elsewhere—for this problem is only more dramatically apparent in the South—will respect the law when it has been clearly and fairly set forth by court decree. If this be so, then it seems only fair that these good people be given an opportunity to determine the limits of lawful behavior without risking criminal prosecution.

Unless we are to consign the 14th amendment to the Constitution to second-class status, we must pass a meaningful provision to make effective its protection.

Mr. HUMPHREY. Mr. President, I rise to support the amendment proposed by the Senator from New York [Mr. JAVITS], along with a number of other Senators, and of which I am pleased and proud to be a sponsor, which is commonly known as the so-called part III amendment. The purpose of the amendment is to authorize the Attorney General to institute a civil action or other proceeding for preventive relief in instances where a person or group of persons is denied the equal protection of the laws by reason of race, color, religion, or national origin.

My colleagues will recall that in the Civil Rights Act of 1957 we enacted a provision which makes it possible for the Attorney General to take such action

in the case wherever voting rights are denied. The pending amendment would grant such authority to the Attorney General to institute such proceedings in all cases where equal protection of the laws under the 14th amendment is denied.

I cite, for example, the case of public schools and public libraries, where there is discrimination or segregation.

The provision would relate also to public parks and other public recreational facilities; also to public depots and public transportation. It would apply to other public places and facilities which are required under State or local laws to discriminate or to segregate, in violation of the 14th amendment to the Federal Constitution.

In other words, what this amendment proposes to do is to provide that the Federal Government shall have the responsibility to see to it that the equal protection clause of the 14th amendment is adhered to.

It should be quite clear that the equal protection clause refers to State and local laws and ordinances which violate the equal protection clause of the 14th amendment. In such circumstances the Attorney General would be authorized to initiate civil proceedings to see to it that such constitutional right is adhered to. Granting authority to the Attorney General to initiate civil proceedings to carry out the intent of the law should not cause any great concern or irritation in the instance of the subject matter now under discussion. There are actually 50 Federal statutes which contain such authorization. I cite as examples, the Sherman Act, the Clayton Act, the Atomic Energy Act, the Federal Trade Commission Act, the Securities and Exchange Act, the Fair Labor Standards Act, the National Housing Act, the Packers and Stockyards Act, the TVA Act, the Taft-Hartley Act, the Defense Production Act, and the Motor Carriers Act. Under each of these Federal statutes, the Government, through an appropriate officer, is authorized to initiate civil proceedings in order to assure compliance with the law.

So the record clearly shows a body of law and precedent of great extent and of considerable duration to support the proposal to grant to the Attorney General the right to bring suit in behalf of persons whose civil rights are being denied.

I would also call to the attention of the Senate the Labor-Management Reporting and Disclosure Act of 1959. That act was the subject of considerable debate in Congress last year. We passed a bill in the Senate. A substitute bill was also passed in the House, known as the Landrum-Griffin bill. Approximately 14 days were spent in conference committee. Ultimately a compromise measure was brought before the two Houses for definite and conclusive action. As I recall, the vote in the Senate was 91 to 2 on the passage of the Labor-Management Reporting and Disclosure Act. I point out that this act authorized the Federal Government to intervene by way of civil proceedings to make sure the act would be carried out.

It is interesting to note that when labor union members are denied their voting rights in union elections, the Secretary of Labor can bring a civil action against the union to set aside an invalid election and to have a new election held.

In other words, Congress passed a law which empowers the Secretary of Labor to initiate proceedings to set aside a union election, and to supervise a new election under the terms and regulations promulgated by the Secretary of Labor.

Senators will recall the details which relate to the election requirements in a union. Yet those who now oppose the pending amendment have granted extensive powers to the Secretary of Labor to institute legal proceedings in the case of labor unions. It appears to me that the constitutional rights of a person in terms of the equal protection of the laws are as important as or more important than membership rights of a member of a voluntary and private association such as a union. Congress did not hesitate to authorize this Government to use its full force and power to institute civil proceedings in the instance of trade union matters. I suggest that the same Congress—and this happens to be the same Congress, second session of the 86th Congress—would look a little as if it has a double standard if it fails to take action to protect the rights of citizens under the 14th amendment

To argue that it is all right for the Federal Government to intervene in the elections of private organizations, such as unions, but that it is not proper for the Government to protect the constitutional right of equal protection of the laws, seems rather incongruous, and indefensible to me.

To argue that the present remedies are adequate is, in fact, to turn one's back on reality. The vast majority of the people who are being denied the equal protection of the laws are, in fact, not in a position to bring their own lawsuits. What is more, even if they were in a position to bring their own lawsuits, why should not the Government of the United States be authorized to protect the rights of its own citizens? Why should not the chief law enforcement officer of the Government of the United States be authorized to make certain that the constitutional guarantees are provided in fact, as well as in theory?

To claim that there are adequate private remedies begs the question and ignores the facts. The people who would be affected do not have, frequently, the funds with which to institute proceedings. Furthermore, they are under tremendous pressure and threats, at times, not to act. I think it is correct to say that many citizens feel that they are not free to act without reprisals. Also, pressure is frequently put on lawyers not to help those who seek to institute such suits. We have seen instances of economic reprisals. We have seen instances of social pressures which have been printed in the public press or are a matter of official record.

Mr. GRUENING. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield.

Mr. GRUENING. The bill gives these powers to the Attorney General if he chooses to exercise them. But suppose the Attorney General does not choose to exercise them. What will be the result, then, of the proposed legislation?

Mr. HUMPHREY. The first thing I would suggest is that since the President of the United States is responsible for the execution and administration of the laws, he would be responsible to remind the Attorney General to apply the law. If that did not result, the President could get a new Attorney General. If that did not work, I suggest that the people get a new President.

Mr. GRUENING. In the past 3 years, since the passage of the Civil Rights Act of 1957, has the activity of the Attorney General's office, under the authority given him then, been exercised in such a way as to inspire confidence that the same Attorney General would move with vigor and enthusiasm to take advantage of the proposed legislation, if it is adopted?

Mr. HUMPHREY. The Senator's observation in the form of a question is such that it takes an answer of this kind: The Attorney General has not acted with any zeal or any determination to exercise even the powers or the authority granted him under the Civil Rights Act of 1957. There has been much talk, but not very much action. Therefore, it is entirely possible that were the so-called part III provisions included in whatever civil rights proposal may ultimately be adopted, if the same administration were in power, and if there were the same attitude, the law or its provisions might not be used as they were intended to be used. In other words, through a lack of zeal or a lack of interest in their proper use.

I say most respectfully to the distinguished Senator from Alaska that any Attorney General would want to exercise this authority judiciously. He would want to make certain that the exercise of this particular responsibility or authority came after the ascertainment of the facts as to any alleged violations.

Then, I may add, the Attorney General would have to go into a court of law. If the facts were not relevant, if they were not conclusive, if they did not substantiate the claim of the Attorney General, the court would not grant the particular preventive relief which the Attorney General was seeking.

We are not requesting here illegal action or extra legal action. What is being requested is a form of legal proceeding, similar to that presently authorized in some 50 specific Federal laws. We are requesting authority for a duly constituted officer of the Government, exercising his power under statute and under the direction of the President, to institute civil proceedings in the Federal courts where there are denials of equal protection of the laws.

Mr. GRUENING. The Senator will concede that the effectiveness of the legislation, if enacted, would depend in large measure on the interest, solicitude, and enthusiasm of the administration itself, will he not?

Mr. HUMPHREY. The Senator is correct. In fact, the effectiveness of the legislation would depend almost entirely upon the enthusiasm, intelligence, in-

terest, determination, and conscientious attitude of the President of the United States, through his Attorney General, to take whatever action was required in light of the evidence or circumstances. To date, we have seen very little action, even under the authority which is presently in the hands of the Federal Government.

Mr. GRUENING. I thank the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I conclude on this note. The Government of the United States has a duty to protect constitutional rights. It certainly has a duty to help people who cannot help themselves. It was the great Abraham Lincoln who reminded us that the duty of the Government was to do for the people what the people could not do for themselves; or, to paraphrase him, what they could not do so well for themselves.

The evidence thus far accumulated indicates that a substantial number of people are unable to protect their own constitutional rights. There are a number of people whose constitutional rights under the equal protection clause of the 14th amendment are being violated. A number of people do not find the present remedies adequate. Therefore, it is incumbent upon Congress to provide the executive branch of the Government with the authority to bring suits on behalf of such persons. Frequently these people are poor and humble, and all too often they have been intimidated. Often they are without social position or influence, and some of them may even be without adequate education. In other words, a large number of them are without what we call power, prestige, or influence, or even the economic means with which to protect their rights. These people, who cannot help themselves, are the ones to whom the Government of the United States owes a special obligation.

Therefore, Mr. President, I hope the Congress will fulfill its responsibility of seeing to it that the Federal Government protects the rights of all citizens, as outlined in the Constitution.

Mr. CLARK. Mr. President, I assure my colleagues that my remarks will be brief. However, this matter is of great importance to my constituents, and I feel impelled to make a brief statement regarding the reasons why I support the pending amendment.

As all my colleagues know, this amendment contains three parts. I ask unanimous consent, Mr. President, that a brief summary of the three parts of the amendment be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

The amendment contains three parts:

(1) The Attorney General would be authorized, upon receipt of a complaint from any individual being denied by State action the equal protection of the laws because of race, color, religion or national origin and a finding that the individual was financially unable to protect his rights or afraid to do so because of threat of bodily or financial harm, to bring a civil action to restrain the State official involved.

(2) The Attorney General would be authorized to bring a civil proceeding against any person who was (a) preventing a Federal or State official from according to any person the equal protection of the laws because of race, or (b) preventing the execution of any court order protecting the right to the equal protection of the laws without regard to race.

(3) The Attorney General would be authorized on receipt of a signed complaint to bring a civil action against any person acting under State authority who was depriving any individual or group of any 14th amendment right because such individual or group had opposed the denial to others of the equal protection of the laws because of race, color, religion, or national origin.

Mr. CLARK. Mr. President, I urge my colleagues to support the pending amendment, so as to make the constitutional guarantee of equal protection of the laws a reality for all Americans, without regard to their race or color.

Without the provisions of this amendment, which includes in modified form the part III provisions dropped by Congress during the 1957 civil rights debate, any bill which we pass this year will be incomplete.

The enactment of the amendment would help those who most need help to protect their constitutional rights. The pending amendment is carefully drawn to limit the civil actions which the Attorney General is authorized to bring to those in which "the individual is unable to seek effective legal protection for his right to the equal protection of the laws" because of financial inability to bear the expenses of litigation or because such litigation would jeopardize his job or threaten to bring him physical harm. This was not the case in 1957. When the Senate voted to delete part III of the 1957 civil rights bill, that section would have authorized the Attorney General to bring suit whenever individual rights under the 14th amendment were denied, regardless of economic hardship or threat of bodily harm to the persons involved. Only the helpless will be helped by the pending proposal.

Mr. ERVIN. Mr. President, will the Senator from Pennsylvania yield to me, so that I may keep the RECORD straight? The Senator from Pennsylvania is referring to a proposal not contained in the pending amendment, for the pending amendment does not include any provision of that kind.

Mr. CLARK. Mr. President, it is my understanding that the amendment in support of which I speak would authorize the Attorney General to bring an action when an individual was unable to seek effective legal protection of his rights and the equal protection of the laws, because of financial inability to bear the expense of the litigation or because the litigation would jeopardize his job or would result in physical harm to him. Is that not correct?

Mr. ERVIN. No; those provisions appear in another measure; they do not appear in the pending amendment.

The pending amendment authorizes the Attorney General of the United States to bring such a suit in behalf of any person or group of persons who are unable to do so for any reason—without specifying the reason.

Mr. CLARK. But the second paragraph of the pending amendment provides as follows:

A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of paragraph (1) not only when such person or group of persons is financially unable to bear the expenses of the litigation, but also when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

That was all I intended to state.

Mr. ERVIN. The Senator from Pennsylvania is correct about that, and I apologize for interrupting him. But I would say the general provision would still remain in full force and effect, "for any reason."

Mr. CLARK. Well, Mr. President, my good friend, the Senator from North Carolina, and I never have serious quarrels over the facts in a situation. I think the understanding has now been cleared up. Does the Senator from North Carolina agree as to that?

Mr. ERVIN. I agree, and I apologize for interrupting the Senator.

Mr. CLARK. That is quite all right.

Mr. President, let me say that I fully realize that, under the gentleman's agreement entered into, we should perhaps have voted before now. So my remarks will be very brief, indeed. I ask my good friend, the majority leader, to indulge me for perhaps 5 minutes more, in order that I may make the points which I believe it important to be made before the Senate votes.

Mr. President, it has been computed that the cost of prosecuting a civil-rights case runs to many thousands of dollars. But, in addition, the individual litigant is prevented from receiving aid from usual sources by a series of legal obstacles.

Virginia, North Carolina, South Carolina, Arkansas, and Tennessee have already passed so-called antibarratry laws, prohibiting citizens' groups from assisting citizens to protect their constitutional rights. These laws prevent such persons from obtaining counsel unless they are able to pay their lawyers without outside assistance.

Adoption of the motion to table the pending amendment would be an abandonment by the Senate of the United States of all effort to assist in the enforcement of the equal-protection-of-the-laws clause of the 14th amendment.

If adopted, the motion would be a determination by the Senate of the United States that it was content to have the equal protection clause returned to the condition of innocuous desuetude in which it lingered from the time of its adoption until the Supreme Court breathed new life into it in the school desegregation case in 1954 and in other recent decisions prohibiting segregation in, or access to, tax-supported facilities on the basis of race, creed, or color.

If this is what the Senate wishes to do, that, of course, is its privilege. But Senators should, I submit, take a look

at what this action will do to the position of the United States as a world power and to the position of the Senate itself as an institution.

Every Member of the Senate knows that the Communist press, as well as the press in parts of the world where the population is two-thirds colored, is following this debate with great care. If this amendment is tabled, word will be flashed around the world that so far as the Senate of the United States is concerned the 14th amendment to the Constitution of the United States does not mean what it purports to say and what the Supreme Court has said it means.

Mr. President, the pending amendment does not create new rights. It merely authorizes new procedure for enforcing existing rights. Therefore, Mr. President, to describe the pending amendment as despotism, as some of our friends have done today, during the debate, is in my judgment, and in all charity, rather farfetched.

Mr. President, it occurs to me that people in Asia and people in Africa are tonight looking at the U.S. Senate; and I have an idea that people in South Africa are also looking at the U.S. Senate, to see whether it proposes to join them in their racist position.

Personally, I am unwilling to mold our domestic institutions to fit our global protestations unless this body is willing to say there is no more hyprocrisy in America.

I suggest that the Declaration of Independence, the Constitution of the United States, and the scroll written at the foot of the Statue of Liberty all put our country in support of opposition to colonialism. But how can we be in opposition to colonialism abroad, and yet be in support of colonialism at home? How can we say that all the citizens of all the countries in the world are entitled to equal protection of the laws, except the citizens of the United States of America?

Mr. President, are we out of step with the ethical and the moral concepts of our times?

I submit that this is the issue which confronts the Senate tonight.

Mr. President, I yield the floor.

Mr. MORSE. I simply wanted to associate myself with the remarks of the Senator from Pennsylvania and other speakers on our side of the issue this afternoon, and make a brief statement at this point.

Mr. President, it is under the pending amendment, commonly referred to as part III, that the citizens' protection under the 14th amendment to the Constitution is proposed to be secured.

I think it is safe to say that although this amendment became a part of the Constitution over 90 years ago, we are only now getting around to making it a reality. That Congress is expected to do so is clear from the amendment itself, which declares:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

It has already been brought out on this floor by many able speeches, particularly that of the Senator from New York [Mr. JAVITS] and by the Senator from Pennsylvania [Mr. CLARK] that using remedial and preventive court action as opposed to penal action and damages, has wide application in Federal statutes.

That is the scheme of the antitrust laws, the Fair Labor Standards Act, and several provisions of the Securities Act, to name but a few.

That is exactly what the pending amendment would provide in the enforcement of a constitutional guarantee. We have turned to this procedure in measure after measure calculated to further the general welfare, or to further some other objective of Government enumerated in the Constitution. Why in the world should it not be utilized for the fulfillment of our precious guarantees of personal rights?

Under this amendment, the Attorney General of the United States is to be authorized "to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them."

He is further authorized "to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, first, against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or second, against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin."

Finally, it proposes to authorize the Attorney General to "institute for or in the name of the United States, a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the 14th amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin."

Many Federal agencies have these powers, and these powers and procedures have been held repeatedly to meet the test of due process of law. Full adversary proceedings on the facts and law in court could be held before issuance of any final order.

As has already been discussed here, the U.S. Supreme Court has within the last few weeks found that in voting cases it is entirely within the Constitution to authorize the Attorney General to initiate suits. Justice Brennan said for a unanimous Court:

> It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

I have spoken many times on this floor, both in 1957 and in the current debate, in support of this proposal. I can only add one more plea that it be enacted so that our Federal Constitution may have meaning to all our citizens.

Mr. DOUGLAS. Mr. President, before I turn to a discussion of the amendment which is before us, may I make a comment or two about the vote which we took this afternoon? It is true that those of us who sought to limit debate to a further 100 hours received 42 votes as compared to the 53 who voted against us. I think this in fact was a very good showing, considering the fact that we not only had the Southern and the border States against us, but also the very determined and unrelenting opposition of both the majority leader and the minority leader.

I have had the figures analyzed, and they show that while only 45 percent of the Senators voted for cloture, they represented States which have slightly over 60 percent of the total population of the country, and that in the presidential election of 1956 the people whom these 42 Senators represented cast 70 percent of the vote. Where the two Senators from a particular State split their vote, I have given half the votes in the 1956 presidential election to each side in determining the figure of 70 percent.

The voices of these voters, largely muted, and in fact represented by second-class citizens within the U.S. Senate, may not be heard with much effect in this body; but I predict that their voices will be heard in the national conventions next summer, and still more in the presidential elections of the fall.

So this was simply the first round of the battle and the people will have a chance to speak again at the national conventions, and have a chance to speak again in the presidential election.

Mr. President, so far as the amendment which we now have before us is concerned, it is, of course, merely an attempt to assist any poor weak individuals to defend their rights under the 14th amendment of the Constitution of the United States.

In certain sections of our country, notably among the white population of the Southern States, the 14th amendment is regarded, so far as the equal protection of the laws is concerned, as

not having effect. But it is just as much a part of the Constitution as any other feature. It supersedes the 10th amendment to the Constitution, and it imposes a very clear and definite mandate upon the Federal Government to protect citizens in their rights to the "equal protection of the laws"; the Supreme Court, in the case of Brown against Topeka, did precisely that in declaring legally segregated public education to be a violation of the equal protection of the laws.

The burden thus far, however, of enforcing the Supreme Court decisions has fallen exclusively upon parents of children who are denied what the Supreme Court regards as the equal protection of the laws, and who are, therefore, segregated so far as schools are concerned.

It has been brought out over and over again in this debate that the parents of these children are poor, with an average income of only about $2,000 a year; that the costs of a lawsuit amount to, on the average about $19,000; that these people, therefore, lack the economic means successfully to defend their rights. On the other side, massed against them in this unequal struggle for their rights, are the legal and financial resources of the States which resist their claims to the courts of last resort.

It is therefore appropriate for the National Government to enable the Attorney General to protect the rights of these people, where, because of poverty, or because they are exposed to economic or physical pressure, they, themselves, are unable effectively to defend these rights.

Of course, we all know, or should know, that a week ago Monday the Supreme Court, in the Raines case, held that this was a very proper act on the part of Congress, and that Congress could authorize the United States to be a guardian of the public interest and of private constitutional rights in a suit for injunctive relief.

Mr. President, we who advocate protecting these rights under the 14th amendment are sometimes accused of being extremists. We are not extremists. We merely believe that the Constitution of the United States is not a sectional document. It was not and is not intended to be confined to the North or to the West. It was intended to apply to the Nation as a whole.

And, my friends, hundreds of thousands of men gave their lives a century ago, not merely in order that this might be a united Nation, but in order that the slaves might be freed and that thereafter they might step into the sunlight of full human rights.

I do not wish to refight the Civil War. I grew up in the State of Maine. It was always a tradition in our family and in the community in which I lived that the Civil War was not fought merely to preserve the Union, but that it was also a war for human freedom; and we used to sing the Battle Hymn of the Republic, that—

> As He died to make men holy,
> Let us die to make men free.

That was a great tradition for which numbers of thousands died. I believe that it should live and be as vital a century afterward as it was in the period of the early 1860's. We should not give the lie to the hopes and admirations for which men died and shed their blood in profusion and which were crowned with apparent victory at Appomattox.

We need make no apologies for the 14th amendment. The 14th amendment was passed in order to protect the Negroes from the Black Codes and vagrancy acts which were passed by white southern governments during the period of Presidential Reconstruction in 1865–67 and which would have partially reenslaved the Negroes of the South.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. We have no need to apologize for the 13th amendment either, do we?

Mr. DOUGLAS. No; nor for the 15th amendment either. And those amendments, sealed in blood and purchased with blood, are a part of the heritage of the people of the United States.

Are we, a century later, to blink and turn aside from the meaning of those documents and from the meaning of those sentiments? Are we to turn our backs on what our fathers and grandfathers fought for, are we to disregard the principles embedded in the American system, and which merely carried out what Jefferson wrote in the Declaration of Independence, that "all men are created equal"? Jefferson did not say white men. He said all men—and he drew no distinction between rich and poor, black and white.

Mr. President, these are very solemn moments. I submit we are not extremists. We simply believe in the Constitution of the United States. We believe in the essence of the American dream as something to be increasingly fulfilled.

We are told by some, "You are going too fast." Are we going too fast? Ninety-two years after the 14th amendment was approved? Is it not about time that the 14th amendment has vitality, strength, and is applicable south of the Mason-Dixon line? It is not an exaggeration that all over the world black men are waiting to learn the votes we cast. Upon that vote will depend in large part whether they cast their lot with us or with our opponents. Men of good will of the white race will wait anxiously for the results as well. The times are so critical that we cannot move at the snail's pace which so many urge. Let us not be laggards in the cause of freedom.

From time to time I hear my good friends from the South speak about the South as though it were unitarian monolithic. They omit the fact that there are 12 million Negroes in the South and that there are other millions of whites who I am sure do not agree with what their representatives say on the stump or even in the Senate Chamber.

These are people about whom we should think, as well.

Mr. President, I think the issue, simply stated, is, Do we believe in the 14th amendment or do we not? If we do not believe in the 14th amendment we will vote against the amendment which is before us. If we do believe in the 14th amendment, if we do believe in the equal protection of the laws, if we do believe in giving some added protection to people too weak to protect themselves, then I submit we will vote for the amendment.

Mr. JOHNSON of Texas. Mr. President, the Parliamentarian informs me that the proponents of part III have had 3 hours and 36 minutes of discussion in connection with it, and the opponents have had 2 hours. In accordance with the agreement reached earlier, that we would not exceed 3 hours to each side, I think it would be appropriate for me to make a motion.

Mr. President, I am informed that some other Senator may wish to speak upon this subject. I shall withhold my motion temporarily.

Mr. MORSE. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the Case amendment to the Ervin amendment to section 1 of the Dirksen substitute.

Mr. JOHNSON of Texas. Mr. President, I am informed that the distinguished minority leader may desire briefly to address himself to the amendment before I make a motion to table the amendment. I want to give him an opportunity to come to the Chamber.

Mr. HENNINGS. Mr. President, may we have order in the Chamber?

Mr. CLARK. Mr. President, will the Senator please speak a little louder?

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. MORSE. Mr. President, we cannot hear the Senator.

Mr. JOHNSON of Texas. I am informed that the Senator from Illinois [Mr. DIRKSEN] has a few remarks to make in connection with the amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, far be it from me to detain the Senate at this hour. I simply wish to add one thought.

I have looked over the civil rights bill of 1957, because there was some concern with regard to part III, which was rejected by the Senate at that time. In lieu thereof, however, we have added a good many things in the package which is now proposed for the consideration of the Senate; such as a provision regarding obstruction of court orders; a provision regarding the bombing of buildings, primarily related to educational and religious institutions; a provision regarding the examination of registration and voting records; and the referee proposal, which is designed to guarantee the right to vote, and to follow through to make sure that people may not only register and vote but also that their votes shall be counted.

Therefore, as I think of part III in a context going back to 1957, and think of all the ancillary things which have been suggested by the administration, I think therein lies sufficient justification for the Senate to vote down part III by

an overwhelming majority. I am content to leave the case there. I intend to vote against the proposal which is pending before the Senate, and that means, of course, I shall support the motion to table the amendment.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the amendment of the Senator from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. President, I ask for the yeas and nays.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from South Dakota [Mr. CASE]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from Wyoming [Mr. O'MAHONEY]. If present and voting, the Senator from Connecticut would vote "nay," and the Senator from Wyoming would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Indiana [Mr. CAPEHART], and the Senator from Hawaii [Mr. FONG] would each vote "yea."

The result was announced—yeas 55, nays 38, as follows:

[No. 113]

YEAS—55

Aiken	Fulbright	Monroney
Anderson	Goldwater	Morton
Bible	Gore	Mundt
Bridges	Hayden	Murray
Brunsdale	Hickenlooper	Prouty
Butler	Hill	Robertson
Byrd, Va.	Holland	Russell
Byrd, W. Va.	Hruska	Saltonstall
Carlson	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S.C.	Smathers
Chavez	Jordan	Sparkman
Cotton	Kefauver	Stennis
Curtis	Kerr	Talmadge
Dirksen	Long, Hawaii	Thurmond
Dworshak	Long, La.	Williams, Del.
Eastland	McClellan	Yarborough
Ellender	McGee	Young, N. Dak.
Ervin	Mansfield	
Frear	Martin	

NAYS—38

Allott	Gruening	Magnuson
Bartlett	Hart	Morse
Beall	Hartke	Moss
Bush	Hennings	Muskie
Cannon	Humphrey	Pastore
Carroll	Jackson	Proxmire
Case, N.J.	Javits	Randolph
Church	Keating	Scott
Clark	Kennedy	Smith
Cooper	Kuchel	Symington
Douglas	Lausche	Williams, N.J.
Engle	McCarthy	Young, Ohio
Green	McNamara	

NOT VOTING—6

Bennett	Dodd	O'Mahoney
Capehart	Fong	Wiley

So the motion of Mr. JOHNSON of Texas to lay on the table the amendment of Mr. CASE of South Dakota to the amendment of Mr. ERVIN was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask that the yeas and nays, which were previously ordered on the amendment, be vitiated.

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. BUTLER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSON of Texas. I understand that there is no objection to accepting the Ervin amendment. I have talked with the minority leader about it and also with the sponsor of the amendment. I thought it would be agreeable to accept the amendment, and therefore, since there is no objection, I cannot understand any reason for keeping 99 Senators here for a yea-and-nay vote. However, if a Senator objects to the yeas and nays being vitiated, then I would suggest that the clerk call the roll.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. For what purpose does the Senator from Colorado rise?

Mr. ALLOTT. Mr. President, will the Chair state the question before the Senate?

The PRESIDING OFFICER. The yeas and nays had been ordered previously on the Ervin amendment. The Senator from Texas has requested that the yeas and nays be vitiated. Objection was heard. The question is on agreeing to the Ervin amendment.

Mr. HUMPHREY. Mr. President, I should like to ask the sponsor of the amendment, in light of the length of time that has transpired since the amendment was offered and the vote which is now to take place, to give us a brief analysis of the amendment. I gather that it is a noncontroversial amendment, but I would nevertheless like to have a brief explanation of it.

Mr. ERVIN. In its present form, the first section of the Dirksen substitute provides for the punishment of the crime created by the first section by a fine of not more than $10,000 or imprisonment for not more than 2 years, or both. My amendment merely reduces the amount of the fine from $10,000 to $1,000, and the length of imprisonment from 2 years to 1 year. Therefore, under my amendment, the punishment would not exceed a $1,000 fine or imprisonment for not to exceed 1 year, or both.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. ERVIN]. The clerk will call the roll.

Mr. ALLOTT. Mr. President, I should like to ask which of the Ervin amendments is being called up for a vote at this time. I have in my hand several. I should like to know which one of the Ervin amendments is being called up at this time.

The PRESIDING OFFICER. Does the Senator request that the amendment be read?

Mr. ALLOTT. I should like to have the amendment read.

The PRESIDING OFFICER. Without objection, the clerk will read the amendment.

The CHIEF CLERK. On page 2, lines 14 and 15, it is proposed to strike out the words and figures "$10,000 or imprisoned not more than 2 years, or both" and insert in lieu thereof the words and figures "$1,000 or imprisoned not more than 1 year, or both."

The PRESIDING OFFICER. The question is on agreeing to the Ervin amendment. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. LAUSCHE. If the amendment is adopted, will an amendment be in order which will make this section applicable to all violations of court orders, instead of having it isolated as to this section, as it now reads?

The PRESIDING OFFICER. The Chair will state that it would be in order to offer such an amendment.

Mr. ERVIN. My amendment refers to the newly created crime.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll, and Mr. AIKEN voted in the affirmative.

Mr. LAUSCHE. Mr. President, may I have an answer to my parliamentary inquiry?

Mr. JOHNSON of Texas. The answer is "Yes."

The PRESIDING OFFICER. The Chair has answered that it would be in order to strike out and insert certain language.

Mr. ALLOTT. Mr. President——

Mr. MANSFIELD. Mr. President, I request the regular order.

Mr. ALLOTT. The answer to the parliamentary inquiry of the Senator from Ohio was not clear. I could not hear the reply of the Chair.

The PRESIDING OFFICER. The Senator from Colorado is not in order. The clerk is proceeding to call the roll.

Mr. ALLOTT. Mr. President——

The PRESIDING OFFICER. For what reason does the Senator from Colorado address the Chair?

Mr. ALLOTT. A parliamentary inquiry, Mr. President. I should like to have stated clearly, so that we may hear the reply of the Chair, the answer to the parliamentary inquiry addressed to the Chair by the Senator from Ohio.

The PRESIDING OFFICER. The yea-and-nay vote is in progress. The Senator may state his question after the rollcall has been completed.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from Oregon [Mr. MORSE] is absent on official business.

I further announce that the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Oregon [Mr. MORSE], the Senator from Connecticut [Mr. DODD], and the Senator from Wyoming [Mr. O'MAHONEY], if present and voting, would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Connecticut [Mr. BUSH], the Senator from Kansas [Mr. CARLSON], and the Senator from New Hampshire [Mr. COTTON] are necessarily absent.

If present and voting the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], and the Senator from Kansas [Mr. CARLSON] would each vote "yea."

The result was announced—yeas 89, nays 0, as follows:

[No. 114]

YEAS—89

Aiken	Gore	Mansfield
Allott	Green	Martin
Anderson	Gruening	Monroney
Bartlett	Hart	Morton
Beall	Hartke	Moss
Bible	Hayden	Mundt
Bridges	Hennings	Murray
Brunsdale	Hickenlooper	Muskie
Butler	Hill	Pastore
Byrd, Va.	Holland	Prouty
Byrd, W. Va.	Hruska	Proxmire
Cannon	Humphrey	Randolph
Carroll	Jackson	Robertson
Case, N.J.	Javits	Russell
Case, S. Dak.	Johnson, Tex.	Saltonstall
Chavez	Johnston, S. C.	Schoeppel
Church	Jordan	Scott
Clark	Keating	Smathers
Cooper	Kefauver	Smith
Curtis	Kennedy	Sparkman
Dirksen	Kerr	Stennis
Douglas	Kuchel	Symington
Dworshak	Lausche	Talmadge
Eastland	Long, Hawaii	Thurmond
Ellender	Long, La	Williams, Del.
Engle	McCarthy	Williams, N.J.
Ervin	McClellan	Yarborough
Frear	McGee	Young, N. Dak.
Fulbright	McNamara	Young, Ohio
Goldwater	Magnuson	

NAYS—0

NOT VOTING—10

Bennett	Cotton	O'Mahoney
Bush	Dodd	Wiley
Capehart	Fong	
Carlson	Morse	

So Mr. ERVIN's amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion to lay the Case amendment on the table was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USE OF TELEVISION STATIONS BY CANDIDATES FOR THE PRESIDENCY

Mr. MAGNUSON. Mr. President, this afternoon, with regard to the introduction of a bill, I inadvertently sent to the desk a working draft of the bill. The Senator from Oklahoma [Mr. MONRONEY] wishes to make a statement to clarify the situation as to an error in the working draft.

Mr. MONRONEY. Mr. President, earlier this evening the senior Senator from Washington [Mr. MAGNUSON] introduced for himself and several other Senators a bill to provide for the use of TV broadcasting stations by candidates for the office of President of the United States.

In making a change in the bill, agreed to by the sponsors just before introduction, we inadvertently failed to change, in the copy introduced, related language in a subsequent section, which resulted in a misstatement of the time allocations which were intended.

The intention was to provide for two periods of 1 hour each week to be equally divided by the eligible candidates.

I ask unanimous consent to withdraw the bill now at the desk and substitute a corrected copy, and further ask that the corrected bill be printed in full at this point in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

The substitute bill (S. 3171) is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Campaign Broadcasting Act".

SEC. 2 (a) It shall be the obligation of each television broadcasting station licensed under the Communications Act of 1934 and each television network to make available without charge the use of its facilities as hereinafter provided to each candidate for the office of President of the United States who is the nominee of a political party whose candidate for that office in the preceding presidential election was supported by not fewer than 4 per centum of the total popular votes cast.

(b) Each candidate eligible under subsection (a) shall be entitled to one hour of time each week from each such station and network for eight weeks during the period beginning September 1 preceding election of any year in which a presidential election is being held.

(c) The time to which eligible candidates are entitled under subsection (b) shall be provided in prime viewing hours, and shall be scheduled in programs of one hour each, equally divided, without intervening commercial material, one of which shall be presented on Monday preceding the day of election.

(d) The Federal Communications Commission shall make arrangements for carrying out the provisions of this Act in cooperation with the networks and stations. Such arrangements shall provide that time provided under this Act shall to the extent possible be simultaneous in each time zone of the Nation. Where such time cannot be provided simultaneously any expenses incurred in recording and distributing such simultaneous broadcast for later use shall be borne by the candidates.

(e) Time made available under this Act may be utilized only by a candidate for President, except that at the election of such candidate for President the candidate for Vice President may utilize not to exceed two of the half-hour periods made available.

(f) No station or network shall be held responsible for the nonfulfillment of any contract heretofore or hereafter made because of its inability to carry out such contract by reason of the obligations imposed upon such station or network under this Act.

SEC. 3. A station or network shall have no power of censorship over material broadcast under the provisions of this Act.

SEC. 4. (a) The Federal Communications Commission shall make rules and regulations to carry out the provisions of this Act, including requirements for each station or network to report to the Commission, in such form and manner and at such times as the rules and regulations may prescribe, with respect to use of its facilities pursuant to the provisions of this Act.

(b) In determining whether public interest, convenience, and necessity will be served by the granting of a renewal of a license for the operation of a broadcasting station, the Commission shall give due consideration to the reports with respect to compliance with the provisions of this Act submitted to the Commission pursuant to subsection (a) of this section.

SEC. 5. The provisions of section 315 of the Communications Act of 1934 (47 U.S.C. 315) shall not apply in the case of the use of facilities without charge under the provisions of this act.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have listed among the cosponsors of the bill the distinguished Senator from Montana [Mr. MANSFIELD], and, if he is not already on the list, the Senator from Wyoming [Mr. MCGEE].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CASE of South Dakota. I ask that my name be added as a cosponsor.

Mr. MAGNUSON. Mr. President, I ask that the Senator from South Dakota be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 11 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I announce for the information of the Senate that we do not expect to have a late session tomorrow evening; and that after tomorrow evening, we will go over until Monday.

Mr. DIRKSEN. Mr. President, I should like to inquire of the majority leader whether we shall have a morning hour tomorrow.

Mr. JOHNSON of Texas. If it is desired. I shall ask unanimous consent for a morning hour; and if consent is granted, we will have a morning hour.

I announce that we do not expect to have any further rollcall votes this evening.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I offer an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may yield for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The LEGISLATIVE CLERK. On page 2, beginning with line 1, it is proposed to strike out all through line 22 and in lieu thereof insert the following:

§ 1509. Obstruction of court orders

Whoever, by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than 1 year or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

On page 2, in the matter following line 24, strike out "certain".

Mr. LAUSCHE. Mr. President, I have just now sent to the desk an amendment which I should like to have read and to have made the pending question.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may yield for that purpose, without losing my right to the floor.

The PRESIDING OFFICER (Mr. MCCARTHY in the chair). Without objection, it is so ordered.

Without objection, the amendment submitted by the Senator from Ohio will be read.

The legislative clerk read as follows:

On page 2, beginning with line 1, strike out all through line 22 and in lieu thereof insert the following:

"§ 1509. Obstruction of court orders

"Whoever, by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interferes with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

On page 2, in the matter following line 24, strike out "certain".

Mr. LAUSCHE. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio, without losing my right to the floor.

The PRESIDING OFFICER. Without objection——

Mr. ALLOTT. Mr. President, reserving the right to object——

Mr. JOHNSON of Texas. Mr. President, I withdraw my request.

I yield to the Senator from Ohio for a question.

Mr. LAUSCHE. Mr. President, I should like to ask the majority leader whether he understands that the amendment I have offered contemplates dealing with section 1 of the DIRKSEN amendment in the nature of a substitute.

If my colleagues have the bill before them, I can quickly point out to the Senator from Texas and to all the rest of my colleagues what my amendment will do.

In line 2, on page 2, my amendment will strike out the word "corruptly"—the second word in the line; and in line 4, the word "endeavors" will be changed to the word "attempts."

I propose that amendment because the language commonly used in criminal statutes is "attempts," not "endeavors."

Then my amendment will strike out all of the language in lines 8, 9, 10, 11, 12, and 13, and in line 14 the word "school"; all of that will be stricken out.

I can quickly explain to the majority leader, so he will be able to answer my question, what my amendment does. It makes this new criminal provision applicable to all persons who by threats or intimidation induce another to violate a court order.

Mr. JOHNSON of Texas. Why should the provision be applicable to one type of court order, and not to all?

Mr. LAUSCHE. That is exactly the principle I have in mind. I believe we would be making a mistake if we were to confine the section only to orders dealing with desegregation. I submit to my colleagues that if the section were confined only to orders dealing with desegregation, the Senate would be divisibly and improperly pointing its finger at only one section of the country.

This will be a new crime. All persons who by threats and intimidation induce another to violate a court order should be made subject to the provisions of this section. That is the purport of my amendment, and I believe it should be adopted, because then this section will deal alike with all persons, whether colored or white; all who, by threats or intimidation, induce others to violate such a court order will then be bound by and will be subject to the provisions of this section.

Mr. ALLOTT. Mr. President——

Mr. JOHNSON of Texas. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I shall not reserve the right to object to the unanimous-consent request if it is understood that a motion to adjourn will not be made before I have an opportunity to be recognized.

Mr. JOHNSON of Texas. Mr. President, the Senator from Colorado can be sure of that.

Mr. ALLOTT. If so, I have no desire to object.

Mr. JOHNSON of Texas. I may point out that I do not have a request before the Senate.

Mr. President, I yield to the Senator from Colorado for any purpose he may desire.

Mr. ALLOTT. Very well.

Mr. President, I should like to say a few words about the procedure engaged in by Senators, including my good friend, the Senator from Texas. There is no one for whom I have greater personal respect than I do the Senator from Texas; and there is no one whose ability I admire more than I do that of the Senator from Texas.

A few moments ago the Senator from Ohio propounded a parliamentary inquiry of the Chair. That inquiry was made at a time when it was impossible for any Member who was sitting in the back row in the Senate Chamber even to understand the Chair's announcement of the vote, prior to that time; and I still do not know what the result of that vote was. However, my vote on the subsequent yea-and-nay vote would have been the same, in any event.

But, Mr. President, before the roll was called and before the Senator from Vermont [Mr. AIKEN]—whose name comes first on the roll—voted, I sought recognition by the Chair. But I was shouted down; and, in particular, I was shouted down by the Senator from Louisiana, who said, "Sit down." And, Mr. President, I cannot recall but with pain that only a few days ago I listened to him for some 9 hours on the floor of the Senate.

Mr. President, I believe that all of us were sent to the Senate of the United States to be representatives, in our own capacity, of our States.

At the time to which I have referred, I had no desire to avoid a vote or to delay a vote.

The Senator from North Carolina [Mr. ERVIN] has at least three amendments, I believe, pending here. I have them before me now; and, in the first instance, it was my desire to ascertain what the Senate was voting on at that time. That was all I was endeavoring to ascertain.

Mr. President, if the Senate can be held in session 24 hours a day from Monday morning, at 9 or 10 o'clock, until 7 or 8 o'clock on Saturday evening, surely the Senate can have the decent courtesy to permit an individual Senator to propound a question, simply in order to ascertain the parliamentary situation before he casts his vote.

If the Senator from Ohio, who earlier today was sitting with me in the Chamber, and who is in the Chamber at this very moment, has any idea of what was the response of the Chair to his parliamentary inquiry, I am sure he is one of the few Members of the Senate who does have that information.

Because of the fact that I did address the Chair prior to the time when the call of the roll began—and I did so, not once, but three times—I claim the privilege of the courtesy due all Senators; namely, the courtesy of recognition

when, at a time when the Senate is not operating under a unanimous-consent agreement, a Member of the Senate desires to have an opportunity to ascertain the pending question, and particularly, in the instance to which I have referred, when a Senator desired to ascertain the answer given by the Chair to the parliamentary inquiry propounded by the Senator from Ohio.

In this respect I think I have been abused by at least some of my southern colleagues, and perhaps by other of my colleagues.

The Senator from Texas, who is on the floor at this time, and is now looking me squarely in the face, voted against the cloture motion, after the Senate had spent a week of 24-hour-a-day sessions debating this subject. Although I admire him and although I think he is regarded by all of us as one of the most able men in the country, I believe it comes with ill grace for any Member of the Senate to be shut off or prevented from simply ascertaining the ruling of the Chair, by having Members of the Senate shout down that Senator.

Mr. President, I am sorry that was done by one or two of my very good southern friends—and most of them I do regard as my friends—and by some other Senators. I think some of the Senators who are accustomed to sitting in the front seats in this Chamber are not acquainted with the fact that those who have been here a shorter time have a very difficult time hearing in the back row of the Senate. The Senate has consistently refused to put in loud speakers, and that is all right with me. I do not mind that at all. If that is the wish of the Senate, it is perfectly all right with me. But I do want to say that when a Senator in this Chamber is trying to secure recognition before the first answer has been given, the rollcall, in accordance with all precedents of the Senate—all precedents of the Senate—is called off until that Senator has an opportunity to be recognized.

It would not have changed my vote. It did not change my vote, although I must say that every emotion that prevails in the human body would have prevailed on me to change it. But I do say when you have listened to Senators debate one subject for 24 hours a day, from Monday morning until Saturday night, a simple answer from the Chair, which would involve a matter of not more than 10 seconds, is not too much of a demand for a single Senator to make in this Chamber. I cannot let the Senate adjourn without stating my position.

I want to say this: I am anxious to get this matter determined, too, and there are no ranklings in my nature because I happened to vote on the losing side of one main question which concerned us today, or two main questions, perhaps. However, I want to say there is no question that the Senator from Colorado was trying to get recognition from the Chair, and that he was shouted down by Senators in the front row, and by the Senator from Louisiana, who said, "Sit down."

I did not say, "Sit down" to him when he talked 9 hours. Let us find out who wants to talk and who wants to really believe in free debate in this assembly. I did not say to him "Sit down" when he talked for 9 hours; and I did not say "Sit down" to him when he talked 1 hour, or 2 hours, or 3 hours, or 4 hours. And it comes with ill grace when a Senator cannot simply ask, because of confusion in the Senate, what the ruling of the Chair has been on a matter which is prevailing before the Senate.

I should like to propound a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. What ruling did the President of the Senate, or the Chair, make—I am not sure he is the same one; I think he is—to the Senator from Ohio when he propounded his parliamentary inquiry to the Chair?

The PRESIDING OFFICER. That an amendment to strike out and insert would be in order.

Mr. ALLOTT. I beg the Chair's pardon?

The PRESIDING OFFICER. That the amendment which the Senator from Ohio indicated he would offer would be in order.

Mr. ALLOTT. I thank the Chair for announcing the ruling. It is the first indiction I have had as to how the Chair had ruled.

I want to conclude my remarks with the statement that, at a time when some of our colleagues are holding up the white banner of freedom of debate and speech, it comes with ill grace to shout a Senator down to keep him from getting a simple answer, merely because some Senators want to go to a dinner. I can appreciate their interest therein, because I have also wanted to get to some. It would have taken 10 seconds to answer the question of the Senator from Colorado, and we have been spending a whole week listening to speeches.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I want to yield to all my colleagues, but first I want to make a brief statement relative to the observations made by the Senator from Colorado.

First of all, the Presiding Officer of the Senate, under the Constitution, is the Vice President. I do not assume any responsibilities for the decisions of the Chair, even though frequently the chair is manned by Members of the Senate. That is my first point.

My second point is that I am not responsible for the commotion that may have been created in the general vicinity of the Senator from Colorado, or in the front row, or in the back row. I do not want to assume the obligation of seeing to it that the Senator from Colorado always knows what is happening; and I am certainly not going to assume the obligation for his hearing each remark made in the Senate. If anyone shouted him down, I am willing to express deep sympathy and apologize for it. I did not hear it. All I knew was that every Member of the Senate was willing to accept the amendment offered by the Senator from North Carolina, but a rollcall was demanded.

I do not have any dinner engagements. I do not make them, because I expect these events may transpire after 9 o'clock. They frequently do occur when we remain in session in the evening. We have just seen a good display of it. So for that reason I do not inconvenience people by accepting dinner invitations.

I do not know why the Chair did not recognize the distinguished Senator from Colorado. If the Senator addressed the Chair, if he sought recognition, and if he was in order, I would hope he would be recognized.

The PRESIDING OFFICER. The Chair will state that the regular order had been called for, and the first name on the rollcall had been called.

Mr. JOHNSON of Texas. I remember something that happened at a convention. Some of our colleagues did not know a rollcall could not be interrupted. Once a rollcall has been started and an individual has answered, a rollcall cannot be interrupted.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. Yes, I yield.

Mr. ALLOTT. I have great respect for my friend in the Chair, but I cannot let this statement of fact stand. The rollcall had not commenced, and the first answer had not been given, when I sought recognition, and I sought it on three different occasions before the first name was called, and it was called on some insistence by the leadership in the Senate. I simply want to say it is a statement which I cannot let go by without refuting. I did seek recognition. I sought it on three separate occasions. But on the insistence of those who wanted to get away, I suppose, and of others, the rollcall was started even when I was seeking recognition. I cannot accept this statement. I will not accept it. It is not consistent with the facts, and I cannot accept it on that basis.

The PRESIDING OFFICER. The Chair will state that when the Chair noted the Senator from Colorado was seeking recognition, he noted that the regular order had been called for, and the first name on the roll had been called and had been answered.

Mr. JOHNSON of Texas. Mr. President——

Mr. ALLOTT. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. JOHNSON of Texas. Yes. I want to make some statements relative to Presiding Officers generally.

Mr. ALLOTT. I will withhold my statement.

Mr. JOHNSON of Texas. I intend to move to adjourn when I finish. I will yield to the Senator if he wants to talk.

Mr. ALLOTT. Mr. President, I should like to ask a question of the Presiding Officer. Is it not a fact that in numerous instances in the Senate, when various motions have been set in order and it has been found a Senator has been seeking recognition, which Senator

the Presiding Officer had not noticed, those motions were in effect backtracked until the Senator had achieved recognition?

The PRESIDING OFFICER. The decision would depend upon the point at which the Chair had noted the Senator was seeking recognition. If the Chair noted the Senator was seeking recognition after the call of the roll had been properly started, it would be entirely in order to continue with the call of the roll, as the Chair insisted in this instance.

Mr. ALLOTT. Is the Presiding Officer in doubt as to whether the Senator from Colorado was seeking recognition before the call of the roll was started?

The PRESIDING OFFICER. The Chair will simply repeat the statement made before. The Chair believes it is beyond challenge from the Senator from Colorado.

Mr. ALLOTT. The what?

The PRESIDING OFFICER. The Chair would simply repeat the statement made before. At the time the Chair noted the Senator from Colorado was seeking recognition, the call of the roll had already begun, and the first name on the roll had been answered.

Mr. ALLOTT. I will say, Mr. President, I have high respect for the present occupant of the chair. I regard him as a good friend.

I cannot accept this as a fact. It may be a fact that the Presiding Officer had not noticed the Senator from Colorado, but it is a fact that the Senator had already addressed the Chair three times in an attempt to gain recognition.

I should now like to address myself to a more pertinent matter before the Senate, since I would not want to injure any friend.

A while ago I reserved the right to object to a reading of an amendment of my friend from Ohio, who is now in the Chamber.

Mr. President, I do not object to the reading of that amendment. The only reason I objected at the time was to reserve my rights, to state my position in the matter, because I feel I did present myself in the Senate with a right to recognition, simply desiring to find out what was occurring in all the hubbub and noise.

I do not wish to object to the unanimous-consent request which the Senator from Ohio previously presented in the Senate.

Mr. JOHNSON of Texas. Mr. President, I do not care to carry on this discussion. I think it speaks pretty well for itself, for anyone who has observed it. Every Member of the Senate can draw his own conclusion.

I will say that the full membership of the Senate has to contribute freely of its time to preside over the Senate. It is very often true that Senators are unable to obtain the order each Member desires. But I hope that none of us seriously questions either the good judgment or the character or the integrity of the Presiding Officers.

The constitutional Presiding Officer of the Senate is the Vice President. When the Vice President presides, I always find he treats both sides fairly. I always welcome his presence in the chair. If the Vice President cannot be present, then we do the best we can to find substitutes for him, if he is more profitably engaged in other endeavors.

Mr. President, if there is no other business to come before the Senate——

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Ohio.

Mr. LAUSCHE. I request, Mr. President, that the amendment which was read be printed so that it will be available for Senators.

The PRESIDING OFFICER. The Chair will announce that under the rule this would take place automatically.

Mr. STENNIS. Mr. President, will the Senator yield for 1 minute?

Mr. JOHNSON of Texas. I yield.

Mr. STENNIS. Mr. President, I will say to the Senator from Colorado and to the Senate, with reference to the remark said to have been made by the Senator from Louisiana [Mr. LONG], that I was sitting near the Senator at that time. I had no conversation with him about the remark, but where I was sitting and where he was sitting I think the impression was, definitely, that the call of the roll had been started, that the first name had been called and a vote had been cast, when the Senator from Colorado first addressed the Presiding Officer. That was very definitely my impression.

I noticed the Senator from Colorado at the time, and I remembered how very pleasant he was in the Chamber the other night, in the wee hours, when we were all debating this matter—the Senator from Louisiana, the Senator from Colorado, and the Senator from Mississippi. That was what really called my attention to the incident.

Very definitely, where we were sitting, the impression was that the call of the roll was in progress. I believe that was what prompted the Senator from Louisiana to make whatever remark he made.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Colorado.

Mr. ALLOTT. I appreciate those kind words from my friend from Mississippi, who is a fine lawyer and a fine gentleman. However, I will say that at the time the remarks were made the call of the roll had not commenced. I want to make this clear, because upon this fact I will not yield 1 inch. That is the way I feel about it. Perhaps we had better leave it that way.

Mr. LAUSCHE. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. Mr. President, I would like to make a comment first.

It may be that the Senator did not recognize the call of the roll had been started. If the Senator could not hear other things being said, perhaps he did not recognize that. I was under the impression that the call of the roll had started and that the Senator from Vermont [Mr. AIKEN] had answered his name. Other Senators share that impression; it may be everyone is out of step except the Senator from Colorado.

Mr. ALLOTT. I will say this to the Senator from Texas: I have never been accused of being hard of hearing. There is nothing wrong with my hearing. In fact, no one ever accused me of that. Some of my friends have accused me of having too acute hearing.

I cannot back down and I shall not back down upon the facts as they occurred.

I would not accuse the occupant of the Chair of any bad faith in this matter. It simply would not occur to me to leave that implication upon him. I will say that three times before the first name was called I did seek recognition by the Presiding Officer, simply to find out what was the ruling, and I did not find it out until a few moments ago.

I will say further to the Senator from Texas—I repeat it again—there is no man in this Senate for whom I have greater respect for his ability than the Senator from Texas. Perhaps the Senator has sat in the front seat so long he has forgotten about the confusion which exists around all the back seats of the Senate, with all our helpers and all our assistants in the Chamber, when we try to hear what is going on.

Mr. JOHNSON of Texas. I will say to the Senator, I have not forgotten it.

Mr. ALLOTT. It gets to be very difficult.

Mr. JOHNSON of Texas. I have not forgotten it, but if it had slipped my memory momentarily I would certainly have had adequate reminder of it this evening.

I am the first to admit that sometimes there is considerable confusion on the back row.

I now yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I hold the Senator from Colorado and the Senator from Minnesota in the highest of esteem. I am obliged to say there was confusion on the floor when this incident occurred. When I put the parliamentary question it was not answered immediately because the Senator from North Carolina [Mr. ERVIN] wanted to answer it. I thought the Presiding Officer ought to answer the question. When the Presiding Officer did answer, he stated that my amendment would be in order. I did understand the Presiding Officer to say that, and it was then that further discussion occurred.

I am not able to say exactly what the situation was with respect to whether the call of the roll had begun or not. I want to repeat, however, I hold the Senator from Colorado in the highest of esteem and I hold the Senator from Minnesota in a similar level of esteem. I think if it had not been for the confusion which occurred this exchange of words would not have developed.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. KUCHEL. I wonder if my friend would permit a temporary occupant of the front row to suggest that confusion in the Senate Chamber is not confined to those who sit in the back row.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. MANSFIELD. It is my impression that the Presiding Officer acted correctly, and with great circumspection. I believe he made his ruling twice.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. JOHNSON of Texas. I yield.

Mr. CASE of South Dakota. What would happen if the Senator from South Dakota should ask for the regular order?

The PRESIDING OFFICER. The Chair would invoke the regular order. The question would be on agreeing to the amendment offered by the Senator from Ohio [Mr. LAUSCHE] to the so-called Dirksen substitute, as amended.

Mr. JOHNSON of Texas. Mr. President, I am prepared to move that the Senate adjourn. I shall be glad to yield to any Senator for as long as he desires.

Mr. HART. Mr. President, because of scheduled commitments for tomorrow, I regret that I must make a rather extended statement at this time. I hope that the motion to adjourn will be withheld until I have had an opportunity to be heard.

Mr. JOHNSON of Texas. I yield to the Senator.

Mr. HART. Mr. President, at this time I should like to analyze the so-called referee proposal.

Mr. President, I have watched with keen interest the growing consensus in this body for the enactment at this session of a meaningful bill to remedy the systematic disfranchisement of vast numbers of Negro citizens. Ninety years after the adoption of the 15th amendment the continuing disfranchisement of Negro citizens is a public tragedy which, perhaps more than any other shortcoming of our governmental system, damages the reputation and lessens the respect of the world for the United States. Because I believe that guaranteeing the right to vote to all our people, regardless of their race or color, is of paramount public importance, I proposed in August of last year, even before the report of the Civil Rights Commission, a congressional elections bill. Under that bill, S. 2535, Congress would, for the first time in our history, exercise its constitutional right to conduct congressional elections in any area where there continues to be radical disfranchisement of qualified citizens.

My purpose today is not to discuss the congressional elections bill. What I do propose at this time, Mr. President, is to analyze the so-called referee proposal offered by the Attorney General as his suggestion for a remedy against the continuing disfranchisement of Negro citizens. In my view, Mr. President, and I believe I express that of many of my colleagues, the referee proposal is a wholly inadequate remedy against the systematic disfranchisement of American citizens. As I see it, nothing but a systematic remedy will cure a systematic evil. We are faced with systematic mass disenfranchisement. What we need is a systematic method for mass enfranchisement. The report of the Civil Rights Commission discloses that disfranchisement of Negro citizens is a systematic practice in certain areas of this country. To cite just one example, Mr. President, the Commission found that there are 214,213 Negroes living in 57 counties where not a single Negro has succeeded in registering for elections. Here are 214,213 undeniably disfranchised American citizens.

Now it seems clear that nothing but a direct and systematic administrative remedy can provide meaningful opportunity to these 214,213 citizens to become enrolled for elections in the face of the stubborn refusal of State officials to permit them to become enrolled.

Mr. President, it is precisely such a direct and systematic administrative remedy which was proposed by the Civil Rights Commission. The Attorney General's referee proposal turns its back on any real relief against the systematic disfranchisement of vast Negro populations. Instead of quick and effective relief to end this national tragedy, the Attorney General proposes the same ineffective judicial remedies which have not for 90 years benefited more than a handful, and would not under the referee proposal benefit more than a few persons here and there. In my opinion, Mr. President, the judicial referee proposal is not an effective remedy against massive racial disfranchisement, rather it is but a timid and halting case by case approach to a problem which is much too large and too immediate to be approached in such fashion.

THE DEMONSTRATED NEED FOR AN ADMINISTRATIVE SYSTEM OF FEDERAL REGISTRATION AS A REMEDY TO SYSTEMATIC RACIAL DISFRANCHISEMENT

In 1957, the Congress expressed its concern with continuing racial disfranchisement in certain areas of the country, by the establishment of a Civil Rights Commission. The Commission was empowered to investigate matters of voting denial. The Commission did conduct extensive investigations of the denial of voting rights to persons because of their race or color.

In September of 1959, the Commission published its unanimous findings. What did they report? All six of the Commissioners, including the three Southern members of the Commission, found that racial disfranchisement is being practiced against Negro Americans, not sporadically and incidentally here and there, but in a wholesale fashion. The Commission found that Negro citizens, qualified to vote and fully literate, were held not qualified and not literate by State registration officials who are using every device within their power to find Negro applicants ineligible for enrollment.

One member of the Civil Rights Commission, Rev. Theodore M. Hesburgh, the president of the University of Notre Dame, has given us a vivid description of the experiences of the Commission and in language less formal than in the Commission's report. He tells us of "literally millions of people qualified to vote who were not able to vote." Then he says: "We all knew that something must be done about this situation and done as simply and quickly and as cleanly as possible—that is how we came up with the idea of Federal registrars."

The remarks by Father Hesburgh made at South Bend, Ind., on February 14, 1960, should be read by all of us.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks excerpts from Father Hesburgh's address.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM FATHER HESBURGH'S LUNCHEON ADDRESS AT THE CIVIL RIGHTS CONFERENCE, SOUTH BEND, IND., FEBRUARY 14, 1960

There wasn't a man of us who did not recognize that there were literally millions of people qualified to vote who were not able to vote and probably would not be able to vote for the next President of the United States, much less for their Senators, Congressmen, and State officials. We had seen some of these people. These weren't units to us. They were flesh and blood people. Some of them were veterans with long months of oversea duty and decorations for valor in service. Some of the people were ministers. Some of them were college teachers. Some of them were lawyers, doctors. All of them were taxpayers. Some were mothers of families who were hard pressed to tell their children what it is to be a good American citizen when they could not vote themselves. All of them were decent, intelligent American people, and yet they could not cast their ballot for the President of the United States.

Some had gone through incredible hardships in attempting to register and had been subjected to incredible indignities. I don't know if any of you in this room have had to go through this experience, but even vicariously we had to go through it in listening to their tales. They would go to a courthouse and instead of going in where the white people registered, they would have to go to a room in the back where they would stand in line from 6 in the morning until 2 in the afternoon, since only two were let in at a time. Then people with Ph. D.'s and master's degrees and high intelligence would sit down and copy like a schoolchild the first article or the second article of the Constitution. Then they would be asked the usual questions, make out the usual questionnaire, hand in a self-addressed envelope, and hear nothing for 3 months. And then they would go back and do it over again, some of them five, six, or seven times, some of them standing in line 2 or 3 days until their turn came.

All of us—I'm sure I speak now for not just myself, but for the southerners and the northerners, the Democrats and the Republicans—we all knew that something must be done about this situation and done as quickly and as simply and as cleanly as possible. I think we really came up with two solutions. One of them appears as a recommendation approved by five members of our Commission, and the other is a suggestion—I don't know what official term you would put on it since it was only approved by the three northern members of the Commission. The recommendation had to do, as you all know, with Federal registrars. Our reasoning was very simple on that point. We simply said that if it was a well-known fact, as I think we had established it, that there were people well qualified to vote—much better qualified indeed than many people now voting in these same localities—then there should be some mechanism known to man whereby this vote could be obtained. And if, as we had demonstrated, it was impossible for these people to vote now—literally impossible under present circumstances, with all the ingenuity humankind

will employ to keep a person from doing something they don't want him to do—then it was the duty of the Federal Government under the 15th amendment of the Constitution to see that some means were taken to allow these people to vote. And we felt that this means should not involve great expense. It should not involve human indignity or the fear of reprisal or economic sanctions against these people who want to vote. Somehow these people almost should be embraced by the Federal Government and allowed a little extra privilege, if you will, because of the indignity they have had to endure already in trying to exercise their primary right as citizens. That is how we came up with the idea of Federal registrars.

It was not our thought that this would be an end-all, that this would clean up the situation for all times, but at least we thought that this was an imaginative, creative approach to see that what could not be done on the State level, would at least be assured on the Federal level. We thought that this was in keeping with the Constitution of the United States. I think we demonstrated in our own common act of making this recommendation that this is not a partisan problem in any sense of the word. This is not a Democratic or a Republican issue. It is an issue of the U.S. Constitution, an issue to which every American should be committed, an issue on which the finest intelligence in our land should be prepared to study and act.

So the little Commission that really didn't look like very much to us in the beginning, and looked less like anything potent to us as we went along our way, came up with a kind of bombshell, it seems. As a result, all of us are here today and have had this very intricate and involved legal discussion this morning about the ways and means of accomplishing this end to which we all are committed.

Mr. HART. As Father Hesburgh emphasizes, the Commission did not rest with its finding of systematic disfranchisement. It recommended positive and effective legislation to cope with the continuing massive violations of the 15th amendment. The Commission recommended the establishment by Congress of Federal registrars who could quickly, efficiently, and systematically register American citizens who are being disfranchised.

It is important, Mr. President, to note that the Commission's recommendation for Federal registrars, rather than further judicial remedies, was not arrived at lightly or unthinkingly. On the contrary, the Civil Rights Commission's recommendation for a system of administrative officers conducting the ministerial function of enrolling voters represents the choice by the Commission of the most effective means to redress the systematic practices of disfranchisement which they found are carried on today. Experience with the normal course of judicial proceedings confirms the wisdom of the Commission's approach. Why go the way which is marked with delays? Preparation of the case, preparation of pleadings, counterpleadings, motions and countermotions and hearings thereon, the time for presentation of evidence by adverse parties, post-trial motions, the delays of appeal to one or more higher courts, all confounded and compounded by congested court calendars will result in postponements far beyond the time of the election.

Here is one of the many cases documented in the Civil Rights Commission's report:

Mr. Mitchell, though a Negro, was not among the complainants, for he himself was a registered elector of Macon County. But, before becoming a voter, he had been required to make three visits to the Macon County Board of Registrars, two appearances before a Federal trial court, two appeals to the fifth circuit court, and one petition to the Supreme Court of the United States. His efforts extended over 3 years.

Additional cases covered by the Commission's report disclose similar experiences. Thus, Mr. Aaron Sellers of Bullock County, Ala., brought a suit, together with three other plaintiffs, in 1954, to secure registration as a voter. The court held in his favor but when he sought to be registered under the terms of the decree he found that the board had resigned. Despite repeated efforts since that time, when new boards were constituted and did register some white people, Mr. Sellers still was not registered in December of 1958. Court decrees, addressed to named parties defendant have been avoided through resignation action such as this. Similar cases occurred in Madison and East Carroll Parishes in Louisiana. Dr. Reddix, of Ouachita Parish, La., has been involved in litigation to secure the right to vote for several years. His suit was brought in his own behalf and in behalf of members of his own race and class. Despite two trial court hearings, and the reversal of the trial court's original unfavorable decision by the Fifth Circuit Court of Appeals, Dr. Reddix is not registered at the present time.

Clearly, as the Commission specifically pointed out:

Some direct procedure for temporary Federal registration for Federal elections is required if these citizens are not to be denied their right to register and vote in the forthcoming national elections (p. 141).

Conceding that "the new Federal powers provided by the act of 1957 have not been thoroughly tested—page 132—the Commission was constrained to report that "in terms of securing and protecting the right to vote the record of the Department of Justice's Civil Rights Division under the Civil Rights Act of 1957 is hardly more encouraging than it was before"—page 131. At the heart of the Commission's view was the fact that "no one had yet been registered through the civil remedies of the 1957 act"—page 140.

By recommending administrative procedure, the Commission avoided placing increased burdens upon our already heavily taxed Federal courts. By this I mean not alone the burden of the crowded dockets, but also the burden of adverse social pressures reasonably to be anticipated in the wake of an unpopular, though correct decision.

The Commission—page 556—refers to the inaction on the part of the legislative and executive branches of the Federal Government. At page 141 of its report the Commission said:

Because of the importance of the matter, such a temporary Federal registrar should be appointed directly by the President of the United States.

There is no question that the Commission's recommendation for a system of executive redress rather than further judicial remedies reflected the Commission's awareness of the fact that 90 years of judicial remedies, and what is now almost 3 years of judicial remedies with the assistance of the Attorney General himself, have failed to provide any real relief against continuing massive denial of voting rights to Negro Americans. The very gist of the Commission's recommendation is that the time has come for Congress and the Executive, rather than the overburdened courts, to assume the responsibility for providing a quick, a thorough, efficient, and systematic remedy for vast Negro populations presently denied participation in the democratic process.

CONGRESS HAS UNQUESTIONED POWER TO ENFORCE THE 15TH AMENDMENT BY A SYSTEM OF FEDERAL ENROLLMENT

Congress has unquestioned power under the 15th amendment to fashion any effective remedy it desires to enact against the denial of voting rights. The Supreme Court stated as long ago as 1875, in *U.S.* v. *Reese* (92 U.S. 214, 217), as concerns the protection of the 15th amendment:

The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide. These may be varied to meet the necessities of the particular right to be protected.

Mr. President, there is a definitive analysis by the U.S. Supreme Court of congressional enforcement power under the 13th and 14th, as well as the 15th amendments. This analysis seems to me so pertinent to the pending question concerning the protection of voting rights, and so definitive on the preemptive power of the Congress to protect the rights secured in the 13th, 14th, and 15th amendments, that any elaboration is unnecessary. As the Court stated in *Ex Parte Virginia* (100 U.S. 339, 344–46 (1879)):

One great purpose of these amendments was to raise the colored race from that condition of inferiority and servitude in which most of them had previously stood, into perfect equality of civil rights with all other persons within the jurisdiction of the States. They were intended to take away all possibility of oppression of law by race or color. They were intended to be, what they really are, limitations of the power of the States and enlargements of the power of Congress. They are to some extent declaratory of rights, and though in form prohibitions, they imply immunities such as may be protected by congressional legislation.

All of the amendments derive much of their force from this * * * provision (for congressional enforcement by means of appropriate legislation). It is not said that the judicial power of the General Government shall extend to enforcing the prohibitions and to protecting the rights and immunities guaranteed. It is not said that branch of the Government shall be authorized to declare void any action of a State in violation of the prohibitions. It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to

enforce submission to the prohibitions they contain * * * if not prohibited, is brought within the domain of congressional power.

Nor does it make any difference that such legislation is restrictive of what the State may have done before the constitutional amendment was adopted. The prohibition of the 14th amendment (and of the 15th amendment) are directed to the States; and they are to a degree restrictions of State power. It is these which Congress is empowered to enforce against State action, however put forth, whether the action be executive, legislative, or judicial. Such enforcement is no invasion of State sovereignty. It is said * * * the administration of her laws belong(s) to each State; that they are her rights. This is true in the general. But in exercising her rights, a State cannot disregard the limitations which the Federal Constitution has applied to her power. Her rights do not reach to that extent. Nor can she deny to the General Government the right to exercise all of its granted powers, though they may interfere with the full enjoyment of rights she would have had if these powers had not been thus granted.

It is clear, Mr. President, that there is ample power specifically given to the Congress in the 15th amendment to secure the right to vote. It is clear that where that right is systematically being denied to Negro citizens, the Congress can fashion systematic remedies without recourse to the burdens and delays and piecemeal case-by-case limitations of the Federal courts.

Federal officials collect taxes, take the census, conduct registration for military service and operate efficiently and effectively in many fields. There is absolutely no reason why Federal officials may not with the same efficiency and directness register voters who are unable locally to register because of their race or color.

THE JUDICIAL REFEREE PROPOSAL

The Civil Rights Commission's bipartisan report and recommendations were issued in September 1959. The proposals for the establishment of Federal registration machinery were immediately put before the Congress in bills introduced by Senator HUMPHREY, Senator MORSE, Senator JAVITS, and others. Meanwhile, the administration remained completely silent. If there was any support for the findings and recommendations of the Civil Rights Commission within the administration itself there is no indication of that fact anywhere in the public record.

Indeed, the very first administration response to the Civil Rights Commission recommendation was by the President himself. At a press conference in January of this year, the President expressed doubts concerning the constitutionality of the proposal for Federal registrars. The President's doubts are all the more remarkable for the fact that neither the Attorney General, nor anyone else in the administration, has yet to come up with anything in the registrar proposal which is in any way unconstitutional.

The next development was the proposal for Federal court referees in January of this year by Attorney General Rogers. Instead of Federal registrars who could enroll large groups of disfranchised citizens, the Attorney General would have such citizens go to the courts to obtain registration. Basically, the procedure requires applicants for registration before referees to demonstrate they are qualified to vote. It also requires that they "have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote." It is also clear from the language of the pending proposal that still a third appearance will be required since the bill states that the referee report "shall be reviewed by the court." Both Attorney General Rogers and Deputy Attorney General Walsh indicated in testimony before the Senate Rules Committee and the House Judiciary Committee that in the course of the court's review, and before the court can implement the referee's findings by its own order, the State would have opportunity of full judicial hearing with witnesses and cross-examination. As I will note later, delay compounded is the result to be expected from the referee proposal.

THE ATTORNEY GENERAL AND THE COURTS ALREADY HAVE ALL THE AUTHORITY REQUESTED IN THE JUDICIAL REFEREE PROPOSAL

As I see it the Attorney General and the courts already possess all of the powers for which the Attorney General is asking in the referee proposal. The Civil Rights Act of 1957 authorizes the Attorney General in a proper case to institute for or in the name of the United States "a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order" (42 U.S.C., sec. 1971 (c)). Though under the Federal Rules of Civil Procedure there is but one form of action, the rules do not in fact abolish the difference in substance between legal and equitable remedies—*Bradley* v. *U.S.* (214 F. 2d 5 (5th Cir. 1954))—and equitable relief will be accorded where the record shows that the parties are entitled to equitable relief. Since the Civil Rights Act authorizes the Attorney General to seek equitable remedies in a civil action, the court entertaining such an action may exercise all of its traditional equity powers.

Courts of equity are flexible and can adapt their decrees to the varieties of circumstances which may arise and adjust them to the peculiar rights of the parties in interest—*Alexander* v. *Hillman* (296 U.S. 222, 239 (1935)). As Story pointed out in section 28 of his "Equity Jurisprudence," 14th edition, courts of law must limit their inquiries to the parties before them, even though others may be vitally interested in the outcome of the suit, but courts of equity can bring before them all, however numerous. That Story's observation is still valid is borne out by rule 71 of the "Federal Rules of Civil Procedure," which provides:

When an order is made in favor of a person who is not a party to the action, he may enforce obedience to the order by the same process as if he were a party; and when obedience to an order may be lawfully enforced against a person who is not a party, he is liable to the same process for enforcing obedience to the order as if he were a party.

When the Attorney General brings an action under section 1971(c) of the 1957 act against State registration or voting officials, the individuals whose voting rights have been infringed are not parties to the action, and indeed all whose rights have been infringed may not be known. With respect to those who are known, one of the necessary duties of the Court is to determine whether they are actually qualified to register and to vote under the provisions of the applicable State laws. If the Court finds that they are, there can be no doubt that an order to the appropriate State officers to permit them to register or to vote is proper.

But since the Civil Rights Act authorizes the Attorney General to seek not only a permanent or temporary injunction or restraining order, but also any other order, it is proper for the Attorney General to seek an order retaining the case on the docket with the right to seek additional relief if deprivation of voting rights continues—*Hecht Co.* v. *Bowles* (321 U.S. 321, 328 (1944)). Indeed with regard to school segregation the Supreme Court has expressly directed the lower courts to retain jurisdiction of the cases in order that they may consider the many problems which enter into the establishment of a system of admission to public schools on a nonracial basis—*Brown* v. *Board of Education* (349 U.S. 294, 300–01 (1955)).

Finally, the "Federal Rules of Civil Procedure," rule 53(b) provides for the use by the Federal courts of masters and referees. It is true that the rule provides that in cases to be tried without a jury, masters and referees shall be used only "upon a showing that some exceptional condition requires it." But surely, the systematic disfranchisement of qualified voters under a pattern or practice pursued by State officials could constitute an "exceptional condition." For instance, it has been held that where numerous persons are to be examined in proceedings supplementary to an original decree, reference to a judicial master is proper—*Blair* v. *Bank of America* (112 F. 2d 247). Moreover, under rule 53(b) and rule 53(e, 2) the court must accept the master's findings of fact unless clearly erroneous.

It is clear, therefore, that there is ample present authority in the law for using judicial referees to find facts for the court where the persons involved are numerous and the burden upon the court itself would otherwise be too great. It is also clear that there is nothing novel in the Attorney General's suggestion that the referees' findings shall be accepted unless clearly erroneous; this too is already in the law. Indeed, the Attorney General himself has conceded that the courts have today the authority for which he is asking the Congress in the referee proposal, even in suits brought by individuals. In testifying before the Senate Rules Committee upon his referee proposal, the following colloquy ensued between Attorney General Rogers and Senator HENNINGS—page 359 of "Hearings on Federal Registrars," February 5, 1960:

The CHAIRMAN. I know that in your examination of civil rights laws, some of them

having been on the books for 90-odd years, that you have noticed that individuals may bring suits for equitable relief when they are subjected to disenfranchisement because of race.

Is there any reason under present law that a decree may not be issued which would be of great assistance to those in need to obtain registration by court decrees without further legislation?

Attorney General ROGERS. It is rather difficult to answer a general question of that kind. I think, as I say, the Giles case suggests there is a problem there. I think that cases since that time suggest that in some cases the device of a class action brought by a private party might be effective. I don't think that a court would grant a private party this kind of relief in a class action, but I think it is possible.

It is remarkable, Mr. President, that all this time and attention should have been focused upon a judicial referee proposal by Attorney General Rogers which he himself has to concede contains nothing not already within the power of the courts. I submit, Mr. President, we need something far more bold and effective than a judicial referee proposal, for which no legislation is needed in any event. Congress has ample power to enact not judicial referee provisions, which are already in the law, but a speedy, efficient, and systematic method of Federal administrative enrollment for masses of disfranchised Negro citizens.

THE REFEREE PROPOSAL WOULD CREATE DELAY, DANGER, AND DISCOURAGEMENT FOR NEGRO APPLICANTS FOR REGISTRATION

It is clear, Mr. President, that for disfranchised Negro citizens the referee proposal would create only delay, danger, and discouragement rather than a systematic remedy against disfranchisement.

The proposed measure is replete with delays at every point of the process. In order to have a referee appointed a court would first have to find a pattern or practice of racial disfranchisement in the community involved. This requires not only the prior trial of the case in which the pattern or practice finding might be made, but possible subsequent appeals to the courts of appeals and the Supreme Court. It is therefore an optimistic assumption, indeed, that any voting referee could be appointed before the 1960 elections and the 1962 elections have been concluded. Yet, in matters of elections "justice delayed is justice denied" because once the election is over the right to vote in that election has been lost forever. It is not clear to me, Mr. President, why vast numbers of disfranchised American citizens whose plight has been amply examined and found to exist by the Civil Rights Commission, should be relegated to a judicial remedy which cannot even begin to operate until two more national elections have run their course.

But the 2- or 3-year delay before the appointment of any referee is a calculation based on the assumption that the Attorney General will actually file numerous lawsuits in areas where racial disfranchisement is today being practiced. Even this is an optimistic assumption. Although the Civil Rights Commission found racial disfranchisement to be practiced in vast numbers of localities, and at a conservative estimate hundreds of thousands of qualified Negro citizens are today being denied the right to vote, the present Attorney General has filed but four lawsuits since 1957 to obtain enrollment for persons who have not been permitted to register. While hundreds of thousands of persons' voting rights are being denied forever, the Attorney General has used his powers for what is but a handful of eligible voters.

In any event, the delay prior to the appointment of any referees is just the beginning of the delays in the referee proposal. Even after a referee is appointed, a Negro applicant in the community where a pattern of discrimination is being practiced must first go to the hostile State officials, perhaps stand in line for days before he can even see a State registrar, and be subjected by such State officials to the useless embarrassment of trying to meet voter qualification tests designed to bar Negro voters. Then the applicant would have to appear before a judicial referee and try once more to prove his qualifications. Yet even if the referee is convinced that the applicant is qualified, still he is not yet made eligible to vote. Instead, the whole matter is then referred to the district court. The court must hear evidence and make findings and issue decrees for hundreds or even thousands of disfranchised citizens in order to enable them to vote. By the time the issues have been contested by the State before the judge for each individual applicant, including the possibility of appeals from the district court, it is a fair estimate that one or two more national elections will have passed before any disfranchised Negro would obtain his right to vote under the pending judicial referee proposal. The result of these cumulative delays, Mr. President, is to suggest that at least 5 or 6 years and three or more national elections will have passed before this referee proposal would vindicate the right to vote of a single one of the hundreds and thousands of presently disfranchised Negro Americans.

But not only is there delay in the referee proposal; there is also danger for the Negro applicant. In the very areas and counties where Negroes are now being denied the right to vote they represent the poorest economic class in the community. As such, they are subject to every pressure that the white community can impose upon them. Certainly the danger of such community pressure by employers, by banks, by creditors, and by white citizens councils, is heightened by the Attorney General's proposal that every Negro has to become a court case before he can obtain the right to vote. Every Negro is thus subject to the maximum glare of publicity and community hostility when he is called as a witness and put on the stand by the State which would challenge his eligibility to register prior to the election.

The economic pressure exerted upon Negroes attempting to vote was dramatically demonstrated at a recent Washington conference. In one Tennessee county, members of an organization to push for the right to vote have suffered economically "with some tenant farmers being forced by their landlords to move and others being denied bank loans and credit." The report of this conference, which appears in the Washington Post, page A–20 for Monday, February 1, 1960, reads in part as follows:

> Voteless Negroes from the South told an audience at a downtown church yesterday of obstacles placed in their way toward the vote and of harassment, threats, and economic injustices following those attempts. More than 700 persons jammed Asbury Methodist Church at 11th and K Streets NW., and heard a young teacher, Curry P. Boyd, of Haywood County, Tenn., tell of his attempts and what happened. "There hasn't been a Negro registered to vote there since Reconstruction days," he said. When he returned to Haywood County and tried to register in 1957, he got nowhere. "They told me to go to the sheriff's office," Boyd said, "but I didn't go." John McFerren, a 35-year-old cotton farmer from Fayette County, Tenn., said he, his wife, and family had been threatened after his attempt last year to register.
>
> "Farmer landlords checked at the registration offices to see whether any of their tenants were registering," he said. "People are afraid to talk to me on the street," he added. At one point McFerren had to stop talking, apparently overcome by his own story.
>
> Prof. Daniel W. Wynn, who holds a doctor of philosophy degree and is chaplain and professor of philosophy at Tuskegee Institute, Alabama, said he tried to register and was told later he had failed the examination. Others had the same story.

And, finally, Mr. President, the net result of the delays and dangers in the referee proposal for the individual Negro applicant who would have to make himself a court case before he could vote would be the maximum possible discouragement of such Negro applicants. Instead of making it easy for Negroes, who have for decades been denied the right to vote, finally to come in and exercise their most fundamental right to the franchise, the referee proposal puts every possible burden in their way. Whereas the white voter appears but once before a friendly official and fills out a form to become registered for elections, the Negro applicant must appear three times; first before the State registrar, then before a judicial referee, and finally before the judge.

If there is any sure way of slowing down litigation, the use of judicial masters and referees is recognized as that way. Numerous decisions of the courts reveal that far from affording speedy relief, the two-step process required when referees and masters are used is guaranteed to double the burden of litigation and thus to slow it down. As one Federal court stated:

> It is common knowledge that references (to referees) greatly increase the cost of litigation and delay and postpone the end of litigation (131 F. 2d 809, 815).

In my opinion, it is the worst kind of discrimination against Negroes to require them to appear three times and to make themselves court cases merely to become enrolled as voters when no such discouraging obstacles are put in the way of white voters in the community. How

many white persons, it is fair to ask, would appear three times, subject themselves to judicial proceedings, and undergo the maximum community hostility through the glare of publicity in the courtroom, in order to obtain the right to register. I think it is fair to say on viewing the judicial referee burdens imposed upon Negro applicants for voting that the judicial referee proposal constitutes the least efficient, the least speedy, the least appealing, and the least systematic remedy that legal ingenuity could devise to meet the massive and continuing disfranchisement of Negro Americans 90 years after the adoption of the 15th amendment.

THE REVISED JUDICIAL REFEREE PROPOSAL IS UNCONSTITUTIONAL

It is bad enough, Mr. President, that the judicial referee proposal offered by the Attorney General is unnecessary and unresponsive to the need. Unfortunately it is also unconstitutional.

The original judicial referee proposal contemplated hearings before judicial referees in the accepted legal tradition. The original proposal contemplated regular judicial hearings before the district judges upon the acceptance or rejection of the referees' findings. When these defects of delay and harassment I have described were pointed out to the Attorney General, he sought to improve the original version of the referee proposal by two new provisions. The first of these was that the hearings before the referee would be ex parte; only the applicant would appear before the referee, the defendants in the action would not be present. A second element in the revised Attorney General's proposal, which was introduced by Representative McCULLOCH in the House of Representatives on February 23 as H.R. 10625, is a provision that in cases of court challenges to the referees' findings "the applicants' literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee."

I submit, Mr. President, that in the combination of these two changes we have clearly and unquestionably an unconstitutional proposal. For the first time in our history, the courts are to be used to do a job which is not judicial but administrative, with the result that for the first time in the judicial history of this country, the defendants are not to be present at the time that the injured parties are making their case before the officer of the court. Likewise, for the first time in our judicial history, the defendants in the action are not to be permitted to challenge the facts of literacy and other qualifications which were found in a hearing where they could not be present. What is the result of this double dilution of judicial safeguards, which flows from the attempt to do an administrative job through the courts rather than the executive department? It is that at no point in the judicial process which culminates in an order entitling applicants to vote would the defendants ever be afforded the opportunity to contest the literacy or other eligibility qualifications of the applicant. To put it bluntly, Mr. President, the one and most important fact in the whole scheme is whether the voter who is applying for Federal registration is qualified, by which is meant literate. Yet, the Attorney General proposes that the defendants will be denied the right to make their case on this one and most important fact, because the court is required to accept the literacy of the applicants for registration strictly on the basis of evidence taken ex parte. The right to confrontation, and to a hearing in open court on every material issue in the case, is the very heart and essence of the fifth amendment's guarantee of due process. The proposal to use the courts for the accomplishment of administrative tasks, like registration for voting, and therefore to abandon historic judicial safeguards, including the sacred safeguard of confrontation and the right to a hearing on the material issues, is unconstitutional.

It seems clear to me, Mr. President, that the way to accomplish voter registration is the way that it has always been accomplished in the history of this country. To use the courts to accomplish speedy and efficient registration of voters requires abandonment of judicial safeguards, safeguards the Constitution requires. Registration of voters is administrative and executive business and it cannot be made the business of the courts without doing violence to basic constitutional guarantees.

ADMINISTRATIVE ENROLLMENT OF VOTERS RATHER THAN LITIGATION PROVIDES THE ONLY MEANINGFUL REMEDY AGAINST SYSTEMATIC RACIAL DISFRANCHISEMENT

For over 170 years in every State of this Union enrollment for elections has been an administrative matter. Never before has a person who desired to become enrolled for election had to run the gantlet of repeated appearances before judicial officers and judges, had to become a court case and subject himself to hostile interrogation, merely to get on the voter list.

Congress has ample power to create administrative machinery by which qualified citizens denied registration because of their color can be simply, efficiently, and quickly registered for elections. Why inject the courts with their delays, their burdensome and cumbersome judicial proceedings, and their case-by-case approach, in an area where administrative machinery has always been used to do the job and where administrative machinery can do the job best?

Already burdened Federal courts should not have to operate administrative machinery for enrollment of voters. The courts do have their traditional function in the election process; that function is to hear contested election cases. The courts have no primary function in the process of enrollment prior to elections.

It is time that the Congress and the Executive fulfilled the constitutional obligation imposed upon them expressly in the 15th amendment. As stated by Prof. Paul Freund, of Harvard Law School, in a memorandum to Senator KENNEDY published on February 15, 1960:

> The Commission plan brings the President into the process of safeguarding the right to vote. The Justice plan seems designed to shield the President from any such participation. As a corollary, the Justice plan imposes on the Federal courts still further responsibilities. There is reason to believe that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility.

In *Giles* v. *Harris* (189 U.S. 475), Justice Holmes made it clear that he did not think the judicial branch of the Government should be used as the primary means of implementing the right of disfranchised Negroes to vote. On this point he said:

> In determining whether a court of equity can take jurisdiction, one of the first questions is what it can do to enforce any order that it may make. * * * The bill imparts that the great mass of the white population intends to keep the blacks from voting. Unless we are prepared to supervise the voting in that State by officers of the court, it seems to us that all the plaintiff could get from equity would be an empty form. Apart from damages to individuals, relief from a great political wrong, if done, as alleged, by the people of a State and the State itself, must be given by them or by the legislative and political department of the Government of the United States.

Mr. President, I will be the first to join in voting for a measure which provides effective vindication of the right to vote for persons who are disfranchised because of their race or color. Congress not only has the right but the specific obligation under the 15th amendment to provide a systematic administrative remedy against the systematic disfranchisement which is practiced today.

I have heard many Members of this body declare their determination to enact a meaningful remedy against wholesale voting denial and to enact it at this session of Congress. Let no one here be lulled into believing that the referee proposal is that meaningful remedy. What disfranchised Negro Americans want is not the right to go to the courts, but the right to go to the voting booths. It is my firm belief that if we lay aside partisanship, politics, and prejudice, motivations with which many of us have been charged and which none of us always with confidence can assert do not affect us, we will enact at this session of the Congress a meaningful remedy, one which will bring to numerous voteless Negro Americans the first and most vital democratic privilege of the franchise.

That remedy is contained in the Civil Rights Commission's recommendation for administrative enrollment, and is reflected in the Hennings amendment offered today. Having done that, let us proceed to guarantee all of the other rights embodied in the 14th amendment.

I am reminded of the remarks the distinguished majority leader made immediately preceding the vote on the motion to close debate. He said:

> Whatever the laws may say—however lofty may be their sentiments—a man without

a vote is a man without protection. He is virtually helpless—dependent upon the charitable impulses of others.

But a man with a vote immediately acquires status—as every one of my colleagues is well aware. He has his destiny in his own hands and he can do far more to help himself than others can do to help him.

A man with a vote also does something else. He strengthens the unity of America.

Mr. President, tonight, conscious as we are of the Civil Rights Commission report documenting areas in this Nation where great masses of American citizens are not given the opportunity to vote, what we must seek in Congress is a device which permits massive enfranchisement, because we are fighting mass disenfranchisement.

An administrative remedy more effectively reaches that end, rather than the device which lawyers know to be the delight of the side in a lawsuit which wants to drag its feet, namely, getting the court to appoint a referee or master.

RECESS TO 11 A.M. TOMORROW

Mr. MUSKIE. Mr. President, in accordance with the order previously entered, I move that the Senate now recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 49 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Friday, March 11, 1960, at 11 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 10 (legislative day of March 8), 1960:

U.S. CIRCUIT COURT

Clifford O'Sullivan, of Michigan, to be U.S. circuit judge, for the sixth circuit.

U.S. ATTORNEY

William C. Spire, of Nebraska, to be U.S. attorney for the district of Nebraska for the term of 4 years.

U.S. MARSHALS

Robert C. McFadden, of Indiana, to be U.S. marshal for the southern district of Indiana for a term of 4 years.

Santos Buxo, Jr., of Puerto, Rico, to be U.S. marshal for the district of Puerto Rico for the term of 4 years.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 10, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Romans 10: 12: *The same Lord who is over all is rich unto all who call upon Him.*

Almighty God, in this moment of prayer, may we yield our minds and hearts to the promptings and persuasions of Thy holy spirit to be touched to finer and nobler issues.

Teach us the truth, made known in the precepts and example of our blessed Lord, that we are members one of another and that by cultivating the fraternal spirit we shall gain a more vivid sense of Thy divine and universal fatherhood.

Show us how we may close the chasm between the strong and the weak, the prosperous and the unfortunate, the privileged and the handicapped by casting into it our pride and prejudice, our indifference and selfishness, and thus transform it into a highway where we may walk together in liberty and justice and blessedness for all.

Inspire our souls with a longing to achieve for mankind everywhere a life that is more abundant economically, a freedom that is coordinated with discipline and civic responsibility, and a happiness that is more abiding spiritually.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 286

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Richard L. Neuberger, late a Senator from the State of Oregon.

Resolved, That a committee of Senators be appointed by the President of the Senate to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now take a recess until 9 o'clock ante meridian tomorrow.

CALL OF THE HOUSE

The SPEAKER. The Chair recognizes the gentleman from Mississippi [Mr. COLMER].

Mr. WILLIAMS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 19]

Anderson, Mont.	Ford	Porter
Baumhart	Gavin	Powell
Bentley	Grant	Randall
Blatnik	Gray	Rooney
Brewster	Green, Oreg.	Shelley
Burleson	Inouye	Sheppard
Davis, Tenn.	Jensen	Spence
Dent	Mack, Ill.	Ullman
Flynn	Multer	Widnall
Forand	Mumma	
	Norblad	

The SPEAKER. On this rollcall 400 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

COMMITTEE MEETING DURING SESSION OF THE HOUSE

Mr. McCORMACK. Mr. Speaker, at the request of the gentleman from Georgia [Mr. BROWN], I ask unanimous consent that Subcommittee No. 2 of the Committee on Banking and Currency may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNUAL REPORT OF U.S. CIVIL SERVICE COMMISSION FOR 1959—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 253)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Post Office and Civil Service and ordered to be printed with illustrations:

To the Congress of the United States:

I transmit herewith the annual report of the United States Civil Service Commission for the fiscal year ended June 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 10, 1960.*

REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR ENDED JUNE 30, 1959—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 267)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In compliance with the provisions of section 10(b)(4) of the Railroad Retirement Act, approved June 24, 1937, and of section 12(l) of the Railroad Unemployment Insurance Act, approved June 25, 1938, I transmit herewith for the information of the Congress, the report of the Railroad Retirement Board for the fiscal year ended June 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 10, 1960.*

CIVIL RIGHTS

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 359 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution, the Speaker shall recognize the chairman of the Committee on the Judiciary, to move that the House resolve itself into the Committee of the Whole House on

the State of the Union for the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes. All points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two days to be equally divided and controlled by the chairman of the Committee on the Judiciary and the ranking minority member thereof, the bill shall be considered as having been read and open at any point for amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as shall have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

With the following committee amendments:

Page 1, line 1, strike out the words "the Speaker shall recognize the chairman of the Committee on the Judiciary, to move", and insert "it shall be in order to move."

Page 1, line 7, strike out "All points of order against said bill are hereby waived."

Page 1, line 9, strike out "two days" and insert "fifteen hours."

Page 2, line 2, after the word "rule" insert "It shall be in order to consider, without the intervention of any point of order, the text of the bill, H.R. 10065, as introduced under the date of January 28, 1960, as an amendment to the bill, H.R. 8601."

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Ohio [Mr. BROWN] and, pending that, I yield at this time 5 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I wish to commend the chairman and members of the Judiciary Committee for reporting favorably on H.R. 8601, known as the civil rights bill. When this legislation was before the Rules Committee, there was considerable discussion as to the length of time which should be allotted for House debate. It is my firm opinion that, in the final analysis, very few votes will be changed by reason of the long 15-hour period which the Rules Committee allotted as time for debate on this bill. Civil rights legislation has been discussed and rediscussed on the floor of this House in other sessions of Congress and it is my belief that practically all the Members of this legislative body have their minds made up as to how they will cast their vote on the final rollcall. No doubt there will be a number of amendments offered during the 5-minute period, and I look forward to the discussion on amendments during this period to take several days. Any or all Members can have an opportunity to discuss their position on this bill and various amendments thereto during the 5-minute period, and it is my thought that the 15-hour time for debate set aside by the Rules Committee was exorbitant and an unnecessary length of time.

It was mentioned several times at the hearing before the Rules Committee that this was a political bill and was being pressed because of the coming presidential election. I have in my hands copies of the 1952 and 1956 platforms adopted by both the Democrat and Republican conventions. In these two presidential election years both parties unequivocally adopted civil rights planks and promised the American people that if successful their respective parties would enact effective civil rights legislation.

I am satisfied that the vast majority of the people in the United States are aware that the Congress has a moral responsibility to enact legislation that will protect all the constitutional rights of all the people within our Nation's borders. Three years ago the Congress enacted the civil rights bill of 1957, which was the first law placed upon the statute books pertaining to the rights of citizens in over 80 years. No doubt some progress has been made since the 1957 bill was passed. There has been revealed in the hearings conducted by the Judiciary Committee that further legislation is necessary to implement enforcement of voting rights for all citizens. We have observed in the interim disorders and violations in the efforts to enforce the 1954 decision of the Supreme Court on desegregation in our schools; also the fact that great numbers of American citizens are still unable to exercise their fundamental American right to cast their vote in county, State, and Federal elections. The purpose of this legislation is to try to further improve provisions deemed necessary by the law-enforcement branches of our Government in their task of carrying out the legislative provisions on civil rights. The Department of Justice feels that the present laws are not sufficient to effectively impose sanctions on members of mobs who by force or threats willfully obstruct, impede, and interfere with the rights and performance of the duties under the school-desegregation order of the Federal court.

This bill also makes it a felony for anybody convicted of willfully damaging, destroying, attempting to damage or destroy by fire or explosion any building or structure used for religious or educational purposes.

Title III of the bill provides for the preservation of election records involving Federal officials. It also provides a penalty for any official who willfully steals, conceals, or mutilates ballots or records pertaining to these elections. It also provides a more effective protection of the right of all qualified citizens to vote without discrimination on account of race. This bill contains necessary provisions enabling the Government to carry out the legislation of 3 years ago which lacked suitable provisions for access to voting records and for other detailed information concerning voting applications, registrations, tests, and other acts and procedures requisite to voting. There is no existing power for the Department of Justice to require the production of these records during an investigation based on complaint of denial to vote because of race or other reasons.

This bill would also extend the life of the Civil Rights Commission for an additional 2 years. This extension is highly necessary in order to complete the study and analysis of the problems involved in this complex and difficult field. This Commission is also working on programs of research, study, and investigation in the fields of education and housing.

Title IV of this bill permits the Government to provide schooling for children of military personnel who live off Federal property and their children are denied education by reason of certain localities arbitrarily closing their schools in defiance of desegregation regulations.

The members of the Judiciary Committee who spent long hours listening to witnesses, including Government officials, pertaining to the technical phase of this legislation, are highly qualified to outline and explain to the Members detailed facts not only concerning the necessity for this legislation, but also the most practical and simplified provisions set out in this bill which will be constitutional and enforceable by the executive department of our Government.

During my 18 years in Congress, I, along with most other Members of Congress, have constantly carried on and pressed for reasonable and enforceable civil rights legislation which will give all our citizens equal justice under the law as provided for in our Constitution. The 14th amendment of the Constitution provides that every person is entitled to the equal protection of the law. Equal justice for all is also set out under our Bill of Rights. At the beginning of our Government, the Father of our Country, George Washington, emphatically stated that our Government must be based on principles that give freedom and justice to all. Our forefathers wanted to curb bigotry and give persecution no assistance or encouragement. It is also good news to millions throughout our country to realize that our Congress has been annually considering and striving for effective civil rights legislation. We are encouraged that as time marches on, we will succeed to give to all citizens the necessary protection to which they are entitled under the Federal law.

It is unfortunate that part III of the civil rights bill was deleted in the other body 3 years ago. This section protected the wide range of civil rights which the Supreme Court had decreed to be guaranteed by the Constitution. These are rights specifically set out in the 14th amendment. The national organization of the NAACP is a voluntary organization of citizens who by reason of their activities in various States have contributed greatly to bring to national attention facts concerning civil rights violations in various localities. When one reflects back during the last 30 years we can observe that progress has been made by reason of education and publicity. Progress in human relations between the races will be much more rapidly advanced in the future.

This Congress has appropriated billions of dollars since World War II to aid the economy of countries ruined by war. This year the President is asking for about $4 billion for mutual aid for neutral and undeveloped countries in order to win the minds of millions in Africa and Asia for the world democracies. We must overcome Communist propaganda in those areas. About $40

billion will be appropriated for military defense of our Nation and other nations against the Communist aggressor. A small fraction of this money should be diverted into an educational campaign among these new democracies in Africa and Asia, selling our great free democracy to the people of these new undeveloped nations.

Truth, facts, and information about communism and democracy is the greatest and cheapest weapon our Nation has to combat Communist propaganda and aggression. The passage of effective civil rights legislation for all nationalities within the United States would help curb the Communist propaganda and agitators from their greatest weapon against free government.

I hold in my hand a map of Africa, published in the U.S. News & World Report 2 weeks ago. It shows that Morocco, Libya, Sudan, Belgium Congo, Nigeria, Ghana, Guinea, Liberia, Somalia are African nations which won independent government for their people during the last 12 years. A dozen more African nations have won autonomous republics and will win their freedom in the near future.

The time is not too far distant when our Nation will fight in world competition for trade and commerce with these African independent nations. These countries will possess fabulous wealth in production, minerals, oil, and other natural resources. The first step our Government must take to compete in the economic race is to win the minds and good will of these millions in Africa who are launching on a new era of independent government and international relations. We cannot participate in this limitless African international trade resource if millions of their own nationals who are citizens of the United States are submitted to an existence of second-class citizens within our borders.

Great progress has been made in the last 25 years in all areas throughout the United States in overcoming bigotry and prejudice as to employment and other angles of civil rights. Negroes are rendering great service in my congressional district as public officials and in other capacities of civil service to their community and government.

On the national and international scene, to mention but a few, Ralph Bunche of United Nations and Nobel Prize winner; Federal Judge William H. Hastie, former Governor of the Virgin Islands; Ernest Williams, E. Frederick Morrow, Roy Wilkins, Dr. Channing H. Tobias, Charles H. Houston, Frederick Douglas, Carter Woodson, Booker T. Washington, George Washington Carver, Gen. Benjamin O. Davis, and his son, Colonel Davis, commander of the 99th Fighter Squadron in Europe during World War II. Among the distinguished Negro women, Mary McLeod Bethune, Harriet Tubman, Edith Sampson, Marian Anderson, and to the list of both men and women could be added many more Negro names who have made invaluable contributions to their community, State, Nation, and to the peace of the world.

Patriotic Negroes of America only ask that their future generations are not called upon to combat the economic and educational impediments which their ancestors endured.

The enactment of H.R. 8601 will mark a milestone in the long fight to make practical and implement all the provisions of the U.S. Constitution for all humans who are citizens under the American flag.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. HALLECK. Mr. Speaker, will the gentleman yield to me before he begins his statement?

Mr. BROWN of Ohio. I yield to the gentleman from Indiana, the minority leader.

Mr. HALLECK. Mr. Speaker, I would like to say at this point that I am glad this measure is before us. I am glad it is before us by reason of the action of the Committee on Rules.

Just as a matter of record the measure was reported by the Committee on the Judiciary late in the last session. Time had pretty well run out on the session. When we met in January of this year there was quite a bit of conversation around in different places about bringing up the bill and how it might be brought up. I took the position and many others took the position that it ought to come up under action of the Committee on Rules in the regular way. And that is the way the measure is now before us.

So I just want to say now that I trust that when the time comes to vote on the adoption of the rule it will be adopted. I should like a rollcall vote and I trust the gentleman from Ohio will insist on getting it. Then we will have a chance to demonstrate that we want this bill considered on its merits under an open rule and, in fact, a more than open rule, because the rule provides for the consideration of the latest proposal which has to do with voting referees.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Indiana for his comment.

Mr. Speaker, as I am sure most of us know, House Resolution 359, as amended, makes in order the consideration of H.R. 8601, the so-called civil rights bill—over which there is, of course, much controversy—all under an open rule, with 15 hours of general debate.

Those of you who may have a copy of the resolution, which bears the name of Mr. CELLER, will note his original measure was amended and reported favorably by the Committee on Rules on February 23, last. As a member of the Rules Committee, I moved the adoption of this resolution with the amendments thereto. Under its provisions, the House is authorized to resolve itself into a Committee of the Whole House on the State of the Union for consideration of H.R. 8601, to enforce certain constitutional rights, under general debate which shall be confined to the bill and continue, not to exceed 15 hours, to be equally divided and controlled by the chairman of the Committee on the Judiciary and the ranking minority member thereof. Following this, the bill shall be considered as having been read and open at any point for amendment under the 5-minute rule, at which time it shall be in order to offer and to consider, without the intervention of any point of order, as an amendment, the text of the bill H.R. 10035 as introduced under date of January 28, 1960, by Congressman McCULLOCH, a member of the Judiciary Committee. The rule also provides for the usual one motion to recommit, with or without instructions.

In voting to report this resolution, and the rule it provides, for the consideration of the House, the majority of the membership of the Rules Committee, after long discussion, believed it proper to give all Members full opportunity to express themselves on this legislation. Thus, 15 hours of general debate has been provided for, instead of 2 legislative days, as originally proposed.

Since H.R. 8601 was originally reported from the House Committee on the Judiciary by its chairman and author, the gentleman from New York [Mr. CELLER], in late August, last year, just a short time before the 1st session of the 86th Congress adjourned, it was discovered H.R. 8601 did not provide methods or means to properly protect the right of each qualified citizen to vote in any and all elections. So various new proposals or bills were considered by the Committee on the Judiciary throughout most of February, with that august committee still sitting at the time the Rules Committee took action and reported this resolution.

The question arose as to whether or not any bill, carrying either the Federal registrar or the Federal court referee provision, for enforcing the rights of qualified citizens to vote would be held germane to the original measure, H.R. 8601, as written. So there could be no question of germaneness, the majority of the members of the Rules Committee accepted an amendment, which I offered, to make in order the text of the bill, H.R. 10035 as an amendment to H.R. 8601.

H.R. 10035, or the so-called McCulloch bill, would not only amend H.R. 8601, but also the Civil Rights Act of 1957, so as to provide for Federal court appointment of voting referees. Of course, H.R. 10035, being made in order and offered as an amendment to H.R. 8601, can, in turn, be amended. In other words, an amendment to the amendment can be offered. So, under this rule, which is an open one, the House can work its will on this legislation, which deals with the important issue of constitutional and civil rights.

For many, many years most of the civil rights provided for in this legislation, and especially the right of all qualified citizens to vote, have not created any great problems or issues in many of our so-called Northern States. Instead, as you all know—and there is no reason why we should not discuss this matter frankly—most of this legislation is directed at protecting constitutional rights or civil rights—and especially the right of all qualified citizens to vote—in but a few of our Southern States.

Many of the opponents of this type of legislation feel its enactment will endanger State and local rights. Being well acquainted with the South, as well

as with other sections of the country, I can appreciate the feelings and the reactions of many people and especially those Members of Congress who come from these States, and they certainly have the right—and this rule provides them the opportunity—to express their views and convictions freely and fully on this important legislation—just as every other Member of the House has the same right to voice his views and opinions thereon. In so doing, I am sure every opponent of this legislation is acting sincerely, and I am certain they will also respect the views, the positions, and the convictions of those of us who disagree with them on the subject involved.

I am one who has voted many times to protect State rights. I have never wanted to see the Federal Government encroach upon the proper rights and activities of the various States and their political subdivisions. Yet, I do feel that the human rights which are involved in this legislation are so important, and so fundamental to the welfare of the entire Nation, that action is necessary and advisable.

The Declaration of Independence, which resulted in our gaining our liberty and freedom from the mother country reads, "that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these, are life, liberty, and the pursuit of happiness."

The Constitution of the United States and the Bill of Rights sustain and strengthen that which was first said in the Declaration of Independence. The 15th amendment to the Constitution specifically provides in section 1 that:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 of the same amendment reads that:

> The Congress shall have power to enforce this article by appropriate legislation.

The latter is certainly what I believe this House is attempting to do by the passage of the pending bill, properly amended, perhaps, by the adoption of the provisions of the so-called McCulloch bill, which in turn may also be amended. To me, the right to vote, if properly qualified, should apply to all citizens, and not to just a few; for it is the fundamental right and the very cornerstone of the foundation upon which this Republic was erected.

Nothing in this bill will prevent or prohibit any State from fixing the qualifications of its own electors, including literacy tests, and others, providing such qualifications and tests apply to all citizens, regardless of race, color, or creed. Some States in the Union have literacy tests, evidently having found them necessary. Other States, like my own Ohio, have no such literacy tests to qualify for voting; but we do have other qualification requirements, such as length of residence, proper registration, and so forth; and we do bar convicted criminals, and certain other unfortunates, from voting. We in Ohio have never had any difficulty between the races over voting rights, or over other civil rights, for that matter. It has always been my conviction that the strongest weapon in the arsenal of democracy is the right of qualified individual citizens to vote.

For a long time—a quarter of a century or more ago—I was secretary of state of Ohio and, as such, ex officio State supervisor of elections. When I took office we had, in some areas of our State, a different practice depriving the people of their full right of franchise and free ballot, as a result of great corruption in a few large cities of our State. The voters were not prevented from casting their ballots, but the ballots were counted by corrupt election officials, and the ballot boxes were often stuffed with illegal ballots, so as to negate the will of the voting populace. As supervisor of elections, I moved against these corrupt political organizations and election officials. Hundreds of such officials were removed from office; many of them went to prison; and as the scandals developed, some public officials committed suicide. Other Ohio public and party officials were driven from office and from public life. The State of Ohio adopted a new election code, which I helped prepare, and which became a model for other States to follow. We have had clean elections since. So I have some knowledge and evidence of what can be done in the preservation of the unalienable right, and the constitutional right, of every qualified citizen to participate in the affairs of his community, his State, and Nation by the casting of a free ballot to be counted honestly and properly.

While there are many other important provisions of H.R. 8601, and there will undoubtedly be many amendments offered, all of which can and will be debated freely under this rule for which we ask your support, in my opinion, perhaps the most important provision of all which may be written into the law of the land as a result of the action of this Congress, will be the right of a free ballot for free men.

Casting a free ballot under laws protecting the right to do so, can correct many of the discriminatory evils which are claimed to exist today. It is my honest conviction that the best way to keep this Republic strong and free, united and vigorous, is to guarantee the mandate of the Constitution will be carried out so all qualified citizens will be safeguarded in the greatest civil right of all, the right of a free ballot. If men are to be free, they must have the freedom to express themselves at the ballot box and to pass judgment upon public officials and public issues without fear or favor.

But when I speak of the importance of the right to vote I do not infer that it is the only civil right that should be guaranteed and protected. There are others which will be discussed as the debate on this legislation proceeds.

Perhaps to better illustrate why so many of us from Ohio feel as we do and do as we are doing, I should tell you these things: On a high hill overlooking the Ohio River, some 30 miles from my home, there is a small brick house, which has been included in a little State park, and is visited yearly by many thousands. From this place, in the years before slavery was abolished, a minister would signal across the river that the way was clear and there were men waiting to meet fugitive slaves and to help them on their way to freedom. From this area, northward through my district, ran the famous underground railroad. Many hundreds, yes, many thousands, of enslaved Negroes were moved along this underground railroad to liberty. Many of them settled along the way in my district, while others went on to other parts of Ohio and to Canada. Many of their families have been there for more than a hundred years. The children, grandchildren, and great grandchildren of these former slaves have been educated in our public schools, and in the two great Negro institutions of higher learning located in my district. Others have attended our State universities, and the other colleges and universities of Ohio. They have proven themselves to be good citizens. Many of them are as well educated as a great many of us. They have made their mark in the professions, the sciences, and in the fields of religion and education. They are not troublesome. They did not, and do not, create social problems. There has been no mixing of the races, as some seem to fear so much. These colored people all enjoy every civil right that any other citizen of Ohio enjoys. They are living proof of the progress a people can make if their human rights are properly protected, and they are given an opportunity to demonstrate their worth and abilities.

Up in Champaign County, in my district, there lies buried the Negro manservant who took care of the personal needs of George Washington throughout the Revolution, and to whom Washington later granted his freedom to come to Ohio. His grave is marked with a suitable memorial, telling of the services he had rendered his country. He, too, did his part, although only in a small way, to give us the liberties and the freedoms we now enjoy.

So I believe it is only fitting and proper we consider this pending bill and do the best we can to work out fair and proper legislation which will protect the civil and constitutional rights of all citizens, regardless of race, color, or creed.

Therefore, I support this resolution and this rule making in order the consideration of H.R. 8601, with amendments, and urge its adoption.

The SPEAKER. The gentleman has consumed 18 minutes.

Mr. COLMER. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Speaker, to the rest of the world the United States must appear to be 100 years behind the times as it debates whether the right to vote, which is the foundation of freedom, should be enjoyed by some of our adult citizens and denied to others.

Can the United States expect to lead the free world when it violates this human right?

The prolonged oratory about everything except the central issue cannot hide the fact that Negroes are denied the right to vote by subterfuge and intimidation throughout many areas of the South. Three southerners and three northerners, comprising the Civil Rights Commission, after a survey of conditions, have come to this unanimous conclusion.

The percentage of Negroes of voting age in the South who are registered is as follows:

	Percent
Texas	32
Arkansas	30
Tennessee	59
Virginia	19
North Carolina	25
Florida	26
Louisiana	22
Georgia	22
Alabama	14
South Carolina	11
Mississippi	4

In South Carolina and Mississippi they constitute more than 40 percent of the population.

The Civil Rights Act of 1957 recognized that the South had been violating section 1 of the 15th amendment to the Constitution which provides that:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude.

Congress, availing itself of the right and the responsibility implicit in section 2 of that amendment which provides that "The Congress shall have power to enforce this article by appropriate legislation" passed the first civil rights bill in almost a century.

It stipulated that the Attorney General could bring suit on behalf of Negro voting rights. This was upheld by the Supreme Court last week. This limited power, has proved to be ineffective.

The South has had generations of time in which to adjust itself gradually to the 15th amendment, and has failed to do so. The Nation cannot ignore this foot-dragging forever. All that we mean to ourselves as a free people, and to the world as the leader of liberation, is threatened by this contradiction.

We applaud the courageous efforts of intelligent human beings in the South to end this anachronism. We sympathize with our colleagues from the South who feel compelled to take a negative stand due to the pressure of extremists, or through vague fears of the future, and against their better judgment. We can understand the silent struggle that is going on within them. For surely they must realize that the implementation of civil rights, step by step, is inevitable.

It is far better for them to help us in building this program, and to be partners in progress, than to go on fighting for a lost cause that the world of the 20th century has left far behind.

The Civil Rights Act of 1960 will authorize Federal registrars or referees to intervene in behalf of persons who are improperly denied the right to register or vote. That much is certain.

Our southern friends must be aware that public opinion is strongly in favor of a genuine civil rights bill.

Mere obstructionism will provoke an overwhelming reaction that could lead to swift, far-reaching, and drastic legislation. To prevent this, the South is well advised to make reasonable concessions, including cooperation toward desegregation.

For the shape of things to come is clear.

All Americans must be guaranteed civil rights in fact, and in keeping with the meaning of the Constitution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks which I shall now make, and also the remarks which I shall make during the debate in Committee of the Whole on the bill H.R. 8601, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, I take this time to call attention to a bill which I introduced today which is an alternative to the voting referee and registrar plans which have been suggested by others.

My bill would enlarge the enforcement powers of the Federal court under the Civil Rights Act of 1957 in two respects. First, by authorizing the court to order affirmative as well as preventive relief. Second, by authorizing the courts to use masters or referees in the discharge of their responsibilities under the Civil Rights Act of 1957, and providing that the cost of the masters proceedings will be paid out of the Federal Treasury.

In addition, this bill is aimed at closing two loopholes in the Civil Rights Act of 1957 which have developed. One is thwarting of court orders by the resignation of registrars or others who may be parties defendant to a civil rights action.

I seek to cure that loophole first by providing that the court in its decree may provide that its order would be binding on the successors in office of the defendants. Second, by providing that the court may, in its order, provide means whereby the court order itself will be proof of the qualifications of persons found by the court to be qualified to vote.

In other words, the purpose is to make the Court's order self-executing much in the manner of a decree in a suit for specific performance of a land contract where the filing of a decree is equivalent to the execution of the deed by the grantor.

Another loophole, and I believe this is not dealt with in any other proposed legislation, which I think we should close while we are considering this matter is to provide that any proceedings under section 1971 of the Civil Rights Act of 1957 shall take precedence over every State proceeding of any kind regardless of when such State actions are commenced. We are all familiar with the rule that where two courts have concurrent jurisdiction the first court seized of jurisdiction will retain it to the exclusion of all other courts until it has disposed of the matter.

Mr. Speaker, I think my bill will go as far as we should go, at this time, and that some of the other measures aimed in the same direction are unconstitutional.

Mr. Speaker, at this point I insert the text of my bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) subsection "(f)":

"(e)(1) In any proceeding instituted pursuant to subsection (c) of this section, final orders of the court providing affirmative relief may specify that named individuals are qualified to vote and may also specify that such individuals, upon proof of such order in such manner as the court may direct, shall be permitted to vote in the same manner as if duly registered and qualified therefor under State law.

"(2) In any proceeding instituted pursuant to subsection (c) of this section, the court may, pursuant to rule 53 of the Federal Rules of Civil Procedure, appoint special masters to assist the court in carrying out its responsibilities in such proceeding. The compensation to be allowed any such special master shall be fixed by the court and paid by the United States."

(b) In subsection (c), insert "or affirmative" after "preventive", and add at the end thereof the following: "Proceedings brought under this subsection shall supersede any proceedings covering the same subject matter brought before any State court, tribunal, agency, or official to the extent of any inconsistency. In proceedings brought under this subsection, court orders requiring or prohibiting action by officials of a State or subdivision thereof shall also require or prohibit such action by their successors in office."

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I rise in support of House Resolution 359. The Constitution of the United States says in unmistakable language that Congress shall have the power "to make all laws that are necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof." Thus, when constitutional rights—called civil rights—are impaired or denied, Congress is under a duty to provide a remedy. This duty overrides the powers reserved to the States. This duty may invade what some may call a "sacred way of life." This duty is ours as duly elected Representatives of the people of the United States.

When I rise in support of this rule I may, it is true, bring pain to some of my friends in the Chamber who are so emotionally involved. I may, in following the path of duty, stir ire among many of those whom I meet daily in cordial exchange. It is not that I have any less affection for my colleagues from the South, but rather it is that I have a compelling, overriding fealty to the Constitution. May I, therefore, not ask—is it not the duty of those who resist this rule not to resist the Constitution?

Mahatma Gandhi said:

The true source of rights is duty. If we all discharge our duties, rights will not be far to seek.

The Constitution cannot mean one thing to one segment of the country and something different in another. The Constitution cannot be measured by individual yardsticks. Our Supreme Court was set up to interpret the Constitution out of the clamor of differences. It has so spoken in the school desegregation case. Those who have followed the decisions of the Supreme Court could have foretold what that decision would be in the light of other civil rights cases that had preceded it shortly, just as in the light of the decision in school desegregation we can foresee what the Supreme Court will say in other cases involving civil rights which will come before it in the near future.

This is certain, we cannot change the past but we can mold the future. We cannot go back.

I support this rule because rights guaranteed by the Constitution cannot be effected without the tools of enforcement. I support this rule because it is no longer possible to evade these issues. If we do, we shall invite domestic tragedy.

I believe as we face the issue of civil rights legislation we can only do so with compassion, with understanding, and with discipline. We are here not with "all passion spent," but with convictions nurtured by the climate of our youth, our homes, our schooling—and, like bent twigs, inclined one way or another.

It is no easy task to bid our emotions bow to the dictates of reason. But as the greatest deliberative body to whom the whole free world looks for guidance in the practical operation of democracy, we dare not do otherwise. Nor are we here to be clever, evasive, or cunning.

We are not here to berate, to scold, or to sentimentalize. Fundamentally, we are here to determine whether the Constitution of the United States is a vital, living document for some or a dead letter for others.

The argument that Federal civil rights legislation constitutes a restriction on the functions of State and local governments cannot be, I admit, cavalierly dismissed. Under our system of government State and local governments are given broad areas of authority. On matters affecting the daily rights of our people, the people should, where possible, be governed by governments closest to their scrutiny and most responsive to their needs, but these governments cannot draw distinctions in the treatment of people on the basis of considerations totally irrelevant to the qualifications of individuals. It is then that the Federal Government cannot be apathetic and sit idly by for the reason it is then that our basic national ideals are brought into jeopardy. All governments, Federal, State, and local, must preserve the rules of decency and fair play. This means the application of the same standards equally to all people.

Certainly States rights exist and must be respected, but as Prof. Zacariah Chaffee has pointed out, States rights have unhappily been distorted to mean the right to do wrong.

Wrongs must be righted. The rule under consideration will make this possible. It will permit the passage of a bill that will be prophelative and preventative of future wrongs.

A failure to adopt this rule will mean the failure to face the great civil issue of our day.

Mr. COLMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my nearly three decades of service in this House I have never felt the futility of my humble efforts to imprint my views in behalf of what I consider constitutional government and the resultant perpetuation of the Republic as conceived by the Founding Fathers more than I do today. But, because of my keen sense of obligation under my oath as a Member of this body to uphold the Constitution and my fervent desire to maintain the manifold benefits of this young Republic for future generations to enjoy, I feel compelled to raise my feeble voice in protest against this bill and even more serious attacks upon our coveted and envied American system of government.

Mr. Speaker, but before I go any further I think there is one thing that the Members of this body should get fixed crystal clear in their minds. If there is anything that I have learned from my years of experience in this House, I think I have learned how to evaluate the legislative maneuvering that is going on behind the scenes. It should be distinctly understood as these proposals are considered by this body that there is a general understanding, if not agreement, that the bill that is passed by this House is going to become the law. And, I want to here and now warn you who hail from other sections than the South that all of the States of the Union are going to have to live under it. While it may be primarily for obvious reasons aimed at my section of our great country, the broad and repugnant features which offer unlimited opportunities for corrupt, political administration will apply with equal force to all of the States of the Union.

Now, let us see what this is all about. Is there one Member of this House so naive that he does not realize that these proposals which we will consider here during the next several days are not based primarily, if not solely, upon politics?

I ask here now in all frankness if there would be this rush and turmoil to get a so-called civil rights bill passed if it were not for the fact that this is a presidential election year with the organized minority vote at stake. Yes, the stakes are high. The Presidency itself is at stake.

I wonder how many Members of this House have read, much less studied, the bill and the amendment that this rule makes in order. I charge that we are not legislating here. We are the victims of these organized minorities. While I realize that it is a strong indictment to make, I charge that it is the heads of these organized minorities, who are largely bloc voters, who are doing the legislating here. And, again I ask you, is the fear of political reprisal so great or is a seat in this body worth lending a hand, a voice, or a ballot toward the destruction of the Republic? At the most our tenure of office here is brief and of relative unimportance. But, the question of the permanency of our institutions and the enjoyment of the liberties for all of our people is permanent and of transcending importance. For, after all, in the final analysis are not we here undertaking to bestow upon a particular group or minority a special privilege or liberty at the expense of the privileges and liberties of the unorganized majority? Government by organized minorities is always dangerous to the liberties of the majority.

And so, Mr. Speaker, it is not the question of race with which I am concerned here today. I bear no hatred or ill will toward my less fortunate brother, who but a few years ago was a savage in the jungles of Africa and only recently liberated from bondage in this Republic. The Negro has made the greatest progress in this country, largely under the guidance of his southern white brother, that has ever been made in any similar period of time. But all of the efforts of the do-gooders and the politicians combined cannot by either legislation or court decree place him overnight on a parity with his white brother, who for thousands of years has enjoyed the benefits of civilization, Christianity, culture, and education. He must follow the slow and somewhat hard path trod by the white man throughout these centuries of civilization. It is an evolutionary process. The greatest tragedy possibly of the whole deplorable political movement is that that good relationship that has existed and which was continuing to progress with time between the races is not only being disturbed but threatens to be completely thwarted.

The daily press reports of racial disturbances, not only in the South but throughout our great common country, are positive evidence of this fact. I shudder to think of what further disturbances—and, yes, even bloodshed—may occur before this deplorable political debacle is through. People unaccustomed by heritage and long years of training for self-government are often too apt to take agitation in their behalf for license to perform in unlawful and unorthodox manners.

But possibly an even greater danger involved in this concerted action by both political parties to capture these minority bloc votes, often referred to as the balance of power in some of our larger States, is the further and more aggravated effort here to centralize all of the power of Government over our American people in a strong centralized Government at Washington. Need I remind you that the Constitution of this Government was founded upon a government of States? The powers of the Federal Government are specifically limited under and in that great document. And, so jealous were the citizens of those States of the rights of the States that after the great document was written, they were still not satisfied and wrote the 10th amendment to the Constitution which provides that all

the powers not specifically granted in that document to the Federal Government were reserved to the States or the people.

Therefore, I say to you that this is but another step toward the centralization of Government here in an all-powerful Federal Government at the expense of the liberties of the people and the deprivation of the powers of the States.

Now, permit me, in all kindness and yet with a bit of warning, to say that while these proposals may be aimed at my particular section of our common country, the day will come, possibly too late to do anything about it, when the other States of the Union will realize with regret and lamentation that it affects the liberties of their people. For, I make the statement that cannot be successfully contradicted that when this referee proposal becomes operative, not only will the Federal officials be overseeing and managing the elections of the South, they will also be likewise engaged in all other sections of the Republic. I make the unchallengeable statement that not even during the reconstruction days when the South lay prostrate did the Congress attempt to go as far in placing the emancipated slaves in control of that stricken section as you propose to go here in this referee or registrar plan. The record will show that the old Davenport Act from which this so-called referee plan is taken did not, as this proposal would do, take in local, State, and primary elections. It had some semblance of constitutionality in attempting to provide referees and overseers for election of Federal officials only, but in the zealousness of the proponents of this political proposal they would include elections and primaries for every State official from constable to governor.

I wonder how many of you who are urged to support this unconstitutional proposal have taken the time to study the history of this political monstrosity known as the Davenport Act. I doubt that you have because, among other reasons, the referee proposal was not even considered by your Committee on the Judiciary before the bill before us was reported out of that committee. Historically I might point out in substantiation of my charge of politics that it was proposed by the administration only after the chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], a Democrat, had proposed to offer his appropriately termed carpetbag registrar plan. Yes; I wonder how many of you realize that, even though the Davenport Act dealt only with elections of Federal officials, in its administration it became so corrupt that its repeal was advocated and effected. By whom? Not by the southern Representatives in the Congress, but by the so-called northern Members. And, yet, we would go even further in the political atmosphere that prevails today to revive and broaden the scope of this detestable and unconstitutional proposal.

With malice toward none, I should like to call the attention of the sponsors of this bill to the fact that it has many facets and implications which will assuredly some day arise to haunt them. For, I repeat that centralization of Government in the hands of a few is a dangerous thing. When that happens it is the minority groups who first suffer. History is replete with instances of the persecution of religious, racial, and other minority groups. This has happened to Catholics, Protestants, Jews, Negroes, labor, and many more minority sects and groups. Witness the Spanish Inquisition under Philip II, the autocratic English rulers, Louis XV and XVI of France, all religious persecutions. And, what more glaring example could one find than the recent Nazi persecution and liquidation of the Jews. Hitler could never have accomplished this had he not first abolished the system of German States and concentrated power in the all-powerful Reich under his domination. Surely, all races and creeds should pause, listen, and reason before taking this additional step in the centralization of power at the expense of the liberties of the States and the people.

Mr. Speaker, I repeat, I approach this subject not as a southerner, not as a racist, not as a politician, but rather, sir, I approach it as an American who loves this monumental republican form of Government, as one who loves our American system and its traditions, and who is concerned with the perpetuation of this, the last haven of refuge of a free people in this troubled world.

Finally, I admonish you in the words of the great Daniel Webster, "God grants liberty only to those who live it and are always ready to guard and defend it."

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. COLMER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution.

Mr. BROWN of Ohio. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 312, nays 93, not voting 23, as follows:

[Roll No. 20]

YEAS—312

Adair	Bowles	Conte
Addonizio	Brademas	Cook
Albert	Bray	Corbett
Allen	Breeding	Cunningham
Andersen, Minn.	Brock	Curtin
Anfuso	Broomfield	Curtis, Mass.
Arends	Brown, Mo.	Curtis, Mo.
Ashley	Brown, Ohio	Daddario
Aspinall	Buckley	Dague
Auchincloss	Budge	Daniels
Avery	Burdick	Dawson
Ayres	Burke, Ky.	Delaney
Bailey	Burke, Mass.	Denton
Baker	Byrne, Pa.	Derounian
Baldwin	Byrnes, Wis.	Derwinski
Baring	Cahill	Devine
Barr	Canfield	Diggs
Barrett	Cannon	Dingell
Barry	Carnahan	Dixon
Bass, N.H.	Casey	Donohue
Bates	Cederberg	Dooley
Becker	Celler	Dorn, N.Y.
Belcher	Chamberlain	Doyle
Bennett, Mich.	Chelf	Dulski
Berry	Chenoweth	Dwyer
Betts	Chiperfield	Edmondson
Boland	Church	Fallon
Bolling	Clark	Farbstein
Bolton	Coad	Fascell
Bosch	Coffin	Feighan
Bow	Cohelan	Fenton
	Collier	Fino
Flood	Lane	Reece, Tenn.
Flynn	Langen	Rees, Kans.
Fogarty	Lankford	Reuss
Foley	Latta	Rhodes, Ariz.
Frelinghuysen	Lesinski	Rhodes, Pa.
Friedel	Levering	Riehlman
Fulton	Libonati	Rivers, Alaska
Gallagher	Lindsay	Robison
Garmatz	Lipscomb	Rodino
Gavin	McCormack	Rogers, Colo.
George	McCulloch	Rogers, Mass.
Giaimo	McDonough	Rooney
Glenn	McDowell	Roosevelt
Goodell	McFall	Rostenkowski
Granahan	McGinley	Roush
Gray	McGovern	Rutherford
Green, Pa.	McIntire	Santangelo
Griffin	Macdonald	St. George
Griffiths	Machrowicz	Saund
Gross	Mack, Ill.	Saylor
Gubser	Mack, Wash.	Schenck
Hagen	Madden	Scherer
Halleck	Magnuson	Schwengel
Halpern	Mailliard	Shelley
Hargis	Marshall	Shipley
Harmon	Martin	Short
Hays	May	Siler
Healey	Meader	Simpson
Hechler	Merrow	Sisk
Henderson	Meyer	Slack
Hess	Michel	Smith, Calif.
Hiestand	Miller, Clem	Smith, Iowa
Hoeven	Miller, George P.	Springer
Hoffman, Ill.	Miller, N.Y.	Staggers
Hoffman, Mich.	Milliken	Steed
Hogan	Minshall	Stratton
Holifield	Moeller	Stubblefield
Holland	Monagan	Sullivan
Holt	Montoya	Taber
Holtzman	Moore	Taylor
Horan	Moorhead	Teague, Calif.
Hosmer	Morgan	Teller
Hull	Morris, N. Mex.	Thomas
Ikard	Morris, Okla.	Thompson, N.J.
Irwin	Moss	Thomson, Wyo.
Jackson	Moulder	Thornberry
Jarman	Multer	Toll
Johansen	Murphy	Tollefson
Johnson, Calif.	Natcher	Udall
Johnson, Colo.	Nelsen	Vanik
Johnson, Md.	Nix	Van Pelt
Johnson, Wis.	O'Brien, Ill.	Van Zandt
Jones, Mo.	O'Brien, N.Y.	Walnwright
Judd	O'Hara, Ill.	Wallhauser
Karsten	O'Hara, Mich.	Walter
Karth	O'Konski	Wampler
Kasem	O'Neill	Watts
Kastenmeier	Oliver	Weaver
Kearns	Osmers	Weis
Kee	Ostertag	Westland
Keith	Pelly	Wharton
Kelly	Perkins	Widnall
Keogh	Pfost	Wier
Kilday	Philbin	Wilson
Kilgore	Pillion	Withrow
King, Calif.	Pirnie	Wolf
King, Utah	Price	Wright
Kirwan	Prokop	Yates
Kluczynski	Pucinski	Young
Knox	Quie	Younger
Kowalski	Quigley	Zablocki
Kyl	Rabaut	Zelenko
Lafore	Ray	
Laird		

NAYS—93

Abbitt	Flynt	Passman
Abernethy	Forrester	Patman
Alexander	Fountain	Pilcher
Alford	Frazier	Poage
Alger	Gary	Poff
Andrews	Gathings	Preston
Ashmore	Haley	Rains
Barden	Hardy	Riley
Bass, Tenn.	Harris	Rivers, S.C.
Beckworth	Harrison	Roberts
Bennett, Fla.	Hébert	Rogers, Fla.
Blitch	Hemphill	Rogers, Tex.
Boggs	Herlong	Scott
Bonner	Huddleston	Selden
Brooks, La.	Jennings	Sikes
Brooks, Tex.	Jonas	Smith, Kans.
Brown, Ga.	Jones, Ala.	Smith, Miss.
Broyhill	Kilburn	Smith, Va.
Colmer	Kitchin	Spence
Cooley	Landrum	Teague, Tex.
Cramer	Lennon	Thompson, La.
Davis, Ga.	Loser	Thompson, Tex.
Davis, Tenn.	McMillan	Trimble
Dorn, S.C.	McSween	Tuck
Dowdy	Mahon	Utt
Downing	Mason	Vinson
Durham	Matthews	Whitener
Elliott	Mills	Whitten
Everett	Morrison	Williams
Evins	Murray	Willis
Fisher	Norrell	Winstead

NOT VOTING—23

Anderson, Mont.	Dent	Mitchell
Baumhart	Forand	Mumma
Bentley	Ford	Norblad
Blatnik	Grant	Porter
Boykin	Green, Oreg.	Powell
Brewster	Inouye	Randall
Burleson	Jensen	Sheppard
	Metcalf	Ullman

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Grant against.
Mr. Sheppard for, with Mr. Boykin against.

Until further notice:

Mr. Anderson of Montana with Mr. Baumhart.
Mr. Brewster with Mr. Norblad.
Mr. Porter with Mr. Mumma.
Mrs. Green of Oregon with Mr. Jensen
Mr. Ullman with Mr. Ford.
Mr. Forand with Mr. Bentley.

The result of the vote was announced as above recorded.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

Mr. CELLER. Mr. Chairman, I yield half of my time to the distinguished gentleman from Louisiana [Mr. WILLIS], to be used by him as he sees fit; and, pending that, I yield myself 20 minutes.

Mr. Chairman, I think of the whole world, with little children yet to be born. They will enter into life with sweet and innocent ignorance—that their differences in color will place upon them burdens too heavy for those little shoulders to carry—and early in childhood they will meet, with a prickling of the heart and spirit, the ugliness of discrimination.

Does it have to be? No. We can—if only we wish it—erase that ugliness. The world is wide enough to embrace differences in religion and in color.

Indeed, it is these very differences that make for the dynamics and vitality of living.

As nature provides that flowers be flowers but not all roses or violets or carnations—so we ask of man that he be decent, truly a man. We do not demand that he change his creed, his religion—his ultimate of impossibilities, his skin. All cannot be alike.

The different instruments in the orchestra can be played to produce diverse tones but which can yet be blended into a beautiful melody. So we ask that human difference be fused into a harmony that will make life bearable.

All we ask is recognition of difference.

To those who prate of their better or noble blood, I say, go to the marketplace and see what your blood will buy.

To those gentlemen who boast of their sacred way of life and their living under their family tree, I say, living under the shadow of a family tree means living without sunlight—the sunlight of reason and tolerance.

The Bible gave us all a common ancestor—Adam. Why? So that it might never be said one man is better than another.

Fundamentally, we are here to determine whether the Constitution of the United States is a vital, living document for some and a dead letter for others.

In short, we stand here on the bedrock of the Constitution of the United States, to preserve its integrity and to give it the springs to catapult it into action. Without appropriate enforcement provisions, the Constitution remains a group of paragraphs insulated from the life of the people like some archaic document in a glass caged museum, a closet drama to be read but not played.

We are concerned here with the constitutionally guaranteed rights which deny to both Federal and State Governments the authority to withhold from the people the equal protection of the laws or to discriminate against some of the people because of race or color. In 1957, we enacted the Civil Rights Act—the first of its kind in 82 years. I am proud that act bears my name, just as the bill does. Among the provisions of the 1957 act was one setting up the Civil Rights Commission, a factfinding body clothed with the proper authority to make its findings on discrimination and to report back to the Congress and to the President; this the Commission has done.

This was a balanced Commission. I am sure the names are familiar to all of you:

John A. Hannah, Chairman, of Michigan.

Robert G. Storey, Vice Chairman, of Texas.

John S. Battle, of Virginia.

Doyle E. Carlton, of Florida.

Rev. Theodore M. Hesburgh, of Indiana.

George M. Johnson, of the District of Columbia.

The Commission brought into sharper focus the existence of patterns in discrimination. While the complexion of the "why" or of the "how" or of the propriety of such discrimination differed according to the interpretation of each Commissioner, the existence of discrimination itself was not denied.

I do not believe that any Member in this House will deny that discrimination does exist in public housing, in public schooling, in voting, in job opportunities, and so forth. There are those who will contend that such discrimination is merely a matter of personal preferences and that the prejudices which do exist against the Negro people are primarily valid and justifiable. There are others who insist that in most of these areas personal preferences must give way before the weight of the Constitution. I repeat, none will deny the existence of discrimination. This, then, is the testing ground whether the Constitution shall prevail or the temper and mores of a pattern of living shall prevail. If the latter, then let us, in all honesty, if such is the will of the majority, eliminate from the Constitution those portions which guarantee civil rights. But, if the Constitution is to remain intact and meaningful, if the majority wants it, then let us take the proper and necessary steps toward the securing of these rights. It is up to us to squarely face this issue—to keep the Constitution whole and alive or to shred it so that there is protection for the majority of our people and the withholding of that protection from the minority of people who differ only because of their race or color.

There will be those who state that there is discrimination in the North and in the West of our great country as well as in the South, but that the instant bill is sought as a punitive measure against the South only. I cannot and will not deny that patterns of discrimination exist in the North as well as in the South and where these discriminations exist, be they North or South, this bill if passed will apply with equal force and effect.

If we are to subscribe to the principle of the rule of law, certainly its applicability and uniformity is as important to country by country as it is to person by person. Nothing that is proposed in H.R. 8601, the Celler bill, or will be proposed in the form of amendments, is revolutionary. It is not a document that compares with the intensity and revolutionary articulation as does, for example, the Declaration of Independence. It is not the millennium that is sought here but rather the Federal enforcement of federally guaranteed rights.

Coming generations, I am sure, will find it difficult to believe that so much had to be said—so much had to be written—so much had to be discussed about a relatively simple matter.

The arguments that will be advanced against H.R. 8601, my bill, will be the same that were advanced against social security, minimum wage, child labor, and Federal employment insurance legislation. But what we will be talking about, in reality, is the color of a man's skin—not States rights, not the federated structure of our Government, but the color of a man's skin. The Constitution of the United States was not drafted with a color chart before it.

We know that progress faces its most difficult obstacle in the mores, the pattern, the way of living in a region of our country. We know that it is no simple matter to ask people to relinquish their way of life which for generations they have followed. It is very difficult to break with the past.

If there be no violation of the Constitution in each of the States, certainly these modest proposals could not be brought into play. If there is violation, must we not then seek to eliminate it.

One hundred years is a long time. It has been almost 100 years since the 13th, 14th, and 15th amendments were adopted. It is the studied purpose of those amendments to accord equal rights to all people, regardless of race, color, creed, or national origins.

There has been almost 100 years of resistance to these amendments in the

legislative branch, in the judicial branch, and in the executive branch. But gradually the people of the Nation have realized the futility of this resistance and the enormity of segregation. They have been awakened. The Supreme Court, in the Brown desegregation decision, reflected this attitude. Also, the legislative branch in passing the Celler Civil Rights Act of 1957 mirrored a rising tide of demand that no one citizen be treated differently from another.

The many untoward disturbances that have occurred since 1957 have sorely tried the national patience. The so-called massive resistance to integration, the sad affair at Little Rock, the promulgation of the so-called southern manifesto, the closing of public schools, the spread of white citizens councils with their mob rule, the flagrant, widespread disregard of the right to vote, the lynching at Poplarville, the widespread bombings have aroused the Nation. American conscience has suffered.

Happily, there are many in the Southland who view with despair all of the aforesaid sordidness. The demonstrations that have recently taken place in Montgomery, Ala., and elsewhere, the so-called lunch counter passive resistance movement, have stirred the profound sympathies for the colored people in many parts of the country, including the South. Some of the newspapers in the South have deplored these passive demonstrations, others have sympathized.

Yet despite the Supreme Court decision, there has been no integration in the States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina and only token integration in Arkansas, Virginia, North Carolina, and Florida. In those four latter States, only about 500 Negro students have been admitted out of a total of 800,000 colored. This assuredly is not integration with "deliberate speed," as exhorted by the Supreme Court. Meanwhile, there is general proscription of the Negro in the voting booths.

The Civil Rights Commission has given ample evidence of the denial of the ballot to the Negro.

It is hoped that wiser councils will prevail than those obtaining heretofore.

Southern leaders in and out of Congress, I am sure, can take the bill that we offer. They must realize that continued resistance will avail them naught. We should be able to sit down and reason together.

It is hoped that there will be a cessation to obstructionism to any kind of civil rights bill. Surely the southerners must now realize that this is a tide that cannot be stopped. No barricade of words can withstand it. You cannot deprive the Negro of his ballot, his right to go to an integrated school, his right to work alongside of white brethren. You can no more continue with impunity to perpetuate these wrongs than you can with success try to strengthen a dog's tail by placing it in a mold. Southern advice and counsel in the solution of these vexatious problems are desired, but incessant objection to any kind of civil rights bill creates an atmosphere where that advice and counsel are resisted and are disregarded.

There is no doubt that the 86th Congress will enact a workable and strong civil rights bill.

SECTIONAL ANALYSIS OF H.R. 8601

TITLE I. OBSTRUCTION OF COURT ORDERS—AMENDS TITLE 18 OF THE UNITED STATES CODE BY ADDING A NEW SECTION TO CHAPTER 73

The new proposal—a misdemeanor punishable by a fine of not more than $1,000 or imprisonment of not more than 60 days, or both—provides that anyone who corruptly or by threats or force, including a threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with the due exercise of rights or the performance of duties under a Federal court order designed to effect the desegregation of a public school. It also provides for the issuance of an injunction or other necessary civil relief regardless of the fact that the conduct involved also constitutes a crime under this section. Provision is made, however, that should a fine or imprisonment issue for violation of the injunction, it shall be concurrent with the criminal penalty imposed under this new section.

Exemption is provided for the acts of students, officers, or employees of a school when such act is done pursuant to the direction of or is subject to disciplinary action by an officer of the school.

TITLE II. FLIGHT TO AVOID PROSECUTION FOR DAMAGING OR DESTROYING A BUILDING OR OTHER REAL OR PERSONAL PROPERTY

Title II adds a new section to chapter 49 of title 18 of the United States Code. It defines a new crime, namely, flight to avoid prosecution for damaging or destroying any building, or other real or personal property. It provides that whoever travels in interstate or foreign commerce with the intent to avoid prosecution or custody or confinement after conviction under the law of the place from which he flees for willfully damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center, or educational institution, public or private, or flees to avoid giving testimony in such a criminal procedure is subject to a fine of not more than $5,000 or imprisonment of not more than 5 years, or both.

Violations of this section may be prosecuted in the judicial district in which the original crime was committed or the district in which the person is held in custody or confined.

A proviso clearly indicates that this particular section shall not be construed so as to indicate any intent on the part of the Congress to interfere with the jurisdiction which a State may have over such an offense.

TITLE III. FEDERAL ELECTION RECORDS

This title would require the retention and preservation for a period of 2 years of any general, special or primary election records involving candidates for Federal office. These offices are the office of the President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, and the Resident Commissioner of Puerto Rico. It would include all records and papers in the possession of election officers relating to application, registration, payment of poll tax, or any other act requisite to voting in such elections. Provision is made, however, that where such records are required by State law to be deposited with a custodian such election records may be so deposited and the duty of retention and preservation then devolves upon that custodian. A willful failure to retain and preserve the records is made an offense punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

Section 302 provides that any person, whether or not an officer of election or custodian, willfully steals, destroys, conceals, mutilates, or alters any of the records required to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

Section 303 provides that such records as required to be preserved by this title shall, upon the written demand of the Attorney General or his representative to the party having custody, possession, or control of them shall be made available for inspection, reproduction, and copying by the Attorney General or his representative. Demand, however, must contain a statement of the basis and the purpose therefor.

Section 304 provides that when a demand is made by the Attorney General, the record shall be reproduced either at the principal office of the person upon whom the demand is made or at the office of the U.S. attorney in the district in which the records and papers are located.

Section 305 provides that unless ordered by a court of the United States, neither the Attorney General nor his representative nor any employee of the Department of Justice should disclose any record or paper produced pursuant to this title except to the Congress and any of its committees, governmental agencies, or in the presentation of a case or proceeding before a court or grand jury.

Section 306 provides that in the event of nonproduction, jurisdiction would be conferred upon the Federal district courts to resolve any dispute which might arise in connection with the exercise of the authority conferred upon the Attorney General by this title including appropriate process to compel the production of the record or paper.

Section 307 defines the term "officer of election" to include any person who under color of the law performs or is authorized to perform any function, duty, or task with any application, registration, payment of poll tax, or other act requisite to voting at any one of the enumerated elections at which votes are cast for candidates for the specified Federal offices.

TITLE IV. CIVIL RIGHTS COMMISSION

In the enactment of the Mutual Security Act the Civil Rights Commission was extended for an additional 2 years so that the provision contained in title IV is now moot. The remaining provisions of title IV, however, clarify the authority of the Commission to administer oaths or to take statements under affirmation. The other section of this title will eliminate from the Civil Rights Act of 1957 the words "in accordance with civil service and classification laws" and insert "without regard to the provisions of the civil service laws and Classification Act of 1945, as amended." This would permit the Civil Rights Commission to hire personnel without regard to the Civil Service Act and classification laws.

TITLE V. EDUCATION OF CHILDREN OF MEMBERS OF THE ARMED FORCES

This title amends Public Laws 815 and 874 of the 81st Congress which authorize Federal payment to school districts which provide free public education to children whose parent resides or works on Federal property which is not subject to State or local taxation.

Public Law 874 now requires the Commissioner of Education to make arrangements to provide free public education for children residing on Federal property if the State and its subdivisions may not spend tax revenues for their education or if no public educational agency is able to provide suitable free public education for them. The first section of this title would amend the existing law to permit the Commissioner to make similar arrangement for the children of members of the Armed Forces on active duty whether or not they reside on Federal property, where

the schools which usually provide free public education for them are unavailable because of official State or local action and there is no local public educational agency able to supply suitable free public education. The existing Public Law 874 is also amended so that these arrangements for the education of the children of members of the Armed Forces can be made with the head of the Federal department or agency having jurisdiction over the parent of these children. It further provides that the Commissioner may make arrangements for the education of these children regardless of the limitation in existing law which limits such arrangements to those which would provide for the use of either facilities on Federal property or facilities belonging to a local educational agency.

The second section of this title would amend Public Law 815. It authorizes the Commissioner of Education to acquire possession of any school building constructed with Federal aid after the enactment of the proposed amendments contained herein, when the local educational agency which owns the building is no longer using it for free public education and the Commissioner of Education needs the building to provide education for the children of military personnel residing on or off Federal property. While the school is in Federal possession the Commissioner shall pay the local district a rental fee proportionate to its share of the cost of constructing the building. The section proposes to amend existing law by requiring in the submitted plans for the construction of the school from Federal funds an assurance that the agency would make the school facilities in such a project available to the Commissioner when he finds it necessary to use such a facility for the education of children of the members of the Armed Forces when the schools usually providing free public education for them are made unavailable by official action of the State or local government. Possession would be taken under the terms and conditions prescribed in regulations issued by the Commissioner of Education. Payment by the Commissioner of a reasonable rental on the portion of the facilities financed with non-Federal funds would be required. Provision is also made for the return of these facilities when the Commissioner no longer needs them.

TITLE VI

This title is a simple separability provision.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. The gentleman referred to amendments which will be offered. Will the gentleman indicate for the information of the House what amendments he anticipates may be offered?

Mr. CELLER. I intend to offer an amendment concerning discrimination against certain people because of their race or color in connection with governmental contracts and subcontracts. At the present time, as the gentleman knows, there is in operation a Commission appointed by the President to endeavor to do away with discrimination in employment with reference to Government contracts and subcontracts.

The amendment would embody that Commission into the legislative fabric; in other words, the Commission instead of relying on an Executive order can rely on an act of Congress.

Second, I will offer an amendment concerning aid to those areas that seek to integrate and wish to have aid from the Department of Education.

Third, I will offer an amendment concerning that which involves considerable controversy, for want of a better terminology I will call part III, which would permit the Attorney General to bring an action on behalf of an individual or individuals whose rights under the 14th amendment, civil rights, have been invaded, or have been eroded, or have been withheld.

Those in essence are the amendments I will offer.

Mr. POFF. I thank the gentleman.

Mr. CELLER. Title 5, which is a part of the bill, provides for the education of the children of members of our Armed Forces. You may recall that in one particular instance the public schools were closed, I think it was in Norfolk, and the children of military personnel at the Norfolk installations were deprived of a public school education. This provision, title 5, would provide under varying circumstances that these children of military personnel would have access to appropriate educational channels.

That will be in the form of an amendment. That is not in the present bill.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. In response to the questions just asked, you will recall when we discussed H.R. 3147 and many features of the civil rights bill as outlined on page 2 of the report were considered, among those things that we considered was the right of the Department of Health, Education, and Welfare to supplement Public Laws 874 and 815. Do I understand that the gentleman only intends to offer amendments as they relate to those laws as the gentleman indicated, like in Norfolk, Va., where the pupils live on Federal installations?

Mr. CELLER. No; it refers also to educational facilities for children of military personnel who live outside of installations.

Mr. ROGERS of Colorado. Is your amendment limited to Public Laws 874 and 815 or do you intend to offer an amendment which would permit assistance to those school districts where the Federal Government has no children, to encourage those school districts to integrate, where they may have been closed as the result of some desegregation ordered by the Federal court? Your amendment would be offered to permit the Secretary of Health, Education, and Welfare, upon request made from that school district or from the State, to supply them with sufficient funds to operate the school. Now, that is the amendment that the gentleman proposes to offer?

Mr. CELLER. The gentleman is correct.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. ALGER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. ALGER. Mr. Chairman, I would like to ask the gentleman from New York a question on title II. There will be an additional workload imposed under this provision on the Federal judicial districts, and the gentleman knows that at least the northern judicial district of Texas is in some trouble now with a backlog of cases. Is it the gentleman's intention to press for the additional judgeships which, obviously, will be needed all the more because of this additional load brought about by the civil rights bill, if passed?

Mr. CELLER. I do not know whether the gentleman is informed, but yesterday Subcommittee No. 5 of the Committee on the Judiciary voted favorably on a bill to provide for 45 new additional Federal circuit judges and district judges.

Mr. ALGER. Am I to understand the subcommittee in reporting this means that the committee will report it and that it may be before the House shortly?

Mr. CELLER. I am not a seer. I do not know what the committee might do.

Mr. ALGER. But, the gentleman is chairman of the committee and I suspect the committee has great respect for the weight of the gentleman's opinion.

Mr. CELLER. I thank the gentleman very much. I hope they will when the subcommittee actually reports to the full committee.

Mr. ALGER. But you will endeavor to have the judgeship bill before us; that is my question.

Mr. CELLER. I will do my best.

Mr. ALGER. I thank the gentleman.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. I want to thank the gentleman for a very careful and well thought out analysis of the bill that has been reported by his committee. As I understand the bill reported by the committee it contains four titles to which the gentleman referred. In addition, the rule which has just been adopted makes in order the provision for voting referees. What I would like to inquire of the gentleman is this: Would the committee bill, as reported by the committee, having added to it the voting referee proposal in some effective form, be a meaningful and effective advance insofar as the protection of civil rights by the Federal Government is concerned?

Mr. CELLER. Of course, if I cannot get the amendments that I have enumerated included in the bill, I will accept the bill as outlined by the distinguished minority leader. I hope that the amendments that will be offered will be accepted. They will give real strength and sinew and muscle to the bill. Nonetheless, I will accept the bill as outlined by the gentleman from Indiana.

Mr. HALLECK. I did not mean by my question to indicate what my position will be on any of these amendments, but it has been suggested to me that the bill, as reported by the committee, even having added to it the voting referee proposal, would be just nothing at all in the advancement of civil rights. I find myself in complete disagreement with that because it does seem to me that these five provisions, if they become the law of the land, would just be a very

definite advance in the direction of the protection of civil rights.

Mr. CELLER. Of course reasonable men may differ as to whether or not they are helpful enough. I would say they are helpful.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. ABERNETHY. The gentleman has informed the committee that he proposes to offer three, possibly four, very broad amendments to the bill. Has the gentleman drafted the amendments; and if so would it be possible for him to include them in the RECORD of today?

Mr. CELLER. They have already been publicized. They are part of the original bill that was offered. They have already been printed and made a part of the record.

Mr. ABERNETHY. I realize that they may be in existence somewhere, some place; but the gentleman has not discussed them during general debate up to this time; and unless he intends to take some time later to discuss these amendments or give us some idea of what they would include except his general statements as to what they are about, it leaves us in the dark.

Mr. CELLER. I would be glad at the end of my remarks this afternoon to include them.

Mr. ABERNETHY. Before the gentleman leaves the well of the House or sometime during the day, could he address himself to the amendments so that the House may be informed concerning the gentleman's objectives?

Mr. CELLER. I just did. I do not know if the gentleman was in the Chamber during my statement.

Mr. ABERNETHY. I heard every word the gentleman said, but he did not go into any of the details of the amendments. He stated what the subject matter was.

Mr. CELLER. I should be glad to place the exact verbiage of the amendments in the RECORD at the end of my remarks and the gentleman will have plenty of time to look them over.

Mr. ABERNETHY. With some comment about them?

Mr. CELLER. These amendments are clear.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, in response to the question asked by the gentleman from Mississippi [Mr. ABERNETHY] if he will read the report he will find that the full Committee on the Judiciary failed to adopt what was known as H.R. 3147 which Subcommittee No. 5 had considered and recommended to the full committee. When H.R. 3147 was submitted to the full committee, many of the features were deleted from it. What the chairman is saying is that if the gentleman will look at H.R. 3147 as originally reported from Subcommittee No. 5 he will find his amendments. And if the gentleman will look at the report, at the bottom of the page, he will find outlined nine provisions of H.R. 3147 in substance as pointed out and also, if he will compare that with the present bill, he will know what his amendments are.

Mr. ABERNETHY. I think the gentleman has confused the situation even further. Now I understood him to say that there will be nine amendments.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. CELLER. I yield.

Mr. ROGERS of Colorado. If the gentleman will read H.R. 3147 and get the hearings that we had in connection with it, if there is any confusion as to what the intent and purpose was, as it was reported by Subcommittee No. 5, and if he have any doubts about it, I will be delighted to inform him as to what we intended by it.

Mr. ABERNETHY. I think everyone is confused to this extent, that it seems we are considering a bill which is not now pending before the committee. In substance it will be a bill that will be offered later by the gentleman from New York [Mr. CELLER]. We do not have that bill before us in printed form. While it may be an easy matter for the gentleman from Colorado to look at 300 or 400 pages of hearings through which he sat and to find out what it is about, it would be somewhat difficult for the rest of us to do it. So I go back to my friend from New York and say this: The gentleman from New York gave me a very satisfactory answer.

The gentleman stated that he would include the amendments in the RECORD at the conclusion after we go back into the House this afternoon, or even at the conclusion of his remarks today. He also stated, as I understood him, that he would include some explanation of the amendments in the RECORD.

Mr. CELLER. I should like to have a copy or some inclusion in the RECORD today of the amendments other gentlemen are going to offer.

Mr. ABERNETHY. I do not know of any amendments that are to be offered. I do not contemplate offering any. If I do, I will certainly give the gentleman the benefit of them. But I think in all fairness the gentleman will agree he is proposing to add amendments which add tremendously to the pending bill. Actually none of us know what they are except that they deal with certain subjects.

Mr. CELLER. Pursuant to the request of the gentleman from Mississippi [Mr. ABERNETHY], I am inserting the following material in the RECORD so that the House may be informed in advance of the amendments which I propose to make at the appropriate time.

The numbering of the sections which follow is as the sections appeared in a predecessor bill. When these amendments are offered, they will be renumbered to reflect the point at which they are to be included in the bill before the House:

AUTHORIZATION TO THE ATTORNEY GENERAL

SEC. 301. (a) Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

(b) A person or group of persons shall be deemed unable to seek effective legal protection for the right to the equal protection of the laws within the meaning of subsection (a) when such person or group of persons is financially unable to bear the expenses of the litigation, or when there is reason to believe that the institution of such litigation would jeopardize the employment or other economic activity of, or might result in physical harm or economic damage to, such person or group of persons or their families.

SEC. 302. The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, (1) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder, any Federal, State, or local official from according any person or group of persons the right to the equal protection of the laws without regard to race, color, religion, or national origin, or (2) against any person or persons preventing or hindering, or threatening to prevent or hinder, or conspiring to prevent or hinder the execution of any court order protecting the right to the equal protection of the laws without regard to race, color, religion, or national origin.

SEC. 303. The Attorney General is authorized, upon receipt of a signed complaint, to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or subdivision or instrumentality thereof, deprives or threatens to deprive any person or group of persons or association of persons of any right guaranteed by the 14th amendment of the Constitution because such person or group of persons or association of persons has opposed or opposes the denial of the equal protection of the laws to others because of race, color, religion, or national origin.

SEC. 304. The district courts of the United States shall have jurisdiction of proceedings instituted under sections 301, 302, and 303 of this Act and shall exercise the same without regard to whether any administrative or other remedies that may be provided by law shall have been exhausted. In any proceeding hereunder, the United States shall be liable for costs the same as a private person.

SEC. 305. Whenever a suit is brought in any district court of the United States seeking relief from the deprivation of the right of equal protection of the laws because of race, color, religion, or national origin, the Attorney General is authorized to intervene in such action with all the rights of a party thereto and to seek compliance with any lawful order issued by such district court.

SEC. 306. Nothing in this Act shall be construed to impair any right guaranteed by

the Constitution or laws of the United States or any remedies already existing for their protection or enforcement, nor to prevent any private individual or organization from acting to enforce or safeguard any constitutional right in any manner now permitted by law.

* * * * *

COMMISSION ON EQUAL JOB OPPORTUNITY UNDER GOVERNMENT CONTRACTS

SEC. 601. There is hereby created a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts", hereinafter referred to as the Commission.

SEC. 602. (a) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

(b) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

(c) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

SEC. 603. (a) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of duties under this title.

(b) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

(c) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

(d) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(e) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

SEC. 604. The Commission may employ such personnel as may be required for the effective performance of its duties.

SEC. 605. The Commission shall render to the president annual reports for transmission to the Congress.

SEC. 606. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this title.

* * * * *

GRANTS TO ASSIST STATE AND LOCAL EDUCATIONAL AGENCIES TO EFFECTUATE DESEGREGATION

SEC. 801. (a) The Congress recognizes that (1) prior to May 17, 1954, the Constitution of the United States has been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (2) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (3) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (4) State and local governments and agencies which had relied upon the "separate but equal" doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (5) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

(b) It is therefore the intent of Congress and the purpose of this title to assist State and local governments and agencies in carrying out their constitutional obligations by sharing certain of the additional expenditures directly occasioned by desegregation programs and by providing information and technical assistance in connection therewith.

AUTHORIZATION OF APPROPRIATIONS

SEC. 802. (a) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

(b) Appropriations under this section shall be available for grants to help finance:

(1) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

(2) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

ALLOTMENTS AND PAYMENTS TO STATES

SEC. 803. (a) The Commissioner of Education (hereinafter called the "Commissioner") shall for each fiscal year allot to each State, from the sums appropriated pursuant to section 802 for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–54 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

(b) From a State's allotment under subsection (a) for a fiscal year, the Commissioner shall, except as otherwise provided in section 805, pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in section 802(b)(1) under applications approved by the State agency (designated as provided in section 804(a)(1)) pursuant to the State plan approved under section 804, and one-half of the expenditures of such State agency in carrying out the purposes specified in section 802(b)(2) under such plan, including its expenditures in administering the State plan. Payments under this section (and section 805) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

STATE PLANS

SEC. 804. (a) A State plan shall be approved by the Commissioner for purposes of this title if such plan—

(1) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State educational agency;

(2) sets forth the methods and criteria for approving applications of local educational agencies for funds under this title, and describes the activities to be carried on by the State agency with the aid of funds under this title;

(3) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

(4) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this title solely for the purposes for which made and otherwise to perform his functions under this title.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under subsection (a), finds that—

(1) the State plan has been so changed that it no longer complies with any of the requirements of subsection (a), or

(2) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to parts of or programs under the State plan not affected by such failure).

LOCAL AGENCY APPLICATIONS

SEC. 805. If the Commissioner determines, with respect to any State for which an allotment has been made under section 803(a) for any fiscal year, that such State will not for such year submit and have approved a State plan under section 804, and either (a) that such State has consented to the making of applications by local educational agencies pursuant to this section, or (b) that such State has indicated that it assumes no responsibility with respect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of section 803(b), pay to local educational agencies, with applications approved by him under this section, one-half of the expenditures of such agencies during such year in carrying out the purposes of section 802(b)(1), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this section, which will, in his judgment, best effectuate the purposes of this title.

DEFINITIONS

SEC. 806. For purposes of this title—

(1) The term "public school" means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

(2) The term "segregated public school" means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

(3) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(4) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

FEDERAL ADMINISTRATION

SEC. 807. (a) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

(b) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

(c) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this title, except the promulgation of regulations.

(d) No appropriations may be made pursuant to section 802 for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this title, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate.

Mr. WILLIS. Mr. Chairman, on my own time I yield such time as he may consume to my colleague from Louisiana [Mr. PASSMAN].

Mr. PASSMAN. Mr. Chairman, there is no denying the regrettable fact that government in our great Nation has moved, and is continuing to move, further and further away from the people. The so-called civil rights bill now before this House—which, if enacted, would take away more rights than would be granted—is a clear-cut example of centralized government here in Washington threatening to destroy our constitutional Federal system through shameful responses to political expedience.

The members of this body will recall that Thomas Jefferson, indisputably one of the greatest figures in American history, warned against the dangers of centralization as early as 1802. In that year he wrote, and I quote in part:

If ever this vast country is brought under a single government, it will be a government of corruption.

Unfortunately, today, 140 years later—although we must realize how justified Thomas Jefferson was—his warnings are going unheeded. Again and again—through the Congress, the executive branch, and the judiciary—the Federal Government is dangerously tampering with our Federal system—and more the shame of it, in many instances, as with the so-called civil rights proposals now before this House and the other body, for the short-lived benefit of short-sighted politicians.

Mr. Chairman, I regret the necessity for making this comment, but it is quite obvious that certain politicians—through their heedless tinkering with our precious heritage in their drive to push the Federal Government ever further into the field of so-called civil rights—have discovered that this issue has all the elements, or so they pretend to believe, of political magic.

But I say to you that these attacks on vital areas of State and local jurisdiction constitute attacks on the Constitution itself. It is elementary, of course, that once the elections are controlled by Washington, the State governments will lose much more of their rightful jurisdiction. If this so-called civil rights bill, in whatever form it may be, is enacted into law, then the catastrophe of centralized government, of which Thomas Jefferson warned, will surely be upon us.

I have opposed, I oppose now, and I will continue to oppose, the so-called civil rights proposals before the Congress. And I would remind this body, Mr. Chairman, that it cannot legislate morals, nor can it, by passing a law, advance people into a society beyond their own ability and inclination. To attempt to do this is in the interest of political expediency, and not for the good of this great country of yours and mine.

The people of the States of our Union will solve their own problems in their own way, if given an opportunity to do so. And, in my considered opinion, the Government in Washington has neither the duty nor the right to concern itself with what are clearly the affairs of the States. The Constitution of the United States plainly supports this contention.

Mr. Chairman, let us never forget that the freedom our citizens enjoy will endure only as long as our Federal system endures. In order to preserve that system, we must keep the Federal Government out of the fields which properly belong to our States.

I feel deeply that any plan which would usurp the rights of the States to conduct their own elections, no matter what its provisions, is not only unsavory, but extremely dangerous. This is true of the proposal that Federal judges be empowered to appoint referees to, as it is phrased, "protect Negro voting rights" in all elections, State as well as Federal. It is true also of the Federal registrar recommendations for Federal elections. And it is true, too, of any combination of these, or similar, arrangements.

While the referee plan might be considered by some to be less obnoxious in one way than the registrar proposal, it is certainly more so in another. It would extend its tentacles to the control of State elections, which would be an even more gross invasion of States' rights.

Referees appointed by Federal judges would be certain to exercise the fullest powers over voter registration. It cannot be denied successfully that the effect could be to remove all voting qualifications, and to allow anyone capable of making his way to the polls to vote—even if he had to have the assistance of prejudiced election officials. Educational requirements would be nullified, because the Federal judges, acting under orders from on high, could conceivably instruct the referees to let all Negroes vote.

It is not pleasant to contemplate or imply, but there is strong evidence that at least some Federal judges take their orders directly from the U.S. Supreme Court—which, most unfortunately, is obviously racially prejudiced, to the extent that the mere fact of race, if involved in any way, appears to strongly influence many of its decisions.

Mr. Chairman, the Members of this House—and, of course, of the other body—should recognize the fact that federally supervised elections are a deadly dagger poised at the heart of American democracy. This precedent, if it should be adopted, could ultimately reach the point of respecting no race, no color, no creed, no individual, and no section of our great Union.

I submit that appeals to emotions, prides, and prejudices among our people are becoming a discredit to the Nation, and a frighteningly real menace to our democratic processes. And these glibly proposed legalities, wrapped in either emotionalism or political demagoguery, are being offered to the public as cures for complex social problems which are as solid as mankind.

Mr. Chairman, I have consulted frequently and at length with numerous recognized experts in constitutional law, and, without exception, they inform me that not one of these so-called civil rights proposals is constitutional, if weighed by the traditional judicial interpretations prior to the Warren-led Supreme Court of today. Those opinions cover the plans to:

First. Give the President unprecedented power to appoint Federal supervisors or referees over local and State elections.

Second. Grant this awesome supervisory power to appointed Federal judges, backed by Federal police, writs of search and seizure, and jail sentences for dissenting local officials.

Third. Replace local registrars of voters with Federal officials, appointed from out of State.

Fourth. Permit the Attorney General to seek an injunction in Federal courts for anyone who complains of discrimination—and with the accused individual bearing the burden and the cost of disproving the charge, while opposed by the full might of the Government of the United States.

Many call these so-called civil rights proposals moderate approaches. But, for myself, Mr. Chairman, I am unable to discern anything even remotely moderate about arming politically appointed Federal judges with decrees, secret police, writs of search and seizure, and imprisonment powers over local officials and private citizens.

There is certainly no moderation in Federal control of local elections, the most basic democratic process—and concerning which the Constitution unmistakably gives the States the sole right to determine voter qualifications.

Surely there is nothing moderate, in the American sense of the meaning of the word, about setting these nonelected Federal officials above State and local laws—putting them in unapproachable towers, insofar as the people and their duly-elected representatives are concerned.

There also is nothing moderate about arming appointed Federal judges with military or police bayonets, closed hearings, and injunctions for any citizen—white or colored—who fancies he has been discriminated against.

The various so-called civil rights proposals before this House—and before the other body—are not moderate. And they do not provide a solution for anything. The only solutions for these problems, Mr. Chairman, are time, education, tolerance, charity, patience, and understanding.

May I remind you that throughout history, the road to dictatorship has been paved with good intentions on the part of the people, on one hand, and noble pronouncements of ambitious politicians, on the other. Trustful delegation of citizen responsibility and expedient laws to correct real or fancied evils of the moment constitute the links that bind the chain of bondage to dictatorial government.

Every demand for Federal supervision, every hue and cry for Federal intervention in local affairs, and every power hastily granted to appointive Federal officials weakens representative government and the ability of the people to resist enslavement by an all-powerful central government. This, Mr. Chairman, is a fact of life, a fact of political science—and it has nothing to do with race, color of skin, or creed.

Unaccountable to the people, appointive Federal officials with police-state aids and methods—given by a trusting citizenry—could not only supervise, but actually control elections. Tomorrow, or 10 years from tomorrow, they might also decide to supervise or control unions, church memberships, private property ownership, and other affairs of the people.

Now, Mr. Chairman, may I assure that the comment I am making here today is as an American first, with other considerations coming afterward. I might also add that such is the case with the overwhelming majority of Americans who are southerners, with all their heart and soul. The very fact that American southerners live with the racial problems enables our great area's intelligent people to see—to understand—that the race problem is secondary. It pales into insignificance, in fact, in comparison with the real issue, which is one of individual freedom as opposed to an all-powerful Central Government.

I ask, who in our Nation is better qualified to understand—and fear—an unbridled Central Government than an American in the southland? Well remembered, Mr. Chairman, are reports of grandfathers—and of others—hanged without benefit of jury by corrupt Central Government officials backed by Federal troops. Yes, vividly recalled, even now, are the midnight seizures and firing squads.

Also remembered, Mr. Chairman, is the abolition of the duly elected State legislature in my own State of Louisiana, and its replacement by an illiterate majority; a Lieutenant Governor who could not write his name; local district attorneys and sheriffs late of distant States; the confiscatory taxes which wrecked both local governments and private citizens, to the enrichment of a bureaucracy appointed by the Central Government in Washington.

These are real fears, based upon historic facts. Intelligent Americans living in the South know what all-powerful federalism means. It is a pity that the other areas of our great Nation do not know.

But I feel, Mr. Chairman, that freedom is never a lost cause.

The Constitution of these United States has not changed. The basic principle underlying our form of government is the same as it always has been. And the cornerstone of this structure is the fact that the States retain unto themselves all powers which are not specifically delegated to the Federal Government. Whether the Supreme Court forgets this or not, or whether the executive branch does, or the Congress, it is a fundamental truth that the citizens of all sections of our Nation should never forget.

So I now, again, express the fervent hope that the majority of the membership of this House, reflecting the inherent good sense of the American people, will decline to approve the so-called civil rights proposals now being considered, which would take away from the people many more rights than they would grant.

Mr. WILLIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Chairman, this civil rights bill is as vicious an instrument as I have read since I have been in this Congress. It is brought on by the pressure groups up North and in the West; but, if enacted into law, will undoubtedly be used by corrupt and designing politicians in these areas as well as in the South to hurt our people.

This bill provides that anybody who writes a letter critical of a decree of the Federal courts dealing with integration of schools, with the intent to obstruct the execution of an order of this court, is guilty of a Federal crime and is punishable by fine and imprisonment. One would not have thought that such legislation would even be considered by a free government, operating in a democracy which holds itself up to the world as an example of good government. The wording of the special provision regarding issuance of injunctions or other civil relief makes it possible for the same court to punish twice for almost the same crime—a principle condemned throughout our entire jurisprudence.

The provision regarding fleeing from one State to another to avoid prosecution or imprisonment for the crime of bombing or setting fire to a building, whether it be a church or otherwise, makes another step toward taking away from States their fundamental rights. Punishment of non-Federal crimes generally has been by the State. This provision simply says, in effect, that the crime of arson will be punishable as such and then can be punished again because of the action of the defendant in fleeing to avoid custody or to avoid sentence. Of course everyone condemns the crime of bombing churches and synagogues but if a special case is to be made out for the destruction by fire or explosives of any building, the same principle would apply to every crime on the statute books. It would tend to make every crime then a Federal crime.

Of course, only a few States will find it objectionable to hold voting records following a primary or general election. No State, however, will accept, without revulsion, Federal laws which permit registrars to be appointed to supersede and take over the functions of the State registrars. The United States is taking a long step forward under this principle to completely take over elections wherever they may be held and with the complete control of elections, State sovereignty goes out the window.

To make the situation even worse, the Attorney General, or his representative, is directed by this proposed legislation to order the registrars to turn over to him for inspection or copying any document in the registrar's files. The Attorney General can send Federal or non-Federal agents for this purpose. He can send a layman rather than a lawyer; in fact, he can send, under this provision, a representative of the NAACP.

There is a provision in this bill covering education of children of parents in the Armed Forces. There is no present need for this provision. The children of the parents in the Armed Forces are being educated all right under present law and it is surplus to present needs. At the same time, this measure would permit a Federal officer to take over as though by expropriation public school property and use it for Federal needs until such time as the Federal officer decides to release it back to the State agency. This act makes no provision for any consideration for the use of this property by the United States.

The entire measure is calculated to punish the South. It is vindictive legislation. It is calculated to make the Southern States colonies of the United States, not coequal partners in a joint venture of operating a government.

Mr. WILLIS. Mr. Chairman, I yield such time as he may desire to my colleague from Louisiana [Mr. THOMPSON].

Mr. THOMPSON of Louisiana. Mr. Chairman, it is generally known that I am unalterably opposed to this so-called

civil rights legislation. I believe it to be unconstitutional, unneeded, and it will serve no purpose except to impose upon all of the people of our Nation a degree of Federal intervention and control that was never intended by our Founding Fathers. I will say to my colleagues, the people of my State of Louisiana and of my district in southwest Louisiana are an enlightened, progressive, and most tolerant people. Our people are becoming educated more and more to keep pace with our great industrial expansion. They are becoming trained more and more to fill technical jobs which have been created and which I plan will be created as the years go by. These jobs are filled by people of our areas who are qualified to hold them, regardless of race, creed, or color. The economy of our area and the standard of living and incomes of all families are rising, both Negro and white. It is my aim to continue to work to see that our standards of living continue to rise, and we need no Federal intervention to accomplish this.

Of course, there are always those people who, through no fault of their own, suffer reverses and must be given a helping hand. In my work in Congress over the past four terms in increasing acreage allotments for farmers, there has been no discrimination or thought of discrimination because of race or color. In my work toward qualifying people who reside in areas where disaster has struck for farm loans, Small Business Administration loans, all who were eligible were given help and never have I had one complaint to the contrary. In the distribution of surplus commodities to the many small farmers or others of our good people who find themselves in unfortunate circumstances, distribution is made in accordance with need and not heritage. In the case of our great national disaster which occurred largely in my district, which was Hurricane Audrey of 1957, I helped to secure and coordinate assistance from Federal and State Governments and I assure you that great suffering was alleviated by these efforts. I observed rescue squads in their untiring, heroic efforts and they had neither the time nor the inclination to check for differences in color, and the results of the efforts of our people were commended by the Nation. And there was no discrimination, as some in this Chamber would imply.

When our rivers and harbors are dredged and improved for navigation to create more commerce and more jobs, there is no thought of special groups who would benefit, and there is no discrimination when flood control and irrigation projects are improved and expanded. No one here has ever heard me express views in the Public Works Committee, of which I am a member, or in this House, other than that all of our people deserve and should get these added services, and you have favored me with many. When Federal funds and authorizations which flow through the House Subcommittee on Roads, of which I am a member, are obtained, these highways are built to accommodate everyone. And when the fight we have made on tidelands, which historically belong to our State, is won, that will be a victory for all of our people.

In my district, 20 percent of the 150,000 registered voters are Negroes who are thoroughly eligible to vote. As a result of publicity given to hearings of various Commissions in the past few years, the Nation at large has been given the impression that very few Negroes in the South are allowed to vote. Nothing could be further from the truth. Louisiana has more than 150,000 registered Negro voters and some States in the South have even more registered Negro voters. It has come to my attention that not one single disorder has ever occurred in my district at polling booths or other election or political meetingplaces which was caused by racial differences. In one of the cities of my district, two of the city councilmen elected by the people have been Negroes and they have worked harmoniously in their duties.

Louisiana has wonderful schools. Our school facilities for colored students in Louisiana are among the most modern in the United States, and there are no differences in the treatment of Negro and white students.

I am now in my 26th year of Government service, 18 years of which were spent in the State government. As State budget director in Louisiana, I have worked with and assisted all of our State colleges, two of which are Negro colleges which now enjoy thoroughly adequate facilities, staffed with well-trained career people in all fields of education. Southern University in Baton Rouge, headed by Dr. Felton Clark, who succeeded his father as president of Southern University, is, I believe, now the Nation's largest landgrant Negro university. Grambling College, whose president, Ralph W. E. Jones, has been mentioned prominently in national publications for his achievements, has an ever-expanding plant and curriculum. Only recently Grambling College's basketball team was named in the list of the 13 top small college basketball teams of the Nation. Others among these top 13 colleges were 2 white colleges in Louisiana—Northwestern State College at Natchitoches and Louisiana Polytechnic Institute at Ruston.

It might be interesting to know that a joint annual meeting of many of the civic clubs of Shreveport, Minden, Ruston, and other north Louisiana cities of the areas adjacent to Grambling College is held at Grambling College. The home economics department of the college provides the meals and the meetingplace.

Why should the U.S. Congress, under the guise of great concern for these people, the relationship of which they apparently know nothing, attempt to secure an Eastern bloc vote at the expense of destroying human understanding and development between white and colored which has been built up over the years? This type of nefarious action can end in nothing except the fomenting of racial strife and misunderstanding where none should exist.

Why are there those who would even subject a schoolchild to the inconvenience and hazards of being transported from his own home area where adequate schools exist to faraway areas merely to force integration into other schools and strange atmospheres, such as have occurred in the city of New York? This is nothing but a cruel imposition on the child, done, in my opinion, to accomplish political aims.

As has been said by my learned colleague, the Honorable E. E. WILLIS, this is a devil's brew, diabolically concocted to be fed to the South and which is intended to poison both Negroes and whites. I would say in closing that every individual in my State is privileged to pursue gainful endeavor and to succeed in conformance with his ability and ambition. The people of my district have always been helpful to those who endeavor to improve themselves, and we are all happy when our younger people attain greater education, whether they be white or Negro. It is my hope that such carpetbagger legislation will not be forced through this Congress.

Mr. McCULLOCH. Mr. Chairman, I yield myself such time as I may desire.

Mr. HALLECK. Mr. Chairman, will the gentleman yield for a brief statement before he begins his remarks?

Mr. McCULLOCH. I am glad to yield to the gentleman from Indiana, the minority leader.

Mr. HALLECK. First of all, I should like to express my own gratification at the very fair and aboveboard manner in which the debate on this very controversial matter is beginning. I am sure it will be continued in that fashion. I say it is to the credit of the House of Representatives that it is so proceeding.

Earlier in the debate on the rule I referred to the fact that in recent weeks there has been a lot of contention about who among us wanted this bill considered. Principally that was because of a discharge petition that had been filed on the Speaker's desk. I said a long time ago that, speaking for the Republican side, we would have a good bill on the floor of the House, and that we would write meaningful civil rights legislation that would be supported by the overwhelming number of the Republicans of the House.

I would just like to report that I have had a check made on the vote on the rule, which of course provides for the consideration of this very important measure. The report now is that 136 Republicans voted for the rule and only 9 against it. I think that is ample evidence of our desire to consider this legislation and to act properly upon it.

Mr. McCULLOCH. I thank the gentleman from Indiana for his statement and that information.

Mr. Chairman, I rise to speak in support of and to explain, as best I can, H.R. 8601, a bill to enforce certain basic constitutional rights, and for other purposes. I realize that the statements I make and the conclusion I reach may be controversial. Likewise, I am certain that some Members may wish to interrogate me on specific aspects of the pending omnibus measure and the

proposed amendment thereto which has been made in order by the rule, just adopted. While I stand ready to answer, to the very best of my ability, each question which may be addressed to me, in the interest of an orderly presentation of the remarks I have prepared, I request that I be permitted to speak without interruption. At the conclusion of my explanation and comments, I shall stand ready to answer any inquiries which my colleagues may address to me regarding any of the provisions of the measure before us.

Just over a year ago President Eisenhower transmitted to the Congress a special message on civil rights, in which he stated:

> Two principles basic to our system of government are that the rule of law is supreme, and that every individual, regardless of his race, religion, or national origin, is entitled to the equal protection of the laws. We must continue to seek every practicable means for reenforcing these principles and making them a reality for all.
>
> The United States has a vital stake in striving wisely to achieve the goal of full equality under law for all people. On several occasions I have stated that progress toward this goal depends not on laws alone but on building a better understanding.

It was in this spirit of building a better understanding that the President offered a seven-point program designed to continue the substantial progress that has been made in the past few years.

Believing in the goal of equality under law for all Americans, I lent my wholehearted support to implementing the President's recommendations. Thus it was that, in close consultation with the Attorney General, Mr. William P. Rogers, and other Cabinet members, an omnibus civil rights bill was drafted which I introduced on February 12, 1959.

I chose that date deliberately. I thought it particularly appropriate that President Eisenhower's proposals be introduced on the 150th anniversary of the birth of Abraham Lincoln.

For almost a century the failure to provide political equality for all qualified citzens has been nagging the conscience of the people, and now we are obliged to consider and pass legislation to insure and implement such rights to all qualified citizens, which rights so long ago, were extended to all, only to be lost or taken away, in a substantial number of States or lesser political subdivisions of our country.

There is no easy way to guarantee civil rights to everyone. There is no unanimity of opinion on how or how rapidly it can be done. Unwise and unworkable proposals calculated for political, rather than constitutional, meaningful gains, will only further aggravate a regrettable condition and prolong the date of final settlement.

If we are to achieve a measure of success in our actions, success equal to that realized by other programs, in the field of civil rights, instituted within the past decade, we must reject radical solutions which promise magical, but produce illusory, results. Only by the adoption of a program of the "golden mean" can we hope to maintain the progress we have been making while, at the same time, we build a better understanding.

This, in my opinion, would have been the way in which President Lincoln would have solved the problem. In any event, it is the American way. It is because I have such faith in the final result, if we adopt this course, that I introduced the omnibus bill, H.R. 4457, which would implement each of the seven recommendations of the President contained in his message to the Congress on February 5, 1959. H.R. 4457 was carefully studied by the committee vested with jurisdiction—the Committee on the Judiciary.

Endless hours and days were consumed by the committee in considering the proposals before it. Testimony or statements were received from more than 100 persons representing all shades of opinion. In the deliberations that followed, a score or more of proposals were carefully examined.

Finally, in August, after 6 months of study and legislative compromise, a clean bill was reported by the committee. Embodying, in substance, five of President Eisenhower's seven recommendations, the new bill was designated H.R. 8601. It is the bill now before the Committee of the Whole House on the State of the Union.

Momentous progress has been made in the last decade in the field of civil rights. No other period in our history has witnessed such remarkable progress toward the goal of full equality under the law for the Negro. Segregation in the District of Columbia was outlawed, and segregation in the Armed Forces eliminated. The first civil rights bill, in almost a century, was enacted into law; and a vigorous and effective program to protect and extend civil rights was undertaken by an enlightened and determined Chief Executive.

While the record of recent years is not a perfect one, no one can fairly minimize the tremendous strides which have been made. Advances were recorded on every front and, it is safe to say, we have reached the end of the real beginning of the march toward full political and economic equality under the law, for all of our people.

The miracle of this accomplishment, is in the relative absence of recrimination, violence, discord and bitterness. Regrettably, there have been incidents which mar the record, but, in the main, this great progress in racial relations has been effectuated with a minimum of misunderstanding.

While our record of recent years is good, we cannot afford to rest upon our oars.

At the same time, however, since we search for a just and lasting solution of the problem, it is our duty to extend to those citizens whose way of life we would remake, a sympathetic understanding. The wrongs we seek to redress did not arise overnight; and they will not be righted overnight. The Attorney General has said:

> The broad outline is plainly hopeful. The fact that there are tensions does not indicate that progress is not occurring. If things were allowed to remain as they were, there would, of course, be no tension, no problems, and few incidents.
>
> In most of the communities involved there is a growing body of informed and enlightened opinion urging the community to look for reasonable solutions. More and more the people affected are showing their acceptance of the principle that they must respect the lawfully determined rights of others. The proposals of the administration have been formulated with the idea of accelerating this attitude of acceptance and of providing the most effective means to insure greater progress in this field.
>
> Then, too, their enactment would be a striking demonstration—and I believe this would be of incalculable value—that the executive and legislative branches of our Government give their full support to the judicial branch in making equality under law a reality for all people everywhere in the United States.

With the foregoing in mind, I now proceed to the consideration of specific provisions of the proposed Civil Rights Act of 1960.

TITLE I

The Brown decision, which held that separate but equal facilities were inherently unequal, was handed down by the Supreme Court in 1954. Its implementation did not come however, until 1955 at which time the Court declared that the process of desegregation was to be carried out "with all deliberate speed."

To people of the South, yes, even to some people in the North, this was a revolutionary doctrine, but one which law-abiding people everywhere realized must ultimately be complied with. Many resisted until all legal alternatives had been exhausted. When this point was reached, however, the mandate of the Supreme Court was obeyed and desegregation of the schools proceeded, in most States, in accordance with the mandate. Arkansas, Delaware, Florida, Kentucky, Maryland, Missouri, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and West Virginia, all of which maintained segregated school systems, to some extent before the decision, have been integrated in whole or part.

Progress in 5 years in all but a few of the States has been remarkable. This progress furnished no grounds for complacency in seeing the job through; it does show that the policy of deliberate speed, decreed by the Court, has been effective.

Although peaceful compliance with the Brown decision has been the rule, there has been at least one exception which brought trouble and sorrow to the Nation.

It was to avoid such a reoccurrence that I sponsored in the House, and favor enactment of at this time, title I of H.R. 8601. I am convinced that the addition of this provision to the legal arsenal of the Federal Government will mitigate against future Little Rocks by providing a satisfactory alternative to the use of troops to restore order.

Title I would make the willful obstruction of court orders in school-desegregation cases a crime. It would enable Federal marshals instead of Federal troops to preserve law and order where local authorities had either failed or were unable to do so.

As a practical matter, Federal authorities do not now have the authority necessary to do the job. The contempt power is too restrictive, while the obstruction-of-justice statutes are too limited. The dilemma of Federal authorities at Little Rock was described by Attorney General Rogers at the committee hearings last year. Regarding the contempt power, he had this to say:

> A mob was incited to resist the orders of the court concerning the operation of the school. This conduct did not involve contempt of the decree which ordered the school desegregated, since the persons responsible were not parties to that decree, and there was no proof that they acted in concert with those named in the decree.

The limited authority of our present obstruction-of-justice statutes was also commented on by the Attorney General, as follows:

> There is so much doubt as to the scope of the present law that arrests of mob leaders or others by Federal authorities would be precarious and their prosecution probably unsuccessful.

Enactment of title I of H.R. 8601 would serve to fill this enforcement gap. I, therefore, urge favorable consideration for this valuable enforcement tool upon which the Government could rely in dealing with those who would use force and threats of force to obstruct orderly and deliberate school desegregation.

TITLE II

Title II of H.R. 8601 seeks to deal with another facet of potential lawlessness in the emotionally charged area of civil rights. In recent years, the Nation has been both shocked and outraged by a rash of bombings of churches and schools. While local law enforcement officials have been diligent in their attempts to apprehend and stamp out this type of crime, their efforts have not always been successful. The reason for such failure is that bombings present extremely difficult problems of investigation and detection. Unlike the ordinary type of offense that authorities have to deal with, clues and other evidence are ordinarily destroyed in a bombing. Furthermore, the offenders sometimes flee across State lines to avoid prosecution.

With the best will in the world, local officials have, therefore, been unable to cope with the problem in some States, both North and South. The reason is that they usually do not possess the scientific equipment and training essential to do the job.

Enactment of title II would bring into action the Nation's leading law enforcement organization, the Federal Bureau of Investigation, in partnership with local officials. The Bureau's tremendous resources and scientific skills could be utilized to stamp out this most heinous offense.

Specifically, title II would amend the Criminal Code, title 18, chapter 49, so as to make it a felony to move or travel in interstate or foreign commerce to avoid prosecution for willfully destroying or attempting to destroy real or personal property, public or private, by fire or explosion.

As originally recommended by President Eisenhower, this proposal was limited to bombings of religious and educational institutions. Our hearings last year brought out the fact, however, that the problem of bombings and the difficulties in solving them was not limited to the field of civil rights.

The committee, therefore, objected to restricting the application of the proposal to schools and churches—and I must say, I fully supported their reasoning.

No logical argument was presented, and none occurs to me now, which would justify restricting the coverage of this proposal based upon the type of facility involved. Bombings are universally reprehensible. Since they are all equally difficult of solution, they are all worthy of Congressional cognizance.

A majority of the committee was of the opinion that all citizens are entitled to the protection of life and limb where they live, where they worship, where they learn and where they earn.

The approach of the flight provision is neither new nor novel. It was long ago adopted to deal with the very special problems of law enforcement arising out of our Federal-State system. The Fugitive Felon Act (18 U.S.C. 1073) was enacted in 1934. It outlaws travel in interstate commerce to avoid State prosecution for certain more serious criminal offenses.

The intervening quarter century has shown that this approach works, and works well, to maintain effective law enforcement while, at the same time, keeping responsibility where it belongs, on the local level.

Far from supplanting State enforcement machinery, Federal activities under the act have been complementary in nature—the FBI serving as an adjunct of, rather than as a replacement for, the local agency.

Thus it is, that fugitives apprehended out of the State where the offense was committed, in an overwhelming percent of cases, are returned with dispatch for trial and punishment to the jurisdiction where the offense was committed. In 1957, for example, of the 947 fugitives located by the Bureau, only 9 were ever prosecuted in the Federal courts.

TITLE III

The subject of voting has been much in the news of late. Universally recognized as the very cornerstone of representative government, few Americans will condone the arbitrary denial of the elective franchise to a qualified citizen. President Eisenhower, in his message to the Congress last year, said:

> The right to vote, the keystone of democratic self-government, must be available to all qualified citizens without discrimination.

In 1957, this body acted to insure that all Americans would be secure in the elective franchise. The Civil Rights Act, passed that year, was directly aimed at protecting the right of all eligible citizens to vote. But events brought to light in the intervening period have shown that our efforts have not been fully effective.

State voting records have, in some instances, been withheld from Federal authorities investigating alleged denial of the elective franchise to qualified citizens. Certain States have condoned or authorized the destruction of election records and have adopted devices calculated to keep qualified Negroes from expressing their will at the polls. Proposed, pending, or passed in the legislatures of some States are measures authorizing the destruction of voting records soon after elections in order to prevent their inspection and use by Federal investigators.

The dilemma faced by law enforcement officials attempting to investigate allegations that the right to vote has been denied was sketched clearly and succinctly by Attorney General William P. Rogers at hearings of the Judiciary Committee last Spring. I should like to quote a brief exerpt from his testimony. It appears on page 211 of the printed transcript:

> Proof of denial or threatened denial of the right to vote because of racial discrimination requires a showing not only that qualified persons are not permitted to register or vote, but that the denial is based on racial discrimination. This calls for evidence that individuals of a particular race had in fact either satisfactorily demonstrated their qualifications under State law or that they were able to demonstrate their qualifications and had offered to do so and were, nevertheless, not allowed to register or vote, while individuals of another race no better qualified, had been permitted to register or vote.
>
> To assemble the necessary proof of discrimination is impracticable, if not impossible, without access to detailed information concerning applications, registrations, or other acts, tests, and procedures requisite to voting. From such information, it becomes possible to determine who has been permitted to register or vote and who has not, and to make a breakdown on the basis of race. The only source of such comparative information—necessary for proper evaluation of complaints and in the preparation of cases—is the records of registrations or other action required for exercise of the franchise.
>
> The Department of Justice has no existing power in civil proceedings to require the production of such records during any investigation it conducts as to complaints that qualified persons have been denied the right to vote in violation of Federal law. The need for this power is evident from the refusal of some State and local authorities to permit inspection.

Title III is designed to fill this need. It would require that Federal election records be preserved by the States for a period of 3 years. General, special or primary elections in which Federal candidates were involved would be covered by the provision.

Willful failure to preserve such records by duly appointed officers, or their willful theft or destruction by any person, would be punishable by a $1,000 fine, a year imprisonment, or both.

Voting records preserved under title III would be subject to inspection and copying upon demand made by the Attorney General or his representative in the district in which said papers were located.

Local U.S. district courts would have jurisdiction to compel the production of demanded documents by appropriate process.

To insure that this provision will be used and not abused, records procured

under it would be for official use of authorized governmental agencies only.

It is noteworthy that under the proposed title III, no power of removal by subpena is authorized to the Attorney General. Such power was withheld deliberately so that such records would always be available to local officers for official use.

I shall have more to say on the subject of protection of the elective franchise at a later time in this debate.

TITLE IV

Turning now to title IV of H.R. 8601, I have only a few remarks to make relating to the Commission on Civil Rights.

As reported by the Judiciary Committee last year, title IV of H.R. 8601 not only provided for the extension of the Commission for an additional 2 years, but, in addition, it contained two amendments aimed at assisting it in its assigned duties.

The first amendment would remove any doubt, and doubt apparently exists, as to the authority of members of the Commission to administer oaths. Since the original act setting up the Commission requires that complaints submitted to it be by oath or affirmation, it seems reasonable that we confer such power upon the Commissioners.

The second amendment approved by the committee related to the staffing problems experienced by the Commission as a result of the legislative requirement that personnel be selected in accordance with civil service and classification laws.

The record shows that partisanship in appointments to the Commission have been nonexistent. If anything, the administration has "leaned over backward" to avoid even the appearance of partisan motivation in the selection of personnel.

Therefore, granting this authority can reasonably be supported by everyone interested in seeing that the Commission continues the excellent job it has begun.

TITLE V

The final provision of H.R. 8601, title V, deals with the important problem of providing education for children of military personnel where State administered schools are closed because of desegregation decisions or orders. President Eisenhower made this compelling observation:

> The Federal Government has a particular responsibility for the children of military personnel in federally affected areas, since armed services personnel are located there under military orders rather than of their own free choice.

Under existing statutes, the Commissioner of Education is empowered to provide for the education of children of members of the Armed Forces when local facilities are inadequate or nonexistent. But the law, as it stands contains a serious limitation. Only children of personnel residing on Federal property are eligible for benefits. Such an exclusion from coverage is not justified under present conditions.

Enactment of title V would remedy this defect. Specifically, it would amend the act of September 30, 1950—Public Law 874, 81st Congress—so as to authorize the Commissioner of Education to provide schools for servicemen's children where local schools are closed as a result of official State or local action. Temporary facilities would then be set up, without regard to whether or not the children affected reside on or off the base.

Additionally, future grants to federally impacted areas would be conditioned upon assurance that if schools constructed with such funds were closed, they would be delivered to the Commissioner of Education, upon request, in order that a temporary educational program could be established.

During the period of Federal occupancy a reasonable rental would, of course, be paid. And when the facilities were no longer needed, that is when the local schools had reopened, they would be returned to local authority upon a request approved by the Commissioner.

I believe that enactment of title V is warranted at this time. While the Supreme Court's program of school integration is proceeding satisfactorily, it is far from completed. New crises may arise in the future—some of them affecting children of members of the services.

Title V would provide, in the words of Secretary of Health, Education, and Welfare, Dr. Arthur Flemming, "a practical and promptly usable method, on a standby basis, for meeting a serious problem if it arises." It would give "assurance that military personnel ordered to duty in certain States will not be placed in the impossible situation of having to undertake emergency and makeshift arrangements for the education of their children, with the Federal Government powerless to assist."

The rule which we have just adopted has, in effect, made in order the voting-referee bill, H.R. 10035, which I introduced on January 28, 1960. So that this bill and the improved version thereof, H.R. 10625, which I introduced on February 23, 1960, which will be offered as an amendment or substitute at the proper time, will be on each Member's desk tomorrow, I shall ask unanimous consent in the House that both bills be incorporated in the RECORD at this point:

H.R. 10035

A bill to amend the Civil Rights Act of 1957 by providing for court appointment of United States voting referees, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.

"Any report of any person or persons appointed pursuant to this subsection shall be reviewed by the court and the court shall accept the findings contained in such report unless clearly erroneous. The court shall issue a supplementary decree which shall specify which person or persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law. The Attorney General shall cause to be transmitted certified copies of the original decree and any supplementary decree to the appropriate election officials of the State, and any such official who, with notice of such original or supplementary decree, refuses to permit any person, named as qualified to vote in such original or supplementary decree, to vote at any election covered thereby, or to have the vote of any such person counted, may be proceeded against for contempt.

"The court may authorize such person or persons appointed pursuant to this subsection to issue to each person named in the original decree or any supplementary decree as qualified and entitled to vote at an election, a certificate identifying the holder thereof as a person qualified and entitled, pursuant to the court's original decree or supplementary decree to vote at any such election.

"The court may authorize such person or persons appointed pursuant to this subsection (or may appoint any other person or persons) (1) to attend at any time and place for holding any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any such person has been denied the right to vote, and (2) to attend at any time and place for counting the votes cast at any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any vote cast by any such person has not been properly counted.

"Any person or persons appointed by the court pursuant to this subsection shall have all the powers conferred upon a master by rule 53 (c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any person or persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"The court shall have authority to take any other actions, consistent with the provisions of this subsection, reasonably appropriate or necessary to enforce its decrees."

(b) Add the following sentence at the end of subsection (c):

"When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as party defendant."

H.R. 10625

A bill to amend the Civil Rights Act of 1957 by providing for court appointment of United States voting referees, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"In any proceeding instituted pursuant to subsection (c) in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"Notwithstanding any inconsistent provision of State law or the action of any State office or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matters of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the affidavits in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in the subsection, the word 'vote' includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words 'affected area' shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist.

"(b) Add the following sentence at the end of subsection (c):

"Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State."

Mr. Chairman, I urge the House to adopt the voting-referee bill H.R. 10625 as an amendment and that H.R. 8601, as so amended, be passed by the House by an overwhelming vote.

I recommend to my colleagues H.R. 8601, as I hope it will be amended by the voting-referee bill. It is, and will be, a moderate bill. It is and will be a temperate bill, and it is a meaningful bill.

In the committee's long travail, the search was for the "golden mean" in civil rights legislation. In my opinion, we have found it. It is in the bill before us, together with H.R. 10625 which will be offered as an amendment, pursuant to rule and accepted parliamentary practice.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am happy to yield to my distinguished colleague from Georgia.

Mr. FORRESTER. I have asked the gentleman to yield at this point because he has just gone through a discussion of each and every title of the bill which is now being considered, which was reported by the full Committee on the Judiciary in 1959. I wonder if the gentleman will now discuss the referee bills which he has suggested.

Mr. McCULLOCH. I purposely withheld discussing the referee bills because, technically speaking, we do not have them before us at this time. For that reason, I intend to ask unanimous consent of the House to put them in the RECORD so they will be before everyone, and at the proper time I shall be glad to discuss and intend to discuss at length and in detail the revised version of the voting referee bill.

Mr. FORRESTER. May I compliment the gentleman on the fine legal discussion I have just heard. I have the privilege of sitting by the gentleman on the full Committee on the Judiciary. The fairness which the gentleman has exhibited is no surprise to me; as a matter of fact, that is exactly what I anticipated of him, and the gentleman is in character as I know him.

May I ask the gentleman this question: The transcript of the testimony we had before the full Judiciary Committee on February 9 quotes the gentleman as saying that the present bill was thoroughly discussed, and that we had outstanding and exhaustive hearings before the full committee last year, 1959. Is that a correct quotation?

Mr. McCULLOCH. That is a correct quotation. In my oinion, there were well over 100 instances where witnesses testified and where people exercised an opportunity to submit statements long after formal and oral testimony had been ended.

Mr. FORRESTER. I show the gentleman this voluminous report of the hearings.

Mr. McCULLOCH. It contains more than 995 pages of fine print.

Mr. FORRESTER. I have served on the committee for 10 years. The hear-

ings of 1959 were by all odds the most exhaustive of any I have been privileged to hear. I wonder if that is the gentleman's experience.

Mr. McCULLOCH. That is my experience. I think everyone who wished to be heard, either for or against any of the proposals in this field, had a right to be heard.

Mr. FORRESTER. The gentleman heard our distinguished chairman, Mr. CELLER, say that he proposed to offer certain amendments such as the old part III, which was in the committee print of H.R. 3147, also the bill providing money to desegregate schools, and so forth, and also the setting up of commissions. Were not all three of those problems thoroughly discussed and voted upon and defeated by a large vote in the Committee on the Judiciary in 1959?

Mr. McCULLOCH. I would certainly completely agree with every statement that the gentleman has made except as to the weight of the vote—I do not remember whether every one of them was defeated by an overwhelming vote or not.

Mr. FORRESTER. I do not believe I used the word "overwhelming" but I did say by a large or substantial vote. Is that not the gentleman's recollection?

Mr. McCULLOCH. At least every one of those titles was stricken from the bill by majority vote.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I thank the gentleman. I wish to congratulate the gentleman and thank him for what has certainly been an understanding, convincing, and most compelling statement. I would like to clarify one point. I told the gentleman last year that I would give my full support to the bill, H.R. 4457. The gentleman knows that during the 10 years that I have been in the Congress, I have consistently supported all legislation to enforce constitutional rights. I understood from the statement of the eminent chairman of the Committee on the Judiciary, the gentleman from New York, that he intended to introduce three amendments. I wanted to ask the gentleman, not being a member of his committee, whether or not the introduction of those three amendments would cover completely the two features of H.R. 4457 which have been omitted in H.R. 8601. In other words, the gentleman from Ohio said that five out of seven of the President's recommendations had been embodied in H.R. 8601. My question really, sir, comes down to this: After those amendments under discussion have been passed, if they are passed, will the bill be substantially the bill, H.R. 4457—and if not, in what will the difference consist? Will the bill offer the protection to constitutional rights that is so earnestly sought?

Mr. McCULLOCH. While I do not have the proposed amendments of the gentleman from New York before me, and speaking with a great deal of uncertainty, if the gentleman from New York, the chairman of the committee, proposes to offer the titles as they were in the bill which I introduced on February 12, 1959, that is the administration bill, of course, we will have every one of the President's recommendations being implemented. I would yield to the chairman of the committee to specifically and definitely answer the gentleman's inquiry.

Mr. CELLER. What the gentleman says would be true except with reference to what we call part III.

Mr. McCULLOCH. That is right. Part III would go beyond that which the President recommended, and while I probably should not do so at this time, I have no hesitancy, nonetheless, in saying to the gentlewoman from Illinois I intend to oppose title III if it is offered as an amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to my chairman.

Mr. CELLER. In order to get the matter absolutely clear as to the amendments I propose, one of the amendments would be the so-called part III; then the two remaining amendments which were in the administration's proposal, namely, the putting into the bill the provision that would prevent discrimination in employment relative to Government contracts and subcontracts, and, second, to aid areas that are subject to district court orders concerning integration, "expertise" and know-how would be accorded to those areas subject to the district court orders to aid them to carry out the provisions of the district court on desegregation.

Mrs. CHURCH. I thank the gentleman.

The CHAIRMAN. The gentleman from Ohio [Mr. McCULLOCH] has consumed 42 minutes.

Mr. WILLIS. Mr. Chairman, I yield myself 20 minutes.

Mr. WILLIS. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, I have carefully studied the pending legislation. I expect to participate in the course of this debate. Meantime, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FORRESTER. Mr. Speaker, experts say Russia has outstripped us in the missiles and satellite race. If that be a fact, and I think it is, it is one of the most awesome and fearful facts of human history. If Russia can bombard this earth with missiles attached to satellites, timing them to go off over our territory as the satellites sail through space, we had better begin to realize that we may be living on borrowed time.

We owe $291 billion. Those mainly responsible for these stupendous debts have tried to lull us into a false sense of security by saying, "You have nothing to worry about, we just owe ourselves." But, maybe we should worry after all. The Federal credit is not too good. When 5-percent interest is demanded from our Government, we must admit that ourselves are being mighty hard on ourselves. We face a formidable enemy, not for a few weeks, but maybe for decades, and we have many problems relating to survival that must be solved and solved right. However, Harry Golden, syndicated columnist, says that "civil rights are more important than shooting the moon." Mr. Golden has been one of the most favored persons in this Nation despite the fact that he is always squawking about civil rights. Mr. Golden and many others seem to be operating upon the idea that there is nothing wrong with this country that more civil rights legislation will not cure, and that we can be indifferent toward insolvency, communism, and the principles that have built this country.

This civil rights issue has been built up by fat and rich malcontents who have received far more from this Government than they ever gave in return, and by do-gooders, unscrupulous politicians, and Communists, as is demonstrated by the Communist Party platform of 1928.

A few days ago the National Organization of Women for Equality and known as NOW for Equality, which was organized last March under the direction of the president of the American Jewish gomery had been brought to New York Congress, women's division, and allegedly comprised of 16 national women's organizations, and having approximately 14 million women dedicated to "racial equality" now, met in Washington at the Shoreham Hotel, and in the past few days, we have all been treated to news items relating to equality now.

Certainly all good people have been alarmed over the widespread trouble occasioned by groups composed sometimes of all Negro students and sometimes of Negro and white students, and sometimes composed of 25 or 30 members, but other times into the hundreds, and uniformly demanding service at various stores and places of business.

These actions have caused fights, riots, and near riots. In the very nature of things, these actions bring on riots and trouble. I read with deep regret the march of 2,000 Negroes at Montgomery, Ala., and those being met by 10,000 whites. It is not good to read that on March 6, 300 Negroes marched for 2 hours in front of the White House protesting the Senate civil rights filibuster and the arrest of southern sitdown strikers. According to newspaper accounts, most of those participating in that march were from Howard University, perhaps the only college in the country financed by the Federal Government, despite the fact that no longer is it necessary for the Government to furnish a college for Negroes. Indeed, these students have had favoritism that no other students have had. One would doubt also whether these Howard University students were really protesting about the filibuster or protesting because someone told them to protest.

It is not helpful to read an article in the Washington Post of March 6 1960, entitled "Southern Negro Students Termed Angry Youth of America," and also to note that the article says the Negroes are not going to be satisfied even if the lunch counters are desegregated and "what next, no one pretends to know."

It is alarming to read in the same March 6 Washington Post the story headlined, "Fifty Negroes Batter Cars at White Restaurant in South Carolina." The New York Times, March 6, 1960, carries the story that the nine Negro students who were expelled because of participation in the "sit-ins" at Montgomery had been brought to New York by the Congress of Racial Equality, and that efforts would be made to get scholarships for those Negroes. Undoubtedly, Alabama is better off to give those nine troublemakers to the Congress of Racial Equality, but it is amazing to see people rewarded for violence and unlawful conduct.

Anyone reading the New York Times or the Washington Post cannot fail to understand that this movement now by Negroes and mixed groups is for the purpose of forcing equality in every segment of life. No longer can it be said that the Negroes are not seeking mixing with the whites because they openly declare that they intend to do so. The New York Times, March 6, carries the story to the effect that the Negroes are being told to buy homes in all white sections, and this advice is predicated upon the fact that the Negro must integrate all phases of society. The Negroes are working to the day that America will be a completely mongrelized Nation. We are headed down that road when we read that minority groups have so frightened the Census Bureau that no longer will it ask a person what his religion is, and the next move will be to abolish all questions concerning race.

Some of the news articles referred to state that these Negro students "are unpredictable and impulsive." That is the understatement of the year. For Negro packs and gangs or Negro and white packs and gangs to be permitted to invade people's businesses, take over those businesses, and demand services, invites trouble. Any law-abiding citizen knows that. The South knows that.

This is not a good setting to legislate in. Matters of legislation should always be considered in a calm atmosphere. We need to be calm, and I can assure you that the southern white people understand that calmness should prevail, if possible. They will work to that end.

After the War Between the States and during the Reconstruction period, civil rights legislation was passed covering every conceivable trespass upon a Negro and every conceivable denial of any rights, and the Federal courts were endowed with all necessary powers to enforce those laws. Despite the fact that the Negro has progressed in the South more than he ever has in all human history, and despite the fact that as a united people we fought three gigantic wars together, an unexplainable antagonism has been fostered by some well-meaning people, but mostly by minority groups who care nothing for the North or South or the United States of America, except for the things that they get out of it. It is really strange to realize that such antagonisms have been built up.

It is absolutely incumbent upon the good people of this Nation to come together in order to preserve this Nation. This I want us to do. This my people want to do. I want to discuss this legislation with you in as honest and fair manner as possible.

In 1957, this Congress passed another civil rights bill. Amongst other things, that bill set up a Civil Rights Commission, and authorized the Attorney General, in the name of the United States, to institute a civil action or other proceeding in behalf of anyone whose right to vote had been interfered with because of race, color, or previous condition of servitude, in any election, Federal or local, and covering special and primary elections from the highest to the lowest in the land. This authority on the part of the Attorney General carried with it the power to institute that suit or proceeding even against the wishes of the alleged aggrieved, and of course, all of these proceedings were to be at the expense of the U.S. taxpayer.

We are proud of our southern courts, and we did not think that legislation justified, but Congress passed it, and it is the law. It is probably embarrassing to the Justice Department when it has to confess that you can count the cases it instituted on the fingers of your hand.

In 1959, many other civil rights measures were considered by the House Judiciary Committee, including each and every proposal set out in the Dirksen, Douglas, Javits proposals made in 1959. The House Judiciary Committee reported out H.R. 8601. Said H.R. 8601 is known as the Celler bill, which was reported after long consideration, and on February 9, 1960, the ranking Republican of that committee, the eminent gentleman from Ohio [Mr. McCULLOCH], stated that the Celler bill had a long and careful hearing before this committee. The full committee considered and reported out six titles and the sixth title simply provided for the separability of the various provisions.

Title I dealt with the obstruction of court orders. Instead of providing a penalty of not more than $10,000 or imprisonment of more than 2 years or both, the committee fixed the punishment of not more than $1,000 or more than 60 days or both. Title I of that bill was recommended by the Justice Department. It will be noted that a violation of that title carries a criminal penalty. It was quite odd to witness a Department asking for criminal penalties when in 1957 it had so enthusiastically demanded broad contempt powers before a judge without a jury, saying juries would not convict.

Frankly, there is really no need for that type of legislation. There was some little trouble caused by agitators like Kasper and the NAACP and Daisy Bates when integration of schools commenced. If legislation is passed every time something occurs over this land, there would be no limit to legislation. The chances are that there will be no more trouble consisting of violence or threatened violence because of integration. From now on, undoubtedly, the court order to integrate a continuing school will be complied with, unless the governing authority adopts its lawful right to abolish the public school and substitute a private school system. Anyway, this is a provision that applies only to school cases. It is so inclusive that it punishes the acts of a child unless that child is a student of the school and thereby subject to disciplinary action. It does not govern violation of labor injunctions or any other injunctions, although the Justice Department was specifically invited to bring all other injunction cases into the same orbit, but that offer was declined. The invitation still stands.

Title II of H.R. 8601 provides punishment for flight by moving through interstate commerce to avoid prosecution for damaging or destroying by fire or explosion any building, structure, facility, dwelling house, synagogue, church, or educational institution. The first proposal before the committee was simply to legislate regarding education or religious structures. To the credit of the committee, it acted like lawyers. No honest man can contend that schools and religious buildings are entitled to such protection while dwelling houses with people living in them, factories with people working in them, are unprotected by such legislation. It will be a sad day for this country when certain groups or organizations are protected and other lawful groups are unprotected.

Title III of H.R. 8601 deals with Federal election records. The provisions are not as they were originally brought before the committee so far as punishment is concerned, the full committee believing that the punishment set out would be sufficient.

Title IV of H.R. 8601 extends the life of the Civil Rights Commission for 2 years. An examination into what this Commission has done will reveal that there is no need for such a Commission. It distinguished itself by making recommendations that not even the President or the Justice Department could go along with. It conceived the idea of Federal registrars to protect Negro voting rights. The Justice Department repudiated that recommendation, and was of the opinion that the proposal was unconstitutional.

It came forth with the proposal that a new constitutional amendment be adopted providing that every citizen who could satisfy the State's residence and age requirements, and who was not legally confined at the time of registration or election, should be a qualified voter. In other words, any idiot, lunatic, robber, or rapist, having arrived at the legal age and having resided in the State for the required length of time and not confined in jail would be allowed to vote.

Very few complaints were ever filed before the Commission for investigation that could be legally considered, inasmuch as the charges were required to be under oath, and the complainants did not wish to commit perjury. The taxpayers are paying these boys $50 a day as salary, a per diem and expenses, besides furnishing to them a staff and office helpers. They have already cost the taxpayers a large sum with the taxpayers receiving nothing in return.

Title V deals with the education of children of members of the Armed Forces under certain conditions.

This actually disposes of the legislation contained in H.R. 8601. H.R. 8601 did not contain what is commonly referred to as old part III of civil rights legislation, and which did authorize the Attorney General to bring action in the courts in the name of the United States in behalf of all persons contending they had been denied the equal protection of the law because of race, creed, or color. Never has such power been suggested in any other field. Proponents of that type of legislation have been trying for years to sell it to the Congress. Every Congress has denied it.

The full committee carefully studied the proposal to set up a Commission on Equal Job Opportunity Under Government Contracts, and wisely decided not to recommend such legislation. The President already has a Commission on Equal Job Opportunity Under Government Contracts.

The full committee carefully considered proposed legislation providing grants to assist State and local education agencies to effectuate legislation and wisely struck all those provisions from the bill. That provision contained a recitation that "the Constitution as interpreted by the Supreme Court is the supreme law of the land." That provision was for the purpose of giving dignity to the Supreme Court school desegregation cases of 1954, that is not deserved.

If the "separate but equal facilities doctrine" announced by the Supreme Court in 1896 was the law of the land, then it follows that the Supreme Court could not change it. It would take an amendment to the Constitution. If every decision of that Court is really the law of the land, our forefathers did a vain and useless thing when they provided methods to amend the Constitution and made laws providing for impeachment of Justices of that Court.

Article VI, clause 2 of the Constitution reads:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Court is bound by the Constitution. The Constitution is not a chameleon changing its spots at the direction of any court.

That provision would have paid money to schools of city, district, or county rebelling against the laws of that State. Schools are creatures of the State. The Supreme Court has never said that States must have schools. The most it has ever said is that public schools cannot discriminate because of race, creed, and so forth. Actually, this kind of money was termed a carrot for the donkey. None of this money would go to schools already desegregated prior to the 1954 decision. It would be a windfall to certain cities that would integrate under its terms because, under its broad provisions, it would virtually finance such city schools.

H.R. 9452, introduced January 7, 1960, would amend the Civil Rights Act of 1957 by establishing Federal registrars. This bill was fashioned after the recommendation made by the Civil Rights Commission in its report to the President in 1959. No wonder the Commission made such a recommendation, because on its recommendation, the Commission would investigate complaints, and would tend to create the Commission in perpetuity.

President Eisenhower is quoted as saying that the registrar proposal was unconstitutional. I am satisfied the Justice Department thinks so, too. Article I, section 2, clause 1, reads:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature.

The Federal Government is powerless to make any rules whatsoever regarding the qualifications of a voter different from the language quoted, except under the 14th and 15th amendments, there can be no discrimination.

Article I, section 4, clause 1 reads:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Undoubtedly, Congress can make provisions to secure the honest conduct of such elections, to preserve such records, and that the votes are properly returned and so forth, but I submit that it has no power whatsoever to decide who is a legal voter in any sovereign State. See *U.S.* v. *Gradwell* (243, 476, 485) and *U.S.* v. *Goldman* (25 Fed. Cas. p. 1353), *U.S.* v. *CIO* (77 F., supp 355, 357, affirmed 335 U.S. 106). It is hard to believe, but page 3, lines 16 and 17 of H.R. 9452 provides that a person living outside of the State could be appointed to serve as Federal registrar for a district.

On January 28, 1960, the gentleman from Ohio [Mr. McCULLOCH] introduced H.R. 10035, to amend the Civil Rights Act of 1957 by providing for court appointment of voting referees. This bill represented the views and recommendations of Attorney General Rogers and the Justice Department at that time. I say with all candor and in the spirit of fairness, that this bill was so hurriedly and loosely drawn that it did not remain intact to February 9, 1960, when the Deputy Attorney General, Mr. Walsh, testified before the House Judiciary Committee. Mr. Walsh testified concerning a mimeographed copy which he prepared in lieu of H.R. 10035. On February 23, 1960, Mr. McCULLOCH introduced H.R. 10625 which was the third version.

A casual analysis of H.R. 10625 will convince anyone that the bill should not be passed and is actually unconstitutional. That bill provides that in any proceeding instituted by the Attorney General in the name of the United States as authorized under section 131 (c), section 2004 of the Revised Statutes, as amended by the Civil Rights Act of 1952, alleging that some person has had his right to vote denied or abridged because of his race, color, or previous condition of servitude, and so forth, that if the court finds that any person has been deprived of any of his rights under subsection (a) of section 131, as aforesaid, the court shall, upon a request of the Attorney General, make a finding whether such deprivation was or is pursuant to a pattern or practice; that if the court finds such pattern, for 1 year and thereafter until the court finds such pattern has ceased, any person of the race or color the pattern was found to exist against would be entitled, upon application, to an order declaring him qualified to vote upon proof, first, he is qualified under State law to vote; and, second, he has been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise qualify to vote, or (b) found not qualified to vote by a person acting under color of law.

These applications can be received by a person or persons appointed by the court to be known as voting referees, and said referee takes the evidence and reports to the court his findings as to whether, first, such applicant is qualified under State law to vote; and, second, he has been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise qualify to vote or (b) found not qualified to vote by any person acting under color of law. The applicant is heard ex parte. His statement alone is considered by the referee. The State or county registrar is not even acquainted with the fact that a complaint has been made. Amazing though it may be, the registrar is not served with any copy of the application, afforded the opportunity to question the applicant, to cross-examine the witnesses, and submit witnesses in his behalf.

The applicant testifies as to his age, residence, and his prior efforts to register or otherwise qualify to vote, and his testimony becomes prima facie true. If proof of literacy or understanding of other subjects is required by State law, the answer is taken by the referee and included in his report to the court. The court upon receipt of the report causes the Attorney General to send copies to the State attorney general and each party and direct them to show cause within 10 days or less why the court should not pass an order in accord with the report. Unless exceptions are filed within the required time, the order is entered making the finding the order of the court.

Exceptions as to matters of fact must be supported by a verified copy of a public record or by affidavits of persons having personal knowledge; those relating to matters of law must be supported by a memorandum of law. The applicant's literacy and understanding of other subjects is determined solely from his answers set out in the report of the voting referee. The referee may also be authorized to attend elections and report whether any person declared qualified has been denied the right to vote, and also to see that the vote is made effective, and so forth.

This is the third attempt the Justice Department has tried to write a referee-voting bill. The first two were completely annihilated before the Judiciary Committee. The third attempt is no better than the first and second try, and this statement can be quickly demonstrated.

The bill speaks of "a finding whether such deprivation was or is pursuant to a pattern or practice." There is no criteria whatever whereby the court shall determine that a pattern or practice exists, and such deprivation, in the very nature of things, would depend upon the whims and fancies of the particular judge. There is no procedure laid down for the court to have before it any evidence concerning a pattern or practice. The proceeding mentioned in subsection (c) of the bill, passed in 1957, is one where the Attorney General brings a suit in behalf of the United States for the benefit of an alleged aggrieved, and constitutes no authority for the court to consider that a pattern or practice had existed. The conclusive presumption that a pattern continues to exist for 1 year and thereafter until the court finds that the pattern has ceased is one that I do not believe has ever existed in the United States. The suggestion of such rule is offensive in the minds of any person taking pride in the fairness and justice of our courts.

The 15th amendment provides that:

> The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

There is no doubt but what a court of jurisdiction having the proper parties before it, and other evidence to sustain such conclusion, could hold that a person had been denied the right to vote or that right had been abridged by reason of his color, race, or previous conditions of servitude. To my mind it is utterly absurd to say that a court could on a certain day find that John Jones and Bill Smith, both Negroes, had been discriminated against, and that a pattern had been set up, and therefore a conclusive presumption arose that all other Negroes who had applied for the right to vote within a range of 30 days or 1 year and had been refused, had been refused because of race, color, or previous condition of servitude. No Federal court has the right to set up any conclusive presumption, and yet this legislation does. There is no way to overcome such conclusive presumption which that court supposedly set up for 1 year after that order, and that conclusive presumption remains even thereafter and until the court finds that such practice has ceased. I can understand a rule of evidence that certain facts would justify a prima facie presumption but I cannot understand any attempt to set up a conclusive presumption and thereby preclude a defendant from the right to present his defense to the particular fact presumed, and the U.S. Supreme Court in *Mobile* v. *Turnipseed* (219 U.S. P–43) says there can be no such conclusive presumption.

The gentleman from New York [Mr. CELLER], chairman of the Judiciary Committee, asked Deputy Attorney General Walsh if each case or qualification to vote would not be a separate and distinct issue. Of course it would and the issue so far as the Federal court is concerned would be whether or not a particular defendant had denied a particular person the right to vote or abridged his right to vote.

It would be interesting to note that even under the terms of the latest bill the referee is not required to live in the judicial district or in the State. There are utterly no qualifications set up for the referee. There is no requirement that the referee be familiar with the laws of the district, county, or State that he is inquiring about voting rights in.

This legislation allows the referee to determine if a person is qualified to vote under State law. A Federal referee or Federal court has nothing to do with that matter, except to see that the 15th amendment is not violated. Many States, including my own State, have a literacy test, and to demonstrate the absurdity of this legislation, I direct attention to the following:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of his answers included in the report of the voting referee.

It is hard to imagine that anybody can think like that, but the bill shows for itself. Further, the defendant is not even permitted to introduce evidence to the effect that when he gave the complainant a literacy test the day before, or 3 months before, he failed the test. The true issue would be was he qualified at the time the State registrar gave the test, and not when a Federal referee gave the test. This is an invasion of the rights of the States, and one would not believe that would be possible in 1960. The Federal Government would be the sole judge of whether or not a person was a qualified voter, if he had ever been turned down by a State registrar. Another absurdity, the person's statement as to his age and residence are made prima facie facts, and can only be disputed by a verified copy of a public record or by affidavits of persons having personal knowledge of such facts, and this absurd rule precludes the question of age or residence being demonstrated by circumstantial evidence, and completely forgets that the question of residence can very often become a most complicated legal question.

Mr. Chairman, anyone can agitate. It takes no intelligence to be a troublemaker. The one who defends our country and Constitution in times of trouble and strife makes a record that his or her descendants can point to with pride. We cannot approve any victory at the expense of annihilation of State sovereignty. The election processes belong to the respective States, but if the Federal Government had concurrent power I feel certain that good men would refuse to use it, unless there was no other honorable alternative. I do not believe that this Congress is willing to say that everyone is wrong except these minority groups, and I do not believe that this Congress is willing to take charge of the elections in my State and the other States, from the highest office to the lowest, because the various States simply do not deserve any such treatment.

Mr. WILLIS. Mr. Chairman, the more so-called civil rights legislation is subjected to analysis and scrutiny, the more the imperfections become evident. The bill now before you is no exception. The proposal reported out by the subcommittee to the full Committee on the Judiciary contained nine titles, or nine substantive provisions. After prolonged and exhaustive discussions in executive sessions, the full committee rejected the four broadest and more controversial titles. It adopted the five other titles, but only after adding numerous amendments. One of these titles simply extended the life of the Civil Rights Commission, but since that was done separately last year we are concerned with only four titles.

Even though the action of the full committee may be considered as one of refinement and improvement of the legislation, it should not be construed as even the slightest indicia of approval of the bill on the part of the opponents of the measure. Our opposition and disapproval have not been overcome by the amendments agreed to by the full committee. Our position is that this legislation with all of its ramifications is fundamentally wrong and cannot be made right.

At the very outset it should be observed that the approach of the Attorney General to so-called civil rights legislation in 1959 was not what it was in 1957 when we adopted the Civil Rights Act of that year.

In 1957, the Attorney General outlined with eloquence and with apparent great compassion that the solution to the whole so-called civil rights problem was civil remedies and not criminal remedies. Specifically in 1957 he stated his case as follows:

> In this area, as pointed out more fully below, more emphasis should be placed on civil law remedies.

And later on in his testimony he said:

> Criminal prosecutions are often unduly harsh in this peculiar field where the violators may be respected local officials. What is needed, and what the legislation sponsored by the administration would authorize, is to lodge power in the Department of Justice to proceed in civil suits.

In 1959, when we were considering the legislation now before you, the Attorney General made a complete about face on his approach to the problem. For example, as I will bring out in greater detail later on, three of the five provisions in the present bill involve criminal prosecutions. This, on its face at least, is a complete reversal of position from that taken in 1957. But I have always taken the personal view that the Attorney General is not as naive as all that. Rather I have contended all along that the 1957 position was a foot-in-the-door operation and that having obtained civil remedies in the 1957 Civil Rights Act, I predicted that the Attorney General would be asking for something else later on. And subsequent events have proven that I was right. Thus in 1957, he asked for civil remedies, in 1959 he asked for criminal prosecutions, and this year, in 1960, he takes the

position that what we need most of all is neither civil remedies nor criminal prosecutions but a system of Federal registration of voters.

I should like to discuss the pending proposal title by title. Title I makes it a Federal offense to obstruct court orders in school segregation cases. The language of this title is of doubtful constitutionality. It may be violative of the right to freedom of speech under the first amendment to the Constitution, and in addition, as a penal statute it may fall because the language is vague and indefinite. The language is as follows:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which—

This is certainly broad, sweeping, vague, and indefinite language. We all know that the school segregation cases have been the subject of widespread discussion among lawyers, in the press, over radio and television, and by the people generally. Yet it can hardly be said that the language employed informs an individual of just what act or action constitutes a violation of this particular section.

We all remember that under the Civil Rights Act of 1957 a person may be enjoined by the Attorney General against any attempt to deprive anyone of his right to vote. Under title I of this bill the word "attempt" is not employed. The new significant word is "endeavors." Under this section someone may be sent to jail if he endeavors to obstruct a court order in school segregation cases.

A striking feature of this section is that it makes obstruction of Federal court orders in school segregation cases a Federal offense, but it does not apply to any other type of court orders. From day to day throughout the United States court orders of every type and description are issued. And frequently obstructed. For example, in cases of court orders involving labor disputes, violation of orders are frequently accomplished by or accompanied by violence and obstruction. Yet this particular type of order is not included. I am not advocating that violation of any court order should be made a criminal offense. I am saying, however, that the selection of the court order in school segregation cases is unprecedented.

I point out also that this section is a wide open invitation to multiple criminal prosecutions for the same act. For instance, this section specifically provides that no injunctive or other civil relief against conduct made criminal by this act shall be denied on the grounds that such conduct is a crime. What's behind all this? The purpose is obvious. The planned objective is to subject people to the general contempt powers of the Federal courts, to criminal contempt prosecutions under the Civil Rights Act of 1957 without trial by jury and to criminal prosecutions under the present bill. The right thing to do would be to delete this section from the bill.

On its face, title II of the bill makes it a Federal offense for a person to cross State lines in order to avoid prosecution for damaging or destroying, by fire or explosion, any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center, or educational institution, public or private.

Several bills were introduced on this general subject last year. All of them proposed an amendment to the so-called Fugitive Felon Act of 1934. Some limited the proposal to damage to or destruction of religious and educational institutions. Others applied to all buildings, vehicles, facilities and so on. The Judiciary Committee in title II reported out the broad version.

All of these bills were referred to Subcommittee No. 3 of the Judiciary Committee of which I have the honor to be chairman. This particular legislation was to be reported out as separate legislation. That was the proper course to follow because the legislation is not related to personal civil rights. We held rather exhaustive hearings on this legislation. Toward the close of the hearings, we found out that this proposal cuts much deeper than a casual reading of title II would indicate. At least, I was led to believe that the bill would come into play only after a person had actually crossed State lines to avoid prosecution or to testify. I found out, however, that that is not how the bill will work. The purpose of the proposal is to get the FBI into the picture right after the alleged damage or destruction. The FBI would move in immediately on this theory. Since we make a flight across State lines a Federal offense, the FBI can move in immediately to investigate the whole case under the pretense of finding out if the perpetrator has in fact fled from justice.

Then, all of a sudden, the subcommittee handling civil rights legislation took this proposal and tacked it on to the civil rights bill now before us.

Notice well that the bill does not define what constitutes damages to a building, facility or vehicle. It does not define what kind of explosion is involved. It does not define what kind of a fire is involved. It covers any kind of damage and any kind of fire. As far as the bill is concerned, if the outside wall of a building or the panel of a truck is chipped or scorched by any kind of fire or explosion, the FBI can move in and investigate in order to find out if by any chance the perpetrator might have fled from justice.

I think anyone should be able to see that this could be a dangerous piece of legislation, as presently drafted. I personally think that this title should be divorced from civil rights legislation and carefully considered and reported out as separate legislation.

Title III requires all election records to be preserved for 2 years, under penalty of fine or imprisonment. It applies to elections for President, Vice President, presidential electors and Members of Congress. The term "election" means any general, special, or primary election. All the voting records and paraphernalia must be made available to the Attorney General on demand. Failure to comply with the demand of the Attorney General, without court order, is made a Federal offense.

Here we find another departure from the position of the Attorney General in 1957. At that time he said that he only wanted civil sanctions. Now, he is asking for criminal penalties.

Section 4 of title I of the Constitution provides that:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

That is as far as Congress could go. Yet, title III of the bill does not relate to time, place or manner of holding an election. It relates to something after the election.

We had reputable testimony to the effect that Congress has no power to impose new duties on State officials acting under State law. Here we are giving unlimited power of discovery to the Attorney General on mere demand, on State officials, and acting without court order. We had reputable testimony also that Congress does not have the authority to grant such extraordinary power to the Attorney General over State officials acting under State law. If we want to exercise the limited power of Congress as to the time, place, and manner of holding elections, we should spell it out in a separate act of Congress.

Title V would enable the Federal Commissioner of Education to provide for the education of children of military personnel. Under the Supreme Court decision in the Brown case, the enforcement of segregation decrees is left to the lower Federal court. Here the Commissioner of Education would be empowered to provide education for children of military personnel whenever he finds that no "suitable free public education" exists. What is the limit of the power of the Commissioner, in the exercise of his judgment that no suitable free public education exists?

This title V is an amendment to the so-called school impacted area law. This legislation is within the jurisdiction of the Committee on Education and Labor and not the Judiciary Committee. In fact, the executive communication on this very subject was referred to the Committee on Education and Labor. But again the Judiciary Committee took hold of it by grafting it on to the civil rights bill.

Now I want to discuss the Federal registration proposal we have been hearing so much about recently. We have been hearing about it in the press, radio, and television, that is, but not in the House Judiciary Committee.

You will remember that last year the Civil Rights Commission came out with a report. In that report the Commission recommended the appointment of Federal registrars by the President. It seemed that no one took this recommendation very seriously. At least, we heard nothing about it through the press, the radio, and television during the recess of Congress.

Then, early this year, the chairman of the House Committee on the Judiciary introduced a Federal registrar proposal along the lines of the recommendation of the Civil Rights Commission. In a press conference, the President of the United States said he understood that the registrar proposal raised some constitutional questions and that he was waiting for an opinion from the Attorney General. The Attorney General thereupon not only repudiated but actually ridiculed the recommendation of the Civil Rights Commission. Among other things, he said that the registrar proposal would be about as effective as a ticket to the Dempsey-Firpo boxing contest many years ago. In any event, the administration abandoned the registrar proposal.

Finally, the Attorney General sent down a hastily drawn voting referee proposal to the administration leaders in the Congress. My very good friend, the gentleman from Ohio [Mr. McCULLOCH], acting as ranking minority member of the Judiciary Committee, introduced the Federal referee proposal as H.R. 10035. The Rules Committee reported out the civil rights bill, acted on by the Judiciary Committee last year, and made it in order to offer the text of the bill H.R. 10035 as an amendment. In the meantime, the Attorney General had another change of heart and submitted another version, which the distinguished gentleman from Ohio [Mr. McCULLOCH] introduced as H.R. 10625. I understand that the present plan is to graft this third version to the civil rights bill for consideration on the floor, without hearings. How that is to be accomplished, I do not rightly know, but under the very confusing prevailing circumstances I think I should now direct my remarks to the provisions of H.R. 10625.

We are told that the constitutional basis for this proposal is the 15th amendment, which provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude.

It further provides that the Congress shall have power to enforce this article by appropriate legislation. I want to undertake to demonstrate, however, that the bill H.R. 10625 would not implement, but rather would circumvent, the 15th amendment and other provisions of the Constitution.

For example, the 15th amendment does not say that the right of citizens to vote shall not be denied. If that is all it said, it would have been unnecessary to amend the Constitution to provide that the right of citizens of the United States to vote shall not be denied or abridged on account of sex. And similarly, what the 15th amendment says is that the right of citizens to vote shall not be denied or abridged on account of race or color.

Of course, we are told that this legislation is needed to prevent denial of the personal civil right to vote on account of race or color. But what we are told and what the bill provides are two entirely different things.

The real purpose of the voting referee proposal is to establish a conclusive presumption of discrimination by court decree, without even hearing from the individuals who are alleged to have been discriminated against. Thereupon, the great southern section of our country would in effect be placed in political receivership. And then the Federal judge would appoint a referee to receive applications for voting certificates, without requiring proof of the only thing the Constitution prohibits, namely, the denial of the right to vote on account of color.

Here is how the bill will work, if enacted into law.

The initial proceeding will be a regular injunction suit, under the Civil Rights Act of 1957, in its present form. If the Attorney General can prove that two or three or more persons have been discriminated against, the judge would issue an injunction to prevent further discrimination, and could punish the registrar of voters for contempt without trial by jury, under certain circumstances, if he persisted in the discrimination.

This bill, however, is for the benefit of persons who are not even parties to the injunction suit, under the Civil Rights Act. It goes into an entire new field, a field loaded with legal mines and legal boobytraps.

In the first step under this bill, upon the request of the Attorney General, the Federal court is required to "make a finding" whether discrimination exists against Negro voters pursuant to a "pattern or practice." The bill does not define what constitutes a pattern or practice, and it does not require that the Federal judge shall be a local one. A judge from any other State in the Union may be designated to preside and supervise the local election. There is a total lack in the bill of any provision as to how this finding shall be made, or the rules, procedures, or evidence under which it is to be done.

So far as the bill is concerned, the decision on this question is left entirely to the discretion, the whims, or prejudices of a Federal judge. The bill does not even require that State officials shall be entitled to be heard before the finding is made.

After the court makes a finding that a pattern of discrimination exists, the decree would establish a conclusive presumption that all Negroes, who were not even parties to the initial proceeding, have in fact been discriminated against. It would make it totally unnecessary for them to prove any alleged discrimination on account of race or color.

I do not believe any lawyer in this great body would deny the proposition that conclusive presumptions do not square with the due process clause. Yet, that is the nub, the crux, and the very heart of this proposal. And I want to make it crystal clear that that is not my construction of the bill. I want to show beyond peradventure of a doubt that such is the official position of the Attorney General. The Deputy Attorney General gave us a briefing of the proposal. He so stated in his carefully prepared statement and repeated it time and time again in his oral explanation.

I want to quote his testimony given before the committee on February 9, 1960. At page 15 he said this:

> The CHAIRMAN. Let us assume a pattern of practice where a group is involved. Does that mean the voting referee would have to make a determination based on the deprivation or the discrimination in each individual case in that group?
>
> Mr. WALSH. No, sir. The voting referee would not make the determination. That is the whole purpose of this statute, to avoid the need for that determination in each individual case.

At page 19 he said:

> And all Congress would be doing in the Attorney General's proposal, really, would be making a statutory presumption to avoid one element of proof, that causal link which is so difficult to prove.

At page 21 he testified as follows:

> The CHAIRMAN. And there is no evidence that he was a victim of the practice or pattern when the original order was issued.
>
> Mr. WALSH. Well, if you found a pattern and practice against Negroes, and he is a Negro, I think Congress is justified in jumping the gap and establishing a conclusive presumption that that is the reason for his trouble.

And finally, I quote the truly remarkable testimony of Deputy Attorney General Walsh, appearing at page 29:

> Mr. WILLIS. Then, according to your explanation and clear statement of your proposal on page 6 let us find out what this third party has to prove or not to prove to be registered. You say: "It will not be necessary for the applicant to prove anew the existence of the pattern or practice of discrimination which the judge has already found." Meaning in the original action.
>
> Mr. WALSH. Yes, sir.
>
> Mr. WILLIS. "Neither will it be necessary for him to prove that the denial of his right to register was because of that pattern."
>
> Mr. WALSH. That is right.
>
> Mr. WILLIS. Then you say, "This difficult element of proof is the one which the statute would eliminate. Congress would in effect provide that where the Court has found a pattern of discrimination against Negroes, it is so obvious that this pattern is the only cause for the denial of registration to a fully qualified Negro applicant that the applicant need not prove this casual link."
>
> Mr. WALSH. That is the heart of the bill.
>
> Mr. WILLIS. That is what I understand it to be. And we are talking about the 15th amendment, which talks about the lack of power of the Federal Government or of the State to deny or abridge the right to vote on account of race, color, or previous condition of servitude, which is in it. But this very thing that the 15th amendment protects, the individual is not required to prove.
>
> Mr. WALSH. That is the purpose of this statute.

Once the conclusive presumption is established, pursuant to step one, then all the legal or illegal sleight-of-hand cards fall into place according to plan in the successive steps under the bill.

In the next step, a referee is appointed by the Federal judge to receive applications to vote. The applicants could be persons living in 1, or 2, or 10, or more counties, who were not ever heard from in the initial proceeding. I repeat that the whole purpose of the bill inures to the benefit of people that the Federal judge has never seen or heard from. The specific language of the bill requires that the applicant shall be ex parte, which

means that the other interested parties, the State and the authorities in the locality are specifically denied the opportunity to be heard. There is no provision in the bill that the referee shall be a local person with knowledge of local people, and it permits, although it does not require, the court to appoint a person from out of the State.

In the next step, the bill provides that any person of the colored race shall be entitled to an order declaring him qualified to vote upon proof that: first, he is qualified to vote; and second, has been (a) deprived of or denied the opportunity to vote, or (b) not qualified to vote, by the local registrar.

But how does he prove that he is qualified to vote? The bill provides that his statement under oath shall be prima facie evidence as to his age, residence, and his efforts to vote. He simply has to say, "I am 21 years of age. I live at such-and-such an address and the local registrar has found that I'm not qualified to vote." The bill compels the "referee" to accept his representation or misrepresentation in all these respects as true. If it be taken as true that the local registrar found him not to be qualified to vote, he does not have to disclose why that finding was made. It may have been based on reasons other than his race or color, which is the only issue under the 15th amendment. Yet, the bill compels the referee to conclusively presume that he has been denied the right to vote on account of race or color. That is why the Deputy Attorney General called the conclusive presumption "a key feature of the Attorney General's bill."

It is clear then that the referee really does not referee anything. He hears only one side of the issue. The bill, in violation of all standards of due process, specifically denies local registrars of voters or State officials, who are conclusively presumed to have denied the right of applicants to vote on account of race or color, the right to be present with counsel at the so-called hearing and the right to confront and cross-examine their accusers.

In the next step, the referee reports the result of his startling hearing to the court. At this point only, the Attorney General of the State is invited to file exceptions to the report, but since the report contains only the self-serving declaration of the applicant, without the right of confrontation and cross-examination, this invitation is practically meaningless.

When all of this unprecedented procedure has been carried out according to plan, the court gives to the applicant a certificate that he is a qualified voter. Then the court authorizes the referee "or such other person or persons as he may designate" to attend the election at all polling places and see that the person is voted, and that the vote is counted. To do so the Federal agents would somehow have to look over the shoulders of those voters and violate the secrecy of the ballot. Moreover, State law requires election officials to keep people a stated distance from polling places and voting booths, so that under the bill, if they admit the Federal agents they go to State jails, and if they exclude them they go to Federal jails.

We questioned Deputy Attorney General Walsh on what would happen if the Federal judge exercised the right given to him under the bill to send Federal agents at all polling places on election day. His testimony appears at page 34:

Mr. WILLIS. I am wondering, for the protection of these election commissioners, under pain and penalty of jail sentence in the Federal jails or State jails, which will they respect? State law or the Federal certificate of voting? That is a close one.

Mr. WALSH. I think the Federal law would prevail.

The CHAIRMAN. Well, Judge, under the supremacy clause, this would not be such a close question. The State law would have to yield to the Federal law.

Mr. WALSH. I think there is no doubt about that. The only question would be whether this was an unnecessary intrusion of the Federal law into the State administrative procedure. And I think that this is a reasonable proposal within the contemplation of the 15th amendment.

You will see that the good judge himself raised the question as to whether this was "an unnecessary intrusion of the Federal law into the State administrative procedure."

Well, constitutional or unconstitutional, the Department of Justice did not want to take a chance on which jail the election officials would go to and in the third version of the referee proposal—H.R. 10625—we now find language which was not in H.R. 10035. The present bill states that its provisions shall prevail, "notwithstanding any inconsistent provision of State law or the action of any State officer or court." This is a shocking effort to brush aside, strike down, and nullify any and all State laws and any and all actions of any State officers or court without opportunity to be heard and without as much as a by-your-leave.

Likewise, in all other respects, if complaint is made by a Negro voter that the judge's orders have not been carried out to the letter, the State election officials may be hauled into court on a contempt citation and sentenced to jail, or fined, or both, and deprived of the right to trial by jury. It is a frightening prospect that in the United States our Federal jails could be filled with "political prisoners" consisting of State officials.

Such is the devil's brew that is cooked up for consumption for the Southern States alone. It is utterly unconstitutional. It is devastating. It is the sure breeder of racial troubles of untold proportions.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield for an observation?

Mr. WILLIS. To my good friend from Virginia I will yield, but others I will ask to wait until I have completed my statement.

Mr. SMITH of Virginia. This is not so much on the bill, but I would like to make this statement. As most Members here know, it has been understood that there would be no effort made to prolong this thing with quorum calls and other means by which it could be prolonged over a good many days; but we did feel that those who have been so anxious for the enactment of this legislation owe to themselves and to the House and to their constituents at least the duty to stay here and listen and find out what this is all about. The gentleman now addressing us probably knows as much about this legislation as anybody on either side of this House, yet he is talking with less than a quorum present. I counted the membership present a minute ago. I am impelled at this time to advise my good friends on the other side that unless a quorum is kept here we expect to see that one is.

Mr. HALLECK. Mr. Chairman, will gentleman yield? I know he said he would decline to yield to others.

Mr. WILLIS. Oh, certainly, I will be glad to yield to my friend from Indiana.

Mr. HALLECK. May I say that I share the views expressed by the gentleman from Virginia. I have been making every effort possible trying to keep Members here. As I look around me, bearing in mind that the gentleman from Virginia said he counted and found that there was not a quorum present, it looks to me as though there is more than a quorum present. But, however that may be, I want to make it very clear to the gentleman that we shall redouble our efforts to keep our Members on the floor. This is an important debate, and the people addressing the Committee have the right to be listened to.

Mr. WILLIS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Louisiana has expired. The gentleman from Louisiana has consumed 42 minutes.

Mr. McCULLOCH. Mr. Chairman, I yield to my distinguished colleague from Virginia [Mr. POFF] such time as he may need.

Mr. POFF. Mr. Chairman, by way of preface I want to say that my pride in membership in this body has been rekindled today as never before in my 8 years of service here. Never in that time has the House faced such a potentially explosive issue with such fine grace and with such gentle behavior. It is my devout hope that we can continue throughout the general debate and the reading of the bill on the same high intellectual plane and that we can agree to disagree in an agreeable way.

I shall not attempt, because I am not qualified—and indeed, in my judgment, no Member of this House is qualified—to surpass the performance of the distinguished gentleman who just preceded me. However, with your indulgence it will be my purpose to analyze the legal ramifications of this bill as they present themselves to my mind; and my analysis will not be cloaked in any degree of spurious emotion.

Mr. Chairman, H.R. 8601 has been hailed in the press as the right-to-vote bill. It is easy to understand why. That label stirs an emotion which every American acknowledges as noble. No privilege in the catalog of human rights is more sacred to freemen than the elective franchise. The franchise should, and under the Constitution does, extend with fine impartiality to every citizen who meets the positive standards and does not transgress the negative prohibitions of the valid law of his domicile. Any abridgment of the franchise

as guaranteed by the Constitution, whether grounded in racial prejudice, religious bigotry, or political discrimination, should be repaired. No right is a whole right unless its infringement is subject to redress. Just as the Constitution guarantees the right to vote, it provides the remedy for the denial of the right. The remedy which the Constitution envisions is civil in nature and complete in its scope. Moreover, the Constitution presupposes that the right will be vindicated and the remedy initiated through administrative and judicial processes by the private citizen aggrieved and not by the Attorney General of the United States acting as a private attorney at the expense of the taxpayers at large.

Yes; the title of the bill is glamorous and its connotation noble; but is the title apt and does the bill achieve what the title connotes? Is H.R. 8601 really a right-to-vote bill? Essentially, the committee bill—which does not include the so-called referee plan—consists of four definitive parts; only one of these parts even remotely deals with the right to vote. Title III requires the preservation for a period of 2 years of all records incidental to all general, special and primary elections of Federal officers and fixes a criminal penalty of $1,000 fine or 1 year in prison, either or both. All other parts concern subjects wholly unrelated to the voting privilege.

Title I addresses itself to the Criminal Code of the United States. It creates a new and rather novel Federal crime with a penalty of $1,000 fine or 60 days in jail, either or both. Condemning by ignoring section 1503 of that code—the obstruction-of-justice statute which has been on the books since 1909—the bill singles out a specific malefaction—the violent obstruction of a school desegregation decree—and adorns it with the royal purple of a separate and independent Federal crime. Of course this serves the calculated purpose of the regional moralists. They can remount the hustings this fall and boast that they have fashioned a new instrument of punishment; they have forged a new sword; they have added a new quiver to the Court's bow. For this purpose it makes little difference that the penalty, the sword and the quiver are already embodied in existing law. If that be true, you ask, then what possible harm can flow from a reenactment of a part of an existing statute? My answer is, the possibility of a multiplicity of prosecutions for the same violent act. If title I becomes law, it is possible that a person accused of the violent obstruction of a school desegregation decree would be subject to four separate criminal prosecutions and four separate criminal penalties. If he were a person named in the Court's decree, he could be cited for criminal contempt. He could be prosecuted under the old obstruction-of-justice statute. He could be prosecuted for violation of a State penal law. And finally, he could be prosecuted under title I of this bill.

Attention is also called to another cute legal trick embedded in title I. Most criminal statutes customarily make the "attempt" to commit the defined crime an offense in itself, incurring the same penalty as the substantive crime. The word "attempt" is a word of art, explicitly defined and minutely refined in the case law of our jurisprudence since its birth. In the legal sense, an "attempt" involves some overt act which goes beyond the bounds of mere preparation and amounts to what is called the "commencement of the consummation of the crime." Title I does not use the word "attempt." Instead, it uses the words "willfully endeavors." What do those words mean? How would the courts define an "endeavor" to "prevent, obstruct, impede, or interfere" with a school desegregation decree? Would those words embrace a public verbal criticism of the decree or a critical letter to the editor? No one can accurately predict, but it is a fact that the Supreme Court already, in the case of *U.S.* v. *Russell* (255 U.S. 138), has said that the word "endeavor" describes "any effort or essay to accomplish the evil purpose that the section was enacted to prevent." Even those who support the substance of title I should support the amendment which will be offered to correct this language which, if left uncorrected, can serve only to blur the definition of the crime and lighten the prosecution's burden of proving guilt.

Title II is another amendment to the Criminal Code which has nothing whatsoever to do with voting rights. Appended as the next section following the Fugitive Felon Act, it broadens the scope and extends the reach of that act. Title II makes it a felony, punishable by a $5 000 fine or 5 years imprisonment, either or both, to travel across a State line to avoid prosecution or confinement after conviction for willfully damaging schools, churches, homes, vehicles, or other buildings or facilities by fire or explosion. I have no objection to the purpose of title II. Indeed, I support its purpose. However, it is not, in either the figurative or literal sense, a civil rights measure, and in compliance with accepted legislative procedure, should not be incorporated in an omnibus bill but handled as an unique, organic matter.

As previously indicated, title III, dealing with preservation of voting records, is the only part of the bill related to the voting process. Unlike the voting referee plan which will be offered as an amendment and which extends to all elections, Federal, State, and local, title III is confined to elections for Members of the Congress and the offices of President and Vice President. The constitutional basis offered for this title is article I, section 4. That article specifically empowers Congress to "make or alter regulations" concerning "the times and manner of holding elections for Senators and Representatives"; but that article makes no mention whatever of presidential electors. Presidential electors are not Federal officers. The Supreme Court has repeatedly so decided. In the case of *Ray* v. *Blair* (343 U.S. 214), the Court said:

> The presidential electors exercise a Federal function in balloting for President and Vice President, but they are not Federal officers or agents.

To the same effect are the decisions in the cases of *In re Green* (134 U.S. 377); *Walker* v. *U.S.* (93 F. 2d 383); and *McPherson* v. *Blacker* (146 U.S. 1).

Accordingly, article I is no foundation for title III, and Congress has no constitutional power under that article to legislate with respect to presidential electors except to fix the time of choosing them and the date upon which they cast their votes in the electoral college. The decision in the case of *U.S.* v. *Classic* (313 U.S. 299), is cited as authority to justify title III as it pertains to presidential electors. That case is no authority for that proposition. The only proposition which it supports is that Congress, under article I, sections 2 and 4, has the right to regulate a primary election of a candidate for the House of Representatives. The only possible constitutional basis for title III as it pertains to Presidential electors would be article I, section 8, clause 18 (the so-called "necessary and proper clause") or the rationale in the case of *Burroughs* v. *U.S.* (290 U.S. 534), which sustained the validity of the Federal Corrupt Practices Act protecting the purity of presidential elections. However, most students of the Constitution agree that either such construction would be tenuous and tangent to the intention of the authors of the Constitution.

Title IV, extending the life of the Civil Rights Commission, is no longer pertinent since the passage of that legislation at the last session of Congress.

Title V, the last of the four definitive parts of the bill, does not apply to voting rights. It concerns itself primarily with the education of children of members of the Armed Forces and attaches itself to Public Laws 815 and 874, 81st Congress, the so-called aid to federally impacted areas program under which the Government makes grants for school construction and operation to local school districts burdened with an influx of children of Federal personnel. Coverage of the present law would be extended under title V to children of members of the Armed Forces living off the boundaries of the military reservation.

The chief vice of title V is not its purpose but its effect. Hereafter, any local school district in a federally impacted area otherwise entitled to assistance under the act will be ineligible for assistance unless it covenants in advance to surrender the school building and facilities to the U.S. Commissioner of Education while the school is closed. Many school districts, recognizing such a covenant as a permanent encumbrance and cloud upon their fee simple titles, will decline to enter into such a covenant, and the inescapable effect will be to sabotage the federally impacted program and deny proper educational facilities to both Federal children and children of the local community. In other words, title V fashions the Federal control which could ultimately destroy the Federal aid which Public Laws 815 and 874 provide. Surely, those who support these two programs cherish no such consequence.

By way of recapitulation, the bill before the House is not a voting rights bill.

Rather, in its several parts, it is an anti-obstruction-of-justice bill, a fugitive-felon bill, and a Federal-hindrance-to education bill. The bill pivots not on a base of civil remedy but on a pedestal of criminal penalty. Except for title II, it has little to recommend it except the passion of those who reject the philosophy of "progress by patience" and embrace the doctrine of "progress by punishment."

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I am happy to yield to the gentleman.

Mr. FORRESTER. The gentleman raised that point in the committee on the day that the Deputy Attorney General appeared before the committee. The gentleman threw out the challenge then as he does now and I want to compliment him for it. It shows that he is a splendid lawyer. The gentleman is exactly right and I should like to join in that challenge. This debate is going to continue for 2 or 3 days and I would like for them to accept the gentleman's challenge to prove that an elector is a Federal officer because, as the gentleman says, and I concur, he is a State officer. They have no constitutional basis for that legislation.

Mr. POFF. The gentleman is eminently correct.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from New York.

Mr. CELLER. Does the 15th amendment not cover all elections?

Mr. POFF. Of course the 15th amendment covers all elections, and that is a constitutional basis as argued by the gentleman for a part of the bill as reported from the committee, but it is not a constitutional basis for title III.

Mr. CELLER. In the 15th amendment there is no word "election," which limits the 15th amendment to particular elections, namely, elections for Congressmen or Senators. It says all elections. Since it is so all-embracing, would that not involve the election of President and Vice President?

Mr. POFF. The gentleman understands the 15th amendment depends for its validity on the phrase "on account of race, color, or previous condition of servitude."

Mr. CELLER. It cannot deprive anybody of a vote unless he has it. The implication is that it must be there, otherwise you could not deprive a man of it.

Mr. POFF. Do I understand the gentleman to argue that article I, section 4, is the constitutional basis for title III?

Mr. CELLER. I say that the 15th amendment could be used as a basis, in my estimation, for the control of the election of President, Vice President, and presidential electors.

Mr. POFF. I think it cannot be. I have agreed that in part the 15th amendment could be used as a quasi-justification for other parts of the bill, but I cannot agree that it would be a constitutional basis for part III.

The CHAIRMAN. The gentleman from Virginia [Mr. POFF] has consumed 24 minutes.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, the House is today faced with a great responsibility. The Nation, and, indeed, the whole world, are anxiously waiting to see how that responsibility is discharged. The real question is this, Are we going to pass a bill which will assure each American of his constitutionally guaranteed rights.

The problem is a grave one, and one not easy of solution. But the dimensions of the problem are clear: Qualified Negroes are not being given the right to vote; they are not permitted to go to schools of their choice; they are not being accorded their status as citizens. There is no intent here to penalize one segment of the country, or to assert discrimination only occurs in the South. The intent is only and simply to enforce the law of the land.

All of us may have varying ideas as to how this shall be accomplished. No one of us can say that his is the only answer. However, I should like to set forth what, in my humble opinion, is an effective way of meeting the problem.

When the subcommittee of which I am a member recommended a bill to the full Judiciary Committee last summer, we felt that eight provisions were absolutely necessary. We recommended:

First. Authorization to the Attorney General to institute injunctive proceedings in civil rights cases.

Second. Grants to assist States and localities to effect desegregation.

Third. Creation of a Commission on Equal Job Opportunity Under Government Contracts.

Fourth. Penalties for flight to escape local prosecution for bombings.

Fifth. Penalties for obstruction of court orders in desegregation cases.

Sixth. Provision for the education of children of servicemen in areas where schools have been closed.

Seventh. Preservation of voting records and subpena authority for the Attorney General over such records.

Eighth. Extension of the term of the Civil Rights Commission.

The bill which was reported out by the Judiciary Committee—H.R. 8601 now before us—eliminated a large part of this bill—the first three provisions which I mentioned. Only the five last-named provisions remain, and the very last of these, of course, the extension of the Civil Rights Commission, has already been effectuated.

No sincere civil rights advocate could describe H.R. 8601 as an adequate measure, even though it might be termed another step in the right direction.

So, I urged then, and I urge now, that the original provisions of the Celler bill be reinstated. In a subsequent development the Civil Rights Commission published its shocking report, and recommended the appointment of Federal registrars to insure to all of our citizens their fundamental and inalienable right to vote. The three provisions of the Celler bill, and either the voting registrar proposal of the Civil Rights Commission—H.R. 9542—or the voting referee proposal of the Attorney General—H.R. 10035—are indispensable if we propose to enact a meaningful bill.

Are these provisions really necessary? Let us look at the record.

In 1954, in its historic decision, the Supreme Court said:

> We conclude that in the field of education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal * * * such segregation is a denial of the equal protection of the laws.

Almost 6 years have passed since the Supreme Court held that segregated schools are unconstitutional. Some 2,100 school districts have failed to make any attempt to enforce the Court's mandate. More than 2½ million Negro children are still receiving a segregated education—an education which, in the words of the Supreme Court, "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone"—*Brown* v. *Board of Education*, page 494. Desegregation, which was to have taken place with "all due and deliberate speed" has been far too deliberate and long overdue.

If we are not to deprive 2½ million children of their constitutionally guaranteed rights firm and vigorous measures are necessary.

H.R. 8601 presently provides criminal penalties for the obstruction of court orders in desegregation cases. In addition, a title 3 provision must be inserted. Title 3 has a long and somewhat controversial history. Originally requested by the administration, it has now lost administration support. Why this measure has been attacked as a drastic and unprecedented proposal is difficult to understand, particularly when we remember that at one time some people assumed that the Attorney General inherently possessed the authority which title 3 proposed to invest in him. And there is already legislative precedent for this proposal in the 1957 act with regard to the enforcement of voting rights. What title 3 does is simply authorize the Attorney General, by means of the injunctive procedure, to enforce the law of the land.

Instead of leaving the initiative to private individuals, or to an organization which is constantly harassed, intimidated and maligned for its efforts, title 3 places the task of enforcement where it belongs—in the Attorney General of the United States. Moreover, many persons have suggested that, by making enforcement of desegregation a matter on national policy, we will thereby encourage the judiciary to move faster and more effectively, once they know the Nation is solidly behind them.

In addition, I should like to see the proposal to give grants-in-aid to desegregating communities included in the civil rights measure. This will be of incalculable aid to districts which are ready to desegregate, but which are faced with the threat of closed schools should they carry their plans through. By this provision Federal funds can replace payments cut off by a defiant State government.

I fear that further delay in the desegregation of the schools will only make

the problem more difficult in the long run. The more we delay, the greater the task becomes, and the greater the bitterness and animosity which will have fomented. If we are to solve the problem at all we must tackle it frontally now, with firm and adequate measures, before the task becomes insurmountable.

In the field of voting rights—the very core and fountainhead of our democracy—the record is equally grim.

The Civil Rights Commission documented what many had only suspected: in many communities Negroes are being denied the right to vote en masse. One hundred years after the Civil War suffrage, for the Negro, is more an illusion than a reality. Interestingly enough, at least sociologically, the greatest discrimination exists in those areas where Negroes constitute a majority. In 49 counties with Negro majorities, less than 5 percent are registered to vote; in 16 others, not a single Negro is registered.

The Civil Rights Commission concluded that the Negro's right to suffrage would not be insured until and unless someone was on the spot to insist on it. The Civil Rights Commission suggested voting registrars; the Attorney General proposed an alternative—court-appointed referees.

The provisions of H.R. 8601 are excellent, so far as they go. Certainly we should insist that voting records are retained, and that the Attorney General should have the authority to inspect those records when he deems it necessary. But we must also insure that a Negro professor will not be denied the right to register on the grounds of illiteracy, and we must also meet the problem which arises when local registrars resign as soon as the white constituency has been served. The dimensions of the problem require a comprehensive solution.

As we arrive at those solutions we might keep in mind that our decisions today will have repercussions throughout the world. To paraphrase the memorable words of Lincoln: The world will little note nor long remember what we say here; but it can never forget what we do here. People of all nations and of every color are watching for the result of our deliberations.

It is important to remember that the great chasm which separates us from the Communist bloc is our dedication to the principles of freedom, democracy, and equality. These principles are the clarion call by which we seek to unify the free world, and by which we seek to win over the uncommitted nations.

If we fail to uphold our own principles, we can hardly appeal to the world to follow our example. We can hardly expect to convince the peoples of Africa and Asia that America is truly the land of the free. We cannot expect the world to rally around our plea for democracy unless we guarantee democracy to every single one of our own citizens.

It is important to remember, also, that effective action today will be a defeat for Communist propaganda. The Communist smear has been all too effective in slurring our image among peoples abroad. We can give the lie to that propaganda by vigorously insuring that we mean what we say: that America guarantees freedom and equality to every citizen, regardless of race, nationality, or color.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. HOLTZMAN. I wish to commend my colleague on the committee for making a very fine presentation.

Has anyone ever satisfactorily explained why the administration changed its mind about old title III?

Mr. RODINO. There was some attempt to do so, but I know of no explanation that was satisfactory.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. ANFUSO].

Mr. ANFUSO. Mr. Chairman, the fact that this great debate on civil rights should begin in the House today is of special significance to me, because I was born on this day just 55 years ago, in a little village in southern Italy.

On this very significant day, as we begin this discussion on a subject of vital interest to millions of people in this country and abroad, the thought keeps recurring in my mind: Why this intolerance in this great country of ours against the immigrant, against the member of a minority group, against the person who belongs to a different faith or race? Do we not all contribute of our brain and brawn to make the United States what it is today? De we not all seek the security of our country, the continued welfare of our people?

I think of the children born in this country today, regardless of the color of their skin, who in the early and formative years of their lives know neither prejudice nor hatred of their playmates or classmates. They are given by the Almighty inalienable rights of freedom and equality, which neither man nor printed law can and should deny to them. Society and civilization owe these rights to them and should provide them with every opportunity to utilize these rights in the best way possible, irrespective of their race, color, or creed.

A nation that lives up to these rights and provides all its citizens with the opportunity to enjoy them, is a happy and a prosperous nation. A civilization or society which assumes the responsibility that what is granted to one will be granted to all, need have no fear that it cannot survive the onslaught of communism. It cannot lose in the ideological struggle because the people have something to live by and to fight for.

As we get ready to legislate on the subject of civil rights, perhaps we ought to think more seriously of our children born without prejudice and with love in their hearts. Perhaps we ought to think of their God-given birthright of freedom and equality. Surely, we could not be misled if we were to accept God's judgment and not permit local and narrow prejudices to be substituted for His.

Mr. Speaker, we are living in a trying period, in a very crucial era for all of humanity, when the earth itself is being threatened with destruction. It stands to reason that this is certainly a time for all men of good will to unite, to rise above partisan and geographical lines, and to go forward together in their efforts that both the earth and all its inhabitants thereof know the full meaning of security and enjoy the good life which God, in His wisdom and infinity, has in store for all of mankind.

Unfortunately, an issue such as civil rights only serves to divide us, to weaken us, to arouse sectional strife, to take our attention away from the dangers facing our country and our people today. This is exactly what Khrushchev and his comrades in the Kremlin want—division in our ranks, chaos in our land, and our attention diverted to other matters, while they go about the world gobbling up nation after nation until we are ready to fall prey to their schemes. We fail to treat a vicious cancer, but worry over a cut on our finger.

This is a time which calls for responsible leadership and clear vision to understand the human value behind this struggle to assure civil rights for all Americans. It must also be clearly understood that second-class citizenship for any segment of the Nation is no longer feasible or desirable. We have outlived those concepts. The world will no longer tolerate them. If some of us still entertain any doubts about this, all they have to do is look toward Asia and Africa where new and independent peoples are rising. Just as colonialism is a thing of the past, so discrimination and second-class citizenship status are things of the past. The sooner we realize this, the better for us. The longer we cling to these outmoded concepts, the more we stand to lose.

One of the primary concepts in the development of the American way of life is the belief that each individual should be judged on the basis of his ability and his achievements, rather than on his origin, his faith, or the color of his skin. Where judgment is based on a person's race or religion, that is sheer discrimination and cannot be reconciled with American principles of justice, democracy, and the brotherhood of man.

Uppermost in our minds today should be the security and future survival of our Nation. That should come first in all our plans, in all our deeds. To achieve this foremost of all tasks, we must utilize all the human resources at our disposal.

Those among us who are sincerely interested in defending American democratic ideals and America's good name throughout the world, are well aware that racial tensions are caused by discriminatory practices. Wherever the people are given the opportunity to work together, to study together, to exercise the right to vote as free citizens—there tension is at a minimum and discrimination nonexistent. But as long as old racial sanctions continue and new ones are added, as long as stereotyped ideas about minority groups remain unchanged, intolerance and bigotry too will remain to plague us, to arouse tension and occasional violence, to cause dissension and chaos in our ranks.

I am opposed to the practice of subjecting large segments of our people to such indignities. I am opposed to treating them as second-class citizens

by denying them the right to vote, the right to equal opportunities for education, for housing, for employment, and the like. I would be opposed to meting out such treatment to any group in this country, because I believe that we must not recognize any caste system in the United States, or the superiority of one race over another.

To abuse our civil liberties, to continue the practice of discrimination against our fellow citizens, is most injurious to our way of life and to everything that this Nation has accomplished in the last two centuries. It is intolerable at all times, it is morally wrong under any circumstances, but especially so at a time which calls for utmost cooperation in our defense efforts for the welfare of our Nation and the whole free world.

We must continue to march forward together on the road to freedom, peace, understanding, and human brotherhood. If we become weakened and divided over civil rights, we shall be divided over other important issues and will some day suffer the danger of enslavement and destruction.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. ANFUSO. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Chairman, I would like to congratulate the distinguished gentleman from New York, not only on the occasion of his celebrating his birthday but on the very fine statement he is making. I desire to associate myself with those remarks.

The spotlight of world attention is today focused on us in this House because there is the expectation that we are at long last attending to our democracy's greatest bit of unfinished business—civil rights.

I believe even those who fought so long and so doggedly to block consideration of civil rights legislation now privately concede that this House will soon approve a bill which will go far to assure the rights of a more complete citizenship to those of our people who have been too long deprived of the full protection of the laws.

This getting down to the unfinished business of civil rights has taken too long—we have been at it, off and on, for over nine decades.

The reality of incomplete citizenship has been a moral burden on our democracy that has encumbered our strides in the progress toward achieving national greatness. Frankly I am gratified that at last we will have made progress. Progress with this nasty business of depriving certain people of rights afforded to others because of the color of their skin, or because their religion, or the home of their forebears somehow does not suit our own precious prejudices.

Really not very revolutionary objectives are set forth in H.R. 8601: access to the free ballot which should be supplemented by amendment, protection of the sanctity of houses of worship, protection, retention and preservation of election records, and the right to educational opportunities for families of Federal employees in segregated areas.

These are some of the most sacred, fundamental rights of our American democracy.

Can we in justice deny these basic things to any of our people and still deserve to be called a great nation?

Even so, the bill does not go far enough. When it is passed it should include the objective of providing equal job opportunities and sufficiently adequate protective provisions to accomplish the purposes of this legislation.

I am pleased that at last the party of the Great Emancipator has finally ceased to deny its venerable and worthy heritage and to join those of us who have worked long and hard to achieve the lofty ideals which the noble Abraham Lincoln conceived for our great country.

If men of good will join together in our sound democratic tradition what but justice can be triumphant?

Mr. McCULLOCH. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MEADER], a member of the committee.

Mr. MEADER. Mr. Chairman, I supported the Civil Rights Act of 1957, which was the first major legislation in 85 years to carry out the provisions of the 15th amendment guaranteeing to Negroes the right to vote. That is a very young measure—2½ years old. I think a brief review of the chronology of events since the adoption of that act may help put this debate in proper perspective.

That bill became law on September 9, 1957. On March 11, 1959, lacking 1 day from a year ago today, the Committee on the Judiciary held hearings on H.R. 8601 and took the testimony of the Attorney General of the United States on the legislation which has been described to you before this afternoon contained in H.R. 8601.

On September 9, 1959, the Civil Rights Commission, which was created by the Civil Rights Act of 1957, filed its report and therein for the first time appeared a proposal for direct Federal intervention in the election process. The proposal of the Civil Rights Commission was to appoint Federal registrars. On January 26, 1960, the Attorney General of the United States issued a news release saying, in effect, that the registrar proposal was inadequate and unworkable and in lieu thereof recommended what has come to be known as voting referees, which I shall discuss in greater detail later on.

Two days later H.R. 10035, the McCulloch bill, was introduced. On February 9, 1960, the Committee on the Judiciary held hearings on the so-called referee proposal and heard the Deputy Attorney General, Mr. Walsh, and a week later heard an attorney in opposition to the voting referee proposal, Mr. Block, from Georgia.

Now this is significant. On February 29, 1960, the Supreme Court rendered the first opinion passing upon the constitutionality of the Civil Rights Act of 1957. Here we are on the 10th of March, just 10 days later, seriously considering a far-reaching proposal.

Now, let me say that the gist of the Attorney General's testimony a year ago before our committee was that the bill in essentially the form we have it here today was all that was needed in the way of additional legislation at this time. And I must say that I believe it will take us some years and perhaps many court cases before we realize what a powerful instrument we created in the Civil Rights Act of 1957.

The Attorney General on page 223 of the hearings said this, and I might say that I would appreciate having the attention of the gentleman from New Jersey [Mr. RODINO], the gentleman from New York [Mr. HOLTZMAN], who recently questioned, in a colloquy, whether any satisfactory reason had been given by the Attorney General or the administration for not including old "title III" in the current legislation.

The gentleman from New York, particularly, interrogated the Attorney General at some length, and I want to quote from a passage of the testimony in that colloquy. It may be that the Attorney General's reasons were not satisfactory to the gentlemen from New York and New Jersey; in fact, probably it would be very difficult to satisfy either of those gentlemen on that point. But at least let me point out, so that the members of the committee can refer to the testimony and see for themselves whether or not the Attorney General gave satisfactory reasons. This is what he said:

> Let me say this: I think as of now there is doubt, at least there is doubt in my mind, as to the wisdom of giving the Federal Government authority to start more litigation.
>
> I appreciate that you can make an argument for it, and I think I am as anxious to make progress in this field as anybody—

And I might say, parenthetically, I am as anxious to make progress in this field of civil rights as anybody—

> and I think that when people talk about just educating and understanding, and put all their emphasis on that, it is a mistake, because I do not think you can do it that way alone.
>
> Likewise, I think if you put all your emphasis on law enforcement, you make a mistake, because this field is a good deal different from the average law-enforcement problem. It does involve both law enforcement and an understanding of the problems and what it means to our Nation.
>
> So it seems to me that we have to be pretty mature in our judgments about whether legislation which seems to favor civil rights would actually have that result, and I seriously have doubt about whether legislation requiring the Federal Government to institute more civil actions would have the result of making greater progress in this field.

I think it should be noted that only four cases have been commenced under the Civil Rights Act of 1957, and only two of those have reached the Supreme Court of the United States; one of them has not yet even been tried. This gives you an idea of where we are in developing what I say is the very powerful instrument we created in the Civil Rights Act of 1957.

Then the Attorney General said at the end, after some further remarks along the same line:

> So I just want to complete this long answer by saying I am just as thoroughly convinced of the need of progress in this field

as anybody. I have some doubt about whether additional authority for the Federal Government to start litigation would result in substantial progress at the moment.

Then, again, on page 227, when Mr. ROGERS of Colorado was interrogating the Attorney General, he said:

I think we can go just as far as we have been asked to go in this legislation.

Mr. ROGERS. And no further?

Attorney General ROGERS. Not at the moment.

Then the gentleman from New York [Mr. MILLER] interrogated the Attorney General. He said:

Mr. MILLER. But it is your profound conviction, based upon your experience in the Attorney General's Office, that too much Federal legislation at this time, in the absence of a volume of complaints in other areas might create more resistance than would proceeding a little more slowly, as indicated by the administration?

Attorney General ROGERS. I agree with everything you say, with just one slight variation.

I do not think I have a profound conviction on it. I think a better way to put it is I have doubt at the moment that further legislation permitting us to start lawsuits might do more harm than good at the moment.

Again he said at page 228:

I am not in favor of proceeding slowly. I am in favor of proceeding as fast as we can, but do it in an intelligent way and, I think, there is a tendency to say, "Well, here is a bill, and this is a strong civil rights bill, and if you are for the bill you are for civil rights, and if you are against it you are against civil rights."

I think that oversimplification just could be very misleading in this field.

Sometimes progress can be made a lot faster without litigation, and I have tried to say that I think that you have to gear your law enforcement pretty thoughtfully in with the development of public opinion, because if you have everybody in the State against you there is not much you can do in law enforcement that is not pretty disastrous.

Mr. Chairman, I want to say, too, that I commended the Attorney General at the end of his testimony for not asking for greater authority in the executive branch on this subject at this time.

I can support H.R. 8601 and I believe that it is essentially all we need to do at the present time other than to shore up the Civil Rights Act of 1957 in the light of the experience and the litigation in which various problems have been encountered.

I mentioned during the discussion under the rule today that I have introduced a bill which is aimed at doing precisely that, plus one major addition and that I want to discuss at this time. I refer to the provision that courts may grant affirmative relief. The Civil Rights Act of 1957 authorizes the Attorney General in the name of the United States and at the cost of the United States to institute a civil action or other proper proceeding for preventive relief.

The Attorney General, I may say, or at least his representatives, seemed to contend that under existing law a court may grant affirmative relief. In other words, instead of ordering somebody not to do something, the Department of Justice takes the position that right now the Federal district court may order people affirmatively to do specific acts. I want to quote from the decree of the court in the case of United States against Curtis M. Thomas in the eastern district of Louisiana, dated January 11, 1960—less than 2 months ago.

This particular paragraph is paragraph 3(b). At the beginning, paragraph 3 says "these individuals are hereby enjoined as follows," and this is 3(b) "from permitting the names of any of the approximately 1,377 persons challenged as set out in paragraph 3(a) of this decree, to remain off the present and current rolls of qualified voters of Washington Parish, La., or from a legal supplement thereto, longer than 10 days from the date of this decree. It is the intent and purpose of this paragraph that the persons enjoined shall do"—shall do—"whatever is necessary to be done to reinstate within 10 days from the date of this decree upon the current rolls of qualified voters in Washington Parish and upon all official copies thereof, the names of all of the said approximately 1,377 persons."

That is converting a double negative into an affirmative. I do not believe it was our intention when we passed the law authorizing the Attorney General to ask for preventive relief, that we were giving the court the power to order affirmative relief.

I am willing at this time because of the ambiguity and because I believe that the construction placed upon this act by the Attorney General is erroneous to state expressly that it is the will of this Congress that the courts can order affirmative relief in addition to preventive relief in the carrying out of the purposes of the Civil Rights Act of 1957.

Let me say that is not just a little difference. Our whole theory of government is based on prohibiting citizens from engaging in certain conduct thought to be wrongful or harmful to the rest of society, but within those limits to permit the greatest possible individual discretion. The totalitarian system of government is precisely the opposite. There, they order the subjects, as cogs in a machine, to do whatever the dictator at the top thinks they should do.

The difference between injunctive or preventive or restraining orders and an affirmative, direct order to commit a specific act, in this case probably to commit an act already enjoined upon the State officer, the registrar, by State law and the State constitution, is to me a far more potent weapon than to restrain him from doing certain illegal acts. I do not concur in the Justice Department contention that a double negative is the equivalent of a positive.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. CELLER. I am curious to know what provisions of I presume it is Title III to which the gentleman refers, the gentleman is referring to which would cure this situation. I am very anxious to know what is in the gentleman's mind, what provisions of the bill cure the difficulty he speaks of.

Mr. MEADER. Perhaps I did not make myself clear, but I am not talking about H.R. 8601. I was referring to a provision in my bill.

Mr. CELLER. I see.

Mr. MEADER. In that bill authority is granted the district courts to grant affirmative relief in addition to preventive relief.

Mr. Chairman, at the end of my remarks I shall insert the entire text of this decree from which I have read one paragraph, and I direct the attention of the Members to the fact that there are other paragraphs which also are couched in affirmative terms in this decree.

Let me say that it is true if the Attorney General's interpretation is correct that this adds nothing to existing authority. But let me say also that I think we should be as plain as we can be in the terms of a statute. We should not have to go back and refer to a colloquy between the Attorney General and a member of the committee to gain legislative intent when it is perfectly simple and easy to state our intent in the words of the statute itself. Why resort unnecessarily to legal legerdemain?

So in my view, at least, we would be, in my bill, granting the courts vast additional power in authorizing affirmative relief.

I gave attention to this problem when I discussed the Civil Rights Act of 1957. I was very disturbed about our giving injunctive relief at that time. I thought our Federal Government had gone too far already in governing by injunction. I said in the CONGRESSIONAL RECORD, volume 103, part 7, page 9205:

Mr. MEADER. Mr. Chairman, this is my first discussion of this bill. I rise particularly to call attention to the debate yesterday following the statement of the gentleman from Pennsylvania [Mr. WALTER], who had to leave because of work with the Committee on Un-American Activities.

The gentleman from New York [Mr. KEATING], in remarks that appear in the CONGRESSIONAL RECORD, volume 103, part 9, page 8093, listed a number of statutes providing a criminal remedy but where, at the same time, the Government was given the right to proceed by injunction. He mentioned the enforcement of the antitrust laws, the Atomic Energy Act, the Natural Gas Act, and various others.

Statutes authorizing the U.S. Government to seek injunctive relief are as follows:

Antitrust laws, restraining violation—by U.S. attorney, under direction Attorney General—title 15, United States Code, section 4, July 3, 1890.

Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade—by Department of Justice—title 15, United States Code, section 522, June 25, 1934.

Association of producers of agricultural products from restraining trade—by Department of Justice—title 7, United States Code, section 292, February 18, 1922.

Atomic Energy Act, enjoining violation of act or regulation—by Atomic Energy Commission—by Attorney General—title 42, United States Code, section 1816, August 1, 1946.

Bridges over navigable waters, injunction to enforce removal of bridge violating act as to alteration of bridges—by Attorney General—title 33, United States Code, section 519, June 21, 1940.

Clayton Act, violation of enjoined—U.S. attorney, under direction of Attorney Gen-

eral—title 15, United States Code, section 25, October 15, 1914.

Electric utility companies, compliance with law enforced by injunctions—by Federal Power Commission—title 16, United States Code, section 825m, August 26, 1935.

False advertisements, dissemination enjoined—by Federal Trade Commission—title 15, United States Code, section 53, March 21, 1933.

Freight forwarders, enforcement of laws, orders, rules, and so forth, by injunctions—by Interstate Commerce Commission or Attorney General—title 49, United States Code, section 1017, May 16, 1942.

Fur Products Labeling Act, to enjoin violation—by Federal Trade Commission—title 15, United States Code, section 69g, August 8, 1951.

Enclosure of public lands, enjoining violation—by U.S. attorney—title 43, United States Code, section 1062, February 25, 1885.

Investment advisers, violations of statute, rules and regulations governing, enjoined—by Securities and Exchange Commission—title 15, United States Code, section 80b-9, August 22, 1940.

Gross misconduct or gross abuse of trust by investment companies, enjoined—by Securities and Exchange Commission—title 15, United States Code, section 80a-35, August 22, 1940.

Use of misleading name or title by investment company, enjoined—by Securities and Exchange Commission—title 15, United States Code, section 80a-34, August 22, 1940.

Violation of statute governing, or rules, regulations, or orders of SEC by investment companies, enjoined—by Securities and Exchange Commission—title 15, United States Code, section 80a-41, August 22, 1940.

Fair Labor Standards Act, enjoining of violations—by Administrator, Wage and Hour Division, Department of Labor, under direction of Attorney General, see title 29, United States Code, section 204b—title 29, United States Code, sections 216 (c), 217, June 25, 1938.

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction—by U.S. attorney, see title 29, United States Code, section 921a—title 33, United States Code, section 921, March 4, 1927.

Import trade, prevention of restraint by injunction—by U.S. attorney, under direction of Attorney General—title 15, United States Code, section 9, August 27, 1894.

Wool products, enjoining violation of Labeling Act—by Federal Trade Commission—title 15, United States Code, section 68e, October 14, 1940.

Securities Act, actions to restrain violations—by Securities and Exchange Commission—title 15, United States Code, section 77t, May 27, 1933.

Securities Exchange Act, restraint of violations—by Securities and Exchange Commission—title 15, United States Code, section 78u, June 6, 1934.

Stockyards, injunction to enforce order of Secretary of Agriculture—by Attorney General—title 7, United States Code, section 216, August 15, 1921.

Submarine cables, to enjoin landing or operation—by the United States—title 47, United States Code, section 36, May 27, 1921.

Sugar quota, to restrain violations—by U.S. attorney under direction of Attorney General, see title 7, United States Code, section 608(7), and title 7, United States Code, section 608a-6, May 9, 1934.

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC—by ICC or Attorney General—title 49, United States Code, section 916, September 18, 1940.

Flammable Fabrics Act, to enjoin violations—by Federal Trade Commission—title 15, United States Code, section 1195, June 30, 1953.

National Housing Act, injunction against violation—by Attorney General—title 12, United States Code, section 1731b. This code citation was repealed.

Defense Production Act—title 50, United States Code, appendix 2109, July 31, 1951.

National Labor Relations Act (Taft-Hartley Act)—title 29, United States Code, 160(L), June 23, 1947.

Rent Control Cases—title 50, United States Code, appendix 1896, March 30, 1949.

Federal Food, Drug, and Cosmetic Act—United States Code, title 21, section 332, June 25, 1938.

Trademark Infringement—United States Code, title 15, section 1116, July 5, 1946.

Rubber Act of 1948—title 50, United States Code, appendix 1933, March 31, 1948.

International Wheat Agreement Act—title 7, United States Code, section 1642, October 27, 1949.

Natural Gas Act—title 15, United States Code, section 1717s, June 21, 1938.

Perishable Agricultural Commodities Act—title 7, United States Code, section 499k, June 10, 1930.

Shipping Act of 1916—title 46, United States Code, section 828, September 7, 1916.

I call attention, in addition, to the large number of administrative tribunals created in the last few decades whose orders are enforced by the contempt powers of the courts.

The discussion of this jury-trial amendment, I think, has served to alert the Members of Congress to the growing tendency to use the extraordinary remedy of injunction and contempts of courts for the enforcement of the policies and programs of the Federal Government.

It may be that in this instance the criminal remedy, that is, punishment through prosecution for violation of a statute, is not adequate to enforce the 15th amendment, which of course is a part of the Constitution; and that this extraordinary remedy is the only effective way of accomplishing the objective of the 15th amendment. But let me warn those who want the easy way that if we extend government by injunction from this field to another field, pretty soon we will be living under a police state, and the protection of individual liberties, which are the very essence of our form of government, will be gone.

I suggest that a comprehensive survey be made of the use of these extraordinary remedies of injunction and the contempt powers of the courts to execute national policies where rights of the individual, constitutionally available to him in criminal and civil legal proceedings, do not exist.

Let us see when this trend began. The abuses which led to the Norris-La Guardia Act were injunctions sought by individual citizens and corporations. In the instances cited by the gentleman from New York [Mr. KEATING], it is the Government itself using this unusual power of the sovereign in derogation of the rights of its citizens and circumventing the protections of their liberties which we have built up at great cost over a long period of time.

In the labor field, National Labor Relations Board orders to cease and desist issued against employers are enforced by the decree and contempt proceedings of the circuit courts of appeal.

The Federal Trade Commission combats unfair trade practices with court injunctions. Many other recently created boards and commissions have been given similar authority by the Congress.

Does this mean that the historic method of compelling observance of national policy, in which inhere the protections of the Bill of Rights, is no longer efficient and workable in the complicated society of our time; or, does it mean that the proponents of the new activities which the Federal Government is increasingly undertaking are impatient at the delays and difficulties attending criminal and civil legal proceedings where alleged violators are guaranteed due process of law and, in criminal cases, the presumption of innocence and the requirement of admissible proof establishing guilt beyond a reasonable doubt as found by a jury of his peers?

All students of law know that chancery courts developed only because the common law had become so rigid and inflexible as to result in miscarriages of justice simply because no forms or procedures existed to grant relief. This gave rise to the unusual and extraordinary intervention of the King, which came to be exercised through his chancellor, in granting relief to individuals on their petition for equitable and just redress, which they were unable to obtain in the law courts. Thus was established the basic principle that an action in equity will lie where there is an adequate remedy at law.

Many equity cases have held that a crime will not be enjoined by an equity court because the punishment for the crime should be an adequate deterrent to the wrong sought to be prevented. Some courts have added a refinement to the principle of adequacy of the remedy of law in that the remedy at law must be as adequate as the remedy possible in an equity proceeding.

There is no question of the constitutional power of the Congress to authorize the Attorney General to commence injunction proceedings to enforce the 15th amendment or of the power of Congress to grant jurisdiction to the Federal courts to issue injunctions in this field. Whether the Congress should do so or not, in my judgment, should be determined as a matter of policy. In determining for myself this question of policy, I am guided by the basic principle of adequacy of existing legal remedies, that is to say, criminal prosecution, under sections 241 and 242 of title 18, United States Code, and civil suits for damages under section 1983 of title 42, United States Code.

The 15th amendment to the U.S. Constitution became effective March 30, 1870, and provided:

"SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

The basic laws Congress passed pursuant to the 15th amendment were adopted shortly thereafter.

For over 80 years, therefore, we have had on the books legislation in addition to the 15th amendment to the Constitution designed to prevent the denial of voting privileges for reasons of race, color, or previous condition of servitude. Yet, the evidence is overwhelming that in many sections of the country Negroes, even today, are being deprived of the right to vote. One need not look further than the statistical section of the Congressional Directory to find that there were total votes cast in the congressional election of 1956 as low as 18,000 or 19,000 for some congressional districts where many congressional districts cast votes in excess of 200,000, or 10 times as much. In this connection, it should be remembered that Representatives in Congress, as the direct representatives of the people under article I, section 2, and the 14th amendment, section 2, each should represent approximately equal segments of our population.

There is, of course, other evidence before the Congress that the 15th amendment is not being observed, and that the amendment itself and the laws passed pursuant thereto have not been effective in the past and will not be effective in the future. Believing that the 15th amendment, which is

just as much a part of our Constitution as the Bill of Rights, ought to be observed, it is my judgment that a case has been made for the intervention of the courts and their extraordinary remedy of injunction to prevent an integral part of our Constitution from being nullified.

I, therefore, intend to vote against the so-called jury-trial amendment.

The granting, however, of the power of injunction in this field for the first time in our history points up the necessity for taking stock of the distance we have traveled on the road of government by injunction and should give us warning that this unusual and autocratic remedy must not be lightly granted in the future. We in the Congress should scrutinize with extreme care representations by those advocating some new program by the Federal Government involving regulation of our citizens in which enforcement is sought through injunction rather than the traditional criminal and civil remedies in which constitutional guarantees of procedural rights are granted to defendants. This is particularly true where a mandatory injunction, as contrasted to a restraining order, is authorized.

As I view our philosophy of Government, we prohibit citizens from doing those things which are thought to be against the public interest, but in all other activities not so prohibited, the individual is free to do as he chooses. This is the reverse of a system of government where the citizen is ordered by his Government affirmatively to perform certain actions. The latter method is typical of totalitarianism and tyranny.

Because of the recent growth of the use of court injunctions and contempt proceedings for carrying out national policy, I believe a review of such special grants of authority should be made, including a reexamination of the basis for authorizing the injunctive remedy. Such a study would form a foundation for resisting further growth of government by summary proceedings and might possibly lead to repeal or modification of some such grants of authority in the past.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield.

Mr. RODINO. Referring to the gentleman's statement that it was difficult for the Attorney General to satisfy the gentleman from New Jersey and the gentleman from New York, I would like to point out when the Attorney General originally supported part III, I went along with that. But, when he disavowed part III, I was not satisfied with his explanation for that action. I would further point out when the Attorney General proposed the voting referee provision, I was in total agreement with him.

Mr. MEADER. I simply want the RECORD to show that the Attorney General could give a reason whether it satisfied the gentleman or not.

I want to refer just briefly to the voting referee provision. This is a completely new device, and if it is established as a constitutional device, and a method for carrying out national policy, I say we had better watch out. First, "referee" is not the proper name for the official the Justice Department would create. He is not a referee, refereeing a contest between two parties. Rather, this court-appointed officer would perform ministerial functions on an ex parte basis. He would execute ministerial functions vested in State officials, both elective and appointive, by virtue of the State constitution and the laws of the State which, in turn, derive their authority from the Constitution of the United States. They stem from the 10th amendment in which powers are reserved, and by implication from the 1st amendment where the qualifications for electors for U.S. Representatives are described by our Constitution to be the same as those prescribed by the State for the most numerous branch of the State legislature. I asked Mr. Walsh:

Mr. MEADER. Let us assume a student applied to the city of Ann Arbor and he is refused the right to register. He has a remedy under the State law through mandamus or some other kind of court proceeding to test the correctness of the decision and the application by the law of those who are doing the registration?

Mr. WALSH. Yes, sir.

Mr. MEADER. In a sense, when he goes to the Federal referee instead of going through whatever State procedure there may be, he is electing to go to the Federal referee and asking for court action to compel the registrar to enter his name on the election rolls.

Mr. WALSH. The answer is: He is asking for court action as far as the referee is concerned in the first instance. But it is the administrative type of action in which a court officer serves in many areas as a receiver of property or as the conductor of a corporate election. It is that type of action he is asking for in the first instance. He says: "I have just been across the street, and I am qualified to vote, and they slammed the door in my face and said 'get lost.'"

Mr. MEADER. Suppose he goes into a State court for redress against the clerk who refused to register him. The clerk will be a party to that action. He will have all of the rights of due process that are accorded to every litigant. But if he goes instead to the referee appointed in the district court case, the clerk will be denied the right to appear and to appear with counsel and present evidence and cross-examine in the referee's factfinding proceedings.

Mr. WALSH. I think the difference perhaps between us comes in comparing the Federal voting referee to the State court. It is more closely comparable to the county clerk. In other words, the referee will do the work which the county clerk should have done under State law. Again, just as the county clerk would be a party to any proceeding before the State court in which his action was challenged, the State official who was a party to the Federal action will have a full opportunity to be heard before the judge, if he wants to challenge the action of the voting referee.

Maybe I could show it physically better [drawing chart].

[Displaying chart.] In other words, your State registrar is here, and you can appeal from him to the State court. Now, the voting referee is not up here; he is down here, too. The fellow goes across the street to the voting referee, and then if he doesn't like what he does, he goes up to the Federal court and fights it out there (pp. 37-38, voting rights hearings, House Judiciary Committee, February 9, 1960).

Judge Walsh properly described the officer as a "receiver" who "will do the work the county clerk should have done under State law."

He is a "receiver," but not of "property." He is a receiver of governmental authority, which under our constitutionally guaranteed republican form of State government belongs only to the sovereign people and their duly elected and appointed representatives and officials.

The receivership device, if it is good for transferring State power to a Federal voting receiver for carrying out the 15th amendment with respect to voting, can be used to carry out national policies against discrimination in education. Then, we will have Federal education receivers to take over the powers of boards of education and run school districts.

Then, someday we will employ this same receivership device in the area of fair employment practices. We will have "equal job opportunity receivers" moving in to carry out a national policy.

There is no limit to the areas of national policy where this device may be employed. It is an effective instrument for dissolving our Federal system by accretion of State power to the National Government.

In the Civil Rights Act of 1957 we gave Federal courts the power to enjoin State officials from doing certain things and to put him in jail if he violates that order.

Now, I would like to give the court the right to order him affirmatively to do something and to put him in jail if he does not do it. But for "voting referee advocates" that is not enough. If a State official does not do what we want him to do, we simply put another man in his place who we are sure will do it. This is a dangerous precedent, and it has not been given careful thought by the Congress.

Mr. Chairman, the full text of the decree to which I referred earlier in my remarks is as follows:

IN THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA, NEW ORLEANS DIVISION—UNITED STATES OF AMERICA, PLAINTIFF, *v.* DIAZ D. MCELVEEN, E. RAY MCELVEEN, SAXON FARMER AND EUGENE FARMER, INDIVIDUALLY AND AS MEMBERS OF THE CITIZENS COUNCIL OF WASHINGTON PARISH, LOUISIANA; CURTIS M. THOMAS, REGISTRAR OF VOTERS OF WASHINGTON PARISH, LOUISIANA, AND THE CITIZENS COUNCIL OF WASHINGTON PARISH, LOUISIANA, DEFENDANT—CIVIL ACTION NO. 9146—DECREE

Pursuant to the findings of fact and conclusions of law, entered this date, it is ordered, adjudged, and decreed that, pending further order of this court:

1. Diaz D. McElveen, E. Ray McElveen, Saxon Farmer, and Eugene Farmer, individually and as members of the Citizens Council of Washington Parish, La., together with their agents and any persons acting in concert with them who have actual notice of this decree, are hereby enjoined from causing or initiating challenges or filing any affidavits of challenge which have as their purpose or effect discrimination based on race or color against registrants of Washington Parish, La., and from further engaging in any other acts and practices which would interfere with the rights of any citizens of the United States to vote at any election without distinction of race or color.

2. The Citizens Council of Washington Parish, La., its officers, members, agents, and any persons acting in concert with it who have actual notice of this decree, is hereby enjoined from causing or in any way participating in the filing of affidavits of challenge which have as their purpose or effect discrimination based on race or color against registrants of Washington Parish, La., and from further engaging in any other acts and practices which would interfere with the

rights of any citizens of the United States to vote at any election without distinction of race or color.

3. Curtis M. Thomas, individually and as registrar of voters of Washington Parish, La., his deputies and agents, and the successors of each, are hereby enjoined as follows:

(a) From giving any legal effect whatsoever to the approximately 1,377 challenges filed in the office of registrar of voters of Washington Parish, La., against Negro registrants of that parish by the four individuals named in paragraph 1 of this decree during the period February 1, 1959, to June 16, 1959, both inclusive, or from giving any legal effect to any prior proceedings or orders based directly or indirectly upon such challenges.

(b) From permitting the names of any of the approximately 1,377 persons challenged as set out in paragraph 3(a) of this decree, to remain off the present and current rolls of qualified voters of Washington Parish, La., or from a legal supplement thereto, longer than 10 days from the date of this decree. It is the intent and purpose of this paragraph that the persons enjoined shall do whatever is necessary to be done to reinstate within 10 days from the date of this decree upon the current rolls of qualified voters in Washington Parish and upon all official copies thereof, the names of all of the said approximately 1,377 persons.

(c) From acting upon or giving effect to any challenges of registrants in Washington Parish, La., which might hereafter be filed in his office which have as their purpose or effect discrimination based upon race or color.

4. In effectuation of this decree, Curtis M. Thomas, registrar of voters of Washington Parish, La., is further ordered to file with the clerk of this court within 10 days from the date hereof, a detailed report in writing of his full compliance with the provisions of paragraph 3(b) of this decree.

5. In further effectuation of this decree, Curtis M. Thomas, registrar of voters of Washington Parish, La., together with his successors, is further ordered to keep and maintain, from and after February 1, 1960, a tabulation showing the number of registrants of each race whose right to remain on the registration rolls of Washington Parish is challenged. If at the end of any three-month period thereafter, more than 5 percent of the registrants of any one race shall have been challenged, he shall within 10 days thereafter submit to this court a detailed report in writing concerning such challenges, giving the bases thereof and indicating whether the same or similar bases of challenges appear in the records of other registrants.

6. In further effectuation of this decree, the parties to this cause may at any time apply to this court for an order for the inspection of, and photographing of, any or all records in the office of the registrar of voters of Washington Parish, La.

This court retains jurisdiction of this cause of the purpose of issuing any and all additional orders herein as may, in its judgment, become necessary for the purpose of modifying the same if, in its judgment, modification becomes necessary, and for the purpose of enforcing the same.

New Orleans, La., this 11th day of January 1960.

J. SKELLY WRIGHT,
Judge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all Members may have the privilege to extend their remarks in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. GALLAGHER. Mr. Chairman, the Members of the House are to be commended for proceeding with debate on this most important of all issues before the Congress—the right of every American to exercise his voting franchise. This is an issue that deserves nothing less than full and nonpartisan support.

We must cast aside any thought of political gain, as tempted as any of us might be in this general election year to do otherwise.

Because this is a matter of such vital importance, and action has been so long, indeed too long, delayed I have today urged the President of the United States to appeal in a radio and television address to all our citizens for active support of civil rights legislation.

I have likewise urged the Vice President of the United States, the second ranking leader of his political party, to appeal to the Members of the Congress who are of the same party to resist any further temptation to maneuver for selfish political gain in this issue. I am confident that the members of the political party will join in the necessary all-out effort to achieve victory in this fight. Jointly, we shall defeat those who would deny full rights of citizenship to all Americans.

I would like to say further that many issues come before this great body, but, in my opinion, there can be none of greater importance than the guarantee of full unconditional civil rights for all people in our country. For this is the cornerstone of our strength. The idea of true freedom and equality is the great motivation of man. To say that some men and some women and some children must accept less of life because of their color or race is an unconscionable wrong.

Some people question the future of our country and wonder if the ascendancy of our greatness can continue or will it appear on the graph of history that the late 1950 started our descent. They question whether the rise of sputnik corresponded with the final high-water mark of American destiny.

Here in the House today, we can supply the answer by meeting a great challenge. The challenge is to the idea of freedom, a word synonymous with the United States of America. Let us show the world we have our own house in order and that there are no second-class citizens within our land. Let us demonstrate today that right of freedom and equality guaranteed by our Constitution should never again be questioned. Let us join in making the idea of civil rights apply to all men for all time in every section of this Nation.

For if we do this, we shall answer those who question our future. For the idea of freedom will last long after the word "communism" has passed away with the other malignant nightmarish words of "nazism and fascism."

For the United States will last only as long as we champion the cause of freedom for all men. Today, now, the time is here to pass a strong civil rights bill as testimony of our belief not only in the idea of freedom but of our Nation's destiny as the champion of the right of all people to enjoy the fruits of God's blessing.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

AMENDMENTS TO FAMILY FARM INCOME ACT FAVORED BY MILK PRODUCERS

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. MCGOVERN] may extend his remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, as one of the sponsors of the proposed Family Farm Income Act of 1960—H.R. 10363—I am most anxious that this urgently needed legislation meet with the approval of our various commodity producers.

The bill is designed to give producers of farm commodities the authority to work out marketing arrangements whereby supply could be adjusted to demand in such a manner as to yield the farmer a fair return. By substituting bushel or pound marketing quotas for acreage controls and by utilizing compensatory payments when needed instead of Government nonrecourse storage loans, the bill would also very substantially reduce costs to the taxpayers.

It has been called to my attention by milk producers in my home State and elsewhere that this legislation would be of great benefit to other farmers who do not now benefit from such marketing arrangements. Milk producers, on the other hand, are satisfied with the enabling authority they now have under the time-tested Marketing Agreement Act of 1937. These milk producers and their highly regarded legislative representatives of the National Milk Producers Federation, sincerely believe that there is no reason for including them under the provisions of the Family Farm Income Act of 1960 since they already have the advantages which this act proposes.

The milk producers also are worried about the provision in the proposed comprehensive legislation which calls for the termination on December 31, 1965, of the Marketing Agreement Act of 1937.

This terminal date was added to the proposed legislation because some of the sponsors of the legislation honestly believe that all Federal farm legislation should be reviewed at the same time. It is their view that this would enable the

Congress to consider farm programs as a whole instead of approaching each commodity on a piecemeal basis.

I can see considerable logic in the above position, but since the 1937 Marketing Act has had a long history of successful operation and has won the confidence of producers, I believe the section calling for the termination in 1965 of this act should be stricken from the legislation.

I am offering a series of amendments to H.R. 10363 which will exempt milk producers from the legislation and will remove that section which would terminate the Marketing Agreement Act of 1937.

Representatives of the milk producers have assured me that these amendments if accepted will enable them to give full support to H.R. 10363.

I know as a matter of record that the National Milk Producers Federation under the leadership of my friend and fellow South Dakotan, Mike Norton, and their able legislative director, Willis Tobler, have consistently supported good farm legislation for all agricultural producers. Mr. Norton took the lead in calling together more than 30 different commodity groups to work out an omnibus farm bill 2 years ago.

My purpose in introducing H.R. 10363 is to extend to other farmers the same orderly marketing authority that is now enjoyed by milk producers. I feel sure that the entire Nation will benefit from the approval of this legislation.

RESULTS OF 1960 OPINION POLL IN 22D CONGRESSIONAL DISTRICT OF OHIO

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD and include a table.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mrs. BOLTON. Mr. Speaker, as has been my practice in previous years, I have again asked each household of registered voters in the 22d Congressional District of Ohio to give me the benefit of its thinking on some of the important issues which are being considered in the present session of the Congress.

It is a pleasure to report that over 16,000 families submitted replies to this questionnaire. This fine response indicates the healthy interest that many of my constituents have in national affairs. I am indeed grateful to every person who expressed his views on these issues, and especially to the many who took the time to explain their position or offered constructive suggestions for future legislative action.

It is noteworthy to point out the overwhelming vote in favor of the pay-as-you-go method of balancing the Federal budget on all programs undertaken by the Congress.

On the question of Federal aid to education it is interesting to note the trend of opinion during the past 4 years when substantially the same question was asked on this poll. The percentage reply during this period was:

[Percent]

Year	For	Against	No opinion
1957	76.0	21.0	3.0
1958	63.7	30.9	5.4
1959	61.4	33.2	5.4
1960	54.9	38.5	6.6

During the past year it is apparent that many people have become more aware of the problem that our senior citizens face in the matter of hospital and medical care. The results of my 1959 and 1960 polls indicate this increased concern on the question of providing hospital and medical care for social security beneficiaries through increases in the amount of payments by employers and employees:

[Percent]

Year	For	Against	No opinion
1959	48.5	38.9	12.6
1960	60.3	32.0	7.7

The results of this poll, I believe, will be of interest to the Congress, and to my constituents who represent a portion of the Greater Cleveland area that can truly be called a dynamic part of this great ethnic and religious melting pot we proudly call America.

The questions and results are as follows:

	Percent		
	Yes	No	No opinion
1. Are you in favor of the President's pay-as-you-go emphasis on a balanced budget?	76.8	9.9	13.3
2. Do you consider our present $41,000,000,000 defense budget adequate?	55.2	23.5	21.3
3. Do you believe sufficient emphasis is being placed on our civilian space exploration program?	46.1	35.4	18.5
4. Should we continue economic aid to other nations?	56.6	33.1	10.3
5. Should we continue military aid to other nations?	49.6	37.0	13.4
6. Are you in favor of compulsory Federal arbitration in labor disputes which affect the national welfare?	72.2	22.9	4.9
7. Should the Social Security Act be amended to include the payment of all medical expenses after retirement, the cost to be paid by both employers and employees?	60.3	32.0	7.7
8. Do you believe the Federal Government should provide financial aid to needy States for school construction?	54.9	38.5	6.6
9. Do you favor the strengthening of civil rights legislation?	55.2	25.7	19.1
10. Do you believe the Federal minimum wage should be raised from $1 to $1.25 an hour?	62.7	28.4	8.9
11. Do you favor a gradual reduction in Government controls on farm commodities, together with a gradual removal of price supports?	85.0	7.5	7.5
12. Are you in favor of increased Federal participation in local slum clearance and urban renewal projects?	51.2	40.8	8.0

OUR SENIOR CITIZENS SHOULD NOT BE DENIED SOCIAL SECURITY BENEFITS BECAUSE OF OUTSIDE EARNINGS

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentlewoman from Ohio [Mrs. BOLTON] may extend her remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection?

Mrs. BOLTON. Mr. Speaker, I am today introducing a bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. This bill will go a long way, I believe, in correcting what is perhaps one of the most serious inequities in the Social Security Act. Under the present law persons who are retired on social security benefits are permitted to earn only $1,200 a year by working. However, they can receive an unlimited income from dividends, interest on stocks, rents, or even from betting on the horse races without losing any social security benefit checks.

In our country today we have more people over 65 than at any time in our history; and many thousands of the more than 12 million who are eligible for social security benefits cannot afford to retire on their benefits alone. They are obliged to continue at least part-time work. This bill will permit them to earn a little without being penalized for doing it.

The present limitations, Mr. Speaker, are a serious reflection on our free-enterprise system and are not in keeping with the high level of our overall economy. Very few people, except those, of course, who are disabled, care to become completely inactive when they reach the retirement age. Many of the individuals who are eligible for social security benefits have a real desire to continue working, and they can make a real contribution to our Nation's overall economy by doing so. Why should they be penalized because they earn a little extra money which many need just to provide the necessities of life?

It is my hope that the Committee on Ways and Means will favorably consider this legislation, and that early action in the House and Senate will follow.

A NEW BILL TO FOSTER MUSICIANS AND CULTURE IN AMERICA

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. PELLY] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. PELLY. Mr. Speaker, I am today introducing a bill to make it a crime to use certain imported musical reproductions for commercial purposes. American musicians have long been deprived of work opportunities in the production of moving pictures and filmed television shows by the use of imported robot tapes for background music.

These cutrate foreign-made recordings harm grievously cultural development in America and evade the spirit of a Federal law that bars instrumental musicians from coming into the United States to compete at substandard wage rates with American musicians.

These so-called mechanical wetbacks in the form of recorded reproductions of musical instruments are masqueraded as art and culture. Instead they undermine our own resident artists and evade existing immigration restrictions on imports intended to protect and foster music and musicians in this country.

My bill would stop the importation of mechanical or electronic reproductions of instrumental music intended for use as background sound effects in commercial television and moving pictures. Such banned tape music would have been originally performed outside the United States and reproduced by persons who at the time of such original performance were not eligible under the Immigration and Nationality Act to themselves enter and perform in person in the United States.

As one who for years was active in support of the Seattle Symphony Orchestra and likewise as an honorary member of Local 76, A.F. of M., I have long sought to raise music and cultural standards and opportunity in America. The passage of this bill will serve that purpose, and I hope Congress will give it speedy and favorable consideration.

I have discussed this proposed legislation with Herman Kenin, president of American Federation of Musicians, AFL–CIO, and he assures me that his organization wholeheartedly endorses this bill.

CUBAN-AMERICAN RELATIONSHIPS

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, just a few days ago, an explosion in Havana harbor rocked that city. Almost 100 were killed. Many more were injured. The city of Havana went into mourning over this tragic event.

Some 62 years ago, there was another explosion in this same harbor less than a mile away. Two hundred sixty-six Americans died in this explosion. The battleship *Maine* went to the bottom of the bay, and its sinking touched off the Spanish-American War.

Americans and Cubans fought side by side in this war. Neither the Cubans nor the Americans were fighting for personal glory, for new territories, for plunder or new possessions. We were fighting for freedom. We Americans were not fighting for our own freedom. We had already achieved this goal. We were fighting for the right of the Cubans to shake off the oppressive yoke of colonialism, to decide their own destinies, to chart their own course in domestic and world affairs.

Yet today, we are being vilified and castigated by the Government of Cuba. Our Federal Government has been insulted and snarled at by the leaders of this government. We have been called every printable name and a number of unprintable ones as well. We have been charged with blowing up ships, launching aircraft against Cuba, inciting the people to riot and a number of other ridiculous accusations.

I cannot speak for the rest of my colleagues in the House, but the only emotions I can work up over this series of baseless charges is disappointment and disgust.

I was one of those who saw great hopes for Cuba under a responsible and law-abiding democratic government. It was my belief that Cuba could solve its economic and domestic problems through democratic process rather than shouting and accusations. It was my hope that Cuba would enjoy a period of prosperity, of friendliness, of peace and well-being such as that sovereign nation has never before enjoyed.

I had great hopes for Fidel Castro. Cuba needed a fearless and resourceful leader, one who would put his own personal ambitions aside and work for his people.

Instead, we hear words from his lips which prove to me, at least, that he has forsaken principle for profit—his own profit, not that of the Cuban people.

We in the United States have heard these words before from such men as Hitler and Mussolini. We never thought we would hear them from Fidel Castro, who we believed would bring new tranquillity, new freedom and new prosperity to the Caribbean.

We have no quarrel with Cuba or its revolution. After all, our own Nation was founded upon revolution and we respect the desire and the right of others to solve their own problems in their own way. We are not going to send troops to Cuba to meddle in that Nation's domestic affairs.

We are not urging Cuba's neighbors to take aggressive steps against Castro, even though it is common knowledge that invasions against some of his neighbors in the Caribbean have been instigated and supported by the present Cuban Government.

The Federal Government of the United States and its people contribute some $150 million annually into the treasury of Castro in the form of sugar subsidies.

Just yesterday, Castro's captive press said the United States is "brazenly and systematically beseiging Cuba." If we are besieging Cuba, then it would appear that our blockade consists of a mountain of dollar bills poured into that government at the expense of our own taxpayers.

Castro and company want their freedom from this so-called economic interference in the domestic affairs of Cuba. I do not believe that this is an unreasonable request, and I believe that Castro should get what he wants in this regard.

Therefore, I am offering today for the consideration of the House, a bill which would eliminate this shortcoming and which will guarantee that Cuba will be treated as an equal among all the nations of the world. This bill would prohibit the importation of Cuban sugar for so long as the price which U.S. importers are required to pay for such sugar is above the world market price. My good friend and colleague, Congresswoman KATHERINE ST. GEORGE, of New York, explained the provisions of this bill to the House yesterday, and I am happy to join her in sponsoring this bill to provide economic freedom to Cuba.

If Castro wants equality, then we should give it to him.

SPECIAL SUBCOMMITTEE TO STUDY CENTRAL VALLEY PROJECT POWER SALES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JOHNSON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, the special Governmental Operations Subcommittee on Assigned Power and Land Problems, under the able chairmanship of my fellow Californian, Congressman JOHN MOSS, of Sacramento, will hold hearings later this month on sales and deliveries of hydroelectric power generated by the Central Valley project.

The inquiry will explore the economics of Government construction of transmission lines as opposed to the now existing policy of wheeling electrical energy over the lines of private utility firms.

This is an issue which has been discussed and debated for some time and I am pleased that Congressman Moss and his excellent committee are going to study the matter. May I commend Congressman Moss for this. I know his committee will do an excellent job.

To back up this support of my colleague, I would like to enter into the RECORD the following editorial from the February 24 issue of the Sacramento Bee:

CENTRAL VALLEY PROJECT POWER SALES PROBE IS ONE LONG OVERDUE

The investigation of Central Valley project policy with respect to the sale of electric power, which will be undertaken next month by a congressional subcommittee on power and public lands, is one which is considerably overdue.

The inquiry will center around the questions of whether it would be more economical for the Government to build its own transmission lines than to have to rely upon the Pacific Gas & Electric Co. to wheel the energy and whether firm power which could be sold to public agencies under the Federal preference clause is going to the Pacific Gas & Electric Co.

But a dramatic side issue may steal the show, namely, the long and frustrating efforts of the Shasta Public Utility District, which virtually is within sight of the Shasta Dam powerplant, to obtain electricity directly from the project.

Efforts of public agencies to purchase electricity from the Central Valley project consistently have been met by the Bureau of Reclamation claim that all the firm power generated by the project already is committed.

Yet records in the hands of the subcommittee show the Central Valley project power output is 450,000 kilowatts but the peak demand of all Government and preference customers is only 390,000 kilowatts. The less that goes to preference customers the more is available to the Pacific Gas & Electric Co. and over the years the utility has received more than half of the Central Valley project power output.

The Federal Comptroller General has stated the 1 mill per kilowatt hour wheeling charge exacted by the Pacific Gas & Electric Co. for transmitting Government energy is excessive.

The Reclamation Bureau declines to build a 10-mile transmission line from Shasta Dam to the Shasta Public Utility District because the Pacific Gas & Electric Co. has offered to wheel the power. Nor will it agree to let the district build its own line and give it the 1 mill wheeling allowance, even though under Pacific Gas & Electric Co. wheeling the Government would have to pay the utility on transmission charges from Shasta to Tracy and back again to within 10 miles of the point of origin.

This improvident arrangement is justified on the ground the Shasta district's proposal would be against policy, even though similar deals have been made in the Missouri Valley.

The attitude falls into the category of it makes no sense but it is our policy.

The important thing to the taxpayers is that such shortsightedness appears to be costing the Government large sums of money and on that ground alone the subcommittee's inquiry is more than appropriate to maintain the integrity of the project.

THE PEOPLE ASK FOR THE SAN LUIS PROJECT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. SISK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SISK. Mr. Speaker, I have the honor to file today with this House a petition signed by more than 2,700 people of the San Joaquin Valley of California earnestly requesting approval of the bill which soon will be before you to authorize the San Luis unit of the Central Valley project.

If the Members will run through the many pages of this petition, they will find these people classify themselves as housewives, janitors, small businessmen, laboring men, and small farmers—in short, they represented the sentiments of every segment of our agricultural and business life.

I am proud of these signers. They have demonstrated their knowledge that a great reclamation project benefits everyone. Too often we are blind to the communitywide and nationwide character of reclamation benefits. We tend to think of them in terms of the farmers and landowners directly served. I think it is also most significant that these petitioners are content to leave to the Congress in its wisdom the resolution of any controversies or disagreements, and they take no stand on them. They are concerned with the big picture. They ask us to determine the ground rules and build the project.

This petition is significant and powerful in demonstrating the public desire of a very large area for enactment of the San Luis bill and I know the Members will want to consider it when this legislation is before the House in the near future.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mrs. GREEN of Oregon, Mr. ULLMAN, and Mr. PORTER (at the request of Mr. MCCORMACK), for today and the balance of the week, on account of official business (attending the funeral of the late Senator Richard L. Neuberger).

Mr. BREWSTER (at the request of Mr. FALLON), on account of illness.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. BAILEY, for 20 minutes, on Tuesday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. COLMER and to include extraneous matter.

Mr. MCGOVERN and to include extraneous matter.

(At the request of Mr. BROOMFIELD, and to include extraneous matter, the following:)

Mr. CANFIELD.

Mr. CUNNINGHAM.

Mr. UTT in two instances.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 3 minutes p.m.) the House adjourned until tomorrow, Friday, March 11, 1960, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1930. A letter from the Administrator, General Services Administration, transmitting a notice of a proposed disposition of approximately 2,647 short tons of graphite now held in the national stockpile, pursuant to the Strategic and Critical Materials Stock Piling Act (53 Stat. 811, as amended, 50 U.S.C. 98b(e)); to the Committee on Armed Services.

1931. A letter from the Assistant Chief of Naval Material (Procurement), Department of the Navy, transmitting the semiannual report of research and development procurement actions of $50,000 and over, for the period July 1 through December 31, 1959, pursuant to title 10, United States Code, section 2357; to the Committee on Armed Services.

1932. A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting a report entitled "Report on Borrowing Authority" for the quarter ending December 31, 1959, pursuant to section 304(b) of the Defense Production Act as amended; to the Committee on Banking and Currency.

1933. A letter from the Administrator, Small Business Administration, transmitting a report covering the progress made in liquidating the assets formerly held by the Reconstruction Finance Corporation for the quarter ended December 31, 1959, pursuant to the Reconstruction Finance Corporation Liquidation Act, as amended (67 Stat. 230), and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

1934. A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1961 for the Department of the Interior, involving reductions totaling $10 million (H. Doc. No. 356); to the Committee on Appropriations.

1935. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the 46th Annual Report of the Board of Governors of the Federal Reserve System for the year 1959, pursuant to the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

1936. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation entitled "A bill to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an Interstate Transportation Agency; and for other purposes; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCMILLAN: Committee on the District of Columbia. H.R. 10683. A bill to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes; with amendment (Rept. No. 1380). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. House Joint Resolution 208. Joint resolution providing for participation by the United States in the West Virginia centennial celebration to be held in 1963 at various locations in the State of West Virginia, and for other purposes; without amendment (Rept. No. 1382). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOLL: Committee on the Judiciary. House Joint Resolution 605. Joint resolution providing for the preparation and completion of plans for a comprehensive observance of the 175th anniversary of the formation of the Constitution of the United States; without amendment (Rept. No. 1383). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITENER: Committee on the Judiciary. House Joint Resolution 640. Joint resolution to authorize and request the President to issue a proclamation in connection with the centennial of the birth of General of the Armies John J. Pershing; with amendment (Rept. No. 1384). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASEM: Committee on the Judiciary. H.R. 8417. A bill for the relief of Grand Lodge of North Dakota, Ancient Free and Accepted Masons; with amendment (Rept. No. 1381). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 11028. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mrs. BOLTON:

H.R. 11029. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. BREEDING:

H.R. 11030. A bill to amend the Helium Act of September 1, 1937, as amended, for the defense, security, and the general welfare of the United States; to the Committee on Interior and Insular Affairs.

By Mr. BROCK:

H.R. 11031. A bill to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. BUCKLEY:

H.R. 11032. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. BYRNES of Wisconsin:

H.R. 11033. A bill to amend section 832(b)(4) of the Internal Revenue Code with respect to unearned premiums; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 11034. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

Mr. DORN of New York:

H.R. 11035. A bill to prohibit agencies of the United States from imposing contractual provisions boycotting vessels trading with Israel; to the Committee on Merchant Marine and Fisheries.

By Mr. FINO:

H.R. 11036. A bill to establish a body corporate within the Department of Commerce to extend financial assistance to State or local governments or public authorities operating or providing transit and commuter service in our major metropolitan areas; to the Committee on Banking and Currency.

By Mr. HARMON:

H.R. 11037. A bill to adjust the rates of compensation of employees in the postal field service; to the Committee on Post Office and Civil Service.

By Mr. HENDERSON:

H.R. 11038. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of California:

H.R. 11039. A bill to amend title 23 of the United States Code to provide for the payment of certain improvements on lands of the United States taken for rights-of-way on the Interstate System; to the Committee on Public Works.

By Mr. KING of Utah:

H.R. 11040. A bill to amend the Communications Act of 1934 with respect to certain rebroadcasting activities; to the Committee on Interstate and Foreign Commerce.

H.R. 11041. A bill to amend the Communications Act of 1934 to establish jurisdiction in the Federal Communications Commission over community antenna systems; to the Committee on Interstate and Foreign Commerce.

By Mr. MEADER:

H.R. 11042. A bill to amend the Civil Rights Act of 1957 to provide for affirmative relief against discrimination based on race or color, and for other purposes; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 11043. A bill to amend chapter 57 of title 18, United States Code, so as to make it a crime to use certain musical reproductions in the United States for certain commercial purposes; to the Committee on the Judiciary.

By Mr. SHORT:

H.R. 11044. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to establish a marketing program for wheat; to the Committee on Agriculture.

By Mr. TEAGUE of Texas (by request):

H.R. 11045. A bill to amend section 704 of title 38, United States Code, to permit the conversion or exchange of policies of National Service Life Insurance to a new modified life plan; to the Committee on Veterans' Affairs.

By Mr. WILLIAMS:

H.R. 11046. A bill to amend section 407(e) of the Federal Aviation Act to empower the Board to inspect the books and records of foreign air carriers located in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS:

H.R. 11047. A bill to repeal the manufacturers' excise tax on passenger automobiles and trucks; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 11048. A bill to prohibit the importation of Cuban sugar for so long as the price which U.S. importers are required to pay for such sugar is above the world market price; to the Committee on Agriculture.

By Mr. COOLEY:

H.R. 11049. A bill to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage; to the Committee on Agriculture.

H.R. 11050. A bill to amend the Poultry Products Inspection Act; to the Committee on Agriculture.

By Mrs. GRANAHAN:

H.R. 11051. A bill to amend section 1461 of title 18 of the United States Code with respect to the mailing of obscene matter, and for other purposes; to the Committee on the Judiciary.

By Mr. JENNINGS:

H.R. 11052. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer an additional income tax exemption for a spouse or dependent who is a student at a college or university and whose educational expenses are paid by such taxpayer; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 11053. A bill to secure to all qualified voters, regardless of their race or color, the right to register and vote in elections; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.J. Res. 649. Joint resolution relating to the authority of the President, the Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service to provide for international cooperation in health research and research training, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLEM MILLER:

H. Res. 472. Resolution to authorize printing as a House document a publication entitled "Sports-Fishing Industry in California and the Pacific Northwest"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H.R. 11054. A bill for the relief of Pietro Dattoli; to the Committee on the Judiciary.

By Mr. BENTLEY:

H.R. 11055. A bill for the relief of Nora Pattison; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 11056. A bill for the relief of Marcelle Mallah and Louise Najib; to the Committee on the Judiciary.

By Mr. BRAY:

H.R. 11057. A bill for the relief of Hans Karsten Schmidt; to the Committee on the Judiciary.

H.R. 11058. A bill for the relief of Ghassan Omary; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H.R. 11059. A bill for the relief of Clara Betello Franca; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 11060. A bill for the relief of Isaac V. Caracocly and Albert Caracocly; to the Committee on the Judiciary.

By Mr. POFF:

H.R. 11061. A bill for the relief of Mary C. Atkinson; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 11062. A bill for the relief of Zofia Barszcz; to the Committee on the Judiciary.

H.R. 11063. A bill for the relief of Herman F. and Elizabeth V. Berens; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 11064. A bill for the relief of Anna Hilger; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

361. Mr. SISK presented a petition of more than 2,700 housewives, laboring people, small businessmen and small farmers in the San Joaquin Valley of California urging the Congress to resolve any controversies and speedily approve a bill to authorize the San Luis unit of the Central Valley project as vital to the welfare of thousands of residents of California and the millions of citizens of other States who are populating the West, which was referred to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

West Virginia—Land of Scenic, Recreational, and Historical Values and Natural Beauty in Close Proximity to Population Centers—Foundation for a Potentially Thriving Tourist Trade

EXTENSION OF REMARKS
OF

HON. JENNINGS RANDOLPH
OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, March 10, 1960

Mr. RANDOLPH. Mr. President, an article I wrote at the invitation of the editor of the Charleston (W. Va.) Gazette on the attractiveness of West Virginia was published in yesterday's issue of that newspaper.

I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA'S NATURAL BEAUTY LURES TOURISTS

(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

There has been much comment on the human resources of West Virginia and the past and present achievements of some prominent West Virginians.

This discussion relates to the resources of our land and the scenic, recreational, and historical values which are the foundation for a potentially thriving tourist trade.

Our State parks and State forest facilities, given major impetus during the administration of Gov. H. G. Kump, and aided invaluably by programs of the Federal Government during that era, offer unique outdoor recreation for millions of urban dwellers in the metropolitan centers of the eastern seaboard, the Middle Atlantic, and the Midwestern States.

By the same token, the recreational areas within the Monongahela National Forest and that portion of the George Washington National Forest within West Virginia, afford other pleasant recreational opportunities for our own people and visitors from other States.

CLOSE PROXIMITY TO POPULATION CENTERS

There is probably not another State in the Union which is as singularly favored as West Virginia in being able to offer so much of natural beauty in such close proximity to the population centers of the eastern half of the United States, with 55 percent of the people of the Nation living within a 500-mile radius of our State. It is apparent, therefore, that, despite the significant increase in tourism West Virginia has experienced in recent years, we have barely begun to benefit from its full possibilities.

The attractions of West Virginia's State park and forest facilities, and those of the national forests within our State—ranging from the quiet grandeur of the scenery at Cacapon in the eastern panhandle to the spectacular New River gorge near Babcock State Park in the southern part of the State—provided unparalleled opportunities for the tired city dweller seeking the restorative values of outdoor life.

Fourteen of the State parks and forests offer cabin or lodging facilities or both, a majority affording a choice between rustic accommodations and modern deluxe facilities set in unspoiled natural surroundings. With reference to the developed recreational areas within the national forests, the less than 10 percent of the George Washington National Forest situated in West Virginia has been too much overlooked in this respect, but the Monongahela National Forest, situated totally within our State, has extensive recreational facilities—without cabins, however.

NEARLY MILLION VISIT NATIONAL FOREST

It is probably a little known fact that the Monongahela National Forest, in 1959, received a total of 987,900 visits to its 50 special recreational facilities, broken down into categories of visits as follows:

Camping at 22 sites, 19,300; picnicking at 17 sites, 173,900; swimming in 5 pools and lakes, 72,300; hunting, 179,700; fishing in forest streams and 3 lakes, 344,600; hiking and riding, 1,600; organizational camping at one Forest Service-owned facility and three non-Forest Service-owned organizational camping sites, 7,200; sightseeing, 179,900; forest product gathering for pleasure, 21,200; visits for scientific studies and hobbies, 2,200; and other miscellaneous types of visits, 25,800.

Yet, despite the work of our State industrial and publicity commission, a study of our tourist trade would indicate that we have not adequately told the "West Virginia story." During the past 5 years tourist expenditures have increased dramatically from $174,562,214 in 1955 to $270,569,447 in 1959. What is probably more significant, however, is that the number of annual visitors has actually decreased during that period from an estimated high of 8,115,429 in 1955 to a low of 7,389,218 in 1958, with a slight rise to an estimated 7,450,625 in 1959.

Inasmuch as the average tourist stay has been relatively constant (between 4 and 5 days), the increase in gross receipts has been due to a step-up in per capita expenditures, rather than to a growth in the volume of visitors. In fact, the average expenditure has almost doubled during that period, from $5.50 per person per day to $8.07, thus proving the point of the Mississippi Governor who said that a tourist is "as valuable as a bale of cotton and twice as easy to pick." Nor should it be overlooked that tourism is the only kind of trade in which we do not export some portion of our natural resources for the dollars received.

Further observation seems pertinent with respect to the untapped tourist potential:

Last year, 59 percent of West Virginia's visitors came from the neighboring States of Ohio, Pennsylvania, Maryland, and Virginia, while the even more heavily populated States of New York, New Jersey, Michigan, and Illinois—all within a radius of 500 miles or less of our State—supplied only 14.9 percent of the total.

Thus, it is apparent that we must do a major selling job making the charm and beauty of West Virginia more widely known in the population centers of the Middle Atlantic and Midwestern States.

PROMOTION IS COOPERATIVE ENTERPRISE

Nor should this be a task conducted solely by the State industrial and publicity commission and the U.S. Forest Service, insofar as the latter has to do with publicizing the facilities of the national forests within our borders. Despite the appropriateness of the efforts these agencies expend for tourism promotion, it needs supplementation. The privately operated hotels, motels, and restaurants obviously reap large shares of the profits from tourists drawn to our State primarily by its scenery and the publicly owned park and forest facilities. They, too, have obligations to assist with the State's tourism promotion.

According to the annual analysis of our tourist trade published by the West Virginia Industrial and Publicity Commission, last year 59.3 percent of our visitors were in the State on vacation. Of the number represented by that percentage, 72.7 percent were attracted by the scenery, the parks, and the forests; yet, during the same year, 71.4 percent of them stayed at motels and hotels, while only 15.4 percent lodged or camped at parks and forests.

In view of these statistics, it would seem only appropriate, therefore, that the trade associations and individual operators of hotels and motels should take an active and leading role in publicizing not only their own facilities, but the natural and scenic values of the State as a whole.

To come to something very close to my heart, I would mention, as an added tourist attraction, the rich historical lore associated with West Virginia. American history was formed in large measure by the Allegheny Mountains as the route of southward migration of the Scotch-Irish and German settlers, and the Ohio River as the gateway to the West. At a time when Americans might well be reexamining their cultural roots in an effort to arrive at a more meaningful conception of our national purpose, history as it was lived in West Virginia has much to contribute.

MORE THAN HALF MILLION VISIT HARPERS FERRY

Not the least important of our historical attractions is the Harpers Ferry National Monument under control of the National Park Service and situated in both Jefferson County, W. Va., and Washington County, Md. When a Member of the U.S. House of Representatives for 14 years, I was privileged to author the bill which established this site as a Federal park. Since that time the State of West Virginia has appropriated in full its share of land acquisition costs. Maryland is appropriating for this purpose on an annual basis. With the continued restoration work on the original arsenal and other buildings, there has been a constant increase in the number of visitors. Over the past 4 years the number of guests who have registered their presence has increased by more than 400 percent, from 115,667 in 1956 to more than 595,610 in 1959.

It is pleasing to report there is every likelihood that there will be added Federal facilities at Harpers Ferry which will doubtless multiply the number of visitors and the utilization very extensively. The Department of the Interior and its National Park Service have certified their approval to the Senate Committee on Interior and Insular Affairs of a bill introduced by me in the present 86th Congress to authorize acquisition of additional land, including inactive Storer College, to be used for monument area enlargement and new facilities for National Park Service personnel training. This measure has been approved by the Senate Subcommittee on Public Lands and is optimistically looked upon as one which probably will become law this spring.

Then, too, it is to be hoped that in the near future we shall be successful in establishing another national monument facility in West Virginia—the Washington Western Lands embracing significant parts of the area within the triangle formed by Parkersburg, Point Pleasant, and Charleston. Senator ROBERT C. BYRD is a cosponsor of a bill I introduced in the Senate, with a companion measure in the House by Representative KEN HECHLER, to authorize such a facility within the national parks system. A

national monument of this nature would be an appropriate testimonial to the continued significance of the Ohio and Kanawha River Valleys since the days of the Revolution.

Harpers Ferry and the Washington Western Lands area are but two of the many points of historical interest in West Virginia which serve to keep alive the meaning of our national heritage for citizens of all the States.

Nature and history have combined to produce immense and varied resources in our State. It is now up to us to develop them wisely for our own benefit and that of future generations.

ADA: Blueprint for Socialism in America

EXTENSION OF REMARKS
OF
HON. JAMES B. UTT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 1960

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the CONGRESSIONAL RECORD, I include an analysis of ADA prepared by Mr. Kelvin Bailey who heads my research staff:

ADA: BLUEPRINT FOR SOCIALISM IN AMERICA

The ADA (Americans for Democratic Action) program has been properly described as "a collectivist bill of goods * * * a program of laundered communism * * * with the Bill of Rights tacked on." And still another disclosure terms the ADA as "a group of leftwing Democrats who hope, as either the senior or junior partner of a labor alliance, to capture the Democratic Party and bring about a system which would amount to national socialism in America."[1] These serious statements are not reckless or politically inspired, instead they are warning signs of peril that, unless heeded, our country will be further guided down the avenue of darkness toward socialism. And communism is merely a practical application of socialism. The vehicle for this transition is the infamous ADA.

In 1942 the Committee on Un-American Activities disclosed a popular front organization known as the Union for Democratic Action. The committee found that 50 UDA leaders had Communist connections. Because so many liberals found themselves in the corner with the Communists and fellow travelling coterie in advancing their pet policies, a sort of purification rite became necessary, thus the ADA was created. This 1947 change-in-name-only ceremony carried with it at least 29 of the 50 leaders.[2] The ADA set out to prove that it is possible in America to be ultraradical without being Communist, to advocate change in our politico-economic traditions without being disloyal. But their long honeymoon of frolicking in the Red mud with Communists and Sovieteers still left these fake liberals—this ADA—as hard-core troublemakers and crypto-Fabians which are collectivist in principle and unprincipled in politics.

American principles and ideals are being betrayed by subterfuge and deception. This betrayal of the American way of life is spearheaded by the ADA reactionary radicals masquerading as liberals. It is selling socialism under the guise of liberalism. It is practicing the greatest deception of our time. And unless their Trojan-horse methods are exposed and understood, America is doomed to be remade in the image of Marx.

The ADA is the planning body for the whole Socialist movement. Its propaganda is advanced in newspapers, radio, TV, magazines, and speeches. And like their English cousins, it never admits that it is selling socialism. It doubletalks about planned economy, social reforms, constitutional rights, civil liberties, and patriotism, while working for its ultimate goal: The replacement of the free-enterprise system with Marxian socialism. Meanwhile, of course, they fight for civil license for the leftwingers, ignore the civil liberty of rightwingers, wage psychological warfare against the anti-Socialist, and employ character assassination against the anti-Communist.

The ADA campaigns for higher taxes, more Government intervention through regulations and controls, expansion of Federal power over the States and individuals, rocketing subsidies forever for farmers and workers, and a telescoping bureaucracy—all in the name of liberalism. The ADA has perverted the word "liberalism" to mean "socialism." And we must never forget that a Socialist is nothing more than a housebroken Communist. A prominent Socialist affectionately said of the ADA: "The national program of the ADA is so close to that of the Socialist Party that the Socialist National Committee recently passed a resolution saying that membership in the ADA was politically compatible."[3]

On the key issues of our time, the ADA dramatizes its radicalism, or liberalism, by fighting against the exposure of Communists, against the Smith Act trials of top Communists, against loyalty programs, and against congressional investigations of Communists, but for investigation of the late Senator Joe McCarthy.

On foreign affairs, the ADA's views are singularly divorced from American thinking. During the Korean war the ADA was clamoring for relief aid to Red China, which was supplying the arms which killed American troops. They continually prate for recognizing the Communist government of Red China as a fact but agitating against aid to Spain, obviously not a fact. They trumpet for a superworld government. By creating fear, the ADA is trying to panic the American people into the acceptance of our cessation of nuclear testing and armaments. Meanwhile, and as expected, they join the Communists in denouncing our nuclear contribution in defense of West Germany. No mention is made of Russia's nuclear armaments surrounding West Germany.

The ADA loudly protests that it is anti-Communist. Its self-proclaimed great and heroic fight with communism has apparently been carried on in the belief that the really effective way to fight the Communist cause is to kill it with kindness. And since the ADA claims to be anti-Communist, let's look at the record:[4]

(a) It opposed the Mundt bill to control communism in 1948.

(b) It opposed the Communist control bill in Illinois in 1949.

(c) It opposed the Communist control bill of 1950.

(d) It opposed the Maryland Communist control bill in 1950.

(e) It opposed the Smith Act in 1952.

(f) It opposed military aid to Nationalist China.

(g) It attempts to discredit the FBI.

(h) It defended Communist student groups.

(i) It repeatedly attacks the House Un-American Activities Committee and urges that it be abolished.

(j) It urges the United States to withdraw recognition of Nationalist China, while plugging for Red China's admission into the U.N.

(k) It endorsed Truman's removal of General MacArthur.

(l) It defended the Institute of Pacific Relations (found to be an instrument of Soviet policy by a Senate committee).

(m) They condemn loyalty oaths.

(n) It called for an investigation of the American Legion.

(o) It opposed a bill to permit the FBI to tap telephone conversations of suspected Communists.

(p) It defended fifth-amendment teachers.

(q) It opposed a bill requiring Communists to testify.

The record makes it clear that the ADA now dominates the policyforming levels of the Democratic Party. And locally, like COPE, their influence is effective. Mayor, and ADA'er, Richardson Dilworth, of Philadelphia, says his recent victory over Harold Stassen was managed exclusively by ADA staff and volunteers.[5] Nor is the Republican Party entirely free from the ADA menace. Governor McKeldin of Maryland warmly embraced the Socialist ADA line with glowing terms, and even a White House staff member offered an apology, or token blessing, to the ADA.[6]

As a power-hungry, control-minded cell of intellectual radicals, they bear careful watching, especially this year, a major election year, since most of the presidential hopefuls are either officers, complete adherents, or favorably endorsed by the radicals at the ADA summit.

ADA, like COPE, has a single composite objective: to centralize political and economic power. They would have individuals give up much of their freedom and the States give up much of their sovereignty to the Federal Government which can easiest be controlled by a partnership of union bosses and Fabian liberal intellectuals, or apostles of the ADA.

[1] Senate Republican policy committee report, Apr. 7, 1958.

[2] (a) House Rept. 2277, 2d sess., 77th Cong.; (b) Los Angeles Times, Sept. 14, 1952.

[3] Santa Ana Register, Oct. 30, 1954.

[4] Santa Ana Register, Oct. 30, 1954.

[5] ADA World, January 1960.

[6] Washington Post, Sept. 27, 1954.

It Is Already Here

EXTENSION OF REMARKS
OF
HON. WILLIAM M. COLMER
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 10, 1960

Mr. COLMER. Mr. Speaker, today we begin debate in the House on the so-called civil rights legislation. Ever since the many bills on this subject were introduced last year in the first session of this Congress, a number of us have given unlimitedly of our time, efforts, and whatever talents we possessed to prevent these proposals in any form from reaching this point of consideration on the floor. We were motivated, first, by a recognition that these proposals were primarily, if not solely, a political maneuver by self-styled liberals to gain the approval of minority groups and, second, by a fundamental opposition to this legislation as being unconstitutional. We were convinced that these proposals

were a further studied effort to destroy the original concept upon which this Republic was founded as a government of united but sovereign States, rather than one of centralized power vested in a Federal bureaucracy.

On the eve of this debate we southern Representatives in the House caucused and perfected a broad organization to combat this movement to the best of our ability and with the limited opportunity offered under the parliamentary rules of this body.

Mr. Speaker, at this meeting a resolution expressing the sense of its members was adopted. It was proposed by the able and distinguished Member of the House and former Governor of the great Commonwealth of Virginia, Congressman WILLIAM TUCK. The resolution follows:

Resolved, That it is the fixed determination of this group to oppose by every method and argument the passage of a civil rights bill, and particularly the registrar amendment which will be offered. We are utterly weary of the constant efforts of the proponents of this legislation to adopt punitive measures aimed at the Southern States, which have been the bulwark of democracy from the founding of the Democratic Party by Thomas Jefferson.

The proposed legislation is an obvious and studied return to the force bills enacted by Congress in the Reconstruction days following the Civil War. The proposal applies to local, State, and Federal elections. Aside from being unconstitutional invasion of the rights of States to determine the qualifications of voters, it is an invitation to rioting and bloodshed, which have already been induced by the agitation for the passage of this bill.

We expect to oppose it with the parliamentary procedure at our command to the utmost, and we commend the valiant and unflagging efforts of those Senators who are making full and effective use of the parliamentary procedure at their command, and for the brilliant debate which they have conducted in opposition to the bill on its merits.

Senator Kenneth B. Keating, Republican, New York, "Speaker of the Year"

EXTENSION OF REMARKS
OF
HON. J. GLENN BEALL
OF MARYLAND
IN THE SENATE OF THE UNITED STATES
Thursday, March 10, 1960

Mr. BEALL. Mr. President, the University of Maryland sponsored the Capitol Hill debate tournament, which attracted wide attention. At the final ceremonies, held in the Senate caucus room on Saturday afternoon, February 27, 1960, one of our colleagues, the distinguished Senator from New York [Mr. KEATING] was awarded the "Speaker of the Year" plaque, an honor fully deserved.

Upon receipt of the award, the distinguished Senator made a brief and outstanding statement on the subject, "Congress and the Supreme Court."

In the debate tournament finals, a University of Maryland contestant, Mrs. Jackie Crews, received the third place silver key award. The subject of her speech was "Mediocrity in American Life."

To take part in this debate tournament, students came from colleges as far away as the Air Force Academy in Colorado, the University of Miami, and Bates College in Maine.

In my opinion such a debate tournament is a most praiseworthy activity, and its sponsors should be commended. Also, I would like to commend those of the University of Maryland who managed the tournament in such an excellent manner.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a news article which appeared in the March 1, 1960, issue of the Diamondback, under the heading, "Maryland Speaker Places Third in Capitol Hill Tournament"; also a news article in the same publication headed, "New York Senator KEATING Honored at Debate Finals," and also the text of the address made by the New York Senator.

There being no objection, the articles and address were ordered to be printed in the RECORD, as follows:

MARYLAND SPEAKER PLACES THIRD IN CAPITOL HILL TOURNAMENT

(By Terri Goldberg)

A University of Maryland contestant, Mrs. Jackie Crews, received the third place silver key in the persuasive speaking contest of the Capitol Hill debate tournament held Saturday in the Senate caucus room on Capitol Hill in Washington.

Mrs. Crews spoke on "Mediocrity in American Life." First place went to Findlay College Representative Allen Jones.

The Capitol Hill debate tournament is sponsored by the University of Maryland under the direction of Mr. Malthon Anapol, of the speech department. Thirty-two colleges and universities sent two teams, one affirmative and one negative, to participate in the tournament.

Mr. Anapol remarked, "The interest of other colleges in the tournament is so great that several applications must be rejected due to limited time and accommodations. The tournament is growing every year."

One topic for debate is chosen for the year. The topic for debate for each year to be used throughout debate for the year 1959–60 was "Resolved that Congress Should Have the Power to Reverse Decisions of the Supreme Court." The topic chosen is always one of national political importance.

B. Bruce Wagener, of the University of Maryland Speech Department, explained, "The tournament is unique in two respects: First, the finals are held on Capitol Hill, the seat of our National Government, and second, the debating is carried on before people who are likely to be influenced by what they hear. The issues debated are those on which Congress could act.

"In the past 3 years since the tournament began, it has rapidly become one of the big tournaments of the country, as indicated by the representation of the 32 of our top colleges and universities."

Students came from colleges as far as the Air Force Academy in Colorado, the University of Miami, and Bates College in Maine.

Both the affirmative team and the negative team of the University of Maryland won two debates against other colleges. Each representative team participated in six debates on the Maryland campus, held Friday and Saturday morning. The affirmative team winning the most debates in the preliminaries, and accumulating the greatest number of points, debated the top negative team in the finals held on Saturday in the Senate caucus room.

The final speeches of the Persuasive Speaking Contest followed a formal greeting by the Honoroble Thomas Clark, Supreme Court Justice.

NEW YORK SENATOR KEATING HONORED AT DEBATE FINALS

Senator KENNETH B. KEATING, of New York, was honored at the finals of the Capitol Hill Debate Tournament, sponsored by the University of Maryland Saturday, where he was awarded the "Speaker of the Year" plaque for his outstanding speeches on the subject of "Congress and the Supreme Court."

In his address to the 175 students and guests gathered in the Senate caucus room, Senator KEATING said that he felt there has been a failure on the part of the public to distinguish between criticism of the Court and criticism of the decisions of the Court.

The Senator explained, "The controversy between Congress and the Court in recent years is an inevitable and perhaps even an intended result of the division of governmental responsibility decreed by the Constitution. It is an example of our system of checks and balances in operation."

Those who are stanchly in favor of congressional power over the Court "have proposed remedies for some decisions that would endanger the Court's very existence as an independent, coordinate hand of our Government." On the other hand, "the Court's unqualified defenders are ready to burn at the stake anyone who suggests congressional perusal of the decisions of the Court."

Senator KEATING said that the Court should not be any more immune to criticism than the other branches of our Government. "The Court has served its country well in its 171 years of existence, but not all its precedents have withstood the test of time."

In favor of the Court, he said, "Congress also has the duty to prevent the undermining of our judicial system and to protect and preserve the role of law. The difference between a society governed by principles of justice and a society governed by arbitrary fiats is the difference between government and tyranny."

Then, in favor of Congress, Senator KEATING said, "Congress and not the Court is the supreme lawmaker under our system. Its attempts to deal with problems disclosed by judicial opinions should not be interpreted as attacks upon the Court."

Senator KEATING summarized his opinions on the subject by saying, "I believe Congress has been wise in rejecting all proposals to interfere with the jurisdiction or status of the Court. I also believe that Congress has been amiss in failing to moderate the impact of some of the Court's decisions on our defenses against crime and subversion, entirely regardless of whether the Court was legally correct or incorrect in the conclusions it reached."

Senator KEATING anxiously awaits the day when the measures he has introduced, that are important in our battle against communism or criminality, will be considered on their merits instead of as a part of a debate over the relations between Congress and the Court.

CONGRESS AND THE SUPREME COURT

(Text of address by Senator KENNETH B. KEATING, Republican, of New York, on occasion of the awarding to him of a plaque as speaker of the year at the final ceremonies of the Capitol Hill debate tournament)

This is your day to debate and speak and so I will not detain you long.

I would, however, like a few minutes of your time to discuss my position on your debate subject and to try to put this issue in proper perspective, as I see it.

First. In my opinion, the controversy between Congress and the Court in recent years is an inevitable and perhaps even an intended result of the division of governmental responsibility decreed by the Constitution. It is an example of our system of checks and balances in operation. It is as natural as differences between the President and the Court or the President and Congress, and no more harmful to the public interest, if kept within proper bounds.

Second. The most unfortunate aspect of this controversy is the tendency, in some quarters, to classify all those interested in this subject either as defenders or detractors of the Court itself. There has been an abysmal failure to distinguish in public discussion between criticism of the Court and criticism of the decisions of the Court.

Third. This misunderstanding has been engendered in part by the pronouncements of the extremists on both sides of this issue. The Court's unqualified defenders are ready to burn at the stake anyone who suggests congressional perusal of the decisions of the Court. The Court's irrepressible detractors, on the other hand, have proposed remedies for some decisions which would endanger the Court's very existence as an independent, coordinate hand of our Government.

Fourth. The Court should not be any more immune from criticism than the other branches of our Government. To maintain that the Court is infallible is to deny history. The Court has served our country well in its 171 years of existence, but not all its precedents have withstood the test of time. The Justices of the Court deserve our continuing respect, but not our unqualified homage.

Fifth. I believe that lawyers have a particular duty to protect the Court against unwarranted attacks. The basis for this duty is explained very well in the first canon of professional ethics this way: "Judges not being wholly free to defend themselves are peculiarly entitled to receive the support of the bar against unjust criticism and clamor." But even this injunction should not be read to stultify constructive criticism of decisions of the Court by members of the bar.

Sixth. Congress has a like duty to prevent the undermining of our judicial system and to protect and preserve the role of law. This is a sacred mission. The difference between a society governed by principles of justice and a society governed by arbitrary fiats is the difference between democracy and tyranny. Congress must always treat the Court with the veneration due one of the pillars of our institutional structure.

Seventh. It should always be recognized, however, that Congress and not the Court is the supreme lawmaker under our system. Its attempts to deal with problems disclosed by judicial opinions, should not be interpreted as attacks upon the Court. And the proposals for corrective action should be considered on their merits and not as part of a battle over whether this is a good or a bad Court.

Finally, let me say that although I believe Congress has been wise in rejecting all proposals to interfere with the jurisdiction or status of the Court, I also believe that Congress has been remiss in failing to moderate the impact of some of the Court's decisions on our defenses against crime and subversion. And that is so, entirely regardless of whether the Court was legally correct or incorrect in the conclusion it reached. I have introduced a number of measures in the past few years which I believe are vitally important in our battle against communism and criminality. I anxiously await the day when these measures will be considered on their merits instead of as a part of a debate over the relations between Congress and the Court.

In closing, I should like to pay a richly deserved tribute to Mr. Anapol, director of debate of the University of Maryland, and committee chairman of the Capitol Hill tournament, and to the members of his committee for their initiative in organizing this fine tournament, for their vision in giving it the scope of such wide and choice representation, and for their sheer courage in attacking such a massive assignment and bringing it to fruition so successfully.

To win or to lose in this competition is important—but it is not all important. Each team—each individual contestant—in this tournament will leave with a more durable treasure than a cup or a medal. You have enriched yourselves personally through this experience. You have tested your mettle, and the mettle of others. You have had the benefit of a dress rehearsal for the drama of life that unfolds before you. May I wish each and every one of you—with all my heart—every success and every happiness in the years ahead. And whether in marriage or in single blessedness, may you never lack for issues that light the spark of constructive dissent.

Here Comes Your Airmail—By Train

EXTENSION OF REMARKS
OF
HON. GLENN CUNNINGHAM
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1960

Mr. CUNNINGHAM. Mr. Speaker, there has recently appeared in Washington newspapers an interesting message from the Southern Railway System. Under a picture of a diesel engine pulling a train through a snow storm, there is this caption: "Here Comes Your Air Mail—And Your Highway Mail, Too."

The picture and caption tell quite graphically the story of how the Post Office Department—and private business, too—depends on the railroads when all other means of transportation fail.

The message continues:

Every year, the railroads are being squeezed out of more and more of the mail-carrying business Mail once hauled by rail is being diverted, instead, to highway trucks and to the airlines.

But what happens when the weather gets ornery—when trucks bog down on snow covered highways and planes are grounded?

You guessed it. Back to the railroads it comes in a veritable flood. Then the railroads get the mail—and get it through, too. All of it. Until the sun shines again.

The proven ability of the railroads to carry the mail under any conditions and in all kinds of weather didn't "just happen." Railroad transportation is dependable transportation. And in their mail-handling equipment and facilities, railroads have an investment of about a billion dollars.

During the recent series of bad storms throughout the South, railroads were called upon many times and in many places to help carry on the postal tradition that the mail must go through. And it did.

But if diversions to other carriers continue, the day may come when railroads will not be able to move all mail at the drop of a snowflake. And if this ever happens, all America will be the loser.

It is signed by Mr. Harry A. DeButts, president of the Southern Railway System.

Mr. Speaker, this message has a significance for Congress. We all recognize the importance of the railroad industry, as everyone does. But we must do more than merely recognize this importance. We must take action to see that this most vital mode of transportation is healthy and ready for emergencies, not only those caused by inclement weather, but the emergencies, related to national defense.

I do not believe it is any exaggeration to say that this country could not have won recent wars without the railroads. Certainly we could not carry out our national defense effort today without the tremendous moving job done by the Nation's railroads.

There are many bills before Congress which would aid the railroads in one way or another. I would call attention to H.R. 9488, which would prohibit the diversion from the railroads to the airlines of first-class mail on which airmail postage has not been paid. There are several companion bills to H.R. 9488, which I introduced early in this session, among them H.R. 9741 by the gentlewoman from Pennsylvania [Mrs. GRANAHAN].

A companion measure has also been introduced in the Senate, S. 3214, by Senator ANDERSON, of New Mexico.

I am hopeful that there will be early hearings on the House bills before the Post Office and Civil Service Committee.

It does not make much sense for the Government to engage in any practices which would hurt the railroads when the Nation depends on the industry so much. Unless we act most carefully in promoting competing means of transportation, we will surely find we are hurting the industry which carries the bulk of the freight which is moved in this Nation. Unless we are careful, we will find the railroads will not have the ability and capability of handling the load—of mail, of defense freight, and of private business—which we expect them to carry when other forms of transportation temporarily fail or when special needs arise.

COPE: Control, Then Destroy

EXTENSION OF REMARKS
OF
HON. JAMES B. UTT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1960

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the CONGRESSIONAL RECORD, I include an analysis of COPE prepared by Mr. Kelvin Bailey, who heads my research staff:

COPE: CONTROL, THEN DESTROY

Labor unions have been active in America since 1823, and their rocketing success (using the techniques of gangsters, Socialists, and Communists) continues unchecked because of their fanatical adherence to their basic reactionary premise: "We'll get from the company what we have the power to take."[1]

[1] Santa Ana Register, July 25, 1955.

Power, therefore, regardless of how achieved, is their revolutionary war cry. And the frightening truth is that today, 1960, the unions boast of their chokehold on America by asserting, for example: "I control Philadelphia. The union controls the country."[3]

Today the greatest concentrations of political and economic power in the United States are found—not in the overregulated, overcriticized, overinvestigated, and overtaxed business corporations—and certainly not in their hag-ridden, brow-beaten, publicity fearful managers. The greatest concentrations of political and economic power are found in the underregulated, undercriticized, underinvestigated, tax-exempt, and specially privileged labor organizations—and in their belligerent, aggressive, and far-too-often lawless and corrupt managers.[3] Such is the stormy existence of the union's political mouthpiece, the treacherous COPE (Committee on Political Education).

COPE was uncorked in 1955. COPE grew, like cancer, out of CIO's political action committee which was conceived in 1943 under the tutorship of FDR's strong right arm, Sidney Hillman, long known for his radical left-wing views. Thus COPE became the concentration camp for unionism by means of which money could be siphoned away from the workers (without regard and consent as to disposition) for purposes of electing politicians who have no integrity whatsoever and will do whatever the unions ask. And what do unions and COPE demand? Anything at all that favors collectivism over individualism.

Labor unions moved to control Federal and State capitals and cities as it would operate to organize workers in industry. But picket lines were found unnecessary. Elected representatives, owing their political lives to COPE, demonstrated an eagerness to insure long tenure by following the wishes of the labor barons. The procedure is simple; the docile members get financial support from labor political committees; they are eulogized in the union newspapers whose circulation totals over 17 million; and the million-odd union shop stewards seek to regiment the rank-and-file union members into voting for them.

A formidable force, COPE and organized labor, with a structure suited to engage in politics, and having the three essentials for successful political action—money, organization, and driving lust for big government, big labor, big spending, and bigger taxing which can be gained through hip-pocket, COPE-captive Congressmen.

Incidentally, since 95 percent or more of labor's support has been given to liberal Democratic candidates, this is taken to mean that when the unions can control Congress from inside the Democratic Party, there is simply no sense in organizing a separate Labor Party. In fact, in 1958, organized labor plunked more money into the Democratic campaign kitty than the national Democratic committees themselves did.

There is no mystery about the staggering control which COPE has over congressional members. In 1959, in the Senate, no less than 66 of 98 Members, a two-thirds majority, could be depended upon to obey labor dictates much of the time. In the House, a minimum of 237 Members have the pro-labor brand. For Members opposed to union dominance, the penalty of their antilabor stigma was made abundantly clear in the 1958 elections. Of 204 House incumbents, supported by COPE, 189 were returned to office, or 92 percent. Of 187 incumbents opposed by COPE, 166 retained their seats and 21 were defeated, or an 11 percent loss.[4]

COPE endorsed 24 candidates for Governor in 1958, of whom 18 won and 6 lost for a winning percentage of 75 percent.[5] It should be remembered that unions, through COPE, are similarly busy on the local level. A little imagination should awaken the citizen into realizing what is happening to his city hall.

While the Nation was busy electing a President in 1956, the unions and COPE were more successful in electing a captive pro-union Congress. After all, Congress makes and changes the laws.

COPE is headquartered in the new $3.5 million AFL–CIO building across from the White House. COPE functions in all 50 States and in cities down to the precinct level. (There are 42 national union headquarters in Washington, D.C.)

The chief textbook in COPE's political school is a booklet, "How Your Senators and Representatives Voted." Every Federal lawmaker is listed, along with his right or wrong voting record on legislation labor considers important. More than 11 million of these booklets are sent out to union members and used in local meetings to point out the "blackguards" in Congress. From this record, it is not hard to see well in advance of the local conventions which lawmakers will be the main targets of COPE, and who will get full-scale COPE aid.

Of the 33 Senators up for reelection in 1960, 6 show up in the COPE "record" as extremely bad. Naturally they are all Republicans (COPE piously claims nonpartisanship). The remaining 27, or a whopping 80 percent, are either captive-COPE Senators, or sufficiently weaned into their camp for purposes of echoing the COPE-ADA Socialist line.

Presidential hopefuls, Senators KENNEDY, SYMINGTON, and HUMPHREY, have a 100-percent pro-union voting record. With a liberal Supreme Court, a pro-union Congress, and now the possibility of a COPE-captive White House occupant, the American people would be further hammered to their knees. After all, this coalition of radical left-wing ADA'ers, Socialists, and power-hungry unions admit they are playing a * * * "courageous and active role in changing the shape of things."[6]

In 1958, 32 of organized labor's political committees reported spending a total of $1,828,777. This figure is absurd. Political groups whose activities are limited to a single State, city, or district do not have to report. Therefore, accurate figures on all campaign spending—national, State, and local—are impossible to obtain. Thus the amounts listed by unions do not truly reflect the total amount of union participation. Even $5 million is unconvincingly low.[7]

Contributions received by COPE in 1958 were 14 percent higher than in 1956 while contributions by COPE to candidates for Federal office were 27 percent higher in 1958 than in 1956. In 1958 awards for 100 percent COPE contributions were given 404 local unions and 39 international and national organizations that fully met their obligations to COPE, 27 of which completed a 3-year record of full participation. Not bad. Not bad.

The decision as to who receives this money rests principally with one man, Dr. Walter P. Reuther (6 doctorate degrees, although he never finished college), AFL–CIO kingpin, and one of the financial angels of the radical ADA. Reuther does not give campaign funds to anyone except those he expects to further in his legislative aims, which included all but 2 of the 27 planks included in the 1957 platform of the Communist Party.[8]

Reuther's present influence and background, association in Communist-front organizations, his working in a Soviet machine factory, and his statement that he did not believe in God, his abiding affection and advocacy for socialism, and his letter recommending that workers in America "work for a Soviet America," should dramatize the fate of the United States if this little Caesar is permitted to elect or defeat through his political front, the infamous COPE.[9]

Some Congressmen are feeling the sting of COPE's political pay-offs. A young Congressman was compelled to appoint a former union organizer as his assistant. "I've lost control of my own office force," the freshman legislator bitterly remarked. "Now I'm beginning to wonder how far the payoff will extend and whether it's worth it."[10] And still another new Congressman appointed a high-ranking UAW union official as his assistant, possibly to insure 100 percent submission to their will by their political debtors.[11]

But money is an incidental explanation of the immense power of COPE. It has at its command, and under strict union discipline, thousands of workers—that indispensable factor in winning elections. COPE's preelection preparations are extensive. COPE has headquarters in most precincts recruiting members, wives, teenagers, and children. They are given jobs as checkers, telephoners, messengers, drivers, babysitters, pollwatchers, leaflet passers, sound truck crews, coffeemakers, and coordinators. With this kind of mechanicallike smooth-running operation, it is little wonder they can cockily boast: "We are started on a course that will allow us to deliver Illinois in 1960 to the candidate we think best for labor."[12]

COPE is a beehive of booming activity. During 1958 and 1959, 33 different items of literature were printed and distributed, with a total circulation in excess of 31 million. In early 1959 the circulation of "Political Memo From COPE," published biweekly, went over the 100,000 mark. Paid resubscriptions have been running at the rate of 2,300 per month. The "Keeping in Touch" newsletter has a circulation of 4,000, while 10,000 copies of "Notes From COPE" are sent out twice a month. During 1958–59 over 2,100 requests for research material were handled by COPE.[13]

Much of COPE's successes can be traced to their variety of activities which extend into (a) high school and college democracy programs, (b) libraries, (c) training films, (d) book clubs, (e) dramatic pageants, (f) choral groups, (g) arts and crafts, (h) painting classes, (i) shop lunch time democracy programs, (j) education for new immigrants, (k) international union exchanges, (l) old-timers' centers, (m) use of noted movie and TV personalities, (n) veterans, (o) religion. With a blitz movement like this it is little wonder that COPE was able to dominate the political affairs in the 1958 congressional campaign in Idaho.[14]

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[3] Human Events, July 28, 1958.

[3] "Labor Union Monopoly, a Clear and Present Danger," by Donald R. Richbert.

[4] American Mercury article by Edward Willard.

[5] COPE publication No. 59.

[6] ADA World, International Ladies' Garment Workers' Union, January 1960.

[7] American Mercury article by Willard Edwards.

[8] National Republican Congressional Committee.

[9] (a) National Republican Congressional Committee; (b) Walter Reuther, by Eldorous L. Dayton.

[10] American Mercury article by Willard Edwards.

[11] Human Events, Dec. 22, 1958.

[12] Newsweek magazine, Mar. 10, 1958.

[13] U.S. Chamber of Commerce pamphlet.

[14] CONGRESSIONAL RECORD, July 8, 1958.

The women's activities department, WAD, is a part of COPE's regular organization. WAD, like COPE, operates on national, State, county, city, and congressional district levels. WAD carries out year-round programs of education and action in trying to help their union husbands, fathers, and brothers in their struggle. They savagely work the other side of the street, such as PTA's, service clubs, small businesses, churches, women's clubs, and telephoning. They develop and maintain an intricate central card file system on community citizens—available only to COPE.[15]

Thirty-six WAD women did the following in one Senate election:

1. Handled 47,850 pieces of literature.
2. Made 6,704 telephone calls.
3. Made 9,528 home calls.
4. Provided 5,798 hours of voluntary work.[16]

In 1958 COPE neatly packaged a 311-page speakers' handbook on 24 issues for use in preparing speeches, leaflets, pamphlets, and campaign material. The purpose is to standardize the "line" from their highest captive congressional robots, to the lowest card-carrying unionworker. Without surprise the booklet is permeated with typical dialectical ADA–COPE jargon designed to brainwash their corraled listeners with falsehoods, and to panic them into believing that the Republicans are responsible for everything that is wrong, evil, unsuccessful, untried, or even unthought of, whereas the Democrats remain perfumed, saintly, and untouchable. No mention is made that the position taken on all 24 issues follows the socialist ADA platform which, in most cases, closely parallels that of the Communist Party. Their guided lectures, principally social reforms in nature, are: Atomic giveaway, civil rights, corruption, cost of living, education, foreign policy, Government pay raises, housing, immigration and citizenship, jobs and recession, labor law, minimum wage, natural gas, natural resources, old-age and survivors insurance, political money, public assistance programs, public power, REA social security, taxes, TVA, unemployment insurance, and why labor is in politics.

A little arithmetic applied to the adoption of their COPE-sponsored reactionary programs suggests an increase in our national budget of about $40 billion, or about double our present individual tax burden. And even worse, it means complete and final slavery for America, handcuffed to an all-powerful centralized government. We would then have attained Reuther's ambition, "a Soviet America."

If it is only security for which COPE and Reuther plead, then they can go to prison. They'll have enough to eat, a bed, and a roof over their heads.[17]

The programs and dogma prescribed by COPE are unacceptable. Deal high handedly as they would have us do with the mechanisms of the marketplace, and the mechanisms will bind. Preempt the surplus of the people, and surpluses will dwindle. Centralize the political function, and then lose touch with reality. Stifle the economic sovereignty of the individual by spending his surplus dollars for him, and you stifle his freedom. Socialize the individual's surplus and you socialize his spirit and creativeness; you cannot paint the Mona Lisa by assigning one dab each to a thousand painters.[18]

[15] COPE publication No. 58.

[16] COPE publication No. 55.

[17] General Eisenhower, Galveston, Tex., Dec. 8, 1949.

[18] "Up From Liberalism," by William F. Buckley, Jr.

The Need for a Department of Science

EXTENSION OF REMARKS
OF
HON. HUBERT H. HUMPHREY
OF MINNESOTA
IN THE SENATE OF THE UNITED STATES
Thursday, March 10, 1960

Mr. HUMPHREY. Mr. President, Congress has a tremendous responsibility in 1960 to advance and to coordinate Federal scientific activities which are now dispersed among about 50 different agencies. I urge early action by this body on S. 1851 to establish a commission to study the need for a Department of Science along the lines of a proposal I made in the 85th Congress and again last year.

Mr. President, I ask unanimous consent that an article I wrote entitled "The Need for a Department of Science" which appeared in the January issue of the Annals of the American Academy of Political and Social Science be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NEED FOR A DEPARTMENT OF SCIENCE
(By HUBERT H. HUMPHREY)

(Abstract: The Senate Committee on Government Operations, in which Senator HUMPHREY has taken an active role, has concerned itself with the need for a science department in the Government. A Department of Science and Technology they have found would be a very necessary and essential adjunct to our governmental system. Its main purpose would be the coordination and centralization of the now dispersed Federal scientific activities. The new Department would promote the clear-cut responsibility and authority in Government science needed for the enhancement of our national security. Yet the reorganization of the existing science units contained in various departments and agencies of the Government, has met strenuous opposition from sources in the administration. In addition to the proposed bill providing for the creation of the Department of Science and Technology, the Senate committee has initiated another bill now before Congress which provides for a commission to study the various problems connected with the creation of such a science department.—Editor.)

The first finding of the original Hoover Commission on Organization of the Executive Branch of the Government, submitted to the Congress in February 1949, and upon which the reports of the Commission were based, was that "the executive branch is not organized into a workable number of major departments and agencies which the President can effectively direct, but is cut up into a large number of agencies which divide responsibility and which are too great in number for effective direction from the top." [1]

The proposal to create a Department of Science and Technology within the executive branch of the Federal Government, which I first proposed more than 2 years ago, was based upon that sound principle of government. This was 3 months before sputnik brought the Congress and the American people to the realization that extensive reorganization of Federal science programs was necessary if we, in cooperation with other free nations of the world, were to reassert our leadership in the field of science.

During the last decade the United States and the entire world have been caught up and swept along by fantastic advancements in the scientific world. The executive branch of the Federal Government and the Congress have, fortunately, taken the initiative, through more or less haphazard and unrelated actions, to provide a spearhead for progress to meet the challenge of greater technological advancements. It is imperative, however, that this country continue to be the motivating factor and maintain its lead in scientific development, and be prepared to carry on a comprehensive and constructive program to meet the challenge of world communism. To continue this leadership, a complete reevaluation must be made of present Federal operations in science, research, and technological fields, and effective steps taken with the least possible delay to coordinate and improve the existing organizational structure of our Government which carries on these functions.

DEVELOPMENT OF SCIENTIFIC AGENCIES

To meet the many problems as they arose, new agencies were created and efforts made to bring about improvements in the Federal science programs. The Congress has provided necessary funds as required in support of such programs, and I am confident it will continue to do so. Among the most progressive steps taken to meet the objectives in the civilian science field were the appointment of a Special Assistant to the President for Science and Technology; the creation of the President's Advisory Committees on Science and Technology and on Government Organization; the establishment of the Interdepartmental Committee on Scientific Research and Development, later superseded by the Federal Council for Science and Technology; the extension of the authority of the National Advisory Committee for Aeronautics through the creation of the National Aeronautics and Space Administration; and the establishment of committees on science in the House and Senate.

While these steps have been helpful and undoubtedly are necessary actions in pursuit of the overall objective of efficient Government operations in the field of science, further consideration must be given to still existing inadequacies not only in these agencies but in other areas which must be coordinated with operations of a similar or related character and reorganized under more cohesive administrative controls.

The basic approach to reorganization recommended by the Hoover Commission was prophetic in regard to the present status of science operations of the Federal Government. There are approximately 50 agencies which perform some science and research activities having direct application to the overall science program of the Government. In addition to the four Presidential advisory groups dealing with science, there are three major independent science agencies or commissions and more than 40 components of other departments and agencies which operate science and engineering programs supposedly related to the major departmental mission for which the departments were established, or for which special agencies were created.

Some of these internal agencies, such as the National Bureau of Standards and the Office of Technical Services in the Department of Commerce, are performing services

[1] Commission on Organization of the Executive Branch of the Government, First Finding, a report to the Congress, February 1949 (Washington: Government Printing Office, 1949), p. 3.

not directly associated with the primary mission or even related functions of the departments in which they are now located. Consequently, they do not receive the technical administrative direction necessary to insure operations at their highest potential. On the other hand, some of these internal agencies, which include the National Institutes of Health, the Agricultural Research Service, the Advanced Research Projects Agency, and the Science Adviser to the Secretary of State, perform services which most authorities on science programs of the Government feel do have direct application to the program areas of the respective departments in which they are located and should retain their present status.

COORDINATION OF FEDERAL ACTIVITIES

From the beginning, the Senate Committee on Government Operations, on which I serve, in its studies of the problems, studiously avoided involving the civilian science activities with the applied science and research programs of the military departments which pertain to national defense and come within the jurisdiction of other committees, or with advisory or coordinating agencies or officials within the Executive Office of the President performing high administrative and policy functions under the direction of the President.

The major objective of the Science and Technology Act of 1958, which I introduced as chairman of the Subcommittee on Reorganization and International Organizations, was to bring about, under a Secretary at the Cabinet level, coordination and centralization of those Federal activities now scattered among existing departments, as well as those which had grown haphazardly following World War II in the field of civilian science.

It was proposed, as an approach to these problems of reorganization and improvement of science programs and for the purpose of eliminating duplications and waste of scientific, technological, and engineering manpower, to (1) promote closer cooperation between Federal agencies which carry on science activities; (2) improve, coordinate, and expand the Federal science information and documentation programs; (3) afford adequate Federal support for education in physical sciences and engineering; (4) encourage the establishment of institutions in areas of broad basic scientific activity, such as oceanography, meteorology, etc.; (5) to establish and maintain science programs abroad through the use of foreign currency credits; and (6) to improve and elevate the status of science within the legislative branch by creating standing committees in the House and Senate which would have direct jurisdiction over civilian science programs of the Federal Government. Thus full congressional evaluation of all such activities and the relationship of these widely scattered agencies to similar programs and operations would be assured. All of these committee recommendations, except the proposal to create a Department of Science and Technology, have been activated in varying degrees, although continued reevaluation and further appropriate actions to fully implement these programs are necessary to achieve fully the objectives sought.

A new department

The Committee on Government Operations was confronted from the beginning with four primary problems: (1) Would a Department of Science and Technology afford the necessary administrative controls and science leadership required to correct existing deficiencies in Federal operations in science and research? (2) Would such centralization of functions and supervisory control afford an answer to the multitudinous duplications and waste that presently exist in our Federal science programs? (3) Would it in any way impair any of the independent activities and basic objectives of certain of the specialized agencies which had been established by the Congress and the President, or cause any disruptions in existing science and research programs? (4) If a Department of Science were to be created, which independent agencies, or components of existing Federal departments, should be incorporated within such a Department?

Provisions of the bill

In an effort to avoid disruptions of existing programs and to insure that full appraisal of these problems could be made before any permanent reorganization was proposed the bill introduced in the 85th Congress, and again in the 86th Congress, to create such a Department of Science and Technology merely provided for grouping of Federal science agencies. The proposed Secretary of Science would have administrative control over certain of the independent agencies: the Atomic Energy Commission, the National Science Foundation, and the National Advisory Committee for Aeronautics, now the National Aeronautics and Space Administration; and certain components of existing departments: the National Bureau of Standards and the Office of Technical Services of the Department of Commerce, and the science functions of the Smithsonian Institution. The bill provided for no change in the basic statutes governing the operations of any of these agencies. Rather it was designed to promote more administrative efficiency in the Government's scientific activities and to provide a framework for better coordination of all scientific functions. The committee proceeded under the assumption that, if a department was established, internal reorganization could be effected as experience and operation needs required.

There have been other suggestions relative to the creation of a Department of Science, which involve entirely different approaches. The proposal outlined by Dr. L. V. Berkner, president of Associated Universities which operate the Brookhaven National Laboratory for the Atomic Energy Commission, has received a considerable amount of support from scientists and administrators of science programs. Under Dr. Berkner's plan, the National Science Foundation, the National Aeronautics and Space Administration, and the Atomic Energy Commission would retain their independent status as specialized agencies, while the proposed Department of Science would set up centralized components in various areas of physical sciences, such as oceanography, meteorology, climatology, and standards.

OPPOSITION TO REORGANIZATION

In recognition of the varying points of view held by those who were active in the Federal science program, the staff of the Senate Committee on Government Operations, in carrying out the committee's directive to draft suggested legislative proposals to meet the needs of the Government, made numerous contacts with officials carrying on various science programs. Except in one or two instances, there was strenuous opposition to any change in the present organizational structure.

The Hoover Commission in its concluding report also warned of this type of resistance to any proposed reorganization efforts, as follows:

"It is natural to expect vigorous opposition to reforms from agencies and groups, each of which approves heartily of reorganizations that do not affect its own immediate interests. The Congress must be prepared to accept this fact and give careful attention to the validity of arguments of those who would seek to escape reorganization, as many have so successfully done in the past.

"While honest differences of opinion certainly may exist as to the best method of accomplishing any particular reform, such differences should not be accepted as valid arguments against the desired objective. Once the practice of exempting certain agencies and excepting particular functions has begun, the chances of achieving substantial improvements in the efficiency of the Government will speedily diminish.[3]

At the hearings which followed the introduction of the bill proposing the creation of a Department of Science and Technology in the present Congress, all officials of the Federal Government who testified were vigorous in their opposition to any legislation to bring about better coordination of science activities, and insisted on maintenance of the status quo.

Political interference with science

Objections were also expressed on the premise that it would inject politics into science activities; that the establishment of a Department of Science and Technology would bring scientists under bureaucratic control, which would be detrimental to the performance of the functions presently vested in various Federal agencies.

This fear apparently exists only with reference to the brand of political overlordship emanating from an executive department; the brand of political control which could issue from the Executive Office of the President, and it seems to me most inconsistently, is apparently regarded as a benevolent variety of political control. This attitude ignores the fact that the President enjoys complete authority over the administrative functions of the executive departments, all independent agencies, and over the policies he establishes within his own office. In all instances, the appointees are named by the President. Those whom the President sees fit to vest with wide authority in the Executive Office of the President are his own selections, while those who are at the head of the departments and agencies must undergo close scrutiny as to their qualifications in their respective fields of operation before they receive Senate confirmation.

With particular reference to political interference, it is important to remember similar alleged forebodings in relation to the establishment of the present Department of Health, Education, and Welfare, under which socialized medicine and Federal control of education in the United States was said to be inevitable. Nothing could have been further from the truth. It is a matter of common knowledge that, in the world-renowned laboratories and clinics of the National Institutes of Health of the Public Health Service, an arm of the Department of Health, Education, and Welfare, the freedom of the research scientist to pursue his investigations, wherever they may lead, is a zealously guarded personal prerogative. Of course there is political control, but a control executed by a government of laws; a control which has enabled this country to take a preeminent position in today's world.

It is necessary to remember, too, that a Department of Science and Technology would be new in name only; its constituent agencies would be taken from those which now administer the relationship between science and the Government. The need for the new department exists because these relationships are being administered without the coordination so urgently demanded by the exigencies of the time. This objective is in accord with another recommendation of the Hoover Commission, that "The numerous agencies of the executive branch must be grouped into departments as nearly as

[3] Commission on Organization of the Executive Branch of the Government, Concluding Report, a report to the Congress, May 1949 (Washington: Government Printing Office, 1949), pp. 47–48.

possible by major purposes in order to give a coherent mission to each department."[3]

Progress in other areas

It is fortunate that real progress is being made in some scientific areas, as originally proposed in the Science and Technology Act of 1958, despite the present continuing disorganization. An illustration of this is afforded by title IX of the National Defense Education Act of 1958 of which I was also a sponsor. This legislation requires the National Science Foundation to form a Science Information Service and an advisory Science Information Council to provide for the accumulation, translation, indexing, retrieval, and other services necessary to promote more effective availability and dissemination of the scientific literature of the world. Pursuant to this enactment, the Science Information Service was established and the Science Information Council was appointed.

Further, the National Science Foundation announced formation of the Federal Advisory Committee on Scientific Information, composed of representatives of 17 Federal agencies engaged in scientific information activities, the purpose of which, according to the Foundation, is to provide "an integrated approach to the Government phase of the intensified national science information effort." Also, the National Science Foundation supported the establishment, within the National Bureau of Standards, of the Research Information Center and Advisory Service on Information Processing, primarily to encourage automation in the processing of scientific information. However, the progress thus far made, through the information program and other programs now actually under way, toward effective coordination of all the Government's scientific interests is grievously outweighed by that which still remains to be done.

Operations differ

One of the most persistent arguments constantly advanced against the creation of a Department of Science and Technology is that the programs, responsibilities, objectives, and operations of each of the Federal agencies engaged in science activities are different in character and have special fields of responsibility, which must be rigorously preserved. Those who make this contention insist at the same time that there must be a uniform science policy. Thus, while contending that a Department of Science would drain off manpower and scientists now engaged in the various programs operating within their own areas of activity, the fact that a centralized agency would bring all related science activities into closer contact and tend to eliminate the existing competition for and wastage of scientific and technological manpower, is completely ignored. The heart of this argument, as I understand it, is that the only way to insure coordination is to continue the multitude of independent agencies operating in specialized fields and to have superadvisory or coordinating scientific groups within the Executive Office of the President act as their guardians.

Clear-cut responsibility

Those who place their reliance on coordinating devices such as interagency committees for improving communications and for providing stimulus to Government science activities fail to recognize the built-in limitations of these approaches. By their very nature interagency committees cannot be creative except at a very low level of operation. They are inevitably restricted by the views of the most pedestrian and unimaginative members. Their product will almost certainly be a kind of lowest common denominator of their combined ideas. What is needed is dynamic, forceful, and continuing leadership which could best come from a Cabinet department with clear-cut responsibility and authority in the field of science and technology. For it seems to me that the present structure of the Federal Government in other areas, with the programs devised and implemented by the concerted action of the Chief Executive and the Congress, is the obvious answer.

STUDY COMMISSION

At the hearings held before my subcommittee in April of this year, a number of witnesses suggested that, in order to solve some of the above outlined problems, a Commission patterned along the lines of the Hoover Commission should be established to make a study as to whether or not a Department of Science and Technology should be created. If such a department were found to be desirable, the Commission should then recommend to the President and the Congress which functions now being performed by other departments and agencies of the Government should be transferred to such a department. It was suggested that the Commission should be composed of eminent authorities in the field of science, representatives of the Federal Government agencies which were engaged in basic civilian science activities, and members of the legislative branch of the Government.

At the conclusion of these hearings, the staff of the Committee on Government Operations drafted a bill providing for the establishment of such a Commission. The bill was introduced as Senate bill 1851 on May 5, 1959. It was the view of the Committee that its provisions were broad enough to authorize the Commission to study: the need for strengthening American science and technology, one of our essential resources for national security and welfare; the reorganization of the existing departments and agencies to promote better centralization and coordination of Federal science programs and operations; and the formulation of effective policies for training, recruiting, and utilizing scientists and engineers.

Witnesses testify

At the concluding hearing of the Committee, which was held on May 28, 1959, witnesses were invited to direct their testimony not only to the bill proposing the creation of a Department of Science and Technology, but also to the proposed establishment of a Commission on a Department of Science and Technology. Some of the spokesmen for the administration who testified at these hearings contended that there was no need for legislative action and opposed both proposals. Their opposition to the creation of a study commission to determine what might be done to improve and coordinate Federal civilian science programs was based on the contention that the President's Science Advisory Committee and the Federal Council for Science and Technology, both of which were then headed by Dr. James R. Killian, Jr., would provide all the necessary information upon which the President could take appropriate action to bring about governmental reorganizations to correct deficiencies in present operations.

Government witnesses who opposed the creation of a commission to study these problems repeatedly placed heavy emphasis upon the personal ability and qualifications of Dr. Killian and the confidence placed upon him by the President and the scientific community. Yet, at that very moment, Dr. Killian's resignation had already been submitted to the President. Without reflecting in any manner upon the qualifications or potential leadership of any of the science advisers to the President, I think Dr. Killian's resignation makes it more imperative than ever that Congress reassert its legislative prerogatives in the field of science. An accountable officer, whether a member of the Cabinet or otherwise, should be made responsive to the needs of congressional committees which are attempting to eliminate the existing deficiencies in the science program of the Federal Government.

A real need exists

An analysis of the testimony of spokesmen who were representing the President at the hearing, will force the inevitable conclusion that it is the desire of the present administration to center within the Executive Office of the President all control over civilian science operations. If these recommendations are accepted, they would deny to the Congress access to information which is essential to the legislative branch if it is to perform its normal constitutional functions. It tends to preempt the scientists who are thoroughly informed and conversant about governmental science operation for the benefit of the President alone, and effectively prevents the Congress from obtaining information from qualified experts in the fields of science.

It was the conclusion of the committee that a real need exists for a bipartisan Commission to study the problems related to the proposed creation of a Department of Science and Technology. Such a bipartisan Commission could find an equitable solution to the present chaotic conditions of Federal science. The bill to establish such a Commission is now awaiting approval by the Senate and the House of Representatives next session.

It has been stated by many who oppose a Department of Science that scientists must be free to learn through observations and contacts with other scientists in order to cope with the problems of science in their own fields. It would be hard to imagine a better means of effective observation than to have the basic science programs coordinated under central administrative control, where daily observations and contacts could be made as required, without having to make separate approaches to a number of individual officials and agencies carrying on related science programs with no central coordination of policy or operations.

Decision with respect to a creation of a Department of Science and Technology, or of another kind of authority of no less eminence, is, in my judgment, the overriding issue and the obvious need. Fettered leadership, which experience has so often demonstrated, is all that can be expected from makeshift, compromise arrangements devoid of statutory authority and totally dependent upon voluntary cooperation for its achievements.

[3] Commission on Organization of the Executive Branch of the Government, Recommendation No. 12, Report on General Management of the Federal Government, February 1949 (Washington: Government Printing Office, 1949), p. 34.

Mr. Eisenhower's Pollution Control Veto

EXTENSION OF REMARKS

OF

HON. GORDON CANFIELD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1960

Mr. CANFIELD. Mr. Speaker, under unanimous consent I present an editorial which appeared in the February 29, 1960, issue of the Passaic-Clifton Herald-News concerning President Eisenhower's veto of the Water Pollution Control Act and my vote to override, and a statement bearing on the editorial:

MR. EISENHOWER'S POLLUTION BILL VETO

The criticism of President Eisenhower's veto of the bill to increase Federal spending

for water pollution abatement is another manifestation of the "let's get the money from Washington" spirit.

In the veto message, Mr. Eisenhower emphasized his belief that pollution of streams, which he called "a priceless national asset," must be stopped. He contended, however, that it would be wrong for the Federal Government to "hold forth the promise of a large-scale program of Federal support," as the bill did, because it would "tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds." He also said that pollution abatement is a responsibility of municipalities, States, and industries.

Mr. Eisenhower used strong language in presenting his views on water pollution:

"It is unconscionable for one town or city deliberately to dump untreated or inadequately treated sewage into a stream or river without regard * * * for downstream neighbors. Local taxpayers should be willing to assume the burdens necessary to bring such practices to a halt. Businessmen and industrialists must face up to the expenditures they must make if industrial pollutants are to be removed from the Nation's waters."

The President's stand should be applauded by residents of the Passaic Valley area. Fifty years ago, the municipalities bordering on the Passaic River banded together and, at a cost to themselves of millions of dollars, constructed a trunk sewer in order to clean up the lower Passaic River, which had become a malodorous open sewer. This is the kind of local initiative that Mr. Eisenhower believes is the answer to the pollution problem. In view of the local effort to cleanse the Passaic River, the vote of Representative GORDON CANFIELD, of Paterson, to override the President's veto was a vote against the interests of Mr. CANFIELD'S district.

The Passaic Valley communities continue to spend large sums annually to operate the trunk sewer system. It does not make any sense that their residents should be taxed by the Federal Government to pay for pollution abatement projects in areas whose residents want Washington handouts so they can escape paying their own bills.

STATEMENT BY REPRESENTATIVE CANFIELD

The Federal water pollution control program is expressly intended to encourage and stimulate local action in this field. The vetoed bill which I supported, H.R. 3610, had specific safeguards to assure that local responsibility would be maintained. For example, it provided that no grant could exceed 30 percent of the cost of a project or $450,000, whichever were the smaller. Under existing law, which the vetoed bill sought to amend, grants are limited to 30 percent or $250,000, whichever is the smaller.

Obviously, the major financial burden would have remained with local communities. Proof of this is the fact that since 1956 some 2,000 projects have received grants totaling $163 million. The total cost of these projects is $938 million. Thus, for every Federal-grant dollar, local communities have spent $4.70. There is no other Federal-grant program which can match this performance of local participation.

The vetoed bill, which would have increased Federal participation from $50 million to $90 million a year, would not have altered the 70–30 ratio. It merely would have made it possible for additional communities to participate in the program.

President Eisenhower's argument that the additional Federal funds would "tempt municipalities to delay essential water-pollution abatement efforts while they waited for Federal funds" requires close analysis. According to the U.S. Public Health Service, sewage treatment plant construction has increased 75 percent since Federal funds have become available for this purpose. More than 14,000 miles of rivers and streams have been wholly or partially cleaned up as a result.

According to the conservative Washington Star in its February 24 editorial, "This record weakens the President's argument. Local efforts to eliminate or reduce residential and industrial pollution have been greatly stimulated by Federal aid already granted."

But probably the strongest answer to the President's argument comes from his own Water Pollution Control Advisory Board, established by law to advise him on matters relating to water pollution. About a month before the President's veto that Board unanimously adopted the following resolution:

"The Water Pollution Control Advisory Board, after careful analysis of the construction-grant program for municipal waste-treatment works to control water pollution as authorized by section 6 of the Federal Water Pollution Control Act, believes that these grants have significantly stimulated and increased construction of needed facilities. At the same time there has been no slowdown in the rate of construction of such treatment works financed entirely by non-Federal funds.

"The board further believes, to safeguard public health and other legitimate water uses, that additional incentives are needed to meet the backlog of municipal waste-treatment facility construction."

The President's Board then unanimously endorsed the bill which was vetoed.

With regard to our own area in the Passaic River Basin, it is certainly true that a sustained local effort has been made and that the citizens on their own have done much more than people elsewhere in controlling pollution. Still, the problem of pollution persists in the Passaic Valley, and this is evidenced by the fact that five of our communities have already received nearly $471,000 in Federal grants. The five are Caldwell, Berkeley Heights, Paramus, Passaic Township, and West Paterson.

The very fact that the State health department recognized the need of these five communities for Federal funds is testimony that pollution was there.

In discussing this question we ought to remember that rivers and streams recognize no manmade boundaries, that they flow from the mountains of one State to the plains of another and the coastal basin of still another. Long ago the Supreme Court of the United States decided that waterways by their nature had to fall under Federal law.

I pose this question to you: Would I have been a good Representative if I had voted against pollution control just because my district has the problem licked? Am I supposed to close my eyes to the needs of the rest of the Nation simply because my district is indirectly involved? I think not. For in the long run, if the Eighth Congressional District is to prosper and grow, if it is to become and remain decontaminated from pollution, then it will do so only if the rest of this great Nation prospers and grows, if all of the rivers and streams are cleaned up. How many of you work in other river basins, or vacation there, or have friends or relatives there? In short, we are one Nation now. We cannot arbitrarily separate one little section from another, but we must recognize and solve common problems, we must understand how closely Paterson is related to New York, or Trenton, or Washington, or the fertile States where our food comes from, or the steel centers, or Cape Canaveral.

Finally, I want to mention pollution and foreign aid. Under the bill vetoed by the President, New Jersey would have received $2 million in Federal grants. In his budget for fiscal 1961 he recommended a 60-percent cutback in the present program, which would result in an allocation of $446,000 for our State. Compare this with the 3,795,000 American dollars spent in Pakistan on the Greater Kurachi water and sewage disposal project under the President's foreign-aid program. Compare this with the 2 million American dollars spent in Panama under the foreign-aid program for the extension of water pollution control and sewer development. And compare this with the 1,336,000 American dollars spent in Cambodia for health and sanitation projects. Each of these expenditures was specifically requested by the President. In voting the interest of my district, I could not justify denying to it what the President asks we give to similar projects in far-off lands.

Protecting the Small Businessman in the Meatpacking and Retail Meat Business

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EXTENSION OF REMARKS

OF

HON. GEORGE S. McGOVERN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1960

Mr. McGOVERN. Mr. Speaker, I desire to associate myself with the remarks of the gentleman from California [Mr. ROOSEVELT], with whom I have joined in sponsoring legislation on behalf of small business.

On February 25, I introduced H.R. 10682, a bill to amend the Packers and Stockyards Act of 1921, to strengthen independent competition in the meat industry. The chief sponsor of this legislation was the gentleman from California [Mr. ROOSEVELT] who has taken the lead in fighting for small business.

The purpose of this bill was to prevent the choking off of small business by vertical monopolies in the purchasing, processing, and retailing of livestock and livestock products. Investigations by the House Committee on Small Business and other studies have revealed an unhealthy trend toward monopolization in the food industry. This legislation was specifically designed to deal with one phase of that problem.

Section 1 of the bill would make it illegal for large food chains doing a volume of business greater than $10 million a year to engage in meatpacking. The same section of the bill would make it unlawful for the packers doing a business of more than $10 million yearly to enter the retail food business. On this section of the bill there can be no objection from those who believe that competition is essential to our free enterprise system. We need to take whatever steps are necessary to prevent a few huge corporations from securing a monopoly grip on our food industry.

The second section of the bill was intended to prevent large buyers from exploiting livestock producers through certain types of privately negotiated purchases. This section would have required that livestock producers selling more than $100,000 yearly in livestock or purchasers buying more than $1 million annually must carry on their transactions of livestock for slaughter through public competitive bids.

Several livestock producers in my State have pointed out to me that this second section of the bill might interfere with essential market operations for both producers and purchasers of livestock. I have discussed this matter with the gentleman from California [Mr. ROOSEVELT] and as he has stated in his remarks today, he and I are both anxious to remove any part of the legislation that might jeopardize legitimate marketing. I am, therefore, joining today with Mr. ROOSEVELT in offering an amended bill which strikes section 2 from the original legislation. The amended bill on which we will seek action contains only one provision, namely, the portion making it illegal for large food chains to enter the meatpacking business or for large meatpackers to engage in the retail food business.

The section to which some of the cattlemen have taken exception is completely removed from the legislation.

SENATE

FRIDAY, MARCH 11, 1960

(Legislative day of Tuesday, March 8, 1960)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Senator HARRISON A. WILLIAMS, JR., of New Jersey.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, under the all embracing canopy of Thy goodness and mercy, which have followed us all the days of our lives, we come as children in our Father's house.

Away from all the divisive forces of the world in which our lot is cast—contending forces which tear and sunder and push apart—we would bow in all our inadequacy at the altar of the one God whose love, shed abroad in our hearts, alone can send us out on our differing and difficult paths hoping all things and enduring all things.

Forbid that the precious oil of our national unity should be spilled upon the ground, to ignite selfish fires. May it still feed the flame of liberty's torch as it enlightens the whole darkened earth.

We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 11, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRISON A. WILLIAMS, JR., a Senator from the State of New Jersey, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. WILLIAMS of New Jersey thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 10, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States, submitting the nomination of Lyndall G. Beamer, of Illinois, for appointment as a Foreign Service officer of class 8, a vice consul of career, and a secretary in the diplomatic service, and withdrawing the nomination of Miss Lyndall G. Beamer, of Illinois, for appointment as a Foreign Service Officer of class 8, a vice consul of career, and a secretary in the diplomatic service, which nominating message was referred to the Committee on Foreign Relations.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that there may be the usual morning hour for the introduction of bills and the transaction of routine business, subject to a 3-minute limitation on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTES TO THE LATE SENATOR RICHARD L. NEUBERGER

Mr. JOHNSON of Texas. Mr. President, when our respected colleague, Richard Neuberger, passed away on Wednesday of this week the mourning in the country went far beyond his colleagues, his immediate friends, and the people of Oregon.

The grief was shared by many Americans.

I ask unanimous consent to have printed in the RECORD editorials on the death of Senator Neuberger which were published in four of the great newspapers of this country—the New York Times, the New York Herald-Tribune, the Washington Post, and the Washington Star.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 10, 1960]

RICHARD L. NEUBERGER

When the tall young man from Oregon took his seat for the first time in the U.S. Senate on January 3, 1955, he was far better known throughout the country as a writer and crusading conservationist than as a political personality. When untimely death took him yesterday at the age of 47 his extraordinary qualities of mind and heart and spirit had achieved for him in those 5 short years a secure eminence of stature as a Senator.

It is difficult to write of Richard L. Neuberger in the past tense. His enthusiasm and sincerity, his undeviating conscience and his high sense of public service combined to make him not only one of the most respected Members of the Senate but also one of the most useful and most vital. His powerful pen and his persuasive voice gave life and point to many issues—notably improvement of the legislative process and preservation of this country's dwindling natural and scenic resources—that brought him into conflict with interests that a lesser politician would have been afraid to offend.

One of his current projects dearest to Senator Neuberger's heart was enactment of legislation to establish as a natural seashore preserve a magnificent stretch of Pacific beachland in his native State, known as the Oregon dunes. No more fitting tribute could be paid him by the Congress and the people of the United States than to adopt the Neuberger bill that would set aside forever this area in memory of a fine legislator and great outdoorsman who was determined that future generations should share in the great natural heritage of this country that he knew so well and loved.

[From the New York Herald Tribune, Mar. 10, 1960]

SENATOR NEUBERGER'S UNTIMELY DEATH

The death of Richard Neuberger is particularly poignant. A man in his vigorous and youthful prime, the junior Senator from Oregon had recently recovered from an operation for cancer. The malignancy had been arrested, and he was preparing to run for reelection in the fall. Moreover, he had been for many years a tireless advocate of greater Federal spending on medical research, both on the floor of the Senate and in the press.

Senator Neuberger was a man steeped in the tradition of Western liberalism, a tradition of which can boast many famous names in American political history. But his style was entirely his own—freewheeling, outspoken, dedicated, sometimes even brash, although the brashness gave way to a reflective maturity in the past few years. And the fact that he was Oregon's first Democrat elected to the Senate in 40 years speaks loudly for his personal magnetism and for the reality of his representation. His is a most regretted loss to the Northwest and to American public life in general.

[From the Washington Post, Mar. 10, 1960]

RICHARD L. NEUBERGER

The Senate has lost an extraordinarily useful, constructive, and independent-minded Member in the death of Richard L. Neuberger of Oregon. There is extra pathos to Senator Neuberger's death in that he had apparently withstood a long siege with cancer little more than a year ago and had sought renomination in the Democratic primary, only to fall victim of a cerebral hemorrhage.

Always a liberal by conviction, Dick Neuberger was a provocative and controversial figure when in 1954 he became the first Democratic Senator elected from Oregon in 40 years. He had been a prolific author on political science subjects as well as about his beloved Northwest, and he had constituted a team with his attractive wife, Maurine, in the Oregon Legislature. If he wore his principles on his sleeve and tended a bit

toward prudishness when he came to Washington, he soon rejected the doctrinaire approach. He was as ready to oppose what he regarded as the preconceived notions of his liberal friends as to strike at entrenched reaction.

The result was that he was regarded with respect and affection even by those he opposed, and his analytical quality sometimes provided a catalyst in the Senate. Particularly after his cancer operation he developed a rare humanitarian gentleness, manifested in his personal relationships as well as in his interest in health legislation. One of his great regrets was the feud prosecuted by his Oregon colleague, Senator MORSE. Withal he was a man of much courage, not hesitating to criticize ethical standards in Congress and to stand up virtually alone when he thought he was right.

Dick Neuberger contributed significantly to the popularizing of conservation and enlightened resources development, to intelligent discussion of political structure, and to such specific measures as the bill to save disappearing shorelines and the billboard ban on interstate highways. He served his State and country with integrity and devotion which were appreciated in Oregon as well as in Washington. His wife, who shared his views and worked closely with him, would make an admirable successor in the Senate.

[From the Washington Star, Mar. 10, 1960]

DICK NEUBERGER

Oregon's Senator Richard L. Neuberger, who died early yesterday, crowded a lot of living into 47 years. From the time of his youth, he was a person of physical and intellectual vigor. Before entering politics in 1940, he was a prolific and versatile writer—inquiring of mind, skillful with words. In politics, he displayed similar qualities and the energy and aggressiveness to translate them into popularity and success at the polls. Mr. Neuberger was never without a cause—and there were few if any causes of truly liberal character that did not draw his support. Even during the past 2 years when the tragedy of grievous ill health darkened his life, he found in this misfortune the inspiration for new crusades on behalf of public health and cancer research. By the measurement of time, his life and career were short. By the measurement of respected accomplishment, they were rich and full.

Mr. WILEY. Mr. President, the other day, when Senators paid their tributes to our late colleague, Senator Neuberger, who has gone ahead on the journey which all of us must take, unfortunately I was not able to be in the Senate.

I wish to say that Dick Neuberger was, to me, one of the finest men with whom I have become acquainted in the 20 years I have served in the Senate. He and his wife—really fine-quality folks—have been an inspiration to all of us.

We realize that with the passing of Senator Neuberger, another strong character has left the Senate. Senator Neuberger had strong convictions, and lived a life of great service to the people of Oregon and to all the people of the Nation.

Mr. President, the passing of Senator Neuberger leaves a wake of sorrow, deep regret, and a void—unique in its own way—in the U.S. Senate.

As a vigorous servant of the people, our good friend brought to the Senate an acute intellect, a warm heart, and a youthful, forward-looking philosophy.

In recent times, we recall that on several occasions Dick passed through the Valley of the Shadow. Each time, however, he came back to us with a winning smile, a warm handclasp, and a rededication of his talents and abilities to ever-better fulfillment of his significant role as a U.S. Senator.

Through his writings, as well as through his service in the Senate, Dick reflected a broad interest—historically and traditionally—in the Nation he loved; and, in addition, he made concentrated efforts to throw new light upon the vast complex of problems which confront us.

The people of the great State of Oregon, and the people of the country can be justly proud of the record Dick Neuberger has written as a citizen, as a writer, and as a public servant.

Senator Neuberger's work in the Senate ranks high among the significant contributions which outstanding Senators have made to the progress of our beloved country.

To his loved ones goes our expression of deepest regret and sympathy. For them, a reminder of the high esteem with which his work and life are regarded by his fellow Senators may be of some solace in this time of sorrow.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

NOTICE OF PROPOSED DISPOSITION OF CERTAIN GRAPHITE

A letter from the Administrator, General Services Administration, Washington, D.C. transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 2,647 short tons of graphite now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

REPORT ON BORROWING AUTHORITY

A letter from the Director, Office of Civil and Defense Mobilization, Executive Office of the President, transmitting, pursuant to law, a report on borrowing authority, for the quarter ended December 31, 1959 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

A letter from the Chairman, Board of Governors of the Federal Reserve System, Washington, D.C., transmitting, pursuant to law, a report of that Board, covering operations for the year 1959 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON LIQUIDATION OPERATIONS, BUSINESS AND DISASTER LOANS OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting, pursuant to law, a report on liquidation operations, business and disaster loans of the Reconstruction Finance Corporation, covering the quarterly period ended December 31, 1959 (with an accompanying report); to the Committee on Banking and Currency.

NATIONAL CAPITAL TRANSPORTATION ACT OF 1960

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency; and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF NATIONAL SOCIETY OF DAUGHTERS OF THE AMERICAN REVOLUTION

A letter from the Secretary, Smithsonian Institution, Washington, D.C., transmitting, pursuant to law, a report of the National Society of Daughters of the American Revolution, for the fiscal year ended April 1, 1957 (with an accompanying report); to the Committee on Rules and Administration.

JOINT RESOLUTION OF GENERAL ASSEMBLY OF VIRGINIA

The ACTING PRESIDENT pro tempore laid before the Senate a joint resolution of the General Assembly of the Commonwealth of Virginia, which was referred to the Committee on the Judiciary, as follows:

HOUSE JOINT RESOLUTION 7

Resolution memorializing the Congress of the United States to call a convention to consider proposing to the legislatures of the several States an amendment to the Constitution of the United States relating to the powers of the States to establish, maintain, and exclusively control systems of public education

Whereas education since its acceptance as an obligation of government has been considered the exclusive responsibility of the several States; and

Whereas the several States over a period of years have invested great sums of money in establishing systems of public education within their respective boundaries suited to the economic, cultural, and social requirements of each of said States; and

Whereas no system of public education can long survive which is not responsive to the needs and demands of the people it serves; and

Whereas only those systems of public education maintained, administered, and exclusively controlled by the several States they serve can enjoy the necessary support from the people essential to an atmosphere conducive to the transmission of knowledge to young students; and

Whereas the Federal Government is now engaged in extending its regulatory powers into the field of public education in the several States; and

Whereas there is grave danger of this extension of the power of the Federal Government resulting in a system of national public education dedicated to the requirements of a super government, rather than to the needs of the several States: Now, therefore, be it

Resolved by the house of delegates, the senate concurring, That the General Assembly of Virginia, as provided in article V of the Constitution of the United States of America, does hereby make application to and memorialize the Congress of the United States of America to call a convention to consider submitting to the legislatures of the several States an amendment to the Constitution of the United States of America in substantially the following form:

"The several States shall have the power to establish, maintain, and exclusively control a system of public education within their respective boundaries consistent with the economic, cultural, and social needs of each of the several States"; and be it further

Resolved, That copies of this resolution be transmitted by the keeper of the rolls of the

State to the Clerk of the House of Representatives of the United States of America, to the Secretary of the Senate of the United States of America, and to each member of the Virginia delegation to the Congress of the United States of America, to be filed and presented by said delegation to the Congress of the United States of America; and be it further

Resolved, That the General Assembly of Virginia does hereby respectfully request the legislatures of the several States of the United States of America to join in presenting similar applications to the Congress of the United States of America.

E. GRIFFITH DODSON,
Keeper of the Rolls of the State.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 2669. A bill to extend the period of exemption from inspection under the provisions of section 4426 of the Revised Statutes granted certain small vessels carrying freight to and from places on the inland waters of southeastern Alaska (Rept. No. 1160); and

S. 3005. A bill to amend the act of March 3, 1933 (47 Stat. 1426), relating to the length of time by which the Federal Maritime Board may suspend tariff schedules (Rept. No. 1159).

By Mr. HAYDEN, from the Committee on Appropriations, with amendments:

H.R. 10743. An act making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes (Rept. No. 1161).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COTTON:

S. 3177. A bill to amend section 334 of title 38 of the United States Code, relating to rates of peacetime disability compensation; to the Committee on Finance.

By Mr. McCARTHY:

S. 3178. A bill to amend section 170(b)(1) of the Internal Revenue Code of 1954 with respect to certain charitable contributions to historical societies or agencies; to the Committee on Finance.

By Mr. HILL:

S. 3179. A bill to increase the authorization for appropriations for construction of facilities for the Gorgas Memorial Laboratory; to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 3180. A bill to amend the Colorado River Storage Project Act with respect to the protection of national parks and monuments under the provisions of such act; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Moss when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 3181. A bill to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HENNINGS:

S. 3182. A bill to amend section 491 of title 18, United States Code, prohibiting certain acts involving the use of tokens, slugs, disks, devices, papers, or other things which are similar in size and shape to the lawful coins or other currency of the United States; and

S. 3183. A bill to amend section 457 of title 28 of the United States Code to protect the right of the public to information; to the Committee on the Judiciary.

(See the remarks of Mr. HENNINGS when he introduced the above bills, which appear under separate headings.)

By Mr. MAGNUSON:

S. 3184. A bill to create a distinguished decoration to be known as the Washington Order of Merit; to the Committee on Banking and Currency.

By Mr. MAGNUSON (by request):

S. 3185. A bill to strengthen free competitive enterprise in the marketing of gasoline and other petroleum products, motor-vehicle parts, equipment, accessories, and supplies by providing for filing of certain contracts and reports with the Federal Trade Commission; and

S. 3186. A bill to strengthen public policy and law providing for independent competitive enterprise in the marketing of gasoline and other petroluem products, motor-vehicle parts, equipment, accessories, and supplies; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills, which appear under a separate heading.)

S. 3187. A bill relating to certain practices in the distribution of motor vehicle parts, equipment, accessories, and supplies which tend to cause destructive and unfair methods of competition; and

S. 3188. A bill to make more uniform the laws governing the coastwise trade of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGNUSON (for himself and Mr. BUTLER) (by request):

S. 3189. A bill to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YARBOROUGH:

S. 3190. A bill to amend section 106 of title 38, United States Code, to provide veterans' benefits for female contract surgeons who served with the Armed Forces during World War I; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under a separate heading.)

By Mr. DOUGLAS:

S. 3191. A bill to consent to the annexation of certain real property of the United States by the city of Decatur, Ill.; to the Committee on Armed Services.

RAINBOW BRIDGE NATIONAL MONUMENT, UTAH

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to amend Public Law 485, of the 84th Congress, the Upper Colorado River Storage Project Act, to remove the provisions requiring the Secretary of the Interior to construct protective works to prevent the "impairment" of the Rainbow Bridge National Monument in southern Utah.

I contend that the $25 million requested for this purpose by the President in the 1961 fiscal budget would be an unnecessary expenditure, and represents a nonsensical and indefensible waste of the taxpayers' money.

The funds have been requested by the Department of the Interior under the authorization contained in the Colorado River Storage Project Act of April 11, 1956, which provides, in separate sections, first, that the Secretary of the Interior take adequate protective measures to preclude "impairment" of the Rainbow Bridge National Monument from the waters backed up by the Glen Canyon Reservoir; and, second, that no dam or reservoir constructed under the authorization of the act shall be within any national park or monument.

I submit, Mr. President, that allowing the waters of the Glen Canyon Reservoir to back up under Rainbow Bridge in southern Utah will not "impair" this national monument, but will substantially enhance it, and that the so-called protective works which the Department is being forced, by the provisions of the law, to plan and build are nothing short of a first-rate boondoggle.

These provisions were written into the bill during what amounted to hysteria on the part of extremist outdoor groups who saw in every manmade pool in a national monument the impending destruction of the entire national park system. These provisions should be rescinded in the calm, cool light of today, in the name of economy and good commonsense. The American people should not have $25 million of their hard-earned dollars poured into such a useless project.

To make my case, I need first to give the Senate a little background on Rainbow Bridge National Monument. It was created by Presidential proclamation May 30, 1910, and comprises an area of 160 acres in San Juan County, in southeastern Utah. It is about 5 miles north of the Arizona border, and about 30 air miles northeast of the Glen Canyon damsite, in a rugged area of brilliant color, weird shapes, and upflung architecture.

Rainbow Natural Bridge is the largest known natural bridge in the world. It spans the channel of Bridge Creek, with an arch extending 309 feet above the canyon floor—high enough to curve over the Statue of Liberty.

The arch was formed by the waters of Bridge Creek cutting through a narrow neck of Navaho sandstone, to shorten their course to neighboring Aztec Creek and on into the Colorado River. The inner gorge of the channel below the bridge, in which Bridge Creek flows intermittently, is about 110 feet wide and 65 feet deep.

At the present time Rainbow Bridge can be reached only by mule pack over a 15-mile trail from the Navaho Mountain School, near the Utah-Arizona border, or by a 6-mile hike from the Colorado River. Thus it is seen each year by only a few people—and hardy ones at that.

I think we all agree that such a magnificent natural phenomenon should be protected from impairment by any man made project; and if I felt there were the slightest danger that the waters of Lake Powell, formed by Glen Canyon would impair Rainbow Bridge, I would be the first to demand protection. But I am convinced there is no danger.

I hold in my hand the preliminary report of the Bureau of Reclamation, region 4, Salt Lake City, on the protective works recommended for the Rainbow Bridge National Monument,

Glen Canyon Unit, Colorado River storage project. Because of the provisions written into the law in 1956, the Bureau of Reclamation, the National Park Service, and the Geological Survey have all sent field parties into the remote Rainbow Bridge country to study the terrain and assist the Bureau to make recommendations on potential protective measures for the bridge. These men carried out their assignments, and then wrote as objectively as they could on the problem.

Let me tell the Senate in their own words what they found; I shall quote now directly from the Bureau of Reclamation report:

> The Glen Canyon reservoir behind the dam at a flow line water surface elevation of 3,700 feet would, if unrestrained, back water up in the channel of Bridge Creek under the bridge and to a point about 100 feet beyond the upstream boundary of the Monument. At this elevation the water would be 94 feet deep at the downstream boundary and 15 feet deep at the upstream boundary. Under the bridge the water would be 46 feet deep but the water surface would be 21 feet below the left abutment and 33 feet below the right abutment of the bridge.

Let me repeat—the water would be 21 feet below the left abutment and 33 feet below the right abutment of the bridge. In other words, when the reservoir was at its highest level—which, incidentally, would only be 13 percent of the time—the water would be far below the columns of the arch, and could not possibly lap against them or impair them in any way.

The Bureau's experts further estimated that an unrestrained reservoir would back up across the monument boundary about 95 percent of the time, and up under the bridge itself about 77 percent of the time.

I quote again directly from the Bureau's report:

> Examinations made of the creek channel beneath the bridge indicate that the presence of reservoir water in the channel would not weaken the abutments or foundation of the bridge. Erosion presently caused by wind and changing temperatures would cease in the still water region of the reservoir. Waves would be restricted by the narrow, crooked canyon so that erosive wave action would be of minor consequence. Moreover, the lower left abutment of the bridge nearest to the inner channel is separated from the channel by 40 feet of sandstone.

The report goes on to state that because the creek runs through a formation that is medium soft to medium hard thinly cross-bedded sandstone, the banks are subject to erosion by flash floods, and that the presence of the reservoir water in the channel would greatly retard the erosion processes; also that since seepage is common, the presence of the reservoir would cause no material change in the groundwater condition, and no uplift pressure would be exerted on the foundation of the bridge.

It seems to me this proves conclusively that Rainbow Bridge would not be endangered by the reservoir waters. And it takes very little imagination to see that the monument would be enhanced. The area is one of the most spectacular and breathtaking in the West. A sliver of water backing up into it would add greatly to its scenic lure. It would also provide practical and easy access to the monument. Boats could be brought across the reservoir from Glen Canyon City and Page, directly up into the monument and under the bridge. What more satisfying way could there be to see and appreciate this magnificent arch than to float up under it and view it from many angles. It would make Rainbow Bridge and the untamed country in which it is located accessible to many people who otherwise could never see these marvels.

Even though the engineers from the Bureau of Reclamation found that protective works for Rainbow Bridge were unnecessary, they were required to go ahead, as I have stated, under the provisions of the upper Colorado River authorizing act, and to draw up recommendations to the Secretary of the Interior, which the Secretary could, in turn, make to Congress, for the construction of such protective works. A number of proposals were considered, but the one which was finally adopted for recommendation to the Congress, and for which the $25 million has been requested, would do the following:

Construct a barrier dam below the bridge to keep the waters from backing up under it.

Construct a diversion dam above it to keep the waters of Bridge Creek from flooding behind the barrier dam.

Construct a tunnel to divert the Bridge Creek waters under the mountains and across into neighboring Aztec Creek whose course parallels that of Bridge Creek.

All of this, together with access roads into the area, or helicopter service to bring in the necessary equipment and supplies, could cost the people about $25 million.

After the protective works were built, there would be an annual cost inspection and maintenance work on the pumping plant which would be necessary on any of the three alternate barrier dam plans suggested.

I repeat, Mr. President, the expenditure is unnecessary and indefensible. I intend to ask both the Senate and House Appropriations Committees to report the Public Works appropriation bill without the $25 million items the President has requested for protective works at Rainbow Bridge National Monument.

I will also press for early action on the bill I have introduced today.

I ask unanimous consent that an editorial from the Salt Lake Tribune of March 8, 1960, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SILLY WILDERNESS PRESERVATION PROPOSAL

"As part of the Glen Canyon unit the Secretary of Interior shall take adequate protective measures to preclude impairment of the Rainbow Bridge National Monument."

"It is the intention of Congress that no dam or reservoir construction under the authorization of this act shall be within any national park or monument."

These provisions in Public Law 485 authorizing the upper Colorado reclamation program pose a serious dilemma to the Interior Department and to economy-minded Members of Congress. The requirements should deeply trouble the wilderness preservation lobby which got them written into the 1956 law.

Liberal interpretation or a slight amendment could mean the difference between spending $6 million and 25 millions to keep water from Glen Canyon Dam from backing up into remote Rainbow Bridge National Monument. The dam, well under construction, is about 53 miles from the natural bridge.

The 160-acre monument in southern Utah near the Arizona border features an arch 309 feet high.

Currently it can be reached only by mule pack over a 15-mile trail from near Navajo Mountain, by boating up the Colorado River then hiking 6 miles up rugged terrain, or by helicopter.

The ribbon of water which would flood Bridge Creek channel under Rainbow Bridge would make this scenic area accessible all the way by boat, but this is repugnant to some wilderness enthusiasts.

However, in 1958 Fred Packard of the National Parks Association asked members of the preservation society if the structures proposed to protect the monument might not make the "cure" worse than the "disease." And he wrote: "Construction of these works would require roadbuilding around the monument, bringing materials and equipment to the sites, and cause possibly serious scars to the environs of the monument." He called for a thorough ground survey of the area.

Two surveys have been made, one by the Reclamation Bureau and one by the U.S. Geological Survey at the request of the National Park Service.

The reports agree that seepage already occurs in the sandstone formations on both banks of the channel under Rainbow Bridge, and that Bridge Creek which runs intermittently beneath the arch, is subject to flash floods which carry considerable sediment and debris through the monument. Both studies allay fears that stored water backed up by Glen Canyon Dam would weaken the bridge.

A diversion dam and 4,800-foot tunnel will be required about a half mile above the monument to divert floods and debris around the monument. The earthfill dam would be of materials from the stream channel and the tunnel excavation. The cost is estimated at $6 to $8 million.

Also proposed is a barrier dam about half a mile below Rainbow Bridge Monument.

This earthfill structure would be 183 feet high, with a crest length of 500 feet. To get material for this would entail excavation atop a high mesa in the fantastically eroded area and transportation of the material to the damsite either by an expensive cable-bucket system or by helicopter. Getting heavy machinery needed on the mesa and at the damsite would require an enormously costly helicopter shuttle service or extensive construction of roads.

A barrier dam, built to keep the monument inviolate of water backed up by Glen Canyon Dam, would also trap excess water seeping beneath Rainbow Bridge and accruing from flash floods. To solve this, an automatic diesel plant is envisoned to pump the water over the dam. Thus not only would physical aspects of a wilderness be altered, but noise and fumes from diesels, located outside the monument, certainly would be apparent inside—hardly in keeping with the wilderness concept. Moreover, access to Rainbow Bridge would be further blocked.

The barrier dam would increase the cost of protecting Rainbow Bridge to an estimated 25 million dollars or more.

A perpetual maintenance cost also would be entailed.

Since Upper Colorado Commission, Reclamation Bureau and National Park officials

feel obligated to go along with a strict interpretation of the law's provisions, wilderness preservationist spokesmen should propose an amendment. Otherwise this costly boondoggle could do irreparable injury in the public mind to the whole wilderness philosophy.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3180) to amend the Colorado Storage Project Act with respect to the protection of national parks and monuments under the provisions of such act, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF COMMUNICATIONS ACT OF 1934, RELATING TO ISSUANCE OF RADIO OPERATOR LICENSES TO U.S. NATIONALS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States.

I ask unanimous consent that there be printed in the RECORD a letter from the Assistant Secretary of the Interior explaining the purpose of this proposed legislation.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3181) to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States, introduced by Mr. MAGNUSON (by request), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. MAGNUSON is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 19, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States."

We suggest that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

If this bill is enacted, the Federal Communications Commission, which now has statutory authority to issue radio operator licenses only to citizens of the United States, will be empowered to issue them to nationals of the United States as well. The persons whom the bill is intended to affect are those natives of American Samoa who are nationals of the United States and owe allegiance to it, but to whom full citizenship has not been extended.

Under the authority of the Communications Act of 1934, as amended (47 U.S.C. sec. 151 et seq.), the Federal Communications Commission requires operators of transmitting stations in the territories (other than operators of those stations owned or operated by the United States) to be licensed by the Commission. Section 303(1) of the Communications Act of 1934, which governs the matter, authorizes the issuance of radio operator licenses to citizens of the United States and, in certain cases, licenses to foreign nationals in the field of aviation.

The inability of nationals of the United States to obtain operator licenses imposes a serious handicap upon shipping operating in and from the waters of American Samoa. The efficient and safe operation of the numerous privately owned craft manned by Samoans of American nationality will be greatly enhanced if section 303(1) of the Communications Act of 1934 is amended to permit these Samoan nationals of the United States to operate radios.

The Samoan people owe complete allegiance to the United States and have proved their loyalty through almost 60 years under the American flag and have served their country bravely on many battlefields, and no reason is perceived why these nationals should not be equally eligible with citizens to obtain radio operator licenses.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

ROGER ERNST,
Assistant Secretary of the Interior.

AMENDMENT OF UNITED STATES CODE RELATING TO USE OF TOKENS, ETC., IN VENDING MACHINES

Mr. HENNINGS. Mr. President, in the United States Criminal Code there is a section in the chapter dealing with counterfeiting and forgery which makes illegal the manufacture and sale of tokens and slugs to be used as lawful coins in automatic vending machines. This statute was enacted in the 78th Congress when it was recognized that the automatic vending of goods through machines had become such a part of our way of life that it was imperative to protect these automatic salesmen from the scourge of false and fraudulent metal slugs and tokens being thrust upon them as coins of the United States. Today, our automatic salesmen have advanced in their sales techniques and are now willing to accept paper currency, as well as coins, for their products and to return appropriate change. The criminal statute should, accordingly, be updated so that these new automatic salesmen will be protected from the scourge of false and fraudulent paper money as well as from coin imitations. That is one purpose of the bill I am introducing.

In the 78th Congress, consideration was given toward the best method of preventing the illegal use of these slugs and tokens in vending machines. In other parts of the criminal code dealing with counterfeiting, in addition to the prohibition against making, there is generally a prohibition against actual use. Though prohibition against actual use was then recognized as prerogative of the Federal Government under its counterfeiting laws, it was decided, as a matter of policy, that it was impractical to bring the Federal Government into the activity of prosecuting individual "users" of these slugs and tokens. It was considered better for the Federal Government to direct its action toward illegal use by seeking to eliminate the evil at its source, that is, at the manufacturing level. There seemed to be no question that a prohibition against use of tokens and slugs was recognized as a prerogative of the Federal Government under counterfeiting prohibitions; Congress then hesitated to inject Federal prosecutors into individual cases because of the petty amounts involved. It is possible that Congress might now find the situation so changed as to include a Federal prohibition against actually "using" these coins. If we should find that the new automatic vending machines which are geared to accept paper money of large denominations face the possibility of being subject to great losses, it is possible that we should want to give them the same Federal protection as we have in other counterfeiting statutes. I have, therefore, included in this bill for study a prohibition against passing and uttering.

I introduce this measure for appropriate reference, urging the Senate to take the action necessary to keep mankind abreast of automation.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3182) to amend section 491 of title 18, United States Code, prohibiting certain acts involving the use of tokens, slugs, disks, devices, papers, or other things which are similar in size and shape to the lawful coins or other currency of the United States, introduced by Mr. HENNINGS, was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT OF UNITED STATES CODE TO PROTECT THE RIGHT OF THE PUBLIC TO INFORMATION

Mr. HENNINGS. Mr. President, I introduce for appropriate reference a freedom of information bill which would require judicial records of Federal courts to be open to public inspection.

For more than 4 years the Senate Subcommittee on Constitutional Rights—of which I am chairman—has been studying the subject of freedom of information, and has been reviewing the information practices of the Federal Government to determine whether these practices have in any way infringed the right of the people to know what their Government is doing. Included in the subcommittee's study has been a review of the extent to which the records of Federal departments, agencies, and the Federal courts are open and available to the public.

In 1957, as an outgrowth of the Constitutional Rights Subcommittee's freedom of information studies, I introduced a bill to amend section 161 of the Revised Statutes, title 5, United States Code, section 22, which permits executive department heads to prescribe regulations for the custody, use, and preservation of the records and papers in their departments. The bill—S. 921 of the 85th Congress—added to section 161 the sentence:

This section does not authorize withholding information from the public or limiting the availability of records to the public.

The purpose of S. 921 was to put an end to the practice which had developed in various executive departments and agencies whereby section 161 was cited as authority to keep documents and records secret, even though it was clear on the face of the statute itself that Congress intended to give them no such authority.

The Constitutional Rights Subcommittee held several hearings and received a number of statements dealing with S. 921. The subcommittee heard testimony from the Attorney General as well as a number of representatives from interested organizations, including the American Society of Newspaper Editors, the Sigma Delta Chi Journalism Fraternity, and the Radio-TV Correspondents Association. In addition, the subcommittee received reports from various departments and agencies affected by the bill. The printed record of the hearings on S. 921 totals 1,022 pages.

The bill was favorably reported in 1958 by both the Constitutional Rights Subcommittee and the full Committee on the Judiciary, without dissenting vote and without amendment. The purpose and scope of S. 921 were set forth in Senate Report No. 1621 of the 85th Congress. On July 31, 1958, the legislation was passed by the Senate, and on August 12, 1958, was approved by the President, and became Public Law 619.

During the 85th Congress I also introduced S. 2148, another bill which was an outgrowth of the Constitutional Rights Subcommittee's freedom of information studies. The record compiled by the subcommittee revealed that the public information section of the Administrative Procedure Act, title 5, United States Code, section 1002, had been miscited by a number of executive departments and agencies as authority to withhold information from the public.

As chairman of this subcommittee, I thought we had to go further, and I still think we have to go beyond the point we have reached, in order to let the American people know what their Government is doing.

The purpose of S. 2148 was to make the public information section of the APA more effective as a means of providing information to the public by eliminating a number of vague and ambiguous phrases from the language of that section.

During the 85th Congress, the subcommittee collected the views of many of the Federal departments and agencies affected by S. 2148, as well as numerous statements from editors, publishers, heads of journalism schools, National, State, and press associations, political scientists and lawyers. Hearings were scheduled on the bill for December 1958, but mutually satisfactory dates could not be worked out with the potential witnesses, and the hearings were postponed until the following year.

The ACTING PRESIDENT pro tempore. The time of the Senator from Missouri has expired.

Mr. HENNINGS. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HENNINGS. Mr. President, on January 12, 1959, I again introduced the bill. Numbered S. 186 in the 86th Congress, the bill was referred to the newly established Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary. However, the chairman of that subcommittee, Senator CARROLL, approved the Constitutional Rights Subcommittee's continuing to handle the legislation, and accordingly, on April 17, 1959, the Constitutional Rights Subcommittee held a public hearing on it.

Late in the 1st session of the 86th Congress, a majority of the Constitutional Rights Subcommittee members approved the legislation as a clean bill, S. 2780. This bill presently is pending in the Committee on the Judiciary, and I have requested that it be placed on the agenda of the committee as a bill from the Constitutional Rights Subcommittee.

The bill I am introducing today is an outgrowth of another part of the Constitutional Rights Subcommittee's broad study of freedom of information and secrecy in government. It provides that all records, books, and dockets of any court of the United States, and all papers on file with any court of the United States, shall constitute public records and shall be open during office hours for inspection by any person without charge.

Only recently, a Federal district court in Michigan suppressed the files in a suit involving an architectural and engineering firm whose accounts were allegedly $856,757 short. The suit was brought by the current president of the firm against a retired vice president, asking for an accounting of the firm's funds and information about commissions. The firm's retired bookkeeper, who had been hired in 1928 despite a previous conviction for embezzlement, has been charged with embezzling $100,000 from the firm. In an audit of the books, the prosecutor's office turned up the other shortages.

When the Detroit newspaper began asking questions about the case, four district judges proclaimed a written rule of suppression, which the press immediately described as a "gag rule." In a statement which I issued on December 17, 1959, I used identical language, saying:

> This would seem to involve a denial of freedom of information, which has been under subcommittee study for more than 4 years. We are asking the four judges under what authority they have promulgated this gag rule.

The Detroit News challenged the judges to hold its editor in contempt for disclosing details of the case. The challenge was made in a page 1 editorial entitled "A Freedom Text." The editorial read in part:

> We publish this story despite a warning from the presiding judge of the district court of eastern Michigan that the editor of this newspaper may be held in contempt of court.
>
> In doing so we wish to state that our contempt is purely technical and entirely intentional. Our purpose is to procure, ultimately, an appellate court ruling on the right of Federal judges, at the mere request of a favored litigant, to arbitrarily deny public access to documents which are formally part of the public records of a public court.

In an article under a Detroit dateline on December 17, 1959, the Associated Press reported:

> Chief Judge Theodore Levin said the judges were "simply formalizing what has always been the inherent power of the court." He said U.S. district courts have the right to make their own rules, provided they don't conflict with the Constitution, Federal laws, or Supreme Court rulings.
>
> Judge Levin said it was nonsense to call it a gag rule. "There haven't been over 20 cases suppressed in this court in the last 25 years and there won't be any more under this rule," he said.
>
> Judge Levin said the rule was adopted after a Detroit News reporter demanded to know why a recent suit involving a Detroit company could not be published. Judge Levin said there is occasionally good cause to suppress a court case.
>
> The judges who signed the rule, in addition to Chief Judge Levin, were Ralph M. Freeman, Thomas P. Thornton, and Clifford O'Sullivan.
>
> The rule specifies that "any party or his attorney" may obtain an order for hiding his action by filing a petition with any judge of the court.
>
> "No person shall examine or publish in whole or in part any papers so suppressed," the rule says, "until such action, or any phase, be heard in open court, or upon the order of the judge to whom such action is assigned."
>
> Judge Levin said there are cases where publication of a suit might hurt a company or require parties unnecessarily "to wash their linens in public when it is none of the public's business."
>
> He said the court would not be justified in suppressing a suit "in the public interest, such as when a public official is sued for malfeasance and misappropriation of public funds."

The ACTING PRESIDENT pro tempore. The time of the Senator from Missouri has again expired.

Mr. HENNINGS. Mr. President, I ask unanimous consent that I may have 2 additional minutes.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object—and I shall not object to 2 additional minutes—I should like the morning hour to proceed as rapidly as possible, because I have a very important resolution which I should like to have called up and considered before the morning hour is concluded.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Missouri may proceed.

Mr. HENNINGS. Mr. President, thus the judges rely on inherent rights to suppress court documents in certain cases. One thing is certain: the court cannot rely upon a statutory right. It is interesting to recall that inherent rights were invoked by several Federal executive departments and agencies when Congress delved into the freedom of information subject several years ago. The departments and agencies were asked under what authority they withheld information from the public. Where there was no statutory authority, some of the agencies took refuge in inherent rights. Where this vague and

intangible phrase is invoked to withhold or suppress proper public information, Congress should act to correct the situation, as this bill and previous measures from the Subcommittee on Constitutional Rights propose to do. Editorializing on the Detroit ruling, the Washington Evening Star of December 19, 1959, said in part:

The Detroit papers, and in particular the Detroit News, are trying to force a test of the legality of this rule and are seeking an appellate decision on it. They are fully justified, we believe, in doing so. For while the extent of the inherent power of a court may be clothed in some uncertainty, it undoubtedly is a power that is susceptible of abuse. And in this instance we think it is being abused.

In the opinion of many persons, the present statutory protection of the people's right to know what their courts are doing is inadequate. This is especially true with respect to civil suits and proceedings. Under the present law, Federal courts seem to be under little restraint, if any, insofar as suppressing information about civil suits is concerned. I think a statutory requirement that judicial records in general be open to public inspection is highly desirable.

Under the present state of the law, there is practically no statutory protection of the people's right to know what their courts are doing. Likewise, under the Federal Rules of Civil Procedure, little or no protection is given the people's right to know. The entire matter apparently is presently left to the discretion of the individual courts themselves.

I submit that what is happening in the courts of the land is a proper question for the people and the press to ask and know. It is likewise a proper question for the judges to answer. The practice of judicial suppression has grown up without attracting much attention.

It is time that Congress give attention to the subject. I am impressed by the words of a Massachusetts court in *Crowley* v. *Pulsifer* (137 Mass. 392):

It is desirable that the trial of causes should take place under the public eye, not because the controversies of one citizen with another are of public concern, but because it is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed.

Those who do not agree with this general proposition may propose exceptions to the terms of the bill which I am introducing. If so, they will have the opportunity to present their views in hearings on the measure in due course and their views will be considered.

When judge-made rules collide with the right to know, as buttressed by the first amendment to the Constitution, I am strongly disposed to follow the pertinent words of the Constitution; namely:

Congress shall make no law abridging the freedom of speech, or of the press.

If Congress is prohibited from abridging these plain-spoken rights, judges should likewise be prohibited from doing so. That is what this bill proposes to do.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum dated January 26, 1960, on judicial secrecy, from William D. Patton, first assistant counsel and deputy staff director of the Constitutional Rights Subcommittee, to Charles H. Slayman, Jr., chief counsel and staff director, Constitutional Rights Subcommittee; a memorandum which I have prepared concerning Attorney General Rogers' reference to *Giles* v. *Harris* (189 U.S. 475), when he appeared before the Committee on Rules and Administration, at which I presided, on February 5, 1960; and a memorandum comparing Attorney General Rogers' "referee" proposals with the Hennings "enrollment officer" proposal.

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

MEMORANDUM ON JUDICIAL SECRECY, JANUARY 26, 1960

To: Charles H. Slayman, Jr., chief counsel and staff director, Constitutional Rights Subcommittee, U.S. Senate.

From: William D. Patton, first assistant counsel and deputy staff director, Constitutional Rights Subcommittee, U.S. Senate.

Subject: Elaborated memorandum on suppression by Federal courts of information relating to civil cases.

This memorandum as well as my memorandum to you dated December 18, 1959, is in response to your request of December 17, 1959, for a statement of the law concerning the following matters:

"(1) Is there any provision in—
"(a) Federal statutes.
"(b) Federal Rules of Civil Procedures.
"(c) 'Inherent powers' of courts.
to treat civil cases in secret?
"(a) Fact that case has been filed.
"(b) Contents of pleadings.
"(c) Trial itself.
"(d) Decision-judgment.
"Consent-decrees in antitrust cases.
"(2) State practice—divorce cases.
"(3) Criminal prosecutions."

As stated in my memorandum to you dated December 18, 1959, the law may be summarized by saying that Federal courts generally have the power to order papers filed with them and proceedings held before them to be suppressed or held in confidence, except as to parties or persons with a demonstrated interest. However, this rule probably can best be understood, and its application to a particular case anticipated, in the light of what has been a demonstrated "traditional Anglo-Saxon distrust of secret trials." (See "Cross, the People's Right to Know," 155 (1953).)

As quoted by Professor Wigmore in his outstanding treatise on evidence (6, "Wigmore, Evidence," sec. 1834 (3 ed. 1940));

"1690 (?), Sir John Hawles, Solicitor General, commenting on *Cornish's Trial* in 11 How. St. Tr. 460: 'The reason that all matters of law are, or ought to be, transacted publicly is that any person, unconcerned as well as concerned may as "amicus curiae" inform the court better, if he thinks they in error, that justice may be done; and the reason that all trials are public is that any person may inform in point of fact, though not subpenaed, that truth may be discovered, in civil as well as in criminal cases. There is an invitation, to all persons who can inform the court concerning the matter to be tried, to come into the court, and they shall be heard.'

"1768, Sir William Blackstone, Commentaries, III, 373: 'This open examination of the witness, "viva voce," in the presence of all mankind, is much more conducive to the clearing up of truth than the private and secret examination taken down before an officer or his clerk, in the ecclesiastical courts and all others that have borrowed their practice from the civil law; where a witness may frequently depose that in private which he will be ashamed to testify in a public and solemn tribunal.'

"1823, Mr. Jeremy Bentham, Rationale of Judicial Evidence (b. 11, c. X, sec. 2) (Bowring's ed., vol. VI, p. 355): 'The advantages of publicity are neither inconsiderable nor unobvious. In the character of a security it operates in the first place upon the deponent. * * * In many cases, say rather in most (in all except those in which a witness bent upon mendacity can make sure of being apprized with perfect certainty of every person to whom it can by any possibility have happened to be able to give contradiction to any of his proposed statements), the publicity of the examination or deposition operates as a check upon mendacity and incorrectness. However sure he may think himself of not being contradicted by the deposition of any precipient witnesses, yet if the circumstances of the case have but afforded a single such witness, the prudence or imprudence, the probity or improbity, of that one original witness may have given birth to derivative and extrajudicial testimonies in any number. Environed as he seems himself by a thousand eyes, contradiction, should he hazard a false tale, will seem ready to rise up in opposition to it from a thousand mouths. Many a known face, and every unknown countenance, presents to him a possible source of detection, from whence the truth he is struggling to suppress may through some unsuspected channel burst forth to his confusion. [Sec. 6] Another advantage of this publicity [by printing the proceedings] * * * is the chance it affords to justice of receiving, from hands individually unknown, ulterior evidence, for the supply of any deficiency or confutation of any falsehood, which inadvertency or mendacity may have left or introduced'."

In other words, the traditional rule under the Anglo-American system of law is that courts and judicial proceedings are open to the public and secret trials, hearings in chamber, and suppression of documents by the courts, are exceptions to this rule. Judicial records are considered public records, and "generally speaking, it is the right of every person to inspect the records of judicial proceedings. * * *" (76 Corpus Juris Secundum, Sec. 36).

Turning to the specific questions contained in your memorandum to me dated December 17, 1959:

"(1) Is there any provision in (a) Federal statutes to treat civil cases in secret?

"(a) Fact that case has been filed." I have found no such provisions.

"(b) Contents of pleadings." I have found no such provisions.

"(c) Trial itself." I have found no such provisions.

However, section 753 of title 28 of the United States Code provides for the appointment of reporters for each Federal district court and provides further:

"(b) One of the reporters appointed for each such court shall attend at each session of the court and at every other proceeding designated by rule or order of court or by one of the judges, and shall record verbatim by shorthand or by mechanical means: (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall specifically agree to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court

or as may be requested by any party to the proceeding.

"The reporter shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

"Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request. He shall also transcribe and certify all pleas and proceedings in connection with the imposition of sentence in criminal cases and such other parts of the record of proceedings as may be required by rule or order of court.

"The reporter shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

"The transcript in any case certified by the reporter shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records taken by the reporter.

"The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge."

The language of subsection (2) of subsection (b) would seem to be an implied recognition of the power of a Federal district court to exercise some discretion in determining what proceedings may be held outside of open court.

One other statutory provision which should be noted is section 30 of title 15 of the United States Code. That section referring to the Sherman Antitrust Act provides as follows:

"In the taking of depositions of witnesses for use in any suit in equity brought by the United States under sections 1–7 of this title, and in the hearings before any examiner or special master appointed to take testimony therein, the proceedings shall be open to the public as freely as are trials in open court; and no order excluding the public from attendance on any such proceedings shall be valid or enforceable."

"(d) Decision-judgment." I have found no such provisions. Note should be taken, however, that prior to its repeal on June 25, 1948, section 556 of former title 28 of the United States Code (see 28 U.S.C. 556, 1940 ed.) provided:

"All books in the offices of the clerks of the districts courts, containing the docket or minute of the judgments, or decrees thereof, shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor."

The reviser's note to section 753 of title 28 of the United States Code explains that the last paragraph of subsection (b) of section 753 ("the original notes or other original records of the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge") was revised to conform with the language of section 556 of title 28, U.S.C., 1940 ed., providing for inspection of books in the offices of clerks of district courts. The reviser's note further explains: "Such section 556 will be omitted, however, as more properly coverable by rule of court (80th Cong. H. Rept. No. 308)."

For further elaboration of this matter see "(1) Is there any provision in (b) Federal Rules of Civil Procedure to treat civil cases in secret? (d) decision-judgment," below:

"(1) Is there any provision in (b) Federal Rules of Civil Procedure to treat civil cases in secret?"

"(a) Fact that case has been filed." I have found no such provisions. However, rule 83 of the Federal Rules on Civil Procedure provides that:

"Each district court by action of a majority of the judges thereof may from time to time make and amend rules governing its practice not inconsistent with these rules. Copies of rules and amendments so made by any district court shall upon their promulgation be furnished to the Supreme Court of the United States. In all cases not provided for by rule, the district courts may regulate their practice in any manner not inconsistent with these rules."

Under rule 83 a district court would appear to have the authority to make any rule it deemed necessary or appropriate governing the suppression of civil cases—including the fact that a case had been filed, the contents of pleading and papers filed with the court, proceedings held before the court, and the decision or judgment of the court—as long as such rule was not inconsistent with any constitutional or statutory provision or other Federal Rule on Civil Procedure.

"(b) Contents of pleadings." I have found no such provisions. However, rule 30(b) of the Federal Rules on Civil Procedure does provide for limiting access to examinations and depositions as follows:

"After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and upon notice and for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties of the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression."

In addition, see reference to rule 83 of the Federal Rules of Civil Procedure, supra.

"(c) Trial itself." I have found no such provisions. On the contrary, rule 77(b) of the Federal Rules of Civil Procedure provides:

"All trials upon the merits shall be conducted in open court and so far as convenient in a regular courtroom. All other acts or proceedings may be done or conducted by a judge in chambers, without the attendance of the clerk or other court officials and at any place either within or without the district; but no hearing, other than one ex parte, shall be conducted outside the district without the consent of all parties affected thereby."

In addition, see reference to rule 83 of the Federal Rules of Civil Procedure, supra.

"(d) Decision-judgment." I have found no such provisions. However, note should be taken of rule 79 of the Federal Rules of Civil Procedure. That rule provides:

"(a) Civil docket: The clerk shall keep a book known as 'civil docket' of such form and style as may be prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States, and shall enter therein each civil action to which these rules are made applicable. Actions shall be assigned consecutive file numbers. The file number of each action shall be noted on the folio of the docket whereon the first entry of the action is made. All papers filed with the clerk, all process issued, and returns made thereon, all appearances, orders, verdicts, and judgments shall be noted chronologically in the civil docket on the folio assigned to the action and shall be marked with its file number. These notations shall be brief but shall show the nature of each paper filed or writ issued and the substance of each order or judgment of the court and of the returns showing execution of process. The notation of an order or judgment shall show the date the notation is made. When in an action trial by jury has been properly demanded or ordered the clerk shall enter the word 'jury' on the folio assigned to that action.

"(b) Civil judgments and orders: The clerk shall keep, in such form and manner as the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States may prescribe, a correct copy of every final judgment or appealable order, or order affecting title to or lien upon real or personal property, and any other order which the court may direct to be kept.

"(c) Indices; calendars: Suitable indices of the civil docket and of every civil judgment and order referred to in subdivision (b) of this rule shall be kept by the clerk under the direction of the court. There shall be prepared under the direction of the court calendars of all actions ready for trial, which shall distinguish 'jury actions' from 'court actions.'

"(d) Other books and records of the clerk: The clerk shall also keep such other books and records as may be required from time to time by the Director of the Administrative Office of the United States Courts, with the approval of the Judicial Conference of the United States."

As set forth above under "(1) Is there any provision in (a) Federal statutes to treat civil cases in secret?

"(d) Decision-judgment." the reviser's note to section 753 to title 28 of the United States Code states that section 556 of former title 28 of the United States Code (relating to public inspection of books in the offices of the clerks of the district courts containing the docket or minute of the judgments or decrees thereof) had been omitted as more properly coverable by rule of court. A quick review of various rules of court discloses the following pertinent provisions:

RULES OF THE SUPREME COURT OF THE UNITED STATES

Rule 29: Opinions of the Court

"1. All opinions of the Court shall be handed to the clerk immediately upon the delivery thereof. He shall cause the same to be printed and shall deliver a copy to the reporter.

"2. The original opinions shall be filed by the clerk for preservation.

"3. Opinions printed under the supervision of the Justices delivering the same need not be copied by the clerk into a book of records; but at the end of each term he shall cause them to be bound in a substantial manner, and when so bound they shall be deemed to have been recorded."

RULES OF THE UNITED STATES COURT OF CLAIMS

Rule 73: Docket

"It shall be the duty of the clerk to keep a general docket in which shall be entered the title and nature of all suits brought in

the court, the names of the attorneys filing such suits, the designated attorneys of record, and all other proceedings had during the progress of the case."

RULES OF THE U.S. CUSTOMS COURT

Rule 4(e): Clerk

"[The clerk of the court] * * * shall endorse on every court paper the date on which it was filed and shall not permit any original paper, exhibit, record, or document to be taken from his office without an order of the court or one of the judges, except as provided in rule 12."

Rule 23: Opinions and judgments

"(a) All opinions, orders, decrees, decisions, and judgments rendered by a judge of the court sitting in reappraisement, and all opinions, decisions, orders, decrees, and judgments concurred in by a majority of the judges when functioning as a division, and all concurring and dissenting opinions shall be dated, entered and filed by the clerk of the court in an appropriate book or books kept for that purpose, and shall be preserved as a part of the permanent records of the court. The date of such entering and filing shall be deemed to be the date of entry of such decision and judgment.

"(b) A copy of judgment order, together with the option upon which such judgment is based and a copy of any concurring or dissenting opinion, shall be forwarded to the parties or their attorneys and also to the collector of customs for the district in which the merchandise affected thereby was imported.

"(c) The clerk shall also forward a copy of every decision to the Secretary of the Treasury and to such other persons as the chief judge may direct.

"(d) Until a judgment order has been duly entered, the decision shall not be accessible to anyone, whether a party to the proceeding or not."

U.S. DISTRICT COURTS [1]

I have been unable to check all of the rules of all of the district courts of the United States. The rules of the United States District Court for the District of Columbia do not include any provision relating specifically to the suppression or publication of decisions or judgments.

U.S. COURT OF APPEALS

I have not reviewed all of the rules of all of the United States courts of appeals. Rule 24 of the United States Court of Appeals for the District of Columbia circuit provides:

Rule 24: Opinions of the court

"(a) Printed; rendered by filing with clerk. All opinions of the court shall be printed, unless otherwise ordered, under the supervision of the judge writing the opinion, and shall be rendered by filing with the clerk. The clerk shall preserve the original opinions.

"(b) Recorded when bound. Opinions need not be copied by the clerk into the minute book of the court, but he shall from time to time cause copies of the opinions to be bound in a substantial manner into volumes and when so bound they shall be deemed to have been recorded."

In addition, see reference to rule 83 of the Federal Rules of Civil Procedure, supra.

"(1) Is there any provision in * * * (c) inherent powers of courts * * * to treat civil cases in secret?

"(a) Fact that case has been filed." I have found no case specifically dealing with the power of a federal court to keep secret the fact that a civil case has been filed. Perhaps this is because under customary court procedure, when a civil case is commenced, the clerk of the court makes an entry in his docket to this effect, and even where documents, pleadings, depositions or other papers are suppressed by order of court, such notation of filing remains and is not customarily expunged from the records of the clerk of court. Thus, whether a federal court has any power, in the absence of statute or rule, to keep secret the fact that a case has been filed, is an open question. As a practical matter, the question probably would very seldom, if ever, arise.

A State case which illustrates the scope of the power of a court to suppress records in a civil suit is *Schmedding* v. *May* (85 Mich. 1, 48 N. W. 201 (1891)). Certain language used by the Supreme Court of Michigan in the Schmedding case would indicate that a court has an inherent power to suppress not only the records, files and papers in the case, but the entries of the clerk relating to the actual filing of such records, files, and papers.

"After a public trial or hearing, and a final determination, of a cause entered upon the journal of the court, no one would probably question the right of any person to inspect that record, and publish the result. Such record has undoubtedly then become a public one. The publication of the judgment or decree is privileged, and affords no basis for an action of libel. This is clearly not so where one publishes the statements or charges made in the pleadings and before their truthfulness has been determined by the judgment or decree of the court. In this country, courts are open to the public. It is said in *Cowley* v. *Pulsifer* (137 Mass. 392): 'It is desirable that the trial of causes should take place under the public eye, not because the controversies of one citizen with another are of public concern, but because it is of the highest moment that those who administer justice should always act under the sense of public responsibility, and that every citizen should be able to satisfy himself with his own eyes as to the mode in which a public duty is performed.' (An able discussion of the question here involved will be found in this case.) But this publicity does not extend to nor include the papers filed in the case necessary to frame the issue to be tried, nor to the entries thereof made by the clerk. Such papers are usually filed and the entries made out of court. They are not proceedings in open court. These suits involve private dealings between private parties. The public are not interested to know the nature of these disputes, except it be from the feeling of idle curiosity. But it is said that the creditors of a defendant, and those to whom he may apply for credit, are interested to know that he has been sued, and they may obtain this information through the public prints. I fail to see where there is an inherent right to publish even the fact that a man has been sued, for the purpose of warning others and thus affect his financial standing. The claim on which suit is brought may be wholly unfounded. If the object be to obtain and publish the charges set forth in a bill for divorce, certainly the public are not interested, and their interests would undoubtedly be well subserved if the contents thereof were never published. These suits, involving private transactions, may never come to trial or hearing. The troubles may be settled, and the charges withdrawn. In such cases there can be no objection to the papers remaining under the control of the court and the parties until such time as they choose to make them public by proceedings in open court or otherwise. The rule was well stated by the solicitor general in 1683 in the quo warranto case against the city of London, 3 Harg. State Tr. 553: 'It is unlawful to print a man's private case while it is pending in any court of judicature, before it comes to judgment, because it is an appeal to the people; and that was my Lord Chief Justice Hale's opinion in Colonel King's case.' One very potent reason why these cases should not be published is that in the multiplicity of morning, afternoon and evening newspapers a party sued may learn the fact within a short time, and avoid the service of process by leaving the jurisdiction of the court. The authorities cited by the relator in support of his position are not, in my judgment, in point, because they involve the right to examine the records in the offices of the register of deeds, or of those officers having charge of such records, and are decided upon the provisions of the statute law, applicable to each case, except in one case, which involved the right of an individual to remain in a public office from idle curiosity while he was not interfering with the transaction of the business of the office (*O'Hara* v. *King*, 52 Ill. 303). The granting of the writ being discretionary, and the sole object of the relator being to obtain for publication information in regard to suits which have just been commenced, and which the parties desired to keep from publication for the time being, and have been permitted to do so by the court, we do not think a case has been made requiring the granting of the writ, even if the relator had a strict legal right to the information sought. But, aside from this, our conclusion is that the parties to suits in court may, under the direction of the court, lawfully withhold the records and papers in the case, and prevent any statement in regard thereto being made public until they are made public by the consent of the parties, or by proceedings in open court."

"(b) Contents of pleadings." There seem to be very few Federal cases dealing with the subject of suppression of the contents of pleadings in civil cases. Those that do deal with the subject, directly or indirectly, support the rule (as stated in 14 Am. Jur., courts, sec. 148) that:

"After a public trial or hearing and a final determination of a cause entered upon the journal of the court, no one would probably question the right of any person to inspect that record and publish the result. Such record has undoubtedly then become a public one. In this country courts are open to the public. This publicity, however, does not extend to or include the papers filed in the case necessary to frame the issues to be tried or to the entries thereof made by the clerk. Such papers are usually filed, and the entries made, out of court. They are not proceedings in open court; and it has therefore been held that the parties to a suit may, under direction of the court, lawfully withhold the records and papers in the case and prevent any statement in regard thereto being published until they are made public by the consent of the parties or by proceedings in open court."

The prevailing Federal rule has been set forth most recently in *Birnbaum* v. *Wilcox-Gay Corp.* (17 F.R.D. 133 (N.D. Ill., 1953)). In that case, certain stockholders of the corporation brought a derivative suit to redress certain wrongs alleged to have been committed by the controlling officers and directors. Prior to the actual filing of the suit, the attorney for two of the defendants made a motion before the district court for the suppression of the suit, if and when filed. The motion was supported by an affidavit setting forth that the attorneys for the plaintiff had exhibited a copy of the intended complaint with the names of the plaintiff omitted, and that the suit, if filed, would prejudice the credit and standing of the defendants. The district court judge entered an order for the suppression of the suit, if and when filed, directing that the clerk of the court "impound, suppress, and seal" the complaint and other papers "until all the

[1] See my separate memorandum on this subject.

defendants shall have filed their defensive proceedings, the court shall have determined whether or not the said complaint has been filed in good faith, and until the further order of the court." The order further directed that neither of the parties or their agents and attorneys should give any publicity to any of the allegations contained in the pleadings until further order of the court.

After the complaint was actually filed, and suppressed under the order of the court, the plaintiff filed a petition to vacate the order suppressing the case. The district court held that the administrative order to suppress the case if and when filed, was within the district court judge's prerogatives and not subject to question irrespective of what initiated such action, but that the judge had no jurisdiction before the case was actually filed, to enter the second portion of the order directing the prospective parties to the suit to refrain from giving publicity to the contents of the pleadings. The court further held that since the suit had already been filed, the court then had jurisdiction to direct the parties to refrain from publicizing the proceedings. In the course of its opinion, the court said:

"The records of proceedings of a court are not required to be open to public inspection until after the trial. Rule 77(b) of the Rules of Civil Procedure states:

" 'Trials and hearings; order in chambers. All trials upon the merits shall be conducted in open court and so far as convenient in a regular courtroom. All other acts or proceedings may be done or conducted by a judge in chambers, without the attendance of the clerk or other court officials and at any place either within or without the district; but no hearing, other than one ex parte, shall be conducted outside the district without the consent of all parties affected thereby.'

"Rule 30(b) recognizes this principle in its provisions authorizing the suppression and sealing of information and documents in connection with the taking of depositions. The rule has also been recognized by the court in *Sanford* v. *Boston Herald Traveler Corp.* (318 Mass. 156, 61 N.E. 2d 5, 6), where the court held that the Massachusetts statute making public records open to public inspection was not applicable to the files of a court, saying:

" 'It is within the discretion of a court to impound its files in a case and to deny public inspection of them, and that is often done when justice so requires.'

"In 45 Am. Jur. 430, section 21, it is said:

" 'Every court of record has a supervisory and protecting charge over its records and the papers belonging to its files and, therefore, in the absence of controlling statute there can be no doubt as to the power of a court to prevent an improper use of its records.'

* * * * *

"(d) As an incident to the pending lawsuit, the court has jurisdiction presently to direct the parties to refrain from publicizing the proceedings, notwithstanding the reluctance of the courts to impose restraints on free speech. If this were not so, the direction to the clerk would be futile and ineffective. The exercise of the corollary jurisdiction over the parties is essential to make fully effective the court's control over the proceedings pending before it."

The prevailing rule likewise is stated in Corpus Juris Secundum as follows: (76 C.J.S. Records. Sec. 36):

"Generally speaking, it is the right of every person to inspect the records of judicial proceedings, at least after such proceedings are completed and entered on the journal of the court. However, it has been held that there is no right to inspect the records of a pending case, before issue joined or proceedings had in open court, and that a court may in its discretion impound its files in a case and deny public inspection thereof when justice so requires."

The Supreme Court apparently has not passed directly on the question of the power of a Federal court, in the absence of statute or rule, to suppress pleadings and other papers filed in civil suits. However, as stated in my memorandum to you dated December 18, 1959, the Supreme Court, in the case of *ex parte Uppercu* (239 U.W. 435 (1915)), by not indicating disapproval of the practice, by implication recognized the power of the Federal district court to place papers and exhibits on file in civil cases under seal. As additionally stated in my memorandum to you dated December 18, 1959, in the Uppercu case, the Government had sued a manufacturing company for penalties under the 1907 Immigration Act. A compromise was reached and the action was discontinued. All depositions and exhibits filed in the case, by consent of both parties, were ordered by the district court judge to be sealed by the clerk and retained in the files of his office, subject to a right of inspection by either party. In a later, and only slightly related case, involving different parties, it was alleged that the testimony in one of the sealed depositions would furnish evidence material to that case. The trial judge denied access to the sealed depositions, but the Supreme Court ordered the judge and clerk of the district court to allow the petitioner access to the depositions and exhibits involved on the ground that he had a right to call for them since they were needed as evidence in the trial of his case. No indication is given anywhere in the opinion in the Uppercu case (delivered by Mr. Justice Holmes), that the district court judge in any way erred or exceeded his power in originally ordering the exhibits and depositions sealed.

Additional Federal cases dealing with this subject, and illustrative of the current state of the law, include:

Sloane Filter Co. v. *El Paso Reduction Co.* (117 Fed. 504 (C.C. Colo., 1902)). In a patent infringement suit, the parties filed a stipulation dismissing the suit prior to hearing. The stipulation contained the provision: "(3) that the testimony and exhibits taken and on file in the office of the clerk of this court may be withdrawn from the files and record by the complainant." At or before the filing of this stipulation, another person, engaged in the same business as that to which the patent pertained, sought access to the record in the case. The court held that there was an interest important enough to require disclosure, despite the terms of the stipulation. The court said (at p. 506):

"At the bar it was said that this petition is without precedent. This may be true in respect to the circumstances of this case, but the matter of inspecting and taking copies of public records is as old in the law as the records are old. In English law, tenants of a manor could always inspect the court rolls and books of the manor in order to ascertain their titles. *Rex* v. *Shelley* (3 Term R. 141). So, also, where the authority of a mayor was in question, citizens could inspect the books and papers of the borough in order to determine the fact. *Rex* v. *Babb* (3 Term R. 579). These cases and others support the common-law rule that a party may have inspection of any document or paper in which he may be interested. 1 Whart. Ev. par. 745. In American reports cases may be found to the same effect. *Ferry* v. *Williams* (41 N.J. Law, 33, 32 Am. Rep. 219). A Federal statute (Rev. St. 828) on this subject seems to be applicable only to the judgments and decrees of Federal courts. *In re Chambers* (C.C.) 44 Fed. 786; *Trust Co.* v. *Bell* (C.C.) 87 Fed. 19. Similar statutes are found in some of the States. *State v. Rachac* (37 Minn. 372, 35 N.W. 7); *Hanson v. Eichstaedt* (69 Wis. 538 35 N.W. 30); *Lum* v. *McCarty* (39 N.J. Law, 287); *Newton* v. *Fisher* (93 N.C. 20, 3 S.E. 822). No statute is required, however, to support the petitioner's application. He is fairly within the common-law rule as one who has an interest in the subject, and therefore a right to inspect public documents affecting his interest. The petitioner is not an intermeddler in other people's affairs, nor is its application against public policy, as was the case *In re Caswell* (R.I. 29 Atl. 259, 27 L.R.A. 82, 49 Am. St. Rep. 814). The petitioner seeks only to protect itself in respect to the matter in controversy in this cause, and for that purpose it may rightfully invoke the aid of the law to obtain a copy of the testimony and documents on file."

In re McLean (Fed. Cas. No. 8, 877 (C.C. S.C. Ohio 1879)). In passing upon a petition for an order that the judgments and decrees of the district court and the U.S. circuit court, including fee books and other books containing the Federal records and orders of the court be open to inspection by the petitioners, the court stated:

"[I]t is claimed that * * * petitioners are entitled in law to the order prayed for; that they are so entitled by the statutes of the United States, or if not by them, they are by the common law entitled to it; that all the books and papers of a court of record are subject to the examination and inspection of any citizen, whether he have any personal interest in them or not; that it is high and indefeasible right, at any time he pleases during office hours, to make such inspection. If it is true, it is very clear that the petitioners are entitled to the order prayed for. The doctrine is a new and strange one, and certainly finds no support in any adjudication which I have been able to find, and I am very certain none can be produced sustaining any such proposition. But the very formation, purposes, and duties of a court forbid such an idea. The court is composed of judge, ministerial and executive officers, together with the attorneys that are members of it. To this body so organized are committed for determination the highest interests of the citizen in his property, his reputation, and his person. And a careful record of every step which may be taken in relation to either must be carefully made; every paper connected with any proceeding affecting any one in either of these must be carefully filed and preserved. The title to the entire property of the whole country passes through the courts of this country almost in every half century. They are the repositories of the rights of persons and of property, and in many cases the only evidence of either, and the law imposes upon the court the duty of their secure and careful protection and preservation; a protection and preservation which would be greatly jeoparded if every citizen of the United States at his pleasure and will should be permitted to examine and inspect them in his own way. Not only is such an idea in opposition to the formation, purposes, and duties of the court, but it is clearly in opposition to the views of the highest judicial and legislative branches of this Government. At a very early day, the Supreme Court of the United States adopted a rule, known as the fourth rule, which provides that all 'motions, rules, orders, and other proceedings made and directed at chambers, or on rule days at the Clerk's office, whether special or of course, shall be entered by the Clerk in an order book, to be kept at the Clerk's office, on the day when they are made and directed, which book shall be open at all office hours to the free inspection of the parties in any suit of equity and their solicitors.' If the Supreme Court believed that all the books and records belonging to the Court were open to the inspection of every citizen of the United States, why did they enact such a rule? Or why did they limit the right of inspection to parties and their solicitors? This rule itself is the most convincing proof that no such right, as

claimed by the petitioners, was supposed by the Judges of the Supreme court to have existed."

* * * * *

"That Congress entertained the same view is abundantly shown by its acts. In 1848 [9 Stat. 292], it enacted a law providing that 'all books in the office of the clerks of the circuit and district courts containing the docket or minute of the judgments or decrees thereof, shall during office hours be open to the inspection of any person desiring to examine the same without any fees or charge therefor. If congress believed the right already existed why did they think it necessary to create such right by special legislation? Or if they believed it ought to exist, why did they limit the right to particular books, such only as contained the docket or minutes of the judgments or decrees? And again, by the act of February, 1875 [18 Stat. 333], congress provided: 'That the accounts and vouchers of clerks, marshals, and district attorneys shall be made in duplicate to be marked 'original' and 'duplicate,' and it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the proper accounting officers of the treasury, and to retain in his office the duplicate which shall be open for public inspection at all times.' If the public had the right already to inspect such papers, why did congress deem it necessary to create such a right by the passage of this act?

"It is, therefore, very clear to my mind that the unlimited right of a citizen of the United States to inspect and examine all the records and papers belonging to the court does not exist. The right to examine certain records and papers does exist. It exists as to the books containing the docket or minute entries of the judgments and decrees of the court."

See also *In re Cincinnati Enquirer* (Fed. Cas. No. 2, 719 (C.C.S.C. Ohio, 1879 (later proceedings in re McLean, supra.)).

Reference to two other illustrative cases is made in Cross' "The People's Right To Know," Cumulative Supplement No. 1, p. 18 (December 1953) as follows:

"See also *Lait and Mortimer* v. *New York Post* (U.S.D.C.; So. Dist., N.Y.), wherein (according to Editor and Publisher, Nov. 22, 1952) certain transcripts of pretrial depositions were ordered sealed to the press and made available only to legal counsel on court order made on motion of counsel for the newspaper and concurrence of plaintiff's counsel. (The report stated that the decision did not preclude admission of the press when depositions were taken and that the 'question of press coverage will be settled by agreement of opposing counsel,' newspaper counsel told the court. It may be remarked that neither public nor press may be expected to accept agreements of counsel, if they become habitual, as finally determining of rights of attendance and news coverage).

"See also *Pearson* v. *McCarthy* et al., (U.S. D.C., D.C. Letts, J., September 1951); not reported; copy of ruling in files of American Society of Newspaper Editors, Post Office Box 1053, Wilmington 99, Delaware, where in a libel suit, the court overruled a motion under rule 30(b) to seal depositions and exclude the public saying:

" 'The records of this court are open to the public. The proceedings of this court are open to the public. It should be an unusual situation which would require the court to exclude the public or to deny to the public what transpired in the trial of a case.' "

"(c) Trial itself." As already noted above, under our Anglo-American system of law the general rule is that judicial proceedings and trials are open to the public, and secret trials and hearings are exceptions to this general rule. However, that a court has the power, in the absence of statute or rule to restrict access to or publicity about trials of civil cases, under certain circumstances, cannot be doubted. (6 "Wigmore Evidence," (secs. 1835, 1836) (3 ed. 1940)).

Dr. Cross, in his book, "The People's Right to Know," at pages 172, 173, ably summarizes the current state of the law as follows:

"While instances of exclusion of the public are rare and of exclusion of the press even more rare in cases of trials other than those in the three excepted classes above mentioned [(1) trial involving divorce, matrimony, and sex; (2) juvenile court proceedings; (3) domestic relations courts] or others where exclusion is sanctioned by statute, it appears that the courts have, or at least will exercise, a discretionary power of exclusion where extraordinary circumstances exist. Such circumstances have been held to exist where secret processes are involved, evidence of unusually scandalous character will be introduced, or where publicity would prevent administration of justice."

See also *United States* v. *Holmes* (1 Wall Jr. 1 (1842)), where even though the court construed the act of March 2, 1831 (Rev. Stat. 725) as preventing them from prohibiting publication, newspaper reporters were refused admission within the bar by court order, except on the condition that they not publish the proceedings pending completion of trial.

"(d) Decision-judgment." I have found no Federal cases in point. However, granting a situation where a court has the inherent power to treat a civil case in secret, including the fact that the case has been filed, the contents of the pleadings, and even the trial itself, it should logically follow that the court would have the inherent power to suppress the terms or provisions of its decision or judgment.

As regards consent decrees in antitrust cases, there would appear to be no reason why such decrees would not fall under the same rule of law as other decrees and judgments. I have not had the opportunity to ascertain the precise facts in the matter but, in the past, Members of Congress, including Representative CELLER and Representative ROOSEVELT, have publicly complained that by agreement of the parties a consent decree in the Government's antitrust case against A.T. & T. was held confidential.

"(2) State practice—(divorce cases)." To detail State practice with regard to the power of a court to treat civil cases in secret would require an exhaustive research project far beyond the apparently desired scope of this memorandum. In general, except as controlled by statute, the States follow the same general rule as prevails in Federal jurisdictions; i.e., that courts generally have the power to order papers filed with them and proceedings held before them to be suppressed or held in confidence, except as to parties or persons with a demonstrated interest.

As regards divorce cases, some States have statutes specifically authorizing or requiring exclusion of the public from hearings (see 6 "Wigmore Evidence," sec. 1835 (3 ed. 1940), and the list of States having such statutes, set forth in footnote 2). In the absence of statute, it has been held that matrimonial actions may be tried in chambers (see 53 Am. Jur., Trial sec. 36).

"(3) Criminal prosecutions." The sixth amendment to the U.S. Constitution provides:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial."

The U.S. Supreme Court apparently has not yet ruled on the question of what constitutes a public trial.

Rule 26 of the Federal Rules of Criminal Procedure provides:

"In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by an act of Congress or by these rules. The admissibility of evidence and the competency and privileges of witnesses shall be governed, except when an act of Congress or these rules otherwise provide, by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience."

The collection and discussion of a number of the lower Federal court cases dealing with this subject are set forth in Cross, "The People's Right To Know," 156 et seq. (1953).

MEMORANDUM CONCERNING ATTORNEY GENERAL ROGERS' REFERENCE TO *GILES* v. *HARRIS* (189 U.S. 475)

When Attorney General Rogers appeared before the Senate Rules Committee on February 5, 1960, I stated to him that in the opinion of many lawyers the Department of Justice and the Federal courts now had virtually all the authority he was asking Congress to give him in his referee proposal; and since he had only brought four court actions under the Civil Rights Act of 1957 (enacted more than 2 years ago) why did he not use more vigorously the authority he already had. (Let it be clearly understood that I am convinced that Congress needs to enact further legislation in order to give adequate support to the right of qualified Negroes to vote; the point of this is merely whether the Civil Rights Commission labored and the Attorney General brought forth a mouse.)

In its report of last September, the Commission stated that the Attorney General's court actions were "disappointing in number, nature, and results. But in terms of securing and protecting the right to vote, the record of the Department of Justice's Civil Rights Division, under the Civil Rights Act of 1957, is hardly more encouraging than it was before. Nearly 2 years after the passage of the act, the Department of Justice had brought only three actions under its new powers to seek preventive civil relief." (The Department of Justice has actually brought four cases, as mentioned above, in two of which the Attorney General was upheld by the Supreme Court on February 29, 1960. The third case is still before the Court and the fourth is yet to be tried.)

In answer to my question Attorney General Rogers stated that in his opinion the equity powers of the Federal courts were not now broad enough to permit the court to appoint court "voting referees" where a pattern or practice of Negro disfranchisement existed. He supported this opinion primarily by citing an old Supreme Court case, *Giles* v. *Harris* (189 U.S. 475 (1903)). In this case the Court considered a bill in equity brought by a Negro for himself and on behalf of 5,000 other Negroes against the Board of Election Registrars of Montgomery County, Ala. The bill alleged that they had made proper applications to register for voting under certain provisions of the Alabama constitution, but had been unlawfully denied the right by the board of registrars. The bill contained two prayers: that the voters be registered and that the provisions of the State constitution be declared invalid. In an opinion by Justice Holmes denying the relief requested, a divided Court, gave as its principal reason for the denial the inconsistency of the plaintiffs' prayers. If the State constitution were invalid, as the plaintiffs alleged, the Court felt that it could not order the plaintiffs to be registered under an invalid law.

Although the Court did suggest that the traditional limits of proceedings in equity did not embrace a remedy for political wrongs (by which term in this case the Court meant the denial of the right to vote) there is some further language in the opinion to which the Attorney General might have called our attention.

In fact the Attorney General did not reach far enough into the meat of the case. From his point of view it is well that he did not. In summing up the position of the majority of the Court, Justice Holmes made it clear that he did not think the judicial branch of the Government should be used as the primary means of implementing the right of disfranchised Negroes to vote. He put it in these words: "In determining whether a court of equity can take jurisdiction, one of the first questions is what it can do to enforce any order that it may make. The bill imparts that the great mass of the white population intends to keep the blacks from voting. Unless we are prepared to supervise the voting in that State by officers of the court it seems to us that all that the plaintiff could get from equity would be an empty form. Apart from damages to individuals, relief from a great political wrong, if done, as alleged, by the people of a State and the State itself, must be given by them or by the legislative and political department of the Government of the United States."

In other words, Justice Holmes indicated that the solution to the problem of disfranchised Negroes did not lie in supervision by the court of State elections as contemplated by the referee proposal, but in an effective administrative mechanism provided by the Congress. Justice Holmes obviously suggested that the judiciary should be called upon not to administer or supervise but rather to adjudicate. Under the Enrollment Officer Act the three branches of the U.S. Government would be performing their proper and historic roles. The Congress would be legislating. The President would be administering and supervising. The courts would be deciding cases or controversies.

MEMORANDUM COMPARING ATTORNEY GENERAL ROGERS' "REFEREE" PROPOSALS WITH HENNINGS' "ENROLLMENT OFFICER" PROPOSAL

When the Senate Committee on Rules and Administration began its hearings on a series of bills designed to preserve and strengthen the right of citizens to vote regardless of their race or color, all of the bills, save those which dealt with the preservation of registration of voting records, had three things in common—they dealt exclusively with elections of Federal officers; the machinery was wholly administrative until such time as it became necessary to institute a court action for enforcement; and their primary constitutional basis was the provisions of article I, section 4, authorizing the Congress to make regulations as to the times, places, and manner of electing Senators and Representatives.

In a statement released on January 26, 1960, in support of a Department of Justice bill providing for court appointment of voting referees, Attorney General Rogers made some significant contributions to our thinking about the scope of the proposals to end racial discrimination in voting. He pointed out, quite correctly, that under the 15th amendment the power of Congress was broad enough to embrace legislation which would be appropriate for the elimination of racial discrimination in voting at State elections as well as at Federal elections. He pointed out that although the existing proposals might accomplish the objective of getting voters registered, they contained no realistic guarantees that those registered would ever get to vote. (While his contentions on this point were not wholly correct, they did move us to examine with great care the kinds of guarantee that could be made.) He pointed out that the enforcement provisions of most of the existing registrar proposals were confined to criminal processes against State officials which in many instances are less effective than equitable remedies. (The last of these bills, S. 2814, introduced on January 14, 1960, by Senator HUMPHREY and others, obviated this particular defect.) These observations were good ones.

Unfortunately, the good Mr. Rogers has done by making them may be outlived by the bad embraced in his testimony before the Rules Committee in support of his original proposal, and especially by the bad in the changes made later in his original proposal. These changes are embodied in a Department of Justice release dated February 16, 1960, and are now incorporated in the proposal made in H.R. 10625, introduced in the House of Representatives on February 23, 1960, by Mr. MCCULLOCH. It is very significant to note that Deputy Attorney General Walsh has said of these changes: "The Department is still of the view that these procedures are better left to the judge, and it does not recommend any change [in its original proposal]," although the Department "would have no objection to a bill in which these procedures are fully spelled out." Senator DIRKSEN, the Republican floor leader, has not yet embraced these changes so completely as to introduce a Senate amendment containing them.

THE TWO ROGERS' PLANS

What the Attorney General has given us then is two plans. The one, although it may be constitutional, is not likely to work with the effectiveness claimed by him. The other if it should work as he describes it, is probably unconstitutional. The fundamental difference between the original referee proposal and the one submitted later is this. The original proposal provides that the court may appoint voting referees in the event that it finds, in an action brought by the Attorney General, that, under color of law or by State action, persons have been deprived of voting rights on account of race or color, pursuant to a pattern or practice. This proposal may very well be constitutional because it does not direct the court to make a finding concerning the existence of a pattern or practice of discrimination. In most of the cases brought under the provisions of section 131(c) by the Attorney General once the court has found that discrimination exists against particular Negroes involved in the case, it will be unnecessary to the resolution of the issues before the court for it to determine in addition whether or not a pattern exists. What good is this original referee proposal, therefore, if the conditions necessary to set the scheme in action are likely never to occur?

In the revised referee proposal, if the court finds that under color of law a person has been deprived because of race or color of his voting rights, the court is directed, upon request of the Attorney General, to make an additional finding whether such deprivation was or is pursuant to a pattern or practice. If the finding be affirmative the court is directed under the proposal to receive applications for at least 1 year from any member of the class against which discrimination had been found. In attempting to avoid the possibility that no court unless directed to would ever find the existence of a pattern or practice or that no referees might ever be appointed, the second proposal runs afoul of article III of the Constitution.

Article III contains an additional provision that has been interpreted by the Supreme Court since the days of Chief Justice John Marshall, to mean that Congress may not impose upon the courts an obligation to render any decisions which are not necessary to the resolution of a case or controversy which has been properly brought before it. The Attorney General has led many of us into the false assumption that because the referee proposals begin with a case or controversy involved in a civil action brought by the Attorney General under the provision of section 131(c), it is therefore within the power of Congress to provide that a court issue supplementary orders in favor of individual voters whose qualifications were in no way at issue in the original action. And secondly, that such orders would operate against State or local voting officials who were not in any sense parties to or necessarily affected by the results of the original action.

To appreciate the error inherent in this assumption, it is important to consider the nature of the cases which have been brought and are likely to be brought by the Attorney General under the provisions of the Civil Rights Act of 1957. Although the problem with which we are trying to deal now is, broadly speaking, the necessity for implementing the right of qualified Negroes to vote regardless of race, the Commission on Civil Rights has found what is already obvious to most informed people that there are two principal methods by which the right of Negroes to vote has been thwarted: (1) by discriminatory application and administration of State registration laws, and (2) by the resignation of State or local registrars and the failure for long periods of time of State officials to make or obtain reappointments. In all instances where there were no registrars the majority of the electorate already registered and eligible to vote were white persons. The Attorney General has also noted these two methods of discriminatory registration. Three of the four suits instituted by him under the provisions of section 131(c) of the Civil Rights Act of 1957, all involve discriminatory practices in the registration process rather than discrimination at the polls.

Now, when the Attorney General brings an action against registration officers, although he may present evidence that only one or a dozen or 1,377 Negroes have been discriminated against, he asks the court to issue an order enjoining the defendants from engaging in any acts or practices which would discriminate against any application for registration because of his race or color and not just an order granting or restoring rights only to those individuals concerning whom the court has heard evidence of discrimination. If the court issues such an order, is it likely to assume that its order will be disobeyed and in anticipation of this disobedience prescreen all Negro applicants for registration?

It seems to me that it would be a most unjudicial act on the part of the court to engage in the kind of prescreening contemplated under the referee proposals; and insofar as such prescreening was unnecessary to the resolution of the original case before the court it would be unconstitutional for Congress to require it.

An even more serious constitutional difficulty is encountered when a court is required to issue further orders to be effective against voting officials at polling places. These officials are in no sense parties to the original action, and the courts would not and should not assume, without any evidence, that they would enter into a conspiracy to deprive Negroes of the right to vote. In fact, there seems to be no evidence indicating that Negroes who are once registered under State laws have been denied the right to cast their ballots when they presented themselves to the voting officials on election day.

With regard to the constitutionality of the referee proposals, I might say this in summary. I am persuaded that the existing powers of the court extend to all of the important aspects of the original proposal of the Attorney General[1] and that insofar as his later proposal would extend his power and the powers of the court to matters outside the case or controversy involved in the original action, the later proposal is unconstitutional.

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[1] See my separate memorandum on this subject.

INADEQUACY OF THE REVISED ROGERS' PROPOSAL

In assessing the revised referee proposal it is important to keep in mind that Attorney General Rogers in his testimony before the Rules Committee advocated that the process of registering qualified Negro voters, who had been denied their rights, be as routine as the registration process for white voters. Let us, therefore, look carefully at this proposal to see just how routine it really is and how inadequate it would be in practice. The first step to be taken by unregistered Negroes would be to persuade the Attorney General to exercise his powers under section 131(c) of the Civil Rights Act of 1957 and bring an action against the registrar. I have already mentioned that since 1957, the Attorney General has brought only four such actions.

Having persuaded the Attorney General to bring an action, the unregistered Negro would have to await a finding by the court that he had been deprived on account of his race or color and by State action of the right or opportunity to register or any other right guaranteed by 42 U.S.C. 1971(a). At this point the Attorney General must request the court to make an additional finding as to whether such deprivation was or is pursuant to a pattern or practice. After this additional finding the adjudication presumably would become subject to whatever rights of appeal the defendants might have. Only after the defendant's rights on appeal had been determined, does each Negro voter in the affected area become entitled, upon application to the court to an order declaring him qualified to vote. His entitlement, however, depends upon his ability to prove to the court: (a) that he is qualified under State law to vote and (b) that he has been either (1) deprived of or denied under color of law the opportunity to register to vote or otherwise qualified to vote or (2) found not qualified to vote by any person, acting under color of law. In its discretion the court, instead of considering personally the application of each Negro, may appoint voting referees to consider them.

To avoid the delay which would be inherent in any proceeding before a referee under existing rules of Federal procedure, the later referee proposal provides that each applicant shall be heard ex parte. However, a report of the evidence on each application together with his findings must be submitted to the court for review by the referee. After receiving the report the court will issue an order to show cause why an order of the court should not be entered in accordance with the report. At this point, despite the routine procedure before the referee, the referee's report becomes subject to exceptions to be taken by the parties defendants in the original action. Here is another occasion for delay before the unregistered Negro has become registered. Undoubtedly the provision permitting exceptions to be taken to the referee's report was designed to give the defendants an opportunity for their day in court. This day of the defendants is largely an illusory one because the applicants' literacy and understanding of other subjects are to be determined solely on the basis of answers included in the report of the voting referee, which answers were given in an ex parte hearing. The scheme is subject to another attack at this moment because the parties defendant may very well claim they have been denied any real opportunity to defend themselves against allegations implicit in the applications or to controvert the testimony taken at the ex parte hearing. Only after each Negro has successfully completed this legal obstacle course does he become entitled to a certificate of registration. But he has not voted yet. Since this entire process purports to be a legal proceeding, the certificate cannot be effective without a further order of the court directed to voting officials, who have not been parties to the original action, to honor such certificate. Now at this point also appeals may be taken from these orders on the ground that the voting officials who are also enjoined were given no day in court whatsoever. It seems to me that this maze of legal technicalities and court orders, orders appointing referees, orders to show cause, orders entered in accordance with the reports of referees can hardly be described as routine.

HENNINGS ENROLLMENT OFFICER PROPOSAL

From the testimony before the Rules Committee and reports submitted to it by legislators, constitutional lawyers, political scientists and other experts, it became obvious to me that Congress had not only the constitutional authority but the political obligation to relieve the courts of some of the tremendous and unnecessary burdens which have been placed upon them in this epic struggle to guarantee equal civil rights to all citizens regardless of their race or color. The failure of Congress to enter into this area may be fostered by erroneous or irresponsible remarks like the one made by the Attorney General in his testimony before the Rules Committee that it requires the court to tell Congress when to act. In contending that the registrar proposals could not be extended to cover State elections, Mr. Rogers stated: "Now the only time the Federal Government can interfere under the terms of the 15th amendment is when there is a judicial decision that the Constitution has been violated" (hearings, p. 368).

Now, as I read the 15th amendment, section II provides that "The Congress shall have power to enforce this article by appropriate legislation." Although there is an abundance of evidence in the records of the hearings before the Rules Committee to refute Attorney General Rogers' statement, for me no more is necessary than a quotation from the opinion of the Supreme Court in *Ex parte Virginia* (100 U.S. 339 (1879)). In that case the Court discussed the meaning of section II which is identical in the 13th, 14th, and 15th amendments. In noting that all of these amendments derive much of their force from this provision, the Court stated: "It is not said that the judicial power of the General Government shall extend to enforcing the prohibitions and to protecting the rights and immunities guaranteed. It is not said that branch of the government shall be authorized to declare void any action of a State in violation of the prohibitions. It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation." In my opinion, the Enrollment Officers Act would be appropriate legislation not only from a constitutional point of view but from a practical point of view as well.

Under its provisions, the President would be authorized to appoint Federal enrollment officers from among officers or employees of the United States who are qualified voters within the district in which they are to serve. Under either of two circumstances, first, whenever the Attorney General notifies him that in an action brought under section 131(c) of the Civil Rights Act of 1957, a court has found that under color of law or by State action a voting registrar or other State or local official has deprived persons in a given locality or area of registration or the opportunity of registration for elections because of their race or color; second, whenever the Commission on Civil Rights informs him that, acting under the duties imposed upon the Commission by section 104(a) of the Civil Rights Act of 1957 to investigate allegations of denial of voting rights, it has found that under color of law or by State action a voting registrar or other State or local official has deprived persons in a given locality of registration or the opportunity for registration for elections because of their race or color. When the life of the Civil Rights Commission is terminated, the notification may be given to the President by whatever other agency or department the President designates to perform the same functions the Civil Rights Commission performed under section 104(a). After a finding has been made and reported to the President, he may delay the appointment of Federal enrollment officers in order to permit prompt and continuous good-faith efforts by State and local officials to terminate the deprivation of the right to vote on account of race or color, if such delay seems justified and suitable in his judgment. Once established, a Federal Enrollment Office is to be abolished whenever the President determines that there is no further need for it.

ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

The Federal enrollment officer is authorized to receive applications from all individuals living in localities or areas as to which a finding has been made either by a court or by the Commission. However, no person may be enrolled who is not of the same race or color as the persons found to have been deprived of registration or the opportunity of registration. Any applicant whom he finds to meet the qualifications for voters under the laws of the State shall be enrolled as qualified to vote in all elections in like manner and for like period as prescribed for persons registered under State law and shall receive from him certificates of enrollment. Although the Federal enrollment officer is required from time to time to transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him, these local officials are given no orders and are required to take no action until the enrolled voter appears at the polling booth to cast his vote. At that time each qualified voter who is enrolled by a Federal enrollment officer shall have the right to vote and to have his vote counted. If any State official or other interested person wishes to challenge the right of any enrollee to vote, he may. Whenever such challenge is made, however, the enrollee shall be entitled to vote and to have his vote counted, subject to a determination of the validity of the challenge by the district court in any appropriate action. I assume that State and local officials will comply with the law once Federal enrollment officers who are their neighbors and fellow voters have done their job. If any of them fails to comply, however, the remedy is simple and certain. The provisions of the act are enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States by the Attorney General. When necessary to assure persons enrolled under the act to vote and to have their vote counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials requiring them to permit persons enrolled under the act to cast their votes and have them counted. If the court wishes to issue a temporary restraining order without notice to the local voting official who has threatened to refuse or has refused, or has denied or threatened to deny the right of an enrollee to cast his vote, it may do so under rule 65(b) of the Federal Rules of Civil Procedure.

In summary the referee proposal with its unavoidable complex judicial involvements is cumbersome and ineffective as an instrument to guarantee that qualified Negroes will be permitted to vote without regard to their race. In other words it will do very little for the Negro. On the other hand it carries with it an implied insult to the law-abiding white citizens of the South. In addition if used extensively it will place an enormous burden on the southern Federal courts.

The enrollment officer proposal is free of all these infirmities. It guarantees to the Negro a simple and certain method of securing the right to cast his vote and have it counted. At the same time it assures the people of the South that no unqualified Negro vote will ever influence the results of a southern election by providing for challenges.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3183) to amend section 457 of title 28 of the United States Code to protect the right of the public to information, introduced by Mr. HENNINGS, was received, read twice by its title, and referred to the Committee on the Judiciary.

MARKETING OF GASOLINE AND OTHER PETROLEUM PRODUCTS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, two bills relating to the marketing of gasoline and other petroleum products. The first bill would strengthen free competitive enterprise in the marketing of gasoline and other petroleum products, motor-vehicle parts, equipment, accessories, and supplies by providing for filing of certain contracts and reports with the Federal Trade Commission. The second bill would strengthen public policy and law providing for independent competitive enterprise in the marketing of gasoline and other petroleum products, motor-vehicle parts, equipment accessories, and supplies.

The last-mentioned bill, which deals with the problem of independent marketing of gasoline and other petroleum products, is the result of a long, long study by Members of the House of Representatives, mainly at the instigation—and "sparkplugged," as it were—by a distinguished Member of the House of Representatives, JAMES ROOSEVELT, of California. Similar proposed legislation is to be introduced today or tomorrow, or perhaps was introduced yesterday, in the House of Representatives.

These bills are the result of many, many months of study on this very serious problem of the antitrust features of the oil companies' operations in relation to independent gasoline dealers throughout the Nation.

The bills actually should be called small business bills.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred.

The bills, introduced by Mr. MAGNUSON, by request, were received, read twice by their titles, and referred to the Committee on Interstate and Foreign Commerce, as follows:

S. 3185. A bill to strengthen free competitive enterprise in the marketing of gasoline and other petroleum products, motor vehicle parts, equipment, accessories, and supplies by providing for filing of certain contracts and reports with the Federal Trade Commission; and

S. 3186. A bill to strengthen public policy and law providing for independent competitive enterprise in the marketing of gasoline and other petroleum products, motor vehicle parts, equipment, accessories, and supplies.

PROVISION OF VETERANS' BENEFITS FOR CERTAIN FEMALE CONTRACT SURGEONS

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to amend section 106 of title 38, United States Code, to provide veterans' benefits for female contract surgeons who served with the Armed Forces during World War I.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3190) to amend section 106 of title 38, United States Code, to provide veterans' benefits for female contract surgeons who served with the Armed Forces during World War I, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. YARBOROUGH. Mr. President, in 1918, women surgeons who volunteered and were accepted were attached to the Medical Corps as contract surgeons of the U.S. Army.

The women surgeons who served in World War I and are alive today number only about 50 or 55. I am advised that most of these women surgeons were highly qualified and eligible from professional standards to be commissioned in the Medical Corps in the United States Army, except for the fact that in World War I, no special provisions had been made for the enlistment of women in the U.S. Army.

I am introducing a bill today that is designed to correct these omissions and thereby to provide veterans' benefits for these courageous women of World War I.

Some of these women surgeons were transported overseas without the benefit of war risk insurance. They experienced the war hazards along with the regular soldiers in crossing the Atlantic; they faced the perils of submarine warfare while on shipboard.

I have reviewed reports of the services rendered by some of these women surgeons during World War I, and I find commendation from the officers for their heroic services in the hospital zones of Europe. Battle casualties were brought in convoys to base hospital No. 13 within 48 hours, and over 6,000 patients were treated in base hospital No. 13, where some of these women surgeons were called for duty.

At Limoges, France, the lives of these wounded American soldiers often depended on the skill of these women surgeons. Anesthetics were in short supply. In one case, it was necessary to remove lungs of these soldiers who had been wounded or gassed. At that time there was no pressure apparatus to inflate the remaining lung, but these operations were successfully conducted due to the special skills of some of the women surgeons who had had special training for this condition before joining the service. In this way, the lives of numerous soldiers were saved at base hospital No. 13. I feel, after reading these reports and reviewing these records, that these women surgeons who volunteered to enter this service should have the protection of veterans' pensions and benefits.

When the call came to serve our country in time of need, these women did not look into all of the details of what protection and what benefits would be received. Today, we give our serviceman the benefit of educational advantages, loans, and other types of compensation for drafted service as well as voluntary service. In contrast, these women surgeons voluntarily entered into these duties, and at the time asked for no special consideration. These women surgeons of 1918 are now elderly persons, and they need compensations to meet their expenses. I introduce this bill in the Senate today, and I hope that hearings can soon be held, and that the cases can be brought to the attention of the Congress and all Americans. The story of the heroic service of these valiant women surgeons of World War I should be placed on the records of the Congress and action granted in their behalf. I believe that the story of the women surgeons of World War I would be an inspiration to the women who are serving in our Armed Forces today, as well as to all Americans.

EXTENSION OF EXISTING PROVISIONS OF LAW RELATING TO FREE TRANSPORTATION OF CERTAIN PERSONAL AND HOUSEHOLD EFFECTS—AMENDMENT

Mr. MAGNUSON submitted an amendment, intended to be proposed by him to the bill (H.R. 9881) to extend for 2 years the existing provisions of law relating to the free transportation of personal and household effects brought into the United States under Government orders, which was referred to the Committee on Finance, and ordered to be printed.

INCREASED POSTAL RATES—MESSAGE FROM THE PRESIDENT—(H. DOC. NO. 357)

Mr. JOHNSON of Texas. Mr. President, the President has transmitted to the Senate today a message on increase of postal rates.

The message has been read in the House, and I therefore ask unanimous consent that it be printed in the RECORD without its having been read, and that it be referred to the Committee on Post Office and Civil Service.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

In the budget message I urged the enactment of legislation to increase postal rates in order to eliminate the postal deficit. Several facts indicate the urgency of such action by the Congress.

The Postal Policy Act of 1958 definitely states that postal rates and fees shall be adjusted from time to time as may be required to produce the amount of revenue approximately equal to the total cost of operating the Postal Establishment, less the amount attributable to the performance of public services. That act directed the Postmaster General to submit to the Senate and House of Representatives no later than April 15 of

this year the results of his survey of the need for the adjustment of postal rates and fees in accordance with this policy.

Because of the existing inadequate postal rates, the Post Office Department is losing $2 million every working day. In the 13 years from July 1946 to June 1959 the postal deficits have been approximately as much as the entire cost of running the Federal Government in 1938. The cumulative $6.8 billion postal deficit for these 13 years represents nearly one-half of the total increase in the Federal debt during this same 13-year period. Interest charges alone on the debt represented by this cumulative deficit are costing our taxpayers some $200 million each year.

These huge postal deficits are phenomena of the years since World War II. In the years from 1900 to 1940 the losses of the Post Office Department averaged only $33 million a year. Since that time—excluding the war years—these losses have increased astronomically. The tremendous losses incurred since World War II have been due to the increases in cost of everything the Department uses or buys, and to the failure of the Congress to enact postal rate increases to pay for the added costs. For example, since the increase in the first-class letter rate in 1932 from 2 cents to 3 cents, costs have more than doubled, but the first-class-letter rate has been increased only one-third. The annual losses on second- and third-class mail, now in the hundreds of millions of dollars, are likewise growing.

It is imperative that Congress implement the policy it wisely established in 1958 of providing that the Post Office Department shall operate on a self-supporting basis. The Postmaster General is transmitting to the Congress the administration proposals for increases in postage rates on first-, second-, and third-class mail to yield an estimated $550 million of new postal revenues in the 1961 fiscal year. Responsibility in the handling of our public affairs demands prompt action, in this session, to restore the Post Office Department to its traditional posture of budgetary good sense.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 11, 1960.*

NOTICE OF HEARING ON NOMINATION OF CLEMENTE RUIZ NAZARIO TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to announce that a public hearing has been scheduled on the nomination of Clemente Ruiz Nazario, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico, for a term of 8 years, for 2 p.m., Monday, March 21, 1960, in room 2228, New Senate Office Building.

At the indicated time and place all persons interested in the nomination may make such representations as are pertinent. The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. RANDOLPH:

Article by him for Charleston (W. Va.) Gazette, March 10, 1960, entitled "A Truly Balanced Industrial Complex Is Attainable in West Virginia."

Article entitled "The Governor," published in the March 1960 issue of New Jersey Bell.

"THE SPLENDID MISERY"—BOOK BY JACK BELL

Mr. JOHNSON of Texas. Mr. President, I should like to call to the attention of the Senate a timely and significant new book written by a man all of us know, Mr. Jack Bell, chief political writer for the Associated Press, and head of its Senate staff.

Mr. Bell's book, "The Splendid Misery," deals interestingly and perceptively with the Presidency and Congress. It is one I think all Americans should read.

A good many Senators were at the opening of Ballantyne's Book Store, where the book made its first appearance, and attended the autograph party.

In connection with my remarks, I ask unanimous consent that there be printed in the body of the RECORD a penetrating analysis of "The Splendid Misery." The review was written by the distinguished author and historian, Mr. Gerald W. Johnson, and was published in the March 6 issue of the New York Herald Tribune.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

WHAT THE PRESIDENCY IS LIKE

Review of book, "The Splendid Misery," by Jack Bell; reviewed by Gerald W. Johnson

Because the style of this book is informal, chatty, and frequently amusing, a careless reader may grossly underestimate its importance. It is a study of the Presidency that, in this reader's opinion, makes Harold Laski's academic work look pale and thin by comparison.

Mr. Bell is no academician. He is an Associated Press reporter in the Washington bureau, recently covering the Senate but with years of experience all over the place. He violates all academic rules. He exhibits a cheerful contempt for chronology, skipping from Washington to Eisenhower, back to Van Buren, and forward to Cleveland, with the utmost ease. There isn't a footnote in his nearly 500 pages. There is an index, but no bibliography. There is an unsupported opinion—a flat ipse dixit, if you please—in every second paragraph. There are unabashed wisecracks.

This is all wrong, as pundits will agree. You simply can't construct proper monographs that way. However, this fellow knows what he is talking about and gets it told in plain words; so if you read him you will know more about what the Presidency is really like, and why it is that way, than you would after laboring through many a dreary tome produced by meticulous scholarship.

It was Jefferson, the third President, who described the office as "but a splendid misery." There is no doubt that he spoke sincerely, yet as Bell proves beyond dispute, by comparison with Eisenhower, 34th President, Long Tom hadn't seen anything, either of splendor or of misery.

Bell pierces to the heart of the matter in this sentence: "It is not so much the burdens imposed upon him by the Constitution and Congress that weigh the President down as it is the unwritten demands that he be the leader and father-confessor of nearly everything that transpires in American life."

Leadership—national leadership—is not among the powers vested in the President by the writers of the Constitution; but they did not vest it in any other officer, so the President has gradually acquired it until now it has become by far the most important of his functions. When he exercises it, the Nation moves—toward trouble if he uses it unwisely, toward greatness when he uses it well. But when he cannot, or will not use it at all, we hang on dead center.

Bell's thesis is that the history of the United States was really made under the strong Presidents who number less than a third of the 33 individuals who have held the office. (Eisenhower is the 34th President because Grover Cleveland was the 22d and also the 24th.) This explodes the theory of the Founding Fathers, including Washington, who hated and feared the idea of a strong executive. But the evidence is massive that Bell is right.

Of course, he is not right in every detail. His conclusion that the President could be materially assisted by a national advisory council seems to this reader as vaporous as anything Henry Wallace dreamed up; and he shares the delusion, typical of Washington correspondents, that long service in the legislative qualifies a man to head the executive branch. Experience with Buchanan, McKinley, Harding, suggests rather that it disqualifies him by weakening his initiative. The aggressive Truman is an exception, but even he began weakly.

Dyed-in-the-wool partisans will raise another objection to this book. They will not like Bell's tart comments on their heroes; but the judicious will cherish them precisely because they are tart. In a campaign year, with every possible and impossible candidate being liberally anointed with literary goose grease, a touch of acid helps settle the stomach. It certainly attests in making the book readable; and the vote next November would be more intelligent if it were very widely read.

CIVIL RIGHTS LEGISLATION

Mr. JOHNSON of Texas. Mr. President, I believe the Senate can now settle down to the normal process of legislating. The Senate now has demonstrated quite conclusively that it wants to consider the issue of civil rights on its merits.

The difficulty over the years with civil rights legislation has been the fear of many persons that political considerations would override good judgment.

I think the votes in the Senate yesterday demonstrated that the Senate can consider this issue on the same basis as any other issue, and the Senate consigned to the ashcan the comments of the propagandists about "beefing up bills" or "watering down bills."

When this debate opened, I said that I trusted the Senate to come to a decision based upon collective conscience and judgment. I feel that faith was fully vindicated yesterday.

There were Members who yesterday conscientiously differed on what should be done. But the votes definitely bore no relationship to partisan lines.

I would point out, Mr. President, that a majority of the Democratic Senators

voted against closing debate, a majority of the Republican Senators voted against closing debate, and a majority of the Senate voted against closing the debate; and I do not think anyone would claim that the minority ruled the Senate.

I think this will indicate to the country that an honest and sincere effort is being made to solve a very difficult problem, and to right wrongs without creating new wrongs.

Mr. DIRKSEN. Mr. President, last night, prior to the vote on part III, I had hoped to make a somewhat extended statement on the matter. However, being quite cognizant of the pressures which were on Members because of their engagements, I did not feel that I wanted to detain the Senate.

I do wish to say, however, in amplification of the brief statement I made, that when the civil rights bill of 1957 was under consideration, we considered many proposals in the form of amendments. They included the so-called part III and also provision for authority for the Attorney General of the United States in civil rights cases to provide relief through the injunctive process. But as the measure finally emerged in 1957 and went to the statute books, it created—among other things—the Civil Rights Commission. It set out rules of procedure. It defined the duties of the Civil Rights Commission, spelled out the Commission's powers, provided for the designation of an additional Attorney General of the United States to preside over the Civil Rights Division in the Department of Justice, authorized damages and equitable relief, made it unlawful to use threats or coercion in interfering with the right to vote, dealt with criminal contempt in jury trials, and also redefined the qualifications of Federal jurors.

It was contended that we should have approved part III—which was rejected in 1957—in order to implement the enforcement of civil rights statutes. Whether at some future time that must be done, I am not now prepared to say.

But I do submit—having opposed the proposal last night—that it was not in the administration program, and that the administration program does include some specific measures which move in many directions to achieve greater effect in the civil rights field. I point out that the program before the Senate contains provisions which relate to the obstruction of court orders in desegregation cases, gives the Attorney General power to look at voting data and registration lists, expands the powers of the Federal courts in setting up voting referees and in following through, so that not only will the right to vote be safeguarded at every turn, beginning with registration, but also to make sure that the votes also will be counted. I believe these constitute truly significant advances in the field, if we can get them enacted.

I reemphasize that both the President and the Attorney General, in opposing the inclusion of part III at this time, have carefully and, I think, fairly evaluated the situation. They realize, even as we should realize, that in the civil rights field we want to go forward as fast as we can, without at the same time jeopardizing the whole cause. I believe that is sound policy to pursue in this instance.

If the new proposals, as additions to the 1957 act, can be consummated, I believe we shall have made telling progress in the whole field of civil liberties.

TRIBUTES TO TOM STOUT

Mr. MANSFIELD. Mr. President, on occasion I have spoken to the Senate about Montana's talented journalists and newsmen. Many of these writers are unfamiliar to my colleagues here in the Nation's Capital. But we do have an outstanding editorial writer who is by no means unfamiliar to the Washington scene. I speak of Tom Stout, who has just announced his retirement from the Billings Gazette, in Billings, Mont.

Tom served two terms in the House of Representatives; he belonged to the same freshman class as Speaker SAM RAYBURN, and they took their oath of office in 1913. Tom did not seek to continue his political career after 4 years, but returned to newspaper work in Montana, where he has been active ever since. Always with a close eye on the political situation, he provided Montana readers with many a fine editorial analysis of the important issues of the day.

Tom Stout published a newspaper in Lewistown, Mont., for many years; and in 1947 he joined the staff of the Billings Gazette, as chief editorial writer. The retirement of Tom Stout creates in Montana journalism a void which will not be easily filled.

Tom has been a true friend and counselor, and I want to wish him many years of happiness and accomplishment in the future.

Mr. President, I ask unanimous consent to have two news stories from the Billings Gazette of February 29, 1960, and one from the March 3, 1960, issue of the Cut Bank Pioneer Press printed at the conclusion of my remarks in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Billings (Mont.) Gazette, Feb. 29, 1960]

WIDELY KNOWN WRITER RETIRES

(By Addison Bragg)

When Tom Stout turns the key in his office door in the Gazette at noon Monday it will mark the close of a career of more than 55 years in Montana journalism.

And it's better than even money the Gazette editorial—written by Tom on the occasion of his retirement—won't be the only one noting the event to appear in a Montana newspaper.

His name has been associated so long with newspapers in the State.

Stout, who is retiring after 13 years on the Gazette, joined the Gazette staff in 1947 at the age of 68. He first saw Billings on Easter Sunday in the year 1902 on his arrival from Missouri.

He was up early the next day to look for a job—and found one mixing concrete for a store basement.

"They told me I'd make $2 a day," Tom recalled, "so I stayed with it until noon, collected $1, bought a 35-cent breakfast at the Luzon Cafe and, with 65 cents in my pocket, started job hunting again."

Col. M. C. Morris, publisher of the Billings Times, gave Tom the job that was to launch him on his newspaper career.

In November of the same year the young Missourian jumped at a $22-a-week offer in Lewistown as city editor of the Argus. Two years later he cofounded the Fergus County Democrat which in 1916 became the Lewistown Democrat News. He and associates published the Democrat News until its sale in 1946.

Between 1902, however, and 1960, the Montana newspaper man found himself a second career, this one in politics.

He became a Democratic candidate for election to the Montana Senate in 1911. "I surprised everyone—including myself—by getting elected," he grinned.

At the end of his term in the legislature the Lewistown editor and publisher was elected to the U.S. House of Representatives for two terms.

Standing at his side that fourth day of March in 1913 when they took their oath of office was another freshman Congressman who unlike Stout, decided to stay in politics—"Mr. SAM" RAYBURN, of Texas.

After devoting the war years and the 1920's exclusively to his newspaper, Stout again entered public service in 1930 when he was elected to the Montana Public Service Commission. He served again in the State legislature when he was elected to the House of Representatives in 1942, 1944, and 1946.

Get Tom started talking one day about either of his twin vocations—his store of recollections is rich in both.

He discovered shortly after arriving in Washington as a new Congressman, for example, that Capitol Hill freshman are "pretty small potatoes."

"Because things were so crowded," Tom recalls, "my office was located quite a distance from the House itself—and I complained about this to Champ Clark, then Speaker of the House."

His constituents in Montana, Tom told Clark, wouldn't think he amounted to much.

"Well, son," the famous Missourian said gently, "they'll be about right, won't they."

Freshman Congressmen to this day, Tom agrees, can't answer back to that one.

As an editorial writer, Tom describes himself as "going to bat for every major reform that came along, including woman suffrage, the direct primary, the initiative and referendum."

In his book-lined office on the second floor of the Gazette, Tom looked around at the maze of reference material a newspaper office accumulates.

He had no trouble answering the question as to what he considered the most valuable book in any newspaper library.

He reached toward a shelf near his swivel chair, removed a volume and held it up:

"No question about it," he said. "I've never been without one in my office—and no editor should be."

The leather binding was worn, the pages well-thumbed—it was a copy of the Holy Bible.

[From the Billings Gazette, Feb. 29, 1960]

THE RETIREMENT OF TOM STOUT

With this issue, I retire from my position as an editorial writer for the Gazette. At the invitation of J. H. Dickey, Jr., then general manager of the paper, I began working for the Gazette April 1, 1947. Having, with my associates, sold our paper in Lewiston, I was happy to again become engaged in the kind of work which I had followed since arriving in Billings in the early spring of 1902.

As I clear my desk and turn over the key to my office here today, it will mark the close of a career, if it can be so dignified, of more than 55 years as a newspaper editorial writer.

In severing my connection with the Gazette, my only regret lies in ending my

associations with the score of fine men and women who have been employed in various capacities by the Gazette since I came here nearly 13 years ago. I find it difficult to conceive of a more loyal, efficient group of employees anywhere.

My future plans are not yet fully determined, but I can say sincerely that wherever I may go, whatever I may do and however long it may be before I come to the end of the trail, I will hold in fondest remembrance the friends I have been privileged to make among Gazette employees and other residents of Billings.

TOM STOUT.

[From the Cut Bank (Mont.) Pioneer Press, Mar. 3, 1960]

SALUTE TO TOM STOUT: FRIEND OF MANY YEARS

What I learned indirectly when in Billings several weeks ago has become formal and made known to the public, the retirement of Tom Stout as the editorial writer for the Billings Gazette, a position he has held for the last 15 years.

After coming to Montana from his home in Missouri Tom began his newspaper career at Billings, later went to Lewistown and eventually headed a group that purchased and operated the Lewistown Democrat. His newspaper experience in Montana has extended over a period of more than 55 years.

Tom's activities since coming to Montana have not been confined to newspaper work. In fact they have been more varied, possibly, than any other resident of the State, in earlier and later times.

A lawyer by education (he never practiced this profession) a Member of Congress from 1913 to 1917, a member of both houses of the Montana Assembly, a member by appointment to the Montana Public Service Commission and more conspicuously, a historian of the Montana scene. His three-volume history of Montana is an authentic and widely recognized coverage of the history of the pioneer years of the State.

Generally recognized as the most famous editor in Montana's formative years was John M. Durston, who presided over the editorial page of the Anaconda Standard. His scholarly editorial comments attained a national readership.

In later years editors like Dobell, Stone (later to become dean of the State's first school of journalism), Bole of the Great Falls Tribune, Leipheimer of the Montana Standard, came along to make their impress as vigorous and able editorialists.

But three men whose writings in a still later era reached far beyond the Montana horizon, surveying and assessing the crowding events of a larger world in a highly perceptive way were Tom Stout of the Lewistown Democrat, Dick Kilroy and Charles Towne, the latter two doing editorial work on the Anaconda Standard and Butte Post.

Stout gained an enlarged vision of European continental backgrounds during a trip to Britain and the major countries on the Continent while a Member of Congress. The urbane Dick Kilroy came over from Ireland after graduating from Trinity College, Dublin. Charles Towne (now living at Tucson, Ariz.) came to Montana from New York, where he made a name as journalist and author of several books.

These three gave sparkle and scholarship to the calling of editorial and feature writing; they personalized a profession at a time when other editors on the daily end hid their talents pretty much behind anonymity. As a passing observation—and regretfully—this situation with but two or three exceptions prevails in Montana today and the irony of it is that the two most forthright and outspoken editors of our daily newspapers are comparatively recent arrivals—Ed Fike of the Lewistown Daily News and Bill Sweetland of the Kalispell Inter Lake.

During the period when Tom Stout was in command of the editorial page of the Lewistown Democrat he deftly mixed his comments on international, national, State, and local developments with a delectable sense of humor, especially in his fencings with a little group of self-confessed political primates who were striving according to their best lights to promote and sustain the Republican faith.

The only editor of a daily newspaper who condescended to pay any attention to their zealous trumpetings for the Grand Old Party, Tom's pitch was one of sorrow and pity over their persistence in sticking to false philosophies and heretical beliefs. He allowed often that time might soften and eventually effect a cure of such strange obsessions, plus his prayers for their redemption.

I can testify that such Hollywood-type engagements, the only casualties being typewriter ribbon, created much amusement among readers of all the papers participating in the exchanges. Often now, when in Great Falls or Helena, older residents of the State amusedly recall these sham battles and express the wish that there might be more of it instead of what goes on in Afghanistan or the Island of Gumbo Goo.

And so a salute to a friend of more than a half a century who didn't say in his retiring announcement that he had "called 30," the newspaper symbol when the last sheet of copy is turned in. I'll be hoping that he'll be back in the harness after a respite and rest, continuing to contribute of his wisdom, his humor, his mature and heady analyses of the swiftly changing order here in our own land and all around the world.

LAUSCHE AMENDMENT TO DIRKSEN SUBSTITUTE

Mr. STENNIS. Mr. President, after study, I shall favor the Lausche amendment. In his explanation of the amendment, the Senator from Ohio put his finger on the very point we southerners have been trying to get across for the last few weeks.

In discussing the restricted nature of the crime proposed to be created in section 1 of the Dirksen amendment—obstruction of court orders dealing with school segregation cases—he said:

> I submit to my colleagues that if the section were confined only to orders dealing with desegregation, the Senate would be divisibly and improperly pointing its finger at only one section of the country (RECORD, p. 5184).

Thus, the Senator from Ohio put a question of good faith properly before the Senate.

If there is any real need to thus protect certain court orders, why should not all court orders be equally protected?

Why should a court order regarding desegregation receive a greater degree of protection under our laws than other court decisions, involving, for example, labor disorders? There is no honest or legal difference.

General application of this particular new crime would go far in convincing the people of the South that they will not be victims of especially cruel and unusual legislation. They justly feel that these bills are directed solely at them to deal with conditions they did not cause, but inherited; for clinging to solutions upheld by the Supreme Court, but subsequently struck down by a later court; for trying to educate all children, but being persecuted for trying to maintain the schools that crown over 90 years of cooperative effort.

I thank the Senator from Ohio for putting this matter of fairness before the Senate, and will support his amendment.

LOYALTY OATH PROVISIONS OF THE DEFENSE EDUCATION ACT

Mr. CLARK. Mr. President, there will shortly come before this body for action a bill reported favorably by the Senate Committee on Labor and Public Welfare which, if passed, would eliminate the disclaimer affidavit from the National Defense Education Act. This bill was sponsored by the junior Senator from Massachusetts [Mr. KENNEDY] and myself.

On February 18, 1960, as shown at page 2349 of the CONGRESSIONAL RECORD, the senior Senator from New Hampshire [Mr. BRIDGES] spoke as follows:

> I am happy to report, however, that the objection—
>
> Referring to the objection to the disclaimer affidavit—
>
> comes from a very tiny minority of the participating colleges, only 12 out of approximately 1,300.

Mr. President, I ask unanimous consent that there may be printed in the RECORD at this point a list of institutions of higher education which on officially stated grounds have refused to participate in, or have withdrawn, in whole or in part, from the NDEA program because of the disclaimer affidavit. This list is as of March 2, 1960. It is not complete. There are perhaps 20 or 25 institutions listed.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Amherst College, Massachusetts.
Antioch College, Ohio.
Beloit College, Wisconsin.
Bennington College, Vermont.
Bryn Mawr College, Pennsylvania.
University of Chicago, as of July 1960.
Goucher College, Maryland.
Grinnell College, Iowa.
Harvard University, Massachusetts.
Haverford College, Pennsylvania.
Interdenominational Theological Seminary in Georgia.
Mills College, California.
Oberlin College, Ohio.
Princeton University, New Jersey.
Radcliffe College, Massachusetts.
Reed College, Oregon.
University of Richmond, Virginia.
St. John's College, Maryland.
Sarah Lawrence College, New York.
Swarthmore College, Pennsylvania.
Wellesley College, Massachusetts.
Wesleyan University.
Wilmington College, Ohio.
Yale University, Connecticut.
Smith College.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD a list of institutions of higher education whose presidents or boards have publicly stated their disapproval of the disclaimer affidavit requirement, as of March 2, 1960. This is a list of perhaps 50 or 60 institutions.

I ask unanimous consent to also include therewith in the RECORD a list of other colleges or universities with faculty expression.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

LIST OF INSTITUTIONS OF HIGHER EDUCATION WHOSE PRESIDENTS OR BOARDS HAVE PUBLICLY STATED THEIR DISAPPROVAL OF THE DISCLAIMER AFFIDAVIT REQUIREMENT (AS OF MARCH 2, 1960)

Bates College, Maine.
Boston College, Massachusetts.
Bowdoin College, Maine.
Brown University, Rhode Island.
Case Institute, Ohio.
Chattanooga University.
City College of New York.
Colby College, Maine.
Colgate University.
Colorado College.
Columbia University.
University of Connecticut.
Cornell University, New York.
Dartmouth College, New Hampshire.
Denver University, Colorado.
Drexel Institute, Pennsylvania.
Earlham College, Indiana.
Hamilton College, New York.
University of Hawaii.
University of Illinois.
Indiana University.
Iowa State Teachers College.
University of Iowa.
Lake Erie College, Ohio.
Lake Forest College, Illinois.
Lafayette, Pennsylvania.
Lawrence College, Wisconsin.
Carleton College, Minnesota.
Manhattan College, New York.
Millsaps College, Mississippi.
University of Minnesota.
Mount Holyoke College, Massachusetts.
University of New Hampshire.
Northwestern University.
University of Notre Dame.
Penn State University.
University of Pennsylvania.
University of Pittsburgh.
Providence College, Rhode Island.
Rensselaer Polytechnic Institute, New York.
Rhode Island College of Education.
University of Rhode Island.
Roanoke College, Virginia.
Roosevelt University, Illinois.
Rutgers University, New Jersey.
University of the South, Tennessee.
Tufts University, Massachusetts.
Vassar College, New York.
Virginia Polytechnic Institute.
Washington College, Maryland.
University of Washington.
Wheaton College, Massachusetts.
Williams College, Massachusetts.
Wisconsin State College, Eau Claire.
University of Wisconsin.
Yankton College, South Dakota.
University of Richmond, Virginia.

OTHER COLLEGES AND UNIVERSITIES WITH FACULTY EXPRESSION

Boston University faculty.
Brandeis University.
Colorado State University.
University of Colorado.
Central Connecticut State College.
Johns Hopkins University.
University of Maine.
University of Massachusetts faculty.
University of Nebraska.
Ohio State University faculty.
Oregon State College faculty.
University of Oregon faculty.
University of South Dakota.
St. Cloud State College, Kansas.
St. Louis University, Missouri.
St. Norbert College, Wisconsin.
St. Olaf College, Minnesota.
Syracuse University faculty and students.
Washington University.
College of Wooster faculty, Ohio.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD a list of other educational organizations which have taken a position against the disclaimer affidavit in the National Defense Education Act.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

American Association of Land Grant Colleges and State Universities, 70 schools, 68 land grant.
American Association of University Professors.
American Council on Education, 142 educational organizations, 1,046 institutions.
Association of Graduate Schools.
Association for Higher Education.
National Council of the Churches of Christ.
American Council of Learned Societies.
American Jewish Congress.
Association of American Colleges, 778 institutions.
Association of American Universities, 42 universities with graduate schools.
National Conference on Higher Education, 16,000 teachers and administration.
National Education Association.
New England Society of Newspaper Editors.
State Universities Association, 24 institutions, none land grant.
National Student Association.

Mr. CLARK. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point a number of editorials from student publications in opposition to the disclaimer affidavit.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Drexel (Pa.) Institute of Technology, Drexel Triangle, Feb. 5, 1960]

EDITOR'S NOTE

U.S. Senator HUGH SCOTT, Republican, of Pennsylvania, said recently he will support the move to repeal the non-Communist affidavit now required of students receiving certain Federal loans because "it casts suspicion on students."

Speaking at the founder's day convocation of the Philadelphia College of Osteopathy, Senator SCOTT said:

"The National Defense Education Act, which I supported in 1958 because it provides important aid to education, contains one unfortunate provision. It requires that a student who receives a Federal loan sign an affidavit that he does not believe in or belong to any organization that teaches the illegal overthrow of the Government.

"There is nothing wrong with the affidavit, as such. I have signed it myself several times in connection with my Navy duty and other Government assignments.

"But this disclaimer is not required of other persons receiving Federal aid. Farmers who get subsidy payments do not have to sign it. Neither do businessmen who get small business loans.

"So why do we single out students? Many educators in our Commonwealth and elsewhere have objected strenuously to this disclaimer as discriminatory. Since it is not applied equally to all persons, I support President Eisenhower's proposal to repeal this part of the law.

"This provision casts suspicion upon students. It makes it appear that we do not trust American education, when in fact this Nation depends more upon its system of education than its system of missile launching to provide our national strength and leadership.

"The National Defense Education Act requires also that a person receiving benefits swear allegiance to the United States. That provision will remain. Anyone unwilling to take the uniform loyalty oath should not receive the benefits of Federal assistance. That is all the affidavit which should be required."

[From the Drexel (Pa.) Institute of Technology, Drexel Triangle, Feb. 5, 1960]

MORE ABOUT LOYALTY

(By Hugh Chairnoff)

The National Defense Education Act of 1958 offers, to American students, loans to enable them to complete their college education. In return, the students must sign the conventional loyalty oath required, for example, of all Federal employees. However, also required is the signature of the student to a disclaimer; that is, the student swears he has no affiliation with a subversive organization. This disclaimer portion of the loan agreement has caused a great controversy that will go unsettled until Congress has repealed this disclaimer. After all, farmers who have received Government aid have not been asked to sign such oaths. Why so with students?

A few months back, this act received a great deal of publicity. The cause of this was the fact that numerous educators had spoken out against the disclaimer clause to the point where they had refused to allow their students to accept Federal loans. Perhaps the most outspoken of these educators is Dr. A. Whitney Griswold of Yale. Dr. Griswold said: "Loyalty cannot be coerced or compelled, it has to be won. Loyalty oaths are inherently futile, as no subversive or treasonous person hesitates to use them as a cloak for his intentions." Partly on the basis of this statement, Dr. Griswold has seen fit to refuse to allow his students to accept Federal loans where the signing of the oath is required. To date, 12 colleges and universities, including Harvard and Yale, have withdrawn from the program in protest against this provision holding that it tends to slight the character of the college students.

Here again, the National Defense Education Act, as other laws, has imposed loyalty upon the citizenry. The number of people who believe that loyalty must be bought, daily are increasing; and to these people the oath has become but a ritualistic gesture. That the United States must win the loyalty of an individual before he is ready to avow loyalty is a concept that appears to be concealing a frightening implication. With this concept, an individual must ask himself what the United States has done for him lately. This is a ridiculous question and one that is objectionable to those who devoted their life to the service of a country whose principles they are firmly convinced are righteous.

And now, the National Defense Education Act has implied that the college students of America cannot be trusted. Not to presume loyalty among a group who will shortly direct the fortunes of America is preposterous. If our elected representatives have not been able to manage this country effectively through the years, and gain the confidence of the citizens, then the principles that this country was established upon have not been inculcated among the generations, and loyalty cannot be demanded.

There are means of having citizens feel a sense of loyalty. Of course, one of the prerequisites is an education aimed at offering the citizens an opportunity of seeing our system stripped of its political icing and exaggeration. Many are surprised to find how little their fellow citizens are aware of the mechanics of our Government free from political grandeur. Encouragement to partici-

pate in politics on any level must be constantly advocated. Responsibility that will yield confidence in themselves and pride in this system of Government are well worth while. Then, we can say we have something to be proud of; something we are willing to defend; something that will add strength to our weakened convictions.

[From the University of Pennsylvania Daily Pennsylvanian, Nov. 17, 1959]

STUDENTS, FACULTY HOLD LOYALTY OATH BIASED

(By Richard L. Lehman)

In a brief sampling of University faculty members and officers, the Daily Pennsylvanian has found 100 percent objection to the loyalty oath and disclaimer affidavit required of all recipients of Federal funds under the National Defense Education Act.

The most vehement of those faculty members questioned was Dr. MacEdward Leach, professor of English, who stated: "I thought that the witch hunts were finished a long time ago. What's the point of a loyalty oath for undergraduates? I could understand the government's fear of a teacher subverting his students, but do they really believe that an undergraduate student is going to subvert his friends? Besides, the loyalty oath is discriminatory."

DR. SHAABER AGREES

Dr. Matthias Shaaber, chairman of the English department, agrees with Dr. Harnwell's decision. "I approve of Dr. Harnwell's action on the matter of the loyalty oath and Federal loan funds. I don't like the oath and feel that no one should be subjected to it, but the choice should remain with the individual student. However, it seems that the government is discriminating against students."

Several deans of the university's undergraduate schools also voiced their opinions, Dr. Willis J. Winn, dean of the Wharton School, declared, "I go along with the university policy."

SYMPATHIZES WITH HARNWELL

"Dr. Harnwell protested the loyalty oath and tried to have it removed as a requirement for receiving Federal funds. I sympathize with him. We must protest until it has been removed. Until then, it will be up to the individual's own conscience whether or not to sign it."

Dr. Otto Springer, acting dean of the college, also agrees with President Harnwell, "the president made a statement in his letter to the university faculty senate that the refusing of funds might make the public unsympathetic. He said that people might also misunderstand our motives. I am in no position to make a personal comment and can only say that I agree with him."

[From the University of Pennsylvania Daily Pennsylvanian, Nov. 23, 1959]

THE HIGH COST OF IDEALISM

The announcement that Yale and Harvard have rejected student loan funds under the National Defense Education Act because of the act's loyalty oath requirement should be of more than passing interest to the administration of this university.

Of the 18 or so colleges that have withdrawn from the program since it was announced in the spring, Yale and Harvard are the two largest and most influential ones. What is more, they are two sister institutions of Pennsylvania from which this university admittedly takes many cues.

This case illustrates perfectly how idealism can be a costly practice. Yale and Harvard together are giving back nearly a half million dollars for the sake of their academic integrity, but as one student aid official at Pennsylvania said recently, "They can afford to be virtuous." At the present time, the NDEA funds play too important a part in this university's student loan program (they account for nearly 50 percent of it) to be flatly rejected. The university is showing its basic feelings, however, by making "oathless" funds available on the same terms to students who choose not to sign the loyalty oath and affidavit of disbelief.

As admirable as this compromise is, it is not enough. The university must fight the loyalty oath provision tooth and nail through legislative channels in Washington and enlist in this cause the other schools who oppose the measure but are accepting the funds. If we are to believe our administrators who tell us the loyalty oath is an abominable encroachment on academic freedom, we must see them act positively to have the oath requirement removed. All the Government's money would not justify hypocrisy.

[From the Cornell University Daily Sun, November 1959]

LOYALTY OATH—TWO QUESTIONS

In the midst of the debate over the loyalty oath provision of the National Defense Education Act, two distinct facets of the problem which demand separation and detachment from each other have been so closely interrelated as to confuse and obscure much of the essence of the decision which a university must face in determining its own policy toward Federal aid.

The first and most essential aspect of the question involves whether or not the loyalty oath provision is at all desirable or necessary, and whether or not it fulfills any worthwhile function. The second involves the university much more directly, and that is whether or not given the fact of the legislation, the university is justified in issuing a blanket refusal to accept Federal aid in protest over the loyalty oath, thus depriving the student of the opportunity not only to enjoy financial aid but also to make any significant decision concerning the oath himself.

The act requires a student applying for a loan to swear that he does not believe in, belong to or support "any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods."

Some advocates of the provision argue that the Federal Government has the right, if not the obligation, to prevent the use of its funds by any individual who believes in the illegal overthrow of the Government. On the surface this argument seems reasonable enough.

With regard specifically to the National Defense Education Act, however, this argument becomes invalid and ineffective. The purpose of the act, apparently, is to maintain the national security and the American way of life. Yet the loyalty oath may well be said to violate in spirit, if not fact, one of the essentials of our way of life: the protection afforded to an individual by the first amendment to the Constitution.

The further consequence of this violation is that the act cannot fulfill its objective. Anyone capable of working toward the overthrow of the Government is clearly capable of perjuring himself in signing a loyalty oath enabling him to receive Federal aid. On the other hand, the act denies Federal aid to the many idealists who will not sign the oath solely because it violates, in their minds, their constitutional rights. These individuals are further subject to the opprobrium of a society which often refuses to differentiate between the loyal objector and the disloyal one.

The loyalty affidavit, then, is unnecessary and selfdefeating. But this fact does not make the decision a university must make a great deal easier. For most universities must face another fact: That they do not have sufficient funds to provide financial aid to all the students who need and deserve it.

Cornell provides an excellent example of the university which in fact cannot afford to dismiss lightly the approximately $150,000 it receives annually under the provision of the National Defense Education Act. We do not have the financial capacity of a Harvard or Yale. We cannot meet the justifiable demands of all the students who request financial aid each year.

Faced with this dilemma, there seems to be but one alternative which can effectively balance the financial needs of the students against the need of a university to maintain its integrity. The university must oppose the loyalty affidavit in the strongest terms, working toward the eventual elimination of this unfortunate legislation. But unless the university can provide all its students with sufficient financial aid, it must continue to accept Federal aid, leaving the moral decision to the students themselves. This is the decision which Cornell has made. It is essentially a wise one, one of which there is no reason to be ashamed.

[From the Cornell University Daily Sun, November 1959]

DISCLAIMER OATH—POSITION REAFFIRMED

President Malott has reaffirmed his position with regard to the disclaimer oath provision of the National Defense Education Act. In a statement to the Alumni News, Mr. Malott has once again gone on record as being vigorously opposed to the disclaimer oath. And he has reaffirmed his intention to maintain Cornell's participation in the program of Federal aid to education.

Mr. Malott's attitude toward the oath provision has not changed since his initial statement concerning that legislation. His objection is based on the "fact that beliefs are not subject to legislative control" and that the disclaimer oath is "superfluous." There is no question but that his objections to the oath are valid ones. A number of major universities throughout the country have adopted this position, some refusing to take part in the program at all.

As for Cornell's continued participation in the program, we must again agree with Mr. Malott. At present, Cornell students are receiving some $150,000 annually from the Federal Government as part of the program established under the legislation of 1958. This year, because the Federal funds arrived too late last year to be put to any use, Cornellians will be sharing in some $300,000.

The university cannot afford to refuse this money, for the reasons cited by President Malott. First, students should be given the opportunity to share in these funds, if they, as individuals, are willing to sign the disclaimer oath. The University does not have available sufficient funds to cover all student applications for aid. If it did, the entire situation would be different. But given the existing deficiency, the student must be given the choice.

One item in the president's statement must not be overlooked. He has unmistakably made clear that for any student who cannot, as a matter of principle carry out the provisions of the act, the university will make every effort to obtain funds from sources other than the Federal Government.

To date, some 150 students have applied for aid under the provisions of the National Defense Education Act. Not one has voiced any protest over the loyalty oath provision. This fact may not be terribly significant. Nevertheless, it is of the utmost importance that no student be deprived of financial aid on the basis of his principles. And the university must make this perfectly clear to any student applying for such aid.

One of the major objections to Cornell's continued participation in the loan program

is that in order to effect the repeal of the legislation a united front of major universities refusing to accept any funds under these provisions must be presented to the legislature for its consideration.

* * * * *

But if the university's financial status demands our continued participation, there still remain other methods of expressing our disapproval, both student and administrative. The university's position has been made clear by the President's statement and by his letter to Arthur Flemming, Secretary of Health, Education, and Welfare.

But the student voice has as yet not been heard from, at least not the official voice of the undergraduate student body as expressed by the executive board. Ultimately, the issue of the disclaimer oath affects the student body. It must be the choice of each individual student either to accept the provisions of the act or object to them. But vigorous criticism of the entire program cannot be confined to those students applying for aid, if anything is to be done about the legislation. We feel it is the obligation of the executive board to consider the issue and to add the voice of the Cornell student body to the many others which have already been enlisted in the struggle to repeal the disclaimer oath.

[From the University of Texas Daily Texan, November 1959]

YALE, HARVARD PROTEST

If the university didn't have so many scholars who really need loans, we'd recommend that this institution join Yale and Harvard in protest over the Federal defense loan program's loyalty affidavit.

Just this week both ivy league institutions withdrew from the program, relinquishing almost half a million dollars in funds available as loans to needy students.

Yale President A. Whitney Griswold said the affidavit "partakes of the nature of the oppressive religious and political test oaths of history, which were used as a means of exercising control over the educational process by church and state."

The affidavit requires a student applying for a loan to swear that he does not believe in, belong to, or support "any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional methods."

Earlier Oberlin College in Ohio announced its withdrawal from the program for similar reasons. The faculty of Wesleyan University in Middleton, Conn., overwhelmingly voted its opposition to the affidavit requirements of the loan program.

While the university can hardly afford to turn away further grants to needy students on this campus, some action can be taken:

The faculty council and the student assembly could, at least, protest the negative, ineffective affidavit by resolution.

Should a subversive want a loan, he would sign the oath—regardless of its restrictive sentiment.

[From the University of Colorado Daily, Feb. 12, 1960]

NOT ONLY "LOYAL" BUT "NONDISLOYAL," TOO

A Senate committee late last week OK'd the repeal of the "nondisloyal" affidavit required of students who receive Government loans under the 1958 National Defense Education Act.

With luck the repeal will go through, though some of the archconservatives in the driver's seat in the House of Representatives don't understand what all the shouting is about.

Students accepting loans under the act must not only swear their loyalty, in the customary positive oath of allegiance, but also swear to their nondisloyalty, in an affidavit that denies membership in organizations that believe in or teach the violent overthrow of the Government.

The issue here goes much farther than the fact that many leading schools have either withdrawn in protest or are continuing to participate in protest (the University of Colorado and the University of Denver have taken the latter stand).

The "nondisloyal" oath is odious for several good reasons:

First, it singles out students as potentially disloyal, even though no other recipients of Government subsidies and loans—farmers, businessmen, even Government employees—are not so stigmatized.

This is another holdover from the fiercely anti-intellectual atmosphere of the McCarthy era. It's time we grew up and stopped being suspicious of people with superior brain quality.

Second, it is ineffective, since no Communist would hesitate in perjuring himself, especially on an oath of which perjury is so hard to prove.

Third, it stigmatizes individuals for their beliefs; this is obviously foreign to free American political traditions, indeed subversive of them. Even the slightest hint of thought control must be avoided, lest people be dissuaded from espousing unpopular beliefs simply because they are unpopular.

Fourth, it is highly likely that the oath is unconstitutional, and that a Communist, were he ever prosecuted under the oath provision, would have a dandy time playing the martyr.

It is not a question, as some of the oath's supporters say, of whether a student is proud to stand up in public and proclaim his allegiance to his country.

It is whether we as a nation are proud of legislators who foolishly believe that communism can be contained and patriotism inspired by negative oaths, and who fail to see the danger and the insult in requiring them. (Denver Post.)

[From the Montana State Kaimin, Jan. 22, 1960]

THE OATH RETURNS TO HAUNT

That old bugaboo, the loyalty oath, is back with us again, only this time it's after students, not "evil Red professors." Many had thought this unpleasant episode in academic history would have been interred with the skeletons of the anti-Americans during the early fifties. Many had hoped that its implication that those who didn't sign were Communists and traitors would have been forgotten. No, not yet.

This time the oath is required of all students receiving financial aid from the Federal Government under the terms of the education act. Several colleges and universities have refused to accept Federal funds as long as the oath remains a part of the requirements for receiving aid. Others have accepted the funds grudgingly, indicating disapproval of the loyalty oath requirement.

Recently President Eisenhower told a press conference that he did not approve of the inclusion of the loyalty oath requirement in the education act saying, "When we begin to single out any group of citizens and say, 'This is a matter of legal compulsion,' I can see why they are resentful."

That is exactly the point. The oath implies that those required to sign it are suspect of their loyalty to the United States.

It's hard to understand why Congress would repeal the Taft-Hartley Act's requirement of an anti-Communist oath by union officials and at the same time defeat Senator JOHN KENNEDY's motion to delete the loyalty oath from the education act. Can it be that our Nation's principal internal enemies lie within ivy-covered walls and sulk in ivory towers?

The oath is an insult and defeats the purpose of the education act, to train specialists essential to the defense of our Nation. But what Communist, or other subversive would hesitate for a moment to sign such an oath.

There is only one solution to the problem created by the oath and that is to bury it.

The only use the oath had was to serve as a foundation for the dreams cherished by a few who dearly hoped that it would scare away anti-Americans (Communists, segregationists, integrationists, etc., etc., ad nauseam).

[From the University of Washington, Nov. 30, 1959]

OATH REQUIREMENT PROTECTS TOO LATE

(By Mary Richardson)

Two of the Ivy League "giants," Harvard and Yale, have announced their withdrawal from the Federal student loan program as a protest over the loyalty oath requirement. The two universities join the ranks of six other schools who have refused to accept the oath on the grounds that it violates the principle of academic freedom.

Certainly these institutions have a right to protest the Government's demand for a loyalty affidavit. And just as certainly the eight schools involved have little real need of the funds they are relinquishing in the name of educational liberty.

All the schools who have withdrawn are extremely well-endowed colleges and universities. On the other hand—and may we utter an unhappy sigh here—the University of Washington is not. In common terms, "We sure could use the money." Consequently, it would be unwise for the university to consider a similar withdrawal.

We are not saying, however, that we should not protest the forcing of the loyalty oath upon students. To the contrary, we feel that the original lack of protest was a basic factor in the inclusion of the oath.

The inadequate number of public complaints allowed the requirement to be left in the bill when it was passed by Congress. And students alone were not to blame—even many of the faculty members on this campus last spring would not make a statement concerning the oath.

The oath itself seems like a kind of window dressing, a holy-holy attempt to permit only the good and the pure to get an education on Government funds. The truth of the matter is that little faith can be put in such oaths.

Students—and faculty—on this campus should let their protests be known. Only by making our feelings public can we expect any action to remove the oath from the loan program.

[From the University of Kansas Daily Kansan, Dec. 2, 1959]

THE LOYALTY OATH

(By John Husar)

The clause requiring students to sign loyalty oaths before they can receive Federal loans has been a subject of controversy on many campuses this year.

Fourteen colleges and universities have withdrawn from the Federal loan program in protest of the clause requiring students to pledge their allegiance to the Nation and affirm that they are not, and never have been, Communists. These schools include Harvard, Yale and Princeton.

The main reason why the schools have repudiated the Federal loan offer is because they feel that the loyalty clause encroaches on our country's inherent academic freedom. The schools have acted in protest, even though they claim to need the money. We admire those eastern schools for their courage in forsaking money for principle. We regret that they must suffer financial loss to dispute an item such as the loyalty oath, which is not worth the cost of the paper it is printed on.

The oath has supporters who feel it is necessary to help root out saboteurs of American principles. They feel that subversive agents who sign the loyalty oath to receive funds can be tripped up on perjury charges should their actions ever be questioned. They feel that persons participating in a radical attempt to overthrow our Government would refrain from signing such an oath as a matter of honor, or would not be low enough to sign the oath only to "Americanize" themselves.

This is a world which supports lies and treason. The dollar is the impetus and the end to man's actions. The majority of Americans rationalize any successful attempt to gain wealth in order to make it acceptable.

A man will lie about his car in order to get a better price; he will "forget" to keep an accurate account of his time and expenses feeling that what he can gain from the boss is deserved anyway. He will lie to go fishing and lie to excuse poor work. He can think hard to find an excuse which will explain anything he does. As long as his principles aren't bothering him he will sign a contract he intends to break.

In doing this he treasons himself. He violates those personal rules and regulations he had set up for all the world to see. In doing this he commits a crime against himself—treason.

The above view is the practical result of man's tortured fight with himself. Today it is hard to believe anything which he signed, even the now insignificant loyalty oath.

[From the Dartmouth College Dartmouth, Feb. 18, 1960]

PRINCIPLE OR PRINCIPAL?

The National Defense Education Act, as it now stands, disclaimer affidavit intact, is repugnant to the professed values of the college. It is odious to the intellectual spirit of free men searching for knowledge in academic institutions.

Bargaining for the ideological beliefs of impressionable college students with the tempting offer of a generous loan from the Government can hardly be classed as commensurate with the ideals of liberal learning.

The affidavit in question results from a vague nationwide fear channeled into a search for scapegoats, and evidenced by the recent terrifying era of McCarthyism. That the affidavit is nebulous and inherently ineffectual seems negligible in contrast to the above.

The college should have rejected the offer of Government funds immediately, along with those universities and colleges which must be classed as the leaders of liberal education in this country. However, whatever opportunity the college may have once enjoyed, either to be a part of this group or to lead it has been irrevocably lost.

But the college did not take decisive action. It remained in the program, reaping the benefits, but deploring the affidavit. If the college discards the program, it could prove politically embarrassing, and of course, it would lose all monetary benefits. On the other hand, if the college chooses to remain in the program, it must compromise those attitudes, ideals and aims, upon which it was founded.

Keeping in mind that the college must take positive action, its immediate purpose must be to discover the most effectual means. We believe that there are two possible alternatives:

EITHER

The primary objective of any action by the college should be the immediate elimination of the unfortunate disclaimer affidavit by the most efficacious method; namely, the active student body and administration leadership of those institutions which remain within the Federal program.

The college now has the ineluctable opportunity to take the forefront in this drive, and to withdraw now would not only be politically inefficacious but the refutation of an idealistic stand which demands the affidavit's immediate elimination.

Political consensus in the American democratic process demands constructive action from a minority which works within the framework of the law. By retiring from the program the college would only continue that harsh distinction between the private and public institutions of our Nation—a dichotomy of such controversy that previous repeal bills have been recommitted in Congress, and will continue as such unless unified action from the insitutions of higher learning brings about a national consensus.

Consensus is impossible when dissension reigns among educators. Therefore, the college should take every step to bring about the affidavit's immediate disavowal, and not prolong this day by adding another divisive voice to those who have left the program.

OR

Considering the overall moral implications of remaining part of a program which is contrary to its expressed ideals, the college should withdraw immediately. Emergency funds should be allocated from other departments in order to pay back the Government grant, and to continue the program as it now stands. Undergraduates are indeed "the stuff of the institution," and forcing any student to leave the college now because of financial need would be contrary to that assertion.

Finally, the administration and trustees should make public, define, and defend the action they take. Students and faculty should write their home State Congressmen. Only through action can these ends be realized.

[From the University of Kansas Daily Kansan, Feb. 17, 1960]

MURPHY AND THE OATH

(By Doug Yocom)

We doff our hats to Chancellor Franklin D. Murphy for his stand on the loyalty oath and non-Communist affidavit.

He said his own opinion is that the loyalty oath is "unnecessary and improper" in regard to student loans. He gave the university's stand as being:

"The money is being given to the student on an individual basis. Therefore, it is strictly left up to the student to decide whether he wants to sign the papers or not."

This is only fair. After all, a recent survey of 379 KU students showed that 47 percent felt they were not familiar enough with the loyalty provisions of the National Defense Education Act to form an opinion on the oath. The university should not refuse the NDEA loans with almost one-half of the students not knowing why. It would be equally unfair to outlaw the loan fund when 29.5 percent of the 53 polled said they opposed the oath but believed KU should continue using the fund.

Dr. Murphy has stated the official university stand on accepting the Federal loans is based on the individual's own decision. If a student feels the loyalty provisions of the loan are objectionable, he has to answer to his own conscience.

Technically, the loyalty provisions can be divided into two separate parts. The loyalty oath asks the student to once again go through the formality of swearing allegiance to the U.S. Government. The disclaimer affidavit asks the student to swear he is not a member of a subversive organization or any organization "that believes in or teaches the overthrow of the U.S. Government by force or violence or by illegal or unconstitutional methods."

We can see no purpose in the disclaimer affidavit. A card-playing Communist would not have any qualms against swearing falsely to the document. And who determines what organizations are subversive? The affidavit does not specify the organizations that are disloyal. Could we be convicted of perjury if an organization we joined today would become labeled as subversive tomorrow? The affidavit does not say. The state is belittling the individual by striking blindly in hopes of finding a few subversives.

There is another danger in having the affidavit. The Federal Government could decide to extend the provisions of the oath. It might read "are you now or have you ever been in a group which openly discussed Marxism?" Or, equally as ridiculous, "are you in favor of the recognition of Red China."

Our wrath descends upon the loyalty oath as much as the disclaimer affidavit. It is an honor to recite the pledge of allegiance to the American flag or blend our monotone voice to the music of "The Star-Spangled Banner." Doing either is an American tradition.

But the loyalty oath implies that Uncle Sam does not trust the judgment of American youth. If we, after 15½ years of education, are not mature enough to distinguish communism from socialism or fascism or democracy, it is doubtful we will ever be able to make these judgments. Forcing us to give out allegiance so we can obtain a few dollars is putting patriotism on a material basis. We place our loyalty alongside any professional patriot in the American Legion. But we resent anyone trying to buy it. Loyalty is difficult to judge in terms of dollars and cents.

U.S. AND SOVIET TECHNICAL EDUCATION

Mr. LAUSCHE. Mr. President, the Committee on Foreign Relations last year engaged the Columbia-Harvard research group to make a study of economic and other conditions in Europe and in Soviet Russia. That research group filed its report, and in its report stated:

Soviet technical education: Although the Soviet Union now has about half as many college graduates as the United States, it now has at its disposal about 1,750,000 scientists and engineers, as against 1,540,000 in this country. This margin is likely to widen, since the Soviet Union is now training about twice as many scientists and engineers each year as we are. In general the quality of their training is not inferior to our own, and may in some respects be better. This training, in turn, should yield automatic dividends in such advanced technological fields as automation, electronics, photosynthesis, and atomic energy.

After I read that particular paragraph of the report I sent a questionnaire to the Secretary of Health, Education, and Welfare. In the questionnaire I posed questions the answers to which would reveal the comparative statistical figures between educational facilities in the Soviet Union and those in the United States.

The Department of Health, Education, and Welfare returned my questionnaire with answers. Those answers to me are very significant. I believe they will be both informative and revealing when generally read.

Mr. President, I ask unanimous consent that the questions, and the answers which were sent to me by the Department of Health, Education, and Welfare, be printed in the RECORD at this point.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

ANSWERS TO QUESTIONS LISTED IN SENATOR LAUSCHE'S LETTER OF JANUARY 29, 1960, CONCERNING A STUDY OF THE U.S.S.R. AND EASTERN EUROPE BY THE COLUMBIA-HARVARD RESEARCH GROUP

(Prepared by staff of the Office of Education)

Question. Are the statements and figures given in the Columbia-Harvard research group's study reasonably accurate?

Answer. The figures quoted by Senator LAUSCHE seem high both for the United States and for the Soviet Union. According to the best information available to this Office there were, in 1959, 975,000 engineers and 354,000 scientists, or a total of 1,329,000 in the Soviet Union. In the United States the respective figures were 850,000 engineers and 300,000 scientists, or a total of 1,150,000.

It may be that the higher figure quoted includes some who could be considered technicians.

Question. Are we graduating two times as many students out of our institutions of higher education than the Soviets?

Answer. In 1958 a total of 290,000 graduated from institutions of higher education in the Soviet Union. In the same year a total of 440,304 degrees were granted by institutions of higher education in the United States.

Question. In the face of this wide disparity between the relative number of graduates, is it a fact that the Soviet, with one-half as many graduates as the United States, is graduating twice as many scientists and engineers?

Answer. Figures for 1959 indicate that the Soviet Union graduated 106,000 engineers as compared to 47,000 for the United States. Although the number of American graduates in engineering increased after 1954–55, when it was 22,236, the number of American students enrolled in engineering has decreased since 1957.

Question. What, in your opinion, do these figures signify the differences to be between the principal aspects of the Soviet as compared to our educational system?

Answer. In judging both American and Soviet efforts in the fields of science and technology, we must remember that in the two countries the manpower situations are quite different and that, in terms of numbers, the Soviet needs are greater.

Relatively speaking, Russia is a greatly underdeveloped country when one compares the total results of their technology with America's. Russia is many years behind America in the development of all natural resources such as oil, gas, coal, iron, and the harnessing of waterpower, etc. Russia lags far behind America in the production of steel, in the development of its chemical industry, and in science-based industries which provide home appliances, radios, television sets, and other items which have advanced our standard of living far beyond that which Russia has attained. We are far in advance of Russia in scientific agriculture.

The Soviet Union reportedly has been able to achieve outstanding success in space science. However, in a dictatorial form of government, it is possible during peace or war to draft and assign manpower to any project demanding priority. There is little doubt that priorities as decreed by the central authorities influence the way in which students distribute themselves by field of study in the Soviet Union.

Question. What are the most reliable statistics on the comparative quality and quantity of our elementary, high school, and college facilities and teachers?

Answer. Enrollments in Soviet elementary and secondary schools in 1958–59 totaled 31,483,000. Total enrollments for 1958–59 in the United States for elementary and secondary schools amounted to 40,673,000. The United States, therefore, is carrying a heavier educational burden; or to put it differently, we are developing more of our human resources.

In 1958 the Soviet Union had an enrollment of 2,179,000 in higher education and the United States had an enrollment of 3,623,000.

In 1958 there were approximately 1,467,000 teachers in elementary and secondary schools in the United States as compared to the figure of 1,813,000 for the Soviet Union. Figures on the staff of institutions of higher education in the Soviet Union are of limited use because they include research workers in all kinds of research foundations.

The quality of Soviet education at all levels is a matter being investigated by the Office of Education on a continuing basis. Within the limits of available funds team observers have been sent and will continue to be sent to the Soviet Union.

Among people in the United States who have observed Soviet education firsthand there is some difference of opinion as to the quality of this education, including the facilities and the teachers. This is particularly true between those who observed Soviet education a few years ago and some recent observers. The latter tend to be more critical of the quality of Soviet education.

The observations of the most recent team of observers from the Office of Education will appear in printed form within a few months.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll and the following Senators answered to their names:

[No. 115]

Aiken	Frear	Martin
Allott	Fulbright	Morse
Anderson	Goldwater	Morton
Bartlett	Gore	Moss
Beall	Green	Mundt
Bible	Gruening	Murray
Bridges	Hartke	Muskie
Brunsdale	Hayden	Pastore
Bush	Hennings	Prouty
Butler	Hickenlooper	Proxmire
Byrd, Va.	Hill	Randolph
Byrd, W. Va.	Holland	Robertson
Cannon	Hruska	Russell
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N. J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S. C.	Smathers
Chavez	Jordan	Smith
Church	Keating	Sparkman
Clark	Kefauver	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, Hawaii	Thurmond
Dirksen	Long, La.	Wiley
Douglas	McCarthy	Williams, Del.
Dworshak	McClellan	Williams, N.J.
Eastland	McGee	Yarborough
Ellender	McNamara	Young, N. Dak.
Engle	Magnuson	Young, Ohio
Ervin	Mansfield	

Mr. MANSFIELD. I announce that the Senator from Michigan [Mr. HART], the Senator from Oklahoma [Mr. KERR], and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business.

The Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Hawaii [Mr. FONG] are absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The ACTING PRESIDENT pro tempore. A quorum is present. Is there further morning business?

Mr. LAUSCHE. Mr. President, what is the order of business?

The ACTING PRESIDENT pro tempore. The Senate is still in the morning hour. Is there further morning business?

CIVIL RIGHTS LEGISLATION

Mr. JAVITS. Mr. President, I ask unanimous consent that the text of the prepared remarks from which I was speaking on yesterday, in connection with my speech on the pending civil rights bill which appears in the CONGRESSIONAL RECORD at pages 5084 and 5085 be printed at this point in the RECORD, in order to answer any questions about the reporting of individual words which may not have been recorded.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS IN SUPPORT OF CLOTURE, PREPARED FOR DELIVERY ON THE SENATE FLOOR, THURSDAY, MARCH 10, 1960

The question which is to come before the Senate today—or if cloture fails today which will just as surely come before the Senate very soon—is whether a civil rights bill requires a majority of the Senate to be passed or whether it takes a two-thirds vote. After 259 hours of debate on the Dirksen substitute this is certainly the issue if the filibuster is to prevent the Senate from voting on the substantive matters before it. The motion to be voted on today is the first clear chance to record our views that we want the Dirksen substitute, not a more restricted bill as the vehicle for civil rights legislation. For it seems sure that if cloture is voted down today, the next cloture vote is likely on a more restrictive vehicle.

The country will want to know from every one of us whether there can be a fair balancing of the right of every Senator to have full opportunity to debate the civil rights issue and the right of the Nation to have it adequately voted on.

Under the parliamentary situation if the cloture motion passes, every Senator will have the opportunity to vote on every element of the Dirksen substitute and every amendment thereto. Indeed, the vote on the Dirksen substitute will be on separate propositions—each proposition requiring a separate affirmative vote. This is not a situation where the details of a bill can pass if they are not stricken out—they have to be voted in this case separately and affirmatively.

On the other hand, if cloture is to be voted only on condition that the bill takes a certain form then that part of the Senate needed for cloture—two-thirds rather than that part of the Senate needed to pass the measure, a majority, would be writing the bill. Whatever may be the position of an individual Senator as to the Dirksen substitute or any amendment to it, it seems to me that the issue is not any of those provisions; the issue is whether the Senate can exercise its constitutional function to vote.

I wish to emphasize that this is just as applicable to those Senators who want a bill which is primarily a voting rights bill as it is to those of us who want to do something about other civil rights as well because we are told that the extended debate—or filibuster as the newspapers call it—represents opposition to every phase of the bill, not just to those phases which go beyond voting rights. Accordingly, Members of the Senate who wish to vote for any bill will sooner or later have to vote for cloture. If that is the case, why not support it when there is a reasonable proposal before us—the Dirksen substitute—giving all of us who wish the right to vote for any civil rights bill the chance to express our views. A more restrictive bill upon which cloture is invoked will cut off from any opportunity to vote certain basic propositions. It is generally understood that the propositions which are the principal targets are those relating to sections 4 and 6 of the Dirksen substitute, the one dealing with assistance to help public school systems to desegregate and the other is the Commission on Equal Job Opportunities under Government contracts.

The rule of germaneness which accompanies cloture would, it is expected, cause these propositions to be deemed nongermane by the Chair if they were not before the Senate as the propositions to which the cloture motion is attached. It would then call for action by a majority to overrule the Chair which is something the Senate is reluctant to do and should not invite. Under the Dirksen substitute, they are before us if cloture is affected and may be voted up or down by a majority. In determining whether cloture should be invoked it is also important to look at what has happened to the work of the Senate while this extended debate—popularly called a filibuster—has been in progress.

First of all, committees have not been able to meet—either because it requires unanimous consent for committees other than the Appropriations Committee to transact any business while the Senate is in session, or because, in the case of the Appropriations Committee which has such permission on a permanent basis, subcommittee meetings have not been held.

Among the vital bills upon which consideration has had to be postponed are such key proposals desired by members of both parties as legislation dealing with the minimum wage pending before the Committee on Labor and Public Welfare; immigration legislation pending before the Committee on the Judiciary; the omnibus public works bill pending before the Committee on Public Works; mutual security legislation and various treaties before the Committee on Foreign Relations; and farm legislation, defense legislation, tax legislation and many other proposals vital to our economy and security. The normal course of Senate debate and procedure would permit action on these vital matters at the same time that a reasonable amount of time was given to debate and votes on each of the issues before the Senate in this bill.

A special look at appropriations is particularly interesting. So far this year, the House of Representatives has passed and sent to the Senate six appropriations bills—District of Columbia, Commerce, Interior, Aeronautics and Space Administration, Treasury, and Post Office, and the second supplemental. Yet, even with the permission of the Senate to sit, there have been no hearings at all on the Post Office and Treasury appropriations, which passed the House on February 23, and other appropriations subcommittees have failed to hold preliminary hearings.

Second, floor action on other business has been precluded. There are now pending on the calendar 133 bills, including such important ones as the extension of the Reorganization Act, various tax measures, judgeships, and, if something closer to home is required to make the Senate realize what the filibuster has created, there are pending a number of special committee resolutions, providing funds for employees of the Senate who have not, as a result of the failure to act on these resolutions, been paid since February 1, 1960.

I believe that this is an appropriate time for cloture because the Dirksen substitute is a fair middle ground enabling the Senate to work its will and accommodating the view of those who want a bill confined to voting rights and those who want to deal with other civil rights. A narrower base weakened beyond what some may feel is meaningful civil rights legislation might, I have heard, lose the support of some who would support cloture on the Dirksen substitute while it gained the support of some who want a more abbreviated bill. Therefore, those who favor civil rights legislation—whatever be their preference as to the bill—have their best opportunity now.

An effort has been made to picture the views of people like myself as extreme. I do not agree with such criticisms and I do not believe them justified. I am glad to state again as I did in a floor speech on Saturday, February 27, what I believe a meaningful and effective civil rights bill, considering our experience since 1957, should contain.

A meaningful, effective civil rights bill, using the administration package now before the Senate as a basis should contain first, provisions permitting the Attorney General to bring civil injunctive actions for the protection of civil rights guaranteed by the Constitution, when private individuals are unable to bring these suits themselves. In the alternative, I believe that the Attorney General should, at the very least, be authorized to join as a party in proceedings of this type brought by private individuals, and I would plan, should the sentiment of the Senate as expressed on part III so suggest, to offer such an amendment to the bill.

There is also a need for a more effective program of assistance to desegregation than that contained in section 4 of the administration bill, which provides only for funds to be used by States and localities to cover 50 percent of the special costs of technical services involved in the desegregation process—and in addition requires either the approval or tacit agreement of the State for local participation in the program. At the very least, such a program should contain provisions for technical assistance by the Department of Health, Education, and Welfare, and for funds to be used to replace aid withdrawn from a school district by a State which is attempting to prevent public school desegregation. There are at present such laws in four States.

We should endeavor to improve the provision for Federal voting referees by adding a provision for Presidentially appointed Federal enrollment officers in areas where legal proceedings are not essential. There should be an antilynching provision added to the present bill. Also, should receptivity on the part of the Senate be indicated, I believe an amendment dealing with elimination of poll tax by statutory means should be proposed, if the constitutional amendment recently approved is not ratified within a reasonable time.

Really, our present situation is a test of rule XXII as revised largely according to the plan of the majority leader in January 1959. At that time he assured us as follows:

"There are changes (in rule XXII). They are substantial changes. Yet they are not punitive changes on the one hand, or meaningless changes on the other.

"We close the circles of the Senate's ability to proceed responsibly.

"We assure that if the Senate is able to transact business I shall be able to consider the cloture issue on any decision before it.

"These are gains. With the gains come responsibility.

"After this resolution is adopted, none can hide behind the Senate as an excuse against the necessary and demanding work of finding resolutions for the problems of our people. All sides will be able to proceed to the real work—and that work has been neglected by some who have belabored the Senate instead."

It will now be determined whether rule XXII is really effective in permitting the Senate to act or whether the filibuster can be used to control not only the time of debate but the shape of the legislation.

Our purpose here is most serious. The 14th and 15th amendments were placed in the Constitution by a vote of two-thirds of each House and ratified by the States. Appropriate legislation was authorized by these amendments to implement them. The question is: Shall the rules of the Senate disable the Senate from passing this appropriate legislation except by the same vote which it took to pass the constitutional amendments authorizing it? A vote for cloture today may not indicate what kind of a civil rights bill any Member wants, but it will indicate that he does want a civil rights bill now.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Is there further morning business?

INVESTIGATION OF CHARGES OF POLITICAL CORRUPTION

The PRESIDING OFFICER. If there is no further morning business the Chair lays before the Senate a resolution coming over from a previous day, which the clerk will state by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 285) to authorize an investigation of certain election charges.

Mr. MAGNUSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 116]

Aiken	Frear	Martin
Allott	Fulbright	Morse
Anderson	Goldwater	Morton
Bartlett	Gore	Moss
Beall	Green	Mundt
Bible	Gruening	Murray
Bridges	Hartke	Muskie
Brunsdale	Hayden	Pastore
Bush	Hennings	Prouty
Butler	Hickenlooper	Proxmire
Byrd, Va.	Hill	Randolph
Byrd, W. Va.	Holland	Robertson
Cannon	Hruska	Russell
Carlson	Jackson	Saltonstall
Carroll	Javits	Schoeppel
Case, N. J.	Johnson, Tex.	Scott
Case, S. Dak.	Johnston, S. C.	Smathers
Chavez	Jordan	Smith
Church	Keating	Sparkman
Clark	Kefauver	Stennis
Cooper	Kuchel	Symington
Cotton	Lausche	Talmadge
Curtis	Long, Hawaii	Thurmond
Dirksen	Long, La.	Wiley
Douglas	McCarthy	Williams, Del.
Dworshak	McClellan	Williams, N.J.
Eastland	McGee	Yarborough
Ellender	McNamara	Young, N. Dak.
Engle	Magnuson	Young, Ohio
Ervin	Mansfield	

The PRESIDING OFFICER. A quorum is present.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is Senate Resolution 285, which comes over from a previous day.

Mr. MAGNUSON. The resolution offered by the Senator from Delaware [Mr. WILLIAMS] is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MAGNUSON. Is the Senate still in the morning hour?

The PRESIDING OFFICER. The Senate is still in the morning hour. The resolution is before the Senate.

Mr. WILLIAMS of Delaware. Mr. President, the resolution which is now pending would authorize the Committee on Rules and Administration to conduct an investigation into some very serious charges of gross irregularities in the recent 1956 and 1958 elections. These charges were outlined in the Senate on March 8 and appear in detail on pages 4897–4901 of the CONGRESSIONAL RECORD. These charges are so serious that I do not think we as a Congress can overlook them—to do so would be an indictment against our whole election system.

I emphasized, in presenting the resolution, that I was not expressing any opinion as to the accuracy or as to the inaccuracy of the charges, but I was merely pointing out that the charges have been made, and in view of their serious nature I do not think they can be ignored.

If the charges are true, the guilt of those responsible should be established and dealt with accordingly. If the charges are not true, then I think those against whom the charges are made are entitled to complete exoneration and those who made the charges and those who printed them should be held responsible.

The charges are in connection with alleged irregularities in a general election, and most certainly do come under the jurisdiction of the Senate committee.

Here is a chance for the Senate to demonstrate its sincerity both in clean elections and the voting rights of American citizens.

Mr. President, I ask that the resolution be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 117]

Aiken	Carroll	Engle
Allott	Case, N. J.	Ervin
Anderson	Case, S. Dak.	Frear
Bartlett	Chavez	Fulbright
Beall	Church	Goldwater
Bible	Clark	Gore
Bridges	Cooper	Green
Brunsdale	Cotton	Gruening
Bush	Curtis	Hartke
Butler	Dirksen	Hayden
Byrd, Va.	Douglas	Hennings
Byrd, W. Va.	Dworshak	Hickenlooper
Cannon	Eastland	Hill
Carlson	Ellender	Holland
Hruska	Magnuson	Schoeppel
Jackson	Mansfield	Scott
Javits	Martin	Smathers
Johnson, Tex.	Morse	Smith
Johnston, S. C.	Morton	Sparkman
Jordan	Moss	Stennis
Keating	Mundt	Symington
Kefauver	Murray	Talmadge
Kuchel	Muskie	Thurmond
Lausche	Pastore	Wiley
Long, Hawaii	Prouty	Williams, Del.
Long, La.	Proxmire	Williams, N.J.
McCarthy	Randolph	Yarborough
McClellan	Robertson	Young, N. Dak.
McGee	Russell	Young, Ohio
McNamara	Saltonstall	

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). A quorum is present.

Mr. LAUSCHE. Mr. President, last evening I offered an amendment to section 1 of the Dirksen substitute. The basis on which I offered my amendment was my belief that equality of justice is the great theme under which the people of our country live. The law student, the judge, the general citizen, in speaking of the rich attributes of our Nation, usually declare that we are a people who enjoy equality of rights before the bar of justice.

Mr. STENNIS. Mr. President, a point of order. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LAUSCHE. It is in pursuance of that principle that I have concluded that the present provisions of section 1 are completely inimical to the philosophy that under our Constitution all individuals shall stand equal before the bar of justice. On the basis of that principle, the citizens of this country anticipate that when Congress acts it will do so impartially and justly and fairly to all citizens.

It has never been contemplated that when justice is carried out in accordance with the spirit which was in the minds of the men who wrote the Declaration of Independence and the Constitution of the United States, inequality of treatment shall be given to any citizen by Congress or by the courts.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. CARROLL. The distinguished Senator from Ohio has raised such a very important issue that I should like to propound some questions.

Mr. President, I ask unanimous consent that the Senator from Ohio may have an additional 2 or 3 minutes, because he has opened up an issue.

The PRESIDING OFFICER. The time of the senior Senator from Ohio is not limited, since a resolution is before the Senate.

Mr. CARROLL. That simplifies the situation. I thank the Chair for his information.

Mr. LAUSCHE. Mr. President, if my time is not limited, I wish the Senator from Colorado would permit me to proceed. When I have expressed my basic thoughts in the matter, I shall be glad to yield to him.

Mr. CARROLL. I shall be very glad to comply with the Senator's request.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Has the morning hour been concluded?

The PRESIDING OFFICER. The question is on agreeing——

Mr. JOHNSON of Texas. I am not asking about the question.

The PRESIDING OFFICER. The resolution is a part of the morning hour business.

Mr. JOHNSON of Texas. Has the morning hour been concluded?

The PRESIDING OFFICER. No.

Mr. JOHNSON of Texas. During the morning hour, are not Senators limited to statements of 3 minutes?

The PRESIDING OFFICER. As the Chair understands, this is not a statement within that rule. A resolution is before the Senate, and the Senator from Ohio is not limited to 3 minutes.

Mr. LAUSCHE. Mr. President, I venture to say that not a single Member of the Senate will take exception to the statement which I made that the spirit and the letter of every important document underlying our governmental operations and our judicial system anticipate that equality of treatment shall be accorded to all the citizens of the Nation. Moreover, the most ardent supporters of the civil rights bill cannot help subscribing to the declaration I have thus far made.

Regrettably, however, section 1 as it is now written is incomplete and in contravention of the proposition that Congress shall treat the citizenry on the basis of equality, without prejudice and without discrimination against anyone. I should like to read section 1 as it now stands. Section 1 as it now appears in the bill provides:

> Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with, or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States.

Thus far the declaration is sound and nondiscriminatory, and provides for equality of treatment to all persons who will be covered by the section. The query is worthy of being advanced: Why did not the drafters of the section stop at this point when this section was drawn? For some reason, they went further and declared that only when a decree or judgment or order of the court deals with school desegregation shall this section apply.

Is it sound to say—and that is what is said—that this section, in the protection which it gives, shall apply to no one except to those who may be harmed by the disobedience to a desegregation order? What harm could come to anyone if this section were amended to become operative as to all citizens of the United States and as to all court orders, decrees, and judgments? What harm could come to anyone if this section were made generally operative? Why has not the section been made generally operative? Are there some judgments, decrees, and court orders which some persons want to thwart by coercion and

threats? If there are, and if that is the purpose of the omission, then I say that we ought to give somber consideration to the provisions of this section.

If my amendment shall be agreed to, which contemplates making the section applicable to all court orders, desegregation orders will be included. I say to the proponents of the so-called civil rights bill that all that they ask by way of protection under the desegregation order will be available to them under my amendment, but my amendment will also give protection to other citizens who, I submit, are entitled to that protection.

The question might be asked: Is there any other law on the books which deals with this item? The Attorney General has specifically declared that this section is needed to enforce the desegregation laws, but he went on to say that if Congress deems that it is needed in other instances, we should proceed so to include it in the statute.

I have one other reason why I believe this section should be amended. The section in itself, in my opinion, is not of great consequence, but the principle involved in it is. I submit that the way the section is now written, it tends to divide the people of our country. The section as it is now written has the indefensible weakness that it speaks to one section of the Nation and says to the people of that section that special laws are needed.

If there be a time when unity of thinking and unity of action are needed in our country, now is the time. We ought not to create division by statutes of the type which are here proposed.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The hour of 1 o'clock has arrived; and the morning hour is terminated. Under the precedents, the resolution will be placed on the calendar.

Mr. WILLIAMS of Delaware. Mr. President, I regret very much that during the morning hour we did not get a chance to vote on this important resolution, the purpose of which was to authorize an investigation into some very serious charges of abuse of our election laws.

I rise now to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware will state it.

Mr. WILLIAMS of Delaware. As I understand, the resolution will now automatically go on the Senate Calendar, from which it can be called up for a vote at any time on a motion by any Member of the Senate. Is that correct?

The PRESIDING OFFICER. By majority vote, the resolution may be taken up at any time.

Mr. WILLIAMS of Delaware. Yes, Mr. President; that is my understanding. I thank the Chair and will state that at the appropriate time such a motion will be made.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. LAUSCHE. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Ohio may yield to me, in order that I may propound a unanimous-consent agreement on behalf of the majority leader and the minority leader, with the understanding that in yielding for that purpose, the Senator from Ohio will not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I ask the attention of all Senators to the proposed unanimous-consent agreement.

On behalf of the majority leader and the minority leader, and in order that Senators may make their plans for this afternoon and this evening, I would say that if it is possible to obtain an agreement in accordance with the request I shall now propound, and have the Senate vote on the pending amendment, then the Senate would go over until Monday. However, if it is not possible to obtain such an agreement, of course, the Senate will remain in session, in order to obtain action.

Mr. President, the proposed unanimous-consent agreement is as follows:

I ask unanimous consent that, effective on the adoption of the unanimous-consent agreement now proposed, debate on the Lausche amendment to the Dirksen amendment to House bill 8315 shall be limited to 2 hours, to be equally divided and controlled by the mover of such amendment or motion and the majority leader; provided, that in the event the majority leader is in favor of such amendment, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him; provided further, that no amendment that is not germane to the provisions of the said bill shall be received.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. CARROLL. Mr. President, reserving the right to object, let me ask whether I correctly understand that under the proposed agreement, the 2 hours of debate would be had on Monday or Tuesday.

Mr. JOHNSON of Texas. No, today.

Mr. CARROLL. Does the majority leader mean that if such an agreement were entered into, the 2 hours of debate would be had today?

Mr. JOHNSON of Texas. Yes, certainly.

Mr. CARROLL. Debate for only 2 hours?

Mr. JOHNSON of Texas. Yes.

Mr. CARROLL. I do not wish to object; but the pending amendment involves a very important issue, and in my opinion there will have to be long debate on it. I believe more than 1 hour to a side will be required.

I am a member of the Constitutional Rights Subcommittee of the Judiciary Committee, and I wish to refresh my recollection in regard to this matter. I should like to have the debate on this amendment continue until Monday or Tuesday. If we can then agree on a 2-hour limitation, that might be satisfactory.

Mr. JOHNSON of Texas. Mr. President——

Mr. RUSSELL. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. RUSSELL. Mr. President, I thought some Senators had been demanding that a vote be taken right away on all the amendments.

This amendment has been pending here. We have heard demands by Senators for cloture—to silence the Senate, and to have the Senate vote quickly on all the amendments.

But now we are confronted with a demand by those who on yesterday were so anxious to vote that further debate on this amendment, which would extend to all citizens the protection of the proposed law, go over to Monday. That is an exceedingly strange demand.

Mr. JOHNSON of Texas. As a matter of fact, if cloture had been voted on yesterday, debate on not only this amendment, but on all 39 of the other amendments, would have been limited to a total of 1 hour for each Senator.

Mr. CARROLL. I understand. But many of us have stated publicly that we did not believe the motion to impose cloture would be sustained.

Mr. JOHNSON of Texas. But only yesterday the Senator from Colorado voted to have cloture invoked.

Mr. CARROLL. But we were trying to get other Senators off dead center. We thought they were "spinning their wheels" and were not getting anywhere; and we wanted to get action.

Mr. JOHNSON of Texas. That is exactly what I am trying to get at this very moment—action.

Mr. LAUSCHE. Mr. President, if there is to be debate——

Mr. CARROLL. Mr. President, I reserved the right to object; and therefore I have the floor, in order to respond——

Mr. LAUSCHE. Mr. President, I ask unanimous consent that this colloquy may continue without causing me to lose my right to the floor.

Mr. JOHNSON of Texas. Mr. President, I asked and obtained consent to that effect before I submitted the proposed unanimous-consent agreement.

Mr. RUSSELL. Mr. President, I demand the regular order.

The PRESIDING OFFICER. Is there objection——

Mr. CARROLL. Mr. President, reserving the right to object——

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio has the floor; and he may proceed.

Mr. LAUSCHE. Mr. President, my colleagues may be interested to know that this section is not contemplated to be an amendment of what was known as the 1957 act. This section declares

what will be a new crime, when certain deeds are done under certain circumstances. This section will become a part of the Criminal Code of the United States.

As a part of that Criminal Code, I submit that the provision should be equal in its application to and its effect upon all facts and circumstances falling within the principle embraced by the section. But as the section is now written, it will not be equal in its application.

Mr. President, if I may illustrate what I have in mind, let us assume that a citizen of the United States files in a Federal court an action in which he claims he has been repeatedly disturbed by the trespasses of a wrongdoer; and let us assume that the citizen obtains a court decree which prohibits further trespassing. Let us assume that X and Y induce the wrongdoer not to obey that order of the court. In such an event, that citizen could not avail himself of the protection of this section; he could not do so, because this section does not protect a citizen in his home. This section, as it is now written, would protect only those against whom wrongs were allegedly committed because of a failure to comply with an order of court directing school desegregation.

Second, let us assume there were a large manufacturing enterprise, and that in connection with its operations. an effluent was being dumped upon property which belonged to a farmer; and let us assume that the farmer begged the manufacturer to stop doing that, but that the manufacturer—because of his power—refused to do so. Let us assume that the farmer then brought in court an action in which he sought an injunction, in order to have the nuisance discontinued. Let us assume that then a court decree were granted in favor of the farmer's application, but that the wrongdoer continued his deeds, and that there was some evidence that other persons—X and Y—by threats and intimidation contributed to the wrongdoing. That farmer would have no protection under the statute proposed by this section; he would be relegated to dependence on the regular and general remedies which are provided in law.

It is on that basis that I submit that this section would be unequal in its operation.

Mr. President, in each of those instances, a right would be sought to be protected. In the one, protection would be sought for the enjoyment of one's home. In the other, protection would be sought for the enjoyment of the right of equal and unsegregated school facilities. In each case the degree of wrongdoing, in flouting, scoffing, and disobeying the court's order, would be identical.

The degree of wrongdoing in disobeying the court's order in each instance is the same. Yet the existing statute would enable the court to punish the one offender because of the special law intended to take care of a special class, while in the other instance the provisions of the special law would not be applicable as the basis for prosecuting the wrongdoer.

The amendment which I offer contemplates dealing uniformly and equally with all persons who, in principle, in similar circumstances, violate the order or decree of the court.

My amendment adheres to the principle that all citizens stand on a parity before our courts of justice.

Under my amendment, a person who, by threats or intimidation, induces disobedience to a court order dealing with desegregation of schools, would be subject to prosecution. The power of the court to prosecute in desegregation cases would not be changed in the least degree.

My amendment, however, would empower the court to prosecute and punish similarly in all other cases where a person, by threats or intimidation, induced the violation of a court decree.

The powers given to the court in my amendment, from a practical standpoint, would be usable everywhere in the country. There would be north, nor south, nor east, nor west. There would be a common United States of America, the citizens of which would be given equal protection by the Constitution and by the law.

Uniformity of equality of treatment is available under the provisions contained in the amendment which I propose. It is wholly and indefensibly lacking in the section as it now stands in the bill. Moreover, in my opinion, the adoption of my amendment will attract to its support strength for the ultimate passage of this bill.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, I wish to commend the distinguished Senator from Ohio for standing up in the Senate today and demanding equal application of the law throughout the United States, to all groups who may be found in the same category. The distinguished Senator has gone back to the original and underlying principle of our Government—that law is supposed to apply equally throughout the land.

I am very happy he has disregarded the modern concept that law should be tailored to fit certain sections and to exempt certain groups. I am glad that the distinguished Senator arises on the floor and points out that a farmer whose land is flooded by effluents from an industrial plant ought to have the same protection and the same power behind the injunctive process as might be the case in any other injunction which might be issued by any Federal court of the land.

But I wonder what the distinguished Senator from Ohio has done to work such a marvelous, almost chemical, reaction here in the Senate. Here we have those who on yesterday, or on Thursday, were demanding a vote. They were belaboring all of those who sought to preserve free speech in the Senate of the United States. Those who were demanding the right to vote on all of these amendments on yesterday—those who were advocating cloture to gag the Senate—are now demanding the right to launch a filibuster today against the Senator's amendment because it merely seeks to extend the equal protection of the law to all Americans, wherever they may live under the Stars and Stripes.

Mr. President, may I say to the distinguished Senator that he might not have known he was going to invoke so much misery in certain quarters when he insisted that all groups in this country, in all sections of the country, be treated alike. But his amendment is in the very best tradition of our country.

It will be interesting to sit here through the afternoon, through the evening, and even into the night, to hear the reasons that will be advanced by the leaders of the antifilibuster—those who abhor the filibuster—as they indulge in what they will call lengthy debate, or an educational campaign, against the simple proposition of the Senator from Ohio. That proposition is that an American citizen, whether he lives in Alaska or Florida, in Ohio or Maine, is entitled to the equal protection of the law and should be subject to equal penalties of the law.

I think the Senator has rendered a real public service by offering an amendment which applies equally and uniformly throughout the Nation, to all groups, in all categories; and I hope he will not be deterred by the cries of anguish that arise on the floor by that prospect.

Mr. LAUSCHE. Mr. President, I merely wanted to pose this question to my colleagues who are present: What reason can anyone give for not making this law generally operative? What good reason can be given? No one can give a good reason for declaring that the law shall be operable only in a special situation, dealing with a special problem. Many reasons can be given for making it generally operative.

Mr. RUSSELL. Mr. President, will the Senator permit me to move the yeas and nays on this amendment?

Mr. LAUSCHE. Yes.

Mr. RUSSELL. Mr. President, I move the yeas and nays on the pending amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

The yeas and nays were ordered.

Mr. RUSSELL. I thank the Senator.

Mr. LAUSCHE. Mr. President, I may as well be clear that there is a section 2 of the bill, which, again, is drafted so as to apply only in a limited degree, when the principle involved demands that there be a law of general application. Section 2 provides that whoever, by explosives, destroys a building, equipment, vehicle, and so forth, or structure that is used for a church or school, shall be punished. But it does not apply generally. It does not say, "Whoever, by explosives, destroys a citizen's home shall be punished." Nor does it provide that "Whoever, by explosives, destroys a place of business shall be punished."

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LAUSCHE. Yes.

Mr. PASTORE. Does the distinguished Senator from Ohio feel that those who voted for cloture yesterday are filibustering his amendment? Did I

correctly understand that the statement was made on this floor that those who voted for the cloture motion are filibustering this amendment?

Mr. RUSSELL. I said that those who had voted yesterday for cloture and had demanded the right to vote had objected to the unanimous-consent request by the majority leader to bring this matter to a vote.

Mr. PASTORE. That is not tantamount to filibustering, is it?

Mr. RUSSELL. It is in opposition to voting on the amendment.

Mr. PASTORE. Not at all. A unanimous-consent request can be made at any time. There is reason to debate on both sides of this question. Certainly the junior Senator from Rhode Island does not want to be put into the category of filibustering an amendment we have discussed only about an hour. I am not resisting a vote. I am willing to vote at any reasonable time.

Mr. RUSSELL. If the proposition made yesterday had prevailed, the total time of the Senator on all 30 or more amendments would have been 1 hour.

Mr. PASTORE. That is an argumentative question. That is an argument.

Mr. RUSSELL. It is an irrefutable argument.

Mr. PASTORE. The assertion which was made on this floor was that those of us who voted for the cloture motion yesterday are filibustering this amendment. I should like to get a further explanation of that statement, because I am one of those who so voted.

Mr. RUSSELL. I made the statement, and I stand in my place and reassert that those who on yesterday cried the loudest for a vote in the Senate are now demanding the right to postpone a vote. They have requested that it go over until Monday.

Mr. PASTORE. And did the distinguished Senator from Georgia, for whom I have the highest respect, include in "those" the junior Senator from Rhode Island?

Mr. RUSSELL. I did not.

Mr. PASTORE. Very well.

Mr. RUSSELL. The Senator is undertaking to apply words to himself which were not directed to him in any sense.

Mr. PASTORE. I was in that group of those who yesterday voted for cloture and who it was said are now filibustering the amendment. I am one of those, and I am not filibustering. I want the RECORD to show that.

Mr. RUSSELL. The RECORD will show who does filibuster the amendment.

Mr. PASTORE. I want the RECORD to show that as a matter of fact, when the request was made that the yeas and nays be ordered, the junior Senator from Rhode Island raised his hand. I want to be recorded on the vote. That records both a desire and a determination to have a vote on this matter. I think there is tremendous merit to the presentation which is being made by the distinguished Senator from Ohio. I think a man's home is as precious as his church, or as precious as his school.

As a matter of fact, all of these men who are addicted to violence, who would destroy property without provocation and without reason, ought to be apprehended, ought to be tried, ought to be convicted, and ought to be put in jail.

Mr. RUSSELL. I am delighted to find myself in complete agreement with the distinguished Senator from Rhode Island.

Mr. PASTORE. I thank the Senator from Georgia.

Mr. COOPER and Mr. CARROLL addressed the Chair.

Mr. LAUSCHE. Mr. President, I will yield first to the Senator from Kentucky.

Mr. COOPER. Mr. President, I ask unanimous consent that I may make some comments without the Senator from Ohio losing his right to the floor.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. LAUSCHE. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. COOPER. Mr. President, first I wish to say that, like others, I applaud the diligence and inherent sense of justice of the distinguished Senator from Ohio [Mr. LAUSCHE] which have caused him to raise the question posed by his amendment.

Only a few days ago I presented an amendment, which did not go as far as the language of the amendment which the Senator has offered. My amendment did propose that there be stricken from the language the word "endeavors" and that there be substituted the word "attempts." Another amendment which I presented provided for striking the words "or by any threatening letter or communication." I thought it worthy of debate for the Senate to determine whether the inclusion of the words "letter or communication" would infringe in any way upon rights under the first amendment to the Constitution.

Because I presented the two amendments, I did give some study to the pending amendment. I read very carefully the testimony of the Attorney General on this issue before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary.

I should like to direct my comments to the Senator from Ohio and to other Senators for an expression of their views upon the validity of the opinion of the Attorney General. The Attorney General opposed the amendment which the Senator from Ohio has offered. I recognize that he said, "If the Congress wants to amend section 1509, it has the power to do so." But I believe the Senator will agree that the Attorney General opposed the amendment which the Senator has offered. His argument was against such an amendment. And I now make my argument against the amendment of the Senator from Ohio.

It must be assumed that we do not legislate unless there is necessity to legislate. The Attorney General pointed out that there has been demonstrated a need for penal legislation, to be applied against those who obstruct the orders of courts with respect to desegregation.

The Senator knows that section 1503 of the Civil Code, title 18, now provides criminal penalties for certain obstructions of the processes of the court. I discussed this section with the Senator from North Carolina [Mr. ERVIN] on the floor when he made one of his first speeches in the Civil Rights debate. The Attorney General has testified that section 1503 would not be applicable to obstruction of court orders dealing with desegregation.

Further, as the Senator knows, if a court does enter orders in segregation cases, the court can enforce those orders by contempt proceedings. But unless those persons who obstruct the orders of the court in such cases are named as defendants, or can be proved to be acting in concert with the defendants, the contempt order would not reach them.

The purpose of section 1509 of the Dirksen amendment, as I understand it, is to reach those persons who obstruct the orders of the court relating to desegregation cases who are not named as defendants and who cannot immediately be shown to be acting in concert with those who are named as defendants. Precisely, it is directed against mobs gathered to prevent the orders of the court being carried out, and against their ringleaders.

The Attorney General pointed out, as a necessity for section 1509, the need for additional measures to take care of such situations as arose in Little Rock, in Clinton, Tenn., and in other places where mobs obstructed the order and defied the order of a court of the United States.

There is much to be said for the Senator's amendment, as a broad principle of law, and it is true no one could argue against the principle. But the assumption is that we legislate when need and a case for legislation has been demonstrated. Such a case has been demonstrated, because the orders of the courts on school desegregation have been obstructed by mobs, and the courts had no remedy by contempt proceedings against members of the mobs. We have only to look at the situation at Little Rock, Clinton, and other places throughout the South to observe the need.

Mr. LAUSCHE. Will the Senator permit me to intervene?

Mr. COOPER. May I take 1 minute more?

Mr. LAUSCHE. Does the Senator from Kentucky think that only the school desegregation mobs have operated in disobedience to court orders?

Mr. COOPER. No, I am sure that is not so.

Mr. LAUSCHE. Does not the Senator have in mind many instances of mob operation which have prevented a court order from being enforced?

Mr. COOPER. I do not have them in mind but I am sure it has happened. We must remember we have before us a bill which deals with the enforcement of a civil rights created by law.

Mr. LAUSCHE. In answer to that, the section now being considered is not an amendment to the civil rights section, but declares a new crime.

Mr. COOPER. Yes, but it deals with desegregation cases.

What is the alternative to the provision proposed by section 1509 if the orders of a court for either civil or criminal contempt cannot reach mob members, such as we unfortunately observed

in the cases cited, and there is no judicial method to break up the mobs? What is the alternative? The alternative is the unfortunate situation which obtained in Little Rock, when the President was called upon to send troops to the scene. Surely, no one wants to see that situation again, yet the demand might occur, if we do not give to the United States new instruments.

As I understand the situation, the Attorney General has said that if we will provide a penal statute which would give to the marshals, as these mobs form to obstruct the orders of the court, the authority to immediately arrest people; it would provide help, needed help, just help. Of course, anyone arrested would be taken before the court and enjoy due process of law.

Mr. LAUSCHE. I subscribe to all the Senator from Kentucky has said, but I insist that the law ought to enable the marshal to arrest mobs in other instances when they prevent the execution of a court order.

Mr. COOPER. The Senator is correct. But I point out that in the case at hand the tenor of the bill is to deal with cases which are based upon discrimination against rights guaranteed under the Constitution. It does not cover the broad and general scope of criminal law.

Mr. LAUSCHE. I should like to answer that observation. My right to live in my home is a constitutional right. The right of a man to operate a business is a constitutional right. All rights which we possess flow from the Constitution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. HOLLAND. First I wish to say that I approve and applaud the Senator's sense of fairness as shown by his offering this amendment. This section and the following section are manifestly aimed at one part of our country, and at one class of situations.

Only recently the Senator from Florida had occasion, in another field entirely, to note that the Teamsters Union was in effect destroying a certain fruit and vegetable business in our State by putting on secondary boycotts at the various receiving centers where trucks loaded with our products went, and where the Teamsters had to be enjoined ultimately by action brought by the National Labor Relations Board. But in that particular case no sooner would the injunction be issued as to one place or one group of places than trouble would break out at another point.

In exactly the same way, the Senator from Kentucky has suggested in his argument that it was extremely difficult to show that the very individual members of the Teamsters Union who were putting on the boycott and bringing about the wastage of the fruits and vegetables at the new place had specific knowledge and notice of what had been done in the other case.

I hope the Senator will insist upon his position. I can think of other situations, such as antimonopoly cases and antitrust cases, of much greater scope and importance than cases which have been mentioned up to now. I believe that plain, ordinary fairness between all persons justifies and requires the adoption of the Senator's amendment.

Lest I be misunderstood, I want the distinguished Senator to know that my feeling is that this particular section has no place in this legislation. I feel very strongly that, pictured as this legislation has been, as a voting rights protection measure, this section, which would accomplish a general change in the criminal law, as the Senator has so ably pointed out, should require, and is entitled to, careful study by the Judiciary Committee as to how it would apply, and where it would apply in various cases.

I believe that this section and the next one should both come out, and be subjected to a real study by the Judiciary Committee. But if these sections are to remain in the bill, elementary justice and an elementary sense of equal rights before the law, which the Senator has so strongly urged, would require the adoption of his amendment. I expect to support it strongly. I congratulate the Senator.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. McCLELLAN. First I wish to compliment the Senator for offering the amendment. It is perfectly apparent to all of us that this section of the bill was highly defective in that it was discriminatory in its selection of the subject matter with which it undertook to deal. I cannot help but observe that the comment of the distinguished Senator from Kentucky was most eloquent in support of the contention which has been made by those of us from the South, that this legislation is designed specifically as a punitive measure aimed at the South. The proponents want it to apply only down there, where we have a grave and serious problem; but if there is a comparable problem in some other area of our economy or society, it must not be touched.

I thank the distinguished Senator.

Mr. ERVIN. Mr. President, will the able and distinguished Senator from Ohio yield to me?

Mr. LAUSCHE. I am glad to yield.

Mr. ERVIN. I ask the Senator, if he agrees with me, that the due process clause of the fifth amendment, which applies to the Federal Government, when properly interpreted, requires that any statute enacted by Congress shall apply alike to all men in like circumstances.

Mr. LAUSCHE. To me that is basic. I need no Constitution to tell me that that is right. Within me there is something that speaks and says that I should be treated equally by the law with others.

Mr. ERVIN. I ask the Senator from Ohio if any system of justice which is worthy to bear the name of being a system of justice must not require that the laws shall be impartial and uniform and must be applied alike to all people in like circumstances.

Mr. LAUSCHE. I say to the Senator from North Carolina that one of the great cries about justice in Communist nations is that there is inequality of consideration of those who come before the bar. If there is a law, the fundamental meaning of the term "law" is that it shall apply to the strong and the weak, the rich and the poor, the helpless and the powerful. The law is blind so far as knowing who stands before it is concerned. All are equal in the eyes of the law.

Mr. ERVIN. I should like to ask the able and distinguished Senator from Ohio if he did not, in his amendment, eliminate the word "corruptly" in the original text because of the fact that the word "corruptly" could have no possible application to the other provisions of the bill.

Mr. LAUSCHE. I will say to the Senator from Kentucky [Mr. COOPER] that I struck out the word "endeavor" and substituted the word "attempt"; and I struck out the word "corruptly" because it hangs there all by itself, and one cannot understand what is meant by it.

Mr. ERVIN. I ask the Senator from Ohio if he does not think there might be some soundness to my inference that the use of the word "corruptly", which was borrowed from another statute, is an illustration of the fact that this section has been drawn without too much consideration as to its contents.

Mr. LAUSCHE. I know that the section was lifted bodily out of another law; but the original act is clumsy. It reads "Whoever, corruptly and willfully prevents—" and so forth. I cannot understand it, and that is why I have stricken the word "corruptly" from the section.

Mr. ERVIN. The Attorney General appeared before the subcommittee which considered the bill when it was presented by him. The Attorney General admitted that the verbiage had been copied in large measure from the statute which makes it a crime to obstruct a U.S. marshal in carrying out a decree of the court. Often a Federal court will decree that the plaintiff owns certain property which the defendant has taken.

Mr. LAUSCHE. Yes.

Mr. ERVIN. The marshal goes out with an execution to seize the property for the benefit of the plaintiff. When the defendant obstructs that execution he is doing something corruptly, because he is trying to convert to his own use property which belongs to someone else, in violation of the decree of the court. Of course when he does that, he is doing a corrupt thing. That language was included in an earlier statute, and has no application here. I rejoice in the fact that the Senator from Ohio has noticed it, and seeks to eliminate that word from the first section of the Dirksen amendment. I should like to ask the Senator if acts of violence and threats of violence which are calculated to cause breaches of peace are not already crimes under State law.

Mr. LAUSCHE. Yes. A threat to do bodily harm is considered an assault. The infliction of bodily harm is a battery. So therefore there are assault and battery statutes to cover the situation, and beyond that.

Mr. ERVIN. Therefore the acts which this amendment would punish as crimes are already in large part crimes punishable under State law. Is that correct?

Mr. LAUSCHE. I would say they are.

Mr. ERVIN. I ask the Senator from Ohio this question: When a person obstructs the carrying out of a decree of a Federal court, is he not also subject to punishment in contempt proceedings for his action?

Mr. LAUSCHE. I am not sure that I can answer that question. The decree definitely operates upon those who are defendants. It operates upon those to whose attention the decree has been brought, and who are allied with the defendant. Whether it would apply to a mob that prevents the execution of the order, I do not know.

Mr. ERVIN. I might say to the Senator from Ohio, if I may do so without his losing the privilege of the floor, that the Attorney General admitted that these acts would also be punishable as contempts of court if the persons involved were either parties to the suit or were acting in concert with them.

Mr. LAUSCHE. I think so; yes.

Mr. ERVIN. Under that statement, in which the Senator from Ohio concurs, these acts would be punishable a second time under Federal law as contempts of court. Then if the first section of the Dirksen amendment became law, creating this Federal crime, it would mean that in many cases persons would be subjected to three punishments for what is essentially the same offense; namely, punishment for violation of State law, punishment in contempt for violation of a court order, and also punishment for the commission of a newly created Federal crime.

That in itself, to my mind, as a lawyer and as a person who feels that we ought not to have triple punishment, even though we have a dual system of government, is quite an objection to the bill.

I believe the Senator has rendered a great service in presenting his amendment, because as I said, in the McClellan committee a number of circumstances have been called to our attention, particularly in the State of Texas, in which there was evidence of blowing up of business buildings during labor controversies. There were also instances of violations of the law in the throwing of acid and other things into moving trucks on the highways. Why anyone should seek to pick out and punish a few people who violate segregation decrees, in which great emotions come into play, and say that people who commit acts of violence of the character I have indicated should be exempt from criminal punishment, is something which I am unable to comprehend. I should be compelled to say, if the Senate should refuse today to adopt the amendment presented by the distinguished Senator from Ohio, it would not be one of the courageous days of the Senate.

Mr. LAUSCHE. I thank the Senator.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. PASTORE. The Senator will recall that in 1957 we had quite a protracted debate on the floor of the Senate with reference to the subject of jury trial.

Mr. LAUSCHE. Yes.

Mr. PASTORE. In line with the questioning of the distinguished Senator from North Carolina with regard to double or triple punishment, it is a fact, is it not—and I submit this question as a lawyer to a learned jurist—that if a person who has committed any one of these acts which are charged in the amendment, he would be guilty of contempt of court and subject to punishment as a contempt of court? There is no question about that, is there?

Mr. LAUSCHE. Generally, I would say he would be subject to contempt punishment.

Mr. PASTORE. The amendment would more or less guarantee trial by jury, because it would make it a criminal offense, but it could be conceived that a person could be punished twice for the same offense, could it not?

Mr. LAUSCHE. But there also might be participants in a mob operation who were not defendants in the injunction proceedings and who were not allied—I believe the Senator from North Carolina used a different term.

Mr. ERVIN. Acting in concert, I said.

Mr. PASTORE. Would not the jurisdiction of the court cover the actual participants? If a person is in contempt, he is in contempt, is he not?

Mr. ERVIN. If the Senator from Ohio will allow me, I should like to answer the question of the Senator from Rhode Island, provided he does not lose the floor.

Mr. LAUSCHE. I yield for that purpose.

Mr. ERVIN. I agree with the statement made by the Senator from Rhode Island. I disagree with the interpretation of the Attorney General, because I believe the Federal laws defining contempts is broad enough to cover everyone who obstructs the carrying out of a court decree.

Mr. PASTORE. I believe it is an inherent right of the court to punish anyone who violates a court order or who scandalizes a court.

Mr. LAUSCHE. My recollection of the law is that contempt proceedings can be brought against defendants and others who are not defendants but to whom notice of the injunction has been brought, if they act in concert with the defendants in violating the law; but they must act in concert and be allied with them.

Mr. PASTORE. Apart from the very emotional question of civil rights—and I believe we are now getting into a realm which transcends that field—the distinguished Senator has taken this very specific and specialized category and has made it general.

Mr. LAUSCHE. That is what it should be.

Mr. PASTORE. I subscribe to the Senator's logic. If a person takes it upon himself in any instance to scandalize the proceedings of a court, so as to render the court and its order impotent, it may well utterly destroy the framework of our democratic process which finds its bulwark in the integrity and security of our courts of justice.

It does not make any difference whether we are discussing a school case or any other case. I do not believe anyone ought to interpret this amendment to imply that it may be an extension of the Taft-Hartley Act, for example, because I do not believe that to be the motive or the intent of the distinguished Senator from Ohio. As I see it, he is looking at this matter in a general, overall, yet abstract way, in order to protect the dignity of our courts.

Mr. LAUSCHE. When we deal with justice, we cannot begin to think of special groups, and whether they are covered or not covered. When a law is passed, it operates inexorably upon all who violate it.

Mr. PASTORE. I agree. I am very happy the Senator has said what he has said to clarify the RECORD so that there will not be any confused conclusion or nebulous implication gathered from this colloquy.

As I understand the Senator, he is extending the application of his amendment to all phases and to all instances and to all situations that fit within the pattern of his amendment.

Mr. LAUSCHE. That is correct.

Mr. PASTORE. Not picking out one or two situations.

Mr. LAUSCHE. That is correct.

Mr. PASTORE. I agree with him. Now we come to something that is a little broader, and which I believe needs some definition, because we are now negotiating in a very perilous area. We are dealing with the question of subjecting a person to double jeopardy. If a person is brought to account by way of indictment or complaint for having done something which under the amendment is a criminal act, why should he also be subject to contempt of court? How many times should a man go to jail for committing the one act? We are getting into a subject that needs explanation and definition, because we are dealing with its consequences here and now.

Mr. LAUSCHE. I think that is defined by the Constitution.

Mr. PASTORE. I do not think so. That is exactly the point which led us to the argument in 1957 with respect to jury trials.

Mr. ERVIN. I wonder if I might participate in the colloquy between the Senator from Ohio and the Senator from Rhode Island, without the Senator from Ohio losing his right to the floor.

Mr. LAUSCHE. Certainly.

Mr. ERVIN. I am very much interested in the point which the Senator from Rhode Island has made, with respect to the question of contempt of court. I agree with the Senator from Ohio that undoubtedly in the cases which he cited a person could be punished for contempt of court.

I also agree with the Senator from Rhode Island that the power of a court of justice to punish for contempt exists independently of statute because of the very fact that a court could not exist unless it had that inherent power.

But I also am interested in the question of double or triple jeopardy, and I have drawn a little amendment which reads as follows:

Provided, That no person shall be prosecuted under this section for any transaction

on his part which is punishable as a crime under the law of the State in which it occurs, or which is punishable as contempt of any court of the United States under an act of Congress.

That would make it certain that a person could be punished only one time if this section were enacted into law.

Mr. LAUSCHE. The Senator from Rhode Island understands that I am not the original proponent of this section.

Mr. PASTORE. I realize that.

Mr. LAUSCHE. The Senator from Rhode Island realizes that for the 4 weeks we have been debating, frequently this section has been the subject of discussion. We now have a proposal from the Senator from Rhode Island and the Senator from North Carolina, but the section is still in the bill.

Mr. PASTORE. I realize that, but I was hoping that the Senator from Ohio, being the distinguished and learned jurist that he is, would refine the language, and refine it to perfection, rather than leave this hiatus which disturbs me no end. I do not believe that in this debate we should be talking out of both sides of our mouths.

In 1957 we who believed in civil rights said we should have faith in our courts—that after a matter was brought to court by the Attorney General of the United States we would be derelict in our heritage as the greatest deliberative body in the world if we did not have confidence in the very bulwark of our democratic process, which is our courts.

If a court saw fit to adjudge a person in contempt and imposed, let us say, a $100 fine or a $500 fine, and a sentence of 6 months in jail, I understand that according to this provision the Attorney General could say, "I am not satisfied with that sentence; it is not severe enough. So I will have the man indicted." Then he could have him indicted and bring him before another court, where he might be fined, let us say, $1,000 and imprisoned for 1 year. That man would be punished twice for the same offense only because two persons disagreed on the measure of punishment.

In legislating, I believe we ought to keep in mind the very essence of our constitutional guarantees, which provide that a person can be punished only once for having committed the one offense. We are laying ourselves wide open in the language we are discussing today, because under it a person could be punished twice for the same offense. Somehow, that simply does not strike me as fair and equitable.

Mr. LAUSCHE. I concur to a substantial degree in what the Senator from Rhode Island has said. The negative of the argument, whatever there is of it, should be given by those who have been espousing this cause. I am trying to give it some semblance of balance. The answer should be given by those who, for 4 weeks, have been arguing the item.

Mr. PASTORE. That may be true, but I hope the distinguished Senator from Ohio, learned justice that he is, would consider the matter a little further, and perhaps he will produce some idea which will correct the situation. I think it is a rather serious matter.

Mr. LAUSCHE. Mr. President, what was the amendment of the Senator from North Carolina?

Mr. ERVIN. The amendment I had intended to propose is as follows:

No person shall be prosecuted under this section for any transaction on his part which is punishable as a crime under the law of the State in which it occurs, or which is punishable as contempt of any court of the United States under any act of Congress.

Mr. PASTORE. That is not satisfactory to me. I do not believe it goes quite far enough. Why not provide that once a court takes cognizance under contempt proceedings, then, of course, this section shall not apply? It is necessary to make some provision like that once the court has exercised its prerogatives under contempt proceedings. Against those prerogatives we cannot legislate because that is the inherent right of the court. We do not want to cut short, circumscribe or circumvent, the authority of the court which is inherent in the establishment of the court. We cannot go that far. But can we not provide that where the court exercises its authority under contempt proceedings and punishes a person, then that person shall not be indicted for that offense?

Mr. LAUSCHE. I concur.

Mr. ERVIN. I have one query to propound to the Senator from Rhode Island concerning that statement. I was merely trying to get to the heart of the problem. I would have no objection to amending my amendment so as to provide that no person shall be prosecuted under this section for any transaction on his part when he has been punished for the same transaction as a crime under the law of the State in which it occurred, or when he has been punished for the same transaction as a contempt of any court of the United States.

Mr. PASTORE. The State should be kept out of this matter. That is precisely the point. I am not talking about punishment under State law. This is a provision which has alone to do with Federal courts. Am I not correct?

Mr. LAUSCHE. Yes.

Mr. PASTORE. It has nothing to do with the judgment of a State court. The minute we include the State court in the picture, then we get into a maelstrom of confusion. I believe we should provide under this particular section, that when a U.S. court has assumed jurisdiction in contempt proceedings, then this section shall not apply.

Mr. LAUSCHE. I suggest that the Senator from Rhode Island give some thought to the language he would propose. I will not concur in the statement made by the Senator from Florida [Mr. HOLLAND] that this section ought to be eliminated. It is in the bill; and if it is to be passed, it should be passed with provisions which will make it equally operative. If it is to be stricken, it will have to be stricken by someone else than me.

Mr. President, with that statement, I yield the floor.

Mr. CARROLL. Mr. President, this is a very important section of the bill. I may say to the distinguished junior Senator from Rhode Island [Mr. PASTORE] that by coincidence I happened to be on the floor when this matter came up this afternoon. Perhaps I should have known that the matter was coming up today. But we were all tired yesterday, and I did not realize that the matter would be brought up this afternoon, although notice of it did appear in the RECORD.

When the majority leader proposed a unanimous-consent request to limit debate on this issue to 2 hours, the junior Senator from Colorado reserved the right to object, because he wanted to ask some questions. It was this that the majority leader and the distinguished senior Senator from Georgia [Mr. RUSSELL] sought, in a light vein, to criticize, as though some of us who had voted for cloture were now about to initiate a filibuster.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. May I finish, please? I wish to make the record straight.

The junior Senator from Colorado said, in substance, that some of us who voted for cloture yesterday knew that we would not be sustained. I made that statement publicly. I said that I did not believe we would be successful in imposing cloture. During the last week of around-the-clock sessions, I myself thought that a vacuum had developed and I believed some action ought to be taken. I think I used words to the effect that some of us felt the Senate was spinning its wheels, and that we might blow the leadership off the fence and begin to move by submitting a motion for cloture. Let the Senator look at yesterday's RECORD to see if that has not happened.

I say to the Senator from Rhode Island that in this situation we are not conducting a filibuster.

Let us consider what the parliamentary situation is at this time. If we had agreed to the proposed unanimous-consent agreement for a 2-hour limitation on further debate of the amendment now pending, would that agreement have prevented further debate on section 1 and further consideration of section 1 by Senators who have been conducting the filibuster? I say it would not have done so. In other words, Senators who have been conducting the filibuster could have continued. But those of us who want to discuss what might constitute one of the most important recent changes in American criminal jurisprudence, those of us who wish to learn the facts about this important amendment, would have been portrayed in the eyes of the press—as conducting a filibuster.

Mr. PASTORE. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I yield.

Mr. PASTORE. I could not agree more fully with the Senator from Colorado. As a matter of fact, this amendment has many ramifications and many implications, and I do not think this question can be decided within an hour by each side. As a matter of fact, even if we discussed the amendment for many days, I do not think we would then be able to resolve with any degree of perfection all the issues in connection with the amendment.

But certainly no one should assume that we were trying to filibuster because we would not agree to the proposed unanimous-consent agreement to limit the further debate on the amendment to a total of 2 hours.

Let me say that if the Senate will agree to limit to 2 hours all further debate on all amendments to the pending bill, I shall be glad to join in a limitation of further debate on this amendment.

But some Senators seem to have the idea that there can be talk and talk and talk until the cows come home, on parts of the bill which are obnoxious to those Senators; and I think those Senators are being unfair if they propose a unanimous-consent agreement of this sort.

If there is proposed a unanimous-consent agreement to limit the further debate on all amendments to the bill, I will be among the first to agree to such an arrangement. But if we are to have any agreement of that sort, let it be one that will relate to every amendment which now is at the desk.

Mr. CARROLL. That is exactly the point.

Mr. President, in order to demonstrate my sincerity in connection with this matter and to demonstrate that, instead of favoring a limitation on debate only on this amendment, I believe that if such an agreement is to be reached, it should apply to further debate on all phases of section 1. I now propose that there be a unanimous-consent agreement that all further debate on section 1 be limited to 3 hours, to be divided equally so that 1½ hours will be available to each side.

Mr. ERVIN. Mr. President, I object.

Mr. President, will the Senator from Colorado yield to me, if it is understood that in doing so he will not lose the floor? I now request unanimous consent to that effect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ERVIN. Then, Mr. President, I wish to say to the Senator from Colorado that I think there is a serious legal question as to the advisability of the proposed legislation. I agree with the Senator from Rhode Island that this question transcends in importance any question in the field of civil rights or any question in any other particular field, because this question involves a very fundamental principle in connection with all legislation.

So I believe the Senator from Colorado was correct in the position he took, namely, that this legislative proposal merits more than 2 hours further consideration by the Senate.

Mr. CARROLL. I thank the Senator from North Carolina.

The reason why I proposed my unanimous-consent request, a moment ago, in the absence of both the majority leader and the minority leader, was to demonstrate that we are not the filibusterers—nor do I want to put that tag on any other Senator. But as the able Senator from North Carolina has said, this subject involves a very serious question about which I intend to speak at some length.

Mr. CLARK. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I yield.

Mr. CLARK. Mr. President, I ask unanimous consent that the Senator from Colorado may yield to me without losing his right to the floor, so that I may engage in colloquy with him, and perhaps with other Senators.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. CLARK. Then, Mr. President, I ask whether the Senator from Ohio will yield under those circumstances.

Mr. LAUSCHE. Yes, Mr. President; I yield.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? Without objection, it is so ordered.

Mr. CLARK. First, Mr. President, let me commend my good friend, the Senator from Colorado, for having refused to consent to the proposed unanimous-consent agreement. If I had been on the floor at that time, I would have joined him in that position. I believe he is 100 percent correct.

Mr. CARROLL. I should like to make perfectly clear for the RECORD that I merely reserved the right to object, in order to be able to propound some questions. During the colloquy which I then had with the majority leader, I believe the record will show that it was the able senior Senator from New York [Mr. JAVITS], who made the objection.

I ask the Senator from New York whether I have correctly stated the situation.

Mr. JAVITS. Mr. President, if the Senator from Colorado will yield, I should like to explain that it seems to me that if we are to agree on a time limitation on this amendment, we should at the same time agree to a time limitation on this entire section of the bill. In other words, if our friends wish to have the Senate vote, we wish to have the Senate proceed to do voting which will enable the Senate to get somewhere with this proposed legislation.

So if a time limitation were to be proposed in regard to the further debate on the bill and on all amendments thereto, I would feel that such a limitation, if agreed to, would really enable the Senate to make progress.

Mr. CARROLL. Let me say that only a moment ago I proposed a unanimous-consent agreement which, if agreed to, would have resulted in that very thing; and the record will show that the senior Senator from North Carolina [Mr. ERVIN] entered objection to that request.

Mr. JAVITS. I thank my colleague. I am glad he did it, and I compliment him.

Mr. CARROLL. I thank the Senator from New York.

Mr. ERVIN. Mr. President, if the Senator will yield, let me say that I always believe in adequate debate on all subjects. [Laughter.]

Mr. CARROLL. Mr. President, I now yield to the Senator from Pennsylvania, if it is agreed that I may do so without losing the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CLARK. Mr. President, I should like to ask the Senator from Colorado several questions about the amendment of the Senator from Ohio.

Will not the Senator from Colorado agree with me that the pending amendment would strike out all reference to segregation or desegregation, and would convert what was a specific criminal-penalty provision for violation of a decree of a Federal court in connection with school desegregation into a general penalty which would affect goodness knows what?

Mr. CARROLL. I agree with the Senator from Pennsylvania.

As a member of the Constitutional Rights Subcommittee of the Judiciary Committee I sat in several committee hearings on civil rights. The distinguished Senator from North Carolina is also a member of that subcommittee. During the debate today, there occurred in the back of my mind—after all, our minds are filled with the details of the filibuster and the wonderful education we are receiving from our southern brethren—there occurred the thought that I had already spoken on this subject; and, upon further consideration, I find that this is quite correct. In the subcommittee I interrogated the Attorney General on this very question.

Mr. CLARK. Will the Senator state why the Attorney General wants this first section in the Dirksen bill? Why is he not content with section 1503 of the Criminal Code? Is the Senator familiar with that section?

Mr. CARROLL. I shall be happy to have the statement I shall now make corrected by the distinguished Senator from North Carolina, if I make an error. However, as I recall, the Attorney General, when he was testifying before our subcommittee, said section 1503 of the statutes is inadequate. There is no doubt that the administration was seeking to create a new statute to take care of mob violence in connection with the cases which arose after the Little Rock incident. There was mob violence and subsequently the President sent armed troops to the city to restore order. The officials of the administration said, in testimony before the subcommittee, they did not wish such a situation to arise again. Instead, they felt such matters could be dealt with adequately by means of a statute such as the proposal in the Dirksen amendment.

Let me direct a question to the Senator from North Carolina, if I may: The Senator wants this provision to apply to all citizens, not alone to the white citizens in the South; is that correct?

Mr. ERVIN. Yes. As I recall, the Attorney General said he did not think the statute sufficiently broad to cover such judgments—with which statement I do not agree. I say it is broad enough to carry out that purpose.

Mr. CLARK. I should like to read the binding or pertinent parts of section 1503, and to ask the Senator whether this part of existing law covers adequately

everything that is supposed to be covered by the Lausche amendment.

I read as follows:

Whoever corruptly or by threats or force or by any threatening letter or communication influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

Let me ask the Senator why does not that provision of existing law cover exactly the same ground that the Lausche amendment would cover, and, in fact, make unnecessary the enactment of section 1509—as the junior Senator from Alabama so cogently argued on the floor of the Senate only a few days ago.

Mr. CARROLL. This is the very question we raised in the Constitutional Rights Subcommittee with the Attorney General, when he testified there.

I read now from page 208 of the hearings before the Constitutional Rights Subcommittee on the Civil Rights Act of 1959, part I:

Mr. ROGERS. Let me say this: I think we can discuss this for a long time and I don't think it will enlighten anyone.

I am not sure what he meant by that, and he certainly did not enlighten the members of the committee.

Mr. CLARK. The Senator does not think he was referring to the debate on the floor of the Senate; does he?

Mr. CARROLL. The Attorney General is a very able man, but I do not think he has that insight into the future.

Mr. ERVIN. I have a comment to make on the Attorney General on that point.

Mr. CARROLL. I continue to read:

Let me just answer Senator CARROLL because I can see he is concerned about it. If this is the case, as you say, then it would be the case under the present statute 1503. All this really does is extend the provisions of 1503 to the same act which occurs after the injunction in school cases.

Now if you will look at 1503 you will see the language is the same. Now if it is true, as you say, that there are three possibilities—

He was referring to the colloquy between himself and the distinguished Senator from North Carolina—

for punishment for the same act, and I think in order to understand very clearly, you have to try to decide what kind of act you are talking about, but if that is the case this doesn't extend that concept any, except it applies to acts which occur after the injunction has been issued.

Senator ERVIN. I don't concede that section 1503 applies to the situation which is covered by this bill.

Mr. ROGERS. It doesn't. It is the same language as this bill, though.

Senator ERVIN. I know, but you say he could be punished under 1503 or you inferred that. At least I made that inference from your statement.

Mr. ROGERS. As I tried to explain in my statement, if the act occurs before the judgment is entered—

And I think this is answering the question of the Senator from Pennsylvania—

he could be punished under 1503 and what we have tired to do is extend that to apply to the same act which occurred after the injunction has been issued.

Senator ERVIN. Well, section 1503 applies to entirely different cases, as I read it.

Mr. ROGERS. It is the same language.

Senator ERVIN. It has the same language in part, but section 1503 applies to acts towards witnesses, acts towards the jurors, acts towards an officer of the United States and all that. This bill deals with obstruction by threats or force, of enforcement of a desegregation decree.

This is the gist of it: Of a desegregation decree.

Mr. ROGERS. That is right.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. CARROLL. I am happy to yield, if it is helpful to the Senator from Pennsylvania.

Mr. CLARK. I should like to ask my friends, the Senators from Colorado, Ohio, and North Carolina, all of whom are able lawyers, whether in their judgment a criminal act which provides that anybody who corruptly, or by threat or force, obstructs, impedes, or influences the due administration of justice, would not apply to an act in violation of a decree after it had been issued, and which would be contempt of court, just as much as it would apply to an act which had taken place before the decree had been entered.

It seems to me it would. I should like to know what my friends think about it.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield, if I do not lose the floor.

Mr. LAUSCHE. I read in part what Mr. Rogers testified. He said there was some validity to the argument advanced by those who said there was adequate law on the books to prosecute, but he still felt the section should be passed.

I should like to make this observation. It is now March 11. We began this discussion on February 15, and this is the first time in 3 weeks of debate that I find there seems to be concurrence between the proponents and the opponents that this section ought not to be in the bill. It is a most unusual development, and I cannot understand it.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield.

Mr. CLARK. Let me say to my good friend, the Senator from Ohio, that, certainly, the senior Senator from Pennsylvania would not arrogate to himself the right to represent the North or any individual. The senior Senator from Pennsylvania is merely expressing his views on this matter. If they happen to be in accord with those of such good lawyers as the Senator from Ohio and the Senator from North Carolina, that is well. I have no fixed views on this matter. I think our views should be expressed in the debate.

I should like to ask the Senator from Colorado if he thinks there is any need for the Lausche amendment, and if we should not rely on section 1503, the existing law, or, if the Attorney General is right—and I doubt it—then pass section 1509 as it appears in the Dirksen substitute.

Mr. LAUSCHE. Mr. President, if the Senator will yield to me, does not the Senator from Pennsylvania mean if there is no need for the amendment, there is no need for the section?

Mr. CLARK. No, not necessarily. There is no need for the amendment because the existing section 1503, in my judgment, covers practically the identical situation. There might be a need for section 1509 for the reason the Attorney General gave, and which the Senator from Colorado has outlined, but I doubt it.

Mr. LAUSCHE. If the law is inadequate to take care of mobs in desegregation cases, it is likewise inadequate to take care of mobs in other cases. I think the argument of the Senator from Pennsylvania does not have validity.

Mr. CLARK. I regret that we do not find ourselves in our usual accord.

Mr. CARROLL. Mr. President, this is an example of why it is necessary to have a full discussion of this important issue. I say to the Senator from Ohio there is great validity in the argument. I do not ago along with the Attorney General in this case, but we must remember the political climate in which this proposal was presented to the Senate of the United States. In September 1957 the President sent troops into Arkansas. There had been mob violence. There were hundreds of citizens gathered on the school grounds and they were in a vicious, uncontrollable mood. Irresponsible men had incited these people to riot in order to prevent little children from entering the school.

After some months, the troops were withdrawn.

The administration does not want to send troops again. They have learned their lesson. Some persons think that perhaps the U.S. marshal or his deputies should have been sent into the area. Whatever might have been done, the Attorney General has now come before the committees of Congress and he has stated that the Government needs an extension of section 1503. He admits it is for desegregation cases and for mob violence in certain areas. We know where the areas are.

The Senator from Ohio has made a very fine statement on constitutionality, justice, equity, liberty, and equal treatment under the law, but I want to say to the Senator from Ohio that in every State of the Union there are ample statutes to take care of mob violence.

Mr. LAUSCHE. May I ask why that concession is made only after weeks of discussion that has taken place on the floor? What has happened to change the view on the adequacy of existing law?

Mr. CARROLL. I will say that when the Senator was Governor of Ohio he had State statutes which enabled him to take care of mob violence. So has the Governor of each State. In every State there are statutes to take care of mob violence. But when the machinery of a State designed to deal with mob violence will not function, the Attorney General has asked that the Congress provide a Federal statute which will function in such cases.

There have been areas in which the State laws have not functioned to control mob violence.

Mr. LAUSCHE. There are other States in which mobs have operated and

the law has not functioned, and not with regard to desegregation cases.

Mr. CARROLL. That may be true. That is why the Senator from Ohio may have a valid point.

What I am trying to do is to discuss the genesis of this proposed legislation, and how it comes before us.

The proposed legislation was before the Senate Committee on the Judiciary. It has not, as yet, been reported by the committee. As a member of the committee, I do not wish to cast any aspersions but the fact remains that we have not reported any legislation like this.

What do we find to be the case? The Senator says that after February 15 suddenly there came before us a bill. Why was there no debate? It is because this issue was not the major issue before us. As a result of the proposed amendment to section 1, it has now become a major issue.

That is why the junior Senator from Colorado did not want to dispose of the matter by allowing only an hour for proponents and an hour in opposition, since it involves a tremendously important change in American criminal jurisprudence.

Mr. SPARKMAN. Mr. President, will the Senator yield at that point?

Mr. CARROLL. I am happy to yield to the Senator from Alabama.

Mr. SPARKMAN. I do not care to interject myself into this debate, for I think it is a very good debate between the Senator from Colorado and the Senator from Ohio.

I cannot agree with the Senator from Colorado when he says this was not a major matter before the Senate. As a matter of fact, I know that several of us pointed out, time after time, whereas the press was carrying the story out all over the country that we were considering a right-to-vote bill, the matter which was before us was a proposal to supplement section 1503 of existing law. I spoke for over 3 hours on that in the wee hours of the morning. Perhaps the Senator from Colorado was not present, and did not read my remarks.

Mr. CARROLL. I will say I did not raise the issue. The Senator from Ohio said he did not raise it.

Mr. SPARKMAN. I understood the Senator from Colorado to say this had not been a principal issue until the Senator from Ohio offered his amendment. As a matter of fact, this has been the pending business for 2 weeks, I believe.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield.

Mr. LAUSCHE. I asked questions on the subject.

Mr. SPARKMAN. That is all I was going to say. I simply do not want the Senator to spread the idea that this is a brand new issue before us when, as a matter of fact, for 2 weeks it has been the pending business, and has been written on our calendar every day, at the time when the people were talking about a right-to-vote bill and the press was carrying the news to the country that we were considering a right-to-vote bill. That has not been the case at all. This has been a proposal to enact section 1509 as an extension of section 1503 of the existing law.

Mr. CARROLL. Mr. President, every reasonable Member of this body knows the principal issue which is holding us in session. We would never have a filibuster over section 1 of this bill, because it is a matter on which we could debate and on which we could limit ourselves in debate to some reasonable number of hours. There would never be a filibuster on that section, I am sure.

I know the Senator from Alabama does not want to leave the impression that this is the reason for the filibuster, for sessions going around the clock, and for getting Senators up at 3-hour intervals through the night. This is not that important.

Of course, it is however a matter of some importance, and I have been interested in the issue for a long time. I understand the issue. I do not mean to say I know the answer to the problem—not by any means.

This is one of the reasons why I reserved the right to object to the unanimous-consent request to limit debate to 1 hour on each side.

Mr. President, I have some qualms about this provision. I asked some questions of the Attorney General, as shown on page 218 of the volume from which I have quoted previously:

Senator CARROLL. I am going to question you unduly briefly, but to save time I will make my questions direct. I mean not to be abrupt in any way, but I want to cover some of these points I think that are very important.

Now with reference to S. 995, which has to do with 1509, or chapter 73 of title 18 of the United States Code, and your explanation of 1503: How long has 1503 been in existence? Do you know the date of that enactment?

Mr. ROGERS. I don't offhand. A long while, I think.

Mr. KUCHEL. Mr. President, will the Senator indicate again from what page he is reading?

Mr. CARROLL. I am now reading from the top of page 219 of part I of the hearings titled "Civil Rights—1959," held before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, U.S. Senate, 86th Congress.

Mr. KUCHEL. I thank my friend.

Mr. CARROLL. I continue to read:

Senator CARROLL. A long while, and there have been many Federal prosecutions under 1503; is that not so?

Mr. ROGERS. That is right.

Senator CARROLL. And 1503 is designed primarily to strengthen the due administration of justice with reference to the categories within 1503, the category of individuals?

Mr. ROGERS. That is right.

Senator CARROLL. But also within 1503, if there were threats or letters or communications or interference with the court while the case was going on, the court would still have its contempt power, would it not?

I interject to say this is the very question about which the able Senator from Pennsylvania was interrogating me.

Mr. ROGERS. That is right.

Senator CARROLL. And this has happened many times in the American Federal jurisprudence, has it not?

Mr. ROGERS. That is correct, Senator.

Senator CARROLL. So what you have done is taken these words—these are not new words?

Mr. ROGERS. Not at all.

Senator CARROLL. The courts have interpreted what we mean by threats or force or threatening letters or communications?

Mr. ROGERS. That is correct.

Senator CARROLL. It has nothing to do with any violation of the first amendment?

Mr. ROGERS. Not at all. That is what I said to Senator ERVIN.

Senator CARROLL. I think we need a concrete illustration. I remember in the Federal court in Denver we had notorious gangsters under prosecution. Telephone calls, threats to keep witnesses from testifying were received. They would have violated this statute?

Mr. ROGERS. That is correct.

Senator CARROLL. And the Supreme Court, I assume, has ruled on this question of threats and letters, has it not?

Mr. ROGERS. That is right.

Senator CARROLL. So this is nothing new?

Mr. ROGERS. Nothing new, Senator. I would be very happy to present a memorandum of law setting forth those cases. I think it might be helpful.

Senator CARROLL. I should think rather than this general discussion, it would be very helpful if we can get our teeth into the law and facts and history of this particular statute.

Mr. ROGERS. I think it would be very wise.

Senator CARROLL. What you are trying to do, as I understand it, is to meet a new situation where you confront a mob action. You are simply again trying to explain and to extend the meaning of due administration of justice.

Mr. ROGERS. That is correct.

Senator CARROLL. Is that the purpose of this bill?

Mr. ROGERS. That is, Senator.

Senator CARROLL. Now, then, how do we get involved with the question of double jeopardy?

The distinguished Senator from North Carolina raised a question regarding double jeopardy. I shall not go into that, because I think it has no application to the discussion today.

Mr. President, I pause for a moment to say that we discussed the question of the proposed bombing statute and other matters with the Attorney General.

In any event, Mr. President, I think it is quite clear why the Attorney General came before the Constitutional Rights Subcommittee of the Senate Committee on the Judiciary asking for the new statute. I do not know whether his request was wise or not. I resent the implication that we were trying to save some group of people from being prosecuted under a statute, and I resent the implication that we were trying to impose our will upon our southern friends because of the situation which had arisen. Perhaps the Attorney General was wrong. I suspect that the administration was frightened by what happened down in Little Rock.

After all the troops and all the litigation, there are still only about six Negro children going to Central High School down in Little Rock. I suppose the Attorney General was most anxious and desirous to do something. When politicians do not know what to do, they cannot stand still, so they move. The administration has now moved in the direction of a statute.

As I look at the events today, and the things that transpired over the months,

I am not so sure that we need section 1 at all, but I would not want us to be led to believe that because we remove section 1 we are trying to protect a group of people who move in mass picketing.

Contrary to the statement made by the Senator from Ohio, who is a former Governor of that State, I do not know of any State that is not enforcing its criminal statutes against illegal acts of working men and women, or of any other group within its society.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. CARROLL. I yield.

Mr. CLARK. In the opinion of the Senator from Colorado, would the Lausche amendment create any new crime which did not exist under section 1503?

Mr. CARROLL. It is a question of the interpretation of section 1503. Some of us believe that section 1503 is very broad and comprehensive. Many years ago—more years than I like to think about—I used to prosecute in the Federal court, before I was district attorney in Denver. I prosecuted racketeers under Federal statutes. When there is a question of interfering with witnesses or bribing jurors, Federal laws are tougher than State statutes.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. CARROLL. If I may just finish this point.

It is a question of how broadly we interpret section 1503. The Attorney General thought that the action we normally take under section 1503—I believe it is called "due administration of justice"—is taken while the trial is in progress. There is no question that any violation which occurs while a trial is in progress brings into play the contempt jurisdiction of the court.

When mob violence is involved, the mob is not a party to the proceeding; and thus the question is, How far can the contempt order reach? Especially is this true under the law—and the Senator from North Carolina [Mr. ERVIN] agrees with me on this point—after the proceeding is over. That might require a new statute.

This is why the Attorney General said he needed such a statute.

I have not studied the question. That is why I desire a little time to do so. I want to go back into the RECORD. I want to examine my own file. The junior Senator from Colorado would be perfectly willing to criticize himself for not having followed this subject. He was not working on this phase of the civil rights bill, as there are other phases of the bill which have required his attention. We must take our time and examine these questions carefully.

To answer the specific question of the distinguished Senator from Pennsylvania, I should like to consider this proposal. I reserve the right to change my mind. But I am led to a conclusion. I know why the Senator from Ohio has offered this amendment. It is thought that this provision would constitute another statute, which could be used against working people. It is said that it should be used uniformly.

There is a distinction between economic democracy and social democracy, between economic rights and what are called civil rights. We are operating in a completely different sphere, that of civil rights. If we want to extend this law into the economic sphere, such a course would be palatable to our brethren from the South. If the law could be extended into the field of economic democracy, that would be very palatable, knowing that if that were to happen, the entire section would die.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. CARROLL. Let me finish this one point, in order that I may not be misunderstood.

Let us look at this question as lawyers, from the standpoint of the philosophy of the law. If section 1503 has been broad enough during the years and there has been no case, according to the testimony of the Attorney General, in which it was considered necessary to broaden statutory powers to permit the punishment of working men and women engaged in mass picketing—and the Attorney General said there was not one such case—the only question which arises is one of philosophy.

Is it wise to create a new statute to punish mob violence in desegregation cases? I think this is a basic question.

My own feeling, as I look back through the years since the Little Rock case—and I reserve the right to do a little more studying on this question—is that perhaps we should eliminate section 1 altogether, because section 1503 has been a pretty good statute through the years.

On the other hand, I do not wish to be bound. I wish to sift the record. I wish to do some research into the question. I am very reluctant to scuttle section 1 of the administration's bill the minute we get out of a filibuster. I notice that the Senator from Ohio is very careful to say that he does not propose to offer such an amendment; but if I have a deep conviction on the subject after I study it, as a lawyer I shall not be worried about the political consequences. If I can satisfy my own conscience, I may offer an amendment to eliminate section 1.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. CLARK. Assuming that there is an area of doubt as to whether section 1503 covers acts perpetrated after the decree has been entered, does not the Senator agree that the Lausche amendment raises serious questions of labor law, which have no place in a civil rights bill?

Mr. CARROLL. I will say to the distinguished Senator from Pennsylvania that I am not a member of the Committee on Labor and Public Welfare. That is why I want the members of that committee to look into the question.

Mr. CLARK. I happen to be a member of that committee.

Mr. PASTORE. Mr. President, I think we are doing irreparable harm to the labor movement when we leave a dubious impression on the record. I have been a stanch proponent and supporter of the labor movement in this country. My record as Governor, and as a Member of the Senate proves that. But I do not believe any labor leader or any workingman wants to be protected in making threats of force, or in sending threatening letters or communications willfully to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of any court of the United States. It is argued that labor is asking for an exemption from that sort of thing. I cannot agree.

Mr. CARROLL. Mr. President——

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Senate will be in order. The Senator from Colorado has the floor. In the opinion of the Chair it would be better if one Senator instead of three would speak at a time.

Mr. CARROLL. Mr. President, I had the impression that I made my position perfectly clear in this regard. The Attorney General was asked the question, and he replied that there was not a case on the record in which labor had violated section 1503. He said, "We have had no trouble." So he was not proposing this legislation as a result of labor activities.

I think the point of the Senator from Rhode Island is sound. We should not leave the inference that because this provision might have application to labor activity, that there has been any communication concerning this proposal from any group or body of organized labor. There has not. I have not heard personally from any of them.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield.

Mr. PASTORE. The Attorney General has stated—as quoted by the distinguished Senator from Colorado—that insofar as mob violence is concerned which contaminates a court order or a decree or a judgment of a court, after the order or decree or judgment has been entered, the situation is not covered by section 1503. That is the tenor of his argument.

He thought that in particular cases such as the mob violence in Little Rock, Ark., he did not have sufficient authority to proceed, and that there was no existing statute under which he could proceed criminally to bring those people to justice. Therefore he wanted an extension of the statute.

In asking for an extension he was actually asking for the creation of a new law. I am one of those who believe that the Attorney General has all the authority he needs in section 1503. He takes the position, however, that he does not have all the authority he needs. Therefore he comes in and says that in the case of integration he would like to have further authority, so that where there is a contamination of a court order he can proceed by grand jury action. That is what he has in mind.

Now the distinguished Senator from Ohio [Mr. LAUSCHE] has said only this, and this is all he has said: If it is criminal to contaminate a court order—and I use the word "contamination" advised-

ly—in the case of segregation, why is it not just as criminal to contaminate a court order in any case? How can we disagree with him?

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. I shall be happy to yield, but first I should like to comment on the Senator's statement. I believe the Senator from Rhode Island has stated the case very clearly. As a matter of fact, that is the very question that was asked of the Attorney General: "Why do you want to limit it to desegregation cases?"

He said, "It is not necessary in other cases."

He was asked, "Would you object if it were broadened to include other cases?"

He said, "Well, I do not want to get into a debate here on that subject, but if Congress wants to go into that field, Congress can go into it. We have no objection."

I believe I quote the sum and substance of the Attorney General's statement. That is substantially what he said, as is shown in the record. Now I yield to the able Senator from Pennsylvania.

Mr. CLARK. I should like to make one further brief statement and then I shall have concluded whatever I may have to contribute to this debate.

Let me say to my friend from Rhode Island that I believe there is a great difference between creating a Federal crime in an area where we are not sure where we are going and where we may not want to intervene because the State law in that area is adequate, and creating a Federal crime in a specific area dealing with school segregation, where we know we are trying to go.

The point I make is that the Lausche amendment is broad. If the Attorney General is right, it will create a new Federal jurisdiction in an area removed from civil rights, without any committee hearings on the subject, and I think it is unwise to do so.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

Mr. PASTORE. While there may be a difference in enacting legislation with regard to certain crimes, the principle is indivisible. It is necessary to read this amendment to understand it fully. It states:

> Whoever, by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States—

This is not a question of being economic or being social. It is a question of contamination or defiance or violation of a court order. That is all it means. It does not make any difference whether it is a labor dispute or a social dispute, such as in the case of integration.

I believe we are creating a wrong impression. We are leaving the impression here that labor is opposed to being included in the provisions of this amendment. I think labor would welcome it. I do not believe labor wants to be understood as being in favor of willfully attempting to contaminate a court order. That is the impression I do not want to leave in the RECORD. I do not believe there is a laboring man in the country who would not stand up and say that any man who contaminates a court order in a segregation case ought to go to jail, or that any man who contaminates a court order in a labor dispute ought to go to jail. The question is whether it shall be a crime to contaminate a court order. There is only one principle involved.

Mr. LAUSCHE. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I shall be glad to yield, after I have responded. There is a greater issue involved here. I believe the Sentaor from Pennsylvania posed it very correctly. The real question is whether the existing law, section 1503 of the statute, is broad enough to cover the situation.

Mr. LAUSCHE. That is a different issue.

Mr. CARROLL. That may be so, in the opinion of the Senator from Ohio. However, it goes to characterize the whole question. I do not believe that the purpose of the amendment of the Senator from Ohio could be put more clearly than the Senator from Rhode Island has stated it. Under those conditions I do not see how anyone could vote against the Lausche amendment. I agree with him.

Mr. PASTORE. That is precisely the point I make.

Mr. CARROLL. I agreed with the earlier statement of the Senator from Ohio. However, I am proceeding to a broader point. That is why debate sometimes—not often, but sometimes—is helpful. I want to point out the reason why the Attorney General came before the committee in the first place. This is what I have sought to explain and to hammer home time and time again. The Attorney General wanted the authority for a specific purpose, because it followed on the heels of the Little Rock case.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. I am happy to yield.

Mr. CLARK. In conclusion, I shall vote against the Lausche amendment because I believe it goes further than it should go in a field where we do not know where we are going, and which is remote from the field of civil rights. I agree with the Senator from Rhode Island that whether it deals with labor law or not has nothing to do with the question. However, I do not believe we should adopt a broad general statute of this sort, which would create a new crime in an area remote from civil rights, and in an area where we do not know what it will cover. The Senator has said that the principle is indivisible. I believe it is divisible, and I am in favor of dividing it. For that reason, I shall oppose the Lausche amendment.

Mr. CARROLL. I thank the Senator for his observation, because I think it is pertinent. I do not want him to leave the floor. The question is whether we should accept the viewpoint of the Attorney General and give him this specific extension. As a member of the Constitutional Rights Subcommittee I should like to examine the effect of it. I should like to have the views of some of the experts on the floor. The real question is whether we should not remove section 1 altogether.

Mr. LAUSCHE. As between the proposal of the Senator from Pennsylvania and that of the Senator from Colorado, I subscribe to that of the Senator from Colorado. We should have a law that will operate equally, not a law that does not operate equally. In such a situation as is cited we have no law at all. Laws must be uniform in their operation and must conform to principles of law. They must not single out a special group. Therefore I concur in what the Senator from Colorado has said.

Mr. CARROLL. All this goes to show why it was necessary that we not shut off debate, as was proposed. We are just beginning to scratch the surface of this issue. The real question is whether we should not remove section 1 altogether. It is now 3 o'clock in the afternoon. We have had a long and hard week, and we have sat around the clock. I should like to ask the majority leader whether we could not delay a vote on this amendment until Monday.

The junior Senator from Colorado has been very forthright in his statement. I want to go back and read the RECORD. I have been reading the RECORD. Is there any reason why this amendment has to be passed upon immediately? In the absence of the majority leader, I proposed that debate on section 1 to be limited to 3 hours. It is now 3 o'clock in the afternoon. I am led to believe that there will be considerable discussion on this subject. I should like to confer with Senators who have had broader experience than I have had on this subject. I should be glad to give them my viewpoint, as I have expressed it here today.

Is there any reason why this matter cannot go over and be taken up after the morning hour on Monday? It is my judgment that we could dispose of it in 2 or 3 hours.

Mr. JOHNSON of Texas. Mr. President, if the Senator from Colorado thinks that can be done, I do not know why it is necessary to wait until Monday to dispose of something which could be disposed of on Friday or Saturday. We have 2 good working days ahead of us.

Mr. CARROLL. Let me say to the Senator——

Mr. JOHNSON of Texas. The Senator from Colorado asked me a question. I am trying to respond. I shall be fully responsive.

After all, the leadership has been under some attack throughout the country for not coming to grips and having a vote on the pending measure by now. Against the better judgment of the leadership, a motion for cloture was filed, and the headlines throughout the Nation have said that the filibuster is continuing; that certain persons who want a vote cannot get a vote.

So long as we can get votes, I am willing to get them and then see if we can stop early. But if we are not getting

votes, and if Senators want to discuss the issues, then I want to provide the time in which they can discuss them.

I said last evening that I had no plans to have the Senate continue in session late tonight or tomorrow, if we could make some progress and get a vote on the bill. It is immaterial to me whether the amendment offered by the Senator from Ohio is accepted, an amendment as to which the Senator from Colorado has said he does not see how anyone could oppose; or whether we follow the suggestion which the Senator from Coloradio has intimated would be acceptable, namely, to strike the entire section. I believe that either would be a wise course. But I do not believe it would be a wise course, in the light of the fact that 42 Senators wanted to bring the debate to a close yesterday, for the majority leader to say he is going to arbitrarily bring it to a close by moving to adjourn in the middle of the afternoon on Friday, when we have known heretofore that we would have late sessions, around-the-clock sessions, if necessary, and Saturday sessions, if necessary, in order to try to get a vote.

It seems to me that the last persons in the world who ought to be asking for an adjournment in the middle of the afternoon on Friday are those who signed the cloture motion in an attempt to force the leadership to close all debate yesterday.

So my answer is that if Senators want to discuss this question, and are in earnest about it—and I have every reason to believe that they are—then the Senate should stay in session and discuss it. If they are willing to accept the Lausche amendment, that is acceptable to me. I know of no reason why there should be a heavy penalty for obstructing a court order in a school case, but that it should apply to that kind of case alone. I agree with the Senator; I do not understand how anyone could possibly oppose the Lausche amendment. I thought it would have been agreed to earlier today. But if it is objectionable, then strike out the whole section. Let us get on with plowing the furrow. Let us pass a meaningful civil rights bill.

I have seen all these plays to the galleries, the publicity maneuvers, the slogans, the labels, and all the talk about what percentage of the population is able to vote.

The Senate is made up of representatives from the 50 States. A bill is before the Senate. Amendments are before us. Let us discuss them, and discuss them at length, if necessary. Let us discuss them around the clock, if necessary. When we shall have discussed them completely, let us vote on them. But let us not duck our tails and run for cover at 3 o'clock in the afternoon, after 42 Members yesterday said they wanted to close debate, vote on all the amendments, and allow Senators only 1 hour each to discuss them.

I agree with the position which the Senator from Rhode Island took a few minutes ago. I do not see how a Senator can say he does not want a court order in a school case obstructed, but is willing to have court orders obstructed in all other kinds of cases. I simply do not think that makes sense. I thought we had equal and exact justice under the law. I thought the law applied to all kinds of cases and in all sections of the country. I did not know that we simply picked one out and said, "We want this to go here, where a little group or section will be involved. We will point it at you, but if you turn it on us, we will have to quit and come back next week."

The answer is that I am going to ask that the Senate remain in session, so long as the majority will support me, to try to get a meaningful civil rights bill at as early a date as possible. I have indicated to the Senate what I believe that bill should be. I have indicated to the Senate that I would be willing to strike the entire section. I do not believe it is essential. I do not believe it is necessary. I think it is punitive. I believe it will do more harm than good. But if it is desired to have it, let us apply it to everybody and to all cases, not merely to one type of court order.

Mr. HOLLAND. Mr. President——

Mr. CARROLL. Mr. President, I should like to respond. Is the majority leader suggesting that Senators who signed the cloture motion are conducting a filibuster?

Mr. JOHNSON of Texas. No.

Mr. CARROLL. Why has the Senator from Texas made reference to 42 signers of the cloture motion?

Mr. JOHNSON of Texas. I am suggesting that if they were able to get 42 Senators to vote for a motion for cloture, then they ought to be willing to stay in session and vote, if they want to vote.

Mr. CARROLL. Is it not true that the majority leader proposed a 2-hour limitation of debate?

Mr. JOHNSON of Texas. That is correct.

Mr. CARROLL. He did not ask for a 2-hour limitation on section 1, on which the filibustering has been done.

Mr. JOHNSON of Texas. No; it was on this specific amendment to section 1.

Mr. CARROLL. Does the majority leader know of other amendments which will be offered to section 1?

Mr. JOHNSON of Texas. I asked for a limitation of debate on the Lausche amendment to section 1. After voting on the Lausche amendment, Senators can offer amendments as long as they wish to do so.

Mr. CARROLL. I was under the impression that we would finish today and then take a recess until Monday. I inferred that from the Senator's remarks. What will be the situation if the Senate stays in session today?

Mr. JOHNSON of Texas. I should think we could be out of session tomorrow if we made some progress in voting this afternoon. If we voted on the Lausche amendment and any other amendments which Senators might desire to offer, and if we made some progress today, I would be willing to recommend, as I said last night, that the Senate not have a night session—an all-night session—and not come in tomorrow. Then we could come in at a reasonable hour on Monday.

I asked unanimous consent—which was objected to—that the debate be limited to 2 hours on the Lausche amendment, which is the one now before the Senate—the little amendment which was pending last night, about which the Senator from Colorado said he did not think anyone should object, he did not see how any Senator could vote against it; and that no amendment which is not germane to the bill should be received.

When we have voted on that, and if Senators desire to offer other amendments, and they offer them, and if the hour is late, and if we have had a reasonable time to discuss them, we could go over and discuss them on Monday.

I had hoped that the Senate might vote on the Lausche amendment today or tomorrow, because I suggested last night, when it was called up, that I would have liked to vote on it last night. The Senate recessed at a rather reasonable hour last night, and the Senate has been moving at a leisurely pace all day today on this one amendment.

The Senator from Colorado says he does not understand how anyone could object to the amendment. I believe the Senator from Pennsylvania [Mr. CLARK] is willing to have the section stricken from the bill. I do not know whether the Senator from Ohio would be agreeable to that.

Mr. LAUSCHE. The Senator from Ohio will not subscribe to any amendment which will strike the section from the bill. If that is to be done, it will have to be done by other Senators.

Mr. HOLLAND. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I should like to respond, if I may. The majority leader has two or three times again tried to put words into the mouth of the junior Senator from Colorado. He ought to know better. He has had enough experience to know better than to do that. What I have been doing in the last 2 hours has been to try to develop the issue in debate. That is how we have reached this conclusion. It has not been by forced action on the part of the majority leader.

Mr. President, I ask unanimous consent to propound a parliamentary inquiry without losing the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. HOLLAND. Reserving the right to object—and I shall not object—I should like to ask the distinguished Senator from Colorado to yield to me for a unanimous-consent request after he has had an opportunity to propound his parliamentary inquiry.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CARROLL. My parliamentary inquiry is: Assuming that the Senate votes on the pending amendment, which for the sake of brevity I will call the Lausche amendment, and after a vote has been taken will it then be possible to strike section 1 from the bill?

The ACTING PRESIDENT pro tempore. If the——

Mr. RUSSELL. Mr. President, will the Chair have the parliamentary inquiry propounded again, please? I did not hear it.

The ACTING PRESIDENT pro tempore. The Senator from Colorado will please repeat his parliamentary inquiry.

Mr. CARROLL. Let me say that the purpose of my inquiry is to ascertain whether, if the Lausche amendment were agreed to—and I believe it will be agreed to—section 1 would still be subject to a motion to strike it out of the bill. I wish to ascertain the following: If, this afternoon, the Senate proceeds to vote in favor of the Lausche amendment—and certainly I have no desire to delay the proceedings in the Senate, after the weeks of work in which we have been engaged—will it be in order on Monday for a Senator to move that all of section 1 be stricken out? In short, I desire to ascertain the parliamentary situation in connection with such a situation.

The ACTING PRESIDENT pro tempore. If the Lausche amendment in the nature of a substitute for part of section 1 is agreed to, that portion inserted would not then be open to amendment; that part of the Dirksen substitute will not then be open to further amendment.

Mr. CARROLL. It will not be?

The ACTING PRESIDENT pro tempore. But a complete substitute for the entire Dirksen substitute for the bill would be in order at the proper time.

Mr. HOLLAND. Mr. President——

Mr. ERVIN. Mr. President, I rise to a parliamentary inquiry in connection with that point.

Mr. HOLLAND. Mr. President, I ask——

Mr. CARROLL. Mr. President, the able Senator from Florida has asked me, several times, to yield; and, in all courtesy, I must yield to him, if I may do so without losing my right to the floor.

Mr. HOLLAND. Mr. President, I appreciate the courtesy of the Senator from Colorado, and I ask unanimous consent that he may now yield to me so that I may propound a parliamentary question to the majority leader, and may receive his reply, without causing the Senator from Colorado to lose his right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered, and the Senator from Florida may proceed.

Mr. HOLLAND. Let me say to the majority leader that I am constrained to believe that the solution advocated by two or three Senators—namely, to the effect that this section be stricken from the bill—is perhaps the soundest solution yet proposed, and it will not involve the Senate in a long hassle.

I am perfectly willing to have this debate continue for as long as any Senator may wish. However, the Senator from Illinois [Mr. DIRKSEN] is not now on the floor, and he is the author of the amendment in the nature of a substitute, of which section 1 is a part.

My question to the distinguished majority leader is this: Does he know whether the minority leader would oppose a motion to strike out section 1?

Mr. JOHNSON of Texas. I have no information concerning his position on such a motion to strike out. Since he is the author of the amendment in the nature of a substitute, I assume that he would be opposed to such a motion. But he will have to speak for himself.

Mr. HOLLAND. Mr. President, I have no motion to make—for anything coming from me would, no doubt, be suspect.

But I think the Senator from Colorado and the Senator from Pennsylvania are probably on sound ground when they feel that this amendment has no proper place in a voting rights bill.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Colorado yield to me?

Mr. CARROLL. I yield.

Mr. JOHNSON of Texas. Even if the Lausche amendment were agreed to, the Senate still would have to vote on section 1, would it not?

The ACTING PRESIDENT pro tempore. That is correct. The vote would come on section 1, as amended.

Mr. JOHNSON of Texas. And Senators who then wished to oppose that section could do so.

Mr. CARROLL. I thank the Senator from Texas.

Mr. President, I would take the same position as that taken by the Senator from Ohio. I do not propose to make a motion to strike out, now. But many of us have given many hours of consideration to this subject, and it must not be considered lightly; and we should not be considered as endeavoring to prevent prompt action by the Senate on such legislation. Certainly such controversial and complicated matters must receive sufficient consideration.

Mr. HOLLAND. Mr. President, will the Senator from Colorado yield?

Mr. CARROLL. I yield.

Mr. HOLLAND. I wish to say that I certainly do not think the Senator from Colorado is endeavoring to prevent the taking of action on this matter. But even if the Senator were attempting to do so, I would still regard him as being completely within his rights.

However, in view of the offer of the proposed amendment to the Dirksen amendment in the nature of a substitute, I felt that it would be best for me to make my inquiry—as I did, through the gracious courtesy of the Senator from Colorado.

Mr. CARROLL. Mr. President, as I view the parliamentary situation, Senators who wish to vote for the Lausche amendment will be able to do so, and Senators who wish to vote against it will be able to do so. Then, later, the Senate will be able to vote this entire section either up or down.

Mr. JAVITS. Mr. President, will the Senator from Colorado yield briefly to me?

Mr. CARROLL. I yield, if the Senator from New York wishes to ask me a question.

Mr. JAVITS. Mr. President, unfortunately, I have not been able to be on the floor throughout all of the colloquy the Senator from Colorado has been having with other Senators. I should like to ask a question in regard to the testimony of the Attorney General on this subject.

The Attorney General has said that the reason why he needs to have such a provision of law which will be applicable to cases of this type is that in such cases State governments and municipal governments which have been opposed to such court orders have said to the court what President Andrew Jackson said to John Marshall, "You have made the order; now enforce it." The Attorney General says that in this situation he is limited in his ability to obtain enforcement of section 1503 and, therefore, he needs the enactment of a new penalty provision so that by law it will really be a crime for anyone to violate such court orders in these cases. The Attorney General says that as matters now stand he is proceeding, not with a broadsword, but with a scapel; and he has said that he faces this situation in Tennessee and in Little Rock, where the troops had to be called out. Therefore, the Attorney General wishes to have this remedy provided.

Let me ask the Senator whether that is the factor which in his opinion justifies the drawing up of this section in this particular way?

Mr. CARROLL. This has been discussed broadly, but not as intelligently as it has been stated by the Senator from New York. We have discussed the purpose and the reasons. We referred to Little Rock, but not to Tennessee.

I think the real issue has been raised here by the Senator from Ohio. Assuming that the Attorney General needs this new type of enforcement sanction, the basic question is why should it not apply all the way across the board, to all groups of people.

I think we have discussed this matter sufficiently, and I now yield the floor.

I thank the Senator from Rhode Island for his participation in the debate. He has been most helpful.

Mr. PASTORE obtained the floor.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. PASTORE. Yes, if the Senator from Ohio wishes to ask a question.

Mr. LAUSCHE. I was going to make a brief reply to the Senator from New York.

Mr. PASTORE. I yield for that purpose, if I may have unanimous consent in that connection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUSCHE. The statement made by the Senator from New York carries within itself its own answer. His statement admits that there was proposed a special law which would operate in only one section, not generally throughout the Nation.

Mr. PASTORE. Mr. President, although the pending matter appears to be quite complicated, with many implications, I believe that the issue involved is quite simple.

First of all, in view of what has been said on the floor, I believe we should come to a vote on section 1.

Based on what the Attorney General has said, it is obvious that he believes that under section 1503 he does not have sufficient authority to be able to enforce the law, because there is no existing Federal statute with reference to mob action after a court order is issued. So the Attorney General of the United States.

being the chief law-enforcement officer, feels that this further statute is needed. In view of the fact that the Attorney General believes it is needed, I believe we should give very serious consideration to this proposal. For that reason I would be opposed to summarily deleting that particular section. We have discussed it, we have considered it, and I think the time will come, in due course, when we shall either vote it up or down.

With respect to the argument of the Senator from Ohio, as I understand, the Attorney General has asked for relief in this particular case. All the Senator from Ohio is saying is that if it is unlawful to contaminate a court order or judgment in one instance, it ought to be unlawful to contaminate a court order or judgment in every instance. That, again, is a simple issue. It depends on how Senators feel about it. If they are in favor of it, they can vote for it. If they are against it, they can vote it down.

I do not think we need more time. The question has been fully discussed. I am ready to vote. Personally, I shall vote for the amendment of the Senator from Ohio, because I think it is basic to our concept of government. What we are trying to do is keep inviolate a court order or judgment. We do not want anyone to contaminate an order, or to deal with it loosely, or to do any violence in defiance of a court order. I feel that way about it.

Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. PASTORE. The Senator from Rhode Island does not have too much trouble in being heard, but he would not want to unduly exercise his voice. [Laughter.]

May we have order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. PASTORE. The Senator from Rhode Island has sat here very patiently and very attentively, and listened to the distinguished gentlemen who are now whispering. [Laughter.] I would like the same courtesy.

All I want to say, in conclusion, is that we have reached the time to vote. I do not think the section ought to be deleted, in view of what the Attorney General has said. He is the chief law enforcement officer of the Government. He has already interpreted the section to mean he does not have sufficient authority at the present time. If he does not think so, he is the man who has to enforce the law, and I would give him every instrumentality to carry out the full effect of the law.

The only question I raise is that the language probably does not go far enough. It applies only to desegregation cases. Let us assume the Supreme Court tomorrow should make a decision with respect to other civil rights. Let us assume those decrees were contaminated by mob violence. What I wonder about is whether in that particular case someone could contaminate a court order with immunity, but not in an integration case. The question is: Shall we make it criminal to contaminate any Federal court order? I say the question comes down to the issue of involving the prestige and dignity of the court, as well as the court itself.

Mr. JAVITS. Mr. President, my reason for opposing the amendment of the distinguished Senator from Ohio, whose views I respect, is that we are here to legislate with particularity and for a reason, and not simply because it seems logical to do something. Generally, we do our utmost to proceed on the experience which we have which shows the need for legislation.

If the argument for generic applicability were to be carried to its logical conclusion, the United States would control everything. Indeed, Congress might pass a law involving a judgment for money or a mandatory order of the court to do a specific act. Obviously, we are trying to pattern a law based on an admitted need and a remedy which is required to meet that need.

I find nowhere in the testimony of the Attorney General—and we have to be guided by his testimony, he being the principal law enforcement officer of the Federal Government—any license for spreading this operation or for completely broadcasting it without any limitation whatsoever except the limitation to a court order.

The Attorney General said, as appears on page 202 of the hearings, that "If the Congress feels there are other situations where there is a similar need for this statute, we obviously would have no objection."

What we are being asked to do in this amendment is not to apply it to situations where there is a similar need for this statute. We are being asked to have it apply to all situations, whether the need has been demonstrated or not.

Mr. President, I am too much of a lawyer to go for any generic applications, the ends of which I do not know, nor their boundaries. Even if I am the only one to do so, and for that reason alone, because I do not believe in legislating in the dark, I would vote "nay" on any broad amendment such as this, the boundaries of which I do not know.

With all due respect, I do not believe we have been told exactly what are its metes and bounds.

I said a minute ago that the Attorney General was trying to design a remedy to meet a difficulty. He said we have to have this kind of statute in cases where we face a hostile community, which is unsympathetic, and therefore where local law enforcement officials are not in sympathy with the court's order.

This fact is borne out by his testimony. Again I read from page 202 of the record. He said:

> We think that in the final analysis the Federal Government is called upon to stop these things if the State is unable or unwilling to do it, and at the present time there is no weapon that the Federal Government has. We are helpless until we use Armed Forces and I certainly think that we ought to try to get legislation that will strengthen the hand of the Federal Government in this field, to deter force and violence, so that it will never again be necessary to use Armed Forces, and I think this bill would have that effect. It is hard for me to see why anybody could oppose it.

Letting one's experience and mind speculate on the places where this activity might take place, it not only could deal with the possibility of labor injunctions, and I call the attention of my colleagues to the fact that we have just passed a new labor law which provides more possibility for injunctions on picketing and other matters than ever before. So our experience on labor cases now does not extend to what might happen under the new labor law. It is a fact that there is a possibility of violence in labor cases, but it is also a fact, so far as we know, that in such cases we do not face a hostile community and lack of sympathy with the law—and I do not want to characterize it as anything invidious—as would be true in desegregation cases, which have resulted in instances of what might be called anarchy, such as took place in Arkansas. We are here to explain facts, and not to speculate in logic.

While the new labor law is one field where this principle might be applicable if the amendment were passed, I call the attention of my colleagues to the fact that there are patent cases in which there are big businessmen involved, in which injunctions are issued by the Federal courts; and it is conceivable that an employer might bomb his colleague's truck or do some other violence in violation of a patent decree. There are many antitrust cases in which injunction decrees are issued against very respectable and responsible people. There are many other cases as to which this sword might be launched. There are packers and stockyards cases and cases under the Pure Foods and Drug law. I introduced into the RECORD the other day 15 particular sections of the law under which the Attorney General's authority might be pursued in redressing rights, of this general character, where individuals and corporations are affected, in which he may go into court, and in which injunctions are issued.

The Attorney General said, "If you find other specialized uses to which the Congress wishes to extend this, I can have no objection."

Mr. President, simply spreading a broad net for any use, it seems to me, would be a dangerous thing to do. As I see it, we would be doing it simply to follow through the line, and, with all deference and all respect, I do not believe I can, with my eyes shut, act in that manner.

Mr. KEATING and Mr. CASE of South Dakota addressed the Chair.

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. Under the wording of the amendment, which refers to a court of the United States, would the language not apply to any court order of the District Court in the District of Columbia? As I understand the case, the courts in the District of Columbia are U.S. courts, but they exercise jurisdiction in many cases which in other places would come before State rather than Federal courts.

Mr. JAVITS. I am very grateful to my colleague, because he has put his finger on exactly what happens when one legislates with his eyes shut. Of course the Federal courts in the District

of Columbia are U.S. courts, and they consider every kind of conceivable problem as between litigants, which problems involve injunctions, mandatory or otherwise. I am very grateful to my colleague for bringing that to our attention. It shows what a good lawyer he is.

Mr. KEATING. I am very grateful for my colleague's kind remarks, although I did not rise to get a compliment.

Mr. JAVITS. I thank my colleague.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of South Dakota. There are no two Members of the Senate for whom I have greater respect, when it comes to dealing with questions of law, than I have for the two Senators from New York. I do not pretend to have any knowledge in this regard. In fact, I listen to learn when the Senators from New York speak.

However, I should like to ask the Senator a question. Is there not a boundary in the proposed amendment, when it limits the contamination or obstruction to threats or force or any threatening letter or communication? It would not be interference with a court order unless it were accompanied by a threat or by force or by a threatening letter or communication.

Mr. JAVITS. Yes. I thoroughly agree with my friend that in such a qualitative sense it has a point of reference. I think what the Senator from New York and other Senators who have addressed themselves to this matter are worried about is the quantitative extent.

As my colleague from New York pointed out in another field, quantitatively this could reach to a support order as to a husband and wife, because it applies generally to the U.S. courts. This would not necessarily condemn the proposal as bad, but it indicates what is involved.

The only point of my argument at all is that if we do not get into specifics, as the Attorney General did, in limiting the matter to what he did, then we may become involved in grave difficulty which none of us contemplate. That is my concern.

There is an old adage, "If you do not know what you are doing, don't do anything."

That is what worries me now. Of course, if any of our colleagues have some light on the subject, all of us are anxious to get it. It seems to me this would not be the proper way to approach the subject at this time.

Mr. CASE of South Dakota. With reference to the matter of the courts in the District of Columbia, of course they are courts of the United States, because Congress has exclusive legislative authority with reference to the District of Columbia. The courts for the District of Columbia have responsibilities and duties which State courts would have in the States.

I ask the distinguished Senator from New York, who is a former Attorney General of that State, how does the State of New York support the orders of the State courts?

Mr. JAVITS. With the contempt power.

Mr. CASE of South Dakota. With what power?

Mr. JAVITS. With the contempt power, generally. There may be some laws, and probably there are some laws in New York, which I cannot recall specifically at the moment, concerning obstruction of justice and various types of interference with the courts or the orders of the courts and the other machinery of justice, but, substantially, for practical purposes, in giving an answer to the question, the courts of New York proceed by the contempt power.

Mr. CASE of South Dakota. Where violence is involved?

Mr. JAVITS. Where violence is involved there are other crimes.

If the Senator will allow me to state this, after all, in Little Rock there were plenty of violations of State law. I am confident the State of Arkansas has a whole body of law with regard to assault, intimidation, the blocking of ingress and egress to schools, the blocking of the streets, and so on. The point which the Attorney General makes is that these normal sanctions for public order are not available in these cases because of the attitude of a particular community. That is why he seeks this specialized kind of statute.

Mr. CASE of South Dakota. In view of the fact that the penalty was reduced in the original Dirksen substitute by the Ervin amendment, to limit the penalty to $1,000 fine or to 1 year imprisonment, which is to be carried over in the Lausche amendment, it would seem to me that, where force is involved or where a threat of force is involved, we might well accept the Lausche amendment. I think it does provide a boundary of a sort. I am glad to have the Senator from New York suggest it is a qualitative boundary.

Mr. JAVITS. A qualitative boundary, and not a quantitative one.

Mr. CASE of South Dakota. I think there is some distinction between the two, but still I am glad to have the Senator recognize there is established a field in which it would be limited.

Mr. JAVITS. It has a qualitative boundary; I agree with that.

Mr. LAUSCHE. Mr. President, if the Senator will yield, I wanted to elaborate for a moment on the statement made by the Senator from South Dakota [Mr. CASE].

Mr. JAVITS. I yield to the Senator.

Mr. LAUSCHE. The language as it is now written would be confined to cases where threats or force were used to influence disobedience to a court order. If in the antitrust cases some business tycoons who have used force or threats of force are brought before the court, why should they not be prosecuted?

Mr. JAVITS. As I said to my colleague, I think we have to evaluate each one of these things in terms of the factual experience. If the Congress feels it wishes to extend the matter to the antitrust decrees or to the packers and stockyards decrees, that would be all right, but that is not the sense of the Senator's amendment.

The Senator's amendment would extend the provision to all decrees of the courts. I do not know, and I cannot possibly guess, the outermost limitations. I think the Senator from South Dakota has helped us to refine the matter as to what it would cover. I cannot, with my eyes shut, assume that what the Senator has cataloged—some tycoons violating antitrust decrees—fills the whole bill. I do not know. There are a legion of things which may be involved. I do not know all of them.

I know that when we pass a law and its operation is very mischievous, we have to undo it. I am satisfied and willing to remain with the specialized application to which the Attorney General testified, as meeting his need. Perhaps, if the Senator can make a case for antitrust decrees or for patent decrees, we could include those. For whatever my vote would mean, I would be satisfied to include that, also, but I am not satisfied to go "whole hog" on this thing with my eyes shut. That is the point I am making.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield further.

Mr. LAUSCHE. I would gladly yield to the argument made by the Senator from New York, if I did not know that yesterday and for the past 3 weeks he has been arguing the very opposite of what he is arguing today. For 3 weeks Senators have been arguing that there is a contemplation of giving the U.S. Attorney General unlimited powers to rove around the country and to bring litigation. That is the argument which was made by Senators opposing the Bill of Rights measure. The Senator from New York and other Senators argued that that is not a sound argument. I listened to the Senator from New York yesterday and voted against the arguments of those who opposed the bill, but I cannot see how I could listen to him today, when his argument is exactly the opposite of what it was yesterday.

Mr. JAVITS. Mr. President, the Senator has just proved every point I made.

What the Senator from New York was arguing about yesterday with respect to part III was that it specifically provided that—

> Whenever the Attorney General receives a signed complaint that any person or group of persons is being deprived of, or is being threatened with the loss of, the right to the equal protection of the laws by reason of race, color, religion, or national origin and whenever the Attorney General certifies that, in his judgment, such person or group of persons is unable for any reason to seek effective legal protection for the right to the equal protection of the laws, the Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory or subdivision or instrumentality thereof, deprives or threatens to deprive such person or group of persons of the right to equal protection of the laws by reason of race, color, religion, or national origin and against any individual or individuals acting in concert with them.

That is exactly what section 1 provides. It relates only to that situation, and that is the way I would like to keep it. So if the Senator agrees with me, he should withdraw his amendment. Part III, designated as the Case amendment, "3–8–60—A" was laid on the table yesterday upon motion by the distinguished majority leader.

Mr. LAUSCHE. That is where I disagree with the Senator from New York. I return to the basic principle that the proposal is contrary to every concept that we have of justice in the United States. The basis of Anglo-American jurisprudence is that laws should not be drawn so as to point a gun at one individual or one section. Laws should be uniform in their operation, and should operate regardless of whom they touch, if the persons who are touched violated the law.

Mr. JAVITS. The Senator from New York respectfully submits that that is the very essence of law. Those who are touched by a wrong which the law should remedy should have the benefit of the law. The whole concept of our jurisprudence is its specialized application to a particular thing; and those who are guilty of the wrong, however we define it, are all equally guilty. That is exactly what this language would provide, if unamended. If amended the way the Senator wishes to amend it, it would still be specialized. It would not apply to the whole world. It would apply only to one who used threats or violence to frustrate an order of the court. The Senator would make the law applicable to every order of a U.S. court, whatever it might refer to, whereas the other provision would apply only in civil rights cases.

The essence of the argument is not the applicability of the law. The essence is, To what particular wrong do we wish to apply it? I say we should apply it to every wrong with respect to which we have a factual basis of evidence to show that there are wrongs that we should remedy. I do not argue that it should not include anything else. I only argue that it should not include everything else.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LAUSCHE. I agree with the Senator from New York that the test should be application to a specific class of wrongs. The wrong involved, which is to be dealt with, is violation of an order of a court by force and threats applied to a person with respect to whom an order has been issued. The wrong is violation of the court's order. All persons who commit that wrong should be prosecuted. That is my basic position.

Mr. JAVITS. I think we have stated our respective positions very completely. My position is that the wrong or violation of a court order must be the wrong we have encountered in a certain type of case which requires this remedy.

A person can take his choice between the view of the Senator from Ohio and my view. I think we have stated our views very accurately.

Mr. ERVIN. Mr. President, the senior Senator from New York has made a speech which shows why the Lausche amendment should be adopted. The Senator from New York says, in effect, "Be careful. Do not pass this amendment. Do not make this law apply in like manner to all people in like circumstances. If you do that, some labor people might be in trouble." That is what the Senator from New York says, in effect. He also says, in effect, that labor people ought to be allowed to obstruct Federal court decrees with force and violence. But he says, in effect, "You must not broaden the law, because you might get some labor people in trouble." He says, in effect, "You must not broaden the law, because it might apply to patent cases."

He says, in effect, "You might find someone involved in a patent case who obstructs a decree of the court with force and violence. That is not the man we are after."

The Senator from New York says, in effect, "You might find some business tycoon thumbing his nose at the court and using threats and violence to obstruct a Federal court decree. Do not broaden this law because it might apply to some tycoon. Let him thumb his nose at the Federal courts. Let him obstruct decrees with force and violence, but do not broaden the law, because that would prevent him from doing so."

So the argument of the senior Senator from New York shows why the Lausche amendment should be adopted. It shows it more eloquently than anything I could say.

The Senator from New York has insinuated on many occasions that some of us do not like court decrees, and that everything should be made to compell all to respect court decrees. I think everyone should be made to respect court decrees. I think all laws should apply impartially and uniformly to everyone committing the same kind of offense.

I think the Lausche amendment should be adopted so that southerners opposed to desegregation decrees, persons involved in patent cases, persons involved in violent breaches of labor injunctions, and business tycoons, and all others who thumb their noses at Federal courts and obstruct their decrees with force and violence would all be fed out of the same spoon if we are going to make violent resistance to Federal decrees a Federal crime.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 118]

Aiken	Carlson	Eastland
Allott	Carroll	Ellender
Anderson	Case, N.J.	Engle
Bartlett	Case, S. Dak.	Ervin
Beall	Chavez	Frear
Bible	Church	Fulbright
Bridges	Clark	Goldwater
Brunsdale	Cooper	Gore
Bush	Cotton	Green
Butler	Curtis	Gruening
Byrd, Va.	Dirksen	Hartke
Byrd, W. Va.	Douglas	Hayden
Cannon	Dworshak	Hennings
Hickenlooper	McGee	Saltonstall
Hill	McNamara	Schoeppel
Holland	Magnuson	Scott
Hruska	Mansfield	Smathers
Jackson	Martin	Smith
Javits	Morse	Sparkman
Johnson, Tex.	Morton	Stennis
Johnston, S.C.	Moss	Symington
Jordan	Mundt	Talmadge
Keating	Murray	Thurmond
Kefauver	Muskie	Wiley
Kuchel	Pastore	Williams, Del.
Lausche	Prouty	Williams, N.J.
Long, Hawaii	Proxmire	Yarborough
Long, La.	Randolph	Young, N. Dak.
McCarthy	Robertson	Young, Ohio
McClellan	Russell	

The ACTING PRESIDENT pro tempore. A quorum is present. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. LAUSCHE].

Mr. MORSE. Mr. President, I have listened with great interest to the debate this afternoon. I shall proceed when we have order.

Mr. HOLLAND. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senate will be in order.

Mr. MORSE. Mr. President, I have listened with great interest to the debate this afternoon involving the meaning of section 1 of the Dirksen substitute and the meaning of the amendment to it which has become known as the Lausche amendment.

In my opinion, the Senator from Ohio is unanswerably correct when he makes the point that if it is proposed to apply the principle encompassed in section 1 of the Dirksen amendment, it should be applied uniformly, as the Senator proposes in his amendment.

I also believe that there is a considerable amount of merit in the argument which has been made by the Senator from Pennsylvania [Mr. CLARK] and other Senators, that there really has not been any thorough hearing before the committee on the broader amendment as proposed by the Senator from Ohio. That argument has some merit, but we certainly ought to consider ourselves sufficiently able in the legislative process at least to pass judgment upon the desirability of applying or not applying a principle of uniformity in the administration of American justice.

UNIFORM APPLICATION ESSENTIAL

There is great persuasion in the argument that if section 1 is desirable for so-called civil rights cases, where there is a threatened obstruction of court orders, it ought to be equally desirable in connection with any other case where there is a threatened obstruction of court orders.

Therefore, if I were immediately presented with the necessity of deciding whether to vote this afternoon for having one principle apply to civil rights cases, where there may be a threatened obstruction of court orders, and not to apply it to other cases where there might likewise be a threatened obstruction of court orders, I would have to vote for the Lausche amendment. I would vote for it because to do otherwise would be an unfair discrimination in the application of legal principles to like legal problems in the administration of American justice. The Senator from Ohio and

the Senator from Rhode Island [Mr. PASTORE] and other Senators who have taken that position this afternoon are on very sound ground.

NEED FOR SECTION 1 QUESTIONABLE

But let me say most respectfully that the whole debate has proceeded, in my opinion, on the false assumption that the Attorney General of the United States has made a case for the need for section 1. I have been studying his testimony with my eyes, while with my ears I have been listening to the debate which has taken place on the floor of the Senate. There has been a quorum call, which has been helpful to me. I apologize to Senators who may have been inconvenienced by the live quorum, but I called it to get at least a little time simply to study, and not have to listen at the same time.

The testimony by the Attorney General of the United States before the committee is very interesting. Perhaps I have missed something. If so I want the members of the committee to enlighten me. I have been going through the testimony, trying to find two things.

First, I have been trying to find the proof which, it seems to me, would support the position of the Attorney General that there is a need for section 1. I simply cannot find it.

Oh, his expressions of opinion are there, but that is not proof; that is merely opinion. I respectfully submit that unless there is something I have not read, there is nothing in his testimony to sustain his position concerning the need for section 1 in these cases.

Second, I fail to find any proof offered by the Attorney General that the Department of Justice has sought to make use of the law as it exists on the books, or any proof that any court attempted to exercise the inherent contempt powers of the judiciary and found them wanting to meet the circumstances which confronted the court.

The Attorney General had considerable to say in his testimony about the situation after judgment, where there may be a threatened mob violence in the enforcement of some civil rights case, and the parties were not named in the original order. We know how easy it is to get them named. The court is not impotent.

All the court has to do is to proceed to name them in another order and bring them within the jurisdiction of the court.

So it does not seem to me the Attorney General offered any proof in his testimony that the courts had in any way been prevented from exercising their inherent contempt powers in a manner which would cover any situation to which the Attorney General alluded hypothetically. He submitted no specific proof, so far as I can read his testimony, as to the need for this section.

Mr. PASTORE and Mr. CLARK addressed the Chair.

The ACTING PRESIDENT pro tempore. Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I yield first to the Senator from Rhode Island; then I shall yield to the Senator from Pennsylvania.

Mr. PASTORE. I do not believe the Senator wishes to leave the impression that the section on the obstruction of certain court orders has to do with the enforcement of civil rights. It merely has to do with school integration.

Mr. MORSE. Yes.

Mr. PASTORE. If the Supreme Court, for instance, tomorrow granted further civil rights, and they were to be enforcible by court order, in that particular case the provisions of this section would not apply.

Mr. MORSE. That is correct. I thank the Senator.

Mr. PASTORE. This section has to do only with school integration.

Mr. MORSE. I may say quite honestly that since this amendment was introduced only last night, I am talking about this matter without having had very much time to go to the books or very much time to refresh myself on the subject. But we are in a situation where we had better start talking and doing a little thinking out loud in the presence of our colleagues, rather than in the intimacy of our studies, if we are to do what I believe is necessary, and that is to prevent a great mistake which I believe is about to be made on the floor of the Senate, unless we turn ourselves into a little seminar group and discuss this matter for a few minutes.

I thank the Senator from Rhode Island. I am talking about the one civil right which is covered in section 1 of the Dirksen substitute, which is the matter of desegregation in the school cases.

Mr. President, I yield now to the Senator from Pennsylvania.

Mr. CLARK. Is it not the view of the Senator from Oregon that section 1503 of the criminal code provides the Attorney General and the Government of the United States with adequate criminal powers to protect the Government in instances which are likely to arise?

Mr. MORSE. I thank the Senator from Pennsylvania for his aid. That is what I was about to argue, as soon as I finished the general argument I was making.

I do not think we ought to limit the proposal to section 1503. I shall refer to chapter 73, on the obstruction of justice, on which I have just read the reviser's notes and the references cited. I even think some of the headnotes in chapter 73, as well as the decisions themselves, on the obstruction of justice, will support at least the thesis for which I expect to argue in a few minutes. I hope that while I am arguing it, some of my colleagues may get to the books and do a little supplementing of them. It may require another quorum call to give me more time for research before I finish my argument.

What I wish to emphasize is that in all this discussion of the Lausche amendment we have been acting on the assumption that the Attorney General made a case for section 1.

But it is questionable that he did. I do not believe he has shown he needs such a law which will create a new Federal crime; and let us not forget that section 1 will create a new Federal crime. Furthermore, once such a new crime were created, of course a jury trial would be available.

JURY TRIAL WOULD BE AVAILABLE

Of course, Senators differ in their positions on this matter. But I now hold to the point—as I did in 1957—that in cases which involve the high emotion which frequently is found in civil rights cases, in some areas, jury trial is not the most effective way to protect the courts and their orders.

Mr. President, need I argue that point very much, when even the CONGRESSIONAL RECORD will show that it is not uncommon for high emotion to develop. For instance, rather strong statements are often made on the floor of the Senate about the Supreme Court of the United States; and in that connection Senators frequently do not show very much respect for the Supreme Court.

But if emotions run high in connection with such matters here on the floor of the Senate, many miles removed from the scene of an actual civil rights case which may be rocking a community, it is not an excessive use of imagination to say that the creation of a new Federal crime under section 1, in order to cover school desegregation orders in a community in which feelings were running very high, would make very remote the possibility, in many instances, of a jury verdict of guilty. A single member of the jury could prevent a verdict of guilty; and it is no disrespect to the jury trial system to make that point. I believe that is one of the realities which must be considered.

CONTEMPT POWER AND STATUTORY AUTHORITY UNDER IT

So I have always taken the position that ample authority for protection of the inherent power of the judiciary to obtain proper respect for, and proper observance of, its decisions is vested in the judiciary itself, through its power to make use of citations for contempt. That is what is dealt with in chapter 73, on "Obstruction of Justice."

Let us consider the various sections. I now read section 1501:

§ 1501. Assault on process server.

Whoever knowingly and willfully obstructs, resists, or opposes any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ or process of any court of the United States, or U.S. Commissioner; or

Whoever assaults, beats, or wounds any officer or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process—

Shall, except as otherwise provided by law, be fined not more than $300 or imprisoned not more than 1 year, or both (June 25, 1948, ch. 645, 62 Stat. 769).

I now read from section 1503, to which the Senator from Pennsylvania has referred:

§ 1503. Influencing or injuring officer, juror or witness generally.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the

United States or before any U.S. Commissioner or other committing magistrate, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any U.S. Commissioner or other committing magistrate, in the discharge of his duty, or injures any party or witness in his person or property on account of his attending or having attended—

Mr. President, obviously this is the section on which the Attorney General has relied heavily, and from which he has copied quite extensively in proposing section 1 of the Dirksen amendment. Obviously this is the source of section 1. And when we read the testimony which was given by the Attorney General, we have no doubt that this is actually the source of section 1.

To repeat my reading from section 1503:

§ 1503. Influencing or injuring officer, juror or witness generally.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness, in any court of the United States or before any U.S. Commissioner or other committing magistrate, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any U.S. Commissioner or other committing magistrate, in the discharge of his duty, or injures any party or witness in his person or property on account of his attending or having attended such court or examination before such officer, Commissioner, or other committing magistrate, or on account of his testifying or having testified to any matter pending therein, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, Commissioner, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than five years, or both (June 25, 1948, ch. 645, 62 Stat. 769).

As the Senator from Pennsylvania has stated, I submit that we have enough law in this field, and we do not need to have section 1 of the Dirksen substitute amendment enacted into law until a showing is made that something more is needed.

But if it is to be enacted into law, then I cannot reconcile with justice its application only to school desegregation cases.

This afternoon the Senator from Ohio has pointed out what would result if section 1 were to be applied uniformly.

EXISTING LAW LITTLE USED

But, Mr. President, we have not received any testimony to the effect that the courts have exhausted the remedies already available to them when obstruction of justice is attempted in connection with court orders. There has been no testimony which would show that section 1 is required in such circumstances.

Have Senators forgotten the present procedures of the court system which are available? We have every reason to give great weight to the Judicial Conference, insofar as such recommendations are concerned. But the Judicial Conference has not stated that any provision similar to section 1 is needed in order to prevent the obstruction of justice in so-called school desegregation cases or in any other cases in the Nation. Until we receive some such evidence—and the Attorney General did not submit any; he merely gave his opinion—I believe we should not proceed with section 1.

Furthermore, we find that in his testimony the Attorney General referred to the use of the Army in the Little Rock case; and he seemed to indicate that in the absence of section 1, the Army might have to be used in similar cases.

But I deny that. For that matter, I deny that it was necessary to use the Army at Little Rock in the first place, because in my opinion, there was never an exhaustion of the legal processes available to the courts and available to the Department of Justice.

In my judgment, the Department of Justice did not exhaust all the procedural remedies available to it in the Little Rock case.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. Will the Senator from Oregon agree that if section 1 is stricken out, and if section 1503 does not apply—and the Attorney General has argued that it might not apply to such an incident, following the entering of a court decree—nevertheless, the court has inherent power to punish for contempt?

Mr. MORSE. That is the point to which I am leading. Of course, I am thinking out this matter as we go along. I have been proceeding as rapidly as I could, here on the floor of the Senate, on the basis of my recollection of the rules of Federal procedure, as I used to teach them; and it is surprising how vague one's recollection of such matters can become, after a considerable period of time has passed.

But in such a case, certainly the Attorney General should not sit still and do nothing, because he has the responsibility of being of assistance to the court; and in his prosecuting capacity, the Attorney General should obtain the facts and should submit them to the court, and should inform the court of the developments, insofar as obstruction of justice is concerned, following the entering of the judgment.

Certainly there is nothing to prevent an Attorney General from proceeding to protect the court and the court's orders in such cases.

After the Attorney General provided the court with that information—and the Attorney General could do so on his own initiative—certainly the court could immediately call before him the leaders of the mob; and if the leaders should refuse to come voluntarily, the court could have the Attorney General require them to come, by means of the processes of arrest available to the Attorney General. When the leaders of the mob were brought before the court, the court could deal with them.

In other words, Mr. President, some Members of the Senate have been proceeding on the basis of the assumption that in such cases the court and the Attorney General are quite impotent. However, that is not true.

Therefore, I propose—and such action should be taken with the full understanding and assent of the Senate—that the Lausche amendment be laid on the table, instead of being voted either up or down.

I would not vote against the Lausche amendment, because it involves the principle of uniform application of a legal principle to all cases, which I am never going to vote against. So I think we ought to have a vote on it, up or down, and then proceed, with that on the table, to defeat the Dirksen amendment or lay that on the table. I do not care how it is done. But my point is I do not think we ought to pass the Dirksen amendment or the Lausche amendment, because I do not think any case has been made of a need for the Dirksen amendment.

Then it seems to me we should wait until the Judicial Conference, which represents the Federal judiciary of this country, lets us know what they think about this matter. They have never told us.

I think the Attorney General should have brought to the committee some proof from the courts themselves that they are in need of such an amendment as this. Until the courts and the Attorney General submit such proof, I believe we ought to wait, and strike, in effect, the Dirksen amendment from the whole bill and proceed from that point.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. MORSE. I yield, provided I do not lose the floor.

Mr. JOHNSON of Texas. Mr. President, I should like to propound a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JOHNSON of Texas. Would it be in order to make a motion to table part I of the Dirksen proposal?

Mr. MORSE. My understanding, from a conversation I have had with the Parliamentarian, is that we must act——

Mr. JOHNSON of Texas. Will the Senator let the Chair answer the parliamentary inquiry?

Mr. MORSE. I thought the Senator was asking me. I am sorry.

Mr. JOHNSON of Texas. No. I was asking the Chair.

The ACTING PRESIDENT pro tempore. That motion could be made. It would carry with it the Lausche amendment if it were tabled.

Mr. JOHNSON of Texas. In other words, if the Senator from Oregon, or any other Senator, made a motion to table the Dirksen proposal and that motion prevailed, then part I would be tabled along with the Lausche amendment?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I thank the majority leader for getting that ruling. It was my understanding that we would have to proceed with the Lausche amendment first because that is the pending business, and that we could not take up the Dirksen substitute until we had acted first on the Lausche amendment. Do I correctly understand now that we can table section I, and that tabling section I would take the Lausche amendment with it?

The PRESIDING OFFICER. That is the ruling of the Chair.

Mr. MORSE. When I get through, I shall make that motion.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield further?

Mr. MORSE. Yes.

Mr. JOHNSON of Texas. Can the Senator give us any indication as to how long he plans to speak, so we can notify absent Senators?

Mr. MORSE. I do not know how much time it will take to clarify the thinking on this point.

Mr. JOHNSON of Texas. Should Senators be prepared to vote by 5 o'clock?

Mr. MORSE. So far as the Senator from Oregon is concerned?

Mr. JOHNSON of Texas. Yes.

Mr. MORSE. 4:25.

Mr. JOHNSON of Texas. I thank the Senator.

I ask the aides of the Senate to notify Members on both sides of the aisle that it is anticipated a motion to table will be made at 4:25 or thereabouts, and that they should be prepared to vote.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MORSE. I want to yield first to the Senator from South Carolina.

First let me read from the Attorney General's testimony. Then I shall yield to the Senator from Tennessee.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. MORSE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. MORSE. I have yielded to the Senator from South Carolina. Then I shall yield to the Senator from Tennessee. Then I shall yield to the Senator from Colorado.

Mr. JOHNSTON of South Carolina. I should like to say to the Senator from Oregon it happens that I am chairman of the subcommittee of the Committee on the Judiciary, which is dealing with the subject of improvement of the judicial machinery, and of course that subject would involve matters of the kind the Senator is discussing at the present time. The Judicial Conference has not at any time conveyed to the subcommittee information that it needed any more powers in this particular field.

Mr. MORSE. I am glad to have that contribution from the Senator from South Carolina.

I say this most respectfully, Mr. President. I know something of the problems of the Department of Justice, having served in it for a period of time. I know what confronts an Attorney General. I am not speaking disrespectfully of the present Attorney General. It is simply my view that he has not made his case in his testimony. If he was going to propose this kind of procedural change, he owed it to the Federal bench, as well as Congress, to seek the views of the Judicial Conference and other judicial authorities before he came up with a recommendation such as this, which would have such an impact on the operation of the Federal judiciary.

That is one reason why we are perfectly justified in not attempting any action on this matter today, particularly when I hold to the view that there is adequate inherent contempt power in the Federal courts of the country to protect themselves and their decisions, anyway, from any successful obstruction of justice, provided they get the cooperation they should receive from the Department of Justice, acting through its U.S. attorneys and under existing law.

TESTIMONY OF ATTORNEY GENERAL

Before yielding further, I want to direct attention to page 201 of part I of the hearings before the Judiciary Committee. The material was cited by the Senator from Pennsylvania earlier this afternoon in his comments, but it needs to be reemphasized now. It will be found that Mr. Rogers testified on this subject as follows:

> In the first place, as you know, the school cases are dual interests in a lot of ways. In the first way, it is different from other situations in that it is a continuing injunction; it continues on under an order which is approved by the court, so that it has to be followed day after day after day.

There is nothing singular about that. That is true of almost any Federal injunction which involves a major case that affects a community. It is true of injunctions in major labor disputes.

It was true, do not forget, Mr. President, in the historic Mine Workers case. I recall it now only from memory. Perhaps my recollection is wrong in a detail or two, but I am not wrong as to what actually happened in the case.

The Federal court had no difficulty in that case in preventing obstruction of justice on the part of the United Mine Workers of America. Let me point out that was after judgment. That fact fits in with, and is on all fours with, the factual situation discussed by the Attorney General.

The Federal court in that case imposed a terrific fine. I forget what the amount was. It was a huge fine, amounting to one or two million dollars, as I recall, and the court did it under its contempt power.

That fact illustrates my point that I think inherent power exists in the cases that the Attorney General was talking about.

Mr. GORE. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Tennessee.

Mr. GORE. Such power of the court has been exercised, indeed, with respect to the problems of integration. That was true in the case of Clinton, Tenn.

I really rose to suggest to the Senator that before he makes his motion to table he might be willing to ascertain the desires of other Senators to speak on the subject. As the able Senator knows, a motion to lay on the table is not debatable.

Yesterday a motion to lay on the table was made after due notice, after time for debate was allowed and the desire to debate had been accommodated. It seems to the junior Senator from Tennessee that a motion to lay on the table in such circumstances would be more justified.

Mr. MORSE. The Senator heard me say I am going to suggest the absence of a quorum. Many of my colleagues have been in consultation about this matter. I will not insist on a long quorum call, and after the quorum call I will make the motion to lay on the table, unless other Senators want to discuss the matter.

Mr. GORE. That was the proviso I hoped the Senator would add.

Mr. MORSE. Mr. President, before yielding to the Senator from Colorado [Mr. ALLOTT], I should like to finish my comments in regard to the testimony of the Attorney General.

Mr. LAUSCHE. Mr. President, will the Senator yield for a moment?

Mr. MORSE. I yield.

Mr. LAUSCHE. May I suggest to the Senator, for the purpose of insuring an ultimate proper result, that consideration might be given to the adoption of my amendment? Then, when the bill is made uniform in its operation through the adoption of the amendment, consideration can be given to the proposal to table, or to defeat the entire matter.

Mr. MORSE. I am going to yield to the Senator from Colorado [Mr. ALLOTT], and I apologize to my friend. I yielded to the Senator from Ohio because I was talking about the Senator's amendment, and thought he had priority rights. Therefore, I yielded to him as a courtesy.

I now yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I understand the Senator can yield only for a question.

Mr. MORSE. If the Senator wishes, I will ask unanimous consent.

Mr. ALLOTT. My question is whether the Senator would be willing to yield to me, by unanimous consent, for 3 minutes, to explain my position, provided the Senator does not lose his right to the floor.

Mr. MORSE. If the Senator will let me finish explaining my position, it will not take me more than 3 minutes.

Mr. ALLOTT. I simply wish to be assured that I shall not be foreclosed from the floor by a motion to lay on the table.

Mr. MORSE. I guarantee to the Senator he will not be foreclosed by action on my part.

Mr. President, I return to the testimony of the Attorney General. He said:

> In the first place, as you know, the school cases are dual interests in a lot of ways. In the first way, it is different from other situations in that it is a continuing injunction; it continues on under an order which is approved by the court, so that it has to be

followed day after day after day. Two, the usual injunction involves parties to the litigation and as a rule the court's decision may be vindicated by acts of the marshal or usually there is no opposition except on the part of the defendant and this is a situation where you have very strong community resistance, as we well know, which has resulted in violence which has caused our Nation great harm.

Of course, Mr. President, a lot of these other cases on other subject matters involve whole community groups. As I said, the court did not have any difficulty in the United Mine Workers case in enforcing its decisions by protecting them from obstruction of court orders.

Three, it involves the safety of children. Under the court order they have to go to school or they go to school pursuant to the court order and we think all those things are so different from other situations in the legal field that this statute which we ask is very wise and should be enacted.

Now if Congress feels that there are other situations where there is a similar need for this statute, we obviously would have no objection.

I assume the Attorney General has in mind the broadening of the matter, as the Senator from Ohio has proposed.

In other words, we have asked for this because we think there is a present need, a proven need for this kind of legislation. We think it would be helpful to prevent more violence in the future. We don't want to ask for anything which would appear to be an extension of the Federal power over and beyond what we think is an honest need. We do think there is a need for this type of legislation. We think if it is enacted by the Congress it will have a very healthy deterrent effect and we think it should be passed. Now if Congress feels that it should be extended to other fields, we would not object.

That is very interesting, Mr. President, but again I think the Attorney General had a duty of bringing before the committee some proof and evidence in support of his allegation as to the need.

POWER SHOULD BE UNIFORM, BUT NEED FOR IT NOT SHOWN

The essence of my position, Mr. President, is as follows: First, I think chapter 73 of the code, which deals with the subject of obstruction of justice, already has provisions in it sufficient to enable any court to protect any judgment it rendered from any successful obstruction of justice.

Second, we should not overlook the inherent contempt power of the court. That inherent contempt power may very well be adequate to prevent what the Attorney General fears, particularly if the U.S. attorneys and the Federal Department of Justice do their cooperative work with the Federal judge involved.

Third, Mr. President, this would create a new crime, to which the jury trial would apply. I do not feel that the procedure of creating a new crime would be nearly as adequate for protecting the court as would be the use of the contempt power.

Next, Mr. President, we ought to await the recommendations of the Judicial Conference. I do not necessarily believe they should be controlling, but we should have them for our consideration. I do not think that on the floor of the Senate at this time, without more consideration than the record shows has been given to the matter, we ought to proceed to pass a provision of law which is going to have the effect that this will have on the operation of the Federal courts, until we have had the benefit of the recommendations of the Judicial Conference in respect to it.

We are all greatly indebted to that Conference for its guidance, even though we may not agree with a particular recommendation. It has been our practice in the Congress to rely, at least in the first instance, upon the recommendation of the Judicial Conference, and we have not had such a recommendation. Nor have we had a recommendation, Mr. President, from the U.S. attorneys. Very frequently we seek their advice.

So I say in sum and substance, Mr. President, there is no proved need for this. If that assumption is sound, my last argument is that I do not think we should proceed to cover all the other cases necessary for uniformity, which would be involved under the Lausche amendment, until we have had a much more thorough case presented to us than the record shows.

Therefore, I think it would be much better to lay the whole matter on the table—since I do not think its need to protect civil rights has been shown—and wait to have it handled in a separate bill.

Mr. MANSFIELD. Mr. President, will the Senator yield for a question?

Mr. MORSE. I am ready to yield to the Senator from Colorado.

If it is all right, I will yield to the Senator from Montana. I am not going to make any motion right now.

Mr. MANSFIELD. I heard the Senator from Ohio a few moments ago ask a question of the Senator from Oregon. I wonder if it would not be possible to first vote on the amendment of the Senator from Ohio, and then to vote on tabling session 1?

Mr. MORSE. Every reason I have given for not adopting section 1 applies to not adopting the amendment of the Senator from Ohio. Why should we vote on the amendment of the Senator from Ohio when we do not have any recommendation from the Judicial Conference, much less from a congressional committee, on its application and effect?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. Why should we vote at all on the amendment of the Senator from Ohio when we have not exhausted yet the cases in which the contempt power has been adequately used? It can be used in connection with any case the Attorney General discussed in his testimony. I do not think we ought to proceed to vote on the Lausche amendment until we first get our recommendation from the Judicial Conference, talk to some U.S. attorneys, and go into the matter in much more detail than we have.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. If we are going to pass anything, I made clear in my opening remarks I would vote to add the Lausche amendment to the Dirksen section 1 because I believe in uniform application of the law. But I do not believe we have sufficient information to approve the section.

I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I suggest that it would be sound to vote upon my amendment first, to make the law uniformly operative and declare to the Nation that the Senate subscribes wholeheartedly to the proposition that laws should be uniform in operation upon all. If that were done, nothing would be lost by a subsequent motion to lay on the table.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me?

Mr. MORSE. I shall be glad to yield. But let me reply to the argument of the Senator from Ohio.

Mr. JOHNSON of Texas. The amendment of the Senator from Ohio has been pending since last evening. I am wondering if the same result which has been suggested would not be achieved by making a motion to table the Lausche amendment, so he could have a direct vote on his amendment. If that amendment should prevail, a motion could be made to table section 1; but if it did not prevail, the Senate could, by a voice vote, accept the Lausche amendment, and then a motion could be made to table the amendment as amended.

Mr. MORSE. Let me give the majority leader my reaction to that suggestion. I do not mean to infer that the Senator from Texas seeks to be unfair to the Senator from Ohio, but I do not think it is fair to single out the amendment of the Senator from Ohio with the suggestion that it be laid on the table—assuming that it were laid on the table. If it were not laid on the table, we would be back where we are now.

I think it would be better to incorporate the Lausche amendment with the Dirksen section 1, and then cover them both in one motion. We have a ruling from the Chair that that could be done.

My answer to the Senator from Ohio is that I do not believe that we have to approve a provision for which no need has been shown, to demonstrate to the country that we believe in the uniform application of the law to all like cases.

That has been heard for the past 2 hours. Senator after Senator has made that statement. I do not believe that we have to pass a law when there is no proof that the law is needed, creating a new crime, in order to demonstrate to the country that we believe there should be a uniform application of the law.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ANDERSON. Did I correctly understand the Senator to say that there was no great objection to considering the amendment of the Senator from Ohio, and then moving to lay on the table? If there is not, we would then know what we were laying on the table. Why not permit the Senate to vote on the Lausche

amendment, and then let the Senator from Oregon make his motion to table?

Mr. HOLLAND. Mr. President, will the Senator yield for a suggestion?

Mr. MORSE. I yield.

Mr. HOLLAND. It seems to me that the Senator from Oregon might well consider letting the vote on the Lausche amendment come first, for an additional reason which has not been mentioned. Aside from the fact that it has been pending for some time and has been argued, if the vote on the Lausche amendment were taken first, whether it were accepted or rejected, there would still be available a motion to lay section 1 on the table.

The Senator from Florida would like to vote for the Lausche amendment. The Senator from Florida would like to vote to lay on the table section 1. He would vote to lay on the table section 1, even if the Lausche amendment had not been applied to it; but it seems to me that there would be only two possible votes if the procedure I have suggested were followed, letting the first vote come on the Lausche amendment. If the Senator feels that he should continue with the effort to lay on the table, first, the whole subject matter——

Mr. MORSE. Let me repeat—and this is my answer to both the Senator from New Mexico and the Senator from Florida—that on this question I am clear in my mind, even though I may not speak with the cogency with which I should like to speak after careful study. I do not believe that we should be placed in the position of having to vote on the Lausche amendment when no case has been made showing the need for the Lausche amendment. It may be needed, or it may not.

The only case that has been made showing the need for the Lausche amendment is on the assumption that the Dirksen amendment is approved. Then those of us who believe that there should be uniform application of a legal principle would be in favor of the Lausche amendment, but only at that time.

Many Senators are against the Lausche proposal as a separate proposal, standing not in relation to the Dirksen amendment. We do not believe we should go on record this afternoon as recommending the Lausche amendment when no proof was presented by the Attorney General that there was need for any amendment.

Further, we believe that the entire subject should be laid on the table until there can be some hearings and recommendations from the Judicial Conference, and others, which would justify the need for the passage of any addition to chapter 73 of the code.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. HOLLAND. It seems to me that the more regular way—and the Senator from Florida advances this as a suggestion—would be to vote on the Lausche amendment, since it is in the nature of a perfecting amendment to section 1, and then have a motion to lay on the table section 1, whether it be perfected or not.

I invite the attention of my distinguished friend to the fact that the other way might result in three votes. If the motion to lay on the table the entire subject matter should fail, the question would recur on the Lausche amendment to section 1. Then there would still be available a motion to lay on the table section 1, whether amended or not. It seems to the Senator from Florida that the shortest way and the most logical way is to proceed as he has suggested. It seems to me that is rather clear.

Mr. MORSE. I think the shortest way is to lay the entire subject on the table in one fell swoop; and that is what my proposed motion would do. If we fail in that effort, we may have the problem of other votes; but I think this is the best offer for the possibility of a single vote.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. I hope my friend from Oregon will adhere to the position he has so ably taken, and insist on making the motion to table all of section 1. We have had a very interesting and illuminating debate. I think most of us feel that section 1 is not necessary. Also, we know what is going on here. We know it very well indeed. I congratulate my friend from Oregon for his perspicacity in endeavoring to eliminate this entire question by moving to table section 1, thus eliminating questions of labor law and questions relating to many other things which have nothing to do with the civil rights bill. I congratulate the Senator from Oregon.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MORSE. I yield.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. If the Senator from Oregon should move to table section 1, and the motion should be agreed to, would there be anything then to prevent the Senator from Ohio [Mr. LAUSCHE] from offering his amendment de novo?

The PRESIDING OFFICER. The Chair believes that it would be in order to offer it as a separate proposal, if the Senator from Ohio chose to do so.

Mr. MORSE. Mr. President, the thing that would prevent it would be the Senator from Ohio. Knowing the Senator from Ohio as I do, I am satisfied that if the Senate registered its desire to eliminate section I, the Senator from Ohio would not resurrect an issue which would in effect, be an effort to get around the action which the Senate just took. He does not happen to be that kind of Senator, in my judgment.

Mr. ANDERSON. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from New Mexico.

Mr. ANDERSON. I point out to the Senator from Oregon that he may unduly complicate the situation. The Senator from Pennsylvania congratulated the Senator from Oregon on his perspicacity. Perhaps I am too much of a practical politician, but it seems to me that if the Senator from Oregon moved to table all of section I there might be—I do not say there would be—someone on the Republican side who would vote against the motion to table, since the original proposal was offered by the minority leader [Mr. DIRKSEN]. On the Democratic side there might be a large group of Senators who favor the Lausche amendment, and who would vote against the motion to table. Therefore the Senator from Oregon would find himself without many of the supporters he would like to have with him on the motion to table.

Mr. MORSE. I can only say to my friend from New Mexico that time will tell. My statement is completed. When the Senator from Colorado [Mr. ALLOTT] has concluded his remarks, I shall suggest the absence of a quorum, unless another Senator wishes to discuss this subject.

Mr. LAUSCHE. Would the Senator have my amendment submitted for a voice vote, if the yeas and nays can be dispensed with by unanimous consent?

Mr. MORSE. I will consider it after the quorum call. I wish to talk to my confreres about it. I yield the floor.

Mr. ALLOTT. I shall confine myself to 4 or 5 minutes. I must say that upon first reading the amendment of the Senator from Ohio I was very much inclined to go along with it. I was favorably impressed with the argument that what is sauce for the goose is sauce for the gander. That argument appeals to me. So with the argument that if it is good to apply this in a case growing out of segregation, it is also good to apply it to in every instance. It is an argument which appeals to everyone.

However, I must say that I shall oppose the amendment, for five reasons.

The first is that I am not satisfied with the language in either the Lausche amendment or in the Dirksen amendment. In lines 4 and 5 the Lausche amendment reads: "Whoever, by threats or force, or by any threatening letter or communication, willfully prevents." I can think of an instance in which a person could threaten without using a communication. In other words, threats may be made in writing, and may not necessarily be by communication. Therefore it would have to read, in my opinion, to be as inclusive as it intends to be, "by letter or other matter in writing."

Second, I also believe that the contempt powers of the courts are now generally adequate, and in this I agree with the Senator from Oregon.

I should like to raise the question as to whether the Lausche amendment can possibly limit the power to punish for contempt of court. I cannot imagine that the courts would give up their present power to punish for contempt. I will say to my colleagues that the question I have propounded suggests no greater stretch of statutory interpretation than the Supreme Court has made in several instances.

The next question I would like to propound is, Will the powers be used together? In other words, does the

amendment partially limit the power of contempt or, if used, does it stop the power of contempt. I do not believe anyone can answer that question.

I am not sure that it would be double jeopardy. My friend from South Dakota [Mr. CASE] has raised the question as to whether it would be double jeopardy. I am not sure that it would be double jeopardy.

Fifth, we now have in title 18 several sections. The first one, 1501, refers to an assault on a process server. Section 1503 deals with influencing or injuring an officer, juror, or witness. Section 1504 has to do with influencing a juror by writing. I might say here that the words "by writing" are used, not "by communication." Section 1505 deals with influencing or injuring a witness before agencies or committees. Section 1506 has to do with theft or alteration of record or process; also false bail. Section 1507 deals with picketing or parading. Section 1508 deals with recording or listening to or observing proceedings of grand or petit jurors while they are deliberating or voting.

So, Mr. President, I say that what we are debating is a general statute which attempts to punish people generally who by letter or communication willfully prevent, obstruct, impede, or interfere with or willfully endeavor to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States.

What we are attempting to substitute is a general statute for a violation of any order of the court, and the penalties involved in it are limited to $1,000 or imprisonment for not more than 1 year, or both. In many instances such a penalty would be so grossly inadequate as to be shocking.

For these five reasons I must say that I shall have to oppose the Lausche amendment.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield.

Mr. KEATING. I am impressed with the last statement made by the distinguished Senator about the wide application of the Lausche amendment in fields upon which there have been no hearings or testimony or any evidence at all of any need.

The amendment is extremely far reaching, and it should have additional study before being adopted as a part of the bill before us, which deals with an entirely different subject than that with respect to which the Attorney General has testified that there is a specific need.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. KEATING. The Senator from Colorado has the floor.

Mr. JAVITS. Will the Senator yield so that I may join in this particular colloquy?

Mr. ALLOTT. So far as I am concerned, if I may thank the Senator from Oregon for not pressing his motion before I could get the floor, I shall yield the floor myself.

I have had one section called to my attention, namely, section 1507, which states in the last paragraph:

> Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

But I call attention to the fact that this language appears in only section 1507. All these sections, including this one, are subject to the argument that the whole matter would be repealed by implication in the event the Lausche amendment were agreed to.

I yield the floor.

Mr. JAVITS. Mr. President, I merely wish to join with my colleague in the correction with respect to the jurisdiction of the municipal court and with respect to matrimonial cases in the district court. I also wish to point out that this illustrates what I meant when I said earlier that we always run into trouble and danger when we try to do these things with our eyes shut as to what the outermost limits are of what we are trying to approve as legislation.

Mr. MORSE. Mr. President, first, I wish to outline the procedure I shall suggest to the Senate. I shall ask unanimous consent to vacate the order for the yeas and nays on the Lausche amendment. I am not making the request now, but merely explaining my course of action. Then I should like to have a voice vote on the Lausche amendment. After that I shall determine what course I shall follow parliamentarily from there on.

Mr. HOLLAND. Would the Senator have any objection to a division vote?

Mr. MORSE. I would have no objection to a division vote. I make the unanimous-consent request that we vacate the order for a yea-and-nay vote on the Lausche amendment.

Mr. DIRKSEN. Mr. President, reserving the right to object—and I shall not object—I hope no one will call the rule book on me if I take a minute or two to discuss my views. I probably would not be a Senator if that rule were strictly construed.

After all the discussion today, I have only this to say with respect to what is now pending before the Senate and the difficulty which may ensue dependent upon the action which will be taken.

First, I point out that time after time it has been hoped that we would not sit around the clock; that we would take things a little easier until the House bill came over to the Senate. The House is considering a civil rights bill at the present time. The very provision which appears in the administration proposal on the desk is almost identic with the House provision, except so far as the penalty is concerned. I have never interposed any real objection to a modification of the penalty. The House bill provides for a fine of $1,000; the Senate bill called for a fine of $10,000. The reason for that proposal in the first instance was to make certain that the penalty was adequate for dealing with concerted action and mob violence, as in the case of Little Rock. So we adopted the Ervin amendment.

As to the rest of the language, the language on the desk in the Dirksen substitute is in other respects identic with the House language.

Now I ask, in all good conscience, what are we going to do when the House bill gets to the Senate, and we amend it in this fashion, and a motion to strike out, and a motion to table, which would follow, should prevail? Then we would be in the very awkward situation of having a House bill which deals with obstruction of justice, and a Senate bill which contains no comparable provision at all. We shall be in that difficulty, whether we like it or not. I would pretty nearly bet my right hand that the House will keep that provision in the House bill, and that we will have to deal with it all over again, almost de novo, if it is taken out of the Senate bill at this time, either by way of substantial modification or a motion to strike it or a motion to table section 1. That is the first difficulty.

The second matter I would point out is that, notwithstanding the language of the Attorney General, which has been read to the Senate today, the point he made all along—and I have read his language—was that if the courts saw fit to do so, they could extend the power. But he always alluded to the fact that he did not want the Federal power intruded more deeply into the affairs of the people than the necessities of any occasion warranted. By way of proof, if Senators will look at the sections of the statute which would be amended by section 1 they will find that five or six of them deal with the various matters "Under Obstruction of Justice" which were adopted in 1948. That was 12 years ago. There was evident need for them at that time. Two other sections were adopted in 1950. There was an evident need for them at that time. In 1957, 1958, and 1959 a need developed. Why did the need arise? It arose out of the concerted action at Little Rock.

Who can best tell whether there is adequate sanction and enforcement power in the chief law enforcing officer of the country if not the Attorney General himself? If I had to take the best judgment in the Senate on this matter, I would accept, I believe, the judgment of the distinguished senior Senator from New York [Mr. JAVITS], because he was the attorney general of his State, the most populous State in the Union, where comparable problems are encountered.

So the Attorney General made a good case when he said:

> I think I need this power, but I shall not ask for more power than I need. I ask for this much and no more.

Now it is made to appear that because the section relating to the obstruction of court orders and the penalties which go with them are limited only to orders involving segregation cases, it becomes sectionally not correct. It applies to one section, but not to another. It applies to one group, but not to another. That was not in the mind of the Attorney General at all. He was asking for no more power than he thought was necessary under the circumstances to deal

adequately with the problem. Why did he ask for it? The reason is very simple. The general statute on this subject contains a rather broad phrase: Obstruction of the administration of justice. Some courts say it is a limitation; some courts say it is an enlargement of power. But in the main, it has been rather narrowly and strictly construed.

So here was a difficulty. In dealing with these particular cases, and considering the violence which had erupted at that time, the Attorney General simply said:

> I am the chief law enforcement officer of the country. After evaluating all the circumstances, it is my judgment as a lawyer and my judgment as the Attorney General that I ought to have a little more power to deal with cases of this kind. I shall not ask Congress to give me a general grant of power, because I know full well what the reaction would be.

How many times this Chamber has resounded with our imprecations about the constant encroachments of Federal power. So the Attorney General was well within a good tradition when he said:

> I will not ask to expand the Federal power further than is necessary.

That is good doctrine. It is good political doctrine. It is good, sound sense. I believe it is in keeping with the whole tradition of the country that we never want the Federal authority so strong and so centralized as to jeopardize the rights, the liberties, and the immunities of the people. The Attorney General, then, is on very solid ground, and his opinion is consonant with every tradition, and is, I believe, in conformity with the views which have been expressed in this Chamber time and time again.

That is the whole story. Twice in 1948 and later, in 1950, this particular section in the Code dealing with the obstruction of justice has been amended. But in each case the demand was only for so much power as was necessary.

Now comes a new story. The Attorney General comes back and says, "I ask for so much and no more." If he needs more, he can come back. I do not believe there is point or validity to the contention of the distinguished Senator from Oregon when he speaks about the need for having the approval of the Judicial Conference on this subject. The Attorney General does not go to the Judicial Conference, particularly when a legislative matter is involved. I think there are occasions when he attends. He goes to the Judicial Conference, in the first instance, when the machinery of the courts is involved, to get some hint from the Conference. That would be notably true in connection with the question of the expansion of the number of Federal judges. Who can best determine, if it be not the Judicial Conference, under those circumstances? But here we are dealing in the first instance with a power of the Attorney General, because he would have to be the enforcing authority and would have to operate under the court orders. So I see no validity in that point.

I remind Senators that we will be in difficulty on this matter. When the House bill comes to the Senate, what then shall we do? If we get it on the first reading, and then on second reading, and keep it here, shall we then stand in our places and strike section 1 from the bill? We must remember that any modification will require a conference. How much longer, then, must we deal with the civil rights issue? Must we continue, not for weeks, but for months, before we get through?

When the House has impressed its will on this controversy and on this issue, I feel reasonably certain that the bill which will come over from the House will be a five-section bill. I may be mistaken, but I am pretty sure that section 1 will be in the House bill.

Then when we go to conference, we cannot make the House conferees go back for 20 days, under their rule, because they can stand that long before they go back for instructions. Then what? If the conferees on the part of the House should accede to the Senate and take out section 1, what will the House do?

Mr. President, proposed civil rights legislation will be before us for the next 8 weeks, if at this time we undertake so completely to modify this proposal, and thus say to the Attorney General, "We will give you even more than you requested; we will provide you with power that will be so broad that you can use it in every field of activity."

But the Attorney General did not request that; and we are not the enforcers. All that is the responsibility of the Attorney General. When he asks, "Please give me this much," if we reply, "We will give you that much, and much more than that," how are we going to justify our action?

If, later on, the Attorney General finds that he needs more authority, the Department of Justice is only a few blocks from the Capitol, and the Attorney General will easily be able to come before the appropriate congressional committee and make a request for more authority.

Therefore, Mr. President, I will not justify by my vote the provision of more authority than the Attorney General has requested.

So I say to the Senator from Oregon that I shall not object to having the order for the yeas and nays on the question of agreeing to the Lausche amendment withdrawn.

I shall vote against the Lausche amendment, if I have that opportunity; and I shall vote against the motion to lay on the table, if I have that opportunity, because we "brought the flag" in here, and placed it over a seven-item package which I believe represents the viewpoint of the Administration; and I believe this package has been rather carefully and rather cautiously developed.

Furthermore, if the House takes the action I believe it will take, five-sevenths of this package will be included in the bill the House will pass.

Mr. KEATING. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Does the Senator from Illinois yield to the Senator from New York?

Mr. DIRKSEN. I yield.

Mr. KEATING. Let me say that I never have seen the flag carried more noble. [Laughter.]

Mr. DIRKSEN. The Senator from New York is very kind.

So, Mr. President, that is the case. It is very simple. The Attorney General has not asked for more; so why should we give him more?

Mr. President, how careful we have been in dealing with all other fields, before we have agreed to enlarge the power already made available as to them. I remember when the Landrum-Griffin bill, or its Senate counterpart, was before us; and I remember how at that time we fought very hard, back and forth, when attempts to increase the authority already provided were made.

In this case we have a request by the Attorney General; and he has not asked for to much. He says that in the situations which developed in 1957, when there was concerted action, the provisions of existing law was not quite adequate; and therefore he requests that an additional instrumentality or additional authority be provided him. That is the request which is before us today.

Therefore, Mr. President, in the interest of civil rights, I intend to do all I can to preserve what I believe the Administraton package now provides, at least insofar as I believe it will be included in the bill the House will pass, instead of agreeing to broaden the provisions to such an extent that the measure would be difficult to accept as a civil rights measure.

Mr. President, I thought we were dealing with civil rights. However, this afternoon I have been advised that labor representatives are around, somewhere, urging Senators not to vote for the Lausche amendment. I do not know whether that is true; but if it is true, it makes no difference to me, because my judgment has to be my independent judgment. But if that situation is being considered or thought of by anyone, then we must naturally conclude that an attempt is being made to extend this proposed legislation to something more than civil rights matters. But I have proceeded on the basis of the assumption that we were dealing with a civil rights bill; and section 1 has a direct bearing, because it goes no farther than school desegregation cases.

If broader legislation is desired, let it be provided separately and dealt with separately.

However, we now have before us a civil rights bill, and I do not want to see it opened up to such an extent that it would become an open-end measure which would involve every activity except civil rights.

Therefore, Mr. President, in yielding the floor, I say that I myself shall not object to having the order for the yeas and nays vacated. I do not know how this matter will finally come out; but I shall vote against the Lausche amendment, and I shall also vote aaginst the

motion to lay on the table the Lausche amendment.

Mr. President, I yield the floor.

Mr. COOPER. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOPER. Was objection made to the request for unanimous consent?

Mr. DIRKSEN. Mr. President, I withdrew my reservation of the right to object.

Mr. COOPER. The Senator from Oregon requested unanimous consent that the order for the yeas and nays be vacated or rescinded. Was objection raised to that request?

The PRESIDING OFFICER. A reservation of the right to object was made, but was withdrawn.

Mr. AIKEN. Mr. President, I object. I object to any move to make laws apply to only one section or class in the country, and not to all the others.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUSCHE. Mr. President, I hold the junior Senator from Illinois [Mr. DIRKSEN] in the highest esteem.

Mr. DIRKSEN. It is mutual, Mr. President.

Mr. LAUSCHE. And I wish to say to him that the fearlessness which he has exhibited in the Senate since I have been a Member of this body has strengthened that judgment on my part.

Mr. DIRKSEN. I thank the Senator from Ohio.

Mr. LAUSCHE. Therefore, Mr. President, it is with reluctance that I now shall proceed to point out some weaknesses in the argument the Senator from Illinois has made.

The Senator from Illinois has stated that we should rely on the word of the Attorney General, because he is in the best position to speak on this subject.

The Senator from Illinois further stated, in effect, that the Attorney General came before the committee and asked for a certain amount, and no more, and said that he did not want the heavy arm of the Federal Government to extend any further than necessary throughout the States.

Mr. President, that statement sounds excellent. But the rule of uniformity still applies. All that the Attorney General could properly request was, "Please enact a criminal statute which will help me stop mob disorder."

When the Attorney General requests the enactment of a criminal statute, then, by implication, all of the attributes of a genuine law would go with it. Certainly it does not lie within the power of the Attorney General to say to Congress, "Please enact a statute with which I shall be able to prevent crime; but make the statute applicable only to the instances in which I recommend that it be used." Such a proposition answers itself; in other words, a law to prevent crime must be applied uniformly and must be uniform of application.

Mr. DIRKSEN. Mr. President, at this point will the Senator from Ohio yield to me?

Mr. LAUSCHE. I yield.

Mr. DIRKSEN. I would point out to my very generous and distinguished friend, the Senator from Ohio, that the pending measure would amend chapter 73 of title 18. Chapter 73 deals with "Obstruction of Justice."

Under that chapter, we find that the first section relates only to "Assault on Process Server."

Then comes a section entitled "Resistance to Extradition Agent."

Then comes a section entitled "Influencing or Injuring Officer, Juror, or Witness Generally."

The next section is entitled "Influencing Juror by Writing."

The next section—section 1505—is entitled "Influencing or Injuring Witness Before Agencies and Committees."

The next section, 1506, is entitled "Theft of Alteration of Record or Process; False Bail."

Mr. President, if there is validity to what the Senator from Ohio has said, why did not he ask that the proposed law be applied all the way across the board? Why say process servers, extradition agents, committees, agencies of government, and all the other items? Why not take it across the board? But in every case, a specific need developed, and Congress heeded the need and amended the title and the section accordingly. So here we deal with it in the same manner. We added six subsections in 1948, because there was a need for them. We added two in 1950, because the Department asked for them. Here we are in 1960. Here is a request. They think they need the provision. So they ask for it. I think it is in conformity with what has happened over the years in building up the law when the need arose.

Mr. LAUSCHE. Mr. President, the Senator from Illinois made an argument which destroys his own position. He said we are dealing with a civil rights law, but he went on to point out that section 1 is a part of the criminal statutes. In that respect we are dealing with criminal law, and not with the civil rights law.

The Senator has not answered the proposition that all the Attorney General of the United States could ask for was a law dealing with crime. The Attorney General did have a right to come to Congress and say, from a civil procedural standpoint, "I need specific types of remedies." In civil procedures, Congress could adopt such laws as it saw fit; but when the Attorney General asks for a statute to prohibit a crime, Congress must conform with the general rules applicable to the adoption of criminal statutes.

I therefore respectfully submit that if we are going to find justification in the adoption of nonuniform criminal laws because the Attorney General asks for them, we may as well abandon the principle of uniformity. The answer will be, "The Attorney General asked for it, and we felt obligated to give it to him; we could not call upon our consciences to prompt us to defend the citizenry as a whole. We had to listen to the Attorney General, and not consider the rights of the general citizenry."

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield the floor.

Mr. DIRKSEN. I hope not for a minute.

Mr. LAUSCHE. Very well.

Mr. DIRKSEN. I would point out to the distinguished Senator from Ohio that I do not believe there is a violation of the so-called uniformity rule in this section. If there is a segregation case in Georgia, or if the question arises in my own home State of Illinois, or if it is in New Hampshire, or in Texas, or in California, it does not make any difference; the provision covers a class of violations, and it applies all through the country, no matter in what State the violations might transpire.

Mr. LAUSCHE. The class is the violation of a court order. Segregation is merely an incident of it, but the class it takes up is violation of court orders.

Mr. DIRKSEN. But the court orders apply only to the specific acts which are recited in section 1, and nothing more.

Mr. LAUSCHE. That is where the evil lies.

Mr. DIRKSEN. It may be in the southernmost county in Illinois, or it may be in Ohio, but I know the rule of uniformity is not violated.

Mr. MORSE. Mr. President, I wish to reply to the observations of the Senator from Illinois. His first argument merely means we are not to exercise our legislative will in the Senate of the United States because the House of Representatives may do something else. We hear that argument rather frequently in the Senate, but that is not the reasoning we should follow.

It is the clear duty of the Senate to pass legislation we think it should pass. I like to think that when we in the Senate discuss a subject matter, as we have discussed the subject engaging our attention this afternoon, the House of Representatives may give heed to the arguments, if they are meritorious, and modify its action accordingly.

The House is still to act. Debate is going on in the two houses. If our argument is sound that there ought to be uniformity of this matter in all like cases, we would expect the House to entertain that argument and to believe in the uniform application of a legal principle to similar fact situations.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MORSE. In just a moment. I think we have a clear duty to pass the legislation we think ought to be passed. I am not at all moved by the argument that if we do not hold back and keep ourselves in a position so we can rubber stamp a bill from the House, we may get into a conference. What is so awful about that?

The argument is made that the conference procedure might take several weeks, under House rules. What is so terrible about that, if it is our duty to iron out, under legislative procedure, that legislation which our combined judgment thinks is the best legislation in the public interest?

It seems to me the argument made by the Senator from Illinois this afternoon is an argument which not only should be rejected, but in its rejection we ought

to make it very clear that we are not going to recede or surrender our legislative duties in the Senate because it may create a time problem, because it may take more time to pass civil rights legislation.

The only question before us is, What is the proper legislation to pass? Those of us who hold to the position we have taken on this particular matter feel that section 1 of the Dirksen bill ought to be eliminated for the reasons we have set out this afternoon, which I shall quickly summarize after I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I would be the last one, of course, to take the position that Congress cannot do what it wants to in this field. After all, it is the core of our Government. It is the exclusive lawmaking body. The House and Senate, conjointly with the President, can work their will in the legislative field. I make the point that, if the present proposal is to be applied across the board, why not take down the bars? Why call the measure a civil rights bill? Why not open it up to the heavens themselves and say, "Offer any amendment. Never let the germaneness rule be interposed, even under cloture. Throw into the hopper whatever you have and see what you can get written into the bill"?

I proceeded on the theory, on the 15th of February, and last September, that we were dealing with a civil rights bill, and not something that goes into every field of human activity.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Vermont.

Mr. AIKEN. May I ask the Senator from Oregon if he regards the pending measure as a civil rights bill? As I read the title of the bill, it is a bill to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri; and is not one amendment to this bill as germane as another?

Mr. MORSE. I think it is much more than a civil rights bill, and that point bears on an argument I am now going to make in commenting on some observations of my friend from Illinois.

I wish to point out that section 1, as well as the Lausche amendment, really constitutes an amendment to chapter 73 of the United States Code, dealing with the obstruction of justice. If we are going to consider amending that part of the Code which deals with the obstruction of justice, and we seek to provide a procedure supposed to strengthen the courts in the carrying out of their orders, then certainly the principle of a uniform application of a rule comes into play.

I take the position we should not seek to apply the proposed law only to some particular type of case, to which the Senator from Illinois refers as a school desegregation case. I think we ought to provide that the same rule shall be applied to all cases which fall under the same classification.

That leads me to my second observation on the argument of the Senator from Illinois. He says that because the Attorney General comes to us as the chief law officer of the land we should accept his opinion. All we have from the Attorney General in the printed RECORD is the Attorney General's expression of opinion. The Attorney General has not offered any evidence or any proof. The Attorney General has not brought to us the benefit of the judgment and the recommendation of the Judicial Conference nor of many other authorities in this field.

The Senator from Illinois seeks to dismiss that very lightly by saying we ought to take the position of the Attorney General and should not go to the Judicial Conference.

I said earlier in the afternoon that I speak most respectfully of the Attorney General. I know the problems he has in getting ready for testimony. However, the Attorney General usually comes to Congress, when he is proposing to amend the Judicial Code—and, in effect, that is what he is proposing when he proposes to amend chapter 73 of the Code—and gives us the benefit of the considered opinion of the judges and the benefit of the judgment of the Judicial Conference.

The proposal relates not alone to the exercise of power by the Department of Justice. In this instance, it has its greatest impact upon the courts. Certainly we ought to find out what the courts think we should do about the matter. We ought to inquire whether the courts think we ought to create a new crime related to the enforcing of their decisions, and whether we ought to create a new proceeding to be used as a substitute for or in addition to the exercise of the inherent contempt power of the courts.

I say most respectfully to my friend from Illinois, I do not think we ought to act on this matter until we find out what the courts think.

We should not do something merely because the Attorney General of the United States comes to Congress and expresses his opinion. We have not obtained the opinion of the U.S. attorneys yet. Since Senators may say, "But they work under the Attorney General." I assert to Senators, those are pretty tough-minded men. These U.S. attorneys are an independent-minded breed of lawyers. I should like to have their judgment on this matter.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MORSE. I do not agree with my friend from Illinois that we ought to take this step merely because the chief law enforcement officer of the United States asks us to do it. I do not think we ought to "rubber stamp" his opinion, in the absence of any supporting evidence. We ought to analyze his opinion. We ought to see whether the experts agree with that opinion.

If the Senator from Illinois will permit me to continue, my argument will take only another minute or so. I point out to him that the Attorney General made very clear, as reported on page 201 of part I of the hearings, in his testimony, that he had no objection to extending this provision to other cases. He said so. I read that testimony to the Senate this afternoon. The Attorney General did not ask that the provision necessarily be limited to the desegregation cases. He made his request, and when he was under examination by the Senator from North Carolina [Mr. ERVIN], who pointed out the other problems, he said he had no objection to other coverage. Let me read to the Senator the exact language of the testimony.

Mr. DIRKSEN. I have read the language.

Mr. MORSE. I shall read if for the RECORD. He said:

> Now if Congress feels that there are other situations where there is a similar need for this statute, we obviously would have no objection.

He also said:

> Now if Congress feels that it should be extended to other fields, we would not object.

We are about to determine whether the Senate feels that way, by taking a vote on the Lausche amendment.

I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I shall ask the distinguished Senator from Oregon a question. How does the Senator feel about the proposal for voting referees?

Mr. MORSE. I shall discuss that when we get to that part of the amendment in the debate. It should not be discussed as a diversionary tactic, away from the pending issue.

That is part of section 7. There are many parts of the Senator's amendment he will find me urging to have adopted before the debate is over.

I think the Senator is in error about the particular provision I have been discussing. I think we ought to strike it. Therefore, after the vote on the Lausche amendment, after I am satisfied everybody has had his day in court, so to speak, I am going to make a motion to table.

Mr. DIRKSEN. Cannot the Senator from Oregon give the Senator a hint as to how he feels about the referee section, the voting section of the substitute?

Mr. MORSE. I will tell the Senator my position.

Mr. DIRKSEN. I will tell the Senator from Oregon why I am asking the question. The section in question never went to any Judicial Conference. It never saw a Judicial Conference. It went straight to the committee. So, if there is any validity in the argument the Senator makes, then he ought to seek to strike out that section also. I thought the Senator was St. George on a white horse when it came to civil rights.

Mr. MORSE. If the Senator will stop making false assumptions about the position of the Senator from Oregon, I will tell him there is some language I am going to support in regard to the whole referee matter. One of the most able legal scholars in this whole country has done a research job for me on this matter, and he will get due credit when I present my point of view later and we consider section 7. We are not on section 7 now. We are considering section 1.

Mr. DIRKSEN. That will not have gone to the Judicial Conference, either.

Mr. MORSE. I shall not be diverted from section 1. Very briefly, let me

summarize the reasons why I think it ought to be stricken.

If we are going to have section 1 in the law, then I am for the Lausche amendment because it applies the section uniformly. I am not for the Lausche proposal standing alone, in the absence of the adoption of section 1. I am going to make the motion to lay section 1 on the table in due course.

I repeat that the essence of my argument is that the Attorney General showed no need for this.

In my opinion, the Department of Justice in these cases has not exhausted the procedural remedies it already has available. As I said earlier this afternoon, I think the Attorney General is disturbed about the fact that the administration used the Army in Little Rock, rather than exhausting all the procedural remedies they had available. Had they exhausted them, I do not think it ever would have been necessary to send the Army into Little Rock.

Second, I feel the inherent contempt powers of the court are adequate to cover this situation.

Third, I question the usefulness of creating a new Federal crime in this field. As I said earlier, that gets us into a criminal trial in a locality where emotions are very high. It raises very serious questions as to whether one could possibly, under those circumstances, enforce a court order by that procedure, whereas the judge, exercising his contempt powers, could do so.

For the reasons I have stated, and for the further reason that I think we ought to wait until we listen to the judges, through the Judicial Conference, I feel we should not adopt section 1.

Mr. DIRKSEN. Mr. President, before the motion is made——

Mr. MORSE. I am not making the motion yet.

Mr. DIRKSEN. Mr. President, will the Senator yield, or does the Senator yield the floor?

Mr. MORSE. I yield the floor.

Mr. DIRKSEN. Mr. President, my friend from Oregon really distresses me now, because if going to the Judicial Conference is a measure of the validity of the sections which are in the administration bill, since the referee section has not been there, what assurance is there that the Senator will not make a motion to table that section? What assurance is there that the Senator will not move to table every section of the amendment in the nature of a substitute, if that is a measure of the validity, in the Senator's judgment?

If that is what we are up against, perhaps we ought to know it now. I thought, of course, the Senator was a soldier trumpeting rightousness in this cause. I thought perhaps he was marching with our phalanx in the direction of some improvement in civil rights and civil liberties.

If my apprehension is justified, Mr. President, I have lost a great deal of sleep, which I can never retrieve, for nothing; and I shall be sorry for it for a long time, because then this venture will become a waterhole.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. LAUSCHE] to section 1 of the so-called Dirksen substitute.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. LAUSCHE] to section 1 of the so-called Dirksen substitute. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senators from Oklahoma [Mr. KERR and Mr. MONRONEY], and the Senator from Wyoming [Mr. MCGEE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator of Hawaii [Mr. FONG]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Hawaii would vote "nay."

I further announce that if present and voting, the Senator from Michigan [Mr. HART] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG] and the Senator from Massachusetts [Mr. SALTONSTALL] are absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT] and the Senator from Arizona [Mr. GOLDWATER] would each vote "yea".

On this vote the Senator from Hawaii [Mr. FONG] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Hawaii would vote "nay," and the Senator from Massachusetts would vote "yea."

The result was announced—yeas 65, nays 19, as follows:

[No. 119]

YEAS—65

Aiken	Byrd, Va.	Douglas
Anderson	Byrd, W. Va.	Dworshak
Bartlett	Cannon	Eastland
Beall	Carlson	Ellender
Bible	Carroll	Engle
Bridges	Case, S. Dak.	Ervin
Brunsdale	Church	Frear
Bush	Cotton	Fulbright
Butler	Curtis	Gore
Hartke	McClellan	Russell
Hickenlooper	Magnuson	Schoeppel
Hill	Mansfield	Smathers
Holland	Martin	Sparkman
Hruska	Morse	Stennis
Jackson	Moss	Symington
Johnson, Tex.	Mundt	Talmadge
Johnston, S.C.	Murray	Thurmond
Jordan	Muskie	Wiley
Kefauver	Pastore	Williams, Del.
Lausche	Proxmire	Yarborough
Long, Hawaii	Randolph	Young, N. Dak.
Long, La.	Robertson	

NAYS—19

Allott	Hennings	Prouty
Case, N.J.	Javits	Scott
Clark	Keating	Smith
Cooper	Kuchel	Williams, N.J.
Dirksen	McCarthy	Young, Ohio
Green	McNamara	
Gruening	Morton	

NOT VOTING—15

Bennett	Goldwater	Kerr
Capehart	Hart	McGee
Chavez	Hayden	Monroney
Dodd	Humphrey	O'Mahoney
Fong	Kennedy	Saltonstall

So Mr. LAUSCHE's amendment to the amendment was agreed to.

Mr. MORSE. Mr. President, I move that section 1, as amended, of the Dirksen substitute, be laid on the table.

Mr. CLARK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senators from Oklahoma [Mr. KERR and Mr. MONRONEY], and the Senator from Wyoming [Mr. MCGEE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Wyoming [Mr. MCGEE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], and the Senator from Massachusetts [Mr. SALTONSTALL] are absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. FONG], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "nay."

The result was announced—yeas 49, nays 35, as follows:

[No. 120]

YEAS—49

Anderson	Carroll	Ellender
Bartlett	Church	Engle
Bible	Clark	Ervin
Byrd, Va.	Cooper	Fulbright
Byrd, W. Va.	Douglas	Gore
Cannon	Eastland	Green

Hartke	McCarthy	Smathers
Hennings	McClellan	Sparkman
Hill	McNamara	Stennis
Holland	Magnuson	Symington
Jackson	Morse	Talmadge
Johnson, Tex.	Moss	Thurmond
Johnston, S.C.	Muskie	Williams, N.J.
Jordan	Proxmire	Yarborough
Kefauver	Randolph	Young, Ohio
Long, Hawaii	Robertson	
Long, La.	Russell	

NAYS—35

Aiken	Dirksen	Morton
Allott	Dworshak	Mundt
Beall	Frear	Murray
Bridges	Gruening	Pastore
Brunsdale	Hickenlooper	Prouty
Bush	Hruska	Schoeppel
Butler	Javits	Scott
Carlson	Keating	Smith
Case, N.J.	Kuchel	Wiley
Case, S. Dak.	Lausche	Williams, Del.
Cotton	Mansfield	Young, N. Dak.
Curtis	Martin	

NOT VOTING—15

Bennett	Goldwater	Kerr
Capehart	Hart	McGee
Chavez	Hayden	Monroney
Dodd	Humphrey	O'Mahoney
Fong	Kennedy	Saltonstall

So Mr. MORSE's motion was agreed to.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to lay on the table Mr. MORSE's motion to lay on the table section 1, as amended, was agreed to.

Mr. DIRKSEN. Mr. President, I thought I would inquire of the distinguished Senator from Texas at this point what the schedule will be for the rest of the day. I notice that the hands of the clock have almost reached 6 o'clock.

Mr. JOHNSON of Texas. What is the Senator's pleasure?

Mr. DIRKSEN. The Senator's pleasure would be that since we have plowed a good, big nuclear hole in the amendment in the nature of a substitute, we now adjourn. [Laughter.]

Mr. JOHNSON of Texas. Mr. President, my friend, the minority leader, is always so cooperative that I am delighted to comply with any suggestion he makes, when I can.

So far as the leadership is concerned, we will not have any more quorum calls or yea-and-nay votes this evening. The Senate will remain in session long enough to accommodate Senators who desire to offer amendments and have them read and printed, or to make insertions. But I agree to the suggestion of the able Senator from Illinois.

When we adjourn, we will go over until noon on Monday.

SENATE DELEGATION TO ATTEND FUNERAL OF THE LATE SENATOR NEUBERGER AT PORTLAND, OREG.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). The Chair announces the appointment of the following Senators to attend the funeral of the late Senator Neuberger at Portland, Oreg.:

Senator LYNDON B. JOHNSON, of Texas, majority leader.

Senator EVERETT M. DIRKSEN, of Illinois, minority leader.

Senator WAYNE MORSE, of Oregon.

Senator MILTON R. YOUNG, of North Dakota.

Senator PAUL H. DOUGLAS, of Illinois.

Senator HENRY DWORSHAK, of Idaho.

Senator HENRY M. JACKSON, of Washington.

Senator FRANK CHURCH, of Idaho.

Senator RALPH YARBOROUGH, of Texas.

Senator E. L. BARTLETT, of Alaska.

Senator ERNEST GRUENING, of Alaska.

Senator GALE W. MCGEE, of Wyoming.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. CLARK. Mr. President, I submit an amendment which I ask to have read and printed, and to lie on the table. The amendment has been sponsored by the following Senators on the Democratic side; Senator HUMPHREY, Senator BARTLETT, Senator MORSE, Senator PROXMIRE, Senator MCNAMARA, Senator WILLIAMS of New Jersey, and myself; and on the Republican side, Senator JAVITS, Senator AIKEN, Senator CASE of New Jersey, Senator KUCHEL, and Senator SCOTT.

The PRESIDING OFFICER. Does the Senator from Pennsylvania wish to have his amendment read, or printed in the RECORD without reading?

Mr. CLARK. Mr. President, it is my understanding that the Senator from Georgia has said that it would be necessary to have amendments read, since unanimous consent would not be granted merely to have them printed.

Mr. RUSSELL. Mr. President, that has been the required practice, but it is now late in the afternoon and a session will not be held tomorrow. For some reason, the spirit of Christian charity seems to overwhelm me. I will have no objection to the amendment being submitted and considered as read, if it is printed. We will have an opportunity to read it on Sunday.

The PRESIDING OFFICER. Without objection, the amendment will be received, considered as having been read, and printed, and will lie on the table.

Beginning on page 19, line 23, strike out section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disenfranchisement of qualified voters because of their race or color. The Commission has found that under color of law or by State action substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments to the Constitution of the United States requires the exercise of the congressional authority provided under this section.

"APPOINTMENT OF VOTING REFEREES BY THE DISTRICT COURTS OF THE UNITED STATES

"(b)(1) In any proceeding instituted in any district court of the United States pursuant to section 2004(c) of the Revised Statutes, as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637; 42 U.S.C. 1971(c)); pursuant to subsection (c) of this section; or pursuant to any other law of the United States, in the event that the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of the right to register or to vote at any election, the court shall upon request of the Attorney General or any plaintiff make a finding whether such deprivation is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color residing within the affected area shall, for one year and thereafter until the court subsequently finds that such a pattern or practice has ceased, be entitled, upon his application therefor, and subject to the provisions of this subsection, to an order declaring him qualified to vote, upon proof that he is qualified under State law to vote. Any such application shall be heard within ten days of its filing.

"(2) An order issued pursuant to paragraph (1) of this subsection shall become effective twenty days after the issuance of such order and notice thereof to the Governor of the State, unless any person named therein shall have been registered by appropriate State officials in the intervening period, in which case the order may be vacated on application duly made as to the registration of such person. When such order shall become effective, it shall apply to any election which is held within the longest period for which such applicant could have been registered or otherwise qualified under State law and at which the applicant's qualifications would under State law entitle him to vote. Except as provided in this paragraph, the execution of any order disposing of such applications shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"(3) Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with knowledge of such order to permit any person so declared qualified to vote, to vote at an appropriate election shall constitute contempt of court.

"(4) The court may appoint one or more persons, to be known as voting referees, to serve for such period as the courts shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not any such applicant is qualified under State law to register and/or vote at any election or elections.

"(5) In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age and residence. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"(6) Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceedings together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report or the applicants have been registered and will be entitled to vote pursuant to State law. Exceptions as to matters of fact shall be considered only

if supported by duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court, or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the public record or affidavit in support of the exception discloses the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"(7) The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"(8) The court may authorize such referee or such other person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action, including the counting and tabluation of votes, relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

"(9) Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(C) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"(10) The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS BY THE PRESIDENT OF THE UNITED STATES

"(c)(1) Whenever the Attorney General shall notify the President of the United States of any affirmative finding of deprivation on account of race or color of registration or voting rights pursuant to a pattern or practice rendered by a district court of the United States pursuant to subsection (b) the President may thereupon issue an Executive order designating one or more temporary Federal Enrollment Officers from among officers or employees of the United States who are qualified voters within such district, or if there be no such qualified officer or employee, from among officers or employees of the United States living in or near such registration district, but within the same State. A copy of such Executive order shall be delivered to the Governor of the State concerned, and shall become effective twenty days after such delivery unless the President shall determine that appropriate remedial action has been taken in the intervening period. Any such temporary Federal Enrollment Officer shall serve until such time as the President determines that there is no further need for such enrollment officer. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by this section until such time as he is relieved of such duties by the President.

"(2) The Federal Enrollment Officer for any registration district shall accept enrollment applications from any persons living in such registration district who are of the race or color as to which a finding has been rendered as described in subsection (b). Any such applicants whom he finds to meet the qualifications for voters under the law of the State wherein such registration district is situated shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like periods as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him.

"(3) Each qualified voter who is enrolled pursuant to this subsection shall have the right to vote, and to have such vote counted, in any election held in his registration district, subject to the provisions of paragraph (4) of this subsection.

"(4) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other persons having standing under State law the right to challenge the determination of State registration or election officials that another person is qualified to vote or the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made. In the event the challenge is sustained the vote shall be disregarded in determining the result of the election. Any person denied registration by a Federal Enrollment Officer may challenge such determination by filing suit in the United States district court for the district in which the registration district is located, against such Federal Enrollment Officer. In any suit under the provisions of this paragraph, the determination of the Federal Enrollment Officer with respect to such registration shall not be stayed pending the final decision of the district court, and any such decision, and appropriate appeals therefrom, shall be determined by the courts in the most expeditious manner, giving due consideration to the time of the next ensuing election. The procedure set forth in this paragraph shall be the exclusive method for challenging the qualifications of a person to whom a certificate has been issued by a Federal Enrollment Officer.

"(5) Any individual who is enrolled under this subsection by a Federal Enrollment Officer shall have the right to cast his vote and have such vote counted in any election, and any election official or other person who willfully denies him such right or who willfully interferes by threats or force, or otherwise willfully prevents, obstructs, impedes or who willfully endeavors to prevent, obstruct, impede, or interfere with such right, shall be fined not more than $1,000 or imprisoned not longer than six months, or both.

"(6) Federal Enrollment Officers shall determine whether persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted. For this purpose each such officer shall be authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(7) The provisions of this subsection shall be enforcible by appropriate civil and equitable proceedings instituted in the district court of the United States within the jurisdiction of which such registration district is located, by the Attorney General of the United States for and in the name of the United States, or by any individual whose rights under this subsection shall have been denied or interfered with, and the court may grant such permanent or temporary injunction, restraining order or other order as it may deem appropriate. Any proceeding brought under the provisions of this section shall be subject to the provisions of part V of the Civil Rights Act of 1957.

"(d) In any action, suit or proceeding in a court of the United States to which the United States is not a party, wherein any person alleges on oath or affirmation that he has been deprived on account of race or color of the right to register or to vote at any election, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene as a party for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of whether any person or persons have been deprived on account of race or color of the right to register or vote at any election, and to recommend to the court the relief to be granted. The United States shall, subject to the applicable provisions of law, have all the rights of a party, including those provided for in subsection (b) of this section, and be subject to all the liabilities of a party as to court costs to the extent necessary for proper presentation of the facts and determination of the issues.

"(e) In any case where a voting referee has been appointed by a district court under the provisions of subsection (b) of this section for an area which is a registration district or a part thereof for which a Federal Enrollment Officer has been designated by the President of the United States under the provisions of subsection (c) of this section, the decision of such referee as to whether an applicant possesses the voting qualifications requisite under State law shall, when accepted by the district court, supersede any inconsistent determination by the Federal Enrollment Officer. Subject to this provision, neither subsection (b) nor subsection (c) of this section shall supersede or affect the other. The President of the United States shall, to the extent necessary, direct any Federal Enrollment Officer appointed for any registration district to coordinate his operations with those of any voting referee appointed for the same area or any part thereof.

"(f) Section 2004(c) of the Revised Statutes, as amended, is amended by adding at the end thereof the following new sentence: 'Whenever, in a proceeding instituted under this subsection, any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State.'

"(g) For the purposes of this section—

"(1) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to any elective office and any primary election held in any State for the purpose of selecting any candidate for any elective office.

"(2) The term 'registration district' means an area in a State coterminus with a district established by State law for which a Member of the House of Representatives of the United States is elected.

"(3) The term 'vote' includes all action necessary to make a vote effective includ-

ing, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

"(4) The term 'affected area' means any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election.

"(5) The term 'qualified under State law' means qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have under color of law or by State action deprived any person or persons on account of race or color of the right to register or vote at any election in qualifying persons other than those of race or color against which the pattern or practice of discrimination was found to exist.

"(h) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

"(i) No injunctive or other civil relief under the provisions of this section shall be denied on the grounds that the acts complained of are a crime, nor shall the provisions of this section be deemed to repeal or amend any other provisions of law providing for alternative relief or penalties under such circumstances.

"(j) If any provision of this section or the application of such provision to any person or circumstances is held invalid, the remainder of this section or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby."

Mr. DOUGLAS. Mr. President, due to the fact that a spirit of Christian charity now seems to pervade this body——

Mr. RUSSELL. Mr. President, I am not certain how deeply it pervades me.

Mr. DOUGLAS. I have great confidence in the Christian charity of my good friend from Georgia, in view of his very generous and pious statement.

Mr. President, on behalf of myself and the senior Senator from New York [Mr. JAVITS], on March 1, 1960, I presented amendments to the pending Dirksen substitute to H.R. 8315, designated "3-1-60—N," which were read, ordered to lie on the table, and to be printed, all in compliance with the requirements of rule XXII.

Since I have been advised by the Assistant Parliamentarian that there may be some question about the right of Senators to modify their amendments by removing certain portions thereof after cloture is voted under rule XXII, I now present and ask to have printed and lie upon the table and to be considered as read in compliance with rule XXII, two amendments to the pending Dirksen amendments to H.R. 8315, for myself and the senior Senator from New York.

These amendments simply cut off parts of the amendment which we previously presented, as mentioned before, and my request for their reading and printing is merely to make certain that they are in the form in which they are most likely to be presented later in our consideration of the pending measure, and are in full compliance with and eligible to be considered under rule XXII if cloture should be voted.

Mr. President, as I have said, I am deeply pleased that the spirit of Christian charity is descending upon this body and is permeating the spirit of the Senator from Georgia.

Mr. RUSSELL. Mr. President, I would that it would permeate so far and radiate so widely that it would trickle into the heart of the Senator from Illinois. [Laughter.]

Mr. DOUGLAS. Of course, Mr. President, no one should say that he, himself, possesses Christian charity, because such a statement would in itself be a manifestation of arrogance. But let me say that I hope eventually to achieve the Christian charity which the Senator from Georgia has apparently already achieved.

Mr. RUSSELL. Mr. President, I did not say that I possess it. My humility is far too great to permit me to make such a statement. I said I hoped the spirit of Christian charity would extend so far that it would enter the heart of the Senator from Illinois.

Mr. DOUGLAS. Very well.

Mr. RUSSELL. Mr. President, I do not think I shall object to the request of the Senator from Illinois.

But I wonder how many more times the Senator from Illinois is going to revise the amendment. I believe he has already revised it four times, and this one will be the fifth time.

Mr. DOUGLAS. Oh, Mr. President, we are trying to make the amendment simpler and clearer, so that no longer will the Senator from Georgia and his associates have to say, "Just look at these 5 pounds of amendments; just consider what a task it is to read them and to study them." I am only attempting to make easier the task of the Senator from Georgia and his associates, as they proceed so ably with their careful consideration of these measures.

Mr. RUSSELL. Mr. President, I do not know whether the Senator is now engaging in sarcasm——

Mr. DOUGLAS. Oh, no, Mr. President; I was paying a greatly deserved tribute to the Senator from Georgia.

Mr. RUSSELL. But, Mr. President, I do know that the resourcefulness of the draftsman who is supplying the Senator from Illinois and his colleagues with these amendments is so great, and he has turned them out with such rapidity, that I am almost 4 or 5 editions behind. [Laughter.]

However, Mr. President, I understand the Senator from Illinois now to assure me that this is the final draft.

Mr. DOUGLAS. Yes. These are.

Mr. RUSSELL. I wish to have that definite assurance from the Senator from Illinois, and to have him make that definite statement. I repeat that I understand that the Senator from Illinois is now assuring me that he is now eliminating all the others, and that this is the final draft. Is that correct?

Mr. DOUGLAS. Yes. The two amendments I have now presented take the place of my amendments of March 1, which I referred to in making my unanimous consent request.

Mr. RUSSELL. Then, Mr. President, I shall not object.

Mr. DOUGLAS. Mr. President, I thank the Senator from Georgia. Now I am sure that the spirit of Christian charity is penetrating very deeply and widely. May it continue to spread.

The PRESIDING OFFICER. Without objection, the amendments will be received, will be considered as having been read, will be printed, and will be printed in the RECORD.

The amendments submitted by Mr. DOUGLAS, for himself and Mr. JAVITS, are as follows:

On page 1, after line 1, insert "TITLE I".

On page 6, after line 8, insert "TITLE II".

On page 6, line 9, strike out the words "SEC. 4. (a)" and insert in lieu thereof "Sec. 101".

Beginning on page 7, line 6, strike out subsections (b) through (g) of section 4 and insert in lieu thereof the following:

"Subtitle A

"Technical Assistance by Secretary of Health, Education, and Welfare

"SEC. 201. The Secretary of Health, Education, and Welfare (hereafter in this title referred to as the 'Secretary') is hereby authorized to render technical assistance to States, municipalities, school districts, and other local governmental units to eliminate denials of constitutional rights in the field of public education by reason of race, color, religion, or national origin and to come into compliance with the decisions of the Supreme Court in the field of public education by—

"(a) assembling, publishing, and distributing information which, in his judgment, will prove helpful in obtaining public understanding of, and compliance with, the Constitution and decisions of the Supreme Court in the field of public education;

"(b) surveying the progress made in eliminating segregation in public education in various parts of the country and making available to public agencies, private organizations, private individuals, and the general public the results of such surveys, including wherever possible successful case histories of desegregation and the ways and means utilized to bring about desegregation in such instances;

"(c) planning, calling, and holding local, State, regional, and national conferences attended by State and local officials, representatives of private organizations, and private citizens, to discuss ways and means of eliminating segregation in public education generally or in any particular State, municipality, school district, or other local governmental unit;

"(d) appointing local, State, regional, and national advisory councils to assist the Secretary in carrying out his duties under this title and to offer their assistance to any State, municipality, school district, or other local governmental unit to come into compliance with the Constitution and the decisions of the Supreme Court in the field of public education;

"(e) reporting to the Congress, at least semiannually, concerning the progress being made in eliminating segregation in public education in various parts of the country; and

"(f) assisting, by such other related means as he deems appropriate, States, municipalities, school districts, and other local governmental units to eliminate segregation in public education.

"SEC. 202. The Secretary shall recruit, employ, and train specialists in preparing, putting into effect, and carrying out plans for eliminating segregation in public education

and shall offer the services of the specialists to States, municipalities, school districts, and other local governmental units. Upon request of any State, municipality, school district, or other local governmental unit, the Secretary shall make available to the requesting governmental unit the services of one or more specialists for such periods of time and in such numbers as the Secretary deems necessary and appropriate in the light of the particular needs of the requesting governmental unit.

"SEC. 203. (a) The Secretary is authorized to reimburse any State or local official, representative of a private organization, or private citizen who is invited by him to attend any local, State, regional, or national conference held under the authority of section 201(c), and any member of an advisory council appointed under the authority of section 201(d) who is carrying out authorized functions, for travel expenses incurred, and to pay to any such person per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b–2) for persons in the Government service serving without compensation.

"(b) The Secretary is authorized to reimburse any State or local official who, with the approval of the Secretary, is invited to confer with one or more specialists employed by the Secretary under section 202 for travel expenses incurred in attending such conference, and to pay to any such official per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b–2) for persons in the Government service serving without compensation.

"SEC. 204. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1960, and for each of the four succeeding fiscal years, such amounts not to exceed $2,500,000 in any fiscal year as may be necessary for carrying out the purposes of this subtitle.

"Subtitle B

"Grants to Areas Where Desegregation in Public Education Is Being Carried Out

"SEC. 301. (a) The Secretary is authorized to make grants to States, municipalities, school districts, and other local governmental units which maintained racial segregation in their public schools on May 17, 1954, and which make application for such grants, to assist in meeting the costs of additional educational measures undertaken or to be undertaken to further the process of eliminating segregation in the public schools of the applicant State, municipality, school district, or local government unit, while at the same time assuring that existing educational standards will not be lowered.

"(b) Grants may be made under this section for—

"(1) the cost of employing additional schoolteachers,

"(2) the cost of giving to teachers and other school personnel in-service training in dealing with problems incident to desegregation.

"(3) the cost of employing specialists in problems incident to desegregation and of providing other assistance to develop understanding by parents, schoolchildren, and the general public of plans and efforts for eliminating segregation in the schools in order to reduce the possibility of community hostility or unlawful resistance to such plans and efforts, and

"(4) other costs directly related to the process of eliminating segregation in public schools, including the replacement of State payments to a school district or other political subdivision withdrawn because the applicant district or subdivision is eliminating, or is starting to eliminate segregation.

"(c) Grants may also be made under this section for the construction, enlargement, or alteration of school facilities when the Secretary finds that lack or inadequacy of existing facilities makes the carrying out of any reasonable plan for desegregation without lowering existing educational standards impracticable or materially more difficult.

"(d) Each application made for a grant under this section shall provide such detailed breakdown of the additional educational measures for which financial assistance is sought as the Secretary may by regulations prescribe.

"(e) Each grant under this section shall be made in such amounts and on such terms and conditions as the Secretary shall prescribe, which may include the condition that the applicant expend funds in specified amounts for the purpose for which the grant is made. In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Secretary shall take into consideration—

"(1) the amount available for grants under this section and the other applications which are pending before him,

"(2) the financial condition of the applicant and the other resources available to it,

"(3) the nature, extent, and gravity of its problems incident to desegregation,

"(4) whether the additional educational measures undertaken or to be undertaken are reasonably and effectively designed to further the process of eliminating racial segregation, while at the same time assuring that existing educational standards will not be lowered, and

"(5) such other factors as he finds relevant.

"SEC. 302. The Secretary is further authorized to make grants to public or other nonprofit educational institutions of higher learning to meet or assist in meeting the cost of short-term training courses or institutes, not to exceed four weeks in duration, for personnel of public schools or of educational agencies engaged in or about to undertake desegregation, designed to enable such personnel to deal more effectively with problems incident to desegregation. Such grants may also be used by such institutions to establish and maintain fellowships for such training courses or institutes, covering tuition, fees, and such stipends and allowances (including travel and subsistence expenses) as may be determined by the Secretary.

"SEC. 303. Payments of grants under sections 301 and 302 may be made in advance or by way of reimbursement, and at such intervals and on such conditions as the Secretary may determine.

"SEC. 304. (a) There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1960, and for each of the four succeeding fiscal years, such sums, not exceeding $40,000,000 for any fiscal year, as may be necessary to carry out the provisions of this subtitle.

"(b) In making grants from funds appropriated for any fiscal year for the purposes specified in section 301(b), the Secretary may disregard applications received after August 31 in that fiscal year, or may subordinate such applications to applications received before that date. In the event that he receives, either before or after that date, applications which he considers would materially contribute to carrying out the purposes of this subtitle, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

"(c) In the event that the Secretary receives applications for grants for the purpose specified in section 301(c) which he considers would materially contribute to carrying out the purposes of this subtitle, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

"TITLE III"

Renumber the remaining sections appropriately.

On page 1, after line 1, insert "TITLE I".

On page 6, after line 8, insert "TITLE II".

On page 6, line 9, strike out the words "SEC. 4. (a)" and insert in lieu thereof "SEC. 101".

Beginning on page 7, line 6, strike out subsections (b) through (g) of section 4 and insert in lieu thereof the following:

"Subtitle A

"Technical Assistance by Secretary of Health, Education, and Welfare

"SEC. 201. The Secretary of Health, Education, and Welfare (hereafter in this title referred to as the 'Secretary') is hereby authorized to render technical assistance to States, municipalities, school districts, and other local governmental units to eliminate denials of constitutional rights in the field of public education by reason of race, color, religion, or national origin and to come into compliance with the decisions of the Supreme Court in the field of public education by—

"(a) assembling, publishing, and distributing information which, in his judgment, will prove helpful in obtaining public understanding of, and compliance with, the Constitution and decisions of the Supreme Court in the field of public education;

"(b) surveying the progress made in eliminating segregation in public education in various parts of the country and making available to public agencies, private organizations, private individuals, and the general public the results of such surveys, including wherever possible successful case histories of desegregation and the ways and means utilized to bring about desegregation in such instances;

"(c) planning, calling, and holding local, State, regional, and national conferences attended by State and local officials, representatives of private organizations, and private citizens, to discuss ways and means of eliminating segregation in public education generally or in any particular State, municipality, school district, or other local governmental unit;

"(d) appointing local, State, regional, and national advisory councils to assist the Secretary in carrying out his duties under this title and to offer their assistance to any State, municipality, school district, or other local governmental unit to come into compliance with the Constitution and the decisions of the Supreme Court in the field of public education;

"(e) reporting to the Congress, at least semiannually, concerning the progress being made in eliminating segregation in public education in various parts of the country; and

"(f) assisting, by such other related means as he deems appropriate, States, municipalities, school districts, and other local governmental units to eliminate segregation in public education.

"SEC. 202. The Secretary shall recruit, employ, and train specialists in preparing, putting into effect, and carrying out plans for eliminating segregation in public education and shall offer the services of the specialists to States, municipalities, school districts, and other local governmental units. Upon request of any State, municipality, school district, or other local governmental unit, the Secretary shall make available to the requesting governmental unit the services of one or more specialists for such periods of time and in such numbers as the Secretary deems necessary and appropriate in the light of the particular needs of the requesting governmental unit.

"SEC. 203. (a) The Secretary is authorized to reimburse any State or local official, representative of a private organization, or private citizen who is invited by him to attend any local, State, regional, or national conference held under the authority of section 201(c), and any member of an advisory council appointed under the authority of section 201(d) who is carrying out authorized functions, for travel expenses incurred, and to pay to any such person per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b–2) for persons in the Government service serving without compensation.

"(b) The Secretary is authorized to reimburse any State or local official who, with the approval of the Secretary, is invited to confer with one or more specialists employed by the Secretary under section 202 for travel expenses incurred in attending such conference, and to pay to any such official per diem in lieu of subsistence, in the same amounts as authorized by law (5 U.S.C. 73b–2) for persons in the Government service serving without compensation.

"SEC. 204. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1960, and for each of the four succeeding fiscal years, such amounts not to exceed $2,500,000 in any fiscal year as may be necessary for carrying out the purposes of this subtitle.

"Subtitle B

"Grants to Areas Where Desegregation in Public Education Is Being Carried Out

"SEC. 301. (a) The Secretary is authorized to make grants to States, municipalities, school districts, and other local governmental units which maintained racial segregation in their public schools on May 17, 1954, and which make application for such grants, to assist in meeting the costs of additional educational measures undertaken or to be undertaken to further the process of eliminating segregation in the public schools of the applicant State, municipality, school district, or local governmental unit, while at the same time assuring that existing educational standards will not be lowered.

"(b) Grants may be made under this section for—

"(1) the cost of employing additional schoolteachers,

"(2) the cost of giving to teachers and other school personnel in-service training in dealing with problems incident to desegregation,

"(3) the cost of employing specialists in problems incident to desegregation and of providing other assistance to develop understanding by parents, schoolchildren, and the general public of plans and efforts for eliminating segregation in the schools in order to reduce the possibility of community hostility or unlawful resistance to such plans and efforts, and

"(4) other costs directly related to the process of eliminating segregation in public schools, including the replacement of State payments to a school district or other political subdivision withdrawn because the applicant district or subdivision is eliminating, or is starting to eliminate segregation.

"(c) Grants may also be made under this section for the construction, enlargement, or alteration of school facilities when the Secretary finds that lack of inadequacy of existing facilities makes the carrying out of any reasonable plan for desegregation without lowering existing educational standards impracticable or materially more difficult.

"(d) Each application made for a grant under this section shall provide such detailed breakdown of the additional educational measures for which financial assistance is sought as the Secretary may by regulations prescribe.

"(e) Each grant under this section shall be made in such amounts and on such terms and conditions as the Secretary shall prescribe, which may include the condition that the applicant expend funds in specified amounts for the purpose for which the grant is made. In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Secretary shall take into consideration—

"(1) the amount available for grants under this section and the other applications which are pending before him,

"(2) the financial condition of the applicant and the other resources available to it,

"(3) the nature, extent, and gravity of its problems incident to desegregation,

"(4) whether the additional educational measures undertaken or to be undertaken are reasonably and effectively designed to further the process of eliminating racial segregation, while at the same time assuring that existing educational standards will not be lowered, and

"(5) such other factors as he finds relevant.

"SEC. 302. The Secretary is further authorized to make grants to public or other nonprofit educational institutions of higher learning to meet or assist in meeting the cost of short-term training courses or institutes, not to exceed four weeks in duration, for personnel of public schools or of educational agencies engaged in or about to undertake desegregation, designed to enable such personnel to deal more effectively with problems incident to desegregation. Such grants may also be used by such institutions to establish and maintain fellowships for such training courses or institutes, covering tuition, fees, and such stipends and allowances (including travel and subsistence expenses) as may be determined by the Secretary.

"SEC. 303. Payments of grants under sections 301 and 302 may be made in advance or by way of reimbursement, and at such intervals and on such conditions as the Secretary may determine.

"SEC. 304. (a) There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1960, and for each of the four succeeding fiscal years, such sums, not exceeding $40,000,000 for any fiscal year, as may be necessary to carry out the provisions of this subtitle.

"(b) In making grants from funds appropriated for any fiscal year for the purposes specified in section 301(b), the Secretary may disregard applications received after August 31 in that fiscal year, or may subordinate such applications to applications received before that date. In the event that he receives, either before or after that date, applications which he considers would materially contribute to carrying out the purposes of this subtitle, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

"(c) In the event that the Secretary receives applications for grants for the purpose specified in section 301(c) which he considers would materially contribute to carrying out the purposes of this subtitle, but which he cannot grant because of lack or inadequacy of available funds, he shall forthwith report this fact to the Congress and to the President, together with his recommendation with respect to the appropriation of additional funds.

"Subtitle C

"Administrative Action Directed Toward Eliminating Segregation in Public Education

"SEC. 401. The Secretary shall make every effort to persuade States, municipalities, school districts, and other local governmental units to make a start toward eliminating segregation in public education and to carry out in full such programs as they may start and to this end he shall utilize the authority provided in subtitles A and B.

"SEC. 402. Whenever the Secretary shall find that all efforts under subtitles A and B and under section 401 of this subtitle have failed, and continue to fail, in bringing about a start toward the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit, the Secretary is authorized to prepare a tentative plan for the elimination of segregation in public education in such State, municipality, school district, or other local governmental unit. In preparing such a tentative plan, the Secretary shall seek the advice and assistance of public officials, private organizations, and private citizens in the area and of any local, State, regional, or national advisory council appointed pursuant to section 201(d); and he shall carefully consider such advice and assistance wherever available. Tentative plans prepared by the Secretary under the authority of this section shall take into account the need of the particular area for time to make an orderly adjustment and transition from segregated to desegregated schools.

"SEC. 403. (a) Whenever the Secretary has prepared a tentative plan for the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit, he shall forward the plan to the Governor, mayor, or other appropriate official, as the case may be. If the State, municipality, school district, or other local governmental unit agrees to put into effect the tentative plan as proposed by the Secretary or as modified by the State, municipality, school district, or other local governmental unit with the consent of the Secretary, the Secretary shall utilize the authority granted in subtitles A and B to assist the State, municipality, school district, or other local governmental unit in putting into effect the tentative plan.

"(b) If the State, municipality, school district, or other local governmental unit (1) does not agree to put into effect the tentative plan as proposed by the Secretary or as modified with his consent, or (2) after agreeing to the tentative plan as so proposed or modified, does not, in the judgment of the Secretary, carry out such tentative plan, the Secretary shall hold a public hearing upon the tentative plan. Notice of such hearing shall be given to the local authorities concerned by registered mail and notice shall be given to private organizations and private citizens within the area by publication in one or more newspapers. Local authorities, private organizations, and private citizens shall be permitted to participate in the hearing and present evidence and argument in favor of the tentative plan, in favor of amendments to the tentative plan, or in opposition to the plan or to any plan, but cumulative evidence may be excluded in the discretion of the Secretary. Anyone shall be permitted to file a written statement with the Secretary in addition to, or in lieu of, personal appearance at the public hearing.

"(c) After the hearing provided in subsection (b) has been concluded, the Secretary shall prepare and issue an approved plan for eliminating segregation in public education in the State, municipality, school district, or other local governmental unit. He shall publish the approved plan in the Federal Register and in one or more newspapers in the area affected thereby and shall transmit a certified copy thereof to the appropriate official of the State, municipality, school district, or other local governmental unit involved.

"(d) In order that the proceedings under this subtitle shall expedite the elimination of segregation in any State, municipality, school

district, or other local governmental unit, the Secretary shall handle all proceedings under this subtitle as expeditiously as possible. The Secretary shall complete any proceedings hereunder within one year from the time that a tentative plan is forwarded to the Governor, mayor, or other appropriate official under section 403(a), or, in case a State, municipality, school district, or other local governmental unit agrees to a tentative plan but does not carry it out, within six months from the time that the Secretary determines that such State, municipality, school district, or other local governmental unit is not carrying out such tentative plan.

"SEC. 404. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1960, and for each of the four succeeding fiscal years, such amounts as may be necessary for carrying out the purposes of this subtitle.

"SEC. 405. The Secretary is authorized to carry out his responsibilities and exercise his authority under this subtitle and under subtitles A and B through designated personnel in his own office or through any existing bureau, division, or agency of the Department of Health, Education, and Welfare or through a new office created by him for the special purpose of exercising the Secretary's responsibilities hereunder, except that the Secretary shall personally review and sign any approved plan issued under section 403(c).

"Subtitle D

"Authorization to the Attorney General in the Field of Public Education

"SEC. 501. (a) Whenever (1) the Secretary has published in the Federal Register an approved plan for the elimination of segregation in public education in any State, municipality, school district, or other local governmental unit pursuant to section 403 (c), (2) the State, municipality, school district, or other local governmental unit has rejected the plan or has refused or failed to act in accordance therewith, and (3) the Secretary has certified to the Attorney General that all efforts to secure compliance with the Constitution and the Supreme Court's decisions by conciliation, persuasion, education, and assistance under subtitles A, B, and C have failed, the Attorney General of the United States is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for an injunction or other order, against the appropriate officials of the State, municipality, school district, or other local governmental unit, and any individual or individuals acting in concert with such officials to enforce compliance with the approved plan.

"(b) The Attorney General is authorized to move to dismiss or discontinue any action brought under subsection (a), or to propose or to agree to a decree adopting a plan for elimination of segregation in public education which is different from the approved plan, whenever he determines that the State, municipality, school district, or other local governmental unit is making, or is prepared to make a prompt and reasonable start toward full compliance with the Constitution and the Supreme Court's decisions in the field of education and to work toward full compliance with all deliberate speed.

"(c) Any interested party may, with the leave of the court, intervene in any action brought under subsection (a), and the court shall consider any proposals by the intervenors, as well as by the defendant or defendants, in determining its final decree.

"TITLE III"

Renumber the remaining sections appropriately.

ADJOURNMENT UNTIL MONDAY

Mr. JOHNSON of Texas. Mr. President, I move that the Senate stand in adjournment until Monday, at noon.

The motion was agreed to; and (at 6 o'clock and 2 minutes p.m.) the Senate adjourned until Monday, March 14, 1960, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 11 (legislative day of March 8), 1960:

DIPLOMATIC AND FOREIGN SERVICE

Lyndall G. Beamer, of Illinois, for appointment as a Foreign Service officer of class 8, a vice consul of career, and a secretary in the diplomatic service of the United States of America.

WITHDRAWAL

The following executive nomination was withdrawn from the Senate:

DIPLOMATIC AND FOREIGN SERVICE

Miss Lyndall G. Beamer, of Illinois, for appointment as a Foreign Service officer of class 8, a vice consul of career, and a secretary in the diplomatic service of the United States of America, sent to the Senate on February 19, 1960.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 11, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 6: 14: *Stand therefore, having on the breastplate of righteousness.*

O Thou eternal God, who hast blessed us with the gift of a new day, may we seek to make its hours radiant in faith and rich in service.

Grant that in these strange and perilous times when we are tempted to yield to self-pity and discouragement we may have Thy grace to emancipate us from all fear of the future.

Show us how to live the larger and more abundant life of the spirit so that when the evening shadows gather round about us we may have no haunting regrets but only the companionship of happy memories.

Inspire us daily to take the example of Him who went about doing good, helping the troubled heart of humanity toward the higher life and teaching all the members of the human family to love one another and so fulfill Thy commandments.

Hear us in His blessed name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

HON. JACOB H. GILBERT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from New York, Mr. JACOB H. GILBERT, be permitted to take the oath of office today. The certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

I have discussed this matter with the distinguished minority leader.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SWEARING IN OF MEMBER

The SPEAKER. The Member-elect will present himself at the bar of the House and take the oath of office.

Mr. GILBERT appeared at the bar of the House and took the oath of office.

INCREASE IN POSTAL RATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 357)

The SPEAKER laid before the House the following message from the President of the United States which was read and referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

In the budget message I urged the enactment of legislation to increase postal rates in order to eliminate the postal deficit. Several facts indicate the urgency of such action by the Congress.

The Postal Policy Act of 1958 definitely states that postal rates and fees shall be adjusted from time to time as may be required to produce the amount of revenue approximately equal to the total cost of operating the Postal Establishment, less the amount attributable to the performance of public services. That act directed the Postmaster General to submit to the Senate and House of Representatives no later than April 15 of this year the results of his survey of the need for the adjustment of postal rates and fees in accordance with this policy.

Because of the existing inadequate postal rates, the Post Office Department is losing $2 million every working day. In the 13 years from July 1946 to June 1959 the postal deficits have been approximately as much as the entire cost of running the Federal Government in 1938. The cumulative $6.8 billion postal deficit for these 13 years represents nearly one-half of the total increase in the Federal debt during this same 13-year period. Interest charges alone on the debt represented by this cumulative deficit are costing our taxpayers some $200 million each year.

These huge postal deficits are phenomena of the years since World War II. In the years from 1900 to 1940 the losses of the Post Office Department averaged only $33 million a year. Since that time—excluding the war years—

these losses have increased astronomically. The tremendous losses incurred since World War II have been due to the increases in cost of everything the Department uses or buys, and to the failure of the Congress to enact postal rate increases to pay for the added costs. For example, since the increase in the first-class letter rate in 1932 from 2 cents to 3 cents, costs have more than doubled, but the first-class letter rate has been increased only one-third. The annual losses on second- and third-class mail, now in the hundreds of millions of dollars, are likewise growing.

It is imperative that Congress implement the policy it wisely established in 1958 of providing that the Post Office Department shall operate on a self-supporting basis. The Postmaster General is transmitting to the Congress the administration proposals for increases in postage rates on first-, second-, and third-class mail to yield an estimated $550 million of new postal revenues in the 1961 fiscal year. Responsibility in the handling of our public affairs demands prompt action, in this session, to restore the Post Office Department to its traditional posture of budgetary good sense.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 11, 1960.*

COMMITTEE ON BANKING AND CURRENCY

Mr. McCORMACK. Mr. Speaker, at the request of the gentleman from Texas [Mr. PATMAN] I ask unanimous consent that Subcommittee No. 3 of the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. COLMER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 21]

Albert	Davis, Tenn.	Mitchell
Allen	Derounian	Morris, Okla.
Anderson, Mont.	Edmondson	Mumma
	Flynn	Norblad
Barrett	Forand	Pillion
Barry	Gavin	Porter
Baumhart	Grant	Powell
Bentley	Green, Oreg.	Randall
Bowles	Griffin	Scherer
Brewster	Hébert	Shelley
Burleson	Kearns	Sheppard
Chiperfield	Landrum	Ullman
Coffin	Lesinski	Wharton
Davis, Ga.	Metcalf	

The SPEAKER. Three hundred and eighty-nine Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from New York [Mr. CELLER] had 2 hours and 52 minutes remaining, the gentleman from Ohio [Mr. McCULLOCH] had 6 hours and 4 minutes remaining, and the gentleman from Louisiana [Mr. WILLIS] had 3 hours and 2 minutes remaining.

The Chair recognizes the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, first of all I should like to express as a new Member of this body my gratification to the other members of the Committee on the Judiciary of the House of Representatives for the careful and lawyerlike consideration that they gave to this all-important matter. I must say that I entered into our deliberations with some concern over the possibility of rising tensions and of professional approaches being overwhelmed by personal attitudes. I was wrong. It was extremely gratifying to work with this committee even though we were often in disagreement.

My colleagues on that committee who were in disagreement with me, and I with them, at all times were professional and lawyerlike in their approach to the problem and to the writing of a bill.

Much time has gone by and a great deal has been said on the subject of a civil rights bill. At long last we finally come to the point where the U.S. Congress must take a leadership position in the continuing struggle to demonstrate that the Constitution means exactly what it says. Mark you well, the impact of what we do here today will be felt not only in the United States but the world over. I would venture to say that no domestic program that we have before us carries the impact abroad that this one does here. Aid to underdeveloped countries, collective security arrangements, and good will tours will have little meaning if we do not demonstrate for all to see our determination to safeguard the equal protection of the laws for every person.

Now, I do not think anyone can stand up here and argue that the committee bill we are now discussing can be called an unwarranted or undue intrusion into the affairs of any State or locality. If anything, the Congress has exercised, over a long period of time, great restraint in this area. The act of 1957 was the first response to the command of the Constitution since 1875. Under that act this Congress created a Civil Rights Commission in order to find the facts and report back to the Congress the facts and figures in respect of the civil rights problem in the United States.

I wonder how many members of this committee have taken the trouble to read the report of the Civil Rights Commission which I hold in my hand at this moment? Much has been said about it; there have been many accusations as to the nature of its impartiality and the factual way in which it went about its investigation.

I can assure you, my friends, if you will take the trouble to read the report, that you will come to a quite different conclusion. But the Commission report clearly demonstrates that there is a need for additional legislation in this area.

Mr. Chairman, I was interested to hear the comment made by the gentleman from Michigan [Mr. MEADER] and others on the floor yesterday commending the Attorney General of the United States for his caution when he testified before the subcommittee of the House Committee on the Judiciary on this subject. The Attorney General was very careful to say that after the enactment of the 1957 Civil Rights Act we should take care that we do not act too hastily with additional measures; yet the Attorney General of the United States has pressed hard for every single measure which is in the committee bill that we now debate. He, like the Civil Rights Commission, has urged the importance of enacting this legislation on the basis of need and necessity.

Now, whose responsibility is it to take action, if it is not ours? If we do not act, no one else can or will, and if anyone doubts that it is our responsibility to take further action in this regard, let me suggest that you reread the Constitution. You will be reminded that it is not a self-executing document; that it constantly stands in danger of being whittled away into a meaningless piece of paper enshrined in the archives of this Capitol.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from New York.

Mr. CELLER. Of course, the gentleman does not want to give the impression, I hope, that all responsibility for this measure is on one side of the aisle. He will admit, of course, that we on this side of the aisle, particularly we on this side of the aisle on the Committee on the Judiciary, did all and sundry to get this bill out.

Mr. LINDSAY. I do not understand the gentleman's question. There was no political implication in my remarks of any sort.

Now, let me continue.

The 14th and 15th amendments of the Constitution, which in this area, of course, are the key, expressly provide that the Congress shall have the power to enforce by appropriate legislation their provisions.

Now, let me just say a brief word about that important phrase "the equal protection of the laws" that appears in the 14th amendment. It is frequently mentioned,

but seldom explained. This language simply means that no agency or municipality of the State and no person who exercises any State power may deny equal protection to any person within the jurisdiction of that State. It refers to discriminatory legislation in favor of particular individuals as against others in like condition and to the way the law is administered. The clause, like the legislation now proposed, does not require that identical treatment be accorded to all peoples without recognizing differences in relative circumstances. It requires only that equal laws shall be applied to all under like circumstances in the enjoyment of personal and civil rights, in the acquisition and enjoyment of property, and in access to the courts. It is intended to prevent undue favors, individual or class privilege, and hostile discrimination or oppression. It was not intended to interfere with the State's power, sometimes called the police power, to prescribe regulations dealing with the health, morals, education, peace, or to legislate for the purposes of increasing industry, health, and prosperity of the State. This type of regulation may impose greater burdens upon some than upon others, but it is designed to promote the general good rather than impose unnecessary restrictions upon any person. If these differences operate alike on all persons and property under the same circumstances and conditions, they do not violate the equal-protection clause.

Now, everything that we do here today in taking action upon this bill is consistent with what I have just said.

Let us talk about this bill for just a moment. I submit that it is a modest, balanced approach to a very difficult subject. Three out of the five titles in this bill refer only to the civil code. There was a great deal said here yesterday about those portions of the bill that amend the Criminal Code. The suggestion or implication was there, of course, that this bill is a crusher type of thing, opening up the Criminal Code of the United States in a discriminatory way to attack a particular area or group only. Nothing could be further from the truth.

Of the two titles of the committee bill that do make adjustments to the Criminal Code, one, title II, is directed at acts of violence. It is the antibombing measure, and it applies to willful acts which would result in bodily harm or destruction of property. No one denies that this is an interstate problem and that acts of this kind are most difficult to curb. Further, it is not far removed from the Fugitive Felon Act, which has been on the statute books for many years.

The other adjustment to the Criminal Code would make it a misdemeanor, not a felony, willfully to obstruct court orders.

It was demonstrated by the Attorney General, who was exercising restraint and caution, and it has been demonstrated by the Civil Rights Commission, that the contempt power lodged in the Federal courts is not anywhere near broad enough to embrace willful acts directed against the carrying out of court orders. Rather than attempt any broad scale widening of the contempt power, with the concomitant difficulties over lack of jury trial about which we heard so much in 1957, it was suggested that we provide a misdemeanor action, with all of the safeguards that normally attach to any criminal case; trial by a local jury, burden of proof on the Government and all the other procedural safeguards that normally attach to a criminal proceeding. The point was made by my very able and distinguished colleague the gentleman from Louisiana [Mr. WILLIS] that this singled out a particular area, this new adjustment to the Criminal Code, and provided for misdemeanor penalties for obstruction of court orders in this one area. Naturally it does, because this is the area of a demonstrated need. Believe me, if there should be willful obstructions of court orders in other areas we would have before this House legislation to correct the same.

You will recall that the United Mine Workers of America were fined perhaps the most substantial fine that has ever been imposed upon any organized group in the history of this country for a willful obstruction of a court order under the contempt power, without a jury. And this ended the matter. And you may be sure that if it had not ended the matter, where the supremacy of the law is involved, we would there have requests for additional legislation and we would have gotten it. I remind you also that in those cases there is no jury, and here in a misdemeanor trial there is a jury.

Mr. Chairman, I repeat, this is a modest, carefully balanced approach to a most difficult subject.

There has been some comment on the subject of title III of the committee bill, which requires election officials to retain election records for a 2-year period. Again, it is made a misdemeanor for the willful destruction of such records. I submit that even if presidential electors be considered State officials the reach of the 15th amendment is quite broad enough to cover all State elections. Yet the proposal that the committee has made confines the area with which we are concerned to Federal elections only, with the addition of presidential electors.

Section 2 of the 15th amendment states that Congress shall have the power to enforce this article by appropriate legislation. How else do you enforce these provisions unless you have the records before you with which to lay a basis for determining whether or not there has been a denial of any constitutionally protected right? I repeat that the thrust of this particular provision is toward Federal elections only, as to which the power of the Congress is almost absolute. I submit also that under the 15th amendment if the committee had so wished it could have broadened this provision clear into the area of every State election from a municipal court justice on up.

Most of title IV has been enacted, extending the life of the Civil Rights Commission. There remains two important points dealing with the power to administer oaths and the staffing of the Commission.

Title V is designed to prevent children of the Armed Forces of the United States from being made innocent victims of public school closings. It contains adjustments to already existing statutes, which statutes recognize the responsibility of the United States for the education of children of members of the Armed Forces.

Mr. Chairman, much has been said about amendments to the committee bill. The time will come when we will debate those amendments, one by one, with great care. Suffice it for the time being, at least insofar as my own remarks are concerned, and I have a very limited amount of time, that I say just a word about the so-called voting referee amendment.

We have two proposals. One is the original McCulloch bill, which is the voting referee proposal which the Rules Committee has authorized to be offered as an amendment to the committee bill, and the other is the substitute which will be offered as a clarification of that measure. Without going into detail about differences between the two, let me just say this: no matter which bill you are talking about, the proponents seek to take a meaningful step toward the solution of the problem without doing away with the concept of local administration in this all-important area. Local Federal judges would be used, who would appoint local court-appointed special referees.

I submit there would be nothing constitutionally wrong with a registrar proposal, about which you have also heard.

Such a proposal would keep the total administration of this whole subject centered in Washington—the long arm of the Federal Government—which so many fear. But, here the proponents, guided by the principles of modernization, have suggested an amendment which will keep the subject embraced within the arms of the local Federal judge.

Article II, section 2, of the Constitution expressly authorizes the Congress to vest the appointment of inferior executive officers in the courts. When the court appoints a referee to receive applications, make findings and submit a report to the court, he is utilizing the court to perform the same kind of functions that have been exercised by Federal special masters over the years.

I listened with great interest to the remarks of my distinguished and able colleague, the gentleman from Louisiana [Mr. WILLIS] when he said, "Mind you, this is not a new proposal—it has been used before." Of course, it has been used before. It has been used throughout the history of our jurisprudence.

Mr. MEADER. Mr. Chairman, will the gentleman yield at this point for a correction?

Mr. LINDSAY. I am sorry I cannot yield to my colleague since the time is limited, and I would like to complete my remarks.

Mr. Chairman, special masters have been used over the years in areas involving the conduct of human affairs. For example, the holding of corporate elections in stockholder suits. There it is perfectly proper for a special master to be appointed to supervise the whole show—poll watchers, if you will. A

board of monitors to protect the rights of union members in a dispute involving the union membership and its leadership within the union structure. The supervision of corporate behavior in long-standing and wide-ranging antitrust decrees where the court must, obviously, supervise the conduct of the corporate entity with outsiders and other people who are not parties to an original decree.

The CHAIRMAN. The time of the gentleman from New York [Mr. LINDSAY] has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. LINDSAY. Mr. Chairman, remember that the point is made also: What business is it of the United States to become the private lawyer for a private person? This, my friends, is the same argument that was made against the 1957 Civil Rights Act. Suits under the act are much the same as those instituted by the Government pursuant to the Fair Labor Standards Act to restrain an employer from committing unfair or illegal wage and/or hour practices against his employees and to recover for the benefit of such employees what has been wrongfully withheld. I submit also the Raines case just decided at the end of last month by the Supreme Court of the United States covered this point. It said:

> It is urged that it is beyond the power of Congress to authorize the United States to bring this action in support of private constitutional rights. But there is the highest public interest in the due observance of all the constitutional guarantees, including those that bear the most directly on private rights, and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief.

It is commonplace for courts to retain jurisdiction until full compliance of their decrees has been obtained.

Let me add, lastly, that the "case of controversy"—article III of the Constitution—is concluded only when the court is satisfied in the affected area that its processes have completely vindicated the public interest in securing freedom from racial discrimination in voting.

So, I say, Mr. Chairman, in concluding, that if the idea of government by consent is the essence of our Republic, then the right to vote and the equal protection of the laws must be safeguarded. Otherwise, we have no claim that our Republic was "conceived in liberty and dedicated to the proposition that all men are created equal."

Lincoln reminds us that the authors of the Declaration of Independence "intended to include all men." Listen to what he said at Springfield on June 26, 1857:

> They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people of all colors everywhere.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HALPERN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALPERN. Mr. Chairman, it is a signal privilege to participate in this great debate on the fundamentals of our democratic faith. I am grateful that the Members of Congress are granted the opportunity to consider and act upon legislation to protect the civil rights of all the citizens of the United States.

The American dogma—

Said Mark Twain—

> rightly translated, makes this assertion: That every man is of right born free, that is, without master or owner; and also, that every man is of right born his neighbor's political equal—that is, possessed of every legal right and privilege which his neighbor may attain.

This truly is the priceless endowment of our great Nation. We hold it to be inviolate that every man is born possessed of rights granted by God. These rights pertain to him in his character as a person, as a human being, to be preserved for him and protected against incursions by his fellows or his society.

Positive power to protect these rights is contained in the U.S. Constitution, particularly in the 14th and 15th amendments. This power is residual in nature, to be discharged whenever men are deprived of, or are unable to exercise, the same legal rights and privileges possessed by their neighbors.

In determining whether to wield this power and to what extent, the only reasonable approach is to take a sober, nonpassionate look at the record.

This is what I propose to do. The record is there for all to see. Most of it can be found in the magnificent report issued by the U.S. Civil Rights Commission last summer.

The problem—

The Commission stated in its conclusion—

> is one of securing the full rights of citizenship to those Americans who are being denied in any degree that vital recognition of human dignity, the equal protection of the laws * * *. To a large extent this is now a racial problem * * *. Therefore, the Commission has concentrated its studies on the status of the 18 million Negro American citizens who constitute this country's largest racial minority. If a way can be found to secure and protect the civil rights of this minority group, if a way can be opened for them to finish moving up from slavery to the full human dignity of first-class citizenship, then America will be well on its way toward fulfilling the great promises of the Constitution.

The extent of the problem was then described by the Commission:

> In part this is the old problem of the vicious circle. Slavery, discrimination, and second-class citizenship have demoralized a considerable portion of those suffering these injustices, and the consequent demoralization is seen by others as a reason for continuing the very conditions that caused the demoralization.

The fundamental interrelationships among the subjects of voting, education, and housing—

It continued—

> make it impossible for the problem to be solved by the improvement of any one factor alone. If the right to vote is secured, but there is not equal opportunity in education and housing, the value of that right will be discounted by apathy and ignorance. If compulsory discrimination is ended in public education, but children continue to be brought up in slums and restricted areas of racial concentration, the conditions for good education and good citizenship will still not obtain. If decent housing is made available to nonwhites on equal terms but their education and habits of citizenship are not raised, new neighborhoods will degenerate into slums.

Here, Mr. Chairman, is a résumé of the enormity and the scope of the problem. With the exception of housing which will not be considered in this debate with a remedial end in view, these are the areas where corrective measures are required. Any final bill that we pass must provide firmer protection of rights, not only in the field of the franchise but in the areas of education and human rights as well. If we do not, we will have left the vicious circle largely intact and will have failed in our constitutional responsibility.

We have learned through bitter experience that the way to assure that every individual may possess the same legal rights and privileges as his neighbor is through the backing of law wisely administered with a dependence upon civil court processes and upon mediation, education, and technical assistance, but backed by law. It is only in this way that effective and meaningful progress can be achieved with a minimum of discord and without violence.

What does the record reveal in more detail about the lack of the possession of civil rights and what are the specific provisions we can enact that will give meaning and substance to our constitutional principles?

SCHOOL DESEGREGATION

In 1954 the Supreme Court declared that no person could be refused admission to a public school solely because of his race or color. At the time of the decision 17 States plus the District of Columbia were maintaining segregated school systems. By 1960, 6 years later, "few more than one-fourth of all the biracial school districts in the 17 States had even begun to desegregate." In five States, Alabama, Georgia, Louisiana, Mississippi, and South Carolina, no desegregation had occurred in any such school district.

Integration has been completed in the District of Columbia and West Virginia. It has largely been accomplished in Delaware, Kentucky, Maryland, Missouri, and Oklahoma. It has been started in Texas and Tennessee, where 46,000 of 425,000 Negroes in biracial school districts have been integrated. It has received token acceptance in Arkansas, Virginia, North Carolina, and Florida, where about 500 of 800,000 Negro students are in mixed classes.

Of some 3 million Negroes in biracial school districts in 1959, about 447,000 were in school systems that desegregated, but about half of these, either because of residential segregation or for

other reasons, were still in all-Negro schools.

The picture is dismaying. In percentage of total numbers, only about 7½ percent of Negroes in biracial school districts that were segregated in 1954 actually attended mixed classes in 1959.

The number of legal blocks that have been created to restrain the pace of integration to a slow crawl are numerous. They include pupil-placement laws, school-closing laws, private-school plans, and harassment of the efforts of the NAACP to battle the resistance through the courts. So-called antibarratry laws have been passed in a number of States—Arkansas, Georgia, Mississippi, South Carolina, and Virginia—which make it exceedingly difficult for lawyers or outside groups to help a particular litigant who might seek to institute a suit for the right to enter a nonsegregated school.

Separate but equal schools have been lauded time and again as providing similar educational advantages to white and Negroes. How often have we heard the statement, "The Negro schools in our area are much better than the white schools"? Perhaps this is so, but then it is rather ironic that when Negroes from these supposedly superior schools attempt to pass literacy qualification tests in order to exercise the right to vote, for some reason they are declared unable to meet the requirements. This is the vicious circle in fierce and shameful operation.

Are there remedies available to enable the process of integration to move faster than the distressing pace of the past 5 years?

One central remedy that was adopted by the House in 1957, but deleted by the Senate, and was included in the legislation studied by the Judiciary Committee, but not reported in H.R. 8610, is that of the so-called title III power. This would authorize the Attorney General to institute in the name of the United States a civil action or proceeding for preventive relief, including an application for injunction or other order, whenever, on a signed complaint, he determines that a person or group of persons is being threatened with the loss of or is being denied the right to equal protection of the laws by reason of race or color and is unable for any reason to seek effective legal protection for that right. Such suits could be instituted against those acting under color of State law or through a conspiracy.

Protection would be provided, among other instances, for those financially unable to bear the expenses of litigation—and to take a case through the Supreme Court costs upward of $25,000 at a minimum—or whose employment or economic activity would be jeopardized by the private institution of such a suit, or who would be subject to physical harm or economic damage.

It is very clear from what has happened in the school desegregation field, that there is absolutely urgent need for some authority in the Attorney General to institute suits in this area. Harassment and threats to individuals, the heavy expense of lawsuits, and antibarratry laws, all combine to reduce any present legal remedies to paper rights.

In areas where "some are more equal than others," enactment of title III would go far to restore a balance of equality among all.

The authority could be used, in addition to enforcing the right to attend a nonsegregated public school, to enforce rights to attend other public facilities such as golf courses, parks, and other public accommodations such as restaurants, and the opportunity to ride on buses and trolley cars and trains: to vote, to serve on juries, and so forth.

As for the authority which this provision would give to the Attorney General to secure injunctive relief, a far more equitable method than enforcing criminal sanctions after a deprivation has occurred, there are 50 Federal statutes in which injunctive relief in suits brought by officers of the Federal Government to carry out the purport of the laws, is authorized.

The effect of a title III power would be that in a representative case in which civil rights are sought to be asserted, the Attorney General would have the duty and the authority fully to protect these rights.

Other remedies that should be enacted are title I of H.R. 8601, which provides that obstruction of U.S. court orders in the field of school desegregation shall constitute a misdemeanor with a fine of up to $1,000 and imprisonment for more than 60 days or both.

Such a provision would deal with the type of situation that occurred at Little Rock where there was great difficulty in reaching the leaders of a disorderly mob who were violating a court injunction due to the limitations of the law with respect to service of or notice of that injunction. It would also result in enabling the FBI to enter a potentially dangerous situation of that kind where Federal court decrees are in danger of being flaunted and to utilize its influence in reducing inflamed passions and the threat of public disorder.

Additional proposals of merit are those, among others, also considered by the Judiciary Committee, which would provide for grants to be made by the Secretary of Health, Education, and Welfare to States, municipalities, school districts, and other local governmental units which maintained segregated schools prior to the Supreme Court decision of 1954, and which wish to desegregate, and, apply to the Secretary for assistance. Such grants could be employed to meet the expenses of the transitional periods when additional teachers, trained personnel, and extra facilities might well be required.

Another provision is that granting authority to the Secretary of Health, Education, and Welfare to provide technical assistance such as furnishing information, preparing surveys, holding conferences, and supplying expert specialists, in order to assist States or local areas to integrate when these latter so request.

Such provisions could prove of inestimable benefit particularly in economically impoverished areas. In addition, since carefully developed local or State plans for desegregation are, in numerous instances, sometimes preferable to plans imposed from the outside, such assistance as these provisions would offer would be of great help to local efforts.

Finally, the provision in H.R. 8601 to provide arrangements for the education of children of members of the Armed Forces in areas where public schools might be closed down by State law to avoid compliance with the Constitution, is of utmost importance. Thirty-eight and three-tenths percent of the U.S. armed services personnel are living in States which have segregated schools. To deny the children of these members of the U.S. Armed Forces a public education is unthinkable. The provision would authorize the U.S. Commissioner of Education to provide for their education when public schools are closed to avoid integration. Little need further be said in support of this meritorious proposal.

These then are the possible remedies that have been submitted by which Congress, under the authority granted to it in the 14th amendment, can effectively advance the right to attend a nonsegregated public school. They are reasonable. In the light of the appallingly slow progress that has been made in this field, they are necessary. They offer a balanced program of legal processes, technical and financial assistance, and utilization of the facilities of the Government other than the courts. I urge that they be adopted by this House.

VOTING RIGHTS

In the area of voting, the story is equally dismal. Despite the enactment of the 1957 measure and despite the existence of other Federal statutes on the books, the advance of voting rights under the 15th amendment has been so slow that it is obvious further laws are needed.

The report of the Civil Rights Commission points out that only about 25 percent of the nearly 5 million Negroes of voting age in the South are registered.

This contrasts with about 60 percent of voting-age southern whites who are registered. Percentages vary, of course, from area to area, but the overall statistics are tragically low.

The Commission asked:

Why are so few Negroes in some areas registered?

Apathy—

It stated—

is part of the answer.

However—

It continued—

some of the statistics on their face do suggest something more than apathy. The figures show 16 counties where nonwhites constituted a majority of the voting-age population in 1950 but where not a single Negro was registered at last report. They show 49 other Negro-majority counties with some but fewer than 5 percent of voting-age Negroes registered. These figures indicate somthing more than the lower status and level of achievement of the rural southern Negro. In the six States with officially released racial registration statistics—Arkansas, Florida, Georgia, Louisiana, South Carolina, and Virginia—nonwhites were a majority of the population in 97 counties. Of these counties, 75 had fewer than the State's average proportion of Negroes registered according to the unofficial statistics. All of the 14 nonwhite majority counties in

Alabama were reportedly below the State's average.

A closer investigation reveals a sickening array of sordid episodes where the right to vote has been thwarted. The report of the Commission is replete with these ugly instances. Fear of reprisals, whether groundless or not, were shown to be a real deterrent to registration. For instance, the story is revealing of the elderly Negro in Gadsden County, Fla., who, when asked why, although he had registered 3 years previously, he had not voted, replied, "I am too old to be beaten up."

Other instances evidence harassment in registering, the ridiculous farce of educated Negroes being declared unable to pass literacy tests, delay, ambiguous standards, and personal vagaries of registration clerks.

The Commission summed it up in this fashion:

The history of voting in the United States shows and the experience of this Commission has confirmed that where there is will and opportunity to discriminate against certain potential voters, ways to discriminate will be found.

Against the prejudice of registrars and jurors—

It graphically declared—

the U.S. Government appears under present law, to be helpless to make good the guarantees of the U.S. Constitution.

The Commission has disclosed that the barriers to full exercise of the right to vote are numerous and involved. These include not only intimidation and fear of reprisals, delay and obfuscation by officials, but destruction of voting records, evasion of registrar responsibilities, and inordinately lengthy legal procedures to establish the right to vote for a particular group or person.

It has become apparent—

The Commission states—

that legislation presently on the books is inadequate to assure that all our qualified citizens shall enjoy the right to vote.

This—

The Commission continues—

is a partial repudiation of our faith in the democratic system. It undermines the moral suasion of our national stand in international affairs. It reduces the productivity of our Nation.

Here again, Mr. Chairman, remedies are available.

The preservation of Federal election records and the granting of authority to the Attorney General to inspect them is a logical step in protecting the right to vote. Certainly, no one can oppose a reasonable provision for this purpose, a provision such as was included in H.R. 8601.

Of prime importance as well, is the creation of a system which will provide the broadest possible participation in voting by all our qualified citizens. The 15th amendment gives Congress ample legislative authority to guarantee the right to vote in State elections as well as in Federal elections. The 14th amendment affords protection against State interference with the equality of opportunity to vote in any election.

Pursuant to the authority granted under these provisions, numerous suggestions have been made for the creation of court or administratively appointed officers to register qualified voters in either Federal or State elections or both, and to oversee that there is no denial of the right to vote after registration.

These bills include provision for Federal registrars, voting referees, or enrollment officers.

They all aim, in one fashion or another, at providing for a relatively rapid means of registering qualified voters with a minimum of lengthy legal procedures.

Their purpose is to provide temporary registration under Federal law where State facilities are either nonexistent or are inadequate for the full and equitable carrying out of the duties laid down in the Constitution.

In legal actions provided for under some of the bills, provision is made for suing States in order to protect the right to vote where State-appointed registrars resign, vacate their office, or otherwise are unable to carry out their duties.

Each of these proposals has merit. No one of them may provide the best solution to the problem. I, myself, have introduced a referee bill, H.R. 11006, as a vehicle for consideration of the problem by the House.

There is no doubt about the need for the passage of legislation in this regard. I feel certain that a workable provision commensurate with the need will be adopted. We can do nothing less.

HATE BOMBING

There is one other area where legislation is sorely required. The Civil Rights Commission did not include it within its investigations, but hearings have been held in regard to it both in the House and Senate in which the need for Federal legislation was plainly demonstrated.

This is the field of antihate bombing legislation.

Between 1954 and early 1959 more than 90 recorded instances of bombings of churches, schools, homes, civic buildings, and business establishments occurred. These took place in some 11 States. They are still occurring.

During the hearings on this subject it was disclosed that many of the bombings were perpetrated by groups moving from State to State.

From the picture it has become evident that if such bombings are to be checked, strong, deterrent Federal legislation is needed.

One form is included in H.R. 8601. This would make it a Federal felony to flee across State lines to avoid prosecution for bombing churches, schools, residences, and so forth, or, to avoid giving testimony in any criminal proceeding relating to such an offense.

The obverse of such a provision is also necessary. The carrying of explosives into a State for the purpose of destroying real or personal property is an essential supplement to any amendment of the Federal fugitive felon law. Numerous bills have been introduced for this purpose and were considered by the Judiciary Committee. No such provision has been included in H.R. 8601.

The purpose of Federal antihate bombing legislation is twofold. As I mentioned, if effective deterrence of this heinous form of racism and bigotry is to be achieved, strong laws are essential.

It is far more feasible to legislate both in respect to the transportation of explosives into a State for hate bombing purposes and to make it a Federal felony for a hate-bomber to flee across a State line after he has perpetrated his loathsome action, than to merely touch one phase of the situation.

The second purpose is to assure that the most effective police work will be done to prevent such occurrences or to arrest the malefactors after a bombing has taken place. There are, of course, differences in the quality of police work across the country. At present, if the FBI is to lend its magnificent facilities to assisting local efforts, it must be by invitation. The adoption of laws in regard to entry with explosives into a State before a bombing, as well as fleeing after a bombing, would assure that the FBI would be available to work with local officers in a coordinated effort. I urgently recommend that this House adopt a provision in connection with the transportation of explosives into a State for the purpose of destroying real or personal property.

Mr. Chairman, this is the record. Significant advances in the guarantees of civil rights have been accomplished in specific areas. The overall picture is, however, one of pathetic slowness, local irresponsibility and in some instances, organized resistance.

The need for firmer legislation has been fully demonstrated.

I have attempted to draw a picture of the dismal progress that has thus far been achieved through reference to a record that is unimpeachable. There is nothing here of flagrant charges or emotion-laden diatribe. This is a sober, factual presentation.

The very fact that this dismal lack of progress can be buttressed so fully by the record makes it all the more appalling. It is not, as the Civil Rights Commission forcefully pointed out, merely a matter of voting or of housing, or of education. It runs across the whole gamut of civil rights.

Here is the need, Mr. Chairman. It is our responsibility to adopt legislation commensurate with it.

I have referred to numerous remedial proposals. I am proud to have sponsored these, among others. I intend to work for their acceptance.

A new breeze is sweeping across the Nation, Mr. Speaker—indeed, across the world. Those who ignore its message do so at the price of inviting unrest and possibly civil disorder. No longer will those, who for years patiently bore their sufferings as second-class citizens, be content with the snail's pace that has been seized upon as a rationalization for progress.

Legislation to give life and meaning to our constitutional guarantees is the inevitable answer where those with the power to act, turn their backs on responsibility. A concerted effort is required to close the dreadful gap between our ideals and reality.

We are concerned here today with human rights. Our actions will create repercussions not only throughout the United States but in the farflung reaches of the world. Unless we act in a positive and dynamic fashion, our hopes for winning over the uncommitted nations of Asia and Africa to the cause of freedom are doomed.

Failure to enact meaningful and effective civil rights legislation would all but negate President Eisenhower's good will achievements during his recent trip to Asia and Africa and would undermine the effort of our State Department which has eagerly sought to bring the peoples of that part of the world into the orbit of freedom.

The Communists have been quick to use our long and ugly record of racial discrimination as a weapon against us. Indeed, our current apathy on the subject merely adds further fuel to the Communist argument and seriously endangers our world position.

I urge that this House adopt legislation to advance all the guarantees of the 14th and 15th amendments. Under our sworn oaths to uphold the Constitution we can do nothing less.

With malice toward none—

The Great Emancipator beseeched—

with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. JACKSON].

Mr. JACKSON. Mr. Chairman, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JACKSON. Mr. Chairman, it has been said that "there's many a slip twixt the cup and the lip," and it might well be added that there is sometimes a great deal of difference between the headline on a news story and what is contained in the story itself.

Several days ago many of us were shocked to read in the press, headlines which indicated that Francis Cardinal Spellman, Catholic archbishop of New York, had entered the controversy over an Air Force training manual, and had ranged himself with those who contend that there has been no effort on the part of Communists to infiltrate American churches. Further, the headlines tended strongly to imply that the cardinal disavowed any suggestion that a few churchmen might have lent their efforts to Communist causes.

I have no way of knowing what representations were made to the cardinal, or by whom, but it is quite apparent to anyone reading his statement that he was not commenting upon the allegations contained in the Air Force manual, but was rather protesting any suggestion of disloyalty in the Chaplain Corps of the several armed services. It is interesting to note that no such allegation was contained in the manual, nor intimated by any spokesman involved in the controversy on either side of the issue.

Yet, and on the basis of a release totally unrelated to the basic issues in the manual controversy, the cardinal's statement was tortured to the point where it was featured as a defense of those who appear to require defense against some of the allegations contained in the manual.

Here are the verbatim quotes of Cardinal Spellman. The statement is an entirely proper one, and one with which every American of whatever religious persuasion can agree. It is not, however, a statement designed to offer cover for critics of the Air Force manual, nor for those who prefer to close their eyes to the grim record of Communist efforts to infiltrate our church institutions.

Cardinal Spellman said in his original statement:

My position as Military Vicar has given me many occasions, extending over a long span of years that goes back to the beginning of World War II, of meeting and associating with chaplains of the Protestant faith. During these many years of association, I have admired their dedicated loyalty to our country and its purposes. I would deplore it if any unfair deductions from general accusations were interpreted to reflect in any way on their loyalty to our country or on the loyalty of the general body of ministers whom they represent.

It will be noted that nowhere in the cardinal's statement does the phrase "Air Force manual" appear. Yet that bulwark of journalism, the New York Times, frequently pointed out to students of journalism as the greatest example of honest, fair, and objective reporting, took unbridled license in editorializing the headline, and to give the impression to its readers that a great church leader had said something he never said or never intended to say. The headline in question is morally dishonest, factually inaccurate, and intellectually on a par with the journalistic ethics of a throwaway tabloid.

The Times headline of Wednesday, March 9, 1960, reads, "Spellman Scores Air Force Manual," and a subhead proclaims, "Hails 'Dedicated Loyalty' of Protestant Clergymen Criticized in Booklet." That both statements are inaccurate and intended to mislead readers is the most charitable statement that can be made in this instance.

Responsible journalism requires an adherence to facts and to the truth. What a publisher does on his editorial page is one thing—what he does to straight news reports is another.

The Washington Post did but a little better. Its headline stated: "Spellman Wins Thanks for Protestant Defense." As a matter of honest fact the cardinal's clear statement was directed to the loyalty of the Chaplain Corps and the "general body of the ministers whom they represent," a statement completely consonant with those made in the manual, and those delivered on the floor of the House last Thursday by the gentleman from California. No one has ever suggested or implied that the overwhelming body of Protestant churchmen in this land is comprised of anything but dedicated and devoted Americans, although some spokesmen for the National Council of Churches would have it believed that this charge has been leveled.

Concerned with the obvious attempt to twist an important statement by a respected church leader into something quite different from that intended, I sent a telegram yesterday to Cardinal Spellman. In my telegram I said:

His Eminence FRANCIS CARDINAL SPELLMAN,
Archbishop of New York, N.Y.

YOUR EMINENCE: Evidently the statement made by you on yesterday respecting the current controversy over certain statements made in an Air Force training manual were deliberately distorted to indicate a blanket endorsement by you of the entire body of Protestant churchmen relative to their loyalty. The implication written into your perfectly proper message has done grievous harm to the fight being waged by many of us here in the Congress to disclose efforts of the Communist Party to infiltrate American churches and the efforts of a few Protestant ministers to further the cause of Godless conspiracy. As a former combat officer in the U.S. Marine Corps, I share your high regard for the dedicated men of all faiths who have served and are serving in the Armed Forces of the United States. Their loyalty has never been brought into question in any manner, nor do I know of a single instance involving the loyalty of a chaplain. The fight against the common foe has been set back by the improper use of your statement. If it is at all possible to clarify this matter, I sincerely hope it can be done. Believe me to be, most respectfully.

This morning I received a telegram from Cardinal Spellman. The text is as follows:

Congressman DONALD L. JACKSON,
House of Representatives,
Washington, D.C.:

I have received your telegram which I have read with interest. The statement I made was clear and unequivocal. I cannot understand how some of the press distorted my statement. I respect the fact that Congressman WALTER, you and other members of your committee have rendered outstanding service in exposing Communist activities.

FRANCIS CARDINAL SPELLMAN.

There is a sufficient merit on both sides of the current controversy to permit a difference of opinion between honest men. There is not, however, any reason to twist, torture or distort statements made in an effort to make the comments accord with the editorial position taken by a newspaper.

We on the House Committee on Un-American Activities appreciate the prompt action taken by Cardinal Spellman to put this matter in proper focus. It is to be regretted that the treatment accorded his statement in some newspapers required an extension and clarification of a perfectly clear comment.

Mr. McCULLOCH. Mr. Chairman, I would prefer that someone on the other side proceed at this time.

The CHAIRMAN. Does the gentleman from Georgia care to yield time?

Mr. FORRESTER. Mr. Chairman, on behalf of the gentleman from Louisiana [Mr. WILLIS], who is temporarily absent, I yield 15 minutes to the gentleman from Kentucky [Mr. CHELF].

Mr. CHELF. Mr. Chairman, what I am about to say will not please, probably, my good friends of the North, East, or the West, who are inclined to be overly liberal; nor will it cause singing and dancing in the streets of the Deep South.

However, I have my ideas about this particular piece of legislation, having seen it come and go quite frequently before our Judiciary Committee and, therefore, I feel compelled to make a statement on it at this time.

Mr. Chairman, in 1957 when the Civil Rights Bill was favorably reported out of our committee I signed the minority statement. I did so because I felt that there were sections in the legislation that were detrimental to the country as a whole. There was more harm than good in the bill at that time.

I voted against the bill in the House, later when the Senate amended the legislation by striking out section 3 that had to do with forcing the citizens of America at the point of a gun barrel to comply with its provisions, I voted for the Senate's version. Therefore this vote of mine cannot be construed as an anti-Civil Rights vote.

Last year when the 1959 Civil Rights version was favorably reported out of our House Judiciary Committee I again voted against it and although on February 1, 1960, which was about 5 weeks ago I signed the discharge petition to help bring the matter to the floor so that the House could work its will.

In addition, let me say that I voted "Yea" on the rule yesterday because I have always felt that every piece of important legislation has a right to be brought before this House; and I agree with our distinguished Speaker who has always said that this House is the finest jury in America. When you cast your vote on this bill I know that you will vote for what you think is the best for all of America.

Nevertheless, I reserve the right to vote against the bill if in its final form it does not do justice to the majority as well as to the minority.

When the petition to sign the first southern manifesto on the 1954 Supreme Court school decision was circulated, while I strongly disagreed with the Court, I did not sign the document. In 1957 when the second southern manifesto pertaining to civil rights was prepared I affixed my signature to it because it was a moderate, respectful petition to the President of the United States setting out in detail the many harmful provisions that were contained therein. We particularly and most respectfully called to the President's attention in the manifesto that section 3 clearly permitted Federal troops to enforce it. Far less than this, Mr. Chairman, provoked the Civil War back in 1861.

As you know, I come from the blue grass State of Kentucky, and while our Commonwealth is geographically south of the so-called "Smith and Wesson line," the Mason-Dixon line, nevertheless, father fought son, and brother killed brother over their honest and sincere differences of opinion in that great conflict of the War Between the States—99 years ago.

Coming from a community where there are lots of fine colored people, who, incidentally, have no trouble in voting in Federal, State, county, or city elections, and where white and colored folks have no social problems, I have made an extraordinary effort to conscientiously study all questions pertaining to our colored friends in an atmosphere of fairness and friendliness. Not so long ago, I took it upon myself to urge an Acting Governor of Kentucky to name as a Kentucky colonel on his staff, posthumously, a fine old colored gentleman, of my little town of Lebanon, who had rendered outstanding service to our State by his untiring efforts to promote good will, sympathy, respect, and mutual understanding between all of our peoples.

Certainly I know that I am more interested in the solution of racial differences, if any there may be, than a lot of these so-called professional "do-gooders" running around the country, who are really no more concerned about the colored man's problems than Sally Rand is in doing her fan dance in a tin kimona. And when there is no more civil rights ballyhoo left to exploit, this group of professional sadhearts will be about as useful as the last note played in the 1901 fiddlers' contest.

I do not want to deprive any citizen of his right to vote, or his right to do anything else that is lawful. However, in our exuberance and zeal to protect the rights of one individual or the minority, let us not unwittingly destroy the rights of many individuals or of the vast majority.

Since our procedure with respect to integration has been rather successful in Kentucky, I would, therefore, recommend and commend it to those in other States who may be interested in this very vital social problem.

With two possible exceptions, we have had no serious integration problems. I think this is chiefly because our people of all races, views, and faiths sat down together and did an excellent job of working out a solution. They were so successful, in fact, that one of our school superintendents from Louisville, Ky., the late Mr. Omer Carmichael, was summoned to the White House by President Eisenhower where he was publicly acclaimed. This convinces me all the more that if the heart is right and there is mutual respect, sincerity and understanding between the races, this most difficult and highly controversial problem can be not only settled but it can be done on a voluntary basis and not at the business end of a military gun pointed by a Federal soldier on orders of the President.

There is an old adage that "you can lead a horse to water but you can't make him drink." This rule applies to people as well as it does to horses. The average person in the United States will follow a leader but nobody can drive the American people—not even by Federal legislation or a decision of the Supreme Court. Both have been tried and each has been found wanting. For the Congress to enact legislation or the Supreme Court to decide cases that are not in keeping with the traditions, the culture and the customs which are all an integral part of America, is very much like the old song "They Are All Out Of Step But Jim."

There is one small, basic thing that the leaders of the NAACP and the CORE have either forgotten or unfortunately they have never been taught—that real ladies or gentlemen with good breeding, first, never ask or seek an invitation; second, do not go where they are not invited; third, nor do they remain where they are not wanted. These lunch counter students are only hurting their cause. Their leadership is as shaky as the guest bookstand in an undertaker's parlor and is about as dependable as a blown fuse in a lightning bug's tail light. You cannot legislate morals any more than you can force some people to accept the friendship of others. The good Lord gave me my relatives but I reserve the right to fully select my own friends and associates. And, when the time comes that I cannot, we have had it in the United States. Now, I want to say this, and do not get me wrong, because if I have better friends in the House of Representatives than BILL DAWSON and BOB NIX, I do not know who they are. But, they are friends of my own choice. I admire and respect these men, but do not try to force just anybody, colored or white, on me if I do not want to associate with them. That is the way my people feel, that is the way the folks in Kentucky feel, and I think that is the way the vast majority of the people of this country feel. Nobody is going to tell me with whom I am to associate, you fellows in Congress or this Court over here across the street. We must realize that Congress cannot legislate nor can the Supreme Court decide who one's friends shall be.

Back in 1776 the British were foolish enough to legislate a tax upon the backs of our people. Our English friends wound up with a revolution on their hands. Later, unfortunately, in 1861, there were those who were hotheaded, impatient, tactless, arrogant, who literally tried to cram thorny issues down the delicate throats of tolerant people. And what was the result? Tragedy and a bitter, bloody war that cost the Southern Army 52,000 gallant soldiers and the northern forces 110,000 brave men. Destruction, grief, misery and poverty followed this unnecessary war. You can crowd people just so far. The same is true today.

Unfortunately, the deep wounds and the broad scars that were inflicted between 1861 and 1865 still have not fully healed and yet there are those today very much like those of yesteryear, who, if they had their way, would literally push this Nation into another civil conflict and I am afraid we are about to have one. If these sitdowns keep up—such assemblys could break into riots which could cause grave trouble. This petty needling at lunch counters had better stop because people are getting fed up, and I do not mean on lunches.

In 1861, it was the abolitionists who were the hotheads—those too impatient to wait—these and other arrogant, thoughtless, selfish persons precipitated the Civil War. Today, unfortunately, there are a few integrationists who are selfish, intolerant, impatient, insincere and whose unreasonable attitude demands everything and gives nothing, who are most likely to start another armed civil conflict. Would not a civil war here tickle Khrushchev? I beg for cool heads on both sides of this question or we are

in for serious trouble. Ever since the 1954 school decision of the Supreme Court, race relations have progressively deteriorated, in the North as well as in the Deep South. Let us see what Lincoln said about the Supreme Court in 1857, 1858, 1859, and 1861.

Lincoln's speech at Springfield, Ill., June 26, 1857:

> The Dred Scott decision is erroneous. * * * The Court that made it has often overruled its own decisions, and we shall do what we can to have it to overrule this.

Lincoln's speech at Chicago, Ill., July 10, 1858:

> All I am doing is refusing to obey it (the Dred Scott decision) as a political rule. * * * Somebody has to reverse that decision, since it is made—and we mean to reverse it. * * * It (the Dred Scott) is the first of its kind—it is an astonisher in legal history. It is a new wonder of the world. It is based upon falsehood in the main as to the facts—allegations of facts upon which it stands are not facts at all in many instances.

Again, this is Lincoln at Cincinnati, Ohio, September 17, 1859:

> The people of these United States are the rightful masters of both Congresses and courts, not to overthrow the Constitution but to overthrow the men who pervert the Constitution.

That is what Abraham Lincoln said in a speech in Cincinnati in 1859.

In his first inaugural address in Washington on March 4, 1861, he said speaking again about the Supreme Court:

> The people will have ceased to be their own rulers—

Meaning that the Supreme Court has taken over—

> having to that extent practically resigned their government into the hands of that eminent tribunal.

If I had made these statements about the present Supreme Court no doubt I would be nailed to the political cross by the liberal press. Why they would hang me in effigy and probably in reality.

The civil rights bill that is now before us for consideration would, among other things, in title I establish Federal criminal penalties for interfering with Federal school integration orders. I am against Federal domination and control over the rights of the several States on any subject. This is a basic, a fundamental constitutional matter that neither the Supreme Court, the Congress nor the President has any business interfering with. If in one section of my congressional district the people there have absolutely no objection to all-out integration, I think that the matter should be left to them locally. On the other hand, if there is a section in my district that wants to move cautiously and carefully and slowly because of a local situation, I think they should be permitted to follow the dictates of their own consciences. At least let them settle the problem locally and not in Washington. If they are not allowed to do this there surely will be trouble, misunderstanding, lack of cooperatiton intermingled perhaps with violence. And what is even worse it might precipitate a complete breakdown of the respect that my people and the people of America have had over the years for our Federal laws. When we destroy the belief and the confidence of the people in our laws we have destroyed America. And let us not make any mistake about that. It is a sad thing that the nine men sitting over here across the east lawn do not have enough judgment to see that. I am against title I.

Title II of the civil rights bill makes it unlawful to flee across State borders in order to avoid prosecution. That is already the law. Any time you or I commit almost any felony in one State and flee across the border into another State, under the existing law, the Fugitive Felon Act, enacted in 1934, title 18, page 1073, of the United States Code, the FBI is given the right to track you down and bring you back. So that this is not needed.

As to the bombing of schools, churches, and other structures, let me say that I am as much against this as anybody and if a bill, specifically dealing with this particular subject matter, is brought to this floor, that provides very heavy penalties, I shall support it vigorously. This is only window dressing in order to try to secure votes for this particular so-called civil rights bill.

Section III which would require State election officials to preserve voting records for 2 years for possible inspection by Federal authorities sounds laudable but here again the Federal Government is usurping the powers of the individual States. What right has the Federal Government to demand State primary election ballots? If this is to be done at all, is should apply only to Federal elections. If amended to affect only Federal elections—not primary elections, I could support section III.

America has grown from 3 million people living in 13 sprawling colonies, to approximately 180 million people now residing in 50 States. Our development and growth have been due largely to the fact that we fundamentally followed the Golden Rule, lived and let live. We have tried to do the right thing by our fellowman. What's more important, as I see it, we do these things voluntarily. Therein lies America's greatness. What is done is done from the heart because of an inner desire to do it. Not by compulsion. I have no objection to titles IV–V or VI.

The proponents of this so-called civil rights bill say it is needed to stop Russian propaganda about us. What should we care what Russia and her communistic hoodlums think about us? While we blaze away here on the floor at one another, fighting amongst ourselves, if you please, the Russian leaders have smiles on their faces and songs in their hearts, because while we call one another names, they increase their scientific lead over us in every way, form and manner.

Never in our history has there been a time when the North, South, East, and West of our Nation needed to be more united in order to offset and combat the present and very real Russian threat to the peace of the world. But the Court across the Capitol Plaza apparently is not interested, because they just keep on rendering decisions that tear at our unity and shake our very democratic foundations, all in the name of freedom's progress. Russia's scientists were the first to orbit a sputnik. They have already photographed the opposite side of the moon. They have developed missiles that are not only many in number but frightfully accurate. Our fighting over a so-called civil rights bill is strictly not conducive to uniting America or catching up with the "gremlins in the Kremlin."

> Let's cut out our family fights
> And keep our country strong,
> Lest in the name of civil rights
> We do a civil wrong.
>
> Get 'em off the ground, "Von,"
> Get 'em up for us.
> We need every missile.
> That we can get to thrust.
>
> Let our schools step up their paces
> And not close up their doors,
> 'Cause in spite of our unwise Court
> We must see those Atlases soar.
>
> Get 'em off the ground, "Von,"
> Get 'em in the air.
> We need every missile
> To get in Khrushchev's hair.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Chairman as I understand from listening to previous speakers, the distinguished ranking Republican of the Judiciary Committee, the gentleman from Ohio [Mr. McCULLOCH], introduced H.R. 4457 which contained the seven requests of the administration. Of these seven, five are in the bill H.R. 8601, which is being considered at the moment.

The distinguished chairman of the committee, the gentleman from New York [Mr. CELLER], stated that he would introduce at the appropriate time certain amendments. One of these amendments is to be a provision for a permanent Commission on Equal Job Opportunity Under Government Contracts. I have heard that a point of order may be raised against such an amendment. However, I wish to say that I strongly support legislation to create a permanent Commission as requested by the President.

I have in my hand, Mr. Chairman, a clipping from yesterday's Washington Post. This item has a good-sized headline indicating it was considered very newsworthy. The item is that three Negro electricians applied for work with a firm which pledged no discrimination in hiring under a Government contract. In other words, it is news when a Negro is given equal job opportunity which certainly emphasizes the need for legislation to eliminate discrimination in hiring.

Mr. Chairman, I believe the people are well aware of the need to assure that tax money is not used to further discrimination. It is the responsibility of this Congress to assure that Federal funds are not so used. By granting statutory authority to a Commission on Equal Job Opportunity Under Government Contracts, we can help attain that goal.

Often when establishing national policy, Congress has few guidelines in its attempt to determine what is feasible and practicable in the implementation

of that policy. Fortunately, such is not the case in enacting into law the goal of equal job opportunity for those employed on Government contracts.

Since 1953, when President Eisenhower first established the President's Committee on Government Contracts by Executive Order 10479, we have had the opportunity to observe a prototype of the proposed permanent group which the President now recommends.

In this test of almost 7 years, the President's Committee on Government Contracts—through its efforts at voluntary compliance and educating to their responsibilities those administering the personnel policies under which workers on Government contracts are hired—has been able to secure significant breakthroughs throughout America. These breakthroughs have come not just in securing the employment of those discriminated against for the first time in a plant where no such employment previously existed. These breakthroughs have also been made in plants where, for example, Negro workers had not previously been able to attain so-called white collar jobs although their abilities and talent enabled them to perform effectively the tasks of those positions. Many of these activities have been recorded in the various reports which the committee has issued. I would commend to my colleagues a reading of the latest report of the President's Committee—their sixth annual report—which was issued on December 27, 1959.

The goal and challenge are well known to all of us. The goal is to assure equal job opportunity for all Americans whose salaries are paid with tax dollars because they are producing goods and services for the Government. The challenge is that Congress shall establish this as a matter of national policy.

But what of the means? What does section 6 of S. 3001, the Senate bill which was introduced by Senator DIRKSEN and 22 other Republican Senators and represents President Eisenhower's civil rights program, provide?

First. The bill authorizes a 15-member Commission on Equal Job Opportunity Under Government Contracts to be appointed by the President and serve at his pleasure.

Second. The Commission is charged with implementing "the policy of the U.S. Government to eliminate discrimination because of race, creed, color or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services."

Third. To achieve this goal, the Commission "shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment." The President can request Government contracting agencies to cooperate with the Commission in carrying out its functions. In addition, the Commission is granted authority to "make investigations, studies, and surveys," and to "conduct such hearings as may be necessary or appropriate in the discharge of its duties."

Fourth. To encourage nondiscrimination in job hiring involving Government contracts the Commission is to engage in "the development and distribution of pertinent information" as well as "the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment." The Commission is also "authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies."

In closing, something might be said about the membership of this proposed Commission. The President's Committee on Government Contracts has been chaired since its inception by Vice President RICHARD NIXON with Secretary of Labor James P. Mitchell, serving as Vice Chairman. In addition there are five Government representatives from the major Federal contracting agencies and seven public members, including Robert L. Chambers, president of the Pacific Foundry Metallurgy Co., San Francisco; George Meany, president of the AFL–CIO; James F. Nabrit, Jr., dean of the School of Law, Howard University; Mrs. Helen Rogers Reid, of New York City; Walter P. Reuther, vice president of the AFL–CIO and president of the UAW; Mr. John A. Roosevelt, partner, Bache & Co., New York City; and Fred Lazarus, Jr., chairman, Federated Department Stores, Cincinnati.

Both the Vice President and Secretary of Labor have already announced that they would not serve when the permanent body is established.

With a small staff, the President's Committee has done an exceptional job in furthering the equal job opportunity goal which it was assigned. The burden is now on Congress to assure that a means of securing this goal be continued and that the goal should be achieved as a matter of national policy.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of H.R. 8601. This bill is a needed and an important bill. It is necessary to provide added protection to the right to vote. It is necessary to take steps to make sure that Federal court orders relative to public schools are carried out in a responsible manner. It is necessary to protect citizens against hate bombings. This bill is an important step toward achieving these objectives. I hope the House will adopt this measure by an overwhelming vote.

Mr. KASEM. Mr. Chairman, acting in place of our chairman, the gentleman from New York [Mr. CELLER], while he is temporarily absent, I yield myself 20 minutes.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from California.

Mr. ROOSEVELT. Mr. Chairman, the gentleman from New York [Mr. LINDSAY] a very short time ago discussed briefly the so-called referee voting plan. In order that all Members may have due notice of it, there are a number of us on this side who feel very strongly that the referee voting plan, either No. 1 or No. 2, is not an adequate approach to the problem of enfranchising those presently disfranchised citizens. Therefore, the gentleman from Michigan [Mr. O'HARA] proposes later today to make some remarks and to have printed in the RECORD a proposed amendment to the proposal which I understand the gentleman from New York or the gentleman from Ohio will submit under the 5-minute rule. It will be printed, and I hope everyone will carefully examine it. It is an adaptation of the proposal in the other body by Senator HENNINGS. We also sincerely hope that those Members who are interested in this difficult subject will look at the RECORD on pages 5187 through 5192, which embody the argument of a distinguished Senator in the other body concerning the referee voting right issue. I thank my good friend from California for yielding to me.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield.

Mr. BARRY. Mr. Chairman, I rise to support H.R. 8601, which is one of the most important pieces of legislation of the 86th Congress as there cannot be a more serious subject than the civil rights of our citizens. One of the cornerstones of our American Constitution is that everyone has the right to impartial justice and equality under the law. The greatest single objective of the Republican Party has been its constant striving to make these high ideals a reality. The greatest act of our first Republican President, Abraham Lincoln, was to end slavery in the United States, and today our great Republican President, Dwight Eisenhower, is leading the battle for equal rights for all our citizens.

In this House the Republicans, united behind President Eisenhower, will continue the struggle to make certain that the ideal of truly equal rights for all our citizens is a reality in our land. Beginning with Lincoln and continuing to this day Republicans have steadfastly adhered to the principles that segregation in any form shall not be tolerated. Over the years we have proved by deeds, rather than just words, our firm belief in the equality of all our people. In my own State of New York, in 1945, Governor Dewey and the Republican legisture created the State Commission Against Discrimination and put into effect the Nation's first State law barring discrimination in employment. Under the Eisenhower administration Jim Crow really came to an end in our Nation's Capital, segregation was completely abolished in the Armed Forces of the United States, and the Congress passed the first civil rights bill since the time of the Civil War.

To assure a more consistent conformity with the law as it stands the present legislation is absolutely required.

The bill before us really creates no new privileges under the law. No revolutionary objectives are set forth in H.R. 8601. What does the bill require? This legislation merely tightens the present

laws and the privileges of all our citizens are made secure.

The new legislation makes it an offense to use or to threaten force that would obstruct the order of a Federal court in carrying out the law of the land as they may relate to our public schools. It adds the help of Federal authorities in bringing to justice those who damage churches, schools, and other property. It requires that Federal election records be preserved so that the true vote of the people may better be verified. The bill extends the life of the Civil Rights Commission so that it may satisfactorily complete its work. The bill makes provision that certain children of Federal employees receive the opportunity to get a free public education.

There are no radical proposals in this legislation. The main purpose here is to insure that the most sacred fundamental rights of our democracy, the right of every citizen to the vote, obedience to our courts, protection of houses of worship, protection of our schools, protection of election records, and the right of every American child to a public education shall not be denied.

In January of last year I introduced H.R. 3135, which corresponds to title II of this bill, and has as its basic provision an enforcement law with teeth that would give protection to the churches and synagogues of our land. Certain people defensively condemning the context of H.R. 8601 because they oppose this provision in the civil rights bill but they profess to approve this provision in a separate statute. Taken at face value and separately there would be no Member of this House who would not support a bill to protect our churches and schools from vandalism. Placed in the context of a so-called civil rights bill the selfsame proposal is attacked.

Taken separately there could not be a Member of this House who would fail to support a bill to insure enforcement of court decrees. Placed in this civil rights bill the selfsame legislation is attacked. Again taken separately no Member of this House would oppose a bill to insure the preservation of voting records as we stand united in our determination that the sanctity of the ballot box is one of our most cherished possessions. No Member of this House would willfully deny a proper education to any citizen of our country.

Finally and to summarize, the distinguished Members of this House would not oppose these proposals taken separately at face value. Why then would they oppose them humped together? Can it be that certain Members see this bill as an attack upon the traditions of their States? If so I have the highest regard for their position but ask each in turn if such a Member could honorably stand for principles of freedom and yet try to avoid them when they apply to his own backyard. This is the heart of the issue we face here today. Will the Members of this House stand by the principles which we all admittedly support, or cast them aside when these principles conflict with their own interests. I have faith that this House, when the hour arrives, will show itself in its finest tradition by honoring our most sacred heritage. We cannot do otherwise and squarely face our consciences. We cannot do otherwise and squarely face the free world, a world in which we ourselves are a minority striving for the very justice that this legislation, herein, provides for our own people.

Mr. KASEM. Mr. Chairman, this is a delightful time in the House of Representatives because never have we had such an abundant opportunity to wax eloquent with grand phrases and great oratory. This is so because it is the first time I can recall that we have had 15 hours of debate on any single subject. We are dealing here with problems that are most basic to our whole American culture and the American system of Government. Naturally, dealing with such a subject, we can call forth the grandest phrases imaginable, and we can quote from Abraham Lincoln almost without end.

Mr. Chairman, I submit we are on trial. Every Member of this body is on trial and this body as a whole is on trial. We are on trial before several tribunals who are sitting in judgment upon us individually and as a legislative body. We are on trial before our constituency—or as we are wont to say "our district". We are on trial now before the Nation. We are on trial before the peoples of all the world. Yes, we are on trial before our own consciences which to some of us means a higher tribunal with a far more extensive and far more lasting jurisdiction than any devised by man.

Mr. Chairman, since we ought to be pleading our case to one of these tribunals—whichever tribunal each of us may choose—most will consider it the wise thing to do to choose the court where they have the best chance of winning. I learned as a trial lawyer that one of the wisest things to do as a matter of courtroom tactics is to quickly concede that which is obvious and conversely one of the poorest tactics in the courtroom is to try to conceal from the tribunal that which is obvious.

I think everybody can predict almost to a man what we are going to do here. We talk about this as something where we ought to rise above politics, but we are not going to rise above politics. The gentleman from Mississippi [Mr. COLMER] put his finger on the nub when he said we are here with a political movement. Every Member of this body will do what we call "vote the district." This is a rather hallowed institution around here—voting the district. It would be a wonderful thing to see, if some great power could wave a magic wand and all of a sudden I had Mr. COLMER's district and Mr. COLMER had Mr. POWELL's district and Mr. POWELL had my district, how we would conduct ourselves. I do not mean to suggest that the Members are insincere. On the contrary, I think the Members must sincerely reflect the sentiments of their districts. I think that is the reason they are here, because they are reflecting the views of their districts. It is the glory of our Nation, the fact that we are all here reflecting so many different points of view and so many different attitudes.

To further evidence the fact that this is a political question, you have only to take note of the minority leader's action in hastening to put into the RECORD the Republican vote on the rule.

Eugene O'Neill wrote a play once—I do not remember the name of it—but in it the characters on the stage would say something to the other characters and then turn around to the audience and give their real thoughts. It would surely be a most interesting thing if this could happen in the House of Representatives.

The gentlemen from the South have taken as their position that the matter of States rights and similarly the matter of centralized government are the main concerns here.

I have only to call to your mind if we had gotten a peanut or a cotton subsidy bill on the floor, the apprehension over centralized government would quickly be dissolved. Our friends on the Republican side often make these same arguments, but when we were discussing the labor bill I did not hear any concern about the great centralized Government being used to regulate labor unions, and I did not hear any objection when it was suggested that agents of the Federal Government be substituted for the elected officers of the union.

Now as to our liberal friends, that group which the gentleman from Kentucky [Mr. CHELF] called sometimes too liberal, of which I happen to be a member, they have taken the position that there is a basic human right involved going to the very essence of our democracy. I would not be surprised if many of the liberals are motivated by political considerations. I notice that a man who has a lot of Negroes in his district somehow seems to be more active in civil rights matters. As for my district, I am in a position where I can look around and make friends—or enemies—of everybody.

I have a district that has grown greatly in the last 18 years, and much of the growth has come from the southern part of the United States. The orientation is somewhat toward the southern view, but it has been tempered by the fact that as these people have come to California and have seen colored groups in the schools getting along well with the whites they have begun to realize that it is not the terrible thing they used to feel it would be. I know the southern people are good people, because they live in my neighborhood; I know it because I associate with them in the House of Representatives, and I know it because I myself have been much among them. They are among the finest people on earth.

But that is not what is involved here. I know that those southern people in my district want to do what is right. There is some difference of opinion, of course, as to what is right, but they want to do what they feel is right—yes, even for the Negro. My district is largely a residential suburbia of a metropolitan center that has thousands upon thousands of Negroes who need a place to live. In my district we have but a small handful

of Negroes and there is but a small handful because the whites keep them out. This small handful live in the poorer houses, and they do not enjoy equal economic opportunity. So I am in no position to boast—or to state I have no racial problem. There are no riots and no noticeable friction, but there is deprivation of equality.

Look at this thing. Here are the great powers engaged in ideological conflict. Wherever freedom is mentioned throughout the world we stand as the symbol of that freedom; we are the great hope of freedom. We continually say that the thing we have got to do is to affirmatively sell democracy. As I said before the jury of the world we have got to admit what is obvious, and I think I have pointed out what is obvious. The world knows what goes on here, and we all know what goes on here. The people of the world are going to say: "How can you expect us to buy what you call democracy when there is such cynicism and unstatesmanlike thinking making the policy of your Nation?" A hard question, but the complete answer is in the fact that everybody gets to participate, every interest, every group gets in their 2-cents' worth, and a truly representative result issues. It is a powerful argument; it is an argument that other people will buy because they are seeking the right to participate. I know they will buy it because I have been there and I have talked to them at great length about it, and I know that they want this more than they want bread and water.

But I tell you that when you begin to modify that statement you shatter the argument. When you amend it to say "Everybody gets to participate except Negroes," the argument is lost—you are without an answer.

The southern Members know we have the most serious problem of inequality of political, educational, and economic participation in the South. They do not have to read the Civil Rights Commission's reports to know that Negroes in the South are being denied the right to vote by one form of political acrobatics or another. Something must be done about this problem because the interests of the United States demand that we do something about it. Now, if we take up the task of doing something about it and we fail, then we confirm those who preach that we are not a sincere people in our belief and practice of democracy.

The gentleman from Mississippi [Mr. COLMER], pointed out that anybody knows that this is an evolutionary problem. Again the gentleman from Mississippi [Mr. COLMER] was dead right. This is an evolutionary problem. But anybody who has ever studied evolution knows that the evolutionary process follows environmental requirements. Evolution is a process whereby a species adapts itself to environment. Whenever you have an environment of suppression and economic, social, and legal discrimination, the evolution of those people will conform themselves to living in the least conflicting way that they can in that kind of atmosphere. The history of the Negro in the South is living proof of what I say.

What can we do about it? We can take certain steps to change the environment so that the evolutionary processes toward freedom and equality and dignity will come about. That is the business we undertake today.

We have had many people come to the shores of the United States in more recent times. My own parents were among these. They suffered a measure of discrimination because they did not speak well, or their skin was slightly darker, or their ways were strange but they came out of it. They obtained positions of great recognition and were permitted to move freely in society and they lived in neighborhoods unmolested.

I am informed that the Vice President of the United States lives in a house that bears a covenant which says it shall not be sold to Syrians—that is what we Lebanese were called before 1943—Negroes, orientals, and so on. We see how recently this discrimination was being practiced on an even wider scale.

Yet I stand here in the Congress of the United States with many colleagues of similar background. We all enjoy complete economic privileges everywhere.

Why were these people able to rise and the Negroes were not? The answer is simple. They were not denied access to the schools. They were not excluded from the business community; they were not relegated to the most menial tasks and denied adequate opportunity to improve ourselves. They were not intimidated by force and violence and threats. In short, they were not segregated nor disenfranchised.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. KASEM. I yield to the gentleman from Florida.

Mr. HALEY. If the South is such a terrible place to live in, how does the gentleman account for the fact that it has tremendously increased in growth and progress during the last few years?

Mr. KASEM. I have never suggested the South is not a pleasant place in which to live. I have considered living there myself. I, in turn ask the gentleman if the Negro population has been migrating to the South or vice versa?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, it is my profound hope that out of this very extensive discussion will emerge a meaningful civil rights bill. The Civil Rights Act of 1957 was little more than a title and an expression of hope. That legislation had no practical effect on the serious problem.

It would be unfortunate indeed if the work of this Congress and this important debate would only result in legislation making it a crime to obstruct court orders on school desegregation; make it a crime to cross State lines to avoid prosecution for hate bombing; require States to preserve registration and voting records for 2 years; and make them available to Federal officials checking charges of racial discrimination and to assure schooling for children of military personnel stationed in areas where schools are closed by racial disputes.

Such legislation would do very little indeed to meet the total problem of prejudice. It seems to me that something more substantial must be done to give effect to the desegregation decision of the Supreme Court. Something more must be done to provide equal job opportunities in private as well as public business. Without equal opportunity to work, without the privilege of a choice on where to live, mere voting rights are insufficient.

It is my hope that the House can enact title III of the civil rights bill of 1957 which would give the Attorney General power to seek court orders to protect all civil rights. In this provision of the law are to be found its most effective guarantees.

At this point in the debate I feel more strongly inclined to support the proposal relating to Federal registrars than I do to the provisions which will be submitted by some Members urging the appointment of Federal referees. Our distinguished colleague in the Senate, the Honorable PHILIP A. HART, of Michigan, yesterday spoke in the Senate and pointed out some significant disadvantages of the referee plan proposed by the Justice Department along with an expression of concern relating to the constitutionality of this plan.

I would regret very much seeing the Civil Rights Act of 1960 involved in serious issues of constitutionality. While these issues are being debated in the courts through prolonged litigation, valuable civil rights of countless numbers of our people would continue to be suppressed without relief. For this reason the Congress should not flirt with the issue of constitutionality. There are vast areas where we may securely and positively legislate to accomplish desired purposes without the assumption of risk.

During the course of the next several days in the debate of this bill I hope that this issue will be legally resolved. As far as I am concerned, the referee plan or the registrar plan or a combination of both will be completely acceptable, provided that we can prepare legislation free from constitutional controversy.

When we proceed to amendments on this legislation, I expect to support those amendments which will seek to strengthen the present bill and expand its scope in the thought that this problem must be met in a forthright and positive manner.

Under the present parliamentary situation, where we find the other body apparently waiting for the House to act, I do not feel constrained to participate in rushing a bill, any bill, for concurrence. The task must be properly done in this body if it is to be done at all. When the civil rights issue has cleared, both the House and the other body should give careful consideration and study to the revision of rules which the circumstances of these times have proven to be obsolete. In the House

we should certainly consider the restoration of the 21-day rule which will make it possible for committee-approved legislation to reach the consideration of the entire body, on an orderly schedule, not subject to the whim and the caprice of any individual or special group of individuals.

Mr. FORRESTER. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. TUCK].

Mr. TUCK. Mr. Chairman, I thank the gentleman for yielding to me this time. I recognize that the subject for discussion before the Committee of the Whole is an inflammatory subject, and I hope that I can, as all others, or certainly most others who have preceded me, discuss this matter with a heart unfilled with emotion and with a mind unclouded by prejudice or by passion.

Mr. Chairman, I am proud of my membership on the great Committee on the Judiciary which considered this legislation and kindered legislation. That committee has a history which is inextricably linked with the long and glorious history of the House of Representatives of the United States. I am proud of the friendships which I have formed in that committee. I am proud of the friendships which I have formed in this House. I shall cherish them as long as I am permitted to remain on this earth.

I have served my friends in one office or another for nearly 40 years, and I have never been attached to any other public assembly wherein I have been treated with more courtesy and with more consideration than I have by the membership of this great body. I recognize that the temper of this House is such that they are ready to pass some sort of a so-called civil rights bill. And, I regret to say—and this is not said in any uncomplimentary way, for the Lord knows that it is not within my heart to block the amenities or to violate the parliamentary procedures that govern the conduct of the Members of this body—but I believe that the membership is ready to pass any sort of legislation irrespective of how it may be written whether workable or not. I regret to have to say that while I think I understand something about the provisions of this bill, compared to my distinguished friend, the gentleman from Louisiana [Mr. WILLIS], and my other good friend and colleague, the gentleman from Virginia [Mr. POFF], my knowledge is somewhat superficial insofar as the abstruse discussions on the question involved here are concerned, but I say to you, my friends, without fear of contradiction, that this is a political bill, and I say that it is a bad political bill. It is a bill designed and intended to reimpose upon the people of the South the yoke of the tragic era which was brought to us under the enactment of the force bills of 1870 when the manhood and the womanhood of the South lay prostrate; when they were powerless to defend themselves; when they were without means to complain, because the flower of the citizenship were deprived of the right to vote. And, I ask where were those who were demanding the right to vote then when the flower of the citizenship was deprived of that right? Our soldiers came home in droves to fields that were devastated, their finances depleted. They were destitute. Many of them were crippled and unable to work. They were without their teams and tools and instruments with which to make a living. We did not even have a stable government. There was no Marshall plan, and what little there was left, I regret to say, was taken away from us because of the visits of such men as Phil Sheridan and George A. Custer, and William T. Sherman. Someone has said that General Sherman was a very good man, but he had a terrible objection: He was very careless about fire.

But under these so-called force bills that remained in effect for approximately 20 years the record does not disclose that a single southern white man was ever indicted or arrested for violation of the provisions of those bills. They applied only to the election of Federal officers and not to the election of constables and State officials. And finally a group of men in Maryland, when some very prominent gentlemen were sentenced to the penitentiary for violation of this law, and the election scandals broke out in the great Empire State of New York, the people of the North begged the people of the South to help them rescind these laws, these unholy laws that were forced upon us shortly after the War Between the States.

Mr. Chairman, I warn you, as I have done on previous occasions, lest ye be ensnared by your own trap. I stated before the Committee on Rules that you had better watch out lest you find yourselves impaled like Haman of old on the gallows which he had constructed for Mordecai; and Mordecai and his paramour were there to see Haman hung on that very scaffold.

Mr. COLMER. Mr. Chairman, will the gentleman yield to me?

Mr. TUCK. I am delighted to yield to my distinguished friend from the great State of Mississippi.

Mr. COLMER. In other words, what the distinguished gentleman from Virginia is saying here now is that even in the darkest days of the reconstruction, the Congress never went as far as the proponents of this legislation, in this 1960 election year, propose to go in this nefarious referee, registrar, or overseer bill, whatever you want to call it.

Mr. TUCK. That is exactly what I am saying. The iniquitous force bills of 1870 affected only Federal officials. These bills, if I understand them, and I think I do, affect every official from the office of constable to President.

Mr. COLMER. In other words, under the old force bills to which the gentleman refers, known as the Davenport Act, they only affected the election of Federal officials.

Mr. TUCK. That is, Members of the House of Representatives and the U.S. Senate.

Mr. COLMER. But here they would go further than that and extend the strong arm of a centralized Federal Government down into the gentleman's great Commonwealth of Virginia, down into my State, into New York, California, and all of the other States of the Union where they would have under this proposal overseers who not only would see that these people were registered to vote but that they actually did cast their ballot. That is what I understand the distinguished gentleman to say.

Mr. TUCK. That is exactly right.

Mr. COLMER. And I understand the distinguished gentleman from Virginia further to say that they would now, under the impulse of an election year, extend the aforesaid strong arm of the Federal Government into every precinct in every State of the Union, at the expense of the liberties of the people and the sovereignty of the States.

I am sorry I took so much of the gentleman's time.

Mr. TUCK. That is all right, sir. I agree with the gentleman 100 percent. That is exactly what I was trying to say. The gentleman said it much better than I did.

I say to you, Mr. Chairman, that the people of the South have been greatly maligned, demeaned, and denigrated in this matter. The South has been held up to public execration. It is something that has been going on for over 100 years. I have here a quotation from the late great Republican Senator from Indiana, the late Senator Beveridge, who was one of the great historians of this century and who wrote many historical publications, but whose fame rests primarily on his matchless four-volume works on the life of Chief Justice Marshall. In Tyler's Quarterly magazine of January 1930, page 200, Senator Beveridge is quoted as saying:

> I was brought up in an atmosphere of intense partisanship and hostility to the South. I was carried to meetings where orators indulged in most shameless misrepresentations of men and measures. I believed these things; I even believed them when I was in the Senate, and I continued to believe them until I began to go back to the original sources for this biography of Lincoln.

Mr. Chairman, the two races have lived in the Commonwealth of Virginia in peace and harmony, cordiality, and understanding for more than 300 years, longer than any other place, I believe, in the Western Hemisphere. We can continue to do so if left free from the intrusion of these meddlers who know nothing of the Negro and his problems and who care less, and whose only purpose and desire is to use him as a vehicle on which to ride into high public office.

Despite the false protestations of the National Association for the Agitation of Colored People, the Negroes in Virginia do have the right to vote. Approximately 100,000 of them are qualified, and have the free and untrammeled right to go to the polls and vote, and they do vote. It is true that we do have certain literary tests. But I recall as a young college student nearly 50 years ago listening to Dr. Booker T. Washington when he thanked the people of Virginia for having invoked literacy tests because, he said, there was a goal of achievement to which he should like the members of his race to rise.

We have not only accorded the Negroes the right to vote but we have honored them. I recall a few years ago during my term of service in Richmond we declared by executive order the Joseph Jenkins Roberts Day, calling the attention of all the schoolchildren of Virginia, both white and colored, to the fact that that colored man, who was born in Virginia and who became the first President of Liberia, was at one time a citizen of our State and asked them to pay him appropriate honor.

I recall now that approximately 15 years ago in Virginia we honored Booker T. Washington in the same legislation that undertook to bring honor to Patrick Henry and to Thomas Jefferson. The birthplace of Booker T. Washington which lies in the county of Franklin, which is one of the counties of the great district which I have the honor to represent on the floor of the House, was acquired by State funds and dedicated to the memory of Booker T. Washington. The colored people identified with that movement insisted upon naming one of those buildings after me. It still stands there, as far as I know. It was there the last time I was there.

I recall, Mr. Chairman, that Virginia's official State song, "Carry Me Back to Old Virginny," it may be interesting to you to know, was written by a colored man by the name of James A. Bland. About 15 years ago that song was designated by the Legislature of Virginia as our official State song. It was written by James A. Bland, a colored man. He died in the zenith of his glory, but he lay there for many years buried in obscurity. A group of white people of our State searched and found his grave in a little town near Philadelphia. I recall driving down on a hot day from the capitol at Richmond to dedicate the monument to that man. Did you know that at the time James A. Bland penned that song he had never set foot on the soil of Virginia, but it was penned in representation of the nostalgia and the love of the Negro people of Virginia for our State who had been transferred to Northern States, representing their desire to come back and again enjoy the pleasures and the atmosphere and the climate and the tranquility of the dear old Commonwealth of Virginia.

Mr. Chairman, I consider the proposed legislation wholly unnecessary, politically inspired, punitive in nature, patently unconstitutional, and another outright assault upon the reserved powers of the States and the people. Each time these so-called civil rights proposals arise and are carefully analyzed, the more convinced I am that they are cunning devices to deprive the States of their inherent rights.

As a member of the Committee on the Judiciary, from which H.R. 8601 was reported on August 20, 1959, I have never failed to express unalterable opposition to all of these nefarious proposals which are being repeatedly made in the guise of civil rights.

Unfortunately, those of us on the Judiciary Committee who recognize these iniquitous schemes as efforts to flaunt the rights of the sovereign States, and have the temerity to so label them, constitute a minority of the membership of that great committee.

Since we were powerless to kill the bill, which would have been its just desert, 10 of us have employed the only alternative and attached our minority views on H.R. 8601 to the Committee Report No. 956. It was with a readiness and promptitude that I affixed my signature to the minority report, because I have firmly resolved never to overlook an opportunity to voice opposition to these fantastic proposals, presented in patent and palpable violation of the elementary provisions of the Constitution, and obviously designed to impose humiliation and punishment upon the great region of this country known as the South.

In the minority views we sought to point out that this proposed legislation is wrong in principle; is politically inspired; will not promote civil rights; will foment further strife and discord; and widen the breach already created by the Supreme Court in the unwise and unwarranted public school decision.

Proponents of these measures completely overlook and refuse to recognize the fact that there are no Federal elections, no Federal election machinery, and no constitutional provision for them. The Constitution expressly negates any consideration of such authority in the Federal Government. It is absolutely clear that such authority rests solely with the States.

Under our Constitution the legislatures of the respective States have the mandatory duty and right to regulate their own electoral process. The Attorney General has no power over State elections and should never be permitted to meddle with them. The exhaustion of State administrative remedies is one of the oldest, most thoroughly established, and salutary rules in American jurisprudence. These proposals will abolish this principle.

Attempts to invoke these so-called civil rights proposals constitutes an expression on the part of the Congress of the United States to the effect that the people and the officials are a faithless and perfidious lot. In such a situation, I cannot sit idly by without uttering a vigorous protest. These proposals strike down the power of the States to control their own affairs and their elections and concentrate all power in Washington. They strike at the heart of what has made this Nation great.

I want to preserve freedom and protect the States and the rights of the people. The form of government we have enjoyed and cherished for lo these many years cannot long endure if the States are to be mere provinces of the central government. I shall continue to remind the proponents of these proposals that they cannot impeach our rights without jeopardizing and endangering their own and all others.

The Civil Rights Commission has proposed that Federal registrars be appointed and armed with power and authority to supervise and control the registration of voters and perform other functions in clear and outright violation of the Constitution. The presence and operations of such Federal registrars in the States and localities to control local and State elections would constitute a flagrant abuse of the right which rests exclusively within the province of the individual States—namely—to prescribe the qualifications of electors, and determine the right of citizens to vote, in the light of such qualifications. This thoroughly bad and objectionable proposal apparently did not satisfy the Attorney General of the United States in his zeal and eagerness to punish the South, and that brings us to the second proposition.

Attorney General Rogers now proposes in the text of a bill just made public, to authorize Federal district courts to appoint voting referees to determine whether or not certain persons making application are qualified to vote in any election, for local, State, or national office from constable to President and to certify as such all persons found by the Federal referees to be so qualified.

The report of the voting referee would be binding upon the court. A decree would then follow certifying the right of the persons to vote and the court would be empowered to direct the referees or anyone it may appoint to attend the election and report to the court what transpired at the polls with respect to the person or persons named in the decree.

Any election official, alleged to have committed a violation, would be subject to contempt proceedings, which could mean imprisonment without benefit of a trial by a jury of his peers.

Shades of Thaddeus Stevens. No scheme could be conceived which would do greater violence to State-Federal relationship. What have we come to when a responsible official can seriously propose a course of action which is so punitive in nature and clearly unconstitutional? The election process is secured to the States by the Constitution as a reserved power and the Supreme Court has held that a State is free to conduct its elections as it may deem wise.

This proposal is sheer madness. Has all reason and fairness been put aside? The reserved powers of the States, the control of the States over the qualifications for voting, the secrecy of elections, the due processes of law, the rights of trial by jury, all are to be discarded and in the process there will be created a specially privileged class of voters, enrolled and protected by Federal agents in the role of referees.

No restriction or check is proposed on the discretion of the referees, nor is there the faintest suggestion that they be required to observe established State franchise laws. On the contrary, it is probably intended that they flaunt them.

At this point I should like to quote the following excerpts from an editorial in the Richmond News Leader of Saturday, March 5, 1960, that read as follows:

What accounts for this madness? The answer lies in politics, and in politics alone. The necessity for the pending legislation counts for nothing at all. If the embattled southerners have accomplished one thing in a week of debate, they have accomplished this: They have shown beyond the shadow

of a doubt that abundant laws are on the Federal statute books now to protect every citizen's right to vote and to punish those who would deprive him of it. In the process, they have exposed the liberals' hypocritical demands as no more than the shabby oratory of a presidential year.

Abolitionist editors in the North, so choked with emotion they have lost their usual sense of balance, owe it to themselves to examine these laws. If they will descend from their pulpits, they will find awaiting their inspection, for example, title 18, section 242. It provides a fine of $1,000 and a year in prison for any person who "under color of any law, statute, ordinance, regulation, or custom" willfully deprives another of any right secured by the Constitution by reason of his race or color.

Title 18, section 594, goes directly to voting rights; it provides the same punishment for any person who intimidates, threatens, or coerces another "for the purpose of interfering with the right of such other person to vote."

There also are civil remedies; title 42, section 1983, provides for damage suits in U.S. district court against any person who deprives another of his constitutional rights.

These laws exist now. They have existed for the past 90 years. They were supplemented in 1957 by still another law dealing with the same subjects. What possible public good could be served by piling on still more laws, extreme in their provisions, punitive in their spirit?

No public good can be served by the hundred-odd civil rights amendments now heaped on the Clerk's desk. Only public harm can result from them, in further inflaming racial and sectional problems that need most desperately to be left alone for a while to heal.

The repeated advocacy of these unfair and unconstitutional civil rights proposals can serve no good purpose and their proponents would do well to realize that ill will and strife will follow in their wake and untold damage will be done the harmony that should exist between State and Federal Governments.

It has been a source of pride and satisfaction to observe how certain Members of the other body from Southern States have recently manifested in such an effective manner that they recognize the impiety and detestability of these nefarious proposals and iniquitous schemes as bold and brazen assaults upon the reserved constitutional rights and powers of the States. In spite of every conceivable legislative artifice and device thrown in their path they have demonstrated unusual will, determination, and courage by the full and dextrous employment of the broad legislative procedures and powers vested alone in them as Members of that body to oppose these fantastic proposals and awaken patriotic people of the country to the fact that the proposals are unnecessary, that they are politically inspired and in patent and palpable violation of the elementary provisions of the U.S. Constitution. I consider their contribution in this period of great travail to be in the highest public interest and in the finest traditions of honest and conscientious service to the people of this country.

I will continue to resist the all-out efforts of venal influences to reimpose the tragic era upon the people of the South and to deprive the citizens of the localities of all the States, both North and South, of the right to conduct their own elections free from the unjustifiable interference of Federal referees, commissioners, or others acting under the guise of preserving voting rights, to the end that we may continue to enjoy the blessings of liberty in this country.

Let us ever be mindful of the admonition of the great immortal statesman, George Mason, who said:

> No free government nor the blessings of liberty can be preserved to any people but by the firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

Mr. MEADER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Chairman, I am impelled to my feet today because of the depth of my own feeling with reference to the so-called civil rights issue. I would like to say I do not believe any of us here are trying by legislation to deprive the flower of citizenship in the South of their rights or to impose undesired friendships or associations upon them. We are dealing with this in good conscience because of clear deprivations of rights that exist in the South. It exists all over our country. I may say in all sincerity, it exists in my district and it exists in the West and in the North. I have deep respect, Mr. Chairman, for the sincerity of those who are opposing this legislation. There has been much said by our southern Representatives on the floor of the House in other places about the hypocrisy of northerners who do not, for the most part, have to face in their own backyard the distressing social and economic problems involved in forced racial amity—if such a thing can exist—and I doubt it. May I say I recognize and admit the hypocrisy of many people in the North in this connection. In many ways, we in the North are more guilty than those in the South. We find subtle and deceitful ways to accomplish racial discrimination while with impunity we mouth strong talk about equal rights and equal justice. Yet, I know of no place in the North where a person is denied the right to register and to vote on the ground of his race or his color. Let us start with this most fundamental of all democratic rights—the right of a citizen to participate in the choice of those who will govern him as his officials. The 15th amendment was passed in this House on February 25, 1869, 91 years ago and ratification of that amendment was completed on February 3, 1870, a year later, when the State of Iowa became the 28th State to approve the amendment. That amendment was specific, to the effect that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. Several of the opponents of this legislation have used the word evolutionary in describing the way in which racial problems must be solved. I think almost everyone will concede that many of the social problems involved in racial relations can never be solved by legislation alone. I will concede personally that in some instances Federal legislation can do more harm than good. But, when we in the year 1960 are talking about the right of a citizen to vote, 100 years after this country was torn asunder by this very issue among other issues, then what kind of evolution is going on?

It is all well and good to say that the South is going to solve this problem if we will just give them time. But the grease in your evolutionary mechanism in the South is too thick when it comes to voting rights. Ninety-one years, four or five generations, is a long, long time to wait for recognition of such a basic right as the right to vote.

With reference to title I of the bill, involving obstruction of court orders in integration cases, we are told that there is ample authority in present law to deal with the problem. The only reason Federal troops were sent into the South was because the Federal law was not adequate to cope with mob violence. The contempt power cannot effectively deal with mob violence. In the first place it applies only to those who are named in the decree and those who worked in concert with those named in the decree. Certainly, as it is contended, State penal laws could be used to control mob violence and punish offenders, but none of us can be so naive, in view of Little Rock and other episodes in the South, as to embrace a southern State's penal code as the answer to controlling mob violence in racial relations.

Admittedly, title I is strong medicine prescribed specifically for the disease in this case. We had hoped that such strong medicine would not be necessary, but certainly no nation can long countenance government by mob action and survive.

I will not deal in detail with the other sections of H.R. 8601, which have been so eloquently and clearly described by Chairman CELLER and ranking minority Member MCCULLOCH. Let me address myself briefly to the referee provision, however, since I was the first to introduce this bill in the House. The bill sets up a simple and yet fair procedure within our established judicial structure. In its simplest terms, it merely gives a Federal court the authority to determine whether a person has been denied the right to register or vote because of his race or color. If so, the court is given the authority to appoint a referee to assist in the investigation and determination and to follow through and see that the order is complied with. The Federal court's determination of whether a person is eligible to vote or not will be based entirely on the State law where the voter lives. The court will not be telling Alabama or Mississippi what they must require of a citizen in order for that citizen to qualify to vote. If Alabama wants to require all citizens to be 25 years old before they vote or to hold a high-school diploma, presumably Alabama can do so. But Alabama cannot require a Negro to have a high-school education while allowing white people to vote when they have not been to school at all. In other words, whatever the State requirements are, the referee bill will empower the

Federal courts to see that the State law applies equally to Negroes and whites. This is a vast improvement over present law and over other proposals.

As surely as I am standing in the House of Representatives talking to you today, some ingenious officials in the South will find small ways to evade the purpose of any civil rights legislation we write.

Let the record be clear that the only reason we are here today considering heavier Federal impositions on the Southern States is the demonstrated intention and ability of many of the Southern States to defy the just purpose of our present Federal law in the field of civil rights and the 15th amendment of the U.S. Constitution.

I am not going to take the time to go into detail on this bill, as it will be discussed when we read the bill, but I would like to read a letter which I received in January. It was directed to the gentleman from New York, and I quote:

> I would like to know what kind of democracy the Southern States have. I know that all States are supposed to have the same kind of democracy, but in the South Negroes do not have as many privileges. This bothers me. I am 11 years old and I am in the fifth grade. I would appreciate it if you would give me an answer. Thank you.

This came from one of my young constituents in Silver Creek, N.Y. In fairness to the South I referred it to a good friend from Georgia who wrote a draft of a moving letter to the youngster for my signature and, in effect, it said that we are progressing and that we will guarantee that the Negro has voting rights and other rights of citizenship which we thought we fought for 100 years ago.

The simple question of this young lad—asked without deceit or hypocrisy—is a haunting one for all of us who proclaim the virtues of this, the greatest democracy in the history of the world. I trust that those who come after us, although mystified as to why a matter as fundamental as the right of a citizen to vote should occupy us for so long 100 years after the Civil War, will be able honestly to pronounce judgment upon us that we stood upright today and dealt fairly with this issue.

The CHAIRMAN. The time of the gentleman from New York [Mr. GOODELL] has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. ADDONIZIO].

Mr. ADDONIZIO. Mr. Chairman, I rise in support of H.R. 8601. I regret that the bill is not considerably stronger and favor the amendments that will be introduced to strengthen it. It is imperative that effective civil rights legislation is enacted without further delay. America cannot afford any procrastination on this crucial issue.

It is now almost 185 years since Thomas Jefferson electrified the world by boldly stating the self-evident truth that all men are created equal. The language of the Declaration of Independence is powerful and straightforward. It leaves no room for petty snobbery or racial arrogance. It says "all men." For 185 years we have paid lipservice to the powerful ideals on which our Nation is founded. Yet, where the very important matter of the treatment of our colored fellow citizens is concerned, we never got very far beyond mere lipservice. For decade upon decade, Americans managed to dodge the inescapable conclusion that a society which denies its colored members their inalienable rights to equal opportunity and equal protection is not living up to the great American ideal.

There has been progress, of course. Progress from slavery to second-class citizenship for most, and the attainment of equality for too few of America's colored population. I submit, Mr. Chairman, that this progress has been too slow. The time when we could sit back and wait for the natural death of the virus of racial prejudice is past. Today, racial injustice threatens our national prestige as well as our national conscience and our spiritual integrity. Today, we can survive only if we live up to our ideals.

Let us not lose sight, Mr. Chairman, of one basic fact: racial prejudice is evil. No amount of cant about allegedly venerable traditions can obscure the fact that racial prejudice cannot be reconciled with the sacred concepts of liberty, democracy, and human dignity. Racial prejudice is a poison that paralyzes reason and induces the sort of blind hate that leads to violence of the worst order. America cannot afford to tolerate this poison in any part of its body politic.

Turning to H.R. 8601, Mr. Chairman, I find that we are dealing with a measure that should be strengthened. It does, however, contain several important and badly needed features.

Title I would give the Federal Government effective means of dealing with those who interfere by force or threats of force with desegregation decisions of U.S. courts. Mr. Chairman, our entire system of government is based on respect for the law. In a democracy, there are ways and means of changing the law, but no democratic government can survive if it allows the courts of law to be ignored or intimidated. By the same token, no government that expects to elicit even a modicum of respect at home and abroad can afford to countenance the contemptible antics of screaming, hysterical mobs. The U.S. Government must be given the means of protecting the rule of law against such onslaughts. Title I of the bill before us will furnish that protection.

Mr. Chairman, every year we appropriate millions of dollars to the task of conveying a true picture of America to the world at large. This is more than mere institutional advertising. It is an attempt to show the world that our philosophy and our way of life are based on truth and justice and are bound to prevail over the tortuous, synthetic doctrines of our cold-war adversaries. The peace and well-being of ourselves and of coming generations of Americans may well depend to a large extent on the success of this effort to make American democracy comprehensible to the people of other lands and other continents.

I suggest to those of my colleagues who oppose H.R. 8601, Mr. Chairman, that they reflect on the setback that is suffered by our country when pictures of hate-contorted faces jeering at innocent youngsters on their way to school are flashed around the world. How many years, how much effort, and how much money will it take to offset the horrible impression that such pictures inevitably make on decent human beings of every nationality?

I have sponsored legislation to lay a jurisdictional basis for Federal action that will enable our Federal agencies to aid local and State law enforcement offices in putting an end to the terroristic bombings that have disgraced the Nation. I am gratified that title II of H.R. 8601 deals with these terrifying acts by defining a new crime, namely, flight to avoid prosecution for damaging or destroying any building or other real or personal property. It is clearly our responsibility to provide intelligently the statutory instruments that will command respect for law and order and will protect the life and limb of every citizen.

Title III of the bill under consideration pertains to Federal election records. Nobody can deny, Mr. Chairman, that in certain parts of the country, colored citizens are simply not permitted to vote. The subterfuges range from the ingenious to the primitive, but the end result is the same: if your skin is black you cannot vote, no matter what the Constitution says. Ironically, those who deal with the Negroes in their own backyard as if there simply were no U.S. Constitution, think nothing of barricading themselves behind every comma and semicolon of the great document to ward off the demands of the 20th century and of the American conscience.

Title III is, of course, merely a beginning. It does no more than facilitate investigations regarding denials of the right to vote. The necessity for a Federal law requiring the retention of Federal election records, and authorizing inspection of such records in certain specified circumstances, was demonstrated during the hearings of the Commission on civil rights. In Alabama, State officials threw up roadblocks in the way of the Commission with a degree of enthusiasm that was worthy of nobler endeavors. While the Civil Rights Commission was in the midst of examining the election records of Alabama counties, the legislature of that State simply passed a bill authorizing the destruction of rejected application forms. Thus the tracks were covered, and nobody would ever know who was denied the vote or why. Obviously, the 15th amendment would be reduced to a dead letter if that State law were allowed to stand.

Mr. Chairman, it is not surprising that certain States are so acutely embarrassed by the spotlight that has been thrown on their methods of conducting elections. Their enraged outcries undoubtedly reflect their guilty consciences. Let us not forget that the Civil Rights Commission found that in certain counties with Negro majorities ranging up to 83 percent, there is not a single registered colored voter. The registrar of one such

county, when asked how the qualifications of colored voters were determined, answered blandly, "We have no blacks." That is a county, Mr. Chairman, in which there are three colored persons over 21 for every white person in that age group, and in which every single white adult is registered.

Title V of H.R. 8601 deals with the education of children of members of the Armed Forces. It would provide suitable free public education for the children of servicemen who are stationed in States that do not make such education available. It is incumbent upon us to see to it that the children of our servicemen receive a decent American education. We cannot, in good conscience, ask a man to lay his life on the line for the ideals of our Nation, and then permit the outright denial of those ideals where the soldier's children are concerned. We owe the enactment of this measure to the men in uniform.

As I have stated before, Mr. Chairman, H.R. 8601 constitutes the least we can do in the civil rights field at this time. I urge that we do more. We must consider and pass an effective voting plan that will insure that all qualified persons regardless of their race or color have the right to register and vote in elections. The 15th amendment has been a part of the Constitution since 1870. It has now been flouted with impunity and impertinence for 90 years. Let us act now to put an end to this mockery; let us protect the voting rights of every citizen.

If we are to move forward—irresistibly and with purpose—toward true equality for all people, everywhere in the United States, the power of the Attorney General must be extended to enable him to seek injunctive remedies at civil law for violations of any and all constitutionally guaranteed civil rights. There are compelling reasons why Congress must increase the power of the Federal Government to secure equality of rights and opportunities instead of imposing the burden of obtaining compliance with the law upon individuals and organizations. It is most regrettable that part III was deleted in the other body in the 1957 legislation. It must be restored in the pending bill to achieve proper enforcement of the law of the land.

It is also most important that the Federal Government provide assistance and advice to communities in eliminating denials of constitutional rights in public education.

I urge, too, the adoption of the proposed amendment to give statutory authority to the committee engaged in studying ways of assuring equal employment opportunities under Government contracts.

Another neglected point is the painful issue of lynching. The State of Mississippi has put on an incredible performance of injustice. A legally innocent man was murdered while the law looked the other way and whistled in the dark. There is considerable evidence to show that the FBI has reconstructed the crime and identified the primary suspects. Yet, there is no legal machinery to bring the murderers to justice.

Mr. Chairman, I am a firm believer in States rights. I think that we should exercise extreme caution whenever we are called upon to authorize the extension of Federal power into a new area. In this instance, however, we have no choice. No democracy, in fact no organized society, can afford to tolerate a breakdown of justice that lets murderers go unpunished. If, in any part of this country, justice is forced to take a back seat to tribal prejudices based on hate and superstition, the time for caution is past. We must pass antilynching legislation.

During my 12 years in Congress, I have pressed for strong and meaningful action to eliminate second-class citizenship, to give all citizens equal justice and equal opportunity. Substantial advances have been made, but much remains to be accomplished. Any halt by Congress in the quest of progressively expanding the realm of liberty and justice under law will betray the principles of democracy and offend the conscience of the Nation. H.R. 8601, with the proposed strengthening amendments, must be passed.

Mr. Chairman, the issue of civil rights constitutes the great moral challenge of our times. If we rise to this challenge, America will remain what it has been since 1776; the country of hope and of the future. If we fail, Mr. Chairman, our great Nation will become one of the world's many countries of the past.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Chairman, I rise in support of H.R. 8601. This bill seeks to preserve the integrity of our Constitution and to fulfill the promises made by the Declaration of Independence in 1776. This bill provides the implements to enable all Americans the opportunity to vote without regard to race, color, or creed.

The four cornerstones of the temple of equality are the right to vote, the right to decent housing, the right to education, and the right to employment. Of these the right to vote is also the key to all other civil rights. The bread of full freedom, human dignity, universal suffrage and equality of opportunity has always been the American dream.

The history of democracy in the United States is essentially the story of a great ideal of the dignity and rights of every human being, a cautious constitutional beginning of self-government, and then a long, winding trail, and an unfinished growth toward the realization of the ideal. No guidepost or no feature of that growth has been more significant than the evolution which has occurred in the American concept of voting. Our Nation began with a prevailing attitude that the right to vote should be limited to the few who prove themselves qualified, usually by ownership of property. That concept fell by the wayside. Gradually the Nation shifted to the modern concept that voting is a right which belongs to every citizen except the few who are specifically disqualified by the qualification requirements of their States. Today roadblocks, obstacles in the form of poll taxes and arbitrary requirements are recognized as a departure from our ideal.

On many occasions our Nation has found it necessary to review the state of the civil rights of its people. During the period 1776 through 1791 civil rights were a prime concern in the drafting of the Declaration of Independence, the writing of the Constitution and the Bill of Rights. A new concept of liberty emerged. It was also immediately challenged by the Alien and Sedition Acts of 1798. Then, prior to, during, and after the War Between the States an appraisal of civil rights culminated in the adoption of the 13th, 14th, and 15th amendments. The most recent review prior to 1957 was initiated by Executive Order No. 9808 promulgated by President Harry S. Truman on December 5, 1946, establishing the President's Committee on Civil Rights. This culminated in the 1947 report of the Committee entitled "To Secure These Rights." Many recommendations were made in the voting field.

Thirteen years have passed since that report was issued. In the 85th Congress we enacted the Civil Rights Act of 1957. Democrats and Republicans from North and South, executive and legislative branches, agreed upon the fundamental that the right to vote is the key to all other civil rights. It created the Civil Rights Commission and asked these Commissioners to determine the facts. The disclosures by the Civil Rights Commission and the findings of fact make it apparent that legislation presently on the books is inadequate to ensure that all our qualified citizens shall enjoy the right to vote. There exists a striking gap between our principles and our everyday practices. It is a moral gap. It spills over into and vitiates other areas of our society. It runs counter to our traditional concepts of fairplay. It is a partial repudiation of our faith in the democratic system. It undermines our pronouncements in foreign affairs and weakens our national position in international affairs. It reduces the productivity of our Nation.

In 1957 my maiden speech as a Congressman was made during the debates in connection with H.R. 6127, which provided for the creation of the Civil Rights Commission. In those debates of 1957 in connection with the civil rights bill, several Members of the House challenged us to present evidence to show that any section of our country denied people the right to vote. I answered that challenge. In my speech I set forth the instances which had come to my attention which hinder Negroes and prevent them from voting. The accuracy of those instances was questioned and disputed by the opponents of the bill. Today there is no dispute. Today there is no doubt. Today there is no uncertainty about the facts. The record is crystal clear. The Civil Rights Commission which was a balanced commission, 50 percent of whose members were outstanding citizens coming from Southern States, has made its report and its recommendations. It found out and ascertained by documentary proof and testimony under oath that in our country American citizens are denied the right to vote. It set forth the extent of the denial of the American citizens' right to vote—not only in the South, but in the West and in the North and in the East.

The Civil Rights Commission in its outstanding report issued in 1957 under the title "With Liberty and Justice for All," pointed out that many Negroes are eager to exercise their political rights as free Americans, and despite the slight progress that they have made, the Negroes of America find it difficult and often impossible to vote. The Commission found out that Negroes are hindered from voting in the great States of Alabama, Georgia, Louisiana, Mississippi, Tennessee, North Carolina, in many other Southern States and in Western States. Yes, gentlemen, they have found out that some American citizens in my own State of New York are being denied their right to vote.

The Civil Rights Commission has found ample evidence of the denial of the ballot to Negroes and other minority groups. This racial discrimination is a dark stain which blackens our hearts and causes decent men to bow their heads in shame. We, as Americans, are called upon to see what we will do. This bill with its alleged shortcomings is an honest attempt to eradicate this black stain from our hearts and to fulfill the goal of our Founding Fathers. They who preceded us and founded this Nation believed that self-government taught men how to be free. If men, American citizens, black or white, are denied their right to vote, how then can they have the opportunity to learn to be free.

Fight this bill if you must. Amend it if you can where you think it goes too far, but remember that we are Americans all with a stake in the future of our Nation and a concern for our Government. A decent regard for the principles of our Declaration of Independence, the provisions of our Constitution, and our American ideals require that we pass this bill and fulfill the promise made to the world by our forefathers and declared so eloquently in 1776.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HOLIFIELD].

Mr. HOLIFIELD. Mr. Chairman, I hope and pray that the Congress will pass a strong civil rights bill. We are on trial in the court of world opinion. People throughout the world watch what we do here today. We must pay heed, for this is one of the inescapable responsibilities that go with leadership of the free world.

Our friends and neighbors with whom we make common cause in the name of freedom must marvel at some of the things that go on here. And, I dare say, they must be appalled at the little games and stratagems that are resorted to by those who seek to defeat or to weaken civil rights legislation.

This is no private affair of our own, though we label it a domestic issue. We who are called upon to lead the free world, to preserve it against Communist onslaughts, to extend the boundaries of freedom wherever possible—we cannot discharge these high and demanding responsibilities unless we accept fully and without reservation the principles of freedom in our own country.

How can we sway others to follow our example when we close our eyes to injustice and denial of equal opportunity here at home? If we do not come before the court of world opinion with clean hands, we have no case, no claim to wear the mantle of leadership.

History has imposed upon us a mission which we cannot evade or ignore. Will we measure up to the task? Part of the fateful answer lies in what we do in this Congress.

It is a national disgrace that millions of American citizens are prevented from exercising their voting rights by threats and intimidation. The Civil Rights Commission, in its recent report, documents fully this shameful chapter in our national life.

Voteless, poorly housed, barred from many job opportunities, denied the equal protection of the laws and the amenities of the American standard of living, these people are asking simply for recognition of their rights as Americans.

They are patient; they are persistent; but not so patient as some would like to believe. There is a restlessness in the land. We see it in the violence that flares up with increasing frequency. We see it in the faces of Negro students who are no longer restrained by ancient fears and ignorance.

This restlessness is part of the convulsion that is shaking the world—the revolt of peoples in strange and distant lands against oppression and misery, poverty and despair.

This revolution is not tightly organized; it does not have the doctrinal rigidity and the disciplined ardor of the Bolsheviks. But it is a revolution nevertheless, and it far transcends in potential power and purpose anything we have known in the past.

Two-thirds of the peoples who inhabit this earth are not white. They are struggling for liberty and national independence. They demand an effective voice in the world councils and an opportunity to share in the better things of life.

In a way we are fortunate in the United States because we feel only the tremors of this convulsion. We are not a small white minority, as in many African States, desperately trying to preserve the favored position of colonial overlords. As Americans we can and should act in generous and understanding ways toward those of our own people whose race or religion or color may differ.

There is fear in our land, unfortunately—fear that has its deep, dark roots in the Civil War—a conflict which put more Americans to death than all the other wars in which we were ever engaged.

Today, after 100 years, we still live in the shadow of the Civil War and its aftermath. We are reminded that the Civil Rights Act of 1957 was the first congressional enactment in the civil rights field since 1875. We are told that the proposal of the Civil Rights Commission to safeguard the voting rights of Negro citizens by Federal registrars is an old device that harks back to the days of Civil War Reconstruction.

Is it not ironic, Mr. Chairman, that 170 years after our Nation was born, 100 years after the Civil War was fought to its bloody end, we should have to be debating anew the problem of civil rights for American citizens? Such is the slow progress of mankind; such is the never-ending struggle for liberty; such is the halting evolution, with many setbacks, of civil rights in the United States.

History marches too fast now for us to be content with the slow, halting evolution of rights of citizens affirmed at least 100 years ago in amendments to the Constitution. This is the era of science and technology, of weapons that can destroy the world in minutes, of swift means of communication which make the whole world audience to our deliberations.

The free peoples and the uncommitted peoples watch and wonder, but the Soviet propaganda machines give prominence to the blots and blemishes and the failings of American life. I happened to be in Moscow in early October 1957, just a few days after the first sputnik was launched. This was also the time of crisis in Little Rock. The Soviet officials with whom we came in contact bragged about their sputnik but were more interested in spreading the story of Little Rock as interpreted by their propaganda experts.

Little Rock became a byword in world hinterlands, a symbol and a slogan to others of something hateful in the American way. We ought not to fail in our duty here and provide more fuel for the Soviet propaganda machines.

Of course we cannot guide every act and every decision by the anticipated Soviet reaction. But we are engaged in a contest with the Soviets to demonstrate which way of life millions of people should choose. We must maintain our strength and our capabilities in technical and economic spheres, but above all, our moral position must be firm. We must mean what we say when we speak of freedom's blessings. We must match the deed and the word.

Civil rights, as a complex tangle of problems, demand solution by cooperative action among all citizens in all walks of life and at all levels of government. At the Federal level of government we have depended upon the Supreme Court and the judiciary for historic advances—although in times past the Supreme Court has by its narrow interpretations of the 14th amendment retarded civil rights progress.

We have depended upon the executive branch through such instruments as the Civil Rights Commissions set up in 1948 by President Truman and in 1957 by President Eisenhower. The Civil Rights Section in the Department of Justice was a creation of President Roosevelt, as was the Fair Employment Practices Committee.

Although I believe that the President in recent years has not exerted the authority and prestige of his office to promote civil rights, and the executive agencies such as the Civil Rights Section and the Committee on Government Employment Policy have shown no outstanding achievements, this is no excuse for inaction on the part of the Congress. Indeed, the Constitution expressly looks

to the Congress to enforce by implementing legislation the rights guaranteed by the 14th amendment.

In 1957 we made some headway in civil rights legislation after a long barren stretch of years. Experience soon showed that there were weaknesses and gaps in the legislation. More positive action is needed to safeguard voting rights and other civil rights and privileges. Some of these necessary legislative provisions are contained in a bill reported by the Judiciary Committee; others have been or will be offered on the floor.

The importance of civil rights to the U.S. position in international affairs cannot be overstated. We are too prone to underestimate the attention which the rest of the world gives to our daily acts and pronouncements.

A rather unusual thing happened a few years ago, but very few people seemed to notice or comment upon it. It happened at a news conference held by the then Secretary of State, John Foster Dulles. One of the newsmen seriously asked the Secretary if a certain purely domestic event was going to hurt the conduct of our foreign policy.

The strange aspect of this event is this: that we, today, do not think such a question improper or irrelevant. Yet such a question would surely never, seriously, have been asked in this country before World War II, and I doubt that such a question, even today, crops up very often, if at all, in any other country in the world.

But nobody thought it strange that our Secretary of State should be asked about the integration problem, and specifically about the Little Rock affair. And no one was surprised when the Secretary expressed his concern about the reaction to Little Rock in the foreign press or when he advanced the idea that such incidents hurt the position of the United States in its dealings with other nations.

The fact is—and every thinking person knows this—that we have assumed a position of leadership in the world, that this position carries with it a heavy responsibility, that in occupying this position our national life, our political, social, economic, and cultural behavior, has become an open book. Like it or not, the walls of our house have turned to clear glass. Like it or not, to use a hoary phrase, we are become the cynosure of the world's eyes. Like it or not, we are our own prime exhibit as to the value of the democratic way of life we are fond of preaching to the rest of the world.

The banner we wave before the world has emblazoned upon it one awesome principle: the protection of the rights of the individual. That principle is at the core of the ideology we champion. That is the principle totalitarians detest. You cannot come to a political accommodation on it. Either you are for it or you are against it; there is no halfway about it.

The rest of the world rightly looks to America for guidance in the struggle to achieve and then to protect the rights of the individual. How can we appear to practice one policy abroad and another at home and expect to keep the respect of our friends and those we wish to make our friends?

Discrimination in America costs us something we cannot afford to lose—the good will and trust of all nonwhite countries the world over, and even the respect of other democratic countries like Great Britain and France. Acts of discrimination in this country make us appear unworthy of our position of leadership. They foster in nonwhite peoples a cynical view of all our pronouncements. Such acts oil the anti-American propaganda machinery in the Soviet bloc and of their sympathizers outside the bloc.

We simply cannot hope to win the propaganda war against communism while racial discrimination in the United States exists as a blatant contradiction to the whole theory of democracy. Two-thirds of the world is nonwhite. Two-thirds of the world has suffered from and is reacting to centuries of colonial oppression. Two-thirds of the world is understandably suspicious and skeptical of a white man's offer of assistance and friendship. Every unfortunate racial incident in this country is gleefully swooped upon by the anti-American and anti-white press of the world and blown up to fantastic propaganda proportions, all to the detriment of our foreign policy.

There is no lack of illustrations for my point. In 1954, after the historic decision of the Supreme Court in the school segregation case, virtually the entire press of Western Europe reacted with enthusiastic approval. Publications usually lukewarm to U.S. policies, or opposed to them, joined in this approval. Among these were the following: In England, the Labor Party's Daily Herald and the highly respected Observer; in France, the neutralist spokesman, Le Monde; in Switzerland, the Tribune de Geneva; in Germany, the influential Stuttgarter Zeitung. Some idea of the ideological impact of that decision is reflected by the fact that papers like L'Humanite, the leading French Communist daily, did not print a single word about it while it was front-page news in practically every non-Communist publication.

That is what happens when we implement our principles. What happens when we flout them? I quote a few paragraphs from a letter by Kenneth Holland, president of the Institute of International Education, published in the New York Times on October 13, 1957:

> The events in Little Rock during the last few weeks have done more to lower the prestige of the United States in the eyes of foreigners than anything that has happened in recent years.
>
> In France, Germany and now Poland our friends ask, "Is it really true?" Our enemies gloat over our failure to provide basic human rights. Students everywhere ask many questions; older people are sometimes too polite. * * *
>
> Practically every newspaper in Europe has used the photographs and dispatches from Little Rock on the front page. The Communist press has outdone itself in bringing to its readers the story of Little Rock. These papers have never before had such ready-made copy.

CHESTER BOWLES, our colleague from Connecticut, returned to this country from a trip abroad immediately after the Little Rock affair and warned America of the particularly harmful blow to United States prestige in the Middle East. Reports from Mexico, Japan, South Korea, Egypt, the Sudan, India, Ghana, Sweden, West Germany, Italy, and a host of other countries described the resentment, the consternation, the bitterness, the shock, the contempt with which news of Little Rock was greeted.

The reaction to the reports of such disgraceful American incidents hurts us abroad in at least three ways. First, our own prestige as a nation is hurt. Second, the prestige of the ideology we espouse is hurt. Finally, and just as importantly, the prestige of those foreigners, in or out of power, who stand up as our friends, this too is diminished. What diminishes us, diminishes our cause and our allies.

Our response to this problem must be unequivocal. The President of the United States spoke for us all when he declared: "Whatever America hopes to bring to pass in the world must first come to pass in the heart of America." Racial discrimination, discrimination against any minority, must be erased from the American scene, not only for the sake of our own souls, but also for the sake of the future of the world.

It has been said many times, it will be said again, that we cannot change by legislation what is in the hearts and minds of men. Perhaps we cannot legislate the end of bigotry and prejudice, but we can do what the Constitution calls upon us to do—help insure to every American his rights and privileges.

Again I voice a prayer that this Congress will set its course rightly and will take steps necessary to affirm what we profess to believe; namely, the sacredness of the individual and the value of human dignity under a rule of law and justice.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. NIX] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NIX. Mr. Chairman, there is no one in the United States today with even a little understanding who does not know that this debate is nothing more and nothing less than an effort to pass legislation which in its operation will compel, under pain of legal sanction, the enforcement of civil rights for the Negro in the United States.

Likewise, it can be truly said that there is no one in the United States or in any country of the world who boasts even a remote association with current world history, who does not know that the American Negro has been and is presently being denied basic democratic rights such as the right to freely register and vote.

Those who violently oppose the passage of this measure, those who are lukewarm, those who stand aloof and those who remain indifferent cannot but agree that the Constitution of the United States, the decisions of our highest Court,

our moral and religious concepts, our understanding of the basic human background upon which the Bill of Rights and and our Constitution stand, all combine to assure all citizens of the United States equality within the law, the Negro is a citizen. The vital question, then, is how can anyone, any group of people whatever their background, wherever they live in the United States, justify the denial to the Negro these rights presently being exercised by all other citizens of the United States?

Mr. Chairman, I am unalterably committed to the principle that any citizen has the right to his opinion, to express it—so long as it is not destructive of our Government—whatever those opinions may be. However, when those opinions are either contrary to the facts or are not founded in logic or are contrary to the law or are inconsistent with the processes of our democratic institutions then I am compelled to disagree and to that end I assert that the opponents of this measure cannot justify their position.

Mr. Chairman, the best legal minds of our country agree that there is no valid legal objection to the relief that will come from the passage of civil rights legislation and that the passage of such legislation will eliminate flagrant violation of the law now being suffered by the Negroes in the United States. A solid majority of the religious denominations of the country and of the world have denounced the denial of these rights to the Negro and have repeatedly labeled the practice un-Christian and morally reprehensible. Others of our citizens by the thousands not of the legal professions or of the clergy but representing men and women from every walk of life have gone on record over the airwaves from the public platform and in print, denouncing the denial of human rights to the Negro including the right to freely register and vote and urging in the strongest terms the passage of civil rights legislation.

I have read every available word and listened to every possible utterance by the 18 U.S. Senators who stand opposed to this type of legislation. I have listened with the greatest care to arguments of some of my colleagues who oppose this legislation and I am compelled to comment that there has not been a single argument advanced by any of the gentlemen that shows the proposed legislation to be inconsistent with the law of the land nor are these arguments consonant with accepted standards of logic. I remind my colleagues in the most positive terms that the rights guaranteed by our Constitution, by the law of the United States, and decisions of our courts must no longer depend for their enforcement on a citizen's religion, his nationality or his race. Time has run out on those who give aid, comfort, or lip service to the century-old custom of preventing southern Negroes from registering and voting by threats of violence, personal injury, death, bombing, wholesale removal from the voting rules, discriminatory literacy tests, economic pressure, imprisonment and registrars who refuse to register Negroes. The net result of which is that only 25 percent of the voting age Negroes of the South are registered as compared with 60 percent of the whites.

Mr. Chairman, there is nothing in the past treatment of the Negroes in the South that can possibly persuade them that their lot can possibly be better in the future under the present system. Another century or even another decade is too long to wait for justice and human dignity under a democratic system of government. This is our country's moment of greatest decision. We must recognize and eliminate our shortcomings. We must accept as a fact that the denial to the Negro of the basic rights or of any legal rights enjoyed by other citizens is a living, continuing, ever-present denial of our religious and democratic faith.

The civil rights legislation that is under debate in the House is the only solution to America's problem. This legislation will serve to remove an admitted moral cancer in our society. This legislation confers no special privilege on the Negro. This legislation is not the favor asked by the Negro. This legislation only gives assurance that the Negro's right to register will be safely guarded and protected and that when he votes, that vote will be counted.

With all the sincerity at my command I say to my colleagues that the very existence of the United States is at stake at this moment. We must remove this blight on our national conscience before we can have hope of living at peace with ourselves or of establishing an example for two-thirds of the people of the world who are nonwhites.

Mr. WILLIS. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, at the outset let me express by appreciation and that of my colleagues from the Southern States for the courteous and considerate tenor which this debate has taken up to this point.

The subject matter of this so-called civil rights bill is of great concern not only to the people of my district and section but to our citizens all over the country.

In the zeal to enact punitive legislation directed against a particular section of our country, many people are inclined to overlook probably the most important aspect of this entire problem.

Today our Nation is confronted with the most formidable foreign enemy with which it or any nation has ever had to contend. The Soviet Union is completely and totally dedicated to the eventual destruction of the American way of life, the American system of government, and the American form of free-enterprise economy. Every effort, military and civilian, on their part has the ultimate end of better preparing themselves to defeat us in a war which they feel is inevitable.

It is unfortunate in this time of grave and almost continual crisis for America that divisive and destructive influences have been brought into play. As a southerner by birth, by education and training, and by strong sympathies, I feel that I am qualified to understand the southern mind and attitude. The continual agitation which every year is brought about in Congress to enact legislation directed against the way of life of the people of the Southern States is having a serious effect on the outlook and viewpoint of the people in that section of the country.

The hue and cry for so-called civil rights legislation which is heard at every session of Congress is dividing our people as no other issue has in the past 90 years. Not since the days of Reconstruction, when Federal troops were quartered in the Southern States and the South was an occupied country, have the people of the South possessed such a feeling. Up until the past few years, the period of time since the terrible days of the 1860's had seen substantial changes in the attitude of the people of the South and those great people had, after the tragedies of the War Between the States and Reconstruction, become, to my mind, among the most patriotic of American citizens. Yet in these times, when, whether wittingly or unwittingly, we are setting one race against another, one section of this great land against another, one way of life and philosophy against another, we are confronted with a grave threat from overseas, which requires unity among our people such as we have needed at no other period in our history.

Mr. Chairman, if I could be so bold as to offer to the Members of this House one suggestion, it would be this: Let us take first things first. Let us recognize the need for national unity in this country against our foreign enemies and, once we have solved the problems which we face overseas, then we can go about doing what many people seem to think amounts to setting our own house in order.

It is frequently said that we Americans must do such and so because of what the Soviet Union and the Communist satellite countries, as well as those uncommitted nations of the world, think about us. To that I say we will not win world war III on the basis of what Communist Russia and the uncommitted nations think about us. We will win world war III only on the basis of our internal strength, and the unity of our people possessing a common objective and exerting themselves to the utmost to achieve that objective. To my mind, the unity and dedication of the American people is the most essential element by which we can hope to win any future contest with the Communist ideology.

To overlook this fundamental principle can do naught but wreak our total destruction in this struggle for survival.

Mr. WILLIS. Mr. Chairman, I yield 20 minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. BARDEN. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from North Carolina.

Mr. BARDEN. Mr. Chairman, something has just been brought to my attention which causes me considerable alarm. I find in this bill, H.R. 8601, title V relates wholly to Public Law 815 and Public Law 874, laws not only clearly within

the jurisdiction of the Committee on Education and Labor, but which were reported by the Committee on Education and Labor and passed by the House.

When the subject of civil rights was up about a year or so ago—I would like for the chairman of the Committee on the Judiciary to listen and see if I state this correctly—the matter was then before the Committee on the Judiciary. I went to the chairman of that committee and told him I hoped he would not become involved in that piece of legislation, that it was legislation in which the Committee on Education and Labor was extremely interested and so forth. He told me then that section would come out and later told me it was out of the bill and that everything was all right. It came up in the committee and it was stricken out.

Then, an Executive communication came down from the House relating to this very subject matter. Why it went to the Committee on the Judiciary I do not know, but it went there, and here it is in the civil rights bill. I think that should be clearly understood by the Members of the House. It is not clear to me how it got there to begin with.

If you want to repeal or tear up Public Law 874 and do great harm to Public Law 815, this is a good way to do it. We have safeguarding provisions in Public Law 874 with a Commissioner to make certain arrangements, but in here you go to the point that the Commissioner can actually take school buildings in which there is State and local money and say what they are going to pay as rent on them. The Commissioner runs them. Who prescribes the curriculum and everything else? My! My! I hope the gentlemen can do enough to satisfy their hunger, whether it be for good or bad, without getting into the very nerve center of the American people—their educational program. You do not even know what you are dealing with. I am just finding it out, walking around with perfect assurance that nobody was picking on my committee. But, I just want to call it to the attention of the House. I do not know whether I am using up too much of the gentleman's time, but this ought to be removed from this bill. It has no more place in there than I have place for four noses.

I think it is a very unwise practice to have department heads whether it be Mr. Flemming or who it might be running around over the Hill trying to pick up some legislation which he wants from different committees depending upon where he thinks he can get the most of whatever he wants. I do, however, think I should add a brief analysis of this unnecessary and dangerous section V.

Title V of the bill H.R. 8601 amends Public Laws 815 and 874. These laws are very complex and in order to assure proper administration of them, any amendments to them should be carefully analyzed and studied. The amendments proposed by title V are drastic and far-reaching in at least three principal areas.

First, it would extend coverage of the laws to persons not now covered. Second, would give to the Commissioner of Education authority under certain conditions to acquire and operate local educational facilities. The amendments proposed by title V introduce a new concept into and a basic departure from our time-honored philosophy of education by granting to a Federal officer acting in his unbridled discretion authority to seize and operate local schools. Third, it grants the same authority and discretion to that same Federal official as to whether or when the seized school facility shall be returned to its proper owner.

It further provides a formula for arriving at the amount of rent the Federal Government shall pay to the State or local school authority for the use of the building while under seizure by the Commissioner and the criteria according to the bill is as follows: "on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land and off-site improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant."

Which in brief means the Commissioner writes the regulations—the judgment of the Commissioner controls. In other words, the Commissioner writes the regulations, the Commissioner interprets the regulations, and nobody but the Commissioner can decide whether or not he—the Commissioner—is wrong.

Mr. WHITENER. I thank the gentleman.

Mr. Chairman, we have heard a great deal of discussion here during the past two days about this legislation. I think at this time that I might well say that during my service in the House I have never been prouder of the democratic process than when the Committee on the Judiciary considered this legislation in the way and the manner in which it was approached. Even though I did not agree with the outcome of the deliberations, it was a compliment to our system of government. I think you have seen much of the same, with few exceptions, in the debate of this issue.

Mr. Chairman, at the outset I would like to say that I come from a community which I believe will outshine any from any section of the country in racial relations. Until all of this agitation which has been brought about by some who are of good purpose and some who are not of good purpose, the relationship between the people of my community in my area was one of complete harmony.

To give you conclusive proof of that I can say to you that for the past 8 years out of five members of the governing council of my city, one of those seats has been occupied by a member of the Negro race; elected in a community with less than 20 percent Negro population; elected at large in the city and not by any particular ward vote. And, we at one time had not only this man of color as treasurer of our city, but we had a member of the Jewish faith as mayor of the city. So, I think that I can speak without the burden of prejudice, if someone would accuse me of having that sort of prejudice.

But, Members of the Committee, as we sometimes consider these matters, we lose sight of history. I address my brief remarks at this time and at this moment to the Members of this House who sit on the side of the aisle which I occupy because I think it would be well for the member of the Democratic Party to pay heed to the history of the party and to the history of this country as it is reflected in some of the important deliberations of the Democratic Party in the past.

At no time in the history of our land has this question of the relations between the races been dealt with more emotionally than immediately following the War Between the States. In the convention of the Democratic Party in 1868 a platform committee under the chairmanship of Mr. August Belmont, not of North Carolina and not of South Carolina, but of the State of New York, adopted a platform, and they had this to say upon this very issue of referee proposal which we are now considering.

I hope that my friends from New York and elsewhere will listen as I read this one paragraph to be found in the report of the Democratic National Convention of 1868. This is what the party said at that time:

> And we do declare and resolve, That ever since the people of the United States threw off all subjection to the British crown, the privilege and trust of suffrage have belonged to the several States, and have been granted, regulated and controlled exclusively by the political power of each State respectively, and that any attempt by Congress, on any pretext whatever, to deprive any State of this right, or interfere with its exercise, is a flagrant usurpation of power, which can find no warrant in the Constitution; and if sanctioned by the people will subvert our form of government, and can only end in a single, centralized and consolidated government, in which the separate existence of the States will be entirely absorbed, and an unqualified despotism be established in place of a Federal union of coequal States; and that we regard the Reconstruction Acts, so-called, of Congress, as such an usurpation, and unconstitutional, revolutionary, and void.

Now my friends of the Democratic Party, that is what the members of our party said in 1868 when they had the courage to stand up and battle for the preservation of constitutional principles. And I say to you that as we approach another assault upon the Constitution in an effort to improperly and, as I contend, unconstitutionally usurp on the part of the Federal Government the supervision, control and regulation of local elections in local communities, we will certainly have been untrue to the faith of our fathers as reflected in the utterance of that committee under the chairmanship of the late and honorable August Belmont of the State of New York if we enact the proposals for Federal referees in local elections.

Let us talk briefly, if you will, about this bill. The bill which was reported out of the committee is one which we now find that some of those who were so disturbed about getting a rule on it now want to say that the bill is not ade-

quate and that they want to change it completely. I shall briefly go through some parts of the bill.

The first part is on the obstruction of court orders. You will notice that as the bill is now written on page 2 it refers to "any public school." When the bill came to our committee it said "any school." I offered an amendment to limit the bill to tax-supported public schools. I still say that that amendment should be adopted. Even though the insertion of the word "public" does help some, we should further spell out what we mean by a public school. The accepted definition of a public school is one supported by general taxation, open to all of suitable age and attainments, free of expense and under control of agents appointed by the voters.

That is the definition of public schools set forth in "Words and Phrases," second edition, at page 814.

Why do I say this about the use of the words "public schools"? We do not know what the courts will decide, do we? And I would call your attention to the fact that in the State of Oklahoma a case arose entitled *Oklahoma Railroad Company* v. *St. Joseph's Parochial School*, reported in 33 Oklahoma 755, 127 Pacific 1087. In that case the Corporation Commission had ordered that the defendant, Oklahoma Railroad Co., furnish the children under the age of 15 years going to and from St. Joseph's parochial school a certain fare rate, which students of public schools enjoyed. Section 7 of the franchise which had been granted by the city of Oklahoma City to the railroad company had this to say:

> Tickets for the use of schoolchildren shall be furnished good for one continuous passage, in quantities of not less than 20 rides at the rate of 2½ cents each, under any reasonable regulations which the company may impose to prevent the abuse of such privilege or the use of such tickets by others than children under 15 years of age in actual attendance on the public schools of such city.

The Supreme Court of Oklahoma held that the words "the public schools of said city" include the public schools of said city whether maintained by the public by taxation or by private agencies for the public by private benevolence.

If the court in Oklahoma held that, are we to say to our friends who operate schools such as we have in my community, of the Catholic church and my own church and other religious denominations, that we here in Congress are passing an act which will permit interference by judicial decree or otherwise with the operations of those institutions? You say that will not happen, but it happened in this decision where they held that a parochial school was a public school. I think we might well consider that.

Then, too, it has been mentioned that this title provides for double jeopardy. I will not repeat what was so well said on that subject by the distinguished gentleman from Virginia [Mr. POFF].

Title II is one which, although I may not agree with some of my colleagues debating on my side of this issue, would be good law if it were passed in a proper manner and not in a so-called civil rights bill. I know it has been said that this provision should be limited to bombing and setting fire to religious and to educational institutions. As one who has tried some of these cases in the past, I say to you I think it is just as bad, if not worse, and surely I think worse, to bomb an occupied house or an occupied business house as it is to bomb an unoccupied religious building or school building. But if we are going to have an extension unlawful flight act, if we are going to amend the Fugitive Felon Act, we should do it in a way that would permit the apprehension through all the elements of government of those setting incendiary fires doing damage to any type of structure and also those using explosives doing damage to any type of structure, because people who do that sort of thing should not be at large in this country.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from New York.

Mr. CELLER. On page 3, line 18, under title II, appear these words: "facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private."

So that you now have words covering any building structure. Would not that cover what the gentleman has in mind?

Mr. WHITENER. I am so disappointed that the gentleman has given me such conclusive proof that he has not been paying careful attention to what I said. I was really pleased because I thought my chairman was listening. I said exactly what the chairman has just said—that I think it should be in there if we are to have any extension of the Fugitive Felon Act.

With reference to the voting election records, you will note a rather cute trick that this title has in it. Some of these gentlemen have argued very strenuously they feel that under amendment 15 of the Constitution we have the unquestioned authority to interfere with local elections in the States and in the local communities. But they are not too sure of it, because when they prepared title III they were very careful to limit its provisions or at least they undertook to limit its provisions to Federal elections. I say to you that is convincing evidence to me that they really do not believe that under the 15th amendment the Congress has the authority which they would assert here today.

There is another question raised in title III. They say any officer of elections who willfully fails to comply with this section shall be penalized. Now what officer of elections is supposed to hold these records for 2 years? In my State of North Carolina, I cannot tell you whether it is the precinct registrar, the county board of elections, or the State board of elections. Are we going to say to every registrar in the United States that they have a responsibility to provide a safety deposit point for all of the applications for ballots, for the absentee ballots, and the actual ballots, and the pollbooks and registration books and every kind of paperwork which is necessary in an election for a period of 2 years or else he is subject to be sent to the penitentiary? Who is to take this responsibility? It seems to me if there is any honest and sincere purpose to assist the States to work out a workable solution that rather than pass this act, where it may be that in some States and, perhaps, in the State of Kansas, there is doubt as to whose responsibility it is within the States to retain these records, there should be some effort first to see if we cannot get that determination made in the various States. This title can be the greatest source of harassment to honest and honorable people who serve without adequate compensation in thousands of election precincts in my State and in your State. They are schoolteachers and bank employees, farmers, and others who on election day and on registration day give unselfishly of their service in the promotion of this thing that we call democratic government. To say that in any State of the Union, every local registrar or every local county board of elections shall have to guard almost with his life these records, is somewhat ridiculous.

Then, as to the other portions of the bill, and I am sorry I do not have the time to discuss them fully, there is another matter that bothers me greatly in title V of the act. Most of us in our States have these impacted school districts. These schools are built primarily with the funds of the people in that particular State with some little Federal assistance in the form of impacted area money. But, do you know what this title would do to your schools in your area? I say if you can do it under the guise of civil rights, then you can do it under other guises. It gives to the Commissioner of Education of the United States absolute and unreviewable control of your local schools.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WHITENER] has expired.

Mr. MEADER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. CAHILL], a member of the committee.

Mr. CAHILL. Mr. Chairman, having joined my distinguished colleague from New York in filing additional views to the Judiciary Committee report on civil rights legislation I believe I have fully expressed my views on the pending legislation and that further speech, therefore, will serve no useful purpose.

Every Member of this House has by now, I am sure, made up his or her mind as to how he or she will vote. Nevertheless, I would be remiss in my duties as a Representative if I did not at this time speak up in favor of H.R. 8601. Much has been said by the proponents and the opponents in relation to this bill and much more could be said because the entire subject matter has for generations provoked strong arguments between those who favor living under the law of the land and those who favor living under the customs and mores of certain parts of the land.

The time has arrived in my judgment when all Americans, regardless of their traditional sociological beliefs, must be ready to carry out the mandate of the Supreme Court of the United States. It has been truly said that the Constitution

is what the Supreme Court says it is and the Supreme Court has certainly spoken up unequivocally in relation to the subject matter of this bill. Regardless of the personal feelings, therefore, of some of our colleagues, we must be bound by the law of this land.

This bill represents, as does most legislation before this House, the results of industrious and patient work with give and take on both sides. Thus, in my opinion the bill before the House is a moderate and balanced approach to several of the most urgent problems confronting us in relation to civil rights.

Because so many of my colleagues have discussed the merits of this bill, I will not take the time of the House to explain its provisions further. Suffice it to say that I support H.R. 8601 because it is in the best traditions of the American principles of democracy, because I firmly believe that any man who spills his blood for this country has a right to all the privileges provided under the law of this country. It has never been the philosophy of our form of government to establish grades of citizenship and in my opinion all Americans are first-class citizens.

I further support this bill because I firmly believe in the Declaration of Independence and the Constitution of the United States of America and I firmly believe in the immortal words of Lincoln and the recent words of Dwight D. Eisenhower and lastly I support it because I believe that liberty is only present where there is equal justice under the law. I therefore urge all of my colleagues to support this bill.

Mr. MEADER. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Chairman, this is unquestionably the most important legislation to be considered by the House since the Civil Rights Act of 1957, because it is a test of the very marrow of our constitutional democracy.

We cannot truly appreciate what it is we are doing here unless we see the question of civil rights in its most fundamental terms.

No government with any claim to legitimacy can give—or take away—a person's civil rights. Civil rights are not created by governments. They are only recognized, and formulated into legal and constitutional expressions, and protected by civil authority—or, as the case may be, denied and abused by public authority.

Civil rights, I believe, are essential corollaries of human rights: the expression in our written law of the unwritten basis of Western civilization—that every human person is a sacred reality and as such is entitled to the opportunity of fulfilling those great human potentialities with which God has endowed every man.

If we deny this proposition, we necessarily deny the Judean-Christian moral and religious heritage to which we all pay tribute. And we likewise deny the basis of the Western political philosophy on which we have erected the Government of the United States, and we make it meaningless and defenseless in the face of the opposing concept of man that haunts the world today.

Thus it is that this civil rights bill is a test.

It is a test of the genuineness of our religious convictions.

It is a test of the sincerity of our devotion to American democracy.

It is a test of our willingness to practice what we preach.

It is a test of our ability to convince the questioning nations of the world that we are worthy of the leadership of the free world and deserving of their emulation.

If freedom has any meaning at all, if our opposition to world communism is at all justifiable, then we have no alternative but to make secure for all Americans—regardless of race or color or religion or national origin or economic status—the practice and opportunity of full freedom.

Let us face it, Mr. Chairman, this is a moral issue. There may be many legitimate differences of opinion about the precise means to be used in guaranteeing our people in their civil rights. But these differences are not now really at issue. The issue is whether this House will face and accept its responsibility to pass an effective and meaningful civil rights bill.

If we do, we shall take our place in the mainstream of American history, in the steady—if often rough and rocky—progress toward the achievement of the fullness of human dignity, in the expanding application of equal opportunity, in adding strength and character to the face America shows in the family of nations.

What would comprise a meaningful and an effective civil rights bill? What constitutes equality of opportunity?

In my judgment, there are four principal areas in which the deprivation of rights and the denial of equal opportunity have cast the dark shadow of second-class citizenship across our country. No part of our Nation has been immune. Almost nowhere in America do all these equal opportunities exist together and in their fullness. And there are places in America today where none of these opportunities exists at all for nonwhite Americans.

I refer to the rights to education, to work, to housing, and to vote. If all Americans are given equal opportunity to an education befitting their talents, equal opportunity to a job worthy of their capabilities, equal opportunity to decent housing, and an equal opportunity to join their fellow citizens in exercising self-government through the free and universal right to vote—if these opportunities can be made real then the problem of civil rights will solve itself, and America and the human dignity of all Americans will have been enriched.

I do not minimize the difficulties that lie in the path of fulfilling these ideals. I recognize that for many parts of our country true heroism will be required in seeking to achieve these goals. The means to be employed and the timing of progress must differ from section to section. But no American can disengage himself from civil rights. Each of us must take a stand.

Legislation alone will not solve the problem. Local and State leadership—throughout the 50 States—is essential. And the whole process must be imbued with patience, understanding, courage, and compassion if men's hearts and minds are ever to be changed.

But the law, as the expression of the Nation's standards and values and ideals, is among the most persuasive and tolerant influences in changing people's attitudes. In our democracy, the law is the proper means for seeking order and freedom and justice. Equality under the law is the great American ideal.

May this House once more assert its belief in the basic principles of human dignity.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. TOLL].

Mr. TOLL. Mr. Chairman, I would like to take an optimistic approach to this subject.

The bill before the House really contains four features in view of the extension of the Civil Rights Commission for 2 years in the 1959 session of this Congress.

Title I: This section makes it a Federal crime to interfere with court desegregation orders by violence or threats.

Title II: This section makes it a Federal crime to cross State lines in flight from prosecution for bombing or burning any building.

Title III: This section permits inspection of State voting records by the Justice Department and requires preservation of the records for 2 years.

Title IV: This section authorizes Federal schooling for children of military personnel in communities where schools have been closed to avoid integration.

Amendments will be offered and are very desirable to restore the famous title III of the Celler bill which supports the right to equal protection of the laws whenever the loss of such right is threatened by reason of race, color, religion, or national origin. Also to restore the section which will give statutory authority to the Commission on Equal Job Opportunity Under Government Contracts.

In addition, a move will be made, as recognized by the rule, to strengthen the sections relating to voting rights. However, even the adoption of the minimum four provisions of the reported bill is a step in the right direction.

The broad objectives of the bill are the preservation and enhancement of America's democratic traditions. The democratic system of government is the finest thus far devised by man. The preservation and strengthening of our democratic form of government requires:

First. Equality of opportunity for all, without discrimination or segregation based on race, color, creed, or national origin.

Second. Equality of treatment for all by all public agencies.

Third. Due process for all.

Fourth. The right to political equality, through the guaranteeing of the right to vote without discrimination.

As this debate takes place, many of the daily headlines would appear to belie all

faith in civil rights progress. Certainly we witnessed some tragic setbacks—the closing of public high schools in Arkansas and Virginia; outbreaks of violence in half a dozen States, ranging from intimidation to bombings of public schools, private homes, and places of worship; and outright defiance by some public officials of the Constitution they have sworn to uphold.

But these instances of massive resistance, disturbing and horrifying as they are, must not blind us to the broader picture.

Today the first Federal civil rights law in over 80 years is in effect, and the Federal challenge of maneuvers barring qualified Negroes from the polls is now before the courts. A citizen who serves his country in the Armed Forces can expect the same assignments and training, be his skin white or black. The right of a worker to be judged on his merits is enforced by law in 14 States and by Federal administrative regulations in firms doing business with the Government. At most of our top-ranking universities racial and religious quotas are on the way out. A dark-skinned visitor to our Nation's Capital encounters less and less discourtesy in hotels, restaurants, theaters, and other public places. Interstate travelers are no longer shunted to separate sections of trains and buses as they cross certain State lines, and laws requiring racial segregation in public accommodations have been struck down in one State after another.

Today, moreover, some 2½ million white and Negro children are in school systems that have been, or are gradually being, desegregated.

There is no denying that some would rather close the public schools and permit terrorism to reign than accede to this changeover. But these last-stand, defiant efforts, instead of retarding social progress, may ultimately speed it; for the forces of moderation, law, and order are mobilizing in a determined stand against lawlessness.

There is, unfortunately, no assurance that the immediate future will be free of strife. But even those who shout the loudest know they are fighting a rising tide. For the trickle of civil rights action that began in the forties has swelled to an ever-broadening stream, refreshing and strengthening our democracy. From time to time, as in recent months, its flow may be slowed, but it cannot be turned back.

In short, the current is strong, the course clear.

Mr. MEADER. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Chairman, we have heard a good deal of late about civil rights. Doubtless, the patience of both sides has been strained in this legislative effort to write a sound and fair law and yet it must be said the general debate on this floor has been high level.

In dealing with this domestic problem, however, let us remember that it has international repercussions. We are on the eve of a most important summit conference at which the toughest problems the world has ever faced will be discussed. This will be a time more than ever when the world will look to us for leadership, when the underdeveloped "have not" nations will wonder how we have handled our own problems.

Now, would it not be embarrassing to President Eisenhower if he were forced to sign an innocuous civil rights bill on the eve of this conference? Let us give him a meaningful bill, something that will not be just political window dressing.

Incidentally, early in my career as a Congressman I introduced a civil rights bill. Over the years I have held to the view that if we are not to make a mockery of democracy it is essential that we write adequate civil rights laws. We have begun to make progress. Let us not falter.

Mr. FORRESTER. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. LOSER].

Mr. LOSER. Mr. Chairman, I have sat through this debate during these hours today and on yesterday with the hope and expectation that the proponents of this bill would discuss the provisions in order that the Members of the House might understand the interpretation to be placed upon H.R. 8601 by the group advocating it.

Let me say at the outset, lest I forget it, that the gentleman from California [Mr. KASEM] is totally ignorant of the way of life enjoyed by the people in the South; he is wholly unacquainted with the public school systems of the several States of the South, and I daresay he is uninformed about anything that applies to the culture and the way of life of a great people.

In my discussion of this bill, let it be understood by all that I direct my remarks to legal questions presented in the legislation. As has been suggested over here, Mr. Chairman, I do not propose to talk about the color of a man's skin so far as segregation and integration may be concerned, or the right to vote by every qualified person without regard to race, color, or previous condition of servitude. It is a fait accompli; it is already accomplished; it is already done; it is an accomplished fact in the State of Tennessee. All of our people vote freely and in very substantial numbers. I might say that our plan for the integration of the public school system has the approval of the Supreme Court of the United States in a direct action directed to the plan promulgated in the capital city of Tennessee. With this preliminary statement I will attempt to discuss the merits of the bill.

Obviously the Celler bill, as written by the House, will become the law of the land once this bill is passed here. In my humble opinion, it is not likely to go to conference. So, let me first importune you, if you please, to give us in the South a right to determine our own destiny. I would recommend to some of my friends here the words of a patriarch of old. Moses, in the 23d chapter of Exodus, said to his followers:

> Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline after many to wrest judgment.

You know, title I of this bill is headed "Obstruction of Court Orders" and it seeks to amend chapter 73, title 18, of the United States Code. In fact, it is adding a new section numbered 1509, to said chapter 73, entitled "Obstruction of Justice."

So, remember this as we go along, Mr. Chairman, title I is not an amendment to the Civil Rights Act of 1957. It is rather difficult for me to understand why anyone would want to write into the statutory law of the Nation the contents of this new section since the very same subject dealt with in title I of H.R. 8601 is the law of the land today and has been for more than 50 years.

Should title I become law under this bill, we would have two statutes on the same subject providing different penalties for the same unlawful conduct, and when this code of 1958 is revised, should this section become law, it would be in the same chapter and probably occur on the same page.

Section 1501 of chapter 73, title 18, "Obstruction of Justice," makes it unlawful for anyone to obstruct justice or assault a process server who is serving any legal or judicial writ or process of any court of the United States. Let me read you the same law on the subject. It is title 18, chapter 73, section 1501:

> Whoever knowingly and willfully obstructs, resists, or opposes any officer of the United States or other person duly authorized in serving or attempting to serve or execute any legal or judicial writ or process of any court of the United States—

And so on, and the punishment for such obstruction of public justice is a $300 fine or imprisonment for 1 year or both. Now, I want you to remember that section 1501, the present law, fixes the penalty as a fine of $300 or confinement for 1 year or both. The bill under consideration by the House in title I at the present time deals with the obstruction of certain court orders and denounces as a law violation any person who by threat or force or by any threatening letter or communication interferes with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, and so on.

Of course, I understand that the bill under consideration refers specifically to the public school system of the Nation. Yet, the fact remains that section 1501 is limited to court orders, judgments, and decrees, and so does the present law on the subject deal with orders and decrees of any court of the United States. For the Congress to enact into law a provision limited in any such fashion is parochialism in its narrowest form.

Furthermore, Mr. Chairman, title I overturns the common law as it is related to criminal conduct. That has been the settled law of England and of the United States for more than 1,000 years. It is the law in all of the common law States. Under that law—and I want you to hear me—under the common law, before there can be a conviction for the commission of a crime, there must be a criminal intent and an overt act.

Under this new section found in title I we find that this bill if it becomes law makes a person who entertains a criminal intent a criminal under Federal law notwithstanding the fact that there has been no overt act. It provides that whoever threatens by letter or by word of mouth to interfere with an order or decree of a court of the United States shall be guilty of a felony and upon conviction shall be fined not more than $1,000 or imprisoned for not more than 60 days, or both.

I am wondering if anybody disputes that statement. There is a strong probability, Mr. Chairman, that the offense denounced in title I of the bill violates the freedom of speech clause in the Constitution of the United States. And I am just wondering, if we may take just a minute to think of it, if the entertaining of a criminal intent without an overt act becomes a crime under the law of the land by congressional action, how many of us would be confined in the prisons of the country. I daresay there is scarcely a man here who has not at some time or other entertained a criminal intent without an overt act and yet under the terms of this bill if an individual even speaks in a disrespectful fashion with reference to a decree of a court of the United States he violates title I and subjects himself to punishment of 1 year in prison together with a $300 fine.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield.

Mr. GOODELL. It is my understanding that this section of H.R. 8601, viz title I, is based on the wording of the present section 1503 of title 18 which uses very much the same language; that is, "whoever corruptly or by threats or force or by any threatening letter or communication, endeavors to prevent," and so forth.

Mr. LOSER. That is exactly my point. For more than 50 years there has been a statute dealing with this subject, almost in verbatim language. Yet this Congress is called upon to enact another law on the same subject and fix a different penalty.

Mr. GOODELL. Mr. Chairman, will the gentleman yield further?

Mr. LOSER. I yield.

Mr. GOODELL. Perhaps I misunderstood the gentleman to say that this bill would create a new law which would be unconstitutional because it violated freedom of speech. Actually the provision referred to has a precedent in present law that has been extant since 1909.

Mr. LOSER. I understand the gentleman. What I am saying, sir, is this. While the bill and the statute are substantially the same, title I goes further and provides that whoever corruptly or by threats or in any other fashion interferes with an order or decree of a court of the United States, he subjects himself to the penalty. So I say that this provision that we are now considering is as vicious as anything that could be introduced in the Congress of the United States and in my humble opinion is a prostitution of the legislative process.

Mr. HEMPHILL. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield to the gentleman.

Mr. HEMPHILL. Mr. Chairman, I have such great respect for the gentleman from Tennessee as a lawyer that I would like his opinion as to whether or not any school board that wrote a letter to some student who was seeking admission could have that letter interpreted as a threatening communication and be subject to penalty of a fine or imprisonment by some arbitrary judicial officer?

Mr. LOSER. Why, of course, that is true. It is in the bill. They want to deny the people their freedom of speech. They do not want anybody to have the opportunity and the privilege, which has been ours since the founding of the Nation, to get up on a street corner or stand up on a soapbox and express his opinion about any matter that is of interest to the people of the United States. It does violate freedom of speech. It seems to me to be a strange anomaly that our Supreme Court has held that it is not an offense against the United States to teach the overthrow of the Government by force and violence unless there is an overt act in connection therewith. My statement is referable to an overt act rather than freedom of speech. I say that our Court has held that you can teach the overthrow of this Government by force and violence and unless there has been an overt act in connection therewith, there cannot be a conviction, and that is all I am asking about this provision in item (1). Let us insert in there that nobody can be convicted of violating title I of this act unless there is an overt act committed in furtherance of the design.

Mr. HEMPHILL. If the gentleman will yield further, I appreciate the gentleman's remarks and am thoroughly in accord with them. I wonder if the gentleman would give me a legal opinion as to whether the use of bayonets would not be an overt act.

Mr. LOSER. At the moment I do not want to talk about bayonets, although I think that the intrusion of the military forces into the great State of Arkansas violated the law of the land.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield to the gentleman from North Carolina.

Mr. WHITENER. In view of the gentleman's comment, I wonder if he would not also comment about the language in line 9 on page 2, subsection (3), which would seem to make it a criminal offense even to disapprove of any plan of any State or local agency. Is not that even a little worse than depriving a man of freedom of speech and saying that he shall not even mentally disapprove of it?

Mr. LOSER. Suffice it to say that title I is a rather vicious piece of legislation.

Another deviation in the settled law of the land is attempted in title I. The committee will observe on page 2, beginning at line 14 and going through line 19 of the bill H.R. 8601, that it is provided that:

> No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

I say that is a deviation from the settled law of the land.

By the way, that is the gimmick in title I. It seems to me that the author of this bill feels that the injunctive process will be a greater deterrent than the penal provisions of the bill should it become law. From time immemorial, Mr. Chairman, courts of equity have refused to invoke their injunctive power against criminal conduct unless a property right is involved.

I am sorry the chairman of the great Committee on the Judiciary is not here. I do not see him in the Chamber. But I want to say this, that this part of title I has a single objective in view, namely, to throw the accused in prison without a trial by jury.

I thought, although I am not certain, that the distinguished gentleman from New York [Mr. LINDSAY] earlier in the day made the statement that a person charged with criminal contempt under title I was entitled to a trial by jury. I hope I misunderstood the gentleman.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield? I am not sure I understood the gentleman.

Mr. LOSER. I understood the gentleman to say that under title I, under the injunctive process, the offender against a court order was entitled to a trial by jury on a criminal contempt charge. Did the gentleman say that?

Mr. LINDSAY. No; my point is that title I of the committee bill provides a criminal penalty, a misdemeanor, prosecution for which requires a jury trial.

Mr. LOSER. But you talked about a trial by jury; did you not?

Mr. LINDSAY. Yes; this is correct, and the gentleman will so find if he reads the bill.

Mr. LOSER. That is right and it has been stated here and it was stated in the Committee on the Judiciary—incidentally, of course—I have read the bill—the reason they want the injunctive process in this bill is they claimed courts and juries in the South would not convict anybody and they wanted to have mass prosecutions for contempt of court. What a travesty that is on our heritage.

Bear in mind, Mr. Chairman, that this whole section is referable to any person who obstructs or interferes with any order, judgment, or decree of a court of the United States. All of us understand that in judicial proceedings wherein the accused is charged with criminal contempt and the United States is a party to the litigation, under the present statutes of the United States, a jury trial cannot be had.

And I might say, as we go along, and I ask the question: Why did they not put this section in the Civil Rights Act of 1957? I say to you it was done solely and alone in order to prevent any person charged with a criminal contempt under title I from having a trial by jury. It is done in order to deprive the accused of a trial by jury.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LOSER. Mr. Chairman, would the gentleman from Ohio yield me additional time?

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman.

Mr. LOSER. Mr. Chairman, I repeat, it is my considered opinion that the sole objective of this part of title I of the bill, dealing with injunctive relief, is to deprive the accused of a trial by jury. I ask the question: Does anybody here insist that an individual charged with a criminal contempt under title I is entitled to a trial by jury? Does anybody say that?

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. LOSER. I yield.

Mr. LINDSAY. I think, if the gentleman will examine the testimony of the Attorney General of the United States on the subject of title I in the bill, he will see that the Attorney General stated unequivocally that title I provided a criminal penalty by way of a misdemeanor, and that is what the bill provides.

Mr. LOSER. Why, of course, he said it provided a criminal penalty, but why did he insert in the same title this injunctive process in criminal cases? It could only be to deprive the defendant or the accused of the right of trial by jury. I want to call the attention of the gentleman to rule 42, title 18, of the Appendix to the United States Code, page 3433. Of course, we all understand, this is the substance of the rule on contempts committed in the actual presence of the court that can be dealt with summarily, as it should be. But, let us talk a minute about criminal contempts not within the actual presence of the court. And that is the gimmick in this bill. That is what the Attorney General wants to do. He wants to cite some fellow down here in Mississippi or some other State because he has made some contemptuous remarks about an order or decree of a Federal judge. And what do they do with him? Try him without a jury of his peers. I am not going to read all of it, but this is what it says in rule 42, which is the law of the land:

> The defendant is entitled to a trial by jury in any case in which an act of Congress so provides.

What do you think of that? I ask the gentleman from Louisiana [Mr. WILLIS], what do you think of that? In other words, the law of the land, rule 42, deals with this section. That is a gimmick, and that is the reason that they did not amend the Civil Rights Act of 1957. They wanted it to be a new law so they could hail into court, and have mass trials for criminal contempt, without a trial by jury.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield at this point?

Mr. LOSER. I yield to the gentleman from New York.

Mr. LINDSAY. As I stated before this title makes it a criminal offense willfully to obstruct court orders. The crime is a misdemeanor and not a felony.

Mr. LOSER. Yes, I understand that. It does not make any difference whether it is a misdemeanor or a felony, you are still in jail if you write a letter about an order or a decree of the court, and it is contrary to every principle of law that we have known for more than 100 years.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield further?

Mr. LOSER. No. I am sorry.

Mr. LINDSAY. On the question of trial by jury?

Mr. LOSER. Yes, I yield.

Mr. LINDSAY. The gentleman distinctly made the statement that no jury trial is permitted under this particular provision.

Mr. LOSER. Oh, no, no. Of course, where the punishment is confinement and a fine, or both, the accused is entitled to be tried after indictment by a trial by jury. I am talking about criminal contempts.

Mr. LINDSAY. The right to a jury is just what the gentleman wants. Now if it is the contempt power we are talking about, that is a remedy that exists anyway. Its use is confined to parties in a case. The contempt power is nothing new. As to the other, sanction, jury trial is provided.

Mr. LOSER. That is exactly what I want.

Mr. LINDSAY. And so do I.

Mr. LOSER. I want any person within the limits of the United States who is charged with criminal contempt to have an opportunity to face his accuser, to be heard in person or by counsel, to interrogate witnesses and to let 12 men and women of his peers try the case.

I realize that the prosecuting officials of the United States would like to have mass prosecutions on a criminal contempt charge without a jury rather than having to proceed in an orderly fashion, by indictment, if you please, against an individual who interferes with a decree or order of a court of the United States.

This provision might lessen the work of these officials, yet it would not be in the overall interest of public justice.

Mr. LINDSAY. I repeat, the sanction of contempt is confined to parties as an actual case. It is nothing new. For persons who are not parties to a case, the misdemeanor sanction remains, and as to that there is trial by jury.

Mr. LOSER. Oh, sure. Sure. I will say this to the gentleman, they will not indict anybody for violating title I. They will cite him for contempt and throw him in jail without trial by jury. Why would they want to deviate from the set law of the land?

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. LOSER. Will the gentleman give me 5 more minutes, and then I will close.

Mr. ASHMORE. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. LOSER. I thank the gentleman.

TITLE II

Title II of the bill amends chapter 49 of title 18 of the United States Code relative to "Flight to avoid prosecution for damaging or destroying any building or other real or personal property."

You gentlemen will recall that this section of H.R. 8601 resulted from a recommendation of the President of the United States. The Chief Executive recommended that the unlawful flight statute be amended so as to make it unlawful to flee from a State to avoid prosecution after damaging or destroying a religious or educational institution. The great Committee on the Judiciary went one step further on the President's recommendation and included in the unlawful flight statute amendment the damaging or destruction of any building or other real or personal property. When this question was before the Committee on the Judiciary, I attempted to make the dynamiting or damaging of any property, real or personal, a substantive offense, but this distinguished committee ruled otherwise. However, the committee did determine that if the unlawful flight statute was to be amended it should include the damaging and/or destroying of any building or other property, real or personal, without reference to its use. I saw no reason for parochial action by singling out synagogues, churches, and schools for special attention.

TITLE III

Title III of H.R. 8601, headed "Federal Election Records," is a misnomer. The net effect of title III of this bill is to make the Attorney General of the United States the supervisor of the qualifications of voters in elections in the 50 States of the Nation, notwithstanding the fact that the Constitution provides in unmistakable language that—

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This is article I, section 2 of the Federal Constitution.

I said that title III, headed "Federal Election Records," is a misnomer. I make this statement advisedly for the reason that title III deals solely and alone with any "application, registration, payment of poll tax, or other act requisite to voting in such election."

Even a wayfaring man can understand that this title deals solely and alone with the qualifications of a voter.

The qualifications of voters are not determined on election day, but are determined in advance of every election. In my State and I am sure it is true in many of the States, we have a permanent registration law and these records are available to anyone who will take the time to examine them. The Attorney General of the United States can go down to Nashville, or send one of his deputies, and examine all of the records and papers relative to an application, registration, or other act requisite to voting at any time he chooses and make photostats of the same at his own expense. These records are permanent; they are public records, and even the humblest citizen may inspect them. I repeat, to title this part of H.R. 8601 as a Federal election record is a misnomer. As a matter of fact, if the Congress wants to legislate in this field, it should submit a constitutional amendment amending section 2 of article I of the Constitution, as well as the 17th amendment to this document, which was ratified by the requisite number of States in 1912. The organic law of the land places a responsibility of the qualifications of electors in the States.

In fact it appears in the Constitution in two places. Article I, section 2, provides that—

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This provision has been a part of our basic law since the adoption of the Constitution in 1789.

The 17th amendment to the Constitution, ratified in 1912, deals with the election of U.S. Senators by the people. It is provided that:

> The electors in each State shall have the qualifications requisite for electors of the numerous branch of the State legislatures.

The reason I refer to these provisions in our basic law is that title III deals with the same subject, namely, the qualifications of voters.

This title III authorizes the Attorney General of the United States to seize all records and papers relating to any application, registration, payment of poll tax, or other act requisite to voting in a Federal election.

I do not believe that it can be successfully contradicted that title III deals with anything other than the records relative to the qualifications of voters. Is that disputed? Therefore, I repeat, the objective is to make the Attorney General of the United States the supervisor of Federal elections in the 50 States of the Union, and to take from local registrars of elections the powers and authority vested in them by the statutes of the several States, enacted in pursuance of the Constitution of the United States.

The right of the several States of the Union to prescribe voters' qualifications is not even controversial. The Supreme Court has affirmed this right, including the poll tax, in late years in *Breedlove* v. *Suttles* (302 U.S. 77). The Court said:

> To make payment of a poll tax a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment.

I realize that in recent years the Supreme Court has expanded the scope and meaning of the 14th amendment, yet it cannot be successfully maintained that the fixing of the qualifications of voters is not a prerogative of State sovereignty, or that the fixing of the qualifications of voters by the States is the denying of a privilege or immunity protected by the 14th amendment. I hold no brief for the poll tax as a qualification for voting. In fact, my State constitution prevents a requirement of the payment of a poll tax as a prerequisite for voting. I was happy to vote for such a constitutional amendment in 1953. As a matter of fact there are only five States in the Union that impose upon the voters the payment of poll tax as a prerequisite for voting in elections.

I refer to these two provisions in our Federal Constitution for the sole reason that title III deals with the qualifications of voters and that this section of H.R. 8601 has as its objective the seizure of records dealing with the qualifications of voters. I repeat, that if the Attorney General at Washington is to take over such records and papers relating to the qualifications of voters and supervise elections in the States it should be done by constitutional amendment. I am not unmindful of the fact that there are some Members of the Congress of the United States who entertain the view that we should amend our basic law by statute rather than in the manner provided in the document itself.

As conclusive proof that title III refers solely and alone to the qualifications of voters, and has nothing whatsoever to do with an election, read on page 6, section 307, beginning at line 18:

> SEC. 307. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting.

At line 14 on page 4 under title III you will observe the language "every officer of election shall retain." Section 307 defines the term "officer of election." Therefore, the whole title deals solely and alone with the qualifications of voters.

Therefore, if we are going to deprive the States of the right to prescribe the qualifications of voters and take over that responsibility and official duty here at Washington, designating the Attorney General of the United States as our agent, let us do it by constitutional amendment rather than by statute. Of course I would vote against any such rash act. It is my opinion that this provision in the bill is a studied effort to short-circuit the Constitution of the United States. Further, to allow the Attorney General of the United States to control elections is a threat to the freedom of 170 million people.

Our Founding Fathers, more than 170 years ago, determined that the qualifications of voters should be a State and not a Federal function.

I do not believe the distinguished senior Senator from the great State of Georgia, the Honorable RICHARD B. RUSSELL, would object to my quoting him here. In debate in the Senate the other day he said:

> The Founding Fathers knew that if all the powers of government were ever placed in one set of hands in Washington, Philadelphia, New York, or wherever else the seat of government might be located, it would mean the end of their dream of the American way of life and of the great civilization which we enjoy—the greatest that has ever existed. They took every possible precaution to avoid giving any one source of government in this country power enough to stifle the freedoms and liberties of the American people. Only within recent years has it become popular to tamper with that system in the Congress of the United States.

TITLE IV

This title of the bill extends the Civil Rights Commission for 2 years. This has been done already. It has been in existence for 2 years now with plenary authority. So far as I have been able to ascertain, nothing of earth-shaking consequence has been revealed. It seems to me, Mr. Chairman, that the bill is wholly unnecessary; that there are ample laws on the statute books that deal with the matters contained in this bill, and that it ought not be further considered by the Congress.

The very thought of nationalized elections makes me shudder.

I hope before I come to the end of the journey, and lay down the working tools of life, there shall evolve in this Nation an understanding of the travail through which the South has passed; that bigotry and intolerance will be obliterated and that mankind throughout the Nation and the world, without reference to race, creed, or color, can live in peace and tranquillity.

I would like to read a "Tribute to the South" by one of Tennessee's native sons, Edward Ward Carmack, a Representative and a Senator of the United States at the turn of the century. I quote:

> The South is a land that has known sorrows; it is a land that has broken the ashen crust and moistened it with its tears; a land scarred and riven by the plowshare of war and billowed with the graves of her dead; but a land of legend, a land of hallowed memories. To that land every drop of my blood, every fiber of my being, every pulsation of my heart is consecrated forever. I was born of her womb; I was nurtured at her breast, and when my last hour shall come I pray God that I may be pillowed upon her bosom and rocked to sleep within her tender and encircling arms.

I thank you.

Mr. MCCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, the question for deliberation before this great body is one not only of national but of international importance as well. To ourselves, we are finally admitting that there exists a serious malady in the body politic which is causing serious political and social convulsions. To the world, aside from the obvious admission that such exists, we are displaying the orderly process in a democracy which cures its ills by proper legislative action. However, I believe that the fact this issue of civil rights should have to be considered at all, is a manifest contradiction of the fundamental ideals and principles so clearly enunciated in the Declaration of Independence and in the subsequent result, the Constitution of the United States.

In the eyes of the world, whether we like it or not, the United States has assumed a peculiar status of symbolism. It is symbolic for the basic desires of all humanity—freedom and liberty. Yet, while we are engaged in a world struggle for the minds of men, using those ideals as our main weapons, here at home we are presenting the incongruous spectacle of denying those very rights to a segment of our citizens. Our status as a symbol is getting tarnished indeed.

All peoples of the world have focused their attention on this great Nation to see whether our actions are in keeping with our ideals. If we fail, we shall present the sad picture of a nation which lives in the shadows of hypocrisy. The damage to our international reputation

as a leader among free nations cannot be calculated now. But I am sure that its far-reaching effects may very well have a long range effect upon the course of human history. If we fail, it will impede the progress of democracy in those places where it is getting a start. It will give a distinct advantage to the forces of communism wherever the two systems are in conflict and this means the entire world. After all, is it not true that America is supposed to be the example and hope of men everywhere? Why, then, must our actions be such that this hope and faith might be destroyed? It is a sad indictment of a vocal minority who care little for the international effects of their actions. Must minority power be the factor to ruin the long and hard work of a great nation's attempt to lead the free world in peace and brotherhood? I can attest from my trip to the vast reaches of Southeast Asia, that this matter of civil rights is one of intense interest. Why? Because those who are sincerely interested in the growth and development of the democratic principles, in their own countries, know that the results of our actions shall have profound effect on its course—the course of freedom and liberty in lands where it has never been known before. Important too, is the fact that because colonialism had been a policy in many of these countries, a stigma has been placed upon the white man. To continue the illusion of superiority based on racial origin would be fatal to our friendship with lands which were under the white man's domination. The shocking policy in South Africa is what results from the false premises of "white superiority," in its extreme application. Indeed, looking at Africa: this vast, incredibly rich continent, is undergoing the greatest transformation in its entire history. It is now expressing itself by the drive of nationalism which is giving birth to new nations. Can we deny the right to those people to join the family of nations and the brotherhood of man merely because of race? To do so is totally ridiculous. Future generations of Americans will have to reckon with this new part of the world and other parts which are not peopled by white men. Why saddle them with a burden which may give them grief because of our racial policies at this time.

Of course, many say that we should not consider the international effects because this is an internal affair. True, the issue before us is our own. However, when the United States assumed the leadership of the free world, she also accepted the responsibilities which go with that leadership. She has had to present the strongest possible case for liberty and freedom not only by armed might, but, more important, by setting an example of adherence to those great principles of democracy for which she is supposed to stand. Thus, we cannot avoid the honest admission that what is done here is of international importance. We must constantly remember that the responsibility of leading the free world entails our own respect for, and application of, those ideals which we are trying to preserve and maintain against the evil forces of communism which are arrayed against us. The respect for this great Nation shall grow greater and rest upon a more solid foundation after we have demonstrated that we practice what we preach in all things.

More important, of course, than any international considerations, are those which we must face within our own country. It is our own consciences which must be satisfied. We have the alternative of either accepting the Constitution completely and without reservations as the only legal foundation or rejecting it in the same manner. If parts of this instrument can be accepted or rejected to suit the particular opinions of one group or another, then we might as well rule by anarchy, which is impossible. Either legal order is maintained or it is not. If it is not, then we are courting rebellion.

We have heard arguments of those who oppose civil rights. They have marshaled their material from the broad spectrum of such specialized fields of knowledge such as anthropology, sociology, history, and many others. From each of these objective fields of knowledge, which are supposed to seek after truth, they have attempted to buttress their cause. When one reads and hears some of the objections set forth, it would be foolish to consider them other than completely ridiculous. We are not questioning or deliberating the many physical facts which differentiate people. We are not discussing the anthropological or physiological implications of mixing races. We are not even attempting to determine whether blended cultures lead to a more vigorous growth of our own native brand. We are discussing none of these. Yet, it seems to me, that all such attempts are smokescreens used to hide the true issue and to confuse and complicate it beyond reason. The great question is a simple one—it is one of law. It is one, even more important, derived on a premise which, in turn, is based upon an immutable law applicable to all human beings. Are inalienable rights related to skin pigmentation? Can it be shown, by any concrete and final proof, that the shape of a skull, what an individual eats, or how slim his culture may be, whether this directly affects his right to vote under law? Where does this so-called relationship exist? Yet there are those who would have us believe that these are important considerations. Are any of these reasons sufficient to prevent the free exercise of the right to vote by American citizens? If these factors were taken into consideration by the Constitution, then I would be willing to accept them. However, we may thank God that those who wrote it were men of unimpeachable intellectual integrity—men of reason, who would not, I am sure, have even attempted to include such ridiculous restrictions within the framework of the supreme law of this country. One solitary fact emerges from our great documents: That all men are created equal and that they have certain inalienable rights. It says, very clearly, "all men," not "some men." How clear can a statement get? This is the fundamental expression of the philosophical truths which motivated the utterance of such a statement. This is what substantiates its existence. It is the infallible guide to the spirit in which this philosophy must be placed in practice.

Looking into our own house of disorder, we find conditions whose existence are inconceivable in relation to the simple sentence that "all men are created equal." Instead of the black hand of a mafia, we find instead the white hand of race supremacy placed firmly over the mouths of free men to stifle any expression of their rights. A sad spectacle it is, to think that the fundamental act of voting, the only cornerstone of any free society, should be determined from the narrow point of view of local prejudice over such stupidity as skin pigments, instead of, as it should be, from the solid foundation of law. What a monstrous contradiction of the democratic process. Yet even more ludicrous, we as a nation appear, when as a matter of policy, we are constantly expressing our deep concern over the people of Poland and Korea, and other nations held in bondage, because they do not have free elections. How strange that this should be the official position of our Nation, to argue that this is a right and to urge that this should be given free exercise in other nations, then to turn about and forbid a segment of our citizens to exercise this right. Indeed, it would tax the sanity of any man, to follow this trail of distorted thinking.

When I speak of civil rights I am not referring to any one geographical part of the United States, although its degree of application may be less in one part than another. No; I am speaking about the entire Nation—anywhere that civil rights are restricted or crushed completely. Every part of these United States must be made to understand that there is already a law for civil rights, the Constitution, and that its existence cannot be denied nor can its practice be obstructed.

The question must be resolved now. Already entirely too much time has been wasted in attempts to cloud the basic issue. What type of conduct can be attributed to the spectacle of histrionics being presented in the other House of Congress which resembles a Roman circus.

Relative to the civil rights debate, I quote from the February 27 issue of that very learned and distinguished British publication, the Economist:

> American politics seem to us to attract far less attention in England than they deserve. We admit that they are full of sad and ominous meaning. We know of no reading more painful than the reading of the debates in the House of Representatives. Their tone is not a tone which Englishmen can well understand when we look at the magnitude and the gravity of the principles at issue in the present crisis. The discussion even of a budget in England brings out a deeper, graver, and more responsible tone of speaking than the discussion of the most fundamental of political and social principles in the United States.

This is not a matter for thousands of irrelevant words, of loud talk, parliamentary maneuvers—the issue is too important for those things. This is something we must meet head on—no

attempts at evasion or strategems. Is the Congress afraid of facing this issue? We either accept the obvious fact of civil rights, act upon them, or throw open the doors to a defiance of law and order which will result in a form of anarchy. It is strange indeed that in this age when men are speaking of trips into the unknowns of space, when technology and science are reaching for the key of life itself, that progress in the legal and sociological order must come to a complete halt, in fact, regress into a form of primitivism. How strange, in terms of the arguments, which maintain that those of a different race cannot vote because they are culturally backward. In this case it seems to me that those who oppose civil rights are closer to the so-called laws of primitive man than those whom they accuse of being incapable of accepting them.

If the United States is to be considered great, if she is to be considered honest, both of which I am certain she is, then she cannot live in hypocrisy. As a Nation she cannot live a great lie. This great country must continue to be an example to men everywhere who aspire to freedom and liberty as their only hope for a better life. If we believe in the dignity of man, let us display this belief without hesitation. If we believe that all men are equal, let us practice this belief.

Thomas Jefferson, a great foe of tyranny in any form, has this to say, which applies even now:

> What an incomprehensible machine is man, who can endure toil, famine, strifes, imprisonment, and death itself, in vindication of his own liberty and the next moment be deaf to all those motives whose power supported him through his trial, and inflict upon his fellowman a bondage, 1 hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose. But we must wait with patience the workings of an overruling Providence, and hope that this is preparing the deliverance of these our suffering brethren. When the measure of their tears shall be full, doubtless a God of justice will awaken to their distress, and, by diffusing a light and liberality among their oppressors, or at length by His exterminating thunder, manifest His attention to things of this work, and that they are not left to the guidance of blind fatality.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from Texas [Mr. ALGER] 10 minutes.

Mr. ALGER. Mr. Chairman, sometimes we nonattorneys are appalled at what the attorneys can do with the law, and today is certainly no exception. I am rather struck by the way we are debating this thing here by the minute as compared with the lengthy character of the debate taking place on the other side of this Capitol.

I am also surprised and disappointed at some of my southern colleagues for not demanding time to express their views. But be that as it may, I speak for Dallas, "Big D." We are doing pretty well, thank you, in voting rights. But as I said, I stand here in the House today amazed by how much confidence my colleagues place in just another Federal law.

Another Federal law is not going to solve the problem. I am appalled over the lack of understanding of those in the South by our northern brethren. A great deal of the population of Dallas came from the North. They joined us, and now they see our situation more clearly than some of my colleagues here of the North. I know everyone here is perfectly sincere, but I do wish there were a better understanding of this bill. I have read the report, I have read the hearings, and I have reread the RECORD of yesterday and I note the differences of opinion between our Members, I am aware of the fact that there are a lot of shortcomings in the bill and lack of understanding by my colleagues here. Their sincerity I do not question.

As to what we are talking about, all of us agree basically. Let there be no misunderstanding about how we feel, and believe, as the President said, in two points, namely, the rule of law and equal justice for every individual. We in the South believe in that, certainly in Dallas.

When periodically we talk about civil rights, I have asked every time I have taken the floor, what civil rights are we talking about? Voting rights alone? Of course not. Yet voting rights are maintained to be the civil rights problem. We of Dallas are just as interested as others in seeing to it that everybody votes and, would you believe it, the people of Dallas vote if they want to vote. We all have the equal chance to vote down there. When Negroes come to my office, sometimes with their northern brethern, I ask them, "Do you know of anyone who cannot vote in Dallas?" The answer is the same, "No, we all vote in Dallas who want to vote."

I agree with the gentleman from Mississippi [Mr. COLMER] when he pointed out that human relationships are evolutionary. I shall not dwell on that. It will not be another Federal law that solves the problem. It will be the evolution of individual people in individual communities.

We are all interested in equal justice before the law. I call your attention to page 3 of the report. There is a rather interesting comment on equal opportunities. We are for equal opportunity. But that is not what really we are talking about. We are talking solely about equal justice. Really, what we should say to define what we mean by equal opportunity is equal opportunity to recognize opportunity. There is a difference. It takes eyes and imagination to see opportunity and we cannot by Federal law guarantee equal opportunity.

I agree with my colleagues on the minority views as set out, and I shall not attempt to develop them. There are several questions that to me have remained unanswered. In my 10 minutes I cannot engage in discussion of the answers to the questions, although I hope other Members will make an effort to answer them.

For example, can a man be prosecuted several times for the same act? I do not know, and we are not told. Under section 1, is that so?

Second, how about the caseload on the Federal judgeships? I asked the gentleman from New York [Mr. CELLER] about the additional judgeships that would be necessary to do the work under this bill. We are already swamped with cases. There is a saying about "justice delayed is justice denied." We have dockets a mile long in the northern judicial district of Texas and if you give us more under this bill justice will be denied.

How about the Federal intrusion into State or local elections? Is there or is there not? My attorney friends here have not enlightened us on this matter except to disagree.

The Civil Rights Commission has taken up the matter of voting rights, housing, and education. I am interested in their findings. But have you had any findings from the Civil Rights Commission? You have not. You have not had reports from that Commission. Two or three years ago when we authorized the Civil Rights Commission, they were to study these things and on their findings we were to write legislation. Yet we passed the earlier legislation before on these specific matters and are asked to again without their help.

Insofar as this being political, I am aware of the fact that it might be for some, but insofar as it is political, it will boomerang. We of the South might just sit back and say: "Go ahead and pass all the laws you want," we of the South representing local viewpoints are secure in our districts in that sense; you are not going to hurt us politically. But we could say to you that if race riots should come, and God forbid that to happen, it will be in the northern racial tinderbox areas where reside our liberal friends urging this legislation. Politically they will be hurt when that time comes but so will the people be hurt. If you are playing politics, it is dangerous.

As to the percentage of crime, I am not going to go into that now. I wish I had the time. I have been impressed by the number of studies made, and I still have not conclusively found the answer. Where do you think the greatest Negro crime rate is? In the South? Friends, you had better get your primers out. It is in the North, and per capita is much greater in the desegregated areas, which is something you ought to be interested in studying, and that study should precede more Federal legislation of this kind. Washington, D.C., as a testing ground, is a good example of what I am talking about, and I think you understand.

As to the other amendments to be offered, I understand one relates to equal job opportunities. We are all for that, are we not? But, have you ever stopped to think the Negro percentage of our population is only 10 or 11 percent, yet we are constantly hearing it said that for every white employee there must be a Negro employee and this without equating their possible latent abilities to qualify for the job. Well, you cannot do it when you are talking about a minority of 10 or 11 percent. Anyway, we all want equal justice. In Dallas we are just as zealous as anybody else. Our Negro crime rate is not high. We are getting along fine, and I simply tell you that this alleged civil rights law is not the way to solve the problem that you claim you want to solve. At least,

that is the way this gentleman sees it, and I think the people in Dallas join me in that.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. ALGER. I yield to the gentleman from New York.

Mr. LINDSAY. I would just like to say that the gentleman asked a series of questions which he said he thought should be answered, at least to satisfy him. If the gentleman is puzzled about them, I think they should be answered, and I think it is extremely regrettable that with the large balance of time that we have left in this debate that there seems to be for some reason an absence of enough time to go into these things.

Mr. ALGER. I could not agree more. I thank the gentleman.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I had intended to say that never had I been more heartened than by the tone of this debate. I regret that the gentleman who preceded me departed somewhat from that tone. I appreciate that the gentleman is very much concerned——

Mr. ALGER. Mr. Chairman, will the gentleman yield for a question?

Mr. O'HARA of Illinois. I have only 5 minutes. I cannot yield.

Mr. ALGER. Will the gentleman yield for a question, since he mentioned my name?

Mr. O'HARA of Illinois. I cannot yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. O'HARA of Illinois. The gentleman referred to the North. I do not know for what purpose. We have had our problems in the North. At the turn of the century in Springfield, Ill., the capital of our State, from which came Abraham Lincoln, there was a race riot, there was a mob, and a number of Negroes were hanged. Among the Negroes endangered was one beloved by everybody in Springfield, later employed in my office—I was then Lieutenant Governor of Illinois—who temporarily had been driven out of Springfield when the mob spirit was in possession of the normally good people of Springfield. We have come a long way since that sorry and tragic exhibition of mob spirit. We would not have come as far if in Illinois a denial or abridgment of the right to vote to those of the Negro race had made it difficult for the good of heart of both races to work together for a political climate in which the spirit of the mob could not live.

Mr. Chairman, mine is a fortunate background, brought up in a village county seat in Michigan, and the twin cities of St. Joseph and Benton Harbor. Among my playmates were two Negro boys, with Jewish boys, Irish boys, German boys, boys from many groups that met and merged in the melting pot of America. They were my playmates, my good and local playmates, and among us was no consciousness of racial and religious differences. Growing up to youth, then prime and now to the slope beyond three score and ten, all my life I have viewed my fellow Americans without discrimination, on the pattern of my youth. I was fortunate in the circumstances of that youth and the upbringing by a mother and a father who taught me that democracy without brotherhood was a hollow shell and that the humblest of citizens enjoyed by right the same dignity as the mightiest according to the measure of character. I never either consciously or subconsciously have made note of the color of a friend's skin, and I envision that it will not be many years from now until that will be true of every American. But people are afraid always of a change from the status quo. Good people pray for a higher pinnacle, but fear the dangers of the climb from where they stand.

To the South came, and was fixed upon it as the status quo, a social order based on human slavery and alien to the American concept of democracy and a brotherhood of equals. It came and was fixed upon the South not by the desire or by the arrangement of any person or persons now living. But in a changed world it remains the social status quo.

The people of the South are good people. They are God-fearing men and women. I have seen in this debate today an acceptance on the part of our colleagues from the South of the change that has come. They only say, "Give us a little more time, let us work it out in our own way." But may I say to them that time is running out on us. We have not much more time remaining. It happens to be my mission to serve as chairman of the Subcommittee on Africa of the House Committee on Foreign Affairs. I have been amazed at the dynamic changes that have so suddenly come to Africa. People will not wait. They are demanding now the dignity for which they have always hungered and which is God given. They are not going to wait.

Within the foreseeable future there will be, according to our Secretary of State, Mr. Herter, 30, possibly 40, African countries represented in the United Nations. If we lose Africa we have lost the supporting vote of the United Nations. No, I say to my friends and my colleagues, we must get together now. We must close ranks before time has run out on us. Ours must be in every sense and in every practice a Nation of equality and of human dignity. There is no time given us for further delay. To save our own national self-respect, to safeguard our position in the world as the examplar nation of government conforming with the laws of God, to advance all those ideals that give richness to human endeavor, it is imperative that this Congress enact strong legislation that effectively will give to all our citizens the full enjoyment of all their civil rights. The right to vote is too sacred a right to be endangered by laws that are gestures and lack the teeth for their enforcement.

To my colleagues from the South who are fearful of the change from a social status quo, not of the establishment of this generation, but one to which the South is accustomed, may I say that in your fears is no reality. I say most sincerely that when the change has come, as it has come in the North, and all men and women are measured equally by their worth, and all men and women of all races and all religions and all stations join together at the polling places to make this country of ours even a better and a finer country, you from the South will rejoice and in your rejoicing will wonder why you feared to take the step upward from the status quo of the yesterday.

The Woodlawn Baptist Church long has been a spiritual fortress in the heart of the district in Chicago that I have the honor to represent in this body. I remember when the late Reverend Dr. Boynton was the pastor of that church and occasionally, when Lieutenant Governor of Illinois, I would drop in for the inspiration of one of his masterly sermons. The neighborhood then was entirely white. The ward of which it is a part now is represented in the city council of Chicago by Alderman Robert Miller, an outstanding member of this body than whom none is more highly esteemed. Alderman Miller is of the Negro race.

What has happened to the Woodlawn Baptist Church in the change of the neighborhood from one entirely white to a neighborhood of mixed races?

I think, Mr. Chairman, it may alleviate the fears my colleagues may have of a departure from the social status quo of the yesterday if I read into my remarks this news article from the Chicago Daily News of March 7, 1960:

WOODLAWN BAPTISTS ARE INTEGRATED—MANY RACES FILL CHURCH

(By Dave Meade)

They're over the hump at the Woodlawn Baptist Church, where a once-thriving congregation nearly disintegrated before becoming integrated.

The 70-year-old sanctuary at 62d Street and University, gleaming with the look of renewal, was filled with worshipers of many races and nationalities at Sunday's "Rededication Service."

"The church must be the church," the Reverend Hampton E. Price, pastor, said in an interview afterward. "That's the only thing it could be—a warm fellowship of people of all kinds."

He echoed the words of the Reverend Dr. W. Alfred Diman, executive secretary of the Chicago Baptist Association, who preached at the special service.

In his sermon, Dr. Diman told the multiracial congregation that it's wrong to think of a church as doing something "spectacular or unusual" when it opens its doors to all people.

The "sin," the "shame, and scandal" of the churches, he said, lies in their failure to do anything but this.

"The tragedy of the cities in America is that the church has been so long in learning this lesson," he added.

Membership in the Woodlawn church is roughly 40 percent Negro, 40 percent white, and 20 percent other ethnic groups, including Chinese, Japanese, Filipino, American Indian, East and West Indian, Korean, and Hebrew, according to the pastor.

A Spanish-speaking Woodlawn Baptist congregation of about 60 people from Puerto Rico and other Latin American countries normally worships at noon in their native language. They joined in Sunday's special service.

The rededication was held in observance of the completion of a $50,000 project in

which the sanctuary and educational building were completely renovated by a crew of American Indians representing six tribes.

Thomas A. Segundo, a Papago Indian and chairman of the church's board of deacons, supervised the work which began last June.

Money for the project was raised through a loan from the Chicago Baptist Association.

Although the church had Chinese members since early this century, the first Negro was received about 3 years ago, the pastor said.

Of the 1,000 members on the church's rolls a decade ago, only 70 remained. But new members have been brought in, he added, to bring the present total to 203.

The Reverend Price, 55, a native of South Carolina, is a recipient of this year's Brotherhood Award of the National Conference of Christians and Jews.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. O'HARA] has expired.

Mr. FORRESTER. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Chairman, there is an old saying that we are all ignorant, except in different fields. If that be so, I can only say that never was so much ignorance publicly demonstrated as in these so-called civil rights proposals.

We find Members of Congress, who never saw a Negro until after they came to Washington, posing as experts on interracial affairs. We find crude demagogs, who for partisan political advantage, are willing to, and in fact insist upon upsetting mutual understanding that has been years in building. We find bigots who live only to hate everything south of the Mason-Dixon line with a bloody passion.

Following the Civil War, and even prior thereto, northern bigotry has been discriminating against us from almost every angle. Through the years, the backbone of the Democratic Party has been south of the Mason-Dixon line, yet the most vicious of the offenders against us are the northern Democrats. Strange as it may seem, there are a few in the South, known in the Reconstruction days as scalawags, who demand of us who still support the U.S. Constitution, that we give up the principles in which we believe, and surrender to the dictates of our persecutors.

In the 1930's, the South began to recover from the wanton destruction inflicted upon it, and we have made great strides, not only economically, but politically.

To read the newspapers and to listen to the debate in this House, as well as in the other body, a stranger would be led to believe that the issue here involved is the right to vote. That is one of the reasons I say much ignorance is being publicly demonstrated in these proceedings. If that were the issue, we would not even be here debating.

The truth is, I do not know of any man who holds office in the South today, nor any man who offers himself for political office, who does not urge the Negroes to register and to vote, and more and more of them are responding.

We have made great progress in this respect in the last 20 years. This progress will be spoiled, and we will be retarded, if these outside bigots, with their alien philosophies, who admit they know nothing of our problem, use force upon us. With the Attorney General using the force of the paratroopers, he will turn back the clock, and destroy the great progress we have made in meeting and solving this difficult problem.

Destruction of this progress could well be the purpose of people who place partisan political advantage on a higher plane than the best interests of America.

Just what is the purpose of these various proposals which are misnamed as civil rights bills? According to last fall's newspaper accounts, U.S. Attorney General Rogers made one or more speeches in which he made the flat statement "increasing racial tensions are a sign of progress." Are not those strange words, coming from the mouth of a man who is the Attorney General of a nation known as the place where all people have lived together in peace and harmony?

But before going further into that, let us look a little deeper. When the Subcommittee of the Judiciary was about to start hearings on these proposals, a Negro newspaper reporter was present, and he observed that the nine-man subcommittee did not have even one southerner on it. He inquired, "Why?" The answer was so obvious that it needed no words to express. The southernmost member of the subcommittee was from Pennsylvania, the State which produced Thaddeus Stevens, whose only claim to a place in our history books is by virtue of his notoriety as the worst of the southbaiters, and for his perverse hatred.

But let us get back to U.S. Attorney General Rogers, who was the first witness before that subcommittee. In his statement, he repeated the assertion that "increasing racial tensions are a sign of progress."

Now listen to me—that was not a man from the Kremlin who made that statement—it was the Attorney General of the United States. And do you know something else? There was not a man on that subcommittee who challenged him for his words. I will tell you what I think. I think increasing tensions is a sign of regression—not progress. There is not anything American about it, and such words should never have fallen from the mouth of a high official of the American Government even one time—let alone on several occasions, which conclusively shows it was premeditated and intentional.

So I think that answers my question as to the purpose of these proposals. It is to increase racial tension in our beloved country, for an anticipated political advantage, wholly disregarding the good of America.

The expected political advantage must have looked pretty good, because the northern Democrats have grabbed the ball from Attorney General Rogers, and are now running with it. And an organization has been created in New York, called CORE, which is furnishing money and agitators to assist in promoting and creating additional racial tension. I suppose this will be considered by the promoters as a sign of even greater progress.

I might add that it seems this promotional work may be doing some backfiring on these New Yorkers, because some of its effect is being felt in New York. Their hired agitators seem to be doing some agitating at home, as well as other places.

In New York City there are multiplied thousands of Puerto Ricans who would be qualified to vote if they lived anywhere in the South, but in New York they are not permitted to vote. Our laws would protect them where they are not now protected—yet northern bigots point the finger of scorn at us—it is the ultimate in demagogery.

It was Jesus who said:

> And why beholdest thou the mote that is in thy brother's eye, but perceivest not the beam that is in thine own eye? Either how canst thou say to thy brother, Brother, let me pull the mote that is in thine eye, when thou thyself beholdest not the beam that is in thine own eye? Thou hypocrite. Cast out first the beam out of thine own eye, and then shalt thou see clearly to pull out the mote that is in thy brother's eye.

I think if you will get the hate out of the soul of the disciples of Thaddeus Stevens you will discover the mote is gone from the southern eye.

We are witnessing a continuation of the maddest tragedy ever played in the annals of the history of mankind. Our Attorney General not only condoned and encouraged violence by his statements, but he goes even further to insult the people of the entire State of Arkansas in substantially asserting that if he could not take action, the people of Little Rock would lynch their own children. He ought to be ashamed of himself. An apology could not be acceptable for such slander of a group of American citizens.

Some of the statements made here indicate that whoever was speaking at the time, thinks he is able to fool the Negro people by his fervent declaration of love and undying devotion.

Do not fool yourself. The Negro is not dumb, as you seem to think. You better give him credit for being intelligent. The truth of the matter is, he only tells you what he thinks it is good for you to know.

I had a letter from a Negro man in my district just day before yesterday. He is worried about what all this will do to his people—and he is not alone in it. All of our Negro people have friends or relatives who have gone North at one time or another, and they know how they are ignored, mistreated, abused, and starved, instead of treated as human beings.

But that is enough of that. I want to read you the material part of Frank Ford's letter:

> I wonder how many years it took the North to put us back in this stage again? I don't know but one thing now, which is not in your law. Your Bible. This is what I'm telling you. God never did want old Saul for King, but he told Samuel to give the people what they want. I feel like we have to do that in this case we have now before us. We don't want integration. You have to give the people what they want. If you give him what he wants, we have got a chance. Integration is one of the most biggest bombs ever was made, and this bomb is made in the North—and mind, I ain't never believed that the North ever loved me. I don't know anything they ever done for me. It was something they wanted in the

Civil War. When you hunt it out, you can find it. What did the North use before for his bomb; he done come up here again using a bomb. When he won the war before, they say they freed us; but he didn't give us no homes. We was turn aloose like they turn a cow out of the pasture. Then we was in worse shape after they turn us aloose. Then the South has brought us our good homes and all modern conveniences. Now the North is going all over it again, and is going to tear down all we have.

I heard Senator LONG making a speech, and I knew his father when he was running a livery stable. I believe all he says. I have learned the North is a murderer. We was getting along fine, and everything we asked for we have always got it. I was born and raised on southern soil. I find the goose comes down in the pond, him and duck all eat together; when he rise and fly, every one rise and fly in his own tribe. You ain't seen no half duck, neither half goose.

I have there given you the philosophy of a person who has more interest in, and more knowledge of, this subject than perhaps anyone who will speak on it during the entire debate in this House.

The radical supporters of new legislation in this so-called civil rights field find themselves in a predicament they did not anticipate, and maybe the Supreme Court did not anticipate it, either. They howl for speedy compliance with a court's decision. After the decision, the Court sat back to wait for compliance. Compliance could only come through action by the school boards of the southern schools, but they had no law to comply with, so they have to wait.

The Court had "passed" a law, but there is no way for a court-passed law to get on the statute books.

So we find this unprecedented situation, puzzling and embarrassing for the Court and its radical advocates of immediate enforcement.

It seems now to have dawned on the radical block that there will have to be a law to which a court's decision can be applied, so we find here an extraordinary procedure being followed. Instead of the Court acting upon a law passed by Congress, they want Congress to act upon a law passed by the Court. Then the Court will have to look into the constitutionality of that procedure.

Oh, generation of vipers! How can ye, being evil, speak good things? For out of the abundance of the heart the mouth speaketh.

The whole thing is a mess, and that is about all you can ever make out of a proposal conceived in iniquity, a cross between bigots and unscrupulous politicians, bred for the sole and only purpose of emasculating the Constitution of the United States and prostituting the American people.

It is a pity that our Constitution, by the evil deeds of a few men, and the apathy, partisanship or political cowardice of others, has had so many of its guarantees impaired that our Federal Government has reached a level that decent men must fear it as Dark Age slaves feared their masters.

Who could write for us today a document such as our Declaration of Independence? Who can say now that in our Republic the power is in the people over the Government, and not the Government over the people? What we see about us these days in this Chamber does not represent the faith of our fathers. It does not reflect the heart of the American people. It may spell our destiny, but certainly if the proposals to be made in connection with this bill are adopted, it will not spell the destiny intended by our forefathers when they drafted the Federal Constitution, with the reserved power provisions.

George Washington said:

Government is not reason, it is not eloquence—it is force! Like fire, it is a dangerous servant and a fearful master.

If, by the grace of God, we can recoup the lost liberties that made this Nation, then our fight here for the Constitution will have been worth all we have put into it, and more.

There is no call for, no need, no demand for legislation of this kind.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. CRAMER], a member of the committee.

Mr. CRAMER. Mr. Chairman, I have listened attentively to this debate. I have had the privilege of considering this legislation in the full committee, along with other members of the Committee on the Judiciary. I trust my remarks will be considered as they are intended, an objective discussion of the issues involved, a discussion on the merits and demerits of the legislation before us, and I am vitally concerned with some of its provisions as a lawyer. I am vitally concerned with some of its provisions as an American. I would say the same thing if I represented a district in the North or the West. I say that I am vitally disturbed about many of the aspects of this legislation. I think it is my duty as a lawyer and I think it my duty as an American, regardless of what area of the country I may represent, to see that this bill in reaching the objective and purpose of securing civil rights to a minority, that it does not deny to the majority an equal or a greater number of rights in attempting to preserve certain rights to the minority.

I believe in some aspects it is opening a Pandora's box, and I trust that my objective discussion of some of its terms will clearly show that. I will not attempt to repeat the particular objections raised by others to the bill itself. Briefly, adding a few additional points, with regard to title I, I was interested in the remarks of the gentleman from Tennessee [Mr. LOSER].

Mr. WILLIAMS. Mr. Chairman, this is a very important speech. I think the Members should be here to hear it. I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and four Members are present; a quorum.

The gentleman from Florida will proceed.

Mr. CRAMER. I thank the gentleman from Mississippi for the high confidence and honor demonstrated by his remarks and by his call for a quorum.

Mr. Chairman, I wanted to point out regarding title I and the remarks of the gentleman from Tennessee [Mr. LOSER] following up his remarks that the enactment of title I—and I say this to those people who are so concerned about protecting the action of mob violence and the court orders against actions of mob violence which this section is supposed to treat—I point out first: that it is going to give the Department of Justice a selection of remedies. The result is going to be, actually, that the Department of Justice will be able to select between this under title I with a lesser penalty rather than section 1503 the obstruction-of-justice statute requiring—and I am reading from the statute—requiring a fine of not more than $5,000 or imprisonment for not more than 5 years, or both.

So in effect, Mr. Chairman, I say the result of enacting this section is going to be to weaken rather than strengthen the arm of the Department of Justice in that the fine and penalty is decreased from $5,000 and 5 years to $1,000 and 60 days.

Second: I would like to call your attention to the fact that this is supposed to be the anti-mob-violence section of the statute, the proposed title I, yet nowhere in the bill or in the title does it refer to, describe or define "consort" or "conspiring" or "a group of individuals", rather, it treats solely of a single individual who is subject to this penalty. Nowhere in the definition of the crime involved does it define mobs.

The argument of the gentleman from Tennessee [Mr. LOSER] with regard to the constitutionality of this section, with regard to the question of its violation of freedom of speech I think is very properly brought.

On this point, I want to call your attention to the statement made by the assistant attorney general of the State of Florida at the time he appeared before the Senate committee and testified on a bill containing exactly the same language, on the specific question of constitutionality in that it violates the first amendment to the Constitution of the United States, freedom of speech. I call attention to page 488 of those hearings.

This gentleman is Mr. Ralph Odum, considered to be one of the outstanding authorities in the United States of America on minority and civil rights questions. This statement I assume was the result of consultation by him with the Attorney General and other officials of the State of Florida, and I think it deserves our attention. Here is what he said:

Under this act a newspaper editor could be fined $10,000—

And, of course, the penalty was reduced under this bill to $1,000—

and sent to prison for 2 years (which was reduced to 2 months) for writing an editorial in which he criticized the integration plan adopted by the local school officials and approved by the Federal court, if he threatened to oppose the officials of the next election. This is inconsistent with time-honored procedures and authority of courts to punish persons for contempt.

It seems to us that it must surely be at variance with the first amendment to the Constitution which provides that—

"Congress shall make no law respecting an establishment of religion, or prohibiting the

free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

That is the assistant attorney general of the State of Florida speaking on the subject, and his statement may also be found at page 539 of the House hearings of last year.

I would now like to pass on to the second section of the bill, title II. I agree with my distinguished colleague from Louisiana [Mr. WILLIS], when he stated that this section was before subcommittee No. 3 of which I have the privilege of being the ranking minority member. We had lengthy hearings on the subject, and I must say that I think the bill I introduced on the subject is much better than title II of the present bill; also I may say the same of the bill introduced by the gentleman from Tennessee [Mr. LOSER]. I think either of the bills would be more effective.

This title, in my opinion, has no business being in a bill that is considered as civil rights legislation.

It has no relationship to this specific problem, it has no place in a bill dealing with constitutional or civil rights problems. It should have been considered, in my opinion, by our subcommittee, and our subcommittee should have been given the opportunity to fully consider the matter and to have voted out a bill that would have accomplished the objective sought without the civil rights umbrella being cast over it and thus being the major consideration involved. I say a much better job could have been done with regard to bringing out an adequate and an effective bill with reference to title II dealing with the antibombing section of the bill.

With regard to title III, this is the one I want to stress in particular. There are a lot of aspects with reference to title III that have not been sufficiently discussed during the debate. Of course, it has been brought out by the distinguished gentleman from Louisiana [Mr. WILLIS] and the distinguished gentleman from Virginia [Mr. POFF] and properly so, that actually we are dealing here with possibly an unconstitutional section of this bill in that the proponents are basing it on article I, section 4 of the Constitution, as buttressed by the 15th amendment, that being the only justification and the only authority the Federal Government might have for injecting itself into Federal elections. In that instance it can do so only when it involves "place, time, or manner" of holding elections for Federal officials.

On that point, let me read to you very briefly the conclusions of probably one of the finest lawyers in America today, Mr. Bloch, from Georgia, which appears on page 601 of the civil rights hearings in the House, in which this question is raised. Now, this is a serious question:

Can the U.S. Congress place upon a State election official an additional duty beyond and above that which is imposed upon him by State statute under this section of the Constitution of the United States, and this is the only section under which the Federal Goverment would have any authority to do so?

That is the crux of the thing, and here is what he says:

Not one of these various and varied opinions—

After he examines them all—

nor all combined, in my opinion, would authorize Congress under its supposed authority to regulate primary elections to require an official of a county, city, or State—a registrar—to preserve records assembled in connection with registrations for a primary; to produce these records at the request of the Federal Department of Justice, all under pain of being declared a felon.

Second, if such authority is now going to be read into the Constitution, the power of Congress with respect to elections for Members of the House of Representatives is on a basis different from that applicable to elections for presidential electors, State, county, or city officers, and possibly even U.S. Senators.

There is no question about that. There has never been a question that the Federal Government had any right to inject or to impose itself upon the State, city, or county officials with regard to other than Federal elections and Federal officers. The same constitutional agreement would apply to the Federal referee or registrar proposals.

As the gentleman from Virginia pointed out, the bill also takes in and includes as "Federal officials" presidential electors who have always been considered State officials.

Mr. Bloch goes on to say and there is a rather lengthy discussion, but this is his final conclusion:

There is no power in Congress, even as to the election of its Members, which would authorize it to impose new duties on those who have nothing to do with the time, place, or manner of the holding of an election.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from Florida 3 additional minutes.

Mr. CRAMER. Mr. Chairman, when he was asked the specific question by Mr. Foley, the distinguished counsel for our committee:

Do you have any qualms as to the constitutionality?

Mr. BLOCH. Title III, that adds these duties to registrars?

Mr. FOLEY. Yes.

Mr. BLOCH. Yes, sir, I do not think you have any right to say, in other words, I do not think the new duty you are imposing on a State registrar comes within the scope of time, place or manner.

Therefore, in his opinion—in mine, too—there is a substantial question as to the constitutionality of this particular section.

Let us see what was done by the committee in reference to this particular section. There was one improving amendment added in committee. I had the privilege of proposing this amendment myself. It appears in line 22 of page 5, and reads:

This demand by the Attorney General upon the registrar to produce election records, "shall contain a statement of the basis and the purpose therefor."

I also proposed an amendment to require any such request to be reasonable and thus not interfere with the ordinary processes and duties of holding elections by the local registrar.

This section also gives to the Attorney General or the Assistant Attorneys General, and thus the district attorneys, the unlimited power of discovery, and this is the crux of it. It gives to them the unlimited power of discovery without an existing court order or court proceeding. This is an almost unheard-of procedure I have practiced law for a fairly long period of time, and I have never known a situation where you have a right of discovery without there pending some cause of action before the court. Yet this gives to the Attorney General, and thus to any of the district attorneys of the United States as his agents, the right to go into a registrar's office and say, "I demand the records of the last election of November 4"—or any election up to 2 years preceding—regardless of the imposition upon that registrar and without a hearing or court order—an almost unheard of process in our jurisprudence. Of course it gives no protection to the duties of the registrar which might be completely upset as the result of such a request being made. In my home county there are over 40 elections—city, county, and State—a year, and yet the Attorney General can compel that registrar to stop her work, in effect impede those elections, and deliver the records in her possession to the office of the U.S. attorney in the district. He does not even have to go to the registrar's office to inspect them. He can demand that the records be delivered over to him in his office, which, in my district, is about 30 miles away. He can go on the biggest "fishing expedition" ever conceived in our jurisprudence—and without any court determination that a given complaint has merit.

Briefly, let me discuss title V, because it, too, disturbs me a great deal. It should have been referred to the Committee on Education and Labor. We are discussing and attempting to assure the education of children of members of the Armed Forces and Federal employees, and if that was as far as it went I would have less quarrel with it. But here is what it does: It permits the Commissioner of Education to make a determination as to whether or not there is being provided "suitable free public education."

In other words, if the Commissioner of Education decides that segregated schools are not "suitable free public education" for such children, then the door is open to the possibility in the future of the Commissioner denying funds under sections 815 and 714 of the Federally Impacted Area Act. This is the foot in the door to accomplish exactly that; that is the objective, and I think it is something which we must be very deeply disturbed about and concerned with at this time. Of course, this can be determined even though no Federal court ruling has ordered a plan of integration for the specific school involved—going much further in effect than the Brown case even provided.

Here is another aspect of it, and this, to me, I just cannot understand. How could a group of lawyers sit down and draft a piece of legislation that would

have this effect? I think the gentleman from Virginia rendered a great service to this body yesterday when he told this body, in effect, that under section 502, page 9 of the bill—and we are still talking about this federally impacted area provision—the superintendent of public instruction of a local community or board of education is required to sign an agreement with the U.S. Commissioner of Education. This is what is going to have to be done to carry this section out. He is going to have to sign an agreement with the Commissioner of Education that with respect to any money that he receives to be put into a building or into the administration of his schools, if free public education is made "unavailable" to these service children or the children of these federally employed people and the Commissioner finds there is not "suitable" education available, in that instance those schools must be turned over to the Federal Government upon request under the rules and regulations as provided by the Commissioner and need not be turned back over to the local school board until the Commissioner sees fit to turn them back under the return provisions on page 11, which is subject to the Commissioner's own discretion and his own rules and regulations, and only after he determines "suitable" education is available—that means integrated education.

So what does it do? It would place a cloud on the title of the property, as the gentleman from Virginia said, on the public school system. And is it practical for a local public education superintendent to enter into such an agreement? Is it possible for him to do so? He took an oath of office for his position, and in doing so he took an oath to uphold the laws of the State in which he is administering the schools. Many of those laws specifically provide that he cannot enter into such an agreement, and public school property cannot be used in many States and public moneys cannot be used in many States for providing schools for integrated student bodies. Even the Brown case would have no such drastic interpretation.

Thus, the end result would be that even school districts in States where pupil placement is in effect—and where school closing laws have not been passed, and apparently consistent with court orders under the Brown case, such as in Florida—those districts would be denied Federal impacted funds. You might just as well amend Public Laws 815 and 874 to that effect because that will be the practical effect.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Virginia.

Mr. POFF. I most warmly commend the gentleman from Florida upon his penetrating legal analysis of this measure. The House is indebted to the gentleman for dramatizing a point heretofore in the debate altogether ignored. As the gentleman says, under title V the U.S. Commissioner of Education and he alone will have the power to define the word "suitable." State educational officials, who will enjoy the rather dubious tribute of being "consulted," will have no part in the definitive determination of what constitutes "suitable" free public education.

Mr. CRAMER. I thank the gentleman.

Mr. McCULLOCH. Mr. Chairman, I yield three minutes to the gentleman from New Jersey [Mr. WALLHAUSER].

Mr. WALLHAUSER. Mr. Chairman, if I were to stand in the well of this Chamber and speak as eloquently as a Daniel Webster, or a William Jennings Bryan, for an hour, I do not believe that I could make more pertinent points to the legislation before us than the President of the United States did in his message to the Congress on February 5, 1959, when he emphasized two principles that are basic to our system of government; that the rule of law is supreme, and that every individual, regardless of race, religion, or national origin, is entitled to the equal protection of the laws.

You will recall that he further requested that we should continue to seek practicable means for reinforcing these principles, and making them a reality for all.

The Civil Rights Act of 1957, was a first step in the achievement of these aims. History tells us that prior to the passage of this act, no civil rights legislation had been enacted for 82 years. It was not a strong bill, but it did mark an advance, because it enacted a law that was designed to implement constitutional rights provided in the 14th and 15th amendments.

Most thinking people will agree, I believe, that the whole problem of civil rights is a very serious one and can best be solved on the basis of a genuine mutual respect between the people of two different races in the localities where they live. However, in certain areas of the country progress has been so slow in achieving recognition of certain personnel inalienable rights that it has, in my opinion, become necessary to promote this mutual respect by spelling out, by legislation, steps that are necessary to achieve the principle of equality. Furthermore, it appears to me that little or no real progress will be made in following the decision of the Supreme Court if we do not implement and strengthen the Civil Rights Act of 1957.

The year of decision has now arrived to decide whether or not we will squarely face the problem of equality for all persons, or whether we will attempt to find some excuse for not facing up to it.

I am convinced that the vast majority of the citizens of our great country stand four-square behind the words of the President and other leaders, some said in the Chamber, who have spoken so eloquently in favor of strong legislation.

It is unnecessary for me, I believe, to go into the technicalities in the bill before us because others have done so in great detail, but I want to go on record as being strongly in favor of legislation that will provide equal opportunity for all and will eliminate discrimination. I recognize that tolerance and eventual acceptance of the purposes of this legislation rests upon an enlightened public opinion, but surely it is our duty to provide the legislative tools that will be useful in convincing those who hold an opposite view that there are not two classes of citizens in these United States. It is, of course, the obligation of every citizen to obey the law, once adopted, if we are to recognize the basic principle of the supremacy of the law, and I am certain that all sections of our great Republic will join hands in the recognition of this obligation. I submit to the Members of this great body that a forward step in the improvement of human relations will be taken if we enact good civil rights legislation.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. QUIGLEY].

Mr. QUIGLEY. Mr. Chairman, the name of Thaddeus Stevens has been mentioned during the course of this debate this afternoon, and just to illustrate what a difference 100 years can make—for good or evil I shall not say—I stand before you as the successor of Thaddeus Stevens. What was once part of his congressional district is now largely a part of the congressional district I have the honor to represent. And I assure you that I am not here to carry on the Thaddeus Stevens tradition, but rather I am here to help undo much of the damage which he authored. Largely because of what he did and the way he did it we are confronted today with the issue before us.

Mr. Chairman, no one doubts that a civil rights bill will pass this House. The only question runs to its content. The very least that, I assume, we will do will be to enact the committee's bill. I would hope that we would do much more, but if we do that at least we are making progress—a minimum of progress, admittedly, but still progress.

I should like to devote the rest of my time, Mr. Chairman, to the so-called McCulloch amendment which has been made in order under the rule. The original amendment embodies the original recommendation of the Attorney General to provide for judicial administration of the Civil Rights Commission recommendations for the establishment of a Federal registrar system. I frankly have grave misgivings about the workability of the original proposal made in this regard by the Attorney General. Apparently he has, too, and these misgivings have in turn begotten a second proposal which I understand will come before us.

I have my doubts about this proposal, too, and between now and the time we start voting on amendments next week I would earnestly recommend to all members of this Committee that they give serious consideration to the eloquent argument advanced yesterday in the other body by the able junior Senator from the State of Michigan. The highlights of the Senator's remarks I wish to insert at this point in the RECORD:

Mr. HART. Mr. President, at this time I should like to analyze the so-called referee proposal.

Mr. President, I have watched with keen interest the growing consensus in this body for the enactment at this session of a meaningful bill to remedy the systematic disfranchisement of vast numbers of Negro citizens. Ninety years after the adoption of the 15th amendment the continuing disfranchisement of Negro citizens is a public

tragedy which, perhaps more than any other shortcoming of our governmental system, damages the reputation and lessens the respect of the world for the United States. Because I believe that guaranteeing the right to vote to all our people, regardless of their race or color, is of paramount public importance, I proposed in August of last year, even before the report of the Civil Rights Commission, a congressional elections bill. Under that bill, S. 2535, Congress would, for the first time in our history, exercise its constitutional right to conduct congressional elections in any area where there continues to be radical disfranchisement of qualified citizens.

My purpose today is not to discuss the congressional elections bill. What I do propose at this time, Mr. President, is to analyze the so-called referee proposal offered by the Attorney General as his suggestion for a remedy against the continuing disfranchisement of Negro citizens. In my view, Mr. President, and I believe I express that of many of my colleagues, the referee proposal is a wholly inadequate remedy against the systematic disfranchisement of American citizens. As I see it, nothing but a systematic remedy will cure a systematic evil. We are faced with systematic mass disenfranchisement. What we need is a systematic method for mass enfranchisement. The report of the Civil Rights Commission discloses that disfranchisement of Negro citizens is a systematic practice in certain areas of this country. To cite just one example, Mr. President, the Commission found that there are 214,213 Negroes living in 57 counties where not a single Negro has succeeded in registering for elections. Here are 214,213 undeniably disfranchised American citizens.

Now it seems clear that nothing but a direct and systematic administrative remedy can provide meaningful opportunity to these 214,213 citizens to become enrolled for elections in the face of the stubborn refusal of State officials to permit them to become enrolled.

Mr. President, it is precisely such a direct and systematic administrative remedy which was proposed by the Civil Rights Commission. The Attorney General's referee proposal turns its back on any real relief against the systematic disfranchisement of vast Negro populations. Instead of quick and effective relief to end this national tragedy, the Attorney General proposes the same ineffective judicial remedies which have not for 90 years benefited more than a handful, and would not under the referee proposal benefit more than a few persons here and there. In my opinion, Mr. President, the judicial referee proposal is not an effective remedy against massive racial disfranchisement, rather it is but a timid and halting case-by-case approach to a problem which is much too large and too immediate to be approached in such fashion.

THE DEMONSTRATED NEED FOR AN ADMINISTRATIVE SYSTEM OF FEDERAL REGISTRATION AS A REMEDY TO SYSTEMATIC RACIAL DISFRANCHISEMENT

In 1957, the Congress expressed its concern with continuing racial disfranchisement in certain areas of the country, by the establishment of a Civil Rights Commission. The Commission was empowered to investigate matters of voting denial. The Commission did conduct extensive investigations of the denial of voting rights to persons because of their race or color.

In September of 1959, the Commission published its unanimous findings. What did they report? All six of the Commissioners, including the three southern members of the Commission, found that racial disfranchisement is being practiced against Negro Americans, not sporadically and incidentally here and there, but in a wholesale fashion. The Commission found that Negro citizens, qualified to vote and fully literate, were held not qualified and not literate by State registration officials who are using every device within their power to find Negro applicants ineligible for enrollment.

One member of the Civil Rights Commission, Rev. Theodore M. Hesburgh, the president of the University of Notre Dame, has given us a vivid description of the experiences of the Commission and in language less formal than in the Commission's report. He tells us of "literally millions of people qualified to vote who were not able to vote." Then he says: "We all knew that something must be done about this situation and done as simply and quickly and as cleanly as possible—that is how we came up with the idea of Federal registrars."

The remarks by Father Hesburgh made at South Bend, Ind., on February 14, 1960, should be read by all of us.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks excerpts from Father Hesburgh's address:

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

"EXCERPTS FROM FATHER HESBURGH'S LUNCHEON ADDRESS AT THE CIVIL RIGHTS CONFERENCE, SOUTH BEND, IND., FEBRUARY 14, 1960

"There wasn't a man of us who did not recognize that there were literally millions of people qualified to vote who were not able to vote and probably would not be able to vote for the next President of the United States, much less for their Senators, Congressmen, and State officials. We had seen some of these people. These weren't units to us. They were flesh and blood people. Some of them were veterans with long months of oversea duty and decorations for valor in service. Some of the people were ministers. Some of them were college teachers. Some of them were lawyers, doctors. All of them were taxpayers. Some were mothers of families who were hard pressed to tell their children what it is to be a good American citizen when they could not vote themselves. All of them were decent, intelligent American people, and yet they could not cast their ballot for the President of the United States.

"Some had gone through incredible hardships in attempting to register and had been subjected to incredible indignities. I don't know if any of you in this room have had to go through this experience, but even vicariously we had to go through it in listening to their tales. They would go to a courthouse and instead of going in where the white people registered, they would have to go to a room in the back where they would stand in line from 6 in the morning until 2 in the afternoon, since only two were let in at a time. Then people with Ph. D.'s and master's degrees, and high intelligence would sit down and copy like a schoolchild the first article or the second article of the Constitution. Then they would be asked the usual questions, make out the usual questionnaire, hand in a self-addressed envelope, and hear nothing for 3 months. And then they would go back and do it over again, some of them 5, 6, or 7 times, some of them standing in line 2 or 3 days until their turn came.

"All of us—I'm sure I speak now for not just myself, but for the southerners and the northerners, the Democrats and the Republicans—we all knew that something must be done about this situation and done as quickly and as simply and as cleanly as possible. I think we really came up with two solutions. One of them appears as a recommendation approved by five members of our Commission, and the other is a suggestion—I don't know what official term you would put on it since it was only approved by the three northern members of the Commission. The recommendation had to do, as you all know, with Federal registrars. Our reasoning was very simple on that point. We simply said that if it was a well-known fact, as I think we had established it, that there were people well qualified to vote—much better qualified indeed than many people now voting in these same localities—then there should be some mechanism known to man whereby this vote could be obtained. And if, as we had demonstrated, it was impossible for these people to vote now—literally impossible under present circumstances, with all the ingenuity humankind will employ to keep a person from doing something they don't want him to do—then it was the duty of the Federal Government under the 15th amendment of the Constitution to see that some means were taken to allow these people to vote. And we felt that this means should not involve great expense. It should not involve human indignity or the fear of reprisal or economic sanctions against these people who want to vote. Somehow these people almost should be embraced by the Federal Government and allowed a little extra privilege, if you will, because of the indignity they have had to endure already in trying to exercise their primary right as citizens. That is how we came up with the idea of Federal registrars.

"It was not our thought that this would be an end-all, that this would clean up the situation for all times. But at least we thought that this was an imaginative, creative approach to see that what could not be done on the State level, would at least be assured on the Federal level. We thought that this was in keeping with the Constitution of the United States. I think we demonstrated in our own common act of making this recommendation that this is not a partisan problem in any sense of the word. This is not a Democratic or a Republican issue. It is an issue of the U.S. Constitution, an issue to which every American should be committed, an issue on which the finest intelligence in our land should be prepared to study and act.

"So the little Commission that really didn't look like very much to us in the beginning, and looked less like anything potent to us as we went along our way, came up with a kind of bombshell, it seems. As a result, all of us are here today and have had this very intricate and involved legal discussion this morning about the ways and means of accomplishing this end to which we all are committed."

Mr. HART. As Father Hesburgh emphasizes, the Commission did not rest with its finding of systematic disfranchisement. It recommended positive and effective legislation to cope with the continuing massive violations of the 15th amendment. The Commission recommended the establishment by Congress of Federal registrars who could quickly, efficiently, and systematically register American citizens who are being disfranchised.

It is imporant, Mr. President, to note that the Commission's recommendation for Federal registrars, rather than further judicial remedies, was not arrived at lightly or unthinkingly. On the contrary, the Civil Rights Commission's recommendation for a system of administrative officers conducting the ministerial function of enrolling voters represents the choice by the Commission of the most effective means to redress the systematic practices of disfranchisement which they found are carried on today. Experience with the normal course of judicial proceedings confirms the wisdom of the Commission's approach. Why go the way which is marked with delays? Preparation of the case, preparation of pleadings, counterpleadings, motions and countermotions and hearings thereon, the time for presentation of evidence by adverse parties, post-trial motions, the delays of appeal to one or more

higher courts, all confounded and compounded by congested court calendars will result in postponements far beyond the time of the election.

Here is one of the many cases documented in the Civil Rights Commission's report:

"Mr. Mitchell, though a Negro, was not among the complainants, for he himself was a registered elector of Macon County. But before becoming a voter, he had been required to make three visits to the Macon County Board of Registrars, two appearances before a Federal trial court, two appeals to the fifth circuit court, and one petition to the Supreme Court of the United States. His efforts extended over 3 years."

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It is clear, Mr. President, that there is ample power specifically given to the Congress in the 15th amendment to secure the right to vote. It is clear that where that right is systematically being denied to Negro citizens, the Congress can fashion systematic remedies without recourse to the burdens and delays and piecemeal case-by-case limitations of the Federal courts.

Federal officials collect taxes, take the census, conduct registration for military service and operate efficiently and effectively in many fields. There is absolutely no reason why Federal officials may not with the same efficiency and directness register voters who are unable locally to register because of their race or color.

THE JUDICIAL REFEREE PROPOSAL

The Civil Rights Commission's bipartisan report and recommendations were issued in September 1959. The proposals for the establishment of Federal registration machinery were immediately put before the Congress in bills introduced by Senator HUMPHREY, Senator MORSE, Senator JAVITS, and others. Meanwhile, the administration remained completely silent. If there was any support for the findings and recommendations of the Civil Rights Commission within the administration itself there is no indication of that fact anywhere in the public record.

Indeed, the very first administration response to the Civil Rights Commission recommendation was by the President himself. At a press conference in January of this year, the President expressed doubts concerning the constitutionality of the proposal for Federal registrars. The President's doubts are all the more remarkable for the fact that neither the Attorney General, nor anyone else in the administration, has yet to come up with anything in the registrar proposal which is in any way unconstitutional.

The next development was the proposal for Federal court referees in January of this year by Attorney General Rogers. Instead of Federal registrars who could enroll large groups of disfranchised citizens, the Attorney General would have such citizens go to the courts to obtain registration. Basically, the procedure requires applicants for registration before referees to demonstrate they are qualified to vote. It also requires that they "have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote.". It is also clear from the language of the pending proposal that still a third appearance will be required since the bill states that the referee report "shall be reviewed by the court." Both Attorney General Rogers and Deputy Attorney General Walsh indicated in testimony before the Senate Rules Committee and the House Judiciary Committee that in the course of the court's review, and before the court can implement the referee's findings by its own order, the State would have opportunity of full judicial hearing with witnesses and cross-examination. As I will note later, delay compounded is the result to be expected from the referee proposal.

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THE REFEREE PROPOSAL WOULD CREATE DELAY, DANGER, AND DISCOURAGEMENT FOR NEGRO APPLICANTS FOR REGISTRATION

It is clear, Mr. President, that for disfranchised Negro citizens the referee proposal would create only delay, danger, and discouragement rather than a systematic remedy against disfranchisement.

The proposed measure is replete with delays at every point of the process. In order to have a referee appointed, a court would first have to find a pattern or practice of racial disfranchisement in the community involved. This requires not only the prior trial of the case in which the pattern or practice finding might be made, but possible subsequent appeals to the courts of appeal and the Supreme Court. It is, therefore, an optimistic assumption, indeed, that any voting referee could be appointed before the 1960 elections and the 1962 elections have been concluded. Yet in matters of elections "justice delayed is justice denied," because once the election is over the right to vote in that election has been lost forever. It is not clear to me, Mr. President, why vast numbers of disfranchised American citizens whose plight has been amply examined and found to exist by the Civil Rights Commission should be relegated to a judicial remedy which cannot even begin to operate until two more national elections have run their course.

But the 2- or 3-year delay before the appointment of any referee is a calculation based on the assumption that the Attorney General will actually file numerous lawsuits in areas where racial disfranchisement is today being practiced. Even this is an optimistic assumption. Although the Civil Rights Commission found racial disfranchisement to be practiced in vast numbers of localities, and at a conservative estimate hundreds of thousands of qualified Negro citizens are today being denied the right to vote, the present Attorney General has filed but four lawsuits since 1957 to obtain enrollment for persons who have not been permitted to register. While hundreds of thousands of persons' voting rights are being denied forever, the Attorney General has used his powers for what is but a handful of eligible voters.

In any event, the delay prior to the appointment of any referees is just the beginning of the delays in the referee proposal. Even after a referee is appointed, a Negro applicant in the community where a pattern of discrimination is being practiced must first go to the hostile State officials, perhaps stand in line for days before he can even see a State registrar, and be subjected by such State officials to the useless embarrassment of trying to meet voter qualification tests designed to bar Negro voters. Then the applicant would have to appear before a judicial referee and try once more to prove his qualifications. Yet even if the referee is convinced that the applicant is qualified, still he is not yet made eligible to vote. Instead, the whole matter is then referred to the district court. The court must hear evidence and make findings and issue decrees for hundreds or even thousands of disfranchised citizens in order to enable them to vote. By the time the issues have been contested by the State before the judge for each individual applicant, including the possibility of appeals from the district court, it is a fair estimate that one or two more national elections will have passed before any disfranchised Negro would obtain his right to vote under the pending judicial referee proposal. The result of these cumulative delays, Mr. President, is to suggest that at least 5 or 6 years and three or more national elections will have passed before this referee proposal would vindicate the right to vote of a single one of the hundreds and thousands of presently disfranchised Negro Americans.

But not only is there delay in the referee proposal; there is also danger for the Negro applicant. In the very areas and counties where Negroes are now being denied the right to vote they represent the poorest economic class in the community. As such, they are subject to every pressure that the white community can impose upon them. Certainly the danger of such community pressure by employers, by banks, by creditors, and by white citizens councils, is heightened by the Attorney General's proposal that every Negro has to become a court case before he can obtain the right to vote. Every Negro is thus subject to the maximum glare of publicity and community hostility when he is called as a witness and put on the stand by the State which would challenge his eligibility to register prior to the election.

The economic pressure exerted upon Negroes attempting to vote was dramatically demonstrated at a recent Washington conference. In one Tennessee county, members of an organization to push for the right to vote have suffered economically "with some tenant farmers being forced by their landlords to move and others being denied bank loans and credit." The report of this conference, which appears in the Washington Post, page A–20, for Monday, February 1, 1960, reads in part as follows:

"Voteless Negroes from the South told an audience at a downtown church yesterday of obstacles placed in their way toward the vote and of harassment, threats, and economic injustices following those attempts. More than 700 persons jammed Asbury Methodist Church at 11th and K Streets NW., and heard a young teacher, Curry P. Boyd, of Haywood County, Tenn., tell of his attempts and what happened. 'There hasn't been a Negro registered to vote there since Reconstruction days,' he said. When he returned to Haywood County and tried to register in 1957, he got nowhere. 'They told me to go to the sheriff's office,' Boyd said, 'but I didn't go.' John McFerren, a 35-year-old cotton farmer from Fayette County, Tenn., said he, his wife, and family had been threatened after his attempt last year to register.

"Farmer landlords checked at the registration office to see whether any of their tenants were registering," he said. 'People are afraid to talk to me on the street,' he added. At one point McFerren had to stop talking, apparently overcome by his own story.

"Prof Daniel W. Wynn, who holds a doctor of philosophy degree and is chaplain at Tuskegee Institute, Alabama, said he tried to register and was told later he had failed the examination. Others have the same story."

And, finally, Mr. President, the net result of the delays and dangers in the referee proposal for the individual Negro applicant who would have to make himself a court case before he could vote would be the maximum possible discouragement of such Negro applicants. Instead of making it easy for Negroes, who have for decades been denied the right to vote, finally to come in and exercise their most fundamental right to the franchise, the referee proposal puts every possible burden in their way. Whereas the white voter appears but once before a friendly official and fills out a form to become registered for elections, the Negro applicant must appear three times; first, before the State registrar, then before a judicial referee, and finally before the judge.

If there is any sure way of slowing down litigation, the use of judicial masters and referees is recognized as that way. Numerous

decisions of the courts reveal that far from affording speedy relief, the two-step process required when referees and masters are used is guaranteed to double the burden of litigation and thus to slow it down. As one Federal court stated:

"It is common knowledge that references (to referees) greatly increase the cost of litigation and delay and postpone the end of litigation" (131 F. 2d 809, 815).

In my opinion, it is the worst kind of discrimination against Negroes to require them to appear three times and to make themselves court cases merely to become enrolled as voters when no such discouraging obstacles are put in the way of white voters in the community. How many white persons, it is fair to ask, would appear three times, subject themselves to judicial proceedings, and undergo the maximum community hostility through the glare of publicity in the courtroom, in order to obtain the right to register. I think it is fair to say on viewing the judicial referee burdens imposed upon Negro applicants for voting that the judicial referee proposal constitutes the least efficient, the least speedy, the least appealing, and the least systematic remedy that legal ingenuity could devise to meet the massive and continuing disfranchisement of Negro Americans 90 years after the adoption of the 15th amendment.

THE REVISED JUDICIAL REFEREE PROPOSAL IS UNCONSTITUTIONAL

It is bad enough, Mr. President, that the judicial referee proposal offered by the Attorney General is unnecessary and unresponsive to the need. Unfortunately it is also unconstitutional.

The original judicial referee proposal contemplated hearings before judicial referees in the accepted legal tradition. The original proposal contemplated regular judicial hearings before the district judges upon the acceptance or rejection of the referees' findings. When these defects of delay and harassment I have described were pointed out to the Attorney General, he sought to improve the original version of the referee proposal by two new provisions. The first of these was that the hearings before the referee would be ex parte; only the applicant would appear before the referee, the defendants in the action would not be present. A second element in the revised Attorney General's proposal which was introduced by Representative MCCULLOCH in the House of Representatives on February 23 as H.R. 10625, is a provision that in cases of court challenges to the referees' findings "the applicants' literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee."

I submit, Mr. President, that in the combination of these two changes we have clearly and unquestionably an unconstitutional proposal. For the first time in our history, the courts are to be used to do a job which is not judicial but administrative, with the result that for the first time in the judicial history of this country, the defendants are not to be present at the time that the injured parties are making their case before the officer of the court. Likewise, for the first time in our judicial history, the defendants in the action are not to be permitted to challenge the facts of literacy and other qualifications which were found in a hearing where they could not be present. What is the result of this double dilution of judicial safeguards, which flows from the attempt to do an administrative job through the courts rather than the executive department? It is that at no point in the judicial process which culminates in an order entitling applicants to vote would the defendants ever be afforded the opportunity to contest the literacy or other eligibility qualifications of the applicant. To put it bluntly, Mr. President, the one and most important fact in the whole scheme is whether the voter who is applying for Federal registration is qualified, by which is meant literate. Yet, the Attorney General proposes that the defendants will be denied the right to make their case on this one and most important fact, because the court is required to accept the literacy of the applicants for registration strictly on the basis of evidence taken ex parte. The right to confrontation, and to a hearing in open court on every material issue in the case, is the very heart and essence of the fifth amendment's guarantee of due process. The proposal to use the courts for the accomplishment of administrative tasks, like registration for voting, and therefore to abandon historic judicial safeguards, including the sacred safeguard of confrontation and the right to a hearing on the material issues is unconstitutional.

It seems clear to me, Mr. President, that the way to accomplish voter registration is the way that it has always been accomplished in the history of this country. To use the courts to accomplish speedy and efficient registration of voters requires abandonment of judicial safeguards, safeguards the Constitution requires. Registration of voters is administrative and executive business and it cannot be made the business of the courts without doing violence to basic constitutional guarantees.

ADMINISTRATIVE ENROLLMENT OF VOTERS RATHER THAN LITIGATION PROVIDES THE ONLY MEANINGFUL REMEDY AGAINST SYSTEMATIC RACIAL DISFRANCHISEMENT

For over 170 years in every State of this Union enrollment for elections has been an administrative matter. Never before has a person who desired to become enrolled for election had to run the gauntlet of repeated appearances before judicial officers and judges, had to become a court case and subject himself to hostile interrogation, merely to get on the voter list.

Congress has ample power to create administrative machinery by which qualified citizens denied registration because of their color can be simply, efficiently, and quickly registered for elections. Why inject the courts with their delays, their burdensome and cumbersome judicial proceedings, and their case by case approach, in an area where administrative machinery has always been used to do the job and where administrative machinery can do the job best?

Already burdened Federal courts should not have to operate administrative machinery for enrollment of voters. The courts do have their traditional function in the election process; that function is to hear contested election cases. The courts have no primary function in the process of enrollment prior to election.

It is time that the Congress and the Executive fulfilled the constitutional obligations imposed upon them expressly in the 15th amendment. As stated by Prof. Paul Freund, of Harvard Law School in a memorandum to Senator KENNEDY published on February 15, 1960:

"The Commission plan brings the President into the process of safeguarding the right to vote. The Justice plan seems designed to shield the President from any such participation. As a corollary, the Justice plan imposes on the Federal courts still further responsibilities. There is reason to believe that the Federal judges have been shouldering more than their fair share of responsibility in this general area and that in all fairness the executive branch should lend its weight to the discharge of this national responsibility."

In *Giles* v. *Harris* (189 U.S. 475), Justice Holmes made it clear that he did not think the judicial branch of the Government should be used as the primary means of implementing the right of disfranchised Negroes to vote. On this point he said:

"In determining whether a court of equity can take jurisdiction, one of the first questions is what it can do to enforce any order that it may make. * * * The bill imparts that the great mass of the white population intends to keep the blacks from voting. Unless we are prepared to supervise the voting in that State by officers of the court, it seems to us that all the plaintiff could get from equity would be an empty form. Apart from damages to individuals, relief from a great political wrong, if done, as alleged, by the people of a State and the State itself, must be given by them or by the legislative and political department of the Government of the United States."

Mr. President, I will be the first to join in voting for a measure which provides effective vindication of the right to vote for persons who are disfranchised because of their race or color. Congress not only has the right but the specific obligation under the 15th amendment to provide a systematic administrative remedy against the systematic disfranchisement which is practiced today.

I have heard many Members of this body declare their determination to enact a meaningful remedy against wholesale voting denial and to enact it at this session of Congress. Let no one here be lulled into believing that the referee proposal is that meaningful remedy. What disfranchised Negro Americans want is not the right to go to the courts, but the right to go to the voting booths. It is my firm belief that if we lay aside partisanship, politics, and prejudice, motivations with which many of us have been charged and which none of us always with confidence can assert do not affect us, we will enact at this session of the Congress a meaningful remedy, one which will bring to numerous voteless Negro Americans the first and most vital democratic privilege of the franchise.

That remedy is contained in the Civil Rights Commission's recommendation for administrative enrollment, and is reflected in the Hennings amendment offered today. Having done that, let us proceed to guarantee all of the other rights embodied in the 14th amendment.

I am reminded of the remarks the distinguished majority leader made immediately preceding to vote on the motion to close debate. He said:

"Whatever the laws may say—however lofty may be their sentiments—a man without a vote is a man without protection. He is virtually helpless—dependent upon the charitable impulses of others.

"But a man with a vote immediately acquires status—as everyone of my colleagues is well aware. He has his destiny in his own hands and he can do far more to help himself than others can do to help him.

"A man with a vote also does something else. He strengthens the unity of America."

Mr. President, tonight, conscious as we are of the Civil Rights Commission report documenting areas in this Nation where great masses of American citizens are not given the opportunity to vote, what we must seek in Congress is a device which permits massive enfranchisement, because we are fighting mass disenfranchisement.

An administrative remedy more effectively reaches that end, rather than the device which lawyers know to be the delight of the side in a lawsuit which wants to drag its feet, namely, getting the court to appoint a referee or master.

The purport of Senator HART'S argument, Mr. Chairman, is that the Attorney General's voting referee proposal may at best be unworkable and at worst

unconstitutional. Certainly anyone seriously interested in providing an effective system which will enable thousands of presently disenfranchised Americans to cast their vote or anyone seriously interested in avoiding having our Federal courts bogged down with an assignment they are ill equipped to handle must have serious doubts about either version of Roger's referees.

For myself, I would certainly hope that the House in its wisdom would agree on a proposal much closer to the original recommendation of the Civil Rights Commission, a recommendation, I would point out, which is not Thaddeus Stevens in its concept and was agreed to by two out of the three Southern Members who served on that Commission. At the very least, Mr. Chairman, I trust we will be given the opportunity to vote on such a proposal. I would certainly want to cast my vote for an amendment somewhat similar to the one recently advanced by the senior Senator from Missouri. Then and frankly with certain misgivings about its workability and also about some Thaddeus Stevens potential, would I vote for the McCulloch amendment.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. Mr. Chairman, I do not suppose that any Member of the House entertains any doubt of my position on this legislation, but precedent and the rules of the House of Representatives indicate the requirement that a Member speaking during the discussion of any bill should state his position, lest his statement fail to clearly indicate his opposition or support. For that reason I state in no uncertain terms that I oppose H.R. 8601 and the amendments which will be offered, including among others H.R. 10035, H.R. 10625 and some three amendments which will be offered by the chairman of the Judiciary Committee.

I oppose this legislation from the title through the last section. The only difference between the proposals seems to be that one is bad and the others are worse. The very title is misleading, and the contents throughout can have but one end result—the inflaming of human emotions and the creation of strife, turmoil, bitterness and hatred, where harmony and good will have prevailed and should prevail in the future.

I oppose the bill and the underlying reasons which cause it to be brought up year in and year out for the basest of all motives, including selfishness, opportunism, exploitation and apparently a desire to gain political favor by turning the weapons of accusation, bitterness and vituperation against an entire section of our country.

This legislation is unique in many ways. It is becoming evident that the majority of the committee which reported this legislation will not support the committee bill in its present form, even though it required a majority vote within the committee to report it out. The chairman and the ranking minority member have already so stated. We may not even vote on the language of the bill reported by the Judiciary Committee and cleared for debate and floor action by the Rules Committee.

There appears to be a general disclaimer of authorship of this year's civil rights legislation, in spite of the fact that they have the most overwhelming variety of proposals from which to choose that have ever descended like an avalanche on the House of Representatives. No one has introduced a bill with which even the author appears to be satisfied. It is not only possible, it is highly probable that the author of H.R. 8601, the bill reported by the rule, will not even support his own bill reported by the committee of which he is chairman, but will seek to amend his own bill—for better or worse—depending on the point of view.

For this reason I am confident that if a secret vote could be taken on this legislation, the House of Representatives would defeat it overwhelmingly. I am constrained to believe that if this bill were voted upon on its merits after a thorough and informative debate, it would receive less than 50 votes out of the entire membership of the House of Representatives.

The committee bill, as well as the Republican substitute and related bills which have been introduced in the House of Representatives and in the other body are first of all wholly unnecessary. They are adequate laws and constitutional safeguards, both State and Federal, already contained in the constitutions and statutes to provide adequate relief from and adequate remedy for any deprivation of civil rights, real or imaginary. We assume, as of course we must, that these laws will be fairly and impartially enforced, and I believe that they are. I have no personal knowledge of any instance where the civil rights of either a personal or a political nature have been taken away from or denied to any person. I do not say that there have been no such instances, but I state categorically that I have no knowledge of them.

I can cite from firsthand knowledge the example of the city, county, district, and State in which I live and have lived during my entire lifetime. For more than 20 years I have been a member of the bar of my State, and I have practiced in both State and Federal courts for most of this time. I have served as solicitor general of the superior courts of the judicial circuit in which I reside, and prior to that time I served as an Assistant U.S. attorney for the northern district of Georgia; and never has any individual ever presented to me a claim of violation of his or her civil rights or constitutional rights. If they had, I give to you the solemn assurance that as an officer of the court, I would have taken the necessary action in each instance under the appropriate State or Federal law.

In my home county in proportion to population there are as many or certainly nearly as many members of the Negro race registered to vote as there are of the total population. In some precincts members of both races vote at the same polling place and drop their ballots into the same ballot box. In at least one other precinct they vote at a different voting station and cast their votes into a separate ballot box, but there has never been the first intimation that anyone has ever been denied the right to register, that anyone has been denied the right to vote or that any vote cast has not been counted in the exact manner in which it was cast.

There is simply no such thing as a denial of the right to register. There is no such thing as the denial of the right to vote. There is no such thing as intimidation of any person of any race for seeking to register or for seeking to vote.

While I cannot speak with the same certainty of the other 14 counties in the congressional district which I have the responsibility and the honor to represent, I am informed and in many instances I have direct knowledge that the same situation obtains in each of those counties.

Never since I have been a Member of this body has any person at any time ever complained to me in person, in writing or otherwise, directly or indirectly, of any instance of a denial of the right to register or the right to vote in any precinct, city, or county in the Fourth Congressional District of Georgia. While I do not feel it would be proper to attempt to speak with certainty of any community or area outside of the district which is my responsibility to represent, I feel reasonably certain that a similar and comparable situation exists throughout the State of Georgia. Though it may come as a surprise to many people who have not undertaken to find out the truth and realities of the situation that exists, there is at least one county—maybe more, but at least one—in the State of Georgia in which the number of registered Negro voters exceeds the number of registered white voters.

So far as the district which I represent and the State in which I live are concerned, the enactment of this legislation or further so-called civil rights legislation, instead of being beneficial to any group, it would actually be injurious and harmful to the minority group or groups it is alleged to benefit.

As a matter of fact, the results of the Supreme Court decisions in the school segregation cases, the enactment of the Civil Rights Act of 1957 and the activities of the Civil Rights Commission have been harmful to the Negro race in the South. Relations between white and Negro races in the South have deteriorated since May 17, 1954. The clear indications of improvement of race relations have been set back by these decisions and by the activities of the Civil Rights Commission.

The lines of communication between the white citizens on one hand and the Negro citizens on the other are gradually being destroyed by unwarranted meddling and interference by outsiders who care nothing for the Negro race and who

in most instances know nothing whatsoever of actual conditions but seem determined to exploit an entire race for base political motives that become absolutely inhumane in their application.

Another objection which far transcends the other objections is that further so-called civil rights legislation will be dangerous to constitutional government in the United States of America and will strike the deadliest of blows to the very structure of the Government under which we live. I am convinced that enactment of this legislation, with the accompanying devastation of constitutional processes and the further deterioration of good will between the white and Negro races in the United States, would be more disastrous to our Nation and our Government and its processes than if there should be catastrophic destruction of every material structure in our country.

Daniel Webster, whose quotation is the only one adorning this Chamber, might well have been speaking of a circumstance such as this when he said:

> Other misfortunes may be borne, or their effects overcome. If disastrous wars should sweep our commerce from the ocean, another generation may renew it; if it exhausts our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still under a new cultivation they will grow green again, and ripen to future harvests.
>
> It were but a trifle even the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these may be rebuilt.
>
> But who shall reconstruct the fabric of demolished Government? Who shall rear again the well proportioned columns of constitutional liberty?
>
> Who shall frame together the skillful architecture which unites national sovereignty, with States rights, individual security, and public prosperity.
>
> No, if theses columns fall they will be raised not again. Like the Colliseum and the Parthenon, they will be destined to a mournful and a melancholy immortality.
>
> Bitterer tears, however, will flow over them than ever were shed over the monuments of a more glorious edifice than Greece or Rome ever saw—the edifice of constitutional American liberty.

It is ironic that the very legislation which could destroy the Constitution should be entitled "A bill to enforce constitutional rights, and for other purposes."

Title I of H.R. 8601 is unreasonable, unnecessary, and even discriminatory from the very language it contains. Read, and read carefully, section 101, which is as follows:

TITLE I

Obstruction of court orders

SEC. 101. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of certain court orders

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any public school, or (2) directs that any person or class of persons shall not be denied admission to any public school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any public school, shall be fined not more than $1,000 or imprisoned not more than sixty days, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime; provided that any such fine or imprisonment imposed for violation of such injunction shall be concurrent with and not consecutive or supplemental to any criminal penalty imposed hereunder.

"This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

If this section is good legislation, if it is either desirable or necessary, why should its provisions be directed solely toward orders, judgments, and decrees of U.S. courts which deal only with school cases? If this legislation is either desirable or necessary, why should it single out one small limited field of alleged Federal court jurisdiction instead of applying its provisions to all orders, judgments, and decrees of all courts? The reason it is neither necessary nor desirable is because this provision stands diametrically opposed to every tradition, custom, law, and constitutional provision of the Anglo-American system of jurisprudence.

Such a provision as section 101 might be appropriate in the code of Hammurabi, in ancient Roman law or in its modern counterpart, the code of Napoleon, or perhaps in Jewish law—ancient or modern. There is no place in the American system of law for any such provision which would single out and give more dignity to one limited type of court order than to other court orders issued by the same court.

From the beginning of the system of law which we know in America, indeed throughout the history of Anglo-Saxon and English law from which most of our legal processes are derived, never has it been deemed proper, desirable or necessary for a legislative branch of Government, State or Federal, to attempt to bolster and add either weight or dignity to judicial orders and processes. The courts of this country, U.S. courts and State courts alike, have ample authority to enforce their own orders, judgments, and decrees. Never in the history of this country has it ever become necessary for a court or a political group to call on the executive or legislative branches for use of force or legislation to compel compliance with court orders or to prevent obstruction of court orders, until this very time dealing with this very limited subject matter of schools.

It is unfortunate, but nevertheless true, that the more illegal, unlawful, and unconstitutional a court order might be, the more it seems to become necessary to compound its own illegality or unconstitutionality by more and further judicial, legislative, and executive actions. Never in the history of this country has there been such an effort made to perpetuate a bad and evil thing as has been undertaken since May 17, 1954, to implement the decisions of the Supreme Court in the school cases.

Let us take a look at title II and see if there is any portion of it which relates to the title of the bill. It is comparatively short, so we will quote it verbatim, and it follows:

TITLE II

Flight to avoid prosecution for damaging or destroying any building or other real or personal property

SEC. 201. Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement: *Provided, however,* That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section."

SEC. 202. The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property."

In the first place, is it germane? I think not and believe that it should be stricken under a point of order. However, even if it were germane, why should it, among all the possible crimes, be dealt with in this manner rather than in the customary procedure by which Congress has heretofore seen fit to provide statutory language in defining crimes involving unlawful flight to avoid prosecution. It is not only ambiguous and unrelated, it is indeed misleading to place this section in this legislation.

From time to time, the Congress in its judgment has seen fit to enact legislation concerning flight to avoid prosecution and offense in violations involving murder, arson, burglary, felonious assault, rape, kidnaping, embezzlement, and robbery; and it has done so by the simple process of regular legislation instead of including this type of subject matter in so-called civil rights legislation. There is not a Member of this body who for 1 minute would condone or sanction any of the crimes described in section 201 of H.R. 8601, but it is difficult, even impossible, for me to associate this subject matter with the subject matter of the bill. If this is good legislation and if it

should be enacted, then it should be brought up in exactly the same manner that every other bill has been enacted defining unlawful flight to avoid prosecution.

Title III of the bill, including section 301 through section 307, which reads as follows—

TITLE III

Federal election records

SEC. 301. Every officer of election shall retain and preserve, for a period of two years from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 302. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 401 to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 303. Any record or paper required by section 401 to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

SEC. 304. Any record or paper demanded pursuant to section 303 shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

SEC. 305. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

SEC. 306. The United States district court for the district in which a demand is made pursuant to section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 307. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico—

Is wholly unnecessary and can be used as the instrument by which more corruption, criminality and violations of law could be injected into election processes than any legislation I have ever seen seriously proposed and considered. So far as I know there is no instance in any of the 50 States where any election officer, poll-holder or election manager is anything other than a State or party official. There is no provision in the Constitution of the United States or of any State for a Federal officer of election in any form or fashion. This is no accident. It is by purpose and design that the election processes will be less subject to improper or unlawful control if the machinery for such election is provided by State law and therefore subject to close State and local supervision and scrutiny.

Title III of the bill is not nearly as vindictive or vicious as the proposal for either Federal referees or Federal election, but it is equally unnecessary and undesirable, and no portion of it, either in this title, or by amendment, can serve any useful purpose. The enactment of the provisions of title III would to all intent and purposes nullify the machinery and processes provided by State laws for the conduct of elections, recounts, election contests and certification of election results. Each of these have historically been a prerequisite of the States, and the results have for the most part not only been good but far preferable to what would take place under Federal control of elections.

Unless a disclaimer of preemption be added to the bill, the provisions of this title would seriously jeopardize every State law relating to general elections and primaries in every State in the Union. If ever an unconstitutional attempt to invade State prerogatives has been undertaken, it is in this instance where expressed provision is proposed for the Federal Government to supervise and conduct general, special, and primary elections. I believe that if there had been a provision for Federal supervision of elections when our Government was organized that our country and our Government would not have lasted a full century. It was no accident that a provision for Federal control of elections was omitted from our Constitution. It is not there because the control of elections is inherently a function to be performed by the government closest to the election itself, which is to say the State governments.

It would be just as improper to provide for Federal control of general, special, and primary elections as it would be for Congress to attempt to legislate the control of the national conventions of political parties, including the control of selection of candidates for President and Vice President. To provide for Federal control of nominations and elections would violate every known political and personal right.

If Federal control of elections, as anticipated by the provisions of title III should be imposed upon the American people—instead of protecting the right to register, the right to vote, and the right to select officials on every level, national, State, and local—this provision would effectively destroy the voice of any individual in the selection and choosing of every elected official.

Title IV reads:

TITLE IV

CIVIL RIGHTS COMMISSION EXTENDED FOR TWO YEARS

SEC. 401. Section 104(b) of the Civil Rights Act of 1957 (71 Stat. 635; 42 U.S.C., Supp. V 1975c(b)) is amended to read as follows:

"(b) The Commission shall submit an interim report to the President and to the Congress not later than September 1, 1959, and at such other times as either the Commission or the President shall deem desirable. It shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than four years from the date of enactment of this Act."

SEC. 402. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d) (71 Stat. 635) is amended by adding the following new subsection at the end thereof:

"(h) Without limiting the generality of the foregoing, each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation."

SEC. 403. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d(a)) (71 Stat. 635) is amended by striking out the words "in accordance with the civil service and classification laws," and inserting in lieu thereof the words "without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended."

It would extent the Civil Rights Commission for 2 years, and as far as I know, it would do little else. It would extend the life of the Commission and provide for interim and terminal reports of the activities, findings, and recommendations of the Commission. The Civil Rights Commission, as presently constituted, was created by an act of Congress known as the Civil Rights Act of 1957, after which the Commission was appointed. It was staffed and went to work. The life of the Commission was extended in 1959.

After 2 years of activity and investigations, it brought forth a report not based upon sworn testimony, but based mainly on unsworn statements by complainants, many of whom preferred to remain anonymous. Four suits alleging denial of voting rights have been filed. There are over 1,000 counties in the 11 States of the South, yet only 4 complaints have been filed, and these on questionable evidence.

If one-tenth of the allegations which have asserted denial of voting rights had been true and if all they could turn up were alleged denials of voting rights in 4 counties out of more than 1,000 counties in the South, then much progress must have been made between the time those allegations were first made and the time the Civil Rights Commission finally investigated them.

The activities of the investigators of the Civil Rights Commission in my own State have created strife and turmoil wherever those investigators went; and in my judgment and opinion, not a single individual right to register or right to vote has been generated or increased by the activities of the Civil Rights Commission. There are many instances where the activities of the Commission and its investigators have turned friend against friend and neighbor against neighbor.

The bona fide efforts of local people, including public officials and private citizens, have already done more to generate interest and activity in voting and elections and in registration of voters without regard to race, creed, or color than the activities of the Civil Rights Commission could do in a generation or a century. The ineffective and obnoxious activities of the Civil Rights Commission establish conclusively that no Federal agency or commission can take the place of or be a substitute for local interest and local activities.

While I have little doubt that the life of the Civil Rights Commission will be extended, I have no doubt that it will continue to do more harm than good and will never succeed in accomplishing the avowed purpose for which it was created.

Let us examine title V:

TITLE V

Education of children of members of Armed Forces

SEC. 501. (a) Subsection (a) of section 6 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(b)(1) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(2) The second sentence of such subsection (d) is amended by striking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements".

SEC. 502. (a) Section 6(b)(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended, relating to applications for school construction projects with respect to which Federal aid is requested, is amended by striking out "and" at the end of clause (F), by striking out the period at the end of clause (G), and inserting in lieu thereof "; and", and by adding after clause (G) the following new clause:

"(H) assurance that such agency will make the school facilities included in any such project, the application for which is approved after enactment of this clause, available to the Commissioner pursuant to section 10(b)."

(b) Section 10 of such Act, relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(c) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10.", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land and off-site improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determined by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner."

Title V relates to and deals with the education of children of the members of the Armed Forces. This double-barreled title, consisting of two sections, is so unnecessary as to be ridiculous and absurd. It is meaningless and according to the gentleman from New York [Mr. CELLER] applies to one case only.

The CONGRESSIONAL RECORD, Thursday, March 10, 1960, page 5201, reads as follows:

Mr. CELLER. Title 5, which is a part of the bill, provides for the education of the children of members of our Armed Forces. You may recall that in one particular instance the public schools were closed. I think it was in Norfolk, and the children of military personnel at the Norfolk installations were deprived of a public school education. This provision, title 5, would provide under varying circumstances that these children of military personnel would have access to appropriate educational channels.

That will be in the form of an amendment. That is not in the present bill.

Mr. Chairman, surely reason and judgment dictate that we should not legislate because of an isolated incident. Surely this does not appear to be within the legislative jurisdiction of the Judiciary Committee and I anticipate that a point of order against it will be made.

The referee provision and other amendments, which we understand will be offered, will be more fully discussed when the bill is read for amendments; and I expect to participate in that discussion.

Mr. Chairman, I appeal to the judgment and reason of the House to defeat this legislation.

Mr. WILLIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, I do not think this is a day of which we as Members of the House of Representatives can be proud. There are those who will of course contend that they are looking after the so-called civil rights of some of our citizens. They will bemoan the alleged misfortunes and mistreatments of these citizens, demand passage of a law, and then quietly return to their own segregated way of living.

Their first interest, in fact their genuine interest, Mr. Chairman, is not in the enactment of a new civil rights law. Their first interest is their own political position, their reelection come next November, or possibly their election to an even higher office than that which they now hold.

Strong pressures are being brought to bear. In response to these pressures this subject is now before the Congress and that is the only reason it is here. The reelection hopes of many are tied to it. And, as I have stated, there are those who hope to use the pending proposal as a springboard to an even higher office such as President or Vice President.

I say again, it is not the sort of day of which we can really be proud. When the years have passed and nonpolitical historians record the events of this day, I believe they will record it as a rather ordinary hour in the annals of low American politics and statesmanship.

It seems as though every Congress must either pass or consider a bill which in effect exacts another pound of flesh from the backs of southern people. This is my ninth term in this body. I cannot recall a term passing without at least one bill in the nature of that before us having the consideration of the

House. It was either an anti-poll tax bill, an anti-lynching bill, a fair employment practices bill or a so-called civil rights bill, each and all of which were designed to do something to my section of the country. But, the real object of the proponents was to gain favor—political favor—with bloc-voting minorities of the North, usually the colored minority.

As I say, they find something that has political appeal to a bloc-voting minority and immediately they take up the chant, "There ought to be a law, a Federal law." The demand now is for integration, forced integration, by Federal law. While there are various points in the pending bill, the general objective is to promote integration.

Forced integration, even at the hands of an all-powerful Federal Government, can never be a success. Law does not make one people acceptable to another. It cannot make people love one another. And it cannot make one people satisfied to be associated with another. There must be a genuine desire on the part of all parties to integrate, to associate. We may conclude this day with a new law. The proceedings of the pending effort may give birth to a law, a strong law. But you can rest assured my friends that it will not be effective. It will not make for a law-abiding society. If there is objection on the part of either party or group of parties to enforced mixing, the law will only make for trouble.

For each year now since this attempted wave of enforced mixing has been in progress, race relations in the United States have been deteriorating. I agree that there may be a bit more integration, that is, integration of an enforced character. But the other side is that there are deeper seated racial animosities, jealousies and prejudices, and more downright racial violence and hate today than at any time in the history of our country.

With the consideration of the Civil Rights Act of 1957, the country experienced a wave of racial incidents, many of a violent character. There were protests and violence in many northern cities over Negroes moving into white neighborhoods—in Detroit, Levittown, and numerous other places. There was also a wave of assaults, muggings, yokings, and violent crimes.

After a time the frequency of these events subsided. Now they are in full force again from one end of the country to the other and from North to South. It is my contention that this sort of legislation breeds unrest among our people. It brings forth acts of violence which otherwise we could not have visited upon us.

For instance, in 1957 the Congress established a Commission to investigate the allegation that some of our citizens were being denied the right to vote because of their religion. There was no testimony in the record that anyone had been denied the right to vote because of religion. There was no complaint from anyone that he had been denied the right to vote because of his religious beliefs. The hearings did not support the need of a Commission to make such an investigation. That provision of the bill was so lacking in justification in the reported hearings of the committee that the Judiciary Committee struck it from the bill. Later, however, on a very close vote it was reinstated, and what a mistake it was to do so.

During the debate several of us endeavored to determine from the proponents why this provision was included in the bill. Not a single incident had been placed either in the record of the debates or of the hearings of the committee justifying such an investigation by such a Commission.

Sometime thereafter a few synagogues were damaged by bombs. Swastikas were splashed on the walls of others. These incidents happened in both North and South. Such as this never happened before. I say to you that the inclusion of the above-mentioned authority in the Civil Rights Act of 1957 without the slightest evidence of necessity therefor helped breed the hate which culminated in these despicable acts.

I repeat that the Civil Rights Act of 1957, instead of promoting harmony among the people of our lands of different races and of different faiths, has promoted distrust, unrest, hate, and violence. The people of our country, made up of more distinct racial and religious groups than any other country in the world, have been doing very well together until selfish politicians began playing to them as minorities in an effort to secure the favor of their political support.

Enforced social mingling, enforced association of any kind or character, can never succeed. It makes no difference whether the effort be made between races or within races. The human being just happens to be of a discriminating character. Laws will not change man's individuality, his taste or his instincts. Neither will law change a man's color or characteristics although some seem to think it can and a few seem to hope it will. It is regrettable that so many are evidently dissatisfied with what the Lord made of them.

Throughout the ages people of different races, different colors and different creeds have very largely segregated to themselves. This is particularly true in our large metropolitan cities. It is quite common to find communities which are either entirely or almost entirely Negro, or white, or Chinese, or Protestant, or Catholic, or Jew. This comes from a desire of those of particular characteristics, either it be color or religion or whatever, to wish to live with their own.

Stripped of the fringe, the lace, trimmings and make-believe, the pending bill and all other bills before it including the Civil Rights Act of 1957 are purely political.

Now on the question of voting rights, there is adequate authority on the lawbooks of the States and Federal Government to guarantee that privilege to every citizen who meets the qualifications laid down in each State. The courts of the States as well as those of the Federal Government are open to him and so is the office of the Attorney General of the United States. The Civil Rights Act of 1957 made the Attorney General the special attorney for any citizen who is denied such rights.

As for bombing or setting fire to public or private buildings, schools, churches, synagogues, or whatever, I am sure that no Member of this body condones such. There is already adequate remedy for the apprehension and punishment of any such offenders.

I do not see the logic or reasoning which supports the proposal to make it a criminal offense for one to violate an order of a Federal court regarding school integration. Why just school integration cases? Why not any Federal order? This is the first time in history that an attempt has been made to make resistance to a Federal court decree a crime. Already the resistance to a decree of such a court is punishable as a contempt of court. The contempt provision is not selective or discriminatory. It is made applicable to the resistance of any decree entered by any Federal court no matter what the subject matter may have been. But now in addition to the contempt provisions, resistance is to be made a crime but as to decrees in school integration cases only. Why not all cases?

If we are for the first time in history to make resistance to a decree of a Federal court a crime, then the new law should be made applicable to all decrees of all Federal courts. As it has been so well said, if it is iniquitous to resist one type of decree of Federal courts, it is just as iniquitous to resist all types of decree of the Federal courts.

The 1950 census will show that 70 percent of our country's Negroes prefer to live in the South. If the situation is so bad down there, if they are receiving treatment which is so unbearable, so intolerable, so inhumane, why is it that most of them continue to remain in the South? The fact that they do should be proof sufficient that their segregated life there is neither harsh nor undesirable. There is no restriction on migration to the North.

It is noteworthy that almost all of the agitation for integration, for civil rights, comes from Congressmen of States which have no Negro problem or from States which have a limited Negro population due to residential segregation, but have a powerful Negro bloc vote.

It would be a fine thing if those States which share their solution with the South would offer to share the problem. Let the State governments of those States which Representatives and press advocate integration and civil rights legislation, make available accommodations for the number of Negro citizens necessary to bring their Negro population up to the national average of 10 percent. This includes housing and employment as well as school and church facilities.

We will give their message wide publicity throughout the South so that our unfortunate segregated Negroes may migrate to their States. No fairminded American could object to this plan. Even the NAACP, the ADA, the ADL, and both political parties could throw their tremendous weight toward this solution of

this national problem. The plan is logical, practical, humane, democratic, and sound. Our northern and western friends will be given an opportunity to practice the civil rights, the equality, and the integration which they preach.

Industrialized agriculture is leaving many Negroes in the South without work. Thousands of them are moving west and northward each month in search of employment. As the black hordes move in, our northern friends are having to dig deeper for more and more tax money to provide public services, housing, schools, and public welfare. Unfortunately, in the integrated North, East, and West, the Negro bears no larger share of the tax burden and cost of government than he does in the South. So the problem is shifting but not as rapidly as it should in order to effect equitable sharing among all cities and States of the country.

An examination of this debate might give would-be Negro migrants an excellent clue as to what cities, congressional districts, and States are extending the heartiest welcome. Of course, they cannot be too sure because we all know this is political. On the other hand, a degree of profound concern for the unfortunate southern Negro might be gleaned from some of the Member's statements. If so, it would be in the districts of those Members that the migratory inclined Negro might well establish a new residence.

In conclusion there is one element of discrimination which has been practiced by some proponents of civil rights legislation with proficiency and perfection and which has not been alluded to. I have reference to those who control the Judiciary Committee of this body and who establish the tribunal—the Civil Rights Subcommittee—which conducted the hearings, took the testimony, and drafted the bill for submission to the Judiciary Committee. Although there are 11 distinguished southerners on this 32-man committee, when the membership on the Civil Rights Subcommittee was revealed, not one single southern Member was named thereon. The subcommittee was made up entirely of members from the States of New York, New Jersey, Massachusetts, Pennsylvania, Ohio, Michigan, and Colorado. Southern membership on the committee appeared to have been meticulously avoided.

If there is any question in the mind of any person as to whether or not the subcommittee was intentionally so established, then I think he can satisfy his doubts by examining the personnel of those who were appointed to serve on the same subcommittee during the last Congress. At that time there were 10 southern members on the 32-man Judiciary Committee. When the Civil Rights Subcommittee was selected, it was significant that no southern member was selected to serve thereon. The subcommittee was made up entirely of members from New York, New Jersey, Ohio, and Colorado. Could it have been that this just happened, that it was not done by design?

Inasmuch as a record is being made this day that is designed to eliminate discrimination, I think the record should show for the benefit of those who may read it in the decades ahead of the discrimination that was practiced against the South in the establishment of a subcommittee to hear the testimony, study the case and make the original determination as to whether or not there should be legislation on the subject. If we of the South are to be denied the right of having even as much as one single voice on this subcommittee, then certainly that alone should raise a doubt in the minds of fairminded people as to whether or not the legislation is justified and fair.

I sincerely hope, Mr. Chairman, that the bill will be defeated. I must confess, however, that its importance as a "vote-getter" for many of our northern and western friends is such that the prospects of defeating the bill are not good. Regardless of the outcome, time will eventually prove that this sort of legislation is destroying the States and making a mockery of democratic government.

Mr. WILLIS. Mr. Chairman, I yield such time as he may require to the gentleman from Tennessee [Mr. FRAZIER].

Mr. FRAZIER. Mr. Chairman, the bill under consideration, H.R. 8601, is another effort to break down and destroy the last vestige of the rights of the individual States. It will constitute one of the greatest assaults on the cherished rights of our citizens and our respective States. Not since the days of reconstruction following the War Between the States has such vicious legislation been proposed.

It is not needed and its enactment would reflect discredit on our people and the government of our States. It would result in further invasion of areas of government that properly belong to the States. It would establish and set in motion an inquisition that could accomplish nothing except to intensify distrust and misunderstanding.

From an examination of the bill before the House, you can arrive at but one conclusion and that is the final destruction of the rights of the individual States to control their own domestic affairs. The House bill contains the following provisions:

Title 1 provides Federal criminal penalties to a maximum of 60 days in jail and a $1,000 fine for overt or threatened obstruction of Federal court orders to desegregate public schools.

One of the striking features on this section is that it makes obstruction of Federal court orders in school segregation cases a Federal offense but it does not apply to any other type of court order. The constitutionality of this section of the bill is doubtful for it seems to violate the right of freedom of speech under the first amendment to the Constitution.

This section is also a wide open invitation to multiple criminal prosecutions for the same act. For instance, this section specifically provides that no injunctive or other civil relief against conduct made criminal by this act shall be denied on the grounds that such conduct is a crime. It is evident that the objective is to subject people to the general contempt powers of the Federal courts to criminal prosecution under the Civil Rights Act of 1957 without trial by jury and to criminal prosecution, under the present bill.

Title 2 fixes Federal penalties to a maximum of 5 years imprisonment and a $5,000 fine for flight across State lines to avoid prosecution for actual or attempted destruction by fire or explosives of "any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center, or educational institution, public or private." The same penalties would apply to persons fleeing across State lines to avoid testifying in court in such cases.

This section is really an amendment to the so-called Fugitive Felon Act of 1934 and has no place in this bill. All of us are interested in apprehending any individual guilty of bombing churches, homes, and buildings but this section has no remote connection with civil rights. It should not be in the bill.

Title 3 requires State and local election officials to preserve for 2 years all records relating to applications, registration, poll tax payments, or similar provisions affecting voting for President, Vice President, and Members of Congress at general, special, or primary elections. Failure to comply would carry a maximum penalty of 1 year imprisonment and a $1,000 fine. This section sets similar penalties for stealing, destroying, concealing, mutilating, or otherwise changing such records. It also provides that any records so retained for 2 years after an election shall be turned over to Federal authorities for inspection on demand by the Attorney General.

Here we are giving unlimited power of discovery to the Attorney General on mere demand, on State officials, and acting without court order and undertaking to impose new duties on State officials, which is doubtful if Congress has the power to do.

Title 4 extends for 2 years the Civil Rights Commission. This section should be deleted as similar legislation has already been passed during the last session.

Title 5 makes arrangements for free education of children of active duty members of the armed services stationed in communities where public schools close because of desegregation controversies.

It would enable the Federal Commissioner of Education to provide for the education of children of military personnel. Under the Supreme Court decision in the Brown case, the enforcement of segregation decrees is left to the lower Federal court. Here the Commissioner of Education would be empowered to provide education for children of military personnel whenever he finds that no suitable free public education exists. There is no limit to the power of the Commissioner as to how far he will go in the exercise of his judgment that no free public education exists. This title is really an amendment to the school impacted area law.

None of the provisions of this bill are needed to preserve the rights of the citizens of the United States or to main-

tain peace at home. There are now on the statute books laws upon laws that preserve to the individual citizen every conceivable protection and right that he may require.

In my State of Tennessee, the Negro has the same voting rights as any white citizen. He can, and does, walk up to the polling places and casts his vote like any American citizen. I never, in all my experience, have known of an instance in my State when a voter who has qualified was deprived of his right to vote because of his race or color.

But the bill before the House is not as iniquitous as the bill now being considered by the other body, and I am sure that before this debate is concluded many of the most obnoxious provisions of those bills will be offered as amendments to our bill.

Undoubtedly the administration civil rights bill will be offered in the House as an amendment or as a substitute for the House bill. This substitute or amendment proposes, first, that any resistance by local and State officials, and for that matter the public, to a Federal court desegregation decree be made a crime punishable by both imprisonment and fine. This provision is similar to title 1 of the House bill, and second, that a new kind of fugitive law be enacted creating another new Federal crime and making the penalty for fleeing greater than for the wrongful act. This is similar to title II of the House bill. Third, that Federal jurisdiction be asserted over State election records and over the handling by State election officials of such records—it would open records of State and local elections and election officials to a politically appointed Federal Attorney General or his designated representatives. This is similar to title III of the House bill. Fourth, that Supreme Court decisions be regarded as amendments to the Constitution and that funds be authorized and appropriated for use in efforts to bribe State and local officials to integrate their schools; fifth, a further push for widespread acceptance and enforcement of the old FEPC proposals, which would give a Federal agency control over hiring and firing employees in private business; and, sixth, that Federal agents be authorized to determine who is qualified to vote in any local, State, or Federal election and police the polling places, the administration of the election processes, and the counting of the votes.

This last proposal has already been introduced in the House in another bill, H.R. 10625, which provides for court appointment of State voting referees which is especially obnoxious. It provides Federal court appointed referees to make sure that Negroes are qualified to register and vote in Federal and State elections.

This bill, which was proposed by the Attorney General of the United States, provides that the election machinery of the 50 States be under the control of Federal voting referees appointed by Federal judges and is merely a rehash of the vicious legislation enacted into law in 1871 as a product of the passions of a blinded Congress following the War Between the States. Its application resulted in fraud, malfeasance, scandals, and tyrannies of such incredible proportions that the American people arose in righteous indignation and repealed it in 1894.

I cannot conceive that anyone who has had the opportunity to read and study the voting referee provisions of the civil rights bill recommended by the U.S. Attorney General can possibly vote for it. It is one of a series of punitive political measures designed to penalize the Southern States.

Fundamentally, it restores the old force bills of the chaotic Reconstruction days following the Civil War when the people of the South lived under a government by carpetbaggers. The bill was cleverly drafted and hastily introduced, and is sought to be attached as an amendment to a comparatively moderate bill reported out of the House Judiciary Committee. The desperate filibuster now being conducted in the Senate hinges around this new bill, proposed, devised, and written by people outside of the legislative bodies. It takes from the States and vests in Federal authorities the supervision and control of elections, Federal and State, from the justice of the peace to the Governor of the State. It is important for the people to know and understand from the language of the bill itself how cunningly it is devised to deprive the States of their constitutional and inherent right to determine which of its citizens possess the necessary qualifications to vote under State law. This is the first time an effort has been made to take charge of the State as well as the Federal elections.

Here is how the bill will work if enacted into law:

Upon complaint, the first step will be, upon request of the Attorney General, for the Federal court to "make a finding" whether discrimination exists against Negro voters "pursuant to a pattern or practice." The bill does not define what constitutes a pattern or practice and the decision on this question is left entirely to the discretion, whims, or prejudices of a Federal judge. It does not require that the Federal judge shall be a local one. A judge from any other State in the Union may be designated to preside and supervise the local elections. There is a total lack in the bill of any provision of how this finding of discrimination shall be made, or the rules, procedures, or evidence under which it is to be done. After the Federal judge, under the guidance of the Attorney General and without any specific provision for a hearing on the part of the State involved, makes a finding that a pattern of discrimination exists, the decree would establish a conclusive presumption that all Negroes, who were not even parties to the inittal proceeding, have in fact been discriminated against. It would make it totally unnecessary for them to prove any alleged discrimination on account of race or color. That is the crux, and the very heart of the bill.

In the next step, the referee, appointed by the Federal judge, takes the statement of the applicant and the specific language of the bill requires that "the applicant shall be ex parte" which means that the other parties, the State and the authorities in the locality, are denied the opportunity to be heard. The first bill introduced on the subject specifically required that these referees be selected from persons outside of the State. This was such an obvious carpetbagger requirement that in the revised bill that provision is omitted. But there is no provision in the present bill that the referee shall be a local person with knowledge of local people and it still permits, although it does not require, the court to appoint referees from out of the State.

The next step in this cunning scheme compels the referee to presume that the applicant has been denied the right to vote on account of race or color and to accept as true his representation or misrepresentation as to his age, residence, and so forth. The referee really does not referee anything. He hears only one side of the issue. The bill, in violation of all standards of due process, denies local registrars of voters or State officials, who are presumed to have denied the right of an applicant to vote on account of race or color, the right to be present with counsel at the so-called hearing and the right to confront and cross-examine their accusers.

In the next step, the referee reports the result of his hearing to the court. At this point only, the attorney general of the State is invited to file exceptions to the report, but since the report contains only the self-serving declaration of the applicant, without the right of confrontation and cross-examination, this invitation is practically meaningless.

When all of this unprecedented procedure has been carried out according to plan, the court gives to the Negro a certificate that he is a qualified voter and then authorizes the referee "or such other person or persons as he may designate" to attend the election at all polling places, look over the shoulders of the State authorities and see that the person is voted, and that the vote is counted.

Likewise, in all other respects, if complaint is made by a Negro voter that the judge's orders have not been carried out to the letter, the State election officials may be hauled into court on a contempt citation and sentenced to jail, or fined, or both, and deprived of the right to trial by jury. It is a frightening prospect that in the United States our Federal jails could be filled with political prisoners consisting of State officials. It is utterly unconstitutional. It is devastating.

I urge you to defeat this legislation. Leave to the people of their respective States the power to determine and right to judge for themselves what is wisest and best for them respecting their local and domestic affairs. This bill boldly proposes to strip the States of their conceded constitutional power, to take away the very essence of the rights of the people to order, to shape, to determine, to control their own local and domestic affairs in their own way and in accordance with their own judgments and interest.

Mr. Chairman, the right of local self-government reserved by the Constitution to the States is dear to the hearts of the American people in every State of this Union. No less North than South; no less East than West; but nowhere is it esteemed of greater or more supreme importance than by the people of the South. Upon that subject the people of my State feel deeply, for through all the vicissitudes of the past it has been their shield and their protection. I beseech you, do not force upon us this civil rights bill with all its dangers and demoralizing tendencies.

Let us not abandon the rights of the States in an unwise effort to enact legislation unneeded and uncalled for in an alleged effort to protect civil rights.

It is time for the American people, and especially us, who have the responsibility of representing them, to pause, to reflect, and to contemplate with patriotic consecration the words of their greatest political philosopher, Mr. Jefferson:

> Let us preserve the State governments in all their rights as the most competent administrations of our domestic concerns and the surest bulwark against anti-Republican tendencies.

Mr. WILLIS. Mr. Chairman, I yield such time as he may require to the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Chairman, I oppose H.R. 8601, the so-called civil rights bill of 1960; and so that the record will be clear and unmistakable, I emphasize that I oppose each of the six titles of the bill, and each section of each title.

The civil rights legislation now before us, even as I speak, and as the debate about it continues both in the U.S. House of Representatives and in the other body, is having a bad effect on race relations all over the country. Also, its passage will hinder the progress of public education in many areas of the country.

The mutual trust, confidence, friendliness, and cooperation between the races in recent years have seen a constant freezing out by suspicion, fear, incrimination, by litigation and the threat of litigation. The passage of this bill will only add to the dire things that are now happening. Recent reversals of long-standing public policy by the Supreme Court have shocked and torn and bewildered peaceful communities which have never before experienced violence or hatred. When you add this bill to what has already happened, then those who do so must assume their part of the responsibility for the consequences.

In looking at the South across the sweep of the years since Reconstruction one can clearly see a pattern of mutual respect between the white and colored races. One can also see across the past three generations a strong trend of economic and intellectual improvement of the Negro. One can see the status of the Negro in the South steadily rising.

At this time to further aggravate with new legislation the unhappy climate which every Member of this body knows exists would be most unfortunate.

I oppose this legislation. I do so not because of any feeling of inhumanity toward the Negro race. I do so because I sincerely believe that inherent in this legislation is greater danger than any purported good that it may do.

There are many binding ties that exist between all the peoples of our Nation. But, there are also differences—differences in manner of speech, differences in social customs, and differences in viewpoint. The historical cause of these differences must be recognized, and I appeal to this House to give such recognition before devising unworkable rules and imposing them upon the South in an effort to make it conform with another section of the country that has more voting strength in this body than does the South.

The South was slower than other sections to realize industrial development. Generally, it took a longer time for its cities to reach metropolitan proportions. By and large, the South is still a land of small towns. The relationships of its people, one with another, have been closer than elsewhere. Consequently, the understandings and the feelings of the races, one for the other, and for the problems of one another, and the respect for the beliefs of one another have generally been greater than in the more heavily populated areas of the North.

I say to my colleagues that the South, from which I come, was once a nation in its own right. For a long time it was an occupied nation. For many years prior to the War Between the States, slavery was one of its institutions. All of these facts are a part of our history. They have had an impact on us. And it must be remembered that the hard impact of the Reconstruction days developed attitudes that cemented the mode in which large numbers of white people and large numbers of colored people learned to live peacefully in the Southland for so many years.

In this bill you attempt to substitute something harsh, something filled with a lack of understanding, to take the place of the faith that one section of our contry should have in the other. Sir William Osler said:

> Nothing in life is more wonderful than faith—the one great moving force which we can neither weigh in the balance nor test in the crucible.

I ask you where is such faith to be found in this bill. It does not exist here. It is every day made evidently clear in the press and in political statements that it is sectional legislation, carefully designed to be imposed upon the South. Is it a punishment? If so, for what? Is there any record where the South has ever sought to impose legislation on other sections for practices peculiar to those sections.

I do not at this time propose to analyze and discuss each section of this bill. Here I prefer to speak of its overall implications. At a later date, as the debate proceeds I expect to speak more specifically to some of its separate titles. I expect also to do what I can to amend and improve the bill as we go along.

This bill deals implicitly with human attitudes and human customs. Its adoption will undoubtedly result in agitation by its supporters for additional legislation. That has been the history of these recent years. The very fears that many of us bespoke here in 1957, that the Civil Rights Act of that year would be followed by demands for more and more and harsher and harsher legislation, is coming to pass. In the meantime, the steady progress and steady advancement of the Negro has declined in the South and, I think, throughout the Nation.

Under the whiplash of such laws, the determination to resist grows greater and greater. I think no Member of this body would deny that sectional strife is growing greater and greater as the dominant majority of the Congress attempts to impose thought control on the minority. The law before us is a force bill—designed to force people to do things in the fields of the relationship of one race with the other that they do not desire to do by mutual understanding.

Think of the mighty effort that those who support this legislation are pouring into its drive for passage. Think of the effort that those of us who oppose the bill put forth. Above and beyond that, Mr. Chairman, think of what all that mighty effort would accomplish if it were poured into a drive to fill the defense gap, or to find the solution to the farm problem, or to strengthen the financial stability of small business so that it might compete in a true free-enterprise economy. Think of what such a mighty and united effort might achieve in the field of education and in providing needed classrooms for our children. Think what such an effort might produce in the field of economic security. Think what it might mean in scourging the dread diseases from the face of the earth.

Today America needs unity, not division; it needs faith, not distrust.

Mr. WILLIS. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. WILLIAMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 22]

Adair	Derounian	Miller, Clem
Albert	Downing	Mitchell
Allen	Edmondson	Morgan
Anderson, Mont.	Fenton	Morrison
	Fino	Moss
Anfuso	Flynn	Mumma
Auchincloss	Forand	Norblad
Ayres	Fulton	O'Brien, Ill.
Baker	Grant	Pillion
Barden	Green, Oreg.	Porter
Barrett	Griffin	Powell
Bates	Gubser	Randall
Baumhart	Hargis	Sheppard
Bentley	Harrison	Spence
Blatnik	Hébert	Springer
Bolton	Holifield	Taylor
Bowles	Jackson	Thompson, La.
Budge	Kasem	Ullman
Burleson	Kearns	Vinson
Chiperfield	Kilburn	Wharton
Coffin	King, Utah	Wier
Curtis, Mass.	Kirwan	Wilson
Davis, Tenn.	Lesinski	W throw
Dawson	Metcalf	Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair,

Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, and finding itself without a quorum, he had directed the roll to be called, when 360 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Georgia [Mr. FORRESTER] is recognized for 20 minutes.

Mr. FORRESTER. Mr. Chairman, I would deeply appreciate it if the Members would remain here for a little while. I do not think the debate is going to be too much longer.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield to me?

Mr. FORRESTER. I yield to the distinguished gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, on yesterday when there was such a very slim crowd here, I did advise the House that in view of the fact that there has been so much excitement and interest in getting this bill to the floor that almost a majority of the House had rushed down to the desk to sign a discharge petition so that they might get at it—now that they have got at it, we cannot keep a quorum on the floor to hear what it is all about—I advised the House that sufficient Members, something like a fourth of the Members, might well stay around. Apparently that warning had no effect. I want to announce now—and I hate to do it because I do not want to discommode anybody—that unless there is a quorum here during this general debate we will have to see that there is, as often as is necessary.

I thank the gentleman.

Mr. FORRESTER. Mr. Chairman, I am thoroughly conscious of the fact that it is my people who are furnishing the carcass for this show. Nevertheless, I want to confess to you that I have received a certain amount of exhilaration over the splendid debate that has been conducted. I have always thought debates could be conducted in this fine manner and I have always thought it was the duty of lawyers, men who were trained in and earned their livelihood in the administration of the laws of this country, to conduct themselves as lawyers when they come upon the floor of this House. And I say to those who are not lawyers that they should conduct themselves—and I am sure they will—as the fine citizens and servants that the people back home declared they were when they elected them and sent them here.

Mr. Chairman, it is incumbent upon me to conduct this debate on the plane on which I have congratulated others for having conducted it and that, my friends, I solemnly pledge you I expect to do.

Now, I may surprise you somewhat. I am not going to talk about this bill in full. It has already been discussed and it will be discussed anew under the 5-minute rule. But I am going to try to discuss with you, as a lawyer, the bill which will be offered, known as the referees bill. I think that important. I do not think there is going to be anything further with the registration bill. Of course, you know that that bill originated from the fertile brain of the Civil Rights Commission. I told you not to set up that Commission; I told you not to do it.

I want to show you what they did. They said, "The thing to do is to set up court registrars and let us do the investigating; in other words, create our committee in perpetuity." Now, let us go back. I have read that record, too, that Civil Rights Commission report. I read it from cover to cover, and that is exactly what they said and that is exactly what they wanted. But just as soon as that asinine proposal got over to the Hill the suggestion went out of the window.

That was just in line with one of those other recommendations that Commission has made. That Commission made seriously the recommendation that you amend your Constitution and let a 23d amendment provide that just any old person who can satisfy the State's age requirements and residence requirements and is not in jail shall be a legal voter. Do you doubt that? That is what that says. If you are an idiot or a lunatic or just a natural-born fool, and you are not in jail, you can vote. What can you do with that kind of stuff? You had better get rid of that Civil Rights Commission, because the administration that appointed them has repudiated every recommendation they made, and I challenge anybody to dispute it. They made several recommendations and every one has been discarded, operating on the idea that it did not reflect credit upon a person 10 years of age. So much for that Commission.

We have to have a little politics every second year. I am used to this. I have to run the gauntlet. I have to defend my people every 2 years, and you have just about got them, too, just about got them. Some of the Democrats over there, they forgot old "TIC" and his people, forgot all about us, and they came up with some legislation to create Federal registrars. Some of those Democrats in an election year got up that bill. The Republicans could not afford to be left at the post, so they came up with this monstrosity. You know I am telling you the truth. They saw the beam in the Democrats' eyes. Now, my good friends, let us look at the mote in your eye.

I want to show you what has happened. I say this in no disparagement whatsoever. The gentleman from Ohio [Mr. MCCULLOCH] is one of the finest gentlemen I ever knew, and a great lawyer. I will tell you another thing now, he is honest in what he does.

He has my approval and approbation at all times—but, politics being what they are, on January 28, 1960, he introduced a referee's bill. They sent for the Attorney General to come over and talk to us. He talked to the other body, but he could not talk to us. So he sent us his subordinate, his deputy. But I was assured that he was talking for the administration and do you know what? He got away from this bill that he had my good friend, BILL MCCULLOCH, introduce on January 28. You do not believe it? Well, here it is. He came over with another mimeographed copy, and when the gentleman from Louisiana and the gentleman from Michigan [Mr. MEADER], and one or two more Members got through with him, we got the third version of this bill. Do you get what I am telling you? Since January 28 we have had three versions of this thing—and they tell me we are going to get the fourth. I want to show you what this bill will do. Now listen closely, please, and give me your close attention because you will not believe this unless you do. I wish you would get a copy of this bill and read it along with me. I want to tell you what this thing does. This thing says:

> In any proceeding instituted pursuant to subsection (c)—

And that is the one which gives the Attorney General the right to become the power in Heaven for every minority race and the guardian of every minority race—as I say, that gives the Attorney General the right to go into court and bring a proceeding in the name of the United States in his behalf and seek an injunction or other order. Now when that happens, you get a plaintiff. The United States is the plaintiff and the case is brought against the registrar in the county or in the city. And you have a defendant. But, when you put him on trial and you decide that he has discriminated against John Doe, this thing says that whenever that case has been decided that the court upon the request of the Attorney General shall make a finding whether such deprivation was or is pursuant to a pattern or practice. Now I stand here flatfooted and tell you there has never been such a thing in any court in the United States before and I do not think there ever will be. That is the most ridiculous thing I have ever heard of in my life. In the first place, let us be lawyers. When they decide in that case brought by the Attorney General in behalf of one person that he has been discriminated against, and an order is made for that person to vote, then the case is closed. But, here you have the situation where the Attorney General can ask the court to get some phantom plaintiff and some phantom defendant because you do not have any plaintiff or defendant—and then they can decide that a pattern of discrimination exists. Do you know why he says he wants to do that? Because he says discrimination is hard to prove—it is hard to prove that John Doe is being discriminated against, and he is going to set up a pattern. But, I do not believe the Members of the Congress are going to do that. I do not believe you are going to give the Attorney General that power. Let me ask you, my colleagues, this question: Will you tell me what this pattern is? Is it when one person has been discriminated against? Is it six people that must be discriminated against? Is it a dozen people that have been discriminated against? If Judge Jones thinks that is the case, does that bind Judge Smith? In other words,

the so-called pattern will be just what a judge wants it to be—until you get to the Supreme Court, and then God only knows what will happen. I want to tell you another thing about setting up that pattern. I wish you would listen to me closely because here is a field that I know a little something about. I may not know much about anything, but I do claim to have been a horseback lawyer for a pretty good while. You cannot set up any pattern—you may do it in Russia but you cannot do it in the United States. You just cannot do it and you cannot set up any conclusive presumption. But yet, that is what this bill says. You know that you cannot do it.

Here is what the Supreme Court said on that: A legislative presumption of one fact from the evidence of another is one thing, but it cannot be under the guise of regulating the presentation of evidence or operate to preclude the party from the right to present his defense to the main fact which is presumed.

You just cannot knock him out.

You can set up a prima facie presumption; you could put the burden of proof on him, but you cannot have a conclusive presumption.

This thing just was not thought out, but this is just the case of one party trying to get to the thing before the other; and you understand I am talking about Democrats and Republicans, those are whom I am talking to you about. This thing ought to be aired for 12 months; no, you had better just throw it out, just put it in the garbage and get through with it.

Let me show you some other things about it. They are not only going to set up a conclusive presumption, but one that will last at least 12 months. If the court finds such a pattern or practice for 1 year, thereafter—do you catch that? For 1 year—thereafter everybody, everybody is qualified to vote because he has been discriminated against. You have tried the case of John Jones, but Bill Smith gets the benefit also; or you have tried the case for A, but B, C, D, and E, people who have not brought any cases, get the benefit even though they have not been in court at all. And you are going to do it all because it is hard to prove discrimination.

Now, I want to tell you another thing that happens. You have got the cart before the horse completely. Did you know—thank God—the Federal Government has nothing on earth to do with local elections? We can set literacy tests, we can set qualifying tests, we can even have a poll tax, but my State of Georgia has not had one for 20 years, although I have received a letter from California telling me that we do, and that it was $35; but we have not had one for 20 years—but the Federal Government has nothing to do with local elections except under the 15th amendment which says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Now, catch me, catch me. They did not intend it, but before you can hold that a man has been discriminated against and denied the right to vote because of race, or color, or previous condition of servitude, automatically you have got to have a decision, before, that he was otherwise qualified to vote.

Is that not sound? That is sound, now, is it not? You lawyers do not find any dispute with that, do you? Because the only way the 15th amendment comes into play is to say you cannot deny a qualified man the right to vote because of his race, creed, or color.

As I say, they got the cart completely before the horse; and when they set up that pattern of discrimination automatically they have got to hold that they were qualified.

Let us go a little further; let me show you what has happened: After they have said that the pattern exists they do this foolish thing: They appoint a referee, or several referees; and they do not tell you whether you must appoint them from North Dakota to serve down in Georgia, or from Georgia to serve over in the Virgin Islands, or what not; there is utterly no limit to it. Of course, the Attorney General says: "Why, don't you know the Attorney General is going to appoint some local man?"

No; I do not know; I do not know. Do you?

Now, I have practiced law down there. Do you know what the Federal courts are for? I will tell you—to just scare the daylights out of a country lawyer like me.

It says he can appoint referees. What will those boys do? Those boys are going to call these people in. One of them comes in and he says, "I ought to vote, and I want to vote." He says, "All right, some on. We have a pattern set up for you. Your color and your race is a passport completely. Come into the promised land. All you got to do is to stand a little examination. Nobody is going to hear it but you and me."

It is absolutely secret.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. WILLIS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. Chairman, the referee says, "You have absolutely got your passport, and nobody is going to know what is going on. It is between us. I will ask you a few questions. How old are you?"

That proves to you that a city lawyer wrote this bill. Lord have mercy, if he had prosecuted in the courts in south Georgia like I have and seen the trouble you have to go through trying to truthfully prove a Negro's age, he would know what it is. Have you ever tried that? Are you fool enough to believe they all know their true age and that they know the law sufficiently to tell you about their residence? Yes, their residence. They ask: Where do you live? You know, they treat that as a simple matter. I have seen the question of residence, you know, become a very complicated and a very serious legal question. I may say that I live in the city of Atlanta, Ga. But you could say: No; you do not, FORRESTER. Does not your family live in Leesburg?

You know what that law is. It is a serious question. But here it says they can do that. The referee's hearing is to be completely ex parte.

The referee sends his report over to the judge and the judge issues an order which says, "Let him vote." Then they are to serve a copy on the attorney general. If they are going to serve a copy on the attorney general of Georgia that pattern must apply all over the State of Georgia, even though in my little town of 500 people they might have decided you discriminated against 1 or 2. It may cover Atlanta because the attorney general lives in Atlanta, and he is the one who is going to be sent this order. He said, "You will be permitted to file halfway of a contest." But you cannot deny his age and residence, unless you come up with some duly verified record. They do not know the difficulty Negroes have had in trying to establish their age for social security payments. If you cannot resort to circumstantial evidence the pipe is out, for many of them are really entitled to payments.

I will show you the classic to end all classics. It says that the applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee. When that comes up it says you have just got to take it just like in the report, the answer that was made to the refere in the report. That is right. Listen:

> The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

You see, that is not what you are trying the State registrar for. You are trying him for saying he was not qualified 6 months before or 12 months before or 2 years before. That is the record you ought to try him on. That is the Anglo-Saxon jurisprudence.

In Georgia we do have a literacy test, and we have the questions. If he flunks them one time, the NAACP says, "You come down to the St. Mary's, Methodist, Episcopal, or Baptist Church on Sunday," and they teach him for weeks and weeks and weeks until he can answer all those questions like you would teach a parrot.

Mr. Chairman, what do you think of that?

Now, let me tell you another thing. That will completely obliterate and wipe out the secret ballot law of your State, because they will say, "If you take issue, as to the referee's report and the judge is too busy, the referee can try your case." Is that not silly? The referee decided against you one time. It says that the referee can go down to the ballot box and see to it that a man votes; and not only that he votes, but that his vote is counted. Goodby, Australian ballot system. Goodby, secret ballot. The Federal law, if it is good, overrules these laws. And you know the very essence of a secret ballot is that nobody can be identified. And this could be a Roman holiday for a political referee. You know how they got rid of the trouble they had over in Cleveland, Ohio? They made them do away with that old Davenport bill years ago, which is so similar. Take voting machines.

When you vote on a voting machine you cannot see it any more, so if they count your vote they will have to do away with the voting machine, so he can follow the vote and be certain it is counted.

Now, gentlemen, I wish I had more time. I was just getting warmed up to this thing. I am sorry we did not have any hearings on this legislation. I am sorry that we did not have any opportunity to offer amendments over there. The gentleman from Michigan [Mr. MEADER], tried hard all the time, he tried his dead level best, to write a lawyer's approach to this bill, and I think he has a suggested bill or substitute, and I am going to be deeply chagrined if he is not afforded the opportunity to present it. I think there is something to it; at least I think it is a lawyer's approach.

Here, my friends, we wipe out all election laws of the States as you and I have known them. Never again will a State have a right to decide whether a voter of a minority race is qualified or not. Formerly it was done at the applicant's expense. Now, all court actions for them is completely free, and we have that pattern that will stay with you for 12 months or until it is set aside.

I am pleading to you for States rights. And I want to tell you something. Shortly after the War Between the States, when everything was so bad, when brothers were arrayed against brothers, the Supreme Court rendered a decision, a landmark decision, a great decision. Judge Wise, speaking in Philadelphia, had this to say:

> That decision, worthy to live through all time for its masterly exposition of what the war did and did not accomplish, did more than all the battles of the Union to bring order out of chaos. * * * When war has ceased, when blood was stanched, when the victor stood above his vanquished foe with drawn sword, the Supreme Court of this Nation, when it spoke in the great decision of the Slaughter House Cases, planted its foot and said, "This victory is not an annihilation of State Sovereignty, but a just interpretation of Federal power" (Carson, p. 461).

Thank God for that Supreme Court. I wish we had one like that now. You have a great duty, you have a great responsibility. States rights and the sovereignty of the States is challenged here as it has never been challenged before. You are its guardian, you are its keeper, and if we lose now you cannot charge that to the Court, you cannot charge that to the people; you have got to charge that to the Members of the 86th Congress.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. HOLTZMAN] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOLTZMAN. Mr. Chairman, my support of the bill under consideration, H.R. 8601, includes not only the provisions of the bill as reported by the Committee on the Judiciary, but extends to the amendments which will be offered by the chairman, the gentleman from New York, and also to the proposal which will enforce the right to vote.

The need for strong civil rights legislation is amply provided for in the experience of this House since the enactment of the Civil Rights Act of 1957. We have the report of the Civil Rights Commission under that act. It is replete with evidence of denial of constitutional rights such as the right to vote and to be free from discrimination because of race or color. The very experience of the Civil Rights Commission in attempting to meet the responsibility imposed upon it by the Congress amply demonstrates that there are those in this country who still believe in the denial of equal protection of the laws. It is for those reasons that these civil rights proposals are necessary today.

Each of the titles of the bill seek a more effective remedy to guarantee our constitutionally created rights. With proper administration they will bring about the exercise of such fundamental rights as the right to vote and to be free from discrimination.

The position which this Nation occupies in the eyes of the world demands of us the enactment of the means to carry out the fundamental principles of our democratic form of government. I believe that by the enactment of this legislation we will provide practical means for doing that very thing. We believe that the rule of law is supreme in our Nation and that every person, regardless of his national origin, his religion, his race, is entitled to equal protection of the laws. By the enactment of the Civil Rights Act in 1957 we took a step—a substantial step—toward achieving this great American goal. Each and every one of these proposals will be the means of further progress.

By the enactment of title I of the bill relating to the obstruction of court orders in school desegregation cases we will empower the Attorney General with the authority to deal with those who have resorted to violence in order to obstruct the accomplishment of desegregated schools. It will uphold the authority of our courts as well.

The provisions of title II will deal with those who engage in arson and bombing and then flee across State lines to avoid arrest and conviction. There have been too many recent incidents of destruction of places of worship and of bombing of schools. Under this title the Federal Government will be able to assist State authorities to apprehend and convict the perpetrators of these heinous crimes.

Under title III we provide for the preservation of election records. This will enable the Attorney General to enforce the right of citizens to vote in Federal elections. The experience encountered since the enactment of the 1957 Civil Rights Act clearly shows the need for this legislation. The preservation of election records is a necessary means, if the right to vote is to be enforced. The hands of the Attorney General have been tied because of the absence of a statute such as proposed here.

In the title affecting the power of the Civil Rights Commission I believe we will provide for a more effective operation of the Civil Rights Commission. The Commission will be able to employ the highly technical skilled personnel it needs and its ability to do so will be broadened.

Finally, in the fifth title, we authorize the Commissioner of Education to provide for the education of children of the Armed Forces when State-administered public schools have been closed because of desegregation decisions or orders. It is only fair that the Federal Government should live up to its particular responsibility for these children. These children, as well as their parents, are normally placed in federally affected areas under military orders, rather than from their own free choice. That being the case, I believe it behooves the Federal Government to provide for the education of these children when it has been denied to them because of the closing of your public schools.

Mr. Chairman, I believe that these proposals, while good in themselves, are not sufficient. For that reason, I believe in and will support amendments to this legislation which will further protect the right to vote, which will strike at discrimination by assisting State and local educational agencies to effect desegregation in the schools; to wipe out discrimination on the part of employers who are producing under a contract of the Federal Government. The amendment to authorize the Attorney General to bring civil actions to enforce equal protection of the laws is, in my opinion, the most important, the strongest, of all the civil rights proposals. That is the weapon that will end discrimination once and for all throughout this country. I urge the enactment of the bill and its amendments in order that the United States may stand before the world confident that the very reason for its existence, namely, equal opportunity for all, has been fulfilled.

Mr. McCULLOUGH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, there has been a lot said here today—and let me assure you I intend to be very brief. There have been enough words expressed on this issue. We do not need words; we need action—favorable action on a strong civil rights bill. In this regard I make a fervent appeal in supplementation of my earlier remarks.

I am privileged to have been a sponsor along with other Members of a series of bills relating to the strengthening of voting guarantees, the promotion of integrated education, and the protection of other 14th amendment rights. I urge that this House adopt such measures as will fully and effectively advance the civil rights guarantees of the 14th and 15th amendments.

The shocking lack of progress in the entire field of civil rights over the past few years has created growing concern throughout the Nation and, indeed, the world. Unless we act in a positive and dynamic fashion, our hopes for winning over the uncommitted nations of Africa and Asia to the cause of freedom are doomed to failure.

Failure to enact meaningful and effective civil rights legislation would all but negate President Eisenhower's good will achievements during his recent trip to

Asia and Africa and would undermine the efforts of our State Department which has eagerly sought to bring the peoples of that part of the world into the orbit of freedom.

The Communists have been quick to use our long and ugly record of racial discrimination as a weapon against us. Indeed, our current apathy on the subject merely adds further fuel to the Communist argument and seriously endangers our world position.

The record of our pathetic progress has been compiled by the Civil Rights Commission for all to see. Since the Supreme Court's school desegregation decision in 1954 only about 7.5 percent of Negro students in previously segregated biracial school districts have been admitted to nonsegregated schools. This is a total of about 225,000 out of 3 million Negro students in such districts.

In the area of voting rights it is appalling that only some 25 percent of the 5 million Negroes of voting age in the South are registered as compared to 60 percent of the whites.

These are some of the apparent reasons why Congress must adopt meaningful legislation across the whole gamut of civil rights guarantees. My earlier remarks covered the subject more specifically. You have heard eloquent presentations here today by the proponents of this legislation to justify its strengthening and enactment.

No longer will those who for years patiently bore their sufferings as second-class citizens be content with the snail's pace that has characterized extension of civil rights. Only by meeting the challenge in full can we be on the way to making meaningful the great promises of the Constitution. I trust, Mr. Chairman, that we take strong and decisive action on this vital legislation.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, on this subject of civil rights legislation volumes could be written, and indeed perhaps are being written during the current discussion. My remarks will be brief.

I intend to vote for this legislation. Admittedly it is controversial, and opinions certainly differ sharply as to its merits. On the other hand, it seems to me another important landmark in insuring all our citizens of their right to vote.

It is indeed gratifying, Mr. Chairman, that this bill comes to us for consideration as the result of action by the Rules Committee. Only a few weeks ago there was considerable agitation regarding a discharge petition. Recent events prove that such a method was not only undesirable but unnecessary. As the subject is now before us, we have considerably more freedom to develop a satisfactory bill than otherwise would have been the case.

Mr. TOLL. Mr. Chairman, on behalf of the gentleman from New York [Mr. CELLER] I yield 5 minutes to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, not too long ago I stood in the well of this body stressing the need for a strong, a meaningful and an effective civil rights bill. I do not intend to repeat the points made then nor to reiterate the sum total of a bill that could properly be described as strong, as meaningful, as effective. I do want to stress, however, that we now have the opportunity to demonstrate to all the people of our Nation that in the Halls of Congress there is recognition of a national, a human problem as well as a will to act affirmatively in its resolution.

The points many of us have previously raised as to necessary ingredients in a truly effective bill will again be underscored when we discuss amendments to the bill under the 5-minute rule.

Therefore, my purpose in rising today to comment about civil rights legislation is to place the 1960 civil rights picture in historical perspective, because the present struggle is an extension of this Nation's continuous effort to secure the positive expression of human rights, or in its broadest sense, freedom. So our engagement today in devoting ourselves to civil rights legislation is part of a timeless pattern, a pattern that alters in design as we move along in a world of eternal change.

Change, even when freedom is involved, does not come overnight, but come it does. And in every period where change challenges an established order, opposition has come from those who profit from the established order, or who wish to have reform come, but gradually, so that it will be painless. While one can perhaps understand this, one cannot always condone it. After all, full citizenship rights to the Negro have indeed been so gradual since his emancipation from slavery that the cry that we must move gradually takes on the implication that gradualism means status quo.

As one advocate of the abolition of slavery argued many, many years ago:

> Has not the experience of two centuries shown that gradualism in theory is perpetuity in practice?

Mr. Chairman, the quest for freedom—the quest for religious freedom, for democratic self-expression, for self-dignity, for a meaningful and worthwhile existence—has been a basic characteristic of our American heritage.

Pilgrims faced a hostile, unknown shore in order to worship God as they wished.

Roger Williams founded the colony of Rhode Island to practice freedom of thought denied him elsewhere.

If one were to sum up the struggle of the Puritans, it would be said that they chose the hardships of the wilderness, the unknown, in preference to constricting conformity that blights human freedom.

From the very beginning of our national existence, there have been courageous spirits ready to do battle for the greater freedom of all.

The colonists cried, "taxation without representation." They fought to gain independence which, happily, was achieved. Today's issue harks back to this part of our history, for to the American Negro there is taxation without voting, without first-class citizenship.

How can we teach our children that the colonists were right in their claim, but in 20th century America it is proper to impose citizenship obligations on a given group but deny to the members of this group the right of full-blown citizenship. This is a question which challenges our intellectual and moral integrity. The "self-evident truths" of our Founding Fathers must continue to be self-evident to us today.

The Bill of Rights did not just happen. There were those then, too, who accepted it reluctantly. The Bill of Rights is part of the proud heritage of every American, but, regretfully, for some it has not come to life for them, through no fault of their own.

How well we know, however, that freedom is not a simple abstraction. Its range reflects man's noblest aspirations to its use by those who expound it for selfish or immediate gain.

Nor is freedom static. As one writer put it:

> As the concept and content of freedom evolved through the years, the critics and crusaders fought for it over and over; each victory appeared glorious and final at the moment of triumph, only to disclose other and more complex aspects of the hydra-headed enemy.

Then he continued:

> This much is true: Every battle for freedom has resulted in an expansion of human rights. The recoil from witch hunting led to religious tolerance. Colonial rebellion ended in national independence. The triumph of Jacksonian democracy gave men political equality, and nearly a century later the agitation of the suffragettes extended this privilege to women as well. In 1835 Garrison was mobbed for being an Abolitionist; 30 years later the 13th amendment removed slavery from the land. A century ago the labor union was denounced as the Devil's work, but now it is a common and legally sanctioned social instrument. Eighty years ago the agitation of the national labor union for the 8-hour workday was decried as outrageous; it is at present an accepted fact and already replaced by the demand for the 30-hour week.

These gains came after long and bitter struggle, but come they did. The frontier of freedom was extended each time. While the frontier of freedom which our predecessors sought to extend differed with changing times and conditions, its extension was motivated by the ideal and common desire to improve the status of those who were exploited, and thus denied the natural right of self-dignity which freedom, in its many forms, can bring.

Our national history, I repeat, is a proud one, for among its many aspects there is the story of the struggle for and preservation of greater freedom for its people. It is a story of the conquest of the frontiers of freedom, a story which never ends, because its ever-changing theme keeps it in a fluid state. This is as it should be, because the imperfections, as well as the genius of man, continue to create new frontiers of challenge.

We are helping to shape this story of freedom as we deliberate on the matter before us. We have but three choices—

to add another worthy chapter to the story of human progress, or to leave the chapter unwritten, to be taken care of another day, or possibly to accept a halfway measure on the theory that half a loaf is better than none. I do not believe the great majority of American people will be satisfied with anything less than the first choice.

We shall stagnate as a democracy, we shall dull our image before the world, we shall obviate our constitutional and moral precepts if we fail to resolve the civil rights issue of our day.

We must uphold our liberal background. "Liberal" is an honorable word, too often hinted in recent years as being something un-American or a threat to our established institutions and values. Far from it, Mr. Chairman. The liberal approach should be associated with conservatism in the real sense. For the liberal approach is an effort to sustain and conserve, by improvement, the institutions and values we cherish—our democratic political institutions, our Declaration of Independence, our Constitution with its Bill of Rights. It is an effort to conserve what is good by making it better. Those who oppose to make what is good even better are more often than not, though perhaps unintentionally and without malice, threatening the continued existence of these institutions and values.

Mr. Chairman, Woodrow Wilson fought for a "new freedom"—at that time it involved a more equitable distribution of the country's bounties. Today, those of us seeking necessary and proper civil rights legislation are also fighting for a new freedom for those in our society who are denied basic rights.

What Wilson declared in 1913 regarding his legislative goals, applies to the civil rights issue of today. He left for posterity these majestic words:

> We are going to climb the slow road until it reaches some upland where the air is fresher, where the whole talk of mere politicians is stilled, where men can look in each other's faces and see that there is nothing to conceal; and whence, looking over the road, we shall see at last that we have fulfilled our promise to mankind. We had said to the world "America was created to break every kind of monopoly, and to set men free, upon a footing of equality" and now we have proved that we have meant it.

Let us now prove that when we talk about equality, of human freedom, of democracy, we mean it.

Mr. Chairman, I understand the leadership on both sides of the aisle have agreed to somewhat curtail this debate which, in a way, I regret, inasmuch as it precludes a discussion of some of the things which have hardly been mentioned so far in the debate.

I refer particularly to some of what the gentleman from Georgia was just talking about, the so-called Rogers plan or the voting referee plan. Because this is of great concern to a number of Members on my side of the aisle, I am going to take part of my time to ask the gentleman from Ohio or the gentleman from New York whether they would be good enough to discuss this with me just for a moment.

In the first place, probably it would be better to take the substitute bill which I believe will be offered on the Republican side on this matter. I refer particularly, if I may, to the comments which were made yesterday in the other body by the Senator from Michigan, Senator HART, appearing in the CONGRESSIONAL RECORD on pages 5187 through 5192, in which he raises amongst others the following important issues. He refers to the fact that if this is to be the implementation for bringing individual voting rights to individual people, the manner in which it is proposed would bring an undue burden on the Federal courts, and the Federal courts, I think it is generally recognized, even if we added a few new judges, are pretty heavily burdened already. I would ask either one of the gentlemen whether they would care to discuss that for half a minute.

Mr. McCULLOCH. I would suggest that my colleague from New York [Mr. LINDSAY] respond.

Mr. LINDSAY. Let me say to the gentleman from California that for the past 7 years the two Attorney Generals that have served under this administration have concerned themselves with the subject of congested dockets in the Federal courts perhaps more than any other subject. They have made speeches about it, they have testified about it at length in the other body and here in the House of Representatives. They have pressed hard for omnibus legislation for the creation of new vacancies so that we may have additional Federal judges. Yet the Attorney General has at the same time proposed this referee program, which would place under the jurisdiction of the Federal courts the ultimate supervision of the procedures by which this constitutional right would be safeguarded. They would not have done so, I can assure the gentleman from California, had they thought it would have resulted in an undue burden on the court system as it stands now. Indeed, when the representative of the Attorney General, the Deputy Attorney General, testified on the subject there was no reference made to any undue burdens being caused by the proposal.

Mr. ROOSEVELT. In other words, there was not at any time any effort to give evidence as to what additional burden this would bring on the courts?

Mr. LINDSAY. Knowing the concern of the Attorney General on the subject of congestion in the courts, it would have been a primary consideration if he thought it was a problem. Obviously the Attorney General did not consider it a problem.

Mr. ROOSEVELT. If I may say so, in view of the fact the Attorney General changed his mind a couple of times from the original proposal, I think it might also be fair to say he just did not think about it. It worries me.

Mr. LINDSAY. Will the gentleman yield further? He asked me a question.

Mr. ROOSEVELT. Yes; except I have a very short time, and I have three other points I would like to cover.

Mr. LINDSAY. This is one reason why it has been suggested that the referees be appointed, to save the time of the judges.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a question? I assure him I will yield him sufficient time to take care of all the time I will use.

Mr. ROOSEVELT. I will be happy to yield to the gentleman.

Mr. McCULLOCH. May I say in answer to the question of the gentleman from California concerning the congestion of the courts and what effect this legislation might have on the further congestion of the courts. I think it of no great concern to the Congress of the United States whether or not the Federal caseload would be increased if it is determined that this plan should be adopted. If enactment of this legislation would call for additional judges, I am sure the Judiciary Committee will be ready, willing, and anxious to recommend to the Congress the additional judgeships that such legislation would make necessary.

Mr. ROOSEVELT. If that is so, I would say to my good friend, would it not, however, have been much more practical to have considered a different way which would not mean we would have to create additional judgeships, especially in view of the fact in the case of Giles versus Harris, Justice Holmes made it clear he did not think the judicial branch of the Government should be used as a primary means of implementing the right of disenfranchised Negroes to vote, and is that not exactly what we are doing now?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from California the 2 minutes which I consumed of his time.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield.

Mr. ROOSEVELT. I yield.

Mr. LINDSAY. Would the gentleman have had the Brown case decided by the Supreme Court go the other way because of the additional burden it caused on the Federal court system?

Mr. ROOSEVELT. No; I would prefer to take the plan that was proposed by the Civil Rights Commission or the Hennings plan, perhaps, or some modification of it, which I have not heard anybody document as being unconstitutional.

May I go on from that to the next question? Is there not an unconscionable delay to the individual who must go through the process? Is there not, as has been suggested by the Member of the other body, a great probability that in order to get justice, he must go through two or three stages—which would mean, perhaps, 4 or 5 or 6 years before the case can be decided; and unless he was a fairly young man, he would not get the opportunity to vote in many an election?

Mr. LINDSAY. I will say to the gentleman from California that we have just been listening to several hours of debate in which those opposed to the referee proposal have argued vociferously and strenuously that one of the difficulties of the referee proposal is that a man who has claimed he has been denied the right to vote may walk into the referee's

office and immediately be registered to vote.

Mr. ROOSEVELT. Do you agree with that?

Mr. LINDSAY. There are safeguards that surround this procedure. There is an opportunity given under the proposal for the local State officials to take exception to any findings made by the referee. These are presented to the court and if the affidavits prove that there is a genuine issue of fact, a hearing would be in order. That, I submit, is entirely reasonable.

Mr. ROOSEVELT. If we do that, however, does that not produce the delays that the Senator from Michigan is afraid of? So, instead of going to the extreme that the gentleman from Georgia was afraid of, we go to the other extreme.

Mr. LINDSAY. I should have included in my answer to the gentleman that persons who come to the referee are allowed to vote provisionally.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. CELLER. I am in favor of the proposal. I think the proposal with reference to voting referees is a very direct one, and I do not think there would be an unusual length of time required for a man to get his vote counted or for a man to get himself registered. He goes to the Attorney General. The Attorney General brings the action. A pattern or practice of discrimination is found. After which all those who are of the Negro race in the particular area where the pattern or practice exists can be accepted for purposes of registration, and they would be permitted to vote. I can conceive of no undue delay. The matter will be far more expeditious, in my mind, than the so-called Hennings proposal.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. CELLER. I yield 5 additional minutes to the gentleman from California.

Mr. ROOSEVELT. May I say to the distinguished chairman, naturally I value his opinion most highly as I do on practically everything, but I cannot, however, help having some fear that these delays actually exist and I ask, Would it not have been better to try to find a more expeditious manner to solve this problem? But, I will say to the gentleman, if, of course, this is the proposal which seems to be the only way we can get at least some advance, I, along with I am sure, most of our friends on this side of the aisle, will certainly support it. But we felt an effort should be made to improve it. May I ask one other question. Is there not also in this process the danger of exposing the individual applicant to a good deal of publicity, which with all of the economic pressures which we know have been used in the past, while giving one particular right to him, may destroy some of that person's other economic rights? We know that this has been done in the past. Is there not a great danger in this method which is being proposed?

Mr. CELLER. That, then, would be resident also in the very proposal suggested by the gentleman. There is always going to be that danger even in the so-called Hennings proposal. There would have to be a finding of fact, and before you could get that finding, before you could say "Jack Robinson," there would be obstructing proceedings in court. Voting and/or registration would be resisted in certain sections of the country no matter what plan or program or project is availed of; you are going to meet with resistance of all sorts. It is only after punishments and sanctions are meted out that you will get some semblance of order in this matter.

So there is disadvantage in every one of the proposals. It is only a question of weighing the equities against the inequities and trying to get something practical, but more importantly, at least trying to get something started. We have to do something in that regard, and I think the question of the voting referee is a good start, and we should concentrate on that.

Mr. ROOSEVELT. I thank the gentleman and I certainly approve of his conclusion that we must make a start in this direction. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. I would like to call the gentleman's attention to the fact—and I am sure he is aware of it—that under the referee proposal, as I understand it, before the referee may register any person, that person must first present himself to the local officials and be refused the opportunity to register. There are other points in the proceeding at which the attempted registrant may be brought before the court. There are more expeditious methods by which qualified Negroes may obtain the franchise without unnecessarily exposing themselves to economic and social pressure. The proposal of the distinguished senior Senator from Missouri, mentioned here, is the best of them.

Mr. ROOSEVELT. I thank the gentleman and I hope that when the bill is read under the 5-minute rule the gentleman from Michigan or some of our colleagues will propose an improved method, because I believe we should make every effort to make this restoration of voting rights as nearly foolproof and as lacking in harm to the individuals concerned as we possibly can.

Mr. WILLIS. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. ALFORD].

Mr. ALFORD asked and was given permission to revise and extend his remarks.

Mr. ALFORD. Mr. Chairman, the basic point before this House today—and one that I fear many of my colleagues are overlooking—is whether what we are doing has any standing whatsoever under the Constitution of the United States which all of us have sworn to uphold and defend.

The one prevailing thought of the advocates of civil rights legislation has continually been to give some congressional status or standing to that ill-considered opinion of the Supreme Court which knocked down the traditional, and constitutionally proper, pattern of separate but equal in the public schools as determined by the respective States.

The Preamble of the Constitution of the United States of America states:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

That is a straightforward statement of the reasons for and the purposes of the Constitution. That was the guide our forefathers gave us against just a day like this when there are those among us who would seek to extract a part of the Constitution and apply it to their specific cause without consideration of the primary intent of the Constitution.

Notice in particular, if you please, those words in the Preamble, "insure domestic tranquillity, promote the general welfare."

Before that tragic unconstitutional decision of the Supreme Court—which, after all, sparked the great debate that rages here today—there was relative tranquillity between the white and Negro races of our Nation. This applied not only to the South, but to the North, East, and West, where people live together with respect and consideration of the rights of others.

But since the day of that totally unconstitutional decision, much of our tranquillity has been destroyed. There is racial unrest in the South, racial unrest in the North, racial unrest in the East, and racial unrest in the West.

It is a known fact that in Washington, Detroit, Chicago, New York, Philadelphia, and many other places, the races have been in conflict and are in constant state of feud due to the forcing of integration by organizations with ulterior, if not subversive, motives, seeking tremendous financial or political gains for themselves.

Nothing is more convincing than facts honestly given. And the southern part of this Nation, which has a larger percentage of the Negro race than any other section, has over the years elevated the educational and economic position of the Negro people more completely than has been done for the race in any other section of the Nation, or any other part of the world.

Forced intermingling cannot, and will not, contribute to either happiness or contentment; nor does it result in economic advancement. It is as impossible to command as was the prohibition law and as impractical to enforce as nature has found it, through the birds, the animals, or any other form of life, to compel.

Advocates of so-called civil rights legislation are eternally falling back on the 14th amendment which, despite its questionable status, sought to guarantee the protection of all citizens. What they and the Supreme Court seem to have forgotten is that the citizens are not protected by forced integration. Instead, crime has increased, and the minority element, encouraged by outside interest, has destroyed the rights and privileges of the majority in many local-

ities, not only in the southern, but also in the northern and eastern part of this Nation.

The terrible truth is that rather than insuring domestic tranquillity and promoting the general welfare the pattern that is being followed has had the opposite effect and has torn the people of this Nation apart to such a degree that generations will pass before any semblance of peace and understanding will be restored. That is, unless the illegal decision—Brown against Board of Education—of the Court is nullified and placed in accordance with the Constitution.

The so-called civil rights proposal before this House today would be just another step along the path that has contributed to this confusion. Let not this House compound confusion upon confusion; compound an additional action outside the scope of the Constitution, with an already existing unconstitutional court ruling. If this bill is enacted into law this will be the first time in the history of the Republic it will be possible for a minority group—any minority—to control the election machinery of our American democracy. We have had most eloquent dissection of the legal minutiae involved in this unconstitutional proposal; but surely no Member of Congress believes we shall be voting on the legal merits or demerits of the bill.

The great moral issue today is not segregation versus integration of the races per se; it is, instead, the issue of the sovereign people and their Constitution versus defaulting public trustees—including Members of Congress—as oathbreaking usurpers. In other words, shall the people and their State governments defend their constitutional rights or bow down before an anti-Constitution elite enforcing rule by man? Shall we have limited government and rule by law under the Constitution, or usurpers supreme with unlimited power? Shall the Republic endure or shall we allow its destruction by the weapon customarily used to this end—usurpation?

It is shockingly true that the next few years may determine the fate of our American Republic. We are confronted with an international conspiracy that seeks to destroy not only our beloved Republic but Western Christian civilization as well. Indeed, this is no time for the fainthearted. This is the time for men of courage, statesmen who will respond on matters of principle rather than political expediency.

Someday we may look upon this as the most serious period in our history. The long-developed fabric of a masterly intrigue is wrapping itself around us. That so few can realize this presents its most serious aspect. All of us throughout our beloved country find ourselves engaged in a sociological and psychological warfare with an enemy that seeks to destroy this Republic through the means against which our Founding Fathers set safeguards in the greatest of all contracts, the Constitution of the United States.

In this situation we are all called upon to feel a great responsibility to God and country. I believe every loyal and intelligent American will agree that the Founding Fathers of this Nation were great men—men of vision, of keen intellect and astute judgment. The framers of the Constitution produced what has become, in its far-reaching effects, the most important legal document of all time.

The men who wrote the Constitution were men of action; but their wisdom was shown not only by their action, but also by their inaction—by their deliberate and wise omission of certain controls. From letters that have passed between these men we know that they foresaw the very emergency we now face, and they have provided protection for it and provided adequately. Can we defend this priceless heritage of liberty that has been handed down to us by those wise and farseeing men. What we need to do is to brush away the mental cobwebs of complacency and confusion which have been deliberately and diabolically designed to conquer and confuse. We need to examine the Constitution through the eyes of our Founding Fathers; we must repudiate the pragmatic prating and preaching of alien ideologies.

It becomes the part of wise men, holding the responsibility of preserving and defending this priceless jewel of liberty, which we have fallen heir to, to study the source and the direction of the evil winds that have blown us into the position we now occupy, to the end that we may know and direct our future course and so control our destiny. But in studying these evil winds that have driven us to the very brink of the overthrow of our form of government, it is well that we remember that criticism of each other gets us nowhere, especially when serious problems are to be solved.

May I respectfully remind my colleagues in the so-called liberal bloc that during the debate on the labor-management bill passed by this Congress in the first session I opposed a section of the bill that gave dictatorial powers through injunctive procedure to the Secretary of Labor. My statement at that time was as follows:

> I am unalterably opposed to any measure be it under the label of labor legislation or civil rights legislation that sets up a bureaucracy in Washington to override the individual liberties of the people as guaranteed to them under the ninth amendment to the Constitution.

I trust that you will join with me and oppose any proposal in the so-called civil rights legislation that will give power of injunction. Make no mistake about it, the people are not being heard here today, but the people will demand their sovereignty.

THE CONSTITUTION

Now let us take a look at this Constitution, what it is and what we know about it. I am wondering how many of us can say offhand what are its principal provisions.

Under which of them is there created a "Federal Government"?

What is the United States of America within the intended meaning of the Constitution? To what extent are the States united and to what extent are they not united?

Let us take a look at these signatures and consider the meaning of them. Who were these men? Under what authority were they acting? Why is this a signed document? Who ratified and approved the acts of these men who signed it? Who are the parties to this agreement and what is it they have agreed to, and what are the conditions required for its operation? Who is the boss when come to the point of determining that no authority has been given for a particular action under this contract?

Is this instrument a fairy tale or is it intended to be, when ratified, a binding agreement subject to the law of contracts, the law of agencies? Are the provisions therein intended to be binding under the law as in any other contract? Is it intended that those whose employment is provided for and who are to act as agents under the three divisions of Federal authority, shall be bound by this contract without their being made parties to it and the limits imposed upon them? If not why the oaths that bind them to it? If these agents assume that they are acting lawfully when they act beyond their authority, how far beyond their authority can they go, and who holds the power to control them? Did the founders intend to set up an autocratic dictatorship to be achieved through usurpation?

Can these agents—Congress, executive, and judiciary—dictate to their employers? Can they give orders to their employers by the exercise of powers beyond the powers conferred upon them? They are not parties to the contract. They have been given duties under it, but no rights except pay for their employment. Can they change or destroy the very form of Government which the parties to this contract have agreed to set up, or can they limit the authority which the parties to this contract have expressly reserved to themselves?

If we, in a spirit of neglect, have failed in our diligence in the matter, after they have exercised a degree of tyrannical power as great or greater than our Revolutionary War was fought to end, and based on as great or greater lack of authority, how long are we to continue our inaction?

We have fought a War of Independence to end tyranny and have drafted this agreement to perpetuate our liberties. That is the answer to these questions.

We have before us an agreement entered into by the Thirteen American Colonies, who found themselves occupying a new position among the nations of the world. Under the treaty of peace with England, they—each of them—became possessed with full national powers as "free and independent States." They combined together for purposes of national defense, for the control of commerce, for business conducted between the States and for the establishment of a common agency to deal in their relations with foreign nations.

They created a Congress with certain definite limitations to make laws, within

the authority assigned to them, and they created a Supreme Court and subordinate courts, conferring upon them only "judicial power" and confined that to limited cases.

These States were determined that there would be no further exercise of tyrannical power. To assure this, after limiting the power conferred, reinforced by an oath of office, it was provided that all power not conferred was reserved to the States.

This reserved to the States the power to enforce the contract, which is a right inherent to all contracts and it meant that no unlawful act of any agency could be enforced in any State which did not consent to it, where the agents acted beyond the powers granted them.

Who are these men who are Justices of the Supreme Court, and how did they get to be Justices? What are the terms of their employment and under whose authority are they employed? Article II of the Constitution provides that the President may do this, and he shall do that. Who has the audacity to tell the President of the United States what he shall do?

It is the signatory States who direct that the President may require the opinion in writing of the heads of his departments, and that he shall, by and with the advice and consent of the Senate, appoint judges to the Supreme Court. After the President has acted and the Senate has confirmed these men, the States have required that they still are not empowered to act, until they have complied with another requirement: all judicial officers "shall be bound by oath to support this Constitution."

Can it be denied that the President has acted under the direction of the State, or that the Senate has acted under the direction of the State? They are acting as agents of the State and there is no other source of their authority when they carry out the orders of the State, under the plan set forth in the Constitution.

Who signed this document? We have already seen that authorized officers of the State affixed their signatures to it and their act was confirmed later by formal action of representatives of the people of the State. Does it make these men less the agents of the State because there were other parties to the contracts?

How can a Justice of the Supreme Court enter a decree or reach a decision that is beyond the authority granted and claim it is an action of the Court. What they attempt to do without authority is outside of the realm of legal authority to the Court. What they thus do is unlawful and what they do is a challenge to the signatory parties to the contract and the signatory parties to the contract have been protected fully in this under the terms of the Constitution as to what they can do and what they cannot do. They have reserved all such powers.

The reserved powers of the State cover all powers not granted. There is no power granted to others to enforce the contract. This power is, therefore, reserved to the State. If the State chooses to declare the unauthorized act in question to be unauthorized as beyond the powers it has granted to the court, after such action by the State, it becomes definite and fixed as a matter of law that the illegal act of a member of the court is not an act of the court and it cannot be the law within the jurisdiction of the State. Any effort of a Federal officer to interfere with the law within the State as thus defined will be an unlawful act on the part of such officer. On the other hand, no authority has been given to the President to determine any act of the court to be unlawful. No power is given to the Congress to determine any act of the court to be unlawful. Congress can change the law, but it has not been given the authority to invalidate an action by the Supreme Court or to interfere with the State in its action to be taken in the matter. It therefore rests with the State either to approve positively or by acquiescence the action of the court and admit it to be the law within the State, or it finds the action not to be within the authority of the court, to declare it to be unconstitutional, invalid, and not the law.

There is no provision in the Constitution to contradict this setup which the founders of our Federal Government have provided as the most effective means of furnishing protection from tyranny emanating from any department of the Federal Government through the usurpation of unauthorized power.

In New York we see that the police power of the State, a necessary power to the State to defend its people from moral corruption, through debasing moving picture shows, has been defied by acts in the form of orders from the Supreme Court, which are not based on constitutional authority, police power of a State being a reserved power.

In Pennsylvania we have the Steve Nelson case—Commonwealth of Pennsylvania against Nelson—setting aside State sedition laws. The State law is not in conflict with national sedition laws, but allows State officials to ferret out subversive activities within the State. There is no constitutional basis for State officials being less alerted or prohibited from this kind of work. Nothing is provided for within the Constitution as a basis for this action of the Court. The Court cannot change the act of Congress. It cannot add to the language of the statute what must be added in order to afford the basis for the Court ruling. If it did, it would be the duty of the Court to declare that act of Congress unconstitutional.

In Nevada, Idaho, and other Western States we have unconstitutional interference with the States' authority over their own water distributions within the States upsetting long established law and interfering with one of the State's more important pieces of work in its internal affairs.

In Virginia the usurpation of authority by a Federal district court has gone so far as to condemn court procedure lawfully conducted by a State court 17 years ago, where most of those familiar with the facts were dead and without adequate evidence of the innocence of a man ordered to be released after 17 years of confinement, and after conviction under the State's laws by a State court.

During the 1st session of the 86th Congress I had the privilege and opportunity of calling to the attention of the Congress that the present Supreme Court had completely usurped the power of the people and their Congress in the unprecedented decision which violated the 10th amendment—Brown against Board of Education:

> The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States, respectively, or to the people.

This is the amendment that has been violated so flagrantly that several months ago the Conference of Chief Justices of the States felt compelled to say:

> We believe that the great principle of distribution of powers among the various branches of government and between levels of government has vitality today and is the crucial base of our democracy. We believe that strong State and local governments are essential to the effective function of the American system of Federal Government; that they should not be sacrificed needlessly to leveling, and sometimes deadening, uniformity; and that in the interest of active, citizen participation in self-government—the foundation of our democracy—they should be sustained and strengthened.

Listen well to what Hamilton, Madison, and Jay wrote in the Federalist about the distribution of powers between the Federal Government and the States. And remember, please, these men knew the Constitution, because it was the product of their hearts, their heads, and their hands. They said:

> The powers delegated by the Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the internal order and prosperity of the State.

How strange that does sound in this era when so many of the rights that belonged to the States—and to individuals, as well—have been taken away.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. LANDRUM].

Mr. LANDRUM. Mr. Chairman, I shall make no attempt whatever to discuss the many legal aspects involved in this very controversial legislation. Those problems have been thoroughly and ably, as a matter of fact I think superbly, discussed by many Members, particularly my friend the gentleman from Louisiana [Mr. WILLIS], my friend the gentleman from Virginia [Mr. POFF], and my dear friend the gentleman from Georgia [Mr. FORRESTER].

I am concerned, as all of us must be, about the assault which is being made upon the Constitution of the United States with this legislation. But I am not nearly so concerned about these many legal problems that have been raised as I am concerned about some of the other things that are happening to bring this legislation about and some of the things that will happen if it is enacted into law.

Before I had the privilege of becoming a practicing attorney I was a schoolteacher and was for some years the superintendent of a city public school system in which we had both white and Negro elementary and high schools. I have always been interested as an individual citizen, and as a public official, in the welfare of the Negro race as well as the welfare of all. I have always supported the proposition that under the Constitution these people, as all people who are American citizens, have the right to vote.

I want you to listen to a few figures I am about to give you from the district in Georgia which I represent—Georgia being one of the States at which much of the argument on this floor has been directed.

I represent 18 counties in north Georgia. The percentage of the Negro population in those 18 counties above 18 years of age registered to vote is 44.5 percent. That is in the State of Georgia, under laws set up by the State of Georgia. Not only is it true that 44.5 percent of the Negroes of voting age in my district are registered to vote, but let me tell you something about how the percentages run in voting.

In one county where the colored voter registration is 1,209 they vote each year between 800 and 900. I challenge any Member of this House to show me a higher percentage of registered voters voting than that percentage; and more than 52 percent of the Negroes above voting age in that county are registered. In another county, 100 percent, every colored citizen in the county above 18 years of age, is registered. In 1958, in the campaign in which I last ran for election to the Congress, I was told that 100 percent of them voted. Never has there been an incident of any challenge to any citizen offering to vote who was registered, and never has there been any challenge to any citizen who offered to register who met the simple requirements that we have.

Mr. CELLER. Mr. Chairman, I yield myself such time as I may consume.

On page 56 of the report of the U.S. Commission on Civil Rights we find the following reference to voting in Georgia:

> In 27 of the State's 159 counties more than 50 percent of the voting-age Negroes were registered in 1958. But in Baker County, with some 1,800 Negroes of voting age, none was registered; in Lincoln County, only 3 out of more than 1,500; in Miller, 6 out of more than 1,300.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Georgia.

Mr. LANDRUM. Does the report of the Civil Rights Commission show any evidence of Negro citizens from any of those counties named by the gentleman having offered to register or tried to register and denied that opportunity, when they met the simple requirements we have in Georgia, which have permitted 44.5 percent of the colored race in my district to register?

Mr. CELLER. There is actually evidence that rather severe tests were laid down for some of those who sought to register.

Mr. LANDRUM. What is the evidence?

Mr. CELLER. I am reading from the report:

> In Terrell County the chairman of the county board of registrars gave as grounds for denying registration to four Negro schoolteachers that in their reading test they pronounced "equity" as "eequity"—and all had trouble with the word "original."

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. LANDRUM. I would say to the gentleman that, certainly, we in Georgia live in no utopia. We recognize that there have been and there are instances of shortcomings. I do not admit the accusations stated there as to any county. I do not know and I neither admit it nor deny it. But, I would say this to the gentleman. Are you not by this legislation destroying all of the lines of communication that have developed in the much tortured South between the races? Are you not making it more and more difficult for the Negro schoolteachers in the State of Georgia who, incidentally, draw the same salary for 12 months of the year that each white teacher draws, if they have the same number of years of training? Are you not destroying those lines of understanding between the races that have developed in the State of Georgia, so that the colored public schoolteacher draws the same dollar salary that is paid to the white teacher for the same number of months and for identical qualifications—and not necessarily academic qualifications, but if they have the same number of years in college?

Mr. CELLER. If I may be permitted at this point to answer the gentleman who is making a rather long speech rather than asking a question.

Mr. LANDRUM. The time is limited, of course, and I am not able to get much time.

Mr. CELLER. I will say to the gentleman it is almost 100 years since the amendments, which are now famously known as the 14th and 15th amendments, were adopted. I would think in those 100 years that there should have been much more progress made with reference to the advancement of the Negro than has heretofore been made. I admit progress has been made, and I think the State of Georgia has, in some respects, done a good job and in other respects, it has not. In that connection, where the various sections of the country, the State of Georgia included, have been laggard, I think bills of this character, which are not too revolutionary, will help the State of Georgia bring a degree of equality which those amendments require. Now, if you feel there should be no equality, then I would say it would be logical for you to offer an amendment striking out of the Constitution those very amendments which I think are flagrantly disregarded.

Mr. LANDRUM. If the gentleman will yield at this point.

Mr. CELLER. I yield.

Mr. LANDRUM. The gentleman from New York is taking this discussion into a field which was certainly not involved in any question or statement that I made. We are not talking about equality, but we are talking about voting.

Mr. CELLER. But that is the same thing.

Mr. LANDRUM. I would like to ask the gentleman this question. Is it not true that recently you elected a Member of the Congress from the State of New York to the House of Representatives on about 5,000 votes from a congressional district?

Mr. CELLER. If the gentleman is trying to say that the voters in the State of New York are apathetic, I will say, yes, they certainly are apathetic and unfortunately so. But, remember, the law or bill that we are endeavoring to pass is going to be applicable to the State of New York as well as to the State of Georgia. I will say that we, in the State of New York, certainly are not paragons of virtue. I do not want to lay any flattering unction to my soul and say to you that we are the banner State in the Union so far as equality is concerned. That is not true. We do have discrimination.

Mr. LANDRUM. Then why do you not use your own laws in your own State?

Mr. CELLER. We have discrimination in housing and we have it in almost all levels of American life. This bill will apply to us as well as it applies to you.

I have supported legislation in my own State to break down the barriers between the races. We have a number of statutes in New York to bring about better racial relations.

Mr. LANDRUM. How do you account for the disenfranchisement of 5,000 Puerto Ricans up there?

Mr. CELLER. The gentleman does not let me answer; I have the floor, as a matter of fact.

Mr. LANDRUM. I am sorry.

Mr. CELLER. I have advocated in season and out of season in my own State that New York has been lagging in according equal privileges and equal rights to the various races, and I have tried to whip-scourge many of the recalcitrant officials in my own State to do that which is the proper, decent, honorable, and moral thing. So you cannot charge me with lack of interest or effort.

Mr. LANDRUM. Can you not do that under your own State registration law?

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Chairman, yesterday and today we have been debating certain legislation which has been designated as civil rights, and which has as its objective equality for all our citizens.

The eyes of the world are upon us at this time to determine whether our oft-repeated statements advocating equal rights of man—both in national and international affairs—are sincere or only lipservice to a popular concept.

Our responsibility, at this time, is a grave one; the issue here being whether or not we are going to enact legislation

which adequately, and without reservation, gives to all of our citizens all of those rights which are guaranteed to them under our Constitution.

Mr. Chairman, if this legislation is enacted, and I feel sure that it will be, it will be a great step toward establishing further respect for the laws of the land in the minds of millions of our citizens who heretofore have felt the heavy hand of discrimination.

The enactment of this civil rights legislation will also be a great step forward in our fight against communism and the Communist tyranny. How can we win the bitter war in the world struggle of these conflicting ideologies if the Communist agitators can tell the people of the world that under their system all men are equal in personal and civil rights, but not in America?

I, therefore, urge the passage of H.R. 8601.

Mr. WILLIS. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. McMILLAN].

Mr. McMILLAN. Mr. Chairman, a great debate which is now going on in the House and the Senate concerning civil rights could extend for months and possibly years. The bill that is being considered by the House of Representatives at the present time seems to me to be unnecessary legislation. I would think that if our country is in such great danger that we must spend approximately $50 billion annually on defense, we should not be taking up weeks and weeks of valuable time talking about people's civil rights here in this country when everyone down in his heart knows that every person has all the rights he is entitled to in a free democracy. I presume there will be, before this debate is concluded, speeches made by Members of Congress from every State in the Union, and I expect to address my remarks concerning existing conditions in my own State of South Carolina.

The majority of the newspapers only mention the voting rights section of the civil rights bills pending before the House and the Senate and do not mention the most arbitrary and obnoxious sections of the bills. The Civil Rights Commission, I understand, has not received a single complaint from any person in the State of South Carolina charging that his or her rights had been denied. I personally know from experience that the candidates of public office in South Carolina spend more money trying to get the people of our State interested in registering and voting than on any other part of their political campaigns.

Take my case, for instance, when I have had opposition in the primaries, I spent the majority of the money I had available for campaign expenses in pleading with the people of my district and State to register and qualify to vote in the primaries and general election. I have made numerous radio talks, have appeared on television, and have spent hundreds of dollars in sending out printed material in an effort to have every person who is qualified to vote to be certain and register and go to the polls and vote on election day. Not once have I ever requested that only the whites go to the polls and vote and I have not once ever heard a speaker or candidate for office in my State request only the whites to register and vote. Every person in my State makes an open invitation for every person, which includes colored people as well as whites, to register and vote, which in my opinion, makes the first section of the pending bill absolutely unnecessary in my State.

I have always been taught that the primaries were set up as a democratic form of nominating or selecting a person for office and if we are going to permit the Federal Government to control the primaries I can see no necessity of continuing this form of elections and use only the general elections as some States do at the present time.

I would like to state in passing that colored and white people in my State have lived together in harmony ever since I can remember. However, during the past few years, since all this civil rights talk has been promoted and broadcasted through the press and through high paid persons belonging to certain organizations, the relations between the two races are becoming strained to a certain extent.

I personally had never heard of such a thing as a mass racial friction between the two races in our State until after the 1954 Supreme Court decision and outsiders being sent into our State for the specific purpose of stirring up racial trouble. We have in our State, in my opinion, more colored schoolteachers than in any other State in the Union, and I am certain that we have the most up-to-date and modern school buildings in the United States. The colored high school in my home town must have cost at least a million dollars while the white high school cost less than $500,000.

It seems to me rather ironic that we should be spending millions of dollars on the so-called civil rights legislation when everyone with any commonsense knows that it is only being stirred up and flaunted around for political purposes—one party trying to induce a small minority to vote for it in preference to another party in the presidential election this fall.

I am certain that the backers of this proposed legislation have overestimated its importance as we only have between 16 million and 20 million Negroes in the United States while on the other hand the southerners, which seem to be another minority group, have approximately 50 million people in their group. However, it seems that their vote does not count with either party.

I have made an effort in these few minutes to try to explain to you that there has been harmony between the races during the past 50 years until this eternal civil rights proposal came up and the Supreme Court decision in 1954, calling for the Federal Government to dictate to the States in connection with their schools.

Since the Senate began debating the civil rights bill there have been a number of well-planned exhibitions and threats on the part of the colored students in my State in an effort to break up good relations between the two races. Just recently a group of students from one of the colored universities of South Carolina, without any reason whatsoever and armed with bricks, rocks, sticks, and other weapons, invaded a drive-in restaurant and broke the glass out of several automobiles and caused other damages.

I am certain every Member of Congress realizes that this could have easily spread into a race riot if the white boys and girls had not held their tempers and heads as the only natural thing for the white boys and girls to have done would have been to fight back at the invading group.

We all know that is what the planners of these incidents wanted so they could claim that the colored people were being mistreated and beaten up in South Carolina. I am happy that the young men and women in my State have the courage to discourage such incidents and take them at face value.

We, of course, realize that if such conditions continue to exist not only the Southern States but all of us will be confronted with problems much worse than civil rights.

I would suggest that every Member of Congress insist on the people in his or her individual State take care of their own affairs and permit the people residing in other States to handle their affairs, as I am certain that any person residing in a State, whether he be an official or a private citizen, is in a better position to know how to handle the affairs of his State than a person residing a thousand miles distant.

I am certain that the proposed legislation is exactly the type of legislation that caused our forefathers to leave England and come to this country—for the purpose of getting out from under the yoke of a central government.

I sincerely hope this bill will be defeated.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Minnesota [Mr. KARTH].

Mr. KARTH. Mr. Chairman, the proposed amendment offered by the gentleman from Michigan [Mr. O'HARA], is the first authority proposed which embraces and answers the problem solely of voting rights. It is specific, to the point, and refrains from wandering all over the lot on the constitutional question of executive versus judicial.

I do not necessarily believe in following the footsteps of the other body. The Congress of the United States is not a unicameral legislative body—it is bicameral. I suggest we keep it that way, despite the fact there may have been agreements or commitments made between certain people of the two bodies. I would not want to follow the way of the Senate in several acts they have already undertaken on this question of civil rights. Let the House work its will—let us pass the best bill possible and at least one that definitely embodies an effective answer to the voting rights question. I do not mean to imply that is all it should have in it. It needs much more. But the point I

make is that it must answer that question in the most positive manner—the tools must be furnished accompanied by authority for implementation.

Continuing disfranchisement of the Negro citizen nearly 100 years after adoption of the 15th amendment is a public and constitutional tragedy.

The referred plan is a weak answer at best. It needs supplementation by the O'Hara amendment.

The Civil Rights Commission found that in a relatively small area, not 1 single Negro, where 214,213 Negroes lived, was successful in registering to vote.

The referee system will proceed too much on an individual or case-by-case basis. With the mass of denials, this may be of little benefit. For a problem involving mass denials, we need legislation that will invoke mass correction.

In addition to this observation a grave question of constitutionality arises on the referee plan. I am not a lawyer, but I commend to you the remarks of the distinguished Senator from Michigan, Senator HART, and those of our colleague the distinguished gentleman from Michigan [Mr. O'HARA].

Mr. WILLIS. Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. MATTHEWS].

Mr. MATTHEWS. Mr. Chairman, it is very difficult in a general talk such as I propose to make to speak against different civil rights proposals because none of us know just what the amendments will be, and in what direction of government these proposed amendments, if passed would take us. Over in the other body, it is my understanding that about 8 pounds of so-called civil rights bills have been introduced and some of them contain such drastic proposals that I know the American people would be alarmed if they had the opportunity to study thoroughly these proposals. Now, many of our colleagues who are in favor of this so-called civil rights legislation would have the American people believe that the only matter which is involved is the so-called voting right of American citizens. However, there are many sleepers in the proposed bills and amendments, such as a gimmick to permit the Federal Government to have control of the education of certain military dependents under certain conditions. Or, there is the old title III of the civil rights bill which was passed in 1957, but which particular amendment was deleted from that bill, and which authorized the Attorney General to institute civil proceedings and to protect the right to equal protection of the laws—an illegal and unconscionable invasion of the rights of the States.

There are also proposals for a Federal Employment Practices Commission which would permit the Federal Government to intrude itself into every little business throughout the Nation.

The tragedy of the situation is, however, that most people in America believe that those of us who oppose the civil rights bill are opposed to a qualified citizen having the right to vote. I want to state very emphatically that I believe every qualified citizen in America ought to have the right to vote. The question is whether these rights should remain, as they have in the past, subject to the laws of a State, backed, of course, by many Federal laws already on the statute books, or should this whole matter be the primary concern of the Federal Government. Let me make this point very clear at the outset, and that is that many able constitutional lawyers honestly and sincerely believe that we have enough laws on our statute books to protect the voting rights of all qualified American citizens. I hold to that view. It should also be emphasized, as has been pointed out repeatedly in the other body, that every State has specific qualifications for its voters, and our sister State of New York, for example, does not permit hundreds of thousands of Puerto Ricans to vote because they have a requirement that it is necessary to read the English language, and many Puerto Ricans in New York cannot qualify because of that fact. Keep in mind that there are many more Puerto Ricans who cannot vote in New York because of the language requirement than the total number of all cases brought to the attention of the Civil Rights Commission in the South as a result of the so-called denial of voting rights.

Specifically, now, let us ask this question, "What about voting rights?" and in my particular instance, "What about voting rights in the State of Florida?" I do not feel that I am qualified to speak for the other States in the Union, but I have made a rather thorough study of the right to vote in the State of Florida. Our secretary of state, the Honorable R. A. Gray, made this statement in January of this year:

> As the State official mainly concerned with the administration of election laws in this State, I do not know of any county or any supervisor of registration who has, or would, deny a Negro the right to register to vote.

In September of last year, Gov. LeRoy Collins told a press conference that he had not received direct complaints or information to support a report by the Civil Rights Commission to the effect that in Gadsden County, Fla., Negroes were afraid to vote. In this statement, Governor Collins made it clear that if there actually did exist instances of intimidation or other illegal interference with the right to vote, and such instances were reported to him he would not hesitate to take corrective action. He said:

> Specifically, the State government can call upon the people generally in those counties to adopt a different attitude and to improve that situation, and as Governor I don't hesitate to do that here and now. I hope that that can be accomplished there through their local processes. If, of course, there are specific acts that are brought to the attention of the local officials and if, that being done, there is not adequate redress provided at the local level, of course, that will be another matter in which I, as Governor, will be very interested.

To this date, no such complaints have been made to Governor Collins.

Now, that is the reason I do not think it is necessary for us to impose cumbersome and unconstitutional Federal laws upon the State of Florida insofar as the protection of voting rights are concerned. I know that in the State of Florida, any qualified citizen has an adequate redress if he has been improperly denied the right to vote. No citizen in Florida, who claims his voting rights have been denied, has exhausted his State or other administrative redresses.

Mr. Chairman, another point here that I think is very unfair and that should be emphasized is that so often the advocates of pending civil rights legislation have given us a tremendous volume of statistics showing the registered voters, especially now in the South, and dividing this registration among the white and Negro races. They assume that just because a person does not register to vote, it automatically means he has been denied the right to registration. I protest this conclusion in as vigorous a language as I possibly can use. May I point out this fact, that the 1958 population of Alachua County, Fla., my home county, was computed at 80,500, with 60,400 white citizens and 20,100 Negro citizens. Now, registration in 1958 for the white citizens was 13,433, which is 22.2 percent of the total number of white citizens, while the figures for the Negro citizens were 2,169 registrations, with a percentage of 10.8 percent of the total number of Negro citizens. Both races, Mr. Chairman, have a terrible record in my home county of Alachua insofar as registration is concerned. Now, one of the chief reasons for this low registration is because a couple of years ago our supervisor of registration cleared our rolls of people who had moved away and people who had died during the preceding several years. In other words, a complete new registration list was made and people just have not gone to the trouble of going to the supervisor of registration to register. May I say that our citizens are very much concerned about this low registration rate, and our civic leaders are making every effort now to get qualified citizens to get back to the supervisor of registration's office to register. Another reason, of course, we do not have a higher registration not only in my county but in other counties all over the country, is because some people do not have the political consciousness that they should. They simply are not exercising the right they have—not because they are denied that right, but because for some reason they do not want to accept that right and that responsibility. Insofar as these statistics that are bandied about showing that since we have such a small percentage of the Negro population registering to vote, it automatically means they are denied the right to vote, let us keep in mind the differences in the numbers of children that are in a colored family as opposed to the number that are in a white family. Have our statisticians checked the total population to see how many adult citizens there are in the total of both races who are qualified to vote if they just take the time to register? I maintain that if such an analysis were available, it would indicate in the average county in my district that there are far more children in a colored family than there are in a white family, therefore,

there would be far less colored citizens over the age of 21, which is the minimum voting age, in proportion to their total population than would be true in the case of white citizens.

In this connection, Mr. Chairman, may I remind my colleagues that several years ago when we were discussing civil rights legislation, one of my colleagues mentioned Madison County in my district as a district where not a single Negro citizen was registered to vote. While he was still talking I rushed to the telephone and verified a fact that I knew, namely, that we had over a thousand Negro citizens registered to vote in Madison County, and in fact, we had just about that number voting in an election held just several months previously. Now, Madison County is not a large county, and I would say that the average total number of votes cast in that county would be between 4,000 and 5,000. Again, I want to emphasize that before we assume that just because there is a large colored population and a small percentage of registration that such fact is due to a denial of the right to vote, we should examine our statistics more carefully. We should ask, "Who compiled the statistics?" We should ask, "Has any complaint been made to local administrative officials?" We should ask, "Has a complaint been taken to the State authority and has an effort been made to find redress for a denial of voting rights within the present very elaborate Federal legal machinery that we have to take care of such matters?"

I would remind my colleagues that the best progress in racial relations have been made free of Federal interference. I am very proud of the tremendous progress that we have made in our great State of Florida insofar as the progress of all of our citizens is concerned. I have noted with grave concern that since we have been talking on this so-called civil rights matter here in Congress that we are having in the South now certain series of planned sitdown strikes at lunch counters that are organized by Negro citizens. What do they want in the nature of civil rights legislation? Do they want the privilege of telling a man in business that he has to run his business exactly like a certain group of citizens tell him to run it? If this so-called civil-rights legislation is passed this year, what will be the aim 2 years from now? What is the purpose of those who advocate the sitdown strikes at private lunch counters? Is it in any way connected with this civil rights legislation?

Mr. Chairman, I want to speak about one type of argument that we hear quite frequently insofar as civil rights legislation is concerned, and that is the argument that we must pass this type of legislation because of our leadership in the free world. To emphasize this point, may I point out an article by Mr. Ralph McGill, which appeared in the Washington Evening Star on March 9 of this year. Mr. McGill tells the tragic story about a young scientist in India, a Dr. M. T. Joseph, whose take-home pay amounted to only about $21 per month. Dr. Joseph was married and had five children. He took his own life. Now, Mr. McGill went on to talk about the tragic problem India had in paying adequate salaries to their scientists, then he commented that the Russians have announced the opening in September of a free university for aliens. Now, let me quote verbatim the last two paragraphs of Mr. McGill's article:

> Dr. Joseph's story has meaning, too, for America. We must have some form of foreign aid. India is a country with representative government. If it fails then free government everywhere dies a little.
>
> That is why the spectacle of the filibuster, the fight to prevent colored Americans from having full educational opportunity and the right to vote, is so damaging to us. We cannot preach democracy and political morality and betray both.

Now what in the world does Dr. Joseph's tragic story have to do with the filibuster? The problem here is not the filibuster, but how to help India to help her people to help themselves. I, of course, also want to challenge the inference in Mr. McGill's article that those participating in the filibuster want to prevent colored Americans from having full educational opportunity and the right to vote. But again, the main point I want to present is how farfetched Mr. McGill's suggestion is that promising scientists like Dr. Joseph in India are viewing with bated breath our debates here on constitutional civil rights problems.

We are told that the underprivileged nations are looking to us and if we make a mockery of democracy that they will not follow us. Well now in the first place, I do not believe we have made a mockery of democracy, and I think we, in my great State, are earnestly striving to continue the constitutional type of government that has been handed down to us by our forefathers. I want to insist, also, that with two-thirds of the people of those underprivileged nations being deprived of even one square meal a day, I do not think these unfortunate people are concerned about the purification of our pattern of democracy, but rather they are concerned with getting the simple elements that go to make up food and shelter. I read in a newspaper article the other day where singer Lena Horne was asked in France why she did not sing her people's songs, such as the old hymns and spirituals. According to the newspaper writeup, she said in effect, "How can I sing, 'Let My People Go,' when I'm wearing a $1,000 evening dress?"

Here in the District of Columbia, where maximum relief payments can approach $400 per month, American democracy represents opportunity so fantastic even to our underprivileged that I just cannot be convinced that the starving peoples of the world are too concerned as to whether or not our Negro citizens can sit down at a lunch counter on one side of the street, or go to the other side where equal facilities are offered. Consider, if you please, Mr. Chairman, that the average per capita expenditure for a citizen of India for food, clothing, and shelter is 19 cents a day; for a citizen of the free countries of Africa it is 35 cents a day; for a citizen of the South American nations it is 74 cents a day. How unfair to our Republic to even indicate that the treatment of any minority group of our citizens is on a comparable level. If the underprivileged nations of the world are looking with nervous anticipation upon our solution of this civil rights legislation, how are we going to communicate our action to them? It is my understanding that among the 400 million of people in the great country of India, there are at least a hundred different languages that are being used. Several days ago I heard a missionary say that in Africa there were 800 dialects spoken. How are we going to communicate with the peoples of these vast areas and present what we are doing to them in such a favorable light that they can be impressed when we are faced with that language difficulty.

Then, too, I would remind you that this Congress has not passed legislation which would give the State Department the right to deny passports to Communists, and it is entirely possible that even the communication channels that are available in the nations across the seas are now being subverted by Communists from this country to such an extent that they never will get the true meaning of our intent, no matter what we do. No, Mr. Chairman, the underprivileged nations of the world want an opportunity for life, liberty, and the pursuit of happiness within their own nation. They are imbued with the great feeling of nationalism. Only in America do we hear such an emphasis of foreign aid and on our responsibility to help solve the problems of all the peoples of the world, and of other nations. Mr. Chairman, in the rest of the world emphasis is on nationality. The people of these nations say, "Let us handle our business in any way we want to handle it, and please keep your hands off of us, but give us aid without any strings attached to it." Now I certainly believe that we in this great country ought to help our friends to help themselves. I do not believe, however, we are big enough and smart enough, and rich enough, to solve all the problems of all the peoples in the world. Their problems must be basically solved by themselves. And I repeat again, that their biggest problem now is how to provide the basic elements of nutrition and shelter. I do not believe they will concern themselves with a problem such as we are talking about today, unless, of course, this problem is handled by our enemies in such a way that it will react to the detriment of America. Let me plead with my colleagues to solve the problems of America on the basis of what is good for America and not what some propagandist might say we are doing. They will always garble the truth. I remember when we were voting on the admission of Alaska and Hawaii we were told that it would mean so much to help us with the uncommitted nations. How much has it helped us with the uncommitted nations? Please tell me what the connection of that has to do with the solution of the problems of Latin America, or India, or Africa? I repeat again the immediate national problem of those countries is how to provide adequate

food and shelter for their people. I believe the chief indictments against our democracy are not a denial of civil rights but a crime wave that costs our people $25 billion a year; a resort to and a dependence on materialism which stifles the true progress of our people; and a tendency to avoid the responsibilities of American citizenship while demanding the privileges.

One reason we have to have debates on this type of legislation, which I think is unconstitutional, is because every two years now during the time of a congressional election, and certainly every four years during the time of a presidential election, we must do something to pacify the minority groups in our great city areas of the country. Each party feels that it is necessary to make certain promises in order to get these votes that are so often cast in a bloc. One of the great denials of civil rights, in my opinion, is the fact that this concentration of these minority groups in certain of the large city areas gives them an influence all out of proportion to their number, and all out of proportion of the true feeling of the country. Those of us who live in other areas are, therefore, denied representation based on the feeling of the great majority of our people. The way I think we should correct this evil, and in my opinion it is a tremendous evil, is a method for the popular election of the President and the Vice President of the United States, such as proposed in my bill, House Joint Resolution 116.

In the great State of New York in the 1950 census, there was a reported population of 14,830,192. That number has, of course, increased since that time. According to the 1950 census, the State of New York had 43 Representatives and 2 U.S. Senators, so they are entitled to 45 electoral votes in the presidential election. In all large cities, and this is no particular criticism of the great State of New York, there is a tremendous tendency for minority groups to be concentrated. Now, if a majority of the State's popular votes go for a certain party, then all of the State's electoral votes are cast for that party. In the State of New York, we have 45 votes available for President, provided the State gives a bare majority to a political party. You can see then the great emphasis that has to be placed on the minority vote. This minority is often the difference between success and failure. A bloc of 100,000, 200,000 or 300,000 votes assumes an influence all out of proportion to what should be their proper and rightful influence. The only way to correct this evil is to provide for the popular election of the President and Vice President so that if 40 percent of a State's population votes for a certain party, that party's candidate can get 40 percent of the electoral vote. If you will check the votes of our Judiciary Committee in the House, you will find that many of our colleagues who voted for this proposed legislation come from our large city areas, where this minority problem is concentrated. Five of the members of the Judiciary Committee who are in favor of civil rights legislation are from New York. Mr. Chairman, I would remind you that in the preamble to the Constitution of the United States, we find that the purpose of the Constitution, among other things, is to insure domestic tranquillity and to secure the blessings of liberty. I want to tell you that the tampering with the Constitution by Congress, as suggested in the proposed civil rights legislation, is certainly not insuring domestic tranquillity in a large section of this country, and it is certainly raising in the minds of a majority of our people a question about whether or not we have the blessings of liberty that are guaranteed to us in the Constitution. I, therefore, Mr. Chairman, must vote against the proposed civil rights legislation because I sincerely believe that we have sufficient State and Federal laws to protect our civil rights; these proposed laws will not promote domestic tranquillity nor promote the blessings of liberty; they are a further encroachment upon the rights of the States; and will not contribute to the progress of racial relations in the South nor, in fact, anywhere in the country.

Mr. ASHMORE. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. SELDEN].

Mr. SELDEN. Mr. Chairman, it is obvious to those of us who live in the South that each new so-called civil rights law, each new Supreme Court decision affecting race relations, and each new NAACP attack further agitates the members of both the white and the Negro races. There is no doubt but that the friendly relations that have existed between the races in my own State of Alabama and throughout the entire South have been severely strained in recent years primarily through the interference of persons and organizations from other parts of the Nation who are not familiar with this section of the United States and its problems.

In Alabama we have always operated under a segregated system, as have other sections of the South. Under that system, the Negro race has made great progress—perhaps greater progress than any race anywhere at any time in history. That progress could not have been made without the help and encouragement of southern white people. Because of good will and understanding between the two races, racial strife and hatred in the South during my lifetime has been negligible. However, as a result of the Supreme Court's decision of May 17, 1954, and the events that have followed, we are now confronted with a situation in Alabama and the South that is not easily understood by those who live in other parts of the country. Many fail to realize that in the South we are dealing with large masses of the Negro race rather than with the relatively small Negro population found in other sections of the United States.

In the South school facilities for Negro students had improved steadily under the separate but equal doctrine that was promulgated by the Supreme Court more than 60 years ago and reaffirmed several times since. During the 20-year period between 1936 and 1956, the number of accredited public Negro high schools in the State of Alabama increased by more than 1,000 percent. Today there are approximately seven times as many seniors enrolled in the Negro high schools of the State as there were in 1937. There were 739 Negroes graduating from colleges in Alabama in 1957, as compared with only 72, 20 years earlier. Negro teachers are employed to teach in the Negro schools in Alabama and their salaries are on a par with white teachers of the State.

The majority of the members of the Negro race recognize and appreciate the progress that is being made in the field of education, as well as in other areas, and while I am sure many feel such progress should be accelerated, they are aware of certain economic difficulties that must be surmounted.

Despite indisputable advancements, however, the South today is being treated as the stepchild of our Nation and its Negro population is being used as a political football.

Mr. Chairman, I appeared before both the House and Senate Judiciary Committees last year in opposition to legislation similar to that now under consideration. Today I am appealing to each Member of this body, regardless of their section of the country or their race, to look carefully beneath the veil of civil rights and examine the real substance of this legislation.

Title I of the bill now under consideration—H.R. 8601—deals with the obstruction of court orders.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Louisiana.

Mr. WILLIS. I may say to the House that that section was stricken out of the bill on the Senate side.

Mr. SELDEN. I am very happy to hear that. I should like to point out that in my opinion that section is manifestly designed to intimidate the vast majority of southerners who question the wisdom of many recent decisions of the Supreme Court. This provision would make it a crime to prevent, obstruct, impede, or interfere with, or to endeavor to prevent, obstruct, impede, or interfere with school desegregation orders of a U.S. court "by threats or force, or by any threatening letter or communication."

This is a blatant, clumsy assault on the freedom of speech that is guaranteed to us as Americans by the first amendment to the Constitution. The advocates of forced integration are apparently becoming concerned over the unabating opposition to their sociological experiment, and are now attempting to suppress that opposition by curtailing free speech. The deliberately loose wording of title I adds to its dangerously sweeping character. This was very clearly shown by the 10 distinguished members of the House Judiciary Committee who opposed H.R. 8601. In their closely reasoned and well-documented minority views, they point out that:

> The use of the word "endeavor" is a very interesting one, and is one which should be carefully understood. Ordinarily, in a criminal statute, there is set forth a definition of the substantive crime or an attempt to commit that crime. The word "attempt" in

criminal jurisprudence is a very significant one. Normally, "attempt" means some act beyond mere preparation and will amount to the commencement of the consummation of the crime. It should be noted that this language does not use the word "attempt" but rather the word "endeavor." In the case of *U.S.* v. *Russell* (255 U.S. 138), at page 143 the Court said: "We think, however, that neither the contention nor the cases are pertinent to the section under review and upon which the indictment was based. The word of the section (referring to the obstruction of justice section of the Criminal Code) is 'endeavor,' and by using it the section got rid of the technicalities which might be urged as besetting the word 'attempt.'" Thus, by the use of the word "endeavor" instead of the word "attempt" the prosecution has a lesser degree of the burden of proving guilt than it would have if the word "attempt" had been used.

It is my inescapable conclusion, then, that title I of H.R. 8601 constitutes a deliberate assault on one of the basic American freedoms—freedom of speech. To make such an assault under the guise of "constitutional rights" in order to suppress the majority opinion in a substantial number of American States comes breathtakingly close to the brink of totalitarianism. If we enact this bill, the time could come when most of the South's solid citizens may share the feeling once expressed by Henry David Thoreau that "under a government which imprisons any unjustly, the true place for a just man is also a prison."

Title II of the bill under discussion deals with flight to avoid prosecution for damaging or destroying any building or other real or personal property. I must confess that I fail to see the relevance of this portion of the bill to the civil rights issue. Generally, the essence of civil rights legislation has been the attempt on the part of other sections of the United States to force a change in the outlook and attitude of the South. Federal legislation has been proposed, and sometimes enacted, in full knowledge of the fact that it collided head-on with southern public opinion. Yet, this basic element is lacking in the matter involving the destruction of real or personal property. Responsible citizens throughout the South deplore such acts of vandalism, and there is no evidence to suggest that southern law-enforcement agencies are remiss in their duty to prosecute to the fullest extent of the law in these cases. Interference from the Federal Government at this point could serve only to confuse and obstruct judicial processes. This section of the bill may have some political appeal, but it will serve no useful purpose.

Title III of H.R. 8601 requires election officials to preserve their records for 2 years and permit them to be inspected by the Department of Justice. This part of the bill is based on an assumption that is as false as it is pernicious—that is the assumption that the Federal Government has absolute power over Federal elections. The Constitution of the United States is unequivocal in connection with the control of elections. It leaves this control with the individual States. Section 2 of article 1 and the 17th amendment stipulate that the electors for Members of Congress "in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Section 4 of article 1 gives Congress the power to make or alter regulations regarding only three specific aspects of Federal elections—the times, places, and manner. The records of the Federal Constitutional Convention indicate clearly that this provision was written to protect the Congress against the threat of a possible refusal on the part of one or more temporarily disaffected States to hold Federal elections and that it was never intended to transfer the power over elections to the Federal Government.

Since the ratification of the Constitution, two amendments have been added that further modify the States' power over the voting process. The 15th and 19th amendments limit the ground upon which a State may deny the ballot to a citizen. But again in these instances, the States' power over the election processes is not transferred into Federal hands. Furthermore, these amendments apply to State as well as Federal elections, so that it would seem that the authors of the proposed legislation do not rely on them for the alleged constitutionality of the bill.

Mr. Chairman, the inherent right of the States to regulate and administer both State and Federal elections has been confirmed time and again by the Supreme Court. In 1941, Mr. Justice Stone included the following statement in the Court's opinion in the case of *U.S.* v. *Classic* (313 U.S. 229):

> Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity with the requirements of State law, subject to the restrictions prescribed by section 2 and the authority conferred on Congress by section 4 to regulate the times, places, and manner of holding elections of Representatives.

Yet, in spite of these precedents and in spite of the clear constitutional intent to leave the power over elections practically undisturbed with the States, we are now asked to pass a bill that is blithely based on the assumption that Federal elections are entirely within the Federal domain.

I do not believe anyone will disagree with me when I make the statement that the election process is vital to a democracy. To tamper with this process is to tamper with the very foundations of our Nation. If we deprive the States of control over the basic power of holding elections we not only reduce their viability as political units to the vanishing point but we risk losing one of our most precious rights—the right of the secret ballot. In my opinion, it will be impossible to preserve election records for 2 years, open them to Federal inspection, and still maintain secrecy. I think even the proponents of present and past civil rights legislation will agree that it is indeed inconsistent to bestow the right to vote on any individual or group with the right hand while taking away with the left hand the essential democratic safeguards of the right to vote in secret and without coercion.

Title IV of H.R. 8601, extending the life of the Civil Rights Commission, is now obsolete since such an extension was granted during the last session of Congress.

I turn now, Mr. Chairman, to title V of H.R. 8601 which purports to be concerned with the education of children of members of the Armed Forces. This section would authorize the Federal Government to provide facilities for the children of servicemen in cities where public schools were closed to avoid integration. Like title II of the bill, this provision is not relevant to the overall subject matter of the legislation now under consideration and actually should have been considered by the House Education and Labor Committee rather than the Judiciary Committee. Regardless of which committee should have had jurisdiction, however, the provision fails to reflect sound reasoning.

According to title V, any local school district in a federally impacted area otherwise entitled to assistance under Public Laws 815 and 874 of the 81st Congress will be ineligible for assistance unless it agrees in advance to surrender the school building and facilities acquired under those acts to the U.S. Commissioner of Education if he requests them. It is my opinion that many school districts, recognizing such an agreement as a permanent claim on their facilities, will decline to accept Federal funds for impacted areas, thus denying proper educational facilities to children of the local community as well as those of Federal employees.

In connection with the authorization in title V, the Commissioner of Education is given broad, ill-defined powers. Referring to these dangerous powers, the distinguished gentlemen who constituted the minority when the Judiciary Committee reported the bill now under consideration issued the following warning:

> Under the existing law and the amendments thereto proposed in this title (title V) the Federal Government comes into the educational picture when, among other conditions, it is the judgment of the Commissioner that no local educational agency is able to provide suitable free public education. What is the limit of the power thereby vested in the Commissioner in the exercise of his judgment as to what constitutes "suitable free public education"?

We have heard many comments about the need for so-called civil rights legislation to bolster American prestige abroad. I suggest to the Members of this body that the first thing that we as Americans owe the world and posterity is the preservation of our Federal system. It has proved to be the only system capable of protecting human dignity and preserving democracy in a large modern country. We are living in an age that has a frightening inclination to bury the individual under large, impersonal, monolithic structures.

This tendency is evident in the free world, as well as in the Communist nations. We in America have the most effective weapon against this onrush of the dark ages—a decentralized Federal system that keeps the roots of democracy alive. Democracy must flow from the people to the government, and the

flow must be steady in order to keep the government healthy. This flow can never be reversed; democracy cannot be imposed by decree.

Vigorous local and State governments protect the sources of our democracy. If the effectiveness of these governments is impaired, democracy will waste away. This philosophy is certainly not original. It is axiomatic to every student of modern democratic government. Yet, we are being asked to ignore it in order that a transitory political end may be gained.

Mr. Chairman, I see no necessity for legislation of this type. Although I am certain there are voting inequities in every State of the Union, those inequities should be corrected by the States themselves and not by the Federal Government. While force legislation of this type may further the political destinies of some, it can only impede rather than accelerate the progress of the Negro in the South. At the same time, the adoption of this measure can only mean further encroachment by the Federal Government on powers traditionally within the field of State authority. Therefore, I urge that this so-called civil rights measure be defeated.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. ASHLEY].

Mr. ASHLEY. Mr. Chairman, as this debate continues it becomes clear that the majority of the membership of the House wants a meaningful bill to remedy systematic disfranchisement of great numbers of our Negro citizens. The importance of this matter is self-evident, whether it is regarded solely as a racial problem yet to be solved on the eve of an important national election, or whether it is regarded as a racial problem which touches and affects our posture in international relations. Many of us are concerned, however, lest the importance of the objective of passing a law to protect the right to vote might obscure the importance of choosing the right means to achieve that objective. It was in that spirit that I recently introduced H.R. 11053; similar to the Hennings proposal offered on the same day and it is in that same spirit of constructive critical analysis—that I now speak.

The report of the Commission on Civil Rights brought the matter to the forefront, and focused the attention of the Nation upon an existing evil on the domestic scene. Discriminatory denials of the right to vote, which we now know exist upon a wholesale basis, make up this evil. It is an evil described by the Commission in its report as "a partial repudiation of our faith in the democratic system." I ask you now to give similar attention to the remedy for this evil which was recommended by the Commission. I would emphasize the truly bipartisan nature of this recommendation—two Democrats, two Republicans, and a political independent voted for it. I would also emphasize its national and nonregional character—it was supported by two members from the North, two members from the South and one from the Far West.

What, then, was the nature of the remedy? The Commission recommended legislation to provide for a system of administrative officers to conduct the ministerial functions of the registration of voters. This system, under the Commission recommendation, would be set into action upon the initiative of the people who themselves were victims of racial disfranchisement. I would emphasize that by the term "administrative officers," the Commission did not suggest, nor do I imply, the creation of a new administrative agency. It was, rather, a system of officers appointed by the President, and designed to lend to the system the power and prestige of the office of the Chief Executive of the United States which was recommended by the Commission.

The Commission report was criticized, and properly so, because it did not cover State and local as well as Federal elections. But, strangely enough, the critics did not choose to follow the obvious course—extension of the Commission recommendation to cover the State and local elections. Instead, a wholly new scheme, abandoning every feature of the system recommended by the Commission, was substituted.

I refer here to the system of court appointed referees whose work would be reviewed by the court before anyone conceivably could secure the right to vote. This is a system where the initiative to set into action would rest with the Attorney General of the United States, not with the disfranchised mass of Negroes. If one reads that part of the report of the Commission which precedes specific recommendations, one cannot help but be impressed by the careful study and analysis of a host of court cases concerned with the objective of securing the right to vote. This background material for the recommendation lends special significance to the form of the remedy suggested by the Commission. It clearly demonstrates the fact that the Commission was firm in its tradition that judicial proceedings had not proved suitable as a remedy for the evil. The failure of the judicial proceeding is dramatically spelled out. It proclaims the necessity of an administrative remedy as one means to cope with the evil of wholesale disfranchisement. This, gentlemen, is a cardinal point for us to bear in mind as we deliberate the best means to the objective so wholly desired by a majority of the Members of this House.

After careful consideration of these and other objections to the referee proposal, a plan for Federal enrollment has been developed which seeks to avoid these objections. This proposal has been offered by Senator HENNINGS, and will be offered as a House amendment when the bill is read for amendment next week.

Under this proposal, where there has been a finding of disfranchisement because of race or color by a Federal court, the Civil Rights Commission or any successor agency appointed by the President shall be notified of such finding, and he then is authorized to appoint a Federal enrollment officer to serve until such time as he finds that the need no longer exists for the registration district where racial disfranchisement is pursued. That enrollment officer is authorized to enroll for State as well as Federal elections all applicants in the area where disfranchisement is being pursued, who meet the qualifications of voters under the laws of the State. The registration thus accomplished immediately entitles the applicant to vote in elections held within the district.

To preclude interference with the right to vote, the enrollment officers are authorized to attend the casting and counting of the votes. In addition, the Federal district courts are given authority, upon application of the Attorney General, to enforce the right of the individuals registered to cast their votes and have them counted subject to later challenge, and to issue injunctions applicable to State voting officials requiring them to honor such enrollments. Finally, the State's right to challenge the eligibility of those enrolled by the enrollment officer is preserved in a manner obviating delays prior to the election, by providing that at the time of the voting those enrolled who are challenged shall cast their votes subject to the Federal district court's subsequent determination of the validity of the challenges.

The proposal for Federal enrollment officers avoids each of the objections made to the other plans. The objections to the registrar proposal are avoided by providing that those enrolled shall vote in State as well as Federal elections and by assuring that those who are enrolled will be able to vote subject to challenge at the time of voting, through provisions for inspection of the voting and Federal injunctions, where necessary.

Objections to the referee plan are likewise obviated. Thus, the appointment of the enrollment officer, whose duties are administrative, comes from the President rather than the court. This not only avoids judicial supervision of administrative functions, but provides a double safeguard, since both a judicial finding and the exercise of Presidential discretion precede the appointment of the enrollment officer. Delays between the enrollment officer's determination of voter eligibility, and the securing of the individual's right to vote, which under the referee proposal may prevent the applicants from casting their votes in time, are precluded under a proposal which will be offered. It makes the enrollment officer's determination of eligibility immediately effective in the same manner that State registration, accomplished before a State registrar, is immediately effective. Finally, the embarrassing and futile requirement that the applicants for enrollment must first attempt to register with State officials is avoided by authorizing the enrollment officer to enroll all qualified voters who are in the race or color group subject to discrimination.

The proposal I proposed thus meets the demonstrated need for expeditious Federal enrollment of large groups of presently disfranchised voters in an effective manner, obviates the expressed concerns regarding previous proposals, and at the same time affords more than adequate protection to the legitimate interests of the States in the State election process.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. HERLONG].

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Chairman, I wish to commend the gentleman from Ohio for his appropriate and timely remarks. I share the misgivings of the gentleman from Ohio with regard to the proposed system of Federal referees.

I also share his opinion that the most effective proposal to secure the voting rights of Negro Americans is that offered in the Senate yesterday by the able senior Senator from Missouri, Mr. HENNINGS.

With unanimous consent of the House, I ask that there be printed, at this point in the RECORD, the text of this proposal and a brief paragraph by paragraph explanation thereof.

(The matter referred to follows:)

FEDERAL ENROLLMENT OFFICER ACT OF 1960

A bill to secure to all qualified voters, regardless of their race or color, the right to register and vote in elections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Enrollment Officer Act of 1960".

FINDINGS AND PURPOSE

SEC. 2. The Congress has heretofore expressed, by the creation of the Commission on Civil Rights, its concern at the continuing disfranchisement of qualified voters because of their race or color. That Commission has found that, under color of law or by State action, substantial numbers of qualified voters are being denied the right to register and vote in elections because of their race or color. The Congress hereby determines that the continuing denial of rights secured by the fourteenth and fifteenth amendments requires the exercise of the congressional authority provided under these amendments.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "election" means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

(b) The term "registration district" means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

JUDICIAL DETERMINATION OF DISFRANCHISEMENT

SEC. 4. (a) Whenever, in any action brought under section 2004(c) of the Revised Statutes, as amended by section 131(c) of the Civil Rights Act of 1957 (71 Stat. 637, 42 U.S.C. 1971(c)) a court finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, or the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.

(b) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c(a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration or the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.

APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

SEC. 5. (a) Upon any notification of a finding pursuant to section 4, the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office for such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by the Act until such time as he is relieved of such duties by the President.

(b) The President may, if in his judgment, such action appears justified and suitable, delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good-faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.

ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

SEC. 6. The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to section 4. All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an enrollment officer to enroll any person who is not the same race or color as the persons found pursuant to section 4 to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this Act shall be construed as impairing the right of any State to establish nondiscriminatory voting qualifications.

VOTING IN ELECTIONS

SEC. 7. Each qualified voter who is enrolled pursuant to section 6 shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of section 8.

ENFORCEMENT

SEC. 8. (a) Nothing contained in this Act shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States district court having jurisdiction over the registration district in which the challenge is made.

(b) Federal Enrollment Officers shall ascertain that persons enrolled under this Act are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this Act be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

(c) The provisions of this Act shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under section 6 of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this Act to cast their votes and have them counted, subject to the provisions of subsection (a) of this section.

(d) In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided, however,* That in case the accused is a natural person the fine to be paid shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of six months: *Provided further,* That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however,* That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

This subsection shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity including the power of detention.

APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

A PARAGRAPH-BY-PARAGRAPH ANALYSIS OF SENATOR HENNINGS' FEDERAL ENROLLMENT OFFICER ACT OF 1960

The purpose of the act is to secure to all qualified voters regardless of their race or color the right to register and vote in elections.

FINDINGS AND PURPOSES

Section 2: This section notes previous expressions of the concern of Congress at the continuing disenfranchisement of qualified voters because of race or color and notes that qualified voters continue to be deprived of their right to register and vote.

Section 3: Definitions: The term "election" as used in this act means any election held in the State, whether general, primary or special, for the purpose of electing or selecting any candidate for public office. The term "registration district" means the congressional district, i.e., the area from which a Member of the U.S. House of Representatives is elected.

JUDICIAL DETERMINATION OF DISFRANCHISEMENT

Section 4:

(a) Where a court finds in an action brought by the Attorney General under the Civil Rights Act of 1957 that because of their race or color any persons have been denied opportunity to register as voters by local officials acting under color of law or by State action, the Attorney General is to report that finding to the President.

(b) Where the Civil Rights Commission, or its successor agency, finds that local officials have denied to any persons, under the color of law or by State action the opportunity of registering to vote because of their race or color, the Commission is to notify the President.

APPOINTMENT OF FEDERAL ENROLLMENT OFFICERS

Section 5:

(a) The President on receiving such notification (from either source) is authorized to establish a Federal enrollment office for the area with respect to which the finding has been made. The President appoints one or more Federal enrollment officer(s) for each such registration district from among those Federal officers and employees who are qualified voters in the affected district. When he determines that there is no further need, the President is required to abolish the office. The appointees are required to serve until such time as they are relieved by the President.

(b) If, in the judgment of the President, State, and local officials are likely to eliminate the unjust deprivation of registration privileges, or if he feels that they will make prompt efforts in good faith to do so, he is permitted to delay the appointment of enrollment officers.

ENROLLMENT BY FEDERAL ENROLLMENT OFFICERS

Section 6: Persons residing in the affected area file applications for enrollment with the officer appointed by the President. Every applicant found by the enrollment officer to satisfy the requirements and tests of voting eligibility as prescribed by the laws of that State must be enrolled as a qualified voter by the Federal officer. The enrolled voter is then privileged to vote in all elections held in that district under the same rules and for the same period of time as other voters registered under State law. Provision is made for the transmission of information by the enrollment officer to the appropriate State and local officials sufficient to identify those individuals who have been enrolled by him. The enrollment officer may not enroll any person who is not of the same color or race as that group whom the court or the Commission found to be deprived of the registration privilege. The power of any State to establish nondiscriminatory qualifications for voting is preserved.

VOTING IN ELECTIONS

Section 7: Enrolled voters are entitled to vote and to have their votes counted in all elections held in their respective districts. They are entitled to vote for all candidates running for office in those elections—in primary as well as general elections.

ENFORCEMENT

Section 8:

(a) The right of appropriate State and local officials at election time to challenge the eligibility of voters enrolled under the provisions of this amendment is protected by this section. In the event of such a challenge, the enrollee is to be permitted to vote and have his vote counted. The vote is to be preserved pending a determination of the validity of the challenge by the Federal district court having jurisdiction.

(b) The enrollment officer is empowered to determine whether enrollees are being afforded the right to vote and whether their votes are being counted. For these purposes he is authorized to inspect the polls on election day and to inspect the counting of the votes.

(c) Actions for the enforcement of the provisions of this amendment are to be brought by the Attorney General for, or in the name of, the United States in the Federal district court having jurisdiction. Where necessary to protect the rights of such enrollees to register and vote, the district court is authorized to issue injunctions or other orders to the responsible State or local officials requiring them to permit the enrollees to vote and to count their votes. This power of the courts is limited by the provision above for the handling of challenged votes.

(d) The existing criminal contempt provisions of the Civil Rights Act are adopted. The section provides for a fine not to exceed $1,000 or imprisonment for not more than 6 months. The accused may be tried with or without a jury at the discretion of the judge. In any such proceedings, however, for criminal contempt tried before a judge without a jury where the sentence is in excess of $300 or 45 days, the convicted is entitled to a trial de novo before a jury. Contempt committed in the presence of the court, or so near to the court as to interfere directly with the administration of justice, and other forms of misbehavior or misconduct are punishable in the usual manner. The power of the courts by civil contempt proceedings to secure compliance with or prevent obstruction of any lawful writ, order, rule, or decree in keeping with the prevailing usages of law and equity is retained.

APPROPRIATIONS

Sec. 9: Authorizes appropriation of such sums as are necessary to carry out the provisions of the act.

Mr. HERLONG. Mr. Chairman, there has been a great deal of talk here today about principle; but I am afraid really what is back of all this talk is not principle but it is politics instead of principle.

I want to talk for a few moments about some of these principles and see how sincere some of these advocates of all these fine principles or so-called fine principles are in their advocacy when it strikes home.

Mr. Chairman, I do not believe anyone would deny that in Washington the loudest voice in favor of a so-called effective civil rights bill is that of the Washington Post and Times Herald which is published by my warm personal friend and former Floridian, Phil Graham. This newspaper, as you know, also owns a radio and television station—WTOP. As many of you know, each weekday on radio and TV they read an editorial giving their views on some issue that is in the news in an effort to influence people to subscribe to the principles they endorse.

Just last Monday the editorial that they read endorsed a principle to which I heartily subscribe. In this editorial, while they did not condone some of his actions, they did commend Chairman John Doerfer of the Federal Communications Commission for his record in recent months. They said, and I quote from the editorial:

He (Chairman Doerfer) has refused to believe that all broadcasters should be indicted for the sins of a minority. He has been one of the few in a position of high authority to stand firm against those who argue that the best way to cure broadcasting's ills is to impose much broader Federal regulations. He has warned that such regulation would be self-defeating and that the most effective means for the industry to better its performance is by self-improvement and response to public criticism.

WTOP believes that no decent broadcaster can or will condone payola, rigged quiz shows, or misleading advertisers. We support the effort for improved public service programing and a better appreciation by broadcasters of the need to serve all segments of American society.

But we insist, with Chairman Doerfer, that in a democracy Federal regulation and censorship are not the ways to achieve this end. And we respect Mr. Doerfer for his courage in saying so when he would have found it so much easier to agree with the clamor for a bushelful of new regulations.

Now, that, in my judgment, is an excellent endorsement of a splendid principle, namely, that you cannot cure ills by a myriad of Federal laws or regulations. Let us just take that same principle that they so boldly commend as it applies to broadcasters and apply it to the legislation that is before us. Let us reread this editorial, if you please, with the same principles but with the subject of this legislation inserted in lieu of broadcasters and see what we have. Here is the way it would read:

"The Congressmen from the South who are fighting these broad so-called civil rights bills deserve more praise than blame for their activity. They refuse to believe that all white people from the South should be indicted and punished for the sins of a minority. They are standing firm against those who argue that the best way to cure ills in the field of civil rights is to impose much broader Federal regulations. They have warned that such regulation would be self-defeating and that the best way for the improvement of evils that may exist in some places throughout our Nation in the area of rights of minority groups would be through education and response to public criticism.

"WTOP believes that no decent southerner can or will condone mobs, lynchings, and people taking the law into their own hands. We support the efforts that are and have been made throughout the South for a better understanding between people of all races and creeds.

"But we insist, with the southern Congressmen, that in a democracy Federal regulation and censorship are not the ways to achieve this end. And we respect them for their courage in saying so when they would have found it so much easier to agree with the clamor for a bushelful of new so-called civil rights laws."

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. HERLONG. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. Mr. Chairman, I want to congratulate the gentleman. I think he is certainly making a fine statement and concur in the words of the Washington Post and Times Herald to prove the point that we have been trying to make here all yesterday and all today, which is certainly a noble undertaking.

I am reminded of another instance that happened in connection with the Washington Post and Times Herald last January 1959. A letter was written by a man named Carleton Putnam, who is a native of this city, a very fine gentleman of the highest caliber, in which he stated in very forceful and logical terms the South's position in connection with the integration controversy.

The significant thing about Mr. Putnam's letter is that Mr. Putnam is not a southerner. He comes from the long line of Putnams in New England, a very famous family in this country. He is a graduate of Princeton and Columbia University. He is a former president of the Chicago & Southern Air Lines, and now is a member of the board of the Delta Air Lines.

Mr. Putnam's letter received a great deal of attention all over this country and was carried as a news item in many of our newspapers.

Mr. HERLONG. One of the newspapers that ran that advertisement was the Washington Star, but it was not a news article.

Mr. HUDDLESTON. A group of citizens in my county, in Birmingham, decided they would try to give this letter as wide circulation as possible. They formed a committee and raised money to run the letter as a paid advertisement in newspapers all over the country. They contacted the Washington Post and Times Herald to run this letter as a paid advertisement, and the Washington Post, without giving any reason, turned them down on the paid ad. The Washington Post did not run it as a news article. That was their right, although their judgment might be questioned. They did not put it in the "Letters to the Editor" column. There again good journalism might have called their action into question. But when they deliberately refused to run this letter as a paid advertisement I think that pointed up the type of management there is in the Washington Post and Times Herald.

Mr. HERLONG. It points out that there is real sincerity in the opinions they advocate.

Mr. HUDDLESTON. I think it certainly does. Of course, the Evening Star here in Washington did run the letter as a paid ad.

The point is that this great paragon of expression, the Washington Post and Times Herald, this newspaper that stands out as a leader of the right of free press and free speech, here has denied a very substantial segment of our population the right to express themselves, even if they are willing to pay for it. I am very happy the gentleman has brought up the Washington Post.

Mr. HERLONG. Mr. Chairman, I wish to express my appreciation to the gentleman from Alabama for his contribution.

Now I want to summarize this editorial for just a minute. I read to you the way the editorial read originally. I have given you the way it would read if the same principles which were sought to be applied to the type of regulations imposed on broadcasters are applied to those which are sought to be imposed on the people of the South by this legislation. Surely, principle means a great deal to the people who run this newspaper and all of us are confident that they do not have such a flexible conscience that they can embrace a double standard of principles by endorsing Federal regulations when they are not affected but vigorously opposing them when they strike home; or could they? Maybe there is something to that old story that it all depends on whose ox is getting gored.

Mr. McCULLOCH. Mr. Chairman, I have no requests for time.

Mr. WILLIS. Mr. Chairman, I yield the gentleman from South Carolina [Mr. HEMPHILL] 11 minutes.

Mr. HEMPHILL. Mr. Chairman, in the legal profession we have a saying that "hard cases make bad law." I think that situation applies to the legislation you are just about to vote on. I think perhaps the architects of this legislation fail to realize that what they are doing is starting a fire that they cannot control.

I assume that when the committee considered this particular legislation it considered the wording which it put into the legislation, which shows what it is going to be. The effect of it is to destroy freedom of the press, freedom of speech, and freedom of communication by the radio, television, or other means of communication in the field where Americans should be free to criticize any court decision, to editorialize, if you please, on any court decision, and to say anything they wish about it.

On page 2 of the bill, we have the word "communication." I looked that word up in the dictionary and I recommend that to my friends who are so much in favor of this stringent legislation—to look in the dictionary and see what you are trying to write. The word "communication" means an act or fact of communicating. But, it goes further than that simple definition. It means intercourse by words, letters, or messages. I find further this definition, "a system—as of a telephone, telephone or the like." Now you are saying by section 1 of this legislation that anybody who criticizes a school-board member for failing to allow someone to enter a school—any editor who comes out in his paper and says it is not good and that it is not right and that it will cause trouble to integrate a particular school—that person is liable to Federal prosecution. That is what you are writing into the legislation, if you adopt title I.

Then we go further in the legislation. And I am not trying to be technical. We of the South know what happened when legislation such as this was enacted years and years ago. Those scars have never disappeared. Part of the race differences which exist today, exist today because of the fact that legislation similar to this, encouraged by political experience or, prehaps, by an administration in power—legislation such as this did more to destroy race relations and the recovery of race relations than anything that has ever happened—even a war. If I am a Member of this House and happen to be back here when the fire starts burning in places where it is not supposed to burn, if the Maker allows me, I intend to remind those of you who did vote for this legislation that you were told on this day and on yesterday exactly what it was that you were enacting.

You used the word "endeavors" on line 2—"endeavors to prevent." I looked that up to see just how broad this legislation is and whether or not actually this House knew what it was trying to do. Here is a simple definition from the dictionary:

> Endeavor. To exert intellectual or physical strength for the attainment of; to strive; to achieve; or resist.

Do you mean to tell me that we are so irresponsible or that we are so foolish that we are going to say that there shall be no intellectual application to these problems in the form of criticism, and that if there is any criticism, anyone who, perhaps, is misused by one who does not love his country can go into the courts to penalize a newspaper or a radio or a television station? What is going to happen, I ask you? I ask you what is going to happen to those people who now serve on the school boards in the Southland, people whom I know serve without compensation and people who spend many hours in trying to study and solve the problems of our land? Will you be able to get the qualified people to serve—or, perhaps, that is what you want? Perhaps you would mongrelize the educational system of the South and, perhaps, in the process you may mongrelize the educational system of the entire country. Heaven help us if that happens. We can talk about what the rest of the world thinks about us. We can talk about that all we please, but I, for one, think if this idea was submitted to the Kremlin, old Khrushchev would be more in favor of this legislation than even the strongest proponents here in this House, because this is the vehicle that can be used to shut the mouth of freedom in this country insofar as education is concerned.

Hard cases make bad law, and that comment applies to the bill before us. So when you cast your vote, remember you are voting for the America of tomorrow, and you are voting something against it.

You may think you are penalizing the Southland, but I remind you we have

been smart enough to recover from the heel of the tyrant; we have been generous enough and patriotic enough to contribute in every war of this Nation, and we will be strong enough, strong enough today and tomorrow to take such steps as are necessary to preserve our freedom and the Constitution.

Just last week, absolutely unsolicited, I received a letter from the president of a bank who happens to be a personal friend, and I am going to read you that letter because there have been insinuations here that the colored man does not get a chance to vote. This letter is addressed to me by Mr. J. B. Gambrell, president of the Bank of Great Falls, S.C.:

DEAR ROBERT: An incident occurred in my office this morning that is most interesting. A Negro man, whom I have known for years, came in to apply for a loan. I had turned him down because of collateral but I continued the conversation with him.

Now, this is the president of a bank talking to a colored man. You know, somebody always talks about second-class citizens. I think any man who is privileged to be an American is not a second-class citizen. He is only a second-class citizen when it serves some political purpose to refer to him as such or to get votes.

I continue reading the letter:

He is a good friend of mine and I wanted to get his reaction to the lunchroom sit-down incidents. As a whole he expressed his opposition to such action on the part of his race. We talked on for a little while and the following dialogue resulted:

"Herbert, why don't you vote?" With a look of surprise he replied, "Mr. Gambrell I do vote. I vote regularly." With that he reached for his billfold and pulled out a State of South Carolina registration certificate No. 211 and showed it to me.

In order to be perhaps a little dramatic I reached for my billfold and remarked: "Wait a minute." From my billfold I produced two South Carolina registration certificates, No. 79 and No. 80, 79 being in the name of Lila T. Gambrell and No. 80 being in the name of James B. Gambrell. I put the three certificates on my desk and there was absolutely no difference, except that No. 79 and No. 80 were signed by Mendenhall and his, No. 211, was signed by R. L. Doyglas. Frances Love had signed all three of them.

The conversation continued:

"Herbert, have you ever had any trouble at the ballot box?"

With a shrug of the shoulders, "No, sir. You know where I work, down at No. 1 mill. Most of the people there are white. They even remind me on election day and sometimes the day before and tell me not to forget to vote."

I have these certificates here in my hand. I am telling you that anyone who says that people do not vote down in that section is misapplying the truth or misrepresenting it, one of the two.

Voting rights. Why do you not go down to the State asylum and say, "We will let everybody in the State asylum vote"? Because some of the people you are trying to enfranchise here are just as incompetent. They are not incompetent because of the fault of the State or the fault of the people; they are incompetent because they have no desire for education and no desire for learning.

No; what is behind this bill is an effort for votes, just a simple effort for votes. We urge people to vote down our way. We do not expect if they are registered to go down and try to pervert them and divert their minds.

Let me address myself for just 1 minute to this proposal which I understand is going to be offered about the referee plan.

There is going to be a referee plan offered and whoever offers it or whoever sponsors it has not set forth one single qualification for a referee.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WILLIS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. HEMPHILL. Mr. Chairman, so what you are going to do is have a referee put in as a monitor on an election. A referee who has no qualification requisite or familiarity with the election laws of the State, who has no requisite qualification of knowing local conditions and who has not the requisite qualification of coming from that community. In the Constitution of the United States it is written that you are supposed to be tried by a jury of your peers.

You want to deny us by this legislation, by putting a referee there, the right to have the referee come from that particular community, whether he knows what he is talking about or whether he is just sent down to do a little dirty job.

I could go on. We find out some of the proceedings are ex parte. It seems silly for men who are lawyers to propagate such a philosophy. In an ex parte proceeding a man gives his age, for instance, and residence as some place, and you have to refute it by public records. If a man says "I am 42 years of age, I am a resident of Atlanta, Ga.," and there is no record that he voted there and his birth certificate is not at Atlanta, what public record are we going to have to refute it?

I cannot understand intelligent men trying to choke this down the throats of the American people in this manner. Ex parte means you do not give the other side a hearing. You take some fellow's affidavit.

The only people who are going to complain and use the referee system are people who have been put up to it. They are not going to be the kind of people who want to vote and that generally get to vote. It is going to be some wag, some Communist tool. It will be some person who for ulterior motives wants to embarrass the people at the box.

You are building a fire here that you cannot control because what you are going to do is this: You are going to say to the managers of the boxes in America, "If you serve down there you are liable to prosecution."

You are not only going to destroy the educational system of this country, you are going to destroy the sacredness of the ballot box and the cleanliness of elections. This is not only a political move, this bill has implications of another kind. We must realize in America if you vote for this bill that is what you are voting for.

Mr. Chairman, I hope the bill will be defeated.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. WILLIS. Mr. Chairman, I yield the balance of my time to the gentlewoman from Georgia [Mrs. BLITCH].

Mrs. BLITCH. Mr. Chairman, once again the House is confronted with what seems to have become the perennial issue of so-called civil rights. There is very little new in the issue, as it appears in its present form. My personal reaction to the fact that the bill is before the House of Representatives is that it presents a sorry spectacle of this great deliberative body which I have been taught to love, honor, and respect from early childhood as a great bastion in the preservation of the freedom and liberty of the individual.

One new item in the bill is the proposal to make obstruction of court orders compelling race mixing in a school a Federal crime. This would be in addition to the clearly defined, but nonetheless broad and sweeping provisions of chapters 19, 20, and 73 of title 18 of the United States Code, relating to conspiracy, contempt, and obstruction of justice. Far less objection could be made to the enactment of this new criminal law if it applied to all court directives and orders. However, applying as it does to no more than one type of order, it constitutes special legislation. It is repetitive of existing law in a preferential and discriminatory way, and creates not a supposed civil rgiht, but a superright. It creates the discrimination that it pretends to erase.

Of far greater concern, however, is the old part of the issue: Federal intervention in the election process. Very rarely in the House are we given an opportunity to follow so closely in the footsteps of long-dead predecessors and to deliberate upon legislation deliberated upon before, enacted before, administered before, and repealed before. Whatever the current proposal will finally call its swarms of officials, whether registrars, referees, or enrollment officers, we can be absolutely certain of one thing: they will never be called supervisors. That would recall the previous experience of tampering with the democratic process; the notorious Reconstruction Law of 1871, which provided for court-appointed supervisors for elections. The laws are identical in function, only the time and terminology are changed. The act of 1871 failed since it carried within it seeds of its own destruction. It died by repeal, but the disease which caused its death was a flagrant unconstitutionality.

A fundamental constitutional principle was grossly violated. Article I, section 1, of the Constitution provides that—

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Not even the most liberal reading of this section can ever add the phrase, "and others appointed by the Judiciary or the Executive." Yet that was exactly what the long since repudiated force bill of 1871 did, and what this legislation before us seeks to do. Under both the old

and the new, there would be created officials more powerful than a Representative or Senator, since they would control many elections to Congress. Legislative power would no longer reside in Congress, but in the branch of Government which appoints these controlling officials. We all know that there is a common word for such officials, "bosses." These are the ones to whom the Declaration of Independence refers:

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

The Constitution is a wise document. It allows for no appointive offices to be interposed between the people and those who represent them in Congress. The inevitable result of violation of this simple and direct plan is self-electing, self-willed, and self-perpetuating bossism. The evils which occurred under the old law, the imprisonment of the innocent, the bottomless corruption, and the election frauds, are too fully documented in the records of the House to require dwelling upon them now. One need look no further than House Report No. 2365 of the 2d session, 52d Congress. After reviewing uncontradicted evidence of 23 years of supervisory misrule, the committee concluded in part:

The establishment for election purposes, in the interest of one party, of an army of political workers * * * and giving to them the badge and authority of the National Government, is an act of arbitrary power without precedent in the history of our country. * * * The law was designed for partisan advantage. * * * The powers which it confers should not under our system of government be entrusted to anybody.

Needless to say, repeal of this unconstitutional statute followed hard upon the heels of this courageous and forthright report. Interestingly enough, this report was written by three highly respected Democratic Representatives from the States of New York, New Jersey, and Connecticut.

There is yet one additional legal principle which can and must defeat this legislation. Who is to appoint these new supervisors if the law is passed? A dilemma results. If it is to be the Executive, then we will have an administration with a powerful tool for perpetuating itself in power. Add to this law another empowering the Attorney General to inspect State voting records and to disqualify or requalify ballots, and this mechanism is complete. President Eisenhower himself has voiced doubts as to the constitutionality of the so-called registrar scheme. If the judiciary is to be the appointing authority, then we will have sold a treasured and priceless concept for a mess of pottage. The independent Federal judiciary, honored for generations, will indeed become a myth. Its independence and fine impartiality, until the Brown decision of 1954, have been preserved through the years by keeping politics out of the courts, and the courts out of politics. The judges will find themselves neck deep in the most partisan type of politics, under overwhelming pressures, and subjected to improper influences exerted by anyone with any interest in the next scramble for office. The dilemma is complete; there is no escaping between the horns.

The issue before us then is sharply drawn. Shall we repeat the error of 1871, and be impaled on one horn or another of the dilemma posed by our three-branched Government, or shall we adhere to the precepts of the Constitution and preserve for our people their treasured freedom from political bosses and political terrorism of any kind.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

PROGRAM FOR NEXT WEEK

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to ask the majority leader if he will kindly inform us as to the program for next week.

Mr. McCORMACK. The program for next week, Monday through Saturday, is the continuation of the consideration of the present bill, H.R. 8601, except that on Tuesday there will be the call of the Private Calendar.

I make the usual reservation that any further program will be announced later, and that conference reports may be brought up at any time.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield.

Mr. CURTIS of Missouri. What about the interest ceiling bill, may I ask the majority leader?

Mr. McCORMACK. There is no rule out on that. I would naturally want to consult with the chairman about that.

Mr. CURTIS of Missouri. If the rule comes out, would it be scheduled for next week?

Mr. McCORMACK. I do not want to commit myself on that, but the strong probability is that it will not be scheduled for next week.

Mr. GROSS. If the gentleman will yield, how about the unfinished business from last Wednesday, H.R. 5?

Mr. McCORMACK. That is a matter on which further consultation is necessary.

PRIVATE CALENDAR

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar on Tuesday next be dispensed with.

Mr. WILLIAMS. I object, Mr. Speaker.

ADJOURNMENT UNTIL MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

UNITED STATES AGAINST FRANK GRUMMAN

Mr. DOYLE. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state it.

Mr. DOYLE. Mr. Speaker, I have been subpenaed to appear before the U.S. District Court for the District of Columbia to testify on the 14th day of March 1960, at 10 a.m., in the case of the United States of America against Frank Grumman.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA—UNITED STATES OF AMERICA *v.* FRANK GRUMMAN—CRIMINAL NO. 752-58

To Representative CLYDE DOYLE,
House Office Building:

You are hereby commanded to appear in the U.S. District Court for the District of Columbia at Third and Constitution Avenue NW., fourth floor, courtroom 8, in the city of Washington, on the 14th day of March 1960, at 10 a.m., to testify in the above-entitled case.

This subpena is issued on application of the defendant.

March 4, 1960.

David Rein, attorney for defendant.

HARRY M. HULL,
Clerk.

By JOHN A. O'BRIEN,
Deputy Clerk.

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 475) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative CLYDE DOYLE, a Member of this House, has been served with a subpena to appear as a witness before the U.S. District Court for the District of Columbia, to testify at Washington, D.C., on the 14th day of March, 1960, in the case of the United States of America against Frank Grumman, criminal case numbered 752-58; and

Whereas by the privileges of the House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative CLYDE DOYLE is authorized to appear in response to the subpena of the U.S. District Court for the District of Columbia in the case of the United States of America against Frank Grumman; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RADIO BROADCASTS TO THE CUBAN PEOPLE

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, Fidel Castro's government has seized practically all the media of mass communication in Cuba. Castro himself has developed a new technique of government: Taking to nationwide TV and radio to denounce all his real and fancied enemies. Only a very few courageous outlets remain open to disseminate the other side of the stories. And these are under constant harassment.

Castro protests that the Cuban press is free. In reality, it is a mockery to speak of a Cuban free press. At any moment the Prime Minister can use all the tremendous force of his personality and office to inflame popular emotions into taking reprisals against anyone who has the temerity to differ with him.

We have witnessed examples of the power Castro thus is able to wield. Last July Castro's public tirade against the provisional president, Manuel Urrutia, provided a painful sample. Dr. Urrutia's only recourse was to resign on the spot.

Now the Cuban revolutionary government is using all the information resources at its command to pour out vitriolic accusations against the United States. The grossly distorted stories, unless countered by truth, are certain to sow seeds of dissension.

As the President stated in his report to the Nation on his South American trip, "all fruitful, abiding cooperation must be based upon genuine mutual understanding of vital facts." I believe we should do all in our power to see that those "vital facts" get a hearing.

Within the last several days, two articles have appeared in Washington newspapers urging the use of radio broadcasts to beam the true situation to the Cuban people—an editorial in the Washington Daily News, March 10 and the David Lawrence column in the Evening Star, March 9. On several occasions in the past I made similar suggestions to officials of the Department of State. I am convinced that the Cuban people, many of whom are not strangers to the United States, would welcome a chance to be able to sift fact from fiction.

CUBAN-AMERICAN RELATIONS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute?

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, my affection for the people of Cuba is second only to that for the people of my own country. It is an affection stemming from the experiences of boyhood when I fought with American soldiers and Cuban soldiers for the freedom of Cuba. I think my colleagues, certainly those closest to me in association, know how real is this sentiment.

I trust that relations with the Government of the United States and the Government of Cuba quickly will be restored to that amity and common understanding that always should prevail in our relations with the peoples of this hemisphere. Meanwhile, I doubt if, in the absence of a definite legislative proposal, we advance the cause of a better understanding and a dissolution of differences by needlessly adding to the flames of passion.

I have the faith that the heart of the people of the United States and the heart of the people of Cuba are as one, and no angry words spoken there or here, words which well may be regretted as soon as spoken, can succeed in effecting a breach.

PROBLEM OF GAMBLING

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FINO] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I am happy to note that one of our new States—the State of Alaska which became our 49th State last year—has shown intelligence in solving the problem of gambling.

This past Monday, a law legalizing a State lottery was placed among Alaska's statutes. By this logical, courageous, and realistic action, the State of Alaska, not only wiped out hypocrisy but recognized and accepted the indisputable fact that the gambling urge is deeply ingrained in most human beings and should be regulated and controlled.

Mr. Speaker, this new law means a revenue to the State of Alaska which would have otherwise been siphoned off by professional gamblers and racketeers.

Mr. Speaker, my hat is off to the State of Alaska for showing us the way—the only way to handle this important issue. Alaska's approval of a State lottery reaffirms what I have been telling this House for 8 years and that is: Let us regulate and control gambling through a national lottery and it will bring not only pleasure to the people but financial benefit to our Government Treasury.

Mr. Speaker, let us try to be—not smarter—but just as smart as our 49th State.

ONE DOLLAR AND TWENTY-FIVE CENTS AN HOUR MINIMUM WAGE

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HALPERN] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALPERN. Mr. Speaker, on March 8, the New York City Council adopted a report of the findings of a special committee appointed by the council, calling upon the Federal and State Governments to adopt legislation establishing a $1.25 an hour minimum wage. In the conclusion of its report the council stated:

> On the basis of its studies, the committee finds that a serious emergency situation exists which requires urgent action by both our Federal and State Governments.

As a cosponsor of this legislation in Congress, I commend the city council for its meritorious action.

Adoption of legislation increasing the minimum wage to $1.25 and extending its coverage is a priority item of legislation. The American workingman has a right to expect a decent and adequate wage standard. It is time for decisive action. Even though the average hourly rate of earnings in American industry in 1959 was in the neighborhood of $2.20, considerably above the minimum proposed in the council's report and my bill, there are still, however, some 20 million American workers not protected by minimum wage standards.

Many of these millions are working people whose standards of living are necessarily depreciated as a consequence. It is the more than half of these many millions, presently beyond the protection of Federal standards, who would be directly benefited by this reasonable legislation.

Above and beyond the immediate personal gain, however, would also be the benefit accruing to our national economy through the creation of an expanded consumers market.

The city council has indeed recognized the need for Federal and State legislation on this important matter. I congratulate it on its timely action and I commend its decision to communicate the views of the local representatives to Congress and the State government. I, myself, pledge to continue the effort until this essential measure is adopted.

THE LATE COL. GEORGE E. HOOD, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES FROM THE STATE OF NORTH CAROLINA

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. BARDEN] may address the House for 1 minute and revise and extend his remarks, and also that other Members desiring to do so may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Col. George E. Hood, a former Member of the House of Representatives.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BARDEN. Mr. Speaker, last Tuesday, I lost a friend and my district lost one of its outstanding citizens.

On March 8, Col. George E. Hood, a former Member of the House of Representatives, passed away.

Colonel Hood was a splendid public servant, and did much to add to the growth and progress of his hometown of Goldsboro, N.C., and the Third Congressional District of North Carolina.

He was born near Goldsboro on January 25, 1875, and attended the public schools of Wayne County. He studied telegraphy and became a telegraph operator, later becoming manager of the local Western Union office. While still with this company, he studied law and was tutored by several local attorneys, and gained his admittance to the State bar of North Carolina in 1896, at the age of 21.

Colonel Hood served in many public offices during his lifetime. He was treasurer of Wayne County, 1898–1900; served in the State house of representatives, 1899–1901; was mayor of Goldsboro, 1901–7; was a presidential elector on the Democratic ticket of Wilson and Marshall in 1912; secretary of the Wayne County Democratic Executive Committee, 1896–1900. He served as a captain in the 2d Regiment of the North Carolina National Guard and subsequently was promoted to colonel.

He was elected as a Democrat to the 64th Congress and to the 65th Congress, but was not a candidate for renomination. He returned to Goldsboro and resumed his practice of the law.

The Goldsboro News-Argus of March 9 had an article which I would like to include as a part of the RECORD, and which appears below:

Funeral services for Col. George E. Hood, 85, former mayor and Congressman and dean of Wayne County bar, will be held at the graveside tomorrow at 11 a.m. at Willow Dale Cemetery. The Reverend Leon Couch, pastor of St. Paul Methodist Church, and Dr. Irvin Lewis, pastor of First Presbyterian Church, will officiate.

He died yesterday afternoon at Forrest Hills Rest Home here, where he had resided since January 13. He was admitted to the rest home about a week after falling on the street.

Surviving are one son, George Hood, Jr., of Goldsboro; one daughter, Mrs. W. E. Simmons of Raleigh; three grandchildren; and one sister, Mrs. Louis Poole, of Black Mountain.

The following was written by Moses Rountree, longtime friend of Colonel Hood:

"He was the gentlest and kindliest and most lovable of men—and a little overlooked in the passage of years.

" 'Sometime when you're around at the city hall,' he said, 'I wish you would look up the record of what we did back there, when I was mayor. I think you will find it interesting. It was Goldsboro's golden era of progress.'

"The record was all but buried in dusty tomes, but we found it. And it was as the Old Lawyer had said—a golden era of progress—for which the Old Lawyer himself had been largely responsible.

"When Col. George E. Hood was elected mayor in 1901, following a term in the State legislature, there were no paved streets in Goldsboro and public utilities—such as they were—were privately owned. A residential building on Walnut Street served as city hall.

"Under Mayor Hood's leadership, a movement was started which resulted in voters going to the polls on November 5, 1901, and approving the unheard-of sum of $110,000 in bonds for municipal improvements. The money was used to build a city hall, buy the electric light and water utilities, and pave 10 blocks in the business section.

"Hood personally turned the tide that resulted in building the city hall. About half of the aldermen favored buying a private residence for the purpose, and several meetings of the board were held without a decision being reached in the matter. It was Hood's vote, when a member of the board was absent at a meeting, that settled the issue.

Colonel Hood took pride in the fact that he helped get Gov. Charles B. Aycock's educational program launched. As a member of the house education committee in the 1901 legislature, he voted for a $100,000 appropriation requested by Aycock to help poorer counties in support of their schools. It was the first time that such assistance had ever been made available by the State.

Incidentally, the 1901 legislature was a notable group, including three future Governors—Craig, Morrison, and Hoey; two Federal judges, H. G. Connor and E. Y. Webb; and half a dozen or more future Congressmen.

"I doubt if any session of the legislature ever turned out so many prominent leaders," Hood said.

Hood was offered as a candidate for Congress in 1912, but lost out at the nominating convention by less than 10 votes to Dr. John F. Faison, of Faison. The convention, held at the Messenger Opera House, was a hectic affair, lasting all day and night and resulting in several hundred ballots being taken.

At the 1914 convention, also held at the Opera House, Hood had no opposition and was nominated by acclamation. He was elected over Republican Candidate B. H. Crumpler of Clinton by 2,000 votes.

Reelected in 1916 over George E. Butler, of Clinton, Hood retired at the end of his second term because of ill health.

He never offered for public office again, devoting his time entirely to his law practice, which he continued at until he suffered a fall in January. He had been a practicing attorney here for 63 years, practicing in Raleigh for a year, after passing the State bar examination in 1896 at the age of 21.

Colonel Hood never attended college, quitting William Street School in the eighth grade to go to work as messenger boy for Western Union. He rose to manager of the local Western Union office, then took a job as dispatcher at the Southern Railway freight office, from which he was promoted to cashier at the company's Raleigh office.

While still with Western Union, he decided to study law and was given private tutoring by Goldsboro Attorneys I. F. Dortch and Dail Hardy.

When Hood went to Washington, the Associated Press took note of his self-made career by circulating his picture around the country accompanied by the caption: "From Messenger Boy to Congress."

While serving in Congress, Hood was a member of the Naturalization Committee which approved the first legislation ever adopted in this country to control immigration. Unlike later legislation, it did not attempt to limit the number of persons entering the country, but, through a literacy test to keep out undesirables. The bill was approved by labor and farm groups, but "opposed by greedy American capitalists who wanted all the cheap labor they could get, regardless of its effect on lowering the American standard of living," according to Hood.

"Rather than disturb the peace, the contentment, the happiness of my people by a horde of ignorant foreigners unfitted for our citizenship, I had rather the soil remain in woodlands, weed, and grass," Hood said in a speech before the House, in which he took exception to a letter received by him from a North Carolina capitalist stating that "the counties which you represent cannot be developed without bringing in new population."

While in Congress, Hood had occasion to meet Franklin D. Roosevelt, then Assistant Secretary of the Navy, whom he always greatly admired.

"I guess I gave young Roosevelt his first lesson in practical politics," Hood laughingly recalled.

It seems Roosevelt wanted funds for a big battle cruiser. A Democratic caucus was held to consider the request, and after much wrangling, the meeting adjourned without any action being taken.

The next morning Roosevelt saw Hood outside Secretary Josephus Daniels' office and said: "Hood, what was the matter with you fellows last night. I saw every member of that caucus and they all promised to vote for my cruiser."

Hood said he told young F. D. R. about W. H. Huggins, Goldsboro candidate for township tax collector, who entered in a little notebook the names of everyone that promised to vote for him. When the election was held and Huggins polled over a small percentage of the votes cast, he met Hood on the street, pulled out the notebook and said: "George, I want to show you the biggest set of liars in the country."

F. D. R. got a big laugh out of the story, Hood said.

Hood commanded one of Goldsboro's two early National Guard units and was made a colonel while serving as inspector for State headquarters.

He was married to Julia Annie Flowers of Mount Olive, who died in 1958. Since her death, he had lived alone—preferring it so.

And in his old wooden office across from the courthouse, where he had held forth since 1900, he continued to greet clients and friends of long standing and peck away on his typewriter, writing deeds and mortgages.

And that, too, was as he preferred it.

Members of the Wayne Bar Association will serve as pallbearers. The family will receive friends at the home of George Hood, Jr., 1506 East Maple Street.

Mr. Speaker, at the passing of this grand American, I extend my deep sympathy to his surviving children, Mrs. W. E. Simmons, of Raleigh, N.C., and George Hood, Jr., of Goldsboro, N.C. In the passing of Colonel Hood, I know that his friends will feel a keen personal loss.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FENTON, for March 11 and 12, 1960, on account of illness in immediate family.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. HUDDLESTON and to include extraneous matter.

Mr. RILEY and to include a speech by Hon. ROBERT W. HEMPHILL.

Mr. GRAY.

(At the request of Mr. DOOLEY, the following Members were granted permission to extend their remarks in the CONGRESSIONAL RECORD and to include extraneous matter:)

Mr. DOOLEY.

Mr. CHAMBERLAIN in two instances.
Mr. JENSEN.
(At the request of Mr. HALEY, and to include extraneous matter, the following:)
Mr. KING of California.
Mr. GILBERT in two instances.
Mr. BOLAND.

ADJOURNMENT

Mr. HALEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 7 o'clock and 37 minutes p.m.) the House, pursuant to its previous order, adjourned until Monday, March 14, 1960, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

"I A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 86th Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: JACOB H. GILBERT, 23d District, New York.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1937. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the act of March 3, 1901, and July 15, 1939, as amended, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia"; to the Committee on the District of Columbia.

1938. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Alaska Railroad, Department of the Interior, for the fiscal years ended June 30, 1958 and 1959; to the Committee on Government Operations.

1939. A letter from the Administrator, General Services Administration, transmitting the report of the Archivist of the United States on records proposed for disposal under the law; to the Committee on House Administration.

1940. A letter from the Assistant Secretary of the Navy (material), transmitting the semiannual report relating to military construction contracts awarded on other than a competitive basis to the lowest responsible bidder for the period July 1 through December 31, 1959, pursuant to Public Law 86-149; to the Committee on Armed Services.

1941. A letter from the Postmaster General, transmitting a draft of proposed legislation entitled "A bill to readjust postal rates, and for other purposes"; to the Committee on Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 11065. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mr. BARING:

H.R. 11066. A bill to provide for the waiver of premiums of national life insurance for certain veterans who became totally disabled after age 60 but before age 65; to the Committee on Veterans' Affairs.

H.R. 11067. A bill to authorize the Administrator of Veterans' Affairs to grant a waiver of national service life insurance premiums to certain veterans who became totally disabled in line of duty between the date of application and the effective date of their insurance; to the Committee on Veterans' Affairs.

H.R. 11068. A bill to authorize the Administrator of Veterans' Affairs to grant a waiver of national service life insurance premiums to certain veterans who became totally disabled prior to the date their policy lapsed but who failed to make timely application for waiver; to the Committee on Veterans' Affairs.

By Mr. BURKE of Kentucky:

H.R. 11069. A bill to amend title I of the Housing Act of 1949 to extend the authority of the Housing and Home Finance Administrator to make advances for general neighborhood renewal plans under the slum clearance and urban renewal program, and to permit the inclusion in an urban renewal project of more adequate provision for the conservation of structures which can be reconstructed or rehabilitated; to the Committee on Banking and Currency.

By Mr. CELLER:

H.R. 11070. A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958; to the Committee on the Judiciary.

By Mr. DANIELS:

H.R. 11071. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

H.R. 11072. A bill to authorize the establishment of a Youth Conservation Corps to provide healthful outdoor training and employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; to the Committee on Education and Labor.

By Mr. DULSKI:

H.R. 11073. A bill to amend title II of the Social Security Act to increase from $1,200 to $2,400 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. GILBERT:

H.R. 11074. A bill to amend section 1552, title 10, United States Code, and section 301 of the Servicemen's Readjustment Act of 1944 to provide that the Board for the Correction of Military or Naval Records and the Boards of Review, Discharges, and Dismissals shall give consideration to satisfactory evidence relating to good character and exemplary conduct in civilian life after discharge or dismissal in determining whether or not to correct certain discharges and dismissals; to authorize the award of an Exemplary Rehabilitation Certificate; and for other purposes; to the Committee on Armed Services.

H.R. 11075. A bill to authorize the Public Housing Commissioner to enter into agreements with local public housing authorities for the admission of single persons, in hardship cases, to federally assisted low-rent housing projects; to the Committee on Banking and Currency.

H.R. 11076. A bill to provide that Federal funds shall not be used for loans, grants, or other financial assistance to provide housing with respect to which there is any discrimination against occupancy on account of race, religion, color, ancestry, or national origin; to the Committee on Banking and Currency.

H.R. 11077. A bill making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers; to the Committee on House Administration.

H.R. 11078. A bill to prohibit discrimination in employment because of race, religion, color, national origin, or ancestry; to the Committee on Education and Labor.

H.R. 11079. A bill to withhold Federal aid from schools which discriminate between students by reason of their race, color, religion, ancestry, or national origin; to the Committee on Education and Labor.

H.R. 11080. A bill to amend the Fair Labor Standards Act of 1938 so as to increase from $1 to $1.25 the minimum hourly wage prescribed by section 6(a)(1) of that act; to the Committee on Education and Labor.

H.R. 11081. A bill to amend the Interstate Commerce Act so as to prohibit the segregation of passengers on account of race or color; to the Committee on Interstate and Foreign Commerce.

H.R. 11082. A bill to amend and revise the laws relating to immigration, nationality, and citizenship, and for other purposes; to the Committee on the Judiciary.

H.R. 11083. A bill for the better assurance of the protection of citizens of the United States and other persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

H.R. 11084. A bill to prohibit certain acts involving the importation, transportation, possession, or use of explosives with intent to destroy or damage any communal building, residence, or place of business; to the Committee on the Judiciary.

H.R. 11085. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11086. A bill to amend sections 522 and 545 of title 38, United States Code, to increase the income limitations applicable to the payment of pension for non-service-connected disability or death to $2,000 and $3,500; to the Committee on Veterans' Affairs.

H.R. 11087. A bill to amend section 503 of title 38, United States Code, to provide that workmen's compensation payments shall be disregarded in the computation of income for purposes of payment of pensions; to the Committee on Veterans' Affairs.

H.R. 11088. A bill to repeal certain miscellaneous excise taxes; to the Committee on Ways and Means.

H.R. 11089. A bill to provide an additional income tax exemption to certain physically handicapped individuals; to the Committee on Ways and Means.

H.R. 11090. A bill to grant an additional income tax exemption to a taxpayer supporting a dependent who is permanently handicapped; to the Committee on Ways and Means.

H.R. 11091. A bill to amend the Internal Revenue Code of 1954 to provide an additional $2,500 exemption from income tax

for amounts received as retirement annuities or pensions; to the Committee on Ways and Means.

H.R. 11092. A bill to increase from $600 to $800 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age and blindness); to the Committee on Ways and Means.

H.R. 11093. A bill to amend the Social Security Act and the Internal Revenue Code so as to provide insurance against the costs of hospital, nursing home, and surgical service for persons eligible for old-age and survivors insurance benefits, and for other purposes; to the Committee on Ways and Means.

H.R. 11094. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to provide that full benefits thereunder, when based upon the attainment of retirement age, will be payable to men at age 60 and to women at age 55; and to eliminate the requirement that an individual must have attained the age of 50 in order to become entitled to disability insurance benefits; to the Committee on Ways and Means.

By Mr. HARRIS:

H.R. 11095. A bill to authorize the Federal Power Commission to delegate functions to its members, officers, and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HEMPHILL:

H.R. 11096. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on communications as of June 30, 1960; to the Committee on Ways and Means.

By Mr. KEOGH:

H.R. 11097. A bill to amend section 341(d) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. MACK of Washington:

H.R. 11098. A bill to provide for the termination of Federal supervision over the Georgetown or the Shoalwater Bay Indian Reservation in the State of Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORRIS of New Mexico:

H.R. 11099. A bill to authorize the exchange of certain lands of the United States in Valencia County, N. Mex., for lands within national forests in New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORRISON:

H.R. 11100. A bill to amend title II of the Social Security Act to provide that a fully insured individual may qualify for the disability "freeze" and for disability insurance benefits with 20 quarters of coverage, regardless of when such quarters occurred; to the Committee on Ways and Means.

By Mr. PROKOP:

H.R. 11101. A bill to prevent the use of stopwatches or other measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. TOLLEFSON:

H.R. 11102. A bill to authorize the exchange of certain war-built vessels for more modern and efficient war-built vessels owned by the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 11103. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. WESTLAND:

H.R. 11104. A bill to provide for the termination of Federal supervision over the property of the Lower Elwha Band of Clallam Tribe of Indians of Western Washington, and to individual members thereof, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts (by request):

H.R. 11105. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce, to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. CARNAHAN:

H.R. 11106. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LEVERING:

H.R. 11107. A bill to create and prescribe the functions of a National Peace Agency; to the Committee on Foreign Affairs.

By Mrs. MAY:

H.R. 11108. A bill to amend the Library Services Act to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. BASS of Tennessee:

H.R. 11109. A bill to amend part VIII of Veterans' Regulation No. 1(a) and the Veterans' Readjustment Assistance Act of 1952 to provide that World War II and Korean conflict veterans entitled to education under such provisions of law who do not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. GATHINGS:

H.R. 11110. A bill to increase farm income and to expand markets for cotton by enabling cotton to be sold competitively in domestic and foreign markets; to the Committee on Agriculture.

By Mr JUDD:

H.R. 11111. A bill to increase the authorization of appropriations for construction and equipment of facilities for the Gorgas Memorial Laboratory; to the Committee on Foreign Affairs.

By Mr. DANIELS:

H.R. 11112. A bill to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 11113. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. HALEY (by request):

H.R. 11114. A bill to amend the law relating to mining leases on tribal Indian lands and Federal lands within Indian reservations; to the Committee on Interior and Insular Affairs.

H.R. 11115. A bill to amend the act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386a), relating to the adjustment or cancellation of Indian debts; to the Committee on Interior and Insular Affairs.

H.R. 11116. A bill to amend the act of June 25, 1910 (36 Stat. 857, 25 U.S.C. 406, 407), with respect to the sale of Indian timber; to the Committee on Interior and Insular Affairs.

By Mr. HECHLER:

H.R. 11117. A bill to prohibit the use of the distribution guides system in the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Wisconsin:

H.R. 11118. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. LANDRUM:

H.R. 11119. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 11120. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. GRAY:

H.R. 11121. A bill to authorize and direct the Secretary of the Interior to provide for the planning, construction, maintenance, and operation of suitable public recreation facilities within the national wildlife refuge system, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FRELINGHUYSEN:

H.R. 11122. A bill to authorize a 5-year program of assistance to school districts in paying the principal and interest on loans for construction of urgently needed elementary or secondary public school facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. SELDEN:

H.R. 11123. A bill to increase the authorization of appropriations for construction and equipment of facilities for the Gorgas Memorial Laboratory; to the Committee on Foreign Affairs.

By Mr. CUNNINGHAM:

H. Con. Res. 618. Concurrent resolution expressing the sense of Congress that the United States should not grant further tariff reductions in the forthcoming tariff negotiations under the provisions of the Trade Agreements Extension Act of 1958, and for other purposes; to the Committee on Ways and Means.

By Mr. GIAIMO:

H. Con. Res. 619. Concurrent resolution expressing the sense of Congress in regard to United Nations Charter revision, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Res. 473. Resolution providing for the consideration of the bill S. 722, to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically depressed areas; to the Committee on Rules.

By Mr. HECHLER:

H. Res. 474. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the Federal Power Commission; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. FORAND: Memorial of the Rhode Island General Assembly, requesting the Congress of the United States to amend the Federal income tax laws to permit income tax exemption for the parents of students in accredited colleges and universities for the period while said students are enrolled in said institutions for higher education; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislature of the State of Kentucky, memorializing the President and the Congress of the United States to consider appropriate legislation to prohibit the construction of bridges across the Ohio River which do not have adequate clearance for river traffic; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Rhode Island, memorializing the

President and the Congress of the United States to amend the Federal income tax laws to permit income tax exemption for the parents of students in accredited colleges and universities for the period while said students are enrolled in said institutions for higher education; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOSCH:

H.R. 11124. A bill for the relief of Ahasabet Oyunciyan; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (by request):

H.R. 11125. A bill for the relief of Daniel Walter Miles; to the Committee on the Judiciary.

H.R. 11126. A bill for the relief of Maria Giovanna Ciafrei; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 11127. A bill for the relief of Mrs. Chew Sheung Tai; to the Committee on the Judiciary.

By Mr. LANE (by request):

H.R. 11128. A bill for the relief of Dr. Hans J. V. Tiedmann and family; to the Committee on the Judiciary.

By Mr. RAY:

H.R. 11129. A bill for the relief of Lugino Valore; to the Committee on the Judiciary.

By Mr. TELLER:

H.R. 11130. A bill for the relief of Juan Antonio Munoz Munoz; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H.R. 11131. A bill for the relief of Antigone Apostolaki Cassel; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 11132. A bill for the relief of Nicholas J. Katsaros; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

362. By Mr. HARMON: A resolution adopted by the executive board of the Indiana Society of Professional Engineers on February 27, 1960, expressing opposition to the bill, H.R. 4700; to the Committee on Ways and Means.

363. By the SPEAKER: Petition of the deputy clerk, Board of County Commissioners, Clearwater, Fla., petitioning consideration of their resolution with reference to providing additional funds for the continuation of the construction of the Intracoastal Waterway in Florida, from the Caloosahatchee River to the Anclote River, during the next Federal fiscal year; to the Committee on Appropriations.

364. Also, petition of the acting superintendent of schools, San German, P.R., relative to requesting passage of the Murray-Metcalf bill, which is important for the improvement of our education; to the Committee on Education and Labor.

365. Also, petition to the president, Parent Teachers Association, San German, P.R., relative to requesting consideration of the Murray-Metcalf bill; to the Committee on Education and Labor.

366. Also, petition of the president San German Local Teachers Association, San German, P.R., relative to requesting approval of the School Support Act of 1959; to the Committee on Education and Labor.

367. Also, petition of the president, Science Club of San German Senior High School, San German, P.R., relative to requesting approval of the Murray-Metcalf bill; to the Committee on Education and Labor.

363. Also, petition of Ana L. Ortiz and others, San German High School, San German, P.R., relative to requesting consideration of the Murray-Metcalf bill; to the Committee on Education and Labor.

369. Also, petition of P. Visockis, president, Lithuanian Americans of the city of Columbus, Columbus, Ohio, expressing deepest gratitude for the sympathy and support constantly extended to the cause of independence of Lithuania, and her neighbors Latvia and Estonia; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

Civil Rights

EXTENSION OF REMARKS
OF
HON. JACOB H. GILBERT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, March 11, 1960

Mr. GILBERT. Mr. Speaker, I am gratified on this, my first day as a Member of this great deliberative body, to have the privilege of participating in the important debate on civil rights, and to lend my support to H.R. 8601, which is now before the House for consideration.

During my years of service in the New York State Legislature as a member of the assembly and the senate, I lost no opportunity to champion the cause of civil rights; my efforts will be continued here. It is admitted that flagrant discriminatory practices abound in public housing, public schooling, in voting, job opportunities, as well as in other fields. This is a sad and awful commentary on the integrity of our Nation, where our Constitution guarantees equality of all our citizens. Until every vestige of discrimination is wiped out, the honor of our country is in doubt, in the opinion of all freedom-loving peoples of the world.

The time for moderation and compromise is past; we must end the unconscionable discrimination, harrassment, intimidation, and other human indecencies which are being inflicted upon a vast segment of our population. We cannot claim to have true democracy in our country, equality of men, equality of opportunity, freedom as guaranteed by our Constitution, until all discrimination because of race, color, or religion is abolished.

Congress is the special guardian of the right to vote and I trust that this Congress will meet its obligation fairly and courageously, and pass a strong, effective civil rights bill which will deal fairly with our Negro citizens and finally provide machinery by which the rights of Negroes to vote will be protected, and which will give countless citizens, now discriminated against, other necessary protection as provided in H.R. 8601. We must not fail to take decisive action now, for not only those discriminated against, but also all right-thinking citizens, demand that we do so.

Proposed Stamp Honoring Ignace Paderewski

EXTENSION OF REMARKS
OF
HON. CHARLES E. CHAMBERLAIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, March 11, 1960

Mr. CHAMBERLAIN. Mr. Speaker, in the 169 years since the Polish people proclaimed their Constitution, there have been many reversals of freedom and fortune in that country. But the history of the struggle for democracy in Poland is symbolic of the struggle for democracy in all countries.

Therefore, with much humility, I have suggested to the Honorable Arthur E. Summerfield, the Postmaster General of the United States, that every possible consideration be given the issuance of a stamp in the "Champions of Liberty" series in honor of Ignace Paderewski. I believe it is fitting and proper that we Americans pay such tribute to Paderewski, a man dedicated to establishing liberty and independence in his beloved Poland. In honoring Paderewski, we would be honoring the Poles still striving for independence in their homeland, Polish-Americans who are endeavoring to help in restoring Poland to its proper place among the family of nations, and to freedom-loving peoples all over the world.

My letter to the Postmaster General is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 10, 1960.

The Honorable ARTHUR E. SUMMERFIELD,
The Postmaster General of the United States,
Post Office Department,
Washington, D.C.

DEAR GENERAL SUMMERFIELD: Just recently I had an occasion to read about the life of Paderewski and I was fascinated by it, particularly in view of the many fraternal orders, religious, civic, educational and political organizations representing Americans of Polish ancestory in Michigan's Sixth Congressional District. I know they would deeply appreciate an Ignace Paderewski stamp in the "Champions of Liberty" series.

Paderewski, whose 100th anniversary of birth is November 6, 1960, will be commemorated not only by Poles and persons of Polish origin, but by many thousands of all nationalities throughout the world for his selfless service to the cause of freedom.

Acclaimed and revered as one of the greatest artists at the turn of the century, Paderewski was instrumental in organizing an independent Polish Army, recruited in 1917–18 in the United States, France, Canada, and

other countries, including some in South America. The army fought at the side of the Allies on the Western front and, in later years greatly contributed to the rout of the Bolshevik forces in the heart of Europe, known as the Battle for Warsaw or the Miracle on the Vistula. With the outbreak of World War II, Paderewski became the Chairman of the National Council of the Republic of Poland which, first in France and later in England, became the rallying point for the Poles in exile as well as a source of inspiration and faith for the Poles in the homeland during their heroic struggle with the invaders and the terrible torments of occupation.

Paderewski died in New York on June 29, 1941, and his remains were consigned to a crypt in Arlington Cemetery until such time when his beloved country could receive them in freedom.

Surely a man of Paderewski's stature belongs to the "Champions of Liberty." Honoring him in this series would have tremendous psychological impact on the people of Poland, still longing for deliverance from the Russian yoke and would be gratefully accepted by Americans of Polish origin.

I urge that every possible consideration be given to Ignace Paderewski as a real Champion of Liberty.

With my kindest personal regards, I am,

Sincerely yours,

CHARLES E. CHAMBERLAIN.

The Springfield Daily News Achieves Notable Publishing Record

EXTENSION OF REMARKS

OF

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 11, 1960

Mr. BOLAND. Mr. Speaker, it is with a great deal of personal pride that I announce to the House today that one of the great Democratic daily newspapers of the country, the Springfield (Mass.) Daily News, has achieved another notable milestone in the field of journalism and publishing by exceeding for the first time in its 80 years of existence the 100,000 circulation mark.

I am personally thrilled at this news for many reasons. Foremost in my mind, at the moment, is the fact that this is the newspaper that gave me one of my first jobs as a young boy in the circulation department. I do not presume to take any personal credit for the Daily News' record of exceeding 100,000 circulation.

CREDIT GIVEN TO EDITOR FRANK H. KELLY AND STAFF

The credit for this achievement rightly goes to Editor Frank H. Kelly and his staff of well trained and qualified newspapermen who daily publish a newspaper that presents the news and editorial opinion without fear or favor on local, State, National, and international events.

DAILY NEWS FOUNDED 80 YEARS AGO BY CHARLES J. AND EDWARD BELLAMY

One of the few evening daily newspapers in New England to publish over 100,000 issues, the Springfield Daily News is also celebrating its 80th birthday. The newspaper was founded by Charles J. and Edward Bellamy, and the first issue was published on February 24, 1880. Edward later became the famous author of "Looking Backward." The Bellamy brothers made a simple pledge in their first edition, as follows:

We mean to interest our readers, but we shall not seek to do so by spicing our columns with questionable personalities. The News means to be a gentleman.

NEWSPAPER GREW IN STATURE, INFLUENCE UNDER SHERMAN H. BOWLES

The editors who succeeded Charles and Edward Bellamy certainly have lived up to the code set forth on the first day of publication. The Daily News was acquired in 1915 by the Springfield Republican Publishing Co., and under the guidance of Sherman H. Bowles, a member of the fourth generation of the famous Springfield publishing family, grew in stature, influence, journalistic quality and circulation until today, when it proudly joined other respected newspapers selling more than 100,000 copies daily.

Mr. Speaker, I want to take this opportunity to salute the Springfield Daily News on this glorious occasion and congratulate Editor Kelly and members of his staff for their achievement in fulfilling the hopes and aspirations and goals of Charles and Edward Bellamy, and Sherman H. Bowles.

William E. Keith, Regional Manager, Veterans' Administration, Chicago, Ill.

EXTENSION OF REMARKS

OF

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 11, 1960

Mr. GRAY. Mr. Speaker, I was saddened and grieved to learn of the death of a devoted public servant and friend of thousands of veterans. Mr. William E. Keith, regional manager of the Veterans' Administration, with offices in Chicago, Ill., passed away Monday night March 7, 1960, in the Veterans' Administration Research Hospital in Chicago, Ill. Along with his family and a host of friends, thousands of veterans will long remember his many kindnesses and sympathetic understanding for the problems of veterans of all wars, their widows, and orphans.

The Chicago regional office serves veterans in Illinois, Wisconsin, and Michigan, and is the second largest VA office in the country. Mr. Keith took over as regional manager in June 1958, after serving as assistant manager and regional representative. He was active in Illinois veterans affairs for 25 years and once served as assistant deputy adjutant for the Illinois Department of the American Legion.

Since coming to Congress I have handled thousands of cases for veterans and since he has been manager I have always received prompt and courteous replies to my inquiries. Mr. Keith was a good administrator and his services will be sorely missed by the Veterans' Administration, veterans, and all of us who deal with this most important agency. We all mourn his passing and extend to his wife and two daughters our heartfelt sympathy during this sad time of bereavement.

Some Case Stories of the Health Needs of Older People

EXTENSION OF REMARKS

OF

HON. CECIL R. KING

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 11, 1960

Mr. KING of California. Mr. Speaker, I have had many letters from Californians indicating great interest in providing health care benefits to the aged in connection with the Social Security Act. Most recently I have had a number of letters from social workers in the Los Angeles and adjacent areas who know the problem of hospital and medical care needs of older people because they are employed to serve them in public and private agencies and in the social service departments of hospitals.

I was interested to note that in my district and the several other districts that constitute Greater Los Angeles, we have something like 40 percent of the 1,250,000 residents of California who are 65 years of age and over. I am glad these older people have chosen my part of the country as a place to retire to, but I am distressed that such a high proportion of them—estimated at about two-thirds—have no hospital or medical insurance; yet 10 to 20 percent of these older people require 60 days or more convalescent or nursing care per year—10 times the amount needed by younger adults.

The testimony of a couple of my correspondents was with respect to the difficulties and inadequacies of public medical care. Said one correspondent:

I am a social worker in the county welfare department and my attention is drawn daily to the health problems presented by older people and their delays in securing care because of the lack of availability of medical care and the stringent eligibility requirements for free medical care. To receive care at the county hospital it is necessary to sign a reimbursement agreement to repay the hospital and it means a lien on real property. If nursing home is required, personal property of a person or a couple must be reduced to $300. This has kept many from seeking medical care until they were critically ill, long periods of illness have resulted, and it has been more costly to the taxpayer.

Another social worker indicates as follows:

I have been employed in the public welfare department of a large county, on the faculty of one of the schools of social work, and with the department of mental hygiene. In each agency I have seen numbers of older persons, both old age assistance recipients and those with limited financial resources, faced with the necessity of limiting essential medical care because of heavy demands on an inadequate budget for food, clothing and shelter.

All too often we hear of instances in which children appear to avoid what are their responsibility and appropriate obligations for the care of their parents. I was interested, therefore, in an illustration that demonstrates a counter-experience.

This involved an elderly widow who has been a resident of California for many years but moved to another county in order to be near her only son. She was supported solely by OASDI benefits and a small supplement from her son. Eight months ago she suffered a severe heart attack and because she did not have any insurance, her extensive and expensive care in the hospital had to be paid for by her son who was already carrying heavy family responsibilities. Nursing home care was indicated but the high cost of such care, about $200 a month, was not possible and so Mrs. K. moved in with her son. Because she required constant care—since she was bedridden most of the time—heavy financial and emotional stress has been placed upon the entire family. Undoubtedly, further hospitalization will be required which may mean turning to public assistance since the son's resources are stretched to the limit.

Still another illustration by one of my correspondents of the strain placed on family relationships by the sickness of an elderly parent is given in the following case:

Mrs. G., 76 years old, was admitted to the hospital for cataract surgery from an outlying area. Her husband, 76 years old, a stroke victim, remained at the couple's home as he was not physically able to accompany his wife to the city. Family income amounted to approximately $100 (from social security). Prior to hospital admission, with some supplementary financial help from their married son who lived in the same community, this elderly couple was managing on the above income. Problems arose in the medical-social planning for Mrs. G. because, after she had her surgery, it was going to be necessary for her to remain in the city near the hospital so she could return to the eye clinic weekly for 6 weeks. Because she needed convalescent care, a nursing home was necessary ($225 minimum monthly). The married son, who had three young children and a modest salary, contributed a small amount and the nursing home operator, after an emotional appeal, agreed to subsidize the balance of the cost of the patient's care in his institution. Aside from the family worry about trying to work out a solution so the patient could have adequate medical care, it is not difficult to speculate on what it means to an individual to have to go through such an experience, especially when he has not been dependent on charity or relief previously in his or her life. Yet, in this case, the patient was quite healthy with the exception of needing cataract surgery, and barring unforeseen circumstances, still has many years left.

Important as are the humanitarian aspects of health care benefits for older people, there is also an economic side which could benefit health services to all of us. Thus, as one of my correspondents put it:

I can see needed new equipment, less overloading of medical personnel, thus encouraging an increase of services to the patient and more adequate members of medical staff to care for them.

Most of all I see the tremendous relief from increasing county taxes to homeowners, businesses, and corporations when these costs for medical care are spread throughout the Nation to the employees covered by the Social Security Act. Many of the patients now in overcrowded public facilities will wish to patronize private hospitals, dentists, physicians, and private nursing homes who can afford to maintain higher standards on the standard fees which will then be available.

Many of the present nursing homes have minimal standards because they are forced to depend on the limited amount a State like ours, which is overcrowded with aged, can afford to pay.

I recall that when we held hearings on the Forand bill last July, one of the witnesses for the National Association of Social Workers was Dr. Charles I. Schottland, Social Security Commissioner from 1954 through 1958; and now Dean of the Florence Heller School for Advanced Studies in Social Welfare, Brandeis University. Mr. Schottland, a Los Angelan, and director of the California State Department of Social Welfare before President Eisenhower appointed him as Social Security Commissioner, knows this problem of medical care as both a State and Federal administrator. Out of this experience he testified emphatically for the need for health care benefits for the aged and the administrative practicability of inclusion of such benefits in old age, survivors, and disability insurance.

Finally, I am including in my remarks a copy of a telegram from the Los Angeles Chapter of the National Association of Social Workers which reads as follows:

One thousand one hundred and fifty members Los Angeles Chapter, National Association of Social Workers, representing both public and private social agencies, endorse Forand bill as initially introduced. This endorsement agrees with thinking of 28,000 national membership of NASW. Please be assured of our concern and appreciation of any efforts you may exert in behalf of this bill.

Civil Rights

EXTENSION OF REMARKS
OF
HON. EDWIN B. DOOLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, March 11, 1960

Mr. DOOLEY. Mr. Speaker, H.R. 8601 has my support, not only because it is aimed at a vast area of demonstrated need, but because it will help eliminate a grave injustice which is obvious to all who have read the facts concerning this highly controversial issue.

Thousands of good Americans are being disenfranchised regularly for no other reason than that they are members of the Negro race. Official reports indicate that this is an established fact.

It is axiomatic that legislation cannot effectively thrust on the people, or a segment of the people a mandate unacceptable to them. But today time and winds move swiftly and there seems no other alternative than that of passing legislation to accomplish the desired end that freemen can act as freemen and exercise their lawful prerogative. No man should be denied the right to vote.

The bill has other features regarding fugitive felons; bombing of schools and churches, and so forth, but in essence it is aimed at protecting the right to vote.

With the world watching the outcome of the controversy, it is high time we faced up to the crux of the problem by passing H.R. 8601.

Effective Soil and Water Conservation Is a National Must

EXTENSION OF REMARKS
OF
HON. BEN F. JENSEN
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Friday, March 11, 1960

Mr. JENSEN. Mr. Speaker, much concern is being registered all over the country by farmers, townspeople, district soil conservation commissioners, watershed boards, and municipal officials, relative to the comparatively small amount of funds in the budget for the Soil Conservation Service to expend in fiscal year 1961.

I shall take for example the proposed watershed of which I am very familiar; other proposed watershed projects in my county, district, and State are in a similar situation.

Mr. Speaker, I am sure you know that I would be the last Member of Congress to ask for an appropriation that cannot be completely justified, and I am also sure that every good American wants our very necessary soil conservation and flood prevention program to continue on a sound, effective basis, which cannot possibly be done with the funds in the budget. There are hundreds of places where savings could and should be made and a small part of such savings used to better conserve our priceless soil, and to avert disastrous floods.

Just a few days before returning to Washington for the opening of this Congress, I attended a meeting of the town council at my home in Exira, Iowa. They were interested in the possibility of obtaining a supplemental water supply in a multiple-purpose dam. A watershed project under Public Law 566 is being planned in the vicinity where a water supply could be developed in conjunction with a dam planned for flood prevention purposes. Exira, like hundreds of other towns in the United States, has been short of water for a number of years and urgently needs an additional supply.

Now I am informed that the town council of Exira has reached the point where it must take action very soon on a plan to finance the local cost of such a water supply dam. But they are wondering what to do in view of the situation pertaining to Federal funds available to carry out the Public Law 566 program. If they issue bonds or make an appropriation and then find

that Federal funds are not available, where does that leave them?

Similar situations exist elsewhere. In many States funds have been made available to highway departments and other agencies of the State to carry out small watershed projects. These funds, if not spent within the period for which appropriated, due to failure of the Federal Government to carry out its end of the bargain, will be lost.

Right now, for example, in the Mill Picayune watershed in my district in Iowa, the local organization has provided rights-of-way and easements valued at $292,000 including $198,000 for putting roads across dams in lieu of building bridges. The road costs are to be provided by the county board of supervisors of three counties and the Iowa Highway Commission. If the Federal Government does not come through with funds to build the dam, this money will be lost.

I believe that local communities spending their own time, effort, and money in an agreed-upon cooperative undertaking with the Federal Government have a right to know where they stand; that they have a right to expect their Government to treat them fairly.

One of the Nation's major needs is sound, continuing resource development programs. The strength of our country is no greater than the natural resources we possess. Our resources are not unlimited, yet we continue to make increasing demands upon them, year by year.

A basic resource is water. And we have a water problem. It is nationwide in scope. One of our greatest challenges is how to avoid water scarcities on the one hand and floods on the other. We must take all necessary steps to assure our Nation of water in appropriate quantity, of adequate quality, in the right places and at the right time.

Our water needs are increasing at a tremendous rate as our population grows and industry expands. These needs must be met from a water supply that remains constant. The answer lies in water resource developments that will prevent water losses in floods that do untold damage, and in providing for storage and better use and distribution of the available supply for our basic domestic, industrial, and agricultural needs.

The Federal Government has long recognized its responsibilities in the water field, a responsibility that is shared by the States, by local communities and by the operators of the Nation's farms and ranches.

Our major water resource activities are those embodied in the programs of the U.S. Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture. These programs are sound. They deserve full support on a continuing basis.

The President's 1961 budget calls for an increased appropriation of $118 million in the combined budgets of the Corps of Engineers and the Bureau of Reclamation. This proposal would raise their combined total to more than $1.1 billion.

In startling contrast is the budget proposal to increase the small watershed program which provides for the Public Law 566 projects by only $5 million. Actually, the budget leaves this program with about $4.5 million less funds because of using up the carryover funds from prior years. It is my understanding that a construction slowdown is already threatened.

We cannot afford to minimize the small watershed program by this kind of inequitable treatment. It is fully as important to the national welfare as the programs of the Corps of Engineers and the Bureau of Reclamation. Indeed, watershed protection and flood prevention work in our small watersheds—where about half of our annual flood damage occurs—is essential in most instances to protect our investments in flood control and water storage projects in our major river basins.

There is another compelling reason why full Federal financial support should be given to the small watershed program. This is a partnership program—a cooperative undertaking between the local people, the State, and the Federal Government. The Federal Government has an obligation to keep its end of the bargain it makes with the local sponsors of small watershed projects.

The Federal Government does not keep its bargain when it fails to keep pace with the commitments that local people and the States are making in many parts of the country when it causes postponement of construction after the local people have carried out their end of the bargain and are ready to proceed.

I understand that the proposed budget for the small watershed program means that construction starts cannot be made on a sizable number of local projects that will be ready to go in fiscal year 1961; that even funds for technical services will not be available for a large number of local projects that will be fully planned and ready to be authorized for operations in fiscal year 1961 and finally that the amount of construction funds available will cause a stretch-out of construction time on the average small project from the scheduled 5 years to 10 years or longer. The 30-percent reduction in watershed planning proposed in the budget will mean a cut from 42 to 30 watershed planning parties, and preparation of about 70 work plans instead of 100.

Not only is the proposed budget increase for the small watershed program completely unrealistic, but the budget also proposes to cut back the program on the 11 authorized flood prevention watersheds from $18 million to $15 million. This program includes the Little Sioux watershed in western Iowa where work started in 1947 is proving to be of outstanding benefit to people in my district and the district of my esteemed colleague, Congressman HOEVEN. Even at the $18 million level of appropriations, it will take an estimated 21 years to complete the Little Sioux project. How, I ask you fellow members of the Appropriations Committee, can we rationalize increasing the rate of construction on major river dams while cutting back the rate of construction in these long-authorized watershed projects?

Failure to provide adequate Federal financial support is a real disservice to the State governments and to the community organizations that have made tangible commitments in these watershed projects. The local people are required to operate and maintain the project when completed. In Public Law 566 projects, they are also required to do the construction or let contracts for the construction; to acquire water rights; and to obtain agreements from farmers and ranchers to plan and apply soil and water conservation measures on their lands.

In projects involving multiple-purpose dams, such as for municipal water supply storage in combination with flood prevention, the local people must pay all the costs of the structure chargeable to municipal water storage.

The local costs of small watershed projects often involve bond issues and assessments. They involve appropriations by the State and county governments.

These local people who have kept their agreements with the Federal Government to the point where they are completely ready to start construction certainly have a right to expect their Government to be ready to carry out its commitments.

But many of them are going to be sorely let down by their Government if the funds proposed for fiscal 1961 are not increased by the Congress.

The State of Iowa and the people of my own district are deeply concerned about Federal financing of small watershed projects. Iowa is one of the 13 States that made available a total of about $1.1 million this year to accelerate watershed planning. Iowa appropriated $50,000 for this purpose; the Federal Government provided $76,000 in Iowa for planning.

The effect of the proposed budget for watershed protection and flood prevention will be to slow this worthwhile program to almost a standstill just when it has reached maturity, with local groups in hundreds of communities across the country ready to proceed.

The Federal Government has an obligation to give adequate and continuing support to this program. It is sound. It is geared up for action. The costs are divided in accordance with the benefits. Let not the Federal Government be responsible for crippling it, especially when it is proposed in this same budget to add many millions of dollars to speed up construction of Federal dams on major rivers to which not one cent of State or local contribution has been made.

Congressman Gilbert's Annual Report

EXTENSION OF REMARKS

OF

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 11, 1960

Mr. GILBERT. Mr. Speaker, at the close of the 2d session of the 86th Congress, I shall prepare and include in the CONGRESSIONAL RECORD, my annual re-

port to my constituents. The report will cover legislative work done by the Congress, and my efforts in behalf of the people I represent.

A Truly Balanced Industrial Complex Is Attainable in West Virginia

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Friday, March 11, 1960

Mr. RANDOLPH. Mr. President, it was my privilege to have been invited by the editor of the Charleston (W. Va.) Gazette to prepare, and present for publication yesterday, an article on the elements and attainability of a balanced industrial complex in West Virginia.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WEST VIRGINIA GOAL: A BALANCED INDUSTRIAL COMPLEX

(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

Through most of the first half of this century the economy of West Virginia was dominated by our natural resource extractive industries. During that time the wealth wrung from our earth in the form of coal, oil, and gas fueled the furnaces and factories of America and, together with the timber cut from our hills, made West Virginia one of the main contributors to the economic and industrial might of the United States.

In addition to those basic natural resources industries, and along with the early glass and pottery productions of the upper Ohio Valley and the Monongahela Valley, and the iron and steel industry of the northern panhandle, there has been added during the past three decades—mostly in the Kanawha and mid-Ohio River Valleys—the vital chemical and petrochemical industrial complex. This development will continue at an accelerated rate.

Today, West Virginia ranks first in coal production, fourth in natural gas output, and fifth in the construction of new chemical facilities. And though our State ranks but 40th in area and 41st in population among the continental States, it stands 15th among the States in per capita value of products added in mining and manufacturing, and 16th in per capita corporate income.

Most of the product value added and much of the corporate income leaves the State, and, as I stated in the Senate, February 4, 1960, during a discussion on taxation, "because most of the large corporations doing business in our State are incorporated in other States, we receive little Federal tax credit for the great corporate wealth produced in West Virginia."

TAX CREDIT NEEDED FOR WEALTH PRODUCED

We are happy to have the nonresident corporations producing and doing business in our State, but we do believe the value of their Federal taxes paid on profits derived from operations in the State should be credited properly to West Virginia. If this were an accomplished fact, the standing of our State among all States in the matter of Federal tax payments would be much more favorable. We could thus make a more convincing case for the equity which is inherent in Federal grants, payments, loans, et cetera, to West Virginia for defense installations, public works, airports, and other worthy and necessary facilities and activities.

It is clearly evident that our State has not yet achieved a balanced industrial complex, nor have we yet developed the means of overcoming the unemployment created in a major degree, but not wholly, by the process of automation in our principal industries.

While the national economy as a whole has shifted from extractive and basic manufacturing industries, as the main source of employment and personal income, to the distributive and service industries, the West Virginia pattern continues to rely primarily upon the extraction and production of goods.

Here are some statistical examples: In 1920, for the United States, mining, agriculture, manufacturing, and construction accounted for 61 percent of the total civilian employment, with 39 percent in services such as communications, wholesale and retail trade, transportation, education, government, the professions, et cetera. In West Virginia, at that time, the figures were 71 percent in mining, agriculture, manufacturing, and construction, and only 29 percent in the services. By 1958, the figures for the Nation had shifted to 46 percent in the field of production and 54 percent in services, while for West Virginia the figures were relatively reversed—56 percent for production and 44 percent for services.

MORE SERVICE INDUSTRY EMPLOYMENT NEEDED

Thus, although the service industries, since 1920, have increased their share of the total employment 15 percent throughout the United States, in West Virginia we have placed the preponderant burden of employment upon mining, primary manufacturing, and agriculture.

Wholesale and retail trade accounts for 20 percent of the total employment of the United States, but only 14.5 percent in West Virginia.

Financial, insurance, and real estate businesses employ 4.5 percent of the national labor force, whereas the percentage of jobs in these categories in West Virginia is only 2.1 percent.

Contract construction embraces 6 percent of the labor reservoir of the United States, but in West Virginia only 3.3 percent.

Miscellaneous and personal services employ 11 percent of the workers in the Nation, but in West Virginia this category of employment is only 8.6 percent.

It is worth noting, also, that in only one of the above categories has there been any appreciable change from the recession years of 1954 to 1959. This occurred in the field of miscellaneous services, which rose from 8.1 percent in 1954 to 8.6 percent in 1959. But in the other previously mentioned groupings the variation was limited to one-tenth of 1 percent or less.

It is apparent, therefore, that we have failed to keep pace in employment opportunities with the shift in our national economy from the production to the distribution and servicing of goods. Consequently, we are also relatively more vulnerable to the displacement process of automation, not only in coal but throughout the major segments of the economy of our State.

To illustrate, reciting again the recession year of 1954 as a point of departure and 1959 as "a year of normal national prosperity"—even though not a "normal prosperity year" in our State:

GAP BETWEEN PRODUCTION AND EMPLOYMENT

In 1954, the West Virginia coal industry produced 116.3 millions tons and employed 71,300 workers; in 1957 production rose to a high of 155 million tons and employment stood at 77,400 workers; but in 1959 production fell back to substantially the 1954 figure, having been 117.1 million tons for 1959, but with 14,800 fewer workers in the industry now than were employed in 1954.

The circumstances are repeated in manufacturing, although with a difference in degree. In 1954, manufacturing industries employed 125,500 persons, while in 1959, in spite of a substantial increase in capital investment and gross product, employment opportunities had increased for only 1,900 new workers.

Thus, the contribution to our long range improvement by new primary industries is somewhat limited. This observation is in no sense an implication that we should stop our efforts to build new industries in our State. Indeed, we should increase our thrust in this field, and I believe we are on the verge of some gratifying successes in industrial development. But we must recognize that new industries will not, in themselves, provide the total solution to our problems.

What I am emphasizing is that if we wish to escape the economic imbalance and unemployment problems which we seem to share with such heavily industrialized areas as Detroit, Pittsburgh, and Buffalo, we must balance the development of new major industries by encouraging the growth of locally owned and locally financed small businesses.

The ideal program would be to have a constellation of small independent businesses developed around each of the major industrial establishments. Compare, for example, the relative lack of independent aluminum fabricators and processors at Ravenswood with the 66 locally owned fabricating plants surrounding a similar Kaiser plant in a Far West community. It is to be hoped that the newly constructed plants of Ravens-Metal Products, Inc., in Wood, Ritchie, and Wirt Counties will represent a growing trend in this area both geographically and functionally.

MARKET ADVANTAGES ARE PRESENT

The same market advantages which drew the Kaiser plant to Ravenswood also exist for potential satellite fabrication establishments which might be developed in the area surrounding the primary production facility at Ravenswood.

What is being suggested here is that we can, as a State, apply to our major industries the same principle of vertical integration that some of the mammoth corporations resort to in their operations. The Ford Motor Co., for example, has sought to control each phase of production of the materials that enter into its final product—from rubber plantations and iron ore deposits to the final assembly line off which comes a finished, ready-to-roll automobile.

There is no reason, in logic or in economics, why West Virginians should not reverse this process and enlarge our resources beyond the extractive and basic manufacturing level.

We have the natural, human, and industrial resources to provide a truly balanced industrial complex—a system of small independent businesses existing in healthy relationship with the major chemical, primary metals, and lumber industries—and eventually with the coal industry, too, if coal research is stepped up as it should be without delay.

Results of Questionnaire

EXTENSION OF REMARKS
OF
HON. CHARLES E. CHAMBERLAIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, March 11, 1960

Mr. CHAMBERLAIN. Mr. Speaker, I have just received the tabulated results

of my latest questionnaire which was mailed recently to every home in the Sixth Congressional District of Michigan. The heavy response to this questionnaire far exceeded my expectations and the results, tabulated by IBM, clearly indicate that very careful thought and consideration went into the answers.

To me, the results of this questionnaire emphasize the deep concern many people have on matters of national importance.

The percentage tabulations of the answers on the questionnaire I have just conducted are included below. I trust the results will prove as interesting and informative to all who study them as they are to me.

Questionnaire results

[In percent]

Questions	Yes	No	No opinion
Do you support the President's demand for a balanced budget?	89	6	5
Do you approve of a tolerant attitude toward Cuba's Castro?	36	47	17
Should Congress enact laws to protect the public against the potential dangers of labor-management stalemates, such as the recent steel strike?	81	13	6
From what you have read and heard, are we moving as fast as we could in missile and space efforts?	35	42	23
Should the social security program be broadened, as provided by the Forand bill, to include medical and hospital benefits, with the added cost shared by both employers and employees?	46	42	12
Do you approve of Ike's exchange of visits with Khrushchev?	85	9	6
Should Congress provide financial aid for school construction?	39	49	12
If Russia persists in refusing a reliable inspection system, should we continue our self-imposed ban on atom tests?	64	22	14
Should the 4¼-percent limit on interest rates for long-term U.S. bonds be removed to aid debt management?	35	33	32
Do you favor Federal grants and loans to assist areas of "chronic and persistent" unemployment?	35	51	14

Questions	Yes	No	No opinion
The farm problem: Government investment in surplus now $9,500,000,000, storage and other costs, $1,000,000,000 each year. Should price supports and controls be—			
	Percent		
Increased?	1		
Decreased?	27		
Unchanged?	7		
Abolished?	53		
No opinion	12		
Would you favor a plan to use surplus crops, instead of cash, to pay farmers for taking land out of production?	64	14	22
In your opinion, are our military defenses adequate?	49	25	26
Do you approve of the President's conduct of foreign affairs?	76	12	12
If next year's budget has a surplus, as estimated, should we—			
	Percent		
Cut taxes?	19		
Reduce debt?	69		
Spend on projects?	12		

Remarks of Congressman Robert W. Hemphill Before the Washington Area Clemson Alumni Club

EXTENSION OF REMARKS

OF

HON. JOHN J. RILEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 11, 1960

Mr. RILEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address by Hon. ROBERT W. HEMPHILL, Member of Congress from the Fifth South Carolina Congressional District, before the Washington Area Clemson Alumni Club, at Britts Cafeteria, Wilson Boulevard, Arlington, Va., March 9, 1960:

Mr. President and members of this distinguished and privileged group of the Clemson alumni, when I first received the letter from my boyhood friend and companion, Howard Nottingham, now a distinguished architect, I wondered whether I should risk acceptance, not because of the traditional rivalry between Carolina and Clemson, a happy and lively one, to be sure, but because I knew I would be tempted to express my opinion as to the truth of our present national position because of the quality of my audience. I am neither a seer, a prophet, nor even a great statesman. I am simply a Congressman from a proud State, representing a proud people, and I have done my best to inform myself. I hope my remarks reflect application and some knowledge. I assure you they will reflect concern.

For about four decades now we have been involved in international affairs in an increasingly complicated fashion. Up until World War I, and actually until the successful use of the airplane reduced the water defenses, the Atlantic and Pacific, to minimum advantage, we in this hemisphere enjoyed a semi-isolation which was reflected in our strength as a nation. We were strong and proud and free, and we were very, very moral. No one in the world either doubted our strength or questioned our future.

After World War I, the internationalists were able to lure us into playing the game about which we knew so little, and about which they had been so busy for generations before our Nation, as a neophyte, was invited to sit at the council table; they assured us that we, as one of the leaders of the world, would be listened to, and that we would be benefited. If we suspected, we did not heed the warning of time and events that the British Empire was to disappear as the leading nation on earth, nor did we recognize the truth of the fact that we were called to the council table for the purpose of saving the British Empire. We were to be the chief vehicle in that effort.

Now we did not know the rules of the game; if we did, we paid no attention. British diplomacy is based purely and simply on what is best for the British Empire. This has been their theme song since the days of Runnymede, and had we listened to the warnings of our forebears, we would have been duped into the belief that either the British Empire had changed, or that it will ever change, that diplomatic philosophy. That is their philosophy today, and if they are to continue as a sovereign nation in the future, that will be their philosophy, and, in my opinion, they will play Communism against Americanism to any degree to accomplish and preserve that purpose.

When we entered the international picture, somebody gave us the idea that we could change the rules. We did not change the rules, but we brought Santa Claus to the conference table. Now assuredly, we have always had a governmental duty to protect our own people and preserve their freedom. I would not for one minute, have you believe that I think we have any other than a Christian duty to go out to the world and to publish and to save and to help, if possible. But since we believe in separation of church and state, why did we not leave to the church those things which the church has as its mission, and to the state those things that are within the peculiar province of the government. I feel free to question this international philosophy of ours, if we have any policy or philosophy, and not because I am in any sense an isolationist. I just recognize the results.

We have not asked the Christian church to govern, but we have asked our Government to spend itself blind for charity that is misused, abused, distorted and subject to the vandalism of every sort of international cheat and vulture. And we have spent billions and billions and billions to lose friends and antagonize peoples.

The only victory I know of that the State Department of these United States has had in the last 10 years, if it is to be called a victory, is in usurping the powers of the State, or misusing the powers of the Federal Government, in the Chessman case. If this had happened in my own State of South Carolina, I would consider it as a personal insult to me as a citizen of South Carolina. It is my considered opinion that the Governor of California used the State Department's Mr. Rubottom or Nudebottom, or Falsebottom or whatever his name is, as a fall guy. In any event, we have the unorthodox interference by a bureau of the Federal Government in the affairs of a sovereign state.

Meanwhile the world is going to hell and the fires of discord are running rampant while Eisenhower plays golf and uses an Air Force plane to fly his grandchildren down to Puerto Rico for a vacation.

Let us examine our international policy for a minute. Closer to the mainland of the United States than we are to our beloved State of South Carolina is a little island we know of as Cuba. Cuba was once under the domination of the Spanish Government, and we freed Cuba for the purpose of bettering Cuba and giving that country and its people a future. As time progressed our policies with Cuba did not develop Cuba or its resources to the fullest. The people remain ignorant and hungry. I would not for one minute blame the United States for this, but I do say the policies toward Cuba have not been so productive that we can afford to have the State Department of this country spend its time interfering in the domestic affairs, particularly state, while a little Communist shrimp by the name of Castro shakes his fist at the great Government of the United States and shows off to his Latin neighbors and to the world that he can vio-

late any agreement, seize property, trade with Russia, and get by with it. I read only this morning that he was thumbing his nose at Secretary Herter. I am here to tell you that anytime the Secretary of State of the United States is not a bigger man in the eyes of the world than a rabble-rousing dictator, our international philosophy and our foreign policy is not only woefully inadequate; it is innocuous and disgusting.

When I first came to the Congress we had a terrific emergency. For many nights I stayed awake concerned over the fact that the President of the United States, in the Mideast, was asking the Congress of the United States to give him the power to virtually declare war, by the use of troops without the permission of the Congress. I fought that resolution, and I thought it was wrong at the time. Then we interferred to save Nasser. We doublecrossed Great Britain and we doublecrossed France, who were our friends, at least a lot better friends than Nasser will ever be. We ignored the fact that we had already committed against the Arab people one of the sins of our generation and there are today in miserable camps in parts of the Mideast people who have been displaced, their accumulations depleted, their homes taken away from them, and who rightfully blamed these United States for that fact. These refugees are mostly Arabs, and they hate the United States. My friends whose origin are in the state of Lebanon and elsewhere in the Mideast, who return home as often as they can to their homeland, now tell me that these people, these Arab people, who formerly loved the United States and respected its flag, now hate the United States and curse its purposes. How is such a policy as productive of good will, or good future? Nasser, another peanut-sized dictator, shakes his fist at the United States whenever he wants to.

Recently the President returned from a trip to Latin America. I listened last night, and to make sure that I missed nothing, I read the text again this morning. I followed the trip with great interest, and I find nothing, absolutely nothing, productive in that visit. I hope he took Rubottom with him, and I think he did. I hope also he took the man with him that was making the concessions to Panama which the Congress found out about and stopped.

Let us transfer our thoughts to national defense. Surely it is a concern of every one of you, because it is purely and simply a matter of survival. In the event of a nuclear war, Washington would probably be one of the targets, one of the prime targets of our enemy. It would be so easy and so simple to paralyze the United States by decimating its Government, knocking out its Capital City, and depriving the people of a seat of leadership. Thank God for the National Guard. We in the Washington area would live or die—you and I.

We are told that we are behind in the missile race There is no excuse for it. We are told that we are behind in the arms race, and it is my considered opinion that the Russian serviceman is better equipped today than the average American serviceman. The Strategic Air Command has been characterized as our last desperate line of defense. In the Air Force magazine of this week, an able writer began to point out the possibilities of a missile-age Pearl Harbor. Not too long ago, a member of the Armed Services Committee told me that if the American people knew the truth of our defense picture we would have a panic on our hands. And, while all of this is going on, I notice that the DAV had a noble purpose to raise a shrine to the battleship *Arizona*, and its loyal company of heroes. Is there a duty on the President of the United States, first to ascertain the truth of the situation, and, second, to tell the people? In our part of the world I believe there is and I believe you do too.

The domestic scene presents no pretty picture, either. As we gather here tonight, a thin gray line in the Senate, and an equally thin gray line in the House of Representatives, seeks some relief, some avoidance of the worst legislation since Reconstruction, force bills commonly called the civil rights bills. In the House of Representatives a committee is concerned over "payola," bribery in our communication industry. Meanwhile, within the shadow of the Capitol, there is a farm at Gettysburg furnished with gifts, gifts, and more gifts. I noticed where the Chairman of the Federal Communications Commission received a rich trip to Florida and then off on a yacht. I think that was wrong, but some people think it is not wrong for the President and his family to receive jeweled gifts and all sorts of other things from all over the world. Harry Truman put his in a library, but maybe he did not know how to use the farm to get out of income taxes.

Make no mistake about it. I would not for one minute tell you that this world is not going through a revolutionary period, the likes of which it has never seen before. Men are demanding their place in the sun, men and women who hitherto have been satisfied to sit under the shade of an olive tree and live an undisturbed, provincial life. We have engineered a great part of this thinking by means of communication, and by our promises to the world that we are going to develop, at an American pace, undeveloped portions of the world. We have failed to take into consideration the limitations of these people, a majority of them, but we have promised, and they will look for Santa Claus to come down the chimney. Disappointed children are unhappy children, and so the uneducated and the unlearned and those who can be swayed around the world, such as the people of Cuba, now look to Santa Claus with bitter tears of disappointment.

I do not think we can prevent the revolution from succeeding. I do not believe we can now tell the peoples of the world that they are not entitled to food and clothing, and education. We have told them so long that they are entitled, and we have told them that we are doing something for them, and sometimes we impose the yoke of a dictatorship who would steal everything we sent to a country, and whose corruption was attributed to these United States.

It is therefore time to evaluate our position and our potential to help or not help, and consider it in the light of the future of the American taxpayer, the breadth of his freedom, the soundness of his dollar as the evidence of his economic stability.

And so we find that the future so far as you and I are concerned is either one of two kinds, either a future controlled by these United States, or a future not controlled. Any future of this world not controlled by the United States is a future of slavery for people like you and like me, a future of absolute governmental regulation for your and my children and our grandchildren.

Some years ago, teaching at the Xavier University, was a Catholic priest by the name of Father Thompson. Because he made some unorthodox statement he was shipped to Nova Scotia. He believed, and I subscribed to his theory, that you cannot teach Christianity to empty stomachs. When he arrived at Nova Scotia he found that 80 percent of the people were out of work, they were dismayed, and they were not interested in religion. They were hungry. He set to work to organize the communal life, into community participation in fishing, canning, and the like. Within 5 years 96 percent of the people were employed, were happy, and useful citizens belonging to the church. The moral is evident.

How can we expect the rest of the world to look at the fact that we have a surplus in food, and a surplus in clothing, and that we dump it into the ocean practically on the one hand or give it way to a private business interest in a foreign country on the other, and these people whom we have told that the United States believes in and is their champion of freedom and their champion against poverty, go hungry and naked. This is the underlying philosophy of all those people who hate us today. Santa Claus has promised so much, and has not delivered.

Now why should I talk to an audience such as you in this particular manner? I have dared to tell you what I believe to be the truth, dared despite the fact that I realize some of you will not like it, and that my words can be misinterpreted and taken out of context, and used by any opponent that I might have in the forthcoming election, if I am opposed. I tell you because we have had the best sort of training in the world. While I may have been against you on "big Thursday," I recognize the fact that you are the kind of men I can depend on, as my forefathers and yours have fought together. After all, men are government, and if we ever depart from that conception, we after all are citizens of the Government, then we have departed from that conception which gave us independence, determination, and a willingness to die for our country.

You and I must face the problem. I have proposed a Great White Fleet filled with surplus goods. At least that would reduce scandalous storing charges. So far the executive department is against it. I shall seek other means of meeting the challenge before us. So must you.

I am telling you because it is men like you that must awaken to the seriousness of the situation, become witnesses for freedom in your own right, and you must be the government. I enlist you in the army of freedom for the future.

Thank you very much.

Helping Citizens To Understand Their Government

EXTENSION OF REMARKS

OF

HON. HARRISON A. WILLIAMS, JR.

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Friday, March 11, 1960

Mr. WILLIAMS of New Jersey. Mr. President, the New Jersey Bell Telephone Co. has begun a new series in its monthly publication, New Jersey Bell. The series will discuss the governments of the State, counties, and communities. It is nonpartisan in approach and is intended to help citizens of that State to understand a few of the levels of government that have a direct effect on them.

The first article in the series deals with the Governor of New Jersey, Robert B. Meyner. In a letter to all Bell Telephone employees, Governor Meyner tells what he hopes the series will accomplish. His letter says:

It is my earnest hope that this series will stimulate increased interest in government, for while the benefits of a democratic system are universally enjoyed, its responsibilities are individual. In other words, government—local, State, or National, is not better than the degree of interest and participation displayed by its citizens.

This responsibility extends beyond voting. It includes the duty of always being aware

of issues and questions facing our government, and of giving your elected representatives the benefit of your opinions. I also urge every New Jersey citizen to take as active a role as possible in the affairs of his community.

In another article in the same issue of the magazine the editors have quoted the views of Representative JOHN W. MCCORMACK, majority leader of the House of Representatives. Mr. MCCORMACK exhorts the American people to make their views known directly to their Congressman about many issues.

It seems to me that the New Jersey Bell Telephone Co. and other private companies that make efforts to stir interest in public questions can perform notable public service. If there ever was a time when we need crystal-clear understanding of our Government, that time is now.

I ask unanimous consent that the articles from the March 1960 issue of New Jersey Bell be printed in the RECORD.

There being no objection, the articles were order to be printed in the RECORD, as follows:

THE GOVERNOR: NEW JERSEY'S CHIEF EXECUTIVE LEADS ONE OF THE NATION'S OLDEST STATES UNDER A FRAMEWORK OF GOVERNMENT ESTABLISHED BY ONE OF THE NEWEST STATE CONSTITUTIONS

(By R. H. Yard)

Footsteps rang through the empty corridors of New Jersey's State House in Trenton as an overcoat-clad figure, burdened under the weight of a pair of bulging briefcases, hurried out a side door to a waiting limousine. "Good evening, Governor" greeted a waiting State trooper who has long since become accustomed to waiting for his distinguished passenger until long after other State House workers have left for their homes.

Although working late at his State House office is not a nightly habit with Gov. Robert B. Meyner, neither is it unusual. While the State's new (1947) constitution charts the Governor's official duties, his important office cloaks him with a host of unofficial, but nonetheless important, assignments. He is, for example, leader of his political party, a constant target of newsmen seeking a story, and a ceremonial leader who is expected to be present at an astonishing number of civic functions ranging from testimonial dinners to plant dedications. These extra-constitutional duties require the Governor to be on the road 2, 3, or sometimes even 7 nights a week.

Because of these uncompromising demands on his time, the Governor and his briefcases are constant traveling companions. State House aides like to recall the fall day several years ago when Governor Meyner attended a world series game in Yankee Stadium. As long as his car was embroiled in stop-and-go traffic in Trenton, the car was filled with small talk, but when they reached the open stretches of Route 1 the Governor murmured "Excuse me" and reached for his ubiquitous briefcase, whose contents absorbed his attention until the car reached New York City. Demands on the Governor's time are no respecter of party, for the incumbent's predecessors were subject to the same pressures, as will his successor in 1962.

WHO CAN BE GOVERNOR?

Though we are all familiar with Governor Meyner, who is now beginning the third year of his second 4-year term as the State's chief executive, few of us have any real idea of the responsibilities and duties required of our Governor by the constitution and the law, nor of the changes in this office that have evolved during the 184-year history of our State which has operated under three constitutions.

The constitution of 1947, which has been widely hailed as a leading example of a modern State charter, spells out who may serve as Governor, his term of office, and his official duties.

The Governor, according to the constitution, "shall be not less than 30 years of age," a citizen of the United States for at least 20 years, and a resident of the State for at least 7 years before his election (unless he has been absent from the State on the public business of the United States or of this State.) He is elected by legally qualified voters of the State (and he is the only State official elected by the people of the entire State) for a 4-year term. Under the new constitution, the Governor for the first time in the State's history is eligible to succeed himself, but only for a second successive term. Alfred E. Driscoll was the first chief executive to be reelected to a second term. New Jersey pays its Governor $30,000 per year.

In the event of the Governor's death or resignation the reins of government are inherited by the president of the State senate, and, should he then die, or retire, the speaker of the general assembly becomes Governor.

DUTIES AND RESPONSIBILITIES OF THE GOVERNOR

What then are the Governor's duties and responsibilities? Listed first in our constitution is the requirement that "The Governor shall take care that the laws be faithfully executed." Because it is obviously impossible for one man to see that all the State's laws and regulations are obeyed, the constitution permits the establishment of 20 administrative departments in the executive branch of the State government which is headed by the Governor. Fourteen of these departments are now in operation, with the head of each a member of the Governor's cabinet. These 14 departments include: agriculture, banking and insurance, board of public utility commissioners, civil service, conservation and economic development, defense, education, health, institutions and agencies, labor and industry, law and public safety, state, state highway, and treasury.

Generally speaking, department heads are appointed by the Governor, but his nominations are subject to the "advice and consent" of the Senate. Although most of these appointments are approved without serious objection by the senate, there is an old, and unwritten custom known as senatorial courtesy, which occasionally pits the senate in a bitter battle with the Governor. If a nominee is declared to be personally displeasing to the senator from the candidate's home county, then other senators invariably refuse to confirm the nomination. Each cabinet member serves at the Governor's pleasure, with the exception of the attorney general and the secretary of state, who are appointed to terms of office that coincide with the Governor's term.

The Governor's appointive powers include also the right to appoint judges in the State's court system, along with the members of the many State boards and agencies, and other policymaking officials. This appointive power is tempered by the requirement that the Senate give its approval to most gubernatorial appointments.

A STRONGER VETO POWER

The Governor's role in his relations with the legislature was strengthened greatly under the new constitution, which granted him a far stronger veto power than had ever before been entrusted to the chief executive. When the State's first constitution was written in 1776, its authors were all too familiar with the dictatorial rule of British Royal Governors to entrust their Governor with virtually anything but ceremonial powers.

Today, both houses of the legislature—the general assembly and the senate—must each muster a two-thirds majority vote in order to override. After a bill is passed, the Governor has a 10-day period during which he can approve or reject a bill. Should he fail to sign within that period, the bill automatically becomes law—if the legislature is in session. If the legislature has ended its session during the 10-day span, an additional 45-day period of grace is permitted. Then, if the Governor wishes to veto a bill he must call the legislators back into a special session.

The Governor is required to send a message to the legislature at the opening of each regular session, reporting on the condition of the State, and recommending legislation. But just as the Governor can exert some control over legislation through his veto power, so can the legislature accept or reject the Governor's legislative proposals—an illustration of the checks and balances system that safeguards our rights as citizens by preventing one branch of the government from dominating the governmental processes. The chief executive can call the two branches of the legislature, or the senate alone, into session whenever he considers such action necessary.

NO NEW TAXES IN 1960–61 BUDGET

Another responsibility of the executive branch which each year attracts widespread interest is the preparation of the budget. In his most recent budget message delivered February 1 to a joint session of the senate and the general assembly, Governor Meyner proposed a record outlay of $431,365,104 for the fiscal year beginning July 1, 1960. As required by the constitution, the budget was balanced against an expected income of $432,475,057. Although the Governor stressed the fact that the budget—$24,212,000 higher than the current year's spending—would require no new taxes, he did not rule out the possibility of increases in some existing taxes.

Budget preparation is no easy task, for State government is becoming an increasingly complex operation. Unexpected events can exert a real impact on budgetary planning. For example, the tragic epidemic of eastern viral encephalitis that swept southern New Jersey last year shows up in the Governor's proposed budget in which he called for a safe and sane approach to the problem, combining both research and control measures, under an appropriation of $535,000 for the coming fiscal year, compared to this year's anti-mosquito appropriation of $135,000.

Another innovation in the new constitution gave the Governor, for the first time in the history of the State, a constitutional power to remove State officials. Department heads, with the exception of the secretary of state and the attorney general who serve for definite terms, serve at the Governor's pleasure, which means that he is able to request—and get—their resignations at any time. Other officials may be removed "for cause." Employees subject to this removal power, however, are protected by the requirement that charges must be filed, and that they be given an opportunity to be heard at a public hearing. Not subject to this gubernatorial removal power are members and employees of the legislature, the courts, or officers appointed by the legislature in joint session.

GOVERNOR'S ARREST ENDS BRITISH RULE

Our State was born in 1776 amid a turbulence that we can scarcely imagine today. The British Royal Governor was William Franklin, son of Philadelphia's Benjamin

Franklin. William chose to ally himself with the British—a decision he may have come to regret by 1776 when he found himself attempting to enforce the infamous stamp tax. It was the passage of this act by the British Parliament that gave rise to the rallying cry, "No taxation without representation."

Resentment boiled up rapidly and reached a climax with the arrest on June 15, 1776, of Governor Franklin as "an enemy to the liberties of this country." A committee quickly began drawing up a constitution outlining the government of the new State which was passed by the provincial congress in Burlington on July 2, 2 days before the ringing words of the Declaration of Independence were signed by the Continental Congress in Philadelphia.

The first legislature organized under the new constitution met in Princeton in late August, and its members elected William Livingston, of Elizabeth, as the State's first Governor. Because of their bitter experience with the personal power wielded by Royal Governors, the architects of the new constitution gave Governor Livingston little power in a government that was dominated by the legislature.

The State's second constitution was approved in 1844. Though the new charter was an improvement in many ways, it did little actually to strengthen the Governor's role in the State administration. He still lacked a worthwhile veto power, and his power to remove State officials was severely limited. This constitution served the State until 1947 when the people gave an overwhelming vote of approval for our present document, which has restored the balance between the three branches of the State government, greatly increased the Governor's personal executive authority, and streamlined the State's archaic court system, which today is one of the most highly esteemed judicial systems of any State in the land.

The governorship, and the State government as a whole have undergone considerable change since the more carefree days of Gov. Daniel Haines who, in his message to the legislature more than a century ago, declared: "I have no hesitation in recommending that no money be raised by taxation for the current year; and I confidently hope that in the future we will be wholly relieved from any such burden."

PUT IN YOUR 2 CENTS WORTH

(By JOHN W. MCCORMACK, Congressman from Massachusetts, and majority leader of the House of Representatives)

Americans have a way of expressing their views in down-to-earth, simple terms, and one of these phrases is: "I put in my 2 cents worth."

Putting in our 2 cents worth, or expressing our individual opinions, can be vitally important to the future of our country.

Americans have a God-implanted love of free speech, but I have observed during my service in Congress that too few of our citizens take advantage of this privilege of speaking up on government matters.

A reason may be that many people believe their Congressman does not welcome a letter or a telephone call from a citizen who has an opinion on some past, pending or future matter. May I correct this mistaken idea as simply and as clearly as possible? Every Congressman welcomes the opinion and counsel of our citizens because his primary job is to do just that: represent our people in the Government of our country. To do this well, the Congressman must know what his people are thinking, and the more opinions he gets the better will be his decisions. Public opinion is a very important factor in a democracy.

The very basis of our Government is built around people. What we call politics, elections, legislation—all are attuned to one great determinant, the voice of the people or public opinion.

The people created America, and the people—you and I—must continue to watch over and improve the country our forefathers built and our contemporaries are building. This is our duty and our greater obligation.

As a country, we decided long ago to place this responsibility upon our citizens. Freedom for all was the fruit of this decision, but freedom carries with it the cost of widespread citizen interest and participation in the affairs of Government.

One of the best ways to fulfill your duties of active citizenship, of course, is to help elect the man or woman of your choice to public office. But do not stop there. Let me encourage you to take the next step. Keep the persons who represent you in Government informed of your views throughout the year. This is an equally important responsibility in our democratic form of government.

Sometimes I think it might be well if we erected a large sign over Congress which contained this theme. Here the opinions of all Americans are heard—should be heard—with equality. As a result, the aim of their proposals becomes the law of the land.

Or perhaps we should put it in more typical American language: Here your 2 cents worth does make a difference.

Federal Referee Vote Proposal Restores Carpetbag Rule in the South

EXTENSION OF REMARKS

OF

HON. GEORGE HUDDLESTON, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 11, 1960

Mr. HUDDLESTON. Mr. Speaker, under leave heretofore granted, I am inserting herewith in the CONGRESSIONAL RECORD a very fine discussion of the Federal referee vote proposal presently under consideration in the House of Representatives, by our friend and colleague, ED WILLIS, of Louisiana. This article appeared in the Birmingham (Ala.) News on Wednesday, March 9, 1960, and I commend it to the careful study of every Member of the House. There is more to this proposal than meets the eye.

The article follows:

FEDERAL REFEREE VOTE PROPOSAL RESTORES CARPETBAG RULE IN THE SOUTH

(U.S. Representative EDWIN H. WILLIS, Democrat, of Louisiana, a constitutional lawyer of wide experience, and a member of the House Committee on the Judiciary, analyzes the so-called Federal referee voter registration plan in the following article. The referee proposal, aimed at the South, is the center of a Senate controversy leading to the current filibuster.)

(By Hon. EDWIN H. WILLIS, Member of Congress)

WASHINGTON.—Very few people have had the opportunity to read and study the voting referee provision of the pending civil rights bill rigged up by the U.S. Attorney General and so-called liberal groups. It is one of a series of punitive political measures designed to penalize the Southern States in order to appeal in the coming presidential election to the organized minorities in the large cities of the North and West.

This effort to make the Southern States the political whipping boy is participated in with equal vigor by leaders of both the national Democratic and Republican Parties.

PROPOSAL GOES BACK TO CARPETBAG FORCE BILLS

Fundamentally, it restores the old force bills of the chaotic Reconstruction days following the Civil War when the people of the South lived under a government by carpetbaggers. The pending bill was conceived by the same minds and the same U.S. Department of Justice that induced the President to commit the tragic error of sending the Army into Little Rock.

The bill was cleverly drafted and hastily introduced, and is sought to be grafted without hearings, on a comparatively moderate bill reported out of the House Judiciary Committee. The desperate filibuster now being conducted in the Senate hinges around this new bill, proposed, devised, and written by people outside of the legislative bodies. It takes from the States and vests in Federal authorities the supervision and control of elections, Federal and State, from the justice of the peace to the Governor of the State.

Here is how the bill will work if enacted into law:

Upon complaint, the first step will be, upon request of the Attorney General, for the Federal court to "make a finding" whether discrimination exists against Negro voters "pursuant to a pattern or practice."

BILL REMAINS VAGUE IN DEFINITION OF TERMS

The bill does not define what constitutes a pattern or practice and the decision on this question is left entirely to the discretion, whims, or prejudices of a Federal judge. It does not require that the Federal judge shall be a local one. A judge from any other State in the Union may be designated to preside and supervise the local elections. It will be remembered that a Federal judge from North Dakota was designated to preside over the hearings that led to the Little Rock incident.

There is a total lack in the bill of any provision of how this finding shall be made, or the rules, procedures, or evidence under which it is to be done. After the Federal judge, under the guidance of the Attorney General and without any specific provision for a hearing on the part of the State involved, makes a finding that a pattern of discrimination exists, the decree would establish a conclusive presumption that all Negroes, who were not even parties to the initial proceeding, have in fact been discriminated against. It would make it totally unnecessary for them to prove any alleged discrimination on account of race or color. That is the rub, the crux, and the very heart of the bill.

In the next step, the referee, appointed by the Federal judge takes the statement of the applicant and the specific language of the bill requires that "the applicant shall be ex parte," which means that the other parties, the State and the authorities in the locality, are denied the opportunity to be heard. The first bill introduced on the subject specifically required that these referees be selected from persons outside of the State. This was such an obvious carpetbagger requirement that in the revised bill that provision is omitted. But there is no provision in the present bill that the referee shall be a local person with knowledge of local people and it still permits, although it does not require the court to appoint carpetbagger referees from out of the State.

The next step in this cunning scheme compels the referee to presume that the applicant has been denied the right to vote on account of race or color and to accept as true his representation or misrepresentation as to his age, residence, etc. The referee really does not referee anything. He hears only one side of the issue.

CONFRONTATION RIGHT DENIED TO THE STATE

The bill, in violation of all standards of due process, denies local registrars of voters or State officials, who are presumed to have denied the right of an applicant to vote on account of race or color, the right to be present with counsel at the so-called hearing and the right to confront and cross-examine their accusers.

In the next step, the referee reports the result of his phony hearing to the court. At this point only, the attorney general of the State is invited to file exceptions to the report, but since the report contains only the self-serving declaration of the applicants, without the right of confrontation and cross-examination, this investigation is practically meaningless.

When all of this unprecedented procedure has been carried out according to plan, the court gives to the Negro a certificate that he is a qualified voter and then authorizes the referee or such other person or persons as he may designate to attend the election at all polling places, look over the shoulders of the State authorities and see that the person is voted, and that the vote is counted. State law requires election officials to keep people a stated distance from polling places and voting booths, so that under the bill, if they admit the Federal agents, they go to State jails, and if they exclude them, they go to Federal jails.

ELECTION OFFICIALS DENIED TRIAL BY JURY

Likewise, in all other respects, if complaint is made by a Negro voter that the judge's orders have not been carried out to the letter, the State election officials may be hauled into court on a contempt citation and sentenced to jail, or fined, or both, and deprived of the right to trial by jury. It is a frightening prospect that in the United States our Federal jails could be filled with political prisoners consisting of State officials.

Such is the devil's brew that is cooked up for consumption for the Southern States alone. It is utterly unconstitutional. It is devastating. It is the sure breeder of racial troubles of untold proportions.

SENATE

MONDAY, MARCH 14, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Hamilton G. Reeve, minister, the Valley Forge Methodist Church, Valley Forge, Pa., offered the following prayer:

Almighty and eternal God, our heavenly Father, for Thy great goodness to us we lift our voices in hearty thanks. Out of Thy bounty Thou hast blessed this Nation with more than its share of Thy riches. Truly Thou hast looked upon us with favor. But above all we thank Thee for the gift of Thy Son, Jesus Christ, the Saviour of the world.

In these days of peril and confusion, when evil forces would rob us of our priceless heritage of freedom, and enslave us under the yoke of godless tyranny, stir us out of our lethargy and complacency, and endow us with the courage, the faith, and the vision which sustained our fathers in the wilderness of Valley Forge, and brought them at last into this promised land of hope and opportunity. Grant, O God, that we may be done with compromise and concession, and let us stand fast in the liberty wherewith Christ hath made us free. Let us not sacrifice principle for popularity or integrity for expediency, and let us ever be mindful of Thy words—that it is not by might, nor by power, but by Thy Spirit that final and complete victory will come.

Protect and preserve the President and the Vice President of these United States, and grant that these Senators, into whose hands has been entrusted the responsibility of government, may be directed by Thy spirit, motivated by Thy love, and obedient to Thy holy will. Vouchsafe unto them guidance in their deliberations and wisdom in their decisions, we beseech Thee this hour.

Hear our prayer, for we pray in the name of Jesus Christ, the only hope of the world. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 11, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Timothy J. Murphy, of Massachusetts, to be an Interstate Commerce Commissioner, which was referred to the Committee on Interstate and Foreign Commerce.

REPORT ON FEDERAL TRANSPORTATION POLICY AND PROGRAM—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interstate and Foreign Commerce:

THE WHITE HOUSE,
Washington, D.C., March 14, 1960.

The Honorable RICHARD M. NIXON,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I transmit for the consideration of the Congress a report on Federal Transportation Policy and Program, submitted to me by the Secretary of Commerce. This report identifies emerging national transportation problems, suggests a redefined Federal role in meeting these problems, and recommends certain legislative and administrative steps intended to assure the balanced development of our transportation system.

I have transmitted cop es of the report to the interested executive agencies, in order that the Secretary's recommendations may be carefully considered with a view to developing appropriate administration legislative proposals and executive branch actions.

Sincerely,

DWIGHT D. EISENHOWER.

ORDER DISPENSING WITH CALL OF CALENDAR TODAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour for the introduction of bills and the transaction of other routine business; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

EXEMPTION OF DISTRICT OF COLUMBIA FROM PAYING FEES IN COURTS OF THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the acts of March 3, 1901, and July 15, 1939, as amended, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

AUTHORIZATION FOR GOVERNMENT AGENCIES TO PROVIDE CERTAIN SERVICES TO CIVILIAN OFFICERS AND EMPLOYEES

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service, to civilian officers and employees of the United States, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

AUDIT REPORT ON ALASKA RAILROAD

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Alaska Railroad, Department of the Interior, fiscal years 1958 and 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT OF BACKLOG OF PENDING APPLICATIONS AND HEARING CASES IN FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report on backlog of pending applications and hearing cases in that Commission, as of December 31,

1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

POSTAL RATE INCREASE ACT OF 1960

A letter from the Postmaster General, transmitting a draft of proposed legislation to readjust postal rates, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

REPORT ON LIBRARY OF CONGRESS

A letter from the Librarian of Congress, transmitting, pursuant to law, a report of the affairs of the Library of Congress, including the copyright business, for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Rules and Administration.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

"SENATE JOINT RESOLUTION 2

"Resolution relative to use of labor of State prisoners for conservation of natural resources

"Whereas California and the Federal Government have a mutual responsibility for the protection and conservation of the natural resources of this Nation; and

"Whereas for many years this State has utilized on its public lands inmate labor from its prisons as a step in their rehabilitation and for the protection of the State's natural resources; and

"Whereas it was found and declared by this legislature during the 1959 regular session that the establishment of a California conservation camp program would further provide for the training and use of inmates and wards assigned to conservation camps in the development of public conservation facilities and work programs related to forest fire protection and control, forest and watershed management, recreation, fish and game management, soil conservation, and forest and watershed revegetation; and

"Whereas it has now been determined that various Federal agencies concerned with conservation projects on Federal lands are precluded from joining with the State of California in accomplishing their mutual conservation responsibilities by Federal Executive Order No. 325–A, issued May 18, 1905, which order prohibits using persons undergoing sentences imposed by the courts of the several States to perform labor under contracts entered into by Federal officers; and

"Whereas, Executive Order No. 325–A appears to go far beyond the intent of the statute upon which it is based; namely, an act of Congress of February 23, 1887, codified in section 436 of title 18, United States Code, inasmuch as that act refers only to hiring out the labor of prisoners confined for violation of laws of the Federal Government: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the President of the United States be and is respectfully urged to amend the subject order in such a manner as to permit Federal agencies to cooperate with the State of California in the use of the services of prisoners of the State in conservation programs related to forest fire protection and control, forest and watershed management, recreation, fish and game management, soil conservation, and forest and watershed revegetation: *Provided, however,* That no such conservation projects will be undertaken to perform work otherwise performed by free labor and in competition to free labor; and be it further

"Resolved, That the secretary of the senate is directed to transmit copies of this resolution to the President of the United States, the Vice President of the United States, and to each Senator and Representative from California in the U.S. Congress."

A resolution of the Senate of the State of Maryland; to the Committee on Armed Services:

"SENATE RESOLUTION 7

"Senate resolution urging that the U.S. Naval Weapons Plant continue operation as an engineering and manufacturing control center for the Bureau of Naval Weapons at a personnel operational level based on its January 1, 1960, complement and that the same be modernized and expanded and its name changed to reflect the aforementioned mission

"Whereas the trend in development, engineering and manufacture of naval weapons and weapons systems has attained a high degree of technological complexity; and

"Whereas the United States, in order to obviate a purported declining defense posture, must increase its rate of technological progress exponentially; and

"Whereas the Federal executive and legislative bodies must take necessary measures to negate the existence of a technological deficiency by realizing its inherent ability to reduce reaction time during this period of international competition; and

"Whereas the aforementioned technological deficiency is the existence of a disastrous void between scientific or theoretical concept and resultant end product, namely: reliable, serviceable, safe, and almost maintenance-free hardware in the nature of missiles, missile systems, antimissile systems, and other advanced weapons; and

"Whereas the Naval Weapons Plant is an essential and indispensable function of the Naval Defense Establishment exhibiting such diversified capabilities in engineering, scientific, and industrial skills as to bridge the gap between weapons concepts and prototype manufactured hardware; and

"Whereas there is no comparable Bureau of Naval Weapons facility or defense contractor having the broad technical competence and versatility exemplified by experience in conception, design, engineering development, production engineering, prototype manufacture, and technical administration of weapons and weapons systems equivalent to the U.S. Naval Weapons Plant; and

"Whereas the Naval Weapons Plant is the only naval weapons establishment having the comprehensive technical competence and industrial ability in the field of structural fabrications, an area of vital importance in the development and manufacture of advanced weapons and weapons systems; and

"Whereas the Naval Weapons Plant has a complete complement of technical skills in the basic fields of the physical sciences and engineering (physics, chemistry, metallurgy, materials, electrical, electronics, mechanical, structural) and superior technical abilities in optics, fire control, hydraulics, engineering management, and contract administration supplemented by designers, draftsmen, technicians, engineering aides, technical writers and editors; and

"Whereas the Naval Weapons Plant has a complete complement of industrial skills in metals processing, machining, fabrication, metals finishing, electroplating, heat treating, molding, casting, forging, electronics, and plastics to provide for requisite manufacture on a prototype or production basis; and

"Whereas the Naval Weapons Plant has provided consulting services to nationally recognized corporations in the fields of design, materials, and fabrication techniques taking the form of analyses critiques and advice in order to support programs in which these contractors are involved, thus facilitating the Navy Department's progress and control of varied projects; and

"Whereas the overall operational costs for the Naval Weapons Plant are not in excess of those found in comparable industry functioning under similar fiscal and workload control procedures; and

"Whereas the Naval Weapons Plant has displayed outstanding proficiency in contributing to the progress and development of new scientific, engineering, industrial, and related techniques necessary for the flexibility in conforming to the everchanging weapons and weapons systems concept and control of the naval defense complex; and

"Whereas the primary constitutional power and obligation to support the defense complex, which includes manpower and weapons, lies with the Federal legislative bodies of the United States; and

"Whereas the Federal legislative bodies have a legal right to delegate its defense powers to the Federal executive for necessary and proper administration; and

"Whereas, the contracting out of defense requirements to private industry in such manner as bestows an almost irrevocable financial and technical jurisdiction over vast defense programs without retaining in-house capabilities such as the Naval Weapons Plant for sufficient governmental control is tantamount to an unlawful delegation of power on the part of the Federal legislative body or a usurpation of the legislative power by the Federal executive body; and

"Whereas the citizens of Prince Georges county, and in fact the people of the entire State of Maryland, are vitally interested and affected in the premises aforementioned: Now, therefore, be it

"Resolved by the Senate of Maryland, That a change of name be effected for the Naval Weapons Plant that more realistically reflects the required functions and responsibilities necessary for support of the naval defense complex such as "Naval Weapons Engineering and Manufacturing Center"; and be it further

"Resolved, That the Navy Department provide the Naval Weapons Plant with a definite mission based on vital engineering and prototype manufacturing functions in lieu of the outmoded weapons and product concepts in order to continue the Naval Weapons Plant as an essential link in the chain of national defense; and be it further

"Resolved, That the Naval Weapons Plant continue to operate as an engineering and manufacturing center for the Bureau of Naval Weapons to maintain surveillance and provide adequate contract administration and field engineering services to contractors engaged in the fabrication of defense weapons and weapons systems, in order to prevent the Navy Department from relinquishing control over defense projects; and be it further

"Resolved, That the Navy Department, Bureau of Naval Weapons, provide adequate support for the Naval Weapons Plant and its sister establishments relating to continued modernization of physical plant, installation of necessary equipment, retention of in-house capabilities by sustaining a manpower level based on the January 1, 1960, complement at the Naval Weapons Plant, in order to promote the highest standard of efficiency in Government installations, keep them prepared for emergencies, provide industrial support, and assure control over the defense complex in accordance with the intent of the Federal legislative body; and be it further

"Resolved, That the Navy Department Bureau of Naval Weapons take cognizance of the potential capabilities, capacities, and importance of the Naval Weapons Plant and its sister establishments to the defense of the Nation and provide an adequate and judiciously balanced in-house workload that will insure compliance with the Federal Constitution in lieu of an apparent contravention by an unwarranted delegation of legislative and executive power over defense to private individuals; and be it further

"Resolved, That the secretary of the senate be instructed to send copies of this resolution to the President of the United States, the Vice President of the United States, Secretary of Defense, Secretary of the Navy, Under Secretary of the Navy, Assistant Secretary of the Navy for Materials, Rear Adm. P. D. Stroop, Chief of Bureau of Naval Weapons, Rear Admiral Hirsch, Assistant Chief of the Bureau of Naval Weapons for Fleet Readiness, Capt. Charles E. Briner, Superintendent, U.S. Naval Weapons Plant, all Members of the Congress and Senate of the United States.

"J. WATERS LAMB,
"Secretary of the Senate.
"GEORGE W. DELLA,
"President of the Senate."

RESOLUTION OF CENTRAL KANSAS AND OKLAHOMA SWINE PRODUCERS ASSOCIATION

Mr. CARLSON. Mr. President, the Central Kansas and Oklahoma Swine Producers Association at its regular meeting adopted a resolution urging an expanded program of research on swine diseases.

Some work is being done in this field by Kansas State University and Oklahoma State University, but in view of the ever-increasing virus diseases, such as atrophic rhinitis and virus pig pneumonia, there is need for an expanded research program.

Kansas and Oklahoma are States in which swine production should be increased, because of the large sorghum crops that are being produced in that area. The feeding value of sorghum has been proven to be a good feed for growing and fattening hogs.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Be it resolved, That by the unanimous vote of the members of the Central Kansas and Oklahoma Swine Producers Association it has come to the attention of the members of this association that new techniques in hog production are bringing to light virus hog diseases for which there are few preventives and treatments. We would like to have the research on swine diseases at Kansas State University enlarged and accelerated to assist swine producers as the industry expands with the increased production of sorghum grains in this area.

The proper officials of said association are therefore directed to bring this resolution to the attention of the appropriate individuals.

Passed this 22d day of February, 1960.

JASPER DEVORE,
President, Central Kansas and Oklahoma Swine Producers Association.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 111. A bill for the relief of Aristogiton Zahariadis (Rept. No. 1163);

S. 1909. A bill for the relief of John Gelbert (alias Max Theodore Gelbert) (Rept. No. 1164);

S. 2406. A bill for the relief of Matias T. Falcasantos (Rept. No. 1165);

H.R. 6027. An act for the relief of Joseph J. O'Loughlin (Rept. No. 1166);

H.R. 7365. An act for the relief of Mrs. Nell C. Player (Rept. No. 1167);

H.R. 7933. An act for the relief of Mrs. Virginia Bond (Rept. No. 1168); and

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects (Rept. No. 1169).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1720. A bill for the relief of Perry Lee Gorman (Rept. No. 1170);

S. 2554. A bill for the relief of Leila Finlay Bohin (Rept. No. 1171);

S. 2566. A bill for the relief of Peter Leo Bahr (Rept. No. 1172);

S. 2607. A bill for the relief of Krste Angeloff (Rept. No. 1173); and

S. 2619. A bill for the relief of Maria Critelli Ventura (Rept. No. 1174).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 684. A bill for the relief of Gerald Degnan, William C. William, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalik, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake (Rept. No. 1175); and

S. 2333. A bill for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Montana), and for other purposes (Rept. No. 1176).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment;

S. 2330. A bill for the relief of John B. Manthey (Rept. No. 1162).

By Mr. KEFAUVER, from the Committee on the Judiciary, without amendment:

S. 2317. A bill for the relief of Mary Alice Clements (Rept. No. 1177).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 3192. A bill to readjust postal rates, and for other puroposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE:

S. 3193. A bill to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency; and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (by request):

S. 3194. A bill to amend the acts of March 3, 1901, and July 15, 1939, as amended, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia; and

S. 3195. A bill to exempt from taxation certain property of the Army Distaff Foundation; to the Committee on the District of Columbia.

By Mr. HENNINGS (for himself and Mr. SYMINGTON):

S. 3196. A bill for the relief of Carmine Vincenzo Mocciola; to the Committee on the Judiciary.

By Mr. KEATING:

S. 3197. A bill to amend the Public Health Service Act to provide to the fullest extent possible for the payment of all indirect costs of research projects supported under this act; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON (for himself and Mr. GOLDWATER):

S. 3198. A bill to amend the Indian Long-Term Leasing Act; to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA:

S. 3199. A bill for the relief of the Adler Construction Co.; to the Committee on the Judiciary.

ADJUSTMENT OF POSTAL RATES

Mr. DIRKSEN. Mr. President, on March 11 the Postmaster General transmitted to the Senate a proposal to readjust postal rates. In the letter of transmittal was an adequate statement of the reasons for this measure, and I might add that it has had the concurrence of the President.

I therefore ask unanimous consent that this statement be printed in the RECORD, and at the same time I introduce, for reference to the appropriate committee, the bill drafted by the Post Office Department to effectuate this rate adjustment. I ask unanimous consent that the President's message to Congress on this point be also printed in the RECORD.

The PRESIDING OFFICER (Mr. BUSH in the chair). The bill will be received and appropriately referred; and, without objection, the letter and message will be printed in the RECORD.

The bill (S. 3192) to readjust postal rates, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The letter of transmittal and the message from the President, presented by Mr. DIRKSEN, are as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D.C., March 11, 1960.

The PRESIDENT OF THE SENATE,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith for consideration by the Congress a legislative proposal to readjust postal rates.

The 85th Congress recognized the inequity of having all taxpayers subsidize oppressive post office deficits. The Postal Policy Act of 1958 directed that postage rates and fees be adjusted from time to time so that the Post

Office Department be self-supporting, aside from the cost of a few recognized public services. Present rates do not comply with the policy stated in this act. The administration is proposing that they be brought into compliance.

Postal costs, like all other business costs, have raced ahead in recent years. But revenues have lagged due to tardy and inadequate rate action. In first-class mail, for example, the cost of handling the average letter has increased more than 100 percent since 3-cent postage was first approved in 1932. In this same period, however, Congress increased rates only 33⅓ percent or 1 cent. This was in 1958 after a lapse of 26 years during which costs continued to increase. Even with a 5-cent rate the increase in postage since 1932 would only be 67 percent. The failure to adjust first-class postage to meet rising costs is the major reason for the insolvent state of postal finances today.

Public Law 85–426 recognized that the preferential services extended to first-class mail should be reflected in postage rates sufficient to cover allocated costs plus "the fair value of all extraordinary and preferential services, facilities, and factors related thereto." Current letter rates do not reflect the value of these extra services. In the prewar years from 1926 to 1941, revenues on first-class mail averaged 40 percent above allocated costs. Today, they are far below that level. A 1-cent increase in letter rates would go a long way toward restoring the long-recognized premium for this class of mail and fiscal responsibility in postal operations.

In the case of third-class mail, there are some 17 billion pieces delivered each year. Direct mail is now the second largest advertising medium in the Nation, exceeded only by newspaper advertising. When the 1958 rate increase is fully effective, the postage paid on the average piece of third-class mail will be less than 3 cents. But costs will exceed 4 cents. In other words, the taxpayer will carry the burden of paying over 1 cent for the average piece of third-class mail delivered to him. For a full year the total of all pieces delivered to all taxpayers will add up to a subsidy of nearly $200 million, based on volume levels in 1959—the latest year for which actual data are available. We believe third-class mail should pay its own way without subsidy. The proposed rate increases for that class are a major step in this direction.

For second-class mail, the financial statistics are even more shocking. Some 26,000 publishers have bulk mailing privileges. About 6,000 of these are nonprofit organizations. The remainder account for most of the volume. In 1959 the 7.1 billion pieces of second-class mail accounted for about 12 percent of the pieces and 24 percent of the weight of all mail handled. Revenues, however, were only 2 percent of all mail revenues. When the 1958 rate increase is fully effective, the yearly subsidy to second-class mail users will still be almost $300 million—only slightly less than at present—and revenues will still cover only about 26 percent of costs. Thus, the average piece of second-class mail, which consists largely of magazines, costs the Post Office Department about 4 cents more to handle than the amount of postage paid for the service. The proposed rate increases will cause second-class mail to pay a larger share of its costs.

It is difficult to view with detachment the payment of hundreds of millions of dollars each year by the taxpayers to a handful of publishers and to direct mail advertisers. That is the effect of the present subsidy to second- and third-class mailers.

Had it not been for this administration's intensified cost reduction program, the postal deficit would be substantially higher than it is today. Over 20 percent more mail was handled in 1959 than in 1953. Manpower increased only 7.6 percent and this was mainly as a result of providing more city carriers in mushrooming suburban areas. Noncarrier employment increased only 2.2 percent. But efficiency gains can only help in controlling deficits. In the present instance rate increases are unavoidable.

I attach a statement highlighting proposed legislation. I urge all Members of Congress to support it. The elimination of oppressive postal deficits is of prime importance in sound national fiscal policy.

The Bureau of the Budget has advised the Department that enactment of this legislation is in accord with the program of the President.

Sincerely yours,

ARTHUR E. SUMMERFIELD,
Postmaster General.

POST OFFICE DEPARTMENT SUMMARY OF PROPOSED POSTAL RATE INCREASES

FIRST CLASS MAIL

Section 2(a) provides for an increase on letter mail from 4 cents to 5 cents per ounce.

Section 2(b) provides a 1-cent increase on postal and postcards and drop letters.

AIRMAIL

Section 3 provides that airmail will pay postage at the rate of 8 cents per ounce except for air postal cards. In the latter case the rate is increased from 5 cents to 6 cents.

All first class matter weighing over 8 ounces will pay the current air parcel post rates, but not less than 64 cents for the first 8 ounces and 5 cents for each additional ounce.

All non-first-class air matter will pay 8 cents per ounce for the first 8 ounces and the current air parcel post zone rates for matter in excess of 8 ounces.

AIR PARCEL POST

Section 4 restores to the Postmaster General the authority to adjust from time to time the weight limit, size, rate of postage, zone or zones or conditions which the Congress originally granted to him but limited such authority to a period of 2 years. (Sec. 1, act of June 29, 1948, 62 Stat. 1097; 39 U.S.C. 475(11)).

This section also modernizes and brings forward a proviso to the effect that first class matter weighing in excess of 8 ounces shall not be transmitted at a rate which is less than the applicable rate for surface letters.

SECOND-CLASS MAIL

Section 5 provides that all second-class matter mailed for delivery at the office of original entry will pay a flat charge of one-half cent per copy when delivery is made through post office boxes, general delivery, or rural or star route carriers.

All carrier delivered local mailings (including "additional entry" and "headquarters" copies) irrespective of frequency of issue, will pay per copy rates of 1 cent for copies weighing 2 ounces or less or 2 cents for copies weighing in excess of 2 ounces, or the zone pound rates if those rates are higher.

The zone pound rates for second-class mail (excluding classroom and nonprofit mailings) will be one-half cent for each individually addressed copy or bundle or unaddressed copies, plus the zone rate charges established by the Congress in Public Law 85–426.

Special rate publications of nonprofit organizations and publications for classroom use will pay postage at rates 50 percent below the prevailing zone pound rates for other regular second-class matter. In the case of carrier delivered local mailings, the per copy rates shall apply if they are higher.

CONTROLLED CIRCULATION PUBLICATIONS

The current rate of 12 cents per pound is increased by section 6 to 14 cents per pound and the minimun rate will increase from 1 cent to 3 cents per piece.

THIRD-CLASS MAIL

The rate for individually mailed pieces of third-class mail will increase from 3 cents for the first 2 ounces and 1½ cents for each additional ounce to 4 cents and 2 cents, respectively. The pound rate for bulk mailings of books, catalogs, seeds, and plants will increase from 10 cents per pound to 14 cents per pound.

The pound rate for bulk mailings of circulars, other printed matter, and merchandise will increase from 16 cents per pound to 18 cents per pound.

The 2½ cent minimum per piece rate for bulk mailings of third class will increase to 3 cents.

Under the present law which provides for nonprofit organizations a 50-percent reduction of the regular minimum per piece rate, the minimum for these noprofit organizations, will increase from 1¼ cents to 1½ cents per piece. The provision in the present law that bulk rates are available only to matter in quantities not less than 20 pounds or less than 200 pieces is amended by changing "20 pounds" to "40 pounds."

The present minimum charge per piece of 3½ cents for articles of odd size or form is increased to 4½ cents.

FOURTH-CLASS MAIL

The preferential "book rate" for books and other fourth-class matter entitled thereto will be increased from 9 cents for the first pound and 5 cents for each additional pound to 10 cents for the first pound and 6 cents for each additional pound.

The rates for library books and other library materials when mailed by the authorized organizations will be increased from 4 cents for the first pound and 1 cent for each additional pound to 5 cents for the first pound and 3 cents for each additional pound—50 percent of the rate for books and other related materials.

EFFECTIVE DATES

The bill proposes that the rate revisions will become effective on July 1, 1960, with the exception of those increases relating to bulk third class mail. The bill proposes that the revisions in the bulk third-class mail rates will become effective January 1, 1961.

To the Congress of the United States:

In the budget message I urge the enactment of legislation to increase postal rates in order to eliminate the postal deficit. Several facts indicate the urgency of such action by the Congress.

The Postal Policy Act of 1958 definitely states that postal rates and fees shall be adjusted from time to time as may be required to produce the amount of revenue approximately equal to the total cost of operating the Postal Establishment, less the amount attributable to the performance of public services. That act directed the Postmaster General to submit to the Senate and House of Representatives no later than April 15 of this year the results of his survey of the need for the adjustment of postal rates and fees in accordance with this policy.

Because of the existing inadequate postal rates, the Post Office Department is losing $2 million every working day. In the 13 years from July 1946 to June 1959 the postal deficits have been approximately as much as the entire cost of running the Federal Government in 1938. The cumulative $6.8 billion postal deficit for these 13 years represents nearly one-half of the total increase in the Federal debt during this same 13-year period. Interest charges alone on the debt represented by this cumulative deficit are costing our taxpayers some $200 million each year.

These huge postal deficits are phenomena of the years since World War II. In the years from 1900 to 1940 the losses of the Post Office Department averaged only $33 million a year. Since that time—excluding the war years—these losses have increased astronomically. The tremendous losses incurred since World War II have been due to the increases in cost of everything the Department uses or buys, and to the failure of the Congress to enact postal rate increases to pay for the added costs. For example, since the increase in the first-class letter rate in 1932 from 2 cents to 3 cents, costs have more than doubled, but the first-class letter rate has been increased only one-third. The annual losses on second and third class mail, now in the hundreds of millions of dollars, are likewise growing.

It is imperative that Congress implement the policy it wisely established in 1958 of providing that the Post Office Department shall operate on a self-supporting basis. The Postmaster General is transmitting to the Congress the administration proposals for increases in postage rates on first, second, and third class mail to yield an estimated $550 million of new postal revenues in the 1961 fiscal year. Responsibility in the handling of our public affairs demands prompt action, in this session, to restore the Post Office Department to its traditional posture of budgetary good sense.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *March 11, 1960.*

NATIONAL CAPITAL TRANSPORTATION ACT OF 1960

Mr. BIBLE. Mr. President, a large and rapidly growing metropolitan city must count a well-planned and efficient mass transportation system of the highest importance. It serves the city we have. It guides the growth of the future city. The daily flow of hundreds of thousands of employees from their homes to their jobs cannot be satisfied by the private automobile alone, unless the city is to become a jungle of parking lots, its vital fabric scarred with costly new expressways, and its arterial highways hopelessly clogged with rush hour traffic. In the important and comprehensive role the private automobile plays in our lives, the daily journey to work is its least efficient and necessary use. A truly balanced metropolitan transportation system, in considering its total movement of people and goods, cannot ignore the need for mass transportation.

In Washington, D.C., such facts and guiding principles were recognized by Congress 5 years ago when it set in motion the Washington Mass Transportation Survey. This comprehensive, long-range study produced a transportation plan which was transmitted by the President to Congress last July. The transportation plan has received careful analysis by the Joint Committee on Washington Metropolitan Problems, which held extensive public hearings on it last November.

At these hearings, the Budget Bureau announced the administration's endorsement of the central proposal put forth in the transportation plan. Since then, the Budget Bureau has been preparing proposed legislation to set up a Federal agency to carry out certain parts of the plan. The Bureau has done a commendable job of consulting not only with the various departments of the Federal Government, but with local officials, transit companies, civic organizations, and other interested groups in the Washington area. The Bureau of the Budget has transmitted its bill to Congress.

The findings of the Mass Transportation Survey, the recommendations of the executive departments as reported by the Bureau of the Budget, and the expressions of concern by local governments in the Washington metropolitan area, leave no doubt that the problem of mass transportation is urgent, and demands prompt action. Two recent editorials from the Washington Post and the Sunday Star emphasize that.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks an editorial published in the Washington Star on March 13, and an editorial published in the Washington Post of March 14.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 13, 1960]

DOLLARS FOR SUBWAYS

The willingness of the Eisenhower administration to divert a good many Federal dollars—as well as Federal leadership—to the development of a truly effective rapid transit system in the National Capital area is most gratifying.

This declaration of intent, of course, is only a first step. The Washington transit legislation which the White House has proposed to Congress is quite complex and has a long road to travel. Its prospects of enactment are bright only if Members of Congress, citizens, and Government officials of the area are willing to view it with the same objective consideration given by the Federal Budget Bureau. If this can be done, however, we believe the essential soundness of the administration approach will be evident.

The new legislation amply recognizes the great stake which the Federal Government has in this region. It envisions practical, positive benefits that would accrue to the Federal Government from an orderly solution of Washington's frightening traffic problem, and this is the justification for the expenditure of Federal money—perhaps up to $265 million in loans and appropriations over the next several years. On the other hand, the bill wisely incorporates a number of suggestions made by area officials for safeguarding local rights and making the transit program to the highest degree possible a local-Federal partnership.

There is a strong element of compromise, as well, in the proposal that Congress should initially set up only a temporary Federal agency, tightly restricted in its powers, whose main role would be to perfect rapid transit plans during the next 3 years. Only after July 1963, would this agency be replaced, either by a strong Federal corporation or—preferably—by a locally dominated authority set up by interstate compact.

It is not surprising that criticism of the administration's bill is already being heard, and many of its aspects require further study. We feel, for example, that more attention should be devoted to the future roles of existing transit companies and we see no reason why they should not participate fully in the operation of whatever transit facilities are developed.

These things, however, are matters of detail. On the whole, residents of this region should be delighted at the administration action and should give every consideration to its support. For one thing is certain: Only with the vigorous financial support of the Federal Government does the area have the slightest chance to develop a system of rapid transit attractive enough to head off the strangulation of ever-increasing automobile traffic.

[From the Washington Post, Mar. 14, 1960]

TOWARD "ONE CITY"

The administration has handed Congress a plan both bold and practical to meet Metropolitan Washington's long-term transportation needs. It is bold in its recognition that only with sizable Federal financial assistance can the city undertake the heavy investments in right-of-way, transit lines, and other facilities that will be needed. It is practical in its accommodation to local political realities, the chief of which seems to be the fear of some Virginia and Maryland authorities that the Federal Government might dominate the area's decisions on transportation and growth problems.

The administration plan provides for Federal leadership and fiscal help. At the same time it places the emphasis on the growth of local institutions to take over and develop fully the new facilities that are needed.

The scheme for Federal fiscal help is ingenious, and the most conservative Member of Congress ought to find it acceptable. Congress is asked to authorize an investment over 8 years of $265 million in an initial subway line, right-of-way for other rail and vehicular facilities and related projects. Half would be in the form of repayable loans. The remainder would be a sort of a capital subscription which ultimately would be acquired, at least in part, by an interstate compact agency to be financed by transit, parking, and other revenues and perhaps local highway user taxes.

Federal funds would be advanced first to an agency of limited powers, concerned mostly with planning, while the negotiation of an interstate compact got under way. Later, if an interstate agency had not yet materialized, a successor Federal agency would come into being with broader powers to carry on the development program while the area continued to strive for an interstate agency to assume ultimate responsibility.

The greatest virtue of this somewhat intricate scheme is that it has the general support of the many local agencies and jurisdictions in the metropolitan area. But the plan is a delicate flower, a new and untested variety that promises the first blooming of much-needed "one city" thinking among local officials. Congress can by judicious watering and feeding nurture this promising growth. Mere indifference, however, might do it in.

When Congress has approved the pending interstate transit regulatory pact, already ratified by Maryland and Virginia, it ought to approve this next series of essential steps in meeting the Capital's transportation requirements.

Mr. BIBLE. Mr. President, a broad consensus of opinion has developed in the course of the studies and the efforts of the past 5 years.

Obviously, a number of major policy questions are involved in this proposed legislation, and there are likely to be differences of opinion on some parts of it. Now that the administration has submitted its proposal, it is up to Congress to give a full opportunity for all interested parties to express themselves at public hearings. Only then can we act intelligently on this important but complex legislation.

I should like to express the hope that before this Congress adjourns, it can consider and pass appropriate legislation

to deal with the mass transportation problems of the National Capital.

Mr. President, I now introduce for appropriate reference, the bill submitted by the Bureau of the Budget; and I request that the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. BENNETT in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3193) to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency; and for other purposes, introduced by Mr. BIBLE, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

Short title

SEC. 101. This Act may be cited as the "National Capital Transportation Act of 1960".

Declaration of policy and purpose

SEC. 102. The Congress finds that an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States and of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital. The Congress further finds that improved transportation of persons requires coordination of the planning, financing, construction, and administration of highways and public transit and railroad facilities; and that improved transportation also requires coordination with other public facilities and with the use of land, public and private. The Congress therefore declares that it is the continuing policy and responsibility of the Federal Government, in cooperation with the State and local governments of the National Capital region, to make full use of private enterprise wherever appropriate for the transportation of persons in the region; to administer this Act so as to recognize and preserve the advantages of both private and public contributions to the development of such transportation; to promote safe, adequate, economical, and efficient service within the region without unjust discriminations, undue preferences or advantages—all to the end of developing a unified and integrated system of transportation of persons in the National Capital region.

In order to bring into being an improved transportation system, the Transportation Plan—National Capital Region, prepared pursuant to the National Capital Planning Act of 1952 (66 Stat. 781) and the Second Supplemental Appropriations Act of 1955 (69 Stat. 33), recommends, among other things, that the Congress consent to and approve the Washington Metropolitan Area Transit Regulation Compact and create a temporary Federal agency to initiate the detailed programing and development of the transportation system, pending the negotiation and execution of an interstate compact creating a new interstate proprietary agency to succeed both the Federal agency and the Washington Metropolitan Area Transit Regulation Compact Agency.

It is the purpose of this Act to create such temporary Federal agencies as are necessary and to authorize the negotiation of an interstate compact to create an interstate proprietary agency to take over the functions of either the temporary Federal Agency or Corporation provided for under titles II and III of this Act in order to enable each agency of government, Federal, State, and local, to play its most effective role in providing a unified and integrated system of transportation for the National Capital region.

Definitions

SEC. 103. When used in this Act—

(a) "National Capital region" means the District of Columbia, Montgomery, and Prince Georges Counties in the State of Maryland, Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties and cities.

(b) "Government agency" and "government agencies" means the Government of the United States, District of Columbia, Commonwealth of Virginia, State of Maryland, or any political subdivision, agency, or instrumentality thereof which is located within, or whose jurisdiction includes all or part of the National Capital region; the term includes, but is not limited to, public authorities, towns, villages, cities, other municipalities, and counties.

TITLE II—CREATION OF A NATIONAL CAPITAL TRANSPORTATION AGENCY

National Capital Transportation Agency

SEC. 201. (a) There is hereby established the National Capital Transportation Agency (hereinafter referred to as the "Agency"). The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $20,000 per annum.

(b) To assist the Administrator in the execution of the functions vested in the Agency there shall be a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $19,000 per annum. The Deputy Administrator shall perform such duties as the Administrator may from time to time designate and shall be Acting Administrator during the absence or disability of the Administrator.

(c) No Administrator or Deputy Administrator shall, during his continuance in office, be engaged in any other business, but shall devote himself to the work of the Agency. No Administrator or Deputy Administrator or member of the Advisory Board (established in section 202) shall have financial interest in any corporation engaged in the business of providing public transportation nor in any corporation engaged in the manufacture or selling of passenger transportation equipment or facilities.

Advisory Board

SEC. 202. There is established an Advisory Board of the National Capital Transportation Agency. The Advisory Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, at least three of whom shall be residents of the National Capital region. The President shall designate one member as Chairman. The Advisory Board shall meet at least once every ninety days. The Advisory Board shall advise the Administrator in respect of such matters as the general policies of the Agency; Agency policies in connection with acquisition, design, and construction of facilities; fees for the use of Agency facilities and property; planning and administration generally; and such other matters as may be referred to it by the Administrator or which the Advisory Board, in its discretion, may consider. Each member of the Advisory Board, when actually engaged in the performance of his duties, shall receive for his services compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the general schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b–2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis.

Advisory and Coordinating Committees

SEC. 203. (a) The Administrator is authorized to establish such advisory and coordinating committees composed of representatives of State and local governments, Federal agencies, other government agencies, and such private organizations and persons as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort in order that a unified and integrated system of transportation be developed for the National Capital region. These advisory and coordinating committees shall consider problems referred to them by the Administrator and shall make recommendations to the Administrator concerning the activities of the Agency as they affect transit, traffic and highway conditions, and other matters of mutual interest to the Agency and to the government agencies, organizations, and persons represented on the advisory and coordinating committees.

(b) The advisory and coordinating committees shall serve the Agency solely in an advisory capacity. Members of such committees shall serve thereon without additional compensation. Members who are not representatives of an agency of the United States may receive travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b–2), for persons serving without compensation.

Preparation and Approval of Transit Development Program

SEC. 204. The Agency—

(a) Shall prepare, and may from time to time revise, a transit development program. The transit development program shall consist of a plan or plans indicating the specific location and extent of facilities in which the Agency will participate for the transportation of persons within the National Capital region, a timetable for the provision of such facilities and comprehensive financial reports including costs, revenues, and benefits. The transit development program may indicate (1) the routes of surface, subsurface, and elevated carriers, including bus and other motor vehicle carriers, rail carriers, waterborne carriers, air carriers, and other carriers, and (2) the location and extent of terminals, stations, platforms, motor vehicle parking facilities for transit users, extrawide median strips and other rights-of-way, docks, rails or tracks or other similar facilities, bridges, tunnels, buildings or structures, powerplants, repair shops, yards, garages, and other necessary facilities relating to the transportation of persons. The transit development program shall, to the extent practicable, conform to the general plan for the development of the National Capital region and to the comprehensive plan for the National Capital within the meaning of sections 3, 4, and 5 of the National Capital Planning Act of 1952 (66 Stat. 781), except as may be determined by the President.

(b) In order to facilitate the transition from a Federal agency to an interstate proprietary agency and to further coordination

within the National Capital region, shall submit the transit development program and any revision thereof: (1) to the governing bodies of the District of Columbia, Montgomery, and Prince Georges Counties in the State of Maryland, and Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and the transit regulatory bodies having jurisdiction in the National Capital region for review and comment; (2) to such organizations of government agencies or officials concerned with the solution of the community development problems of the National Capital region on a unified metropolitan basis that is now in existence or which may be created by agreement, law, or compact for review and comment; (3) to the Commission of Fine Arts for review and comment; (4) to private companies transporting persons in the National Capital region for review and comment; and (5) to the Governors of Maryland and Virginia or such government agencies as they may designate for approval of the location and extent of proposed Agency facilities and the timetable for the provision of such facilities within Maryland and Virginia, respectively; and except as provided in subsection (c) of this section, the Agency shall not acquire, construct, or operate property, rights-of-way, or facilities indicated in the transit development program or a revision thereof within the State in which such property, rights-of-way, or facilities are located unless prior thereto the Governor of the State involved or such government agency as he may designate shall have approved the transit development program or the pertinent revision thereof.

(c) Until the transit development program has been approved by the Governor of Maryland or Virginia as provided in subsection (b) of this section, shall, when it proposes to acquire, construct, or operate property, rights-of-way, or facilities located in Virginia or Maryland, first submit plans and other information showing in detail the purposes for which such property, rights-of-way, or facilities are to be used to the Governor of the State in which the property, rights-of-way, or facilities are to be located, or to such Government agency as may be designated by the Governor. The agency may acquire, construct, or operate such property, rights-of-way, or facilities, as the case may be, in the State upon approval of the Governor thereof, or of the designated Government agency.

Functions, duties, and powers

SEC. 205. (a) Subject to the provisions of this title, the agency—

(1) Except as provided in the proviso of paragraph (2) of this subsection, may acquire (by purchase, lease, condemnation, or otherwise) or construction facilities, property, and rights-of-way for the transportation of persons within the National Capital region. Such facilities, property, and rights-of-way may include those enumerated under section 204(a) or any other necessary facilities, property, or rights-of-way relating to transportation of persons. The agency may contribute funds for the acquisition of rights-of-way for, and the construction of, limited amounts of freeway, parkway, and other arterial highway facilities, including construction incidental to the use and protection of such rights-of-way for transit facilities, to the Government agencies having jurisdiction thereof, if, in the opinion of the agency, such contributions are necessary to the fulfillment of the objectives of this Act;

(2) May operate all facilities acquired or constructed by it, or may enter into agreements with Government agencies, private transit companies, railroads, or other persons for the operation of its facilities, the use of its operating rights, or the provision of transit services making use of other facilities and operating rights: *Provided*, That the agency shall not acquire the facilities, property, or rights-of-way of private transit companies and persons, or operate buses or similar motor vehicles or make agreements for the provision of such services;

(3) Shall encourage private transit companies to provide needed services in a manner consistent with the transit development program;

(4) May lease space or property owned or acquired by the agency, or may contract with persons for the purpose of constructing and operating facilities, which, in the opinion of the agency, will encourage or facilitate the use of transit facilities of the agency. Rentals or other fiscal arrangements in connection with such leases or contracts shall be adjusted so that undue competitive advantage is not given over other persons in the National Capital region: *Provided*, That in the operation of such facilities, the lessee or franchise holder shall comply with all applicable Federal, State, and local building and zoning laws, ordinances, and regulations;

(5) May enter into and perform contracts, leases and agreements, and other transactions with any government agency, private transit company, railroad, or other persons;

(6) May sell or lease advertising space or may contract with responsible persons for the sale or lease of such space: *Provided*, That the lessee or contractee shall comply with all applicable Federal, State, and local zoning and advertising laws, ordinances, and regulations;

(7) Shall cooperate with government agencies to facilitate coordination of location, design, and construction of freeways, parkways, and other arterial highway facilities with the transit development program. The purpose of such coordination is to assure the comprehensive development of transportation facilities best suited to meet the objectives of this Act and to achieve maximum benefits from moneys available for such purposes. The responsibility and authority for location, design, construction, and operation of freeways, parkways, and other arterial highway facilities shall remain with the government agencies having jurisdiction thereof, but all Federal agencies' plans for location and design of highway facilities shall be forwarded to the Agency, and all State and local agencies' plans for location and design of highway facilities may be requested by the Agency for its review and comment. The Agency shall cooperate with all planning agencies of the National Capital region and the appropriate government transportation regulatory agencies including the Washington Metropolitan Area Transit Commission in the development of transportation facilities and, wherever feasible and desirable, develop joint plans with such agencies;

(8) May initiate proposals for regulating and coordinating the flow of traffic in the National Capital region so as to promote the optimum use of the highway network and other transportation facilities;

(9) May make or participate in studies of all phases of transportation into, within, and out of the National Capital region, including transit vehicle research and development and fiscal research studies. The Agency may publicize and make available the results of such studies and other information relating to transportation;

(10) May appoint and fix the compensation of officers, attorneys, agents, and employees; may define their powers and duties; may require bonds for the faithful performance of their duties; may employ experts and consultants or organizations thereof as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810), at rates not to exceed $100 per diem for individuals;

(11) In carrying out the functions vested in him by this Act, the Administrator, subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, is authorized to place not to exceed five positions in grades 16, 17, or 18 of the general schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505; and

(12) May make such expenditures at the seat of government and elsewhere as may be necessary for the exercise and performance of the powers and duties vested in the Agency and as from time to time may be appropriated for by the Congress, including expenditures for (1) rent and personal services at the seat of government and elsewhere; (2) travel expenses; (3) office furniture, equipment and supplies, lawbooks, newspapers, periodicals, and books of reference (including the exchange thereof); and (4) printing and binding.

(b) The powers vested in the Agency shall not be exercised beyond the confines of the National Capital region, but this subsection shall not affect the carrying out by the Agency and by other government agencies or private persons of developmental or research work within or outside of the National Capital region.

(c) Every agency or instrumentality of the Government of the United States and of the government of the District of Columbia may enter into agreements with the Agency in respect of any matter for which such agreements are authorized pursuant to this Act.

(d) The provisions of section 355 of the Revised Statutes, as amended (40 U.S.C. 255), shall be applicable to property acquired by the Agency. Proceedings in behalf of the Agency for the condemnation of property in the District of Columbia shall be instituted and maintained under the Act of March 1, 1929 (45 Stat. 1415), as amended, and of property elsewhere, under the Act of August 1, 1888, as amended (40 U.S.C. 257), or other applicable Act.

(e) The Agency shall prepare annually a report of its activities. The Administrator shall forward copies of the report to the President, and the President shall transmit a copy thereof to the Congress, the State of Maryland and the Commonwealth of Virginia, and to each county and city in the National Capital region.

(f) Such sums as shall be required to carry out the purposes of this title are authorized to be appropriated.

TITLE III—CREATION OF A NATIONAL CAPITAL TRANSPORTATION CORPORATION

National Capital Transportation Corporation

SEC. 301. (a) On or after July 1, 1963, the President is authorized to create a National Capital Transportation Corporation (hereinafter referred to as the "Corporation") which shall be an agency and instrumentality of the United States, subject to the direction and supervision of the President, or the head of such department or agency as he may designate. On the date the Corporation is created, the Agency shall cease to exist. The Corporation shall not be created if the operations of the Agency have previously been assumed by the Interstate Proprietary Agency to be developed under to compact contemplated in title IV of this Act, and, prior to creating the Corporation, the President shall give due regard to progress which may have been made toward the negotiation of such compact and the establishment of the Interstate Agency.

(b) When created, the Corporation shall assume the powers and functions of the Agency as provided in sections 203, 204, and 205 of this Act, together with such additional functions as are set forth in this title: *Provided*, That the provisions of sections 204(b)(5) and 204(c) and the proviso in section 205(a)(2) shall not apply to the

Corporation; *and provided further,* That the Governors of Maryland and Virginia shall be afforded the opportunity to review and comment on the Transit Development Program of the Corporation and any revision thereof.

(c) When created, the President may transfer to the Corporation the property, real, personal, and mixed, tangible or intangible, or any interest therein, owned and held by the Agency, together with the records and personnel of the Agency and all sums due or to become due to the United States by virtue of any service rendered or facilities furnished in connection with the operations of the Agency, or under any contract executed by, or on behalf of, the Agency in connection with its activities. The Corporation shall assume the performance on behalf of the United States of all existing contracts and agreements theretofore executed by, or on behalf of, the Agency in connection with its activities, and shall further assume all liabilities of the United States in connection with such activities.

Management of the Corporation; Advisory Board

SEC. 302. (a) The management of the Corporation shall be vested in an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $20,000 per annum.

(b) To assist the Administrator in the execution of the functions vested in the Corporation there shall be a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of $19,000 per annum. The Deputy Administrator shall perform such duties as the Administrator may from time to time designate and shall be Acting Administrator during the absence or disability of the Administrator.

(c) There is established an Advisory Board of the National Capital Transportation Corporation. The Advisory Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, at least three of whom shall be residents of the National Capital region. The President shall designate one member as chairman. The Advisory Board shall meet at least once every ninety days. The Advisory Board shall advise the Administrator in respect of such matters as the general policies of the Corporation; the Corporation's policies in connection with acquisition, design, and construction of facilities; fares, tariffs, rentals, or other fees for the use or operation of Corporation facilities and property; planning and administration generally; and such other matters as may be referred to it by the Administrator or which the Advisory Board, in its discretion, may consider. Each member of the Advisory Board, when actually engaged in the performance of his duties, shall receive for his services compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b-2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis.

(d) No Administrator or Deputy Administrator shall, during his continuance in office, be engaged in any other business, but shall devote himself to the work of the Corporation. No Administrator or Deputy Administrator or member of the Advisory Board shall have financial interest in any corporation engaged in the business of providing public transportation nor in any corporation engaged in the manufacture or selling of passenger transportation equipment or facilities.

Principal Office; Venue; Other Offices; Use of Funds for Office Buildings

SEC. 303. The Corporation shall have its principal office in the District of Columbia and, for the purposes of venue in civil actions, shall be a resident thereof. The Corporation may establish offices in other parts of the National Capital region.

Powers of Corporation

SEC. 304. For the purposes of carrying out the objectives and functions of the Corporation as set forth in this Act, and in the conduct of its business, the Corporation—

(1) May adopt, alter, and use a corporate seal, and such seal shall be judicially noticed;

(2) May adopt, amend, and repeal bylaws, rules, and regulations;

(3) May sue and be sued in its corporate name in any court of competent jurisdiction: *Provided,* That nothing herein shall be construed to exempt the Corporation from the application of sections 507(b) and 2679 of title 28, United States Code, or of section 367 of the Revised Statutes (5 U.S.C. 316);

(4) May accept gifts or donations of property;

(5) May acquire, by purchase, lease, condemnation, or in other lawful manner, any property whether real, personal, or mixed, tangible or intangible, and any interest therein, and may hold, maintain, use, and operate such property and may sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate to carry out authorized corporate functions;

(6) May operate all facilities acquired or constructed by it or may enter into agreements with government agencies, private transit companies, railroads, or other persons for the operation of its facilities, the use of its operating rights, or the provision of transportation services making use of other facilities and operating rights;

(7) Shall contribute, from the respective appropriation or fund used for payment of salaries, pay, or compensation, to the civil service retirement disability fund, a sum as provided by section 4(a) of the Civil Service Retirement Act, as amended (70 Stat. 747; 5 U.S.C. 2254(a)), except that such sum shall be determined by applying to the total basic salaries (as defined in that Act) paid to the employees of the Corporation covered by that Act, the per centum rate determined annually by the Civil Service Commission to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate specified in said section 4(a). The Corporation shall also contribute at least quarterly from such appropriation or fund, to the employees' compensation fund, the amount determined by the Secretary of Labor to be the full cost of benefits and other payments made from such fund on account of cases arising from injuries to its employees which may hereafter occur. Such Corporation shall also pay into the Treasury as miscellaneous receipts that portion of the cost of administration of the respective funds attributable to its employees, as determined by the Civil Service Commission and the Secretary of Labor;

(8) May determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

(9) May use the United States mail in the manner, and under conditions prescribed for the executive departments, agencies, and independent establishments of the United States Government;

(10) Shall set fares, tariffs, and other rates and charges to the public for the services rendered by its facilities. Such fares, tariffs, or other rates and charges shall be established at such levels that the revenues of the Corporation may be reasonably expected to cover all costs of operating and maintaining the facilities under the administration of the Corporation, including depreciation, payment of interest as prescribed in subsection (b) of section 305 of this Act and on the obligations issued to the Treasury of the United States, and payments in lieu of taxes. In determining its fare structure, the Corporation shall also take into account the fare structure of existing transit companies subject to regulation by the Washington Metropolitan Area Transit Commission or other appropriate regulatory agencies to the end that, to the extent possible, fares throughout the National Capital region shall be reasonably comparable and nondiscriminatory. The Corporation is not required, however, to operate any particular portion of its facilities without loss but may set fares, tariffs, or other rates and charges on the basis of all of its facilities considered as a whole. When, in the opinion of the Corporation, it is in the best interest of the Corporation not to charge fares, tariffs, or other rates and charges for a particular facility, the Corporation is not required to levy such charge, but no free passes or other similar remunerative benefits shall be given any individual or class of persons without specific approval by the Corporation after notice and hearing. The Corporation may enter into agreements with other Government agencies or persons for the establishment of combination fares. Except as herein provided the Corporation is authorized to charge any Government agency for facilities and services at the rates charged to the public, or to charge a lump sum which in the aggregate would approximate the total of the individual charges incurred by the using Government agency.

(11) Shall have in the payment of debts and of bankrupt or insolvent estates, the priority of the United States under section 3466 of the Revised Statutes (31 U.S.C. 191);

(12) May execute, in accordance with its bylaws, rules, or regulations all instruments necessary or appropriate in the exercise of any of its powers;

(13) May settle and adjust claims held by it against other persons or parties and by other persons or parties against the Corporation;

(14) May take such actions as may be necessary or appropriate to carry out the powers and duties specifically conferred upon the Corporation by this Act; and

(15) Shall, prior to establishing, extending, curtailing or abandoning any transportation or other service and prior to prescribing or changing any fares or charges to the public for the use of its services or facilities, hold a public meeting, upon thirty days' notice given by release to all the daily newspapers of general circulation published in the National Capital region, at which interested persons or organizations shall be afforded an opportunity to comment, either orally or in writing as may be determined by the Corporation, on the action proposed to be taken by the Corporation. The Corporation, however, shall have sole and exclusive control over all matters relating to services rendered by its facilities and to fares, tariffs, and other rates and charges therefor.

National Capital transportation fund

SEC. 305. (a) Upon creation of the Corporation, there shall be established a National Capital Transportation Corporation fund (hereinafter referred to as the "fund"), to be held and administered by the Corporation. The capital of the fund shall consist of:

(1) Such amounts as may be advanced to the fund upon the request of the Administrator from appropriations made for that purpose;

(2) The unexpended balances of any appropriations available for the operations of the Agency as may be determined by the Administrator and approved by the Director of the Bureau of the Budget; and

(3) The value of the assets of the Agency, less its liabilities, as of the date of the creation of the Corporation. The value of the assets shall be determined by the Administrator, subject to the approval of the Director of the Bureau of the Budget, taking into consideration original cost, less depreciation, the usable value of the properties transferred, if clearly less than cost, and other reasonably determinable factors which would affect the value of the assets of the Agency.

(b) Unless the Congress otherwise directs, the Corporation shall pay into the Treasury of the United States as miscellaneous receipts at the close of each fiscal year interest on the capital of the fund as follows:

(1) The interest rate on the capital advances made at the time the fund is established shall be determined by the Secretary of the Treasury, taking into consideration the average yield to maturity at the end of the calendar month next preceding the date of such determination on all outstanding interest-bearing marketable obligations of the United States having a maturity date of fifteen or more years from the end of such calendar month. The interest rate so established shall remain in effect for so long as any part of the amount to which such interest applies remains in the capital of the fund; and

(2) The interest rate on the subsequent portion of the capital advances to the fund on which interest is to be paid shall be determined by the Secretary of the Treasury at the time such advance is made, taking into consideration the average yield to maturity at the end of the calendar month next preceding the date of such determination on all outstanding interest-bearing marketable obligations of the United States having a maturity date of fifteen or more years from the end of such calendar month. Such interest rate shall remain in effect for so long as any part of such advance remains in the capital of the fund.

(c) Whenever any capital in the fund is determined by the Administrator to be in excess of the Corporation's current needs, such capital shall be credited to the appropriation from which advanced, where it shall be held for future advances. The capital of the fund shall be considered reduced by the net amount of such credits. Appropriations or other funds received shall be used solely for the purposes of the Corporation as set forth in this Act. Whenever it is determined that the appropriation contains funds in excess of the needs of the Corporation, the appropriation shall be reduced by an amount equivalent to such excess.

(d) Such sums as may be required to carry out the purposes of this title are authorized to be appropriated without fiscal year limitations.

(e) Receipts from operations under this Act shall be credited to the fund. The fund shall be available for payment of all obligations and expenditures of the Corporation under this Act.

(f) Appropriations are hereby authorized for payment of such amounts as may be shown in the annual budget program of the Corporation as necessary to cover actual losses of prior years sustained in the conduct of its activities under this fund. Amounts appropriated to the fund under authority of this subsection shall not be added to the amount of advances and shall not require payment of interest under subsection (b) of this section.

Borrowing From Treasury

SEC. 306. To finance its activities the Corporation may borrow from the Treasury of the United States within amounts approved in appropriation acts sums of money not to exceed an amount equal to the total capital of the fund outstanding at any one time. For this purpose the Corporation may issue to the Secretary of the Treasury its bonds, notes, debentures, or other obligations. Such obligations shall have maturities agreed upon by the Corporation and the Secretary of the Treasury. At the option of the Corporation, such obligations may be redeemed before maturity in such manner as may be stipulated in the obligations. Each obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average yield to maturity at the end of the calendar month next preceding the date of issuance on all outstanding interest-bearing marketable obligations of the United States having a maturity date of fifteen or more years from the end of such calendar month. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued pursuant to this section and, for such purpose, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended. The purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Corporation's obligations hereunder.

Exercise of Powers; New Programs

SEC. 307. The Corporation shall have and may exercise such specific powers, in addition to those elsewhere conferred in this Act, as may be deemed necessary to protect, operate, improve, and maintain its transit facilities and other properties, and appurtenances thereto, as business enterprises and public service facilities: *Provided*, That the Corporation shall undertake no new types of activities not included in the annual budget program prescribed by section 102 of the Government Corporation Control Act of 1945 (59 Stat. 598), as amended (31 U.S.C. 847).

Payments to States and Local Governments in Lieu of Certain Taxes

SEC. 308. The Corporation is authorized to make payments to State and local governments, including the District of Columbia Government, in lieu of property taxes upon property within the National Capital region which was subject to State and local taxation before acquisition by the Corporation or the Agency. Such payments shall be in the amounts, at the times, and upon such terms as the Corporation in its discretion determines to be appropriate. No payment shall be made in excess of the taxes which would have been payable for such property except where special burdens are placed upon the State, District of Columbia, or local government by the activities of the Corporation or its agents. The Corporation, its property, franchises, and income are expressly exempted from taxation in any manner or form by any government agency but such exemption shall not extend to contractors for the Corporation.

Amendment of Government Corporation Control Act

SEC. 309. Upon establishment of the National Capital Transportation Corporation by the President, section 101 of the Government Corporation Control Act, as amended, is further amended by inserting therein, after the words "Saint Lawrence Seaway Development Corporation;", the words "National Capital Transportation Corporation;".

Succession

SEC. 310. The Corporation shall have succession until dissolved by Act of Congress. It is the intent of the Congres that the Corporation shall continue as a wholly owned United States Government corporation only until such time as Congress, by consenting to a compact contemplated by title IV of this Act, authorizes the Corporation to be replaced by an interstate proprietary agency.

TITLE IV—AUTHORIZATION FOR NEGOTIATION OF INTERSTATE AGENCY

Interstate Proprietary Agency

SEC. 401. (a) The consent of Congress is hereby given to the State of Maryland and the Commonwealth of Virginia and the Board of Commissioners of the District of Columbia to negotiate a compact for the establishment of an interstate proprietary agency to implement generally the objectives of this Act. No such compact shall be binding upon the parties thereto unless and until it has been approved by the Congress.

(b) As promptly as practicable after the State of Maryland and the Commonwealth of Virginia have approved a compact for the establishment of an interstate proprietary agency to implement generally the objectives of this Act, the President shall submit to the Congress such recommendations as may be necessary or desirable to transfer to the interstate proprietary agency such real and personal property, personnel, records, other assets, and liabilities as are appropriate in order that the interstate proprietary agency may assume the functions and duties of the Agency or Corporation.

(c) The President shall appoint a person to participate in the compact negotiations and to represent the United States generally. The Federal representative shall report to the President either directly or through such agency or official of the Government as the President may specify.

(d) The Federal representative, if not otherwise employed by the United States, shall receive for his services, when actually engaged in the performance of his duties, compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the general schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b–2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis: *Provided*, That if the Federal representative shall be an employee of the United States he shall serve without additional compensation.

(e) The Federal representative shall be provided with office space, consulting, engineering, and stenographic service, and other necessary administrative services.

(f) The compensation of the Federal representative shall be paid from the current appropriation for salaries in the White House Office. Travel and other expenses provided for in subsections (d) and (e) of this section shall be paid from any current appropriation or appropriations selected by the head of such agency or agencies as may be designated by the President to provide for such expenses.

(g) The State and Federal representatives appointed to participate in the compact negotiations are authorized to request from the Agency or Corporation any information they deem necessary to carry out their functions under this section; and the Agency or Corporation is authorized to cooperate with the compact representatives and, to the extent permitted by law, to furnish such information upon request made by the compact representatives.

Separability

SEC. 402. If any part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the applicability of such part to other persons and circumstances and the constitutionality or validity of every other part of the Act shall not be affected thereby.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed in the RECORD, following the printing of the bill, a sectional analysis of the bill. It analyzes very carefully each section of the bill; and I believe the analysis will be of definite value to those who are interested in this mass transportation problem.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

TITLE I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

SHORT TITLE

Section 101 provides that the act may be cited as the National Capital Transportation Act of 1960.

DECLARATION OF POLICY AND PURPOSE

Section 102 sets forth the congressional finding of the need for an improved transportation system for the National Capital region and the need for coordination among various developers of transportation facilities. It is declared that the continuing policy and responsibility of the Federal Government, in cooperation with State and local government and private enterprise, is to aid in the development of a unified and integrated system for the transportation of persons in the National Capital region. The section states that the purpose of the act is to create necessary temporary Federal agencies to carry out that policy and to authorize negotiation of a compact to create an interstate proprictary agency to take over the functions of the Federal agencies.

DEFINITIONS

Section 103, in subsection (a), defines the "National Capital region" as used in the act to mean the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties in Virginia; Alexandria and Falls Church cities in Virginia; and all other cities existing within the boundaries of those counties. The area defined is identical in substance to the National Capital region refined in section 1(b) of the National Capital Planning Act of 1952.

Subsection (b) of section 103 defines the term "government agency" or "government agencies" as used in the act to mean the governments of the United States, District of Columbia, Virginia, and Maryland, and their subdivisions, agencies and instrumentalities located in, or whose jurisdiction includes all or part of the National Capital region. The language provides a convenient, short reference to the large group of public bodies covered.

TITLE II—CREATION OF A NATIONAL CAPITAL TRANSPORTATION AGENCY

NATIONAL CAPITAL TRANSPORTATION AGENCY

Section 201, in subsection (a), establishes, as a Federal instrumentality, the National Capital Transportation Agency and provides that it be headed by an Administrator, appointed by the President with Senate confirmation. The Administrator would receive compensation at a rate of $20,000 per annum. It is intended that the Agency be temporary in nature and that it be superseded by the Federal corporation or interstate proprietary agency covered in titles III and IV of the act. Its functions run largely to development of plans for a mass transit system and the acquisition and development of certain properties and facilities necessary for mass transit. It is not intended to operate basic transit facilities.

Subsection (b) provides for the appointment, by the President with Senate confirmation, of a Deputy Administrator to perform duties assigned by the Administrator and to act for the Administrator during his absence or disability. The Deputy Administrator would receive compensation at a rate of $19,000 per annum.

Subsection (c) requires the Administrator and Deputy Administrator to engage only in the business of the Agency during their time in office and requires that they, and members of the Advisory Board established in section 202, have no financial interest in any other enterprise engaged in providing public transportation or the manufacture or selling of passenger transportation equipment or facilities. The language is intended to prevent possible conflicts of interest between the public and private activities of Agency officers.

Advisory Board

Section 202 provides for the establishment of the Advisory Board of the Agency to be composed of five members, appointed by the President with Senate confirmation. At least three members are to be residents of the National Capital region. The President is required to designate one member as chairman. The Board would be required to meet at least every 90 days and would advise the Administrator generally on Agency policies. Board members would receive compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the general schedule under the Classification Act of 1949, as amended (5 U.S.C., sec. 1113 (b)). when performing their duties. They would also receive travel expenses as authorized for experts and consultants by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C., sec. 73b-2).

Advisory and coordinating committees

Section 203, in subsection (a), authorizes the Administrator to establish, for varying periods, other necessary advisory and coordinating committees composed of representatives of public and private organizations and other persons to obtain maximum cooperation, assistance, and local coordination in the development of a transportation system for the National Capital region. The committees would consider problems referred to them by the Administrator and make recommendations to him on matters of mutual interest.

Subsection (b) of section 203 provides that members of committees established under subsection (a) will receive no additional compensation for their activity on such committees, but authorizes members, who are not Federal employees, to receive travel expenses as authorized for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C., sec. 73b-2).

Preparation and approval of transit development program

Section 204, in subsection (a), requires the Agency to prepare a basic and comprehensive plan to be called the transit development program and authorizes the Agency to revise such program from time to time. The program would consist of plans, including routes and locations, for facilities for the transportation of persons in the National Capital region, a timetable for providing the facilities, and comprehensive financial reports on costs and revenues. The program is to conform, insofar as practicable, to general plans for the National Capital region developed under sections 3, 4, and 5 of the National Capital Planning Act of 1952 (66 Stat. 781).

Subsection (b) of section 204 requires that the program and revisions thereof be submitted for review and comment to the governments of the District of Columbia, Montgomery, Prince Georges, Arlington, Fairfax, Loudoun, and Prince William Counties; the cities of Alexandria and Falls Church; the transit regulatory bodies of the region; any governmental organization concerned with community development problems in the National Capital region; the Commission on Fine Arts and the private transit companies of the region. The program and revisions thereof would also have to be submitted to the Governors of Maryland and Virginia for approval of the location and extent of Agency transportation facilities and the timetable for their provision in Maryland and Virginia, respectively. The Agency would not be permitted to acquire, construct, or operate any transportation facilities (including rights-of-way or parking lots) in Maryland or Virginia unless (1) the Governor of the State involved or his designee shall have approved the program or the revision thereof in which the pertinent facilities are set forth, or (2) the procedure prescribed in subsection (c) of section 204 is followed.

Subsection (c) provides that, until the program is approved as provided in subsection (b), the Agency may acquire, construct, or operate transportation facilities in Maryland or Virginia only if it submits plans and information thereon to the Governor of the State in which the facilities are to be located and secures his approval of such plans. The Governor may designate a government agency to act for him in this matter.

Functions, duties, and powers

Subject to other provisions of title II, section 205, in paragraph (1) of subsection (a), provides that the Agency may acquire or construct facilities and other property for the transportation of persons in the National Capital region, and that the Agency may contribute funds to government agencies for limited acquisition of rights-of-way for, and construction of arterial highway facilities, if such contributions are deemed necessary to the fulfillment of the objectives of the act. It is anticipated that the authority to make contributions may be used to provide funds for construction of short essential connecting links in road systems, acquisition of median strips, and the like, which would be needed mainly for transit operations. The broad authority to acquire or construct facilities provided in this paragraph would be limited by the need to secure approval from Maryland and Virginia for the establishment of facilities in those States as provided in subsections (b) and (c) of section 204. The broad authority would also be limited by the proviso in paragraph (2) of subsection (a) of section 205 that the Agency shall not acquire the facilities or other property of private transit enterprises, operate buses or similar motor vehicles, or provide for their operation. Paragraph (2), otherwise, authorizes the Agency to operate its facilities or enter in agreements with public or private establishments for their operation or use. Paragraph (3) requires the Agency to encourage expansion of private transit services.

Paragraph (4) of subsection (a) authorizes the Agency to lease its space or property and contract for the construction and operation of service facilities (such as cafeterias or shops at terminals) which will, in turn, encourage use of Agency transit facilities. The rentals, fees and other charges on such leases and contracts are to be sufficient to prevent lessees and contractees from having an undue competitive advantage in the region. Lessees and contractees would also be required to comply with State and local building and zoning laws and regulations (including those of the District of Columbia).

Paragraph (5) of subsection (a) provides necessary general authority for the Agency to enter into contracts and other transactions with public and private establishments and other persons. Paragraph (6) authorizes the Agency to sell or lease advertising space or contract for disposal and use of such space, provided the lessees and contractees comply with applicable zoning and advertising laws and regulations. Paragraph (7) requires the Agency to cooperate with other

Government agencies to coordinate development of arterial highway and transit facilities. While the Agency would have no authority or responsibility for arterial highway development, the language would permit maximum, mutually beneficial integration of highway and transit facilities. To assist in coordinating transit and highway development in the region, paragraph (7) provides for government agencies to submit plans for arterial highways in the National Capital region to the Agency for review. This paragraph further requires the Agency to cooperate and, where possible, develop joint plans with other planning agencies and transportation regulation agencies in the National Capital region, especially the Washington Metropolitan Area Transit Commission which would be established under the Washington Metropolitan Area Transit Regulation Compact, approved by Maryland and Virginia and now pending congressional approval.

Paragraphs (8) and (9) of subsection (a) authorize the Agency to make proposals for regulating the flow of traffic in the National Capital region and to study all phases of transportation including transit vehicle research and fiscal research. Authority to regulate the flow of traffic would remain vested in existing agencies.

Paragraphs (10) and (11) of subsection (a) authorize the Agency to appoint and fix the compensation of its personnel, require bonds, and employ experts and consultants at rates not to exceed $100 per diem. The laws generally applicable to the Federal competitive civil service would apply to Agency personnel. The Administrator is further authorized to place five Agency positions in grades 16, 17, or 18 of the General Schedule pursuant to provisions of section 505 of the Classification Act of 1949, as amended (5 U.S.C., sec. 1105), and such positions are to be in addition to the number authorized to be placed in such grades by that section.

Paragraph (12) of subsection (a) contains necessary general language authorizing the Agency to make expenditures from funds which may be appropriated by Congress.

Subsection (b) of section 205 further limits Agency activity, except for developmental and research work, to the National Capital region. Subsection (c) provides standard language authorizing other Federal and District of Columbia agencies to enter into any authorized agreements with the Agency. Subsection (d) makes condemnation actions and land acquisitions by the Agency subject to certain general laws governing Federal agencies. Cited are section 355 of the Revised Statutes (40 U.S.C., sec. 255) concerning title searches and validity of titles, the act of March 1, 1929, as amended, and the act of August 1, 1888, as amended (40 U.S.C., sec. 257), which vest in the Attorney General the function of initiating condemnation proceedings for Federal agencies.

Subsection (e) of section 205 requires the Agency to prepare an annual report and forward it to the President, who, in turn, would forward it to the Congress and to the State and local governments concerned.

Subsection (f) of section 205 contains the authorization for appropriations for the Agency.

TITLE III—CREATION OF A NATIONAL CAPITAL TRANSPORTATION CORPORATION

NATIONAL CAPITAL TRANSPORTATION CORPORATION

Section 301, in subsection (a), authorizes the President, on or after July 1, 1963, to create a body corporate to be known as the National Capital Transportation Corporation which would supersede the Agency. The Corporation would be subject to direction and supervision by the President or the head of such agency as he may designate. The subsection bars creation of the Corporation if the interstate proprietary agency provided for in title IV of the act has previously assumed the functions of the Agency, and requires the President to give due consideration to progress being made toward the establishment of such interstate agency, if it is not already in existence, before creating the Corporation. Thus, it is contemplated that the Corporation will be established only if there is no reasonable prospect of action on the interstate proprietary agency at the time the Corporation's establishment is considered.

Subsection (b) of section 301 authorizes the Corporation, when created, to exercise those Agency functions set forth in sections 203, 204, and 205 of the act. The Corporation would no longer be required to secure the approval of the Governors of Maryland and Virginia before it could acquire, construct or operate transit facilities in their respective States. The language which would prevent the Agency from acquiring the facilities or other property of private transit enterprises, operating buses or providing for their operation would not apply to the Corporation. The Corporation would thus be able to provide for all types of transit facilities in the National Capital region. It would, however, supply its plans to the Governors of Maryland and Virginia for review and comment.

Subsection (c) of section 301 provides necessary language authorizing the President to transfer all Agency property and other assets to the Corporation. The Corporation would also assume the performance of Agency contracts and agreements and Agency liabilities thereunder.

Management of the Corporation: Advisory Board

Section 302, in subsection (a), provides that the management of the Corporation would be vested in an Administrator, appointed by the President with Senate confirmation, who would receive $20,000 per annum. His appointment and compensation are the same as prescribed for the Agency Administrator. His functions would encompass the day-by-day administration of Corporation affairs subject to general control by the President or his designee.

Subsections (b), (c), and (d) of section 302 provide for a Deputy Administrator and an Advisory Board of the Corporation to be appointed and compensated in the same manner as their Agency counterparts. Their duties would also be the same and they would be subject to identical restrictions on outside interests as the Agency's Deputy Administrator and Advisory Board.

Principal office; venue; other offices; use of funds for office buildings

Section 303 contains standard language for Federal corporations specifying the location of principal offices, in this case in the District of Columbia, and making the Corporation a resident of the District of Columbia for purposes of venue. The Corporation would also be authorized to establish other offices, but only in the National Capital region.

Powers of Corporation

Section 304 adds to those Agency functions which would be assumed by the Corporation, a series of powers which are standard for Federal corporations, required by virtue of its distinct legal character and potentially self-sustaining nature, and necessary to provide adequate financial flexibility. Paragraph (1) authorizes adoption, alteration, and use of a corporate seal and requires its judicial notice. Paragraph (2) authorizes the Corporation to adopt, amend, and repeal its bylaws, rules, and regulations. Paragraph (3) authorizes the Corporation to sue and be sued, but makes it subject to the provisions of title 28, United States Code, sections 507(b) and 2679 which reserve to the Attorney General supervision over all litigation in which the United States or its agencies are parties and bar suits against Federal agencies or claims covered by title 28, United States Code, section 1346(b). The latter, in turn, covers certain claims for money damages for injury or loss resulting from the negligent or wrongful acts or omissions of Federal employees while acting within their official capacities. Paragraph (3) also subjects the Corporation to provisions of section 367 of the Revised Statutes (5 USC, sec. 316) which reserves to the Attorney General the authority to have Department of Justice office attend to the interests of the United States in any pending suit in Federal and State courts.

Paragraph (4) of section 304 authorizes the Corporation to accept gifts and donations of property. Paragraph (5) authorizes the Corporation to acquire, hold, maintain, use, operate, sell, lease, or dispose of any type of property, or interests therein, necessary to carry out authorized functions. Paragraph (6) would permit the Corporation to operate its facilities or enter into agreement for their operation, the use of its operating rights, or the provision of transportation services otherwise. It would not be restricted from operating buses as was the Agency.

Paragraph (7) of section 304 contains standard language requiring the Corporation to contribute appropriate employer shares to the civil service retirement fund and employees compensation fund, and to pay into miscellaneous receipts an appropriate portion of the costs of administering those funds. Such payments are intended to help insure that the Corporation's operations and financial data truly reflect the full costs of corporate activity. Corporation rates would have to be set at levels designed to recover these, as well as other costs.

Paragraph (8) contained a standard authorization for the Corporation to determine the nature of its obligations and expenditures and the manner in which they are to be incurred, allowed, and paid. The language is required to allow it necessary flexibility in its business-type financial dealings. However, the language also provides that the Corporation would be subject to all laws specifically applicable to Federal Corporations. Those statutes include the Government Corporation Control Act, covered specifically in section 309 below, and pertinent parts of the Federal Property and Administrative Services Act. Paragraph (9) authorizes the Corporation to use the mails in the same manner as other Federal agencies, thus requiring it to reimburse the post office for an amount equivalent to the postage and registry fees which would ordinarily be paid for mail sent by the Corporation.

Paragraph (10) requires the Corporation to set fares and other charges for the use of its facilities at levels which would produce revenues for the system as a whole which may reasonably be expected to cover all costs of operating and maintaining its facilities, including depreciation, interest, and principal on obligations, and payments in lieu of taxes. Thus, Corporation activities would be expected to be self-supporting. The Corporation would also be required to attempt to make its fares reasonably comparable to fares of other transit companies in the National Capital region. The Corporation could allow particular facilities to be used free of charge or at rates which would not produce fully self-sustaining revenues for such individual facilities, but could provide for free passes or similar benefits for any persons only after notice and hearing. The Corporation would be authorized to agree on combination fares with other agencies or private persons.

Paragraphs (11) through (15) of section 304 contain standard corporate powers. Paragraph (11) grants the Corporation the first priority of the United States in the payment

of debts and bankrupt or insolvent estates as provided in section 3466 of the Revised Statutes (31 U.S.C., sec. 191). Paragraph (12) authorizes the Corporation to execute necessary instruments to exercise its powers. Paragraph (13) authorizes the Corporation to settle and adjust its claims against others and claims against itself. Paragraph (14) authorizes the Corporation to take any other necessary and appropriate action to carry out its specific powers and duties.

Paragraph (15) of section 304 requires the Corporation to hold public meetings with adequate notice prior to establishing or abandoning services or fixing fares, but the Corporation shall have the responsibility for matters relating to services and fares.

National Capital transportation fund

Section 305, in subsection (a) establishes a National Capital transportation fund. Paragraphs (1), (2), and (3) of subsection (a) specify that the capital of the fund would consist of amounts advanced from appropriations upon the request of the Administrator, unexpended balances of appropriations available to the Agency as determined by the Administrator with the approval of the Director of the Bureau of the Budget, and the value of Agency assets less Agency liabilities as determined by the Administrator with the approval of the Director of the Bureau of the Budget taking into account original cost, depreciation, usable value, and other reasonable factors relating to Agency properties transferred to the Corporation.

Subsection (b) of section 305 would require, absent further congressional action to the contrary, the Corporation to pay interest into miscellaneous Treasury receipts, at the end of each fiscal year, interest on the capital of the fund. The interest rate would be determined by the Secretary of the Treasury taking into account comparable rates on long-term obligations of the United States.

Subsection (c) of section 305 authorizes the Administrator to return to the Treasury capital in the fund which is in excess to current corporate needs. Such returns would be credited to the Corporation's permanent appropriation account and would be available for readvancement to the fund, thus providing a continuing line of credit. Such returns would also reduce the fund's capital and, in turn, reduce interest expenditures. The subsection further provides that, when the appropriation account is determined to be in excess of corporate needs, the appropriation account shall be reduced by such excess amount.

Subsection (d) of section 305 contains the authorization for appropriations for advances to the Corporation and provides that they shall be without fiscal year limitations. Subsection (e) provides that Corporation receipts would be credited to the fund and that the fund shall be available for payment of Corporation expenditures. Subsection (f) authorizes appropriations to cover actual losses sustained by the Corporation in the conduct of activities. Such amounts as may be appropriated, therefore, would go directly to the fund and would not be part of the permanent appropriation account; nor would interest payment be required thereon. That authority would exist mainly to prevent capital impairment and to cover losses resulting from emergencies and unforeseen events, since the Corporation would normally be expected to earn revenues sufficient to be potentially self-sustaining and to avoid capital impairment.

Borrowing from Treasury

Section 306 authorizes thhe Corporation to borrow from the Treasury funds not to exceed an amount equal to the total capital of the Fund defined in section 305(a) outstanding at any one time. The sums borrowed would be in addition to any funds which might be appropriated, and the amounts borrowed would have to be approved in appropriation acts. The Corporation would be authorized to issue bonds or other obligations to the Treasury. Those obligations would have maturities agreed upon by the Corporation and the Secretary of the Treasury and bear interest as determined by the Secretary taking into account the average yield to maturity of outstanding, long-term U.S. obligations. The Corporation would be able to redeem its obligations at any time before maturity.

The Secretary of the Treasury, pursuant to section 306, would be directed to purchase obligations issued under the borrowing authority of the Corporation and to use a public-debt transaction to finance such purchase.

Exercise of powers; new programs

Section 307 authorizes the Corporation to exercise specific powers, in addition to those cited in the act, necessary to operate and maintain its properties as business enterprises and public service facilities, but prohibits the Corporation from undertaking new types of activities not included in its annual budget program. Section 102 of the Government Corporation Control Act, as amended (31 U.S.C., sec. 847), requires each wholly owned corporation to prepare annually a business-type budget and submit it to the Bureau of the Budget in such manner as the President may prescribe. The budget program is actually a plan of corporate operations with due allowance for flexibility, emergencies and contingencies, and it includes statements of financial condition, income and expenses, borrowings, sources and application of funds and other data.

Payments to States and local governments in lieu of certain taxes

Section 308 authorizes the Corporation, in its discretion, to make payments to the District of Columbia and other State and local governments in lieu of taxes on any of its property which was subject to State and local taxation before acquisition. Such payments may not exceed the amount of the taxes which were payable except where special burdens are created by corporate activities. The Corporation and its property, franchises, and income, but not its contractors, would be exempt from all taxation.

Amendment of Government Corporation Control Act

Section 309 provides that, when the Corporation is established, section 101 of the Government Corporation Control Act as amended (31 U.S.C., sec. 846), will be amended to list the National Capital Transportation Corporation among the wholly owned Federal corporations subject to the act. Such inclusion would make the Corporation subject to the requirements of the act, including preparation of a business-type budget (covered under sec. 307 above) and audit by the General Accounting Office.

Succession

Section 310 provides that the Corporation shall continue to exist until dissolved by an act of Congress. The section makes clear that such dissolution would occur when the Congress consents to the compact developed under title IV of the act providing for creation of an interstate proprietary agency.

TITLE IV—AUTHORIZATION FOR NEGOTIATION OF INTERSTATE COMPACT

INTERSTATE PROPRIETARY AGENCY

Section 401, in subsection (a), gives to Maryland, Virginia, and the District of Columbia, the consent of Congress to their negotiation to develop a compact to create an interstate proprietary agency to carry forward the objectives of the act. Such agency would take over the functions of the Federal Agency or Corporation, whichever is then in existence. The compact would become effective upon approval of Maryland and Virginia and the Congress. Subsection (b) requires the President to submit to Congress recommendations for transferring the Federal Agency's or Corporation's assets and liabilities to the interstate agency as soon as possible after the interstate compact has been approved by Maryland and Virginia. Subsection (c) requires the President to appoint a Federal representative to the compact negotiations, and such representatives, as provided in subsection (d), if not otherwise federally employed, would receive compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the general schedule under the Classification Act of 1949, as amended (5 U.S.C., sec. 1113(b)), together with travel expenses authorized for experts and consultants by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C., sec. 73b-2). Subsection (e) provides that the Federal representative be provided with necessary space, engineering and administrative aid, and subsection (f) provides that his compensation be paid from the White House office appropriation for salaries and that other expenses under subsections (d) and (e) be paid from current appropriations selected by the heads of agencies designated by the President to pay such expenses.

Subsection (g) of section 401 authorizes the Federal Agency or Corporation to cooperate with compact representatives and to furnish information to them to the extent permitted by law.

SEPARABILITY

Section 402 provides a standard separability clause.

Mr. BIBLE. Mr. President, I also ask unanimous consent to have printed in the RECORD, following the sectional analysis I have already submitted for printing in the RECORD, the letter of transmittal from the Bureau of the Budget, dated March 10, 1960.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 10, 1960.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency; and for other purposes, together with a section-by-section analysis thereof.

The report of the National Capital Planning Commission and the National Capital Regional Planning Council, Transportation Plan-National Capital Region, authorized by Congress in 1955 and completed in July 1959, concluded that a coordinated transportation system of rail transit, express buses, and highways is urgently needed to meet the growing transportation problems of the District of Columbia and the surrounding metropolitan area. Such a system would permit the more effective performance of the functions of the Government, preserve the beauty and dignity of Washington as the Nation's Capital and promote the welfare and economy of the entire region, which is increasing in population at one of the highest rates in any of the Nation's metropolitan areas. The probable alternative to such action appears to be construction of a greater

number of highways leading into the city, diversion of large downtown areas of the District of Columbia to parking for private automobiles, and increases in time devoted to traveling to and from work.

The President transmitted the transportation plan to the Congress on July 10, 1959. In recognition of the Federal interest in transportation facilities in the National Capital area, he requested a detailed study of the plan by the various Government agencies and stated that such recommendations as were warranted would be made to the Congress. Subsequently, in hearings before the Joint Committee on Washington Metropolitan Problems, it was agreed that appropriate legislation should be developed. The transportation problems of the National Capital area, as of other metropolitan areas, are essentially local rather than Federal in their nature. However, the Federal impact in the National Capital area is the basis for a unique Federal interest in the development of a suitable bill. Further, to permit the efficient conduct of its work, the Federal Government and its employees have a direct interest in the creation of a sound transportation system for the Nation's Capital.

The enclosed draft is transmitted pursuant to the commitment by the President in his 1961 budget message to submit suitable legislation. In our judgment, it represents a reasonable approach to meeting the emerging transit needs of the Washington metropolitan area. Special effort was made to secure the views of local officials and organizations of the National Capital region with respect to the proposed legislation. Draft legislative proposals were sent to all the elected officials of the local governments in the National Capital region, local representatives of the States of Maryland and Virginia, staff of the Congressional Joint Committee on Washington Metropolitan Problems, the several planning agencies of the region and to such organizations as the Council of State Governments and other interested local groups. Subsequent meetings with representatives of these organizations and with representatives of private transit firms and the local transit union in the area provided opportunity for face-to-face consideration of objectives and problems.

As a consequence of this review the present proposal conforms substantially with regional views in such important respects as coordination and conformity to local land use plans and codes; local representation on the Federal organization's advisory board; limitations on the Federal organization's condemnation powers in the States and support of an interstate compact agency which would be encouraged to take over the functions of the Federal agency. Some of the devices proposed to insure coordination with local and State governments and to encourage creation of an interstate body to deal with the transit problem may well prove to be precedents having utility in meeting other Washington metropolitan area problems.

The Bureau of the Budget, on behalf of the administration, urges early and favorable consideration by the Congress of this draft legislation. I am authorized to advise that its enactment would be in accord with the program of the President.

The proposed legislation provides for (1) creation of a temporary National Capital Transportation Agency, (2) authorizes negotiation of a compact setting up an interstate proprietary agency, and (3) if necessary, the later creation of a Federal Transportation Corporation.

The National Capital Transportation Agency would be headed by an Administrator and an Advisory Board, the majority of whom would be residents of the National Capital region. The Agency would have various functions, mainly of a non-revenue-producing nature. Those would include preparation of a comprehensive up-to-date transit development program, consisting of plans, proposed routes and locations for the transportation of persons in the region, together with a timetable for the provision of facilities and financial estimates of costs and revenues. The program would conform, to the extent practicable, to the general plan for the development of the National Capital region and to the comprehensive plan for the National Capital prepared by the National Capital Planning Commission and the National Capital Regional Planning Council. Before carrying out any aspects of the transit development program, the Agency would submit it for review and comment to the local governing bodies and other appropriate groups in the region. The program would also be submitted to the Governors of Maryland and Virginia or to such State or local agency as each may designate for review and approval before any activities would be carried on in their States.

Subject to this review and approval the Agency, which would be financed by direct appropriations, would have authority to complete necessary planning and engineering for a comprehensive rail-bus system, acquire rights-of-way and build bus stops on freeways, acquire and operate outlying parking facilities for transit users, and work with railroads to improve commuter services. The Agency would have no power to acquire private transit companies, operate buses or other motor vehicles or provide for their operation. In the first 3 years (fiscal years 1961 through 1963) an estimated $20 to $25 million in appropriations may be required for these purposes. If it proves feasible to begin construction of a subway line in 1963, an additional $30 million in appropriations may be needed at that time.

On or after July 1, 1963, the President would be authorized to abolish the Agency and create a National Capital Transportation Corporation. Before establishing the Corporation, the President would give due regard to progress being made in negotiation of the proposed interstate proprietary compact. If the compact has been agreed to or its negotiation appears likely, the Corporation would not be created. The Corporation would be given the powers of the Agency and in addition, subject to local coordination and review, would have full acquisition and operating powers as a Federal business enterprise to improve transit services in the region. It would take over the assets and funds of the Agency. The Corporation would have authority to set fares and other charges for the services rendered by its facilities and could provide for operation of such transit facilities or, if necessary, operate them directly. Both the statement of purpose and specific provisions of the bill place emphasis on the greatest possible use of private facilities, both to minimize Federal investment and to take advantage of the skills and experience acquired over the years by well developed private transit systems.

To finance its activities, the Corporation would be authorized to obtain funds both from appropriations and by borrowing from the Treasury Department amounts authorized in appropriation acts. On the basis of preliminary estimates and allowing for interest on borrowings prior to completion of the first major stage of development, by the end of 1968 the Corporation and its predecessor Agency may require a total of $265 million, half of which would be from appropriated funds and half from borrowed funds.

The Corporation's funds would be used to: (1) complete most of the detailed planning and construction engineering plans for the subway transit system; (2) build express bus stops and parking sites for transit users; (3) provide for expanded bus service, if necessary; (4) acquire rights-of-way, including wide median strips in new freeways for buses and trains; and (5) construct one of the four major rail transit lines. A subway line could be built from the District line in the northwest across the downtown area, for example, to connect at the Union Station with the existing private railroads.

The net result would be the creation of a reasonably comprehensive and workable transit system which meets the needs of the National Capital region in 1968. The estimated revenues for such a system are expected to be adequate in 1969 to cover all operating costs, including interest on borrowings from the Treasury. If the interstate proprietary agency by this time is not yet ready to assume the Corporation's functions, the Corporation could come back to the Congress for increased appropriations and borrowing authority necessary to complete the rapid rail transit system over the following decade.

Finally, this proposed legislation would authorize negotiation of a compact to create an interstate proprietary agency to carry out the objectives of this legislation. Such an interstate compact might create an agency similar to the Port of New York Authority or set up a regional organization controlled by the local governing bodies of the National Capital region. Such a group might also concern itself with other metropolitan problems in the National Capital region. Upon approval of the compact, the President would submit to Congress recommendations for transferring the Federal Agency's or Corporation's functions and such assets and liabilities as are determined to be appropriate.

Sincerely yours,

ELMER B. STAATS,
Acting Director.

FEDERAL FUNDS FOR HEALTH AND MEDICAL RESEARCH

Mr. KEATING. Mr. President, I want today to discuss the limitation which has in recent years been placed on the amount which can be paid by the Government for the indirect costs of federally financed health, medical, and educational research. Let me briefly recount the background of this limitation.

Over the past few years, the House Appropriations Subcommittee on Labor-HEW has insisted upon a 15-percent ceiling on the amount of Federal funds which can be used to cover the indirect costs of a federally sponsored research project under the supervision of the Department of Health, Education, and Welfare. The Senate Appropriations Subcommittee on Labor-HEW has several times attempted to remove this unrealistic ceiling; however, their efforts thus far have been to no avail. The House subcommittee has steadfastly refused to concur in this matter.

Mr. President, I want to make it clear that this 15-percent limitation only applies to HEW-sponsored research projects. This, or a similar limit, does not apply to research projects carried out by any other Federal agency. The Atomic Energy Commission, the various component agencies of the Defense Department, and a number of other Federal agencies contract out research projects

in much the same manner as the Department of Health, Education, and Welfare. The amount of funds allocated for the indirect costs of these projects are computed with reference to the particular circumstances involved in each individual research contract. It is my understanding in this connection that the Bureau of the Budget has issued a publication establishing certain policy guidelines for determining the amounts which will be needed to cover both direct and indirect research costs.

Mr. President, the burden of the 15-percent limitation on the indirect or overhead costs of HEW research falls primarily on medical schools, hospitals, and graduate schools in the medical sciences which carry out research projects on behalf of the Public Health Service and the National Institutes of Health. In effect, these institutions must pay a premium in order to participate in Government-supported medical and health research.

In the State of New York, a number of universities and hospitals have been seriously shortchanged by this ceiling, and have on various occasions publicly stated their opposition to its continuation. In a newspaper article on this subject, it was pointed out that in a recent year New York University's total expenses on various HEW-sponsored research activities amounted to $1.2 million. It was estimated that the indirect or overhead costs of these projects amounted to 36 percent, or $419,884. The university, under the law, received only 15 percent of the total for indirect costs. This is less than half of the amount needed to cover the full indirect research costs. New York University President Carroll V. Newsom was quoted as saying:

> New York University really subsidized the research we conducted for 1 year under public health grants to the extent of $244,356.

Dr. deKiewiet, president of the University of Rochester, also commented on this problem in a letter to me. He called for "the reimbursement to universities and colleges of an amount more nearly approaching the actual indirect costs related to Government-supported research and training programs." President deKiewiet further stated that "the burden of absorbing the additional indirect operating costs incurred by Government-supported research and training programs is causing us great concern and is seriously impairing our efforts to train more graduate students."

Many other educators have expressed concern with regard to the 15 percent limit on the amount which the Government can pay toward the indirect costs of Department of Health, Education, and Welfare-sponsored research projects. The Association of American Universities recently wrote and circulated a letter to the Secretary of the Department of Health, Education, and Welfare urging that "every effort be put forward to eliminate from present and future appropriation bills for the Department, the provision that research grants to institutions of higher education, made by agencies within the Department, are restricted to the payment of only 15 percent of the total cost toward covering the indirect costs of research."

I ask unanimous consent that the text of the above referred to letter appear at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 15, 1960.

The Honorable the SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C.

DEAR MR. SECRETARY: The Association of American Universities wishes to place before the Department of Health, Education, and Welfare (and its constituent agencies, the Public Health Service and the National Institutes of Health) and the Congress of the United States an urgent request that every effort be put forward to eliminate from present and future appropriation bill for the Department the provision that research grants to institutions of higher education, made by agencies within the Department, are restricted to the payment of only 15 percent of the total cost toward covering indirect costs of research.

This 15 percent limitation, which has been enacted into prior appropriation bills, has been an extremely costly provision to the universities of the country. The costs of research consist not only of the direct expenses of salaries and equipment, but also the indirect expenses of maintenance of laboratories and buildings, including heating, lighting, ventilation, cleaning, repairs, etc., and including costs of administrative and business offices. As the teaching or research activities of any university increase, these indirect costs have been found inevitably, and in the long run, to increase also in direct proportion. The sum total of these costs in practically all universities is far in excess of the percentage limitation provided in Public Health Service and National Institutes of Health grants.

Many agencies of the Government have recognized the desirability of paying the full costs of research, including the indirect costs. The recent Circular A–21 issued by the Bureau of the Budget sets forth the policy that research projects undertaken through Government sponsorship shall cover full costs, and it sets forth the principles by which such cost determination can be made. This Circular A–21 permits, and indeed instructs all agencies of the Government to follow these principles in the awarding of research contracts and grants. The Department of Health, Education, and Welfare is the only agency of Government which is prohibited by law from adopting the principles set forth by the Bureau of the Budget in Circular A–21.

The above restriction applying to grants by the Public Health Service and the National Institutes of Health imposes serious fiscal burdens on one of the most critical elements of American higher education—namely, the medical schools. For many years the medical schools of the United States have been under serious financial pressure as the costs of medical education and research have risen, and as pressures have risen for turning out more and better doctors. A large volume of medical research is now supported by grants from the National Institutes of Health in American medical schools, but since the indirect costs are not fully covered, the schools have been desperately short of the other funds required to cover the full costs of the research work which has been undertaken. This research work in the fields of medicine and biology is of critical importance to national health, and the maintenance of the financial integrity of the medical schools is therefore an important aspect of national welfare. It is urgently necessary, therefore, that medical schools be strengthened rather than weakened by undertaking critically important research financed by Government agencies.

A large proportion of the member institutions of the Association of American Universities include medical schools in their organization, and all of these have faced serious financial difficulties because of the policy imposed by the Congress in preventing the reimbursement of the universities for the full costs which they incur in research programs.

The Association of American Universities respectfully requests the Secretary of Health, Education, and Welfare to provide in its budget the funds required to cover the full indirect allowance computed under circular A–21 for research grants, and to recommend strongly, and as a matter of urgency, the elimination of the indirect-cost restriction in the fiscal 1961 appropriation bill.

Respectfully submitted.

THE ASSOCIATION OF AMERICAN UNIVERSITIES,
LAWRENCE A. KIMPTON, *President.*

Mr. KEATING. Mr. President, in light of the facts which I have noted in my remarks today, I introduce, for appropriate reference, a bill amending the basic Public Health Service Act, stating that the indirect costs of all federally financed Public Health Service medical research projects shall be allowed in full. I ask unanimous consent that this bill be printed at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3197) to amend the Public Health Service Act to provide to the fullest extent possible for the payment of all indirect costs of research projects supported under this act, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 (d) of the Public Health Service Act (42 U.S.C. 241(d)) is amended by adding at the end thereof the following immediately preceding the period:

": *Provided,* That each grant-in-aid made under the provisions of this subsection shall to the fullest extent possible include the payment of all indirect expenses attributable to the research projects supported by such grant-in-aid".

Mr. KEATING. Mr. President, I have been in close touch with Secretary Flemming and with various HEW officials and have been informed that the Department's position is in agreement with the bill which I have just introduced. The Department has for several years been working very hard to bring about the elimination of section 206 of the annual appropriations measure. This section contains the controversial 15-percent limit.

In testifying before the House Appropriations Labor-HEW Subcommittee on February 1, Secretary Flemming very clearly expressed the Department's position with regard to the payment of the indirect costs of HEW research.

He said the Department's estimate also includes a request to remove the existing 15-percent limitation on the allowance for indirect costs for medical research grants. This change has repeatedly been recommended by universities and consultants who have studied the burden of indirect costs of research, and is supported in order to prevent an unwarranted channeling of institutional resources from other areas, such as training, to the support of research grant projects.

Mr. President, I have also discussed this matter with officials of the Office of Education, and at my request they are preparing a report with regard to the impact of the 15-percent limit on the indirect costs of research carried out for the Office of Education, as well as to the feasibility of legislation in this regard.

Mr. President, I urge that serious consideration be given to this proposed legislation. With the appropriations process now getting under way in both the House and Senate, I think it is important that prompt action be taken to study and enact legislation which will indicate the intent of Congress as a whole that the 15-percent limit on the overhead costs of HEW sponsored research should be dropped.

NOTICE OF HEARING ON U.S. POLICY IN AFRICA BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD part of a press release made today concerning a forthcoming hearing by the Committee on Foreign Relations on U.S. policy in Africa.

There being no objection, the extract from the press release was ordered to be printed in the RECORD, as follows:

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Senator J. W. FULBRIGHT, chairman of the Senate Committee on Foreign Relations, announced today that the Committee has tentatively scheduled a public hearing on March 16, at 10 a.m., in room 4221, New Senate Office Building, to receive testimony on a study of "U.S. Foreign Policy in Africa." This study is one of a series of 15 studies prepared at the request of the Committee on Foreign Relations in connection with its examination of U.S. foreign policy, which was authorized by the Senate late in the 2d session of the 85th Congress. The principal witnesses will be Mr. Melville J. Herskovits, director, program of African studies, Northwestern University, and Mr. Joseph C. Satterthwaite, Assistant Secretary of State for African Affairs.

The study which is the subject of the hearing explores the trends and developments which may affect the economic, political, and security interests of the United States in Africa. It is also concerned with the effects of alternative courses of action by the United States upon these trends, including problems for the immediate future affecting United States-African relations and the evaluation of future alternative U.S. policies toward Africa.

All interested parties wishing to present testimony in connection with the committee's hearings on this study should contact the chief clerk of the committee without delay.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Address delivered by him over radio station WGN, Chicago, March 6, 1960.

By Mr. RANDOLPH:

Article by him for Charleston (W. Va.) Gazette, March 11, 1960, entitled "West Virginia Admirably Situated for Marketing and Has Readily Adaptable Labor Force."

CIVIL RIGHTS AND THE LAUSCHE AMENDMENT

Mr. ELLENDER. Mr. President, last Wednesday, March 9, I prepared my weekly radio script for radio station WWL in New Orleans. My address was broadcast last night and it was released today, Monday, March 14, for the press. I discussed certain aspects of and some of the implications involved in section 1 of the Dirksen amendment. I also discussed the many pitfalls which were fully debated last Friday, March 11, during consideration of the so-called Lausche amendment. I ask unanimous consent that the address be printed at this point in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SENATOR ELLENDER DISCUSSES CIVIL RIGHTS FIGHT

SENATE RESUMES CIVIL RIGHTS BATTLE

Ladies and gentlemen, the Senate has resumed its battle on so-called civil rights measures, after voting down an attempt by the ultraliberal factions of both parties to gag the small, but determined band of 18 southerners pledged to all-out opposition to this nefarious legislation.

I was glad to see this action taken because, in my judgment, it leads me to believe that perhaps some small portion of sanity is returning to some of the Members of Congress.

I fear, however, that not enough Members will use their God-given, commonsense judgment. There are still too many Senators who are ready and waiting for an opportunity to cast their votes in favor of any type bill just so long as it carries a civil rights label acceptable to the minority groups in large northern cities.

These so-called liberals have put the civil rights label on a multitude of measures, ranging far afield from the voting rights, of certain groups, in which they say they have the most interest. Instead, guided by election-year politics they seek to give supercitizenship to certain minority groups in our country to the detriment of the great majority of our people and, at the same time, to the utter desecration and profanation of the U.S. Constitution.

Although they cloak their attempts with some of the highest sounding platitudes ever heard, they cannot really mask their ultimate objective—the reenactment of Reconstruction-type laws which will make the Southern States once again a private preserve for plunder and fraud by northern agitators.

They want to extend the long arm of the Federal Government into the inner workings of the individual States to such an extent, that no private citizen will be able to talk, think, or perhaps draw free breath, until he gets permission to do so from some bureaucrat appointed by the Federal Government in Washington.

In addition, I fear that if some of the legislation which is now pending before the Senate is enacted, it would have the effect of causing an increase—not the much publicized decrease that the liberals continue to speak about—in racial tensions all over our country.

One example of this type legislation is section 1 of the so-called Dirksen substitute, which, in my humble judgment, is one of the most obnoxious, most vicious, and yet best concealed of any of the measures now before the Senate.

ORIGINALLY INTRODUCED BY SENATOR DIRKSEN

This portion of the bill was originally introduced as a separate bill early last year by Senator DIRKSEN, of Illinois. At that time it was described as a bill to amend chapter 73 of title 18, United States Code, with respect to the obstruction of certain court orders.

But, after reading through the bill very carefully, in my judgment, it ought to be described as a bill to prevent any obstruction, interference, or disagreement with, Federal court desegregation orders, for that is what it really seeks to accomplish.

Both the Dirksen bill and the first section of the Dirksen substitute would create a new category of Federal crimes—any person who obstructs or interferes with Federal court desegregation orders. This crime would be punishable by a fine of not more than $10,000 or imprisonment of not more than 2 years, or both.

In addition, it goes even further. It provides, and I quote:

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

This innocent-appearing language, phrased in the negative, is one of the bayonet points of the section. It authorizes, in a backhanded way, a Federal court to issue an order paralleling the criminal sanctions contained in the measure. Thus, an individual committing one act could be held for two Federal offenses—the crime of obstruction of a court order, plus the additional "contempt" of a court decree. He would be subject to two trials—trials before a jury for the crime of obstruction, plus trial without a jury, for contempt, based upon his violation of a court order. If found guilty, he would be twice punished, since the Supreme Court has held that the double jeopardy provision of the Constitution does not apply to cases involving contempt.

Actually, the individual involved could be convicted three times—twice under Federal law, and once more for violation of State law.

What Senator DIRKSEN wants—and it must be borne in mind that the Dirksen bill is also the President's bill—is authority in a Federal court to parallel a criminal statute with a court order, the violation of which would then subject the accused individual to double punishment. This is nothing more or less than the perversion of the equity jurisdiction of our Federal courts.

Equity is a somewhat unusual system of law, and it has its roots far back in the antiquity of Anglo-American jurisprudence. It flows from the ancient power of kings to overrule their courts, and to "do equity" where courts of law provided no remedy. Not too many centuries ago, the demand for this kind of special treatment grew so great that special equity courts were created, to take the burden of deciding each case from the King. However, in order to get his case before one of these equity courts, an aggrieved individual had to show that he had no remedy at law.

As a result, quite a battle developed between the law courts and the equity courts. Each endeavored to increase the scope of its jurisdiction, at the expense of the other. As a result, and over a period of many years, the equity courts began to assume criminal jurisdiction. They began to issue decrees paralleling criminal statutes, and to punish the violation of their decrees by using the contempt power. Finally, this system of "criminal equity" grew so evil that, when it developed into the famous Star Chamber proceedings, a rule was developed which somewhat curtailed the jurisdiction of equity courts. In the lawbooks, this rule is found stated, as maxim of equity, namely that "equity will not enjoin a crime." This is the rule which, in a left-handed sort of manner, the Dirksen amendment, section 1, seeks to repeal. In other words, the Dirksen amendment seeks to turn back the clock to the days when the English system of equity courts was exercising criminal jurisdiction—back to the days of the Star Chamber.

ANOTHER PORTION NEEDS CONSIDERATION

There is another portion of section 1 of the Dirksen amendment which requires careful consideration.

This section reads as follows, and I quote:

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes or interferes with or willfully endeavors to prevent, obstruct, impede or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than $10,000 or imprisoned not more than 2 years, or both."

I direct your attention to the first seven words "whoever corruptly, or by threats or force."

I wonder what meaning is assigned to the word "threats"? It should be noted that the section does not read "threats of force" but instead it states "threats or force."

Thus it would appear to me that under terms of this section, if any person threatened economic sanctions against persons who seek desegregation of our public schools, he would be guilty of a Federal crime.

Yet, we read every day about Negro students staging economic boycotts and sit-down strikes against segregated eating facilities and department stores. The "liberal" newspapers of the North hail these events.

In other words, it is perfectly all right for the liberals to use economic boycotts to seek their ultimate objective—integration—but it would be a Federal crime for those of us who sought to use the same weapon to maintain our segregated way of life.

This is merely another example of the extent to which the liberals are willing to go to accomplish their own ends—apparently unaware that the means by which they seek their goals are at complete and utter variance with the constitutional concepts which they so glibly quote.

But there is even a greater, deeper danger to the theory of States' rights which we hold so dear hidden in section 1 of the Dirksen substitute.

TROOP USE FOR INTEGRATION BEING READIED

In my judgment, the underlying reason for the introduction of this section 1 is purely and simply to canonize President Eisenhower's action in sending troops into Little Rock to integrate Central High School in 1957 and to clear the way for the use of Federal troops to enforce school integration all across the South.

Let me explain why I believe this is so.

The President cited as his authority for the sending of paratroopers into Little Rock section 333 of title 10 of the United States Code, that pertinent part of which reads as follows:

"The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it * * * opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws."

However, what the President did not reveal was that the use of troops under section 333 of title 10 is limited to those obstructions of justice enumerated in title 10, sections 1501 through 1508, inclusive, of the United States Code.

Those sections deal only with such things as assaulting a process server, false bail, or threatening witnesses to name only a few.

These sections do not include obstruction of court orders to desegregate public schools.

However, section 1 of the Dirksen substitute would include a new section No. 1509 entitled, "Obstruction of certain court orders."

In other words, then obstruction of desegregation court orders would apparently be included in the list of uses for Federal troops.

This makes it abundantly clear to me that Attorney General Rogers and the present administration are laying the groundwork for an all-out assault on the South to integrate all our public schools at bayonet point.

ROGERS TIPS HIS HAND

In fact, Attorney General Rogers tipped his hand that this was his purpose when he testified at the 1959 civil rights hearings, as follows:

"A striking demonstration of the need for a bill of this nature is the occurrence at Little Rock in 1957. * * * When the execution of the decree of the courts are obstructed by force or threats of force, there must be authority to act effectively. * * * In a democracy, this agreement with court decree can find free expression in the available judicial or political processes. It cannot be permitted to find expression in force and those frustrating the lawfully determined rights of individual citizens. And if forcible resistance occurs, it must be met."

Must be met with what? With the bayonets of paratroopers?

In my judgment, the liberals of the North have in mind only one thing—the complete and utter subservience of the Southern States to an all-omnipotent Federal bureaucracy, directed and staffed by northern liberals, and whose will would be imposed at bayonet point.

You may rest assured that I and the small group of southern Senators who have fought these nefarious civil rights bills for the past 3 weeks will continue our efforts to see that they are defeated.

Remember, I invite your constructive criticism; I need your advice and counsel.

FOREIGN AID—NECESSITY FOR REDUCTION OF MILITARY ASSISTANCE

Mr. ELLENDER. Mr. President, in the near future the Congress will once again come to grips with the mammoth foreign-aid program.

For the fiscal year 1961 the President has submitted a budget estimate of $4,175 million to finance this program. This estimate is $949 million more than the amount provided by the Congress for the fiscal year 1960, the current fiscal year.

Last year, after extensive hearings and very thorough debates on the floors of both the House and Senate, Congress appropriated a total of $1.3 billion for military assistance. For the fiscal year 1961, $2 billion has been requested for this purpose. Thus, of the increased amount aggregating $949 million contained in the President's budget estimate for foreign aid for the fiscal year 1961, $700 million will be used to finance an expanded military assistance program.

Mr. President, Senators will recall the debate which ensued on the floor of the Senate last year when the foreign aid authorization bill was considered. At that time, I offered an amendment which provided for a $300 million reduction in the budget estimate for military assistance for the fiscal year 1960; and, after extended debate, the Senate voted to reduce the authorization bill by that amount.

Mr. President, I am convinced that the $2 billion requested for military assistance for the fiscal year 1961 is greatly in excess of what it should be, and at the appropriate time I hope to prove that this is the case. For the present, it should be sufficient to say that the reasons I advanced just 8 months ago for reducing a $1.6 billion request for military assistance to $1.3 billion for the fiscal year 1960 are as valid today as they were at that time if not more so.

For years, Mr. President, I have been striving to get the veil of secrecy lifted from the foreign-aid program. I have held strongly to the belief that since the taxpayers' dollars finance this never-ending program, the taxpayers have a right to know how their dollars are being spent. Although my urgings and requests have generally fallen on deaf ears since the inception of the foreign-aid program, it seems that now they are finally being heard and if not wholly, they are at least being partially implemented.

Mr. President, I wish to announce to the Senate and to the people of America that the curtain of secrecy which has surrounded the foreign-aid program since its beginning has finally been partially lifted; and, perhaps with a little more push, it may be entirely removed. Under Secretary of State Douglas Dillon has decreed that the value of military assistance programs and deliveries for all years, other than for the 1961 fiscal year—the funds for which are shortly to be considered by Congress—is to be made public. Therefore, Mr. President, I should like to assist the administration to disseminate these data, by asking unanimous consent to include in the RECORD at this point in my remarks a document prepared by the ISA Comptroller, dated February 15, 1960, and entitled, "Military Assistance Program, Value of Program and Deliveries, Fiscal Years 1950–60, by Area and Country."

There being no objection, the tabulation was ordered to be printed in the RECORD.

Military assistance program—Value of programs and deliveries,[1] fiscal years 1950–60 by area and country

[Thousands of dollars]

	Programs [2]			Deliveries		
	Fiscal year 1959	Fiscal years 1950–59	Fiscal year 1960	Fiscal year 1959	Fiscal years 1950–59	Estimated, fiscal year 1960
Worldwide	1,804,442	26,078,945	1,473,687	2,495,916	23,323,443	2,069,671
Europe	411,639	13,704,990	375,725	570,383	12,796,602	665,349
Belgium [3]	3,150	1,214,051	(4)	14,175	1,162,821	16,673
Denmark	27,258	528,733	36,125	29,532	445,154	48,320
France [3]	35,795	4,502,053	(4)	116,016	4,337,135	113,819
Germany	12,974	919,403	478	(10,854)	891,923	26,528
Italy	112,344	1,993,008	141,367	108,326	1,847,407	157,416
Luxembourg	5	8,274	2	183	8,191	84
Netherlands [3]	63,649	1,237,604	36,390	25,520	1,093,422	57,911
Norway	17,992	660,265	35,965	38,034	622,701	38,384
Portugal	8,641	295,166	10,135	17,037	284,211	7,856
Spain	31,008	407,018	24,563	56,713	315,294	58,942
United Kingdom	80,191	1,077,486	26,973	157,367	952,453	131,875
Yugoslavia		724,168		(1,914)	724,168	
Undistributed	18,632	137,761	63,727	20,248	111,722	27,561
Africa	13,777	48,619	15,321	7,599	32,934	13,950
Ethiopia	9,641	42,156	8,301	5,844	28,968	8,286
Liberia [3]	15	998	466	14	1,000	336
Libya	595	1,786	678	317	1,842	757
Morocco		63	(4)			733
Sudan			7			3
Tunisia [3]	3,300	3,390	(4)	1,318	1,318	3,729
Undistributed	226	226	5,869	106	106	103
Near East and South Asia	427,459	3,769,600	268,528	534,668	3,254,218	419,518
Greece	102,656	980,101	53,864	92,462	861,607	112,592
Iran	95,116	464,439	51,328	99,338	343,817	84,210
Iraq		49,761		974	49,761	
Israel [5]	900	936	35	385	385	518
Jordan	560	12,660	5,163	2,326	11,102	2,182
Lebanon	1,366	7,806	(4)	3,853	7,050	612
Pakistan	(4)	(4)	(4)	(4)	(4)	(4)
Saudi Arabia [3]	(4)	(4)	(4)	(4)	(4)	(4)
Turkey	147,820	1,717,231	104,463	216,844	1,546,200	136,510
Undistributed	79,041	536,666	53,675	118,486	434,266	82,894
Far East	803,206	6,202,235	593,862	831,019	5,281,204	812,367
Australia [5]		32,500		25,238	25,238	7,262
Cambodia	4,435	69,496	5,116	4,817	64,338	5,811
China (Taiwan)	333,305	2,056,930	92,381	290,140	1,789,131	206,508
Indochina		716,014		(2,038)	716,014	
Japan	78,315	711,557	85,928	106,067	506,571	115,174
Korea	205,686	1,291,947	208,993	215,361	1,062,270	254,456
Laos	(4)	(4)	(4)	(4)	(4)	(4)
New Zealand						
Philippines	21,960	238,257	18,961	22,346	219,422	21,770
Thailand	17,852	304,718	24,782	17,914	281,747	24,396
Vietnam	45,855	496,265	45,116	47,758	424,181	74,482
Undistributed	95,798	284,551	112,585	103,416	192,292	102,508
Latin America	53,769	423,780	68,944	52,983	347,821	69,951
Argentina [3]			6,328			223
Brazil	24,261	167,881	17,664	13,142	144,411	27,394
Chile	5,388	50,498	6,367	6,759	43,793	5,888
Colombia	1,964	30,532	4,341	2,718	27,717	3,281
Costa Rica			13			9
Cuba	576	16,430		543	15,694	249
Dominican Republic	28	8,249	470	1,089	7,846	445
Ecuador	4,048	21,911	2,978	3,055	16,534	3,874
El Salvador			149			69
Guatemala [3]	104	913	711	107	843	405
Haiti	149	1,682	729	47	1,547	255
Honduras	31	768	331	62	726	154
Mexico [3]		3,535	3,347	485	1,102	3,051
Nicaragua	111	1,190	410	138	1,154	222
Paraguay [3]		257	84	13	147	161
Peru [3]	5,797	54,337	7,352	4,909	48,048	4,054
Uruguay	4,657	26,877	3,466	5,165	22,457	2,183
Venezuela [3]	5,500	35,382	14,000	13,272	13,272	17,393
Undistributed	1,155	3,338	204	1,488	2,530	671
Nonregional	282,753	1,824,102	346,261	499,264	1,610,664	88,536
Administrative expenses	23,217	209,827	25,000	24,621	203,256	23,804
Inter-Regional International Military Headquarters Agencies	7,620	41,207	8,000	6,644	36,593	8,258
MAP-owned property	73,089	345,832		332,965	414,491	(111,683)
Modernization			40,346			18,004
Mutual weapons development program (MWDP)	45,529	202,122	33,010	43,439	115,648	37,500
NATO infrastructure	89,961	667,512	70,000	54,637	506,804	65,000
NATO Maintenance Supply Services Agency (NMSSA) [5]			22,200			10,600
Weapons production program (WPP)	8,380	88,346	66,209	18,063	55,018	16,492
Miscellaneous nonregional	34,957	269,256	32,018	18,895	248,854	23,651
Programs under development			49,457			
Worldwide funding adjustments	(188,161)	105,619	(194,954)			

[1] Includes programs and deliveries of stocks excess to the requirements of the U.S. military departments valued at acquisition cost and purchases of military equipment and supplies initially financed with MAP funds. Deliveries also embraces expenditures for services; for example, "Training."

[2] The fact that there is a military assistance program for a country is not to be construed as a commitment of the United States.

[3] Part credit financing.

[4] Included in "Undistributed."

[5] All credit financing.

( ) Indicates negative amount.

Mr. ELLENDER. Mr. President, a mere scanning of the document I have just placed in the RECORD would lead one to believe that the administration has finally made a decision to give full recognition to the right of the American people to know into which foreign-aid rathole their hard-earned tax dollars have been poured. However, upon closer study of this document, one will find that the information dealing with military assistance is still being classified, although we have been led to believe otherwise.

The PRESIDING OFFICER. The Senator from Louisiana has considerably exceeded the time allotted during the morning hour.

Mr. ELLENDER. Mr. President, I ask that I may proceed for a few minutes longer.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Louisiana may proceed for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I thank the Senator from Texas.

Mr. President, let us analyze some of the facts and figures presented in this so-called declassified document, and see what it reveals. It will be noted that for each region, an amount is included under the title "Undistributed." For example, in the case of Europe, for the fiscal year 1960 it is indicated that $63,727,000 falls under the "Undistributed" heading. The document also shows that for this region the allotment of military assistance for both France and Belgium in the fiscal year 1960 is included within the undistributed amount. Why are not the amounts of military assistance furnished to France and Belgium for the fiscal year 1960 shown? Why should these amounts remain secret?

For Africa, Mr. President, military assistance furnished to Morocco and to Tunisia is grouped together within the undistributed amount.

For the Near East and south Asia, the funds for Lebanon, Pakistan, and Saudi Arabia are likewise grouped.

For the Far East, the funds for the small Kingdom of Laos are similarly included within the undistributed amount.

Mr. President, if the administration tells the American people it is declassifying certain data, but at the same time employs a footnote reference and the classification "Undistributed" to conceal some of the facts, can it be said that the administration is really sincere about this so-called declassification? I believe not. I fear that, once again, we find the administration playing the old pea and thimble game. Once again, Mr. President, it appears to be a case of the hand being quicker than the eye.

Mr. President, I submit that the declassification of the amounts spent for military assistance has not been accomplished. In addition to the use of the footnote reference and the undistributed amount grouping, the section entitled "Nonregional," in the document previously referred to, does an even better job of clothing certain data with the veil of secrecy.

To the uninitiated, this classification would indicate that the funds included thereunder are being used to finance military assistance programs throughout the free world. However, Mr. President, that is not the case.

For the period 1950 through 1960, approximately $2.2 billion has been allotted to the so-called nonregional area. Do you know where most of these nonregional funds are being used, Mr. President? They are going to Europe, a region which has received more than $14 billion of military assistance since the fiscal year 1950.

Let us look at some of the fancy titles assigned to the items included under the "Nonregional" classification which effectively conceal the name of the country or area where the funds will be used. There is the "Mutual weapons development program," which is no more than a program of research and development carried out by the countries of Western Europe, and financed by us, either in whole or in part. There is also, Mr. President, "NATO infrastructure," for which we have contributed more than $700 million since 1950. These funds have been used to finance, in part, common-use facilities and bases which form a part of the NATO complex.

Among the other items included in the nonregional area, all of which are programed for Western Europe, are the "Weapons production program," the "NATO Maintenance Supply Services Agency," and the "Modernization program" which was recently instituted in the fiscal year 1960.

Mr. President, it is not my desire to take up any more of the time of the Senate with a further analysis of the data presented in the so-called declassified document on military assistance. However, I wish to put the administration on notice that when the hearings on the foreign-aid bill are held by the Senate Appropriations Committee, I intend to seek complete declassification of the military assistance program. I am sick and tired of having facts concealed from the American taxpayer, under the guise of security; and, once again, I will make every effort to remove the veil of secrecy which has shrouded the foreign-aid program since its birth.

TRIBUTE TO HILDA WEINERT BY DEMOCRATIC PARTY IN TEXAS

Mr. JOHNSON of Texas. Mr. President, today the members of the Democratic Party in Texas are honoring a great women, Hilda Weinert, of Seguin, for extraordinary devotion and long years of dedicated service to her party, her State, and her Nation.

Gov. Price Daniel and members of the State Democratic executive committee will join several hundred of her countless friends in honoring Mrs. Weinert at an appreciation tea in the Governor's Mansion.

Mrs. Weinert has served faithfully in outstanding manner as Democratic national committeewoman from Texas, as well as a member of the State Democratic executive committee, a position she now holds as committeewoman from the 19th State senatorial district, my home district.

It has been my privilege to know many loyal and dedicated people, but I know of none more selfless than Mrs. Hilda Weinert in their dedication to the high principles of their party and their Nation.

By her willingness to work, to assume oftentimes burdensome duties, Mrs. Weinert has set for all who aspire to serve an extraordinary example of inspired dedication.

Countless hundreds, in Texas and across the Nation, share my feelings of affection and esteem for this very great woman.

I am proud that Texas today is recognizing a career of extraordinary devotion to party and to the Nation. And I am honored to participate in this small degree in a tribute to a great Democrat, a great Texan, a great American, and a magnificent lady.

CIVIL RIGHTS LEGISLATION

Mr. RUSSELL. Mr. President, for several days the press has carried news stories that some plan was afoot whereby the Senate was preparing to accept, without dotting an "i" or crossing a "t", such bill bearing the title "Civil Rights" as the House of Representatives might finally enact.

This rumor, emanating from some source, has now become generally accepted. It is proclaimed in editorials, in practically all of the news stories, and even in the cartoons, that the Senate is incapable of passing upon this question and that we will accept and approve, without change, or, indeed, even scarcely reading, any bill bearing the label of "Civil Rights" which the House may hammer out in its present debate.

Mr. President, there have been times when I have felt some doubts about the capacity of the Senate to legislate properly and objectively. However, I have not yet reached the stage of being willing to admit that we are wholly incompetent and that we are compelled to send out the Macedonian cry to the other body to come over and help us with this sensitive and emotion-charged issue.

When was this decision made? Who was authorized to decide that the Senate would accept the House bill without question? I cannot believe that our leadership is willing to make a public declaration that the Senate is so completely bankrupt in statesmanship.

If such a decision has been made, Mr. President, I unhesitatingly assert that the Senate, since February 15, has been enacting the saddest farce that has ever been played on any parliamentary stage.

After meeting for more than 2 weeks, when we met each day for 12 hours a day, the Senate was kept in continuous session for 1 entire week. It was so long that it set a new record of continuous session of the Senate.

As one who participated in this round-the-clock meeting, I had no idea that it was a mere gesture and that all of the

efforts and sacrifices entailed would be wiped out by a declaration that we would simply accept any bill passed by the House of Representatives.

I wish to warn anyone who may have been taken in by this constantly increasing propaganda, to the effect that the Senate has merely been playing in the sand for the past 4 weeks, that he is probably in for a rude awakening when the bill does come to the Senate from the other body.

WELCOME TO CHANCELLOR ADENAUER

Mr. WILEY. Mr. President, in the jet-space age of high-speed travel, the governments of the world, and leaders of nations have been better able to stay in touch, to discuss problems, to attempt to find solutions for differences, and to engage in cooperative efforts to promote progress and peace.

During recent months, the trips of President Eisenhower have symbolized the new age of "personal diplomacy" at its best.

Now, as we know, West Germany's Chancellor, Dr. Konrad Adenauer, will arrive in Washington tonight. As Chancellor, Konrad Adenauer has—during the trying postwar years—been a formidable Rock of Gibraltar against communism. Too, he has been an outstanding leader among the Western European nations, striving to reconstruct their devastated countries and reestablish a sound foundation for their economics.

In addition, he has become a leader and a strong voice in the affairs of the free world, attempting to deal with the global, military, economic, psychological, and ideological efforts of expansion by the international conspiracy of communism, as well as to promote progress and peace.

Although Dr. Adenauer's visit is not a formal one, there are expected to be informal discussions on such serious, complex problems as the upcoming summit conference, the Communist threat in Berlin, reunification of Germany, disarmament, and other questions affecting the mutual interests of our two countries, as well as the free world.

Recognizing the significance of these problems to both our countries, this further effort, through informal discussions, to find sound, mutually agreeable solutions to these issues is a most worthy undertaking.

As he arrives in our Nation's Capital, I believe that Dr. Adenauer, as a stanch defender and supporter of freedom, deserves—as I am sure he will receive—an openhearted welcome by our Government and the American people.

MILLION DOLLAR SAWMILL COMES TO PHILIPSBURG, MONT.

Mr. MURRAY. Mr. President, it is with great pleasure that I can report to the people of Montana that a new and modern sawmill is being constructed at Philipsburg.

We have a bountiful supply of timber available for industrial development in Montana. It has been my constant endeavor to encourage new industry to come to our State, but I have never undertaken to suggest any particular county or community; that is a decision the businessmen must make themselves. I am pleased that I have been able to assist in bringing this enterprise to our State. Last fall, when the principals of this new firm approached me for assistance, I was able to arrange for Mr. Grambo, of the U.S. Forest Service in Missoula, and Mr. Wolf, of the Senate Interior Committee staff, to assist them in discovering some of the excellent techniques that Swedish plants have developed for utilizing small timber.

This new mill at Philipsburg will operate primarily on lodgepole pine and thus it will utilize a species which is in great abundance but now little used in the West. This is a pioneer operation being constructed by experienced lumbermen who have come into our State from neighboring Oregon. On behalf of myself and my colleague, the junior Senator from Montana [Mr. MANSFIELD], I wish to express our pleasure in seeing new industry embark in our State, and we wish them every success.

I ask unanimous consent that an article by Molly Cutts from the March 6 issue of the Montana Standard be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PHILIPSBURG TO GET $1 MILLION SAWMILL

(By Molly Cutts)

Philipsburg, a pioneer mining town, will profit in the future by pioneering in the lumber industry.

Construction will begin April 1 on a million dollar sawmill which will utilize small timber in lumber production from the plentiful and long-neglected lodgepole pine.

A. E. Hurl, vice president of the Montana Forest Products Co. which will build the new mill, is the general manager of the plant. This week he said the plant's payroll will total a half million dollars annually.

But the benefits of the new industry will not only be monetary. The logging operations will open new, and improve old, recreational areas in the Deer Lodge National Forest and will provide opportunities for practicing forestry techniques for the betterment of the forest.

Hurl said that his firm is considering further expansion in this area and has taken two options on another mill site on the highway between Butte and Anaconda.

Grading of the 80-acre Philipsburg site on the southwest edge of town will begin in 3 weeks, Hurl said. Facilities will be complete and production will begin early this fall. A Northern Pacific Railroad spur will be built to the millyard.

Planned as a complete milling operation, the plant will have facilities for debarking, chipping and planing and will have three dry kilns. Wood not merchandisable as lumber will be chipped and sold to a pulp plant in Missoula.

The forest products company has, to date, purchased 68 million feet of lodgepole pine, fir and spruce at five Forest Service sales and also has contracted for private timber in the area. A private contractor now is logging 3 million board feet for the new mill.

According to Bill Williams, ranger for the Philipsburg district of the forest, when logging is completed in the present sales, 100 miles of forest roads will have been constructed.

The roads will be built to Forest Service standards with supervision provided by the Philipsburg ranger's office. The main roads will be 14 feet wide with turnouts and a maximum grade of 6 percent. The secondary roads will be between 10 to 14 feet wide.

SMALL TIMBER

The type of trees in the Deer Lodge Forest are considered small timber, especially the lodgepole pine. The sawmill will be constructed to handle trees 6 inches in diameter and larger. Other mills in Montana and Idaho can mill nothing smaller than 8-inch trees.

Main uses at present for lodgepole pine is poles and fence material. The Philipsburg mill will manufacture it into building lumber, but more research is necessary to discover additional markets for this type of timber which is so abundant in this area.

Hurl, who also is vice president of the Oregon Alder-Maple Co. in Willamina, Oreg., will arrive in Philipsburg to make his home the first part of April. Any decisions concerning further developments of the Montana Forest Products Co. will hinge upon the success of the present operation, he said.

The company has bought 27 million feet of timber in the Beaverhead National Forest near Wise River and is considering purchasing more in that area which will produce the lumber for the proposed second mill, Hurl said.

OTHER OFFICERS

Besides Hurl, other officers of the company are: Duane Autzen, president, and Henry Buehner, vice president. Both men will continue to make their homes in Portland where they are also engaged in the lumber business. John Underwood will be the timber and land superintendent for the company.

Because the members of the new firm, although all experienced lumbermen, were not well versed in the milling of small trees, Autzen, Beuhner, and Hurl, accompanied by Earnest Grambo of the timber management department in Missoula, and Robert Wolf, staff member of the Senate Interior Committee in Washington, D.C., spent several weeks last year in Sweden which is well known in the lumber business for utilizing smaller timber products. The group also visited Germany before going ahead with plans for the Philipsburg mill.

The new mill will employ a combination of Swedish and American ideas. The projected cut for the plant will be between 25 to 30 million board feet annually. Between 60 and 80 men will work at the mill and about 80 will be assigned to logging and road construction in the forest. The new industry will increase the population of Philipsburg by about 300 to 400 residents. The mill will operate on a two-shift-a-day basis.

Gross sales will total approximately $2,340,000 annually which is enough lumber to build 1,500 houses. The lumber will be marketed in the Midwest.

The new mill will use much timber which formerly was wasted in logging operations in this area because it was too small. Under the Forest Service's tree harvest plan the mill will be permanently supplied with logs from the nearby area.

The forest will be improved by the clear cutting methods now advocated by the Forest Service for lodgepole pine. These trees are highly susceptible to mistletoe which ruins them for marketing purposes. By cutting all the trees in a block, a new disease-free stand can become established. About a third of the trees in each sale will be cut in the next 3 years.

CIVIL RIGHTS LEGISLATION—AMENDMENTS

Mr. ERVIN. Mr. President, I present to the Senate three short amendments to the Dirksen amendment in the nature of a substitute for H.R. 8315 and ask that the amendments be read by the

clerk, be printed in the RECORD at this point, and lie on the desk until called up.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I shall not object—I wonder if the Senate could be informed as to the number of amendments now pending at the desk.

The PRESIDING OFFICER. The Chair would like to report to the Senate that the clerks have made an actual count, to verify their estimate as to the number of qualified amendments to the pending legislation which are at the desk, and find that there were 42 such amendments when the session opened today. Three others have been added since then. That makes a total of 45.

There are other amendments, 10 or more, pending at the desk, which have not been qualified. The clerks assume that some of them, at least, are duplicated by amendments which have been offered and qualified.

Mr. SMATHERS. Mr. President, reserving the right to object—and I shall not object—I should like to ask the able Senator, as to whose amendments I have great sympathy, whether he expects to have a vote on the amendment this afternoon.

Mr. ERVIN. One of these amendments relates to section 2 of the Dirksen amendment, and it is merely designed to eliminate an unconstitutional provision relating to venue. I would hope the able and distinguished minority leader would accept the amendment when it is called up.

The other two amendments relate to the records provision. One of the amendments is designed merely to save the States millions of dollars. It merely provides that an officer of election or a custodian may dispose of records and papers according to the laws of his State, unless the Attorney General or his representative notifies him in writing within 6 calendar months after the election to which such records and papers relate that the Attorney General demands they be preserved for the full period of 3 years.

The other amendment would merely strike out the provision in the records section, in the third section of the Dirksen amendment in the nature of a substitute, which requires, in effect, the State official to tote his election records to the office of the U. S. attorney, and provides instead they shall be produced for inspection and copying at his office instead of the office of the U.S. attorney.

I would anticipate that nobody would oppose any one of these three amendments.

Mr. SMATHERS. Does the able Senator have any indication from the minority leader in this regard?

Mr. ERVIN. I will say to the able and distinguished Senator from Florida, I have an amendment I desire to call up today. I have an amendment to section 2, which would broaden the coverage so as to apply it to persons who flee in interstate or foreign commerce for the requisite purposes, after using explosives or fire to destroy business or residential properties. There have been several other amendments offered by other Senators along the same line. If some other Senator desires to call up his amendment, I would support his in preference to my own.

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. I should like to ask one other question of the able Senator from North Carolina before he concludes.

Mr. ERVIN. I yield to the Senator from Arizona.

Mr. GOLDWATER. For the information of my colleague, I intend to call up my amendment pertaining to the same subject to which the Senator from North Carolina has addressed his amendment. My amendment is designated "No. 3–4–60—E." That will supply the Senator from Florida with some information.

Mr. SMATHERS. I wish to ask the Senator a question.

Does that amendment apply to the bombing of school buildings and religious institutions? Would the Senator's amendment broaden the language to apply to all buildings?

Mr. GOLDWATER. I will say to my friend from Florida, that is precisely the intent of the amendment. It would remove the limitation of religious buildings, and would apply to all buildings and all property, such as vehicles or anything else, which might be damaged by fire.

Mr. ERVIN. If the Senator from Arizona proposes to offer his amendment, I would withhold offering my amendment, because his amendment is designed to serve the same purpose mine is.

The PRESIDING OFFICER. The Chair would remind the Senate there is before the Senate a unanimous-consent request for which reservations of objection have been taken.

Mr. MANSFIELD. Mr. President, I withdraw my reservation.

Mr. SMATHERS. Mr. President, reserving the right to object—and I do not intend to object—may I get clear in my mind whether the Senator from Arizona is going to call up his amendment, as to which he answered a minute ago, after the morning hour is concluded.

Mr. GOLDWATER. I am going to seek recognition immediately after the conclusion of morning business. If I obtain the floor, I shall do so.

Mr. SMATHERS. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. KEATING. Mr. President, reserving the right to object—and I shall not object—may I inquire of my distinguished friend from North Carolina whether he has three amendments which he is sending to the desk?

Mr. ERVIN. Yes. They are three very short amendments. One of them is an amendment to section 2, which I believe the able and distinguished minority leader, who has offered an amendment in the nature of a substitute, will accept, if he will consider it for a moment. All it would do is strike out the unconstitutional provision as to venue which is in the section 2, and allow the matter to be governed by the general laws on that subject, which are entirely adequate and constitutional.

The PRESIDING OFFICER. The Chair would remind the Senate that the Senator from North Carolina is speaking under the 3-minute rule, which has been expanded by the questions.

Mr. KEATING. Mr. President, further reserving the right to object——

The PRESIDING OFFICER. Unless there is a request for unanimous consent to permit the time to run, the Chair will have to rule the time has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator may be permitted 3 additional minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, may I propound, under the reservation, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. If these amendments are not read at this point, will they be permitted to be offered after cloture is imposed?

Mr. HOLLAND. Mr. President, I did not hear the distinguished Senator. After what? [Laughter.]

Mr. KEATING. The word was "cloture"—c-l-o-t-u-r-e.

Mr. HOLLAND. I thought we had forgotten that word, Mr. President.

The PRESIDING OFFICER. If an amendment is properly and formally offered it can be read at any time prior to the limitation due to cloture.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DIRKSEN. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. The Presiding Officer announced there were some 45 amendments which qualified under the rule both as to presentation and as to reading. I was of the opinion that the number probably was closer to 60. That brings to focus the inquiry. There are, I am sure, additional amendments on the desk. I am not sure, however, that they have been presented and qualified not only under the rule but also in the light of the understanding which was contrived with respect to amendments to the substitute.

The PRESIDING OFFICER. Is the Senator propounding an inquiry?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. As to how many amendments have been presented and qualified?

Mr. DIRKSEN. I wanted to be sure that the RECORD was correct. The number of 45, as announced by the Presiding Officer, I believe refers to amendments which were all qualified. I believe the number does not take into account still other amendments which have been submitted and which are on the desk, for which no qualification has been requested.

The PRESIDING OFFICER. There are approximately 45 amendments which have been qualified, and other amendments which have not been qualified. Any amendment which is at the desk but which has not been qualified can be offered again at the proper time and can be read and can qualify.

Mr. DIRKSEN. If the distinguished Senator will yield further, the Senator has presented his amendments for qualification, I take it.

Mr. ERVIN. Yes.

The PRESIDING OFFICER. That is the request which is now before the Senate.

Is there objection to the reading by the clerk of the amendments offered by the Senator from North Carolina? The Chair hears none, and the amendments will be stated for the information of the Senate, and will lie on the desk.

The CHIEF CLERK. On page 3 of the Dirksen amendment it is proposed to strike out lines 18 to 22, both inclusive.

On page 5 of the Dirksen amendment insert a period after the word "made" and strike out the following words on lines 8, 9, and 10: "or at an office of the United States attorney in the district in which such records or papers are located."

On page 4 of the Dirksen amendment change the period after the word "custodian" on line 15 to a colon and insert these words between such colon and the word "any" on line 16:

Provided, however, an officer of election or custodian may dispose of records and papers according to the laws of his State unless the Attorney General or his representative notifies him in writing within six calendar months next succeeding the election to which such records and papers relate that the Attorney General demands that such records and papers be retained and preserved for the full period of three years.

ADMINISTERED PRICES IN THE DRUG INDUSTRY

Mr. DIRKSEN. Mr. President, on other occasions I have pointed out that what I deem to be misleading exhibits have crept into the hearings of the Senate Antitrust and Monopoly Subcommittees with reference to administered prices in the drug industry. Obviously such exhibits can result and have resulted in misleading headlines and on this point I submit for the RECORD a very interesting letter from Joseph B. Sprowls, dean of the School of Pharmacy of Temple University in Philadelphia.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEMPLE UNIVERSITY,
SCHOOL OF PHARMACY,
Philadelphia, Pa., February 26, 1960.

Hon. EVERETT M. DIRKSEN,
Senator from the State of Illinois,
Senate of the United States,
Washington, D.C.

DEAR SENATOR DIRKSEN: I have read with great interest your address before the Senate of the United States on Friday, January 22, and I wish to congratulate you upon the honesty, courage, and perspicacity which you have demonstrated in your statements.

Unfortunately, many persons become emotional when the subject of drug prices is discussed. Perhaps this is because we seem to be placing a price upon health—perhaps even life itself. Obviously, these same considerations are involved in all other costs of medical care, whether they be hospital charges or physician's fees. Some of our legislators choose to prey upon the emotions of the electorate by focusing special attention upon these charges.

In their zeal to demonstrate concern for the public welfare, they have gone so far as to unfairly distort the facts. Attempts to demonstrate excessive profits by the use of calculations involving only the basic cost of ingredients and the ultimate selling price of finished products are, as you have indicated, gross misrepresentation of the truth. None but the most naive will be misled by such tactics. Fortunately, your testimony has served to indicate some of the other factors which must be considered before a true profit figure can be calculated.

It is quite true that the pharmaceutical industry has shown remarkable growth in the United States during the past 25 years. To an interested observer, such as myself, this is no surprise. A number of factors have contributed materially to this success; but, one of the most important of these has been research—that same research which has helped to provide for the American public the highest standard of medical care which the world has ever known.

Medical and pharmaceutical research owe their stimulus to the highest of humanitarian ideals—the desire to relieve suffering and to save lives.

On the other hand, the motive which stimulates the investment needed to make such research possible is the profit motive. Only the profit motive could bring forward the billions of dollars needed to build, equip, and staff the wonderful research laboratories which have been developed by leading pharmaceutical manufacturers. The same profit-supported research which has made our transportation and communication systems the envy of the world has also brought to us the best in lifesaving drugs.

If we are now to have legislation which prevents the making of honest profits on the manufacture and sale of drugs, then our country and our Government have certainly reached their declining years. For the only alternative is total socialism—Government-directed medical practice and research. Surely we have not reached the time when we are considering the abandonment of the competitive enterprise system and the substitution of a socialized or communistic plan? Yet, if it can happen to the pharmaceutical industry, it can happen to any other industry and the American ideal can disappear forever from the face of the earth.

Again, I am grateful that you and others like you have not taken unfair advantage of this problem—that you have been honest in your statements and firm in your convictions. We must depend upon actions such as yours to prevent us from being stampeded into emergency legislation which may be unfortunate or even disastrous. Many of the proposals which are now being made by the chairman of the investigating committee would seriously curtail the research efforts of pharmaceutical companies and would impair the discovery and development of new drugs. Let us hope that an enlightened electorate will never permit this to happen.

Sincerely yours,

JOSEPH B. SPROWLS,
Dean.

SOCIAL SECURITY BENEFITS FOR ELDERLY PEOPLE

Mr. DIRKSEN. Mr. President, great interest has been expressed both for and against the so-called Forand bill now pending before the House Ways and Means Committee. Individuals and groups have been active either in support of or opposition to this proposal to utilize the social security insurance principle to provide health and medical benefits for recipients of old-age survivors insurance benefits under the Social Security Act.

I have been quite interested in a special program developed by the Illinois State Medical Society to provide benefits for people over 65. It is an all-inclusive program and I believe what it offers by way of benefits, medical care, and professional services and what the cost would be would certainly be of interest to all persons who are dealing with this matter.

I, therefore, ask unanimous consent to have this proposal by the Illinois State Medical Society included in the RECORD as a part of my remarks.

There being no objection, the proposal was ordered to be printed in the RECORD, as follows:

ILLINOIS STATE MEDICAL SOCIETY,
Chicago, Ill., March 11, 1960.

Re Forand bill.
Hon. EVERETT MCKINLEY DIRKSEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DIRKSEN: As you are aware, we have been very much concerned with the difficulties of our older citizens to provide for their health needs at a time of life when their income is decreasing and their medical needs are increasing. The medical profession has been studying this problem and working on solutions offering a cheap and realistic answer.

We are happy to inform you that on February 25, 1960, the Illinois State Medical Society announced a low-cost voluntary insurance program for persons over 65, to be administered by Blue Shield. This program will cost about $1.65 a month per person. Its benefits include allowances for surgical and inhospital medical care and certain diagnostic procedures. Preexisting conditions are covered after 180 days of membership and no physical examination is required.

The officers of the society anticipate that the majority of doctors will accept the scheduled allowances as payment in full for those with limited assets and with incomes of less than $2,000 per person or $3,000 per couple.

This is just one program of the Illinois State Medical Society which is evolving under our free enterprise system to meet the needs of our people as they arise. No controls are imposed on anyone and no tax moneys are required.

An accompanying low-cost hospitalization program for those over 65 is expected to be made available by Blue Cross within the very near future. We hope that you will bear these developments in mind when evaluating legislative proposals which purport to deal with this particular problem.

Very truly yours,

JOSEPH T. O'NEILL, M.D.,
President.

FACT SHEET RE ILLINOIS STATE MEDICAL SOCIETY'S MEDICAL CARE INSURANCE PLAN FOR PEOPLE OVER 65

THE BACKGROUND

Following recommendations of the American Medical Association and a directive from the house of delegates of the Illinois Medical Society this new program has been developed by the society.

THE PURPOSE

This program is designed to make it possible for the person over 65, who has to go to the hospital for an operation or inhospital medical care, to have a practical plan to help him pay the physician's bill.

Growing life expectancy has resulted in over 900,000 people in Illinois now being in the over-65 age group. In George Washington's time, the lifespan was a mere 35 years. In Lincoln's day, it was 38 years, and today, it is 70.2 years and still rising rapidly.

THE NEED

Many of these people over 65 are living on social security or on small pensions. A large number of them have no medical plan and find it difficult to finance surgical and inhospital medical care. To help them finance such care, the voluntary way, this program has been developed.

THE SCOPE

This program will provide benefits for the over-65 subscriber who has to go to the hospital for an operation. A schedule of maximum allowances has been developed which provides allowances according to the type of operation. And the subscriber may receive benefits up to a maximum of $200 in a 90-day period for surgery performed in a hospital.

The plan also will provide 30 days of inhospital medical care benefits for those who do not require an operation but do need medical care in a hospital.

SPECIAL FEATURES

Preexisting conditions are covered after 180 days of membership. People can get benefits over and over again for the same condition. For example, a subscriber may receive benefits for a number of cancer operations or he may receive 30 days of inhospital medical care benefits over and over again for a heart ailment, any time he has been out of the hospital for 90 days.

BENEFITS THIS PROGRAM WILL OFFER

Surgical benefits vary from $5 for lancing a small abscess to $200 for a gastrectomy (removal of stomach.)

Allowances are provided for surgical services for correction of fractures or complete dislocations.

A maximum of $200 in surgical allowances may be provided in a 90-day period.

General medical care in a hospital

Inhospital medical care will be covered to the extent that when a patient is hospitalized for 3 or more consecutive days of bed care, the plan will pay the physician $5 for each of the first five daily visits and $3 for each of the next 25 daily visits * * * for a maximum of 30 daily visits.

If subscriber is discharged from the hospital and 90 days separate date of discharge and readmission, he may receive allowances for another 30 daily visits of his physician.

Other professional services

Schedule of allowances

Diagnostic X-ray service: A maximum of $50 per illness or accident.

Radiation therapy: A maximum per calendar year of $150 for treatment of malignant conditions with X-ray, radium, radon, and radioactive isotopes and $50 for superficial malignancy.

Clinical and surgical pathology: A maximum of $50 per accident or illness.

Anesthesia: a maximum of from $10 to $35 per procedure to the anesthesiologist.

Shock therapy: A $10 allowance per electric shock treatment, $3 per insulin shock treatment, with a maximum of $50 per calendar year for a series of each type of treatment.

Examples of maximum surgical allowances

Abdomen:	
Appendectomy	$100
Removal of gall bladder	125
Brain: Removal of brain tumor	200
Breast:	
Removal of breast, nonmalignant, one side	50
Removal of breast for malignancy	125
Chest:	
Exploration of chest cavity	100
Removal of lung	200
Fractures:	
Ankle, bimalleolar; including Potts	75
Phalanx, one finger or thumb, simple	15

Examples of maximum surgical allowances—Continued

Dislocations:	
Knee (tibia) simple	$75
Shoulder (Humerus) simple	50
Cardiovascular: Ligation and division of saphenous vein of leg	50
Genitourinary tract:	
Removal of kidney	150
Prostatectomy, transurethral resection	125
Hernia:	
Hernia repair, one side	75
Recurrent	100
Infections:	
Drainage of furuncle	5
Drainage of carbuncle	25
Gynecology: Removal of uterus (total)	125
Paracentesis, tapping:	
Abdominal drainage	15
Chest drainage	10
Rectum:	
Removal of anus, rectum, and lower colon one or two stages	200
Hemorrhoidectomy, internal	50

The Blue Shield plan of Illinois Medical Service has been requested and has agreed to cooperate with the Illinois State Medical Society in underwriting and offering this program to the public in the near future.

CIVIL RIGHTS LEGISLATION

Mr. RUSSELL. Mr. President, for the past several weeks those of us who belong to the embattled band called southern Senators have been undertaking to bring to the country the full facts about the provisions of the so-called civil rights legislation now before the Senate.

In that effort we have met with many frustrations. There has been a peculiar reluctance on the part of some elements of the press and other news media to report the sound, logical, and unanswerable arguments which my colleagues have presented hour after hour on this floor.

I am happy to report today that not all ears have been deaf to our arguments; not all eyes have been closed to the truth; not all minds have been locked against reason.

I hold in my hand two newspaper items, appearing in two different newspapers in different sections of the Nation—both outside the South—which indicate that the long hours we have spent here have not all been in vain.

One of these items is an article entitled "Civil Rights Fate Uncertain," written by George Todt and published in the Valley Times, of North Hollywood, Calif., on March 7, 1960.

The other is an outstanding editorial entitled "Guard All Civil Rights," published in the Indianapolis Star of March 7, 1960. Both of these items shed an interesting light on the question now before the Senate, and I ask unanimous consent that they be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the North Hollywood (Calif.) Valley Times, Mar. 7, 1960]

CIVIL RIGHTS FATE UNCERTAIN

(By George Todt)

"I have but one lamp by which my feet are guided, and that is the lamp of experience."—Patrick Henry.

What will be the result of the extended debate—some call it filibuster—which a determined minority of southern Senators have launched over the past 10 days in connection with the controversial civil rights bill?

Will it eventually succeed in winning some degree of moderation, of compromise, in the measure which—as it now stands—calls for "immediate, total integration" without delay?

Most responsible blacks and whites in the South do not believe that this is the correct answer. They think that "make haste slowly" is a wise adage to follow in this instance. It may come as somewhat of a surprise to many outside Dixie, but the truth is that the overwhelming majority of southern Negroes, themselves, don't want to be mixed into the white cultural pattern.

Completely overlooked is the fact that the Negro has developed himself more in the South—with the generous help of his white friends there—than anywhere else on earth, including Africa.

To go a step further, it is entirely possible that the Negro in the South has been happier, taken by and large, than he has been anywhere else he has been found in large numbers.

Curiously enough, there is no mention in many segments of the communications media of the United States of the great outpourings of love and affection which the white Southerners have lavished on their brothers of darker hue in times past.

Certainly, it hasn't always been a bed of roses. But when we look at the big picture it is well to view the overall effect instead of the pinpricks. And what do we see? Simply this: Millions of Negro citizens who have been helped upward faster in the South than elsewhere in the world. Their climb has been spectacular.

We must remember that up to 100 years ago, the black man was only a short step removed from the savage jungle of Africa. This was a land where, below the Sahara Desert, no civilization worthy of the name had flourished in historical times. There was no backlog of culture extending back thousands of years as in the case of the Mediterranean basin, of Europe and of Asia.

Look at the American Negro today, especially in the South. There millions of his race are congregated in conditions which reflect tremendous improvements over the past in his climb up the ladder of civilization—which takes time for all of us.

When observed against the backdrop of time and history, the development of the Negro in America has been breathtaking and highly admirable in nearly all respects. What he can be proudest of is the remarkable rate of progress he has exhibited—from humblest beginnings only a century or more ago to the significant place he is taking in the American way of life today. What other race has done more?

Let's give credit where it is due. Instead of berating the southern whites because they may not have done more, I think we can all afford to be grateful for what they have already done. Think of the financial load they have carried. They have given generously of themselves for the subsequent welfare of the black human cargo suddenly liberated from slavery in the days of Abraham Lincoln. Not only in taxes, but in friendship.

Rome wasn't built in a day and the path of the black and white relationships in the South won't be solved overnight, either.

When the ultimate brand of correct relationships are finally worked out—whatever this will be—it must come spontaneously from the human heart, not enforced legislation rammed down the human throat.

Let us hope that racial love instead of hatred will prevail here.

[From the Indianapolis Star, Mar. 7, 1960]

GUARD ALL CIVIL RIGHTS

The Supreme Court has upheld the 1957 Civil Rights Act. For the first time the Attorney General now has a clear "go" sign to use this new legislation. It empowers him to seek remedy through the courts on behalf of Negro citizens who charge that their right to vote is being denied in violation of the 15th amendment.

In view of the fact that only now does it begin to be possible to learn by practice the effectiveness of the 1957 act, it is unseemly haste to be trying to put through another civil rights act, aimed at the same objective.

What is being proposed now, in various forms, is that where there is a finding that Negroes are being denied their voting rights the Federal Government would move in and take over the election machinery. This would destroy a principle which has been paramount since the Constitution was written—the principle that the conduct of elections is a State function and that the individual State has the right and the responsibility to determine and apply the qualifications for voting. The scope of this right has been limited by the 15th and 19th amendments, but the responsibility has been left with the States, where the Constitution places it.

The 1957 act gave to the Attorney General broad new powers to initiate court action to enforce the 15th amendment. And it also made a fresh departure from the traditional relationship of the Federal Government to the States by empowering the Attorney General to move directly against individual election officials, rather than against State laws and institutions.

The action now being proposed in Congress would go much further along this line of departure. It would empower Federal agents to elbow State or local officials aside, taking over their legal functions. We don't see how this procedure could seriously be regarded as anything but a violation of the Constitution. The precedent for such action—the carpetbagging of the Reconstruction era—makes a very poor recommendation for trying it again.

We believe wholeheartedly in the spirit and purpose of the 15th amendment. The Negro absolutely is and should be entitled to the same right to vote, under the same conditions, as any other citizen. We think that every State ought to accept and support this principle, and that none should stoop to devious devices for denying the equality of the vote.

We believe also in the rest of the Constitution, and particularly in the structure of it which rests on a precise relationship between the Federal Union and the sovereign States. The establishment in fact of the equal right to vote, in those States or localities where it still is denied, should go forward. But it should be carried forward in strict, painstaking adherence to the basic principles of the Constitution. There is no profit in upholding one part of the Constitution if another part is destroyed in the process.

OWNERSHIP OF THE AIR

Mr. McGEE. Mr. President, during the past few months we have witnessed with deep concern the exposure of fraud, including payola, and other developments in the broadcasting industry, culminating more recently in the resignation of the Chairman of the Federal Communications Commission, because of some questionable conduct.

All this brings to mind the state of the communications industry in this country and the importance of someone somewhere having a searching look into its fundamental premise, its basis for operation, and its service to the people as a whole.

I have encountered a tract which sheds a little information on such a discussion. We ought to put all of it before us that is possible, without any consideration as to which side or which point of view is represented, or what end is being sought.

In this particular tract there is quoted an interesting statement made on February 27, 1922, which I should like to read at this time:

> It is therefore primarily a question of broadcasting, and it becomes of primary public interest to say who is to do the broadcasting, under what circumstances, and with what type of material. It is inconceivable that we should allow so great a possibility for service to be drowned in advertising chatter.

That statement was made on February 27, 1922, by the then Secretary of Commerce, Mr. Herbert Hoover.

Mr. Hoover goes on to say, in this same particular declaration:

> We hear a great deal about the freedom of the air, but there are two parties to freedom of the air, and to freedom of speech, for that matter.
>
> The ether is a public medium, and its use must be for public benefit.

There is freedom for those who broadcast, and there is freedom for those who listen. There has been a tendency to forget the freedom which we call the public interest, and to forget the rights of the public.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Ownership of the Air," written by George E. Sokolsky and published in the Washington Post of recent date.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

OWNERSHIP OF THE AIR

(By George E. Sokolsky)

Radio and television, as presently organized in the United States, owe their existence to Herbert Hoover when he was Secretary of Commerce. Experimental stations had been established by the Westinghouse Electric & Manufacturing Co. at Pittsburgh and the General Electric Co. at Schenectady. There were about 50,000 poorly developed receiving sets in this country at the time that Herbert Hoover entered the Department of Commerce. The crystal set with earphones intrigued youngsters and many sets were homemade. It was not long before there were 320 radio stations in the country and the number was swiftly increasing. They were unlicensed, unregulated, and their interference with each other turned the air into a Tower of Babel.

The Secretary of Commerce was authorized by law to regulate radio which was still mainly a ship-to-shore telegraph system. The first national conference of those engaged in this industry was called by Secretary of Commerce Herbert Hoover on February 27, 1922. On that occasion, Hoover said:

"We have witnessed in the last 4 or 5 months one of the most astounding things that have come under my observation of American life. This Department estimates that today over 600,000 persons (one estimate being 1 million) possess receiving sets, whereas there were fewer than 50,000 such sets a year ago. We are indeed today upon the threshold of a new means of widespread communication of intelligence that has the most profound importance from the point of view of public education and public welfare. The comparative cheapness * * * of receiving sets * * * bids fair to make them almost universal in the American home.

Further, he said:

"It is therefore primarily a question of broadcasting, and it becomes of primary public interest to say who is to do the broadcasting, under what circumstances, and with what type of material. It is inconceivable that we should allow so great a possibility for service to be drowned in advertising chatter."

Subsequent conferences were called annually and the industry cooperating with the Department of Commerce devised a system of private ownership under public control. In February 1927, Congress passed an act which finally established the public ownership and regulation of the wave channels. These wave channels are now the property of the Government of the United States, licensed to private companies for operation under specific conditions.

To clarify the position of the Government, Secretary of Commerce Hoover said on March 10, 1924:

"I can state emphatically that it would be most unfortunate for the people of this country, to whom broadcasting has become an important incident of life, if its control should come into the hands of any single corporation, individual, or combination.

"It would be in principle the same as though the entire press of the country were so controlled. The effect would be identical whether this control arose under a patent monopoly or under any form of combination or over a wave channel."

While Hoover, in establishing the system which is in operation today, was opposed to censorship and never included such a possibility in any control measure, he did say on November 9, 1925:

"We hear a great deal about the freedom of the air, but there are two parties to freedom of the air, and to freedom of speech for that matter. There is the speechmaker and the listener."

And,

"The ether is a public medium, and its use must be for public benefit. The use of a radio channel is justified only if there is public benefit. The dominant element for consideration in the radio field is, and always will be, the great body of the listening public."

The first Commission to regulate radio was appointed by President Coolidge on the recommendation of Hoover. None of them was a politician. The public interest in radio, the public right in radio and television has never been abandoned. It exists today and the instrument for enforcing the public right is the FCC. When a cheap, vulgar exhibitionist uses the television to establish that he is entitled to speak outrageous language and foul descriptions on television, he is violating the public right and he should be put off the air. This is not censorship; it is a declaration of ownership. It is not a question of libel or slander; it is a question of decency and good taste.

CIVIL RIGHTS SKIRMISHING

Mr. KEATING. Mr. President, there is ever-increasing evidence of a concerted effort to reduce the administration's civil rights package to a voting rights measure. On Friday we witnessed the execution of a masterful and successful one-two punch which knocked

out the obstruction of justice section of the Dirksen amendments. Now we are beginning to read reports that everything but the voting section of the Dirksen amendments is merely a fringe benefit on which we should not be wasting our strength.

Mr. President, I do not subscribe to this view. I believe every section of the Dirksen amendment is of critical importance. I believe we will not be meeting the problems in this field with effectiveness if we ignore any of these other provisions. I do not know of others, but I shall gladly devote my strength, my time, and my determination to trying to save from destruction as much of the civil rights package as can possibly be salvaged.

Of course, I recognize the prime importance of protecting the right to vote. I know that such action is the key to long-range improvement in the second-class status of the political rights of many Americans today. The franchise is the birthright of every qualified American—the essential ingredient of any democracy—the best means of self-protection against oppression of any group.

But protecting the right to vote will not protect children from being molested by diehard segregationists when these children attempt to enter desegregated schools.

It will not protect churches and schools and homes from destruction by the hate bombers. It will not allow the Federal Government to do its part in implementing the constitutional guarantee of equal protection of the laws. It will not allow arrangements to be made to educate the children of our Armed Forces personnel in areas in which the public schools have been closed in defiance of the law of the land. It will not allow the Federal Government to avoid subsidizing discrimination in employment under Government contracts. All these things and more should be done if we are to be true to our responsibilities.

There is admittedly some basis for pessimism, but I refuse at this stage to fall prey to any defeatist psychology. We have lost ground in the early skirmishes but the fight is still on. Those of us interested in this cause can still obtain an effective bill if we reject the counsel of defeatism and redouble our efforts to achieve our righteous objectives.

DRIVE OPENED TO SPUR U.S. EXPORTS

Mr. KEATING. Mr. President, the New York Times yesterday ran an article discussing this Nation's recently initiated efforts to increase exports and in this way to come to grips with our growing balance-of-payments dilemma.

It is widely recognized, Mr. President, that the $4 billion deficit in America's balance of payments last year dramatized the need for action on all possible fronts to alleviate this condition. The continuation of our balance-of-payments deficit at the present rate would almost certainly lead to serious domestic and international economic consequences. One of the most direct and logical ways to deal with this deficit is to increase America's exports. For this reason, I am greatly pleased to call attention today to the administration's plans to improve the information and financing services available to American exporters as a means of increasing the amount of U.S. goods shipped overseas. I commend the administration for these efforts and ask unanimous consent that the article from the New York Times to which I have referred be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 13, 1960]

UNITED STATES OPENS DRIVE TO SPUR EXPORTS—PUTS HARD-SELL STIMULATION PROGRAM INTO EFFECT—DELAYS ANNOUNCEMENT

WASHINGTON, March 12.—The Government is putting a hard-sell export stimulation program into effect without waiting to announce it.

The plan was prompted by the big deficits over the last 2 years in the U.S. balance of international payments—$3,500 million in 1958 and an estimated total of $3,700 million in 1959. To help correct the deficit, the Government has developed a package of aids to the sale of American goods abroad.

None of the aids are new, but all are getting new emphasis. In the final analysis, much will depend on the efforts of businessmen themselves.

The balance of payments is the difference between total payments to foreigners and total receipts from foreigners.

FILIBUSTER DELAYED HEARING

A payments deficit results when the citizens, businesses, and Government of the United States spend, lend, and invest more dollars abroad than foreigners spend, lend, and invest here. The dollars spent for imports, and the dollars received from sale of exports, are the biggest parts of the payments out and in.

The administration is counting on cutting the deficit by substantially increased export sales rather than by protective restrictions on imports or cuts in foreign aid.

Plans were made to dramatize the export push by having President Eisenhower announce the package of plans on the eve of next week's Senate hearings on international trade. The civil rights filibuster forced postponement of the hearings to late April, and the planned White House announcement has been delayed. Parts of the package that need no announcement are proceeding on schedule.

The State Department, for instance, has directed its foreign outposts to make positive efforts to find untapped markets for American products and flash the word home. The Commerce Department is already expanding its publication of the information it receives about the American goods and services that foreigners are looking for.

It is also revising its international trade fair program to permit participating American businessmen to make sales efforts at U.S. exhibits in other countries' fairs. In the past the practice has been to let official representatives distribute general information.

BANK GUARANTEE SET

The most eye-catching feature of the export program awaits announcement. The Export-Import Bank has long had authority to put its guarantee behind American bank loans to foreign buyers of American consumer goods. But it has never used it and never thought it would be an effective stimulus to American sales. The Bank will soon offer to do so, on a limited basis.

Current plans are for the Bank to offer guarantees of the so-called political risk of short-term and intermediate-term loans. This risk is that the foreign buyer's government will cancel his import license, or forbid dollar payment, or expropriate the goods, or that war will break out.

The guarantee would be effective only for such disruptions if they occur after the goods have been shipped. The bank may also adopt a more liberal attitude toward sharing in the actual lending of intermediate-term funds—loans in the range of 1 year to 5 years.

Other industrial countries offer broader guarantees than are being planned here, and a New York group is working on a broader American plan that would be privately financed. The British Government's guarantees, for instance, cover the political risk and the greater part of the commercial risk—the chance that the foreign buyer goes bankrupt—starting when the price is first made rather than just from the time the goods are shipped.

CORPORATION PROPOSED

Francis X. Scarfuro, a vice president of the Bank of America, is working under the sponsorship of the New York Board of Trade to establish an American export credit guarantee corporation to guarantee all types of export risks. The proposed corporation would have a Federal charter and limited authority to borrow from the U.S. Treasury if it were swamped with political-risk claims.

The idea was discussed with Federal officials while they were studying alternative guarantee plans. Mr. Scarfuro is lining up corporation support and will present his plan at the Senate hearings next week.

The idea behind a guarantee is that, for a fee, it relieves the American lender of the risk that the foreign borrower will not pay, thus making the American lender more willing to lend. If a foreign buyer had to borrow at home at higher interest rates he simply might not buy the American product, but turn instead to another country that might offer less expensive financing.

The U.S. plan to offer political-risk guarantees will be more than it offers now, but less than other exporting countries' of political-and-commercial guarantees.

Mr. KEATING. Mr. President, at the same time that we work to increase exports, I and a number of my colleagues feel that efforts should be made to revise and update our trade agreements legislation in accordance with the changed international economic conditions which now confront the United States and all of the nations of the world. I have introduced a bill in this area—S. 2882—which I feel would supplement our existing trade legislation and would permit us to strike a better and truer balance between America's domestic and international economic policies. I believe that moderate and sensible revisions along the lines of this proposal are presently required.

Mr. President, I want to make it clear at this point that while a Member of the Congress I have always supported our reciprocal trade policies and programs encompassed in the Trade Agreements Act. S. 2882 is intended to supplement and adjust those provisions of the Trade Agreements Act which provide measures of relief to American workers and industries injured as a consequence of an influx of imports in certain American markets.

Mr. President, to sum up, I want to commend the administration for its efforts to increase exports. Such action is definitely needed. At the same time, I feel that both Congress and the administration should carefully study other proposals and other areas in which it is necessary that we, as well as the other nations of the free world, adjust to the international economic conditions of the 1960's.

THE LANGUAGE IN THE DIRKSEN SUBSTITUTE RELATING TO SCHOOL DECISIONS OF THE SUPREME COURT

Mr. STENNIS. Mr. President, I shall discuss briefly the language of the Dirksen substitute relating to school decisions of the Supreme Court. The language to which I refer is found on page 6, in section 4(a)(1), lines 9 through 24. Besides being unlawyerlike, it contradicts itself.

Mr. President, I ask unanimous consent that that language of the Dirksen substitute be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SEC. 4. (a)(1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with serious financial and educational problems in making the necessary adjustments in their existing school systems.

Mr. STENNIS. Mr. President, first it admits that the Supreme Court had interpreted the Constitution to uphold the separate but equal doctrine; second, it states that the Supreme Court in its ruling of May 17, 1954, ruled segregated institutions inherently unequal; third, and here is the fallacy: It states that the "Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land"; and, therefore, State and local government must comply.

This paragraph is self-contradictory: If a Supreme Court ruling is the "supreme law of the land," then the Supreme Court case of Plessy against Ferguson is still the law. The Constitution gives the Court no authority to change laws. That is a legislative function—and belongs to Congress.

It can also be changed by constitutional amendment, but that has not been done.

It follows, then, that the school decisions are not the supreme law. They have the force of law in the affected cases, and are the law of the case.

The Supreme Court has overruled itself many times. That is a practice, having nothing to do with civil rights or schools either, that makes the Supreme Court subject to criticism from outstanding lawyers.

During the first 143 years of our country's history, the Supreme Court overruled itself specifically only 29 times. From 1932 to 1957, it overruled itself in 37 cases. I had a list of these cases included in the CONGRESSIONAL RECORD, volume 103, part 3, pages 2935–2936.

Mr. President, I ask unanimous consent that the list as of that date be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OVERRULING CASE	OVERRULED CASE
1789–1932	
1. *Hudson* v. *Guestier* ((1810), 6 Cr. 281, 285).	*Rose* v. *Himley* ((1808), 4 Cr. 241).
2. *Gordon* v. *Ogden* ((1180), 3 Pet. 33, 34).	
3. *Louisville Railroad Co.* v. *Letson* ((1845), 2 How. 497, 554–556).	*Wilson* v. *Daniel* ((1798), 3 Dall. 401). *Commercial and Railroad Bank* v. *Slocomb* ((1840), 4 Pet. 60); and qualifying *Bank of the U.S.* v. *Deveau* ((1809), 5 Cr. 61).
4. *The Genessee Chief* ((1851), 12 How. 433, 456).	*The Thomas Jefferson* ((1825), 10 Wheat. 428); *The Orleans* v. *Phoebus* ((1837), 11 Pet. 175).
5. *Gazzam* v. *Phillip's Lessee* (20 How. 372, 377–378 (1858)).	*Brown's Lessee* v. *Clements* ((1845), 3 How. 650).
6. *Mason* v. *Eldred* ((1868), 6 Wall. 231, 238).	*Sheehy* v. *Mandeville* ((1810), 6 Cr. 253).
7. *The Belfast* ((1869), 7 Wall. 624, 641).	(In part) *Allen* v. *Newberry* ((1858), 21 How. 544).
8. *Legal Tender Cases* ((1871), 12 Wall. 457, 553).	*Hepburn* v. *Griswold* ((1870), 18 Wall. 603).
9. *Hornbuckle* v. *Toombs* ((1874), 18 Wall. 648, 652–653).	*Orchard* v. *Hughes* ((1864), 1 Wall. 73, 77), *Noonan* v. *Lee* ((1863), 2 Bl. 499). *Dunphy* v. *Kleinsmith* ((1871), 11 Wall. 610).
10. *U.S.* v. *Phelps* (1883), 107 U.S. 320, 323).	*Shelton* v. *The Collector* ((1867), 5 Wall. 113, 118).
11. *Kountze* v. *Omaha Hotel Co.* ((1883), 107 U.S. 378, 387).	*Stafford* v. *Union Bank of Louisiana* ((1853), 16 How. 135).
12. *Morgan* v. *U.S.* ((1885), 113 U.S. 476, 496).	*Texas* v. *White* ((1869), 17 Wall. 700).
13. *Leloup* v. *Port of Mobile* ((1888), 127 U.S. 640, 647).	*Osborne* v. *Mobile* ((1873), 16 Wall. 479).
14. *Leisy* v. *Hardin* ((1890), 135 U.S. 100, 118).	
15. *Roberts* v. *Lewis* ((1894) 153 U.S. 367, 377).	
16. *Pollock* v. *Farmers' Loan and Trust Co.* ((1895) 158 U.S. 601).	
17. *Brenham* v. *German American Bank* ((1892) 144 U.S. 173, 187).	
18. *Garland* v. *Washington* ((1914) 232 U.S. 642, 646).	
19. *U.S.* v. *Nice* ((1916) 241 U.S. 591, 601).	
20. *Pennsylvania Railroad Co* v. *Towers* ((1917) 245 U.S. 6, 17).	
21. *Rosen* v. *U.S.* ((1918) 245 U.S. 467, 470).	
22. *Boston Store* v. *American Graphone Co.* ((1918) 246 U.S. 8, 25; and *Motion Picture Co.* v. *Universal Plan Co.* ((1917) 243 U.S. 502, 518).	
23. *Terral* v. *Burke Construction Co.* ((1922) 251 U.S. 529, 533).	
24. *Alpha Cement Co.* v. *Massachusetts* ((1925) 268 U.S. 203, 218).	
25. *Lee* v. *Chesapeake and Ohio Ry.* ((1923) 260 U.S. 653, 659).	
26. *Gleason* v. *Seaboard Air Line Ry. Co.* ((1929) 278 U.S. 349, 357).	
27. *Farmers Loan Co.* v. *Minnesota* ((1930) 280 U.S. 204, 209).	
28. *East Ohio Gas Co.* v. *Tax Commission* ((1931) 283 U.S. 465, 472).	
29. *Chicago and E. I. R. Co.* v. *Commission* ((1932) 284 U.S. 296).	
1933–56	
30. *West Coast Hotel Co.* v. *Parrish* ((1937) 300 U.S. 379).	
31. *Helvering* v. *Producers Corp.* ((1938) 303 U.S. 376).	
32. *Erie R. Co.* v. *Tompkins* ((1938) 304 U.S. 64).	
33. *Graves* v. *N.Y. ex rel. O'Keefe* ((1939) 306 U.S. 466).	
34. *O'Malley* v *Woodrough* ((1939) 307 U.S. 277).	
35. *Madden* v. *Kentucky* ((1940) 309 U.S. 83).	
36. *Helvering* v. *Hallock* ((1940) 309 U.S. 106).	
37. *Tigner* v. *Texas* ((1940) 310 U.S. 141).	
38. *U.S.* v. *Darby* ((1941) 312 U.S. 592).	
39. *U.S.* v. *Chicago, M., & St. P. R. Co.* ((1941) 312 U.S. 592).	
40. *Nye* v. *U.S.* ((1941) 313 U.S. 33).	
41. *California* v. *Thompson* ((1941) 313 U.S. 109).	
42. *Olson* v. *Nebraska* ((1941) 313 U.S. 236).	
43. *Alabama* v. *King and Boozer* ((1941) 314 U.S. 1).	
44. *State Tax Comm'n* v. *Aldrich* ((1942) 316 U.S. 174).	
45. *Williams* v. *North Carolina* ((1942) 317 U.S. 287).	
46. *Brady* v. *Roosevelt S.S. Co.* ((1943) 317 U.S. 575).	
47. *Jones* v. *Opelika* ((1943) 319 U.S. 103).	
48. *Oklahoma Tax Comm'n* v. *U.S.* ((1943) 319 U.S. 598).	

OVERRULED CASE—Continued	OVERRULING CASE—Continued 1933–56—continued	OVERRULED CASE—Continued
Pierce v. *New Hampshire* ((1847), 5 How. 504).	49. *Board of Education* v. *Barnette* ((1943) 319 U.S. 624).	*Minersville School Dist.* v. *Gobitis* ((1940) 310 U.S. 586).
Giles v. *Little* ((1881) 104 U.S. 291).	50. *Federal Power Comm'n* v. *Hope Gas Co.* ((1944), 320 U.S. 591).	(In part) *United Railways* v. *West* ((1930), 280 U.S. 234).
Hylton v. *U.S.* ((1796) 3 Dall. 171).	51. *Mercoid Corp.* v. *Midcontinent Co.* ((1944), 320 U.S. 661).	*Leeds and Catlin Co.* v. *Victor Talking Machine Co.* (No. 2) ((1909), 218 U.S. 325; limited).
Rogers v. *Burlington* ((1886) 3 Wall. 654).	52. *Mehuich* v. *Southern S.S. Co.* ((1944), 321 U.S. 96).	(In part) *Plemals* v. *Pinardel Rio* ((1928), 277 U.S. 151).
Mitchell v. *Burlington* ((1867) 4 Wall., 270).	53. *Smith* v. *Allwright* ((1944), 321 U.S. 649).	*Grovey* v. *Townsend* ((1935), 295 U.S. 45).
Crain v. *U.S.* ((1896) 162 U.S. 625).	54. *U.S.* v. *Underwriters' Ass'n.* ((1944), 322 U.S. 533).	(In part) *Paul* v. *Virginia* ((1869), 5 Wall. 168).
Matter of Heff ((1905) 197 U.S. 488).	55. *Girouard* v. *U.S.* ((1946), 328 U.S. 61).	*U.S.* v. *Schwimmer* ((1929), 279 U.S. 644);
(In part) *Lake Shore Railway Co.* v. *Smith* ((1899) 173 U.S. 684).		*U.S.* v. *McIntosh* ((1931), 283 U.S. 605);
U.S. v. *Reed* ((1851) 12 How. 361).	56. *Angel* v. *Burlington* ((1947), 330 U.S. 183).	*U.S.* v. *Bland* ((1931) 283 U.S. 636).
Henry v. *A. B. Dick Co.* ((1912) 224 U.S. 1).		*Lupton's Sons Co.* v. *Automobile Club* ((1912), 225 U.S. 489), (rendered obsolete by prior change in law);
Doyle Continental Insurance Co.	57. *Sherrer* v. *Sherrer* ((1948), 334 U.S. 343).	(In part) *Andrews* v. *Andrews* ((1903), 188 U.S. 14).
Security Mutual Life Insurance Co. v. *Prewitt* ((1906) 202 U.S. 246).	58. *Lincoln Union* v. *Northwestern* ((1949), 335 U.S. 525).	*Adair* v. *U.S.* ((1908), 208 U.S. 161);
Baltic Mining Co. v. *Massachusetts* ((1914) 231 U.S. 68).	59. *Commissioner* v. *Church* ((1949), 335 U.S. 632).	*Coppage* v. *Kansas* ((1915), 236 U.S. 1.
Ex Parte Wisner ((1906) 203 U.S. 449); and qualifying: *In Re Moore* ((1908) 209 U.S. 490).	60. *Oklahoma Tax Commission* v. *Texas Co.* ((1949), 336 U.S. 342).	*May* v. *Heiner* ((1930), 281 U.S. 238).
(In part) *Friedlander* v. *Texas and Pacific Ry. Co.* ((1889) 130 U.S. 416).		*Choctaw and Gulf R. Co.* v. *Harrison* ((1914), 235 U.S. 292).
Blackstone v. *Miller* ((1903) 188 U.S. 189).		*Indian Oil Co.* v. *Oklahoma* ((1916), 240 U.S. 522).
Pennsylvania Gas Co. v. *Public Service Commission* ((1920) 252 U.S. 23).	61. *U.S.* v. *Rabinowitz* ((1950), 339 U.S. 56, 66, 85).	*Howard* v. *Gypsy Oil Co.* ((1918), 247 U.S. 503).
Erie R. R. Co. v. *Collins* ((1920) 253 U.S. 77); *Erie R. R. Co.* v. *Szary* ((1920) 253 U.S. 86).	62. *Joseph Burstyn, Inc.* v. *Wilson* ((1952), 343 U.S. 495, 502).	*Large Oil Co.* v. *Howard* ((1919), 248 U.S. 549).
Adkins v. *Children's Hospital* ((1923) 261 U.S. 525).	63. *Stein* v. *New York* ((1953), 346 U.S. 156, 190–191n.35, 198, 200–201, 206–208).	*Oklahoma* v. *Barnsdall Corp.* ((1936), 296 U.S. 521).
Gillespie v. *Oklahoma* ((1922) 257 U.S. 501);		*Trupiano* v. *U.S.* ((1948), 334 U.S. 669).
Burnett v. *Coronade Oil and Gas Co.* ((1932) 255 U.S. 393).		*Mutual Film Corp.* v. *Ohio Industrial Commission* ((1915), 236 U.S. 230).
Swift v. *Tyson* ((1842) 16 Pet. 1).		*Bram* v. *U.S.* ((1897), 168 U.S. 532).
Collector v. *Day* ((1871) 11 Wall. 113).		*Malinski* v. *New York* ((1945), 324 U.S. 401, 404).
N.Y. ex rel. Rogers v. *Graves* ((1937) 299 U.S. 401).		*Stroble* v. *California* ((1952), 343 U.S. 181, 190).
Miles v. *Graham* ((1925) 268 U.S. 501).		*Lyons* v. *Oklahoma* ((1944), 322 U.S. 596–597).
Colgate v. *Harvey* ((1935) 296 U.S. 404).		*Haley* v. *Ohio* ((1948), 322 U.S. 596, 599, 601).
Helvering v. *St. Louis Trust Co.* ((1935) 296 U.S. 39);		*Gallegos* v. *Nebraska* ((1951), 342 U.S. 55, 63).
Becker v. *St. Louis Trust Co.* ((1935) 296 U.S. 48).		*Watts* v. *Indiana* ((1949), 338 U.S. 49).
Connolly v. *Union Sewer Pipe Co.* ((1902) 184 U.S. 540).		*Turner* v. *Pennsylvania* ((1949), 338 U.S. 62).
Hammer v. *Dagenhart* ((1918) 247 U.S. 251);		*Harris* v. *South Carolina* ((1949), 338 U.S. 68).
Carter v *Carter Coal Co.* ((1936) 290 U.S. 238 (limited)).		NOTE.—Only the judges in the dissenting minority advanced the contention that the doctrines of the aforementioned cases had been rejected.
(In part) *U.S.* v. *Lynch* ((1903) 188 U.S. 445).	64. *Kern Limerick Inc.* v. *Scurlock* ((1954), 347 U.S. 110, 124, 126–127).	*Alabama* v. *King and Boozer* ((1941), 314 U.S. 1).
Toledo Newspaper Co. v. *U.S.* ((1918) 247 U.S. 402).		NOTE.—Only the dissenting judges were of the belief that the aforementioned case was overruled.
Di Santo v. *Pennsylvania* ((1927) 273 U.S. 34).	65. *Brown* v. *Board of Education* ((1954), 347 U.S. 483, 491, 494–495).	*Cumming* v. *County Board of Education* ((1899), 175 U.S. 528).
Ribnik v. *McBride* ((1928) 277 U.S. 350).		*Gong Lum* v. *Rice* ((1927), 275 U.S. 178).
Panhandle Oil Co. v. *Knox* ((1928) 277 U.S. 218);	66. *Ryan Co.* v. *Pan-Atlantic Corp.* ((1956), 350 U.S. 124).	*Seas Shipping Co.* v. *Sieracki* ((1946), 328 U.S. 85).
Graves v. *Texas* ((1936) 298 U.S. 393).		NOTE.—The four dissenting judges were of the belief that the aforementioned case "in effect" had been "rejected."
First National Bank v. *Maine* ((1932) 284 U.S. 312).		
Haddock v. *Haddock* ((1906) 201 U.S. 562).		
Fleet Corp v. *Lustgarten* ((1930) 280 U.S. 320).		
Jones v. *Opelika* ((1942) 316 U.S. 584 (reversed on reargument)).		
Childers v. *Beaver* ((1926) 270 U.S. 555).		

Sources: Brandeis, Justice, dissenting in *Burnet* v. *Coronado Oil & Gas Co.* ((1932), 285 U.S. 393, N. 406–409), Emmet E. Wilson, Stare Decisis, Quo Vadis? Geo. L. J. (1945) 33:251, 254 N. 17; 2651, William O. Douglas, Stare Decisis (1949), 49 Col. L. R. 735–743, 756–758.

Mr. STENNIS. Mr. President, furthermore, it has been necessary for Congress to enact remedial legislation to correct erroneous decisions of the Court in many cases. I know of 10 specific instances, and they were included in my remarks in the CONGRESSIONAL RECORD, volume 103, part 2, page 2144.

Mr. President, I point out that if this language is adopted, it will have the effect of freezing the status quo in all types of legal disputes. Is this what the liberals want?

If Congress adopts the theory that any Supreme Court ruling is the "supreme law of the land," it is not limited

to this case nor to segregation cases. "All Supreme Court decisions," Congress would say, "are the supreme law of the land." Does any group want to endorse this principle? Does any group want to freeze, forever, the lawmaking power? Does any group want to abdicate the lawmaking power of Congress and subordinate it to judge-made law?

I think not. I hope that other Senators will seriously consider these points and vote to remove this dangerous language from the bill.

THE MARKET FOR U.S. GOVERNMENT BONDS

Mr. MONRONEY. Mr. President, the New York Times on Sunday, March 13, published a most revealing and interesting story on the market for U.S. Government bonds. The article was written by Mr. Paul Heffernan, one of the Times' experts in the United States and industrial bonds.

He begins this interesting story as follows:

The winter's windfall of bargains in Treasury securities is over. The Santa Claus of the gilt-edge investment world stayed around for a little while after Christmas, but he is now only a memory, and so are the fat investment yields that abounded in that brief period.

Thus in spite of the plaintive demands of this administration for an unlimited interest ceiling on long-term Government securities, we find the U.S. Government securities transformed from the "'Ugly Duckling" of the marketplace into a beautiful swan.

Since I seem to be a master mixer of metaphors, I might point out that the market on common stocks, which up to January seemed to be the goose laying golden eggs for all investors, seems now to be laying concrete bricks.

This performance should have been obvious to almost anyone who noted the extreme difference between the yields of the gilt-edge U.S. Government securities and the general lower level of dividends being paid on common stocks.

The conditions of an ever-rising stockmarket with its attendant tax advantage from capital gains was built upon the Government's own self-created specter of inflation, plus a get-rich-quick feeling of investors who could see no further than an ever-increasing price for the stocks they were buying. Dividends were forgotten as the market plunged on to higher and higher levels.

In some way, some how, the prophets of boom on top of boom and an ever-upward spiral of stockmarket prices have now retreated to the mourners' bench. Every financial page is filled with stories written direct from the crying room and gloom and doom have replaced the ecstatic of more pie in the sky from common stocks.

Thus, the logical reaction is occurring. Stripped of the fast buck from capital gains on price rises in common stocks, the superior yield of gilt-edged securities is now beginning to be more properly evaluated in the market.

Note Mr. Heffernan's lines:

On January 7, an investor wanting a yield of 5 percent or more from Treasury obligations had 21 different issues to choose from.

Today out of a counter stock of 86 different issues of Treasury obligations, there is not one that yields as much as 4½ percent. Only 12 are selling at prices that will return to investors a yield of more than 4.3 percent.

The best obtainable yield is 4.49 percent, that offered by the 2⅝ percent notes due in February 1963 at a bid price of 94 30/32.

Yet the Treasury and this administration are still pushing for an unlimited increase in interest ceilings on long-term Government bonds. This is being done at a time when even the specialists in Government securities are being frightened by the steady advance and are now refusing to sell short.

Under the subhead "Dealers Grow Wary," we read that the same specialists who have been urging a higher and higher interest ceiling are now confessing that the supply of these U.S. bonds, even at the present price, is growing scarce.

The writer of the article continues:

Even without the heady presence of margin speculators, the sharp price rally has left the dealer fraternity breathless. It is customary in professional market making for a dealer, on receiving an order to buy something he hasn't got, to stand ready to sell the wanted issue short if he cannot readily acquire it himself.

Government dealers of late are less willing to take on short-side commitments, even if hedged out by other purchases. Last week most dealers were not only unwilling to sell what they didn't have but were just as unwilling to sell what they had.

Perhaps it would be too much to expect this administration to take advantage of this great improvement in the U.S. Government bond position. Certainly they would be far better advised if they would begin to modernize their sales program so that the general public could take advantage of the market without going through the U.S. security dealer fraternity.

It would be far cheaper, and would enable us to place our securities in the hands of the public directly, if the Government would only modernize the 20-year-old package of E-bonds to pay a level rate of interest after the first year.

It would also be possible to place with the public a large supply of bonds with a maturity just under the 5-year limit at a fixed interest yield within 4 to 4½ percent.

Even if only to test the market, the Treasury should consider a small issue of long-term bonds at the historic statutory ceiling of 4¼ percent, rather than to insist that Congress place its stamp of approval on an unlimited interest ceiling.

If Congress were to yield now, we would look ridiculous. We would in fact be placing the equivalent of a price support under the long-term interest rates of the Nation to guarantee over 20 to 30 years a fantastic yield to investors who took advantage of the Republican sponsored high interest policy.

It is hardly the time for the Government to be acting to "peg" the market at an alltime high of interest costs in favor of the institutional and banking investors.

Already this policy has resulted in adding to the total cost of carrying the public debt by $4 billion per year over 1952. In the past year the interest cost increased by $1,750 million per year. We cannot afford—we should not be expected—to continue for 20 years to pay this wastage of $4 billion dollars a year because of a misguided policy foisted on the people of the United States by this administration.

This added interest burden, if higher rates are pushed through by removing the ceiling, will indeed be placing billions of dollars of unnecessary expense upon our grandchildren as a legacy of the Eisenhower administration.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article entitled "U.S. Bonds Leave Basement Level," written by Paul Heffernan and published in the New York Times of Sunday, March 13, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. BONDS LEAVE BASEMENT LEVEL—BARGAIN DAYS END—MARKET SHIFT LISTS PRICES—YIELDS RECEDE BELOW 4½ PERCENT—BEHAVIOR LIKE STOCKS—WIDE MOVES ARE ASCRIBED TO PROSPECT OF DECLINING DEMAND FOR CAPITAL

(By Paul Heffernan)

The winter's windfall of bargains in Treasury securities is over. The Santa Claus of the gilt-edge investment world stayed around for a little while after Christmas, but he is now only a memory, and so are the fat investment yields that abounded in that brief period.

A sweeping change of mind about the likelihood of the capital markets' being burdened further with the demands of a booming economy has abruptly transformed Wall Street's bond houses from a buyers' to a sellers' market. The effect has been to send bond prices soaring and to depress bond yields on a scale greater than any experienced in more than a year.

On January 7, an investor wanting a yield of 5 percent or more from Treasury obligations had 21 different issues to choose from—13 issues of interest-bearing notes, bonds and certificates of indebtedness, and 8 issues of discount bills.

YIELDS BELOW 4½ PERCENT

Today, out of a counter stock of 86 different issues of Treasury obligations, there is not one that yields as much as 4½ percent. Only 12 are selling at prices that will return to investors a yield of more than 4.3 percent. The best obtainable yield is 4.49 percent, thta offered by the 2⅝ percent notes due in February, 1963, at a bid price of 94 30/32.

Some of the price gains registered by certain Treasury issues in the 60-odd days since early January bear more resemblance to the actions of common stock than to those of basic debt investments. And as for changes in yield percentages, some of the fluctuations of 64 days are wider in extent than those recorded in the past over a whole year.

If an investor had bought on January 7 the 2⅝-percent notes due in February 1965, the price would have been 89 6/32. Yesterday this issue closed at 92 8/32, a rise of 3 2/32.

PRICE CLIMBS SHARPLY

If he had been willing to risk owning a longer-term issue he could have had a profit of more than five points. This would have happened to a buyer of the Victory 2½s due

in December 1972. On January 7 this issue sold at 79 6/32; last Friday the bid price was 85 2/32. Gains on such long-term postwar issues as the 3s of 1995 and the 3½s of 1990 have ranged from 4 24/32 to 4 30/32.

As for yield, anyone buying the 2⅝s of 1965 last Friday would have had to accept an investment return to maturity of 4.38 percent, as compared with one of 5.02 percent if the issue had been bought in January.

A more emphatic instance of the downward shift of yields is visible in the return on discount bills due in 177 days. Last Friday the rate of discount asked for a bill of this term was 3.72 percent, and the yield to the buyer was 3.84 percent. Early in January a bill due in 178 days was selling at a discount basis of 5.04 percent, equaling a yield of 5.25 percent to buyers. The shrinkage amounts to 1.41 percentage points.

For a brief time last January yields up to 5.41 percent were obtainable from Treasury discount bills. This rate applied on January 7 to the bills due October 17. Again it applied on January 13 to a new special issue of bills sold around that time, one due next January.

By contrast, the highest yield obtainable last Friday from any of the Treasury's 32 issues of discount bills was 4.01 percent, that obtainable from the January 15 issue at a discount selling rate of 3.8 percent.

FIVE-PERCENT YIELDS DISAPPEAR

The following tabulation shows what has happened to the yields on investments that, last January, were giving buyers returns of 5 percent or more:

Treasury issue	Yield percentages	
	Jan. 7	Mar. 11
4¾s August 1960	5.07	3.92
4¾s November 1960	5.09	3.87
3⅝s May 1961	5.03	4.12
4s August 1961	5.05	4.05
2¾s September 1961	5.03	4.35
2½s November 1961	5.12	4.42
3⅝s February 1962	5.05	4.13
3¾s November 1962	5.06	4.30
2½s February 1963	5.14	4.49
4s May 1963	5.05	4.36
2½s August 1963	5.12	4.43
3s February 1964	5.03	4.38
2½s February 1965	5.02	4.38

Discount bills	Jan. 7		Mar. 11	
	Discount	Yield	Discount	Yield
Days to run:				
149	4.88	5.06	3.68	3.79
156	4.90	5.09	3.70	3.81
163	5.11	5.32	3.70	3.82
170	4.96	5.16	3.72	3.84
186	4.97	5.19	----------	----------
280	5.11	5.41	----------	----------
216	----------	----------	3.80	3.95
306	----------	----------	3.80	4.01

It is remarkable that this drastic readjustment in bond prices has taken place with a minimum of speculative excess. Although prices have moved up in a manner reminiscent of the winter surge in bond buying early in 1958, the price reappraisal reflects rather the shifting hunches of the professional dealers and their institutional customers than the margin-sparked expectancies of market outsiders.

DEALERS GROW WARY

Even without the heady presence of margin speculators, the sharp price rally has left the dealer fraternity breathless. It is customary in professional market making for a dealer, on receiving an order to buy something he hasn't got, to stand ready to sell the wanted issue short if he cannot readily acquire it himself.

Government dealers of late are less willing to take on short-side commitments, even if hedged out by other purchases. Last week most dealers were not only unwilling to sell what they didn't have, but were just as unwilling to sell what they had.

Much of the price fluctuation in long-term Treasury bonds admittedly represented the shifting bid ideas of dealers, rather than exchanges of securities. At the end of the week the dealers began to wonder if they were falling under the spell of reciprocal hypnosis and carrying the price rise too far. Anyway, they began to trim their bids.

Mr. GRUENING. Mr. President, I desire to associate myself with the remarks of the distinguished Senator from Oklahoma [Mr. MONRONEY]. In these days, when we are so strongly urged to balance the budget, and to fight inflation, it is highly important that the steadily mounting debt, which has grown so great in recent years, be not further accelerated in its growth by higher interest rates on Government securities. It seems to me that that is elementary. I am happy the able junior Senator from Oklahoma has presented the case for holding the line on interest rates so cogently.

MEMORIAL SERVICES FOR THE LATE SENATOR NEUBERGER AT PORTLAND, OREG., AND ONE GREAT NEED TO WHICH HIS UNTIMELY DEATH POINTS

Mr. GRUENING. Mr. President, yesterday, a group of our colleagues, including the majority leader, the Honorable LYNDON B. JOHNSON, as well as Senators E. L. "BOB" BARTLETT, FRANK CHURCH, PAUL DOUGLAS, HENRY DWORSHAK, HENRY JACKSON, GALE MCGEE, WAYNE MORSE, THRUSTON MORTON, RALPH YARBOROUGH, and I, as well as the secretary to the majority, Robert Baker, and members of Senator Neuberger's office staff flew to Portland, Oreg., to take part in the memorial services to our late beloved colleague, Richard L. Neuberger.

Among those who accompanied the senatorial party was Supreme Court Justice William O. Douglas, who along with Senator JOHNSON, Senator DOUGLAS, and myself, was one of the speakers at the memorial services.

We first visited Dick's home, where we were most graciously received by Mrs. Maurine Neuberger and had a chance to meet Dick's parents and sister.

The synagogue where the services were held was crowded to overflowing, with many persons standing in the back and in the aisles, and others unable to get in. But we all welcomed the opportunity, despite the sadness of the occasion, to be able to record in his home city, some measure of the esteem, the respect, and the genuine affection we felt for Dick Neuberger, and to say to his many friends and constituents how much he would be missed in the future and how great and enduring had been his contributions in many fields and his services as a Senator, as a journalist, as well as a friendly and lovable human being.

Last Saturday a very pertinent comment on Dick's death, written by Mike Gorman, was published in the Washington Post. The letter calls attention to the still great need for funds to pursue cancer research. There is little question in my mind that Dick's death, although reported as a cerebral hemorrhage, was a consequence of his cancer, of which he had been reportedly cured. No autopsy was performed, so that we shall not know for certain what the underlying pathological cause of his sudden and unexpected death was. But it is my conviction that a metastasis from his cancer was accountable for this cerebral lesion, and I feel it desirable to emphasize in this connection that while progress has been made in delaying the lethal consequences of cancer, and by early treatment—surgical, radiological, or by medication—of effecting cure in a substantial number of cases diagnosed in time and responsive to therapy, the destruction by what our colleague Matt Neely, himself later a cancer victim, 32 years ago, referred to as "a monster that is more insatiate than the guillotine," still remains with us, and the widely hoped for "breakthrough" against this dread disease is still to be achieved.

I ask unanimous consent that the letter written by Mike Gorman, and published in the Washington Post, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A GALLANT FIGHT YIELDS A LESSON

On May 18, 1928, the late Senator Matt Neely, of West Virginia, stood in the well of the Senate and uttered these prophetic words:

"I propose to speak of a monster that is more insatiate than the guillotine; more irresistible than the mightiest army that ever marched to battle; more terrifying than any other scourge that has ever threatened the existence of the human race. The name of this loathsome, deadly and insatiate monster is cancer. It is older than the human race. Evidence of cancer has been found in the fossile remains of a serpent that is supposed to have lived millions of years ago. Records made on papyri by the ancient Egyptians show that the cancer curse was known in the valley of the Nile more than 2,000 years before the birth of Christ."

For 30 years, Matt Neely continued his battle for a major medical research offensive against cancer. In 1958, he succumbed to the monstrous disease which he had excoriated on the floor of the Senate so many times.

During the past decade, cancer also took the lives of Senators Robert A. Taft, Kenneth Wherry, Arthur Vandenberg, and Brian McMahon. Two of our greatest atomic scientists, Enrico Fermi and John von Neumann, succumbed to it. Last year, Secretary of State Dulles lost a grim battle to it.

And now the bell has tolled for Senator Richard Neuberger, aged 47.

In some strange way Dick Neuberger seemed to know, early in his Senate career, that this monstrous disease was somehow bound up with his own fate. Early in 1956, when I asked him to speak on the floor of the Senate in favor of a doubling of the medical research program of the Veterans' Administration, he told me that he wanted to direct his remarks to the menace of cancer.

From that time on, Dick Neuberger devoted his talented pen to many an article portraying this merciless disease which kills 250,000 Americans every year and costs us $12 billion annually in lost productivity.

But the bloodless actuaries who seem to dominate the present administration never

lift their heads above the point of a pencil. For the coming year, the Eisenhower administration has recommended a cut of $3 million in appropriations for the National Cancer Institute. It has also recommended a cut in the cancer research program of the Veterans' Administration. Furthermore, it has continually opposed the enactment of Senator HILL's "health for peace bill" which would, among other things, launch a worldwide research offensive against cancer, a disease which kills 2 million people in all parts of the world every year.

What price, then, the life of Dick Neuberger? What price, then, the lives of 25 million Americans who will eventually die of cancer unless medical research produces the needed knowledge to combat this disease? The premature death of Senator Richard Neuberger should be a solemn reminder to the present administration.

MIKE GORMAN,
Executive Director, National Committee Against Mental Illness.

EFFECT OF THE FEDERAL RESERVE BOARD ON INTEREST RATES

Mr. BENNETT. Mr. President, during the discussion over the past many months regarding the role of the Federal Reserve System and its effect upon interest rates, many ideas have been expressed.

On March 10, the New York Journal of Commerce published an editorial entitled "The Bigger Force." The first paragraph of the editorial reads as follows:

By now it should be pretty clear that the Federal Reserve Board does not cause major movements in interest rates, but merely moderates such movements.

I ask unanimous consent that the entire editorial be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BIGGER FORCE

By now it should be pretty clear that the Federal Reserve Board does not cause major movements in interest rates but merely moderates such movements.

This fact should have become obvious during the economic boom of last year when interest rates soared to levels not seen for over 25 years while at the same time the Federal Reserve allowed an increased money supply. This indicated that the high interest rates were caused not by a reduction in supply of funds but rather by the tremendous demands made on available supplies by business borrowers, State and municipal governmental units, potential homeowners, other individuals and the Federal Government itself.

Certainly the Federal Reserve was given the blame by many groups when they found that all their desires for borrowing funds could not be fulfilled. But this blame was the normal criticism that any regulatory body must receive when it is forced to adjust demands to available supplies of resources.

While the statistics showed that the Reserve Board was actually increasing rather than reducing the money supply and availability of bank credit during the boom, naturally it was hard to convince those denied credit that their troubles did not lie at the Federal Reserve's door.

The recent developments in the credit picture, however, may have convinced more of these doubters of the true limitations on what the monetary authorities themselves can do.

If anything is indicative of the fact that demand and supply rather than the Federal Reserve control the credit scene it is the recent movement of interest rates. The cost of money took a sharp downturn in the first month of this year and then turned back moderately upward while the Reserve authorities actually took a hands-off attitude toward the credit markets.

What makes this relatively inactive attitude on the Reserve's part so significant is that it was all pervasive—touching operations of the Board that are not understood by the vast majority of the people as well as these moves that are accepted as public signals of intent on credit policy.

It is significant that nothing was done to alter the rediscount rate or commercial bank reserve requirements during the first 2 months of 1960, for any move in either of these areas would have become a major psychological signal of easier credit to come. But far more significant, the authorities, through open market operations have kept bank reserve positions fairly stable at about a $100 million deficiency in net free reserves throughout the period.

It is the open market operations, after all, that serve as the real teeth of Federal Reserve credit policy. The Reserve authorities have taken about as consistent a hands-off attitude as they possibly could, and yet the state of the money and capital markets has moved rather markedly during the first months of the year.

It is probably no coincidence that on February 2, 1960, when this contrast between Reserve policy and the movement of credit conditions was strongest, Chairman Martin, of the Federal Reserve Board, explained to the Joint Economic Committee just how limited the monetary authorities are in their ability to control credit conditions.

"Monetary policy is effective only so long as it works in general consonance with the economic realities underlying the situation," the Chairman stated. And by this he explained that the supply and demand for funds are still the main determinants of interest rates and will always remain so.

What Mr. Martin tried to make completely clear is that the Federal Reserve can affect interest rates temporarily by increasing or decreasing the availability of bank credit. But basically it is the willingness of the people to save that will determine interest rates over the long run.

Hence if the authorities make credit easy at a time when the economy cannot satisfy all the demands for goods and services that these potential borrowers hope to fulfill, the result will be an increase in prices rather than an expansion of production. Since borrowers and savers understand inflation and its effects as well as anyone, such a policy would lead to a decline in savings and increased demand for borrowed funds and eventually to high interest rates again.

The contrary situation is adequately demonstrated by the developments of last January. Savers and borrowers both realized that inflationary pressures are currently under better control, so savings in fixed interest investments rose, demands for borrowed funds did not expand as much as expected and interest rates fell. Yet the monetary authorities had done nothing to aid this decline in money cost.

Certainly those who prefer to place the blame for high interest rates demands on the Reserve Board instead of where they belong—on excessive credit demands—will be skeptical of Mr. Martin's testimony before the Joint Economic Committee. But it is good to note that economic fact in the form of steady bank reserve positions in the face of declining interest rates back up his testimony and help prove that it is the borrowers and savers rather than the Reserve Board that determine credit conditions.

POSITION OF SENATOR BENNETT ON THE LAUSCHE AMENDMENT

Mr. BENNETT. Mr. President, last Friday, while I was necessarily absent from the Senate, the Senate voted on the amendment offered by the Senator from Ohio [Mr. LAUSCHE]. I was recorded as being opposed to the Lausche amendment.

However, Mr. President, if I had been present at that time, I would have voted for the Lausche amendment.

Therefore, I am making this statement, to clarify the RECORD—and to make my position perfectly clear.

CHICAGO TRANSIT AUTHORITY OPPOSES OBSCENITY ON NEWSSTANDS

Mr. LAUSCHE. Mr. President, my attention has been called to the fact that the Chicago Transit Authority several days ago banned from the newsstands more than 100 magazines and approximately 40 paper-backed books, on the ground that they were "undesirable, lewd, or obscene."

Mr. President, when the banning was ordered, Virgil Gunlock, chairman of the Chicago Transit Authority Board, said the action was taken after a study of the material being sold at the newsstands. He said:

We hold that it's our right to decide what can be sold on property over which we have jurisdiction. We just don't want the kind of indecency which is in many of these magazines appearing on Chicago Transit Authority property.

Mr. President, I wish to take this occasion to commend the members of the board of the Chicago Transit Authority for their action. In view of the recognized limitation on the power of public bodies to control the sale of books and other material, because of the guarantee on free speech provided by the first amendment of the Constitution, it appears that much licentious, lascivious, and indecent material is being sold to the youth of the country. I recognize the frailties of the human body; but I think that basically and morally it is wrong to pander to the passions, especially in a commercial way.

My belief is that until self-imposed restraints are adopted by merchants, and until the parents of the country begin boycotting commercial institutions which, in connection with legitimate business, sell immoral, indecent material, we shall continue to witness a disintegration of the morals of our youth.

I should like to repeat what I have heretofore said on the floor of the Senate. The labor is futile when Congress appropriates money to fight juvenile delinquency, and the labor is futile when parents, schoolteachers, ministers, rabbis, priests, social workers, the police, sheriffs, judges, and penologists try to build up the moral fiber of our youth, on the one hand, when, on the other hand, commercially greedy distributors are contaminating the moral fabric of our youth by the distribution of indecent and licentious material.

Under the Supreme Court rulings, censorship of moving pictures is prohibited. Under its rulings, extreme latitude is allowed in the sale of reading and other material. The only way this problem can be reached is by self-imposed discipline and, primarily, by parents beginning to boycott those drugstores, merchants, and other distributors of material which are causing difficulties in the home and causing parents to shudder with fright at the thought of what may be happening to their children.

I commend the Chicago Transit Authority for its fine foresight and courage in taking hold of this problem to the extent that it can.

DOLLARS FOR DEFENSE

Mr. BRIDGES. Mr. President, with all the controversy over the adequacy of our defense measures dinning in our ears, some of it politically inspired, I believe, it would do well to look into the dollars now being spent on defense rather than insisting that more dollars be spent for defense.

In the Washington Daily News of February 15 there appeared an editorial entitled "Dollars for Defense." The editorial states:

> Interservice rivalries have cost us billions in duplicated military equipment. More billions will not protect us adequately if the system is basically unsound.

We are supposed to have a single procurement system. We still do not have such a system. There are other areas of duplication which exist.

I agree with the editorial when it says that it is a misconception—

> if we just spend enough money, we will have and hold the necessary edge over the Russians.

Too many of us still are under the dangerous illusion that all that is necessary is to spend more money and, as if by magic, we still have an impregnable defense.

Mr. President, it is my contention that money spent more wisely is the answer to some of the criticism that has been made.

I commend this editorial to the Senate, and ask unanimous consent to have it printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOLLARS FOR DEFENSE

With all the angry political debate over the state of the country's defenses, it is difficult, to say the least, to know just how we stand.

Confusion is confounded by suspicion that representatives of the high military command tend to view the problem largely through the eyes of their own branches of the service. The airmen want more supersonic planes and airborne alerts, the sailors more Polaris-carrying submarines, and the soldiers more power to fight "brush-fire" wars.

Out of this the impression strengthens that there must be one military service, instead of three—one uniform, one basic system of officer training, one source of promotion, one single devotion to national security without regard to the cut of the uniform of the man with the gun.

One need not impugn the motives of the advocates of the various services. Their viewpoints are the products of their different training and tradition, starting at an impressionable age in the military academies. However, though their attitude is honest, it is narrow; it has got to be changed.

Interservice rivalries have cost us billions in duplicated military equipment. More billions will not protect us adequately if the system is basically unsound.

This bears on a misconception, nourished daily by the alarms of politicians seeking election and some of the military seeking appropriations. It is that, if we just spend enough money, we will have and hold the necessary edge over the Russians. Despite our experiences all around the world, which should disillusion us, our faith in the magic of the dollar remains unshattered, apparently. It is a dangerous illusion.

From the walls of Jericho to the maginot line, history provides ample evidence that defenses, however costly, which produce complacency are easy targets for an enemy rich in imagination, even though poor in resources. And the Russians are poor in neither.

Not necessarily more money, but money more wisely spent, is what we need. And more assurance that our antipathetic military services are more interested in defense against Communist aggression, and less interested in defense against each other.

STUDENT LOYALTY OATH

Mr. BRIDGES. Mr. President, I call to the attention of my colleagues an excellent article in the American Legion magazine for February 1960. This article, which deals with the question of loyalty oaths for Federal scholarships, is entitled "Why Can't Some of Our Universities Be Fair to the U.S. Congress?"

This article points out that passage of the National Defense Education Act was a direct result of national concern over Soviet scientific achievements—specifically sputnik. In making financial help available to college students, as the American Legion magazine points out:

> Congress asked but one assurance. It asked that when a student should get one of those loans he would state that he is loyal to the United States and would have no part in overthrowing the United States by illegal and violent means.

Surely, Mr. President, this is a small request of Congress to ask in return from these individuals who are receiving so much help.

Yet Congress is being berated by 16 colleges and their presidents who insist that students be released from this simple obligation. As the American Legion points out, 1,370 colleges and 120,000 students have accepted these scholarships without complaint. But not so the 16 "rebels."

The conclusion of this article rightly points out that the important point which concerns us all is that we get on with the job. Colleges which decline to participate in this program are simply failing to do their part to meet the challenge which we all agree confronts us.

I ask unanimous consent that the American Legion magazine article be printed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY CAN'T SOME OF OUR UNIVERSITIES BE FAIR TO THE UNITED STATES CONGRESS?

If ever you want to run for Congress, make sure first that you have the hide of a rhinoceros.

Latest example is the beating Congress is taking these days from some of our university presidents. To say that Congress is being maligned by intellectual cheating is putting it mildly.

Remember when the Soviet Union sent up the first sputnik?

"How come?" everybody wanted to know. Where is the vaunted U.S. superiority in science and education, that it lets the Reds beat us into space?

Our colleges took the brunt of the early criticism. Why weren't they training more and better scientists than Russia?

The colleges said, of course, that what they needed was more money—more for themselves, more for their students. Just give us the money and away we go.

When you get to Congress you'll find that's what they all say.

Anyway, Congress stopped, looked, listened, and believed.

Somewhat over a year ago Congress passed the National Defense Education Act. It allows Federal loans for college students, in the hope that that will help some of them make a contribution some day to U.S. science in the fields in which we are competing with the Soviet Union.

Congress asked but one assurance. It asked that when a student should get one of those loans he would state that he is loyal to the United States and would have no part in overthrowing the United States by illegal and violent means.

Some 1,370 colleges and universities have accepted this, and so have 120,000 students in those 1,370 colleges.

Not so 16 other colleges, including Yale and Harvard. They are raising so much hell about it that they have refused to go along with the program.

What did Congress do to offend them?

Well, say Yale and Harvard and the 14 others, what do you mean by asking our students to say they'll be loyal to their country and wouldn't be traitors? We want this money with no strings attached or we don't want it at all, and we won't let our students make any such pledge in order to get Federal help to go through college.

This being America, of course, any objections are entitled to their day in court. Maybe Yale, Harvard, et al., have some good solid, sensible, and fair arguments that Congress should listen to respectfully.

Last December 20, A. Whitney Griswold, president of Yale, got the stage in the New York Times magazine to state the case of the 16 rebels. But if you expect he was solid, sensible, and fair to Congress, you're mistaken.

President Griswold set forth three main objections to his students pledging loyalty before borrowing U.S. defense funds. Let's look at his three complaints:

1. He said that Congress is just picking on students and teachers, singling them out for distrust and bad faith.

2. He said a loyalty oath and affidavit wouldn't make students loyal.

3. He said that one loyalty oath leads to another, and went to great pains to set forth that this could lead to persecutions and official inquiries into the minds of all of us.

Are these complaints fair, just, and reasonable? Let's look at them one at a time.

Complaint No. 1: The Congress, says Griswold, has singled out teachers and students for "distrust" from among all others who

get Federal subsidies and loans. Farmers, veterans, social security beneficiaries, for instance, don't have to take loyalty oaths to get Government checks. Even Federal officials who do take loyalty oaths don't have to sign non-Communist affidavits. So, President Griswold tells the people, the Congress is just picking on students and teachers.

Comment: Either way you look at it, President Griswold is kidney punching.

First consider whether Congress shows no faith in the colleges and students.

The whole student loan program is an act of faith in the colleges and students by the Congress.

No college is asked to guarantee that the students who get this help will ever produce the results desired. Congress took the colleges at their word, that if they and their students had more money our country might give the Soviet Union a go of it in scientific education.

Of course, some of the students who get these loans will go into profootball, others may make a big thing of stock speculation or take over pater's delicatessen, or go into advertising—even as some of the lads the taxpayers have educated at West Point and Annapolis have done.

But Congress smiles in the face of such certain adversities for its program, and looks at the good side of the gamble. Some of those students, it has faith, will stick to their chosen field of learning and rise to eminence in it some day. Of these, some will contribute to the advancement of science in the United States.

The Federal loans will make it easier for them to carry their heavy load of studies, free them from dishwashing and waiting on tables, make them better scientists faster. Congress places faith in colleges and students alike that this will be so.

Does President Griswold come forth in the midst of his criticism, to admit that maybe Congress has shown some small faith in his team? He does not.

Second, in directly accusing Congress of "singling out" colleges and students for "distrust" Griswold is faking the facts, not playing fair with Congress, making an unjustifiable slur on the motives of Congress.

In order to assume hurt feelings—which by the way is the main complaint of the 16 colleges—Griswold has to pretend. He pretends that the difference between asking for a loyalty oath in the student loan program, and not asking for it in, say the social security program, stems from an insulting estimate by Congress of the difference between the people who may be benefited.

Yale's president has to pretend (and he does pretend) that there is no difference in the programs that could account for asking loyalty assurances in one program but not in the others.

Is there no difference between the programs, quite apart from the people?

Of course there is.

This is a defense program.

If it works at all, some of the students who are helped by it will, some day, work on the intimate secrets of science projects in which we are competing with the Soviet Union.

Any fairminded person would concede that Congress—whether or not it has the right answer—has more reason to fear national betrayal here than it does of an elderly widow who gets a social security check in the mail.

Yale's president concedes no such true motive in Congress at all. He stakes the main argument of all 16 "rebel" colleges on a nasty and unjustified accusation that Congress is just trying to insult the colleges. And this, dear reader, is what you can expect too, even from the highest seats of learning, if ever you get to Congress.

Complaint No. 2: Loyalty oaths and affidavits, says Griswold, will not make the students loyal. A disloyal person can and maybe will lie in order to reap advantage.

Comment: Of course the oath and affidavit won't make anyone become loyal to the United States. No Member of Congress has said so, nor given Griswold any reason to believe that he thinks this is the reason for the oath.

The purpose of the oath and affidavit is as clear to Griswold as it is to you.

Its purpose is (1) to prevent lending Federal defense funds to such few students who are unable to pledge loyalty to the United States, and (2) to give grounds for prosecuting any students who take the oath, accept the loans, and then use their education to serve an enemy of the United States.

Does President Griswold admit this obvious motive of the Congress and speak intelligently to the point on it? He does not. He doesn't show Congress the courtesy of mentioning the true purpose of the oath and affidavit. He talks instead about whether the oath will make students loyal all by itself, just as if this were what Congress expected.

Then he knocks that argument down, as if by so doing he were showing how stupid Congress is. The notion that the oath might create loyalty originated in the 16 colleges, not in Congress. The stupidity of discussing it at all originates in Yale, Harvard, etc. To pretend Congress is that stupid is academic cheating.

Complaint No. 3: The great danger of permitting such oaths, says Yale's president, is that they lead to political and religious test oaths, to prying into all our personal beliefs by prosecuting officials, and to inquisitions, jailings, religious persecution, findings of criminal guilt by thought-police, etc.

Comment: All of a sudden, President Griswold is talking about a completely different kind of oath from the one Congress has asked. His final main argument, like the others, beats Congress over the head for things Congress didn't do. He asks us to believe that Congress is really taking the first step toward Hitlerism, Sovietism, witchhunting, religious persecution, Gestapoism, Castroism.

President Griswold knows that it is not true that "one oath leads to another." Oaths don't cause evils. They are tools of society and societies, not causes. Evil oaths come from evil societies. The Hitler oath (which President Griswold actually cites in his criticism of Congress) did not come from an earlier oath, but from the evil nature of Hitler.

President Griswold knows that his claim that oaths, unsupported by evil people, lead from bad to worse is pure poppycock.

On his own Yale campus there is a century of experience with college-sanctioned fraternities exacting horrendous, secret oaths amidst trappings of medieval passwords and handclasps and awful portents, which—if you were to believe Yale's president—would long before now have catapulted Yale back into the Dark Ages.

His complaint against Congress in this respect is therefore not an act of intelligence, but another accusation. It is an unspoken charge that the present Congress of the United States is evilly inclined toward political and religious persecution and thought control.

If President Griswold has a passing personal acquaintance with a cross section of the Senate and House of Representatives, his dark charge that they would wreck American liberties is shocking beyond belief.

Suppose he speaks from ignorance of how loyal to liberty Congress is? His accusation is still a miserably unfair attack, based as it is solely upon evidence that before lending U.S. defense funds Congress wants assurances of loyalty to the United States akin to what every President from Washington to Eisenhower has given, to what every Boy Scout has voluntarily pledged for 50 years, to what 21 million living and millions of dead war veterans have given for the privilege of defending their country with their lives.

If this is all that the complaints of the 16 colleges out of 1,386 add up to, they are playing dirty pool and owe Congress an apology.

And now it's time to get back down to business. Those sputniks are still going up, and the question of the day still is: "How come our great universities aren't putting out scientists, in the midst of all their great tradition of academic freedom, to equal what the regimented, thought-policed scholars of the Soviet Union are doing in space science and rocketry?"

Congress has thrown you the ball, President Griswold. How about picking it up and running with it?

ECONOMIC HEALTH AND LABOR-MANAGEMENT RELATIONS

Mr. BRIDGES. Mr. President, among the many things this busy Congress has to consider is the matter of labor-management relations. We have seen the economy of this country come to almost a standstill in recent labor-management negotiations. Integral in our defense effort is the factor of keeping high our economic health, as expressed by our gross national product. This is an effort in which all of us must give our utmost.

I think no better expression can be made in regard to the situation than the editorial appearing in the Keene, N.H., Evening Sentinel of February 5, 1960, which I would like to have printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ONE-WAY STREET

A few days ago the Cleveland News, one of the country's larger newspapers, followed a too-familiar precedent and ceased to exist.

In the newspaper industry the demise, coming not long after that of the Ohio State Journal (in Columbus) and the Cincinnati Times-Star, created hardly more than a ripple of comment.

The Cleveland News was simply bowing to what has become an obvious and inexorable economic trend. It was the oft-repeated story:

Revenues simply could not be made to keep pace with rising production costs as reflected (1) in the price of labor and (2) in the price of materials, wherein labor again was the dominant factor.

Wherever collective bargaining was involved, every session at the bargaining table had brought another turn of the screw—another exaction that was not matched by any corresponding increase in the money coming in at the front door.

In another segment of the economy, the railroads are confronted with a major strike threat.

Involved in this situation are 21 unions and more than 700,000 employees.

The rail crisis—which is over wages, of course—comes at a time when many communities (and, in some instances, sizable regions) are striving desperately to preserve train service which the railroads say they are no longer able to maintain.

Whether a rail strike will occur, after all applicable Federal procedures are exhausted, can hardly be predicted at this time.

What can be forecast with fair certainty is that the pulling and hauling of negotiation will end with a wage increase. (After all, this is an election year.)

The railroads will then resume their efforts to meet rising costs by shrinking their service.

Still fresh in mind is the long-drawn steel strike—the great showdown on inflation.

After all the fanfare over "holding the line" and "halting the spiral," the administration intervened and the steelworkers got a substantial wage hike.

Whether steel prices will go up after the November election is of no immediate concern to the union leaders. They won enough to enable them to say, "Look boys, we've delivered again."

Only by delivering do they continue to hold power.

Our purpose here, however, is not to condemn the steelworkers' representatives or any other union leaders for doing well the job they are paid to do. Neither is it our intention to dissect any particular settlement.

Rather we are concerned with the broader implications of a developing economic pattern.

The laborer is worthy of his hire, and we yield to none in our desire to defend the rights and promote the interests of the American workingman.

After every increase won at the bargaining table, the argument is heard that business will benefit because the workers will have more money to spend.

Rarely is any concern shown for the persons with relatively fixed incomes—schoolteachers, for instance—whose purchasing power will decline if prices go up. Seldom regarded are the retired workers living on pensions, or those whose life savings are jeopardized by inflation.

Neither, apparently, is much consideration ever given to the shrinkage of employment that can result if the levies at the bargaining table are too heavy.

None of us will ever know, for instance, how many newspaper workers in Cleveland, Columbus, and Cincinnati would now be glad to work for a little less if they could stay in their old homes and work at their old jobs.

What we are getting at is simply this:

Has wage negotiation become a one-way street?

Is it really collective bargaining if the result is always foreordained?

Has a system been created wherein, by a process of "splitting the difference," the trend of wages and prices must always be up, regardless of consequences?

If so, then all of us may well begin to ponder on the corrective measures that may be required.

FREE ELECTIONS IN SOUTH KOREA

Mr. WILEY. Mr. President, tomorrow the voters of South Korea go to the polls to exercise one of the most precious privileges to be possessed by the citizens of a country—that is, the right to have a voice in their government.

As a free people, we are naturally gratified by the adoption of elective institutions in Korea and elsewhere in the world that reflect real citizen participation in government.

In Korea, we take special pride in the existence of a free election system; because, in the Korean conflict, our sons fought to create the climate and conditions for such elections.

Without the sacrifices of the sons of America and other lands, the people of South Korea, in all probability, would not have a free election tomorrow. Rather, they might well be subjugated to a Communist system that strangulates, suffocates, and stamps out the voice and wishes of the people under a totalitarian dictatorship.

Overall, the evolvement of conditions in which more people of more lands may have a real voice in determining their personal and national destinies is to be greatly encouraged.

From our own experience, of course, we realize, that a country seeking to establish and carry out a free elective system faces problems and difficulties.

Traditionally, we, as a Nation, have adhered to—and rightly, I believe—a policy of noninterference in the affairs of other countries.

However, we recognize that it is necessary to encourage for others—as we seek for ourselves—high standards of conduct for campaigning, as well as effective, protective measures to assure noninterference in voters exercising free choice.

If freedom is to survive, this is essential.

Any unwarranted interference with free electitons—in Korea or anywhere else—jeopardizes the rights of present voters, interferes with fundamental freedoms, and casts a universally unfavorable reflection on the free elective process.

As the people of South Korea go to the polls tomorrow, we as a sister Republic congratulate them upon their opportunity to participate in the free election.

At the same time, we would encourage efforts by the citizens, as well as the leaders, of this fine country, to be dedicated to, and vigilant to guard against violations of, their free elective process to assure—as Lincoln stated—real government "of, by, and for the people."

The PRESIDING OFFICER. (Mr. BENNETT in the chair). Is there further morning business? If there be no further morning business, the Chair lays before the Senate the unfinished business.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. GOLDWATER obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, there is some question about a demand for a division of the question having been made with respect to section 2 of the substitute. I had thought I had requested the separability of each of the original seven sections of the Dirksen substitute, but, to avoid any question, Mr. President, I request a division of the question, so that section 2 will be the pending business.

The PRESIDING OFFICER. Under the rules, the Senator from Georgia has that right.

Mr. HILL. Mr. President, will the Senator from Arizona yield so that I may suggest the absence of a quorum?

Mr. GOLDWATER. The Senator from New York [Mr. KEATING] had requested me to yield to him for the purpose of introducing a bill and making a few remarks on it. He has business in some other part of the Capitol. I yield to the Senator from New York with the understanding that I shall not lose the floor.

Mr. RUSSELL. Mr. President, will the Senator from Arizona get the same understanding for a quorum call?

Mr. HILL. Will the Senator yield for that purpose, without losing the floor, at the conclusion of the statement of the Senator from New York?

Mr. GOLDWATER. Yes.

(At this point Mr. KEATING introduced a bill and made remarks thereon, which appear elsewhere in the RECORD.)

Mr. KEATING. Mr. President, I express gratitude to my friend from Arizona for yielding to me.

Mr. MUNDT. Mr. President, will the Senator yield to me, under unanimous consent, so that I may be permitted to say a few words without the Senator's losing his right to the floor?

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota with the understanding that by so doing I shall not lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

FORTY-FIRST BIRTHDAY ANNIVERSARY OF THE AMERICAN LEGION

Mr. MUNDT. Mr. President, I should like to take this opportunity to extend a salute to the American Legion of the United States which is this week celebrating its 41st birthday.

The 17,000 American Legion posts and the 14,000 auxiliary units, whose members have served in one or more of three wars, are serving this Nation and the world by supporting the ideas and ideals of justice, freedom, and peace.

The American Legion has a star-studded record. It has had an immeasurable impact on the American scene. It keeps alive the flame of freedom in the United States by its efforts to encourage patriotism and love of country. We should recall that the words in the Legion's preamble to its constitution read:

> To foster and perpetuate 100 percent Americanism.

How well the Legionnaires of this country have carried out this challenge.

"Americanism" is the theme of the Legion. It provides the basis for its programs. It is the justification for its formation and the purpose of its continuation.

I should like to recall some of the worthy Americanism projects which

over the years, have resulted in instilling greater love of homeland and government in the hearts and minds of America's youth.

The national oratorical contests sponsored by the Legion have attracted more than 4 million boys and girls. It was required of each contestant that he show a knowledge of the United States Constitution. What better way could be found to encourage the study of this great document?

In order to give practical experience and education in government and to inspire greater love of country among high school boys the American Legion has sponsored Boy's State and Boy's Nation. The auxiliary has sponsored Girl's State and Girl's Nation.

Last year, in addition, 18,000 American Legion School Award Medals were presented to boys and girls who were outstanding in honor, courage, scholarship, leadership, and service.

If any Members of the Senate are not familiar with the "Americanism Manual" issued by the American Legion, I commend it to your study. It is a full outline of programs and aims for fulfilling a national Americanism program.

The national Americanism commission of the American Legion was created by a recommendation made to and adopted by the national convention held in Minneapolis, Minn., in 1919. The recommendation reads as follows:

> We recommend the establishment of a national Americanism commission of the American Legion, whose duty shall be the endeavor to realize in the United States the basic ideal of this Legion of 100-percent Americanism through the planning, establishment, and conduct of a continuous, constructive, educational system designed to:
>
> (1) Combat all anti-American tendencies, activities, and propaganda;
>
> (2) Work for the education of immigrants, prospective American citizens, and alien residents in the principles of Americanism;
>
> (3) Inculcate the ideal of Americanism in the citizen population, particularly the basic American principle that the interests of all the people are above those of any special interest or any so-called class or section of the people;
>
> (4) Spread through the people of the Nation the information as to the real nature and principles of American government; and
>
> (5) Foster the teachings of Americanism in all schools.

The "Americanism Manual" points out that the objective of the national Americanism commission is to translate Americanism precepts, principles, and ideals in an understanding and practical manner to Legion posts and to other groups and individuals, including young America.

While all of us who now live in this Nation, owe a debt of gratitude to the American Legion for its strong defense of the principles of our Government, the generations yet unborn owe even a greater debt, because the Legion has fought off the onslaughts of un-American and anti-American forces both in war and peace during the past two dangerous decades. The enemy at our gates and the subversive agent in our midst have been dual targets for the watchful and wary members of this patriotic organization.

I believe that the national commander of the American Legion, Martin B. McKneally, gave the best analysis of what the Legion stands for when he said in a speech last November:

> As Legionnaires, we believe absolutely in the greatness of America. We fully acknowledge our responsibility as citizens to serve the community for no other reason than the community's gain. We hold that the great principles of Americanism—the God-given capacity of the individual to live in freedom and justice and mercy—are truths to be honored not only in the abstract but in the day-by-day progression of our lives.

Serving the community for the community's own good results from the many programs which the national Americanism commission carries on. Some of them, as listed in the broad categories, are: Community service and safety activities; educational activities; immigration, naturalization, and citizenship activities; recreation and junior league baseball activities; youth activities; and un-American activities.

And, in each category, there are as many as a half-dozen specific activities designed to increase the fervor of the citizen for the principles of our Government and an appreciation for the freedoms we enjoy.

Some of these I have mentioned in detail. I should like to name one or two more of special importance and significance. A most worthy one is the back to God program, which strengthens the moral and spiritual foundations of American life. Others include community service councils, accident prevention, get-out-the-vote compaign, citizenship schools for foreign born, and many others.

The Legion is concerned with practical, helpful service programs to assist the needy, the disabled, and those who require rehabilitation. The Legion's child-welfare program spent $8 million last year. Some 50,000 volunteers from the ranks of the Legion assisted in this relief work for the needy.

The American Legion stands as the defender of the veteran and the defender of the free way of life in these United States. On this, its 41st birthday, it can look back over a distinguished service record.

May it continue to be the great organization that it presently is. May it continue to be our bulwark of freedom, our guardian at our gates of freedom.

Mr. President, in the case of the American Legion, it can truthfully be said, "Life begins at 40." With a great record of service behind it, the American Legion looks forward to many new decades of constructive service.

I thank the Senator from Arizona for yielding to me.

CHANCELLOR ADENAUER'S STATEMENT ON THE PRACTICE OF DEMOCRACY IN THE U.S. SENATE

Mr. GORE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. Mr. President, I yield, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I hold in my hand this morning's New York Times, which quotes Chancellor Adenauer, our distinguished guest from West Germany, as follows:

> While expressing belief that democracy had been consolidated in West Germany, Chancellor Adenauer noted that practicing democracy "seems to be a difficult thing, as you can see from the debate in the U.S. Senate."

Mr. President, I hold Chancellor Adenauer in the very highest esteem, as indeed, I believe, all Americans do. The same can be said for the great people of West Germany. It appears to me highly inappropriate for this distinguished guest to make such a reference to an institution of our Government. The distinguished Senator from Arizona has just offered an amendment, which he has a right to offer. A request for a yea-and-nay vote on the amendment has been granted. Here democracy is being practiced. No longer is the filibuster prevailing. We are proceeding to vote upon one amendment after another, as free representatives of a free people. Therefore, it is with regret that I read this disparaging remark by the Chancellor of West Germany regarding the U.S. Senate.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. HILL. Mr. President, will the Senator yield to me, with the understanding that he will not lose his right to the floor, so that I may suggest the absence of a quorum?

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama, with the understanding that I shall not lose my right to the floor by so doing.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 121]

Aiken	Dirksen	Johnston, S.C.
Allott	Douglas	Keating
Anderson	Dworshak	Kefauver
Bartlett	Eastland	Kennedy
Beall	Ellender	Kuchel
Bennett	Engle	Lausche
Bible	Ervin	Long, Hawaii
Bridges	Frear	Long, La.
Brunsdale	Fulbright	McCarthy
Bush	Goldwater	McClellan
Butler	Gore	McGee
Byrd, Va.	Green	McNamara
Byrd, W. Va.	Gruening	Magnuson
Cannon	Hart	Mansfield
Carlson	Hartke	Martin
Carroll	Hayden	Monroney
Case, N.J.	Hennings	Morse
Case, S. Dak.	Hickenlooper	Morton
Church	Hill	Moss
Clark	Holland	Mundt
Cooper	Hruska	Murray
Cotton	Jackson	Muskie
Curtis	Johnson, Tex.	Pastore

Prouty	Smathers	Wiley
Randolph	Smith	Williams, Del.
Robertson	Sparkman	Yarborough
Russell	Stennis	Young, N. Dak.
Saltonstall	Symington	Young, Ohio
Schoeppel	Talmadge	
Scott	Thurmond	

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from North Carolina [Mr. JORDAN], the Senator from Oklahoma [Mr. KERR], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from New JERSEY [Mr. WILLIAMS] are absent on official business.

The Senator from Minnesota [Mr. HUMPHREY] is necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Hawaii [Mr. FONG] is absent on official business.

The Senator from New York [Mr. JAVITS] is detained on official business.

Mr. GOLDWATER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 11, after the word "vehicle", strike all through the word "education" on line 14.

On lines 4 and 5 and after line 24, strike out "'1074. Flight to avoid prosecution for destruction of educational or religious structures' and insert in lieu thereof '1074. Flight to avoid prosecution for destruction of any buildings, structures, facilities, or vehicles.'"

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield so that I may ask for the yeas and nays on the amendment?

Mr. GOLDWATER. I yield for that purpose.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, the need for legislation in this particular field has been recognized by both Houses of Congress as we are striving to put together a civil rights bill.

The bombing of schools, synagogues, and churches is relatively new in this country. The number of such instances has grown in the last 2 or 3 years. However, before that time it was very difficult to find any record of schools or churches or synagogues or other places of worship being bombed. There have been other bombings and destruction by fire, and such bombings and destruction are not new. We have had this problem with us for many years, as we have found in the instances of strikes in this country, when property of all types has been destroyed by bombing or by fire.

The purpose of my amendment is to make the language of the Senate bill apply the law equally to all such cases in the country. I should like to read section 2 of the Dirksen amendment which applies to this point:

> Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. President, that language appears at page 3 of the Dirksen substitute, beginning on line 6 and ending on line 17 on that page.

The House has already recognized that the equal application of law theory should apply in this instance, because in its language, appearing on page 3, beginning on line 3, of H.R. 8601, the House bill provides:

> Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

The House language recognizes the equal application of the law. I call the attention of the Senate to the difference in the language, and why I am offering the amendment which has just been read.

The House language includes "building, structure, facility, vehicle," but it goes further and includes "dwelling house, synagogue, church, religious center or educational institution, public or private."

The Senate language, on page 3, line 11, provides "building, structure, facility, or vehicle."

Then the Senate language restricts the application of those words to—

> If such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education.

My amendment is very simple. It merely strikes all the language on page 11 after the word "vehicle" through the word "education" on line 14.

The Senate language, after the adoption of my amendment, would then read, beginning on line 9:

> For willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, or (2) to avoid giving testimony

And so forth.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. CASE of South Dakota. Then what the Senator from Arizona proposes is to strike out the requirement "if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education."

Mr. GOLDWATER. The Senator from South Dakota is absolutely correct. My purpose is to make the provision apply across the board.

Mr. CASE of South Dakota. Across the board wherever——

Mr. GOLDWATER. Wherever there is an attempt to destroy by fire or bombing, as the intent of the legislation indicates.

Mr. CASE of South Dakota. "Either by fire or explosive" would cover the situation.

Mr. GOLDWATER. That is correct. I may say, to continue my answer to the Senator's question, that the present section 1073 of title 18 of the United States Code makes flight by a fugitive in interstate or foreign commerce with intent to avoid prosecution under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, punishable as a Federal felony by a fine of not more than $5,000 and imprisonment up to 5 years.

I believe that restricting the language of the bill to only four areas of description would adequately cover anything which might be destroyed by this means. We make it perfectly clear to the House that we agree with them, but that we would like to see the language stricken by eliminating any reference to any particular institution, such as a religious or educational institution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. I thoroughly approve of what the Senator from Arizona is attempting to do, if I understand it correctly.

In the Senator's opinion, is the word "facility," which he uses, broad enough to cover the bombing of such installations as powerplants, telephone exchanges, power transformer stations, and the like?

Mr. GOLDWATER. Yes. The question the Senator from Florida has propounded to me could be answered by reading the words in the language I propose. Let us take, for example, a powerplant. That would be a building, under one part of my definition. Certainly the transformer section of a power plant could be called a structure. The word "facility" would certainly cover the switchboards of a powerplant or the switchboards of a telephone exchange. It would likewise cover the valves and controls necessary to regulate a waterworks, or the valves or controls necessary to regulate air conditioning systems or furnaces, if they were attacked alone. "Facility" would certainly cover every item in which the Senator from Florida has expressed an interest.

Mr. HOLLAND. There is one more item in which I would express an interest, because bombings have occurred affecting that item, I am unhappy to have to say, in my own State. I refer to the bombing of a distribution facility in a gas line bringing natural gas into our State, where we have none naturally, for distribution to various areas in the State. Would such a distribution center

or line be regarded as coming within the verbiage of the Senator's amendment?

Mr. GOLDWATER. In my opinion, and in the opinion of those who have defined the word to me, "facility" would cover any situation such as the Senator has described. Living in a State which depends on the transportation of natural gas from other States, I have some knowledge of the type of structure about which the Senator from Florida is speaking. If an attempt were made to destroy the distribution facilities of a gas system, it would require an attack on the building, which would result in an attack on the facilities for distribution. I feel perfectly confident that both the word "building" and the word "facility," in this particular instance, would cover that situation.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. Under the wording of the original section 2, it appears to me that the bombings of dwelling houses would not be included within the provisions of that section. I note that the Senator's amendment would include dwelling houses.

Perhaps the most horrible bombings we have had in our State in the last several years have been the bombings of residences. One bombing took place not so very long ago in the Miami area. Another took place 4 or 5 years ago in a little community named Mims, where dwelt the leader of the NAACP in our State. He and his wife were bombed at night in their home. One or both of them were killed by the bomb. It seems to me that such examples as those would make it very clear that we would be having only partial coverage of the field with which this section deals, if the wording did not clearly include dwelling houses. I certainly congratulate the Senator from Arizona upon his amendment.

Mr. GOLDWATER. I think the Senator from Florida has made a very important observation concerning the amendment, namely, that if a gas distribution plant, about which we were speaking, were bombed, and it were not primarily used for religious purposes or for the purpose of private primary, secondary, or higher education, the present language of the bill would not apply.

It would not apply to the unfortunate bombings such as that which took place at the home in Mims, Fla. If such homes were not adjudged to be used primarily for religious purposes, then the law would not apply. It was because of my desire to bring this provision into consonance with the theory that the law should apply equally that I offered the amendment to strike out the language which limits the bombings only to religious institutions.

Mr. HOLLAND. Considering the fact that the present Federal law, as the Senator from Florida understands it, makes it a Federal crime to transport a stolen automobile across State lines, and makes it a Federal crime for a man to transport a female person across State lines for immoral purposes, it seems to me that the proposed legislation, if made to apply generally, would be consistent with other provisions of Federal law, and not inconsistent therewith, and that it would be very inconsistent if we so limited this section, as it is originally constituted as section 2 of the Dirksen amendment. I hope the Senator agrees with me in that respect.

Mr. GOLDWATER. I certainly do agree with my friend, the Senator from Florida; and I wish to repeat what I said earlier, namely, that the present section 1073, title 18, of the United States Code, makes a Federal crime of the offenses the Senator has listed. All this proposal will do will be merely to add to the crimes now listed in section 1073, of title 18, the crimes we have listed in section 2, as amended—namely, any building, structure, facility, or vehicle—and we make that punishable in the same manner that such an act in violation of State law is punishable and if a person flees or attempts to flee the jurisdiction.

Mr. HOLLAND. Mr. President, will the Senator from Arizona yield further to me?

The PRESIDING OFFICER (Mr. BRUNSDALE in the chair). Does the Senator from Arizona yield further to the Senator from Florida?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. On Friday, a somewhat similar amendment was offered by the Senator from Ohio [Mr. LAUSCHE] to section 1 of the Dirksen amendment. At that time, in announcing my support of the Lausche amendment, I made clear that I had strong objection to section 1 of the Dirksen substitute amendment, so that even if the Lausche amendment to it were adopted, I would vote to strike out section 1 of the Dirksen substitute amendment if afforded the chance to do so.

At this time by way of clear contrast, I wish to make clear that adoption of the amendment now offered by the Senator from Arizona to section 2 would leave me in position where I would very strongly support inclusion in the Dirksen amendment of section 2 as thus amended.

Mr. GOLDWATER. I thank the Senator from Florida.

I wish to state that it has been very difficult for me, from the very start, to understand how section 2 could properly be confined only to civil rights and could properly be described as applying only to civil rights. As Senators know, many bombings and firings have no relationship to civil rights. In fact, I find it difficult to relate to civil rights even the bombing of a church or a synagogue or other place of worship.

In other words, in common decency, no one in this country should have the right to bomb a dwelling or other building of any group and be able to go scot free, as has occurred in a number of instances in the past—for instance, by fleeing across a State line, and by finding there a friendly State Governor who would refuse extradition of that person back to the scene of the crime.

Mr. HOLLAND. I thank the Senator from Arizona.

I may add that I think the so-called hate bombings have occurred recently in much too great numbers and this legislation should help reduce the number.

Only a few minutes ago I noted on the press ticker a dispatch from Argentina, to the effect that there have been so many hate bombings in Argentina that, as of today, the Argentine Government has declared hate bombings to be a capital offense, regardless of whether anyone is killed, because such bombings have become so frequent an occurrence there.

So I thank the Senator from Arizona for his statement and his fine effort.

Mr. GOLDWATER. I thank the Senator from Florida.

In fact, Mr. President, we have been fortunate that few people in our country have attempted to vent their hate or their anger by means of bombings, whereas such bombings have occurred in other countries. Certainly I think the action we take today will prevent any increase of such activities in this country.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Arizona yield?

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Arizona yield to the Senator from Delaware?

Mr. GOLDWATER. I yield.

Mr. WILLIAMS of Delaware. I should like to ask a question along the same line of that asked by the Senator from Florida.

A few months ago there was in Delaware an unpleasant experience with the bombing of a dwelling. As I understand the committee bill, if the amendment submitted by the Senator from Arizona, on behalf of himself and other Senators, is not adopted, the committee bill will not be applicable to the bombing of a dwelling.

Mr. GOLDWATER. The Senator from Delaware is correct, unless the dwelling is used primarily for religious purposes or for the purpose of education.

Mr. WILLIAMS of Delaware. That is the same understanding that I have.

But in the instance to which I have referred the dwelling was not used for religious or educational purposes. It was a man's private home.

I agree fully with the Senator from Arizona that any such bombings or willful destruction of property are indefensible in any area or for any reason; and certainly this section of the bill should cover all bombings.

As I understand the situation, if the Senator's amendment to section 1 is adopted section 1 will then cover all bombings or the destruction by explosives of any building or any type of structure or any vehicle whether such destruction resulted from racial or religious hatred or from union rioting. I think the language of the section, as thus amended, will be as all-inclusive as it could possibly be drawn.

Therefore, I was very glad to cosponsor the Senator's amendment; and if it is adopted I shall strongly support the inclusion of that section in the bill.

Mr. GOLDWATER. Mr. President, certainly the Senator from Delaware is correct in his observations; namely, that no one in this country has the right to destroy the property of another. One of the most hallowed parts of our Con-

stitution is the provision that property shall not be taken without due process of law. Certainly no man has a right to put himself above the law or the Constitution by taking property from another by means of destruction, and then flee to another State and not be punished.

If we are going to apply the law now proposed to religious and educational institutions and structures—as I believe should be done—it certainly should be broadened, so as to make it possible to bring to justice all persons who during the past years have engaged in venting their hate in this manner.

Mr. WILLIAMS of Delaware. I certainly agree that the law by all means should apply to educational and religious institutions as well as to all others, and if the amendment of the Senator from Arizona is adopted, it will cover the destruction of all types of buildings, vehicles, and other facilities.

Mr. GOLDWATER. Yes.

I may say to my friend, the Senator from Delaware, that the words "any building, structure, facility, or vehicle" are about as broad in their meaning as I can imagine any descriptive phrase could be made to be.

Mr. WILLIAMS of Delaware. They are; and I thank the Senator from Arizona for helping to establish this legislative record.

Mr. ERVIN. Mr. President——

Mr. GOLDWATER. I yield to the Senator from North Carolina.

Mr. ERVIN. I am of the opinion that the able Senator from Arizona is performing a real public service of a substantial nature in proposing his amendment. I share the view expressed by him, to the effect that any system of justice worthy of the name will provide uniform laws, to apply alike to all people in like circumstances.

I am interested in the Senator's amendment, and in seeing it adopted. I believe his amendment was drawn in reference to his own original amendment rather than in reference to the Dirksen amendment in the nature of a substitute. I have conferred about this matter with the Parliamentarian.

I note that the Senator's amendment has, in effect, two provisions: First, one which deals with the first part of the section, from line 6 through line 22. I think that part of the amendment is well drawn, in order to effect the object expressed by the Senator.

The second part of the amendment deals with lines 23 and 24 and with the words and figures "1074. Flight to avoid prosecution for destruction of educational or religious structure," which follow line 24.

I wonder whether the Senator from Arizona would be willing to request unanimous consent to modify the second portion of his amendment, as follows: change the wording after line 24 to read as follows:

1074. Flight to avoid prosecution for destruction of buildings, structures, facilities, or vehicles.

That would make the second part of the amendment harmonize with its first part.

Mr. GOLDWATER. The Senator from North Carolina is absolutely correct. In rewriting the amendment while I was seated at the desk, I had in mind at that time substituting it for the amendment which was printed.

However, I wish to suggest to the Senator from North Carolina that I would add the word "any" before the words "buildings, structures, facilities, or vehicles"; and that change will bring the language of the amendment into complete conformity with the intent.

Mr. President, I ask unanimous consent that my amendment be amended accordingly.

Mr. CASE of South Dakota. Mr. President, will the Senator from Arizona not wish to make the same change in lines 4 and 5? Essentially he is changing the title and also the analysis when he modifies his amendment in this way.

Mr. GOLDWATER. Mr. President, in conformity with the suggestions made by two friends, I ask unanimous consent to modify my amendment, first, on line 4 of page 3, by striking out "educational or religious structures," and inserting, "any building, structure, facility, or vehicle."

Again, at line 24, beginning with the figure "1074" after the word "destruction," to strike out "of educational or religious structures," and add, "any building, structures, facility, or vehicles."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is modified as indicated.

Mr. GOLDWATER. I thank my two friends.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. GOLDWATER. Yes; I am happy to yield.

Mr. CASE of South Dakota. I think the support which the Senator is attracting to his amendment is evidence of the fact that it will command the support of a majority of the Senate when it goes to a final vote. A least, that is the present indication, and I hope that will be the case. I think we should keep in mind that, this being a proposed Federal law, it can deal only with interstate aspects of the crime. So it deals with flight to avoid prosecution or flight to avoid giving testimony. Punishment for the bombing itself would have to rest on State statutes.

Mr. GOLDWATER. I think the total language of section 2 makes it adequately clear that it is not proposed that the Federal Government shall move in and that a bombing or firing shall be a Federal crime. It becomes clear that it becomes a Federal crime when such a person flees across State lines, in order, as the section sets out, to avoid prosecution or confinement after conviction, or to avoid giving testimony in any proceeding relating to such an act.

I am glad the Senator has raised that question, because I did not want anyone to get the idea that the junior Senator from Arizona was suggesting that the Federal Government get further into the affairs of our States.

As I said at the outset, the bombing of churches, synagogues, and other places of worship, and, in addition to that, schools, both primary and secondary, public and private, is rather new in this country; but bombings for the expression of passion or hate or for other purposes has been going on for some time. I do not want to labor those present in the Chamber today with all the details of this subject, but I sat on the hearings of the McClellan committee during which we had adequate testimony as to the use of violence in strikes and adequate testimony to the ineffectiveness of the Federal Government in apprehending those persons who fled States to avoid prosecution.

We had over 800 examples of violence, not of bombing, not of firing, but of a group of bombings and firings that occurred up to the time we took testimony in 1958, concerning the Kohler strike in Sheboygan, Wis.

I ask unanimous consent that the compilation be made a part of my remarks at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955

No.	Name	Affidavit date	Date of incident	Description
1	Dale Oostdyk	Apr. 8, 1954	Apr. 7, 1954	Nonstriking employee physically assaulted, kidnapped, beaten, cursed, told to join union on threat of death.
2	Herman Miesfeld	do	do	Nonstriking employee intercepted on way to work, coerced into joining union.
3	Harold Fanslau	Statement May 6, 1954	May 6, 1954	"833" painted on top of automobile; body smeared with paint.
4	Leland Dyke	Memo of telephone conversation.	May 10, 1954	Nonstriker on way to work threatened with bodily injury.
5	Otto Vogt	June 1, 1954	May 11, 1954	Valve stems cut off 2 tires.
6	Leo Bukowski	May 14, 1954	do	Stone thrown through window of home.
7	Robert Neumann	do	do	Automobile tire punctured with screwdriver.
8	Arno C. Kremin	May 12, 1954	May 12, 1954	Picture window of home shattered by stone.
9	J. A. Lucynski	May 13, 1954	do	Thermopane window smashed by stone.
10	Charles Forbes	May 26, 1954 (May 24, 1954, should be May 25, 1954).	May 24, 1954	Nonstriking employee assaulted, struck on way to work.
11	Rance Rasmussen	do	do	Nonstriker assaulted, struck while walking to work.
12	Leland Dyke	May 29, 1954	do	Nonstriker assaulted; struck, kicked in groin.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
13	Otto Vogt	June 1, 1954	June 1, 1954	Valve stems cut off 4 tires. (Should be 3 tires.)
14	Leander Daun	June 2, 1954	do	Valves cut off 3 tires.
15	Adam Gulan	June 16, 1954	do	Railroad spike set under automobile tire.
16	Albert Mauer	June 2, 1954	June 2, 1954	Garage door smeared with paint.
17	Harvey Roerdink	do	do	Garage door splashed with paint.
18	John Kohlhagen	June 9, 1954	June 7, 1954	Tire punctured.
19	Robert Schaefer	June 7, 1954	do	Automobile windshield shattered; valve stem cut from tire.
20	Edwin Winkel	June 14, 1954	June 9, 1954	Acid splashed on new automobile.
21	Carl Siegel	June 11, 1954	June 11, 1954	Shrubs, perennials, other plantings torn from ground.
22	Don Schilling	do	do	Word "scab" painted on automobile.
23	Anton Schnur	June 14, 1954	do	Rocks thrown through plate-glass window of home.
24	Arwin Herzog	June 12, 1954	June 12, 1954	Word "scab" painted twice on automobile.
25	Don Schilling	June 14, 1954	June 14, 1954	Blue automobile smeared with black enamel.
26	Adam Gulan	June 16, 1954	do	Sugar put in gasoline tank of auto.
27	Norman Glaser	do	June 15, 1954	Sand put in gasoline tank of farm tractor.
28	Albert Perrone	June 18, 1954	June 17, 1954	Plastic bag filled with tar hurled at garage, smearing building and concrete apron.
29	Millard Bell	do	do	Air let out of auto tire.
30	Arthur Roehl	do	do	Air let out of 4 tires.
31	Reuben Krebsbach	June 23, 1954	June 18, 1954	Acid poured on automobile.
32	Elmer Baehler	June 18, 1954	do	Wire netting torn from mink sheds.
33	Willard Van Ouwerkerk / Valeria Van Ouwerkerk	June 19, 1954 / June 20, 1954	do	Nonstriking employee struck from rear, knocked down, stomped, injuries included crushed chest and victim in critical condition for days.
34	John Kovacic	June 21, 1954	June 19, 1954	Thermopane window in home broken by stone.
35	Carl Kummer	do	June 20, 1954	Air let out of automobile tire.
36	Steven Konik	June 22, 1954	do	Nonstriking employee warned not to work, assaulted.
37	Carl Kummer	June 21, 1954	do	Nonstriking employee assaulted in tavern by gang of 8 men; asked why he didn't join union; knocked to floor.
38	Jacob Den Boer	June 23, 1954	June 22, 1954	2 light bulbs filled with black paint thrown, one smashing and spattering exterior of home, other breaking window and spattering paint over living room and furnishings.
39	Arthur Hedstrom	June 24, 1954	do	2 light bulbs filled with brown paint smashed against exterior of home.
40	Robert Leuck	do	do	2 light bulbs filled with white paint smashed against exterior of home.
41	Leland Dyke	do	do	Nonstriker cursed, threatened, physically assaulted.
42	Roger Wuestenhagen	June 25, 1954	June 24, 1954	Nonstriking employee assaulted, knocked to ground.
43	Harold Curtiss	June 29, 1954	June 28, 1954	Shotgun blast fired through living-room window.
44	Wilbert Gartman	July 1, 1954	June 30, 1954	Object hurled at automobile going through Kohler Co. gate.
45	Wilbert Gartman	do	do	Trunk of automobile splashed with paint remover.
46	Paul Millbrath	do	do	Can of paint thrown onto porch, splattering.
47	Arthur Klein	do	do	Can of paint thrown against house.
48	Elmer Voelker	July 3, 1954	July 2, 1954	Brown paint thrown at window; red paint at side of house.
49	Eugene Puls (nonemployee)	Memo July 7, 1954	do	Light bulb filled with paint thrown at front door.
50	William J. Bersch, Sr. / William G. Bersch, Jr.	July 5, 1954 / July 6, 1954	July 4, 1954	Father and son assaulted, brutally beaten.
51	Paul Koeppler	July 12, 1954	July 9, 1954	Sand placed in automobile gasoline tank.
52	Chester Herman	July 10, 1954	July 10, 1954	Window in home smashed.
53	Richard Burich	July 17, 1954	July 16, 1954	Nonstriking employee threatened, warned not to go through picket line, assaulted.
54	Elden Slavens	July 21, 1954	July 21, 1954	2 light bulbs, filled with black and with red paint, thrown at home.
55	Albert J. Mauer	do	do	3 light bulbs, 1 filled with black paint, 1 with red paint, and 1 with dark green paint, thrown at home.
56	John Stockinger	July 23, 1954	do	Automobile tire slashed.
57	Robert Krepsky	July 26, 1954	July 26, 1954	Automobile windshield frame dented, windshield cracked, aerial broken off, windshield wiper broken.
58	do	Aug. 2, 1954	Aug. 1, 1954	Automobile tires slashed, valve stem cut off.
59	Fred Huehlman	Aug. 5, 1954	Aug. 5, 1954	Valve stems cut from 2 tires.
60	Merlin Schleunes	Aug. 9, 1954	Aug. 7, 1954	Word "scab" scratched on automobile.
61	Guenther Voss	Aug. 16, 1954	Aug. 11, 1954	Car going through Kohler Co. gate stoned.
62	Elmer Meyer	do	do	Automobile splashed with irremovable substance.
63	Guenther Voss	do	Aug. 12, 1954	Tire punctured by new galvanized roofing nail. Similar nails found on driveways at plant gates and near fences.
64	Claude Dault	Aug. 17, 1954	Aug. 17, 1954	Rocks thrown through window of home.
65	Eugene Eernisse	Aug. 19, 1954	do	Rocks shatter living-room window, break lamps and furniture.
66	Alexa Horst	L. E. O'Neill memo Aug. 19, 1954.	Aug. 19, 1954	Rock thrown through picture window.
67	William Graefe	Memo Aug. 23, 1954	do	Automobile hood dented by rock.
68	Marvin E. Birr	Aug. 21, 1954	Aug. 20, 1954	Brick thrown through picture window.
69	Emma Mertz	do	Aug. 21, 1954	2 rocks thrown through living-room window.
70	Ernest Beiersdorf	do	do	Rock thrown through living-room window.
71	William Graefe	Memo Aug. 23, 1954	do	Red paint smeared on residential sidewalk.
72	Gerald Emley and Mrs. Emley	Aug. 21, 1954	do	Nonstriker, wife, and 14-year-old daughter assaulted in tavern by group of men and women; threatened, cursed, and beaten.
73	William Graefe	Memo Aug. 23, 1954	Aug. 22, 1954	Tops cut off 7 spruce trees in residential landscaping.
74	Earl Radke	Memo Aug. 26, 1954	Aug. 23, 1954	Roofing nails placed under automobile tires.
75	Walter Stubbe	Aug. 24, 1954	Aug. 24, 1954	Rocks thrown through window with such force broke panel of interior door and damaged plaster on far wall.
76	Frederick Brandt	Aug. 26, 1954	Aug. 26, 1954	Light bulb filled with yellow paint smashed against porch steps.
77	Martin Blok	Aug. 30, 1954	Aug. 28, 1954	Window shattered with rock.
78	James B. Sweeting	Aug. 31, 1954	Aug. 30, 1954	5 windows in house trailer broken by rock throwers.
79	Albert Diehlmann	Sept. 2, 1954	do	Window shattered by rocks, automobile dented by thrown rocks.
80	Harold Herber	Aug. 31, 1954	Aug. 31, 1954	Large thermopane window, 2 kitchen windows shattered by rocks.
81	Theodore Stein	Sept. 2, 1954	Sept. 1, 1954	Piece of broken cement hurled through thermopane window.
82	James Rickmeyer	Sept. 8, 1954	Sept. 3, 1954	2 tires punctured by roofing nails.
83	do	do	Sept. 4, 1954	Tire punctured.
84	Arthur Hedstrom	Sept. 7, 1954	Sept. 6, 1954	Cans of beer thrown at home.
85	Russell Messner	Sept. 28, 1954	do	Acid splashed on automobile.
86	Casmir Nighbor	Sept. 29, 1954	Sept. 7, 1954	Plate glass window of living room smashed.
87	Clark Weeden	Sept. 28, 1954	do	Barrage of rocks hurled at auto; breaking windows denting body. Victim's telephone line cut.
88	Harold Fanslau	Sept. 13, 1954	Sept. 8, 1954	Nonstriker and wife assaulted, called foul names; nonstriker struck and knocked down.
89	do	do	do	Nonstriker physically assaulted; valve stems removed from automobile tires.
90	Kenneth Holbrook	Sept. 14, 1954	do	Cornmeal and 2 pieces of quarter-inch pipe about 2 inches long put in oil pan of automobile.
91	Gustave Stokelbusch	do	Sept. 13, 1954	Rocks thrown through 5 windows of home, breaking 11 panes of glass, knocking plaster off dining room wall breaking floor lamp in living room.
92	Carl Yerkman	Sept. 14, 1954 (signed by Mrs. Fay Yerkman.	do	Rock hurled through living-room window.
93	Elmer Born	Sept. 15, 1954 (signed by Mrs. Mary Born).	Sept. 15, 1954	3 rocks thrown through living-room picture window; rock thrown through kitchen window; rock thrown at dining room window breaking screen molding.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
94	Lester Boeldt	Sept. 20, 1954	Sept. 17, 1954	Nonstriking employee ambushed by gang in tavern; called a scab and job stealer, cursed, beaten.
95	Ben Zantow and Mrs. Zantow	Sept. 17, 1954	do	5 rocks thrown through 2 picture windows, damaging walls and furnishings.
96	Gilbert Loersch	Sept. 18, 1954	do	Living-room picture window broken by rocks.
97	John Elsesser	Sept. 22, 1954	do	Nonstriking employee assaulted in tavern, stuck in face.
98	Gotlieb Ertel	Sept. 20, 1954	Sept. 18, 1954	Valve stem removed from tire.
99	Roy Williamson	Sept. 21, 1954	do	Valve stem ripped off tire.
100	Elden Slavens	Sept. 20, 1954	Sept. 19, 1954	Light bulb filled with red and black paint thrown at residence.
101	Carl Mertz	Sept. 22, 1954	do	Nonstriker cursed, physically assaulted.
102	Arlin E. Behlow	Sept. 28, 1954	Sept. 24, 1954	Damage to auto; wires to directional lighting, to radio, and to heater cut.
103	Carl M. Gabrielse	Sept. 29, 1954	Sept. 27, 1954	Cutting blade of corn chopper broken by steel rod tied to cornstalk; machine bolts tied to other cornstalks on farm owned by father of a Kohler Co. employee.
104	Frederick Kuehlman	do	do	Air let out of tires.
105	Betty Gosse	Sept. 30, 1954	Sept. 28, 1954	3 sets of corn-chopper knives broken by machine bolts tied to cornstalks on farm operated by husband of Kohler Co. employee.
106	Frederick Kuehlman	Sept. 29, 1954	do	Automobile tire slashed.
107	Orville Gilpin	Sept. 30, 1954	Sept. 30, 1954	Automobile body gouged.
108	Arthur Haefke	do	do	Do.
109	Norman Rietbrock	Oct. 1, 1954	do	Do.
110	John Elsesser	Oct. 4, 1954	do	2 nonstriking employees assaulted in tavern by gang; threatened, kicked in legs and kneed in groin.
111	Albert Bassler	Oct. 2, 1954	Oct. 1, 1954	Rocks hurled through 5 windows, damaging mirror and furniture.
112	Believe these are same incidents as referred to in 107–109.		Sept. 30, 1954	Nonstriking employee's automobile scraped and finish scratched as he drove through picket line.
113			do	Fender and door of nonstriking employee's automobile scraped and scratched as he drove through picket line.
114			do	Right rear fender of nonstriking employee's car scratched to the metal as he drove through picket line.
115	Joseph W. Sejba	Oct. 4, 1954	do	Finish on nonstriking employee's automobile gouged with sharp instrument as it was parked at his home.
116	Kenneth C. Kletzien	do	do	Tire on automobile of nonstriking employee punctured.
117	Charles Schumacher	Oct. 4, 1954 (Oct. 1, 1954 should be Sept. 24, 1954).	Oct. 1, 1954	Nonstriking employee reports 3 punctures, caused by ¾-inch tacks; 1 tire and tube ruined.
118	Harvey Brendel	Oct. 5, 1954	do	Tire on automobile of nonstriking employee punctured by 3 roofing nails.
119	Arthur Margenau	Oct. 8, 1954	do	Tire on car of nonstriking employee punctured by 2 carpet tacks.
120	Believe this is same incident as referred to in 111.		do	Barrage of rocks broke 5 windowpanes in home of nonstriking employee; furniture in living and dining room damaged.
121	Roland Schultz	Oct. 13, 1954	Oct. 3, 1954	Tire on automobile of nonstriking employee slashed.
122	Arthur Margenau	Oct. 8, 1954	Oct. 4, 1954	Tire on car of nonstriking employee punctured by new carpet tack.
123	Elmer Margenau	do	do	Nonstriking employee reports 3 punctures caused by roofing nails.
124	Otto Vogt	Oct. 6, 1954	Oct. 6, 1954	Auto of nonstriking employee splashed with paint remover.
125	Earl Eernisse	Oct. 20, 1954	do	Dairy cow on farm operated by brother of nonstriking employee so horribly mutilated it had to be killed.
126	Betty Gosse	Oct. 8, 1954	Oct. 7, 1954	Corn chopper smashed by machine bolt tied to cornstalk on farm owned and operated by husband of nonstriking employee.
127	Elmer Margenau	Oct. 8 and 12, 1954	Oct. 7, 1954	Automobile of nonstriking employee splashed with varnish remover as he drove to work through picket line; finish ruined.
128	Edward Markgraf	Oct. 12, 1954	do	Finish blistered on auto of nonstriking employee, apparently caused by varnish remover splashed on car.
129	Gilbert Schirmer	Oct. 15, 1954	do	Tire on nonstriker's car damaged by roofing nail.
130	Vincent Fee	Oct. 11, 1954	Oct. 8, 1954	Windows in home of nonstriker smashed by rocks; table broken by the missiles.
131	William Graefe	Oct. 12, 1954	do	Entire left side of nonstriker's auto splashed with unknown liquid; finish spotted.
132	Jake Hopeman	Oct. 20, 1954	do	Dairy cow slashed on udder and body, apparently by razor blade; daughter of owner has friend who is nonstriking employee.
133	Kenneth Clark	Oct. 11, 1954	Oct. 9, 1954	Automobile splashed, finish blistered and chipped off.
134	Keith Grapentine	Oct. 12, 1954	do	Finish of nonstriker's auto blistered by liquid splashed on car.
135	Arthur Roehl	Oct. 13, 1954	do	Liquid splashed on auto of nonstriking employee ate away finish.
136	James Holsen	Oct. 14, 1954	do	Paint remover splashed on auto of nonstriking employee, damaging finish.
137	Edgar Boeldt	do	do	Nonstriking employee reports automobile window smashed while parked in his yard.
138	Edgar Boeldt	do	do	Human excrement smeared on dashboard, steering wheel, and front seat of automobile of nonstriking employee.
139	Leonard Gabrielse	Oct. 19, 1954	do	Damage done to corn chopper on nonstriker's farm when large bolt passed into chopper while corn was being cut.
140	William Schaefer	Oct. 11, 1954	Oct. 10, 1954	Entire left side of nonstriker's car squirted with liquid, apparently paint remover, which blistered finish.
141	Vernon Teboe	do	do	Nonstriking employee's auto splashed with liquid which spotted finish.
142	Lawrence Mullen	Oct. 13, 1954	do	Home of nonstriking employee contaminated by ether.
143	Arno Sauter	do	Oct. 11, 1954	Rock thrown at home of nonstriker missed window but struck with such force that plates on plate rail in dining room were dislodged and broken. Garage window smashed by rock which dented chrome on auto.
144	Arno Sauter	Oct. 12, 1954	do	Window of automobile parked near home of nonstriker smashed, apparently case of mistaken identity.
145	Elmer Margenau	do	do	Automobile of nonstriking employee splashed with acid while driving through picket line, finish spotted and pitted.
146	Carl Gebhart	Oct. 13, 1954	do	Automobile of nonstriking employee splashed with acid at plant gate.
147	Harvey Schuette	do	do	Automobile of nonstriking employee squirted with liquid, apparently varnish remover at plant driveway. When victim attempted to wipe away liquid, paint came off.
148	Peter Berhardt	do	do	Finish of automobile of nonstriking employee damaged by some liquid acid or paint remover when car was driven past pickets at northeast company gate.
149	Frederick Keseweder	do	do	Left side of automobile of nonstriking employee squirted with liquid which removed finish. Incident occurred at plant entranceway.
150	Gerald Butz	do	do	Right side of auto of nonstriking employee splashed with liquid which removed finish. Took place at company gate.
151	Roman Suttner	do	do	Acid or varnish remover sprayed on car of nonstriking employee as it entered company gate.
152	Gerhardt Otte	do	do	Entire right side of auto of nonstriking employee damaged by acid or paint remover as car passed through crowded picket line.
153	Albert Traute	do	do	Right side of auto of nonstriker damaged by acid at company gate.
154	Herbert Held	do	do	Automobile of nonstriker splashed with liquid which ate through the finish. Damage inflicted at company driveway.
155	Roland Schultz	do	do	Automobile of nonstriker splashed with substance which damaged finish. Car damaged at plant gate.
156	Elmer Grahl	do	Oct. 12, 1954	Light bulb filled with red paint thrown through window of nonstriking employee's home, damaging living-room furnishings.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
157	William Leonhardt	Oct. 14, 1954	Oct. 12, 1954	Auto of nonstriking employee splashed with liquid which spotted finish.
158	Hugo Sohre	do	do	Liquid splashed on auto of nonstriking employee, damaging finish.
159	George Henle	Oct. 13, 1954	do	Nonstriking employee's auto splashed with liquid which damaged finish.
160	Raymond Keller	do	do	Finish of auto owned by nonstriker damaged by acid or paint remover.
161	Theodore Hansmann	do	do	Nonstriker's auto spotted and pitted by liquid splashed on car.
162	Harold Lehmann	do	do	Nonstriker's car smeared with foreign substance which damaged finish.
163	Elmer Pantel	Oct. 15, 1954	do	Tacks hurled at auto of nonstriker driving through plant gates puncturing tire.
164	Willard Reinke	Oct. 16, 1954	do	Nonstriking employee's auto gouged and scratched.
165	Arthur Guenther	Oct. 14, 1954	Oct. 13, 1954	Tire on auto of nonstriking employee punctured by new carpet tacks.
166	Frederick Wegner	Oct. 16, 1954	do	Liquid squirted on auto of nonstriking employee, damaging finish of car.
167	Otto Vogt	Oct. 15, 1954	Oct. 15, 1954	Light-bulb "bomb" filled with liquid smashed against auto of nonstriking employee, damaging finish.
168	John Elsesser	do	do	Light-bulb "bomb" smashed against auto of nonstriker, damaging finish.
169	Gilbert Loersch	Oct. 16, 1954	do	2 windows in home of nonstriking employee smashed by rocks.
170	August Miller and Mrs. August Miller.	do	do	Nonstriking employee and his wife assaulted, their tavern wrecked.
171	Roland Gilligan	Oct. 18, 1954	do	Porch screen and window at home of nonstriking employee smashed by rock.
172	Mrs. Harold Oonk	Oct. 22, 1954	Oct. 16, 1954	Home of brother of nonstriker spattered with can of paint with cover off and 3 or 4 holes punched in side. Storm and inside windows smashed and damage done to drapes, rugs, and furniture.
173	Harvey Roerdink	Oct. 18, 1954	do	Thermopane window at home of nonstriking employee smashed.
174	Leonard Gabrielse	Oct. 19, 1954	Oct. 18, 1954	2 arms of 1 knifehead and 1 arm of another knifehead on corn chopper ruined when striking hidden machine bolts while harvesting corn on nonstriker's farm. Remainder of field searched and 2 more bolts found tied to stalks with binder twine.
175	Justin Strace	Oct. 25, 1954	Oct. 23, 1954	Home of member of supervision at Kohler Co. spattered with 3 paint bombs.
176	Mrs. Anthony Kaker	Oct. 26, 1954	Oct. 25, 1954	Uniformed gateman at Kohler had home spattered with paint bombs.
177	Reuben Buboltz	Oct. 28, 1954	Oct. 26, 1954	10 windows in nonstriker's garage smashed by rocks.
178	Randall Courtright	Nov. 3, 1954	Oct. 30, 1954	Nonstriker's car scratched when entering plant.
179	Wilmer and Dorthy Mentink	do	Oct. 31, 1954	Shotgun blast riddled windows in home of nonstriker.
180	Herbert Krentz	Nov. 4, 1954	Nov. 2, 1954	Paint remover thrown against nonstriker's home.
181	Jerome P. Block	do	Nov. 3, 1954	4 paint bombs splattered against nonstriker's home, window broken, entensive damage to interior.
182	Arthur Burich	Nov. 24, 1954	Nov. 4, 1954	Slashed tire caused blowout on nonstriker's car as he drove to work.
184	Harold Curtiss	Nov. 16, 1954	Nov. 5, 1954	7 roofing nails picked up in tire of nonstriker's automobile.
185	Arno C. Kremin	Nov. 6, 1954	Nov. 6, 1954	2 paint bombs smashed against nonstriker's home.
186	Henry J. Matthias	do	do	2 paint bombs thrown at nonstriker's home.
187	Tom Rosandich	Nov. 15, 1954	do	Foreign element poured into gas tank of nonstriker's car, causing damage to bearings and rings.
188	George Sacher	Nov. 10, 1954	Nov. 10, 1954	Bricks hurled through living-room windows of nonstriker's home.
189	George Behring	Nov. 11, 1954	do	Flaming torch thrown onto porch of nonstriker's home.
190	Victor Thierfelder	Nov. 12, 1954	Nov. 12, 1954	Paint bomb smashed against window of nonstriker's home.
191	Ernest C. Voelker	Nov. 13, 1954	do	Paint bomb hurled against thermopane window and missile thrown through window, causing flying glass to hit nonstriker and wife.
192	Joseph Miller	do	do	Paint bomb smashed against nonstriker's home.
193	Ottomar Zelle	do	do	Home of nonstriker under construction target of paint bombs. Present residence also paint-bombed.
194	Jacob Den Boer	do	do	2 paint bombs hurled against window and porch of nonstriker's house.
195	Wilmer Mentink	Nov. 16, 1954	do	7 carpet tacks in tire on nonstriker's car caused flat. Tacks found scattered on road at entrance to company parking lot.
196	Harvey Walvoort	Nov. 15, 1954	Nov. 13, 1954	Heavy object hurled against side of nonstriker's car as he drove through plant gate.
197	Gilbert Nelson	Nov. 16, 1954	do	Object thrown against rear fender of nonstriker's automobile as he entered company parking lot. 2 long upholstery nails found in flat tire.
198	Keith Grapentine	do	do	Paint splashed on fender and door of nonstriker's automobile.
199	Theodore Stein	Nov. 15, 1954	do	House of nonstriker splattered with paint.
200	Earl Radke	Nov. 17, 1954	do	Nonstriker reported 8 flat tires caused by roofing nails and tacks over period of several weeks.
201	James A. Kretsch	Nov. 16, 1954	Nov. 14, 1954	Door of nonstriker's automobile scratched.
202	Harold Curtiss	do	Nov. 15, 1954	Roofing nails strewn in driveway of nonstriker with resultant flat tire.
203	Adolph Riehl	Nov. 17, 1954	do	Two tires on auto of nonstriking employee punctured by 5 upholstery tacks.
204	Max Wimmer	Nov. 16, 1954	do	2 glass jars hurled through windows of nonstriker's home.
205	Kenneth Baer	Nov. 18, 1954	do	Pointed piece of hardwood driven into tire of nonstriker's automobile causing flat tire.
206	John A. Olofson	Nov. 17, 1954	do	Automobile splashed with paint remover.
207	Wesley Williams	do	Nov. 16, 1954	Paint bomb shattered against nonstriker's automobile.
208	Clarence Zimmerman	Nov. 24, 1954	do	10 carpet tacks punctured 2 tires on nonstriker's car.
209	William Mueller	Dec. 3, 1954	Nov. 18, 1954	Solution poured into radiator of nonstriker's auto causing extensive damage.
210	Fred E. Hartmann	Jan. 3, 1955	Nov. 20, 1954	Tube and tire on nonstriker's car cut.
211	Wilbert E. Suhrke	Dec. 20, 1954 (no mention of foreign substance poured into crankcase).	Nov. 22, 1954	Foreign ingredient poured into crankcase of nonstriker's automobile necessitating replacement of engine. (See reference to Nos. 219 and 229 as reason for possible confusion in description. All 3 instances referred to in affidavit dated Dec. 20, 1954.)
212	Oscar Spieker	Nov. 24, 1954	do	Light bulbs filled with paint and with paint remover thrown against and into nonstriker's home; rugs, walls, and dinette splattered.
213	Mrs. Ole T. Pladson	Nov. 23, 1954	Nov. 23, 1954	3 paint bombs and rocks smashed against nonstriker's home; damage to living-room walls, rugs, floor, and furniture.
214	Edgar Barts	Dec. 2, 1954	do	Foreign substance poured into gas tank of nonstriker's auto.
215	Max Wimmer	Nov. 30, 1954	Nov. 26, 1954	Jar filled with paint thrown through kitchen window of nonstriker's home.
216	Earl Reynolds	Dec. 1, 1954	Nov. 28, 1954	Nail driven into tire on nonstriker's auto.
217	LeRoy T. Reiter	Nov. 30, 1954, memo Dec. 11, 1954.	Nov. 29, 1954	Paint bombs hurled against windows of nonstriker's home.
218	Emil Knorr	Dec. 4, 1954	Dec. 1, 1954	Upholstery tacks punctured tire on nonstriker's auto.
219	Wilbert E. Suhrke	Dec. 20, 1954	Dec. 2, 1954	Automobile engine of nonstriking employee sabotaged.
220	Phelix Blonien	Dec. 28, 1954	do	Tire of nonstriker's auto punctured by roofing nail.
221	Arno Sauter	do	do	Tire mutilated by upholstery tacks.
222	Emil Knorr	Dec. 4, 1954	Dec. 3, 1954	Tire on nonstriker's auto went flat in company parking lot after picking up roofing nail at plant gate.
223	Gilbert Schirmer	Dec. 8, 1954	do	2 tires on auto of nonstriker went flat after picking up roofing nails.
224	Thomas Knecht	Dec. 10, 1954	Dec. 4, 1954	Roofing nail punctured front tire of nonstriker's auto.
225	Harold Curtiss	Dec. 8, 1954	do	2 upholstery tacks picked up in tire of nonstriker's automobile as it was driven through southeast gate of company.
226	Louis Weber	Dec. 6, 1954	Dec. 5, 1954	Windows broken in home of nonstriker by pellets from an air gun.
227	Thomas Knecht	Dec. 12, 1954	Dec. 6, 1954	Tire on auto of nonstriker punctured by roofing nails.
228	LeRoy Wessel	Dec. 15, 1954	do	Tire on auto of nonstriker slashed.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
229	Wilbert E. Suhrke	Dec. 20, 1954	Dec. 7, 1954	Foreign piece of metal forced into engine of nonstriker's automobile; piston broken, camshaft sprung, connecting rods warped and hole blasted through head of engine; engine had to be replaced.
230	Joseph A. Miller	Dec. 9, 1954	do	Light bulbs filled with red paint smashed against nonstriker's home.
231	Gottlieb Hense	Dec. 8, 1954	do	Paint bombs thrown against home of nonstriker.
232	Russell Bawden	Dec. 9, 1954	do	Paint bombs smashed against auto of nonstriker.
233	Lloyd C. Thompson	Dec. 8, 1954	Dec. 8, 1954	Paint bombs smashed against nonstriker's automobile.
234	Emil Knorr	Dec. 24, 1954	Dec. 10, 1954	3 upholstery tacks and roofing nail caused flat on nonstriker's auto.
235	Arthur G. Bertz	do	Dec. 13, 1954	While nonstriker's car was stopped momentarily leaving the plant, picket smashed spotlight on car.
236	Daniel C. Murray	Dec. 28, 1954	Dec. 14, 1954	Tire on nonstriker's auto punctured by 2 tacks.
237	do	do	Dec. 15, 1954	2 tacks punctured tire on nonstriker's auto.
238	Alfred Kluge	Jan. 29, 1955	Dec. 17, 1954	Objects hurled at car of nonstriker as it entered plant, causing flat tire.
239	Emil Knorr	Dec. 21, 1954	do	Tire on nonstriker's car went flat on way to work. Left car on highway near union strike kitchen and walked to work. Garagemen called to repair tire reported distributor cap and rotor missing and wires from distributor pulled out.
240	Harold Curtiss	Dec. 18, 1954	do	Window broken on nonstriker's car as it was driven through southeast entrance to plant.
241	Hugo Rautmann	do	do	Object smashed against window of nonstriker's auto as it was passing through southeast gate at the plant.
242	Norman Glaser	Dec. 21, 1954	Dec. 18, 1954	3 large windows in chicken coop of nonstriker shattered by rocks.
243	Emil Knorr	do	Dec. 21, 1954	2 nails punctured tire on auto of nonstriker.
244	Frederick Kuehlmann	Dec. 24, 1954	do	Tire on nonstriker's auto slashed and punctured.
245	Harold Fanslau	do	Dec. 22, 1954	Liquid splashed on fender and door of nonstriker's car, finish blistered.
246	Gilbert Arnhoelter	do	do	Paint bombs thrown through windows of nonstriker's home splattered paint on carpet, walls, tables, furniture, Christmas presents.
247	Herbert Krentz	Dec. 27, 1954 (signed by Mrs. Della Krentz).	do	Missiles thrown against nonstriker's home, breaking windows.
248	do	do	Dec. 24, 1954	Screwnuts hurled through garage window of nonstriker.
249	Gilbert Moede	Dec. 27, 1954	Dec. 25, 1954	Cottage of nonstriker broken into and splashed with sulfuric acid, damaging furnishings; five boats, hunting decoys, fishing equipment, and outboard motors damaged.
250	Clifford Johnson	Jan. 18, 1955	do	Tenpenny nail driven into tire on nonstriker's auto; keyhold to trunk compartment jammed, preventing access to spare tire.
251	Marvin Leys	Dec. 29, 1954	Dec. 26 1954	Spare tire of nonstriker slashed and a second tire punctured by roofing nail which had been ground to a sharp point.
252	William Bradford	Dec. 30, 1954	Dec. 29, 1954	Windshield shattered on auto of nonstriker.
253	Albert R. Maxey	Dec. 31, 1954	do	Paint bombs hurled against nonstriker's home, causing damage to tables, rug, chairs, and clothing.
254	Paul Koeppler	Dec. 30, 1954	do	2 paint bombs hurled against door of home of nonstriker.
255	Peter Breu Mrs. Peter Breu	Dec. 31, 1954 Dec. 30, 1954	do	Paint bomb hurled through window of nonstriker's home, spattering rug, chair, and davenport.
256	Fred Meifert	Jan. 4, 1955	Dec. 30, 1954	Nonstriker's automobile window shattered by pellets from BB-gun.
257	Elwin Taubenheim	Jan. 3, 1955	do	½-inch steel ball hurled through window of auto of nonstriker.
258	Wayne Kramer	do	do	Steel bearing shot through living-room window of home of nonstriker.
259	Elmer Van Der Weele	Jan. 10, 1955	Dec. 31, 1954	Tire on nonstriker's automobile slashed.
260	John Lucynski	Jan. 4, 1955	Jan. 2, 1955	Rock hurled through bedroom window of home of nonstriker.
261	Elmer Marcheske	Jan. 31, 1955	do	Window in home of nonstriking employee smashed by missile.
262	Norman Prange	Jan. 4, 1955 and Jan. 5, 1955	Jan. 3, 1955	Steel ball thrown through window of nonstriker's home.
263	Otto Vopt	do	do	Large thermopane window in nonstriker's home smashed.
264	Dwight Van de Walker	Jan. 10, 1955	do	Tire on auto of nonstriker cut, causing flat.
265	William Graefe, Jr	Jan. 7, 1955	do	Steel ball thrown through thermopane window of nonstriker's home.
266	Mrs. Harriet Roeder	Jan. 10, 1955	do	Object thrown against window of nonstriker's auto as it was being driven into plant; window cracked.
267	John Roszak	Jan. 11, 1955	Jan. 4, 1955	Large steel bearing shot through kitchen window of nonstriker's home.
268	Clarence Herman	Jan. 12, 1955	do	Paint splattered on nonstriker's garage.
269	Lester Boeldt	Jan. 18, 1955	do	Nails strewn in driveway of nonstriker's home.
270	Donald Gerlach	Jan. 5, 1955	Jan. 5, 1955	Trunk, door, fender, and top of nonstriker's car damaged by missiles as he drove by pickets on way to work.
271	Emmanuel Elsesser	Jan. 21, 1955	do	Tire on nonstriker's auto slashed.
272	Wilfred G. Tank	Jan. 10, 1955	Jan. 6, 1955	Object hurled against nonstriker's auto as it was being driven through company gate, large dent in right door.
273	Walter Warnecke	Jan. 12, 1955	do	Paint bombs thrown through windows of nonstriker's home, damaging walls, drapes, rugs, furniture.
274	Willard Johnston	Feb. 8, 1955	do	Tire on auto of nonstriker cut as car left plant.
275	Edward Markwardt	Jan. 24, 1955	Jan. 7, 1955	Metal slug fired against side of nonstriker's home.
276	Richard Arpke	Jan. 20, 1955	Jan. 8, 1955	Tire on auto of nonstriker slashed.
277	Mrs. Elaine Knause	Jan. 24, 1955	Jan. 10, 1955	Oil filter on nonstriker's car cut loose.
278	Henry O. Polster	Jan. 17, 1955	Jan. 12, 1955	2 tires on car of nonstriker punctured by roofing nails.
279	Neal M. Schraeder	do	do	2 roofing nails punctured tire on nonstriker's auto.
280	Edward Markwardt	Jan. 24, 1955	do	Object hurled against nonstriker's house.
281	David H. Matthias	Jan. 21, 1955	do	5 aluminum roofing nails caused flat tire on nonstriker's auto.
282	Lloyd Wunsch	Jan. 18, 1955	Jan. 13, 1955	Roofing nails punctured tire on auto of nonstriker.
283	Merlyn Charles	Feb. 3, 1955	do	Fan belt cut in auto of nonstriker.
284	Benedict J. Hansen	Jan. 19, 1955	Jan. 14, 1955	Nails punctured tire on auto of nonstriker.
285	Robert Schweitzer	do	Jan. 15, 1955	Over 100 roofing nails scattered in driveway of nonstriker.
286	Guenther Voss	Jan. 17, 1955	Jan. 17, 1955	Missile shattered window of nonstriker's car as it entered road leading to northeast company gate.
287	Toby Gunderson	Jan. 1, 1955	Jan. 18, 1955	2 tires punctured on nonstriker's auto by roofing nails.
288	Clarence J. Heinen	do	do	Rock hurled through living-room window of nonstriker's home.
289	William Schraeder	do	do	2 rocks and paint bomb thrown through window of nonstriker's home, damaging drapes, floor, ceiling, rug.
290	Betty Gosse	do	do	2 light bulbs filled with purple dye hurled through window of nonstriker's home, damaging interior.
291	David H. Matthias	Jan. 21, 1955	do	Roofing nails strewn in nonstriker's driveway.
292	Harold L. Hahn	Feb. 9, 1955	do	Tire on auto of nonstriker slashed.
293	Clarence J. Heinen	Jan. 19, 1955	Jan. 19, 1955	Greenish liquid splattered against living-room window of nonstriker's home.
294	Willard Johnston	Feb. 8, 1955	do	Roofing nails driven into tire of nonstriker's auto, causing flat.
295	Lorraine Payne	Jan. 24, 1955	Jan. 20, 1955	Air let out of tires on nonstriker's auto.
296	Anton Schmur	Jan. 21, 1955	do	Window of nonstriker's home smashed.
297	Elwin Taubenheim	Jan. 24, 1955	Jan. 21, 1955	Car window of nonstriker's auto shattered by steel bearings.
298	Keith Grapentine	Jan. 25, 1955	do	Nonstriker's auto paint bombed.
299	Richard and Doris Kohlhagen	Jan. 22, 1955	do	Missile hurled through window of nonstriker's home.
300	Alfred Kluge	Jan. 28, 1955	Jan. 22, 1955	Tire on nonstriker's auto punctured by 3 nails.
301	John Stockinger	Jan. 27, 1955	do	Nonstriker's auto parked in front of home stoned, damaged.
302	Marvin J. Harder	Jan. 25, 1955	do	Metal ball fired at nonstriker's home.
303	Harvey Erbstoesser	Jan. 27, 1955	do	Windows in home of nonstriker smashed.
304	Kenneth Lavrenz	Jan. 29, 1955	do	75 gallons of oil drained from oil drum of nonstriking employee.
305	Gordon McChain	Feb. 3, 1955	do	Safety chain broken off and faucet forced on.
306	Don Lee Koch	Feb. 2, 1955	do	Upholstery tacks driven into tire on nonstriker's auto.
307	Mrs. Marie Eslinger	Feb. 4, 1955	do	Water poured into engine of nonstriker's automobile, causing extensive damage.
				Tire slashed on auto of nonstriker.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
308	Lester Schuricht	Jan. 28, 1955	Jan. 23, 1955	Auto of nonstriker tampered with, necessitating repairs.
309	Robert Hensel	Jan. 24, 1955	do	Paint bombs thrown against nonstriker's home.
310	Phillip Schlessman	Feb. 3, 1955	Jan. 24, 1955	Object hurled against car of nonstriker as it was driven through company gate, damaging finish.
311	Elmer Marcheske	Jan. 31, 1955	Jan. 25, 1955	Object hurled against side of nonstriker's auto, finish damaged.
312	Alfred Kluge	Jan. 28, 1955	do	Object hurled against nonstriker's car as it was driven by union soup kitchen, right fender damaged.
313	Eugene Stoeckigt	Feb. 3, 1955	do	Aluminum roofing nails scattered in front of nonstriker's home.
314	Harvey Erbstoesser	Jan. 27, 1955	Jan. 26, 1955	Lead ball hurled through window of nonstriker's home.
315	Gilbert Arnhoelter	Jan. 28, 1955	do	Lead slug fired through window of nonstriker's home, causing interior damage.
316	Gordon McChain	Feb. 3, 1955	Jan. 27, 1955	Tire on auto of nonstriker punctured by upholstery tacks.
317	John Lucynski	Jan. 28, 1955	do	Beer bottle hurled at window of nonstriker's home.
318	Gustave Stockelbusch	Jan. 29, 1955	Jan. 29, 1955	Bottle hurled through dining-room window of nonstriker's home.
319	Frank Lindsay	Jan. 31, 1955	Jan. 30, 1955	Object hurled through side of nonstriker's garage.
320	Robert Heling, Jr	Feb. 3, 1955	do	Flaming torch thrown at nonstriker's home.
321	Hilbert Dreps	Feb. 4, 1955	Jan. 31, 1955	About 75 roofing nails scattered in driveway of nonstriker.
322	Arlie Haupt	Feb. 3, 1955	do	Object hurled against car of nonstriker as it was entering plant gate.
323	Elmer Van Der Weele	Feb. 2, 1955	do	Door forcibly sprung on auto of nonstriker.
324	Robert Hoegger	Feb. 3, 1955	Feb. 1, 1955	Rock hurled through living-room window of nonstriker's home.
325	William Bersch, Sr	Feb. 2, 1955	do	Window in home of nonstriker broken by pellets from BB gun.
326	Elmer Margenau	Feb. 4, 1955	Feb. 2, 1955	Lead slug hurled through window of nonstriker's auto.
327	Willard Johnston	Feb. 8, 1955	Feb. 4, 1955	Car of nonstriker kicked and rocked by pickets when it stopped while leaving the plant gate, fender dented.
328	Frank Holub	Feb. 7, 1955 (Feb. 3, 1955, should be Feb. 4, 1955).	do	Air let out of tires of nonstriker's car.
329	Randall Courtright, John Schleh, Lawrence Kurscheid.	Feb. 8, 1955	do	Window shattered in nonstriker's car when object was hurled against it as car was driven through picket line.
330	Mrs. Alfred Hartel	Statement Feb. 5, 1955	do	Paint bomb thrown against nonstriker's home.
331	Mrs. Alphonse Sharenbrock	Feb. 5, 1955	do	Paint bomb thrown on roof of home.
332	Raymond Albright	Statement Feb. 5, 1955	do	3 paint bombs hurled against home of nonstriking employee.
333	Francis Dehr	Feb. 9, 1955	do	Paint bombs smashed against nonstriker's home.
334	Frederick Herr	do	do	3 paint bombs hurled at nonstriker's home, window broken, interior damaged.
335	Edward Wesmer	Statement Feb. 5, 1955	do	3 paint bombs smashed against nonstriker's home.
336	Mrs. Fred Roscier	Statement Feb. 7, 1955	do	Paint bomb thrown on roof of nonstriker's home.
337	Mrs. Rita Lutzke	do	do	Paint bombs hurled against nonstriker's home.
338	Duane Giebel	Feb. 21, 1955	Feb. 5, 1955	Sand poured in crankcase of nonstriker's auto, ruining motor.
339	Harold L. Hahn	Feb. 9, 1955	Feb. 7, 1955	Tire of auto of nonstriker slashed.
340	Arthur Hedstrom	do	Feb. 8, 1955	Thermopane window in home of nonstriker broken.
341	Justin R. Strace	Feb. 10, 1955	do	Metal object hurled through thermopane window of home of nonstriker.
342	Anthony Kaker	do	do	Window in car of nonstriker smashed by missile.
343	John Lucynski	Feb. 5, 1955 (Feb. 9, 1955, should be Feb. 2, 1955).	Feb. 9, 1955	Lead slug hurled through glass block near front door of nonstriker's home.
344	Mrs. Maudie Hartmann	Feb. 11, 1955	do	Thermopane window in home of nonstriker smashed.
345	John Kohlhagen	Feb. 15, 1955	Feb. 10, 1955	Chunk of ice hurled through window of nonstriker's home.
346	Harvey Van Der Weele	do	Feb. 11, 1955	Metal slug hurled at window of nonstriker's home.
347	Elmer Van Der Weele	Feb. 25, 1955	do	Gears jammed on auto of nonstriking employee while parked in front of plant.
348	Max Wimmer	Feb. 15, 1955	Feb. 15, 1955	Nonstriker's garage broken into and car painted and scratched, Human excrement smeared on side of car.
349	Dwight Van de Walker	Feb. 18, 1955	do	Alcohol with sugar poured into gas tank of auto of nonstriker, burning out the engine.
350	Kenneth D. Theune	Feb. 25, 1955	Feb. 18, 1955	Tires and valve stems slashed on auto of nonstriker.
351	Dwight Van de Walker	do	do	Carburetor tampered with on auto of nonstriker.
352	Elmer Van der Weele	do	Feb. 21, 1955	Parts removed from nonstriker's automobile, battery sabotaged.
353	Mrs. Agnes Pearce	do	do	Foreign substance poured into gas tank of nonstriker's auto, corroding piston walls and coating them with gummy substance.
354	Norman Rautmann	Feb. 28, 1955	Feb. 22, 1955	Tire on car of nonstriker punctured when passing through picket line at plant entranceway.
355	Jack Burke	Correspondence from and to Burke.	do	Tire ruined by roofing nails in driveway.
356	Junior F. Wagener	Feb. 25, 1955	Feb. 24, 1955	Nonstriker's car damaged after running over logs placed on curve of icy road.
357	Victor Sippel	Feb. 26 and 28, 1955	Feb. 25, 1955	Nonstriker's car dynamited, roof, fenders, and hood blown off, inside of car gutted, complete loss.
358	Lloyd G. Korb	Mar. 15, 1955	Feb. 28, 1955	Tire cut on nonstriker's auto.
359	Vincent Polster	Mar. 4, 1955	Mar. 1, 1955	Trunk on nonstriker's auto dented.
360	Henry Plantz	do	do	Nonstriker's car dynamited.
361	Raymond Dedering	Mar. 8, 1955	Mar. 3, 1955	4 roofing nails punctured tire on nonstriker's auto.
362	Phillip Lobes	Mar. 4, 1955	do	Rock hurled through windshield of nonstriker's auto.
363	Reuben Miller	Mar. 8, 1955	Mar. 6, 1955	Machine shed of nonstriker dynamited.
364	Charles J. Hein	do	Mar. 7, 1955	Paint chipped off door of nonstriker's auto.
365	Eugene Witkowski	Mar. 10, 1955	Mar. 10, 1955	Rocks hurled through windows of nonstriker's automobile.
366	Clarence Hildebrand	Mar. 30, 1955	Mar. 12, 1955	Paint bomb hurled against home of nonstriker.
367	LeRoy Reiter	Apr. 1, 1955	do	Tire slashed on nonstriker's auto.
368	Charles Noel, Jr	Mar. 17, 1955	Mar. 13, 1955	Roofing nail punctured tire of nonstriker's auto.
369	Albert Traute	Mar. 15, 1955	Mar. 14, 1955	Piece of concrete hurled through Thermopane window of nonstriker's home.
370	Harry Froehlich	Mar. 17, 1955	Mar. 15, 1955	Paint bomb hurled at nonstriker's home.
371	James Holsen	do	do	Nonstriker's automobile dynamited while parked in front of home.
372	Alvin Suemnicht	Mar. 21, 1955	do	Crankshaft and camshaft ruined and valve lifters burned out in auto of nonstriking employee necessitating replacement of motor.
373	James Elliott	Mar. 25, 1955	Mar. 19, 1955	Water hose cut and gasoline smashed in auto of nonstriker.
374	Samuel A. Murphy	do	Mar. 20, 1955	Rocks hurled through window of home of nonstriking employee.
375	Eleanor Knolblauch	do	do	3 tires slashed beyond repair on auto of nonstriker.
376	LeRoy D. Wessel	do	do	Roofing nails scattered in the driveway of nonstriker.
377	Peter Schurrer	Mar. 23, 1955	Mar. 21, 1955	Tire on auto of nonstriker punctured by roofing nail driven into sidewall.
378	Bernard M. Daane	Mar. 25, 1955	do	2 shotgun blasts fired through Thermopane window of nonstriker's home smashing plaster on opposite wall.
379	Orville A. Glass	Mar. 24, 1955	Mar. 23, 1955	7 roofing nails lodged in tire of nonstriker.
380	Frederick Nack	Mar. 28, 1955	Mar. 24, 1955	3 pickets attacked nonstriker's car as it was going into plant. Window smashed and car dented.
381	Arline Wunsch	Mar. 29, 1955	do	Roofing nails punctured tire on nonstriker's auto.
382	John Elsesser	do	Mar. 26, 1955	Dynamite thrown at nonstriker's automobile, falling short and blasting hole in pavement. Force of explosion smashed 5 windows in home. Wife of nonstriker suffered punctured eardrum.
383	Clarence Hildebrand	Mar. 30, 1955	do	Paint and tar smeared on nonstriker's car.
384	Eldon Voss	Mar. 31, 1955 (Mar. 28, 1955 should be Mar. 29, 1955).	Mar. 28, 1955	2 tires punctured on auto of nonstriker.
385	Leo Zorn	Apr. 1, 1955	do	Objects hurled against nonstriker's car as it was entering road to company parking lot, hood dented.
386	Eldon Voss	Mar. 31, 1955	Mar. 29, 1955	Tire slashed on nonstriker's auto. (Should be "punctured" not "slashed.")
387	John Stockinger	Apr. 1, 1955	Mar. 31, 1955	Rock hurled through window of nonstriker's home, playing children showered with flying glass.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
388	Marvin Hein	Apr. 4, 1955	Apr. 4, 1955	Yellow paint sprayed on left-hand side of car.
389	James Rickmeier	Apr. 6, 1955	do	Nonstriker's car damaged while parked in street.
390	Gilbert Charles	Apr. 5, 1955	do	Paint bomb hurled through window of nonstriking employee.
391	Irving L. Bawden	Apr. 13, 1955	Apr. 5, 1955	Car finish damaged by acid.
392	Fred Hammelman	Apr. 7, 1955	Apr. 6, 1955	2 paint bombs hurled at nonstriking employee's home and car.
393	Carl E. Siegel	do	do	Garage and auto of nonstriker splashed with paint.
394	Raymond G. Blanchard	Apr. 15, 1955	do	2 tires on nonstriker's auto punctured by roofing nails.
395	Harry Froehlich	Apr. 9, 1955	Apr. 8, 1955	Paint bomb thrown at nonstriker's home.
396	Pius E. Reinbold	Apr. 11, 1955	Apr. 9, 1955	Rock thrown through living room of home of nonstriker.
397	Eugene Roe	Apr. 12, 1955	Apr. 10, 1955	More than a pound of sand and clay placed in fuel tank of nonstriker's auto.
398	Vernon Hartman	do	do	Brick thrown through living-room window of home of nonstriker.
399	Fred Yurk	Apr. 20, 1955	Apr. 12, 1955	Dynamite exploded under car of nonstriker, causing extensive damage.
400	John Kraemer	Apr. 13, 1955	do	Jagged rock hurled through living-room window, hitting and injuring nonstriker.
401	Clarence Burich	Apr. 19, 1955	Apr. 18, 1955	Dynamite exploded under auto of nonstriker parked in front of his home; car a complete loss.
402	Elwin Taubenheim	Apr. 22, 1955	Apr 21, 1955	Nonstriker's car dynamited.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955

No.	Name	Affidavit date	Date of incident	Description
1-A	Hugo Rautmann	June 25, 1954	Sometime during week of May 30.	Word "scab" painted in red on sidewalk of home.
2-A	Robert Leuck	June 11, 1954	June 10, 1954	Cement forms for steps and sidewalk pulled out and strewn over lawn.
3-A	Andrew Kohlhagen	Sheboygan press article, June 29, 1954.	June 28, 1954	Red paint thrown on store of mayor of Sheboygan Falls.
4-A	Edward Gehrke	July 3, 1954	June 30, 1954	Stone hit house.
5-A	Marvin E. Birr	Aug. 19, 1953	Aug. 17, 1954	Car trunk scratched.
6-A	Roland James Gilligan	Oct. 18, 1954	Aug. 23, 1954	Garage windows broken by BB gun.
7-A	Kenneth Clark	Aug. 25, 1954	Aug. 24, 1954	Gravel thrown at car, northeast gate.
8-A	James Rickmeier	Aug. 27, 1954	do	Do.
9-A	Charles Schumacher	Aug. 31, 1954	Aug. 30, 1954	Paraffin torch thrown in car.
10-A	Gaylord Sohn	Jan. 11, 1955	Sept. 2, 1954	Rock wrapped in strike bulletin thrown at home.
11-A	Mrs. Arden Luker (affiant had apartment above Kohlhagen's store).	Sept. 6, 1954	Sept. 6, 1954	Show window broken and appliances damaged in mayor of Sheboygan Falls' store.
12-A	Gilbert Schirmer	Oct. 15, 1954	Sept. 10, 1954	Flat tire, new roofing nail.
13-A	Casmir Nighbor	Sept. 29, 1954	Sept. 25, 1954	Beer glasses thrown at home.
14-A	Gloria Poth	Oct. 27, 1954	Oct. 1, 1954	Flat tire, southeast gate, ¾-inch tacks.
15-A	John Kliejunas	Oct. 6, 1954	Oct. 3, 1954	Car scratched and cut.
16-A	Wilbert E. Suhrke	Oct. 7, 1954	Oct. 4, 1954	Car dented by rock and window broken.
17-A	Franklin H. Graumann	Oct. 6, 1954	Oct. 6, 1954	Acid thrown on car at home.
18-A	James Holsen	Oct. 7, 1954	do	Do.
19-A	William Leonhard	do	do	Car sprayed with substance.
20-A	Arthur F. Margenau	Oct. 8, 1954	do	Do.
21-A	Willard Roszak	Oct. 6, 1954	do	Substance thrown on car.
22-A	Edward C. Gehrke	Oct. 7, 1954	Oct. 7, 1954	Home paint bombed.
23-A	Raymond F. Schneider	Oct. 8, 1954	do	Acid squirted on car of nonstriker's sister.
24-A	Renatus E. Erbe	Oct. 16, 1954	Oct. 11, 1954	Car splashed with acid.
25-A	Reuben Poppenhagen	Oct. 14, 1954	do	Nails in driveway to northeast gate.
26-A	Warren Williams	Oct. 15, 1954	do	Substance sprayed on car at home.
27-A	Howard Van Ess	Nov. 5, 1954	Oct. 12, 1954	Flat tires, northeast gate, roofing nail.
28-A	Reuben Buboltz	Oct. 28, 1954	Oct. 24, 1954	Flowers in flower boxes pulled out.
29-A	Elmer Margenau	Oct. 27, 1954	do	Tire slashed causing blowout.
30-A	Gloria Poth	do	Oct. 25, 1954	Substance thrown at car, southeast gate.
31-A	Arthur Milbrath	Oct. 28, 1954	Oct. 23, 1954	Paint thrown on car, ½ pint.
32-A	Fred E. Hartman	Jan. 3, 1955	do	Flat tire, northeast gate, upholstery tack.
33-A	Howard Van Ess	Nov. 5, 1954	Oct. 30, 1954	Flat tire, northeast gate.
34-A	Mike Brandt	Nov. 17, 1954	Nov. 10, 1954	Gravel thrown at car, northeast gate.
35-A	Milfert Roerdink	Nov. 16, 1954	Nov. 13, 1954	Gravel thrown at car, southeast gate.
36-A	Robert R. Schaefer	do	do	Flat tire, southeast gate, tacks.
37-A	Michael Duffek	Nov. 18, 1954	Nov. 15, 1954	Flat tire.
38-A	Walter Matuszewski	Jan. 4, 1955	Week of Nov. 15, 1954	Flat tire, northeast gate, headless roofing nail.
39-A	Arthur Glaubig	Nov. 18, 1954	Nov. 16, 1954	Flat tire, roofing nails.
40-A	do	do	Nov. 17, 1954	Flat tires, upholstery tacks in driveway to southeast gate.
41-A	Leroy Wessel	Dec. 15, 1954	Nov. 19, 1954	Flat tire, upholstery tacks.
42-A	Earl Reynolds	Dec. 1, 1954	Nov. 27, 1954	Flat tire.
43-A	do	do	Nov. 28, 1954	Flat tire, finish nail.
44-A	do	do	Nov. 30, 1954	Do.
45-A	Phelix Blonien	Dec. 28, 1954	do	Flat tire, aluminum nail.
46-A	do	do	Dec. 4, 1954	133 roofing nails picked up by magnet on Kohler Co. truck at northeast gate.
48-A	Phillip Schlessmann	Dec. 17, 1954	Dec. 7, 1954	Flat tire, northeast gate, roofing nail.
49-A	Arno Sauter	Dec. 28, 1954	do	Flat tire, tack.
50-A	Reuben Poppenhagen	Dec. 8, 1954	do	128 roofing nails picked up by magnet on Kohler Co. truck at northeast gate.
51-A	Daniel C. Murray	Dec. 28, 1954	Dec. 9, 1954	Flat tire, tack and barb.
52-A	Leroy Wessel	Dec. 15, 1954	Dec. 10, 1954	Flat tire, nails.
53-A	Frederick Domke	Dec. 28, 1954	Dec. 11, 1954	Aluminum roofing nail in tire.
54-A	Norman J. Rautmann	Feb. 28, 1955	Dec. 15, 1954	Flat tire, roofing nail.
55-A	Arthur J. Hinks	Dec. 28, 1954	Dec. 19, 1954	Flat tire, northeast gate, roofing nail.
56-A	Fred Meifert	Jan. 4, 1955	Dec. 22, 1954	Flat tire, roofing nail.
57-A	Jerome Bersch	do	do	60 roofing nails found in driveway at home.
58-A	Willard Van Ouwerkerk	Dec. 31, 1954	Dec. 23, 1954	115 roofing nails found in driveway at home.
59-A	Clyde Roop	Dec. 28, 1954	Dec. 24, 1954	Bus window broken at southeast gate.
60-A	Dwight Van De Walker	Jan. 3, 1955	Dec. 25, 1954	Flat tire, northeast gate, headless roofing nail.
61-A	Arthur J. Hinks	Dec. 28, 1954	do	Flat tire, northeast gate.
62-A	Herbert Krentz (signed by Mrs. Della Krentz).	Dec. 27, 1954	do	178 upholstery tacks found in driveway at home.
63-A	Dwight Van De Walker	Jan. 3, 1955	Dec. 28, 1954	Flat tire, northeast gate, headless roofing nail.
64-A	Jerome Bersch	Jan. 4, 1955	Dec. 29, 1954	68 roofing nails found on snow in driveway at home; more found as snow melted.
65-A	Dwight Van De Walker	Jan. 10, 1955	Dec. 31, 1954	Flat tire, northeast gate, headless roofing nail.
66-A	Gordon H. Mackie	Apr. 29, 1954	do	Flat tire, Kohler Co. parking lot.
67-A	Lester A. Boeldt	Jan. 18, 1955	Jan. 4, 1955	Flat tire, southeast and northeast gates, roofing nail.
68-A	Walter Heide	do	do	48 aluminum nails found in driveway at home.
69-A	Dwight Van De Walker	Jan. 10, 1955	do	Nail in tire, northeast gate, tire blowout causing car to turn over.
70-A	John Den Boer	Jan. 24, 1955	Jan. 5, 1955	Flat tire, northeast gate, roofing nail.
71-A	Gilbert W. Arnhoelter	Jan. 17, 1955	Jan. 6, 1955	Nails found in driveway at home.
72-A	Paul Jacobi and Joseph Born	Jan. 11, 1955 (p. 2, par. 6)	do	Rear view mirror of Peninsular Supply Co. truck broken by pickets as it was leaving Kohler Co. plant through main gate.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
73-A	Walter Heide	Jan. 18, 1955	Jan. 7, 1955	Aluminum roofing nails found in driveway at home.
74-A	A. A. Stalf	Jan. 11, 1955	Jan. 8, 1955	Flat tire, northeast gate, roofing nail.
75-A	John Den Boer	Jan. 24, 1955	Jan. 11, 1955	Do.
76-A	Paul Groh	Jan. 19, 1955	Jan. 12, 1955	Flat tire, northeast gate, 2 roofing nails.
77-A	Toby Gunderson	do	do	Flat tire, hole in tire.
78-A	Earl D. Wiechman	Jan. 20, 1955	do	118 aluminum roofing nails found in driveway at home.
79-A	Norman J. Rautmann	Feb. 28, 1955	do	Flat tire, roofing nail.
80-A	George Schmitz	Jan. 18, 1955	Jan. 13, 1955	Flat tire, northeast gate, roofing nail.
81-A	John Stockinger	Jan. 27, 1955	Jan. 14, 1955	Flat tire, roofing nail.
82-A	John Den Boer	Jan. 24, 1955	Jan. 17, 1955	Do.
83-A	John Hrasky	Jan. 21, 1955	do	Do.
84-A	Willard Johnston	Feb. 8, 1955	do	Do.
85-A	Emmanuel Elsesser	Jan. 21, 1955	Jan. 18, 1955	Flat tire, northeast gate, 2 roofing nails.
86-A	Benedict J. Hansen	Jan. 19, 1955	do	Flat tire, aluminum roofing nail.
87-A	Willard Johnston	Feb. 8, 1955	do	Flat tire, roofing nail.
88-A	Phillip F. Schlessmann	Feb. 3, 1955	do	Do.
89-A	Willard Johnston	Feb. 8, 1955	Jan. 19, 1955	Do.
90-A	Gilbert Arnhoelter	Jan. 24, 1955	Jan. 20, 1955	Flat tire, northeast gate, nail.
91-A	Hilbert Dreps	Feb. 4, 1955	do	Flat tire, roofing nails.
92-A	John D. Konz	Feb. 5, 1955	do	Flat tire, roofing nail.
93-A	Keith Grapentine	Jan. 25, 1955	Jan. 21, 1955	Roofing nail in tire, no damage.
94-A	Ronald O. Krepsky	do	do	Flat tire, roofing nail.
95-A	Elden Slavens	Feb. 3, 1955	do	Flat tire, aluminum nail.
96-A	Gilbert H. Schill	Feb. 2, 1955	Jan. 22, 1955	Flat tire, roofing nail.
97-A	Eugene A. Stoeckigt	Feb. 3, 1955	Jan. 24, 1955	Aluminum roofing nail in tire, causing flat.
98-A	Harold Hembel	Jan. 27, 1955	Jan. 25, 1955	Right rear fender of car damaged by object at southeast gate.
99-A	Rowland Bergemann	Feb. 5, 1955	Jan. 26, 1955	Flat tire, northeast gate, finishing nail and roofing nail.
100-A	Mrs. LaVerne E. Sonnemann	Feb. 2, 1955	do	Flat tire, roofing nail.
101-A	Harold J. Lemkuil	Feb. 7, 1955	Jan. 28, 1955	Flat tire, northeast gate, roofing nail.
102-A	Roman H. Schuessler	Feb. 1, 1955	do	Flat tire, northeast gate, nail.
103-A	Willard Johnston	Feb. 8, 1955	Jan. 30, 1955	Nails found in driveway at home.
104-A	Gordon F. McChain	Feb. 3, 1955	Jan. 31, 1955	Flat tire, nail.
105-A	Sylvester Schweitzer	do	do	Substance thrown at car, northeast gate.
106-A	John D. Konz	Feb. 5, 1955	Feb. 2, 1955	Flat tire, roofing nail.
107-A	Henry H. Tufts	do	do	Flat tire, northeast gate, roofing nails.
108-A	Harwood Slater	Feb. 10, 1955	Feb. 9, 1955	Roofing nails thrown in driveway at home.
109-A	Victor C. Nonnweiler	Feb. 14, 1955	Feb. 11, 1955	Flat tire, northeast gate, roofing nail.
110-A	Oliver Ter Maat	Feb. 16, 1955	do	Cast slug hurled at window of home.
111-A	John Stockinger	Feb. 23, 1955	Feb. 17, 1955	43 roofing nails found in driveway at home.
112-A	Walter E. Marquardt	Mar. 3, 1955	do	Flat tire, roofing nail.
113-A	Fred Kirkpatrick	Feb. 25, 1955	Feb. 19, 1955	Do.
114-A	Fred Kloppenburg	Feb. 28, 1955	Feb. 20, 1955	Flat tire, northeast gate, roofing nail.
115-A	William Hoegger	do	Feb. 21, 1955	Flat tire, southeast gate, roofing nail.
116-A	Charles Noel, Jr	Mar. 5, 1955	Feb. 23, 1955	Flat tire, northeast or southeast gates, roofing nail.
117-A	Harold J. Fanslau	Mar. 8, 1955	Feb. 25, 1955	Flat tire, northeast gate, roofing nail.
118-A	Renatus E. Erbe	Mar. 5, 1955	Mar. 1, 1955	Do.
119-A	Gordon McChain	do	Mar. 2, 1955	Flat tire, southeast gate, roofing nail.
120-A	Charles J. Hein	Mar. 8, 1955	Mar. 5, 1955	Flat tire, upholstery tack.
121-A	Harold F. Roeder	Mar. 11, 1955	do	Flat tire, 3 roofing nails.
122-A	Selvin Marsho	Mar. 19, 1955	do	Flat tire, 2 nails.
123-A	Charles Noel, Jr	Mar. 17, 1955	Mar. 8, 1955	Flat tire, roofing nail.
124-A	Ervin A. Schmitz	Mar. 15, 1955	do	Slashed tire.
125-A	Harold Curtiss	do	Mar. 10, 1955	Flat tire, southeast gate, headless tack.
126-A	John J. Horst	Mar. 22, 1955	do	Roofing nails found in driveway at home.
127-A	Harold Curtiss	Mar. 15, 1955	Mar. 14, 1955	Flat tire, southeast gate, roofing nail.
128-A	LeRoy D. Wessel	Mar. 25, 1955	Mar. 22, 1955	Flat tire, southeast gate, ¾-inch nail.
129-A	Orville A. Gilpin	June 3, 1955	do	Flat, tire northeast gate, 3 roofing nails.
130-A	Cyril J. Wilberscheid	Apr. 4, 1955	Apr. 1, 1955	2 roofing nails in punctureproof tire; roofing nails found in driveway at home.
131-A	Norman Martin	Apr. 5, 1955	do	Flat tire, 1-inch nail.
132-A	Frederick Domke	Apr. 19, 1955	do	Flat tire, northeast gate, roofing nail.
133-A	Leslie Pike	July 8, 1955	Apr. 7, 1955	Aerial broken on car and fender skirts removed.
134-A	Adolph Riehl	Apr. 15, 1955	Apr. 9, 1955	Flat tire, southeast gate, oversize tack with ¼-inch head.
135-A	Victor F. Balnaitis	Apr. 13, 1955	Apr. 11, 1955	Flat tire, oversize tack; 10 flats not reported.
136-A	Herman Grams	Apr. 14, 1955	do	Lead pellets hit house.
137-A	Frederick Domke	Apr. 19, 1955	Apr. 12, 1955	Flat tire, northeast gate, roofing nail.
138-A	Adolph Riehl	Apr. 15, 1955	Apr. 13, 1955	Flat tire, southeast gate, oversize tack with ¼-inch head.
139-A	Arlie Haupt	Apr. 18, 1955	do	4½ pounds of roofing nails found in driveway at home.
140-A	Roman Steinbruecker	Apr. 15, 1955	Apr. 14, 1955	Flat tire, northeast gate, roofing nail.
141-A	Alvin Suemnicht	Apr. 19, 1955	do	Flat tire, 6-penny nails; ½ pound of 6-penny nails found in driveway at home.
142-A	Helmuth R. Zutz	Apr. 26, 1955	Apr. 21, 1955	Tire cut causing blowout.
143-A	Alfred W. Baumann	do	Apr. 24, 1955	Substance thrown on car.
144-A	Rowland Bergeman	May 2, 1955	Apr. 23, 1955	Tires cut by sharp instrument.
145-A	Chester A. Hermann	Apr. 23, 1955	do	Shingle nails found in driveway at home.
146-A	Gordon H. Mackle	Apr. 29, 1955	Apr. 25, 1955	25 nails found in driveway at home.
147-A	Albert Bassler	do	Apr. 26, 1955	Glass jar of bluish waxy substance thrown through window, damaging interior of home.
148-A	George A. Leonhardt	do	Apr. 27, 1955	Car scratched on city street.
149-A	Marvin R. Claus	Jan. 25, 1956	Sometime in March or April of 1955.	Car shot at with slingshot at southeast gate.
150-A	Walter Born	May 2, 1955	May 2, 1955	Car windows smashed by pickets at southeast gate.
151-A	Arthur E. Fink	May 5, 1955	May 3, 1955	Flat tire, 2 roofing nails.
152-A	Otto Henning	May 10, 1955	May 7, 1955	Flowers, shrubs, and plants trampled on, cut and damaged.
153-A	Arthur Hertensteiner	May 20, 1955	May 9, 1955	Flat tire, nail driven into outside cleat of tire.
154-A	Robert W. Arndt	May 18, 1955	May 12, 1955	Flat tire, northeast gate, roofing nail.
155-A	George A. Leonhardt	May 17, 1955	May 13, 1955	Car scratched while parked in Sheboygan.
156-A	Murray Lindsay	do	do	Flat tire, southeast gate, chair glider nail.
157-A	Gilbert Schirmer	May 21, 1955	do	Tire cut.
158-A	Clement B. Schoenborn, Sr	May 27, 1955	May 15, 1955	Flat tire, northeast gate, 2 nails.
159-A	do	do	May 16, 1955	Sand in motor of car.
160-A	Donald Gregoire	do	May 24, 1955	Substance (kerosene or distillate) in oil and on outside of motor of car.
161-A	Victor H. Scheele	June 3, 1955	May 25, 1955	Acid thrown on car.
162-A	Janet Henkel	June 2, 1955	May 27, 1955	Sugar in gas tank.
163-A	Orville A. Gilpin	June 3, 1955	June 1, 1955	Flat tire, 2 rusty nails.
164-A	Elmer Van Der Weele	June 8, 1955	June 4, 1955	Flat tire, circular driveway in front of main office, 6 new roofing nails driven into tire.
165-A	Harole E. Konkel	June 15, 1955	June 10, 1955	Horn taken from car; also part of battery holder.
166-A	do	do	June 13, 1955	Flat tire caused by hole in tire.
167-A	William Sidebotham	June 20, 1955	June 17, 1955	Tires cut (slit 6 to 8 inches long).
168-A	Richard Gries	July 1, 1955	June 19, 1955	Sun visor on car damaged by pickets at northeast gate.
169-A	Harold Curtiss	June 27, 1955	June 22, 1955	Car dented by pickets at southeast gate.
170-A	Norman Kurtz	June 29, 1955	June 25, 1955	Car dented by pickets at northeast gate.
171-A	William Meulbrock	June 30, 1955	June 28, 1955	Living room windows in home broken by a half brick and a rock.
172-A	Marvin J. Harder	July 26, 1955	July 2, 1955	Sugar in gas tank of nonstriker's father-in-law's car.
173-A	John Elsesser	July 8, 1955, statement	July 5, 1955	Car window broken near clay dock area.
174-A	James Holsen	July 8, 1955	do	Windows smashed in home across from clay docks.
175-A	do	do	do	Car extensively damaged in front of home across from clay docks.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
176-A	Paul Jacobi, Joseph Born, and Gerard A. Desmond.	July 6, 1955	do	Kohler Co. station wagon window smashed by pickets dunrig riot at clay dock.
177-A	Peter Buteyn	July 28, 1955	do	Nonemployee contractor attempting to perform contract for Kohler Co. Damage to contractor's truck during riot at clay dock.
178-A	Leroy Wessel	July 8, 1955	do	Car window broken and body of car scratched near clay docks.
179-A	Gilbert Charles	July 7, 1955	July 6, 1955	Living room window in home broken by rock, size of golf ball.
180-A	Leslie Pike	July 8, 1955	do	Substance thrown on car at northeast gate.
181-A	Lloyd A. Sargent	do	do	Car dented by pickets at northeast gate.
182-A	Mrs. Dorothy Widder	do	do	Car dented by bottle thrown by pickets.
183-A	Donald W. Zimmerman	do	do	Window broken and antenna of car torn off by pickets at northeast gate.
184-A	Robert Hensel	July 29, 1955	July 9, 1955; July 11, 1955	Home splattered with creosote; flowers, rose bushes, and lawn ruined by liquid substance (creosote).
185-A	Kenneth Perronne	July 13, 1955	July 9, 1955	Car scratched and window smashed at picnic.
186-A	Marvin J. Harder	Aug. 1, 1955	July 10, 1955	Dent in wood on house, probably caused by stone.
187-A	G. A. Desmond (statement re Carl Yerkman July 22, 1955).		July 12, 1955	Paint thrown on nonstriker's home.
188-A	Herbert E. Kreutzinger	July 21, 1955	July 14, 1955	2 flat tires, southeast gate, roofing nails.
189-A	Frederick Brandt	July 15, 1955	July 15, 1955	Home hit with paint brush.
190-A	John P. Molitor, Jr	July 20, 1955	July 16, 1955	Acid splattered on car.
191-A	Wilmer Stokdyk	Aug. 1, 1955	do	Asbestos siding of home broken by object.
192-A	Ernest C. Fischer	July 21, 1955	July 17, 1955	Car aerial broken and strike stickers placed on windshield.
193-A	Richard Hoffmann	Aug. 1, 1955	July 18, 1955	Car window shattered on city street.
194-A	Elmer Margenau	July 23, 1955	July 21, 1955	Large rock thrown at car, chipping paint.
195-A	Olga Stopinski	July 26, 1955	do	Spark plugs removed from car.
196-A	Mayme Fahl	July 25, 1955	July 22, 1955	Car window shattered at tavern.
197-A	Wilmer Stokdyk	Aug. 1, 1955	July 23, 1955	Stone thrown through porch screen and hole in siding of house.
198-A	Mrs. Orlando Olsen	July 29, 1955	July 25, 1955	Distributor wires tampered with.
199-A	Marvin J. Harder	Aug. 1, 1955	July 28, 1955	Dent in edge of window casing of home caused by lead slug.
200-A	Mrs. LaVerne Sonnemann	Aug. 17, 1955	do	Sand in oil of car.
201-A	Casmir J. Nighbor	Aug. 1, 1955	July 29, 1955	Flat tire.
202-A	Dwight Van De Walker	Aug. 4, 1955	do	Flat tire, 2 roofing nails.
203-A	Norbert Klapperich	Aug. 5, 1955	Aug. 1, 1955	Oil drained out of car transmission.
204-A	Dwight Van DeWalker	Aug. 4, 1955	Aug. 2, 1955	Flat tire, northeast gate, 2 finishing nails, 1 inch long.
205-A	Donald R. Schilling	Aug. 9, 1955	Aug. 5, 1955	Car body dented as object hit car in front of home across the street from northeast gate.
206-A	John Elssesser	Aug. 12, 1955	Aug. 9, 1955	Bedroom window of home broken by ball bearing.
207-A	Norman Howe	Aug. 17, 1955	do	Store window broken in employee's store.
208-A	Oliver Ter Maat	Aug. 10, 1955	do	Window in home broken by stone.
209-A	Harold A. Leffin	Aug. 17, 1955	Aug. 12, 1955	Pottery urn in yard smashed.
210-A	Victor W. Thierfelder	do	do	Nail in tractor tire.
211-A	G. A. Desmond (memo, Aug. 18, 1955, re Joseph Schinabeck).		Aug. 13, 1955	Home of Scheffler driver hauling Kohler products paint bombed.
212-A	Peter Schurrer	Sept. 20, 1955	do	Exhaust on car filled with rags causing air cleaner and muffler to blow apart; lock on car door jimmied.
213-A	William R. Zimmermann	Aug. 17, 1955	Aug. 14, 1955	Cement blocks knocked out of new home under construction.
214-A	Vernon P. Hartman	Aug. 16, 1955	do	Thermopane window in home broken by marble.
215-A	Lu Giefer	Sept. 15, 1955	Aug. 15, 1955	Living room window in home broken.
216-A	Arthur Butzen	Statement, Aug. 23, 1955	Aug. 16, 1955	Scheffler truckdriver hauling Kohler products believes he was shot at.
217-A	Frederick A. Mueller	Statement, Aug. 20, 1955	do	Do.
218-A	Henry Otte	Aug. 19, 1955	Aug. 17, 1955	Jars of paint hit home of nonstriker, damaging interior.
219-A	L. E. O'Neill, memo, Sept. 29, 1955 (re Matt Hauch, Mrs. Matt Hauch).	Statement, Sept. 29, 1955	Aug. 19, 1955	Sugar in gas tank of jeep belonging to father of former employee.
220-A	Vernon P. Hartman	Aug. 30, 1955	Aug. 23, 1955	Thermopane window in home broken by brick.
221-A	Donald C. Pickrahn	do	Aug. 25, 1955	Sugar in oil pan; motor in car damaged.
222-A	Herbert C. Held	Sept. 1, 1955	Aug. 29, 1955	Nonstriker's home splattered with paint.
223-A	William Gier	do	Aug. 30, 1955	Thermopane window in home broken by steel ball.
224-A	Rita A. Lutzke	Statement, Sept. 6, 1955	Sept. 1, 1955	Damage to husband's excavating equipment.
225-A	Donald Becker (Sept. 15, 1955, analysis by chemists).	Sept. 8, 1955	Sept. 4, 1955	Motor in car damaged by foreign substance.
226-A	Selmer Spitzer	Sept. 16, 1955	Sept. 7, 1955	Car dented at southeast gate.
227-A	do	do	Sept. 8, 1955	Cart dented and scratched by pickets at southeast gate.
228-A	Harry Steffes	Oct. 11, 1955	Sept. 9, 1955	Corn chopper damaged by unknown object.
229-A	Elmer A. Temme	Nov. 2, 1955	Sept. 18, 1955	Car window cracked, northeast gate.
230-A	William Diehlman	Jan. 27, 1956	Sept. 19, 1955	Flat tire, roofing nail.
231-A	Henry Richter, Jr	Sept. 26, 1955	Sept. 20, 1955	Grass fire started on employee's farm.
232-A	Emil F. Knorr	Sept. 27, 1955	Sept. 21, 1955	Flat tire, southeast gate, roofing nail.
233-A	Heinz O. Haase	Sept. 26, 1955	Sept. 22, 1955	2 flat tires, southeast gate, roofing nails.
234-A	Kenneth R. Cook	Oct. 11, 1955	do	Word "scab" printed on landlord's fresh cement porch.
235-A	George Krizenesky	do	Sept. 24, 1955	Car smeared with paint.
236-A	Norman Jaeckels	do	Sept. 25, 1955	Flat tires, southeast gate, roofing nails.
237-A	Millard J. Graf	Sept. 27, 1955	Sept. 26, 1955	Pickets broke car window at northeast gate.
238-A	Norman Jaeckels	Oct. 11, 1955	do	Flat tire, southeast gate.
239-A	Henry J. Franzen	Oct. 17, 1955	Oct. 1, 1955	Car tires cut (3- to 4-inch cut).
240-A	Pius Reinhold	Oct. 4, 1955	Oct. 2, 1955	Thermopane window in home broken by piece of concrete, size of grapefruit.
241-A	George Zasada	Statement Oct. 5, 1955	Oct. 4, 1955	Windows and interior of home damaged by paint bombs; wife injured by flying glass.
242-A	Margaret C. Savinski	Oct. 7, 1955	Oct. 7, 1955	Car window broken by pickets at southeast gate.
243-A	Donald Miller	Oct. 24, 1955	Oct. 8, 1955	Water and sugar syrup in gas; car motor damaged. (Nov. 10, 1955, chemical analysis.)
244-A	John Yancey	Oct. 15, 1955	Oct. 11, 1955	Nails in tire after passing through southeast gate.
245-A	do	do	Oct. 13, 1955	Do.
246-A	Elden Slavens	Oct. 20, 1955	Oct. 15, 1955	Slug imbedded in window sash of home.
247-A	Vyra Wentz	do	Oct. 16, 1955	Sugar in gas tank of car.
248-A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 17, 1955	Flat tire, southeast gate, roofing nails.
249-A	Clarence E. Miller	Oct. 25, 1955	do	Sugar in gas tank of car; motor damaged.
250-A	Harold F. Roeder	Nov. 2, 1955	Oct. 18, 1955	Flat tire, southeast gate, roofing nail.
251-A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 19, 1955	Flat tire, southeast gate, 2 roofing nails.
252-A	Harold F. Roeder	Nov. 2, 1955	do	3 flat tires, southeast gate, roofing nails.
253-A	Carl Kummer	Oct. 24, 1955	do	Deep scratches on body of car.
254-A	Emil F. Knorr	do	do	Flat tire, southeast gate, roofing nail.
255-A	William G. Schaefer	Oct. 25, 1955	do	Flat tire after passing through southeast gate, roofing nails.
256-A	Frederick Schilling	Oct. 26, 1955	do	Flat tires after passing through southeast gate, roofing nails.
257-A	Walter Warnecke	Oct. 24, 1955	Oct. 21, 1955	Word "scab" painted on front door of nonstriker's home.
258-A	John Kraemer	Nov. 3, 1955	Oct. 26, 1955	Bedroom window and storm window of home broken by steel ball bearing.
259-A	Kenneth H. Hecker	Nov. 1, 1955	Oct. 29, 1955	Flat tire, roofing nails.
260-A	Melvin Heling	Nov. 3, 1955	Oct. 30, 1955	Nails found in driveway; has had many flat tires.
261-A	do	do	Oct. 31, 1955	Substance like ink splattered over front porch, steps, and siding of father's house.
262-A	Frank Plocar	Nov. 7, 1955	Nov. 3, 1955	Thermopane window in home broken by rocks.
263-A	Mrs. Frances Baar	Nov. 10, 1955	Nov. 4, 1955	4-inch welding iron in tire.
264-A	Albert Bassler	Nov. 7, 1955	do	Bedroom window and storm window of home broken by rock.
265-A	Donald R. Kroening	Nov. 10, 1955	do	Tires cut (1-inch long cut).
266-A	Walter Ramming	do	do	Thermopane window broken by stone and pop bottle.
267-A	Adolph Riehl	Nov. 16, 1955	do	Flat tire, southeast gate, roofing nail.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
268-A	Harold L. Seibold	Nov. 10, 1955	Nov. 4, 1955	Farm machinery at father's store damaged.
269-A	Justin Strace	Nov. 7, 1955	do	Thermopane window in home broken by ball bearing.
270-A	Gilbert Charles	Nov. 18, 1955	Nov. 5, 1955	Flat tire, upholstery tack.
271-A	Richard Fink	Nov. 10, 1955	do	Sugar in motor of car; motor ruined.
272-A	Mrs. Gloria Jean Krening	do	Nov. 8, 1955	3 milk bottles thrown against front of house.
273-A	Anthony F. Kaker	Nov. 25, 1955	Nov. 9, 1955	Window and storm window in home broken by steel ball bearing.
274-A	Adolph Riehl	Nov. 16, 1955	Nov. 11, 1955	Flat tire, southeast gate, roofing nail.
275-A	Gilbert Charles	Nov. 18, 1955	Nov. 14, 1955	Paint in glass container thrown through windows of home, damaging interior.
276-A	Walter H. Soumes	Nov. 15, 1955	Nov. 15, 1955	Flat tire, southeast gate, roofing nail.
277-A	Norman Howe	Nov. 28, 1955	Nov. 16, 1955	Employee's store windows broken by steel ball bearing.
278-A	Henry H. Tufts	Nov. 23, 1955	do	Flat tire, southeast gate, roofing nail.
279-A	George A. Klemp	Dec. 12, 1955	Nov. 18, 1955	2-inch cut in tread of tire.
280-A	Gordon McChain	do	Nov. 19, 1955	2 flat tires, northeast gate, roofing nails.
281-A	Roman H. Schuessler	Nov. 22, 1955	do	Flat tire, southeast gate, spike.
282-A	Philip Saunders	Dec. 1, 1955	Nov. 23, 1955	Sugar in gas, damages to motor of car.
283-A	Willard G. Roethel	Nov. 30, 1955	Nov. 25, 1955	Tire cut.
284-A	Gordon McChain	Dec. 12, 1955	Nov. 28, 1955	Flat tire, northeast gate, roofing nail.
285-A	Walter H. Soumis	do	do	2-inch roofing nail driven into sidewall of tire.
286-A	John Kraemer	do	Nov. 29, 1955	2 holes, size of lead pencil, in living room storm window.
287-A	Waldemar Gregor	do	Nov. 30, 1955	Window of car shattered in front of strike soup kitchen.
288-A	Melvin J. Van Der Weele	Dec. 22, 1955	Dec. 3, 1955	Flat tire, southeast gate, roofing nail.
289-A	do	do	Dec. 7, 1955	2 flat tires, northeast gate, nails.
290-A	Harold Curtiss	Dec. 12, 1955	Dec. 8, 1955	Large surface of thermopane window in home pitted by metal pellets; 16 small holes in dining room storm window.
291-A	David J. Schroeder	Dec. 16, 1955	Dec. 10, 1955	Ignition and wiring torn out of car, aerial torn off, air let out of tires.
292-A	Thomas Wagner	Dec. 19, 1955	Dec. 13, 1955	Home of nonstriker shot at; lead pellets imbedded in front storm door and porch post.
293-A	Henry Tufts	do	Dec. 16, 1955	Car window shattered, southeast gate.
294-A	Harry Steffes	Dec. 30, 1955	Dec. 17, 1955	Foreign substance in oil; car motor ruined.
295-A	Raymond S. Kelmar	do	Dec. 22, 1955	Hole about size of bullet in car window.
296-A	LeRoy Taylor	Dec. 29, 1955	do	Scheffler truck damaged (common carrier loaded with Kohler Co. products). Tires blew out on return trip.
297-A	John Elsesser	Dec. 30, 1955	Dec. 23, 1955	Paint jar hurled through windows of nonstriker's home, damaging interior.
298-A	Ervin A. Schmitz	Jan. 4, 1956	Dec. 24, 1955	Oil drained out of crankcase of car.
299-A	Dwight R. Van De Walker	do	Dec. 28, 1955	Car fender dented by pickets at southeast gate.
300-A	Marvin E. Johanning	Dec. 29, 1955	do	Kohler Co. coal truck windows shattered by strikers.
301-A	Armin F. Neuhaus	Jan. 4, 1956	Dec. 29, 1955	Flat tire, northeast gate, roofing nail.
302-A	Marvin J. Harder	do	Dec. 31, 1955	Car windows shattered.
303-A	Vernon Hartman	Jan. 5, 1956	Jan. 3, 1956	Window and storm window in home broken by a half brick; damage to interior of home.
304-A	Kenneth Kerber	Jan. 11, 1956	do	2 flat tires, southest gate, roofing nails.
305-A	Harold Brandt	Jan. 5, 1956	Jan. 4, 1956	Car windows broken and car body dented.
306-A	Charles Hein	do	do	Car window shattered at home.
307-A	Robert Anderson	Jan. 18, 1956	Jan. 7, 1956	Car window cracked at southeast gate.
308-A	Leo Behrens	Jan. 11, 1956	do	Thermopane window in home broken by rock, damaging interior.
309-A	G. A. Desmond (memo Jan. 7, 1956, re: Claude Dault).		do	Thermopane window in home broken by large rock.
310-A	John Kraemer	Jan. 14, 1956	Jan. 9, 1956	Asbestos shingle on house broken by steel ball.
311-A	Raymond Phippen	Jan. 18, 1956	do	Porch window in home broken by marbles.
312-A	Gilbert Charles	Jan. 11, 1956	Jan. 10, 1956	Living room window and storm window in home broken by steel ball.
313-A	Herbert Held	Jan. 20, 1956	Jan. 12, 1956	Thermopane window and sun porch window in home broken by rocks, damaging interior.
314-A	Raymond Phippen	Jan. 18, 1956	do	3 windows and storm windows in home broken by rocks the size of grapefruits.
315-A	Oliver Ter Maat	Jan. 16, 1956	Jan. 13, 1956	Living room window in home broken by half a brick.
316-A	Lloyd Thompson	Jan. 14, 1956	do	Car windows and headlights smashed while car was parked in front of home.
317-A	Phillip Schneider	Jan. 18, 1956	Jan. 15, 1956, and Jan. 16, 1956.	Employee's pigs poisoned, 1 dead; 3 additional pigs dead from poison.
318-A	Francis J. Drollinger	do	Jan. 17, 1956	Car window cracked at southeast gate.
319-A	Reuben Poppenhagen	Jan. 25, 1956	Jan. 18, 1956	Window of Kohler Co. truck broken by pickets at northeast gate.
320-A	Wesley Williams	Jan. 23, 1956	Jan. 19, 1956	Car fender dented at home.
321-A	Delano Dohr	Jan. 25, 1956	Jan. 21, 1956	Car scratched.
322-A	Albert Miesner	Jan. 26, 1956	do	Car dented right side, northeast gate.
323-A	Armin Neuhaus	Jan. 27, 1956	do	Grease smeared on car and chrome strip bent by pickets at northeast gate.
324-A	Edwin Doersch	do	Jan. 23, 1956	2 flat tires, northeast gate, roofing nails.
325-A	Norbert G. Fleisner	Jan. 25, 1956	do	Flat tire, northeast gate, roofing nail.
326-A	Edward Markwardt	do	do	Windows of nonstriker's home shot at and damaged.
327-A	Alice B. Schwandt	Jan. 27, 1956	Jan. 24, 1956	Flat tire, 3 roofing nails, northeast gate.
328-A	Melroy Stiebs (Mayme Fabi, memo, June 11, 1956, to G. A. Desmond).	Jan. 31, 1956	do	Sugar in motor of car.
329-A	William Diehlman	Jan. 27, 1956	Jan. 25, 1956	Flat tire, roofing nail.
330-A	Leland Stokdyk	do	do	Flat tire, 2-inch roofing nail.
331-A	Robert E. Woods	Feb. 1, 1956	do	Flat tire, northeast gate, roofing nail.
332-A	Albert Bassler	Jan. 31, 1956	Jan. 27, 1956	Dining room window and storm window in home broken by slug.
333-A	G. A. Desmond (memo 1-31-56 re: Ben Zantow).		do	Deep dent in porch pillar of home caused by lead slug.
334-A	William Gier	Feb. 7, 1956	do	Thermopane window in home broken by 2 ball bearings.
355-A	William Knocke	Jan. 31, 1956	do	Thermopane window in home broken by ball bearing.
336-A	Leonard Kujawa	Feb. 2, 1956	do	Flat tire.
337-A	Frank Lindsay	Feb. 1, 1956	do	Flat tire, northeast gate, roofing nail.
338-A	Willard Clevers	do	Jan. 28, 1956	Car scratched and aerial damaged while car was parked at home.
339-A	Edgar J. Conrad	Jan. 31, 1956	do	Car window shattered and body scratched and dented at northeast gate.
340-A	Jacob Den Boer	do	do	Living room window and storm window in home broken by steel ball bearing.
341-A	Daniel Murray	do	do	Bedroom window in home broken by steel pellet.
342-A	John Roszak	do	do	Side of house dented by ball bearing.
343-A	Joseph Born	do	Jan. 29, 1956	Dent in house between front door and window by lead pellet.
344-A	Elroy Biederwolf	Feb. 1, 1956	Jan. 30, 1956	Thermopane window in home broken by bearing the size of a soft ball.
345-A	Edward Gehrke	Jan. 31, 1956	do	3 thermopane windows in home and 3 garage windows broken by rocks the size of coconuts.
346-A	Herbert C. Held	do	do	Porch window and storm window broken by slug.
347-A	Bert Sanville	do	do	Thermopane window and side window in home broken by rocks.
348-A	do	do	do	Every window in car smashed while parked at home.
349-A	Alan Meyer	Feb. 2, 1956	Jan. 31, 1956	Spark plugs, headlight, and horn wires on car removed.
350-A	Howard J. Leverenz	Feb. 3, 1956	Feb. 2, 1956	Car window shattered, southeast gate.
351-A	Mrs. Joanne V. Post	Feb. 6, 1956	do	Car window broken and fire in front seat while car was parked in a Sheboygan parking lot.
352-A	Harry Froehlich	Feb. 7, 1956	Feb. 3, 1956	Car windows knocked out while car was parked on a Sheboygan street.
353-A	Oscar H. Hildebrandt	Feb. 8, 1956	do	Flat tire, northeast gate, roofing nail.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
354-A	Roger Hanson	Feb. 10, 1956	Feb. 4, 1956	Car door and fender dented, northeast gate.
355-A	Carl Hesselink	Feb. 8, 1956	do	Car window shattered, northeast gate.
356-A	Carl Zillier, Jr.	Feb. 10, 1956	do	Lug nut thrown at car, northeast gate.
357-A	Raymond Schneider	Feb. 8, 1956	Feb. 5, 1956	Flat tire, roofing nail.
358-A	Emery A. Lau	Feb. 16, 1956	Feb. 8, 1956	Flat tire, new roofing nail.
359-A	Roman Andrew	Feb. 15, 1956	Feb. 11, 1956	Car window shattered, southeast gate.
360-A	Harry P. Czarniecki	Feb. 17, 1956	do	Car window shattered, northeast gate.
361-A	Edwin L. Fisher	Feb. 21, 1956	do	Flat tire, northeast gate, roofing nail.
362-A	Claude Dault	Feb. 17, 1956	Feb. 14, 1956	Thermopane window in home broken.
363-A	Bernal E. Lang	Feb. 20, 1956	do	Do.
364-A	Walter Landwehr	do	do	Hole 1 inch in diameter in outer pane of thermopane window in home.
365-A	Herbert E. Kruetzinger	Feb. 17, 1956	Feb. 15, 1956	3 tires cut on sidewall.
366-A	Harvey Van Der Weele	do	Feb. 16, 1956	Car window shattered, southeast gate.
367-A	Wayne R. Woelffer	do	do	Do.
368-A	Andrew L. Korb	Feb. 21, 1956	Feb. 17, 1956	Sugar in gas tank of car.
369-A	Donald R. Schilling	Feb. 24, 1956	Feb. 21, 1956	7 nails pulled out of tires; 2 tires went flat; handful of roofing nails found in driveway.
370-A	Howard J. Voelker	Feb. 28, 1956	Feb. 22, 1956	Sand in transmission of car.
371-A	Ambrose O'Reilly	Feb. 29, 1956	Feb. 24, 1956	Flat tire, piece of metal.
372-A	Herbert C. Held	Mar. 2, 1956	Feb. 26, 1956	Oil filter tube in car damaged, causing loss of motor oil.
373-A	Elmer C. Hermann	Feb. 29, 1956	Feb. 27, 1956	Paint splattered on car.
374-A	Bernal E. Lang	Mar. 3, 1956	Feb. 29, 1956	Combination television, radio, and record player smashed in home.
375-A	Warren D. Preder	do	do	Jars of paint thrown through window of nonstriker's home, damaging interior and exterior.
376-A	William Schroeder	do	do	5 jars of paint thrown against thermopane window of nonstriker's home.
377-A	Mrs. Margaret A. Ten Pas	do	do	Living room window and storm window of home broken by stone.
378-A	Marvin R. Claus	do	Mar. 1, 1956	Jars of paint thrown against nonstriker's home.
379-A	Clarence A. Reinecking	Mar. 7, 1956	Mar. 3, 1956	Paint on hood of car.
380-A	Robert L. Schroeder	do	do	Car scratched and aerial damaged.
381-A	Justin Strace	Mar. 13, 1956	Mar. 8, 1956	Thermopane window in home broken by whisky bottle.
382-A	Roy Meissen	Mar. 22, 1956	Mar. 9, 1956	3-inch cut in tire.
383-A	Arthur Black	Mar. 13, 1956	Mar. 10, 1956	Car windows broken, southeast gate.
384-A	Alvin F. Suemnicht	Mar. 21, 1956	do	4-inch cut in tire.
385-A	Mrs. Maudie Hartmann	Mar. 15, 1956	Mar. 13, 1956	Thermopane window in home broken by milk bottle.
386-A	Roman H. Schuessler	Mar. 17, 1956	do	Large living room window and storm window in home broken by milk bottle.
387-A	Gerald H. Emley	Mar. 20, 1956	Mar. 17, 1956	Car window broken, southeast gate.
388-A	Mrs Elaine Fahl	do	do	Do.
389-A	Harold M. Gollhardt	Apr. 2, 1956	Mar. 20, 1956	Salt in gas tank of son's car.
390-A	Raymond Phippen	Mar. 23, 1956	do	2 glass jars filled with paint hurled through windows of home, damaging interior.
391-A	Clarence E. Renzelmann	do	do	Pint jar of paint thrown through window of home, damaging interior.
392-A	Carl M. Yerkman	Apr. 4, 1956	do	2 pint jars filled with paint, oil, and turpentine hurled through windows of home, damaging interior.
393-A	Victor Frauenfeld	Apr. 2, 1956	Mar. 23, 1956	Tire slashed.
394-A	Jerome F. Henschel	do	do	Bedroom window and storm window in home broken by milk bottle.
395-A	John Kraemer	do	Mar. 24, 1956	Living room window and storm window in home broken by milk bottle.
396-A	Harvey T. Nussbaumer	Mar. 26, 1956	do	Bedroom window and storm window in home broken by bottle.
397-A	Theodore H. Becker	Apr. 2, 1956	Mar. 25, 1956	Roofing nail in tire.
398-A	Michael Reinholtz	do	do	Car window broken, northeast gate.
399-A	Ernest Belersdorf	Apr. 3, 1956	Mar. 29, 1956	Thermopane windows hit by glass containers filled with paint, damaging exterior of home.
400-A	Elmer O. Wentz	Apr. 2, 1956	do	Windows in home broken by glass jars filled with paint.
401-A	Harvey Schmidt	Apr. 7, 1956	Apr. 3, 1956	Living room windows and storm windows in home broken by large olive jar filled with soot, leaving a black, greasy film on carpeting, drapes, furniture, and walls.
402-A	Mykolos Dobrovolskis (Apr. 23, 1956, memo from legal department to W. J. Ireland).		Apr. 19, 1956	Bedroom and kitchen windows in home broken by rocks.
403-A	Charles Hein	Apr. 20, 1956	do	Car windows broken.
404-A	Royal W. Becker	Apr. 25, 1956	Apr. 20, 1956	Flat tire, southeast gate, 3 roofing nails; 7 roofing nails found in 2 other tires.
405-A	Jerome C. Behnke	Apr. 26, 1956	Apr. 21, 1956	Roofing nail and screw found in tire, southeast gate.
406-A	Raymond Phippen	do	Apr. 24, 1956	Window and storm window in home broken by rocks.
407-A	Stephan Herm	May 2, 1956	Apr. 26, 1956	Glass jar thrown through window of home.
408-A	Edgar A. Eslinger	May 11, 1956	May 1, 1956	Car window hit by object, damaged, northeast gate.
409-A	Stephan Herm	do	May 8, 1956	Glass jar filled with bluish black substance thrown against home.
410-A	Howard Mason	May 18, 1956	May 9, 1956	15 holes in sidewall of tire and V-shaped cuts in tires.
411-A	Gottlieb Hense	May 14, 1956	May 10, 1956	Dent in porch of home, beer bottle hurled against house.
412-A	Jerome C. Behnke	May 23, 1956	May 11, 1956	Flat tire, southeast gate, roofing nails in 2 other tires.
413-A	Raymond F. Dedering	June 8, 1956	do	Foreign substance in oil in car.
414-A	Daniel Murray	June 6, 1956	June 3, 1956	Canvas top on convertible cut while car was parked on city street in Sheboygan.
415-A	Elwin Taubenheim	June 19, 1956	June 17, 1956	Screen and glass in door, and living-room window in home broken by peanut butter jars.
416-A	Fred Oliver	Aug. 7, 1956	Aug. 1, 1956	Jackknife blade found in tread of tire.
417-A	Wallace Miesfeld	Oct. 3, 1956	Aug. 4, 1956	Car windshield broken, canvas top slashed.
418-A	Gilbert Charles	Aug. 16, 1956	Aug. 15, 1956	2 windows in home broken by stones.
419-A	Thomas W. Wolfert	do	do	Roofing nails in 2 tires, northeast gate.
420-A	Clement B. Schoenborn, Sr.	Aug. 18, 1956	Aug. 16, 1956	Employee's wife's dresses slashed when left at dressmaker's for alterations.
421-A	Daniel J. Seidlitz	Aug. 20, 1956	do	3 nails in 2 tires, southeast gate.
422-A	Les Quasius	Sept. 1, 1956	Aug. 31, 1956	Nonemployee contractor performing construction work at Kohler Co.: 5 stones and 4 pint jars of paint thrown through windows in office building, damaging interior.
423-A	Arthur Muetzelburg	Oct. 2, 1956	Sept. 26, 1956	Flat tire, northeast gate.
424-A	Wallace Miesfeld	Oct. 3, 1956	Sept. 27, 1956	Wires to electrical apparatus in car jerked out.
425-A	Henry Otto Polster	Dec. 3, 1956	Nov. 23, 1956	Wires to distributor and other parts cut.
426-A	Jack Strace	Nov. 30, 1956	Nov. 26, 1956	Thermopane window in living room and kitchen window in home broken by milk bottles.
427-A	Mykolos Dobrovolskis (Dec. 6, 1956, memo from legal department to W. J. Ireland).		Dec. 4, 1956	Bedroom window in home broken by milk bottle.
428-A	Frederick Kuehlmann	Dec. 26, 1956	Dec. 21, 1956	4 jars filled with paint thrown through windows, damaging interior of home.
429-A	John Koehn	Jan. 9, 1957	Dec. 28, 1956	Flat tire, 4-inch nail.
430-A	Marvin Klemme	Jan. 23, 1957	Jan. 19, 1957	3-inch slash in tire.
431-A	Clarence Hartung	do	Jan. 21, 1957	Thermopane window in home broken.
432-A	William Helms	Jan. 28, 1957	Jan. 22, 1957	Window in Lindemann's Grocery Store (owned by William Helms) broken by piece of coal.
433-A	Albert Bassler	Jan. 30, 1957	Jan. 27, 1957	Paint splattered on outside of home.
434-A	Gordon McChain	Apr. 2, 1957	Jan. 29, 1957	Employee's heifers poisoned, 3 heifers died.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. McCLELLAN. The Senator will recall that there were some rather serious bombings in Tennessee in connection with labor strife. I think we can say, without any qualifications, that we also received testimony of many, many other bombings throughout the country in labor disputes that did not become the subject of hearings in the course of our investigation, because it was impossible, in the time we had, and with the staff we had, and with our other duties, to make an investigation of all these incidents.

Mr. GOLDWATER. The Senator is absolutely correct. I think I would be safe in assuming that if we had done nothing else except investigate instances of bombings and fires and violence that destroyed property, we would be continuing yet, and we would never have gotten into the field in which, under the Senator's direction, the committee did such a masterful job.

Mr. McCLELLAN. I think the Senator will also agree with me that for each instance of the bombing of a church or school which may have occurred, there were a dozen or more instances of bombings growing out of other controversies—not merely hate bombings, but those growing out of labor disputes or controversies of a similar nature.

Mr. GOLDWATER. The Senator is absolutely correct. I need only call his attention, and the attention of my other colleagues, to a rather serious bombing which took place in Portland, Oreg., only a few weeks ago. A number of large trucks were bombed and destroyed in connection with a strike which took place concerning one of the large newspapers in Portland. It was an instance of destruction of property which certainly the situation did not call for.

I think the testimony which was given before our committee certainly demonstrated that men's passions can grow so violently that they will stop at nothing, unless we put something in their way, and that something should be the strength of the law.

Mr. McCLELLAN. If the Senator will yield further, if we are going to enact laws to prevent crime and to enable the law enforcement authorities, either Federal or State, to apprehend criminals who violate the law and who indulge in acts such as bombings, if we are really to try to legislate in that whole area, it is absolutely necessary that we include in the provisions of the bill structures, facilities, buildings, and vehicles, because in many areas, if we undertake to confine the bill to schoolhouses or churches, three-fourths or nine-tenths of those who perpetrate bombings will escape apprehension and penalty.

Mr. GOLDWATER. The Senator is absolutely correct. That is the basic reason why the junior Senator from Arizona was interested in making the law equally applicable. I may be accused of merely wanting to deal with certain conditions in our country. I assure the Senator from Arkansas that is not so. I can find no reason for condoning the destruction of property, and taking away of property without due process of law. I know how I would feel if somebody had destroyed property which I had spent a lifetime in building up. I know how I would feel if the offender had fled from my State and there was no way to bring him to justice. That is the reason for extending the provisions of the bill.

Mr. McCLELLAN. I should like to compliment the distinguished Senator from Arizona, and express my appreciation for his having offered the amendment, and to announce my support of it. I trust the amendment will be agreed to, and that it will be retained in the bill. I hope we can enact this provision into law. It does not deal with any one element or any one group or any one section of our country. It approaches the problem on the basis that what is wrong in one section or one area or for one group or for one class of person is also to be condemned and made to come under the law in all sections of the country.

Mr. GOLDWATER. I thank my good friend from Arkansas.

Mr. President, in order to proceed with my remarks, I want to read briefly from the hearings before the McClellan committee merely a few of the instances which we ran into concerning bombing and firing.

Mr. President, these excerpts come from part 21 of the hearings before the Select Committee on Improper Activities in the Labor or Management Field, 85th Congress, 2d session. From page 8682, I read, in part, the evidence concerning the bombing of an automobile:

The CHAIRMAN. As I understand you, when your car was dynamited, had you not fortunately moved your car from where you first got it started, when you first got into it, would not the car have been bombed and you, too?

Mr. ELSESSER. It certainly would. There is Rudy's ambulance across the street, and they sit by the window and watch the traffic go by and wait for calls. After this happened, he came over and he said just after he came out of the house, somebody came through with a Kaiser, I believe he said a green Kaiser, and somebody threw something under the car that looked to him like a cigarette. That is evidently what happened.

The CHAIRMAN. Had it been placed in the car or merely underneath it?

Mr. ELSESSER. Underneath the car.

The CHAIRMAN. I beg your pardon?

Mr. ELSESSER. Underneath it.

The CHAIRMAN. It had just been thrown underneath the car and had not been placed in the car?

Mr. ELSESSER. It was underneath.

The CHAIRMAN. As I understand, you had never had any previous trouble; you had never had any vandalism committed on your premises or property, or anything prior to this strike?

Mr. ELSESSER. Prior to the strike; no, sir.

The CHAIRMAN. And on the occasion when you were down in the tavern, you did identify the people who molested you there?

Mr. ELSESSER. Yes, sir.

The CHAIRMAN. And they were union strikers?

Mr. ELSESSER. Yes, they were.

The CHAIRMAN. You knew them personally?

Mr. ELSESSER. I knew them both.

The CHAIRMAN. You do not know, you have no proof as to who committed these acts of violence on your property?

Mr. ELSESSER. I have no proof.

Mr. President, I skip to another incident which had to do with the bombing of a car, on page 8716 of the same document:

Mr. KENNEDY. Now, on April 12, 1955, you were at home, on one Tuesday evening watching television?

Mr. YURK. That is right.

Mr. KENNEDY. And did your wife then come running in the house?

Mr. YURK. Yes, sir.

Mr. KENNEDY. Would you relate or recite what happened?

Mr. YURK. She came into the house, and said a car passed in front with the lights out, and someone opened the door and threw a lighted object under my car which was parked in front of the residence at that time.

My son was with me at the time, and I said, "Well, possibly it could be a cigarette," and she said "No, I don't think so." So my son went out to investigate with a flashlight, and I went part way with him, but he hollered at me then and said, "Get back to the house. It is a stick of dynamite."

So, in the meantime, my wife went to the telephone to call the police department, and while she was talking to the police department the stick of dynamite went off and exploded.

Mr. President, I skip a little which is irrelevant.

Mr. KENNEDY. Do you know approximately how much the value of the car was or how much damage was done, in other words?

Mr. YURK. Not in dollars and cents, no.

Mr. KENNEDY. Approximately?

Mr. YURK. Probably $300 or better.

Mr. President, this is another illustration of violence and bombing not connected with religious or educational activities. I shall cite only one more instance, from page 8720 of the same Senate document to which I originally alluded:

Mr. KENNEDY. Did you have anything happen to your car again?

Mr. HOLSEN. Well, shortly after that, I traded the car in and purchased a 1951 Lincoln automobile. I believe it was March 15, the night of March 15, that car was dynamited in front of my home.

Mr. KENNEDY. What happened?

Mr. HOLSEN. Well, it sounds kind of strange. Our bedroom is in back of the home. I was awakened by pounding on the door, at approximately 11:30 that evening. My next door neighbor, who was a woman striker, was pounding on the door telling me that I should come out, that my car had been blown up. I didn't know what to think. I kept looking out the door until I saw there was some policemen out there, and then I went up to see. They were right. The car had been blown up.

Mr. President, in regard to the amount of damage which was done, it was stated the damage was approximately $463. It is not of importance to know the amount of damage which was done—to know whether the car had a few bits of paint knocked off or whether the car was completely destroyed. That is beside the point. The point is that this was vandalism, evidenced by the bombing of a man's property in three different cases. To this day, to my knowledge, the perpetrators of these crimes have never been brought to justice. Had an endeavor been made to bring them to justice, Mr.

President, they could have gone across the State line to avoid prosecution. It is possible they could have gone across the State line to avoid giving testimony against a person whom they knew to be guilty. In either case, there would be no way for those people to be returned, except through the extradition processes by a Governor of another State.

Mr. President, there were two cases where the Governor refused to extradite criminals back to Wisconsin, not for bombings but for other reasons, and we might imagine that would apply in these instances, also.

Mr. President, I could labor the Senate at some length on this matter, because the committee heard a number of cases. The Perfect Circle strike in Indiana was replete with examples of firings, some bombings, and much violence. In fact, in recent months, as I said earlier, we have had the bombings of trucks in Portland, and the violence and the destruction of property at Albert Lea, Minn. While we do not know if there were bombings or firings involved, certainly the next step we could expect would be extreme acts of violence, as the tempers of men grew hotter and hotter.

Mr. President, if there are not other Senators in the Chamber who desire to have me yield to them to ask questions on this matter, I think I have discussed it as much as I care to. I would be glad to relinquish the floor, and I suggest that we proceed with a vote.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. BUTLER. I wish to commend the Senator for his most able address. I had intended at a later time to offer such an amendment. I am happy to join with the Senator, and I shall support him wholeheartedly in his endeavor to have the amendment agreed to.

I inquire of the Senator whether the yeas and nays have been ordered on the amendment.

Mr. GOLDWATER. The yeas and nays have been ordered.

In conclusion, Mr. President, I will say that the Senator from Delaware [Mr. WILLIAMS], the Senator from Maryland [Mr. BUTLER], the Senator from Nebraska [Mr. CURTIS], and the Senator from South Dakota [Mr. MUNDT], have all joined me in offering the amendment.

I have concluded, Mr. President. I yield the floor, and I suggest that we vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

Mr. CARROLL. Mr. President——

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

Mr. CARROLL. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CARROLL. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. CARROLL. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. GOLDWATER], for himself and other Senators, on page 3 of the Dirksen amendment in the nature of a substitute, to strike from section 1074 the words beginning with "if such building" on line 11 and ending with the word "education" on line 14 and to modify the title accordingly.

Mr. CARROLL. Will the Senator from Arizona yield for a question?

Mr. GOLDWATER. I do not have the floor.

Mr. CARROLL. Will the Senator permit me to ask him a question?

Mr. GOLDWATER. Yes.

Mr. CARROLL. Do I correctly understand that the amendment offered by the able Senator from Arizona is designed to broaden, across the board, the Dirksen amendment?

Mr. GOLDWATER. The Senator is absolutely correct. I wanted to apply in this instance the theory of the equal application of the law, to the point that if any building, structure, facility, or vehicle were bombed and the perpetrators of the crime went across State lines to avoid prosecution or testifying, the action would come under the Federal statutes section 1074, title 18, of the United States Code.

Mr. CARROLL. Will the Senator state to the junior Senator from Colorado whether the amendment of the able Senator from Arizona has to do with the possession of or transportation of explosives?

Mr. GOLDWATER. No; I believe that is covered under another section of the substitute.

Mr. CARROLL. I thank the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am ready for a vote.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ERVIN. Mr. President——

Mr. MANSFIELD. Mr. President, will the Senator from Kentucky withhold the suggestion of the absence of a quorum?

Mr. COOPER. Certainly.

Mr. ERVIN. Mr. President, I rise in support of the amendment offered by the able and distinguished junior Senator from Arizona. I had cosponsored a somewhat similar amendment, and intended to propose it as an amendment to the Dirksen amendment in the nature of a substitute for the pending bill.

It seems to me that the Senate should support this amendment with practical unanimity. The amendment would make this section harmonious with the basic principle on which all systems of justice must rest if they are to merit the name of systems of justice.

The amendment of the able and distinguished junior Senator from Arizona would make the law apply to all persons in like circumstances alike; and that is the way all laws should be.

Moreover, I think it is necessary for the Federal Government to enter into this particular field, because those who commit crimes of this character do so ordinarily under cover of darkness, and ordinarily they flee across State lines to avoid apprehension and prosecution. The perpetrators of such crimes are ordinarily very difficult to identify, and, even in cases in which they are identified, to apprehend.

This amendment would bring the power of the Federal Government into a field which rightly belongs to the Federal Government under the interstate and foreign commerce clause. There is something in the Scriptures to the effect that men love darkness rather than light because their deeds are evil. If those words of the Scriptures apply with more force to one group of people over another, they apply to people who commit crimes of the nature of those specified in the amendment of the able and distinguished junior Senator from Arizona.

So I believe that, both from the practical standpoint and from the standpoint of the power of the Federal Government over interstate and foreign commerce, as well as from the standpoint of enacting a law on this subject which would be just and apply alike to all persons in like circumstances, the Senate should adopt the amendment offered by the able and distinguished junior Senator from Arizona.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Arizona [Mr. GOLDWATER] to section 2 of the Dirksen substitute as amended.

Mr. CARROLL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield to the Senator from Colorado.

Mr. CARROLL. I ask the able Senator from North Carolina whether the amendment under consideration would apply the so-called bombing statute across the board to two additional crimes, namely, arson and explosions? I previously asked this question of the Senator from Arizona [Mr. GOLDWATER]. I do not mean to cast any reflection on his interpretation.

Mr. ERVIN. This amendment would make the statute apply to flight in interstate and foreign commerce to avoid arrest or prosecution for using explosives or fire to destroy any kind of building, any kind of facility, any kind of structure. It would make such act a Federal crime.

In that sense, it would broaden the provisions of section 2 of the Dirksen amendment in the nature of a substitute, which restricts this application to persons who flee in interstate or foreign commerce after using explosives or fire in an effort to destroy only religious or educational buildings or facilities.

Mr. CARROLL. Would the Senator say that this amendment is an extension of the Fugitive Felon Act to two additional categories?

Mr. ERVIN. That is true.

Mr. CARROLL. It has to do principally with flight; is that true?

Mr. ERVIN. That is true—flight in interstate or foreign commerce for illicit purposes—namely, to avoid arrest or prosecution after using explosives or fire to destroy the designated buildings or facilities.

Mr. CARROLL. The able Senator from North Carolina is a very distinguished member of the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. He interrogated the Attorney General on this very point. As I recall, the Attorney General was asking for a bill which would limit the application of this provision to religious and educational institutions. Will the Senator from North Carolina refresh my memory as to what the Attorney General said about extending the provision across the board?

Mr. ERVIN. Frankly, I do not recall what he said.

Mr. CARROLL. Is there any evidence that the Attorney General now wants to extend this provision beyond the category of religious and educational institutions?

Mr. ERVIN. I have no knowledge on that subject. Furthermore, it would be immaterial, because I am supposed to be a legislator, and he is supposed to be an executive officer.

Mr. CARROLL. It seems to me, as I remember the testimony of the Attorney General months ago, that he indicated that the Federal Bureau of Investigation was reluctant to go into this broad field.

Mr. ERVIN. If my memory serves me aright, the newspapers quoted the Attorney General as being opposed to any kind of legislation whatsoever in this field. A little later, as I recall, the Attorney General came before the committee and recommended limited legislation in this field. However, I do not believe that Congress, in discharging its legislative function, should rely too much on the Attorney General's advice.

Mr. CARROLL. If the Senator will further yield, in order to make a record, I read from page 189 of the civil rights hearings before the Subcommittee on Constitutional Rights, 86th Congress, 1st session, part I. The Attorney General, testifying before the subcommittee, said:

> In my opinion this bill will serve as an effective deterrent to the bombing of educational and religious structures. It has the full support of the Director of the Federal Bureau of Investigation who recognizes that these incidents have confronted local law enforcement officials with difficult investigation and detection problems. A bombing is one of the most difficult types of crime to solve.

Summarizing his testimony, he stated that this provision was not for the purpose of supplanting local enforcement agencies, but he felt that in this category we should move into this particular field. Some of us have felt that if the FBI has the facilities, and if it is willing to assume the burden, we can broaden this provision, because it does have an interstate application. That is the reason why I asked the distinguished Senator from North Carolina whether or not we have any evidence anywhere from any source that the FBI has the facilities, the equipment, and the men to move into the other categories. I ask the question in good faith, because I have not heard such testimony, and I wonder if the able Senator from North Carolina or the Senator from Arizona has that information.

I might add that it would not make any difference to me. However, I think we ought to make a record on this point so that Senators may be informed.

Mr. ERVIN. I am unable to state what the facilities of the FBI are on this proposition. However, if Congress passes the proposed law, and the facilities of the FBI are not equal to what is required, it would devolve on Congress to expand the facilities of the FBI to the extent necessary to enable the FBI to handle the situation.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. CARROLL. I have heard all the testimony and it seems to me that there is no valid reason for having the law apply to one group or another group; on the contrary, we should broaden the statute, as we have done with respect to the Fugitive Felon Act. In that act we have brought together such common law crimes as kidnaping and mayhem and robbery and arson. It has general application. Therefore, I see no reason why, if we are to proceed in this field, we should not do it across the board, so to speak.

Mr. ERVIN. The Senator is right, because, as a matter of fact, the Fugitive Felon Act now covers most cases where a man commits a felony under State law and flees across a State line.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GOLDWATER. I believe the act we are discussing is section 1074 of title 18 of the United States Code. That lists all the crimes which the Senator from Colorado has alluded to. However, it does not include bombing. We feel that bombing also should be applied across the board, so to speak, and we should not confine the application of the law to religious or educational institutions. The Senator being a lawyer can understand the reasoning of a layman with respect to the equal application of the law. It is as if we were to say that rape under certain conditions was not rape. We would be saying the same thing with respect to bombing a church building if we did not include the bombing of a business building. In effect, we would say that it was wrong to bomb a church, but all right to bomb a business building which was the sole property of a citizen. We would say that to flee across a State line would be all right in the case of the bombing of a business building, but wrong in the other case.

Mr. CARROLL. What impressed me most is that in the case of bombings—obviously the Federal Government will not go into every minor case of bombing—State law will take care of such situations. However, where there is a concert of action and a moving across State lines, the Federal Government should step in, and the Federal Government should be able to bring in the FBI to help. That is what we did with respect to the other common law crimes. An amendment may be offered later in this field, and it seems to me we may be able to broaden the whole field, and have the law apply not only to a person who flees across States lines after a bombing, but also with respect to a person who flees across State lines after committing any other common law crime. Perhaps that will come later. I do not believe there is an amendment at the desk on that point, or that deals with interstate crimes involving explosives. Very often a situation like this may not involve a conspiracy but an attempt to lead up to a bombing, and I believe we ought to be able to bring the FBI into such a situation. Is there such a situation covered in the Senator's amendment?

Mr. GOLDWATER. If the Senator from North Carolina will yield, I should say that that is not covered in my amendment, because the amendment pertains only to section 2 of the Dirksen substitute. I may say to my friend from Colorado, however, that it is my understanding that there are several amendments pertaining to the interstate transportation of explosives which have been offered. I believe the junior Senator from New York [Mr. KEATING] has one on that subject. I say that only because I heard him discuss it. I do not think his amendment would be applicable to my amendment.

I believe that under the circumstances, and as a member of the subcommittee, with the distinguished Senator from North Carolina, I certainly see no reason why we should not broaden this section, and apply it to the fugitive felon act. This has to do with flight. It does not supplant State law, but supplements it.

Mr. ERVIN. The able Senator knows that a number of bills dealing with the general subject of bombing were referred to the Subcommittee of the Judiciary Committee headed by our good friend the Senator from Wyoming [Mr. O'MAHONEY]. The subcommittee has been unable to act on them because of the illness of the Senator from Wyoming.

The Senator from Colorado is right in saying that there is no sound reason against broadening this provision. The original provision is an absurdity. Under the original Dirksen amendment a person who fled across State lines after bombing a school would be guilty of a Federal crime, but a person who fled across State lines after bombing the home of the teacher who taught the children who attended such a school building would not be guilty of a crime. That makes for a rather absurd situation.

Mr. CARROLL. I thank the Senator from North Carolina for yielding.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the junior Senator from Georgia.

Mr. TALMADGE. Is it not true that, under section 2 of the original Dirksen amendment, a man who dynamited the White House and fled to the State of Virginia would not be guilty of a crime?

Mr. ERVIN. That is true.

Mr. TALMADGE. Is it not also true that, if someone shot off a 5-inch firecracker in a school in the District of Columbia and fled to the State of Virginia, he would be guilty of a crime?

Mr. ERVIN. Assuming that a firecracker of that size is an explosive and that the offender was seeking to destroy the school, yes.

Mr. TALMADGE. Does the Senator from North Carolina feel that it is at all consistent to make the shooting off of a firecracker in a public school in the District of Columbia a crime and not make it a crime to dynamite the White House?

Mr. ERVIN. That is true. I might say that, under this bill in its original form, a person could blow up the U.S. Capitol and flee into another State, and his flight would not be a crime unless it were possible somehow to place the Capitol in the class of an educational institution; certainly it is not a religious institution.

Mr. TALMADGE. Would the Senator say that the Supreme Court is in the same category?

Mr. ERVIN. Undoubtedly so.

Mr. TALMADGE. Does it not appear to the senior Senator from North Carolina that the Dirksen amendment in its present form is ludicrous in that respect?

Mr. ERVIN. Absolutely. It deals with a part of the situation and leaves the remainder untouched.

Mr. TALMADGE. I wholeheartedly agree with the Senator from North Carolina. I think the various States are capable of solving this problem, but if the Senate wishes to make it applicable to all situations, I see no objection to it; but it seems to me to be the height of folly and an absurdity to make the shooting off of a firecracker in a public school building a crime, and the bombing of the White House, with the conceivable assassination of the President of the United States, legal under the same circumstances. I commend the Senator.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Arizona [Mr. GOLDWATER], as modified.

Mr. SMATHERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. DIRKSEN. Mr. President, I should point out that the section in the administration proposal, the package amendment which is at the desk, deals with flight to avoid prosecution for damaging or destroying any building or other real or personal property as it is related to religious and educational institutions. This came about as an amendment, in the first instance, to the so-called Fugitive Felon Act, referred to in the statute as fugitives from justice. That is a criminal statute, and it has been modified and amended on other occasions.

Section 1071 of that statute deals with concealing persons from arrest. Section 1072 deals with concealing escaped prisoners. Section 1073 deals with flight to avoid prosecution or giving testimony.

The section now before the Senate is section 1074. It deals with flight across State lines to avoid prosecution for inflicting damage on structures and facilities which are identified with religion or with education.

I am sensible of the fact that the amendment of the distinguished Senator from Arizona proposes to bring this language virtually in line with the language which appears in the House bill.

As a matter of fact, I believe the amendment as drawn would be, legally and technically speaking, an improvement on the House bill, in the sense that we do not particularize everything, so that if an interpretation of the statute is required, and some particular building, some type of facility, or some structure might be exploded or burned there would be a question whether or not it would come within the purview of the statute when certain things are particularized. I understand the danger ofttimes in doing that, and the law books are fairly filled with cases where some recital was omitted, and it was on that point that the case was made.

The Senate language, of course, narrowed all this. The structure, the facility, the building, had to be primarily identified with religion or with education.

I point out what I regard as the practical effect of the amendment which would broaden the language. First, it leaves it entirely out of the category of civil rights. It makes it a general criminal statute. The very reason for this matter being included in a civil rights bill is the bombings which were allegedly ascribed to prejudice and discrimination, and to the passions which have arisen from this issue.

But when the proposal is modified so as to make it a general criminal statute, for practical purposes we are not actually dealing with the whole issue of civil rights. I think that is one objection that might be made.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. I pointed out earlier, before the distinguished Senator from Illinois came to the Chamber, that I do not believe this section should properly be in a civil rights bill. Inasmuch as it is in a civil rights bill, then I think it should be applied across the board.

Before the Senator goes to his next point, I call attention to the language of the House bill. The language of the House bill is identical with the language of the Senate bill, so far as "such building, structure, facility, or vehicle," is concerned. But the House language continues, and then I believe the House becomes redundant. The House language then reads "dwelling house, synagogue, church, religious center, or educational institution, public or private."

Those are certain buildings or facilities, or they might even be termed "structures." So I do not see the need of having redundant language when the House bill comes over, or to have the language restrictive in the Senate bill. I do not confine my language to civil rights. It could probably be, in some other approach, but, inasmuch as it is here, I think it will greatly strengthen the hand of the Senate, if we go to conference, if we have what the House wants to have, but have it better spelled out.

Mr. DIRKSEN. I certainly can make two concessions to the distinguished Senator from Arizona. The first is that when this matter was before the Committee on the Judiciary there was some question about it. It was thought that perhaps this particular matter should have been dealt with in a separate criminal statute. But the point is that it is now before us.

The second concession I make is that I believe, technically speaking, the language of the Senator from Arizona is an improvement on the House language.

But I still return to the thesis I made—that in the Senate bill the bombing must be related primarily to religious purposes or for purposes of public or private primary, secondary, or higher education. It is the point of narrowing the scope of the bill which I would belabor at this time.

First, I believe we put an undue burden upon the Federal law enforcement agencies, and very notably the FBI. I think I can illustrate my point in this fashion, to indicate how diffusing this proposal really is. If a truck is taken on a highway to Fargo, N. Dak., and there is some belief that the person in question went across a State line to avoid prosecution, the case thereby immediately becomes a Federal case. Yet we have considered those cases in the main to be matters for the local law enforcement authorities.

Second, I point out that a house might be bombed in Tucson, Ariz., and a man might go across a State line to avoid prosecution or to avoid giving testimony.

Second, a house in Tucson, Ariz., might be bombed, and a person responsible for the bombing might cross a State line, either to avoid prosecution or to avoid giving testimony. But in view of the purview of this measure, if the house which was bombed had relationship to education or religion, the bombing would become a primary problem for the Federal law-enforcement authorities.

Mr. GOLDWATER. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from Illinois yield to the Senator from Arizona?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. Can the Senator from Illinois tell me how he reaches the conclusion that the bombing, on a highway, of a truck not in religious use would fall outside the proposed Federal law; yet when a truck which belonged to a church was bombed, and when the man responsible for the bombing fled across a State line, his act of bombing would become a Federal crime or felony?

And the same would apply to a house in Tucson, Ariz.—although why anyone would wish to destroy property in that delightful city and State, I cannot understand. [Laughter.]

However, if a house in Tucson, Ariz., were bombed, and if the man responsible for the bombing later crossed a State line, to avoid apprehension or prosecution, the Federal Government could not be brought into the matter unless the house had been in religious use.

So my point is this: What is the difference? If a church owns the house, it will be wrong for the man responsible for the bombing to cross a State line; but if John Smith, a private citizen, owns the house, it will be perfectly all right for the man who bombs the house to cross a State line.

I follow the principle of equal law applicable to everyone. I assure the Senator, as he knows, that the bombings of churches, synagogues, and other places of worship in this country have occurred, in any appreciable numbers, only in the last few years, and have been relatively few in number, as compared with the literally hundreds of cases of bombings and arson which have occurred in other parts of the country.

Mr. DIRKSEN. Let me say to the distinguished Senator from Arizona that my hope has been to keep this matter in line with the general civil rights thesis. The reason this provision got into the bill in the first place was the occurrence of bombings such as the one which occurred at Clinton, Tenn. Just think of the terrible loss of life that would have occurred if that bombing had been done in the daytime, when school was in session. I saw that structure; I have gone by there 25 or 30 times, and I know what has been done. That bombing occurred as a result of the racial tension or situation in Tennessee.

So this provision was designed to address itself to that situation, and to keep this part of the bill in character, in connection with the civil rights theme.

Mr. GOLDWATER. Mr. President, will the Senator from Illinois yield further?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. Let us carry the civil rights concept just one step further, and then I shall be seated: As I understand, a civil right has to be recognized by the Constitution; and certainly the Constitution is replete with references to property and to the fact that property cannot be taken without due process of law. I think property is one of the great keystones of our whole concept of government.

Is the destruction of a man's home not as much a violation of his civil rights as is the bombing of a church, which might be bombed because the church was of a character that might be offensive to a certain group of persons? Both bombings would result in the destruction of property. Therefore, I maintain that both apply to civil rights, because civil rights accrue—after they come from God, in the first place—because of the fact that they are mentioned in the Constitution.

Mr. DIRKSEN. Mr. President, I do not want to go 'way down that philosophical road. But there is ample local law enforcement for the purposes I have recited.

I say now that the Senator from Arizona is attempting to give a diffusive dimension to this section of the bill, when he attempts to lift it, first, out of the general scheme of civil rights protection and, second, when he attempts to make it a general criminal statute. If that were desired, I think the Attorney General would have made a request for it, because we find that the particular section of the criminal code to which this version is an amendment particularizes the offenses dealt with, in every case.

I have some notion—and I think I can discuss this matter with some authority—that when this matter first came on, the earlier language proposed was considerably broader. It was discussed with the Department of Justice and with the FBI; and I discussed it with the FBI another time, not more than 1 hour ago; and they say, "If you make this so undefinitive and so broad, you will put a tremendous burden upon the Federal law-enforcement agencies, and then there will come into the hopper many, many cases which properly should be before the State law-enforcement agencies."

That was the real reason for narrowing this provision in the first place and for relating it primarily to religious and educational institutions.

Let me say that I was not responsible for putting that in the bill. I recall only too well—and the distinguished Senator from North Carolina recalls it, and so does the distinguished Senator from Nebraska [Mr. HRUSKA], who was on the subcommittee—my discussions with them with respect to this section. They wanted to deal with it separately. But since it was before us and since the whole matter was in the air at the time, I thought it only proper to keep it within the philosophical confines of a civil rights bill; and that is what we sought to do in the Senate bill, instead of including every dwelling, every structure, and every truck, so that the interstate scope of the work which would have to be done would be broadened.

I think everyone knows that the FBI is rather cautious as to how far it goes. Ofttimes it backs off from cases, simply because no interstate character is involved.

But if we go this far, then of course we must be prepared to implement the FBI and the Department of Justice, because a great burden will be laid in their laps; and then we would be going beyond the scope of a civil rights bill.

I realize the awkward position I am in, from the standpoint of the House bill, because it is much broader. I think the House bill will be almost in line with this part of the Senate bill if the amendment of the distinguished Senator from Arizona is adopted. No one knows that any better than I do.

But I still say such a provision would go beyond the scope of a civil rights bill. This matter came up in the first place as a result of the bombing of schools and synagogues; and since the matter is before us, I like to keep the bill in character and keep it within those confines.

Mr. LAUSCHE. Mr. President——

Mr. ERVIN. Mr. President——

Mr. DIRKSEN. Mr. President, I yield first to the Senator from Ohio, who was first on his feet.

Mr. LAUSCHE. Mr. President, for the moment I should like to explore the true definition of a civil right.

Does the Senator from Illinois claim that the right of a citizen to live peacefully and in security in his home is less a civil right than the right to worship peacefully within a church or to study peacefully and securely within a school?

Mr. DIRKSEN. I am going to answer my friend in this fashion: I was called out into the reception room, the other day, by two gracious and charming ladies. I said to them, "What can I do for you?"

They replied, "We want you to offer an amendment to one section of the bill."

I asked, "What amendment is it?"

They said, "Just broaden the bill, so as to include enough safeguards so that the rights of citizens shall not be denied because of sex."

Of course, Mr. President, if we wish to include such a provision, I suppose a fairly good argument in favor of the inclusion of such a provision could be made; but then the sky would be the limit.

However, we are now dealing with a problem which has been fairly well ascertained; and if that were not so, there would not have been the continuous sessions, for so long a time, on the subject of civil rights.

Mr. LAUSCHE. Mr. President, the Senator from Illinois has not answered my question.

Mr. DIRKSEN. Oh, yes——

Mr. LAUSCHE. I want to establish the definition of a civil right. If the right to worship in church, securely and serenely, is a civil right, and if the right to study in a school securely and without bombing is a civil right, is it not also a civil right to be within one's home and to be secure from bombing and the placement of fire, so that the building in which a private citizen lives and in which he prays and in which he seeks haven shall not be destroyed?

Mr. DIRKSEN. I might make two answers to the Senator. The first is that I am not unaware of the fact that many things can be spelled out in the bill. My distinguished friend from Ohio is very free to offer amendments, have them qualified, have them read, or have them deemed to have been read, to get precisely what he is after. I think, if my imagination were taxed sufficiently, I could offer an amendment to amend the Senate rules to allow me to enjoy a good night's sleep, instead of having to sleep on a cot. I think that is a civil right.

Mr. LAUSCHE. Let us take a look at that. [Laughter.]

My understanding of a civil right is that it comprehends those rights, primarily, which are covered by the 10 sec-

tions of the Bill of Rights. One cannot begin to separate them. To me, every right contained in the Bill of Rights is as sacred as if it had come to me from my Maker; and it is not for the Senate or for the Congress to be ascribing a greater importance to one civil right than to another.

Mr. DIRKSEN. For the moment, at least, I am not undertaking to amend, modify, change, or expand, or put before us, the first 10 amendments to the Constitution. I have to leave that to another time.

Mr. LAUSCHE. That, of course, is not what the Senator from Arizona is trying to do. He is saying every citizen in this country shall be secure in the possession of his properties, in his right to worship, and in his right to study within buildings; and that a worker in the United States shall be secure in his home against bombing; and that a businessman in the United States shall be secure in his business against bombing. That is what the Senator's proposal reduces itself to.

Mr. DIRKSEN. The best answer I can make is to say that I followed my distinguished friend from Arizona when the Senate had before it the Landrum-Griffin-Kennedy bill, and he made a magnificent effort to expand some rights, but that was not the desire of the Senate. We were confronted constantly with the argument that the bill dealt with certain things, and thereafter the Senate "mowed" him down. I took my lesson from what the Senate had done, and I am keeping the present proposal within the context of civil rights.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from North Carolina.

Mr. ERVIN. I ask for information, because I am unable to "onscrew the onscrutable." My question is this. The Scriptures say, in substance, that every man shall dwell under his vine and under his fig tree with none to molest him or make him afraid. I should like to ask the Senator the same question which the Senator from Arizona and the Senator from Ohio put him. Why does the Senator from Illinois say that the right to sit down in a church, at peace, is a civil right, whereas the right of a man to sit under his vine and under his fig tree, according to the Scriptures, is not a civil right? If the Senator can make that distinction, he is going to have to "onscrew the onscrutable" to establish the difference.

Mr. DIRKSEN. No; I would not have to "onscrew the onscrutable" or "undo the undoable." In the first place, I could not vote if I were sitting under my own vine and fig tree. That is something else we have to consider. And I could not go to a school of my own choice if a State law prevented me from so doing. So that brings into purview the segregation question. I could not get a job sitting under that fig tree unless I first went out and looked for a job, and then discovered that the taxpayer's money was being expended on a certain project and, because my skin was off color, I could not get a job. If that has anything to do with a vine and fig tree, I give up, I say to the Senator.

Mr. ERVIN. Does not the Constitution provide that a man has a right to life, liberty, and property, and is not his dwelling house his property? In view of the fact that a civil right is a right given to all citizens by law, how can the Senator say a right to enjoy property consisting of a dwelling house is not a civil right?

Mr. DIRKSEN. Mr. President, I know what is before us, and I just try to stay within that framework, and nothing more.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. RUSSELL. In connection with the Senator's statement about the two charming ladies who came to see the Senator, I understand they wanted an amendment which would prevent any discrimination on account of sex.

Mr. DIRKSEN. That is correct.

Mr. RUSSELL. I wish to observe that the Senator had an answer he might have given them.

Mr. DIRKSEN. I was too coy.

Mr. RUSSELL. Though the argument has been wrapped in many thousands of words here in debating this section and the one which was before the Senate on Friday, the Senator might have said such a provision would put too much of a burden on the Attorney General because people of both sexes were found outside of the South. [Laughter.]

Mr. DIRKSEN. The fact still remains that the burden is going to be put on the law enforcement agencies, and if they have got to have the personnel, the talent, scientific equipment, and goodness knows what, in order to investigate the bombing of a truck in one of the little bayous of Louisiana or a structure somewhere in Butte, Mont., the sky is the limit—the country becomes the oyster of the FBI. It is just that simple.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. The Senator alluded to the oyster of the FBI and the other Government agencies. I might suggest that that which they are supposed to detect is the oyster of our Government, which is the Constitution.

I agreed at the outset of my argument that this section rightfully did not belong in a civil rights bill. If the Senator wants to become technical about it, I can change my mind and say I think it does belong in a civil rights bill, because certainly the right of property is a civil right. The argument the Senator made about education shows that is not a civil right. It is a civil freedom granted under the Constitution, because the Constitution in no way empowers the Federal Government to enter the field of education; but it does empower the Federal Government to enter into the field of bombing of schools, homes, businesses, structures, and vehicles. Certainly, as a Senator in this body, I do not care how much additional work would be placed on an agency of Government. I am in favor of protection of civil rights provided under the Constitution. I do not care if the FBI has to multiply its forces by three or four times.

Mr. DIRKSEN. Mr. President, I have stated my case. I can conclude only with this thought. I do not know how many speeches have been made in the Senate and how many speeches will be made in the other body. I am like the spirit of that old spiritual. I go "inching along," and I am content to inch up a little in this field in the interest of progress and in order to try to avert discrimination. That is one of the reasons why the bill was narrowed as it was, making it a general criminal statute, to keep it within the spirit of the Bill of Rights.

With that statement I have concluded my remarks, and I am ready for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Arizona [Mr. GOLDWATER] to section 2 of the Dirksen substitute, as amended.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DOUGLAS], the Senator from North Carolina [Mr. JORDAN], the Senator from Oklahoma [Mr. KERR], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

The Senator from Minnesota [Mr. HUMPHREY] is necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DOUGLAS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from North Carolina [Mr. JORDAN], the Senator from Oklahoma [Mr. KERR], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Hawaii [Mr. FONG] is absent on official business.

The Senator from New York [Mr. JAVITS] and the Senator from California [Mr. KUCHEL] are detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] and the Senator from California [Mr. KUCHEL] would each vote "yea."

The result was announced—yeas 85, nays 1, as follows:

[No. 122]

YEAS—85

Aiken	Bartlett	Bible
Allott	Beall	Bridges
Anderson	Bennett	Brunsdale

Bush	Hartke	Moss
Butler	Hayden	Mundt
Byrd, Va.	Hennings	Murray
Byrd, W. Va.	Hickenlooper	Muskie
Cannon	Hill	Pastore
Carlson	Holland	Prouty
Carroll	Hruska	Randolph
Case, N.J.	Jackson	Robertson
Case, S. Dak.	Johnson, Tex.	Russell
Church	Johnston, S.C.	Saltonstall
Clark	Keating	Schoeppel
Cooper	Kefauver	Scott
Cotton	Kennedy	Smathers
Curtis	Lausche	Smith
Dworshak	Long, Hawaii	Sparkman
Eastland	Long, La.	Stennis
Ellender	McCarthy	Symington
Engle	McClellan	Talmadge
Ervin	McGee	Thurmond
Frear	McNamara	Wiley
Fulbright	Magnuson	Williams, Del.
Goldwater	Mansfield	Yarborough
Gore	Martin	Young, N. Dak.
Green	Monroney	Young, Ohio
Gruening	Morse	
Hart	Morton	

NAYS—1

Dirksen

NOT VOTING—13

Capehart	Humphrey	O'Mahoney
Chavez	Javits	Proxmire
Dodd	Jordan	Williams, N.J.
Douglas	Kerr	
Fong	Kuchel	

So Mr. GOLDWATER's amendment to section 2 of the Dirksen amendment in the nature of a substitute was agreed to.

Mr. GOLDWATER. Mr. President, I move that the vote by which the amendment to the amendment was agreed to be reconsidered.

Mr. DIRKSEN. Mr. President, that is hardly necessary.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

The PRESIDING OFFICER. The question now is on agreeing to section 2 of the Dirksen substitute, as amended.

Mr. Ervin obtained the floor.

Mr. ROBERTSON. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ERVIN. I yield to the Senator from Virginia for a unanimous-consent request, with the understanding that I shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, I ask unanimous consent to send to the desk four amendments to the pending bill. I ask that they be considered as read, be printed, and lie on the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? If not, the amendments will be received and printed, will lie on the table, and will be considered as having been read.

Mr. ERVIN. Mr. President, I offer my amendment, which is already at the desk, and which provides for striking out, on page 3 of the Dirksen substitute, lines 18 to 22, both inclusive.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina will be stated.

The LEGISLATIVE CLERK. On page 3 of the Dirksen substitute, it is proposed to strike out lines 18 through 22, both inclusive.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina to section 2 of the Dirksen substitute.

Mr. ERVIN. Mr. President, this is a very simple amendment. I wish to make a brief explanation.

My amendment would strike from section 2 of the Dirksen amendment in the nature of a substitute lines 18 to 22, both inclusive, on page 3, which read as follows:

> Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.

I seek to strike those lines from the amendment in the nature of a substitute because they are contrary to two different provisions of the Constitution, namely, section 2 of article III and the sixth amendment.

Section 2 of article III, insofar as it is pertinent to this matter, reads as follows:

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The sixth amendment, insofar as it is pertinent here, reads as follows:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

Mr. President, the portion which I seek to strike violates both these provisions of the Constitution. It undertakes to provide three different places for trial: First, the Federal district where the crime was committed; second, the Federal district where the person is held in custody or confined; the third, the Federal judicial district in which the person is apprehended.

It is absolutely unnecessary to have this provision in the bill, because this entire matter is controlled by the rules of criminal procedure and by statute.

I invite the attention of the Senate to rule 18 of the Rules of Criminal Procedure, which reads as follows:

> Except as otherwise permitted by statute or by these rules, the prosecution shall be had in a district in which the offense was committed, but if the district consists of two or more divisions the trial shall be had in a division in which the offense was committed.

Mr. President, that rule takes care of the situation where the crime to be created by this proposed new statute is committed in a State. In case it is committed on the high seas or outside a State in foreign commerce there is another statute which applies, namely, title 18, section 3238, of the United States Code. The reason it is left as a statute in this instance is that article III, section 2 of the Constitution provides that if a crime is committed within a State it must be tried in the State where the crime is committed, with the proviso that if it is committed outside the jurisdiction of a State then it shall be tried at such place as Congress may direct. The provision in the statute takes care of crimes which are committed on the high seas or outside a State and Federal district.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. ERVIN. In a moment I shall be happy to yield. The statute is still in force, and has not been superseded by the rules of criminal procedure, because of the constitutional provision to the effect that where a crime is committed outside the jurisdiction of a State, the trial shall be held at such place as Congress may direct. I invite the attention of the Senate to title 18, section 3238, which reads as follows:

> The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

It is not necessary to include the unconstitutional provision in the proposed statute, because the question of venue, or the place of trial, is already dealt with by rule 18 of the Rules of Criminal Procedure and by the statute which I have read.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. I should like to ask the Senator if he would read the second part of the section which he has already read. The first part of it states that the trial shall be held in the district where the crime was committed. Then there was another section which the Senator read.

Mr. ERVIN. The second part is the general statute which deals with crimes against the Federal Government not committed within the jurisdiction of a State, or not committed within a State or a district. As the Senator knows, under section 2, article III, of the Constitution, all Federal crimes committed within a State must be tried in the State where the crime is committed. Then it contains a proviso that if the crime is not committed in any State, the trial will be held where Congress prescribes.

The sixth amendment to the Constitution restricts the trial further. It states that when the crime is committed in a State it must not only be tried in the State in which it was committed, but also in the Federal district in which it was committed.

The first situation, where the crime against the Federal Government is committed within a State, is dealt with by rule 18, which provides that the trial shall be had in the district in which the offense was committed. To take care of crimes against the Federal Government which are not committed within any State or, indeed, within any Federal district, there is a statute, title 18, section 3238, which reads as follows:

> The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or

district, shall be in the district where the offender is found, or into which he is first brought.

In other words, the law already deals with the question by constitutional measures. My amendment would strike out this unconstitutional provision in the Dirksen amendment.

Mr. SALTONSTALL. Does the Senator argue that the provision in the bill which he seeks to strike out is unconstitutional?

Mr. ERVIN. Yes. It is in violation of two different constitutional provisions. I merely seek to strike out the unconstitutional venue provision in the bill, allowing the matter to be governed by general law and rules of criminal procedure, which now are adequate to take care of the situation.

Mr. SALTONSTALL. Then I understand the Senator to say that somewhere in the criminal statute there is a provision which states that the trial shall be held in the State where the crime was committed unless the statute states otherwise.

Mr. ERVIN. Rule 18 of the Rules of Criminal Procedure states:

> Except as otherwise permitted by statute or by these rules, the prosecution shall be had in a district in which the offense was committed.

Mr. SALTONSTALL. If Congress says it shall be tried somewhere else, is that unconstitutional?

Mr. ERVIN. Yes; it would be unconstitutional for Congress to say that the trial can be held anywhere except in the State and district in which the crime is committed, unless the crime is committed either on the high seas or some place outside a State or district.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Colorado.

Mr. CARROLL. As the Senator from Colorado understands, what was done previously by the Goldwater amendment was to perfect a new section 1074, dealing with flight.

Mr. ERVIN. That is correct; flight in interstate and foreign commerce.

Mr. CARROLL. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. BUSH in the chair). The Senate will be in order during this debate, so Senators may hear what is being said.

Mr. CARROLL. In section 1073 a number of common law crimes were set up.

Mr. ERVIN. That is true.

Mr. CARROLL. This has to do with flight in the categories which the Senator has mentioned. Is that correct?

Mr. ERVIN. I might state to the Senator from Colorado that perhaps a part of this verbiage was suggested by a provision in title 18, section 1073, but it is quite different from what it is here.

Mr. CARROLL. That was my next question. The purpose was to narrow all this down. Briefly, as I read section 1073, it is almost identical with lines 18, 19, 20, and 21 of the so-called Dirksen amendment, except the last line, which reads: "or in the Federal judicial district in which the person is apprehended."

Mr. ERVIN. One other inconsistency is in the second paragraph of the present title 18, section 1073, which reads:

> Violations of this section may be prosecuted only in the Federal district—

And so forth. The word "only" is left out in the Dirksen amendment.

Mr. LAUSCHE. "Only" where?

Mr. ERVIN. The Dirksen amendment provides:

> Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.

Section 1073 of title 18 provides:

> Violations of this section may be prosecuted only in the Federal judicial district in which the crime was alleged to have been committed or in which the person was held in custody or confinement.

As the Senator will note, under title 18, section 1073, the prosecution could be had in two places. First, in the Federal judicial district in which the original crime was alleged to have been committed; and second, in the Federal judicial district in which the accused was held in custody or confinement.

As set forth in title 18, section 1073, it is perfectly constitutional, to lay the venue in the State and Federal district where the crime was committed.

But here we have a different situation. Three separate matters are set forth, and two of them are clearly offenses against the Constitution.

Mr. CARROLL. I agree completely with the able Senator from North Carolina that the statement on line 21, "or in the Federal judicial district in which the person is apprehended," clearly violates existing law. Does the Senator from North Carolina propose to substitute the last section of section 1073 for lines 18 through 22?

Mr. ERVIN. No. My purpose is to strike out the entire language and to be governed by general law, which is sufficient. It provides that if a crime is committed in a State or district, the trial must be held in that State or district, according to the Constitution.

If the crime is committed on the high seas or outside the jurisdiction of any State or district, then the case can be tried, under the Constitution, where Congress directs, and Congress has already directed in that case that the trial shall be held in the district in which the offender is found or into which he is first brought. So the general law is already clear concerning that phase. We ought not to place a provision on venue in the bill, because, in my judgment, the matter is covered by general law.

Mr. CARROLL. In view of the fact that the second section of section 1073, which is the existing law, under which many cases have been brought, is the same flight statute which we have now brought into a new section 1074, would not the Senator from North Carolina believe it to be safer to adopt the second section of 1073? No harm could come from that. It is not unconstitutional. Decisions have been rendered under it. It seems to me that the action previously taken by the Senate would be strengthened.

Mr. ERVIN. I do not believe that would be wise, because the first part of the second clause is somewhat ambiguous. It reads:

> Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed.

That provision contains an ambiguity. The language might be interpreted, as it refers to the section which prohibits fleeing across State lines after the commission of certain crimes, as relating to the original offense against State law, or to the place where the Federal violation was committed.

I think where a general rule and a general venue statute which are clearly constitutional are in effect, and apply to other crimes, it would be better and safer to rest on the general rule and the general statute.

Mr. CARROLL. Mr. President, will the Senator yield, so that I may propound a parliamentary inquiry?

Mr. ERVIN. I yield for that purpose.

Mr. CARROLL. Mr. President, what is the legislative situation now? Is there an amendment pending to strike out certain language?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from North Carolina to strike out lines 18 through 22, on page 3 of the Dirksen amendment.

Mr. CARROLL. Would it be in order at this time to offer an amendment in the nature of a substitute to the amendment of the Senator from North Carolina?

The PRESIDING OFFICER. The Senator may offer such an amendment

Mr. CARROLL. I do not have the floor, and I do not mean to take up the time of the Senator from North Carolina, but if the Senator from North Carolina will yield, so that I may state the purpose of my proposal, it is my hope that we could adopt section 1073 in identical language, and substitute it for the Dirksen proposal, which I agree is not only ambiguous, but is certainly contrary to present law.

Later, we who are members of the Committee on the Judiciary, which is where the bill really should have been discussed at length, because it involves the treatment of a criminal statute, could work out our legislative will.

It seems to me there is no more ambiguity under section 1074, a new section, than there is under section 1073, which has been on the books since the passage of the Fugitive Felony Act 25 years ago.

Mr. ERVIN. There is a difference. I dislike to disagree with the Senator from Colorado, because we are in agreement on the broad principle. However, title 18, section 1073, is an entirely different kind of section. It deals with flight to avoid prosecution for specifically named crimes created by State law

Title 18, section 1073, makes it a Federal crime for a person to move or travel in interstate or foreign commerce to avoid prosecution, or custody, or confinement after conviction, under the laws of

the State from which he has taken flight for murder, kidnaping, or other specific crimes. In the one case, he is fleeing from arrest or prosecution or punishment for violation of specific State laws creating specific State crimes. In this case, he is fleeing not from the violation of specific State laws creating specifically named State crimes, but to avoid arrest, prosecution, or confinement for violations of general State laws defining crimes according to general terms.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CARROLL. I was under the impression, from the responses to my questioning, that a new Federal statute would not be created, in the sense that this was a Federal crime; that we were merely creating a new statute to be included within the common law crimes under the Fugitive Felon Act, to avoid prosecution or to avoid the giving of testimony. I thought we were seeking to enlarge the Fugitive Felon Act.

Mr. ERVIN. The Senator is correct to this extent. Under section 1073, specific crimes are described by name. The crimes in the new proposal are not crimes described by names, but by generic terms, according to their nature.

Mr. CARROLL. Fire or explosion.

Mr. ERVIN. They are undoubtedly the requirements in the second paragraph. But the venue under section 1073 has reference to the original crimes referred to in State law.

Mr. CARROLL. I agree with the Senator from North Carolina; but my concept is that we will have created a new crime under the Federal statute. That is, if somebody bombs a structure in Colorado, whatever the nature of the structure, it will not be a Federal offense; it will be a State offense; and the only time the Federal Government will invoke its jurisdiction will be not to supplant, but to supplement, in the case of flight.

Mr. ERVIN. That is true; but instead of having specific crimes described, we are getting generic crimes designated by the nature of the crime, which is much broader, as I see it.

The first description of venue, it seems to me, is susceptible of two interpretations. One is that referring to the place where the State crime was originally committed. In the other case, we are talking about the Federal crime. To which is the Senator referring?

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ERVIN. I have promised to yield next to the Senator from Pennsylvania [Mr. CLARK]; then I shall yield to the Senator from New York.

Mr. CARROLL. Let us assume that a bombing has taken place in Colorado, and that there is flight from that bombing into another State. The Federal Government could arrest the person who is in flight, but he would be tried in Colorado. If he went to California, he would not be tried in California; he would have to be tried in Colorado. That would be true of a witness who left Colorado and went to California.

By the action it took a few minutes ago, the Senate has proceeded, by its use of the generic terms in reference to destruction by fire or explosion, to include a large category of crimes, has it not?

Mr. ERVIN. Oh, yes, much vaster.

Mr. CARROLL. The provision now before us would merely permit the FBI to take action in respect to another field, would it not?

Mr. ERVIN. Yes; this provision would make it a Federal crime for a person to commit any State crime which came within these generic terms and then flee across a State line, for certain purposes.

Mr. CARROLL. Yes. So the crime is merely that of flight, is it not?

Mr. ERVIN. Yes, with the requisite purpose.

Mr. CARROLL. And the prosecution would be had where the crime was committed.

Mr. ERVIN. Yes. Under the Constitution, the prosecution has to be in the State and in the district where the crime was committed.

Mr. CARROLL. That is true.

Let me say that I believe it would be safer if we were to strike out these lines, and were then to move to the last section; that is, section 1073. Then we could examine it during the months ahead, and no harm would be done, because there is ample precedent.

I thank the Senator from North Carolina for yielding.

Mr. ERVIN. Mr. President, the reason why I disagree with the Senator is that I believe that matters of venue, like questions of procedure, should be governed by the rules and statutes relating to venue and procedure and not dealt with in statutes creating new crimes.

Mr. CLARK. Mr. President, will the Senator from North Carolina yield?

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I promised to yield to the Senator from Pennsylvania; and I now yield to him.

Mr. CLARK. Mr. President, let me ask the Senator from North Carolina whether I am correct when I say that section 2 of the Dirksen amendment, which would create a new section 1074, would create a new Federal crime; namely, to flee across a State line, after having bombed or set fire to certain structures.

Mr. ERVIN. That is correct.

Mr. CLARK. So the crime would not be the bombing or the setting afire; the crime would be the crossing of a State line in order to avoid apprehension or prosecution or conviction; is that correct?

Mr. ERVIN. I would say the crime would be fleeing to another State—fleeing in interstate commerce with the requisite intent.

Mr. CLARK. Therefore, the crime would not be committed in either State; and therefore I suggest it is not subject to the arguments in regard to unconstitutionality, which the Senator from North Carolina has made, because the crime would consist in crossing a State line, and therefore the crime would take place either in neither State or in both States.

Mr. ERVIN. I think the crime would be the fleeing in interstate commerce, and would be completed by the crossing of the State line.

Mr. CLARK. Therefore, I am unable to see—and I ask the Senator from North Carolina this question, because I should like to be able to understand—why the Senator thinks it is not unconstitutional to try a man who has committed a crime on the high seas and has been brought into a certain district, from the high seas—why it is not unconstitutional to try him there, but why it is unconstitutional to try such a man in the Federal judicial court district in which he is apprehended, which in all likelihood will be the district to which he fled, and where he was caught. But if he were tried somewhere else, it seems to me this section would be interpreted constitutionally, and it would not be permissible for him to be tried there.

Mr. ERVIN. The answer is to be found in section 2 of article III of the Constitution, as follows:

But when—

And here I interpolate the words "the crime is"—

not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

When the crime is committed on the high seas or when the crime is not committed in any State, then Congress has power to declare where the crime shall be tried. And Congress has declared its will in this instance in the statute to which I have alluded.

Mr. CLARK. Does the Constitution not require a finding that the crime of fleeing is committed in both States—which I question; but the Senator from North Carolina himself has proceeded on that basis, has he not?

Mr. ERVIN. The crime will have been completed when the man who is fleeing begins to cross a State line; the crime is completed when he puts his foot across a State line.

Mr. CLARK. And therefore the crime will not have been committed in either State.

Mr. ERVIN. It will have been completed when he reaches the second State.

Mr. CLARK. Yes, if he is apprehended there. Why would it be unconstitutional to try him there?

Mr. ERVIN. I am not attempting to prevent that.

But the bill as it now reads provides that he may be tried wherever he is apprehended. A man might commit one of these offenses in North Carolina, and might flee across the State line into Virginia, to avoid apprehension or prosecution. Under those circumstances, and under the bill as it now stands, he would not be guilty unless he fled in interstate commerce or foreign commerce with a specific intent; namely, to avoid prosecution or custody or confinement after conviction.

Mr. CLARK. I understand.

Mr. ERVIN. It is conceivable that such a person could flee from North Carolina to Virginia, with that intent, but that he would not be apprehended in Virginia; and thereafter he might decide to move to California because he liked the climate in California. If he then went to California, and if he were apprehended in California, under this provision he could be tried in California, even though the Constitution prohibits that, because he would not have committed a crime by being in California, if he did not go there for the specific purpose of avoiding prosecution, custody, or confinement after prosecution. In other words, he would not be guilty if he went to California for another purpose.

Mr. CLARK. I think the Senator from North Carolina has a point there. But in the ordinary case the man would be apprehended in the State to which he fled; and if he were tried in the State to which he fled, after crossing the State line, does the Senator from North Carolina agree that it would be appropriate for him to be tried there—for instance, if he fled from Maryland to Pennsylvania?

Mr. ERVIN. The crime would be completed when he crossed the State line with that specific intent; but if he crossed any number of State lines without that specific intent, he would not have committed that crime.

Mr. CLARK. We understand that. But if he fled from Maryland to Pennsylvania with the intent to which we have referred, and if he were apprehended in Pennsylvania, does the Senator from North Carolina agree that the man could be tried in Pennsylvania?

Mr. ERVIN. Yes, because the crime would have been completed when he crossed the State line into Pennsylvania.

Mr. CLARK. Then, if he could be tried in Pennsylvania, I am inclined to agree that my friend's argument is a correct one—namely, that it would be unconstitutional to try him in New York, if later he went to New York and were apprehended there.

Mr. ERVIN. The statute, however, would provide that he could be tried anywhere he was apprehended. So it would not make any difference.

Mr. CLARK. But the statute could not override the Constitution.

Mr. ERVIN. No; but the statute would attempt to do so. Since we already have some sound general statutes in this field, why not leave them as they are?

Mr. KEATING. Mr. President——

Mr. ERVIN. I yield to the Senator from New York.

Mr. KEATING. The point I wish to raise is very similar to the one raised by the Senator from Pennsylvania.

As I understand the Senator from North Carolina he is now saying that the only case in which the last part of this section could be construed as being unconstitutional would be one in which the man was tried in a jurisdiction in which he happened to be apprehended after his flight had stopped.

Do I state the fact correctly, according to the thinking of the Senator from North Carolina?

Mr. ERVIN. I do not believe I quite follow the Senator's question.

Mr. KEATING. Let me put the matter in this way: The sixth amendment to the Constitution provides that:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

The crime here under consideration is flight, not the burning or the bombing. If we include this section, we shall have ascertained by law that the crime was committed either in the State where the man burned the building or in any other State to which he went, while in flight. Would my friend go along with that line of thinking?

Mr. ERVIN. I think the crime is committed when a man flees in interstate commerce, when he goes from the State where he did the burning or used explosives into the next State. I think the crime is completed when he goes across the State line.

Mr. KEATING. Does not the Senator think that if he continued to flee into the third, fourth, or fifth State, he would still be fleeing and would still be committing the crime?

Mr. ERVIN. If he kept fleeing with the previous intent, he would be committing the crime every time he crossed a State line.

Mr. KEATING. I believe, and the Senator from North Carolina can check me on this statement, that the House bill does not contain the words "or in the Federal judicial district in which the person is apprehended."

In other words, the House language follows section 1073 of title 18. Am I correct in that statement?

Mr. ERVIN. I do not recall the provision of the House bill.

Mr. KEATING. It would seem to me, if we are to do anything here, at least it would be better to follow the language of the House bill, rather than to strike out in an entirely different direction.

Mr. ERVIN. Here is the trouble. If we adopted the language of the previous section, section 1073, title 18, we would take away and deny venue that is provided in section 3238, wherein it is clearly stated:

> The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

Mr. KEATING. If there were put into the wording of section 1074, after the word "apprehended" some language indicating, "while fleeing with the same intent," or words to that effect, would the Senator agree that there would be no constitutional inhibition against this clause? It would make it clear that he would have to have been apprehended while he was still in flight.

Mr. ERVIN. That might be so in that case, but it would not cover a crime on the high seas or outside the jurisdiction of a State. We have a statute in harmony with the Constitution which deals adequately with this situation. It seems to me the wise thing to do is to strike out the proposed language and let the general rule and general statute cover the situation.

Mr. KEATING. I call attention to the fact that this language follows section 1073, under the heading, "Flight to avoid prosecution or giving testimony." In that section we have the exact wording of what I understand is contained in the present House bill.

It seems to me questions might be raised if we were to follow section 1073 with section 1074 containing different standards.

Mr. ERVIN. The trouble with title 18, section 1073 is, in part, that it excludes crimes committed in foreign commerce, that is, outside of the jurisdiction of any State. When the crime occurs outside the jurisdiction of a State, a person cannot be prosecuted under the venue prescribed by title 18, section 1073.

Mr. KEATING. My attention has been called to the fact that I was not quite accurate in saying that the House bill, as it now reads, ends with the word "confinement," because the following language is added to that language:

> *Provided, however,* That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section.

It seems to me that proviso would cover the point which the Senator from North Carolina made.

Mr. ERVIN. If I understand that correctly, it refers to a State crime. I am talking about a Federal crime which is committed inside a State, as distinguished from the high seas or crimes over which no State has jurisdiction.

Mr. KEATING. I think the Senator may have a point there.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. ERVIN. I shall yield first to the Senator from South Carolina [Mr. JOHNSTON], then the Senator from Tennessee [Mr. GORE], then to the Senator from South Dakota [Mr. CASE], and then, unless I change my mind, I shall yield the floor.

Mr. JOHNSTON of South Carolina. I thank the Senator for yielding to me.

Mr. JOHNSON of Texas. Mr. President, we cannot hear the discussion. Will the Senator from South Carolina speak a little louder so we can hear him?

Mr. JOHNSTON of South Carolina. I think the Senator said that we have enough laws on the statute books providing where a man can be tried. Is that correct?

Mr. ERVIN. That is correct, covering cases where a crime is committed inside of a State and Federal judicial district, and also where it is committed on the high seas or outside any State.

Mr. JOHNSTON of South Carolina. We have laws on the statute books for criminals who cross State lines. Is that correct?

Mr. ERVIN. Yes.

Mr. JOHNSTON of South Carolina. Let me give the Senator a hypothetical case. Let us assume that a laboring man in New York bombs a plant there. They do nothing to him. Later he starts on a trip going to Florida and comes through South Carolina, and we stop him and arrest him. Under the law, could he be tried in South Carolina?

Mr. ERVIN. Not unless he crossed the State line with the specific purpose in mind of avoiding prosecution. If he came to South Carolina merely to admire the scenery and enjoy the salubrious atmosphere, they could not do anything to him.

Mr. JOHNSTON of South Carolina. But if he left New York and started for Florida with the intention of avoiding prosecution, and he came into South Carolina, we could try him there. Is that correct?

Mr. ERVIN. Yes, provided he crossed the South Carolina line with that intent.

I yield now to the Senator from Tennessee.

Mr. GORE. The distinguished Senator has said that the gravamen of the crime, if I understand, is flight in interstate commerce for purposes enumerated in the bill. The Senator has constructed an instance in which the bombing may have occurred in North Carolina. The Federal crime then would be consummated upon flight into Virginia. The Senator has said in that case the accused could be properly tried within a Federal district court in the State in which the crime of flight was consummated. Then the Senator has gone one step further and has said this accused may have decided, for other reasons, to go to California, and therefore he could not, under the Constitution, as the Senator says, be tried in the State of California. Is that correct?

Mr. ERVIN. That is correct, because he would not commit a crime when he went there.

Mr. GORE. Of course, the motive for the further travel may be subject to question. Let me ask the Senator a hypothetical question about a case when the motive could not be involved.

Let us suppose that the accused had, before the act of bombing a school in North Carolina, committed petty larceny, or grand larceny, or an act of arson, or all three, in the State of Tennessee. Let us suppose the accused then traveled to North Carolina, where he destroyed a church, a synagogue, or a school. Then, in order to avoid prosecution or custody, let us assume he fled into Virginia. Before his crime of flight was detected let us assume the Governor of the State of Tennessee asked for extradition of this accused from Virginia back to Tennessee for the purpose of prosecution for the crime of petty larceny, or grand larceny, or arson, or all three. At the time the accused's flight from the State of North Carolina into the State of Virginia for the purpose of avoiding prosecution or apprehension was discovered, he would be confined in the State of Tennessee.

In those circumstances I ask the able Senator to look at the second of the three provisions, which would fix venue, which has not been specifically referred to in this debate. According to the amendment, the accused could then be prosecuted in the Federal district court in which he was held in custody or confinement. According to this hypothetical case the accused would be held in confinement in the State of Tennessee for the commission of an entirely different crime in the State of Tennessee. Under those circumstances, would not the pending amendment propose to fix venue in the State of Tennessee?

Mr. ERVIN. I think the Senator from Tennessee has put an incorrect interpretation on the matter. The language is in the past tense. It refers to where the man has been in confinement and he breaks out of confinement and flees across the State line. He would not be subject to being tried, in that case, where he was in confinement.

Mr. GORE. Where is the provision that the accused must break out of confinement?

Mr. ERVIN. The violations are to be prosecuted "only in the Federal judicial district in which the original crime was alleged to have been committed"—"or in which the person was held in custody or confinement." It does not say, "in which the person is held in custody or confinement," but says, "in which the person was held in custody or confinement."

The accused would be committing a crime if he broke out of custody or confinement and fled across the State line with the requisite intent.

Mr. GORE. Mr. President, will the Senator yield further?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. The language does not specify for what purpose the man was held in custody or confinement.

Mr. ERVIN. The statute refers to the custody or confinement from which the man is fleeing.

Mr. CASE of South Dakota. Mr. President, will the Senator yield to me?

Mr. GORE. But the provision in the amendment is not specific in that regard.

Mr. ERVIN. I would say that the first part of the amendment would create the crime of fleeing from custody or confinement.

Mr. GORE. I agree.

Mr. ERVIN. Title 18, section 1073, refers to the custody or confinement where he was—not where he is, but where he was. That is the custody or confinement from which he fled.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. GORE. It seems to me that this is an additional case in which the amendment would seek to fix venue contrary to the constitutional provisions which the able Senator has cited. Indeed, the person may have been held in custody or confinement in a third State.

Mr. ERVIN. The difference between this amendment and the other language is that this amendment says, "is apprehended."

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. ERVIN. I will yield to the Senator from South Dakota in just a moment.

Mr. GORE. I respectfully suggest that the Senator may be placing an interpretation on the second of these provisions more adverse to his position than is actually the case.

Mr. ERVIN. The point I am making is that I think the language is in the past tense, and I think it refers to the confinement from which the man fled, the confinement for which he was in custody, rather than saying the man is to be tried at the place where he is in custody. I do not know whether I make myself clear on that.

Mr. GORE. The Senator makes his meaning clear, but I am not sure that his understanding of the provision comports with its actual terms.

Mr. ERVIN. That is why I am not in favor of bringing this forward. I think section 1073 of title 18 is very ambiguous. Rule 18 and the general statute about where a court tries a man who commits a crime against the Federal Government on the high seas or outside of any State or district, is very clear.

I am simply trying to clarify the situation, because section 1073, title 18, United States Code, clearly excludes prosecution of any person who commits a crime on the high seas or outside of a State or a Federal district.

Mr. GORE. I agree with the statement the able Senator has just made. What I am attempting to project is the possibility, remote though it may be—such a possibility might determine the constitutionality of the provision—of a person being held in custody or confinement in a State in which a building was not bombed and also in a State to which he had not fled.

Mr. ERVIN. Yes.

Mr. GORE. The accused may have been removed to a third State against his will.

Mr. ERVIN. There he could not be guilty of the crime, as the Senator has pointed out.

Mr. GORE. But the bill plainly says that the man may be prosecuted in the Federal district in which he is held in custody or confinement. Either my interpretation is correct, or the language is ambiguous and the meaning uncertain.

Mr. ERVIN. I think the language is ambiguous, but I think that, being in the past tense, the language refers to the custody or confinement from which he fled.

Mr. GORE. Perhaps so, but does it necessarily follow, because the language is in the past tense, that he was in custody or confinement for the particular crime of flight in interstate commerce, referred to in the amendment?

Mr. ERVIN. That is another ambiguity. That is one of the reasons why I think the Senate would do a real service to the cause of law enforcement if it were to adopt my amendment.

Mr. GORE. I agree with the Senator's amendment. It seems to me that the present statutes and rules are ample

to cover this situation. There is no purpose or desire on the part of the Senator from North Carolina that any person guilty of the crime created by the pending provision should be able to avoid prosecution.

Mr. ERVIN. I am trying to facilitate prosecution, and make the situation clear.

Mr. GORE. I agree with the Senator further. I was only trying to point out another instance in which the Dirksen amendment is either ambiguous or uncertain of meaning, or in which an unconstitutional attempt is made to fix venue.

Mr. ERVIN. I think the Senator has done so very effectively.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CASE of South Dakota. I respectfully suggest that I think the answer to both questions is found by reading the first part of the second proposal, in line 16, above. The language is:

> Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than $5,000 or imprisoned not more than five years, or both.

It seems to me that in the language of the first part of this section is found the answer both as to the question of the custody and confinement, and also the question of constitutionality.

I further suggest that the words "with intent" should not be overlooked. If the person who violated the law of the place from which he fled crossed the State line into another State with the intent to avoid prosecution or to avoid giving testimony, then the Federal crime was committed when he crossed the State line with that intent. If he went to a second, third, or fourth State with that intent, he would still come under the new definition of a Federal crime. But if he went to a fifth State for another purpose, the burden would be on the prosecution to show that he went into the fifth State with that intent. If he did not go there with that intent, the provision would not apply to him, and the question of constitutionality would not arise.

With respect to the matter of custody or confinement, it seems to me clear that the custody or confinement referred to in the second paragraph relates to the custody or confinement mentioned in the first paragraph, because the language is:

> Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

In this section, the "custody or confinement" is custody or confinement after conviction under the laws of the place from which he fled. It seems to me that those words answer both questions.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ERVIN. Has the Senator from South Dakota concluded?

Mr. CASE of South Dakota. Yes. I submit that suggestion respectfully.

Mr. ERVIN. I agree that the Senator from South Dakota has stated the same proposition upon which the Senator from New York and I agreed a while ago, that so long as the person keeps going across State lines with the requisite intent, he commits a continuing crime every time he crosses a State line for that purpose. I am inclined to place the same interpretation as does the Senator from South Dakota on the language with reference to custody or confinement. However, the Senator from Tennessee has made a very able argument for a contrary interpretation. That is one reason why I think the best thing to do is to strike out all this language and go back to the rule and the general statute, which are clear. Thus we would get rid of all the ambiguities.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I promised to yield to the Senator from Colorado [Mr. ALLOTT].

Mr. ALLOTT. Mr. President, I thank the Senator for yielding. I should like to ask a couple of questions.

I cannot quite agree with the interpretation of the Senator from South Dakota. As I read the fore part of this section, in order to prove the total crime, 5 or 6 different elements must be proved, and I predict that there would be very few convictions under this section if we were to adopt it.

First, the person must move or travel with an intent. Then we come to the question which the Senator from South Dakota raises. The first intent is to avoid prosecution; the second intent, to avoid custody; and the third intent, to avoid confinement after conviction. However, the way the language is written, I do not think there is any justification for tying up custody or prosecution with confinement after conviction. In other words, if a person moves or travels in interstate or foreign commerce with intent to avoid prosecution—the language is "or custody," but that does not quite make sense; it should be "to avoid custody"—or "confinement after conviction," he commits a crime. If he moves or travels in interstate commerce with intent to avoid any one of those three things, he commits a crime, if the other necessary elements to constitute the crime are present.

The question has been discussed pretty well, but I should like to ask the Senator from North Carolina one question which has not been mentioned while I have been in the Chamber.

To take a hypothetical case, suppose we use as examples States which are adjacent to us. Suppose a man burns a church in Virginia, let us say, and then heads south on foot, and goes into North Carolina. Is it the opinion of the Senator that a man who travels on foot with the intent to avoid prosecution after committing an express crime is then engaged in interstate or foreign commerce?

Mr. ERVIN. In the hypothetical case put by the Senator, I believe that if the person goes from Virginia to North Carolina on foot to avoid prosecution in Virginia, he comes within the description. He is fleeing in interstate commerce to avoid prosecution, and comes under the bill.

Mr. ALLOTT. I have tried to make the example as simple as I can. Under the commerce clause of the Constitution, for regulating commerce as between the several States, if a man is fleeing under the circumstances described, on foot from one State to another, it can hardly be said that he is engaged in interstate commerce.

Mr. ERVIN. He is engaging in interstate commerce in the technical sense if he carries himself across the State line. The Courts have held that if a man transports a woman across the State line for immoral purposes, he is engaged in interstate commerce. So if he carries himself across the State line he may be said to be engaged in interstate commerce.

Mr. ALLOTT. I think there may be a serious question as to whether, in this instance, a man would actually be engaged in interstate or foreign commerce. If he were not, this whole section would be void.

Mr. ERVIN. Congress has the authority to regulate interstate commerce. I believe that the movement of anyone across the line, even a man's own person, would be in interstate commerce. I think that situation would be covered.

Mr. ALLOTT. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Florida.

Mr. HOLLAND. It is correct to say, is it not, that there are Federal statutes now on the books which make it a crime to flee from prosecution in the case of various heinous crimes, such as murder, rape, and the like?

Mr. ERVIN. Yes.

Mr. HOLLAND. It is a fact, is it not, that we have adequate legislation on the books to prescribe the venue under the various circumstances which may be presented in those cases?

Mr. ERVIN. Yes.

Mr. HOLLAND. Since there is adequate venue jurisdiction provided for in these cases, why is it necessary to write a completely new and troublesome provision prescribing three separate venues, and no others, for this particular kind of flight from justice?

Mr. ERVIN. That is one thing I cannot understand. I am not a Greek bearing gifts, and I am rather surprised that the distinguished minority leader, the sponsor of the Dirksen substitute, does not accept my proposal. It would clarify the whole situation and leave it to be guided, as the Senator from Florida says, by the general statute and the general rule which deal with venue in accord with the Constitution.

Mr. HOLLAND. If the Senator will yield for one further observation, I should like to say that, in view of the

fact that there are more serious crimes for which flight is made a Federal offense, and in view of the fact that there is a provision already on the books prescribing for venue in those cases, it seems to the Senator from Florida that, rather than attempt to prescribe a new rule, heretofore unstated anywhere, which would be both a limitation and an extension of venue, by all means, the distinguished Senator from North Carolina is right in preferring to stand behind the general law now existent and applicable to many more cases of flight with respect to many more serious crimes than would be the case here.

Mr. ERVIN. If I may add to the observation of the Senator from Florida, I will say it is very unwise to proceed in this particular case in this way. We have attempted, so far as the Constitution permits us to do so, to let the question of venue and matters of procedure be controlled by rules of court rather than by acts of Congress. This whole attempt flies in the face of that practice which has always been thought to be a sensible approach to this situation.

Mr. HOLLAND. If the Senator will permit one further observation, does not this attempt make it appear again, as it has already been made to appear several times in this debate, that the ardent and zealous advocates of civil rights—"liberals," as they are self-styled—put that field of legislation so very high that they forget about more important matters which have been adequately handled and which are properly handled by legislation already on the books, and which could well be followed here?

Mr. ERVIN. I believe there is some justification for the observation made by the distinguished Senator from Florida. The only reason why I am interested in this section is that it is one section of the bill for which I expect to vote. I could vote for it with a clearer conscience if I did not think it was an affront to the Constitution in its venue section.

Mr. HOLLAND. The Senator from Florida expects to vote for this section. He voted for the Goldwater amendment after stating that this is one section, in addition to another one with respect to the impounding of voting records, for which he can gladly vote. He would be happier about voting for it if it were permitted to come under the wholly adequate laws of venue and rules of venue already prescribed, rather than to try to state a new and special doctrine, as is stated in section 2 of the Dirksen amendment.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Is it not true that if we adopt this section of the bill dealing with venue, it would create a great many new cases that would go to the Supreme Court on constitutional grounds?

Mr. ERVIN. Yes.

Mr. JOHNSTON of South Carolina. Has the distinguished Senator ever heard of any lawyer who wanted this provision changed?

Mr. ERVIN. I have not. As a matter of fact, we are dealing with two situations here. The first is where the crime is committed in a State and in a Federal judicial district. It must be tried, under the Constitution, where the crime is committed. The proposal in the Dirksen amendment is in conflict with that provision. Then the proposal excludes the other situation, where a crime is committed on the high seas or outside a State and Federal district. There is another statute enacted under the third article of the Constitution which states that Congress can prescribe the place of trial for Federal crimes committed on the high seas or outside any State. The bill excludes crime of that character just as the section 1073 of title 18 does.

Mr. JOHNSTON of South Carolina. I agree with the Senator in everything he has said except one thing, and that is, I am not going to vote for this section because I do not believe the Federal Government has any right to go into a State as is proposed.

Mr. ALLOTT. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. ALLOTT. The Senator has been on his feet for a long time, and I appreciate his courtesy. If the Senator's amendment prevails, and a man violates the first section of this section, which refers to the crime of flight to avoid prosecution, and if the man has committed the crime in the State of Virginia and has been convicted in the State of Virginia and has been confined there, but then flees——

Mr. KUCHEL. Mr. President, will the Senator speak up, so we can hear him?

Mr. ALLOTT. If he flees to the first State to the south, which is North Carolina, if the Senator's amendment prevails, where would that man be prosecuted?

Mr. ERVIN. He would be fleeing from imprisonment after conviction under the Virginia law. If he fled across the line from Virginia into North Carolina, he would be triable in North Carolina, in the middle or eastern or western district, depending on where he crossed the line.

Mr. ALLOTT. If he travels into South Carolina and is thereafter apprehended there, he would have committed another crime, would he?

Mr. ERVIN. He would be triable in the South Carolina district, if he had the requisite intent. It would be a continuing crime.

Mr. ALLOTT. I am inclined to agree with the Senator, but I should like to have the RECORD straight on this point. He would be triable in either North Carolina or South Carolina if he had gone from North Carolina into South Carolina?

Mr. ERVIN. The Senator from Florida suggests to me—and I think he is correct—that in that case it would be a continuing crime, if he kept on fleeing. Perhaps he could be tried in either State, but tried only once, because it would be a continuing crime.

Mr. ALLOTT. The Senator believes it would be a continuing crime?

Mr. ERVIN. Yes.

Mr. ALLOTT. That is an important point.

Mr. ERVIN. The statute applying in the case of a person who steals an automobile and drives it across various State lines expressly provides that in that case it is a continuing crime.

Mr. ALLOTT. I should like to ask the Senator one further question. He spoke earlier about interstate commerce. I am somewhat concerned about that question. I asked the Senator, under the hypothetical case I gave him, with respect to a man who burned a church and then walked or ran across the line from Virginia into North Carolina. I asked him if he thought that was in interstate commerce as the bill describes it. His reply was that that was true. Let me ask the Senator another question: Is it not true, even assuming that is interstate foreign commerce, that it is almost necessary to admit that the Federal Government has no right to regulate the movement of an individual between States?

Mr. ERVIN. I believe the Federal Government has the right to regulate any movement of persons or vehicles or property of any kind, or messages, across State lines. I believe the Senator from New York [Mr. KEATING] will agree with me.

Mr. ALLOTT. I do not believe the movement of a person from one State to another can be regulated by the Federal Government. The Government has the right to regulate commerce, including telegrams, telephone messages, common carriers, and business; but I do not know of anything in the Constitution which gives the Federal Government the power to prohibit the movement of an individual from one State to another.

Mr. ERVIN. I would not go so far as to say that the Federal Government has that power, but I believe——

Mr. ALLOTT. Or to regulate such movements of persons?

Mr. ERVIN. Any kind of traffic across State lines is interstate commerce.

Mr. ALLOTT. What would the Senator do in the situation of a person who lives close to a State line, as, for example, I do. It surely cannot be said that because I decide to visit a swimming hole or a creek to do some fishing or to wet a line, across the State boundary, in Kansas, I am engaging in interstate commerce.

Mr. KEATING. Oh, yes.

Mr. ERVIN. If the Senator crosses the State line, I believe he is engaging in interstate commerce.

Mr. ALLOTT. If so, the Federal Government has the right to regulate the movement of persons across State lines. But I do not believe the Federal Government has the right to regulate the movement of a person across State lines, even if the person is merely wandering.

Mr. ERVIN. That is an interesting point. I believe a good argument could be made that for Congress to prohibit a person from crossing State lines would be to deprive him of liberty without due

process of law. But I believe that the movement of anything, either a person or an animal or a vehicle, or products of any kind, or even messages, across State lines constitutes interstate commerce.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. KEATING. Would the Senator not agree that if the Senator from Colorado went over into Kansas and caught fish illegally, and then stepped back over the line, if Kansas wanted to make that a crime, it would be able to do so? Of course, I would not want to single out the Senator from Colorado as an example.

Mr. ALLOTT. The Senator from New York does not need to say "illegally"; I do catch them otherwise. [Laughter.]

Mr. KEATING. I will concede that. But any movement back and forth, I agree with the Senator from North Carolina, could be construed as commerce.

Mr. ERVIN. I would have to say that if the Senator from Colorado did not get any more cooperation from the fish than I have received the last few times I have gone fishing, the most he would be guilty of would be an attempt. [Laughter.]

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. I had attempted to project the hypothesis of a man's whereabouts through an action involuntary on his part. It is not difficult to imagine a series of circumstances, particularly in cases where the boundaries of three or more States are very nearly at the same point, in which a person may very well be in the State in which the original act from which he has fled did not occur; nor is it the State in which the act of fleeing has been consummated. Therefore, how could the venue be fixed in the Federal court of the district in which the person was apprehended, when it might be in neither the district nor the State in which the crime of flight was committed?

Mr. ERVIN. The Senator is absolutely correct on that point. The city of Bristol, in Tennessee and Virginia, has the dividing line between the States running down the main street of the city.

Mr. GORE. I refer to Memphis, Tenn., where within the course of a few hundred yards a person can be in either Arkansas, Mississippi, or Tennessee.

Mr. CARROLL. Mr. President, is the Senator from North Carolina tired?

Mr. ERVIN. No. This is a most interesting question to me.

Mr. CARROLL. I may say to the Senator from North Carolina that if we can now begin to roll this up into a smaller ball, we might see where we are. First of all, we are now agreed that the new section, 1074, which relates to flight, makes flight in itself a separate crime. Is that not so?

Mr. ERVIN. Yes, when it is coupled with crossing a State line for the specified purposes.

Mr. CARROLL. Section 1073 also makes flight a separate crime, when it involves other types of crimes.

Mr. ERVIN. That is true.

Mr. CARROLL. I quote from the statement of the Attorney General before the Subcommittee on Constitutional Rights, page 190:

> Since 1934 the Fugitive Felon Act has been the means for punishing persons who travel in interstate commerce with the intent to avoid prosecution under State law for certain listed felonies, or to avoid testifying in State felony proceedings. While the Fugitive Felon Act established such conduct as a Federal offense, its purpose was to supplement State law enforcement. Under the act the FBI can and does locate fugitives from State justice. When fugitives are arrested by the FBI, they are turned over for State prosecution and as a rule are not prosecuted for unlawful flight, except where for some reason State prosecution is impracticable or inadequate.

Here is a very important point for all of us, concerning why we, as lawyers, should not try to distinguish between tweedledee and tweedledum.

> During fiscal 1957, 947 fugitives were located by the FBI proceeding under the Fugitive Felon Act. Of these only nine were prosecuted in the Federal courts under the act.

I believe that we have been referring only to section 1073. Those nine cases were initiated under that act. But Congress, whether it was wise or not, imposed a limitation, providing that flight prosecution could take place only where the original crime occurred. The general law is that prosecution may take place only where the original crime is committed or the jailbreaking takes place. Does the Senator not agree with me in that understanding? I may be wrong, but I do not believe there has been one prosecution in the place where a person has been apprehended.

I wish to clarify a statement I made 30 or 40 minutes ago, when the Senator referred to the Dirksen amendment as being unconstitutional. There is nothing unconstitutional about the establishment of a new Federal crime. The Supreme Court has ruled that the law relating to the Federal crime of flight is constitutional. What we did today was to add a new section, setting up, as the able Senator from North Carolina has said, in generic terms a new law which is clearly constitutional.

What concerns me is why we should leave out a section under which we have been operating for 25 years. In fiscal 1957, the Federal Government handled 947 cases.

Why did the Attorney General leave out of the Dirksen bill, if these are his words, the word "only" in line 18? Why did he include the new words "or in the Federal judicial district in which the person is apprehended"? There has never been such a prosecution, if my information is correct.

Why is the new power sought? Some representative of the administration should advise us why the Attorney General seeks—after 25 years—to extend the jurisdiction and to create a new venue.

This is why I say to the Senator from North Carolina that, by the same token, I do not fully comprehend why we should omit that little part of the section. I hasten to add that this is not through any fault of the able Senator from North Carolina. This language causes them to go back to the State, and that has been the practice for 25 years.

Let us consider the worst possible case: Suppose a religious edifice bombing occurred in State A, and were such a terrible bombing that all the people in that area were excited about it. If the man responsible for the bombing fled the jurisdiction, under this section, which I should like to see included, he would have to be brought back to State A; and if the State did not prosecute him, the Federal crime would have to be prosecuted in State A, not in State B or in State C.

So it seems to me we are complicating this issue. Therefore, I ask the Senator, Why omit that provision? I do not comprehend the reason.

Mr. ERVIN. I want to leave it out for several reasons. In the first place, I think it offends the Constitution, because the Constitution provides that when a crime is committed in a State and in a Federal judicial district, it is obligatory that the person who committed the crime be tried in that State and in that Federal judicial district.

Mr. CARROLL. But I think this has been the practice for 25 years. Under that practice, they have been prosecuted in those places.

Mr. ERVIN. The crime against the Federal Government will be the fleeing or the flight in interstate commerce; and that crime is not committed until the person flees across a State line, as I view the matter.

Mr. CARROLL. This point is a very important one. Does the Senator from North Carolina know of a single case in 25 years in which the Federal Government has prosecuted in the place where the man has been apprehended? From my reading of the statutes and the cases, I am under the impression—although I may be mistaken—that he can be tried only in State A, not in another State where he might be apprehended—according to existing law.

Mr. ERVIN. He cannot be tried in State "A" unless he entered that State in interstate commerce with the requisite intent. But this language is clearly unconstitutional, because it provides that the trial can be had other than in the place where the crime against the Federal Government was committed. It provides immunity from prosecution, for certain criminals, because certain crimes against the Federal Government are not committed in any State or in any Federal district; and in such cases, there could be no prosecution at all, under this provision.

Mr. CARROLL. But the Supreme Court has ruled on the constitutionality of this provision of section 1073.

Mr. ERVIN. The statute creating the crime is constitutional; I am not challenging that. In fact, I want to vote for

it. But, in order to vote for this section, I hate to have to vote for a venue provision which I think is unconstitutional.

Mr. CARROLL. Would the Senator from North Carolina say that the venue portion of section 1073—I refer to the small paragraph at the bottom—is unconstitutional?

Mr. ERVIN. Well, it certainly excludes any venue whatever for crimes committed otherwise than in States and Federal judicial districts.

Mr. CARROLL. This is what confuses me. I say with the greatest of respect for my friend, the Senator from North Carolina, that I cannot understand the reason why there is anything wrong with including this part of 1073, inasmuch as we have had 25 years of satisfactory experience with it.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield to me for a question?

Mr. ERVIN. I yield.

Mr. LAUSCHE. What part of the Constitution is violated when we deal, not with the offense, but with flight?

Mr. ERVIN. Of course, the flight statutes are based upon interstate commerce or foreign commerce.

Mr. LAUSCHE. That is correct.

Mr. ERVIN. But what concerns me about this is not the constitutionality of a statute which makes flight a crime under such circumstances—under those set out in this section of the bill. Instead, what concerns me is the provision as to where the crime is to be tried—in other words, the venue.

Mr. LAUSCHE. The only constitutional provision is that the trial shall be by jury in the State where the offense was committed.

Mr. ERVIN. In the State and in the Federal district where the offense was committed.

Mr. LAUSCHE. Yes.

Mr. CARROLL. That is right.

Mr. LAUSCHE. That is to say, for the basic offense. But this trial will be a trial for flight.

Mr. ERVIN. But that provision refers to the flight. The flight is the Federal offense, under this statute.

Mr. LAUSCHE. Yes. But the flight statute envisions flight from a crime or from prosecution for a crime.

Mr. ERVIN. Yes.

Mr. LAUSCHE. The Constitution applies to the place where the original crime was committed.

Mr. ERVIN. No; the Constitution applies to the place where the crime against the Federal Government was committed, as distinguished from the crime against the State.

Mr. LAUSCHE. Yes. But this provision refers to a Federal crime. We have made a Federal crime out of an act of this sort; and it is no longer to be a State crime.

Mr. ERVIN. We are providing for the punishment of such a person for the commission of a Federal crime; and the venue where the punishment is to be inflicted must conform to the Constitution; and the Constitution has two provisions in this field: If the crime is committed within a State and a Federal judicial district, the trial has to be held in the State and in the Federal judicial district where the crime was committed. But if the crime was committed on the high seas or outside of a State and outside of a Federal judicial district, then, under article III, section 2, of the Constitution, the trial must be held at the place designated by the act of Congress. And the act of Congress on that subject is a general one, and provides that a person who commits a crime outside of a State and outside of a Federal judicial district shall be tried in the district where the offender is found or into which he is first brought. That is permissible only because the crime, in that sense, was not committed in a State and in a Federal judicial district, and therefore Congress has the power, under the Constitution, to designate the place of the trial.

Mr. CARROLL. Mr. President, I should like the Senator from North Carolina to yield further to me, so we may develop a record on this very important point, because it seems to me this is the crux of the matter.

Let us consider 1073, and let us consider a number of crimes. Let us assume that the defendant was in flight. First of all, before he violated the law, he would have to commit one of these crimes, and then he would have to be in flight. What would we provide in that connection?

I read:

Violations of the section—

The ones relating to flight—

may be prosecuted only in the Federal judicial district in which the original crime—

What crime? The crime spelled out here—

was committed.

Mr. ERVIN. I think the original crime would be the crime against the Federal Government. The Senator from Ohio was questioning me about this a moment ago.

Mr. CARROLL. That is correct.

Mr. LAUSCHE. But in the matter before us we have made it a Federal crime to bomb and then to flee.

Mr. CARROLL. No, that is not correct—not to bomb; the flight will be the Federal offense.

Mr. LAUSCHE. Yes, I agree that the flight will be the Federal offense.

Mr. CARROLL. For example, we are dealing now with flight from a bombing. We assume that all of these crimes are common-law crimes; almost every State has laws dealing with arson, fires, and explosions. So the essence of what we are dealing with today is flight.

Mr. LAUSCHE. Yes.

Mr. CARROLL. So I am saying that the violations of law dealt with in 1073 are flight.

Mr. LAUSCHE. Yes.

Mr. CARROLL. I know that the Attorney General, and perhaps some of my friends, do not agree with me, because evidently the Attorney General seeks to have jurisdiction conferred in the place where such persons are apprehended.

I say let us not now provide for that; let us not depart from the law which we have been following for 25 years.

That is why I cannot comprehend the argument of my very good friend, the Senator from North Carolina, because I say that, today, in a bombing case, if a man bombs in violation of law, and then flees, he cannot be tried where he is apprehended, if I correctly interpret this proposed statute.

Mr. ERVIN. What interpretation does the Senator from Colorado place on the following:

Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed.

To what does that refer? Does it refer to the State crime or to the Federal crime?

Mr. CARROLL. Let us not forget that the very purpose of the statute was, not to build a national police force, not to supplant State prosecution, but to supplement and, in my opinion, the language read, was a limitation imposed by Congress, in saying, in regard to these crimes, "When you pick them up, Mr. FBI, you do not try them in Colorado, if the crime was committed in State A. You bring them back to State A." The whole purpose of the statute was to pick up people in flight and bring them back so they could be prosecuted in the State where the crime was committed.

Mr. ERVIN. Does the Senator mean to say the State can prosecute?

Mr. CARROLL. Yes, because he violated a State law.

Mr. ERVIN. The Federal Government does not have the right to tell a State where the State is to prosecute criminals.

Mr. CARROLL. I ask the Senator not to place a misinterpretation on what I have said.

Mr. ERVIN. I do not know whether the Senator and I are in agreement or disagreement. Therefore, I am asking for the Senator's interpretation. What is the Senator's interpretation? I am reading from section 1073 of title 18 of the United States Code:

Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed.

Mr. CARROLL. In my opinion, and I reserve judgment on this, Congress was talking about the original crime, not the flight, but the common-law crime which had been committed.

Mr. ERVIN. The trouble with that interpretation is that it is negatived by the provision relating to the Federal judicial district. The Federal Government would have no right to regulate the venue of a State prosecution. Here it talks about the Federal district.

Mr. CARROLL. The words are that he may be prosecuted only in the Federal district in which the original crime had been committed. Why did Congress say only that Federal district? Was Congress referring to flight from one State to another, or was it referring to the common law crime? Let us have the next wording.

Mr. ERVIN. Before the Senator gets away from that wording——

Mr. LAUSCHE. Mr. President, if the Senator will yield, will the Senator from

North Carolina put his interpretation on what is meant by the words "original crime"?

Mr. ERVIN. Two interpretations have been placed on those words. One interpretation is that the words refer to the offense against State law. The other interpretation is that the words refer to the offense against Federal law. It can be argued both ways, but I am inclined to the belief that the words refer to the Federal crime because this is a statute relating to venue for the Federal crime created by the statute itself.

I think we are accomplishing some good by bringing out these points. This point has been discussed at some length on the floor of the Senate. Some persons have interpreted the language to mean one thing, and others another. That is one reason why I want to wipe out all ambiguity of meaning by my amendment.

Mr. CARROLL. Let me read the following words: "or in which the person was held in custody or confinement."

Which person? The person who was in flight. In other words, he had to be in custody. He had to be in jail. It would have been necessary for him to have broken out of jail, or to have been convicted and escaped. He would have had to be in flight.

What was Congress talking about? It was saying:

> Violations of this section may be prosecuted—
>
> Where?—
>
> only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

To me it is perfectly clear that the words "original crime" refer to the specific common law crime, and not to a Federal crime. The junior Senator from Colorado may be wrong, but it is his interpretation. I think that is what Congress intended.

I have not had an opportunity to read the intent of Congress. May I ask the Senator from North Carolina if there is any passage in the legislative history which gives clarification on that point?

Mr. ERVIN. I really do not know. This section was passed before the custom was established of having matters of venue and procedure regulated by rules of the court, rather than by acts of Congress. I wondered why it is desired to do something which was thought outmoded.

Mr. CARROLL. I may consider the recommendation of the Senator from North Carolina. Let us suppose we left out this section. How does the Senator think that would clarify the situation under section 1074, for example? How would it be defined? Could persons be tried where they were apprehended in flight?

Mr. ERVIN. If the Senate adopted my amendment, it would leave these questions to the general law on the subject, and the general law on the subject is found in rule 18, which provides, in effect, that the prosecution shall be in the district where the offense was committed.

Mr. CARROLL. What offense—the flight?

Mr. ERVIN. The flight. In other words, there are two situations involved. If my amendment were adopted, the first situation would be covered by the rules of criminal procedure, which provide, in effect, that where a Federal crime is committed in a State and a Federal district, the person charged with the crime shall be tried in the State and the Federal district where the crime has occurred. The other situation is that article III of the Constitution provides that when a crime against Federal law is committed on the high seas or outside of a State and Federal judicial district, Congress can define the place of trial. Congress has defined it in title 18, section 3238, which provides:

> The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

Those general rules, if my amendment were adopted, would put this section in conformity with the other law on the subject.

Mr. CARROLL. When were the laws relating to criminal procedure passed by the Congress, or have they been revised?

Mr. ERVIN. The statute to which I have just referred was revised last in 1948. I do not remember the year in which the statute became effective. The statute, about crimes on the high seas, was enacted in the infancy of the Nation, in order to take care of crimes by pirates, and so forth.

Mr. CARROLL. What the Senator from North Carolina is saying is that we are creating a new Federal statute, and we do not have to specify, as we did in section 1073, that the general criminal law is applicable. Having created this statute, if there is a bombing in State A, even though we have created a new law, the criminal will be tried in that State. Is that correct?

Mr. ERVIN. He will be tried in the State and Federal judicial district where he committed the crime, or, if it happened on the high seas or outside of any State, he would be tried in accordance with the provisions of this statute.

Mr. CARROLL. There is reference to Federal crimes.

Mr. ERVIN. In other words, my amendment would let the man be tried in accordance with general law, which is in conformity with the Constitution.

Mr. CARROLL. And the Senator thinks that would simplify the situation?

Mr. ERVIN. I do.

Mr. CARROLL. Flight is the essence of the crime itself. Where does the crime take place? At the beginning of the flight, or at the end, or in the crossing of a State line?

Mr. ERVIN. In my judgment the crime of flight is completed when the man goes across the State line. Then he has gone into interstate commerce.

Mr. CARROLL. Where would the man be prosecuted?

Mr. ERVIN. He would be prosecuted in the State into which he goes.

Mr. CARROLL. Rather than in the State from which he fled?

Mr. ERVIN. That is correct. I think the Constitution would require that.

Mr. CARROLL. I thank the Senator very much.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. KEATING. Is it rule 18 the Senator referred to as being the regular venue provision?

Mr. ERVIN. Yes.

Mr. KEATING. Is it the Senator's contention that if we struck out the last words, "or in the Federal judicial district in which the person is apprehended," and left the rest of the language, it would exclude the other provision in the code about the high seas?

Mr. ERVIN. Yes.

Mr. KEATING. The Senator thinks they are mutually exclusive? Would not the high seas provision apply, also?

Mr. ERVIN. No, I do not think so, because this would state exactly where the person was to be tried and would exclude the other.

Mr. KEATING. The Senator thinks it would take precedence?

Mr. ERVIN. The expression of one thing is an exclusion of another thing, as the Senator knows. That is a rule of interpretation.

In other words, there are two sets of crimes against the Federal Government under the division made in article III of the Constitution itself. One is where the crime is committed in a State and Federal district. Then the matter has to be tried in the State and Federal district where it occurred. Rule 18, and also a corollary to that, rule 19 on the same subject, would govern in that case.

In the other case the statute I read which provides for trials where the crime is committed on the high seas or outside the State and a Federal district, would prevail.

Mr. KEATING. It would follow, would it not, in considering the present provisions of section 1073, the other flight section, that if a crime such as enumerated were committed on the high seas or in a jurisdiction where no State had jurisdiction there would be a hiatus under the present section 1073, under the Senator's interpretation?

Mr. ERVIN. That strikes me as being so. I think my amendment should be agreed to for that reason, and also for the reason of the question of constitutionality, and also for the reason that I think we all agree—at least I trust the Senator from New York and I agree—it is more practical to allow questions of venue and procedure to be handled by rules rather than by statutes.

Mr. KEATING. I should like to pursue this question of constitutionality a bit further. The Senator would agree, would he not, that the way the question would be raised would be to have a defendant object to venue where he was being tried? Would that be the manner in which the question of constitutionality would arise?

Mr. ERVIN. Yes. I think there is a great difference between State and Federal rules on that. Venue and jurisdiction are virtually synonymous in the Federal courts, whereas in the State courts they are entirely different things.

Mr. KEATING. My point is that the constitutionality question could only be raised by a defendant in a criminal prosecution; it would not come up in any other way.

Mr. ERVIN. It would not come up in any other way, except that Members of Congress have taken oaths to uphold the Constitution, and if a Member of Congress thinks a legislative proposal contains an unconstitutional provision he owes an obligation to do something about it.

Mr. KEATING. I entirely agree with the Senator on that point, but I should like to pursue the other point.

Mr. ERVIN. The Senator from New York may be right in saying that so far as the question being raised in litigation is concerned, it would be incumbent upon the accused to raise it.

That would be true under the State law, but I am not so certain about whether it would be true under the Federal law.

Mr. KEATING. I think the Senator has already agreed with me that if a man were apprehended in any State where he was still in flight with the same intent he could be tried in the State.

Mr. ERVIN. I agree. I accepted the suggestion of the Senator from Florida on that point. I think that the accused would be guilty of a continuing offense, rather than separate crimes.

Mr. KEATING. I agree with that statement entirely. The only case where it could be open to a construction as being unconstitutional, it seems to me, would be a case where an effort was made to prosecute a defendant after he had done all his fleeing, and had, let us say, 3 or 4 years later, gone to work in a still different State where he was not doing any fleeing. Under this wording the man might be apprehended there and brought to trial in that State. That is the only set of facts of which I can conceive where it would be open to a construction of unconstitutionality. Does the Senator think of any other set of facts, or would he agree with that?

Mr. ERVIN. We have the ambiguity about these two provisions, which are copied from title 18, section 1073; as to whether the first reference is to the place where the State law was violated, or the place where the Federal law was violated. We have had Members of the Senate express both ideas.

Mr. KEATING. That is true. While we are on that subject, I differ with the tentative construction of the Senator from North Carolina. It seems to me that "original crime" refers to the State crime, or else the word "original" would not be there.

Mr. ERVIN. I was inclined to adopt that construction at first, and then I began to meditate upon the facts. There is talk about the prosecution being in the Federal judicial district. Realizing that the Federal Government could not prescribe venue for State prosecutions, I came to the conclusion that the reference is to the Federal crime. In any event, it is so confused it ought to be eradicated from the law, and we ought to go back to the plain, general rule and statute.

Mr. KEATING. The Senator is not seeking to eradicate it from section 1073, is he?

Mr. ERVIN. No. However, if my amendment is agreed to, I think I will introduce a general bill on that subject, not tied to this matter.

Mr. KEATING. I should like to come back to the question of constitutionality. It seems to me, as the Senator from Colorado pointed out, there have been only nine prosecutions out of some 900-odd cases of those who have fled, because of a policy of leaving the matter to the State courts to prosecute, rather than to prosecute such persons federally, except under very unusual sets of facts. It is hard for me to conceive of any administration of criminal law whereby a person would be brought to trial for flight to avoid prosecution in a State where he was apprehended where he was not still in flight. I think that is what is intended. It might be that a court would so construe it, even without any additional language. The court might construe it as meaning a man was "apprehended while still in the process of flight."

Mr. ERVIN. I have seen references in the press to recent prosecutions under this first statute where the folks had apparently come to rest, were no longer fleeing, and yet were prosecuted in the Federal courts.

Mr. KEATING. Under the flight statutes?

Mr. ERVIN. Yes.

Mr. KEATING. I was not familiar with such cases.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CARROLL. I agree with the Senator from North Carolina. There is great confusion on this issue. The able Senator from North Carolina has one interpretation about "original crime" and I have another interpretation about "original crime."

What really astounds me is that the Attorney General himself has thrown considerable doubt upon this matter. I read from line 18:

> Violations of this section may be prosecuted—

He left out the word "only" as used in section 1073, and then added, on line 21—

> in the Federal judicial district in which the person is apprehended.

I ask my able and genial friend from North Carolina to bear with me awhile, because this becomes very difficult, when we try to legislate on the floor of the U.S. Senate, when we ought to have been able to work these things out in committee.

This is a highly technical legal question. I have made some notes. During the time I have been engaged in debate this afternoon, I have had some of my staff on the telephone talking with the Attorney General. I want to know what the relevant facts are when we legislate in this manner.

I have some notations to the effect that the nature and the essence of the crime is flight. That flight can be a continuing flight, over several districts and several States. I say to my able friend from North Carolina that it does mean that the minute a man steps over the line, that constitutes the gist of the offense which sets in motion the criminal statute; but he does not have to be apprehended and brought back to that State merely because that is the beginning of the crime. He may go over a series of States. Kidnaping is a continuing crime. Mail fraud is a continuing crime. A letter, the mailing of which constitutes a crime, may be mailed in Colorado and go through many States into New York, and prosecution may be had in New York, where it is received.

Mr. ERVIN. In the case of a letter, Congress has powers to regulate postal matters above its powers in many other fields.

Mr. CARROLL. That is correct.

Mr. ERVIN. Congress has made a crime the mailing of certain types of letters, even though they may never cross State lines. The power of Congress is rather complete in connection with the regulation of postal matters.

Mr. CARROLL. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. CARROLL. The Senator from North Carolina has made a very able presentation. If my interpretation of "original crime" is correct, and his interpretation of the general statute is correct, an offender would be tried in the place where the original crime was committed.

I should like to make a suggestion. In view of the complexity of this subject, until we can straighten out the difficulty, why not accept the last portion of section 1073? The Senator and I are both members of the same subcommittee of the Committee on the Judiciary. The last portion of section 1073 does not agree with the Attorney General's concept at all, but it does agree with existing law. Then we can take a look at the question in the future, and I may go along with the concept of the able Senator from North Carolina.

We have taken certain action this afternoon. Perhaps it is not too wise, but we have taken it. We have created a new Federal crime. Before we do anything further, let us take a provision which is known, and which has been passed upon by the courts. All we have to do is to insert the word "only" after the word "prosecuted" and strike out all after "confinement" in lines 21 and 22. That would end this debate; and perhaps later we could obtain more information from the Attorney General and other legal sources.

Mr. ERVIN. My objection is that I do not believe in perpetuating ambiguities. I do not believe in interfering with the acceptance of the principles that matters of procedure and venue should be governed by rules rather than by statutes.

Also I should like to eliminate this language so that I could vote without a twinge of conscience for a provision which I believe to be clearly constitutional.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LAUSCHE. If the Senator from North Carolina will be patient with me, I should like to develop my point by a series of questions.

Both section 1073 and the proposed section 1074 deal with flight primarily. Am I correct?

Mr. ERVIN. That is true.

Mr. LAUSCHE. Section 1073 provides that whoever moves or travels in interstate or foreign commerce with intent either to avoid prosecution or to avoid giving testimony, commits a crime. Basically that is what is provided. It is a crime. Section 1073 provides as I have described, and so does section 1074. So thus far both sections 1073 and 1074 are identical.

With respect to punishment, they are identical—they provide a fine of not more than $5,000 and imprisonment for not more than 5 years. Now we come to the question of venue. On the question of venue, section 1073 provides that it shall be in one of two places. However, the proposed section 1074 provides that it may be in one of three places. Am I correct in that?

Mr. ERVIN. That is true; but owing to the ambiguity, it could be argued that under title 18, section 1073, venue could be in one of four different places, and under the Dirksen amendment, five, depending on the interpretation placed upon the language.

Mr. LAUSCHE. The Senator from North Carolina wishes to strike from the Dirksen substitute the entire paragraph dealing with venue. If that were done, there would be no declaration as to where venue should be under the proposed section 1074.

Mr. ERVIN. That is correct, except under rules 18 and 19, and the general statute relating to venue, where the crime is not committed in a State or Federal district.

Mr. LAUSCHE. Does the Senator from North Carolina agree that the venue as set forth in section 1073 would not apply to the proposed section 1074?

Mr. ERVIN. Absolutely.

Mr. LAUSCHE. Section 1073 provides for venue for the offenses mentioned above.

Mr. ERVIN. That is correct.

Mr. LAUSCHE. So section 1073 would not apply in fixing venue. Which provisions would govern the venue?

Mr. ERVIN. If my amendment were adopted, the venue in the case of the crime of flight, committed in a State or Federal district, would be the State or Federal district in which the crime was committed; and in the case of flight on the high seas or in areas outside a State or Federal district, venue would be governed by the act of Congress which provides that in such case the trial shall be in the district where the defendant is found, or into which he is first brought. That is the general rule governing Federal crimes generally.

Mr. LAUSCHE. It is quite improbable that this crime will be committed on the high seas.

Mr. ERVIN. But it may be committed in interstate commerce.

Mr. LAUSCHE. Yes. I can see that.

Mr. ERVIN. Not only in interstate commerce, but in foreign commerce. Suppose a man in Texas flees to Mexico. If I am correct in my idea that the crime is committed when he steps into Mexico, under the proposed language there would be no provision covering the venue of that crime, because that is in foreign commerce.

Mr. LAUSCHE. The Senator from Colorado [Mr. CARROLL] has suggested that inasmuch as section 1073, in declaring venue, has been tested and held to be constitutional for safety purposes we ought to put the venue provision, as set forth in section 1073, into the Dirksen amendment. Is that correct?

Mr. CARROLL. That is exactly my point.

Mr. LAUSCHE. What decisions have there been on the venue provision?

Mr. CARROLL. I have not had time to make a complete breakdown on the question of venue. I have examined one or two cases in connection with the question of constitutionality. One was a case coming up from Kentucky. Certiorari was denied, and the appeal was dismissed. That was a case involving the question of establishing flight as a separate crime. I will say to the able Senator from North Carolina that so far as I know, the question of venue has not yet been decided. So the question of the original crime is open. The Senator from North Carolina has one interpretation, and I have another. We have an amendment before us, and I agree with the Senator from North Carolina that certain lines from the Dirksen proposal ought to be stricken.

Mr. LAUSCHE. I think the third place of venue should be stricken. I agree with the Senator from North Carolina on that point.

Mr. CARROLL. Our amendments are so close together that there should not be much question on this point. I have inserted the word "only" and have struck out the last line. It is my opinion that they could be considered contemporaneously.

Mr. ERVIN. The Senator could offer his amendment as a substitute. I prefer my amendment. I want to remove all this ambiguity. Frankly, I have attempted to determine whether there has been a decision on the constitutionality of the venue provision. I will not say that I have read all the decisions, but I took the United States Code Annotated and I read all the annotations under the statute dealing with this subject and under the constitutional provisions dealing with it. I was unable to find any decision on the constitutionality of the venue statute. All the decisions I found held expressly that crimes had to be tried, under the Constitution, in the State or Federal district where they were committed, if they were committed in a State and Federal district, and that they had to be tried under the act of Congress in case they were not committed in a State or Federal district. I yield the floor. I ask for a vote.

Mr. JOHNSON of Texas. Mr. President, the minority leader has asked me how late we plan to run this evening. I am hopeful that we may have a vote on the amendment. The minority leader has no objection to having a voice vote on it, if that is agreeable.

Mr. LAUSCHE. Mr. President, I would suggest the absence of a quorum.

Mr. JOHNSON of Texas. The Senator from Ohio would first suggest the absence of a quorum, as I understand. Does any Senator desire a record vote on it?

Mr. CARROLL. Mr. President, I have a substitute amendment pending. I do not care to have a record vote on it, but I believe we can state the proposal in 2 or 3 minutes on each side. Certainly I can state my case in 3 minutes.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and that we have 10 minutes of debate, to be divided equally, following the quorum call, with 5 minutes on each side.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. As I understand, the Senator from Colorado [Mr. CARROLL] has 5 minutes. Who claims the time in opposition on the Carroll amendment?

Does the Senator from Illinois desire to control the time in opposition to the Carroll amendment?

Mr. DIRKSEN. I am in favor of the Carroll amendment.

Mr. JOHNSON of Texas. Then I will ask the Senator from North Carolina [Mr. ERVIN] to control the time in opposition to the Carroll amendment, if that is agreeable to him.

The PRESIDING OFFICER. The amendment of the Senator from Colorado has not yet been offered.

Mr. CARROLL. My amendment is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 18, after "prosecuted" it is proposed to insert "only," and on line 21, to strike out the remainder of the paragraph after "confinement."

Mr. ERVIN. Mr. President, will the Senator from Colorado yield time to me for a moment?

Mr. CARROLL. I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. I believe my amendment is a far better amendment than that which has been offered by the distinguished Senator from Colorado; but I believe the amendment offered by the Senator from Colorado is much better than the original bill. Rather than divide those who believe the original bill ought to be changed, I would modify my amendment so as to have it conform with the amendment proposed by the distinguished Senator from Colorado.

Mr. JOHNSON of Texas. I understand that is satisfactory to the minority leader. If so, why not agree to the amendment now?

Mr. DIRKSEN. What the Senator from North Carolina says is that the Carroll amendment is existing law today in another section, and it is very proper to have it adopted. I am glad the Senator from North Carolina is amending his amendment to conform with that of the Senator from Colorado.

Mr. CARROLL. I have only one statement to make, so that I will not be misunderstood. I shall take one minute in order to make my position clear.

Under existing law, which deals with many crimes, there is a small provision at the end of section 1073. We have adopted language which creates a new Federal crime. I am merely moving that provision over, as the able minority leader has said, to conform to the existing law. The able Senator from North Carolina and I, together with other Senators, will pass upon this question in a proper procedure before the Committee on the Judiciary. I think that clarifies the situation.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. CLARK. Mr. President, some Senators have not been on the floor, and we have taken an interest in this subject. Some of us would like to know what we are voting on before we vote.

I ask the Senator from Colorado: If a person burns a schoolhouse in Maryland and, with the intent to avoid arrest, flees into Pennsylvania, and is apprehended in Pennsylvania, can he, under the amendment of the Senator from Colorado, be tried in Pennsylvania?

Mr. CARROLL. As I interpret the existing law, a law which has been on the books for some 25 years, such a person would have to be returned to the place of the original crime. He would, therefore, have to be returned to Maryland.

In fiscal 1957, some 947 persons were returned by the FBI to the respective States, and only 9 cases were prosecuted in Federal courts under section 1073.

The specific answer to the question of the distinguished Senator from Pennsylvania would be, in my opinion, that such a person would not be tried in Pennsylvania under existing law.

Mr. CLARK. Mr. President, will the Senator yield for another question?

Mr. CARROLL. I yield.

Mr. CLARK. The Senator understood, did he not, that I had reference to the crime of fleeing across a State border with the necessary felonious intent. Is the Senator now saying that when such a person commits a crime, partly in Maryland and partly in Pennsylvania—because no crime is committed until the person gets into Pennsylvania—nonetheless he could not be tried in Pennsylvania for the Federal crime of fleeing across a State border, with the felonious intent called for by the act?

Mr. CARROLL. The question of venue under the existing law has not been interpreted by the Supreme Court. My opinion, therefore, is not conclusive upon anything or anybody. It is merely my opinion that Congress had a definite purpose in mind when it passed this provision 26 years ago. I simply ask that we move it over to take its proper position in connection with the new Federal crime which was created earlier today, and that we change the words of the Attorney General.

To answer the Senator from Pennsylvania specifically, the person would probably not be subject to prosecution, in my opinion, in Pennsylvania, if he burned a schoolhouse in Maryland and was fleeing into Pennsylvania.

Mr. CLARK. Even though the crime of fleeing across a State border was committed, in part, in Pennsylvania?

Mr. CARROLL. The crime, of course, is a Federal crime. It is the Federal crime of flight. The Federal crime of flight could be prosecuted either in Maryland or in Pennsylvania, except for the provision which was adopted by Congress 25 or 26 years ago. It might be removed from the law, and perhaps ought to be removed, but that action is now being delayed until the Committee on the Judiciary can consider it properly. The Senate has been trying to write a very complex law on the floor of the Senate. I think that by this hurried action we are making a grave mistake. This amendment retains the language of existing law until we have had a chance to reconsider it in committee.

The PRESIDING OFFICER. All time for debate has expired. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL].

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his amendment?

Mr. ERVIN. I do not know whether the question arises from a parliamentary standpoint. Did not the Senator from Colorado offer his amendment as a substitute for mine?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the Carroll amendment is not an amendment in the nature of a substitute.

Mr. ERVIN. Very well. I withdraw my amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. JOHNSON of Texas. Mr. President, so far as the leadership is aware, there will be no further yea-and-nay votes during the remainder of the evening; but the Senate will remain in session to enable Senators who may desire to do so to address the Senate.

Mr. HOLLAND. Mr. President, I simply wish to make it plain that there are further amendments to be considered. I thought from the announcement by the Presiding Officer that the Chair was about to put the question on the third reading of the bill.

U.S. RELATIONS WITH LATIN AMERICA

Mr. SMATHERS. Mr. President, every thoughtful citizen of the United States must necessarily be delighted with the climate of good feeling engendered by President Eisenhower's recent tour of Latin America. The President's profound good will is unmistakable, and the response of the Latins to it was spontaneous and deeply sincere.

Probably the hearts of the Brazilians, the Chileans, the Uruguayans, and the Argentinians have never been more warmly disposed toward the United States than they are at this moment. Many of the gnawing suspicions and the imagined slights have been chased away.

In this sense, the President is quite right in urging that our relations with Latin America—have reached an all-time high.

However, despite the present glow, we must remember that nothing basic has happened in Latin America. The problems that were there still remain.

The President's tour could be a magnificent beginning toward the solution of these problems, an ingathering of moral force and constructive impulses.

But the great danger is that the glow will blind us to the deeper realities. If this occurs, the suspicions will return in a rush, augmented by disappointed hopes, and we shall be further than ever from achieving our goals.

In his talk the other night, the President reported that the peoples of Brazil, Argentina, Chile, and Uruguay are friendly, love freedom and are highly individualistic.

The President also reported that they are working toward self-improvement—a fact which we all applauded over recent years.

He made quite a point of our commitment to the Rio Treaty, which we signed in 1947; and, although he did not mention it by name, it was clear that the President has again committed us to a support of the Monroe Doctrine.

Mr. President, what President Eisenhower told the American people is true enough. But the line between truth and platitude is indistinct. What distinguishes truth from its empty image is the muscularity, the emphasis, with which the truth is stated and the strength with which it is followed up.

The President held out some hope for loans for soundly conceived development programs from the United Nations and the Inter-American Bank, with the possibility of the United States working something out if these did not fit. This could mean something; but let us remember that we have heard its like before.

He gave commodity prices a light going over with references to our assistance in a cooperative study; and he observed that it would help the Latin American countries if they achieved diversification.

He warmly praised a housing project in Santiago, where neighbors help build each others houses.

I am sure there will be more to come but thus far these are mightly slim pickings from a tour which has been described as far more than a good will trip.

As I tried to emphasize in my floor speech on February 25, time is growing short in Latin America. The opportunity, in South America at least, is the best it has been in this generation. As the able Senator from Oregon [Mr. MORSE] noted on page 2 of his recent report to the Senate Foreign Relations Committee—

> the United States has perhaps the best chance it has ever had to help bring into being in Latin America the kind of liberal social order on which firm and enduring hemispheric unity can be built.

In this judgment, I certainly concur.

Nonetheless—and this is the point which needs to be driven home with a hammer—the future is very, very precarious indeed. In its present economic and social condition, Latin America is like a time bomb. Although the chances of disarming this bomb are better now than they were last year or 5 years ago or 10 years ago, the time of the explosion has gotten closer.

If the present opportunity escapes our grasp, we may never have another. Somewhere not very far down the road—4 years, 6 years, 10 years ahead—there wait the forces of reaction and revolution, each poised to destroy democracy, each ready to war over the remains.

Should the cause of moderate reform, under the guidance of present democratic elements, turn out to be a crashing failure—as well it may if we withhold support—Latin America is destined for a political and social holocaust which may make the Dark Ages and the Reign of Terror seem like comparatively joyous interludes.

As I have said, as the Senator from Vermont [Mr. AIKEN] has said, and as the Senator from Oregon [Mr. MORSE] has said, the United States has a profound stake in the success of the reformers.

The President recognizes this fact; but what was missing from his report to the people the other night was the sense of urgency about the problems these reformers face.

How is Latin America to work out practical means for development of its human and material resources?

How, in unison with the United States, can commodity prices be stabilized, instead of only being studied?

How can Latin America participate more actively in free-world councils?

How can the principle of arms reduction be made effective?

How can disparities in wealth and human condition be eliminated, without destroying the social structure in the process?

How can the beginnings of democracy be made secure?

How can a transition be made from a dictatorship to a democratic form of government?

I could stand here and could make recommendations until I was blue in the face and thoughtful analyses could be produced ad infinitum by the Latin American Affairs Subcommittee of the Senate Foreign Relations Committee, but without implementation by the executive branch all such words and analyses would be wasted.

If the useful beginning of the Eisenhower tour is to be carried forward toward a fruitful conclusion, there must be a policy—not just a communique, not just a speech, not just a vague expression of benevolence.

The mechanism for such a policy may already exist in the National Advisory Committee on Inter-American Affairs, appointed by the President on November 14, 1959. The members of this committee are Ambassador Walter J. Donnelly, Dr. Milton S. Eisenhower, G. Kenneth Holland, O. A. Knight, Charles A. Meyer, and Dana G. Munro. They are an able group. But they are not, and cannot be, a working task force. Their efforts need to be supported by an interagency committee representing the State Department, the ICA, the Export-Import Bank, the Development Loan Fund, and other units of our Government which have an active responsibility in Latin America.

Such a committee should be assigned the task of screening and sorting recommendations on Latin America, with a view toward assembling the kind of urgent—yes, and dramatic—new policy which the course of events demands. The National Advisory Committee on Inter-American Affairs is perfectly suited to the task of reviewing such policy suggestions as the ones this working committee would and could develop.

Mr. President, our relations with Latin America have, perhaps, reached an all-time high. But it will be a temporary remission, a false dawn, a chimerical hope, unless we put our minds now to consolidating the very real opportunity which the President's tour has given us to advance the cause of hemispheric solidarity.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator from Florida yield to the Senator from Montana?

Mr. SMATHERS. I am happy to yield to my friend, the Senator from Montana.

Mr. MANSFIELD. Mr. President, I have listened with great interest to the speech just delivered by the distinguished Senator from Florida.

I agree with what he has said, because—as he has stated—the important thing now is what he has referred to as the followup, and what some refer to as the followthrough. It is all right to make a good-will tour in Asia, in Africa, in Europe, and recently in Latin America; but if that is the end of the process, then I think the trips might well not have been made in the first place, because the results on that basis might well be detrimental to the best interests of the United States and Latin America.

I should like to express the hope that in his followup the President will use the sagacity, the wisdom, and the counsel of Governor Muñoz-Marín of Puerto Rico, who serves as a bridge between the United States and Latin America, and has proved by his example, his integrity, and his understanding that he knows how to do things and how to get them done. His accomplishments in Puerto Rico speak for themselves and certainly are a great credit to the Commonwealth and its relations of equality with the United States. In my opinion, he is one of the great statesmen of the Western Hemisphere.

Furthermore, as the Senator from Florida has said, I hope the administration will pay a great deal of attention to the reports and the counsed of the distinguished Senator from Vermont [Mr. AIKEN], the distinguished Senator from Oregon [Mr. MORSE], and—if I may say so—the distinguished Senator from Florida [Mr. SMATHERS], all of whom have indicated a firsthand knowledge and personal interest in the betterment of Latin-American relations with the United States.

I also hope great attention will be given to the Organization of American States, and that it will have both the funds and the authority with which to act as an intermediary between the United States and all of the Latin American countries, as well as Latin America as a whole.

I also hope that the United States will show evidence of a greater interest in the countries of Latin America, so that our programs of aid to those countries will receive prior attention, rather than come in at the tag end, as has been the case for far too long a period of time. As the Senator from Florida has said, the tides are running fast in Latin America, and it is up to our country to recognize that fact and to do what we can, in a tangible way, to bring about a closer relationship, because of mutuality of interests and common goals in this hemisphere.

I want to again commend the distinguished Senator for making an outstanding speech on this most important subject at this particular time.

Mr. SMATHERS. I thank the able Senator from Montana for his very generous contribution.

MRS. ADELE ROSENWALD LEVY

Mr. JAVITS. Mr. President, we have lost in New York a very outstanding community leader. I take a moment of the Senate's time to call her life to the Senate's attention.

Mrs. Adele Rosenwald Levy, who died at the age of 67, was a longtime president of the Citizens' Committee for Children of New York City, and was engaged in a great host of outstanding activities, many of them concerned with children.

I had the honor of serving with Mrs. Levy in 1955 and 1956 on a State commission on youth and delinquency, which was appointed as a result of my work as Attorney General. There was drafted a revised New York State Youth Commission Act which I think put our State in the forefront in dealing with problems of youth.

Mrs. Levy served for a long time on the New York State Youth Commission. She was also a charter member of the New York City Youth Board. Her work endeared her to the people of New York, because she was associated with a great many organizations in that field.

She was also active in the United Jewish Appeal, which is concerned with the work of resettlement of refugees and others in Israel.

Also, Mrs. Levy pursued a great many cultural interests as a leader in art, she, herself, being the possessor of a noted art collection in New York City.

Although her political party was not my own, she was nonetheless such a distinguished citizen that she was appointed to, and retained, positions of responsibility by both Governor Harriman and Governor Rockefeller. Governor Rockefeller recently appointed her to the State committee for the 1960 White House Conference for Children and Youth.

Mrs. Levy led a tremendously useful and exemplary life. She was a most gracious person and was a tremendous benefactor to her city and State.

It is with the greatest regret that I note her passing; and I call this beautiful life, which was of such great usefulness, to the attention of my colleagues.

I ask unanimous consent that the obituary notices which appeared in the New York Herald Tribune and the New York Times may be included in the RECORD as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Mar. 14, 1960]

MRS. ADELE ROSENWALD LEVY DIES; HUMANITARIAN LEADER

A memorial service will be held Friday for Mrs. Adele Rosenwald Levy, 67, prominent for many years in philanthropic, welfare, and civic activities, who died Saturday at Mount Sinai Hospital. She lived at 993 Fifth Avenue.

The Citizens' Committee for Children of New York City, of which Mrs. Levy was president, said the time and place for the service would be made known today. Mayor Wagner and Mrs. Franklin D. Roosevelt were among those scheduled to participate.

Associated with 35 community, State, and national organizations, Mrs. Levy devoted herself to activities ranging from child welfare to refugee rescue work to art trusteeship.

WAGNER STATEMENT

In tribute to her service, Mayor Wagner issued a statement yesterday in which he said:

"Perhaps no man or woman in our lifetime has given more of their time and energy to the great humanitarian causes of the day than this fine and noble woman. Her loss will be particularly felt by the thousands of less fortunate people whom she was always willing to help toward a better life.

"Mrs. Wagner and I counted Mrs. Levy among our closest personal friends and we are deeply saddened by her death."

The wife of a psychiatrist, Dr. David M. Levy, she served for years on the New York State Youth Commission and as a charter member of the New York City Youth Board. Other youth projects with which she was associated included the Play Schools Association, the Wiltwyck School for Boys, the Walden School, Youth House, the Riverdale Children's Association and the Hudson Guild, and Neighborhood Health Development day-care unit.

Serving in a watchdog capacity, she often protested to the State or city government when she felt child welfare was receiving insufficient funds.

AIDED REFUGEES

On behalf of refugees and displaced persons she served in 1946 and 1947 as first chairman of the national women's division of the United Jewish Appeal. She also was vice chairman of the Citizens Committee on Displaced Persons, and for many years she was on the board of directors of the American Jewish Joint Distribution Committee.

In 1948 she was an American delegate to the first World Health Organization conference in Geneva, and in 1949 and 1950 was president of the New York Association for New Americans.

A noted art collector, with paintings including works by Renoir, Cezanne, Seurat, Degas, Corot, and Toulouse-Lautrec, Mrs. Levy pursued a variety of cultural interests. She was a member of the executive committee of the Museum of Modern Art, a sponsor of Stadium Concerts, Inc., and a trustee of Brandeis University, Waltham, Mass.

Her activities extended also to politics, and in 1953 she was an honorary cochairman of the independent citizens committee backing the reelection of former Governor Harriman and the election of District Attorney Frank S. Hogan for U.S. Senator on the Democratic-Liberal ticket.

APPOINTED BY ROCKEFELLER

Governor Rockefeller appointed her last year to the State committee for the 1960 White House Conference for Children and Youth. In 1950, former President Truman named her a member of the executive committee of the White House conference of that year. The recipient of many awards and honors, she was cited as "Woman of the Year" in 1957 by the fashion division of the Federation of Jewish Philanthropies, and "Outstanding Jewish Woman of 1946" by the National Council of Jewish Women.

Surviving, besides Dr. Levy, are two sons by a previous marriage, Armand S. and Richard E. Deutsch; two brothers, Lessing J. and William Rosenwald; two sisters, Mrs. Marion R. Ascoli and Mrs. Edith R. Stern, and five grandchildren. A private funeral service, for the immediate family only, will be held tomorrow.

[From the New York Times, Mar. 14, 1960]

MRS. DAVID M. LEVY DEAD AT 67; CIVIC AND SOCIAL SERVICE LEADER—PHILANTHROPIST AIDED YOUTH, EDUCATION, AND REFUGEE WORK—COLLECTED ART

Mrs. Adele Rosenwald Levy of 993 Fifth Avenue, a philanthropist and community and social service leader, died Saturday night at Mount Siani Hospital after a brief illness. Her age was 67.

She was the wife of Dr. David M. Levy, a psychiatrist, and a daughter of the late Julius Rosenwald, the Chicago merchant and philanthropist who founded the Julius Rosenwald Foundation.

Mrs. Levy had been active in 35 charitable, artistic, and community organizations.

Her activities ranged from groups devoted to the aid of young people, such as the Citizens' Committee on Children of New York City and the Play Schools Association, to sponsorship of Stadium Concerts, Inc., and service on the executive committee of the Museum of Modern Art.

A vivacious, sparkling woman, Mrs. Levy once told a writer, "I'm the luckiest person in the world," pointing out that as a little girl she learned from her late father "the obligations that come with wealth."

"He always said wealthy people are just custodians for money," she remarked. "I am lucky to have money because every day of my life it has attracted a variety of people who are doing a variety of things."

HONORED FOR ACTIVITIES

For several years, Mrs. Levy was a member and acted as secretary of the New York State Youth Commission. She was a charter member of the New York City Youth Board. Her work in the field won her many honors, including the John H. Finley Award from City College in 1955.

In 1957, the fashion division of the Federation of Jewish Philanthropies gave a gold key award to Mrs. Levy, citing her as the "Woman of the Year" in recognition of her work as a community leader and her activities on behalf of underprivileged children.

A citation by the National Council of Jewish Women singled out Mrs. Levy as the "Outstanding Jewish Woman of 1946." In 1950, President Truman appointed her to the executive committee of the Mid-Century White House Conference on Children and Youth. This year, Governor Rockefeller appointed her to the State committee for the 1960 White House Conference.

Many educational institutions also called upon Mrs. Levy for aid. She was on the board of trustees of Brandeis University in Waltham, Mass.

In addition, Mrs. Levy served as a first vice president for the Wiltwyck School for Boys and aided such projects as Walden School, Youth House, the Riverdale Children's Association, and the Hudson Guild and Neighborhood Health Development day-care unit.

Another phase of her activity concerned refugees and displaced persons. She was the first chairman of the national women's division of the United Jewish Appeal, organized in 1946, a post she held for 2 years. She also served as vice chairman of the Citizens Committee on Displaced Persons and was on the board of directors of the Greater New York United Jewish Appeal.

Along with her philanthropic work, Mrs. Levy was an enthusiastic art collector. Her home was a miniature art gallery, containing oils by the French masters, Renoir, Toulouse-Lautrec, Cezanne, Seurat, Degas, and Corot.

Mrs. Levy maintained a constant and alert eye on municipal economies. Frequently she raised her voice to protest failure to provide sufficient funds to support children's aids.

At 19, she was married to Armand Deutsch, a Chicago neigbhor whom she had known since childhood. They had two sons, Armand, Jr., of Beverly Hills, Calif., a film and stage producer, and Richard E., of Greenwich, Conn., a manufacturer.

She was divorced from Mr. Deutsch and, in London, in 1927, she married Dr. Levy, a child psychiatrist, with whom she had worked some years earlier at the Institute for Juvenile Research, in Chicago.

In addition to her husband and two sons, she is survived by two brothers, Lessing J. Rosenwald, of Jenkintown, Pa., and William Rosenwald, of New York; two sisters, Mrs. Edgar B. Stern, of New Orleans, and Mrs. Max Ascoli, of New York, and five grandchildren.

A private funeral service will be held tomorrow.

Mayor Wagner yesterday expressed deep shock "not only for myself but for all of the people of the city of New York" on the death of Mrs. Levy.

The Mayor said: "Perhaps no man or woman in our lifetime has given more of their time and energy to the great humanitarian causes of the day than this fine and noble woman. Her loss will be particularly felt by the thousands of less fortunate people whom she was always willing to help toward a better life.

"Mrs. Wagner and I counted Mrs. Levy among our closest personal friends and we are deeply saddened by her death."

[From the New York Herald Tribune, Mar. 15, 1960]

MRS. ADELE LEVY'S MANY-SIDED CAREER

No one who did not know her can view the list of Mrs. Adele Rosenwald Levy's activities without a certain awe. Primarily she will be remembered as a humanitarian; the youth of New York City, in particular, owes much to her intelligent devotion to their cause. But somehow she also found time for the arts, for education and for politics. In her there was nothing of the dilettante; what she did she did well, with selfless energy and professional skill.

During her life, Mrs. Levy received many honors and, what she cherished more, many responsibilities and opportunities for service. Her death will be mourned by the community she enriched through her works and her example.

[From the New York Times, Mar. 15, 1960]

"THE LUCKIEST PERSON"

Adele Rosenwald Levy was an engaging, warm-hearted, modest woman whose disarming simplicity of manner veiled a deep sense of social service backed by the firm resolution to make of this world a better place because of her being here.

That she succeeded would be attested by the thousands of persons who knew her, loved her and mourn for her today, and the hundreds of thousands who never knew her but whose lives have been immeasurably benefited because she lived. The helpless, the hopeless, the downtrodden, the dispossessed, found in Mrs. Levy a sympathetic and understanding friend. Her characteristic, though not exclusive, interest was in the welfare of children; and her constructive contributions to this cause alone in time, in ideas, in effort and in money would have been enough to satisfy most ordinary mortals. But Adele Levy was extraordinary. Education, art, music and public service at city, State, National and even international levels—all claimed a share of her enthusiastic activity.

Daughter of the late Julius Rosenwald, Mrs. Levy came naturally by her abiding sense of public obligation. "I'm the luckiest person," she said, because her wealth gave her the opportunity to serve. Resident in this city only the latter half of her life, she made an impact here that will long be remembered.

Mr. KEATING. Mr. President, will my distinguished colleague yield to me?

Mr. JAVITS. I yield.

Mr. KEATING. I am familiar with the wonderful life Mrs. Levy led and the great contributions which she made to the civic and cultural life of our State, the great city of New York, and indeed, of our Nation.

Her passing is a great loss to all of us, and I join my colleague in his remarks.

Mr. JAVITS. I am very grateful to my colleague, who has joined, in his typically gracious way, in this tribute to Mrs. Levy. I know I speak for both of us when I extend our heartfelt sympathy to Dr. David Levy, a gifted physician in New York, and to her family.

Mrs. Levy came from the Rosenwald family, which is one of the most distinguished families in philanthropic works of great benefit to the people. It has been our good fortune to have had her among us.

LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. Is section 2 of the Dirksen substitute open to amendment?

The PRESIDING OFFICER. It is open to amendment.

Mr. KEATING. I send to the desk an amendment to section 2 and ask that it be made the pending business.

I ask unanimous consent, that the reading of the amendment be dispensed with, and that it be printed in the RECORD at this point, so that all Members of the Senate may be acquainted with it. It is not my intention to speak on the amendment until tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. SMATHERS. Mr. President, reserving the right to object, I wonder if the Senator from New York will state what his unanimous-consent request was.

Mr. KEATING. The unanimous-consent request was that the amendment not be read at this time, that it be printed in the RECORD, so that it will be available to all Members and can be read in tomorrow's RECORD, and that it be made the pending business. It is not my intention to speak on it until tomorrow.

Mr. SMATHERS. May I ask the able Senator from New York, when he states that he wants to make it the pending business, if he would mind telling me what is in the amendment?

Mr. KEATING. I shall be very happy to do so, briefly, although I should like to go into it more fully tomorrow. It adds to the fugitive felon section, which we have already considered, an additional section which has been offered in almost precisely these terms, by 44 Members of the Senate, on both sides of the aisle, making the transportation of explosives, or the possession of explosives, with intent to use them for bombing, a Federal crime.

I did want to put into the RECORD now the list of Members who have cosponsored such an amendment, totaling 44. I am perfectly willing to have the amendment read.

Mr. SMATHERS. I have no objection. I objected only because I did not hear what it was that the Senator from New York was up to. Now that he has explained it to me, I am delighted to say I withdraw my objection.

Mr. KEATING. I am very grateful to my friend from Florida.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated for identification.

The LEGISLATIVE CLERK. The Senator from New York proposes an amendment identified as "3–14–60—A."

The PRESIDING OFFICER. Without objection, the request of the Senator from New York is granted.

The amendment is as follows:

On page 3, line 1 insert after (a) the following:

"Chapter 39 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 837. Explosives; illegal use or possession

"'(a) as used in this section—

"'"commerce" means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"'"explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"'(b) Whoever—

"'(1) imports into the United States or introduces, delivers or receives for introduction, attempts to transport, transports, or causes to be transported by financing such transportation or otherwise, in commerce, any explosive, or

"'(2) possesses any explosive which has been imported into the United States, or introduced, delivered for introduction, or transported in commerce,

with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than $1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"'(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive (1) was imported

into the United States, or transported in commerce and (2) was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it: *Provided, however,* That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"'(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to perform any act prohibited by this section, not more than one year or a fine of not more than $1,000, or both.

"'(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section.'

"Redesignate the present subsections (a) and (b) as (b) and (c) respectively."

Mr. KEATING. Mr. President, I desire to offer for the RECORD a very brief statement, so that it will follow the actual amendment itself when it is printed.

The amendment adds a new subsection to the section of the Dirksen amendment dealing with bombings. The amendment is almost identical with the amendment which was presented and read in the Senate, offered by me on behalf of myself and a number of other Senators, on March 1, and which is designated, as the clerk has stated, "3-14-60—A," the only substantial difference being that the present amendment would be an addition to, rather than a substitute for, the language of section 2 of the Dirksen amendment.

As it was originally offered, it was a substitute for section 2, and is now offered as an addition to it.

The language of the amendment also is virtually identical to the language of S. 73, which I introduced on January 9, 1959, and which was cosponsored by Senators Javits, Scott, Allott, Beall, Bennett, Bridges, Bush, Case of New Jersey, Cooper, Kuchel, Langer, Martin, Prouty, and Smith.

It is also very similar to the language of and completely similar in objective to the bill, S. 188, which was introduced by the Senator from Massachusetts [Mr. KENNEDY] on January 12, 1959. That bill was cosponsored by Senators Ervin, Allott, Anderson, Bible, Bush, Byrd of West Virginia, Cannon, Carroll, Case of New Jersey, Chavez, Church, Clark, Dodd, Douglas, Engle, Green, Gruening, Hart, Hennings, Humphrey, Langer, Magnuson, Mansfield, Martin, McCarthy, Moss, Murray, Pastore, Randolph, Symington, Yarborough, Young of Ohio, and Young of North Dakota.

In all, Mr. President, a total of 44 Senators have cosponsored one or the other of these bills.

In addition, a similar provision is contained in the civil rights bill introduced by the distinguished majority leader in the first session of this Congress. In other words, the bill of the majority leader likewise dealt with this bombing situation in the manner set forth in this amendment, rather than according to the fugitive felon idea.

Mr. President, I think it is not necessary for me to detain Senators further at this time. It will be my intention to go into more detail on this as soon as it becomes the pending business tomorrow.

USE OF TELEVISION STATIONS BY PRESIDENTIAL CANDIDATES—EXTENSION OF TIME FOR BILL TO LIE ON DESK

Mr. HART. Mr. President, I ask unanimous consent that S. 3171, to provide for the use of television broadcasting stations by candidates for the office of President of the United States, introduced on March 10 by the Senator from Washington [Mr. MAGNUSON], for himself and other Senators, lie on the desk for an additional 2 days for possible cosponsors.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Without objection, it is so ordered.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business, so far as Senators on the floor are concerned, I move, pursuant to the order previously entered, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 22 minutes p.m.) the Senate adjourned, pursuant to the order previously entered, until tomorrow, Tuesday, March 15, 1960, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 14, 1960:

INTERSTATE COMMERCE COMMISSION

Timothy J. Murphy, of Massachusetts, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1964, vice Anthony F. Arpaia, resigning.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 14, 1960

The House met at 12 o'clock noon.

The Right Reverend Theodore Kojis, abbot of St. Andrews Abbey, Cleveland, Ohio, offered the following prayer:

Almighty God, Heavenly Father, we beseech Thee to continue to bless our leaders so that they may always conscientiously serve the best interests of our Nation and its people and thus remain in the favor of Thy divine providence.

We pray Thee, God of mercy, to mitigate the sufferings of all enslaved victims of brutal communism and, in particular, on this solemn occasion of the 21st anniversary of the Proclamation of Slovak Independence, we implore Thee to grant the same blessings of freedom to the Slovak nation as Thou hast deigned to give us in our United States, so that Slovakia, likewise, could have a "government of the people, by the people, for the people."

Lord, hear our prayers.

And let our cries come unto Thee. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, March 11, 1960, was read and approved.

THE LATE FRED H. DOMINICK

Mr. DORN of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN of South Carolina. Mr. Speaker, it is my sad duty this morning to announce to the House the passing of a former distinguished and able Member from the district it is my honor to represent, the Honorable Fred H. Dominick.

Mr. Dominick was born in Newberry County, S.C. He represented the Third South Carolina Congressional District from 1917 until 1933, a period of 16 years. He represented his district longer than any other Congressman since the War Between the States. Before coming to Congress, he served as Newberry city attorney, Newberry County attorney, member of the State house of representatives, and as assistant attorney general of South Carolina.

Mr. Dominick was a great Democrat. He was active in the South Carolina Democratic Party and in the national party. He was a delegate to every State Democratic convention since 1900 until recent years with the exception of 1914. For many years, he was Newberry County Democratic chairman. As a delegate to the Democratic National Convention in San Francisco in 1920, he supported the nomination of Cox of Ohio for President and Franklin D. Roosevelt as the Vice Presidential nominee. As a delegate to the New York convention in 1924, he supported John W. Davis and Charles Bryan as running mate, brother of William Jennings Bryan.

Mr. Dominick for many years was associated in the practice of law with the late distinguished Governor of South Carolina, and U.S. Senator, Coleman Livingston Blease. He was a colleague in the Congress with the late Senator Benjamin Ryan Tillman, Frank Lever, James F. Byrnes, and many famous South Carolinians.

Congressman Dominick was a man of rare courage. He was one of the few to vote against U.S. participation in World War I. He was forthright and dedicated. In this vote, I believe he was absolutely right. U.S. participation in World War I upset the balance of power in Europe and paved the way for fascism, nazism, and communism.

Mr. Dominick was a man of ability, honor, and unquestioned character. He had a warm personality and leaves a host of sorrowing friends.

While a Member of the House, Congressman Dominick married Alva Seger, the lovely daughter of his colleague in the Congress, the Honorable George Nicholas Seger. Mr. Seger passed away while serving in this august body with distinction and honor.

"They pass on, but their good works do follow them."

Mr. Dominick is survived by his loyal, faithful, and charming wife, two lovely daughters, and one grandchild.

Mrs. Dorn joins in my deepest sympathy to Mrs. Dominick and her wonderful family.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days to extend their remarks on the life and character of this distinguished South Carolinian.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I was distressed to read in the Washington papers of the passing of my friend and colleague, the Honorable Fred H. Dominick, a former Member of this body.

I remember well his sincerity, his devotion to duty and his love of country. With his winsome personality and quiet charm, he had many friends and admirers here and in the other body.

Fred Dominick was a leader. His service in the House was exemplified by courage. He stood for the things he knew to be just and right regardless of public opinion. He was no conformist. He was a personal friend of mine, and I join my colleague from South Carolina in expressing my deepest sympathy to Mrs. Dominick and the family.

CALL OF THE HOUSE

Mr. DAVIS of Georgia. Mr. Speaker, I made the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 23]

Anderson, Mont.	Dooley	Macdonald
Barden	Fallon	Metcalf
Barrett	Granahan	Mitchell
Becker	Grant	Powell
Bentley	Gray	Siler
Bolling	Gubser	Taylor
Bow	Harris	Teller
Bowles	Hébert	Vanik
Bray	Kasem	Wharton
Brown, Mo.	Latta	Wilson
Coffin	Lesinski	
	McGovern	

The SPEAKER. On this rollcall, 397 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8601, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, I rise in support of the civil rights bill, H.R. 8601. I wish to take this occasion to commend the gentleman from New York, chairman of the House Judiciary Committee, for the sterling manner in which he has handled this legislation and set the high tone of this debate.

To anyone acquainted with the facts regarding the lack of private constitutional rights the need for this legislation is overwhelming. This is a Nation which subscribes to the principle of rule of law and equal opportunity for all people. The enactment of this legislation will go far toward the achievement of those principles.

A trend throughout this Nation today is to broaden and protect the civil rights of all our citizens. We here today can provide the means to spur this trend; therefore, Mr. Chairman, I hope the House will meet its responsibility by providing a strong, workable civil rights bill.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the following Members may have permission to extend their remarks at this point in the RECORD: Mr. MAGNUSON, Mr. FARBSTEIN, Mr. ZELENKO, and Mr. DULSKI.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MAGNUSON. Mr. Chairman, I rise in support of the pending legislation and the amendments which will be offered to strengthen it.

It has been said a number of times during the course of this debate that the only reason many of us are supporting this legislation is to seek political advantage at home with our constituents in the forthcoming elections.

This is a cynical argument which, I am afraid, does not add to the dignity of the discussion. I might suggest that those who throw in this contention probably themselves are guilty of the very thing they criticize. But I do not want to engage in a cynical exchange of charge and countercharge, because one of the things this whole discussion is about is the fact that we have been cynical too long and too often about the situation of the colored minority groups in this country.

We all have known for a long time that the Negro in the United States is treated as a second-class citizen. We know that his company is shunned. We know that he is denied the same educational opportunities the rest of us enjoy. We know that the color of his skin is an automatic handicap to his seeking and obtaining job opportunities equal to his ability and training. We know that he is not free with the rest of us to live where he wants to and to travel where he desires. We know that the subtle, silent hand of racial discrimination surrounds him at every turn, blocks his natural human desire to enjoy life, liberty, and the pursuit of happiness.

We know these things, yet we have done little to correct them. We shrug our shoulders and try to forget them. We have all too often cynically told ourselves that this is the way life is, and nothing can be done about it.

And yet we know, in our own hearts, that our cynicism is not a sufficient refuge. At those times when we are honest with ourselves, we know that we cannot fully enjoy our own free lives while living in a society which systematically denies a sizable group of fellow human beings the same freedoms.

Now, I am very much aware that racial prejudice springs from basic human urges. I know that it is as old as man. I understand that we all prefer the company of those who are like us, and we tend to fear and shy away from those who are different. I recognize that the problem is not peculiar to the United States—we have only to look at South Africa, Algeria, and India for other recent examples.

I admit also that we cannot legislate prejudice from the hearts of man. "Thou shalt love they neighbor as thyself" is a moral commandment, not a legal one.

But at the same time I know it is intolerable in a free and democratic society that the organized power of government can be used to hold one group in suppression, to discriminate against individuals on account of the color of their skin.

Three years ago this Congress created the U.S. Commission on Civil Rights. The impartial and sober report of this Commission issued last year documents the fact that in some areas of the Nation the power of the State is being used to deny many Negroes the elemental right to vote, and is being used to frustrate the Supreme Court decision calling for the desegregation of the public schools. It seems clear to me that such State action violates the 14th and 15th amendments to the Constitution. Both of these amendments give Congress the power of enforcement by appropriate legislation.

Soon we shall be called upon to vote on a number of proposals carefully designed to prevent the power of government from being used to preserve the ugly pattern of racial discrimination.

I do not rejoice that we have to consider and approve these proposals. I would much prefer that the basic human problems which we here are attempting to solve did not exist or could be worked out by the voluntary cooperation and effort of men of good faith. I do not believe in legislating for the sake of legislating. It is only with great reluctance that I turn to Federal laws as the instrument to remove this national shame.

But we cannot wait forever. While the enactment of this legislation will not solve the problem, at least it will move us in the right direction.

Regardless of how each one of us here in his own individual life may satisfy the demands of his conscience, we must remember that we meet not only as individual men and women, but as national legislators charged with the responsibility of shaping the policies of our National Government.

In reaching our decision we must keep faith with the basic thesis of our Nation that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that to secure these rights governments are instituted among men.

We must keep faith with our oath to uphold the Constitution of the United States, which grants to every citizen the equal rights of citizenship and the equal protection of the laws.

And, in the last analysis, we must keep faith with ourselves.

Mr. FARBSTEIN. Mr. Chairman, I rise in support of H.R. 8601.

A feasible but strong civil rights bill this year will be a step forward in the solution of this country's most pressing domestic problem, discrimination against an entire segment of our population solely on the basis of color. Differences of opinion on this subject divide our country. They add to the difficulties of bringing better health, education, and housing to the American people. They slow down progress on a myriad of social and political problems such as voting rights for the District of Columbia and Federal aid for needed State programs.

Justice and morality alone require the passage of an effective civil rights bill. If the United States were an island isolated from the rest of the world, we would still owe this to the minority of our people who are being deprived of their civil rights. Our Declaration of Independence declares that all men are created equal. Our Constitution guarantees certain rights to all and specifically provides that none of these rights may be denied because of race. The fact that these principles are not in practice in some instances is a national shortcoming which we must admit and do our best to remedy. For the sake of our own democracy and self-respect this measure is imperative.

The fact that we are not an isolated island but live in a complex world adds to the abundant domestic reasons why this bill must be passed. The eyes of the world are focused on the United States to see how determined we are to insure that all our citizens can enjoy the liberty of which we speak so much. Our proclamations that this country is the stronghold of democracy, justice, and freedom will ring hollow in the ears of many as long as some citizens are not permitted to enjoy these blessings fully.

In all countries of the world, even those which have predominantly white populations, there is intense interest in the treatment of the colored minority in this Nation. However, in the countries which have predominantly colored populations the interest is direct and overwhelming. A denial of the right to vote to an American Negro is considered a personal affront by millions of Africans and Asians. Each incident such as this can only create resentment against the country which perpetrated or permitted the injustice. For as long as such incidents are allowed to continue, we can scarcely expect the nations of Asia and Africa to have wholehearted faith in the American way of life.

The image of America which is seen by the people of Asia and Africa is not something which we can ignore. These are the newly emerging nations who are in the process of choosing political systems. At the present time many of them are called uncommitted because they have not allied themselves with the free world or with the Communist bloc. However, the Soviet Union is doing everything it can to persuade the uncommitted nations to accept the Communist system. Their success would be a disastrous defeat for the United States and the whole free world.

Nothing is more helpful to the Communists in their propaganda throughout Asia and Africa than any evidence showing continuing discrimination in the United States on the basis of color. The Communists exploit such incidents to the fullest, at the same time professing that under the Communist system all races work together in equality.

We in America know that this country has made great strides in perfecting its democracy. We know that incidents of discrimination on the basis of race are decreasing and do not represent the actions or feelings of the majority of our people. We know that under Soviet communism no person, whatever his color, is as honored and respected as an individual as in the United States. We know that there all persons are servants of the state and none have as much liberty as under our democracy. Nevertheless, we would be foolish to believe that none of the nonwhite people of the world will be deceived by Soviet propaganda.

Just as the unhappy results of racial discrimination are not confined to this country alone, neither would the benefits of a strong civil rights bill be felt only in this country. An extension of civil rights guarantees would be an advance for freedom and democracy everywhere. It is just as much needed in the fight against communism as are strong military defenses and economic assistance. Let us not hesitate any longer to take another step toward strengthening democracy at home and peace and freedom everywhere.

Mr. ZELENKO. Mr. Chairman, I rise in support of H.R. 8601. At this point in our history it must seem awkward even to those in opposition to this most important and long-needed legislation that we here must reaffirm and reemphasize what has been most obvious to the world since the existence of our Nation. I refer to the plain wording and terms of our Constitution.

The expression "civil rights" is, in my opinion, the wrong name for this legislation. It should more properly be called "constitutional rights" and further defined as "human rights."

No technical or strained contention that the rights reserved to our States included any which permitted an individual State to reserve to itself the right to classify a resident American as a second-, third-, or fourth-class citizen, or to classify his individual rights as an American at all.

Is it the contention of those opposing this legislation, upon the ground of States rights, that the Constitution permits a restriction against absolute equality to those American citizens residing within its borders? Do they seriously contend that the Constitution permits a barrier to fence off the equality of the existence of American citizens between one State and another?

However serious and vigorous the opposition to this bill, no argument against it has been advanced on a sound, moral, or legal basis sufficient to persuade this Congress not to reaffirm the rights of a great segment of its citizens. The questions I have just propounded have not been answered satisfactorily nor can they be so answered. Yes, we have heard what amounts to social and economic arguments, but no legal or constitutional ones.

The very persons who now spring to the fore as the protectors of States rights, warning that the Government will by this legislation be enabled to infringe further thereon, and thereupon assume actual control of the State governments and their individual citizens, were recently conspicuous as proponents for the very principle which they now oppose. It was but last year when the labor-management bill was in this House that many, if not all of those opposing the present bill, urged the enactment of a piece of legislation which not only placed the Federal Government into every city, town, and hamlet of every State on matters of labor, but for the first time in our history made the Government part of the internal organization of a nonpolitical and private group of our citizens. I refer to our labor unions. The labor legislation which they so vigorously advocated applied not only to unions national in scope but to each and every union, no matter how small or how local.

Further, those now opposing civil rights on the grounds I have just discussed have advocated, proposed, encouraged, and accepted numerous concepts of Federal beneficence each coupled with Federal regulation and intervention into the local, State, and private lives of all of our citizens. I refer to the laws concerning social security, old-age pensions, widows' pensions, agriculture assistance, small business, big business, oil, highway, dams, rivers, and other items. Each one of these matters just referred to, of course, involves Government regulation of some segment of local affairs and all have some basis in sociology and economics. None are specifically mentioned by name in our Constitution.

It is clear, therefore, that on logic and reason the position now taken by the resisters of this legislation is untenable. Yes, I say to those of my colleagues who oppose this legislation that often in our history the Constitution and the laws properly flowing therefrom cause all of us, at times, in greater or lesser degree, some social, economic, and political inconveniences. In those instances we must adjust to the mandate of the Constitution and not oblige it to adjust to us.

This legislation will surely and shortly become law. Let us resolve, all of us, that we shall at once conform not only to its letter but to its spiritual and moral significance, the greater meaning of which is clear—all Americans are equal. I urge the immediate passage of H.R. 8601.

Mr. DULSKI. Mr. Chairman, I rise in support of H.R. 8601.

What are civil rights in the United States? By definition—the rights of citizens to equal protection under the laws.

Recognition of the right to equal protection of the laws is at least as old as the right to vote. The people, under the Constitution, have the right to vote. Also, in the concept of government and the rule of law is the principal of equal protection of the laws.

Our form of government requires a free and self-respecting electorate, dedicated to the proposition that all men are created equal. By returning to these fundamental principles of our Founding Fathers we can separate ourselves from much of the current dispute about recent decisions of the Supreme Court.

The signers of the Declaration of Independence did consider all men equal in their God-given, hence, unalienable civil rights. Our Constitution is color blind and neither knows nor tolerates classes among citizens.

The right to vote is a right secured by the Constitution.

On the matter of the Supreme Court decision, it may be characterized as wrong, improper, or unwise, but painful as it may be, those who disagree with the Court must, if they are to uphold the Constitution of the United States, accept the decision of the Court as the law of the land.

The legal dispute over the 14th and 15th amendments has been settled by the Supreme Court—the only organ of our Government that can decide such questions—but the human response to these rules is not yet settled. Moreover, in but a few generations of freedom, Negro Americans have made progress in nearly every field of endeavor, and in increasing numbers have reached high levels of educational, professional, artistic, political, and economic achievement.

The right to vote is the cornerstone of the Republic and the key to all other civil rights. It is the most important instrument for securing justice. Every other constitutional right depends upon it. If we can restore and maintain this right to vote, many of the other present discriminations will be self-correcting. There exists today, in parts of our country, brute violence and intimidation, clever manipulation of ballots and ballot boxes, false counting of votes, repeating, illegal arrests the day before election, and the sudden removing of the polls.

And why do there people so earnestly want to vote? Because it is a right and privilege guaranteed them under the Constitution.

It is their duty as citizens and they want to set an example to their children who are growing up in a democracy where they will have the same rights and privileges as other American citizens. The denial of their voting right, as taxpayers, constitutes taxation without representation, and the fact that the Government of the United States is based on the fact that the governed govern, and only as long as people are able to express their opinion through voting, will our country be able to remain the great power that it is.

They have taken part in government as soldiers in war. They want to take part in it as civilians.

I am convinced that qualified American citizens are, because of their race and color, being denied the right to vote. This betrayal of the ideals set forth in the Declaration of Independence is also in clear violation of the Constitution in which the 15th amendment says:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State on account or race, color, or previous condition of servitude.

And the 14th amendment which says:

> No State shall deny to any person within its jurisdiction the equal protection of the laws.

And what can the Government of the United States do about these violations? It can spell out a detailed program for Federal supervision of elections in which Federal officers are chosen.

The right of each State to determine qualifications in order to vote is unquestioned. But, it is not unlimited. Any voting qualifications established by a State must be one which can be applied equally to all persons. The States are specifically forbidden by the 15th and 19th amendments to require that a voter be white or male. The Federal Government has clear legal authority to enforce these provisions in elections involving choice of Federal officers.

Many Americans today, because of race, are denied the right to vote through creation of legal impediments, administrative obstacles, and positive discouragement, engendered by fears of economic reprisals and physical harm.

I, for one, am urgently concerned with this denial of the right to vote. To stand still at this point on civil rights is a backward step, and every right thinking American is looking to Congress to discharge its responsibility fairly and wisely in the matter of civil rights.

Economic pressures, social ostracism, and physical harm must be removed from all of our people, and equal opportunity for all can only be recognized if written into statutory law. Too many of our citizens are denied their right to vote and as long as any one group of our citizens is deprived of any of their constitutional rights, our job will not be done.

I had hopes that the first session of the 86th Congress would produce a civil rights bill, strengthening the law with respect to enforcing a citizen's right to vote, school desegregation cases, mandatory preservation of election records, the extension of the Civil Rights Commission for 2 years.

I am confident that the strong public opinion prevailing on the question of civil rights will force legislative consideration of the entire field of civil rights, and I think another stride forward will be made in this area to bring us a little bit closer to the ideals set forth by our Founding Fathers when they said, "All men are created equal."

Mr. WILLIS. Mr. Chairman, I yield such time as he may desire to the gentleman from South Carolina [Mr. RILEY].

Mr. RILEY. Mr. Chairman, I am strongly opposed to every part of this bill. At the outset, I want to impress upon you that this bill, if it becomes law, will be the law for everyone in this country. This same law will apply in all States as well as those States in the South. The specter of it will someday—maybe not soon, but someday—rise to haunt those of you who now support this bill so vociferously. Some day the pendulum will swing the other way.

Common experience teaches us that no law is enforceable unless a majority of those to whom it applies will it, or support it. In time, people from all sections of this country will tire of your perpetual parading of this matter through the Halls of Congress. In fact, there is already evidence that responsible people outside the South are already tiring of it, even to the extent that some are organizing themselves to do something about it.

Those of you who support this measure will learn someday what we in the South learned long ago and have been trying to tell you for many years. The standing or stature of no race can be increased by law. Such standing or stature must be earned by those who seek it. And it has been earned by many of the race whom you profess trying to help here today. Everyone in my State who has diligently and conscientiously applied himself has prospered and progressed, regardless of his race. We have many citizens of the Negro race who have gained the respect of their fellow man. We have many who have accumulated substantial wealth. But they accomplished these things on their own merits, not because of a Federal law or a Supreme Court edict.

Any race that improves itself does so best under its own leadership, sparked by a pride in its own race. We have proven in the South over scores of years that races can have divided facilities and separate schools and still live together in mutual respect one for the other. Only when the Supreme Court rendered its unconstitutional decison in 1954 did we have discordance between the races.

Despite some current difficulties, I venture to say that race relations in the South today are, as a whole, still better than in most other areas where there are large concentrations of minority groups. Furthermore, this country still allows freedom of movement, and those who are not satisfied in one area are free to seek greener pastures elsewhere. Of course, we know that these greener pastures have not always turned out to be so green as they appeared.

There is an aspect of this matter which I regard as the most unusual phenomenon that I have ever seen. That is the fact that the further one is removed from the South the more expert he becomes on matters affecting that area. Take, for instance, the subcommittee which studied this matter. Although there were many able members from the South on the full committee, not one of these was selected to serve with the panel of "experts" on the subcommittee. Of course, this was nothing new, because the same procedure was followed in 1957.

In an effort to assist the "experts" on this subcommittee, many able Governors, attorneys general, legislators, other State officials, and private citizens from the South appeared before the subcommittee in an effort to explain the true situation in the Southern States. However, the "experts" again refused to heed their testimony, presumably because they already knew all the answers. Or could it be that they merely followed preconceived notions and blinded themselves to every fact which did not support those notions? And will this House do the same thing and allow this bill to become law? I appeal to every Member of this body to heed the advice of us who represent the area toward which this bill is directed and let these matters drop. The constant effort on the part of some Members of this body to thrust these measures on our people serves only to worsen relations between the races. The recent incidents in the South are the work of the NAACP and CORE and were inspired because of similar legislation pending before the Senate. These incidents are continuing and probably will continue so long as we have these measures under consideration in either body. The matters toward which this bill is directed will never be solved by legislation. Legislation is only a hindrance to progress in the field of race relations. And this applies to legislation by the Supreme Court as well as by the Congress.

I am not a lawyer. But the South is not without great lawyers in this body. They have ably shown the legal objections to this bill and the doubtful constitutionality of a large part of it both in the minority report and in debate on this floor. Despite the fact that I am not a lawyer, I do know something about freedom of speech. And I am convinced that title I of this bill, relating to obstruction of court orders in school desegregation cases, is violative of this most basic principle of the Bill of Rights. I am happy that the Senate has seen fit to strike this title from the measure pending before it, although the motive of many who supported this move was different from what mine would have been. Only after this title was amended to apply to affairs in their own bailiwicks did they rise up in righteous indignation. If there had ever been any doubt, and there had not, that this bill was aimed at the South, certainly this action in the Senate proved it convincingly.

To my mind, the legal and practical arguments against this measure are overwhelming. Considered on its merits, I am confident that this body would overwhelmingly defeat this bill. But I am not deluding myself. The urge to appeal to minority elements who mistakenly believe that this bill has some kind of magic element which will transform their lives is too strong for many Members of this body to resist.

Nor will this bill be the last on this subject to come before this body. Some will apparently never be satisfied until the boot of Federal authority is as firmly and as cruelly planted on the neck of the South as in the days of Reconstruction.

The fact that this bill is unnecessary will not, I am sure, deter its proponents in their zeal to establish themselves as crusaders against the South. But I am compelled to point out that no complaints on voting rights were received from my State by the Civil Rights Commission. In fact, I am informed that we have had only one complaint in the last 10 years and that one was satisfactorily resolved by the attorney general of my State. Personally, I know of no one in my State who is qualified to vote under its laws who is being denied the privilege of voting. My State's laws on this subject are adequate and Federal laws already on the books are more than adequate. This bill is necessary only to satiate temporarily the appetites of those who forever demand the scalp of the South.

I appeal to you to divorce yourselves from the passions which always attend the consideration of these so-called civil rights bills and consider this matter on its merits and in an atmosphere of calm deliberation. Such an approach will, I am sure, result in the defeat of this bill.

Mr. WILLIS. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia, Mr. PILCHER.

IS THE CONSTITUTION REALLY DEAD?

Mr. PILCHER. Mr. Chairman, there are many people in places of high trust who continuously ignore the Constitution of the United States that, to me, a good question might well be, "Is the Constitution really dead?"

While I ask the question, I for one insist that it is not. I, for one, insist that while it may appear to be dead, it has in my humble opinion only been buried. Even though buried by those who would have you think it is no longer our guide for free government, I must insist that it still breathes life, and will, very soon now, rise from its shallow grave to once again reign supreme as it did for over 150 years. Those who have lowered this vibrant, living document into its dark and murky grave will live to be haunted by its living and breathing soul. Those pallbearers will rue the day that they cast aside its teachings when they are called before the bar of freedom to explain their wicked ways. They will be judged and found wanting; they will be properly cast aside and their places taken upon the throne of freedom by others who were not so careless with its life nor so callous of its teachings.

Regardless of the personal feeling of anyone present here today, we simply cannot subjugate the clearly defined meaning of the 10th amendment of the Constitution in order to enhance those personal feelings. We cannot, in good conscience, or bad, relegate to some forgotten place the intent of that amendment in order to further our ambitions, whether those ambitions be political or moral. The amendment is crystal clear. In fact, it is so definitely clear that it needs no judicial interpretation.

While it is admitted that I am not a lawyer, nor do I claim to be an expert on the Constitution of the United States, I do claim that I can read. I also claim that I can understand most of the things I read. It is no great feat to understand the language contained in the 10th amendment of the Constitution.

It has been said that a smile is a language that even a baby understands. Paraphrasing this, I would like to take it further and suggest that the language of the 10th amendment is language that even a 12-year-old child would understand. Is it necesary for a person to be a lawyer or even a college graduate in order to understand the clear language embodied in the 10th amendment? Why, I often have schoolchildren in the lower grades of our schools in Georgia writing to my office for a copy of the Constitution of the United States, and it is presumed that these students secure a copy of the Constitution for study purposes. I have had youngsters say to me, "If the Constitution does not mean what it says, why should it be taught in our schools?" That is indeed a hard question to answer for these eager youngsters. They read for themselves, and they are taught that the Constitution is the supreme law of the land. They read plain English, mind you, and they accept it as gospel. Then they discover that many of their leaders here in Washington would totally disregard those precepts which they have accepted. And to compound the atrocity, they discover that those changes would be wrought upon all Americans without adhering to the simple pattern for change by amendment as provided in that instrument. They have studied the Constitution and well remember the Constitution provides that the only way the Constitution can legally be changed is for such change to be brought about by a constitutional amendment. They have found absolutely nothing in that great document which would suggest that changes in it could be brought about by court decree or by legislative action unless coupled with ratification. Their minds must be filled with disillusionment when they read in the Constitution that the 10th amendment provides one thing while many of their leaders ignore its meaning. It must fill their strong hearts with consternation to read the provision for changing the Constitution, while at the same time many of their leaders would

ignore same. Can we really expect our future generations to grow up secure in their feelings that they are truly free Americans in every respect, when at the same time it is obvious to them that many of their elders will not adhere strictly to the meaning of the Constitution of the United States of America?

Since I have stated that I believe I can read and apply common sense to what I have read, let me quote the 10th amendment of the Constitution. The language is indeed so clear that I believe everyone present will have no trouble in understanding its intent:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Regardless of the motives for or against this legislation, I believe that Congress would be going beyond the limits of the powers granted to it under the Constitution, and would be trespassing upon the rights of the States, and such action would of constitutional necessity be null and void in its inception.

I should think that if the Federal Government, or any other source, has information that fraud is being perpetrated in any election in any State, or any political subdivision thereof, that such information should be given to the proper agency in each State, and then that State would in good conscience undertake to right the alleged wrong. While the Constitution does say that the Federal Government can in some cases supervise Federal elections in each State as to the time, place, and manner in which that election is held, it certainly does not contemplate the Federal Government's telling the State who can or cannot properly vote. Moreover, it certainly does not contemplate intervention in purely State races by the Federal Government. It restricts itself to the time, place, and manner of elections pertaining to Members of the House of Representatives of the United States and Members of the Senate of the United States.

When I was sworn in as a Member of Congress, I took an oath which was to me both solemn and binding. I swore, gentlemen, that I would uphold the Constitution of the United States; and as I see it, I believe a vote for this legislation would constitute a breach of that oath.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DANIELS. Mr. Chairman, I rise in support of this legislation, H.R. 8601.

The problem of civil rights, which is the subject matter of this debate, is no doubt the most important domestic problem facing this country today. We must recognize the seriousness of this problem and act affirmatively to guarantee to all citizens their constitutional rights regardless of race, creed, color, or national ancestry. It is our duty as responsible Members of Congress to enact meaningful legislation which will assure full civil rights for all Americans in all parts of the United States.

We are all aware of the fact that racial and religious discrimination exists within our border, restricting or denying equal opportunity to many of our citizens because of race, color, creed, or national origin, notwithstanding constitutional rights to the contrary. It is a known fact that in some of our States Negroes are denied the right to vote and the right to equal educational opportunities, and in most States they are denied equality in employment and housing. The prejudices, disorders, and tensions created by those who deny colored people their rights as Americans are harmful to our entire Nation. It is most harmful to us in our relationship with the rest of the world. Every incident of racial violence, school closing, segregation, church and school bombing are publicized throughout the world. How can we win the support and respect of other nations who look to America for guidance when we fail to protect the rights of those within our borders? How can we advocate one policy abroad and a different one at home and expect to keep our allies and maintain our prestige? We represent ourselves to the people of the world as a nation advocating justice and equality for all. It is about time we practiced what we preach. Now is the time to consider and pass effective civil rights legislation which will aid greatly to eliminate many international complications. Meaningful civil rights legislation in the area of voting, education, employment, housing, and in other fields are making our struggle for peace and freedom throughout the world easier and helping us in our struggle with world communism. The Communist propaganda has been effective in some parts of the world in smearing our honest interest in peoples of all nations abroad. We can give the lie to this propaganda by enacting meaningful and effective legislation which guarantees freedom of participation in our Nation's political affairs, and equality to every citizen regardless of race, creed, color, or national origin.

Mr. WILLIS. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN. The gentleman from Louisiana has no more time remaining; he consumed all his time on Friday.

Mr. CELLER. Mr. Chairman, I thought there had been an understanding that an hour had been yielded to the gentleman from Louisiana [Mr. WILLIS].

The CHAIRMAN. Not unless somebody yields it to him.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Does that mean I will have an hour of which I can yield half to the gentleman from Ohio?

The CHAIRMAN. Yes; if the gentleman so desires. The gentleman from New York has an hour and 40 minutes remaining.

Mr. CELLER. Mr. Chairman, I yield an hour to the gentleman from Louisiana [Mr. WILLIS].

The CHAIRMAN. To be yielded by the gentleman from Louisiana?

Mr. CELLER. To be yielded by the gentleman from Louisiana as he sees fit.

The CHAIRMAN. The gentleman from Louisiana is recognized for 1 hour, any part of which may in turn be yielded by him.

Mr. HALLECK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALLECK. Mr. Chairman, do I understand correctly that under the arrangement and agreement arrived at general debate is to continue today for 2 hours, then that will be the end of general debate?

Mr. WILLIS. That is my understanding.

Mr. HALLECK. That is my understanding, too. Is there a unanimous-consent request pending?

The CHAIRMAN. No. There was a unanimous-consent request made by the gentleman from New York, which request has been agreed to. The chairman is now attempting to recognize the gentleman from Louisiana [Mr. WILLIS], to yield a part of the time that the gentleman from New York yielded to him.

Mr. WILLIS. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina [Mr. ASHMORE].

Mr. ASHMORE. Mr. Chairman, my remarks on this exceedingly important question today must, of necessity, be brief, since sufficient time is not available for all Members who desire to express their opinions. As a member of the House Committee on the Judiciary, I have been impressed by the tremendous amount of misunderstanding regarding the position of southern Members of the House of Representatives on the pending civil rights bills.

The proponents of this bill, and the amendments that will no doubt be offered, along with most of the press, have either deliberately or inadvertently, made it appear that all Members of Congress who are fighting this type legislation are doing so because we do not want the Negro to vote. This is a completely false impression. I, and all of my colleagues who stand with me in opposing these civil rights bills, recognize the Negro's right both to register and vote when he qualifies under the laws of his State.

What I, and millions of people in this country are opposed to, is the Federal Government coming into the various States and taking over the administration, control, and management of the election machinery. Historically and constitutionally, the States have both the right and duty to conduct all elections from the lowest office in the township or school district to governor, U.S. Representative, and Senator. This principle of government is essential to our States rights philosophy, and we must retain these prerogatives on the local level or else the States and the people will ultimately be deprived of one of the most precious and effective means of controlling the Government.

In some areas of my home State of South Carolina, the Negro population is 2 to 3 times greater than that of the whites; yet, I am informed the Civil Rights Commission did not receive one single complaint from South Carolina based on a violation of voting rights because of race, color, or religion. Negroes in my State are granted registration certificates and permitted to vote when they meet the same qualifications as white voters. I believe this is generally true throughout the country. Of course, there have been a few isolated instances where discrimination or abuses may have existed. But such abuses were no more than might be expected where thousands of registration and voting officials are required to interpret and administer the law. Where such mistakes have occurred, the existing State and Federal laws have proved completely adequate and sufficient to protect the rights and voting privileges of all citizens of this country. The recent decision of the U.S. Supreme Court, ordering and directing the election officials of one of our States to grant registration certificates to certain Negroes who had been declared unqualified, is ample proof that no additional voting rights legislation is necessary. When the laws we have provide sufficient remedies and punishment for mistakes or willful violations of the law, then it would be a mistake on our part to pass additional and unneeded laws. Too many laws are undesirable, and no statute should be enacted unless there is a specific need for it. This is particularly true today, because we are already constantly confronted with numerous individuals and organizations who agitate and stir up trouble between the races. Unnecessary laws will simply add more fuel to the fires of unrest and ill will. I hope and trust that Congress will act in such a manner as to bring about peace, harmony, and good will among all the people of this land.

There is strong evidence now available to support the contention that recent Negro sitdown demonstrations at lunch counters and elsewhere are sponsored and promoted by the National Association for the Advancement of Colored People. These demonstrations have been in progress for several weeks and have spread to at least seven States. In some instances, fights have resulted between whites and blacks, and in a number of cases, racial clashes approached riot proportions.

For example, in Montgomery, Ala., more than 500 law-enforcement officers were needed to separate crowds of Negroes and whites. In Columbia, S.C., students from a Negro college invaded a nearby drive-in restaurant parking lot at 3:45 in the morning. The students did not enter the restaurant itself and no damage was done to the drive-in property. On the contrary, the students attacked automobiles and the occupants thereof on the drive-in parking lot, breaking automobile windows, windshields, and damaging the cars with sticks, bricks, and clubs. The people occupying the automobiles were customers of the drive-in restaurant and wholly and completely innocent of any and all acts of a provocative nature. The Negro students had no reason whatever to have any ill will toward these patrons of the restaurant. The students shouted, "We are going to take over this place," and proceeded with their unlawful destruction of private property without any cause or justification whatsoever.

A customer of the restaurant said he gunned his car away from the scene as soon as he saw the oncoming Negroes. Only the right front window of his car was broken. Another customer told police the right and left windows of his car were shattered by Negroes with sticks, bricks, and bottles. Fortunately, no serious injuries were received, but such unprovoked attacks on innocent people are certain to result in dire consequences. If permitted to continue, these conditions will inevitably erupt into racial riots.

Yet, the Evening Star of Washington, D.C., for Monday, March 7, 1960, published an Associated Press news item from which I quote:

"Spokesmen for the National Association for the Advancement of Colored People in Virginia and Florida have come out for continued demonstrations by students and adults." One of the leaders said, "We need help on the picket line. The students have done enough. It is time for the adults to participate."

Thus, we have clear evidence that these lunch counter sitdown demonstrations are a planned and concerted effort to agitate, and create dissension to the point of violence. And evidently, those directing the demonstrations thought it wise to stage their publicity stunts while Congress is considering civil rights legislation. This, of course, is just another attempt to exaggerate the need for more civil rights laws.

My colleagues, I ask each of you, is it right for us to strengthen the hand of the National Association for the Advancement of Colored People, or any organization, or any individual, when such person or group is willfully and deliberately fostering, promoting, encouraging, and actually setting the stage for physical conflicts between the races in America?

Surely, no Member would join such an organization or give it financial support, for to do so would be aiding and abetting in all of its programs.

Now, what about legislation that it sponsors? Well, as far as I am concerned, I absolutely refuse to grant intoxicating powers, or even lend encouragement, to any group of agitators and troublemakers. It is both wrong and dangerous to do anything that would increase the influence, prestige or authority of an organization whose activities promote ill will, hatred, and racial conflicts.

Yes; if the proponents wanted nothing more than a fair and constitutional voting rights bill, I dare say such a measure could be passed by this House within a few hours. But they want far more than that. You have heard the distinguished chairman of the House Committee on the Judiciary, the gentleman from New York [Mr. CELLER] state during this debate that he intends to offer "old title III" as an amendment to the pending bill. Permit me to impress upon you, my colleagues, that Congress refused to include this title III in the civil rights bill enacted into law in 1957. On Thursday of last week, my good friend and colleague, the gentleman from Ohio [Mr. MCCULLOCH], the ranking minority member on the House Committee on the Judiciary, stated that our committee heard probably 100 witnesses and took more than 900 pages of testimony in 1959 while considering H.R. 8601, the very same bill we now have under consideration. Then, after thorough study and deliberations in executive sessions, the committee struck title III from the bill. Mr. MCCULLOCH also said on Thursday that President Eisenhower is opposed to title III. Please remember these facts, my friends, when it comes time to vote on Mr. CELLER'S amendments. It would seem that title III has been sufficiently killed, but my good chairman, Mr. CELLER, is not yet satisfied and will try again to perform a miracle by breathing the breath of life into it. Under the circumstances, I believe his efforts to resuscitate it will fail.

There are numerous reasons why title III should not be in this bill. Primarily, it has no place here because its principal purpose is to bring about forced integration. Certainly school integration has no relationship to voting rights.

I am sure that other amendments will be offered which are just as far removed from voting rights as is school integration. I do not have time to discuss them in detail, but let me say that several of these measures were in the original bill—H.R. 8601—and were not considered worthy of your support and thus were stricken out by your Committee on the Judiciary.

Finally, the most important amendment to be offered is the so-called referee amendment, H.R. 10625, which will be substituted for H.R. 10035. This amendment is dated February 23, 1960, and has never been considered by the House Committee on the Judiciary.

The Civil Rights Commission recommended legislation that would provide for Federal registrars who would be clothed with the duty of protecting voters who were allegedly discriminated against in the election of Federal officials, because of race, creed, or color. The Attorney General of the United States did not like this bill—H.R. 9452—apparently, because it did not take absolute and complete control of the election machinery in the various States and local communities. He wanted a stronger bill than was recommended by the Civil Rights Commission, and therefore, repudiated the wishes of the Commission with the scathing remarks that Federal registrars would be worth about as much as a ticket to the Dempsey-Firpo championship boxing bout.

So, after this profound and enlightening statement, the Attorney General sponsored H.R. 10035 dated January 28, 1960, which provides for Federal referees. These Federal officials would be granted the necessary authority to, in my opinion, ultimately take over the control and administration of all State and local voting machinery, for all practical pur-

poses, notwithstanding the Constitution of the United States.

After Judge Welch, the Deputy Attorney General, was cross-examined by the House Committee on the Judiciary, H.R. 10035 was suddenly abandoned, and H.R. 10625 substituted therefor. This new bill has not had one single minute's consideration by the House Committee on the Judiciary, but nevertheless, you will be urged to accept it as a part of H.R. 8601, the bill reported by the House Committee on the Judiciary after 6 months' study. As you know, this is contrary to all normal procedure. I think it is not only unwise but a most dangerous precedent to adopt an amendment so far reaching and about which there are so many grave constitutional questions, under the prevailing circumstances.

This is the third bill since January 7, 1960, dealing with Federal registrars and Federal referees. The Attorney General repudiated the registrar bill—H.R. 9452—introduced by Mr. CELLER and recommended by the Civil Rights Commission, then he sponsored and stringently defended H.R. 10035, introduced by Mr. MCCULLOCH, and now he has repudiated his own bill, and is asking you to accept a new one—H.R. 10625—even though no committee of this House has had an opportunity to really analyze it. I wonder what would happen if he was put through a gruelling cross-examination by the House Committee on the Judiciary on the merits of this last bill. He might desert it, too, like a sinking ship, and go back to No. 1, or No. 2, or even come up with No. 4. Who knows? Yes; it is amusing, but it also is tragic when the Members of the House of Representatives are forced to legislate in this manner. Obviously, the chief law enforcement officer of the land, the Attorney General, is confused.

If he cannot make up his mind, what are you and I suppose to do? This is not a guessing game, but deadly serious business. If this amendment is adopted and becomes law, State and county officials could be thrown into jail under a statute that I say is unconstitutional.

When you are uncertain—when you have grave doubt—and especially when the Attorney General is uncertain, then you should not pass a bill that will jeopardize the rights and liberties of your constituents.

Therefore, defeat this amendment and let the courts administer the laws we now have on the books. That is all we need to do, enforce the laws we already have. They cover every possible mistake, or willful violation, of a person's voting rights.

The Louisiana case decided by the Supreme Court a few days ago is a perfect illustration of the adequacy of the law.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ASHMORE. I yield.

Mr. JONES of Alabama. Mr. Chairman, I rise in opposition to H.R. 8601, the so-called civil rights legislation, now before the House for consideration. It is becoming increasingly evident that the more this proposed legislation is subjected to analysis and study, the more its imperfections become evident.

No proposed legislation during the past hundred years of our history has served to divide and confuse our people more than has this civil rights measure. At a time when all our people should be presenting a united front against a deadly threat from East, we are engaging in this divisive and constitutionally questionable internal struggle which is shaking our whole governmental structure to its very foundations.

This bill, with all of its ramifications, is fundamentally wrong and can never be rectified. It is bad in principle and sets up procedures that are clearly outside of our constitutional processes of law.

I should like to discuss H.R. 8601 title by title and point out its many imperfections and pitfalls.

Title I makes it a Federal offense to obstruct court orders in school segregation cases. I seriously doubt the constitutionality of this title since it has every indication of violating the right of freedom of speech under the first amendment to the Constitution. In addition, its language is vague and too general.

I am alarmed over the use of the word "endeavors" in the language of title I. Under this section someone may be sent to jail if he "endeavors" to obstruct a court order in school segregation cases. Would this restriction extend to the press, the radio, and television, all of which mediums have at times been critical of court orders in school segregation cases?

A very striking injustice of title I is that it makes the obstruction of Federal court orders in school segregation cases a Federal offense, but it does not apply to any other type of court orders. Since court orders of every type and description are issued by Federal courts throughout the country every day, why should not all court orders be equally protected?

The selection of the court order in school segregation cases is unprecedented. It is a wide-open invitation to multiple prosecutions for the same act. This section is completely inimical to the principle that under our Constitution all individuals shall stand equal before the bar of justice. On the basis of this principle, the citizens of all sections of our country have a right to expect that when Congress acts, it will do so impartially and justly and that no inequality will be visited upon any citizen by Congress or the courts.

Since title I is in clear violation of these basic constitutional concepts, it should be defeated.

Title II of H.R. 8601 makes it a Federal offense for a person to cross State lines in order to avoid prosecution for damaging or destroying by fire or explosion any building, structure, facility, vehicle, dwelling, house, synagogue, church, religious, or educational institution, public or private. I am opposed to title II because it does not belong in this bill. It does not relate to personal civil rights and should be handled in a bill to amend the Fugitive Felon Act of 1934. Several bills to amend the Fugitive Felon Act of 1934 have been introduced for this purpose during this Congress, and it is my understanding that these bills are now under study by Subcommittee No. 3 of the House Judiciary Committee. Accordingly, the proper course to follow is to let this particular legislation be reported by the Judiciary Committee as separate legislation.

Moreover, title II, as it appears in this bill, has some questionable language in it, such as what constitutes damage to a building, facility or vehicle, and what kind of fire or explosion is involved in this type of litigation. This could be a dangerous piece of legislation as it is now drafted. It certainly needs to be more carefully reviewed and cautiously drafted and then reported as separate legislation by the Judiciary Committee. I, therefore, oppose the inclusion of title II in H.R. 8601.

Title III requires all election records preserved for 2 years in which candidates for the office of President, Vice President, presidential electors, and Members of Congress are voted for, under penalty of fine or imprisonment. All these records must be made available to the Attorney General upon demand. In advocating the adoption of this section, the Attorney General has reversed himself in less than 3 years. In 1957, he told the Congress that he wanted only civil sanctions in connection with election cases. Now, he is asking for criminal penalties.

Under the provisions of the Civil Rights Act of 1957, the Attorney General already has the authority by civil litigation to prevent the deprivation of the right to vote. Now, he has come back to the Congress and asks under title II of this bill that his authority be excessively bolstered, even to the point of very questionable constitutionality. In this bill, we would be granting unlimited power to the Attorney General over State officials and acting without court order. There is strong evidence to the effect that Congress does not have the authority to grant such extraordinary power to the Attorney General over State officials acting under State laws.

While title III purports to be restricted to Federal officers only, under the 15th amendment, the language of this section could be applied to the election of State officials, also. Never before has Congress been asked to adopt such a sweeping and unprecedented proposal. The adoption of title III would be an unwarranted and unconstitutional intrusion of Federal authority into purely State and local elections. In addition, this proposal would place an undue financial burden upon the States, a burden in which the Federal Government would have no share.

In brief, the Attorney General is already clothed with sufficient authority to assure voting rights to all our citizens. We do not need this extraordinary grant of power to him under title III, the faulty and abusive exercise of which could wreck our democratic governmental processes.

Title IV extends the Civil Rights Commission for 2 more years. Under the present law, this Commission has until September 1961 to run, and it was required by law to submit a report on its activities not later than September 9, 1959. No such report has ever been

forthcoming from the Commission. It has submitted copies of its hearings held recently in Alabama in regard to voting. I understand that in addition to undertaking studies of voting, the Commission has also begun studies in housing and education. Yet, after nearly 3 years of existence, the Commission has made no reports on any of these subjects.

Why, then, do we need to extend the Commission—a Commission from which no report has been forthcoming—if we legislators are to proceed on the very same subjects, namely, voting rights and education? Either we need the study and report and, therefore, should await the same, or there is no need for the Commission if titles I, III, and V are necessary. If the experience of the Commission to date is indicative of what will be accomplished during a 2-year extension, it means that nothing will be served by such an extension.

I, therefore, oppose the adoption of title IV of this bill.

Title V of H.R. 8601 would amend Public Laws 815 and 874 of the 81st Congress authorizing Federal aid to local school districts which provide free public education to children whose parents reside or work on Federal property not subject to State or local taxation. Title V would authorize the Commissioner of Education and the armed services concerned to provide for the education of children of military personnel, regardless of where they live, when the public schools are closed to them. This section also authorizes the Commissioner to acquire possession of any school building constructed with the aid of Federal funds when the local educational agency which owns the building is no longer using it for free public education and the Commissioner needs the building to provide education to these children of military personnel or for other children who reside on Federal property.

Under the Supreme Court desegregation decision in the Brown case of 1954, the enforcement of desegregation decrees is left to lower Federal courts. However, in title V of this bill, the Commissioner of Education would be empowered to enter the picture and provide education for children of military personnel whenever he finds no suitable free public education exists. What is the limit of the power vested in the Commissioner in this instance? The exercise of such unlimited power could very well be the opening wedge for the entrance of the Federal Government into eventual control of public school education throughout this land.

Moreover, legislation under title V of this bill comes under the jurisdiction of the House Committee on Education and Labor. It was the House Committee on Education and Labor that reported out the bills in the 81st Congress which became Public Laws 815 and 874. All executive communications on these so-called school impacted area laws have been referred without exception to the Committee on Education and Labor. Now, the Judiciary Committee has usurped the prerogatives and jurisdiction of another committee by grafting title V onto H.R. 8601.

Public Laws 815 and 874 are now working well and effectively throughout the country. Here, we have a good example of cooperative Federal-State relationship in working together in a joint educational endeavor. I speak from considerable firsthand experience on this subject since my congressional district includes Redstone Arsenal at Huntsville, Ala., in and near which thousands of military personnel live. Since Public Laws 815 and 874 were enacted in 1951, Federal grants-in-aid amounting to more than $8 million have been made to local school systems in my district, and thousands of children of Federal impacted families have been educated. I want to point out that this joint endeavor has been accomplished in a wholesome and cooperative manner between the Federal, State, and local school authorities concerned, and up to the present time, no tensions or discordance has appeared anywhere in my district.

Now, if title V of this bill is adopted, much controversy can be stirred up. The Federal Commissioner of Education can assert dictatorial powers, and for all intents and purposes, the good relationship already developed between Federal, State, and local agencies throughout the country in administering Public Laws 815 and 874 can be destroyed and lost.

I sincerely hope that title V of this bill will be defeated.

Finally, Mr. Chairman and my colleagues, I urge the House to reject this ill-conceived and dangerous piece of legislation. In each of its five titles, as I have discussed with you in detail, there are basic imperfections and unconstitutional provisions. It is a most intemperate and divisive measure. It surely will breed racial troubles of untold proportions. It certainly will harm and tear down more than it could possibly help and build up.

There is already adequate legislation on our Federal and State statute books to correct any abuses or injustices for which this bill allegedly has been prepared to correct. We do not need a further pyramiding of Federal authority in the field of civil rights. We do not need at this time to further incite race against race and reopen old wounds. Let us rather seek to use those legal means already at hand and in a spirit of greater understanding and national unity here at home, move forward and devote our energies toward resolving more pressing problems that now confront us. Let us in all good faith, therefore, defeat H.R. 8601 and lay aside this pernicious bill.

Mr. CELLER. Mr. Chairman, I yield myself 15 minutes.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. ANDREWS. Mr. Chairman, I am opposed to the impending civil rights bill and I would like to share with my fellow Members of Congress the valid reasons for that opposition.

As a boy, I lived in the rural country of southeast Alabama. During my childhood, race relations in that area were warm and friendly. There were no riots, no brawls in lunch counters, and no bitter hatred between black men and white. In that period, Negroes and whites lived in harmony and worked together for their mutual benefit. Many southern children were reared by Negro "mammies" and it was not uncommon for Negro and white friends to hunt and fish together. The Negroes were a happy, carefree race and they knew they could depend on their white friends in times of need. This happy relationship has been blemished in recent years.

World War II inflicted the first damage on southern race relations. There were no violent flareups in my home district, but it became obvious that the Negroes were growing restless. During the war, they had been exposed to the first racial agitators since the Reconstruction era. The unrest seethed quietly beneath the surface until May 1954 when the U.S. Supreme Court outlawed the South's traditional "separate but equal" education system.

"Black Monday," as that date is known in the South, was the cue for race agitators to descend upon our homeland. With the full endorsement of America's highest Court, the merchants of hate have stirred the southern whites and Negroes into a state of near-violent eruption. The slightest encouragement from the Federal Government, such as a strong civil rights law, may trigger bloody rioting at any place in the South.

Mr. Chairman, please believe me when I say this is no exaggeration. We southern Members of Congress have been pleading with our colleagues to accept our judgment and to understand what we have experienced firsthand. We have lived with this situation all our lives and we are absolutely serious when we say that a harsh, punitive act by the Federal Government, like the civil rights bill, may ignite such a violent reaction that the bloodshed and hatred may surpass that of any period in our history.

The passage of this bill can do nothing but trigger the latent violence in the South. I ask you, Mr. Chairman, why cannot this brilliant group of legislators devote their thoughts to a plan which will unite the people of leadership in the North and the South? Are we not trying to solve the problems of race relations? I submit to you that this is the most important question in our Nation today. Why, then, can we not consider a suggestion which would be a simple and effective solution? I have such a plan and I submitted it to the Congress 6 years ago without success. My plan called for the establishment of a Federal Commission on Human Resettlement, which would grant loans to Negroes in segregated areas who wish to move to nonsegregated areas. My plan was not acceptable to the proponents of civil rights. The bill has been pending in the House Judiciary Committee for 6 years, even though I begged the chairman to give it a hearing. I offered it as an amendment to the Civil Rights Act of 1957, but the chairman made a point of order that the bill was not germaine to the civil rights bill. My amendment was stricken.

Mr. Chairman, I say to the proponents of civil rights that if they are sincerely

interested in helping the southern Negro, then they should enact legislation which encompasses the ideas put forth in my human resettlement bill.

Let me illustrate the seriousness of the race problem in the South by quoting an editorial of March 11, 1960, in the Dothan Eagle, the largest daily newspaper in my district:

One of these days—we can't predict when but we hope it won't be too late—the politicians and nest-featherers in Congress are going to wake up to the fact that so-called civil rights legislation doesn't have the political mileage they think it does. The dawning will come with the realization that the clamor has been artificially rigged by axgrinders and agitating leaders of minorities who don't actually speak for those they profess, by self-appointment, to represent. There were a couple of straws in the wind the other day. Senator KENNETH B. KEATING, of New York, who has introduced more civil rights bills than any other Member of Congress, save his colleague from New York, Senator JACOB K. JAVITS, and he is running him a close second, was beating his breast on the Senate floor about his "sacred mission." Its volume turned out to be small, a relative trickle instead of the flood one would expect from the way he carries on. If the Senator would remove the mote from his eye, he would see how hypocritical he is and has been and, furthermore, that he is whooping it up for an issue more imaginary than real among his constituents.

The other straw was turned up by Representative JOHN BELL WILLIAMS, of Mississippi. He told the House that he has queried 11 medium and small cities in districts of Congressmen yelling so much for civil rights and expressing great concern for Negroes on just one question, Would they accept some Negro families? The inquiries went to cities in Pennsylvania, Illinois, Connecticut, New York, Ohio, Minnesota, New Jersey, Montana, Maine, and Massachusetts.

He received only one reply that could be considered an answer. The mayor of Arnold, Pa., declined, explaining his town was "entirely built up with only a few vacant lots remaining" and all existing housing occupied. The mayor of Deerfield, Ill., acknowledged receipt of the inquiry but that was all.

Other than this, said Representative WILLIAMS, "my inquiry was wholly ignored, indicating perhaps that it was just too hot for them to handle and indicating, also, that if an affirmative reply could not be sent, they preferred to duck the issue."

The congressional agitators probably would confess privately that they have to perform as they do for political reasons even if it makes them hypocrites. But they should remember that hypocrisy is a vice without any virtue.

Such editorials are found in almost every southern newspaper. They reflect the feeling of the South toward the so-called civil rights legislation.

The biggest percentage of my mail pertains to civil rights. Each day, I receive letters from citizens in my district who are afraid of the impending violence and terrified that the heel of Federal intervention may crush down upon the modern South, as it did during the Reconstruction period. The spectacle of bayonet-wielding paratroops in Little Rock, Ark., has remained a symbol of horror to all southerners.

Our stand is simply this, we want the right to govern ourselves and to handle the problems which are peculiar to our own area. We do not feel that the U.S. Government should enact laws which authorize outsiders to step in and dictate the solutions to those problems. We southerners have no desire to tell New York, Chicago, or Detroit how to solve their rampant and persistent crime problems and racial strife. We do not feel qualified to give such advice because we do not know the local situations. By the same token, we want no unqualified advice from outsiders in handling our own problems.

Very few people in the North would be affected by the passage of a civil rights bill, but in the South, where a disproportionate number of Negroes exist, it might mean that southern children would be forced to attend school with a ratio of 10 Negroes to 1 white child, a percentage that is unacceptable to most northerners, according to accurate surveys; and white people would be under the political domination of Negro legislators, public officials, and law enforcement officers. The elevation of Negroes to such unaccustomed positions of leadership proved to be an absolute failure during the Reconstruction era.

The Negro has long been a burden to the southern white man. We have struggled for years to maintain acceptable standards in our society for both races. During this struggle, the North has offered little but criticism and interference. I suggest, Mr. Chairman, that the members who are backing the proposed civil rights legislation should turn to the problems of their own areas and apply their zeal and determination to solving matters with which they are familiar.

The South wants to make its own decisions and we do not like the current strong-arm tactics being recommended against us.

Mr. CELLER. Mr. Chairman, I shall try to put in proper perspective and remove some of the ambiguity that has been thrust into the argument, especially as to the constitutional basis of the powers of Congress, first, as to voting procedures, and second, as to voting records, as the same applies to H.R. 8601 and proposed amendments.

First, we have the 15th amendment which I shall briefly read:

The right of citizens of the United States to vote shall not be abridged or denied by the United States or by any State on account of race, color or previous condition of servitude.

The right to vote, therefore, shall not be denied or abridged by the United States or any State because of color or race. The abridgment or denial must be under color of law and it must be based upon race or color. It is the right to vote in any election that is guaranteed by the 15th amendment—any election, Federal, State, or local—for Congressman, for presidential electors, for Governor, for game warden, for mayor, for dog catcher.

The second section of the 15th amendment says:

The Congress shall the power to enforce this article by appropriate legislation.

Therefore, Congress has the power to implement by appropriate legislation the question of the abridgment or denial of the right to vote. That language is crystal clear. That language is of panoramic broadness. It envisages wide as possible implementation. But, aside from the 15th amendment, Congress may pass legislation reasonably designed to protect citizens in any right guaranteed by the Constitution. In my extension of remarks, Mr. Chairman, I shall cite cases of the Supreme Court in that regard.

The right to participate in the election of Federal officers is a constitutional right. I refer to article I, section 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but—and it is a very important "but"—the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators. Thus, Congress can preempt the authority of the State to determine manner and time of elections of Representatives and Senators. Note, the word "manner" is as broad as a barn door. The widest remedies are within the orbit of the word "manner."

Then we have article I, section 8, clause 18, which reads:

The Congress has the right to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof.

Thus the Congress can make all necessary and proper laws to carry out those powers. The all-embracing words are "all laws necessary and proper." That is the widest kind of control. Under such authority the Congress can control the registration of voters in Federal elections and may control the preservation of records. Although Congress may not control the qualification of the voters, as is indicated in article I, section 2. Indeed, under article I, section 2, and section 4, it appears that the Federal Government through the Congress can take action even against private individuals, as well as against those acting under power of law. The Supreme Court has held the right to vote for Senators and Federal Representatives is a Federal right. Where else could the voting franchise come from? The vote did not exist before the Constitution, and only exists because of the Constitution. The Constitution determines the manner of voting. It said Congress would have the last word as to how its Members were to be elected.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield ?

Mr. CELLER. I yield.

Mr. ROGERS of Colorado. Is there any word in the proposed legislation in your bill, in the substitute or in any amendment that would in any manner infringe upon the right of the State to say who qualified voters are?

Mr. CELLER. I do not think so.

Mr. ROGERS of Colorado. And it was not the intention of anyone who appeared before the committee that Congress should prescribe who should or should not vote. Was there anything advocated like that before our committee?

Mr. CELLER. No.

Mr. ROGERS of Colorado. And you do not advocate it?

Mr. CELLER. I do not. But if the State prescribes qualifications, then those qualifications must be applicable to all alike. They cannot be applicable to one and not to another; that is, the objective of this legislation that we are citing has prescribed the qualification the there be equal application to every person in the State who may qualify. In other words, the application cannot be the result of whim or caprice. It must be as a result of evenhanded justice. All must be treated alike when the qualifications are applied.

The preservation of election records for Senators and Representatives must be a safeguard of the right to vote. It is ancillary to the right to vote, to inspect the records and have the records preserved. They complement each other like the reverse and obverse side of a coin. One is necessary to the other as tongue to cheek. If the records cannot be inspected, if the records are unavailing, how can you know whether the votes were even actually cast, much less counted.

U.S. against Classic, with reference to the voting records, was held constitutional.

In *Ex parte Siebold*, 130 U.S. 71, the Court held that a Federal statute requiring that the preservation of the voting records in any election for a Member of Congress was constitutional.

A similar ruling was held in *Ex parte Clark*, U.S. 100,399, and *Coy*, 127 U.S. 731.

We passed the Hatch Act which gave Congress very broad powers concerning the election and election records.

As to the election of President and Vice President a different issue arises, since article 1, sections 2 and 4, refer only to Members of Congress. Presidential electors are covered by article 2, section 1, clause 2.

It should be noted, however, that for practical purposes, there is no real problem, since presidential electors would be elected at the same time as are Members of Congress. Congress can determine the time of electing Congressmen; so the procedural constitutionality as to registration and election of Members of Congress would be the same as for presidential electors. However, as a matter of law, the inclusion of presidential electors can be sustained on a constitutional basis; that is, the inclusion in the legislation before us.

The constitutional vindication is found in the 15th amendment. That amendment, as I said before, extends to all elections, all elections of Members of Congress, to presidential electors; in fact, to any election whether Federal, State, or local.

Thus it is only essential to show a rational connection between the preservation and inspection of voting records and the protection of the right to vote from racial discrimination. The discrimination must always be under color of law. But there is full foundation for these rights; namely, the 14th amendment; and the 14th amendment reads in part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Supreme Court has ruled—and this is important, Mr. Chairman—the Supreme Court has ruled that the 14th forbids all States not merely from enacting laws which are fair on their face but administered in a manner which is discriminatory to a given class of persons, but also from administering laws in a manner which is discriminatory or unequal with respect to that given class.

The legislation before us and the proposed amendments as to voting and registration and safeguarding and preservation of records are "appropriate legislation" under section 4 of the 14th amendment.

If more bedrock foundations are needed for this legislation, we have the inherent powers of the Congress. It is one of the inherent powers of Congress to insure purity of elections—*Burroughs v. United States* (290 U.S. 534). In a case involving the Corrupt Practices Act the Court relied upon the inherent power of the United States to protect the quality and high standard of its political institutions from corruption and said:

> Congress undoubtedly possesses the power, as it possesses every other power essential to preserve the departments and institutions of the Federal Government from impairment or destruction, whether threatened by force or corruption.

The Court quoted from Ex parte Yarbrough:

> That a government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, as a proposition so startling as to arrest attention and demand the gravest consideration.

Thus the power to control and insure purity of elections is one of the inherent powers of Congress and need not be based upon any special provision of the Constitution.

Similarly the Federal Government has the inherent power to insure that elections be free from bigotry and racial discrimination. Yes; the State may determine the qualifications of voters under article 1, section 2, for election of Congressmen, but the qualification, the criteria must be applied uniformly.

Otherwise there is the denial of equal protection of the laws as guaranteed by the 14th amendment. Otherwise, the qualifications could be, as I said before, according to whim and caprice, to tyranny and to intemperate discrimination, all repugnant to a republican form of government.

Mr. Chairman, our Constitution must be viewed as a whole, not by parts here and parts there. Viewed as a whole there is the essentiality to guard well the franchise. Otherwise representative government cannot be made to maintain law and order. It is argued that the 15th amendment is not a positive declaration of a right. It simply says the right to vote cannot be abridged or denied. But how can you abridge anything, how can you deny anything if it does not exist?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield myself 5 additional minutes.

Thus the amendment presupposes the right of ballot does exist. But beyond that other provisions of the Constitution set up the right. The bill at hand is clearly sanctioned by the 14th and 15th amendments. As to the election of Senators and Representatives, article 1, sections 2 and 4, and of the 17th amendment clearly sustain. Finally, we can rely upon the inherent power of Congress.

Mr. Chairman, just as the Stradivarius violin is useless unless played upon, so the Constitution must have a bow, as it were, drawn across its strings to make it play. Otherwise the Constitution may, like the violin, just remain in a box, an antique piece of old parchment with dead language. In the protection of civil rights for all people the instrument becomes vibrant and alive.

Unfortunately, the Constitution sometimes is like a foreign language, to many of us mispronounced, to many of us misinterpreted.

At the sessions of the Constitutional Convention at the back of the President's chair on the wall a sunburst was painted and as the last Members signed the Constitution on September 17, 1787, Benjamin Franklin said in his report:

"I have often and often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or was setting. But now at length, I have the happiness to know that it is a rising and not a setting sun."

We must keep that sun from setting. We can, if in amity and accord we resolve our differences, having the courage to admit our frailties and our wrongs but have beyond all else the determination to erase the wrongs.

This bill will help erase the wrongs. The bill before us is not a bill calling for revolutionary changes. It has properly been called mild and palatable. It will not suit diehards and those who profess to resist even to the last outpost. But to those who understand, to those who realize that continued resistance and skirmishing are useless and that which cannot be cured must be endured, to the knowledgeable, to the reasonable and especially to those who are willing to doubt a little their own infallibility, this bill is acceptable.

I know that for decades the Supreme Court ruled on the Constitution in a way that did not displease some of you. "Separate but equal" was the lodestar that guided. But this guide post is gone. A different route has been set.

The Constitution and its amendments were not made for any particular generation. That is why its terms were wisely couched in general language.

They were made for all generations. It anticipated changes. A change has come. That change is like the closing of the door of one room only to enter into another room. We are in the other

room now. The old room cannot be reentered. The door is sealed. Charles and Mary Beard, in the American Leviathan said:

> The theory that the Constitution is a written document is a legal fiction. It is what the Government and the people who count in public affairs recognize and respect as such what they think it is. More than this, it is not merely what it has been nor what it is today. It is always becoming something else and those who do criticize it and acts under it as well as who praise help us make it what it will be tomorrow.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WILLIS. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. DORN].

Mr. DORN of South Carolina. Mr. Chairman and members of the committee, one of the greatest speeches ever delivered in the Congress of the United States, either before this body or the other body against similar legislation, was delivered by the late William E. Borah, of Idaho, in 1938. It is no accident that his monument stands down the corridor in the Statutary Hall of Fame. William E. Borah said that such legislation as this was punitive, it was vindictive, it was an attempt by one section of the country, or one group of people, to sit in judgment over another great section or another great people. William E. Borah said this on the floor of the other body:

> Judge not, that ye be not judged.
> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

He said that people of all sections of the country who helped create this great Palladium of liberty were equally honest, were equally just, were equally fair, and as long as he sat in the other body he would cast no vote reflecting on any other section of this great Nation.

Mr. Chairman, I have placed William E. Borah's remarks in the CONGRESSIONAL RECORD of last Friday. I hope that each and every single Member of this body will go back and read the speech made by a man who not only had a "profile in courage" but a profile of honesty, justice, and fairness. This bill before the House today and the other body is a national threat to the rights of every citizen in every State. This legislation, if passed, would adversely affect every section of the United States. Just after Senator HERMAN E. TALMADGE, of Georgia, appeared on Meet the Press the other Sunday night, I received a phone call at my home from a friend with whom I served in the Armed Forces of the United States from the great city of New York; a man born and reared in a traditionally conservative New England home. A good New Englander who believes in fair play, States rights, and the Constitution.

He offered me and the other Members of this body fighting this punitive legislation congratulations and expressed his sincere hope that in the interest of decency and fairplay, and in the interest of national solidarity, this legislation would be rejected. Yes, that was a telephone call from the great city of New York.

I received a letter the other day from Chicago, Ill.; and if I mention the name of the man who wrote it, every single Member of this body would recognize it. He said:

> You are fighting today the battle of the American people of the Midwest, the city of Chicago, and the great State of Illinois, just as much as you are for any other section of America; you are fighting for the Constitution, for the rights of the States, for local government and, yes, individual liberty.

I received one from California; yes from all sections of this great country asking us to stand up and continue to reject this unnecessary legislation which promotes discord and disunity during this time when we need unity as never before in the history of these United States.

We have heard a lot of talk about foreign nations, about foreign peoples, yes, about Russian criticism of race relations in the United States. My distinguished colleague from Florida, BILLY MATTHEWS, very ably answered that argument the other day. I might add only this, that when I visited, some years ago, the great country of Pakistan, the driver of our automobile told me that his wife and children had been burned before his own eyes just a few months before, because of racial prejudice, because of intolerance of one religious creed toward another. He spoke very bitterly of this great chasm that existed between the Hindus and the Moslems. He said that literally thousands of people have been killed in this area of the world because of religious and racial differences.

I went on to Saudi Arabia and there they would not even let the plane land for a long time because they thought we had a little Jewish boy on that airplane. It was tragic to see such prejudice and discrimination. I became more thankful for the United States and our tolerance toward all races and all religions.

Oh, my friends, you talk about racial prejudice, you talk about what is wrong with America; it is high time someone stood on the floor of this House and on the floor of the other body and told the world what is right about America, what has been done in America for racial harmony, for religious tolerance, and for individual liberty. I hope the distinguished Chairman will listen to this. I came on to Israel, Jordan, and Syria. There I was told about the more than 100,000 people who had been killed in that area of the world since World War II because of religious and racial prejudice. Additional thousands wounded, starved, and maimed for life.

Is that the kind of race relations we want in the United States of America? Let us talk about what we have done in America. We have made more real progress in this field than any other nation in the world with a similar problem. Look at South America. Look at South Africa. Hundreds and thousands have been killed in recent years even there. Even in England there have been terrible race riots. Look at what Germany did regarding her religious and racial problem. Oh, yes, they solved it by liquidation. So did the Japanese. So have the Russians. They liquidated the White Russians and the Ukrainians and countless millions more because of race, religion, and class distinction. Red China is carefully, methodically, coldly liquidating minorities this very moment solely on the basis of religion, race, and a belief in individual liberty.

The only place in the world where race relations and tolerance for religious beliefs has improved constantly is the United States. That is, improved, until recently when agitation is becoming the order of the day.

I am glad that I live in the United States of America. I am glad that your country and my country does not solve its religious and racial problems as is being done around the world today. Our country has the finest record of any country in the world concerning racial tolerance and concerning tolerance of religions, various creeds and various beliefs. It is high time that someone stood on the floor of this House and told about what our great country has done and is doing to solve that problem.

Mr. Chairman, you know what Senator William Borah said in that great civil rights debate in 1938 when he was speaking on an antilynching bill. He said:

> Leave it alone. Leave it to the States of the Union. Leave it to the local people who know the problem best, and they will solve it in a very few years.

Mr. Chairman, as lynching decreased in America agitation for Federal legislation increased. I wonder why. I think it was because some pressure groups wanted credit for eliminating this evil, when the credit fell to the local communities, to the States, to the decency and honor of the local people of America, a tribute to local government, a tribute to States rights.

Everything William E. Borah predicted about my section's willingness to solve this problem locally has come true. There are no lynchings in America today. I know of none this year. We should be here praising our States and local communities for the magnificent job they have done. Borah spoke about the poll tax. It has been solved. As to this so-called civil rights legislation we have before us, I say in the words of that great Senator from Idaho, "Leave it alone. Leave it to the people who know it best, the local communities, the States."

I would not dare get on this floor, Mr. Chairman, and advocate legislation telling New York City, the great and wonderful city of New York, how to handle its acute problems. I could not sleep at night, my conscience would bother me if I dared get on this floor and advocate legislation trying to tell the great city of Chicago how to handle local problems, or Detroit, or any other great section of this country. I have faith that the people of the great city and State of New York can handle their own problems better than I can, and I am only hoping that you will be reciprocal, that you will accord us the time and the effort necessary to solve these problems. Give us a deserved compliment for what we have done.

We have made great progress. We are making progress every day and every hour. When we talk about the

opinions and propaganda of foreign nations, let us point out what we have done and what we are doing. As Al Smith said, "Let's look at the record."

I am glad one of our distinguished leaders, the gentleman from Mississippi [Mr. COLMER] pointed out here on the floor of this House the other day the danger in this type of legislation to our good friends the Jews, to our good friends the minority races of this country. Do you know that as long as you have States rights, 50 different State constitutions, more than 3,000 local county and municipal governments, you can never have racial or religious discrimination or racial liquidation on a nationwide basis? But if you consolidate the Government in the hands of a few men, some day the instrumentality you are setting up in this bill, the machinery being created, can and will be turned against the minority races in this country.

So when I stand on the floor of this House I am not only speaking for my section of this country, I am speaking for every single State in the American Union today, and particularly am I speaking for minority races, minority creeds, and minority peoples. I am only trying to safeguard their future. I am only trying to protect them from an all-powerful, ever-growing centralized Federal Government.

Look at the history of the world—look at Rome, look at Ancient Greece—look down through the long corridors of time. There you see liquidation and persecution of peoples taking place when absolute power was in the hands of only a few. The gentleman from Mississippi [Mr. COLMER] mentioned Phillip II of Spain. I might remind you also of Louis XIV, XV, and XVI of France—yes, George II of England—Hitler—Mussolini, Tojo, Lenin, Stalin—all of whom had absolute power in their hands and in the hands of their henchmen. God forbid that that should ever happen to the great 50 States of this American Union. These dictators had to destroy local government and State rights before they could begin persecution and liquidation. No, my friends, we will never have racial or religious persecution in these United States on a nationwide basis as long as we have States rights and free local government. But, it can come and it will come with centralized power just as surely as the night follows the day.

Mr. Chairman, what is the real purpose behind this bill? Some years ago, I studied about Machiavelli of Italy. He advanced a blueprint for power. He expounded the theory of how the few can control the many. Benjamin Kidd in his great book, "The Science of Power," told us how a few men can organize vast dues paying organizations and how, when those organizations are built up, they cannot be stopped and they cannot stop themselves. Do you think for one moment that this will be the last so-called civil rights bill? I want to say to my good friends on the Republican side of the aisle, You know, of course, that it will not be the last one. The Congress passed and the President signed one into law just a little over 2 years ago. Now, it is up again. It will be up again 2 years from now and again 4 years from now—and another and another and another will be up every election year. You know it and I know it. It will be forced upon this House and upon the other body by these masters of the art of the science of power. They are the ones who walk into the Democratic National Convention before the platform committee and, yes, my friends, before the platform committee of the Republican Party as well, and they are the ones who demand the so-called civil rights plank. They go there with tremendous political slush funds. They represent vast dues paying organizations whom they can control. These pressure groups are the opposite of real civil rights. They believe in dues collected by strong-arm tactics, bloc voters and rigged elections. Theirs is a blueprint for power—complete subjugation of the majority. This is the road to ruin and dictatorship. Yes, Mr. Chairman, and eventual liquidation of minority races and creeds. My friends, let us reject before it is too late, this punitive, unnecessary, un-American legislation.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. DORN] has expired.

Mr. WILLIS. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, we have now about reached the stage where we are going to attempt to write on the floor of this House the most complicated civil rights bill that has ever been proposed in this body. And there has been a lot of them proposed.

I took occasion to get out all the civil rights bills that have been proposed. You have pending in this House now, in various committees, all of these bills. Fifty-three separate and distinct civil rights bills. That is a good start. But if you will look back into the index of the United States Code, you will find that you already have on the books 53 separate civil rights laws.

Of course the election comes every 2 years, and we have to have one or two or three or four every 2 years. The question is now what sort of civil rights bill you are going to have, and not what is going to be in the bill. Nobody cares about that. The real lowdown on this bill is the question of which political party is going to get credit for passing a "civil rights" bill with that tag on it. My Republican friends think they are going to get it. My Democratic friends, civil rights friends, think they are going to get the credit. That is the real issue before us.

Now we have two approaches to this subject. There was a Democratic bill introduced by the gentleman from New York [Mr. CELLER], a very small, easy, short bill that really did the trick. This was the bill recommended by the Civil Rights Commission. It you want a voting bill, you have got it in the Celler bill. There are eight little simple sentences. What it says is that if somebody else has been denied the right to vote and he writes a letter in the form of an affidavit to the President, the President refers it to the Attorney General, and if he can get as many as nine letters then the ball begins to roll. Then the President calls in somebody from some outside State and he says, "Now you go down there. You are my registrar. You go down into Dixieland, and you get hold of all the people down there, whether they have ever made application, and you register them. If anybody says anything to you about it, you tell them to remember Little Rock.

"If those election officials down there do not let him vote, throw them in the jailhouse and throw away the key."

Now, is not that a simple proposition? Just eight sentences. No court proceedings, and no technicalities.

Do you know what has happened? These Republicans were thinking about this. A month ago you were abusing them because they would not sign a discharge petition on the desk here. All the time you were hollering they were thinking. They looked pretty thin over there, pretty raggedy and pretty hungry; and when they get hungry, that is the time to look out for them. That is when they are dangerous.

So they figured up their own civil rights bill, and that is what I want to talk about, because that is the whole issue in this situation. They fixed up their Republican civil rights bill, drawn by the Attorney General, introduced by the ranking member of the Committee on the Judiciary, the gentleman from Ohio [Mr. MCCULLOCH], and that became the great bill. Do the Democrats press their nice little easy bill? No. They go to the Republican bill. See what has happened. You boys over here on the Democratic side thought you were going to get so much gain by this civil rights bill, but when the chips were down, you threw your Democratic bill into the wastebasket, and you are married to the Republican bill. And from here on in this House, and in the other body, what you are going to pass is going to be the Republican bill. It is not going to be any Democratic bill; the Republicans are going to get the credit for it. All you fellows are going to do is just tag along behind the Republicans just for the ride. Now, that is a fact, and you all know it.

I was interested in the speech made by my good friend, the gentleman from California [Mr. ROOSEVELT]. When there is a boobytrap hatching he knows how to find it. He spoke on the floor the other day and said in a little more polite terms what I am saying now; and he referred back to the Celler bill, the Democratic bill, and that is what he wanted. He pointed out how complicated this Republican bill is that you all are tagging along behind. He saw the boobytrap, and he warned you last Friday. And he ought to know; he got his political training under the greatest political genius this country has known in a long time, and he can smell a boobytrap a mile away, and he smelt this one.

Oh, you are going along; there is no use talking about it; you are tagging along behind the Republicans. Of course, we have had two McCulloch bills. The first one was so bad that they had to write another one. I do not know but

what there may be a third one now being written, and a couple of days from now you fellows over here will be told what it is going to be, maybe tomorrow you will be told what you are going to vote for. I want to talk to you about that bill because that is the thing you boys are going to tag along behind.

Mr. HOFFMAN of Michigan. A coalition.

Mr. SMITH of Virginia. Did somebody say "coalition"? This is a coalition between the liberal civil rights Democrats and the old reactionary Republicans. However, I have but a short time remaining and now I want to discuss this bill, this McCulloch Republican bill that you boys are going to vote for. I do not know how many of you have read it but you all ought to know what it does.

In the first place this bill is turned over to the Judiciary Committee with the assistance, of course, of the Republican Attorney General. It is all going to be in Republican hands; you are not going to have anything to do with it, because you are going to vote for it and pass it. Here is how the McCulloch bill will work: When the judge finds that one person has been discriminated against, then the Attorney General will investigate the subject; and if he finds that there is what he thinks is a pattern of discrimination he reports to the court and the court then undertakes to determine the question of whether there is a pattern of discrimination in a certain area. There is nothing in that bill that tells you what that pattern consists of. It may consist of 1 person; it may consist of 10 persons; it may consist of a hundred persons; it may be influenced by newspaper reports; there are no ground rules, no rules laid down for its determination at all; it is left in the hands of the judge.

Then the judge decides that there is a pattern down there in that part of the country; and after he decides that there is a pattern of discrimination do you know what it says? Then there is a conclusive presumption that every colored person of voting age, whether they want to vote or not, have been discriminated against on account of their race and color. The authorities in the State are given no opportunity on that question of a pattern.

It is left entirely in the hands of the Federal judge. That is all for that.

After we get that conclusive presumption that there is a pattern of prejudice and a pattern of discrimination, then the judge appoints a referee or a dozen referees, or as many referees as he wants to appoint. The referee is the fellow who sees the voter, he is the fellow who determines whether the voter is to be registered or not.

Do you know how he determines that? The complaining person who wants to vote goes before the referee and the referee has what he calls an ex parte determination of the facts of that case. Do you know what "ex parte" means? All the lawyers do. It means that the State is denied, if you please, any opportunity to come in and say, "No; this man is not telling the truth about this thing."

Are you going to vote for a bill that denies the right to be heard? Are you going to vote for a bill that hears only one side of a case? Of course, you are going to vote for it. Whatever the Republicans hand you, you are going to vote for. You know that and I know that. But I want you to know what you are voting for before you do it.

You see, Mr. Chairman, the judge has already presumed that there is an area of discrimination where the State cannot be heard to prove anything about it. That is a conclusive presumption. All they have to do is prove that the fellow has asked for an opportunity to vote and that he has been refused that opportunity. But the election official is not permitted to come in and say: "No; I never saw that man before. He lives in Baltimore, he has never lived here a day in his life, and he is not qualified to vote."

You cannot say that because this is an ex parte proceeding.

This is a kangaroo court, if you please. Now, after that is done, after the kangaroo court part of it is over and a report is made back to the judge saying that A, B, C, D, E, F, all the way down the alphabet, are entitled to vote, it is provided then in order to give some semblance of judicial procedure to it, it is provided, and only then provided, that the attorney general of the State may be heard. But this is at the end when there has been a conclusive presumption, when there has been a one-sided hearing. Then it comes back and the attorney general is permitted to come in and say, "Mr. Judge, I do not think you ought to do this in my State."

Do you know what happens after the judge says he has the right to vote? He gives him a certificate or tells the referee to give him a certificate. If a State official bats an eye and does not permit this man who may be living in Baltimore to vote, he is called up for contempt of court. You do not have to have any trial about whether he is guilty or not. He is guilty, and the question is how long the judge is going to put him in jail. Is he entitled to a jury trial or tried on whether he did or did not do the thing? The Constitution says he has the right to a jury trial, but when you get down there in the Department of Justice and something needs to be done they do not worry about the Constitution, and I say that advisedly.

There he is in the jailhouse. He has never had an opportunity to have his case tried before a jury. That is the situation as it exists in this bill.

There are other things in this bill I could talk about but I do not have time to go over all of them.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Louisiana.

Mr. WILLIS. I might suggest to the gentleman he may want to mention the sending of Federal agents or marshals into districts on election day.

Mr. SMITH of Virginia. Oh, yes.

Now, you know, there was a big argument about Congressman CELLER'S registrar plan, because it provided that they should be from another State, and we called them carpetbaggers. Now, these registrars are sent down there, and it does not say where they shall come from. That is another gimmick in it. They may be from Alaska or New York or somewhere else, wherever the judge chooses to get them from. And, you may have a judge from out of your district. I believe from North Dakota they had a judge in Little Rock that made a lot of trouble. You can send a judge in there from another State.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WILLIS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SMITH of Virginia. Now, this thing that the gentleman from Louisiana, who knows this bill forward and backward, raises about sending the referee in, after the referee, as they call it, has been appointed and he is reporting and the judge says these people are entitled to vote, then this referee and as many more as the court chooses to appoint shall go down into your polling place, look over the shoulders of the judges of election, help to count the ballots and see that this man's vote is not only put in the box but is counted. The secret of the ballot is completely ignored and destroyed. Of course, I do not know what you will do with voting machines, but that is the kind of mess of catfish you have got to vote for. I feel sort of sorry for you, because I love you all. Collectively you are awfully rough on me at times, but personally I love all of you, and I feel sorry for you to have gotten yourself in this jam and just walked boldly and unseeingly right into the middle of this Republican booby-trap. And, that is what you are going to get.

In conclusion, let me pose to you a serious question. It is said that most of the Members of this body consist of members of the bar, lawyers; lawyers who are supposed to know the law, who are supposed to know the Constitution, who are supposed to know proper judicial procedure and the rules of evidence and rules of procedure, and do know it, because you gentlemen who are lawyers would not be here if you were not good lawyers. I just want to ask you this question in conclusion, and I ask it of you in all seriousness, and I ask it of the Republicans over there who have got a lot of good lawyers, too, and I want to ask you all on your conscience, as Members of this body, can you swallow this unprecedented, untried, unknown, unconstitutional, and unholy mess of confusion?

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Chairman, several months ago we were debating the rights of union members to vote. I recall that many of my friends in this Chamber vociferously reminded us that the basic voting rights of even such a small minority of our citizenry must be strongly defended by proper legislation. It saddens me to note how still, how muffled these once strong voices in behalf of basic human rights have become.

Today—a year later—they qualify the cause they nobly espoused but a few months earlier. Today, the voices which once spoke uncompromisingly for freedom tell us that, after all, only a handful of colored citizens have been disenfranchised and surely this situation can be remedied without strong corrective legislation by this House.

But last year we were told that the vices of even a handful of labor leaders must be curbed by congressional action.

Furthermore, I recall that last year when my committee was discussing labor reform legislation many of my distinguished colleagues were quick to point out that organized labor could not be trusted to clean its own house. But, today, in the matter before the House, they assure us that legislation is unnecessary. We are told that the abuses visited upon some of our citizens as they attempted to exercise their voting rights will be corrected by the various States and communities which perpetrated such abuses and they will succeed where labor was bound to fail.

If it is important that a union man be assured of the right to vote in his union elections, is it not even more urgent that a citizen of our great Nation be assured the right to select his representative in government? This is a curious situation, indeed, when those who proclaimed their great interest in the voting rights of a few union men now muffle their minds and search for hollow excuses to explain their somewhat lessened fervor in behalf of a larger minority of our population that seeks to participate in a far greater political institution.

Here we are my friends less than a year later engaged once again in the highest endeavor of this great Legislature. We are here to uphold and defend the most cherished prize of our Republic—the right to vote.

The Civil Rights Commission, gentlemen, has done its job of developing the facts and presenting to the Congress the information it needs to legislate. The burden of such responsibility for enacting adequate laws now rests squarely and heavily upon the Congress. Millions of citizens and friends of our great democracy all over the world are hoping and praying that Congress will have the intestinal fortitude and political courage to do its duty and pass effective laws to end the abuses which the Civil Rights Commission has exposed.

Mr. Chairman, when I say effective laws I do not refer to the administration's referee proposal—this does nothing more than offer the Negro a right he already has; namely, the right to go to court. I would like my colleagues who are friends of the administration to show the spirit, the interest, the fervor which they displayed in dealing with labor unions and join us in a meaningful civil rights bill. Effective legislation, Mr. Chairman, will assure our Negro citizens, not of a right which he already exercises but of the right to vote which he is being denied. I hope that those who last year so strongly sought measures to deal with labor union abuses will, this year, shake off their sudden lethargy and adopt the effective legislation that will do the job.

I would agree with my Republican friends that the appointment of a master or voting referee is proper where the problem is to deal with occasional cases of discrimination. But please understand, gentlemen, that is not the situation with which we are confronted.

The problem here is to investigate widespread discrimination, extending on a mass scale throughout 10 or more States; to remedy such discrimination; and then to supervise the situation for a sustained period of time. The job can be done effectively—if effectiveness is what you really want—only by the executive branch of the Government.

The task which a substitute Federal system will be called upon to perform is a large one. As the report of the Civil Rights Commission pointed out, the total number of Negroes registered in the South was 1.2 million in 1956, out of nearly 5 million Negroes of voting age in that region in 1950. This constitutes about 25 percent, as compared with a 60-percent registration of southern whites of voting age. If the percentage of Negroes allowed to register were brought up to the white percentage, this would mean a registration of 1.8 million additional persons. Even if the percentage of Negroes registering was considerably less than this—say only a 10-percent increase in those of voting age—there would still be 500,000 to register. This is a substantial administrative task. It will require legal and administrative personnel, space and equipment, recordkeeping, supervision, and coordination. The judiciary is not prepared or equipped to perform a job of this sort.

The fact must be faced, gentlemen. The Attorney General's proposal is geared to provide Federal registration only in a very small number of election districts. The administration proposal makes necessary a full-scale judicial proceeding, including proof of discrimination in each election district before the Federal system of registration becomes operative at all.

And even if the system of judicial registration were practical—and it is not—it would be most unwise to burden the Federal judiciary with this task. Among other reasons, the courts have enough to do now in the enforcement of segregation decisions. The administration is adding immeasurably to the judiciary's workload without providing the means to handle it. The result will be procrastination and delay and no progress for our Negro citizens. Responsibility for the strictly executive function of voter registration must be assumed by the Executive, with the courts performing their usual function of judicial review in those occasional cases where a doubtful issue of law emerges.

The method in which the decision is made to employ Federal registrars must provide a simple, rapid procedure which will not become entangled in the complex adjudication of individual cases or otherwise enmeshed in the intricacies and delays of administrative or judicial litigation.

In the Attorney General's plan, the appointment of "referees" would hinge not on the completion of an administrative proceeding plus limited judicial review, but upon a more formalized and protracted judicial proceeding. And this barrier to a speedy and, therefore, meaningful determination might be compounded if the States were to adopt annual or biennial registration laws, thus requiring a court hearing and referee appointment to be made over again in each case for each election.

What is needed, therefore, is a procedure for making an initial determination to appoint Federal registrars which does not depend on formal proof of the facts in each individual case and which can be insulated from legal issues that can be endlessly litigated before the Commission and the courts. Remember, gentlemen, we must consider the possibility that the Federal election system may be asked to register more than 500,000 eligible Negro citizens—possibly as much as 1.8 million.

There is no way of accomplishing this task except by delegating to the President the authority to appoint a registrar in any election district where he has reason to believe that citizens are being denied registration on account of race, religion, color or national origin. Such a procedure would eliminate all quasi-judicial and judicial adjudication at the registration stage.

In broad outline, legislation to establish an effective system of Federal registrars should provide that:

First. The power to appoint Federal registrars should be assigned to the executive, not to the judicial branch of the Federal Government.

Second. The President should be empowered to appoint a Federal registrar in any election district where he has reason to believe that citizens are being denied registration on account of race, religion, color or national origin.

Third. Once a Federal registrar has been appointed for any election district, all persons in that district who are members of the category—of race, religion, color or national origin—that the President has reason to believe are being discriminated against, as stated in his designation, should be eligible to apply to the Federal registrar for registration.

Fourth. Provision should be made for adequate staffing and appropriations. The Civil Rights Commission can be given authority to assist the President in the administration of the Federal registrar system.

Fifth. Criminal provisions should be included, making it a misdemeanor wilfully to interfere by violence, intimidation, economic reprisal, or threats, thereof, with persons seeking to petition for appointment of a Federal registrar or seeking to register with the Federal registrar, or by similar means to otherwise interfere with the Federal registration process, or to deny an individual registered under the act the right to vote or to have his vote counted for any candidate for Federal office.

Sixth. Civil provisions should be included permitting the Attorney General or private persons to secure civil relief, through damages, injunction or other equitable remedy, against persons interfering with the Federal registration process or seeking to deny the right to vote

or have the vote counted of any person registered by the Federal registrar.

Seventh. A saving clause should be included making clear that the above enforcement provisions do not repeal or amend any other provision of law already in existence.

The right to vote, gentlemen, is the cornerstone of our form of government. I am one who believes that this Congress has no higher obligation than to insure that right for all citizens of this great Republic. I urge you, my friends, and particularly those of you who spoke so brilliantly in behalf of Democratic rights but a few months ago to seriously consider this problem of the Negro's voting rights.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, since coming to Congress I have endeavored to work for far-reaching civil rights legislation. For most of that period—last year and this—our first concern has been to bring a basic bill to the floor for a vote. All of a sudden, passage is no longer the problem at all. Instead, we must now direct our attention to perfection of the legislation which is almost certainly going to pass.

In listening to the gentleman from Mississippi [Mr. COLMER] last Thursday, in his statement of views which differ so very greatly from my own, I noted a tacit recognition of the fact that civil rights legislation is going to pass when he said:

> It should be distinctly understood as these proposals are considered by this body that there is a general understanding, if not agreement, that the bill that is passed by this House is going to become the law.

There is a mood of calm and matter-of-fact assurance in the House as this debate on civil rights continues.

I, for one, am distressed simply because the basic bill which appears to be headed for joint House-Senate approval is not satisfactory in its present form. While this is, as far as it goes, a good enough bill, it could well end up being little more than an ineffective, political package—one which, simply by its passage, ties up the matter for this year and several more years to come and gets this business out of the way.

We were much closer to a more vital measure with the gentleman from New York's [Mr. CELLER'S] original bill, H.R. 3147, for that legislation included three titles which did not consequently survive the full committee's deliberations.

I have particular reference to that title which would have authorized the U.S. Attorney General to initiate civil injunctive proceedings and to seek civil injunctive relief so as to guarantee civil rights without abiding the exhaustion of State or administrative remedies. Testifying in support of H.R. 3147 at House subcommittee hearings in April of last year, I expressed the opinion that the kind of enforcement of rights that this title would provide is of first importance because the clear fact is that enforcement does not occur in a consistent manner and to the same degree in all areas when the burden is left to the private citizen alone.

I cited then and want to refer again to the new Fair Employment Practices Act passed in California in 1959. That law provides for this very kind of enforcement by governmental agency in the State of California in the areas to which it applies. Its passage by the California State Legislature, speaking for the citizens of the State, makes it clear that we realize that enforcement of civil rights legislation cannot be left to private citizens alone.

The people of the State of California, I am certain, also recognize the need for this same kind of enforcement clause in Federal civil rights legislation. It is usually with dimay that we find, in looking at the national scene, that other States argue that private citizens should bear the burden of enforcing the Constitution and then proceed to write local laws and establish local administrative procedures which freeze existing discriminatory practices and pose new problems for any individual who might attempt to seek such enforcement. I might add that a list of these discriminatory laws and policies appeared in the CONGRESSIONAL RECORD of February 10, 1958, having been submitted on that date by Senator DOUGLAS of Illinois.

In the committee's action following those hearings last April, this title was dropped from the civil rights bill which we now have before us. Then, last Thursday, in the other body, there was another opportunity for this vital legislation to be approved, which action would certainly have spurred chances for its inclusion in this bill. Unfortunately, the so-called title III provision was sidetracked again.

The last opportunity for passage of this title and real strengthening of the civil rights bill lies with this body. To allow that last change to go by the board will be settling for the lesser bill. Title III legislation has been explored and debated for sufficient number of years and has had, in prior sessions, the support of the administration. This is a suitable time for final passage.

I urge that title III and other titles of H.R. 3147 be reinstated and, in addition, I urge that a provision for administrative guarantees of registration of all qualified voters be added to the bill so that it will be, in fact, a substantial measure.

Anyone who may be in doubt as to the need for new guarantees that voters shall be registered will resolve those doubts simply by reading the transcript of U.S. Civil Rights Commission hearings held in Montgomery, Ala., in December of 1958 and January of 1959. At that time witness after witness, including professors and instructors from the Tuskegee Institute in Tuskegee, Ala., outlined their experiences in repeated but unsuccessful attempts to register to vote.

The substance of the experience of each of these witnesses was that they had paid their poll taxes, had waited in line for 1 and 2 days in order to reach the desk where they were to fill out registration forms and had filled out such forms. They testified, time and time again, that after following through this unnecessarily lengthy process they had never been registered—that is, had never received notification that their applications were approved, or, for that matter, disapproved. They never heard another thing as a result of their efforts to register to vote.

This can only be construed as flagrant denial of the rights of American citizens, nothing less. The record is both clear and irrefutable.

On this score I urge passage of a provision like that authored by Senator HENNINGS which will achieve immediate results in correcting administrative processes, rather than throw the matter into litigation. It is our obligation to provide administrative remedy in the face of the fact of systematic disenfranchisement like that revealed in the Civil Rights Commission hearings.

Mr. Chairman, I take it that a civil rights bill is in the process of being passed here now because many, many Americans share at least this one belief: that Negroes are fellow human beings and fellow citizens who, as a group, are equal in terms of intelligence, skill, talent, and all other human characteristics insofar as they have equal opportunity to develop those characteristics. Others who do not put forth this point, at least find it impossible to deny. The scientific fact has had that widespread effect because of universal education.

I am frequently disturbed that we of the North and West are so bady understood by our colleagues from the South. We of the North and West have developed a way of life—institutions, mores, and social customs—based on this belief. It is, indeed, imperfectly understood, as is evidenced in occasional outbreaks of violence and bad feeling, but, nevertheless, it is a belief that we have lived with for a long time and one that will not be changed.

May I say also that the imperfect nature of our northern and western way of life is probably best evidenced by the wide, wide variety of local effort to improve guarantees of civil rights. The new California Fair Employment Practices Act, legislation which parallels similar laws in other Northern and Western States, is a case in point. In the city of Berkeley, Calif., in the Seventh Congressional District which I represent here in Congress, the University of California which is located there has just recently found it necessary to make new policy to prevent discrimination in housing of its students by individual landlords in the neighborhood. On another level, there is work being done in Berkeley to change that kind of segregation in the public schools which results from the housing pattern and construction of one school in an area where it will serve just white students and another in the heart of the Negro community.

The heart of the matter, I suppose, is that we are all face to face with the fact that a dark skin is just a dark skin, nothing more and nothing less. The color of the skin of many of our fellow citizens identifies them only as dark-skinned Americans.

Finally, we do not regard the South as much different from the rest of us, certainly not as a Balkanized section of the Nation. In that, we think of southern, northern, and western citizens alike as American citizens.

I believe this is why we are in the process of passing civil rights legislation. I would only submit that we should see to it that this is good, far-reaching and substantial legislation, while we are at it.

I urge your support for all strengthening amendments.

Mr. CELLER. Mr. Chairman, I have no more requests for time.

Mr. McCULLOCH. Mr. Chairman, I have no more requests for time.

The CHAIRMAN. Under the rule, the bill is considered as having been read, and the bill is open to amendment at any point.

Mr. WILLIS. Will the Chair please withhold that? I have reserved some time for the last person to speak on our side.

The CHAIRMAN. The gentleman from Louisiana has 6 minutes left, if he cares to yield it.

Mr. WILLIS. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi [Mr. COLMER].

Mr. CELLER. How much time do I have left, Mr. Chairman?

The CHAIRMAN. The gentleman from New York has 15 minutes remaining.

Mr. CELLER. I have now a request for time, but I suggest the gentleman from Louisiana go ahead. I will not yield the balance of my time at this moment.

Mr. WILLIS. I think as opponents of the bill we are entitled to close.

The CHAIRMAN. The Chair will state that the gentleman from New York has 15 minutes remaining, the gentleman from Louisiana 6 minutes, and the gentleman from Ohio 4 hours and 31 minutes.

The Chair recognizes the gentleman from New York.

Mr. WILLIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. It is generally regarded that on this side we are trying to sustain our end from the point of view of opposition. It seems to me that the opposition always has the right to close debate. I was unaware after I yielded time to the gentleman from Mississippi that other time was going to be yielded.

The CHAIRMAN. There is no rule to that effect.

The gentleman from New York.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio.

Mr. McCULLOCH. In view of the great deal of time remaining allotted to this side, we would be very pleased to yield any reasonable amount of time to anyone of the opposition who wishes to speak on this matter of importance.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DIGGS].

Mr. DIGGS. Mr. Chairman, it occurs to me as a member of the House Foreign Affairs Committee that we in Congress have a responsibility for setting the pattern which all men must take who wish to achieve the ideals of freedom. The ridiculous and senseless demonstration of racism being perpetrated by opponents of the pending bill in face of the growing African bloc and under the keen eye of observers of all other nonwhite nations in the United Nations has focused the eyes of the world upon us. The aspirations of the nonwhite people of the world for franchisement and freedom lays us open to suspicion because we are not practicing what we preach. This lowering of our prestige in the international arena assists and gives aid and comfort to the Soviets who would make us a second-class power as the Negro is made a second-class citizen.

March 10, as the House undertook its first day of debate on civil rights, the Communist Party newspaper Pravda devoted more than a column to the U.S. Senate filibuster and comments regarding wrongs inflicted on Negroes in the United States. The article was accompanied by a photograph of Felton Turner, the Negro youth, who was seized by white men in Houston, Tex., who carved Ku Klux Klan initials on his chest. The Moscow radio carried the Turner story.

On the same day in Addis Ababa, Ethiopia, the Reverend Dr. Billy Graham was asked at a news conference for his reaction to the Turner incident. He said:

> Such horrible acts are a stumbling block in the Christian world, are detestable and should be forthrightly condemned by all Christians.

The current issue of Time magazine, which pictures Kenya's dynamic labor leader, Tom Mboya, on its cover quotes him as saying "one man, one vote; on a common rollcall." We here might well, I would think, take a leaf out of his notebook in that the American way of life as it is caricatured in the world press indicates that the denial of freedom, and first-class citizenship, and human dignity, and the right to live, and work, and worship, without regard to race, creed or national origin threatens not only the southern way of life, but the entire way of life our forefathers fought for, bled for, suffered for, and died for. We must destroy the international image of the ugly American. To free men over the world and peoples struggling for freedom the world over, the American is not living up to the democratic ideology. Nonwhite aspirants for freedom, and free men everywhere see us as a "white democracy" and as novelist, Lillian Smith, of the South, points out "of this they have had enough."

If we set an example of sympathy with people similarly encumbered, we will be well on our way to improved international relations.

One issue above all others in the broad field of civil rights strips the issue we are debating to its bone—the issue of voting rights. The right to vote is the keystone of our democratic freedom. It decides whether we are to be free men or Communist slaves. The right to vote is inseparable from democratic principles.

It is being contended in the debates which have been going on that there is no need for Congress to act upon voting issues. No one can in good faith deny the widespread inequities and procrastination in delivering the right to participate in representative government—a right now denied millions of our citizens. The Federal Civil Rights Commission, whose membership was comprised of three southern men of good faith, documented proof of violations in its 1959 report. The southern press has almost unanimously admitted the need to clean house on voting. Positive proofs are available which establish that only about 25 percent of the Negro voting age population is registered to vote in the South as a whole. Mississippi, the State with the highest Negro population, has the fewest Negro voters in the South. According to best reports, in 30 Mississippi counties in which Negro population is over 50 percent, not more than 4,700 Negroes, or 4 percent of the 1950 voting age population are registered and vote. Half of Mississippi's 82 counties had in 1955 less than 1 percent of Negroes of voting age registered. The Civil Rights Commission report documents that in Forest County, Miss., with a 7,406, 29 percent Negro population, 16 Negroes are registered to vote and 1 Negro citizen tried 16 times to register and was refused.

Twelve Alabama counties have Negro populations over 50 percent, voters 4 percent.

North Carolina in 21 counties, with over 50 percent nonwhite population, in 1956 had 9 percent of the Negro population of voting age registered.

Virginia, in 16 counties with populations over 50 percent Negro, had a median percentage of 22.7 for registered Negro voters.

Twenty-one of forty-six counties in South Carolina, with Negro populations over 50 percent, median percentage Negro voters 10.7.

Forty Georgia counties, population 50 percent or more, median percentage 11.3.

Two Florida counties over 50 percent Negro population—in one, Negroes comprise less than 1 percent of the registered voters; in the other 12.4.

In Haywood County, Tenn., Negroes, constituting 61 percent of the population, have not been permitted to register and vote for 50 years, while owning more land and paying more taxes than white persons.

In at least 29 counties of 8 Southern States, not one single Negro is registered to vote, while constituting populations ranging from 7 percent of the total to 82 percent.

Not only are Negroes deterred from registering by a flagrant misuse of the law itself, but by even more formidable methods such as fear of bodily harm, loss of jobs, intimidation, and economic reprisal.

The accusation is made that Congress need not act on the voting rights issue because there are laws for voting and it

is the apathy and indifference of Negroes which accounts for such statistics as we have just read. Of course, there is some element of apathy in the total voting picture among all peoples. Of course, there is among Negroes some element of apathy, for lack of a better word, which has developed over the years because the Negro citizen has been in a sense brainwashed into the feeling that voting is for white people only.

But it is not apathy that a man tries to register 16 times as was the case in Forest County, Miss. We cannot seriously contend apathy is the cause for unregistered Negro voters in the face of such facts as in LeFlore County, Miss., where a Negro who presented himself to register was directed to an army recruiting office.

That in Terrell County, Ga., a teacher was denied the right to vote because he mispronounced the words "equity" and "original."

That as late as February 29, this year, James G. Raines, chairman of the voter registration board and chief registrar of Terrell County, Dawson, Ga., announced for press publication—New York Times—that the county would continue registering Negroes under a State law that disqualifies most of them, despite a Supreme Court ruling on that day ordering reinstatement of suit against voting registrars of that county for denying the right of vote to Negro citizens.

No; the fact that Negroes persist in the effort to register despite these intolerable deliberately erected obstacles, cannot be characterized as "apathy." It cannot be ascribed to apathy that the Civil Rights Commission report records that among 33 Negro witnesses who testified that they had not been allowed to register and vote in Tuskegee, Ala., 10 were college graduates, 6 of whom held doctorate degrees. Only 7 of the 33 had not completed high school; all were literate. Most were property owners and taxpayers. Some had voted in other States. Among them were war veterans, including two who had been decorated, respectively, with four and five Bronze Battle Stars.

I give first priority to legislation which would effect and enforce voting rights, so urgent is the need for complete franchisement of the Negro. I could accept the States rights concept of government and support the idea of not invoking Federal intervention if I could be assured that the majority would respect the inalienable rights of the minority. But presently there is no such assurance. Once Negroes have and exercise the right to vote, other discriminatory practices will eventually cease. The fact that it took many State advisory committees to the Federal Civil Rights Commission so interminably long to get started on their responsibility of studying whatever civil rights problems seemed to them important within their areas and reporting their findings and recommendations to the Commission, is a reflection upon the desires of people in these localities to even make an attempt to get a proper analysis of the conditions existing in their States. We had a recent example of the questionable interest in resolving this problem in Virginia. The Virginia State Senate Committee on Privileges and Elections just last Thursday killed a joint resolution to create a commission for the study and improvement of intergroup human relations. The Governor would have appointed a nine member commission, cutting across racial and religious lines, to make the study.

In the sanctuary of white supremist thinking exists the idea that freeing the Negro to register and vote would result in Negro bloc voting. This is a myth, for statistics will support the fact that Negroes vote—where they are free to vote—in the general stream of political thinking and in accordance with the needs and desires of all people, as these needs are reflected in the ballot boxes.

Roy Wilkins, national executive secretary, NAACP, has said:

> NAACP aim is not to register more Negroes than whites, but to insist and aid in widest possible voting participation—white and black.
>
> Southerners do not have to worry about Negro bloc voting except against candidates and party platforms which are anti-Negro.

The right to vote is the key to relief of racial tensions.

It is a sure way to reduce tensions in areas where Negroes cannot vote.

The vote is the most potent weapon and greatest deterrent to tension and violence because it puts everyone on an equal level.

There is an untapped reservoir of good will in the southern area, of people whose voices are inaudible above the din of white supremists and racists who run the local governments.

An editorial by Julius Duscha in the Washington Post—March 11—states that:

> The voice of the moderate still is seldom heard in the South. In the privacy of their living rooms southern moderates maintain they are in the majority, even in the Deep South.
>
> But the moderates are fearful for economic, social, and political reasons to make themselves heard beyond the confines of their comfortable home.
>
> The result is that, during such periods of crises as the current wave of sitdown demonstrations, only the views of the extreme segregationists and militant Negro leaders appear in newspapers or are heard on radio and television. Examples of foreclosed mortgages; loans that suddenly come due within a day; ostracism, business boycotts, and other reprisals against persons who speak up for sanity in the South are cited by moderates as reasons enough for keeping their peace. * * * The intimidation of the moderates by leather-lunged segregationists can be as terrifying as it is tragic.

Once voters get rights, they aline themselves with moderates to bring about sanity and reason and perhaps—finally—a solution.

Many Southern Members of Congress do not believe in, but espouse the cause of a rapidly diminishing minority of their constituents, somehow fatalistically determined to play out the string of bigotry and intolerance. The private views of these men do not coincide with extremist views they too often mouth. These people would demonstrate justice if they dared. Indeed their other voting records show keen insight and understanding of the problems of the people.

Northern influences in the South support tradition because of vested interests and economic benefits derived, but these same influences make pious pronouncements in the North, while at the same time acting as back-door financiers of the southern area and tradition.

These factions acting in concert form the unholy, unhealthy alliance and coalition which would undermine self-government in our land and turn a deaf ear to freedom.

A rising tide of protest among young people betokens the fact that America has to face up to the changing pattern and that the young Negro in particular wants now to join the human race.

But this generation of young people is not willing to be either as tolerant or as patient and long suffering as its forebears.

Demonstrations of massive insistence currently gaining momentum in some of our Southern States, indexes that intelligent young Negroes are on the march for freedom.

The Reverend F. L. Shuttleworth, of Alabama, calls the sit-ins healthy for a sick democracy.

This unanimity and solidarity of purpose of young Negro—and white—students is an amazing aspect; and it supported by masses of Negroes and many professionals. Informed sources believe that frustrations in these efforts of protest will no doubt lead to attacks on segregation in other areas. Their devotion to nonviolence is a credit to them indeed. Moreover a history of underprivileged status and servitude has unalterably equipped the Negro for resistance which is peaceful and tolerant.

The sit-in demonstrations are getting wide coverage in the world press, especially Europe, Africa, Asia, and the Communist nations.

In Vienna, a daily paper, friendly to the United States, published a front-page criticism of American racial discrimination along with a cartoon depicting a gorillalike southern white refusing service to a Negro girl. The cartoon was captioned "That Is a Free Country?"

Mr. WILLIS. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi [Mr. COLMER].

The CHAIRMAN. The gentleman from Mississippi is recognized for 6 minutes.

Mr. COLMER. Mr. Chairman, I made the general remarks I had in mind on this bill during consideration of the rule. I have the rare privilege of being a member of that committee and to have had this rule in charge. Therefore I got time to discuss the bill. Others were not so fortunate. In these few minutes, however, I want to talk to you not about what has happened but about what is going to happen from here on out. The Committee on Rules granted 15 hours of general debate recognizing, as it did,

the very far-reaching proposals that were to be considered, that would strike at the very foundation stones of American Government, traditions, and institutions. But when we get into the debate, the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. MCCULLOCH] suddenly tell us that the 15 hours has been cut down to some 6 or 7, notwithstanding the fact there were many Members of this House who had thoughts, convictions, argument, and logic they desired to present to this House. They desired to point out the evils of the proposals. But the old steamroller began to operate, and the already limited opportunities for consideration are further curtailed.

If that were not bad enough, the gentleman from New York, the great advocate of civil rights, gives out to the public a statement that the opposition to this legislation has crumbled, that it has folded up, that we have just made up our minds that we are going to endure it. While the other body has been discussing these proposals for 30 days, the disposition here is to cut it off without even the number of hours provided for in the rule, which was 15. If that is the manner in which we are proceeding here in the consideration of general debate I am wondering what is going to happen when we get to considering the bill under the 5-minute rule, when far-reaching amendments are offered.

Think of it. Five minutes to discuss a matter that goes to the very foundation of the Republic, our system of State sovereignty.

But mark ye my words, you will not be able to get that 5 minutes either, that many of you would desire, because the old machine will get into play again and the time will be limited. We have had some 6 or 7 hours of what even the liberal boys have said was high-class debate. We did not use the time with quorum calls, reading the Journal, and all of these things that might have been done because we recognize in the final analysis the other body has the only weapon that can be used to long delay or defeat bad legislative proposals. But we have tried to keep this thing on a high plane. When you are considering these amendments tell us, are you going to put the machine into operation again and cut off debate, or are you going to give an opportunity for reason, logic, and saneness to be considered?

Mr. Chairman, as I say, we have tried to keep this on a high plane. Why, the distinguished gentleman from Virginia, one of the most able, one of the soundest men, one of the greatest legislators in all of the Congress, in both Houses, could get only a mere 15 or 16 minutes here in general debate to discuss this monumental monstrosity that is about to be enacted into law. The gentleman from Virginia pointed out something to you of a political nature as to what is happening. I rather agree with the gentleman from Virginia and, since it is a political proposition, why did you liberal Democrats not stay with the old carpetbag proposal of the gentleman from New York [Mr. CELLER]? Why did you run off and chase after the Attorney General?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MCCULLOCH. Mr. Chairman, I yield the gentleman from Mississippi 5 additional minutes.

Mr. COLMER. I thank the gentleman.

As I said, I have pretty well had my time, but we have a list of Members back here who would like to speak, and that might run well over an hour, maybe 2 hours. I wonder if the gentleman would let us use them instead of my taking the time? I appreciate his graciousness to me. He is a great personal friend of mine, and I have admiration for him.

Mr. MCCULLOCH. It is our intention over here to yield to gentlemen of the opposition to be further heard on this very important bill.

Mr. COLMER. On the gentleman's side, or on our side?

Mr. MCCULLOCH. On the opposition side; your side.

Mr. COLMER. It is very gracious of the gentleman and, since he has been so gracious, I will proceed for a few more moments.

Let us get back to the politics of the thing, and I do appreciate the graciousness of the gentleman, which was more than I could get from my side, I might say, because I appealed to the distinguished Chairman. He refused us.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, may I ask how much time I have left?

The CHAIRMAN. The gentleman from New York has 10 minutes remaining.

Mr. CELLER. The gentleman from Mississippi is welcome to those 10 minutes.

Mr. COLMER. 10 minutes under the roller process, or under the rule?

Mr. CELLER. There is no roller process. We have a gentleman's agreement for 2 hours for today. Under that agreement the gentleman from Louisiana [Mr. WILLIS] was to have 1 hour and the gentleman from Ohio [Mr. MCCULLOCH] was to have a half hour, and I was to have a half hour. That was the agreement that was entered into, and if the gentleman does not know that, it was known to the Members on both sides of the aisle, including the leadership of the House.

Mr. COLMER. I am so happy that a little of the milk of human kindness and consideration has permeated my friend here now, after he had told me, as I said a moment ago, that he could not yield us any additional time.

Now, as to the alleged agreement, I know what the gentleman has reference to. The gentleman had announced, and he announced it to me among others, that the debate was going to close on Friday, but subsequently the gentleman from Louisiana and the gentleman from Virginia managed to wangle an additional 2 hours today, for which, of course, we are very, very thankful. In other words, it was a shotgun agreement.

Now let us get back to the politics of this thing for just a moment, if you will bear with me. Do not get in any hurry about this thing. The execution is coming soon enough; you do not have to hasten it. I am wondering now, since the gentleman from Virginia pointed out the trouble that you on this side [Democrats] are going to be in come election day; I am wondering what is going to happen to my friends over on the Republican side. Possibly they are trying to decide it now in conference. I do not know. Since the Democrats who are so anxious for this bill abandoned their hopes and joined with the Republican Attorney General, as the gentleman from Virginia pointed out, they have got nothing to gain. But here are our friends on the left, the conservative group in this House, if you please. I just want to address myself for a moment or two to my friends on my left who really, I had always thought, were on my right. Now, what are you going to gain out of this? Well, they say that hope springs eternal. You followed the Democrats 3 years ago, and you got a civil rights bill. You had an election after that. You were in hopes that you were going to get that bloc minority vote. I ask you, Did you get it? Why, of course you did not get it, and you are not going to get it this time. You can call this an Eisenhower, a Halleck, Dirksen, or Republican bill, under any form that you see fit, but do not forget that away back yonder the Democrats stole that bloc vote from you and you have not been able to get a look-in since that time. You are still chasing the rainbow.

Mr. MCCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. PRESTON].

Mr. PRESTON. Mr. Chairman, before commenting generally on the bill I should like to point out something to the House that I do not think has been pointed out during this debate; and this relates to some statistics that I obtained this morning from the Civil Rights Commission.

Much has been said about the widespread interest in this legislation dealing with voting rights. To listen to some of the proponents one would think there was a terrific ground swell in the South that has rolled like a great cloud of dust northward demanding enactment of this legislation. And to hear some of my friends from the West and some from the East one would think there had been a tumultuous shout coming from those sections which proclaimed the absolute essentiality of this legislation; that everybody was just seething with concern about the denial of voting rights. But what does the record show from the Civil Rights Commission which has been in existence now since 1957? This record is up through February 29, 1960. It shows among other things that in the last 10 months from April 30, 1959, to February 29, 1960, there have been 35 sworn voting complaints from all over these United States—35 in 10 months. That is this $778,000 per year

Commission that is now seeking $900,000-and-some-odd for the fiscal year 1961. They had 35 sworn voting complaints in the last 10 months. Let us see how many it has had since 1957. It has had 288 since 1957, and it wants about $1 million for the fiscal year 1961 to continue to gather approximately 35 to 40 sworn voting complaints annually.

How many unsworn complaints did they have since 1957? Sixty. Where are these people who fear, who do not want to go before a justice of the peace or a notary public and make an affidavit, who are just going to make a complaint? They number 60, since 1957, from all over the United States, a little more than an average of 1 per State.

How many general voting complaints; that is, just a letter, not complaining specifically about an individual, but just a letter complaining? Eighty-eight since 1957 through February 29, 1960.

Now, is this not amazing, that this $1 million agency which has been fiddling around with a mere handful of complaints on voting rights that the proponents of this legislation would have you believe is a must, represents a great demand on the part of the American people? No; there has been no ground swell for this legislation. I am not getting any mail for it or against it. That is my situation. I am not hearing anything about it one way or the other.

Let us see how many general complaints other than with respect to voting the Civil Rights Commission has received: A total of 802 general complaints, other than voting, relating to housing, transportation, education, eating establishments, administration of justice, and any other thing you might put under the general category of civil rights—802 since 1957, or a grand total for all purposes of 1,238 through February 29, 1960.

Recapitulation of complaints received by the Commission on Civil Rights during the period 1957 through 1960

Sworn voting complaints	288
Unsworn voting complaints	60
General voting complaints	88
Total voting complaints	436
General complaints, other than voting	802
Grand total of all complaints	1,238

Voting complaints by States, Feb. 29, 1960

State	Total	Sworn	Unsworn	General
Alabama	140	137	1	2
Alaska	0	0	0	0
Arizona	0	0	0	0
Arkansas	5	0	0	5
California	47	0	14	33
Colorado	0	0	0	0
Connecticut	0	0	0	1
Delaware	0	0	0	4
Florida	15	9	2	0
Georgia	2	0	1	0
Hawaii	0	0	0	0
Idaho	0	0	0	0
Illinois	0	0	0	0
Indiana	1	0	0	1
Iowa	0	0	0	0
Kansas	1	0	0	1
Kentucky	2	0	1	1
Louisiana	105	75	13	17
Maine	0	0	0	0
Maryland	0	0	0	0
Massachusetts	1	0	0	1
Michigan	0	0	0	0
Minnesota	0	0	0	0
Mississippi	66	39	26	1
Missouri	0	0	0	0
Montana	0	0	0	0
Nebraska	1	0	0	1
Nevada	0	0	0	0
New Hampshire	0	0	0	0
New Jersey	2	0	1	1
New Mexico	0	0	0	0
New York	4	3	0	1
North Carolina	20	20	0	0
North Dakota	0	0	0	0
Ohio	0	0	0	0
Oklahoma	3	1	0	2
Oregon	0	0	0	0
Pennsylvania	2	0	0	2
Rhode Island	0	0	0	0
South Carolina	3	0	0	3
South Dakota	0	0	0	0
Tennessee	11	4	1	6
Texas	1	0	0	1
Utah	0	0	0	0
Vermont	0	0	0	0
Virginia	2	0	0	2
Washington	0	0	0	0
West Virginia	1	0	0	1
Wisconsin	1	0	0	1
Wyoming	0	0	0	0
District of Columbia	0	0	0	0
Puerto Rico	0	0	0	0
Total	436	288	60	88

Voting complaints by States, Feb. 29, 1960—Continued

Total complaints, other than voting, by State, Feb. 29, 1960

(Not required to be sworn)

Alabama	32
Alaska	1
Arizona	1
Arkansas	7
California	67
Colorado	2
Connecticut	11
Delaware	4
Florida	36
Georgia	27
Hawaii	0
Idaho	2
Illinois	40
Indiana	13
Iowa	10
Kansas	4
Kentucky	11
Louisiana	25
Maine	1
Maryland	5
Massachusetts	9
Michigan	24
Minnesota	4
Mississippi	10
Missouri	37
Montana	3
Nebraska	2
Nevada	1
New Hampshire	1
New Jersey	22
New Mexico	2
New York	91
North Carolina	22
North Dakota	0
Ohio	41
Oklahoma	7
Oregon	3
Pennsylvania	31
Rhode Island	1
South Carolina	19
South Dakota	2
Tennessee	25
Texas	41
Utah	2
Vermont	1
Virginia	23
Washington	12
West Virginia	5
Wisconsin	11
Wyoming	1
District of Columbia	30
Puerto Rico	3
Foreign countries	3
Total	788
Crank, postmark not legible	14
Grand total	802

Total complaints, other than voting, by State, Feb. 29, 1960—Continued

(Not required to be sworn)

Complaints docket survey (Public Law 85-315, sec. 104(a)(2)), 1957, 1958, 1959, 1960 breakdown, State and category, Feb. 29, 1960 (other than voting)

Alabama:	
Administration of justice	10
Education	4
Employment	6
Informational, miscellaneous	8
Anonymous, crank, illegible	4
Total	32
Alaska: Employment	1
Arizona: Informational, miscellaneous	1
Arkansas:	
Administration of justice	3
Education	1
Employment	1
Informational, miscellaneous	1
Anonymous, crank, illegible	1
Total	7
California:	
Administration of justice	30
Employment	8
Informational, miscellaneous	21
Anonymous, crank, illegible	8
Total	67
Colorado:	
Employment	1
Informational, miscellaneous	1
Total	2
Connecticut:	
Administration of justice	5
Employment	3
Informational, miscellaneous	3
Total	11
Delaware:	
Administration of justice	3
Informational, miscellaneous	1
Total	4
Florida:	
Administration of justice	15
Public accommodations, transportation	1
Housing	1
Education	1
Employment	3
Informational, miscellaneous	11
Anonymous, crank, illegible	4
Total	36
Georgia:	
Administration of justice	10
Public accommodations, transportation	1
Education	4
Employment	3
Informational, miscellaneous	7
Anonymous, crank, illegible	2
Total	27

Complaints docket survey (Public Law 85-315, sec. 104(a)(2)), 1957, 1958, 1959, 1960 breakdown, State and category, Feb. 29, 1960 (other than voting)—Continued

Idaho:	
Administration of justice	1
Anonymous, crank, illegible	1
Total	2
Illinois:	
Administration of justice	23
Public accommodations, transportation	1
Housing	3
Employment	3
Informational, miscellaneous	7
Anonymous, crank, illegible	3
Total	40
Indiana:	
Administration of justice	8
Employment	2
Informational, miscellaneous	3
Total	13
Iowa:	
Administration of justice	4
Public accommodations, transportation	1
Employment	2
Informational, miscellaneous	3
Total	10
Kansas: Administration of justice	4
Kentucky:	
Administration of justice	4
Public accommodations, transportation	2
Education	1
Informational, miscellaneous	3
Anonymous, crank, illegible	1
Total	11
Louisiana:	
Administration of justice	15
Housing	1
Informational, miscellaneous	3
Anonymous, crank, illegible	6
Total	25
Maine: Informational, miscellaneous	1
Maryland:	
Administration of justice	3
Employment	1
Informational, miscellaneous	1
Total	5
Massachusetts:	
Administration of justice	6
Education	1
Informational, miscellaneous	1
Anonymous, crank, illegible	1
Total	9
Michigan:	
Administration of justice	8
Employment	9
Informational, miscellaneous	5
Anonymous, crank, illegible	2
Total	24
Minnesota:	
Administration of justice	1
Informational, miscellaneous	3
Total	4

Complaints docket survey (Public Law 85-315, sec. 104(a)(2)), 1957, 1958, 1959, 1960 breakdown, State and category, Feb. 29, 1960 (other than voting)—Continued

Mississippi:	
Administration of justice	6
Employment	1
Informational, miscellaneous	2
Anonymous, crank, illegible	1
Total	10
Missouri:	
Administration of justice	16
Housing	1
Education	1
Employment	2
Informational, miscellaneous	7
Anonymous, crank, illegible	10
Total	37
Montana:	
Administration of justice	2
Informational, miscellaneous	1
Total	3
Nebraska: Administration of justice	2
Nevada: Administration of justice	1
New Hampshire: Administration of justice	1
New Jersey:	
Administration of justice	7
Housing	4
Employment	4
Informational, miscellaneous	5
Anonymous, crank, illegible	2
Total	22
New Mexico:	
Administration of justice	1
Informational, miscellaneous	1
Total	2
New York:	
Administration of justice	45
Public accommodations, transportation	2
Housing	7
Education	4
Employment	5
Informational, miscellaneous	14
Anonymous, crank, illegible	14
Total	91
North Carolina:	
Administration of justice	8
Public accommodations, transportation	1
Education	3
Employment	2
Informational, miscellaneous	6
Anonymous, crank, illegible	2
Total	22
Ohio:	
Administration of justice	22
Public accommodations, transportation	1
Housing	2
Employment	2
Informational, miscellaneous	8
Anonymous, crank, illegible	6
Total	41
Oklahoma:	
Administration of justice	3
Public accommodations, transportation	1

Complaints docket survey (Public Law 85-315, sec. 104(a)(2)), 1957, 1958, 1959, 1960 breakdown, State and category, Feb. 29, 1960 (other than voting)—Continued

Oklahoma—Continued	
Housing	1
Employment	1
Informational, miscellaneous	1
Total	7
Oregon: Administration of justice	3
Pennsylvania:	
Administration of justice	15
Housing	1
Education	1
Employment	5
Informational, miscellaneous	4
Anonymous, crank, illegible	5
Total	31
Rhode Island: Public accommodations, transportation	1
South Carolina:	
Administration of justice	12
Education	1
Employment	1
Informational, miscellaneous	2
Anonymous, crank, illegible	3
Total	19
South Dakota:	
Administration of justice	1
Employment	1
Total	2
Tennessee:	
Administration of justice	11
Housing	1
Education	1
Employment	3
Informational, miscellaneous	4
Anonymous, crank, illegible	5
Total	25
Texas:	
Administration of justice	22
Public accommodations, transportation	1
Housing	1
Employment	1
Informational, miscellaneous	8
Anonymous, crank, illegible	8
Total	41
Utah:	
Administration of justice	1
Employment	1
Total	2
Vermont: Administration of justice	1
Virginia:	
Administration of justice	11
Housing	2
Education	3
Employment	5
Informational, miscellaneous	2
Total	23
Washington:	
Administration of justice	4
Education	1
Employment	3
Informational, miscellaneous	4
Total	12

Complaints docket survey (Public Law 85-315, sec. 104(a)(2)), 1957, 1958, 1959, 1960 breakdown, State and category, Feb. 29, 1960 (other than voting)—Continued

West Virginia:	
Administration of justice	4
Informational, miscellaneous	1
Total	5
Wisconsin:	
Administration of justice	5
Employment	3
Informational, miscellaneous	2
Anonymous, crank, illegible	1
Total	11
Wyoming: Administration of justice	1
District of Columbia:	
Administration of justice	15
Employment	7
Informational, miscellaneous	4
Anonymous, crank, illegible	4
Total	30
Puerto Rico:	
Administration of justice	2
Employment	1
Total	3
Foreign countries:	
Administration of justice	2
Informational, miscellaneous	1
Total	3

Mr. Chairman, as we approach the business for today many of us from that section of the country which has felt the pangs of every form of Federal coercion and injustice are filled with great trepidation. The same legislative hemlock juice that was administered to our forefathers of the South a century ago has been dug out of the cellar of time, its mold skimmed off, and is being offered now in the righteous chalice of modern-day civil rights to this new generation.

The scars of history are too deeply inscribed, however, for us not to recognize this as the same concoction that was conceived in hate and brewed in revenge for the South by that despicable trio of generations ago, Thaddeus Stevens, Charles Sumner, and Salmon P. Chase.

The proposals of these men gave birth to the darkest period of our history—Reconstruction, a term, like their names, which now stands as a symbol for bad government and the worst form of tyranny this country has ever known.

We are now being asked to adopt a new blueprint for another reconstruction. The present proposal goes even further than the ill-conceived ideas of Stevens and his followers.

And why, why? May I ask?

The reason then as now is the same—politics, cheap politics.

The hour is at hand when the forces of reason and justice must focus beyond the next election day and visualize the evils we will reap from the plan before us. In this case the results can be foreseen with readiness. This plan has been tried and scrapped long, long ago. Its demise is etched indelibly in the pages of history.

Like a century ago, the proposed remedy is prescribed by those who are far removed from the patient and are completely misinformed about his symptoms.

It is inconceivable to me that this potent venom of disunity would be resurrected at a time when, on the international scene, we need more than ever to build strength and unity.

Even those who prescribe this dose must know how unneeded it is and how much more harm it can cause to race relations in our part of the country.

Mr. Chairman, but for the nature of the attention the South draws in Congress, we would feel highly honored. Just 4 years ago—also a presidential election year—much of this same legislation had its genesis here. The need for further study was impressed upon the leadership in Congress at that time and the legislation carried over into 1957. That was a banner year, we thought, for the advocates of civil rights legislation. But that is in the dim past and here it is again, another presidential election year. And here they are again with new proposals guaranteed to win votes and harass southerners, the perennial whipping boys—a never-miss combination when it comes to winning elections.

Mr. Chairman, I would like to discuss the legislation now before this House. Our immediate attention, of course, is to H.R. 8601, by Mr. CELLER, known as the Civil Rights Act of 1959. This is the bill that the Judiciary Committee has recommended that we adopt. We are aware, too, that H.R. 10035, by Mr. MCCULLOCH, most likely will be offered as an amendment. The latter embodies the administration's voting referees plan. Other sweeping proposals likely will be offered as amendments, but, not knowing what provisions they advocate, my remarks will be confined to the two aforementioned bills at this time.

H.R. 8601 contains six titles, five dealing with proposed changes in the law, and the sixth providing that if either of the first five titles are declared unconstitutional such ruling would not affect the constitutionality of the others.

The first five titles would make it a Federal criminal offense willfully to use force or threats of force to obstruct court orders in school desegregation cases; make it a Federal criminal offense punishable up to $5,000 fine or imprisonment up to 5 years, or both, to move in interstate or foreign commerce to avoid local prosecution for damaging or destroying any building or other real or personal property; require the preservation of all records pertaining to Federal elections and provide for a fine up to $1,000 or imprisonment for not more than 1 year, or both, for failure to keep records; extending the life of the Civil Rights Commission for 2 years, and provide for Federal schools in federally impacted areas where State schools may have been closed.

A few very pernicious sections of this bill were stricken from it in subcommittee and the Committee on the Judiciary. I commend the entire committee for its foresight in deleting those questionable sections. However, it shall be my purpose to convince my colleagues that the committee stopped too soon in this respect. I feel certain that it would be in the best interests of the Nation if we scrapped this entire bill.

I would like to commend the 10 southern members of the Judiciary Committee who filed a minority report on this bill. The minority report is a splendid criticism that points up the many dangers inherent in the legislation before us.

TITLE I—OBSTRUCTION OF COURT ORDERS

Mr. Chairman, title I, making it a Federal criminal offense to obstruct court orders in school desegregation cases, presents a new concept in criminal law and it is the first type of court order which has been singled out for special treatment. But aside from that there are at least three methods already by which such a person could be punished, and some of them have been used, as the Members of this House are fully aware. The most often used has been the criminal contempt of court procedure by which rioters have been sent to prison without benefit of a jury trial. Title 18, section 1503 of the United States Code provides for criminal penalties for obstructing or impeding the due administration of justice. It is also possible that a person would be subject to a criminal prosecution in the State courts for violating a State's criminal law pertaining to the obstruction of justice. Another possibility, it seems to me, is that a person thus accused could be punished more than once for the same crime.

The new concept which I mentioned pertains to the ancient rule of criminal law that "every man is presumed to know the law." This presumption is limited, however, to criminal statutes and ordinances. Here we are asked to extend this rule of law to require every man to know all the fine print in every Federal court order dealing with school segregation cases. Such a person may not be aware that his presence near a school being segregated is prohibited by a court order. If disorders occur while he is at the scene as an innocent bystander he certainly has committed no crime. Yet, under this bill, he may be arrested and charged with obstructing the court's order.

This section transcends the segregation versus integration controversy and is far more dangerous than its title implies. Since this bill carries a civil rights label, I think we should give every consideration to civil rights. What about the civil rights of anyone who may become a defendant, innocent or otherwise, in such a situation?

And, too, why all the special treatment to court orders dealing with just school segregation? Why not extend the application of the bill, if we extend it at all, to all types of court cases, everywhere—not just those that are likely to arise in the South over school desegregation? Whether you come from North, South, East, or West, I believe every Member of this House should give careful consideration to the proposition that we strike this section from this bill.

TITLE II—FLIGHT TO AVOID PROSECUTION FOR DAMAGING OR DESTROYING ANY BUILDING OR OTHER REAL OR PERSONAL PROPERTY

Mr. Chairman, we have similar statutes making it a Federal crime to cross State lines to avoid prosecution for criminal acts and I cannot in good conscience voice an objection to this section. But what this title has to do with civil rights escapes me.

TITLE III—FEDERAL ELECTION RECORDS

Title III requires local election officials to preserve for 2 years all records of Federal elections and all records pertaining to voting. The willful failure to comply carries a punishment of a fine of not more than $1,000 or of imprisonment of not more than 1 year, or both. These records must be made available on demand to the U.S. Attorney General at any time for his scrutiny.

Mr. Chairman, the authors of the Judiciary Committee's minority report on this bill have cited a wealth of court authority, which, I think, proves beyond any doubt that this proposal is patently unconstitutional and contrary to the basic principles of State-Federal relations. I agree with the minority report which states that—

> There is no power in Congress as to the election of its Members which would authorize it to impose new duties or obligations upon a State, county, or municipal officer acting under State laws in the registering of voters, or in conducting the time, place, or manner of holding the election.

Our voting registrars in the States are sworn to carry out their prescribed duties assigned to them under State constitutions and State laws. They are State officials carrying out a State function that is as old as this Nation itself. Now the Congress is asked to make them, with one quick act, Federal officials charged with the dual responsibility of satisfying the requirements of Federal laws and State laws.

The local registrars are being caught in the middle. By carrying out their prescribed State duties they may violate the Federal laws and go to prison. By the same token, the officials in trying to satisfy the requirements of the Federal law, may fail to perform their sworn duties under State laws. Finding themselves caught in such a squeeze, I would not be surprised if we had a mass resignation of State voting registrars if this title becomes law.

In the overwhelming majority of counties of my State, the registrars are dual officeholders with their primary duty being tax commissioner or some other official. The job of registrar is incidental to other duties of the official. This title would alter that situation. It would undoubtedly require a full-time registrar to carry out the massive recordkeeping necessary to meet the demands of this title. This, in itself, would mean the counties would be required to pay the added expense of a full-time registrar just to satisfy the whims of Washington. Then there is the additional expense of the making of these records available to the Attorney General if and when he demands them.

For many years now the trend here in Washington has been for the Federal Government to preempt functions first and always belonging to the State governments. But never did I think that this House would ever seriously consider a proposition that is so flagrantly contrary to the basic principles of government established by this Nation's Founding Fathers.

This proposal would sound the death knell of our secret ballot, certainly, the greatest method yet devised by democratic governments to protect the individual from discrimination because of his political views.

The Columbia Encyclopedia had this to say about the secret or Australian ballot:

> The British Colonies in America were the first to elect representatives by secret ballot, and its use was made obligatory in all but one of the State constitutions adopted in the United States between 1776 and 1780. In the 19th century the use of the (secret) ballot became widespread in local and national elections in Europe.
>
> Groups wishing to exert undue influence, intimidation, or force upon the voter have opposed the (secret) ballot. The effort to reform election abuses has led to the widespread use of the Australian (secret) ballot, adopted in Victoria in 1857, in Great Britain in 1872 and in the United States after 1888. In the United States it gradually replaced earlier methods of voting, including the lengthy "tickets" distributed by political parties.

By 1956 the secret ballot was in use in 45 States of the United States. The Australian ballot has had the following four purposes:

First, to insure absolute secrecy;

Second, to protect the voter from outside influence while voting;

Third, to facilitate counting ballots; and

Fourth, to prevent dishonesty in tabulating them.

The proposal here has far more dangerous implications than is readily apparent on the surface. It is a measure that should not be of southern concern only. By adopting this measure we would be giving one agency of our Federal Government authority to keep tabs on how every single voter in this Nation voted on every ballot from dogcatcher to President. It frightens me to think that in the name of civil rights we would even give serious consideration to such a proposal here in the Congress of the United States. Let us not create the machinery for a central bureau of information on voting, a tool, if falling into the wrong hands, which could lead to the end of democracy in this country.

TITLE IV—CIVIL RIGHTS COMMISSION EXTENDED FOR 2 YEARS

The life of the Commission was extend last year just before adjournment of Congress so that the first section under this title now is moot.

TITLE V—EDUCATION OF CHILDREN OF MEMBERS OF THE ARMED FORCES

Title V would authorize the U.S. Commissioner of Education to establish Federal schools for children of our servicemen when the State-supported public schools which they had been attending might be closed. The title, which would amend Public Laws 815 and 874 of the 81st Congress, is designed to federalize the schools in States such as my own State of Georgia in the event any school is closed because of a court ordering racial integration of the State school. As now written Public Laws 815 and 874 provide for Federal payment to local school districts for the free education of children whose parents reside or work on Federal property not subject to State or local taxation. These statutes have worked well in preventing local school systems from becoming financially overburdened from educating these Federal children, whose parents pay no local school taxes.

This title now proposes that the Federal Commissioner of Education be authorized to use these worthwhile laws to force a federalized school system on the people of any State which closes a school attended by any children whose parents are connected with a Federal installation, regardless of where these children live. Under this title the Commissioner would be authorized to acquire possession of any school building constructed with the aid of Federal funds, when the local educational agency which owns the building is no longer using it for free public education and the Commissioner feels that he needs it. Undoubtedly the schools thus set up by the Commissioner would be racially integrated and this could be the hidden purpose of this title. Once the Federal Government sets up such a school, what guarantees have we that it will relinquish that school and turn this function in any given locality back to local government?

Another question that comes to my mind is, what is this provision doing in a so-called civil rights bill that was considered by the Judiciary Committee? Historically, under the rules of this House, legislation dealing with education matters always has come within the jurisdiction of the House Committee on Education and Labor.

AMENDMENTS OFFERED

The chairman of the Judiciary Committee has stated during this debate that at the proper time he intends to offer an amendment designed to induce local school systems to integrate their schools by offering bounties of large amounts of Federal appropriations. You will recall that this was part of the original civil rights bill by the chairman and the members of his committee struck it out. I think the House would be wise to leave it out.

The committee chairman also has stated his intention to offer an amendment creating a 1960 model Federal Employment Practices Commission and another amendment that would include in this bill old title 3 of the 1957 civil rights bill. I think it is futile for the gentleman from New York [Mr. CELLER], to try to revive the old title 3, which would make the U.S. Attorney General the private lawyer of any person or group of persons of a minority who feel that their civil rights in any way have been denied by anyone. On last Thursday, the other body voted overwhelmingly against this very proposal 55 to 38. It is dead and I think we ought to allow it to rest in peace.

The new FEPC proposal would be known as the Commission on Equal Job

Opportunity Under Government Contracts. But regardless of its new name it is the same old FEPC idea that has been considered and reconsidered time after time by this Congress, and always rejected, since originally created by Executive order back in 1941. As you know, such a Commission is in existence now, created by Executive order.

The FEPC proposal by the gentleman from New York by its title implies that its jurisdiction would be limited to Government contracts. However, such is not the case. I call attention to sections (d) and (e) of his proposal which he inserted in the RECORD on March 10 and is printed on page 5203. Those sections read as follows:

(d) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(e) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

When the Federal Government undertakes to dictate to private contractors doing business with the Government or not, whom they should hire, fire, and promote, I think it will spell the doom of our free enterprise system in this country. The amendment, if adopted, could lead to Federal patronage in private business, a wonderful political weapon in the hands of those in power in the executive branch of the Government.

THE VOTING REFEREE PLAN

Mr. Chairman, we have been given notice that H.R. 10035, by Mr. MCCULLOCH—the administration's voting referee plan—will be offered as an amendment to the legislation now under discussion.

So much publicity has been given to this plan and so much has been said about it in the other body of Congress, that I think my colleagues in the House of Representatives are thoroughly familiar with its provisions by now. However, I would like to make some comments about the plan.

Last September 9, when the Civil Rights Commission released its report, one of its many recommendations was that the President appoint a Federal registrar where nine or more individuals—by affidavit—allege they have been denied the right to register to vote on account of race, etc. A bill to provide for appointment of Federal registrars was introduced by the chairman of the Judiciary Committee on January 7. However, the Attorney General was not satisfied with providing these supervisors for Federal elections only; he wanted snoopers authorized for State and local elections. Therefore, the gentleman from Ohio [Mr. MCCULLOCH], on January 28, introduced H.R. 10035, the administration plan. My distinguished colleague the gentleman from Georgia [Mr. FORRESTER] has traced the legislative history of this proposal for you, showing how three versions of this referee plan already have been presented to the Congress. It is my understanding that a fourth version is now before the other body.

The repeated introduction of revised versions of this proposal demonstrates the haste and frenzy of those who want this measure put into law during this election year, regardless of the form it is in. All of these versions have reached this floor by a strange route by which the regular legislative processes have been bypassed. No hearings have been held on this measure, and I think the House would be wise to reassign these various bills to the Judiciary Committee for hearings, or, better still, defeat them altogether. My remarks which follow state why I think the latter course is more appropriate.

The Civil Rights Commission report, which contained a lengthy history of voting in the United States, reminded us—as if any of us from the South needed a reminder—that—

During Reconstruction, Congress passed the Enforcement Act of 1870 and kindred measures which spelled out a detailed program for Federal supervision of elections in which Members of Congress were being chosen.

However, by design or inadvertence—and I strongly suspect it was the former—the Commission failed to complete its historical report and say why these laws were repealed 24 years later. Its history of these laws merely states:

But in 1894 this legislation was repealed.

The Commission historians failed to give the interesting history of how John I. Davenport used this same plan in New York to make himself the most despised political boss in the history of our Nation. As a detective and U.S. Commissioner, he teamed with the U.S. marshal to throw hundreds of persons in jail on election day to prevent them from voting. He was a Republican and his prisoners were Democrats, but a situation in reverse of this could result from adoption of this plan of ill repute. The plan was designed as a punitive measure against the South, just as is the legislation now before the House, but it was bad law and sections other than the South suffered the consequences from it.

When the Civil Rights Commission made its report it noted that—

The Department of Justice had brought only three actions under its new powers to seek preventive civil relief, rather than criminal conviction, against any interference with the right to vote.

Presumably trying to justify its recommendation for new legislation, the Commission also stated that the constitutionality of the 1957 act had not been thoroughly tested in the courts.

But the report was filed last September 9 and the U.S. Supreme Court in two separate decisions handed down this month upheld the validity of the 1957 act, thereby making completely unnecessary any new legislation on this subject.

I do not know firsthand of voting conditions throughout the South, but I do know that Negroes generally are allowed to vote in my own State of Georgia. There is some apathy on the part of both Negroes and whites to exercise their right to vote, however. In my own district, most counties have a very high percentage of nonwhites registered to vote and in one county with a very large Negro population, Negro voters outnumber white voters. No voter, white or Negro, has ever complained to me that he was not allowed to vote.

When Chairman Hannah, of the Civil Rights Commission, appeared before the Appropriations Subcommittee on State, Justice, and Judiciary in 1959 I questioned him about Negro voting in Georgia. The following exchange appeared in the Appropriations Committee hearings on the Commission's budget requests:

Mr. PRESTON. Have you found generally in the State of Georgia that the Negro population has no problem about registering and voting?

Mr. HANNAH. Well, from personal investigation, certainly in Atlanta and in many other areas that were brought into our discussions there, that is true.

I think there were some indications that perhaps there were some of the isolated rural areas where that might not be true, but I have no firsthand knowledge of that. It is my general impression the voting situation in Georgia is pretty good and getting much better.

Mr. Chairman, much has been said about these measures and much more could be said. They are reprehensible to me personally and to the majority of the people of the Southern States. I believe that if they become law, eventually people in other parts of the Nation also will find them reprehensible.

Mr. BROOKS of Louisiana. Mr. Chairman, will the gentleman from Ohio yield 3 additional minutes to the gentleman from Georgia? I should like to ask him a very important question.

Mr. MCCULLOCH. I regret that in accordance with the gentlemen's agreement that has been described before I have but 25 minutes left, all of which has been committed.

Mr. Chairman, the next person to whom I wish to yield time is the gentleman from Florida [Mr. HALEY]. I yield him 5 minutes. If he can spare time to the gentleman from Louisiana, that is all right with me.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. HALEY. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. May I ask the gentleman from Ohio if it is his intention to yield back 3 or 4 hours of this general debate which has been allotted to him so that it will not be used in this general debate? Is that the reason for his gracious gesture of giving us 5 minutes apiece, rather than the time we would request?

Mr. MCCULLOCH. If the gentleman will yield, I wish to say, Mr. Chairman, that the use of the time was pursuant to agreement with the distinguished gentleman from Louisiana [Mr. WILLIS], the distinguished gentleman from Virginia [Mr. SMITH], and others. I am in the position where I must follow the gentlemen's agreement of which I was a part. I have the time left that I have indicated.

Mr. BROOKS of Louisiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Louisiana for a parliamentary inquiry?

Mr. HALEY. I yield for a parliamentary inquiry, Mr. Chairman.

Mr. BROOKS of Louisiana. Could I find out as a parliamentary inquiry what was the agreement for the reduction in time?

The CHAIRMAN. The Chair has no knowledge of any agreement. That is not a parliamentary inquiry.

Mr. HALEY. Mr. Chairman, we have spent several days here debating a bill of tremendous importance to this great Nation of ours. Suddenly here we find that many of the men who feel very strongly about this situation are denied the time we think we need to discuss the matter thoroughly.

I say to my friend from Georgia [Mr. PRESTON] who preceded me, some people are not interested in civil rights. You know and I know just exactly what this bill is. It is a political bill pure and simple. Why have we not been in here discussing some of the great issues that confront our Nation? We find ourselves in some respects behind other nations of the world in national defense. Why has this time not been spent on that? I would like to remind the gentleman from New York, the chairman of the Judicial Committee, who just this Friday night in a newscast said, the people of the South had given up this fight and that they were not fighting, and he compared the people of the South to a group of cattle. The distinguished gentleman, I think, if he has some time left, should take a little of that time and explain what he meant at 11 o'clock Friday night when he said the people of the South in this body were a different breed of cattle than the southern Members of the other body. I think some of us would like to find out what the gentleman means. Yes, my friends, we have been sitting here and listening to the debate for day after day. I do not know what agreement was made, but I do know a rule was granted giving us 15 hours of debate and we have not been allowed to use that time. I know that at this moment, many Members of this House want to speak but they are being denied that right. Mr. Chairman, I want to thank the distinguished gentleman from Ohio for yielding me the 5 minutes, and I am deeply grateful to you for it, sir.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks because in 5 minutes' time I cannot cover this important subject.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HALEY. Mr. Chairman, like the old man of the sea, we are back here again today with our old millstone around our legislative necks—the so-called civil rights issue, which is in reality a political issue on which we spend each election year more time discussing than we spend discussing an issue of real national importance like our defense budget.

It is a pity, I think, that we are burdened by this millstone, for the election year preoccupation of the Congress with the question of civil rights legislation is diverting our attention from the great and important issues of the day—the issues that are of basic importance to our survival.

And by survival I mean our survival in a shooting war against any enemy or a cold war against the encroachment of communism—but I do not mean only that—I mean our survival as a Nation of free enterprise economy, our survival as a democracy, our survival as a Nation of free men.

I therefore would hope, Mr. Chairman, that as a body of intelligent men and women, as a body of responsible men and women charged with giving our constituents and our Nation the best possible representation in their National Legislature, we could dispose finally, and once and for all, of this so-called civil rights issue this year. I am afraid, however, that we will not do so. Another election year will be upon us 2 years hence, and we old men of the sea will be back on this floor wearing our millstones.

The legislation before this House today, Mr. Chairman, purports to have the purpose of providing guaranteed protection of the constitutional and moral rights of all minorities in the United States. But I charge solemnly, Mr. Chairman, that the real purpose of this bill is to provide guaranteed protection of the political careers of its sponsors. I ask you who are of open mind on this subject—if indeed there remains an open mind in this House after years of debate on it—to look at those who are the principal backers of this bill and, having looked, think of the localities from which they come.

This bill, and the punitive attachments proposed to it for purposes of making a whipping boy of one section of the country, is inspired by men from places like New York and Illinois and Michigan and Pennsylvania. If there are in all of our Nation cities or towns where there is more racial tension and ugly strife than in New York City, Chicago, Detroit, and Philadelphia, I do not know of it. Certainly, no such ugly incidents as have occurred in those cities in recent years have occurred in any southern community in the memory of any man sitting in this body today.

But in this debate, what you read in the national press and what you hear on this floor from proponents of this bill would cause one to think that the Negro in the South lives in a constant state of terror, that he has no right to vote, no right to jury service or justice, no rights at all, except the right to pay taxes.

The southern Negroes I know, Mr. Chairman, probably would rather be relieved of the right to pay his country's heavy taxes than to be awarded some vague new rights conferred upon him solely because the conferring thereof may harvest some votes for northern big-city politicians. I say this because in my district in Florida I have never known a Negro to be denied the right to vote because of his race or color, because I have served on both grand juries and trial juries with Negroes over the years, and because, observing the operations of southern courts, I know that "the quality of mercy" more frequently is applied by judges in dealing with Negro offenders than it is in the handling of white criminals.

The truth is, Mr. Chairman, that the southern Negro likes living where he lives and, except when he is incited by certain organizations like the National Association for the Advancement of Colored People and the Committee for Racial Freedom—how, by the way, can any man be free of his own race?—he lives in peace and friendship with his white neighbors, and there is mutual respect between them.

It is true that many Negroes leave the South for what they regard as better economic opportunity in the northern industrial cities. So do many white persons. But it also is true that many northerners come to live in the peace and harmony of a Southland which has managed to retain its good will toward all men in the midst of its surging industrial progress. More significant, perhaps, in this debate, is the return to the South of thousands of Negroes who journeyed to the promised land of so-called equality in the North and found there only disillusion and tension and mistreatment—or, perhaps, the number of Negroes living in the North who voluntarily have chosen to send their children South in order that they may attend segregated schools.

Mr. Chairman, the time has come for reasonable men and women to admit in public what they know in their hearts—that you cannot force the mixing of races, in the South or the North or the West—or, for that matter, anywhere in the world. The white man in the South knows it, and so does the Negro man.

But more than that, the white man in the North knows it too, and so does the northern Negro and, I may say, to his cost and pain. Look at the turmoil and trouble which arises always in a white residential area of a northern city when a Negro moves under northern laws seeking to force residential integration.

Those who would make a whipping boy of the South in this civil rights issue are careful indeed to ignore the true attitude, the demonstrated attitude, of their white constituents on the subject of forced mixing in their own backyards. They ignore mistreatment of Negro property owners in their own cities. And they ignore, too, Mr. Chairman, the fact that the average northern Negro would rather live with his own kind than away from them. They listen only to the organized trumpeting of the NAACP and its kindred organizations—organizations which, taken altogether, represent only a small fraction of the total number of Negroes. But politicians are, Mr. Chairman, afraid of organized voters—and that is why we have this civil rights bill here today.

What happens, Mr. Chairman, when you cram down the throats of free men social customs and mores which go

against their beliefs and the desires of their reasoned minds? I think that we can take a look at the deplorable conditions in our own National Capital—the Capital of which, I will remind you, we are the governing body.

Only a few years ago, when I came to the Congress, Washington was a peaceful, lovely city—a cosmopolitan place where people of all races—not just the whites and the Negroes—and all creeds and faiths lived together in good will and harmony. It was a city in which there were racially segregated schools—but, Mr. Chairman, despite that so-called—by the Supreme Court—handicap, the Negro possibly had attained his highest economic level, his highest intellectual level, his highest social level.

Look at your National Capital today. It is a community in which crime and violence are so rampant that it is not safe for a woman—or even a man—to walk the streets alone at night, and sometimes not even in the daytime. It is a community in which the crime rate has soared to startling heights—so startling that it has been necessary to establish a force of trained police dogs. It is a community in which women are mugged and raped, men are brutally beaten into unconsciousness for the sake of a few dollars—in which policemen are ruthlessly shot down as they go about their business of enforcing the laws.

Washington has been transformed, Mr. Chairman, in the nearly 8 years I have been in the Congress, from a community of peace and good will and harmony among all races and creeds to a community of hatreds and tensions and brutality and crime.

What has caused this change? I cannot say with flat assurance. But I do say, Mr. Chairman, that all of these changes have occurred since, in the face of an edict from the Supreme Court and pressure from the White House, the schools of Washington were racially integrated almost overnight. It would seem to me to be stretching your imagination to entirely unrealistic lengths to say that there was no connection. I think we must, if we are to be realists, admit that there has been much connection.

A look at the crime records in Washington is significant. The police department has figures—and committees of this House also have figures—which show conclusively that 85 percent of the crime in Washington is committed by Negroes, although Negroes constitute not quite 60 percent of the population. I think that that disproportion speaks for itself, for it is a disproportion that did not exist prior to integration of the National Capital's schools.

What has happened in Washington has, of course, happened in other cities, notably in New York City, the home of the distinguished chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], who is the principal sponsor of this legislation—and it will continue to happen and in greater degree in direct proportion to the success of those who would legislate and force changes in public and private customs and ways of life.

I hope, Mr. Chairman, that this House will defeat this legislation. I hope that it will stamp down the effort which will be made on this floor to make it more radical, more punitive, more sectional than it is. I hope that it will defeat the effort to give to the Federal Government what I believe to be unconstitutional control over State elections.

And finally, Mr. Chairman, I hope that we can find an ending to, and a peace of mind from, our eternal bickering over what I believe is a phony issue—dignified by the name of civil rights when only political rights are involved—and become once again a united and responsible legislative body, dedicated to saving for our children and their children and grandchildren the United States of America as we have known it.

Mr. WILLIS. Mr. Chairman, will the gentleman from Ohio yield me 1 minute?

Mr. McCULLOCH. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, in view of the statements made this morning about an agreement as to the time, let me say this. Under the rule, 15 hours of debate were provided for, and 7½ hours or half of the time went to the minority side and 7½ hours to the majority side. But, the 7½ hours on the majority side were graciously divided in two between the gentleman from New York, and we, the opponents, received 3¾ hours or half of the half. We, the opposition on my side, exhausted all of our time, the full 3¾ hours last Friday. We had no more time. I had no time to demand and the only thing I could do was to beg. I do not want it to be understood that I stopped the debate. On the contrary, I appreciate the fact that those with different views went one step further and made it possible for us to have 2 hours more of general debate today—not of my time but that was time that was graciously yielded to me. So, so far as I am concerned, I am not disputing that there is not enough time left, but I just want to say so far as the gentleman from Louisiana is concerned that the present speaker made no agreement with reference to yielding any of his time at all, but on the contrary received additional time.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. CELLER. Mr. Chairman, will the gentleman from Ohio yield me 1 minute so that I may yield to the gentleman from Mississippi [Mr. SMITH]?

Mr. McCULLOCH. Mr. Chairman, I yield 1 minute to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. SMITH].

Mr. SMITH of Mississippi. Mr. Chairman, it is a welcomed privilege for me to be able to come before you today and present my views on matters which are of grave significance to the people of my State and to Americans everywhere who are concerned about the preservation of the system of government which has placed the United States in a position of prominence and distinction among the nations of the world.

We have before us again this session many of the same political proposals, under the name of civil rights legislation, that have been considered at length in session after session during recent years. We are being asked, among other things, to enact into Federal law provisions to prevent opposition to obnoxious law, to empower a national police to handle matters of State concern, and to permit Federal control of the elective franchise. I stringently oppose the enactment of these proposals. I wish to speak against not only civil rights legislation as such, but also what I consider to be ill-conceived Federal legislation that encroaches on what is naturally, historically, and rightfully the province of the States.

Until now, those of us who believe strongly that our States should be free from Federal domination have successfully thwarted the efforts of those who would destroy the identity of the States and establish a unitary system of government, and we shall continue to defend the principles of statehood upon which this country was founded and upon which it has continued through the years with such unbounded success. We believe that the States constitutionally, and as a matter of commonsense, occupy a very prominent place in our American system as an original proposition, and that they should be free, as a matter of right, from the shackles of the proposed legislation.

Countless hours and unmeasurable energy have been devoted to research, writing and speechmaking on the Federal-State relationship and civil rights by both laymen and scholars; the amount of material on the subject is voluminous. However, I would consider it remiss of me, a dereliction of my duty, were I to fail to speak out on this most important matter, if for nothing more than to reiterate and reemphasize the position of all who believe that America has in its proper Federal-State relationship a safeguard too essential to lose.

It should be borne in mind that from the earliest days of this Republic, the geography, climatic conditions, soil, customs, habits, and modes of living in States separated by hundreds, and sometimes by thousands, of miles have made it necessary for the individual States to have the fullest latitude in the management of local affairs. We should remember that even the diffuse geologic conditions of the various regions introduced many factors and created many problems in each locality which have no existence in others. It must be apparent that many basic problems of government must be solved, if they are to be solved to the satisfaction of the people of the whole country, by different areas in different ways. Only when the States are allowed to work out their own local problems without interference from the National Government can we hope to have a spirit of harmony and true unity. Our Government cannot successfully function without the concurrence of the minority.

THE FEDERALIST

The preservation of self-determination by the States in local matters is not a cry of bigoted or jealous commonwealths seeking self-advancement at the expense of sister States. It will keep local problems local. And when local problems are left to the States, as pointed out by Madison in Federalist No. 10:

Those factious leaders who may kindle a flame within their particular States * * * will be unable to spread a general conflagration into other States.

The farflung boundaries of the United States, embracing many diverse cultures, renders difficult, if not impossible, the establishment of national norms for sensitive local issues. A true federalism will render it unnecessary for the Congress of the United States to have to iron out every difference on every problem between northerners and southerners, easterners and westerners, As a result, many issues that might be irreconcilable in Congress will be more readily disposed of in the State legislatures. A proper Federal-State relationship—the relationship established by the Constitution—will forestall the creation of such political issues as we have before us today. If Congress were the Nation's only legislative body, it would be forced to solve all the issues that naturally divide people along religious, racial, and social lines. Fortunately, there are other lawmaking bodies for State and local jurisdictions, and many of these divisive issues can be left entirely outside the realm of the Federal Government.

The adoption of the 14th amendment did not appropriate for Federal control matters of local police. Its purpose was not to scuttle our Federal system. Consider this passage from the well-reasoned *Slaughter House* case (83 U.S. 895, 408, 83 S. Ct. 36 (1873)):

Was it the purpose of the 14th amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow, if the proposition of the plaintiff in error be sound. For not only are those rights subject to the control of Congress whenever at its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States, in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. And still further, such a construction followed by the reversal of the judgments of the Supreme Court of Louisiana in these cases would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment. The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these governments to the people; the argument has a force that is irresistible, in the absence of language, which expresses such a purpose too clearly to admit of doubt.

The proposals before us have as their avowed purpose the protection of the civil liberties of the American people. They are in fact, however, no more than pieces of class legislation which have as their intent the implementation of the infamous 1954 decision of the Supreme Court.

AIMED AT SCHOOLS

The proposal before us pertaining to the obstruction of court orders is an extension of the present Federal statute relating to the obstruction of justice. Although under present law adequate methods are provided to prevent interference with the orders of the courts of the United States, this proposal has been introduced as much needed legislation. A comparison of the proposal relating to the obstruction of Federal court orders with the comparable existing statute will indicate clearly that the former constitutes a pointed attempt to further oppress those sections of our Nation where school problems have become difficult because of the recent decisions of the U.S. Supreme Court. The proposal reads as follows:

Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any public school, or (2) directs that any person or class of persons shall not be denied admission to any public school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person to be admitted to any public school, shall be fined not more than $1,000 or imprisoned not more than 60 days, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime; provided that any such fine or imprisonment imposed for violation of such injunction shall be concurrent with and not consecutive or supplemental to any criminal penalty imposed hereunder.

This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school.

Paragraph 1503 of title 18, United States Code, reads:

Whoever * * * corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.

Thus it is apparent that the proposed and existing provisions are very similar except for the injunctive features in the former and the substitution in former of the words, "the due exercise of rights or the performance of duties" under any court order in desegregation cases for the words, "the due administration of justice" in the latter. The new injunctive feature aside for the moment, it becomes obvious that the proposed and existing provisions are substantially the same, if to obstruct "the due exercise of rights or the performance of duties" under any court order in desegregation cases is to obstruct "the due administration of justice."

Serious consideration should be given to the fact that the proposal is not required legislation because there is existing, comprehensive, and adequate law on the subject. Even greater consideration should be given to rejecting this proposal because of the provision that injunctive relief may be sought and granted against the actions prohibited. Although no attempt is made here to defend or justify any obstruction to a court order of the due administration of justice, it should be remembered that the obstruction of justice statutes have been on the books for many years and that none of them carries the proviso that injunctive relief may be sought against the actions prohibited. We should further bear in mind that all power is subject to abuse, that the injunction and the edict are blood brothers, and that government by edict is the handmaiden of dictatorships.

INJUNCTION ABUSE

In addition to the possibility of abuse of the injunctive power, the inclusion of the injunctive feature in the proposal violates the well-established principle of law that, as a general rule, violations of criminal law will not be enjoined. The reason for the rule is well known—the injunction deprives defendants of a trial by jury and the higher degree of proof required in criminal cases, circumvents the reluctance of jurors to convict, and subjects the defendant to two punishments, first, for violating the injunction, and second, for the criminal offense.

And finally, with regard to this proposal generally, a grave question of constitutionality arises. The proposal admittedly seeks to forbid opposition to racial integration and by its terms forever cuts off all opposition, oral or written, from those who favor the rule of separate but equal facilities. The proposal's proponents would have this rule disestablished and then make opposing its disestablishment or even trying to get it reestablished a Federal crime. They would make it a crime for those who are opposed to the doctrine announced in Brown against Board of Education to say, as Abraham Lincoln said of the U.S. Supreme Court's decision in the Dred Scott case, "We propose so resisting it as to have it reversed if we can and a new judicial rule established on this subject."

It is conceivable that a local citizen who disapproved of an integration plan adopted by local school officials and approved by a Federal court and who threatened to politically oppose the officials at the next election, would be subject to the Federal punishment provided

in such cases. A group of citizens might be subject to the same penalties for coming together for the purpose of setting up a private school. Their actions in such event could be construed by a Federal court in the language of *Bridges* v. *California* (314 U.S. 52, 86 L. Ed. 192), to "create a clear and present danger that will bring about the substantive evil." All this seems to be at striking variance with the first amendment to the Constitution, which provides that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the Government for redress of grievances.

A second proposal in the legislation before us would make it a Federal crime for one to travel in interstate or foreign commerce to avoid punishment after destroying a public or private building by fire or explosives. The violence mentioned in this provision most certainly cannot be condoned, and on the surface laws such as these seem desirable. Of course, no good and law-abiding citizen sympathizes with the terrorists who perpetrate such atrocities.

The introduction of this legislation is an unwarranted indictment against some few of our States in which terrorists have struck without prior warning. There is no legitimate evidence that local law enforcement agencies cannot cope with the lamentable problems here involved, or that extradition procedures have so broken down that the terrorist finds security against punishment across State lines. In the absence of such evidence, the Federal Government has no place in this field; local crime, whether it be murder, rape, arson, or armed robbery or bombing, is the responsibility of the States. This responsibility should be left there, for the alternative is a national police.

DANGEROUS POLICE POWER

Although we should not be alarmists, we should be ever watchful and guard against the gradual establishment of a totalitarian form of government. The remarks of Robert H. Jackson, late Associate Justice of the Supreme Court of the United States, in a lecture at Harvard University, provide us with counsel along these lines, which is worthy of our consideration. He said:

I cannot say that our country could have no central police without becoming totalitarian, but I can say with great conviction that it cannot become totalitarian without a centralized national police. At his trial, Hermann Goering, with great candor, related the steps by which the Nazi party obtained complete domination of Germany, and one of the first was the establishment of the supremacy of the national over the local police authorities. So it was in Russia, and so it has been in every totalitarian state. All that is necessary is to have a national police competent to investigate all manner of offenses, and then, in the parlance of the street, it will have enough on enough people, even if it does not elect to prosecute them, so that it will find no opposition to its policies. Even those who are supposed to supervise it are likely to fear it. I believe that the safeguard of our liberty lies in limiting any national policing or investigative organization, first of all to a small number of strictly Federal offenses, and secondly to nonpolitical ones. The fact that we may have confidence in the administration of a Federal investigative agency under its existing heads does not mean that it may not revert again to the days when the Department of Justice was headed by men to whom the investigatory power was a weapon to be used for their own purposes.

Mr. J. Edgar Hoover, who heads one of the world's most efficient and highly regarded law-enforcement agencies, has expressed a similar fear of a centralized police. He said:

When any plan leading to consolidation of police power is advanced, we will do well to examine it carefully, no matter from what source it originates. Close examination may lead to the discovery of certain basic defects which the proponents of such proposals habitually overlook in their zeal to install an overall law-enforcement agency. * * *

The most compelling argument against any move toward a centralization of police power is the danger which it represents to democratic self-government. We should not be misled by urbane representations that the power is limited and will be sparingly used. While this may well be the honest intention of those who first advance the proposal, we have good reason to fear a different result. Experience teaches that power once granted to a sovereign authority is seldom relinquished, more often used to the hilt, and extended in scope. It may be a tool of great value when used only for the public good, but it can become a vicious weapon in the hands of one who is corrupt. The judgment of history is on the side of those who take the skeptical view.

We here would do well to respect Mr. Hoover's fear of the consolidation of police power and reject this proposal which moves us off in that direction.

A third proposal pending before the House is the one requiring State officials to retain election records for the inspection of Federal officials. By and large, the same objections to the proposals relating to the obstruction of court orders and to unlawful flight in interstate commerce may be lodged against it. Federal interference in elections is not only a violation of the traditional rights of the States, but is unwarranted and unnecessary.

FEDERAL INTERVENTION

Although this proposal is couched in language that does not reveal its purpose, it is quite well known that its purpose is to provide a basis under Federal law for the intervention of the Attorney General of the United States in behalf of any southern Negro alleging discrimination under State voter registration or election laws. With the concepts that every man should stand equal before the law and that every man should have his legal rights established by the rules applicable to all other men, there is no disagreement anywhere in the United States. However, this proposal, which provides, in effect, that the Attorney General of the United States shall be the private counsel for selected groups because of their race, while all other Americans have to carry on their own investigations and litigations for themselves, is an absolute repudiation of those sound principles. In this respect, attention is called to some very sensible and fair language used by Mr. Justice Bradley in the civil rights cases of 1883:

When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the insuperable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or man, are to be protected in the ordinary modes by which other men's rights are protected.

It would scarcely be hazardous to venture that each of the several States prescribe by statute procedures designed to insure redress in case of misapplication of their voter registration or election laws. Adherence to the principle of equal treatment under law will cause the proposal under consideration to fail to pass and will rightfully compel these aggrieved persons to resort to those altogether adequate State procedures used by all other Americans.

This proposal, as does the proposal relating to unlawful flight, goes far toward the establishment of a national police. With respect to this proposal, as with the one on unlawful flight, we should recall the statement of the late Robert H. Jackson and particularly his belief that—

The safeguard of our liberty lies in limiting any national * * * investigative organization.

This proposal constitutes a major first step toward establishing the supremacy of a national police over local authorities. And, parenthetically, it was by such a first step that the Nazi party obtained complete domination of Germany. The sponsors of this legislation have not been satisfied to ask merely that we grant the executive department the authority to participate in matters of criminal law heretofore the exclusive responsibility of the State governments, but, in their zeal for complete national domination of the States, they also ask that we empower that department to sit as a guard over the ballot box.

VOTING REFEREES

Of the four proposals selected for discussion here, only the one providing for court appointment of U.S. voting referees remains to be considered. This proposal is not new; its origin stems from a similar proposal enacted into law in 1871 and repealed in 1894. This proposal was so similar in fact that the end result of the one now pending before the House would accomplish the same evils as the law which was repealed in 1894. The entire country had a bitter experience with the 1871 version of the Force Acts, and we should take note today of the experience of our forebears with respect to it.

If we throw caution to the winds and do not study the unhappy experience this country had with this same legislation in the latter part of the 19th century, we may, and I predict we will, subject this country to the same abuses which were practiced under the law of 1871. It was charged on the floor of Congress by northern Democrats that Republican Party machines in the North deputized criminals, drunks, and armed thugs as

marshals and used them to keep Democratic voters from the polls. The committee of the House which investigated the operation of the 1871 version of the proposed legislation said that the law was used "only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party."

This legislation, tried during the Reconstruction years, was found to be an undesirable and unconstitutional invasion of the right of the several States to provide election laws, the machinery of election, and the proper execution of elections. This right of the States to exercise these powers is found in the fourth section of article I of the Constitution, which is as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

The annals of the Constitutional Convention reveal that this section of the Constitution was thoroughly debated at the Convention, and grave concern was manifest over the same provision by the conventions in the various States. The right to establish voting qualifications was one which was most jealously guarded by the ratifying States, so much so that almost without exception the ratifying State conventions passed resolutions giving their interpretation of the fourth section of article 1. It is obvious from the resolutions interpreting this controversial section that the ratifying conventions accepted the Constitution with the understanding that this section provided the Congress could alter the laws of the States only when the States had refused or neglected to do so. In debating the provision in the Pennsylvania Convention, James Wilson, a member of the Federal Convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act; Congress, only in case of their failure to do so.

James Madison, in explaining this section of the Constitution, said:

> This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether (Madison Papers, vol. 3, 1282).

Now consider what Alexander Hamilton said in the Federalist, bearing in mind that his words were written at the time of the adoption of the Constitution:

> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power, and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment.

Since the States only ratified the Constitution upon the faith and assurance that this and other powers would never be exercised except under certain circumstances, that is, where the State had refused or neglected to provide for election machinery to insure the election of the national officers; but for Congress to exercise this power when the circumstances under which it has the power to do so have not arisen is a fraud upon the Constitution, which should not be tolerated.

The power given to Congress under this section of the Constitution is secondary and contingent. The committee which considered the repeal of the 1871 Force Act recognized the conflict between the Constitution and the law. It is appropriate to examine what the committee concluded in its report. The report reads in part as follows:

> The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. * * * We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the States and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc." was intended, without reason or cause to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the part of the States to provide the necessary machinery and no impropriety in the machinery provided.

The rights and conditions of suffrage are traditionally and constitutionally left to the States and when the States have enacted appropriate legislation in this field, the Federal Congress is without power to act. It is a matter of record, and cannot be denied, that the States of the Union have since the very beginning provided by law for election machinery and established the requirements for voting. The laws of the States provide for the appointment of qualified officials to administer the laws and in most instances provide for penalties for failure to do so. We are now considering legislation which would place Federal election officials, to be appointed by the court with no qualifications prescribed, in the States with blanket power to scrutinize and spy upon the State officers of elections. State officials would be subjected to the indignity of having to administer a State law under the direct supervision of a Federal official.

DUAL POWERS

The power to administer a law has traditionally and constitutionally emanated from the power to enact the law. The power to legislate is a sovereign power and necessarily carries with it the power to punish for the violation. This legislation would mix Federal and State authority and would result in dual power to administer a law and punish for violation of such law. The Committee on Privileges and Elections, when considering the repeal of the forebear of this legislation, recognized this fallacy and, speaking of this dual power to administer the suffrage laws of the States, said:

> This of itself must create friction, and the history of the country since the enactment of these laws has demonstrated their unwisdom in this respect.

The report of the committee continued:

> Was ever a more monstrous proposition written on the statute books of a free country. * * * How can the United States, by its supervisors and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many States) when the right of suffrage emanates from the State itself and the State alone can determine it?

How can we here, in light of the experience which our forefathers had with this same legislation, enact into law the same provisions which they tried and found to be unwise, unworkable, unconstitutional, and undesirable.

If this legislation is passed, it would but invite friction between the several States and the Federal Government, upsetting the delicate balance of a Federal system which has endured some 170 years. It would invite corruption in the conduct of elections because this dual control would be used in the future as a part of the machinery of a political party to reward friends and destroy enemies.

The introduction of this legislation is an unwarranted indictment of the States, indicating a lack of confidence on the part of the Federal Congress in the States' ability to administer the elections under their laws. Its passage would amount to a verdict of the National Congress that only the Federal Government is capable of properly conducting an election. It would be a Federal invasion of a field which has been and should be left to the several States.

If history has taught this Nation anything, its best learned lesson should be that the use of force accomplishes no desired result, that Federal interference with matters of local concern destroys the governments which are closest to the people and most answerable to their immediate needs.

Enactment of the legislation before us will be a stab at the very heart of every State that we were respectively sent here to represent. Believing with Thomas Jefferson that "free government is founded in jealousy," I cannot say of the Federal Government what Job said of Jehovah:

> Though He slay me, yet will I trust Him.

I share a belief attributed to Justice Louis D. Brandeis that:

> The States are the only breakwater against the ever-pounding surf which threatens to submerge the individual and destroy the only kind of society in which personality can survive.

Those of us who believe in the worth of the individual and who would have him shielded from the billows of oppressive law will do well to reject the legislation before us today.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, like the distinguished gentleman from Florida [Mr. HALEY], who has just preceded me, I want to express my deep appreciation to the ranking minority member of the Judiciary Committee for granting

me this brief time for debate. In the space of 5 minutes it is utterly impossible to discuss either the provisions of this bill or the disastrous effects which its passage will have upon the people of this great Nation.

It has already been pointed out that there has been more racial friction, more racial tension, and greater division between the races since the passage of the Civil Rights Act of 1957 than there has been at any time since the war for southern independence almost a hundred years ago.

On Friday, in a colloquy with the gentleman from Georgia [Mr. LANDRUM], the gentleman from New York [Mr. CELLER], in referring to his own State, said this:

> Mr. CELLER. If the gentleman is trying to say that the voters in the State of New York are apathetic, I will say, yes, they certainly are apathetic and unfortunately so. But, remember, the law or bill that we are endeavoring to pass is going to be applicable to the State of New York as well as to the State of Georgia. I will say that we, in the State of New York, certainly are not paragons of virtue. I do not want to lay any flattering unction to my soul and say to you that we are the banner State in the Union so far as equality is concerned. That is not true. We do have discrimination.

Is that not amazing, coming from the distinguished gentleman from New York [Mr. CELLER], who in spite of the fact that the great State of New York has more antidiscrimination and procivil rights laws on its statute books than any other State in the Union, is willing to admit that those laws apparently have not eliminated discrimination. Apparently he realizes it cannot be done by law. Is that not in effect what he is saying?

I might add one more thing, that New York also is probably the leading State in various and sundry atrocious crimes such as murder, rape, and felonious assault. I do not hear the gentleman from New York asking us to extend the Federal jurisdiction to usurp the police powers of the States to include jurisdiction over rape, murder, felonious assaults and muggings.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Alabama.

Mr. ANDREWS. Is the crime rate greater in New York than it is in Washington?

Mr. WILLIAMS. Well, I cannot say. It is so great in both places that it is astounding.

Mr. ANDREWS. The Chief of Police has warned the people of Washington to stay off the streets at night. He has issued that warning many, many times.

Mr. WILLIAMS. I might add that the great liberal Washington Post has advised ladies to keep their doors locked at night. The Post excused one of the most vicious crimes that ever occurred in the city of Washington, by saying editorially, in effect, that after all the victim must assume some responsibility because the night chain was not secured when the intruder came in, raped her and stabbed her. That is the type of reasoning some of our good liberal friends exercise.

Mr. Chairman, the question of politics has been raised in this debate several times. If I have the time, I want to show you how politics can be a double-edged sword in this issue. While you may not be willing to admit it, you may not want to admit it, the Southern States of this Union are still a potent, moving force on the great American political scene, and I warn you the people of the Southern States are getting tired of being the target of all the insults that can be heaped upon them by both the major political parties.

People of the South, standing together, make up the most potent minority in these United States. Continue this campaign of vilification against the integrity and the institutions of our people and you will see a political uprising in the South that will challenge the position of both major political parties. The South today has such strength in the electoral college that no Democratic candidate can be elected President of the United States without our support. You are driving us out of the party of our fathers. You drove us out in 1948, but if it happens this time it will be bigger, stronger, and certainly more potent.

Such issues as the one before us challenge the existence of the two-party system in this country. When both major political parties adopt parallel political philosophies and proceed to outbid each other for minority votes and selfish-interest-group votes, within the framework of identical political philosophies, then the two-party system cannot live for very long.

Mr. Chairman, though this legislation is presented to the Nation as a means of securing or guaranteeing certain civil rights to our people, its real purpose is obviously political. Unfortunately, however, its disastrous effect on our republican form of government will transcend by far any political advantages to be gained by those who support it so loudly.

The bill does violence to our system of government because it denies to the States the exercise of powers reserved to them under article X of the Constitution of the United States. It places special rights in the hands of selfish-interest minority groups at the expense of the great majority of our people.

Mr. Chairman, I fear for the future of the American system. The rights of the States as reserved to them under the Constitution have been under a battering assault at the hands of the Federal Government for many years. Where the Federal Government finds that the people will not permit a certain field of jurisdiction to be openly and overtly usurped from the States, it resorts to a system of bribery in the form of grants-in-aid to the States, thus purchasing from them bits of their sovereignty by demanding and getting varying degrees of Federal control over these programs. These programs are, indeed, difficult to combat, because they hold out a false promise to the States of something for nothing: an appeal to human avarice, a failing to which human nature is highly susceptible.

No, Mr. Chairman, if the American people do not soon awaken to these moves to concentrate all authority into the hands of the few who occupy powerful positions on the banks of the Potomac, it will not be long before government will no longer be in the hands of the people, and human freedom in America will become but a cherished memory.

Using the devious vehicle of civil rights, the Federal Government now seeks unprecedented authority to extend its jurisdiction to include the regulation of the election machinery of the several States. This is perhaps the most revolutionary step ever proposed in the quest for greater Federal authority and the corresponding denial to the States of the exercise of powers reserved to them exclusively by the Constitution.

Have we reached the point in this country when the Constitution of the United States is so outmoded and antiquated that it no longer serves the cause of freedom? Have we reached the point in this country when we no longer recognize the Federal Government as being a government of limited powers, exercising properly only such powers as are delegated to it by the Constitution? Will we change that great document by legislation or court decree and without the consent of the governed, as this bill will seek to do?

Are we to consider the several States to be now no more nor less than subservient political subdivisions of an all-powerful Central Government, yielding in every case to the demands of the Federal establishment, notwithstanding constitutional prohibitions against Federal exercise of powers properly reserved to the States?

To enact the legislation now before us is to give an affirmative reply to these questions. And, in giving an affirmative reply, who can deny that we shall have changed our form of government?

In the Federalist, in essay No. LVIII, Alexander Hamilton, one of the great architects of American liberty, dealing with the regulation of elections, said:

> Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment; and, to an unbiased observer, it will not be less apparent in the project of subjecting the existence of the National Government, in a similar respect, to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each, as far as possible, ought to depend on itself for its own preservation.

Even Chief Justice John Marshall, himself a believer in the supremacy of the Federal Government, nevertheless, said in one of his opinions that:

> No political dreamer was ever wild enough to think of breaking down the lines that separate the States, or compounding the American people into one common mass.

It is too bad that he could not have lived to see this day, when destroying State lines and amalgamating our people

seems to be the sole absorbing interest of a majority of our people in public life.

Thomas Jefferson said in the Declaration of Independence, that governments derive "their just powers from the consent of the governed"; yet by this legislation, the consent of the governed will be disregarded and ignored in favor of the whims and fancies of a Federal election registrar—or referee, depending upon which proposal prevails—and local self-determination will disappear.

Each and every one of the six points in the bill before us is intended to confer more and more powers upon the Federal Government at the expense of the several States. Each and every one of the six points in this bill extends Federal authority into new fields of jurisdiction beyond the limits of power conferred to the Federal Government by the Constitution.

Thus, Mr. Chairman, by passing this legislation, Congress will contribute to further destruction of the greatest and most perfect form of government ever devised by man. In passing this legislation, Congress will bring the people one more step toward the dissolution of their liberties, the denial of self-government, and the creation of an autocratic centralized state in which the people will no longer exercise control over their own destinies.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS of Louisiana. Mr. Chairman, I want to thank the gentleman from New York for the time he has very graciously given to me. He knows I am on the opposite side of this bill from himself, yet he has had the kindness of yielding me this time. I appreciate it very much.

Mr. Chairman, you have heard it said that vital legislation is being held up because of this foolish, vote-getting spree to force a civil rights bill through Congress before the election. I have heard the same thing. The other day, I was told that this Congress cannot hope to adjourn before the convening of the two party conventions in July because of the long delays occasioned and the time consumed by debates and wrangles on the civil rights bills. I know of definite instances where important legislation is being held up and being denied consideration today because of bickering and backbiting about the South and about the civil rights of a minority group in this country.

Mr. Chairman, on February 4, the Science and Astronautics Committee reported with favor the committee House Joint Resolution 567 by Mr. SISK, of California, and this resolution passed the House of Representatives on February 8—just 4 days later. The purpose of the resolution is to speed up the transfer of the Von Braun team from the Army Ballistics Center to the National Aeronautics and Space Administration. Every witness before our committee testified that it was important that this be done as soon as possible as it would add to the morale of the 4,500 employees involved and it would help them adjust themselves and speed our space effort. Although this resolution passed the House on February 8, more than a month ago, it has not yet been considered by the already obtained committee approval in the other body.

Mr. Chairman, we are in an all-out race to overtake Russia and then leapfrog that country in our missile and space program. I think we can do it. It is going to take time and money, however, to accomplish this. Every little thing that we can do to assist will in the end help to place our country in the lead over Russia. We should not lose this opportunity.

While some of our Members prate over our loss of prestige throughout the world because of this civil rights matter, they apparently stand willingly by as they watch us fail to push through useful legislation to gain tremendous prestige and influence throughout the world by overtaking Russia in the missile and space race.

You may say that this civil rights is urgent and should be attended to at once. Mr. Chairman, I have been in this House over 20 years and I want to say that this fight comes up in Congress about every other year regularly—of course, election years. This is not the last debate or the last bill that you are going to have on this matter of civil rights and it will not be the last chance you have to speak on this matter unless you are one of the Members who feel that his constituents will not send him back to Congress because he lacked the support of the Negro votes necessary to do this. There will be another bill brought up in the next session and there will be further acrimonious debate. Nothing Congress or the Supreme Court, or the President in sending out troops with fixed bayonets, can do is going to put a stop to this perennial matter. It is going to keep on like the weather, in good times and in bad times, with varying vicissitudes until the two great races of people in this country—the white and the Negro races—learn to live in this country side by side in peace, harmony, and tranquillity—not at the point of fixed bayonets and not at the end of Warren Court injunctions; but because in their hearts they want to live in America free of friction and bickering and without the doubtful efficacy of the help of these designing congressional politicians.

Why not, then, Mr. Chairman, be about our Master's business—and get vital legislation needed for the defense of this country—this resolution and other bills—passed and on the statute books. Those who fear loss of prestige because of civil rights—and I am not one of these—will more than gain it back by getting through legislation so important that, without it, it is conceivable that we may be servile minions of Nikita Khrushchev and Soviet Russia.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. WINSTEAD].

Mr. WINSTEAD. Mr. Chairman, 5 minutes is a very limited time, and obviously I cannot discuss the merits of this bill in that time. I expect to do that later. I do wish, however, that this Congress could find some political subject other than the Negro and let him rest a while.

After listening to this debate, I have come to the conclusion that few seem to know anything about the relationship between the white man and the Negro in my State or in any other Southern State.

I was serving as county superintendent of education, and was president of the State organization, when elected to this body. I appointed a committee of the best Negroes to be found in my county and they and I ran the Negro schools. The budget under which we operated allowed 5 percent which I could spend at my discretion on teachers' salaries and for transportation. I gave the Negroes every penny of it, even though the highest paid white teacher with a college degree at that time received only a very limited salary.

Mississippi is one of the leading oil States, it is gaining in industry and today we have improved our economy in Mississippi. I would say we now have one of the finest groups of Negro schoolteachers to be found in the United States. They have their own trustees, and other officials who develop leadership for their own people.

Are you people mindful of the fact that this political football that is kicked around every year in this Congress is making criminals out of a lot of our young Negro people who would otherwise be good American citizens? If I did not know any more about the racial relationship that exists in the Southern States than what I read in the Washington Post, and other northern publications and what I see on television and what I hear on radio, I would get the impression that every elected official of the State of Mississippi deserves to be electrocuted.

I say to you, my friends, vote for this bill if you will, but I am opposed to any part of it. If you are going to continue this football logrolling, and make it as vicious as some of you are attempting to do, I hope this ends it once and for all, and that the poor Negro can begin to live like any other decent American citizen without being used as a political stooge by both parties for political gain all over this country. I live in a county that is the capital of the Choctaw Indian nation. We have Choctaw Indians, we have Negroes, and we have white people in my county. We have segregated schools. We live in peace and harmony. And, thank God, the Negro in Philadelphia, Miss., has as much pride as the Indian. If an Indian thought you did not want him in your presence, to get him there, you would have to drag him. If you want to make second-class citizens out of whites, Negroes, or anyone else, just keep up this political boobytrap and it will eventually be enough to make them believe they are second-class citizens. So, I say to you, my friends, I know there is some sincerity in this country, but look in the galleries since this debate started. The interest is not what it was a few years ago, because the American people have awakened to the fact that this is a cheap political gesture from start to fin-

ish. I believe there are some people who are more interested in persecuting the South than in doing something constructive for the Negroes in this country. I was talking a few years ago to one of our outstanding Negro teachers. I said to him, "It may be hard to get the Negro to tell the white man what he honestly believes. I have been hearing you people do not want to vote. You know you can vote any day you want to, and nobody will open his mouth." He had more sense about it than most people. He said, "To say I do not want to vote would be wrong, because I would like to vote for you. But, to vote now might hinder the great progress we are making in our schools and in other ways. There are so many Negro people who are not ready to vote. If the door is opened now, a great number of unqualified Negro people would rush in and set our progress back many years."

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I am opposed to the so-called civil rights bill which is now before us. It has been heralded by the liberal press merely as a voting rights bill. However, there is much more to the bill than this. The more this particular legislation is subjected to analysis and scrutiny, the more the imperfections become evident. The bill reported by the full committee has five substantive provisions or titles which go far beyond the so-called purpose of the bill. For example, three of the provisions of the present bill involve criminal prosecutions, which is a complete reversal of what the Attorney General said was needed in 1957.

Under this bill the proponents would take away rights, powers, and jurisdiction of the States which were given to them under our Constitution and turn them over to the Federal Government here in Washington. It is elementary that once elections are controlled by Washington, the State governments will lose much more of their rightful jurisdiction. Any plan, whether it be Federal referees appointed by judges, or Federal registrars, would usurp the right of the States to conduct their own elections. This control would extend even to local elections and would, in my opinion, be a grave step in the wrong direction.

The whole question here today has become enmeshed in "political pitch." The liberal Democrats are vying with the Republican administration to see who can outdo the other in the hope that they will reap the harvest of the minority vote this fall. Thus the real question is, Who is going to get the credit? Not whether it is a good bill that, in the long run, will be for the benefit of all our people.

The truth is, that in the past 2 years, in the whole United States there have been less than 300 sworn complaints of being deprived of rights in voting. I can only speak for myself, but I have heard of no complaints by anyone in the district I have the honor to represent of being deprived of the right to vote.

Again, Mr. Chairman, let me say I am interested in preserving our constitutional democratic system, a system of certain powers to the States or to the people, combined with certain stipulated powers given to the Federal Government under our Constitution.

The Constitution of our country was founded upon a government of States. The powers of the Federal Government are specifically limited under this great document. Our forefathers, jealous of their rights, provided in the 10th amendment that all the powers not specifically granted in that great document to the Federal Government were reserved to the States or to the people. To continue to centralize more and more power in the Federal Government, as this bill would do, is a dangerous thing. The minorities throughout history have been persecuted by centralized power, or strong central governments controlled by a few.

I am proud of our great country and want to preserve its great heritage, its traditions, and freedom, and thus hope that the majority of this great body will refuse to give to the Federal Government control over the vital machinery of the right to vote.

Mr. DORN of New York. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DORN of New York. Mr. Chairman, I urge passage of H.R. 8601, which is probably the most important legislation to be considered during this session of Congress. It is such because it is a test of the meaning of our Government. Our Constitution guarantees and offers to all freedom and liberty—that is, equal freedom and equal liberty. But the fact that it is expressly written in the fundamentals of that document does not mean in actual practice that there has been equal freedom and equal liberty.

A distinguished southerner who had a great voice in the framing of that document, Thomas Jefferson, said that man has an inalienable right to life, liberty, and the pursuit of happiness. The bill before us is an attempt to enable the guarantees of the Constitution to become a reality. Many men have argued in this debate that this bill is not necessary. It should not be necessary. But since large segments of our country are disfranchised, I regret that a definitive statement by the legislative body is demanded in order to enforce the basic rights given to all.

Our President has taken the leadership in this fight and under his urging Congress passed the Civil Rights Act of 1957, but it is now found that this act must be strengthened and implemented because during the past 3 years it has been obviously demonstrated that this bill was not sufficient. H.R. 8601 is the natural outgrowth and development arising from the weaknesses of the 1957 act.

I have never felt that law without public acceptance of that law is enough. The basic acceptance of its spirit must be acknowledged before it will be entirely effective.

Though I intend to support various amendments to this bill, I do not want to discuss them now and shall await their proposal, but any amendment to this bill which will enable the purposes of the Constitution to be effectually carried out will have my support.

Mr. McCULLOCH. Mr. Chairman, I yield the remainder of my time to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Chairman, the provisions of the pending bill, with the amendments which will be offered, have been ably discussed by the members of the Judiciary Committee from the South, outstanding lawyers all. As a lawyer, I join with them in saying that this bill is another step toward the destruction of our beloved Nation. Since you have heard these fine presentations I shall not spend my time in further discussing them, in the limited time I have, but will present to you my belief as to why we are faced with this bill and to point out as best I can what this course must lead to.

Mr. Chairman, it is heartrending to me to see the executive department, the judiciary, and here today, a majority of the Members of Congress ignore the lessons of history, to take another step down the road to an all-powerful Federal Government. Forgotten are the principles of our republican form of government, with rights reserved to the States. Forgotten are those happenings in history which caused the founders of our Constitution to write into that great document protection from excesses by all-powerful central governments of the past.

Forgotten here today are those experiences of our English forbears which led to the Magna Carta. Forgotten, too, is the background of history, the basis of separation of powers, executive, judicial, and legislative and between the Federal and State governments. Serious as that appears to me, more dangerous perhaps than all of that is that here we ignore what we have seen happen ourselves, in other countries in our own lifetime. In our lifetime we have seen Hitler's Germany with courts issuing decrees and with troops used to enforce them. Today in the United States we see the Supreme Court issuing decrees, changing the meaning of the Constitution, and here, too, we have seen troops used to enforce such decrees. Hitler, too, said it was for the common good. In the guise of protecting individual rights of this minority, the Congress would surrender individual rights of all, not merely to the present President, the present Supreme Court, and the present Director of the FBI, but to those in the future who may succeed them.

As we meet here today the radio carries the statement that the NAACP and Walter Reuther are calling on the President even now to use troops throughout much of the South. The question of authority is not even raised.

If, as we all believe, Russia and the Communists follow this course of destroying nations from within and desire to create strife and dissension in our beloved Nation toward that end, I know

of no better way than that which our Government is following. I know of no better instrument to bring about such strife, turmoil and riots than the NAACP.

It was Lord Benchley, I believe, who said in the 18th century that a democracy could not long endure. For, he said, the elected officials will give the country away in order to keep being elected. Truly here today thoughtful people must believe that there is at least much basis to fear that he was right.

Mr. Chairman, we are convinced the issues before us insofar as party leaders are concerned, were conceived in politics, promoted by politics and will remain politics. We have served with Members here from northern cities. We know what they say off the record. Mr. Chairman, if the Congress were to pass and the President were to sign every bill now pending in the so-called civil rights field, it would solve nothing, for before the next election the same forces would pass still other bills in an effort to get the votes of this same minority, in order to win the next election.

Actually, Mr. Chairman, in my opinion, the leaders of both major parties do not want all these bills passed at once. They wish to hold some for the next election. Let us review the history of this subject and its tie to winning elections.

Efforts to obtain minority votes have been made for many, many years. However, in 1948, the Democrats, at their convention, adopted the so-called civil rights plank in their platform. Today, one of the candidates for the Democratic nomination is very proud of his part in such action. The Republicans followed suit; and so it has been with each convention of each major party since.

In 1954 when the present Chief Justice, then Governor of California, was being mentioned as a possible Republican nominee for President and was asked how he stood on civil rights, his reply appeared in the U.S. News & World Report. His statement was that as Republican Governor he was committed to the platform of the Republican Party, and I quote: "To use all the power at my command to get rid of this evil—segregation."

Later this man was given the greatest power in the United States, that of Chief Justice of the Supreme Court, and he exercised his tremendous power. Shortly after his appointment he wrote his decision, changing the interpretation of the Constitution upon which the people and the States had relied for many years. He reflected the view of many who were impatient with the Congress and the States for not passing and adopting a constitutional amendment to bring about such change.

Mr. Chairman, by a stroke of the pen, the Court's opinion, written by the Chief Justice, became not the law of the land but became effective in the same degree because we have no higher court to which we can appeal. Truly the Supreme Court thus became the court supreme, a judicial dictatorship, reserving unto itself the right to change the Constitution from day to day and month to month as the Court may deem necessary.

Mr. Chairman, could anything be worse? All stable nations have had to have something which remained steadfast, around which the tides of public opinion would ebb and flow. Ours was the Constitution. Today that is gone, for the best constitutional lawyer can only guess what the court supreme may say it means on issues which are before it. Following the decree of the court supreme, in order to win succeeding elections we find the executive department and the Congress getting into the act. First, Congress was asked by the executive department, and granted, civil remedies in the so-called civil rights field. The Congress was asked and a majority provided the repeal of the right to trial by jury in some cases. The Congress was asked to provide criminal remedies; and that, too, was granted by a majority of the Congress.

Today, Mr. Chairman, the Congress is asked to provide for Federal registration of votes and with it the right, they say, of the Federal referee to see that the vote is not only accepted but that it is counted. Of course, in order to see that it is counted the Federal referee will have to see the vote itself; and the next step, as anyone can see, would be that somewhere along the line the Federal Government may also see that it is counted "right." That is, according to Federal dictation. This is the course followed by Hitler's Germany and Khrushchev's Russia. Here, too, in the measure before us they have requested authority to send the FBI into States, without request and in advance of any evidence whatsoever of the violations of any Federal statute.

Mr. Chairman, shades of Hitler and his gestapo and of Stalin and his secret police; they, too, used them for what they said was the good of the nation. I know you will say it could not happen here. My friends, 20 years ago any right-thinking person, citizen, Congressman, judge, or President would never have believed that by this time we would have seen the Supreme Court issue decrees changing the meaning of the Constitution, the President using troops to enforce such decrees, and the Congress removing the right to trial by jury.

Twenty years from now, Mr. Chairman, if we continue at the present rate in the same direction, our Nation as our forefathers planned it will have gone, unless we find some means to check our course. It may be that you feel that the present President, the present Attorney General, the present Director of the FBI would never abuse the authority granted by these bills. I need not argue the point for others will in the course of time succeed our present officeholders.

Mr. Chairman, history is filled with misuse of power by those to whom it was granted. In fact that was the reason for the creation of our great Nation in the first place.

Passage of the measure before us will perhaps reelect some of our colleagues in districts where the minority vote will mean the difference. Apparently the leaders of both the Republican and Democratic Parties believe that whichever one convinces this minority it is for the strongest legislation in this field will receive the vote of the minority and thereby win the national election in 1960. Thus we find both parties, Mr. Chairman, captive not only today but forever more of this minority unless we can find some means to stop it.

Today, in seeking the vote of this minority in northern areas many of you seem to feel you are striking only at my section of the country. Mr. Chairman, these laws have general application and they apply to all sections of the country. It is not that my section of the country will be the arena for efforts to obtain votes in other areas under this legislation that disturbs me the greatest. Rather it is because such legislation would destroy the very basis of our Government. The course a majority here would take leads to an all-powerful government inviting all the abuses that other all-powerful governments have exercised or visited upon the people in times past.

My friends, the leaders of both major parties are ignoring our great section where truly there has been the best relationship between the races of any place in the Nation, because apparently the Republican Party feels it cannot carry the South; and the Democratic Party feels the southerners will have to stay in their Democratic Party because the southern people have nowhere else to go. Mr. Chairman, because of these conditions, because of these facts, the people of my section of the country are being forced to explore every possibility as to what they can do, not merely to save the South from another Reconstruction era, with its terrible days, but to save the Nation from eventual destruction.

Let us see what it is possible for the people of the South to do. If involved here are the efforts of these two major parties to elect a President and control the Congress, and if I be right that they are seeking this minority vote in order to do both of those, first we should look to the Constitution to see how a President is elected.

Under section 1 of article II of the Constitution, it is provided, and I quote:

> The executive power shall be vested in the President of the United States of America. He shall hold his office for the term of 4 years and together with the Vice President, chosen for the same term, be elected as follows: Each State shall appoint in such manner as the Legislature thereof may direct a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative or person holding an office of trust or profit under the State shall be appointed an elector. The Congress may determine the time of choosing the electors, and the day on which they shall give their vote, which day shall be the same throughout the United States.

Mr. Chairman, since then it has been decided that the choosing of electors shall, as we all know, be on the Tuesday next after the first Monday of November every fourth year. And the electors in each State meet and give in their votes on the first Monday after the second Wednesday of December next following their appointment, at such place and in

each State as the legislature of such State shall direct.

Now, Mr. Chairman, anyone who reads that can clearly see that it is entirely up to the State as to how it shall select electors and as to whether they shall pledge them to the nominees of either party or shall leave them to use their independent judgment. Further, Mr. Chairman, it is to be noted that the electors elected in any Southern State would have approximately 6 weeks, after the other States had voted, to make a determination as to how they might wish to cast their votes in the electoral college, which, after all, elects the President.

Now, if the Southern States should follow that course the independent electors might vote for the Democratic nominee. They might vote for the Republican nominee; and yes, it is true that they might vote for a third candidate. As we all can recognize, under such a procedure if division was close enough between the Democrats and Republicans they could throw the election into the House of Representatives.

Now we turn to the election of the Speaker of the House of Representatives and the organization of that body, and we find that the House of Representatives shall choose their Speaker and other officers. In 1809 it was held that the Speaker should be elected by a majority of all present, and in 1879 that he might be elected by a majority of those present if a quorum; and a majority of all the Members was not required. In two instances the House chose the Speaker by plurality of votes; but confirmed the choice by majority vote. In Jefferson's Manual and reading in the Constitution we see that a Speaker may be removed by the will of the House, and a Speaker pro tempore appointed.

The meaning of this, Mr. Chairman, is that a majority of the House of Representatives can change Speakers from time to time under the rules, if it so desires.

Involved is not just the honor of having the Speaker; but whichever group, be it a coalition or party, has the power to determine committee ratios. This, as we all know, is one of the most important results which follows control. Involved is the ratio of the Labor Committee, Appropriations, Ways and Means, and yes, of the powerful Rules Committee, as well as all others. In fact, in recent years one of the facts that has resulted in declining influence of those who may hold key positions, including chairmanships in the Congress, is that the leadership has seen fit to stack committees and thereby outweigh whoever may be chairman.

Thus, after we note these provisions, Mr. Chairman, we see that there are several courses the people of the Southern States could take. First, the South could in their respective States set up a third party with respective nominees for President and Vice President. Here, frankly, the competition for who rides the white horse might prevent such a move getting enough support to count. Many believe that if a Governor were selected as the third party candidate, many other Governors and many Senators would refuse to go along. The same situation would exist if a Senator were selected.

Another approach, of course, would be to select independent electors to cast their votes in the electoral college as best they could. I have pointed this out to the Members here today.

Third, southern Members of Congress could unite and make it necessary for a coalition to organize the Congress. Ninety-three Members voted against the rule on the measure before us. It is apparent that such 93 could have changed control of the House when this Congress was organized.

Mr. Chairman, I point out these possibilities to you here today because you need to know what you are forcing the people of a large section of our country to consider. Mr. Chairman, we all know that many southerners now in Congress, because of various reasons, key positions, the acclaim they receive, and other things, would not like to go along with this at the moment; but I say to you that the people back in our respective districts and our respective States are after all in the final analysis going to govern. I say to you that under the usual division between the major parties here, if one-third of all the southerners in the Congress were to unite along either of these lines it would make it necessary for those that did not, to run "on the other side." Few would take that course.

Mr. Chairman, the overwhelming majority of the people of the South, the Southern States, are sound. They are convinced the Supreme Court and the President, assisted by a majority of the Congress, are leading to the destruction of constitutional government. I say the southern people are not helpless. The States usually identified as southern have 128 electoral votes out of a total of 537. These electors, as I point out, meet about 6 weeks after the general election to elect a President. Could the South control every election? How many of these States would join in such a move? Of course, the South could not control all elections; but the southern electors and southern Representatives in Congress would be sought after for the next election and the next and the next.

There are 437 Members of the U.S. House of Representatives. These Members in the present Congress may be divided as follows:

Republicans outside the South, 146.

Southern Representatives, 106.

Democrats outside the South, 185.

It easily can be seen that southern votes are essential for either national party to organize and run the Congress. In fact, in the preceding Congress if 30 Members had so united they could have thrown control of the House. In the Senate there are 22 southern Democrats, 32 Republicans, and 45 Democrats from outside these Southern States. There, too, support of southern Members is essential to organization.

If the 18 southern Senators now united in opposing these measures had united at the beginning of this Congress, control could have been changed. In the preceding Congress four such Senators could have effected a change.

If the leaders of both major parties, as many southern people see it, would wreck the Constitution in order to elect a President how far would they go to organize and control the Congress.

Mr. Chairman, as you know, perhaps a majority of the southerners in Congress today in both the House and Senate at first would not go along with any such proposal; but, Mr. Chairman, I assure you that the people of the South have it in their power to draw the line, to have their representatives line up on the side of southern feeling and southern sentiment or take the other side. They can see to it their representatives in Congress reflect their beliefs.

I point these things out here today, not because it will change any votes here, but to make clear what you are doing. You cannot avoid responsibility for what may follow. The course on which we are headed now leads the southern people to explore every course; and once the southern people decide, I tell you I am indebted to them far too much not to stand shoulder to shoulder with them, whatever may be the outcome so far as my position in this Congress may be.

Mr. Chairman, I had rather go down and be a minority of a minority, standing on the side of constitutional government for the good of all, than to be the chairman of the greatest committee of this Congress and have it stacked in such a way as to spend every election year seeking a minority vote, 99 percent of whom do not understand the Constitution and if they did, care nothing about it.

Again, that power which has been assumed by the Supreme Court, that which you grant by law here today, becomes the law not only in this limited field, not only in the South, but applies to all fields, to all sections. The majority of both parties here today, in my humble judgment, are leading us down the road to destruction, not only of the Constitution but the future of our country, by centralizing in the Federal Government the very powers that have led to destruction of other nations; and again, Mr. Chairman, that is the very cause of this Nation having been created in the first instance.

Truly, Mr. Chairman, the people of the South are being forced to compare the value of chairmanships which can only delay, against the value of regaining bargaining power in the election of the President and the controlling of the Congress, not merely to preserve the rights of the States and of the people, but as they see it, to preserve the Nation.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, the proposed legislation that is now before this body for consideration has been debated very ably and calmly. The facts exposed so clearly leave little doubt in the minds of reasonable men and women of the House that under the misnomer of

"civil rights" many things are sought to be done for the sake of political expediency that deny and restrict more rights of the States and the majority of our people than is to be done to grant to a minority a highly inflated privilege to qualify in order to exercise the franchise.

The promoters of this legislation on both sides of the aisle have proven to my satisfaction that each side is trying to outdo the other—not in getting the Negro the right to vote but for the right to get the Negro vote.

It is a sad commentary when men and women elected by the people of their States and districts in elections held under the laws of their States are willing to forfeit the constitutional right of such States to control their own elections in the belief that a few counties in the South may be out of line with the rest of the Nation in the handling of their own local affairs. They want to "burn the barn to kill the mouse."

We in this legislative body are either naive, uninformed, misinformed, misguided, or mentally blind if we believe we can continue to disrobe the States of this Nation of their constitutional garments of authority, retained by them premeditatedly, intentionally, and purposefully when they ratified the birth certificate of the Federal Union, and continue to have a democracy. The States and the people created this Federal Government to be controlled by them and reserved all powers to themselves that were not specifically granted in the Constitution to the Federal Government. By rapid growth, overly nourished by apathetic parents, the precocious child now assumes complete authority and relegates its creators and benefactors to the menial duties of servants to do its will. The States which were once proud, independent, and interdependent entities are rapidly becoming mere vassals of an autocratic, strong, centralized Government, whose dictates must be obeyed—State constitutions, State laws, State legislatures, and prerogatives retained under the U.S. Constitution to the contrary notwithstanding.

Mr. Chairman, this proposed legislation embracing the Federal referee for State elections is just another foot-in-the-door tactic. What will the next step be? Fair employment practices? Fair to whom? Certainly not to the employer who owns his business, who manages his business, who directs its progress, who but for him there would be no jobs for anyone, who is naive enough to believe this a free country, who believes he has the right to manage his own affairs, who believes he has the right to employ all white, all Negroes, or some of both if he so desires and it meets the requirements of his enterprise. Certainly not to the ordinary concept of fairness of an enlightened society that believes the word means fairness to both sides, believes the do-gooders' philosophy is somewhat warped when they call fair the theory of equal job opportunities when for every job given to 89 percent of our population there must be an equal job for the other 11 percent.

Will it be stronger Federal control of schools and school systems? Will it be stronger Federal control of roads and highway systems? Will it be stronger Federal control of our welfare programs which even now rewards immorality and illegitimacy and scorns any attempt at State supervision? Who knows? But this we do know that when the political opportunist or do-gooder dreams up another step toward socialism and names his brain child "Civil Rights" the chances are overwhelmingly in favor of its receiving the blessings of minority pressure groups and for ultimate passage by the Congress of the United States.

Mr. Chairman, our Nation has made phenomenal progress in the few short years of its existence. We have reached the apex of world power in but a few generations since another racial issue tore us apart and pitted brother against brother. I sincerely regret the political battle that now rages rekindling the flames of distrust and disunion among our people. We cannot legislate upon our problems and expect to see the problem vanish overnight.

Mr. Chairman, who can delineate the most important purpose in the minds and hearts of those wise, patriotic, and dedicated architects of our Constitution? There is one great purpose stated in the preamble which I am afraid some of our good people and even our distinguished colleagues overlook, that is, "To insure domestic tranquillity." I would admonish all our citizens, of whatever race, color, or creed, to reappraise the real meaning of that phrase. Especially do I direct such consideration and study to the organizations, associations, and individual citizens who agitate under the guise of acquiring a right allegedly granted under the same Constitution while openly and disdainfully violating one of the great purposes for its existence. There is no effort on their part to secure domestic tranquillity but to the contrary every effort is being made by them to blaspheme, berate, and harass a large and patriotically proud section of our country, obliterating, not securing, domestic tranquillity. Planned programs are now under way in the South to further provoke unrest, ill feeling, and even hatred not only among the races in the South, but between members of the white race in the other sections of the country against the whites of the South. Such inflammatory programs neither secure domestic tranquillity nor do they promote the welfare and progress of the Negro race.

I am saddened by the realization that through no fault of the vast majority of the Negro population, the NAACP fostered by other minority groups of agitators, has created in this country a condition which has inflicted wounds that will not heal for many generations, and created a condition under which George Washington, Thomas Jefferson, or Andrew Jackson could not now be elected President of the United States. Why? Because they were southerners and such a stigma would now attach to such noble greats as to make them impotent politically. Nor could Abraham Lincoln be President now because he possessed a philosophy that would be contrary to the teachings of the NAACP and the present-day thinking of the U.S. Supreme Court.

Mr. Chairman, there has never been a time when patience, calmness, and deliberation were more acutely and vitally necessary than in this legislative body this week. We may well be by our actions effecting and promoting the downfall of our democracy.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from North Carolina [Mr. FOUNTAIN].

Mr. FOUNTAIN. Mr. Chairman, I rise in opposition to H.R. 8601 and urge each and every Member of this House to think seriously and objectively before casting his or her vote.

First of all, I want it clearly understood that I support the proposition that every citizen who is qualified to vote should have the right and the opportunity to do so. It is unfortunate that so few of our qualified voters undertake that responsibility. In my home State of North Carolina, I believe that all qualified persons who want to register and vote do so. There may be an occasional exception, but such an exception is not sufficient justification for me to vote to impose the dictatorship of the Federal Government upon the people I represent, white and Negro alike.

I agree with those who contend that this law is unconstitutional as the Constitution was for so many years interpreted by the Supreme Court. However, the constitutionality of this proposal does not concern me nearly so much as does the policy which is involved. Elections are and always have been matters for local and State governments to handle. Others who have spoken have clearly emphasized that point.

I appreciate the kind remarks which many Members of this body have from time to time spoken about my State and the progress it has made in race relations and otherwise. Notwithstanding this, for almost 8 years, I have listened to slanderous remarks about that section of the country, the Southland, of which my State is a loyal and devoted part. I wish I had time to answer all the accusations which have been made. I believe this legislation is prompted primarily by political motives or an unawareness of the facts. There are those in both political parties who are using it as a means to get votes. There are other sincere, dedicated individuals who are supporting it because of a lack of understanding of our problems and the great job both of our races are doing to solve them. Unfortunately, they have been sold a bill of goods without knowing its contents or its value. Being themselves practically free of the problem, many are sitting in judgment upon their sister States where the problem has always been heavy and oftentimes acute. This legislation reflects disparagingly upon the character and integrity of the people of the South. It proposes to authorize the National Government, through Federal institutions and agencies, to go into my State and your State and to take charge of elections from the township level to the White House. It can lead to political corruption, the like of

which we have never experienced since the aftermath of the Civil War. I could not in good conscience support such legislation.

None of us from the South would ever contend that in some areas there are no discriminations of any kind concerning the right to vote or otherwise. Yes; we are not a perfect people. We have made mistakes and probably will make some more. But let us never forget the words of Christ to the scribes and Pharisees: "He that is without sin among you, let him first cast a stone." In spite of our faults, however, we in the Southland have made unparalleled progress in race relations. We have gotten along fine together. We have worked closely with one another. We are interested in each other. We are helpful to one another. We understand and sympathize with each other. Until recently, we have had wonderful lines of communication.

I do not want to see this understanding, mutual respect, and the lines of communication between our two great races in the South destroyed. This legislation is just another step in that direction. I believe that we on the local and State levels from all sections of the country can solve our problems better than outsiders. Also let no one forget—you can lead a horse to the trough but you cannot force him to drink. I, for one, look upon this legislation as an attempt to drive our people to the trough and to force them to drink at a time when they are doing their best to construct troughs for everyone and to enable everyone to drink freely of the political, economic, and spiritual values of life. I therefore urge those from other States to look upon us with a little bit more wisdom and understanding; for after all, through these means all of our people can achieve not only the legal rights to which they are entitled, but a far more meaningful and abundant way of life for themselves and their children.

Such legislation as this has already given the Nation the "solid South." It creates a sense of bitterness on the part of people of both races. It arouses old fears. It opens old wounds and once again brands the Southern people as incapable and unwilling to deal with human values and the rights of individuals. It seriously impairs mutual respect and mutual confidence not alone between our two great races of people, but also between various sections of the country.

Paraphrasing the magnificent words of the late Honorable William E. Borah, a Republican of the great State of Idaho, on January 7, 1938, when similar punitive legislation was being considered by the Congress, the South should "not be pilloried and condemned without a full presentation of the nature of the task which fate and circumstances imposed upon it and not without a complete record as to the weight and difficulty of the task, what has been done, and with what great faith it has been met." The facts show that the southern people have "met the race problem and dealt with it with greater patience, greater tolerance, and greater success than any people in recorded history dealing with a problem of similar nature."

It is unfortunate, Mr. Chairman, that so little has been said during the course of this limited debate concerning the great progress of the Negro race in the South with the aid of the whites.

As was pointed out by the courageous Senator from Idaho during that 1938 debate on a similar subject in the Senate, because there are the votes, because it is possible to do so, it is proposed by this legislation to call these great States and these people before the bar of public opinion and, after almost 100 years of arduous effort on their part, "condemn them as unfit and unwilling to deal with this great problem, condemn them for having failed in the essential principles of home government, of home rule." After these almost 100 years and after 172 years, taking the Government's history as a whole, "we now come to the time when we are asked to say that home rule or local government has broken down in a number of the States of the Union. We call these States and these proud people to judgment before the whole world and spread upon the records of the Congress our condemnation, our judgment that in the most vital things of free government they have failed."

Mr. Chairman, I am opposed to this legislation because it is not in the interest of either of the races in the South. It is not in the interest of national unity. It is not in the interest of a strong and free America.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I firmly support this legislation to provide the right to vote for all U.S. citizens, so all U.S. citizens will receive equal justice under the law. I think it is good and necessary legislation. I say to my friends from the South that certainly Abraham Lincoln and Jefferson Davis of honored memory, would be surprised to hear these appeals to the Republicans of the North for sympathy and for understanding.

From my own point of view, I do not think there is anything wrong with the great United States of America when the debate divides like this, when we have these issues that cross party lines, yes, and cross geographical lines. I feel we Americans should stand together in settling our own controversies and serious problems. I think this debate on civil rights is a good thing.

May I answer my good friend, the gentleman from Mississippi [Mr. WILLIAMS], because he mentioned my name at a former meeting of the House, and likewise mentioned that of my good friend, Albert Kaufmann, the mayor, which we locally call burgess, of the Borough of Brentwood, a fine town in my congressional district. Negroes are welcome in any town, city, or village in Pennsylvania. We Pennsylvanians believe this is a free country. The gentleman offered by telegram to send Negroes to the North, and many fine colored citizens of my district have come originally from the South.

Second, he mentioned one of the newspapers I publish in the area of Pittsburgh. I am willing at all times to hire qualified Negroes on my newspapers. I want to make it clear that if my good friend from Mississippi [Mr. WILLIAMS] has anybody to recommend, fine, send him up. I am the only one in my neighborhood that has a colored family working for him. The manager of my farm is a colored woman, who has been with us for 28 years. The person who superintends the animals on the farm is colored. I am glad this comes up at this time because I represent 65 nationalities in the southern part of Pittsburgh. I really am a southern Congressman, coming from south Pittsburgh.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. FULTON. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I am glad to hear the gentleman say he would welcome more Negroes into his community. It is segregated now, as I understand it, because of the extremely low percentage of Negroes in that community. However, I have not received a reply from the mayor of Brentwood, or whatever you call mayors up there.

Mr. FULTON. Burgess.

Mr. WILLIAMS. I have not received a reply telling me he would be glad to have us send these, to find jobs for a certain specified number of families, which I admit I reached rather arbitrarily. I am very much surprised that the gentleman did not jump at the opportunity to welcome southern Negroes into his community.

Mr. FULTON. I should like to tell my good friend from Mississippi why he did not answer the telegram. Burgess Kaufmann called on the telephone. He said, "JOHN BELL WILLIAMS, of Mississippi, sent the following telegram." My comment was, "That is just another political gimmick of my good friend, JOHN BELL. You just disregard that. He does not really mean it. That is for the civil rights debate." I will say this seriously, you send me a young colored couple and I will hire them right now. You send me a young colored man, who can drive and I will hire him. Send two more and I will hire them on my newspapers.

Mr. WILLIAMS. What do they have to be qualified to do, just be colored?

Mr. FULTON. On the newspapers, I think they should be equal to the average Congressman, I would say that much.

Mr. CELLER. Mr. Chairman, I yield back the balance of my time.

Mr. McCULLOCH. Mr. Chairman, I yield back the balance of the time allotted to this side.

Mr. DONOHUE. Mr. Chairman, as we are about to begin the day of decisive action on civil rights, reflecting that the Senate is entering its fifth week of deliberation on this subject, it may be pertinent to remind ourselves that the fundamental business of the Congress is to legislate.

Let us emphasize, further, to ourselves that our primary obligation in fulfilling this business is to protect and expand

the basic rights and freedoms guaranteed to our American citizens under the Constitution; paramount among such is the right to vote.

Our primary purpose here today is, then, to enact the best legislative measure that reasonable men can devise to insure every qualified individual in this Nation can exercise the right to vote in the fullest freedom.

We all realize that the legislative action along these lines that occurred in 1957 was the first real step forward in this field in almost a century. From our observation of its workings over the intervening period, it appears that it was too light a step and experience has revealed weaknesses that must be strengthened; that is the job that now confronts us.

The substance and technicalities of the measure we are now considering, together with precise explanations of the amendments which will be further offered, have been thoroughly presented already, and I am not going to inflict burdensome repetition upon you.

In my own opinion, our exhaustive efforts should be exercised to have included in the final bill we approve provisions to effectively protect the right to vote through a system of either Federal registrars or referees; to eliminate the vicious and un-American hate bombings; to erect requirements for the preservation of voting records; to provide Federal education for children of service personnel in areas where public schools are closed; and to effectively prevent unwarranted and illegal obstruction, in any form, of duly issued Federal court orders in school-desegregation cases.

The encouraging eyes of all American citizens are directed upon the Congress today; the questioning eyes of allied and hesitating peoples abroad are centered upon us during this debate; the cynical eyes of the Kremlin leaders are fastened on the legislative capital of the world, waiting, with propaganda fangs exposed, to see if we can and will grant to each of our own citizens the rights and privileges we claim to espouse for all peoples everywhere. This is a fateful hour in the destiny of our blessed country, and the Congress is faced with one of the greatest legislative challenges of our history.

There is vital need for us to exercise restrained emotion, subdued prejudice, heightened conscience, and supreme patriotism for the welfare and preservation of America and the free world.

Let us be patient with each other, let us be tolerant of one another's deepest convictions, and let us resolutely unite in devotion to duty.

Above all, let us legislate. Let us decide that when our work is done we shall have enacted another milestone, for all the world to see, in advancement of the traditions upon which this great Nation was founded and upon which, the Creator willing, it will endure as the free world's leader against every provocation and every challenge of the Communist government of atheistic Russia.

The CHAIRMAN. Under the rule, the bill is considered as having been read, and it is open for amendment at any point.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1959".

TITLE I

Obstruction of Court Orders

SEC. 101. Chapter 73 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1509. Obstruction of certain court orders

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes, or interferes with or willfully endeavors to prevent, obstruct, impede, or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any public school, or (2) directs that any person or class of persons shall not be denied admission to any public school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any public school, shall be fined not more than $1,000 or imprisoned not more than sixty days, or both.

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime; provided that any such fine or imprisonment imposed for violation of such injunction shall be concurrent with and not consecutive or supplemental to any criminal penalty imposed hereunder.

"This section shall not apply to an act of a student, officer, or employee of a school if such act is done pursuant to the direction of, or is subject to disciplinary action by, an officer of such school."

SEC. 102. The analysis of chapter 73 of such title is amended by adding at the end thereof the following:

"1509. Obstruction of certain court orders."

TITLE II

Flight to avoid prosecution for damaging or destroying any building or other real or personal property

SEC. 201. Chapter 49 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement: *Provided, however,* That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section."

SEC. 202. The analysis of chapter 49 of such title is amended by adding thereto the following:

"1074. Flight to avoid prosecution for damaging or destroying any building or other real or personal property."

TITLE III

Federal election records

SEC. 301. Every officer of election shall retain and preserve, for a period of two years from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 302. Any person, whether or not an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 401 to be retained and preserved shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 303. Any record or paper required by section 401 to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying by the Attorney General or his representative. This demand shall contain a statement of the basis and the purpose therefor.

SEC. 304. Any record or paper demanded pursuant to section 303 shall be produced for inspection, reproduction, and copying at the principal office of the person upon whom such demand is made or at an office of the United States attorney in the district in which such records or papers are located.

SEC. 305. Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this title, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

SEC. 306. The United States district court for the district in which a demand is made pursuant to section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.

SEC. 307. As used in this title, the term "officer of election" means any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates for the office of President, Vice President, presidential elector,

Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.

TITLE IV

Civil Rights Commission extended for two years

SEC. 401. Section 104(b) of the Civil Rights Act of 1957 (71 Stat. 635; 42 U.S.C., Supp. V 1975c(b)) is amended to read as follows:

"(b) The Commission shall submit an interim report to the President and to the Congress not later than September 1, 1959, and at such other times as either the Commission or the President shall deem desirable. It shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than four years from the date of enactment of this Act."

SEC. 402. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. Supp. V 1975d) (71 Stat. 635) is amended by adding the following new subsection at the end thereof:

"(h) Without limiting the generality of the foregoing, each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation."

SEC. 403. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. Supp. V, 1975d(a)) (71 Stat. 635) is amended by striking out the words "in accordance with the civil service and classification laws," and inserting in lieu thereof the words "without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended."

TITLE V

Education of children of members of Armed Forces

SEC. 501. (a) Subsection (a) of section 6 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, relating to arrangements for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements to provide free public education may also be made for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(b)(1) The first sentence of subsection (d) of such section 6 is amended by adding before the period at the end thereof: "or, in the case of children to whom the second sentence of subsection (a) applies, with the head of any Federal department or agency having jurisdiction over the parents of some or all of such children".

(2) The second sentence of such subsection (d) is amended by strking out "Arrangements" and inserting in lieu thereof "Except where the Commissioner makes arrangements pursuant to the second sentence of subsection (a), arrangements".

SEC. 502. (a) Section 6(b)(1) of the Act of September 23, 1950 (Public Law 851, Eighty-first Congress), as amended, relating to applications for school construction projects with respect to which Federal aid is requested, is amended by striking out "and" at the end of clause (F), by striking out the period at the end of clause (G), and inserting in lieu thereof "; and", and by adding after clause (G) the following new clause:

"(H) assurance that such agency will make the school facilities included in any such project, the application for which is approved after enactment of this clause, available to the Commissioner pursuant to section 10(b)."

(b) Section 10 of such Act relating to arrangements for facilities for the provision of free public education for children residing on Federal property where local educational agencies are unable to provide such education, is amended by inserting after the first sentence the following new sentence: "Such arrangements may also be made to provide, on a temporary basis, minimum school facilities for children of members of the Armed Forces on active duty, if the schools in which free public education is usually provided for such children are made unavailable to them as a result of official action by State or local governmental authority and it is the judgment of the Commissioner, after he has consulted with the appropriate State educational agency, that no local educational agency is able to provide suitable free public education for such children."

(c) Section 10 of such Act is further amended by inserting "(a)" after "SEC. 10.", and by adding at the end thereof the following new subsection:

"(b) Whenever the Commissioner determines that—

"(1) any school facilities with respect to which payments were made under section 7 of this Act, pursuant to an application approved under section 6 after the enactment of this subsection, are not being used by a local educational agency for the provision of free public education, and

"(2) such facilities are needed in the provision of minimum facilities under subsection (a),

he shall notify such agency of such determination and shall thereupon be entitled to possession of such facilities for purposes of subsection (a), on such terms and conditions as may be prescribed in regulations of the Commissioner. Such regulations shall include provision for payment of rental in an amount which bears the same relationship to what, in the judgment of the Commissioner, is a reasonable rental for such facilities as the non-Federal share of the cost of construction of such facilities bore to the total cost of construction thereof (including the cost of land and off-site improvements), adjusted to take into consideration the depreciation in the value of the facilities and such other factors as the Commissioner deems relevant. Upon application by the local educational agency for the school district in which such facilities are situated and determined by the Commissioner that such agency is able and willing to provide suitable free public education for the children in the school district of such agency to whom section 10 is applicable, or upon determination by the Commissioner that such facilities are no longer needed for purposes of subsection (a), possession of the facilities shall be returned to such agency. Such return shall be effected at such time as, in the judgment of the Commissioner, will be in the best interest of the children who are receiving free public education in such facilities, and in the light of the objectives of this Act and the commitments made to personnel employed in connection with operation of such facilities pursuant to arrangements made by the Commissioner."

TITLE VI

Separability

SEC. 601. If any provision of this Act is held invalid, the remainder of this Act shall not be affected thereby.

The CHAIRMAN. For what purpose does the gentleman from New York [Mr. CELLER] rise?

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 12, after title V, insert the following new title VI and renumber the remaining titles and sections accordingly:

"TITLE VI

"Commission on equal job opportunity under Government contracts

"SEC. 601. There is hereby created a Commission to be known as the 'Commission on Equal Job Opportunity Under Government Contracts', hereinafter referred to as the Commission.

"SEC. 602. (a) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

"(b) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

"(c) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

"SEC. 603. (a) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings, as may be necessary or appropriate in the discharge of duties under this title.

"(b) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

"(c) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

"(d) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

"(e) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this title.

"SEC. 604. The Commission may employ such personnel as may be required for the effective performance of its duties.

"SEC. 605. The Commission shall render to the President annual reports for transmission to the Congress.

"SEC. 606. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this title."

The CHAIRMAN. For what purpose does the gentleman from Virginia [Mr. SMITH] rise?

Mr. SMITH of Virginia. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Virginia will state the grounds upon which he makes the point of order.

Mr. SMITH of Virginia. Mr. Chairman, I made the point of order that the amendment is not germane. It is not germane because it introduces to this legislation a subject entirely foreign to the bill, as reported by the committee. There is nothing in the bill relating to the subject of work discrimination. There is nothing in the bill which provides for the appointment of any other commission, and this sets up an entirely new commission and an entirely new bureau and is totally unrelated to all of the other provisions of the bill.

The CHAIRMAN. Does the gentleman from New York [Mr. CELLER] desire to be heard on the point of order?

Mr. CELLER. Yes, Mr. Chairman.

Mr. Chairman, this amendment is offered to the bill as a new title. Under the rules of the House of Representatives, specifically under rule XVI:

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration within the meaning of this rule, and it is particularly difficult to do so when, as in the case of this bill under consideration, H.R. 8601, there are separate and distinct subjects which are touched upon in the five titles of the bill.

The subjects of the bill are, first, the obstruction of court orders; second, flight to avoid prosecution; third, preservation of Federal election records; fourth, the powers of the Civil Rights Commission; and, finally, fifth, the education of the children of members of the Armed Forces. It is logical, therefore, that the addition of a new subject as contained in this amendment is germane to the subject matter contained in the bill itself. In effect, adding one more stone to the necklace.

That an amendment be germane means that it must be akin to or relevant to the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill. In determining germaneness, one must look to the fundamental underlying purpose of the bill. Here there is no question that the fundamental purpose of the legislation under consideration is to provide means for the enforcement of constitutional rights called civil rights as well as for other purposes. This is the identical same purpose of the amendment. The subject matter of the amendment is to provide a remedy to enforce the right of a person to work without discrimination, a civil right, where a Government contract is involved. This is consistent with the purpose of each of the five titles contained in the bill.

Under title I involving the obstruction of court orders, the constitutional right involved originates in the decision of the Court involving school desegregation.

In title II the basic right involved is the protection of life as well as property, real and personal.

In title III, the right involved is the protection of the right to vote.

In title IV the bill deals with the basic powers of the Civil Rights Commission which was designed to furnish the Congress with data regarding not only the right to vote but the equal protection of the laws of all phases of American life—equal protection of rights guaranteed by the Constitution.

In title V we are dealing with a situation created by the enforcement of constitutional rights. We are providing school facilities for the children of military personnel where a Federal court order enforcing the equal protection clause of the Constitution has resulted in closing the schools.

We see, therefore, that in each title of this legislation the main purpose is the enforcement of constitutional rights. That is the fundamental purpose of the bill and that is the fundamental purpose of this amendment. It is clear, therefore, that there is a definite relationship between the subject matter contained in the bill and that proposed in this amendment.

We must keep in mind that this is not a narrow, single-purpose bill; but, on the contrary, this is a broad multipurpose bill which has as its objective the enforcement of constitutionally guaranteed rights. It can be stated that under parliamentary procedure the addition to a proposal embodying a number of individual propositions of the same class or of another proposition belonging to that class raises no question of germaneness. This is exactly what the amendment would do. The amendment would merely provide that the Commission on Equal Job Opportunity could enforce the right of an individual to work under a Government contract without discrimination because of race or color. It is the enforcement of the right guaranteed under the 14th amendment.

In Cannon's Precedents, volume VIII, section 3010, we find:

> To a bill including several propositions of the same class an amendment adding another proposition of that class is germane.

In section 3011, it is stated:

> A proposition dealing with a number of subjects may be amended by an additional subject of the same class.

And, finally, in section 3013, we find:

> To a proposal embodying a number of individual propositions of the same class, the addition of another individual proposition belonging to that class may be germane.

The last citation, for example, involved a bill providing for the assignment of district judges and circuit judges to relieve congestion in the Federal courts. It was ruled that an amendment providing for the assignment of judges of the Court of Customs and Patent Appeals was germane. The basis of that ruling was that when a bill provides for more than one class, a third may be added. Under the proposed amendment we are merely adding another class to enforce constitutional rights.

This amendment is not only proper but also it is consistent with the very purpose of the rule of germaneness. The true purpose and objective of the rule requiring an amendment to be germane is the interest of orderly legislation:

> It is designed to prevent hasty and ill-considered legislation, to prevent propositions being presented for the consideration of the body which might not reasonably be anticipated and for which the body might not be properly prepared.

This is a statement by Chairman John J. Fitzgerald, of New York, on September 22, 1914, while presiding over the Committee of the Whole.

When we apply the purpose of the rule to the history of this amendment we find that it is consistent with the very purpose of the rule of germaneness. The subject matter of the amendment relating to this Commission on Equal Job Opportunity is to protect the right of a person to be employed without discrimination. It was first presented to the Congress on February 5, 1959, in the message of the President dealing with civil rights. He outlined some seven propositions on civil rights, recommendations, he called them, pertaining to civil rights. The sixth among the seven recommendations of the President was as follows:

> Sixth. I recommend that Congress give consideration to the establishing of a statutory Commission on Equal Job Opportunity under Government Contracts.

In addition, two individual bills, H.R. 4169 and H.R. 4348, were introduced to provide a statutory basis for the Commission on Equal Job Opportunity. An identical provision was contained also in the bill, H.R. 4457. These three proposals were considered during the course of the hearings by the House Judiciary Committee. These were considered both in the subcommittee and in the full Committee on the Judiciary. Testimony was taken from the Secretary of Labor, from various labor organizations, and from the Attorney General. With such a legislative history behind the subject matter of this amendment, it is clear that this proposal is consistent with orderly legislation, for it has already been considered and studied so that anyone could anticipate it and be properly prepared to handle it.

This amendment merely proposes another subject to those already contained in the bill in order to accomplish what each of the five titles provides for, namely, a means to enforce a constitutional right. Here, the right is equal protection of the law.

Mr. McCULLOCH. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. McCULLOCH. Mr. Chairman, this title is one which deals with constitutional rights. The title of H.R. 8601 is "to enforce constitutional rights and for other purposes."

This title was originally title 5 of the administration bill H.R. 4457 which was introduced on February 12, 1959. It was title 6 of the committee print, H.R. 3147,

and as such was considered at length during committee deliberations.

Subject of the ruling of the Chair on this point of order as to the germaneness of the recent recitals, we are prepared to support this title as an amendment to the pending bill on civil rights.

With regard to the question of germaneness, I concur with the statement of the distinguished chairman of the Committee on the Judiciary. I repeat what I stated at the beginning, that the pending bill is one which deals with fundamental constitutional civil rights. In my opinion, the point of order should be overruled.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

The question of germaneness depends entirely on the basic purpose of the bill under consideration. The basic purpose of this bill is to preserve certain rights. True, it is, there are sections that relate to other subjects, but the basic purpose, the fundamental purpose, that the gentleman spoke about in the precedents he recited is the matter contained in the bill before us.

The pending amendment introduces an economic question of whether or not employment should be interfered with or affected through the enactment of legislation which it seems to the Chair is foreign to the purpose of the pending bill.

For that reason, the Chair is constrained to sustain the point of order. In the opinion of the Chair, this amendment does not introduce a subject matter that is in the same class as the legislation under consideration.

Mr. CELLER. Mr. Chairman, I most respectfully appeal from the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 157, noes 67.

So the decision of the Chair stands as the judgment of the Committee.

Mr. KEARNS. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KEARNS. Mr. Chairman, I rise to support the idea of a permanent Commission on Equal Job Opportunity Under Government Contracts. Based on the work of the President's Committee on Government Contracts, a Commission recognized by Congress as a matter of national policy would assure all Americans that those who use tax money derived from all our people are not using it to underwrite prejudice.

Prejudice costs us not just in terms of spiritual and material values but in terms of human values. Until the barriers of discrimination are eradicated, we will not be able to benefit from the proper utilization of all our human resources. When we assure as a matter of national policy that an individual will have equal opportunity to secure a job and that he will be hired because of his skill and talent rather than discriminated against because of his race, creed, color, or national origin, we assure a sound investment in the future of our country. Equal job opportunity will provide an incentive for one to further his education. It will offer new challenges whose acceptance will mean a strengthening of our human resources and thus our whole economy.

To look at our manpower problems for a moment from the point of view of the internal revenue collector, since it is getting to be that time of year, the more skill a man has, the more likely it is in the long run that he will earn more money than those of less skill.

Upon an individual's earning power is dependent much of our national budget, 52 cents of every dollar being derived from the income tax. More earning power means that an individual can provide his family with proper housing, medical care, and schooling and thus does not have to subject himself to the shantytowns and dilapidated housing which are too often the blight of our cities in all parts of America.

Let us look at the facts regarding the group of workers who suffer the most from discrimination in America—the Negro workers. Studies made by the Department of Labor show that unemployment among Negroes consistently runs twice as high as for whites. In part, this is due to the fact that Negroes are concentrated in jobs where unemployment is always high, yet even within the same occupational groups unemployment among Negroes is much higher than among whites. In many job categories the unemployment rate for Negroes is two and three times as great as it is for white workers. In the most recent survey, for example, which was made in January 1960, it was found that Negro clerical workers had an unemployment rate of nearly 12 percent and while white clerical workers suffered a rate of less than 4 percent. Similarly, 18 percent of the nonwhite farm laborers were unemployed against only about 6 percent of the white farm laborers.

It is significant that Negroes are not employed in jobs commensurate with their education and training to the same extent that white workers are. A recent Labor Department survey shows that of all Negro men who have had some college training, only 5 percent were employed as proprietors, managers, and officials compared with 22 percent of all white men with some college training. The lower-level service and laboring jobs, on the other hand, employed about five times as high a proportion of Negro men with some college training as for white men with similar education.

Among women, however, the disparity between Negroes and whites was even more apparent. About 10 percent of all Negro women in the labor force with some college training were working as domestics compared with only 1 percent of the corresponding group of white women. Among women who had attended high school a much higher proportion of the whites than of the Negroes were in office and clerical work. And nearly two out of three Negro women in the labor force with some high school background were employed as domestics or other service workers as compared with less than one out of five of the white women with this much education.

The wall of discrimination which meets some job applicants means not just individual suffering and discouragement. It must mean suffering for all of us who have found America to be a true land of opportunity.

There is nothing in the President's recommendation for establishing an equal job opportunity commission concerning Government contracts which envisages the hiring of unqualified people. The role of this group is not compulsion, but education and compliance in those plants working on Government contracts and which so far have failed to see the inconsistency in accepting the tax money derived from all our people for their products, while declining the services of a more qualified job applicant because of prejudice. Such shortsightedness can only cost the employer and this country more in the long run.

Mr. CELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Insert a new title VII and renumber the remaining titles and sections accordingly:

"TITLE —

"Grants to assist State and local educational agencies to effectuate desegregation

"Authorization of appropriations

"SEC. —. (a) For the purpose of assisting State and local educational agencies which, on May 17, 1954, maintained segregated public schools to effectuate desegregation in such schools in a manner consistent with pertinent Federal court decisions, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine.

"(b) Appropriations under this section shall be available for grants to help finance:

"(1) costs incurred by local educational agencies in the provision of supervisory or administrative services, pupil placement, school social worker, or visiting teacher services, and other special, nonteaching, professional services, the need for which is occasioned by the desegregation of their public schools, and

"(2) costs incurred by State agencies in developing and carrying out State policies and programs for desegregation in public schools, including technical assistance to local educational agencies in connection therewith.

"Allotments and payments to States

"SEC. —. (a) The Commissioner of Education (hereinafter called the 'Commissioner'), shall for each fiscal year allot to each State, from the sums appropriated pursuant to section 802 for such year, an amount which bears the same ratio to such sums (or to such larger sum as may be specified in the Act making the appropriation) as the number of students who attended segregated public schools in such State during the school year 1953–1954 bears to the number of students who attended such schools during such year in all the States. The number of students who attended segregated public schools in each State during the school year 1953–54 shall be estimated by the Commissioner on the basis of the best available data on the average daily attendance of local educational agencies during such school year.

"(b) From a State's allotment under subsection (a) for a fiscal year, the Commissioner shall, except as otherwise provided in

section 805, pay to such State an amount equal to one-half of the expenditures of local educational agencies in carrying out the purposes specified in section —(b)(1) under applications approved by the State agency (designated as provided in section —(a)(1)) pursuant to the State plan approved under section 804, and one-half of the expenditures of such State agency in carrying out the purposes specified in section —(b)(2) under such plan, including its expenditures in administering the State plan. Payments under this section (and section —) shall be made from time to time by the Commissioner on the basis of estimates of amounts to be expended in a quarter or other period or periods determined by him, with necessary adjustments on account of any overpayment or underpayment for any prior period or periods.

"State plans

"SEC. —. (a) A State plan shall be approved by the Commissioner for purposes of this title if such plan—

"(1) designates the State educational agency to administer or supervise the administration of the plan, or designates another single agency of the State for such purpose and in such case provides methods for effective coordination between such agency and the State educational agency;

"(2) sets forth the methods and criteria for approving applications of local educational agencies for funds under this title, and describes the activities to be carried on by the State agency with the aid of funds under this title;

"(3) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the State plan;

"(4) provides that the State agency will make such reports to the Commissioner, in such form and containing such information, as are reasonably necessary to enable the Commissioner to assure expenditure of grants under this title solely for the purposes for which made and otherwise to perform his functions under this title.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering or supervising administration of the State plan approved under subsection (a), finds that—

"(1) the State plan has been so changed that it no longer complies with any of the requirements of subsection (a), or

"(2) in the administration of the plan there is a failure to comply substantially with any such requirement,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to parts of or programs under the plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to parts of or programs under the State plan not affected by such failure).

"Local agency applications

"SEC. —. If the Commissioner determines, with respect to any State for which an allotment has been made under section 803(a) for any fiscal year, that such State will not for such year submit and have approved a State plan under section 804, and either (a) that such State has consented to the making of applications by local educational agencies pursuant to this section, or (b) that such State has indicated that it assumes no responsibility with repect to the desegregation of public schools, the Commissioner shall, notwithstanding the provisions of section 803(b), pay to local educational agencies, with applications approved by him under this section, one-half of the expenditures of such agencies during such year in carrying out the purposes of section 802(b)(1), but such payments may not exceed, in the aggregate, the State's allotment for such year. The Commissioner shall by regulation prescribe criteria and procedures, for approval and withdrawal of approval of applications under this section, which will, in his judgment, best effectuate the purposes of this title.

"Definitions

"SEC. —. For purposes of this title—

"(1) The term 'public school' means a public school which provides elementary or secondary education, as determined under State law, but does not include a school of any agency of the United States.

"(2) The term 'segregated public school' means a public school to which students on May 17, 1954, could not, under the constitution or laws of the State in which such schools are located or under ordinances or rulings of the appropriate local educational agency pursuant to such constitution or laws, be admitted without regard to race or color.

"(3) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(4) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a city, county, township, school district, or political subdivision in a State; and includes any State agency which directly operates and maintains public schools.

"Federal administration

"SEC. 807. (a) The Commissioner shall collect and disseminate such information on the progress of desegregation in the public schools in the several States as may be useful to educational and other public officials, agencies, and organizations in effecting desegregation in such schools.

"(b) The Commissioner shall, upon request, provide information and technical assistance to State or local officials, which will aid them in developing plans and programs for effecting desegregation in public schools, and, upon request of such officials, shall initiate or participate in conferences dealing with the educational aspects of problems arising in connection with efforts to comply with applicable court desegregation decisions or decrees.

"(c) The Commissioner may delegate to any officer or employee of the Office of Education any of his powers and duties under this title, except the promulgation of regulations.

"(d) No appropriations may be made pursuant to section — for any fiscal year ending after June 30, 1961. Prior to the close of January 1961, the Secretary of Health, Education, and Welfare shall submit to the Congress a full report of the administration of this title, together with his recommendations as to whether it should be extended and as to any modification of its provisions he deems appropriate."

Mr. WILLIS (interrupting the reading of the amendment). Mr. Chairman, since this amendment concerns aid to those areas which seek to desegregate their schools which are under court order, I think it well known, and I ask unanimous consent that the further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILLIS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. As the Chair has just ruled, the basic purpose of the bill under consideration has to do with protection of voting rights. This amendment deals with a system of Federal aid to education. It sets forth new procedures that are wholly unrelated to the basic bill.

To show that it has no relation to the basic bill, you will notice that there are no sanctions. Nobody's rights are protected and nobody is told not to do anything. There are no protective rights; no criminal sections. It is strictly a provision for a system of education. It is interesting to note that this very proposal, when it was sent down here from the executive department, was referred to the committee that handles matters involving education, the Committee on Education and Labor. Somehow later on by the introduction of a broad bill and by the inclusion of this title it is now sought to graft this amendment to the voting rights base bill.

The CHAIRMAN. Does the gentleman from New York desire to be heard?

Mr. CELLER. Yes, Mr. Chairman. One of the titles in this bill does refer to education, namely, title V, which specifically provides for education of the children of military personnel. But, I most respectfully take exception to the statement of the Chair to the effect that the main purpose of the bill, in ruling on germaneness of the first amendment, was voting. There is one section of the bill and only one section of the present bill that concerns voting records.

Now, it cannot be said that you can take one title out of the bill and say the heading of that title shall be the main purpose of the bill. It is only one of the purposes of the bill.

If voting is the main purpose of the bill it is rather anomalous that the rule under which we are considering this bill today waives the point of order on the question of the introduction as an amendment of H.R. 10035. If the main purpose of the bill pertained primarily to voting, then the Committee on Rules should not have approved the rule in which they waive the point of order as to the provisions of the bill offered by the gentleman from Ohio [Mr. MCCULLOCH] which, for want of a better term is called voting referees. So that the main purpose of the bill is not voting. It is a multi-purpose bill and touches upon various types of constitutional rights.

The amendment now before us concerns the right to education, the right of certain people in certain localities to have their children educated. This amendment merely adds another proposition whereby a remedy is provided to enforce a constitutional right and therefore it is germane. Here we are merely adding another proposition to a series of individual propositions dealing with one class, namely: the enforcement of constitutional rights.

For that reason, Mr. Chairman, I urge that the amendment be held germane.

Mr. McCULLOCH. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. McCULLOCH. Mr. Chairman, what I said with regard to the first point of order that was made is applicable to this title. In addition, Mr. Chairman, the bill before us does have as one of its main purposes—I repeat, Mr. Chairman, main purposes—provision for the education of the youth of our land who might be caught by a decree of the court in the matter of desegregated schools. For that reason I think the amendment is in order and I urge that the point of order be overruled.

Mr. ROGERS of Colorado. Mr. Chairman, may I address myself to the point of order?

The CHAIRMAN. Briefly, yes.

Mr. ROGERS of Colorado. Mr. Chairman, I take the position that the amendment as offered is germane; first, by virtue of the fact that title V on page 8 of the bill under consideration deals with the education of children of members of the Armed Forces. We propose under that section to amend Public Laws 874 and 815 which deal with the education of children of military personnel.

I may point out that since title V deals with the Armed Forces there is nothing wrong with expanding it and applying it equally to others. That is what is provided in the amendment.

Furthermore, Mr. Chairman, I direct your attention to section 1 of the bill which deals with court orders as related to segregated schools and direct the Chair's attention to the fact that this amendment goes to the keeping open of schools that are mentioned in the so-called segregation orders that have been entered by the court. For that reason, it is germane.

The CHAIRMAN (Mr. WALTER). The Chair is ready to rule.

Title V of the bill under consideration contains subject matter relating to the education of children of members of the Armed Forces. Had this title been introduced as a separate bill it would have been referred to a committee other than the Committee on the Judiciary. Therefore, under an abundance of precedent, the Chair holds that the amendment offered by the gentleman from New York is not germane because it seeks to introduce a subject matter which would have been referred to a committee other than the one reporting the pending bill. The Chair is of the opinion that the matter contained in the amendment is a subject within the jurisdiction of the Committee on Education and Labor and not the Committee on the Judiciary. Therefore, the Chair rules that the amendment offered by the gentleman from New York is not germane. The Chair sustains the point of order made by the gentleman from Louisiana.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, this is a simple amendment and one which is quite limited in its scope. I cannot see any reason why even the most unreconstructed of my friends from Dixie would have any hesitation to support it. All this amendment does is provide statutory authority for a body and a policy which have been in existence for many years. I refer to the Federal practice of assuring equal employment opportunities in work on Government contracts to all citizens regardless of race, color, creed, or national origin.

At this point I want to make it perfectly clear that this policy is not, as has so often been declared or implied, an innovation of the Eisenhower administration. It has been Federal policy ever since it was instituted by President Franklin Delano Roosevelt in the early 1940's. This appeal can be made to Democrats and Republicans. It is a policy which was continued under President Truman and personally supported by him. It is highly unfair for the administration, supported by the press, to give the impression that this is a Republican innovation.

During the last few years we have had a presidentially appointed Committee on Equal Job Opportunity. This Committee has done some good work in this area but it has not been as diligent, as vigilant, as aggressive in insuring equal job opportunity in work on Government contracts as I should have liked it to be.

This amendment would create a statutory commission; its purpose would be to provide leadership and supervision in eliminating discrimination in the performance of contracts and subcontracts of the Federal Government.

While the commission's primary concern and authority would relate to Government contracts, the effect of assuring nondiscriminatory employment in this area goes far beyond Government contracts alone. In 1958, for example, over 10 percent of our gross national product was produced under Government contracts. Almost all of our major industrial plants are working on Government contracts. If they are required to refrain from discriminatory employment practices while performing Government contracts, it is not at all feasible for them then to discriminate in performing nongovernmental contracts. Consequently, an effectively administered Federal program of assuring equal job opportunity on Government contracts and subcontracts has a broad impact on employment practices generally. It will contribute much to creating an atmosphere of fair hiring practices by all employers.

This legislation should be supported for three reasons: First, it is the right thing to do; second, the cold war has now entered a new phase—the phase of economic warfare. Today our country cannot afford to waste the skills of any man; third, the economic progress of the Negro will do a great deal toward bringing about his development as a productive citizen. He should not move to the last to be hired and the first to be fired. Opponents of civil rights legislation frequently argue that the only reason they do not support such legislation is that the Negro is uneducated, that the Negro is dirty, and that he is irresponsible. I say to these people if that is your real objection, allow the Negro to improve his economic condition by assuring him an opportunity to get the kind of job for which he is qualified without respect to his color. Given a decent living he will then progress just as all of our people have.

ASSISTANCE FOR PUBLIC SCHOOL DESEGREGATION

Mr. Chairman, for many years a number of our States, in reliances upon the separate but equal doctrine, have maintained segregated school systems. As a result of the Supreme Court decision in the Brown case, they are now required to desegregate their schools. I think that it is only fair to recognize that the transition to desegregated systems may impose significant educational and financial burdens upon many communities. While the problems of providing the necessary funds and formulating acceptable desegregation plans are, strictly speaking, local responsibilities, in a larger sense what is involved here is a matter of national conscience and national appearance.

To meet this national responsibility, I am proposing in this amendment a plan for Federal grants to assist both State and community governments in bringing about the desegregation of school systems. Only those States which maintained segregated public school systems on May 17, 1954, would be eligible for Federal assistance. New York and Pennsylvania could not come in.

The initiative in obtaining Federal money under this program would have to come from the States or the local communities. This amendment, therefore, requires that before a grant could be made to any State, the State must first submit a plan to the U.S. Commissioner of Education describing the activities for which the grant is to be used and also setting forth the criteria for the distribution of funds by the State to local educational agencies. If the State plan provides financial assistance for the bona fide efforts of local communities to desegregate their school systems, it will be approved by the Commissioner and Federal aid will be forthcoming.

A local educational agency could under this plan obtain funds directly from the Federal Government only if the State fails to submit an approvable plan during the fiscal year or if the State has indicated that it assumes no responsibility with respect to desegregation of the public schools. Again the initiative would have to come from the local agency before funds could be made available by the Federal Government.

Now, what are these funds to be used for? The money is to be made available to help finance the cost incurred by State agencies in developing and carrying out State desegregation programs. It is also to be made available to help local agencies which require special services and personnel because of the desegregation of their schools. It may include assistance in formulating or administering a proper pupil placement plan. It may include providing school social worker or visiting teacher services,

or such other nonteaching professional services as may be necessary to make the transition to a desegregated school system easier and more orderly.

This is a program which is based on a confidence in the law-abiding nature of our people and their desire to solve their problems in a fair and equitable manner. It is, therefore, predicated not only upon State participation in the administration of the program but also in the financing of it. The Federal Government is authorized to contribute only an amount equal to one-half of the expenditures of State and local agencies incurred under a plan approved by the Commissioner of Education. The other half will be provided by the States.

How long is the Federal Government obligated to make these payments? Under the terms of my amendment, no appropriation could be made for any fiscal year ending after June 30, 1961. The amendment further requires that the Secretary of Health, Education, and Welfare is to report to Congress on the administration of the legislation in January 1961. It will then be up to the Congress to determine, on the basis of experience, whether this plan is to be continued.

Certainly there are Members who will not view this proposal with unbounded enthusiasm. Before their lack of enthusiasm beclouds their understanding of this proposal, I should like to make it perfectly clear what this plan does not do.

First. It does not order desegregation of any school, nor does it approve or disapprove of any desegregation plan. This remains a matter for the Federal courts.

Second. This plan would not interfere with the right of State and local governments to set the curriculum of the schools, establish qualifications for teachers, or determine educational standards.

Third. This plan does not force Federal money on anyone. It does not grant Federal funds to any State or local educational agency unless the Federal Government has been requested to do so by the State or local agency and then only to the extent of one-half of the cost.

Fourth. This plan does not provide windfall benefits to any State which seeks Federal assistance. It grants funds only to those States which, on the date of the Brown decision by the Supreme Court, maintained segregated public schools.

Mr. Chairman, this is a most moderate proposal and one which recognizes a national responsibility in effectuating the desegregation of our public schools. I hope that my colleagues from those areas which have the most to gain from this program will not be impelled, by opposing this amendment, to cut off their noses for the proverbial purpose of spiting their faces. The movement of history is clear; the public school systems of this country will be desegregated. I beseech my brethren who represent districts which are sorely troubled by this problem to react with the statesmanship and generosity of which they have so often shown themselves capable. Here is a way to lighten the burden of desegregation on your communities. Here is a way to react to the inevitable, not by closing down schools, not by denying essential education to our youth, but rather by channeling our efforts into constructive measures. To vote against this amendment is simply to vote against the best interest of your communities.

To my colleagues on the Republican side of the House I wish only to reiterate that this amendment was proposed by your administration and that the need for this proposal was testified to by your Secretary of Health, Education, and Welfare. The people of this country are watching to see whether the administration has the confidence of the Republican Members of this House. The people of this country are watching to see whether the Republican Party will endorse a constructive plan to deal with the problems of school desegregation, or whether it is capable only of waiting for situations to explode and then to react to them with military force.

The opportunity for a meaningful response to the school desegregation problem is before this House. I trust that it will react responsibly.

Mr. LINDSAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDSAY: On page 12, immediately following line 7, insert the following:

"TITLE VI

"SEC. 601. That section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"(a) Add the following as subsection (e) and designate the present subsection (e) subsection "(f)":

" 'In any proceeding instituted pursuant to subsection (c) of this section, in the event the court finds that under color of law or by State action any person or persons have been deprived on account of race or color of any right or privilege secured by subsection (a) or (b) of this section, and that such deprivation was or is pursuant to a pattern or practice, the court may appoint one or more persons (to be known as voting referees) to receive applications from any person claiming such deprivation as the right to register or otherwise to qualify to vote at any election and to take evidence and report to the court findings as to whether such applicants or any of them (1) are qualified to vote at any election, and (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election, or (b) found by State election officials not qualified to register to vote or to vote at any election.

" 'Any report of any person or persons appointed pursuant to this subsection shall be reviewed by the court and the court shall accept the findings contained in such report unless clearly erroneous. The court shall issue a supplementary decree which shall specify which person or persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law. The Attorney General shall cause to be transmitted certified copies of the original decree and any supplementary decree to the appropriate election officials of the State, and any such official who, with notice of such original or supplementary decree, refuses to permit any person, named as qualified to vote in such original or supplementary decree, to vote at any election covered thereby, or to have the vote of any such person counted, may be proceeded against for contempt.

" 'The court may authorize such person or persons appointed pursuant to this subsection to issue to each person named in the original decree or any supplementary decree as qualified and entitled to vote at an election, a certificate identifying the holder thereof as a person qualified and entitled, pursuant to the court's original decree or supplementary decree, to vote at any such election.

" 'The court may authorize such person or persons appointed pursuant to this subsection (or may appoint any other person or persons) (1) to attend at any time and place for holding any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any such person has been denied the right to vote, and (2) to attend at any time and place for counting the votes cast at any election at which any person named in the court's original decree or any supplementary decree is entitled to vote and report to the court whether any vote cast by any such person has not been properly counted.

" 'Any person or persons appointed by the court pursuant to this subsection shall have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any person or persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

" 'The court shall have authority to take any other actions, consistent with the provisions of this subsection, reasonably appropriate or necessary to enforce its decrees.'

"(b) Add the following sentence at the end of subsection (c):

" 'When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as party defendant.' "

Renumber the remaining title and section accordingly.

Mr. LINDSAY (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with. This is the original voting referee bill introduced by the gentleman from Ohio [Mr. MCCULLOCH]. I think everyone is familiar with its contents.

Mr. ABERNETHY. I object, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. LINDSAY].

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. WHITENER. Is this the proposal that is contained in the bill H.R. 10625, introduced by the gentleman from Ohio?

Mr. LINDSAY. No; it is not, Mr. Chairman. The amendment I have just offered is the original voting referee proposal which was contained in the bill H.R. 10035, originally introduced by the gentleman from Ohio [Mr. MCCULLOCH], the distinguished ranking minority member of the Committee on the Judiciary, and also by myself and others.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield.

Mr. GROSS. Is this amendment, the bill H.R. 10035 verbatim?

Mr. LINDSAY. This is H.R. 10035 verbatim, as originally introduced, the voting referee bill.

Mr. Chairman, may I say that the parliamentary situation is such under the rule that the only voting referee measure at this point that may be offered is the text of H.R. 10035. This is the bill which provides for voting referees under the auspices and supervision of the Federal courts. Let me just say this about this amendment in the few minutes that I have. The 1957 Civil Rights Act was the first major step forward in almost a century designed to eliminate denials of voting rights. Here we have a necessary extension of that act. It provides that in any area where there has been a voting case under the 1957 Civil Rights Act the Federal judge deciding the matter shall have the power to make a determination that such denials are pursuant to a discriminating pattern or practice. The 1957 act, you will recall, gave the Attorney General the power to bring civil actions for injunctive relief in any individual case of a denial of the voting right on grounds of race or color or previous condition of servitude.

If the court should find a pattern or practice of voting denials, referees may then be appointed by the court in order to receive applications from persons of like color who claim that they also have been denied the right to vote. The point to bear in mind about this amendment, and also about the substitute amendment that will be offered by the gentleman from Ohio [Mr. McCULLOCH], for the purpose of clarifying the amendment that I now offer, is this: that in any area where there has been found by the court to exist a pattern or practice of denials of the right to vote on constitutional grounds, the matter from then on is resolved by the court. A referee may be appointed by the Federal judge in order to perform the normal functions that he would perform but obviously cannot perform because of the burdens that would be placed upon him. It is designed to keep the matter in local hands, a local Federal judge, and local Federal referees appointed by the Court. The matter would not be handled out of Washington. That is why it is an entirely reasonable proposal.

Mr. HEMPHILL. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman from South Carolina.

Mr. HEMPHILL. Aside from the fact that there is nothing in this legislation that is said to be local, what qualifications are the referees going to have? Are they going to be political hacks, or lawyers, or what are they going to be? What qualifications have you written in here?

Mr. LINDSAY. Under our system of jurisprudence, Federal judges have never been restricted in the persons they have appointed to carry out the functions of a special master or referee.

Mr. HEMPHILL. As I understand it, under this legislation being for political expediency, you can make sure that you appoint somebody who will vote your way, some referee, is that not about the size of it?

Mr. LINDSAY. Let me remind the gentleman that we are talking about a referee appointed by the court. He is like a special master. It has always been within the discretion of the court to select special masters of the court's own choosing. Now there will be a modification of this principle in the substitute to my amendment that will be offered by the gentleman from Ohio [Mr. McCULLOCH].

I shall say a word about the differences between this amendment and the proposed substitute. They are of procedure only. The substitute will ensure, by specific language, that any local, State registrar who takes exception to the action of a voting referee will have an opportunity to have a full judicial hearing by the court if he presents a genuine issue of fact. He is given plenty of notice. The Deputy Attorney General testified that even under the original bill, which I have introduced by way of amendment, due process would require an opportunity for a hearing. The substitute will spell this out in specific language.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McCULLOCH. Mr. Chairman, I offer a substitute amendment which is at the Clerk's desk.

The CHAIRMAN. The Clerk will report the substitute amendment offered by the gentleman from Ohio [Mr. McCULLOCH].

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH as a substitute for the amendment offered by Mr. LINDSAY: On page 12, immediately below line 7, in lieu of the text proposed to be added by the Lindsay amendment insert the following:

"TITLE VI

"Voting rights

"SEC. 601. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), is amended as follows:

"'(a) Add the following as subsection (e) and designate the present subsection (e) as subsection "(f)":

"'In any proceeding instituted pursuant to subsection (c), in the event the court finds that any person has been deprived on account of race or color of any right or privilege secured by subsection (a), the court shall upon request of the Attorney General, and after each party has been given notice and the opportunity to be heard, make a finding whether such deprivation was or is pursuant to a pattern or practice. If the court finds such pattern or practice, any person of such race or color resident within the affected area shall, for one year and thereafter until the court subsequently finds that such pattern or practice has ceased, be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since such finding by the court been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote.

"'Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election. The Attorney General shall cause to be transmitted certified copies of such order to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so declared qualified to vote at an appropriate election shall constitute contempt of court.

"'An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"'The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law. In a proceeding before a voting referee, the applicant shall be heard ex parte. His statement under oath shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote. Where proof of literacy or an understanding of other subjects is required by valid provisions of State law, the answer of the applicant, if written, shall be included in such report to the court; if oral, it shall be taken down stenographically and a transcription included in such report to the court.

"'Upon receipt of such report, the court shall cause the Attorney General to transmit a copy thereof to the State attorney general and to each party to such proceeding together with an order to show cause within ten days, or such shorter time as the court may fix, why an order of the court should not be entered in accordance with such report. Upon the expiration of such period, such order shall be entered unless prior to that time there has been filed with the court and served upon all parties a statement of exceptions to such report. Exceptions as to matter of fact shall be considered only if supported by a duly verified copy of a public record or by affidavit of persons having personal knowledge of such facts or by statements or matters contained in such report; those relating to matters of law shall be supported by an appropriate memorandum of law. The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court. A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception disclose the existence of a genuine issue of material fact. The applicant's literacy and understanding of other subjects shall be determined solely on the basis of answers included in the report of the voting referee.

"'The court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

"'The court may authorize such referee or such other person or persons as it may designate to attend at any time and place

for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote.

"'Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed to any persons appointed by the court pursuant to this subsection shall be fixed by the court and shall be payable by the United States.

"'The court shall have authority to make an order entitling an applicant to vote provisionally pending final determination of any exception and to take any other action appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"'When used in the subsection, the word "vote" includes all action necessary to make a vote effective including, but not limited to, registration or other action required by State law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election; the words "affected area" shall mean any subdivision of the State in which the laws of the State relating to voting are or have been to any extent administered by a person found in the proceeding to have violated subsection (a); and the words "qualified under State law" shall mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by the persons found in the proceeding to have violated subsection (a) in qualifying persons other than those of the race or color against which the pattern or practice or discrimination was found to exist.'

"(b) Add the following sentence at the end of subsection (c):

"'Whenever, in a proceeding instituted under this subsection any official of a State or subdivision thereof is alleged to have committed any act or practice constituting a deprivation of any right or privilege secured by subsection (a), the act or practice shall also be deemed that of the State and the State may be joined as a party defendant and, if, prior to the institution of such proceeding, such official has resigned or has been relieved of his office and no successor has assumed such office, the proceeding may be instituted against the State'."

And renumber the following title and section accordingly.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent to speak for an additional 5 minutes and to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, last Thursday in the general debate I said that at a later time I would have more to say about the Federal voting referee bills, H.R. 10035 and H.R. 10625, at the time I offered one of these proposals as an amendment to the civil rights bill. I have offered H.R. 10625 with certain improvements as a substitute for the Lindsay amendment. Both of these bills with improvements are administration measures and embody the Attorney General's plan for the use of a Federal voting referee in areas where a pattern or practice of discrimination exists because of race or color.

I introduced H.R. 10035 on January 28, 1960. Shortly thereafter, Judge Lawrence E. Walsh, the Deputy Attorney General of the United States, testified before a full meeting of the Judiciary Committee. A week later Charles J. Bloch, Esq., an eminent attorney of Macon, Ga., appeared in opposition to the Attorney General's plan.

As the result of Judge Walsh's testimony several improvements in the procedure to be followed in the Federal voting referee plan were suggested. These changes primarily relate to the procedure to be followed by the referee and to the nature of the exceptions which State officials will be permitted to file to the findings in the referee's report. These changes are reflected in H.R. 10625, which I introduced on February 23, 1960.

Both versions provide, after the Federal district judge has made a finding of a pattern or practice of discrimination, that the court may appoint a voting referee to receive applications from persons claiming a deprivation of the right to vote because of race or color. The first version of the bill left the procedure to be followed by the voting referee largely to the discretion of the Federal judge.

The revised version of the bill pins down the voting referee procedure by specifying that the applicant's statement under oath "shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote" and that his written or oral answers given to prove his "literacy" or "understanding of other subjects" shall be included in the referee's report to the court. Such proceeding before the referee in the revised version is to be ex parte; that is, before the referee, without the State election officials being permitted to cross-examine the applicant, or otherwise object to the voting qualifications of the applicant.

The State officials can file exceptions to the findings in the referee's report. The exceptions must be meritorious, however. Exceptions to findings of fact must be supported by a verified copy of a public record or affidavits of persons having personal knowledge of the facts or by statements or matters contained in the referee's report. A memorandum of law must support the legal objections. The court, in its discretion, may permit a hearing on the exceptions but it will not permit a hearing on issues of fact unless the proof discloses the existence of "genuine issues of material fact."

Both bills provide that State elections officials, after receiving notice of the court's order approving the referee's report and specifying the applicants who are qualified to vote, must permit such person to register and vote or be subject to contempt of court.

Although the revision of the original bill was for the purpose of resolving ambiguities in the procedure to be followed by the voting referee, the revision did not change the fundamental approach of the first bill; namely, that each applicant will not have to prove that he was discriminated against because of the "pattern or practice" proved by the Attorney General. To this extent the revised bill as well as the original bill creates a "legislative presumption" that after a pattern or practice has been established, any person of the same race or color who was denied an opportunity to register and vote was denied that opportunity because of the same pattern or practice.

The revised version of the referee bill is by far the more preferable of the two. I, therefore, offer it as corrected as a substitute to the amendment offered by the gentleman from New York [Mr. LINDSAY]. The substitute, for the most part, incorporates the text of H.R. 10625 and accords with the explanation I have just given.

The provisions of the substitute can best be explained by outlining in detail the procedures to be followed from the filing of the original complaint by the Attorney General through the registration and voting by the persons against whom the pattern or practice exists. With the committee's indulgence, and at the risk of being somewhat repetitious, I will explain the procedural steps which will be followed in the event the administration proposal is enacted into law.

The first step is the filing of a complaint by the Attorney General under the present provisions of the 1957 Civil Rights Act. Under the 1957 act, the Attorney General may institute for the United States or in the name of the United States a civil action for preventative relief, including an application for a permanent or temporary injunction when he believes that any person is about to engage in an act or practice which would deprive any other person of the right to vote. Under the voting referee plan, this suit would have to be against a State official for acts performed pursuant to State law or under color of State law; that is, a suit filed under 42 U.S.C. 1971(c) for a violation of 42 U.S.C. 1971(a).

In the event the U.S. district judge finds that a person had been deprived of the right to vote, the Attorney General must then make a request for a finding that such deprivation was the result of a "pattern or practice" of discrimination.

In the event the court finds that the deprivation was pursuant to a pattern or practice, the court may then appoint one or more voting referees to receive applications from those persons of the same race or color who claim to have been deprived of the right to register and vote.

After the appointment of the voting referee, any person of the same color or race as those against whom the pattern or practice of discrimination exists shall have a right to make application to the referee for an order of the court declaring him qualified to vote. He must, however, have made an attempt, after the court renders the finding, to register and otherwise qualify to vote with State officials. This insures that the State will have the first opportunity to correct its errors.

The order of the court declaring applicants qualified shall be effective for the longest period for which the applicant would have been entitled to vote had he been registered and otherwise qualified

under State law. Applications before the voting referee must be heard within a 10-day period.

The proceedings before the voting referee are to be ex parte; that is, without the defendants—probably the State registrar and other election officials—being permitted to ask questions and interpose objections to the qualifications of the applicant. The statements of the applicant under oath are to be prima facie evidence of his age, residence, and prior efforts to register and otherwise qualify to vote. Where proof of literacy is required, his answers, whether written or oral, are to be included in the report which the voting referee later is required to make to the court.

After receiving such applications, the voting referee is required to report to the court which of such applicants are qualified under State law to vote and have been deprived under color of law of the opportunity to register and vote or have been found not qualified by persons acting under color of law.

After the referee's report is filed with the court, the Attorney General is required to transmit copies thereof to the State attorney general and to the other parties to the proceeding, together with an order to show cause within 10 days why an order of the court should not be entered in accordance with the referee's report.

Exceptions can be filed to the findings contained in the referee's report. Exceptions as to the matters of fact can be considered only if supported by a duly verified copy of a public record or by affidavits of persons having personal knowledge of the facts or by statements or matters contained in such report. Exceptions relating to law must be supported by an appropriate memorandum of law. Issues of law and fact may be determined by the court or by again referring the matter to the voting referee. A hearing on issues of fact will be held only if the proof disclose genuine issues of material fact. In addition, the applicant's literacy or understanding of other subjects will be determined solely from the answers included in the referee's report.

The court will then review the exceptions and, if satisfied with the findings in the referee's report, enter an order in accordance with the report. H.R. 10035 provided that the court would accept the findings in the report "unless clearly erroneous." This standard is not included in H.R. 10625.

The Attorney General is then required to transmit certified copies of the order of the court to the appropriate election officials who, thereafter, will be subject to contempt of court for refusing to permit the persons found qualified to vote to vote. The court or the voting referee also shall issue each applicant found qualified a certificate declaring his voting qualifications.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. McCULLOCH] has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. McCULLOCH] may proceed for 5 minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, I appreciate the courtesy of the gentleman from Louisiana.

I might say that we do have in this proposal requirements concerning the referee. He must be an eligible voter and he must live in the judicial district in which the suit is brought.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Louisiana.

Mr. WILLIS. The gentleman just made the statement that the bill requires that the referee reside in the judicial district. That is not actually in the bill H.R. 10625 at the present time, is it?

Mr. McCULLOCH. I would be glad to answer that question. The provision is in the substitute which was offered and which was read by the Clerk.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Chairman, I think it ought to be made perfectly clear that the rule made in order the original bill which was subject to amendment. The substitute offered by the gentleman from Ohio [Mr. McCULLOCH], is not just the terms of H.R. 10625, which was subsequently introduced, but in its text it includes the revisions that I have talked about. It was done in that way in order to avoid the necessity of offering individual amendments. The gentleman was handed a copy some time ago of the revisions that were made.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Louisiana.

Mr. WILLIS. I appreciate that. I did not know that those revisions had been included in the substitute H.R. 10625. So I am glad I made the inquiry.

Mr. McCULLOCH. Mr. Chairman, I meant to make that clear at the very beginning of my remarks when I said that H.R. 10035 and H.R. 10625 had been improved and the improvements were in the substitute which I had at the Clerk's desk.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I know about the gentleman's revised bill and the gentleman from Louisiana [Mr. WILLIS] knows about the gentleman's revised bill, but the Members of the House have H.R. 10625. That is what they are working on. They do not know anything about these amendments the gentleman is talking about, the revisions that he has now introduced.

Mr. McCULLOCH. Again, Mr. Chairman, those are in the substitute which was at the Clerk's desk, every word of which was read by the Clerk.

Mr. HALLECK. Mr. Chairman, will the gentleman yield further?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. May I say to the gentleman that certainly before this debate is concluded, from the gentleman's point of view, he can discuss these or any other changes that he may want to have made. This substitute is open to amendment in any fashion that is germane. And, as the gentleman knows, these revisions were just made recently and also, as the gentleman knows, the substitute to be offered by the gentleman from Ohio would be in such final form as he wanted to offer them.

Mr. SMITH of Virginia. I was just trying to make clear to the Members of the House who may not have been familiar with that situation that the gentleman had introduced a new bill, so that the Members could see what was in it.

Mr. HALLECK. Mr. Chairman, I think it would be well to have this revised version printed in the RECORD as a part of the gentleman's remarks. I do not know how rapidly anybody expects to move this evening but I would assume that probably before this amendment is finally disposed of, if many people want to talk on it, anyone could see the changes that have been made in the CONGRESSIONAL RECORD.

The CHAIRMAN. Permit the Chair to state that the amendment has been read and therefore will be printed as read in the CONGRESSIONAL RECORD.

Mr. McCULLOCH. Mr. Chairman, I would like to say that it is contemplated that an amendment or a substitute will be offered to the substitute which I have offered. It would be my opinion, unless it were the decision of the leadership that we run very late tonight, that the matter would appear in the CONGRESSIONAL RECORD before a decision thereon would be made.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield? I have a few questions I should like to ask the gentleman.

Mr. McCULLOCH. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. As I understand, the rule made in order the bill H.R. 10035.

Mr. McCULLOCH. That is right.

Mr. ABERNETHY. You have abandoned that; is that right?

Mr. McCULLOCH. This is offered as a substitute for H.R. 10035.

Mr. ABERNETHY. H.R. 10035, which was the administration's original position, has been abandoned, so we can lay that aside.

Mr. McCULLOCH. In part only. In large part, it is the bill on which we will finally work our will in the Committee.

Mr. ABERNETHY. But my understanding is that there is no language in H.R. 10035 which the gentleman intends to support from now on. He is supporting H.R. 10625.

Mr. McCULLOCH. That is not quite right, for there is much of the same language in both.

Mr. ABERNETHY. I understand that. H.R. 10035 contains 4 pages of very important law that is proposed, and H.R. 10625 contains 6½ pages.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ABERNETHY. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be permitted to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. McCULLOCH. I thank the gentleman from Mississippi.

Mr. ABERNETHY. I am sure the gentleman will agree with me that this is a very far-reaching and a very important part.

Mr. McCULLOCH. I do so agree.

Mr. ABERNETHY. In fact, I think it is even further reaching than anything which is in the bill which is actually before us, the bill we have had under general debate for several days. Can the gentleman tell the House whether or not the rooms of the committee were made open to the people of the country, to the various attorneys general of the States, to witnesses, to Members of Congress, and to anyone else who would like to have been advised or testified on this bill H.R. 10625 or even H.R. 10035?

Mr. McCULLOCH. I would answer that question by saying that Judge Walsh, Deputy Attorney General, testified for some 3 or 4 hours. Mr. Bloch, that very able constitutional lawyer from Georgia, testified at least 2 half days, if not longer.

Mr. ABERNETHY. My understanding was that the testimony of the gentleman from Georgia to which the gentleman from Ohio has referred was on other legislation, that it was on the amendment that was supposed to have been offered by the gentleman from New York [Mr. CELLER] and others. Is that not true?

Mr. McCULLOCH. Mr. Bloch had before him H.R. 10035; H.R. 10625 was not yet introduced.

Mr. ABERNETHY. He did not have before him H.R. 10625?

Mr. McCULLOCH. That is right.

Mr. ABERNETHY. It is true, in view of that, that the gentleman who introduced H.R. 10035 and the administration have abandoned it, and now we have before us H.R. 10625. Who was invited and who had an opportunity to be heard among the attorneys general of the country and other people who might have been interested? Who had an opportunity to be heard on this bill, anyone?

Mr. McCULLOCH. The record was left open, as I recall, and I would be glad to be prompted by the chairman of the committee, for a week or 10 days for statements on the part of anyone who wished to make statements concerning the bill.

Mr. ABERNETHY. Is it not a fact that in reality there have been no hearings on this measure, that the members of the committee were given a brief on H.R. 10035 and, after having been briefed on H.R. 10035 it was so picked to pieces that the Attorney General went back to his office, drafted a new bill, and sent it to the gentleman from Ohio, who dropped it in the hopper; and now that is the administration's position with no one having any chance to be heard on it.

Mr. McCULLOCH. No; I do not agree with that statement because the statement is only partially correct.

Mr. ABERNETHY. Can the gentleman tell me where we can find a copy of the hearings on this?

Mr. McCULLOCH. In due course there will be other comments, Mr. Chairman. I regret that I must refuse to yield further to the gentleman at this time, although I will be glad to yield to him when I have concluded my statement. When I have finished my statement, I will be glad to answer any questions that I can.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York for one question.

Mr. TABER. Is it true that there is no provision for notice to candidates or to the general public on the applications of these people who are to be brought in?

Mr. McCULLOCH. I would say the answer to that question is "No." There is no particular reason that I can think of why candidates should be notified.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. I think it ought to be clear with reference to this matter, first of all, there was a proposal from the Civil Rights Commission for Federal registrars. There was great concern about that. Then this suggestion was made having to do with voting referees. The bill was introduced and it went to the great Committee on the Judiciary. What they elected to do with it was their business—whether they wanted to hold hearings or whether they did not want to hold hearings—that was within the jurisdiction of the committee itself. The gentleman from New York has inquired with respect to notices. I am sure the gentleman from Ohio will agree with me, one of the things we had as a revision is a provision that after each party has been given notice there is opportunity to be heard in respect to the original application of the Attorney General for the finding.

Mr. McCULLOCH. Yes; that is correct.

Mr. HALLECK. I want to point out here that this is, of course, a difficult matter with which we have to deal, but these revisions have been made in good faith in an effort to try to meet some of what seemed to be reasonable objections to the bill, and, in my opinion, they make it manifestly better than it was. In the absence of complete committee consideration and recommendation or report by the committee, some of us have done the best we can to try to get fair but effective legislation in this field. I think it is found in this substitute offered by the gentleman from Ohio with the revisions that are contained in it.

Mr. McCULLOCH. I thank the gentleman for his contribution as always, he is most helpful.

Mr. Chairman, I should like to go back to the question asked by my distinguished friend, the gentleman from New York [Mr. TABER]. There would be no necessity for candidates or the general public to be given notice of these proceedings. The people who should be given notice, in my opinion, are public officials who are charged with discrimination by reason of race or color and against whom injunctive relief may be sought. When notice is given to them and thereafter when there is opportunity to be heard concerning the report, proper notice has been given to the persons who may be affected by the decree.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield.

Mr. WILLIS. We might as well face it right now. With reference to the question propounded by the gentleman from New York, what he was referring to, and I ask the gentleman to correct me if I am wrong, is this—after the court has made a finding of a pattern or practice of discrimination, then that is where this bill comes in and where the referee is appointed; is that not correct?

Mr. McCULLOCH. That is right, but the question propounded by the gentleman from New York was as to whether the candidate is notified.

Mr. WILLIS. If I may pursue this matter just a bit further, I understood the gentleman from New York to be inquiring with reference to the question, after the referee is appointed whether the persons coming before that referee will be in a hearing where the registrar or voters will be present there—or whether that will be ex parte or one-sided. I thought that that was the question asked by the gentleman from New York.

Mr. McCULLOCH. Of course, if that be the question, I will be happy to answer that. If the gentleman from New York by the word "candidate" means a prospective voter who comes before a referee to get a certificate which will entitle him to vote, I would say that kind of candidate would not go to a public hearing. But the referee must take evidence when the person who seeks a right to register or vote, and must reduce the evidence to writing and report thereon to the court. The Attorney General must give 10 days' notice of the report to the State officials involved, in which time they can file exceptions to the report.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Louisiana.

Mr. WILLIS. In connection with the hearing before the referee, the judge finds a pattern existing in one or two or three cases——

Mr. McCULLOCH. Will the gentleman please repeat his statement?

Mr. WILLIS. Here the judge makes a finding that a pattern of discrimination exists in a designated area.

Mr. McCULLOCH. The referee not having come into being yet?

Mr. WILLIS. Exactly. Now the referee comes into the picture. Actually, the finding of the judge as to a pattern of discrimination involves all of the colored people in that area who are

presumed to have been discriminated against, and they were never before the court and never saw a Federal judge, as far as this pattern or practice is concerned. The purpose of the bill is to inure to the benefit of all people who were not parties to that initial scene? Is that true?

Mr. McCULLOCH. Let me say the way the gentleman has presented the matter is accurate. But I want to say this, and I want you to note the significance of what I am going to say. When the Attorney General brings that case into Federal court, with all of the authority and solemnity with which a case in a Federal court is brought, there is a naming of defendants, and they are State officials. In that suit the Attorney General of the United States must prove to the satisfaction of the Federal court that there is a pattern or practice in the political subdivision in question which denies people, otherwise qualified, the right to vote by reason of race or color. So there has been a day in court of the person who could controvert by evidence that which is stated in the complaint by the Attorney General.

Mr. WILLIS. Will the gentleman yield further?

Mr. McCULLOCH. I yield.

Mr. WILLIS. Is it not true that these two or three people, while they proved discrimination on account of race or color, 10 or 12 or 1,200 did not have to prove that they have been discriminated against on account of their race. Is that correct or not?

Mr. McCULLOCH. The distinguished gentleman misses one step in the proceeding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCULLOCH. I would like to say that after suit has been brought by the Attorney General and proof has been made with respect to 4 or 6 or 8 or 10 men that the gentleman from Louisiana mentioned, then the Attorney General must file application in the same suit which seeks a finding by the court that there is a pattern or practice of discrimination against people by reason of race or color, which denies them the right to register or vote.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. All of this discussion started because of the question asked by the gentleman from New York [Mr. TABER] about notice. On page 2 of the gentleman's bill, after referring to the request of the Attorney General, there is found this language: "And after each party had been given notice and the opportunity to be heard."

That is notice, and that is hearing, and that is before the finding is made.

In addition I think it ought to be pointed out, if the gentleman from Ohio will permit me, there is quite a bit of contention by some people that even though the referee found a person was entitled to vote and that he had been deprived of his right to vote, he still had to establish that he was again deprived. So the gentleman from Ohio has made another improvement, I think a definite improvement, in his bill. It requires that the person again under these words "Since the last finding of the court" is required to go back to the State registrar's office or to the voting officers before he finally gets the relief that is here provided.

Mr. McCULLOCH. That is correct.

Mr. HALLECK. And I would just simply like to point out again that certainly in these and other improvements that have been made can be found, I think, justification for the adoption of this substitute.

Mr. McCULLOCH. Mr. Chairman, I should like to go back and repeat several sentences.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I will yield to the gentleman from Georgia for this question; and then I would be very happy indeed if the Members would permit me to finish my statement, because we are losing the continuity of it. I yield to the gentleman from Georgia.

Mr. FORRESTER. I wish the gentleman would inform this House how the court would determine that a pattern of discrimination existed.

Mr. McCULLOCH. I would answer the gentleman by outlining the course of action that was taken in the case in Louisiana where it was determined by the U.S. district court, affirmed by the opinion of the Supreme Court of the United States, that some 1,327 people had been stricken from the voting rolls in a discriminatory manner by reasons of race or color.

That is my answer. I regret I cannot yield further at this time. Later on I will be glad to yield to my distinguished colleagues.

Mr. FORRESTER. I thank the gentleman.

Mr. McCULLOCH. Mr. Chairman, as I said, I would like to return to the sentence which I think specifically answers the very important question touched upon by my friend from Louisiana.

The order of court declaring applicants qualified shall be effective for the longest period for which the applicant would have been entitled to vote had he been registered or otherwise qualified under State law. Applications before the voting referee must be heard within a 10-day period. The proceeding before the voting referee is to be ex parte. I said that before. There is no intention of misleading anyone. That is, without the defendants, probably the State registrar or the local registrar, being permitted to ask questions and interpose objections to the qualifications of the applicant.

The statements of the applicant are under oath and are to be prima facie evidence of his age and residence and his prior efforts to register or otherwise qualify to vote. When proof of literacy is required, his answers, whether written or oral, are to be included in the report which the voting referee later is required to make to the Federal court.

After receiving such applications the voting referee is required to report to the court which of such applicants are qualified under State law to vote and have been deprived under color of law of the opportunity to register and vote or have been found not qualified by persons acting under color of law. After the referee reports his findings to the court, the Attorney General is required to transmit copies thereof to the State attorney general and the other parties to the proceeding, together with an order to show cause within 10 days why an order of court should not be entered in accordance with the referee's report.

I should say that the requirements for notice and the other protection that is thrown around the local and State officials is certainly adequate.

Exceptions can be filed to the findings contained in the referee's report. Exceptions as to matters of fact can be considered if supported by a verified copy of a public record or by affidavits of persons having personal knowledge of the facts or by statements of matters contained in such report. That goes a long way, I assure you.

Exceptions relating to law must be supported by a memorandum of law. Issues of fact and law may be determined by the court or by again referring the matter to a voting referee. A hearing on issues of fact will be held only if the proof discloses genuine issues of material fact. In addition, the applicant's literacy or understanding of other subjects will be determined solely from answers included in the referee's report. What could be more fair?

The court will then review the exceptions. This is the Federal court which has authority to review the exceptions and if satisfied with the findings in the referee's report, enter an order in accordance with the report.

The Attorney General is required to transmit certified copies of the order of the court—and this is important, because it goes to the heart of protecting individuals under law, to the appropriate election officials who thereafter will be subject to contempt of court for refusing the person found qualified the right to vote.

The voting referee also shall issue each applicant found qualified a certificate declaring his voting qualifications.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MEADER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, I would like to say at this time even then your local election officials cannot be sentenced for contempt of court until after the election official who has been charged with violation of the decree has had a hearing and has an opportunity

to show cause why he should not be punished for contempt of court.

Mr. Chairman, this refined version of H.R. 10625 is a moderate, proper approach to guaranteeing voting rights to qualified Americans, and I have no hesitancy in commending it to the Members of the Committee.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. LINDSAY. I should like to ask the gentleman, Do I understand that in any case where a local State registrar disagrees with the action taken by the court through the referee appointed by the court, that is, if an issue of fact is presented which is genuine, that the local registrar will be afforded before the court a full hearing on that issue? Is that correct?

Mr. McCULLOCH. That is right.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that this bill creates Federal registrars, Federal referees, and Federal enrolling officers?

Mr. McCULLOCH. This bill does not create any of those officers unless there is found by a Federal court to be a pattern or practice of discrimination against people in this country by reason of race or color and under certain conditions thereafter, pursuant to the terms of this legislation, the court may appoint voting referees with the duties specified therein who may, within the authority specified in the proposal, see that votes are cast and counted by those who are qualified to cast votes.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, then does it go on and provide for the appointment of Federal enrolling officers and Federal referees as well as registrars?

Mr. McCULLOCH. Well, they are voting "referees." That is the term rather than "registrars." There are no registrars authorized in this bill.

Mr. GROSS. I see in the statement which I assume the gentleman caused to be distributed in the House today the three categories of officers here: referees, registrars, and enrollment officers.

Mr. McCULLOCH. Well, in the legislation which I have introduced there is the primary type of official who is a voting referee, and there is no authority for registrars, enrollment officers or other officers of that nature.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. LINDSAY. What the gentleman from Iowa is referring to is an outline which gives three separate bills.

Mr. McCULLOCH. Yes. I thank the gentleman from New York. We were trying to point out in that chart what we have in the bill that the gentleman from New York has introduced, and the one that I have introduced as compared to the other bills on the same general subject, which have been introduced, at least one of which was introduced in the other body.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Does this bill contemplate that after a finding has been made by the court as provided for in the early sections of the bill, that on election day the various precincts in the community where the pattern is said to exist will be watched over by Federal marshals?

Mr. McCULLOCH. That is not contemplated. I would be pleased to read the four lines which pertain to the question which the gentleman has asked. On page 6 of H.R. 10625, beginning on line 6 on that page, I read:

> The court may authorize such referee or such person or persons as it may designate (1) to attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote.

And that is in accordance with practice in the Federal courts ever since the Constitution was adopted.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Chairman, I think also it should be pointed out that in view of rather serious objections that were raised to a part of the language appearing on page 5 of the original bill which provided:

> (1) To attend at any time and place for holding any election and to report whether any such person declared qualified to vote has been denied the right to vote, and (2) to attend at any time and place for other action relating to such election necessary to make effective the vote of such a person and to report to the court any action or failure to act which would make such vote ineffective.

Those words have been stricken out in the substitute offered by the gentleman from Ohio. That would seem to be directly in line with the complaint that the gentleman from Mississippi [Mr. ABERNETHY] is undertaking to make.

Mr. McCULLOCH. Yes. And, Mr. Chairman, I would like to say this: Since the time there has been a court of equity or a court of the king's conscience in the Anglo-Saxon system of jurisprudence, that court has always had the right to issue orders and to appoint people to carry out the decrees of the court.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield further?

Mr. McCULLOCH. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. I am not being facetious, I want to assure the gentleman. I have a very high regard for the gentleman, as he well knows. But I want to see if this is not the situation. In the beginning the administration sent the gentleman a bill, H.R. 10035, which he introduced.

Mr. McCULLOCH. Yes; which needed refinement.

Mr. ABERNETHY. I realize that and after study he found that it needed some refinement.

Mr. McCULLOCH. I would like to answer that by saying that the gentleman from Louisiana helped us find the defects and deficiencies in the bill.

Mr. ABERNETHY. That is right, in H.R. 10035. Then they brought us H.R. 10625 and now the gentleman has abandoned H.R. 10625 to a degree.

Mr. McCULLOCH. No.

Mr. ABERNETHY. The gentleman has at least abandoned four lines of it, has he not?

Mr. McCULLOCH. Mr. Chairman, we have not abandoned H.R. 10625.

Mr. ABERNETHY. I did not say that.

Mr. McCULLOCH. And we have not abandoned large parts of it. We have decided that there are some provisions that can be improved and it has been my experience in legislation for more than a quarter of a century that little legislation that is passed is perfect.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. McCULLOCH] has again expired.

Mr. ABERNETHY. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. McCULLOCH] may proceed for 2 minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield to me further?

Mr. McCULLOCH. I yield further to the gentleman.

Mr. ABERNETHY. It is true that having had only 1 day's briefing on this particular amendment, which is the bill itself almost, that we now have a third bill of the referees bills before us.

Mr. McCULLOCH. No; that is not quite accurate.

Mr. ABERNETHY. Well, we have a third version. Would it not have been better if the gentleman's committee, either by his suggestion or under the leadership of his chairman, had opened this matter up to hearings and had given the country and the people and all interested an opportunity to advise the gentleman a little further?

Mr. McCULLOCH. I think there has been so much advice given to the country on civil rights by various means that it would have served little purpose to seek further advice.

Mr. ABERNETHY. And you have made some amendments every time that advice was given on the original version, H.R. 10035.

Mr. McCULLOCH. There is little perfect under the sun.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. McCULLOCH] has again expired.

Mr. MEADER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEADER. Mr. Chairman I have an amendment which I intend to offer to the substitute now pending before the Committee offered by the gentleman from Ohio [Mr. McCULLOCH].

In view of the lateness of the hour and the announcement that the Committee intends to rise at 5 o'clock, and it now being 5 minutes of 5, I wonder if it would be in order for my amendment to be reported to the Committee at this time, but

to withhold discussion on it so that I might be recognized when the Committee sits again tomorrow.

The CHAIRMAN. If the gentleman offers his amendment at this point in the proceedings, it will be reported.

Mr. MEADER. I now offer my amendment, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. MEADER to the substitute amendment offered by Mr. MCCULLOCH to the amendment offered by Mr. LINDSAY: On page 1 of the McCulloch substitute strike out "(a) Add the following as subsection (e)" and all that follows down through the last page of the McCulloch substitute, and insert in lieu thereof the following:

"(a) Add the following as subsection (e) and designate the present subsection (e) subsection '(f)':

"'(e)(1) In any proceeding instituted pursuant to subsection (c) of this section to relieve any deprivation of a right or privilege secured by subsection (a) of this section, final orders of the court providing affirmative relief may specify that named individuals are qualified to vote and may also specify that such individuals, upon proof of such order in such manner as the court may direct, shall be permitted to vote in the same manner as if duly registered and qualified therefor under State law.

"'(2) In any proceeding instituted pursuant to subsection (c) of this section to relieve any deprivation of a right or privilege secured by subsection (a) of this section, the court may, pursuant to rule 53 of the Federal Rules of Civil Procedure, appoint special masters to assist the court in carrying out its responsibilities in such proceeding. The compensation to be allowed any such special master shall be fixed by the court and paid by the United States.'

"(b) In subsection (c), insert 'or affirmative' after 'preventive', and add at the end thereof the following: 'Proceedings brought under this subsection to relieve any deprivation of a right or privilege secured by subsection (a) of this section shall supersede any proceedings covering the same subject matter brought before any State court, tribunal, agency, or official to the extent of any inconsistency. In proceedings brought under this subsection, court orders requiring or prohibiting action by officials of a State or subdivision thereof shall also require or prohibit such action by their successors in office.'"

Mr. MEADER (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the RECORD.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. As I read the amendment offered by the gentleman from Michigan, it appears to be a substitute to the substitute. I should like to be able to address myself to the Chair on that subject tomorrow morning. I hope I will not be forestalled. I have a point of order to make against the amendment and I should like to be heard on that point of order tomorrow.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan to dispense with the further reading of the amendment to the substitute?

Mr. CELLER. This is simply for the purpose of inserting the amendment in the RECORD?

The CHAIRMAN. If the gentleman desires to reserve a point of order against the amendment, he may do so.

Mr. CELLER. I reserve a point of order against the amendment, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CELLER. Mr. Chairman I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, had come to no resolution thereon.

BASIC RESEARCH FOR ECONOMIC AND MILITARY STRENGTH

Mr. CURTIS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, on February 19, 1959, I introduced H.R. 4797, to encourage basic research in science by allowing a tax credit for contributions and other expenditures for such basic research. This legislation was similar to legislation that I joined in cosponsoring in the 85th Congress with our late colleague, the Honorable Richard M. Simpson, of Pennsylvania.

Recently Mr. Mark W. Cresap, Jr., the president of Westinghouse Electric Corp., in a speech before the Economic Club of Detroit, made reference to my bill, H.R. 4797, and more importantly presented persuasive arguments as to why America must maintain preeminence in the field of basic research. Mr. Cresap pointed out that society gets a big bargain with the dollars it invests in research. He cited estimates by the McGraw-Hill department of economics that 13 percent of all manufacturers' sales this year will be accounted for by new products, products which were not made 4 years ago. Mr. Cresap pointed out that most of these products are the result of research and development and that these products amounted to some $51 billion in extra taxable business.

Mr. Cresap also cited instances in which other American leaders in industry, education, and government have urged the expansion of our basic research endeavors in behalf of military and economic strength.

Mr. Speaker, in my judgment, Mr. Cresap has demonstrated industrial statesmanship of the highest order in the remarks he made before the Economic Club of Detroit. So that the views of this distinguished and farsighted American can be available to my colleagues in the Congress and to the public generally, I will include his speech, "The Struggle for Research Supremacy," as a part of my remarks:

THE STRUGGLE FOR RESEARCH SUPREMACY

(A talk by Mark W. Cresap, Jr., president, Westinghouse Electric Corp., before the Economic Club of Detroit, Veterans' Memorial Building, Civic Center, Detroit, Mich., February 29, 1960)

Let me say at the outset, gentlemen, that you deserve great credit for creating and maintaining this forum. You have here an institution which has achieved widespread distinction. You are rendering a national service in offering businessmen, scientists, political leaders, and others an opportunity to come to this platform and express what is on their minds and in their hearts. I am greatly honored that you have included me among their number.

Perhaps I can best repay you for your courtesy by taking up without further delay, the subject at hand.

I propose to discuss with you some aspects of a new industry that has come onto the American scene. This industry is revolutionizing our technology. It is reshaping our economy. It is changing our daily lives. It is our greatest hope for improving our standard of living, for accelerating our national growth, and for maintaining a strong position in a dangerous world. I am referring to what the late Dr. Sumner Slichter named "the industry of discovery."

If we are to understand the significance of this mighty force we call research and development, I think we must position ourselves by calling certain major facts to mind.

First, this is a relatively new force in our economy. Scientific research, as we use the words today—a systematic, planned pushing against the frontiers of knowledge * * * the organized team application of such knowledge—this has prevailed in our country for hardly more than a generation.

Second, the really massive investment in research and development has taken place in the past 6 or 7 years. The Nation spent a total of $3.5 billion for this purpose in 1952. It seemed like a lot of money then, and I can remember the general expression of astonishment at the magnitude of the investment. Well, we will spend more than three times that much this year.

Third, the national technical effort is a friendly and fruitful partnership among industry, the universities, independent research centers, and the Federal Government. Research is one area where the Federal agencies, civil and military, have a large responsibility, both for performance and for supply of funds. It is an area where there is no conflict and no competition between industry and Government—where anything other than wise collaboration would be detrimental to both.

Fourth, we must realize that technology is now springing from research in even shorter spans of years. Scientists are showing less and less respect for the old rules and restrictions of time. The poet Tennyson once wrote: "Science moves, but slowly, creeping on from point to point." That is certainly not true today.

Last October I said at your Propeller Club here that navies needed thousands of years to shift from sails to coal, and 40 years to shift from coal to oil, but only 12 short years of the atomic age to launch the first nuclear submarine. It occurred to me later that 12 years is a rather long time as we measure technological developments today. Less than 3 years ago, for example, we at Westinghouse were atempting to light a flashlight bulb with an untried source of power called

thermoelectricity. Today we are building a 5,000 watt thermoelectric power generator for the U.S. Navy. Time has indeed been compressed as a controlling element in our technology.

Fifth, the United States is now reaping benefits of the $69 billion we poured into research and development in the 1950's. A great accumulation of work-in-progress has been built up in the Nation's research laboratories. We will be getting the payoff on this work in the decade ahead.

Finally, we have entered a new age of advancement, change, and challenge. We are working not only with new products, processes, and materials, but also with new principles and concepts. We will all have to upgrade our resources and performance to cope with this strange new technical age. I never realized this so clearly as when I read not long ago that a team of serious and sober scientists is working on a project to determine whether time runs backward as well as forward.

Dr. Keith Glennan, director of the Nation's civilian space program, expressed the new order of technological challenge in this way. "In the past very few years," he said, "mankind has made a 'quantum' advance in science and technology—one of those amazing explosions of minds and energies that have always marked the onset of a new era. Strange and revolutionary things are upon us, and more are coming. Old drives are accelerating. New drives are being released. Old patterns of thinking and action are breaking up. New patterns are forming. The future is rushing down upon us."

Let me give you an example. It concerns one of the most remarkable recent advances in the "industry of discovery"—a development called molecular electronics.

At the risk of oversimplifying the subject, I ask you to imagine that I am holding here a single crystal of silicon or germanium so small that you cannot see it from where you are sitting. You want this material to perform some electronic function. For example, you want it to amplify an electrical signal. So you add a few molecules of another material in the right spot. It turns out that you can build into this tiny crystal almost any complete electronic function you want. This is molecular electronics—the molecular engineering of solid state circuitry, where everything is achieved by atomic rearrangement.

You can imagine what changes this revolutionary new concept will work in the field of electronics. For a great many applications it means the complete elimination of components like diodes, resistors, capacitors, tubes, and transistors. It means a reduction in size to as little as one one-thousandth of present miniaturized systems. It means tremendous gains in the ratio of energy input to output. Because of the utter simplicity of these subsystems, it means reliability of performance never before achieved.

Like other great breakthroughs in science, the development of molecular electronics has been speeded by brilliant discoveries in the art of making practical elements on a virtual mass-production basis. If I may inject a mention of my own company, I would like to pay tribute to Westinghouse scientists for developing a method of growing single crystals in a continuous ribbon from pools of molten semiconductors, treating them as they grow. The end product is a finished material which is ready, without slow further processing, for making finished molecularized subsystems. It is conceivable that in the future we will be able to grow complete functional electronic systems, such as radios and amplifiers, in this way.

Molecular electronics is well past the idea or theoretical stage; it is rushing down upon us. Last spring the Air Research and Development Command awarded a $2 million contract to develop molecular subsystems. Last month 17 working pilot models were demonstrated to the Department of Defense. At that time, the military stated its belief that in 3 or 4 years these tiny subsystems will be controlling missiles and satellites. Some authorities estimate that ultimately 75 percent of all electronic circuitry could be replaced by molecularized equipment, and some see the development in 2 or 3 years of a communications receiver the size of a pea.

I want to stress that this is not mere miniaturization. It is, rather, an entirely new concept—a concept in which the whole tedious process of building electronic equipment from individual components is done away with. This is indeed a triumph of what a great man called "the heroic age of physics."

I could describe other technical developments in the electrical industry to you. I could tell you more about thermoelectric power generators, which work silently without movng parts, and which we have built with an efficiency approaching the best automobile engines. I could talk about electroluminescent panel lighting; or ultrasonic cleaning; or of an amazing development in battlefield and long-range detection by thermal imaging, through the use of infrared rays. I could report to you on progress made in developing the greatest discovery of our century—that mass is a form of energy, and that the transformation of one into the other can be initiated and controlled by man. You have here in Detroit, in the Enrico Fermi Atomic Power Plant, one of the outstanding achievements in this field.

But the example I have cited—molecular electronics—illustrates dramatically most of the points I have made. It shows that today's research is a partnership among varied interests. It shows the key role that Government plays in that partnership. It demonstrates that technology springs from research in a shortening span of time, and that we are beginning to reap benefits from the huge investment in research in the 1950's. It illustrates the fact that new concepts—strange and revolutionary things—are upon us.

The example illustrates one other major point as well. Molecular engineering is a realization founded on an ever-expanding knowledge of solid state physics. In its early stages, it sprang from the search for new knowledge by university and industry scientists operating in the upper reaches of creative ability. And so molecular engineering is one illustration of the importance—the crucial importance— of basic research in our technology.

It is not necessary to belabor this audience with proofs that basic research is desirable and profitable. Indeed, we have long passed the point where we have to justify the practical values of research. There is general agreement that society gets a big bargain with the dollars it invests in research At the executive level there is solid understanding of the close correlation between a company's research program and its rate of growth and profits; and that applied research and product development move faster, more smoothly, and less expensively where they have been preceded by good basic research.

Given this widespread understanding and appreciation of the importance of basic research, it is astonishing that we are not getting enough of it. The fact is that we are not—that we should have more—and that if we do not get more, the results could be very serious indeed. The unanimity of opinion on this matter, from all professions and all persuasions, is truly striking.

In 1947, the Scientific Research Board, in a report to President Truman, declared that the security and growth of the United States depend on the rapid extension of scientific knowledge * * * that heavier emphasis should be placed on basic research * * * and that expenditures for this purpose should be at least quadrupled. Since then, we have heard variations on those statements from many sources, in many places, on many occasions.

Vannevar Bush in 1949 called for a stronger support of basic research. Herbert Hoover called for it in 1952, President Eisenhower in 1954, Alfred Sloan of General Motors in 1955 and Crawford Greenwalt of Du Pont in 1960. Neil McElroy and George Kistiakowsky have done the same thing. So have Dr. Du Bridge of Cal Tech, Dr. Stratton of MIT, Dr. Seaborg of the University of California, and Dr. Warner of Carnegie Tech. The National Science Foundation, the American Association for the Advancement of Science, and the National Academy of Sciences have all done it—many times. The Republican Party asked for it a few days ago in its task force report on program and progress. In 1958, a national conference of 510 businessmen, bankers, research scientists, research administrators, military men, government officials, educators, editors, labor leaders, and professional economists called upon the United States to do something drastic about basic research, and to do it soon.

Dr. Alan Waterman, director of the National Science Foundation, has expressed alarm that national expenditures for basic research have not kept pace with growing expenditures for applied research and product development. He has testified eloquently that the university laboratories are starved for new and expensive modern research equipment. These laboratories, which perform about half the basic research in this country, are not as well equipped as the laboratories of many Russian universities.

Dr. Mervin Kelly, president of Bell Laboratories, said in Pittsburgh last December that it will require "an immediate and substantial increase in financial support of basic research to keep U.S. economic and military strength abreast of its enemies." He called this "a national problem of the highest priority," and he said that the percentage of total research and development expenditures going to basic research this year is "most inadequate to meet the Nation's needs."

And Dr. James Killian told you at the Economic Club just 1 year ago: "It appears that only about 6 percent of the total research and development expenditures in this country is being spent for basic research. Such a serious imbalance of effort is a hazard to the economy, the safety, and the health of this country. If we are to continue to maintain an overall defense strength second to none * * we must augment this effort."

Can we doubt or discount the advice of these responsible spokesmen? Can we hear such words and not take some immediate action to increase the amount and improve the quality of our basic research? Speaking for myself, I will say that I accept these words at face value, am disturbed by them, and am moved to seek some means of correcting the situation they describe.

A main problem, of course, is money—how much of it we need, where to get it, how and where to spend it. Money, to be sure, is only part of the problem. It cannot buy or create brains. Dr. Szent-Györgyi, Nobel Prize winner in medicine, has poked gentle fun at businessmen who say, in effect, "If it takes 9 months for a woman to produce a baby, let's put nine women on the job and get it done in 1 month." However, he would probably agree that money helps, that it is the sector where we can do something fastest, and that we can hardly win the struggle for research supremacy if we fail to use as much of it as we really need.

Where is the additional money to come from? From the Federal Government? Government's share of the basic research bill is already very large. It performs about one-seventh of the basic research work being

done. Private industry performs about one-third, and the universities and their affiliated research centers perform almost half. But the Government now pays for almost 50 percent of the total national basic research effort. It will spend $494 million on basic research this year. About 5 percent of the Government's expenditure will go to private industry, 30 percent to its own Government laboratories, and half to the universities and their research centers.

There are strong arguments against calling on the Government to pay a still higher percentage of the bill for pure research.

For one thing, we run the risk of excessive Government control over the university laboratories and research centers. This is not an abstract fear based on principle; it is a very real problem, and no one has warned against it more strongly than those Government officials who are charged with responsibility for Government support of basic research.

Where Federal or industry grants are made to the universities without strings attached, control is no problem. But otherwise, those who pay for research work inevitably will control that work to some extent. They must determine the recipient of the contract, the subject to be researched, what facilities will be used, what schedule will be followed, and which people will do the work. Where this authority is spread among scores or hundreds of individual companies, the control is minimal and it can be resisted. Where it is centralized in two or three major sources, it can—despite the best will and intent—come close to total dominance.

A second danger is that of serious imbalance in the nature of the research work being carried on.

Our colleges and universities are a precious national resource for pure research. They have the atmosphere, tradition, and environment in which basic research flourishes. It would be tragic if the university mission became diluted with too many projects involving development and applied research. If this happened, our progress in pure science would suffer. So, too, would the caliber of the training of our new scientists.

That this mission has already become somewhat diluted is indicated by the fact that less than half of the research work the universities are doing today is in pure science. To put it another way, less than half the energies of our university science faculties is being directed at basic research.

In 1958 the National Science Foundation stated: "Concern is sometimes expressed not only by scientists but by university administrators as well, at the extent to which the academic departments of institutions of higher learning are becoming committed to carry out applied research and development projects for the Federal Government." The director at that time asked Federal agencies whenever possible to reserve universities for work in pure science and to place large-scale development projects elsewhere. A few weeks ago the scientific advisers to the State Department made the same request.

Finally, there is the danger that comes with a cutback in research funds. The cutback may result from a shift in political direction, a lessening of world tension, or simply from budget problems; but whatever the cause, the results can be both sudden and severe. This is a problem which affects both industry and the universities, and it should be a matter of concern to everyone who cares about the national welfare.

We are hardly likely to repeat the technical demobilization we suffered after World War II, and we will certainly never return to the pattern of 1940, when the Federal Government paid for a few million dollars of pure research each year. But the research work of a given university, of an independent research center, of a private company, may be built up to a high level and then suddenly reduced or halted. This means their staffs may be broken up and their skills, and perhaps their equipment, dispersed. It means start-and-stop support of individual programs. This must always be expected to some extent when research appropriations are questioned each year in the political arena. Those appropriations must be measured against other claims for Federal funds, some of which are good and persuasive, and most of which have far faster and more tangible results than long-range exploratory studies in science.

When conditions change, the change must certainly be reflected in our development programs and in production of hardware. Pure research, however, should not change, for it is in a different category. It is different because almost all the basic research work being done at a given time deserves to continue no matter how conditions change. It is different because our military posture 5, 10, and even 20 years hence is being determined by what we are doing or are failing to do in pure science right now. Even if peace were "declared" tomorrow—even if the Russians stopped acting like Russians and Red China dropped from the face of the earth—those research projects should be continued solely in terms of our own national objectives. Our economic growth, our progress and prosperity, depend on them. And even peaceful competition with the Soviet system demands that we maintain a technological lead.

If additional support for basic research does not come from government, then there is only one other place it can come from. That is American industry.

Now, we can agree that there is little point in simply exhorting industry to increase its expenditures and grants in support of basic science. Basic science is not industry's first responsibility; and it will do no more of it in its own laboratories than it can justify economically. It will contract research projects to outside laboratories only when it is advantageous to do so. It will give as much money as it feels it can afford to the universities for pure research work and for better research facilities. Perhaps we should all give more money than we do; but to say this in the pious hope that something will be done is like shouting against the wind.

The answer is that the Federal Government must give industry a reason—an incentive—to increase progressively its support of basic research. The National Science Foundation has recommended that serious consideration be given to the use of tax incentives for this purpose. One of the political parties has formally called for government to encourage increased support for basic research through tax incentive. The idea has been broached in several recent articles. It is being discussed among scientists and science administrators.

Among the incentives which have been proposed are a faster writeoff of new research facilities; an outright tax credit for research contributions or expenditures; and a provision which permits an income tax writeoff of more than 100 percent of the expenditures on scientific research facilities, similar to the 120-percent writeoff granted by the United Kingdom.

A bill now before the 86th Congress would amend the 1954 Revenue Code to provide one such incentive. With your permission, I should like to close this talk by describing it briefly to you. But since a businessman recommending tax incentive is automatically, in some quarters, a robber of widows and orphans and a base seeker of special privilege, regardless of his real motives and no matter how worthy the cause, I want first to insert this footnote:

I am speaking for what I believe is the national good; and I am not proposing a program for the benefit of any particular industry or company, including my own. The electrical industry was built and now subsists on research. We have conducted research not on a crash program basis but continuously since the inception of the business, year in and year out, in good years and bad, in peace and war, with and without Government assistance.

My company established its first research laboratory in 1904, has doubled since 1950 the percentage of its sales dollar devoted to basic research, and has just undertaken to double the size of its central research and development laboratories. We have done this without tax incentive and we can continue to do it without tax incentive; but I know that there are many areas in industry where tax incentives are needed and where it would be in the public interest to grant it.

The Curtis bill, H.R. 4797, would permit a business or individual taxpayer to take an income tax credit—that is, a deduction from the actual tax bill rather than from the taxable income—for contributions to basic research work in science performed by colleges, universities, and other nonprofit research organizations. The deduction would be limited to 90 percent of the contribution. It could not exceed 5 percent of the total tax bill. The university or center itself would determine what constitutes basic research, and since they prefer to work in pure science, such grants would have a built-in self-enforcing effect.

The Curtis bill would also permit a business taxpayer to take an income tax credit for basic research in science performed in its own laboratories. The credit would be for 75 percent of the amount spent and could not exceed 3 percent of the company's total tax bill.

These internal research expenditures would be hedged about with careful safeguards. For instance, such fundamental research projects, in order to qualify, would have to be certified by a board of eminent scientists appointed by the President on the recommendation of the National Academy of Sciences. All findings in such projects would be published and so would be, in effect, in the public domain.

This method of research support, it seems to me, is more desirable, more effective, and less expensive than direct grants by Government. For one thing, the money would go straight from the taxpayer to the laboratory. It would not make that long trip from industry to Washington and then on to the laboratory; and thus it would escape the attrition and administrative expense which result on that journey. For another thing, interference with and control of university research work would be minimized, because the grants would have no strings attached and would come from many sources. Stability of research operations would be improved, because they would be less subject to annual political review and change. Most important, of course, the proportion of work carried on in pure science would rise rather quickly and substantially. More of the talent in industrial laboratories would be directed at basic research. The very sizable gap that now exists between what the Nation's scientists do and what they could do would narrow.

I should like to point out that when we speak of funds for basic research, we are speaking of relatively small sums of money involving a core of only 15,000 to 20,000 basic research scientists. The total grant budget of the Government agency responsible for the support of basic research, the National Science Foundation, is a little over $65 million this year, almost all of the money going to the universities. If industry were to do no more than match that modest sum by its own grants, the benefits to pure science would be very great indeed.

Our national experience has been that the expansion of science into new areas has always created new economic frontiers, followed by a broadened tax base. The McGraw-Hill department of economics has estimated that 13 percent of all manufacturers' sales this year will be accounted for by new products—that is, by products which were not made 4 years ago. This amounts to some $51 billion in extra taxable business. Most of those new products, of course, spring from research and development.

You will recall that the Internal Revenue Code was amended in 1954 "to encourage taxpayers to carry on research and experimentation." That amendment gave the taxpayer an option to deduct his research expenditure currently or to capitalize and amortize it over a period of not less than 60 months. We shall never know how much of the giant outburst in research investment since 1954 has been due to that new tax incentive; but certainly the change helped and certainly it brought the Treasury many, many more dollars than it cost. Enactment of further tax legislation now would not work any miracles overnight, but I suggest that it too would stimulate the general economy and so increase rather than lessen tax revenues.

I am not here, of course, to ask for your support of the Curtis bill or of any other legislation. I simply want to invite your attention to the problem in the hope that you will give it your thoughtful consideration and will perhaps agree with me that some action should be taken.

The Soviet Union has proclaimed its determination to lead us in science and technology. We know that, despite the inefficiency and waste of its system, it is advancing at a rapid rate. We know that it is laying heavy emphasis on basic research. We know that it is turning out half again as many research scientists as we are. We can guess that they have decided that the nation will win the future which advances fastest and farthest in science and in the technological products of science. This presents us with a new and striking challenge. We have to run a race of unknown length over a strange track. The only known element is the fatal consequence we face if we come in second.

We Americans will never lose the struggle for research supremacy if we decide what we must do and then do it with energy, courage, and decision. Our country has tremendous resources in materials, facilities, capital, and human talent. We have imagination, drive, and the ability to organize and get things done. We have made substantial progress in improving our research effort in recent years; and there is convincing evidence that our overall research program has no equal anywhere else in the world.

If we improve and accelerate this effort still further, if we expand our total technical effort into new and necessary areas of our economy, if we set our national goals high, then we will certainly maintain a strength which will serve to improve our standards of living, build our defenses, and foster human freedom everywhere.

THE SAFEGUARDING OF INDIVIDUAL RIGHTS OF AMERICAN CITIZENS

Mr. REECE of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, I wish to call attention to a matter pertinent to our continuing efforts to safeguard the individual rights of American citizens.

One of my constituents, Mr. Jesse Wallace, has appealed to me for justice for himself and his local, in circumstances which I believe compel the earnest attention of each Member of this body.

Last December, Mr. Wallace, it appears, was elected by fair and secret ballot to the position of secretary-treasurer of Local 549, International Brotherhood of Teamsters in Kingsport, Tenn. The election was a hotly contested one, though I am informed that Mr. Wallace was elected by a convincing majority of the voting, eligible membership of the union.

Notwithstanding, a court order from a Federal district judge here, upon motion of the board of monitors sitting in Washington, now directs Mr. Wallace vacate his office, and that a new election be held. My constituent stands confused by the reasoning attendant to this court order. And rightly so, in my judgment.

For the salient fact in this affair is that the court order was issued upon appeal from another constituent for this same union office, who was ineligible to run. It is my information that the protestant failed for 3 months previous to the election to pay his dues. Thus, he rendered himself by his own knowledge ineligible for office under the local and international constitutions. For the purpose of this statement, it is not necessary to disclose why the protestant failed to pay his dues except to say it was upon his own volition.

Even more astounding to me is that the court order was issued even before my constituent had been advised of proceedings against him, initiated by the board of monitors upon request of the individual. This action seems to me a most flagrant abuse of Anglo-Saxon jurisprudence, not to mention tradition of the courts.

It seems to me that this is one instance at least where we have a good example of the old adage that the "knife cuts both ways." Even the best efforts of the board of monitors, who, incidentally, are paid quite handsomely by the union membership to clean the union of undesirable elements, can in some instances result in abuses from time to time. It is a shocking thing to me that this could occur when, during the last session of Congress we enacted a statute which provides an exclusive method for adjusting difficulties of this type in a labor union. Therefore, it would seem to me as if the monitors should move carefully and cautiously upon appeals from disgruntled individuals and groups without making a careful investigation of the situation.

Indeed, the abuses of jurisprudence stemming from the court's judgment in this case indicate to me a need for further examination of the law. Something is rotten in the state of Denmark when a man can be deprived of his livelihood by court order and without representation or notification that proceedings are being brought against him.

I know Mr. Wallace quite well. His residence in my district has not been marred by suggestion of improper action. He has a fine family and enjoys a good reputation in his community.

THE PIONEER V

Mr. GEORGE P. MILLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE P. MILLER. Mr. Speaker, a tiny manmade planet the size of a beachball is today hurtling through space on its way around the sun and through the marvels of modern electronics scientists can maintain radio contact with it.

Pioneer V, as it is known, is jammed with scientific instruments which are recording and sending back to earth a wealth of information on that part of deep space which lies between the Earth and Venus.

Some day, in the lifespan of many of us, man will travel through the great void to Venus and Mars, his path made easier by the data now being collected by Pioneer V.

Unlike some of the Soviet shots, Pioneer V is not a spectacular one, but it is more important scientifically in many respects than the Russian rockets which orbited the Moon and impacted the lunar surface.

For, before man can leave this Earth to which he has been bound for so many years, he must know the strange, black, icy environment in which he will travel. Pioneer V is providing that information. To the layman, it may be just another in a series of space shots. To scientists, Pioneer V is a momentous event.

I congratulate the National Aeronautics and Space Administration for this stellar achievement. In this accomplishment of theirs the Nation can take great pride.

Pioneer V has already established one record in its so far brief lifespan. It has remained in communication with the Earth for more than the 407,000 miles at which the radar signals of its predecessor, Pioneer IV, faded out. Scientists hope that the 150-watt ultra-high-frequency radio with which the Sun satellite is equipped will send back signals when it is 50 million miles from the Earth.

The new vehicle will journey a 514-million-mile circle around the Sun on a path which will take it between the Earth and Venus. It is this space between the Earth and Venus that Pioneer V is measuring. The Earth is 93 million miles from the Sun while Venus is about 67 million miles from the Sun. Pioneer V will approach to within approximately 75 million miles of the Sun. It will take about 311 days to make a complete orbit around the Sun.

Scientists anticipate that Pioneer V will remain aloft indefinitely. While the public press has given Pioneer V good

coverage the American people have, apparently, failed to realize the full significance of this great achievement.

NASA has come of age.

SCOTT WEEK

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOYKIN. Mr. Speaker, I wish to address the House for 1 minute, and revise and extend my remarks and include therein a wonderful, great speech made by an outstanding American that you know and most of the men who are listening to me now know, Thomas B. McCabe, president of the Scott Paper Co., of Chester, Pa.

You know how long Tom McCabe served here in Washington and what a grand job he did. Well, this company, the Scott Paper Co., really has a fabulous papermill in Mobile, Ala., where they give thousands of men and women jobs. They have just completed a $20 million expansion, and now Tom McCabe announced another $20 million expansion down there in that great country on Mobile Bay, where we have more navigable miles of streams than any State in the Union, and where they never freeze up; and we have warm waters the year around, and where they have more natural resources than any place I know on this earth, and especially timber, and that's what Tom's company does—develops timber into paper and paper products, and maybe rayon. We have many, many mills there. Tom's mill sits right by the International Paper Co.'s mill, which is the largest on this earth. However, I will not tell you about that mill now; I will just tell you about the Scott Paper Co., because after hearing Tom McCabe and after the great Tom Martin, chairman of the board of the Alabama Power Co., invited me up to hear Dick Doane, the president of the International Paper Co., I decided to put both speeches in the RECORD. I am going to put Tom McCabe's speech in first, because it was made at Mobile and because it was made before Dick Doane made his speech in Birmingham, but I will put it in next.

So many things seem to be going in the RECORD on the civil rights matter, and I thought it would be good to put in something that means so much to the men and women of America and means so much to the Government; as a matter of fact, all mankind; and that is just what this great company is doing and will continue to do, and they have such a wonderful expansion program down at our own Mobile, Ala.; and every human being down there appreciates what this great company has done and is doing, and I wish everybody could have heard Tom McCabe's great speech. You know what a great sepaker he is, and you know what a brilliant brain he has. Well, he was at his best, and the Mobile Chamber of Commerce, that gave Tom McCabe this luncheon, never had a greater group together. There was not room for anybody else and there was not a word uttered when he made this very, very wonderful talk that I am inserting in the RECORD at this time, so not only our own people at home, but all over this land, could see what this great man told about our wonderful, wonderful Southland.

SCOTT WEEK

(Speech by Thomas B. McCabe at Mobile Chamber of Commerce luncheon, November 10, 1959)

Thank you, John McNichol, for your gracious introduction. It is amazing what wonderful obituaries can be written about the boss. I am human enough to appreciate this one.

I am reminded of the man who returned from lunch and called his whole staff together to listen to a couple of jokes he had picked up. Everybody laughed at them except one girl. "What's the matter," grumbled the boss, "haven't you any sense of humor?" "I don't have to laugh any more," said the girl, "I'm leaving Friday."

John was much kinder than a friend of the late Senator James, of Kentucky. The Senator's friend was a plain and blunt man, and in presenting James said: "Ladies and gentlemen, I am not going to bore you with a speech today, but I will present to you a man who will."

Speaking seriously, I find it very refreshing to be back in Mobile again, to be greeted by so many old friends, and to have the opportunity of participating in Scott Week. You have all read much of that story in the fine supplement published last Sunday by the Mobile Press Register. You saw pictures of our mill and, more importantly, our people. You read about our products, our processes, and our programs. During the week many of you will be touring the mill to see us in action.

Today it is my pleasure to present to you, individually and alphabetically, the members of the board of directors of Scott Paper Co. I am sure you would like to see the men who were responsible for the Mobile plant expansion by appropriating the funds for it.

Our directors came here for the first time 5 years ago—shortly after the merger of Hollingsworth & Whitney with Scott. You gave us a most hearty welcome and assured us of your wholehearted support in our new venture. I am happy to tell you today that we have been highly gratified with the cooperation we have received from all sides—the chamber of commerce, the professions, the newspapers, the churches, the schools, the labor unions, and especially from the neighbors of our workers. There is no greater service you can render us than the daily acts of kindness and neighborliness you extend to our people. Those of you in this room deserve much of the credit because our story could never have been told had it not been for your support. Together we have built a strong team. Each has taken that small extra effort to understand the problems of the other. As we work together to build for the future it is our earnest hope we will continue to merit your faith, confidence, and help. In working together we can create a pattern for progress that could make possible the fulfillment of our fondest dreams.

I was intrigued with the booklet published by one of your banks in which the statement is made: "Mobile, an old town, until not long ago charming and placid, is still charming but no longer placid * * * it is a place for the young." May I add, for the young and adventurous. That's the way we feel at Scott because we believe the opportunities here are unlimited. I think that in the last 5 years we have demonstrated to a high degree our faith in Mobile's future and the future of the South.

Not wanting to burden you with the long story, I have summarized in a few statistics our pattern for progress since we started here 5 years ago:

1. Since 1954 we have increased our manpower by 42 percent and now employ 1,630 men and women.

2. In the last 5 years our gross annual payroll has been increased by 86 percent and is presently at the annual rate of $9½ million.

3. Our pulp capacity by 1961 will have been increased by 90 percent while paper capacity will have been boosted by 140 percent.

4. Including both woodlands and plant appropriations, we have invested, or appropriated, $75,500,000 in our southern division during the last 5 years.

5. Our number of shareholders in the Alabama area has grown rapidly until today we have about 1,500 owners of the business in this section.

With the tissue mill completed and running about on schedule we are now stepping out with another expansion program. You might have read earlier an announcement that we have earmarked in excess of $20 million to expand production of bleached kraft specialty papers. A 2-year program—equally as vast as the tissue mill expansion. The program will include a new paper machine and supporting facilities to turn out an additional 200 tons of pulp and paper a day.

The expansion will provide between 300 and 350 new jobs at the plant and employment for additional 500 persons in harvesting and transporting the approximately 130,000 more cords of pulpwood that will be needed at the mill each year.

Now I should like to say a word about the growth of Scott Paper Co., generally; for without the growth in overall sales and earnings of the company the full productive power of the Mobile plant could not be utilized. The total net sales of the company have increased more than an estimated 30 percent since 1954.

During that time we have invested over $25 million in our foreign activities and have substantially increased our appropriations for research and development. The income return on these investments has hardly begun to be realized but should add materially to our profits in the future.

We believe so strongly in research and development that we plan to more than double our expenditures for these activities during the next 5 years.

Many of you who have read our annual reports are familiar with the new products: Scott foam, paper cups, plastic cups, and Dura-Weve, which have passed the laboratory stage and are now in production.

Several significant changes in machinery and in processes have also been introduced, and many more major developments and additional products will be introduced in the years immediately ahead. You can gather from these statements that I am very optimistic about the future of Scott Paper Co.

In retrospect, it seems that my entire business life has been spent in a succession of scientific miracles with each succeeding period more dramatic than the one preceding it. We are now truly in a technological revolution. In the physical sciences research and development have expanded so rapidly that we are experiencing the greatest difficulty in finding sufficiently trained men and women to meet the demand. Twenty years ago, for example, there were some 6,500 chemists employed in research; today there are well over 35,000, with the need far from satisfied. "Someone has pointed out," says Crawford Greenewalt in his book "The Uncommon Man," "that of all the scientists

who ever lived 95 percent are still alive today. In the United States the percentage is even higher."

A leading authority in the field of research estimates that since the birth of this Nation the total expenditures for research and development have approximated $100 billion. Of this amount one-half has been spent in the last 10 years. Another estimate is that in the next 10 years we will more than double the expenditures of the past decade. I believe that is conservative.

About 3 weeks ago I began a trip which covered 10,000 air-miles in 10 days and wound up on the Pacific coast for the meetings of the business advisory council to the department of commerce. On that trip I visited, with the other members of the General Electric board of directors, research laboratories and plants of the General Electric Co. in California and Arizona. I was astounded at the technological advances in the fields of atomic energy, radiation, electrical computers, and in the whole field of electronics. I came back feeling more than ever that the technological revolution of which I have already spoken is the most significant development of this era.

Before the steel strike our country was enjoying one of its greatest periods of prosperity, and there was every indication that the prosperity could be sustained well into 1960. It was most unfortunate that at the time Mr. Khrushchev was in this country we had serious labor strife in steel and in other industries. These strikes have resulted in slowing down the economy, causing substantial financial loss, and great distress among the working people. If we are to maintain our leadership in world affairs, and promote an expanding domestic economy, management and labor must develop the statesmanship required to resolve such conflicts, preferably without Government intervention, in the best interests of the public. The strong insistence found in the editorials of our newspapers for legislation to prevent such serious breakdown in collective bargaining is indicative of what an aroused public will do when its interests are threatened. It exemplifies democracy in action.

Let's continue to hope for an early settlement of the steel issue on the basis of fair treatment for both sides—but above all, fair treatment for the public. Otherwise, Congress may pass undesirable legislation, and the cure may be worse than the disease.

A NEW CHALLENGE FOR RESEARCH

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOYKIN. Mr. Speaker, I wish to address the House for 1 minute and revise and extend my remarks and include therein a speech made by the great Richard C. Doane, president of the largest papermill on earth, the International Paper Co., where they have their largest mill in my district, at Mobile, Ala., there on beautiful Mobile Bay.

Everybody will enjoy what Dick Doane had to say about paper in the South—"A New Challenge for Research." This address was made at the annual meeting of the Southern Research Institute in Birmingham, Ala., on November 12, 1959. This great man was introduced by another wonderful man, Thomas Wesley Martin, chairman of the board of the Alabama Power Co., and I am putting some of his remarks in this same RECORD.

Everyone who reads what Mr. Doane had to say on this great night when he made this wonderful talk will appreciate what is going on in our beloved Southland, and you will note that this paper industry amounts to annually $3,500 million and that since 1946 alone an estimated 10,500,000 tons of new pulp capacity have been built in our beloved Southland. I will not try to tell you about this, because it was told in no uncertain terms by Mr. Dick Doane in this great speech that he made in Birmingham, Ala., up where we have so many great steel mills, iron ore, lime and coal, and where we have a great Birmingham port, that goes direct to Mobile, Ala., where the State docks has one of the greatest plants and ports in America.

Gentlemen, this is a great speech by a great American, and a good friend of all of ours, the Honorable Richard C. Doane, president of the International Paper Co.

PAPER IN THE SOUTH—A NEW CHALLENGE FOR RESEARCH

(Address by Richard C. Doane, president International Paper Co.)

For some years I have been hearing about the Southern Research Institute from our friends, Finley McRae and Erling Riis. I have known that this organization worked closely with the research staff of our Southern Kraft Division on a number of forward projects. But until today there had never been an opportunity to visit with you here in Birmingham or to meet the distinguished staff that has been assembled under the leadership of your dynamic chairman, Mr. Thomas Martin, and your vice chairman and director, Dr. William Murray.

I am impressed with the enthusiasm and the very obvious high caliber of the people I have met and talked to. And I am impressed with the vision and the imagination that have led many of you in this meeting tonight, and others throughout the South and in other parts of the country, to provide support for the birth and growth of this immensely useful and influential institution.

It is a great satisfaction to me that International Paper Co. and several of our people have been able to play some part in your success.

It is quite appropriate that a southern organization devoted to the cause of scientific and technological progress through research should hear from the southern paper industry this evening. And I am honored to have been asked to give an accounting on behalf of our industry.

Let me first try to place this industry in perspective.

The paper industry made several, tentative, small-scale beginnings in the South during the latter half of the 19th century and the first years of the 20th century. But it was not until 1913, when a group of English financiers opened a small kraft mill at Moss Point, Miss., that the industry had its true start. Even then it was rather slow going. By 1925 only about 500,000 tons of pulp were produced in the South. This year it should be 14 million tons. Most of the growth has been fairly recent. Since 1946 alone an estimated 10,500,000 tons of new pulp capacity have been built in the South.

A $3,500 MILLION INDUSTRY

There are now 69 pulp and paper mills located in the 12 States we think of as making up the southern pulp and paper-producing region. They represent a total capital investment of nearly $3,500 million.

These mills employ more than 83,000 men and women with an annual payroll in excess of $425 million. This year the industry will use about 20 million cords of pulpwood. Some 17 million cords (or 85 percent) were produced by local, independent businessmen from wood grown by thousands of tree farmers and other private landowners. Production of this pulpwood provided the equivalent of an additional 83,000 full-time jobs in hundreds of rural communities throughout the forest regions of the South.

This is good business by any standards—in terms of people, payrolls, taxes, or capital investment. And it is particularly significant that this relatively new southern industry has created a market that will soon run close to $500 million annually for an entirely new southern crop—pulpwood. Forty years ago this pulpwood market did not exist.

PAPER: AN EARLY MASS PRODUCTION INDUSTRY

From the standpoint of technology, paper was one of the first of all industries to develop true mass production. The art of papermaking by hand is almost as old as civilization. But since 1798, most paper has been produced in a continuous straight-line process by placing a mixture of cellulose fibers and water on a moving, endless wire screen. The web of fibers left on the screen is taken off in a continuous sheet, pressed, dried, and smoothed to become an endless web of paper. Great block-long paper machines—named after the Fourdrinier brothers, who invented them—are found today in mills throughout the South, some turning out paper at a rate of nearly half a mile per minute. They are basically refinements of this early breakthrough in the field of mass production.

When the industry came South in the twenties, one overriding consideration brought us here—millions of acres of pine forest. These forests represented a potential economic asset only partially tapped by the lumber and other wood products industries. Early efforts to produce paper by the kraft process from southern pine had met with such success that interest was aroused in developing the full potential of these forest assets. Thus, the paper industry's growth in the South was initiated not simply because of lower wage scales or lower taxes, but primarily to develop significant raw material resources.

Even today many people are surprised to learn that the general wage structure in the southern paper mills is currently on a par with—and in many cases higher than—the industry in the North.

Our own first operation in the South was in Bastrop, La., where we purchased a small kraft mill in 1925. This mill had been built in 1920 by the late Richard J. Cullen, who later became our president and chairman, with his associate Erling Riis, who is a director of our company and vice president in charge of our entire southern operation. This mill was the third kraft mill in the South. Three years later we purchased the original mill at Moss Point, Miss., so the pioneer days of the industry are well represented in our organization.

The first kraft papers produced in the South were coarse papers for bags and wrapping packages. But this was a limited field and papermakers began to expand their research. Their first achievement was the development of a method for making Fourdrinier kraft paperboard for use in the manufacture of shipping containers. Prior to this the paperboard used in shipping containers was what we call jute, made largely from waste paper on slow cylinder machines. The advent of kraft paperboard stopped the growth of jute and greatly accelerated the trend away from the wooden box.

BLEACHING KRAFT PULP

Having created kraft board that met the needs and demand for light, strong shipping

containers, the southern industry researchers next set out to develop a technique for continuous production of bleached kraft pulp with high strength and high brightness.

The development of a bleaching process for kraft pulp and the production of bleached kraft board suggested new market possibilities. Today, 20 years later, we are still exploring markets that were opened by this development. The next time you go into a supermarket, notice the number of items on the shelves packaged in attractively printed, white paperboard. Look in the frozen food section and in the coolers where milk in paper containers and other dairy products are kept. An ever-increasing amount of this is bleached kraft paperboard made in the South. The tremendous contributions that paper packaging has made to the safe, sanitary distribution of food products are a source of great satisfaction to the industry.

THE ROLE OF PACKAGING IN POINT-OF-PURCHASE SELLING

The tendency in all retail merchandising today is to provide individually prepackaged goods and let the package do a large share of the point-of-purchase selling. Southern bleached kraft board has become a potent factor in the complex process of moving many of the products of American industry from producer to consumer.

Another important field for these papers is the expanding area of electronic data processing. In most such systems the basic data are first recorded on tabulating cards made of a very special grade of bleached kraft board. These cards must lie flat, they must have minimum expansion and contraction under changing humidity, and other special characteristics. Production of a suitable kraft board in the South for these cards presented many problems which have been successfully overcome.

The southern paper industry was developed originally to use various species of southern pine. But the forests of the South include a wide variety of hardwoods as well. These represent roughly half of the total stand. For many years the only substantial market for hardwoods was the occasional sale of sawlogs made by farmers and other landowners to sawmills. We were not using hardwoods in our paper operations and unmarketable hardwoods often interfered with softwood growth.

KRAFT PULP FROM HARDWOODS

Some years ago our management instructed our research laboratories to study methods of using southern hardwoods in the manufacture of paperboard. This research has brought results of far-reaching significance to the industry and the South.

Today substantially all of the paperboard produced in the South for corrugating material (this is the fluted inner sheet that gives stiffness to corrugated paper shipping containers) is made from hardwood pulp.

Many other important products, all new within the past 15 years or so, are based on these hardwoods.

One of the interesting products of our industry is dissolving pulp. This is the chemically pure wood cellulose pulp that becomes the basic raw material in the manufacture of rayon, cellophane, acetate films, and other products. Our Natchez mill was the first mill in the world to manufacture dissolving pulp made from hardwoods by the kraft process.

Since it opened in 1950 a substantial part of the Natchez production has always gone into the manufacture of high-tenacity viscose cord for automobile and truck tires. Recently, pulp and tire cord manufacturers have developed a much improved quality cord which is being sold under the trade name, Tyrex. Tyrex viscose-cord tires were used as standard original-equipment tires for all makes of automobiles in this country in 1959 and are being used this year for all 1960 models. Tyrex yarn tires provide not only safety and economy, but are the quietest running, longest wearing tires as well.

Learning to use hardwood in the manufacture of paper pulp has improved the quality of papers and brought a wide range of new end products into the southern economy. This move has also had the effect of greatly expanding usable forest resources and made it possible to manage and harvest tree crops more efficiently and more economically. In 1958, 15 percent of the wood consumption by the southern industry was hardwoods.

In reviewing the development of the southern paper industry over the years, we certainly must note the recent growth in newsprint. Today's southern newsprint industry owes a great deal to a dedicated research scientist, Dr. Charles H. Herty of Savannah, Ga. For many years Dr. Herty was a relentless goad to publishers and paper manufacturers alike, pressing them to create a southern newsprint industry. He sent samples of his experimental papers and copies of his speeches far and wide. But it was not until 1940 that the first southern newsprint was manufactured. Today approximately half of the U.S. newsprint capacity is in the South.

This is quite an industry I have described for you. It has grown to be a major industrial and agricultural force throughout this entire region. We are proud of it—as all of you should be.

Today this industry is looking ahead to continuing growth. But, as in any dynamic growth industry, we must realize that the factors affecting our growth patterns are continually changing. For example, the largest expansion of the southern paper industry has been in the field of paperboard for shipping containers, a field where further explosive growth cannot be counted on.

CHALLENGES OF THE NEW DECADE

Our growth in the past has been fast and relatively unchallenged. Production by the southern paper industry doubled in the last 10 years. None of us expects this rate of growth to continue. In fact, in the 1960's we are certain to be confronted with important new challenges, increasingly complex problems, that must be solved if we are to hold our position and continue to grow.

Some of these problems pertain to research; some are more general. You might like to hear a little about them.

One of the challenges we have with us today is foreign competition. The paper-producing industry is fast becoming a worldwide industry. As we have seen, the industry's growth in the South was made possible by the presence of your forest resources, but there are many other countries with extensive forest resources. For instance, Russia, with its vast forests, is reported to be doubling its pulp making capacity over the next few years. Today the Scandinavian countries and other traditional papermaking countries are expanding their production facilities. But there are also many other countries around the world that have created or are creating brand new, home grown papermaking industries. In many such countries, hardwood forests and other locally available sources of fiber that previously were not given much consideration for paper making now offer a real potential due to developments in pulping and papermaking techniques.

Production from these new areas will not all be for home consumption. Some will be for export. This together with production available from the traditional papermaking countries will be competing with the South in world markets.

Many people, wondering where the growth of our industry will be located, have been looking overseas. In the years ahead we can certainly expect a tremendous growth in demand for paper and paper products outside of North America—but an increasing proportion of this demand will be met by new foreign capacity, and competition for the remainder will be intensified.

Foreign competition is not our only competition. We are beginning to feel competition from new materials, synthetic materials, many of which have the glamor of something new.

MORE AND BETTER RESEARCH

Part of the answer to both of these forms of competition lies in keeping our costs down. We realize that we are facing mounting costs: labor rates, wood, transportation, fuel, taxes. But paper has always had the advantage of being an inexpensive manufactured product and we must keep it that way. While management is working unceasingly to improve efficiency and maintain competitive effectiveness, there is still another kind of answer we must find. We think it will be found through research—more research and better research.

The history of our industry has been characterized by a steady technological development, a generally evolutionary process based on refinements and improvements of established techniques.

The paper industry today realizes that it is living in a world of rapid change and that research is its key to the future. This is a world of new materials, new techniques, new markets, and new uses for familiar products.

We will always study and learn from the past—that is the best way to study the future. But as the institute's great friend, Dr. Charles F. Kettering, cautioned several years ago at one of these meetings, we must study the past with our eyes pointed forward toward the future.

THREE RESEARCH AREAS

Several years ago our research people defined the various types of research being conducted by the International Paper Co.'s. Their definitions were extremely helpful to us in understanding the research process. They identified three research areas.

Fundamental research is directed toward the development of truths heretofore unknown.

Applied research deals with investigations of known truths to determine in what fields they may be utilized by our industry.

Development research deals with making the results of applied research practical for use.

In the past we have been busy adapting what was known of our increasingly complex and technical art to the new fields and uses that were immediately evident. The time has come in our opinion for the paper industry to place more emphasis on fundamental research—we see a need for a more basic understanding of this rather ancient art.

For instance, the development of synthetic plastics, films, adhesives, and new fibers has led to intensive study of the large molecules known as polymers. It is only recently that we have begun to realize that our familiar wood cellulose fiber is actually very complex and that we really know little about it. Today we are beginning to think of it as a natural polymer. We have begun to study the widely varying size and shape of the cellulose molecule and the characteristics of the complex compounds with which the cellulose molecule is associated. We have come to realize that while we know how to separate cellulose fibers from the other wood constituents to make paper or chemically pure dissolving pulp, the exact chemical reactions that take place in the process and the possibility of changes in size and shape of the cellulose molecule are largely a matter of conjecture. Similarly, in the processing of many of the end products

from cellulose, the chemistry, and particularly the physical chemistry, of many of these processes has remained obscure.

I don't believe this situation is unique to the paper industry. I am sure the Institute staff knows of many other industries that have discovered that some of the things everyone knew all about only a few years ago have more recently become quite a puzzle.

A QUICKENING OF RESEARCH

During the past few years there has been a quickening within the industry of the kind of research described as "fundamental research"—the search for truths heretofore unknown. The cellulose molecule is being probed, photographed, irradiated, and torn apart as never before.

Naturally, we cannot predict where these investigations may lead us. Certainly a more fundamental understanding of our principal raw materials should lead to improvements and refinements in our handling and processing of the cellulose fibers and associated materials and in our concept of what can be done with them.

RESEARCH IN BYPRODUCTS

A research field in which I know this Institute has had extensive experience is the development of byproducts. The paper industry has already had some success in developing valuable byproducts from our operations. In the South today almost all turpentine is produced from recovered pulpmill gases. Tall oil, recovered from waste pulpmill liquors, has become an important source of resins and fatty acids used widely in the paint, soap, textile, and other industries. In the North we are processing commercial alcohol from recovered wood sugars and are producing a number of adhesives and binders from sulfite mill wastes. But most of the compounds we separate so carefully from the wood cellulose are only used, if at all, as fuel.

This is a field where we so far have made only a beginning. For some time research projects have been under way to study the basic characteristics of the noncellulose wood constituents, lignin, and other materials, some of them very complex, which together make up roughly 50 percent of the total weight of living wood. It is conceivable that some day the byproducts of our wood processing industry will approach paper in value. This is a most challenging field for research attention.

In the fields of applied and development research, activity is going on at an even more rapid pace. A good example comes from the same plastics I mentioned earlier. A great deal of attention has been given recently to combinations of paper and plastic with interesting results. In most of these cases, paper serves as an inexpensive carrying agent for a more expensive plastic which would have to be used in uneconomic quantities to do a given job by itself.

PAPER AND PLASTICS COMBINE

Actually paper and plastics were combined many years ago. Perhaps your kitchen countertops are Formica or one of the several similar materials. These are made from printed paper sheets, impregnated with resin, and cured to a handsome, stain-resistant surface. This was an early combination.

A newer application is the use of certain thermoplastics laminated in thin films to paper, usually to provide an effective moisture barrier. You have all seen individual packages for granulated sugar. These are made of paper with a thin inner lamination of polyethylene film, making a moisture-resistant package. The same technique is being applied to all kinds of packages up to the big, tough, multiwall shipping sacks used for various kinds of materials that must be shielded from moisture.

A comparable use has been the development of combination packages in which paper forms an outer wrap into which a plastic package is inserted. This can be for the purpose of cushioning, protection from moisture, or in some cases the inner plastic package serves a special purpose.

Other plastics in emulsion form are used as surface coatings on paper or paperboard, again to serve as a moisture barrier or in some cases to provide a special surface for printing or for decorative effect.

Looking ahead, someday the industry may develop a technique for mixing pulp and plastics at some stage before the sheet is formed on the paper machine. When we learn how to build in desired characteristics in this way, it will eliminate the costly secondary operations we are forced to perform today and vastly expand the potential uses of these plastic-paper combinations.

As we work through research to find the answers to the challenge of competitive materials, one of the greatest assets we have created for ourselves is the pool of thousands of technically trained men and women who work for the industry today.

Thirty years ago there were only a handful. Today our company in the South alone employs some 364 technical graduates in our mills and laboratories, not to mention the 366 graduate foresters in our woods division.

The industry also has another great asset—the marvelous southern forests, 190 million acres of commercial tree-growing area. I never like to talk to any group about the paper industry without some mention of forestry. This is a subject that is vital to the whole future of the southern paper industry. You will remember I pointed out that the industry moved here in the first instance to find a dependable reserve of its raw material—wood cellulose fibers.

Today throughout the South, wood cellulose is grown as a crop year after year. With a greatly expanded population demanding more and more lumber, paper, and other wood products every year, and with only a given amount of land, productivity per acre of forest land must be increased. We must all become more efficient forest farmers. I am sure that forest lands, like corn, or cotton, or beef-cattle lands, can produce more through the application of more intensive management.

An area that has attracted us recently is forest genetics, the study of the inherited characteristics of trees. We are confident that we can develop better, more productive trees.

THE SEARCH FOR A SUPERTREE

We hope some day to produce a race of fast-growing supertrees. Our Forest Research Center at Bainbridge, Ga., has been experimenting in cooperation with several universities and Federal and State agencies. They are studying not only how to speed up growth, but how the individual fibers are formed and how, through genetic research, we can improve the fiber characteristics for papermaking of various species of trees. We are also investigating the factors that influence the superior resistance of some trees to the attacks of insects and disease and give some the ability to withstand long periods of drought. Other studies concern the effect of site and soil conditions on tree growth. We hope eventually to be able to identify the specific type of tree best suited to grow the maximum amount of wood cellulose fiber on any given location anywhere in the South.

One field of study that needs special attention is forest fire control. Just last week the Georgia Research Council dedicated a new forest fire research laboratory in Macon, Ga., where Federal, State, and industrial agencies can work together on this problem.

As we consider the new importance of research to the southern paper industry and to the southern forests, we must remember that there are nontechnical factors and factors outside of purely competitive considerations that affect the health of this industry.

We are talking about a major industry—the figures prove it.

The income from pulpwood is a major economic factor in many southern communities, and it continues to increase each year. With this ever-increasing demand, you can easily see the opportunity southern forest landowners have to create additional income by growing more trees.

A SOUTHERN RESPONSIBILITY

Research in the many phases of forest management will help make this greater productivity possible. But if this increased demand is to be met, our southern communities and States must continue to follow forest land policies that encourage the development of sound forest management.

For example, we must all work together as a community to prevent and control forest fires, particularly the deliberate incendiary fires that endanger the economy of so many southern communities every year; we must encourage tree farming on private lands as a public policy; we must make certain that we maintain a social, economic, and governmental climate that is favorable to the healthy development of industry generally and specifically to the encouragement of your forest-using industries supported by privately owned forests.

What are the characteristics of this favorable climate? Well, first, people must understand that forest-based industries must themselves always control some of the large tracts of timberland as a reserve and as large-scale tree farms on which the most advanced techniques of management and harvesting may be tested and introduced. Most of the land owned by the paper industry has been held by it for many years, having been acquired from large lumber companies or other industrial owners. The pattern of land ownership in the South as between industry and small landowners has not changed significantly since the paper industry started to grow here 40 years ago.

USING LAND TO ITS FULL POTENTIAL

There has been a disturbing tendency in recent years to carve out sections from commercial forests, managed on a multiple-use basis, to devote to a single use. So-called wilderness areas, restricted to a single-purpose use, are subtracted from the productive economy of the area. Almost all industry-owned timberlands in the South today are freely open to the public for hunting, fishing, and other recreational purposes. In addition, they are carefully managed to develop their full potential as watersheds. This kind of planned multiple use develops the maximum potential of each acre in terms of timber, jobs, taxes, water, wildlife, and recreation.

Then there is the question of taxes. Our industry expects to pay its share of the load, but in assessing the future of this industry, it must be remembered that unduly burdensome tax policies could actually result in making the southern paper industry uneconomic.

This is particularly important in terms of tree farming. We feel that each timber-growing State should subscribe to the policy that sustained yield forest management is in the public interest. Further, tax policies should not add to existing pressures for clear-cutting of timber or discourage expenditures for forest management such as planting, thinning, fire prevention, and road construction and maintenance.

The forest crop holds tremendous economic potential for the rural South. Landowners should be encouraged in every way to develop this potential. These matters are of concern to every southerner.

The paper industry has come far with the South in the past 40 years. But there are many questions before us, many roads to be explored, many successes and failures ahead of us. Some of the answers will come from our normal process of evolutionary develop-

ment. Many more will come from the people who grow wood, who work in the mills, and from the consumers whose daily lives and needs ultimately shape the pattern of our industry. I am convinced an increasing number of the answers to our problems must come from research.

ADVENTURES IN SPACE

Mr. BOYKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOYKIN. Mr. Speaker, I have asked unanimous consent to speak to the House for 1 minute and revise and extend my remarks and include therein a great address made in Birmingham, Ala., by a very famous man, Dr. Lee A. DuBridge, president, California Institute of Technology. His address was entitled "Adventures in Space."

We had hundreds and hundreds of very wonderful and famous men and women who listened to this great address by Dr. DuBridge, with more interest than I think I have every seen anybody listen. It is truly a new subject, but it is covered so well in here and will mean so much to so many people that I want to insert it in the CONGRESSIONAL RECORD, where all of the people in every beat in this Nation, and certainly in every library in this Nation, will see and read it, and then it will go to many foreign countries, too.

I only wish I had another address that was similar to this, which I am writing for this day, from another great man. It was by Dr. Wernher von Braun, Director of the Development Operations Division of the Army Ballistic Missile Agency, U.S. Army, Ordnance Missile Command, Redstone Arsenal in Alabama, our own beloved Southland. I will get to that a little bit later and I am writing him for that today. That will dovetail in so well with what President Lee A. DuBridge has to tell us in this great address in Birmingham, Ala., about the "Adventures in Space."

It is too bad that I do not have the words spoken by another great man in introducing Dr. DuBridge. He was introduced by a famous and great and good man, the Honorable Thomas Wesley Martin, chairman of the board of the Alabama Power Co., and what this man said—this great man—who is president of this great California Institute of Technology, is so wonderful that I would like to have every one of our people that we can possibly get it to, to read and know how Dr. DuBridge thrilled us that night at the great meeting that we had in Birmingham, Ala.

ADVENTURES IN SPACE

(Address by Lee A. DuBridge, president, California Institute of Technology)

Now that the space age is in its third year, it has become obvious that space activities are here to stay and that every thinking American should have some comprehension of what it means to shoot objects off the earth into space; of what some of the possibilities and impossibilities are for venturing into space; of what the reasons are why we should undertake such ventures; and of what some of the questions and problems are which we should like to investigate.

We would do well to begin with an examination of the question of "What is space?" We frequently hear someone flying in an airplane say that he is "flying through space" at an altitude of 10,000 or 20,000 feet above the earth's surface. However, it is obvious that in an airplane one is being supported by the lift of the earth's atmosphere on the wings of his plane, and, therefore, he is clearly not yet in empty space. In modern usage the word "space" is taken to mean the region that exists beyond the earth's atmosphere.

For our purpose tonight let us say that space begins at a distance of about 200 miles above the surface of the earth. From here on out, space is very empty indeed. Nevertheless, it is still not completely empty. Even out to several thousand miles, there are a certain number of atoms or molecules in each cubic yard which can be thought of as the outer fringes of the earth's atmosphere. As we leave the earth's atmosphere, we still find there are a few atoms or molecules which constitute the outer fringes of the sun's atmosphere. Neutral and charged particles are being omitted from the sun all the time, and we shall be bumping into such particles in our journeys through interplanetary space. Also, we shall occasionally encounter specks of dust and, once in a while, even larger particles of matter floating in various orbits and trajectories in space.

Right away we see one of the interesting aspects of space research; namely, to learn more about the contents of so-called empty space. It will be interesting indeed to sample the extremely rare matter in the far reaches of space to see what it consists of and to find out where it has come from and where it is going. When the density of matter in space amounts to only a few atoms per cubic yard, it is evident that the task of capturing and identifying those few atoms is going to be a very difficult one indeed, a really challenging scientific problem.

Our first property of space, then, is that it is nearly, but not quite, empty. The second property is that, out to distances of billions of miles from the sun—that is, throughout our solar system or what we call interplanetary space—the gravitational field of the sun is an all-pervading influence until we get within a few hundred thousand miles of a particular planet, in which case the planetary field becomes predominant.

The question naturally arises, since, as long as we are in interplanetary space, there will always be a gravitational field, why is it we hear so much about the condition of weightlessness which one will encounter in space vehicles? It is true that within any space vehicle, in any orbit or trajectory in interplanetary space, we will, in fact, be in a weightless condition. This does not result, however, because we are free from gravitation, but because an interplanetary space vehicle must be in accelerated motion; it must be in orbit or in a free trajectory. Now, for an object in a circular orbit, for example, the acceleration due to gravity is precisely equal to the centrifugal acceleration, and it turns out that this centrifugal reaction serves to cancel out the gravitational pull, as far as the space vehicle is concerned, and it is as though one were in a field-free or gravity-free space. This is precisely, however, the situation one would find in a freely falling elevator (which not many people have lived to describe) or, indeed, the situation within any freely flying object.

So much, then, for the two important properties of space. The next question is, "How do we get into space?" Of course, any rocket or bullet which is fired with enough speed to get above the atmosphere can be said to be in space. However, such an object, after traveling its parabolic or, more accurately, its elliptical trajectory, falls back into the atmosphere again and its sojourn in space is a very temporary one. In order to cause an object to remain in space, it must not only get above the atmosphere, but must have a velocity of the right amount and in the right direction so that the gravitational force and the centrifugal reaction will be in balance, in which case a stable orbit can be achieved. It is something like the situation of whirling a stone at the end of a string, or swinging a bucket of water in a vertical circle.

There is no point near the earth or near the sun where an object can remain stationary. All space vehicles must be in motion and, furthermore, once any rocket propulsion has ceased and the object is moving freely in space, it will be in motion in a precisely predictable orbit which nothing can ever change unless additional push due to some kind of rocket thrust can be applied.

However, we frequently hear about a so-called stationary satellite above the earth. This is an inaccurate description, but it refers to the fact that as one gets farther and farther away from the earth the period for the stable orbit gets longer and longer and the average speed gets less and less. If an object is at a distance from the center of the earth of 26,248 miles, it turns out that the period of rotation is exactly 24 hours and its speed about 6,870 miles per hour. In other words, such an object would be circling around the earth at precisely the same rate as the earth itself is rotating about its axis. If such a satellite were launched, then, in a direction parallel to, and over, the equator, and, of course, in a direction from west to east, it would remain apparently stationary over a particular point on the earth's surface. It could be directly over only a point on the equator, but at that height it could, of course, be seen by points far north or south of the equator and, indeed, with sufficiently powerful telescopes, could be seen above the horizon over a good share of the hemisphere.

To return to the task of getting a space vehicle into a satellite orbit around the earth, the problem is that of giving it sufficient speed—namely, a speed of nearly 5 miles per second—in order that it can be launched into a stable orbit. Now, to give a sizable object a speed of 5 miles per second requires an enormous amount of energy. To be specific, in a typical rocket of present-day design, several hundred pounds of fuel are burned up in the rocket blast for each pound of payload that is finally injected into an orbit. A 1,000-pound payload thus requires a fuel weight of several hundred thousand pounds. Since all this fuel must be in the rocket when it begins its ascent, it is evident that to lift the rocket and its fuel load the thrust required must be greater than the total weight of the rocket and, therefore, thrusts of several hundred thousand pounds are needed to launch sizable objects into orbit. It is true that our present day rocket designs are not as efficient as they could be, and at some future date, when more carefully designed rockets are available, the amount of fuel required for each pound of payload may be reduced to maybe 100 or 200 pounds. This is one reason why it will always be relatively expensive to launch a sizable satellite into an orbit around the earth. It will always take 100 or more pounds of fuel for every pound lifted into orbit. Obviously, if one wants to orbit a couple of men, together with a vehicle which carries the necessary instruments, food, water, oxygen, and other supplies, the vehicle's weight must be 2,000 pounds or so, which means, with current rocket designs, possibly a million pounds of fuel and, therefore, more than a million pounds of thrust would be required. Even with near-perfect rocket design, 200,000 pounds of fuel would be required to lift 2,000 pounds into orbit.

Of course, if one wants not to orbit around the earth, but to send a space vehicle on more distant journeys to the moon or to the planets, very much more energy and more thrust are required. In fact, it turns out that to escape from the earth's gravitational field entirely takes exactly twice as much kinetic energy as is required to put the object in an orbit near the earth. And if one wants the object, after escaping from the earth's field, to have still enough velocity left to make a reasonable journey to some other point in space, a still higher velocity must be imparted at a still greater cost in energy.

One might almost put it down as a third rule about space—namely, it is expensive to get there and even more expensive to get back.

Why, then, do we bother?

To me, the great overriding importance of space journeys is the opportunity it gives us to extend our knowledge—to learn new things, to discover new facts about the universe in which we live.

Consider, first, what we can do in a vehicle which simply orbits the earth, let's say at a height of a few hundred miles.

First, we should like to get a better look at the earth itself. We should like to find out whether a space satellite is a good reconnaissance vehicle from which we can keep a good share of the earth under continual surveillance or observation. Military reconnaissance would be one objective of this, but there could be many other reasons why we should like to keep a continuous surveillance of all parts of the earth's surface.

It would be especially important to observe the cloud and weather patterns over the earth. If we could find a way of taking pictures of the earth's cloud and weather patterns and of transmitting them quickly and accurately back to earth, we might come to understand much sooner the nature of the circulation of our atmosphere, the way in which storms generate and travel from one point on the earth's surface to another, the way in which they interact with each other and, in general, the whole complex problem of the behavior and motion of the earth's atmosphere. We could then learn whether it is possible to predict the weather more than a few days in advance, and whether the nature, intensity, and travel time of storms can be measured and predicted.

Of course, there are some people who say that if we understood the earth's weather better we might be able to control it. I am inclined to be pretty skeptical on that subject because, even when we understand the motion of the earth's atmosphere, we should realize that to change it in any way is likely to be extremely difficult. The amount of energy involved in a simple storm pattern consisting of an enormous mass of rotating air is so colossal that to add the energy required to change the motion appreciably might require the setting off of many multimegaton thermonuclear bombs, or their equivalent. I don't look forward to the time when we can, at will, release a cloudburst on Moscow or keep the sun shining in Birmingham.

There are other observations of the earth which we can make from a satellite. We can learn more about the nature and shape of the earth's magnetic field; we can examine cosmic rays and other radiation reaching the earth from outer space; we can see if we can determine the causes of such things as the aurora, magnetic storms, the high-level ionization layers which reflect and absorb radio waves, the exact nature and shape of the earth's gravitational field which, in turn, will reveal something about the shape and structure of the earth itself.

In the process of making these new measurements, no doubt, new discoveries will be made and new knowledge accumulated.

This is characteristic of scientific advance. One sets out to make measurements of one type and he uncovers unsuspected phenomena, which leads him to make new measurements and ask new questions which, in turn, lead to new and unsuspected discoveries. This is where the adventure of space comes in. The adventure is not only that men will risk their lives to get into space; the adventure is that wholly new realms will be added to human knowledge as a result of measurements which are made in space. It is the adventures of the mind that are even more exciting than the adventures of the body.

There is evidence that the huge flares that are observed frequently leaping high from the surface of the sun are the cause of great clouds of ionized atoms being shot out into space. They don't usually get down to the surface of the earth, partly because the earth's magnetic field deflects them and partly because the earth's atmosphere absorbs, slows down, and disrupts their travel. We should like to observe these clumps of ionized particles and find out more about them, and thus learn more about the sun.

In fact, one of our most exciting adventures in space will be turning our instruments toward the sun, learning more about the light which comes from it which does not get through our atmosphere—ultraviolet light, X-rays, and other wavelengths which are absorbed by air.

Of course, our adventures have only begun when we are in a satellite which is circling around the Earth, still chained by the Earth's gravitational field. We now know that we can give space vehicles enough energy to break the chains of Earth's gravity and send them into trajectories which go to the vicinity of the Moon—and someday, in a few years, to Venus, or to Mars, or beyond. Naturally, everyone would like to have pictures made from close to the Moon in order to get more information about the nature of the Moon's surface, the composition of its crust, the chemical and geological composition of its surface materials. Some say that the rocks on the Moon may contain entrapped water which men may someday be able to extract, and from which they could, in turn, extract oxygen so that men might be able to live on the Moon. But we have no information as to whether water and oxygen exist there or, if so, whether they are in large enough amounts or in a recoverable form so that they will be useful to men to help keep them alive. From the information I have seen I rather doubt it, and I am inclined to believe that when men eventually go to the Moon they will have to carry all their supplies of these materials along with them. But this remains to be seen, and to predict discoveries not yet made is really very foolish.

We should also like to see Mars and Venus from close at hand. Venus has a dense atmosphere and our telescopes do not see through it to the surface. We really don't know much about the composition of the atmosphere and, of course, nothing about the nature of the surface.

The Mars atmosphere is fairly thin and reasonably transparent. There doesn't seem to be much oxygen or water vapor in it and, therefore, it doesn't seem very hospitable to human living. But we know too little about Mars and we should like to learn much more. We should like to get close to the other planets, too—e.g., Mercury, close in to the Sun and no doubt terribly hot; and then, huge Jupiter, far from the Sun and no doubt terribly cold. We should like to send instrumented space vehicles to the vicinity of each of these planets to make the necessary measurements, and someday we should like to attempt the even more difficult task of causing an instrumented vehicle to orbit the Moon, or Venus, or Mars, and thereby take measurements for a much longer time than would be possible if the vehicle simply flies past a few million miles away. Difficult tasks of guidance and control are involved, but in a few years these will probably be solved.

Another reason why space exploration is going to be expensive is that there are so many things to go wrong in a complicated space vehicle, and therefore many experiments will fail and will have to be tried over and over again.

So far, I have been talking about space exploration without saying very much about putting men in the space vehicles. Actually, nearly all of the things I have mentioned so far can be observed with instruments without the necessity for men to go along. A man is a very heavy instrument and, although he is also very intelligent, he places some very burdensome requirements on the satellite-launching operation. Not only is a man fairly heavy, but he requires a pressurized environment, he requires oxygen, water, food, and a moderately well-controlled temperature, not too great an acceleration, and of course he requires all the instruments he needs for his observations as well as the radio equipment to transmit his observations back to earth. Worst of all, and most expensive of all, however, he must take along with him equipment, fuel, and instruments to get him back home safely. A vehicle full only of instruments can be regarded as expendable and can be turned loose in space, never to return. But we are not yet ready to shoot men off into space in this fashion, and we must give them a chance to come home. This means fuel to change their course, to guide them, and elaborate equipment to allow them to reenter the Earth's atmosphere without burning up, and finally, to get to a reasonable point on the earth's surface where they have a chance of being found and returned to their homes.

For all these reasons, scientists are anxious not to require manned vehicles until they have fully exploited all possibilities of automatic instruments which can be operated without direct human intervention or control.

When such manned vehicles are possible, then of course not only instruments, but also men, will be landed on the Moon, Mars, and Venus—assuming that our preliminary explorations indicate that such landings will not surely be lethal. I hope the first men to land on the Moon will be a chemist and a geologist who can report back comprehensible and valuable information about the nature of the Moon's surface. I hope the first man to land on Mars will be a biologist so he can report back on the nature of any life which he finds there.

What about going beyond the solar system? Unfortunately, the possibilities in this realm are still a bit dim. At the fastest space-vehicle speeds we can now think of, it would take many years for a space vehicle to reach even the outermost planet of our solar system—the tiny planet Pluto. But beyond Pluto, to even the nearest star, the distances are unimaginably great. Actually, over 40,000 years, at speeds of even 20 miles per second, would be required to reach Alpha Centauri, one of the very nearest stars. Even light takes 4 years to get to the nearest star, and no one can reasonably imagine propelling a space vehicle to speeds even one-hundredth the speed of light. This would be nearly 2,000 miles per second. Even at that unimaginable speed, it would still take 400 years to reach Alpha Centauri, and the next nearest stars are equal distances even farther out. So, for the next century or two, we must be content with exploring our own solar system.

However, the solar system occupies an enormous volume and the possibilities are such as to stagger the imagination.

All of these problems are only challenges to the younger generation, and I invite you—

the younger generation of America—to participate in and meet the problems of the coming space age.

CHANCELLOR ADENAUER'S VISIT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, one of the outstanding leaders of this important and trying period of the world's history is Chancellor Adenauer of West Germany.

His dedication to a "government of law and not of men," his great ability, his sound vision, his courage, and his idealism, as well as his constructive leadership have aroused deep respect in the free world, and particularly in the United States.

At present, he is in the United States on an informal visit en route to a formal visit to Japan.

We welcome Chancellor Adenauer and we hope that when he leaves our shores that he will carry with him pleasant memories of his visit.

We also hope that his formal visit to Japan will be a happy and successful one.

Chancellor Adenauer is a bulwark of strength for world peace, and against the worldwide conspiracy of international communism.

In my remarks, I include an editorial entitled "Chancellor Adenauer's Visit" appearing in the New York Times of March 12, 1960:

CHANCELLOR ADENAUER'S VISIT

Among the many distinguished visitors coming to these shores, Chancellor Adenauer is always assured of a welcome. He is due to arrive here tonight on an informal visit en route to a formal state visit to another of our allies, Japan. For a man of 84 such a trip is in itself a formidable undertaking. But his visit here is presumably the most important part of his journey.

For the highlight and main purpose of this visit, aside from receiving honorary degrees from three American universities, will be a presummit meeting with President Eisenhower that will help to shape the Western program at the summit itself. The large staff accompanying him, including Foreign Minister von Brentano, is evidence of the importance he attaches to this meeting.

Judging from his known stand, he can be expected to urge again the need of progress toward German reunification as the key to European peace, and to emphasize the danger of one-sided concessions on Berlin that would transform the present status quo into a status quo minus and thereby unleash a chain reaction that could wreck Western defenses. On this score, fortunately, there are no misunderstandings between the United States and Germany.

As the Chancellor knows, the United States is committed by the Camp David communique to open negotiations on Berlin. But he has been assured that the United States proposes to do this within the framework of the whole German problem, in line with the Western peace plan accepted by him. While we would like better practical "arrangements" on access to Berlin, we will make no deal unless all the Allies, including Germany, agree to it, and certainly no deal that impairs Western rights in Berlin or prevents us from keeping troops there until Germany is reunited. There is no reason to expect any change in this position. And if the abandonment of high-altitude flights to Berlin, barring an overt Soviet act, has cast any doubt on our determination, the retaliatory action against an actual Soviet overt act in the matter of the military passes, in which Britain and France join, should help to dispel it.

The Chancellor's anxiety on these issues that directly involve the fate of his country is understandable, but we are confident that he will take new confidence and courage with him when he leaves Washington.

MUTUAL SECURITY PROGRAM

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, I want to extend an invitation to every Member of the House who is willing to respect their security classification to examine the presentation books containing detailed information relating to the mutual security program. There are seven volumes this year, all classified "Secret," which are available at all times at the office of the Foreign Affairs Committee on the gallery floor here in the Capitol.

For several years these volumes have been available to Members of the House, first in the committee room and then on the House floor during the period when the mutual security bill is under consideration.

Most of the material is not classified, and everything that is classified is clearly marked. Last year the House added to the Mutual Security Act requirements that additional information be made available to the Congress and that a detailed explanation of the determination of force objectives and the level of aid be given for countries receiving defense support. I believe anyone who examines the presentation books this year will agree that they give the most complete story that has ever been presented.

The classification of the material in the volumes is done by the executive and not by the Committee on Foreign Affairs. Figures for past military aid to individual countries have been declassified this year. There are three main categories of material which still are not made public:

First, information as to the number of tanks, airplanes, and so forth which have been or will be delivered to other nations.

Second, the amount of money currently programed for individual countries. This is to avoid disappointment and ill will if adjustments in amounts are necessary after congressional action is completed.

Third, comments and judgments of U.S. officials concerning conditions in foreign countries. It is essential that if the committee and the Congress are to receive frank estimates, such comments not be made public. If our ambassadors and military commanders are not protected on such matters, they will inevitably be limited to carefully phrased statements which will be in accord with diplomatic usage.

Let me repeat the invitation to go over the presentation books. I am sure that every Member who does so will gain a better understanding of the program.

DISARMAMENT DEADLOCK

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include an address delivered by Mr. BOWLES in Los Angeles, Friday night.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I consider it a personal honor to have the privilege of inserting in the CONGRESSIONAL RECORD an address my distinguished colleague from Connecticut, the Honorable CHESTER BOWLES, made on March 11, before the Modern Forum in Los Angeles, California.

Mr. BOWLES' background as a successful businessman, a brilliant author, a highly competent Governor, a distinguished Ambassador to India, and at present a very valuable member of the U.S. House of Representatives has earned him a high degree of respect among serious-minded Americans. His views on the urgent problems of our time are, in my opinion, a most valuable contribution to our thinking. They possess a clarity and pertinency that deserve our attention. Mr. BOWLES' reputation as a clear thinking statesman has grown steadily over the post World War II period. In the eyes of many members of the Democratic Party, Mr. BOWLES is rapidly achieving a national respect and standing commensurate with that of the top half dozen Democrats who are being spoken of as candidates for the Presidency.

DEFENSE, DISARMAMENT, AND PEACE

(By CHESTER BOWLES)

On April 16, 1953, President Eisenhower appeared before the United Nations General Assembly in New York City to make what history will perhaps consider the greatest speech of his 8 years in the White House. Appealing for an end to the arms race, he said:

"Every gun that is made, every warship launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children."

On September 18, 1959, at the same rostrum, before the same audience, Premier Khrushchev echoed the President's sentiments of 6 years before:

"A priceless fund of human energy, knowledge, ingenuity and skill is thrown into a bottomless pit, squandered on growing armaments. * * * We need peace. * * * We would like to devote all our economy and resources to peaceful purposes in order to provide our people with an abundance of food, clothing, and homes."

And in their joint communique from Camp David, September 27, 1959, the American President and the Soviet leader agreed that "the question of general disarmament is the most important one facing the world today."

The armaments spiral

Yet the world today continues to spend over $100 billion a year on arms. What is more, we do so with frighteningly inconclusive results. The leading strategists of the very nations most involved in the arms race are precisely those who are most preoccupied with spending more.

As the arms race deepens, the intellectual and moral appreciation of the urgency of disarmament deepens, too. But it has an inconclusive air about it, and for practical purposes it is readily displaced by the equally demonstrable necessity to regain a more stable and acceptable defense posture.

For a host of understandable reasons, most men of affairs in Washington and Moscow remain preoccupied with the challenge of armament, not disarmament. On occasion they console themselves and the rest of us with the sophisticated half-truth that more armaments will help promote disarmament because, as Churchill said, "We arm to parley."

But the side-effects of the arms race are by no means all so positive. It might seem absurd to keep telling ourselves that the best way to promote peace is to speed up the arms race if the alternative—refusing to maintain effective deterrent strength against growing Soviet military capability—were not even more absurd.

Clearly peace is no longer—if it ever was—a simple, one-directional, pastoral proposition. It is an incredible maze of moral, military, economic, and technological problems.

The continuing debate

It is not surprising then that few public policies have been subjected to more pulling and hauling, more scrutiny and study, more pressures and conflicts of interest, more hard work and dedication in some quarters, or more politics and propaganda in others, than have the twin issues of arms and arms control in the last few years. The attention given the former has far exceeded that given the latter, but our policies on both have been equally confused.

Moreover, controversies surrounding these issues have refused to fall into any particular pattern. They have sprung up inside the administration, inside the State Department, inside the Pentagon, and inside the Atomic Energy Commission.

We have seen them inside Congress and inside the Republican and Democratic parties.

In all likelihood controversies of the same sort have arisen inside the Kremlin too.

Today many of our most intelligent observers—some of them participants in the very policy disputes which I have mentioned—are shrugging their shoulders and concluding that it is impossible to bring any kind of ordered policy out of this chaos.

These pessimists may be wrong today. But if the increasing complexity of all these factors continues unabated, they will be right tomorrow.

Year by year the problems of peace become inherently more difficult. This is especially true of the interlocking problems of defense and disarmament. The longer we let the problems grow, the less controllable they become. How, we may ask, can we get our bearings? Where can we take hold of the problem?

If we are honest and serious in our attempt to estimate the requirements of peace, we will begin where we must begin—with a look at where we are with arms, and not with arms control.

I. THE DEFENSE DEBACLE

Secretary Herter has recently stressed the urgent need for creating a "more stable military environment." Presumably he had in mind what most of our most competent strategic thinkers, military and nonmilitary alike, have been worrying about in public lately.

In January Gen. Thomas S. Power, the able head of our Strategic Air Command, advised us that without an ample missile warning system, a surprise attack from 300 Soviet missiles could in 30 minutes virtually wipe out America's bomber and missile retaliatory force. The accelerating accuracy of missiles has, according to some commentators, already reduced the number of Soviet missiles needed.

Our strategic dilemma

"At bottom, the defense debate concerns only one question," a well-known columnist writes. "The question is whether the Soviets now have or will soon have the small number of ICBM's needed to wipe out the American deterrent, which is now totally vulnerable. The number needed at this time is only 150 Soviet ICBM's."

"By decisive military superiority is meant the power to attack without suffering serious retaliation," another of our most distinguished observers adds. "In theory, the Soviet Union will have this decisive superiority within the next 2 years, if we do nothing more to offset it than we are now planning to do."

In his testimony before the Senate Space Committee CIA Director Allen Dulles reportedly compared the Soviet and American ICBM positions as follows: At present, Russia has 10 ICBM's and the United States 3. By June the Russians will have 35, the United States 18. A year later the Soviet total will be between 140 and 200, and the United States will have 54. By 1963 the position may be 500 to 200.

But it would be highly misleading to imply that our strategic dilemma is reducible to the celebrated missile gap alone.

Involved in that dilemma are all the other disturbing ramifications of our reliance on a fallacious, single strategy giving us strength largely in what the experts call "nuclear first-strike power." This is the kind of strength which is increasingly valuable only for the kind of war we say we would never fight: a sudden preventive war initiated by us.

As a second-strike, or strike-back force, the Strategic Air Command can now be largely crushed by a missile attack and deprived of most of its retaliatory capacity.

Obstacles: the budget and technology

It would seem an elementary precaution to protect that capacity, but we are refusing for budgetary reasons to do what needs to be done in terms of spreading the targets (dispersal), or placing our air bases underground (hardening), or keeping a sizable portion of our bombers in the air and therefore safe from sudden attack on the ground (airborne alert).

We have refused to expand our highly successful Polaris submarine program, at the same time as we have neglected antisubmarine warfare.

We have cut back our conventional forces—the Army and the Marines—thus reducing our capability to fight limited wars, and helping to assure that another war, if it comes, will be total and global. We have far to go on air defense and antimissile developments, and have yet to begin a serious civil defense program. Yet all these are highly important to our deterrent strategy.

The administration's failures in the defense field have not been entirely due to the budget, but that has been one of the two basic factors responsible for our current defense debacle. The other has been technology.

Often budgetary and technological influences have joined together in an unholy alliance to promote something that passes for policy like a "bigger bang for a buck."

Of course a multiple strategy will cost more than a single strategy. Of course the development of realistic strategic alternatives to minimize risks will cost more than a one-shot policy like massive retaliation, which has only succeeded in underscoring the extreme risks of thermonuclear war, bluff, and surrender.

At one and the same time, the budget has been both the only brake on galloping technology and the greatest assurance that the strategic consequences will be as ferocious as possible. As the former AEC Commissioner, Thomas E. Murray, says:

"Nuclear energy has to a certain extent developed according to a dialectic of its own. * * * Initially we were afraid to think of the ultimate consequences of integrating this boundless energy into a military strategy which already viewed the destruction of civilian populations as a normal objective of modern warfare. But we went ahead and integrated it anyway. In a fit of absent-mindedness we have allowed military technology to shape our strategic policy instead of shaping the technology to fit a rationally conceived strategic policy. * * * We have become caught in the grip of a technological runaway."

Khrushchev's speech before the Supreme Soviet on January 14, 1960, shows that the Pied Piper of technology is sweeping everything before it in Russia too.

He stressed that Soviet armed forces had been modernized with rockets and nuclear weapons which could be accurately aimed and landed on any target in the United States. He added that Soviet scientists and designers now have a fantastic weapon in development, hardly a reassuring sentiment for policymakers in other nuclear capitals.

Mounting fears over this kind of technological merry-go-round contribute more and more fuel to the mounting instability of the world's strategic picture.

The character and speed of delivery of nuclear weapons now make it inevitable that technology on one side of the cold war will be challenged to work overtime and at forced draft to outwit technology on the other side. The premium is growing steadily on seizing a temporary advantage to forestall a new technological breakthrough from a probable opponent. The outlook is for an endless series of attempts to unbalance new temporary balances, with overall costs in money and danger projecting upward geometrically.

Another ominous gap

Accompanying this trend is the growing gap between the rewards of offense and the penalties of defense. The disparity between the two has already become so great that perfectly sane and sober American strategists are seriously concerned over the possibility that sane and sober Soviet strategists may soon feel that a surprise nuclear attack on the United States would be a rational Soviet policy.

To begin with, Soviet strategists must be puzzled by the alarming lack of balance of our own defense posture. Because our retaliatory forces—bombers and missiles—are now so highly vulnerable, our capacity for massive retaliation must seem to Soviet planners to be even more phoney than it was when the administration first announced it early in 1954. At that time I vigorously and publicly attacked the massive retaliation concept in an article in the New York Times for February 28, 1954, a few days after the announcement.

I pointed out that the doctrine was dangerously defective whether judged from a strategic, political, moral, or legal point of view. I said it would fail to meet the most likely danger, it would frighten our allies as much if not more than the Communists, it would be militarily unsuitable to many continents of the world, it would invite localized aggression, and it would promote miscalculations, abet Communist propaganda, freeze our chances for more diplomatic flexibility, and erode our moral standing.

In the intervening years the value of the massive retaliation doctrine has continued to deteriorate. Today the only way we could effectively employ our massive retaliation

forces would be to use them not in their relatively ineffective retaliatory capacity after an attack has nearly destroyed them, but rather for a massive first-strike attack on the Soviet Union.

In the midst of a spiraling political crisis in Berlin, the Middle East, the Formosa Straits, or somewhere else, the Kremlin could easily assume that we might be tempted to break out of the impasse of our impending diplomatic and political defeat by using the only means at our disposal. Under such circumstances, neither side need feel deliberately infatuated with aggression. Both may legitimately feel threatened and tempted.

The disappearing stalemate

As the Soviets study the state of our defenses, and as the accuracy of their missiles increases, they will be bound to recognize that their chances in a missile war are mathematically computable as such chances have never been before. In the prevailing state of our defenses, it has been estimated that the Soviet Union has the capability of initiating and winning a nuclear war with the confident expectation of suffering no more damage than the U.S.S.R. suffered in World War II—terrible as that was. The nuclear stalemate has disappeared, or is fast disappearing.

The perilous elements of surprise, speed, miscalculation, and accident are inherent in the weapons technology of the decade we are entering. As if these factors were not enough, we can now add the deadly new picture of our cold war strategists psychoanalyzing one another's intentions across the Iron Curtain. It is hard to imagine a greater new element of instability.

Day after day the resources, energies, manpower and brainpower of this generation of Americans are increasingly concentrating on the prospects of bare survival against a cataclysmic, half-hour, nuclear holocaust. The displacement effect of our preoccupation with survival is awesome. Diplomacy, foreign aid, and education alike become tails on the kite of this basic strategic effort.

Threatening and counterthreatening the extermination of tens of millions of people is the central feature of deterrence and counterdeterrence in the nuclear age, and we are advised that we must find new ways to make our threats credible.

Yet because technology continues to triumph uncontrolled, the threats are losing credibility out of sheer frightfulness. The atomic bomb at Hiroshima was thousands of times more powerful than the biggest high-explosive bomb used in World War II. But some of the hydrogen bombs which we have since produced are 1,000 times more powerful than the atomic bomb. A single 15-megaton weapon is 10 times greater than the total explosive power dropped in World War II.

We can only guess what new "mystery weapon" Khrushchev has in mind, and what even more mysterious ones we can find to combat it. But there is no mystery about what lies at the end of this road in the contest of nuclear technologies. If the contest continues unabated, the end of the road will be the end of the world.

Someone has said that the planets around us may be unpopulated for a very good reason: their scientists were more advanced than our own.

II. THE DISARMAMENT DEBACLE

Part of the disarmament debacle involves the reverse of the defense debacle and consequently the use of outworn symbols. Many of us, on whatever side of a given disarmament issue, continue to talk in the language of earlier years. Yet in the disarmament field, perhaps more than in any other, the speed of technological change has rendered yesterday's semantics more and more obsolete.

For instance, anyone skimming through the disarmament literature today can find current material which might just as easily have been written in various previous periods. The controversies and the comments may differ markedly—and they may be equally out of date.

The persistence of old habits

Thus the language of some of our disarmament advocates sounds like 1936—as though we still had the Neutrality Act on the books, and as though the Nye committee investigations and the "merchants of death" were just behind us.

The language of some of our generals makes them sound as though they were still living in 1948 when America had a monopoly of atomic bombs. "The old psychology of nuclear monopoly obstinately survives in the Pentagon, in flat defiance of the grim facts of recent history," one of our defense experts wrote 2 weeks ago.

Still other language sounds as though we were living in the prethermonuclear age of 1951, before H-bombs multiplied the dangers of A-bombs a thousandfold. Even those who have accommodated themselves to thermonuclear terminology have not yet absorbed into their consciousness the radical newness of the missile age.

So when we talk about disarmament today, we must not lapse into the old habits of reference pertinent to the years before World War II, or to a prenuclear or even premissile age. The world of 1960 is a different world from all of these, and we must look at it for what it is, discarding old dogmas when they are outgrown.

Ironically, Mr. Khrushchev seems at times to be freer in shedding his dogmas than his nondogmatic, democratic opponents have been. For instance in the Kremlin in February 1957, I had occasion to ask Khrushchev if he were not in fact a deviationist from his own Marxist faith. We were discussing disarmament, and I had challenged his willingness to negotiate an effective disarmament agreement.

I mentioned that Marxist dogma stressed that the capitalist West was largely dependent on its armament industries for continued prosperity. That doctrine seemed to imply that disarmament would hasten the triumph of communism. As American armament industries closed down, unemployment presumably would rise, purchasing power would dry up, and spreading depression would lead to political upheaval and the collapse of capitalism.

Why, then, did Mr. Khrushchev not act on this Marxist premise and strive with everything he had to achieve a workable disarmament agreement, the prelude to capitalist collapse?

His failure to act was tantamount to establishing him as a deviationist. Was he not concerned over the reactions of his more doctrinaire associates? His own smiling reaction indicated that he got the point and was unperturbed.

Here is an instance where we might well prefer that modern Marxists keep their dogma and act upon it, rather than put it on the shelf.

Meanwhile, we Americans have our own dogmas to be overcome in the arms-control field. How often have we heard that the most intractable problems are, of course, the political ones—Berlin, Germany, the Middle East, Korea, Vietnam, the Formosa Straits—and how often has it been explained that these problems must be solved before arms control is possible?

We are told that arms are essentially an effect, not a primary cause, of world tension, and that nations will not and cannot disarm while they are in conflict on other vital issues.

The paramount need for arms control

But increasingly there is a hollow ring to this repetition that arms are a symptom and not a cause. Arms control is taking on a significance all its own. Particularly in the light of the current nonnegotiability, or doubtful negotiability, of many of the world's major substantive problems, arms control indeed begins to take top priority.

As former Secretary of State Acheson has said:

"Chancellor Adenauer has repeatedly urged that a key subject for summit discussion lies in the control and limitation of armaments. I venture to express the same view. There's not only room for negotiation, but there is a great need for negotiation, and this lies in the field of control of armaments. It is here that the hope of negotiation rests."

In this instance I think that the German Chancellor and former Secretary of State are abundantly right. They understand that armaments today are both a symptom and a cause of current world tensions. The power and speed of modern armaments are themselves steadily helping to make all the world's leading political issues nonnegotiable.

Indeed the greatest danger of all we face at the moment is that most important issues, by the mere fact of their current importance, tend to become nonnegotiable. The result is that negotiations, which almost everyone accepts as necessary, are more and more conducted for the sake of appearances. International conferences are reduced to methodology and propaganda.

Moreover, I am very much afraid that this is the impression which we ourselves, with the assistance of Soviet propaganda, have created about our own attitudes on disarmament.

Over the past few years a tremendous amount of cross-conflict has occurred concerning the major issues in the field of arms control.

The issues under discussion, singly or in combination, have included * * * the cessation or limitation of nuclear testing * * * cutoffs in the production of fissionable material * * * the freezing or reduction of nuclear stockpiles * * * the transfer of nonnuclear components or of nuclear weapons themselves to nonnuclear powers * * * protection against surprise attack * * * the balanced reduction of conventional forces * * * zones of aerial and ground inspection * * * the development of reliable international instruments for inspection and enforcement activities * * * tentative proposals on the use of outer space.

U.S. confusion on disarmament

In the last few years the record of our preparations for and participation in negotiations on these subjects has been a confused one. And the confusion is by no means entirely of Soviet making. Indeed on most of these issues we have appeared to be engaged in a game of musical chairs—with ourselves, with our allies, and with the Russians.

The initial challenge to the formulation of an American policy on arms control has been the irrepressible conflict among the agencies chiefly interested—the State Department, the Pentagon, and the Atomic Energy Commission. Their interagency conflicts have been further complicated by their intra-agency conflicts.

These various sources of contention have always lurked just below the surface, and not infrequently the disputes have broken out in public. It is easy to see why policies once pasted together have rapidly come unstuck—why new "package" proposals are likely to come untied—why disarmament negotiators have undercut, and been undercut, in turn. Above its embattled disarmament advisers stands the White House, serene and apparently untroubled over the conflicts of position papers and the damage to our national reputation.

In such a situation, the end runs to Congress have been notorious—from the

different services, from the AEC, from disappointed disarmament advisers, and from an incredulous and worried public.

During the breathing spaces in between international conferences, the administration has understandably found it to be the better part of valor to appoint yet another high-level study committee to take a fresh look at the problem—whether it be defense or disarmament.

This fresh look often consists of a wearied review of the accumulated points at issue, presented by professional staff members who are drawn from the State and Defense Departments and who are mired in previous controversies.

They perform for the benefit of a new set of temporary and more or less honorary Presidential appointees who as often as not are selected for their lack of previous experience in the field.

The latest such study was made by the Coolidge Committee, appointed last summer for the express purpose of formulating our Government's position in advance of the new 10-power disarmament talks which open in Geneva next Monday, March 15.

Apparently all the old intra-administration struggles were reenacted for the Coolidge group, and its top-secret report, submitted on December 31, has been accepted on all sides as a dud.

"Altogether too fruitless"—"narrow focus"—"failed to produce a program"—"promptly christened the 'mouse' "—"included virtually no disarmament proposals at all"—such were the inside descriptions of the Committee's work which have reached the public through the press.

The effects of confusion

The result was that last month when our partners for the Geneva talks—the British, French, Canadians, and Italians—arrived in Washington to formulate a joint position, they had to cool their heels for 2 weeks because the United States itself had no position.

One columnist has reported that the State Department even inquired at the United Nations about postponing the March 15 talks on the hope that there were already so many other conferences going on in Geneva that there might not be enough hotel rooms. But it didn't work. When next Monday rolls around, our disarmament position will once more have had to take shape under pressure of a deadline.

With 7 days to go, the New York Times reported from Paris on March 8:

"France's Western guests are being determinedly hopeful * * * Everyone recognizes the importance of publicly patching things up by the time of the Geneva meeting and worrying later about the remaining differences. An unhealed division in the West would clearly help the Russians in their efforts to discredit the West's plans."

No one underestimates the problems of coalition diplomacy. With luck, in spite of all the odds, we and our allies will be able to present something resembling a united front when we join the other five powers at Geneva—the Soviets, Czechs, Poles, Rumanians, and Bulgarians—to whom united fronts come more easily.

But at best, I fear, our proposals will be a rejuggling of past proposals, a loosely collected series of possible first-, second-, third-stage steps, a cumbersome package to put up against Mr. Khrushchev's new campaign for "total disarmament in 4 years."

I am deeply convinced that we should take a long and steady look at what all this confusion is costing us. It is essential that we assess the reasons for the fundamental inadequacies of our disarmament effort. I have no doubt that what we need most are greater consistency of purpose, preparations in depth, decisiveness in leadership at the highest level, and new funds, new personnel, and new institutions where the need is clearly indicated.

III. TWO POLICIES AT ONCE?

It is clear that our defense debacle and our disarmament debacle are interrelated. To a degree each has an inner logic of its own. And each in its way deserves our undivided attention.

At the heart of these debacles lie two fundamental truths. The first is the fact that arms races throughout history have usually ended in war. The second is the fact that unpreparedness and unilateral or unsafeguarded disarmament have always ended in national catastrophe.

These two truths are equally basic and must be treated side by side. Some of our major difficulties stem from attempts to separate them in our thinking. Those whose principal emphasis is the perfection of our military defenses are often deeply suspicious of the advocates of arms controls. Those whose emphasis is the achievement of safeguarded disarmament are equally suspicious of the military men.

What is essential to a fresh approach to our dilemma is the recognition of both basic propositions as parallel routes to disaster. Some who recognize this fact recoil from what they see and tell us that our only alternative is to leave the outcome to fate. But such defeatism, however understandable, is potentially catastrophic.

Viewed from the defense perspective on survival, our problem is how to keep up with the arms race. Viewed from the human perspective on survival, our problem is how to curtail it.

Two inseparable perspectives

These two perspectives seem destined to live or die together, an inseparable if unstable combination.

The central question facing us all at the moment is how to operate from both perspectives at once and pursue simultaneously the policies of rearmament and disarmament, of arms and arms control.

Some critics are certain that the task is impossible. They regard the policies as inherently conflicting—economically at odds, politically unmanageable, and psychologically frustrating. On specific issues these policies would seem to pull naturally in opposite directions.

Even the moods of the two policies seem competitive, not complementary. Writing in Foreign Affairs for January 1959, Mr. Albert Wohlstetter commented: "Relaxation of tension, which everyone thinks is good, is not easily distinguished from relaxing one's guard, which almost everyone thinks is bad."

The two nuclear questions of greatest current controversy are excellent up-to-date examples. They are the issues of nuclear tests and of the transfer of nuclear weapons.

A brief résumé of each of the controversies might shed light on the problems we can continue to expect in the future, as we pursue rearmament and disarmament together.

The issue of nuclear testing

Nuclear testing has never been a simple issue. It was not nearly as simple as Vice President NIXON thought in October 1956, when he denounced Adlai Stevenson's test suspension proposal as "catastrophic nonsense." Nor was it as simple as Mr. NIXON indicated in November 1959, when he took the other side of the question and announced that anyone urging a resumption of nuclear tests was "ignorant of the facts" (a statement, incidentally, which throws a curious shadow over President Eisenhower's subsequent decision that we are now considering ourselves "free to resume testing").

Surely our patient negotiators, now in the 17th month of the three-power nuclear test talks in Geneva, do not regard the issue as a simple one. Since October 31, 1958, when these talks began, the United States, the United Kingdom, and the Soviet Union have been painfully attempting to find an acceptable formula for inspection and control to allow the discontinuance of tests.

Seventeen articles out of a proposed twenty-two article treaty have been agreed upon. What the U.S.S.R. is apparently willing to accept today in the form of inspection and control constitutes a degree of progress which has surprised and encouraged many observers. In articles already agreed upon, the U.S.S.R. has committed herself to accept a complex global monitoring and control system that will include foreign observers and inspectors operating inside Russia.

Some experts are convinced that the Soviet interest in test cessation is sufficiently great that the prospects for eventual agreement are genuine. Others are dismayed by apparent shifts and inconsistencies in the Soviet position.

Meanwhile the length of the test negotiations has generated new pressures to find some way to break off the talks. Forces in the Pentagon and the AEC are vitally interested in resuming tests. Viewing matters from a defense perspective, they are eager to make cleaner bombs, test the proposed nuclear charges for the warheads of the Polaris and Minuteman missiles, improve the small warheads for the Nike-Zeus antimissile, and develop small, tactical, battlefield weapons. Press reports indicate that preparations are under way for the resumption of certain nuclear tests within a matter of months if the three-power Geneva talks fail. The tests will be held underground, and the tunnels in which the weapons will be tested are reportedly already being dug.

Coincidentally it is controversy over the detection of precisely these small nuclear underground explosions that has obstructed progress at Geneva. Scientists from both Russia and the West agree that a worldwide network of 180 monitoring stations with present equipment can detect nuclear blasts on the earth's surface, on water, or up to 30 miles in the air. But so far they have been unable to work out a reliable detection system for underground tests.

Mr. Khrushchev himself has recently conceded that not all nuclear weapons tests can be detected, but repeats the standard Soviet charge that we in the West are interested only in inspection for inspection's sake, not for disarmament.

In the midst of these conflicting forces, Mr. Phillip Farley, the State Department expert on disarmament and atomic energy, told the Senate Disarmament Subcommittee last month that the nation which would still benefit most from a test ban would be the United States.

In this cross-current of pressures, President Eisenhower has responded to the deadlock at Geneva with his new proposal for a treaty to end all presently detectable tests except underground shots below a certain seismographic rating. At the moment our official position is tantamount to saying that we will not agree to stop underground tests as long as our scientists say they are too small to be detected. The Russians continue to say that all tests, detectable or not, must be stopped.

Our dilemma over test resumption

With the expiration of the moratorium on testing, President Eisenhower has also announced that we now consider ourselves "free to resume testing." But are we really free to do so? In a column on February 16, 1960, Walter Lippmann suggested that if we did, "there would be an uproar around the world. Quite competent and cool observers believe that the uproar would bring about a special meeting of the General Assembly of the United Nations to protest against our action, and that if the question were put to a vote, we should be lucky to get 10 votes out of 80."

Mr. Lippmann may overstate the uproar, but I doubt if he exaggerates by a wide margin. Unquestionably the damage to our moral position would be enormous if we resumed tests.

Thus we are facing another real dilemma. If we break off negotiations and resume testing, we bear the full brunt of world opinion. If we allow the test ban negotiations to drag on, month after month, the Russians will get what they have wanted all along, an informal, de facto suspension of tests without any means available for the rest of the world to determine whether the U.S.S.R. is behaving.

No one who really hopes for the successful conclusion of the test negotiations will readily agree that nuclear tests, however small, should be resumed as long as there remains a chance, however small, that agreement will be reached. At the same time we know that an indefinite suspension of tests without controls could damage our military capability. This is especially true when we have no way of assuring that the U.S.S.R. has refrained from secret tests.

The divergent perspectives of defense and disarmament converge on the inspection question. More reliable scientific preparation, in depth, might already have saved us much time, uncertainty, and embarrassment. To the degree that forces within the governments involved desire to test regardless of whether tests can be detected, a solution for the detection problem would not end this controversy But it would end a source of tremendous confusion and obstruction at Geneva.

In a field in which progress on all sides is difficult, it would be prudent not to neglect those areas where more accurate scientific information might tip the scales of policy. One obvious area for effort is to improve the scientific underpinning of the controversy over the detection of underground tests. Since we have not moved ahead with vigor to close this major technical gap in the past, it is essential that we do so now.

The issue of transferring nuclear weapons

The controversy over the sharing of nuclear weapons is another major current example of how the different perspectives of defense and disarmament converge in the scientific and technical context of controls.

Our strategic planners are legitimately worried as the amount of available reaction time in case of attack comes closer and closer to zero. They are understandably concerned over how to speed the transfer of nuclear weapons for use if and when an attack occurs.

Our nuclear weapons now in Britain, for instance, are physically separated from the missiles which can carry them and which are under British control. The administration reportedly now wants to make atomic weapons available to Britain as warheads for IRBM's manned by British crews and for air-to-air missiles carried by British interceptors. Such a move could be a precedent for similar action in the case of other allies.

Reportedly too, the administration wished and still wishes to do this under the President's "inherent powers" as Commander-in-Chief. Leading members of the Joint Committee on Atomic Energy have publicly challenged the legal propriety of such a move. At a press conference on February 3 the President himself, to the consternation of his advisers, undermined carefully presented Defense and State Department views by adopting the contrary approach that a change would be needed in the present atomic energy law which prohibits "transfers" of weapons from our "custody" and "control."

From the defense perspective, General Lauris Norstad has been warning that the need for instantaneous defensive action in case of attack now requires that nuclear warheads be made available to some of our allies on some new basis inside NATO. In case of war, he stresses, there won't be time to negotiate a formal transfer. He has tentatively suggested that one solution might be an atomic-armed international "fire brigade" to operate under NATO colors, but the proposal is still an embryonic one and "custody" of nuclear warheads is technically still in American hands.

The constitutional, legal, and policy arguments which these developments have opened up are still gathering clouds on Capitol Hill.

First of all, there was the astonishing attempt to bottle up a constitutional debate by a classified presentation to the Joint Committee on Atomic Energy.

Second, the President's remarks suggested that signals had once more been seriously crossed between the White House and the departments concerned.

Third, there is a growing feeling that what were intended to be specific congressional restrictions on the custody and control of nuclear weapons have been greatly eased by administrative interpretation.

Fourth, the administration's eagerness to avoid a congressional debate on this subject has been especially disquieting because only last summer, in July 1959, many Senators and Congressmen had expressed their misgivings over the substance and manner of the administration's handling of certain new agreements with seven NATO countries permitting the exchange of nuclear information.

The expanding nuclear club

Naturally, from the disarmament perspective, there has long been active concern over the spread of nuclear weapons. It has always been highly improbable that the world's other 90 nations would be content to allow the United States, Britain, and the U.S.S.R. to preserve their nuclear monopoly in the absence of international controls.

In its helpful new pamphlet, "The Nth Country Problem and Arms Control," the National Planning Association suggests that some 11 more countries have the scientific and industrial capacity to follow France into the nuclear club with actual weapons over the next 5 years. The countries include Belgium, Canada, West Germany, India, Italy, Japan, Sweden, Switzerland, Czechoslovakia, East Germany, and Communist China. Just behind them are eight more countries with a similar prospect, if exploited, over a slightly longer period of time.

All of this means that the nuclear club is the least exclusive club in the world, and new members can in no sense be vetoed at the whim of the self-conscious elite who now belong.

Recognizing the awesome danger implicit in the "*n*th country problem" the 1959 General Assembly of the United Nations adopted a resolution proposed by Ireland and directed specifically against the further spread of nuclear weapons. The resolution urged that the 10-power disarmament conference, now about to open at Geneva, "should consider appropriate means whereby this danger may be averted, including the feasibility of an international agreement, subject to inspection and control, whereby the powers producing nuclear weapons would refrain from handing over the control of such weapons to any nation not possessing them, and whereby the powers not possessing such weapons would refrain from manufacturing them."

Once more there would seem to be surface evidence that the defense and disarmament perspectives are competitive, not complementary. One view stresses the need for a wider sharing of nuclear weapons, arguing that denying our allies a capacity which our probable enemy already has is suicidal in an era of split-second strategy. The other view stresses the equally realistic danger that a further proliferation of weapons increases the likelihood that they will never be brought under control, and that the dangers of the accidental or deliberate triggering of a nuclear war will be correspondingly enhanced.

Possible solutions through controls

But these divergent perspectives, under closer examination, may not be unalterably opposed. Once more what chance there may be for reconciliation lies in the field of control systems. It is probably predicated on new procedural answers to this order of questions: What specific steps, if any, are consistent with both defense and disarmament requirements? What new arrangements inside NATO can be made to present at one and the same time the steadiest deterrent and the least provocation to outside aggression? What system can maximize the dedication of nuclear technology to common purposes and minimize the sense of deprivation which now serves as an incentive for nonnuclear powers to become nuclear?

The answers are not likely to be found in the indiscriminate granting of nuclear weapons to just any ally, as the President's press conference remarks of February 3d might be read to favor. By the same token the answer is not likely to be found in the simple satisfaction of hoarding our own nuclear weapons while refusing to consider the very real prospect of the spread of nuclear weapons over our objection and without our help.

Now that the French example is before them, the 5th to *n*th powers can confidently be expected to exert increasing pressure on us, the British, and the Russians, to placate in one manner or another their desire for nuclear prestige.

Within NATO it may be timely and possible, under the urgency of these new pressures, to negotiate new arrangements for a recognized and equitable division of labor. Such arrangements might be based on accepting the proposition that there is no NATO equality of weapons, manpower, finances, or industrial production. It might involve general acceptance throughout the alliance of assignments of roles and missions to avoid useless rivalries and duplication.

Internal NATO involvement of nonnuclear members in control, supervision, observation, and planning activities might help to divert the ambitions of some members to emulate France's independent course. Development of a credible, overall NATO nuclear deterrent strategy itself could reduce the provocations of separate nuclear deterrents and even reassure the Russians. Joint scientific research, inside NATO, could be of great potential value in the fields of both arms and arms control.

Outside NATO the threatened spread of nuclear weapons is bound to have effects equally profound. There can be little private gratification in the Kremlin, for instance, over the prospect of an independent nuclear capability in Communist China or in restless East Germany. Out of mutual danger may come new opportunities for agreements based on mutual interest. In its significant study on "The U.S.S.R. and Eastern Europe," recently prepared for the Senate Foreign Relations Committee, the Columbia-Harvard Research Group may have had this in mind when they said: "In the long run, we may come to regard the Russians as our most conservative and responsible adversary, as we explore the possibilities of common interest in limiting certain aspects of the arms race." This may appear extraordinary, but it is in no sense impossible.

IV. NEEDED: MULTIPLE STRATEGIES FOR PEACE

I began by stressing the deficiencies in our military and strategic positions that have accrued from our lingering preoccupation with the reckless single strategy of massive retaliation. That strategy itself was the normal outgrowth of our fixation on big bombs and balanced budgets.

The continuing effectiveness of our deterrent strategy now depends on our ability to

muster the skill, nerve, and wherewithal to equip ourselves with multiple strategies for defense. By the same token our chances for a world of greater safety and freedom depend on our ability to develop multiple strategies for peace.

The Senate Subcommittee on National Policy Machinery, under Senator JACKSON, is performing a tremendous public service by investigating the adequacy of our policy-making institutions in coping with this double challenge.

Vital unanswered questions

Our inadequacy in the field of arms control research is obviously one of the most glaring deficiencies we have. I have already discussed instances where advance technical preparation in depth might have spelled progress where we have had frustration and defeat. Additional examples keep occurring:

Item. Why has so little been done to implement the Berkner report of March 16, 1959? This panel of seismologists outlined a 3-year program of research and development which it thought would restore to full efficiency the inspection system for bomb tests agreed upon in 1958 at Geneva.

Item. Many distinguished atomic scientists now feel that the addition to the detection network of a series of unmanned seismic stations to pick up small earth shocks might get the Geneva test conference over its last hurdles. Why is the push not being made?

Item. Time and again Senator HUMPHREY, the chairman of the Senate Disarmament Subcommittee which has done such outstanding and effective work in this field, has sought an appropriation of $400,000 which the State Department wants for its own use in procuring special foreign policy studies relating to disarmament, weapons control, and possible technical means for enforcement. Time and again the funds have been refused.

Yet the costs and the risks of not moving ahead in these areas are mounting daily; $400,000 is one-thousandth of 1 percent of our annual defense budget. Where is our awareness of relative risks?

And where is our system of values? If one asks his 10-year-old son today whether in his lifetime he thinks it might be possible to take a fishing trip to the moon, the boy is likely unhesitatingly to answer "Yes." If he is asked whether he thinks it will ever be possible to get missiles under international control, he is likely unhesitatingly to answer "No."

We are, I am afraid, living in a fool's paradise of complacency. What will end it short of catastrophe, I do not pretend to know. But I do know that we have a right to worry, and we have an obligation to propose those things which seem sensible.

Proposal for an Arms Control Research Institute

One of the latter is Senator KENNEDY'S new proposal for an Arms Control Research Institute embodied in S. 3173 which he has introduced in the Senate and the companion bill, H.R. 10977, which I have introduced in the House. Our purpose can briefly be described.

We propose to give this new agency the responsibility for a vast new research effort to fill those gaps which science and technology can fill in our preparation for peace and disarmament. The Arms Control Research Institute would conduct studies in the physical, natural, and social sciences relevant to specific disarmament issues. It would be an excellent beginning for the joint research activities which should eventually follow—with our allies, in the United Nations, and even with the Soviet Union.

Guided and directed from the White House, the Institute could be a clearinghouse for arms control proposals—deliberately organized to bring ideas and people together on a practical basis for peace. If the Institute operates as we intend it to operate, we will be able to say with more assurance than we can today that our efforts for arms control are a vital and realistic part of American policy.

The urgent need for action

The incredible fact is that we have delayed so long, and are still delaying, in giving the arms control problem the priority it deserves. It is not that we have never been urged. Rather it is that urgings have fallen on deaf ears.

Thus, it was 10 years ago last week, on March 1, 1950, when a distinguished Connecticut Senator, the late Brien McMahon, took the floor of the Senate to call for the kind of action which we have never had. He spoke with urgency then, and his message has great urgency now. Let me conclude as he concluded with these words—10 years old, and still so new:

"With each swing of the pendulum the time to save civilization grows shorter. When shall we get about this business? Destiny will not grant us the gift of indifference. If we do not act, the atom will. If we do not act, we may be profaned forever by the inheritors of a ravished planet. We will be reviled, not as fools—even a fool can sense the massive danger. We will be reviled as cowards—and rightly—for only a coward can flee the awesome facts that command us to act with fortitude. This time of supreme crisis is a time of supreme opportunity. The prize of atomic peace lies waiting to be won—and with it a wondrous new world."

FEDERAL ENROLLMENT OFFICERS

Mr. O'HARA of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, on Friday last there was printed in the RECORD the text and a paragraph-by-paragraph explanation of the proposal of the senior Senator from Missouri [Mr. HENNINGS] for the creation of Federal enrollment officers. This proposal has now been prepared in a slightly modified form and will be offered tomorrow as an amendment to the McCulloch substitute for the Lindsay amendment to H.R. 8601.

The sections have been rearranged and renumbered and new language has been added at two points.

In one instance, language was added at the end of proposed section (e)(6) to make it clear that the Attorney General shall represent enrollees whose qualifications have been challenged.

A new subsection (E)(9)(C) has been added to make it clear that the qualifications to be imposed on Negro voters by the enrollment officer are to be no more exacting than those actually imposed upon white registrants by local election officials.

Under permission of the House previously granted there follows the text of the amendment that will be offered to the Committee of the Whole either by myself or by my colleague the gentleman from Wisconsin [Mr. KASTENMEIER].

FEDERAL ENROLLMENT OFFICERS

On page 1, line 8 of the McCulloch substitute, before the word "In", insert "(e)(1)(A)" and on page 1 of the McCulloch substitute strike out "that any person has been deprived" on line 9 and all that follows down through the last page of such substitute, and insert in lieu thereof the following: "that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration, of the opportunity of registration, for elections because of their race or color, the Attorney General shall notify the President of the United States of such finding.

"(B) Whenever the Commission on Civil Rights, acting under the duties imposed upon it by section 104(a) of the Civil Rights Act of 1957 (71 Stat. 635, 42 U.S.C. 1975c(a)) or in the event of termination of the Commission such other agency or department as the President shall designate to perform the same function (hereinafter referred to as the Commission) finds that, under color of law or by State action, a voting registrar or other State or local official has deprived persons in any locality or area of registration of the opportunity of registration, for election because of their race or color, the Commission shall notify the President of the United States of such finding.

"(2) Upon any notification of a finding pursuant to paragraph (1) of this subsection, the President is authorized to establish a Federal Enrollment Office in each registration district that includes the locality or area for which such finding has been made and to appoint one or more Federal Enrollment Officers for such district from among officers or employees of the United States who are qualified voters within such district. Whenever the President determines that there is no further need for a Federal Enrollment Office, he shall abolish the Office for such registration district. An individual who is appointed a Federal Enrollment Officer shall perform the duties required by the Act until such time as he is relieved of such duties by the President.

"(3) The President may, if in his judgment such action appears justified and suitable, delay the appointment of Federal Enrollment Officers in order to permit prompt and continuous good faith efforts by State and local officials to terminate in an affected area deprivation of the right to vote on account of race or color.

"(4) The Federal Enrollment Officer for any registration district shall accept enrollment applications from individuals living in localities or areas in such district as to which a finding has been rendered pursuant to paragraph (1) of this subsection. All such applicants whom he finds to meet the qualifications for voters under the laws of the State, wherein such district is situated, shall be enrolled by him as qualified to vote in all elections held in such district in like manner and for like period as prescribed for persons registered under State law, and shall receive from him certificates of enrollment. The Federal Enrollment Officer shall, from time to time, transmit to the proper State and local officials all information necessary to identify the persons who have been enrolled by him. Nothing contained herein shall be construed to authorize an Enrollment Officer to enroll any person who is not of the same race or color as the persons found pursuant to paragraph (1) of this subsection to have been deprived of registration, or the opportunity of registration, for elections. Nothing contained in this subsection shall be construed as impairing the right of any State or establish nondiscriminatory voting qualifications.

"(5) Each qualified voter who is enrolled pursuant to paragraph (4) of this subsection shall have the right to vote, and to have such vote counted, for candidates for elective public office in elections held in his

registration district, and, in the case of a primary election, for persons seeking nomination as candidates for elective public office, subject to the provisions of paragraph (6) of this subsection.

"(6) Nothing contained in this subsection shall be construed to deny to appropriate State officials or other interested persons the right at the time of elections, to challenge the eligibility to vote of persons enrolled hereunder. Whenever such a challenge is made, however, the enrollee shall be permitted to cast his vote and have it counted, but it shall be preserved subject to a determination of the validity of the challenge in any appropriate action brought in the United States District Court having jurisdiction over the registration district in which the challenge is made. The Attorney General shall provide appropriate legal defense to any such enrollee whose eligibility to vote has been challenged in such proceedings.

"(7) Federal enrollment officers shall ascertain that persons enrolled under this subsection are afforded the right to vote and to have their votes fairly counted, and for this purpose the Federal Enrollment Officer is authorized to attend at any election held within his registration district to inspect the taking of the vote and the counting thereof. Should any person enrolled under this subsection be denied the right to cast his vote or to have his vote counted, the Federal Enrollment Officer shall forthwith notify the Attorney General.

"(8) The provisions of this subsection shall be enforceable by appropriate civil and equitable proceedings instituted in the district courts of the United States by the Attorney General, for or in the name of the United States. When necessary to assure persons enrolled under paragraph (4) of this subsection of the right to vote and to have their votes counted, the district court shall issue permanent or temporary injunctions or other orders directed to appropriate State or local voting officials, requiring them to permit persons enrolled under the provisions of this subsection to cast their votes and have them counted, subject to the provisions of paragraph (6) of this subsection.

"(9) For the purposes of this subsection—

"(A) The term 'election' means any general or special election held in any State for the purpose of electing any candidate to elective public office and any primary election held in any State for the purpose of selecting any candidate for elective public office.

"(B) The term 'registration district' means an area in a State corresponding with any of the districts established by State law from which the voters elect a Member of the House of Representatives of the United States.

"(C) The terms 'qualified voters,' 'qualifications for voters', and 'qualified to vote' mean qualified according to the laws, customs, or usages of the State, and shall not, in any event, imply qualifications more stringent than those used by voting registrars, or other State or local officials, in qualifying other persons in the registration district not of the same race or color."

SOCIAL SECURITY AMENDMENTS

Mr. JOHNSON of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Speaker, I have long been concerned about the harshness with which the work or retirement test has been applied to the older persons in the United States.

At the time the Social Security Act was first adopted there was so much unemployment in our country that it was the prevailing opinion that the Social Security Act should encourage older persons to retire, thus making room in the labor market for otherwise unemployed younger persons.

In keeping with this philosophy, the act provided that any person making $15 a month or more would be ineligible to receive a social security benefit check for the month in which he earned such sum in "covered" employment.

Social security benefits under the original act were so modest in amount that the act had very little effect on a worker's choice of continued employment after 65, because the benefits lost were not great enough to cause any person who could work to quit work. The average primary benefit in the late 40's was around $29 a month, and the average benefit check for all purposes was less than $20 per month.

With the 1950 amendments, however, Congress provided a retirement benefit sufficiently large for the work test to become of substantial importance. Congress simultaneously liberalized the work test by permitting persons to make up to $50 a month in "covered" employment without the loss of benefits. Even this test proved too severe for the country, and in the year 1952 Congress raised the work test to $75 a month. This provision also was subject to sharp criticism, and in the 1954 amendments the provision was changed to exempt up to $1,200 a year of earned income. However, one monthly benefit check is lost for each $80 or fraction thereof that any person may earn in excess of $1,200 a year, until age 72.

The present work test has the effect of saying to a person whose monthly benefit check is less than $80 a month, that any income he earns above $1,200 will be at the rate of a few cents an hour, the monthly amount being roughly the difference between his benefit check and $80. For any person whose monthly benefit is in excess of $80, each $80 earned after $1,200 a year represents a net loss to him of the difference between $80 and the amount of his monthly benefit check. This is a positive disincentive to work by an aged person. As a result he would gain by refusing to continue working if he has already earned $1,200 a year. For most persons now coming into the program this disincentive is especially harsh, because their monthly benefits will usually exceed $80 a month.

Mr. Speaker, you will recall that the Congress in 1946 adopted the Employment Act. In this act Congress stated that it was its intention that the Government operate in such a manner as to promote and maintain maximum income, employment, and purchasing power. We no longer view the economy as providing only a limited number of jobs. We recognize it to be a very harsh idea that those over 65 should be encouraged or forced to retire so as to make room for the younger persons. The economy can and should provide employment for all persons ready, willing, and able to work. It is cruel to say to a person who is able to work, willing to work, and wants to work, that he cannot work. Many of the elderly have lost their life partners; their children are grown and have left home; and constructive employment is frequently the factor which provides the greatest significance to their lives. Yet in our Social Security Act we are still, in effect, telling older persons to quit, to get out; to go on the shelf.

Mr. Speaker, I shudder to think what would be the character and composition of the U.S. Congress if there were a compulsory retirement at 65 rule in effect here. We should have been deprived of many of the best years of their lives of such great statesmen as Walter George, Theodore Francis Green, Carl Hayden, not to mention our own distinguished Speaker, and a host of other persons. The time has come to abandon the concept that a person ought to retire or must retire merely because he has passed a date on the calendar. Age is a physiological and psychological function, not merely a chronological function. I have known persons who were young at 80, and I have known others who were old at 30, and intellectually senile at 50.

I am today introducing a measure designed to encourage employers to provide older persons such employment as they are ready, willing, and able to undertake. This legislation also will provide an incentive to older persons who have gone on the retirement rolls to seek and accept such employment without the harshness of the present dollar limit on the work test. In essence, my bill, H.R. 11159, provides that a person's benefits shall be reduced by an amount equal to 50 percent of the excess he earns after the first $1,200 per year. As a result a worker's total income cannot be reduced by continuing employment, instead his total income will be increased after having earned $1,200. The immediate effect of this measure will be to benefit some 2 million of the employed older persons.

In the long run I would expect, however, that at least another million older persons, and possibly more, would find this provision so attractive that they would continue employment at least on a part-time basis after age 65, earning more than $1,200 per year. Mr. Speaker, the country cannot really afford to waste the talent of its senior citizens as it now does through the present rigid work test. Our older citizens deserve more considerate treatment from the American people than the present law now accords them. It is my hope that by this action we can move from the widespread use of arbitrary retirement at a given age toward increased use of partial retirement techniques which will afford older persons reduced working hours and longer vacations.

The administration estimates that this measure might increase the cost of the program by as much as 0.19 percent of payroll. I believe their estimate does not give adequate consideration to the incentive effect this bill will provide to employers and employees alike. Thus,

in the long run, it is my expectation that this measure will actually operate to reduce total benefit costs by encouraging more widespread employment and partial employment opportunities for older persons.

Mr. Speaker, some have noted that the present law calls forth a kind of exploitation of the aged. Some employers promise older workers that they will not be paid in excess of $1,200 a year, apparently without regard to what they should be paid for the work performed. This bill will destroy the temptation the present law provides for such exploitation. It will give aged workers the assurance that larger earnings will never result in decreased total income—earnings plus adjusted benefits.

Mr. Speaker, as an additional feature of this bill, it has seemed desirable to raise the minimum benefit from $33 to $40 per month. This is mathematically desirable to prevent the program from actually reducing the total income for a very few people. At the same time this will further reduce the State and Federal tax burden of old-age assistance, because most persons who are on a minimum benefit are also on old-age assistance rolls. This feature of the bill is estimated to add at most 0.08 percent of payroll to the cost of the program. It works, however, a significant improvement in the social security program, and I hope therefore both features will be adopted.

Mr. Speaker, I am also introducing today another measure that will more than pay the cost of the two features above. But let me first give its background:

When the Social Security Act was adopted in 1935, it was designed to cover all earned income up to $3,000 per year. At that time about 97 percent of all workers covered had all of their wages credited toward retirement benefits; that is to say, less than 3 percent of the covered labor force had earnings of more than $3,000 at that time. Mr. Speaker, the effect of inflation and rising productivity and income has been to erode the extent of coverage the Social Security Act does now in fact provide. The Congress has in a series of amendments raised the coverage to $3,600, to $4,200, and now $4,800. However, the $4,800 of covered wages represents far less coverage than did the $3,000 at the time the act was adopted.

In the year 1959, the $4,800 coverage actually covered only 75 percent of all workers, and 83 percent of all earnings. This is to say, at least 25 percent of the labor force had earnings in excess of $4,800, and such earnings constituted 17 percent of all earnings. If we were actually to cover 97 percent of all earnings today, we would need to raise the limit not to $6,000 but to $9,000. However, in terms of purchasing power, the $6,000 figure will restore the extent of coverage provided by the initial act.

The bill I have introduced also provides the necessary increase in aggregate benefits to take account of the changed earnings, and raises the maximum monthly benefit from $254 to $400. This maximum benefit would only be received by a widow with several children, or by a retired worker who had several eligible dependents. The maximum primary benefit would be $148 per month.

Mr. Speaker, if this bill or some similar measure is not soon adopted, we will gradually move the social security program away from its original philosophy toward a flat benefit program. The original philosophy of the Social Security Act was to provide an incentive to each worker to secure the best possible earnings record, because his benefits would be a percentage of his actual earnings, and therefore, the greater his earnings record, the greater his retirement benefit.

The effect of inflation and rising wage levels, however, has been to destroy this feature of the program. In recent years as many as 40 percent of the persons coming on benefit have been drawing the maximum benefit, which is to say that the ceiling amount is rapidly becoming a flat benefit amount for a major portion of retired persons. The initial incentive concept has been deeply eroded. This change is necessary not to truly liberalize the program, but merely to restore in significant part the initial intent of the program.

The effect of this bill will be to reduce the cost of the program as a percentage of covered payrolls by 0.35 percent. As a result the net effect of the two bills I am introducing is in fact to reduce the overall cost of the program, yet to increase the minimum benefit, to increase the maximum benefit, to relate the benefits more equitably to actual earnings, and to provide an incentive for the continuing employment of older workers.

Mr. Speaker, I believe these changes are in the best interests of the American workers, of the American employers, of the retired persons, and other beneficiaries, and of the whole American people. It is my hope that the Ways and Means Committee will look with favor upon these measures in the course of its consideration of the 1960 amendments to the Social Security Act.

Mr. Speaker, these issues encompassed in these bills have also been effectively dealt with by a number of economists in testifying before the Subcommittee on Problems of the Aged and Aging of the Senate Committee on Labor and Public Welfare, as reflected in the following excerpts from the report of that committee, entitled "The Aged and Aging in the United States: A National Problem," published on January 29, 1960.

I urge strongly a revision in the basic method of application of the test; namely, that a formula be devised under which the more a "retired" individual earns, the more he keeps in total (earned plus OASDI) income * * *. This would preserve substantial incentive for our elderly persons to participate in gainful employment while not destroying the purpose for which a retirement test exists. (Prof. Mark L. Kahn, Wayne State University, Detroit, Mich.)

The present retirement test level of $1,200 should be raised. At the present figure incentives are stifled. Retired persons represent an elastic portion of our labor supply. Many of them have good working years left in them and could contribute significantly to our overriding economic problem of the moment—real growth of the American economy to meet the world challenge. (L. R. Klein, professor of economics, Wharton School, University of Pennsylvania.)

In a period of high demand for labor it seems a pity that we should exclude from the labor market those that might be willing to work if they were not penalized as much as they are. (Dr. Seymour Harris, Harvard University, Cambridge, Mass.)

There should be serious exploration whether it is feasible to fix benefit payments on a sliding scale, with the level of benefits falling gradually as other income rises. (Dr. Otto Eckstein, technical director, Joint Economic Committee.)

The test cannot be defended on equity grounds. * * * If older people, because of medical advances, are still able and willing to work, the Government should see to it that employment opportunities are created for them as well as for the younger workers. * * * How much work they want to continue to do should be their own free choice. The work schedule should not be, as it is now, calculated so that the earnings just stop short of the critical figure. (Gerhard Colm, chief economist, National Planning Association, Washington, D.C.)

The work clause should be so devised that the individual would always have some financial incentive to increase his production efforts and earnings. (Benjamin B. Kendrick, assistant director of research, Life Insurance Association of America, New York, N.Y.)

And now, Mr. Speaker, I would like to include at this point in the RECORD an analysis of both of these bills:

A BRIEF ANALYSIS OF H.R. 11159, A BILL TO BROADEN EMPLOYMENT OPPORTUNITIES FOR THE AGING INTRODUCED BY REPRESENTATIVE BYRON L. JOHNSON ON MARCH 14, 1960

I. THE GENERAL PROBLEM

The question of mandatory retirement seems to depend upon the answers to two important questions: (1) How far can our Nation afford to dispense with the contribution to production that might be made by a group of senior citizens whose numbers and relative importance are increasing steadily; and (2) to what extent is it desirable, in the interests of the individuals concerned or for the maintenance of certain social values, to encourage the aged to continue working as long as they are able and willing?

On the first issue, the future growth in the proportion which persons over 65 will form of the total population suggests that it would be to the interest of all of us to encourage the aged to continue contributing to production as long as they desire, or at least not discourage them from doing so. On the second issue, there is considerable evidence that the welfare of the aged themselves is undermined by enforced idleness.

In view of both individual and national needs, we should help to make the choice which faces older workers as they approach minimum retirement age more of a reality, allowing those who are fit and willing to continue at work, while not seeking to compel those who are feeling strain to postpone the rest and leisure to which they have looked forward.

II. THE PRESENT SOCIAL SECURITY RETIREMENT TEST

The retirement test or work clause of the old-age and survivors insurance program establishes certain earning limitations which determine whether or not an individual is really retired and therefore eligible for monthly benefits (sec. 203 of the Social Security Act, as amended, 42 U.S.C. 403). Today retired workers are permitted to earn up to $1,200 in a year without losing any monthly benefits. If a person earns more than $1,200 during the year, 1 month's benefit is withheld for every $80 (or fraction of $80) of earnings in excess of that figure. The following table illustrates this reduction mechanism.

Table I

Annual earnings:	*Number of monthly checks lost*
$1,200 or less	0
$1,200.01 to $1,280	1
$1,280.01 to $1,360	2
$1,360.01 to $1,440	3
$1,440.01 to $1,520	4
$1,520.01 to $1,600	5
$1,600.01 to $1,680	6
$1,680.01 to $1,760	7
$1,760.01 to $1,840	8
$1,840.01 to $1,920	9
$1,920.01 to $2,000	10
$2,000.01 to $2,080	11
$2,080.01 or more	12

Exceptions to this benefit-loss mechanism are chiefly two: (1) At age 72 and after, individuals receive their monthly benefits without regard to their earnings; and (2) although an individual earns more than $1,200 during the year, he is entitled to a benefit for every month in which he earns $100 or less in wages. H.R. 11159 does not affect these exceptions.

III. EVALUATION OF THE CURRENT RETIREMENT TEST

The reasons which led to enactment of the retirement test in 1935 are not valid for today. The policy established during the depression of discouraging older workers from employment beyond an arbitrary retirement age, so as to increase job opportunities for younger workers, has no place in our present high-employment economy. Under the Employment Act of 1946 we are committed to a policy of promoting maximum employment for all those able and willing to work.

The complete elimination of the test would give a premium to people who are fortunate enough to be able to continue working after age 65 but would not help those who are forced to retire because of health or other compelling reasons. Some type of retirement test is certainly necessary, but the present one keeps many elderly persons from working and thus results in a loss to the country of valuable skills and productivity. This situation is even more anomalous when the Federal Government is now encouraging the hiring and retention of older workers.

Although Congress has retained a retirement test in the social security program, it has liberalized the test a number of times. The amendments of 1950 raised the earnings limitation from $14.99 a month to $50; the amendments of 1952 raised it to $75 a month; and, finally, the 1954 amendments raised the earnings limitation to $1,200 a year. More bills dealing with the retirement test have been introduced in Congress than on any other provision of the social security law. Presently there are over 100 bills either to eliminate or liberalize the test for consideration before the House Committee on Ways and Means.

H.R. 11159 differs from each of these in that it revises the basic method of applying the test: Namely, it provides a formula whereby the more a retired individual earns, the more he keeps in total (earnings plus benefits) income. By providing a logical and equitable formula, H.R. 11159 preserves incentives for elderly persons to continue working. By eliminating penalties imposed by the present test, H.R. 11159 enables individuals to choose freely as to how much and how long they wish to continue working. In short, H.R. 11159 replaces the principle of sudden and complete retirement with one which makes possible flexible retirement, "tapering off" or gradual retirement.

IV. RETIREMENT UNDER H.R. 11159

H.R. 11159 both raises minimum benefits from $33 to $40 a month and modifies the retirement tests so that earnings above the annual exempt amount reduce benefits payable by one-half of such excess earnings. In other words, for every dollar in earnings over $1,200, a worker's benefits are reduced by only 50 cents. This eliminates the need for the $80 benefit-loss unit. Thus, an individual who earns only a small portion of an $80 unit would not have an entire benefit payment deducted. Presently, a person can lose as much as $120 for earnings of a few cents or a few dollars beyond $1,200.

Under present law, there are severe financial penalties for any person who continues working after he has passed the $1,200 limit. If his benefit check is in excess of $80 a month, he actually loses money by working for wages over $1,200. In fact, most people currently reaching age 65 will lose in benefits more than they gain in earnings if they decide to continue working after having reached the $1,200 limit. Only people whose benefits are extremely low have any incentives to continue in employment, and generally such persons, in view of prior low earnings, are least likely to earn more than $1,200 when they are over 65 years of age.

The incentives differences between present law and H.R. 11159 can best be illustrated by a few examples. Today a person whose annual benefits are $1440 ($120 a month) loses at least 1½ times as much in benefits as he earns in wages between $1,200 and $2,080. (See table II.) If his wages are $2 an hour, he actually pays out $1 for each hour he works. The more he works, the more he loses. Under H.R. 11158, the beneficiary has reason to continue working beyond the earnings limitation. For every dollar he earns in wages between $1,200 and $4,080, he loses only 50 cents in benefits. If his wages are $2 an hour, he makes a net gain of $1 for each hour he works.

Today an individual whose annual benefits are average—$864 ($72 a month)—at the very best gains only 10 percent by earning between $1,200 and $2,080. (See table III). If his wages are $1 an hour, his net income for each hour he works is only 10 cents. His employment gain for a normal workday of 8 hours is therefore as little as 80 cents, hardly enough to cover the cost of transportation to and from work, extra clothing, lunch, and other expenses connected with his job. Under H.R. 11159, the average beneficiary has incentives to earn as much as he desires. If his wages are $1 an hour, his net income for each hour he works will be five times as much as it is at present. He can earn up to $2,928 and still receive some social security benefits.

People with low benefit amounts also gain under H.R. 11159, which raises the minimum annual benefits from $396 ($33 a month) to $480 ($40 a month).

V. SUMMARY

H.R. 11159 would accomplish the following:

1. Provide financial incentives for individuals to increase their productive efforts and earnings after reaching retirement age.
2. Remove present penalties which discourage the elderly from earning over $1,200 a year.
3. Eliminate inequities of the current retirement test by abolishing the $80 benefit-loss unit.
4. Provide a permanent formula for application of the retirement test.
5. Encourage gradual retirement for the aged rather than sudden and complete inactivity.
6. Simplify the test so that it can be more easily understood by beneficiaries.
7. Raise minimum benefits for all social security beneficiaries from $33 to $40 a month.
8. Eliminate present incentive to exploit aged workers who are now occasionally "promised" that earnings will not exceed $100 a month.

TABLE II.—*A Comparison of present law with H.R. 11159: For an individual with annual benefits of $1440 ($120 per month)*

Annual earnings	Amount of wages over $1,200 limit	Annual benefit loss		Net annual gain or loss for earnings over limit	
		Present law	H.R. 11159	Present law	H.R. 11159
$1,200 or less	0	0	0	0	0
$1,280	$80	$120	$40	$40	$40
$1,360	160	240	80	−80	80
$1,440	240	360	120	−120	120
$1,520	320	480	160	−160	160
$1,600	400	600	200	−200	200
$1,680	480	720	240	−240	240
$1,760	560	840	280	−280	280
$1,840	640	960	320	−320	320
$1,920	720	1,080	360	−360	360
$2,000	800	1,200	400	−400	400
$2,080	880	1,320	440	−440	440
$2,160	960	all	480	−480	480
* * *	*	*	*	*	*
$4,078	2,878	all	1,439	1,438	1,439
$4,080	2,880	all	all	1,440	1,440

TABLE III.—*A comparison of present law with H.R. 11159: For an individual with annual benefits of $864 ($72 a month)*

Annual earnings	Amount of wages over $1,200 limit	Annual benefit loss		Net annual gain or loss for earnings over limit	
		Present law	H.R. 11159	Present law	H.R. 11159
$1,200 or less	0	0	0	0	0
$1,280	$80	$72	$40	$8	$40
$1,360	160	144	80	16	80
$1,440	240	216	120	24	120
$1,520	320	288	160	32	160
$1,600	400	360	200	40	200
$1,680	480	432	240	48	240
$1,760	560	504	280	56	280
$1,840	640	576	320	64	320
$1,920	720	648	360	72	360
$2,000	800	720	400	80	400
$2,080	880	792	440	88	440
$2,160	960	199	480	96	480
* * *	*	*	*	*	*
$2,926	1,726	all	863	862	863
$2,928	1,728	all	all	864	864

A. BRIEF ANALYSIS OF H.R. 11158, A BILL TO INCREASE THE MAXIMUM EARNINGS BASE INTRODUCED BY REPRESENTATIVE BRYON L. JOHNSON ON MARCH 14, 1960.

I. PURPOSES OF THE BILL

H.R. 11158 would increase future retirement benefits under the system of old-age and survivors insurance by raising the earnings ceilings for both contribution and benefit purposes from the present $4,800 to $6,000 a year. Under present law, no matter what a person earns, only the first $4,800 of income is counted for social security purposes. Payroll-tax payments of both employee and employer are therefore limited to a prescribed percentage of only the first $4,800 of an employee's earnings. Similarly, benefit payments are limited. Benefits to an individual legally are limited to a maximum of $127 a month and benefits to a family are limited to a maximum of $254 a month.

A new ceiling such as provided in this bill would enable many people to draw higher retirement benefits. Under a $6,000 earnings base, maximum benefits for an individual would be increased to $148 and maximum benefits for families would be increased to $400. Thus retirement benefits would be drawn more closely into line with preretirement wages.

In addition, the proposed increase in the ceiling would bring in revenues that would more than offset the increased benefits paid on earnings above $4,800. The Social Security Administration estimates that savings to the system under this expanded earnings base would be significant. These savings could profitably be used to finance needed improvements in our social security program.

II. FINANCING

Anyone paying taxes on less than the amount of the present earnings base—$4,800—would pay no increase in social security taxes, and the increase in taxation for those earning between that amount and $6,000 would be quite small. In 1961 the maximum additional payment—for an employee with annual earnings of $6,000 (monthly earnings of $500)—would be only $36 a year ($3 a month). Additional payments for employers of these individuals would be the same. In 1969 and after, when tax rates for social security (according to present law) are 4½ percent for both employee and employer, the maximum increase in payments would be $54 a year ($4.50 a month).

III. THE NEED FOR AN INCREASED EARNINGS BASE

If the earnings base is not increased as wages rise, the original wage-related character of the system will be weakened. Under the $3,000 earnings base in 1938 about 97 percent of all workers would have had all their wages credited toward retirement benefits. In 1951, with a $3,600 base, only 76.5 percent had all their wages covered. Although the earnings base was raised to $4,200 in 1954, the next year the percentage of those who had total wages covered had fallen to about 75.1 percent. In 1959, with the base at $4,800, the percentage of total-earnings coverage was about the same.

Viewed somewhat differently, in 1938 about 7 percent of total wages in covered employment (about $3.2 billion in earnings) was in excess of the earnings base and was therefore not taxable. By 1955 the proportion of exempt earnings had risen to 16.5 percent ($28 billion). In 1960, under a $4,800 base, the proportion of total wages in covered employment not taxable was expected to be 19.7 percent ($45 billion).

If the earnings base were to cover the full earnings of the same proportion of workers as in 1938, it would have to be set at about $9,000. By increasing it to $6,000, as H.R. 11158 proposes, we would return to the principle of the original social security law—that the program should cover all of the wages of all but the very top earners. This would result both in greater protection for an increasingly larger number of workers and also in a more solvent social security system.

CAMPAIGN EXPENDITURE CHARGE UTTER NONSENSE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland.

There was no objection.

Mr. FOLEY. Mr. Speaker, on March 10, last Thursday, there appeared in the CONGRESSIONAL RECORD an insinuation about myself and the reporting of the 1958 general election congressional campaign expenditures made by me personally and by the local campaign committee. I am taking this opportunity to inform the Members of the House that this item first appeared in a December 1958 issue of "Human Events." The author of the original item called me in late November 1958 concerning the fact the report filed with the Clerk of the House showed expenditures of $620 while the two reports on file with the clerk of court at Rockville, Montgomery County, Md., consisted of one for $18,738 and the other for $620. I explained that the $620 report was my personal expenditure report as a candidate. The other report was the "FOLEY for Congress Committee" report. I further informed him that both my personal report and the campaign committee report were presented to an employee of the Clerk of the House for filing. That employee returned the campaign committee report with the statement that local committee reports were not required by the law to be filed with the Clerk. I told him I had filed both reports with the Clerk of the House following the 1956 election. However, he insisted that the committee report was not required to be filed.

These facts were explained to the writer for "Human Events" in a lengthy telephone conversation. However, the ultimate "Human Events" item was similar in tone and content to that contained in the CONGRESSIONAL RECORD, March 10. I am stating this for the RECORD so that in the event the propaganda pap printed in the CONGRESSIONAL RECORD last Thursday is reprinted as a congressional reprint, this particular information will be added as a footnote to make certain the whole factual truth is presented.

In the ebb and flow of human events the floodtide of propaganda sometimes obscures the truth. This statement is made during the ebb to reveal the truth.

Mr. Speaker, I would like to conclude by declaring that the inferences and the statements made about me by the gentleman from California in essence are utter nonsense.

TWENTY-FIRST ANNIVERSARY OF THE PROCLAMATION OF SLOVAK INDEPENDENCE

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENTLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BENTLEY. Mr. Speaker, it is a privilege to call to the attention of the House that today, March 14, 1960, marks the 21st anniversary of the proclamation of Slovak Independence which was made on March 14, 1939.

The final determination of the political status of the Slovak people, particularly with reference to their Czech neighbors, must obviously await the liberation of that entire part of Europe. It is certainly not my intention to engage in an controversy as to whether or not the Slovak people should enter a federation, be recognized as an independent state or any other political action. I am sure that all parties to this controversy admit the right of the Slovak people to choose freely for themselves that political institution which the majority of them desire. Such questions at the present time are certainly academic until the Slovak people do have the ability to make a free choice of government. Nevertheless, it is entirely fitting and appropriate to observe this anniversary of their independence. They have a long and proud history and certainly deserve the right to independence and freedom as do indeed all peoples presently today held captive under Communist Tyranny.

It is my privilege once again to express the hope that the day of their liberation may not be long in coming and to trust that we will be able, by our words if not deeds, to let the people of Slovakia know that they are not forgotten by the free world but that we sympathize with them and support their heroic moral resistance against Soviet Rusian imperialism. It is also my privilege to encourage all the various organizations here in this country of Slovak-Americans who should be commended for their efforts in keeping the cause of Slovak freedom so consistently before the eyes of the free world.

THE PROBLEMS OF NATIONAL DEFENSE IN THE MISSILE AGE

The SPEAKER. Under previous order of the House, the gentleman from New Mexico [Mr. MORRIS] is recognized for 30 minutes.

Mr. MORRIS of New Mexico. Mr. Speaker, we are all well aware of the current controversy over intercontinen-

tal ballistic missiles, in which searching questions are being asked about the adequacy of America's military power. The debate over missiles is important to us and to the future generations. Most of the disagreements that have come to light are based upon honest differences in judgment as to what types of weapons are necessary and how many of them we need. The security of the Nation is at stake. In a democracy such as ours we must allow such a debate to take place in public view. The people have a right to know and to judge.

The intercontinental ballistic missile is a formidable weapon. Its importance is underestimated by very few people. But the debate over the adequacy of our defense requirements has concentrated upon this one weapon to the point where other significant aspects of the defense situation are obscured. We are, for example, alarmed when we are told that all but the latest Titan missile tests ended in failure because we recognize the implications that this has for our deterrent strength. However, the drama which surrounds the testing of the huge ICBM's should not capture our whole attention. There are other extremely important defense programs that deserve our concern. One of them is air defense.

Intercontinental bombers and missiles are kept in America's military arsenal as instruments of retaliation against an attack upon the United States and its allies. We hope that these weapons are so awesome that they will prevent the enemy from the miscalculation and misfortune of striking us. However, our strategic weapons are only one facet of our deterrent strength. They exist as living proof of America's intention to strike a devastating retaliatory blow if the enemy were to launch an attack upon our Nation. Other defense weapons exist. For example, we know that there is probably a greater chance of small wars occurring than there is of large wars. Thus, we have to build tactical weapons and deploy tactical elements of the Army, Navy, Air Force, and Marines as deterrents to limited wars.

The vitality of our air defense is another important component of America's military power. Its role is to maintain the ability to decimate an enemy air attack. If our air defense forces are capable of performing this mission, and the enemy is aware of this, he will think twice before attacking in the first place. If the Russians miscalculate and attack us, the air defense units must be able to destroy the attacking force in order to protect our cities and provide a shield for our retaliatory bombers.

Before the days of jet aircraft, air defense was divided into two distinct military roles—local or point defense and area defense. The point defense role was served by Army antiaircraft units which surrounded each major military target. Area defense was carried out by the Air Force, using interceptors to seek out the enemy aircraft before they reached the target areas. In short, the Air Force provided a protective screen of interceptor aircraft. If the enemy slipped through, Army antiaircraft artillery defended the targets.

With the coming of the jet airplane, however, the speed and altitude of the new aircraft were so great that antiaircraft artillery proved to be impractical. The Army developed guided missiles capable of destroying aircraft miles from the base. Nike missile sites were built around major cities and military installations. The Army antiaircraft missile system proved to be very effective because it was able to reach further out from the point of defense than the old antiaircraft guns. But the distinction between point and area defense began to diminish because of the long range of the missile.

In 1952 the Air Force started to develop a rival antiaircraft missile to augment its manned jet interceptors. Both services clung to the dual air defense concept. The Air Force in keeping with its area defense mission designed its guided missiles to attain greater ranges than the Army Nike missiles. The Air Force weapon, called the Bomarc, differed from the Nike in that it was designed to operate under the guidance of SAGE, a complex electronic computer system called semiautomatic ground environment, which allowed firing and control of the Bomarc from a central command post. The Nike, on the other hand, could be fired and guided from the Nike installation itself.

In effect, we had two antiaircraft systems under development. Both constituted pilotless interceptors, differing in range and guidance systems, but essentially alike in most respects. The Army controlled the short-range weapon and the Air Force the long-range weapon. Each justified its air-defense strategy on the basis of the concept of dual air-defense roles: point and area defense.

Inevitably, the adherents of the two air defense systems clashed. The Army Nike-Ajax became operational in 1953. It is a supersonic guided missile with a range of 25 miles. It was supplemented in 1958 by a longer range missile when the Nike-Hercules became operational. The Hercules has a range of over 75 miles, a ceiling in excess of 100,000 feet, and carries either a conventional or an atomic warhead.

The Air Force Bomarc was behind the Nike series in development. Its first units did not become operational until a few months ago. In the meantime serious doubts arose as to the wisdom of proceeding with both the Hercules and the Bomarc. They were both expensive missiles to develop and their roles were so similar that it became difficult to justify both systems. However, the Bomarc had a range of more than twice that of the Hercules. Since the Defense Department did not move to select either one system or the other, Congress, irritated by the competition for appropriations between the two systems, forced a decision. Two congressional committees came to opposite conclusions concerning the merits of the Hercules and the Bomarc. In the impasse the Defense Department was moved at last to resolve the issue. A master air defense plan was announced, reducing the scope of both the Nike-Hercules and the Bomarc programs, but eliminating neither, on the grounds that two missiles were complementary and were necessary components of an effective air defense system. The master plan proved to be another costly compromise.

Both Nike series and the Bomarc are designed to defend against the manned bomber. Both missiles are effective against subsonic strategic bombers.

Supplemented by jet interceptors, the Nike and Bomarc systems provide the Nation with a heavy defense screen against attack. But the days of even the supersonic bomber are limited. We are moving swiftly into the era of the ballistic missile. Neither the Nike-Hercules nor the Bomarc can defend this country against a missile attack. The possibility that a missile barrage could be followed by a manned bomber attack makes the Bomarc and the Hercules important weapons for several years to come. But as the Soviet Union changes over to ballistic missiles, both the Nike and Bomarc guided missiles will become obsolescent.

For a number of reasons the 200-mile Bomarc cannot perform all the necessary functions of area defense. Its range is not great enough to extend our defenses far beyond our borders. Its speed and accuracy are not great enough to assure adequate "kill" capabilities against supersonic targets. In 10 tests the Bomarc successfully intercepted a supersonic target only once.

To prepare for defense against supersonic aircraft, the Air Force began to develop supersonic jet interceptors capable of achieving speeds in excess of 2,000 miles per hour, or Mach 3. However, the most promising craft, the F–108 was canceled in 1959.

The Air Force also decided to improve the Bomarc. A second version of the weapon, the Bomarc-B, is now under development. It is designed to fly in excess of 400 miles at speeds approaching Mach 3 and is supposed to have better guidance features. However, the Bomarc-B has yet to prove itself. On March 5, this year, the Bomarc-B, fired at Cape Canaveral, failed for the seventh successive time. Is it worth the cost to continue development of the Bomarc-B when the strategic necessity of antibomber missiles is steadily diminishing? Is it not possible for the transition from antibomber to antimissile defenses to be made with the Nike-Hercules, the Bomarc-A, and our high-performance jet interceptors?

Before addressing ourselves to these questions, let us examine the cost of the Bomarc program. If the U.S. Government were willing to devote virtually unlimited funds to defense needs, perhaps the Bomarc-B could be developed into a truly effective weapon against supersonic aircraft. However, each defense program competes with every other military and domestic project in the battle

of the budget. We cannot afford enough weapons to make our security absolute. The President maintains that all we need is "enough," and not 1 penny more. The real question is, however, "How much is enough?" On this point honest men differ. One thing is clear: We cannot allow ourselves to jeopardize the security of the Nation for the sake of the budget. If the defense critics are wrong we may waste a little money, but if they are right we may lose our country.

One of the least economic aspects of our overall defense program is the inclination of the armed services to duplicate and sometimes triplicate military weapons systems. Eliminating such practices will reduce costs without endangering our security. The Bomarc duplicates many of the functions of the Nike-Hercules, although the differences between them were deemed important enough by the Defense Department to warrant the continuation of both programs. However, the Bomarc has cost the Nation so much already that further refinements for the Bomarc-B do not appear to be justified. After all, the Bomarc-A has only been operational for a few months, yet the cost of the program is already very great indeed. To date, the estimated cost of the Bomarc project to the United States is close to $2½ billion. To place this in perspective, the more important Atlas missile program has cost the United States, through fiscal year 1960, $1,700 million, or more than half a billion dollars less than the Bomarc.

Furthermore, the Air Force estimates that the total accumulated cost of the Bomarc program, through fiscal year 1963, will amount to more than $4 billion. Yet these figures do not include the cost of the Sage electronic control system which is an inherent element of the Bomarc weapon. The cost of Sage attributable to the Bomarc has never been estimated but it undoubtedly is substantial.

It is too late to ask why such an expensive system was allowed to develop in competition with the Nike-Hercules. We now have both weapons on an operational footing and America is undoubtedly defensively the better for it, even though there appears to have been a waste of some resources in the process. But why continue to waste money on the Bomarc-B? This weapon is not operational. It has been a dismal failure so far and may not become an effective operational missile until the bomber threat is a thing of the past.

The Bomarc-B is the culmination of a very costly program which has produced too little far too late. Russian bombers will not constitute a very great threat in the future in the normal sense. Our defenses and detection systems are so good and the vulnerability of the manned bomber is so high, that the bomber will probably have to become a missile launcher rather than a craft designed to fly directly over the target.

The air-launched missile can be sent against our bases and cities from a bomber flying many miles from our borders. One of the arguments for the Bomarc-B is that it can defend the United States against such a threat. However, the range of the Bomarc-B is only 400 miles. The enemy need only develop an air-launched missile of greater range and the Bomarc will be of little use. Instead, the United States should develop more flexible air defense weapons to counter this new type of bomber threat.

The best answer to the bomber-missile combination is the flexible, manned jet interceptor in the Mach 3 class. Why not cancel the Bomarc-B with its range limitations, and develop an aircraft such as the F–108 which can extend its range by inflight refueling and can reach an enemy bomber no matter where it is? The Air Force plans for the F–108 called for a range of 1,000 miles. Every guided missile will have a range limitation for which the enemy can make adjustments. Only manned aircraft will have the inherent flexibility necessary to compensate for enemy evasive actions. A Mach 3 interceptor equipped with modern atomic air-to-air missiles will have a very significant kill capability.

The greatest future threat to the United States comes, of course, from the intercontinental ballistic missile. As yet we have no defense against this awesome weapon. This does not mean that no defense is possible. The Army's Nike-Zeus shows some promise as a step in the right direction. But the Zeus has suffered from lack of funds. Adherents may claim too much for the Zeus but its opponents' views are reminiscent of the shortsighted authorities at the end of the Second World War who said that the ICBM was impossible. Now it is claimed that the anti-ICBM is impossible. The sceptics may be right, but most of the lessons of history argue the other side.

Assuming that an antimissile missile can be developed, the nation which has this capability first will gain a tremendous advantage over its opponent. The advantage comes in this respect: the nation with a defense against ICBM's will be able to face its opponent with the prospect of a one-sided nuclear war. If the Soviet Union were to gain such an advantage over the United States, our deterrent—the threat to retaliate—would be neutralized. This would place our country in mortal danger.

Thus, we face the prospect of two new threats, the air-launched missile and the intercontinental ballistic missile. The Bomarc is not effective against either of these weapons, yet we face the prospect of investing more than a billion additional dollars on the Bomarc project. The Bomarc–B may have some value but compared to the competitive defense demands which we face, other programs should have higher priority. It would make greater sense to reinstitute the F–108 and assign first priority in defense expenditures to the antimissile missile, possibly the Zeus, than to continue the Bomarc–B. The Bomarc–B is in a losing race with obsolescence.

The state of American defenses today is not reassuring. We are not only behind the Soviet Union in some aspects of weapons research, development, and production; we are also wasting our limited resources by spending too much money on the wrong projects. While many of us have paid close attention to the long-range missile program of the armed services, we have allowed the Army and Air Force to engage in a senseless duplication of air defense functions. The funds spent already on the Bomarc program more than equal those spent on the Atlas ICBM. The Bomarc weapon system has been of doubtful utility from the start. The Nike-Ajax was operational only a year after the Bomarc project began and the Nike-Hercules became operational more than a year before the Bomarc–A. We could have done without the Bomarc program altogether and saved more money than we devoted to our whole Atlas program. What is more important, we could have reallocated this money to vital defense needs.

Instead, we have allowed the Bomarc missile to reach the operational stage. It would make little sense to abandon it now. It duplicates some features of the Nike-Hercules, but it has a longer reach. But we can at least learn from our past experience with the Nike-Bomarc competition and resolve not to allow further duplications to occur.

The reason that the Nike-Hercules and the Bomarc were both allowed to continue in the development stages was that at the early stages of development a decision to choose one program or the other was blocked by interservice rivalries. Congress showed its displeasure over such wasteful practices, but we cannot run the Defense Department. That is the responsibility of the executive branch of our Government.

Now we need a courageous decision. The Bomarc program has already proceeded too far. Additional expenditures will bring greatly diminished returns. It must be canceled while there is still an opportunity to save a billion or more dollars. There must, at last, be a reorientation of the air defense program on a realistic strategy. We must base our defensive weapons on present and future enemy capabilities, not past enemy capabilities. In the future we face not the manned bomber, but the ballistic missile, and we must prepare for it before it is too late.

We must not let interservice rivalries, partisan politics, or local pride stand in our way.

Here is what I think must be done:

First. Cancel the Bomarc–B. It is obvious that the Bomarc–B, so far an unproven weapon, will cost a great deal of money in the next 2 years for a threat that is already greatly diminished. I recommend strongly the cancellation of this project in favor of more realistic defense programs which take new weapon threats into account.

Second. Reinstitute the development of the F–108 or similar Mach 3 interceptor. A supersonic interceptor is

needed to strike at enemy bombers capable of air-launching ballistic missiles at the United States. A manned interceptor has important advantages over a pilotless vehicle such as the Bomarc. It can return, that is, be used in more than one engagement. It can be refueled in air, thus extending its range to meet the defense requirements. It can deal with evasive measures by the enemy with greater flexibility. It can be used in a number of roles, such as in limited warfare, whereas the Bomarc has only one function and is a one-shot weapon.

Third. Start a first priority anti-missile-missile program. The greatest threat to America's future is the ballistic missile. It does not make sense to spend several billion dollars on anti-bomber weapons when defenses against the new threat are being neglected. In a sense, the Bomarc–B represents a Maginot-line attitude toward air defense. We must adapt our defense to the challenge we are about to face. The Army's Nike–Zeus is the most likely weapon to meet this new role. A few well-placed dollars in the Zeus program will probably be a much wiser investment than the same amount of money for the Bomarc–B.

To carry through these recommendations may cost more than the billion or more dollars saved by the cancellation of the Bomarc–B. But the important point is this: We have to do these things anyway. We must develop a balanced offensive-defensive capacity for the missile age. We cannot afford to waste too much of our resources on outmoded defenses. We must have enough intercontinental and intermediate range ballistic missiles to constitute a credible threat to the Soviet Union if its leaders should consider an attack upon us. We should also have an effective defense in the event that the Soviets misjudge us, or act in haste or desperation.

The Bomarc–B deprives us of sufficient funds for our offensive and defensive needs. It should be canceled at once.

NATIONAL CONSTITUTIONAL CRISIS

Mr. ALFORD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALFORD. Mr. Speaker, in a speech in the House of Representatives on September 5, 1959, I included a series of illuminating editorials from the Pioche Record, of Pioche, Nev., and a statement by the Commission on Constitutional Government of the Commonwealth of Virginia under the title "The Constitutional Crisis: Its Threat to Liberty and the Remedy."

Since then, that speech has been widely circulated throughout the Nation. In addition, in February 1960, it was published in book form under the same title by Robert Speller & Sons, 33 West 42d Street, New York 36, N.Y., in their Makers of History Series.

The latest contribution by the Pioche Record on the constitutional crisis is a thoughtful editorial in its February 18, 1960, issue. This gives an incisive legal analysis of the stand proposed for Virginia in measures introduced in the regular 1960 session of its general assembly, which were referred to committees that held hearings significant for the range of experience in the authorities presented.

The views expressed in this recent editorial can be helpful to other State governments. There are several, particularly those of New York and Pennsylvania that are facing constitutional questions and have to deal with flagrant usurpations of authority on the part of members of the Supreme Court.

It is more and more apparent to our national judiciary, our bar associations, and distinguished Members of the Senate that, in order for our constitutional form of government not to be discarded and replaced by dictatorship, our people as a nation must deal with a new form of assumed and self-appointed power.

What I am endeavoring to bring to the attention of the Congress is that the departure by the Court from the limits of the authority granted to it under the Constitution amounts to an overthrow of our form of government through the establishment of a dictatorship. If the limits of its authority are ignored by the agent we have a matter that must be dealt with according to law.

The Constitution of the United States has been applauded throughout the world and emulated by other nations. That was because it had successfully clipped the wings and limited the power of governmental agents, thus making them truly the servants of the people but not their masters. We now face the problem where the servants are assuming to become the masters. The discussion of this question along lines of a strict application of law should be of interest to the American people.

In view of the strange policy of the major press of our country, which seems to permit no discussion dealing with the constitutional aspects of these questions, it becomes of the highest importance for the Congress to take note of such proceedings as have been brought before the recent session of the Virginia General Assembly.

What the people of this Nation have now to deal with reflects an almost contemptuous departure from the power given to the Supreme Court. This is a disregard of the limits of the authority as clearly defined in the precise language of the Constitution. Under its requirements each Justice of the Court must be "bound by oath * * * to support this Constitution" in order that their actions as a court may be legal.

The responsibility of the government of New York to protect its people from moral degradation, the right of the government of Pennsylvania to investigate enemies within the State aiming to overthrow the State, the right of the government of Arizona to prevent alien enemies from being licensed to practice law within their respective jurisdictions, and the rights of the people generally to exercise powers to protect their morals, education, health, and general welfare, which rights have never been yielded to any governmental agency, must be recognized as beyond the power of employees of their government unless it can be shown when and where these rights have been acquired.

All authorities on constitutional law are in agreement that the Supreme Court is an agency of government brought into being by article III of the agreement among the States known as the Constitution of the United States; that the Supreme Court is an agency not of general but of limited power; that the power of the Court is limited to judicial power; and that what this gives to the Court is the power to apply existing law to the controversy between plaintiffs and defendants before the Court.

Similarly, all authorities on constitutional law are in agreement that all legislative authority granted by the Constitution is given to the Congress.

It is the well established law of the land and one that is sustained by a long line of decisions of the courts, including the Supreme Court, that intent must govern in the construction of contracts. Especially is this true as to the Constitution because the Constitution cannot be altered, changed, or corrected, except by amendment as strictly provided for in the Constitution itself.

The judicial power of the Supreme Court does not admit of an amendment to the Constitution nor of any change in the law. The latter is a matter of legislation and is delegated to the Congress only.

What is overlooked in constitutional discussions is the fact that, in the agreement among the signatory parties to the Federal compact, the Supreme Court is not made a party to it nor are the individual members of the Court made parties.

The signatory States agreed among themselves to limit the power of the agencies of the General Government which they created. Furthermore, the governments of the States are burdened with the obligation of carrying out the provisions of the contract. This covers whatever is done in relation to matters which take place within the jurisdiction of the State affected, all of which must be legal under the Constitution. It is for the States, the signatory parties, to see that the Federal Constitution is not made a mere scrap of paper and that the finest form of government of the people, and by the people, ever established is not by their own stupidity or neglect turned into a controlled oligarchy for centralized tyranny.

Mr. Speaker, we have in the recent actions in the General Assembly of the

Commonwealth of Virginia the first technically correct effort to apply the law as provided for in the Constitution to this threat and menace to our liberty as a free people.

The editorial above referred to follows:

[From the Pioche Record, Feb. 18, 1960]

THE NATION'S CONSTITUTIONAL CRISIS—A LEGAL ANALYSIS OF VIRGINIA'S STAND

Recently organized citizens of Virginia have held a series of meetings to consider a grave constitutional crisis that is rocking the Nation and threatening to overthrow our form of government. In this way was developed for consideration a proposed clean-cut constitutional course of action that can be applied to the problem.

The matter in question had received widespread attention without a remedy being proposed. The Conference of State Chief Justices in 1958 charged that the Supreme Court "too often has tended to adopt the role of policymaker, without proper judicial restraint."

The distinguished Federal Judge Hand has said, "When the Court strikes down a law because it does not 'commend itself to the Court's notion of justice,' then the Court is usurping the function of the legislative branch and becomes, in effect, 'a third legislative chamber.' "

Similar statements have been made by bar associations and other organizations and prominent citizens.

The Governor of Virginia, in his address to the Legislature a year ago, speaks of his State being "battered by an unholy alliance of a conspiracy to destroy the Constitution."

He said, "I saw the Court ignore the Constitution, cast aside all precedent, Federal and State, and judicially legislate the ideology of a foreign Socialist into the Constitution, outside of record, with no opportunity for a hearing or cross-examination."

A CHANGE OF FRONT

Shortly after making this statement, at the specially called session of the Legislature held in April 1959, the Governor took possession of the State's legislative machinery. He directed its activities toward a complicated maze of indirections and evasion in a controlled legislative program. These proceedings were allowed to rest on the foundation that the Court had lawfully ruled in the school cases; that a valid decision of the Court had been handed down; that the decrees and orders of the Court were legally valid—the law of the land, leaving to the people of the State, to design a method for resistance to the law.

What was known by the name of "massive resistance" was neither "massive" nor "resistance." It amounted to opposition plus acquiescence in the legality of the Court's illegal action. It gave rise to a complicated maze of proceedings to evade or to obstruct the enforcement of the law, trying to solve the problem by force instead of by law. Paradoxically the Governor's plan gives the effect of law to the very illegal proceedings he had objected to.

These recent Virginia meetings have afforded an opportunity to give a more constructive approach to this question. They have had time to consider whether what has been assumed to be a valid court order is, or is not, founded on a lawful decision of the Supreme Court. All have agreed that the Court was not acting within the constitutional limits of its authority. But no State, a party to the contract, has yet spoken through its government, with adequate definiteness, on this subject. And no one else but a party to this contract can speak with legal effect on this subject.

VOTERS' CONSTITUTIONAL POSITION

Our position is essentially different from that of the Governor. This is no effort to evade or contradict any valid decision of the Supreme Court. It asks for a discussion of the obvious plan of those wise and far-seeing men, the Founders of our Constitution, who have provided a way to proceed, when Federal agents usurp powers not given to them under that instrument.

This proposal is an abrupt departure from the proceedings so far conducted under the direction of Virginia's Governor who has "followed a zigzag course," attempting to evade or circumvent the enforcement of an invalid ruling. This ruling being ultra vires can have the effect of law only by acquiescence, or by positive approval.

Efforts to bring some order out of the confusion we have to deal with are reflected by the following statements:

1. We hold that anything we may do about this school problem must be lawful, otherwise it is a temporary makeshift.

2. All laws relating to the operation of our schools must be constitutional. Accordingly, they must rest on the vote of the people through their duly elected representatives or some other constitutional procedure. The law is well established that, with governments of limited powers, what is not founded on constitutional authority is not an authorized act. It becomes void when so declared by a signatory State party to the contract under which the Court derives its powers and in fact its existence.

3. If the Constitution had granted to the Court the authority to determine the limits of its own powers, it would thereby have established tyrannical dictatorship. This is what is now being attempted to be brought about through usurpation, while to avoid this was the controlling purpose of the Revolutionary War.

4. The Constitution having not granted that determinative power to anyone else, therefore, it must be included among those powers reserved to the signatory States. This power now can be used to establish whether the Court was exercising judicial powers as allowed, or legislative powers as prohibited.

5. An attempted usurpation of power was one of the matters contemplated and it was discussed by the framers of the Constitution, and protection from it was provided for by those far-seeing men and can be used by the States when such action becomes necessary, and that time has come.

Therefore, the immediate problem before this State is to dispel the confusion on this one question. What is the law?

This can be done by making definite the law, through action of the lawmaking powers of the State: first in determining the question whether the Court's orders were based on lawful constitutional action, or whether they were illegal acts of members of the Court usurping, or attempting to usurp, powers not granted to them, and then taking appropriate action under amendment 10 of the Constitution.

The organized proceedings, in the last session of the Legislature precluded any such action at that time. The present session of the Legislature will direct its attention to the legal aspects of this question. It will proceed to study the action of the Court from the standpoint of constitutional law. It will go into the question of the powers of the Court. It will give consideration to the fact that, as a matter of law, the Government of the United States is based on constitutional grants of authority.

THE CONSTITUTION IS A SIGNED CONTRACT

The signatory States have given to the three departments of Government, each made separate and independent of the other, strictly defined and limited powers, reserving everything else. The States are united to the extent they have granted these powers; they are not united to any other or further extent.

Each of these three departments has a prescribed role to perform and to each are given certain authorized powers within the boundaries of that role, and none of the three can give directions to the other. The signatory States have reserved to themselves the usual powers of parties to the agreement, to regulate and enforce compliance of each department with the terms of their employment.

This gets us to the question: When the limit of the authority granted to the Supreme Court is exceeded, where will the power come from to deal with the interference with a State's laws by the unlawful actions of these nine men. They cannot act as a court unless they act within the authority intended to be given to the Court. The requirement that they "shall be bound by an oath to support the Constitution," makes unlawful what they do when they take action beyond the authorized limits of the Court.

Article III of the Constitution plainly states what is the limit of the power of the Supreme Court. It is limited to "judicial power."

The members of the Court are held to the role of a judge seeking to reach a decision, by applying the law as determined and as established by the lawmaking agencies of Government and as already established, to the claims of the plaintiff and the defendant, and so reach the judicial determination of the issues presented.

If the rulings of the Supreme Court involve a conflict with the law as established, for example, if the law requiring the Constitution to be construed in accord with the intent of the parties, or if the Court has concluded that the Constitution is outmoded and not adapted to modern conditions and to make changes accordingly, we are given the basis for a solution to this problem. If they are acting without constitutional authority and in contempt of the oath that must bind them to the Constitution, their acts may not be classed as lawful acts of the Court.

Over a period of years the fundamental principle of law here involved has been sustained over and over again by decisions of the Supreme Court, starting with the ruling of Chief Justice Marshall in the famous case of Marlborough against Madison. In that case we find that any acts of Federal agencies that are not authorized under the Constitution are lacking in Constitutional authority and therefore null and void, and further, that such restrictions shall be applied to the courts as well as to the other Federal agencies.

THE SOURCE OF CONSTITUTIONAL AUTHORITY

Whether the act is within the area of authority granted to the Court is a matter to be determined by some higher source of authority than the Court itself. The question whether the Court has entered a lawful ruling or whether the members of that Court, in violation of the limits of their authority have issued orders pretended to be based on legal authority but which are not, cannot be a question for the Court itself. In determining this question what higher source of authority can be found than the source from which the powers of the Court have been derived; namely, the signatory

parties to the agreement which creates their employment, which provides for and directs their appointment and limits their authority—a contract in which they are not even permitted the privilege of being made a party.

Any attempt to usurp power which has not been given to the Court, any effort to regulate the legal affairs of States over which they have no authority, is an act to overthrow established government.

Their announcement of what is the better course of procedure, based on authorities that are in conflict with, rather than in accord with, the Constitution is in direct violation of the limits they must be bound by on oath to observe.

There are questions that could be asked to clarify the thoughts of those who would put the constitutional issue in the background:

(a) Do you agree that the ruling in the David case was beyond the authority granted the Court under the Constitution as was claimed by the Governor of Virginia, and as was reported by the Virginia Commission on Constitutional Government in 1958, or do you hold it was a lawful act within the constitutional authority of the Court?

(b) If constitutional authority in these proceedings is lacking, are the school case rulings lawfully authorized acts of a court or a usurpation, or attempted usurpation, of power on the part of the members of the Court?

(c) If the proceedings in the school cases are illegal, not being constitutionally based, how can that ruling become law in Virginia, unless it is given the approval by that State, either by direct action, or by acquiescence?

(d) Should you agree that the action of the Court in the Brown case is not founded on constitutional authority, can you design any constitutional grounds for objecting to the State's using the power reserved to it under amendment X of the Constitution, to declare that since the ruling is unauthorized it cannot be regarded as an authorized ruling of the Court and therefore is not a law within the jurisdiction of this State?

(e) Is the State of Virginia one of the signatory parties to that agreement and as such, possessed of the right to enforce its provisions?

The same legal aspect as worked out by the Founders of our form of government are embodied in the common law principles of contracts and agencies, which were established at that time, and are still applicable to this carefully drawn and formally executed contract.

MANY OTHER STATES AFFECTED

Other States are interested and some of them vitally concerned with this same question. The State of New York, under its police powers which are reserved under the Constitution, are given full authority to protect its people from immoral influence, which tend to degrade and increase crime psychology. These protecting laws, enacted by the government of New York, have been set aside by the Supreme Court in contradiction to its limited power.

The State of Pennsylvania, which has reserved to itself the inalienable right to deal with its enemies within the State, has enacted necessary sedition laws. It has been stopped from pursuing subversive activities and its laws have been held invalid by proceedings and orders of Justices of the Supreme Court. No authority has been given to it to override the police powers of the State of Pennsylvania.

In the State of New York, operating under the laws of New York, a college professor who refused to disclose communistic affiliations, was discharged for breach of his contract of employment where the New York law required employees to answer questions. He was ordered by the Supreme Court to be reinstated and something like $40,000 backpay was ordered to be paid to him. No constitutional authority to override the laws of New York and leave that State helpless to defend itself from its enemies within the State has ever been given to the Court by the State of New York.

In the Jenkes case the secret FBI files were ordered by the Supreme Court to be made available to a criminal who was charged with offenses against the safety of the United States as a part of a secret organization of its foreign enemies. In a dissenting opinion, Justice Clark pointed out that the Court is making a new ruling for procedure without the approval of Congress.

Three hundred employees of the Executive branch of the Federal Government were dismissed by the State Department for activities that rated them as bad security risks. The Supreme Court directed that in spite of the risks, these men be reinstated with back pay. The Constitution gives no authority to the Court to make contracts of employment in any case.

In the Peck case the Court undertakes to dictate to Congress what areas of wrongdoing may be investigated and sets off an area of freedom of association for Communists. The majority of the Court thus renders it practically impossible for Congress to investigate into and expose the secret activities of the Nation's organized enemies.

In Arizona a Communist is considered an enemy to the State if he is seeking to overthrow its government by secret intrigues. An applicant for a license to practice law in that State was denied on the ground that the applicant was such a Communist. The Supreme Court required the State to admit him to practice law in that State.

Various cases of interference with other States in handling their internal affairs, particularly with reference to the water rights of Western States, as to matters entirely within their own boundaries, has given rise to an ever-growing necessity for action to be taken to assert the constitutional powers of the people, against usurped authority by members of the Court.

In this situation the position of the State of Virginia stands out. The entire structure of its laws in the administration of its educational system is completely upset and rendered impossible of enforcement, either in accordance with its own laws, or in accordance with the ruling of the Court, even assuming the Court's order to be a valid law.

WE FACE A MOVEMENT TO UPSET OUR CONSTITUTIONAL PLAN OF GOVERNMENT

The time has arrived for action by the route of clarifying the legal position of the State. Illegal acts of a Federal agency where they lack constitutional authority is a matter for the employment of the reserved powers under the Constitution.

What the people of Virginia have objected to is that this constitutional issue has been suppressed. Why has it not been brought to the attention of their Legislature or to the press? Are the Court proceedings constitutionally authorized, or are they constitutionally invalid? This is the question that has been evaded.

The fact that the members of the Supreme Court must be bound by oath to refrain from holding in contempt the limit of authority which is imposed upon them, is a condition to their employment. It must be faced.

The Governor and his handpicked legislative commission have used parliamentary procedure to control and direct the Legislature. Through steamroller methods they have worked to suppress, rather than debate, the constitutional aspects of this question, the neglect of which now looms up as a threat to constitutionally guaranteed freedom of the citizen, not only of Virginia, but of the rest of the United States.

The present situation gives rise to the conclusion that we are at a crossroads in our constitutional form of government. Either we will have a strict observance of limited authority by governmental agencies, set up under our constitutional form of government, in accord with the intent of the signatory parties thereto, or else we will have tyrannical assertion of autocratic powers on the part of our employed agencies of government.

It is proposed that the members of the present Virginia General Assembly be allowed to vote, either for or vote against, a proper resolution to give effect to these constitutional limitations, that are so definitely and so formally affixed as a part of the employment of all Federal employees. To prevent such a vote will be the plan of those who are contriving to destroy the Constitution.

The time has arrived for a showdown on this question, and the Virginia Assembly stands at the Pass of Thermopalae to defend or surrender the personal freedom and liberty, handed to us at such great cost—at what great cost.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DOYLE, for March 15, on account of official business as subpenaed witness in district court.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOFFMAN of Michigan, for 10 minutes, on Tuesday, Wednesday, and Thursday next.

Mr. MICHEL (at the request of Mr. HALLECK), on March 16, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. JACKSON and to include extraneous matter.

Mr. MASON and to include extraneous matter.

Mr. DULSKI and to include an editorial.

Mr. ALGER.

Mr. FEIGHAN.

Mr. STRATTON and to include extraneous matter.

(At the request of Mr. HALLECK, the following Members were granted permission to revise and extend their remarks and include extraneous matter in the RECORD:)

Mr. PELLY.

Mr. MCDONOUGH.

(At the request of Mr. ALBERT, the following were granted permission to

extend their remarks in the CONGRESSIONAL RECORD and to include therein extraneous matter:)

Mr. VANIK.

Mr. DINGELL.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 15, 1960, at 12 o'clock noon.

REPORT OF COMMITTEES ON COUNTERPART FUNDS

Mr. BURLESON. Mr. Speaker, the Mutual Security Act of 1958, chapter IV, section 401(a), requires the Committee on House Administration to publish in the CONGRESSIONAL RECORD, within 10 legislative days after receipt, the consolidated report of each committee of the House using foreign currencies—counterpart funds—during the preceding year. Accordingly, there is shown herein, within the prescribed time limit, the consolidated report of the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Agriculture:

MARCH 1, 1960.

Counterpart funds

REPORT OF COMMITTEE ON FOREIGN AFFAIRS

(Foreign currency and U.S. dollar equivalents expended between Jan. 1, 1959, and Dec. 31, 1959)

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Australia	Pound	210.0.0	472.50	95.11.0	214.99	45.2.0	101.47	51.17.9	116.75	47.4.7	106.32	449.15.4	1,012.03
Belgium	Franc	1,550	31.00	3,355	67.10	5,650	113.00	1,215	24.30	600	12.00	12,370	247.40
Cambodia	Riel	1,659	47.40									1,659	47.40
Denmark	Kroner	1,346.95	192.38	1,472.55	210.42	574.90	82.27	150.00	21.42	77.00	10.98	3,622.40	517.47
France	Franc	2,321,318	4,738.02	996,435	2,031.54	664,100	1,354.44	198,800	405.48	73,435	149.74	4,254,088	8,679.22
Germany	Deutsche mark	235.12	55.86	3,303.15	784.66	1,764.87	419.33	311.07	73.90	951.24	225.93	6,565.45	1,559.68
Greece	Drachma	1,524	50.80	4,604	153.47	5,364	178.80	2,250	75.00	2,270	75.66	16,012	533.73
Hong Kong	Dollar	976.00	171.25	1,595.60	279.75	3,143.70	551.34	354.30	62.02	449.00	78.70	6,518.60	1,143.06
India	Rupee	227	47.51	1,597	335.20	1,371	288.00	571	120.00	1,148	241.19	4,914	1,031.90
Indonesia	Rupiah	2,715	60.33			6,975	155.00	540	12.00	270	6.00	10,500	233.33
Iran	Rial			41,949	551.96							41,949	551.96
Ireland	Pound	92.17.11	260.86	75.0.9	210.60	54.2.6	151.85	7.16.10	22.00	3.7.6	9.45	233.5.6	654.76
Israel	Pound	900.000	50.00	247.500	137.50	338.571	188.10	90.000	50.00	496.737	275.96	1,262.808	701.56
Italy	Lira	891,265	1,435.20	615,700	991.44	421,495	678.73	157,700	253.94	130,000	209.35	2,216,160	3,568.66
Japan	Yen	127,293	353.59	215,508	598.64	343,989	955.53	31,982	88.83	10,788	29.97	729,560	2,026.56
Jordan	Dinar	16	44.80			8	22.40	5	14.00	6	16.80	35	98.00
Korea	Hwan	14,860	29.72	930,635	1,861.27	99,320	198.64	67,200	134.40	31,600	63.20	1,143,615	2,287.23
Morocco	Franc	8,662	17.12	57,446	113.53	37,950	75.00	17,710	35.00	21,708	42.90	143,476	283.55
New Zealand	Pound	26.7.5	73.84	54.12.7	152.96	14.0.0	39.20	15.0.0	42.00	11.10.0	32.20	121.10.0	340.20
Pakistan	Rupee	1,676	354.20	31	6.65	350	73.50	630	132.31	186	38.93	2,873	605.59
Philippines	Peso	90.00	45.00	530.50	265.25	399.00	199.50	108.30	54.15	276.80	138.40	1,404.60	702.30
Poland	Zloty	110.00	2.00	840.00	15.27	1,914.00	34.80	70.00	1.27	1,279.32	30.53	4,213.32	83.37
Spain	Peseta	5,531	92.19	13,684	228.07	19,399	323.32	5,350	89.16	5,200	86.66	49,164	819.40
Switzerland	Franc	387.00	89.79	378.65	87.85	237.00	54.98	20.00	4.64	12.00	2.78	1,034.65	240.04
Taiwan	Dollar	520	13.00	8,000	200.00	3,518	87.94	1,200	30.00	3,600	90.00	16,838	420.94
Thailand	Baht	4,442	211.78	15,513.20	741.20	8,924	426.37	2,455	117.06	4,214	200.53	35,548.20	1,696.94
Turkey	Lira	135.09	15.01	1,530.00	170.00	2,047.73	227.53	918.00	102.00	836.06	92.89	5,466.88	607.43
United Kingdom	Pound	651.19.6	1,825.51	798.8.10	2,235.63	480.8.8	1,345.20	143.0.1	400.40	1,450.10	406.12	2,218.17.11	6,212.86
Vietnam	Piaster	28,135	390.77	32,501	451.41	8,432	117.10	5,513	76.57	7,758	107.75	82,339	1,143.60
Yugoslavia	Dinar			10,800	14.40	4,298	5.73	4,000	5.33	2,902	3.87	22,000	29.33
Total			11,171.43		13,110.76		8,449.07		2,563.93		1,784.81		38,080.00

THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs.

MARCH 3, 1960.

REPORT OF COMMITTEE ON WAYS AND MEANS

(Foreign currency and U.S. dollar equivalents expended between Jan. 1, 1959, and Dec. 31, 1959)

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Burma	Chat	•		448	95.00	327	72.00	69	15.00	151	30.00	995	212.00
China	Dollar	990	175.00	1,000	176.00	840	143.00	110	20.00	190	35.00	3,130	549.00
England	Pound			80	235.00	60	160.00	10	25.00			150	420.00
France	Franc	59,000	120.00	162,400	332.00	118,600	242.00	15,000	30.00	47,000	96.00	402,000	820.00
Germany	Deutsche mark	39,996.18	9,522.90									39,996.18	9,522.90
Greece	Drachma	1,300	43.00	3,300	111.00	2,550	84.00	450	15.00	1,400	47.00	9,000	300.00
India	Rupee	810	170.00	1,275	270.00	950	190.00	85	20.00	225	45.00	3,345	695.00
Iraq and Iran	Dinar			20	55.00	13	38.00	7	20.00			40	113.00
Israel	Pound	435	242.00	437	231.00	327	191.00	36	22.00			1,235	686.00
Italy	Lire	50,239	81.00	138,100	223.00	81,000	130.00	19,000	30.00			288,339	464.00
Japan	Yen	138,521	387.00	512,500	1,433.00	277,000	742.00	22,330	53.00	70,910	218.00	1,021,261	2,833.00
Jordan	Dinar	14	40.00	18	60.00	12	35.00	6	15.00			50	150.00
Lebanon	Pound	90	25.00	225	70.00	115	35.00	51	15.00			468	145.00
Pakistan	Rupee			310	70.00	292	65.00	48	10.00			650	145.00
Total			10,805.90		3,361.00		2,127.00		290.00		471.00		17,054.90

WILBUR D. MILLS,
Chairman, Committee on Ways and Means.

MARCH 7, 1960.

REPORT OF COMMITTEE ON THE JUDICIARY

(Foreign currency and U.S. dollar equivalents expended between Jan. 1, 1959, and Jan. 1, 1960)

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
Argentina	Peso	18,000.00	216.87	12,000.00	144.58	18,000.00	216.86	6,000.00	72.29	6,000.00	72.29	60,000.00	722.89
Brazil	Cruzeiro	51,000.00	113.77	34,000.00	75.84	51,000.00	113.76	17,000.00	37.92	17,000.00	37.92	170,000.00	379.21
France	Franc	1,117,651.20	2,250.62	745,100.80	1,500.40	1,117,651.20	2,250.61	372,550.40	750.21	372,550.40	750.20	3,725,504.00	7,502.04
Germany	Deutsche mark	12,656.61	3,013.50	8,437.74	2,009.00	12,656.61	3,013.50	4,218.87	1,004.50	4,218.88	1,004.50	42,188.71	10,045.00
Italy	Lira	2,403,855.30	3,841.89	1,602,570.20	2,561.25	2,403,855.30	3,841.89	801,285.10	1,280.63	801,285.10	1,280.63	8,012,851.00	12,806.29
Netherlands	Guilder	7,680.26	2,024.26	5,120.16	1,349.52	7,680.26	2,024.28	2,560.08	674.76	2,560.08	674.76	25,600.84	6,747.59
Switzerland	Franc	6,836.00	1,582.16	4,557.34	1,054.77	6,836.00	1,582.15	2,278.67	527.38	2,278.66	527.38	22,786.67	5,273.84
United Kingdom	Pound		968.00		645.32		968.00		322.67		322.67	1,421.195.00	3,226.66
Hong Kong	Dollar	4,516.86	792.44	3,011.24	528.29	4,516.86	792.43	1,505.62	264.14	1,505.62	264.14	15,056.20	2,641.44
Japan	Yen	69,490.20	193.04	46,326.80	128.69	69,490.20	193.03	23,163.40	64.34	23,163.40	64.34	231,634.00	643.43
Korea	Hwan	7,893.00	15.79	5,262.00	10.52	7,893.00	15.79	2,631.00	5.26	2,631.00	5.26	26,310.00	52.62
Philippines	Peso	2,898.00	14.49	1,932.00	9.66	2,898.00	14.49	966.00	4.83	966.00	4.83	9,660.00	48.30
Morocco	Franc	39,000.00	77.23	26,000.00	51.49	39,000.00	77.23	13,000.00	25.74	13,000.00	25.74	130,000.00	257.43
Spain	Peseta	34,644.30	493.50	23,096.20	329.00	34,644.30	493.50	11,548.10	164.50	11,548.10	164.50	115,481.00	1,645.00
Senegal	Franc	9,318.00	38.03	6,212.00	25.35	9,318.00	38.03	3,106.00	12.68	3,106.00	12.68	31,060.00	126.77
Denmark	Krone	180.00	26.09	120.00	17.40	180.00	26.09	60.00	8.69	60.00	8.69	600.00	86.96
Belgium	Franc	750.00	15.00	500.00	10.00	750.00	15.00	250.00	5.00	250.00	5.00	2,500.00	50.00
Poland	Zloty	5,314.05	96.62	3,542.70	64.42	5,314.05	96.62	1,771.35	32.20	1,771.35	32.20	17,713.50	322.06
Taiwan	Dollar	988.50	24.71	659.00	16.48	988.50	24.71	329.50	8.24	329.50	8.24	3,295.00	82.38
Egypt	Pound	8,355.00	20.89	5,570.00	13.93	8,355.00	20.90	2,785.00	6.97	2,785.00	6.97	27,850.00	69.66
Iraq	Dinar	3,669.00	10.28	2,446.00	6.85	3,669.00	10.27	1,223.00	3.42	1,223.00	3.42	12,230.00	34.24
Jordan	do	13,128.00	96.76	8,752.00	64.51	13,128.00	96.76	4,376.00	32.25	4,376.00	32.25	43,760.00	322.53
Lebanon	Pound	810.00	256.33	540.00	170.89	810.00	256.33	270.00	85.44	270.00	85.44	2,700.00	854.43
Sudan	do	43,914.00	126.92	29,276.00	84.61	43,914.00	126.91	14,638.00	42.30	14,638.00	42.30	146,380.00	423.04
Total			16,309.19		10,872.77		16,309.14		5,436.36		5,436.35		54,363.81

EMANUEL CELLER,
Chairman, Committee on the Judiciary.

Report of Committee on Agriculture, House of Representatives, U.S. foreign currency and U.S. dollar equivalents

Country	Name of currency	Foreign currency	U.S. dollars
Austria	Shilling	8,000.00	307.68
Italy	Lira	1,256,979.00	2,023.13
Germany	Deutsche mark	3,5058.60	8,375.28
Brazil	Cruzeiro	14,6319.00	1,121.51
Colombia	Peso	3199.00	400.88
Israel	Pound	551.500	322.10
Netherlands	Guilder	2,189.60	576.21
Spain	Peseta	37,565.00	626.08
Argentina	Peso	9,800.00	150.77
United Kingdom	Pound	1,002.00	3,369.90
France	Franc	4,444,85.00	9,070.64
Morocco	do	193,700.00	383.56
Poland	Zloty	111,723.80	2,234.66
Austria	Shillings	5,224.20	200.92
Greece	Drachma	13,414.00	447.13
India	Rupee	4,000.00	842.10
Japan	Yen	41,493.00	115.26
Switzerland	Franc	1,000.00	230.95
Belgium	do	15,660.00	113.20
Australia	Pound	23,16.10	43.64
Ceylon	Rupee	237.00	50.11
Denmark	Kroner	51,90.10	752.46
Peru	Sol	10,233.75	379.03
			31,678.75
			307.68
Total			31,986.43

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1942. A communication from the President of the United States, transmitting a report on Federal transportation policy and program, submitted to him by the Secretary of Commerce; to the Committee on Interstate and Foreign Commerce.

1943. A letter from the Chairman, Federal Comunications Commission, transmitting a copy of the report on backlog of pending applications and hearing cases in the Federal Communications Commission as of December 31, 1959, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

1944. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation entitled "a bill to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service to civilian officers and employees of the United States, and for other purposes"; to the Committee on Post Office and Civil Service.

1945. A letter from the Librarian of Congress, transmitting a report of the affairs of the Library of Congress, including the copyright business, for the fiscal year ending June 30, 1959, pursuant to law; to the Committee on House Administration.

1946. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 5, 1960, submitting a report, together with acompanying papers and an illustration on a review of reports on Manistee Harbor, Mich., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 29, 1955 (H. Doc. No. 358); to the Committee on Public Works and ordered to be printed with one illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. ZABLOCKI: Committee on Foreign Affairs. Fourteenth report on the General Assembly of the United Nations (Rept. No. 1385). Referred to the Committee of the Whole House on the State of the Union.

Mr. PILCHER: Committee on Foreign Affairs. Report of the Special Study Mission to Asia, Western Pacific, Middle East, Southern Europe, and north Africa. (Rept. No. 1386). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 1176. A bill to amend the act of August 9, 1946 (60 Stat. 968), providing for the preparation of a membership roll of the Indians of the Yakima Reservation; with amendment (Rept. No. 1387). Referred to the Committee of the Whole House on the State of the Union.

Mrs. PFOST: Committee on Interior and Insular Affairs. S. 1358. An act to authorize the Secretary of the Interior to provide a headquarters site for Mount Rainier National Park in the general vicinity of Ashford, Wash., and for other purposes; with amendment (Rept. No. 1388). Referred to the Committee of the Whole House on the State of the Union.

Mrs. PFOST: Committee on Interior and Insular Affairs. H.R. 9543. A bill to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes; without amendment (Rept. No. 1389). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRISON: Committee on Ways and Means. H.R. 9322. A bill to make permanent the existing suspension of duties on certain coarse wool; with amendment (Rept. No. 1390). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 11133. A bill to permit Federal employees to repay indebtedness or purchase shares of Federal credit unions through voluntary payroll deductions; to the Committee on Banking and Currency.

By Mr. BENTLEY:

H.R. 11134. A bill to amend title II of the Social Security Act to reduce from 72 to 70 the age at which deductions on account of an individual's outside earnings will cease to be made from such individual's benefits thereunder; to the Committee on Ways and Means.

By Mr. BROYHILL:

H.R. 11135. A bill to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to

create an interstate transportation agency; and for other purposes; to the Committee on the District of Columbia.

By Mr. DOWNING:

H.R. 11136. A bill for the relief of the Princess Anne County School Board, Virginia; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 11137. A bill to clarify the law with respect to transportation of airmail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GALLAGHER:

H.R. 11138. A bill to extend the Sugar Act of 1948 for 4 years and to authorize the President to reduce quotas to Cuba where necessary to protect the national interest; to the Committee on Agriculture.

By Mr. McFALL:

H.R. 11139. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. MURRAY:

H.R. 11140. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11141. A bill to broaden the scope of the postal fraud statutes to cover enterprises operating under false pretenses, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NORBLAD:

H.R. 11142. A bill to designate the Green Peter Dam and Reservoir on Middle Santiam River, Oreg., as the Richard Neuberger Dam and Reservoir; to the Committee on Public Works.

By Mr. REES of Kansas:

H.R. 11143. A bill to broaden the scope of the postal fraud statutes to cover enterprises operating under false pretenses, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RHODES of Arizona:

H.R. 11144. A bill to extend the minimum national marketing quota for extra long staple cotton to the 1961 crop; to the Committee on Agriculture.

H.R. 11145. A bill to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Agriculture.

By Mrs. ROGERS of Massachusetts (by request):

H.R. 11146. A bill to change the method of payment of Federal aid to State or territorial homes for the support of disabled soldiers, sailors, airmen, and marines of the United States; to the Committee on Veterans' Affairs.

By Mr. WALTER:

H.R. 11147. A bill providing for the appointment of one additional temporary district judge for the middle district of Pennsylvania; to the Committee on the Judiciary.

By Mr. ZELENKO:

H.R. 11148. A bill to amend the Library Services Act to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. JOHNSON of Wisconsin:

H.R. 11149. A bill to create a National Peace Agency and to prescribe its functions; to the Committee on Foreign Affairs.

By Mr. KING of California:

H.R. 11150. A bill to amend title II of the Social Security Act to extend the period during which State agreements for social security coverage of State and local employees may be made retroactive; to the Committee on Ways and Means.

By Mr. ROOSEVELT:

H.R. 11151. A bill to amend the Administrative Procedure Act to guarantee protection of certain basic civil liberties for the employees and agents of contractors with the United States and other U.S. citizens; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 11152. A bill to provide Federal assistance for projects which will demonstrate or develop techniques and practices leading to a solution of the Nation's juvenile delinquency control problems; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas:

H.R. 11153. A bill to amend the Internal Revenue Code of 1954 so as to provide that lawful expenditures for legislative purposes shall be allowed as deductions from gross income; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H.R. 11154. A bill to amend the Library Services Act in order to extend for 5 years the authorization for appropriations, and for other purposes; to the Committee on Education and Labor.

H.R. 11155. A bill to amend the Administrative Procedure Act to guarantee protection of certain basic civil liberties for the employees and agents of contractors with the United States and other U.S. citizens; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 11156. A bill to amend title II of the Social Security Act to provide, for any individual receiving disability insurance benefits, a period of trial work during which the performance of services by such individual will not terminate his entitlement to such benefits; to the Committee on Ways and Means.

By Mr. HOFFMAN of Michigan:

H.R. 11157. A bill to amend the Internal Revenue Code of 1954 to provide tax relief for certain self-employed individuals and members of partnerships in cases where a portion of the net income of the trade or business involved is reinvested in capital improvements; to the Committee on Ways and Means.

By Mr. JOHNSON of Colorado:

H.R. 11158. A bill to increase from $4,800 to $6,000 the amount of annual earnings which may be taken into account in computing benefits under title II of the Social Security Act and which are subject to social security taxes; to the Committee on Ways and Means.

H.R. 11159. A bill to amend title II of the Social Security Act to provide that an individual's benefits shall be reduced under the work clause only by an amount equal to one-half of the amount of his excess earnings (over $1,200), and to increase to $40 the minimum benefit payable under such title; to the Committee on Ways and Means.

By Mr. McCULLOCH:

H.R. 11160. A bill to amend the Civil Rights Act of 1957 by providing for court appointment of U.S. voting referees, and for other purposes; to the Committee on the Judiciary.

By Mr. MORRIS of New Mexico (by request):

H.R. 11161. A bill to donate to the pueblos of Zia and Jemez a tract of land in the Ojo del Espiritu Santo grant, New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. RANDALL:

H.R. 11162. A bill to amend title 38, United States Code, to establish a program for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. TOLLEFSON:

H.R. 11163. A bill to further amend the shipping laws to prohibit operation in the coastwise trade of a rebuilt vessel unless the entire rebuilding is effected within the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HIESTAND:

H.R. 11164. A bill for the relief of certain defense-related company employees who performed services during 1953, 1954, and 1955 on a temporary duty basis in the area of Edwards Air Force Base, Calif., or Air Force Plant 42, Palmdale, Calif.; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By Mr. LANE: Memorial of the Commonwealth of Massachusetts, memorializing the Congress of the United States to enact a Federal Area Redevelopment Act; to the Committee on Banking and Currency.

Also, memorial of the Commonwealth of Massachusetts, memorializing the Congress of the United States to enact legislation outlawing discrimination in employment because of age; to the Committee on Education and Labor.

By the SPEAKER: Memorial of the Legislature of the State of Kentucky, memorializing the President and the Congress of the United States to consider appropriate legislation to prohibit the construction of bridges across the Ohio River which do not have adequate clearance for river traffic; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation outlawing discrimination in employment because of age; to the Committee on Education and Labor.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation amending the social security law to raise the maximums which may be earned under the law; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of South Carolina memorializing the President and the Congress of the United States relative to commending the 18 U.S. Senators from the South on their courageous stand in opposing the proposed civil rights legislation pending in the U.S. Senate; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Virginia, memorializing the President and the Congress of the United States relative to proposing an amendment to the Constitution of the United States relating to the powers of the States to establish, maintain, and exclusively control systems of public education; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Ohio:

H.R. 11165. A bill for the relief of Robert J. Reeves; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 11166. A bill for the relief of C. W. Jones; to the Committee on the Judiciary.

By Mr. KEARNS:

H.R. 11167. A bill for the relief of William L. Nystrom; to the Committee on the Judiciary.

By Mr. KING of Utah:

H.R. 11168. A bill to authorize the Secretary of the Interior to issue patents in fee to certain persons to lands located in the State of Utah; to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

370. By Mr. BARR: Petition of Local No. 130 of the National Federation of Post Office

Clerks, adopted on February 13, 1960, opposing any speedup system; to the Committee on Post Office and Civil Service.

371. By Mr. HALEY: Petition of the Board of County Commissioners, Manatee County, Bradenton, Fla., requesting the appropriation of funds for the completion of construction of the Intracoastal Waterway from the Caloosahatchee River to the Anclote River, Fla., during the next Federal fiscal year; to the Committee on Appropriations.

372. By the SPEAKER: Petition of the chairman, Board of County Commissioners, Hillsborough County, Tampa, Fla., petitioning consideration of their resolution with reference to providing funds for the continuance of construction of the Intracoastal Waterway from the Caloosahatchee River to the Anclote River, Fla., during the next Federal fiscal year; to the Committee on Appropriations.

EXTENSIONS OF REMARKS

Tax Problems in Connection With Payment of Dues of Chamber of Commerce Members

EXTENSION OF REMARKS
OF
HON. NOAH M. MASON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. MASON. Mr. Speaker, the U.S. Treasury Department is now proposing to tax business and professional men's contributions or membership dues to chambers of commerce if and when those dues are used to present to the public the pros and cons of pending Federal legislation. The excuse used for this new ruling is that presenting the pros and cons of pending legislation to the public is lobbying.

Mr. Speaker, on December 29, 1959, the U.S. Treasury Department published a final regulation, to be effective immediately, covering the administrative policy on the tax status of expenditures for lobbying purposes and payments to labor unions or trade associations. Prior to this publication in the Federal Register, the Internal Revenue Service had held a public hearing on November 12 and 13, 1959, at which time more than 40 witnesses testified in opposition to the regulation. Approximately 200 written comments were received by the Internal Revenue Service also protesting the issuance of these regulations. Despite the opposition from interested and affected taxpayers and organizations, these regulations were published unchanged. The regulations purport to explain the administrative enforcement policy as to items which will be deductible for Federal income tax purposes as "ordinary and necessary" business expenses. In the area of legislative activities or lobbying the regulations limit the tax status as follows:

> Expenditures for lobbying purposes, for the promotion or defeat of legislation, for political campaign purposes (including the support of or opposition to any candidate for public office), or for carrying on propaganda (including advertising) related to any of the foregoing purposes are not deductible from gross income.

As to the tax status of payments made by a taxpayer to an organization which he may financially support, the regulations provide that:

> Dues and other payments to an organization, such as a labor union or a trade association, which otherwise qualify as business expenses, are deductible in full unless a substantial part of the organization's activities consists of those activities listed above.

These regulatory limitations have the effect of questioning the taxpayers' tax deductibility of legislative activities or so-called propaganda activities which a taxpayer may use on his own behalf or through a trade association which he may support financially and which he may consider an appropriate ordinary and necessary business expense.

Mr. Speaker, the broad scope and ambiguities of the terms used in this administrative policy will no doubt pose difficult problems for taxpayers in seeking to determine in advance what tax consequences may result from their having made expenditures or payments of this type. There has been widespread concern that because of these ambiguities and lack of definitive criteria that this administrative enforcement policy will result in a form of governmental censorship or limit the presentation of views on matters of government—at all levels of government.

Congress has never limited the tax status of ordinary and necessary business expenses in the manner or form covered by the regulations. The terms "lobbying purposes," "propaganda," are not defined nor is there any definition as to what type or degree of activities will constitute a "substantial part" of an organization's activities.

Congress has never expressed a legislative intent to use the tax laws as a means of curtailing the expression of views by taxpayers, or their organizations, on matters which relate to their business or their right to stay in business. Congressional clarification through legislation appears to be the only effective means whereby this problem can be resolved.

Mr. Speaker, several bills have been introduced in the Congress which provide relief and clarification in this area. These bills are H.R. 7123, H.R. 10272, and H.R. 10502. These bills have been introduced by Congressmen HALE BOGGS, Democrat of Louisiana, WILLIAM E. MILLER, Republican of New York, and JOHN A. LAFORE, Republican of Pennsylvania, respectively. These bills would amend Revenue Code section 162 by adding a new paragraph authorizing the tax deductibility of the following:

> (4) expenses lawfully incurred in supporting or opposing or otherwise influencing legislation in the Congress or in a State legislature or in the legislative body of a county or other local governmental agency or in any submission of proposed legislation to the voters.

In order for taxpayers to utilize this tax deduction, if it is enacted, it would be necessary that the payments meet two basic and restrictive criteria: (a) the expenses would have to be ordinary and necessary to the business of the taxpayer or be related to the production of income; and (b) the expenses would have to be lawfully incurred and thus the payments or expenses would not qualify if they violated any laws, such as the bribery and graft provisions of the Criminal Code or the Corrupt Practices Act.

Also within the provision of these bills would be the type of expenses which meet the foregoing limitations but relate to the submission of proposed legislation to the voters as in a State initiative or referendum.

The 41st Anniversary of the American Legion

EXTENSION OF REMARKS
OF
HON. THADDEUS J. DULSKI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. DULSKI. Mr. Speaker, on March 15, 1919, some 463 officers and enlisted men, representing the combat divisions and major units of the Services of Supply of the American Expeditionary Force, met in Paris. One of the moving spirits was Theodore Roosevelt, Jr., son of the great President; another was Bennett Champ Clark, son of the then Speaker of the House of Representatives, a future Senator and judge. The one was a Republican; the other, a Democrat. At this meeting the American Legion was born. From this initial gathering sprang the meeting at St. Louis on the following May 10, when the Legion came formally into being. To the constitution adopted for their organization the veterans of World War I affixed the following preamble:

> For God and country we associate ourselves together for the following purposes:
>
> To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a 100-percent Americanism; to preserve the memories and incidents of our association in the Great War; to inculcate a sense of individual obligation to the community, State and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

From these original 463 men, the Legion has grown to number 2,702,992 in 1959 and 2,026,637 members, as of the 4th of February of this year.

I am proud indeed to be a member of the Adam Plewacki American Legion

Post No. 799, Buffalo, N.Y. It is with no small satisfaction that ours is not only the largest post in the State of New York, with 3,862 members, as recorded last year, but actually the seventh largest in the Nation. On January 19, our post had 3,900 members with still 10 months to go.

Since the Legion was founded, 41 years ago, its members have passed through a record World War. We pray that there may never be another; but whatever befalls, as we enter upon the fourth decade of our existence, we rededicate ourselves "For God and Country," bound one to another in a tie which shall not be broken.

Balancing the Budget and Reducing the National Debt

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. PELLY. Mr. Speaker, I take this means of calling to the attention of my colleagues that I have introduced House Joint Resolution 656 which proposes an amendment to the Constitution of the United States relative to the balancing of the budget.

Similar legislation, I should explain, has just been introduced in the Senate by the Senator from New Hampshire [Mr. BRIDGES], the Senator from Nebraska [Mr. CURTIS], and the Senator from Virginia [Mr. BYRD].

This proposal if adopted and made a part of the Constitution would end Federal deficit financing or, to put it another way, it would establish a policy of a balanced annual budget with a net annual reduction in the national debt of not less than $500 million a year. The amendment would require that Congress not adjourn until provision has been made to balance the Government's annual revenue with its annual expenditure plus a minimum payment on the national debt. In the event of war or other grave emergency under the provisions of this proposed amendment to the Constitution, by vote of Congress operation of the balanced budget and reduction of debt could be suspended.

In previous remarks to the House, I have pointed out that paying off the national debt takes less taxpayers' dollars per year than continuing and paying interest over a period of 100 years.

All sorts of suggestions have been made to stiffen the backbone of Congress and force Members to either vote for more taxes or to vote for reduced appropriations. The only workable answer that I can envisage is embodied in House Joint Resolution 656 because it would write the policy into the Constitution and make fiscal responsibility mandatory.

Here is a plan in which every young American has a vital interest. I dedicate it to the grandchildren of America. In addition, let me add, it would assure victory in our forthcoming economic struggle with communism.

I hope other Members in both House and Senate will join in support of this important proposal.

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. ALGER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my newsletter of March 12, 1960:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Texas, March 12, 1960)

H.R. 5, a bill to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance, surprisingly never came to a vote after debate. The laudable enacting clause in the view of many was not matched by the contents of the bill. Most approved the original intent of deferring U.S. income tax until earnings were brought into the United States. Many felt misgivings over the foreign competition in low wage-cost areas hurting U.S. industry.

Other arguments against the bill included: (1) A complicated bill under closed rule (no amendments permitted) should be carefully explained in debate and understood. Few, including Ways and Means Committee members, understand this technical bill, so different from the original bill on which hearings were held; (2) two other bills, comprising the sections stricken from the original bill have yet to be considered and are related to H.R. 5. Perhaps the uncertainty surrounding the bill was best described by the minority views * * * "further work should be done in committee to find answers to the many problems that either are unanswered in this bill or are created by the bill."

The authorization of appropriations for the National Aeronautics and Space Administration (NASA) of $915 million provided for: salaries and expenses, $171 million; research and development, $621 million; and for construction and equipment, $122.7 million. This was $113 million more than originally budgeted but was requested by the administration. The manned satellite, missile systems, propulsion engines, new space vehicles, and tracking systems were all included under research and development. Although appropriation of the money comes later (after this authorization) there is little disagreement or doubt that Congress will approve the expenditure. So far as we know this is all the money that can be used. The bill passed handily.

The military construction authorization bill passed with little difficulty. This bill, similar to the NASA bill, is so comprehensive that Members accept generally the committee members' views. The absence of controversy usually suggests a sound bill. Of the $1,104 million, less than $150 million was allocated for expenditure outside continental United States. Texas' total was $23.6 million, with Dallas receiving $2.6 million for the naval air station and Army Reserve center (No. 3). Four hundred and seventy-seven total installations are covered in the Army, Navy, Air Force, Department of Defense, and Reserve components.

The civil rights debate in the House contrasted sharply with the unlimited debate of the Senate (see Newsletter, March 5). A tight time allocation limited all House Members, with members of the Judiciary Committee, responsible for the bill's explanations, getting preference. The 15-hour rule was cut short by House leadership agreement, further limiting the time allocation, a strange and dangerous move, it seems to me. Controversial issues need to be thoroughly thrashed out.

Actually, all House Members start with the same belief, enunciated by the President, namely: (1) the rule of law is supreme; (2) every individual is entitled to equal protection of the laws. Proponents of civil rights legislation are sure that southern Negroes are denied these basic principles. Opponents of this civil rights bill generally are sure that Negroes are not mistreated; northerners do not understand; this bill is the wrong approach; and even greater discrimination against the Negro exists outside the South, to which many close their eyes.

Many Congressmen doubt that in the heat of an election year, this highly emotional issue will or can be properly solved. Though politics is ever present, the sincerity of many on both sides is quite evident. Surprisingly good humor is the rule, not the exception. Questions I have raised in debate include: (1) Does this bill permit several prosecutions for the same act? (2) Will the Judiciary Committee approve the additional Federal judgeships needed, particularly in view of the added work entailed by this bill? (3) Why pass more civil rights legislation without reports from the Civil Rights Commission? (4) Why get into other fields than voting rights? (Fugitive from justice in property destruction; education; court obstruction, etc?). (5) Why should Federal Government interfere in local and State elections? (6) How can another Federal law solve an evolutionary process in human relations? Behind this facade of gentlemanly debate lurks the political expediency of an election year. Unfortunately, the rights of the majority, rather, of all citizens may be jeopardized or violated by well-intentioned, zealous citizens trying to protect what they are sure are violations of a minority groups' rights. Not forgotten by some is the threat of race riots which are potentially far more dangerous in the northern cities (Washington, Philadelphia, New York, Cleveland, Detroit) than in the South. Next week amendments may improve or water down the bill, depending on your viewpoint. Either way, a rough road lies ahead.

Prayer in House by Rt. Rev. Theodore J. Kojis

EXTENSION OF REMARKS
OF
HON. CHARLES A. VANIK
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. VANIK. Mr. Speaker, I am pleased to inform my colleagues that the prayer opening today's session of the House was delivered by a distinguished resident and religious leader of the congressional district which it is my honor to represent. Serving as today's guest Chaplain, the Right Reverend Theodore J. Kojis, O.S.B., abbot of St. Andrews Abbey in Cleveland, Ohio, represents the Slovak community of America which today commemorates the 21st anniversary

of the proclamation of Slovak independence.

Abbot Kojis' prayers are offered as an inspiration of hope and courage to Slovaks behind the Iron Curtain whose misfortune and enslavement are a constant reminder to freedom-loving people everywhere of how precious is our liberty.

We cannot take our democracy for granted. We need only look around the world at those regrettable instances where sovereign peoples embraced an ideology only to find that they surrendered their freedom and lost their national integrity.

Suckers for a Slogan

EXTENSION OF REMARKS
OF
HON. DONALD L. JACKSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. JACKSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial:

[From the Honolulu Star-Bulletin, Feb. 29, 1960]

SUCKERS FOR A SLOGAN

Some people are suckers for a slogan.

"Federal aid to education" is a rolling phrase and there are persuasive spokesmen who speak of it as a way to bring quick improvement to the Nation's school buildings, and quick advances in teachers' salaries.

We hear few voices asking if there isn't a better way to accomplish these desired results. But these few voices are critical and pointed.

One sharp critic is Representative DONALD L. JACKSON, Republican, of Santa Monica, Calif.

He makes some trenchant points:

Not only is the $1.8 billion aid to education bill inflationary, but, by including money for teachers' salaries "makes inescapably clear the fact that passage of the bill must bring Federal direction of American education. The political implications of federally paid teachers is so clear as to require no elaboration."

From the very beginning of public education in this country, it has been recognized by educators and politicians alike that the real foundation of democracy is locally controlled schools. Federal school systems are for dictatorships.

Representative JOHN W. BYRNES of Wisconsin comments:

"The plain facts are that in the last 10 years, this Nation has undergone the greatest expansion of public education in the history of any nation in the world and without general Federal aid.

"Since 1950, public school expenditures have risen from $5.8 billion to $14.4 billion and teachers' salaries, on the average, have gone up from $3,010 a year to $5,160, or 71 percent. Classrooms have increased 30 percent since 1954, and the number of pupils per classroom is down from 30.6 to 28.1.

"During the present administration, an average of 62,725 classrooms per year have been built, three times as many as during Truman's administration and almost 6 times as many as during F.D.R.'s. The spenders know that time is running out on them, insofar as making a case for Federal aid to education.

"Thus, in one fell swoop, the Senate decided to wipe out at least one-quarter of a surplus badly needed to fight inflation and restore fiscal stability."

Representative JACKSON, who visited Hawaii as a fighting marine during World War II, and was here briefly last year on Marine Reserve duty, makes another point that Hawaii's delegation in Congress would do well to consider.

"We do not intend to vote to seat Uncle Samuel as an ex-officio member of the school boards of Los Angeles, Santa Monica, and Beverly Hills. These communities have built fine schools by the hundreds, and are meeting the problems of exploding population in a businesslike way.

"Passage of the instant bill would mean that California and the taxpayers of that State not only would pay for hundreds of schools that must be built in the next few years, but would also be required to finance, in part, the construction of schools elsewhere throughout the land."

And so would Hawaii. The more prosperous States, which include Hawaii, would, through Federal aid, have to contribute to the less prosperous ones—Mississippi, Alabama, Georgia, Arkansas.

Furthermore it costs money to collect taxes in Hawaii, take the money to Washington, shuffle it around among hundreds of bureaucrats—all of whom have to be paid—and then return it to Hawaii.

The sooner we get over the notion that Federal aid is "free money" the better. The sooner we realize that for Hawaii, at least, some Federal aid can be a losing proposition, the more we will come to realize that local solutions of our educational problems will give us more money to do the job in the long run—at less cost to Hawaii's taxpayers.

A Modest Proposal for Narrowing Any Possible Missile Gap Even More Rapidly—Put Polaris Missiles on Surface Ships

EXTENSION OF REMARKS
OF
HON. SAMUEL S. STRATTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. STRATTON. Mr. Speaker, in the past few weeks, as the debate with regard to any possible missile gap in the years immediately ahead has continued, more and more Members have recognized the tremendous potentialities of the Polaris ballistic-missile-firing submarine as a source of nuclear deterrent power for this country which is far more invulnerable than the present manned bombers of our Strategic Air Command, and which is today almost within our grasp as an operational weapon.

President Eisenhower himself has recognized the importance of Polaris, a weapon capable of ranging the seas at will and carrying a deterrent nuclear power which can be brought to bear on the Soviet Union at ranges much shorter than those required of an intercontinental ballistic missile. So important are the advantages of this remarkable new system, that many of us feel it should be developed even more rapidly than the President has requested, so that any possible gap between Soviet missile capabilities and our own can be narrowed just as quickly as we are humanly able to do. In that connection, I have myself introduced legislation to appropriate funds for the construction of some six additional Polaris ballistic-missile-firing submarines in the 1961 Defense Department appropriation bill. Even though these ships will be costly, totaling some $975 million for the six of them, the security of an invulnerable deterrent which they can afford is well worth the cost to us.

Nevertheless, even with these 6 additional ships we will have only 21 Polaris submarines, which is less than half the fleet which our Chief of Naval Operations, Admiral Burke, has said would be required to provide us adequate protection and deterrent power in this novel and invulnerable way. While Polaris will be available to us more quickly than other types of missile systems, it is still a weapon that will require time in order to be built in sufficient quantities, largely, of course, because of the necessity of constructing the highly complicated nuclear submarines which are such a vital part of the system.

But, Mr. Speaker, in the discussion of the Polaris missile it should not be overlooked that the missile itself is already operational and has actually demonstrated its capacity in exhausting tests by the Navy. Only the more delicate marriage of the missile itself with the nuclear submarine remains to be carried out, although I have no doubt that this too will turn out as satisfactorily as Admiral Raborn and his associates predict.

Now, the other day there came to my attention an article which I believe to be of great value to those of us who are interested in the national defense and which I feel merits the immediate attention of this body. In our concern with the Polaris nuclear submarine we may have overlooked the fact that in Polaris the United States already has available the first solid-propellant effective intermediate-range ballistic missile. Surely it would be a mistake if we were to fail to utilize this part of the Polaris system as fully and as rapidly as possible, even while we wait for additional nuclear submarines to be built. Surely in the quest for the almost complete invulnerability which the nuclear submarine can give to the overall Polaris system, we would be making a serious mistake to neglect the substantial defensive possibilities of the more moderate degrees of invulnerability that could also be attained by placing these solid propellant missiles, in the form in which they are already available today, on existing surface ships of the Navy.

I am advised that equipping surface ships for this type of activity would not be either greatly expensive nor would it take great time; and even though a surface ship would not, of course, have the degrees of invulnerability that would be characteristic of a nuclear submarine, by placing these missiles on a larger number of surface craft, doing it more rapidly and moving these craft over the surfaces of the ocean we would achieve a decree of dispersal and hence a very real measure of invulnerability which it

would be almost impossible for the Soviet Union to match. Without abandoning in any way the drive for increased production of Polaris submarines, Mr. Speaker, I believe we have a corresponding responsibility to the security of this Nation to make the missile itself available during this interim period for use on existing ships of the Navy, and perhaps even calling some ships back out of mothballs for this purpose.

Mr. Speaker, because I believe this proposal has such far-reaching consequences I commend it to my colleagues, and urge their attention to the article which appeared in Navy—the Magazine of Sea Power for March 1960 written by the brilliant military editor of the Washington Star, Mr. L. Edgar Prina.

Slovak Independence Day

EXTENSION OF REMARKS

OF

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 14, 1960

Mr. FEIGHAN. Mr. Speaker, under leave obtained, I insert in the RECORD an address I delivered in Cleveland on March 13 under the auspices of the Slovak League of America, at ceremonies commemorating the 21st anniversary of the proclamation of Slovak independence—Slovak Independence Day:

SLOVAK INDEPENDENCE DAY

I am honored by your invitation to speak on this eve of the anniversary day of Slovak independence. I deem it a privilege to associate myself with the ages-long inspiration and struggle of the Slovak people for their national independence. Long years of study of the Slovak nation and the aspirations of her people have convinced me that the cause of human freedom has a stanch and proven ally in the Slovak nation.

The cause of the Slovak nation has been much maligned in recent years, particularly since World War II. A concerted effort has been made to brand the leaders of the Slovak independence movement as Nazis or Nazi collaborators. This attack stems from several quarters and is by no means restricted to the propaganda organs of the Russian imperialists. Those who seek to degrade the cause of the Slovak nation play upon the general public's ignorance concerning the historic aspirations of that ancient and honored nation. The opponents of the national independence movement, whatever hue and color they may be, have made the Slovak nation the symbol of their determined effort to preserve organized tyranny, colonialism, and imperialism.

Because of recent attacks made against the just aspirations of the Slovak people, I would like to set the public record straight on several important points.

The first is that the Slovaks are a nation who trace their history back for more than 1,000 years. This history is replete with examples of the struggles of the Slovak people to throw off a wide variety of alien occupations and dominations. During and following World War I this popular movement toward self-government and complete national independence was led by Monsignor Hlinka, who founded the first truly democratic party in that country. Monsignor Hlinka had been imprisoned for his views on Slovak independence. He was released from prison and immediately went to Paris to plead the cause of the Slovak independence before the leaders of the great powers then meeting to work out a peace settlement. Following this appeal for the Slovak nation, Monsignor Hlinka returned to his homeland where shortly thereafter he was again jailed for insisting on the right of the Slovak people to absolute and complete national independence. These are some of the reasons why Monsignor Hlinka stands today as one of the bright symbols of his countrymen in their continuing struggle for national independence.

It is a fact of history that the Slovak nation became a part of the Czechoslovak federation against the will of most of her national leaders. It is also a fact of history that the Slovak people were treated as second class citizens by the Benes regime which ruled the Czechoslovak federation following the death of Thomas Masaryk. It is little wonder then that the Slovak people felt no sense of loyalty for the Benes regime and others associated with him in discriminating against the natural rights of the Slovak people. It is understandable that the Benes regime was thus unable to stand up against the dictator Hitler and as a consequence, both the Czech and Slovak people were viewed as easy game for the tyrant on the march. With the fall of Czechoslovakia, it was to be expected that the Slovak people, true to their traditions, would make a renewed effort for their national independence. History records that the Slovak people declared their national independence and being caught between the totalitarianism pincers of nazism and Russian communism, fought a valiant battle to preserve their identity as a nation. Hitler attempted to make Slovakia a vassal state, completely subservient to the will of nazism, and in this effort he failed completely. Thus the Slovak people and their leaders were faced with the task of preventing both the Nazis and Russian Communists from gaining a foothold in their country.

During the days of World War II the Slovak leaders had the single purpose of preserving the national integrity of their country. This was a tremendous challenge because agents of the twin tyrannies of nazism and Russian communism were attempting to destroy the newly independent state. In these circumstances the Communists charged the Slovak independence leaders with being Nazi collaborators, and at the same time, Nazi agents were seeking to take over the country under the guise of protecting it against Communist infiltration. These are the facts in the case. These are the facts I have found after many years of careful and intensive study of the role of Slovakia during World War II.

The price Benes paid to the Russians for the reconstruction of the Czecho-Slovak federation was complete subservience to the masters in the Kremlin. The treaty which Edward Benes signed with the Russians at a Kremlin meeting during the closing days of World War II led to the Communist enslavement of both the Czech and Slovak nations. This was a terrible price to pay but Edward Benes, whatever his motives may have been, was prepared to pay this price.

It is important to know that in contrast to the charges being made against the Slovak nation by Communist agents in the free world, the leaders of the Russian Kremlin are attempting to win the loyalty of the Slovak people by recognizing the popular aspirations for complete national independence. It is a well known fact that the Russians have attempted to secure support and approval from the leaders of the Catholic Church in Slovakia in exchange for granting their country complete national independence. It is to the everlasting credit of the leaders in Slovakia that they have refused to engage in any deals or bargains with the Russians even when it involves a promise of national independence. The Slovak people and their leaders know that the only way they will be victorious in their fight for national independence is to remain firmly attached to the spirit of individual liberty and freedom. They also know that any deals with the Russian imperialists would be selling their rich heritage for a mess of pottage.

I am convinced beyond any doubt that the most powerful force at work in the world today is the national independence movement. We have seen the inspiring victories of this movement in farflung parts of the world, from south and southeast Asia to the Middle East and Africa. No less than 20 nations have won their national independence since the end of World War II. The day is not far distance when every colonial and dependent territory in the free world will have its national independence and complete self-government. This powerful human force is the moving spirit among the masses behind the Russian Iron Curtain. The captive nations behind that Iron Curtain are struggling to throw off the chains of the new Russian imperialism, the new Russian colonialism. In this struggle the Slovak nation takes second place to none, because the people of Slovakia are in the vanguard of this national independence movement. I am equally convinced that the Russians are finding it impossible to hold their empire together and that they desperately seek the cooperation of the United States in maintaining their slave empire. This is the real meaning of status quo. This explains the frantic efforts of the Russians to force the United States, France, and Great Britain into a second summit conference. Therefore the second summit conference to be held in Paris May 16 presents a great opportunity for President Eisenhower—an opportunity which he must seize if our country is to maintain its leadership as champion of a peace with justice for all nations and people. President Eisenhower can strike a powerful blow for the cause of peace with justice by going to Paris with a dynamic political action program. Here is what I mean by a dynamic political action program.

The 86th Congress enacted the Captive Nations Week Resolution which is now known as Public Law 86-90. Public Law 86-90 is a public declaration of American foreign policy and intention toward all the nations and people held in Communist bondage. This declaration of intention states simply and clearly that the United States recognizes the right of all these submerged nations to their national independence. It is imperative that President Eisenhower make certain that the Russians understand that we mean business by the terms of this resolution. He can do this best by challenging the Russians to permit free and unfettered elections in all the captive nations, such elections to be under United Nations supervision.

Such action on the part of President Eisenhower will put into sharp focus the basic and fundamental cause of world tensions. The President can, with confidence, assure Khrushchev and the other Russian leaders that if they accept his proposal there will be no further need for talks on disarmament, talks on banning nuclear bombs, talks about the control of outer space, and such other matters as are basic to the question of peace or war. It is a certainty that free and unfettered elections held in all the captive countries will resolve each and every one of these problems because such elections will result in the complete dismemberment of the modern-day Russian Empire, which alone stands as a threat to the peace.

While the Captive Nations Week Resolution does not distinguish the Slovak nation as a separate and distinct nation, a development which was beyond the control of those of us who brought about its passage, such action by the President would have equal force and effect for the Slovak nation. I say this because free and unfettered elections under United Nations supervision would present all the people concerned with a series of options. These options would, in all justice, require the following:

(1) The right to remain under the domination of Russian imperial communism.

(2) The right to accept or reject previous or existing federative arrangements.

(3) The right to establish independent governments, irrespective of previous geographical and political settlements.

(4) The right to determine the form of government which the people concerned determine most likely to guarantee them life, liberty, and the pursuit of happiness.

Those who know the true story of the Slovak nation in history would have no fear whatsoever of accepting such a formula because it would give to the people of Slovakia the rights which have been denied them for all too long. Such a formula would settle, once and for all times, all outstanding questions involving the Slovak nation.

If President Eisenhower fails to confront the Russian dictators with the full meaning and serious purpose of Public Law 86-90 it will be fair and proper for the American people to say that the second summit conference was nothing more than a part of the "mirage of peace" and a further step along the road to appeasement. It is now widely held in the United States that the Khrushchev tour of our country, accompanied as it was by complete access by him to all our mass media of communications, particularly television, was an important part of this "mirage of peace" concocted by the Madison Avenue soap salesmen. This was intended to be a 1960 political special in which the "mirage of peace" would be used to justify the Republican campaign slogans of peace, prosperity, and progress. Fortunately for the cause of peace with justice, the "mirage of peace" has now been exposed as a fraud and a massive deception of the American people.

For those who innocently believe that by allowing Khrushchev to see firsthand the great industrial power of the United States, he would be dissuaded from his evil ways and would, practically overnight, give up the Communist objective of world conquest, the evidence is overriding to the contrary. Khrushchev has interpreted his visit to the United States as a sure sign of the triumph of communism in the world, as an indication of weakness on the part of the United States, as reason to believe that the policy of appeasement guides our foreign policy. Our allies in NATO and SEATO have begun to wonder whether the United States has wearied in its task of leading the cause of human freedom. The uncommitted peoples of the world are showing dangerous signs of looking towards Moscow and its claims to represent the wave of the future. The people of the captive nations behind the iron curtain are surely wondering whether the United States is being led down the road to associating the destiny of our Nation with the Russian despots in a common effort to hold the slave empire of communism together. This, my friends, is the pandora box in the field of world affairs which President Eisenhower's invitation to Khrushchev has opened up.

But there is a brighter side to life than that which results from the Khrushchev visit to the United States. There are ever-growing signs that the people of the United States are becoming restless and dissatisfied with the many failures of leadership by the Eisenhower administration. The American people will not long suffer at being second best, too little—too late, and a national posture of passivity in circumstances of opportunity calling for dynamic action.

Foreign policy will be a major issue in the fall campaign because the failure of the Eisenhower administration to develop a realistic policy to advance the cause of freedom and national independence for all nations has made it an issue. The Eisenhower administration has turned its back on the fight for national independence now raging behind the Russian Iron Curtain. The overriding problem facing the American people today is to put a new President in the White House who publicly rejects the road to appeasement and who sets a steady course of meaningful political actions along the road to peace with justice for all nations and all people. The history of our country teaches us that in periods of crisis great and enlightened leaders rise up to lead us out of confusion, uncertainty, and fear. Our people recognize the perilous situation into which our country has fallen and their demands for such leadership cannot be denied. I am confident that we are at the doorstep of a new and dynamic era in which the United States will return to a position of world political leadership.

In conclusion, I give you my assurance that I shall continue my efforts to make the great moral and political principles of our country the cornerstone of all our actions and programs in the field of world affairs. With our country returned to the firm leadership of men who will permit no compromise of these sacred principles, you and I can be confident that Slovakia will soon be free and independent.

Hungarian Freedom Day

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. DINGELL. Mr. Speaker, Hungarians are one of the sturdiest workers and courageous warriors in Europe. They have worked hard in making their naturally picturesque land one of the most beautiful countries in Europe, and they have fought valiantly for their freedom and independence. But they have not always enjoyed their freedom in the past, and particularly during the first half of the 19th century when they were held down by the oppressive regime of the Austrian empire. Under its iron-fisted and arch-conservative leader Metternich, that government did everything in its power to hold down all subject nationalities and stifle their national aspirations. But this was not an easy thing to do in the case of the Hungarians. They were restive, clamored for reforms, demanded freedom and independence. They had their chance in the revolution of 1848.

In that year Hungarians were prepared to stage a revolution of their own for the attainment of their goal. But as the forces of freedom and liberty were gathering momentum, and those of despotism were weakening, revolution proved to be unnecessary in Hungary. As the startling news from Paris and Vienna reached Hungary, a band of youthful idealists in Budapest held a bloodless demonstration on March 15. They presented their grievances and demanded freedom and participation in the government. Fortunately for the government and for all concerned, these demands were met: Freedom was granted, and a new day dawned for the Hungarians on that March 15, 112 years ago. Today on the observance of the anniversary of that day, unhappy Hungarians still yearn for their freedom from Communist tyranny.

Address by Senator Wiley Over Radio Station WGN, Chicago

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Monday, March 14, 1960

Mr. WILEY. Mr. President, the adoption of more public service programs by radio and television, as now being undertaken by the major networks and independent stations, represents, I believe, a most commendable effort by these information media to better serve the American people.

In this age of fast-changing events, the task of keeping our citizenry informed and up to date on issues of vital importance is difficult and complex.

Consequently, we, as a people, need information media that include discussions, reviews, and analyses of as many of the major problems before us as possible.

From time to time, I welcome the opportunity to participate in such programs.

Recently, for example, I had the opportunity to discuss major problems including defense, disarmament, mutual security, and other aspects of the challenge in the international field, on "Your Senator Reports," over the fine facilities of station WGN, Chicago.

I ask unanimous consent to have the text of my remarks on these current issues printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

EXCERPTS OF ADDRESS PREPARED FOR DELIVERY BY HON. ALEXANDER WILEY, REPUBLICAN, OF WISCONSIN, RANKING REPUBLICAN OF THE SENATE FOREIGN RELATIONS COMMITTEE, OVER RADIO STATION WGN, CHICAGO, ON MARCH 6, 1960

Fellow Americans, the decade of the 1960's, now opening to us, offers great promise of progress, prosperity, and opportunity to build a better life.

As you well recognize, there are also serious challenges on the horizons—at home and abroad.

These promises of the future, however, can only be attained: (1) By dedication of the

necessary energies and resources; and (2) by preventing world war III with its disastrous effect upon the globe.

Regrettably, the choice of peace or war, the most momentous of our age, is not solely a free world decision.

Instead, peace—indeed, survival of mankind—may be determined by the mind, or the trigger finger of conquest-happy Communists, although we pray that this will not happen. These are the facts of life, however. We must—in our time—do everything possible to discourage such a foolhardy act, and to guard against it. At the same time, we need to design ever more effective programs to prevent the Communists from attaining a world takeover through persuation, subversion, economic penetration, and other devious tactics.

This is a touch and go business.

The task will be complex and difficult; yet, we can do no less than succeed.

MAJOR DECISIONS AHEAD

Briefly now, I would like to review some of the major decisions we will face in the days ahead. These will include: The need to devise ever improved programs to create ever greater retaliatory strength in missile-nuclear space defense; strengthen the alliance of free nations in their efforts to oppose communism; effectively utilize all deterrents, military, economic and psychological, to curb communism; make further efforts to find safe guaranteed agreements for reduction of armaments; and, finally, we must assure a sound, strong program for the economy in this country.

Despite the fact that—to rational men—it would be foolish, if not suicidal, to "touch off" a world conflict, the chance nevertheless exists—particularly if our avowed enemy, communism, feels that we are weak, and could be overcome easily—with little damage to them.

As a result, we—the United States and the free world—must maintain a strong, effective deterrent power.

Although it may seem contradictory, history has shown that one of the most effective ways of discouraging attack by a would-be aggressor is to develop the strength to carry out, if necessary, a devastating counter-attack.

That is why we must remain strong.

This can be accomplished by a two-pronged program: (1) Creating an ever-stronger, hard-hitting defense; and (2) further strengthening the free world alliance—militarily and economically—to enable the countries to better withstand the economic, industrial and cultural expansionist pressures of communism.

Question: "Senator WILEY, as a member of the Senate Space Committee, I recall that you and your colleagues have held joint hearings with the Preparedness Subcommittee on the status of our defense. Do you feel that we have a good defense now?"

Answer: "Yes. Fortunately, there is almost unanimous agreement among our military experts that the military strength of the free world—at this time—is of tremendous magnitude and power. In effect, that it is now a strong deterrent."

Question. "We recall, of course, that there was considerable difference of opinion on the adequacy of our defense for the future. What is your view?"

Answer: "Now, I am not a defense expert. There are, however, wide differences of opinion on the adequacy of our defense now. There are also sharp differences of view as to just what kind of defense would do the job for the future.

"The intercontinental missile will, in all likelihood, be the workhorse, by and large, around which will be centered the defense of the future.

"We recognize that the Soviets have developed trenmendous thrust for launching their intercontinental ballistic missiles. However, in this complete technological age, an effective defense cannot depend upon a single weapon—even the powerful ICBM.

"Instead, there are a wide variety of other weapons for defense systems for detection of enemy approaches and capable of retaliatory counterattack that must be kept at the ready if we are to be adequately protected.

"The objectives of President Eisenhower, in recommendations to strengthen our defense, however, has not been to put all our eggs in one basket—that is, rely entirely, for example, on intercontinental ballistic missiles—now only in the early stages of development—with present models in all likelihood becoming obsolete in the near future—not to burden the American taxpayer with a crash program in every field—as is being proposed by the critics. Rather, the effort is to provide the United States with a well-balanced defense system involving a wide variety of systems.

"These include an up-to-date radar system for detection of approaching enemy planes or missiles; maintenance of a well balanced, striking power, including jet planes, ICBM's, intermediate-range missiles, air-to-air, ground-to-air, and air-to-surface and other missiles; submarines equipped with rocket launchers; adequate numbers of aircraft carriers for launching of jet planes bristling with nuclear weapons and missiles; mobile, atomic firepower for air, ground, and sea forces.

"The maintenance of an adequate defense system to deter aggression—now and in the future—is one of the major challenges confronting the Nation. Because of its significance, it is absolutely essential that there be balance and perspective in our thinking and planning.

"Even among experts, however, there are differing opinions on: (1) What is an adequate defense; and (2) is the U.S. program sufficiently strong—particularly in relation to the Soviet Union?

NEEDED: A STRONG MUTUAL SECURITY PROGRAM

Question: "Senator WILEY, you mentioned also a strong mutual security program. What do you feel are the real benefits of relying upon our allies?"

Answer: "There are, of course, a great many advantages. These include: More manpower than the United States itself could muster; missile-bristling bases placed strategically around the Communist orbit—closer to the potential target—less likely to be knocked out than if the bases were concentrated only on U.S. soil; bases close to the cause of possible trouble, too, enable us to utilize ready-to-go intermediate-range missiles, while we are shaping up our intercontinental ballistic missiles for the arsenal of peace; in addition, the programs provide more sea and air power than could otherwise be obtainable. Although it amounts to less than 10 percent of our U.S. defenses, the mutual security program has been proclaimed by well-qualified individuals from nearly all walks of life who have studied the program as, dollar-for-dollar, our best investment in defense.

SIGNIFICANCE OF A STRONG PROGRAM

In addition to its military significance, the enactment of a strong mutual security program would signify:

1. The dedication of the United States to world peace;

2. A sense of responsibility in carrying out our role as leader of the free world;

3. Assuring our allies that we stand shoulder-to-shoulder with them against aggression;

4. Assurance to less developed nations that we recognize a need for establishing a world climate in which they, by self-determination, can attain their national goals.

Overall, the effort, too, will keep alive the ideal of America.

OTHER DETERRENTS TO COMMUNIST EXPANSION

Question: Senator, you feel then that militarily we have adequate strength now; and that, as we face the challenges of the future, we will be able to meet the growing power in the Communist bloc?"

Answer: "Yes. While it is not, of course, possible to foresee the future, I am confident that we will meet the challenge."

Question: "Are there any other deterrents, Senator WILEY?"

Answer: "Yes. Frankly, I believe there are a number of other deterrents which are often overlooked—as we plan ahead for the long-range struggle against global communism.

"First of all, we must not forget that a great many people under Communist domination maintain an inherent resistance to tyranny—whether Communist or in other forms.

"If war can be forestalled, the yearning for freedom of these people—nearly 1 billion of them—will be our allies—so to speak.

"From the so-called neutral countries also, I believe that we can expect in the years ahead a larger support for our efforts to halt the spread of communism. The moral pressures of a world disillusioned, and by nature against totalitarian communism, will, I believe, eventually make itself felt in world affairs.

"We realize, of course, that these pressures—as deterrents—are for the allies for the 'long haul.' Nevertheless, I am confident that time is on the side of freedom."

DISARMAMENTS

Question: "What about disarmament, Senator WILEY? What are the prospects for a real reduction of arms in the world?"

Answer: "Naturally, we all look forward to the time when we can beat our swords into plowshares, when we can lift the great burden of costly, deadly arsenals from the sweating backs of humanity; when, at long last, we can channel the vast human and natural resources, now going into armaments, into constructive programs for building a better life for the people of the earth.

"In considering the reduction of arms, however, the question is: In dealing with a tricky, deceptive adversary, how can we safely reduce our security forces?

"As you know, the United States recently presented at Geneva a proposal for ending of nuclear weapons tests 'in all the environments that can now be effectively controlled.' The plan, if accepted, would end: all nuclear tests in the atmosphere; in the ocean, in space, and beneath the surface of the earth.

"At the same time, the program provided for joint research and experimentation by the United Kingdom, U.S.S.R., and the United States for the detection of tests—to safeguard against violation by any power."

Question: "Do you feel that Red China should be included in 'reduction of armaments negotiations?'"

Answer: "Recently, President Eisenhower—and wisely, I believe—stated that he thought that once there had been agreement on measures on general disarmament between East and West, it would be necessary to find a means of including Communist China."

Question: "Why?"

Answer: "With a population of about 650 million people, in the future Communist China can expect to exert more and more pressures in world affairs, particularly in the economic and military spheres.

"Realistically speaking, the development of disarmament plans that would not include all the potential powers of the globe would not be effective.

"However, inclusion of Red China in such plans would not necessarily mean either: Recognition of Red China; or admitting that Communist nation to the United Nations.

"In view of the belligerent policies of Communist China's leadership, however, it would certainly not be wise to ignore the threat to world peace which that nation would eventually be—if not included in a general disarmament program.

"Despite the difficulties involved in reaching disarmament, the Western Powers—constructively, I believe, are making a real effort toward arms reduction—aimed at lessening the possibility of war."

CONCLUSION

These, then, are a few of the major aspects of the national and international problems confronting us—as a nation, and a leader of the free world.

Now, I would like to stress one more point: It is absolutely essential that we maintain a sound forward-looking economy at home. Unless we can accomplish this, we cannot support the efforts to meet the needs of our citizens domestically—to provide them with an ever better life for the future; nor will we be able to successfully meet the international threat to our security posed by communism.

Thank you, friends, for the opportunity to discuss these issues with you.

Greek Independence Day

EXTENSION OF REMARKS
OF
HON. GORDON L. McDONOUGH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 14, 1960

Mr. McDONOUGH. Mr. Speaker, on March 25 Americans of Greek origin and Greek people throughout the world celebrate Greek Independence Day which commemorates the success of the Greek struggle for independence from the Ottoman Empire.

Ancient Greece became the center of culture and education in the world, and originated the concepts of representative government and the rule of law.

Today the people of Greece are dedicated as were the people of ancient Greece to the principle of individual liberty and national independence.

Following World War II, Greece was engulfed in civil war brought about by the Communists in their effort to subvert the nation and bring Greece under Soviet domination. The people of Greece fought valiantly to preserve their independence, and with aid from the United States, the Communist insurrection was terminated. American aid was also extended to assist in rebuilding the economy of Greece.

The determination of the people of Greece to preserve the freedom and security of their nation is shared by the United States and the free world.

The people of the United States join with the people of Greece and those of Greek descent in the United States and throughout the world in commemoration of the 1960 observance of Greek Independence Day.

West Virginia Admirably Situated for Marketing and Has Readily Adaptable Labor Force

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Monday, March 14, 1960

Mr. RANDOLPH. Mr. President, the Charleston (W. Va.) Gazette, the editor of which invited me to prepare an article evaluating West Virginia's location, its raw materials, and its labor force, published my observations on March 11, 1960.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA ADMIRABLY SITUATED FOR MARKETING AND HAS READILY ADAPTABLE LABOR FORCE

(By JENNINGS RANDOLPH, U.S. Senator from West Virginia)

Fundamental problems of unemployment in West Virginia are not due solely to mechanization by the coal industry and primary manufacturing. This fact was emphasized in prior articles of this series in which it was suggested that much of our difficulty is attributable to the lag in the development of secondary manufacturing, as well as slow growth of service industries, including construction and trade. When referring to secondary manufacturing the connotation is satellites of our primary coal, chemicals, timbering, and metals industries.

This is a problem not necessarily unique to West Virginia—except in the matter of degree. The conditions we face today—very acutely in some parts of the State—will be confronted by many areas of the country within the next decade.

By 1970, the United States must provide 13.5 million new jobs to accommodate the growing population, and this will necessitate a rate of increase in our labor force 50 percent greater than that of the 1950's. West Virginia must accomplish its proportionate share of fulfilling the mission which this problem will pose.

The bulk of the requisite new jobs probably will have to be provided by economic activities other than manufacturing, transportation, public utilities, mining, and agriculture—industries which now comprise approximately 43 percent of our national employment and which provide approximately 61 percent of West Virginia's total jobs. The implication seems clear that we must look beyond this group of job-producing industries if we are to achieve sustained improvement of the total economy.

A consulting economist with whom West Virginia's situation was discussed last year referred, during the course of the conversation, to the mining psychology of much of the business and financial community of our State. His thesis was that many West Virginians, having earlier become accustomed to the quick and high returns on capital investment in coal, oil, and gas are reluctant to invest in other businesses which take longer to develop and offer lower returns. Thus, he suggested, much of West Virginia's savings, instead of going into new enterprises, go out of the State into government bonds and other investments. Meanwhile, the economist suggested, too much of the development of West Virginia's business and industry is left to outside capital.

How much of this is speculative and how much is factual, I am not prepared to say—although I do believe that, if it is true, it is more an attitude of the past than of the present or the future. One of the most recent indications that the future may see more West Virginia savings invested in our State is noted in the chartering of the West Virginia First Small Business Investment Corporation under the Federal Small Business Investment Act. With a capitalization of $160,000, this firm, with principal offices in Huntington, will be able to lend up to $500,000 to business firms in West Virginia, consistent with provisions of the act.

One field which might be fruitfully explored for the development of more locally owned businesses is the lumber industry, with its yield of approximately half-a-billion board feet per year. In spite of such a large cut, our State conservation officials declare that the annual new growth is almost double the amount cut, exceeding the loss by more than 494 million board feet. Yet, 80 percent of our commercial timber is shipped to out-of-State users.

West Virginia, situated in the center of the great eastern marketing area, has an abundant supply of raw materials, as well as a labor force readily adaptable to its use in fabricating. This latter point was made dramatically clear to me by a letter I received about 4 months ago from the manager of one of the newer industries of the State.

Several years ago, I participated with other citizens in the creation of the Elkins Industrial Development Corp. In our activities of seeking new industries for the community, we were successful in bringing to Randolph County the Metalab Labcraft Division of the Norbute Corp., manufacturers and engineers specializing in scientific and laboratory equipment.

Last November I received a letter from the plant manager, John P. Russo, which clearly expressed his belief in the advantages West Virginia offers for industry and business. Russo states: "As you probably may remember, Metalab Labcraft settled in Elkins just 2 years ago this month. At that time we had a backlog of orders which amounted to several million dollars. We had no trained source of labor and were in reality engaged in fulfilling these contracts with no qualified personnel. The most remarkable fact concerning this situation was that we employed immediately approximately 75 persons with no past experience or skills in our industry, (who), within the period of 6 months, produced all of the items required for our backlog of work at that time.

"At the present we are employing approximately 250 local people. We have just recently completed an expansion to our facilities, giving us approximately 50,000 additional square feet of working space. Our annual payroll at the present time is approximately $750,000 and the anticipated payroll in perhaps another year will probably reach $900,000 annually.

"As a personal observation, let me state the following: I have been involved in our industry for the past 24 years. During that time I have been located in approximately eight different parts of the country and exposed to the qualifications, capabilities, and

aptitudes of the labor pool in those areas. I also estimate that during this period of time that the number of people who have been under my direction, either directly or indirectly, approximately 5,000 persons. I say without equivocation that I have never before seen a group of people who have combined their zealousness, attitude, cooperation, and native capabilities to achieve the measure of performance that we have here."

The experience of Mr. Russo is not unique. It has been duplicated by many others who have had experience with the industriousness and adaptability of the men and women of West Virginia.

On May 30, 1955, I had the privilege of introducing Henry J. Kaiser when he addressed Ravenswood's celebrated annual "$5 banquet" and told why the Kaiser Aluminum & Chemical Co. selected its site near that West Virginia community for its huge aluminum mill. Mr. Kaiser said—and I quote from his text: "We like the location. We like the transportation facilities. We like the wealth of natural resources. We like the geographical relationship which Ravenswood holds to our vital eastern markets. Most of all, we like the people here * * * the spirit of cooperation and a substantial evidence that we would be welcome."

Walter T. Phair, assistant to the vice president of Kaiser Industries, who verified the quotations, further advised me in a February 18, 1960, letter:

"I would like to underscore Mr. Kaiser's remarks by stating that from the time of the ground-breaking ceremonies, the area people who make up at least 98 percent of our work force have contributed immensely to the success of the reduction-fabricating operations. From the start we have found the workers to be quickly adaptable to aluminum operations, energetic, enthusiastic, productive, and loyal."

Also last month, in correspondence with F. J. French, president of the General Chemical Division of Allied Chemical Corp., concerning matters affecting that firm's operation at Nitro, near Charleston, it was encouraging to have received this comment from that experienced industrialist who heads a highly successful organization: "My company's opinion with respect to the opportunities for industry to thrive in West Virginia is best illustrated by the fact that our hydrofluoric acid plant at Nitro, put into operation as a new plant only 14 months ago, is now in the process of being substantially expanded."

Yes, there are countless numbers of persons and firms familiar with the quality and adaptability of those who form the labor force in our State and are well satisfied with their experiences.

I am equally confident that the success of the Elkins Industrial Development Corp. is not unique. Other business and industrial development groups such as those organized in Clarksburg, Beckley, Bluefield, Fairmont, Grafton, Huntington, Wheeling, and elsewhere in West Virginia will improve the economic growth of their communities. And these are but a few of some 120 local development efforts in our State.

This fact—the existence of such a number of community development and improvement bodies—is perhaps the most effective testimony of the faith of West Virginians in the continued vitality and the promise of our State's economy.